

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY
BUILDING INSTITUTE, INC., et al.

Case No. 2022-ca-000666

Plaintiffs,

v.

CORD BYRD, in his official capacity as
Florida Secretary of State, et al.,

Defendants.

**PLAINTIFFS' MOTION *IN LIMINE* TO PRECLUDE DEFENDANTS
FROM USING PRIVILEGE AS SWORD AND SHIELD**

Throughout this litigation, Defendants and witnesses have repeatedly invoked legislative privilege—and many other privileges—as a shield against discovery. Plaintiffs do not seek to relitigate any of those privilege claims. But Plaintiffs do seek to ensure that Defendants' witnesses are not permitted to selectively waive that privilege to offer testimony at trial that benefits Defendants. Plaintiffs therefore move this Court to preclude Defendants' witnesses from selectively testifying to matters over which they previously and successfully invoked a privilege.

BACKGROUND

To prove Claims 2 and 3 of their Amended Complaint, Plaintiffs must show that Florida's current congressional redistricting plan (the "Enacted Map") was intentionally drawn to diminish minority voting strength and was intentionally drawn to favor the Republican Party. To gain insight into the intent behind the Enacted Map, Plaintiffs sought discovery from those involved in the mapmaking process, including the Secretary of State, members of the Florida Legislature, the Governor's Office, the Governor's Deputy Chief of Staff, J. Alex Kelly, and the Governor's redistricting consultant, Adam Foltz.

These witnesses and Defendants asserted various privileges to prevent depositions and withhold documents, blocking Plaintiffs from obtaining much of the evidence they sought. For example, the Governor's Office objected to every category of documents Plaintiffs requested on the basis of privilege, invoking the attorney-client privilege, attorney work product doctrine, legislative privilege, executive privilege, and executive-communication privilege. *See* **Ex. 1**. In response to deposition subpoenas, Mr. Kelly and the Governor's Office once again asserted legislative privilege and sought a protective order from this Court to prevent their depositions. *See* **Ex. 2**. This Court granted the requested protective order in part, holding that Mr. Kelly "may not be questioned as to information internal to the Governor's Office that is not already public record (e.g., the thoughts or opinions of staff or those of the Governor)," but that "he may be questioned regarding any matter already part of the public record and information received from anyone not part of the Governor's Office." **Ex. 3**, Order on Mot. at 9.

The Governor's Office stood firmly behind the shield of legislative privilege during depositions. For example, Mr. Kelly refused to testify about his goals in the map drawing process, any instructions he was given, whether anyone in the Governor's office was aware of the partisan breakdowns of the Legislature's plans, and who reviewed Mr. Kelly and Mr. Foltz's draft plans, among many other topics. *See, e.g.*, James Alex Kelly Deposition Transcript at 98:17-99:2, 111:25-113:18, 131:5-10. *See* **Ex. 4**; *see also* **Ex. 5** (Mr. Kelly repeatedly invoking and refusing to answer based on privilege). Likewise, Defendants and Mr. Foltz asserted that Mr. Foltz was covered by the legislative privilege to the same extent as Mr. Kelly. And Mr. Foltz repeatedly refused to answer questions about the mapmaking process. *See, e.g.*, Adam Foltz Rough Deposition Transcript at 178:3-12, 188:18-189:5, 288:20-289:2. *See* **Ex. 6**. These broad assertions of legislative privilege limited Plaintiffs' ability to gain insight into the mapmaking process.

ARGUMENT

Florida courts—like courts across the country—have recognized that testimonial privileges are “intended as a shield, not a sword. Consequently, a party may not insist upon the protection of the privilege for damaging communications while disclosing other selected communications because they are self-serving.” *Coates v. Akerman, Senterfitt & Eidson, P.A.*, 940 So. 2d 504, 511 (Fla. 2d DCA 2006) (quoting *Int’l Tel. & Tel. Corp. v. United Tel. Co. of Fla.*, 60 F.R.D. 177 (M.D. Fla. 1973)).

The “sword and shield” doctrine applies with full force to the assertion of legislative privilege. See *League of Women Voters of Fla., Inc v. Lee*, No. 4:21cv186-MW/MAF, 2022 WL 610400, at *2 (N.D. Fla. Jan. 4, 2022). In a recent intent-based challenge to Florida election legislation (SB 90), defendants successfully asserted legislative privilege to preclude depositions and other discovery related to their intent in drafting the law at issue. The district court later barred legislators from introducing evidence or testimony withheld from the plaintiffs based on legislative privilege. *Id.* “To hold otherwise would inequitably allow the Legislature to use the privilege as both a sword and a shield.” *Id.*

The “sword and shield” doctrine is especially applicable to the assertion of legislative privilege in redistricting cases. Courts across the country have held that legislators may not “use their unique position as [a redistricting plan]’s principal drafters as a sword to defend the law on the merits, but intermittently seek to retreat behind the shield of legislative privilege when it suits them.” *Singleton v. Merrill*, 576 F. Supp. 3d 931, 941 (N.D. Ala. 2021); see also *Favors v. Cuomo*, 285 F.R.D. 187, 212 (E.D.N.Y. 2012) (“Courts have been loath to allow a legislator to invoke the privilege at the discovery stage, only to selectively waive it thereafter in order to offer evidence to support the legislators’ claims or defenses.”).

Non-parties are also barred from “invok[ing] the privilege as to themselves yet allow[ing] others to use the same information against plaintiffs at trial.” *Comm. for a Fair & Balanced Map v. Ill. State Bd. of Elections*, No. 11 C 5065, 2011 WL 4837508, at *11 (N.D. Ill. Oct. 12, 2011). “[O]nce the privilege is invoked, the Court should not later allow the proponent of the privilege to strategically waive it to the prejudice of other parties.” *Favors*, 285 F.R.D. at 212; *see also Singleton*, 576 F. Supp. 3d at 941 (rejecting non-party legislators’ defense of redistricting plan because it “depend[ed] on their assertions about their intent and motives during the legislative process, [and] they [invoked the legislative privilege to] refuse to participate in any discovery that would allow the . . . plaintiffs to challenge those assertions”).

This Court should likewise prevent Defendants’ witnesses from using the legislative privilege—or any other privilege—as both a sword and a shield at trial. Defendants’ witnesses have invoked legislative privilege to preclude Plaintiffs from gaining information about Defendants’ mapmaking process. These witnesses should not be permitted to strategically waive the privilege to help Defendants challenge Plaintiffs’ evidence.

CONCLUSION

For the foregoing reasons, Plaintiffs request this Court enter an order precluding Defendants’ witnesses from selectively testifying to matters over which they previously invoked a privilege, including the legislative privilege. Plaintiffs anticipate that the Court will resolve specific objections to such testimony at trial.

CERTIFICATE OF CONFERRAL

In accordance with the Court’s policies and procedures, counsel for Plaintiffs attended a telephonic conferral conference with counsel for Defendants Florida Secretary of State, Florida House, and Florida Senate on June 23, 2023. Defendants do not oppose this motion *in limine* in

concept and all parties will work together on a stipulation establishing that no witness may testify to matters over which they previously invoked a privilege.

Dated: June 23, 2023

Frederick S. Wermuth
Florida Bar No. 184111
Thomas A. Zehnder
Florida Bar No. 0063274
Quinn B. Ritter
Florida Bar No. 1018135
**KING, BLACKWELL, ZEHNDER &
WERMUTH, P.A.**
P.O. Box 1631
Orlando, Florida 32802
Telephone: (407) 422-2472
Facsimile: (407) 648-0161
fwerthem@kbzwlaw.com
tzezhnder@kbzwlaw.com
qritter@kbzwlaw.com

Abha Khanna*
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
Telephone: (206) 656-0177
Facsimile: (206) 656-0180
akhanna@elias.law

Respectfully submitted,

/s/ Julie Zuckerbrod

Christina A. Ford
Florida Bar No. 1011634
Joseph N. Posimato*
Jyoti Jasrasaria*
ELIAS LAW GROUP LLP
250 Massachusetts Ave NW
Suite 400
Washington, D.C. 20001
Phone: (202) 968-4490
Facsimile: (202) 968-4498
cford@elias.law
jposimato@elias.law
jjasrasaria@elias.law
jzuckerbrod@elias.law
*Admitted Pro Hac Vice

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 23, 2023, I electronically filed the foregoing using the State of Florida ePortal Filing System, which will serve an electronic copy to counsel in the Service List below.

/s/ Julie Zuckerbrod

Julie Zuckerbrod*
*Admitted Pro Hac Vice

Counsel for Plaintiffs

SERVICE LIST

Bradley R. McVay
Ashley Davis
David Chappell
Christopher DeLorenz
Joseph S. Van de Bogart
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399
brad.mcvay@dos.myflorida.com
ashley.davis@dos.myflorida.com
david.chappell@dos.myflorida.com
christopher.delorenz@eog.myflorida.com
joseph.vandebogart@dos.myflorida.com

Mohammed O. Jazil
Michael Beato
Chad E. Revis
Holtzman Vogel Baran Torchinsky
& Josefiak, PLLC
119 S. Monroe Street, Suite 500
Tallahassee, FL 32301
mjazil@holtzmanvogel.com
mbeato@holtzmanvogel.com
crevis@holtzmanvogel.com

Counsel for Florida Secretary of State

Daniel E. Nordby
Shutts & Bowen LLP
215 S. Monroe Street
Suite 804
Tallahassee, FL 32301
ndordby@shutts.com

Kyle E. Gray
Deputy General Counsel of the Florida Senate
302 The Capitol
404 South Monroe Street
Tallahassee, FL 32399
gray.kyle@flsenate.gov

Counsel for Florida Senate

Andy Bardos, Esq.
GrayRobinson, P.A.
301 S. Bronough Street
Suite 600
Tallahassee, FL 32302
andy.bardos@gray-robinson.com

Counsel for the Florida House of Representatives

EXHIBIT 1

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER
CAPACITY BUILDING
INSTITUTE, INC., et al.,

Plaintiffs,

v.

Case No: 2022 CA 0666

CORD BYRD, in his official capacity as
Florida Secretary of State, et al.,

Defendants.

**GOVERNOR DESANTIS AND THE EXECUTIVE OFFICE OF THE GOVERNOR'S
OBJECTIONS TO PLAINTIFFS' SUBPOENA DUCES TECUM**

Governor DeSantis and the Executive Office of the Governor file the following objections to the Plaintiffs' subpoena duces tecum without deposition.

Instruction E: Unless otherwise specified, the time period for all documents or communications requested is January 1, 2021 to the present day.

Response: Objection. This timeframe is overbroad. It should be noted that the U.S. Census Bureau released apportionment-related data in late April 2021. A more appropriate timeframe is from September 2021, when the Florida Legislature's first interim committee week occurred, to April 22, 2022, when Governor DeSantis signed the Enacted Map into law.

Instruction H: If you deem any request for documents or communications to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document or communication so withheld together with the following information

Response: Objection. Under Florida Rule of Civil Procedure 1.280, privilege-log requirements only apply to parties, not nonparties. *See, e.g., Westco, Inc. v. Scott Lewis' Gardening & Trimming, Inc.*, 26 So. 3d 620, 623 (Fla. 4th DCA 2009) (construing the language of what is now Rule 1.280(b)(6) and (c)); *Brinkmann v. Petro Welt Trading Ges.m.b.H.*, 327 So. 3d 918, 920 n.2 (Fla. 2d DCA 2021).

RETRIEVED FROM DEMOCRACYDOCKET.COM

Request 1: All documents and communications related to your February 1, 2022 request to the Supreme Court of Florida for an advisory opinion regarding the Fair Districts Amendments, including but not limited to any documents or communications relating to the decision to seek the advisory opinion, or any documents or communications relating to the Supreme Court of Florida's subsequent order denying the advisory opinion.

Response: Objection. This request concerns documents and communications covered by the attorney-client privilege and the attorney-work-product doctrine. Notwithstanding the objection, non-privileged documents are publicly available on the following Florida Supreme Court webpage: <https://bit.ly/3vsf3YX>.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Request 2: All documents and communications relating to the Fair Districts Amendments, including but not limited to all documents or communications regarding the applicability of the Fair Districts Amendments or previous judicial opinions or judicial orders regarding the Fair Districts Amendments to any Proposed Plan.

Response: Objection. This request concerns documents and communications covered by the attorney-client privilege, attorney-work-product doctrine, legislative privilege, executive privilege, and executive-communication privilege.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Request 3: All documents and communications relating to the drawing, consideration, or adoption of congressional districts for the 2020 congressional redistricting cycle, including but not limited to communications between and/or among your employees, staff, officers, agents, or representatives, and including but not limited to:

- a. All documents and communications with or relating to Robert Popper;
- b. All documents and communications with or relating to Adam Foltz, John Gore, Hans von Spakovsky, Chris Coates, Michael Barley, or Scott Kellar;
- c. All documents and communications relating to testimony or presentations before the Legislature, including but not limited to any testimony or presentations provided by Alex Kelley.
- d. All documents and communications between you and the Legislature related to congressional redistricting from June 1, 2021 to the present, including all documents or communications relating to meetings—both formal and informal—with the Legislature related to the drawing of congressional maps, including, without limitation, testimony, meeting minutes, data sets, maps, notes, and plans submitted to, created by, or otherwise considered by you, any member of the Legislature or their staff; minutes, agendas, or presentations from legislative hearings or meetings; and any related communications, including, but not limited to, those with any member of the Legislature (or representatives thereof).
- e. All documents and communications relating to the March 29, 2022 memorandum from Ryan Newman entitled “Constitutionality of CS/SB 102, An Act Relating to Establishing the Congressional Districts of the State.”

Response: Objection. This request concerns documents and communications covered by the attorney-client privilege, attorney-work-product doctrine, legislative privilege, executive privilege, and executive-communication privilege. Notwithstanding the objection, as contemplated under Definitions and Instructions (D), non-privileged documents are available on the Florida Legislature’s official websites.

Request 4: All documents and communications concerning Plan P000C0079, Plan P000C0094, and any other Proposed Plan (as specified in the definition above), including but not limited to:

- a. All documents and communications regarding the potential, expected, or likely partisan performance or electoral outcomes of any district or districts in any Proposed Plan.
- b. All documents and communications concerning any factors that were considered in the creation, consideration, and/or passage of any Proposed Plan.
- c. All documents and communications concerning any instructions you received or provided regarding the creation of any Proposed Plan.

Response: Objection. This request concerns documents and communications covered by the attorney-client privilege, attorney-work-product doctrine, legislative privilege, executive privilege, and executive-communication privilege. Notwithstanding the objection, as contemplated under Definitions and Instructions (D), non-privileged documents are available on the Florida Legislature's official websites.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Request 5: Documents and communications sufficient to establish all persons who assisted you in the creation of any Proposed Plan.

Response: Objection. This request concerns documents and communications covered by the attorney-client privilege, attorney-work-product doctrine, legislative privilege, executive privilege, and executive-communication privilege. Notwithstanding the objection, as contemplated under Definitions and Instructions (D), non-privileged documents are available on the Florida Legislature's official websites.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Request 6: All documents and communications relating to information that was used to draw congressional district maps for Florida in 2022, including, without limitation, and produced in native format: shapefiles; all files or data sets used in Maptitude or other mapping software; and files pertaining to precinct names, precinct lines, partisan indexes or other partisan data, racial data, election results, population shifts, voter registration, voter affiliation, or changing census block lines for the 2018 election, 2020 election, and current redistricting cycle.

Response: Objection. This request concerns documents and communications covered by the attorney-client privilege, attorney-work-product doctrine, legislative privilege, executive privilege, and executive-communication privilege. Notwithstanding the objection, as contemplated under Definitions and Instructions (D), non-privileged documents are available on the Florida Legislature's official websites.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Request 7: All documents and communications, including, without limitation, requests for proposals, proposals, contracts, and timesheets or invoices, relating to consultants, firms, vendors, or other third parties, including, without limitation, Adam Foltz, that were consulted, involved in, or communicated with by you, any member of the Legislature or its staff, relating to any Proposed Plan.

Response: Objection. This request concerns documents and communications covered by the attorney-client privilege, attorney-work-product doctrine, legislative privilege, executive privilege, and executive-communication privilege.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Request 8: All documents and communications relating to drawing any Proposed Plan, with (1) any current or former member of Florida's Legislature and (2) any current or former staff of any current or former member of Florida's Legislature.

Response: Objection. This request concerns documents and communications covered by legislative privilege, executive privilege, and executive-communication privilege.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Request 9: All documents and communications relating to drawing any Proposed Plan with (1) any current U.S Representative or U.S. Senator, including without limitation United States House of Representatives Republican Leadership and House Minority Leader Kevin McCarthy and (2) any current or former staff of any current U.S. Representative or U.S. Senator.

Response: This request concerns documents and communications covered by legislative privilege, executive privilege, and executive-communication privilege.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Request 10: All documents and communications relating to Congressional redistricting with the Republican National Committee, the Florida Republican Party, including, without limitation, Joe Gruters, the National Republican Redistricting Trust, the National Republican Congressional Committee, including, without limitation, National Republican Congressional Committee Chair Tom Emmer, or any political action committee.

Response: This request concerns documents and communications covered by legislative privilege, executive privilege, and executive-communication privilege.

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 2

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY

FLORIDA BLACK VOTERS MATTER
CAPACITY BUILDING INSTITUTE, INC., *et al.*,

Case No. 2022-ca-000666

Plaintiffs,

v.

CORD BYRD, in his official capacity as Florida
Secretary of State, *et al.*,

Defendants.

**GOVERNOR AND J. ALEX KELLY'S MOTION TO QUASH & FOR PROTECTION
FROM SUBPOENAS DUCES TECUM FOR DEPOSITION**

The Florida Legislature passed a bill, and the Governor vetoed it. The Florida Legislature passed another bill on the same issue (congressional redistricting), and the Governor signed it into law. The Plaintiffs have now served subpoenas duces tecum for deposition on Governor DeSantis and one of his deputy chiefs of staff, J. Alex Kelly. The Plaintiffs ask to peer behind the legislative record, public statements, and public records that serve as sources for the intent and effect behind the bill being challenged. The legislative and executive privileges—rooted in the Florida Constitution's express and structural separation of powers, as well as longstanding common law—stand in the Plaintiffs' way. The apex doctrine also applies and prohibits the Plaintiffs from compelling testimony from the Governor in this case. *See* Fla. R. Civ. P. 1.280(h).

BACKGROUND

Neither the Governor nor Mr. Kelly is a party to this case. Nevertheless, on July 26, 2022, the Plaintiffs served a notice of intent to serve a subpoena duces tecum without deposition on Governor DeSantis. **Attachment 1**; *see also* Fla. R. Civ. P. 1.351. The Plaintiffs sought documents and communications concerning the Governor's request for an advisory opinion on redistricting from the

Florida Supreme Court; the Fair Districts Amendments; the congressional-map-drawing process; several specific maps, including Plan P000C0079 and Plan P000C0094; individuals who may have assisted with the map-drawing process; and any discussions with members of the U.S. Congress and various Republican organizations. On August 5, 2022, the Governor served objections to the notice.

Attachment 2.

Shortly thereafter, the Plaintiffs served a subpoena duces tecum for deposition on Governor DeSantis, with a deposition date scheduled for the end of August, *see* **Attachment 3**; however, the Parties agreed to delay the deposition until after the resolution of this motion and schedule a deposition date of September 7, 2022. **Attachment 4.** The Plaintiffs also served a subpoena duces tecum for deposition on Mr. Kelly, with a scheduled deposition date of September 7, subject to the same agreement. **Attachment 5.** The subpoena served on the Governor states in the “DEFINITIONS AND INSTRUCTIONS” section that the words “you” and “your” include the Executive Office of the Governor. **Attachment 4.**

Notably, the Plaintiffs have served no “third-party discovery” on political consultants, political organizations, or individuals that “reveal[s] direct, secret communications between legislators, legislative staff members, partisan organizations, and political consultants.” *League of Women Voters of Fla. v. Fla. House of Representatives*, 132 So. 3d 135, 148 (Fla. 2013) (“*Apportionment IV*”). No such revelations have appeared concerning the Governor’s Office either. And, like it or not, the Governor’s reasons for vetoing the redistricting plan first passed by the Florida Legislature during the 2022 Regular Session are public. **Attachment 6.** His reasons for approving the enacted congressional plan—as explained by Mr. Kelly in testimony before two legislative committees—are also public. **Attachment 7** (compiling Mr. Kelly’s materials). As such, no intrusion into the decisionmaking process within the Executive Office of the Governor, or the Office’s interactions with the Florida Legislature, is appropriate or necessary.

LEGAL STANDARD

Courts can both quash subpoenas and otherwise issue protective orders against them. Florida Rule of Civil Procedure 1.280(c) enumerates the ways in which a court can provide protection. Among the eight methods is an order providing that discovery not be had. Fla. R. Civ. P. 1.280(c)(1); *see also* Fla. R. Civ. P. 1.310(d) (allowing for suspension of depositions). Rule 1.410 also allows courts to “quash” subpoenas seeking documentary evidence. Here, the legislative and executive privileges, and the apex doctrine (as recognized in Florida Rule of Civil Procedure 1.280(h)), provide the more specific bases for relief from the Plaintiffs’ subpoenas.

ARGUMENT

The Governor plays an important role in the legislative process. Among other things, he can approve or veto legislation that passes the Florida Legislature. *See* Art. III, § 8, Fla. Const. The Florida Constitution also vests “in a governor” the “supreme executive power” of the State. Art. IV, § 1, Fla. Const. Deliberations within the Executive Office of the Governor are thus further protected by the executive privilege. And the apex doctrine shields the Governor from having to sit for a deposition. The Plaintiffs would have this Court run roughshod over these protections notwithstanding that the Governor and his subordinates have already stated publicly the reasons for their actions. And the Plaintiffs do so to detract from the fundamental flaw in their case—their unconstitutional demand to segregate Floridians into congressional districts based on the color of their skin. This Court should quash the subpoenas and otherwise protect the Governor and Mr. Kelly from the subpoenas.

I. The Legislative Privilege Precludes the Proposed Discovery.

A. The legislative privilege is rooted in the structure and text of the Florida Constitution and bars the kind of inquiry the Plaintiffs seek. The Florida Constitution vests the three branches of the state government with distinct “powers and responsibilities.” *Bush v. Schiavo*, 885 So. 2d 321, 329 (Fla. 2004). Legislative power is vested in the Florida Legislature, art. III, § 1, Fla. Const.; “supreme

executive” power is vested in the Governor, art. IV, § 1, Fla. Const.; and judicial power is vested in state courts. Art. V, § 1, Fla. Const. The Florida Constitution also contains an express separation-of-powers provision, which provides that “powers of the state government” are “divided into legislative, executive and judicial branches” and that “[n]o person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.” Art. II, § 3, Fla. Const. This provision is enforced “strict[ly],” *State v. Cotton*, 769 So. 2d 345, 353 (Fla. 2000), because the “separation of powers” is the “cornerstone of American democracy.” *Schiavo*, 885 So. 2d at 329. And the Florida Supreme Court has recognized that the Florida Constitution’s structure and text prevent one branch of state government from encroaching on the powers and responsibilities of another branch. *Chiles v. Children A, B, C, D, E, & F*, 589 So. 2d 260, 264 (Fla. 1991). That is why, for example, a court can’t review the Florida Legislature’s internal procedures, *Moffitt v. Willis*, 459 So. 2d 1018, 1021 (Fla. 1984), and the Florida Legislature can’t “pass a law that allows the executive branch to interfere with the final judicial determination in a case.” *Schiavo*, 885 So. 2d at 332. That’s also why the State recognizes a legislative privilege. *See Apportionment IV*, 132 So. 3d at 146.

The legislative privilege is essential to the proper functioning of the legislative and executive branches within their respective roles in the legislative process. Art. III, §§ 7-8, Fla. Const. Both branches depend on participants being able to freely act on legislation, as members of the legislative branch propose, consider, and vote on legislation, while the executive branch fulfills its responsibilities incident to the power to approve or veto legislation. *Id.* Participants “could not properly do their job if they had to sit for depositions every time someone thought they had information that was relevant to a particular court case or administrative proceeding.” *Apportionment IV*, 132 So. 3d at 146. And “[o]ur state government could not maintain the proper ‘separation’ required by article II, section 3 if the judicial branch could compel an inquiry into” the “aspects of the legislative process.” *Fla. House of Representatives v. Expedia, Inc.*, 85 So. 3d 517, 524 (Fla. 1st DCA 2012). The legislative privilege “covers

both governors' and legislators' actions in the proposal, formulation, and passage of legislation," and thus shields a governor's participation in the legislative process. *In re Hubbard*, 803 F.3d 1298, 1308 (11th Cir. 2015). Indeed, the Florida Constitution establishes the Governor as a "component part of the law-making power" when considering action upon legislation. *State v. Deal*, 24 Fla. 293, 308 (1888).

In addition to its constitutional foundations, the legislative privilege also arises from the common law. Florida has adopted the common and statute laws of England to the extent not inconsistent with the U.S. Constitution and acts of the Florida Legislature. § 2.01, Fla. Stat. Because no constitutional provision or act of the legislature has abrogated the legislative privileges and immunities recognized at common law, those privileges continue as a matter of state law. *Expedia*, 85 So. 3d at 523; *but see Apportionment IV*, 132 So. 3d at 144 ("[A]ny common law legislative privilege has been abolished by a provision in the Florida Evidence Code," section 90.501, Florida Statutes, "providing that Florida law recognizes only privileges set forth by statute or in the state or federal constitutions.").¹

B. Yet the Plaintiffs persist in their attempt to have participants describe why they did what they did beyond the rationale offered in the legislative record, public hearings, and publicly available documents. Presumably relying on the Florida Supreme Court's decision in *Apportionment IV*, where the Florida Supreme Court recognized the legislative privilege, but said that the privilege had to yield

¹ *Apportionment IV*'s abrogation of common law evidentiary privileges was wrong for the reasons stated in the dissent. As the dissent recognized Florida has a statute that expressly adopts English common law before July 4, 1776: section 2.01, Florida Statutes. 132 So. 3d at 159 (Canady, J., dissenting). Under that statute, the "common and statute laws of England which are of a general and not a local nature, with the exception hereinafter mentioned, down to the 4th day of July, 1776, are declared to be of force in this state; provided, the said statutes and common law be not inconsistent with the Constitution and laws of the United States and the acts of the Legislature of this state." § 2.01, Fla. Stat. Because common law legislative privilege was grounded "in the Bill of Rights of 1689," "[b]y the plain terms of section 2.01," that privilege "is in force under Florida law." 132 So. 3d at 159 (Canady, J., dissenting); *cf. Edwards v. Vesilind*, 790 S.E.2d 469, 476-77 (Va. 2016) (tracing legislative privilege back to "statutes dating as far back as 1512").

to “a compelling, competing interest,” *id.* at 147, the Plaintiffs think that the legislative privilege must again yield simply because this is a redistricting case. Not so.

In *Apportionment IV*, the plaintiffs “uncovered” from third-party discovery “communications between the Legislature and partisan political organizations and political consultants,” “reveal[ing] a secret effort by state legislators involved in the reapportionment process to favor Republicans and incumbents in direct violation of article III, section 20(a)” of the Florida Constitution. *Id.* at 141; *accord id.* at 148 (explaining that the plaintiffs had “uncovered” evidence of “direct, secret communications between legislators, legislative staff members, partisan organizations, and political consultants”). With this information in hand, the plaintiffs sought to “further develop” the evidence by compelling the depositions of legislators and legislative staff. *Id.* at 141. And, considering this information already in the plaintiffs’ hands, the Florida Supreme Court adopted a “balancing approach,” *id.* at 150, where the legislative privilege yielded, in part, to the “compelling, competing constitutional interest in prohibiting the Legislature from engaging in unconstitutional partisan political gerrymandering.” *Id.* at 151.

The problem here is that there’s no “third-party discovery” that “reveal[s] direct, secret communications between legislators, legislative staff members, partisan organizations, and political consultants.” *Id.* at 148. Rather, the Governor’s reasons for vetoing the redistricting plan first passed by the Florida Legislature during the 2022 Regular Session are a matter of public record. **Attachment 6.** As are the reasons the Governor pushed for a race-neutral congressional map that emphasized traditional redistricting criteria such as compactness and adherence to political and geographic boundaries. **Attachment 7.** Unlike *Apportionment IV* then, the Plaintiffs are armed with no evidence that contradicts these public statements or otherwise tips the balance against the well-recognized interests that protect the legislative process. Indeed, if the Plaintiffs were right, then *anyone* could simply file a complaint and, without more, proceed to depose Florida’s Governor, as well as his staff, and members of the Florida Legislature whenever new districts are established. That is not the law.

Nothing in *Apportionment IV* establishes a per se rule requiring an intrusion on the legislative privilege and the forced disclosure of documents and testimony concerning the Executive Office of the Governor's interactions with the Florida Legislature (or the inner workings of the Office itself).

C. That said, should this Court read *Apportionment IV* to authorize the discovery the Plaintiffs seek here, then, for the reasons set forth in the *Apportionment IV* dissent, *Apportionment IV*'s balancing approach to the legislative privilege must be overruled.

The *Apportionment IV* dissent noted that the majority's balancing approach was unmoored from the Florida Constitution's text. The Fair Districts Amendments—the Florida Constitution's more recent redistricting standards—“say[] nothing about judicial scrutiny or the legislative privilege” and thus cannot be used to negate a constitutionally grounded privilege like the legislative privilege. 132 So. 3d at 160 (Canady, J., dissenting). Instead, as Justice Canady explained, the majority relied only on “unfettered judicial discretion: the legislative privilege inherent in the separation of powers will give way to the extent that an entirely subjective judicial determination requires that the privilege must give way.” *Id.* at 159. That “radical change in the relationship between the judicial branch and the legislative branch” unconstitutionally thrusts “judicial officers into the internal workings of the legislative process.” *Id.* at 160. Worse still, the majority's approach failed to show the respect “that one branch of government should” afford “an equal and coordinate branch of government.” *Id.* at 159-60. “When the judicial branch is called on to consider the scope of a privilege granted by the Constitution to another branch of government, it is incumbent upon the judicial branch to articulate clearly grounded, objective rules that can be applied without the suggestion that the coordinate branch's privilege is subject to diminishment or abrogation through the unfettered discretion of judges.” *Id.* at 160. The majority's balancing approach offered no such clear rules. *Id.* To the extent that balancing approach has been triggered—and it hasn't—that approach must itself be overruled in favor of a reliable legislative privilege in civil cases. See *In re Hubbard*, 803 F.3d at 1311-12 (explaining

that the “legislative privilege must yield in some circumstances where necessary to vindicate important federal interests such as the enforcement of federal criminal statutes,” but that “there is a fundamental difference between civil actions by private plaintiffs and criminal prosecutions by the federal government” (internal quotation marks omitted)).

II. The Executive Privilege Precludes the Proposed Discovery.

A. The executive privilege provides a separate basis to quash the subpoenas. Though not yet specifically recognized in Florida, the executive privilege—like the legislative privilege—is rooted in the Florida Constitution’s text and structure. *See supra*.² It ensures the proper functioning of the Executive Office of the Governor—which is “fundamental to the operation of Government and inextricably rooted in the separation of powers.” *United States v. Nixon*, 418 U.S. 683, 708 (1974). The Office properly functions when the Governor can make good decisions to “protect[]” the “public interest.” *Id.* He does so by evaluating legislation and determining whether he should approve, veto, or take no action. *Id.* And to make good decisions, he must be allowed to receive “candid, objective, and even blunt or harsh opinions” from his advisors. *Id.* “[T]hose who assist him must be free to explore alternatives in the process of shaping policies.” *Id.* In that way, the privilege “promot[es] the effective discharge of” the “chief executive’s constitutional duties.” *Freedom Found. v. Gregoire*, 310 P.3d 1252, 1258 (Wash. 2013). Otherwise, the Governor would be subjected to “unconstitutional interference in his exercise of his constitutional powers and duties and subject him to examination on every piece of legislation that the” legislature “enacts, thereby creating potential for conflict between co-equal branches of government.” *League of Women Voters v. Commonwealth*, 177 A.3d 1010, 1019 (Pa. 2017); *see also Freedom Found.*, 310 P.3d at 1258 (explaining that failure to recognize the privilege would

² The U.S. Supreme Court and various state courts have recognized the executive privilege. *See United States v. Nixon*, 418 U.S. 683, 708 (1974); *Protect Fayetteville v. City of Fayetteville*, 566 S.W. 3d 105, 110 (Ark. 2019) (collecting cases from Washington, New Mexico, Ohio, Delaware, Maryland, and New Jersey).

“subvert the integrity of the governor’s decision making process, damaging the functionality of the executive branch and transgressing the boundaries set by our separation of powers doctrine”).

B. The executive privilege shields the Governor, his Office, and Mr. Kelly from inquiries regarding the bill that created Florida’s congressional districts. Though both the Governor’s basic rationale (race neutrality) and Mr. Kelly’s testimony (his district-by-district presentation before the Florida Legislature) are already public, any further inquiry through the subpoenas at issue would have a chilling effect on the Executive Office of the Governor and the processes undertaken when promoting and supporting legislation. There’s no reason for such intrusion in this *civil* case, especially when there have been no indicia of improper purpose as there was in the last decade’s redistricting process. Notably, because *Apportionment IV* did not concern the executive privilege, this Court remains free to do what the structure and text of the Florida Constitution demand: quash the subpoenas duces tecum for deposition testimony from the Governor and Deputy Chief of Staff Kelly concerning the *Florida Legislature’s intent* in enacting a bill that apportioned the State’s congressional districts.

III. The Apex Doctrine Precludes the Governor’s Deposition.

A. Even if the Governor of Florida held no constitutional privileges—though he clearly does—the subpoena issued against him should be quashed in accordance with the “apex doctrine.” Florida Rule of Civil Procedure 1.280(h) provides that “[a] current or former high-level government or corporate officer may seek an order preventing the officer from being subject to a deposition.” As the Florida Supreme Court recognized when it adopted the rule, “[t]he point of the apex doctrine is to balance the competing goals of limiting potential discovery abuse and ensuring litigants’ access to necessary information.” *In re: Amendment to Fla. Rule of Civ. Procedure 1.280*, 324 So. 3d 459, 461 (Fla. 2021). “Properly applied, the doctrine will prevent undue harassment and oppression of high-level officials while still providing a [party] with several less-intrusive mechanisms to obtain the necessary

discovery, and allowing for the possibility of conducting the high-level deposition if warranted.” *Id.* (internal quotation marks omitted). The Florida Supreme Court explained the burdens as follows:

[T]he person or party resisting a deposition has two burdens: a burden to persuade the court that the would-be deponent meets the high-level officer requirement, and a burden to produce an affidavit or declaration explaining the official’s lack of unique, personal knowledge of the issues being litigated. If the resisting person or party satisfies those burdens, and the deposition-seeker still wants to depose the highlevel officer, the deposition-seeker bears the burden to persuade the court that it has exhausted other discovery, that such discovery is inadequate, and that the officer has unique, personal knowledge of discoverable information.

Id. at 463.

B. Here, Governor DeSantis unquestionably is a high-level government officer; indeed, he is vested with the supreme executive power of the State of Florida. Art. IV, §1, Fla. Const. And, as explained in the attached declaration, the Governor does not have *unique* personal knowledge of the issues being litigated. **Attachment 8.** Throughout the redistricting process, as with other legislative initiatives, the Governor acted through or with the assistance of his staff. His staff is in as good a position as the Governor himself to answer questions about the actions taken by him and the Office should that ever become necessary. For instance, the Governor’s staff, notably Mr. Kelly, was responsible for drawing the maps that the Executive Office of the Governor proposed to the Florida Legislature. And, as already noted above, the reasons for rejecting the maps initially passed by the Legislature and for supporting the State’s enacted plan were developed with the assistance of the Governor’s staff and were publicly disclosed through various means. These means included the Governor’s advisory opinion request and subsequent briefing; public presentations and materials made available during the regular legislative session; the Governor’s veto message and accompanying memorandum; and Mr. Kelly’s public presentation to the Florida House and Senate during the special legislative session. *See Attachments 6 and 7.* A deposition of the Governor of Florida would reveal no unique information that isn’t otherwise available to the Plaintiffs.

At a minimum, then, the apex doctrine, as explicated in Rule 1.280(h) and by the Florida Supreme Court, prohibits Governor DeSantis's deposition.

CONCLUSION

For the reasons discussed above, the Court should quash the Plaintiffs' subpoenas duces tecum for deposition.

RETRIEVED FROM DEMOCRACYDOCKET.COM

DATED: September 6, 2022

/s/ Mohammad O. Jazil
Mohammad O. Jazil (FBN 72556)
mjazil@holtzmanvogel.com
Gary V. Perko (FBN 855898)
gperko@holtzmanvogel.com
Michael Beato (FBN 1017715)
mbeato@holtzmanvogel.com
zbennington@holtzmanvogel.com
HOLTZMAN VOGEL BARAN TORCHINSKY &
JOSEFIK PLLC
119 S. Monroe St. Suite 500
Tallahassee, FL 32301
(850) 270-5938
Counsel for the Governor's Office

CERTIFICATE OF SERVICE

I certify that this document was served on all parties of record through the e-filing portal on September 6, 2022.

/s/ Mohammad O. Jazil
Mohammad O. Jazil

EXHIBIT 3

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA**

BLACK VOTERS MATTER CAPACITY
BUILDING INSTITUTE, INC., *et al.*,

Plaintiffs,

Case No. 2022-CA-000666

v.

CORD BYRD, in his official capacity as
Florida Secretary of State, *et al.*,

Defendants.

**ORDER ON GOVERNOR AND J. ALEX KELLY'S MOTION TO QUASH &
FOR PROTECTION FROM SUBPOENAS DUCES TECUM FOR
DEPOSITION**

This case came on for hearing on October 20, 2022, on a motion to quash and for protective order filed on behalf of Governor Ron DeSantis and deputy chief of staff J. Alex Kelly, both non-parties who have been noticed by Plaintiffs for subpoena duces tecum for videotaped depositions. Upon consideration of the Motion, responses, replies, and the presentations by counsel, the Court hereby finds as follows:

In this case, Plaintiffs bring constitutional challenges to the congressional district map passed by the Legislature as Senate Bill 2-C on April 21, 2022, and signed by the Governor on April 22, 2022. Ch. 2022-265, Laws of Fla. As part of their discovery, Plaintiffs are seeking to depose the Governor¹ and Mr. Kelly to gain insight into the drawing of the congressional

¹ The Plaintiffs acknowledge that the subpoena to the Governor is only to receive documents and that the Governor has properly raised the apex doctrine. At the hearing, Plaintiffs indicated they will not go forward to enforce the subpoena against the Governor. Plaintiffs further acknowledge the information they seek can be discovered through Mr. Kelly. Accordingly, the Court will only address the subpoena as it relates to Mr. Kelly and the Executive Office of the Governor.

district map. Mr. Kelly seeks an order quashing the subpoena and for a protective order preventing his deposition in this case under the legislative privilege², the executive privilege³, and attorney-client privilege and attorney work-product.⁴

Legislative Privilege

In *League of Women Voters of Fla. v. Fla. House of Representatives*, 132 So. 3d 135, 138 (Fla. 2013) ("*Apportionment IV*"), the Florida Supreme Court "decide[d] for the first time that Florida should recognize a legislative privilege founded on the constitutional principle of separation of powers" in a case arising from last decade's redistricting. The Court found the privilege exists but is "not absolute and may yield to a compelling, competing interest." *Id.* at 143. The Court also found that the "compelling interest in [that] case [was] ensuring compliance with article III, section 20(a), which specifically outlaws improper legislative 'intent' in the congressional reapportionment process." *Id.* at 147. It also held that the case presented "a compelling competing interest against application of an absolute legislative privilege." *Id.* at 150. Finally, the trial court's balancing approach that the "legislators and legislative staff members may assert a claim of legislative privilege at this stage of the litigation only as to any questions...

² *League of Women Voters of Fla. v. Fla. House of Representatives*, 132 So. 3d 135, 138 (Fla. 2013) ("*Apportionment IV*"). The parties agreed at the hearing that this Court is bound by the majority ruling in *Apportionment IV* (to the extent that it may apply in this case), and that the language used in the Governor and Mr. J. Alex Kelly's motion and argument regarding any alleged errors in that opinion are solely to preserve the issue for appeal.

³ The Governor and Mr. Kelly note that an executive privilege has "not yet been specifically recognized in Florida." *Mot. to Quash & for Protection from Subpoenas Duces Tecum for Dep.* at 8.

⁴ The request for protection under the attorney-client privilege and work-product doctrines is not specifically noted in the motion but is cited in Attachment 2 to the motion in response to each item.

revealing their thoughts or impressions or the thoughts or impressions shared with legislators by staff or other legislators, but may not refuse to testify...concerning any other information or communications pertaining to the...reapportionment process” was adopted by the Court. *Id.* at 154.

In this case, Plaintiffs have alleged that the Governor (through his staff) drew the congressional district map that was ultimately enacted into law. *Compl. at ¶ 74-76. See also, Pl.’s Opp’n to Third-Parties’ Mot. for Protective Order Ex. 4 & 6.* They have alleged that the map violates the Fair Districts Amendment. *See, Fla. Const. art III sect. 20.* Accordingly, they seek to depose Mr. Kelly about the reapportionment map-drawing process as was done under *Apportionment IV*. Mr. Kelly, as a staff member to Governor Ron DeSantis, has claimed that the Governor is acting in a legislative capacity in the passage of Senate Bill 2-C⁵. Specifically, he cites *In re: Hubbard*, 803 F. 3d 1298, 1308 (11th Cir. 2015) for the principle that governors (and their staff members) are protected by legislative privilege “in the proposal, formulation, and passage of legislation.”

One of the authorities relied upon in *Hubbard* is *Women’s Emergency Network v. Bush*, 323 F.3d 937, 950 (11th Cir. 2003). In that case, the circuit court recognized the governor’s legislative immunity for “signing a bill into law.” The actions in this case go much further than just signing Senate Bill 2-C into law. The actions extend to allegedly drafting the maps at issue in this case. Accordingly, this case is more akin to that of another case cited by

⁵ This Court also notes that the Governor has advanced to the Florida Supreme Court the position that his duties in this case are executive in nature. *See, Pl.’s Opp’n to Third Parties’ Mot. for Protective Order Ex. 7 at 2.* This Court will address that position under the executive privilege section of this Order.

Hubbard, the case of *Baraka v. McGreevey*, 481 F. 3d 187 (3rd Cir. 2007). In that case, the petitioner brought suit against the governor of New Jersey and another executive branch official for “advocat[ing] and orchestrat[ing] the legislation that abolished the position of poet laureate.” *Id.* at 197. The petitioner “contend[ed] legislative immunity does not apply because they are not legislators and because these are political, not legislative, activities.” *Id.* at 196. The Court found that the actions “are properly characterized as legislative,” *id.* at 197, citing a provision in the New Jersey Const. art V sect. 1. The New Jersey provision is almost identical to the provision in Fla. Const. art IV sect. 1. Accordingly, this Court finds the actions of the Governor and Mr. Kelly are legislative and are properly covered under the legislative privilege.

This Court, having found the actions of the Governor and Mr. Kelly to fall under the scope of the legislative privilege recognized in *Apportionment IV*, 132 So. 3d at 138, must next determine whether the purpose of the privilege is outweighed by a compelling, competing interest. The Court, in *Apportionment IV*, has already found that the “compelling interest in [that] case [was] ensuring compliance with article III, section 20(a), which specifically outlaws improper legislative ‘intent’ in the congressional reapportionment process.” *Id.* at 147. It also held that the case presented “a compelling competing interest against application of an absolute legislative privilege.” *Id.* at 150. This case is no different. In fact, Mr. Kelly submitted the proposed map in this case, (Pl.’s Opp’n to Third-Parties’ Mot.

for Protective Order Ex. 4.) and presented it to the Senate. Pl.'s Opp'n to Mot. to Quash Dep. of Legislators and Staff Ex. 10. Mr. Kelly's map submission differed from that of others in that he was not required to submit the name of every person and group or organization he collaborated with on his map (see, Pl.'s Opp'n to Third-Parties' Mot. for Protective Order Ex. 4.) as was required by the Senate. See, Pl.'s Opp'n to Third-Parties' Mot. for Protective Order Ex. 6. Oddly, Mr. Kelly was allowed to submit his map without this information despite earlier admonition by Committee Chairman, Senator Rodrigues, against this very practice by a staff attorney at the ACLU. See, Pl.'s Opp'n to Third-Parties' Mot. for Protective Order Ex. 5. Therefore, this Court must conduct a balancing approach to fashion a relief. *Apportionment IV*, 132 So. 3d at 143. While this Court has great concerns about allowing Plaintiffs to intrude into the internal processes of a separate co-equal branch of government, the binding precedent of *Apportionment IV* provides little relief to Mr. Kelly other than protection from revealing his thoughts or impressions or the thoughts or impressions shared with the Governor by staff.⁶

Executive Privilege

Mr. Kelly argues that he should be protected from subpoena under an executive privilege that has not been specifically recognized in Florida. This Court need not determine if such a privilege exists, because the actions

⁶ The Court notes that *Apportionment IV* allows legislators to be questioned regarding the reapportionment process despite recognition of a legislative privilege. This Court, in fashioning relief in this case, attempts to set "objective rules that can be applied without the suggestion that the coordinate branch's privilege is subject to diminishment or abrogation through the unfettered discretion of judges." *Apportionment IV*, 132 So. 3d at 160 (Canady, J., dissenting).

taken by Mr. Kelly and the Governor in this case were not executive actions. As noted above, the actions were legislative.

Mr. Kelly, in arguing the legislative nature of the governor's actions properly cited to *State ex rel. Boyd v. Deal*, 24 Fla. 293, 4 So. 899 (Fla 1888). The Court specifically noted that the Governor's "participation in the making of laws...is expressly provided for as an exception to the general prohibition of the...constitution against any person properly belonging to one department of the government exercising power appertaining to another department." *Id.* at 307. However, the Court's holding was further explained in its citation to its own correspondence with the Governor in an opinion, *In re Executive Communication Concerning Powers of Legislature*, 23 Fla 297 (Fla. 1887). In that opinion, Chief Justice McWhorter informed the Governor,

Hon. Edward A. Perry, governor of the State of Florida-Sir: Your communication was received to-day, and has been considered by us. The question asked by you involves the construction of section 13, art. 4, of the constitution. The section is as follows: 'The governor may at any time require the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting his executive powers and duties, and the justices shall render such opinion in writing.' Unlike the constitutions of some of the other states of the Union, which authorize the governor, or either branch of the legislature, to require to opinion of the justices of the supreme court, our constitution restricts such right to the governor alone. It further restricts the right of the governor to require such opinions on questions 'affecting his executive powers and duties.' Is the opinion you desire one relating to your 'executive powers and duties?' The exact legal meaning of the word 'executive' has been many times authoritatively fixed and defined. It means a duty appertaining to the execution of the laws as they exist. It would follow that the law must be enacted according to all the terms prescribed by the constitution, before the duty of executing it can exist. *Any duty imposed by the constitution on the governor with reference to a bill, before it becomes*

a law, is not an executive duty. The enactment of laws is a legislative duty, and, when your excellency is required by the constitution to do any act which is an essential prerequisite thereto, such act is legislative, and is performed by you as a part of the lawmaking power, and not as the law-executing power. We are of the opinion that the question affects a legislative duty imposed by the constitution; and, believing that a compliance on our part with your request is unauthorized by the constitution, we, with great respect for your excellency, beg to be excused from expressing opinions on the question submitted.

Very respectfully,

'GEO. G. McWHORTER, Chief Justice. *Id* at 298 (emphasis added).

As noted by the Chief Justice, the Governor's executive duties relating to legislation arise after the enactment of the legislation. While Florida's Constitution has been amended since Chief Justice McWhorter's opinion, the operative provisions remain virtually unchanged. Therefore, the opinion still controls. See, Fla. Const. art. IV, sect. 9 (1885) and Fla. Const. art. IV, sect. 1(e). Accordingly, the actions in this case cannot be deemed executive actions but instead, legislative. The executive privilege, if one exists, would provide no relief in this case.

Attorney Work-Product and Attorney-Client Privilege

Governor DeSantis and the Executive Office of the Governor have asserted that some of the documents that are to be produced under the subpoena duces tecum are subject to attorney-client privilege and the attorney work-product doctrine. Mot. to Quash & for Protection from Subpoenas Duces Tecum for Dep. Ex. 2. The parties agreed at the hearing that to the extent the Court were to require production of documents, those subject to a privilege claim would require *in camera* inspection. See, e.g., *Hett v. Barron-Lunde*, 290 So.3d 565, 573 (Fla. 2nd DCA 2020).

Non-Privileged Document Objections

The Executive Office of the Governor has objected to the scope of the discovery sought by Plaintiffs. As to Instruction E of the subpoena duces tecum, the Court finds that the period relevant to this case begins on the date requested on the subpoena and ends on April 22, 2022, the day that Governor DeSantis signed Senate Bill 2-C into law. Any alleged intent on the part of drafters is complete once the legislation is enacted. As to Instruction H, non-parties are not required to submit a privilege log. Fla. R. Civ. P. 1.280(b)(6).

Relief

This Court finds the balancing test applied in *Apportionment IV* not to be directly applicable in this case. In *Apportionment IV*, “the challengers uncovered communications between the Legislature and partisan political organizations and political consultants” and the use of that information in map-drawing. 132 So. 3d at 141. In this case, based on the affidavits already submitted, the information regarding redistricting and map-drawing came from the Governor’s office. Therefore, drawing the line between “thoughts or impressions of [the Governor and his staff]” and “`objective’ information and communications” within the Executive Office of the Governor is unnecessary and does not strike the proper balance between the privilege and the compelling competing interest. The appropriate line in this case is where the doors to the Governor’s Office meet the Legislative Chambers and the outside world. Accordingly, Mr. Kelly may be questioned


regarding any matter already part of the public record and information received from anyone not part of the Governor's Office. He may not be questioned as to information internal to the Governor's Office that is not already public record (e.g., the thoughts or opinions of staff or those of the Governor). He shall produce the requested documents, subject to the attorney-client privilege and attorney work-product provisions below. The executive privilege objection is overruled.

The Court having found that the legislative privilege applies, and that Mr. Kelly has properly raised the attorney-client privilege and attorney work-product doctrine, this Court must view the materials *in camera* to determine the applicability of each privilege claim. Accordingly, Mr. Kelly and the Executive Office of the Governor shall segregate all responsive materials in which they claim a legislative privilege and contain information which is solely internal to the Governor's Office or materials in which they claim an attorney-client privilege or attorney-work product protection. Those materials are to be submitted to this Court's Judicial Chambers, under seal, for *in camera* inspection **within 30 days** of the date of this order. Mr. Kelly and the Executive Office of the Governor shall prepare an index of each item, Bates stamp the documents, categorize each into groups (legislative privilege, attorney-client privilege, attorney work-product), and highlight in yellow highlighter the alleged privileged/work-product portions. Data files or other digital media submitted need not be highlighted if not feasible. Mr. Kelly and the Executive Office of the Governor may submit affidavits, also for

in camera inspection under seal, in support of the attorney-client privilege and attorney work-product claims. Responsive documents in which there is no claim of privilege or that privilege is not recognized by this order (e.g. materials containing information to/from outside the Governor's Office) must be produced as part of the subpoena duces tecum.

For the foregoing reasons, the Motion To Quash & For Protection From Subpoenas Duces Tecum For Deposition is **GRANTED in part and DENIED in part, and deferred in part pending *in camera* review**. The motion for protective order as to Mr. Kelly and the Executive Office of the Governor is granted to the extent that he may not be questioned as to information internal to the Governor's Office that is not already public record (e.g., the thoughts or opinions of staff or those of the Governor). The motion is denied in that he may be questioned regarding any matter already part of the public record and information received from anyone not part of the Governor's Office. This includes the identity of or sources of information outside of the groups identified in this paragraph. Deposition attorney-client privilege objections shall be made in accordance with Fla. R. Civ. P. 1.310 (c). The motion is denied to the extent that Mr. Kelly and the Executive Office of the Governor seek protection of legislative privileged material that does not contain internal communication. The motion is deferred pending *in camera* review as to attorney-client privilege, attorney work-product, and legislative privilege containing internal communication claims.

DONE AND ORDERED in Tallahassee, Leon County, Florida, this
Thursday, October 27, 2022.

2022-CA-000666 10/27/2022 04:21:52

Lee Marsh, Circuit Judge
37-2022-CA-000666 10/27/2022 04:21:52 PM

J. LEE MARSH
CIRCUIT JUDGE

Copies furnished to:
All Counsel of Record

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 4

RETRIEVED FROM DEMOCRACYDOCKET.COM

Black Voters Matter Capacity Building Institute, Inc.

vs.

Cord Byrd, et al.

Deposition of:

James Kelly

June 07, 2023

Vol 1

RETRIEVED FROM DEMOCRACYDOCKET.COM



IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY
BUILDING INSTITUTE, INC.,
et al.,

Plaintiffs,

vs.

CASE NO. 2022 CA 000666

CORD BYRD, in his official
capacity as Florida Secretary
of State, et al.,

Defendants.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

COMMON CAUSE FLORIDA, et al.,
Plaintiffs,

vs.

CASE NO. 4:22-cv-109-AW-MAF

CORD BYRD, in his official
capacity as Florida Secretary
of State,

Defendant.

DEPOSITION OF JAMES ALEXANDER KELLY
(Volume 1, Pages 1 - 194)

Wednesday, June 7, 2023
9:35 a.m. - 2:00 p.m.

LOCATION:

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK
119 South Monroe Street, #500
Tallahassee, FL 32301

STENOGRAPHICALLY REPORTED BY: SANDRA L. NARGIZ
RPR, CM, CRR, CRC, CCR

Job No. 311409

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFFS BLACK VOTERS MATTER, et al.:</p> <p>4 ELIAS LAW GROUP, LLP 10 G Street NE 5 Washington, DC 20002 202.968.4490</p> <p>6 BY: JOSEPH POSIMATO, ESQUIRE jposimato@elias.law</p> <p>7 BY: CHRISTINA FORD ESQUIRE cford@elias.law</p> <p>8</p> <p>9 ON BEHALF OF THE PLAINTIFFS COMMON CAUSE, et al.:</p> <p>10 PATTERSON BELKNAP WEBB & TAYLOR 1133 Avenue of the Americas 11 New York, NY 10036 212.336.2817</p> <p>12 BY: CATHERINE J. DJANG, ESQUIRE cdjang@pbwt.com</p> <p>13</p> <p>14 ON BEHALF OF THE DEFENDANT SECRETARY OF STATE:</p> <p>15 HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK 119 South Monroe Street, #500 16 Tallahassee, FL 32301 850.508.7775</p> <p>17 BY: MOHAMMAD O. JAZIL, ESQUIRE mjazil@holtzmanvogel.com</p> <p>18 BY: ROBERT MICHAEL BEATO, ESQUIRE mbeato@holtzmanvogel.com</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">I N D E X</p> <p>1 WITNESS PAGE</p> <p>2 JAMES ALEXANDER KELLY 5</p> <p>3 Direct Examination by Ms. Ford 5</p> <p>4 CERTIFICATE OF OATH 191</p> <p>5 CERTIFICATE OF REPORTER 192</p> <p>6 READ AND SIGN LETTER 193</p> <p>7 ERRATA SHEET 194</p> <p>8</p> <p>9 INDEX OF EXHIBITS</p> <p>10</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>ID</th> </tr> </thead> <tbody> <tr> <td>11</td> <td></td> <td></td> </tr> <tr> <td>1</td> <td>Order for deposition, Judge Lee Marsh</td> <td>6</td> </tr> <tr> <td>12</td> <td>2 Stipulation of the parties, Circuit Case</td> <td>6</td> </tr> <tr> <td>3</td> <td>Federal District Court's order, 5-25-23</td> <td>6</td> </tr> <tr> <td>13</td> <td>4 Notice of deposition</td> <td>10</td> </tr> <tr> <td>5</td> <td>2002 Congressional plan</td> <td>37</td> </tr> <tr> <td>14</td> <td>6 2012 Congressional plan</td> <td>37</td> </tr> <tr> <td>7</td> <td>2012 Trial testimony by J. Alexander Kelly</td> <td>49</td> </tr> <tr> <td>15</td> <td>8 Deposition of J. Alexander Kelly, volume 1, dated 3-5-14</td> <td>60</td> </tr> <tr> <td>16</td> <td>9 Florida Supreme Court Opinion 2012</td> <td>75</td> </tr> <tr> <td>10</td> <td>Article, Mary Ellen Klas, Tampa Bay Times, dated 11-10-21</td> <td>04</td> </tr> <tr> <td>17</td> <td>11 Politico article, Matt Dixon, 11-29-21</td> <td>111</td> </tr> <tr> <td>18</td> <td>12 Shape files produced by Dr. Ansolabehere</td> <td>126</td> </tr> <tr> <td>19</td> <td>13 Florida Congressional redistricting map, CS/PS 2-C, enacted 4-22-22</td> <td>144</td> </tr> <tr> <td>14</td> <td>Letter, Newman to Rep. Rodrigues 4-13-22</td> <td>160</td> </tr> <tr> <td>20</td> <td>15 Plan 0079</td> <td>164</td> </tr> <tr> <td>16</td> <td>Plan 0094</td> <td>164</td> </tr> <tr> <td>21</td> <td>17 Presentation by Alex Kelly to the Special Session of the Florida Legislature</td> <td>175</td> </tr> <tr> <td>22</td> <td></td> <td></td> </tr> <tr> <td>23</td> <td></td> <td></td> </tr> <tr> <td>24</td> <td></td> <td></td> </tr> <tr> <td>25</td> <td></td> <td></td> </tr> </tbody> </table>	NO.	DESCRIPTION	ID	11			1	Order for deposition, Judge Lee Marsh	6	12	2 Stipulation of the parties, Circuit Case	6	3	Federal District Court's order, 5-25-23	6	13	4 Notice of deposition	10	5	2002 Congressional plan	37	14	6 2012 Congressional plan	37	7	2012 Trial testimony by J. Alexander Kelly	49	15	8 Deposition of J. Alexander Kelly, volume 1, dated 3-5-14	60	16	9 Florida Supreme Court Opinion 2012	75	10	Article, Mary Ellen Klas, Tampa Bay Times, dated 11-10-21	04	17	11 Politico article, Matt Dixon, 11-29-21	111	18	12 Shape files produced by Dr. Ansolabehere	126	19	13 Florida Congressional redistricting map, CS/PS 2-C, enacted 4-22-22	144	14	Letter, Newman to Rep. Rodrigues 4-13-22	160	20	15 Plan 0079	164	16	Plan 0094	164	21	17 Presentation by Alex Kelly to the Special Session of the Florida Legislature	175	22			23			24			25		
NO.	DESCRIPTION	ID																																																																				
11																																																																						
1	Order for deposition, Judge Lee Marsh	6																																																																				
12	2 Stipulation of the parties, Circuit Case	6																																																																				
3	Federal District Court's order, 5-25-23	6																																																																				
13	4 Notice of deposition	10																																																																				
5	2002 Congressional plan	37																																																																				
14	6 2012 Congressional plan	37																																																																				
7	2012 Trial testimony by J. Alexander Kelly	49																																																																				
15	8 Deposition of J. Alexander Kelly, volume 1, dated 3-5-14	60																																																																				
16	9 Florida Supreme Court Opinion 2012	75																																																																				
10	Article, Mary Ellen Klas, Tampa Bay Times, dated 11-10-21	04																																																																				
17	11 Politico article, Matt Dixon, 11-29-21	111																																																																				
18	12 Shape files produced by Dr. Ansolabehere	126																																																																				
19	13 Florida Congressional redistricting map, CS/PS 2-C, enacted 4-22-22	144																																																																				
14	Letter, Newman to Rep. Rodrigues 4-13-22	160																																																																				
20	15 Plan 0079	164																																																																				
16	Plan 0094	164																																																																				
21	17 Presentation by Alex Kelly to the Special Session of the Florida Legislature	175																																																																				
22																																																																						
23																																																																						
24																																																																						
25																																																																						
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: (Continued.)</p> <p>2 ON BEHALF OF THE DEFENDANT FLORIDA SENATE:</p> <p>3 SHUTTS AND BOWEN 215 S. Monroe Street, #800 4 Tallahassee, FL 32301 850.241.1717</p> <p>5 BY: DANIEL E. NORDBY, ESQUIRE (Via Zoom.) dnordby@shutts.com</p> <p>6</p> <p>7 THE FLORIDA SENATE 302 The Capitol, #404S 8 Tallahassee, FL 32399 850.487.5237</p> <p>9 BY: KYLE EDWIN GRAY, ESQUIRE (Via Zoom.) gray.kyle@flsenate.gov</p> <p>10</p> <p>11 ON BEHALF OF THE DEFENDANT FLORIDA HOUSE OF REPRESENTATIVES:</p> <p>12</p> <p>13 GRAY ROBINSON 301 S. Bronough Street, #600 Tallahassee, Florida 32301 14 850.577.9090</p> <p>15 BY: ASHLEY H. LUKIS, ESQUIRE ashley.lukis@gray-robinson.com</p> <p>16</p> <p>17</p> <p>18 ALSO PRESENT:</p> <p>19 Nicholas Meros, Office of the Governor Michael Halper, Common Cause Florida 20 Taylor Meehan (Via Zoom.) David Rosenthal (Via Zoom.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 The following proceedings began at 9:35 a.m.:</p> <p>2 THE STENOGRAPHER: Would you raise your 3 right hand, please?</p> <p>4 Do you swear or affirm that the testimony 5 you are about to give will be the truth, the 6 whole truth, and nothing but the truth?</p> <p>7 THE WITNESS: I do.</p> <p>8 THE STENOGRAPHER: Thank you.</p> <p>9 Thereupon,</p> <p>10 JAMES ALEXANDER KELLY</p> <p>11 having been first duly sworn or affirmed, as 12 hereinafter certified testified as follows:</p> <p>13 DIRECT EXAMINATION</p> <p>14 BY MS. FORD:</p> <p>15 Q All right. Good morning, Mr. Kelly.</p> <p>16 A Good morning.</p> <p>17 Q My name is Christina Ford. I'm 18 representing the Black Voters Matter plaintiffs in 19 this case. And we're here today, I know we have the 20 federal plaintiffs.</p> <p>21 MS. FORD: If you guys want to go on the 22 record and sort of explain the merged 23 deposition and what will happen today?</p> <p>24 MR. JAZIL: How about I start with that?</p> <p>25 Mohammad Jazil on behalf of Secretary Byrd.</p>																																																																					

<p style="text-align: right;">Page 6</p> <p>1 I note for the record that this deposition 2 is being taken in Black Voters Matter Capacity 3 Building Institute, Inc., versus Cord Byrd, 4 Case Number 2022-CA-666, which is in the Second 5 Judicial Circuit of Leon County. And it's also 6 being taken in Common Cause Florida v. Cord 7 Byrd, which is in the Northern District of 8 Florida, Case Number 4:22-cv-109.</p> <p>9 This deposition is being taken consistent 10 with Judge Marsh's order in the Second Circuit, 11 which is Exhibit 1 to the deposition. 12 (Exhibit 1 was marked for identification.) 13 MR. JAZIL: This stipulation of the 14 parties in the Second Circuit case, which is 15 Exhibit 2 to the deposition. 16 (Exhibit 2 was marked for identification.) 17 (Exhibit 3 was marked for identification.) 18 MR. JAZIL: And the Federal District 19 Court's order from May 25th, 2023, which is ECF 20 Number 157. 21 And we are preserving all our privileges, 22 not waiving them. And I apologize in advance 23 for having to interject when my friend asks 24 questions that I think are getting close to the 25 line, but with that, Christina --</p>	<p style="text-align: right;">Page 8</p> <p>1 understand your testimony here is under oath? 2 A Yes. 3 Q And your attorney, Mr. Jazil here, may 4 make an objection to my questions and that's fine, 5 but you are required to answer unless Mr. Jazil has 6 specifically instructed you not to answer based on a 7 topic that is privileged. 8 Do you understand that? 9 A Yes. 10 Q And if at any point you don't understand a 11 question that I'm asking, will you please let me 12 know? 13 A Yes. 14 Q If at any time you'd like to take a break, 15 will you let me know? 16 A Yes. 17 Q I will probably need some breaks. 18 And do you agree that during your breaks 19 you will not consult with anyone, including your 20 counsel, about how to substantively answer a 21 question? 22 A I can't consult with him? 23 Q About how to substantively answer a 24 question. So I mean about the content of your 25 answer.</p>
<p style="text-align: right;">Page 7</p> <p>1 MS. FORD: Great. Cat, all that works for 2 you? 3 MS. DJANG: Yes. 4 MS. FORD: That all works. 5 BY MS. FORD: 6 Q Okay. Mr. Kelly, can you just state your 7 full name for the record? 8 A Sure. James Alexander Kelly. 9 Q All right. And you've been deposed 10 several times before? 11 A Yes. 12 Q Including in the previous litigation over 13 Florida's congressional districts, correct? 14 A Yes, that is -- 15 Q 2010? 16 A Yes, 2010 cycle, whenever it was -- 2013, 17 2014. 18 Q Okay. And you've previously given 19 testimony at trial before, correct? 20 A Yes. 21 Q Including in Florida's last cycle of the 22 congressional districting trial? 23 A Yes. 24 Q So I won't spend much time on ground rules 25 because I think you understand them, but you</p>	<p style="text-align: right;">Page 9</p> <p>1 A I'm not sure why I would agree to that. 2 Q Do you object to that instruction? 3 MR. JAZIL: It's okay. 4 THE WITNESS: Okay? 5 MR. JAZIL: Yeah. I'm okay with that 6 instruction. 7 A Okay. Yes. 8 BY MS. FORD: 9 Q Are you on any medications or drugs today 10 that would impair your ability to answer accurately 11 or truthfully today? 12 A No medications, no drugs. 13 Q Okay. And is there any circumstance that 14 would impair your ability to answer my questions 15 today? 16 A No. 17 Q Okay. Let's just get to the deposition 18 notice. 19 Okay. This is just the notice of your 20 deposition. 21 MS. FORD: Do you want a copy, Mo? 22 MR. JAZIL: Sure. Yeah. 23 MS. FORD: So this is going to be 24 Exhibit 4. 25</p>

Page 10

1 (Exhibit 4 was marked for identification.)
2 BY MS. FORD:
3 Q I just want to confirm this is what
4 you're -- you're appearing in response to. I think
5 I have an outdated address, but otherwise --
6 A Yes.
7 Q Okay. What did you do to prepare for
8 today's deposition?
9 A I consulted with our counsel. I reviewed
10 back through the presentation that I gave in the
11 House and the Senate in April of last year -- video,
12 written comments, the maps themselves -- of what I
13 presented.
14 I've reviewed back through the map as it
15 was passed by the legislature.
16 I reviewed the interrogatories that the
17 Secretary of State submitted.
18 I reviewed the questions that I believe
19 I'm responsible for from both sides of this
20 deposition.
21 I reviewed the legal -- the memorandums
22 that our office published when our office requested
23 an opinion before the Supreme Court, when our office
24 provided written guidance to the Florida House of
25 Representatives.

Page 11

1 I've reviewed the memorandum that Robert
2 Popper provided to the Florida House of
3 Representatives.
4 I've reviewed the veto message that the
5 Governor issued when vetoing the legislature's
6 original plan.
7 I think I've covered in saying that the
8 different legal memorandums that our office -- legal
9 opinions that our office issued, but I reviewed
10 those.
11 I may -- I may be missing something, but I
12 think that probably covers it.
13 Q Thank you. That's helpful.
14 Did you speak to anyone in the Governor's
15 Office in preparing for today's deposition?
16 A Yes.
17 Q Who did you speak with?
18 A Our general counsel, Ryan Newman.
19 Q Anyone else in the Governor's Office?
20 A Did I speak to anybody else in the
21 Governor's Office?
22 Q About today's deposition, to prepare.
23 A To prepare, no.
24 Q Did you speak to any member or staff of
25 the legislature about today's deposition?

Page 12

1 A No.
2 Q Did you speak to Mr. Adam Foltz?
3 A No.
4 Q Mr. Thomas Bryan?
5 A No.
6 Q Did you consult with anyone other than
7 Mr. Jazil or Mr. Newman?
8 A Just the legal counsel that we have.
9 Q All right. And you told us about the
10 communications you reviewed, which is great.
11 What's your current job title?
12 A I am one of the deputy chiefs of staff for
13 the Governor.
14 Q And you were promoted -- I think I read?
15 A Yes.
16 Q Okay. Great. Congratulations.
17 How long have you been in your current
18 position?
19 A Since April -- April 7th of 2021.
20 Q Okay. And who do you report to in your
21 position as deputy chief of staff?
22 A The chief of staff.
23 Q Oh, you're not chief of staff?
24 A No, I report to the chief of staff.
25 Q You report to the chief of staff. And who

Page 13

1 is that?
2 A James Uthmeier.
3 Q What are your general responsibilities as
4 deputy chief of staff?
5 A Sure. A lot.
6 So I cover education policy, economic
7 development policy. In addition to that, the
8 Department of State, a variety of things the
9 Department of State oversees. And then also the
10 Department of the Lottery.
11 And so as a deputy chief, I oversee
12 basically reporting to -- or reporting to our office
13 of those agencies that fall under those umbrellas:
14 Education, economic development, state and lottery.
15 Q Okay. How did you get the job of deputy
16 chief of staff?
17 A I was offered the job by the former chief
18 of staff there.
19 Q Who was that?
20 A Adrian Lukis.
21 Q Is that someone that you personally had a
22 relationship with?
23 A Yeah, I've known Adrian for several years.
24 Q And when you were being considered for
25 that job -- for your current job, I should say --

Page 14

1 did you discuss the idea of redistricting as
2 something you would be working on for the Governor?
3 A No.
4 Q You also spent several years at the
5 Florida House, right? Previously?
6 A Yes.
7 Q And what years were those?
8 A My first stint with the House was the end
9 of 2002 to mid-2004. And then -- I'm sorry -- I'm
10 sorry. 2000, end of 2000 to mid-2002.
11 And then I returned in late 2004, left
12 late 2005. And then I came back for a third stint
13 in the House September 2009 to September 2012.
14 Q Okay. Just to each of those, when you
15 were there in 2000, what was your role then?
16 A I was a legislative aide for one of the
17 representatives.
18 Q Which representative?
19 A Aaron Bean.
20 Q And that was your first job in the House?
21 A Yes.
22 Q Have you maintained a relationship with
23 Representative Bean?
24 A Not close. It's probably -- probably been
25 quite a while since we talked.

Page 15

1 Q And what were your responsibilities in
2 that role?
3 A As a legislative aide?
4 Q Uh-huh.
5 A Legislative aide primarily works on
6 legislation for the representative, who essentially
7 is the policy liaison for the representative;
8 constituent matters as well, often representing the
9 representative at community functions, things of
10 that nature, if he couldn't participate in them;
11 working with the other offices in the legislature to
12 advance his legislative priorities.
13 Q And what area of Florida did
14 Representative Bean represent at the time?
15 A He had all of Nassau County, all of
16 Bradford, all of Baker, all of Union, and a little
17 sliver of Duval.
18 Q Okay. And you ended that sometime in
19 2002, you said?
20 A Yeah, 2002.
21 Q Okay. And when you came back in 2004,
22 what was that role for?
23 A I was hired as an analyst in the House
24 Majority Office.
25 Q Okay. And what did you do in that role?

Page 16

1 A I was a policy analyst.
2 Q And when you say the "majority office," is
3 that the Republican Majority Office?
4 A Yes.
5 Q And then when you came back in 2009
6 through 2012, what were your roles then?
7 A Sure. A couple different roles.
8 Initially, the -- not the current Speaker, the
9 incoming Speaker had a select policy council that
10 covered different policies, so I was an analyst for
11 that. And then late 2010, transitioned into
12 redistricting.
13 Q And when you came into the House in 2009,
14 did you understand that you would play a role in
15 redistricting?
16 A Yeah, probably. It wasn't certain. There
17 was a question as to whether I might work in
18 appropriations or redistricting.
19 Q And then you later went on to oversee
20 redistricting for the House, right?
21 A Yes.
22 Q What was your official title at that
23 point?
24 A Staff director.
25 Q For the House Redistricting Committee?

Page 17

1 A Yes.
2 Q All right. And previously you've also
3 worked as a political analyst for the Republican
4 Party of Florida?
5 A Yeah.
6 Q When was that?
7 A That was in 2009. I think probably
8 actually started in late 2008, but I think we
9 were -- I think I was actually on salary
10 January 2009 to September.
11 Q Okay. And did you -- what was your
12 position or title, if you remember?
13 A I don't remember.
14 Q What did -- what did you do for them?
15 A I was responsible for interviewing
16 candidates, helping with fundraising, recruiting
17 candidates. We would do political events, so
18 staffing political events.
19 Q And when you say interview candidates and
20 whatnot, what kind of races were you working on?
21 A State House races.
22 Q Were you responsible for just a region or
23 all State House races statewide?
24 A Not all. I don't recall how the work was
25 divided up, but not all.

Page 18

1 Q Do you remember any particular regions
2 that you were responsible for working in?
3 A I don't remember how it was divided up.
4 Q And so after your work at the Republican
5 Party of Florida, your very next job was with the
6 House, correct?
7 A Yes.
8 Q And you've been a campaign manager for
9 Florida candidates several times, right?
10 A Yes.
11 Q Have those candidates always been
12 Republicans?
13 A Yes.
14 Q And you've worked on Republican campaigns,
15 and I have 2000, 2002, 2004, and 2008 election
16 cycles; is that right?
17 A Yes.
18 Q What were your responsibilities on those
19 campaigns, generally?
20 A Either campaign manager or, in one case,
21 co-campaign manager.
22 Q What did you do in your role as campaign
23 manager?
24 A What campaign managers do. They work with
25 the candidate in every way to support their getting

Page 19

1 elected: Fundraising, meeting with voter groups,
2 helping candidates with speeches and helping them
3 with policy, policy briefings, putting signs in
4 yards, waving signs, everything that campaign
5 managers do.
6 Q And where were these campaigns located?
7 A The 2000 campaign, Lake County was the --
8 was the main part of that district.
9 2002, that district -- large district in
10 what we call our Suncoast, which is kind of in the
11 counties that are north of the Tampa Bay area,
12 mostly.
13 And 2004, a district that was centered in
14 St. Augustine.
15 And then 2008, we're actually sitting in
16 the district, which it was the Tallahassee district.
17 Q Okay. And you attended the University of
18 Florida?
19 A Yes.
20 MS. FORD: I did as well. Go Gators.
21 THE WITNESS: Go Gators.
22 BY MS. FORD:
23 Q And you got a masters in political
24 science?
25 A Yes.

Page 20

1 Q Did you have any other degrees from the
2 University of Florida?
3 A That was it.
4 Q And when did you first move to Florida?
5 A The summer of 1998.
6 Q And you've lived in Florida since then?
7 A Yes.
8 Q What cities in Florida have you lived in?
9 A Gainesville, Fernandina Beach, Leesburg,
10 St. Augustine, Tallahassee, Crystal River.
11 I think that's it.
12 Q Have you spent any time in Jacksonville?
13 A Yes.
14 Q So you're familiar generally with
15 Jacksonville?
16 A Generally, yes.
17 Q All right. Have you spent any time in
18 Tampa Bay?
19 A Yes.
20 Q Generally familiar with the cities to
21 Tampa Bay?
22 A Yes.
23 Q Are you aware that St. Petersburg has a
24 substantial minority population?
25 A I've been told, yes.

Page 21

1 Q Are you aware that St. Petersburg has a
2 substantial Democratic population?
3 A I don't know the partisan breakdown of
4 St. Petersburg.
5 Q I'm not asking for the exact breakdown of
6 partisanship of St. Petersburg, but you're aware
7 that it generally has a substantial number of
8 Democratic voters?
9 MR. JAZIL: Object to the form.
10 You can answer.
11 A I'm generally not aware.
12 (Brief interruption.)
13 BY MS. FORD:
14 Q Are you aware that Tampa has a substantial
15 minority population?
16 A Yes.
17 Q Are you aware that the city of Tampa also
18 has a substantial population that votes Democratic?
19 A I don't know.
20 Q You don't know anything about the city of
21 Tampa's general electoral behavior?
22 MR. JAZIL: Object.
23 A I don't know.
24 BY MS. FORD:
25 Q Do you know who the City of Tampa's mayor

Page 22

1 is?
2 A No.
3 Q Do you know who the City of
4 St. Petersburg's mayor is?
5 A No.
6 Q Do you know who the City of Orlando's
7 mayor is?
8 A No.
9 Q Do you know who the City of Tallahassee's
10 mayor is?
11 A Shamefully, no.
12 Q Have you spent any time in Central
13 Florida?
14 A Yes.
15 Q Are you generally familiar with the cities
16 in Central Florida?
17 A Yes.
18 Q Are you aware that Orange County has a
19 substantial minority population?
20 A Yes.
21 Q And are you aware that Orange County has a
22 substantial population that votes Democratic?
23 A I don't know. I can picture the mayor of
24 Tallahassee, by the way, I just literally can't --
25 like, I'm completely blank on his name.

Page 23

1 Q Would you agree with me that Volusia
2 County is on average a whiter and more Republican
3 county than Orange County?
4 A I don't know.
5 Q Do you have a Twitter account?
6 A No.
7 Q Do you spend any time on Twitter, whether
8 or not you personally tweet?
9 A Barely.
10 Q Is part of your job to sort of follow the
11 news in the political environment?
12 A No.
13 Q Is it fair to say that you generally
14 follow Florida politics?
15 MR. JAZIL: Object to form.
16 You can answer.
17 A You'd have to define "generally."
18 BY MS. FORD:
19 Q What do you follow?
20 A I follow education news, I follow economic
21 development news; more often than not, what people
22 share with me.
23 Q Do you follow campaign news?
24 A Um --
25 Q Actually, let me clarify that.

Page 24

1 A Sure.
2 Q Who's running, who's dropped out, who's
3 won, stuff like that?
4 A I follow the Governor's campaign, the
5 statewide campaigns. That's about it.
6 Q Okay. Where do you generally get your
7 news?
8 A Usually -- usually people who share it
9 with me.
10 Q Do you -- are there any websites, like,
11 let's say, where you tend to go to check the news?
12 A No.
13 Q You don't go online to get news?
14 A I don't.
15 Q Do you get the paper delivered?
16 A No.
17 Q And you're not on Twitter?
18 A I'm not on Twitter.
19 Q That's probably a good thing. I spend too
20 much time on Twitter.
21 So you only get news when people
22 personally tell you about news?
23 A Most of the time, yes, that's correct.
24 Q Do you -- do you read any particular
25 redistricting websites or blogs?

Page 25

1 A No.
2 Q So you don't follow David -- Dave
3 Wasserman at the Cook Political Report?
4 A No.
5 Q You don't follow or read Matt Isbell at
6 MCIMAPS?
7 A No.
8 Q Do you receive news alerts as part of your
9 job to your inbox at work?
10 A Yes.
11 Q And those sometimes -- those news updates
12 sometimes include updates about the redistricting
13 process?
14 A I'm not sure.
15 Q Do you consume news anywhere else that we
16 haven't talked about?
17 A No.
18 Q Okay. Let's get into redistricting.
19 When did you first start doing
20 redistricting work?
21 A Just -- you mean just generally?
22 Q Uh-huh.
23 A Fall of 2009.
24 Q Did you do -- I'm sorry, did you have --
25 A I was just thinking. That sounds right,

Page 26

1 fall of 2009.

2 Q Did you do anything related to

3 redistricting in the 2002 cycle, redistricting

4 cycle?

5 A Yeah. Yeah, actually, yes.

6 Q What did you do?

7 A I drew a State House map with 108

8 districts.

9 Q And that was while you worked for

10 Representative Bean?

11 A Yeah.

12 Q Was that part of your job or just did it

13 for fun?

14 A He asked me to.

15 Q Okay. What was the purpose of drawing

16 that State House map?

17 A He wanted to propose a district or a State

18 House map with a 10 percent cut in the number of

19 districts.

20 Q Okay. So you drew a map that -- a State

21 House map that was -- did you get it down all the

22 way to equal population, it was a map that could

23 have really been implemented?

24 A That's a long time ago; I don't recall.

25 Q And did you generally follow Florida's

Page 27

1 2002 redistricting cycle while you were a

2 legislative aide for Representative Bean?

3 MR. JAZIL: Object.

4 A High level, generally.

5 BY MS. FORD:

6 Q What was redistricting like in the 2002

7 cycle, to the best of your memory? I realize it was

8 20 years ago.

9 A It was a blur. I'm not sure what more --

10 I'm not sure what you mean by "what was it like?"

11 Q The Governor in 2002 was Jeb Bush, right?

12 A Yes.

13 Q Do you remember Governor Bush playing a

14 role in the redistricting process in that cycle?

15 A Nothing specific.

16 Q Have you ever drawn a redistricting plan

17 for a state other than Florida?

18 A No.

19 Q And have you ever drawn a redistricting

20 plan as part of your work in the private sector?

21 A No.

22 Q Have you ever drawn a redistricting plan

23 in a capacity as a consultant?

24 A No.

25 Q So is it correct to say you've only ever

Page 28

1 redrawn redistricting plans for your job at the

2 House and then your current job for the Governor?

3 A Correct.

4 Q And so within Florida, I just want to go

5 over the kind of redistricting plans that you've

6 drawn.

7 You said you drew a State House map in

8 2002, right?

9 A Yes.

10 Q And you drew State House maps in the 2010

11 cycle as well?

12 A Yes.

13 Q Did you draw any State House maps this

14 cycle?

15 A No.

16 Q Okay. What about Congressional maps? Did

17 you draw any Congressional maps in the 2002 cycle?

18 A No.

19 Q You did draw Congressional maps in the

20 2010 cycle, right?

21 A Yes.

22 Q And you drew Congressional maps in the

23 2020 cycle, this cycle?

24 A Yes.

25 Q What about Senate maps? Have you ever

Page 29

1 drawn maps for the Florida Senate?

2 A Yeah.

3 Q When was that?

4 A The 20 -- '10 to 2012 cycle.

5 Q Okay. Did you draw any this cycle for the

6 Florida Senate?

7 A No.

8 Q Have you ever drawn a redistricting plan

9 of a Florida municipality?

10 A No.

11 Q Have you drawn any other kind of

12 redistricting plans within the state of Florida or

13 for the State of Florida?

14 A No.

15 Q Did you personally have a position on the

16 Fair District Amendments when they were first

17 introduced?

18 A Did I personally have a position? What do

19 you mean?

20 Q Did you -- is it correct that you voted

21 against the Fair District Amendments when they were

22 on the ballot in November of 2010?

23 A Yes.

24 Q And what was your -- what was your

25 opposition to the amendments?

Page 30

1 A I don't really remember what my -- what
2 was my reasons?
3 Q Yeah.
4 A I don't know. I may have answered that
5 question on the record 10 years ago, I'm not sure.
6 You can probably consult the transcript from my
7 deposition a decade ago.
8 I don't know if I remember at this point.
9 Q I don't think you remembered then either.
10 I was just wondering.
11 A Okay.
12 Q All right. Okay. The 2012 cycle -- so
13 you served as the staff director for the House
14 Redistricting Committee, right?
15 A Yes.
16 Q And you were in that role for a couple of
17 years?
18 A Yes.
19 Q So you said you did a little bit of
20 redistricting work in 2002, but only at a high
21 level, right?
22 A Yes.
23 Q Okay. So what did you do to get prepared
24 for the role of overseeing redistricting for the
25 House for that 2010/2012 cycle?

Page 31

1 A I remember I went back and -- went and
2 read some recently redistricting cases, get familiar
3 with redistricting law.
4 I remember there was a guide that I want
5 to say I think NCSL produced -- I don't know if they
6 still do, but they used to produce a guide, kind of
7 a legal background guide on redistricting. I
8 remember reviewing that.
9 I went to one of NCSL's conferences,
10 consulted with the legal team that the House
11 developed. That was it, generally speaking.
12 Q Okay. And what were your responsibilities
13 as staff director for the House Redistricting
14 Committee?
15 A Sure. Like any staff director, staff -- I
16 have a group of staff who work for the committee who
17 report to the staff manager, so I was the manager of
18 that team.
19 I was responsible for reporting to and
20 proposing to the leadership of the House as to how
21 we would schedule and run committee meetings, how we
22 would get citizen input, how we would propose maps,
23 what that process would look like; and then, of
24 course, leadership of the House lead the House, so
25 whatever -- they ultimately approved and would

Page 32

1 execute that vision.
2 Q Is it correct that you helped develop the
3 software that the House used, which was called
4 MyDistrictBuilder?
5 A Yes.
6 Q And you already established you drew maps
7 yourself, including State House maps?
8 A Yes.
9 Q Okay. Sorry, I just have to get it on
10 record.
11 Congressional maps?
12 A Yes.
13 Q And you said you drew Senate maps that
14 cycle?
15 A Yes, the '10 to '12 cycle, yes.
16 Q And overall you were the chief map drawer
17 for the House, correct?
18 A Yes.
19 Q And you supervised other staff members'
20 map drawing?
21 A Yes.
22 Q Is it fair to say that by the end of the
23 2012 redistricting cycle that you would have drawn
24 hundreds of different maps for the State?
25 A I doubt hundreds, that's a lot. I'm not

Page 33

1 sure of the number.
2 Q Dozens of different drafts?
3 A Yes. Yeah.
4 Q And is it fair to say by the end of the
5 2010 to 2012 redistricting cycle you would have
6 spent thousands of hours drawing maps?
7 A I'm not sure how the hours add up. I
8 don't -- I don't know if it's literally thousands.
9 Q So several hundred hours?
10 A Yes.
11 Q By the time you left the House in -- was
12 it September of 2012, you said?
13 A Yes.
14 Q By the time you left in September of 2012,
15 would you have considered yourself an expert in
16 Florida redistricting?
17 A I'm not sure what qualifies someone as an
18 expert.
19 Q I'm not speaking in technical terms here.
20 You knew a ton about Florida redistricting?
21 A I'm giving a technical answer. I'm not
22 sure what qualifies as an expert.
23 Q By the time you left in September of 2012,
24 did you know a lot about Florida redistricting?
25 A Yes.

Page 34

1 Q Is there anyone that you can think of that
2 would have known more about Florida redistricting
3 than you back in the 2012 cycle?
4 A I'm sure there were people who knew more
5 than me.
6 Q Who were they?
7 A Really good legal counsel.
8 Q I mean about like the actual process of
9 map drawing and the drawing of the map for the
10 State.
11 Who was more knowledgeable about it than
12 you?
13 A I'm not sure.
14 Q From your perspective, how did
15 redistricting in the 2012 cycle differ from the 2002
16 cycle?
17 A How did it differ?
18 Q Uh-huh.
19 A Um --
20 Q Or how did -- how did it compare?
21 A The state had pretty significant growth,
22 so that alone obviously changes the process. The
23 law had changed. Amendments 5 and 6 had passed.
24 That's -- you know, population and the law changing
25 are pretty significant changes.

Page 35

1 Q How did the new arrival of the Fair
2 District Amendments change how the cycle worked?
3 A How did it change it?
4 Q Yeah, from your perspective.
5 A The State had two constitutional
6 amendments to adhere to. It creates an unknown.
7 New law, untested, creates an element of unknown for
8 the process.
9 Q And Governor Scott would have been the
10 Governor at this time, right, in the 2010 to 2012
11 cycle?
12 A Yes.
13 Q And to your knowledge, did Governor Scott
14 have any role in the redistricting process in that
15 cycle?
16 A Nothing significant.
17 Q And still talking about the 2012 cycle,
18 you served as one of the negotiators for the House
19 when the House and the Senate were working out their
20 differences on the Congressional map, right?
21 A Yes.
22 Q And my understanding is that while the
23 House made some concessions to the Senate in those
24 negotiations, that the vast majority of the final
25 enacted Congressional plan came from the House; is

Page 36

1 that correct?
2 MR. JAZIL: Object to the form.
3 You can answer.
4 A Correct, yes.
5 I guess I should say -- I mean, you asked
6 about Governor Bush and Governor Scott. I mean,
7 both have to sign the Congressional map in the
8 traditional general bill, so I don't mean to
9 downplay that.
10 BY MS. FORD:
11 Q For sure, yeah, I realize that they signed
12 it. Just do you remember any other role that they
13 played in terms of weighing in on map proposals or
14 offering ideas?
15 A No.
16 Q And in 2014 after the redistricting trial,
17 the Florida House and Senate stated to the trial
18 court that you, Jason Poreda, and John Guthrie were
19 the primary architects of the 2012 Congressional
20 plan.
21 Is that a fair characterization of your
22 role?
23 A Yes.
24 MS. FORD: Can we pull up the 2012 plan?
25 Let's make this Exhibit 5?

Page 37

1 I'll lose track at some point today.
2 (Exhibit 5 was marked for identification.)
3 MS. FORD: Oh, actually, this is 2002.
4 Did I say 2002?
5 Can I get 2012?
6 MR. POSIMATO: Sure.
7 THE WITNESS: Do you want this back?
8 MS. FORD: Sorry about that.
9 Let's just make this Exhibit 6.
10 (Exhibit 6 was marked for identification.)
11 BY MS. FORD:
12 Q Okay. Let's just look at the 2012 one for
13 now.
14 Does this look like a fair and accurate
15 copy of the Congressional plan that was enacted by
16 the legislature in 2012?
17 A Yes.
18 Q So you were one of the primary drafters of
19 this plan?
20 A Yes.
21 Q And in 2012 you helped the House analyze
22 whether proposed plans would result in diminishment
23 of minority voting strength by conducting a
24 functional analysis, right?
25 A I wouldn't say -- I wouldn't say as a

Page 38

1 legislative staff we conducted a full functional
2 analysis. It depends on what -- when you're using
3 that phrase, if you're using that phrase in the
4 fairly sort of nuanced way or if you're using it
5 kind of just sort of generally.

6 **Q I didn't mean it in nuanced sense of how
7 the Florida Supreme Court has -- has defined the
8 term "functional analysis" to determine whether a
9 minority district performs or does not perform.**

10 A We as legislative staff did not do a full
11 functional analysis.

12 **Q Did you do functional -- a functional
13 analysis on certain districts in drawing this plan?**

14 A Same answer I was giving, that we as staff
15 didn't do what you would consider to be a
16 professional functional analysis.

17 **Q When I say a "functional analysis," do you
18 know what that means?**

19 A I have a general concept as to what that
20 means.

21 **Q Okay. What's your best understanding of
22 what it means?**

23 A A full functional analysis would be where
24 a professional political scientist would take a look
25 at prior election results and try to determine if

Page 39

1 there -- to what degree there's a consistent voting
2 block in a district.

3 **Q Okay. And it would involve like a ratio
4 voting analysis or analysis of block voting?**

5 A Yes.

6 **Q Can you tell me your best understanding of
7 what it means for a district to be diminished?**

8 MR. JAZIL: Counsel, before he answers
9 that question, I have a question about
10 Exhibit 6.

11 MS. FORD: Sure.

12 MR. JAZIL: It says it was legislatively
13 enacted on February 16, 2002, and then it
14 references Senate Bill 2012. Is that just a
15 scrivener's error in the original?

16 MS. FORD: I honestly don't know. I got
17 this from the Florida Senate Committee on
18 Apportionment, which has official plans that
19 were done for publishing images of all. And
20 this is what they have as the 2012 to 2016
21 enacted.

22 MR. JAZIL: I just wanted to note that for
23 the record. It seems to show it was enacted a
24 decade before.

25 MS. FORD: Oh, I see. It says 2002. I'm

Page 40

1 sorry.

2 I imagine that that is a scrivener's
3 error. To my eyes, this looks like the 2012 to
4 2016 plan.

5 BY MS. FORD:

6 **Q Mr. Kelly, does this look like the 2012 to
7 2016 plan to you?**

8 A Yes.

9 MR. JAZIL: And you've represented on the
10 record that you got it if from the website.
11 That's good enough for me, so --

12 MS. FORD: Okay. Well, Dan, I'm letting
13 you know you have a scrivener's error on the
14 website.

15 I'm sure Dan is not responsible for that.

16 MR. JAZIL: I didn't mean to interrupt
17 you.

18 MS. FORD: That's all right. That's okay.
19 I didn't even notice.

20 BY MS. FORD:

21 **Q Okay. I'm sorry. I think I just asked:
22 Can you tell me what your best understanding is of
23 what it means for a district to be diminished?**

24 A I assume you mean like diminished in
25 the --

Page 41

1 **Q I mean under the Tier 1 framework -- good
2 clarification. Under the Tier 1 framework, we have
3 minority dilution, minority diminishment --**

4 A Uh-huh.

5 **Q -- and I'm asking what's your best
6 understanding of what it means for a district to be
7 diminished under Tier 1?**

8 A Sure. Likelihood to elect a candidate of
9 choice.

10 **Q Okay. And if the likelihood were to
11 decrease, that would mean that the district had
12 diminished?**

13 A I don't think it's as simple as that,
14 because you can't assume those other factors
15 involved, but that could lead you to that answer.
16 You'd have to look at other factors -- the districts
17 are above or below population, there might be
18 geographical limits. So I wouldn't stop there
19 simply by saying that, but that would certainly
20 start you down the path of that analysis.

21 **Q Okay. And I think you said before that
22 you didn't do what you called a "professional
23 functional analysis." But you -- my understanding
24 is in the 2012 cycle you did do some version of a
25 functional analysis for some districts; is that**

Page 42

1 correct?

2 A We as staff for some districts that I

3 would characterize -- I wouldn't characterize it as

4 a professional functional analysis. I would

5 characterize it as a cursory review.

6 Q Did you consult sort of demographic data

7 of minority populations when you were doing your

8 cursory functional analysis?

9 A Yes, in the districts where -- where we --

10 Q Yeah, and I --

11 A -- felt it was necessary.

12 Q I'm only talking about the districts where

13 the Florida House believed that it was a district

14 that --

15 A Uh-huh.

16 Q -- that qualified for Tier 1 protection.

17 And did you consult election data or

18 political data in that cursory functional analysis?

19 A To the extent necessary, if it was -- if

20 it was merited.

21 Q And political data or election data

22 results, those were available in MyDistrictBuilder

23 at the time, correct?

24 A Yes.

25 Q Did you also consider any sort of racially

Page 43

1 polarized voting analysis for the districts that

2 merited Tier 1 protection?

3 A We as staff didn't do an analysis of

4 racial polarization.

5 Q Were any racially polarized voting

6 analyses available to you as staffers to help in

7 your functional analysis?

8 A Well, again, we didn't do a full

9 professional functional analysis. So, again, more

10 of a cursory review.

11 Q But were those results available to you?

12 A At -- at what stage of the -- what do you

13 mean?

14 Q I'm just -- I'm not trying to ask a trick

15 question here. I'm just saying in your map drawing

16 process --

17 A Uh-huh.

18 Q -- did you have access to or review

19 information about the voting cohesion of certain

20 minority groups or, you know, what candidates those

21 minority groups preferred, as you were trying to

22 comply with Tier 1?

23 A So while --

24 MR. JAZIL: Just so the question is fair,

25 2012?

Page 44

1 MS. FORD: 2012, I'm sorry. Thank you.

2 A Okay. So you're asking while we were

3 drawing the maps themselves?

4 BY MS. FORD:

5 Q Uh-huh.

6 A No, that data was not available to us.

7 Q Okay. Was that data available to you at

8 any other point in the 2012 cycle?

9 A The results of racial polarization data?

10 Q Yes.

11 A Yes, after we drew the maps.

12 Q Okay. And what was the purpose of

13 consulting that data?

14 A Essentially to check our work.

15 Q To confirm that the district would still

16 perform for the minority voters and their candidate

17 of choice?

18 A Yes.

19 Q And let me go back just a second here. We

20 talked about how election political data, election

21 data, whatever you want to call it, was available in

22 MyDistrictBuilder at the time. You said it was in

23 2012, right?

24 A Yes.

25 Q Did that include voter registration data?

Page 45

1 A Yes.

2 Q And it included election results?

3 A Yes.

4 Q For over a span of several years of

5 elections?

6 A Three or four election cycles, yes.

7 Q So when you were doing at least your

8 version of a functional analysis and sort of

9 checking your work to make sure the districts would

10 still perform, is there anything else you consulted?

11 A Do you mean outside of the

12 MyDistrictBuilder tool; is that what you mean?

13 Q No, I'm saying outside of what we just

14 talked about.

15 A No.

16 Q Well, what tools were available in

17 MyDistrictBuilder at the time that you relied on?

18 A Census data, American Community Survey

19 data, voter registration and election data that you

20 just referenced. The tool, of course, will tell you

21 population numbers. The tool had alerts for things

22 like contiguity. That covers it.

23 Q And when you were doing a functional

24 analysis, you're looking at both the benchmark map

25 and the new map that you're drawing, right, to

Page 46

1 compare the two?
2 A Yes.
3 Q And when I say the benchmark map, I know
4 "benchmark map" can have a lot of meanings. Here, I
5 just mean the previously --
6 A Well --
7 Q -- enacted map.
8 A -- for someone who's doing a functional
9 analysis, yes.
10 MS. FORD: Just give me a second here. I
11 want to cross out questions that we've done so
12 we can go as fast as possible.
13 BY MS. FORD:
14 Q Okay. Let's go to this 2002 plan, which I
15 think is Exhibit 5.
16 So I have a question here about CD-3 at
17 the time, this blue district on this map that goes
18 from Central Florida up to North Florida and Duval.
19 So this was -- let's call it benchmark CD-3, which
20 later becomes number CD-5 later.
21 So in the last redistricting cycle, you
22 would have done at least a cursory functional
23 analysis on this district, right?
24 A A cursory review. Again, just I need to
25 insist: We, the staff, were not doing a

Page 47

1 professional functional analysis. You keep saying
2 that we were; we were not.
3 So a cursory review of the data that we
4 mentioned, yes.
5 Q Was someone in -- someone else in the
6 House doing the more professional analysis?
7 A In the House, no.
8 Q Was anyone in the legislature doing a more
9 professional functional analysis?
10 A No.
11 Q In any event, my understanding is that the
12 House concluded that benchmark CD-3, this blue one
13 right here, was entitled to Tier 1 diminishment
14 protection; is that right?
15 A Yes.
16 Q And benchmark CD-3 did not have a
17 50 percent Black voting-age population, correct?
18 A I believe that's correct. Well, at what
19 point in time? I know that it changed during the
20 decade.
21 Q My understanding is at the end of the
22 decade, this at least no longer had a 50 percent
23 Black voting-age population; is that your memory?
24 A Correct.
25 Q And the proposed maps you drew for the

Page 48

1 House in the 2012 cycle for this district also did
2 not quite reach 50 percent Black voting-age
3 population, correct?
4 A Correct.
5 Q How did you reach the conclusion that the
6 House's version of this district in your new maps
7 would continue to perform for the minority candidate
8 of choice with less than a 50 percent Black
9 voting-age population?
10 MR. JAZIL: In 2012?
11 MS. FORD: 2012.
12 A That ultimately wasn't my conclusion to
13 reach.
14 BY MS. FORD:
15 Q Well, in 2012 you offered the opinion
16 that -- I should say in the 2012 redistricting
17 cycle -- that this district would continue to
18 perform for minority voters with a percentage less
19 than 50 percent Black voting-age population.
20 Do you remember that?
21 A Do you have --
22 Q Sure.
23 A -- a copy of -- of the transcript or
24 something that I can review?
25 Q Sure. Give me a second.

Page 49

1 MS. FORD: This is what really kills
2 trees.
3 THE WITNESS: Thank you.
4 MS. FORD: And let's mark this as
5 Exhibit 7, maybe?
6 THE STENOGRAPHER: Yes.
7 (Exhibit 7 was marked for identification.)
8 MS. FORD: And, Mr. Kelly, I'll tell you I
9 did not print all 3,000 pages of that
10 transcript. I just started here where your
11 testimony picks up and it includes the next
12 several hundred pages, that we hopefully won't
13 get to today.
14 MR. JAZIL: Christina, would you just mind
15 making clear on the record this is an excerpt?
16 MS. FORD: Yeah, yeah, yeah.
17 So this is Exhibit 7. It is a
18 several-hundred-page excerpt of the trial
19 testimony in Romo v. Detzner from the 2012
20 cycle concerning Florida's Congressional
21 districts. And so this is Mr. Kelly's
22 testimony from that trial.
23 Just a second.
24 BY MS. FORD:
25 Q Let's start with page 931.

Page 50

1 **Mr. Kelly, would you mind reading for the**
2 **record just starting at line 1, and I'll let you**
3 **know when to stop?**
4 A Okay.
5 Question: And that would seem to suggest
6 that you had done these functional analyses for --
7 of those districts, correct?
8 Answer: Yes, sir.
9 Question: For example, in District 5 you
10 would have done a functional analysis, right?
11 Answer: Yes, sir.
12 Question: And your conclusion was that
13 the way you had drawn it with between 47 and a half
14 and 48 plus was a legal and compliant district,
15 correct?
16 Answer: Yes, sir.
17 Question: That provided an
18 African-American candidate of choice the opportunity
19 to be successful in that district, correct?
20 Answer: I wouldn't say it exactly that
21 way. I would say it maintained the opportunity that
22 existed in the benchmark map.
23 Question: Maintained the ability to
24 elect, right?
25 Answer: That existed in the benchmark

Page 51

1 map. That's a key point.
2 **Q Okay. You can stop there for a moment.**
3 **So here you at least testified that you**
4 **did do a functional analysis on districts, including**
5 **District 5.**
6 **Does that refresh your memory as to**
7 **anything you did in the 2012 cycle?**
8 A It's what I said in the -- you said this
9 is the trial?
10 **Q Yes, this is --**
11 A This is what I said in the trial.
12 **Q Okay. Was that -- was that truthful?**
13 A It's what I said.
14 **Q I mean, whether it's truthful or not is a**
15 **yes-or-no question, I would say.**
16 A It's what I believed at the time.
17 **Q Okay. You now believe that you have**
18 **better memory now in 2023 about whether or not you**
19 **did a functional analysis?**
20 MR. JAZIL: Object to form.
21 A No, I know -- I know better now what
22 really a functional analysis is. And so me saying I
23 did a functional analysis or didn't do one is a very
24 technical thing. I can only surmise that at that
25 time I didn't appreciate the technical nature of

Page 52

1 that word.
2 BY MS. FORD:
3 **Q Okay. Let's go to a different part of**
4 **this transcript. Give me one second.**
5 **Let's go over to 976. Let me find the --**
6 **so let's go to 977.**
7 **Could you start reading at line 6, please.**
8 A Sure.
9 Question: Once you have a benchmark, what
10 do you do to try to determine whether there is a
11 diminishment in a new district as compared to the
12 benchmark districts?
13 Answer: The most practical thing to do is
14 look at them side by side and compare the data. The
15 first thing that I would tend to focus in on would
16 be the actual political party primaries. Sometimes
17 if you recognize that you had reduced the chance of
18 the minority candidate entering the political party
19 primary, you may have very much diminished -- you
20 don't have to go much further in your analysis if
21 you are confident in the primary. You followed the
22 candidate through the process of the general
23 election, the type of candidate they are likely to
24 face. The analysis is going to be typically
25 different for an African-American versus a Hispanic

Page 53

1 candidate because in most areas, if not all, but
2 most areas a Hispanic candidate could be viable for
3 a Republican or Democratic party whereas an
4 African American candidate is only likely to be
5 viable from a Democratic party.
6 So the analysis can change a little bit
7 depending on the circumstances. But what you have
8 to look at is whether or not there is any potential
9 crossover vote for those candidates, and you just
10 have to look at how cohesive the communities are in
11 each stage of the election.
12 **Q Okay, you can stop there. Thank you,**
13 **Mr. Kelly.**
14 So is it correct that you would have
15 looked at political primary data and election
16 results in doing -- I would call a functional
17 analysis, but your -- your view of what the district
18 would perform?
19 A That's definitely what I testified to.
20 **Q And you would consider things like how**
21 **cohesive the minority community is in their voting**
22 **patterns?**
23 A Yes.
24 **Q You answered the likelihood that the**
25 **candidate in the primary would go on to win the**

Page 54

1 general election?
2 A Yes.
3 Q Okay. Let's put this away.
4 So in the 2012 cycle, my understanding is
5 that it was the House's position and your position
6 that a district that had less than a 50 percent
7 Black voting-age population could still qualify for
8 Tier 1 protection for diminishment; is that correct?
9 A Yes.
10 Q So there was no specific percentage of a
11 Black voting-age population that needed to qualify
12 for a district to be protected under Tier 1?
13 A For diminishment, yes, correct.
14 Q Let's actually go back to this 2012 map,
15 Exhibit 6.
16 So in 2012, my understanding is that there
17 were some minor disagreements between the House and
18 the Senate as to how to draw CD-3, what became CD-5.
19 Is that your memory too?
20 MR. JAZIL: Object to form.
21 A Yes.
22 BY MS. FORD:
23 Q And can you tell me what the basic
24 disagreement was?
25 A I don't remember.

Page 55

1 Q My understanding is that the ultimate map
2 that you negotiated with the Senate in 2012 ended up
3 being just a hair over a 50 percent Black voting-age
4 population because the Senate was concerned about a
5 potential Section 2 claim.
6 Is that your memory as well?
7 A I don't remember if that was the
8 percentage or the issue.
9 Q All right. So in this version of CD-5
10 that is ultimately enacted in 2012, it sort of
11 starts here in Central Florida, has this little
12 appendage that goes into Sanford, sort of winds
13 north to pick up the Black populations in Hawthorne
14 and Reddick, picks up the east side of Gainesville,
15 picks up Palatka, and it sort of winds all the way
16 up to Jacksonville to pick up the Black populations
17 there.
18 Do you generally agree with that
19 description?
20 A Yes.
21 Q And at the time the House and the Senate
22 determined this district was reasonably compact,
23 correct?
24 A Yes.
25 Q And you yourself previously testified that

Page 56

1 you believe this district was reasonably compact,
2 correct?
3 A I don't recall if I testified to it.
4 Q At the time did you believe this district
5 was reasonably compact?
6 A At -- based on our understanding of the
7 law, yes.
8 MS. FORD: Okay. Can we switch over to
9 Exhibit 5, which is the 2002 enacted
10 Congressional districts.
11 BY MS. FORD:
12 Q So I'd like to switch over to a different
13 area now, which is the Tampa Bay area.
14 So to bring you back, this one is 2010,
15 2011, 2012. This was still in the era of federal
16 preclearance.
17 A Could you -- I'm sorry, I'm confused. You
18 said the 2002 map and then you said in 2010, 2012.
19 Q I'm sorry, I'm talking about -- I am going
20 to the 2002 map --
21 A Okay.
22 Q -- but I'm talking about when you were
23 faced with redrawing these districts --
24 A Sure.
25 Q -- which would have eventually become the

Page 57

1 2012 enacted one.
2 A Gotcha.
3 Q So you were working on this in the span of
4 2010, 2012, right?
5 A Yes.
6 Q Okay. That was still in the era of
7 federal preclearance?
8 A Yes.
9 Q Okay. So Hillsborough County was one of
10 the counties that was still under preclearance at
11 that time, right?
12 A Correct.
13 Q Okay. So the district numbers have
14 changed a little bit over time. But here I'm
15 looking at Tampa Bay in the 2002 map and I'm looking
16 at District 11.
17 Do you see where that is?
18 A The 2002 map, District 11?
19 Q Yes, this green one here in Hillsborough
20 County.
21 A Yes.
22 Q Okay. So at the time, this district was
23 under federal preclearance, right?
24 A Yes.
25 Q Okay. So that meant you could not

Page 58

1 diminish the district, right?
2 A Generally, yes.
3 Q Generally, yes. I realize there could be
4 extenuating --
5 A Other factors, yeah.
6 Q -- circumstances, but generally.
7 So that meant you would have done a
8 functional analysis on this district when redrawing
9 Tampa Bay for the 2010 cycle, correct?
10 A Putting aside our differences in words
11 when you say "functional analysis" and I say
12 "cursory review," we would have done a cursory
13 review of this. And then a functional analysis
14 would have been done.
15 Q Okay.
16 District 11 in the 2012 map had a sizable
17 Black population, right?
18 A District 11 in the 2012 map?
19 Q I'm sorry. 2002 map.
20 A Yeah, what --
21 Q Let me -- let me reask my question for the
22 record.
23 A What is "sizeable"?
24 Q Let me -- let me reask my question. I'm
25 sorry, it was a bad one.

Page 59

1 In the 2002 map, District 11 here, this
2 green one in Hillsborough County, this had a
3 significant minority population, right?
4 A I'm not sure about that. I'm not -- I'm
5 not sure of your threshold for significant, but I
6 believe that Black and Hispanic community combined
7 was, give or take, either below or above 50 percent.
8 Q I'm not trying to reach any --
9 A Yeah.
10 Q -- legal threshold here, just asking.
11 Given that it was under preclearance means it had a
12 significant minority population, is all I was
13 getting at.
14 Do you agree with that?
15 A Yes.
16 Q And so your review of this district would
17 have required you to look at elections data for this
18 district, correct?
19 A I don't recall whether we did or didn't.
20 MS. FORD: One second.
21 (Short pause.)
22 BY MS. FORD:
23 Q Do you know that you were deposed over
24 three days in this case?
25 A I think it was two.

Page 60

1 Q Maybe two. It was three different
2 transcripts.
3 A It was two long days.
4 Q Just making sure I have the right one, I
5 think this is it. All right.
6 Okay. This is your deposition testimony
7 from the 2012 Florida Congressional redistricting
8 cycle in Romo v. Detzner. This is from March 5th,
9 2014, and it's the first volume of your deposition
10 testimony. There are three volumes.
11 MS. FORD: Can we mark this as the next
12 exhibit. Are we on Exhibit 8?
13 THE STENOGRAPHER: Yes.
14 (Exhibit 8 was marked for identification.)
15 BY MS. FORD:
16 Q Okay. Let's go to page -- one second --
17 26.
18 A You mean the number page on the --
19 Q Sorry, good question. I mean the number
20 in the PDF of the actual testimony.
21 A Got it.
22 Q Can you start reading, please, at line 12
23 where it starts, "And did you look."
24 A Sure.
25 Question: And did you look and do a

Page 61

1 functional analysis at District 14?
2 Answer: We did. District 14 is a little
3 different from the others because District 14 at the
4 time was not electing a minority candidate.
5 District 14, though, I believe that their -- that
6 when you are looking at the different political
7 data, you can see that the African-American and
8 Hispanic communities -- it's the Hillsborough, yeah,
9 you believe that the African American and Hispanic
10 communities are still coalescing around a candidate
11 of choice and, combined, those two communities are
12 pretty significant. So when you look at the data, I
13 believe that there is a pattern that shows that
14 those communities are, A, a number of functional
15 analyses, right --
16 I'm sorry, I read that in the wrong order.
17 I'll go back.
18 So when you look at the data, I believe
19 that there is a pattern that shows those communities
20 are coalescing around one candidate and supporting
21 that candidate.
22 Question: And did you do a functional
23 analysis on District 9 as regards to the Hispanic
24 population in that district?
25 Q You can pause here.

Page 62

1 A Sure.

2 Q I think they finished talking about

3 District 14.

4 And here, the reference to District 14, my

5 understanding is that it's a reference to what

6 became 14 in the 2012 map, and its predecessor

7 version is District 11 in the 2002 map.

8 Is that your understanding as well?

9 A Yes.

10 Q Okay. And so here you testify in 2014

11 that you performed what at least this transcript

12 calls a functional analysis and that you did look at

13 the political data and election data for this

14 district, correct?

15 A Correct.

16 MR. JAZIL: Object to the form.

17 And, Christina, I'd like to explain that

18 objection just a bit.

19 The answer refers to "we." Is he the

20 corporate representative for the House in this,

21 or was he giving testimony in his individual

22 capacity?

23 MS. FORD: I thought it was in his

24 individual capacity, but I'll admit I'm not --

25 MR. JAZIL: Fair enough.

Page 63

1 MS. FORD: -- certain.

2 MR. JAZIL: And that's the reason why I

3 objected to form.

4 MS. FORD: Okay.

5 MR. JAZIL: Because the answer said "we"

6 and then your question said "you." I didn't

7 know what the "we" was referring to.

8 I apologize for the speaking objection.

9 BY MS. FORD:

10 Q Okay, sorry. Let me gather my thoughts

11 here.

12 All right. Well, at least at the time of

13 this testimony in 2014, you were aware of the

14 political data enough to make the conclusion that

15 the African-American communities and the Hispanic

16 communities in District 14 coalesced around a

17 candidate of choice, correct?

18 A Yes.

19 Q And District 11 in the 2012 map was

20 electing a Democrat, correct?

21 A District 11 in the 2012 map?

22 Q 20 -- I'm so sorry. I'm going to get this

23 by the end of the day.

24 District 11 in the 2002 map, this

25 Hillsborough-based district was electing a Democrat,

Page 64

1 correct?

2 A I believe that's correct, yes.

3 Q All right. So when you concluded that the

4 African-American and Hispanic communities here

5 coalesced around the candidate of choice and they

6 would continue to elect that candidate, you would

7 have concluded that they would have continued to

8 elect a Democratic candidate, correct?

9 A Probably.

10 Q Okay. That's fine. You can put this

11 away. Or you can set it aside anyway.

12 MS. FORD: And, Mr. Kelly, let me know if

13 you need a break at any point. We've only been

14 going for a little over an hour.

15 THE WITNESS: I'm good.

16 MS. FORD: We're speeding through, I'll

17 let you know. So we're going to get out of

18 here at a decent time.

19 MR. JAZIL: I like that.

20 BY MS. FORD:

21 Q So let's go back to the Exhibit 6, the

22 2012 Congressional map.

23 A Okay.

24 Q So can you tell me a little bit about how

25 you drew this new district in 2012 -- and by new

Page 65

1 district, I mean District 14 -- to ensure it would

2 comply with preclearance and comply with Tier 1

3 diminishment?

4 A 10 years later now?

5 Q You don't remember your work drawing this

6 district?

7 A I remember working on it, but I don't

8 remember how exactly I did what I did.

9 Q Am I correct that to comply with

10 preclearance, you attempted to keep the minority

11 voters of St. Petersburg with the minority voters of

12 Tampa?

13 A I'm not sure.

14 Q Okay. Let's go back to your trial

15 testimony.

16 It is Exhibit 7. Let's go to 1075, I

17 think it is.

18 Hold on one second.

19 MS. FORD: Mo, do you have any objection

20 to starting with part of an answer or would you

21 like to read the whole question and answer for

22 the record?

23 MR. JAZIL: I don't know if you want him

24 to just refresh his recollection.

25

Page 66

1 BY MS. FORD:
2 Q Yeah, sure.
3 Mr. Kelly, can you start reading -- why
4 don't you just read at page 1074 and let me know
5 when you've finished through 1077.
6 A Through 1077?
7 Q Yeah.
8 A And start where on 1074?
9 My apologies.
10 Q With line 13, where it says, "Okay."
11 A Okay.
12 Question: Okay. Now let's go to slide 8
13 a minute. Now, let's look -- well, let's, generally
14 speaking, if you would, what efforts were made to
15 try to improve upon the benchmark area reflected in
16 the benchmark Tampa Bay and the enacted Tampa Bay,
17 and then I'm going to talk to you more about
18 Pinellas and Hillsborough Counties.
19 Answer: Yes, sir. There were a number of
20 very -- the benchmark map -- very sort of -- I'm not
21 sure the best way to put it, but very odd arms and
22 distortions in the districts. In the enacted map,
23 we were able to -- we recognized population-wise
24 that we have a good opportunity to draw a lot more
25 compact districts. We had to make some decisions

Page 67

1 about Pasco and Hernando, about whether to align
2 them together in one district or whether to center a
3 district around just Pasco and align it with
4 northern Pinellas and northern Hillsborough.
5 Ultimately, we made the decision to align
6 Pasco with Pinellas and Hillsborough, because if you
7 don't, the peninsula district in Pinellas County,
8 which in any map we did we always have a district
9 that was very -- I'm sorry -- that was entirely
10 included in Pinellas. That was even in the
11 benchmark. The peninsula district would necessitate
12 that if you left that space open, and moved to
13 Pinellas and northern Hillsborough, you would have a
14 district at the top of Pinellas and Hillsborough
15 that much -- that looked much like a saw, very
16 similar to portions of benchmark District 9.
17 We didn't want to repeat that. So it made
18 sense to align Pasco County with the remaining
19 population in Pinellas, and then enough of
20 Hillsborough to keep them more closely aligned
21 together and to avoid the sort of odd-looking
22 appendage in the district.
23 Again, we always had in our map some sort
24 of district wholly in Pinellas County. Pinellas
25 County had the population to do such. The only main

Page 68

1 issue that we always discussed during the process
2 was that Pinellas County African-American voters had
3 historically been aligned with Hillsborough County
4 African-American voters, in part because
5 Hillsborough County was a Section 5 county.
6 Q Mr. Kelly, feel free to skip down to
7 line 19. Pick up there.
8 A Okay.
9 Question: Right. And Hillsborough County
10 is one of the five Section 5 preclearance counties;
11 is that correct?
12 Answer: Yes, sir.
13 Question: Am I -- do I understand
14 correctly that any redistricting maps, any changes
15 to any maps would have to be precleared in this area
16 before they could be put into effect for elections?
17 Answer: Yes, sir.
18 Question: Okay. And in the Pinellas
19 County area, you were, I believe, talking about a
20 minority population in south Pinellas?
21 Answer: Yes, sir.
22 Question: Okay.
23 Answer: In St. Petersburg.
24 Question: I'm sorry?
25 Asked as a question.

Page 69

1 Answer: In St. Petersburg.
2 Question: Right. South St. Pete, which,
3 of course, I'm sure you're fascinated to know that's
4 where I grew up. I just wanted to make sure that's
5 on the record.
6 But in any event, this area here -- this
7 area here, this poly, polyp -- well, I'm not --
8 P-O-L-Y-P, I'm not sure what that is -- whatever,
9 does that go into south Pinellas County and include
10 African-American population into the Hillsborough
11 County district?
12 Answer: Yes, sir.
13 Question: Okay. And over here, in the
14 enacted map, does this reflect a portion of south
15 Pinellas County that is in the Hillsborough
16 district?
17 Answer: Yes, sir.
18 Okay -- or Question: Okay. And what --
19 in the enacted map, what did you do with these
20 appendages going into south Pinellas and into
21 Manatee?
22 Answer: In the enacted map, we eliminated
23 the portion of the district that went into Manatee.
24 That would have been because it went down into
25 Bradenton. We took out -- that out --

Page 70

1 Let me back up. Page 1078, line 2.
2 We took that out of the district. It went
3 into the African-American community in Bradenton,
4 but it was actually a very small number of actual
5 residents in Bradenton. We took that out of the
6 district. What we did there, a couple of things
7 with the portions that went into St. Pete and
8 Pinellas County.
9 Number 1, we cleaned up the aesthetics of
10 it, the actual visual of it. The other thing that
11 we did was we worked more carefully with the
12 municipal lines around St. Pete, and we were working
13 with that throughout the process. Even up to the
14 final map. Cities like Gulfport, a couple other
15 cities that escape me at the moment, but we made
16 sure not to intrude on those other city lines in the
17 effort to pick up the African-American community in
18 St. Pete.
19 Q Okay. You can stop there. Thank you for
20 reading that.
21 So am I correct that to comply with
22 preclearance you'd have to keep the minority voters
23 of Tampa with the minority voters in St. Petersburg
24 to create a performing district -- maintain a
25 performing district, I should say?

Page 71

1 A You said just a few different things
2 there.
3 Can you break that apart?
4 Q Let me rephrase that question.
5 Is it correct that in the 2012
6 redistricting cycle, that in an attempt to comply
7 with preclearance that was in effect at the time,
8 you made a specific effort to include the minority
9 population of Tampa with the minority population of
10 St. Petersburg to ensure the district would continue
11 to perform for the minority candidate of choice?
12 A Yes.
13 Q Okay.
14 And you expected that this minority
15 community coalesced would elect a Democrat, correct?
16 A Probably.
17 Q And that district that was enacted in 2012
18 did, in fact, elect a Democrat, Kathy Castor, to
19 Congress while this map was in place, correct?
20 A Yes.
21 Q All right. We can put this away.
22 MS. FORD: Are you still good, Mr. Kelly?
23 Do you need a break?
24 THE WITNESS: I'm fine.
25 MS. FORD: Okay.

Page 72

1 BY MS. FORD:
2 Q All right. I would like to stay on the
3 2012 Congressional plan for a moment. So we're on
4 Exhibit 6.
5 A Okay.
6 Q So let's talk about District 14's
7 neighbor, District 13 in Pinellas County, which for
8 the record is my hometown.
9 This district contains what I would call
10 the western part of Pinellas County with Seminole,
11 all the beaches along the west coast, Pinellas Park,
12 Clearwater, and a portion of north Pinellas.
13 Do you agree with that characterization?
14 A Yes.
15 Q Was this a district that you drew in the
16 2012 cycle?
17 A I'm -- I'm sure I worked on it.
18 Q And we talked about how District 14 was a
19 district with a significant minority population, but
20 District 13 was much whiter than District 14,
21 correct?
22 A Wider, like east to west wider?
23 Q No, no, I'm sorry, had white voters in it.
24 It was much "whiter." It was not a minority
25 district.

Page 73

1 A Oh, oh, oh. I don't recall what the
2 racial breakdown of District 13 was.
3 Q Did District 13 present any Tier 1
4 diminishment concerns that you had to comply with?
5 A None that I recall.
6 Q Did you consider it to be a minority
7 district?
8 A I don't believe so.
9 Q I will represent to you that in June of
10 2012 after this map was enacted, this district was
11 rated, District 13, as a solidly Republican
12 district.
13 Do you have any reason to dispute that
14 characterization?
15 A I -- I don't have any basis to believe it
16 either way. I have no idea.
17 Q Do you know if this district did elect a
18 Republican in the 2012 and 2014 Congressional
19 elections?
20 A I don't know.
21 Q Do you know who Bill Young is?
22 A Yes.
23 Q Are you aware that he represented this
24 district after this map was enacted?
25 A No.

Page 74

1 Q Do you know who David Jolly is?
2 A I know who he is.
3 Q Are you aware that he represented this
4 district after the 2014 elections, where he won this
5 district?
6 A As stated earlier, I don't know who won
7 those elections.
8 Q I assume that you're aware that after the
9 redistricting litigation last cycle, that the
10 Florida Supreme Court returned St. Petersburg to
11 District 13, right?
12 A I'm sorry, could you say that again? I'm
13 not following your question.
14 Q Sure. After the end of the entire
15 redistricting trial, the various opinions from the
16 Florida Supreme Court, I assume you're aware that in
17 the new map that the Florida Supreme Court ordered
18 that they returned St. Petersburg or rejoined
19 St. Petersburg to the rest of District 13.
20 Are you aware of that?
21 A Do you have a copy of that? I don't have
22 it in front of me.
23 Q I don't have a copy of it. But we can
24 pull out --
25 (Discussion off the record.)

Page 75

1 MS. FORD: Sandi, what number are we on?
2 THE STENOGRAPHER: 9.
3 (Exhibit 9 was marked for identification.)
4 BY MS. FORD:
5 Q Did you read the Florida Supreme Court
6 opinions when they came out last cycle about the
7 constitutionality of the 2012 Enacted Plan?
8 A The 2015 ruling?
9 Q Yes.
10 A No, I didn't.
11 Q Did you read any of the Florida
12 Supreme Court opinions that came out?
13 A For the last cycle?
14 Q Yes, for the last cycle.
15 A I read their summary judgment of the State
16 legislative maps.
17 Q Okay.
18 A Which was February or March 2012.
19 Q Do you remember reading the 2014 trial
20 court opinion that came out in that record -- or in
21 that case after the trial was concluded by Judge
22 Lewis?
23 A I did not read the opinion.
24 Q Were you aware of the substance of the
25 Florida Supreme Court's opinion in 2015 that the

Page 76

1 drawing of District 13 and District 14 in the Tampa
2 Bay area was a partisan gerrymandering?
3 A No, I was not aware.
4 Q Were you aware of any opinions that the
5 Florida Supreme Court reached in its 2015 opinion?
6 A I never read it.
7 Q So in preparing to work on this
8 redistricting cycle for the Governor, you did not
9 read the opinion the Florida Supreme Court wrote in
10 2015 explaining why this map was unconstitutional?
11 A Correct, I did not read it.
12 Q Did anyone relay to you the substance of
13 that opinion?
14 A I would have to get into internal --
15 MR. JAZIL: Yeah, I --
16 A -- conversations.
17 MR. JAZIL: I'm going to ask him not to
18 answer that because that would be
19 attorney/client privilege and it would fall
20 within the legislative privilege, internal
21 deliberations.
22 BY MS. FORD:
23 Q Okay. Well, I just want to ask you what
24 you were aware about. We can put conversations with
25 counsel aside.

Page 77

1 So at the time you started drawing maps
2 for the Governor, you were not aware that the
3 Florida Supreme Court had ruled that this drawing of
4 Tampa Bay where it crosses the bay constituted a
5 partisan gerrymandering?
6 A Correct, I had no awareness of any of
7 that.
8 Q Is today the first day you're learning
9 that the Florida Supreme Court considered this to be
10 a partisan gerrymandering in the Tampa Bay area?
11 A Correct, I've never heard that before.
12 Q Were you aware of anything that the
13 Florida Supreme Court said about Tampa Bay in its
14 2015 opinion?
15 A I don't believe I was aware of anything.
16 Q Do you know who Charlie Crist is?
17 A Yes.
18 Q Who is he?
19 A Former Governor, former member of
20 Congress.
21 Q You're aware that he represented this new
22 District 13, starting after the 2016 elections?
23 A I know he served. I know he served in
24 Congress from Pinellas County, so it would stand
25 that it would probably be District 13.

Page 78

1 Q And you're aware that Charlie Crist is at
2 least currently a Democrat?
3 A Yes, that we know today.
4 Q All right. Just a couple more questions
5 about your role in the 2012 cycle, and then we'll
6 move on.
7 So in December of 2010 you were working on
8 redistricting for the House, correct?
9 A Say that period again?
10 Q Sure. In December -- I'm sorry, I said
11 that wrong.
12 In December 2010 you were working on
13 redistricting for the House, correct?
14 A Correct.
15 Q Okay. And in December 2010, which would
16 have been about a month after the Fair District
17 Amendments were passed, you were invited to and you
18 attended a meeting to discuss redistricting with
19 several different Republican consultants, correct?
20 A I remember a meeting around that time. I
21 don't remember if it was specifically December, but
22 I remember a meeting around that time.
23 Q And that meeting was held at the office of
24 the Republican Party of Florida?
25 A Not that I recall.

Page 79

1 Q Do you think it took some -- took place
2 somewhere else, or you just don't remember?
3 A I just don't remember.
4 Q The following month in January 2011 while
5 you were working on redistricting for the House, is
6 it correct that you were invited to and you attended
7 a second meeting about redistricting with several
8 Republican Party consultants?
9 A I only recall one meeting, so I don't -- I
10 mean, I may not be remembering things, but I recall
11 a single meeting, so like I said, December around
12 that time, give or take.
13 Q Okay. And then later in the redistricting
14 cycle, is it correct that before your draft maps
15 released to the public, some of those same
16 Republican consultants received drafts of your maps,
17 correct?
18 A I don't know.
19 Q You do not remember if any Republican
20 consultants in the last redistricting cycle received
21 copies of your maps before they were released to the
22 public?
23 A I don't know. I remember a lot of
24 questions in deposition about that topic, but you're
25 asking really broadly. I mean, we could read back

Page 80

1 through the deposition again.
2 MS. FORD: All right. Why don't we take a
3 break, if that's okay with you?
4 THE WITNESS: Okay.
5 MS. FORD: 11:10.
6 (A recess took place from 11:10 a.m. to
7 11:20 a.m.)
8 BY MS. FORD:
9 Q Okay. Mr. Kelly, between the time you
10 left the House in 2012 and the time you started
11 working for the Governor in 2021 --
12 A Uh-huh.
13 Q -- did you draw any redistricting plans?
14 A No.
15 Q So you didn't, like, casually in your
16 spare time, didn't draw any plans?
17 A I'm boring, but not that boring.
18 Q Between the time you left the House in
19 2012 and the time you started working for the
20 Governor in 2021, did you give any presentations on
21 redistricting?
22 A To when I left the House in 2012 and --
23 no.
24 Q Did you speak to any groups about
25 redistricting?

Page 81

1 A No.
2 Q Between the time you left the House in
3 2012 and the time you started working for the
4 Governor in 2021, did you discuss the Fair District
5 Amendments with anyone?
6 A Nothing that I can recall. I mean, part
7 of the legal case -- legal case wound up in my trial
8 in '13 or '14, so --
9 Q Sure. I guess between the end of the
10 trial and that litigation starting for the Governor
11 in 2021, did you discuss the Fair District
12 Amendments with anyone?
13 A Yeah, nothing that I can recall.
14 Q And let's say by the time the litigation
15 ended in 2014 and the time you started working for
16 the Governor in 2021, did you discuss redistricting
17 with anyone?
18 A I mean, are you putting aside like just
19 casual conversation? I mean, there's no way I'm
20 going to remember casual conversation, but nothing
21 specific that I recall.
22 Q Your wife became the staff director for
23 the House Redistricting Committee in 2020, right?
24 A Yes.
25 Q And that was actually your prior job?

Page 82

1 A Say that again?
2 Q She held your prior job with the House
3 Redistricting Committee as staff director?
4 A We had the same job 10 years apart, yeah.
5 Q Yeah.
6 Did you have any conversations with her
7 about redistricting before you started working for
8 the Governor in April 2021?
9 MR. JAZIL: Alex, I'm going to ask you --
10 under spousal privilege, if there's some third
11 party present during those conversations, feel
12 free to talk about them. If it was just you
13 and Leda, I'd ask you not to answer those
14 questions under spousal privilege.
15 MS. LUKIS: I'll join in that objection on
16 behalf of Mrs. Kelly.
17 MS. FORD: My understanding of the spousal
18 privilege is that it only applies to things
19 that are made in confidence. And as it relates
20 to a government matter of redistricting, I
21 don't see any reason why the spousal privilege
22 would apply.
23 MS. LUKIS: I would disagree with that
24 characterization of the law, and I would
25 instruct Mr. Kelly not to answer.

Page 83

1 MS. FORD: What do you think the law
2 requires for spousal privilege?
3 MS. LUKIS: Two spouses communicating
4 without a third party present.
5 MS. FORD: My understanding of the spousal
6 privilege is that it requires the confi- -- the
7 communication to be made for the purpose that
8 it will be made in confidence. And when
9 spouses discuss business matters or stuff of
10 that nature, it's no longer in confidence and
11 the privilege does not apply.
12 MS. LUKIS: I just don't think that's a
13 correct statement of the law. Would you like
14 me to pull up some cases? I can put it on the
15 record.
16 MR. JAZIL: Can I suggest this: Can we
17 explore first what conversations were had, who
18 was in the room, et cetera? This way perhaps
19 we can avoid a bigger fight on this issue.
20 Maybe we just explore this a little bit
21 without getting into the private conversations
22 the two of them had and see where we are and
23 take that up.
24 MS. FORD: Let's just, like, I guess
25 establish for the record so we can determine

Page 84

1 whether we're objecting about anything that
2 matters.
3 BY MS. FORD:
4 Q Did you and -- did you and your wife in
5 her role as the staff director for the House
6 Redistricting Committee have any conversations just
7 between the two of you about redistricting before
8 you started working for the Governor?
9 MS. FORD: I'm just asking whether the
10 conversations ever existed so we know whether
11 the objection matters or not.
12 MR. JAZIL: So I think the information
13 that would be on a privilege log, for example,
14 would be, you know, did you have a
15 conversation, when did you have a conversation.
16 So you can establish the -- was there a
17 conversation, when that conversation was had,
18 and who else was in the room. And I think
19 those would be things that would be on a
20 privilege log anyway.
21 If there's a third party in the room, I
22 think we're all in agreement that that isn't
23 covered by the spousal privilege because
24 there's no expectation that that's
25 confidential, right?

Page 85

1 MS. FORD: So that's what I was intending
2 to ask in my first question, is, like, is it on
3 the log, right; did you have conversations
4 with -- with Mrs. Kelly about redistricting?
5 MR. JAZIL: The if, the when, the how
6 often, I think those are all fair questions.
7 MS. FORD: Yeah, that's where I was going
8 to start at least.
9 BY MS. FORD:
10 Q Did you have conversations with her about
11 redistricting before you started your job with the
12 Governor, I think you said it was April 7th, 2021?
13 A Correct, that's what I said.
14 Yes.
15 Q When would those conversations have
16 occurred?
17 A We're husband and wife, everyday kind of
18 conversations about "how was your day," you know,
19 "you look stressed," just husband and wife
20 conversations.
21 Q Did you have any conversations with your
22 wife about redistricting -- I'm still talking about
23 before you -- before you went to work for the
24 Governor --
25 A Okay.

Page 86

1 **Q** -- about redistricting in which a third
2 **party would have been present?**
3 A No.
4 **Q** **This is not a question.**
5 MS. FORD: So, Mr. Jazil, my understanding
6 of the spousal privilege and I'll read here:
7 "For a marital communication to be protected,
8 the Court must determine the couple had a
9 reasonable expectation of privacy at the time
10 the communication took place.
11 "Only communications that are intended to
12 be confidential are privileged. And there is
13 no third-party requirement here if the message
14 itself is not intended to be confidential."
15 Do you still believe that spousal
16 privilege would apply to those conversations,
17 given they concerned redistricting as a matter
18 of public record, Florida's business?
19 MR. JAZIL: Sure. Just a question for you
20 first. Are you reading from something --
21 MS. FORD: Yeah.
22 MR. JAZIL: -- or a case?
23 You want to just put the case on the
24 record?
25 MS. FORD: Yeah. I'll just read the quote

Page 87

1 again.
2 "For a marital communication to be
3 protected, the Court must determine the couple
4 had a reasonable expectation of privacy at the
5 time that communication took place."
6 That's Boyd v. State, 17 So. 3d, 812-817,
7 Florida Fourth DCA 2009, citing a Fifth DCA
8 case.
9 MR. JAZIL: Now, so the record's clear,
10 I'm going to defer to my colleague in the House
11 who's been doing the research on this spousal
12 privilege issue. I never litigated the spousal
13 privilege issue. I'll defer to them and their
14 perspective on it.
15 MS. LUKIS: Sure. If there is -- if the
16 suggestion is the husband and wife
17 communicating between the two of them is not --
18 that they don't have a reasonable expectation
19 of privacy in that communication, I think I
20 would disagree. Otherwise, you read that case
21 correctly.
22 I'd also add Fourth DCA --
23 THE STENOGRAPHER: I can't hear you.
24 MS. LUKIS: I'm sorry.
25 "Marital communication is presumed

Page 88

1 confidential, absent evidence to the contrary,"
2 which I think is why the exercise of going
3 through whether there was a third party in the
4 room is a useful -- is a useful line of
5 questioning. But if there's not a third party
6 in the room, I don't think any facts can be
7 established to overcome the strong marital
8 privilege.
9 I also say that there's statutory
10 exemptions that apply to the assertion of the
11 marital privilege under Florida law and
12 district courts are loathed to stray outside of
13 those exceptions.
14 And so I'm not sure -- the fact that a
15 privileged communication occurs in the course
16 of something that's being litigated doesn't
17 waive the privilege.
18 So I feel -- very long-winded -- would say
19 that questions about the substance of the
20 communication between Mr. and Mrs. Kelly when
21 no third party is present is privileged beyond
22 the whether, when, how often, and who, as
23 Mr. Jazil previously indicated. And I would
24 still stand on the instruction not to answer
25 anything further.

Page 89

1 MS. FORD: Okay. Well, I don't think
2 we're going to resolve this today, so I think
3 at the end we can hold this deposition open.
4 BY MS. FORD:
5 **Q** **Are you registered as affiliated with any**
6 **political party?**
7 A Am I a registered voter?
8 **Q** **Yes, are you a registered voter in**
9 **Florida?**
10 A Yes.
11 **Q** **Are you affiliated with any political**
12 **party?**
13 A I'm a registered Republican.
14 **Q** **How long have you been a registered**
15 **Republican in Florida?**
16 A Since 1998.
17 **Q** **I don't want to ask about your entire**
18 **political history, so let's just talk about the past**
19 **five years.**
20 A Uh-huh.
21 **Q** **So maybe let's go back to 2018.**
22 A Okay.
23 **Q** **Since 2018, have you volunteered for any**
24 **campaign?**
25 A No.

Page 90

1 Q Have you donated or hosted any fundraisers
2 for political candidates?
3 A Not per se fundraisers. Have I donated?
4 I don't recall if I've donated.
5 Q Have you attended any Republican Party
6 conferences?
7 A No.
8 Q Have you attended any Republican Party
9 meetings?
10 A No.
11 Q Have you had any other participation or
12 affiliation with the Republican Party since 2018?
13 A No.
14 Q All right. Let's talk about this
15 redistricting cycle.
16 A Uh-huh.
17 Q So when you were hired for your current
18 job as deputy chief of staff, did you understand
19 that redistricting would be part of your portfolio?
20 A No.
21 Q When did that change? When did you
22 understand that it would become part of your
23 portfolio?
24 A Late December of 2021.
25 Q Okay. What happened at that time that

Page 91

1 made it become something that you would be working
2 on?
3 MR. JAZIL: Alex, to the extent that you
4 can answer that question without getting into
5 internal workings of the Executive Office of
6 the Governor and redistricting issues, you can.
7 A The only way I can answer that question
8 would be to talk about internal conversations.
9 MS. FORD: So Mr. -- I don't want to call
10 you Mr. Jazil -- just so we're on the same
11 page.
12 My understanding of Judge Marsh's order is
13 that Mr. Kelly can be questioned regarding any
14 matter already part of the public record, and
15 he can also be asked about any information
16 received from anyone not part of the Governor's
17 Office.
18 What is off limits are the thoughts or
19 opinions for staff that are those of the
20 Governor.
21 MR. JAZIL: Fair enough, Counsel.
22 So, Mr. Kelly, I will amend my instruction
23 to you. If you can answer that question
24 without getting into the internal deliberations
25 of the Governor's Office, or if you can answer

Page 92

1 that question based on information you've
2 already shared with the public, perhaps the
3 legislature, you can answer it.
4 To the extent, for example, you got into
5 it with your legislative testimony, you can
6 answer the question.
7 A Okay. I believe I did testify in front of
8 the House and/or Senate, maybe both, that early
9 January I started to get involved in the
10 redistricting process.
11 BY MS. FORD:
12 Q So I believe my question -- I don't know
13 exactly what I asked, but I'll just ask it now.
14 What happened that changed so that you
15 became involved with redistricting when you hadn't
16 previously?
17 A The change was that our office got
18 involved pretty publicly in the redistricting
19 process in early January.
20 Q Why?
21 MR. JAZIL: And again, anything that you
22 shared publicly --
23 THE WITNESS: Yeah, sure.
24 MR. JAZIL: -- it's fine.
25 A Okay. The Governor actually was pretty

Page 93

1 clear publicly around that time about concerns with
2 the maps that the legislature was looking at.
3 BY MS. FORD:
4 Q What were those concerns?
5 A The Governor made different statements,
6 but a lot of it focused around, as I recall, a lot
7 of it focused around the benchmark District 5, the
8 Northern Florida districts, how that district was
9 shaped in the legislature's proposals.
10 Q What was the Governor's specific concern
11 about benchmark CD-5?
12 MR. JAZIL: Same instructions, anything
13 publicly stated.
14 A Sure. And I mean, I don't know that I can
15 capture it better than what was already recorded
16 publicly in multiple memorandums by our office
17 representing the position of the Governor and the
18 position of the office. It was shared -- the
19 concerns were shared with pretty exhaustive detail
20 in the written record.
21 BY MS. FORD:
22 Q Yeah, Mr. Kelly, I'm not trying to, like,
23 play dumb here, anything like that. Just your
24 testimony to the legislature was not necessarily
25 part of this case, and that the -- I'm just asking

Page 94

1 you on the record today what the Governor's concerns
2 were with the benchmark CD-5. I realize they were
3 discussed publicly, but we need a record in this
4 case. So what were --
5 A Yeah, I've said the Governor -- our office
6 published multiple documents regarding CD-5,
7 regarding the 14th Amendment and the United States
8 Constitution, Equal Protection, you know, whether
9 the district was drawn for predominantly race-based
10 purposes, therefore violating the 14th Amendment of
11 the United States Constitution.
12 Q Is it fair to say that CD-5 was the
13 primary reason why the Governor's Office decided to
14 become involved in redistricting?
15 A I'd -- I'd have to -- to answer that
16 question, I'd have to talk about internal
17 conversations.
18 MR. JAZIL: And my instruction, again,
19 Mr. Kelly, is do not talk about the internal
20 conversations unless you discussed these with
21 the legislative committees.
22 If you did discuss them with the
23 legislative committees, you can answer the
24 question.
25 A The way the question was asked, that this

Page 95

1 being the primary concern, the only way that I can
2 answer that question would be to talk about internal
3 conversations in the Governor's Office.
4 MS. FORD: And, Mr. Jazil, would you agree
5 with me when you give Mr. Kelly instruction,
6 it's not just what he shared with the
7 legislature, but with any third party external
8 to the Governor's Office?
9 MR. JAZIL: Yes. So if you shared any
10 conversations with anyone outside the Executive
11 Office of the Governor, that doesn't include
12 your lawyers or their consultants --
13 THE WITNESS: Sure.
14 MR. JAZIL: -- that's all internal. But
15 if you shared information with folks outside of
16 the Governor's Office, at the legislature, or
17 with any other third party that you explained
18 the map to, please give that information to
19 Ms. Ford.
20 If you can answer her question by relying
21 on that material, it's fine. If, as you said,
22 it's just internal deliberations of the
23 Governor's Office, do not answer that question.
24 A All right. I've already stated it for the
25 record. The only way that I could answer that

Page 96

1 question the way it was asked would be to reveal
2 internal conversations with the Governor's Office.
3 BY MS. FORD:
4 Q When you started working on redistricting,
5 what was your understanding of what your role would
6 be?
7 MR. JAZIL: Same instructions. Go ahead.
8 A And I -- and this is something that I even
9 testified to. I initially started as just observing
10 the process, providing some consultation and
11 guidance as someone who had worked on the process
12 10 years prior.
13 BY MS. FORD:
14 Q When you say you were providing
15 consultation and guidance, to whom?
16 A To our staff, to our legal team.
17 Q What role did you end up playing in the
18 process?
19 MR. JAZIL: Same instructions, go ahead.
20 A Sure. And -- I walked through this in my
21 opening to the House and the Senate. My role
22 evolved and I eventually became map drawer.
23 MS. FORD: And, Mo, I would agree for the
24 record that your objection is continuing on
25 privilege, so you don't feel the need to state

Page 97

1 it every time.
2 MR. JAZIL: Yeah, and if it's okay with
3 you, I'll just say "same" -- "same instruction"
4 rather than launch into a monologue each time.
5 So -- and just so the record's clear,
6 "same instruction" means you can talk about
7 things that the Governor's Office shared with
8 the legislature, any other third party.
9 THE WITNESS: Uh-huh.
10 MR. JAZIL: Conversations that were had
11 that were internal to the Governor's Office
12 that were not shared outside the Governor's
13 Office, do not talk about those.
14 The Governor's Office includes everyone
15 working at the EOG, your lawyers, i.e., me, and
16 the outside consultant who you retained to help
17 us. Fair enough?
18 THE WITNESS: Okay.
19 MR. JAZIL: So every time I say "same
20 instruction," that is what I mean, so I'm not
21 repeating it.
22 MS. FORD: Thanks.
23 BY MS. FORD:
24 Q So at a broad level, what were your
25 responsibilities with regard to redistricting in the

Page 98

1 **Governor's Office?**
2 A The two that I've mentioned, started as
3 providing consultation and guidance and transitioned
4 into actual map drawing.
5 **Q Who oversaw your work?**
6 MR. JAZIL: Same instruction.
7 A I'd have to talk about internal Governor's
8 Office conversations to answer that.
9 BY MS. FORD:
10 **Q Who was generally your boss -- or who do**
11 **you generally report to in your job?**
12 A As I noted in the opening of the
13 deposition, I report to James Uthmeier.
14 THE STENOGRAPHER: James --
15 THE WITNESS: Uthmeier.
16 BY MS. FORD:
17 **Q What did you understand that your goals**
18 **were as it related to redistricting for the**
19 **Governor?**
20 MR. JAZIL: Same instruction.
21 A I don't have a way to answer that without
22 talking about internal office conversations.
23 BY MS. FORD:
24 **Q Were you given any instructions as it**
25 **relates to redistricting?**

Page 99

1 MR. JAZIL: Same instruction.
2 A Again, I don't have any way to answer that
3 without talking about internal office conversations.
4 BY MS. FORD:
5 **Q Did you follow the legislature's process**
6 **throughout the fall of 2020 and winter 2022 that**
7 **started releasing the draft plans and holding the**
8 **committee meetings?**
9 A Generally.
10 **Q Did you watch subcommittee meetings or**
11 **committee meetings?**
12 A During which period?
13 **Q I'm just talking about -- so let me go**
14 **back.**
15 **My understanding is that there was sort of**
16 **an interim session -- I don't know if I'm using the**
17 **right word, but before -- before the 2022 session**
18 **officially began, the House --**
19 A Florida has what we call interim committee
20 meetings --
21 **Q Interim committee --**
22 A -- where policies -- just to give you
23 background, policy can be discussed, presented, and
24 it can even move through the legislative committee
25 process. However, the full Senate and the full

Page 100

1 House can't take action on that policy as a body
2 until the official legislative session starts.
3 However, you can get a legislative product
4 right up to that penultimate point prior to the
5 session starting.
6 **Q Okay. Thank you for that.**
7 **So there were interim committee meetings**
8 **relating to redistricting, my understanding is**
9 **October of '21, November of '21. Did you follow,**
10 **generally follow those committees and the work**
11 **product that they were releasing?**
12 A Generally.
13 **Q Did you take a look at any of the workshop**
14 **maps that the Senate and House committees were**
15 **releasing?**
16 A During the fall and wintertime?
17 **Q Yeah.**
18 A Not -- I didn't take a look at the maps
19 themselves until January.
20 **Q My understanding is that the Senate, the**
21 **Florida Senate first released some proposed plans in**
22 **November of 2021. So based on your answer just now,**
23 **sounds like you wouldn't have looked at those until**
24 **January?**
25 A Correct.

Page 101

1 **Q What did you make of the Senate's**
2 **proposals?**
3 A What did I make of them?
4 **Q What was your impression of them?**
5 A I don't know.
6 My impression of their proposals?
7 **Q Did you have any reaction to it?**
8 A Probably -- it's been a while since I
9 looked at them. I don't know if I had any reaction
10 to it.
11 **Q Did you follow any of the news about the**
12 **Senate's proposed maps when they came out in the**
13 **fall of 2021?**
14 A Not very detailed. I generally heard
15 about them, general political chatter, but not
16 really, not closely.
17 **Q What do you mean by general political**
18 **chatter? What was it you remember hearing?**
19 A I think the Senate was progressing quicker
20 than the House. The Senate came into the new year I
21 think with a -- I think the Senate came into the new
22 year with the Congressional map ready to pass; the
23 House had further to go in the process.
24 **Q Were you at least generally aware that the**
25 **Senate's proposals resembled the benchmark plan?**

Page 102

1 A In what respect?

2 Q Just visually, looked a lot like the map

3 that the Florida Supreme Court had put in place in

4 2016?

5 A The overall map, no, not at that time.

6 Q Did you later become aware of that?

7 A I later took a closer look at the map. I

8 don't think I ever had the -- I don't think I ever

9 had the observation that it was very close to the

10 benchmark.

11 Q And just for purposes of the record, when

12 I say "benchmark," at this point I mean the 2016

13 plan --

14 A Sure.

15 Q -- that was in place 2016 to 2022.

16 A Sure, and I understood your question.

17 Q Okay.

18 A Yeah, I don't think I ever had that

19 thought of this looks similar or dissimilar from the

20 benchmark. But I assume what you're asking, you're

21 talking about the entire map?

22 Q Yeah, generally the entire map.

23 A Okay.

24 Q When the Senate's proposals were first

25 released, there was pretty extensive reporting about

Page 103

1 how the plans were likely to elect an estimated 16

2 Republicans and 12 Democrats.

3 Did you read any of that reporting?

4 A Doesn't sound familiar.

5 Q Do you remember having any conversations

6 with anyone about the -- sort of the expected

7 partisan breakdown or results of the Senate's plans?

8 MR. JAZIL: Same instruction.

9 A To the extent that I talked with people

10 outside the office, legislative, I stayed away from

11 any kind of chatter like that.

12 BY MS. FORD:

13 Q So you don't remember seeing any news

14 articles or reporting about the potential

15 partisanship of the Senate maps?

16 A No.

17 Q Do you remember hearing any criticism from

18 Republicans who thought the Senate maps were too

19 friendly to Democrats?

20 MR. JAZIL: Same instruction.

21 Can I start calling it the Marsh

22 instruction? It may sound better than "same

23 instruction."

24 MS. FORD: Sure.

25 A I'm sorry. Could you ask it again?

Page 104

1 MS. FORD: Sure.

2 BY MS. FORD:

3 Q Do you remember hearing any criticism from

4 Republicans who thought the Senate maps were too

5 friendly to Democrats?

6 A No.

7 THE STENOGRAPHER: 10.

8 MS. FORD: Thanks.

9 (Exhibit 10 was marked for

10 identification.)

11 BY MS. FORD:

12 Q So Mr. Kelly, I -- this is Exhibit 10. I

13 will represent to you that this was produced as a

14 public record --

15 A Uh-huh.

16 Q -- as a document in the possession of the

17 Governor's Office.

18 A Uh-huh.

19 Q This appears to me to be an internal news

20 alert that went out around the Governor's Office.

21 Do you receive news alerts like this as

22 part of your job?

23 A Everybody in the office gets news alerts.

24 So yeah, you would probably have -- if you searched

25 our news alerts, you'd have -- I don't know how

Page 105

1 many -- tens of thousands --

2 Q Yeah.

3 A -- of news alerts.

4 Q So you received news alerts generally like

5 this as part of your job?

6 A Yes. Yeah. Like I said, everybody in the

7 office gets news alerts throughout the day.

8 Q So this article is titled "Florida Senate

9 releases state redistricting maps as conflicts for

10 incumbents loom." It's dated November 10th, 2021,

11 written by Mary Ellen Klas, and it looks like it was

12 published in the Tampa Bay Times.

13 This article goes on to recount some

14 reactions to the Florida Senate's proposed

15 Congressional maps, and I certainly do not want to

16 read this entire article or most of it. But in

17 particular I note the reaction from Dave Wasserman

18 of the Cook Political Report.

19 Let me find it.

20 Down at the bottom of page 1.

21 A Uh-huh.

22 Q I'll just read it. You've done a lot of

23 reading.

24 A Thank you.

25 Q Here the article says, "An early

Page 106

1 assessment by mapping expert Dave Wasserman of the
2 nonpartisan Cook Political Report was that the
3 congressional maps were not obviously gerrymanders."
4 And continuing to read, "'Bizarre: These
5 maps shore up Florida-27 Rep. Maria Salazar (R), but
6 otherwise are barely gerrymanders. By my count
7 these maps break down 16-12 Trump-Biden versus 15-12
8 today. Is this a head fake?' Wasserman wrote on
9 Twitter."
10 And just look at the next paragraph,
11 Wasserman continues to write, "These maps would put
12 Florida-15's Rep. Scott Franklin (R) in the new R
13 Florida-28, but turn Florida-15 into a Biden seat in
14 the east Tampa suburbs -- effectively creating a new
15 Dem seat. I can't imagine this is going to be the
16 ultimate GOP plan in Florida."
17 Do you remember reading this article or
18 reading articles like this?
19 A No.
20 Q Do you remember hearing any conversation
21 about this in the Governor's Office?
22 MR. JAZIL: Same instruction, Marsh
23 instruction.
24 A I can't answer the question.
25

Page 107

1 BY MS. FORD:
2 Q Do you remember hearing any conversations
3 about this outside of the Governor's Office?
4 A No.
5 Q Presumably at some point you did become
6 aware of the general expected partisan breakdown of
7 the Senate's plans; is that correct?
8 A You just made me aware.
9 MR. JAZIL: Object to the form.
10 BY MS. FORD:
11 Q So before today, is this the first you
12 ever heard about how many Republicans or Democrats
13 the Senate's proposals might have elected?
14 A Yes, this is -- you've made me aware.
15 It's amazing how I stay away from this stuff. I
16 just stay away from it. My life at this point in
17 time in November, December of 2021 was education,
18 economic development; that's what I worked on.
19 Q So you did not become aware in -- I'm
20 not -- to be clear, I'm not just asking November.
21 I'm asking in December of '21, January of '22,
22 February, March, April, you never became aware of
23 the Florida Senate's proposals and their expected
24 partisan breakdown?
25 A Their proposal, I became aware of it. I

Page 108

1 stayed away from things about partisan breakdowns.
2 I just didn't get involved in that and stayed away
3 from it.
4 Q So before today, you were not aware that
5 the Senate's proposals would have retained CD-7 as a
6 district in which Democrats were likely to win?
7 A Correct.
8 Q Before today, you were not aware that the
9 Senate's proposals retained several competitive
10 districts for Democrats in the Tampa Bay area?
11 A I -- no prior knowledge.
12 Q The Florida House also released some
13 Congressional proposals in the fall of 2021.
14 Did you see those in the fall, or did you
15 similarly not look at any House proposals until
16 January?
17 A Same basic answers, yes. Followed the
18 process generally in the fall, and looked more
19 specifically at their maps come January.
20 Q When you started to look at the House
21 maps, were you generally aware that the House's
22 proposals started to move away from the benchmark
23 plan?
24 MR. JAZIL: Give you the Marsh
25 instruction, but go ahead.

Page 109

1 A Sure, I never thought about it in that
2 general context. Just wasn't -- like the Senate
3 map, I didn't really look at it through that lens.
4 BY MS. FORD:
5 Q When the House's proposals were first
6 released, there was pretty extensive reporting about
7 how the House's plans were likely to elect
8 18 Republicans and 10 Democrats.
9 Did you see any of this reporting?
10 A Again, same answer as with the prior
11 questions regarding the Senate maps. I just stayed
12 away from this kind of news.
13 Q And similarly, when the House's proposals
14 were first released, there was reporting about how
15 the plans were more favorable for Republicans than
16 the Senate plans.
17 You did not see any of that reporting?
18 A Correct.
19 Q Do you remember any conversations in the
20 Governor's Office to that effect?
21 MR. JAZIL: Marsh instruction.
22 A I can't answer about internal
23 conversations.
24 BY MS. FORD:
25 Q Do you remember hearing any conversations

Page 110

1 about this that occurred outside the Governor's
2 Office?
3 A No.
4 Q Before today -- before today's deposition,
5 have you heard anything, any news articles, any
6 reporting, any conversations about the expected
7 potential partisanship of the House proposals?
8 A Have I just heard any general reportings
9 anywhere?
10 Q Yes.
11 A I'm sure somewhere, I'm sure at some
12 point, but I didn't read articles about the stuff.
13 I stayed away from all of that. But I mean, I don't
14 know that at some point in the summer or fall of
15 2022 I wouldn't have heard somewhere something, some
16 comment about all of this.
17 Q Okay.
18 MS. FORD: Do you have next exhibit?
19 THE STENOGRAPHER: Number 11.
20 (Discussion off record.)
21 MS. FORD: Sandi, what exhibit are we on?
22 THE STENOGRAPHER: 11.
23 MS. FORD: Thanks.
24 THE STENOGRAPHER: Uh-huh.
25

Page 111

1 (Exhibit 11 was marked for
2 identification.)
3 BY MS. FORD:
4 Q So this is Exhibit 11. It is an article
5 that was -- I'll represent it was published in
6 Politico -- I'm sorry, it doesn't have it in the
7 title here.
8 It's titled "New draft redistricting map
9 in Florida cuts up Murphy's seat, boosts GOP." It's
10 written -- or was published November 29, 2021, by
11 Matt Dixon.
12 This article -- I don't think we should
13 spend time reading it, but I'll represent that it
14 recounts some reactions to the Florida House's
15 proposed Congressional maps.
16 And in particular, on the second page of
17 this article, it notes, "The second Congressional
18 plan from the Florida House is a pretty notable
19 gerrymander. If nukes Florida-7 Murphy's seat,"
20 tweeted Democrat data consultant Matthew Isbell.
21 'This is by far the most aggressive plan.'
22 Do you remember reading this article or
23 reading articles like this?
24 A No.
25 Q And before I ask you, let me ask this

Page 112

1 question I asked, and Mr. Jazil will object. I just
2 want to get something clear on the record.
3 Did you have any conversations -- are you
4 aware of any conversations in the Governor's Office
5 about the proposed or expected partisan breakdown of
6 any of the Senate's proposals or the House's
7 proposals?
8 MR. JAZIL: I'm going to give you the
9 Marsh instruction. If it's internal, it wasn't
10 shared with anyone outside, don't talk about
11 it. If it was internal, you discussed it with
12 the legislature or some other third party, talk
13 about it.
14 A I don't have anything responsive. The
15 question is about internal conversations.
16 BY MS. FORD:
17 Q So my question is, is whether the
18 conversation occurred. I agree with Mr. Jazil, you
19 don't have to tell me the substance of it, but I'm
20 asking whether the conversations -- did a
21 conversation occur in the Governor's Office about
22 the -- anything about partisan -- expected
23 partisanship of the Senate's plans or the House's
24 plans?
25 A Again, I'm going to follow the guidance of

Page 113

1 Counsel.
2 MS. FORD: Mr. Jazil, do you agree with me
3 this is like a privilege log where I'm just
4 asking whether the conversation occurred; I'm
5 not asking about the substance?
6 MR. JAZIL: Well, it's a little different.
7 I think the way Judge Marsh framed his order is
8 he may not be questioned as to information
9 internal to the Governor's Office.
10 It's a little different than a privilege
11 log we traditionally get in an attorney/client
12 privilege type of situation. So I'm going to
13 ask him not to answer.
14 A I'm going to follow the advice of counsel.
15 MS. FORD: Okay. And we may do this a
16 couple of times. I just want to make it clear
17 for the record.
18 MR. JAZIL: That's fair.
19 BY MS. FORD:
20 Q Sitting here today, is this the first
21 you've heard about how many Republicans or Democrats
22 the House's proposals might have elected?
23 A Yes.
24 Q So before today you were not aware that
25 the House's proposals would have changed CD-7 from a

Page 114

1 Democratic-leaning district to a Republican-leaning
2 district?

3 A Correct.

4 Q And before today you were not aware that
5 the House's proposals were generally viewed as more
6 friendly to Republicans than the Senate's proposals?

7 A Correct.

8 Q By the time you submitted -- actually,
9 before I ask this question, let's get some
10 terminology on the table.

11 There's a lot of names for the Enacted
12 Plan, from Enacted Plan to Plan 109?

13 A Uh-huh.

14 Q Right, the Governor's Plan? I can try to
15 use consistent language today.

16 Is it okay with you if I just say "the
17 Governor's plan"?

18 A Yeah, I would say just, because there were
19 three plans our office --

20 Q That's true.

21 A -- submitted, I would go ahead and refer
22 to it as the Enacted Plan.

23 Q Enacted?

24 A Enacted, meaning the Governor actually
25 signed it into law.

Page 115

1 Q Okay. That works for me.
2 The Enacted Plan is Plan 109, right?

3 A I believe that was the number, yes.

4 Q Okay. All right. By the time you
5 submitted what became the Enacted Map to the
6 legislature, were you aware that some of the
7 legislature's redistricting plans, including
8 Plan 8019, 8015, and Senate Plan 8060 were likely to
9 elect several more Democrats than the Enacted Plan
10 was?

11 MR. JAZIL: Object to the form.

12 A I wasn't aware of that with any of the
13 plans. I -- the ones you're asking about, I'm not
14 sure which is which, but I mean, just broadly, I
15 wasn't aware of that with any of the plans.

16 BY MS. FORD:

17 Q Okay. And just so we're clear for the
18 record on terminology, I should have also clarified
19 this. When I say Plan 8019, I mean the plan that
20 the legislature passed and that the Governor vetoed;
21 does that sound right to you?

22 A Even though I wasn't -- I wasn't exactly
23 remembering which plan number that was --

24 Q Right.

25 A -- the statement that I made applies to

Page 116

1 any of the plans of the legislature. I wasn't aware
2 of how they compared in any kind of partisan way to
3 the -- ultimately the Enacted Plan.

4 Q Okay. I just realized I should have
5 gotten us on the same page for terminology before I
6 asked that question.

7 A No worries.

8 Q But when I say -- for the future, when I
9 say Plan 8019, do you recall that is the plan that
10 the legislature passed and that the Governor vetoed,
11 it was the primary --

12 A I don't --

13 Q -- primary map.

14 A I don't have any reason to believe that's
15 not the number.

16 Q Okay.

17 A I'm not sure, but I just don't have it in
18 front of me.

19 Q Right.

20 Were you aware that some Republicans --
21 let me strike that question and ask a better
22 question.

23 Sitting here today, are you aware that
24 some Republicans in the Florida House had complained
25 that the legislature's draft plans were too

Page 117

1 favorable to Democrats?

2 A No.

3 Q Okay. So you don't remember hearing
4 anything about that?

5 A No.

6 Q Did you ever perform your own analysis of
7 the legislature's draft plans?

8 A Analysis of what?

9 Q Yes, I was going to ask you: Did you
10 perform any analyses on them?

11 A I mean, there's a lot of things you can
12 analyze for -- equal population check; so yeah, I
13 made sure they were equal population.

14 Q What else did you look at?

15 A Are you talking about the plan we
16 enacted -- or which plan are you talking about?

17 Q No, I'm talking about the legislature's
18 draft proposals. Did you ever take any of the
19 legislature's draft proposals when you started your
20 work and run any reports on them or --

21 MR. JAZIL: I'm going to give you the
22 Marsh instruction, but I note that you did get
23 into some of the stuff in your legislative
24 testimony. To the extent you did, you can
25 answer.

Page 118

1 A The legislature provided committee
2 packets, public reports, things of that nature. So
3 I took a look at things like compactness scores,
4 cities/counties split, again population.
5 BY MS. FORD:
6 Q Did you generate any new analyses that the
7 legislature hadn't done?
8 A No.
9 I'm sorry, I guess -- you mean of their
10 plans?
11 Q Of their proposed plans, right.
12 A No, no.
13 MS. FORD: Just to get a sense of time,
14 I'm going to go off the record, Sandi.
15 THE STENOGRAPHER: Okay.
16 (Discussion off record.)
17 BY MS. FORD:
18 Q Did you conduct your own functional
19 analysis on any of the plans this cycle?
20 A No.
21 Q And maybe, let's get on the same page
22 about what a functional analysis means.
23 When I say "functional analysis," what
24 does that mean to you?
25 A A functional analysis to me, a political

Page 119

1 scientist ultimately is going to have to look into
2 electoral history of a proposed district and look
3 for essentially cohesiveness of voting blocs within
4 the district, to determine some kind of analysis
5 about that cohesiveness, likelihood to elect.
6 Q Okay. Why didn't you do any functional
7 analyses this cycle?
8 MR. JAZIL: I'm going to give you the
9 Marsh instruction. If you can talk about this
10 without getting into any internal
11 communications that weren't shared outside, go
12 ahead and answer.
13 A Well, and I had to -- or I don't know if I
14 had to, but I did testify to this point. In
15 committee this question came up in different --
16 several different forms in committee. Essentially I
17 had no reason to, I had no need to do a functional
18 analysis.
19 BY MS. FORD:
20 Q Why not?
21 MR. JAZIL: Same instruction. Go ahead.
22 A Generally speaking, just broadly?
23 BY MS. FORD:
24 Q Yeah.
25 A Generally speaking, I was able to -- we

Page 120

1 were able to rely on the functional analysis done by
2 the legislature.
3 Q Did you receive data from the House and
4 Senate on the functional analyses that they had
5 performed?
6 A No.
7 Q Did you speak with the House and Senate
8 about the conclusions they had reached from their
9 functional analyses?
10 A Publicly in committee.
11 Q Sorry, what does that mean? You spoke
12 with them publicly in committee or you watched their
13 public?
14 A No, I was testifying in committee, and the
15 committee chairs -- one of the committees had two
16 chairs, committee chairs; some of the members,
17 staff, had open dialogue in the committee about the
18 work the legislature had done to do a functional
19 analysis.
20 Q When did you personally start drawing maps
21 in the Governor's Office?
22 A It would have been in the two or three
23 weeks prior to the submission of our office's second
24 map, so I'm not -- I don't recall that date, but if
25 you back up two to three weeks, somewhere in that

Page 121

1 range.
2 Q Okay. My memory is that a second plan was
3 submitted February 14th. So we're talking like late
4 January, early February?
5 A Yeah, that would be fair.
6 Q Why did you start drawing maps?
7 MR. JAZIL: I'm going to give you the
8 Marsh instruction. You can answer based off of
9 what you've already shared with third parties,
10 including but not limited to the legislature.
11 Go ahead.
12 A I started to draw because I saw
13 opportunities to clean up a lot of the county and
14 city boundaries in the visual compactness of the
15 map.
16 BY MS. FORD:
17 Q When you say you saw improvements, as
18 compared to the legislature's plans or as compared
19 to the plans that the Governor's contract map drawer
20 had been drawing?
21 A What I mean is I saw holistic improvements
22 that I could make actually compared to the map, the
23 original map that our office had submitted and also
24 the maps that the House and Senate had.
25 Q Okay. And just for terminology for the

Page 122

1 record, when you say the "first map your office had
2 submitted," you thought you could make improvements
3 on Plan 0079, I think it was?
4 A That sounds right. That sounds like the
5 number, yes.
6 Q Okay. And that was -- for the purpose of
7 the record again, that was the plan that the
8 Governor's contract map drawer Adam Foltz had drawn?
9 A Yes.
10 Q And when you started drawing maps in late
11 January, early February, were you working off of
12 Plan 0079?
13 A I was both working off that plan and at
14 that point had looked more closely at the House and
15 Senate proposals for the Congressional map, and so I
16 was looking at all three; or I think the House and
17 Senate at that time still had multiple -- I don't
18 remember exactly, but I think they still had
19 multiple proposals at that time.
20 Q When you started drawing a plan, though, I
21 assume you probably downloaded a plan to start with,
22 right, and you worked off of that plan?
23 A I don't know if I did or didn't. I don't
24 recall if I -- I don't recall if I worked off of one
25 of those or started fresh.

Page 123

1 Q And when you started to draw these maps,
2 what goals or sort of instructions were you given?
3 MR. JAZIL: Let me give you the Marsh
4 instruction.
5 A The only way I can answer that question
6 would be to talk about internal office
7 conversations.
8 BY MS. FORD:
9 Q How many maps would you estimate that you
10 drew?
11 A Me, personally?
12 Q Uh-huh.
13 A Just by myself?
14 Q Sure, let's start with that.
15 A Wholly by myself -- well, and I guess I
16 should use the caveat, the ultimate Enacted Map,
17 because 10 of the districts were drawn by the
18 legislature, so technically that wouldn't actually
19 count towards your question because 10 of those
20 districts were drawn by the legislature, not me.
21 But wholly unto myself, two to three
22 maybe.
23 Q Okay. Were any of those plans submitted
24 to the legislature?
25 A A map that I drew wholly myself, no.

Page 124

1 Q And when I say "submitted," I guess I mean
2 shared. I'm not sure what the technical word
3 "submitted" means here in this conversation.
4 Were any of those maps shared with the
5 legislature?
6 A I'll take your question to mean both
7 formally and informally, no.
8 Q When I say if any map was sort of drawn by
9 yourself, I didn't mean to exclude the Enacted Map
10 because I didn't realize 10 of the districts are the
11 legislature's?
12 A Okay.
13 Q I mean, those were incorporated. I guess
14 I just mean -- I'm referring to part of your
15 testimony, whether it was for the House or the
16 Senate, where you said you drew some maps with
17 Mr. Foltz and you drew some that were just on your
18 own. And I think in your testimony before the
19 legislature you represented that the Enacted Map you
20 drew yourself, right?
21 A Yes.
22 Q That's what -- that's what I mean.
23 A That --
24 Q Understanding that the --
25 A -- I myself drew those 18 districts.

Page 125

1 Q Yes.
2 A Yes.
3 Q Okay. Thank you.
4 So you drew other maps by yourself without
5 the assistance of Mr. Foltz throughout the process?
6 A I recall drawing at least one or two,
7 yeah.
8 Q Okay. And that would have been in like
9 February or March of '22?
10 A Yes.
11 Q Okay. What were the -- did those draft
12 plans have titles or names?
13 A Any plan that I drew or Mr. Foltz drew or
14 we drew collaboratively would have had a number for
15 a numbering system.
16 Q What number -- for the ones you drew
17 yourself, what numbers were those?
18 A I would have to go back and look. I don't
19 know.
20 Q My understanding is that there's a -- we
21 have received a full range of redistricting plans
22 from 001W to all the way up to 14B.
23 Did you draw 14B by yourself?
24 A I'm trying to remember, is 14B the Enacted
25 Map?

Page 126

1 Q No, 14A is the Enacted Map.
2 MR. JAZIL: Christina, do you have --
3 THE WITNESS: Yeah, if you have --
4 MR. JAZIL: -- the maps, you could show
5 him?
6 MS. FORD: Yeah.
7 (Discussion off record.)
8 BY MS. FORD:
9 Q So this is Exhibit 12. I will represent
10 that these are the shapefiles that we received in
11 discovery from the Governor's Office that are
12 converted into map format and the -- to be clear,
13 the Governor's Office did not produce these specific
14 images of the Foltz plans. These were generated by
15 our expert, Dr. Stephen Ansolabehere, but they have
16 just been converted to image form.
17 MR. JAZIL: So the record's clear, the
18 indentations on the right that shows I assume
19 Republican/Democratic vote share was not
20 created by the Governor's Office.
21 MS. FORD: We did not receive this
22 document from the Governor's Office, correct.
23 (Exhibit 12 was marked for
24 identification.)
25 MS. FORD: But we did receive the

Page 127

1 shapefiles of Mr. Foltz's drafts.
2 BY MS. FORD:
3 Q Can we flip to the second to the last
4 page, which says "Foltz 14B."
5 A Uh-huh.
6 Q Did you draw this draft?
7 A You don't have a version with the county
8 lines, do you?
9 Q I don't. This is the best I have.
10 A Okay. Can I see a version with the county
11 lines?
12 Q Because 14B wasn't enacted, I don't have
13 like -- I don't have something like this of 14B.
14 Is there something that would help you
15 know whether or not this was a draft that you drew?
16 A I drew districts very, very adherent to
17 county lines and a very geographic approach, and so
18 county lines are helpful, tremendously helpful. I'm
19 not trying to be difficult, but that's how I looked
20 at the maps.
21 Q Okay. So sitting here right now, you
22 aren't able to say whether or not you drew 14B?
23 A I'm not comfortable representing that
24 unless I can see a map that looks some remote
25 similarity to the way I drew it.

Page 128

1 Q Okay. If we flip back a page and go to
2 Foltz 14A, my understanding is that this is the
3 Enacted Map.
4 Is that your understanding?
5 A 14A rings a bell, but I mean, if you have
6 a better depiction of this, I've never looked at the
7 maps this way. I can see no county lines. I can't
8 see a single county name. I'm missing a lot of
9 detail, and so in deposition there's simply no way
10 I'm going to look at a map in this form and say that
11 this is what I drew.
12 Q Okay. Maybe the images aren't helpful
13 then. We can put this away.
14 MS. FORD: What did you say this was,
15 Sandi?
16 THE STENOGRAPHER: That was 12.
17 MS. FORD: Thanks.
18 BY MS. FORD:
19 Q Do you remember the names of any of the
20 plans that you drew?
21 A 14 sounds like the number that we finished
22 on, so that sounds like where we finished. So if
23 that -- if that is where we finished, I just, off
24 the top of my head, I don't know if that's literally
25 the number. I'd have to go back through all the

Page 129

1 files and really explicitly review them to say this
2 is definitely mine, this is definitely mine.
3 Q So are there any others, other than you
4 think 14, that you drew that you can recall?
5 A Not by number, but like I said, I believe
6 there was at least one, two, three others that the
7 total work of the map is my product.
8 Q Okay. Did you use the Florida
9 redistricting website to draw your plans?
10 A Yes. The one the legislature created,
11 yes.
12 Q That's what I mean.
13 Did you use any other mapping software?
14 A No.
15 Q What sort of data did the Florida
16 redistricting website have for you to consult when
17 you were drawing the plans?
18 A Census data, the -- obviously a lot of
19 geographic features, pretty detailed geographic
20 features. Demographic data was available through
21 the tool. Had a lot of data through their tool.
22 Yeah.
23 Q Did you have access to any other data --
24 any data that was outside the Florida redistricting
25 website that you consulted in drawing your plans?

Page 130

1 A No.

2 Q So we talked earlier about how Plan 0079

3 was -- that was Mr. Foltz's plan, correct?

4 A Yes.

5 Q Do you happen to remember what Foltz draft

6 that was titled in the sequence from 1 to 14?

7 A No.

8 Q Okay. And then you testified before the

9 Florida legislature that you worked with Mr. Foltz

10 on Plan 0094; is that correct?

11 A That sounds right, yes.

12 Q Do you remember what plan that was in the

13 sequence between 1 through 14?

14 A No.

15 Q All right. Let's go back to the draft

16 that you said you drew on your own, and

17 unfortunately, it sounds like we're not able to give

18 any of those drafts a name, but you did a few; is

19 that correct?

20 A Yes.

21 Q Who saw your drafts?

22 MR. JAZIL: I'm going to give you the

23 Marsh instruction. So you can answer to the

24 extent that some third party saw your drafts.

25 A Uh...

Page 131

1 MS. FORD: Can we back up, Mo, just so I

2 can get it on the record?

3 MR. JAZIL: Sure.

4 BY MS. FORD:

5 Q Did you show other individuals in the

6 Governor's Office your draft maps?

7 MR. JAZIL: I give you the Marsh

8 instruction, attorney/client privilege.

9 A I'm going to follow the guidance of my

10 counsel.

11 BY MS. FORD:

12 Q Did you share your draft maps with

13 attorneys?

14 A Yes, our attorneys.

15 Q Who saw the drafts, which attorney saw the

16 drafts?

17 MS. FORD: I don't believe that's

18 privileged. I just asked who.

19 MR. JAZIL: Just go ahead and answer who

20 among the lawyers saw the drafts.

21 A Just broadly which attorneys saw the

22 draft?

23 BY MS. FORD:

24 Q Yes.

25 A Any draft?

Page 132

1 Q Yeah.

2 A Uh...Ryan Newman, James Uthmeier -- and

3 let me clarify, are you talking during the process

4 of drawing, or are you referring to even in the

5 process of producing documents for this case?

6 Q I'm not sure I understand your question.

7 A In other words, our Office of the General

8 Counsel takes the lead in producing the documents

9 for a case like this, so there are probably

10 attorneys in that office -- Chris DeLorenz, who

11 primarily leads on collecting public records for our

12 office, he had no involvement in --

13 Q Right.

14 A -- the redistricting process, but

15 certainly by this point he has certainly seen the

16 draft maps because he probably --

17 Q Yeah.

18 A -- provided them to you.

19 Q Yeah. Thank you for your question.

20 I do not mean who saw it at the end of the

21 day --

22 A Okay.

23 Q -- in the public records process. I mean

24 at the time you were drawing these and shared them,

25 which attorneys saw it at that point?

Page 133

1 A Sure. Sure. Ryan Newman, James Uthmeier.

2 I'm not sure who else in our office would

3 have seen draft maps. I know that Dan Nordby saw a

4 couple draft maps.

5 Q Okay. And I'll get to that, I was just

6 asking about the Governor's Office for the moment.

7 A I'm sorry, I had clarified saying "any

8 lawyer," and you said, "yes."

9 Q Oh, I'm sorry, I thought you meant any

10 lawyer with the Governor's Office.

11 What about Mr. Torchinsky, did he see

12 draft maps?

13 A I don't know.

14 Q What about Mr. Foltz, did he see your

15 draft maps?

16 A Yes.

17 Q Why did Mr. Foltz see -- or why did you

18 send them to Mr. Foltz?

19 MR. JAZIL: I'm going to give you the

20 Marsh instruction. You talked about

21 Mr. Foltz's role in the legislative process.

22 A Yeah. Adam and I collaborated, so we

23 collaborated and shared work back and forth.

24 BY MS. FORD:

25 Q And did Mr. Foltz provide any input on

Page 134

1 your drafts?

2 A I mean, part of the collaboration, yeah.

3 Q What was the input he provided?

4 THE WITNESS: Do I have to get into purely
5 internal conversations on his input?

6 MR. JAZIL: I'm going to go back to the
7 Marsh instruction. I believe you testified in
8 front of the legislature that you collaborated.
9 I think she's trying to get to what that means.
10 At least you can answer that.

11 BY MS. FORD:

12 Q Yeah, let me rephrase that question and
13 ask at a broad level.

14 When you say you told the legislature you
15 collaborated with Mr. Foltz, can you talk me through
16 what that meant?

17 A Sure. We both drafted maps. We were
18 trading ideas back and forth, talking to each other
19 about each other's maps. He was very complimentary
20 of my final work.

21 Q Did you share any of your drafts with
22 Thomas Bryan?

23 A I know that Tom -- I know Tom Bryan did
24 get to see some of the drafts.

25 Q And what was the purpose of sharing your

Page 135

1 drafts with Mr. Bryan?

2 MR. JAZIL: I'm going to give you the
3 Marsh instruction.

4 A Yeah. Tom was earlier on the process
5 looking at the maps for citizen voting-age
6 population, which I didn't have access to the
7 legislature's tool -- didn't have access to citizen
8 voting-age population.

9 MR. JAZIL: And I'll note for the record
10 that the citizen voting-age population issue
11 came up in discussions with the House, so he's
12 not --

13 A That's why --
14 (Simultaneous crosstalk.)

15 BY MS. FORD:

16 Q What was the -- what was the reason that
17 you felt like you needed citizen voting-age
18 population or needed an analysis on citizen
19 voting-age population?

20 MR. JAZIL: I'll give you the Marsh
21 instruction again. To the extent you can
22 answer...

23 A There was no conversation outside our
24 office about why we felt like we needed that, so I
25 don't really have any way to answer that without

Page 136

1 talking about internal conversations.

2 BY MS. FORD:

3 Q Well, I thought -- maybe I misunderstood,
4 but I thought you said the issue came up with the
5 House?

6 A It did.

7 Q What was the issue?

8 A The House brought the conversation up
9 about our use of citizen voting-age population data.

10 Q What was the House's concern?

11 MS. LUKIS: I'm going to object on behalf
12 of the House. He is being asked to speculate
13 about the motivations or internal thoughts of
14 House conversations.

15 A Sure. I can just -- I don't know the
16 internal motivations, so I can only say what was
17 said to me, which was that -- that the House
18 represented the legislature was not using citizen
19 voting-age population data for this process.

20 BY MS. FORD:

21 Q And they represented to you that they felt
22 that they should?

23 A No. No, the House represented to us that
24 they were not using citizen voting-age population
25 data. Therefore, they wouldn't -- they wouldn't

Page 137

1 factor in whether we were using it.

2 Q I see. I see. What were they using
3 instead?

4 A They weren't using something in the -- to
5 my knowledge, anyway -- at least what was
6 represented to me, they weren't using something in
7 the absence of citizen voting-age population data.

8 Q Okay. So Mr. Bryan's role then was to
9 provide some analysis of -- I'm sorry, I'm not sure
10 I understand.

11 Can you explain to me then what
12 Mr. Bryan's role was in reviewing your plans?

13 A Sure. He literally added a column to the
14 spreadsheets that had citizen voting-age population
15 data for each district.

16 Q Okay. Do you know who -- I'm going to
17 mispronounce his name -- know who Eric Wienckowski
18 is?

19 A I'm not familiar with that name.

20 Q Did Mr. Bryan have an assistant or
21 subcontractor who was working with him to your
22 knowledge?

23 A Not to my knowledge.

24 Q So you mentioned previously that the
25 Senate and the House -- or you did not say the

Page 138

1 House, I'm sorry -- that Senate attorneys were given
2 copies of some of your draft maps; is that correct?
3 A I know that Dan Nordby -- yes, Dan Nordby,
4 yes, definitely.
5 Q What was the -- why did you share your
6 drafts with the House -- I'm sorry, with the Senate?
7 A We were meeting and -- and as I was
8 answering that before, too, I didn't get to Andy
9 Bardos, but we were meeting with the House and
10 Senate, sharing some draft concepts with them.
11 Q Was that, like, throughout the spring of
12 2022?
13 A No.
14 Q When was it?
15 A That would have been in April of 2022.
16 Q Okay. When you said you were meeting to
17 discuss some concepts, what concepts were you
18 discussing?
19 A The map for what ultimately became the
20 special session map.
21 Q Did they see -- did House and Senate --
22 sorry, bad question.
23 Did you provide any earlier copies of
24 drafts, like beyond those that became the Enacted
25 Map, with the House and Senate? Did you share any

Page 139

1 drafts with them?
2 A Like earlier in the legislative process,
3 is what you're asking me?
4 Q Yeah, I'm saying before the Enacted Map
5 came to be, did you have any drafts that you shared
6 with the House and Senate?
7 A We had the maps that we published and
8 shared with them that way. I don't recall if we
9 shared a draft of what we were about to publish with
10 them in advance. But we definitely shared the ones
11 that we published.
12 Not to get too technical, just so
13 you're --
14 Q Yeah.
15 A -- asking a draft, a draft may have been
16 the --
17 Q I know --
18 A -- exact same thing --
19 Q -- might have been published.
20 A -- that was published. So I don't know if
21 we -- we gave them the courtesy heads-up, I don't
22 know.
23 Q Okay. So just for clarity for the record,
24 the Governor's Office published Plan 0079, right?
25 A Yes.

Page 140

1 Q And it published 0094, right?
2 A Right.
3 Q And then there was the Enacted Map, which
4 was Plan 109.
5 Outside of that, do you know if any draft
6 plans were shared with the House and Senate?
7 A When -- what I referenced earlier, meeting
8 in April prior to the special session, yeah.
9 Q Okay. So those were drafts that you had
10 worked on earlier in the process before -- I call it
11 Plan 14A, but there's a million names for this.
12 A Yeah.
13 Q So what did the House and Senate receive
14 before the special session?
15 A We brought two drafts -- two drafts to the
16 meeting.
17 Q Okay. And those are both drafts that you
18 drew?
19 A Those were mine, yes.
20 Q Okay.
21 So one of them I assume went on to become
22 the Enacted Plan?
23 A Yes.
24 Q And you can't remember the name or number
25 of the other one at all?

Page 141

1 A I wouldn't feel comfortable saying that I
2 do. I'd want to see, you know, the plan in front of
3 me.
4 Q How did the two drafts differ?
5 A Do you have a copy of my drafts?
6 Q To my knowledge I wasn't provided with the
7 other copies.
8 A Okay.
9 Q So I don't know what it is.
10 MS. FORD: Do you know, Mr. Jazil, if it
11 was provided in discovery?
12 MR. JAZIL: So during the course of
13 discovery we obviously provided everything
14 which was in Adam Foltz' Google Drive, which
15 has every map that was ever created by anyone
16 either working directly with or contracting
17 with the Executive Office of the Governor. And
18 we provided Mr. Kelly's personal file to the
19 extent that --
20 THE WITNESS: Uh-huh.
21 MR. JAZIL: -- you know, Judge Marsh took
22 out some materials in his in-camera review.
23 But the Google Drive should have every plan
24 that was shared with anyone. And to the extent
25 that there was a physical copy in Alex Kelly's

Page 142

1 personal folder, it would have been provided as
2 well.
3 So I think you have it. And I guess the
4 trouble we have is figuring out which one --
5 MS. FORD: Which one it is.
6 MR. JAZIL: -- was the other map that we
7 shared --
8 MS. FORD: Yeah.
9 MR. JAZIL: -- with the legislature in
10 April.
11 BY MS. FORD:
12 Q Do you think that's something that you
13 could fairly figure out this evening if you were to
14 go back and reference like what the -- just what the
15 name and the number was?
16 A Yeah. And I want to be clear, I'm not
17 saying that what you've provided, isn't it. Just --
18 Q Right, you just -- I understand that.
19 There were a lot of plans.
20 A -- working back and forth, I just -- you
21 know, heaven forbid that I tell you it's 14 this and
22 it turns out it's 15 that.
23 Q Right. That makes sense.
24 Okay. Well, why don't we return to that
25 tomorrow? We'll come back to the House and Senate

Page 143

1 tomorrow.
2 Outside of the House and Senate, did
3 anyone else see any copies of the drafts that you'd
4 worked on?
5 A No.
6 Q Throughout the process, did you receive
7 any input from members of Congress about the
8 Congressional plan?
9 A No.
10 Q Did you receive input from anyone outside
11 of the Governor's Office or the House and Senate?
12 A No.
13 MS. FORD: Do you mind if we take a break?
14 We're about two-thirds of the way through.
15 MR. JAZIL: Sure.
16 MS. FORD: That's pretty good.
17 MR. JAZIL: Ten minutes?
18 MS. FORD: Yeah. Great.
19 (A recess took place from 12:44 p.m. to
20 12:54 p.m.)
21 MS. FORD: And before I forgot, I just
22 want to clarify something for the record.
23 Is it Ms. Lukis?
24 MS. LUKIS: Yes.
25 MS. FORD: Are you representing Ms. Kelly

Page 144

1 in her individual capacity?
2 MS. LUKIS: Yes, and the House.
3 MS. FORD: So you're representing her in
4 her individual capacity just a public citizen
5 and her capacity as a former staffer for the
6 House?
7 MS. LUKIS: I think that's accurate.
8 MS. FORD: Okay. Thank you.
9 MS. LUKIS: Her job title isn't married to
10 Mr. Kelly. She is, but, yes, I represent her.
11 MS. FORD: Okay. Do we have the 20 -- the
12 new Enacted Plan as an exhibit yet?
13 I think not. Let's grab that.
14 THE STENOGRAPHER: That'll be 13.
15 MR. JAZIL: Thanks.
16 (Exhibit 13 was marked for
17 identification.)
18 BY MS. FORD:
19 Q All right, Mr. Kelly, this is Exhibit 13.
20 It's labeled CS/SB 2-C, signed into law April 22,
21 2023. I got this from the Florida Senate committee
22 on their website.
23 Does this appear to be a fair and accurate
24 copy of the enacted -- current Enacted Map?
25 A Yes.

Page 145

1 Q So this is the same as Plan 109 that was
2 submitted from the Governor's Office to the
3 legislature?
4 A Yes.
5 Q Okay.
6 All right. I think we established this,
7 but you drew this plan, correct?
8 A Yes.
9 Q Did anyone assist you in drawing this
10 plan?
11 A No one assisted me in drawing this, of
12 course, with the caveat that 10 of these districts,
13 the legislature drew them.
14 Q Okay. Did anyone provide input or
15 feedback on this plan?
16 MR. JAZIL: I'll give you the Marsh
17 instruction.
18 A Yes.
19 BY MS. FORD:
20 Q Who?
21 A A lot of people very publicly, two
22 committee meetings, pretty considerable amount of
23 very public feedback.
24 Q Outside of the committee -- committee
25 process, did you receive other feedback on this

Page 146

1 plan?
2 A Yes.
3 MR. JAZIL: You can answer as to third
4 parties.
5 A Yes.
6 BY MS. FORD:
7 Q From whom?
8 A From the House and the Senate.
9 Q Did the Governor himself provide any
10 feedback on this plan?
11 MR. JAZIL: I'm going to direct you not to
12 answer.
13 A I'm going to follow the advice of my
14 counsel.
15 BY MS. FORD:
16 Q How long would you estimate it took you to
17 draw this plan?
18 A Probably 40 to 60 hours.
19 Q And you gave a presentation to the House
20 and Senate redistricting committees about this plan
21 last April, right?
22 A Yeah, April 2022.
23 Q Okay. I have a few questions about that
24 presentation.
25 Feel free to set this aside, but I will

Page 147

1 probably come back to it.
2 A Sure.
3 Q You were not under oath for your
4 presentation to the House and Senate, correct?
5 A Correct.
6 Q Did you have a conversation with anyone
7 before your presentation about whether or not you
8 should be under oath for it?
9 MR. JAZIL: I'm going to give you the
10 Marsh instruction. To the extent you had a
11 conversation with someone at the legislature or
12 elsewhere, go ahead and answer.
13 A I would have to talk about internal office
14 conversations to answer that question.
15 BY MS. FORD:
16 Q Did you have a conversation though with
17 any member of the House or Senate about whether you
18 would be under oath for the presentation?
19 A No.
20 Q During your presentation, several
21 Democratic members did ask that you be put under
22 oath, right?
23 A Yeah, in both committees, I believe. Yes.
24 Q But the chairs of the committee decided
25 you should not be under oath, right?

Page 148

1 Or they didn't ask you to go under oath?
2 A I believe that's accurate. The chairs
3 made that decision.
4 Q Did you volunteer to go under oath?
5 A No.
6 Q Why not?
7 A The appearance forms that the House and
8 Senate have you fill out cite the perjury statute on
9 them, so if you were to not tell the truth
10 knowingly, you would be committing perjury -- to my
11 knowledge they do. At least I know they used to, so
12 it seemed like a useless exercise to essentially go
13 under oath a second time, in layman's terms.
14 Q In your presentation to the House on
15 April 19th, you were asked by Representative
16 Skidmore why the Governor's plan changed
17 18 districts instead of just fixing the issue that
18 the Governor had mentioned in vetoing the plan. By
19 that, I'm going to refer you to CD-5.
20 And you responded to her, "It's no secret
21 that there were other preferences in the rest of the
22 map."
23 What preferences were you referring to?
24 A The Governor had made statements publicly
25 about other portions of the map. There were

Page 149

1 numerous portions of the map that could be cleaned
2 up and improved upon.
3 Q When you say the Governor had made public
4 statements about other portions of the map, what was
5 the, you know, the basic thrust of what those
6 statements were?
7 A I recall the Governor making statements
8 about the use of county boundaries, adherence to --
9 essentially adherence to county lines and reducing
10 county splits. I'm sure you could go back to the
11 public account of exactly what he said, but I
12 remember him talking about that.
13 Q Were there any other preferences other
14 than county splits that you're aware of?
15 MR. JAZIL: I'll give you the Marsh
16 instruction, but go ahead and answer if you
17 shared other preferences publicly or not shared
18 other preferences publicly.
19 A I'm sorry, I'm going to ask, who -- whose
20 preferences?
21 BY MS. FORD:
22 Q So I'll read you your quote. We can pull
23 it up if you'd like to see it.
24 You said, "There is no secret that there
25 were other preferences in the rest of the map."

Page 150

1 So I'm just asking, what were the other
2 preferences, other than fixing CD-5, which I think
3 is pretty obvious?
4 A I've answered that question. I mean, the
5 Governor publicly talked about use of county
6 boundaries in the map. To my best recollection, he
7 did.
8 Q Can you recall any other preferences that
9 you would have been referencing here?
10 A Whose preferences?
11 Q I don't know. You said there were other
12 preferences in the rest of the map, so I'm just
13 asking what preferences are you talking about?
14 A I've answered the question twice.
15 Q All right. I believe that you said that
16 the Enacted Plan -- you described it as a compromise
17 between the legislature and the Governor's Office?
18 A Yes.
19 Q Can you explain what you meant by that?
20 A Sure. So the plan attempts to take some
21 of the concepts from the maps that we at the
22 Governor's Office submitted, take those concepts and
23 take some of the better -- best -- I'd say best
24 practice concepts from the House and Senate maps,
25 and mesh them together and reconcile them.

Page 151

1 Q Okay. Did you have an active discussion
2 with anyone from the legislature about what portions
3 would be merged?
4 A Did I?
5 Q Uh-huh.
6 A Yes.
7 Q And that was kind of a vague question.
8 What I mean by that is, I mean I
9 understand that you had a meeting with the House and
10 Senate right before the special session to sort of
11 like go over --
12 A Uh-huh.
13 Q -- plans the Governor's Office had worked
14 on, right?
15 A Yes.
16 Q Prior to that meeting, did you -- did you
17 have a discussion with, you know, the House and
18 Senate on what portions of their map would be
19 included into the Governor's plan?
20 A Prior to -- prior to the -- like, what
21 time period are you talking about?
22 Q So I don't know the date of the meeting
23 with the House and Senate before the special
24 session. I think it was -- do you remember?
25 A No.

Page 152

1 Q -- around April, so I'm going to guess
2 somewhere around April 10th to 13th range.
3 A Yeah, that's fair, somewhere -- maybe even
4 a little earlier, but somewhere after the conclusion
5 of the session and --
6 Q Right, before the --
7 A -- before the special session.
8 Q Yeah. All I mean is before you showed up
9 to that meeting and sort of presented the Governor's
10 plans, had there been a dialogue between the
11 Governor's Office and the legislature about what
12 portions of their plan would be incorporated to the
13 Governor's plans?
14 MR. JAZIL: This is the meeting before the
15 special session?
16 MS. FORD: Yeah.
17 A No, I don't -- I don't recall giving them
18 any sort of heads-up as to what we were walking into
19 the meeting with.
20 BY MS. FORD:
21 Q Okay. So when you say it was a sort of,
22 like, collaboration or compromise with the
23 legislature, what you mean is by the time this was
24 enacted, we had included some ideas from the
25 legislature?

Page 153

1 A Yeah, the map, the Enacted Map
2 incorporates some of the concepts and ideas that the
3 legislature -- House and Senate -- had and meshes
4 those concepts with ideas that our office had. And
5 then obviously 10 of the districts are literally the
6 House and Senate's.
7 Q How did you start drawing this Enacted
8 Map? Back to Exhibit 13.
9 MR. JAZIL: I will give you the Marsh
10 instruction. To the extent you talked through
11 that with the legislature, you can answer it.
12 A How did I begin?
13 BY MS. FORD:
14 Q Yeah, all I'm asking here is: If you have
15 to start with something, like, what do you start
16 with?
17 A I mean, I certainly talked publicly about
18 looking at the maps that we, the Governor's Office,
19 had submitted and looking at the -- not just final
20 map the legislature initially passed, but also some
21 of the House and Senate maps leading up to that
22 point as well, so I looked at and compared those.
23 Q Okay. In your testimony, your
24 presentation to the House and Senate during that
25 special session, you said that you worked off the

Page 154

1 legislature's primary plan, 8019.
2 Is that correct, you started by uploading
3 that plan and working off of it, or did I not
4 understand what you were telling the legislature?
5 A Certainly worked off of it. I have to
6 think about whether I actually uploaded it.
7 Q And to be clear, I'm not actually sure you
8 said that you uploaded it.
9 A I don't -- I don't --
10 Q You said you worked off of it.
11 A I don't know that I literally uploaded it
12 because there's -- in the application the
13 legislature provided -- I don't recall now, but
14 there's a way that you could, if you really liked or
15 wanted to use a specific district that was drawn in
16 let's say the legislature's map, you could literally
17 copy and paste it into yours through a series of
18 mouse clicks.
19 So I don't recall whether I literally
20 uploaded their map. I may have said that in my
21 testimony, but either way I was obviously -- where I
22 finished, I obviously utilized 10 of the districts
23 that the legislature enacted or initially passed.
24 Q Okay. I was -- actually perfect timing, I
25 was about to just get that on the record.

Page 155

1 So 10 of the districts in the Enacted Map
2 are exact copies of districts from the legislature's
3 Plan 8019, correct?
4 A Yes.
5 Q And those are Districts 1, 2, 20 through
6 25, 27, and 28; is that right?
7 A Yes.
8 Q Why were these districts left alone?
9 MR. JAZIL: I'll give you the Marsh
10 instruction, but go ahead, if you can answer.
11 A I certainly testified to some of these
12 points about -- and was asked questions about why
13 these districts were left alone. I don't ever think
14 though I would use the phrase "left alone" as much
15 as the legislature had done good work in these
16 districts.
17 There was legal merit to the way the
18 legislature had drawn these districts. They're
19 different. They are not similarly situated, but
20 overall, the legislature had done a reasonably good
21 job of using redistricting criteria to draw those
22 10 districts.
23 BY MS. FORD:
24 Q Okay. And the new districts that the
25 Governor's Office put forward were 3 through 19 and

Page 156

1 then District 26, correct?
2 A Correct.
3 Q Why did you choose to alter those
4 districts?
5 MR. JAZIL: The same Marsh instruction.
6 To the extent you talked to third parties like
7 the legislature about it, go ahead and answer.
8 A I don't know that it's any different than
9 what I've said before, which is I was looking at the
10 two maps our office had already prior submitted. I
11 was looking at different maps that the
12 legislature -- not just the initial one they passed,
13 but some of their penultimate and near penultimate
14 maps that they had close at the end of their
15 different processes -- was trying to reconcile in a
16 way that would encapsulate the best of the different
17 maps.
18 You know, I think maybe the only thing I
19 would add is I saw opportunities just to go through,
20 and while doing that, also just reconciling some
21 county boundaries, cleaning up some of the
22 compactness of some of the districts.
23 BY MS. FORD:
24 Q And was it your decision alone to change
25 these districts?

Page 157

1 MR. JAZIL: Same Marsh instruction.
2 A Yes.
3 BY MS. FORD:
4 Q So you said just now that in drawing this,
5 you drew out some concepts from earlier draft plans.
6 Could we just clarify for the record
7 what -- you know, what draft plans you were drawing
8 from?
9 A The ones that our office submitted, of
10 course. In the legislative process, there were some
11 specific plans and then there were also some types
12 of drawing that the House and Senate used
13 throughout, too. So there was some consistent ways
14 in which they drew the maps. So some of it's
15 specific to actual exact maps and some of it is the
16 way the House or Senate went about their drawing the
17 maps.
18 Q And when you say 'how they went about it,'
19 can you explain what that means?
20 A Yeah. Sure. I can give an example, might
21 be the easiest way.
22 Q Yeah, that would be great.
23 A So one of the things that the House made
24 clear was that they never factored in Census
25 Designated Places -- now sometimes a city is also a

Page 158

1 Census Designated Place, and in that case they
2 viewed it from the lens of being a corporate
3 municipality, but they never factored in as they
4 were drawing their maps whether -- that something
5 was a total or split Census Designated Place. It
6 was not actually incorporated in government in any
7 way. It's not, you know, a significant recognized
8 political/geographical boundary line.

9 And so, knowing that, I did not then -- in
10 drawing this map, I did not factor in Census
11 Designated Places -- unless, again, unless they also
12 happened to actually be in an incorporated
13 municipality.

14 **Q Okay. That makes sense. Any other**
15 **general approaches to map drawing that you were**
16 **trying to in encapsulate from the House and Senate?**

17 **A** Sure. I can give a Senate example. The
18 Senate, in their maps, they were very -- they were
19 very goal-oriented for statistically using a large
20 number of well recognized boundaries, whether it be
21 a county line, a city line, a major roadway, a major
22 waterway, a major railway. I might be missing one,
23 but the Senate really was, through their process was
24 very -- and you could see it in their map -- they
25 were very interested in whether they were

Page 159

1 statistically using a large number of well
2 recognized boundaries. So in doing this map, I was
3 more observant of those actual statistics.

4 **Q Okay. Any other examples that are**
5 **notable?**

6 **A** Sure. I've talked about -- so the Central
7 Florida districts and how -- what I did here
8 ultimately in this map blended some ideas from the
9 House and Senate maps. The House -- or different
10 maps that they had.

11 The House, until sort of its penultimate
12 map, had a more, very compact sort of middle of
13 Orange County, almost downtown Orlando, although
14 that's not a perfect description because I think
15 Winter Park and Maitland are included in the
16 district, but you get the general idea, downtown
17 Orlando-ish district. They had drawn a district
18 like that; however -- however, going over to the
19 east, the House's map took their district that
20 encapsulated all of Brevard County and brought that
21 district into Volusia.

22 And the Senate drew that Orange County,
23 entirely encapsulating Orange County district pretty
24 differently. They went up to Apopka, that area,
25 couple other cities, and into that district.

Page 160

1 However, the Senate stopped the Brevard -- all the
2 Brevard County district, they stopped it at the
3 Brevard/Volusia line. And I found by taking the
4 House's Orange County, nice, compact, almost like a
5 brick in Orange County, entirely in one county
6 district; however, encapsulating the Senate's
7 concept of holding the Brevard/Volusia line actually
8 allowed a -- almost sort of a spinning of the wheel
9 in terms of that move there actually allowed me to
10 keep -- to reduce a Marion County split, reduce a
11 Volusia County split, clean up the compactness in
12 several ways of the districts around it just by
13 essentially taking their two concepts and putting
14 them together.

15 **Q Okay. Thank you. And we can come back to**
16 **Central Florida in a little bit. I just have more**
17 **general questions for now.**

18 (Discussion off record.)
19 THE STENOGRAPHER: This one is 14.
20 (Exhibit 14 was marked for
21 identification.)
22 BY MS. FORD:

23 **Q Okay, Mr. Kelly, this is Exhibit 14. This**
24 **is --**

25 **A** Uh-huh.

Page 161

1 **Q -- a letter that Mr. Newman, counsel for**
2 **the Governor, submitted to Senator Rodrigues on**
3 **April 13th -- April 13th, 2022, basically in support**
4 **of --**

5 **A** Uh-huh.

6 **Q -- the Governor's plan.**
7 **Does this look like a fair and accurate**
8 **copy of that letter?**

9 **A** Yes, this looks familiar.

10 **Q And you've read this letter before. Do**
11 **you need an opportunity to read it now?**

12 **A** It wouldn't be bad to refresh myself.

13 **Q Sure. Why don't you go ahead and just**
14 **read it. Let me know when you're done.**

15 **A** (Examining document.)

16 **Q I'm not going to ask you any questions**
17 **about the chart, but you can look at them if you**
18 **would like.**

19 **A** Good.

20 **Q Okay. Can you please go to the second**
21 **paragraph here on this first page --**

22 **A** Uh-huh.

23 **Q -- and the second to the last sentence,**
24 **starting with, "But the proposal."**
25 **Could you please read that sentence for**

Page 162

1 the record?

2 A "But the proposal adjusts the

3 Congressional districts in and around the Tampa

4 region to align more closely with the proposed by

5 the Executive Office of the Governor Plans P000C0079

6 and P000C0094, and in the Orlando region the

7 proposal aligns more closely with the map referred

8 out of the House Congressional Redistricting

9 Subcommittee."

10 Q Thank you.

11 Do you agree with Mr. Newman that the

12 Tampa Bay districts in the Governor's plan, the

13 Enacted Map, align with the districts that the

14 Governor's Office had previously submitted in Plans

15 0079 and 0094?

16 A I agree with the way this is written,

17 which is more closely -- yeah, more closely.

18 Q More closely than I guess Plan 8019?

19 A More closely than -- well, essentially

20 it's a departure from Plan 8019, moving closer to

21 the plans that the Governor's Office had previously

22 submitted.

23 Q What concepts in Tampa Bay from Plans 79

24 and 94 were you attempting to replicate in the

25 Enacted Map?

Page 163

1 MR. JAZIL: And I'm going to give you the

2 Marsh instruction. To the extent you talked

3 about the Tampa region with the legislative

4 committee --

5 A Yeah, and I think I answered a lot of

6 questions on the record about this.

7 The Governor's concept, the maps that we

8 had previously submitted and ultimately the Enacted

9 Map were considerably more adherent to county lines,

10 considerably more visually compact. Ultimately,

11 also worked on in a way -- and I testified to

12 this -- were done in a way that actually allowed

13 better uses of county boundaries to the north and

14 south of the Tampa region. So you go from Citrus

15 County, I believe all the way down through Lee

16 County really, up to the Lee County area -- a better

17 use of county boundaries north to south.

18 So the manner in which this Enacted Map

19 draws the Tampa Bay region has a ripple effect, and

20 so the ripple effect in the ultimate Enacted Map has

21 several improvements up and down the coast.

22 BY MS. FORD:

23 Q Okay. Well, I have a couple of images to

24 help you.

25 MS. FORD: I'm going to lose track of what

Page 164

1 maps are in front of me.

2 THE STENOGRAPHER: 15.

3 (Exhibit 15 was marked for

4 identification.) 92

5 MS. FORD: This is Exhibit 16?

6 THE STENOGRAPHER: Yes.

7 (Exhibit 16 was marked for

8 identification.)

9 BY MS. FORD:

10 Q Okay. So for the record, I have in front

11 of me Exhibit 13, which is the Enacted Plan; I have

12 Exhibit 15, which is Plan 79 --

13 A Uh-huh.

14 Q -- and I have Exhibit 16, which is

15 Plan 94.

16 Mr. Kelly, you have all of these in front

17 of you as well?

18 A Yes.

19 Q Okay. Great.

20 So here -- what would you say these three

21 plans have in common in the Tampa Bay region?

22 A The Plan 0079 in particular, compared to

23 the plan, the Enacted Plan, only splits --

24 Do you have -- I'm sorry, I should have

25 used this a little more closely. My apologies.

Page 165

1 Q Yeah, it does have county lines in here.

2 A Oh, okay, okay.

3 Q Okay.

4 A Yeah, I just had to zoom into the

5 regional. My apology.

6 I'm sorry. Anyway, overall, in terms of

7 the similarities really across all three, you have a

8 wholly Pinellas -- or near wholly Pinellas district

9 in all three. There's a district that essentially

10 the vast majority of all the population comes in

11 Pinellas. There's a district that is sort of

12 connecting the Tampa Bay community. There's a

13 district that's pretty significantly represented by

14 Manatee County residents, although differs, as you

15 can see in the maps, because two of the maps keep

16 Manatee whole; one of them -- well, actually all

17 three keep Manatee whole, but how they do so is

18 different.

19 But there's a district that's rooted out

20 of Manatee County and goes into southern

21 Hillsborough, and then there's a district that in

22 different ways is rooted out of the northern --

23 northern-central and northeastern portions of

24 Hillsborough and goes into Pasco, again with some --

25 some differences when you dive into the details.

Page 166

1 Q Okay. And I'm looking at Exhibit 15,
2 Plan 79 here.
3 A Uh-huh.
4 Q I think you said that there was a district
5 that was pretty wholly Pinellas County. You're
6 referring to District 13?
7 A Yes.
8 Q Okay. But that district also includes
9 portions of Hillsborough, portions of Manatee, it
10 looks like?
11 A It includes a little portion of -- two
12 little portions of Hillsborough. That bottom piece
13 that looks like it's Manatee, that's actually a
14 waterway that's actually in Hillsborough County.
15 Q It's not Hillsborough?
16 A Yes, Hillsborough County has a trailing
17 leg.
18 Q Okay.
19 All right. And you said there's a
20 district here on all these maps that connects Tampa
21 Bay.
22 What do you mean by that?
23 A District 14 is a fairly compact, centrally
24 located seat in all these maps.
25 Q So the Governor's Office had preference

Page 167

1 for this general setup of Tampa Bay?
2 MR. JAZIL: I'll give you the Marsh
3 instruction.
4 A The general goal that I believe I
5 testified to is that we were trying to get to a map
6 that was more adherent to county lines and compact
7 in the Tampa Bay area. I also talked at length in
8 the committee too about that Tampa area shouldn't be
9 drawn in a way that puts districts to the north and
10 south of it at the mercy of the Tampa Bay area, and
11 so that was an issue that we were trying to
12 reconcile as well.
13 BY MS. FORD:
14 Q Okay. And let me see if it's worth
15 keeping these exhibits out or if we can put them
16 away.
17 Let's set these aside for at least the
18 moment.
19 Can you go back to this April 13th letter
20 from Mr. Newman to Mr. Rodrigues?
21 A Sure.
22 Q And you read it before. Can you just read
23 this last sentence that starts with "In the Orlando
24 region"?
25 A Sure.

Page 168

1 "And In the Orlando region, the proposal
2 aligns more closely with the map referred out of the
3 House Congressional Redistricting Subcommittee Plan
4 H000C8011."
5 Q Okay. And you started to get into this
6 before, but can you explain what concepts from
7 Plan 8011 in the Orlando region you were referring
8 to here, or that this letter refers to?
9 A Sure --
10 MR. JAZIL: I'll give you the Marsh
11 instruction, but go ahead.
12 A Sure.
13 That House plan that the subcommittee
14 approved, that House plan drew the Orange
15 County-based seat, entirely based on Orange County,
16 almost in the middle of the county; albeit the
17 county does take sort of a chimney stack to it. The
18 county is not a square block, but to the extent that
19 it's relatively squared off, the county, that plan
20 drew a seat basically in the middle of the county
21 for all intents and purposes, much like a block,
22 with the minor deviations in it being issues of
23 where the Seminole/Orange line meets or issues where
24 cities like Winter Park, Maitland, Belle Isle,
25 Edgewood, Ocoee, some of these cities border either

Page 169

1 in or out of the district, so it was a very clean,
2 compact, block-like-looking district.
3 BY MS. FORD:
4 Q So you felt it was an improvement over the
5 version of Central Florida on Plan 8019?
6 MR. JAZIL: I'll give you the Marsh
7 instruction, but go ahead.
8 A As the plan that was ultimately enacted,
9 the plan enacted, yes, is an improvement over the
10 work that we, the Governor's Office, originally
11 submitted in Plan 0079.
12 BY MS. FORD:
13 Q I'm sorry, my question was bad.
14 You felt that the Central Florida region
15 in the Enacted Plan was an improvement over the
16 version of Central Florida in the Plan 8019?
17 MR. JAZIL: I'll give you the Marsh
18 instruction, but you can answer to the extent
19 you already discussed this with the
20 legislature.
21 A Significant improvement.
22 BY MS. FORD:
23 Q Okay. Let's pull these maps back up for a
24 quick question, 7994 and the Enacted.
25 It's Exhibits 15 -- 13, 15, and 16.

Page 170

1 A 13, 15, and 16?

2 Q Yes, unfortunately they don't go in
3 chronological order.

4 A Oh, sorry -- sorry -- sorry. Gotcha.
5 Sorry.

6 Q 7994 and then --

7 A I had misordered them, but gotcha.

8 Q Were there any other concepts from Plan 79
9 or 94 that you drew on or incorporated in the final
10 plan?

11 MR. JAZIL: I'm going to give you the
12 Marsh instruction, but go ahead and answer to
13 the extent you discussed this with the
14 legislature.

15 A Well, they are two entire maps, so, yes,
16 there are elements of both. And the maps represent
17 a progression and improvement upon themselves as
18 well.

19 BY MS. FORD:

20 Q Can you tell me about North Florida? I'm
21 looking here at Districts 3 and 4 in Plan 79,
22 Districts 3 and 4 in 94, and then District 4 and 5
23 in the Enacted Plan.

24 A Uh-huh.

25 Q Do you agree with me here that you just --

Page 171

1 you replicated the districts that were drawn in 79
2 and 94 in the final Enacted Plan for these
3 districts?

4 MR. JAZIL: I'll give you the Marsh
5 instruction, but answer

6 A I gave some details to the changes that
7 were made in committee for the Enacted Plan, two
8 probably key points.

9 The Enacted Plan -- that line between
10 where -- it's St. Johns County, between District 5
11 and District 6, that line there is the exact line
12 that the legislature passed in its plan that the
13 Governor vetoed, so I adopted the line the
14 legislature passed right there.

15 The additional thing that I did -- you
16 have to zoom in to see this -- but I would say the
17 difference between 4 and 5 is it follows the
18 St. Johns River. But at some juncture, of course,
19 you have to get equal population.

20 It doesn't work out perfectly. Where maps
21 79 and 94 -- I don't recall if they were literally
22 exactly the same with each other, but where 79 and
23 94, generally speaking, equaled out population, they
24 did so I want to -- probably by the Mayport naval
25 base in Duval County.

Page 172

1 What I did instead was I tried to keep the
2 river as much as possible, and where I couldn't,
3 there's a road coming out of Nassau County, and I
4 think it might be the Arlington Expressway, which
5 comes across -- because I needed about, give or
6 take, like 1000 or 1500 people to get to the equal
7 population number. That was the delta when you use
8 the river as the dividing line.

9 So District 4 had to come over into 5. So
10 I used these two major roadways to -- one, the other
11 side of the river into where District 5 is, I used
12 these two major roadways, one -- like both bridges
13 and then they meet, literally. I used that to
14 become my area where I equalized population between
15 the two districts. And I discussed that in the
16 committee.

17 BY MS. FORD:

18 Q Okay. So here you just talked about how
19 the southern boundary of -- I think it's District 5
20 in the Enacted Plan -- you adopted the legislature,
21 like, cut off the end of that district?

22 A Yes.

23 Q Is that fair?

24 And then you talked about -- how it sounds
25 like there was some changes in where you got equal

Page 173

1 population from across the river?

2 A Yeah.

3 Q Other than that, would you agree with me
4 that District 4 and 5 in the Enacted Plan are
5 essentially the same as 3 and 4 in these earlier
6 plans from the Governor's Office?

7 A They're very similar.

8 Q Okay.

9 Are there any other concepts from Plan 79
10 and 94 that you drew on when you drew this final
11 plan?

12 A From Plan 79 -- again 79 evolved into 94.
13 But throughout -- throughout the map drawing
14 process, we were trying to keep counties whole,
15 cities whole. We were looking at the legislative
16 product and trying to make improvements in that way.
17 And so when you look at 79 to 94, to then ultimately
18 the Enacted Map, you continue to see improvements in
19 terms of county boundaries or city boundary usage,
20 compactness.

21 Q Okay. We can set this aside for now.

22 MS. FORD: And, Michael, let me know if
23 there's an update on lunch.
24 (Discussion off record.)
25

Page 174

1 BY MS. FORD

2 Q So we already talked about -- I don't

3 think I've asked too many questions about this --

4 that the legislature had some particular purpose to

5 Tier 2, like the Senate trying to adhere to

6 statistical boundaries.

7 In your presentation to the legislature,

8 you mentioned that the legislature and the

9 Governor's Office had different approaches to Tier 2

10 and that you sort of had a discussion with the

11 legislature about how to adopt their approach.

12 Is that what you meant before, the

13 adhering more to statistical boundaries?

14 A I was definitely referring to what I

15 mentioned before about Census Designated Places.

16 Q Okay.

17 A Yeah, yeah, we did have a discussion at

18 some point about statistical boundaries as well.

19 Q Okay. And when you mentioned that the

20 legislature and the Governor's Office had a

21 different approach to Tier 2 compliance, is there

22 anything else that the Governor's Office and

23 legislature had a different approach to?

24 A Uh...

25 Q Just in terms of how they evaluated Tier 2

Page 175

1 compliance.

2 A Oh, just how they evaluated it?

3 Q Yeah, or approached to try to comply with

4 Tier 2.

5 A Nothing comes to mind at this moment.

6 Something might as we're talking about this come to

7 mind, but nothing at this exact moment.

8 Q Okay. If you think of anything, let me

9 know.

10 So you provided some basic statistics to

11 the legislature when you gave them your presentation

12 in April comparing Plan 8019 and the Governor's

13 plan. And I would just like to go over a few of

14 those to get them on the record.

15 It might be helpful actually to have your

16 presentation to the legislature.

17 A Sure, that would be great.

18 THE STENOGRAPHER: This will be 17.

19 MS. FORD: Looks like we printed this on a

20 couple of slides.

21 (Discussion off record.)

22 THE STENOGRAPHER: This is 17.

23 (Exhibit 17 was marked for

24 identification.)

25

Page 176

1 BY MS. FORD:

2 Q So, Mr. Kelly, this is a copy of your

3 presentation that you gave to the legislature in the

4 special session, just sort of going --

5 A Uh-huh.

6 Q -- through the Enacted Plan --

7 A Yes.

8 Q -- and comparing it to Plan 8019.

9 A Uh-huh.

10 Q Does this look like a fair and accurate

11 copy of that presentation?

12 A Yes.

13 Q I just thought it would be helpful to have

14 it here for reference. I don't have any specific

15 questions on it at the moment.

16 When looking at the map as a whole --

17 A Uh-huh.

18 Q -- in terms of county splits, the Enacted

19 Map -- I'm sorry. Let me start my question over

20 again.

21 When you look at the map as a whole on

22 county splits, the Enacted Map eliminates one county

23 split --

24 A Uh-huh.

25 Q -- as compared to Plan 8019, right?

Page 177

1 A I believe that's correct, yes.

2 Q It goes from 18 counties split in 8019 to

3 17 split in the Enacted Map?

4 A Yes.

5 Q Okay. Polk County was kept whole in

6 Plan 8019, right?

7 A Yes.

8 Q And in drawing the Enacted Map, you talked

9 about how you made a trade where you split Polk, but

10 you were able to make Sarasota and Citrus County

11 whole; is that correct?

12 A Correct.

13 Q Why did you make that trade?

14 MR. JAZIL: I'll give you the Marsh

15 instruction.

16 A And I talked about this a lot in the

17 committee meeting. Different iterations, including

18 the final iteration of the legislature's map made a

19 decision -- decisions to keep Polk whole, Osceola

20 whole, Brevard whole.

21 The functional result of that is that

22 that's a big wall through most of the middle of the

23 state. And so that -- those three decisions have

24 significant implications for where you're going to

25 put district lines throughout a large portion of the

Page 178

1 map; because physically, the only way that you can
2 adjust up and down the county -- the district
3 boundaries is suddenly in the Tampa Bay area.
4 So the legislature's ultimate decision to
5 pass the map as they did -- I mean, there's nothing
6 wrong with keeping Polk, Osceola, or Brevard whole,
7 nothing wrong with any of those divisions and those
8 decisions in isolation. However, it was
9 significantly consequential in the decisions that
10 the legislature otherwise left itself in the Tampa
11 Bay region.
12 And so when you are drawing up -- you're
13 drawing a map, you're oftentimes, in terms of
14 figuring out how you're going to, let's say, keep a
15 county whole and pick well recognized
16 political/geographical boundaries, county lines are
17 probably the best recognized lines.
18 When you're going to do that, and you all
19 of a sudden decide that there's a band across
20 three-quarters of your map that is solid and whole,
21 your push and pull in the map, and how you're
22 ultimately going to situate districts to the north
23 and south of the Tampa region and the Tampa region
24 itself is at the mercy -- good or not, it's at the
25 mercy of those other three decisions.

Page 179

1 Opening up Polk County allowed me as the
2 drawer to have a large number of other decisions
3 available to me, a large number of other options
4 available to me to keep more counties whole, keep
5 more cities whole, and even some counties that were
6 already split, just split them fewer times.
7 So I was able to -- not just going from 18
8 to 17, but I was able to also then reduce the number
9 of total splits of counties. But obviously large
10 counties are going to be split. You can't help it.
11 But I was still able to reduce the number of splits
12 in those counties throughout the map. And I was
13 able to pick more clearly compact lines -- in
14 several cases statistically compact lines, but even
15 just pulling back and looking at that map, more
16 clearly compact lines, I was able to do so in a way
17 to use significantly more well recognized roadways,
18 waterways; because, again, as I mentioned before,
19 taking the Senate approach to more use, greater use
20 of well recognized political and geographical
21 boundary lines.
22 So basically that one decision to split
23 one county allowed me to keep two more whole and
24 created a ripple effect of positive improvements
25 throughout the map.

Page 180

1 BY MS. FORD:
2 Q Okay. So when you say splitting Polk
3 County allowed you to keep two counties whole, you
4 mean Sarasota and Citrus?
5 A Yes.
6 Q Okay. And keeping Sarasota whole also
7 required you to split Longboat Key, correct?
8 A Correct. Longboat Key is I think one of
9 four cities in the state that's split between two
10 counties. It's split between Manatee and Sarasota.
11 Q Okay. So in splitting Polk, you gained an
12 additional whole county, but you also split an
13 additional city, correct?
14 A I mean, I couldn't view it in isolation
15 like that. There were -- there was a trade of three
16 cities for three cities. There were three cities in
17 the Enacted Map that were newly kept whole in
18 exchange for three cities that in the legislature's
19 8019, that were kept whole in there, so it was a
20 trade of three to three.
21 Q Yes, sir. I wasn't trying to say you
22 split an additional city as compared to the
23 Plan 8019. I just mean in the decision to split
24 Polk, you gained an additional whole county, but you
25 split an additional city to do that, right?

Page 181

1 A It's related to it, yeah. Yes. But
2 the -- the decision to split Longboat Key is more a
3 function of -- the decision to split Longboat Key
4 specifically is more a function of while keeping
5 Manatee and Sarasota whole; that doesn't work in a
6 singular district. So by keeping them both whole,
7 you have to divide Manatee and Sarasota from each
8 other, and that results in the Longboat Key effect.
9 Q So that's -- overall, I'd say that you
10 were expressing a preference for keeping a county
11 whole versus keeping a city whole in making that
12 decision?
13 A Yes.
14 Q So the Fair District -- do the Fair
15 District Amendments value counties over cities?
16 A Yes.
17 Q And what's your understanding of where
18 that comes from?
19 MR. JAZIL: If you can answer that --
20 A Yeah.
21 MR. JAZIL: -- pursuant to the Marsh
22 instruction, go ahead.
23 A Counties are often regarded as a proxy for
24 compactness, so to keep a county whole is
25 essentially both satisfying the use of a county

Page 182

1 boundary and it's equally satisfying the compactness
2 at the same time.
3 BY MS. FORD:
4 **Q In the Governor's plan and Plan -- I'm**
5 **sorry, I have the Governor's plan in my outline, but**
6 **I think you preferred Enacted -- Enacted Plan; is**
7 **that helpful?**
8 A Sure.
9 **Q I'll try to use that when I remember.**
10 **The Enacted Plan and Plan 8019 split the**
11 **same number of cities, correct?**
12 A Yes.
13 **Q 16 cities?**
14 A Yes.
15 **Q So overall there was no -- there were no**
16 **cities splits improvement as compared to Plan 8019**
17 **and the Enacted Plan?**
18 A Just comparing city splits to city splits,
19 yes.
20 **Q And the legislature's plan, Plan 8019,**
21 **split Cape Coral, Plant City, and Port Orange?**
22 A Yes.
23 **Q The Enacted Plan splits Lakeland,**
24 **St. Petersburg, and Longboat Key, to the extent they**
25 **are different; is that correct?**

Page 183

1 A Yes.
2 **Q Why did you make those trades?**
3 MR. JAZIL: I'll give you the Marsh
4 instruction, but go ahead and answer if you
5 already discussed it with third parties,
6 including the legislature.
7 A They're all their -- they're all each
8 their own different -- they all -- they're each a
9 different question.
10 BY MS. FORD:
11 **Q All right. What did you -- what were you**
12 **able to accomplish by splitting Lakeland?**
13 MR. JAZIL: I'll give you the Marsh
14 instruction, but go ahead.
15 A Sure.
16 The Lakeland split had more to do with
17 what line, knowing that I was making the split to
18 Polk County as a whole, and it was -- if I'm going
19 to do so, how was I going to do so in a meaningful
20 manner that still otherwise adopted other Tier 2
21 standards and made that a sound decision.
22 What I identified is that I could probably
23 use Interstate 4 -- and ultimately, largely I did
24 use Interstate 4. I could probably use Interstate 4
25 in Polk County as a divider.

Page 184

1 Now there's an issue of some cities -- I
2 want to say Polk City might be one. There's an
3 issue of some cities that cross over -- I'm trying
4 to picture these cities in my head -- but there's an
5 issue with some cities that cross over Interstate 4,
6 and so as you look at what I did with Interstate 4,
7 you'll see that in some cases that there was like an
8 arm of the city that jumped across the Interstate.
9 I tried to keep that arm whole to the greatest
10 extent possible.
11 Lakeland is the one city in that county
12 that just so significantly goes across Interstate 4.
13 If you're using that as the major boundary between
14 those two districts, I think 18 and 11, between 18
15 and 11; Lakeland goes so far over the Interstate
16 that it's just really difficult otherwise to
17 encapsulate all of Lakeland and have it look
18 compact.
19 The district would have kind of an arm at
20 the top. So it made more sense with Lakeland itself
21 to be more adherent to Interstate 4. I had to do a
22 lot of zero population work along the Interstate
23 because of the issues of some of these cities.
24 Auburndale was one of them going across
25 Interstate 4. So when you dive in, you'll see a lot

Page 185

1 of my zero pop right there along the Interstate, but
2 it was a logical line to use because Interstate 4 is
3 a very clear tier to an Interstate, and it's a very
4 well recognized demarcation in Polk County. It
5 created aesthetically, too.
6 I had to figure out -- with District 11, I
7 was turning District 11 almost on sort of some sort
8 of an axis compared to what the legislature did
9 because, if you think about what I did -- I
10 apologize for the lengthy explanation as all these
11 things interplay.
12 BY MS. FORD:
13 **Q No, I understand.**
14 A As I pushed up along the Nature Coast,
15 which is -- goes up to Citrus County, to keep Citrus
16 County whole, I had to then -- and wanted to create
17 something of a wall to where this intersects with
18 District 11, and also whatever was in Marion County,
19 so I could create more of a flat squared-up
20 appearance to the best extent possible.
21 These roads obviously aren't all perfect
22 straight lines, but to the extent possible that I
23 could use major county boundaries, major roadways, I
24 was turning District 11 to create more of a
25 partially circular, partially squared-up piece.

Page 186

1 To do that, I had to really factor in what
2 does the southern border of District 11 really look
3 like, just visually as you pull back from the map.
4 And you're just trying to say is this a relatively
5 logical squared-up compact shape.
6 The Interstate gave me the best option
7 possible. So it is a matter of pushing up in the
8 Tampa Bay region to the Nature Coast, turning up the
9 dial on 11 creates the flat bottom -- there's other
10 things that I did to intersect with them where 11
11 goes into Orange County and, again, to try to create
12 a clear, visible wall.
13 So it's almost like the turning of gears.
14 And as you turn the gears, you start to see,
15 depending on where you pick the border, you can get
16 more squared-up, compact-looking shapes.
17 **Q Okay. Thank you.**
18 **And we talked about Longboat Key. What**
19 **did you accomplish by splitting St. Petersburg?**
20 A Pinellas kind of has to be split
21 somewhere. It's larger -- it's larger than a
22 district, obviously, so you have to split it
23 somewhere.
24 You can either split Pinellas County in
25 the northern part of the county, relatively

Page 187

1 speaking, or you can split it in the southern part
2 of the county, relatively speaking, and still
3 otherwise, either way, have a sort of squared-up
4 looking block of a district, fairly compact
5 district.
6 What I realized about St. Pete was that it
7 offered U.S. 19. That's just a very north-to-south,
8 clean, crisp boundary line.
9 Now, I didn't take that boundary all the
10 way into Manatee County, but visually it creates a
11 clear cohesiveness with where that district
12 intersects then with the district to the east of it.
13 And it allowed me at the same time -- and this is a
14 part, as you go through the map drawing process and
15 you're just looking at the actual population numbers
16 because obviously you have to get the zero pop
17 correct -- it allowed me to say, well, if I'm going
18 to whole Manatee/Sarasota, I need a district from
19 Manatee that's going to go up north into -- into
20 Hillsborough County.
21 I could in theory also take that district
22 over into St. Pete as well. I could block it off,
23 but I didn't feel like that was the decision -- that
24 taking a district from Manatee and southern
25 Hillsborough and going into St. Pete didn't feel

Page 188

1 like a logical decision.
2 That said, I was still trying to create a
3 juncture between these districts that created some
4 nice, square, clean lines -- clean and compact lines
5 using well recognized boundaries.
6 And so it was a matter of trying to figure
7 out which boundaries, which population-wise gave me
8 the right ways to make that connection. To do that,
9 to hold that line that -- have that U.S. 19 coming
10 out of St. Pete, I had to get my zero pop -- it
11 might have been the Feather Sound area. It was
12 somewhere in that little unincorporated area
13 there -- a little unincorporated area a little above
14 St. Pete -- to get my zero pop right there.
15 But nonetheless gave me a clean line. And
16 it was a matter of trial and error in thinking --
17 what I really -- what I really wanted where all
18 these districts intersect in Hillsborough is I
19 really want one clean, crisp intersection point
20 where, no matter how you're coming at it, from the
21 north from Pasco, if you're coming east to west from
22 Polk, if you're coming south to north from Manatee,
23 you would see that clean intersection point.
24 That was a lot of work to do that. I
25 achieved that -- basically, I think -- I think it

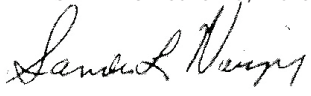
Page 189

1 was 14 -- I think 14 is using the -- I think that's
2 301. I think it basically just rides down 301, to
3 have that nice, clean boundary, and then that 14,
4 16, and 15, I want to say that intersection is
5 between 301 and State Road 60 probably -- yeah,
6 State Road 60.
7 So it creates this nice, clean line, nice
8 blocked-off shapes, just chunk, compact district;
9 chunk, compact district; chunk, compact district;
10 chunk, compact district.
11 And overall, in terms of figuring just
12 what the sort of ripple effect -- because the ripple
13 effect there that you do -- the decisions you make
14 there, as I described earlier when I was describing
15 Brevard, Osceola, and Polk, they're felt around the
16 map. And so making sure that that decision there is
17 split along 19 had positive benefits elsewhere.
18 Going north to south in Pinellas is a big
19 deal because that allowed me then to not have -- you
20 have two choices: If you're going to come from
21 Hillsborough, you're going to have an arm to the
22 district. If you're going to come from Pasco,
23 you're going to have a trailing leg for the
24 district, if you're going -- if you're going south
25 to north -- so in other words, St. Pete up.

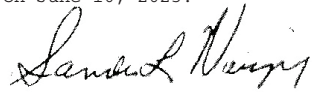
Page 190

1 But if you're going north to south, so
 2 come starting at Tarpon/Dunedin -- if you go north
 3 to south, hold that Pinellas/Pasco line, that allows
 4 you then to go up and have that Citrus County kept
 5 whole. And as I mentioned earlier, kind of turning
 6 the dial, turning that, that allowed me then keeping
 7 Citrus whole -- that actually at the same time
 8 allows me to create something of a wall with county
 9 lines and major roadways between that and
 10 District 11.
 11 So all of these things are pushing and
 12 pulling on each other to create a better result in
 13 several ways.
 14 **Q Okay. Thank you.**
 15 MS. FORD: Okay. Thank you. We've got a
 16 good breaking point for lunch here.
 17 Does that work for you, Mr. Kelly?
 18 THE WITNESS: Yes. I'm pushing back, yes.
 19 MS. FORD: All right. Let's go off the
 20 record.
 21 Thanks, Sandi.
 22 (A recess took place from 2:00 p.m. to
 23 2:48 p.m. and continues in Volume 2.)
 24
 25

Page 191

1 CERTIFICATE OF OATH
 2
 3 STATE OF FLORIDA)
 4 COUNTY OF LEON)
 5 I, the undersigned authority, certify that
 6 James Alexander Kelly personally appeared before me
 7 on June 7, 2023, and was duly sworn.
 8
 9
 10 SIGNED AND SEALED on June 10, 2023.
 11 
 12
 13 SANDRA L. NARGIZ
 14 RPR, RMR, CRR, CRC, CCR-GA
 15 snargiz@comcast.net
 16 Commission #HH239213
 17 EXPIRES: APRIL 18TH, 2026
 18
 19
 20
 21
 22
 23
 24
 25

Page 192

1 CERTIFICATE OF REPORTER
 2 STATE OF FLORIDA)
 3 COUNTY OF LEON)
 4 I, SANDRA L. NARGIZ, Registered
 5 Professional Reporter, certify that I was authorized
 6 to and did stenographically report the deposition of
 7 James Alexander Kelly; that a review of the
 8 transcript was requested, and that the foregoing
 9 transcript, pages 1 through 190, is a true record of
 10 my stenographic notes.
 11 I further certify that I am not a
 12 relative, employee, attorney or counsel of any of
 13 the parties, nor am I a relative or employee of any
 14 of the parties' attorney or counsel connected with
 15 the action, nor am I financially interested in the
 16 action.
 17 DATED on June 10, 2023.
 18 
 19
 20 SANDRA L. NARGIZ
 21 RPR, RMR, CRR, CRC, CCR-GA
 22 Notary Public in Florida
 23 snargiz@comcast.net
 24
 25

Page 193

1 June 10, 2023
 2 MOHAMMAD O. JAZIL, ESQUIRE
 3 mjazil@holtzmanvogel.com
 4 RE: Black Voters Matter, et al. vs.
 5 Cord Byrd, et al./Common Cause, et al. v. Byrd
 6 Case No. 2022 CA 000666/4:22-cv-109-AW-MAF
 7 Deposition of James Alexander Kelly
 8 on June 7, 2023
 9 Dear Counsel:
 10 The transcript of the above proceeding is now
 11 available and requires signature by the witness.
 12 Please e-mail fl.production@lexitaslegal.com for
 13 access to a read-only PDF transcript and
 14 PDF-fillable errata sheet via computer or use the
 15 errata sheet that is located at the back of the
 16 transcript. Once completed, please print, sign, and
 17 return to the email address listed below for
 18 distribution to all parties. If you are in need of
 19 assistance, please contact Lexitas at 888-811-3408.
 20
 21 If the witness does not read and sign the transcript
 22 within a reasonable amount of time (or 30 days if
 23 Federal), the original transcript may be
 24 filed with the Clerk of the court. If the witness
 25 wishes to waive his/her signature now, please have
 the witness sign in the blank at the bottom of this
 letter and return to the email address listed below.
 Very truly yours,
 Sandra L. Nargiz, RPR, RMR, CRR, CRC, CCR-GA
 Lexitas
 1551 Forum Place, Suite 200-E
 West Palm Beach, Florida 33401
 fl.production@lexitaslegal.com
 I do hereby waive my signature.

 James Alexander Kelly
 Job No. 311409
 24
 25

1 ERRATA SHEET - VOLUME 1
2 DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE
3 In Re: Black Voters Matter, et al. vs.
4 Cord Byrd, et al./Common Cause v. Byrd
5 Case No.: 2022 CA 000666/4:22-cv-109-AW-MAF
6 James Alexander Kelly
7 June 7, 2023

6	PAGE	LINE	CHANGE	REASON
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				

19 Under penalties of perjury, I declare that I have
20 read the foregoing transcript of the above
21 proceeding and I hereby swear that my testimony
22 therein was true at the time it was given and is now
23 true and correct, including any corrections and/or
24 amendments listed above.

25 Signature of Witness: _____
Dated this ____ day of _____, 2023.
email to: fl.production@lexitaslegal.com
Job No. 311409

RETRIEVED FROM DEMOCRACYDOCKET.COM

<u>Exhibits</u>			
Exhibit 001 Kell y 4:11 6:11,12	Exhibit 012 Kell y 4:18 126:9,23	2,7 42:16 43:2,22 47:13 50:2 54:8,12 65:2 70:9 73:3 105:20 130:6, 13 155:5	190:10 11:10 80:5,6 11:20 80:7
Exhibit 002 Kell y 4:12 6:15,16	Exhibit 013 Kell y 4:18 144:16,19 153:8 164:11	10 26:18 29:4 30:5 32:15 65:4 82:4 96:12 104:7,9, 12 109:8 123:17,19 124:10 145:12 153:5 154:22 155:1,22	12 32:15 60:22 103:2 126:9,23 128:16 12:44 143:19
Exhibit 003 Kell y 4:12 6:17	Exhibit 014 Kell y 4:19 160:20,23	1000 172:6 1074 66:4,8	12:54 143:20
Exhibit 004 Kell y 4:13 9:24 10:1	Exhibit 015 Kell y 4:20 164:3,12 166:1	1075 65:16	13 66:10 72:7,20 73:2,3,11 74:11,19 76:1 77:22,25 81:8 144:14,16,19 153:8 164:11 166:6 169:25 170:1
Exhibit 005 Kell y 4:13 36:25 37:2 46:15 56:9	Exhibit 016 Kell y 4:20 164:5,7, 14	1077 66:5,6	13th 152:2 161:3 167:19
Exhibit 006 Kell y 4:14 37:9,10 39:10 54:15 64:21 72:4	Exhibit 017 Kell y 4:21 175:23	1078 70:1	14 61:1,2,3,5 62:3,4,6 63:16 65:1 72:18,20 76:1 81:8 128:21 129:4 130:6,13 142:21 160:19, 20,23 166:23 189:1,3
Exhibit 007 Kell y 4:14 49:5,7,17 65:16	((R) 106:5,12	108 26:7	14's 72:6
Exhibit 008 Kell y 4:15 60:12,14	001W 125:22	109 114:12 115:2 140:4 145:1	14A 126:1 128:2,5 140:11
Exhibit 009 Kell y 4:16 75:3	0079 122:3,12 130:2 139:24 162:15 164:22 169:11	10th 105:10 152:2	14B
Exhibit 010 Kell y 4:16 104:9,12	0094 130:10 140:1 162:15	11 57:16,18 58:16,18 59:1 62:7 63:19,21, 24 110:19,22 111:1,4 184:14,15 185:6,7,18,24 186:2,9,10	
Exhibit 011 Kell y 4:17 111:1,4	1 6:11,12 41:1,		

125:22,23,24 127:4,12,13,22 14th 94:7,10 121:3 15 142:22 164:2, 3,12 166:1 169:25 170:1 189:4 15-12 106:7 1500 172:6 157 6:20 16 39:13 103:1 164:5,7,14 169:25 170:1 182:13 189:4 16-12 106:7 17 87:6 175:18, 22,23 177:3 179:8 18 109:8 124:25 148:17 177:2 179:7 184:14 19 68:7 155:25 187:7 188:9 189:17 1998 20:5 89:16 19th 148:15	<hr/> 2 <hr/> 2 6:15,16 55:5 70:1 155:5 174:5,9,21,25 175:4 183:20 190:23 2-C 144:20 20 27:8 29:4 63:22 144:11 155:5 2000 14:10,15 18:15 19:7 2002 14:9 15:19,20 18:15 19:9 26:3 27:1,6,41 28:8,17 30:20 34:15 37:3,4 39:13,25 46:14 56:9,18,20 57:15,18 58:19 59:1 62:7 63:24 2004 14:11 15:21 18:15 19:13 2005 14:12 2008 17:8 18:15 19:15 2009 14:13 16:5,13 17:7,10 25:23 26:1 87:7 2010	7:15,16 16:11 28:10,20 29:22 33:5 35:10 56:14,18 57:4 58:9 78:7,12, 15 2010/2012 30:25 2011 56:15 79:4 2012 14:13 16:6 29:4 30:12 32:23 33:5,12, 14,23 34:3,15 35:10,17 36:19,24 37:5, 12,16,21 39:14,20 40:3, 6 41:24 43:25 44:1,8,23 48:1,10,11,15, 16 49:19 51:7 54:4,14,16 55:2,10 56:15, 18 57:1,4 58:16,18 60:7 62:6 63:19,21 64:22,25 71:5, 17 72:3,16 73:10,18 75:7, 18 78:5 80:10, 19,22 81:3 2013 7:16 2014 7:17 36:16 60:9 62:10 63:13 73:18 74:4 75:19 81:15 2015	75:8,25 76:5, 10 77:14 2016 39:20 40:4,7 77:22 102:4, 12,15 2018 89:21,23 90:12 2020 28:23 81:23 2021 12:19 80:11,20 81:4,11,16 82:8 85:12 90:24 99:6 100:22 101:13 105:10 107:17 108:13 111:10 2022 99:6,17 102:15 110:15 138:12, 15 144:21 146:22 161:3 2022-CA-666 6:4 2023 6:19 51:18 21 100:9 107:21 22 107:21 125:9 144:20 25 155:6 25th 6:19 26 60:17 156:1 27 155:6
--	---	--	---

28 155:6			
29 111:10			
2:00 190:22			
2:48 190:23			
<hr/>			
3			
3 6:17 155:25 170:21,22 173:5			
3,000 49:9			
301 189:2,5			
3d 87:6			
<hr/>			
4			
4 9:24 10:1 170:21,22 171:17 172:9 173:4,5 183:23,24 184:5,6,12,21, 25 185:2			
40 146:18			
47 50:13			
48 50:14			
4:22-cv-109 6:8			
	<hr/>	<hr/>	<hr/>
	5	8	9:35
	5 34:23 36:25 37:2 46:15 50:9 51:5 56:9 68:5,10 93:7 170:22 171:10, 17 172:9,11,19 173:4	8 60:12,14 66:12	5:1
	<hr/>	<hr/>	<hr/>
	50	8011	A
	47:17,22 48:2, 8,19 54:6 55:3 59:7	168:7	a.m. 5:1 80:6,7
	5th	8015	Aaron 14:19
	60:8	115:8	ability 9:10,14 50:23
	<hr/>	8019	absence 137:7
	6	115:8,19 116:9 154:1 155:3 162:18,20 169:5,16 175:12 176:8, 25 177:2,6 180:19,23 182:10,16,20	absent 88:1
	<hr/>	8050	access 43:18 129:23 135:6,7
	6	115:8	accomplish 183:12 186:19
	34:23 37:9,10 39:10 52:7 54:15 64:21 72:4 171:11	812-817 87:6	account 23:5 149:11
	<hr/>	<hr/>	accurate 37:14 144:7,23 148:2 161:7 176:10
	60	9	accurately 9:10
	146:18 189:5,6	9 61:23 67:16 75:2,3	achieved 188:25
	<hr/>	<hr/>	action 100:1
	7	92	active 151:1
	49:5,7,17 65:16	164:4	actual 34:8 52:16 60:20 70:4,10 98:4 157:15 159:3 187:15
	79	931	Adam 12:2 122:8
	162:23 164:12 166:2 170:8,21 171:1,21,22 173:9,12,17	49:25	
	7994	94	
	169:24 170:6	162:24 164:15 170:9,22 171:2,21,23 173:10,12,17	
	7th	976	
	12:19 85:12	52:5	
		977	
		52:6	

133:22 141:14 add 33:7 87:22 156:19 added 137:13 addition 13:7 additional 171:15 180:12, 13,22,24,25 address 10:5 adhere 35:6 174:5 adherence 149:8,9 adherent 127:16 163:9 167:6 184:21 adhering 174:13 adjust 178:2 adjusts 162:2 admit 62:24 adopt 174:11 adopted 171:13 172:20 183:20 Adrian 13:20,23 advance 6:22 15:12 139:10 advice 113:14 146:13	aesthetically 185:5 aesthetics 70:9 affiliated 89:5,11 affiliation 90:12 affirm 5:4 affirmed 5:11 African 53:4 61:9 African-american 50:18 52:25 61:7 63:15 64:4 68:2,4 69:10 70:3,17 agencies 13:13 aggressive 111:21 agree 8:18 9:1 23:1 55:18 59:14 72:13 95:4 96:23 112:18 113:2 162:11, 16 170:25 173:3 agreement 84:22 ahead 96:7,19 108:25 114:21 119:12, 21 121:11 131:19 147:12 149:16 155:10 156:7 161:13 168:11 169:7	170:12 181:22 183:4,14 aide 14:16 15:3,5 27:2 albeit 168:16 alert 104:20 alerts 25:8 45:21 104:21,23,25 105:3,4,7 Alex 82:9 91:3 141:25 Alexander 5:10 7:8 align 67:1,3,5,18 162:4,13 aligned 67:20 68:3 aligns 162:7 168:2 allowed 160:8,9 163:12 179:1,23 180:3 187:13,17 189:19 190:6 alter 156:3 amazing 107:15 amend 91:22 Amendment 94:7,10 amendments 29:16,21,25	34:23 35:2,6 78:17 81:5,12 181:15 American 45:18 53:4 61:9 amount 145:22 analyses 43:6 50:6 61:15 117:10 118:6 119:7 120:4,9 analysis 37:24 38:2,8, 11,13,16,17,23 39:4 41:20,23, 25 42:4,8,18 43:1,3,7,9 45:8,24 46:9, 23 47:1,6,9 50:10 51:4,19, 22,23 52:20,24 53:6,17 58:8, 11,13 61:1,23 62:12 117:6,8 118:19,22,23, 25 119:4,18 120:1,19 135:18 137:9 analyst 15:23 16:1,10 17:3 analyze 37:21 117:12 and/or 92:8 Andy 138:8 Ansolabehere 126:15
--	---	--	---

answering 138:8	appropriations 16:18	103:14 106:18	132:10,25
answers 39:8 108:17	approved 31:25 168:14	110:5,12	138:1
apologies 66:9 164:25	April 10:11 12:19	111:23	Auburndale 184:24
apologize 6:22 63:8	82:8 85:12	asks 6:23	Augustine 19:14 20:10
185:10	107:22 138:15	assertion 88:10	average 23:2
apology 165:5	140:8 142:10	assessment 106:1	avoid 67:21 83:19
Apopka 159:24	144:20 146:21, 22 148:15	assist 145:9	aware 20:23 21:1,6, 11,14,17
appearance 148:7 185:20	152:1,2 161:3	assistance 125:5	22:18,21 63:13
appearing 10:4	167:19 175:12	assistant 137:20	73:23 74:3,8, 16,20 75:24
appears 104:19	architects 36:19	assisted 145:11	76:3,4,24
appendage 55:12 67:22	area 15:13 19:11	assume 40:24 41:14	77:2,12,15,21
appendages 69:20	56:13 66:15	74:8,16 102:20	78:1 101:24
application 154:12	68:15,19 69:6, 7 76:2 77:10	122:21 126:18	102:6 107:6,8, 14,19,22,25
applies 82:18 115:25	108:10 159:24	140:21	108:4,8,21
apply 82:22 83:11	163:16 167:7, 8,10 172:14	attempt 71:6	112:4 113:24
86:16 88:10	178:3 188:11, 12,13	attempted 65:10	114:4 115:6, 12,15 116:1, 20,23 149:14
Apportionment 39:18	areas 53:1,2	attempting 162:24	awareness 77:6
approach 127:17 174:11, 21,23 179:19	Arlington 172:4	attempts 150:20	axis 185:8
approached 175:3	arm 184:8,9,19	attended 19:17 78:18	<hr/> B <hr/>
approaches 158:15 174:9	189:21	79:6 90:5,8	back 10:10,14 14:12
	arms 66:21	attorney 8:3 131:15	15:21 16:5
	arrival 35:1	attorney/client 76:19 113:11	31:1 34:3 37:7
	article 105:8,13,16,25	131:8	44:19 54:14
	106:17 111:4, 12,17,22	attorneys 131:13,14,21	56:14 61:17
	articles		64:21 65:14

120:25 125:18 128:1,25 130:15 131:1 133:23 134:6, 18 142:14,20, 25 147:1 149:10 153:8 160:15 167:19 169:23 179:15 186:3 190:18 background 31:7 99:23 bad 58:25 138:22 161:12 169:13 Baker 15:16 ballot 29:22 band 178:19 Bardos 138:9 barely 23:9 106:6 base 171:25 based 8:6 56:6 92:1 100:22 121:8 168:15 basic 54:23 108:17 149:5 175:10 basically 13:12 161:3 168:20 179:22 188:25 189:2 basis 73:15	bay 19:11 20:18,21 56:13 57:15 58:9 66:16 76:2 77:4,10, 13 105:12 108:10 162:12, 23 163:19 164:21 165:12 166:21 167:1, 7,10 178:3,11 186:8 Beach 20:9 beaches 72:11 Bean 14:19,23 15:14 26:10 27:2 began 5:1 99:18 begin 153:12 behalf 5:25 82:16 136:11 behavior 21:21 believed 42:13 51:16 bell 128:5 Belle 168:24 benchmark 45:24 46:3,4, 19 47:12,16 50:22,25 52:9, 12 66:15,16,20 67:11,16 93:7, 11 94:2 101:25	102:10,12,20 108:22 benefits 189:17 Biden 106:13 big 177:22 189:18 bigger 83:19 bill 36:8 39:14 73:21 bit 30:19 53:6 57:14 62:18 64:24 83:20 160:16 Bizarre 106:4 Black 5:18 6:2 47:17,23 48:2, 8,19 54:7,11 55:3,13,16 58:17 59:6 blank 22:25 blended 159:8 block 39:2,4 168:18, 21 187:4,22 block-like- looking 169:2 blocked-off 189:8 blocs 119:3	blogs 24:25 blue 46:17 47:12 blur 27:9 body 100:1 boosts 111:9 border 168:25 186:2, 15 boring 80:17 boss 98:10 bottom 105:20 166:12 186:9 boundaries 121:14 149:8 150:6 156:21 158:20 159:2 163:13,17 173:19 174:6, 13,18 178:3,16 185:23 188:5,7 boundary 158:8 172:19 173:19 179:21 182:1 184:13 187:8,9 189:3 Boyd 87:6 Bradenton 69:25 70:3,5 Bradford 15:16 break 8:14 64:13
---	--	---	--

71:3,23 80:3 106:7 143:13 breakdown 21:3,5 73:2 103:7 107:6,24 112:5 breakdowns 108:1 breaking 190:16 breaks 8:17,18 Brevard 159:20 160:1,2 177:20 178:6 189:15 Brevard/volusia 160:3,7 brick 160:5 bridges 172:12 briefings 19:3 bring 56:14 broad 97:24 134:13 broadly 79:25 115:14 119:22 131:21 brought 136:8 140:15 159:20 Bryan 12:4 134:22,23 135:1 137:20 Bryan's 137:8,12 Building	6:3 Bush 27:11,13 36:6 business 83:9 86:18 Byrd 5:25 6:3,7 <hr/> C <hr/> call 19:10 44:21 46:19 53:16 72:9 91:9 99:19 140:10 called 32:3 41:22 calling 103:21 calls 62:12 campaign 18:8,20 22,24 19:4,7 23:23 24:4 89:24 campaigns 18:14,19 19:6 24:5 candidate 18:25 41:8 44:16 48:7 50:18 52:18, 22,23 53:1,2, 4,25 61:4,10, 20,21 63:17 64:5,6,8 71:11 candidates 17:16,17,19 18:9,11 19:2 43:20 53:9 90:2	capacity 6:2 27:23 62:22,24 144:1,4,5 Cape 182:21 capture 93:15 carefully 70:11 case 5:19 6:4,8,14 18:20 59:24 75:21 81:7 86:22,23 87:8, 20 93:25 94:4 132:5,9 158:1 cases 31:2 83:14 179:14 184:7 Castor 71:18 casual 81:19,20 casually 80:15 Cat 7:1 caveat 123:16 145:12 CD-3 46:16,19 47:12,16 54:18 CD-5 46:20 54:18 55:9 93:11 94:2,6,12 148:19 150:2 CD-7 108:5 113:25	Census 45:18 129:18 157:24 158:1, 5,10 174:15 center 67:2 centered 19:13 Central 22:12,16 46:18 55:11 159:6 160:16 169:5, 14,16 centrally 166:23 certified 5:12 cetera 83:18 chairs 120:15,16 147:24 148:2 chance 52:17 change 35:2,3 53:6 90:21 92:17 156:24 changed 34:23 47:19 57:14 92:14 113:25 148:16 changing 34:24 characterization 36:21 72:13 73:14 82:24 characterize 42:3,5 Charlie 77:16 78:1
--	--	--	---

chart 161:17	circular 185:25	41:2	co-campaign 18:21
chatter 101:15,18 103:11	circumstance 9:13	clarified 115:18 133:7	coalesced 63:16 64:5 71:15
check 24:11 44:14 117:12	circumstances 53:7 58:6	clarify 23:25 132:3 143:22 157:6	coalescing 61:10,20
checking 45:9	cite 148:8	clarity 139:23	coast 72:11 163:21 185:14 186:8
chief 12:21,22,23, 24,25 13:4,11, 16,17 32:16 90:18	cities 20:8,20 22:15 70:14,15 159:25 168:24, 25 173:15 179:5 180:9, 16,18 181:15 182:11,13,16 184:1,3,4,5,23	clean 121:13 160:11 169:1 187:8 188:4,15,19,23 189:3,7	cohesion 43:19
chiefs 12:12	cities/counties 118:4	cleaned 70:9 149:1	cohesive 53:10,21
chimney 168:17	citing 87:7	cleaning 156:21	cohesiveness 119:3,5 187:11
choice 41:9 44:17 48:8 50:18 61:11 63:17 64:5 71:11	citizen 31:22 135:5,7, 10,17,18 136:9,18,24 137:7,14 144:4	clear 49:15 87:9 93:1 97:5 107:20 112:2 113:16 115:17 126:12,17 142:16 154:7 157:24 185:3 186:12 187:11	collaborated 133:22,23 134:8,15
choices 189:20	Citrus 163:14 177:10 180:4 185:15 190:4,7	Clearwater 72:12	collaboration 134:2 152:22
choose 156:3	city 21:17,20,25 22:3,6,9 70:16 121:14 157:25 158:21 173:19 180:13,22,25 181:11 182:18, 21 184:2,8,11	clicks 154:18	collaboratively 125:14
Chris 132:10	claim 55:5	close 6:24 14:24 102:9 156:14	colleague 87:10
Christina 5:17 6:25 49:14 62:17 126:2	clarification	closely 67:20 101:16 122:14 162:4, 7,17,18,19 164:25 168:2	collecting 132:11
chronological 170:3		closer 102:7 162:20	column 137:13
chunk 189:8,9,10			combined 59:6 61:11
Circuit 6:5,10,14			comfortable 127:23 141:1
			comment 110:16
			comments 10:12
			committee 16:25 30:14 31:14,16,21

39:17 81:23 82:3 84:6 99:8,11,19,21, 24 100:7 118:1 119:15,16 120:10,12,14, 15,16,17 144:21 145:22, 24 147:24 163:4 167:8 171:7 172:16 177:17 committees 94:21,23 100:10,14 120:15 146:20 147:23 committing 148:10 common 6:6 164:21 communicating 83:3 87:17 communication 83:7 86:7,10 87:2,5,19,25 88:15,20 communications 12:10 86:11 119:11 communities 53:10 61:8,10, 11,14,19 63:15,16 64:4 community 15:9 45:18 53:21 59:6 70:3,17 71:15 165:12 compact 55:22 56:1,5 66:25 159:12	160:4 163:10 166:23 167:6 169:2 179:13, 14,16 184:18 186:5 187:4 188:4 189:8,9, 10 compact-looking 186:16 compactness 118:3 121:14 156:22 160:11 173:20 181:24 182:1 compare 34:20 46:1 52:14 compared 52:11 116:2 121:18,22 153:22 164:22 176:25 180:22 182:16 185:8 comparing 175:12 176:8 182:18 competitive 108:9 complained 116:24 completely 22:25 compliance 174:21 175:1 compliant 50:14 complimentary 134:19 comply 43:22 65:2,9 70:21 71:6	73:4 175:3 compromise 150:16 152:22 concept 38:19 160:7 163:7 concepts 138:10,17 150:21,22,24 153:2,4 157:5 160:13 162:23 168:6 170:8 173:9 concern 93:10 95:1 136:10 concerned 55:4 86:17 concerns 73:4 93:1,4,19 94:1 concessions 35:23 concluded 47:12 64:3,7 75:21 conclusion 48:5,12 50:12 63:14 152:4 conclusions 120:8 conduct 118:18 conducted 38:1 conducting 37:23 conferences 31:9 90:6 confi-	83:6 confidence 82:19 83:8,10 confident 52:21 confidential 84:25 86:12,14 88:1 confirm 10:3 44:15 conflicts 105:9 confused 56:17 Congratulations 12:16 Congress 71:19 77:20,24 143:7 congressional 7:13,22 28:16, 17,19,22 32:11 35:20,25 36:7, 19 37:15 49:20 56:10 60:7 64:22 72:3 73:18 101:22 105:15 106:3 108:13 111:15, 17 122:15 143:8 162:3,8 168:3 connecting 165:12 connection 188:8 connects 166:20 consequential 178:9
---	--	---	--

considerable 145:22	content 8:24	134:5 136:1,14 147:14	85:13 100:25 107:7 108:7
considerably 163:9,10	context 109:2	converted 126:12,16	109:18 114:3,7 126:22 130:3, 10,19 138:2
considered 13:24 33:15 77:9	contiguity 45:22	Cook 25:3 105:18 106:2	145:7 147:4,5 154:2 155:3 156:1,2 177:1, 11,12 180:7,8, 13 182:11,25 187:17
consistent 6:9 39:1 114:15 157:13	continue 48:7,17 64:6 71:10 173:18	copies 79:21 138:2,23 141:7 143:3 155:2	correctly 68:14 87:21
constituent 15:8	continued 64:7	copy 9:21 37:15 48:23 74:21,23 141:5,25 144:24 154:17 161:8 176:2,11	council 16:9
constituted 77:4	continues 106:11 190:23	Coral 182:21	counsel 8:20 10:9 11:18 12:8 34:7 39:8 76:25 91:21 113:1,14 131:10 132:8 146:14 161:1
Constitution 94:8,11	continuing 96:24 106:4	Cord 6:3,6	count 106:6 123:19
constitutional 35:5	contract 121:19 122:8	corporate 62:20 158:2	counties 19:11 57:10 66:18 68:10 173:14 177:2 179:4,5,9,10, 12 180:3,10 181:15,23
constitutionalit y 75:7	contracting 141:16	correct 7:13,19 18:6 24:23 27:25 28:3 29:20 32:2,17 36:1,4 42:1,23 47:17, 18,24 48:3,4 50:7,15,19 53:14 54:8,13 55:23 56:2 57:12 58:9 59:18 62:14,15 63:17,20 64:1, 2,8 65:9 68:11 70:21 71:5,15, 19 72:21 76:11 77:6,11 78:8, 13,14,19 79:6, 14,17 83:13	county 6:5 15:15 19:7 22:18,21 23:2, 3 57:9,20 59:2 67:7,18,24,25 68:2,3,5,9,19 69:9,11,15 70:8 72:7,10 77:24 121:13 127:7,10,17,18
consult 8:19,22 12:6 30:6 42:6,17 129:16	contrary 88:1		
consultant 27:23 97:16 111:20	conversation 81:19,20 84:15,17 106:20 112:18, 21 113:4 124:3 135:23 136:8 147:6,11,16		
consultants 78:19 79:8,16, 20 95:12	conversations 76:16,24 82:6, 11 83:17,21 84:6,10 85:3, 10,15,18,20,21 86:16 91:8 94:17,20 95:3, 10 96:2 97:10 98:8,22 99:3 103:5 107:2 109:19,23,25 110:6 112:3,4, 15,20 123:7		
consultation 96:10,15 98:3			
consulted 10:9 31:10 45:10 129:25			
consulting 44:13			
consume 25:15			

128:7,8 149:8, 9,10,14 150:5 156:21 158:21 159:13,20,22, 23 160:2,4,5, 10,11 163:9, 13,15,16,17 165:1,14,20 166:5,14,16 167:6 168:15, 16,17,18,19,20 171:10,25 172:3 173:19 176:18,22 177:5,10 178:2,15,16 179:1,23 180:3,12,24 181:10,24,25 183:18,25 184:11 185:4, 15,16,18,23 186:11,24,25 187:2,10,20 190:4,8	courtesy 139:21 courts 88:12 cover 13:6 covered 11:7 16:10 84:23 covers 11:12 45:22 create 70:24 185:16, 19,24 186:11 188:2 190:8,12 created 126:20 129:10 141:15 179:24 185:5 188:3 creates 35:6,7 186:9 187:10 189:7 creating 106:14 crisp 187:8 188:19 Crist 77:16 78:1 criteria 155:21 criticism 103:17 104:3 cross 46:11 184:3,5 crosses 77:4 crossover 53:9 crosstalk 135:14	Crystal 20:10 CS/SB 144:20 current 12:11,17 13:25 16:8 28:2 90:17 144:24 cursorry 42:5,8,18 43:10 46:22,24 47:3 58:12 cut 26:18 172:21 cuts 111:9 cycle 7:16,21 26:3,4 27:1,7,14 28:11,14,17, 20,23 29:4,5 30:12,25 32:14,15,23 33:5 34:3,15, 16 35:2,11,15, 17 41:24 44:8 46:21 48:1,17 49:20 51:7 54:4 58:9 60:8 71:6 72:16 74:9 75:6,13, 14 76:8 78:5 79:14,20 90:15 118:19 119:7 cycles 18:16 45:6 <hr/> D <hr/> Dan 40:12,15 133:3 138:3	data 42:6,17,18,21 44:6,7,9,13, 20,21,25 45:18,19 47:3 52:14 53:15 59:17 61:7,12, 18 62:13 63:14 111:20 120:3 129:15,18,20, 21,23,24 136:9,19,25 137:7,15 date 120:24 151:22 dated 105:10 Dave 25:2 105:17 106:1 David 25:2 74:1 day 63:23 77:8 85:18 105:7 132:21 days 59:24 60:3 DCA 87:7,22 deal 189:19 decade 30:7 39:24 47:20,22 December 78:7,10,12,15, 21 79:11 90:24 107:17,21 decent 64:18
---	--	---	---

decide 178:19	185:4	deputy 12:12,21 13:4, 11,15 90:18	difference 171:17
decided 94:13 147:24	Democrat 63:20,25 71:15,18 78:2 111:20	describing 189:14	differences 35:20 58:10 165:25
decision 67:5 148:3 156:24 177:19 178:4 179:22 180:23 181:2, 3,12 183:21 187:23 188:1 189:16	Democratic 21:2,8,18 22:22 53:3,5 64:8 147:21	description 55:19 159:14	differently 159:24
decisions 66:25 177:19, 23 178:8,9,25 179:2 189:13	Democratic- leaning 114:1	Designated 157:25 158:1, 5,11 174:15	differs 165:14
decrease 41:11	Democrats 103:2,19 104:5 107:12 108:6, 10 109:8 113:21 115:9 117:1	detail 93:19 128:9	difficult 127:19 184:16
defer 87:10,13	demographic 42:6 129:20	detailed 101:14 129:19	dilution 41:3
define 23:17	Department 13:8,9,10	details 165:25 171:6	diminish 58:1
defined 38:7	departure 162:20	determine 38:8,25 52:10 83:25 86:8 87:3 119:4	diminished 39:7 40:23,24 41:7,12 52:19
degree 39:1	depending 53:7 186:15	determined 55:22	diminishment 37:22 41:3 47:13 52:11 54:8,13 65:3 73:4
degrees 20:1	depends 38:2	Detzner 49:19 60:8	direct 5:13 146:11
deliberations 76:21 91:24 95:22	depiction 128:6	develop 32:2	directly 141:16
delivered 24:15	deposed 7:9 59:23	developed 31:11	director 16:24 30:13 31:13,15 81:22 82:3 84:5
Delorenz 132:10	deposition 5:23 6:1,9,11, 15 9:17,20 10:8,20 11:15, 22,25 30:7 60:6,9 79:24 80:1 89:3 98:13 110:4 128:9	development 13:7,14 23:21 107:18	disagree 82:23 87:20
delta 172:7		deviations 168:22	disagreement 54:24
Dem 106:15		dial 186:9 190:6	disagreements 54:17
demarcation		dialogue 120:17 152:10	discovery 126:11 141:11, 13

<p>discuss 14:1 78:18 81:4,11,16 83:9 94:22 138:17</p> <p>discussed 68:1 94:3,20 99:23 112:11 169:19 170:13 172:15 183:5</p> <p>discussing 138:18</p> <p>discussion 74:25 110:20 118:16 126:7 151:1,17 160:18 173:24 174:10,17 175:21</p> <p>discussions 135:11</p> <p>dispute 73:13</p> <p>dissimilar 102:19</p> <p>distortions 66:22</p> <p>district 6:7,18 19:8,9, 13,16 26:17 29:16,21 35:2 38:9 39:2,7 40:23 41:6,11 42:13 44:15 46:17,23 48:1, 6,17 50:9,14, 19 51:5 52:11 53:17 54:6,12 55:22 56:1,4 57:13,16,18,22 58:1,8,16,18 59:1,16,18</p>	<p>61:1,2,3,5,23, 24 62:3,4,7,14 63:16,19,21, 24,25 64:25 65:1,6 67:2,3, 7,8,11,14,16, 22,24 69:11, 16,23 70:2,6, 24,25 71:10,17 72:6,7,9,15, 18,19,20,25 73:2,3,7,10, 11,12,17,24 74:4,5,11,19 76:1 77:22,25 78:16 81:4,11 88:12 93:7,8 94:9 108:6 114:1,2 119:2, 4 137:15 154:15 156:1 159:16,17,19, 21,23,25 160:2,6 165:8, 9,11,13,19,21 166:4,6,8,20, 23 169:1,2 170:22 171:10, 11 172:9,11, 19,21 173:4 177:25 178:2 181:6,14,15 184:19 185:6, 7,18,24 186:2, 22 187:4,5,11, 12,18,21,24 189:8,9,10,22, 24 190:10</p> <p>districting 7:22</p> <p>districts 7:13 26:8,19 38:13 41:16,25</p>	<p>42:2,9,12 43:1 45:9 49:21 50:7 51:4 52:12 56:10,23 66:22,25 93:8 108:10 123:17, 20 124:10,25 127:16 145:12 148:17 153:5 154:22 155:1, 2,5,8,13,16, 18,22,24 156:4,22,25 159:7 160:12 162:3,12,13 167:9 170:21, 22 171:1,3 172:15 178:22 184:14 188:3, 18 dive 165:25 184:25</p> <p>divide 181:7</p> <p>divided 17:25 18:3</p> <p>divider 183:25</p> <p>dividing 172:8</p> <p>divisions 178:7</p> <p>Dixon 111:11</p> <p>DJANG 7:3</p> <p>document 104:16 126:22 161:15</p> <p>documents 94:6 132:5,8</p>	<p>donated 90:1,3,4</p> <p>doubt 32:25</p> <p>downloaded 122:21</p> <p>downplay 36:9</p> <p>downtown 159:13,16</p> <p>Dozens 33:2</p> <p>draft 79:14 99:7 111:8 116:25 117:7,18,19 125:11 127:6, 15 130:5,15 131:6,12,22,25 132:16 133:3, 4,12,15 138:2, 10 139:9,15 140:5 157:5,7</p> <p>drafted 134:17</p> <p>drafters 37:18</p> <p>drafts 33:2 79:16 127:1 130:18, 21,24 131:15, 16,20 134:1, 21,24 135:1 138:6,24 139:1,5 140:9, 15,17 141:4,5 143:3</p> <p>draw 28:13,17,19 29:5 54:18 66:24 80:13,16 121:12 123:1</p>
---	--	---	--

125:23 127:6 129:9 146:17 155:21 drawer 32:16 96:22 121:19 122:8 179:2 drawing 26:15 32:20 33:6 34:9 38:13 43:15 44:3 45:25 65:5 76:1 77:1,3 98:4 120:20 121:6, 20 122:10,20 125:6 129:17, 25 132:4,24 145:9,11 153:7 157:4,7,12,16 158:4,10,15 173:13 177:8 178:12,13 187:14 drawn 27:16,19,22 28:6 29:1,8,11 32:23 50:13 94:9 122:8 123:17,20 124:8 154:15 155:18 159:17 167:9 171:1 draws 163:19 drew 26:7,20 28:7, 10,22 32:6,13 44:11 47:25 64:25 72:15 123:10,25 124:16,17,20, 25 125:4,13,	14,16 127:15, 16,22,25 128:11,20 129:4 130:16 140:18 145:7, 13 157:5,14 159:22 168:14, 20 170:9 173:10 Drive 141:14,23 dropped 24:2 drugs 9:9,12 duly 5:11 dumb 93:23 Duval 15:17 46:18 171:25 <hr/> E <hr/> earlier 74:6 130:2 135:4 138:23 139:2 140:7,10 152:4 157:5 173:5 189:14 190:5 early 92:8,19 105:25 121:4 122:11 easiest 157:21 east 55:14 72:22 106:14 159:19 187:12 188:21	ECF 6:19 economic 13:6,14 23:20 107:18 Edgewood 168:25 education 13:6,14 23:20 107:17 effect 68:16 71:7 109:20 163:19, 20 179:24 181:8 189:12, 13 effectively 106:14 effort 70:17 71:8 efforts 66:14 elect 41:8 50:24 64:6,8 71:15, 18 73:17 103:1 109:7 115:9 119:5 elected 19:1 107:13 113:22 electing 61:4 63:20,25 election 18:15 38:25 42:17,21 44:20 45:2,6,19 52:23 53:11,15 54:1 62:13 elections 45:5 59:17	68:16 73:19 74:4,7 77:22 electoral 21:21 119:2 element 35:7 elements 170:16 eliminated 69:22 eliminates 176:22 Ellen 105:11 enacted 35:25 37:15 39:13,21,23 46:7 55:10 56:9 57:1 66:16,22 69:14,19,22 71:17 73:10,24 75:7 114:11, 12,22,23,24 115:2,5,9 116:3 117:16 123:16 124:9, 19 125:24 126:1 127:12 128:3 138:24 139:4 140:3,22 144:12,24 150:16 152:24 153:1,7 154:23 155:1 162:13, 25 163:8,18,20 164:11,23 169:8,9,15,24 170:23 171:2, 7,9 172:20 173:4,18 176:6,18,22
--	--	--	---

177:3,8 180:17 182:6,10,17,23 encapsulate 156:16 158:16 184:17 encapsulated 159:20 encapsulating 159:23 160:6 end 14:8,10 32:22 33:4 47:21 63:23 74:14 81:9 89:3 96:17 132:20 156:14 172:21 ended 15:18 55:2 81:15 ensure 65:1 71:10 entering 52:18 entire 74:14 89:17 102:21,22 105:16 170:15 entitled 47:13 environment 23:11 EOG 97:15 equal 26:22 94:8 117:12,13 171:19 172:6, 25 equaled 171:23	equalized 172:14 equally 182:1 era 56:15 57:6 Eric 137:17 error 39:15 40:3,13 188:16 escape 70:15 essentially 15:6 44:14 119:3,16 148:12 149:9 160:13 162:19 165:9 173:5 181:25 establish 83:25 84:16 established 32:6 88:7 145:6 estimate 123:9 146:16 estimated 103:1 evaluated 174:25 175:2 evening 142:13 event 47:11 69:6 events 17:17,18 eventually 56:25 96:22 everyday	85:17 evidence 88:1 evolved 96:22 173:12 exact 21:5 139:18 155:2 157:15 171:11 175:7 EXAMINATION 5:13 examining 161:15 examples 159:4 exceptions 88:13 excerpt 49:15,18 exchange 180:18 exclude 124:9 execute 32:1 Executive 91:5 95:10 141:17 162:5 exemptions 88:10 exercise 88:2 148:12 exhaustive 93:19 exhibit 6:11,12,15,16, 17 9:24 10:1 36:25 37:2,9, 10 39:10 46:15 49:5,7,17	54:15 56:9 60:12,14 64:21 65:16 72:4 75:3 104:9,12 110:18,21 111:1,4 126:9, 23 144:12,16, 19 153:8 160:20,23 164:3,5,7,11, 12,14 166:1 175:23 exhibits 167:15 169:25 existed 50:22,25 84:10 expectation 84:24 86:9 87:4,18 expected 71:14 103:6 107:6,23 110:6 112:5,22 expert 33:15,18,22 106:1 126:15 explain 5:22 62:17 137:11 150:19 157:19 168:6 explained 95:17 explaining 76:10 explanation 185:10 explicitly 129:1 explore 83:17,20 expressing
--	--	---	--

181:10 Expressway 172:4 extensive 102:25 109:6 extent 42:19 91:3 92:4 103:9 117:24 130:24 135:21 141:19, 24 147:10 153:10 156:6 163:2 168:18 169:18 170:13 182:24 184:10 185:20,22 extenuating 58:4 external 95:7 eyes 40:3 <hr/> <p style="text-align: center;">F</p> <hr/> face 52:24 faced 56:23 fact 71:18 88:14 factor 137:1 158:10 186:1 factored 157:24 158:3 factors 41:14,16 58:5 facts 88:6	fair 23:13 29:16,21 32:22 33:4 35:1 36:21 37:14 43:24 62:25 78:16 81:4,11 85:6 91:21 94:12 97:17 113:18 121:5 144:23 152:3 161:7 172:23 176:10 181:14 fairly 38:4 142:13 166:23 187:4 fake?' 106:8 fall 13:13 25:23 26:1 76:19 99:6 100:16 101:13 108:13, 14,18 110:14 familiar 20:14,20 22:15 31:2 103:4 137:19 161:9 fascinated 69:3 fast 46:12 favorable 109:15 117:1 Feather 188:11 features 129:19,20 February 39:13 75:18 107:22 121:3,4 122:11 125:9	federal 5:20 6:18 56:15 57:7,23 feedback 145:15,23,25 146:10 feel 68:6 82:11 88:18 96:25 141:1 146:25 187:23,25 felt 42:11 135:17, 24 136:21 169:4,14 189:15 Fernandina 20:9 fewer 179:6 fight 83:19 figure 142:13 185:6 188:6 figuring 142:4 178:14 189:11 file 141:18 files 129:1 fill 148:8 final 35:24 70:14 134:20 153:19 170:9 171:2 173:10 177:18 find 52:5 105:19	fine 8:4 64:10 71:24 92:24 95:21 finished 62:2 66:5 128:21,22,23 154:22 fixing 148:17 150:2 flat 185:19 186:9 flip 127:3 128:1 Florida 6:6,8 10:24 11:2 14:5 15:13 17:4 18:5,9 19:18 20:2,4,6,8 22:13,16 23:14 27:17 28:4 29:1,6,9,12,13 33:16,20,24 34:2 36:17 38:7 39:17 42:13 46:18 55:11 60:7 74:10,16,17 75:5,11,25 76:5,9 77:3,9, 13 78:24 87:7 88:11 89:9,15 93:8 99:19 100:21 102:3 105:8,14 106:16 107:23 108:12 111:9, 14,18 116:24 129:8,15,24 130:9 144:21 159:7 160:16 169:5,14,16
---	---	---	---

170:20	Foltz's	13,17 119:19,	forward
Florida's	127:1 130:3	23 121:16	155:25
7:13,21 26:25	133:21	123:8 126:6,8,	found
49:20 86:18	forbid	21,25 127:2	160:3
Florida-15	142:21	128:14,17,18	Fourth
106:13	Ford	131:1,4,11,17,	87:7,22
Florida-15's	5:14,17,21	23 133:24	framed
106:12	7:1,4,5 9:8,	134:11 135:15	113:7
Florida-27	21,23 10:2	136:2,20	framework
106:5	19:20,22	141:10 142:5,	41:1,2
Florida-28	21:13,24 23:18	8,11 143:13,	Franklin
106:13	27:5 36:10,24	16,18,21,25	106:12
Florida-7	37:3,8,11	144:3,8,11,18	free
111:19	39:11,16,25	145:19 146:6,	68:6 82:12
focus	40:5,12,18,20	15 147:15	146:25
52:15	44:1,4 46:10,	149:21 152:16,	fresh
focused	13 48:11,14	20 153:13	122:25
93:6,7	49:1,4,8,16,24	155:23 156:23	friend
folder	52:2 54:22	157:3 160:22	6:23
142:1	56:8,11 59:20,	163:22,25	friendly
folks	22 60:11,15	164:5,9 167:13	103:19 104:5
95:15	62:23 63:1,4,9	169:3,12,22	114:6
follow	64:12,16,20	170:19 172:17	front
23:10,14,19,	65:19 66:1	173:22 174:1	74:22 92:7
20,23 24:4	71:22,25 72:1	175:19 176:1	116:18 134:8
25:2,5 26:25	75:1,4 76:22	180:1 182:3	141:2 164:1,
99:5 100:9,10	80:2,5,8 82:17	183:10 185:12	10,16
101:11 112:25	83:1,5,24	190:15,19	full
113:14 131:9	84:3,9 85:1,7,	forgot	7:7 38:1,10,23
146:13	9 86:5,21,25	143:21	43:8 99:25
Foltz	89:1,4 91:9	form	125:21
12:2 122:8	92:11 93:3,21	21:9 23:15	fun
124:17 125:5,	95:4,19 96:3,	36:2 51:20	26:13
13 126:14	13,23 97:22,23	54:20 62:16	function
127:4 128:2	98:9,16,23	63:3 107:9	181:3,4
130:5,9	99:4 103:12,24	115:11 126:16	functional
133:14,17,18,	104:1,2,8,11	128:10	37:24 38:1,8,
25 134:15	107:1,10	formally	11,12,16,17,23
Foltz'	109:4,24	124:7	41:23,25 42:4,
141:14	110:18,21,23	format	8,18 43:7,9
	111:3 112:16	126:12	45:8,23 46:8,
	113:2,15,19	forms	
	115:16 118:5,	119:16 148:7	

22 47:1,9 50:6,10 51:4, 19,22,23 53:16 58:8,11,13 61:1,14,22 62:12 118:18, 22,23,25 119:6,17 120:1,4,9,18 177:21 functions 15:9 fundraisers 90:1,3 fundraising 17:16 19:1 future 116:8 <hr/> G <hr/> gained 180:11,24 Gainesville 20:9 55:14 gather 63:10 Gators 19:20,21 gave 10:10 139:21 146:19 171:6 175:11 176:3 186:6 188:7,15 gears 186:13,14 general 11:18 13:3 21:21 36:8 38:19 52:22 54:1 101:15,17 107:6 109:2	110:8 132:7 158:15 159:16 160:17 167:1,4 generally 18:19 20:14, 16,20 21:7,11 22:15 23:13,17 24:6 25:21 26:25 27:4 31:11 38:5 55:18 58:2,3,6 66:13 98:10,11 99:9 100:10,12 101:14,24 102:22 105:4 108:18,21 114:5 119:22, 25 171:23 generate 118:6 generated 126:14 geographic 127:17 129:19 geographical 41:18 179:20 gerrymander 111:19 gerrymandering 76:2 77:5,10 gerrymanders 106:3,6 give 5:5 46:10 48:25 52:4 59:7 79:12 80:20 95:5,18 99:22 108:24 112:8 117:21 119:8 121:7 123:3 130:17, 22 131:7	133:19 135:2, 20 145:16 147:9 149:15 153:9 155:9 157:20 158:17 163:1 167:2 168:10 169:6, 17 170:11 171:4 172:5 177:14 183:3, 13 giving 33:21 38:14 62:21 152:17 goal 167:4 goal-oriented 158:19 goals 98:17 123:2 good 5:15,16 24:19 34:7 40:11 41:1 60:19 64:15 66:24 71:22 143:16 155:15,20 161:19 178:24 190:16 Google 141:14,23 GOP 106:16 111:9 gotcha 57:2 170:4,7 government 82:20 158:6 Governor 11:5 12:13 14:2 27:11,13 28:2 35:9,10, 13 36:6 76:8	77:2,19 80:11, 20 81:4,10,16 82:8 84:8 85:12,24 91:6, 20 92:25 93:5, 17 94:5 95:11 98:19 114:24 115:20 116:10 141:17 146:9 148:18,24 149:3,7 150:5 161:2 162:5 171:13 Governor's 11:14,19,21 24:4 91:16,25 93:10 94:1,13 95:3,8,16,23 96:2 97:7,11, 12,14 98:1,7 104:17,20 106:21 107:3 109:20 110:1 112:4,21 113:9 114:14,17 120:21 121:19 122:8 126:11, 13,20,22 131:6 133:6,10 139:24 143:11 145:2 148:16 150:17,22 151:13,19 152:9,11,13 153:18 155:25 161:6 162:12, 14,21 163:7 166:25 169:10 173:6 174:9, 20,22 175:12 182:4,5 grab 144:13
---	--	---	--

<p>great 7:1 12:10,16 143:18 157:22 164:19 175:17</p> <p>greater 179:19</p> <p>greatest 184:9</p> <p>green 57:19 59:2</p> <p>grew 69:4</p> <p>ground 7:24</p> <p>group 31:16</p> <p>groups 19:1 43:20,21 80:24</p> <p>growth 34:21</p> <p>guess 36:5 81:9 83:24 118:9 123:15 124:1, 13 142:3 152:1 162:18</p> <p>guidance 10:24 96:11,15 98:3 112:25 131:9</p> <p>guide 31:4,6,7</p> <p>Gulfport 70:14</p> <p>Guthrie 36:18</p> <p>guys 5:21</p>	<hr/> <p style="text-align: center;">H</p> <hr/> <p>H000c8011 168:4</p> <p>hair 55:3</p> <p>half 50:13</p> <p>hand 5:3</p> <p>happen 5:23 130:5</p> <p>happened 90:25 92:14 158:12</p> <p>Hawthorne 55:13</p> <p>head 106:8 128:24 184:4</p> <p>heads-up 139:21 152:18</p> <p>hear 87:23</p> <p>heard 77:11 101:14 107:12 110:5, 8,15 113:21</p> <p>hearing 101:18 103:17 104:3 106:20 107:2 109:25 117:3</p> <p>heaven 142:21</p> <p>held 78:23 82:2</p> <p>helped 32:2 37:21</p>	<p>helpful 11:13 127:18 128:12 175:15 176:13 182:7</p> <p>helping 17:16 19:2</p> <p>hereinafter 5:12</p> <p>Hernando 67:1</p> <p>high 27:4 30:20</p> <p>Hillsborough 57:9,19 59:2 61:8 66:18 67:4 6,13,14, 20 68:3,5,9 69:10,15 165:21,24 166:9,12,14, 15,16 187:20, 25 188:18 189:21</p> <p>Hillsborough- based 63:25</p> <p>hired 15:23 90:17</p> <p>Hispanic 52:25 53:2 59:6 61:8,9,23 63:15 64:4</p> <p>historically 68:3</p> <p>history 89:18 119:2</p> <p>hold 65:18 89:3 188:9 190:3</p> <p>holding 99:7 160:7</p>	<p>holistic 121:21</p> <p>hometown 72:8</p> <p>honestly 39:16</p> <p>hosted 90:1</p> <p>hour 64:14</p> <p>hours 33:6,7,9 146:18</p> <p>House 10:11,24 11:2 14:5,8,13,20 15:23 16:13, 20,25 17:21,23 18:6 26:7,16, 18,21 28:2,7, 10,13 30:13,25 31:10,13,20,24 32:3,7,17 33:11 35:18, 19,23,25 36:17 37:21 42:13 47:6,7,12 48:1 54:17 55:21 62:20 78:8,13 79:5 80:10,18, 22 81:2,23 82:2 84:5 87:10 92:8 96:21 99:18 100:1,14 101:20,23 108:12,15,20 110:7 111:18 116:24 120:3,7 121:24 122:14, 16 124:15 135:11 136:5,</p>
---	--	---	---

8,12,14,17,23 137:25 138:1, 6,9,21,25 139:6 140:6,13 142:25 143:2, 11 144:2,6 146:8,19 147:4,17 148:7,14 150:24 151:9, 17,23 153:3,6, 21,24 157:12, 16,23 158:16 159:9,11 162:8 168:3,13,14	6:12,16,17 10:1 37:2,10 49:7 60:14 75:3 104:10 111:2 126:24 144:17 160:21 164:4,8 175:24	include 25:12 44:25 69:9 71:8 95:11	initially 16:8 96:9 153:20 154:23
House's 48:6 54:5 108:21 109:5, 7,13 111:14 112:6,23 113:22,25 114:5 136:10 159:19 160:4	identified 183:22	included 45:2 67:10 151:19 152:24 159:15	input 31:22 133:25 134:3,5 143:7, 10 145:14
hundred 33:9 49:12	image 126:16	includes 49:11 97:14 166:8,11	insist 46:25
hundreds 32:24,25	images 39:19 126:14 128:12 163:23	including 7:12,21 8:19 32:7 51:4 115:7 121:10 177:17 183:6	Institute 6:3
husband 85:17,19 87:16	imagine 40:2 106:15	incoming 16:9	instruct 82:25
<hr/> I <hr/>	impair 9:10,14	incorporated 124:13 152:12 158:6,12 170:9	instructed 8:6
i.e. 97:15	implemented 26:23	incorporates 153:2	instruction 9:2,6 88:24 91:22 94:18 95:5 97:3,6,20 98:6,20 99:1 103:8,20,22,23 106:22,23 108:25 109:21 112:9 117:22 119:9,21 121:8 123:4 130:23 131:8 133:20 134:7 135:3,21 145:17 147:10 149:16 153:10 155:10 156:5 157:1 163:2 167:3 168:11 169:7,18 170:12 171:5 177:15 181:22 183:4,14
idea 14:1 73:16 159:16	implications 177:24	incumbents 105:10	instructions 93:12 96:7,19 98:24 123:2
ideas 36:14 134:18 152:24 153:2,4 159:8	impression 101:4,6	indentations 126:18	intended 86:11,14
identification	improve 66:15	individual 62:21,24 144:1,4	
	improved 149:2	individuals 131:5	
	improvement 169:4,9,15,21 170:17 182:16	informally 124:7	
	improvements 121:17,21 122:2 163:21 173:16,18 179:24	information 43:19 84:12 91:15 92:1 95:15,18 113:8	
	in-camera 141:22	initial 156:12	
	inbox 25:9		

intending 85:1	15,21,22,25 185:1,2,3 186:6	177:17	108:24 109:21 112:1,8,18
intents 168:21	interview 17:19	<hr/> J <hr/>	113:2,6,18 115:11 117:21
interested 158:25	interviewing 17:15	Jacksonville 20:12,15 55:16	119:8,21 121:7 123:3 126:2,4, 17 130:22
interim 99:16,19,21 100:7	introduced 29:17	James 5:10 7:8 13:2 98:13,14 132:2 133:1	131:3,7,19 133:19 134:6 135:2,9,20 141:10,12,21 142:6,9 143:15,17 144:15 145:16 146:3,11 147:9 149:15 152:14 153:9 155:9 156:5 157:1 163:1 167:2 168:10 169:6, 17 170:11 171:4 177:14 181:19,21 183:3,13
interject 6:23	intrude 70:16	January 17:10 79:4 92:9,19 100:19,24 107:21 108:16, 19 121:4 122:11	
internal 76:14,20 91:5, 8,24 94:16,19 95:2,14,22 96:2 97:11 98:7,22 99:3 104:19 109:22 112:9,11,15 113:9 119:10 123:6 134:5 136:1,13,16 147:13	invited 78:17 79:6	Jason 36:18	
	involve 39:3	Jazil 5:24,25 6:13, 18 8:3,5 9:3, 5,22 12:7 21:9,22 23:15 27:3 36:2 39:8,12,22 40:9,16 43:24 48:10 49:14 51:20 54:20 62:16,25 63:2, 5 64:19 65:23 76:15,17 82:9 83:16 84:12 85:5 86:5,19, 22 87:9 88:23 91:3,10,21 92:21,24 93:12 94:18 95:4,9, 14 96:7,19 97:2,10,19 98:6,20 99:1 103:8,20 106:22 107:9	
	involved 41:15 92:9,15, 18 94:14 108:2		
	involvement 132:12		
	Isbell 25:5 111:20		
interplay 185:11	Isle 168:24		Jeb 27:11
interrogatories 10:16	isolation 178:8 180:14		job 12:11 13:15, 17,25 14:20 18:5 23:10 25:9 26:12 28:1,2 81:25 82:2,4 85:11 90:18 98:11 104:22 105:5 144:9 155:21
interrupt 40:16	issue 55:8 68:1 83:19 87:12,13 135:10 136:4,7 148:17 167:11 184:1,3,5		
interruption 21:12			
intersect 186:10 188:18	issued 11:5,9		
intersection 188:19,23 189:4	issues 91:6 168:22,23 184:23		John 36:18
intersects 185:17 187:12	iteration 177:18		Johns 171:10,18
Interstate 183:23,24 184:5,6,8,12,	iterations		join 82:15

<p>Jolly 74:1</p> <p>Judge 6:10 75:21 91:12 113:7 141:21</p> <p>judgment 75:15</p> <p>Judicial 6:5</p> <p>jumped 184:8</p> <p>junction 171:18 188:3</p> <p>June 73:9</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Kathy 71:18</p> <p>keeping 167:15 178:6 180:6 181:4,6, 10,11 190:6</p> <p>Kelly 5:10,15 7:6,8 40:6 49:8 50:1 53:13 64:12 66:3 68:6 71:22 80:9 82:16,25 85:4 88:20 91:13,22 93:22 94:19 95:5 104:12 143:25 144:10, 19 160:23 164:16 176:2 190:17</p> <p>Kelly's 49:21 141:18, 25</p>	<p>key 51:1 171:8 180:7,8 181:2, 3,8 182:24 186:18</p> <p>kills 49:1</p> <p>kind 17:20 19:10 28:5 29:11 31:6 38:5 85:17 103:11 109:12 116:2 119:4 151:7 184:19 186:20 190:5</p> <p>Klas 105:11</p> <p>knew 33:20 34:4</p> <p>knowing 158:9 183:17</p> <p>knowingly 148:10</p> <p>knowledge 35:13 108:11 137:5,22,23 141:6 148:11</p> <p>knowledgeable 34:11</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>labeled 144:20</p> <p>Lake 19:7</p> <p>Lakeland 182:23 183:12, 16 184:11,15, 17,20</p>	<p>language 114:15</p> <p>large 19:9 158:19 159:1 177:25 179:2,3,9</p> <p>largely 183:23</p> <p>larger 186:21</p> <p>late 14:11,12 16:11 17:8 90:24 121:3 122:10</p> <p>launch 97:4</p> <p>law 31:3 34:23,24 35:7 56:7 82:24 83:1,13 88:11 114:25 144:20</p> <p>lawyer 133:8,10</p> <p>lawyers 95:12 97:15 131:20</p> <p>layman's 148:13</p> <p>lead 31:24 41:15 132:8</p> <p>leadership 31:20,24</p> <p>leading 153:21</p> <p>leads 132:11</p> <p>learning 77:8</p>	<p>Leda 82:13</p> <p>Lee 163:15,16</p> <p>Leesburg 20:9</p> <p>left 14:11 33:11, 14,23 67:12 80:10,18,22 81:2 155:8,13, 14 178:10</p> <p>leg 166:17 189:23</p> <p>legal 10:21 11:8 12:8 31:7,10 34:7 50:14 59:10 81:7 96:16 155:17</p> <p>legislation 15:6</p> <p>legislative 14:16 15:3,5, 12 27:2 38:1, 10 75:16 76:20 92:5 94:21,23 99:24 100:2,3 103:10 117:23 133:21 139:2 157:10 163:3 173:15</p> <p>legislatively 39:12</p> <p>legislature 10:15 11:25 15:11 37:16 47:8 92:3 93:2,24 95:7, 16 97:8 112:12 115:6,20 116:1,10</p>
--	---	---	--

118:1,7 120:2, 18 121:10 123:18,20,24 124:5,19 129:10 130:9 134:8,14 136:18 142:9 145:3,13 147:11 150:17 151:2 152:11, 23,25 153:3, 11,20 154:4, 13,23 155:15, 18,20 156:7,12 169:20 170:14 171:12,14 172:20 174:4, 7,8,11,20,23 175:11,16 176:3 178:10 183:6 185:8 legislature's 11:5 93:9 99:5 115:7 116:25 117:7,17,19 121:18 124:11 135:7 154:1,16 155:2 177:18 178:4 180:18 182:20 length 167:7 lengthy 185:10 lens 109:3 158:2 Leon 6:5 letter 161:1,8,10 167:19 168:8 letting	40:12 level 27:4 30:21 97:24 134:13 Lewis 75:22 liaison 15:7 life 107:16 likelihood 41:8,10 53:24 119:5 limited 121:10 limits 41:18 91:18 lines 70:12,16 127:8,11,17,18 128:7 149:9 163:9 165:1 167:6 177:25 178:16,17 179:13,14,16, 21 185:22 188:4 190:9 literally 22:24 33:8 128:24 137:13 153:5 154:11, 16,19 171:21 172:13 litigated 87:12 88:16 litigation 7:12 74:9 81:10,14 lived 20:6,8	loathed 88:12 located 19:6 166:24 log 84:13,20 85:3 113:3,11 logical 185:2 186:5 188:1 long 12:17 26:24 60:3 89:14 146:16 long-winded 88:18 Longboat 180:7,8 181:2, 3,8 182:24 186:18 longer 47:22 83:10 looked 53:15 67:15 100:23 101:9 102:2 108:18 122:14 127:19 128:6 153:22 loom 105:10 lose 37:1 163:25 lot 13:5 32:25 33:24 46:4 66:24 79:23 93:6 102:2 105:22 114:11 117:11 121:13 128:8 129:18, 21 142:19	145:21 163:5 177:16 184:22, 25 188:24 lottery 13:10,14 Lukis 13:20 82:15,23 83:3,12 87:15, 24 136:11 143:23,24 144:2,7,9 lunch 173:23 190:16 <hr/> M <hr/> made 35:23 66:14 67:5,17 70:15 71:8 82:19 83:7,8 91:1 93:5 107:8,14 115:25 117:13 148:3,24 149:3 157:23 171:7 177:9,18 183:21 184:20 main 19:8 67:25 maintain 70:24 maintained 14:22 50:21,23 Maitland 159:15 168:24 major 158:21,22 172:10,12 184:13 185:23 190:9 majority 15:24 16:2,3
--	---	--	--

35:24 165:10 make 8:4 36:25 37:9 45:9 63:14 66:25 69:4 101:1,3 113:16 121:22 122:2 173:16 177:10, 13 183:2 188:8 189:13 makes 142:23 158:14 making 49:15 60:4 149:7 181:11 183:17 189:16 manager 18:8,20,21,23 31:17 managers 18:24 19:5 Manatee 69:21,23 165:14,16,17, 20 166:9,13 180:10 181:5,7 187:10,19,24 188:22 Manatee/sarasota 187:18 manner 163:18 183:20 map 10:14 26:7,16, 18,20,21,22 28:7 32:16,20 34:9 35:20 36:7,13 43:15 45:24,25 46:3, 4,7,17 50:22 51:1 54:14 55:1 56:18,20	57:15,18 58:16,18,19 59:1 62:6,7 63:19,21,24 64:22 66:20,22 67:8,23 69:14, 19,22 70:14 71:19 73:10,24 74:17 76:10 95:18 96:22 98:4 101:22 102:2,5,7,21, 22 109:3 111:8 115:5 116:13 120:24 121:15, 19,22,23 122:1,8,15 123:16,25 124:8,9,19 125:25 126:1, 12 127:24 128:3,10 129:7 138:19,20,25 139:4 140:3 141:15 142:6 144:24 148:22, 25 149:1,4,25 150:6,12 151:18 153:1, 8,20 154:16,20 155:1 158:10, 15,24 159:2,8, 12,19 162:7, 13,25 163:9, 18,20 167:5 168:2 173:13, 18 176:16,19, 21,22 177:3,8, 18 178:1,5,13, 20,21 179:12, 15,25 180:17 186:3 187:14 189:16	mapping 106:1 129:13 maps 10:12 28:10, 13,16,17,19, 22,25 29:1 31:22 32:6,7, 11,13,24 33:6 44:3,11 47:25 48:6 68:14,15 75:16 77:1 79:14,16,21 93:2 100:14,18 101:12 103:15, 18 104:4 105:9,15 106:3,5,7,11 108:19,21 109:11 111:15 120:20 121:6, 24 122:10 123:1,9 124:4, 16 125:4 126:4 127:20 128:7 131:6,12 132:16 133:3, 4,12,15 134:17,19 135:5 138:2 139:7 150:21, 24 153:18,21 156:10,11,14, 17 157:14,15, 17 158:4,18 159:9,10 163:7 164:1 165:15 166:20,24 169:23 170:15, 16 171:20 March 60:8 75:18 107:22 125:9 Maria	106:5 Marion 160:10 185:18 marital 86:7 87:2,25 88:7,11 mark 49:4 60:11 marked 6:12,16,17 10:1 37:2,10 49:7 60:14 75:3 104:9 111:1 126:23 144:16 160:20 164:3,7 175:23 married 144:9 Marsh 103:21 106:22 108:24 109:21 112:9 113:7 117:22 119:9 121:8 123:3 130:23 131:7 133:20 134:7 135:3,20 141:21 145:16 147:10 149:15 153:9 155:9 156:5 157:1 163:2 167:2 168:10 169:6, 17 170:12 171:4 177:14 181:21 183:3, 13 Marsh's 6:10 91:12 Mary 105:11
--	---	--	---

masters 19:23	150:19 174:12	mercy 167:10 178:24, 25	61:4 65:10,11 68:20 70:22,23 71:8,9,11,14 72:19,24 73:6
material 95:21	medications 9:9,12	merged 5:22 151:3	minute 66:13
materials 141:22	meet 172:13	merit 155:17	minutes 143:17
Matt 25:5 111:11	meeting 19:1 78:18,20, 22,23 79:7,9, 11 138:7,9,16 140:7,16 151:9,16,22 152:9,14,19 177:17	merited 42:20 43:2	misordered 170:7
matter 5:18 6:2 82:20 86:17 91:14 186:7 188:6, 16,20	meetings 31:21 90:9 99:8,10,11,20 100:7 145:22	mesh 150:25	mispronounce 137:17
matters 15:8 83:9 84:2,11	meets 168:23	meshes 153:3	missing 11:11 128:8 158:22
Matthew 111:20	member 11:24 77:19 147:17	message 11:4 86:13	misunderstood 136:3
mayor 21:25 22:4,7, 10,23	members 120:16 143:7 147:21	Michael 173:22	Mo 9:21 65:19 96:23 131:1
Mayport 171:24	members' 32:19	mid-2002 14:10	Mohammad 5:25
MCIMAPS 25:6	memorandum 11:1	mid-2004 14:9	moment 51:2 70:15 72:3 133:6 167:18 175:5,7 176:15
meaning 114:24	memorandums 10:21 11:8 93:16	middle 159:12 168:16, 20 177:22	monologue 97:4
meaningful 183:19	memory 27:7 47:23 51:6,18 54:19 55:6 121:2	million 140:11	month 78:16 79:4
meanings 46:4	mentioned 47:4 98:2 137:24 148:18 174:8,15,19 179:18 190:5	mind 49:14 50:1 143:13 175:5,7	morning 5:15,16
means 38:18,20,22 39:7 40:23 41:6 59:11 97:6 118:22 124:3 134:9 157:19		mine 129:2 140:19	motivations 136:13,16
meant 57:25 58:7 133:9 134:16		minor 54:17 168:22	mouse 154:18
		minority 20:24 21:15 22:19 37:23 38:9 41:3 42:7 43:20,21 44:16 48:7,18 52:18 53:21 59:3,12	move 20:4 78:6 99:24 108:22

160:9 moved 67:12 moving 162:20 multiple 93:16 94:6 122:17,19 municipal 70:12 municipality 29:9 158:3,13 Murphy's 111:9,19 Mydistrictbuilder 32:4 42:22 44:22 45:12,17	needed 54:11 135:17, 18,24 172:5 negotiated 55:2 negotiations 35:24 negotiators 35:18 neighbor 72:7 newly 180:17 Newman 11:18 12:7 132:2 133:1 161:1 162:11 167:20 news 23:11,20,21,23 24:7,11,13,21, 22 25:8,11,15 101:11 103:13 104:19,21,23, 25 105:3,4,7 109:12 110:5 nice 160:4 188:4 189:3,7 nonetheless 188:15 nonpartisan 106:2 Nordby 133:3 138:3 north 19:11 46:18 55:13 72:12 163:13,17 167:9 170:20 178:22 187:19	188:21,22 189:18,25 190:1,2 north-to-south 187:7 northeastern 165:23 northern 6:7 67:4,13 93:8 165:22 186:25 northern-central 165:23 notable 111:18 159:5 note 6:1 39:22 105:17 117:22 135:9 noted 98:12 notes 111:17 notice 9:18,19 40:19 November 29:22 100:9,22 105:10 107:17, 20 111:10 nuanced 38:4,6 nukes 111:19 number 6:4,8,20 21:7 26:18 33:1 46:20 60:18,19 61:14 66:19 70:4,9 75:1 110:19 115:3, 23 116:15	122:5 125:14, 16 128:21,25 129:5 140:24 142:15 158:20 159:1 172:7 179:2,3,8,11 182:11 numbering 125:15 numbers 45:21 57:13 125:17 187:15 numerous 149:1 <hr/> O <hr/> oath 8:1 147:3,8, 18,22,25 148:1,4,13 object 9:2 21:9,22 23:15 27:3 36:2 51:20 54:20 62:16 107:9 112:1 115:11 136:11 objected 63:3 objecting 84:1 objection 8:4 62:18 63:8 65:19 82:15 84:11 96:24 observant 159:3 observation 102:9 observing 96:9
---	--	---	---

obvious 150:3	22 131:6 132:7,10,12 133:2,6,10 135:24 139:24 141:17 143:11 145:2 147:13 150:17,22 151:13 152:11 153:4,18 155:25 156:10 157:9 162:5, 14,21 166:25 169:10 173:6 174:9,20,22	opportunities 121:13 156:19	outdated 10:5
occur 112:21		opportunity 50:18,21 66:24 161:11	outline 182:5
occurred 85:16 110:1 112:18 113:4		opposition 29:25	overcome 88:7
occurs 88:15		option 186:6	oversaw 98:5
Ocoee 168:25		options 179:3	oversee 13:11 16:19
October 100:9		Orange 22:18,21 23:3 159:13,22,23 160:4,5 168:14,15 182:21 186:11	overseeing 30:24
odd 66:21	office's 120:23		oversees 13:9
odd-looking 67:21	offices 15:11		<hr/> P <hr/>
offered 13:17 48:15 187:7	official 16:22 39:18 100:2	order 6:10,19 61:16 91:12 113:7 170:3	P-O-L-Y-P 69:8
offering 36:14	officially 99:18	ordered 74:17	p.m. 143:19,20 190:22,23
office 10:22,23 11:8, 9,15,19,21 13:12 15:24 16:2,3 78:23 91:5,17,25 92:17 93:16,18 94:5,13 95:3, 8,11,16,23 96:2 97:7,11, 13,14 98:1,8, 22 99:3 103:10 104:17,20,23 105:7 106:21 107:3 109:20 110:2 112:4,21 113:9 114:19 120:21 121:23 122:1 123:6 126:11,13,20,	oftentimes 178:13	original 11:6 39:15 121:23	P000c0079 162:5
	online 24:13	originally 169:10	P000c0094 162:6
	open 67:12 89:3 120:17	Orlando 159:13 162:6 167:23 168:1,7	packets 118:2
	opening 96:21 98:12 179:1	Orlando's 22:6	pages 49:9,12
	opinion 10:23 48:15 75:20,23,25 76:5,9,13 77:14	Orlando-ish 159:17	Palatka 55:15
	opinions 11:9 74:15 75:6,12 76:4 91:19	Osceola 177:19 178:6 189:15	paper 24:15
		other's 134:19	paragraph 106:10 161:21
			Park 72:11 159:15 168:24
			part

19:8 23:10 25:8 26:12 27:20 52:3 65:20 68:4 72:10 81:6 90:19,22 91:14,16 93:25 104:22 105:5 124:14 134:2 186:25 187:1, 14	165:24 188:21 189:22 pass 101:22 178:5 passed 10:15 34:23 78:17 115:20 116:10 153:20 154:23 156:12 171:12,14 past 89:18 paste 154:17 path 41:20 pattern 61:13,19 patterns 53:22 pause 59:21 61:25 PDF 60:20 peninsula 67:7,11 penultimate 100:4 156:13 159:11 people 23:21 24:8,21 34:4 103:9 145:21 172:6 percent 26:18 47:17,22 48:2,8,19 54:6 55:3 59:7 percentage 48:18 54:10 55:8	perfect 154:24 159:14 185:21 perfectly 171:20 perform 38:9 44:16 45:10 48:7,18 53:18 71:11 117:6,10 performed 62:11 120:5 performing 70:24,25 performs 38:9 period 78:9 99:12 151:21 perjury 148:8,10 personal 141:18 142:1 personally 13:21 23:8 24:22 29:15,18 120:20 123:11 perspective 34:14 35:4 87:14 Pete 69:2 70:7,12, 18 187:6,22,25 188:10,14 189:25 Petersburg 20:23 21:1,4,6 65:11 68:23 69:1 70:23 71:10 74:10, 18,19 182:24	186:19 Petersburg's 22:4 phrase 38:3 155:14 physical 141:25 physically 178:1 pick 55:13,16 68:7 70:17 178:15 179:13 186:15 picks 49:11 55:14,15 picture 22:23 184:4 piece 166:12 185:25 Pinellas 66:18 67:4,6, 7,10,13,14,19, 24 68:2,18,20 69:9,15,20 70:8 72:7,10, 11,12 77:24 165:8,11 166:5 186:20,24 189:18 Pinellas/pasco 190:3 place 71:19 79:1 80:6 86:10 87:5 102:3,15 143:19 158:1,5 190:22 Places 157:25 158:11 174:15
---	---	--	--

<p>plaintiffs 5:18,20</p> <p>plan 11:6 27:16,20, 22 29:8 35:25 36:20,24 37:15,19 38:13 40:4,7 46:14 72:3 75:7 101:25 102:13 106:16 108:23 111:18 114:12, 14,17,22 115:2,8,9,19, 23 116:3,9 117:15,16 121:2 122:3,7, 12,13,20,21,22 125:13 130:2, 3,10,12 139:24 140:4,11,22 141:2,23 143:8 144:12 145:1, 7,10,15 146:1, 10,17,20 148:16,18 150:16,20 151:19 152:12 154:1,3 155:3 161:6 162:12, 18,20 164:11, 12,15,22,23 166:2 168:3,7, 13,14,19 169:5,8,9,11, 15,16 170:8, 10,21,23 171:2,7,9,12 172:20 173:4, 9,11,12 175:12,13 176:6,8,25 177:6 180:23 182:4,5,6,10,</p>	<p>16,17,20,23</p> <p>plan.' 111:21</p> <p>plans 28:1,5 29:12 37:22 39:18 80:13,16 99:7 100:21 103:1,7 107:7 109:7, 15,16 112:23, 24 114:19 115:7,13,15 116:1,25 117:7 118:10,11,19 121:18,19 123:23 125:12, 21 126:14 128:20 129:9, 17,25 137:12 140:6 142:19 151:13 152:10, 13 157:5,7,14 162:5,14,21,23 164:21 173:6</p> <p>Plant 182:21</p> <p>play 16:14 93:23</p> <p>played 36:13</p> <p>playing 27:13 96:17</p> <p>point 8:10 16:23 30:8 37:1 44:8 47:19 51:1 64:13 100:4 102:12 107:5, 16 110:12,14 119:14 122:14 132:15,25 153:22 174:18</p>	<p>188:19,23 190:16</p> <p>points 155:12 171:8</p> <p>polarization 43:4 44:9</p> <p>polarized 43:1,5</p> <p>policies 16:10 99:22</p> <p>policy 13:6,7 15:7 16:1,9 19:3 99:23 100:1</p> <p>political 17:3 17,18 19:23 23:11 25:3 38:24 42:18,21 44:20 52:16,18 53:15 61:6 62:13 63:14 89:6,11, 18 90:2 101:15,17 105:18 106:2 118:25 179:20</p> <p>political/ geographical 158:8 178:16</p> <p>Politico 111:6</p> <p>politics 23:14</p> <p>Polk 177:5,9,19 178:6 179:1 180:2,11,24 183:18,25 184:2 185:4 188:22 189:15</p> <p>poly</p>	<p>69:7</p> <p>polyp 69:7</p> <p>pop 185:1 187:16 188:10,14</p> <p>Popper 11:2</p> <p>population 20:24 21:2,15, 18 22:19,22 26:22 34:24 41:17 45:21 47:17,23 48:3, 9,19 54:7,11 55:4 58:17 59:3,12 61:24 67:19,25 68:20 69:10 71:9 72:19 117:12, 13 118:4 135:6,8,10,18, 19 136:9,19,24 137:7,14 165:10 171:19, 23 172:7,14 173:1 184:22 187:15</p> <p>population-wise 66:23 188:7</p> <p>populations 42:7 55:13,16</p> <p>Poreda 36:18</p> <p>Port 182:21</p> <p>portfolio 90:19,23</p> <p>portion 69:14,23 72:12 166:11 177:25</p>
---	--	--	--

<p>portions 67:16 70:7 148:25 149:1,4 151:2,18 152:12 165:23 166:9,12</p> <p>POSIMATO 37:6</p> <p>position 12:18,21 17:12 29:15,18 54:5 93:17,18</p> <p>positive 179:24 189:17</p> <p>possession 104:16</p> <p>potential 53:8 55:5 103:14 110:7</p> <p>practical 52:13</p> <p>practice 150:24</p> <p>preclearance 56:16 57:7,10, 23 59:11 65:2, 10 68:10 70:22 71:7</p> <p>precleared 68:15</p> <p>predecessor 62:6</p> <p>predominantly 94:9</p> <p>preference 166:25 181:10</p> <p>preferences 148:21,23 149:13,17,18, 20,25 150:2,8, 10,12,13</p>	<p>preferred 43:21 182:6</p> <p>prepare 10:7 11:22,23</p> <p>prepared 30:23</p> <p>preparing 11:15 76:7</p> <p>present 73:3 82:11 83:4 86:2 88:21</p> <p>presentation 10:10 146:19, 24 147:4,7,18, 20 148:14 153:24 174:7 175:11,16 176:3,11</p> <p>presentations 80:20</p> <p>presented 10:13 99:23 152:9</p> <p>preserving 6:21</p> <p>presumed 87:25</p> <p>pretty 34:21,25 61:12 92:18,25 93:19 102:25 109:6 111:18 129:19 143:16 145:22 150:3 159:23 165:13 166:5</p> <p>previous 7:12</p> <p>previously 7:18 14:5 17:2 46:5 55:25</p>	<p>88:23 92:16 137:24 162:14, 21 163:8</p> <p>primaries 52:16</p> <p>primarily 15:5 132:11</p> <p>primary 36:19 37:18 52:19,21 53:15,25 94:13 95:1 116:11,13 154:1</p> <p>print 49:9</p> <p>printed 175:19</p> <p>prior 38:25 81:25 82:2 96:12 100:4 108:11 109:10 120:23 140:8 151:16, 20 156:10</p> <p>priorities 15:12</p> <p>privacy 86:9 87:4,19</p> <p>private 27:20 83:21</p> <p>privilege 76:19,20 82:10,14,18,21 83:2,6,11 84:13,20,23 86:6,16 87:12, 13 88:8,11,17 96:25 113:3, 10,12 131:8</p> <p>privileged 8:7 86:12</p>	<p>88:15,21 131:18</p> <p>privileges 6:21</p> <p>proceedings 5:1</p> <p>process 25:13 27:14 31:23 34:8,22 35:8,14 43:16 52:22 68:1 70:13 92:10,19 96:10,11,18 99:5,25 101:23 108:18 125:5 132:3,5,14,23 133:21 135:4 136:19 139:2 140:10 143:6 145:25 157:10 158:23 173:14 187:14</p> <p>processes 156:15</p> <p>produce 31:6 126:13</p> <p>produced 31:5 104:13</p> <p>producing 132:5,8</p> <p>product 100:3,11 129:7 173:16</p> <p>professional 38:16,24 41:22 42:4 43:9 47:1,6,9</p> <p>progressing 101:19</p> <p>progression 170:17</p>
--	--	--	---

<p>promoted 12:14</p> <p>proposal 107:25 161:24 162:2,7 168:1</p> <p>proposals 36:13 93:9 101:2,6,25 102:24 107:13, 23 108:5,9,13, 15,22 109:5,13 110:7 112:6,7 113:22,25 114:5,6 117:18,19 122:15,19</p> <p>propose 26:17 31:22</p> <p>proposed 37:22 47:25 100:21 101:12 105:14 111:15 112:5 118:11 119:2 162:4</p> <p>proposing 31:20</p> <p>protected 54:12 86:7 87:3</p> <p>protection 42:16 43:2 47:14 54:8 94:8</p> <p>provide 133:25 137:9 138:23 145:14 146:9</p> <p>provided 10:24 11:2 50:17 118:1 132:18 134:3 141:6,11,13,18</p>	<p>142:1,17 154:13 175:10</p> <p>providing 96:10,14 98:3</p> <p>proxy 181:23</p> <p>public 79:15,22 86:18 91:14 92:2 104:14 118:2 120:13 132:11, 23 144:4 145:23 149:3, 11</p> <p>publicly 92:18,22 93:1, 13,16 94:3 120:10,12 145:21 148:24 149:17,18 150:5 153:17</p> <p>publish 139:9</p> <p>published 10:22 94:6 105:12 111:5, 10 139:7,11, 19,20,24 140:1</p> <p>publishing 39:19</p> <p>pull 36:24 74:24 83:14 149:22 169:23 178:21 186:3</p> <p>pulling 179:15 190:12</p> <p>purely 134:4</p> <p>purpose 26:15 44:12</p>	<p>83:7 122:6 134:25 174:4</p> <p>purposes 94:10 102:11 168:21</p> <p>pursuant 181:21</p> <p>push 178:21</p> <p>pushed 185:14</p> <p>pushing 186:7 190:11, 18</p> <p>put 54:3 64:10 66:21 68:16 71:21 76:24 83:14 86:23 102:3 106:11 128:13 147:21 155:25 167:15 177:25</p> <p>puts 167:9</p> <p>putting 19:3 58:10 81:18 160:13</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>qualified 42:16</p> <p>qualifies 33:17,22</p> <p>qualify 54:7,11</p> <p>question 8:11,21,24 16:17 30:5 39:9 43:15,24</p>	<p>46:16 50:5,9, 12,17,23 51:15 52:9 58:21,24 60:19,25 61:22 63:6 65:21 66:12 68:9,13, 18,22,24,25 69:2,13,18 71:4 74:13 85:2 86:4,19 91:4,7,23 92:1,6,12 94:16,24,25 95:2,20,23 96:1 102:16 106:24 112:1, 15,17 114:9 116:6,21,22 119:15 123:5, 19 124:6 132:6,19 134:12 138:22 147:14 150:4, 14 151:7 169:13,24 176:19 183:9</p> <p>questioned 91:13 113:8</p> <p>questioning 88:5</p> <p>questions 6:24 8:4 9:14 10:18 46:11 78:4 79:24 82:14 85:6 88:19 109:11 146:23 155:12 160:17 161:16 163:6 174:3 176:15</p> <p>quick 169:24</p>
---	--	--	---

quicker 101:19	25 87:20 103:3 105:16,22	150:8 152:17 154:13,19	93:20 94:1,3 95:25 96:24
quote 86:25 149:22	106:4 110:12 149:22 161:10, 11,14,25	171:21	102:11 104:14 110:20 112:2
<hr/> R <hr/>	167:22	receive 25:8 104:21 120:3 126:21, 25 140:13	113:17 115:18 118:14,16 122:1,7 126:7
race-based 94:9	reading 50:1 52:7 60:22 66:3	143:6,10 145:25	131:2 135:9 139:23 143:22
races 17:20,21,23	70:20 75:19 86:20 105:23	received 79:16,20 91:16 105:4 125:21	154:25 157:6 160:18 162:1
racial 43:4 44:9 73:2	106:17,18 111:13,22,23	126:10	163:6 164:10 173:24 175:14, 21 190:20
racially 42:25 43:5	ready 101:22	recently 31:2	record's 87:9 97:5 126:17
railway 158:22	realize 27:7 36:11 58:3 94:2	recess 80:6 143:19 190:22	recorded 93:15
raise 5:2	124:10	recognize 52:17	records 132:11,23
range 121:1 125:21 152:2	realized 116:4 187:6	recognized 66:23 158:7,20 159:2 178:15, 17 179:17,20	recount 105:13
rated 73:11	reask 58:21,24	185:4 188:5	recounts 111:14
ratio 39:3	reason 63:2 73:13 82:21 94:13	recollection 65:24 150:6	recruiting 17:16
reach 48:2,5,13 59:8	116:14 119:17 135:16	reconcile 150:25 156:15 167:12	Reddick 55:14
reached 76:5 120:8	reasonable 86:9 87:4,18	reconciling 156:20	redistricting 14:1 16:12,15, 18,20,25 24:25 25:12,18,20
reaction 101:7,9 105:17	reasons 30:2	record 5:22 6:1 7:7 30:5 32:10 39:23 40:10	26:3 27:1,6, 14,16,19,22 28:1,5 29:8,12 30:14,20,24 31:2,3,7,13 32:23 33:5,16, 20,24 34:2,15 35:14 36:16 46:21 48:16
reactions 105:14 111:14	recall 17:24 26:24 56:3 59:19	49:15 50:2 58:22 65:22 69:5 72:8 74:25 75:20 83:15,25 86:18,24 91:14	
read 12:14 24:24 25:5 31:2 61:16 65:21 66:4 75:5,11, 15,23 76:6,9, 11 79:25 86:6,	73:1,5 78:25 79:9,10 81:6, 13,21 90:4 93:6 116:9 120:24 122:24 125:6 129:4 139:8 149:7		

60:7 68:14 71:6 74:9,15 76:8 78:8,13, 18 79:5,7,13, 20 80:13,21,25 81:16,23 82:3, 7,20 84:6,7 85:4,11,22 86:1,17 90:15, 19 91:6 92:10, 15,18 94:14 96:4 97:25 98:18,25 100:8 105:9 111:8 115:7 125:21 129:9,16,24 132:14 146:20 155:21 162:8 168:3 redrawing 56:23 58:8 redrawn 28:1 reduce 160:10 179:8, 11 reduced 52:17 reducing 149:9 refer 114:21 148:19 reference 62:4,5 142:14 176:14 referenced 45:20 140:7 references 39:14 referencing 150:9	referred 162:7 168:2 referring 63:7 124:14 132:4 148:23 166:6 168:7 174:14 refers 62:19 168:8 reflect 69:14 reflected 66:15 refresh 51:6 65:24 161:12 regard 97:25 regarded 181:23 region 17:22 162:4,6 163:3,14,19 164:21 167:24 168:1,7 169:14 178:11,23 186:8 regional 165:5 regions 18:1 registered 89:5,7,8,13,14 registration 44:25 45:19 rejoined 74:18 related 26:2 98:18 181:1	relates 82:19 98:25 relating 100:8 relationship 13:22 14:22 relay 76:12 released 79:15,21 100:21 102:25 108:12 109:6, 14 releases 105:9 releasing 99:7 100:11,15 relied 45:17 rely 120:1 relying 95:20 remaining 67:18 remember 17:12,13 18:1, 3 27:13 30:1,8 31:1,4,8 36:12 48:20 54:25 55:7 65:5,7,8 75:19 78:20, 21,22 79:2,3, 19,23 81:20 101:18 103:5, 13,17 104:3 106:17,20 107:2 109:19, 25 111:22 117:3 122:18 125:24 128:19	130:5,12 140:24 149:12 151:24 182:9 remembered 30:9 remembering 79:10 115:23 remote 127:24 Rep 106:5,12 repeat 67:17 repeating 97:21 rephrase 71:4 134:12 replicate 162:24 replicated 171:1 report 12:20,24,25 25:3 31:17 98:11,13 105:18 106:2 reporting 13:12 31:19 102:25 103:3, 14 109:6,9,14, 17 110:6 reportings 110:8 reports 117:20 118:2 represent 15:14 73:9 104:13 111:5, 13 126:9 144:10 170:16
--	---	--	--

representative 14:18,23 15:6, 7,9,14 26:10 27:2 62:20 148:15	requirement 86:13	97:16 108:5,9	Robert 11:1
representatives 10:25 11:3 14:17	requires 83:2,6	return 142:24	Rodrigues 161:2 167:20
represented 40:9 73:23 74:3 77:21 124:19 136:18, 21,23 137:6 165:13	research 87:11	returned 14:11 74:10,18	role 14:15 15:2,22, 25 16:14 18:22 27:14 30:16,24 35:14 36:12,22 78:5 84:5 96:5,17,21 133:21 137:8, 12
representing 5:18 15:8 93:17 127:23 143:25 144:3	resembled 101:25	reveal 96:1	roles 16:6,7
Republican 16:3 17:3 18:4,14 23:2 53:3 73:11,18 78:19,24 79:8, 16,19 89:13,15 90:5,8,12	residents 70:5 165:14	review 42:5 43:10,18 46:24 47:3 48:24 58:12,13 59:16 129:1 141:22	Romo 49:19 60:8
Republican- leaning 114:1	resolve 89:2	reviewed 10:9,14,16,18, 21 11:1,4,9 12:10	room 83:18 84:18,21 88:4,6
Republican/ democratic 126:19	respect 102:1	reviewing 31:8 137:12	rooted 165:19,22
Republicans 18:12 103:2,18 104:4 107:12 109:8,15 113:21 114:6 116:20,24	responded 148:20	rides 189:2	ruled 77:3
requested 10:22	response 10:4	rings 128:5	rules 7:24
required 8:5 59:17 180:7	responsibilities 13:3 15:1 18:18 31:12 97:25	ripple 163:19,20 179:24 189:12	ruling 75:8
	responsible 10:19 17:15,22 18:2 31:19 40:15	river 20:10 171:18 172:2,8,11 173:1	run 31:21 117:20
	responsive 112:14	road 172:3 189:5,6	running 24:2
	rest 74:19 148:21 149:25 150:12	roads 185:21	Ryan 11:18 133:1
	result 37:22 177:21 190:12	roadway 158:21	<hr/> S <hr/>
	results 38:25 42:22 43:11 44:9 45:2 53:16 103:7 181:8	roadways 172:10,12 179:17 185:23 190:9	salary 17:9
	retained		Salazar 106:5

Sandi 75:1 110:21 118:14 128:15 190:21	select 16:9	Senator 161:2	shaped 93:9
Sanford 55:12	Seminole 72:10	send 133:18	shapefiles 126:10 127:1
Sarasota 177:10 180:4, 6,10 181:5,7	Seminole/orange 168:23	sense 38:6 67:18 118:13 142:23 158:14 184:20	shapes 186:16 189:8
satisfying 181:25 182:1	Senate 10:11 28:25 29:1,6 32:13 35:19,23 36:17 39:14,17 54:18 55:2,4,21 92:8 96:21 99:25 100:14,20,21 101:19,20,21 103:15,18 104:4 105:8 109:2,11,16 115:8 120:4,7 121:24 122:15, 17 124:16 137:25 138:1 6,10,21,25 139:6 140:6,13 142:25 143:2, 11 144:21 146:8,20 147:4,17 148:8 150:24 151:10, 18,23 153:3, 21,24 157:12, 16 158:16,17, 18,23 159:9,22 160:1 174:5 179:19	sentence 161:23,25 167:23	share 23:22 24:8 126:19 131:12 134:21 138:5, 25
schedule 31:21		September 14:13 17:10 33:12,14,23	shared 92:2,22 93:18, 19 95:6,9,15 97:7,12 112:10 119:11 121:9 124:2,4 132:24 133:23 139:5, 8,9,10 140:6 141:24 142:7 149:17
science 19:24		sequence 130:6,13	sharing 134:25 138:10
scientist 38:24 119:1		series 154:17	shore 106:5
scores 118:3		served 30:13 35:18 77:23	short 59:21
Scott 35:9,13 36:6 106:12		session 99:16,17 100:2,5 138:20 140:8,14 151:10,24 152:5,7,15 153:25 176:4	show 39:23 126:4 131:5
scrivener's 39:15 40:2,13		set 64:11 146:25 167:17 173:21	showed 152:8
searched 104:24		setup 167:1	shows 61:13,19 126:18
seat 106:13,15 111:9 166:24 168:15,20	Senate's 101:1,12,25 102:24 103:7 105:14 107:7, 13,23 108:5,9 112:6,23 114:6 153:6 160:6	several-hundred- page 49:18	side 52:14 55:14 172:11
seat, ' 111:19		Shamefully 22:11	sides 10:19
secret 148:20 149:24		shape 186:5	
Secretary 5:25 10:17			
Section 55:5 68:5,10			
sector 27:20			

sign 36:7	sitting 19:15 113:20 116:23 127:21	18,21 159:11, 12 160:8 165:11 168:17 174:10 176:4 185:7 187:3 189:12	special 138:20 140:8, 14 151:10,23 152:7,15 153:25 176:4
signed 36:11 114:25 144:20	situate 178:22		specific 27:15 54:10 71:8 81:21 93:10 126:13 154:15 157:11, 15 176:14
significant 34:21,25 35:16 59:3,5,12 61:12 72:19 158:7 169:21 177:24	situated 155:19	sound 103:4,22 115:21 183:21 188:11	specifically 8:6 78:21 108:19 181:4
significantly 165:13 178:9 179:17 184:12	situation 113:12	sounds 25:25 100:23 122:4 128:21, 22 130:11,17 172:24	speculate 136:12
signs 19:3,4	sizable 58:16	south 68:20 69:2,9, 14,20 163:14, 17 167:10 178:23 188:22 189:18,24 190:1,3	speeches 19:2
similar 67:16 102:19 173:7	sizeable 58:23	southern 165:20 172:19 186:2 187:1,24	speeding 64:16
similarities 165:7	Skidmore 148:16	space 67:12	spend 7:24 23:7 24:19 111:13
similarity 127:25	skip 68:6	span 45:4 57:3	spent 14:4 20:12,17 22:12 33:6
similarly 108:15 109:13 155:19	slide 66:12	spare 80:16	spinning 160:8
simple 41:13	slides 175:20	speak 11:14,17,20,24 12:2 80:24 120:7	split 118:4 158:5 160:10,11 176:23 177:2, 3,9 179:6,10, 22 180:7,9,10, 12,22,23,25 181:2,3 182:10,21 183:16,17 186:20,22,24 187:1 189:17
simply 41:19 128:9	sliver 15:17	Speaker 16:8,9	splits 149:10,14
simultaneous 135:14	small 70:4	speaking 31:11 33:19 63:8 66:14 119:22,25 171:23 187:1,2	
single 79:11 128:8	software 32:3 129:13		
singular 181:6	solid 178:20		
sir 50:8,11,16 66:19 68:12, 17,21 69:12,17 180:21	solidly 73:11		
	sort 5:22 23:10 38:4,5 42:6,25 45:8 55:10,12, 15 66:20 67:21,23 99:15 103:6 123:2 124:8 129:15 151:10 152:9,		

164:23 176:18, 22 179:9,11 182:16,18,23 splitting 180:2,11 183:12 186:19 spoke 120:11 spousal 82:10,14,17,21 83:2,5 84:23 86:6,15 87:11, 12 spouses 83:3,9 spreadsheets 137:14 spring 138:11 square 168:18 188:4 squared 168:19 squared-up 185:19,25 186:5,16 187:3 St 19:14 20:10,23 21:1,4,6 22:4 65:11 68:23 69:1,2 70:7, 12,18,23 71:10 74:10,18,19 171:10,18 182:24 186:19 187:6,22,25 188:10,14 189:25 stack 168:17 staff	11:24 12:12, 21,22,23,24,25 13:4,16,18 16:24 30:13 31:13,15,16,17 32:19 38:1,10, 14 42:2 43:3 46:25 81:22 82:3 84:5 90:18 91:19 96:16 120:17 staffer 144:5 staffers 43:6 staffing 17:18 stage 43:12 53:11 stand 77:24 88:24 standards 183:21 start 5:24 25:19 41:20 49:25 52:7 60:22 66:3,8 85:8 103:21 120:20 121:6 122:21 123:14 153:7, 15 176:19 186:14 started 17:8 49:10 77:1 80:10,19 81:3,15 82:7 84:8 85:11 92:9 96:4,9 98:2 99:7 108:20,22 117:19 121:12	122:10,20,25 123:1 154:2 168:5 starting 50:2 65:20 77:22 81:10 100:5 161:24 190:2 starts 55:11 60:23 100:2 167:23 state 7:6 10:17 13:8,9,14 17:21,23 26:7, 16,17,20 27:17 28:7,10,13 29:12,13 32:7, 24 34:10,21 35:5 75:15 87:6 96:25 105:9 177:23 180:9 189:5,6 stated 36:17 74:6 93:13 95:24 statement 83:13 115:25 statements 93:5 148:24 149:4,6,7 States 94:7,11 statewide 17:23 24:5 statistical 174:6,13,18 statistically 158:19 159:1 179:14 statistics	159:3 175:10 statute 148:8 statutory 88:9 stay 72:2 107:15,16 stayed 103:10 108:1,2 109:11 110:13 STENOGRAPHER 5:2,8 49:6 60:13 75:2 87:23 98:14 104:7 110:19, 22,24 118:15 128:16 144:14 160:19 164:2,6 175:18,22 Stephen 126:15 stint 14:8,12 stipulation 6:13 stop 41:18 50:3 51:2 53:12 70:19 stopped 160:1,2 straight 185:22 stray 88:12 strength 37:23 stressed 85:19 strike
---	--	--	--

116:21	suggest	132:8	21:14,17 56:13
strong	50:5 83:16	taking	57:15 58:9
88:7	suggestion	160:3,13	65:12 66:16
stuff	87:16	179:19 187:24	70:23 71:9
24:3 83:9	summary	talk	76:1 77:4,10,
107:15 110:12	75:15	66:17 72:6	13 105:12
117:23	summer	82:12 89:18	106:14 108:10
subcommittee	20:5 110:14	90:14 91:8	162:3,12,23
99:10 162:9	Suncoast	94:16,19 95:2	163:3,14,19
168:3,13	19:10	97:6,13 98:7	164:21 165:12
subcontractor	supervised	112:10,12	166:20 167:1,
137:21	32:19	119:9 123:6	7,8,10 178:3,
submission	support	134:15 147:13	10,23 186:8
120:23	18:25 161:3	talked	Tampa's
submitted	supporting	14:25 25:16	21:21,25
10:17 114:8,21	61:20	44:20 45:14	Tarpon/dunedin
115:5 121:3,23	Supreme	72:18 103:9	190:2
122:2 123:23	10:23 38:7	130:2 133:20	team
124:1,3 145:2	74:10,16,17	150:5 153:10,	31:10,18 96:16
150:22 153:19	75:5,12,25	17 156:6 159:6	technical
156:10 157:9	76:5,9 77:3,9,	163:2 167:7	33:19,21
161:2 162:14,	13 102:3	172:18,24	51:24,25 124:2
22 163:8	surmise	174:2 177:8,16	139:12
169:11	51:24	186:18	technically
substance	Survey	talking	123:18
75:24 76:12	45:18	35:17 42:12	telling
88:19 112:19	swear	56:19,22 62:2	154:4
113:5	5:4	68:19 85:22	Ten
substantial	switch	98:22 99:3,13	143:17
20:24 21:2,7,	56:8,12	102:21 117:15,	tend
14,18 22:19,22	sworn	16,17 121:3	24:11 52:15
substantively	5:11	132:3 134:18	tens
8:20,23	system	136:1 149:12	105:1
suburbs	125:15	150:13 151:21	term
106:14	<hr/>	175:6	38:8
successful	T	Tallahassee	terminology
50:19	<hr/>	19:16 20:10	114:10 115:18
sudden	table	22:24	116:5 121:25
178:19	114:10	Tallahassee's	terms
suddenly	takes	22:9	33:19 36:13
178:3		Tampa	148:13 160:9
		19:11 20:18,21	

165:6 173:19 174:25 176:18 178:13 189:11 testified 5:12 51:3 53:19 55:25 56:3 96:9 130:8 134:7 155:11 163:11 167:5 testify 62:10 92:7 119:14 testifying 120:14 testimony 5:4 7:19 8:1 49:11,19,22 60:6,10,20 62:21 63:13 65:15 92:5 93:24 117:24 124:15,18 153:23 154:21 That'll 144:14 theory 187:21 thing 24:19 51:24 52:13,15 70:10 139:18 156:18 171:15 things 13:8 15:9 45:21 53:20 70:6 71:1 79:10 82:18 84:19 97:7 108:1 117:11 118:2,3 157:23 185:11 186:10	190:11 thinking 25:25 188:16 third-party 86:13 Thomas 12:4 134:22 thought 62:23 102:19 103:18 104:4 109:1 122:2 133:9 136:3,4 176:13 thoughts 63:10 91:18 136:13 thousands 33:6,8 105:1 three-quarters 178:20 threshold 59:5,10 thrust 149:5 tier 41:1,2,7 42:16 43:2,22 47:13 54:8,12 65:2 73:3 174:5,9, 21,25 175:4 183:20 185:3 time 7:24 8:14 15:14 20:12,17 22:12 23:7 24:20,23 26:24 33:11,14,23 35:10 42:23 44:22 45:17 46:17 47:19 51:16,25 55:21	56:4 57:11,14, 22 61:4 63:12 64:18 71:7 77:1 78:20,22 79:12 80:9,10, 16,18,19 81:2, 3,14,15 86:9 87:5 90:25 93:1 97:1,4,19 102:5 107:17 111:13 114:8 115:4 118:13 122:17,19 132:24 148:13 151:21 152:23 182:2 187:13 190:7 times 7:10 18:9 105:12 113:16 179:6 timing 154:24 title 12:11 16:22 17:12 111:7 144:9 titled 105:8 111:8 130:6 titles 125:12 today 5:19,23 9:9, 11,15 37:1 49:13 77:8 78:3 89:2 94:1 106:8 107:11 108:4,8 110:4 113:20,24 114:4,15 116:23	today's 10:8 11:15,22, 25 110:4 told 12:9 20:25 134:14 Tom 134:23 135:4 tomorrow 142:25 143:1 ton 33:20 tool 45:12,20,21 129:21 135:7 tools 45:16 top 67:14 128:24 184:20 topic 8:7 79:24 Torchinsky 133:11 total 129:7 158:5 179:9 track 37:1 163:25 trade 177:9,13 180:15,20 trades 183:2 trading 134:18 traditional 36:8 traditionally 113:11
--	--	---	--

trailing 166:16 189:23	turns 142:22	178:4	unknown 35:6,7
transcript 30:6 48:23 49:10 52:4 62:11	tweet 23:8	ultimately 31:25 48:12 55:10 67:5 116:3 119:1 138:19 159:8 163:8,10 169:8 173:17 178:22 183:23	untested 35:7
transcripts 60:2	tweeted 111:20		update 173:23
transitioned 16:11 98:3	Twitter 23:5,7 24:17, 18,20 106:9	umbrellas 13:13	updates 25:11,12
trees 49:2	two-thirds 143:14	unconstitutional 76:10	uploaded 154:6,8,11,20
tremendously 127:18	type 52:23 113:12	understand 7:25 8:1,8,10 16:14 68:13 90:18,22 98:17 132:6 137:10 142:18 151:9 154:4 185:13	uploading 154:2
trial 7:19,22 36:16, 17 49:18,22 51:9,11 65:14 74:15 75:19,21 81:7,10 188:16	types 157:11		usage 173:19
trick 43:14	typically 52:24	understanding 35:22 38:21 39:6 40:22 41:6,23 47:11, 21 54:4,16 55:1 56:6 62:5,8 82:17 83:5 86:5 91:12 96:5 99:15 100:8,20 124:24 125:20 128:2,4 181:17	useless 148:12
trouble 142:4	<hr/> U <hr/>		Uthmeier 13:2 98:13,15 132:2 133:1
true 114:20	U.S. 187:7 188:9		utilized 154:22
Trump-biden 106:7	Uh-huh 15:4 25:22 34:18 41:4 42:15 43:17 44:5 80:12 89:20 90:16 97:9 104:15,18 105:21 110:24 114:13 123:12 127:5 141:20 151:5,12 160:25 161:5, 22 164:13 166:3 170:24 176:5,9,17,24		<hr/> v <hr/>
truth 5:5,6 148:9			vague 151:7
truthful 51:12,14			variety 13:8
truthfully 9:11			vast 35:24 165:10
turn 106:13 186:14	Uh...ryan 132:2	understood 102:16	version 41:24 45:8 48:6 55:9 62:7 127:7,10 169:5,16
turning 185:7,24 186:8,13 190:5,6	ultimate 55:1 106:16 123:16 163:20	unincorporated 188:12,13	versus 6:3 52:25 106:7 181:11
		Union 15:16	veto 11:4
		United 94:7,11	
		University 19:17 20:2	

vetoed 115:20 116:10 171:13	voter 19:1 44:25 45:19 89:7,8	watch 99:10	166:5
vetoing 11:5 148:18	voters 5:18 6:2 21:8 44:16 48:18 65:11 68:2,4 70:22,23 72:23	watched 120:12	wider 72:22
viable 53:2,5	votes 21:18 22:22	waterway 158:22 166:14	Wienckowski 137:17
video 10:11	voting 37:23 39:1,4 43:1,5,19 53:21 119:3	waterways 179:18	wife 81:22 84:4 85:17,19,22 87:16
view 53:17 180:14	voting-age 47:17,23 48:2, 9,19 54:7,11 55:3 135:5,8, 10,17,19 136:9,19,24 137:7,14	waving 19:4	win 53:25 108:6
viewed 114:5 158:2	<hr/> W <hr/>	ways 157:13 160:12 165:22 188:8 190:13	winds 55:12,15
violating 94:10	waive 88:17	website 40:10 14 123:9,16,25 144:22	winter 99:6 159:15 168:24
visible 186:12	waiving 6:22	websites 24:10,25	wintertime 100:16
vision 32:1	walked 96:20	weeks 120:23,25	won 24:3 74:4,6
visual 70:10 121:14	walking 152:18	weighing 36:13	wondering 30:10
visually 102:2 163:10 186:3 187:10	wall 177:22 185:17 186:12 190:8	west 72:11,22 188:21	word 52:1 99:17 124:2
volume 60:9 190:23	wanted 26:17 39:22 69:4 154:15 185:16 188:17	western 72:10	words 58:10 132:7 189:25
volumes 60:10	Wasserman 25:3 105:17 106:1,8,11	whatnot 17:20	work 16:17 17:24 18:4,24 25:9, 20 27:20 30:20 31:16 44:14 45:9 65:5 76:7 85:23 98:5 100:10 117:20 120:18 129:7 133:23 134:20 155:15 169:10 171:20 181:5 184:22 188:24
volunteer 148:4		white 72:23	
volunteered 89:23		whiter 23:2 72:20,24	
Volusia 23:1 159:21 160:11		wholly 67:24 123:15, 21,25 165:8	
vote 53:9 126:19			
voted 29:20			

190:17	162:16
worked	wrong
17:3 18:14	61:16 78:11
26:9 35:2	178:6,7
70:11 72:17	wrote
96:11 107:18	76:9 106:8
122:22,24	
130:9 140:10	<hr/>
143:4 151:13	y
153:25 154:5,	<hr/>
10 163:11	yards
	19:4
working	year
14:2 15:11	10:11 101:20,
17:20 18:2	22
35:19 57:3	years
65:7 70:12	13:23 14:4,7
78:7,12 79:5	27:8 30:5,17
80:11,19 81:3,	45:4 65:4 82:4
15 82:7 84:8	89:19 96:12
91:1 96:4	yes-or-no
97:15 122:11,	51:15
13 137:21	Young
141:16 142:20	73:21
154:3	
workings	<hr/>
91:5	Z
	<hr/>
works	zoom
7:1,4 15:5	165:4 171:16
115:1	
workshop	
100:13	
worries	
116:7	
worth	
167:14	
wound	
81:7	
write	
106:11	
written	
10:12,24 93:20	
105:11 111:10	

Black Voters Matter Capacity Building Institute, Inc.

vs.

Cord Byrd, et al.

Deposition of:

James Kelly

June 07, 2023

Vol 2

RETRIEVED FROM DEMOCRACYDOCKET.COM



IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY
BUILDING INSTITUTE, INC.,
et al.,

Plaintiffs,

vs.

CASE NO. 2022 CA 000666

CORD BYRD, in his official
capacity as Florida Secretary
of State, et al.,

Defendants.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

COMMON CAUSE FLORIDA, et al.,
Plaintiffs,

vs.

CASE NO. 4:22-cv-109-AW-MAF

CORD BYRD, in his official
capacity as Florida Secretary
of State,

Defendant.

DEPOSITION OF JAMES ALEXANDER KELLY
(Volume 2, Pages 195 - 267)

Wednesday, June 7, 2023
2:48 p.m. - 4:26 p.m.

LOCATION:

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK
119 South Monroe Street, #500
Tallahassee, FL 32301

STENOGRAPHICALLY REPORTED BY:

SANDRA L. NARGIZ
RPR, CM, CRR, CRC, CCR

Job No. 311409

<p style="text-align: right;">Page 196</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFFS BLACK VOTERS MATTER,</p> <p>4 et al.:</p> <p>5 ELIAS LAW GROUP, LLP</p> <p>6 10 G Street NE</p> <p>7 Washington, DC 20002</p> <p>8 202.968.4490</p> <p>9 BY: JOSEPH POSIMATO, ESQUIRE</p> <p>10 jposimato@elias.law</p> <p>11 BY: CHRISTINA FORD ESQUIRE</p> <p>12 cford@elias.law</p> <p>13</p> <p>14 ON BEHALF OF THE PLAINTIFFS COMMON CAUSE, et al.:</p> <p>15 PATTERSON BELKNAP WEBB & TAYLOR</p> <p>16 1133 Avenue of the Americas</p> <p>17 New York, NY 10036</p> <p>18 212.336.2817</p> <p>19 BY: CATHERINE J. DJANG, ESQUIRE</p> <p>20 cdjang@pbwt.com</p> <p>21</p> <p>22 ON BEHALF OF THE DEFENDANT SECRETARY OF STATE:</p> <p>23 HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK</p> <p>24 119 South Monroe Street, #500</p> <p>25 Tallahassee, FL 32301</p> <p>850.508.7775</p> <p>BY: MOHAMMAD O. JAZIL, ESQUIRE</p> <p>mjazil@holtzmanvogel.com</p> <p>BY: ROBERT MICHAEL BEATO, ESQUIRE</p> <p>mbeato@holtzmanvogel.com</p>	<p style="text-align: right;">Page 198</p> <p style="text-align: center;">I N D E X</p> <p>1 WITNESS</p> <p>2 PAGE</p> <p>3 JAMES ALEXANDER KELLY</p> <p>4</p> <p>5 Cont'd Direct Examination by Ms. Ford 199</p> <p>6 CERTIFICATE OF OATH 262</p> <p>7 CERTIFICATE OF REPORTER 263</p> <p>8 READ AND SIGN LETTER 264</p> <p>9 ERRATA SHEET 265</p> <p>10</p> <p>11 INDEX OF EXHIBITS</p> <p>12</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>ID</th> </tr> </thead> <tbody> <tr> <td>13</td> <td></td> <td></td> </tr> <tr> <td>14</td> <td>18 Plan 8019</td> <td>205</td> </tr> <tr> <td>15</td> <td>19 District Compactness Report for Plan 8019</td> <td>205</td> </tr> <tr> <td>16</td> <td>20 Comparison Chart</td> <td>206</td> </tr> <tr> <td>17</td> <td>21 Boundary Analysis for Plan 79</td> <td>212</td> </tr> <tr> <td>18</td> <td>22 Boundary Analysis for Plan 94</td> <td>213</td> </tr> <tr> <td>19</td> <td>23 Plan 8019</td> <td>227</td> </tr> <tr> <td>20</td> <td>24 Plan 8060</td> <td>230</td> </tr> <tr> <td>21</td> <td>25 Compactness Report for Plan 8060</td> <td>233</td> </tr> <tr> <td>22</td> <td>26 House Plan 8011</td> <td>250</td> </tr> <tr> <td>23</td> <td>27 July Subpoena to EOG</td> <td>256</td> </tr> <tr> <td>24</td> <td></td> <td></td> </tr> <tr> <td>25</td> <td></td> <td></td> </tr> </tbody> </table>	NO.	DESCRIPTION	ID	13			14	18 Plan 8019	205	15	19 District Compactness Report for Plan 8019	205	16	20 Comparison Chart	206	17	21 Boundary Analysis for Plan 79	212	18	22 Boundary Analysis for Plan 94	213	19	23 Plan 8019	227	20	24 Plan 8060	230	21	25 Compactness Report for Plan 8060	233	22	26 House Plan 8011	250	23	27 July Subpoena to EOG	256	24			25		
NO.	DESCRIPTION	ID																																									
13																																											
14	18 Plan 8019	205																																									
15	19 District Compactness Report for Plan 8019	205																																									
16	20 Comparison Chart	206																																									
17	21 Boundary Analysis for Plan 79	212																																									
18	22 Boundary Analysis for Plan 94	213																																									
19	23 Plan 8019	227																																									
20	24 Plan 8060	230																																									
21	25 Compactness Report for Plan 8060	233																																									
22	26 House Plan 8011	250																																									
23	27 July Subpoena to EOG	256																																									
24																																											
25																																											
<p style="text-align: right;">Page 197</p> <p>1 APPEARANCES: (Continued.)</p> <p>2 ON BEHALF OF THE DEFENDANT FLORIDA SENATE:</p> <p>3 SHUTTS AND BOWEN</p> <p>4 215 S. Monroe Street, #800</p> <p>5 Tallahassee, FL 32301</p> <p>6 850.241.1717</p> <p>7 BY: DANIEL E. NORDBY, ESQUIRE (Via Zoom.)</p> <p>8 dnordby@shutts.com</p> <p>9</p> <p>10 THE FLORIDA SENATE</p> <p>11 302 The Capitol, #404S</p> <p>12 Tallahassee, FL 32399</p> <p>13 850.487.5237</p> <p>14 BY: KYLE EDWIN GRAY, ESQUIRE (Via Zoom.)</p> <p>15 gray.kyle@flsenate.gov</p> <p>16</p> <p>17 ON BEHALF OF THE DEFENDANT FLORIDA HOUSE OF</p> <p>18 REPRESENTATIVES:</p> <p>19 GRAY ROBINSON</p> <p>20 301 S. Bronough Street, #600</p> <p>21 Tallahassee, Florida 32301</p> <p>22 850.577.9090</p> <p>23 BY: ASHLEY H. LUKIS, ESQUIRE</p> <p>24 ashley.lukis@gray-robinson.com</p> <p>25</p> <p>ALSO PRESENT:</p> <p>Nicholas Meros, Office of the Governor</p> <p>Michael Halper, Common Cause Florida</p> <p>Taylor Meehan (Via Zoom.)</p> <p>David Rosenthal (Via Zoom.)</p>	<p style="text-align: right;">Page 199</p> <p>1 The following continued from Volume 1 at 2:48 p.m.:</p> <p>2 CONTINUED DIRECT EXAMINATION</p> <p>3 BY MS. FORD:</p> <p>4 Q Mr. Kelly, when we broke, we had started</p> <p>5 to talk about your presentation to the legislature</p> <p>6 in the special session. And we just talked about</p> <p>7 some differences in the county splits and the city</p> <p>8 splits. So I want to talk about compactness just a</p> <p>9 little bit.</p> <p>10 In your presentation, you mentioned that</p> <p>11 the average compactness was largely equivalent</p> <p>12 between Plan 8019 and the Enacted Plan; that is</p> <p>13 correct?</p> <p>14 A Yes.</p> <p>15 Q We already -- you have the presentation in</p> <p>16 front of you, you have Exhibit 17?</p> <p>17 A Yes.</p> <p>18 Q Did you prepare this?</p> <p>19 A Yes.</p> <p>20 Q Okay. And to the best of your knowledge</p> <p>21 you believe the statistics to be accurate?</p> <p>22 A Yes.</p> <p>23 Q Okay. I wanted to go page 6, which is</p> <p>24 going to be -- you can see a little tiny 6 here, the</p> <p>25 one titled Tier 2, comparing SB 2-C Plan 109 to</p>																																										

Page 200

1 SB 102. Actually they all have that title. That's
2 no help. Look at this one.
3 A I got it.
4 Q Here you report three measures: Reock,
5 Polsby-Popper, Convex Hull.
6 Why did you choose these three measures to
7 report?
8 MR. JAZIL: I give you the Marsh
9 instruction. If you can, go ahead and answer.
10 A Those were the measures that the House and
11 Senate in the legislative redistricting map maker --
12 it was a better title than the one I just gave it --
13 but in the redistricting application that the
14 legislature used, those are the three measures that
15 the legislature used.
16 BY MS. FORD:
17 Q Okay. But there's other measures of
18 compactness that exist in the world, right?
19 A Yes, there are many.
20 Q Did you use any of the other three
21 measures in drawing your plans or evaluating plans?
22 A The other three?
23 Q Sorry, any other measure other than those
24 three when you were working on the plans?
25 A Sure. The visual compactness, I just

Page 201

1 visually inspect the map, which you might call the
2 intraocular test, just eyeballing it, does it
3 actually look compact. And then I noted earlier, I
4 considered keeping a county whole as a proxy for
5 compactness.
6 Q Okay. But as far as other like
7 mathematical statistical measures of compactness,
8 you weren't using any other measures other than
9 these three to draw your map?
10 A Correct, no other statistical measures.
11 Q Okay. To your memory, these three
12 measures -- Reock, Convex Hull and Polsby-Popper --
13 these are the three that the Florida Supreme Court
14 relied on on that cycle?
15 A I am not a hundred percent certain if
16 these are the three they relied on.
17 Q Okay. So just for clarity of the record,
18 for all of us who are not compactness experts, when
19 we are talking about these measures, Reock, Convex
20 Hull, Polsby-Popper, they range from zero to one?
21 A Yes.
22 Q Closer to one is considered better?
23 A Yes.
24 Q More compact, I should say?
25 A Correct.

Page 202

1 Q So in your presentation, you showed that
2 the average Reock score for the legislature's plan
3 in Plan 8019 was .18, and that the Enacted Map was
4 .47, is that correct?
5 A I think you meant .48 and .47?
6 Q Yes. What did I say?
7 A You said .18.
8 Q I am sorry. .48 versus .47?
9 A Yes.
10 Q This means that the enacted map was
11 slightly less compact on the Reock measure, right?
12 A On the Reock measure, yes.
13 Q In your presentation, you showed that the
14 average Convex Hull score for Plan 8019 was .82, and
15 that the average Convex Hull measure for the Enacted
16 Map was .81, correct?
17 A Correct.
18 Q So this means the Governor's or the
19 Enacted Map is slightly less compact on the Convex
20 Hull, correct?
21 A Correct.
22 Q And then finally, in the presentation you
23 show that the average Polsby-Popper for Plan 8019 is
24 .42, and then in the Enacted Map the Polsby-Popper
25 is .43, correct?

Page 203

1 A Correct.
2 Q Here the Enacted Map is slightly more
3 compact on this measure, right?
4 A Correct.
5 Q Okay. Like we said before, you considered
6 this to be basically equivalent on compactness on
7 the map as a whole?
8 A For this statistical compactness, yes.
9 Q In here you mentioned on the same page
10 that the primary Plan 8019 has the least
11 mathematically compact district for CD 14, which has
12 a Polsby-Popper of .17, you know that's below .2,
13 and that the Governor's plan, the Enacted Map -- I
14 am sorry -- makes reference such that all districts
15 are above .2 on Polsby-Popper, correct?
16 A I think you might have advertently, when
17 you said that question, I think you meant to say
18 CD-4. I think you referenced CD-14 when you are
19 referring to the legislature's Plan 8019.
20 But, yes, yes, the Enacted Plan, all of
21 the districts, in terms of Reock and Polsby-Popper
22 scores are .2 or higher. That was the first map of
23 any map that the legislature considered that that
24 statement is true.
25 Q So when we talk about the least compact

Page 204

1 district in the legislature's plan as CD-4, we are
2 talking about CD-4 in North Florida, right, from the
3 legislature's plan?
4 A Yes.
5 Q Okay. So the Governor's Office, from your
6 perspective, the Governor's Office perspective, you
7 believe that you made significant compactness gains
8 in North Florida, correct?
9 A Correct.
10 Q And the South Florida districts between
11 the Governor's plan and the legislature's plan were
12 the same, right; so no difference there?
13 A The districts you mentioned earlier, 20 to
14 25, and 27 and 28, were the same.
15 Q Okay. So on average, if the Governor's
16 plan made compactness improvements in North Florida,
17 significant gains there, and there is no change in
18 South Florida, and you end up with basically the
19 same compactness scores as Plan 8019, do you agree
20 with me that what that means is that the compactness
21 scores of the Enacted Map in Central Florida and in
22 Tampa Bay must be on average worse than Plan 8019?
23 A No.
24 Q You don't agree with that?
25 A Correct, I don't agree.

Page 205

1 Q Okay.
2 (Exhibit 18 was marked for
3 identification.)
4 (Exhibit 19 was marked for
5 identification.)
6 BY MS. FORD:
7 Q So Plan 8019 is Exhibit 18, instead of 19.
8 Let's look at Exhibit 18, which is the district
9 compactness report for Plan 109, which is the
10 Enacted Map. You have that in front of you,
11 Mr. Kelly?
12 A Yes, Plan 109, Exhibit 18?
13 Q Yes.
14 A Yes.
15 Q I got this from the Florida redistricting
16 website, I just pulled it straight off the website.
17 Does this look like a fair and accurate
18 copy of what that district compactness report looks
19 like?
20 A Probably. It looks -- the way that's
21 coded, it's looks like from the website.
22 Q And then Exhibit 19, for the record, is
23 the district compactness report for Plan 8019 from
24 the legislature. Again, I pulled this straight from
25 the Florida redistricting website just a few days

Page 206

1 ago.
2 Does this look like a fair and accurate
3 copy of what the website generates to report
4 compactness numbers?
5 A Yes.
6 Q Let's set these aside. I want you to have
7 them for reference.
8 (Exhibit 20 was marked for
9 identification.)
10 BY MS. FORD:
11 Q Mr. Kelly, this is a comparison chart that
12 I put together. These are the exact numbers the
13 Florida redistricting website reports for
14 compactness across Reock, Convex Hull and
15 Polsby-Popper.
16 The Florida districting website does not
17 do this comparison that I am aware of, so I put it
18 together myself. But I used the same numbers they
19 reported and I double-checked it, but you should
20 feel free to double-check if you would like.
21 In here, I have used Microsoft Excel to
22 sum and average the numbers it reports so that I
23 wouldn't be relying on my own math skills.
24 Assuming these numbers report out the ones
25 that the Florida legislature generates, do you have

Page 207

1 any reason to doubt the reliability of these
2 numbers?
3 A If I could just have a minute or two.
4 (Examining document.)
5 Q Sure. I am happy to state on the record
6 to the extent I made a math error here, obviously we
7 can correct it later.
8 A Okay. Thank you.
9 Q Would you agree with me that Districts 6
10 through 18 fairly comprise the Tampa Bay and Central
11 Florida districts?
12 A It goes beyond the Tampa Bay and Central
13 Florida districts.
14 Q What districts would you say go beyond
15 that?
16 A 6 and 18 would go beyond what I would
17 consider to be Tampa Bay and Central Florida.
18 12 goes beyond what I would consider to be
19 Tampa Bay.
20 17 as well goes beyond what I would
21 consider to be Tampa Bay or Central Florida, Tampa
22 Bay or Central Florida.
23 Q Would you agree with me that the
24 Governor's plans changed all of these districts from
25 6 to 18 in the core of the state?

Page 208

1 A Yes.

2 Q When we compare these districts that,

3 let's say, go all the way from Putnam County, St.

4 Johns County, 6 all the way down to 18, which

5 runs -- 18 runs from Polk to Hendry -- that these

6 are the districts that we are talking about here?

7 A Yes.

8 Q Okay. At least on a comparison of these

9 measures, would you agree with me that the

10 legislature's plan performs better on average on a

11 Reock measure?

12 MR. JAZIL: Object to form.

13 You can answer.

14 A Yes, just comparing the statistics on the

15 sheet, yes.

16 BY MS. FORD:

17 Q That's a .495 for the legislature's plan

18 as compared to .47 for the Enacted Map on districts

19 CD-6 through CD-18?

20 A For the Reock?

21 Q For Reock.

22 A Yes.

23 Q Okay. Would you agree with me that on

24 average, the legislature's Districts CD-6 to CD-18

25 perform better on a Convex Hull measure than the

Page 209

1 Enacted Map?

2 MR. JAZIL: Object to form.

3 You can answer.

4 A They are more statistically compact than

5 Convex Hull.

6 BY MS. FORD:

7 Q .835 as compared to .82?

8 A Yes.

9 Q Okay. And then for fairness, on average,

10 the Governor's districts performed slightly better

11 on the Polsby-Popper score, where the legislature's

12 plan -- sorry -- than the legislature's plan for

13 Districts 6 through 8, correct?

14 A 6 through 18.

15 Q 6 through 18, thank you.

16 A The Enacted Plan has a statistically

17 higher Polsby-Popper compactness score than the plan

18 the legislature originally passed.

19 Q Just for the record, that would be a

20 comparison of .437 for Plan 8019 and .446 for the

21 Enacted Map when we compare Districts 6 through 18,

22 right?

23 A Yes.

24 Q Okay. So at least considering this core

25 region of Florida, the Governor's plan does not make

Page 210

1 overall statistical improvements to the

2 legislature's plan, right?

3 MR. JAZIL: Object to the form. You can

4 answer.

5 A In terms of statistical compactness, the

6 Enacted Map does improve one of the three measures

7 and it does not improve the other two measures in

8 just these districts by themselves, just looking at

9 statistical compactness.

10 BY MS. FORD:

11 Q Okay. You mentioned visual compactness

12 before. Would you agree with me that visual

13 compactness is subjective?

14 A Well, that's a good theory question. I

15 don't know.

16 Q What is the test for visual compactness?

17 A Plain sightedly, does the district have

18 the appearance of a shape that's similar to a

19 square, rectangle, circle, a plain sighted compact

20 shape.

21 Q Okay. Would you agree with me though that

22 saying something is visually compact, opinions could

23 differ?

24 A Opinions by their nature can differ;

25 that's why they are called opinions.

Page 211

1 Q Let's move on to something else.

2 In your presentation before the

3 legislature, slide 5, just right above the

4 compactness one, talking about political and

5 geographic boundary lines.

6 A Back on Exhibit 17?

7 Q I was about to say we are back on

8 Exhibit 17, slide 5. So here you mentioned that the

9 Enacted Map produces reliance on nongeographic and

10 nonpolitical boundaries from 12.5 percent to

11 11.5 percent, is that correct?

12 A Yes.

13 Q This is a decrease of -- I can do this

14 math -- 1 percent. That's not a significant

15 difference, correct?

16 A 1 percent? 1 percent is a small

17 difference. It's smaller than 2 percent, and so

18 forth.

19 Q Okay. In your testimony before the

20 legislature, you at least characterized it as not a

21 significant difference?

22 A It's improvement.

23 Q Was reducing reliance on these boundaries

24 something that the Governor's Office had prioritized

25 in the past with its other two submissions?

Page 212

1 MR. JAZIL: I give you the Marsh
2 instruction. To the extent you can answer,
3 answer.
4 A Sure. As I noted in my presentation, this
5 greater adherence to recognized political
6 geographical boundary lines was a feature that the
7 Senate focused very much on in looking at their
8 maps. And so the final Enacted Map that I drew
9 adopted that Senate approach. When having to -- all
10 districts have to have boundaries somewhere, there
11 is always difficult choices with zero population,
12 and so forth. When making those decisions, I
13 adopted the Senate's approach.
14 And so I don't recall the exact numbers
15 for the prior maps that our office submitted, but
16 this was a pretty notable improvement for the maps
17 that our office submitted and jumped past the map
18 that the legislature had ultimately originally
19 passed.
20 (Exhibit 21 was marked for
21 identification.)
22 BY MS. FORD:
23 Q This is Exhibit 21, which is a boundary
24 analysis for Plan 79. I got this -- actually I did
25 not get this from the Florida redistricting website.

Page 213

1 This was produced by the House in the discovery
2 process.
3 Does this look like a fair copy of a
4 boundary analysis that the Florida legislature would
5 have generated for Plan 79?
6 A This looks like the format of the analysis
7 that the legislature would have produced.
8 Q Do you agree with me that it reports that
9 the reliance on nonpolitical or geographic
10 boundaries was 15.07 percent in Plan 79?
11 A Yes.
12 (Exhibit 22 was marked for
13 identification.)
14 BY MS. FORD:
15 Q This is Exhibit 22, it is once again a
16 document that the House produced to us in discovery.
17 It's a boundary analysis for Plan 94, which is the
18 Governor's Office second plan they submitted to the
19 legislature.
20 Does this look like a fair copy what the
21 legislature generates for a boundary analysis?
22 A Yes.
23 Q Do you agree with me that it reports that
24 reliance on nonpolitical or geographic boundaries
25 was 13.11 percent in Plan 94?

Page 214

1 A Yes.
2 Q Okay. Great. So you agree that the
3 legislature's Plan 8019 at least beat the Governor's
4 two prior proposals on adherence to political and
5 geographic boundaries?
6 A Oh, so when comparing use of nongeographic
7 and political boundaries?
8 Q Yes.
9 A The plan that the legislature adopted, the
10 plan the Governor vetoed, that plan had a better use
11 of political and geographic boundaries than our
12 office's first two plans.
13 Q Okay. You can set those aside. I am done
14 with those.
15 What I have left -- there is a lot that we
16 already covered, so give me patience while I cross
17 some topics out.
18 But -- and I will start high level. Going
19 back to your presentation to the legislature, you
20 described the Gulf Coast region as a hybrid between
21 some of the legislature's plans and some of the
22 Governor's submissions. And I don't think we
23 specifically talked about the Gulf Coast region as a
24 hybrid before.
25 Can you tell me what you meant by that?

Page 215

1 MR. JAZIL: I give you the Marsh
2 instruction but go ahead.
3 A We -- I think we covered some of it.
4 BY MS. FORD:
5 Q We may have.
6 A When I talked about the Gulf Coast region,
7 when I covered drawing districts from Citrus County,
8 keeping Citrus County whole, down to keeping
9 Sarasota County whole, where those districts
10 intersect and Lee and that part of the state, that
11 was the same conversation that we had earlier.
12 Q Okay. Were there any specific ideas that
13 were taken from the legislature's plans for this
14 Tampa Bay region?
15 A Well, one thing that, as we noted, the
16 Senate did do in their maps is when they made those
17 decisions between district boundaries, they were
18 more adherent to consistent use of political,
19 recognized political and geographical boundary
20 lines, the ones that would generate the scores we
21 have gone over.
22 So not just through the Gulf region but
23 throughout the map, I adopted that approach that the
24 Senate took when finalizing boundary lines. Making
25 those difficult decisions about roadway, waterway,

Page 216

1 whatever it may be, county line, city line, I
2 adopted the Senate approach. And that would apply
3 to these counties up and down throughout the Gulf
4 portions of the state.
5 I am trying to think about anything else
6 in specific, but that comes to mind.
7 Q Okay. I am done on this. Something we
8 have talked about in your presentation to the
9 legislature --
10 A I am sorry, I think, too, I left out, from
11 a point of view -- I mentioned it earlier, but from
12 the feedback that I mentioned earlier I got from the
13 House where the House did not use census designated
14 places.
15 To give you an example, concrete example
16 what that would mean. If you would look at
17 Exhibit 16, which was Plan 0094, and you would look
18 at then ultimately the Enacted Map, if you look at
19 District 15, in both cases the district that is
20 largely a Hillsborough and Pasco County seat, when
21 you look at Plan 0094, where you see that sort of
22 extension at the western end of the district, what I
23 was doing specifically in 0094 there was, I was
24 attempting to keep the entire census designated
25 places whole.

Page 217

1 So in terms of making the sort of
2 finishing end decisions and in Enacted Map --
3 because I got that feedback that the legislature,
4 the House specifically, wasn't factoring in census
5 designated places, I abandoned using that and I
6 stuck -- you will see -- if you zoomed in, you will
7 see it more adhered to very specific roadways rather
8 than unincorporated census designated place.
9 Q Okay. Thank you.
10 A Sure.
11 Q In your presentation to the legislature,
12 you discussed that you reduced splits in
13 Hillsborough from four to three, is that right?
14 A County splits? Yes.
15 Q County splits. And I think we talked
16 about before, because of Hillsborough's population
17 which, don't quote me, but I think it's around
18 1.5 million, you have to mathematically split it
19 into more than one district, right?
20 A Yes.
21 Q We talked about Polk County briefly
22 before. Polk County does not technically need to be
23 split, correct?
24 A Correct, it's smaller than a district.
25 Q And Hillsborough County and Polk County

Page 218

1 are right next to each other, right?
2 A Correct.
3 Q So your plan reduces Hillsborough County
4 splits from four to three, but then it splits Polk
5 into four different districts, right?
6 A I believe you are correct. I believe it
7 is four, yes.
8 Q I have down Districts 18, 15, 11, and 9,
9 does that sound right?
10 A Yes.
11 Q So in terms of intercounty splits in this
12 particular region, they get worse, right?
13 A I think you are blocking out the whole
14 rest of the state as though it doesn't exist, if you
15 make a statement like that.
16 Q Do you agree with me though in this,
17 looking at this particular -- I am just asking this
18 region.
19 A Well, not this region, this one county,
20 Polk County. So, no.
21 Q The --
22 A The region doesn't get worse. Polk County
23 is split more in exchange for splitting counties
24 around it less.
25 Q You mentioned to the legislature that you

Page 219

1 could -- I will quote from here -- you can see the
2 legislature had an intent to draw a seat wholly in
3 Pinellas County, is that right?
4 A Yeah.
5 Q And that you wanted to honor that. By
6 that, I assume you wanted to make sure there was one
7 district that was entirely compromised in Pinellas
8 County?
9 A Yes.
10 Q And in your presentation to the
11 legislature, you said you did that for moving east
12 to west across Pinellas County?
13 A Both east to west, but also north to
14 south. So starting, as I mentioned earlier,
15 starting at that Pinellas/Pasco line, moving south
16 as well and then, yes, also west to east -- I think
17 you said east to west -- west to east.
18 Q It is also possible to create a wholly
19 Pinellas County district by moving south to north,
20 correct?
21 A Yes.
22 Q One more question on Pinellas County.
23 On February 18, 2022, I think that might
24 have been the day Mr. Popper testified. I can't
25 remember.

Page 220

1 **Anyway, that was the day that the House**
2 **Redistricting Committee said it had a specific**
3 **intent to keep one district whole within Pinellas**
4 **County. The House also talked how it drew the**
5 **district to connect, quote, the remaining portion of**
6 **county over land to another county rather than over**
7 **water.**

8 **I am wondering whether you took that**
9 **preference into account?**

10 MR. JAZIL: I give you the Marsh
11 instruction.

12 A I don't recall that specific testimony, so
13 I wasn't factoring that in. I don't recall that
14 specific statement.

15 BY MS. FORD:

16 **Q Did you watch Mr. Popper's testimony to**
17 **the Florida House?**

18 A Yes.

19 **Q Were you there that day?**

20 A No, I was watching from my office.

21 **Q All right. And by the way, I have a copy**
22 **of your testimony or your presentation to the**
23 **legislature, so if you want to reference it at any**
24 **time, just let me know.**

25 A Sure.

Page 221

1 **Q As you told them -- still on Tampa Bay --**
2 **you told the legislature that you continued to just**
3 **work my way east as I built District 14 again,**
4 **seeking to utilize as clean, clear, distinguishable**
5 **municipal boundary lines.**

6 **And I am wondering what municipal boundary**
7 **lines you used to create District 14?**

8 A Sure. So in District 14, when you -- if
9 you look at kind of the closer-up view of
10 District 14, right here is Temple Terrace, and a key
11 challenge to drawing a -- drawing a district in the
12 Tampa Bay -- in the Hillsborough County area
13 specifically, and I should say too, Plant City is in
14 this part of Hillsborough County here.

15 MS. DJANG: Can you note for the record,
16 describe --

17 THE WITNESS: My apologies.

18 A So Temple Terrace is a municipality that's
19 right next to the city boundaries, east of the city
20 boundaries of Tampa, or east of a portion of them.
21 Tampa does have this -- if I am Tampa, it has this
22 arm, a statute of liberty effect basically that goes
23 above Temple Terrace.

24 Temple Terrace is right here, largely to
25 the east of most of the city. And then when you go

Page 222

1 a little further east, still in Hillsborough County
2 but into what is generally speaking unincorporated
3 Hillsborough County, you then get to the city,
4 incorporated city of Plant City, before you get into
5 the Hillsborough/Polk border.

6 So when you are drawing a district in
7 Hillsborough County, that Temple Terrace location is
8 geographically challenging, something that you have
9 to work with.

10 The reason being is that if you just sort
11 of looked at Hillsborough County based on major
12 roadways, and you just only thought that -- thought
13 that through about major roadways and kind of just
14 started clean divisions, the population around
15 Temple Terrace and some of the incorporated --
16 unincorporated areas around it, particularly
17 unincorporated areas of Tampa is massive.

18 So how you pick and choose where you are
19 going to divide your district, which there are a lot
20 of major roadways to work from, that's good, but the
21 challenge is that some of those roadways come
22 straight through Temple Terrace.

23 Moreover, you can't -- even if you worked
24 your way around Temple Terrace and back into the
25 city of Tampa itself, what happens is that when you

Page 223

1 hit those major roadways again, where you are again
2 trying to make some decision to say what's a
3 meaningful place that I am going to finish this
4 district, I am going to make this linkage, if you
5 accommodate for Temple Terrace, then you have this
6 kind of bump in your district.

7 You can't always avoid those sorts of
8 things in a map if you are going to keep a
9 municipality whole, but I wanted to try.

10 So what I found was that I needed -- I
11 needed a means to have that main joint between three
12 districts south of Temple Terrace, outside of the
13 city limits, so that Temple Terrace didn't become
14 the bump in the map one way or the other. And I
15 still wanted to keep it whole.

16 Tampa is very hard to keep whole because
17 of the statute of liberty effect; not a lot of
18 population in the arm, but it's there, so it's very,
19 very difficult to keep whole. To keep Tampa whole,
20 you have to do something really exaggerated in the
21 map. So it's a very difficult city to keep whole.

22 So I wasn't as concerned about that
23 because of just the shear difficulty doing it, but
24 Temple Terrace is a relatively small municipality; I
25 wanted to keep it whole, so I brought the joint

Page 224

1 where three districts met further south.

2 I had considerations to make about, from a

3 north-south perspective -- or I should say more of

4 an east-west perspective -- does 14 become more of a

5 squared-up block?

6 So basically I could have taken 14 further

7 to the east and just grab a different north-south

8 roadway, but the result of that was then some

9 district was going to have come over top of 14 with

10 a more exaggerated arm, that would just make the

11 district over top of it less compact.

12 So it was a constant trade-off of trying

13 to find that joint in Hillsborough County. And I

14 was attempting to, at the end, the end product, the

15 Enacted Map, I was attempting to split Hillsborough

16 County one less time, so that from a standpoint of

17 just visually compact districts, keeping as many

18 cities reasonably whole as I could, adhering to

19 county lines as much as I could, adhering to well

20 recognized boundaries, major roadways, as much as I

21 could, and then also not causing districts around

22 that to be at the mercy of it to the greatest

23 reasonable degree, it was essential that I find that

24 joint between those three districts and sort of

25 that -- I guess I probably will just call it --

Page 225

1 almost sort of central spot in Hillsborough County.

2 That was a very painstaking process to get that just

3 right and create that nice, clean functional joint

4 between those three districts.

5 BY MS. FORD:

6 Q Thank you. In your presentation to the

7 legislature, you also talked about you were

8 attempting to make compactness in this region,

9 right?

10 A Yes.

11 Q Did you, in fact, increase compactness in

12 this region?

13 A Yes, I would say so.

14 Q From a statistical measure?

15 A I don't know if it's from a statistical

16 point of view district to district in the region to

17 its south, but it is in my opinion clearly more

18 compact than any other map that was considered.

19 Q Okay. I would like to pull back up

20 Exhibit 20, which is this chart. So I have here

21 Exhibit 20, which is again the sort of compactness

22 comparisons for certain districts on three measures.

23 This is again an exhibit that I generated,

24 but I pulled from the numbers that were reported by

25 the Florida legislature.

Page 226

1 Can you take a look at District 13 for me.

2 Do you agree with me that as compared to CD-13 and

3 Plan 8019, the enacted CD-13 is less compact on both

4 Reock and Polsby-Popper?

5 A CD-13 in the Enacted Map has a lower

6 Reock, a higher Convex Hull and lower Polsby-Popper

7 score compared to the map the legislature passed.

8 Q Can you go to CD-17 for me, please.

9 Do you agree with me that as compared to

10 Plan 8019, the enacted CD-17 is less compact on

11 Reock, on Convex Hull, and on Polsby-Popper?

12 A Do you have a copy of -- maybe it's

13 actually right here in my presentation. I want to

14 see the Enacted Map. I just want to make sure these

15 are by number -- what they are really truly

16 comparing.

17 Yeah, if you are only reading the

18 District 17 numbers, but they are almost entirely

19 different districts.

20 Q Can you point me to what page you are

21 looking at?

22 A I am looking at page 10 of the

23 presentation that I gave to the House and Senate

24 committees. And if you look at the plan the

25 legislature passed, CD-17 -- it's very small, it's

Page 227

1 hard for me to tell.

2 Q We actually -- let's grab it.

3 A It looks like it's southern Hillsborough,

4 Manatee, and a slice of Sarasota. The Enacted Map

5 is all of Sarasota, all of Charlotte, and the --

6 roughly speaking, the Lehigh Acres, portions of

7 Lehigh Acres unincorporated area, and Lee County.

8 So they are very different districts.

9 Q You agree with me it is a district that

10 encompasses basically the southwest coast of Florida

11 below Tampa Bay?

12 A Yes.

13 Q Below Sarasota -- actually, I mean

14 including Sarasota?

15 MR. JAZIL: What district are you talking

16 about?

17 MS. FORD: Let's use an image that would

18 be better and actual county boundaries.

19 (Exhibit 23 was marked for

20 identification.)

21 BY MS. FORD:

22 Q This is Exhibit 23, which is a visual

23 image of 8019 which was passed by the legislature

24 and vetoed by the Governor. I got this from the

25 Florida redistricting website. Does this look like

Page 228

1 a fair and accurate copy?
2 A Yes, this looks like a map that the
3 legislature passed.
4 Q All right. Give me one second.
5 So I agree with you that these two
6 districts do not include exactly the same counties.
7 But do you disagree with me that this is essentially
8 the district that sits, you know, just below
9 Sarasota, in both seats, on the southwest coast of
10 Florida?
11 MR. JAZIL: I object to form. Which
12 districts are we talking about?
13 MS. FORD: We are talking about District
14 17.
15 A I disagree with you.
16 BY MS. FORD:
17 Q Okay. In any event we are comparing -- I
18 accept you disagree with me. But that these are
19 sort of meant to be similar districts. But
20 District 17 is less compact on Reock, Convex Hull
21 and Polsby-Popper as compared to the Enacted Map,
22 correct?
23 A They are not the equivalent districts
24 comparing the maps. They happen to have the same
25 number, they have some overlapping territory, but a

Page 229

1 majority of the population in these two districts
2 are not overlapped.
3 Q Can you look at CD-14 for me, please, on
4 this comparison chart?
5 A On which?
6 Q On Exhibit 20.
7 A Sure. CD-14.
8 Q Would you agree with me that CD-14 is more
9 compact in the Enacted Map on the Reock score, but
10 less compact on Convex Hull and Polsby-Popper?
11 A Yes.
12 Q For CD-16, would you agree that as
13 compared to the Plan 8019, CD-16 in the Enacted Plan
14 is less compact on Reock, less compact on Convex
15 Hull, slightly more compact on Polsby-Popper?
16 A To make sure I understand correctly, you
17 were saying that -- I am sorry, repeat it.
18 Q I may have made a mistake. I am looking at
19 CD-16, and I read this to say that as compared
20 between Plan 8019 and Enacted Map, CD-16 is less
21 compact on Reock, less compact on Convex Hull, and
22 slightly more compact on Polsby-Popper?
23 A Not dissimilar to the question you asked
24 before. CD-16 on the legislature's first map they
25 passed is a district that is almost entirely Polk

Page 230

1 County.
2 CD-16 on the map that was enacted
3 ultimately, that the Governor signed into law, has
4 all of Manatee County and portions of southern
5 Hillsborough County. These districts hardly
6 overlap.
7 There is a little sliver north to south of
8 the southeastern part of Hillsborough County that
9 overlaps, but that's a small chunk of the district.
10 MS. FORD: I can knock out a few
11 questions, if you give me just a second.
12 THE WITNESS: Sure.
13 (Short pause.)
14 BY MS. FORD:
15 Q We talked about Plan 8019 a lot. Did you
16 adopt any ideas from Senate Plan 8060 in the Tampa
17 Bay region?
18 A Do you have a copy of Plan 8060?
19 Q Yeah, I think we do. I am running out of
20 images.
21 (Exhibit 24 was marked for
22 identification.)
23 BY MS. FORD:
24 Q This is Exhibit 24, it is an image of Plan
25 8060 as passed by the Senate. And I similarly got

Page 231

1 this from the Florida redistricting website.
2 To your eye, does it look like a fair and
3 accurate copy of Plan 8060?
4 A I would say it's been a long time since I
5 looked at this map. I am sure this is -- I believe
6 what you are saying, that you printed out Plan 8060,
7 but I will say it's been quite a long time since I
8 looked at this.
9 Q So the question I had asked before we
10 pulled this out, did you adopt any ideas from Senate
11 Plan 8060 in the Tampa Bay region?
12 MR. JAZIL: I will give you the Marsh
13 instructions, but answer to the extent you can.
14 A The Senate Plan does keep Citrus County
15 whole. I can't recall whether that was consciously
16 influential when I tried to keep Citrus and did keep
17 Citrus County whole successfully in the final plan,
18 but that is a common point.
19 I'd probably have to spend time at a
20 pretty detailed level otherwise comparing the plans
21 between these two.
22 BY MS. FORD:
23 Q Okay. Would you agree with me that in
24 looking at Districts 13, 14, 15, and 16, those are
25 roughly equivalent to the Districts 13, 14, 15 and

Page 232

1 16 between these two plans?
2 A Are you asking between the Senate Plan and
3 the --
4 Q Yeah, I am doing a bad job of noting for
5 the record. I am looking -- I am comparing now the
6 Enacted Map, Districts 13 through 16, and I am
7 looking at Senate Plan 8060, comparing that, looking
8 at 13 through 16.
9 Would you agree those are roughly
10 equivalent districts?
11 A In the --
12 Q In the areas they are meant to represent.
13 A I am sorry, what area of the state are you
14 talking about?
15 Q Tampa Bay; to the extent you know we
16 have -- 13 is a predominantly Pinellas County
17 district, District 14 is predominantly
18 Tampa/Hillsborough, District 16 is this Manatee
19 district, and District 15 is like -- obviously to
20 the east of 14, another Hillsborough based district.
21 Do you agree with that, with both of these plans?
22 A These districts have some -- I don't agree
23 with the total of what you said. These districts
24 have some similarities. Both of these maps only
25 split Hillsborough County three ways. Both of those

Page 233

1 maps keep one district wholly in Pinellas County. I
2 am sure in a more detailed level there is probably
3 some additional similarities. But there is
4 definitely some notable differences too.
5 Q Are you aware that Senate Plan 8060 beats
6 the Enacted Map on compactness on both Polsby-Popper
7 and Reock in the Tampa Bay region for Districts 12
8 through 17?
9 A I don't have the benefit of those scores.
10 Q Would you agree with me that increasing
11 the compactness of Districts 12, 13, 14, 15, 16 and
12 17, what I would call the entire Tampa Bay region,
13 that those would be worthwhile Tier 2 gains --
14 MR. JAZIL: Object to form.
15 BY MS. FORD:
16 Q -- if you were able to make them?
17 A It's a hypothetical. Do we have the data?
18 If you want me to compare the maps, we can compare
19 the maps.
20 Q Yeah. Sure.
21 (Exhibit 25 was marked for
22 identification.)
23 BY MS. FORD:
24 Q This Exhibit 25 is the District
25 Compactness Report for Plan, Senate Plan 8060. This

Page 234

1 was again taken from the Florida redistricting
2 website directly.
3 Does this look like a fair copy of the
4 District Compactness Report from the Florida
5 legislature?
6 A Yes.
7 Q I don't have a nice comparison chart for
8 this one, like I did for the other one, but the
9 numbers are reported here.
10 I will represent to you that Senate Plan
11 8060 beats the Enacted Plan on Districts 12, 13, 14,
12 15, 16, and 17 in the Tampa Bay area. I don't think
13 it's worth our time to compare them one by one, so I
14 won't ask you if you agree with that or not.
15 My question for you is simply, did you
16 consider adopting these districts when you were
17 trying to make Tier 2 gains as compared to Plan 8019
18 in the Tampa Bay region?
19 MR. JAZIL: I give you the Marsh
20 instruction, but answer to the extent you can.
21 A I disagree with some of the statements you
22 made leading up to that question.
23 Again, I recognize that the legislature
24 pretty consistently looked at drawing a district
25 wholly in Pinellas County as this map does. I did

Page 235

1 exactly the same thing in the final Enacted Map.
2 I attempted to reduce Hillsborough splits
3 to where the county was only split three times. The
4 Senate Map 8060 that the Senate originally passed
5 has that same benefit to it. The Senate map has
6 some similarities, but again, there are some key
7 differences too.
8 The Senate map, the configuration chosen
9 in the Senate map forces the splitting of Sarasota
10 County, and as I noted a few times, I was trying to
11 keep Sarasota County whole in the final Enacted Map.
12 So there is some similarities and there are some
13 differences.
14 BY MS. FORD:
15 Q Okay. I guess my question is whether you
16 ever seriously considered adopting this
17 configuration of districts in the Enacted Map?
18 MR. JAZIL: Object to the form, and I will
19 give you the Marsh instruction.
20 A I think I answered it three times, that
21 there are some definite benefits, what the Senate
22 did, that I picked up in the final Enacted Map. I
23 can't recall if I was literally looking at this map
24 thinking consciously about exactly this point in the
25 map.

Page 236

1 BY MS. FORD:
2 Q At the time that you drew the Enacted Map,
3 were you aware that Senate Plan 8060 would have been
4 more favorable to Democrats in Tampa Bay than the
5 Enacted Map ended up being?
6 A No.
7 Q That it would have allowed Democrats to
8 win or at least compete in three districts in Tampa
9 Bay as compared to only one district in the
10 Governor's plan?
11 A I am not aware of any of that.
12 Q Slightly different topic on Tampa Bay.
13 You did not consider any of these districts in Tampa
14 Bay to be districts where you needed to maintain a
15 minority group's ability to elect, correct?
16 MR. JAZIL: I going to give you the Marsh
17 instruction, but to the extent you can answer,
18 answer.
19 A Correct, I would agree.
20 BY MS. FORD:
21 Q I didn't hear.
22 A Correct, I would agree, I did not consider
23 any of these districts ones that would require
24 maintaining the minority community's ability to
25 elect.

Page 237

1 Q So as far as you knew, you did not have
2 some sort of legal obligation to join any particular
3 minority communities to make sure they were at a
4 particular voting strength in the Tampa Bay region?
5 A Correct.
6 Q Okay. So there was no legal obligation
7 for you to join the minority communities of
8 St. Petersburg with the minority communities of
9 Tampa like the plan drawn in 2012 did?
10 A Correct.
11 Q But nevertheless, that is what the Enacted
12 Map does, correct?
13 A I do not know if the Enacted Map does
14 that.
15 Q You do not know whether the Enacted Map
16 joins a minority population of St. Petersburg with a
17 minority population in Tampa?
18 A There is a minority population in every
19 part of the state. Can you be a little more clear
20 in your question?
21 Q Sure. We talked about how in 2012, in
22 that process when this district or the predecessor
23 district was under federal preclearance, you made an
24 attempt to join the minority populations across
25 Tampa Bay to create a district that would perform,

Page 238

1 correct?
2 A In the 2012 process?
3 Q In the 2012 process.
4 A That's what we read earlier in the
5 transcript.
6 Q Okay. I am asking you this time around,
7 your plan also joins St. Petersburg with Tampa and
8 what I would call a substantial minority population
9 in Tampa together, correct?
10 MR. JAZIL: Object to the form. Answer if
11 you can answer, considering the Marsh
12 instructions.
13 A I was asked this question pretty pointedly
14 in the committee process in the Senate, and I am not
15 aware of the demographic makeup of these different
16 districts in Hillsborough and Pinellas County.
17 BY MS. FORD:
18 Q Yeah, I remember that from the
19 legislature's presentation. You said you didn't
20 know the Black Voting Age Percentage of this
21 district. And just to be clear, that's not what I
22 am asking you.
23 I am not asking you whether you know what
24 the specific B-VAP/H-VAP is of this district. I am
25 just asking you when you drew this district, did you

Page 239

1 know that you were joining minority communities in
2 St. Petersburg across the bay with the minority
3 communities in Tampa?
4 A No.
5 MR. JAZIL: Same objections.
6 A No, I did not. I drew this district
7 without race as a consideration.
8 BY MS. FORD:
9 Q Is it your testimony today that you do not
10 know where Black voters in St. Petersburg live? I
11 am sorry, you do not know where Black voters in
12 Pinellas County live?
13 A You are asking me in the entire county, do
14 I know where all the Black voters live?
15 Q No, I am not. I am asking --
16 A I am not sure I understand the question.
17 Q Are you aware that there is a substantial
18 Black population in St. Petersburg?
19 MR. JAZIL: Object to form. Go ahead.
20 A I do not know the racial makeup of
21 St. Petersburg.
22 BY MS. FORD:
23 Q At all?
24 A Correct.
25 Q You couldn't even guess?

Page 240

1 A That will be wholly inappropriate to guess
2 in a deposition.
3 Q You did know these things in the 2012
4 cycle, correct?
5 A Correct, the transcript we went over
6 earlier clearly identified that.
7 (Discussion off record.)
8 (A recess took place from 3:46 p.m. to
9 4:00 p.m.)
10 BY MS. FORD:
11 Q I want to ask you a few questions about
12 Central Florida.
13 A Sure.
14 Q In your presentation to the legislature,
15 you said that the Governor's Office accepted the
16 position of the House that CD-10 was not subject to
17 the nondiminishment provision, is that right?
18 A Yes, correct.
19 Q What is your best understanding why the
20 House concluded that CD-10 didn't merit protection
21 under Tier 1?
22 MR. JAZIL: Object to form.
23 A I was asked the question numerous times in
24 committee, and I essentially said that I took the
25 position as the House explained it in the process.

Page 241

1 I don't think that I could do justice to reexplain
2 what they said.
3 But at that time, looking at what the
4 House said in their process and their explanation,
5 it was sound and we accepted that position.
6 BY MS. FORD:
7 Q And this is an area where the Senate
8 disagreed, correct? It did not agree with the
9 House's assessment about whether CD-10 was entitled
10 to protection from diminishment?
11 MR. JAZIL: Object to form.
12 MS. FORD: Yeah, I am sorry, that was an
13 awful question.
14 MR. JAZIL: If you understand, you can
15 answer.
16 A Correct, there was a clear disagreement.
17 I think I might have mentioned in my presentation,
18 there was a clear disagreement between the House and
19 Senate on this matter.
20 BY MS. FORD:
21 Q What I was attempting to ask you is to
22 your understanding, the Senate did believe that
23 CD-10 was entitled to protection from diminishment?
24 A Correct, the Senate articulated that.
25 Q Did you perform your own functional

Page 242

1 analysis on CD-10?
2 A No.
3 Q To your knowledge, did anyone in the
4 Governor's Office perform a functional analysis on
5 CD-10?
6 MR. JAZIL: I will give you the Marsh
7 instruction.
8 A I think I testified that we did not
9 perform any kind of functional analysis on any
10 district in the map, including CD-10.
11 BY MS. FORD:
12 Q At any point did you or anyone at the
13 Governor's Office sort of ask the House to see their
14 data to evaluate their conclusions on this issue?
15 A No.
16 Q Did you ever look at racial data in this
17 area?
18 A CD-10?
19 Q Uh-huh.
20 A Yes.
21 Q Why did you do that?
22 MR. JAZIL: I give you the Marsh
23 instruction, but answer if you can.
24 A Again, a point that came up in my
25 committee presentations, it was clear that there was

Page 243

1 a disagreement between the House and the Senate on
2 this. And I felt that there was some need to at
3 least have a basic understanding as to what they
4 were even disagreeing over. So I looked at -- I
5 looked at demographic data for that purpose.
6 BY MS. FORD:
7 Q Okay. So you would have consulted the
8 Black voting populations of CD-10 in the benchmark
9 map?
10 A Yes, and the Hispanic voting age
11 population.
12 Q Did you also consult any election data to
13 see if you agreed with the House's conclusion that
14 CD-10 did not perform for the Black candidate of
15 choice?
16 A No.
17 Q My understanding is that the House's
18 conclusion was based on voter turnout data. Is that
19 your understanding?
20 A I don't recall that. I would imagine if
21 you reviewed their testimony, I think they were
22 pretty specific in their comments that would
23 publicly answer the question.
24 Q So all you looked at to see -- to
25 understand the disagreement between the House and

Page 244

1 Senate was sort of just minority voting age
2 populations in the district?
3 A Black and Hispanic voting age populations
4 in the district.
5 Q Okay. Did you consult any other data to
6 try to understand the disagreement or which body was
7 right?
8 A No.
9 Q You talked about a little bit of this, so
10 I will try to eliminate duplication.
11 In your presentation to the legislature,
12 you said that the Enacted Plan drew on Plan 8011 in
13 Central Florida.
14 What were you referring to when you said
15 you drew on concepts from Plan 8011?
16 A Sure.
17 MR. JAZIL: I give you the Marsh
18 instruction, but go ahead.
19 A Sure. Plan 8011 -- I am looking at
20 Exhibit 14, it outlines that.
21 Plan 8011, the House's sort of penultimate
22 plan before they seemingly negotiated the
23 differences with the Senate, that plan in 8011 had a
24 district, not an identical but similar to what I did
25 in the enacted one, where it's effectively almost a

Page 245

1 brick, compactly located; so working a little bit
2 around city and county lines, but otherwise very
3 compactly located in the relatively speaking central
4 part of Orange County, Maitland, Winter Park area,
5 with most of the population coming from the city of
6 Orlando.
7 So I looked at what the House had done,
8 and they had drawn a very compact district that was
9 wholly in one county, very respectful of county
10 lines, very respectful of Orange County; and Orlando
11 in particular is an interesting crisscross of
12 diagonal roadways, and some east to west roadways,
13 so I thought they done a very, very good job of
14 picking up as many major roadways as possible.
15 So the district that I drew in the Enacted
16 Plan, it's not the same exact same lines, but it
17 picks up the spirit of what the House was doing.
18 BY MS. FORD:
19 Q Okay. Did you have any concern that the
20 legislature had improperly utilized race in drawing
21 District 10 in Plan 8019?
22 MR. JAZIL: Object to form, and the Marsh
23 instruction.
24 A The legislature, again as a whole, I saw
25 that the -- I am not sure if you are referring to

Page 246

1 their maps as they were progressing towards the end
2 or the final map. I am not sure what specifically
3 you are referring to.
4 BY MS. FORD:
5 Q Let me ask a more specific question. I
6 guess just when you looked at District 10 in Plan
7 8019, did you have any constitutional concerns with
8 it?
9 MR. JAZIL: Let me give you the Marsh
10 instruction, but go ahead and answer if you
11 can.
12 A I am not sure I thought about it in that
13 context. I thought about it in the context that the
14 House in Plan 8011 drew a great district, they had
15 it right.
16 And the Senate's reasoning for drawing the
17 district differently, based on a high level cursory
18 review of demographic data, didn't make sense.
19 So the House's original position was a
20 drawing of the district that used sound
21 redistricting standards and was a better decision.
22 BY MS. FORD:
23 Q So just to be clear on the record about
24 what plan we are talking about, I am looking back at
25 8019, which is Exhibit 23, if you still have it.

Page 247

1 A Yes.
2 Q Looking at District 10 here, it was my
3 understanding, though perhaps I am mistaken, that
4 sort of in the disagreement between the House and
5 Senate, the House sort of won out here, that their
6 provision prevailed when they drew this district,
7 this version of CD-10. Is that also your
8 understanding?
9 A That's incorrect. The Senate's position
10 is the one that prevailed.
11 Q I apologize. I misunderstood then.
12 Could you pull out Plan 79, which is
13 Exhibit 15, and the Enacted Plan, which is 13.
14 A I am sorry, Enacted Plan, which is 13?
15 Q Exhibit 13.
16 A Sure, got it.
17 Q You got both those? Okay.
18 We already established that Plan 79 was
19 the Governor's first proposal to the legislature
20 that it submitted, right?
21 A Yes.
22 Q And Adam Foltz was the author of this
23 plan?
24 A Yes.
25 Q If you can just compare these plans for me

Page 248

1 in the Central Florida area, sort of look at them
2 side by side.
3 A Yes.
4 Q Do you dispute that the Governor's or the
5 Enacted Plan bears a striking resemblance to Plan 79
6 in the Central Florida area?
7 A What do you mean, striking resemblance?
8 They are similar, but they are not the same.
9 Q Yeah, I don't think they are exactly the
10 same either. Let me put it this way.
11 In drawing the Enacted Plan, did you draw
12 on concepts that had been established in Plan 79 for
13 Central Florida?
14 A It's similar. As I said though, I was
15 taking ultimately what the House -- what the House's
16 Map 8011 did, but they are all similar in that they
17 are a wholly located relatively compact center of
18 Orange County.
19 Q If you could compare District 9 in both
20 these maps for me.
21 Do you agree with me that District 9 in
22 both of these maps are very similar with the
23 exception that in the Enacted Map, you have taken a
24 little piece of Polk and sort of filled it in to
25 make the district line a little bit more regular;

Page 249

1 would you agree with me other than that, these
2 districts are very similar?
3 A The core of the district is all Osceola
4 County. Osceola County is kept whole; that's the
5 core of the district.
6 You described correctly that the
7 difference in Poinciana, which is an unincorporated
8 area that's partly Osceola, partly Polk. And so as
9 you said, in the Enacted Map, I filled that in for
10 District 9 to create that more angled, as you pull
11 back from that, the more compact looking shape.
12 The differences in Orange County aren't
13 unimportant. Bell Isle and or Edgewood are included
14 entirely in District 9 in the way that the Enacted
15 Map is drawn.
16 Also, as you really look closely at what's
17 done in Orange County, the adherence to major
18 roadways is improved upon between -- in the Enacted
19 Map 10 and 9 and Map 7 and 9 -- 7 and 9, at the time
20 the Enacted Map 10 and 9, and the Orange County
21 population is pretty significant. So those
22 differences aren't unimportant.
23 Q So do you agree with me that District 7 in
24 Plan 79 and District 10 in the Enacted Map are
25 roughly equivalent districts?

Page 250

1 A No, they are very similar. They have some
2 similar attributes, but when you have that amount of
3 population, that small area, those differences are
4 pretty significant.
5 Q Would you agree with me that District 6 in
6 Plan 79 and District 7 in the Enacted Map are
7 similar districts?
8 A District -- you said District 6 in Plan 79
9 and District -- I apologize, you said what plan?
10 Q 7.
11 A -- 7 in the Enacted Map, relatively
12 speaking, they are fairly similar. Both include all
13 of Seminole County. The Volusia lines were improved
14 upon with the Enacted Map.
15 Q I think I have one more image; I lied
16 before.
17 (Exhibit 26 was marked for
18 identification.)
19 BY MS. FORD:
20 Q This is Exhibit 26. This is just an image
21 that I pulled off of the Florida redistricting
22 website of Plan 8011 from the House. Unfortunately
23 I couldn't find like an official copy produced by
24 the legislature that's quite as nice as these other
25 copies, but hopefully it will work for today.

Page 251

1 Does this look like a fair copy of Plan
2 8011, what it generally looked like?
3 A I am not sure. If you look in the House's
4 committee packets, you will find a more detailed
5 iteration of -- because this was a map that was
6 actually considered and adopted in the committee.
7 If you look in their committee package, you will
8 find a detailed map that looks more like these.
9 Q Sure, that might exist, but for today,
10 this is what I have. To your memory, does this
11 generally look like Plan 8011?
12 A I'm not sure.
13 Q Let's assume this is Plan 8011 for today.
14 If I am wrong, then I am wrong.
15 Can you compare Central Florida for me in
16 these sort of three maps?
17 A I am not going to assume this is Plan
18 8011. I have no -- this is not -- I have no means.
19 I am not saying it's not, but I have no
20 means -- there is no county lines included in this,
21 there is no larger visuals of some of the more urban
22 areas. It would be very difficult to compare
23 Exhibit 26 to the other exhibits which were way more
24 detailed.
25 Q I am not going to ask you about anything

Page 252

1 in particular. My only question for you is whether
2 you agree with me that Central Florida in the
3 Enacted Plan looks a lot more like Plan 79 than Plan
4 8011?

5 MR. JAZIL: Object to form. If you can
6 answer, answer.

7 A I can't answer the question for the
8 reasons I already stated.

9 BY MS. FORD:

10 Q In your presentation to the legislature,
11 you said that you drew upon one concept from Senate
12 Plan 8060 in Central Florida. I think we talked
13 about that a bit earlier today.

14 Can you explain what that was, if you
15 remember?

16 A Sure. I mentioned the specific concept,
17 although the general point, too, that I made a few
18 times over is also true; that as I drew the Enacted
19 Map, as you go through almost any of these
20 districts, I was more adherent, where necessary, to
21 major political and geographical boundary lines,
22 which was a concept the Senate used throughout its
23 entire map.

24 The specific point that I referenced
25 earlier today had to do with Brevard County, where

Page 253

1 the Senate chose to divide in this case in Map 8060,
2 they chose to divide District 6 and 8 at the
3 Brevard/Volusia County line.

4 Q In Plan 8060, District 3 picked up the
5 rest of the population they needed from Orange
6 County?

7 A Plan 8060, it's all of Brevard, it has
8 what appears to be all of Indian River, and then it
9 has a little bit of eastern Orange County.

10 Q Okay. Then could you look back at Plan 79
11 for me as well, Exhibit 15.

12 A Sure.

13 Q Would you agree with me that Plan 79
14 similarly gets extra population from Orange County
15 already?

16 A For District 8?

17 Q Uh-huh.

18 A Yes, Plan 79 -- I did notice, by the way,
19 one subtle difference.

20 I said I think it appears -- if you go
21 back to Plan 8060, I said it appears to pick up all
22 of Indian River County, but I can see in small
23 detail there, it actually doesn't. There is a
24 little sliver of Indian River in District 18.

25 But that aside, District 8 in Plan 0079

Page 254

1 picks up its remaining population -- in effect it's
2 getting to zero pop in the eastern parts of Orange
3 County.

4 Q Okay. Can you find Plan 8019, which is
5 going to be Exhibit 23. You have it?

6 A Yes.

7 Q Okay. I realize this is small, but the
8 actual like inset of the Orlando region might be
9 more helpful here to look at Central Florida.

10 So Plan 8019, CD-7 came down to include a
11 small portion of Orange County here, correct?

12 A CD --

13 Q I am sorry. Let me reask my question. In
14 Plan 8019, CD-7 came down to include a small portion
15 of Orange County, right?

16 A Correct.

17 Q Okay. This portion of Orange County
18 includes University of Central Florida, right?

19 A I don't know whether it definitely does.
20 I generally know UCF is in that area, but I don't a
21 hundred percent know if UCF is in that chunk. But I
22 know it's in the area.

23 Q Okay. And the Enacted Map removes CD-7
24 from Orange County entirely and instead takes more
25 population from Volusia County, right?

Page 255

1 A Correct.

2 MS. FORD: I think that is all the mapping
3 questions that I have. Very short topic, then
4 I think we are wrapped up for the day.

5 BY MS. FORD:

6 Q Were you surprised when the website
7 FiveThirtyEight called your plan one of the most
8 aggressive gerrymanders this cycle?

9 MR. JAZIL: Object to form and the Marsh
10 instruction.

11 A I first heard this from you reading it
12 today.

13 BY MS. FORD:

14 Q Have you heard criticisms previously that
15 people who called the Florida Congressional plan a
16 partisan gerrymander?

17 MR. JAZIL: Object to form.

18 A Was called far worse things in committee,
19 so I heard members in legislative committee
20 presentations saying terrifying things about me and
21 the plan.

22 BY MS. FORD:

23 Q You are aware people have -- legislators,
24 news, what have you, have called your plan a
25 partisan gerrymander. Are you aware of that?

Page 256

1 A They said it to my face.

2 Q Were you surprised when you heard that

3 criticism?

4 A Was I surprised? No, they were pretty

5 much saying it before I even explained it.

6 Q Were you surprised when this Congressional

7 plan elected 20 Republicans and 8 Democrats?

8 A I had no reason to know one way or the

9 other what this plan was going to do.

10 Q I have one more exhibit.

11 (Exhibit 27 was marked for

12 identification.)

13 BY MS. FORD:

14 Q Mr. Kelly, this is a previous subpoena

15 that we served on the Governor's Office for

16 documents. This is at this point from July. If you

17 flip back all the way to the end, last page, records

18 to be produced. This is a subpoena that plaintiffs

19 served on the Governor's Office for documents. Have

20 you seen this before?

21 A Yes.

22 Q Okay. Were you asked to search for

23 documents responsive to this subpoena?

24 A I was asked to search for -- actually I

25 was asked to provide every document I had on

Page 257

1 redistricting, so it would more than encompass

2 anything requested here.

3 Q Can you describe the process you used to

4 sort of collect documents when you were asked to

5 provide them?

6 A Sure.

7 MR. JAZIL: Just to be clear, when you are

8 say you, it's the office as a whole?

9 MS. FORD: Actually I was just asking

10 about Mr. Kelly.

11 A Sure. Any electronic records, e-mail,

12 things of that nature, they were automatically

13 saved, so we don't have to go collect them. If they

14 hit our e-mail, it just gets pulled in a search, if

15 we sent or received it.

16 Any other document that I had, I kept it.

17 I made it easy on myself from the day that I got

18 involved until the end, I had one folder with

19 subfolders and kept all my records pretty tidy

20 organized. And I had a binder that had a printout

21 of some of those records.

22 So when I was asked for my records, I was

23 literally able to say this folder, here's my binder.

24 BY MS. FORD:

25 Q Okay. When you said all of the

Page 258

1 electronic -- the e-mails were in your inbox, did

2 you personally do the search for responsive

3 documents or did someone else do it for you?

4 A I did not do it. Someone else did it.

5 Q Someone else would have sort of run the

6 search terms just on your inbox?

7 A Right.

8 Q Have you ever deleted e-mails concerning

9 redistricting in the -- I will say redistricting for

10 the 2020 cycle?

11 A It doesn't matter if we delete them. If

12 they hit our inbox, they are, as far as I know, for

13 good.

14 Q It's preserved?

15 A Yeah, so you could delete the e-mail, you

16 could do the whole thing; you could delete -- you

17 could empty the whole thing; it's there. If it hit

18 our inbox or we sent it out of our e-mail, you don't

19 have to keep it, it's there. It's -- I don't know

20 what exactly we use, but you don't have to worry

21 about it.

22 Q Did you use anything other than your

23 e-mail address for the Governor to conduct any

24 business related to redistricting?

25 A You mean for e-mail purposes?

Page 259

1 Q Uh-huh.

2 A No, just my work e-mail.

3 Q Okay. How did you primarily communicate

4 with Mr. Foltz?

5 A E-mail and phone.

6 Q Okay. By phone, do you mean text

7 conversations or do you mean -- did you text with

8 Mr. Foltz?

9 A Yes.

10 Q You also had phone calls with Mr. Foltz?

11 A Yes.

12 Q Do you use any other -- not any other. Do

13 you use any social media platforms?

14 A LinkedIn.

15 Q Did you have any conversations about

16 redistricting on LinkedIn?

17 A No.

18 Q That would be strange.

19 A I don't check it but once every four or

20 six months anyway. I am not too good in keeping up

21 with it.

22 Q Did you delete any text messages that were

23 related to redistricting?

24 A If I have any text messages that are

25 transitory, call me at 11:00, I will see you at

Page 260

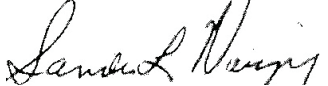
1 5:00, kind of transitory messages, I don't keep
2 those.
3 Q Is it possible you deleted text messages
4 related to redistricting?
5 A Only if it's like a transitory message
6 like I just described. I am certain I deleted
7 transitory messages.
8 Q Were there any sort of documents related
9 to redistricting that you weren't able to find when
10 you sort of set out to do your collection, that you
11 knew, like I know this exists, but I can't find it,
12 anything like that?
13 A No, I didn't have that problem. I
14 consciously from the outset, as I said, I had a
15 folder that I put everything in, I had a binder, and
16 so I had everything well organized from the start.
17 MS. FORD: I would like to hold this
18 deposition open based on the objections that we
19 had today on spousal privilege and based on the
20 Marsh order and the directions not to answer
21 based on privilege, to the extent we would like
22 to follow up with anything here.
23 Otherwise, I don't have any other
24 questions today.
25 MR. JAZIL: I disagree with the need to

Page 261

1 keep the deposition open, but I understand your
2 position.
3 Here's my question for you. If I have
4 some questions for him on cross, should I wait
5 until everyone is complete, so that everyone
6 gets a chance to do redirect, or how would you
7 prefer that?
8 I think that may be the easiest way to do
9 it.
10 MS. FORD: Yeah. For today?
11 MR. JAZIL: Yeah, if I have questions, I
12 just ask him once, and then you guys do
13 redirect.
14 MS. FORD: Yes.
15 (Proceedings concluded at 4:26 p.m.)
16
17
18
19
20
21
22
23
24
25


Page 262

CERTIFICATE OF OATH

1
2
3 STATE OF FLORIDA)
4 COUNTY OF LEON)
5 I, the undersigned authority, certify that
6 JAMES ALEXANDER KELLY personally appeared before me
7 on June 7, 2023, and was duly sworn.
8
9
10 SIGNED AND SEALED on June 10, 2023.
11
12 
13
14 SANDRA L. NARGIZ
15 RPR, RMR, CRR, CRC, CCR-GA
16 snargiz@comcast.net
17 Commission #HH239213
18 EXPIRES: APRIL 18TH, 2026
19
20
21
22
23
24
25

Page 263

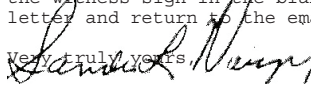
CERTIFICATE OF REPORTER

1
2 STATE OF FLORIDA)
3 COUNTY OF LEON)
4 I, SANDRA L. NARGIZ, Registered
5 Professional Reporter, certify that I was authorized
6 to and did stenographically report the deposition of
7 JAMES ALEXANDER KELLY; that a review of the
8 transcript was requested, and that the foregoing
9 transcript, pages 195 through 261, is a true record
10 of my stenographic notes.
11 I further certify that I am not a
12 relative, employee, attorney or counsel of any of
13 the parties, nor am I a relative or employee of any
14 of the parties' attorney or counsel connected with
15 the action, nor am I financially interested in the
16 action.
17 DATED on June 10, 2023.
18
19 
20
21 SANDRA L. NARGIZ
22 RPR, RMR, CRR, CRC, CCR-GA
23 Notary Public in Florida
24 snargiz@comcast.net
25

1 June 10, 2023
2 MOHAMMAD O. JAZIL, ESQUIRE
mjazil@holtzmanvogel.com
3
4 RE: Black Voters Matter, et al. vs.
Cord Byrd, et al.
5 Case No. 2022 CA 000666
Deposition of JAMES ALEXANDER KELLY
6 on June 7, 2023

7 Dear Counsel:
8 The transcript of the above proceeding is now
available and requires signature by the witness.
9 Please e-mail fl.production@lexitaslegal.com for
access to a read-only PDF transcript and
10 PDF-fillable errata sheet via computer or use the
errata sheet that is located at the back of the
11 transcript. Once completed, please print, sign, and
return to the email address listed below for
12 distribution to all parties. If you are in need of
assistance, please contact Lexitas at 888-811-3408.

13
14 If the witness does not read and sign the transcript
within a reasonable amount of time (or 30 days if
Federal), the original transcript may be
15 filed with the Clerk of the court. If the witness
wishes to waive his/her signature now, please have
16 the witness sign in the blank at the bottom of this
letter and return to the email address listed below.

17 
18 Very truly yours,
19 Sandra L. Nargiz, RPR, RMR, CRR, CRC, CCR-GA
Lexitas
20 1551 Forum Place, Suite 200-E
West Palm Beach, Florida 33401
21 fl.production@lexitaslegal.com
I do hereby waive my signature.

22
23 _____
JAMES ALEXANDER KELLY
Job No. 311409

24
25

1 ERRATA SHEET - VOLUME 2
2 DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE
3 In Re: Black Voters Matter, et al. vs.
Cord Byrd, et al.
4 Case No.: 2022 CA 000666
JAMES ALEXANDER KELLY
5 June 7, 2023

6	PAGE	LINE	CHANGE	REASON
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				

20 Under penalties of perjury, I declare that I have
read the foregoing transcript of the above
21 proceeding and I hereby swear that my testimony
therein was true at the time it was given and is now
22 true and correct, including any corrections and/or
amendments listed above.

23 Signature of Witness: _____
24 Dated this ___ day of _____, 2023.
email to: fl.production@lexitaslegal.com
25 Job No. 311409

<u>Exhibits</u>	<u>Exhibit 027 Kell</u>	<u>247:13,14,15</u>	<u>15,22 211:17</u>
Exhibit 018 Kell	Y	13.11	233:13 234:17
Y	198:18 256:11	213:25	2-C
198:13 205:2, 7,8,12	<u>0</u>	14	199:25
Exhibit 019 Kell	0079	203:11 221:3, 7,8,10 224:4, 6,9 231:24,25	20
Y	253:25	232:17,20	204:13 206:8
198:14 205:4, 22	0094	233:11 234:11	225:20,21
Exhibit 020 Kell	<u>1</u>	244:20	229:6 256:7
Y	1	15	2012
198:14 206:8	199:1 211:14, 16 240:21	216:19 218:8	237:9,21
225:20,21	1.5	231:24,25	238:2,3 240:3
229:6	217:18	232:19 233:11	2020
Exhibit 021 Kell	10	234:12 247:13	258:10
Y	226:22 245:21	253:11	2022
198:15 212:20, 23	246:6 247:2	15.07	219:23
Exhibit 022 Kell	249:19,20,24	213:10	21
Y	102	16	212:20,23
198:15 213:12, 15	200:1	216:17 231:24	22
Exhibit 023 Kell	109	232:1,6,8,18	213:12,15
Y	199:25 205:9, 12	233:11 234:12	23
198:16 227:19, 22 246:25	11	17	227:19,22
254:5	218:8	199:16 203:12	246:25 254:5
Exhibit 024 Kell	11.5	207:20 211:6,8	24
Y	211:11	226:18 228:14, 20 233:8,12	230:21,24
198:16 230:21, 24	11:00	234:12	25
Exhibit 025 Kell	259:25	18	204:14 233:21, 24
Y	12	202:3,7 205:2, 7,8,12 207:10, 16,25 208:4,5	26
198:17 233:21, 24	207:18 233:7, 11 234:11	209:14,15,21	250:17,20
Exhibit 026 Kell	12.5	218:8 219:23	251:23
Y	211:10	253:24	27
198:17 250:17, 20 251:23	13	19	204:14 256:11
	226:1 231:24, 25 232:6,8,16	205:4,7,22	28
	233:11 234:11	<u>2</u>	204:14
		2	2:48
		199:25 203:12,	199:1
			<u>3</u>
			3:46
			240:8

<hr/> <p style="text-align: center;">4</p> <hr/>	<hr/> <p style="text-align: center;">7</p> <hr/>	<hr/> <p style="text-align: center;">253:1,4,7,21</p>	<hr/> <p style="text-align: center;">additional</p>
<p>42 202:24</p>	<p>7 249:19,23 250:6,10,11</p>	<p>81 202:16</p>	<p>233:3</p>
<p>43 202:25</p>	<p>79 212:24 213:5, 10 247:12,18 248:5,12 249:24 250:6,8 252:3 253:10, 13,18</p>	<p>82 202:14 209:7</p>	<p>address 258:23</p>
<p>437 209:20</p>	<hr/>	<p>835 209:7</p>	<p>adhered 217:7</p>
<p>446 209:20</p>	<hr/> <p style="text-align: center;">8</p> <hr/>	<hr/> <p style="text-align: center;">9</p> <hr/>	<p>adherence 212:5 214:4 249:17</p>
<p>47 202:4,5,8 208:18</p>	<p>8 209:13 253:2, 4,16,25 256:7</p>	<p>9 218:8 248:19, 21 249:10,14, 19,20</p>	<p>adherent 215:18 252:20</p>
<p>48 202:5,8</p>	<p>8011 244:12,15,19, 21,23 246:14 248:16 250:22 251:2,11,13,18 252:4</p>	<p>94 213:17,25</p>	<p>adhering 224:18,19</p>
<p>495 208:17</p>	<hr/>	<hr/> <p style="text-align: center;">A</p> <hr/>	<p>adopt 230:16 231:10</p>
<p>4:00 240:9</p>	<p>8019 199:12 202:3, 14,23 203:10, 19 204:19,22 205:7,23 209:20 214:3 226:3,10 227:23 229:13, 20 230:15 234:17 245:21 246:7,25 254:4,10,14</p>	<p>abandoned 217:5</p>	<p>adopted 212:9,13 214:9 215:23 216:2 251:6</p>
<p>4:26 261:15</p>	<hr/>	<p>ability 236:15,24</p>	<p>adopting 234:16 235:16</p>
<hr/> <p style="text-align: center;">5</p> <hr/>		<p>accept 228:18</p>	<p>advertently 203:16</p>
<p>5 211:3,8</p>		<p>accepted 240:15 241:5</p>	<p>age 238:20 243:10 244:1,3</p>
<p>5:00 260:1</p>		<p>accommodate 223:5</p>	<p>aggressive 255:8</p>
<p>5correctly 229:16</p>		<p>account 220:9</p>	<p>agree 204:19,24,25 207:9,23 208:9,23 210:12,21 213:8,23 214:2 218:16 226:2,9 227:9 228:5 229:8,12 231:23 232:9, 21,22 233:10 234:14 236:19, 22 241:8</p>
<hr/> <p style="text-align: center;">6</p> <hr/>		<p>accurate 199:21 205:17 206:2 228:1 231:3</p>	
<p>6 199:23,24 207:9,16,25 208:4 209:13, 14,15,21 250:5,8 253:2</p>	<p>8060 230:16,18,25 231:3,6,11 232:7 233:5,25 234:11 235:4 236:3 252:12</p>	<p>Acres 227:6,7</p>	
		<p>actual 227:18 254:8</p>	
		<p>Adam 247:22</p>	

248:21 249:1, 23 250:5 252:2 253:13	areas 222:16,17 232:12 251:22	255:23,25	Bell 249:13
agreed 243:13	arm 221:22 223:18 224:10	awful 241:13	benchmark 243:8
ahead 200:9 215:2 239:19 244:18 246:10	articulated 241:24	<hr/> B <hr/>	benefit 233:9 235:5
allowed 236:7	assessment 241:9	B-VAP/H-VAP 238:24	benefits 235:21
amount 250:2	assume 219:6 251:13, 17	back 211:6,7 214:19 222:24 225:19 246:24 249:11 253:10,21 256:17	binder 257:20,23 260:15
analysis 212:24 213:4, 6,17,21 242:1, 4,9	Assuming 206:24	bad 232:4	bit 199:9 244:9 245:1 248:25 252:13 253:9
angled 249:10	attempt 237:24	based 222:11 232:20 243:18 246:17 260:18,19,21	Black 238:20 239:10, 11,14,18 243:8,14 244:3
apologies 221:17	attempted 235:2	basic 243:3	block 224:5
apologize 247:11 250:9	attempting 216:24 224:14, 15 225:8 241:21	basically 203:6 204:18 221:22 224:6 227:10	blocking 218:13
appearance 210:18	attributes 250:2	bay 204:22 207:10, 12,17,19,21,22 215:14 221:1, 12 227:11 230:17 231:11 232:15 233:7, 12 234:12,18 236:4,9,12,14 237:4,25 239:2	body 244:6
appears 253:8,20,21	author 247:22	bears 248:5	border 222:5
application 200:13	automatically 257:12	beat 214:3	boundaries 211:10,23 212:10 213:10, 24 214:5,7,11 215:17 221:19, 20 224:20 227:18
apply 216:2	average 199:11 202:2, 14,15,23 204:15,22 206:22 208:10, 24 209:9	beats 233:5 234:11	boundary 211:5 212:6,23 213:4,17,21 215:19,24 221:5,6 252:21
approach 212:9,13 215:23 216:2	avoid 223:7		Brevard 252:25 253:7
area 221:12 227:7 232:13 234:12 241:7 242:17 245:4 248:1,6 249:8 250:3 254:20,22	aware 206:17 233:5 236:3,11 238:15 239:17		

Brevard/volusia 253:3	241:9,23 242:1,5,10,18 243:8,14 247:7	change 204:17	clean 221:4 222:14 225:3
brick 245:1	CD-13 226:2,3,5	changed 207:24	clear 221:4 237:19 238:21 241:16, 18 242:25 246:23 257:7
briefly 217:21	CD-14 203:18 229:3, 7,8	characterized 211:20	closely 249:16
broke 199:4	CD-16 229:12,13,19, 20,24 230:2	Charlotte 227:5	Closer 201:22
brought 223:25	CD-17 226:8,10,25	chart 206:11 225:20 229:4 234:7	closer-up 221:9
built 221:3	CD-18 208:19,24	check 259:19	coast 214:20,23 215:6 227:10 228:9
bump 223:6,14	CD-4 203:18 204:1,2	choice 243:15	coded 205:21
business 258:24	CD-6 208:19,24	choices 212:11	collect 257:4,13
<hr/> C <hr/>	CD-7 254:10,14,23	choose 200:6 222:18	collection 260:10
call 201:1 224:25 233:12 238:8 259:25	census 216:13,24 217:4,8	chose 253:1,2	comments 243:22
called 210:25 255:7, 15,18,24	center 248:17	chosen 235:8	committee 220:2 238:14 240:24 242:25 251:4,6,7 255:18,19
calls 259:10	central 204:21 207:10, 12,17,21,22 225:1 240:12 244:13 245:3 248:1,6,13 251:15 252:2, 12 254:9,18	chunk 230:9 254:21	committees 226:24
candidate 243:14	challenge 221:11 222:21	circle 210:19	common 231:18
case 253:1	challenging 222:8	cities 224:18	communicate 259:3
cases 216:19	chance 261:6	Citrus 215:7,8 231:14,16,17	communities 237:3,7,8 239:1,3
causing 224:21		city 199:7 216:1 221:13,19,25 222:3,4,25 223:13,21 245:2,5	
CD 203:11 254:12		clarity 201:17	
CD-10 240:16,20			

community's 236:24	228:17,24 231:20 232:5,7	connect 220:5	228:20 229:10, 14,21
compact 201:3,24 202:11,19 203:3,11,25 209:4 210:19, 22 224:11,17 225:18 226:3, 10 228:20 229:9,10,14, 15,21,22 245:8 248:17 249:11	comparison 206:11,17 208:8 209:20 229:4 234:7	consciously 231:15 235:24 260:14	copies 250:25
compactly 245:1,3	comparisons 225:22	consideration 239:7	copy 205:18 206:3 213:3,20 220:21 226:12 228:1 230:18 231:3 234:3 250:23 251:1
compactness 199:8,11 200:18,25 201:5,7,18 203:6,8 204:7, 16,19,20 205:9,18,23 206:4,14 209:17 210:5, 9,11,13,16 211:4 225:8, 11,21 233:6, 11,25 234:4	compete 236:8	considerations 224:2	core 207:25 209:24 249:3,5
compare 208:2 209:21 233:18 234:13 247:25 248:19 251:15,22	complete 261:5	considered 201:4,22 203:5,23 225:18 235:16 251:6	correct 199:13 201:10, 25 202:4,16, 17,20,21,25 203:1,4,15 204:8,9,25 207:7 209:13 211:11,15 217:23,24 218:2,6 219:20 228:22 236:15, 19,22 237:5, 10,12 238:1,9 239:24 240:4, 5,18 241:8,16, 24 254:11,16 255:1
compared 208:18 209:7 226:2,7,9 228:21 229:13, 19 234:17 236:9	comprise 207:10	consistent 215:18	correctly 249:6
comparing 199:25 208:14 214:6 226:16	compromised 219:7	consistently 234:24	counties 216:3 218:23 228:6
	concept 252:11,16,22	constant 224:12	county 199:7 201:4 208:3,4 215:7, 8,9 216:1,20 217:14,15,21, 22,25 218:3,
	concepts 244:15 248:12	constitutional 246:7	
	concern 245:19	consult 243:12 244:5	
	concerned 223:22	consulted 243:7	
	concerns 246:7	context 246:13	
	concluded 240:20 261:15	continued 199:1,2 221:2	
	conclusion 243:13,18	conversation 215:11	
	conclusions 242:14	conversations 259:7,15	
	concrete 216:15	Convex 200:5 201:12, 19 202:14,15, 19 206:14 208:25 209:5 226:6,11	
	conduct 258:23		
	configuration 235:8,17		
	Congressional 255:15 256:6		

19,20,22 219:3,8,12,19, 22 220:4,6 221:12,14 222:1,3,7,11 224:13,16,19 225:1 227:7,18 230:1,4,5,8 231:14,17 232:16,25 233:1 234:25 235:3,10,11 238:16 239:12, 13 245:2,4,9, 10 248:18 249:4,12,17,20 250:13 251:20 252:25 253:3, 6,9,14,22 254:3,11,15, 17,24,25	<hr/> <p style="text-align:center">D</p> <hr/> <p>data 233:17 242:14, 16 243:5,12,18 244:5 246:18</p> <p>day 219:24 220:1, 19 255:4 257:17</p> <p>days 205:25</p> <p>decision 223:2 246:21</p> <p>decisions 212:12 215:17, 25 217:2</p> <p>decrease 211:13</p> <p>definite 235:21</p> <p>degree 224:23</p> <p>delete 258:11,15,16 259:22</p> <p>deleted 258:8 260:3,6</p> <p>Democrats 236:4,7 256:7</p> <p>demographic 238:15 243:5 246:18</p> <p>deposition 240:2 260:18 261:1</p> <p>describe 221:16 257:3</p> <p>designated 216:13,24</p>	217:5,8 detail 253:23 detailed 231:20 233:2 251:4,8,24 diagonal 245:12 differ 210:23,24 difference 204:12 211:15, 17,21 249:7 253:19 differences 199:7 233:4 235:7,13 244:23 249:12, 22 250:3 differently 246:17 difficult 212:11 215:25 223:19,21 251:22 difficulty 223:23 diminishment 241:10,23 DIRECT 199:2 directions 260:20 directly 234:2 disagree 228:7,15,18 234:21 260:25 disagreed 241:8	disagreeing 243:4 disagreement 241:16,18 243:1,25 244:6 247:4 discovery 213:1,16 discussed 217:12 discussion 240:7 dispute 248:4 dissimilar 229:23 distinguishable 221:4 district 203:11 204:1 205:8,18,23 210:17 215:17 216:19,22 217:19,24 219:7,19 220:3,5 221:3, 7,8,10,11 222:6,19 223:4,6 224:9, 11 225:16 226:1,18 227:9,15 228:8,13,20 229:25 230:9 232:17,18,19, 20 233:1,24 234:4,24 236:9 237:22,23,25 238:21,24,25 239:6 242:10 244:2,4,24 245:8,15,21
--	---	---	--

246:6,14,17,20 247:2,6 248:19,21,25 249:3,5,10,14, 23,24 250:5,6, 8,9 253:2,4, 16,24,25 districting 206:16 districts 203:14,21 204:10,13 207:9,11,13, 14,24 208:2,6, 18,24 209:10, 13,21 210:8 212:10 215:7,9 218:5,8 223:12 224:1,17,21,24 225:4,22 226:19 227:8 228:6,12,19,23 229:1 230:5 231:24,25 232:6,10,22,23 233:7,11 234:11,16 235:17 236:8, 13,14,23 238:16 249:2, 25 250:7 252:20 divide 222:19 253:1,2 divisions 222:14 DJANG 221:15 document 207:4 213:16 256:25 257:16 documents	256:16,19,23 257:4 258:3 260:8 double-check 206:20 double-checked 206:19 doubt 207:1 draw 201:9 219:2 248:11 drawing 200:21 215:7 221:11 222:6 234:24 245:20 246:16,20 248:11 drawn 237:9 245:8 249:15 drew 212:8 220:4 236:2 238:25 239:6 244:12, 15 245:15 246:14 247:6 252:11,18 duplication 244:10 <hr/> E <hr/> e-mail 257:11,14 258:15,18,23, 25 259:2,5 e-mails 258:1,8 earlier 201:3 204:13 215:11 216:11,	12 219:14 238:4 240:6 252:13,25 easiest 261:8 east 219:11,13,16, 17 221:3,19, 20,25 222:1 224:7 232:20 245:12 east-west 224:4 eastern 253:9 254:2 easy 257:17 Edgewood 249:13 effect 221:22 223:17 254:1 effectively 244:25 elect 236:15,25 elected 256:7 election 243:12 electronic 257:11 258:1 eliminate 244:10 empty 258:17 enacted 199:12 202:3, 10,15,19,24 203:2,13,20	204:21 205:10 208:18 209:1, 16,21 210:6 211:9 212:8 216:18 217:2 224:15 226:3, 5,10,14 227:4 228:21 229:9, 13,20 230:2 232:6 233:6 234:11 235:1, 11,17,22 236:2,5 237:11,13,15 244:12,25 245:15 247:13, 14 248:5,11,23 249:9,14,18, 20,24 250:6, 11,14 252:3,18 254:23 encompass 257:1 encompasses 227:10 end 204:18 216:22 217:2 224:14 246:1 256:17 257:18 ended 236:5 entire 216:24 233:12 239:13 252:23 entitled 241:9,23 equivalent 199:11 203:6 228:23 231:25 232:10 249:25
---	--	---	--

error 207:6	247:13,15 250:17,20	factoring 217:4 220:13	223:3
essential 224:23	251:23 253:11 254:5 256:10, 11	fair 205:17 206:2 213:3,20 228:1 231:2 234:3 251:1	finishing 217:2
essentially 228:7 240:24	exhibits 251:23	fairly 207:10 250:12	Fivethirtyeight 255:7
established 247:18 248:12	exist 200:18 218:14 251:9	fairness 209:9	flip 256:17
evaluate 242:14	exists 260:11	favorable 236:4	Florida 201:13 204:2, 8,10,16,18,21 205:15,25 206:13,16,25 207:11,13,17, 21,22 209:25 212:25 213:4 220:17 225:25 227:10,25 228:10 231:1 234:1,4 240:12 244:13 248:1, 6,13 250:21 251:15 252:2, 12 254:9,18 255:15
evaluating 200:21	experts 201:18	feature 212:6	focused 212:7
event 228:17	explain 252:14	February 219:23	folder 257:18,23 260:15
exact 206:12 212:14 245:16	explained 240:25 256:5	federal 237:23	follow 260:22
exaggerated 223:20 224:10	explanation 241:4	feedback 216:12 217:3	Foltz 247:22 259:4, 8,10
EXAMINATION 199:2	extension 216:22	feel 206:20	forces 235:9
examining 207:4	extent 207:6 212:2 231:13 232:15 234:20 236:17 260:21	felt 243:2	FORD 199:3 200:16 205:6 206:10 208:16 209:6 210:10 212:22 213:14 215:4
Excel 206:21	extra 253:14	filled 248:24 249:9	
exception 248:23	eye 231:2	final 212:8 231:17 235:1,11,22 246:2	
exchange 218:23	eyeballing 201:2	finalizing 215:24	
exhibit 199:16 205:2, 4,7,8,12,22 206:8 211:6,8 212:20,23 213:12,15 216:17 225:20, 21,23 227:19, 22 229:6 230:21,24 233:21,24 244:20 246:25	<hr/> F <hr/>	finally 202:22	
	face 256:1	find 224:13,23 250:23 251:4,8 254:4 260:9,11	
	fact 225:11	finish	

220:15 225:5 227:17,21 228:13,16 230:10,14,23 231:22 233:15, 23 235:14 236:1,20 238:17 239:8, 22 240:10 241:6,12,20 242:11 243:6 245:18 246:4, 22 250:19 252:9 255:2,5, 13,22 256:13 257:9,24 260:17 261:10, 14	gave 200:12 226:23 general 252:17 generally 222:2 251:2,11 254:20 generate 215:20 generated 213:5 225:23 generates 206:3,25 213:21 geographic 211:5 213:9,24 214:5,11 geographical 212:6 215:19 252:21 geographically 222:8 gerrymander 255:16,25 gerrymanders 255:8 give 200:8 212:1 214:16 215:1 216:15 220:10 228:4 230:11 231:12 234:19 235:19 236:16 242:6,22 244:17 246:9 good 210:14 222:20 245:13 258:13 259:20 Governor 214:10 227:24	230:3 258:23 Governor's 202:18 203:13 204:5,6,11,15 207:24 209:10, 25 211:24 213:18 214:3, 22 236:10 240:15 242:4, 13 247:19 248:4 256:15, 19 grab 224:7 227:2 great 214:2 246:14 greater 212:5 greatest 224:22 group's 236:15 guess 224:25 235:15 239:25 240:1 246:6 Gulf 214:20,23 215:6,22 216:3 guys 261:12 <hr/> H <hr/> happen 228:24 happy 207:5 hard 223:16 227:1 hear	236:21 heard 255:11,14,19 256:2 helpful 254:9 Hendry 208:5 high 214:18 246:17 higher 203:22 209:17 226:6 Hillsborough 216:20 217:13, 25 218:3 221:12,14 222:1,3,7,11 224:13,15 225:1 227:3 230:5,8 232:20,25 235:2 238:16 Hillsborough's 217:16 Hillsborough/ polk 222:5 Hispanic 243:10 244:3 hit 223:1 257:14 258:12,17 hold 260:17 honor 219:5 House 200:10 213:1, 16 216:13 217:4 220:1,4,
--	--	---	--

17 226:23 240:16,20,25 241:4,18 242:13 243:1, 25 245:7,17 246:14 247:4,5 248:15 250:22 House's 241:9 243:13, 17 244:21 246:19 248:15 251:3 Hull 200:5 201:12, 20 202:14,15, 20 206:14 208:25 209:5 226:6,11 228:20 229:10, 15,21 hundred 201:15 254:21 hybrid 214:20,24 hypothetical 233:17 <hr/> I <hr/> ideas 215:12 230:16 231:10 identical 244:24 identification 205:3,5 206:9 212:21 213:13 227:20 230:22 233:22 250:18 256:12 identified 240:6	image 227:17,23 230:24 250:15, 20 images 230:20 imagine 243:20 improperly 245:20 improve 210:6,7 improved 249:18 250:13 improvement 211:22 212:16 improvements 204:16 210:1 inappropriate 240:1 inbox 258:1,6,12,18 include 228:6 250:12 254:10,14 included 249:13 251:20 includes 254:18 including 227:14 242:10 incorporated 222:4,15 incorrect 247:9 increase 225:11 increasing 233:10	Indian 253:8,22,24 influential 231:16 inset 254:8 inspect 201:1 instruction 200:9 212:2 215:2 220:11 234:20 235:19 236:17 242:7, 23 244:18 245:23 246:10 255:10 instructions 231:13 238:12 intent 219:2 220:3 intercounty 218:11 interesting 245:11 intersect 215:10 intraocular 201:2 involved 257:18 Isle 249:13 issue 242:14 iteration 251:5 <hr/> J <hr/> JAZIL 200:8 208:12	209:2 210:3 212:1 215:1 220:10 227:15 228:11 231:12 233:14 234:19 235:18 236:16 238:10 239:5, 19 240:22 241:11,14 242:6,22 244:17 245:22 246:9 252:5 255:9,17 257:7 260:25 261:11 job 232:4 245:13 Johns 208:4 join 237:2,7,24 joining 239:1 joins 237:16 238:7 joint 223:11,25 224:13,24 225:3 July 256:16 jumped 212:17 justice 241:1 <hr/> K <hr/> keeping 201:4 215:8 224:17 259:20 Kelly 199:4 205:11
--	---	--	--

206:11 256:14 257:10 key 221:10 235:6 kind 221:9 222:13 223:6 242:9 260:1 knew 237:1 260:11 knock 230:10 knowledge 199:20 242:3	15 203:23 205:24 206:25 209:18 211:3, 20 212:18 213:4,7,19,21 214:9,19 216:9 217:3,11 218:25 219:2, 11 220:23 221:2 225:7,25 226:7,25 227:23 228:3 234:5,23 240:14 244:11 245:20,24 247:19 250:24 252:10 legislature's 202:2 203:19 204:1,3,11 208:10,17,24 209:11,12 210:2 214:1,21 215:13 229:24 238:19 Lehigh 227:6,7 level 214:18 231:20 233:2 246:17 liberty 221:22 223:17 lied 250:15 limits 223:13 lines 211:5 212:6 215:20,24 221:5,7 224:19 245:2,10,16 250:13 251:20	252:21 linkage 223:4 Linkedin 259:14,16 literally 235:23 257:23 live 239:10,12,14 located 245:1,3 248:17 location 222:7 long 231:4,7 looked 222:11 231:5,8 234:24 243:4, 5,24 245:7 246:6 251:2 lot 214:15 222:19 223:17 230:15 252:3 lower 226:5,6	Maitland 245:4 major 222:11,13,20 223:1 224:20 245:14 249:17 252:21 majority 229:1 make 209:25 218:15 219:6 223:2,4 224:2,10 225:8 226:14 229:16 233:16 234:17 237:3 246:18 248:25 maker 200:11 makes 203:14 makeup 238:15 239:20 making 212:12 215:24 217:1 Manatee 227:4 230:4 232:18 map 200:11 201:1,9 202:3,10,16, 19,24 203:2,7, 13,22,23 204:21 205:10 208:18 209:1, 21 210:6 211:9 212:8,17 215:23 216:18 217:2 223:8, 14,21 224:15 225:18 226:5,
<hr/> L <hr/>			
land 220:6 largely 199:11 216:20 221:24 larger 251:21 law 230:3 leading 234:22 Lee 215:10 227:7 left 214:15 216:10 legal 237:2,6 legislative 200:11 255:19 legislators 255:23 legislature 199:5 200:14,			
		<hr/> M <hr/>	
		made 204:7,16 207:6 215:16 229:18 234:22 237:23 252:17 257:17 main 223:11 maintain 236:14 maintaining 236:24	

7,14 227:4 228:2,21 229:9,20,24 230:2 231:5 232:6 233:6 234:25 235:1, 4,5,8,9,11,17, 22,23,25 236:2,5 237:12,13,15 242:10 243:9 246:2 248:16, 23 249:9,15, 19,20,24 250:6,11,14 251:5,8 252:19,23 253:1 254:23	massive 222:17	12 218:25 219:14 241:17 252:16	municipal 221:5,6
mapping 255:2	math 206:23 207:6 211:14	mercy 224:22	municipality 221:18 223:9, 24
maps 212:8,15,16 215:16 228:24 232:24 233:1, 18,19 246:1 248:20,22 251:16	mathematical 201:7	merit 240:20	<hr/> N <hr/>
marked 205:2,4 206:8 212:20 213:12 227:19 230:21 233:21 250:17 256:11	mathematically 203:11 217:18	message 260:5	nature 210:24 257:12
Marsh 200:8 212:1 215:1 220:10 231:12 234:19 235:19 236:16 238:11 242:6, 22 244:17 245:22 246:9 255:9 260:20	matter 241:19 258:11	messages 259:22,24 260:1,3,7	needed 223:10,11 236:14 253:5
	meaningful 223:3	met 224:1	negotiated 244:22
	means 202:10,18 204:20 223:11 251:18,20	Microsoft 206:21	news 255:24
	meant 202:5 203:17 214:25 228:19 232:12	million 217:18	nice 225:3 234:7 250:24
	measure 200:23 202:11, 12,15 203:3 208:11,25 225:14	mind 216:6	nondiminishment 240:17
	measures 200:4,6,10,14, 17,21 201:7,8, 10,12,19 208:9 210:6,7 225:22	minority 236:15,24 237:3,7,8,16, 17,18,24 238:8 239:1,2 244:1	nongeographic 211:9 214:6
	media 259:13	minute 207:3	nonpolitical 211:10 213:9, 24
	members 255:19	mistake 229:18	north 204:2,8,16 219:13,19 230:7
	memory 201:11 251:10	mistaken 247:3	north-south 224:3,7
	mentioned 199:10 203:9 204:13 210:11 211:8 216:11,	misunderstood 247:11	notable 212:16 233:4
		months 259:20	note 221:15
		move 211:1	noted 201:3 212:4 215:15 235:10
		moving 219:11,15,19	

<p>notice 253:18</p> <p>noting 232:4</p> <p>number 226:15 228:25</p> <p>numbers 206:4,12,18, 22,24 207:2 212:14 225:24 226:18 234:9</p> <p>numerous 240:23</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>object 208:12 209:2 210:3 228:11 233:14 235:18 238:10 239:19 240:22 241:11 245:22 252:5 255:9,17</p> <p>objections 239:5 260:18</p> <p>obligation 237:2,6</p> <p>office 204:5,6 211:24 212:15,17 213:18 220:20 240:15 242:4, 13 256:15,19 257:8</p> <p>office's 214:12</p> <p>official 250:23</p> <p>open 260:18 261:1</p>	<p>opinion 225:17</p> <p>opinions 210:22,24,25</p> <p>Orange 245:4,10 248:18 249:12, 17,20 253:5,9, 14 254:2,11, 15,17,24</p> <p>order 260:20</p> <p>organized 257:20 260:16</p> <p>original 246:19</p> <p>originally 209:18 212:18 235:4</p> <p>Orlando 245:6,10 254:8</p> <p>Osceola 249:3,4,8</p> <p>outlines 244:20</p> <p>outset 260:14</p> <p>overlap 230:6</p> <p>overlapped 229:2</p> <p>overlapping 228:25</p> <p>overlaps 230:9</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p.m. 199:1 240:8,9 261:15</p>	<p>package 251:7</p> <p>packets 251:4</p> <p>painstaking 225:2</p> <p>Park 245:4</p> <p>part 215:10 221:14 230:8 237:19 245:4</p> <p>partisan 255:16,25</p> <p>partly 249:8</p> <p>parts 254:2</p> <p>Pasco 216:20</p> <p>passed 209:18 212:19 226:7,25 227:23 228:3 229:25 230:25 235:4</p> <p>past 211:25 212:17</p> <p>patience 214:16</p> <p>pause 230:13</p> <p>penultimate 244:21</p> <p>people 255:15,23</p> <p>percent 201:15 211:10, 11,14,16,17 213:10,25</p>	<p>254:21</p> <p>Percentage 238:20</p> <p>perform 208:25 237:25 241:25 242:4,9 243:14</p> <p>performed 209:10</p> <p>performs 208:10</p> <p>personally 258:2</p> <p>perspective 204:6 224:3,4</p> <p>Petersburg 237:8,16 238:7 239:2,10,18,21</p> <p>phone 259:5,6,10</p> <p>pick 222:18 253:21</p> <p>picked 235:22 253:4</p> <p>picking 245:14</p> <p>picks 245:17 254:1</p> <p>piece 248:24</p> <p>Pinellas 219:3,7,12,19, 22 220:3 232:16 233:1 234:25 238:16 239:12</p> <p>Pinellas/pasco 219:15</p> <p>place 217:8 223:3</p>
--	--	---	--

240:8 places 216:14,25 217:5 plain 210:17,19 plaintiffs 256:18 plan 199:12,25 202:2,3,14,23 203:10,13,19, 20 204:1,3,11, 16,19,22 205:7,9,12,23 208:10,17 209:12,16,17, 20,25 210:2 212:24 213:5, 10,17,18,25 214:3,9,10 216:17,21 218:3 226:3, 10,24 229:13, 20 230:15,16, 18,24 231:3,6, 11,14,17 232:2,7 233:5, 25 234:10,11, 17 236:3,10 237:9 238:7 244:12,15,19, 21,22,23 245:16,21 246:6,14,24 247:12,13,14, 18,23 248:5, 11,12 249:24 250:6,8,9,22 251:1,11,13,17 252:3,12 253:4,7,10,13, 18,21,25	254:4,10,14 255:7,15,21,24 256:7,9 plans 200:21,24 207:24 214:12, 21 215:13 231:20 232:1, 21 247:25 Plant 221:13 222:4 platforms 259:13 Poinciana 249:7 point 216:11 225:16 226:20 231:18 235:24 242:12, 24 252:17,24 256:16 pointedly 238:13 political 211:4 212:5 214:4,7,11 215:18,19 252:21 Polk 208:5 217:21, 22,25 218:4, 20,22 229:25 248:24 249:8 Polsby-popper 200:5 201:12, 20 202:23,24 203:12,15,21 206:15 209:11, 17 226:4,6,11 228:21 229:10, 15,22 233:6	pop 254:2 Popper 219:24 Popper's 220:16 population 212:11 217:16 222:14 223:18 229:1 237:16, 17,18 238:8 239:18 243:11 245:5 249:21 250:3 253:5,14 254:1,25 populations 237:24 243:8 244:2,3 portion 220:5 221:20 254:11,14,17 portions 216:4 227:6 230:4 position 240:16,25 241:5 246:19 247:9 261:2 preclearance 237:23 predecessor 237:22 predominantly 232:16,17 prefer 261:7 preference 220:9 prepare 199:18	presentation 199:5,10,15 202:1,13,22 211:2 212:4 214:19 216:8 217:11 219:10 220:22 225:6 226:13,23 238:19 240:14 241:17 244:11 252:10 presentations 242:25 255:20 preserved 258:14 pretty 212:16 231:20 234:24 238:13 243:22 249:21 250:4 256:4 257:19 prevailed 247:6,10 previous 256:14 previously 255:14 primarily 259:3 primary 203:10 printed 231:6 printout 257:20 prior 212:15 214:4 prioritized 211:24 privilege 260:19,21
--	--	--	--

problem 260:13	purpose 243:5	realize 254:7	205:15,25 206:13 212:25
proceedings 261:15	purposes 258:25	reask 254:13	220:2 227:25 231:1 234:1
process 213:2 225:2 237:22 238:2, 3,14 240:25 241:4 257:3	put 206:12,17 248:10 260:15	reason 207:1 222:10 256:8	246:21 250:21 257:1 258:9,24 259:16,23 260:4,9
produced 213:1,7,16 250:23 256:18	Putnam 208:3	reasonable 224:23	reduce 235:2
produces 211:9	<hr/> Q <hr/>	reasoning 246:16	reduced 217:12
product 224:14	question 203:17 210:14 219:22 229:23 231:9 234:15, 22 235:15 237:20 238:13 239:16 240:23 241:13 243:23 246:5 252:1,7 254:13 261:3	reasons 252:8	reduces 218:3
progressing 246:1	questions 230:11 240:11 255:3 260:24 261:4,11	recall 212:14 220:12, 13 231:15 235:23 243:20	reducing 211:23
proposal 247:19	quote 217:17 219:1 220:5	received 257:15	reexplain 241:1
proposals 214:4	<hr/> R <hr/>	recess 240:8	reference 203:14 206:7 220:23
protection 240:20 241:10, 23	race 239:7 245:20	recognize 234:23	referenced 203:18 252:24
provide 256:25 257:5	racial 239:20 242:16	recognized 212:5 215:19 224:20	referring 203:19 244:14 245:25 246:3
provision 240:17 247:6	range 201:20	record 201:17 205:22 207:5 209:19 221:15 232:5 240:7 246:23	region 209:25 214:20, 23 215:6,14,22 218:12,18,19, 22 225:8,12,16 230:17 231:11 233:7,12 234:18 237:4 254:8
proxy 201:4	read 229:19 238:4	records 256:17 257:11, 19,21,22	regular 248:25
publicly 243:23	reading 226:17 255:11	rectangle 210:19	related 258:24 259:23 260:4,8
pull 225:19 247:12 249:10		redirect 261:6,13	reliability
pulled 205:16,24 225:24 231:10 250:21 257:14		redistricting 200:11,13	

207:1 reliance 211:9,23 213:9,24 relied 201:14,16 relying 206:23 remaining 220:5 254:1 remember 219:25 238:18 252:15 removes 254:23 Reock 200:4 201:12, 19 202:2,11,12 203:21 206:14 208:11,20,21 226:4,6,11 228:20 229:9, 14,21 233:7 repeat 229:17 report 200:4,7 205:9, 18,23 206:3,24 233:25 234:4 reported 206:19 225:24 234:9 reports 206:13,22 213:8,23 represent 232:12 234:10 Republicans 256:7 requested 257:2	require 236:23 resemblance 248:5,7 respectful 245:9,10 responsive 256:23 258:2 rest 218:14 253:5 result 224:8 review 246:18 reviewed 243:21 River 253:8,22,24 roadway 215:25 224:8 roadways 217:7 222:12, 13,20,21 223:1 224:20 245:12, 14 249:18 roughly 227:6 231:25 232:9 249:25 run 258:5 running 230:19 runs 208:5 <hr/> S <hr/> Sarasota 215:9 227:4,5, 13,14 228:9 235:9,11	saved 257:13 SB 199:25 200:1 score 202:2,14 209:11,17 226:7 229:9 scores 203:22 204:19, 21 215:20 233:9 search 256:22,24 257:14 258:2,6 seat 216:20 219:2 seats 228:9 seeking 221:4 seemingly 244:22 Seminole 250:13 Senate 200:11 212:7,9 215:16,24 216:2 226:23 230:16,25 231:10,14 232:2,7 233:5, 25 234:10 235:4,5,8,9,21 236:3 238:14 241:7,19,22,24 243:1 244:1,23 247:5 252:11, 22 253:1 Senate's 212:13 246:16	247:9 sense 246:18 served 256:15,19 session 199:6 set 206:6 214:13 260:10 shape 210:18,20 249:11 shear 223:23 sheet 208:15 short 230:13 255:3 show 202:23 showed 202:1,13 side 248:2 sighted 210:19 sightedly 210:17 signed 230:3 significant 204:7,17 211:14,21 249:21 250:4 similar 210:18 228:19 244:24 248:8, 14,16,22 249:2 250:1,2,7,12
--	--	--	--

<p>similarities 232:24 233:3 235:6,12</p> <p>similarly 230:25 253:14</p> <p>simply 234:15</p> <p>sits 228:8</p> <p>skills 206:23</p> <p>slice 227:4</p> <p>slide 211:3,8</p> <p>slightly 202:11,19 203:2 209:10 229:15,22 236:12</p> <p>sliver 230:7 253:24</p> <p>small 211:16 223:24 226:25 230:9 250:3 253:22 254:7,11,14</p> <p>smaller 211:17 217:24</p> <p>social 259:13</p> <p>sort 216:21 217:1 222:10 224:24 225:1,21 228:19 237:2 242:13 244:1, 21 247:4,5 248:1,24 251:16 257:4 258:5 260:8,10</p>	<p>sorts 223:7</p> <p>sound 218:9 241:5 246:20</p> <p>south 204:10,18 219:14,15,19 223:12 224:1 225:17 230:7</p> <p>southeastern 230:8</p> <p>southern 227:3 230:4</p> <p>southwest 227:10 228:9</p> <p>speaking 222:2 227:6 245:3 250:12</p> <p>special 199:6</p> <p>specific 215:12 216:6 217:7 220:2, 12,14 238:24 243:22 246:5 252:16,24</p> <p>specifically 214:23 216:23 217:4 221:13 246:2</p> <p>spend 231:19</p> <p>spirit 245:17</p> <p>split 217:18,23 218:23 224:15 232:25 235:3</p> <p>splits 199:7,8</p>	<p>217:12,14,15 218:4,11 235:2</p> <p>splitting 218:23 235:9</p> <p>spot 225:1</p> <p>spousal 260:19</p> <p>square 210:19</p> <p>squared-up 224:5</p> <p>St 208:3 237:8,16 238:7 239:2, 10,18 21</p> <p>standards 246:21</p> <p>standpoint 224:16</p> <p>start 214:18 260:16</p> <p>started 199:4 222:14</p> <p>starting 219:14,15</p> <p>state 207:5,25 215:10 216:4 218:14 232:13 237:19</p> <p>stated 252:8</p> <p>statement 203:24 218:15 220:14</p> <p>statements 234:21</p> <p>statistical 201:7,10 203:8</p>	<p>210:1,5,9 225:14,15</p> <p>statistically 209:4,16</p> <p>statistics 199:21 208:14</p> <p>statute 221:22 223:17</p> <p>straight 205:16,24 222:22</p> <p>strange 259:18</p> <p>strength 237:4</p> <p>striking 248:5,7</p> <p>stuck 217:6</p> <p>subfolders 257:19</p> <p>subject 240:16</p> <p>subjective 210:13</p> <p>submissions 211:25 214:22</p> <p>submitted 212:15,17 213:18 247:20</p> <p>subpoena 256:14,18,23</p> <p>substantial 238:8 239:17</p> <p>subtle 253:19</p> <p>successfully 231:17</p> <p>sum 206:22</p>
--	--	---	--

<p>Supreme 201:13</p> <p>surprised 255:6 256:2,4, 6</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>takes 254:24</p> <p>taking 248:15</p> <p>talk 199:5,8 203:25</p> <p>talked 199:6 214:23 215:6 216:8 217:15,21 220:4 225:7 230:15 237:21 244:9 252:12</p> <p>talking 201:19 204:2 208:6 211:4 227:15 228:12, 13 232:14 246:24</p> <p>Tampa 204:22 207:10, 12,17,19,21 215:14 221:1, 12,20,21 222:17,25 223:16,19 227:11 230:16 231:11 232:15 233:7,12 234:12,18 236:4,8,12,13 237:4,9,17,25 238:7,9 239:3</p>	<p>Tampa/ hillsborough 232:18</p> <p>technically 217:22</p> <p>Temple 221:10,18,23, 24 222:7,15, 22,24 223:5, 12,13,24</p> <p>terms 203:21 210:5 217:1 218:11 258:6</p> <p>Terrace 221:10,18,23, 24 222:7,15, 22,24 223:5, 12,13,24</p> <p>terrifying 255:20</p> <p>territory 228:25</p> <p>test 201:2 210:16</p> <p>testified 219:24 242:8</p> <p>testimony 211:19 220:12, 16,22 239:9 243:21</p> <p>text 259:6,7,22,24 260:3</p> <p>theory 210:14</p> <p>thing 215:15 235:1 258:16,17</p> <p>things 223:8 240:3</p>	<p>255:18,20 257:12</p> <p>thinking 235:24</p> <p>thought 222:12 245:13 246:12,13</p> <p>tidy 257:19</p> <p>Tier 199:25 233:13 234:17 240:21</p> <p>time 220:24 224:16 231:4,7,19 234:13 236:2 238:6 241:3 249:19</p> <p>times 235:3,10,20 240:23 252:18</p> <p>tiny 199:24</p> <p>title 200:1,12</p> <p>titled 199:25</p> <p>today 239:9 250:25 251:9,13 252:13,25 255:12 260:19, 24 261:10</p> <p>told 221:1,2</p> <p>top 224:9,11</p> <p>topic 236:12 255:3</p> <p>topics 214:17</p>	<p>total 232:23</p> <p>trade-off 224:12</p> <p>transcript 238:5 240:5</p> <p>transitory 259:25 260:1, 5,7</p> <p>true 203:24 252:18</p> <p>turnout 243:18</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>UCF 254:20,21</p> <p>Uh-huh 242:19 253:17 259:1</p> <p>ultimately 212:18 216:18 230:3 248:15</p> <p>understand 229:16 239:16 241:14 243:25 244:6 261:1</p> <p>understanding 240:19 241:22 243:3,17,19 247:3,8</p> <p>unimportant 249:13,22</p> <p>unincorporated 217:8 222:2, 16,17 227:7 249:7</p> <p>University 254:18</p>
---	---	---	---

<p>urban 251:21</p> <p>utilize 221:4</p> <p>utilized 245:20</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>version 247:7</p> <p>versus 202:8</p> <p>vetoed 214:10 227:24</p> <p>view 216:11 221:9 225:16</p> <p>visual 200:25 210:11, 12,16 227:22</p> <p>visually 201:1 210:22 224:17</p> <p>visuals 251:21</p> <p>Volume 199:1</p> <p>Volusia 250:13 254:25</p> <p>voter 243:18</p> <p>voters 239:10,11,14</p> <p>voting 237:4 238:20 243:8,10 244:1,3</p>	<hr/> <p style="text-align: center;">W</p> <hr/> <p>wait 261:4</p> <p>wanted 199:23 219:5,6 223:9,15,25</p> <p>watch 220:16</p> <p>watching 220:20</p> <p>water 220:7</p> <p>waterway 215:25</p> <p>ways 232:25</p> <p>website 205:16,21,25 206:3,13,16 212:25 227:25 231:1 234:2 250:22 255:6</p> <p>west 219:12,13,16, 17 245:12</p> <p>western 216:22</p> <p>wholly 219:2,18 233:1 234:25 240:1 245:9 248:17</p> <p>win 236:8</p> <p>Winter 245:4</p> <p>won 247:5</p> <p>wondering 220:8 221:6</p>	<p>work 221:3 222:9,20 250:25 259:2</p> <p>worked 222:23</p> <p>working 200:24 245:1</p> <p>world 200:18</p> <p>worry 258:20</p> <p>worse 204:22 218:12, 22 255:18</p> <p>worth 234:13</p> <p>worthwhile 233:13</p> <p>wrapped 255:4</p> <p>wrong 251:14</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zoomed 217:6</p>
---	--	---

EXHIBIT 5

RETRIEVED FROM DEMOCRACYDOCKET.COM

Black Voters Matter Capacity Building Institute, Inc.

vs.

Cord Byrd, et al.

Deposition of:

James Kelly

June 08, 2023

Vol 1

RETRIEVED FROM DEMOCRACYDOCKET.COM



IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY
BUILDING INSTITUTE, INC.,
et al.,

Plaintiffs,

vs.

CASE NO. 2022 CA 000666

CORD BYRD, in his official
capacity as Florida Secretary
of State, et al.,

Defendants.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

COMMON CAUSE FLORIDA, et al.,
Plaintiffs,

vs.

CASE NO. 4:22-cv-109-AW-MAF

CORD BYRD, in his official
capacity as Florida Secretary
of State,

Defendant.

REPRESENTATIVE OF THE EXECUTIVE OFFICE OF THE
GOVERNOR RON DESANTIS AND SECRETARY OF STATE'S
OFFICE (JAMES ALEXANDER KELLY)

(Volume 1, Pages 1 - 194)

Thursday, June 8, 2023
9:00 a.m. - 2:37 p.m.

LOCATION:

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK
119 South Monroe Street, #500
Tallahassee, FL 32301

STENOGRAPHICALLY REPORTED BY: SANDRA L. NARGIZ
RPR, CM, CRR, CRC, CCR

Job No. 309153

Page 2	I N D E X	Page 4																																																												
<p>APPEARANCES:</p> <p>ON BEHALF OF THE PLAINTIFFS BLACK VOTERS MATTER, et al.:</p> <p>ELIAS LAW GROUP, LLP 10 G Street NE Washington, DC 20002 202.968.4490</p> <p>BY: JOSEPH POSIMATO, ESQUIRE jposimato@elias.law</p> <p>BY: CHRISTINA FORD ESQUIRE cford@elias.law</p> <p>ON BEHALF OF THE PLAINTIFFS COMMON CAUSE, et al.:</p> <p>PATTERSON BELKNAP WEBB & TAYLOR 1133 Avenue of the Americas New York, NY 10036 212.336.2817</p> <p>BY: CATHERINE J. DJANG, ESQUIRE cdjang@pbwt.com</p> <p>ON BEHALF OF THE DEFENDANT SECRETARY OF STATE:</p> <p>HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK 119 South Monroe Street, #500 Tallahassee, FL 32301 850.508.7775</p> <p>BY: MOHAMMAD O. JAZIL, ESQUIRE mjazil@holtzmanvogel.com</p> <p>BY: ROBERT MICHAEL BEATO, ESQUIRE mbeato@holtzmanvogel.com</p>	<p>WITNESS</p> <p>REPRESENTATIVE OF THE EXECUTIVE OFFICE OF THE GOVERNOR RON DESANTIS AND SECRETARY OF STATE'S OFFICE (JAMES ALEXANDER KELLY)</p> <p>Direct Examination by Ms. Ford 6</p> <p>Direct Examination by Mr. Posamato 167</p> <p>CERTIFICATE OF OATH 191</p> <p>CERTIFICATE OF REPORTER 192</p> <p>READ AND SIGN LETTER 193</p> <p>ERRATA SHEET 194</p> <p style="text-align: center;">INDEX OF EXHIBITS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>ID</th> </tr> </thead> <tbody> <tr> <td>28</td> <td>Notice of Topics</td> <td>7</td> </tr> <tr> <td>29</td> <td>E-mail from Willie A. Miller, Jr., to Stephanie Kopelousos</td> <td>11</td> </tr> <tr> <td>30</td> <td>E-mail from Taryn Fenske to James Uthmeier</td> <td>15</td> </tr> <tr> <td>31</td> <td>How Ron DeSantis Blew Up Black-Held Congressional Districts and May Have Broken Florida Law</td> <td>20</td> </tr> <tr> <td>32</td> <td>Florida Registering Kickoff Call E-mail</td> <td>40</td> </tr> <tr> <td>33</td> <td>1/18/2022 E-mail Chain</td> <td>45</td> </tr> <tr> <td>34</td> <td>Princeton Gerrymandering Project</td> <td>65</td> </tr> <tr> <td>35</td> <td>1/14/2022 E-mail Chain With Governor's Team</td> <td>70</td> </tr> <tr> <td>36</td> <td>E-mail Chain Regarding Files for Submission</td> <td>72</td> </tr> <tr> <td>37</td> <td>E-mail Attachment of Plan 005A, Plan 5A5</td> <td>74</td> </tr> <tr> <td>38</td> <td>Senator Rodrigues Memo</td> <td>76</td> </tr> <tr> <td>39</td> <td>Forms Submitting Plan 79</td> <td>77</td> </tr> <tr> <td>40</td> <td>1-18-22 E-mail from Kelly to Jazil</td> <td>80</td> </tr> <tr> <td>41</td> <td>1-24-22 E-mail from Ryan Newman</td> <td>83</td> </tr> <tr> <td>42</td> <td>2/1/2022 Letter from the Governor to Florida Supreme Court</td> <td>87</td> </tr> <tr> <td>43</td> <td>2/10/2022 Opinion from Florida Supreme Court Declining Governor's Advisory Opinion Request</td> <td>90</td> </tr> </tbody> </table>	NO.	DESCRIPTION	ID	28	Notice of Topics	7	29	E-mail from Willie A. Miller, Jr., to Stephanie Kopelousos	11	30	E-mail from Taryn Fenske to James Uthmeier	15	31	How Ron DeSantis Blew Up Black-Held Congressional Districts and May Have Broken Florida Law	20	32	Florida Registering Kickoff Call E-mail	40	33	1/18/2022 E-mail Chain	45	34	Princeton Gerrymandering Project	65	35	1/14/2022 E-mail Chain With Governor's Team	70	36	E-mail Chain Regarding Files for Submission	72	37	E-mail Attachment of Plan 005A, Plan 5A5	74	38	Senator Rodrigues Memo	76	39	Forms Submitting Plan 79	77	40	1-18-22 E-mail from Kelly to Jazil	80	41	1-24-22 E-mail from Ryan Newman	83	42	2/1/2022 Letter from the Governor to Florida Supreme Court	87	43	2/10/2022 Opinion from Florida Supreme Court Declining Governor's Advisory Opinion Request	90										
NO.	DESCRIPTION	ID																																																												
28	Notice of Topics	7																																																												
29	E-mail from Willie A. Miller, Jr., to Stephanie Kopelousos	11																																																												
30	E-mail from Taryn Fenske to James Uthmeier	15																																																												
31	How Ron DeSantis Blew Up Black-Held Congressional Districts and May Have Broken Florida Law	20																																																												
32	Florida Registering Kickoff Call E-mail	40																																																												
33	1/18/2022 E-mail Chain	45																																																												
34	Princeton Gerrymandering Project	65																																																												
35	1/14/2022 E-mail Chain With Governor's Team	70																																																												
36	E-mail Chain Regarding Files for Submission	72																																																												
37	E-mail Attachment of Plan 005A, Plan 5A5	74																																																												
38	Senator Rodrigues Memo	76																																																												
39	Forms Submitting Plan 79	77																																																												
40	1-18-22 E-mail from Kelly to Jazil	80																																																												
41	1-24-22 E-mail from Ryan Newman	83																																																												
42	2/1/2022 Letter from the Governor to Florida Supreme Court	87																																																												
43	2/10/2022 Opinion from Florida Supreme Court Declining Governor's Advisory Opinion Request	90																																																												
<p>APPEARANCES: (Continued.)</p> <p>ON BEHALF OF THE DEFENDANT FLORIDA SENATE:</p> <p>SHUTTS AND BOWEN 215 S. Monroe Street, #800 Tallahassee, FL 32301 850.241.1717</p> <p>BY: DANIEL E. NORDBY, ESQUIRE (Via Zoom.) dnordby@shutts.com</p> <p>THE FLORIDA SENATE 302 The Capitol, #404S Tallahassee, FL 32399 850.487.5237</p> <p>BY: KYLE EDWIN GRAY, ESQUIRE (Via Zoom.) gray.kyle@flsenate.gov</p> <p>ON BEHALF OF THE DEFENDANT FLORIDA HOUSE OF REPRESENTATIVES:</p> <p>GRAY ROBINSON 301 S. Bronough Street, #600 Tallahassee, Florida 32301 850.577.9090</p> <p>BY: ASHLEY H. LUKIS, ESQUIRE ashley.lukis@gray-robinson.com</p> <p>ALSO PRESENT:</p> <p>Nicholas Meros, Office of the Governor Michael Halper, Common Cause Florida Taylor Meehan (Via Zoom.) David Rosenthal (Via Zoom.)</p>	<p style="text-align: center;">INDEX OF EXHIBITS (Continued.)</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>ID</th> </tr> </thead> <tbody> <tr> <td>44</td> <td>2/12/2022 E-mail Chain Attempting to Find Witness for the House</td> <td>94</td> </tr> <tr> <td>45</td> <td>E-mail Chain</td> <td>99</td> </tr> <tr> <td>46</td> <td>2-19-22 E-mail Chain between Newman and Uthmeier</td> <td>103</td> </tr> <tr> <td>47</td> <td>Voting Record of Bill of Legislature's Redistricting Plan</td> <td>107</td> </tr> <tr> <td>48</td> <td>2/14/2022 Form Submitted by Mr. Newman to Legislature for Plan 94</td> <td>110</td> </tr> <tr> <td>49</td> <td>E-mail Chain Regarding Reducing Number of Plans in Summary</td> <td>111</td> </tr> <tr> <td>50</td> <td>Plan 13B</td> <td>112</td> </tr> <tr> <td>51</td> <td>Chart: Reock, Convex Hull, Polsby-Popper</td> <td>116</td> </tr> <tr> <td>52</td> <td>CVAP Data Spreadsheet</td> <td>118</td> </tr> <tr> <td>53</td> <td>Ryan Newman to the House Redistricting Committee Memo</td> <td>121</td> </tr> <tr> <td>54</td> <td>3/29/2022 Memo, Mr. Newman to the Governor</td> <td>128</td> </tr> <tr> <td>55</td> <td>Transcript of Mr. Kelly's Presentation before Senate Committee</td> <td>152</td> </tr> <tr> <td>56</td> <td>11-17-22 Politico Article</td> <td>156</td> </tr> <tr> <td>57</td> <td>4-13-22 Submission Form</td> <td>158</td> </tr> <tr> <td>58</td> <td>E-mail Chain Between Taryn Fenske and Gary Fineout from Politico</td> <td>159</td> </tr> <tr> <td>59</td> <td>Response to Request About Redistricting</td> <td>162</td> </tr> <tr> <td>60</td> <td>Spreadsheet Providing Analysis Comparing Variety of Metrics</td> <td>162</td> </tr> <tr> <td>61</td> <td>Spreadsheet of Plan 79</td> <td>163</td> </tr> <tr> <td>62</td> <td>Notice from Secretary of State's Office</td> <td>167</td> </tr> </tbody> </table>	NO.	DESCRIPTION	ID	44	2/12/2022 E-mail Chain Attempting to Find Witness for the House	94	45	E-mail Chain	99	46	2-19-22 E-mail Chain between Newman and Uthmeier	103	47	Voting Record of Bill of Legislature's Redistricting Plan	107	48	2/14/2022 Form Submitted by Mr. Newman to Legislature for Plan 94	110	49	E-mail Chain Regarding Reducing Number of Plans in Summary	111	50	Plan 13B	112	51	Chart: Reock, Convex Hull, Polsby-Popper	116	52	CVAP Data Spreadsheet	118	53	Ryan Newman to the House Redistricting Committee Memo	121	54	3/29/2022 Memo, Mr. Newman to the Governor	128	55	Transcript of Mr. Kelly's Presentation before Senate Committee	152	56	11-17-22 Politico Article	156	57	4-13-22 Submission Form	158	58	E-mail Chain Between Taryn Fenske and Gary Fineout from Politico	159	59	Response to Request About Redistricting	162	60	Spreadsheet Providing Analysis Comparing Variety of Metrics	162	61	Spreadsheet of Plan 79	163	62	Notice from Secretary of State's Office	167	Page 5
NO.	DESCRIPTION	ID																																																												
44	2/12/2022 E-mail Chain Attempting to Find Witness for the House	94																																																												
45	E-mail Chain	99																																																												
46	2-19-22 E-mail Chain between Newman and Uthmeier	103																																																												
47	Voting Record of Bill of Legislature's Redistricting Plan	107																																																												
48	2/14/2022 Form Submitted by Mr. Newman to Legislature for Plan 94	110																																																												
49	E-mail Chain Regarding Reducing Number of Plans in Summary	111																																																												
50	Plan 13B	112																																																												
51	Chart: Reock, Convex Hull, Polsby-Popper	116																																																												
52	CVAP Data Spreadsheet	118																																																												
53	Ryan Newman to the House Redistricting Committee Memo	121																																																												
54	3/29/2022 Memo, Mr. Newman to the Governor	128																																																												
55	Transcript of Mr. Kelly's Presentation before Senate Committee	152																																																												
56	11-17-22 Politico Article	156																																																												
57	4-13-22 Submission Form	158																																																												
58	E-mail Chain Between Taryn Fenske and Gary Fineout from Politico	159																																																												
59	Response to Request About Redistricting	162																																																												
60	Spreadsheet Providing Analysis Comparing Variety of Metrics	162																																																												
61	Spreadsheet of Plan 79	163																																																												
62	Notice from Secretary of State's Office	167																																																												

Page 6

1 The following proceedings began at 9:00 a.m.:

2 THE STENOGRAPHER: Would you raise your

3 right hand, please? Do you swear or affirm

4 that the testimony you are about to give will

5 be the truth, the whole truth, and nothing but

6 the truth?

7 THE WITNESS: I do.

8 THE STENOGRAPHER: Thank you.

9 Thereupon,

10 REPRESENTATIVE OF THE EXECUTIVE OFFICE OF THE GOVERNOR

11 RON DESANTIS AND SECRETARY OF STATE'S OFFICE

12 JAMES ALEXANDER KELLY

13 having been first duly sworn or affirmed, as

14 hereinafter certified testified as follows:

15 DIRECT EXAMINATION

16 BY MS. FORD:

17 Q Good morning, Mr. Kelly.

18 A Good morning.

19 Q My name is Christina Ford. You were here

20 yesterday, and I don't think it makes sense to do

21 all of the background work that we did yesterday

22 on -- on deposition instructions and whatnot.

23 But you understand that you're still under

24 oath today?

25 A Yes.

Page 7

1 Q And do you agree with me that while you're

2 testifying today, you won't exchange communications

3 either by text, e-mail, or by any means about how to

4 answer the questions that are asked today in a

5 substantive manner?

6 A Yes.

7 Q Okay.

8 MS. FORD: Let's pull up the -- just the

9 notice of topics.

10 THE STENOGRAPHER: This will be 28.

11 (Exhibit 28 was marked for

12 identification.)

13 BY MS. FORD:

14 Q Mr. Kelly, this was the notice that we

15 sent to your office for a corporate representative

16 to appear on behalf of the Executive Office of the

17 Governor.

18 Is it correct that you were chosen as the

19 designee for the Governor's Office?

20 A Yes.

21 MR. JAZIL: Counsel, just for the record,

22 I'd like to interpose an objection.

23 The stipulation, which is Exhibit 2 to the

24 deposition, discusses that and says that as it

25 relates to the Executive Office of the

Page 8

1 Governor, plaintiffs will only seek the

2 deposition of two individuals working on behalf

3 of the Executive Office of the Governor, deputy

4 chief of staff Alex Kelly and outside

5 consultant Adam Foltz. I think the corporate

6 rep deposition would be in conflict with the

7 stipulation.

8 That said, Mr. Kelly was the point person

9 for the Executive Office of the Governor, he

10 has personnel knowledge of almost all the

11 issues that are identified here, so I don't

12 think as a practical matter it's a problem, and

13 so I just want to list the objection for the

14 record.

15 You can proceed with the questions, and

16 we'll go from there.

17 MS. FORD: Okay.

18 BY MS. FORD:

19 Q Do we -- do you understand that your

20 answers today are on behalf of the Governor's

21 Office?

22 MR. JAZIL: And I'll say this. Anything

23 he says is on behalf the Governor's Office

24 because he during this whole time has been

25 working in his capacity as an agent of the

Page 9

1 Governor's Office.

2 Anything he says bounds the Governor's

3 Office. I'll make that representation on the

4 record as well.

5 A Yes.

6 BY MS. FORD:

7 Q Okay. And when I say "Governor's Office,"

8 do you understand that I mean the Governor, his

9 staff, employees, consultants, and any of the

10 Governor's representatives?

11 A Was does the last word mean,

12 "representatives"?

13 Q People who officially act on behalf of the

14 Governor, who were asked to act on his behalf.

15 A That could be people beyond our office and

16 consultants and lawyers who represent our office.

17 Q Okay. Well, yeah, I'm sure that can be

18 complicated. Well, let me rephrase the question.

19 When I use the Governor's Office today, I

20 do mean the governor, his staff, his employees, and

21 people who the Governor's Office has entered into

22 contractual relationships with to do work with such

23 as Mr. Foltz.

24 A Okay. Yes.

25 Q Does that help?

Page 10

1 A Yes. Thank you.
2 Q Mr. Kelly, can you just flip to page 6 of
3 this notice for areas of inquiry?
4 A Sure.
5 Q Have you seen this before or read through
6 a copy of these topics?
7 A Yes.
8 Q Are there any topics here that you feel
9 like you are not prepared to testify on today?
10 A Can I just read back through them again?
11 Q Sure.
12 A (Examining document.)
13 I'm good. I can testify on these
14 documents.
15 Q Okay. And yesterday you told me that to
16 prepare for yesterday's deposition in your
17 individual capacity you met with counsel and you
18 reviewed a set of documents.
19 Did you do anything additional to prepare
20 for this deposition?
21 A No. I watched the videos of myself
22 present.
23 Q I guess I was asking -- I didn't mean --
24 you talked a good bit yesterday about how you
25 prepared.

Page 11

1 Did you do anything additional?
2 A The only thing that just came to my mind
3 is I watched the videos of myself present to the
4 House and the Senate.
5 Q Okay. Thanks.
6 (Exhibit 29 was marked for
7 identification.)
8 BY MS. FORD:
9 Q Mr. Kelly, so this is an e-mail from
10 someone named Willie A. Miller, Jr., to Stephanie --
11 A -- Kopelousos.
12 Q Kopelousos. Can you say that again?
13 A Kopelousos.
14 Q Kopelousos. I'll probably mess it up.
15 Thank you.
16 -- dated September 23, 2021. Who is
17 Stephanie Kopelousos?
18 A Stephanie is the legislative director for
19 the Governor.
20 Q And do you know who Willie A. Miller, Jr.,
21 is?
22 A No.
23 Q Okay. I will represent to you that
24 LinkedIn shows that Willie A. Miller, Jr., is a
25 legislative aide in the Florida House.

Page 12

1 Does that ring any bells to you?
2 A No.
3 Q Okay. Would you mind reading Mr. Miller's
4 initial question to Ms. Kopelousos and then her
5 response?
6 A Sure. Mr. Miller wrote: "Good afternoon.
7 Question, who is the state contracting with to draw
8 the redistricting maps to present to the
9 legislature? I have some ideas about the
10 Congressional District 20."
11 Stephanie responded: "The legislature is
12 who does the maps."
13 Q At the time of this e-mail, which was
14 mid-September 2021, had the Governor's Office
15 already discussed the idea of drawing or submitting
16 maps to present to the legislature?
17 MR. JAZIL: Mr. Kelly, I am going to give
18 you the Marsh instruction from yesterday which
19 is to not talk about any internal discussions
20 and deliberations within the Governor's Office
21 unless they were made public or shared with a
22 third party, including but not limited to the
23 Florida legislature. I'll continue to refer to
24 this as the Marsh instruction throughout the
25 course of the deposition as I did yesterday.

Page 13

1 To the extent you can answer, answer.
2 A I don't even know what the answer would
3 be. I have no idea.
4 BY MS. FORD:
5 Q Do you know why a legislative aide would
6 have been asking the Governor's office in September
7 of 2021 who they are planning to contract with to
8 present maps to the legislature?
9 MR. JAZIL: Object to form.
10 You can answer.
11 A You'd have to ask Mr. Miller. I don't
12 know.
13 BY MS. FORD:
14 Q Did the Governor's Office, in fact, have
15 any consultants related to redistricting that they
16 had contracted with by the time of September of
17 '21?
18 A No.
19 Q And here, Ms. Kopelousos responds that the
20 legislature will be the entity that draws the maps.
21 Is it correct that that was the assumption
22 at the time?
23 MR. JAZIL: Marsh instruction.
24 Answer to the extent you can.
25 A Yes. And that's Florida law. The

Page 14

1 legislature draws the maps.
2 BY MS. FORD:
3 Q Why did the Governor decide to get
4 personally involved in this redistricting cycle?
5 MR. JAZIL: I'm going to give you the
6 Marsh instruction. You can answer to the
7 extent that it was presented to the public.
8 A The Governor very publicly in our office
9 provided a series of legal documents and positions
10 outlining exactly -- literally exactly -- why we got
11 involved in the redistricting process. I would just
12 reference all of those.
13 BY MS. FORD:
14 Q And by that, do you mean, like, the veto
15 memorandum or Mr. Newman's various legal memos?
16 A Yes.
17 Q Anything else you're referring to there?
18 A No.
19 Q Okay. Did the Governor's Office generally
20 follow the legislature's proposals as they were
21 released by the House and Senate?
22 A Say that again.
23 Q Yeah. I'm sorry. And just to refer you
24 back to the instructions, when I say the "Governor's
25 Office," I don't mean just you. I just mean anyone

Page 15

1 you're aware of in the Governor's Office.
2 A Anyone?
3 Q Did the Governor's Office generally follow
4 the proposals that were being released by the House
5 and Senate through the fall of 2021?
6 MR. JAZIL: I'm going to give you the
7 Marsh instruction, but you can answer to the
8 extent it's public.
9 A I'm not able to answer that question
10 without talking about internal conversations.
11 BY MS. FORD:
12 Q Can we go to --
13 (Exhibit 30 was marked for
14 identification.)
15 A Is it fair for me to go back and say that
16 in January of 2021 -- or 2022, I mean, our office
17 was pretty public about concerns with the maps. So
18 to have those concerns, there had to have been a
19 following of the maps, which is more of a logic
20 equation.
21 BY MS. FORD:
22 Q Thank you.
23 Exhibit 30 is an e-mail that was produced
24 to us from Taryn Fenske to James Uthmeier.
25 Who is Taryn Fenske?

Page 16

1 A Taryn Fenske -- excuse me -- is the
2 communications director for the Governor.
3 Q Okay. And Mr. Uthmeier is the chief of
4 staff?
5 A Uthmeier.
6 Q Uthmeier.
7 A James Uthmeier is the chief of staff for
8 the Governor.
9 Q Thank you.
10 So here Ms. Fenske is forwarding
11 Mr. Uthmeier an article titled, "Congressional Map
12 Proposals Draw Bipartisan Praise in Florida," which
13 I'll represent seems to summarize the fact that the
14 Florida Senate had recently released draft
15 Congressional plans which senators from both parties
16 had supported.
17 Does that appear to be a fair
18 characterization of this article to you?
19 A Can I have a chance to read it?
20 Q Sure.
21 A (Examining document.)
22 Okay. I've read it. Apologize. What was
23 your question?
24 Q Just if my summary was a fair
25 characterization?

Page 17

1 A I'm sorry. What was your summary?
2 Q Yeah. I just said that this seems to
3 summarize that the Florida Senate had recently
4 released draft Congressional plans and that senators
5 from both parties had seemed to support the plans.
6 Does that seem like a fair
7 characterization?
8 A Yes.
9 Q And yesterday we talked a little bit about
10 news alerts that go around in the Governor's Office.
11 Does this appear to be one of the news alerts that
12 was circulated within your office?
13 A Yes. This is the format the news alerts
14 come in.
15 Q Okay. And does everyone in the office get
16 the news alerts?
17 MR. JAZIL: To the extent you're asking
18 generally, he can answer that. To the extent
19 you're asking for specific pieces of
20 legislation, that would be covered by the
21 legislative privilege.
22 MS. FORD: I'm asking generally.
23 A I believe everyone -- to my knowledge,
24 everyone in the office gets them.
25

Page 18

1 BY MS. FORD:
2 Q Okay. Thank you. Why did Ms. Fenske send
3 Mr. Uthmeier this article?
4 MR. JAZIL: I give you the Marsh
5 instruction.
6 A I wouldn't be able to respond.
7 BY MS. FORD:
8 Q Had Mr. Uthmeier asked to be kept
9 up-to-date on the status of the legislature's
10 redistricting plans?
11 MR. JAZIL: I give you the Marsh
12 instruction again.
13 A I wouldn't be able to respond.
14 BY MS. FORD:
15 Q Mr. Kelly, just for sake of clarity for
16 the record, when you say you're not able to respond,
17 can you just clarify whether you're -- you're not
18 answering at the advice of counsel or whether you
19 just -- you don't actually know the answer? It
20 might be helpful for the record.
21 MR. JAZIL: It's under advice of counsel.
22 I'm directing him not to answer every time I
23 say "Marsh instruction" because of Judge
24 Marsh's order and the legislative privilege.
25 A I'm following the advice of counsel on

Page 19

1 your last two questions.
2 BY MS. FORD:
3 Q Thank you.
4 Could you please go to page 2 and read the
5 paragraph about halfway down that starts with, "The
6 initial Senate proposals"
7 A Sure.
8 Q -- and just read that paragraph, please.
9 A Sure. "The initial Senate proposals would
10 accommodate the new Polk County Congressional
11 District by condensing districts to the east around
12 Orlando and to the west in the Tampa region. The
13 changes, however, wouldn't vastly alter two
14 districts, District 7, held by Democrat
15 Congresswoman Stephanie Murphy, and District 13,
16 held by Democrat Congressman Charlie Crist, that
17 have received the most attention from pundits as
18 potential targets for the Republican-dominated
19 legislature to help flip U.S. House seats.
20 Q Did anyone in the Governor's Office
21 express the view that the Senate's proposals were
22 too friendly or favorable to Democrats?
23 MR. JAZIL: I give you the Marsh
24 instruction.
25 A Again, I'm not able to answer questions

Page 20

1 about internal office conversations, so I'm going to
2 follow the advice of counsel.
3 BY MS. FORD:
4 Q Okay. Was anyone in the Governor's Office
5 aware that some Republicans had criticized the
6 legislature's plans as being too friendly or
7 favorable to Democrats?
8 MR. JAZIL: I give you the Marsh
9 instruction again.
10 A Again, not able to talk about internal
11 office conversations, so I'm going to follow the
12 advice of counsel.
13 BY MS. FORD:
14 Q All right. Let's move on.
15 (Exhibit 31 was marked for
16 identification.)
17 BY MS. FORD:
18 Q Mr. Kelly, this is Exhibit 31. This is an
19 article from the outlet ProPublica, which was
20 published on October 11, 2022, by reporter Joshua
21 Kapan.
22 And I apologize that the title is not
23 included here. I just could not get it to print.
24 But the title was: "How Ron DeSantis blew
25 up Black-held congressional districts and may have

Page 21

1 broken Florida Law."
2 Have you read this article before?
3 A I do remember reading the first couple
4 paragraphs of it.
5 Q Okay. Could you please read the very
6 first paragraph out loud?
7 A Sure. "Florida Governor Ron DeSantis was
8 incensed. Late last year, the state's Republican
9 legislature had drawn Congressional maps that
10 largely kept districts intact, leaving the GOP with
11 only a modest electoral advantage."
12 Q Thank you.
13 Is it true that the Governor was upset
14 with the redistricting plans that the legislature
15 had drawn?
16 MR. JAZIL: I'm going to give you the
17 Marsh instruction.
18 A The Governor, our office, published a
19 number of memos which made it clear that we had
20 problems with the maps that the legislature was
21 looking at and detailed those problems pretty
22 explicitly.
23 BY MS. FORD:
24 Q And during this period while the House and
25 Senate were putting out draft plans, I guess I'll

Page 22

1 call that maybe September of '21 through January,
2 did the Governor's team ever communicate to the
3 legislature that the Governor was not satisfied with
4 their proposals?
5 A Yes.
6 Q How did the Governor's team do that?
7 A We published a number of pretty explicit
8 detailed correspondence to that effect. Staff
9 meetings, yes.
10 Q So besides the sort of legal memos that
11 were published that became part of the -- the sort
12 of like record of the House and Senate, I'm asking
13 were there meetings between the House and Senate
14 during this time in the Governor's Office to sort of
15 talk about these issues that the Governor had?
16 A Again, what was the period? September to
17 January, is that what you said?
18 Q I'm trying to get at, you know, well
19 before the special session in the fall, in the early
20 winter, were there meetings between the House and
21 Senate and the Governor's Office for discussions?
22 A Could you be specific on the months?
23 Q Sure. Let's start with just the fall
24 through the beginning -- or through the end of the
25 year, so between, say, September of 2021 and

Page 23

1 December 31, 2021.
2 A No meetings.
3 Q Okay. Were there any meetings with the
4 House and Senate in January or February of 2022?
5 A Yes.
6 Q Okay. Can you tell me about those
7 meetings?
8 A There were meetings. What specifically --
9 tell you what?
10 Q Yeah. What was -- what was the purpose of
11 the meetings?
12 A To explain our office's concerns with the
13 maps.
14 Q Okay. And who was -- who attended those
15 meetings?
16 A I was in a meeting with Mat Bahl, Michelle
17 Davila, Mo, James Uthmeier. I think that was it.
18 Q Just for clarity of the record, who's Mat
19 Bahl?
20 A He's the chief of staff, or was the chief
21 of staff at the time for the Florida House of
22 Representatives.
23 Q Who is Michelle Davila?
24 A Michelle worked in the Speaker's office.
25 I believe her title was deputy chief of staff, but I

Page 24

1 may be slightly off about that. She had a role
2 similar to that.
3 Q So is this a meeting just with the House?
4 A Yes.
5 Q There were no representatives of the
6 Senate present?
7 A Correct.
8 Q Okay. And when did that meeting occur, to
9 the best of your knowledge?
10 A First week of January 2022.
11 Q Okay. Who set up that meeting?
12 A I'm not sure.
13 Q I guess what I was asking if you remember
14 is, did the Governor's Office initiate that meeting
15 to set it up with the House or did the House reach
16 out to the Governor's Office?
17 A I'm not sure.
18 Q Okay. And why did the Governor's Office
19 just meet with the House?
20 MR. JAZIL: I give you the Marsh
21 instruction, but to the extent you can answer,
22 answer.
23 A I don't know that there was a -- I don't
24 know that there was a why except that the House was
25 not as far along in their process. The Senate --

Page 25

1 Senate's proposed Congressional plan was just
2 further along in its committee process than the
3 House's was. I don't know that there was any other
4 reason beyond that.
5 BY MS. FORD:
6 Q Okay. So this January meeting with the
7 House, what was the purpose of this meeting?
8 A As I stated before, to express our
9 office's concerns with the maps the legislature was
10 considering, the Congressional maps.
11 Q And specifically what concerns were raised
12 in that January meeting with the House?
13 A Concerns over the legislature's violations
14 of the 14th Amendment, equal protection in their
15 maps, other concerns outlined in our memorandums,
16 but the same points that were outlined in our
17 various memorandum documents.
18 Q Was any district other than CD-5 discussed
19 in that meeting?
20 A Of course, the districts that touched CD-5
21 by implication. I don't recall there's any other
22 districts discussed in that meeting.
23 Q What did the Governor's Office ask the
24 House to do? What was the ask of the committee?
25 A To look at alternatives to what the House

Page 26

1 and Senate were considering for the Congressional
2 map.

3 Q Okay. And did the Governor's team bring
4 any draft maps for the House to consider at that
5 meeting?

6 A No.

7 Q Had it otherwise sent them any draft maps
8 to consider at that meeting?

9 A No.

10 Q Did the House make any requests of the
11 Governor's Office during that meeting?

12 A None that I recall.

13 Q Okay. So was the meeting just purely
14 educational just to inform the House of the
15 Governor's views on CD-5?

16 A I don't know if it was limited to CD-5 or
17 not. I really just don't remember. CD-5 was the
18 main part of the conversation, but I can't say one
19 way or another whether it was limited to just that
20 topic.

21 But, yes. It was, you know, not unlike
22 any other bill where one legislative chamber or the
23 Governor or however, if any one side of the
24 legislative process has a concern about somebody
25 else's bill, there's probably almost any bill,

Page 27

1 there's an initial sit-down of just explaining:
2 Here's our concerns. Here's our problems. Let's
3 collaborate and work together.

4 Q And did the Governor's Office bring any
5 sort of presentation or materials to that meeting?

6 A No.

7 Q Anything else that you remember occurring
8 at that meeting?

9 A No.

10 Q Okay. What was the outcome of that
11 meeting?

12 A I recall it just being a conversation
13 starter.

14 Q How did the House respond to the concerns
15 that the Governor was raising?

16 A At that meeting or --

17 Q At that meeting, yes.

18 A At that meeting? Listened, discussed.
19 The house staff there, Mat and Michelle, heard us
20 out, heard our concerns out, talked it through with
21 us.

22 Q Did they seem receptive to the Governor's
23 ideas about CD-5?

24 A They seemed open to the discussion.

25 Q Did the House agree in that meeting to

Page 28

1 draw new plans that would substantially redraw CD-5?

2 A No.

3 Q They did not?

4 A No.

5 Q Were there any other meetings that
6 occurred in the rest of January with the
7 legislature?

8 A Just on -- I mean, just the topic of
9 redistricting?

10 Q Yes. I'm sorry. I'm just asking about --

11 A Okay.

12 Q And I'm just asking about Congressional
13 redistricting.

14 A Okay. And I asked because --

15 Q I am sure.

16 A -- someone like myself would have been in
17 20 meetings on education, economic development, a
18 variety of things, let alone --
19 in January, none come to mind.

20 Q Okay. And when I say "meetings," I'd also
21 include discussions on that. So if the House and
22 the Governor's Office got on a conference call, I'm
23 also asking about that, not just about physical
24 meetings.

25 A Sure.

Page 29

1 Q Is your answer still the same? You don't
2 remember any that would have occurred in January?

3 A I know there was dialogue back and forth.
4 You know, I don't remember a specific meeting. I
5 know that there was continued dialogue.

6 Q What was the dialogue?

7 A Follow-up dialogue from the meeting.

8 Q Who was involved in that dialogue?

9 A I don't remember like a specific -- I just
10 know factually there was continued dialogue. I
11 don't have a specific -- you're asking about a
12 meeting. I don't know about a specific, like, point
13 in conversation.

14 Q Well, who was taking the lead for the
15 Governor's Office in this dialogue?

16 A I don't know that one person was taking
17 the lead in the dialogue with the legislature.

18 Q Okay. Well, who from the Governor's
19 Office was having continued discussions with the
20 legislature about this issue?

21 A Lawyers. Our lawyers, their lawyers were
22 talking to each other; their respective chiefs of
23 staff talking to each other. It would have been our
24 lawyers and respective chiefs.

25 Q Okay. When you say there was a continued

Page 30

1 dialogue, was this dialogue limited to CD-5?
2 A No.
3 Q Okay. What other issues were raised in
4 this?
5 A Concerns about the map as a whole, not
6 just CD-5. CD-5 was certainly what we were pretty
7 public about being a main concern, but the concerns
8 throughout the map, the map could be improved, or
9 maps the legislature was looking at could be
10 improved in a number of ways.
11 Q What specific improvements was the
12 Governor's Office talking about with the legislature
13 in January? And let's just include February, too.
14 A Sure. Sure. Somewhere in that point,
15 we -- somewhere in that juncture we submitted our
16 office's first map.
17 Q Right.
18 A That map may -- depending on how you want
19 to look at it -- the micro level detail -- hundreds
20 of changes throughout the map, changes through
21 almost every part of the state except for,
22 substantively, down in the Florida Panhandle, the
23 most western district of the state, didn't change
24 that much, if at all.
25 If it did, it was de minimis, but the

Page 31

1 proposal that we put forward made changes throughout
2 the entirety of the map. If you want to count that
3 from the census blocks, you're talking tens of
4 thousands. But to be reasonable here, we're talking
5 probably hundreds of changes throughout the map. We
6 published a map with changes.
7 Q Did the Governor's Office ever meet with
8 the Senate to discuss any of these issues? I'll
9 say, I know there was a special session that
10 occurred; maybe a week or two before special
11 session. I'm talking about prior to that.
12 Did the Governor's Office ever meet with
13 the Senate to discuss these issues?
14 A Yes.
15 Q Okay. Who attended that meeting?
16 Actually, let me back up. Was this one
17 meeting, or were there several meetings?
18 A Sure. I know that the legal teams had
19 multiple meetings and conversations.
20 Q Okay. Did you ever attend any meeting
21 with the Senate?
22 A Yes. Yes.
23 Q When would that have occurred?
24 A During session. Definitely during
25 session, February or March.

Page 32

1 Q Okay. And who attended that meeting?
2 A I was there. I remember Dan Nordby being
3 there. I know one of our legal team was there, but
4 I can't place who.
5 Q Okay. Was that -- that was just a meeting
6 with the Senate. There was no one there from the
7 House?
8 A Correct.
9 Q And what was the purpose of that meeting?
10 A We were discussing trying to understand
11 better some of the methodology for how the Senate
12 drew its maps.
13 Q Yesterday you spoke about how the Senate
14 really relied on roadways and sort of roadway
15 boundaries, interstate, stuff like that.
16 Is that what you mean by that?
17 A Yes. That's a great example, yes.
18 Q Okay. Was CD-5 discussed in that meeting?
19 A Not that I recall. I'm not sure if it was
20 or wasn't, but not that I recall specifically.
21 Q Did the Governor's Office make any
22 requests of the Senate in that meeting?
23 A Not that I recall.
24 Q And did the Senate make any requests of
25 the Governor's Office in that meeting?

Page 33

1 A Again, not that I recall.
2 Q Did the Governor's Office bring any sort
3 of physical materials or presentations to that
4 meeting?
5 A Yes.
6 Q What materials did the Governor's Office
7 bring?
8 A I believe we brought our most recent
9 published map.
10 Q Okay. Which would have either been 79 or
11 94 at the time?
12 A One of those two.
13 Q Okay. Was Adam Foltz at that meeting?
14 A No.
15 Q Was Adam Foltz at any of the meetings with
16 the House or Senate?
17 A No.
18 Q Did he ever join a call with the House or
19 Senate?
20 A No.
21 Q Actually, I think you interpreted it this
22 way, but for clarity of the record, when I say
23 "House," I mean House members, House staff, House
24 attorneys.
25 A I've interpreted it that way.

Page 34

1 Q Great.

2 Were any elected officials -- let me

3 clarify the question. House members and Senators

4 are elected officials.

5 Were there any other elected officials

6 that were at any of the meetings that the Governor's

7 Office had with the House and Senate?

8 A Other than those who were Representatives

9 and Senators?

10 Q Yes.

11 A Okay. No other elected officials.

12 Q Okay. And I think you said before there

13 were a couple Senate meetings that occurred before

14 the special session?

15 A There were a couple meetings with the

16 Senate before the special session, yes.

17 Q Okay. And to be clear, I am still talking

18 prior to that meeting that I believe you had with

19 the Senate, in which you discussed what would go on

20 to be the final map.

21 A Oh, okay.

22 Q Which we'll get to in a little bit.

23 A There was one meeting that I was in, the

24 one I just referenced.

25 Q You had no other meetings with the Senate?

Page 35

1 A Again, just to establish time frame, you

2 mean before the special session was the question?

3 So before the end of the regular session?

4 Q Yeah, before the end of the regular

5 session.

6 A Sure, sure. One meeting that I was

7 personally in with the Senate.

8 Q Okay. During this time frame, was the

9 Governor's Office continuing to ask the Senate to

10 draw a revised version of CD-5?

11 A Yes. And pretty publicly we submitted

12 two alternative maps and asked both chambers of the

13 legislature to consider numerous changes throughout

14 the maps.

15 Q What was the Senate's response?

16 A The Senate provided that feedback

17 regarding their line drawing process. The Senate

18 agreed with the feedback that the House had given

19 separately regarding the use of census-designated

20 places.

21 I posed that question, is that something

22 they agreed with? They said, yes, that they did not

23 factor in unincorporated census-designated places,

24 either. Those examples come to mind.

25 Q Before the end of the special session, did

Page 36

1 the House and Senate express to the Governor's

2 Office why they would not redraw CD-5 in the way

3 that the Governor's Office preferred?

4 A You said before the end of the special

5 session?

6 Q Yeah.

7 A Before the end --

8 Q I'm sorry. Before the end of regular

9 session.

10 A Did they express why they would not draw

11 CD-5 in the way that our office had proposed?

12 Q Yes.

13 A They gave pretty specific testimony in

14 committee and on the floor, those were probably the

15 clearest statements that the House and Senate made.

16 Their floor testimony was way more direct than

17 anything -- anything ever said to us in a meeting.

18 Q Did they -- did the House or Senate

19 express to you -- the Governor's Office is what I

20 mean -- in meetings that they thought that the

21 Governor's plan violated the Fair District

22 Amendments?

23 A They never said that so directly.

24 Q What did they say if they didn't say it

25 directly?

Page 37

1 A They said they would listen to us, they'd

2 hear our concerns, they -- sort of the usual thing

3 the House and Senate do in the legislative process

4 where they posture and say, "Well, we're this far in

5 the process," and I don't know if, you know, they --

6 they kind of do that, frankly, on a lot of bills.

7 At the end of the day, the maps are

8 available. They do that in a lot of bills, "Well,

9 we're this far in the process, I don't know," which

10 is not really direct or helpful feedback, it's just

11 posturing because of the process.

12 A lot of process-oriented comments. Their

13 comments on the -- on the actual floor and committee

14 process were very -- way more direct.

15 Q I remember at one point in this process

16 during the special session Governor DeSantis tweeted

17 out that he -- that the bill retaining CD-5 was sort

18 of DOA, dead on arrival. I don't have that exhibit.

19 I just remember it happening.

20 Is that something the Governor's Office

21 expressed to the House and Senate in meetings, that

22 he would veto a bill that retained sort of an

23 equivalent Benchmark CD-5 District?

24 MR. JAZIL: I'm sorry, are we talking

25 about meetings before the regular session or

Page 38

1 during the regular session?

2 MS. FORD: I'm talking about meetings up

3 through the end of the regular session, or

4 discussions.

5 A I know that message was conveyed. I don't

6 know if it was in a face-to-face meeting. I know

7 that message was conveyed, though.

8 BY MS. FORD:

9 Q It was conveyed outside the tweet?

10 A Yes.

11 Q Okay. And what was the House and Senate's

12 response?

13 A Regarding that conveyance that such a plan

14 would get vetoed?

15 Q Yes.

16 A I don't know that the Senate had a

17 particular response. I remember the House being

18 upset.

19 Q What did the House -- can you be more

20 specific about the House's response?

21 A I don't remember a specific comment. I

22 just -- I remember the House being upset. I don't

23 recall a specific comment.

24 Q Okay. Let me see if I have any more

25 questions on this.

Page 39

1 Were there any more meetings or

2 discussions that the Governor's Office had with the

3 legislature between, let's just say the start of the

4 redistricting cycle and the end of the regular

5 session, related to Congressional redistricting that

6 we haven't talked about?

7 A No.

8 Q Okay. Let's go back to this ProPublica

9 article that we just had.

10 A Sure.

11 Q On page 2 -- I'm actually going to be --

12 I'll just -- on page 2, the article reports that on

13 January 5, 2022, the Governor's team participated in

14 a Florida redistricting kickoff call with some

15 out-of-state folks.

16 Feel free to read through that while I --

17 A Where is it? I'm sorry.

18 Q Yeah, I'll grab it.

19 Do you see the -- maybe like the third,

20 fourth paragraph down, "A meeting invite obtained by

21 ProPublica"?

22 A I see it.

23 Q Yeah. If you want to just, like, read

24 that paragraph.

25 A Okay.

Page 40

1 (Exhibit 32 was marked for

2 identification.)

3 BY MS. FORD:

4 Q So this is just the actual public record

5 that ProPublica's referencing. So this is --

6 Exhibit 32 is an e-mail titled "Florida

7 Redistricting Kickoff Call."

8 It looks like it was originally from

9 Mr. Jazil and then ultimately sent to chief of staff

10 Mr. Uthmeier and then forwarded to Chris Spencer;

11 yourself, Alex Kelly; Jason Torchinsky; and

12 tom@bryangeodemo.com, which I believe to be Thomas

13 Bryan.

14 Does that sound correct to you?

15 A Yes.

16 Q Okay. Can you please tell me what this

17 meeting was?

18 MR. JAZIL: I'm going to give you the

19 Marsh instruction.

20 A It's only internal conversations. I

21 wouldn't have a way to answer that, so I'm going to

22 follow the advice of counsel.

23 MS. FORD: Mo, my understanding of the

24 Marsh order, he says that Mr. Kelly can be

25 asked about -- he can be questioned about

Page 41

1 anything that's a matter of public record.

2 And at that point, we have an article

3 describing the meeting, we have a public record

4 showing that the meeting took place, so I think

5 it's fair game to ask questions about this

6 meeting.

7 MR. JAZIL: I think the fact that the

8 meeting took place is a matter public record,

9 but I think discussions about what happened at

10 the meeting, what was discussed internally

11 between lawyers at the Governor's Office,

12 lawyers working for the Governor's Office and

13 Governor's staff, is protected by the

14 legislative privilege.

15 It's also protected by the attorney-client

16 privilege, but the Marsh instruction is the

17 legislative privilege-based instruction, so

18 I'll still direct him not to answer.

19 BY MS. FORD:

20 Q Mr. Kelly, at this point in time, did

21 Thomas Bryan have a consulting contract with the

22 Governor's Office?

23 A I don't know when his contract was signed.

24 Q Do you have -- can you provide an estimate

25 for us of when he started working for the Governor's

Page 42

1 Office?
2 A At some point in January.
3 Q Okay. Can you say it was prior to this
4 meeting that he was ...
5 A The answer I've given is that I don't
6 know.
7 Q Okay. I would like to clarify who some of
8 the individuals are on this e-mail. So Mr. Jazil is
9 right next to you. He's outside counsel to the
10 Governor, correct?
11 A Yes.
12 Q And Mr. Torchinsky is also outside counsel
13 to the Governor's Office?
14 A Yes.
15 Q Who's Chris Spencer?
16 A Chris is the director of the Governor's
17 Office of policy and budget.
18 Q And did he play a role in the
19 redistricting process?
20 MR. JAZIL: I'm going to give you the
21 Marsh instruction.
22 A I follow the advice of counsel. I'd have
23 to talk about internal conversations to answer the
24 question.
25

Page 43

1 BY MS. FORD:
2 Q Was Mr. Foltz at this meeting?
3 A Clearly he wasn't on the invite. I don't
4 recall if he was on the call, but clearly he wasn't
5 on the invite.
6 Q When was Mr. Foltz engaged by your office
7 to be a consultant or a contract map-drawer?
8 A January.
9 Q Was it prior to or after this meeting?
10 A I'm not sure.
11 Q Can you explain to me -- the title of this
12 is "Kickoff Call." What exactly was being kicked
13 off?
14 MR. JAZIL: I'm going to give you the
15 Marsh instruction.
16 A I could only answer that by talking about
17 internal conversations, so I'm going to follow the
18 advice of counsel.
19 BY MS. FORD:
20 Q Did any individual -- were there any
21 individuals ultimately on this call who were not
22 part of the Governor's Office or one of the
23 Governor's outside legal counsel?
24 A No.
25 Q Do you remember anyone attending this call

Page 44

1 who's not on this invite list?
2 A I don't recall any other participants on
3 the call.
4 Q All right. So you said that Mr. Foltz and
5 Mr. Bryan you believe were engaged in January?
6 A Yes.
7 Q But you just don't remember exactly when?
8 A Correct.
9 Q Okay. Other than Mr. Bryan and Mr. Foltz,
10 did the Governor's Office engage anyone else to work
11 as a consultant on redistricting?
12 MR. JAZIL: I'm going to give you the
13 Marsh instruction. To the extent that the
14 information's public, you can answer.
15 A I believe Mr. Torchinsky had a role as
16 consultant or counsel somehow, the legal team here.
17 BY MS. FORD:
18 Q What was Mr. Torchinsky's role?
19 A What was his specific role? I don't know.
20 Q What was his general role?
21 A I think the same as any of our counsel.
22 Q Did he -- actually, let me go back before
23 we get too far deep into the lawyers.
24 I believe I asked you this yesterday, but
25 I apologize, I don't remember your answer. Do you

Page 45

1 know who Eric Wienckowski is?
2 A No.
3 Q Okay.
4 MS. FORD: Can we pull up this one?
5 (Exhibit 33 was marked for
6 identification.)
7 BY MS. FORD:
8 Q Exhibit 33 is an e-mail chain that was
9 produced to us by your office from January 18, 2022.
10 A Okay.
11 Q Obviously some of this is redacted here.
12 A Sure.
13 Q The chain starts with Adam Foltz, then it
14 goes to Eric Wienckowski -- I'm sorry if I'm
15 pronouncing that incorrectly -- and eventually
16 Mr. Wienckowski is on a chain with Mr. Foltz,
17 Mr. Torchinsky, and Mr. Bryan. And the subject is
18 "New Florida Request," and there's some sort of plan
19 analysis occurring here.
20 Does this ring any bells for you? Do you
21 still have no memory of Mr. Wienckowski?
22 A I don't remember Mr. Wienckowski.
23 Q Okay. Do you know if Mr. Foltz had any
24 subcontractors working for him?
25 A No.

Page 46

1 Q Sorry, that was a bad question.
2 Just for clarity of the record, did
3 Mr. Foltz have any subcontractors working for him?
4 A I don't know.
5 Q You don't know. Okay.
6 And did Mr. Bryan have any subcontractors
7 working for him?
8 A I don't know.
9 Q Okay. I assume Adam Foltz would know the
10 answer to that question?
11 A I would assume.
12 Q And that Mr. Bryan would know the answer
13 to that question?
14 A I would hope they would both know if they
15 had subcontractors.
16 Q Okay. So I assume you're not able to
17 provide information on what Mr. Wienckowski, what
18 his role was in this process?
19 A Correct.
20 Q You can set this aside.
21 At the time of this January 5 meeting, had
22 the Governor's Office already drawn any
23 redistricting plans?
24 MR. JAZIL: I give you the Marsh
25 instruction.

Page 47

1 A No.
2 BY MS. FORD:
3 Q When did the Governor's Office start
4 drawing redistricting plans?
5 MR. JAZIL: I give you the Marsh
6 instruction again, but to the extent you
7 discussed it.
8 A Sure. Sure. Sure.
9 Shortly before the first plan was
10 submitted by our office. I don't -- you might have
11 the exact date in front of you.
12 BY MS. FORD:
13 Q I don't.
14 A I don't have it. But it's sometime before
15 that.
16 Q Okay. At that point in time, was Adam
17 Foltz the only person drawing plans for the
18 Governor's Office?
19 A Yes.
20 Q So we talked about how the Governor had
21 some outside counsel who were assisting on
22 redistricting. We talked about Mr. Jazil,
23 Mr. Torchinsky.
24 Were there any other outside counsel that
25 the Governor had engaged to work on redistricting?

Page 48

1 A I think you asked the exact same question
2 about three times now. We kind of talked through
3 each person's name. So we can go back to the
4 record. We really talked about every one of them
5 already.
6 Q I'm just asking about outside counsel. I
7 assume it's not a very big group. Was there anyone
8 other than Mr. Jazil and Mr. Torchinsky that you
9 remember assisting the Governor's Office?
10 MR. JAZIL: I give you the Marsh
11 instruction. To the extent that the names of
12 outside lawyers are public -- in the public
13 record --
14 A Asked and answered. Same exact question
15 earlier.
16 BY MS. FORD:
17 Q Okay. Can you describe Mr. Torchinsky's
18 role in assisting the Governor's Office on
19 redistricting?
20 MR. JAZIL: I'm going to give you the
21 Marsh instruction. He's also answered the
22 question. He's a lawyer.
23 But to the extent you can answer further
24 based on those strictures of the Marsh
25 instruction, you can.

Page 49

1 A And you said assisting the office in?
2 BY MS. FORD:
3 Q In -- with Congressional redistricting.
4 A He was part of the counsel for the office.
5 Q Did Mr. Torchinsky review draft plans that
6 the Governor's Office had drawn up?
7 MR. JAZIL: I'm going to give you the
8 Marsh instruction. To the extent that you
9 discussed this publicly, you can, or discussed
10 it with the legislature or otherwise, you can
11 share the information.
12 A I remember a couple e-mails where he was
13 on them, a draft plan. So I remember him -- I
14 remember him being on the e-mails a couple times.
15 So I'm assuming that he was on those e-mails. He
16 would have reviewed the plans.
17 MR. JAZIL: And to be clear, he was on the
18 e-mails. They're a part of the public records.
19 We're not waiving privilege or anything.
20 THE WITNESS: Yes.
21 BY MS. FORD:
22 Q Did Mr. Torchinsky ever himself draw any
23 part of redistricting plans for the Governor's
24 Office?
25 A No.

Page 50

1 Q Did Mr. Torchinsky make any
2 recommendations to the Governor's Office as to what
3 plans should be put forward?
4 MR. JAZIL: I'm going to make the Marsh
5 instruction, also attorney-client privilege; to
6 the extent that Mr. Torchinsky was talking
7 about redistricting or advice related to
8 redistricting, that would be protected, so
9 Marsh and attorney-client.
10 So I am going to direct you not to answer.
11 A I'm going to follow my attorney's
12 guidance.
13 BY MS. FORD:
14 Q For clarity of the question, I'm not
15 asking you specifically what Mr. Torchinsky's
16 recommendation was, the substantive content of it.
17 I'm just asking if Mr. Torchinsky made a
18 recommendation to the Governor's Office of what plan
19 should be put forward?
20 MR. JAZIL: That part is covered by the
21 Marsh instruction, so I'm going to ask you not
22 to answer.
23 A Again, I'm going to follow my counsel's
24 guidance.
25

Page 51

1 BY MS. FORD:
2 Q In the public article that we just set
3 aside, you can go back to it if you like, but I can
4 also just --
5 A Sure.
6 Q -- summarize it for you.
7 It mentions that at the same time that
8 Mr. Torchinsky was advising the Governor's Office on
9 redistricting plans, he was also serving as general
10 counsel and senior adviser to the National
11 Republican Redistricting Trust.
12 Was the Governor's office aware that
13 Mr. Torchinsky was simultaneously advising the
14 National Republican Redistricting Trust at the same
15 time he was advising the Governor's Office in
16 redistricting?
17 MR. JAZIL: I'm going to give you the
18 Marsh instruction.
19 To the extent you can answer, answer.
20 A I am going to follow the guidance of
21 counsel.
22 BY MS. FORD:
23 Q Did Mr. Torchinsky disclose this to the
24 Governor's Office?
25 MR. JAZIL: Object to form. And I'm going

Page 52

1 to give you the Marsh instruction.
2 A I am going to follow the guidance of
3 counsel.
4 BY MS. FORD:
5 Q Can you describe Tom Bryan's role in
6 assisting the Governor's Officer on redistricting?
7 MR. JAZIL: I'm going to give you the
8 Marsh instruction.
9 But to the extent that you touched on some
10 of this yesterday, you can answer the question
11 again.
12 A Yeah. I recall Tom would provide
13 statistics on the CVAP, the citizens voting age
14 population data, which was not produced by the
15 legislature's application.
16 BY MS. FORD:
17 Q And was Mr. Bryan's contract -- or in
18 his -- was he -- do you consider him a consultant?
19 What word would you like me to use here?
20 A Consultant is fine.
21 Q Consultant?
22 A Uh-huh.
23 Q Was his contract specifically with the
24 Governor's Office?
25 A I believe the contract was with the

Page 53

1 Secretary of State's Office on behalf of the
2 Governor's Office.
3 Q Okay. I guess what I am getting at, was
4 there a contract with --
5 A I should say, I don't know if he was a
6 subcontractor of someone else.
7 Q That was what I was about to ask you.
8 A Yeah. That, I don't know.
9 Q Did Mr. Bryan review draft plans that the
10 Governor's Office had drawn up?
11 A Yes. He provided data based on CVAP data
12 based on reviewing them.
13 Q But he had the Shapefiles to run the
14 analysis, I assume?
15 A Yes.
16 Q Did Mr. Bryan himself ever draw any part
17 of redistricting plans for the Governor's Office?
18 A No.
19 Q And did Mr. Bryan make any recommendations
20 to the Governor's Office as to what plans should be
21 put forward?
22 A None.
23 Q And other than sort of gathering CVAP data
24 and providing analysis to you all, did he serve in
25 any other role related to redistricting?

Page 54

1 A None I'm aware of, no.

2 Q What role did the Governor himself play in
3 the redistricting process?

4 MR. JAZIL: I give you the Marsh
5 instruction, but to the extent the Governor's
6 perspective is clear, you can answer that.

7 A The Governor, through our office and
8 himself personally, very publicly stated his
9 thoughts on the redistricting process.

10 BY MS. FORD:

11 Q Did the Governor review draft plans that
12 were being drawn up by you and Mr. Foltz?

13 MR. JAZIL: I give you the Marsh
14 instruction. I direct you not to answer unless
15 you've already discussed this with third
16 parties.

17 A Well, he obviously signed the Enacted
18 Plan, so he reviewed the Enacted Plan.

19 BY MS. FORD:

20 Q Did he review any other draft that you and
21 Mr. Foltz had drawn up?

22 MR. JAZIL: Same instruction.

23 A I have to get into internal office
24 conversations to answer that, so I'm going to follow
25 the guidance of counsel.

Page 55

1 MS. FORD: Mr. Kelly, would you like to
2 take a break, or would you like to jump into
3 the next set of questions?

4 THE WITNESS: Another coffee would be
5 great.

6 (A recess took place from 10:10 a.m. to
7 10:20 a.m.)

8 BY MS. FORD:

9 Q Okay, Mr. Kelly. So I believe you
10 testified just a few minutes ago that you believe
11 that Mr. Foltz was engaged as a consultant in
12 January?

13 A Yes.

14 Q Whose idea was it to hire Mr. Foltz?

15 MR. JAZIL: I give you the Marsh
16 instruction.

17 A The only way I could answer that would be
18 to talk about internal conversations. I'm going to
19 follow the guidance of counsel.

20 BY MS. FORD:

21 Q To your knowledge, was there like an
22 official engagement letter with Mr. Foltz?

23 MR. JAZIL: I'm going to give you the
24 Marsh instruction, too.

25 A I don't know.

Page 56

1 BY MS. FORD:

2 Q Okay. Can you describe at a high level
3 what he was engaged to do?

4 MR. JAZIL: To the extent you already
5 talked about it to the legislature, feel free
6 to answer.

7 A Map drawing.

8 BY MS. FORD:

9 Q What instructions was Mr. Foltz given in
10 regards to map drawing?

11 MR. JAZIL: I'm going to give you the
12 Marsh instruction, but I do believe you
13 discussed some of this with the legislature,
14 so --

15 A Sure. Yeah.

16 Adam was given instruction to not consider
17 any partisan data in his map drawing, to use
18 traditional redistricting criteria, draw compact
19 districts that followed political geographical
20 boundary lines, cities, counties.

21 BY MS. FORD:

22 Q Was he given any other instructions?

23 MR. JAZIL: I'm going to give you the
24 Marsh instruction, but to the extent that you
25 discussed this with the legislature, you can

Page 57

1 answer.

2 A No. It tracks my presentations to the
3 House and the Senate.

4 BY MS. FORD:

5 Q Was Mr. Foltz asked to start with any
6 particular plan as his baseline plan?

7 MR. JAZIL: I'm going to give you the
8 Marsh instruction, but to the extent you talked
9 about it, you can answer.

10 A I know that at some point publicly -- at
11 some point publicly when we -- when our office
12 submitted its first map, I know there was some -- I
13 know we had some statement to the effect we worked
14 of -- or Adam worked off of the maps that the
15 legislature was considering at the time.

16 BY MS. FORD:

17 Q And do you remember what map that would
18 have been?

19 A Maps, plural.

20 Q Several maps?

21 A Yeah, the legislature looked at several
22 different maps.

23 Q Did the Governor's Office consider hiring
24 anyone else instead of Mr. Foltz to be the contract
25 map-drawer?

Page 58

1 MR. JAZIL: I give you the Marsh
2 instruction.
3 A I'd have to talk about internal
4 conversations. I'll follow the guidance of counsel.
5 BY MS. FORD:
6 Q Okay. Separately from that, did the
7 Governor's Office, in fact, reach out to anyone
8 other than Mr. Foltz to see if they would be
9 interested in serving as a contract map-drawer for
10 the Governor's Office?
11 MR. JAZIL: I'm going to give you the
12 Marsh instruction again.
13 A I'm going to --
14 MS. FORD: Mr. Jazil, I've asked if the
15 Governor's Office had contact with a third
16 party, who obviously didn't end up joining the
17 Governor's Office, so I don't think that could
18 fall under the Marsh order, it's contact with a
19 third party.
20 MR. JAZIL: To the extent you know, you
21 can answer.
22 A I don't know.
23 BY MS. FORD:
24 Q So I think we've established through all
25 of yesterday's testimony that you knew how to draw

Page 59

1 **redistricting plans yourself, right?**
2 A Yes.
3 Q **Why didn't you just draw the plans from**
4 **the beginning?**
5 MR. JAZIL: I'm going to give you the
6 Marsh instruction.
7 A I talked publicly in my presentations
8 about -- that my role early was just to provide some
9 guidance and consultation for the process because I
10 was familiar with the process.
11 BY MS. FORD:
12 Q **Sure. But why didn't you -- are you**
13 **declining to answer the rest of that question based**
14 **on the advice of counsel?**
15 A I actually just completely answered your
16 question.
17 Q **Okay. Well, I guess my question was, and**
18 **maybe I didn't ask it well, is you obviously knew**
19 **how to draw maps, and so why did the Governor's**
20 **Office outsource this to a contractor rather than**
21 **use someone who was in-house and obviously knew how**
22 **to do it?**
23 MR. JAZIL: I'm going to give you the same
24 Marsh instruction.
25 A So you're asking the question -- you're

Page 60

1 sort of asking the negative -- flipping the
2 question, you're saying why did the Governor's
3 Office choose to contract with someone? Or
4 outsource -- I think "outsource" was the word you
5 used?
6 BY MS. FORD:
7 Q **Yeah. Rather than have you do it since**
8 **you knew how to do it?**
9 MR. JAZIL: That Marsh instruction is
10 still there.
11 A I'd have to get into internal office
12 conversations, so I'm going to follow the guidance
13 of counsel.
14 BY MS. FORD:
15 Q **Okay. Mr. Kelly, you don't need to look**
16 **at Mr. Jazil after every single question.**
17 A I'll look at him if I want to.
18 Q **Okay.**
19 A Thank you.
20 Q **Mr. Kelly, in general -- like I have been**
21 **letting it go a little bit, but there's like a**
22 **little bit of coaching going -- involved in you**
23 **looking at him every single question to get his,**
24 **like, general feedback to how he feels about the**
25 **question. You're giving him time to --**

Page 61

1 MR. JAZIL: Counsel, I disagree with the
2 characterization that there's coaching going
3 on.
4 I think he's looking at me to see if I'm
5 going to object based on the Marsh instruction,
6 which I think is fair because he's giving me
7 time to listen to the question and object. So
8 I just disagree that there's coaching going on.
9 There are no -- just so the record's
10 clear, there is no hand signals, there's no
11 verbal ticks, there's no hand gestures --
12 MS. FORD: And I'm not suggesting that
13 there is.
14 BY MS. FORD:
15 Q **I'm just suggesting every time you just --**
16 **you look directly to Mr. Jazil to get his feedback**
17 **about how he feels about the question, so I'm**
18 **just -- and I realize there's a lot of privileged**
19 **material here, but I'm just saying if Mr. Jazil is**
20 **not objecting, you need to answer the question. If**
21 **he's not objecting on the basis of privilege, you**
22 **need to answer the question.**
23 A I well understand that. I'll look at him
24 if I want to.
25 Q **Okay. At the time that Mr. Foltz was**

Page 62

1 hired, was the Governor's Office aware that
2 Mr. Foltz had previously drawn redistricting plans
3 for the Wisconsin legislature in the 2010 cycle?
4 MR. JAZIL: I'll give you the Marsh
5 instruction again.
6 THE WITNESS: Yes.
7 A I'm sorry, what cycle did you say?
8 BY MS. FORD:
9 Q That he had drawn redistricting plans for
10 the Wisconsin legislature in the 2010 cycle?
11 A We're aware that he had drawn plans for
12 the Wisconsin legislature. I don't remember the
13 particular cycle.
14 Q And when did the Governor's Office become
15 aware of this? Let me rephrase my question. Was
16 the Governor's Office aware of this at the time that
17 they hired Mr. Foltz?
18 A Yes.
19 Q Were you or anyone at the Governor's
20 Office aware that the plans that Mr. Foltz drew were
21 found by a federal court to be one of the most
22 aggressive partisan gerrymanders in the country?
23 MR. JAZIL: I'm going to object to form,
24 and I'll give you the Marsh instruction.
25 A I'm going to follow the guidance of

Page 63

1 counsel here. I'd have to talk about the internal
2 office conversations.
3 BY MS. FORD:
4 Q Well, I'll rephrase my question.
5 Were you aware -- I'm not asking about
6 conversations, but were you aware while you were
7 working with Mr. Foltz that a federal court had
8 found one of his plans to be an aggressive partisan
9 gerrymander?
10 A No.
11 Q Were you aware that a federal court had
12 found that Mr. Foltz regularly evaluated his draft
13 plans on the basis of how likely they would be to
14 elect Republicans when he was working in Wisconsin?
15 A No.
16 Q Was anyone at the Governor's Office aware
17 of that, to your knowledge?
18 A I don't know.
19 Q Were you or anyone in the Governor's
20 Office aware that a federal court had found that
21 Mr. Foltz's map in Wisconsin improperly diluted the
22 votes of minority voters?
23 MR. JAZIL: Let me give you the Marsh
24 instruction. I'll go back to the objection
25 that I made at the beginning of this deposition

Page 64

1 on the corporate rep nature.
2 But to the extent you can answer, you can
3 answer.
4 A I was not aware.
5 BY MS. FORD:
6 Q Did Mr. Foltz's history in Wisconsin give
7 you pause before hiring him in light of Florida's
8 fair redistrict amendments?
9 MR. JAZIL: I'll give you the Marsh
10 instruction.
11 To the extent you can answer, you can
12 answer.
13 A I just said I wasn't aware of these -- of
14 the specific details about his history in Wisconsin
15 that you mentioned.
16 BY MS. FORD:
17 Q And when you were working with Mr. Foltz,
18 were you aware that he had drawn redistricting plans
19 for Texas in the 2020 cycle?
20 A I was aware that he had drawn plans for
21 Texas. The specific cycle -- I testified that he
22 was -- that I was aware that he was actually drawing
23 plans for Texas at the time I was testifying. So I
24 guess that probably would be considered the '20 to
25 '22 cycle. I'm not sure how they refer to it in

Page 65

1 Texas.
2 (Exhibit 34 was marked for
3 identification.)
4 BY MS. FORD:
5 Q Mr. Kelly, this is Exhibit 34. It is a
6 printout from the -- I think this is the Princeton
7 Gerrymandering Project which gave Texas's final
8 Congressional plan a partisan grade of F.
9 And my question is simply whether you or
10 anyone at the Governor's Office was aware that
11 Mr. Foltz's Congressional plan had received a grade
12 of F for partisan fairness by this institution?
13 MR. JAZIL: I'm going to give you the
14 Marsh instruction.
15 But you can answer if you can.
16 A Did he draw this plan?
17 BY MS. FORD:
18 Q To my knowledge, he did.
19 A I know literally nothing about the details
20 of the Texas redistricting plan whatsoever.
21 Q Okay. So you were not aware that Texas'
22 Congressional plans got this sort of feedback?
23 A I just literally said I was aware of no
24 details about the Texas redistricting plan. I
25 worked in Florida, don't know anything about their

Page 66

1 redistricting plan.

2 Q Okay. Did the Governor's Office receive

3 any feedback from the legislature or anyone outside

4 the Governor's Office that hiring Mr. Foltz was a

5 bad idea?

6 A From the legislature or anyone outside the

7 Governor's Office?

8 Q I presume Mr. Jazil is going to object on

9 the basis of privilege if I ask if anyone in the

10 Governor's Office opposed the idea of hiring Adam

11 Foltz. So I'm asking you -- trying to better my

12 question to avoid the privilege objection.

13 Did the Governor's Office receive any

14 feedback from the legislature or any third party,

15 for that matter, that hiring Mr. Foltz was a bad

16 idea?

17 A Not that I am aware of.

18 Q Did the Governor's Office receive any

19 feedback at all from the legislature, any third

20 party, about the Governor's Office's decision

21 working with Mr. Foltz?

22 A Not that I'm aware of.

23 Q Had you met Mr. Foltz before he came into

24 this role?

25 A No.

Page 67

1 Q This is the first time you worked with

2 him?

3 A Yes.

4 Q Had anyone on the Governor's team met or

5 worked with Mr. Foltz before he came on as a

6 consultant in Florida?

7 A I don't know.

8 Q So you said before that Mr. Foltz was

9 engaged to do mapmaking, right?

10 A Yes.

11 Q Did he do anything else?

12 A No.

13 Q Okay. Let's go back to Exhibit 31 which

14 was the ProPublica article, and go to page 8 which,

15 I apologize, is not marked.

16 A Is it the page that begins at the top with

17 the ^^^[indiscernible].

18 Q Yeah. I think that's it. Just give me

19 one second.

20 Below this chart here in the fifth

21 paragraph, "A week after the kick-off meeting," do

22 you see that sentence?

23 A Sure.

24 Q Okay. I'll just read it for the record.

25 "A week after the kick-off meeting, Torchinsky

Page 68

1 scheduled a Zoom call between Kelly, Bryan, and a

2 second consultant, Adam Foltz.

3 Did that meeting, in fact, take place?

4 A So the second week of January, that sounds

5 right.

6 Q Was that the first meeting that the

7 Governor's team had with Mr. Foltz?

8 A I'm not sure.

9 Q What was the purpose of that meeting?

10 MR. JAZIL: I'm going to give you the

11 Marsh instruction, but you can answer to the

12 extent --

13 A Purely internal conversations. I'm going

14 to follow the guidance of counsel.

15 BY MS. FORD:

16 Q Okay. And did anyone else attend that

17 meeting other than who is listed here:

18 Mr. Torchinsky, yourself, Mr. Bryan, and Mr. Foltz?

19 A If it's the meeting I am thinking of, I

20 believe Mo was part of that meeting as well.

21 Q Anyone outside the Governor's Office?

22 A No.

23 Q Did you ever have any meetings with

24 Mr. Foltz where there was someone outside of the

25 Governor's Office present?

Page 69

1 A No.

2 Q So you said in the beginning of the

3 process only Mr. Foltz was drawing redistricting

4 plans, and I believe you told the legislature at the

5 special session, at least, that some point you began

6 working with Mr. Foltz; and by the time of plan, at

7 least 94, you were working with him.

8 How did you work with Mr. Foltz?

9 MR. JAZIL: I am going to give you the

10 Marsh instruction. To the extent you can

11 answer, you can.

12 A I talked in the meetings about

13 collaborating with Adam on that second plan that the

14 Governor's Office submitted.

15 BY MS. FORD:

16 Q My question is just, like, what does the

17 word "collaborate" mean? Did Adam draw Plan 94, and

18 you sort of provided feedback? Did you primarily

19 draw 94, and he provided feedback? What was the

20 process like?

21 A We were both map-drawers for Plan 94.

22 Q Okay. And when the Governor's office

23 received draft plans from Mr. Foltz, did they

24 typically come with analysis or data?

25 MR. JAZIL: I am going to give you the

Page 70

1 Marsh instruction, but you can answer to the
2 extent that --
3 A Sure. Sure.
4 Typically, when we received -- our office
5 received a plan from Adam, there was often data and
6 the visual map files themselves sent with the plan.
7 BY MS. FORD:
8 Q Okay. And did you typically review the
9 analysis and the data that would be sent along with
10 the plans?
11 A Yes.
12 (Exhibit 35 was marked for
13 identification.)
14 BY MS. FORD:
15 Q Mr. Kelly, this is Exhibit 35. It is an
16 e-mail that was produced by the Governor's Office in
17 this litigation. It's an e-mail chain including
18 Mr. Foltz, Mr. Jazil, and other members of the
19 Governor's team that we discussed yesterday. It's
20 dated January 14, 2022.
21 If you scroll to the second page, you'll
22 see that Mr. Foltz appears to be sending draft maps
23 to Mr. Jazil who then passes them along to the
24 Governor's Office.
25 Was Mr. Foltz instructed to send all his

Page 71

1 drafts through outside counsel?
2 MR. JAZIL: I'm going to direct you not to
3 answer that based on the Marsh instruction.
4 A I'd have to get into internal office
5 conversations to answer the question, so I'm going
6 to follow the guidance of counsel, but I would
7 assume you have a large amount of e-mail records
8 that would answer your question.
9 BY MS. FORD:
10 Q And you can see here from the attachment
11 if you look at the very top of this page, there's
12 the attachment called 005A, which I believe to be a
13 draft that Mr. Foltz had drawn.
14 Did the Governor's staff meet directly
15 with Mr. Foltz after this to review his draft plans?
16 MR. JAZIL: I give you the Marsh
17 instruction, but to the extent you can answer,
18 you can.
19 A I'd have to talk about internal office
20 conversation to answer the question. I'm going to
21 follow the guidance of counsel.
22 MS. FORD: So we don't waste a lot of
23 time, I just -- for the record, if I were to
24 ask questions about who at EOG provided
25 feedback on the plans, what that feedback was,

Page 72

1 would you object to all of those on the basis
2 of the Marsh instruction?
3 MR. JAZIL: I'd object to what the
4 feedback was, the who provided the feedback.
5 If you have specific e-mails that Judge
6 Marsh said should be released or that were
7 already released as part of the public records
8 request, I think that'd be a little different
9 because that kind of answers the question
10 already of who.
11 If you just want him to essentially put on
12 the record or authenticate for purposes of
13 trial the correspondence, just to confirm,
14 that'd be okay.
15 MS. FORD: Okay. Sounds good. We might
16 get to a couple of those.
17 I'll tell you. There were many e-mails
18 courting plans. I promise I intend to only ask
19 about a couple.
20 (Exhibit 36 was marked for
21 identification.)
22 BY MS. FORD:
23 Q Mr. Kelly, this is Exhibit 36. It is a --
24 this is produced by your office. It's an e-mail
25 chain between Mr. Jazil, yourself, Mr. Newman,

Page 73

1 Mr. Pratt, Mr. Meros. All of them were with the
2 Governor's Office.
3 The subject line of this is "Files for
4 Submission." And it was the same -- I'll just
5 represent that was the same day that Mr. Foltz's
6 first plan was submitted to the legislature,
7 Plan 79.
8 So I'm just looking for confirmation here
9 that when Mr. Jazil is sending files for submission,
10 that's what this e-mail is. He's sending you all
11 the files that should be submitted to the
12 legislature through the portal.
13 A I can't tell based on this if that's what
14 that was. If you look, the attachment, it's an
15 XLSX. It's an Excel file.
16 Q Uh-huh. Would that be helpful?
17 A Plan formats wouldn't be in an Excel file.
18 Q Oh, I see what you mean.
19 A It would in, like, a SHC file or THC.
20 A Could be a TXT file.
21 MR. JAZIL: Counsel, you should have the
22 Excel file. It matches up with this.
23 MS. FORD: Yeah, I do. Just in case.
24 (Discussion off record.)
25

Page 74

1 BY MS. FORD:
2 Q Mr. Kelly, Exhibit 37 is the attachment to
3 this January 16 e-mail from Mr. Jazil which was
4 Exhibit 36. It was titled "All Plans Comparison,"
5 and it was produced in Excel form, and we just
6 printed it out in PDF form.
7 Otherwise, we made no edits to it. And
8 these little two boxes that you see where it says
9 Plan 005A -- it's a little hidden -- but Plan 5A5,
10 and there's a tab with Mr. Foltz's name, that was
11 already embedded in the document when we received
12 it.
13 (Exhibit 37 was marked for
14 identification.)
15 BY MS. FORD:
16 Q Was Plan 005A or 005 -- or A5 one of
17 the -- was one of those the plan that was eventually
18 submitted to the legislature as Plan 79?
19 A I'm not certain based on looking at this.
20 Q A separate question I have while you're
21 thinking about it is, I see here there's a Plan A,
22 B, and C.
23 Do you know what that refers to?
24 A I know Adam had drawn other plans. I
25 would presume those are some of the other plans.

Page 75

1 Q Okay. Who chose the Plan 79 as the one
2 that would be submitted to the legislature?
3 MR. JAZIL: I am going to give you the
4 Marsh instruction, but to the extent you can
5 answer it, answer it.
6 A I'd have to talk about internal office
7 conversations, so I'm going to follow the guidance
8 of counsel.
9 MR. JAZIL: If you want to rephrase the
10 question and ask whether he discussed which of
11 these plans to submit with anyone at the
12 legislature, I think that would be a good
13 question.
14 BY MS. FORD:
15 Q Sure. Did the Governor's Office discuss
16 with the legislature or any third party what plans
17 that the Governor would submit?
18 A You mean specifically about that first
19 plan?
20 Q Yeah, about Plan 79.
21 A No.
22 Q What about Plan 94?
23 A No.
24 Q Not specifically related to this exhibit,
25 but in your testimony to the legis- -- or

Page 76

1 presentation to the legislature, you said that -- we
2 discussed here today -- that Mr. Foltz was the
3 author of Plan 79.
4 Is Mr. Foltz the sole author of that plan?
5 A Yes.
6 Q And how do you know that? Is it just an
7 assumption?
8 A No.
9 Q Okay. How do you know that?
10 A He was our only map-drawer.
11 Q I guess I'm saying, did you ever ask
12 Mr. Foltz if he had collaborated or consulted with
13 anyone else in drawing Plan 79?
14 MR. JAZIL: I'll give you the Marsh
15 instruction.
16 You can answer if you can.
17 A I'd have to get into internal office
18 conversations to answer your question. I'm going to
19 follow the guidance of counsel.
20 (Exhibit 38 was marked for
21 identification.)
22 BY MS. FORD:
23 Q This is Exhibit 38. Exhibit 38 is a memo
24 from Senator Rodrigues, who was the chair of the
25 Senate committee on redistricting, I believe, that

Page 77

1 he sent out to all senators, but this was generally
2 made public, to my knowledge, discussing some sort
3 of policies and procedures for redistricting.
4 Have you seen this memo before?
5 A It does not look familiar.
6 Q Here in the second paragraph, which is the
7 only part I want to ask you about, Mr. -- or Senator
8 Rodrigues writes: "Those submitting maps are asked
9 to list every person, group, or organization they
10 collaborated with on their map comment or
11 suggestion."
12 Was the Governor's Office aware of the
13 legislature's request on this matter when they began
14 submitting plans to the legislature?
15 A It doesn't look -- this doesn't look
16 familiar, so I wasn't aware of the memorandum.
17 Q Okay.
18 (Exhibit 39 was marked for
19 identification.)
20 BY MS. FORD:
21 Q Mr. Kelly, this is Exhibit 39. This is a
22 copy of the forms submitting Plan 79 to the
23 legislature in January 2022. It appears to be
24 submitted by Mr. Newman, who I think we've
25 established is legal counsel in the Governor's

Page 78

1 Office, correct?
2 A Yes.
3 Q Okay. Here, if you see -- if you go down
4 to the second box here, it says: "List the name of
5 every person, group, or organization you
6 collaborated on your comment, suggestion, or
7 submitted map below," correct?
8 A I'm sorry. Where are you looking?
9 Q I'm looking right here at the second box
10 on the first page.
11 A Oh, sure.
12 Q Mr. Newman did not list Mr. Foltz here,
13 correct?
14 A Correct.
15 Q Why did Mr. Newman not fill out this
16 information?
17 MR. JAZIL: I'm going to give you the
18 Marsh instruction.
19 A I'd have to talk about internal office
20 conversations, so I'm going to follow the guidance
21 of counsel.
22 MR. JAZIL: And I will add attorney-client
23 privilege to that, too, so on the basis of
24 legal advice.
25

Page 79

1 BY MS. FORD:
2 Q What was the general public's reaction to
3 Plan 79?
4 A What was the general public's reaction?
5 Q Yeah. Let me back up.
6 What was the legislature's reaction to
7 Plan 79?
8 A The entire institution?
9 Q Did you receive feedback from the
10 legislature on Plan 79?
11 A Yes.
12 Q What was that feedback?
13 A The feedback was pretty direct feedback in
14 a house subcommittee meeting that was on the record
15 and detailed.
16 Q Did the Governor's Office receive any
17 feedback about Plan 79 directly from the legislature
18 not in a subcommittee testimony or something like
19 that?
20 A Sure. I've gotten feedback that we got on
21 the first and second plan from the House and Senate
22 about some of their line drawing practices and
23 things of that nature; I think the general feedback
24 that I've talked about before.
25 Q Is it fair to say that the legislature was

Page 80

1 not receptive to Plan 79?
2 A The legislature I don't think ever took a
3 vote on Plan 79, so I don't think it would be fair
4 for me to characterize the action of a body that
5 didn't actually vote on the issue.
6 Q Is it fair to say that house leadership
7 was not receptive to Plan 79?
8 A They didn't consider it. I think that's
9 the best way I can characterize it, they didn't take
10 it up for a vote and consider it.
11 Q And same for the Senate, the Senate did
12 not take it up or consider it at all?
13 A Plan 79? Correct.
14 (Exhibit 40 was marked for
15 identification.)
16 BY MS. FORD:
17 Q Mr. Kelly, this is Exhibit 40. This is an
18 e-mail that was produced to us by your office. Once
19 again, it is from you to Mr. Jazil dated January 18,
20 2022, which is just two days after your office
21 submits its first Plan 79 to the legislature.
22 Subject is "Follow-up" and there's an attachment
23 here, "rationale."
24 What was the document that you provided to
25 Mr. Jazil here?

Page 81

1 MR. JAZIL: I'm going to give you the
2 Marsh instruction and attorney-client
3 privilege.
4 A Do you have the document?
5 BY MS. FORD:
6 Q I do not.
7 A I don't remember what the document is just
8 by looking at the name on the e-mail. If you have a
9 copy of it ...
10 Q No. It was redacted. I don't have a copy
11 of it. My question primarily about it was going to
12 be whether that rationale document was sent to the
13 legislature or any other third party?
14 A Do you have a copy of an e-mail where it
15 was? By looking at this, I don't know.
16 Q Okay. Was there a general effort after
17 Plan 79 was released to get the House and the Senate
18 to consider it and adopt it?
19 MR. JAZIL: I'm going to give you the
20 Marsh instruction. Perhaps you can rephrase
21 the question to where I don't need to give the
22 instruction.
23 MS. FORD: Sandi, could you reread my
24 question?
25 (The requested portion was read.)

Page 82

1 BY MS. FORD:
2 Q Did the Governor's Office have discussions
3 with the House or the Senate to convince them to
4 support Plan 79?
5 A Yes.
6 Q Were those the exact same meetings that we
7 had talked about earlier or were those different
8 meetings?
9 A I referenced phone calls, conversations,
10 not things that were all formal meetings, but, yes,
11 I referenced earlier in one of my earlier answers.
12 Q And in those discussions or continuing
13 conversations, who was the Governor's Office
14 communicating with on the side of the legislature?
15 A To my knowledge, Mat Bahl.
16 Q Okay. Did Mr. Bahl express that the House
17 had constitutional --
18 A I should say attorneys, too. Attorneys,
19 too.
20 Q Okay. Did Mr. Bahl or any of the House or
21 Senate lawyers express that they had constitutional
22 concerns about Plan 79?
23 A I don't recall that statement.
24 Q Did they provide any feedback on Plan 79
25 to you, to the Governor's Office?

Page 83

1 A They offered the opportunity for the
2 office to come to committee and articulate the
3 concepts behind the map.
4 Q Did that ultimately end where Mr. Popper
5 provided testimony to the house redistricting
6 committee?
7 A Yes. I think it might have been their
8 subcommittee, Congressional subcommittee, but
9 otherwise, yes.
10 Q That's what you were referring to?
11 A Yes.
12 Q Okay.
13 (Exhibit 41 was marked for
14 identification.)
15 BY MS. FORD:
16 Q Mr. Kelly, Exhibit 41 is an e-mail chain
17 that was produced to us by -- actually, it was not
18 produced to us by your office, I don't think. I
19 believe it was just a public record that the
20 Governor's Office released to American Oversight.
21 To be clear, I don't think we actually got this in
22 discovery.
23 But it's an e-mail from Ryan Newman to
24 members of the Governor's team, including Mr. Jazil.
25 It's dated January 24, 2022.

Page 84

1 If you can go to the second page, and
2 could you please read the e-mail from Mr. Newman
3 starting with "Mo, the Governor's looking"?
4 A Sure. "Mo, the Governor is looking for an
5 update from the House on their map. CN, can you
6 please arrange a call with Andy ASAP this morning.
7 Also, are we still planning to speak with Dan
8 today?"
9 Q I assume here, just for purpose of the
10 record, that Andy is a reference to Andy Bardos from
11 the House and Dan would have been a reference to Dan
12 Nordby from the Senate?
13 A I would assume the same.
14 Q Okay. What update was the Governor
15 looking for from the House?
16 MR. JAZIL: I'm going to give you the
17 Marsh instruction.
18 But to the extent you can answer, answer.
19 A I would have to talk about internal office
20 conversations, so I'm going to follow the guidance
21 of counsel.
22 BY MS. FORD:
23 Q Okay. Here later in the e-mail chain it
24 seems that Mr. Jazil did speak with the House about
25 whatever update that the Governor was seeking.

Page 85

1 So what was that update?
2 A Again, I'd have to talk about --
3 MR. JAZIL: I'm going to give you the
4 Marsh instruction and attorney-client
5 privilege.
6 A I'd have to talk about internal office
7 conversations, so I'm going to follow the guidance
8 of counsel.
9 BY MS. FORD:
10 Q Well, this was a message that was relayed
11 from the House back to the Governor's Office. And
12 to you-all, I would think that falls outside the
13 Marsh order.
14 MR. JAZIL: The fact that there were
15 conversations held, the substance of those
16 conversations between the lawyers would fall
17 outside the legislative privilege portion of
18 Marsh's order.
19 What was then relayed to the Governor's
20 Office and discussed with the Governor's Office
21 through the Governor's lawyers would be covered
22 by the attorney-client privilege.
23 It wouldn't be covered by the legislative
24 privilege because it's a lawyer's gloss on
25 conversations and a lawyer's assessment of how

Page 86

1 that affects the ^Goldsby office, too.
2 The first would be attorney-client
3 privilege.
4 The second would be attorney-client
5 privilege and legislative privilege. So I am
6 going to instruct him not to answer.
7 A I'm going to follow the guidance of
8 counsel.
9 BY MS. FORD:
10 Q This reference from Mr. Newman: "Are you
11 still planning to speak with Dan today?"
12 And then it looks like in the next e-mail
13 Mo says -- Mr. Jazil says: "Dan and George are.
14 The Senate aren't available."
15 Is that the meeting that you previously
16 spoke about that you met with Dan Nordby?
17 A No.
18 Q Did you attend the meeting that they
19 appeared to be setting up here for late January?
20 A No.
21 Q Do you know who did attend that meeting?
22 A No.
23 Q Do you know what was discussed at that
24 meeting?
25 A No.

Page 87

1 Q You can set this aside.
2 MR. JAZIL: What number was this?
3 MS. FORD: That was 41.
4 (Exhibit 42 was marked for
5 identification.)
6 BY MS. FORD:
7 Q So Mr. Kelly, this is -- Exhibit 42 is a
8 letter from the Governor himself to the Florida
9 Supreme Court. It's dated February 1, 2022. This
10 was produced by your office, and it was obviously
11 released publicly.
12 Are you familiar with this letter?
13 A Yes.
14 BY MS. FORD:
15 Q Did the Governor's Office discuss the idea
16 of submitting an advisory request to the Florida
17 Supreme Court with the House and Senate?
18 A Yes.
19 Q What was the House and Senate's reaction
20 to that idea?
21 A To my recollection, this may have been the
22 House's idea.
23 Q Okay. Well, let me back up. I had
24 assumed it was the Governor's idea.
25 Who at the House suggested that the

Page 88

1 Governor seek an advisory opinion?
2 A I remember Mat Bahl encouraging this.
3 Q And did the House explain why they thought
4 this would -- the Governor should do this?
5 A Yes. For the plain reason laid out in the
6 letter: To get advice from the Supreme Court on a
7 legal question that was imminent and before the
8 legislature.
9 Q Did the House express -- House or Senate
10 express any position that they would need sort of
11 sign off from the Florida Supreme Court to go ahead
12 with what the Governor is asking them to do about
13 CD-5?
14 A I'm not sure I understood your question.
15 Q Did the House tell the Governor that they
16 would support his version of CD-5 if he received a
17 favorable opinion out of this advisory opinion?
18 A I don't recall any commitment being made
19 like that.
20 Q Okay. Let's go to page 4 on this letter.
21 I'll just read it for the record, the paragraph
22 starting with "Specifically." I'll just read the
23 first two sentences.
24 "Specifically, I ask whether the Florida
25 Constitution nondiminishment standard mandates a

Page 89

1 sprawling Congressional District in Northern Florida
2 that stretches hundreds of miles from east to west
3 solely to connect Black voters in Jacksonville with
4 Black voters in Gadsden and Leon Counties (with a
5 few in between) so that they may elect candidates of
6 their choice even without a majority. This Court
7 has previously suggested the answer is yes."
8 And what did the Governor's Office mean by
9 this when they said: "The Court has previously
10 suggested the answer is yes"?
11 A The Florida Supreme Court drew the
12 benchmark district.
13 Q Is it fair to say that the Governor's
14 Office understood that at least under existing
15 Florida precedent on the Fair District Amendments,
16 that retention of CD-5 was required?
17 MR. JAZIL: I am going to give you a Marsh
18 instruction and note for the record that there
19 is a citation in a parenthetical explaining
20 what suggestion is, so -- in Exhibit 42.
21 BY MS. FORD:
22 Q Okay. I'll just restate my question,
23 Mr. Kelly.
24 Is it fair to say that the Governor's
25 Office understood that under existing Florida

Page 90

1 precedent on the Fair District Amendments that was
2 in effect at the time of this letter, that retention
3 of CD-5 was required?
4 A No. The letter plainly asks the question.
5 (Exhibit 43 was marked for
6 identification.)
7 BY MS. FORD:
8 Q Mr. Kelly, Exhibit 43 is the February 10,
9 2022, opinion from the Florida Supreme Court
10 declining to accept the Governor's request for an
11 advisory opinion.
12 I assume that you have seen this before?
13 A Yes.
14 Q Okay. And it looks like a fair and
15 accurate copy of that opinion?
16 A Yes.
17 Q Did the Governor's Office have any
18 discussions with the House or Senate about this
19 order when it came down?
20 A I'm not sure.
21 Q I don't want to read through this. But
22 would you agree with me that the Florida
23 Supreme Court did not tell the Governor that he was
24 free to propose or sign a map that eliminated an
25 existing performing district in this opinion?

Page 91

1 MR. JAZIL: Object to form, but you can
2 answer.
3 A It's been quite a while since I've read
4 this. It's probability been since February of 2022.
5 Do you mind if I read it again?
6 BY MS. FORD:
7 Q Yeah. Sure.
8 A (Examining document.)
9 Okay. I've read it. I apologize.
10 What was the question?
11 Q In this advisory -- or in this opinion
12 denying -- sorry.
13 In this February 10 order from the Florida
14 Supreme Court denying the advisory opinion, the
15 Florida Supreme Court did not tell the Governor that
16 he was free to propose or sign a map that eliminated
17 an existing performing district, correct?
18 MR. JAZIL: Object to form, but you can
19 answer.
20 A No. No. They made no such comment at
21 all.
22 BY MS. FORD:
23 Q How did this order affect the Governor's
24 approach to mapmaking, if at all?
25 MR. JAZIL: I give you the Marsh

Page 92

1 instruction, but to the extent you can answer,
2 answer.
3 A I believe in various ways we've
4 publicly -- because we had to answer media questions
5 about this. As an office, we publicly stated that
6 we'll continue to work with the legislature.
7 BY MS. FORD:
8 Q And following the release of this order,
9 did the Governor's Office have any discussion with
10 the legislature about whether the legislature would
11 be willing to change its approach to CD-5?
12 A Yes, very publicly.
13 Q What about privately?
14 A Yes.
15 Q What were those discussions?
16 A Same ones we've covered before.
17 Q Fair to characterize those discussions as
18 the legislature continued to refuse to draw a plan
19 that eliminated the existing Benchmark CD-5?
20 A No.
21 Q How would you characterize them then?
22 A The legislature remained willing to
23 listen, talk, look at, obviously, the subsequent map
24 submitted, the second map submitted, and continued
25 conversations. They were pretty public.

Page 93

1 Q Did the legislature explain what they
2 would need to be able to support a map that did not
3 protect the existing CD-5?
4 A No.
5 Q I believe you said before that -- maybe
6 was it the House asked the Governor's Office to send
7 a representative to talk about the issue of CD-5; is
8 that right?
9 A Yes. The House invited our office to send
10 our representative to come and explain to their
11 subcommittee -- I don't recall the exact date. I
12 think you might have mentioned it before -- but to
13 explain to their subcommittee the synopsis of the
14 Governor's legal position.
15 Q Great. We'll get to that right now, which
16 was, it was on February 18, 2022, when Mr. Robert
17 Popper appeared before the House Redistricting
18 Committee, maybe it was a subcommittee, to talk
19 about CD-5.
20 And I assume that you're familiar with the
21 meeting and testimony that I'm talking about?
22 A Yes.
23 Q I know that Mr. Popper is an attorney, but
24 when he appeared before the House Redistricting
25 Committee, he was not acting as counsel to the

Page 94

1 Governor, correct?
2 A Correct.
3 Q Why did the Governor's Office send
4 Mr. Popper just instead of one of the Governor's own
5 legal counsel?
6 MR. JAZIL: I'm going to give you the
7 Marsh instruction, but to the extent you can
8 answer, answer it.
9 A Mr. Popper had a unique professional level
10 of understanding of redistricting, had, I believe,
11 been working with the Department of Justice under
12 both Republican and Democratic administrations and,
13 of course, had even one of the compactness commonly
14 used -- one was the House and Senate were using
15 compactness standards named after him. He had a
16 unique level of expertise and understanding.
17 (Exhibit 44 was marked for
18 identification.)
19 BY MS. FORD:
20 Q Mr. Kelly, this is a document I was
21 provided by the Governor's Office in this
22 litigation. It's dated February 12, 2022. It
23 contains a discussion of the Governor's team
24 attempting to find a witness to appear as a witness
25 for the House.

Page 95

1 You were not on this e-mail chain. Would
2 you like a moment to read it?
3 A Thank you. Yes.
4 Q Might actually be helpful to start from
5 the last page and work yourself up.
6 A Okay. I've read it. Thank you.
7 Q Great.
8 So the Governor's Office first considered
9 other individuals other than Mr. Popper to give
10 testimony to the House, correct?
11 A Correct.
12 Q John Gore was asked to give testimony?
13 A I don't personally know that name, but I
14 see a John referenced, and I see a Gore referenced.
15 Q Okay. So you don't know who John Gore is?
16 A No.
17 Q Did he have any role that you know of in
18 the Florida redistricting process other than what is
19 captured here in this e-mail?
20 A None that I'm aware of.
21 Q Okay. This says here, "Guys,
22 unfortunately John will not be able to be a witness
23 for the hearing."
24 Why did Mr. Gore decline to give
25 testimony?

Page 96

1 A I'm not aware.
2 Q This e-mail mentions Chris Coates as a
3 possible option. Do you know who Chris Coates is?
4 A I know the name. I don't know who he is.
5 I know the name, though.
6 Q Why was he considered to give testimony?
7 A Why was he considered? I'd have to talk
8 about internal conversations to the office.
9 Q Did the Governor's Office, in fact, reach
10 out to Chris Coates to see if he would be willing to
11 testify?
12 A I believe so. Or someone on our behalf
13 reached out, one of our counsel, perhaps.
14 Q Did he agree to testify?
15 A I don't know.
16 Q Do you have any information about that
17 follow-up or any of Mr. Coates' response to the
18 Governor's Office when he was asked?
19 A No.
20 Q The e-mail also mentions Hans -- I'll
21 admit I've never said his name out loud before --
22 Hans von Spakovsky, do you know?
23 A I think it's Hans.
24 Q Hans, yeah. Let's call him Hans.
25 A But I can't do the last name either.

Page 97

1 Q Okay. Do you know who he is?
2 A I'm familiar with the name.
3 Q Did the Governor's Office, in fact, reach
4 out to Hans to ask if he would testify?
5 A I believe so.
6 Q And did he agree to testify?
7 A I don't know.
8 Q Do you have any information about the
9 Governor's Office's conversations with Mr. -- with
10 Hans about whether he would testify?
11 A No.
12 Q And this e-mail also mentions, at the top
13 of page 2, Michael Barley. It says: "Michael
14 Barley was also unable to help."
15 Who is Michael Barley?
16 A I know the name, but I don't know who he
17 is.
18 Q Okay. Do you know if -- well, this says
19 he was unable to help. Do you have any information
20 about why Mr. Barley was not able to testify?
21 A No.
22 Q Do you know at the end of the day why
23 Mr. Popper was chosen as the witness that the
24 Governor's Office would send?
25 A For the reasons I mentioned earlier.

Page 98

1 Mr. Popper has a unique level of understanding and
2 expertise in redistricting, has the unique
3 perspective of working at the Department of Justice
4 in both Democratic and Republican administrations;
5 again, has a compactness standard actually named
6 after him. He has a unique level of expertise.
7 Q To your knowledge, did any other
8 individual at the Governor's Office reach out to
9 agree to testify on behalf of the Governor's Office
10 on this issue?
11 A Yes.
12 Q Who did?
13 A There was a citizen from Clay County
14 who -- spoken citizen comment, public comment at the
15 meeting.
16 Q Do you remember that individual's name?
17 A No. You could -- if you looked at the
18 committee record, you could probably discern who
19 that was. The name I don't remember off the top of
20 my head.
21 Q Okay. And did the Governor's Office reach
22 out to anyone we've not discussed who declined to
23 testify on behalf of the Governor's Office?
24 A I don't believe so.
25 Q Okay.

Page 99

1 (Exhibit 45 was marked for
2 identification.)
3 BY MS. FORD:
4 Q Mr. Kelly, Exhibit 45 is an e-mail chain
5 that was, once again, produced by the Governor's
6 Office in this litigation. It is an e-mail chain
7 conversation between Mr. Popper, Mr. Newman, and
8 then the Governor's outside counsel and then
9 internal legal counsel. You are not on this e-mail
10 chain.
11 Would you just like a few moments to skim
12 through it?
13 A Sure. Thank you.
14 (Examining document.)
15 Okay. Thank you.
16 Q Based on this e-mail chain, it appears
17 that the Governor's team set up a meeting and spoke
18 with Mr. Popper in advance of his testimony.
19 Is that a fair characterization of this
20 e-mail chain?
21 A It looks like that's what they were trying
22 to do.
23 Q Did you ultimately end up speaking to
24 Mr. Popper at all? You, yourself.
25 A Yes.

Page 100

1 Q Was it in this meeting or another meeting?
2 A I don't believe it was this meeting.
3 Q So you don't think you attended whatever
4 meeting came out of this?
5 A Correct.
6 Q Okay. Do you know what was discussed on
7 this call?
8 A No, not specifically. I don't know --
9 also know that this call happened. All I can see
10 from this is that there was an attempt to set up a
11 call.
12 Q Did the Governor's Office ask Mr. Popper
13 to testify about anything in particular?
14 A Yes.
15 Q What did they ask him to testify about?
16 A His comments to the committee, which were
17 provided to the committee, lay out exactly that,
18 regarding the Congressional District 5, the
19 violation of the Equal Protection Clause, United
20 States Constitution. His comments were meant to
21 encapsulate the reason for inviting Mr. Popper.
22 Q And you said that you spoke with
23 Mr. Popper, was it in advance of his testimony to
24 the House?
25 A Yes.

Page 101

1 Q When was that meeting, to the best of your
2 knowledge?
3 A I spoke with him the night before his
4 testimony.
5 Q Was anyone else on that conversation?
6 A Yes.
7 Q Who else was present?
8 A I'm not sure.
9 Q Was it generally people from the
10 Governor's Office or outside the Governor's Office?
11 A The Governor's Office, yes.
12 Q What was discussed on that call?
13 A Mr. Popper was coming to testify the next
14 day, so it was a prep call for his testimony,
15 talking through the meeting, how it would go,
16 logistics.
17 Q Mr. Popper sent the Governor's Office his
18 planned testimony in advance, correct?
19 A Correct.
20 Q And did the Governor's Office provide
21 feedback or edits to that testimony?
22 A Yes.
23 Q What were -- what was the general feedback
24 that the Governor's Office provided to Mr. Popper?
25 A I remember providing some feedback about

Page 102

1 style of just Florida legislative committees. I
2 don't recall anything else.

3 Q Did the Governor's Office ask Mr. Popper
4 to testify to anything that Mr. Popper refused to
5 testify about or declined to?

6 A No.

7 Q Was Mr. Popper's testimony primarily
8 written by Mr. Popper or was it primarily written by
9 the Governor's team?

10 A Mr. Popper.

11 Q Did the Governor's Office agree with
12 Mr. Popper's testimony, what he ultimately gave to
13 the House committee?

14 A Yes. With the caveat he answered a lot of
15 questions and answers, and I don't recall everything
16 that he said in question and answer.

17 But the testimony that he provided and we
18 gave to the committee in written form in advance of
19 the meeting, that was the testimony that we were
20 agreeing to.

21 Q And I think you said yesterday you didn't
22 attend that meeting, but you did later watch it?

23 A I watched pretty significant portions of
24 the meeting.

25 Q Okay. And what was the House's response

Page 103

1 to Mr. Popper's testimony?

2 A The committee was quite hostile to him,
3 slanderous of him, acted as though they didn't know
4 why he was there. It was a very unprofessional,
5 very hostile meeting.

6 Q So they were not receptive to Mr. Popper's
7 testimony?

8 A Certainly not receptive to him as a
9 person. I don't know about the testimony itself.

10 Q Mr. Kelly, just let me know if you need a
11 break at any point.

12 MR. JAZIL: Could I impose on you for a
13 five-minute break?

14 MS. FORD: Yeah. Sure.

15 (A recess took place from 11:34 a.m. to
16 11:43 a.m.)
17 (Exhibit 46 was marked for
18 identification.)
19 BY MS. FORD:

20 Q Mr. Kelly, Exhibit 46 is an e-mail chain
21 that was produced by your office from Mr. Newman to
22 Mr. Uthmeier from February 19, 2022. It seems to be
23 passing along a news alert that had been
24 circulated -- or received among the Governor's
25 Office about Mr. Popper's testimony.

Page 104

1 And the title, just so the record is
2 clear, is, "Florida GOP in conflict: DeSantis'
3 redistricting expert doesn't convince House panel."
4 In general, this article recounts how the
5 House at that same committee hearing where
6 Mr. Popper testified went ahead and passed a plan
7 that retained the Benchmark CD-5 right after
8 Mr. Popper's testimony.

9 Is that your memory as well?

10 A You saying that does remind me, yes, they
11 passed their -- whatever plan they had in front of
12 them at the time, they passed it that day.

13 Q Okay. So the House at least did not
14 change its mind about CD-5 after Mr. Popper's
15 testimony, correct?

16 A Correct.

17 Q You can set that aside if you'd like.
18 Did the Governor's Office do any outreach
19 to specific legislators to try to change the
20 legislature's position?

21 A Yes.

22 Q Who did they do outreach to?

23 A To my recollection, our office called a
24 vast majority of the legislature.

25 Q When you say the "vast majority," the vast

Page 105

1 majority of Republican members? Did they also call
2 Democrat members?

3 A Yes.

4 Q That question was bad. It was a compound
5 question.

6 Did the Governor's Office -- let's start
7 with one half of that question.

8 Did the Governor's Office do outreach to
9 Democratic legislators to convince them to support
10 the Governor's version of CD-5?

11 A I'm not sure if it was specific to CD-5.
12 I know our office reached out to Republican and
13 Democratic legislators on the Governor's -- our
14 office's alternative proposals. I don't --
15 specifically to 5, I'm not sure.

16 Q I'm sorry. What was the last thing you
17 said?

18 A Specifically to District 5, I'm not sure.

19 Q Thank you.

20 Which Democrats did the Governor's Office
21 reach out to?

22 A I don't recall.

23 Q Okay. When you said before that the
24 Governor's Office had contacted the vast majority of
25 the legislature, who conducted this outreach on

Page 106

1 behalf of the Governor's Office?
2 A Stephanie Kopelousos, James Uthmeier,
3 myself. I remember the three of us.
4 Q Okay. Were these individual one-on-one
5 meetings with specific legislators?
6 A Yes.
7 Q How many meetings do you think you had
8 like these? By "meetings," I also mean phone calls
9 or however the meeting took place, conference calls,
10 physical meetings.
11 A How many? In person and phone calls?
12 Q Sure.
13 A I'm not sure a total, couple hundred.
14 Q What would you summarize as the general
15 pitch the Governor's Office made on these calls to
16 legislators?
17 A Support the alternative map that we have
18 put forward.
19 Q So that would have been either Plan 79 or
20 Plan 94?
21 A Right.
22 Q Okay. Did you --
23 A Or individually during the special
24 session. The plan that was finally enacted, too.
25 Q Okay. Did you receive any feedback from

Page 107

1 Republican legislators in any of those meetings that
2 they believed the Governor's version of CD-5 was
3 unconstitutional?
4 A No.
5 Q What feedback did you generally receive
6 from legislators in these meetings?
7 A I'm not sure how to characterize general
8 feedback across --
9 Q Sure. It may have varied. So give me
10 some examples of feedback you received.
11 A For the meetings that I specifically am
12 aware of the feedback, generally most legislators we
13 talked to wanted to vote for the Governor's
14 alternative.
15 Q Did they say why they wanted to vote for
16 the Governor's alternative?
17 A Because they thought it was
18 constitutional.
19 Q Did they in those meetings agree to vote
20 for the Governor's alternative?
21 A Some did. Some didn't.
22 (Exhibit 47 was marked for
23 identification.)
24 BY MS. FORD:
25 Q So, Mr. Kelly, this is Exhibit 47.

Page 108

1 Exhibit 47 is a public record from the Governor's
2 Office. It wasn't produced in this litigation. It
3 was produced just through the general public records
4 process. This appears to me to be a vote record --
5 there's an official name for it -- of the vote on
6 the bill of the legislature's redistricting plan
7 that was passed.
8 Have you seen this before?
9 A Yes. If not this literal one, I've seen
10 the vote count before.
11 Q Yeah. In the colored version, these are
12 highlighted in yellow. I apologize, today we have
13 it printed out in black and white. This appears to
14 me to be a highlighted list of all of the
15 Republicans who voted no on the legislature's
16 redistricting plan, the one that was ultimately
17 vetoed by the Governor.
18 Does that appear to be a fair
19 characterization of what this is?
20 A Can I just have a quick minute to study
21 it?
22 Q Sure.
23 A (Examining document.)
24 Sure. Thank you.
25 Yes. That appears to be what this is.

Page 109

1 Q Okay. Thank you.
2 Was the Governor's Office keeping track of
3 which Republicans were in support of his plan and
4 which were not?
5 MR. JAZIL: I give you the Marsh
6 instruction.
7 A To answer that would require me to talk
8 about internal conversations. I'm going to take the
9 advice of counsel.
10 BY MS. FORD:
11 Q Okay. In the meetings that you had with
12 Republican individual legislators when you were
13 asking for their support for the Governor's plan,
14 did the Governor or you or his office promise to do
15 anything for these legislators if they voted to --
16 whether they voted to either support the Governor's
17 plan or to vote this one down?
18 A No.
19 Q Did the Governor -- in your -- sorry. Let
20 me start the question over.
21 In your meetings with legislators when you
22 were asking them for their support for the
23 Governor's plan or to not vote for the legislature's
24 plan, did you or the Governor's Office suggest there
25 would be any sort of reprisals for legislators who

Page 110

1 voted for it?
2 A No.
3 Q Did the Governor's Office have any -- in
4 its outreach, did the Governor's Office meet with
5 Representative Sabatini?
6 A I don't believe so.
7 Q You don't remember personally meeting with
8 him?
9 A I've never personally met with
10 Representative Sabatini.
11 Q Okay.
12 (Exhibit 48 was marked for
13 identification.)
14 BY MS. FORD:
15 Q Mr. Kelly, this is Exhibit 48. This was
16 the form that Mr. Newman submitted to the
17 legislature on February 14, 2022, for Plan 94 from
18 the Governor's Office.
19 Does this appear to be a fair and accurate
20 copy of that submission form?
21 A Yes.
22 Q And like the form for Plan 79, Mr. Newman
23 did not fill out the box that asked him to list the
24 name of every person, group, or organization that he
25 collaborated with on the comments, suggestion, or

Page 111

1 submitted map, correct?
2 A Correct.
3 Q Why did he leave that box blank?
4 MR. JAZIL: I'm going to ask you not to
5 answer based on Marsh instruction and
6 attorney-client privilege.
7 A We'd only work as the Office of the
8 Governor.
9 (Exhibit 49 was marked for
10 identification.)
11 BY MS. FORD:
12 Q Mr. Kelly, Exhibit 49 is an e-mail chain
13 between Mr. Jazil, Mr. Newman, Mr. Pratt, Mr. Meros,
14 yourself, Mr. Beato --
15 MS. FORD: Did I pronounce that right?
16 MR. BEATO: Uh-huh.
17 BY MS. FORD:
18 Q And here you'll see that beginning of the
19 chain Mr. Foltz sent Mr. Jazil a spreadsheet, and
20 Mr. Foltz writes: "Per client request, I have
21 reduced the number of plans in the summary to just
22 the more relevant proposals, Plan 13A, Plan 14B,
23 Plan 8019, Plan 8015, and the Benchmark Plan. "
24 My question for you here is: When
25 Mr. Foltz says "per client request," who is the

Page 112

1 client that he's referring to?
2 A The Executive Office of the Governor.
3 Q Okay. Who made the decision that these
4 were the relevant proposals to consider?
5 MR. JAZIL: I'm going to give you the
6 Marsh instruction, Mr. Kelly.
7 A I'm going to follow the guidance of
8 counsel since I would have to talk about internal
9 office conversations.
10 (Exhibit 50 was marked for
11 identification.)
12 BY MS. FORD:
13 Q So Mr. Kelly, this is a public record that
14 was produced by the Governor's Office through
15 records requests, I believe, for American Oversight.
16 I got it directly off the Governor's website in
17 response to that request.
18 This Plan 13B, is this a plan that you
19 drew?
20 A I believe this is the same exact thing as
21 the second map that our office submitted. So I
22 believe this is the map that Adam and I collaborated
23 on.
24 Q Okay. So it's just under a different
25 name?

Page 113

1 A Yes. Although it says right on the
2 document "Public Plan 9045."
3 Q Maybe I'm just misunderstanding something,
4 but I typically refer to that second plan that you
5 and Mr. Foltz collaborated on as Plan 0094.
6 Did it also have the name Plan 9045?
7 A Maybe I'm mixing up the names. My
8 apology. Maybe I'm mixing up the names then.
9 Q Okay. Do you think this is the plan that
10 you and Mr. Foltz collaborated on?
11 A You've got me concerned that I'm mixing up
12 the numbers. Is it possible that I could see the
13 second plan that we submitted side by side with
14 this?
15 Q Sure. Yeah. I think we have that in
16 these. It's going to be Exhibit 16.
17 A 16? (Examining document.)
18 Q Mr. Kelly, to be fair and candid with you,
19 I'm not trying to trip you up or anything like that.
20 We just didn't receive any map file named 13B in all
21 of the files that we received from Mr. Foltz, and I
22 don't know if any public plan named 9045.
23 So I'm just asking if you know what this
24 is.
25 A I believe when I look at it -- and

Page 114

1 obviously, I don't have the zoomed-in detailed
2 level, but it's very, very similar. And I don't
3 have any reason to not believe that it's the same
4 exact thing as the public plan, the second public
5 plan submitted.

6 Q Okay.

7 A It's always possible at a very detailed
8 level that there could be subtle differences, but
9 obviously, I couldn't tell by this. And obviously,
10 that 9045 seemed familiar to me. I suspect they're
11 the same map.

12 Q Okay. And I realize you honestly don't
13 have a perfect comparison here, and that's your best
14 guess right now.

15 Yesterday, if you remember, we had talked
16 about when you met with the House and the Senate
17 before the special session you brought two plans?

18 A Yes.

19 Q One was one that was called 14A, went on
20 to be the Enacted Map.

21 Is this the other plan that you brought?

22 A I don't think -- I don't know -- I don't
23 know if this was because I do believe this was
24 probably the -- this was -- looks more like a second
25 plan that we submitted as an office. I don't

Page 115

1 believe this was one of the same at all. I believe
2 this is substantially different.

3 Q Were you able to find out or clarify last
4 night what was the second plan?

5 A Yes.

6 Q Okay. And what plan was that?

7 A Yes. I believe in comparing my files --
8 if it's okay, do you mind if I go to that exhibit?

9 Q Yeah. Sure. That'd be helpful.

10 A I believe that the two maps you identified
11 as -- albeit it, I've never seen them in this format
12 before -- but the two maps you identified as 14A and
13 14B, I believe those were the two --

14 Q Okay.

15 A -- that we brought to that meeting.

16 Q Okay. That's helpful. Thank you.

17 I won't ask you -- I'll take a look at it
18 in a break so we can spare you some time. We'll
19 find it later.

20 Thank you for looking that up. I
21 appreciate it.

22 Did the Governor's Office instruct
23 Mr. Foltz or give him any specific instructions
24 regarding race, his use of race in drawing
25 redistricting plans?

Page 116

1 MR. JAZIL: I'll give you the Marsh
2 instruction, but you can answer to the extent
3 you've talked about it.

4 A Broadly follow the law, which I talked
5 about in committee. I think anything else would be
6 internal office conversations, and I'll follow the
7 guidance of counsel.

8 (Exhibit 51 was marked for
9 identification.)

10 BY MS. FORD:

11 Q Mr. Kelly, I'll represent to you this was
12 produced to us by the Governor's Office. You can
13 see the Bates down here. It's -- it was an
14 attachment from a March 30 e-mail from Mr. Jazil
15 that had been sent from Mr. Foltz to Mr. Jazil, from
16 Mr. Jazil to you.

17 You know what? Maybe we should describe
18 the e-mail.

19 No, I think we actually -- it's already an
20 exhibit. Give me one second. If I have the
21 exhibit, I'd rather you just see it.

22 A Sure.

23 Q Yeah, we had just marked it as Exhibit 49.
24 You see there's an attachment here that says: "All
25 plans comparison"?

Page 117

1 A Yeah.

2 Q Okay. This is the attachment.

3 A Got it.

4 Q If you open it up, it's just converted to
5 Excel form. You see it has Plan 13A, Plan 14B
6 listed here.

7 So you've seen this before? You've seen
8 analyses like these from Mr. Foltz before?

9 A Yes.

10 Q Okay. If you flip back to the last couple
11 of pages here. I apologize, there's not a page
12 number. But Mr. Foltz appears to have provided the
13 Governor's team with a breakdown of each district by
14 race, correct?

15 A Which page?

16 Q The one -- see this chart, it's the one
17 directly after that.

18 A Got it.

19 Q And it's across several plans, but here
20 it's comparing the benchmark to Plan 8019,
21 Plan 8015, Plan 13A, Plan 14B.

22 Do you see that?

23 A Yes.

24 Q So the question I'd asked is Mr. Foltz
25 provided the Governor's team with a breakdown of

Page 118

1 each district by race, correct?

2 A Race, ethnicity, CVAP.

3 Q Why did the Governor's Office ask

4 Mr. Foltz to produce this data for them for every

5 district?

6 MR. JAZIL: I'm going to give you the

7 Marsh instruction, but you can answer to the

8 extent you discussed this with ...

9 A I'd have to talk about internal office

10 conversations. I'm going to take the guidance of

11 counsel.

12 BY MS. FORD:

13 Q Okay. Mr. Foltz provided similar analyses

14 like this for essentially all of the draft maps that

15 he produced, correct?

16 A Similar, yes.

17 Q Okay. And Mr. Bryan also prepared some

18 data for the Governor's Office, right?

19 A Yes. He prepared the CVAP data, the

20 citizens voting age population data.

21 (Exhibit 52 was marked for

22 identification.)

23 BY MS. FORD:

24 Q Mr. Kelly, this Exhibit 52 was produced to

25 us by the Governor's Office in this case. It was

Page 119

1 produced in Excel format and printed in PDF, which

2 is why you don't see a Bates number on this. The

3 Governor's Office hasn't put a Bates on the Excel

4 file.

5 A Gotcha.

6 Q But here we printed it with the title of

7 the document -- or the title of the spreadsheet, the

8 worksheet name, such as "Benchmark" here at the top,

9 and then the author of the metadata.

10 Were these kind of analyses from Mr. Bryan

11 provided to you? And if it's helpful, there were

12 many of these in the discovery process. I pulled

13 what appeared to be the most complete one at the

14 end.

15 MR. JAZIL: Counsel, the title Plans

16 Analysis 4-14-22, is that the date that you

17 found?

18 MS. FORD: That was the title of the

19 spreadsheet.

20 MR. JAZIL: Is there a date associated

21 with the spreadsheet?

22 MS. FORD: The date it was created.

23 MR. JAZIL: Was that in the metadata or

24 elsewhere.

25 MS. FORD: I'm not sure. That's just the

Page 120

1 name of the Excel sheet.

2 MR. JAZIL: Thank you.

3 A I'm not sure if it was or wasn't. The

4 format was raw, doesn't look that familiar. I'm

5 sure the e-mail record would show whether it was or

6 wasn't. But I can tell you the format doesn't look

7 that familiar.

8 BY MS. FORD:

9 Q Was this information, then, that would

10 have been provided to Mr. Foltz, do you think, that

11 was not provided to you?

12 A I'm not sure.

13 Q Go back to Exhibit 51, I think it was.

14 A Okay.

15 Q Here, there's a -- I'm very sorry that I

16 can't give you the exact page number, but if you

17 scroll through it, this provides a breakdown on the

18 basis of race for Plans 13A and 14B, including by

19 Hispanic voting age population, Black voting age

20 population. Would you agree with that?

21 A Yes.

22 Q Okay. And in your testimony before the

23 legislature, you stated: "I'm actually unaware of

24 the Black voting age population of District 14.

25 This was not drawn with any type of racial intent at

Page 121

1 all. This was not drawn with even looking at racial

2 data for this district. There was not, to my

3 knowledge, any reason to do so."

4 Does that sound like your testimony from

5 the legislature?

6 A Yes.

7 Q But you did, in fact, have access to

8 racial data provided by Mr. Foltz for a variety of

9 the plans that you considered, correct?

10 A I have seen numerous spreadsheets like

11 this.

12 Q I'll keep going to get maybe finished

13 before lunch.

14 (Exhibit 53 was marked for

15 identification.)

16 BY MS. FORD:

17 Q Mr. Kelly, this was produced by the

18 Governor's Office. It's a memo from Ryan Newman to

19 the House Redistricting Committee from February 18,

20 which is that same day Mr. Popper testified. And I

21 am almost 100 percent sure this was made public at

22 the same time.

23 Have you seen this memo before?

24 A Yes.

25 Q In this memo, Mr. Newman describes what I

Page 122

1 typically call CD-5, which here was numbered CD-3 in
2 this proposal, and he says: "This district also
3 does not respect political subdivisions for
4 communities defined by actual shared interests."
5 My question for you is, what was the basis
6 for the belief that the communities in this district
7 do not have shared interests?
8 A Forgive me. Where -- in the first
9 paragraph, you said? Or which paragraph?
10 Q I apologize. I should have given that to
11 you. Here we go. It's on the second page, last
12 paragraph, third sentence.
13 I'll read it for the record. "Giving the
14 foregoing considerations, it is evident that
15 nonracial grounds cannot explain proposed
16 Congressional District 3 versus the district by
17 traditional districting principles. Far from
18 compact, the district requires compacting scores as
19 low as 0.11 on the Reock test, 0.63 on the area
20 Convex Hull test, and 0.1 on the Polsby-Popper test.
21 It also does not respect political subdivisions or
22 communities defined by actual shared interests."
23 My question for you is, what is the basis
24 for the statement that communities in this map do
25 not have shared interests?

Page 123

1 A The reference that Mr. Newman was making,
2 if you look a couple of paragraphs, it -- it
3 starts -- I guess it really kind of starts on the
4 second paragraph of the first page, first paragraph
5 on the second page, he is referring to a quote from
6 case law.
7 Q So I understand that that might be a --
8 whether the district has shared interests might be a
9 consideration the court takes into effect, but here
10 the Governor's Office is stating this district --
11 the communities in this district do not have actual
12 shared interests.
13 So I'm just asking you, what was the basis
14 for that statement?
15 A The absence of a shared interest that
16 relates to the quote from case law above.
17 Q Okay. On page 5, if you look at the
18 second paragraph -- it's the first full paragraph,
19 the last sentence, it reads: "Because Congressional
20 District 3 does not contain a minority group that is
21 sufficiently large and geographically compact to
22 constitute a majority, Article 3, Section 20A's
23 nondiminishment provision does not apply."
24 What was the Governor's Office basis for
25 this position?

Page 124

1 A As the -- several of our office's
2 different legal memorandums outline, the district is
3 extremely noncompact, the statistical noncompactness
4 was quoted in this letter.
5 Q So the part of this that I'm most
6 interested in is the representation that because
7 this district did not constitute a majority,
8 essentially a 50 percent threshold, nondiminishment
9 provision does not apply.
10 What's the Governor's Office basis for
11 that position?
12 A Sure. The memo is tying together the
13 Voting Rights Act, case law 50 percent threshold
14 that you would use in a Voting Rights Act analysis,
15 and then the Equal Protection clause of the 14th
16 Amendment of the United States Constitution.
17 And the letter is probably better than I
18 could outlining why the nondiminishment standard
19 does not apply to this district.
20 Q Was the Governor's Office aware that in
21 the last redistricting cycle, the Florida
22 Supreme Court held that there was no numerical
23 threshold that was required for a district to
24 qualify for a diminishment?
25 MR. JAZIL: I'll give you the Marsh

Page 125

1 instruction, but to the extent you can answer
2 it, you can answer it.
3 A I think we testified in committee the
4 errors made by the Florida Supreme Court.
5 BY MS. FORD:
6 Q So the Governor's Office was aware but
7 just believed that the Florida Supreme Court was
8 wrong?
9 MR. JAZIL: Object to form.
10 But you can answer.
11 A I would reference the very specific
12 testimony that we gave in committee that the Florida
13 Supreme Court significantly erred in their ruling.
14 BY MS. FORD:
15 Q Okay. Eventually, as you know, the
16 legislature went ahead and passed both Plan 8019 and
17 Plan 8015 as a primary map and secondary map, as
18 they called it, to present to the Governor.
19 Did the Governor's Office discuss the idea
20 of having two plans, a primary map and secondary
21 map, with the legislature?
22 A Yes.
23 Q Okay. Whose idea was that?
24 MR. JAZIL: I'll give you the Marsh
25 instruction, but you can answer.

Page 126

1 A The Florida House of Representatives.
2 BY MS. FORD:
3 Q What was the idea behind that approach?
4 MR. JAZIL: And again, to the extent that
5 it was discussed outside the confines of the
6 Governor's Office, you can answer.
7 A The House articulated their "why" on the
8 floor of The House of Representatives. I am not
9 sure I could better say it because that was
10 literally their words, not mine, on the floor of the
11 House. So I would refer to the House's testimony in
12 their own chamber.
13 BY MS. FORD:
14 Q When you -- when the Governor's Office
15 discussed this, did they only discuss it with the
16 House, or did you also discuss it with the Senate?
17 A I don't recall any specific discussions
18 with the Senate.
19 Q Who met with the House to discuss this
20 from the Governor's Office?
21 A I'm not certain.
22 Q Were you present at that meeting?
23 A No.
24 Q In March after the legislature had
25 passed -- trying to remember the name of the actual

Page 127

1 bill.
2 MR. JAZIL: I think the name is listed on
3 the Enacted Map itself.
4 MS. FORD: 102? It was an amendment, so
5 this is a little bit harder.
6 BY MS. FORD:
7 Q Let me just say, when the legislature --
8 in March 2022 after the legislature passed its
9 primary plan and its secondary plan, the Governor
10 vetoed that bill, correct?
11 A Yes.
12 Q And that was the bill that had both the
13 primary map and the secondary map in case the first
14 one --
15 A I should clarify. You said in March. I
16 don't know the -- I don't recall the exact veto
17 date.
18 Q Sure. And the bill that the Governor
19 vetoed had a primary map and then a secondary map in
20 case the first one was found to violate the
21 nondiminishment provision; correct?
22 A In case the first one was found to violate
23 the Equal Protection Clause, United States
24 Constitution.
25 Q Okay. Are you aware of any other instance

Page 128

1 in this past redistricting cycle in which a Governor
2 vetoed the redistricting plan of his own party?
3 A No.
4 Q Are you aware of that ever occurring?
5 A I am not aware.
6 (Exhibit 54 was marked for
7 identification.)
8 BY MS. FORD:
9 Q Mr. Kelly, Exhibit 54 is the memo from
10 March 29, 2022, from Mr. Newman to the Governor
11 offering what I understand to be the Governor's
12 Offices' opinion on the constitutionality of the
13 primary plan and the secondary plan.
14 Is that a fair characterization of what
15 this is?
16 A Yeah. It's a letter from Mr. Newman to
17 the Governor on the topic you mentioned.
18 Q Okay. I ask if you -- you've read this
19 before?
20 A Yes.
21 Q And just to set the table, the
22 legislature's primary plan had created a version of
23 CD-5 that was fully based in Duval County, correct?
24 A I don't remember which was the primary,
25 which was the secondary.

Page 129

1 Q Yeah. Let's actually just have it
2 referenced. So Exhibit 23 is the primary, 8019. We
3 don't have 8015, but the primary plan is Exhibit 23,
4 Plan 8019.
5 Does this refresh your memory?
6 A Yes. Thank you. And I realize in looking
7 at this, too, then, the secondary plan was the
8 elongated --
9 Q Is the one that -- something that looks
10 more like the Benchmark --
11 A Yep.
12 Q -- 5. And actually, it is produced in
13 color later in this memo. Not a great version, but
14 you can see it.
15 Okay. Okay. So just to go back, the
16 legislature's primary plan had created a version of
17 CD-5 that was fully based in Duval County, correct?
18 A Yes.
19 Q And this version of CD-5 was significantly
20 more compact than the version of CD-5 in the
21 secondary plan, correct?
22 A Correct.
23 Q The Governor's stated reason -- I should
24 back up.
25 Can this veto memorandum be said to fairly

Page 130

1 state the opinion of the Governor?
2 A Yes.
3 Q Okay. So the Governor's stated reason for
4 vetoing the primary plan was that this version of
5 CD-5 would not comply with Florida's nondiminishment
6 requirements.
7 What was the basis for that conclusion?
8 A The legislature had significant testimony
9 about the district having a -- I don't know the
10 exact number, but 10 or so -- drop in the Black
11 voting age population of the district.
12 And so the legislature's attempt to thread
13 the needle, as they were here, in trying to comply
14 with one standard, they then essentially drew a
15 district based -- still based on race. Their still
16 stated purpose on the record was based on race.
17 They then drew a District 4 around it that
18 suffered significantly based on compactness, and
19 then they violated their own -- stated on their
20 record -- understanding of the diminishment
21 standard. And so they essentially created a
22 Catch-22 where they violated state and federal law
23 multiple ways with this iteration.
24 Q Did the Governor's Office perform its own
25 functional analysis on this Duval County version of

Page 131

1 CD-5.
2 A No.
3 Q So it relied on the legislature's data and
4 functional analysis for making any conclusions it
5 reached?
6 A Yes. And then their significant testimony
7 on the record.
8 Q Give me one second. Let's go to the last
9 page.
10 A Are we on Exhibit 54?
11 Q Yes. Still the veto memo. Here
12 Mr. Newman writes when describing the secondary map,
13 he says: "In the secondary map, by contrast,
14 District 5 complies with the Florida Constitution's
15 nondiminishment requirement, but in doing so, it
16 violates the Equal Protection Clause of
17 14th Amendment to the U.S. Constitution."
18 Can that be said to be the Governor's
19 legal position on District 5 and the secondary map?
20 A Yes.
21 Q Was there any intervening precedent in
22 between the February memo that Mr. Newman wrote on
23 February 18 and this veto memo that you're aware of
24 that changed the Governor's legal position on CD-5?
25 MR. JAZIL: Object.

Page 132

1 You can answer.
2 A I don't know what you mean.
3 BY MS. FORD:
4 Q We can move on. Sorry. I do have another
5 question on this.
6 This memo concludes that compliance with
7 the Fair District Amendments is not a compelling
8 interest sufficient to satisfy strict scrutiny.
9 What is the Governor's Office basis for
10 that opinion?
11 A I don't know that I can articulate that
12 better than the memo does.
13 Q In this veto memo, did the Governor's
14 Office express any concern about the
15 constitutionality of any other district in the
16 legislature's primary plan?
17 A Could I have a chance to read back through
18 it again?
19 Q Uh-huh.
20 A (Examining document.)
21 Thank you. What was your question again?
22 Q My question was: Did the Governor's
23 Office express constitutional concerns with any
24 other districts in the primary plan or the secondary
25 plan in this memorandum?

Page 133

1 A Yes.
2 Q On what districts?
3 A The memorandum lists District 4 on page 3
4 of the memorandum, a district that was, as it said,
5 to take on a bizarre donut shape that almost
6 completely surrounds District 5 and, by reference,
7 is pointing to that issue of districts that are
8 adjacent to the unconstitutional districts.
9 Q Other than District 5, District 4, and any
10 one that by definition would touch that district and
11 be implicated by it, does this memo raise any
12 constitutional concerns with any other districts in
13 the primary or secondary plan?
14 A No.
15 Q Outside of CD-5 and the districts that
16 touch it -- we'll incorporate that -- did the
17 Governor's Office believe that Plan 8019 complied
18 with the Fair District Amendments?
19 A As articulated in the compromise plan that
20 we put forward that I drew, we believed that the
21 plan could improve in multiple ways and be
22 significantly improved in several districts
23 throughout the map.
24 Q I understand that you thought it could be
25 improved. I guess my question for you is: Did the

Page 134

1 Governor's Office believe the rest of the plan was
2 constitutional under the Fair District Amendments?
3 A The question of constitutionality
4 ultimately -- of the plan ultimately gets settled by
5 the court, but the process of redistricting was of
6 constant improvement in looking at the maps that we
7 submitted, including the changes we made from --
8 that I drew from this map to the ultimate map that
9 was enacted, put the final map in a much better
10 position to defend its constitutionality,
11 compactness, use of city lines, county lines. It
12 was a -- whole progression throughout was improving
13 the map, consistently.
14 Q Would you agree with me that there is no
15 such things as a perfect plan?
16 A Yes.
17 Q Did the Governor's Office ever reach a
18 determination that -- outside of District 5 -- that
19 any districts in the primary plan or secondary plan
20 violated any Tier 2 criteria?
21 MR. JAZIL: I'm going to give you the
22 Marsh instruction, but you can answer to the
23 extent you can.
24 A I explained exhaustively to legislative
25 committees there were numerous Tier 2 criteria that

Page 135

1 could be improved and the final Enacted Map did
2 exactly that.
3 BY MS. FORD:
4 Q I'll just -- I don't want to go in
5 circles. I realize you believe that there were
6 Tier 2 improvements that could be made. I'm asking
7 you: Did the Governor's Office make a judgment that
8 the legislature's plan violated any Tier 2 criteria
9 other than the District 4 problem that we already
10 discussed?
11 MR. JAZIL: I'm going to give you the
12 Marsh instruction. To the extent, you can
13 answer, answer.
14 A I spoke in the House and Senate committees
15 for four to five hours at length about Tier 2
16 criteria that could be improved significantly and
17 did exactly that.
18 My testimony was extremely detailed about
19 Tier 2 improvements that could be made throughout
20 these maps.
21 BY MS. FORD:
22 Q Is your testimony today that if you can
23 make an improvement to a map, that means the map has
24 worse statistics, we'll say, is unconstitutional
25 under the Fair District Amendments?

Page 136

1 A No.
2 Q Did the Governor's Office ever convey to
3 the Florida House or Senate in any manner that they
4 believed any other district in that map was
5 unconstitutional?
6 A In which map?
7 Q In the primary map or the secondary map.
8 I'll represent to you my understanding is
9 outside of North Florida, the districts are exactly
10 the same in the primary map and the secondary map.
11 So once we're talking outside of North Florida,
12 we're talking about the same map.
13 A Unless it was minor touching up that the
14 legislature did, I think that's probably fair, that
15 North Florida is the major difference, if there are
16 any.
17 Q So my question was: Did the Governor's
18 Office ever tell the House or the Senate that they
19 believed any other district in Central Florida,
20 Tampa Bay, the Gulf Coast, East Coast, the entire
21 map, South Florida, anything outside of North
22 Florida, did they ever tell the House or the Senate
23 that they believed any district in those regions was
24 unconstitutional?
25 A We certainly conveyed many of the

Page 137

1 districts could be improved upon and that would help
2 with their argument of being constitutional.
3 Q Okay. So that's a no?
4 A I've answered it the way I answered it.
5 MS. FORD: Should we take a break for
6 lunch?
7 MR. JAZIL: It's up to you guys.
8 (Discussion off record.)
9 (A recess took place from 12:41 p.m. to
10 1:20 p.m.)
11 BY MS. FORD:
12 Q Mr. Kelly, so either today or yesterday,
13 you spoke about how you met with the House and the
14 Senate to go over the Governor's proposed plans in
15 advance of the special session, right?
16 A Yes.
17 Q And you said yesterday that you brought
18 two plans and today we've established that those
19 were Plans 14A and Plan 14B; is that right?
20 A Yes.
21 Q Okay. Who from the Governor's Office
22 attended that meeting?
23 A Myself, James Uthmeier, Ryan Newman. I
24 believe just the three of us from the Governor's
25 Office.

Page 138

1 Q And am I right that there were actually
2 two separate meetings, one with the House, one with
3 the Senate?
4 A The meeting with the two maps was one
5 meeting.
6 Q Okay. And both the House and the Senate
7 were there?
8 A Yes.
9 Q Okay. I apologize if I asked you this
10 earlier. I simply forget. I know you've testified
11 that you drew Plan 14A, correct, what went on to be
12 the enacted map?
13 A Yes.
14 Q Did you also draw Plan 14B?
15 A Yes.
16 Q Did Mr. Foltz assist you in drawing
17 Plan 14B?
18 A No.
19 Q Okay. Why were those two plans the plans
20 that you brought to the meeting?
21 A We brought two options for the -- for the
22 House and Senate to look at.
23 Q Okay. And who was there from the Senate
24 side at that meeting?
25 A Dan Nordby. I think just Dan.

Page 139

1 Q Okay. What about the House?
2 A Mat Bahl, Leda Kelly, Andy Bardos. I
3 think that was it from the House.
4 Q Was there anyone else at that meeting who
5 was not a member -- member or staff of the
6 legislature or the Governor's Office?
7 A No.
8 Q Okay. What was the purpose of that
9 meeting?
10 A To share the alternative options in hopes
11 of having a compromised plan for a special session.
12 Q Were the plans presented as a sort of
13 choice that the legislature can make between the two
14 plans?
15 A That and to get feedback.
16 Q Okay. What was the legislature's
17 feedback?
18 A The feedback that we got, we presented 14A
19 as the better of the two options, and they agreed.
20 Q Was this the only plan you had with the
21 House and Senate in advance of the special session?
22 A Say that again. The only plan?
23 Q I'm sorry. Was this the only meeting that
24 you had with the House and Senate in advance of the
25 special session?

Page 140

1 A No.
2 Q What other meetings occurred?
3 A We had a meeting with the House and a
4 separate meeting with the Senate to -- after the
5 meeting that we're talking about -- to basically
6 brief them prior to my presentations in committee.
7 Q Let's go back to this first meeting, the
8 meeting where you brought the two plans, 14A and
9 14B.
10 Did anyone in that meeting express legal
11 concerns about Plan 14A?
12 A No.
13 Q Did anyone express legal concerns about
14 Plan 14B?
15 A No.
16 Q Why did the Governor's Office -- or when
17 the Governor's Office recommended Plan 14A to the
18 House and Senate, why did they make that
19 recommendation?
20 A Sure. 14A, the only differences were in
21 the Tampa area, Tampa Bay region, and a little bit
22 of the outlying districts, but the Tampa Bay region.
23 14A only split Hillsborough County three
24 times. 14B split it four times. 14A just visually,
25 it was more compact. 14A had better clear use of

Page 141

1 two major boundary lines, like State Road 60.
2 14A had a district that wholly included
3 Pinellas County; 14B did not. That district of
4 Pinellas went over Hillsborough a little bit.
5 And just the result of doing that, I
6 talked a lot yesterday, I think, about how some of
7 those districts intersected and created a nice
8 common point where three districts intersected,
9 clean lines, use of roadways. 14A accomplished that
10 kind of visual clear use of roadways and
11 compactness. 14B, it was not as -- it was not as
12 good.
13 Q Did the Governor's Office believe that
14 both of these maps, 14A and 14B, were
15 constitutional?
16 A Yes.
17 Q So let's go on to the -- fair to say
18 essentially Plan 14A was chosen at that meeting to
19 be a plan that progressed in the legislature?
20 A Yes.
21 Q The plan that the Governor's Office would
22 present publicly?
23 A Yes.
24 Q Were there any dissenting opinions to that
25 decision?

Page 142

1 A No.

2 Q So let's go on to the meetings with the

3 Senate and the House that you discussed where you, I

4 guess, fully presented Plan 14A. Is that a fair

5 characterization of the meeting?

6 A The committee meetings, you mean or ...

7 Q No. I'm sorry. To -- in your

8 presentation to the legislature, for example,

9 Senator Rodrigues said, "On Tuesday, April 12, I was

10 briefed by the Governor's Office on a map which has

11 been published as Plan 109."

12 Was that the meeting you referred to

13 earlier that you had with the Senate where you

14 walked through the plan?

15 A Yes.

16 Q And then you had a similar but separate

17 meeting with the House on the same topic?

18 A Yes.

19 Q Okay. Who was at the Senate meeting?

20 A Chair Rodrigues, Jay Ferrin. There was

21 another Senate staffer there. I can picture them,

22 but I never remember his name. But it was another

23 one of the Senate, you know, like committee staff

24 who was there, obviously myself, and either Nick

25 Meros or Josh. One of our lawyers, either Nick or

Page 143

1 Josh.

2 Q Anyone at that meeting who was not a

3 member of the Senate or the Governor's Office?

4 A No. Stephanie Kopelousos may have been in

5 that meeting. She's our legislative director.

6 Q Was anyone else from the Senate invited

7 who did not attend?

8 A Not that I know of.

9 Q Was any Democratic legislator invited?

10 A Not that I know of.

11 Q Okay. What would you say was the purpose

12 of the meeting with the Senate, in your own words?

13 A Sure. To walk through the map that --

14 that -- ultimately the Enacted Map that I was going

15 to be presenting in committee, give a preview of

16 that map to the chair.

17 Q Did you bring any physical sort of

18 materials with you to that meeting or any papers,

19 presentations that you made?

20 A Yes. Yes.

21 Q What did you bring?

22 A A printout of the -- like a binder

23 printout of the map and the data for the map.

24 Q Were any changes made to the map after

25 that meeting?

Page 144

1 A No.

2 Q What happened at that meeting?

3 A I just -- it's simple that -- me talking

4 the chair, Chair Rodrigues, through the map.

5 Q Did you receive any questions from Chair

6 Rodrigues or any of the other Senate

7 representatives?

8 A If I did, it wasn't many. I recall him

9 mostly just listening.

10 Q Did anyone at that meeting express concern

11 that the Governor's plan did not comply with the

12 Fair District Amendments?

13 A No.

14 Q Did anyone express that they thought that

15 it did comply with the Fair District Amendments?

16 A No.

17 Q That topic just wasn't addressed at that

18 meeting?

19 A Correct.

20 Q Did anyone express concern at that Senate

21 meeting that there would be a lawsuit in response to

22 the plan if it passed?

23 A I don't know.

24 Q All of my questions pertain to that Senate

25 meeting. I'm not asking about internal EOG's

Page 145

1 conversations.

2 Was there any discussion of the plan's

3 impact on minority voters?

4 A Not that I recall.

5 Q Were you asked to make any changes to the

6 map in that Senate meeting?

7 A No.

8 Q And was there any sort of planned

9 follow-up after that meeting?

10 A No.

11 Q Did anything else happen at that Senate

12 meeting that we haven't discussed?

13 A I think we've covered the synopsis of the

14 meeting.

15 Q Okay. So you had a separate meeting with

16 the House, correct?

17 A Yes.

18 Q Who from the House side was at that

19 meeting?

20 A Chair Leek, Chair Sirois, and Leda Kelly.

21 Q And then obviously yourself?

22 A Myself, either Nick or Josh. One was at

23 one meeting, one was at the other. And same answer

24 regarding Stephanie, she was at one of the two

25 meetings. I can't remember which, but she was at

Page 146

1 one of the two.

2 Q Was there anyone at that meeting who was

3 not a member of the House or the Governor's Office?

4 A No.

5 Q To your knowledge, was any Democratic

6 legislator invited to that meeting?

7 A I don't know.

8 Q Can you walk me through what happened at

9 that meeting?

10 A Sure. Same type of meeting, as the

11 meeting with the Senate. It was a walk-through of

12 the map, myself explaining the map to the

13 two chairs.

14 Q Did you receive any questions from the

15 chairs or House staff?

16 A The two chairs, I remember, had questions,

17 yeah.

18 Q What were those questions?

19 A I don't recall any specific questions. I

20 just recall, as I was explaining the map, just a lot

21 of clarifications about just what some of the

22 geographical features were. They seemed to be just

23 trying to make sure that they understood what I was

24 presenting.

25 Q Did anyone express concern at that meeting

Page 147

1 that the Governor's plan did not comply with the

2 Fair District Amendments?

3 A No.

4 Q Did anyone express that they thought that

5 the Governor's plan did comply with the Fair

6 District Amendments?

7 A I don't think they ever used those words.

8 Q Okay. Was there any discussion of the

9 plan's impact on minority voters?

10 A Not that I can recall.

11 Q Was there any sort of -- sorry. Let me

12 ask you a different question first.

13 Did anyone in that meeting ask you to make

14 any changes to the plan?

15 A No.

16 Q Was there any sort of planned follow-up

17 after that meeting?

18 A No. I guess -- I mean, you asked about

19 follow-up. In both cases, I was going to be

20 presenting, so I guess that's maybe the obvious

21 follow-up, but no other follow-up.

22 Q So obviously, the legislature had not

23 agreed -- this is my characterization -- had not

24 agreed with the Governor about CD-5 when it passed

25 its earlier proposal that the Governor vetoed.

Page 148

1 At what point in time did the House change

2 its mind about its willingness to sign on to a plan

3 that, I would say, diminishes CD-5?

4 MR. JAZIL: Object to form.

5 But you can answer if you understand the

6 question.

7 A I mean, I can only say that the House

8 agreed when the House took a vote. I mean, that's

9 when the chamber actually -- that's when the chamber

10 agrees, is when the chamber takes a vote on an

11 issue.

12 BY MS. FORD:

13 Q Sure. When did House leadership agree

14 that they would consider the Governor's version of

15 CD-5? And by that, I mean they would put it on the

16 floor for a vote?

17 A I don't know. I'd have to know things

18 about the House leadership conversations. I don't

19 know.

20 Q When did they tell the Governor's Office

21 that they would support the Governor's version of

22 CD-5?

23 A The day of that meeting with Mat Bahl, Dan

24 Nordby, Andy Bardos, and I need to say, like, staff

25 can't convey how the members are going to vote on

Page 149

1 something, so -- but they conveyed that they would

2 hear our attempt at a compromise proposal.

3 Q Would that meeting -- if I remember

4 correctly, that was a meeting where you had both

5 plans you were discussing about 14A and 14B?

6 A Yes.

7 Q Meetings don't have titles.

8 A No, it's okay.

9 Q And was that the first time that the

10 Governor's Office became aware that the Senate would

11 also sort of agree to a plan that utilized the

12 Governor's preferred version of CD-5?

13 A That's where the Senate through their

14 counsel agreed to hear the plan. Again, I mean,

15 staff at a meeting like that can't convey how

16 40 members of the Senate are going to vote.

17 Q Sure. Did the House explain why it had

18 changed its mind in its willingness to take up and

19 vote on this plan?

20 A They were -- the staff there were very

21 complimentary of the proposed compromise which

22 became the Enacted Map.

23 Q Okay. So in your presentation before the

24 legislature, you talk a lot about why you thought

25 CD-5 as drawn by the legislature in the earlier

Page 150

1 plans would not survive federal constitutional
2 challenge.

3 And you expressed opinions on why CD-5
4 would not survive strict scrutiny. Essentially, you
5 say it was not narrowly tailored to meet a
6 compelling state interest. Just giving you
7 background for my question.

8 Are you familiar with the strict scrutiny
9 test that's used in federal court?

10 A Generally. Not to the degree that one of
11 our counsel would be. I believe I was citing exact
12 text or near text from one of our legal memorandum.
13 I was offering a near quote from it.

14 Q And what -- in your estimation, what does
15 a compelling state interest mean?

16 MR. JAZIL: Object to form.

17 You can answer.

18 A I really would need to defer to counsel to
19 answer a question like that. The level that you're
20 asking it, I can refer to our legal memorandum which
21 we provided in various forms and fashions, but
22 you're asking me to give an argument that a lawyer
23 would give. I am a map-drawer.

24 BY MS. FORD:

25 Q So the reason I'm asking you, Mr. Kelly,

Page 151

1 is because in that meeting you stated you thought
2 that the legislature's earlier version of CD-5 would
3 not pass strict scrutiny because it's not narrowly
4 tailored to meet a compelling state interest. So
5 I'm just asking you for the basis of those opinions.

6 So what does it mean to you -- what does a
7 compelling state interest mean to you?

8 MR. JAZIL: Object to form.

9 A Just answered the question.

10 BY MS. FORD:

11 Q So you're not able to tell me today what
12 that means?

13 MR. JAZIL: Object to form.

14 You can answer the question.

15 A I just answered the question, that you're
16 asking me a question that one of our lawyers really
17 would be more appropriate to answer. I told you
18 already that I was basically reading a quote or near
19 quote from one of our legal memorandum.

20 I wasn't there to give in-depth legal
21 opinions to the two chambers. I was there to
22 present the map as the map-drawer.

23 BY MS. FORD:

24 Q Okay. So to the extent that you were
25 attempting to offer legal opinions on CD-5, is it

Page 152

1 fair to say then you were just offering legal
2 opinions that had been expressed to you by the
3 Governor's Office?

4 A Yes.

5 Q In your presentation before the
6 legislature, you say: "The compelling interest is
7 for the mapmaker to define."

8 Do you recall saying that?

9 A No. Do you have a copy of the transcript?

10 Q Yeah, I do. We took it out because it was
11 huge. I know it's here.

12 (Exhibit 55 was marked for
13 identification.)

14 BY MS. FORD:

15 Q Mr. Kelly, this is a transcript of your
16 presentation before the Senate committee during the
17 special session in April. If you scroll back to the
18 very last page, you'll see this was transcribed by
19 an official service.

20 Let's go to page 23 of this. Here, I
21 believe, Senator Gibson is asking you a question,
22 and you respond in this third paragraph.

23 Would you like to read it, or would you
24 like me to read it?

25 A Sure. Go ahead.

Page 153

1 Q You say Ms. -- or sorry -- Senator Gibson
2 asked: "What is in the best interest for the
3 State?"

4 And you respond: "Thank you. That's not
5 really a question I could answer. The compelling
6 interest is for the map-drawer to define. I did not
7 draw Benchmark CD-5 or District 5. I did not draw
8 any of the legislature's attempt to redraw or
9 reconfigure Benchmark District 5. That compelling
10 interest is something that you, the legislature,
11 would have to define."

12 My question for you is that you later
13 state in this presentation that you think that CD-5
14 does not achieve a compelling state interest. And I
15 was -- I'm simply just curious how you determine
16 that if you think that a compelling state interest
17 is something for the legislature, the person who
18 drew the map, to decide for themselves?

19 A Sure. The legislature's record had not
20 defined any other interest for that district but
21 race. So there was no compelling state interest to
22 define their map. They had failed in that process.

23 Q You also state in this testimony that you
24 believe that CD-5 was not narrowly tailored. Was
25 that, again, just a legal opinion from the

Page 154

1 Governor's legal counsel that you were expressing?
2 A Yes.
3 Q Were there any other meetings with the
4 House or the Senate that the Governor's Office had
5 related to Congressional redistricting that we
6 haven't talk about today?
7 A Not that I know of. I think we've covered
8 them.
9 Q Did anyone in the Governor's Office ever
10 discuss redistricting with the Republican National
11 Committee or any of its staff or agents?
12 A No.
13 Q When I say "anyone," so I don't have to
14 say -- do you understand that I mean, you know, its
15 staff, its leadership, employees, any official
16 agents on its behalf?
17 A Thank you for that clarification. The
18 answer is still no.
19 Q Okay. And that definition will apply to
20 all the entities that I'm about to ask you about.
21 Did anyone in the Governor's Office have
22 any conversations or discussions about redistricting
23 with the Republican Party of Florida?
24 A No.
25 Q What about the National Republican

Page 155

1 Congressional Committee?
2 A No.
3 Q The Redistricting Majority Project?
4 A No.
5 Q The Republican State Leadership Committee?
6 A No.
7 Q The National Republican Redistricting
8 Trust?
9 A No.
10 Q Ballard Partners?
11 A No.
12 Q Are any other consultant or agent that
13 would have been working on behalf of the Republican
14 Party?
15 A No.
16 Q Did you speak with other individuals in
17 the Governor's Office about this topic or question
18 in preparation for today's testimony?
19 A Yes.
20 Q About this specific topic?
21 A Yes.
22 Q Has Governor DeSantis ever spoken about
23 his Congressional redistricting plan at Republican
24 Party conferences or events?
25 A Has he ever spoken about his plan?

Page 156

1 Q Has he ever spoken about Congressional
2 redistricting at Republican Party conferences or
3 events?
4 A Not that I know of. He's spoken about
5 redistricting in front of quite a bit of media,
6 quite openly.
7 Q Are you aware about any comments he made
8 on redistricting in May of 2021 to a local
9 Republican Party group in Pennsylvania?
10 A No.
11 Q Are you aware of any comments he made
12 about Congressional redistricting at the 2022
13 Florida Sunshine Summit?
14 A No.
15 (Exhibit 56 was marked for
16 identification.)
17 BY MS. FORD:
18 Q Mr. Kelly, Exhibit 56 is an article that
19 was published in Politico on November 17, 2022. The
20 title of this article is, "GOP to DeSantis: Thanks
21 for helping us flip the House."
22 Have you seen this article before?
23 A I don't think so.
24 Q If you can flip to the second page, the
25 first full page of text, could you please read for

Page 157

1 me the third and fourth paragraphs for the record?
2 A Sure. "But Republicans in Florida and
3 nationally are now praising the Governor for
4 strong-arming his own party to approve his
5 Congressional maps which netted Florida Republicans
6 four additional Congressional seats on election day
7 and essentially helped the GOP win the teeny House
8 majority."
9 And then the quote: "Republicans in
10 Congress owe a big thank you to Florida Governor Ron
11 DeSantis whose insistence on redrawing the State's
12 Congressional districts led to a four-seat pickup in
13 the U.S. House on Tuesday, said Rep Vern Buchanan, a
14 Florida Republican who could serve as chairman of
15 the House Ways and Means Committee after the
16 Republicans assume control of the chamber in
17 January."
18 "Florida now has 20 Republican members of
19 the House as a result of the Governor's assistance
20 on his maps. Only one state has more Republicans in
21 Congress."
22 Q Thank you.
23 So here Representative Vern Buchanan is
24 giving the Governor credit for the seats that
25 Republicans netted here.

Page 158

1 Do you agree that Governor DeSantis should
2 get credit for the current House Republican
3 majority?
4 MR. JAZIL: Object to form.
5 A No.
6 (Exhibit 57 was marked for
7 identification.)
8 BY MS. FORD:
9 Q There's no method to this madness, the
10 last exhibits that I wanted to ask about. I didn't
11 have time to put it in my outline very neatly.
12 Mr. Kelly, Exhibit 57 is the submission
13 form by Mr. Newman submitted to the Florida
14 legislature on April 13, 2022, which was submitting
15 Plan 109, what would go on to be the Enacted Map.
16 Does this look like a fair and accurate
17 copy of that submission?
18 A Yes.
19 Q And in this submission form, Mr. Newman
20 did not list your name on this, correct?
21 A Correct.
22 Q Is there a reason why he submitted it
23 instead of you?
24 MR. JAZIL: I'm going to give you the
25 Marsh instruction, and in addition,

Page 159

1 attorney-client privilege.
2 A Well -- and I noted the second time
3 earlier when I looked at it, I think it was
4 Exhibit -- or one of the earlier -- I think it was
5 maybe Exhibit 48, one of the earlier exhibits --
6 that we are an office. Ryan Newman was acting as a
7 designee of our office. Anyone who worked in our
8 office on this, we worked as part of the office.
9 (Exhibit 58 was marked for
10 identification.)
11 BY MS. FORD:
12 Q Mr. Kelly, Exhibit 58 is an e-mail that
13 was produced by your office to us in this case.
14 It's an e-mail chain between Taryn Fenske, who you
15 said does communications for your office?
16 A Communications director.
17 Q She forwarded something to Mr. Newman, but
18 the substance of the e-mail is Ms. Fenske's
19 correspondence with Gary Fineout from Politico.
20 Here, if you look at the last page of
21 Mr. Fineout's -- he provides some questions in
22 writing and asks some questions about Adam Foltz.
23 Do you want to take a second to read that?
24 I assume you haven't seen this before.
25 A Thank you. Appreciate it.

Page 160

1 (Examining document.)
2 Okay. Thank you.
3 Q Okay. My question is simply: Here in the
4 response to Mr. Fineout, Ms. Fenske says: "Hey,
5 Gary. Is Adam a political operative because you say
6 he is or because you don't agree with his map?
7 Either way, it sounds like petty name calling."
8 Ms. Fenske here, to a lay observer,
9 appears to be implying to me that Mr. Foltz is the
10 author of the map that the Governor's Office has
11 just put forward. Was Ms. Fenske in error in this
12 sort of language?
13 A You're in error in your --
14 MR. JAZIL: Object to the form.
15 A You're in error in your reading of the
16 e-mail.
17 BY MS. FORD:
18 Q Okay. Can you explain -- what's your
19 reading of the e-mail?
20 A Mr. Fineout is asking about my statements
21 on the record about Adam Foltz's control as a
22 contractor and Ms. Fenske is answering that
23 particular issue.
24 Q Okay. So his map is -- you take that to
25 be a reference to the earlier plans that you had

Page 161

1 done with Mr. Foltz?
2 A I'd have to ask Gary Fineout exactly what
3 the phrase "his map" means.
4 Q That's Ms. Fenske's quote.
5 A I'd have to ask her exactly what it means,
6 but, I mean, to be frank, this -- I can tell by the
7 time this was sent while I was presenting in the
8 House, Ms. Fenske and Mr. Fineout were in the room
9 in the audience. So he was clearly asking her
10 questions, but you're taking this out of context.
11 Q I'm just -- well, that's why I asked you
12 if you could -- that's fine.
13 You mentioned yesterday that you had used
14 the Florida Redistricting website for your map
15 drawing?
16 A Yes.
17 Q That website had access to election data
18 and political data for every district, correct?
19 A I believe so, yes.
20 Q And it was possible to generate reports
21 that would have contained election data for every
22 district in a plan that the mapmaker was drawing,
23 correct?
24 A Correct.
25

Page 162

1 (Exhibit 59 was marked for
2 identification.)
3 BY MS. FORD:
4 Q Let's come back to that. In the meantime,
5 I'll just finish up with my last two exhibits.
6 Mr. Kelly, Exhibit 59 I will represent to
7 you was produced in a series of public records from
8 the Governor's Office in response to a request about
9 redistricting. It was provided to American
10 Oversight.
11 I apologize that it doesn't have any
12 markings. I think it was a single document in a
13 1700-page public records response that I did not
14 feel like printing out all 1700 pages.
15 Have you seen this map before?
16 A It does not look familiar.
17 Q Okay. You don't think you've ever seen
18 it?
19 A Does not look familiar.
20 Q Okay.
21 (Exhibit 60 was marked for
22 identification.)
23 BY MS. FORD:
24 Q Mr. Kelly, Exhibit 60 was the page that
25 immediately followed this map, and following it was

Page 163

1 a 400-page text which seems to me to be like a TXT
2 file of some sort of spreadsheet providing an
3 analysis that appeared to compare this plan on a
4 variety of metrics.
5 Have you ever seen this or a spreadsheet
6 that looks like this before?
7 A No.
8 Q So this was not your analysis?
9 A I haven't the faintest clue what this is.
10 Q This was the format in which it was
11 provided. So I don't have the original Excel
12 spreadsheet or a better format.
13 A The problem always at the Governor's
14 Office is thousands of people e-mail us things, so
15 you could easily be pulling up something that just
16 some random person e-mailed us.
17 Q So you know, there was absolutely no
18 context provided, so ...
19 A Yeah. I don't recognize either one of
20 these documents, 59 or 60.
21 (Exhibit 61 was marked for
22 identification.)
23 BY MS. FORD:
24 Q Mr. Kelly, for context, I had intended to
25 show you the version just for Plan 109. We can't

Page 164

1 find it at the moment, so let's use the one for the
2 Plan 79. I'll represent to you that this was
3 produced to us by the House. You can see that with
4 the House Bates stamp date at the bottom.
5 It appears to be a spreadsheet providing
6 for your -- for the Governor's first plan, Plan 79,
7 a breakdown of the plan on a variety of statistics,
8 including the percentage of Democratic voters,
9 Republican voters, Independent voters on a variety
10 of metrics.
11 A You said the House provided this to you?
12 Q The House provided this, that's correct.
13 So in the House redistricting -- I'm
14 sorry. In the Florida Redistricting website, it was
15 possible to generate reports like this, correct?
16 A I've never seen a report like this. I
17 know their website allows you to develop a variety
18 of reports, including political data. I've never
19 seen something like this.
20 Q Okay. I don't have any more questions on
21 this.
22 Did the Governor's Office ask anyone to
23 sign any nondisclosure agreements in connection with
24 redistricting work?
25 A Not that I know of.

Page 165

1 Q Okay. When the Governor's Office went
2 about collecting documents to respond to the
3 subpoena -- I know you provided documents -- who
4 else from your office would have provided documents
5 or would have engaged in this sort of hand- -- said,
6 you know, here's a box of stuff.
7 A Sure.
8 Q Who else did that?
9 A Sure. I know Chris DeLorenzo from our
10 office was the main person going around collecting
11 documents. I know he collected documents from
12 myself, Stephanie Kopelousos, I'm pretty sure James
13 Uthmeier, I believe Chris Spencer, documents our
14 lawyers would have had, which could be Ryan Newman,
15 Josh, Nick. I'm probably forgetting a name or two.
16 But I know -- I know Chris collected documents from
17 a large number -- I say a large, sorry -- or some
18 number of people like the ones I mentioned.
19 Q Do you know if documents were collected
20 from the Governor himself?
21 A I don't know.
22 Q In this process did the Governor's Office
23 ever discover any pertinent documents had been
24 deleted?
25 A Not to my knowledge.

Page 166

1 MS. FORD: I don't have any further
2 questions at this time.
3 MR. JAZIL: You want to take a 5-minute
4 break?
5 MS. DJANG: Perfect.
6 MR. JAZIL: Consistent with our discussion
7 yesterday, after you guys are done asking
8 questions, I'll have very brief follow-up,
9 hopefully, three or four questions, and that's
10 it. Then you can have a chance for redirect.
11 MS. FORD: Okay. I was just -- in terms
12 of form, I didn't -- I'm trying to think
13 through whether it matters if the Secretary is
14 a separate deposition.
15 MR. JAZIL: So here's my understanding,
16 and you correct me if I am wrong. We started
17 on the first day. I represented to you that
18 everything he says is a party admission for
19 purposes of the Governor's Office, for the
20 Secretary.
21 So as far as I'm concerned, his answers
22 bind both sides to the extent that they do, and
23 I'm just going to follow up, ask questions
24 after, and that will make it simple.
25 MS. FORD: Works for me.

Page 167

1 (A recess took place from 2:06 p.m. to
2 2:10 p.m.)
3 DIRECT EXAMINATION
4 BY MR. POSAMATO:
5 Q Mr. Kelly, so we understand that you were
6 also here as a corporate representative for the
7 Secretary of State's Office, is that correct?
8 A Yes.
9 Q I'm going to just show you one of my
10 two exhibits, which is the notice from the Secretary
11 of State's Office.
12 (Exhibit 62 was marked for
13 identification.)
14 BY MR. POSAMATO:
15 Q Have you seen this, sir, before?
16 A Yes.
17 Q As I understand, you're here to testify as
18 to Topics 3 through 11 and then Topics 1, 2, and 17
19 to the extent that they are relevant to your
20 testimony to the Topics 3 through 11; is that
21 correct?
22 A That sounds right, yes.
23 Q Okay. And you understand that this means,
24 as it meant for your testimony on behalf of the
25 Executive Office of Governor, that you are to

Page 168

1 provide answers on behalf of the Secretary's
2 Office -- of State's office?
3 A Yes.
4 Q And just like in the context of the
5 Executive Office of Governor, by the Secretary of
6 State's Office -- I mean Secretary of State, his
7 staff, employees, consultants, and representatives,
8 such as folks like Adam Foltz.
9 A Yes.
10 Q And are you prepared to testify regarding
11 Topics 3 through 11, and 1, 2, and 17 to the extent
12 they are relevant?
13 A Yes.
14 Q Can you describe how you prepared to
15 testify on those topics?
16 A I met with our counsel.
17 Q Counsel in the Secretary's Office or
18 secretary of the Executive Office of Governor?
19 A Counsel for the Executive Office of
20 Governor who includes counsel that the Secretary of
21 State's paying for.
22 Q Did you review any documents?
23 A This document. I think for this portion
24 of the preparation, I think it was this document,
25 although some of these questions are applicable to

Page 169

1 both.
2 Q Sure. Did you speak to anybody other than
3 your attorneys?
4 A No.
5 Q Nobody else in the Secretary of State's
6 Office besides the attorneys?
7 A No.
8 Q Governor's Office?
9 A No.
10 Q Anybody in the legislature, staff, or
11 members?
12 A No.
13 Q Did you speak to Adam Foltz?
14 A No.
15 Q Can you describe what role the Secretary
16 played in the State's 2021-2022 Congressional
17 redistricting process?
18 A The office contracted for -- our office
19 was the -- had the contracts for our outside counsel
20 and map-drawer, outside counsel, and consultants.
21 Q So did the Secretary play -- Secretary's
22 Office play any other role besides engaging in
23 contracts with the outside?
24 A No.
25 Q And why did the Secretary's Office enter

Page 170

1 into those contracts rather than the Executive
2 Office of the Governor?
3 A The Executive Office of the Governor
4 doesn't have a budget for outside counsel, so it's
5 pretty common for across policy areas that,
6 typically, the agency for which the policy is most
7 applicable, it's pretty common that that agency
8 typically does have a budget for outside counsel.
9 So typically, those agencies will be the
10 ones that actually pay the legal bills.
11 Q Did the Secretary's Office ever enter into
12 a contract with an electronic consultant or any kind
13 of consultant to help with redistricting in past
14 cycles?
15 A In past cycles? I don't know.
16 Q Can you identify who the Secretary engaged
17 to help with the state's redistricting?
18 A Who was on contract with the Secretary of
19 State's Office?
20 Q That's right.
21 A Mo, their firm, Adam Foltz. I don't --
22 forgive me. I just -- you know, our attorneys, our
23 counsel, are consultants who we've mentioned before.
24 Q Thomas Bryan?
25 A Yes. I don't know if his contract -- I

Page 171

1 don't know if he was a direct contract himself or if
2 he was through somebody else. But, yes, he was part
3 of it, I guess.
4 Q My colleague asked you about Eric
5 Wienckowski and if you weren't sure --
6 A I wasn't familiar who he was.
7 Q I want to ask you about Mo and his
8 colleagues.
9 But how did you -- how did the Secretary's
10 Office decide to engage Mr. Foltz and Mr. Bryan?
11 MR. JAZIL: To the extent that the
12 information isn't privileged, you can share it.
13 A That would be all internal conversations
14 in our office except to the extent that we directed
15 them to.
16 BY MR. POSAMATO:
17 Q So I'm asking just in your capacity as
18 representative of the Secretary of State's Office.
19 Did the Secretary of State have a view on who the
20 Secretary should hire to help the state's
21 redistricting process?
22 A Did the Secretary of State?
23 MR. JAZIL: Again, to the extent that the
24 information isn't attorney-client privilege,
25 legislative privilege, you can answer.

Page 172

1 THE WITNESS: I do not know what would be
2 and would not be attorney-client privilege and
3 legislative privilege here.
4 MR. JAZIL: Okay. Fair enough. To the
5 extent that there was discussion -- you want to
6 explore this more, Joe? Ask him different
7 questions.
8 MR. POSAMATO: Yeah.
9 BY MR. POSAMATO:
10 Q So as we mentioned earlier, the
11 Secretary's Office entered into contracts with
12 Mr. Foltz and potentially Mr. Bryan?
13 A Can I go back to something I said earlier?
14 Q Sure.
15 A I think I may have answered your question.
16 I said Secretary of State's Office was directed to.
17 I don't know if that answered your question or not.
18 Q That does answer my question. But let me
19 ask a follow-up.
20 Did the Secretary -- was there any
21 discussions between Executive Office of the Governor
22 and the Secretary of State's Office on who to hire
23 to assist the State with the redistricting process?
24 MR. JAZIL: To the extent those
25 discussions were just among the lawyers, I'm

Page 173

1 going to direct you not to answer.
2 Do you know of any discussions, outside of
3 the lawyers through the Executive Office of the
4 Governor and Secretary of State's Office, you
5 can answer.
6 A I know the Secretary of State was briefed
7 on the matter to say that these contracts were going
8 to be signed.
9 BY MR. POSAMATO:
10 Q Okay. So is it fair to say that the
11 Secretary -- I'm not trying to breach any
12 attorney-client privilege, but I'm just trying to
13 understand.
14 Is it fair to say that the Secretary of
15 State didn't really have much role in deciding on
16 who to hire? It was -- it mostly came from the
17 Executive Office of the Governor?
18 A Yes. The Secretary of State at the time,
19 Laurel Lee, did not have much of a role in who to
20 hire.
21 Q Okay. Just to put a little more
22 specificity, beyond following direction from the
23 Executive Office of the Governor on who to hire to
24 assist the State with map drawing and redistricting,
25 generally did the Secretary assist the Governor with

Page 174

1 any other part of the State's redistricting process?
2 A No.
3 Q What about the legislature?
4 A Did the --
5 Q -- Secretary of State --
6 A -- assist the legislature?
7 Q Yeah, any part of the legislature.
8 A No.
9 Q Beyond hiring consultants to assist with
10 map drawing, was the Secretary's Office or
11 anybody -- the Secretary or anybody in the
12 Secretary's Office involved in any map drawing?
13 A No.
14 Q Did this -- was the Secretary or anybody
15 in the Secretary's Office involved in reviewing
16 draft plans?
17 A No.
18 Q When did the Secretary of State's Office
19 first get in touch with Mr. Foltz?
20 A That, I don't know.
21 Q Was the Secretary of State Mr. Foltz's
22 client, or was it the Executive Office of Governor?
23 A The Secretary of State is who had the
24 contracts in this matter.
25 Q So did Mr. Foltz only report to the

Page 175

1 Secretary, or did Mr. Foltz also report to folks
2 inside the Executive Office of the Governor?
3 A Mr. Foltz reported to the team and
4 Executive Office of the Governor.
5 Q Nobody else within the Secretary's Office?
6 A Correct.
7 Q Besides Mr. Foltz and Mr. Bryan, were any
8 other third-party consultants considered to assist
9 the State in its redistricting process?
10 A I don't know.
11 Q Were you aware that Mr. Foltz was also
12 employed by Texas to assist Texas with its
13 redistricting process while he was also working for
14 the State of Florida?
15 A Yes. And I actually testified to that in
16 committee.
17 Q Can you just broadly describe the scope of
18 Mr. Foltz's engagement?
19 A Map drawing.
20 Q Are you aware how much Mr. Foltz was paid
21 for his work?
22 A No.
23 Q Is Mr. Foltz still employed by the
24 Secretary?
25 A Not to my knowledge.

Page 176

1 Q Was he paid at all?
2 A Was he actually paid?
3 Q Yeah.
4 A I don't know if he received payment, and I
5 should go back. If he's still under contract, I
6 don't know it, if that makes any difference.
7 Q What was Mr. Foltz's process for drawing
8 draft congressional plans?
9 A What was his personal process?
10 Q Yes. Is the Secretary's Office aware or
11 anybody in the Secretary's Office aware of the
12 process Mr. Foltz undertook to draw up draft plans?
13 A I was able to testify earlier just some of
14 the high-level direction he was given. I don't know
15 his process. I think when you depose him, he could
16 probably best answer that.
17 Q Okay. Did the Secretary provide Mr. Foltz
18 with any data?
19 A Did the Secretary of State provide
20 Mr. Foltz with any data? No.
21 Q Did the Secretary provide Mr. Foltz with
22 any guidance to follow when drawing up draft plans?
23 A No.
24 Q I just want to turn your attention to -- I
25 don't know where I put it now -- Exhibit 54, which

Page 177

1 we talked about briefly earlier. This was, I think,
2 an expression of --
3 MS. FORD: The veto memorandum.
4 BY MR. POSAMATO:
5 Q Yeah, the veto memorandum expressing the
6 Governor's Office use on -- yes, this is the
7 Executive Office of the Governor's, I believe, veto
8 memorandum. And I believe earlier you had testified
9 this reflected the Governor's views on CD-5 and the
10 Fair District Amendments?
11 A I think I was asked earlier about CD-5.
12 Q Sure, CD-5?
13 A Yes, it reflects his views on CD- 5.
14 Q Does this also reflect the Secretary of
15 State's Office regarding CD-5?
16 A The Secretary of State's view on CD-5?
17 Q Yeah.
18 A No, this reflects the Governor's view.
19 Q Do you know if the Secretary had a view on
20 CD-5?
21 A I don't know.
22 Q Did the Secretary perform any analysis of
23 any draft plan that Mr. Foltz drafted?
24 A No.
25 Q So the Secretary didn't perform, for

Page 178

1 example, a functional analysis on any of Mr. Foltz's
2 plans?
3 A Correct.
4 Q How many draft plans did Mr. Foltz
5 complete?
6 A I don't know the exact number. Like I
7 say, give or take 10 to -- 10-ish, maybe a little
8 more. There were some plans that he and I worked on
9 together.
10 Q Sure.
11 A So I don't -- I'm not trying to parse
12 words there. So some of those we completed
13 together, some he did by himself, some I did. So
14 I'd say he had his hand in, give or take, 10 plans.
15 Q At the risk of repetition, is it correct
16 to say that Mr. Foltz drafted those plans solely at
17 the behest of the Executive Office of the Governor?
18 A Yes.
19 Q Who specifically in the -- well, did
20 anyone specifically in the Executive Office of the
21 Governor ask Mr. Foltz to draw up those plans?
22 MR. JAZIL: I'm going to give you the
23 Marsh instruction.
24 BY MR. POSAMATO:
25 Q And I want to clarify that I'm asking this

Page 179

1 in your capacity as a representative for the
2 Secretary of State's Office, to the extent the
3 Secretary of State's Office was also involved in
4 those discussions and is aware of who directed it.
5 A Oh, sure. The Secretary of State's Office
6 wouldn't have any idea as to who in the Governor's
7 Office gave Mr. Foltz direction.
8 Q Can you describe, maybe at a high level to
9 the extent you're aware, Mr. Foltz's work process?
10 So after he would complete a draft plan, who would
11 he send them to?
12 A Who would he send the draft plan to?
13 Q Yeah.
14 A Mr. Foltz would send a draft plan either
15 to myself or to Mo or to both of us.
16 Q And then what was the process after
17 receiving a draft plan from Mr. Foltz?
18 MR. JAZIL: I am going to give you the
19 Marsh instruction here. Answer to the extent
20 you can.
21 A The only way that I could answer that
22 conversation would be to talk about internal
23 conversations through our office. I'm going to take
24 counsel's guidance.
25

Page 180

1 BY MR. POSAMATO:
2 Q And then are you able to answer to the
3 extent that the Secretary was involved in any of
4 that, in any part of that process?
5 MR. JAZIL: I'm going to give you the
6 Marsh instruction again. And so the record is
7 clear, the Secretary of State's Office reports
8 directly to the Executive Office of the
9 Governor. She -- now he -- serves at the
10 pleasure of the Governor. So it is part of the
11 executive branch, but again, answer to the
12 extent you can.
13 MR. POSAMATO: Can I just clarify?
14 MR. JAZIL: Sure.
15 MR. POSAMATO: So is it your position that
16 the Secretary of State's Office is sort of the
17 instrument of the Executive Office of the
18 Governor?
19 MR. JAZIL: Yes.
20 MR. POSAMATO: Like as a matter of law?
21 MR. JAZIL: Yes, and the Executive Office
22 of the Governor's lawyers, for example, serve
23 as legal counsel to the Secretary of State's
24 Office and the Secretary of State's lawyers
25 serve as counsel to the Executive Office of the

Page 181

1 Governor too, so there is a relationship like
2 that.
3 MR. POSAMATO: Okay.
4 A Can you repeat your question?
5 BY MR. POSAMATO:
6 Q Sure. I had asked, you know, to the
7 extent that the Secretary was involved in the review
8 of draft plans created by Mr. Foltz, are you able to
9 describe what that process was like?
10 A The Secretary of State's Office was never
11 involved in reviewing draft plans.
12 Q Sure.
13 Was any particular individual or -- was
14 any particular individual in charge of Mr. Foltz's
15 work?
16 MR. JAZIL: I give you the same Marsh
17 instruction, but to the extent you can answer,
18 answer.
19 A The only way I could answer the question
20 would be to talk about internal conversations to our
21 office. I'm going to follow counsel's guidance.
22 BY MR. POSAMATO:
23 Q Did anyone outside the Secretary of
24 State's Office provide Mr. Foltz with data?
25 A Did anyone outside the Secretary of

Page 182

1 State's Office provide Mr. Foltz with data? The
2 Governor's Office.
3 **Q And what data was that?**
4 MR. JAZIL: I am going to give you the
5 Marsh instruction.
6 **A Well, and to be clear too, that the**
7 **legislative tool that was used for map drawing has**
8 **data, so let's just apply that to everybody. The**
9 **e-mail records back and forth between our office and**
10 **Mr. Foltz would cover any of that.**
11 BY MR. POSAMATO:
12 **Q Okay. Just so I understand your answer,**
13 **Mr. Foltz would have had access to data provided on**
14 **the legislature's map drawing tool, and then there**
15 **would have been -- that's data reflected in some**
16 **e-mail traffic we've received in discovery between**
17 **your office and Mr. Foltz?**
18 **Is it your testimony that that is the**
19 **exclusive universe of data he would have received**
20 **from your office, or are you at all relying on the**
21 **Marsh order?**
22 **A From our office, that's the exclusive data**
23 **he would have received from our office.**
24 **Q Did Mr. Foltz have any assistants or**
25 **coworkers? You may have answered this earlier.**

Page 183

1 **A Did he have any assistance in --**
2 **Q Assistants, not -- sort of the noun,**
3 **not -- like people who were helping him?**
4 **A In?**
5 **Q Map drawing.**
6 **A Okay. In the act of map drawing, no.**
7 **Q Did Mr. Foltz analyze any draft plans that**
8 **originated in the legislature?**
9 MR. JAZIL: I give you the Marsh
10 instruction, but to the extent you can answer,
11 answer.
12 **A The public record of e-mail traffic shows**
13 **that he did.**
14 BY MR. POSAMATO:
15 **Q Did anybody decide which plans Mr. Foltz**
16 **would review that the legislature had proposed or**
17 **considered?**
18 MR. JAZIL: I'm going to give you the
19 Marsh instruction, but you can answer to the
20 extent --
21 **A The only way that I could answer that**
22 **question would be to talk about conversations**
23 **internal to our office, so I'm going to take**
24 **counsel's guidance.**
25

Page 184

1 BY MR. POSAMATO:
2 **Q Did Mr. Foltz review or analyze any draft**
3 **plans that originated from the Executive Office of**
4 **the Governor?**
5 **A Yes, the e-mail traffic between us would**
6 **show that he did.**
7 **Q Sure. But beyond just e-mail traffic, are**
8 **there any other plans that Mr. Foltz analyzed that**
9 **originated from the Executive Office of the**
10 **Governor?**
11 **A Yes. I would think, though, it's -- you**
12 **know, I say that. I think -- I would think it all**
13 **shows up in the e-mail.**
14 **Q Are you sure?**
15 **A That's how we exchanged plans. So any**
16 **plan we exchanged, we e-mailed it to each other.**
17 **Q So any plan Mr. Foltz would have reviewed**
18 **from the Executive Office of the Governor would be**
19 **in e-mail?**
20 **A Yeah.**
21 **Q Other than draft plans, did Mr. Foltz**
22 **create any other work product for the Secretary or**
23 **for the Executive Office of the Governor?**
24 MR. JAZIL: I'm going to give you the
25 Marsh instruction, but answer if you can.

Page 185

1 **A Other than draft plans?**
2 BY MR. POSAMATO:
3 **Q Yes.**
4 **A Mr. Foltz would send some data with those**
5 **plans.**
6 **Q And is that data -- does that data take**
7 **the form of the plan comparisons that my colleague**
8 **showed you in earlier testimony?**
9 **A Yes, there was a -- one that -- there was**
10 **one particular exhibit that -- if you'll give me a**
11 **moment. The data Mr. Foltz would send would look**
12 **similar to Exhibit 51.**
13 **Q Did Mr. Foltz provide any data or any**
14 **analysis other than what's the sort of data analysis**
15 **that's represented in Exhibit 51?**
16 **A No.**
17 **Q Did any third party other than Mr. Foltz**
18 **assist the Secretary with its work during the**
19 **2021-2022 redistricting process?**
20 **A I apologize, I dropped a napkin, I got**
21 **distracted. I'm so sorry. Could you repeat your**
22 **question?**
23 **Q Did any third party other than Mr. Foltz**
24 **or Mr. Bryan assist the Secretary with its work**
25 **during the 2021-2022 redistricting process?**

Page 186

1 A No.

2 Q Did the Secretary have any contact with

3 any third party other than Mr. Foltz or Mr. Bryan

4 regarding the State's 2021-2022 redistricting

5 process?

6 A No.

7 Q Did any third party contact the Secretary

8 to offer their assistance during the State's

9 2021-2022 redistricting process?

10 A Did any third party contact them? I

11 couldn't speak to the potentially thousands of

12 e-mails state agencies get all day long from average

13 citizens. I couldn't speak to that.

14 Q Is the Secretary aware of any third

15 parties who assisted the legislature during the

16 2021-2022 redistricting process?

17 A I apologize, say it again.

18 Q If I'm talking too quickly, you can tell

19 me to slow down, too.

20 Is the Secretary aware of any third

21 parties who assisted the legislature during the

22 2021-2022 redistricting process?

23 A No.

24 Q Did the Secretary have any communications

25 with any member of the U.S. Congress during the last

Page 187

1 redistricting cycle?

2 A No.

3 Q I am going to ask you whether the

4 Secretary had communications with a series of

5 entities.

6 A Sure.

7 Q Did the Secretary have any communications

8 with the Republican National Committee?

9 A No.

10 Q The Republican Party of Florida?

11 A No.

12 Q The National Republican Congressional

13 Committee?

14 A No.

15 Q The Redistricting Majority Project?

16 A No.

17 Q The Republican State Leadership Committee?

18 A No.

19 Q The National Republican Redistricting

20 Trust?

21 A No.

22 Q Ballard Partners.

23 A No.

24 Q Or any other consultant or agent on behalf

25 of any entity affiliated with the Republican Party?

Page 188

1 A No.

2 Q I just have a few more questions. During

3 the 2021-2022 redistricting process, did the

4 Secretary communicate with Governor DeSantis

5 concerning the State's redistricting of its

6 Congressional plan?

7 A Secretary communicate with the Governor?

8 Not to my knowledge.

9 Q Did the Secretary communicate with anyone

10 in the Executive Office of the Governor concerning

11 the State's redistricting process?

12 A Yes.

13 Q Who within the Executive Office of the

14 Governor did the Secretary communicate with?

15 A Whoever worked on the contracts that we've

16 been talking about with the consultants and lawyers.

17 Q Were those conversations limited to the

18 contracts you were discussing?

19 A Yes.

20 Q You didn't talk about anything else -- or

21 the Secretary's Office did not discuss any other

22 topics with the Executive Office of the Governor

23 besides the contracts?

24 A Correct.

25 Q Did the Secretary communicate with

Page 189

1 Governor DeSantis or anyone in the Executive Office

2 of the Governor about any draft plan created by

3 Mr. Foltz during the last cycle?

4 A No.

5 Q Did the legislature consult with the

6 Secretary on any election administration questions

7 with respect to implementing a new Congressional

8 plan?

9 A With respect to implementing the new plan?

10 I'm not sure. Kind of beyond the process.

11 Q Sure. And this is sort of on the edge of

12 topics that you were here to testify about.

13 A Yes.

14 Q Just talking about your communications

15 about the process generally with the legislature and

16 Governor's Office. I ask the same questions of the

17 Governor's Office.

18 Did the Secretary have any discussions

19 with the Governor's Office regarding the

20 implementation of a new Congressional plan?

21 A Regarding the actual implementation of it?

22 That, I don't know.

23 Q Did the Secretary have any communication

24 with any member of the legislature regarding the

25 redistricting process in the last cycle?

Page 190

1 A No.

2 Q Did the Secretary review any draft plans

3 proposed by the legislature?

4 A No.

5 Q Did the Secretary review any data

6 considered or created by the legislature?

7 A No.

8 Q Did the Secretary have any contact with

9 redistricting staff members?

10 A No.

11 Q And did the Secretary or anyone in the

12 Secretary's Office give any member of the

13 legislature feedback on any plans submitted by the

14 legislature?

15 A No.

16 MR. POSAMATO: I think that is all I have,

17 but if you guys give me a minute just to

18 discuss with my colleague.

19 (Discussion off record.)

20 MR. POSAMATO: That's all we got.

21 (A recess took place from 2:37 p.m. to

22 2:50 p.m. and continues in Volume 2.)

23

24

25

Page 191

1 CERTIFICATE OF OATH

2

3 STATE OF FLORIDA)

4 COUNTY OF LEON)

5 I, the undersigned authority, certify that

6 JAMES ALEXANDER KELLY, as REPRESENTATIVE OF THE

7 EXECUTIVE OFFICE OF THE GOVERNOR and SECRETARY OF

8 STATE'S OFFICE personally appeared before me on June

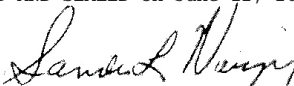
9 8, 2023, and was duly sworn.

10

11

12 SIGNED AND SEALED on June 12, 2023.

13

14 

15 SANDRA L. NARGIZ

16 RPR, RMR, CRR, CRC, CCR-GA

17 snargiz@comcast.net

18 Commission #HH239213

19 EXPIRES: APRIL 18TH, 2026

20

21

22

23

24

25

Page 192

1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)

3 COUNTY OF LEON)

4 I, SANDRA L. NARGIZ, Registered

5 Professional Reporter, certify that I was authorized

6 to and did stenographically report the deposition of

7 JAMES ALEXANDER KELLY, as REPRESENTATIVE OF THE

8 EXECUTIVE OFFICE OF THE GOVERNOR and SECRETARY OF

9 STATE'S OFFICE; that a review of the transcript was

10 requested, and that the foregoing transcript, pages

11 1 through 190, is a true record of my stenographic

12 notes.

13 I further certify that I am not a

14 relative, employee, attorney or counsel of any of

15 the parties, nor am I a relative or employee of any

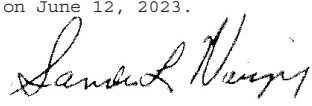
16 of the parties' attorney or counsel connected with

17 the action, nor am I financially interested in the

18 action.

19 DATED on June 12, 2023.

20

21 

22

23 SANDRA L. NARGIZ

24 RPR, RMR, CRR, CRC, CCR-GA

25 Notary Public in Florida

snargiz@comcast.net

Page 193

1 June 12, 2023

2 MOHAMMAD O. JAZIL, ESQUIRE

3 mjazil@holtzmanvogel.com

4 RE: Black Voters Matter, et al. vs. Cord Byrd, et

5 al. and Common Cause vs. Cord Byrd

6 Case No. 2022 CA 000666 AND 4:22-cv-109-AW-MAF

7 Deposition of JAMES ALEXANDER KELLY, as

8 REPRESENTATIVE OF THE EXECUTIVE OFFICE OF THE

9 GOVERNOR and SECRETARY OF STATE'S OFFICE

10 on June 8, 2023

11 Dear Counsel:

12 The transcript of the above proceeding is now

13 available and requires signature by the witness.

14 Please e-mail fl.production@lexitaslegal.com for

15 access to a read-only PDF transcript and

16 PDF-fillable errata sheet via computer or use the

17 errata sheet that is located at the back of the

18 transcript. Once completed, please print, sign, and

19 return to the email address listed below for

20 distribution to all parties. If you are in need of

21 assistance, please contact Lexitas at 888-811-3408.

22

23 If the witness does not read and sign the transcript

24 within a reasonable amount of time (or 30 days if

25 Federal), the original transcript may be

filed with the Clerk of the court. If the witness

wishes to waive his/her signature now, please have

the witness sign in the blank at the bottom of this

letter and return to the email address listed below.

Very truly yours,

Sandra L. Nargiz, RPR, RMR, CRR, CRC, CCR-GA

Lexitas

1551 Forum Place, Suite 200-E

West Palm Beach, Florida 33401

fl.production@lexitaslegal.com

I do hereby waive my signature.

JAMES ALEXANDER KELLY, as REPRESENTATIVE OF THE

EXECUTIVE OFFICE OF THE GOVERNOR and SECRETARY OF

STATE'S OFFICE

Job No. 309153

1 ERRATA SHEET - VOLUME 1
2 DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE
3 In Re: Black Voters Matter, et al. vs. Cord Byrd, et
al. and Common Cause vs. Cord Byrd
4 Case Nos.: 2022 CA 000666 and
4:22-cv-109-AW-MAF
5 JAMES ALEXANDER KELLY, as
6 REPRESENTATIVE OF THE EXECUTIVE OFFICE OF THE
GOVERNOR and SECRETARY OF STATE'S OFFICE
June 8, 2023

7	PAGE	LINE	CHANGE	REASON
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				

20 Under penalties of perjury, I declare that I have
read the foregoing transcript of the above
21 proceeding and I hereby swear that my testimony
therein was true at the time it was given and is now
22 true and correct, including any corrections and/or
amendments listed above.

23 Signature of Witness: _____
24 Dated this ____ day of _____, 2023.
email to: fl.production@lexitaslegal.com
25 Job No. 309153

RETRIEVED FROM DEMOCRACYDOCKET.COM

<u>Exhibits</u>	4:0 76:20,23	Exhibit 051 Governor's Rep.	<u>0</u>
Exhibit 028 Governor's Rep. Kelly	Exhibit 039 Governor's Rep. 4:0 77:18,21	5:0 116:8 120:13 185:12,15	0.1 122:20
Exhibit 029 Governor's Rep. Kelly	Exhibit 040 Governor's Rep. 4:0 80:14,17	Exhibit 052 Governor's Rep. 5:0 118:21,24	0.11 122:19
Exhibit 030 Governor's Rep. Kelly	Exhibit 041 Governor's Rep. 4:0 83:13,16	Exhibit 053 Governor's Rep. 5:0 121:14	0.63 122:19
Exhibit 031 Governor's Rep. Kelly	Exhibit 042 Governor's Rep. 4:0 87:4,7 89:20	Exhibit 054 Governor's Rep. 5:0 128:6,9 131:10 176:25	005 74:16
Exhibit 032 Governor's Rep. Kelly	Exhibit 043 Governor's Rep. 4:0 90:5,8	Exhibit 055 Governor's Rep. 5:0 152:12	005A 71:12 74:9,16
Exhibit 033 Governor's Rep.	Exhibit 044 Governor's Rep. 5:0 94:17	Exhibit 056 Governor's Rep. 5:0 156:15,18	0094 113:5
Exhibit 034 Governor's Rep.	Exhibit 045 Governor's Rep. 5:0 99:1,4	Exhibit 057 Governor's Rep. 5:0 158:6,12	<u>1</u>
Exhibit 035 Governor's Rep.	Exhibit 046 Governor's Rep. 5:0 103:17,20	Exhibit 058 Governor's Rep. 5:0 159:9,12	1 87:9 167:18 168:11
Exhibit 036 Governor's Rep.	Exhibit 047 Governor's Rep. 5:0 107:22,25 108:1	Exhibit 059 Governor's Rep. 5:0 162:1,6	10 90:8 91:13 130:10 178:7, 14
Exhibit 037 Governor's Rep.	Exhibit 048 Governor's Rep. 5:0 110:12,15 159:5	Exhibit 060 Governor's Rep. 5:0 162:21,24	10-ish 178:7
Exhibit 038 Governor's Rep.	Exhibit 049 Governor's Rep. 5:0 111:9,12 116:23	Exhibit 061 Governor's Rep. 5:0 163:21	100 121:21
	Exhibit 050 Governor's Rep. 5:0 112:10	Exhibit 062 Secretary State Rep. 5:0 167:12	102 127:4
			109 142:11 158:15 163:25
			10:10 55:6
			10:20 55:7
			11 20:20 167:18, 20 168:11

11:34 103:15	168:11	23:4 24:10	30 15:13,23 116:14
11:43 103:16	1700 162:14	39:13 45:9	
12 94:22 142:9	1700-page 162:13	70:20 77:23	31 20:15,18 23:1 67:13
12:41 137:9	18 45:9 80:19 93:16 121:19 131:23	80:20 83:25	32 40:1,6
13 19:15 158:14	19 103:22	87:9 90:9 91:4	33 45:5,8
13A 111:22 117:5, 21 120:18	1:20 137:10	93:16 94:22	34 65:2,5
13B 112:18 113:20	<hr/> 2 <hr/>	103:22 110:17	35 70:12,15
14 70:20 110:17 120:24	2 7:23 19:4 39:11,12 97:13 134:20,25 135:6,8,15,19 167:18 168:11 190:22	127:8 128:10	36 72:20,23 74:4
14A 114:19 115:12 137:19 138:11 139:18 140:8, 11,17,20,23, 24,25 141:2,9, 14,18 142:4 149:5	20 12:10 28:17 64:24 157:18	156:12,19	37 74:2,13
14B 111:22 115:13 117:5,21 120:18 137:19 138:14,17 140:9,14,24 141:3,11,14 149:5	2010 62:3,10	158:14	38 76:20,23
14th 25:14 124:15 131:17	2020 64:19	20a's 123:22	39 77:18,21
16 74:3 113:16,17	2021 11:16 12:14 13:7 15:5,16 22:25 23:1 156:8	21 13:17 22:1	<hr/> 4 <hr/>
17 156:19 167:18	2021-2022 169:16 185:19, 25 186:4,9,16, 22 188:3	22 64:25	4 88:20 130:17 133:3,9 135:9
	2022 15:16 20:20	23 11:16 129:2,3 152:20	4-14-22 119:16
		24 83:25	40 80:14,17 149:16
		28 7:10,11	400-page 163:1
		29 11:6 128:10	41 83:13,16 87:3
		2:06 167:1	42 87:4,7 89:20
		2:10 167:2	43
		2:37 190:21	
		2:50 190:22	
		<hr/> 3 <hr/>	
		3 122:16 123:20, 22 133:3 167:18,20 168:11	

90:5,8	176:25		19:10
44	55	<hr/> 8 <hr/>	accomplished
94:17	152:12	8	141:9
45	56	67:14	accurate
99:1,4	156:15,18	8015	90:15 110:19
46	57	111:23 117:21	158:16
103:17,20	158:6,12	125:17 129:3	achieve
47	58	8019	153:14
107:22,25	159:9,12	111:23 117:20	act
108:1	59	125:16 129:2,4	9:13,14
48	162:1,6 163:20	133:17	124:13,14
110:12,15	5A5		183:6
159:5	74:9	<hr/> 9 <hr/>	acted
49		9045	103:3
111:9,12	<hr/> 6 <hr/>	113:2,6,22	acting
116:23	6	114:10	93:25 159:6
	10:2	94	action
<hr/> 5 <hr/>	60	33:11 69:7,17,	80:4
5	141:1 162:21,	19,21 75:22	actual
39:13 46:21	24 163:20	106:20 110:17	37:13 40:4
100:18 105:15,	61	9:00	122:4,22
18 123:17	163:21	6:1	123:11 126:25
129:12 131:14,	62		189:21
19 133:6,9	167:12	<hr/> A <hr/>	Adam
134:18 153:7,9		a.m.	8:5 33:13,15
177:13	<hr/> 7 <hr/>	6:1 55:6,7	45:13 46:9
5-minute	7	103:15,16	47:16 56:16
166:3	19:14	A5	57:14 66:10
50	79	74:16	68:2 69:13,17
112:10 124:8,	33:10 73:7	absence	70:5 74:24
13	74:18 75:1,20	123:15	112:22 159:22
51	76:3,13 77:22	absolutely	160:5,21 168:8
116:8 120:13	79:3,7,10,17	163:17	169:13 170:21
185:12,15	80:1,3,7,13,21	accept	add
52	81:17 82:4,22,	90:10	78:22
118:21,24	24 106:19	access	addition
53	110:22 164:2,6	121:7 161:17	158:25
121:14		182:13	additional
54		accommodate	10:19 11:1
128:6,9 131:10			157:6

addressed 144:17	187:25	ahead 88:11 104:6 125:16 152:25	analysis 45:19 53:14,24 69:24 70:9 119:16 124:14 130:25 131:4 163:3,8 177:22 178:1 185:14
adjacent 133:8	affirm 6:3	aide 11:25 13:5	analyze 183:7 184:2
administration 189:6	affirmed 6:13	albeit 115:11	analyzed 184:8
administrations 94:12 98:4	afternoon 12:6	alert 103:23	Andy 84:6,10 139:2 148:24
admission 166:18	age 52:13 118:20 120:19,24 130:11	alerts 17:10,11,13,16	answering 18:18 160:22
admit 96:21	agencies 170:9 186:12	Alex 8:4 40:11	answers 8:20 72:9 82:11 102:15 166:21 168:1
adopt 81:18	agency 170:6,7	ALEXANDER 6:12	apologize 16:22 20:22 44:25 67:15 91:9 108:12 117:11 122:10 138:9 162:11 185:20 186:17
advance 99:18 100:23 101:18 102:18 137:15 139:21, 24	agent 8:25 155:12 187:24	alter 19:13	apology 113:8
advantage 21:11	agents 154:11,16	alternative 35:12 105:14 106:17 107:14, 16,20 139:10	appeared 86:19 93:17,24 119:13 163:3
advice 18:18,21,25 20:2,12 40:22 42:22 43:18 50:7 59:14 78:24 88:6 109:9	aggressive 62:22 63:3	alternatives 25:25	appears 70:22 77:23 99:16 108:4, 13,25 117:12 160:9 164:5
adviser 51:10	agree 7:1 27:25 90:22 96:14 97:6 98:9 102:11 107:19 120:20 134:14 148:13 149:11 158:1 160:6	amendment 25:14 124:16 127:4 131:17	applicable 168:25 170:7
advising 51:8,13,15	agreed 35:18,22 139:19 147:23, 24 148:8 149:14	amendments 36:22 64:8 89:15 90:1 132:7 133:18 134:2 135:25 144:12,15 147:2,6 177:10	application 52:15
advisory 87:16 88:1,17 90:11 91:11,14	agreeing 102:20	American 83:20 112:15 162:9	
affect 91:23	agreements 164:23	amount 71:7	
affects 86:1	agrees 148:10	analyses 117:8 118:13 119:10	
affiliated			

apply 123:23 124:9, 19 154:19 182:8	138:16 172:23 173:24,25 174:6,9 175:8, 12 185:18,24	attended 23:14 31:15 32:1 100:3 137:22	66:17,22 77:12,16 95:20 96:1 107:12 124:20 125:6 127:25 128:4,5 131:23 149:10 156:7,11 175:11,20 176:10,11 179:4,9 186:14,20
approach 91:24 92:11 126:3	assistance 157:19 183:1 186:8	attending 43:25	
approve 157:4	assistants 182:24 183:2	attention 19:17 176:24	
April 142:9 152:17 158:14	assisted 186:15,21	attorney 93:23	
area 122:19 140:21	assisting 47:21 48:9,18 49:1 52:6	attorney's 50:11	<hr/> B <hr/>
areas 10:3 170:5	assume 46:9,11,16 48:7 53:14 71:7 84:9,13 90:12 93:20 157:16 159:24	attorney-client 41:15 50:5,9 78:22 81:2 85:4 22 86:2,4 111:6 159:1 171:24 172:2 173:12	back 10:10 14:24 15:15 29:3 31:16 39:8 44:22 48:3 51:3 63:24 67:13 79:5 85:11 87:23 117:10 120:13 129:15,24 132:17 140:7 152:17 162:4 172:13 176:5 182:9
argument 137:2 150:22	assumed 87:24	attorneys 33:24 82:18 169:3,6 170:22	
arrange 84:6	assuming 49:15	audience 161:9	
arrival 37:18	assumption 13:21 76:7	authenticate 72:12	
article 16:11,18 18:3 20:19 21:2 39:9,12 41:2 51:2 67:14 104:4 123:22 156:18,20,22	attachment 71:10,12 73:14 74:2 80:22 116:14,24 117:2	author 76:3,4 119:9 160:10	background 6:21 150:7
articulate 83:2 132:11	attempt 100:10 130:12 149:2 153:8	average 186:12	bad 46:1 66:5,15 105:4
articulated 126:7 133:19	attempting 94:24 151:25	avoid 66:12	Bahl 23:16,19 82:15,16,20 88:2 139:2 148:23
ASAP 84:6	attend 31:20 68:16 86:18,21 102:22 143:7	aware 15:1 20:5 51:12 54:1 62:1,11,15,16, 20 63:5,6,11, 16,20 64:4,13, 18,20,22 65:10,21,23	Ballard 155:10 187:22
asks 90:4 159:22			Bardos 84:10 139:2 148:24
assessment 85:25			
assist			

Barley 97:13,14,15,20	96:12 98:9,23 106:1 154:16 155:13 167:24 168:1 187:24	black 89:3,4 108:13 120:19,24 130:10	briefly 177:1
based 48:24 53:11,12 59:13 61:5 71:3 73:13 74:19 99:16 111:5 128:23 129:17 130:15, 16,18	behest 178:17	Black-held 20:25	bring 26:3 27:4 33:2,7 143:17, 21
baseline 57:6	belief 122:6	blank 111:3	broadly 116:4 175:17
basically 140:5 151:18	believed 107:2 125:7 133:20 136:4, 19,23	blew 20:24	broken 21:1
basis 61:21 63:13 66:9 72:1 78:23 120:18 122:5,23 123:13,24 124:10 130:7 132:9 151:5	bells 12:1 45:20	blocks 31:3	brought 33:8 114:17,21 115:15 137:17 138:20,21 140:8
Bates 116:13 119:2,3 164:4	benchmark 37:23 89:12 92:19 104:7 111:23 117:20 119:8 129:10 153:7,9	body 80:4	Bryan 40:13 41:21 44:5,9 45:17 46:6,12 53:9, 16,19 68:1,18 118:17 119:10 170:24 171:10 172:12 175:7 185:24 186:3
Bay 136:20 140:21, 22	big 48:7 157:10	boundaries 32:15	Bryan's 52:5,17
Beato 111:14,16	bill 26:22,25 37:17,22 108:6 127:1,10,12,18	boundary 56:20 141:1	Buchanan 157:13,23
began 6:1 69:5 77:13	bills 37:6,8 170:10	bounds 9:2	budget 42:17 170:4,8
beginning 22:24 59:4 63:25 69:2 111:18	bind 166:22	box 78:4,9 110:23 111:3 165:6	<hr/> C <hr/>
begins 67:16	binder 143:22	boxes 74:8	call 22:1 28:22 33:18 39:14 40:7 43:4,12, 21,25 44:3 68:1 84:6 96:24 100:7,9, 11 101:12,14 105:1 122:1
behalf 7:16 8:2,20,23 9:13,14 53:1	Bipartisan 16:12	branch 180:11	
	bit 10:24 17:9 34:22 60:21,22 127:5 140:21 141:4 156:5	breach 173:11	
	bizarre 133:5	break 55:2 103:11,13 115:18 137:5 166:4	
		breakdown 117:13,25 120:17 164:7	
		briefed 142:10 173:6	

called 71:12 104:23 114:19 125:18	93:3,7,19 104:7,14 105:10,11 107:2 122:1 128:23 129:17, 19,20 130:5 131:1,24 133:15 147:24 148:3,15,22 149:12,25 150:3 151:2,25 153:7,13,24 177:9,11,12, 15,16,20	chamber 26:22 126:12 148:9,10 157:16	chosen 7:18 97:23 141:18
calling 160:7		chambers 35:12 151:21	Chris 40:10 42:15,16 96:2,3,10 165:9,13,16
calls 82:9 106:8,9, 11,15		chance 16:19 132:17 166:10	Christina 6:19
candid 113:18		change 30:23 92:11 104:14,19 148:1	circles 135:5
candidates 89:5	census 31:3	changed 131:24 149:18	circulated 17:12 103:24
capacity 8:25 10:17 171:17 179:1	census- designated 35:19,23	characterization 16:18,25 17:7 61:2 99:19 108:19 128:14 142:5 147:23	citation 89:19
captured 95:19	Central 136:19	characterize 80:4,9 92:17, 21 107:7	cities 56:20
case 73:23 118:25 123:6,16 124:13 127:13, 20,22 159:13	certified 6:14	charge 181:14	citing 150:11
cases 147:19	chain 45:8,13,16 70:17 72:25 83:16 84:23 95:1 99:4,6, 10,16,20 103:20 111:12, 19 159:14	Charlie 19:16	citizen 98:13,14
Catch-22 130:22	chair 76:24 142:20 143:16 144:4,5 145:20	chart 67:20 117:16	citizens 52:13 118:20 186:13
caveat 102:14	chairman 157:14	chief 8:4 16:3,7 23:20,25 40:9	city 134:11
CD- 177:13	chairs 146:13,15,16	chiefs 29:22,24	clarification 154:17
CD-3 122:1	challenge 150:2	choice 89:6 139:13	clarifications 146:21
CD-5 25:18,20 26:15,16,17 27:23 28:1 30:1,6 32:18 35:10 36:2,11 37:17,23 88:13,16 89:16 90:3 92:11,19		choose 60:3	clarify 18:17 34:3 42:7 115:3 127:15 178:25 180:13
		chose 75:1	clarity 18:15 23:18 33:22 46:2 50:14
			clause

100:19 124:15 127:23 131:16 Clay 98:13 clean 141:9 clear 21:19 34:17 49:17 54:6 61:10 83:21 104:2 140:25 141:10 180:7 182:6 clearest 36:15 client 111:20,25 112:1 174:22 clue 163:9 CN 84:5 coaching 60:22 61:2,8 Coast 136:20 Coates 96:2,3,10 Coates' 96:17 coffee 55:4 collaborate 27:3 69:17 collaborated 76:12 77:10 78:6 110:25 112:22 113:5, 10 collaborating	69:13 colleague 171:4 185:7 190:18 colleagues 171:8 collected 165:11,16,19 collecting 165:2,10 color 129:13 colored 108:11 comment 38:21,23 77:10 78:6 91:20 98:14 comments 37:12,13 100:16,20 110:25 156:7, 11 commitment 88:18 committee 25:2,24 36:14 37:13 76:25 83:2,6 93:18, 25 98:18 100:16,17 102:13,18 103:2 104:5 116:5 121:19 125:3,12 140:6 142:6,23 143:15 152:16 154:11 155:1,5 157:15 175:16 187:8,13,17 committees	102:1 134:25 135:14 common 141:8 170:5,7 commonly 94:13 communicate 22:2 188:4,7, 9,14,25 communicating 82:14 communication 189:23 communications 7:2 16:2 159:15,16 186:24 187:4,7 189:14 communities 122:4,6,22,24 123:11 compact 56:18 122:18 123:21 129:20 140:25 compacting 122:18 compactness 94:13,15 98:5 130:18 134:11 141:11 compare 163:3 comparing 115:7 117:20 comparison 74:4 114:13 116:25 comparisons 185:7	compelling 132:7 150:6,15 151:4,7 152:6 153:5,9,14,16, 21 complete 119:13 178:5 179:10 completed 178:12 completely 59:15 133:6 compliance 132:6 complicated 9:18 complied 133:17 complies 131:14 complimentary 149:21 comply 130:5,13 144:11,15 147:1,5 compound 105:4 compromise 133:19 149:2, 21 compromised 139:11 concepts 83:3 concern 26:24 30:7 132:14 144:10, 20 146:25 concerned
--	---	--	--

113:11 166:21	22 83:8 89:1	constitutional	context
concerns	100:18 122:16	82:17,21	161:10 163:18,
15:17,18 23:12	123:19 154:5	107:18 132:23	24 168:4
25:9,11,13,15	155:1,23	133:12 134:2	continue
27:2,14,20	156:1,12	137:2 141:15	12:23 92:6
30:5,7 37:2	157:5,6,12	150:1	continued
82:22 132:23	169:16 176:8	constitutionalit	29:5,10,19,25
133:12 140:11,	187:12 188:6	y	92:18,24
13	189:7,20	128:12 132:15	continues
concludes	Congressman	134:3,10	190:22
132:6	19:16	consult	continuing
conclusion	Congresswoman	189:5	35:9 82:12
130:7	19:15	consultant	contract
conclusions	connect	8:5 43:7	13:7 41:21,23
131:4	89:3	44:11,16	43:7 52:17,23,
condensing	connection	52:18 20,21	25 53:4 57:24
19:11	164:23	55:11 67:6	58:9 60:3
conducted	consideration	68:2 155:12	170:12,18,25
105:25	123:9	170:12,13	171:1 176:5
conference	considerations	187:24	contracted
28:22 106:9	122:14	consultants	13:16 169:18
conferences	considered	9:9,16 13:15	contracting
155:24 156:2	64:24 95:8	168:7 169:20	12:7
confines	96:6,7 121:9	170:23 174:9	contractor
126:5	175:8 183:17	175:8 188:16	59:20 160:22
confirm	190:6	consultation	contracts
72:13	Consistent	59:9	169:19,23
confirmation	166:6	consulted	170:1 172:11
73:8	consistently	76:12	173:7 174:24
conflict	134:13	consulting	188:15,18,23
8:6 104:2	constant	41:21	contractual
Congress	134:6	contact	9:22
157:10,21	constitute	58:15,18	contrast
186:25	123:22 124:7	186:2,7,10	131:13
congressional	Constitution	190:8	control
12:10 16:11,15	88:25 100:20	contacted	157:16 160:21
17:4 19:10	124:16 127:24	105:24	conversation
20:25 21:9	131:17	contained	26:18 27:12
25:1,10 26:1	Constitution's	161:21	29:13 71:20
28:12 39:5	131:14	content	99:7 101:5
49:3 65:8,11,		50:16	179:22

conversations 15:10 20:1,11 31:19 40:20 42:23 43:17 54:24 55:18 58:4 60:12 63:2,6 68:13 71:5 75:7 76:18 78:20 82:9,13 84:20 85:7,15,16,25 92:25 96:8 97:9 109:8 112:9 116:6 118:10 145:1 148:18 154:22 171:13 179:23 181:20 183:22 188:17	correct 7:18 13:21 24:7 32:8 40:14 42:10 44:8 46:19 78:1,7,13,14 80:13 91:17 94:1,2 95:10, 11 100:5 101:18,19 104:15,16 111:1,2 117:14 118:1,15 121:9 127:10,21 128:23 129:17, 21,22 138:11 144:19 145:16 158:20,21 161:18,23,24 164:12,15 166:16 167:7, 21 175:6 178:3,15 188:24	21 73:21 75:8 76:19 77:25 78:21 84:21 85:8 86:8 93:25 94:5 96:13 99:8,9 109:9 112:8 116:7 118:11 119:15 149:14 150:11,18 154:1 168:16, 17,19,20 169:19,20 170:4,8,23 180:23,25	7,13 134:5 150:9
converted 117:4	correctly 149:4	counsel's 50:23 179:24 181:21 183:24	courting 72:18
Convex 122:20	correspondence 22:8 72:13 159:19	count 31:2 108:10	cover 182:10
convey 136:2 148:25 149:15	counsel 7:21 10:17 18:18,21,25 20:2,12 40:22 42:9,12,22 43:18,23 44:16,21 47:21,24 48:6 49:4 51:10,21 52:3 54:25 55:19 58:4 59:14 60:13 61:1 63:1 68:14 71:1,6,	counties 56:20 89:4	covered 17:20 50:20 85:21,23 92:16 145:13 154:7
conveyance 38:13		country 62:22	coworkers 182:25
conveyed 38:5,7,9 136:25 149:1		county 19:10 98:13 128:23 129:17 130:25 134:11 140:23 141:3	create 184:22
convince 82:3 104:3 105:9		couple 21:3 34:13,15 49:12,14 72:16,19 106:13 117:10 123:2	created 119:22 128:22 129:16 130:21 141:7 181:8 189:2 190:6
copy 10:6 77:22 81:9,10,14 90:15 110:20 152:9 158:17		court 62:21 63:7,11, 20 87:9,17 88:6,11 89:6, 9,11 90:9,23 91:14,15 123:9 124:22 125:4,	credit 157:24 158:2
corporate 7:15 8:5 64:1 167:6			Crist 19:16
			criteria 56:18 134:20, 25 135:8,16
			criticized 20:5
			curious 153:15
			current 158:2
			CVAP 52:13 53:11,23 118:2,19
			cycle 14:4 39:4 62:3,7,10,13 64:19,21,25 124:21 128:1 187:1 189:3,25

<p>cycles 170:14,15</p> <hr/> <p>D</p> <hr/> <p>Dan 32:2 84:7,11 86:11,13,16 138:25 148:23</p> <p>data 52:14 53:11,23 56:17 69:24 70:5,9 118:4, 18,19,20 121:2,8 131:3 143:23 161:17, 18,21 164:18 176:18,20 181:24 182:1, 3,8,13,15,19, 22 185:4,6,11, 13,14 190:5</p> <p>date 47:11 93:11 119:16,20,22 127:17 164:4</p> <p>dated 11:16 70:20 80:19 83:25 87:9 94:22</p> <p>Davila 23:17,23</p> <p>day 37:7 73:5 97:22 101:14 104:12 121:20 148:23 157:6 166:17 186:12</p> <p>days 80:20</p> <p>de 30:25</p>	<p>dead 37:18</p> <p>December 23:1</p> <p>decide 14:3 153:18 171:10 183:15</p> <p>deciding 173:15</p> <p>decision 66:20 112:3 141:25</p> <p>decline 95:24</p> <p>declined 98:22 102:5</p> <p>declining 59:13 90:10</p> <p>deep 44:23</p> <p>defend 134:10</p> <p>defer 150:18</p> <p>define 152:7 153:6, 11,22</p> <p>defined 122:4,22 153:20</p> <p>definition 133:10 154:19</p> <p>degree 150:10</p> <p>deleted 165:24</p> <p>deliberations 12:20</p> <p>Delorenzo 165:9</p>	<p>Democrat 19:14,16 105:2</p> <p>Democratic 94:12 98:4 105:9,13 143:9 146:5 164:8</p> <p>Democrats 19:22 20:7 105:20</p> <p>denying 91:12,14</p> <p>Department 94:11 98:3</p> <p>depending 30:18</p> <p>depose 176:15</p> <p>deposition 6:22 7:24 8:2, 6 10:16,20 12:25 63:25 166:14</p> <p>deputy 8:3 23:25</p> <p>Desantis 6:11 20:24 21:7 37:16 155:22 156:20 157:11 158:1 188:4 189:1</p> <p>Desantis' 104:2</p> <p>describe 48:17 52:5 56:2 116:17 168:14 169:15 175:17 179:8 181:9</p> <p>describes 121:25</p>	<p>describing 41:3 131:12</p> <p>designee 7:19 159:7</p> <p>detail 30:19</p> <p>detailed 21:21 22:8 79:15 114:1,7 135:18</p> <p>details 64:14 65:19,24</p> <p>determination 134:18</p> <p>determine 153:15</p> <p>develop 164:17</p> <p>development 28:17</p> <p>dialogue 29:3,5,6,7,8, 10,15,17 30:1</p> <p>difference 136:15 176:6</p> <p>differences 114:8 140:20</p> <p>diluted 63:21</p> <p>diminishes 148:3</p> <p>diminishment 124:24 130:20</p> <p>direct 6:15 36:16 37:10,14 41:18 50:10 54:14 71:2 79:13 167:3 171:1 173:1</p>
---	--	--	--

directed 171:14 172:16 179:4	76:2 85:20 86:23 98:22 100:6 101:12 118:8 126:5,15 135:10 142:3 145:12	10,11,20 124:2,7,19,23 130:9,11,15,17 131:14,19 132:7,15 133:3,4,6,9, 10,18 134:2,18 135:9,25 136:4,19,23 141:2,3 144:12,15 147:2,6 153:7, 9,20 161:18,22 177:10	165:2,3,4,11, 13,16,19,23 168:22
directing 18:22			donut 133:5
direction 173:22 176:14 179:7	discusses 7:24		draft 16:14 17:4 21:25 26:4,7 49:5,13 53:9 54:11,20 63:12 69:23 70:22 71:13,15 118:14 174:16 176:8,12,22 177:23 178:4 179:10,12,14, 17 181:8,11 183:7 184:2,21 185:1 189:2 190:2
directly 36:23,25 61:16 71:14 79:17 112:16 117:17 180:8	discussing 32:10 77:2 149:5 188:18	districting 122:17	
director 11:18 16:2 42:16 143:5 159:16	discussion 27:24 73:24 92:9 94:23 137:8 145:2 147:8 166:6 172:5 190:19	districts 19:11,14 20:25 21:10 25:20,22 56:19 132:24 133:2,7,8,12, 15,22 134:19 136:9 137:1 140:22 141:7,8 157:12	
disagree 61:1,8	discussions 12:19 22:21 28:21 29:19 38:4 39:2 41:9 82:2,12 90:18 92:15,17 126:17 154:22 172:21,25 173:2 179:4 189:18	DJANG 166:5	drafted 177:23 178:16
discern 98:18		DOA 37:18	drafts 71:1
disclose 51:23		document 10:12 16:21 74:11 80:24 81:4,7,12 91:8 94:20 99:14 108:23 113:2, 17 119:7 132:20 160:1 162:12 168:23, 24	draw 12:7 16:12 28:1 35:10 36:10 49:22 53:16 56:18 58:25 59:3,19 65:16 69:17,19 92:18 138:14 153:7 176:12 178:21
discover 165:23	dissenting 141:24	documents 10:14,18 14:9 25:17 163:20	drawing 12:15 35:17 47:4,17 56:7, 10,17 64:22 69:3 76:13 79:22 115:24 138:16 161:15, 22 173:24
discovery 83:22 119:12 182:16	distracted 185:21		
discuss 31:8,13 75:15 87:15 125:19 126:15,16,19 154:10 188:21 190:18	district 12:10 19:11, 14,15 25:18 30:23 36:21 37:23 89:1,12, 15 90:1,25 91:17 100:18 105:18 117:13 118:1,5 120:24 121:2 122:2,6, 16,18 123:8,		
discussed 12:15 25:18,22 27:18 32:18 34:19 41:10 47:7 49:9 54:15 56:13,25 70:19 75:10			

174:10,12 175:19 176:7, 22 182:7,14 183:5,6 drawn 21:9,15 46:22 49:6 53:10 54:12,21 62:2, 9,11 64:18,20 71:13 74:24 120:25 121:1 149:25 draws 13:20 14:1 drew 32:12 62:20 89:11 112:19 130:14,17 133:20 134:8 138:11 153:18 drop 130:10 dropped 185:20 duly 6:13 Duval 128:23 129:17 130:25 <hr/> <p style="text-align: center;">E</p> <hr/> e-mail 7:3 11:9 12:13 15:23 40:6 42:8 45:8 70:16,17 71:7 72:24 73:10 74:3 80:18 81:8,14 83:16, 23 84:2,23 86:12 95:1,19	96:2,20 97:12 99:4,6,9,16,20 103:20 111:12 116:14,18 120:5 159:12, 14,18 160:16, 19 163:14 182:9,16 183:12 184:5, 7,13,19 e-mailed 163:16 184:16 e-mails 49:12,14,15,18 72:5,17 186:12 earlier 48:15 82:7,11 97:25 138:10 142:13 147:25 149:25 151:2 159:3,4,5 160:25 172:10, 13 176:13 177:1,8,11 182:25 185:8 early 22:19 59:8 easily 163:15 east 19:11 89:2 136:20 economic 28:17 edge 189:11 edits 74:7 101:21 education 28:17 educational	26:14 effect 22:8 57:13 90:2 123:9 effort 81:16 elect 63:14 89:5 elected 34:2,4,5,11 election 157:6 161:17, 21 189:6 electoral 21:11 electronic 170:12 eliminated 90:24 91:16 92:19 elongated 129:8 else's 26:25 embedded 74:11 employed 175:12,23 employees 9:9,20 154:15 168:7 enacted 54:17,18 106:24 114:20 127:3 134:9 135:1 138:12 143:14 149:22 158:15 encapsulate 100:21	encouraging 88:2 end 22:24 35:3,4, 25 36:4,7,8 37:7 38:3 39:4 58:16 83:4 97:22 99:23 119:14 engage 44:10 171:10 engaged 43:6 44:5 47:25 55:11 56:3 67:9 165:5 170:16 engagement 55:22 175:18 engaging 169:22 enter 169:25 170:11 entered 9:21 172:11 entire 79:8 136:20 entirety 31:2 entities 154:20 187:5 entity 13:20 187:25 EOG 71:24 EOG's 144:25 equal 25:14 100:19 124:15 127:23 131:16
---	---	--	--

equation 15:20	112:20 114:4 120:16 127:16 130:10 150:11 178:6	exhibit 7:11,23 11:6 15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	expertise 94:16 98:2,6
equivalent 37:23	EXAMINATION 6:15 167:3	15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	explain 23:12 43:11 88:3 93:1,10, 13 122:15 149:17 160:18
Eric 45:1,14 171:4	examining 10:12 16:21 91:8 99:14 108:23 113:17 132:20 160:1	15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	explained 134:24
erred 125:13	examples 35:24 107:10	15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	explaining 27:1 89:19 146:12,20
error 160:11,13,15	Excel 73:15,17,22 74:5 117:5 119:1,3 120:1 163:11	15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	explicit 22:7
errors 125:4	exchange 7:2	15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	explicitly 21:22
essentially 72:11 118:14 124:8 130:14, 21 141:18 150:4 157:7	exchanged 184:15,16	15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	explore 172:6
establish 35:1	exclusive 182:19,22	15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	express 19:21 25:8 36:1,10,19 82:16,21 88:9, 10 132:14,23 140:10,13 144:10,14,20 146:25 147:4
established 58:24 77:25 137:18	excuse 16:1	15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	expressed 37:21 150:3 152:2
estimate 41:24	executive 6:10 7:16,25 8:3,9 112:2 167:25 168:5, 18,19 170:1,3 172:21 173:3, 17,23 174:22 175:2,4 177:7 178:17,20 180:8,11,17, 21,25 184:3,9, 18,23 188:10, 13,22 189:1	15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	expressing 154:1 177:5
estimation 150:14	exchange 7:2	15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	expression 177:2
ethnicity 118:2	exhaustively 134:24	15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	extent 13:1,24 14:7 15:8 17:17,18 24:21 44:13 47:6 48:11,23 49:8 50:6 51:19 52:9 54:5 56:4,24
evaluated 63:12		15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	
events 155:24 156:3		15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	
eventually 45:15 74:17 125:15		15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	
evident 122:14		15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	
exact 47:11 48:1,14 82:6 93:11		15:13,23 20:15,18 37:18 40:1,6 45:5,8 65:2,5 67:13 70:12,15 72:20,23 74:2, 4,13 75:24 76:20,23 77:18,21 80:14,17 83:13,16 87:4, 7 89:20 90:5,8 94:17 99:1,4 103:17,20 107:22 25 108:1 110:12, 15 111:9,12 112:10 113:16 115:8 116:8, 20,21,23 118:21,24 120:13 121:14 128:6,9 129:2, 3 131:10 152:12 156:15, 18 158:6,12 159:4,5,9,12 162:1,6,21,24 163:21 167:12 176:25 185:10, 12,15	

57:8 58:20 64:2,11 68:12 69:10 70:2 71:17 75:4 84:18 92:1 94:7 116:2 118:8 125:1 126:4 134:23 135:12 151:24 166:22 167:19 168:11 171:11, 14,23 172:5,24 179:2,9,19 180:3,12 181:7,17 183:10,20 extremely 124:3 135:18 <hr/> F <hr/> face-to-face 38:6 fact 13:14 16:13 41:7 58:7 68:3 85:14 96:9 97:3 121:7 factor 35:23 factually 29:10 failed 153:22 faintest 163:9 fair 15:15 16:17,24 17:6 36:21 41:5 61:6 64:8 79:25 80:3,6 89:13,15,24	90:1,14 92:17 99:19 108:18 110:19 113:18 128:14 132:7 133:18 134:2 135:25 136:14 141:17 142:4 144:12,15 147:2,5 152:1 158:16 172:4 173:10,14 177:10 fairly 129:25 fairness 65:12 fall 15:5 22:19,23 58:18 85:16 falls 85:12 familiar 59:10 77:5,16 87:12 93:20 97:2 114:10 120:4,7 150:8 162:16,19 171:6 fashions 150:21 favorable 19:22 20:7 88:17 features 146:22 February 23:4 30:13 31:25 87:9 90:8 91:4,13 93:16 94:22 103:22 110:17 121:19 131:22,	23 federal 62:21 63:7,11, 20 130:22 150:1,9 feedback 35:16,18 37:10 60:24 61:16 65:22 66:3,14, 19 69:18,19 71:25 72:4 79:9,12,13,17, 20,23 82:24 101:21,23,25 106:25 107:5, 8,10,12 139:15,17,18 190:13 feel 10:8 39:16 56:5 162:14 feels 60:24 61:17 Fenske 15:24,25 16:1, 10 18:2 159:14 160:4,8,11,22 161:8 Fenske's 159:18 161:4 Ferrin 142:20 file 73:15,17,19, 20,22 113:20 119:4 163:2 files 70:6 73:3,9,11 113:21 115:7 fill 78:15 110:23	final 34:20 65:7 134:9 135:1 finally 106:24 find 94:24 115:3,19 164:1 fine 52:20 161:12 Fineout 159:19 160:4, 20 161:2,8 Fineout's 159:21 finish 162:5 finished 121:12 firm 170:21 five-minute 103:13 flip 10:2 19:19 117:10 156:21, 24 flipping 60:1 floor 36:14,16 37:13 126:8,10 148:16 Florida 11:25 12:23 13:25 16:12,14 17:3 21:1,7 23:21 30:22 39:14 40:6 45:18 65:25 67:6 87:8,16
--	--	---	---

88:11,24 89:1, 11,15,25 90:9, 22 91:13,15 95:18 102:1 104:2 124:21 125:4,7,12 126:1 131:14 136:3,9,11,15, 19,21,22 154:23 156:13 157:2,5,10,14, 18 158:13 161:14 164:14 175:14 187:10	45:13,16,23 46:3,9 47:17 54:12,21 55:11,14,22 56:9 57:5,24 58:8 61:25 62:2,17,20 63:7,12 64:17 66:4,11,15,21, 23 67:5,8 68:2,7,18,24 69:3,6,8,23 70:18,22,25 71:13,15 76:2, 4,12 78:12 111:19,20,25 113:5,10,21 115:23 116:15 117:8,12,24 118:4,13 120:10 121:8 138:16 159:22 160:9 161:1 168:8 169:13 170:21 171:10 172:12 174:19, 25 175:1,3,7, 11,20,23 176:12,17,20, 21 177:23 178:4,16,21 179:7,14,17 181:8,24 182:1,10,13, 17,24 183:7,15 184:2,8,17,21 185:4,11,13, 17,23 186:3 189:3	176:7 178:1 179:9 181:14 Ford 6:16,19 7:8,13 8:17,18 9:6 11:8 13:4,13 14:2,13 15:11, 21 17:22 18:1, 7,14 19:2 20:3,13,17 21:23 25:5 38:2,8 40:3,23 41:19 43:1,19 44:17 45:4,7 47:2,12 48:16 49:2,21 50:13 51:1 22 52:4, 16 54:10,19 55:1,8,20 56:1,8,21 57:4,16 58:5, 14,23 59:11 60:6,14 61:12, 14 62:8 63:3 64:5,16 65:4, 17 68:15 69:15 70:7,14 71:9, 22 72:15,22 73:23 74:1,15 75:14 76:22 77:20 79:1 80:16 81:5,23 82:1 83:15 84:22 85:9 86:9 87:3,6,14 89:21 90:7 91:6,22 92:7 94:19 99:3 103:14,19 107:24 109:10 110:14 111:11, 15,17 112:12 116:10 118:12, 23 119:18,22,	25 120:8 121:16 125:5, 14 126:2,13 127:4,6 128:8 132:3 135:3,21 137:5,11 148:12 150:24 151:10,23 152:14 156:17 158:8 159:11 160:17 162:3, 23 163:23 166:1,11,25 177:3 foregoing 122:14 forget 138:10 forgetting 165:15 forgive 122:8 170:22 form 13:9 51:25 62:23 74:5,6 91:1,18 102:18 110:16,20,22 117:5 125:9 148:4 150:16 151:8,13 158:4,13,19 160:14 166:12 185:7 formal 82:10 format 17:13 115:11 119:1 120:4,6 163:10,12 formats 73:17
Florida's 64:7 130:5 folks 39:15 168:8 175:1 follow 14:20 15:3 20:2,11 40:22 42:22 43:17 50:11,23 51:20 52:2 54:24 55:19 58:4 60:12 62:25 68:14 71:6,21 75:7 76:19 78:20 84:20 85:7 86:7 112:7 116:4,6 166:23 176:22 181:21 follow-up 29:7 80:22 96:17 145:9 147:16,19,21 166:8 172:19 Foltz 8:5 9:23 33:13,15 43:2, 6 44:4,9	Foltz's 63:21 64:6 65:11 73:5 74:10 160:21 174:21 175:18		

forms 77:22 150:21		gerrymanders 62:22	182:4 183:9,18 184:24 185:10 190:12,17
forward 31:1 50:3,19 53:21 106:18 133:20 160:11	<hr/> G <hr/>	gestures 61:11	giving 60:25 61:6 122:13 150:6 157:24
forwarded 40:10 159:17	Gadsden 89:4	get all 186:12	gloss 85:24
forwarding 16:10	game 41:5	Gibson 152:21 153:1	Goldsby 86:1
found 62:21 63:8,12, 20 119:17 127:20,22	Gary 159:19 160:5 161:2	give 6:4 12:17 14:5 15:6 18:4,11 19:23 20:8 21:16 24:20 40:18 42:20 43:14 44:12 46:24 47:5 48:10,20 49:7 51:17 52:1,7 54:4,13 55:15, 23 56:11,23 57:7 58:1,11 59:5,23 62:4, 24 63:23 64:6, 9 65:13 67:18 68:10 69:9,25 71:16 75:3 76:14 78:17 81:1,19,21 84:16 85:3 89:17 91:25 94:6 95:9,12, 24 96:6 107:9 109:5 112:5 115:23 116:1, 20 118:6 120:16 124:25 125:24 131:8 134:21 135:11 143:15 150:22, 23 151:20 158:24 178:7, 14,22 179:18 180:5 181:16	good 6:17,18 10:13, 24 12:6 72:15 75:12 141:12
four-seat 157:12	gathering 53:23		GOP 21:10 104:2 156:20 157:7
fourth 39:20 157:1	gave 36:13 65:7 102:12,18 125:12 179:7		Gore 95:12,14,15,24
frame 35:1,8	general 44:20 51:9 60:20,24 79:2, 4,23 81:16 101:23 104:4 106:14 107:5 108:3		Gotcha 119:5
frank 161:6	generally 14:19 15:3 17:18,22 77:1 101:9 107:5,12 150:10 173:25 189:15		governor 6:10 7:17 8:1, 3,9 9:8,14,20 11:19 14:3,8 16:2,8 21:7, 13,18 22:3,15 26:23 27:15 37:16 42:10 47:20,25 54:2, 7,11 75:17 84:4,14,25 87:8 88:1,4, 12,15 90:23 91:15 94:1 108:17 109:14, 19 111:8 112:2 125:18 127:9, 18 128:1,10,17 130:1 147:24, 25 155:22
frankly 37:6	generate 161:20 164:15		
free 39:16 56:5 90:24 91:16	geographical 56:19 146:22		
friendly 19:22 20:6	geographically 123:21		
front 47:11 104:11 156:5	George 86:13		
full 123:18 156:25	gerrymander 63:9		
fully 128:23 129:17 142:4	Gerrymandering 65:7		
functional 130:25 131:4 178:1			

157:3,10,24 158:1 165:20 167:25 168:5, 18,20 170:2,3 172:21 173:4, 17,23,25 174:22 175:2,4 178:17,21 180:9,10,18 181:1 184:4, 10,18,23 188:4,7,10,14, 22 189:1,2	65:10 66:2,4, 7,10,13,18,20 67:4 68:7,21, 25 69:14,22 70:16,19,24 71:14 73:2 75:15 77:12,25 79:16 82:2,13, 25 83:20,24 84:3 85:11,19, 20,21 87:15,24 89:8,13,24 90:10,17 91:23 92:9 93:6,14 94:3,4,21,23 95:8 96:9,18 97:3,9,24 98:8,9,21,23 99:5,8,17 100:12 101:10, 11,17,20,24 102:3,9,11 103:24 104:18 105:6,8,10,13, 20,24 106:1,15 107:2,13,16,20 108:1 109:2, 13,16,23,24 110:3,4,18 112:14,16 115:22 116:12 117:13,25 118:3,18,25 119:3 121:18 123:10,24 124:10,20 125:6,19 126:6,14,20 128:11 129:23 130:3,24 131:18,24 132:9,13,22 133:17 134:1, 17 135:7	136:2,17 137:14,21,24 139:6 140:16, 17 141:13,21 142:10 143:3 144:11 146:3 147:1,5 148:14,20,21 149:10,12 152:3 154:1,4, 9,21 155:17 157:19 160:10 162:8 163:13 164:6,22 165:1,22 166:19 169:8 177:6,7,9,18 179:6 180:22 182:2 189:16, 17,19	guidance 50:12,24 51:20 52:2 54:25 55:19 58:4 59:9 60:12 62:25 68:14 71:6,21 75:7 76:19 78:20 84:20 85:7 86:7 112:7 116:7 118:10 176:22 179:24 181:21 183:24
Governor's 7:19 8:20,23 9:1,2,7,10,19, 21 12:14,20 13:6,14 14:19, 24 15:1,3 17:10 19:20 20:4 22:2,6, 14,21 24:14, 16,18 25:23 26:3,11,15 27:4,22 28:22 29:15,18 30:12 31:7,12 32:21, 25 33:2,6 34:6 35:9 36:1,3, 19,21 37:20 39:2,13 41:11, 12,13,22,25 42:13,16 43:22,23 44:10 46:22 47:3,18 48:9,18 49:6, 23 50:2,18 51:8,12,15,24 52:6,24 53:2, 10,17,20 54:5 57:23 58:7,10, 15,17 59:19 60:2 62:1,14, 16,19 63:16,19			Gulf 136:20
			guys 95:21 137:7 166:7 190:17
			<hr/> H <hr/>
		grab 39:18	half 105:7
		grade 65:8,11	halfway 19:5
		great 32:17 34:1 55:5 93:15 95:7 129:13	hand 6:3 61:10,11 178:14
		grounds 122:15	hand- 165:5
		group 48:7 77:9 78:5 110:24 123:20 156:9	Hans 96:20,22,23,24 97:4,10
		guess 10:23 21:25 24:13 53:3 59:17 64:24 76:11 114:14 123:3 133:25 142:4 147:18, 20 171:3	happen 145:11
			happened 41:9 100:9 144:2 146:8
			happening 37:19
			harder 127:5

head 98:20	hiring 57:23 64:7	102:13 104:3, 5,13 114:16	identification 7:12 11:7
hear 37:2 149:2,14	66:4,10,15 174:9	121:19 126:1, 7,8,11,16,19	15:14 20:16 40:2 45:6 65:3
heard 27:19,20	Hispanic 120:19	135:14 136:3, 18,22 137:13	70:13 72:21 74:14 76:21
hearing 95:23 104:5	history 64:6,14	138:2,6,22 139:1,3,21,24	77:19 80:15 83:14 87:5
held 19:14,16 85:15 124:22	honestly 114:12	140:3,18 142:3,17	90:6 94:18 99:2 103:18
helped 157:7	hope 46:14	145:16,18 146:3,15	107:23 110:13 111:10 112:11
helpful 18:20 37:10 73:16 95:4 115:9,16 119:11	hopes 139:10	148:1,7,8,13, 18 149:17	116:9 118:22 121:15 128:7
helping 156:21 183:3	hostile 103:2,5	154:4 156:21 157:7,13,15,19	152:13 156:16 158:7 159:10
hereinafter 6:14	hours 135:15	158:2 161:8 164:3,4,11,12, 13	162:2,22 163:22 167:13
Hey 160:4	house 11:4,25 14:21 15:4 19:19 21:24 22:12, 13,20 23:4,21 24:3,15,19,24 25:7,12,24,25 26:4,10,14 27:14,19,25 28:21 32:7 33:16,18,23 34:3,7 35:18 36:1,15,18 37:3,21 38:11, 17,19,22 57:3 79:14,21 80:6 81:17 82:3,16, 20 83:5 84:5, 11,15,24 85:11 87:17,19,25 88:3,9,15 90:18 93:6,9, 17,24 94:14,25 95:10 100:24	House's 25:3 38:20 87:22 102:25 126:11	identified 8:11 115:10,12
hidden 74:9		huge 152:11	identify 170:16
high 56:2 179:8		Hull 122:20	immediately 162:25
high-level 176:14		hundred 106:13	imminent 88:7
highlighted 108:12,14		hundreds 30:19 31:5 89:2	impact 145:3 147:9
Hillsborough 140:23 141:4			implementation 189:20,21
hire 55:14 171:20 172:22 173:16, 20,23			implementing 189:7,9
hired 62:1,17			implicated 133:11
		<hr/> I <hr/>	implication 25:21
		idea 12:15 13:3 55:14 66:5,10, 16 87:15,20, 22,24 125:19, 23 126:3 179:6	implying 160:9
		ideas 12:9 27:23	impose 103:12
			improperly

63:21 improve 133:21 improved 30:8,10 133:22,25 135:1,16 137:1 improvement 134:6 135:23 improvements 30:11 135:6,19 improving 134:12 in-depth 151:20 in-house 59:21 incensed 21:8 include 28:21 30:13 included 20:23 141:2 includes 168:20 including 12:22 70:17 83:24 120:18 134:7 164:8,18 incorporate 133:16 incorrectly 45:15 Independent 164:9 indiscernible 67:17 individual 10:17 43:20 98:8 106:4	109:12 181:13, 14 individual's 98:16 individually 106:23 individuals 8:2 42:8 43:21 95:9 155:16 inform 26:14 information 46:17 49:11 78:16 96:16 97:8,19 120:9 171:12,24 information's 44:14 initial 12:4 19:6,9 27:1 initiate 24:14 inquiry 10:3 inside 175:2 insistence 157:11 instance 127:25 institution 65:12 79:8 instruct 86:6 115:22 instructed 70:25 instruction 12:18,24 13:23 14:6 15:7	18:5,12,23 19:24 20:9 21:17 24:21 40:19 41:16,17 42:21 43:15 44:13 46:25 47:6 48:11,21, 25 49:8 50:5, 21 51:18 52:1, 8 54:5,14,22 55:16,24 56:12,16,24 57:8 58:2,12 59:6,24 60:9 61:5 62:5,24 63:24 64:10 65:14 68:11 69:10 70:1 71:3,17 72:2 75:4 76:15 78:18 81:2,20, 22 84:17 85:4 89:18 92:1 94:7 109:6 111:5 112:6 116:2 118:7 125:1,25 134:22 135:12 158:25 178:23 179:19 180:6 181:17 182:5 183:10,19 184:25 instructions 6:22 14:24 56:9,22 115:23 instrument 180:17 intact 21:10 intend 72:18	intended 163:24 intent 120:25 interest 123:15 132:8 150:6,15 151:4,7 152:6 153:2,6,10,14, 16,20,21 interested 58:9 124:6 interests 122:4,7,22,25 123:8,12 internal 12:19 15:10 20:1,10 40:20 42:23 43:17 54:23 55:18 58:3 60:11 63:1 68:13 71:4,19 75:6 76:17 78:19 84:19 85:6 96:8 99:9 109:8 112:8 116:6 118:9 144:25 171:13 179:22 181:20 183:23 internally 41:10 interpose 7:22 interpreted 33:21,25 intersected 141:7,8 interstate 32:15
---	---	---	--

<p>intervening 131:21</p> <p>invite 39:20 43:3,5 44:1</p> <p>invited 93:9 143:6,9 146:6</p> <p>inviting 100:21</p> <p>involved 14:4,11 29:8 60:22 174:12, 15 179:3 180:3 181:7,11</p> <p>issue 29:20 80:5 93:7 98:10 133:7 148:11 160:23</p> <p>issues 8:11 22:15 30:3 31:8,13</p> <p>iteration 130:23</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>Jacksonville 89:3</p> <p>James 6:12 15:24 16:7 23:17 106:2 137:23 165:12</p> <p>January 15:16 22:1,17 23:4 24:10 25:6,12 28:6, 19 29:2 30:13 39:13 42:2 43:8 44:5 45:9</p>	<p>46:21 55:12 68:4 70:20 74:3 77:23 80:19 83:25 86:19 157:17</p> <p>Jason 40:11</p> <p>Jay 142:20</p> <p>Jazil 7:21 8:22 12:17 13:9,23 14:5 15:6 17:17 18:4,11, 21 19:23 20:8 21:16 24:20 37:24 40:9,18 41:7 42:8,20 43:14 44:12 46:24 47:5,22 48:8,10,20 49:7,17 50:4 20 51:17,25 52:7 54:4,13, 22 55:15,23 56:4,11,23 57:7 58:1,11, 14,20 59:5,23 60:9,16 61:1, 16,19 62:4,23 63:23 64:9 65:13 66:8 68:10 69:9,25 70:18,23 71:2, 16 72:3,25 73:9,21 74:3 75:3,9 76:14 78:17,22 80:19,25 81:1, 19 83:24 84:16,24 85:3, 14 86:13 87:2 89:17 91:1,18,</p>	<p>25 94:6 103:12 109:5 111:4, 13,19 112:5 116:1,14,15,16 118:6 119:15, 20,23 120:2 124:25 125:9, 24 126:4 127:2 131:25 134:21 135:11 137:7 148:4 150:16 151:8,13 158:4,24 160:14 166:3, 6,15 171:11,23 172:4,24 178:22 179:18 180:5,14,19,21 181:16 182:4 183:9,18 184:24</p> <p>Joe 172:6</p> <p>John 95:12,14,15,22</p> <p>join 33:18</p> <p>joining 58:16</p> <p>Josh 142:25 143:1 145:22 165:15</p> <p>Joshua 20:20</p> <p>Jr 11:10,20,24</p> <p>Judge 18:23 72:5</p> <p>judgment 135:7</p> <p>jump 55:2</p>	<p>juncture 30:15</p> <p>Justice 94:11 98:3</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Kaplan 20:21</p> <p>keeping 109:2</p> <p>Kelly 6:12,17 7:14 8:4,8 10:2 11:9 12:17 18:15 20:18 40:11,24 41:20 55:1,9 60:15, 20 65:5 68:1 70:15 72:23 74:2 77:21 80:17 83:16 87:7 89:23 90:8 94:20 99:4 103:10,20 107:25 110:15 111:12 112:6, 13 113:18 116:11 118:24 121:17 128:9 137:12 139:2 145:20 150:25 152:15 156:18 158:12 159:12 162:6,24 163:24 167:5</p> <p>kick-off 67:21,25</p> <p>kicked 43:12</p> <p>kickoff 39:14 40:7 43:12</p>
---	--	---	---

<p>kind 37:6 48:2 72:9 119:10 123:3 141:10 170:12 189:10</p> <p>knew 58:25 59:18,21 60:8</p> <p>knowledge 8:10 17:23 24:9 55:21 63:17 65:18 77:2 82:15 98:7 101:2 121:3 146:5 165:25 175:25 188:8</p> <p>Kopelousos 11:11,12,13, 14,17 12:4 13:19 106:2 143:4 165:12</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>laid 88:5</p> <p>language 160:12</p> <p>large 71:7 123:21 165:17</p> <p>largely 21:10</p> <p>late 21:8 86:19</p> <p>Laurel 173:19</p> <p>law 13:25 21:1 116:4 123:6,16 124:13 130:22</p>	<p>180:20</p> <p>lawsuit 144:21</p> <p>lawyer 48:22 150:22</p> <p>lawyer's 85:24,25</p> <p>lawyers 9:16 29:21,24 41:11,12 44:23 48:12 82:21 85:16,21 142:25 151:16 165:14 172:25 173:3 180:22, 24 188:16</p> <p>lay 100:17 160:8</p> <p>lead 29:14,17</p> <p>leadership 80:6 148:13,18 154:15 155:5 187:17</p> <p>leave 111:3</p> <p>leaving 21:10</p> <p>led 157:12</p> <p>Leda 139:2 145:20</p> <p>Lee 173:19</p> <p>Leek 145:20</p> <p>legal 14:9,15 22:10 31:18 32:3 43:23 44:16 77:25 78:24</p>	<p>88:7 93:14 94:5 99:9 124:2 131:19, 24 140:10,13 150:12,20 151:19,20,25 152:1 153:25 154:1 170:10 180:23</p> <p>legis- 75:25</p> <p>legislation 17:20</p> <p>legislative 11:18,25 13:5 17:21 18:24 26:22,24 37:3 41:14,17 85:17,23 86:5 102:1 134:24 143:5 171:25 172:3 182:7</p> <p>legislator 143:9 146:6</p> <p>legislators 104:19 105:9, 13 106:5,16 107:1,6,12 109:12,15,21, 25</p> <p>legislature 12:9,11,16,23 13:8,20 14:1 19:19 21:9,14, 20 22:3 25:9 28:7 29:17,20 30:9,12 35:13 39:3 49:10 56:5,13,25 57:15,21 62:3, 10,12 66:3,6, 14,19 69:4</p>	<p>73:6,12 74:18 75:2,12,16 76:1 77:14,23 79:10,17,25 80:2,21 81:13 82:14 88:8 92:6,10,18,22 93:1 104:24 105:25 110:17 120:23 121:5 125:16,21 126:24 127:7,8 130:8 136:14 139:6,13 141:19 142:8 147:22 149:24, 25 152:6 153:10,17 158:14 169:10 174:3,6,7 183:8,16 186:15,21 189:5,15,24 190:3,6,13,14</p> <p>legislature's 14:20 18:9 20:6 25:13 52:15 77:13 79:6 104:20 108:6,15 109:23 128:22 129:16 130:12 131:3 132:16 135:8 139:16 151:2 153:8,19 182:14</p> <p>length 135:15</p> <p>Leon 89:4</p> <p>let alone 28:18</p>
---	--	--	---

letter 55:22 87:8,12 88:6,20 90:2,4 124:4,17 128:16	literally 14:10 65:19,23 126:10	madness 158:9	113:20 114:11, 20 122:24
letting 60:21	litigation 70:17 94:22 99:6 108:2	main 26:18 30:7 165:10	125:17,20,21 127:3,13,19 131:12,13,19 133:23 134:8, 9,13 135:1,23 136:4,6,7,10, 12,21 138:12 142:10 143:13, 14,16,23,24 144:4 145:6 146:12,20 149:22 151:22 153:18,22 158:15 160:6, 10,24 161:3,14 162:15,25 173:24 174:10, 12 175:19 182:7,14 183:5,6
level 30:19 56:2 94:9,16 98:1,6 114:2,8 150:19 179:8	local 156:8	major 136:15 141:1	map-drawer 43:7 57:25 58:9 76:10 150:23 151:22 153:6 169:20
light 64:7	logic 15:19	majority 89:6 104:24,25 105:1,24 123:22 124:7 155:3 157:8 158:3 187:15	map-drawers 69:21
limited 12:22 26:16,19 30:1 188:17	logistics 101:16	make 9:3 26:10 32:21,24 50:1, 4 53:19 135:7, 23 139:13 140:18 145:5 146:23 147:13 166:24	mapmaker 152:7 161:22
lines 56:20 134:11 141:1,9	long 186:12	makes 6:20 176:6	mapmaking 67:9 91:24
linkedin 11:24	looked 57:21 98:17 159:3	making 123:1 131:4	maps 12:8,12,16 13:8,20 14:1 15:17,19 21:9, 20 23:13 25:9, 10,15 26:4,7 30:9 32:12 35:12,14 37:7 57:14,19,20,22 59:19 70:22
list 8:13 44:1 77:9 78:4,12 108:14 110:23 158:20	lot 37:6,8,12 61:18 71:22 102:14 141:6 146:20 149,24	mandates 88:25	
listed 68:17 117:6 127:2	loud 21:6 96:21	mandates 88:25	
listen 37:1 61:7 92:23	low 122:19	manner 7:5 136:3	
Listened 27:18	lunch 121:13 137:6	map 16:11 26:2 30:5,8,16,18, 20 31:2,5,6 33:9 34:20 56:7,10,17 57:12,17 63:21 70:6 77:10 78:7 83:3 84:5 90:24 91:16 92:23,24 93:2 106:17 111:1 112:21,22	
listening 144:9			
lists 133:3			
literal 108:9			
	<hr/> M <hr/>		
	made 12:21 21:19 31:1 36:15 50:17 63:25 74:7 77:2 88:18 91:20 106:15 112:3 121:21 125:4 134:7 135:6,19 143:19,24 156:7,11		

77:8 115:10,12 118:14 134:6 135:20 138:4 141:14 157:5, 20 March 31:25 116:14 126:24 127:8, 15 128:10 marked 7:11 11:6 15:13 20:15 40:1 45:5 65:2 67:15 70:12 72:20 74:13 76:20 77:18 80:14 83:13 87:4 90:5 94:17 99:1 103:17 107:22 110:12 111:9 112:10 116:8, 23 118:21 121:14 128:6 152:12 156:15 158:6 159:9 162:1,21 163:21 167:12 markings 162:12 Marsh 12:18,24 13:23 14:6 15:7 18:4,11,23 19:23 20:8 21:17 24:20 40:19,24 41:16 42:21 43:15 44:13 46:24 47:5 48:10,21, 24 49:8 50:4, 9,21 51:18 52:1,8 54:4,13	55:15,24 56:12,24 57:8 58:1,12,18 59:6,24 60:9 61:5 62:4,24 63:23 64:9 65:14 68:11 69:10 70:1 71:3,16 72:2,6 75:4 76:14 78:18 81:2,20 84:17 85:4,13 89:17 91:25 94:7 109:5 111:5 112:6 116:1 118:7 124:25 125:24 134:22 135:12 158:25 178:23 179:19 180:6 181:16 182:5, 21 183:9,19 184:25 Marsh's 18:24 85:18 Mat 25:16,18 27:19 82:15 88:2 139:2 148:23 matches 73:22 material 61:19 materials 27:5 33:3,6 143:18 matter 8:12 41:1,8 66:15 77:13 173:7 174:24 180:20 matters	166:13 means 7:3 135:23 151:12 157:15 161:3,5 167:23 meant 100:20 167:24 meantime 162:4 media 92:4 156:5 meet 24:19 31:7,12 71:14 110:4 150:5 151:4 meeting 23:16 24:3,8, 11,14 25:6,7, 12,19,22 26:5, 8,11,13 27:5, 8,11,16,17,18, 25 29:4,7,12 31:15,17,20 32:1,5,9,18, 22,25 33:4,13 34:18,23 35:6 36:17 38:6 39:20 40:17 41:3,4,6,8,10 42:4 43:2,9 46:21 67:21,25 68:3,6,9,17, 19,20 79:14 86:15,18,21,24 93:21 98:15 99:17 100:1,2, 4 101:1,15 102:19,22,24 103:5 106:9 110:7 115:15 126:22 137:22 138:4,5,20,24	139:4,9,23 140:3,4,5,7,8, 10 141:18 142:5,12,17,19 143:2,5,12,18, 25 144:2,10, 18,21,25 145:6,9,12,14, 15,19,23 146:2,6,9,10, 11,25 147:13, 17 148:23 149:3,4,15 151:1 meetings 22:9,13,20 23:2,3,7,8,11, 15 28:5,17,20, 24 31:17,19 33:15 34:6,13, 15,25 36:20 37:21,25 38:2 39:1 68:23 69:12 82:6,8, 10 106:5,7,8, 10 107:1,6,11, 19 109:11,21 138:2 140:2 142:2,6 145:25 149:7 154:3 member 139:5 143:3 146:3 186:25 189:24 190:12 members 33:23 34:3 70:18 83:24 105:1,2 148:25 149:16 157:18 169:11 190:9 memo 76:23 77:4 121:18,23,25
---	--	--	---

124:12 128:9 129:13 131:11, 22,23 132:6, 12,13 133:11 memorandum 14:15 25:17 77:16 129:25 132:25 133:3,4 150:12,20 151:19 177:3, 5,8 memorandums 25:15 124:2 memory 45:21 104:9 129:5 memos 14:15 21:19 22:10 mentioned 64:15 93:12 97:25 128:17 161:13 165:18 170:23 172:10 mentions 51:7 96:2,20 97:12 Meros 73:1 111:13 142:25 mess 11:14 message 38:5,7 85:10 met 10:17 66:23 67:4 86:16 110:9 114:16 126:19 137:13 168:16 metadata	119:9,23 method 158:9 methodology 32:11 metrics 163:4 164:10 Michael 97:13,15 Michelle 23:16,23,24 27:19 micro 30:19 mid-september 12:14 miles 89:2 Miller 11:10,20,24 12:6 13:11 Miller's 12:3 mind 11:2 12:3 28:19 35:24 91:5 104:14 115:8 148:2 149:18 mine 126:10 minimis 30:25 minor 136:13 minority 63:22 123:20 145:3 147:9 minute 108:20 190:17	minutes 55:10 misunderstanding 113:3 mixing 113:7,8,11 Mo 23:17 40:23 68:20 84:3,4 86:13 170:21 171:7 179:15 modest 21:11 moment 95:2 164:1 185:11 moments 99:11 months 22:22 morning 6:17,18 84:6 move 20:14 132:4 multiple 31:19 130:23 133:21 Murphy 19:15 <hr/> N <hr/> named 11:10 94:15 98:5 113:20,22 names 48:11 113:7,8 napkin 185:20 narrowly 150:5 151:3	153:24 National 51:10,14 154:10,25 155:7 187:8, 12,19 nationally 157:3 nature 64:1 79:23 neatly 158:11 needle 130:13 negative 60:1 netted 157:5,25 Newman 72:25 77:24 78:12,15 83:23 84:2 86:10 99:7 103:21 110:16,22 111:13 121:18, 25 123:1 128:10,16 131:12,22 137:23 158:13, 19 159:6,17 165:14 Newman's 14:15 news 17:10,11,13,16 103:23 nice 141:7 Nick 142:24,25 145:22 165:15
--	--	---	---

night 101:3 115:4	numbered 122:1	27:7 45:19 128:4	59:20 60:3,11 62:1,14,16,20
noncompact 124:3	numbers 113:12	October 20:20	63:2,16,20 65:10 66:2,4, 7,10,13,18
noncompactness 124:3	numerical 124:22	offer 151:25 186:8	68:21,25 69:14,22 70:4, 16,24 71:4,19
nondiminishment 88:25 123:23 124:8,18 127:21 130:5 131:15	numerous 35:13 121:10 134:25	offered 83:1	72:24 73:2 75:6,15 76:17 77:12 78:1,19 79:16 80:18,20
nondisclosure 164:23	<hr/> O <hr/>	offering 128:11 150:13 152:1	82:2,13,25 83:2,18,20 84:19 85:6,11, 20 86:1 87:10, 15 89:8,14,25
nonracial 122:15	oath 6:24	office 6:10,11 7:15, 16,19,25 8:3, 9,21,23 9:1,3, 7,15 16,19,21	90:17 92:5,9 93:6,9 94:3,21 95:8 96:8,9,18 97:3,24 98:8, 9,21,23 99:6 100:12 101:10, 11,17,20,24
Nordby 32:2 84:12 86:16 138:25 148:24	object 13:9 51:25 61:5,7 62:23 66:8 72:1,3 91:1,18 125:9 131:25 148:4 150:16 151:8, 13 158:4 160:14	17:10,12,15,24 19:20 20:1,4, 11 21:18 22:14,21 23:24 24:14,16,18 25:23 26:11 27:4 28:22 29:15,19 30:12 31:7,12 32:21, 25 33:2,6 34:7 35:9 36:2,3, 11,19 37:20 39:2 41:11,12, 22 42:1,13,17 43:6,22 44:10 45:9 46:22 47:3,10,18 48:9,18 49:1, 4,6,24 50:2,18 51:8,12,15,24 52:24 53:1,2, 10,17,20 54:7, 23 57:11,23 58:7,10,15,17	102:3,11 103:21,25 104:18,23 105:6,8,12,20, 24 106:1,15 108:2 109:2, 14,24 110:3,4, 18 111:7 112:2,9,14,21 114:25 115:22 116:6,12 118:3,9,18,25 119:3 121:18 123:10,24 124:10,20 125:6,19 126:6,14,20 130:24 132:9, 14,23 133:17 134:1,17 135:7
North 136:9,11,15,21	objecting 61:20,21		
Northern 89:1	objection 7:22 8:13 63:24 66:12		
note 89:18	observer 160:8		
noted 159:2	obtained 39:20		
notice 7:9,14 10:3 167:10	obvious 147:20		
noun 183:2	occur 24:8		
November 156:19	occurred 28:6 29:2 31:10,23 34:13 140:2		
number 21:19 22:7 30:10 87:2 111:21 117:12 119:2 120:16 130:10 165:17, 18 178:6	occurring		

136:2,18 137:21,25 139:6 140:16, 17 141:13,21 142:10 143:3 146:3 148:20 149:10 152:3 154:4,9,21 155:17 159:6, 7,8,13,15 160:10 162:8 163:14 164:22 165:1,4,10,22 166:19 167:7, 11,25 168:2,5, 6,17,18,19 169:6,8,18,22, 25 170:2,3,11, 19 171:10,14, 18 172:11,16, 21,22 173:3,4, 17,23 174:10, 12,15,18,22 175:2,4,5 176:10,11 177:6,7,15 178:17,20 179:2,3,5,7,23 180:7,8,16,17, 21,24,25 181:10,21,24 182:1,2,9,17, 20,22,23 183:23 184:3, 9,18,23 188:10,13,21, 22 189:1,16, 17,19 190:12	Officer 52:6 Offices' 128:12 official 55:22 108:5 152:19 154:15 officially 9:13 officials 34:2,4,5,11 one-on-one 106:4 open 27:24 117:4 openly 156:6 operative 160:5 opinion 88:1,17 90:9, 11,15,25 91:11 14 128:12 130:1 132:10 153:25 opinions 141:24 150:3 151:5,21,25 152:2 opportunity 83:1 opposed 66:10 option 96:3 options 138:21 139:10, 19 order 18:24 40:24	58:18 85:13,18 90:19 91:13,23 92:8 182:21 organization 77:9 78:5 110:24 original 163:11 originally 40:8 originated 183:8 184:3,9 Orlando 19:12 out-of-state 39:15 outcome 27:10 outlet 20:19 outline 124:2 158:11 outlined 25:15,16 outlining 14:10 124:18 outlying 140:22 outreach 104:18,22 105:8,25 110:4 outsource 59:20 60:4 Oversight 83:20 112:15 162:10 owe 157:10	<hr/> P <hr/> p.m. 137:9,10 167:1,2 190:21,22 pages 117:11 162:14 paid 175:20 176:1,2 panel 104:3 Panhandle 30:22 papers 143:18 paragraph 19:5,8 21:6 39:20,24 67:21 77:6 88:21 122:9,12 123:4,18 152:22 paragraphs 21:4 123:2 157:1 parenthetical 89:19 parse 178:11 part 22:11 26:18 30:21 43:22 49:4,18,23 50:20 53:16 68:20 72:7 77:7 124:5 159:8 171:2 174:1,7 180:4, 10
--	---	---	---

<p>participants 44:2</p> <p>participated 39:13</p> <p>parties 16:15 17:5 54:16 186:15, 21</p> <p>partisan 56:17 62:22 63:8 65:8,12</p> <p>Partners 155:10 187:22</p> <p>party 12:22 58:16,19 66:14,20 75:16 81:13 128:2 154:23 155:14, 24 156:2,9 157:4 166:18 185:17,23 186:3,7,10 187:10,25</p> <p>pass 151:3</p> <p>passed 104:6,11,12 108:7 125:16 126:25 127:8 144:22 147:24</p> <p>passes 70:23</p> <p>passing 103:23</p> <p>past 128:1 170:13, 15</p> <p>pause 64:7</p> <p>pay 170:10</p>	<p>paying 168:21</p> <p>payment 176:4</p> <p>PDF 74:6 119:1</p> <p>Pennsylvania 156:9</p> <p>people 9:13,15,21 101:9 163:14 165:18 183:3</p> <p>percent 121:21 124:8, 13</p> <p>percentage 164:8</p> <p>perfect 114:13 134:15 166:5</p> <p>perform 130:24 177:22, 25</p> <p>performing 90:25 91:17</p> <p>period 21:24 22:16</p> <p>person 8:8 29:16 47:17 77:9 78:5 103:9 106:11 110:24 153:17 163:16 165:10</p> <p>person's 48:3</p> <p>personal 176:9</p> <p>personally 14:4 35:7 54:8 95:13 110:7,9</p>	<p>personnel 8:10</p> <p>perspective 54:6 98:3</p> <p>pertain 144:24</p> <p>pertinent 165:23</p> <p>petty 160:7</p> <p>phone 82:9 106:8,11</p> <p>phrase 161:3</p> <p>physical 28:23 33:3 106:10 143:17</p> <p>pickup 157:12</p> <p>picture 142:21</p> <p>pieces 17:19</p> <p>Pinellas 141:3,4</p> <p>pitch 106:15</p> <p>place 32:4 41:4,8 55:6 68:3 103:15 106:9 137:9 167:1 190:21</p> <p>places 35:20,23</p> <p>plain 88:5</p> <p>plainly 90:4</p>	<p>plaintiffs 8:1</p> <p>plan 25:1 36:21 38:13 45:18 47:9 49:13 50:18 54:18 57:6 65:8,11, 16,20,24 66:1 69:6,13,17,21 70:5,6 73:6,7, 17 74:9,16,17, 18,21 75:1,19, 20,22 76:3,4, 13 77:22 79:3, 7,10,17,21 80:1,3,7,13,21 81:17 82:4,22, 24 92:18 104:6,11 106:19,20,24 108:6,16 109:3,13,17, 23,24 110:17, 22 111:22,23 112:18 113:2, 4,5,6,9,13,22 114:4,5,21,25 115:4,6 117:5, 20,21 125:16, 17 127:9 128:2,13,22 129:3,4,7,16, 21 130:4 132:16,24,25 133:13,17,19, 21 134:1,4,15, 19 135:8 137:19 138:11, 14,17 139:11, 20,22 140:11, 14,17 141:18, 19,21 142:4, 11,14 144:11,</p>
---	--	---	--

22 147:1,5,14 148:2 149:11, 14,19 155:23, 25 158:15 161:22 163:3, 25 164:2,6,7 177:23 179:10, 12,14,17 184:16,17 185:7 188:6 189:2,8,9,20 plan's 145:2 147:9 planned 101:18 145:8 147:16 planning 13:7 84:7 86:11 plans 16:15 17:4,5 18:10 20:6 21:14,25 28:1 46:23 47:4,17 49:5,16,23 50:3 51:9 53:9,17,20 54:11 59:1,3 62:2,9,11,20 63:8,13 64:18, 20,23 65:22 69:4,23 70:10 71:15,25 72:18 74:4,24,25 75:11,16 77:14 111:21 114:17 115:25 116:25 117:19 119:15 120:18 121:9 125:20 137:14, 18,19 138:19 139:12,14 140:8 149:5	150:1 160:25 174:16 176:8, 12,22 178:2,4, 8,14,16,21 181:8,11 183:7,15 184:3,8,15,21 185:1,5 190:2, 13 play 42:18 54:2 169:21,22 played 169:16 pleasure 180:10 plural 57:19 point 8:8 29:12 30:14 37:15 41:2,20 42:2 47:16 57:10,11 69:5 103:11 141:8 148:1 pointing 133:7 points 25:16 policies 77:3 policy 42:17 170:5,6 political 56:19 122:3,21 160:5 161:18 164:18 Politico 156:19 159:19 Polk 19:10	Polsby-popper 122:20 Popper 83:4 93:17,23 94:4,9 95:9 97:23 98:1 99:7,18,24 100:12,21,23 101:13,17,24 102:3,4,8,10 104:6 121:20 Popper's 102:7,12 103:1,6,25 104:8,14 population 52:14 118:20 120:19,20,24 130:11 portal 73:12 portion 81:25 85:17 168:23 portions 102:23 POSAMATO 167:4,14 171:16 172:8,9 173:9 177:4 178:24 180:1, 13,15,20 181:3,5,22 182:11 183:14 184:1 185:2 190:16,20 posed 35:21 position 88:10 93:14 104:20 123:25 124:11 131:19,	24 134:10 180:15 positions 14:9 posture 37:4 posturing 37:11 potential 19:18 potentially 172:12 186:11 practical 8:12 practices 79:22 Praise 16:12 praising 157:3 Pratt 73:1 111:13 precedent 89:15 90:1 131:21 preferred 36:3 149:12 prep 101:14 preparation 155:18 168:24 prepare 10:16,19 prepared 10:9,25 118:17,19 168:10,14 present 10:22 11:3 12:8,16 13:8
--	---	---	---

24:6 68:25 101:7 125:18 126:22 141:22 151:22 presentation 27:5 76:1 142:8 149:23 152:5,16 153:13 presentations 33:3 57:2 59:7 140:6 143:19 presented 14:7 139:12,18 142:4 presenting 143:15 146:24 147:20 161:7 presume 66:8 74:25 pretty 15:17 21:21 22:7 30:6 35:11 36:13 79:13 92:25 102:23 165:12 170:5,7 preview 143:15 previously 62:2 86:15 89:7,9 primarily 69:18 81:11 102:7,8 primary 125:17,20 127:9,13,19 128:13,22,24 129:2,3,16 130:4 132:16, 24 133:13	134:19 136:7, 10 Princeton 65:6 principles 122:17 print 20:23 printed 74:6 108:13 119:1,6 printing 162:14 printout 65:6 143:22,23 prior 31:11 34:18 42:3 43:9 140:6 privately 92:13 privilege 17:21 18:24 41:14,16 49:19 50:5 61:21 66:9,12 78:23 81:3 85:5,17, 22,24 86:3,5 111:6 159:1 171:24,25 172:2,3 173:12 privilege-based 41:17 privileged 61:18 171:12 probability 91:4 problem 8:12 135:9 163:13	problems 21:20,21 27:2 procedures 77:3 proceed 8:15 proceedings 6:1 process 14:11 24:25 25:2 26:24 35:17 37:3,5, 9,11,14,15 42:19 46:18 54:3,9 59:9,10 69:3,20 95:18 108:4 119:12 134:5 153:22 165:22 169:17 171:21 172:23 174:1 175:9,13 176:7,9,12,15 179:9,16 180:4 181:9 185:19, 25 186:5,9,16, 22 188:3,11 189:10,15,25 process-oriented 37:12 produce 118:4 produced 15:23 45:9 52:14 70:16 72:24 74:5 80:18 83:17,18 87:10 99:5 103:21 108:2,3 112:14 116:12 118:15,24 119:1 121:17 129:12 159:13	162:7 164:3 product 184:22 professional 94:9 progressed 141:19 progression 134:12 Project 65:7 155:3 187:15 promise 72:18 109:14 pronounce 111:15 pronouncing 45:15 proposal 31:1 122:2 147:25 149:2 proposals 14:20 15:4 16:12 19:6,9, 21 22:4 105:14 111:22 112:4 propose 90:24 91:16 proposed 25:1 36:11 122:15 137:14 149:21 183:16 190:3 Propublica 20:19 39:8,21 67:14 Propublica's 40:5 protect 93:3
--	--	---	---

<p>protected 41:13,15 50:8</p> <p>protection 25:14 100:19 124:15 127:23 131:16</p> <p>provide 41:24 46:17 52:12 59:8 82:24 101:20 168:1 176:17, 19,21 181:24 182:1 185:13</p> <p>provided 14:9 35:16 53:11 69:18,19 71:24 72:4 80:24 83:5 94:21 100:17 101:24 102:17 117:12,25 118:13 119:11 120:10,11 121:8 150:21 162:9 163:11, 18 164:11,12 165:3,4 182:13</p> <p>providing 53:24 101:25 163:2 164:5</p> <p>provision 123:23 124:9 127:21</p> <p>public 12:21 14:7 15:8,17 30:7 40:4 41:1,3,8 44:14 48:12 49:18 51:2 72:7 77:2 83:19 92:25 98:14 108:1,3</p>	<p>112:13 113:2, 22 114:4 121:21 162:7, 13 183:12</p> <p>public's 79:2,4</p> <p>publicly 14:8 35:11 49:9 54:8 57:10,11 59:7 87:11 92:4,5, 12 141:22</p> <p>published 20:20 21:18 22:7,11 31:6 33:9 142:11 156:19</p> <p>pull 7:8 45:4</p> <p>pulled 119:12</p> <p>pulling 163:15</p> <p>pundits 19:17</p> <p>purely 26:13 68:13</p> <p>purpose 23:10 25:7 32:9 68:9 84:9 130:16 139:8 143:11</p> <p>purposes 72:12 166:19</p> <p>put 31:1 50:3,19 53:21 72:11 106:18 119:3 133:20 134:9 148:15 158:11 160:11 173:21</p>	<p>176:25</p> <p>putting 21:25</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>qualify 124:24</p> <p>question 9:18 12:4,7 15:9 16:23 34:3 35:2,21 42:24 46:1,10, 13 48:1,14,22 50:14 52:10 59:13,16,17,25 60:2,16,23,25 61:7,17,20,22 62:15 63:4 65:9 66:12 69:16 71:5,8, 20 72:9 74:20 75:10,13 76:18 81:11,21,24 88:7,14 89:22 90:4 91:10 102:16 105:4, 5,7 109:20 111:24 117:24 122:5,23 132:5,21,22 133:25 134:3 136:17 147:12 148:6 150:7,19 151:9,14,15,16 152:21 153:5, 12 155:17 160:3 172:15, 17,18 181:4,19 183:22 185:22</p> <p>questioned 40:25</p> <p>questions</p>	<p>7:4 8:15 19:1, 25 38:25 41:5 55:3 71:24 92:4 102:15 144:5,24 146:14,16,18, 19 159:21,22 161:10 164:20 166:2,8,9,23 168:25 172:7 188:2 189:6,16</p> <p>quick 108:20</p> <p>quickly 186:18</p> <p>quote 123:5,16 150:13 151:18, 19 157:9 161:4</p> <p>quoted 124:4</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>race 115:24 117:14 118:1,2 120:18 130:15,16 153:21</p> <p>racial 120:25 121:1,8</p> <p>raise 6:2 133:11</p> <p>raised 25:11 30:3</p> <p>raising 27:15</p> <p>random 163:16</p> <p>rationale 80:23 81:12</p>
--	--	--	---

raw 120:4	recall 25:21 26:12 27:12 32:19, 20,23 33:1 38:23 43:4 44:2 52:12 82:23 88:18 93:11 102:2,15 105:22 126:17 127:16 144:8 145:4 146:19, 20 147:10 152:8	recommendation 50:16,18 140:19	redistricting 12:8 13:15 14:4,11 18:10 21:14 28:9,13 39:4,5,14 40:7 42:19 44:11 46:23 47:4,22, 25 48:19 49:3, 23 50:7,8 51:9,11,14,16 52:6 53:17,25 54:3,9 56:18 59:1 62:2,9 64:18 65:20,24 66:1 69:3 76:25 77:3 83:5 93:17,24 94:10 95:18 98:2 104:3 108:6,16 115:25 121:19 124:21 128:1,2 134:5 154:5, 10,22 155:3,7, 23 156:2,5,8, 12 161:14 162:9 164:13, 14,24 169:17 170:13,17 171:21 172:23 173:24 174:1 175:9,13 185:19,25 186:4,9,16,22 187:1,15,19 188:3,5,11 189:25 190:9
reach 24:15 58:7 96:9 97:3 98:8,21 105:21 134:17	receive 66:2,13,18 79:9,16 106:25 107:5 113:20 144:5 146:14	recommendations 50:2 53:19	
reached 96:13 105:12 131:5	received 19:17 65:11 69:23 70:4,5 74:11 88:16 103:24 107:10 113:21 176:4 182:16,19,23	recommended 140:17	
reaction 79:2,4,6 87:19	receiving 179:17	reconfigure 153:9	
read 10:5,10 16:19, 22 19:4,8 21:2,5 39:16, 23 67:24 81:25 84:2 88:21,22 90:21 91:3,5,9 95:2,6 122:13 128:18 132:17 152:23,24 156:25 159:23	recent 33:8	record 7:21 8:14 9:4 18:16,20 22:12 23:18 33:22 40:4 41:1,3,8 46:2 48:4,13 67:24 71:23 72:12 73:24 79:14 83:19 84:10 88:21 89:18 98:18 104:1 108:1,4 112:13 120:5 122:13 130:16, 20 131:7 137:8 153:19 157:1 160:21 180:6 183:12 190:19	
reading 12:3 21:3 151:18 160:15, 19	recess 55:6 103:15 137:9 167:1 190:21	record's 61:9	
reads 123:19	recognize 163:19	records 49:18 71:7 72:7 108:3 112:15 162:7, 13 182:9	
realize 61:18 114:12 129:6 135:5	recollection 87:21 104:23	recounts 104:4	
reason 25:4 88:5 100:21 114:3 121:3 129:23 130:3 150:25 158:22		redacted 45:11 81:10	
reasonable 31:4		redirect 166:10	redrawing 157:11
reasons 97:25		redistrict 64:8	reduced

111:21 refer 12:23 14:23 64:25 113:4 126:11 150:20 reference 14:12 84:10,11 86:10 123:1 125:11 133:6 160:25 referenced 34:24 82:9,11 95:14 129:2 referencing 40:5 referred 142:12 referring 14:17 83:10 112:1 123:5 refers 74:23 reflect 177:14 reflected 177:9 182:15 reflects 177:13,18 refresh 129:5 refuse 92:18 refused 102:4 region 19:12 140:21, 22 regions 136:23 regular	35:3,4 36:8 37:25 38:1,3 39:4 regularly 63:12 related 13:15 39:5 50:7 53:25 75:24 154:5 relates 7:25 123:16 relationship 181:1 relationships 9:22 relayed 85:10,19 release 92:8 released 14:21 15:4 16:14 17:4 72:6,7 81:17 83:20 87:11 relevant 111:22 112:4 167:19 168:12 relied 32:14 131:3 relying 182:20 remained 92:22 remember 21:3 24:13 26:17 27:7 29:2,4,9 32:2 37:15,19 38:17,21,22 43:25 44:7,25 45:22 48:9	49:12,13,14 57:17 62:12 81:7 88:2 98:16,19 101:25 106:3 110:7 114:15 126:25 128:24 142:22 145:25 146:16 149:3 remind 104:10 Reock 122:19 rep 8:6 64:1 157:13 repeat 181:4 185:21 repetition 178:15 rephrase 9:18 62:15 63:4 75:9 81:20 report 164:16 174:25 175:1 reported 175:3 reporter 20:20 reports 39:12 161:20 164:15,18 180:7 represent 9:16 11:23 16:13 73:5 116:11 136:8 162:6 164:2 representation	9:3 124:6 representative 6:10 7:15 93:7,10 110:5, 10 157:23 167:6 171:18 179:1 representatives 9:10,12 23:22 24:5 34:8 126:1,8 144:7 168:7 represented 166:17 185:15 reprisals 109:25 Republican 21:8 51:11,14 94:12 98:4 105:1,12 107:1 109:12 154:10, 23,25 155:5,7, 13,23 156:2,9 157:14,18 158:2 164:9 187:8,10,12, 17,19,25 Republican- dominated 19:18 Republicans 20:5 63:14 108:15 109:3 157:2,5,9,16, 20,25 request 45:18 72:8 77:13 87:16 90:10 111:20, 25 112:17 162:8
--	--	--	--

requested 81:25	restate 89:22	142:9,20 144:4,6	scores 122:18
requests 26:10 32:22,24 112:15	result 141:5 157:19	role 24:1 42:18 44:15,18,19,20 46:18 48:18 52:5 53:25 54:2 59:8 66:24 95:17 169:15,22 173:15,19	scroll 70:21 120:17 152:17
require 109:7	retained 37:22 104:7	Ron 6:11 20:24 21:7 157:10	scrutiny 132:8 150:4,8 151:3
required 89:16 90:3 124:23	retaining 37:17	room 161:8	seats 19:19 157:6,24
requirement 131:15	retention 89:16 90:2	ruling 125:13	secondary 125:17,20 127:9,13,19 128:13,25 129:7,21 131:12,13,19 132:24 133:13 134:19 136:7, 10
requirements 130:6	review 49:5 53:9 54:11,20 70:8 71:15 168:22 181:7 183:16 184:2 190:2,5	run 53:13	secretary 6:11 53:1 166:13,20 167:7,10 168:5,6,18,20 169:5,15,21 170:16,18 171:18,19,20, 22 172:16,20, 22 173:4,6,11, 14,18,25 174:5,11,14, 18,21,23 175:1,24 176:17,19,21 177:14,16,19, 22,25 179:2,3, 5 180:3,7,16, 23,24 181:7, 10,23,25 184:22 185:18, 24 186:2,7,14, 20,24 187:4,7 188:4,7,9,14,
requires 122:18	reviewed 10:18 49:16 54:18 184:17	Sabatini 110:5,10	
reread 81:23	reviewing 53:12 174:15 181:11	sake 18:15	
respect 122:3,21 189:7,9	revised 35:10	Sandi 81:23	
respective 29:22,24	Rights 124:13,14	satisfied 22:3	
respond 18:6,13,16 27:14 152:22 153:4 165:2	ring 12:1 45:20	satisfy 132:8	
responded 12:11	risk 178:15	scheduled 68:1	
responds 13:19	Road 141:1	scope 175:17	
response 12:5 35:15 38:12,17,20 96:17 102:25 112:17 144:21 160:4 162:8,13	roadway 32:14		
rest 28:6 59:13 134:1	roadways 32:14 141:9,10		
	Robert 93:16		
	Rodrigues 76:24 77:8		

25 189:6,18,23 190:2,5,8,11 Secretary's 168:1,17 169:21,25 170:11 171:9 172:11 174:10, 12,15 175:5 176:10,11 188:21 190:12 Section 123:22 seek 8:1 88:1 seeking 84:25 Senate 11:4 14:21 15:5 16:14 17:3 19:6,9 21:25 22:12, 13,21 23:4 24:6,25 26:1 31:8,13,21 32:6,11,13,22, 24 33:16,19 34:7,13,16,19, 25 35:7,9,16, 17 36:1,15,18 37:3,21 38:16 57:3 76:25 79:21 80:11 81:17 82:3,21 84:12 86:14 87:17 88:9 90:18 94:14 114:16 126:16, 18 135:14 136:3,18,22 137:14 138:3, 6,22,23 139:21,24 140:4,18	142:3,13,19, 21,23 143:3,6, 12 144:6,20,24 145:6,11 146:11 149:10, 13,16 152:16 154:4 Senate's 19:21 25:1 35:15 38:11 87:19 Senator 76:24 77:7 142:9 152:21 153:1 senators 16:15 17:4 34:3,9 77:1 send 18:2 70:25 93:6,9 94:3 97:24 179:1, 12,14 185:4,11 sending 70:22 73:9,10 senior 51:10 sense 6:20 sentence 67:22 122:12 123:19 sentences 88:23 separate 74:20 138:2 140:4 142:16 145:15 166:14 separately 35:19 58:6 September	11:16 13:6,16 22:1,16,25 series 14:9 162:7 187:4 serve 53:24 157:14 180:22,25 serves 180:9 service 152:19 serving 51:9 58:9 session 22:19 31:9,11, 24,25 34:14,16 35:2,3,5,25 36:5,9 37:16, 25 38:1,3 39:5 69:5 106:24 114:17 137:15 139:11,21,25 152:17 set 10:18 24:11,15 46:20 51:2 55:3 87:1 99:17 100:10 104:17 128:21 setting 86:19 settled 134:4 shape 133:5 Shapefiles 53:13 share 49:11 139:10 171:12	shared 12:21 122:4,7, 22,25 123:8, 12,15 SHC 73:19 sheet 120:1 Shortly 47:9 show 120:5 163:25 167:9 184:6 showed 185:8 showing 41:4 shows 11:24 183:12 184:13 side 26:23 82:14 113:13 138:24 145:18 sides 166:22 sign 88:11 90:24 91:16 148:2 164:23 signals 61:10 signed 41:23 54:17 173:8 significant 102:23 130:8 131:6 significantly 125:13 129:19 130:18 133:22
---	--	--	---

135:16 similar 24:2 114:2 118:13,16 142:16 185:12 simple 144:3 166:24 simply 65:9 138:10 153:15 160:3 simultaneously 51:13 single 60:16,23 162:12 sir 167:15 Sirois 145:20 sit-down 27:1 skim 99:11 slanderous 103:3 slightly 24:1 slow 186:19 sole 76:4 solely 89:3 178:16 sort 22:10,11,14 27:5 32:14 33:2 37:2,17, 22 45:18 53:23 60:1 65:22 69:18 77:2	88:10 109:25 139:12 143:17 145:8 147:11, 16 149:11 160:12 163:2 165:5 180:16 183:2 185:14 189:11 sound 40:14 121:4 sounds 68:4 72:15 160:7 167:22 South 136:21 Spakovsky 96:22 spare 115:18 speak 84:7,24 86:11 155:16 169:2, 13 186:11,13 Speaker's 23:24 speaking 99:23 special 22:19 31:9,10 34:14,16 35:2, 25 36:4 37:16 69:5 106:23 114:17 137:15 139:11,21,25 152:17 specific 17:19 22:22 29:4,9,11,12 30:11 36:13 38:20,21,23 44:19 64:14,21 72:5 104:19	105:11 106:5 115:23 125:11 126:17 146:19 155:20 specifically 23:8 25:11 32:20 50:15 52:23 75:18,24 88:22,24 100:8 105:15,18 107:11 178:19, 20 specificity 173:22 Spencer 40:10 42:15 165:13 split 140:23,24 spoke 32:13 86:16 99:17 100:22 101:3 135:14 137:13 spoken 98:14 155:22, 25 156:1,4 sprawling 89:1 spreadsheet 111:19 119:7, 19,21 163:2,5, 12 164:5 spreadsheets 121:10 staff 8:4 9:9,20 16:4,7 22:8 23:20,21,25 27:19 29:23 33:23 40:9 41:13 71:14	139:5 142:23 146:15 148:24 149:15,20 154:11,15 168:7 169:10 190:9 staffer 142:21 stamp 164:4 standard 88:25 98:5 124:18 130:14, 21 standards 94:15 start 22:23 39:3 47:3 57:5 95:4 105:6 109:20 started 41:25 166:16 starter 27:13 starting 84:3 88:22 starts 19:5 45:13 123:3 state 12:7 30:21,23 130:1,22 141:1 150:6,15 151:4,7 153:3, 13,14,16,21,23 155:5 157:20 168:6 171:19, 22 172:23 173:6,15,18,24 174:5,21,23 175:9,14 176:19 186:12
--	--	--	--

187:17	11:10,17,18	80:21	suggesting
state's	12:11 19:15	submitted	61:12,15
6:11 21:8 53:1	106:2 143:4	30:15 35:11	suggestion
157:11 167:7,	145:24 165:12	47:10 57:12	77:11 78:6
11 168:2,6,21	stipulation	69:14 73:6,11	89:20 110:25
169:5,16	7:23 8:7	74:18 75:2	summarize
170:17,19	stretches	77:24 78:7	16:13 17:3
171:18,20	89:2	92:24 110:16	51:6 106:14
172:16,22	strict	111:1 112:21	summary
173:4 174:1,18	132:8 150:4,8	113:13 114:5,	16:24 17:1
177:15,16	151:3	25 134:7	111:21
179:2,3,5	strictures	158:13,22	Summit
180:7,16,23,24	48:24	190:13	156:13
181:10,24	strong-arming	submitting	Sunshine
182:1 186:4,8	157:4	12:15 77:8,14,	156:13
188:5,11	study	22 87:16	support
stated	108:20	158:14	17:5 82:4
25:8 54:8 92:5	stuff	subpoena	88:16 93:2
120:23 129:23	32:15 165:6	165:3	105:9 106:17
130:3,16,19	style	subsequent	109:3,13,16,22
151:1	102:1	92:23	148:21
statement	subcommittee	substance	supported
57:13 82:23	79:14 18 83:8	85:15 159:18	16:16
122:24 123:14	93:11,13,18	substantially	Supreme
statements	subcontractor	28:1 115:2	87:9,17 88:6,
36:15 160:20	53:6	substantive	11 89:11 90:9,
States	subcontractors	7:5 50:16	23 91:14,15
100:20 124:16	45:24 46:3,6,	substantively	124:22 125:4,
127:23	15	30:22	7,13
stating	subdivisions	subtle	surrounds
123:10	122:3,21	114:8	133:6
statistical	subject	suffered	survive
124:3	45:17 73:3	130:18	150:1,4
statistics	80:22	sufficient	suspect
52:13 135:24	submission	132:8	114:10
164:7	73:4,9 110:20	sufficiently	swear
status	158:12,17,19	123:21	6:3
18:9	submit	suggest	sworn
STENOGRAPHER	75:11,17	109:24	6:13
6:2,8 7:10	submits	suggested	synopsis
Stephanie		87:25 89:7,10	93:13 145:13

<hr/> <p style="text-align: center;">T</p> <hr/> <p>tab 74:10</p> <p>table 128:21</p> <p>tailored 150:5 151:4 153:24</p> <p>takes 123:9 148:10</p> <p>taking 29:14,16 161:10</p> <p>talk 12:19 20:10 22:15 42:23 55:18 58:3 63:1 71:19 75:6 78:19 84:19 85:2,6 92:23 93:7,18 96:7 109:7 112:8 118:9 149:24 154:6 179:22 181:20 183:22 188:20</p> <p>talked 10:24 17:9 27:20 39:6 47:20,22 48:2, 4 56:5 57:8 59:7 69:12 79:24 82:7 107:13 114:15 116:3,4 141:6 177:1</p> <p>talking 15:10 29:22,23 30:12 31:3,4, 11 34:17 37:24 38:2 43:16</p>	<p>50:6 93:21 101:15 136:11, 12 140:5 144:3 186:18 188:16 189:14</p> <p>Tampa 19:12 136:20 140:21,22</p> <p>targets 19:18</p> <p>Taryn 15:24,25 16:1 159:14</p> <p>team 22:2,6 26:3 32:3 39:13 44:16 67:4 68:7 70:19 83:24 94:23 99:17 102:9 117:13,25 175:3</p> <p>teams 31:18</p> <p>teeny 157:7</p> <p>tens 31:3</p> <p>terms 166:11</p> <p>test 122:19,20 150:9</p> <p>testified 6:14 55:10 64:21 104:6 121:20 125:3 138:10 175:15 177:8</p> <p>testify 10:9,13 96:11,</p>	<p>14 97:4,6,10, 20 98:9,23 100:13,15 101:13 102:4,5 167:17 168:10, 15 176:13 189:12</p> <p>testifying 7:2 64:23</p> <p>testimony 6:4 36:13,16 58:25 75:25 79:18 83:5 93:21 95:10, 12,25 96:6 99:18 100:23 101:4,14,18,21 102:7,12,17,19 103:1,7,9,25 104:8,15 120:22 121:4 125:12 126:11 130:8 131:6 135:18,22 153:23 155:18 167:20,24 182:18 185:8</p> <p>Texas 64:19,21,23 65:1,20,24 175:12</p> <p>Texas' 65:21</p> <p>Texas's 65:7</p> <p>text 7:3 150:12 156:25 163:1</p> <p>that'd 72:8,14 115:9</p> <p>THC 73:19</p>	<p>thing 11:2 37:2 105:16 112:20 114:4</p> <p>things 28:18 79:23 82:10 134:15 148:17 163:14</p> <p>thinking 68:19 74:21</p> <p>third-party 175:8</p> <p>Thomas 40:12 41:21 170:24</p> <p>thought 36:20 88:3 107:17 133:24 144:14 147:4 149:24 151:1</p> <p>thoughts 54:9</p> <p>thousands 31:4 163:14 186:11</p> <p>thread 130:12</p> <p>threshold 124:8,13,23</p> <p>ticks 61:11</p> <p>Tier 134:20,25 135:6,8,15,19</p> <p>time 8:24 12:13 13:16,22 18:22 22:14 23:21 33:11 35:1,8 41:20 46:21 47:16 51:7,15</p>
--	---	--	---

57:15 60:25 61:7,15,25 62:16 64:23 67:1 69:6 71:23 90:2 104:12 115:18 121:22 148:1 149:9 158:11 159:2 161:7 166:2 173:18 times 48:2 49:14 140:24 title 20:22,24 23:25 43:11 104:1 119:6,7,15,18 156:20 titled 16:11 40:6 74:4 titles 149:7 today 6:24 7:2,4 8:20 9:19 10:9 76:2 84:8 86:11 108:12 135:22 137:12, 18 151:11 154:6 today's 155:18 told 10:15 69:4 151:17 Tom 52:5,12 tom@ bryangeodemo.com 40:12	tool 182:7,14 top 67:16 71:11 97:12 98:19 119:8 topic 26:20 28:8 128:17 142:17 144:17 155:17, 20 topics 7:9 10:6,8 167:18,20 168:11,15 188:22 189:12 Torchinsky 40:11 42:12 44:15 45:17 47:23 48:8 49:5,22 50:1, 6,17 51:8,13, 23 67:25 68:18 Torchinsky's 44:18 48:17 50:15 total 106:13 touch 133:10,16 174:19 touched 25:20 52:9 touching 136:13 track 109:2 tracks 57:2 traditional 56:18 122:17	traffic 182:16 183:12 184:5,7 transcribed 152:18 transcript 152:9,15 trial 72:13 trip 113:19 true 21:13 Trust 51:11,14 155:8 187:20 truth 6:5,6 Tuesday 142:9 157:13 turn 176:24 tweet 38:9 tweeted 37:16 TXT 73:20 163:1 tying 124:12 type 120:25 146:10 typically 69:24 70:4,8 113:4 122:1 170:6,8,9 <hr/> U <hr/> U.S.	19:19 131:17 157:13 186:25 Uh-huh 52:22 73:16 111:16 132:19 ultimate 134:8 ultimately 40:9 43:21 83:4 99:23 102:12 108:16 134:4 143:14 unable 97:14,19 unaware 120:23 unconstitutional 107:3 133:8 135:24 136:5, 24 understand 6:23 8:19 9:8 32:10 61:23 123:7 128:11 133:24 148:5 154:14 167:5, 17,23 173:13 182:12 understanding 40:23 94:10,16 98:1 130:20 136:8 166:15 understood 88:14 89:14,25 146:23 undertook 176:12 unincorporated 35:23 unique 94:9,16 98:1,
--	---	---	--

2,6	verbal	131:16	walk-through
United	61:11	violation	146:11
100:19 124:16	Vern	100:19	walked
127:23	157:13,23	violations	142:14
universe	version	25:13	wanted
182:19	35:10 88:16	visual	107:13,15
unlike	105:10 107:2	70:6 141:10	158:10
26:21	108:11 128:22	visually	waste
unprofessional	129:13,16,19,	140:24	71:22
103:4	20 130:4,25	Volume	watch
up-to-date	148:14,21	190:22	102:22
18:9	149:12 151:2	von	watched
update	163:25	96:22	10:21 11:3
84:5,14,25	versus	vote	102:23
85:1	122:16	80:3,5,10	ways
upset	veto	107:13,15,19	30:10 92:3
21:13 38:18,22	14:14 37:22	108:4,5,10	130:23 133:21
usual	127:16 129:25	109:17,23	157:15
37:2	131:11,23	148:8,10,16,25	website
Uthmeier	132:13 177:3,	149:16,19	112:16 161:14,
15:24 16:3,5,	5,7	voted	17 164:14,17
6,7,11 18:3,8	vetoed	108:15 109:15,	week
23:17 40:10	38:14 108:17	16 110:1	24:10 31:10
103:22 106:2	127:10,19	voters	67:21,25 68:4
137:23 165:13	128:2 147:25	63:22 89:3,4	west
utilized	vetoing	145:3 147:9	19:12 89:2
149:11	130:4	164:8,9	western
<hr/>	videos	votes	30:23
V	10:21 11:3	63:22	whatnot
<hr/>	view	voting	6:22
varied	19:21 171:19	52:13 118:20	whatsoever
107:9	177:16,18,19	120:19,24	65:20
variety	views	124:13,14	white
28:18 121:8	26:15 177:9,13	130:11	108:13
163:4 164:7,9,	violate	<hr/>	wholly
17	127:20,22	W	141:2
vast	violated	waiving	Wienckowski
104:24,25	36:21 130:19,	49:19	45:1,14,16,21,
105:24	22 134:20	walk	22 46:17 171:5
vastly	135:8	143:13 146:8	Willie
19:13	violates		

11:10,20,24 willingness 148:2 149:18 win 157:7 winter 22:20 Wisconsin 62:3,10,12 63:14,21 64:6, 14 word 9:11 52:19 60:4 69:17 words 126:10 143:12 147:7 178:12 work 6:21 9:22 27:3 44:10 47:25 69:8 92:6 95:5 111:7 164:24 175:21 179:9 181:15 184:22 185:18,24 worked 23:24 57:13,14 65:25 67:1,5 159:7,8 178:8 188:15 working 8:2,25 41:12, 25 45:24 46:3, 7 63:7,14 64:17 66:21 69:6,7 94:11 98:3 155:13 175:13 Works 166:25 worksheet	119:8 worse 135:24 writes 77:8 111:20 131:12 writing 159:22 written 102:8,18 wrong 125:8 166:16 wrote 12:6 131:22 <hr/> x <hr/> XLSX 73:15 <hr/> y <hr/> year 21:8 22:25 yellow 108:12 yesterday 6:20,21 10:15, 24 12:18,25 17:9 32:13 44:24 52:10 70:19 102:21 114:15 137:12, 17 141:6 161:13 166:7 yesterday's 10:16 58:25 you-all 85:12	<hr/> Z <hr/> Zoom 68:1 zoomed-in 114:1
--	--	---

Black Voters Matter Capacity Building Institute, Inc.

vs.

Cord Byrd, et al.

Deposition of:

James Kelly

June 08, 2023

Vol 2

RETRIEVED FROM DEMOCRACYDOCKET.COM



IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY
BUILDING INSTITUTE, INC.,
et al.,

Plaintiffs,

vs.

CASE NO. 2022 CA 000666

CORD BYRD, in his official
capacity as Florida Secretary
of State, et al.,

Defendants.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

COMMON CAUSE FLORIDA, et al.,
Plaintiffs,

vs.

CASE NO. 4:22-cv-109-AW-MAF

CORD BYRD, in his official
capacity as Florida Secretary
of State,

Defendant.

REPRESENTATIVE OF THE EXECUTIVE OFFICE OF THE
GOVERNOR RON DESANTIS AND SECRETARY OF STATE'S
OFFICE (JAMES ALEXANDER KELLY)

(Volume 2, Pages 195 - 295)

Thursday, June 8, 2023
2:50 p.m. - 5:34 p.m.

LOCATION:

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK
119 South Monroe Street, #500
Tallahassee, FL 32301

STENOGRAPHICALLY REPORTED BY: SANDRA L. NARGIZ
RPR, CM, CRR, CRC, CCR

Job No. 309153

<p style="text-align: right;">Page 196</p> <p>APPEARANCES:</p> <p>ON BEHALF OF THE PLAINTIFFS BLACK VOTERS MATTER, et al.:</p> <p>ELIAS LAW GROUP, LLP 10 G Street NE Washington, DC 20002 202.968.4490</p> <p>BY: JOSEPH POSIMATO, ESQUIRE jposimato@elias.law</p> <p>BY: CHRISTINA FORD ESQUIRE cford@elias.law</p> <p>ON BEHALF OF THE PLAINTIFFS COMMON CAUSE, et al.:</p> <p>PATTERSON BELKNAP WEBB & TAYLOR 1133 Avenue of the Americas New York, NY 10036 212.336.2817</p> <p>BY: CATHERINE J. DJANG, ESQUIRE cdjang@pbwt.com</p> <p>ON BEHALF OF THE DEFENDANT SECRETARY OF STATE: HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK 119 South Monroe Street, #500 Tallahassee, FL 32301 850.508.7775</p> <p>BY: MOHAMMAD O. JAZIL, ESQUIRE mjazil@holtzmanvogel.com</p> <p>BY: ROBERT MICHAEL BEATO, ESQUIRE mbeato@holtzmanvogel.com</p>	<p style="text-align: right;">Page 198</p> <p style="text-align: center;">I N D E X</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">WITNESS</th> <th style="text-align: right;">PAGE</th> </tr> </thead> <tbody> <tr> <td>REPRESENTATIVE OF THE EXECUTIVE OFFICE OF THE GOVERNOR RON DESANTIS AND SECRETARY OF STATE'S OFFICE (JAMES ALEXANDER KELLY)</td> <td></td> </tr> <tr> <td style="padding-left: 40px;">Direct Examination by Ms. Djang</td> <td style="text-align: right;">199</td> </tr> <tr> <td>CERTIFICATE OF OATH</td> <td style="text-align: right;">292</td> </tr> <tr> <td>CERTIFICATE OF REPORTER</td> <td style="text-align: right;">293</td> </tr> <tr> <td>READ AND SIGN LETTER</td> <td style="text-align: right;">294</td> </tr> <tr> <td>ERRATA SHEET</td> <td style="text-align: right;">295</td> </tr> <tr> <td colspan="2" style="text-align: center;">INDEX OF EXHIBITS</td> </tr> <tr> <td style="text-align: left;">NO.</td> <td style="text-align: right;">ID</td> </tr> <tr> <td style="text-align: left;">63</td> <td style="text-align: right;">229</td> </tr> <tr> <td style="text-align: left;">64</td> <td style="text-align: right;">255</td> </tr> <tr> <td style="text-align: left;">65</td> <td style="text-align: right;">263</td> </tr> </tbody> </table>	WITNESS	PAGE	REPRESENTATIVE OF THE EXECUTIVE OFFICE OF THE GOVERNOR RON DESANTIS AND SECRETARY OF STATE'S OFFICE (JAMES ALEXANDER KELLY)		Direct Examination by Ms. Djang	199	CERTIFICATE OF OATH	292	CERTIFICATE OF REPORTER	293	READ AND SIGN LETTER	294	ERRATA SHEET	295	INDEX OF EXHIBITS		NO.	ID	63	229	64	255	65	263
WITNESS	PAGE																								
REPRESENTATIVE OF THE EXECUTIVE OFFICE OF THE GOVERNOR RON DESANTIS AND SECRETARY OF STATE'S OFFICE (JAMES ALEXANDER KELLY)																									
Direct Examination by Ms. Djang	199																								
CERTIFICATE OF OATH	292																								
CERTIFICATE OF REPORTER	293																								
READ AND SIGN LETTER	294																								
ERRATA SHEET	295																								
INDEX OF EXHIBITS																									
NO.	ID																								
63	229																								
64	255																								
65	263																								
<p style="text-align: right;">Page 197</p> <p>APPEARANCES: (Continued.)</p> <p>ON BEHALF OF THE DEFENDANT FLORIDA SENATE: SHUTTS AND BOWEN 215 S. Monroe Street, #800 Tallahassee, FL 32301 850.241.1717</p> <p>BY: DANIEL E. NORDBY, ESQUIRE (Via Zoom.) dnordby@shutts.com</p> <p>THE FLORIDA SENATE 302 The Capitol, #404S Tallahassee, FL 32399 850.487.5237</p> <p>BY: KYLE EDWIN GRAY, ESQUIRE (Via Zoom.) gray.kyle@flsenate.gov</p> <p>ON BEHALF OF THE DEFENDANT FLORIDA HOUSE OF REPRESENTATIVES: GRAY ROBINSON 301 S. Bronough Street, #600 Tallahassee, Florida 32301 850.577.9090</p> <p>BY: ASHLEY H. LUKIS, ESQUIRE ashley.lukis@gray-robinson.com</p> <p>ALSO PRESENT: Nicholas Meros, Office of the Governor Michael Halper, Common Cause Florida Taylor Meehan (Via Zoom.) David Rosenthal (Via Zoom.)</p>	<p style="text-align: right;">Page 199</p> <p>1 The following continued from Volume 1 at 2:50 p.m.:</p> <p>2 DIRECT EXAMINATION</p> <p>3 BY MS. DJANG:</p> <p>4 Q Part two of this deposition. My name is</p> <p>5 Catherine Djang. I'm an attorney with the law firm</p> <p>6 Patterson Belknap Webb & Tyler. You understand that</p> <p>7 we represent plaintiffs in the federal action,</p> <p>8 Common Cause, Fair Districts Now, Florida NAACP.</p> <p>9 Do you understand that?</p> <p>10 A Yes.</p> <p>11 Q Okay. And I know yesterday you went</p> <p>12 through and today a couple times the materials that</p> <p>13 you reviewed in preparation for the depositions</p> <p>14 today.</p> <p>15 In addition to the items that you've</p> <p>16 already listed, I just want to confirm you've also</p> <p>17 reviewed the questions that we submitted in advance</p> <p>18 pertaining to the federal case as well; is that</p> <p>19 right?</p> <p>20 A Yes. And can I -- there was something I</p> <p>21 left out of an answer earlier, too. Can I bring</p> <p>22 that back up on the record?</p> <p>23 When you asked earlier how I prepared to</p> <p>24 represent the Secretary's question, I completely</p> <p>25 forgot to mention that I reviewed the</p>																								

Page 200

1 interrogatories and responses to those. I just --
2 in my mind they were all one, but after walking out
3 of the room, it occurred to me that those were
4 multiple other documents, four other documents that
5 had interrogatory responses. So apologies for
6 leaving that out earlier.

7 MR. POSAMATO: Thank you for clarifying.

8 BY MS. DJANG:

9 Q Thank you for jumping in.

10 And you've also reviewed the complaint in
11 our federal action as well?

12 A The complaint itself? Can you show me the
13 document?

14 Q I don't have a copy of the document, but
15 that's fine. We can move on.

16 In terms of logistics, I just want to put
17 on the record that counsel has agreed that the
18 testimony that you provided earlier today and
19 yesterday will be applicable in the federal matter
20 as well, just for sake of efficiency, and so that we
21 don't have to duplicate all the questions that were
22 already asked and answered.

23 I will do my best not to repeat, but if
24 you've already provided an answer, please let me
25 know.

Page 201

1 For the sake of clarity, I will also refer
2 to some of the same exhibit numbers and just keep
3 those sequentially if that's all right with you?

4 A Sure.

5 Q Can you please state your full name and
6 address for the record?

7 A Sure. James Alexander Kelly, my address
8 is 2025 Florida Avenue, Tallahassee, Florida 32303.

9 Q Thank you.

10 And just for the sake of clarity, when I
11 refer to federal plaintiffs today, you know I am
12 referring to Common Cause, Fair Districts Now, and
13 the rest of the plaintiffs in the action?

14 A Uh-huh, sure.

15 Q Okay. Also, just -- I think Christina
16 mentioned this, but answers need to be audible when
17 you shake your head.

18 A Yes.

19 Q State that verbally so that it's reported
20 by our court reporter.

21 Again, please remember that these answers
22 are under oath and you are legally obligated to
23 answer every question truthfully and completely as
24 if you were testifying in court.

25 Is there any reason why you wouldn't be

Page 202

1 able to give true and complete answers to my
2 questions today?

3 A No.

4 Q Okay. So we reviewed some of your prior
5 testimony in the 2012 litigation. So you've
6 obviously been deposed before; you've provided
7 testimony at trial.

8 Have you been deposed in connection with
9 any other matter?

10 A Yes.

11 Q Can you tell us what -- under what
12 circumstances?

13 A I've been deposed a few times, generally
14 related to pieces of legislation, some agency
15 contractual disputes, a couple agency human resource
16 matters, complaints -- I'm not sure how that's how
17 you refer to that, but agency HR issues,
18 disciplinary matters.

19 Q Okay. And you've never been a party to
20 any of those lawsuits or disputes?

21 A Personally, no. My agency that I worked
22 for, yes. But me personally, no.

23 Q And have you ever been accused of perjury
24 or making a false statement or any other conduct
25 calling truthfulness into question?

Page 203

1 A No.

2 Q Please just wait for me to finish my
3 question before you answer.

4 A My apologies.

5 Q In addition to reviewing the questions
6 that the federal plaintiffs submitted in advance of
7 today's deposition, did you also review the Beretta
8 (sic) report which was attached as an exhibit to
9 those questions?

10 A No.

11 Q Okay. So going back to the previous
12 redistricting cycle, so 2010-2012, time period, you
13 testified yesterday that your role during that
14 redistricting cycle was as the staff director for
15 the House Redistricting Committee, correct?

16 A Correct.

17 Q And in that cycle, you helped draw various
18 redistricting proposals for that committee, correct?

19 A Correct.

20 Q How -- focusing your attention on
21 Congressional District 5, you know which district I
22 am referring to?

23 A The Congressional District 5 in which
24 plan?

25 Q In the 2012 plan. Let's look at

Page 204

1 **Exhibit 6.**

2 **So District 5 is the purple district?**

3 A Yes.

4 **Q For the record, you are pointing to the**

5 **purple district?**

6 A Got it.

7 **Q So at one point during this redistricting**

8 **cycle, you considered drawing a potential district**

9 **that would span from Duval County to Gadsden County,**

10 **correct?**

11 A During the committee's work, after public

12 comment, before putting out our own proposed maps,

13 there was public comment at one of the public

14 meetings on that, and we showed examples of many

15 different forms of public comment, and that was one

16 of them. And we showed that to probably the

17 Congressional redistricting subcommittees, is

18 probably who we showed it to.

19 **Q What was the purpose of those examples?**

20 A We showed the committees many different

21 examples of what the public submitted. That

22 particular example, it was a ludicrous proposal that

23 we showed, a drawing of the district from

24 Jacksonville to Gadsden County, and we showed that

25 to the committee.

Page 205

1 But nonetheless, we were being faithful to

2 the process of providing the committee with a large

3 variety of the public feedback that came up in the

4 meetings.

5 **Q You described this plan as ludicrous. Can**

6 **you elaborate on that?**

7 A Yes. I remember because it was so unique.

8 A gentleman walked into one of the public meetings

9 in I want to say either Broward County or Palm Beach

10 County and provided a crayon-drawn district from

11 Jacksonville to Gadsden County.

12 And the gentleman's presentation of it, he

13 spoke in front of the -- we had traveling committee

14 meetings around the state, 26 of them, I think, and

15 he spoke and presented it. And it was just a

16 sprawling district stringing together disconnected

17 communities.

18 **Q Can you explain what you mean by**

19 **"disconnected communities"? Which communities are**

20 **you referring to?**

21 A Jacksonville to Gadsden County.

22 **Q So different counties?**

23 A And communities in those counties.

24 **Q Which communities?**

25 A Do you have -- Jacksonville to Gadsden

Page 206

1 County. Duval County to Gadsden County. It went

2 along the border -- the northern border of the

3 state.

4 **Q Okay. So continue. I'm sorry. I**

5 **interrupted you.**

6 A No, I'm fine.

7 **Q Is that the rest of your answer?**

8 A I'm done.

9 **Q Okay. Great.**

10 **And that's the only kind of east-west**

11 **configuration you can recall from that redistricting**

12 **cycle? You don't recall you yourself personally**

13 **proposing any type of configuration for that**

14 **district?**

15 A I did not personally propose any type of

16 configuration like that for that district.

17 **Q Okay. Do you recall providing an opinion**

18 **on -- here today you've described it as ludicrous.**

19 **Do you recall at the time providing opinion on the**

20 **propriety or validity of such a submission?**

21 A The propriety or validity? I'm sorry, I'm

22 not sure I understand what you're asking me.

23 **Q Sure. So you described the plan we have**

24 **been discussing as ludicrous, and I take it that is**

25 **in relation to what you might consider to be the**

Page 207

1 **proper redistricting criteria. Would you agree with**

2 **me?**

3 A I'm not understanding the way you're

4 asking the question.

5 **Q Okay. I'll rephrase.**

6 **Did you ever offer an opinion regarding**

7 **that east-west district that we've been discussing?**

8 MR. JAZIL: During the 2012 cycle?

9 BY MS. DJANG:

10 **Q During the 2012 cycle?**

11 A Yes.

12 **Q What was your opinion?**

13 A It's probably on the record in the

14 committee process, but I -- generally speaking, the

15 proposed district from Duval County to Gadsden

16 County abandoned most any redistricting standards

17 and it had a significant impact on the compactness

18 of other districts that touched that district.

19 **Q Okay.**

20 A And that did have an impact on their

21 compactness.

22 **Q And the compactness of that district**

23 **itself, did you have an opinion on that?**

24 A It was very not compact.

25 **Q In what way?**

Page 208

1 A Visually, it was very not compact. Any of
2 the different statistical measures that you would
3 use to define compactness, it was not compact.
4 It, in addition, within the district had
5 indentations into counties that broke up counties,
6 counties that potentially could in alternatives be
7 kept whole, but in this case was breaking up those
8 counties purely for race-based reasons, to grab
9 Black voters in some parts of the state and exclude
10 non-Black voters in those parts of the state.
11 Q And that was the stated reason given by
12 the person who submitted this plan?
13 A As I recall -- I don't recall the exact
14 statements of the person, but as I recall, the
15 statements were vague and confusing.
16 Q Okay. I don't need you to -- I'm not
17 asking you to justify what someone else submitted.
18 But in its most basic terms, would you agree with me
19 that it was a rectangular shape if we had to
20 classify it in geometric terms?
21 A Not remotely.
22 Q Okay. Why would you say that?
23 A Because it wasn't a rectangle.
24 Q Okay. Is there another geometric shape
25 that would be a closer and more accurate way to

Page 209

1 describe it?
2 A No.
3 Q So you cannot under any conception of a
4 regular geometric shape describe that district to me
5 today?
6 A Correct, I cannot.
7 Q Okay. So let's look at Exhibit 7. I'm
8 going to direct your attention to page 931.
9 A So page 931?
10 Q Correct.
11 A Thank you.
12 Q Actually 932. So starting at line 17,
13 could you please begin reading that question and
14 continuing on. I'll let you know when to stop.
15 A Page 932, line 17?
16 Q Correct.
17 A Question: Now, had done some -- I'm
18 sorry. Start over.
19 "Question: Now, you had done some maps, a
20 couple maps early on in the process where you had
21 looked at a different approach for District 5";
22 isn't that correct, sir?
23 Answer: Yes, sir.
24 Question: That was actually back around
25 October 5, 2011; isn't that correct?

Page 210

1 Answer: That sounds right, yes, sir.
2 Question: And you looked at a potential
3 district from Duval to Gadsden County?
4 Answer: Yes, sir.
5 Mr. King: Let's pull up 876.
6 By Mr. King. Question: And is that
7 the -- now you did not draw a complete map to try to
8 fill in the district -- I mean fill in all the
9 districts on this configuration; is that correct?
10 Answer: Not a complete map, that's
11 correct.
12 Question: When you did that, you --
13 Mr. King: Let's pull up the stats page.
14 By Mr. King. Question: That indicates
15 that the Black voting age population in that
16 district which you are calling District 2 was
17 44.95932; isn't that correct, sir?
18 Answer: Yes, sir."
19 Q Okay. You can stop there.
20 A Thank you.
21 Q So does that refresh your recollection
22 regarding configurations that were drawn east-west
23 in that northern part of the region of Florida that
24 we've been discussing? Do you recall drawing
25 districts that looked -- that spanned from one --

Page 211

1 Duval County to Gadsden County? Do you recall what
2 this testimony is referring to?
3 A Can I read a little further in the
4 testimony?
5 Q Sure.
6 A To myself?
7 Q Uh-huh.
8 A (Examining document.)
9 Q And just so you know, my questions only
10 pertain to the content that goes up to page 936.
11 A Oh, thank you.
12 Okay. Thank you. I read through 936.
13 Q Does that refresh your recollection as to
14 the drawing of this district?
15 A That really didn't help in any way.
16 Q You don't recall this district that you're
17 referring to in that testimony?
18 A No. In other words, I've already
19 described -- in terms of a district that went east
20 to west, I've already described it in what I told
21 you before.
22 This -- this appears to be -- and I don't
23 know if you happen to have the committee packet, but
24 this appears to be referencing one of the committee
25 meetings during a time when we were showing public

Page 212

1 input to the committees. It references an
2 October -- an October 5, 2011, meeting that we were
3 not showing the legislature at that time, the maps
4 that we were proposing. We were showing them public
5 input.

6 Q So the map that is being described here is
7 something that you are discussing for what purpose?

8 A The one that I just said, we were
9 presenting to the committees public input that was
10 received during the again, I believe, 26-city tour
11 the legislature did to receive public input. So
12 that was a period of time when we were presenting
13 legislators and the different subcommittees examples
14 of public input.

15 Q Do you recall approximately how long that
16 district was from east to west?

17 A No.

18 Q Do you, sitting here today, have a rough
19 approximation, I mean, looking at any of these maps
20 in front of you?

21 A That district that was drawn that we
22 received from the public input?

23 Q That district, sure.

24 A No.

25 Q You couldn't tell me whether it was

Page 213

1 50 miles in length, more or less?

2 A This was a piece of paper a member of the
3 public drew on crayon in 2011, in the summer of
4 2011, and handed us. And you're asking me do I
5 remember how long the district was? No, I don't.

6 Q The length of the district, the number of
7 miles that that district would have spanned from
8 east to west in the state of Florida, I think you
9 know what I am talking about. Do you know what I'm
10 referring to?

11 A You've asked me about the piece of public
12 input that's referenced in these pages 933 to 936,
13 that district?

14 Q Okay. Mr. Kelly, let's look at
15 Exhibit 42.

16 A Forgive me, it's in this pile, if I can
17 find it.

18 (Discussion off record.)

19 BY MS. DJANG:

20 Q So it is a February 1, 2022, letter from
21 the Executive Office of the Governor to the Florida
22 Supreme Court, signed by Governor DeSantis.

23 So looking at the map at the bottom of
24 this first page, would you say that the sample that
25 we are discussing, aptly called the crayon sample,

Page 214

1 would you say that the crayon sample plan spanned
2 further -- a further distance in terms of the
3 east-west length than this map shown here or was it
4 shorter?

5 A Do you have a copy of it?

6 Q I do not, no. I'm asking you what you
7 recall.

8 A What I recall is that, to the best of my
9 recollection, it was at least a Duval County to
10 Gadsden County district.

11 Q Okay. And do you see here in this first
12 paragraph where -- the sentence that begins: "The
13 district stretches over 200 miles from east to west
14 across eight counties without conforming to usual
15 political or geographic boundaries"? Do you see
16 that?

17 A Yes, I see that.

18 Q Would you agree that that description
19 would apply to the crayon sample?

20 A I don't know the mileage, so -- I hate to
21 nitpick, but I really don't have it in front of me.

22 Q I'm not asking you to testify to the
23 specific mileage.

24 A Beg to differ, you just did, four or five
25 times.

Page 215

1 This statement in general, the general
2 spirit of this statement is very similar to what was
3 submitted 11, 12 years ago, albeit I don't have it
4 in front of me, and the benchmark District 5 -- or
5 the District 5, I should say, referenced in this
6 February 1 letter.

7 Q Thank you. And I do appreciate we're
8 talking about over a decade ago, so thank you for
9 indulging me.

10 So returning to your testimony in
11 Exhibit 7, you testified -- and I'll just read this
12 into the record.

13 A It's okay if can just get the exhibit?

14 Q Sure. You have it to your right.

15 MR. JAZIL: Counsel, would you mind giving
16 us a page number?

17 MS. DJANG: Sure.

18 MR. JAZIL: Thank you.

19 MS. DJANG: We were on page 933. That's
20 where we left off.

21 THE WITNESS: Thank you.

22 BY MS. DJANG:

23 Q So starting on page 934, line 3, I will
24 ask you to start reading there.

25 A Sure. Page 934, line 3.

Page 216

1 "Question: Now, did you do a functional
2 analysis on these two districts?
3 Answer: Yes, sir.
4 Question: And the Exhibit 874 with the
5 Black voting age population of 43.88775, did you
6 consider that that was an ability-to-elect district
7 for the African American candidate of choice?
8 Answer: I never looked at it with the
9 question of whether there was an ability to elect
10 district. We looked at it whether or not we were
11 maintaining the benchmark minority voting strength.
12 Question: What did you conclude?
13 Answer: I concluded that the east-west
14 configuration requires something around, I believe,
15 45 percent to maintain a similar minority voting
16 strength as existed in the benchmark of the north
17 and south district.
18 The African American community in the east
19 and west configuration represents a greater
20 proportion of your voting strength in the elections
21 for whatever reason. Just the residents who
22 happened to live in those counties as opposed to the
23 north-south configuration.
24 Question: Does there appear to be a
25 higher turnout there in the voting?

Page 217

1 Answer: I know -- I don't know the entire
2 district. I know Leon County is typically your
3 strongest voting turnout county in the state, and I
4 know the east-west configuration includes several
5 prisons. And that would include a number of
6 individuals who obviously couldn't vote, but would
7 count in the census.
8 **Q Okay. So that -- you can stop there.**
9 **Thank you.**
10 **What was the basis for your conclusion**
11 **regarding these districts, the requirement to**
12 **maintain similar minority voting strength as the**
13 **benchmark of the north-south district?**
14 A I don't know that this many years later, I
15 could give a specific answer like that.
16 **Q That's fair. Did you personally conduct**
17 **the functional analysis of that east-west**
18 **configuration?**
19 A As I noted yesterday, I have come to learn
20 over the years that our phrase "functional analysis"
21 there is not accurate, that I realized the level of
22 analysis we did, while a cursory review, is not the
23 detailed type of functional analysis that a
24 political scientist would do.
25 So I think my use of the phrase

Page 218

1 "functional analysis" -- no one corrected it at the
2 time -- but I don't think I fully appreciated at
3 that time what a true functional analysis was.
4 **Q What factors would you -- do you believe**
5 **you omitted in your functional analysis at the time**
6 **that this -- you gave this testimony in reference to**
7 **the October 2011 plans?**
8 A I think a true functional analysis, which
9 for the final maps that we, the legislature, or the
10 legislature adopted back in that redistricting
11 cycle, a true functional analysis -- once you answer
12 a certain set of initial questions about the
13 compactness of the minority voting -- minority
14 communities in the district, their voting strength
15 overall, that last key layer of a functional
16 analysis, getting down to sort of the cohesiveness
17 of the minority voting blocs in the districts,
18 requires an examination of multiple levels of
19 elections, overlapping geography of elections,
20 typically done by a paid political scientist,
21 someone who's an expert in that kind of data work.
22 We as staff were doing, as we note as a
23 note here in the testimony, a cursory review, but
24 we, through that redistricting process, testified
25 that we had experts come over and -- or not come

Page 219

1 over -- look over our work and do a deeper level of
2 true functional analysis.
3 **Q And at this time, you did look at the**
4 **BVAP percentages, correct?**
5 A We're still referring to the districts
6 that -- the districts referenced here on these
7 pages?
8 **Q Correct.**
9 A And one thing that I am not certain of, as
10 you're asking about, the district that was shown to
11 the committee on October 5, I'm not -- I'm not
12 100 percent certain -- and maybe it's if I read
13 more, I would be -- but I am not 100 percent certain
14 what it was comparing it to.
15 **Q Okay. You're not sure what the benchmark**
16 **they're referring to there is?**
17 A Just if I can have more time. You're
18 asking a level of question where I'm going to have
19 to really read this pretty thoroughly to fully
20 appreciate before and after the full discussion. So
21 if that's okay, I'd be happy to do it. I just want
22 to be clear.
23 **Q I can rephrase the question.**
24 **Does this testimony reflect Black voting**
25 **age population percentages?**

Page 220

1 A Yes.

2 Q And does it also reference voter turnout
3 information?

4 A Yes, in regards to Leon County on
5 page 935.

6 Q And it references voter turnout
7 information with respect to racial breakdowns,
8 correct?

9 A Can you give me the line you're looking
10 at?

11 Q That requires some -- some inference.
12 That's fair.

13 Okay. And I want to ask you about the
14 prisons located in this east-west configuration.
15 What prisons were you referring to?

16 A I'd have to go back and look at a detailed
17 level about the map.

18 Q Just sitting here today, can you recall
19 any prisons in that area?

20 A The name of the prison? No. I am
21 generally familiar with several North Florida
22 communities where a large concentration of the
23 state's prisons are clustered in a variety of
24 North Florida communities.

25 So to name them, I really need to spend

Page 221

1 some time looking at the map at a detail level.

2 Q That's fair.

3 Do you have a sense -- and I am not asking
4 for specifics -- but a sense of the population of
5 those prisons?

6 A I know simply that it's significant in
7 several of those North Florida counties.

8 Q What does significant mean to you?

9 A A prison compound, work camp, can be
10 300 people. A full compound can get to 1500,
11 2000 individuals. If you have a clustering of
12 prisons in a district, it can -- I don't know an
13 exact number.

14 You're right. I don't know how to define
15 the word "significant." But a district like this as
16 it was considered in the example here would have a
17 clustering of a number of the state prisons in the
18 same district.

19 Q Understood. Just to clarify, a cluster,
20 can you just -- is that 5, 10?

21 A I really need to spend time at a detailed
22 level.

23 Q But in your mind right now as we're
24 talking, when you refer to a cluster, are you
25 referring to two, or are you referring to a dozen?

Page 222

1 A I'd really need to spend --

2 Q I'm not holding you to specifics. I mean,
3 it was your words. So I just want to know what you
4 meant when you said it.

5 A Right. Right. A cluster. Cluster,
6 multiple locations of something, of multiple
7 groupings of something in one location. I'm not
8 going to put a number to it.

9 Q Okay. More than one, but not less -- you
10 can't give a number to that?

11 MR. JAZIL: Counsel, let's try not to talk
12 over one another. Make Sandi's life a little
13 easier. So let's just be mindful of that.

14 BY MS. DJANG:

15 Q So "cluster" means more than one?

16 A Sure.

17 Q Okay. All right.
18 I think we can put Exhibit 7 away.
19 in this role as staff director for the
20 House Redistricting Committee, you testified that
21 you -- you -- your role as a manager of the staff
22 team, that was your role, the manager of a staff
23 team, correct?

24 A That's one role of a staff director.

25 Q What other roles did you hold?

Page 223

1 A I described some of this yesterday in
2 my -- in the questions that was asked.

3 Q Okay. I won't make you repeat it.
4 Did your responsibilities include helping
5 to prepare proposed maps?

6 A Yes.

7 Q And did they also include helping to
8 prepare summary analysis documents that accompanied
9 those maps?

10 A Yes.

11 Q Okay. So those -- are you familiar with
12 the staff analysis files that accompanied those
13 proposals?

14 A Yes. But been a long time since I've
15 looked at them, but yes.

16 Q So you would be the author of those
17 analyses?

18 A I would not be the sole author of those
19 analyses. I probably have to see what specific
20 analysis you're talking about. There's committee
21 bill analysis that would go with each map. There
22 were statistical reports that would go with each
23 map. I think it'd be -- I wouldn't -- I think it'd
24 be wrong to call myself the author of those.

25 Q But you were -- you contributed to them?

Page 224

1 A Yes.

2 Q Fair to say that you contributed to those

3 analyses for each plan?

4 A For each plan that was -- you mean each

5 plan that was considered by the committees?

6 Q Considered by the committee.

7 A Yes.

8 Q Okay. And you would have reviewed the

9 content of all of those analyses?

10 A Yes.

11 Q How much time approximately would you say

12 you devoted to each of those proposals?

13 A To each proposal the committees

14 considered, how much time did I devote to each?

15 Q Yes.

16 A Let me ask, because I'm just trying to

17 understand.

18 Are you asking in the beginning of the

19 process to end of the process a map was created?

20 Are you talking about just the analysis of not --

21 what stage of the process are you talking about?

22 Q Sure. Whichever time period comes most

23 readily to you. I know this is a long time ago.

24 A I need you to be more specific.

25 Q Okay. So from beginning to -- from

Page 225

1 inception to submission.

2 A From inception to submission?

3 Q Uh-huh.

4 A To submission?

5 Q From conception.

6 A Drawing of the map?

7 Q From drawing the map.

8 A I typically estimate that the drawing of

9 a -- I assume we're talking Congressional?

10 Q Congressional districts, correct.

11 A I typically would assign -- a drawing of a

12 congressional map is a 40- to 60-hour project from

13 scratch.

14 Q And then the analysis that accompanied

15 that, the drawing?

16 A The statistical analyses that accompanied

17 any map, we would run a report automatically, so

18 when we had a map, we had a method -- I'm not the

19 technical person in the way of explaining this, so

20 apologies.

21 But if we had a map, we could run a report

22 on it, and it would auto generate the statistical

23 reports. And so that was literally the job of one

24 of our staff is to auto-run those reports.

25 The bill analysis, the formal bill

Page 226

1 analysis that every bill in the legislature, most

2 every bill anyway, tends to have, the bill analysis

3 for those -- we had a template that we used one for

4 State House maps, one for State Senate maps, one for

5 Congressional maps. So they, of course, varied.

6 Some of the information would vary in

7 them. Those templates were created once, and then

8 for -- generally speaking, template -- and then for

9 each plan, some of the information therein would

10 pertain to that.

11 Those bill analyses, once the templates

12 were created, were, relatively speaking -- because

13 they were template, they were, relatively speaking,

14 simple to create, wouldn't take a lot of time.

15 Q Okay. But you would review all of the

16 content, and you would agree with me that that --

17 you stand behind the content of those analyses?

18 A Yes.

19 Q Okay. Did you help also prepare for all

20 of the committee meetings?

21 A Yes.

22 Q In what way?

23 A Typically, I would draft proposed talking

24 points for the committee chairs or chairs of the

25 meeting. Sometimes members of the committee would

Page 227

1 ask me for help with suggested talking points. So I

2 would help them as well.

3 I typically helped with the preparing of

4 the visuals that we would use. The presenting of

5 the maps was aided by creating some visuals that

6 were easier to show in the form of things like a

7 PowerPoint.

8 So helping to create PowerPoints for the

9 members so they could easily see different parts of

10 the map and review it in committee.

11 Q And if the committee invited other

12 participants, you would -- would you be responsible

13 for being kind of the liaison, or would that be

14 someone else?

15 A If the committee invited other

16 participants. I'm trying to think back to -- I'm

17 trying to think back to an example in my head. I'm

18 drawing a blank on an example of someone who we

19 invited to a committee.

20 Q Would there be any reason that you

21 wouldn't attend a committee meeting?

22 A The only reason that I wouldn't attend

23 would be if we were running -- so we had a full

24 redistricting committee. We had a Congressional

25 Subcommittee, a Senate Subcommittee and House

Page 228

1 Subcommittee.

2 If two or three of those meetings were

3 running concurrently, then I would have to pick

4 which meeting I was going to be in.

5 Q Understood. But sitting here today, you

6 don't recall not attending any meeting where it was

7 not a scheduling conflict?

8 A Correct.

9 Q Were you also responsible for the

10 recordkeeping? So did you have custodial

11 responsibility for the materials that were used at

12 these committee meetings?

13 A Yes. Staff director, ultimately it was my

14 responsibility. It was a group effort.

15 Q So you would have had possession of all

16 the materials used at these meetings?

17 A Not always. If there, for example, was,

18 let's say, public feedback, citizen feedback, one of

19 our staff ultimately had the responsibility. Every

20 committee has a staff person who is responsible for

21 physically providing them the actual materials that

22 are collected at the meeting from the public, and if

23 one of the members of the committee provided

24 something that wasn't part of the originating

25 committee packet.

Page 229

1 So one of the staff ultimately is

2 responsible for actually providing that to the House

3 overall.

4 I can't speak to whether it's still done

5 this way, but at the time it was. So there's a high

6 likelihood that there was information provided here

7 and there at a meeting that I wouldn't necessarily

8 have ever taken ownership of.

9 Q Understood. So I'm going to show you what

10 we'll mark as -- I have no idea what we're up to.

11 THE STENOGRAPHER: 63 would be next.

12 (Exhibit 63 was marked for

13 identification.)

14 BY MS. DJANG:

15 Q So this is -- I believe it is a meeting

16 packet from one of the redistricting committee,

17 Congressional Redistricting Subcommittee meetings.

18 It's dated April 20, 2011. I downloaded this from

19 the House website.

20 Does this packet look familiar to you?

21 A It certainly looks as you described it.

22 I've not seen this in 12 years.

23 Q Do you recall this April 20, 2011,

24 meeting?

25 A Not the specific meeting itself. I recall

Page 230

1 the meet teams we were having around April. So I

2 don't have specific recollection about this exact

3 meeting.

4 Q And I didn't actually include the entirety

5 of the packet. There were -- in the table of

6 contents, you'll see that there are several tabs.

7 We've only included in this exhibit Tab E,

8 presentation of Florida demographic census 2010.

9 So let's see. Turning to that tab, do you

10 recall seeing this presentation on Florida

11 demographics?

12 A Can I review it for a little bit?

13 Q Of course.

14 A (Examining document.)

15 Thank you for the chance to review it.

16 Q Does that refresh your recollection

17 regarding the April 20, 2011, House meeting, House

18 Redistricting Subcommittee meeting?

19 A No more than what I recalled about our

20 meetings around that time before reading the

21 presentation.

22 Q So you have no memory of seeing this

23 presentation?

24 A I have seen a lot of presentations like

25 this over the years, so I have seen a lot of

Page 231

1 presentations that are this style and format. But I

2 don't -- I don't have a -- I don't recall this exact

3 presentation.

4 Q How many presentations have you seen

5 regarding Florida demographics?

6 MR. JAZIL: In what time frame, Counsel?

7 MS. DJANG: From 2010 to today.

8 A Probably 10 to 15 a year.

9 BY MS. DJANG:

10 Q And on this first slide, it says:

11 "Florida Demographics House Redistricting Committee,

12 Congressional Redistricting Subcommittee, House

13 Redistricting Subcommittee, and Senate Redistricting

14 Subcommittee."

15 So fair to say this information was

16 presented to all four of those committees and

17 subcommittees?

18 A Yeah. This is the kind of information we

19 were presenting to the committees at that time.

20 Q Okay. Great.

21 If you could turn to the slide that is

22 titled "Diversity Is Increasing."

23 Are you with me?

24 A I believe it's this slide right here.

25 Q Correct. So in the top right-hand corner,

Page 232

1 you see it says: "Data Source Census?"
2 A Yes.
3 Q Okay. Were you aware at the time, so in
4 2011, of this trend, that of diversity increasing
5 within the state?
6 A Yes.
7 Q And to be more specific, the charts on
8 this slide show the percentage of the white
9 population in the state decreasing, correct?
10 A Yes. From 2000 it was 78 percent, and in
11 2010 it was 75 percent according to this comparison.
12 Q Then it also shows the percentages of the
13 Black population and the population of two or more
14 races increasing, correct?
15 A The Black population, or is it
16 characterized Black or African American alone, looks
17 like went from 14.6 percent in 2000 to 16 percent in
18 2010. And you said two more races?
19 Q Two or more races, some other race alone,
20 both of those categories appear to increase,
21 correct?
22 A Yes. They appear to -- both those
23 categories appear to increase. Yes.
24 Q Do you know one way or another whether
25 this trend continued past 2010?

Page 233

1 A Past 2010? Past 2010? I think probably
2 presenting it this way past 2010 would be misleading
3 the way that this is done because the population
4 growth is much more significant in the Hispanic
5 community.
6 And the way this is done is it's
7 clustering -- it's clustering Hispanic Floridians in
8 amongst white. I want to say that the percentage of
9 Black or African American population between 2010
10 and 2020 is either flat or maybe even gone backwards
11 a little bit.
12 So I think if I was going to present
13 something like this again, I would present -- I
14 would separate out Hispanic Floridians into their
15 own slice of the pie.
16 Q Okay. To be clear, we're talking about
17 the 2010 to present time period?
18 A Yes, ma'am.
19 Q Okay. So I'd like to unpack that a little
20 bit. It's your understanding that this census data
21 includes the Hispanic population within the white
22 alone category?
23 A Likely. Likely does. Otherwise, it's odd
24 that it's not -- otherwise, it's odd that there's
25 not some other -- some other pie chart or something

Page 234

1 that shows additional information.
2 Q I see. And so your point is, it would be
3 misleading because the Hispanic population is
4 increasing within the state from the period of 2010
5 to 2023, to the present day?
6 A Yes. Yes.
7 Q That wouldn't be discernible from a pie
8 chart like this?
9 A Correct.
10 Q Okay. What is the source of your
11 information that the Hispanic population increases
12 over that period of time in the state?
13 A Sure. I commonly look at the data from
14 the source that's referenced here, the Economic and
15 Demographic Research Office of the legislature. I
16 often look at that through an educational lens.
17 Their reports provide this kind of data at
18 a more granular level, even as it relates
19 specifically to school-age children, too. So often,
20 that's -- the last several years of my life,
21 education has been a big part of the policy work
22 that I've done.
23 So oftentimes I've looked at that kind of
24 data through that lens. I looked at the overall
25 data, too, because children come from a family, and

Page 235

1 so I looked at it from that lens as well.
2 Yeah. The Office of Economic and
3 Demographic Research, which is -- that office is the
4 office that, if you will, unpacks the census data
5 when that data is reported every decade in America
6 community survey data, and so forth. That's their
7 logo on these slides where it says "EDR."
8 Q I see. And so we talked about this
9 Hispanic community.
10 For the Black community, you would agree
11 that, similarly, that trend increased over the
12 period of time between 2010 and present day within
13 the state of Florida, correct?
14 A No. I just said the opposite.
15 Q Oh, I'm sorry. I misheard you.
16 A No. I believe the proportion of the
17 population that classifies as Black or
18 African American remains relatively flat or maybe
19 even gone backwards a little bit.
20 Q Thank you.
21 Let's turn to the slide titled "Population
22 By Race By County." The next slide, so --
23 A There's two of them. Is it the one on the
24 top?
25 Q Let's look at the first one on top.

Page 236

1 A Okay. Thank you.

2 Q So this appears to be drawn from similar

3 data sources, census, EDR; is that right?

4 A Yes.

5 Q Okay. And can you describe to me what

6 these two maps are depicting?

7 And, yes. Please take your time to

8 review.

9 A Sure. Thank you. (Examining document.)

10 I have been able to review it. These

11 two visuals, the one on the left, which is white

12 alone 2000, and on the right is white alone 2010,

13 they show by a color code the percentage of the

14 population that is white alone in those counties,

15 the red being the highest.

16 I'm not sure what that color for the

17 35.9 percent, the 59.3 percent, I'm not sure what

18 that grayish-maybe color is. I am not sure what

19 that color is.

20 And then the table has the overall state

21 percentages, 78 percent, 2000, 75 percent in 2010,

22 and then the table has -- the county has specific

23 percentages for Citrus and Gadsden Counties -- I'm

24 sorry -- Citrus being the county with the greatest

25 percentage of white alone population and Gadsden

Page 237

1 being the county with the least percentage of white

2 alone population.

3 Q Thank you.

4 And do you know one way or the other how

5 this map would look -- how these maps would look if

6 we were looking at a 2020 map?

7 A No.

8 Q Okay. And you would have no basis for

9 saying -- for knowing whether a county had a higher

10 percentage white population or not, higher or lower

11 percentage population within that county, you would

12 have no basis to draw that conclusion?

13 A I don't know the county breakdown for the

14 current -- this -- basically this table, I don't

15 know the county breakdown for this kind of data

16 today.

17 Q Do you have any reason to believe that

18 there would be significant population shifts from

19 2010 to 2020?

20 A Yes.

21 MR. JAZIL: Object to form.

22 But you can answer.

23 A Yes.

24 BY MS. DJANG:

25 Q What is the basis for that, if you know?

Page 238

1 A Florida has had nearly 5 million people

2 move to the state from 2010 to 2020.

3 Q Do you have any understanding of where

4 within the state those individuals have moved?

5 A No.

6 Q Sitting here today, you can't tell me

7 whether they generally moved to cities or rural

8 areas?

9 A No.

10 Q In your work as -- hopefully I can get

11 this right -- as -- I'm sorry, I don't have the

12 title in your Education and Economic Development

13 work -- you never tracked movement of populations

14 within the state in terms of migration into cities

15 or into rural areas, that was never something that

16 you looked at?

17 A I looked at it from the point of view of

18 school-age children who've enrolled in public

19 schools -- K-12 public schools.

20 So I can tell you that this past school

21 year, for example, Miami-Dade County, Lee County,

22 Sarasota County had higher growth amongst K-12

23 public school-age children than the rest of the

24 state.

25 Q Okay. Is there any correlation between

Page 239

1 the number of public school-age children and the

2 general population growth within a particular area?

3 A I imagine more children means more

4 families, but I know that in the case of those

5 three counties, in many cases, those counties were

6 reporting that many of those kids were without

7 parents.

8 Q So did you also track income levels across

9 these different areas of the state as part of your

10 education and economic development work?

11 A Income levels?

12 Q Uh-huh.

13 A No.

14 Q Was your tracking of educational --

15 A I should clarify. For teacher salaries,

16 yes, for teacher salaries I have some familiarity

17 specifically with that profession.

18 Q I see.

19 Can you tell me a little bit about more

20 what your economic development work entailed?

21 A Sure. I -- right now today? Economic

22 development work?

23 Q And any other period of time between now

24 and 2010.

25 A Sure. The only economic development work

Page 240

1 that I have been involved in from 2010 till now is
2 in the current job that I have.

3 So April 2021 till now, I oversee a group
4 of economic development agencies for our office; in
5 other words, when I say that, I mean they report to
6 me, the Department of Economic Opportunity,
7 Enterprise Florida, Visit Florida, Florida Housing
8 Finance Corporation, Florida Development Finance
9 Corporation, Space Florida, CareerSource. I hope I
10 am not forgetting anybody.

11 Q Thank you.

12 What is Economic Opportunity Florida?
13 What is their mission?

14 A The Department of Economic Opportunity?

15 Q Yes. I'm sorry. I think that was the
16 first agency you mentioned.

17 A Department of Economic Opportunity. Yes.
18 The department oversees a number of economic
19 development-related functions, including the State's
20 reemployment system. The department is the finance
21 agent of several of the economic growth incentive
22 programs that some of the other agencies I
23 mentioned -- CareerSource, Enterprise Florida, Space
24 Florida -- that they promote, the Department of
25 Economic Opportunities is essentially the financier,

Page 241

1 the check-and-balance accountability arm of those
2 programs.

3 In addition, the Department of Economic
4 Opportunity oversees numerous grant programs for
5 economic development type of infrastructure grants,
6 workforce training grants, rural infrastructure,
7 rural community grants for small cities, small
8 counties -- I guess rural counties and small
9 counties is the same thing.

10 I know I am probably leaving out stuff,
11 but that's the general purview of the Department.

12 Q Thank you.

13 And in overseeing that department and that
14 department's work, what types of information
15 regarding income levels of Floridians did the
16 department consider?

17 A What kind of income level data?

18 Q Uh-huh.

19 A The department has two ways that it would
20 typically look at income data. That income data in
21 some cases would be based on eligibility for
22 programs. So, for example, housing programs -- just
23 to give a real crystal clear example, housing
24 programs, there are different income thresholds that
25 would allow someone to become eligible for different

Page 242

1 types of housing assistance, so lower to moderate
2 income.

3 The inverse of that is the department will
4 look at income from the point of view of many of the
5 State's grants and incentive programs. The
6 applicant has to essentially propose that the
7 purpose of their project will create some number of
8 jobs at a certain income level that would be a
9 high-demand improvement in income.

10 Q So fair to say that demand was not equal
11 across all areas of the state?

12 A Demand for what?

13 Q Well, you referenced high demand for --
14 MS. DJANG: Actually, if you can repeat
15 maybe his last two sentences.
16 (The requested portion was read.)
17 BY MS. DJANG:

18 Q Okay. So scratch that.
19 Would it be fair to say that the
20 Department of Economic Opportunities grant
21 activities and other housing programs were not
22 equally distributed across every single county in
23 the state?

24 MR. JAZIL: Counsel, could you clarify the
25 time period again?

Page 243

1 MS. DJANG: During the time that you've
2 been working and overseeing that agency.

3 A Equally by population or equally by --
4 BY MS. DJANG:

5 Q Equally by geographic area. So if you
6 were --

7 A Sure. They're not distributed equally
8 geographically across the state.

9 Q Okay. And could you provide a high-level
10 description of where those resources are
11 concentrated?

12 A I would have to spend -- I would have to
13 understand probably fully more what you are asking.
14 I'd have to spend a lot of time to study that issue.

15 Q So you've been working in this position
16 from April 2021 to now. That's over two years,
17 correct?

18 A Yes.

19 Q Okay. And you have been overseeing the
20 Department of Economic Opportunity for over
21 two years; is that right?

22 A Yes.

23 Q And sitting here today -- and I'm trying
24 to rephrase this question -- could you describe to
25 me one area of the state where the department's

Page 244

1 resources are concentrated? Could you identify one?
2 A Sure. Miami-Dade County.
3 Q Okay. Could you identify an area in the
4 northern half of the state?
5 A Jackson County.
6 Q Okay. Thank you.
7 All right. So we can move on from that.
8 I appreciate this trip down memory lane. Thank you
9 for bearing with me.
10 So let's talk about this within this
11 decade.
12 MS. DJANG: And maybe this is a good time
13 to take a quick break. We've been going for a
14 while. But I can promise you we're leaving the
15 past behind for the moment.
16 THE WITNESS: Sure.
17 MS. DJANG: Okay. Thanks.
18 (A recess took place from 3:57 p.m. to
19 4:03 p.m.)
20 BY MS. DJANG:
21 Q So I would love to return very briefly to
22 Exhibit 63, which was the House committee packet, to
23 look at the population by race by county slide. And
24 I know there was a page with two of them, and just
25 to return to the second slide. We looked at the

Page 245

1 first one previously.
2 So the second one is also titled
3 "Population race by county" but instead of the white
4 percentages shown on the map, it shows the Black or
5 African American alone percentages by county,
6 correct?
7 A Yes.
8 Q All right. And do you recall seeing this
9 slide or reviewing this data?
10 A Like I said before, I don't recall the
11 specific presentation. These were the kinds of
12 presentations that we looked at. I've seen
13 presentations like this before. I don't recall
14 literally this exact presentation.
15 Q Fair enough.
16 But you did look at population by race by
17 county when drawing the maps that the committee you
18 worked for proposed in the 2012 cycle, correct?
19 A Population by race by county when drawing
20 the maps?
21 Q I can rephrase. You looked -- you
22 considered population by race by county as one data
23 point when drawing proposed maps; not any particular
24 map, but just in general, in this process of drawing
25 proposed maps during the 2012 redistricting cycle,

Page 246

1 correct?
2 A I wouldn't say it that way. Where
3 necessary or where we believed potentially
4 necessary, we would look at Black voting age
5 population, Hispanic voting age population, in
6 districts that we were drawing where we believed
7 there was some reason, some necessity to do so.
8 Q Okay. Thank you for clarifying.
9 Okay. Great.
10 And just to have on the record what is
11 depicted here, could you please describe for me
12 which area of both of these maps shows the highest
13 percentage by county of Black or African American
14 alone population in both these maps?
15 A Sure. It identifies Gadsden County,
16 Florida, in both 2000 and 2010 as having the
17 greatest percentage of Black or African American
18 alone population.
19 Q Okay. And then in addition, in the visual
20 depiction, the counties with the highest percentage
21 of the population that is Black or African American
22 alone in those counties is depicted as red, correct?
23 A Yes.
24 Q Okay. And in the 2010 map, that refers to
25 five counties, right?

Page 247

1 A The 2010 map, it refers to Gadsden, Leon,
2 Jefferson, Madison, and Hamilton counties.
3 Q Okay. Thank you. Okay. That is all I
4 wanted to get through there.
5 Please pull up for me Exhibit 42. This is
6 Governor DeSantis' advisory opinion request of the
7 Florida Supreme Court.
8 A Got it.
9 Q So we've already talked about this a
10 little bit, but I would just like to understand, in
11 this first paragraph on this first page, the phrase
12 "solely to connect a minority population sector in
13 Jacksonville with a separate and distinct minority
14 population center in Leon and Gadsden Counties."
15 Just focusing on that phrase, could you
16 explain to me what a "separate and distinct minority
17 population" is?
18 A Separate being people who live in separate
19 communities.
20 Q How would you define that?
21 A They don't live in the same community.
22 Q What would you consider to be the
23 boundaries of a community?
24 A Counties, cities.
25 Q Counties and cities?

Page 248

1 A Could define a community with major
2 roadways, railways, waterways.
3 Q Anything else?
4 A No.
5 Q Okay. And at the end of this paragraph,
6 it states: "These counties are in two completely
7 different regions of the state." And that's in
8 reference to Duval to the east and Leon to the west.
9 Which regions of the state is that
10 referring to?
11 A Forgive me. What part of the paragraph
12 are you on?
13 Q This is the final two sentences of this
14 paragraph.
15 A Okay. Where it begins "as of"?
16 Q Uh-huh.
17 A Okay. And you're asking me what two
18 regions the people in this district are in?
19 Q Yes, what are the two regions referenced
20 in that sentence?
21 A The constituency in Duval County, Baker
22 County, typically one would consider that to be
23 northeast Florida.
24 The constituencies in Gadsden, Leon
25 County, you would consider that to be the Big Bend

Page 249

1 of the state.
2 I'm not sure if someone would also define
3 the constituents in Jefferson County the same way.
4 The counties kind of in between that -- again, I'm
5 not sure where you would classify Jefferson. But
6 counties in between that over to Baker County,
7 typically considered to be North Florida, kind of
8 middle-central North Florida.
9 Q And did you take these regions into
10 account when drawing maps in this most recent
11 redistricting cycle?
12 MR. JAZIL: I'm going to give you the
13 Marsh instruction, but you can answer to the
14 extent you can.
15 A Did I take the regions into account?
16 BY MS. DJANG:
17 Q Uh-huh.
18 A Yes.
19 Q And where in the -- in terms of political
20 and geographic boundaries, help me understand how
21 you would prioritize regions amongst other different
22 factors?
23 A Sure.
24 MR. JAZIL: I'm going to give you the
25 Marsh instruction, but you can answer if you

Page 250

1 can.
2 A The region of the state becomes an issue
3 of compactness, really. The region of the state is
4 if you have a district that has a large number of
5 regions in it, it could bring up a question of
6 compactness. That -- you couldn't weigh it on that
7 alone.
8 You'd have to factor in are you talking a
9 very urban area, a rural area with either large or
10 small populations. Obviously a district that has
11 perhaps exclusively rural communities is going to
12 have a large geography regardless, because there's
13 no other choice.
14 But -- so it's going to become an issue of
15 compactness, but having different regions unto
16 itself, you'd want to look at the district more than
17 just saying that to determine compactness.
18 BY MS. DJANG:
19 Q Understood.
20 And if I wanted to figure out what the
21 different regions were, is there a map that I could
22 reference? Is this -- where can I find a list of
23 the different regions of Florida?
24 A I suppose you could research that.
25 Q I am asking you. You're my source right

Page 251

1 now.
2 A Okay. Where could you find a list of
3 regions? You can research that on the internet.
4 Q Where would you look for a list of the
5 regions of Florida?
6 A You could look for a list, a variety of
7 places about the state.
8 Q Mr. Kelly, can you identify any that lists
9 or depicts the regions of Florida as we're
10 discussing them today?
11 A If I could have an opportunity to do that,
12 I'd be happy to.
13 Q So the answer is no?
14 A I have no document in front of me that's a
15 list of regions of the state.
16 Q And you can't describe one to me right
17 now?
18 A Wikipedia.
19 Q Thank you.
20 Considering the north-east region and Big
21 Bend region, those are the two regions implicated by
22 this map here, correct?
23 A I'd say that area between -- depending on
24 where you would divide that line of Jefferson and
25 Leon over to Baker, I'd probably call that Northern

Page 252

1 Central Florida.

2 Q Northern Central. Okay. Thank you. So

3 Northeast, Northern Central, Big Bend, you would

4 consider these all three separate regions?

5 A Yes.

6 Q Okay. And would you or would you not

7 agree that the Black population in this area shares

8 certain characteristics, and I can go through a

9 couple, but one I might identify is income level?

10 A I don't know.

11 Q Okay. Do you know about -- and we can put

12 aside race for a moment -- that population's access

13 to government services?

14 A Throughout this entire district?

15 Q Correct.

16 A No.

17 Q Do you know about the access to government

18 services within the counties in this district?

19 A No. I know all our counties have

20 government services. I'm not sure if that's what

21 you're getting at.

22 Q So we talked earlier about your work with

23 the Department of Economic Opportunity and you

24 identified for me certain areas where resources were

25 concentrated.

Page 253

1 Would you agree with me that that's one

2 way of discerning where government services are

3 offered?

4 A We didn't talk earlier about where

5 resources are concentrated.

6 Q I apologize. I don't want to

7 mischaracterize your testimony. Just give me a

8 moment here, I want to make sure I get this right.

9 Do you understand access to government

10 services to be equal across this District 5 depicted

11 here on this map?

12 MR. JAZIL: Object to form.

13 You can answer if you understand.

14 A Can you tell me how you're using the word

15 "equal"? Equal in what way?

16 BY MS. DJANG:

17 Q Are there any differences in the level of

18 access to government services?

19 A I'm sure there are.

20 Q Would you disagree with me that this

21 District 5 contains a high proportion of Black

22 voters?

23 MR. JAZIL: Object to form.

24 But you can answer if you understand.

25 A This District 5 as drawn here?

Page 254

1 BY MS. DJANG:

2 Q Uh-huh.

3 A I know that its Black voting age

4 population, which has been quoted in some of these

5 documents, is in the low to mid 40s-something

6 percent range.

7 Q Would you agree with me that these Black

8 voters that we're talking about in this CD-5 share a

9 general level of poverty relative to the level of

10 poverty across statewide?

11 MR. JAZIL: Object to form.

12 A I don't know.

13 BY MS. DJANG:

14 Q Would you agree that the access to health

15 care -- the ability to access adequate health

16 care -- I'll rephrase.

17 Would you agree that the Black voters in

18 this CD-5's ability to access adequate health care

19 is less than the general access throughout the

20 state?

21 A I don't know.

22 Q All right. Do you know one way or the

23 other whether the residents of -- the Black

24 residents of this district tend to be older,

25 younger, or average age when compared to the rest of

Page 255

1 the state?

2 A I don't know.

3 Q Okay. I'm going to show you what we'll

4 mark as Exhibit 64.

5 (Exhibit 64 was marked for

6 identification.)

7 BY MS. DJANG:

8 Q Do you recognize this document?

9 A Yes.

10 Q And what is it?

11 A Similar to the forms that we looked at

12 earlier, this is a submission form for a map to the

13 legislature, just, unlike the forms earlier that had

14 Ryan Newman's name on it, this has my name on it.

15 Q What date is your signature dated?

16 A 4-13-2022.

17 Q And that's your signature, right?

18 A Yes.

19 Q Do you remember signing this document?

20 A Yes.

21 Q Okay. I see that you have left blank the

22 box under "List the name of every persons, groups,

23 or organizations you collaborated with on your

24 comments, suggestion, or submitted map below"; is

25 that right?

Page 256

1 A Yes.

2 Q Is it accurate that you did not

3 collaborate with any person, group, or organization

4 on this submitted map with which you provided this

5 form?

6 MR. JAZIL: I'm going to give you the

7 Marsh instruction. To the extent you

8 collaborated with anyone outside of EOG --

9 A Correct, I filled this out properly.

10 There was no name or organization to include in that

11 box. There was no outside participant help. I drew

12 the map myself.

13 And I stated earlier in the prior

14 questions to similar end that the Executive Office

15 of the Governor is our office and that's -- there's

16 no need -- as stated earlier on some of the other

17 forms for the prior maps, they're -- we're in an

18 office, but I had no one help me with this map.

19 BY MS. DJANG:

20 Q In the 2012 redistricting cycle, was this

21 submission form required for anyone -- everyone who

22 submitted proposed maps?

23 A No, not this form.

24 Q Why not?

25 A Why not?

Page 257

1 Q Do you know why this form was added as a

2 requirement for submitting maps in this most recent

3 cycle?

4 A No, you would have to ask -- direct that

5 question to the House or Senate or both of them.

6 Q Do you have any awareness of the reason

7 for this form?

8 A The only reason that's been presented to

9 me earlier today by counsel was a memorandum from

10 Chair Rodrigues which I read for the first time

11 here. So I know what anybody else who's read that

12 form knows, but that's it.

13 Q Thank you. Just a moment.

14 Speaking of Senator Rodrigues, do you

15 recall what his position was regarding a

16 Black-opportunity district in Northern Florida in

17 the 2012 redistricting cycle?

18 A Senator Rodrigues' position in 2012?

19 Q Uh-huh.

20 A I have no idea.

21 Q You have no idea?

22 A None.

23 Q You do not recall as staff director of the

24 House Redistricting Committee a senator's position

25 on a Black-opportunity district in Northern Florida,

Page 258

1 you don't recall?

2 A No.

3 Q Okay. I can represent to you that he

4 publicly stated that the Senate's responsibility in

5 creating these maps is to ensure there is no

6 retrogression and, therefore, the legislature was

7 required to preserve a Black-access district in

8 North Florida.

9 My question for you is: Did Senator

10 Rodrigues approve a map that did not have a

11 Black-access district in North Florida?

12 MR. JAZIL: Can you ask when?

13 A You really got me confused.

14 BY MS. DJANG:

15 Q Yes. Okay. Yes.

16 A You were talking about his position on the

17 maps in 2012. You've read a quote that I don't have

18 that he said last year --

19 MR. JAZIL: Let her rephrase the question.

20 MS. DJANG: Oh, yes. Okay.

21 BY MS. DJANG:

22 Q I am sorry. I misspoke. Okay. I truly

23 apologize. I was confused.

24 A No worries.

25 Q So the statement that I just made, I

Page 259

1 represented to you that Senator Rodrigues made

2 regarding the requirement to preserve a Black-access

3 district in North Florida was made during this

4 recent 2022 redistricting cycle.

5 Were you aware of that statement or

6 something along that, in sum and substance to that

7 statement?

8 A No.

9 Q Were you aware of his position that the

10 legislature was required to preserve a Black-access

11 district in North Florida generally?

12 A Could I have the benefit of seeing what

13 you're reading?

14 Q I don't actually have a particular

15 document, but the question is whether you are aware

16 that at one point in time during the 2022

17 redistricting cycle, Senator Rodrigues believed the

18 legislature was required to preserve a Black-access

19 district in North Florida?

20 A Sorry, I'm being asked a question about an

21 exact quote and I can't even read the quote.

22 Q What I'm saying to you right now is not a

23 quote. This is a question about a district that was

24 the center -- would you agree District 5 was the

25 centerpiece --

Page 260

1 A Okay. So now I'm being asked a question
2 about her interpretation of his opinion and I don't
3 have --

4 MR. JAZIL: Let's take a five-minute break
5 if that works for everyone. Is that okay?

6 MS. DJANG: Sure.

7 (A recess took place from 4:28 p.m. to
8 4:36 p.m.)

9 BY MS. DJANG:

10 Q So Mr. Kelly, in the spring of 2022, prior
11 to the legislature's special session, do you recall
12 one way or the other whether Senate Chair Rodrigues
13 had an opinion about the preservation of a Black
14 minority access district in Northern Florida?

15 A No, I don't recall his opinion.

16 Q Going into the meeting you had with him
17 and several others prior to the special session of
18 the legislature, did you have an understanding of
19 his position regarding a Black-opportunity district
20 in Northern Florida?

21 A No.

22 Q You do not know one way or the other
23 whether he was -- he thought it was required, not
24 required, constitutional, not constitutional?

25 A Correct.

Page 261

1 Q And during the course of that meeting, you
2 did not receive any feedback from him on your
3 presentation; is that right?

4 A Basically, yeah. I noted earlier when we
5 talked about this that during that meeting, Chair
6 Rodrigues, generally speaking, listened to --
7 listened to me as I explained the map.

8 Q So you said generally. What did he do
9 other than listen?

10 A Let me say it a different way. Most of
11 the time, he listened. I took particular notice of
12 the fact that he was a very attentive listener, he
13 was a very active listener in the meeting.

14 Q And he did not make any statements during
15 that meeting regarding your presentation?

16 A I'm sure he said a few words, just none
17 that come to mind. In remembering the meeting, I
18 have a particular memory of how much he listened in
19 the meeting.

20 Q Okay. Who requested that meeting?

21 A I recall that we, our office, offered to
22 do a briefing for the chairman.

23 Q And did you plan to present the proposed
24 plan that ultimately became the Enacted Plan during
25 the special session?

Page 262

1 A Yes, the idea was to prep, brief, walk the
2 chairman through the proposed map that, as you said,
3 ultimately became the Enacted Map.

4 Q What, if anything, was different between
5 the content you presented at that meeting before the
6 special session and the content you presented during
7 the special session?

8 A Oh, the question came up earlier that
9 content that I presented at that meeting, the map,
10 is the exact same map as the Enacted Map.

11 Q And the substance of the conversation
12 during that meeting covered the same ground as the
13 special session or did it go in a different
14 direction?

15 A It covered the same ground. It was not as
16 lengthy as my presentation in front of the full
17 committee.

18 Q I hope not.

19 A It was, give or take, a 45-minute to an
20 hour abridged version of that presentation.

21 Q Whose idea was it for you to provide
22 testimony to the -- at the special session?

23 MR. JAZIL: I'm going to give you the
24 Marsh instruction, but to the extent you can
25 answer, answer.

Page 263

1 A I'd have to discuss conversations internal
2 to our office to answer the question, so I am going
3 to take counsel's guidance.

4 MR. JAZIL: Counsel, perhaps you could ask
5 him whether anyone in the legislature
6 invited --

7 BY MS. DJANG:

8 Q Did the legislature invite you to testify
9 during the special session, did anyone in the
10 legislature?

11 A I recall -- I recall the House suggesting
12 that I be the one to present. I don't recall who
13 specifically. I just -- I do have a recollection
14 that the House made a suggestion to us that I be the
15 one.

16 Q Did they suggest that anyone else present
17 during the special session?

18 A Not that I recall.

19 Q Okay. I am showing you what we will mark
20 as Exhibit 65.

21 (Exhibit 65 was marked for
22 identification.)

23 BY MS. DJANG

24 Q Do you recognize this document?

25 A Yes.

Page 264

1 Q What is it?

2 A This is my script for the presentation to

3 the House and Senate committees on April 19, 2022.

4 Q So to be clear, you used this same

5 document for both presentations?

6 A I did.

7 Q Can you just read for me what the

8 handwritten text on this first page in the upper

9 right-hand corner says?

10 A It says: "CD-20." That's above the red

11 ink. Below it: "Bodies of water." Below that it

12 says: "Race neutral."

13 Q Thank you.

14 What is your understanding of race neutral

15 in this context?

16 A Sure. Drawing a district without

17 consideration for race.

18 Q And what would consideration of a race

19 look like?

20 MR. JAZIL: Object to form.

21 You can answer to the extent you

22 understand.

23 A Without factor -- without factoring in the

24 racial composition of the residents of the district.

25

Page 265

1 BY MS. DJANG:

2 Q Okay. But does that mean -- does race

3 neutral mean that one does not have access to racial

4 data whatsoever?

5 A It does not mean that.

6 Q When you provided this testimony before

7 the legislature, we previously discussed, or you

8 discussed with Ms. Ford that you weren't sworn in,

9 correct?

10 A Correct.

11 Q And I think what was discussed is you --

12 there was another form in which there was reference

13 to testimony given under the penalty of perjury.

14 Please correct me if I'm misstating what you stated.

15 And so your understanding was that you were

16 providing testimony under the penalty of perjury; is

17 that right?

18 A Yeah, basically, the legislature, as I can

19 recall, their forms that they have when you sign in

20 and present or give public comment or, as I was

21 doing, presenting something in the committee, I

22 believe their forms, at least they used to, cite the

23 perjury statute, so if you were to knowingly provide

24 false information, then the legislature could take

25 action against you.

Page 266

1 Q Thank you.

2 Okay. So we can assume that your

3 testimony would be exactly the same had you been

4 sworn in and can rely on it as such?

5 A Yes.

6 Q Okay. On page 2 of these notes, you

7 write: "I alone authored the changes in the plan

8 before you today, Plan 0109, with respect to how

9 this new plan compares to the legislature's primary

10 Plan 8019." It's the fourth bullet.

11 A Yes.

12 Q Do you see that?

13 A I see it.

14 Q Can you please describe to me what you

15 meant when you said "I alone authored the changes in

16 the plan"?

17 A Sure. It's synonymous with I was the

18 map-drawer of the changes in a plan before the

19 committees that day.

20 Q Okay. So no one else had any input in the

21 decisions you made?

22 A I was the map-drawer. You used the word

23 input as in, like, that could be feedback, that

24 could be someone saying good job. But I was the

25 map-drawer.

Page 267

1 Q Okay. So if someone said, you know, this

2 line, this district boundary doesn't look clean to

3 me, or I think we should keep this county intact,

4 and you ultimately drew the district that way, would

5 you consider that to be impacting that statement? I

6 just want to understand exactly what this means when

7 you say you alone authored the plan.

8 A Sure. Sure. I didn't get any feedback

9 like that.

10 Q Thank you.

11 A I mean, I guess the -- feedback in the

12 sense that when I -- I mentioned earlier, when we

13 met with the House and Senate, they were

14 complimentary of the proposed plan.

15 Q Got it. All right. Turning to the next

16 page, on page 3, you have in this first bullet,

17 could you read that for me?

18 A First bullet, page 3?

19 Q Uh-huh.

20 A "The only time I referenced political data

21 was early in the process to determine if it was

22 possible to draw a compact African American

23 performing district in Northeast Florida that

24 complies with both the U.S. Constitution and the

25 Florida Constitution as interpreted by the Florida

Page 268

1 Supreme Court and implemented by the legislature."
2 **Q What were you referring to when you**
3 **referenced political data?**
4 A Sure. I was referring to 2020, in that
5 Duval County area, that sort of Duval County urban
6 core, 2020, political data regarding 2020 voter
7 registration, voter turnout, and the results of the
8 presidential election.
9 **Q And did that data contain any other data**
10 **points, any other -- you mentioned voter**
11 **registration, voter turnout. Any other data that**
12 **I'm missing?**
13 A And the 2020 data specifically and the
14 results of the presidential election.
15 **Q So was this county data? I need more**
16 **specifics. I am still not --**
17 A Oh, sure. I said it earlier, that
18 downtown kind of core of Duval County.
19 **Q Okay. And did that include a racial**
20 **breakdown of these numbers?**
21 A I looked at it by demographics, yes.
22 Racial, yes. Demographics include -- sorry,
23 demographics including race.
24 **Q Okay. What other demographics were**
25 **included?**

Page 269

1 A I was looking at -- I mean, I was -- I
2 don't know what else fully comes up when you do
3 that, but I was looking at race. I was looking at
4 race in that downtown core of Duval County.
5 **Q Okay. And what was the source of your**
6 **data there that you were pulling from?**
7 A The application the legislature -- the
8 redistricting application the legislature provided.
9 **Q Was that the only area where you**
10 **considered such demographic information?**
11 A In terms of demographic race?
12 **Q Uh-huh.**
13 A I mentioned during my testimony as well
14 that the legislature had a debate back and forth
15 about Orlando, Central Florida, District 10, and so
16 I looked at the racial and ethnic data, the Black
17 voting-age population, Hispanic voting-age
18 population for that district.
19 And coming back up to the specific
20 district mentioned here on this first bullet on
21 page 3, to complete my analysis, if you will, I
22 looked at the Black voting-age population, data for
23 places like Palatka, Daytona Beach, Gainesville, to
24 essentially complete the analysis I'm describing
25 here. I'm trying to see if there was an ability to

Page 270

1 draw a compact African American district in that
2 region.
3 **Q So those locations that you just**
4 **mentioned, where in the -- which districts in the**
5 **Enacted Plan are those located?**
6 **And, yes, we can reference --**
7 A I'm trying to find it.
8 **Q We can reference Exhibit 13.**
9 A Okay. I apologize, these are probably a
10 little out of order at this point. I got it.
11 Okay. So the cities that I just
12 mentioned, of what districts did those -- are you
13 asking, basically, what cities -- or what districts
14 did those cities end up in?
15 **Q Correct.**
16 A Sure. Palatka is in Putnam County, which
17 is in District 6, the, relatively speaking, northern
18 part of District 6.
19 Daytona Beach, I can't recall whether
20 Daytona Beach ends up in District 6 or 7. I need a
21 closer-up map. It's either -- Daytona Beach, the
22 municipal boundaries are right around the border of
23 6 or 7. I just don't recall which it's in, 6 or 7.
24 Gainesville is in Alachua County, which is
25 in District, I think that's 3. I can't find the

Page 271

1 number here and I apologize. It was District 3.
2 **Q Okay. And those are the only locations**
3 **where you --**
4 A Well, and I am sorry. I described at the
5 beginning of my previous answer, District 10.
6 **Q Right. And District 10?**
7 A District 10, which is in Orange County.
8 **Q And I'm -- just to be clear, that is a**
9 **complete list of where you considered racial**
10 **demographic data in drawing the Enacted Plan?**
11 A Yes.
12 **Q Okay.**
13 A Oh, in drawing it, yes. I did make a
14 distinction in my presentation about Hispanic
15 voting-age population in District 26. After drawing
16 the district, I did check my work because that is a
17 district that's typically somewhere in the
18 70-something percent range of Hispanic voting-age
19 population and -- and implicates Section 2 of the
20 Voting Rights Act. And so I went back just to make
21 sure as I -- I had to redraw that district slightly
22 in this map, and just to make sure that I didn't do
23 anything to diminish the Hispanic voting-age
24 population in District 26. And I had not. Sorry.
25 I had not done anything to diminish it, but I

Page 272

1 checked my work nonetheless.

2 **Q Were there any other districts that were,**

3 **in your view, were implicated by Section 2 of the**

4 **Voting Rights Act?**

5 A Oh, for the whole map?

6 **Q Uh-huh.**

7 A Districts 26, 27, 28, 20, I believe those

8 would be the only four. Now, three of those

9 districts, 20, 27 and 28, the legislature drew

10 those, but nonetheless, those four districts would

11 all have -- would -- you would be concerned -- I'm

12 not sure of the proper way to say it, but, you know,

13 would have Section 2 Voting Rights Act implications.

14 I'm sure there's a better way to say that.

15 **Q On page 5, regarding the proposed plan --**

16 A Page 5 of? I'm sorry.

17 **Q Of Exhibit 65.**

18 A Okay, got it.

19 **Q 65. Under the bullet "Regarding the**

20 **proposed plan," the plan, and the first bullet**

21 **states: "Maintains the same number of performing**

22 **majority-minority seats."**

23 **Which districts are you referring to**

24 **there?**

25 A Sure. Actually, the four that I just

Page 273

1 mentioned, 20, 26, 27, and 28.

2 **Q Got it.**

3 **And you just mentioned that you did**

4 **consult data after the fact for District 26. Your**

5 **conclusion that the Enacted Plan maintains**

6 **Districts 20, 27 and 28 as a performing**

7 **majority-minority district is based on the**

8 **legislature's conclusion?**

9 A Yes, we accepted their analysis.

10 **Q Okay. In drawing the Enacted Plan, was**

11 **compactness the most important factor you considered**

12 **when creating the districts?**

13 MR. JAZIL: I give you the Marsh

14 instruction, but you can answer to the extent

15 you can.

16 A I wouldn't say that. I think, as I

17 testified, redistricting includes a variety of

18 factors that are spelled out in law. And I wouldn't

19 say that compactness is the most important factor.

20 What I did say yesterday is that

21 compactness and county boundaries, which comes up

22 from a boundary-analysis perspective and keeping

23 political and geographical boundary lines whole; I

24 would say that county boundaries are often

25 considered a proxy for compactness, and so, you

Page 274

1 know, probably the best way to say it is that

2 compactness is probably a more frequently discussed

3 point or a more frequently relevant point because

4 when you keep a county whole, again, that is a proxy

5 for compactness.

6 Does that make sense?

7 BY MS. DJANG:

8 **Q Yes, thank you.**

9 **And there were 10 districts in this**

10 **Enacted Plan that you explained were unchanged from**

11 **the legislative -- the plan approved by the**

12 **legislature, correct?**

13 A Yes, there were 10 districts unchanged

14 from the legislature's map that the legislature

15 approved and the Governor vetoed.

16 **Q And for those districts that you yourself**

17 **did not personally draw, why did you leave those**

18 **unchanged?**

19 MR. JAZIL: I'm going to give you the

20 Marsh instruction, but you can answer to the

21 extent you can.

22 A The districts in -- Districts 1 and 2, in

23 terms of drawing compact districts that follow

24 well-recognized county and -- county lines, city

25 lines and other major boundaryways, there's really

Page 275

1 nothing to improve upon in Districts 1 and 2 in --

2 that the legislature had drawn. And I believe it

3 was their -- I forget if it was the primary or

4 secondary, but they had drawn those two districts

5 that way.

6 They're well-drawn. There's nothing --

7 it's the Panhandle. It's very hard to draw those

8 districts differently.

9 And in terms of the other districts, four

10 of those districts do involve a Section 2 Voting

11 Rights Act analysis. And considering whether or not

12 to include those in what we generally meant as a

13 compromise product, I was generally trying to draw a

14 map that was a compromised product, the legislature

15 made a good case that they had done a thoughtful and

16 thorough job of their Voting Rights Act obligations

17 for those four districts.

18 There is a fifth district in that area. I

19 believe it's 24, I believe it is, that's -- I

20 believe it's -- well, it's just under that threshold

21 of the Voting Rights Act, or section of the Voting

22 Rights Act. It is a very compact, respective of

23 political and geographical boundary lines,

24 performing minority seat. It's a district that even

25 if race were not a factor at all, it's just a very

Page 276

1 well-drawn, compact district.
2 And then adding to the element that that
3 seat has historically performed for African American
4 candidates and is very well compactly drawn, it
5 would implicate the Florida Constitution's analysis
6 regarding diminishment, so there was no reason to
7 change that.
8 Overall, too, in that region of the state,
9 looking at Districts 20 through 25, 27 -- and really
10 even District 26, as District 26 is eastern
11 property, which the only changes that I made were on
12 the western parts of District 26, but the eastern
13 parts of District 26, the legislature very clearly,
14 when you look at the maps that our office submitted
15 throughout the process, every time our office
16 submitted a map, the legislature came back through
17 their map, maps they were looking at, and they very
18 clearly were cleaning up county splits, city splits,
19 compactness.
20 So there was something of a reaction from
21 the legislature that was clear, from my perspective
22 anyway, you could see it in the statistics that they
23 would provide, the county splits, city splits,
24 compactness, that the legislature was constantly
25 responding to our proposals, improving the map.

Page 277

1 And so the total of what I just said, the
2 legislature's analysis of legal obligations in
3 Southeast Florida was a very good reasonable
4 analysis. And the improvements that they made
5 throughout the process were good improvements.
6 So when looking at drawing a compromised
7 map, in many respects, the legislature had already
8 improved Southeast Florida in response to our
9 office's proposals. There wasn't really much else
10 to do with Southeast Florida.
11 BY MS. DJANG:
12 **Q Would you agree with me then that the way**
13 **that the legislature drew CD-24, CD-26, was not race**
14 **neutral?**
15 MR. JAZIL: Object to form.
16 A The way they drew CD-24 and CD-26?
17 BY MS. DJANG:
18 **Q As you just described it to me.**
19 A I would agree with you, it was not race
20 neutral.
21 **Q Okay.**
22 A Although I don't know if I'm being picky,
23 but 26, that district performs for Hispanic
24 Floridians, so an issue of ethnicity, not race.
25 **Q Thank you. I believe you just testified**

Page 278

1 that CD-24 was a performing minority seat that has
2 historically performed for Black candidates; is that
3 right?
4 MR. JAZIL: Object to form.
5 But to the extent --
6 A Yes.
7 BY MS. DJANG:
8 **Q I just want to make sure that I'm not**
9 **wrong --**
10 A The answer is yes.
11 **Q -- what I hear.**
12 **So in your evaluation of the legislature's**
13 **CD-24, you would agree that the way you considered**
14 **CD-24 was also not race neutral?**
15 MR. JAZIL: Object to form. But you can
16 answer if you understand.
17 A The way I considered CD-24? The way I
18 considered CD -- or Congressional District 24 does
19 include race. I didn't draw it. But I -- the way I
20 considered it and the analysis that I just gave
21 includes a variety of things: compactness, use of
22 city and county lines, and race.
23 It is -- it's a very well done district
24 based on several very commonly used constitutionally
25 supported redistricting criteria.

Page 279

1 BY MS. DJANG:
2 **Q When you say "constitutionally," you mean**
3 **federal, the Federal Constitution, or do you mean**
4 **the Florida Constitution?**
5 A Florida.
6 **Q Okay.**
7 MS. DJANG: If we could take a 5-minute
8 break, I think I can organize my thoughts and
9 then wrap up.
10 (A recess took place from 5:07 p.m. to
11 5:16 p.m.)
12 BY MS. DJANG:
13 **Q Mr. Kelly, one of the political and**
14 **geographical factors that has come up today or**
15 **yesterday is municipal boundaries, correct?**
16 A Yes.
17 **Q And you considered those in preparing the**
18 **Enacted Plan, correct?**
19 A Yes.
20 **Q How many cities are there in Florida?**
21 A Maybe 411, 412 incorporated cities, give
22 or take.
23 **Q Do you know how many cities are divided by**
24 **the Enacted Plan?**
25 A The Enacted Plan splits 16 cities.

Page 280

1 Q Amongst them is St. Petersburg, correct?

2 A Correct.

3 Q And amongst them is Jacksonville, correct?

4 A Correct.

5 Q In those cases, keeping the municipality

6 intact was subordinate to other factors which led

7 you to draw the line splitting the cities apart?

8 A The city --

9 MR. JAZIL: Object to form.

10 You can answer.

11 A The city of Jacksonville was larger than a

12 district, so it's impossible to not split it.

13 In the case of St. Petersburg, I gave a

14 pretty lengthy explanation yesterday as to how I

15 arrived at the decision of whether to keep St. Pete

16 whole, whether to split it, and was trying to draw a

17 district wholly located -- and I did successfully

18 draw a district wholly located in Pinellas County,

19 which is a little larger, maybe a couple hundred --

20 give or take, a couple hundred thousand people

21 larger than the size of a district.

22 So I drew a district wholly located in

23 Pinellas County. I had to make a decision as to

24 whether I would draw north to south or south to

25 north. I walked through the details on how I

Page 281

1 arrived at that decision yesterday.

2 BY MS. DJANG:

3 Q And in terms of the other 14 cities that

4 were split and that are split in the Enacted Plan,

5 any other tough calls that required a lot of

6 deliberation on your part?

7 MR. JAZIL: Object to the form.

8 And I'll give you the Marsh instruction.

9 You can answer to the extent you can.

10 A If you want to walk through them, I can

11 walk through them. There's a couple that I can

12 remember off the top of my head that I'm happy to

13 talk through some of them.

14 Longboat Key we discussed yesterday.

15 That's a unique city in that Longboat Key is a city

16 that's actually split by Manatee and Sarasota

17 counties. And in the map, if you want to keep both

18 Manatee and Sarasota County whole, it puts you in a

19 position as a map-drawer where splitting the city is

20 the result of keeping the counties whole.

21 And so it wasn't an isolated decision unto

22 itself. I was considering decisions up from Citrus

23 County up to Lee County and even over to Polk County

24 when I was thinking that through. The result there

25 that was splitting Longboat Key.

Page 282

1 Lakeland, I discussed yesterday as well.

2 My approach, it was a long lengthy answer I gave

3 yesterday talking about that region along the

4 Gulf Coast; Citrus down to Lee County inland to

5 Polk, how those districts all work together.

6 And what I did was I used as a boundary

7 between 11 and 18 in Polk County largely

8 Interstate 4, which was very well recognized and

9 allowed me to draw using a major geographical

10 boundary -- allowed me to draw a very nicely shaped

11 southern end to District 11, allowed me to square up

12 the district.

13 What's unique about Interstate 4 and the

14 cities there is that several cities -- Auburndale

15 was one that I mentioned. I think Polk City might

16 be another. Lakeland is one where the cities cross

17 over the interstate.

18 In the case of most of those cities that

19 cross over the interstate, most of those cities -- I

20 was able to keep most of those cities whole, like

21 Auburndale and Polk City, because the crossover of

22 interstate is very minor.

23 So you'll see -- if you really zoom in on

24 the interstate, you'll see sometimes either

25 District 11 one way or 18 the other way grab that

Page 283

1 little portion of the state to keep it whole.

2 In the case of Lakeland, a significant

3 portion of Lakeland is on the northern side of

4 Interstate 4. And so I had a decision to make as to

5 how am I going to draw all the districts in that

6 area compactly, attempt to, where I could keep

7 counties and cities whole, and draw meaningful

8 compact borders for those districts that used

9 well-recognized political and geographical

10 boundaries.

11 So as I was making that decision, that

12 decision of St. Pete, Lakeland, Longboat Key, those

13 are all decision points that I specifically had to

14 address in the final map that became Enacted Map.

15 I made that, in part, by keeping

16 three cities whole that the legislature had split.

17 So I made a three-for-three trade in that regard.

18 Orlando is a -- obviously, very large

19 city. It is very bizarrely shaped. It would be

20 geographically a nightmare to attempt to keep --

21 Orlando has that -- sometimes you hear in the

22 district that bug-splatter effect the way that the

23 geographical boundaries of Orlando are spread out.

24 So to try to keep Orlando whole would be

25 to draw an incredibly noncompact district that

Page 284

1 wouldn't be worth the endeavor. Moreover, the
2 borders of Orlando touch up amongst so many other
3 city borders, so the approach that I took around
4 Orlando was just draw a compact district that cores
5 the Orlando area, and in doing so, keep all the
6 cities around Orlando whole.

7 Because most -- most of those cities
8 around Orlando are physically smaller into varying
9 degrees. More compact. There are some cities that
10 are split in Southeast Florida. I can't speak as
11 detailed about some of those because I didn't draw
12 those portions of the map.

13 However, I can sympathize with the
14 map-drawer in those portions because -- I'll give
15 you an example: Fort Lauderdale has interlocking
16 borders, so almost -- so that if you kind of look,
17 Fort Lauderdale has, like, interlocking borders with
18 other cities in that area. There is a city down
19 there -- might be Hollywood. One of the major
20 cities down -- it might not be Hollywood.

21 One of the major cities down there
22 actually kind of goes south to north and then east
23 to west. There are some -- Broward County municipal
24 borders are very difficult to contend with. So I
25 can sympathize with the map-drawer of the Broward

Page 285

1 County Districts. It's just very, very difficult.
2 As is, the final map does a very good job
3 in those southeastern counties doing, I think, a
4 best-case scenario job of keeping cities whole.

5 I'm sure there's one or two others that
6 aren't coming to mind.

7 BY MS. DJANG:

8 **Q Yesterday you testified that you're**
9 **generally familiar that St. Petersburg has a**
10 **substantial minority population; is that right?**

11 MR. JAZIL: Object to form.
12 But you can answer.

13 A I think the testimony yesterday was
14 different. I was being asked about St. Petersburg
15 10 years ago, and then I was being asked about
16 St. Petersburg today. And in one of the exhibits
17 yesterday we read through my testimony from 10 years
18 ago where I was more familiar with the racial makeup
19 of St. Petersburg.

20 And when I was asked a question about
21 today's racial makeup of St. Petersburg, I said that
22 I wasn't.

23 BY MS. DJANG:

24 **Q You have zero familiarity with the racial**
25 **makeup of St. Petersburg today; is that your**

Page 286

1 **testimony?**

2 A I know that St. Petersburg is a diverse
3 city. What does that mean, I have zero knowledge?

4 **Q I am attempting to understand the extent**
5 **of your knowledge of the racial composition of**
6 **St. Petersburg.**

7 **Do you -- is it your understanding that**
8 **there is a -- how should I phrase this?**

9 **You are aware that there is a**
10 **concentration of Black voters within St. Petersburg,**
11 **correct?**

12 A Can you define "a concentration"?

13 **Q Let me think about this, how to say this.**
14 **Do you have any reason to believe that the**
15 **racial composition of St. Petersburg changed**
16 **significantly from 2012 to 2020?**

17 A Sure. I know that the state's -- state's
18 population changed by, give or take, 5 million
19 people. And so it would be unreasonable of me to
20 just assume that communities throughout the state
21 would have the same racial, ethnic, otherwise,
22 composition they had 10 years ago.

23 **Q Do you have any reason to believe that**
24 **there was an influx of white voters moving into**
25 **St. Petersburg during the past 10 years?**

Page 287

1 A It very much could have happened.
2 Pinellas County --

3 **Q The question was whether you have any**
4 **reason to believe that that occurred?**

5 A I just said, it very much could have
6 happened. Pinellas County at the 2010 census was
7 one of two counties in the state, Monroe being the
8 other, that had a decrease in population from 2000
9 to 2010. The state since then has grown by
10 5 million people.

11 I'm not aware -- I could be wrong -- I'm
12 not aware of any county that's had a decrease in
13 population from 2010 to 2020. So if you're talking
14 about a county that had a decrease in population in
15 one decade, and I'm pretty sure an increase in
16 population in the next decade, it would be foolish
17 of me to even guess or assume or fathom that the
18 population in Pinellas County is like it is in 2010.
19 I don't know what it is. I said this several times.

20 **Q Thank you.**

21 A And I've given a more detailed explanation
22 of the census.

23 **Q Okay. I appreciate that. Thank you,**
24 **Mr. Kelly.**

25 **Okay. In terms of the documents that you**

Page 288

1 were asked to preserve and turn over in connection
2 with this litigation, I understand that you
3 communicated with Adam Foltz via e-mail and phone;
4 is that right?
5 A Are you talking about the document
6 collection process for, like, what we're doing here
7 today -- trial, deposition?
8 Q For purposes of this litigation or for
9 purposes of a general litigation preservation hold
10 that either the legislature or the Executive Office
11 of the Governor instituted in anticipation of
12 litigation regarding redistricting.
13 MR. JAZIL: I am sorry. Is there a
14 question pending?
15 BY MS. DJANG:
16 Q Okay. The question was, during the
17 past -- during the period in which you were drawing
18 the Enacted Plan --
19 A Uh-huh.
20 Q During the period in which you were
21 drawing maps for the Executive Office of the
22 Governor in this past redistricting cycle, you
23 communicated with Adam Foltz via e-mail and phone,
24 correct?
25 A Yes.

Page 289

1 Q And you also texted him, correct?
2 A And also texted him? Yes, just
3 transitory-type texts, can you call me, can you talk
4 at such and such an hour.
5 Q And you also testified that you may have
6 deleted certain of those text messages?
7 A If they were transitory texts, I don't
8 keep transitory text messages.
9 Q So your testimony today is that you
10 regularly delete transitory text messages?
11 A Correct.
12 MR. JAZIL: Object to form.
13 BY MS. DJANG:
14 Q Is it correct that you regularly delete
15 transitory text messages?
16 MR. JAZIL: Object to form. You can
17 answer.
18 A Correct, there is no legal requirement for
19 me to keep transitory text messages. I don't keep
20 them.
21 BY MS. DJANG:
22 Q Do you regularly delete transitory text
23 messages between all people you text with or some
24 people?
25 MR. JAZIL: Object to form, but you can

Page 290

1 answer.
2 A Oh, pretty much all.
3 BY MS. DJANG:
4 Q So on a regular basis, you delete
5 transitory text messages with everyone with whom you
6 text?
7 A Except my mother, yes.
8 Q Okay. And how frequently do you delete
9 these messages? To me, I am thinking of it as a
10 purge.
11 A Oh, sure.
12 Q So how often do you go through and kind of
13 purge your transitory text messages from your phone?
14 A Daily.
15 Q Okay. I'd like to confirm that you
16 understood the questions I asked you today, with the
17 exception of the questions where you said you didn't
18 understand. But other than those questions, can you
19 confirm you understood the questions I asked you?
20 A Yes.
21 Q And you answered all questions truthfully
22 today?
23 A Yes.
24 Q Would you change any answers now that
25 you've given earlier today?

Page 291

1 A No.
2 MS. DJANG: Thank you.
3 THE WITNESS: Thank you.
4 MS. DJANG: That's all I have.
5 MR. JAZIL: I have no questions. We'll
6 read.
7 (Proceedings concluded at 5:34 p.m.)
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 292
1 CERTIFICATE OF OATH
2)
3 STATE OF FLORIDA)
4 COUNTY OF LEON)
5 I, the undersigned authority, certify that
6 JAMES ALEXANDER KELLY, as REPRESENTATIVE OF THE
7 EXECUTIVE OFFICE OF THE GOVERNOR and SECRETARY OF
8 STATE'S OFFICE personally appeared before me on June
9 8, 2023, and was duly sworn.
10
11
12 SIGNED AND SEALED on June 12, 2023.
13
14
15
16
17
18
19
20
21
22
23
24
25

Sandra L. Nargiz

SANDRA L. NARGIZ
RPR, RMR, CRR, CRC, CCR-GA
snargiz@comcast.net
Commission #HH239213
EXPIRES: APRIL 18TH, 2026

Page 294
1 June 12, 2023
2 MOHAMMAD O. JAZIL, ESQUIRE
mjazil@holtzmanvogel.com
3
4 RE: Black Voters Matter, et al. vs. Cord Byrd, et
5 al. and Common Cause vs. Cord Byrd
Case No. 2022 CA 000666 AND 4:22-cv-109-AW-MAF
6 Deposition of JAMES ALEXANDER KELLY, as
7 REPRESENTATIVE OF THE EXECUTIVE OFFICE OF THE
GOVERNOR and SECRETARY OF STATE'S OFFICE
8 on June 8, 2023
9 Dear Counsel:
10 The transcript of the above proceeding is now
available and requires signature by the witness.
11 Please e-mail fl.production@lexitaslegal.com for
access to a read-only PDF transcript and
12 PDF-fillable errata sheet via computer or use the
errata sheet that is located at the back of the
transcript. Once completed, please print, sign, and
13 return to the email address listed below for
distribution to all parties. If you are in need of
assistance, please contact Lexitas at 888-811-3408.
14
15 If the witness does not read and sign the transcript
within a reasonable amount of time (or 30 days if
16 Federal), the original transcript may be
filed with the Clerk of the court. If the witness
wishes to waive his/her signature now, please have
17 the witness sign in the blank at the bottom of this
letter and return to the email address listed below.
18
19 Very truly yours,
20 Sandra L. Nargiz, RPR, RMR, CRR, CRC, CCR-GA
Lexitas
21 1551 Forum Place, Suite 200-E
West Palm Beach, Florida 33401
22 fl.production@lexitaslegal.com
I do hereby waive my signature.
23
24 JAMES ALEXANDER KELLY, as REPRESENTATIVE OF THE
EXECUTIVE OFFICE OF THE GOVERNOR and SECRETARY OF
25 STATE'S OFFICE
Job No. 309153

Page 293
1 CERTIFICATE OF REPORTER
2 STATE OF FLORIDA)
3 COUNTY OF LEON)
4 I, SANDRA L. NARGIZ, Registered
5 Professional Reporter, certify that I was authorized
6 to and did stenographically report the deposition of
7 JAMES ALEXANDER KELLY, as REPRESENTATIVE OF THE
8 EXECUTIVE OFFICE OF THE GOVERNOR and SECRETARY OF
9 STATE'S OFFICE; that a review of the transcript was
10 requested, and that the foregoing transcript, pages
11 195 through 295, is a true record of my stenographic
12 notes.
13 I further certify that I am not a
14 relative, employee, attorney or counsel of any of
15 the parties, nor am I a relative or employee of any
16 of the parties' attorney or counsel connected with
17 the action, nor am I financially interested in the
18 action.
19 DATED on June 12, 2023.
20
21
22
23
24
25

Sandra L. Nargiz

SANDRA L. NARGIZ
RPR, RMR, CRR, CRC, CCR-GA
Notary Public in Florida
snargiz@comcast.net

Page 295
1 ERRATA SHEET - VOLUME 2
2 DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE
3 In Re: Black Voters Matter, et al. vs. Cord Byrd, et
4 al. and Common Cause vs. Cord Byrd
Case Nos.: 2022 CA 000666 and
5 4:22-cv-109-AW-MAF
6 JAMES ALEXANDER KELLY, as
REPRESENTATIVE OF THE EXECUTIVE OFFICE OF THE
GOVERNOR and SECRETARY OF STATE'S OFFICE
7 June 8, 2023
8
9
10
11
12
13
14
15
16
17
18
19
20 Under penalties of perjury, I declare that I have
read the foregoing transcript of the above
21 proceeding and I hereby swear that my testimony
therein was true at the time it was given and is now
22 true and correct, including any corrections and/or
amendments listed above.
23
24 Signature of Witness: _____
Dated this ___ day of _____, 2023.
email to: fl.production@lexitaslegal.com
25 Job No. 309153

<hr/> Exhibits <hr/>	13	236:12,21	24 272:7
Exhibit 063 Governor's Rep. Kelly	270:8	237:19 238:2	273:1,4
198:0 229:12	14	239:24 240:1	276:10,12,13
244:22	281:3	246:16,24	277:23
Exhibit 064 Governor's Rep. Kelly	14.6	247:1 287:6,9,13,18	26-city
198:0 255:4,5	232:17	2010-2012	212:10
Exhibit 065 Governor's Rep. Kelly	15	203:12	27
198:0 263:20,21 272:17	231:8	2011	272:7,9 273:1,6 276:9
<hr/> 0 <hr/>	1500	209:25 212:2	28
0109	221:10	213:3,4 218:7	272:7,9 273:1,6
266:8	16	229:18,23	2:50
<hr/> 1 <hr/>	232:17 279:25	230:17 232:4	199:1
1	17	2012	<hr/> 3 <hr/>
199:1 213:20	209:12,15	202:5 203:25	3
215:6 274:22	18	207:8,10	215:23,25
275:1	282:7,25	245:18,25	267:16,18
10	19	256:20 257:17,18 258:17	269:21 270:25
221:20 231:8	264:3	286:16	271:1
269:15 271:5,6,7 274:9,13	<hr/> 2 <hr/>	2020	300
285:15,17	2	233:10 237:6,19 238:2	221:10
286:22,25	210:16 266:6	268:4,6,13	32303
100	271:19 272:3,13 274:22	286:16 287:13	201:8
219:12,13	275:1,10	2021	35.9
11	20	240:3 243:16	236:17
215:3 282:7,11,25	229:18,23	2022	3:57
12	230:17 272:7,9	213:20 259:4,16 260:10	244:18
215:3 229:22	273:1,6 276:9	264:3	<hr/> 4 <hr/>
	200	2023	4
	214:13	234:5	282:8,13 283:4
	2000	2025	4-13-2022
	221:11 232:10,17 236:12,21	201:8	255:16
	246:16 287:8	24	40-
	2010	275:19 278:18	225:12
	230:8 231:7	25	40s-something
	232:11,18,25	276:9	254:5
	233:1,2,9,17	26	
	234:4 235:12	205:14 271:15,	

<p>411 279:21</p> <p>412 279:21</p> <p>42 213:15 247:5</p> <p>43.88775 216:5</p> <p>44.95932 210:17</p> <p>45 216:15</p> <p>45-minute 262:19</p> <p>4:03 244:19</p> <p>4:28 260:7</p> <p>4:36 260:8</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 203:21,23 204:2 209:21, 25 212:2 215:4,5 219:11 221:20 238:1 253:10,21,25 259:24 272:15, 16 286:18 287:10</p> <p>5-minute 279:7</p> <p>50 213:1</p> <p>59.3 236:17</p> <p>5:07 279:10</p>	<p>5:16 279:11</p> <p>5:34 291:7</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 204:1 270:17, 18,20,23</p> <p>60-hour 225:12</p> <p>63 229:11,12 244:22</p> <p>64 255:4,5</p> <p>65 263:20,21 272:17,19</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 209:7 215:11 222:18 270:20, 23</p> <p>70-something 271:18</p> <p>75 232:11 236:21</p> <p>78 232:10 236:21</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8019 266:10</p> <p>874 216:4</p> <p>876 210:5</p>	<hr/> <p style="text-align: center;">9</p> <hr/> <p>931 209:8,9</p> <p>932 209:12,15</p> <p>933 213:12 215:19</p> <p>934 215:23,25</p> <p>935 220:5</p> <p>936 211:10,12 213:12</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>abandoned 207:16</p> <p>ability 216:9 254:15, 18 269:25</p> <p>ability-to-elect 216:6</p> <p>abridged 262:20</p> <p>accepted 273:9</p> <p>access 252:12,17 253:9,18 254:14,15,18, 19 260:14 265:3</p> <p>accompanied 223:8,12 225:14,16</p> <p>account 249:10,15</p>	<p>accountability 241:1</p> <p>accurate 208:25 217:21 256:2</p> <p>accused 202:23</p> <p>Act 271:20 272:4, 13 275:11,16, 21,22</p> <p>action 199:7 200:11 201:13 265:25</p> <p>active 261:13</p> <p>activities 242:21</p> <p>actual 228:21</p> <p>Adam 288:3,23</p> <p>added 257:1</p> <p>adding 276:2</p> <p>addition 199:15 203:5 208:4 241:3 246:19</p> <p>additional 234:1</p> <p>address 201:6,7 283:14</p> <p>adequate 254:15,18</p> <p>adopted 218:10</p> <p>advance 199:17 203:6</p>
---	---	--	---

advisory 247:6	alternatives 208:6	applicable 200:19	arrived 280:15 281:1
African 216:7,18 232:16 233:9 235:18 245:5 246:13,17,21 267:22 270:1 276:3	America 235:5	applicant 242:6	assign 225:11
age 210:15 216:5 219:25 246:4,5 254:3,25	American 216:7,18 232:16 233:9 235:18 245:5 246:13,17,21 267:22 270:1 276:3	application 269:7,8	assistance 242:1
agencies 240:4,22	analyses 223:17,19 224:3,9 225:16 226:11,17	apply 214:19	assume 225:9 266:2 286:20 287:17
agency 202:14,15,17, 21 240:16 243:2	analysis 216:2 217:17, 20,22,23 218:1,3,5,8, 11,16 219:2 223:8,12,20,21 224:20 225:14, 25 226:1,2 269:21,24 273:9 275:11 276:5 277:2,4 278:20	appreciated 218:2	attached 203:8
agent 240:21	answers 201:16,21 202:1 290:24	approach 209:21 282:2 284:3	attempt 283:6,20
agree 207:1 208:18 214:18 226:16 235:10 252:7 253:1 254:7, 14,17 259:24 277:12,19 278:13	anticipation 288:11	approve 258:10	attempting 286:4
agreed 200:17	apologies 200:5 203:4 225:20	approved 274:11,15	attend 227:21,22
aided 227:5	apologize 253:6 258:23 270:9 271:1	approximately 212:15 224:11	attending 228:6
Alachua 270:24	appears 211:22,24 236:2	approximation 212:19	attention 203:20 209:8
albeit 215:3		April 229:18,23 230:1,17 240:3 243:16 264:3	attentive 261:12
Alexander 201:7		aptly 213:25	attorney 199:5
allowed 282:9,10,11		area 220:19 239:2 243:5,25 244:3 246:12 250:9 251:23 252:7 268:5 269:9 275:18 283:6 284:5,18	Auburndale 282:14,21
		areas 238:8,15 239:9 242:11 252:24	audible 201:16
		arm 241:1	author 223:16,18,24
			authored 266:7,15 267:7
			auto 225:22
			auto-run 225:24
			automatically 225:17

Avenue 201:8 average 254:25 aware 232:3 259:5,9, 15 286:9 287:11,12 awareness 257:6	214:24 begin 209:13 beginning 224:18,25 271:5 begins 214:12 248:15 believed 246:3,6 259:17 Belknap 199:6 benchmark 215:4 216:11, 16 217:13 219:15 Bend 248:25 251:21 252:3 benefit 259:12 Beretta 203:7 best-case 285:4 big 234:21 248:25 251:20 252:3 bill 223:21 225:25 226:1,2,11 bit 230:12 233:11, 20 235:19 239:19 247:10 bizarrely 283:19 Black 208:9 210:15 216:5 219:24	232:13,15,16 233:9 235:10, 17 245:4 246:4,13,17,21 252:7 253:21 254:3,7,17,23 260:13 269:16, 22 278:2 286:10 Black-access 258:7,11 259:2,10,18 Black- opportunity 257:16,25 260:19 blank 227:18 255:21 blots 218:17 Bodies 264:11 border 206:2 270:22 borders 283:8 284:2,3, 16,17,24 bottom 213:23 boundaries 214:15 247:23 249:20 270:22 273:21,24 279:15 283:10, 23 boundary 267:2 273:23 275:23 282:6, 10 boundary- analysis	273:22 boundaryways 274:25 box 255:22 256:11 break 244:13 260:4 279:8 breakdown 237:13,15 268:20 breakdowns 220:7 breaking 208:7 briefing 261:22 briefly 244:21 bring 199:21 250:5 broke 208:5 Broward 205:9 284:23, 25 bug-splatter 283:22 bullet 266:10 267:16, 18 269:20 272:19,20 BVAP 219:4
<hr/> B <hr/>			
back 199:22 203:11 209:24 218:10 220:16 227:16, 17 269:14,19 271:20 276:16 backwards 233:10 235:19 Baker 248:21 249:6 251:25 based 241:21 273:7 278:24 basic 208:18 basically 237:14 261:4 265:18 270:13 basis 217:10 237:8, 12,25 290:4 Beach 205:9 269:23 270:19,20,21 bearing 244:9 Beg			
		<hr/> C <hr/>	
		call 223:24 251:25 289:3	

called 213:25	CD-5 254:8	check-and- balance 241:1	221:19 239:15 242:24
calling 202:25 210:16	CD-5's 254:18	checked 272:1	clarifying 200:7 246:8
calls 281:5	census 217:7 230:8 232:1 233:20 235:4 236:3 287:6,22	children 234:19,25 238:18,23 239:1,3	clarity 201:1,10
camp 221:9	center 247:14 259:24	choice 216:7 250:13	classifies 235:17
candidate 216:7	centerpiece 259:25	Christina 201:15	classify 208:20 249:5
candidates 276:4 278:2	Central 252:1,2,3 269:15	circumstances 202:12	clean 267:2
care 254:15,16,18	Chair 257:10 260:12 261:5	cite 265:22	cleaning 276:18
Careersource 240:9,23	chairman 261:22 262:2	cities 238:7,14 241:7	clear 219:22 233:16 241:23 264:4 271:8 276:21
case 199:18 208:7 239:4 275:15 280:13 282:18 283:2	chairs 226:24	closer 247:24,25 270:11,13,14 279:20,21,23, 25 280:7 281:3 282:14,16,18, 19,20 283:7,16 284:6,7,9,18, 20,21 285:4	closer-up 208:25 270:21
cases 239:5 241:21 280:5	chance 230:15	citizen 228:18	cluster 221:19,24 222:5,15
categories 232:20,23	change 276:7 290:24	Citrus 236:23,24 281:22 282:4	clustered 220:23
category 233:22	changed 286:15,18	city 274:24 276:18, 23 278:22 280:8,11 281:15,19 282:15,21 283:19 284:3, 18 286:3	clustering 221:11,17 233:7
Catherine 199:5	characteristics 252:8	clarify	Coast 282:4
CD 278:18	characterized 232:16		code 236:13
CD-20 264:10	chart 233:25 234:8		cohesiveness 218:16
CD-24 277:13,16 278:1,13,14,17	charts 232:7		collaborate 256:3
CD-26 277:13,16	check 271:16		collaborated 255:23 256:8

collected 228:22	205:17,19,23, 24 218:14	271:9	210:9 216:14, 19,23 217:4,18
collection 288:6	220:22,24 247:19 250:11 286:20	completely 199:24 201:23 248:6	220:14
color 236:13,16,18, 19	community 216:18 233:5 235:6,9,10 241:7 247:21, 23 248:1	complies 267:24	configurations 210:22
comment 204:12,13,15 265:20	compact 207:24 208:1,3 267:22 270:1 274:23 275:22 276:1 283:8 284:4,9	complimentary 267:14	confirm 199:16 290:15, 19
comments 255:24	compactly 276:4 283:6	composition 264:24 286:5, 15,22	conflict 228:7
committee 203:15,18 204:25 205:2, 13 207:14 211:23,24 219:11 222:20 223:20 224:6 226:20,24,25 227:10,11,15, 19,21,24 228:12,20,23, 25 229:16 231:11 244:22 245:17 257:24 262:17 265:21	compactness 207:17,21,22 208:3 218:13 250:3,6,15,17 273:11,19,21, 25 274:2,5 276:19,24 278:21	compound 221:9,10	conforming 214:14
committee's 204:11	compared 254:25	compromise 275:13	confused 258:13,23
committees 204:20 212:1,9 224:5,13 231:16,19 264:3 266:19	compares 266:9	compromised 275:14 277:6	confusing 208:15
Common 199:8 201:12	comparing 219:14	concentrated 243:11 244:1 252:25 253:5	congressional 203:21,23 204:17 225:9, 10,12 226:5 227:24 229:17 231:12 278:18
commonly 234:13 278:24	comparison 232:11	concentration 220:22 286:10, 12	connect 247:12
communicated 288:3,23	complaint 200:10,12	conception 209:3 225:5	connection 202:8 288:1
communities	complaints 202:16	concerned 272:11	consideration 264:17,18
	complete 202:1 210:7,10 269:21,24	conclude 216:12	considered 204:8 221:16 224:5,6,14 245:22 249:7 269:10 271:9 273:11,25 278:13,17,18, 20 279:17
		concluded 216:13 291:7	constantly 276:24
		conclusion 217:10 237:12 273:5,8	constituencies 248:24
		concurrently 228:3	
		conduct 202:24 217:16	
		configuration 206:11,13,16	

constituency 248:21	copy 200:14 214:5	count 217:7	couple 199:12 202:15
constituents 249:3	core 268:6,18 269:4	counties 205:22,23 208:5,6,8 214:14 216:22 221:7 236:14, 23 239:5 241:8,9 246:20,22,25 247:2,14,24,25 248:6 249:4,6 252:18,19 281:17,20 283:7 285:3 287:7	209:20 252:9 280:19,20 281:11
Constitution 267:24,25 279:3,4	cores 284:4		court 201:20,24 213:22 247:7 268:1
Constitution's 276:5	corner 231:25 264:9		covered 262:12,15
constitutional 260:24	Corporation 240:8,9	county 204:9,24 205:9,10,11,21 206:1 207:15, 16 210:3 211:1 214:9,10 217:2,3 220:4 235:22 236:22, 24 237:1,9,11, 13,15 238:21, 22 242:22 244:2,5,23 245:3,5,17,19, 22 246:13,15 248:21,22,25 249:3,6 267:3 268:5,15,18 269:4 270:16, 24 271:7 273:21,24 274:4,24 276:18,23 278:22 280:18, 23 281:18,23 282:4,7 284:23 285:1 287:2,6, 12,14,18	crayon 213:3,25 214:1,19
constitutionally 278:24 279:2	correct 203:15,16,18, 19 204:10 209:6,10,16, 22,25 210:9, 11,17 219:4,8 220:8 222:23 225:10 228:8 231:25 232:9, 14,21 234:9 235:13 243:17 245:6,18 246:1,22 251:22 252:15 256:9 260:25 265:9,10,14 270:15 274:12 279:15,18 280:1,2,3,4 286:11 288:24 289:1,11,14,18		crayon-drawn 205:10
consult 273:4			create 226:14 227:8 242:7
contend 284:24			created 224:19 226:7, 12
content 211:10 224:9 226:16,17 262:5,6,9			creating 227:5 258:5 273:12
contents 230:6			criteria 207:1 278:25
context 264:15			cross 282:16,19
continue 206:4			crossover 282:21
continued 199:1 232:25	corrected 218:1		crystal 241:23
continuing 209:14	correlation 238:25		current 237:14 240:2
contractual 202:15	counsel 200:17 215:15 222:11 231:6 242:24 257:9 263:4		cursory 217:22 218:23
contributed 223:25 224:2			custodial 228:10
conversation 262:11	counsel's 263:3		cycle
conversations 263:1			

203:12,14,17 204:8 206:12 207:8,10 218:11 245:18, 25 249:11 256:20 257:3, 17 259:4,17 288:22	280:15,23 281:1,21 283:4,11,12,13 decisions 266:21 281:22 decrease 287:8,12,14 decreasing 232:9 deeper 219:1 define 208:3 221:14 247:20 248:1 249:2 286:12 degrees 284:9 delete 289:10,14,22 290:4,8 deleted 289:6 deliberation 281:6 demand 242:10,12,13 demographic 230:8 234:15 235:3 269:10, 11 271:10 demographics 230:11 231:5, 11 268:21,22, 23,24 department 240:6,14,17, 18,20,24 241:3,11,13, 16,19 242:3,20 243:20 252:23	department's 241:14 243:25 depending 251:23 depicted 246:11,22 253:10 depicting 236:6 depiction 246:20 depicts 251:9 deposed 202:6,8,13 deposition 199:4 203:7 288:7 depositions 199:13 Desantis 213:22 Desantis' 247:6 describe 209:1,4 236:5 243:24 246:11 251:16 266:14 describing 269:24 description 214:18 243:10 detail 221:1 detailed 217:23 220:16 221:21 284:11 287:21 details 280:25	determine 250:17 267:21 development 238:12 239:10, 20,22,25 240:4,8 241:5 development- related 240:19 devote 224:14 devoted 224:12 differ 214:24 differences 253:17 differently 275:8 difficult 284:24 285:1 diminish 271:23,25 diminishment 276:6 direct 199:2 209:8 257:4 direction 262:14 director 203:14 222:19, 24 228:13 257:23 disagree 253:20 discernible 234:7 discerning 253:2
<hr/> D <hr/>			
Daily 290:14 data 218:21 232:1 233:20 234:13, 17,24,25 235:4,5,6 236:3 237:15 241:17,20 245:9,22 265:4 267:20 268:3, 6,9,11,13,15 269:6,16,22 271:10 273:4 date 255:15 dated 229:18 255:15 day 234:5 235:12 266:19 Daytona 269:23 270:19, 20,21 debate 269:14 decade 215:8 235:5 244:11 287:15, 16 decision			

disciplinary 202:18	221:12,15,18 248:18 250:4, 10,16 252:14, 18 253:10,21, 25 254:24 257:16,25 258:7,11 259:3,11,19, 23,24 260:14, 19 264:16,24 267:2,4,23 269:15,18,20 270:1,17,18, 20,25 271:1,5, 6,7,15,16,17, 21,24 273:4,7 275:18,24 276:1,10,12,13 277:23 278:18, 23 280:12,17, 18,21,22 282:11,12,25 283:22,25 284:4	divide 251:24	draft 226:23
disconnected 205:16,19		divided 279:23	draw 203:17 210:7 237:12 267:22 270:1 274:17 275:7,13 278:19 280:7, 16,18,24 282:9,10 283:5,7,25 284:4,11
discuss 263:1		Djang 199:3,5 200:8 207:9 213:19 215:17,19,22 222:14 229:14 231:7,9 237:24 242:14,17 243:1,4 244:12,17,20 249:16 250:18 253:16 254:1, 13 255:7 256:19 258:14, 20,21 260:6,9 263:7,23 265:1 274:7 277:11, 17 278:7 279:1,7,12 281:2 285:7,23 288:15 289:13, 21 290:3 291:2,4	drawing 204:8,23 210:24 211:14 225:6,7,8,11, 15 227:18 245:17,19,23, 24 246:6 249:10 264:16 271:10,13,15 273:10 274:23 277:6 288:17, 21
discussed 265:7,8,11 274:2 281:14 282:1		document 200:13,14 211:8 230:14 236:9 251:14 255:8,19 259:15 263:24 264:5 288:5	drawn 210:22 212:21 236:2 253:25 275:2,4 276:4
discussing 206:24 207:7 210:24 212:7 213:25 251:10		documents 200:4 223:8 254:5 287:25	drew 213:3 256:11 267:4 272:9 277:13,16 280:22
discussion 213:18 219:20	districts 199:8 201:12 207:18 210:9, 25 216:2 217:11 218:17 219:5,6 225:10 246:6 270:4, 12,13 272:2,7, 9,10,23 273:6, 12 274:9,13, 16,22,23 275:1,4,8,9, 10,17 276:9 282:5 283:5,8 285:1	downloaded 229:18	duplicate 200:21
disputes 202:15,20		downtown 268:18 269:4	Duval 204:9 206:1 207:15 210:3 211:1 214:9 248:8,21 268:5,18 269:4
distance 214:2		dozen 221:25	
distinct 247:13,16			
distinction 271:14			
distributed 242:22 243:7			
district 203:21,23 204:2,5,8,23 205:10,16 206:14,16 207:7,15,18,22 208:4 209:4,21 210:3,8,16 211:14,16,19 212:16,21,23 213:5,6,7,13 214:10,13 215:4,5 216:6, 10,17 217:2,13 218:14 219:10	diverse 286:2		
	diversity 231:22 232:4		

E			
	education	270:20	examining
	234:21 238:12		211:8 230:14
	239:10	enrolled	236:9
e-mail		238:18	
288:3,23	educational		examples
	234:16 239:14	ensure	204:14,19,21
earlier		258:5	212:13
199:21,23	effect	entailed	exception
200:6,18	283:22	239:20	290:17
252:22 253:4	efficiency	Enterprise	exclude
255:12,13	200:20	240:7,23	208:9
256:13,16	effort	entire	exclusively
257:9 261:4	228:14	217:1 252:14	250:11
262:8 267:12	elaborate	entirety	Executive
268:17 290:25	205:6	230:4	213:21 256:14
early	elect	EOG	288:10,21
209:20 267:21	216:9	256:8	
easier	election	equal	exhibit
222:13 227:6	268:8,14	242:10 253:10,	201:2 203:8
easily	elections	15	204:1 209:7
227:9	216:20 218:19	equally	213:15 215:11,
east	element	242:22 243:3,	13 216:4
211:19 212:16	276:2	5,7	222:18 229:12
213:8 214:13	eligibility	essentially	230:7 244:22
216:18 248:8	241:21	240:25 242:6	247:5 255:4,5
284:22	eligible	269:24	263:20,21
east-west	241:25	estimate	270:8 272:17
206:10 207:7	Enacted	225:8	exhibits
210:22 214:3	261:24 262:3,	ethnic	285:16
216:13 217:4,	10 270:5	269:16 286:21	existed
17 220:14	271:10 273:5,	ethnicity	216:16
eastern	10 274:10	277:24	expert
276:10,12	279:18,24,25	evaluation	218:21
economic	281:4 283:14	278:12	experts
234:14 235:2	288:18	exact	218:25
238:12 239:10,	end	208:13 221:13	explain
20,21,25	224:19 248:5	230:2 231:2	205:18 247:16
240:4,6,12,14,	256:14 270:14	245:14 259:21	explained
17,18,21,25	282:11	262:10	261:7 274:10
241:3,5 242:20	endeavor	examination	explaining
243:20 252:23	284:1	199:2 218:18	225:19
EDR	ends		explanation
235:7 236:3			280:14 287:21

<p>extent 249:14 256:7 262:24 264:21 273:14 274:21 278:5 281:9 286:4</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fact 261:12 273:4</p> <p>factor 250:8 264:23 273:11,19 275:25</p> <p>factoring 264:23</p> <p>factors 218:4 249:22 273:18 279:14 280:6</p> <p>fair 199:8 201:12 217:16 220:12 221:2 224:2 231:15 242:10, 19 245:15</p> <p>faithful 205:1</p> <p>false 202:24 265:24</p> <p>familiar 220:21 223:11 229:20 285:9, 18</p> <p>familiarity 239:16 285:24</p> <p>families 239:4</p> <p>family 234:25</p>	<p>fathom 287:17</p> <p>February 213:20 215:6</p> <p>federal 199:7,18 200:11,19 201:11 203:6 279:3</p> <p>feedback 205:3 228:18 261:2 266:23 267:8,11</p> <p>figure 250:20</p> <p>files 223:12</p> <p>fill 210:8</p> <p>filled 256:9</p> <p>final 218:9 248:13 283:14 285:2</p> <p>finance 240:8,20</p> <p>financier 240:25</p> <p>find 213:17 250:22 251:2 270:7,25</p> <p>fine 200:15 206:6</p> <p>finish 203:2</p> <p>firm 199:5</p> <p>five-minute 260:4</p> <p>flat</p>	<p>233:10 235:18</p> <p>Florida 199:8 201:8 210:23 213:8, 21 220:21,24 221:7 230:8,10 231:5,11 235:13 238:1 240:7,8,9,12, 23,24 246:16 247:7 248:23 249:7,8 250:23 251:5,9 252:1 257:16,25 258:8,11 259:3,11,19 260:14,20 267:23,25 269:15 276:5 277:3,8,10 279:4,5,20 284:10</p> <p>Floridians 233:7,14 241:15 277:24</p> <p>focusing 203:20 247:15</p> <p>follow 274:23</p> <p>Foltz 288:3,23</p> <p>foolish 287:16</p> <p>Ford 265:8</p> <p>forget 275:3</p> <p>forgetting 240:10</p> <p>Forgive 213:16 248:11</p>	<p>forgot 199:25</p> <p>form 227:6 237:21 253:12,23 254:11 255:12 256:5,21,23 257:1,7,12 264:20 265:12 277:15 278:4, 15 280:9 281:7 285:11 289:12, 16,25</p> <p>formal 225:25</p> <p>format 231:1</p> <p>forms 204:15 255:11, 13 256:17 265:19,22</p> <p>Fort 284:15,17</p> <p>fourth 266:10</p> <p>frame 231:6</p> <p>frequently 274:2,3 290:8</p> <p>front 205:13 212:20 214:21 215:4 251:14 262:16</p> <p>full 201:5 219:20 221:10 227:23 262:16</p> <p>fully 218:2 219:19 243:13 269:2</p> <p>functional</p>
---	---	---	---

216:1 217:17, 20,23 218:1,3, 5,8,11,15 219:2 functions 240:19	249:20 geographical 273:23 275:23 279:14 282:9 283:9,23 geographically 243:8 283:20 geography 218:19 250:12 geometric 208:20,24 209:4 give 202:1 217:15 220:9 222:10 241:23 249:12, 24 253:7 256:6 262:19,23 265:20 273:13 274:19 279:21 280:20 281:8 284:14 286,18 giving 215:15 good 244:12 266:24 275:15 277:3,5 285:2 government 252:13,17,20 253:2,9,18 Governor 213:21,22 247:6 256:15 274:15 288:11, 22 grab 208:8 282:25 grant 241:4 242:20 grants	241:5,6,7 242:5 granular 234:18 grayish-maybe 236:18 Great 206:9 231:20 246:9 greater 216:19 greatest 236:24 246:17 ground 262:12,15 group 228:14 240:3 256:3 groupings 222:7 groups 255:22 grown 287:9 growth 233:4 238:22 239:2 240:21 guess 241:8 267:11 287:17 guidance 263:3 Gulf 282:4	247:2 handed 213:4 handwritten 264:8 happen 211:23 happened 216:22 287:1,6 happy 219:21 251:12 281:12 hard 275:7 hate 214:20 head 201:17 227:17 281:12 health 254:14,15,18 hear 278:11 283:21 helped 203:17 227:3 helping 223:4,7 227:8 high 229:5 242:13 253:21 high-demand 242:9 high-level 243:9 higher 216:25 237:9, 10 238:22 highest 236:15 246:12, 20
<hr/> <p style="text-align: center;">G</p> <hr/> Gadsden 204:9,24 205:11,21,25 206:1 207:15 210:3 211:1 214:10 236:23, 25 246:15 247:1,14 248:24 Gainesville 269:23 270:24 gave 218:6 278:20 280:13 282:2 general 215:1 239:2 241:11 245:24 254:9,19 288:9 generally 202:13 207:14 220:21 226:8 238:7 259:11 261:6,8 275:12,13 285:9 generate 225:22 gentleman 205:8 gentleman's 205:12 geographic 214:15 243:5			
			<hr/> <p style="text-align: center;">H</p> <hr/> half 244:4 Hamilton

Hispanic 233:4,7,14,21 234:3,11 235:9 246:5 269:17 271:14,18,23 277:23	21 262:1,21	improving 276:25	217:6 221:11 238:4
historically 276:3 278:2	identification 229:13 255:6 263:22	incentive 240:21 242:5	indulging 215:9
hold 222:25 288:9	identified 252:24	inception 225:1,2	inference 220:11
holding 222:2	identifies 246:15	include 217:5 223:4,7 230:4 256:10 268:19,22 275:12 278:19	influx 286:24
Hollywood 284:19,20	identify 244:1,3 251:8 252:9	included 230:7 268:25	information 220:3,7 226:6, 9 229:6 231:15,18 234:1,11 241:14 265:24 269:10
hope 240:9 262:18	imagine 239:3	includes 217:4 233:21 273:17 278:21	infrastructure 241:5,6
hour 262:20 289:4	impact 207:17,20	including 240:19 268:23	initial 218:12
House 203:15 222:20 226:4 227:25 229:2,19 230:17 231:11, 12 244:22 257:5,24 263:11,14 264:3 267:13	implemented 268:1	income 239:8,11 241:15,17,20, 24 242:2,4,8,9 252:9	ink 264:11
housing 240:7 241:22, 23 242:1,21	implicate 276:5	incorporated 279:21	inland 282:4
HR 202:17	implicated 251:21 272:3	increase 232:20,23 287:15	input 212:1,5,9,11, 14,22 213:12 266:20,23
human 202:15	implicates 271:19	increased 235:11	instituted 288:11
hundred 280:19,20	implications 272:13	increases 234:11	instruction 249:13,25 256:7 262:24 273:14 274:20 281:8
<hr/> I <hr/>	important 273:11,19	increasing 231:22 232:4, 14 234:4	intact 267:3 280:6
idea 229:10 257:20,	impossible 280:12	incredibly 283:25	interlocking 284:15,17
	improve 275:1	indentations 208:5	internal 263:1
	improved 277:8	individuals	
	improvement 242:9		
	improvements 277:4,5		

internet 251:3	Jacksonville 204:24 205:11, 21,25 247:13 280:3,11	281:20 283:15 285:4	largely 282:7
interpretation 260:2		Kelly 201:7 213:14 251:8 260:10 279:13 287:24	larger 280:11,19,21
interpreted 267:25	James 201:7		Lauderdale 284:15,17
interrogatories 200:1	JAZIL 207:8 215:15, 18 222:11 231:6 237:21 242:24 249:12, 24 253:12,23 254:11 256:6 258:12,19 260:4 262:23 263:4 264:20 273:13 274:19 277:15 278:4, 15 280:9 281:7 285:11 288:13 289:12,16,25 291:5	key 218:15 281:14, 15,25 283:12	law 199:5 273:18
interrogatory 200:5		kids 239:6	lawsuits 202:20
interrupted 206:5		kind 206:10 218:21 227:13 231:18 234:17,23 237:15 241:17 249:4,7 268:18 284:16,22 290:12	layer 218:15
interstate 282:8,13,17, 19,22,24 283:4		kinds 245:11	learn 217:19
inverse 242:3	Jefferson 247:2 249:3,5 251:24	King 210:5,6,13,14	leave 274:17
invite 263:8	job 225:23 240:2 266:24 275:16 285:2,4	knowing 237:9	leaving 200:6 241:10 244:14
invited 227:11,15,19 263:6		knowingly 265:23	led 280:6
involve 275:10		knowledge 286:3,5	Lee 238:21 281:23 282:4
involved 240:1			left 199:21 215:20 236:11 255:21
isolated 281:21	jobs 242:8		legal 277:2 289:18
issue 243:14 250:2, 14 277:24	jumping 200:9		legally 201:22
issues 202:17	justify 208:17		legislation 202:14
items 199:15			legislative 274:11
			legislators 212:13
<hr/> J <hr/>	<hr/> K <hr/>	<hr/> L <hr/>	legislature 212:3,11 218:9,10 226:1
Jackson 244:5	K-12 238:19,22	Lakeland 282:1,16 283:2,3,12	
	keeping 273:22 280:5	lane 244:8	
		large 205:2 220:22 250:4,9,12 283:18	

234:15 255:13 258:6 259:10, 18 260:18 263:5,8,10 265:7,18,24 268:1 269:7,8, 14 272:9 274:12,14 275:2,14 276:13,16,21, 24 277:7,13 283:16 288:10 legislature's 260:11 266:9 273:8 274:14 277:2 278:12 length 213:1,6 214:3 lengthy 262:16 280:14 282:2 lens 234:16,24 235:1 Leon 217:2 220:4 247:1,14 248:8,24 251:25 letter 213:20 215:6 level 217:21 219:1, 18 220:17 221:1,22 234:18 241:17 242:8 252:9 253:17 254:9 levels 218:18 239:8, 11 241:15	liaison 227:13 life 222:12 234:20 likelihood 229:6 lines 273:23 274:24, 25 275:23 278:22 list 250:22 251:2, 4,6,15 255:22 271:9 listed 199:16 listen 261:9 listened 261:6,7,11,18 listener 261:12,13 lists 251:2 literally 225:23 245:14 litigation 202:5 288:2,8, 9,12 live 216:22 247:18, 21 located 220:14 270:5 280:17,18,22 location 222:7 locations 222:6 270:3 271:2	logistics 200:16 logo 235:7 long 212:15 213:5 223:14 224:23 282:2 Longboat 281:14,15,25 283:12 looked 209:21 210:2, 25 216:8,10 223:15 234:23, 24 235:1 238:16,17 244:25 245:12, 21 255:11 268:21 269:16, 22 lot 226:14 230:24, 25 243:14 281:5 love 244:21 low 254:5 lower 237:10 242:1 ludicrous 204:22 205:5 206:18,24 <hr/> M <hr/> made 258:25 259:1,3 263:14 266:21 275:15 276:11 277:4 283:15,	17 Madison 247:2 maintain 216:15 217:12 maintaining 216:11 maintains 272:21 273:5 major 248:1 274:25 282:9 284:19, 21 majority- minority 272:22 273:7 make 222:12 223:3 253:8 261:14 271:13,20,22 274:6 278:8 280:23 283:4 makeup 285:18,21,25 making 202:24 283:11 manager 222:21,22 Manatee 281:16,18 map 210:7,10 212:6 213:23 214:3 220:17 221:1 223:21,23 224:19 225:6, 7,12,17,18,21 227:10 237:5,6 245:4,24 246:24 247:1 250:21 251:22
---	--	---	--

253:11 255:12, 24 256:4,12,18 258:10 261:7 262:2,3,9,10 270:21 271:22 272:5 274:14 275:14 276:16, 17,25 277:7 281:17 283:14 284:12 285:2	200:19 202:9 matters 202:16,18 meaningful 283:7 means 222:15 239:3 267:6 meant 222:4 266:15 275:12 measures 208:2 meet 230:1 meeting 212:2 226:25 227:21 228:4, 6,22 229:7,15, 24,25 230:3, 17,18 260:16 261:1,5,13,15, 17,19,20 262:5,9,12 meetings 204:14 205:4, 8,14 211:25 226:20 228:2, 12,16 229:17 230:20 member 213:2 members 226:25 227:9 228:23 memorandum 257:9 memory 230:22 244:8 261:18	mention 199:25 mentioned 201:16 240:16, 23 267:12 268:10 269:13, 20 270:4,12 273:1,3 282:15 messages 289:6,8,10,15, 19,23 290:5,9, 13 met 267:13 method 225:13 Miami-dade 238:21 244:2 mid 254:5 middle-central 249:8 migration 238:14 mileage 214:20,23 miles 213:1,7 214:13 million 238:1 286:18 287:10 mind 200:2 215:15 221:23 261:17 285:6 mindful 222:13 minor 282:22 minority	216:11,15 217:12 218:13, 17 247:12,13, 16 260:14 275:24 278:1 285:10 mischaracterize 253:7 misheard 235:15 misleading 233:2 234:3 missing 268:12 mission 240:13 misspoke 258:22 misstating 265:14 moderate 242:1 moment 244:15 252:12 253:8 257:13 Monroe 287:7 mother 290:7 move 200:15 238:2 244:7 moved 238:4,7 movement 238:13 moving 286:24 multiple 200:4 218:18
---	--	---	---

222:6 municipal 270:22 279:15 284:23 municipality 280:5	north-east 251:20 north-south 216:23 217:13 northeast 248:23 252:3 267:23 northern 206:2 210:23 244:4 251:25 252:2,3 257:16,25 260:14,20 270:17 283:3 note 218:22,23 noted 217:19 261:4 notes 266:6 notice 261:11 number 213:5 215:16 217:5 221:13, 17 222:8,10 239:1 240:18 242:7 250:4 271:1 272:21 numbers 201:2 268:20 numerous 241:4	264:20 277:15 278:4,15 280:9 281:7 285:11 289:12,16,25 obligated 201:22 obligations 275:16 277:2 occurred 200:3 287:4 October 209:25 212:2 218:7 219:11 odd 233:23,24 offer 207:6 offered 253:3 261:21 office 213:21 234:15 235:2,3,4 240:4 256:14, 15,18 261:21 263:2 276:14, 15 288:10,21 office's 277:9 oftentimes 234:23 older 254:24 omitted 218:5 opinion 206:17,19 207:6,12,23 247:6 260:2, 13,15 Opportunities 240:25 242:20	opportunity 240:6,12,14,17 241:4 243:20 251:11 252:23 opposed 216:22 opposite 235:14 Orange 271:7 order 270:10 organization 256:3,10 organizations 255:23 organize 279:8 originating 228:24 Orlando 269:15 283:18, 21,23,24 284:2,4,5,6,8 overlapping 218:19 oversee 240:3 overseeing 241:13 243:2, 19 oversees 240:18 241:4 ownership 229:8
<hr/> N <hr/>			
NAACP 199:8 necessarily 229:7 necessity 246:7 neutral 264:12,14 265:3 277:14, 20 278:14 Newman's 255:14 nicely 282:10 nightmare 283:20 nitpick 214:21 non-black 208:10 noncompact 283:25 nonetheless 205:1 272:1,10 north 216:16 220:21, 24 221:7 249:7,8 258:8, 11 259:3,11,19 280:24,25 284:22	<hr/> O <hr/>		
	oath 201:22 Object 237:21 253:12, 23 254:11		
			<hr/> P <hr/>
			p.m. 199:1 244:18, 19 260:7,8

279:10,11 291:7 packet 211:23 228:25 229:16,20 230:5 244:22 pages 213:12 219:7 paid 218:20 Palatka 269:23 270:16 Palm 205:9 Panhandle 275:7 paper 213:2 paragraph 214:12 247:11 248:5,11,14 parents 239:7 part 199:4 210:23 228:24 234:21 239:9 248:11 270:18 281:6 283:15 participant 256:11 participants 227:12,16 parts 208:9,10 227:9 276:12,13 party 202:19 past 232:25 233:1,2	238:20 244:15 286:25 288:17, 22 Patterson 199:6 penalty 265:13,16 pending 288:14 people 221:10 238:1 247:18 248:18 280:20 286:19 287:10 289:23, 24 percent 216:15 219:12, 13 232:10,11, 17 236:17,21 254:6 271:18 percentage 232:8 233:6 236:13,25 237:1,10,11 246:13,17,20 percentages 219:4,25 232:12 236:21, 23 245:4,5 performed 276:3 278:2 performing 267:23 272:21 273:6 275:24 278:1 performs 277:23 period 203:12 212:12 224:22 233:17 234:4,12	235:12 239:23 242:25 288:17, 20 perjury 202:23 265:13, 16,23 person 208:12,14 225:19 228:20 256:3 personally 202:21,22 206:12,15 217:16 274:17 persons 255:22 perspective 273:22 276:21 pertain 211:10 226:10 pertaining 199:18 Pete 280:15 283:12 Petersburg 280:1,13 285:9,14,16, 19,21,25 286:2,6,10,15, 25 phone 288:3,23 290:13 phrase 217:20,25 247:11,15 286:8 physically 228:21 284:8 pick 228:3	picky 277:22 pie 233:15,25 234:7 piece 213:2,11 pieces 202:14 pile 213:16 Pinellas 280:18,23 287:2,6,18 place 244:18 260:7 279:10 places 251:7 269:23 plaintiffs 199:7 201:11, 13 203:6 plan 203:24,25 205:5 206:23 208:12 214:1 224:3,4,5 226:9 261:23, 24 266:7,8,9, 10,16,18 267:7,14 270:5 271:10 272:15, 20 273:5,10 274:10,11 279:18,24,25 281:4 288:18 plans 218:7 point 204:7 234:2 238:17 242:4
--	---	---	--

245:23 259:16 270:10 274:3 pointing 204:4 points 226:24 227:1 268:10 283:13 policy 234:21 political 214:15 217:24 218:20 249:19 267:20 268:3,6 273:23 275:23 279:13 283:9 Polk 281:23 282:5, 7,15,21 population 210:15 216:5 219:25 221:4 232:9,13,15 233:3,9,21 234:3,11 235:17,21 236:14,25 237:2,10,11,18 239:2 243:3 244:23 245:3, 16,19,22 246:5,14,18,21 247:12,14,17 252:7 254:4 269:17,18,22 271:15,19,24 285:10 286:18 287:8,13,14, 16,18 population's 252:12 populations 238:13 250:10	portion 242:16 283:1,3 portions 284:12,14 POSAMATO 200:7 position 243:15 257:15, 18,24 258:16 259:9 260:19 281:19 possession 228:15 potential 204:8 210:2 potentially 208:6 246:3 poverty 254:9,10 Powerpoint 227:7 Powerpoints 227:8 prep 262:1 preparation 199:13 prepare 223:5,8 226:19 prepared 199:23 preparing 227:3 279:17 present 233:12,13,17 234:5 235:12 261:23 263:12, 16 265:20 presentation 205:12 230:8,	10,21,23 231:3 245:11,14 261:3,15 262:16,20 264:2 271:14 presentations 230:24 231:1,4 245:12,13 264:5 presented 205:15 231:16 257:8 262:5,6, 9 presenting 212:9,12 227:4 231:19 233:2 265:21 preservation 260:13 288:9 preserve 258:7 259:2, 10,18 288:1 presidential 268:8,14 pretty 219:19 280:14 287:15 290:2 previous 203:11 271:5 previously 245:1 265:7 primary 266:9 275:3 prior 202:4 256:13, 17 260:10,17 prioritize 249:21 prison 220:20 221:9	prisons 217:5 220:14, 15,19,23 221:5,12,17 proceedings 291:7 process 205:2 207:14 209:20 218:24 224:19,21 245:24 267:21 276:15 277:5 288:6 product 275:13,14 profession 239:17 programs 240:22 241:2, 4,22,24 242:5, 21 project 225:12 242:7 promise 244:14 promote 240:24 proper 207:1 272:12 properly 256:9 property 276:11 proportion 216:20 235:16 253:21 proposal 204:22 224:13 proposals 203:18 223:13 224:12 276:25
---	---	--	---

277:9 propose 206:15 242:6 proposed 204:12 207:15 223:5 226:23 245:18,23,25 256:22 261:23 262:2 267:14 272:15,20 proposing 206:13 212:4 propriety 206:20,21 provide 234:17 243:9 262:21 265:23 276:23 provided 200:18,24 202:6 205:10 228:23 229:6 256:4 265:6 269:8 providing 205:2 206:17, 19 228:21 229:2 265:16 proxy 273:25 274:4 public 204:11,13,15, 21 205:3,8 211:25 212:4, 9,11,14,22 213:3,11 228:18,22 238:18,19,23 239:1 265:20 publicly 258:4	pull 210:5,13 247:5 pulling 269:6 purely 208:8 purge 290:10,13 purple 204:2,5 purpose 204:19 212:7 242:7 purposes 288:8,9 purview 241:11 put 200:16 222:8, 18 252:11 Putnam 270:16 puts 281:18 putting 204:12 <hr/> Q <hr/> question 199:24 201:23 202:25 203:3 207:4 209:13, 17,19,24 210:2,6,12,14 216:1,4,9,12, 24 219:18,23 243:24 250:5 257:5 258:9,19 259:15,20,23 260:1 262:8	263:2 285:20 287:3 288:14, 16 questions 199:17 200:21 202:2 203:5,9 211:9 218:12 223:2 256:14 290:16,17,18, 19,21 291:5 quick 244:13 quote 258:17 259:21, 23 quoted 254:4 <hr/> R <hr/> race 232:19 235:22 244:23 245:3, 16,19,22 252:12 264:12, 14,17,18 265:2 268:23 269:3, 4,11 275:25 277:13,19,24 278:14,19,22 race-based 208:8 races 232:14,18,19 racial 220:7 264:24 265:3 268:19, 22 269:16 271:9 285:18, 21,24 286:5, 15,21 railways	248:2 range 254:6 271:18 reaction 276:20 read 211:3,12 215:11 219:12, 19 242:16 257:10,11 258:17 259:21 264:7 267:17 285:17 291:6 readily 224:23 reading 209:13 215:24 230:20 259:13 real 241:23 realized 217:21 reason 201:25 208:11 216:21 227:20, 22 237:17 246:7 257:6,8 276:6 286:14, 23 287:4 reasonable 277:3 reasons 208:8 recall 206:11,12,17, 19 208:13,14 210:24 211:1, 16 212:15 214:7,8 220:18 228:6 229:23, 25 230:10
---	---	---	--

231:2 245:8, 10,13 257:15, 23 258:1 260:11,15 261:21 263:11, 12,18 265:19 270:19,23 recalled 230:19 receive 212:11 261:2 received 212:10,22 recent 249:10 257:2 259:4 recess 244:18 260:7 279:10 recognize 255:8 263:24 recognized 282:8 recollection 210:21 211:13 214:9 230:2,16 263:13 record 199:22 200:17 201:6 204:4 207:13 213:18 215:12 246:10 recordkeeping 228:10 rectangle 208:23 rectangular 208:19 red 236:15 246:22 264:10	redistricting 203:12,14,15, 18 204:7,17 206:11 207:1, 16 218:10,24 222:20 227:24 229:16,17 230:18 231:11, 12,13 245:25 249:11 256:20 257:17,24 259:4,17 269:8 273:17 278:25 288:12,22 redraw 271:21 reemployment 240:20 refer 201:1,11 202:17 221:24 reference 218:6 220:2 248:8 250:22 265:12 270:6,8 referenced 213:12 215:5 219:6 234:14 242:13 248:19 267:20 268:3 references 212:1 220:6 referencing 211:24 referring 201:12 203:22 205:20 211:2, 17 213:10 219:5,16 220:15 221:25 248:10 268:2,4 272:23	refers 246:24 247:1 reflect 219:24 refresh 210:21 211:13 230:16 regard 283:17 region 210:23 250:2,3 251:20,21 270:2 276:8 282:3 regions 248:7,9,18,19 249:9,15,21 250:5,15,21,23 251:3,5,9,15, 21 252:4 registration 268:7,11 regular 209:4 290:4 regularly 289:10,14,22 related 202:14 relates 234:18 relation 206:25 relative 254:9 relevant 274:3 rely 266:4 remains 235:18	remember 201:21 205:7 213:5 255:19 281:12 remembering 261:17 remotely 208:21 repeat 200:23 223:3 242:14 rephrase 207:5 219:23 243:24 245:21 254:16 258:19 report 203:8 225:17, 21 240:5 reported 201:19 235:5 reporter 201:20 reporting 239:6 reports 223:22 225:23, 24 234:17 represent 199:7,24 258:3 represented 259:1 represents 216:19 request 247:6 requested 242:16 261:20 required 256:21 258:7 259:10,18
---	---	---	--

260:23,24 281:5 requirement 217:11 257:2 259:2 289:18 requires 216:14 218:18 220:11 research 234:15 235:3 250:24 251:3 residents 216:21 254:23, 24 264:24 resource 202:15 resources 243:10 244:1 252:24 253:5 respect 220:7 266:8 respective 275:22 respects 277:7 responding 276:25 response 277:8 responses 200:1,5 responsibilities 223:4 responsibility 228:11,14,19 258:4 responsible 227:12 228:9, 20 229:2 rest	201:13 206:7 238:23 254:25 result 281:20,24 results 268:7,14 retrogression 258:6 return 244:21,25 returning 215:10 review 203:7 217:22 218:23 226:15 227:10 230:12, 15 236:8,10 reviewed 199:13,17,25 200:10 202:4 224:8 reviewing 203:5 245:9 right-hand 231:25 264:9 Rights 271:20 272:4, 13 275:11,16, 21,22 roadways 248:2 Rodrigues 257:10,14 258:10 259:1, 17 260:12 261:6 Rodrigues' 257:18 role 203:13 222:19, 21,22,24	roles 222:25 room 200:3 rough 212:18 run 225:17,21 running 227:23 228:3 rural 238:7,15 241:6,7,8 250:9,11 Ryan 255:14 <hr/> S <hr/> sake 200:20 201:1, 10 salaries 239:15,16 sample 213:24,25 214:1,19 Sandi's 222:12 Sarasota 238:22 281:16, 18 scenario 285:4 scheduling 228:7 school 238:20 school-age 234:19 238:18, 23 239:1	schools 238:19 scientist 217:24 218:20 scratch 225:13 242:18 script 264:2 seat 275:24 276:3 278:1 seats 272:22 secondary 275:4 Secretary's 199:24 section 271:19 272:3, 13 275:10,21 sector 247:12 Senate 226:4 227:25 231:13 257:5 260:12 264:3 267:13 Senate's 258:4 Senator 257:14,18 258:9 259:1,17 senator's 257:24 sense 221:3,4 267:12 274:6 sentence 214:12 248:20 sentences
---	---	---	--

242:15 248:13 separate 233:14 247:13, 16,18 252:4 sequentially 201:3 services 252:13,18,20 253:2,10,18 session 260:11,17 261:25 262:6, 7,13,22 263:9, 17 set 218:12 shake 201:17 shape 208:19,24 209:4 shaped 282:10 283:19 share 254:8 shares 252:7 shifts 237:18 shorter 214:4 show 200:12 227:6 229:9 232:8 236:13 255:3 showed 204:14,16,18, 20,23,24 showing 211:25 212:3,4	263:19 shown 214:3 219:10 245:4 shows 232:12 234:1 245:4 246:12 sic 203:8 side 283:3 sign 265:19 signature 255:15,17 signed 213:22 significant 207:17 221:6, 8,15 233:4 237:18 283:2 significantly 286:16 signing 255:19 similar 215:2 216:15 217:12 236:2 255:11 256:14 similarly 235:11 simple 226:14 simply 221:6 single 242:22 sir 209:22,23 210:1,4,17,18	216:3 sitting 212:18 220:18 228:5 238:6 243:23 size 280:21 slice 233:15 slide 231:10,21,24 232:8 235:21, 22 244:23,25 245:9 slides 235:7 slightly 271:21 small 241:7,8 250:10 smaller 284:8 sole 223:18 solely 247:12 sort 218:16 268:5 sounds 210:1 source 232:1 234:10, 14 250:25 269:5 sources 236:3 south 216:17 280:24 284:22 Southeast	277:3,8,10 284:10 southeastern 285:3 southern 282:11 Space 240:9,23 span 204:9 spanned 210:25 213:7 214:1 speak 229:4 284:10 speaking 207:14 226:8, 12,13 257:14 261:6 270:17 special 260:11,17 261:25 262:6, 7,13,22 263:9, 17 specific 214:23 217:15 223:19 224:24 229:25 230:2 232:7 236:22 245:11 269:19 specifically 234:19 239:17 263:13 268:13 283:13 specifics 221:4 222:2 268:16 spelled 273:18 spend 220:25 221:21
--	---	---	---

222:1 243:12, 14 spirit 215:2 splints 276:23 split 280:12,16 281:4,16 283:16 284:10 splits 276:18,23 279:25 splitting 280:7 281:19, 25 spoke 205:13,15 sprawling 205:16 spread 283:23 spring 260:10 square 282:11 St 280:1,13,15 283:12 285:9, 14,16,19,21,25 286:2,6,10,15, 25 staff 203:14 218:22 222:19,21,22, 24 223:12 225:24 228:13, 19,20 229:1 257:23 stage 224:21	stand 226:17 standards 207:16 start 209:18 215:24 starting 209:12 215:23 state 201:5,19 205:14 206:3 208:9,10 213:8 217:3 221:17 226:4 232:5,9 234:4,12 235:13 236:20 238:2,4,14,24 239:9 242:11, 23 243:8,25 244:4 248:7,9 249:1 250:2,3 251:7,15 254:20 255:1 276:8 283:1 286:20 287:7,9 state's 220:23 240:19 242:5 286:17 stated 208:11 256:13, 16 258:4 265:14 statement 202:24 215:1,2 258:25 259:5,7 267:5 statements 208:14,15 261:14 states 248:6 272:21	statewide 254:10 statistical 208:2 223:22 225:16,22 statistics 276:22 stats 210:13 statute 265:23 STENOGRAPHER 229:11 stop 209:14 210:19 217:8 strength 216:11,16,20 217:12 218:14 stretches 214:13 stringing 205:16 strongest 217:3 study 243:14 stuff 241:10 style 231:1 Subcommittee 227:25 228:1 229:17 230:18 231:12,13,14 subcommittees 204:17 212:13 231:17 submission 206:20 225:1,	2,4 255:12 256:21 submitted 199:17 203:6 204:21 208:12, 17 215:3 255:24 256:4, 22 276:14,16 submitting 257:2 subordinate 280:6 substance 259:6 262:11 substantial 285:10 successfully 280:17 suggest 263:16 suggested 227:1 suggesting 263:11 suggestion 255:24 263:14 sum 259:6 summary 223:8 summer 213:3 supported 278:25 suppose 250:24 Supreme 213:22 247:7 268:1
---	---	---	--

survey 235:6	222:22,23	texted 289:1,2	244:12 257:10
sworn 265:8 266:4	teams 230:1	texts 289:3,7	259:16 261:11 267:20 276:15
sympathize 284:13,25	technical 225:19	thing 219:9 241:9	times 199:12 202:13 214:25 287:19
synonymous 266:17	template 226:3,8,13	things 227:6 278:21	title 238:12
system 240:20	templates 226:7,11	thinking 281:24 290:9	titled 231:22 235:21 245:2
<hr/> T <hr/>			
tab 230:7,9	terms 200:16 208:18, 20 211:19 214:2 238:14 249:19 269:11 274:23 275:9 281:3 287:25	thoughtful 275:15	today 199:12,14 200:18 201:11 202:2 206:18 209:5 212:18 220:18 228:5 231:7 237:16 238:6 239:21 243:23 251:10 257:9 266:8 279:14 285:16, 25 288:7 289:9 290:16,22,25
table 230:5 236:20, 22 237:14	testified 203:13 215:11 218:24 222:20 273:17 277:25 285:8 289:5	thoughts 279:8	today's 203:7 285:21
tabs 230:6	testify 214:22 263:8	thousand 280:20	told 211:20
talk 222:11 244:10 253:4 281:13 289:3	testifying 201:24	three-for-three 283:17	top 231:25 235:24, 25 281:12
talked 235:8 247:9 252:22 261:5	testimony 200:18 202:5,7 211:2,4,17 215:10 218:6, 23 219:24 253:7 262:22 265:6,13,16 266:3 269:13 285:13,17 286:1 289:9	threshold 275:20	total 277:1
talking 213:9 215:8 221:24 223:20 224:20,21 225:9 226:23 227:1 233:16 250:8 254:8 258:16 282:3 287:13 288:5	text 264:8 289:6,8, 10,15,19,22,23 290:5,6,13	thresholds 241:24	touch 284:2
Tallahassee 201:8		till 240:1,3	touched 207:18
teacher 239:15,16		time 203:12 206:19 211:25 212:3, 12 218:2,3,5 219:3,17 221:1,21 223:14 224:11, 14,22,23 226:14 229:5 230:20 231:6, 19 232:3 233:17 234:12 235:12 236:7 239:23 242:25 243:1,14	tough 281:5
team			tour 212:10

track 239:8	Tyler 199:6	238:3 260:18 264:14 265:15 286:7	verbally 201:19
tracked 238:13	type 206:13,15 217:23 241:5	understood 221:19 228:5 229:9 250:19 290:16,19	version 262:20
tracking 239:14	types 241:14 242:1	unique 205:7 281:15 282:13	vetoed 274:15
trade 283:17	typically 217:2 218:20 225:8,11 226:23 227:3 241:20 248:22 249:7 271:17	unlikely 255:13	view 238:17 242:4 272:3
training 241:6		unpack 233:19	Visit 240:7
transitory 289:7,8,10,15, 19,22 290:5,13		unpacks 235:4	visual 246:19
transitory-type 289:3	<hr/> U <hr/>	unreasonable 286:19	Visually 208:1
traveling 205:13	U.S. 267:24	upper 264:8	visuals 227:4,5 236:11
trend 232:4,25 235:11	Uh-huh 201:14 211:7 225:3 239:12 241:18 248:16 249:17 254:2 257:19 267:19 269:12 272:6 288:19	urban 250:9 268:5	Volume 199:1
trial 202:7 288:7		usual 214:14	vote 217:6
trip 244:8		<hr/> V <hr/>	voter 220:2,6 268:6, 7,10,11
true 202:1 218:3,8, 11 219:2	ultimately 228:13,19 229:1 261:24 262:3 267:4	vague 208:15	voters 208:9,10 253:22 254:8, 17 286:10,24
truthfully 201:23 290:21	unchanged 274:10,13,18	validity 206:20,21	voting 210:15 216:5, 11,15,20,25 217:3,12 218:13,14,17 219:24 246:4,5 254:3 271:20 272:4,13 275:10,16,21
truthfulness 202:25	understand 199:6,9 206:22 224:17 243:13 247:10 249:20 253:9,13,24 264:22 267:6 278:16 286:4 288:2 290:18	varied 226:5	voting-age 269:17,22 271:15,18,23
turn 231:21 235:21 288:1	understanding 207:3 233:20	variety 205:3 220:23 251:6 273:17 278:21	
Turning 230:9 267:15		vary 226:6	
turnout 216:25 217:3 220:2,6 268:7, 11		varying 284:8	

<hr/> W <hr/>	224:22	write 266:7
wait 203:2	white 232:8 233:8,21 236:11,12,14, 25 237:1,10 245:3 286:24	wrong 223:24 278:9 287:11
walk 262:1 281:10, 11	who've 238:18	<hr/> Y <hr/>
walked 205:8 280:25	wholly 280:17,18,22	year 231:8 238:21 258:18
walking 200:2	Wikipedia 251:18	years 215:3 217:14, 20 229:22 230:25 234:20 243:16,21 285:15,17 286:22,25
wanted 247:4 250:20	word 221:15 253:14 266:22	yesterday 199:11 200:19 203:13 217:19 223:1 273:20 279:15 280:14 281:1,14 282:1,3 285:8, 13,17
water 264:11	words 211:18 222:3 240:5 261:16	younger 254:25
waterways 248:2	work 204:11 218:21 219:1 221:9 234:21 238:10, 13 239:10,20, 22,25 241:14 252:22 271:16 272:1 282:5	<hr/> Z <hr/>
ways 241:19	worked 202:21 245:18	zoom 282:23
Webb 199:6	workforce 241:6	
website 229:19	working 243:2,15	
weigh 250:6	works 260:5	
well-drawn 275:6 276:1	worries 258:24	
well-recognized 274:24 283:9	worth 284:1	
west 211:20 212:16 213:8 214:13 216:19 248:8 284:23	wrap 279:9	
western 276:12		
whatsoever 265:4		
Whichever		

EXHIBIT 6

RETRIEVED FROM DEMOCRACYDOCKET.COM

REAL TIME ROUGH DRAFT!

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CONSENT: By opening and opting for this DRAFT transcript, you have agreed: (1) To purchase the final transcript at the agreed-upon rate; (2) Not to furnish this draft transcript, either in whole or in part, on media drive, electronic device, hard copy, or by any other means, to any party or counsel to the case.

DISCLAIMER: This uncertified draft transcript is unedited and uncertified and may contain untranslated words, a note made by the reporter, a misspelled proper name, and /or word combinations that do not make sense. All such entries will be corrected on the final certified transcript which we will deliver to you in accordance with your requested delivery arrangements. Due to the need to correct entries prior to certification, this draft transcript can be used only for the purposes of annotating counsel's notes and cannot be used or cited in any court proceedings or to distribute to other parties in the case who have not purchased a transcript copy.

REAL TIME ROUGH DRAFT!

1
2 **MS. MEEHAN:** Before we get started, are
3 you okay with me making those introductory
4 remarks and marking those exhibits?

5 Taylor Meehan from Consovoy McCarthy on
6 behalf of the witness today. I note for the
7 record that this deposition is being taken
8 pursuant -- taken in the Black Voters Matter
9 Capacity Building Institute, Incorporated
10 versus Cord Byrd, Case Number 2022 CA 666,
11 which is in the Second Judicial Circuit of Leon
12 County and it's also being taken in Common
13 Cause Florida versus Cord Byrd, which is in the
14 Northern District of Florida, Case
15 Number 422-cv-109.

16 The deposition is being taken consistent
17 with Judge Marsh's order in the State case,
18 which I'd like to mark as Exhibit 1 to the
19 deposition; and the Federal Court's order from
20 May 25, 2023, ECF Number 157 in the Federal
21 case, which I'd like to mark as Deposition
22 Exhibit 2.

23 The deposition is also being taken
24 pursuant to a stipulation of the parties in the
25 State case which I'd like to mark as Exhibit 3

REAL TIME ROUGH DRAFT!

1 to the deposition.

2 (Exhibits 1, 2, and 3 were marked for
3 identification.)

4 **MS. MEEHAN:** By appearing here today,
5 Mr. Foltz is not waiving any applicable
6 privileges, and I apologize in advance for
7 having to interject some privilege objections,
8 and I will do my level best to keep them as
9 short as possible while preserving all
10 applicable privileges.

11 **MR. POSIMATO:** Thank you, Taylor.

12 Just one follow-up to that. Is it your
13 position that the Secretary of State's office
14 is a legal instrument of the Executive Office
15 of the Governor?

16 **MS. MEEHAN:** What do you mean by "a legal
17 instrument"?

18 **MR. POSIMATO:** Well, let me just -- I
19 don't know how -- Marsh's order applies to the
20 Executive Office of the Governor, the Secretary
21 of State's Office is not part of that order,
22 and so I'm wondering what your position is as
23 to why it applies to the Secretary of State's
24 Office.

25 **MS. MEEHAN:** Yes. I think we had some

REAL TIME ROUGH DRAFT!

1 discussion about this in an earlier deposition,
2 but our position is that the order applies
3 fully to the Executive Office of the Governor
4 which encompasses the Secretary of State and,
5 in particular, encompasses Mr. Foltz's role in
6 the redistricting process.

7 **MR. POSIMATO:** Okay. So just to clarify,
8 it is your representation that as a legal
9 matter, the Secretary of State's Office is a
10 member of the Executive Office of the Governor?

11 **MS. MEEHAN:** It's our position that Judge
12 Marsh's order and the Federal Court's privilege
13 orders apply to Mr. Foltz here today.

14 **MR. POSIMATO:** Okay. Thank you.

15 DIRECT EXAMINATION

16 BY MR. POSAMATO:

17 Q Okay, Mr. Foltz. My name is Joseph
18 Posimato. I'm here as counsel on behalf of the
19 plaintiffs in the State case, the Black Voters
20 Matter v. Secretary of State of Florida case. I
21 thank you for appearing today.

22 Can you please state your full name for
23 the record?

24 A Sure. My name is Adam Foltz. F-O-L-T-Z
25 is the last name.

REAL TIME ROUGH DRAFT!

1 Q And you're in Texas today?

2 A That's correct.

3 Q Is there anybody in the room with you?

4 A No, there is not.

5 Q Are there any documents related to this
6 case in the room with you?

7 A No, there are not.

8 Q Do you have a phone or tablet or any other
9 device in the room with you?

10 A There is a phone in the room.

11 Q Is it on?

12 A Yes, it is.

13 Q Do you mind turning it off or at least
14 moving it away from you during the course of this
15 deposition?

16 Thank you.

17 A Done.

18 Q What programs do you have open on your
19 computer right now?

20 A Just Zoom. I'm sorry, let me take that
21 back. I also have the PDF open of the link to this
22 Zoom conversation.

23 Q Okay. Great.

24 During the course of this deposition, do
25 you mind just making sure that all other

REAL TIME ROUGH DRAFT!

1 applications are closed on your screen?

2 A Would you like me to close the PDF?

3 Q No. That is still okay. I should have
4 clarified. The PDF is totally fine. I'm talking
5 more like e-mail, Instant Messenger applications,
6 internet applications.

7 Have you ever been deposed before?

8 A Yes, I have.

9 Q How many times?

10 A I believe this is number seven, but I'm
11 not 100 percent on that.

12 Q Okay. So you're not new to this, so you
13 know the ground rules. Your answers today will be
14 under oath, meaning that you're swearing to the
15 truthfulness and accuracy of your answers.

16 Do you understand that?

17 A Yes, I do.

18 Q And that the purpose of today's deposition
19 is to understand the work you did for the State of
20 Florida. Do you understand that?

21 A Yes, I do.

22 Q If you answer, I will assume you heard and
23 understood the question. Is that okay?

24 A Yes, it is.

25 Q Is there any reason why you cannot give

REAL TIME ROUGH DRAFT!

1 accurate and complete answers today?

2 A No, there isn't.

3 Q Because we're on Zoom, it's important for
4 us, for Sandi's sake, to go slowly and try not to
5 interrupt each other. I'll do my best not to
6 interrupt and if you could try not to cut off any of
7 my questions, too, that would be great. Is that
8 okay?

9 A I will do my best.

10 Q Okay. We are going to take several breaks
11 during this but if you need a break before I ask you
12 if you need one or if I just ask for one generally,
13 please say so, I'm happy to do -- take a break
14 whenever you need one.

15 A Understood. Thank you.

16 Q Okay. Just a few more items before we get
17 started. If you can think of anything that might be
18 helpful to you in answering any of my questions,
19 please let me know and I might be able to provide
20 that for you to help you remember or answer.

21 Is that okay?

22 A Understood.

23 Q And then, please, during the course of
24 this deposition, do not communicate with anyone,
25 including your attorney, via e-mail or text or any

REAL TIME ROUGH DRAFT!

1 other medium other than talking out loud on the
2 record during this Zoom meeting.

3 A Understood.

4 Q Okay. Are you currently employed,
5 Mr. Foltz?

6 A Yes.

7 Q What is your job title?

8 A I'm a policy analyst.

9 Q Who is your employer?

10 A The State of Texas.

11 Q When were you hired for that position?

12 A When was I hired by the State of Texas?

13 Q Yes.

14 A That would have been spring or late winter
15 of '21.

16 Q What was your job before you became a
17 policy analyst for the state of Texas?

18 A Before that I worked in Wisconsin.

19 Q And what was your role?

20 A I was a policy adviser in the Wisconsin
21 State Senate.

22 Q Okay. Going back to Texas, who hired you
23 for the position you now hold?

24 A Chairman Todd Hunter.

25 Q And do you know the political affiliation

REAL TIME ROUGH DRAFT!

1 of Chairman Todd Hunter?

2 A Chairman Hunter is a Republican.

3 Q Okay. And who hired you for the Wisconsin
4 job?

5 A That would have been the Senate majority
6 leader Scott Fitzgerald.

7 Q What's the political affiliation of Scott
8 Fitzgerald?

9 A He is a Republican.

10 Q Okay. Prior to your employment with the
11 State of Wisconsin, were you employed before that?

12 A Wisconsin all in is a vast majority of my
13 career. Before working for the states, yes, I would
14 have had a couple of positions before I joined state
15 service.

16 Q Okay. So when did you start as a policy
17 adviser for Wisconsin?

18 A For Scott Fitzgerald in particular?

19 Q Yes. Yes. Thank you for clarifying.

20 A Yeah. I believe I began working for
21 Scott, senator now, Congressman Fitzgerald, in 20, I
22 want to say, 13 would have been when I joined his
23 staff.

24 Q '13?

25 A I believe so.

REAL TIME ROUGH DRAFT!

1 Q And I may have misheard, but I think you
2 said that you had held other positions in Wisconsin
3 government prior to that; is that right?

4 A That's correct.

5 Q And what were those positions?

6 A Various policy jobs, in the House. The
7 assembly is the lower House in Wisconsin. So I had
8 done work in the House before I jumped over to the
9 Senate in '13.

10 Q And were you hired by that House entity as
11 a whole or were you hired by specific members of the
12 House to do that work?

13 A Specific members.

14 Q And who were those members?

15 A So working back from working for Scott
16 Fitzgerald in the Senate, it would have been the
17 speaker of the House, who was prior to that the
18 minority leader, and then prior to that I worked for
19 State Representative Brett Davis, and prior to that
20 I worked for State Representative Karl Van Roy.

21 Q And for each of those three individuals,
22 what were their political party affiliation?

23 A Speaker Fitzgerald is a Republican.
24 Representative -- former Representative Brett Davis,
25 Republican, and former Representative Karl Van Roy,

REAL TIME ROUGH DRAFT!

1 Republican.

2 Q Okay. Have you ever worked for a
3 Democrat?

4 A No, I have not.

5 Q Okay. Going back to your work most
6 recently in Wisconsin, from 2013 on, can you talk
7 about what your job responsibilities were?^^^

8 A Generally watching policy issues for the
9 Senate majority leader, varying from -- just various
10 policy issues, checking in on bills, following
11 standing committees and joint committees, just
12 getting a sense of where policy was, where the
13 bullets were, if amendments were needed, just
14 general policy work.

15 Q Did you work on redistricting?

16 A During Fitz's tenure, redistricting would
17 have been done, but there was ongoing litigation
18 that I was apprised of and would keep him apprised
19 of.

20 Q Okay. And going back a step, I meant to
21 ask you this earlier.

22 When did you when did your employment with
23 Wisconsin first start going way back prior to 2013?
24 I think you said maybe Karl Van Roy was the first
25 person you worked for in the House.

REAL TIME ROUGH DRAFT!

1 When did that occur?

2 A When would that have been? 2007? Really
3 testing the memory here. I'll say 2007 and hope
4 that I am correct.

5 Q I'll take your word for it.

6 So is it fair to say that you were then
7 employed by the State of Wisconsin during the 2010
8 redistricting cycle?

9 A Yes. That's fair.

10 Q Were you involved in the 2010
11 redistricting cycle in Wisconsin?

12 A Yes, I was.

13 Q Okay. What was your role with respect to
14 redistricting in Wisconsin during 2010?

15 A During 2010, the 2010 decennial
16 redistricting, I was the redistricting coordinator.
17 There wasn't a formal title, but I think that
18 summarizes the work fairly well for the speaker.

19 Q And what did that work entail?

20 A I mean, all tasks related to
21 redistricting. You know, pulling together data,
22 meeting with members, drawing maps, you know,
23 putting together the bill that was ultimately put
24 forward to the legislature.

25 Q So you drew maps during -- for the state

REAL TIME ROUGH DRAFT!

1 during that time?

2 A I drew maps in 2010 for the state
3 assembly, I'd say more specifically. It's a little
4 muddled. A lot of midwestern states are nested, so
5 it's -- you know, you draw House maps, but the
6 Senate maps are the combination of House
7 Districts 1, 2, and 3 equal Senate District 1.

8 So while I worked for the House and was
9 drawing House maps, it's hard to separate them
10 completely from the Senate, if that makes sense.

11 Q Yeah. Is 2010 the first time you began
12 map drawing?

13 A Yes.

14 **MR. POSIMATO:** I am sorry. Did you want
15 to --

16 **MS. MEEHAN:** I think just the timing on
17 that. Maybe you misspoke.

18 Did you say at the 2020 or 2010?

19 **MR. POSIMATO:** I said 2010.

20 **MS. MEEHAN:** Oh, sorry. My bad.

21 **MR. POSIMATO:** That's okay. Thank you for
22 clarifying.

23 BY MR. POSIMATO:

24 Q Who asked you during the 2010 cycle in
25 Wisconsin to start -- to take a hand at drawing some

REAL TIME ROUGH DRAFT!

1 maps for the State Assembly?

2 A Yeah. That would have been the Speaker.

3 Q Speaker.

4 And how did you get started drawing maps?

5 You know, was it a -- yeah. How did you learn to do
6 it, rather?

7 A I mean, it's a combination. I had -- we
8 have an in-house back in Wisconsin. There's an
9 in-house technology services bureau, LTSB, the
10 Legislative Technology Services Bureau, and within
11 that service agency there is a geographic
12 subdivision.

13 And they were incredibly helpful with
14 getting me up to speed on GIS basics and the
15 software that was used by the State in the 2010
16 cycle. I also took some GIS classes at UW-Madison,
17 and that's really the sum of the -- I don't want to
18 say formal training, but that is definitely how I
19 got myself up to speed.

20 Q Did you have any help drawing maps in
21 Wisconsin during that time?

22 A I mean, there was -- depends on how you
23 want to define help. You know, there are members
24 you meet with, and they're providing their
25 preferences and their insights. So if you deem that

REAL TIME ROUGH DRAFT!

1 to be help, that's definitely -- it's very important
2 to the process, and it's very helpful to me so I
3 consider it help; the previously mentioned
4 Technology Services Bureau, and there was counsel
5 involved as well.

6 Q Did anybody -- did you have any assistance
7 help you directly with the drawing of lines in the
8 map?

9 **MS. MEEHAN:** Objection to form.

10 A Yeah. And I think a lot of that's
11 incorporated in the prior answer. You know, you're
12 talking to members about the lines and their
13 preferences for their districts. You're talking to
14 counsel about matters related to legal compliance.

15 So I think a lot of the answer to that
16 question is kind of incorporated in the prior answer
17 where you're working -- it's a collaborative
18 process. You're working with members. You're
19 working with counsel. They're always providing
20 insight and help in the process.

21 BY MR. POSIMATO:

22 Q Okay. And again, I don't mean to be
23 repetitive. But just to be clear, I guess, what
24 I'm -- maybe a better question is, was there anybody
25 who was working with you inside mapping software to

REAL TIME ROUGH DRAFT!

1 put together the drafts that then you maybe showed
2 to members for their feedback?

3 A Yeah. Again, I think a lot of that is
4 kind of covered -- covered by the prior answers.
5 You know, the universe of people I had outlined, the
6 interplay between the Senate and the House in states
7 where you have nested districts. I think a lot of
8 that's covered.

9 Q Mr. Foltz, I'd like to return to work for
10 Texas starting in, I think you said, the spring of
11 2021.

12 Can you describe exactly what your job
13 responsibilities were or still are, rather, since
14 you're still employed?

15 **MS. MEEHAN:** Objection. Legislative
16 privilege. And we can take these on a
17 question-by-question basis, but I'll note that
18 there's active litigation still pending in
19 Texas and counsel for Mr. Foltz and the Texas
20 House in that litigation, and there are open
21 privilege issues. Mr. Foltz has been deposed
22 in that case, and that deposition transcript is
23 under seal.

24 So, Mr. Foltz, I'll instruct you, you're
25 free to answer that question as a general

REAL TIME ROUGH DRAFT!

1 matter whatever is a matter of public record,
2 but please don't discuss anything internal to
3 the legislature that would be legislatively
4 privileged.

5 **THE WITNESS:** Understood.

6 A I think as a general top-line matter, to
7 try to best answer your question, the Texas process
8 is very member-driven. It's very delegation-driven.
9 Regional delegations and county delegations really
10 get together and draw their maps, where my role was
11 much more that of a, you know, clearinghouse or a
12 traffic cop between those various regional
13 delegations.

14 So as I said, the drawing at a very top
15 level, not to step on privilege issues, is really
16 driven by the members. So I assisted
17 Chairman Hunter. As I said, I helped out -- you
18 know, played traffic cop and clearinghouse for
19 various member submissions and aided in that way.

20 BY MR. POSIMATO:

21 Q Okay. So it sounds like you were
22 involved, at least in some way, in redistricting in
23 Texas in 2021 and still are.

24 Are you -- did you play any other role?
25 Did you have any other responsibilities, rather, in

REAL TIME ROUGH DRAFT!

1 that role?

2 **MS. MEEHAN:** Objection to form.

3 A Yeah. I think, again, kind of covered in
4 the prior answer, where working with the committee,
5 working with members, not to be too repetitive, but
6 playing that role of traffic cop and clearinghouse
7 for member submissions as they were doing a lion's
8 share of the drawing and just generally providing
9 help where I could to Chairman Hunter and the
10 committee in particular.

11 So again, not to be repetitive, but I
12 think while not stepping on privilege issues that
13 are still pending in that case, I think that's a
14 pretty decent summary of my scope of work.

15 BY MR. POSIMATO:

16 Q Thank you. Who did you report to? Was it
17 only Chairman Hunter, or was there anybody else?

18 A Chairman Hunter was who I reported to.

19 Q Again, I'm sorry. I think your prior
20 answer may have touched on this, but just to
21 clarify.

22 Were you responsible for drawing any whole
23 plans in that role?

24 **MS. MEEHAN:** Objection to form.

25 And to the extent, please don't reveal

REAL TIME ROUGH DRAFT!

1 internal information, but to the extent it's
2 public knowledge, feel free to answer -- I'm
3 sorry -- part of the public record, feel free
4 to answer.

5 A Yeah. I would say no on whole plans. To
6 the prior testimony, it is very, very regionalized
7 in Texas. There's a whole counties provision that
8 governs the Texas House, so there's a very natural
9 segmentation of the map drawing where you can have
10 good portions of the state's population that are
11 taken care of by a delegation map for, say, a
12 metroplex.

13 So there's a lot drop in and drop out
14 which really isolates the variable. So to your
15 question on whole plans, you have a lot of these
16 delegation plans that you can just drop in, and that
17 is what is ultimately going to be introduced and
18 move forward, are those negotiated delegation maps.

19 So I think the short answer to your
20 question about statewide plans is no.

21 BY MR. POSIMATO:

22 Q How did you get the job with the state of
23 Texas?

24 A Chairman Hunter reached out to me.

25 Q Why do you think he reached out to you?

REAL TIME ROUGH DRAFT!

1 **MS. MEEHAN:** Objection to the form.

2 I'll instruct the witness not to answer on
3 legislative privilege grounds.

4 A And I will be following that instruction.

5 BY MR. POSIMATO:

6 Q Sure.

7 **MS. MEEHAN:** You're free to rephrase the
8 question, too, all day long. I just want to --
9 as phrased, I don't want that -- any privilege
10 waivers or anything of that nature.

11 **MR. POSIMATO:** Sure. But I would just
12 say, Counsel, that he can answer to the extent
13 he will not be waiving privilege; right? I
14 just want to make sure that that isn't lost in
15 the direction not to answer.

16 **MR. BLAKE:** Sure, sure. Okay.

17 So if it's possible to answer why
18 Chairman Hunter hired you based on, you know,
19 statements he made on the floor or some other
20 part of the legislative record, feel free.

21 A And sitting here right now, I can't think
22 of any public statements that Chairman Hunter made
23 as to my hiring. So I'll just default back to the
24 prior answer that I came to be hired in Texas
25 because Chairman Hunter reached out to me.

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Okay. Just going back through the
3 employment history we have gone through so far, how
4 did you get the job with the House Assembly in 2013?
5 Sorry. I think you were working for the Senate
6 currently, right, I think it was.

7 A Correct. Yes.

8 Q How did you get the job with the Senate in
9 2013?

10 A 2013, the Senate majority leader
11 approached me about a position.

12 Q Okay. And why do you think he approached
13 you in 2013 for that position?

14 A Well, I can't speak to his motivation
15 directly. I mean, generally, I mean, my impression
16 of it is just I had been in leadership offices for
17 quite a while in the House and had a fair amount of
18 policy experience. And he was looking to fill out
19 his policy staff, so with not knowing specifically
20 why he hired me, I'd just been in the building for a
21 while and had worked in policy roles for a lot of
22 years.

23 Q Okay. And how about the three prior jobs
24 you had in the House? How did you get those jobs?

25 A So the speed working backwards from the

REAL TIME ROUGH DRAFT!

1 Senate, the speaker, when he was minority leader
2 approached me about working for him. Prior to that,
3 it was Brett Davis, which I don't remember how I
4 came to get that job.

5 And then prior to that was Van Roy, and I
6 believe I just submitted my resumé to the
7 clearinghouse they kept in the House, in the
8 Assembly, and I believe they just selected my resumé
9 and interviewed me from that.

10 But again, the memory is really dicey on
11 that if we're going back to 2007. So that's the
12 best of my recollection, but it's pretty dice- --
13 it's pretty -- it's not a great recollection at this
14 point, so ...

15 Q I'm impressed you remember as much as you
16 do.

17 Okay. Prior to 2007, were you employed by
18 a state government?

19 A No.

20 Q What were you -- can you describe your
21 employment prior to 2007?

22 A Prior to 2007, I had done some work for
23 the Assembly campaign committee.

24 Q Can you be a little bit more specific
25 about the campaign committee? Was it a committee

REAL TIME ROUGH DRAFT!

1 for the entire Assembly? Was it a campaign
2 committee for specific members?

3 A Yeah. Prior to the Van Roy job, that
4 would have been the House -- the Assembly campaign
5 committee, which was a statewide committee.

6 Q Okay. Can you describe what that
7 committee does?

8 A So campaign committees in Wisconsin are a
9 bit different. So there are specific statutory
10 entities that are legislative campaign committees.
11 There is one for each caucus. So the House, the
12 assembly Republicans, the assembly Democrats, the
13 Senate Republicans, and the Senate Democrats all
14 have a statutorily created entity that serves in
15 a -- for lack of a better term, not knowing exactly
16 how each committee works, but kind of a broader
17 coordination role for the slate of candidates for
18 their respective house statewide.

19 Q And did you work for the Republican
20 committee or the Democratic committee?

21 A Republican.

22 Q Can you talk in a little more detail about
23 what the committee does? I understand there's one
24 on each side of the legislature and then there's one
25 for each party within the specific house of the

REAL TIME ROUGH DRAFT!

1 legislature. But what are the -- what is the
2 purpose of those committees?

3 A And, again, it's going to vary depending
4 on what a given -- you know, not only is it going to
5 vary between caucus and caucus as they may just have
6 different goals for what they want from that
7 committee, but it's also going to vary based on the
8 leader, too.

9 So it's a little difficult to put -- you
10 know, paint every one with a broad brush, but, I
11 mean, generally speaking, going back to the prior
12 testimony, there's just a lot of broad coordination,
13 you know, making sure all of your candidates for a
14 slate get ballot access, right, things like that.

15 So, again, I can't speak to what each
16 committee does specifically, but I think I'm pretty
17 safe in saying that there's a general coordination
18 aspect to all of those committees for the four
19 legislative campaign committees.

20 Q Okay. And prior to employment with the
21 assembly campaign committee, were you involved in
22 any other -- any other political entity or campaign?

23 A I had worked -- prior to that -- I mean
24 we're getting back to -- yeah, there would have been
25 one -- one campaign that I worked before taking a

REAL TIME ROUGH DRAFT!

1 role with the Assembly campaign committee.

2 Q What campaign is that?

3 A That would have been a special election
4 for the 33rd Assembly District.

5 Q And who was the candidate you worked for?

6 A Scott Newcomer.

7 Q What was Scott Newcomer's political
8 affiliation when you were working for him?

9 A Republican.

10 Q How did you get the job with the Assembly
11 campaign committee?

12 A I do not remember how they got my name or
13 how I got in front of them, to be completely honest.
14 It was a long time ago. I don't know who referred
15 me or passed along my resumé.

16 Q Okay. What about with Scott Newcomer's
17 campaign during the special election?

18 A I don't remember. Somebody passed along
19 my name, is the best of my recollection, but I can't
20 remember who passed along my name at this point.

21 Q Is Scott Newcomer's campaign the only
22 political campaign you worked on -- you've worked
23 on?

24 A No.

25 Q What other campaigns have you worked on?

REAL TIME ROUGH DRAFT!

1 A So -- and you're speaking separately from
2 roles with the legislative campaign committees, like
3 individual campaign committees, just to be clear?

4 Q That's a good question. So I guess I
5 might not know enough to answer that question. I
6 can say separate from your work on the Assembly
7 campaign committee, have you worked on any other
8 political campaigns either for a specific candidate
9 or because of a party committee -- or as part of a
10 party committee or any other committee?

11 A Yes.

12 Q Okay. Can you describe what those are?

13 A Let's see. Working backwards, the last
14 thing I did -- last job that I held that had
15 anything to do with campaigns or campaign committees
16 was 2014 working for the Senate campaign committee.

17 Would you like me to keep going back on a
18 timeline?

19 Q Yeah, that would be great. Thank you.

20 A Prior to that, in the '12 cycle, I worked
21 for a Senate campaign out of -- for an individual
22 State Senate campaign committee -- I should say an
23 individual candidate committee in the 2012 cycle.

24 '10 was when I worked for the House
25 campaign committee, the Assembly campaign committee.

REAL TIME ROUGH DRAFT!

1 And then prior to that, would have been --
2 would have been an individual candidate in 2008, and
3 same in 2006. I had worked for individual campaigns
4 distinct from the campaign committees in the '6 and
5 '8 cycle. And I believe that is -- I believe that's
6 it.

7 Q So in 2014, what was the political
8 affiliation -- well, let me rephrase.

9 In 2014 on the -- when you worked for the
10 Senate campaign committee, was that the committee
11 for the Republican caucus of the Senate?

12 A Yes. So the committee was CERS, C-E-R-S,
13 the Committee to Elect a Republican Senate. That
14 was the 2014 cycle.

15 Q What were your job responsibilities when
16 you worked for the Senate campaign committee in
17 2014?

18 A Just overall coordination of the slate for
19 the majority leader.

20 Q And that overlapped with your time in the
21 Senate?

22 A I want to be -- I want to be careful with
23 this answer. So the way it works in Wisconsin is
24 that when you do something like take a role with a
25 candidate or a campaign committee, you take an

REAL TIME ROUGH DRAFT!

1 unpaid leave of absence and then shift over.

2 So where I would have been with the
3 majority leader wearing that policy hat when I'm on
4 State payroll, I would then take an unpaid leave of
5 absence and, you know, move off State payroll, move
6 into that role, just to create a clean break between
7 the official side and the campaign side.

8 Q In -- so I think I heard you say that you
9 worked on an individual candidate campaign
10 committee. Is that just another way of saying you
11 worked on a specific candidate's campaign for
12 office?

13 A Yeah. Yeah. A bit of a -- a bit of a
14 clunky answer there, but I was working for an
15 individual candidate and just trying to draw the
16 distinction between a legislative campaign committee
17 that has a broader role and an individual candidate
18 committee which is just the campaign committee, the
19 filing entity for an individual campaign. So a
20 little clunky in my answer, but, yes, it was an
21 individual candidate in the 2012 cycle.

22 Q Who was the candidate?

23 A 2012 would have been Rick Gudex.

24 Q What was Mr. Gudex's political affiliation
25 at the time?

REAL TIME ROUGH DRAFT!

1 A He's a Republican.

2 Q Okay. Skipping 2010 because I think we've
3 been over that. In 2006 and 2008, it sounds like
4 you also worked for individuals running for office
5 as part of their campaigns?

6 A That's correct.

7 Q And who are those -- well, we can start
8 with 2008. Who was the individual running for
9 office in 2008 for whom you worked?

10 A Yeah. 2008 would have been Representative
11 Brett Davis.

12 Q Davis.

13 And then 06?

14 A '06 was Van Wanggaard.

15 Q And what were the political affiliations
16 of Brett Davis and -- I'm not sure I caught that
17 last name. But was it Wanggaard?

18 A Yes. Yes. Van is his first name.
19 Wanggaard is last name, so -- yeah. Sometimes
20 people think it's all Van Wanggaard, but it is Van
21 and Wanggaard. And it is quite the mouthful for a
22 yard sign.

23 Q I imagine.

24 Okay. What were their political
25 affiliations?

REAL TIME ROUGH DRAFT!

1 A Brett Davis is a Republican, and Van
2 Wanggaard is a Republican.

3 Q Is it fair to say that you've been for the
4 better part of two decades sort of a fixture in
5 Republican politics in Wisconsin?

6 **MS. MEEHAN:** Objection to form.

7 A Yeah. "Fixture" I think gives me a bit
8 more standing than I deserve, but I've been in and
9 around (inaudible). I've been in and around
10 Republican policy and political circles since I
11 joined up in this world.

12 BY MR. POSIMATO:

13 Q So I've asked you a few times on how you
14 got started for specific jobs, but just curious how
15 you got started in Republican politics generally in
16 Wisconsin?

17 A It goes back to the Newcomer race, and I
18 cannot remember specifically how -- who referred me
19 for that. I remember generally thinking something
20 along the lines of, well, this sounds fun to try
21 once. I'll give it a shot and then go back to what
22 I was, you know, going to do coming out of college.

23 And here I am many, many years later
24 having not -- that temporary let's see what this is
25 like, let's do it one time for fun has turned out to

REAL TIME ROUGH DRAFT!

1 be a much longer tenure.

2 Q One last question, I think, on your
3 employment with the State of Texas. Are you
4 currently -- I guess a clarifying question.

5 Are you hired as an outside consultant for
6 the State or are you hired as a government employee
7 for the State?

8 A I'm a government employee for the State of
9 Texas.

10 Q Okay. What was your -- are you -- well,
11 where are you registered to vote?

12 A I'm registered in Wisconsin, but it's
13 probably inactive at this point.

14 Q So you're not registered in Texas?

15 A That's correct.

16 Q Prior to your registration, perhaps in
17 activating, was it -- what party were you registered
18 to vote?

19 **MS. MEEHAN:** Objection to the form.

20 A And Wisconsin doesn't have party
21 registration.

22 BY MR. POSIMATO:

23 Q Just curious. It seems like you spent a
24 lot of time in Wisconsin. What -- how did Texas
25 convince you to move away?

REAL TIME ROUGH DRAFT!

1 A I think for me it was -- I spent a lot of
2 years in and out of building a skill set that
3 doesn't have a lot of a seller's market to it, and I
4 think, personally, where my head was, was I spent
5 all this time building out this skill set, and if I
6 only used it one time, it felt like a bit of, you
7 know, wasted effort or some cost.

8 So Texas approached, and I thought, you
9 know, I've spent time working in this area. I built
10 up the skill set. I feel like I need to at least
11 give it one more go without being a complete -- you
12 know, just like it's at some cost on knowledge and
13 time and effort.

14 Q It's -- you're preaching to the choir.
15 What is that skill set you're talking
16 about?

17 A Just redistricting.

18 Q Can you be a little more specific? Is it
19 map drawing?

20 A I mean, yes. And I mean, all the
21 ancillary skills you pick up in that. You know, if
22 I'm not doing this, what use is the, you know,
23 training on GIS? You know, so I mean, map drawing
24 is, you know, kind of a broad brush, but there are
25 the individual elements that go into that, like the

REAL TIME ROUGH DRAFT!

1 GIS software.

2 Q Got it. Okay.

3 Just a few clarifying points before we
4 jump into your work here in Florida and your map
5 drawing experience generally.

6 If I refer to the Enacted Plan in Florida,
7 will you know what I mean?

8 A Yes.

9 Q And are you familiar with the Enacted Plan
10 in Florida?

11 A Generally, but it's been a minute since
12 I've looked at it.

13 Q If I refer to the Secretary in this case,
14 will you know that I am referring to Secretary of
15 State's office in Florida?

16 A Yes.

17 Q And that would include, you know, members,
18 employees and staff members of the office?

19 A Okay. Yes.

20 Q Same is true for the Governor. If I refer
21 to the Governor, will you understand that I mean the
22 Governor himself, but also employees and staff
23 members of the Governor's Office?

24 A Understood.

25 Q If I refer to Florida's 2016 Benchmark

REAL TIME ROUGH DRAFT!

1 Plan, will you know what I mean by that?

2 A Yes.

3 Q Okay. What did you do to prepare for your
4 deposition today?

5 A I met with counsel.

6 Q How many times?

7 A Three.

8 Q And how long were those sessions?

9 A Two hours. I think the first one might
10 have gone a bit longer, but two -- two hours per.

11 Q Per -- okay.

12 A With the caveat, I think the first one ran
13 long.

14 Q Did you speak to anybody besides counsel?

15 A No.

16 Q So you didn't speak to anybody in the
17 Secretary of State's Office, for example?

18 A No, I did not.

19 Q Nobody in the Governor's Office?

20 A No, I did not.

21 Q How about Alex Kelly?

22 A I did not speak to Mr. Kelly in
23 preparation for the deposition.

24 Q Did you speak to Thomas Bryan in
25 preparation for the deposition?

REAL TIME ROUGH DRAFT!

1 A No, I did not.

2 Q How about Eric Wienckowski?

3 A I did not.

4 Q Did you consult any documents or
5 communications to prepare for the deposition today?

6 A I would say that if counsel put a document
7 in front of me, I would review it in the prep, but
8 beyond that, I don't want to get into privilege
9 issues.

10 Q Give me a moment. We kind of tread this
11 ground already, so I'm just trying to make sure we
12 don't repeat any questions.

13 So just to set the stage again for your
14 redistricting work, your first job started drawing
15 plans for the state of Wisconsin in 2010, correct?

16 A Yeah. I'd say that's fair.

17 Q So is it fair to say you've been drawing
18 plans now for a little over a decade?

19 **MS. MEEHAN:** Objection to form.

20 A Yeah. I'm going to take a bit of issue
21 with that. I mean, it comes in spurts. There's not
22 a lot of drawing to be done, you know, once you get
23 litigation going or once things, you know, calm
24 down, for lack of a better phrase.

25 I mean, you have these instances where the

REAL TIME ROUGH DRAFT!

1 census arrives. There is a large push on map
2 drawing, and then it dies down. So there have been
3 instances over since 2010 where I have drawn, but
4 it's, like I said, it's sporadic based on census
5 delivery, the work at hand.

6 BY MR. POSIMATO:

7 Q This might be hard for you to answer with,
8 you know, specificity, but to the extent you can
9 give a rough estimate about how many redistricting
10 plans do you think you've drafted since 2010?

11 **MS. MEEHAN:** Objection to the form.

12 A Yeah. There's no way I can give you even
13 a ballpark answer to that question.

14 BY MR. POSIMATO:

15 Q Okay. So if I said more than 50, you
16 wouldn't be able to answer?

17 A I wouldn't. You know, because in that,
18 you're encompassing all of the different drafts of
19 Wisconsin, and I just frankly don't remember how
20 many different alternatives have been drafted. You
21 know, Texas with the prior caveat that a lot of it's
22 member-driven drawing.

23 Just, there's a lot of different variables
24 there, and I couldn't possibly give you a
25 respectable answer, even ballpark.

REAL TIME ROUGH DRAFT!

1 Q Okay. Is it fair to say more than 10?

2 A I think I could say more than 10. Sure.

3 Q Okay. So putting Florida aside, besides
4 Texas and Wisconsin, are there any other states or
5 municipalities for which -- for whom you worked on
6 redistricting?

7 A Sorry. Say that again, please.

8 Q Putting Florida aside for a moment --

9 A Okay.

10 Q -- besides the work you discussed already
11 that you've done for Wisconsin and Texas, have you
12 worked on redistricting for any other state or
13 municipality?

14 A No.

15 Q Have you ever been hired by private entity
16 or organization to perform any part of your
17 redistricting skill set?

18 A I think it would depend on how you
19 classify the Florida work, you know, brought on by
20 counsel. So if you deem that to -- you know, and
21 they are retained by the state is my understanding.
22 So I think to that degree, I could say that there
23 was a private entity insomuch as a law firm. But
24 beyond that, it's been state actors.

25 Q What do you mean you were brought on on

REAL TIME ROUGH DRAFT!

1 behalf of counsel?

2 **MS. MEEHAN:** Objection. Legislative
3 privilege, attorney-client privilege
4 conditionally. So you can answer the high
5 level generality, and then let's see where it
6 goes.

7 A Yeah. That I was brought on by counsel to
8 Florida to work on the Florida redistricting.

9 BY MR. POSIMATO:

10 Q Okay. I can probably ask some more
11 specific questions that maybe help us unpack this.

12 Were you hired -- were you hired by
13 counsel to work on Florida's redistricting?

14 A Yes.

15 Q Okay. Which counsel?

16 A That would have been Holtzman Vogel.

17 Q Did Holtzman Vogel. Were the lawyers from
18 Holtzman Vogel the first to reach out to you to work
19 on Florida's redistricting?

20 A Yes.

21 Q And who specifically from Holtzman Vogel
22 reached out to you?

23 A You're saying the first preliminary
24 contact reaching out to me?

25 Q Yeah.

REAL TIME ROUGH DRAFT!

1 A Okay. Yeah.

2 That would have been Jason Torchinsky.

3 Q When Mr. Torchinsky first approached you
4 to perform work for the State, what did he describe
5 the scope of your engagement would be?

6 **MS. MEEHAN:** Objection to form.

7 Objection. Legislative privilege. Objection.
8 Attorney-client privilege.

9 Answer at a high level. There may be some
10 follow-ups in order.

11 A Yeah. Could you state the question again,
12 please?

13 BY MR. POSIMATO:

14 Q Yeah. Maybe I can rephrase to avoid some
15 of the objections.

16 When you were first contacted by Holtzman
17 Vogel about performing work for the State of
18 Florida, what did they describe your
19 responsibilities would be?

20 **MS. MEEHAN:** Same objection.

21 A Yeah. Without getting into the actual
22 discussion, I would say as a general matter, it was
23 to draft Congressional plans for Florida. I think
24 that's -- I think that's as general of an answer as
25 I can give without getting into specific

REAL TIME ROUGH DRAFT!

1 communications with counsel.

2 BY MR. POSIMATO:

3 Q Did you know Mr. Torchinsky before he
4 reached out to you?

5 A I would say I knew of Jason. I can't
6 really say that I know him.

7 Q How did you know of him?

8 A I would say that I know of him from
9 knowing that he is involved in redistricting. You
10 know, seeing filings and just knowing the name from
11 that. But I don't specifically recall how I know of
12 him.

13 But I'd say, generally, I know that he is
14 involved in the redistricting space as an attorney.

15 Q When did Mr. Torchinsky first reach out to
16 you?

17 A That would have been early January of '22.

18 Q When you -- while working for the State of
19 Florida, did you submit your work directly to
20 Holtzman Vogel?

21 **MS. MEEHAN:** Objection to form.

22 BY MR. POSIMATO:

23 Q When working for the State of Florida, did
24 you submit your work directly to lawyers at Holtzman
25 Vogel?

REAL TIME ROUGH DRAFT!

1 **MS. MEEHAN:** You can answer that question.
2 Objection -- possible attorney-client
3 privilege.

4 If you want to answer yes or no and then
5 go from there.

6 A Yes.

7 BY MR. POSIMATO:

8 Q Did you ever submit your work directly to
9 anyone other than lawyers at Holtzman Vogel?

10 A Yes. Yes.

11 Q Starting first with the Holtzman Vogel
12 lawyers, who were you submitting your work to at
13 Holtzman Vogel?

14 A To the best of my recollection, it would
15 have been Mo and Jason from Holtzman Vogel.

16 Q And I believe you just testified that you
17 had submitted your work directly to individuals
18 outside of the Holtzman Vogel law firm before; is
19 that correct?

20 A Yes.

21 Q And who were those individuals or that
22 individual?

23 A To the best of my recollection, it would
24 have been Tom and Eric.

25 Q And by "Tom," do you mean Thomas Bryan?

REAL TIME ROUGH DRAFT!

1 A That's correct.

2 Q And by "Eric," do you mean Eric
3 Wienckowski?

4 A Yes.

5 Q Am I getting his last name right?

6 A Your guess is as good as mine. I think my
7 answers are crafted to avoid saying his last name as
8 to not offend him and his family.

9 Q Fair enough.

10 Besides Thomas Bryan and Eric W., did you
11 send your work to any other individuals outside of
12 the -- besides Thomas Bryan and Eric Wienckowski,
13 did you send your work directly to anyone else
14 outside of lawyers at the Holtzman Vogel Law Firm?

15 A No.

16 Q Do you know what Mo and -- Mo Jazil and
17 Thomas -- sorry. Mo Jazil and Jason Torchinsky
18 would do with your work after you sent it to them?
19 Would they send it to others, for example?

20 **MS. MEEHAN:** Objection. Attorney-client
21 privilege or work product.

22 Why don't you answer the question yes or
23 no and we'll go from there.

24 A As far as -- I'm sorry. And the question
25 was what again?

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Do you know whether Mo Jazil and Jason
3 Torchinsky sent your work on to any others after you
4 first sent it to them?

5 A I don't know directly -- no, I don't
6 really know.

7 Q Were Thomas Bryan and Eric Wienckowski,
8 were they assistants of yours? Did they help you
9 with your work in Florida or were they hired
10 separately also by the Holtzman Vogel Law Firm?

11 **MS. MEEHAN:** Objection to form.

12 A Yeah. I --

13 **MS. MEEHAN:** Legislative privilege,
14 attorney-client privilege to the extent it's
15 getting into the substance of privilege advice.

16 A Yeah. So you want to -- you want to state
17 the question again, please?

18 BY MR. POSIMATO:

19 Q Yeah. We can take it in parts. Were
20 Thomas Bryan and Eric Wienckowski also hired by the
21 Holtzman Vogel Law Firm to work on Florida's
22 redistricting?

23 A That's my understanding of their
24 engagement, yes.

25 Q So they weren't engaged by you, for

REAL TIME ROUGH DRAFT!

1 example, to help you with the work Holtzman Vogel
2 had asked you to do?

3 A That's correct.

4 Q Were you familiar with Thomas Bryan and
5 Eric Wienckowski before you started working in
6 Florida?

7 A Yes.

8 Q Starting with Thomas Bryan, how did you
9 know him before Florida?

10 A Tom is -- was involved in Texas as well.

11 Q And what was his involvement in Texas?

12 A Tom --

13 **MS. MEEHAN:** Objection. Objection to
14 form. Legislative privilege.

15 Please answer at a high level of
16 generality but not anything beyond what's in
17 the public legislative record in Texas.

18 **THE WITNESS:** Understood?

19 A I think the best answer I can give is that
20 Tom was retained by outside counsel to the Texas
21 House, while keeping it general.

22 BY MR. POSIMATO:

23 Q Retained by outside counsel to also assist
24 the State with redistricting, to your knowledge?

25 A Yes. Outside counsel to the Texas House

REAL TIME ROUGH DRAFT!

1 of Representatives.

2 Q And how were you familiar with Eric
3 Wienckowski before your work in Florida?

4 A Same answer as Tom, Eric was involved in
5 Texas as well.

6 Q And was he also hired by outside counsel
7 to assist the state?

8 A I'm going to parse that answer slightly
9 because my -- my impression of it -- again, keeping
10 things at a higher level -- is that Eric does work
11 for Tom. Now, what the exact relationship is with
12 outside counsel and retainers, I don't know the
13 detail, but my impression of it is that Eric does
14 work for Tom.

15 Now, how that -- you know, how that
16 contrac- -- you know, how that relationship is
17 exactly laid out, I don't fully know the detail, but
18 it was under the umbrella of outside counsel to the
19 Texas House.

20 Q Did you refer Thomas Bryan or Eric
21 Wienckowski to Holtzman Vogel to work on Florida?

22 A No, I did not.

23 Q Okay. While engaged by Holtzman Vogel,
24 did you discuss your work for the State with Thomas
25 Bryan? State of Florida.

REAL TIME ROUGH DRAFT!

1 **MS. MEEHAN:** Objection to form.

2 Legislative privilege.

3 Please don't discuss the inner workings of
4 the Governor's Office, but otherwise, you can
5 answer.

6 A Yeah. If you can --

7 **MS. MEEHAN:** And actually -- sorry.

8 Sorry. Also, no substance of attorney-client
9 privileged conversations.

10 A Yeah. I'm going to parse that answer out.
11 You know, it comes down to how you define work. Tom
12 and Eric weren't drawing maps. They weren't
13 providing feedback on drafts that were being
14 provided. They were more in the report running and
15 data aggregation end of things, but not providing
16 commentary on drafts and draws. As I said, they
17 were more in the providing supplemental data and
18 reports.

19 BY MR. POSIMATO:

20 Q Okay. So I want to talk a little bit more
21 about their work in a moment, but did the three of
22 you ever work together on any portion of the work
23 you performed for Florida?

24 **MS. MEEHAN:** Objection to form.

25 A Yeah. I'm going to portion -- I think I

REAL TIME ROUGH DRAFT!

1 just laid out the portion in the prior answer,
2 right? The data -- you know, building on data,
3 running reports that were fed -- you know, informed
4 by that data, but also drawing the distinction of
5 drawing and drafting was not what they were working
6 on.

7 So I think the prior answer covers what
8 you were looking for with portion. Just trying to
9 be careful with how we parse out that word.

10 BY MR. POSIMATO:

11 Q No. That's totally fair.
12 What I'm trying to understand is not
13 whether they worked at all on any part of it, it's
14 just the extent to which you and Thomas Bryan and
15 Eric Wienckowski worked together or your work
16 overlapped.

17 So I understand that, based on your prior
18 testimony, that Thomas Bryan and Eric Wienckowski
19 were responsible -- and you can let me know if this
20 is accurate -- for reports and some data analysis,
21 but not map drawing itself and they didn't provide
22 you feedback. But we can take it in steps.

23 Were you also involved in any of the
24 report -- the creation of any reports and data
25 analysis that overlapped with their work?

REAL TIME ROUGH DRAFT!

1 **MS. MEEHAN:** Objection. Legislative
2 privilege. Attorney-client privilege.

3 You can answer, just don't disclose the
4 substance of any privileged legal advice.

5 A I would say that there could be some
6 overlap, yes. Beyond that -- yeah, I think I'm
7 going to start running into privilege if I go
8 farther, but I would say that some data overlaps
9 between with what they were doing and what I was
10 doing in various reports.

11 BY MR. POSIMATO:

12 Q What data were Thomas Bryan and Eric
13 Wienckowski looking at?

14 **MS. MEEHAN:** Objection to the form.
15 Legislative privilege. Attorney-client
16 privilege.

17 You can answer at a high level of
18 generality, but don't discuss the substance of
19 privileged legal advice.

20 A I would say at a high level, specifically
21 the data they were involved in -- and this isn't all
22 inclusive, I would say, but specifically ACS data
23 was something that they were looking at, putting
24 together -- building out or running reports as a
25 result of that dataset.

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Was it only ACS data?

3 A I'm sorry. Did you say ACS?

4 Q Yeah. Let me say it again. Were they
5 only looking at ACS data?

6 A I think the short answer is no, that they
7 were looking at some other data as well.

8 Q And what was that other data?

9 A To the best of my recollection, they also
10 looked at splits data, and I would say -- yeah, I
11 would say that was it. The best of my recollection
12 is they looked at -- they looked at and ran splits
13 and ACS data.

14 Q Is that all they looked at or is that what
15 they looked at to the best of your recollection?

16 A To the best of my recollection. There may
17 have been other census data that was part of the
18 dataset they built out. So I just want to -- I just
19 don't want to close out my answer not fully
20 recalling what all they had in their reports.

21 Q So your prior answers may have already
22 answered this question. But aside from the data
23 they looked at, what reports were Thomas Bryan and
24 Eric Wienckowski creating for Holtzman Vogel?

25 **MS. MEEHAN:** Objection. Attorney-client

REAL TIME ROUGH DRAFT!

1 privilege. Legislative privilege.

2 You can answer at a high level of
3 generality, but please do not disclose, you
4 know, what counsel is specifically asking of
5 them.

6 A Yeah. And again, best of my recollection,
7 the data they were looking at and, you know,
8 subsequently the reports they would run informed by
9 that data, ACS and splits are what come to mind.
10 From the reports that they ran, the various, you
11 know, columns -- the various columns, that's what
12 comes to mind, that was splits and ACS.

13 BY MR. POSIMATO:

14 Q Got it.

15 Is your contract to work -- well, let me
16 rephrase. Did Holtzman Vogel send you a contract
17 when they asked you to work on the State of Florida?

18 A No, they did not.

19 Q Did you have any employment agreement with
20 Holtzman Vogel to work on Florida's redistricting?

21 **MS. MEEHAN:** Objection to form.

22 A You're referring to like a written
23 agreement, or what do you mean?

24 BY MR. POSIMATO:

25 Q Yeah. A written agreement outlining your

REAL TIME ROUGH DRAFT!

1 responsibilities for the work that Holtzman Vogel
2 asked you to do as part of Florida's redistricting.

3 A No.

4 Q Did you have a written agreement with
5 anyone or any entity that described the
6 responsibilities -- your responsibilities for
7 Florida's redistricting?

8 A No.

9 Q So the scope of your work, your engagement
10 on Florida's redistricting with Holtzman Vogel was
11 outlined all verbally?

12 A Yes.

13 Q Were you paid for your work?

14 A Yes.

15 Q How much were you paid?

16 A 450 an hour.

17 Q During your work for Wisconsin, during the
18 20 -- let me take that back.

19 Okay, Mr. Foltz. We've been going for
20 about an hour. Why don't we take a short 5-minute
21 break and come back -- maybe we'll come back at
22 11:10 East Coast Time, maybe 10:10 your time?

23 A 10:10. Got it.

24 (A recess took place from 11:02 a.m. to
25 11:10 a.m.)

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Okay, Mr. Foltz. I just want to close out
3 this sort of line of questions for you we were just
4 going through about your employment with the State
5 of Florida.

6 Just to clarify the nature of your
7 employment, I'm just going to ask you a series of
8 questions. Some of these you may have answered
9 previously with some earlier testimony, but were you
10 hired directly by the Executive Office of the
11 Governor?

12 A No.

13 Q Were you hired directly by the Florida
14 legislature?

15 A No.

16 Q Were you hired directly by the Secretary
17 of State's Office?

18 A No.

19 Q Okay. To the best of your knowledge, do
20 you know why you weren't hired directly by the State
21 of Florida?

22 **MS. MEEHAN:** Objection to the form. I'm
23 not sure the witness knows, but to the extent
24 within the inner workings of the Governor's
25 Office, please go ahead.

REAL TIME ROUGH DRAFT!

1 A I don't know.

2 BY MR. POSIMATO:

3 Q So nobody at Holtzman Vogel explained to
4 you why you were hired directly by Holtzman Vogel
5 law firm instead of an entity of the government?

6 **MS. MEEHAN:** Objection to the form.

7 Attorney-client privilege.

8 But to the extent it doesn't disclose
9 legal -- substance of legal conversations, you
10 can answer .

11 A Generally, without getting into specific
12 conversations, the why I was brought on by one
13 entity versus another is something I don't know.

14 BY MR. POSIMATO:

15 Q Okay. And did you ask anybody at the
16 Holtzman Vogel law firm why you weren't hired
17 directly by the State?

18 A Yeah. And again, not getting into
19 attorney-client communication, I mean, more relied
20 on my -- just experience in this area. It's not
21 uncommon for counsel to have outside help on this,
22 so my understanding, again, without -- or my
23 impression without getting into attorney-client
24 communication was just that they were bringing me in
25 as outside help. Nothing more than that.

REAL TIME ROUGH DRAFT!

1 Q Okay. But you're not -- you don't know
2 for sure?

3 A Yeah. I don't know for sure why it was
4 one entity versus another.

5 Q Going back a little bit to your
6 redistricting work generally, have any of the
7 redistricting plans you worked on been challenged in
8 court, aside from the State of Florida, I should
9 say?

10 A Aside from the State of Florida, yes.

11 Q Which ones?

12 A Wisconsin, Texas.

13 Q And when you say Wisconsin, are you
14 discussing -- sorry -- you're referring to the
15 2010 plan you worked on?

16 A That's correct.

17 Q And when you refer to Texas, are you
18 referring to the 2020 Plan you worked on?

19 A I would probably say it was the 2021 Plan,
20 just given when the special sessions happened and
21 when the census data was delivered, I'd ascribe it
22 to '21.

23 Q Fair enough.

24 Did you work for Wisconsin on Wisconsin's
25 2021 Plan?

REAL TIME ROUGH DRAFT!

1 A No.

2 Q Starting with the Wisconsin Plan, on what
3 ground was the Wisconsin 2010 Plan challenged?

4 A There were a couple of different
5 challenges to it. There was a claim in Milwaukee, I
6 believe it was Section 2, and then there was the
7 partisan claims in the Whitford litigation.

8 Q Were any of those challenges successful?

9 A Yes.

10 Q Which ones?

11 A The Baldus challenge was successful and --
12 yeah, the Baldus challenge was successful.

13 Q Was the Baldus challenge the one regarding
14 the partisan claims against the plan?

15 A No.

16 Q Which was the Baldus challenge then?

17 A Baldus was the Milwaukee -- the challenge
18 in Milwaukee.

19 Q And did you -- just referring back to your
20 prior testimony, was that -- you said there was a
21 Section 2 claim and a partisan claim.

22 So when you say "Milwaukee," are you
23 referring to the Section 2 claim?

24 A That's correct.

25 Q Going back to Texas now, the 2021 Plan in

REAL TIME ROUGH DRAFT!

1 Texas, on what ground was that plan challenged?

2 A There's a state court challenge as to is
3 there constitutional authority to redistrict in
4 special session? A county line will challenge, and
5 then there are federal challenges on Section 2,
6 14th amendment grounds. I believe that's it.

7 Q Have any of those challenges been resolved
8 yet?

9 A I don't believe any of them have been
10 resolved. I don't believe -- I'm not 100 percent
11 sure, honestly, on the state court because it got
12 kicked back down from the Supreme Court, and the
13 legislature, you know, redid their redistricting
14 this cycle so it may have, you know, mooted it.

15 I honestly -- bad answer for me, but I
16 don't remember exactly where the state litigation
17 is. The federal litigation is pending.

18 Q Thanks, Mr. Foltz. Just give me a moment.
19 I'm trying to cross out some parts of this --
20 sorry -- so we don't retread ground.

21 Okay. You mentioned earlier that the 2010
22 Wisconsin Plan was challenged on partisan grounds;
23 is that correct?

24 A Yes.

25 Q Did partisanship play any role in the map

REAL TIME ROUGH DRAFT!

1 drawing of Wisconsin 2010 Plan?

2 A Sure. I mean, as I testified to prior,
3 members are always cognizant of the partisanship of
4 their districts. They're always curious about it,
5 and it was definitely something that was looked at
6 during the drawing process.

7 Q To what extent was it looked at?

8 A It's a hard one for me to answer because
9 each individual member who ultimately votes for the
10 plan is going to value different metrics in their
11 own way.

12 So what's -- what I was doing was
13 providing them data, and what they chose to really
14 focus in on and care about was really varied from
15 member to member.

16 Q Okay. So can you just describe a little
17 bit about exactly what you were -- how -- let me
18 rephrase.

19 Can you be any more specific about what
20 partisan metrics, for example, you may have been
21 providing members of the legislature?

22 A Yeah. Members were provided with -- to
23 the best of my recollection again, this is a long
24 time ago. They were provided with a memo that
25 listed a series of races and how the newly minted

REAL TIME ROUGH DRAFT!

1 district would have performed in the desegregation
2 and subsequent reaggregation of that district to its
3 new form.

4 So I remember producing a memo for the
5 members that would outline a series of races. I
6 don't remember which ones. There were, like, three
7 or four individual races that reflected what the
8 new -- the reaggregated partisan district of the
9 proposed new district would be.

10 Q How did you calculate the partisan
11 performance of those districts?

12 A In the memorandum that I was referencing?

13 Q Yes. Thank you for specifying.

14 A Yeah. So in the memorandum, that was just
15 a reaggregation of political data to the new
16 district. So it was just -- you know, so a
17 calculation is really a software level question at
18 that point where that data is broken down into the
19 census block level and then reaggregated in the
20 software as you make your assignments. And then
21 that output was relayed to the members in the
22 memorandum that I've mentioned.

23 Q Okay. Starting with the data, what data
24 was inputted into the software to reach the ultimate
25 calculations that made it into the memo?

REAL TIME ROUGH DRAFT!

1 A Yeah.

2 **MS. MEEHAN:** Objection to form.

3 A Yeah. And I'm going to parse on the form
4 a little bit there. That data wasn't provided by me
5 or calculated by me. That is part of the turnkey
6 software that was given to the caucuses, all four --
7 republican Assembly, Democratic Assembly, you know,
8 Senate Democrat, Senate Republican -- were all
9 provided the same data with their software with
10 their computers.

11 And that was provided by LTSB, the
12 Legislative Technology Services Bureau, GIS
13 Division. So they provided that data to all
14 caucuses, and the software then does the calculation
15 that we've been going back and forth on to say that,
16 you know, John McCain in your newly minted district
17 would have performed in the following way. That's
18 done by the software relying on the data provided.

19 BY MR. POSIMATO:

20 Q Thank you for clarifying. My question is
21 really just -- and maybe it was a bad question. But
22 my question was just really trying to understand
23 what that data was, not necessarily that you pulled
24 it or that you inputted it necessarily.

25 But what was that data that the software

REAL TIME ROUGH DRAFT!

1 then used to make those conclusions?

2 A Again, that was the reaggregated political
3 performance of a new proposed district.

4 Q Okay. So let me take it in steps. So
5 what I mean is -- so when you are trying to
6 determine the performance of a district, for
7 example, of a district in Wisconsin, did you -- as
8 part of that software, did the software consider
9 things like the voting age, population of different
10 demographics in the district?

11 A In the example we're talking about, I
12 would say it's incumbent -- it's -- the software has
13 voting age population, but in the political metric
14 we're speaking of, in particular, it's just taking
15 disaggregated raw votes.

16 So, you know, it's going to be voting the
17 age population inasmuch as they are votes. They are
18 voters that are then reaggregated into this new
19 proposed district that's being put in that
20 memorandum before the member. So --

21 Q Sure.

22 A -- not fully understanding where you are
23 going with this, that's just how it is, right, that
24 you're just taking the buildup of that dataset
25 provided to you, the software reaggregates. I put

REAL TIME ROUGH DRAFT!

1 it in a memo before the member, and say, "Hey,
2 here's what the old district -- here's the new
3 district. Here's what we had to do for population
4 equalization, and here's the performance of that
5 district."

6 Q Okay. Thank you for clarifying. And bear
7 with me on the novice background questions.

8 So did the software -- when the software
9 was trying to determine how voters were likely to
10 vote in a, you know, future election in a
11 reconstituted district, what past elections, for
12 example, was it perhaps looking to?

13 Was it looking at, like, the previous,
14 like, Presidential election to determine the
15 likelihood of voters' specific vote in the future
16 election? Was it looking to something else?

17 A Yeah. I'm going to take issue with the
18 predictive element of that question. These were
19 backward-looking races reaggregated to the new
20 proposed district.

21 So this was -- so again, going back to the
22 memorandum, I don't remember which races
23 specifically, but let's just say, hypothetically,
24 you know, Bush 2000, right? Again, not specifically
25 recalling that, there would just simply be a column

REAL TIME ROUGH DRAFT!

1 saying that this new district with this
2 disaggregated and reaggregated data would have
3 performed at X percent for Bush in 2000.

4 So that was in the memorandum. Again, not
5 specifically recalling that that was a column in
6 that little table that each member got, but it was
7 just simply a statement of how past elections would
8 have performed in the new district.

9 Q Okay. And I promise, last question, I'm
10 going to let this go. I don't want to beat a dead
11 horse.

12 But when you -- when you -- just to sort
13 of summarize maybe what I'm understanding from your
14 testimony. When you refer to the data that the
15 software used, you're referring to past vote --
16 voting data of the individuals who are now in that
17 new district; is that correct?

18 **MS. MEEHAN:** Objection to form.

19 A Yeah. Again, I'm going to parse it out.
20 It would have been -- the word "disaggregated" is
21 getting overused. But the Technology Services
22 Bureau would have taken election results from the --
23 whether it be Government Accountability Board or
24 Wisconsin Elections Commission, depending on where
25 you are in the timeline, they would have taken that

REAL TIME ROUGH DRAFT!

1 data from that agency responsible for the
2 administration of elections of Wisconsin, they would
3 have brought it into their system, they would have
4 taken that data which is either presented at the
5 ward level, which is precinct, or the reporting unit
6 level because not every -- not every reporting unit
7 is equal to one board. You have to hit a certain
8 population threshold under state statute to be
9 reporting at the ward level, so sometimes it left
10 two wards that are in, say, one reporting unit.

11 So they'll take that data, they'll break
12 it down and essentially prorate it to -- and I don't
13 remember what the actual, you know, algorithm or
14 routine they ran to do that was, but they will break
15 that data down from the Election Administration
16 Agency so it's available in the software under the
17 hood at the block level, the census block level, the
18 smallest we have available to us.

19 And then as you make those assignments,
20 whether it be at the block level or generally
21 something larger, it will build that back up and
22 give you that past performance applied to the new
23 shape that you have just assigned that to.

24 BY MR. POSIMATO:

25 Q Got it. Okay. Thank you, Mr. Foltz, for

REAL TIME ROUGH DRAFT!

1 explaining that.

2 So after your discussions with specific
3 members about their -- any concerns they may have
4 with the draft proposal, their preferences for their
5 district, would you, then, go back to the map
6 drawing software to make the changes based on member
7 feedback?

8 A It's hard to put a blanket answer on that.
9 It's an iterative process. There's always give and
10 take. There's always feedback. But, I mean, every
11 change knocks over a domino that leads to other
12 ripples and other changes, so, you know, I can't --
13 you know, I can't say that any time somebody said
14 something I went right back to the software and
15 adopted their change. It's just -- the process is
16 just more dynamic than that.

17 But as a general matter, you're meeting
18 with members and getting their inputs and then going
19 forward once you get to something that, you know, is
20 acceptable to enough people.

21 Q Okay. As the mapper for the Republican
22 leader of the State Assembly in 2010 -- do I have
23 that right, that was your position, you were working
24 for the Republican leader in 2010?

25 A Yeah. The speaker, yes.

REAL TIME ROUGH DRAFT!

1 Q As a map drawer for the Republican led --
2 for the speaker of the Republican-led general
3 assembly in 2010, was it your job to draft a plan
4 that maximized Republican performance in the new
5 plan for the State?

6 **MS. MEEHAN:** Objection to form.

7 A And no was the answer.

8 BY MR. POSIMATO:

9 Q Okay. I want to pull up our first exhibit
10 for today. I'm going to send it in the chat so you
11 can pull it up.

12 Okay. Let me know if you get this,
13 Mr. Foltz. Just let me know when you receive it on
14 your end.

15 A Okay. Just let me get to that. Okay.
16 PDF from the Milwaukee Journal Sentinel?

17 Q You got it.

18 **MR. POSIMATO:** Sandi, is this Exhibit 4
19 after Taylor's exhibits?

20 (Brief comments were made off the record.)

21 (Exhibit 4 was marked for identification.)

22 BY MR. POSIMATO:

23 Q So, Mr. Foltz, this is a February 9, 2012,
24 article from Milwaukee Journal Sentinel, and the
25 article title is, "Two legislative aides working out

REAL TIME ROUGH DRAFT!

1 of law firm office instead of Capitol."

2 Have you seen this article before?

3 A I don't specifically recall, but I likely
4 did.

5 Q Okay. If you scroll down -- let me find
6 an anchor for you so it's easy for you to find.

7 If you scroll down to a paragraph starting
8 "Ottman and Foltz," it's maybe a quarter of the way
9 down.

10 A Which page are we looking at?

11 Q Oh, that's helpful. Yep. Page -- it's on
12 page 3, towards the bottom of the page, it starts
13 "Ottman and Foltz"?

14 A Okay. "Ottman and Foltz drew"?

15 Q Yes. So if you want to take a second to
16 read that sentence, you can let me know when you're
17 done.

18 A (Examining document.)

19 I'm done.

20 Q So this article generally reports that you
21 were hired by the State as a legislative aide to
22 assist with the State's -- the map drawing in 2010.

23 And we've gone over this before, but is
24 that accurate?

25 A Yes, it is.

REAL TIME ROUGH DRAFT!

1 Q As you can see in the sentence, the
2 article also reports that you did work out of the
3 office of a private law firm; is that correct?

4 A I wouldn't -- I wouldn't say all
5 encompassing. Clearly there was a portion that was
6 done with counsel at their firm, but I wouldn't say
7 that it was all done there.

8 Q Can you explain why you were working out
9 of a private law firm while employed by the State to
10 do redistricting?

11 A I would say looking back at it all these
12 years later, just to facilitate communication with
13 counsel on legal compliance matters as it related to
14 redistricting.

15 Q So the extent -- the only reason you were
16 working out of a private law firm during the time
17 was to facilitate communication between legal
18 counsel and yourself?

19 A I mean, that's what I remember it as, but,
20 again, we're talking, you know, 12 years ago at this
21 point.

22 Q Whose idea was it for you to work out of
23 the private law firm office?

24 A I don't remember any specific individual
25 who brought up that idea. My understanding -- and,

REAL TIME ROUGH DRAFT!

1 again, recollection is really taxed on this. My
2 understanding was it was always just kind of a
3 built-in assumption because it's the way it had been
4 done in prior -- prior cycles was kind of the
5 information I can remember from that, that they just
6 always would work with counsel to work on legal
7 compliance and, you know, draw the maps.

8 So it was -- it wasn't even a decision as
9 I remembered it was just almost presumed that that
10 was going to be the -- kind of the logistical set
11 up.

12 Q So to help me to understand, can you
13 describe what role the law firm whose offices you
14 worked out of was playing in the State's
15 redistricting process at the time?

16 A Yeah. They were outside counsel to the
17 State Assembly and State Senate.

18 Q Sure. And what were they -- as outside
19 counsel, were they just providing legal advice on
20 the redistricting process? Were they doing anything
21 else?

22 A Yeah. They were definitely focused on
23 legal compliance issues as it related to
24 redistricting.

25 Q Okay. And do you remember what the issues

REAL TIME ROUGH DRAFT!

1 were that they were focused on?

2 A Well, I mean compliance with all relevant
3 state and federal law.

4 Q Okay. Do state governments -- how common
5 is it for state governments to hire outside law
6 firms to assist with state functions?

7 A It's going to vary. It's going to vary
8 state to state and issue to issue, so it's hard for
9 me to put a blanket answer on that.

10 Q Sure. In your experience specifically in
11 Wisconsin, for example, how common was it for the
12 State legislature to hire an outside law firm to
13 assist it with a public function?

14 A The only -- I seem to remember there was
15 an instance with tribal gaming compacts, and I can't
16 remember if that was actually when I was employed or
17 if that was somebody relaying that story to me.
18 That's the only other example that comes to mind,
19 but again, with a big caveat of I don't think that
20 was during my time as an employee. I think somebody
21 had just mentioned it to me at one point that
22 outside counsel was brought on related to that.

23 Q And in the tribal gaming example, do you
24 know whether any legislative aides were working
25 inside the office of the private law firm?

REAL TIME ROUGH DRAFT!

1 A I don't know.

2 Q Is it typical for government employees to
3 work in a private law firm when performing public
4 functions?

5 **MS. MEEHAN:** Objection to form.

6 A I'd say, no, it's not typical.

7 BY MR. POSIMATO:

8 Q Okay, Mr. Foltz. I'm going to drop a new
9 exhibit in the chat. Give me a moment.

10 (Exhibit 5 was marked for identification.)

11 BY MR. POSIMATO:

12 Q Okay. This is another article. You can
13 let me know when you've got it pulled up.

14 **MR. POSIMATO:** And I think this is
15 Exhibit 5 now.

16 A Okay. The file is opened.

17 BY MR. POSIMATO:

18 Q Okay. So this is an article from
19 ProPublica published October 11, 2022, entitled,
20 "How Ron DeSantis Blew Up Black-Held Congressional
21 Districts and May Have Broken Florida Law."

22 Have you seen this article before,
23 Mr. Foltz?

24 A I have not.

25 Q Okay. Just give me a moment. If you

REAL TIME ROUGH DRAFT!

1 scroll down to the bottom of page 10, the paragraph
2 starting "Until last year." Let me know when you
3 get there.

4 A Okay. "Until last year" -- bottom of
5 page 10, going into page 11?

6 Q That's right. Can you read that paragraph
7 for us?

8 A You want me -- out loud or just to myself?

9 Q Out loud, actually, for the record, if
10 it's okay with you.

11 A Yeah. "Until last year -- until last
12 year, Foltz has spent his entire career working on
13 Wisconsin politics on state GOP campaigns and for
14 Republican state legislators according to court
15 records.

16 "He was introduced to redistricting a
17 decade ago when he spent months helping craft the
18 state maps that became notoriously effective
19 Republican gerrymanders when he testified under oath
20 that partisanship played no role in the Wisconsin
21 process. A three-judge panel dismissed his claim as
22 'almost laughable.'"

23 Q Okay. Thank you, Mr. Foltz.

24 I'd like to take this paragraph in parts.
25 So I think we, you know, have already established

REAL TIME ROUGH DRAFT!

1 that until recently you spent a good portion of your
2 career working in Wisconsin Republican politics.

3 Is that fair to say?

4 A Yeah, that's fair.

5 Q Do you agree with this article's
6 characterization of your work last redistricting
7 cycle in Wisconsin that it created a "notoriously
8 effective Republican gerrymander"?

9 A I don't.

10 Q And why don't you?

11 A Wisconsin has a very skewed natural
12 political geography where any map you draw that
13 respects traditional criteria is going to reflect
14 that. Democrats are very concentrated in Dane and
15 Milwaukee counties and in pockets in mid-size cities
16 that are very coincidental with what would be a
17 district that matches that mid-size city.

18 So that natural geography really just
19 makes maps look particularly bad, but it's just a
20 reflection of the natural geography. So I do take
21 issue with the characterization in that article,
22 yes.

23 Q What do you mean by the map looks
24 particularly bad?

25 A So if you're looking at it from, say, some

REAL TIME ROUGH DRAFT!

1 of the metrics that are out there, like your
2 asymmetries, the natural political geography coming
3 through on a map is going to look like it is
4 asymmetrical when a lot of that is really attributed
5 to just the natural political geography of the
6 state.

7 Q What are the other common metrics for
8 analyzing the partisan advantage in a map? You just
9 mentioned asymmetry analysis. Are there any others?

10 A Sure.

11 Q Can you name some of them?

12 A I mean, you can -- it can vary. I mean,
13 there are, obviously, metrics that under the
14 asymmetry kind of umbrella. There are -- also can
15 just be simple tallies of the number of races that
16 performed one way or the other, whether it be the
17 actual performance of House map or whatever map in
18 question or how certain disaggregated and
19 reagggregated political results perform under a draft
20 map.

21 Q Are you familiar with the efficiency gap
22 measure?

23 A Yes, I am.

24 Q And is that also a measure of partisan
25 advantage in a redistricting plan?

REAL TIME ROUGH DRAFT!

1 **MS. MEEHAN:** Objection to form.

2 A Yeah. I would say that it's a measure of
3 asymmetry, that the efficiency gap is a type of
4 asymmetry metric.

5 BY MR. POSIMATO:

6 Q What about the mean median difference? Is
7 that also a measure of partisan advantage in a
8 Congressional plan?

9 **MS. MEEHAN:** Objection to form.

10 A Yeah. My understanding is that that is
11 another metric that folks look at.

12 BY MR. POSIMATO:

13 Q Okay. Are there any others besides
14 efficiency gap, mean median difference, and just
15 looking at vote share symmetries?

16 A There's plenty of metrics. I mean,
17 there's a lot of different ways of measuring that.
18 So you know, I can't list them all off there are so
19 many, but there are many different metrics.

20 Q Okay. Now, you testified earlier about
21 the political geography of Wisconsin and how it
22 leads to a Republican -- a natural Republican
23 advantage in Wisconsin -- in Wisconsin's map.

24 Did you do that analysis yourself to reach
25 the conclusion that political geography leads to

REAL TIME ROUGH DRAFT!

1 that result?

2 A You know, I'm going to take a bit of issue
3 with that because it's not really something that is
4 an analysis or a measurement. It's just the simple
5 reality of the political geography.

6 It's, you know, common knowledge that
7 Democrat vote share largely comes out of Dane, which
8 is Madison and Milwaukee counties for the Democrats
9 in Wisconsin.

10 Q So is it your testimony that there's no
11 way to measure the impact of political geography on
12 a redistricting plan that complies with traditional
13 redistricting criteria?

14 A I wouldn't say there is no way. I think
15 what I'm trying to convey is that every state's
16 going to be a bit different because of its
17 underlying political geography, and it's difficult
18 to quantify that.

19 So I'm not saying that there is no way.
20 I'm saying that every metric always has a bit of an
21 explainer, always a bit of a caveat, always bit of a
22 context that helps provide a more fully informed
23 deal of what that metric is trying to convey.

24 Q Okay. So hypothetically, in 2010 in
25 Wisconsin, would it have been possible for you to

REAL TIME ROUGH DRAFT!

1 look at, say, a host of draft plans that the
2 legislature had considered and, after reviewing
3 those plans for certain partisan advantages, either
4 through the efficiency gap or asymmetries, as you
5 had mentioned, looked to see whether there were any
6 outliers, any of those maps were an outlier based on
7 those metrics; and then from that determine whether,
8 say, for example, a specific map was being
9 influenced by more than just the natural geography
10 of the state?

11 **MS. MEEHAN:** Objection to form.

12 A Yeah. There's a lot to parse out there.
13 In particular, the idea of asymmetry and efficiency
14 gaps were not things that were -- I don't even know
15 if they existed inasmuch as, you know, in the
16 academic world when we drew the Wisconsin Plan.

17 I didn't become familiar with the
18 efficiency gap until litigation. So you know,
19 looking at asymmetry, specifically the efficiency
20 gap, wasn't really a metric that we -- I didn't know
21 it existed at the time.

22 So I want to draw that delineation. So
23 there was no efficiency gap run because I just
24 simply didn't know it existed.

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Okay. So I'm just trying to understand
3 your objection to the article's characterization of
4 your work in Wisconsin.

5 And so is it accurate to say that you
6 haven't tried to do any independent analysis of the
7 maps you drew in Wisconsin to determine whether the
8 Republican advantage that they had was, in fact,
9 solely due to the political geography of the state?
10 Is that accurate?

11 **MS. MEEHAN:** Objection to form.

12 A Yeah. I think there was no analysis that
13 was done to try to delineate between natural
14 occurring political sorting and decisions that
15 members -- you know, members made in the process.

16 So there was really no delineation between
17 the natural geography and decisions that were made
18 as part of the process.

19 BY MR. POSIMATO:

20 Q Okay. So then you were not sure
21 whether -- you know, again this article called "The
22 Notoriously Effective Republican Gerrymander,"
23 you're not sure whether it is, in fact, true that
24 that's unfair as result of political geography?

25 **MS. MEEHAN:** Objection to form.

REAL TIME ROUGH DRAFT!

1 A Yeah. Again, I'm drawing the distinction
2 between you asking what was evaluated in the drawing
3 process, which there wasn't -- there wasn't a metric
4 that could be used to try to delineate between
5 natural occurring political sorting and things that
6 resulted from decisions made by members and
7 leadership.

8 So I'm trying to delineate between that
9 and, you know, my testimony that Wisconsin's
10 political geography is very disadvantageous just as
11 a natural political sorting to Democrats.

12 BY MR. POSIMATO:

13 Q Thank you for clarifying, Mr. Foltz. And
14 I am just trying to understand whether your
15 reference to political geography is a reference to a
16 possible explanation or a reference to what you
17 think is the explanation for the partisan advantage
18 in Wisconsin's maps in 2010?

19 A Yeah. And again, I'm going to be careful
20 with that answer that, you know, there are decisions
21 that are made that, you know, a member is going to
22 ask for that benefits them. There is also the
23 natural political geography.

24 So there are different -- you know, there
25 are different explanations, but as I said,

REAL TIME ROUGH DRAFT!

1 traditional criteria properly applied to Wisconsin
2 is going to give you a map that reflects the stark
3 concentration of Democrats relative to the more
4 spread-out nature of Republicans in the state.

5 Q Thank you.

6 And moving on to the next sentence in this
7 article in that portion I had you read, it says
8 that: "When he" -- referring to Mr. Foltz --
9 "testified under oath that partisanship played no
10 role in Wisconsin process, a three-judge panel
11 dismissed the claim as almost laughable."

12 Is it true that you testified under oath
13 that partisanship played no role in the Wisconsin
14 redistricting process in 2010?

15 A No, that's not true.

16 Q You did not testify to that?

17 A No, I did not.

18 Q Okay. Is it true that a three-judge panel
19 dismissed your claim as "almost laughable"?

20 A Yeah. And again, taking issue with the
21 premise of that, I never testified to that. So with
22 all due respect to the Baldus Court, I did not say
23 that.

24 Q Okay. But is it true that the Court
25 said -- called your testimony "almost laughable"?

REAL TIME ROUGH DRAFT!

1 A Again, it wasn't my testimony. I never
2 said it.

3 Q Do you know why the court would have
4 called your testimony almost laughable then?

5 A Well, again, you go around in circles on
6 this. I never said that. I testified extensively
7 as to the metrics that we looked at. The data that
8 was provided in discovery was -- there was an
9 extensive record of how partisan numbers were looked
10 at in that process.

11 And my testimony reflected a lot of that
12 as well, so the Court just -- again, with all due
13 respect to the Baldus Court, they simply just got it
14 wrong as regard -- as in regard to my testimony. I
15 never said that partisanship played no role in
16 drawing of Wisconsin.

17 Q Okay. Do you know whether the Appellate
18 Court in that case in reviewing that decision found
19 that the Court got that portion of your testimony
20 wrong?

21 A There was no appellate review.

22 Q Okay. Just one moment, Mr. Foltz. Sorry.
23 I'm trying to cut some of this.

24 Fast-forwarding to the 2020 cycle or
25 2021 cycle, were you compensated for your work in

REAL TIME ROUGH DRAFT!

1 Texas?

2 A Yes.

3 Q How much were you paid in Texas?

4 A 10,000 a month.

5 Q Did your work for Texas and your work for
6 Florida in most recent cycle, 2021, overlap at all?

7 A Yes, they did.

8 Q Okay. Are you still working for the State
9 of Florida?

10 **MS. MEEHAN:** Object to the form.

11 A Yeah. I would say that work concluded
12 quite a while ago. Obviously, I am here to sit for
13 this deposition, but I would say that I am not
14 working, aside from the deposition, sitting here
15 with you, I would say that I am no longer working
16 for the State of Florida.

17 BY MR. POSIMATO:

18 Q I'm happy to help you build up those
19 hours.

20 **MS. MEEHAN:** Objection to the form.

21 BY MR. POSIMATO:

22 Q Okay. Was Texas aware that you were
23 working for Florida during the last cycle?

24 A Yes.

25 Q Okay. And was the Holtzman Vogel

REAL TIME ROUGH DRAFT!

1 attorneys aware that you were working for Texas?

2 A Again, without disclosing attorney-client
3 communication, I would say as a general matter, they
4 know that I am employed by the Texas House.

5 Q Okay. Have you ever been excluded from
6 serving as a state map drawer because of bias?

7 A Excluded?

8 **MS. MEEHAN:** Objection to form.

9 BY MR. POSIMATO:

10 Q I can rephrase. Has anybody decided not
11 to use you, for example, either a court or a state
12 government or a private entity because of a
13 perceived bias that you had?

14 A I believe that was the reason that I did
15 not get Virginia.

16 Q Okay. I would like to return back to the
17 ProPublica article. I'm going to, again, point you
18 to a certain passage.

19 A Okay.

20 Q One second. If you go to the bottom of
21 page 9, the paragraph starts "Foltz and Bryan."

22 A Bottom of page 9. Okay. Yes.

23 Q Okay. So this paragraph reads --
24 actually, do you mind reading it for the record,
25 Mr. Foltz?

REAL TIME ROUGH DRAFT!

1 A Sure. And I will true to go slowly this
2 time. "Foltz and Bryan arrived in Florida just as
3 they were becoming go-to map drawers for the GOP.
4 They appeared together in multiple states where the
5 NRRT was directly involved last year, generating
6 controversy in their wake."

7 Q Thank you.

8 Do you consider yourself the go-to
9 mapmaker for the GOP, as this article reports?

10 A No, I do not.

11 Q Why not?

12 A I don't think three states constitutes a
13 go-to spread over 12 years.

14 Q Fair enough.

15 Why do you think this article
16 characterized you as the go-to mapmaker for the GOP,
17 to the best of your knowledge?

18 A Yeah. I can't speak to the author's
19 intent.

20 Q Okay. So you've testified a little bit
21 already that you've -- and correct me if this is not
22 accurate. But that you've only done redistricting
23 work on behalf of Republican either led -- led
24 government entities or Republican officeholders; is
25 that correct?

REAL TIME ROUGH DRAFT!

1 A I think that's a fair -- I think that's a
2 fair summary as -- well, I mean, Chairman Hunter is
3 Republican, the speaker Republican, and then working
4 for -- you know, through counsels that was retained
5 by Republican governors, so I think that's fair.

6 Q Why do you think you've never been hired
7 by a Democratic-led government entity or Democratic
8 official to help with redistricting?

9 **MS. MEEHAN:** Objection to form.

10 A Again, I mean, I can't speak to the
11 motivation of hiring decisions with folks I've never
12 spoken to, but my -- you know, my connections, my
13 network is built on the Republican side of the
14 aisle.

15 BY MR. POSIMATO:

16 Q Do you know what the NRRT is?

17 A Yes, I do.

18 Q What is it?

19 A That is an acronym for the National
20 Republican Redistricting Trust.

21 Q Have you ever been hired by the National
22 Redistricting Republican Trust?

23 A No, I have not.

24 Q Has the NRRT been involved in any of the
25 states for which you performed redistricting work?

REAL TIME ROUGH DRAFT!

1 A Yeah. And I'm going to parse that
2 question. I can't speak to their involvement. All
3 I can speak to is what I know relative to my
4 involvement.

5 I have never worked with them in any of
6 the states I have been involved in, but I can't say
7 with any degree of certainty that they're not
8 involved in ways that are outside of my scope.

9 Q Okay. So you're not sure?

10 A Again, I've never worked with them in a
11 state where I'm active. That's the -- that's the
12 most complete testimony I can give you.

13 Q Okay. Have you ever discussed Florida
14 with the NRRT?

15 A No, I have not.

16 Q Have you ever had any communications with
17 anyone at NRRT?

18 A Yes, I have.

19 Q What were those communications?

20 A I mean, just phone calls, checking in. I
21 presented -- I did a PowerPoint for them once on a
22 Zoom type of conference. Those are the two general
23 categories that I can think of.

24 Q Okay. So I'd like to dig into that a
25 little more. Do you remember who specifically at

REAL TIME ROUGH DRAFT!

1 the NRRT you've spoken to?

2 A Going back how far?

3 Q From the very beginning, unfortunately,
4 Mr. Foltz.

5 A The beginning of time. And, I'm sorry,
6 the question is who have I spoken to?

7 Q Yeah. To the best of your recollection.
8 If it's dozens of individuals, right, we're not
9 going to get them all, but --

10 A Yeah. Adam Kincaid, I can recall having
11 spoken to him from time to time. And then there was
12 a person on his staff that I spoke to once or twice.
13 I can't remember her name, though.

14 Q Okay. Anyone besides Adam Kincaid and his
15 staff member?

16 A Yeah. Not that I can think of.

17 Q Okay. So you mentioned speaking to NRRT
18 with regards to a PowerPoint Zoom conference you
19 were giving; is that correct?

20 A Yes.

21 Q Okay. Can you -- when did that happen?

22 A I don't recall exactly. It was either
23 late '20 or early '21, but I don't remember exactly
24 when I did it.

25 Q And what was the Zoom conference about?

REAL TIME ROUGH DRAFT!

1 A So they would do these kind of periodic
2 presentations. I can't remember if they were
3 monthly or quarterly. But I was -- I gave a
4 presentation for one of those quarterly/monthly
5 discussions that they do.

6 Q What was the subject of your presentation?

7 A If memory serves, I talked a lot about the
8 intersection of traditional criteria and the
9 efficiency gap and asymmetry metrics.

10 Q Okay. And what specifically did you talk
11 about? What is the intersection between traditional
12 criteria and efficiency gap?

13 A Yeah. It goes back to a lot of what we
14 were talking about previously where Wisconsin's
15 natural political geography leads to a lot of just
16 asymmetries manifesting when you apply traditional
17 criteria.

18 So what I remember talking about a lot was
19 looking at, you know, what we had done in Act 43 and
20 what plaintiffs had proposed in the litigation of --
21 from the Supreme Court and showing that to try to
22 reduce that effect of that natural geography, you
23 really had to gerrymander some of these seats to try
24 to drive down that statewide efficiency gap number.

25 So I remember putting up examples of, you

REAL TIME ROUGH DRAFT!

1 know, how we drew -- the example that comes to mind
2 is south of Milwaukee, Franklin and Oak Creek, how
3 we have a district that was two municipalities plus
4 two wards to equalize population and then how -- and
5 that was, you know, an example that drove the
6 efficiency gap because it was marginally Republican.
7 It's like a 50 -- you know, 50/50 leaning Republican
8 seat.

9 But then I remember then explaining how,
10 you know, plaintiffs came in and they wanted to take
11 that very compact square and stretch it all way the
12 into, you know, the inner core of Milwaukee to try
13 to chase that statewide deficiency gap number.

14 So that was just a good illustration of
15 how chasing these statewide metrics can run contrary
16 to, you know, proper adherence to traditional
17 criteria.

18 Q Act 43, is that an act in Wisconsin?

19 A Sorry. Act 43 is the map that was
20 enacted. So the map we've talked about the enacted
21 plan that resulted that was signed into law and
22 challenged a lot, that was Act 43. So Act 43 is a
23 reference to the Wisconsin map. Let me be more
24 specific. The Wisconsin legislative map.

25 Q Did you conclude in that presentation

REAL TIME ROUGH DRAFT!

1 that -- actually, I'll move on.

2 Did Adam Kincaid ask you to give that
3 presentation?

4 A I can't remember if Adam asked me or if
5 the staffer whose name I can't remember asked me,
6 but I was approached by the NRRT to present.

7 Q When did you first learn about political
8 geography, if you recall?

9 A I don't know how to answer that. You
10 know, it's part and parcel with the job. I mean you
11 know of political geography -- you know, to know a
12 district is to know the existence of political
13 geography, so I really can't -- I really can't just
14 say this is when I became aware of political
15 geography. I just -- I don't have a good way of
16 answering that question.

17 Q Okay. Okay.

18 Aside from the PowerPoint Zoom conference,
19 what other communications have you had with NRRT?

20 A Like I said, just phone calls checking in
21 generally.

22 Q And those phone calls would be with Adam
23 Kincaid or his staffer?

24 A I would say that the general checking in
25 phone calls are Adam, and I think his staffer, I can

REAL TIME ROUGH DRAFT!

1 pretty confidently say that that was only related to
2 logistics as it related to that PowerPoint
3 presentation.

4 Q Okay. So when roughly did you have these
5 check-in conversations?

6 A Again, going back to the beginning of the
7 beginning of the beginning?

8 Q Same answer, unfortunately so.

9 A Yeah. They're very infrequent. I can't
10 say with any degree of certainty how many times in,
11 you know, the 12 years that we've kind of, you know,
12 focused in on here -- you know, 12, 13 years that
13 we're talking about how many times I've spoken to
14 Adam, but it's very infrequently.

15 Q Okay. So maybe we can discuss like
16 specific time periods. Did you have check-in calls
17 with him during the 2010 cycle?

18 A No. I didn't -- I didn't know -- I don't
19 think the NRRT existed back then. And if it did, I
20 wasn't aware of it.

21 Q Okay. But you did have conversations with
22 him during the most recent cycle in 2021?

23 A Yeah. I mean I've spoken to him in the
24 past couple of years if that's -- if that's where
25 you're going with this.

REAL TIME ROUGH DRAFT!

1 Q Did you have conversations with him while
2 you were working on Florida's redistricting plan?

3 **MS. MEEHAN:** Objection to form.

4 A Yeah, I don't believe so.

5 BY MR. POSIMATO:

6 Q What about while you were working on
7 Texas's redistricting plans?

8 A I think we had spoken at some point when I
9 was actively working on Texas. I think that we -- I
10 think we spoke somewhere in that, you know, yearish
11 window, again, not knowing exactly what period of
12 time we're trying to pin that down to. But I think
13 we spoke at some point along the way.

14 Q Did you ever speak to him about your work
15 in Texas?

16 A No.

17 Q And just -- I think you may have answered
18 this already, but you never spoke to him about your
19 work in Florida?

20 A No.

21 Q So what generally were the subjects of
22 those conversations?

23 A I mean, again, going back, you know, over
24 a decade plus of, you know, being in the space
25 again -- sorry.

REAL TIME ROUGH DRAFT!

1 Q I didn't mean to cut you off, Mr. Foltz.
2 I was just going to try and give you some help and
3 just say just over the last cycle, what generally
4 were the subject of those conversations you had?

5 A I can remember him calling me at one point
6 asking who would be a good point of contact back in
7 Wisconsin, since I was working in Texas.

8 And then other than that, there's not a
9 specific instance that comes to mind other than that
10 one. Like I said, we speak very infrequently, but I
11 do remember that topic specifically.

12 Q Why do you think Adam Kincaid has wanted
13 to keep up check-in calls with you, to the best of
14 your knowledge?

15 A Well, again, you know, built into that
16 question, I can't say that it was Adam that was
17 calling me. I could have been calling Adam. So --

18 Q Fair enough.

19 A Yeah. So, I mean, like I said, I mean,
20 going back over a decade, it's been a combination
21 of, you know, just general check-ins. He asked
22 about who would be a good point of contact in
23 Wisconsin. I know that in the past I've, you know,
24 put feelers out if he had any work that could be
25 done for him. Obviously, I didn't, as I testified

REAL TIME ROUGH DRAFT!

1 to previously. I've never worked for him or the
2 NRRT.

3 So I do remember at one point I put a
4 feeler out to see if there was any work that he
5 might have. So that's just kind of the general
6 topics we've discussed over the years that I can
7 think of.

8 Q Are you familiar with NRRT's mission?

9 A You know, I don't really know what, if
10 they had a written mission statement, what it would
11 be. I just view it as generally dealing with
12 redistricting around the country.

13 Q Dealing with redistricting generally
14 speaking or redistricting for, you know, specific
15 political party?

16 A I mean, they're -- you know, it's in the
17 title. They are affiliated with Republicans as it
18 relates to the redistricting process.

19 Q Okay. Is their goal to improve Republican
20 performance through redistricting?

21 **MS. MEEHAN:** Objection to form.

22 A Yeah. And again, I can't speak to that.
23 I don't know what their nominal mission statement
24 is. I know, just generally, that they're involved
25 in redistricting. So I can't speak to a mission

REAL TIME ROUGH DRAFT!

1 statement that I've never seen.

2 BY MR. POSIMATO:

3 Q Okay. Returning to the ProPublica
4 article -- and I think this is our last reference to
5 it, so we're almost off. I'll direct you to the
6 paragraph -- one sec. Okay.

7 The paragraph is on page 10 just below
8 where we just were looking in a paragraph called
9 "Last Fall in Virginia." Top of page 10.

10 A Okay. "Last Fall in Virginia" above the
11 photo?

12 Q Yeah. Do you mind reading that paragraph
13 for us?

14 A Sure.

15 "Last fall in Virginia, each party
16 submitted three candidates to the state
17 Supreme Court to guide the State's redistricting
18 process. The Democrats put forward three
19 professors. Republicans submitted Bryan Foltz and
20 Kincaid.

21 "The Court's conservative majority
22 rejected all three Republican nominees citing
23 conflicts of interest and concerns about the ability
24 of the men to carry out the job neutrally."

25 Q Why do you think Virginia Supreme Court

REAL TIME ROUGH DRAFT!

1 was concerned about your ability to carry out the
2 job neutrally?

3 **MS. MEEHAN:** Objection to the form.

4 A I can't speak to that. I don't know what
5 their motivation is other than what is in front of
6 me.

7 BY MR. POSIMATO:

8 Q Do you agree that you would not have been
9 able to carry out the job neutrally?

10 A I do not.

11 Q Were you surprised that the Virginia
12 Supreme Court reached that conclusion?

13 A I can't say I had any preconceived notion.
14 It was the first time that I been put forward to a
15 court in that capacity, so I didn't know what to
16 expect.

17 Q You have no reason to suspect anything
18 about why the Virginia Supreme Court was concerned
19 about your ability to perform the job neutrally?

20 **MS. MEEHAN:** Object to the form.

21 A Yeah. I can't speak to their motivation
22 other than what's in front of me and what's on the
23 page.

24 BY MR. POSIMATO:

25 Q Okay. The article also reports that you

REAL TIME ROUGH DRAFT!

1 worked -- that you worked alongside Thomas Bryan in
2 the past. I think you testified about that earlier,
3 but is that true?

4 A Yeah. As my prior testimony highlighted.

5 Q And I think you previously testified that
6 you worked with him in Texas; is that correct?

7 A That's correct.

8 Q And now in Florida; is that true?

9 A Yes.

10 Q Anywhere else?

11 A No.

12 Q Why would a State -- why would a State
13 hire both of you?

14 **MS. MEEHAN:** Objection to the form.

15 And then caution the witness not to reveal
16 the substance of attorney-client communications
17 or legislatively privileged communications.

18 A Yeah. I can't speak to a motivation as to
19 a hypothetical why, you know, both people would be
20 brought on. There is division of labor. There is
21 different types of work that happen in every
22 redistricting process. And dividing that up amongst
23 individuals is not uncommon, but I can't speak to
24 specific motivations why someone would or would not
25 do that.

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Would you say that you and Thomas Bryan
3 have the same skill set?

4 A Different.

5 Q How so?

6 A I mean, Tom is, from my understanding of
7 his background, truly in the demographer GIS data
8 role where I am a staffer with a background in this,
9 but not -- the depth of specific training that he
10 has.

11 So I think -- I think there's a difference
12 definitely. I mean, we're clearly in the same
13 space. We clearly both worked on this, but Tom is
14 truly from the demographic data science background,
15 from my understanding of what his background is.

16 Q Okay. Fair enough. Again, just a moment,
17 Mr. Foltz. I'm trying to trim this down.

18 We've covered some of this before, but you
19 previously testified that your work for Texas and
20 Florida in the last cycle overlapped; is that true?

21 A Yes.

22 Q Does Texas have any rules regarding state
23 employees receiving outside income?

24 **MS. MEEHAN:** Objection to form.

25 A Yeah. I can't speak to that. I know that

REAL TIME ROUGH DRAFT!

1 I was allowed to do this, and I would -- and that is
2 my understanding. As to what those specific rules
3 are, I can't say.

4 BY MR. POSIMATO:

5 Q Okay. And same question for Florida. Do
6 you know whether Florida has any rules regarding the
7 receipt of outside income for people working on
8 behalf of the State?

9 **MS. MEEHAN:** Objection to form.

10 A Well, yeah. And that's going to be
11 different starting position with Florida relative to
12 Texas as -- you know, what I'm understanding from
13 your question is, you know, what is allowable for a
14 person on the State -- on State employment to do?
15 That's Texas.

16 Florida, I'm not a State employee. I was
17 retained, but I am not an employee of the State of
18 Florida.

19 **MR. POSIMATO:** Okay. Mr. Foltz. I'm
20 about to begin a new section. So maybe now is
21 a good time for short break, and then we'll go
22 until lunch. Maybe 5 minutes.

23 **THE WITNESS:** You want to do, like, 11:20
24 or --

25 **MS. MEEHAN:** I can use 10, if you guys

REAL TIME ROUGH DRAFT!

1 have 10.

2 **MR. POSIMATO:** Yeah. Let's do 11:20.

3 (A recess took place from 12:10 p.m. to
4 12:20 p.m.)

5 BY MR. POSIMATO:

6 Q All right. Mr. Foltz. I think I promised
7 you a new section before we took a break, but I just
8 actually have two questions just to close the loop
9 on something we spoke about earlier.

10 With respect to NRRT -- and again, I
11 apologize if this is rereading ground -- are you
12 able to give a rough estimate about how many times
13 you spoke to Adam Kincaid during the 2020, 2021
14 redistricting process?

15 A 2020, 2021, once or twice.

16 Q Okay. And I think I asked you if you had
17 spoke about -- spoke with Adam Kincaid about your
18 work in Florida.

19 Did you ever speak to Adam Kincaid about
20 Florida just generally speaking? Anything with
21 respect to Florida?

22 A No.

23 Q Okay. All right.

24 I'd like to move to your -- just general
25 process for drawing maps, and I'm just trying to

REAL TIME ROUGH DRAFT!

1 understand how you go about it, and the more detail
2 you provide, the better. Don't be afraid to nerd
3 out about this. I'm an aspiring map drawer myself.

4 So can you describe, like, a high level,
5 your process for drawing a draft Congressional
6 redistricting plan specifically -- because I
7 understand that, you know, there are differences in
8 how you draw state legislative maps. But for this
9 section, we'll talk about Congressional
10 redistricting specifically.

11 Just to repeat, if you can describe your
12 process at a high level on how you draw
13 Congressional redistricting plans.

14 A I mean, again, that's -- it's a tough one
15 to answer because it varies, too, not only depending
16 on where you are, your state laws are going to be
17 different. You're going to have different political
18 dynamics that govern the situation. You're going to
19 have different lawyers.

20 So it varies based on the circumstance of
21 who you're doing work for and just the facts on the
22 ground. So it's really hard to just paint with a
23 broad brush, like this is the process. It really
24 just varies based on the who and the where.

25 Q Okay. So you said it depends a little bit

REAL TIME ROUGH DRAFT!

1 on the state law. So what are the different types
2 of state law that might affect how you draw a map?

3 A Sure. I mean, you could have different
4 laws that govern how political subdivisions are
5 treated; how traditional criteria is ranked in a
6 hierarchy; what -- you know, what state law values
7 what state criteria more than others, just general
8 traditional criteria as it's kind of globally
9 understood.

10 So you can have different factors like
11 that. County, whole counties provision, you know,
12 like the Texas House again, we're talking
13 Congressional. But you have different levels of
14 ballot that have different laws that apply to it, so
15 it really varies depending on -- like I said, it
16 depends where you're doing the drawing.

17 Q Okay. So let me take one step back.
18 Before putting, you know, pen to paper, as it
19 were -- although I admit this all happens on
20 computers these days -- you know, do you survey
21 state law to determine how it might affect the way
22 you draw a map first?

23 **MS. MEEHAN:** Objection to form.
24 Attorney-client privilege, legislative
25 privilege.

REAL TIME ROUGH DRAFT!

1 You can answer, but don't disclose the
2 substance of particular conversations with
3 counsel.

4 A Yeah. Again, that's going to vary
5 depending on the nature of the work in the -- the
6 work in hand, right. You may have outside counsel
7 that's providing you that debrief on what state law
8 is or if you are, you know, employed by a
9 legislative body where it's more expected of you to
10 know that. You can have legislative service
11 agencies that provide you that debrief.

12 So really, again, I hate to give you the
13 same answer, but it really varies depending on who
14 you're working for, where you're working, and what
15 the nature of that work is.

16 BY MR. POSIMATO:

17 Q Okay. So understanding that it varies,
18 generally speaking -- or in the typical case,
19 rather, do you typically consider, you know, before
20 you start drawing a map whether the state has any
21 redistricting criteria that you're supposed to
22 follow?

23 A I would say as a general matter, yes.
24 But, again, with the kind of previous testimony that
25 your mileage on a given traditional criteria may

REAL TIME ROUGH DRAFT!

1 vary depending on state law.

2 Q Yeah. Okay.

3 Do you consider state legal requirements
4 in, say, a state constitution before you start?

5 A I'm going to take a little bit of issue
6 with "consider." You know, legal compliance is in
7 the hands of legal counsel. I do my best to draw
8 compliant products, and I'll work with counsel to
9 ensure that compliance.

10 But, again, I'm not a lawyer, and, you
11 know, I'll leave the granular detail of legal
12 compliance to the lawyers. I just try to be
13 helpful. Try to draw them -- try to draw things for
14 them that don't make their lives difficult.

15 Q Okay. Same question for federal
16 requirements. Do you review those generally before
17 you start drawing a map?

18 **MS. MEEHAN:** Same objection.

19 A Yeah. I mean with federal requirements,
20 again, it's going to be legal compliance, the
21 various laws that impact that, I leave to the
22 lawyers, but, again, trying to stay within my lane,
23 but also not create more work for them. And
24 obviously, you know, equalize population and things
25 like, you know, given that congressional maps are

REAL TIME ROUGH DRAFT!

1 driven to a different population standard, so you're
2 always cognizant of that.

3 BY MR. POSIMATO:

4 Q Right. Understanding that this question
5 in particular, the answer to this will vary widely
6 depending on the state, but are there certain, like,
7 cornerstone datasets that you need for any map
8 drawing exercise that you almost always consider?

9 **MS. MEEHAN:** Same objection.

10 A Yeah. And I would say the one universal
11 is census data. You are relying on what the census
12 bureau provides to make sure that your populations
13 are equalized across all districts.

14 BY MR. POSIMATO:

15 Q Anything besides census data that, you
16 know, sort of is crucial when setting out to draw a
17 congressional redistricting plan?

18 **MS. MEEHAN:** Objection to the form. And
19 then same legislative privilege,
20 attorney-client privilege objections.

21 A Yeah. I mean, lawyers are going to want
22 other data to help them in providing legal advice to
23 their clients, so there is data, you know, as we
24 discussed, like ACS data, other census data that can
25 be part of the process as well.

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Okay. When you refer to data that might
3 be helpful to lawyers and the client, is there
4 anything else that comes to mind besides ACS data?

5 **MS. MEEHAN:** Same objection.

6 I caution the witness, please do not
7 discuss any specific data requested by lawyers
8 for particular legislature.

9 A Yeah. Answering as a general matter,
10 census data, ACS data, your block assignment file,
11 the PL94 data, those are like the cornerstone data
12 that you are asking after that is kind of universal
13 regardless of your jurisdiction. In my estimation.

14 BY MR. POSIMATO:

15 Q Okay. And you mentioned ACS data a few
16 times today. Can you just -- can you describe what
17 ACS data is?

18 A So the ACS provides a level of detail on
19 certain racial demographics, speaking more
20 specifically to the redistricting context of it all,
21 but there are certain racial demographics that are
22 provided as part of the ACS that are not part of the
23 PL94 data.

24 Q Okay. And by "ACS," is that the American
25 Community Survey?

REAL TIME ROUGH DRAFT!

1 A That's correct.

2 Q Okay. Racial demographics, you mentioned.
3 So is that things like averaging income levels, you
4 know, homeownership, things of that sort?

5 A There's a lot of data in the ACS, but,
6 again, those -- tailoring my answer a little bit
7 more to the redistricting context. But, you know,
8 citizen voting age population and other racial
9 demographics like that are part of the ACS.

10 And, again, speaking generally as kind of
11 cornerstone data is definitely something legal
12 counsel and others take a look at to ensure legal
13 compliance.

14 Q And when you say "citizen voting age
15 population," does the ACS report -- let me just --
16 is CVAP a shorthand for citizen voting age
17 population?

18 A Yes.

19 Q Does the ACS report specific voting age
20 population data for specific, say, races?

21 A Yes.

22 Q Okay. So will the ACS report -- what is
23 commonly known as like BVAP, a Black voting age
24 population?

25 A I would say Black CVAP.

REAL TIME ROUGH DRAFT!

1 Q Black citizen voting age population?

2 A Correct. As opposed to black voting age
3 population, which you can get from the PL94 data.

4 Q That's in PL94. Okay.

5 And will it also have Hispanic voting
6 age -- or Hispanic citizen voting age population
7 data?

8 A Yes.

9 Q And will the PL94 have just HVAP rather
10 than HCVAP?

11 A Yes.

12 Q Okay. Is there a specific type of mapping
13 software you typically use?

14 A No. That varies by jurisdiction, so that
15 goes back to kind of the opening salvo of this line
16 of questioning is it really does vary by the
17 jurisdiction in question.

18 Q So have you used things like Maptitude
19 before?

20 A I've never actually used Maptitude.

21 Q Okay. Do you have a preference based on
22 the software you've used before?

23 A I think they all have there pros and cons.
24 And again, it really just -- some are good in other
25 areas and weaker in others, so it really just

REAL TIME ROUGH DRAFT!

1 depends on what you're trying to get out of the
2 software. So I can't say I have a true leader in,
3 you know, my experience which one I prefer.

4 Q So again, I'm just saying that this is
5 probably going to vary based on what software you're
6 using, but are there any like cornerstone reports
7 that most or all mapping software can generate?

8 A Well, you were right in your preface, it
9 does vary software to software. I would say that
10 generally there are some reports that are common
11 across them. Reports that reflect population
12 deviation and equalization, reports that reflect
13 compactness.

14 Where it starts to get different between
15 the different softwares is VAP versus CVAP. Some
16 will have that built in, they put that extra effort
17 in to have that desegregated dataset under the hood,
18 others do not, they simply have the PL94 data.

19 But there are certain things like
20 population equalization, certain top-line racial
21 demographics. Those tend to be universal across all
22 various software.

23 Q Okay. Now, you've drawn the distinction
24 between HCVAP and HVAP and BCVAP and BVAP. Is
25 that -- are the distinctions -- let's just take the

REAL TIME ROUGH DRAFT!

1 BCVAP versus BVAP first. Is that distinction
2 between those two datasets important?

3 A I mean --

4 **MS. MEEHAN:** Objection to form.

5 A Yeah. I'm going to take a bit of issue
6 with important. I mean it's looked at clearly by
7 the courts. Again, generally speaking, not to speak
8 to any specific conversations, counsel's going to be
9 interested in it to run their legal checks on it.

10 So, I mean, I think it's fair to say that
11 it's an important factor that is evaluated by
12 counsel and courts to ensure maps are legally
13 compliant.

14 BY MR. POSIMATO:

15 Q Okay. Why might it matter, for example,
16 to consider BCVAP over BVAP?

17 **MS. MEEHAN:** Objection to form. Same
18 attorney-client privilege objection.

19 A Yeah. Again, not being an attorney, my
20 general understanding of it is you need to make sure
21 that you don't have a large discrepancy to say that
22 a number that appears to be strong in one metric
23 when all of a sudden you look at citizenship, all of
24 a sudden that number starts to look different as you
25 reflect the actual citizenship of the members of the

REAL TIME ROUGH DRAFT!

1 demographic in question.

2 BY MR. POSIMATO:

3 Q Do mapping software -- again, generally
4 speaking, do different types of mapping software
5 allow you to generate reports on compactness?

6 A Generally speaking, yes.

7 Q What about splits? And I know splits is
8 sort of a general term, but maybe you could talk
9 about county splits first. Are you typically able
10 to generate reports on county splits?

11 A Yeah, I think that's safe. It's pretty
12 common to be able to generate splits reports between
13 different software.

14 Q Okay. And when you say "splits reports,"
15 do mean from the county down to like cities and
16 smaller political geographical units or --

17 A Yeah. And, I mean, generally speaking,
18 you're going to be able to get a splits reports on
19 counties, you're going to be able to get a split
20 report on MCDs.

21 And again, it starts to get a little
22 different depending on your jurisdiction and some of
23 the laws that govern, do you have a municipal
24 contiguity standard or do you have a literal or
25 geographic contiguity standard.

REAL TIME ROUGH DRAFT!

1 So you can generally say they're going to
2 run splits reports, they're going to run it on the
3 counties, they're going to run it on the cities, but
4 then the differences start to appear with your
5 different jurisdictions in your different software.

6 Q Okay. And I think you may have mentioned
7 "VTD." Does that stand for voting tabulation
8 district?

9 A Yes.

10 Q Are you aware of any mapping software that
11 allows you to generate a report on any of the
12 partisan metrics we discussed earlier today?

13 A Am I aware of software that allows you to
14 do that?

15 Q Yeah.

16 A Yes.

17 Q Okay. What software -- can you identify
18 which software allows you to do that?

19 A So in my experience, Autobound can do
20 that, and Red Apple can do that.

21 Q You said Outerbound?

22 A Autobound.

23 Q Autobound.

24 A A-U-T-O.

25 I don't think they exist anymore.

REAL TIME ROUGH DRAFT!

1 Q I was going to say, I don't think I've
2 ever heard those.

3 A They were around in the prior decade. I
4 think they just folded in this round.

5 Q Okay. Are you aware of any others?

6 A That's my experience with it. But I'm
7 sure that -- you know, like I said, I've never used
8 Maptitude, but I'd be shocked if they didn't. So I
9 have that ability as well.

10 Q Without disclosing any conversations you
11 had with counsel, typically speaking, when drawing a
12 map for a state, do you ever ask for guidance on,
13 you know, the preferences for your client that hired
14 you?

15 **MS. MEEHAN:** Objection to form.

16 A Yeah. I mean, I can't say I explicitly
17 ask about preferences. I mean, they definitely come
18 out as the process moves forward. So I can't say I
19 explicitly ask, but it clearly is -- it informs
20 every conversation you have.

21 BY MR. POSIMATO:

22 Q Yeah. Okay. So it's common for client
23 preferences to be part of the conversation you have
24 as you undertake a map-drawing process?

25 A I say that's fair as a general matter.

REAL TIME ROUGH DRAFT!

1 Q Okay. Is there any data that you ask,
2 again, as a typical matter, that you ask from a
3 state that might not be generally available either
4 through the ACS or the PL 94?

5 A Yeah. That's going to vary. That's going
6 to vary district -- it is going to vary state by
7 state. What is in their software, what is not in
8 their software is definitely going to be a key
9 driver of that.

10 Q Okay. Do you have any examples of data
11 that, you know, you might request from a state or
12 you have requested from a state in the past without
13 disclosing any attorney-client conversations?

14 **MS. MEEHAN:** Objection. Also, objection.
15 Legislative privilege.

16 Please don't discuss anything internal to
17 the legislature or Governor's Office -- the
18 Texas legislature or the Florida Governor's
19 Office.

20 A I can't think of an instance where I've
21 ever gone to a state agency or entity, your
22 Technology Service Bureau, your state demographer,
23 whomever it may be, I can't think of a single
24 instance where I've gone to them and asked for, in
25 addition to the dataset, outside of what is

REAL TIME ROUGH DRAFT!

1 provided.

2 BY MR. POSIMATO:

3 Q Aside from the general conversations you
4 described earlier about, you know, client
5 preferences that come up during the map-drawing
6 process, have you ever been given by a client any
7 specific instructions on how they would like a
8 specific district in a map to be drawn? Without
9 disclosing any attorney-client privileges.

10 A Yeah. I mean, as I said earlier,
11 preferences always come up through the process. You
12 meet with members. They are going to express their
13 preference on how they would like to see things
14 drawn.

15 It's very common in the process as you've
16 work through iterations to have their preferences
17 reflected in what's put forward.

18 Q Can you think of any examples when that's
19 happened?

20 A Lots of --

21 **MS. MEEHAN:** Objection.

22 A Yeah. Lots of examples, yes.

23 But none that can be disclosed without
24 getting into leg. privilege or attorney privilege.

25

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q I think I asked you in the previous set of
3 questions about instructions with respect to a
4 specific district.

5 Have you ever received instructions with
6 respect to a plan as a whole?

7 **MS. MEEHAN:** Same objections.

8 A I can't think of an instance where I've
9 ever received, like, a mapwide goal. I mean, there
10 is always the, you know, almost built-in instruction
11 of, you know, try to draw something legally
12 compliant, things like that.

13 But as far as, like, a mapwide preference,
14 I can't think of an example that would fall into
15 that category.

16 BY MR. POSIMATO:

17 Q Have you ever been asked by a client to
18 meet specific criterion when drawing a plan or a
19 district?

20 **MS. MEEHAN:** Objection to form. Same
21 legislative privilege and attorney-client
22 privilege. Conditional objection.

23 BY MR. POSIMATO:

24 Q Subject to those objections, I just want
25 to clarify. And by "criterion," I mean, traditional

REAL TIME ROUGH DRAFT!

1 redistricting criterion, say, you know, compactness.

2 Have you ever been instructed to try to
3 satisfy some compactness goal in a plan?

4 A I would say members with criterion, they
5 will ask for things that can satisfy traditional
6 criteria, but they don't necessarily frame it in
7 that way. And what I mean by that is, a member sits
8 down with you again, generally speaking, and they
9 say, "I want all of this municipality in my seat."

10 That is preventing a split that is keeping
11 a political subdivision whole, or if they want the
12 entirety of a county, that is keeping a political
13 subdivision whole. That is not splitting a county
14 or municipality that would potentially otherwise be
15 split in an alternative.

16 So I would say that a member doesn't sit
17 down with you in thinking -- I, in my attempt to
18 better comply with traditional criteria, am asking
19 for no split here. They are simply saying to you,
20 "I would like this municipality."

21 It has the effect of better compliance
22 with traditional criteria, but it's not really how
23 members think and operate.

24 Q We've talked a little bit about
25 traditional redistricting criteria.

REAL TIME ROUGH DRAFT!

1 Can you define what some of those criteria
2 are?

3 A Yeah. And again, it's going to vary. I
4 mean, there's a set of criteria that I kind of apply
5 universally, and then, you know, as the prior
6 testimony listed, there's going to be criteria
7 that's ranked in a different hierarchy or
8 prioritized or applied differently based on where
9 you're drawing.

10 Generally speaking, obviously,
11 equalization of population is a key one, satisfying
12 one person, one vote; different standards for
13 Congressional map than you would have for a state
14 legislative map.

15 Compactness, contiguity, try not to split
16 certain political subdivisions, communities of
17 interest. Those are -- I think that's a, globally
18 speaking, traditional criteria that to some degree
19 or another are factored in regardless of where you
20 are.

21 Q Is compliance with the Voting Rights Act a
22 common traditional redistricting criteria --
23 criterion?

24 A I would say it's a criteria. I don't know
25 if I would deem it as traditional criteria.

REAL TIME ROUGH DRAFT!

1 Compliance with all state and federal laws is
2 clearly something you are always mindful of and
3 cognizant of. It's why counsel is commonly involved
4 in redistricting.

5 In my mind personally, I view traditional
6 criteria as those more race-neutral criteria, where
7 I view legal compliance, the Voting Rights Act, and
8 the like, I view that as a separate matter of
9 compliance.

10 Q Okay. So you described traditional
11 redistricting criteria as race neutral.

12 Does that mean that you -- you think of
13 the Voting Rights Act and federal and state law
14 compliance as not race neutral?

15 **MS. MEEHAN:** Objection to form.

16 A I would say those laws are very explicit
17 in being aware of racial impacts on a map, so I
18 think -- I can't sit here and say that statutes that
19 specifically contemplate the race of a given
20 district can be deemed to be race neutral.

21 BY MR. POSIMATO:

22 Q Okay. I'd like to talk a little bit about
23 compactness.

24 How would you define a compact district?

25 A The definition of that varies based on the

REAL TIME ROUGH DRAFT!

1 metric you're using. I mean, there's just the
2 general understanding of compactness, things that
3 are tight; that there is not sprawling tentacles;
4 that there's not jagged lines.

5 But are you looking at that from a -- you
6 know, the respect of Polsby-Popper? Are you looking
7 at the Reock [pronounced ROK] test -- or Reock
8 [pronounced RE/ok] depending on who you ask. So it
9 varies, but I mean, generally speaking, you're just
10 looking for things that don't sprawl.

11 Q So would you define compactness with
12 respect to metrics like Polsby-Popper or -- I'm in
13 the Reock [RE/ok] camp -- Reock?

14 A I have heard both.

15 Q Well, we'll agree to disagree then.

16 Or Convex Hull? Let me rephrase.

17 Would you define compactness with respect
18 to those three measures? Polsby-Popper, for
19 example, Reock, or Convex Hull, among others, but
20 typically, you know, those compactness measures?

21 A Yeah. And want to -- I think you are kind
22 of trail- -- like, I think your closing on that
23 question kind of answers it, that those are
24 three metrics that can be used to define
25 compactness, but there are many, many others.

REAL TIME ROUGH DRAFT!

1 And you know, those compactness measures
2 measure different things, or they try to embody
3 compactness in different ways. And sometimes, you
4 know, there's just a whole slew of other compactness
5 measures that are out there, but I think that the
6 three you enumerated are commonly used compactness
7 measurements.

8 Q Okay. Have you heard of a -- what is
9 sometimes, I think, maybe overly technically called
10 the intraocular test? Otherwise, it's a fancy name
11 for the eyeball test. Are you familiar with that
12 for compactness?

13 A I will go with eyeball test, intraocular.
14 I'm sure I've seen it at some point, but it's not
15 something that is used in common conversation.

16 Q On this, we can agree, Mr. Foltz.

17 Okay. Is that something -- do you use the
18 eyeball test to determine whether a district is
19 compact?

20 A Sure. I would say as far as the eyeball
21 test is concerned, it is really kind of your first
22 compactness check where a lot of the scores that you
23 had listed previously are post hoc reports that are
24 run.

25 After you've drawn a district or a plan,

REAL TIME ROUGH DRAFT!

1 you run that report after the fact. So it becomes
2 that kind of post hoc analysis, but sitting there at
3 the terminal, you know, clicking and assigning
4 geography, it's really the eyeball test that's kind
5 of the first compactness test you run, as much as
6 you run an eyeball test.

7 Q Okay. Would you ever distrust an eyeball
8 test without also running some of the metrics we
9 discussed about, like Polsby-Popper, Reock, or
10 Convex Hull?

11 **MS. MEEHAN:** Objection to form.

12 A Yeah. And I think that's where context
13 becomes important, where there are many, many
14 municipalities in my experience that have very
15 jagged municipal boundaries. And by showing proper
16 fidelity to those municipal boundaries, you are --
17 you are making your compactness worse.

18 So where the eyeball test kind of comes in
19 with that is I assign a municipality at a border of
20 a district that has a jagged municipal boundary. My
21 eyeball test will immediately jump and say, wow,
22 that's a really jagged line.

23 But I know that that line is showing
24 fidelity to the municipality and maintaining that
25 municipality's border is in and of itself

REAL TIME ROUGH DRAFT!

1 traditional criteria, not to mix, you know, cross
2 streams on different criteria, but context is always
3 important.

4 And a lot of times compactness is driven
5 by the boundaries of a political subdivision. So if
6 you have a jagged county, if you have a jagged
7 municipality, you may be making a good faith effort
8 to comport with that, but it's also costing you
9 points on compactness.

10 So I guess my point is that it may jump on
11 the eyeball test, but I know that there's a reason
12 for it. But then maybe that's reflected in one
13 compactness score and not reflected in another, and
14 you're okay with that because you were doing it in
15 pursuit of another traditional criteria.

16 BY MR. POSIMATO:

17 Q Okay. So is it fair to say that to
18 determine whether a district is compact is a
19 holistic analysis that requires you to consider
20 things like the eyeball test, like Polsby-Popper and
21 other metrics, and also the balance between
22 different redistricting criteria?

23 **MS. MEEHAN:** Objection to form.

24 A I think you're right in saying it's
25 holistic. And I think the way I always look at it

REAL TIME ROUGH DRAFT!

1 is context. Going back to the prior example of
2 holding municipal lines true and causing yourself
3 compactness.

4 Redistricting is always a trade off
5 between traditional criteria that sometimes are
6 in -- you know, that work against each other, if not
7 being mutually exclusive at some point.

8 So there's always that -- there's always
9 that story to be told beyond the spreadsheet and
10 beyond the score as to why something looks the way
11 it does.

12 BY MR. POSIMATO:

13 Q Yeah. So what about the conflict, say,
14 between compactness and, say, compliance with the
15 Voting Rights Act? Have you ever come across a
16 district which, you know, may not look compact but
17 is otherwise drawn that way to satisfy some legal
18 requirement under the Voting Rights Act?

19 **MS. MEEHAN:** Objection to form.

20 Legislative privilege. Attorney-client
21 privilege.

22 You can answer to the extent you're not
23 disclosing specific conversations with counsel
24 containing legal advice or legislatively
25 privileged information.

REAL TIME ROUGH DRAFT!

1 A I would say as a general matter, being in
2 the space, I have seen districts that sacrifice
3 compactness in pursuit of legal compliance with
4 regard to the Voting Rights Act in Section 2.

5 BY MR. POSIMATO:

6 Q Is there a numerical threshold that --
7 and, you know, you may have answered this already.

8 But is there a numerical threshold under
9 say, Polsby-Popper or Reock or Convex Hull that
10 delineates the boundary between a compact plan and a
11 -- sorry -- compact district and a district that is
12 not compact?

13 A No. I mean, it goes back to my prior
14 answer that context is everything. Knowing what
15 factors on the ground that drive compactness or lack
16 of compactness are always important.

17 And in my -- in my exposure to this, I've
18 never seen a hard cut off as to what is deemed to be
19 compact or not compact.

20 Q Okay. Have you ever worked on a
21 redistricting plan that required you to protect
22 certain minority opportunity districts?

23 **MS. MEEHAN:** Same objections.

24 A Yeah. All plans that are subject to
25 Section 2 of the Voting Rights Act, so I would say

REAL TIME ROUGH DRAFT!

1 that every plan I've worked on has to be plumbed for
2 compliance with that.

3 BY MR. POSIMATO:

4 Q Let me take a step back. Can you -- do
5 you know what a minority opportunity district is?

6 A I mean generally --

7 **MS. MEEHAN:** Same objections.

8 A Yeah. And generally speaking, I do. But,
9 again, there's granular legal detail there that is
10 why counsel is on board.

11 BY MR. POSIMATO:

12 Q Sure. With the understanding you're not a
13 lawyer, can you define to the best of your knowledge
14 what a minority opportunity district is?

15 A My understanding of the parlance with
16 regard to an opportunity district is that it is a
17 district that provides a minority community the
18 opportunity to elect a candidate of their choice.

19 Q Okay. Now, it sounds like you -- your
20 prior testimony spoke generally about how a
21 congressional map needs to comply with, say,
22 Section 2 of the Voting Rights Act, but more
23 specifically, have you ever worked on a plan that
24 required you -- well, let me rephrase.

25 More specifically, have you ever worked on

REAL TIME ROUGH DRAFT!

1 a plan that already possessed a minority opportunity
2 district, as required by Section 2 of the Voting
3 Rights Act, that you needed to maintain when drawing
4 a new plan?

5 **MS. MEEHAN:** Objection to form.

6 And I don't think the question is getting
7 at this, but, again, don't reveal legislatively
8 privileged information or attorney-client
9 privilege.

10 A Yeah. And again, every -- Section 2 is
11 the law of every jurisdiction in every map at every
12 level so that is always part of -- part of the
13 process as it relates to redistricting.

14 So your question as to -- I mean, every
15 state I've worked in has minority populations in it,
16 so obviously you'd have to work with counsel to make
17 sure that Section 2 is complied with.

18 Beyond that, I don't know how I can answer
19 that without getting into privileged communications.

20 BY MR. POSIMATO:

21 Q Okay. So you spoke about trying to ensure
22 compliance with Section 2 of the Voting Rights Act.
23 Without disclosing conversations you've had with
24 your attorneys, can you describe how a map drawer
25 might go about ensuring that their map complies with

REAL TIME ROUGH DRAFT!

1 Section 2 of the Voting Rights Act?

2 A Yeah. And I'm going to take a bit of
3 issue on that question with not every -- Section 2
4 compliance is legal compliance that is dealt with by
5 counsel and their team, and not every map drawer has
6 that as part of their scope of work.

7 So it's not uncommon, again, generally
8 speaking, to draw something and submit it for a
9 check as opposed to being the person who is writing
10 that check as the drawer.

11 So again, trying to keep it general
12 without stepping into privileged issues, but just
13 generally, just because you're drawing doesn't
14 necessarily mean you are the person doing Section 2
15 compliance, that there can oftentimes be a process
16 outside of your drawing that is working towards that
17 end.

18 Q Have you heard of a functional analysis
19 before?

20 A I have.

21 Q And can you describe what a functional
22 analysis is?

23 A So I have only heard a functional analysis
24 with regard to Florida. So it was kind of a new
25 turn of phrase being exposed to the Florida process.

REAL TIME ROUGH DRAFT!

1 Q And what did you learn about it in the
2 Florida process?

3 A My understanding is it was a test that was
4 worked on through various litigation to determine
5 the performance of certain districts as it relates
6 to minority representation.

7 Q Did you perform any functional analyses
8 yourself -- without reviewing any attorney-client
9 communications, did you perform any functional
10 analyses yourself as part of your work in Florida?

11 A No, I did not.

12 Q Did you provide any data that would have
13 permitted someone else to run a functional analysis
14 during your work for Florida?

15 A I'm not sure on all variables that go into
16 the functional analysis, and I'm not sure if any of
17 the population equalization data that was -- you
18 know, provided or if any of the top-line reports
19 were used, so I really can't speak to if any of the
20 work that I had done was subsequently turned by
21 someone else into a functional analysis or
22 contributed to that analysis.

23 Q When did you first learn about functional
24 analyses in Florida?

25 **MS. MEEHAN:** Objection. Legislative

REAL TIME ROUGH DRAFT!

1 privilege. Attorney-client privilege.

2 You're free to answer the question but
3 don't disclose internal communications or
4 privilege communications.

5 A I don't remember exactly when I heard of
6 functional analysis. I can recall hearing it as
7 part of one of the legislative proceedings -- excuse
8 me. One of the legislative proceedings. I can't
9 remember if it was a committee hearing or the floor
10 proceedings that I was watching where functional
11 analysis was referenced. And I don't remember if
12 that was the first time I heard it, but I do
13 remember hearing it in that context.

14 BY MR. POSIMATO:

15 Q Did you see any of the functional analyses
16 that were performed on any of the maps considered in
17 Florida during the last cycle?

18 **MS. MEEHAN:** Same objections.

19 A No.

20 BY MR. POSIMATO:

21 Q Do you know if Thomas Bryan performed any
22 functional analyses for the State of Florida?

23 **MS. MEEHAN:** Objection to form. Same
24 legislative privilege and attorney-client
25 privilege objection.

REAL TIME ROUGH DRAFT!

1 A To the best of my knowledge, he did not.

2 BY MR. POSIMATO:

3 Q Do you know whether Eric Wienckowski
4 performed any functional analyses for the State of
5 Florida?

6 **MS. MEEHAN:** Same objections.

7 A To the best of my knowledge, he did not.

8 BY MR. POSIMATO:

9 Q Have you ever considered any racial data
10 when drawing a Congressional redistricting plan?

11 **MS. MEEHAN:** Objection to form.

12 Legislative privilege. Attorney-client
13 privilege.

14 You can answer the question to the extent
15 it's not about privileged conversations of
16 counsel or things internal to the Governor's
17 Office that aren't part of the public
18 legislative record.

19 A I would say generally that you're aware of
20 racial data. It's a necessary and needed component
21 for legal compliance. For my drawing, I wasn't
22 using racial shading, but I would know that when the
23 reports were run, you know, I was aware of that
24 output and was what was provided.

25 But as far as consideration for drawing,

REAL TIME ROUGH DRAFT!

1 that was separate from kind of that post hoc
2 analysis of summary racial data.

3 BY MR. POSIMATO:

4 Q Okay. Is that true also of the work you
5 did in Florida?

6 A That's what I was referring to.

7 Q Oh, great.

8 Besides Florida, have you ever considered
9 racial data in any other context?

10 **MS. MEEHAN:** Objection to form.

11 Legislative privilege. Attorney-client
12 privilege with respect to the Texas litigation.

13 A Again, same answer, my drawing process and
14 what is considered when I'm sitting there making
15 assignments, I'm not -- you know, the racial shading
16 is not on, but you're always aware of it for, you
17 know, compliance checks and it's a necessity to make
18 sure that the maps are compliant with all relevant
19 state and federal law.

20 BY MR. POSIMATO:

21 Q Can you -- what does it mean when you say
22 "racial shading"? Is that something in a map
23 drawing software that you can turn on?

24 A Generally speaking. And, again, it varies
25 software to software, but this tends to be true for

REAL TIME ROUGH DRAFT!

1 all of them, that you can turn on certain layers and
2 symbolizes them in certain ways.

3 So racial data can be turned on and
4 symbolized to reflect the concentration, whether it
5 be as a percentage or as a raw number of a given
6 demographic in question.

7 Q Okay. And you testified that you did not
8 turn that on during your work in Florida?

9 A Yeah. When I was drawing, I wasn't -- you
10 know, there wasn't racial shading on as I was making
11 assignments with, again, the caveat of you're aware
12 of it, there's reports that are run that reflect
13 that, it's necessary part of legal compliance, but
14 to my drawing specifically, I'm not assigning
15 district while that racial shading we discussed was
16 on the screen.

17 Q Did you turn it on after you were done
18 drawing?

19 A Not that I can think of.

20 **THE WITNESS:** Sorry, Taylor.

21 **MS. MEEHAN:** That's okay.

22 Just same objections. Just caution the
23 witness that to the extent it's conversations
24 with counsel about legal compliance, use
25 caution.

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Mr. Foltz, I think your answer may have
3 been cut off a little bit, did you say not that you
4 can think of?

5 A Yeah. I mean when the drawing was
6 concluded, I honestly can't think of a time I opened
7 up the map at all much less looked at any, you know,
8 granular details.

9 So I don't remember opening up -- opening
10 up a file following kind of the -- whether it be the
11 enactment or the submission to the legislature where
12 I was -- or, you know, a passage of the legislature,
13 where I was opening up the maps at all.

14 Q Have you ever considered partisan data
15 when drawing a draft plan?

16 **MS. MEERAN:** Objection to the form. Same
17 attorney-client privilege, legislative
18 privilege objections.

19 But you're free to answer as to what's in
20 the public record.

21 A Yeah. And, again, that's going to go back
22 to the answer that it varies by jurisdiction. In
23 Florida, there was no partisan data that was part of
24 this process at any step of the -- any step of my
25 process.

REAL TIME ROUGH DRAFT!

1 You know, Texas, they -- you know, the
2 members were cognizant of partisan data. Wisconsin,
3 as I, you know, testified to you earlier, you know,
4 was a factor. So it really varies on your
5 jurisdiction. It really varies on the work flow
6 and, you know, it shifts based on how much is
7 falling to me versus how much is falling to, say,
8 the members of the legislative body in question, so
9 it really varies state by state or jurisdiction by
10 jurisdiction.

11 **MR. POSIMATO:** All right, Sandi. Maybe we
12 can go off the record for a second and discuss
13 lunch.

14 (Discussion off record.)

15 (A recess took place from 1:00 p.m. to
16 1:30 p.m.)

17 (P.m. session, DEP of Adam Foltz.

18 BY MR. POSIMATO:

19 Q Okay. Mr. Foltz, I would like to talk
20 more specifically about your work in Florida in the
21 last cycle. But before we get into specifics, can
22 you just talk generally about what you did to
23 prepare to draw new Congressional maps for the State
24 of Florida?

25 A Yeah. I don't know if there was really

REAL TIME ROUGH DRAFT!

1 preparation. It was really jumping ahead first, was
2 just really getting to work right away. So I can't
3 say that there was a discernible split between the
4 drawing and doing any preliminary work to lead up to
5 the drawing. It was really pedal to the metal,
6 working quickly, right out of the gate.

7 Q What was the -- why did you have to put,
8 as you said, pedal to the metal right away in
9 Florida?

10 **MS. MEEHAN:** Legislative privilege,
11 attorney-client privilege. Please don't answer
12 to the extent it reveals privileged
13 communications with counsel or internal with
14 the Governor's Office.

15 A I would say as a general matter, that
16 there is a limited legislative session, and my
17 under- -- again, not speaking to specific
18 conversations, but just more my general
19 understanding that there was a clock running on the
20 legislative session that required quick action.

21 BY MR. POSIMATO:

22 Q Okay. So is it fair to say you didn't,
23 say, speak to any local officials about local
24 concerns about where lines should be drawn in the
25 state before you got started?

REAL TIME ROUGH DRAFT!

1 **MS. MEEHAN:** Sorry. Was there a question
2 specific to local officials?

3 **MR. POSIMATO:** Yeah, local officials, you
4 know, like city government officials, you know,
5 town officials, and the like.

6 A I did not speak to any local elected
7 officials regarding draft Congressional plans.

8 BY MR. POSIMATO:

9 Q Did you consider any data about the state
10 before you started drawing draft plans?

11 **MS. MEEHAN:** Same objections.

12 But you can answer to the extent it's not
13 privileged.

14 A Yeah. And again, it kind of goes back to
15 the prior answer of there wasn't really a
16 discernible split between preparatory time and
17 drawing time. I would say that that was looked at
18 on the fly as drawing was happening, but I don't
19 think that there was a predrawing data evaluation.

20 BY MR. POSIMATO:

21 Q How well would you describe your
22 understanding of Florida?

23 A None, none at all. I have never been.

24 Q So would you be able to describe the major
25 regions of the state?

REAL TIME ROUGH DRAFT!

1 A I mean, I could, you know, cobble together
2 the major metropolitan areas and have a rough idea
3 of where they are, but like I said, I've never
4 worked in Florida, never been in Florida, not so
5 much as a vacation in Florida, which makes me the
6 one Wisconsinite who has never vacationed in the
7 state of Florida.

8 But yeah, I really don't have any
9 knowledge of Florida aside from just a very broad
10 understanding of the shape of it.

11 Q Unless you are stuck in Miami, I think
12 it's at least worth visiting at some point,
13 Mr. Foltz.

14 A I will take your word for it until the
15 litigation is done, and then I'll revisit.

16 Q You said you have a rough idea of the
17 major metropolitan areas in the state, I mean where
18 they are located.

19 What would you just say of the major
20 metropolitan areas in Florida, to the best of your
21 knowledge?

22 A I mean, it depends on how you define
23 "major." I mean, obviously Miami, Tampa,
24 Jacksonville, but then what do you define major
25 beyond that? Is Tallahassee major? Smaller, but a

REAL TIME ROUGH DRAFT!

1 state capital. You know, so it really depends on
2 how you define "major."

3 Q I assume you roughly know where Miami is
4 located in the state; is that fair?

5 A Yeah.

6 (There was an audio disruption.)

7 BY MR. POSIMATO:

8 Q I am sorry. I just triggered Siri
9 somehow.

10 Do you know where the Miami metropolitan
11 area is in the state?

12 A Yeah. And again, drawing the delineation
13 between what I knew going in versus -- obviously,
14 you are sitting there with GIS software with Miami.
15 You know what's looking back at you. So I just want
16 to be clear about you delineating between what I
17 knew going into this and what I learned on the fly
18 during the process?

19 Q Well, why don't we do both. How much of
20 this -- why don't you specify in your answer what
21 you knew before going into the mapping process and
22 what you learned after.

23 So with respect to where Miami is located,
24 were you aware of that before the map-drawing
25 process before your employment in Florida, or did

REAL TIME ROUGH DRAFT!

1 you learn that during the process?

2 A I was generally aware beforehand.

3 Q What about the Tampa region?

4 A Same answer, generally aware of where it
5 is before I started working on this.

6 Q Okay. What about Tallahassee? Apparently
7 there is some dispute over whether it's a major
8 metropolitan area.

9 A Fair enough.

10 Same answer, generally aware of where it
11 is in the state before I started this process.

12 Q Okay. Orlando?

13 A Same.

14 Q Okay. What about the in-general
15 understanding of the demographics of the state
16 before you got started?

17 A I can't say I really had a understanding
18 of the demographics. I don't think demographics
19 are -- it's one of those things that I don't think
20 you know unless you are actively a participant. I
21 mean, clearly, it's a large and complicated state,
22 but as far as, you know, demographic detail, I
23 really don't have any preexisting knowledge going
24 into the drawing process.

25 Q What do -- what do you now understand

REAL TIME ROUGH DRAFT!

1 about the democratic -- demographic -- demographics
2 of the state after having gone through the
3 map-drawing process there?

4 A I would say through the process, you get a
5 better sense of that it is a large, complicated,
6 diverse state.

7 Q Okay. Do you have any sense of whether
8 it's -- you know, what -- what the sort of average
9 voter registration data is like or is the state, are
10 registered voters mostly Republican? Are they
11 mostly Democrat?

12 A I don't --

13 **MS. MEEHAN:** Objection to the form.

14 A Yeah, and at no point did I look at voter
15 registration data in my process so I have no concept
16 before or after the process.

17 BY MR. POSIMATO:

18 Q Okay. At a high level, how -- you know,
19 you -- you've done some map drawing for -- for a
20 couple states now. How does drawing maps for
21 Florida compare to drawing maps for other states?

22 **MS. MEEHAN:** Objection to form.

23 Conditional attorney-client privilege,
24 legislative privilege objections.

25 A Yeah, and a lot of that's reflected in

REAL TIME ROUGH DRAFT!

1 prior answers, that there is just differences
2 between who you're working for, the facts on the
3 ground. I mean, it really varies wildly. I mean,
4 and also -- you know, and I can't discount the
5 legislative process. You know, this calls back to
6 Texas where you have a largely member-driven
7 process.

8 So it really -- it really varies depending
9 on where you are and what the -- you know, what the
10 facts on the ground are. So, I mean, it can vary so
11 much.

12 BY MR. POSIMATO:

13 Q With the understanding that it can vary a
14 lot, can you be a little bit more specific about how
15 your experience in Florida, is it different from
16 your experience in Texas?

17 A Sure.

18 Q Do -- do you mind describing some of those
19 differences?

20 A Yeah, I think --

21 **MS. MEEHAN:** Same objections.

22 A The thing that jumps out to me on the --
23 the most stark difference between Florida and Texas
24 from my purview was the -- the process. And what I
25 mean by that more specifically is that broken record

REAL TIME ROUGH DRAFT!

1 on this one, but in Texas, a member-driven process,
2 and it was really surprising to me that it held as
3 strong as a member-driven process as it was, that
4 bipartisan delegations in the metroplexes got
5 together and negotiated compromises for their
6 respective regions. And other regions too, not just
7 the metroplexes, but the broader multicounty regions
8 were able to come together in the way that they were
9 to come to an agreement. It was actually very
10 impressive to me and surprising.

11 And, you know, with Florida, there wasn't
12 a member-driven aspect to it. I didn't have that
13 interaction with elected officials. So that the
14 process is what stands out to me the most in the
15 difference between Texas and Florida. Excuse me.

16 BY MR. POSIMATO:

17 Q Okay. So -- so just to dig into that a
18 little bit, you -- it sounds like you're describing
19 Texas was a more maybe -- and correct me if this is
20 an unfair characterization, but a consensus-driven
21 process. How did -- how did Florida differ from
22 that process?

23 **MS. MEEHAN:** Objection to -- objection to
24 form. And then legislative privilege and
25 attorney-client privilege objections to the

REAL TIME ROUGH DRAFT!

1 extent the question's asking about privileged
2 communications.

3 A Yeah, and I'm going to parse that out a
4 little bit with consensus-driven process. There
5 were regional delegations that got together and came
6 up with negotiated regional delegation maps. So I
7 want to be careful as to not just sign off and say
8 it was consensus.

9 BY MR. POSIMATO:

10 Q Fair enough.

11 A And then compared to Florida, there was no
12 interaction with elected officials, from my purview.
13 So I am just -- I am just not dealing with the
14 members, and the members were the day-in, day-out
15 process for me in Texas. So the biggest difference
16 that stands out to me is more of a process-driven
17 one than anything.

18 Q Okay. Did you have any -- well, did you
19 receive any information from elected officials in
20 Florida indirectly?

21 **MS. MEEHAN:** Same objections.

22 A Yeah, and I want to be careful with this
23 answer. At no point did I, say, get an e-mail from
24 an elected official with any type of preference,
25 going back to my prior answer, that I was separate

REAL TIME ROUGH DRAFT!

1 from the legislators in this process.

2 As far as receiving information, I am
3 listening to the committee hearings. I am listening
4 to the floor debate. So if that satisfies your
5 answer of receiving information, while they weren't
6 directly giving it to me, I was aware of it insomuch
7 as what the public process was.

8 BY MR. POSIMATO:

9 Q Were you aware of Governor DeSantis'
10 public statements regarding Florida's Congressional
11 redistricting process?

12 A Some of them.

13 Q Okay. Do you -- do you remember what the
14 content of the statements were?

15 A What -- what I remember was the veto
16 message, but I can't say that I was, you know,
17 checking Google news and searching for any quote
18 that might have been given to an open microphone.
19 So specifically I'm referring to the veto message in
20 this context. I can't say that I didn't at any
21 point see another statement, but it was definitely
22 something that I wasn't making, like, part of my
23 daily work flow.

24 Q The comment that -- I'm sure you don't
25 remember it word for word, but do you remember,

REAL TIME ROUGH DRAFT!

1 like, roughly what was in the Governor's veto
2 message?

3 A Obviously at this point not really. I
4 don't remember.

5 Q Okay. Do you remember if it had anything
6 to do with the Congressional District 5 in the
7 Benchmark Plan?

8 A I believe that was -- I believe that was a
9 major push within the veto message, but again, I
10 don't recall that specifically. I know I saw it at
11 the time of it being issued, but I can't really -- I
12 can't really go much farther beyond that. I do
13 think the Fifth was a big push in it, but I can't
14 remember the exact reasoning on that in the veto
15 message.

16 Q Okay. Do you receive -- outside of public
17 statements from the legislature and the Governor's
18 Office, did you receive any other messaging from
19 elected officials indirectly concerning their
20 partisanship with respect to the map?

21 A That's going to be back to the prior
22 answer. I was not, you know, to your point,
23 indirectly versus directly. The only feedback or
24 the only messages I indirectly received from any
25 member of the Florida legislature would have been

REAL TIME ROUGH DRAFT!

1 through the committee in the floor process.

2 Q When hearing about the members'
3 preferences in the public process the legislature
4 went through, did you try to incorporate any of
5 those preferences that you heard, the public
6 preferences you heard in your -- the draft maps you
7 drew for the State?

8 **MS. MEEHAN:** Objection. Legislative
9 privilege.

10 Please don't answer to the extent it goes
11 to the inner workings of the Governor's Office.

12 A I don't remember if I did or not.

13 BY MR. POSIMATO:

14 Q Do you remember whether you tried to
15 incorporate any preferences you heard in the public
16 statements from the Governor in the map drawing you
17 did for the state?

18 **MS. MEEHAN:** Same objections. Although I
19 think you said "public statement," right?
20 Still same objections.

21 A Yeah. And the only public statement I
22 remember reviewing was the veto message. Beyond
23 that, I don't remember any other quotes from the
24 Governor that I saw during the process.

25

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Sure. But did you incorporate anything
3 you heard in the veto message into the draft plans
4 you were drawing for the state?

5 **MS. MEEHAN:** Same objections. Legislative
6 privilege. Don't disclose any attorney-client
7 privilege information.

8 A Yeah, and what I can't remember is how far
9 along I was in my process relative to the time I
10 know the veto message. Clearly, I started work
11 before the veto was issued. And obviously, it's an
12 iterative process. You are working with counsel;
13 you are working with -- you are working with the
14 Governor's Office.

15 So what I can't really pin down in that
16 memory is what changed on what map relative to the
17 issuance of the veto message. So clearly, there is
18 an iterative process; there is communication going
19 back and forth. I have no reason to believe that
20 they are not passing along thoughts and concepts
21 that they would like to see, but again not speaking
22 on a general level.

23 But I can't remember how that lined up in
24 the timeline relative to the veto message because,
25 as I said, I started working with the team before

REAL TIME ROUGH DRAFT!

1 the veto message. So when those thoughts were
2 reflected versus when the veto message happened, I
3 really can't pin that down.

4 BY MR. POSIMATO:

5 Q Okay. So is it possible that you received
6 the sort -- in those box of messages the content of
7 what ultimately became the Governor's public message
8 prior to the message becoming public?

9 **MS. MEEHAN:** To the extent the question is
10 asking about things internal to the Governor's
11 Office, I am going to instruct you not to
12 answer.

13 BY MR. POSIMATO:

14 Q Mr. Foltz --

15 **MR. POSIMATO:** And I am just asking about
16 the -- Mr. Foltz's -- his testimony he just
17 gave discussing about thoughts and comments
18 about -- from the Governor's Office about his
19 draft plans.

20 **MS. MEEHAN:** Right. Same objection.
21 Please do not further elaborate on the answer
22 you just gave if it is internal for the
23 Governor's Office, and you are free to testify
24 as to what is part of the public record.

25 A Yeah. Again, I don't exactly know where

REAL TIME ROUGH DRAFT!

1 the water's edge on privilege is here. I mean, it's
2 an iterative process. You are constantly receiving
3 feedback, changes are made, some survive through the
4 process, others fall away.

5 So I think that's about as far as I can go
6 without getting into any -- stepping on any
7 privileged conversations other than say changes are
8 constant happening. Feedback is constantly being
9 kicked back and forth.

10 BY MR. POSIMATO:

11 Q Okay. So is it possible that you received
12 the content of the veto message prior to the veto
13 message becoming public?

14 **MS. MEEHAN:** Same objection.

15 A Yeah. And again, you know, content and in
16 what form? Were there thoughts that there were
17 relayed in the form of feedback that would later be
18 embodied in what became the veto message?

19 Again, generally I would say that's
20 probably accurate. But I can't get in much farther
21 than that without talking about specific
22 conversations. So while they are not in their
23 feedback, reading the veto message, you would think
24 that those thoughts, again generally, are reflected
25 in the feedback you get as the iterations of the map

REAL TIME ROUGH DRAFT!

1 move through the process.

2 BY MR. POSIMATO:

3 Q Okay. Fair enough.

4 Generally speaking about Florida's map,
5 are there any difficult aspects of drawing Florida
6 plan, either because of geographical locations,
7 waterways, or political boundaries that are hard to
8 navigate in the state?

9 A Sorry. You dropped several frames on that
10 one.

11 Q Sorry about that. Okay. So let me start
12 from the beginning. Returning to just mapmaking
13 generally in Florida, I am curious whether there are
14 any -- whether drawing Congressional maps for state
15 pose any difficulties for you, either because of
16 geographical boundaries like waterways, et cetera,
17 or because of political boundaries like the way
18 counties are shaped or the way cities are shaped in
19 the state?

20 **MS. MEEHAN:** Same -- objection to form.

21 Legislative privilege objection.

22 Attorney-client privilege objection.

23 Please do not disclose information
24 internal to the Governor's Office.

25 A I would say generally nothing really stood

REAL TIME ROUGH DRAFT!

1 out to me as being more difficult than average. I
2 mean, every state is going to have its unique
3 situation. It's going to have its unique factors on
4 the ground.

5 But nothing really jumped out to me in
6 Florida as being uniquely difficult. It's just you
7 kind of deal with the issue at hand, the map in
8 front of you, but nothing really stands out as being
9 uniquely difficult to drawing in Florida.

10 BY MR. POSIMATO:

11 Q Okay. So you talked a little bit at
12 length earlier about political geography. Were you
13 aware of Florida's political geography prior to
14 drawing maps for the state?

15 A No.

16 Q Do you understand anything about Florida's
17 political geography sitting here today after having
18 gone through the map-drawing process for the state?

19 A No. And at no point in the process was
20 any political data that would have informed my
21 understanding of the political geography a part of
22 my process.

23 Q Okay. So do you know anything about
24 where -- do you know whether it's more likely for
25 Democrats to live in major urban areas in the state

REAL TIME ROUGH DRAFT!

1 than rural areas?

2 A No. I have no data that would have proved
3 or disproven that idea.

4 Q Do you think it's likely that Democrats
5 are more likely to live in the urban areas in the
6 state than they are in the rural areas?

7 **MS. MEEHAN:** Objection to form.

8 A Again, that's one of those things you
9 can't get a feel of without political data to inform
10 your understanding of that.

11 BY MR. POSIMATO:

12 Q Okay. Are you aware of any state -- any
13 state in the country in which it is more likely for
14 Republicans to live in urban areas than it is for
15 them -- let me rephrase.

16 Are you aware of any state in the country
17 in which it's more likely that Republicans rather
18 than Democrats make up the largest population in
19 urban areas?

20 **MS. MEEHAN:** Objection to form.

21 A Again, that's going to vary. That's going
22 to vary state by state. It's going to vary
23 depending on the nature of the draw in front of you.
24 You know, we've testified -- I testified, I should
25 say, quite a bit about Texas. And you have

REAL TIME ROUGH DRAFT!

1 bipartisan delegations in Harris County, Houston.
2 You have bipartisan delegation in Dallas, bipartisan
3 delegation in Fort Worth, bipartisan delegation in
4 San Antonio.

5 So those are major urban areas that have
6 mixed delegations with regard to political
7 affiliations. So again, I have no information with
8 Florida that would help me inform that understanding
9 of political geography like I do with like Texas and
10 the metro areas such as outlined.

11 BY MR. POSIMATO:

12 Q Sure. I'm trying to get a sense of your
13 understanding of the political -- I guess across the
14 country, generally speaking, where voters are likely
15 to live.

16 So as a general matter, in the United
17 States, is it more likely that Democrats live in
18 urban areas than it is for Republicans to live in
19 urban areas?

20 **MS. MEEHAN:** Objection. Form.

21 A There is no general answer to that. I
22 just listed several major urban areas that had
23 bipartisan delegations, so where in those urban
24 areas somewhere blue turns to purple turns to red,
25 and those are urban areas.

REAL TIME ROUGH DRAFT!

1 So there is no general rule of thumb that
2 can apply uniformly across the country because it
3 varies state by state and what level of -- what
4 level you are drawing and what the political
5 realities on the ground are.

6 So like I said, there is no general rule,
7 because as I just highlighted with Texas, there are
8 numerous metro areas that have Republican
9 representation. So the broad assumption nationwide
10 just doesn't fit anywhere.

11 BY MR. POSIMATO:

12 Q It's possible for there to be a bipartisan
13 delegation in a city government, for example, and
14 for the majority of the population in that -- that
15 encompasses that city government to be Democrat,
16 right?

17 A Sure.

18 Q Okay. So the examples you gave in Texas
19 of bipartisan delegations doesn't actually tell us
20 anything about whether it's more likely that
21 Democrats make up the majority of the population in
22 those areas, right?

23 **MS. MEEHAN:** Objection to form.

24 A Yeah, and like I said, does it speak to
25 the top-line county level data, no, but it certainly

REAL TIME ROUGH DRAFT!

1 does speak to that the -- the general assumption
2 that urban equals Democrat and rural equals
3 Republican just doesn't hold.

4 BY MR. POSIMATO:

5 Q Okay. So as a -- as someone who has been
6 redistricting for -- doing redistricting for over a
7 decade now, you do not agree with the statement
8 that, as a general matter, it is more likely for
9 Democrats to live in urban areas in the United
10 States than it is for Republicans?

11 A Well, I mean --

12 **MS. MEEHAN:** Objection to form.

13 A Yeah, and again, that is the type of
14 detail that can only be informed by the use of
15 political data. And in Florida I had no political
16 data in front of me to delineate where blue turned
17 to purple, turned to red, or vice versa.

18 BY MR. POSIMATO:

19 Q Okay. I'm just going to try this one more
20 time, Mr. Foltz. I'm not asking about Florida
21 specifically. I'm just trying to understand about,
22 you know, what you know about the country as a whole
23 as someone who has given presentations to NRRT, for
24 example, on political geography, and somebody who's
25 been --

REAL TIME ROUGH DRAFT!

1 A Gave a presentation to the NRRT on the
2 efficiency gap specifically.

3 Q Sure. But you're someone who has been
4 doing this for a long time. I'm just trying to
5 understand what you understand about the country's
6 political geography. And so one last time, do you
7 know -- do you know whether it is true that it is
8 more likely for Democrats to live in urban areas in
9 the country than it is for Republicans?

10 A And again, given the examples that I've
11 cited to you, you can't take a broad brush across
12 the country and paint everyone with that. You
13 need --

14 Q Okay.

15 A -- regular political data and I did not
16 have that available to me in Florida.

17 Q Okay. As part of your preparation --
18 well, it sounds like -- let me rephrase that.

19 Did you review the Fair Districts
20 Amendments in Florida while drawing maps for the
21 state?

22 **MS. MEEHAN:** Objection, legislative
23 privilege or attorney-client privilege, but you
24 can answer to the extent it's not a
25 conversation with counsel.

REAL TIME ROUGH DRAFT!

1 A Yeah, I can't remember specifically
2 reviewing the Fair Districtings -- Districting
3 Amendment, but I think beyond that would be an -- a
4 conversation with counsel.

5 BY MR. POSIMATO:

6 Q Do you know, generally speaking, what the
7 Fair Districts Amendments require?

8 **MS. MEEHAN:** Same objection.

9 A Yeah, and generally, my understanding of
10 it is to keep political data out of the drawing
11 process.

12 BY MR. POSIMATO:

13 Q Is that all the Fair Districts Amendments
14 require?

15 **MS. MEEHAN:** Same objection.

16 A Yeah, again, I don't remember the -- the
17 actual text in the amendments. I just remember as a
18 practical matter it was instructive to not use any
19 partisan data in the drafts.

20 BY MR. POSIMATO:

21 Q Do you remember whether the Fair District
22 Amendments include a requirement not to diminish
23 minority opportunity districts?

24 **MS. MEEHAN:** Same objection, objection to
25 the form.

REAL TIME ROUGH DRAFT!

1 A I -- yes, I believe that there is a
2 requirement to not backpedal on that.

3 BY MR. POSIMATO:

4 Q Are there any minority opportunity
5 districts in Florida?

6 **MS. MEEHAN:** Same objection.

7 Please don't disclose any conversations,
8 the substance of conversations with counsel.

9 A That's my -- my understanding is that
10 there are.

11 BY MR. POSIMATO:

12 Q There are? Can you identify them?

13 A Not of --

14 **MS. MEEHAN:** Same -- same objection.

15 A Yeah, not off the top of my head.

16 BY MR. POSIMATO:

17 Q Okay. And how did you determine whether
18 there were minority opportunity districts in
19 Florida?

20 **MS. MEEHAN:** Same objection.

21 Please don't disclose substance of
22 conversations with counsel.

23 A Yeah, again, I did not -- my job was not
24 to do Section 2 compliance. That was handled by
25 counsel and that is where, you know, determinations

REAL TIME ROUGH DRAFT!

1 as far as minority performing districts are made.

2 So that was really outside the scope of my work.

3 BY MR. POSIMATO:

4 Q So by drawing draft plans, did you try to
5 respect those minority opportunity districts by
6 keeping --

7 **MS. MEEHAN:** Same objection.

8 A Again --

9 **MS. MEEHAN:** Same objection.

10 A Again, I was aware that there was racial
11 implications, that there is racial data. It wasn't
12 motivating the drawing process. I wasn't using
13 racial shading in the drawing, and all Section 2
14 compliance was dealt with outside of my scope of
15 work.

16 BY MR. POSIMATO:

17 Q Sure, but your draft plans -- to -- to
18 ensure that your draft plans complied with the FDA
19 not to diminish primary opportunity districts,
20 certainly you have to know which districts those
21 were, right?

22 A I would say that's a question of legal
23 compliance and --

24 **THE WITNESS:** Sorry, Taylor, did I step
25 on --

REAL TIME ROUGH DRAFT!

1 **MS. MEEHAN:** You're okay.

2 A Yeah, I would say that's a matter of legal
3 compliance and, you know, you're working in concert
4 with legal counsel. But again, that is more of a
5 legal compliance issue. I wasn't drawing with
6 racial shading on. I was aware of the outputs and
7 the polls talk analysis and ran reports to that
8 effect, but I wasn't drawing with racial shading on
9 actively.

10 BY MR. POSIMATO:

11 Q Fair enough.

12 I'm just trying to understand then how you
13 knew which districts to protect. So if you weren't
14 drawing with racial shading on, you weren't
15 considering racial data, how did you know which
16 districts to protect when drawing plans?

17 **MS. MEEHAN:** So objection to the form as
18 to what "protect" means. And then also just, I
19 don't know that Mr. Foltz could answer this
20 question without effectively discussing exactly
21 what counsel told him, if -- if that makes
22 sense.

23 A Yeah, and there is -- that is granular
24 legal compliance specific to the State of Florida
25 and our drafting process, so I can't answer that

REAL TIME ROUGH DRAFT!

1 without getting into conversation with counsel.

2 BY MR. POSIMATO:

3 Q If -- if you weren't yourself determining
4 which districts required protection under the Fair
5 Districts Amendments in Florida because they are
6 minority opportunity districts, do you know who was?

7 **MS. MEEHAN:** Go ahead. Same objection and
8 you can answer that question at a -- a
9 high-level generality and then follow up,
10 obviously.

11 A Yeah, as a general matter, legal
12 compliance issues were handled by legal counsel.

13 BY MR. POSIMATO:

14 Q Did legal counsel hire any experts like
15 yourself in map drawing to -- or any other experts,
16 to do that analysis for them?

17 **MS. MEEHAN:** Objection to form.

18 Mr. Foltz, you can answer at a -- at a high
19 level, if -- if -- if that's okay and then
20 we'll take it incrementally. I just -- again,
21 I don't want to reveal either legislatively
22 privileged information or attorney-client
23 privileged information, or work product, for
24 that matter.

25 A I can't speak with certainty as to who all

REAL TIME ROUGH DRAFT!

1 was involved in the process. I just know the scope
2 of the people that were in my immediate orbit. So I
3 can't -- I don't know.

4 BY MR. POSIMATO:

5 Q Okay. Did Thomas Bryan perform that
6 analysis for counsel?

7 **MS. MEEHAN:** Objection to form.

8 Mr. Foltz, go ahead and try -- could you answer
9 that question?

10 You know what? I am not sure that he can
11 answer this question. Could you -- could you
12 state it again, Counsel.

13 **MR. POSIMATO:** Sure, and we can -- we can
14 discuss the privilege objection. But my
15 question was whether Thomas -- whether Thomas
16 Bryan performed the analysis necessary to
17 determine whether -- which districts were
18 minority opportunity districts for counsel.
19 And I think I can -- we can talk about the
20 privilege, but I think this -- this isn't about
21 his conversations with counsel, it's about his
22 awareness of what --

23 **MS. MEEHAN:** Yeah, I -- Mr. Foltz, I
24 think, why don't you go ahead and answer. I am
25 happy for you to describe at a very high level

REAL TIME ROUGH DRAFT!

1 what Mr. Bryan's role was without, of course,
2 discussing what the particular back-and-forth
3 was with the attorneys.

4 A Yeah. And I'm not sure how much of that I
5 can answer without getting into more of the
6 specifics. But, I mean, there were reports that
7 were run by Tom and his team that had racial data
8 included in them and I'm -- I would say, as a
9 general matter, that informed counsel in their legal
10 advice, but I can't say beyond that if there was
11 deeper analysis. You know, to the best of my
12 knowledge, that isn't something Tom did, but I can't
13 speak with absolute certainty whether or not there
14 was.

15 BY MR. POSIMATO:

16 Q What about Eric Wienckowski, did -- did he
17 help legal counsel perform this analysis?

18 **MS. MEEHAN:** Same objections.

19 A Yeah, and same answers for Eric, Eric and
20 Tom were working in the same space, as I understood
21 it, but I can only testify to what was, you know, my
22 understanding of their work.

23 BY MR. POSIMATO:

24 Q Okay. And you testified earlier that you
25 understood that the Fair Districts Amendments bar

REAL TIME ROUGH DRAFT!

1 consideration of partisan data when -- when drawing
2 maps. Is that -- is that correct, is that what your
3 testimony was?

4 A That was -- I want to be careful here. I
5 don't know if that's expressly what the amendment
6 says. That was just kind of my takeaway, was not to
7 use partisan data. I don't know if the actual -- I
8 don't remember what the actual verbiage of the
9 amendment is. I just remember that the result for
10 the practitioner is to not use partisan data in the
11 drawing process.

12 Q If Tom Bryan or Eric Wienckowski, as part
13 of their reports they generated for the state -- let
14 me -- let me start again.

15 So did -- did Tom Bryan and Eric
16 Wienckowski provide any partisan data as part of the
17 reports they -- they submitted to counsel?

18 **MS. MEEHAN:** Objection to form. I think I
19 have to instruct the witness not to answer on
20 attorney-client privileged grounds to the
21 extent you are getting into some sort of
22 functional analysis but also legislative
23 privilege grounds. It's not a "yes" or "no,"
24 but I don't know how he can answer that
25 question as phrased about what someone provided

REAL TIME ROUGH DRAFT!

1 to counsel for legal compliance.

2 **MR. POSIMATO:** I just want to be clear. I
3 am not asking for his conversations with
4 counsel. Mr. Foltz has already testified that
5 he's aware what was in some of the reports that
6 Tom Bryan or Wienckowski submitted to counsel,
7 and I am just trying to get the full picture of
8 what he is aware of that was in those reports.

9 So I can rephrase if you want, but I don't
10 think that falls within the privilege and, in
11 fact, he already testified about it.

12 **MS. MEEHAN:** Yeah, right. He's testified
13 about sort of what the universe of data is that
14 Tom Bryan and Eric were working with. I am
15 just uncomfortable like lawyer to lawyer of
16 having him then answer the question of did he
17 give that to the lawyers.

18 It's at a level of specificity that would
19 be more specific than what you would probably
20 see in a privileged log. If you think there is
21 a way to rephrase. Sorry. I am not trying to
22 be difficult.

23 **MR. POSIMATO:** I understand. Let me try
24 rephrasing.

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Okay. Mr. Foltz, so you testified a
3 little bit about what you understand was in Mr. Tom
4 Bryan's and Mr. Wienckowski's reports. You had
5 mentioned there might have been racial data in it,
6 that they considered ACS data, you had mentioned
7 earlier.

8 Is there any other data they considered
9 when going to give those reports?

10 A Not that I can think of. There may have
11 been total population involved as well, but I don't
12 know if I can get any more specific than that
13 without stepping on privilege.

14 Q Did they consider any partisan data?

15 A No.

16 Q Did they consider any voter registration
17 data?

18 A No.

19 Q But you testified earlier they considered
20 like BCVAP, right, as part of their ACS data they
21 were looking at?

22 A Again, I will take issue with the word
23 "consider." It was a data variable that was
24 included. But I take issue with "consider" because
25 I testified to prior Tom and Eric weren't providing

REAL TIME ROUGH DRAFT!

1 feedback on draft maps. They weren't providing
2 their thoughts on where a line was versus another
3 line.

4 And when I hear the word "consider," I
5 think it ascribes to them more of an active
6 process -- or an active role in the drawing than I
7 think is accurate.

8 Q Fair enough.

9 Instead of "consider," how about
10 "include"? Could they have included BCVAP data in
11 the reports?

12 A Yes.

13 Q Are you familiar with the Florida
14 Supreme Court's decisions from last cycle
15 interpreting the fair districts amendments? And by
16 "last cycle" here I don't mean 2021. I mean the
17 2010 cycle.

18 **MS. MEEHAN:** Just caution the witness,
19 don't disclose attorney-client privileged
20 information, but otherwise you can answer.

21 A Yeah, I would say generally I am aware of
22 them. But any awareness that would have been
23 brought to me would have been brought by counsel.

24 BY MR. POSIMATO:

25 Q And so based on your knowledge, do you

REAL TIME ROUGH DRAFT!

1 remember what the Florida Supreme Court held?

2 A I don't remember at this point.

3 Q Okay. Okay.

4 So when you were hired by Florida --
5 again, sort of returning to some ground we've
6 covered -- well, during your work for Florida, is it
7 fair to say that the lawyers at Holtzman Vogel were
8 a client?

9 **MS. MEEHAN:** Objection to form.

10 A Yeah, I don't know if I would go so far to
11 say that. I mean, I was -- they approached me to do
12 the work. They are working for EOG. Everybody is
13 working together. I don't know who I exactly deemed
14 to be the clients in that, just that there was a
15 team with the people that we've covered that were
16 all working on Florida redistricting.

17 BY MR. POSIMATO:

18 Q Okay. But you were paid by Holtzman
19 Vogel?

20 A No, I was not.

21 Q Who paid you?

22 A Tom Bryan.

23 Q Tom Bryan paid you. Why did Tom Bryan pay
24 you?

25 **MS. MEEHAN:** Objection to form.

REAL TIME ROUGH DRAFT!

1 You can answer that question if it's in
2 the public record, but not if it's information
3 internal to the Governor's Office or
4 attorney-client privilege information, for that
5 matter.

6 A Yeah, that -- I can't answer that without
7 getting into conversation with counsel.

8 BY MR. POSIMATO:

9 Q So you discussed who would pay you with
10 counsel?

11 A Yes.

12 **MS. MEEHAN:** Same objections, not just to
13 attorney-client privilege, but also as to
14 legislatively privileged information.

15 BY MR. POSIMATO:

16 Q Who paid Tom Bryan?

17 **MS. MEEHAN:** Objection to form.

18 BY MR. POSIMATO:

19 Q I am sorry, Mr. Foltz. I'm not sure I
20 caught your answer.

21 A I don't know.

22 Q Did Tom Bryan pay you out of his own
23 pocket?

24 **MS. MEEHAN:** Objection to form. I will
25 leave it at that.

REAL TIME ROUGH DRAFT!

1 A Yeah, I'm going to take issue with "out of
2 his own pocket." I was paid by his company.

3 BY MR. POSIMATO:

4 Q Okay. So when you said Tom Bryan paid
5 you, did you mean Tom Bryan's company paid you?

6 A That's more accurate.

7 Q What is Tom Bryan's company, just the
8 name?

9 A I don't remember. Something like Bryan
10 Demographic Services or Bryan Demographic Geo
11 Services. I don't remember. I just know him as
12 Tom, but I know he's got a company. So I don't
13 remember the name.

14 Q So did Tom Bryan's company pay you
15 directly out of its own bank account?

16 **MS. MEERAN:** Objection to form.

17 A I would say payment was received from
18 Tom's company.

19 BY MR. POSIMATO:

20 Q Okay. Was Tom Bryan's company sending you
21 payment on behalf of somebody else?

22 A I mean, he was sending me payment for work
23 done in Florida. Who is the next step beyond that,
24 I don't know.

25 Q So you don't know whether somebody was

REAL TIME ROUGH DRAFT!

1 giving Tom Bryan's company money to pay you?

2 A I don't know if the checks were coming
3 from Holtzman Vogel. I don't know if they were
4 coming from the State of Florida.

5 Q Okay. But -- so putting aside who was
6 actually doing it, it sounds like somebody either at
7 Holtzman Vogel, State of Florida, was sending Tom
8 Bryan's company money and then Tom Bryan's company
9 was using that money to pay you?

10 A Yes.

11 Q Why was your compensation arranged that
12 way?

13 **MS. MEEHAN:** Same objections.

14 Please don't answer if the information is
15 internal to the Governor's Office, but you are
16 free to answer to the extent it's part of the
17 public record.

18 A Yeah, and I can't answer that without
19 getting into conversations with counsel.

20 BY MR. POSIMATO:

21 Q So if you were being paid by Tom Bryan's
22 company, was Tom Bryan's company your client?

23 **MS. MEEHAN:** Objection to form.

24 A Again, I take issue with that. You know,
25 it was collaborative process. There's law firms;

REAL TIME ROUGH DRAFT!

1 there's Tom involved. I don't view Tom as the
2 client I think is a safe answer for me, that I don't
3 view Tom as the person that I am delivering
4 deliverables to. I didn't view him as the client.

5 BY MR. POSIMATO:

6 Q Who did you view as the client?

7 A I think it's a little bit of both EOG and
8 Holtzman Vogel as clients in kind of their own
9 capacities.

10 Q I think you testified earlier that you
11 interacted with Mo Jazil and Jason Torchinsky at
12 Holtzman Vogel; is that correct?

13 A Yes.

14 Q Did you interact with anybody else at
15 Holtzman Vogel?

16 A Not that I can think -- during the drawing
17 process?

18 Q Yes.

19 A Not that I can think of, but that doesn't
20 mean that there weren't others involved, but those
21 are the two that come to the forefront of my mind.

22 Q Would you say that Mo Jazil and Jason
23 Torchinsky were your client contacts at Holtzman
24 Vogel?

25 A I think that's fair.

REAL TIME ROUGH DRAFT!

1 Q Who were your client contacts at EOG?

2 A Primarily Alex Kelly.

3 Q Did you talk to Alex Kelly directly?

4 A Yes.

5 Q So earlier I think you testified that you
6 had only -- you had only worked through Holtzman
7 Vogel directly. But it sounds like you also -- you
8 interacted with EOG directly through Alex Kelly?

9 A That's fair.

10 Q When did you start interacting with Alex
11 Kelly directly?

12 **MS. MEEHAN:** Objection. Just the
13 conditional legislative privilege objection.

14 But I think you can -- you are free to
15 answer that question since it's within the
16 public record.

17 A Yeah, I can't say exactly when I was first
18 in contact with Alex. During the process, it was
19 probably early on, but I can't say with any
20 specificity when I first -- first interacted with
21 Alex Kelly.

22 BY MR. POSIMATO:

23 Q I think you testified earlier that you
24 were first brought on around January 2022; is that
25 accurate?

REAL TIME ROUGH DRAFT!

1 A Yeah, that is accurate.

2 Q Okay. Do you think you started talking to
3 Alex Kelly that same month?

4 A Again, I can't say with certainty, but I
5 think it's very likely that the introduction would
6 have happened somewhere in the month of January, but
7 again, I don't recall.

8 Q So would you interact with Alex Kelly
9 and -- well, how did you decide whether to interact
10 with Alex Kelly directly, with EOG directly, rather
11 than go through your contacts at Holtzman Vogel?

12 **MS. MEEHAN:** Objection to form.

13 Legislative privilege, to the extent the
14 question is asking about information internal
15 to the Governor's Office or, you know, legal
16 advice given by counsel.

17 A I mean, generally speaking, I wouldn't say
18 that there was a hard and fast rule of when you
19 would speak to one versus the other. If Alex called
20 me, I'd pick up.

21 BY MR. POSIMATO:

22 Q Okay. So did you send Alex Kelly draft
23 plans directly?

24 A No.

25 Q So did you send him any analysis of your

REAL TIME ROUGH DRAFT!

1 draft plans directly?

2 A No.

3 Q Did you send him any kind of attachment
4 directly related to your work in Florida?

5 A Not that I can recall, but it may have
6 happened.

7 Q And if it wasn't data associated with your
8 draft plans and it wasn't a draft plan, what -- what
9 could that attachment have been?

10 **MS. MEEHAN:** Objection to form. And then
11 legislative privilege. You can answer that in
12 a general matter, like what you might see on a
13 privilege log, but please don't get into the
14 details internal to the Governor's Office to
15 the extent it's related to redistricting
16 legislation.

17 A Yeah, and do you want to go back over that
18 question again? What are you looking for?

19 BY MR. POSIMATO:

20 Q Yeah. Yeah. I -- so I had asked you
21 whether you had sent Mr. Kelly, Alex Kelly any of
22 your draft plans directly. I believe your testimony
23 was no. And then I asked whether you had sent him
24 any data associated with your draft plans and I
25 believe your testimony was no.

REAL TIME ROUGH DRAFT!

1 And so, but then you said that you -- it's
2 possible that you sent him some attachment. And
3 feel free to push back on any of my characterization
4 of your --

5 A Yeah, sorry. Inartful answer.
6 Attachments is probably not accurate. You know, the
7 prior testimony holds. Draft plans, reports weren't
8 going to Alex, but there could be communications
9 outside of that that -- outside of those
10 communications that had attachments, there could
11 have been communications.

12 Q Okay. What -- what -- so what generally
13 would you communicate with Alex Kelly about?

14 A I mean, generally, it was matters related
15 to redistricting.

16 Q Can you be more specific?

17 A I mean, it could be anything from setting
18 up calls, it could be feedback on a -- on something.
19 It could be thoughts and impressions of the
20 legislative process. I mean, there are a few
21 categories it could have fallen into.

22 Q Okay. So let's break that down. So on --
23 on feedback, what -- do you remember any of the
24 feedback Mr. Kelly gave you?

25 **MS. MEEHAN:** Objection, legislative

REAL TIME ROUGH DRAFT!

1 privilege. I think the question is getting at
2 information internal to the Governor's Office.
3 You can answer to that which is not only
4 internal to the Governor's Office.

5 A Yeah. And any feedback provided would
6 have been -- would have been subject to privilege,
7 yeah.

8 BY MR. POSIMATO:

9 Q Okay. But you did receive feedback from
10 him?

11 **MS. MEEHAN:** You can answer that que- --
12 same objection. You can answer that question
13 yes or no.

14 A Yes.

15 BY MR. POSIMATO:

16 Q Okay. How often did you receive feedback
17 from Alex Kelly regarding your draft plans?

18 **MS. MEEHAN:** Same objection, you can
19 answer as a general matter.

20 A Yeah, generally, it's hard for me to pin
21 down the number of times we would have communicated.

22 BY MR. POSIMATO:

23 Q Okay. More than five?

24 A I think that's fair to say, more than
25 five.

REAL TIME ROUGH DRAFT!

1 Q More than 10?

2 A Probably, but I don't know.

3 Q Did you receive feedback on -- from Alex
4 Kelly on each one of the draft plans you created for
5 the state?

6 **MS. MEEHAN:** Objection to form. Or,
7 sorry, apologies. Objection, legislative
8 privilege. It -- to the extent the question is
9 asking about each and every draft plan, I'd
10 instruct Mr. Foltz not to answer unless that
11 information is within the public record.

12 A Yeah, I can't answer that.

13 BY MR. POSIMATO:

14 Q Just to be clear, I don't -- I'm not
15 asking about the content of the feedback. This is
16 more going to just, like, the -- when -- when did it
17 occur. And just curious, you know, if it occurred
18 in each instance you submitted a plan, just to give
19 a sense of, like, you know, how often you spoke and
20 how often you received feedback?

21 **MS. MEEHAN:** And -- and I believe
22 Mr. Kelly testified that the two of them
23 coordinated or worked together. I -- there
24 wasn't a lot of granularity beyond that.

25 Mr. Foltz, go ahead and answer the

REAL TIME ROUGH DRAFT!

1 question, but please don't divulge the
2 substance of the feedback, if you could.

3 A Yeah, I think if -- if a plan made it to
4 Alex, you know, there are plans that just stay on my
5 computer and don't get submitted because the -- the
6 concept doesn't work. So I think to put the proper
7 limitation on that, it's not uncommon for a plan to
8 have gotten to Alex and then to have received
9 feedback from Alex on the plan that he had taken a
10 look at.

11 BY MR. POSIMATO:

12 Q Okay. You also testified that sometimes
13 you would communicate with Alex Kelly about the
14 legislative process. Did you have those
15 communications with Mr. Kelly throughout your
16 engagement with the State of Florida from January
17 until the close of -- of -- until -- until the
18 enactment of the -- what's now Florida's
19 Congressional plan?

20 **MS. MEEHAN:** Same objection, just answer
21 at a high level of generality, not including
22 substance.

23 A Yeah, I would say those conversations were
24 ongoing as the legislative process worked.

25

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Without divulging the substance of the
3 conversation, were those conversations mostly
4 updates on -- on the -- on the status of certain
5 proposals the legislature was considered --
6 considering, or was it more substantive than that?

7 MS. MEEHAN: Same objections. I think his
8 earlier testimony, that it was thoughts or
9 impressions about the legislative -- the
10 legislative process, so please take care in not
11 disclosing information internal to the
12 Governor's Office that you wouldn't see on a
13 privilege log.

14 A Yeah, and I think that answer holds, is
15 getting thoughts and impressions of the legislative
16 process as it worked forward, you know, providing me
17 with background and a general understanding of what
18 was happening.

19 BY MR. POSIMATO:

20 Q Okay. So would you send -- if you didn't
21 send your draft plans to Alex Kelly directly, did
22 you send them directly to Holtzman Vogel?

23 A Yes.

24 Q Did you send them directly to anybody
25 outside of Holtzman Vogel?

REAL TIME ROUGH DRAFT!

1 A It was common for Bryan and Eric to be on
2 those plans, to be on those e-mails as well.

3 Q Okay. I meant to ask you this earlier,
4 but was -- do you know how Eric Wienckowski was paid
5 for his work in Florida?

6 A I don't know.

7 Q Okay. Aside from draft plans, did you --
8 did you send anything else to Holtzman Vogel?
9 Outside of just e-mails, any other attachments to
10 Holtzman Vogel directly?

11 **MS. MEEHAN:** Objection, attorney-client
12 privilege. Why don't you go ahead and answer
13 that question yes or no and we'll go from
14 there.

15 A Yeah, Joe, you want to hit the question
16 one more time.

17 BY MR. POSIMATO:

18 Q Yeah, I'll just start with -- by being
19 more specific.

20 Did you send Holtzman Vogel any shapefile
21 directly?

22 A Yes.

23 Q Did you send them any analyses of your
24 plans, say on compactness or splits, directly?

25 **MS. MEEHAN:** Objection to form,

REAL TIME ROUGH DRAFT!

1 attorney-client privilege. You can answer that
2 question yes or no.

3 A Yes.

4 BY MR. POSIMATO:

5 Q Okay. Were those -- what sort of analyses
6 did you send them?

7 **MS. MEEHAN:** Objection, form,
8 attorney-client privilege. You -- you can
9 answer that question at a very high level, but
10 please do not disclose the specifics of, you
11 know, information provided to counsel their --
12 at their request.

13 A Yeah, so at a high level, reports
14 reflecting traditional criteria I think is
15 probably -- and certain demographic composition I
16 think is about as far as I can probably take that
17 before getting into privilege issues.

18 BY MR. POSIMATO:

19 Q Okay. So besides those analyses and the
20 shapefiles we discussed, did you send Holtzman Vogel
21 any data outside of an analysis directly?

22 **MS. MEEHAN:** Same -- same objections.

23 A Yeah, and I'm not sure what you would
24 catch -- excuse me -- I'm not sure what you would
25 catch in that question that isn't covered by

REAL TIME ROUGH DRAFT!

1 reports. You know, there's reports and then there's
2 sometimes summary data at the bottom of a report,
3 but I think beyond that, you've caught everything
4 that would have gone to counsel.

5 BY MR. POSIMATO:

6 Q Did you perform any analyses on draft
7 Congressional plans that arose within the
8 legislature?

9 **MS. MEEHAN:** Object -- objection to -- to
10 form. Objection, legislative privilege. You
11 can disclose that which is not internal to the
12 Governor's Office or not attorney-client
13 privilege.

14 A And I don't know where privilege is on
15 this one, so yeah, I got to -- I got to punt. I
16 don't know where privilege is going to kick in on
17 this one.

18 **MS. MEEHAN:** Sorry. Mr. Foltz, do you
19 mean you don't -- you don't think you can
20 answer without disclosing something that
21 someone asked you to do internal at the
22 Governor's Office? Sorry, I just -- I want to
23 make sure I understand.

24 A Yeah, and I think that combined with the
25 fact that I don't know what is in the public domain,

REAL TIME ROUGH DRAFT!

1 so I -- I don't know if I can answer that without
2 getting into attorney-client privilege.

3 BY MR. POSIMATO:

4 Q Okay. Did Holtzman -- anybody at Holtzman
5 Vogel give you any feedback on your draft plans?

6 **MS. MEEHAN:** Are you -- are you asking
7 whether the lawyers gave him feedback?

8 **MR. POSIMATO:** Yeah, just -- just whether
9 it happened, not the content.

10 **MS. MEEHAN:** Objection to form as to draft
11 plans. Objection, attorney-client privilege.
12 You can answer that question yes or no.

13 A Yes.

14 BY MR. POSIMATO:

15 Q Did -- let me ask you the same series of
16 questions I asked you about Alex Kelly's feedback.
17 Did they give you feedback on each one of the draft
18 plans you sent them?

19 **MS. MEEHAN:** Same objections.

20 You can answer yes or no.

21 A I don't remember is the answer. I can't
22 remember if there was feedback on every plan that
23 was provided or if it was more sporadic to the
24 drafts.

25

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Okay. And generally the feedback with the
3 lawyers at Holtzman Vogel doing their own analyses
4 of your plans -- did I break up?

5 A Yeah, you did.

6 Q I could tell from your facial expression.

7 A Yeah.

8 Q I asked -- to provide you -- well, to
9 provide you that feedback, were the lawyers at
10 Holtzman Vogel doing their own analyses of your
11 plans?

12 **MS. MEEHAN:** Objection to form.
13 Attorney-client privilege. Work product.
14 Legislative privilege.

15 If you know the answer and you will not be
16 disclosing attorney-client privilege
17 information, you can answer. Otherwise, I
18 would instruct you not to answer.

19 A Yeah, I am going to have to not answer on
20 that as that is legal advice.

21 BY MR. POSIMATO:

22 Q Okay. When they provided you feedback,
23 were they relaying the feedback from somebody else?

24 **MS. MEEHAN:** Same objections.

25 A Yeah, and I can't answer that.

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Did you receive any feedback from Thomas
3 Bryan?

4 A No. As I had testified to prior, Tom and
5 Eric built the data center, ran reports. But as far
6 as being active participants in the drawing process,
7 they weren't.

8 Q Okay. Did you receive -- did you
9 communicate with anybody else in the Executive
10 Office of the Governor besides Alex Kelly?

11 A Yes.

12 Q Who?

13 A The one I can remember is Ryan Newman. I
14 believe there may have been a conversation with
15 others at one point, but I don't remember who. But
16 Newman is -- Ryan Newman is the only other person I
17 can remember communicating with.

18 Q Okay. And did you communicate with him
19 about your draft plans?

20 **MS. MEEHAN:** Objection to form. As to
21 draft plans, Mr. Newman is an attorney, so both
22 legislative privilege, attorney-client
23 privilege.

24 You can answer yes or no.

25 A Yes.

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Did he provide you feedback on your draft
3 plans?

4 **MS. MEEHAN:** Same objections.

5 A Yes.

6 BY MR. POSIMATO:

7 Q And was that -- did that feedback sort of
8 come in the same way Alex Kelly's came in that when
9 Mr. Newman received a plan, it was likely that he
10 gave you feedback?

11 **MS. MEEHAN:** Same objections.

12 A Yeah. I want to be careful on that. I
13 don't know if he received plans. Clearly he saw
14 them, but his contact was much more infrequent, so I
15 don't know what their internal process was as to how
16 and when he would see something that I had been
17 working on. And it was much, much less frequent
18 than communication with Alex. It was just a couple
19 of times that I can remember.

20 So yeah, I mean, again, I can say
21 generally that there was feedback provided, but I am
22 going to stop my answer at that point.

23 BY MR. POSIMATO:

24 Q Okay. Do you remember which plans of
25 yours Mr. Newman had commented on?

REAL TIME ROUGH DRAFT!

1 **MS. MEEHAN:** Same objections. Same
2 objections and please do not answer to the
3 extent that sort of information is internal to
4 the Governor's Office or attorney-client
5 privilege feedback.

6 A Yeah, I'm sorry, what was the original
7 question again?

8 BY MR. POSIMATO:

9 Q You had testified that Mr. Newman provided
10 feedback on just a small number of your plans. I
11 was just asking if you remember which of those plans
12 he provided feedback on?

13 **MS. MEEHAN:** Same objection.

14 A Yeah, I don't remember which plans
15 specifically he would have been providing commentary
16 on.

17 BY MR. POSIMATO:

18 Q Okay. At a high level, can you -- at a
19 high level, without disclosing specifics, was
20 Mr. Kelly's feedback on your plans directed towards
21 compliance with, say, certain traditional
22 redistricting criteria?

23 **MS. MEEHAN:** Objection. Legislative
24 privilege.

25 Please do not disclose information

REAL TIME ROUGH DRAFT!

1 internal to the Governor's Office or
2 information that would otherwise relay
3 attorney-client privileged information.

4 A Yeah, I can't answer that without getting
5 into privileged content.

6 BY MR. POSIMATO:

7 Q Okay. All right. Mr. Kelly, I want to
8 show you another document. I think I may have just
9 called you "Mr. Kelly." I'm sorry about that,
10 Mr. Foltz.

11 A No worries.

12 **MS. MEEHAN:** He's Midwestern. He's not
13 going to correct you.

14 **MR. POSIMATO:** Please correct me.

15 **MS. MEEHAN:** Could we take a break for
16 like 5 to 10, try to keep it super quick. Is
17 that okay?

18 **THE WITNESS:** I could use a break.

19 **MR. POSIMATO:** You want 10 minutes?

20 **THE WITNESS:** 10, please, yes.

21 (A recess took place from 2:33 p.m. to
22 2:43 p.m.)

23 BY MR. POSIMATO:

24 Q Mr. Foltz, I want to show you another
25 document. And I will drop it in the chat right now.

REAL TIME ROUGH DRAFT!

1 Let me know when you've got it open.

2 A Okay. The "All Plans Comparison" e-mail
3 PDF is open.

4 Q Okay. So if you scroll down to the --
5 actually, I think the first page, I am just
6 describing the e-mail, and you can let me know if
7 this is accurate. It looks like you sent an e-mail
8 to Mo Jazil on March 2nd, 2022, and CC Jason
9 Torchinsky on that e-mail; is that correct?

10 A That appears to be the case, yes.

11 Q Okay. And then the subject line of this
12 e-mail is "All Plans Comparison," and it looks like
13 you attached a document called "All Plans
14 Comparison."

15 Is that accurate?

16 A Yes.

17 Q Okay. Does this -- we just had a
18 discussion, sort of high level of how your work
19 worked. At a high level how you sent your work
20 around after you were done with it.

21 Does this largely track what we had just
22 talked about, that you would send your plans
23 directly to the folks at Holtzman Vogel?

24 A I am going take a little bit of issue with
25 that characterization as this does not appear to be

REAL TIME ROUGH DRAFT!

1 a plan. It just simply appears to be a spreadsheet.
2 So again, not to be too pedantic, but this doesn't
3 appear to be a draft plan.

4 Q Fair enough. Okay.

5 Does it reflect, you know, the
6 conversation we had earlier about your sending
7 certain reports over to the Holtzman Vogel folks?

8 A Yeah. I think that generally meshes with
9 what we had discussed.

10 Q Okay. If you scroll to the top of that
11 page, it then looks like Mo Jazil sent this --
12 forwarded your e-mail along to some folks including
13 Ryan Newman and Alex Kelly, but also Joshua Pratt
14 and Nicholas Meros; is that correct?

15 A I see that in the "to" line, yes.

16 Q Okay. So we've talked about Ryan Newman a
17 little bit and Alex Kelly. Do you know who Joshua
18 Pratt is?

19 A I do not.

20 Q What about Nicholas Meros?

21 A I do not know.

22 Q Okay. So you never interacted with either
23 of those people?

24 A I can't say with certainty. Previously, I
25 had answered a question saying that there were some

REAL TIME ROUGH DRAFT!

1 conversations that happened with a couple other
2 individual I couldn't identify. And these may be
3 those individuals. But nobody that comes to my
4 direct recollection.

5 Q Okay. Okay.

6 Did anybody ask you -- let me step back.

7 Were you aware when setting these e-mails
8 to Mo Jazil and Jason Torchinsky that they were then
9 forwarded on to the Executive Office of the
10 Governor?

11 **MS. MEEHAN:** Objection. Legislative
12 privilege.

13 To the extent you can answer, go ahead.

14 A Yeah, that -- there is -- I don't know.
15 There may have been e-mails that went to Mo and
16 Jason that did not get pushed along. Clearly, this
17 one did. So I can't say with any certainty what
18 e-mails were forwarded and what e-mails were not.
19 But clearly this one was.

20 BY MR. POSIMATO:

21 Q Sure. Just as a general matter, were you
22 aware that this was a thing that was happening, that
23 some of your e-mails are being forwarded along to
24 the Executive Office of the Governor?

25 **MS. MEEHAN:** Same objection.

REAL TIME ROUGH DRAFT!

1 A I think generally -- I think it's fair to
2 say that some I had a pretty good sense were being
3 forwarded along. You know, as I testified to
4 previously, Mr. Kelly would provided feedback, and
5 he wasn't receiving those e-mails from me, so, you
6 know, pretty safe assumption that he was getting
7 them via the team at Holtzman Vogel. So again, I
8 can't say which e-mails went forward, but clearly
9 some did.

10 BY MR. POSIMATO:

11 Q Okay. Who -- do you know why this process
12 for communicating with EOG was set up? And by "this
13 process," I'm referring to the fact that you would
14 send materials first to Holtzman Vogel and that they
15 would then send it along to EOG?

16 **MS. MEERAN:** Objection to form.

17 Objection, legislative privilege.

18 Please do not divulge information that's
19 exclusively internal to the Governor's Office.

20 A Yeah, and I can't say specifically why
21 this was the workflow. As I testified to
22 previously, Holtzman Vogel was my first point of
23 contact and then, you know, Alex and others were
24 brought into the process later on.

25 So it could have just been simple

REAL TIME ROUGH DRAFT!

1 familiarity for my part that I knew the players at
2 the law firm, and I sent e-mails accordingly. But
3 again, I am not testifying to any specific
4 conversation with counsel, just kind of my
5 impression of this.

6 BY MR. POSIMATO:

7 Q Okay. Did anybody ever ask you not to
8 send materials directly to any member of the
9 Executive Office of the Governor?

10 **MS. MEEHAN:** Objection to form.

11 Objection, legislative privilege. Objection,
12 attorney-client privilege.

13 Please do not answer it unless
14 something -- in the public record.

15 A Okay. Yeah, I can't answer that.

16 BY MR. POSIMATO:

17 Q So this e-mail, as we talked about
18 earlier, it looks like you attached a spreadsheet
19 called "All Plans Comparison."

20 Is that correct?

21 A Yes.

22 Q Okay. What was that document?

23 A If memory serves, the All Plans Comparison
24 was taking summary data from all plans, for lack of
25 a better term, that had been inartful label and

REAL TIME ROUGH DRAFT!

1 putting them into like a side-by-side comparison
2 type of summary sheet that would take some of those
3 descriptive statistics and line them up next to each
4 other.

5 Q Who asked you to create that document?

6 **MS. MEEHAN:** Objection, attorney-client
7 privilege, legislative privilege. Answer if
8 you can.

9 A Yeah, and I can't say that I recall anyone
10 instructing me to create that spreadsheet. But, I
11 mean, you have data, you need to summarize it
12 somehow, so it's a very natural part of the process.
13 Again, without specifically recalling any
14 instruction.

15 BY MR. POSIMATO:

16 Q Okay. And I'm just going to bring up that
17 document now. I'm going to drop it in the chat.

18 A Am I good to chose this one, Joe?

19 Q Yeah, yeah. Thanks for asking.

20 **THE STENOGRAPHER:** Is that last document
21 marked -- going to be marked?

22 **MR. POSIMATO:** Oh, I'm sorry about that,
23 Sandi. Yes. I -- what are we up to? Is that
24 6?

25 **THE STENOGRAPHER:** Correct.

REAL TIME ROUGH DRAFT!

1 (Exhibit 6 was marked for identification.)

2 **MR. POSIMATO:** Sorry. Thank you. And
3 this one will be 7.

4 (Exhibit 7 was marked for identification.)

5 A Okay. It is -- All Plans Comparison
6 Excel.PDF is now opened.

7 **MS. MEEHAN:** Could I just ask a clarifying
8 question about the document. On the second
9 page of the document there are these callout
10 boxes. Are those in the native file or were
11 those added?

12 **MR. POSIMATO:** I was just going to clarify
13 that, Taylor. Yeah, they --

14 **MS. MEEHAN:** Sorry.

15 **MR. POSIMATO:** No, no, thank you for
16 asking. Yeah, I downloaded this directly from
17 our discovery platform as the native file. I
18 did not add any of that. I can represent that
19 much.

20 BY MR. POSIMATO:

21 Q Okay. Mr. Foltz, so this is a -- as I
22 just mentioned, this is a PDF of a version of the
23 Excel sheet titled All Plans Comparison that was
24 attached to the e-mail we just looked at. This
25 is -- because it's a PDF, it's not as elegant as the

REAL TIME ROUGH DRAFT!

1 Excel sheet would be, but just bear with me as we go
2 through it.

3 So do you -- does this look -- does this
4 look document -- does -- let me step back.

5 Does this document look familiar to you?

6 A Yes, it does.

7 Q Okay. And if you go to the second page,
8 there's a chart and at the top it says "Reock,"
9 there are these bubbles that are blocking out some
10 of it, but at the -- in the -- it's a row below
11 Reock there are -- are different plan names; is that
12 correct?

13 A Yes, that is correct.

14 Q Okay. Do those plan names reflect draft
15 plans that you drew?

16 A It appears that way, yes.

17 Q Okay. And if you scroll down, it -- sort
18 of the page extends. So it -- your plans go all the
19 way through, I think, Plan 13-A here; is that
20 correct, on the third page?

21 A On the third page, that appears to be
22 correct.

23 Q Okay. And then it starts -- then there
24 are some other plans, Plan 8019, Plan 8017,
25 Plan 8015 and so on, all the way leading to

REAL TIME ROUGH DRAFT!

1 benchmark. Is that -- is that accurate?

2 A Yes, that appears true.

3 Q Okay. What -- where -- where did those
4 plans come from?

5 A I'm sorry, which plans?

6 Q Starting from Plan 8019 to Plan 8040.

7 A Uh-huh.

8 Q Let me start maybe by asking: Did -- did
9 you draw those plans?

10 A No, I don't believe I did.

11 Q Do you know who drew those plans?

12 A To the best of my recollection, I believe
13 those are House plans, but I'm not a hundred percent
14 on that one, but I am pretty sure they're House
15 plans.

16 Q Okay. So earlier in -- in this deposition
17 I had asked you whether you performed any analysis
18 of -- of plans that originated from the legislature.
19 Based on this document, what -- what is your answer
20 to that question?

21 A Yeah, it appears that I did.

22 Q Now, returning to the -- the top row in
23 this spreadsheet -- and again, I'm sorry how
24 difficult it is to look at this -- but it looks --
25 on the second page, the -- that top row says Reock,

REAL TIME ROUGH DRAFT!

1 then you scroll down to the fourth page, it's
2 Area/Convex Hull. On the fifth page -- on the sixth
3 page is Polsby-Popper.

4 Are those -- we talked about those a
5 little bit earlier in your testimony. Are those
6 different measures of compactness?

7 A Yes.

8 Q Okay. And then if you scroll to the
9 eighth page, that looks to be some analysis of
10 splits; is that correct?

11 A Page 8?

12 Q Yes.

13 A Yes, that appears to be the case.

14 Q Okay. Now, if you go to page 10, there's
15 a new analysis and it's a -- it's cut off. It's on
16 page 10 and 11. It says number of, I believe,
17 districts, 50 percent plus in a category. And then
18 you go back to the 10th page on the left-hand
19 column, there are percent -- different percent --
20 percentages of certain voting age populations.

21 Can you tell me what BNH VAP stands for?

22 A Black, non-Hispanic voting age population.

23 Q And is the next one Hispanic voting age
24 population?

25 A That's correct.

REAL TIME ROUGH DRAFT!

1 Q Okay. And then BNH CVAP would be Black
2 non-Hispanic citizen voting age population?

3 A That's correct.

4 Q Okay. And then B ALL would be all Black,
5 so anybody who considers themselves Black even if
6 they also check Hispanic on the census form; is that
7 correct?

8 A Yes, it is.

9 Q Okay. And that would be the citizen
10 voting age population, right?

11 A I'm sorry. Say that again.

12 Q And that would -- I almost triggered Siri
13 again. And that would be the citizen voting age
14 population, right, for those Black all?

15 A Yes.

16 Q Yep. Okay.

17 So my question is: Who -- why -- why did
18 you perform the different analyses? And I guess I
19 could start with this one first, the number of
20 districts of 50 percent plus in category 1. Why did
21 you perform this analysis?

22 A You know --

23 **MS. MEEHAN:** Object --

24 **THE WITNESS:** Sorry, Taylor.

25 **MS. MEEHAN:** Objection. Legislative

REAL TIME ROUGH DRAFT!

1 privilege, attorney-client privilege. Please
2 do not answer as to why you did something if it
3 reveals something internal to the Governor --
4 to the Governor's Office or attorney-client
5 communications.

6 A Yeah, and that's going to get into
7 privileged communications.

8 BY MR. POSIMATO:

9 Q Okay.

10 A I think generally I can answer to assist
11 in counsel providing legal advice, but beyond that,
12 I think I hit the limits of privilege pretty quickly
13 on that one.

14 Q Okay. Who -- who -- did -- did somebody
15 ask you to perform that analysis?

16 **MS. MEHRAN:** Same objections. Boy, with
17 the document in front of us, I -- same
18 objections. Mr. Foltz, you can answer at a
19 very high level of generality.

20 A Yeah, I can't remember anyone specifically
21 instructing me to put this together, but it's
22 likely -- it's in the pursuit of helping counsel
23 with their work, so I'm going to stop my answer
24 there.

25

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Did you put this together on your own
3 accord?

4 **MS. MEEHAN:** Objection to form. And then
5 same legislative privilege and attorney-client
6 privilege objections.

7 A I don't remember.

8 BY MR. POSIMATO:

9 Q Okay. If you -- if you could scroll down
10 to page 12, there's a new chart here with, I think,
11 very similar percentages for each of the plans that
12 we talked about earlier. I think the previous
13 chart, I think that chart was -- and correct me if
14 I'm wrong -- just identifying the number of
15 districts that had 50 percent plus in the categories
16 in the -- that left-hand column. Whereas this chart
17 is just -- is identifying the percent -- the pop- --
18 the percentage population in each of the districts
19 in each of the plans analyzed in this Excel sheet.
20 Is -- is that accurate?

21 A Yeah, I think that's an accurate summary
22 of what is presented in this -- on this page.

23 Q Okay. And -- and same questions with
24 respect to this plan that I asked and the last plan.
25 Why did you perform this analysis?

REAL TIME ROUGH DRAFT!

1 **MS. MEEHAN:** Same objections. Please
2 don't disclose attorney-client privileged
3 communications or legislatively privileged
4 communication.

5 A Yeah, and it's going to be the same answer
6 throughout the document. It's -- you know,
7 generally, top-line matter is to help -- it's to
8 help legal counsel in their providing of legal
9 advice to EOG.

10 BY MR. POSIMATO:

11 Q Okay. Fair enough, Mr. Foltz.

12 I guess what I'm having a little trouble
13 understanding is you had testified earlier that
14 Mr. Bryan and Mr. Wienckowski were engaged to
15 perform some analyses, I think to assist with --
16 again, correct me if I'm wrong if this wasn't your
17 testimony -- to assist with -- counsel with
18 performance of functional analyses with respect to
19 minority opportunity districts.

20 So just, I guess, I'm wondering why you
21 also provided analysis of sort of racial breakdowns
22 in the districts of these specific plans?

23 **MS. MEEHAN:** Objection to form. Same
24 attorney-client privilege objections and
25 legislative privilege objections.

REAL TIME ROUGH DRAFT!

1 A Yeah, and just a few things to kind of
2 break out. I never testified that Eric and Tom
3 provided functional analysis to counsel. Secondly,
4 some of this data is from their reports just simply
5 put in one location for summary purposes. Thirdly,
6 I did testify that while race wasn't a motivating
7 factor in drawing and racial shading wasn't part of
8 the drawing, that it's a necessary component to
9 legal compliance and providing it to counsel aids in
10 that endeavor.

11 BY MR. POSIMATO:

12 Q Okay. So did -- so you reviewed some of
13 Thomas Bryan's and Eric Wienskowski's reports as
14 part of your work at Florida?

15 **MS. MEEHAN:** Same objection.

16 You can answer at a general level.

17 A Yeah. Generally, I would say I
18 incorporated their reports into the summary data so
19 people didn't have to move between multiple files.

20 BY MR. POSIMATO:

21 Q Okay. I want to move on to this document.
22 Before we do, if you can scroll back to the top so
23 that we can sort of on the first -- on the second
24 and third page we can see all the plans, I think,
25 that were part of this comparison. Let me know when

REAL TIME ROUGH DRAFT!

1 you are there.

2 A You said second and third page?

3 Q Yeah.

4 A Okay. I am there.

5 Q Okay. So from -- and sorry if you
6 testified to this already, but starting with Plan 2
7 on page 2, and ending with Plan 13-A on page 3, did
8 you draw -- well, let me actually -- let me just --
9 did you draw all of the plans on pages 2 and 3 up to
10 Plan 8019 which starts the House plans?

11 A I can't say -- yes, I am pretty sure that
12 I did. What I'm -- where I'm going to hedge a
13 little bit is when Alex started drawing, I don't
14 know what the file -- what that internal number is
15 that associates with his. So I think these are all
16 mine, but I want to leave myself the out in case
17 there's information to come forward that reminds me
18 that Alex drew, say, 13-A.

19 Q Okay.

20 A Yes, with a big old condition on it.

21 Q Okay. You can close that, Mr. Foltz.

22 Give me one moment.

23 Aside from this All Plan Comparison
24 spreadsheet, were there any other sorts of -- any
25 other reports that you created for the State of

REAL TIME ROUGH DRAFT!

1 Florida?

2 A I would say that the All Plans Comparison
3 was the summary of the reports that had been run.
4 So if there is -- there is going to be a compactness
5 report for a plan, that was then summarized in that
6 sheet. So this was just the combo report that gave
7 kind of a one stop for side-by-side comparison, but
8 all of that is going to be informed by reports run
9 for an individual plan in an individual -- for that
10 plan itself.

11 Q Got it. Okay.

12 I am dropping new document in the chat. I
13 think this is Exhibit 8 now, Sandi, but correct me
14 if I'm wrong.

15 **THE STENOGRAPHER:** That's correct.

16 (Exhibit 8 was marked for identification.)

17 BY MR. POSIMATO:

18 Q Let me know when that's up on your screen,
19 Mr. Foltz.

20 A This is "New Florida Request" E-mail.pdf.

21 Q That's right. Okay.

22 If you look at the first page, it looks
23 like on January 18, 2022, you had sent an e-mail to
24 some number of people with some content that's now
25 redacted; is that correct?

REAL TIME ROUGH DRAFT!

1 A I'm sorry. Say that again.

2 Q On the first page, it looks like on
3 January 18, 2022, you sent an e-mail to somebody,
4 but that's all redacted; is that correct?

5 A That appears to be the case, yes.

6 Q Okay. And then it looks like soon after,
7 also on January 18, Eric Wienckowski responded with
8 something, but that is redacted; is that correct?

9 A Yes.

10 Q Okay. And then Eric Wienckowski writes an
11 e-mail again later that same day to you, Jason
12 Torchinsky, and Thomas Bryan, with what looks like
13 CVAP and splits analysis, is that correct?

14 A That is correct.

15 Q Okay. Does this e-mail look familiar to
16 you?

17 A Not -- it's not sparking specific
18 recollection, but pretty standard e-mail for a
19 process like this.

20 Q Okay. So the subject of this e-mail is
21 "New Florida Request." Do you remember what that
22 new request was?

23 **MS. MEEHAN:** Objection, legislative
24 privilege. Attorney-client privilege.

25 Please don't answer to the extent it's

REAL TIME ROUGH DRAFT!

1 information internal to the Governor's Office.

2 A Yeah, I don't remember what spurred
3 this -- what spurred this e-mail on.

4 BY MR. POSIMATO:

5 Q Okay. And why do you say that it's not
6 uncommon? I believe you said it wasn't uncommon to
7 receive this sort of e-mail during the redistricting
8 process. Did you say that? Is that right?

9 A Yeah.

10 Q Okay. What makes this not uncommon?

11 **MS. MEEHAN:** Same objections.

12 A Yeah, speaking generally and given what we
13 looked at with All Plans Comparison, running
14 geographic splits and plan analysis was pretty
15 common for plans throughout the process.

16 BY MR. POSIMATO:

17 Q Okay. Is it possible that when -- when
18 this e-mail says "New Florida Request," that was
19 referring to maybe the start of your engagement in
20 Florida?

21 **MS. MEEHAN:** Objection to the form. Same
22 legislative privilege, attorney-client
23 privilege objections. Sorry.

24 A Yeah, and I'm going to -- I don't know
25 this specifically, but just given -- just given the

REAL TIME ROUGH DRAFT!

1 timing, I don't believe that to be the case. This
2 feels like it would be something that was a little
3 further into the process than the beginning.

4 BY MR. POSIMATO:

5 Q Okay. So when you first began your
6 engagement in Florida, were you given any
7 instructions on how to draw the plan as a whole?

8 **MS. MEEHAN:** Objection, legislative
9 privilege, attorney-client privilege.

10 You can answer that to the extent it's in
11 the public record.

12 A I got to be careful with this because I
13 testified to the initial contact was Jason, and
14 what's in the public domain I am not a hundred
15 percent on, so I think my goal when I sat down was
16 to try to draw a map that reduced splits and really
17 tightened up compactness around the state.

18 So I don't want to say that was an
19 instruction per se as to be mindful of privilege,
20 but I know that I was working to try to tighten up
21 compactness and reduce splits as kind of a top-line
22 matter and, of course, equalize population,
23 especially considering that Florida added a new
24 Congressional district. So population equalization,
25 as always, was a big driver as well.

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Okay. Were you asked to ensure your plan
3 met any traditional redistricting criteria?

4 **MS. MEEHAN:** Same objections.

5 You can answer as a general matter that's
6 in the public record.

7 A Yeah, as a general matter, as I said,
8 really working to equalize population, add the seats
9 and splits and compactness, chasing those around the
10 map were definitely goals.

11 BY MR. POSIMATO:

12 Q Okay. And -- I'm sorry. Did anybody give
13 you that -- give you those criteria as goals to
14 meet?

15 **MS. MEEHAN:** Same objections.

16 If you can answer.

17 A Yeah, and again, I want to be careful with
18 one as to not step on privilege and not remembering
19 exactly what's in the public domain on this, so I
20 think I need to -- I think I need to not answer in
21 so much as instruction because of the privilege
22 matters and frame it more in the way of my goals.
23 So I need just to be careful at the instruction end
24 of this as to not step on privilege.

25

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Fair enough.

3 Mr. Foltz, I am dropping another document
4 in the chat. This one I think is now Exhibit 9.

5 (Exhibit 9 was marked for identification.)

6 BY MR. POSIMATO:

7 Q All right. Just let me know when you have
8 it up.

9 A This is the Office of the Governor memo,
10 it appears?

11 Q That is correct. From February 18th,
12 right? Is that what you have on yours?

13 A Yes, February 18th. That is correct.

14 Q Okay. This was produced to us by the
15 Governor's Office. Have you seen this memo before?

16 A I don't believe I have.

17 Q I will scroll through if you need.

18 A Scrolling, I don't believe I have. This
19 is not the veto message, correct, nor is -- yeah,
20 this is not. This is just a -- chairman
21 Congressional redistricting subcommittee. I don't
22 believe I've seen this. I may have, but I don't
23 believe I have.

24 **MS. MEEHAN:** Mr. Foltz, if you haven't
25 seen it, you can take a few minutes without

REAL TIME ROUGH DRAFT!

1 reading into the record to review the document.

2 BY MR. POSIMATO:

3 Q Just let me know when you are ready,
4 Mr. Foltz.

5 A (Examining document.)
6 Still going on.

7 Q Take your time.

8 A (Examining document.)

9 Okay. I think I've got the gist of it.

10 Q Okay. So if you look at the top part of
11 the memo, the first paragraph, Ryan Newman
12 expresses -- summarizes the legal objections from
13 the Governor's Office, Congressional District 3 in
14 the map proposed by the Florida House redistricting
15 committee. But as Mr. Newman notes in the second
16 sentence, that district largely cracks, quote, the
17 current Congressional District 5 in the Benchmark
18 Plan.

19 Do you see that?

20 A Just to be clear, largely tracks?

21 Q Yes.

22 A Yeah.

23 Q And further down in the paragraph, he
24 says: "The district is not compact and does not
25 otherwise conform to usual political or geographic

REAL TIME ROUGH DRAFT!

1 boundaries."

2 Is that correct?

3 A That is what the memo states, yes.

4 Q Did anybody in the Office of the Governor
5 express any of those views to you regarding
6 Congressional District 3 in the House plan or
7 Congressional District 5 in the Benchmark Plan?

8 **MS. MEEHAN:** Objection, legislative
9 privilege, attorney-client privilege.

10 Answer if you can.

11 A Yeah, as far as did anyone communicate
12 that to me from EOG, that's going to be privileged.
13 Those are going to be privileged conversations.

14 BY MR. POSIMATO:

15 Q Okay. But you testified earlier that --
16 you testified earlier that it was likely -- the
17 message -- the content of the Governor's veto
18 message was likely communicated to you before the
19 veto message was made public, correct?

20 A I think -- I don't want to say that it
21 was -- yeah, I want to be careful with this because
22 I think my prior testimony was that given the
23 iterative process back and the forth -- and again,
24 without disclosing conversations, clearly that
25 feedback is going to reflect preferences.

REAL TIME ROUGH DRAFT!

1 So I just want to draw that line of a
2 general impression of what the iterative process is
3 in redistricting versus specific communications from
4 EOG and counsel.

5 Q Okay. Through the iterative process, did
6 you get an impression of any of the views expressed
7 in this memo in the first paragraph?

8 **MS. MEEHAN:** Objection to form,
9 attorney-client privilege, legislative
10 privilege.

11 Answer only if you can without revealing
12 internal communications.

13 A It's a tough one, to still protect
14 privilege. I mean, there was clearly a desire to
15 improve compactness, and this is an uncompact
16 district. So I think that's about as far as I can
17 probably go without getting into privileged
18 conversations.

19 BY MR. POSIMATO:

20 Q Okay. Did the Executive Office of the
21 Governor reach any other views as to how the Enacted
22 Map should be drawn that's not expressed in this
23 memo?

24 A Sorry, we're having internet issues.

25 Q Sorry about that, guys. Thanks for being

REAL TIME ROUGH DRAFT!

1 patient.

2 I had asked, did -- did the Executive
3 Office of the Governor reach any other -- any other
4 views about how the Enacted Map should be drawn that
5 aren't expressed in this memo?

6 **MS. MEEHAN:** Objection, legislative
7 privilege, attorney-client privilege.

8 Answer if you can.

9 A Yeah, and I think the best way I can do
10 that at the top level without getting into
11 conversations is feedback was not just limited to
12 this area. And so you're going to get feedback from
13 across the state and this memo is very confined to,
14 in this version, District 3, 5 on the benchmarks.
15 So I think that's -- I think that's safe for me to
16 say without get into privileged conversations, just
17 simply that feedback was not limited to one or two
18 districts, or one area of the state, it was more
19 holistic.

20 BY MR. POSIMATO:

21 Q Okay. Okay. So based on your -- your
22 testimony you just gave, it -- it sounds like you
23 agree with the -- the view expressed in this memo
24 that CD-5 was not sufficiently compact in the
25 Benchmark Plan?

REAL TIME ROUGH DRAFT!

1 A I think my testimony was simply that the
2 district, the CD-3 in this example is not compact.
3 I don't think my prior testimony expressed
4 necessarily agreement or disagreement with that. I
5 just simply made the observation that it's not a
6 compact district.

7 Q Okay. Are you aware that -- that this
8 version -- CD-5 in the Benchmark Plan, which is CD-3
9 in this memo, is -- is largely tracks, as the memo
10 states, was approved by the Florida Supreme Court
11 last redistricting cycle?

12 A I am generally aware of that, yes.

13 Q Okay. And are you aware at the time that
14 the Florida Supreme Court was -- did so while
15 analyzing the Fair Districting Amendments?

16 A Sorry, we had an internet hiccup there
17 again. So try again, please.

18 Q Were you aware -- are you aware that the
19 Florida Supreme Court approved the Benchmark CD-5
20 while analyzing its Fair Districts Amendments?

21 A I would say generally, yes, that I'm aware
22 that the state Supreme Court was applying what they
23 believed was the appropriate interpretation of state
24 law.

25 Q Okay. And are you aware that as part of

REAL TIME ROUGH DRAFT!

1 the Fair Districts Amendments, a map must be
2 compact?

3 A I don't remember if compactness is part of
4 the Fair Districting Amendments sitting here right
5 now.

6 Q Okay. Well, I -- I can represent to you
7 that compactness is part of the Tier 2 criteria in
8 the Fair Districts Amendments. So now knowing that
9 the Florida Supreme Court approved Benchmark CD-5
10 and did so while interpreting the FDA, the Fair
11 Districting Amendments that -- which include as part
12 of those amendments compactness, do you still think
13 that CD-5 is uncompact?

14 A Yes, it's uncompact.

15 Q Okay. And what is your basis for thinking
16 that?

17 **MS. MEEHAN:** Objection, legislative
18 privilege, attorney-client privilege.

19 Answer if you can.

20 A Yeah, I mean, it's just -- what did --
21 what was it artfully called before, the intraocular
22 test of the district that stretches a long, narrow
23 strip of land to connect two far-flung communities
24 together. It looks like there's a very narrow choke
25 point, some pretty jagged lines around it, all which

REAL TIME ROUGH DRAFT!

1 are going to adversely affect the compactness score.

2 BY MR. POSIMATO:

3 Q So do you think the Florida Supreme Court
4 was wrong in its interpretation of the state
5 Constitution when it -- when it approved this
6 district last cycle?

7 **MS. MEEHAN:** Objection to form. And then
8 to the extent it implicates legislatively
9 privileged or attorney-client privileged
10 information, please do not disclose that.

11 A No, I just say as a -- as a -- just a
12 simple matter of compactness, it's not a compact
13 district.

14 BY MR. POSIMATO:

15 Q Okay. So we went over a -- a few of the
16 plans just at a high level that you -- you drafted
17 by looking at that -- the All Plans Comparison
18 earlier.

19 Do you remember how many draft
20 Congressional plans you created?

21 A No, I do not.

22 Q Did you draw -- it seems like based on the
23 past plan comparison that you drew somewhere around
24 10 plans at least roughly. Does that sound about
25 right to you?

REAL TIME ROUGH DRAFT!

1 A I think that's a -- I think that's a
2 reasonable ballpark, but I'm -- I'm going to leave
3 the caveat that not every plan made it to the point
4 of getting a report run. Not every plan made it to
5 a point of being passed on to legal counsel. There
6 are times where you start drawing something and it
7 simply just doesn't come together and it gets
8 shelved and never looked at again.

9 So while I think that -- I think that
10 summary is quite a few of the plans, certainly the
11 complete plans, I want to leave myself the wiggle
12 room that there may have been drafts that didn't
13 survive the process or regional drafts that didn't
14 become whole plans that may have been drawn that
15 were not reflected in that spreadsheet.

16 Q Fair enough.

17 Why did you draw so many different plans?

18 **MS. MEEHAN:** Objection, legislative
19 privilege, attorney-client privilege.

20 If you can answer as to why because it's
21 in the public record, go ahead; if not, please
22 do not disclose that information.

23 **MR. POSIMATO:** You have to come up with a
24 shorthand for that, Taylor.

25 **MS. MEEHAN:** I know. I -- if everyone's

REAL TIME ROUGH DRAFT!

1 okay, same objection, legislative privilege,
2 attorney-client privilege, I just -- I want to
3 make sure he knows he can answer. But seeing
4 the clock, I am very much in agreement.

5 **MR. POSIMATO:** Whatever works for you,
6 too.

7 A So as far as why so many, I mean, it's --
8 it's just an iterative -- I keep on saying iterative
9 process, but it's true. You're always trying
10 different concepts, you're always receiving feedback
11 and it just -- it drives more versions. And for me
12 personally, as I try to keep myself organized, I try
13 to draw different versions as different files. So
14 those -- so if somebody wants to go back in time, if
15 they prefer the prior iteration, I am not stuck
16 trying to recreate it from memory, that I have a
17 draft of that prior iteration. So it it's as much
18 iterative process as it is me trying to manage my
19 own work flow.

20 BY MR. POSIMATO:

21 Q Fair enough.

22 Do you have a view on which of your plans,
23 the draft plans you drew is best?

24 **MS. MEEHAN:** Objection to form,
25 legislative privilege, to the extent it

REAL TIME ROUGH DRAFT!

1 applies.

2 A Yeah, and, I mean, how would you define
3 best? Really. I'm -- not to be evasive, but how
4 do -- how do you define best?

5 In redistricting, there are so many
6 different people that are going to have so many
7 different views on what is superior, how they
8 prioritize traditional criteria. So I -- again, not
9 to be evasive, but best is really just something
10 I -- I wouldn't even know how to answer.

11 I think I view my role more as putting
12 different iterations in front of people and, you
13 know, letting people that are the decision makers
14 make the decision.

15 BY MR. POSIMATO:

16 Q Okay. Let's speak of the different
17 iterations of your plans. Was there --

18 A You cut out and you came back. You were
19 talking about iterations.

20 Q Yeah. Yeah. So speaking of the
21 iterations, was there -- by drawings so many
22 iterations of Florida's Congressional Plan, were --
23 were you working towards a certain goal or goals
24 by --

25 **MS. MEEHAN:** Objection.

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO

2 Q -- the process over and over again?

3 **MS. MEEHAN:** Objection, legislative
4 privilege, attorney-client privilege.

5 You can answer if you can.

6 A Yeah, and as I testified to earlier, you
7 know, compactness and split reduction were
8 definitely big motivators. Of course, equalizing
9 population. And I don't want to necessarily say
10 that one plan that came later in the process
11 necessarily was superior to another on those limited
12 metrics. You know, you're going to get feedback,
13 sometimes it's going to tighten up compactness,
14 sometimes it's going to cause things to become less
15 compact. So just because things are -- happened at
16 one point in the process doesn't necessarily mean
17 that it was more compact or if there were fewer
18 splits. And as the process moved forward, and you
19 start getting more feedback, you can just see that
20 reflected in the different summary statistics as the
21 iterations went forward.

22 BY MR. POSIMATO:

23 Q Okay. Mr. Foltz, I'm going to show you a
24 series of quick e-mails and drop the next one in the
25 chat.

REAL TIME ROUGH DRAFT!

1 A And I'm good to close the memo?

2 Q Yes, thank you.

3 A Okay.

4 Q And I think this is Exhibit 10.

5 (Exhibit 10 was marked for
6 identification.)

7 A This is a -- an e-mail, Does this work for
8 you-e-mail.PDF?

9 BY MR. POSIMATO:

10 Q That's -- that is right. So if you scroll
11 to the second page at the bottom -- or actually, at
12 the top of the second page, there is an e-mail from
13 you to Mo Jazil that says, "Does this work for you?"
14 Is that accurate?

15 A Yes, it is.

16 Q Okay. And -- and what were you referring
17 to when you sent that and asked that question?

18 A I don't specifically recall this, but
19 given the subject of the e-mail, I have a -- a vague
20 recollection of wanting to get the PDFs properly
21 distilled, so what I think -- and I'm not saying
22 this with a hundred percent certainty -- I think my
23 impression of this, or my impression of this e-mail
24 is that -- where are we on the timeline?

25 Q This is January 14th.

REAL TIME ROUGH DRAFT!

1 A So I think my very dicey recollection of
2 this is it was just: Here's how these maps are
3 going to be presented in PDF, does this work for
4 you? Does this symbolology, does this shading, does
5 this border? Because, I mean, GIS formatting can
6 just be an absolute pain, and just making sure you
7 have that right, you know, kind of template locked
8 in on how borders are displayed, how -- you know,
9 things are labeled, do you turn on the cities, do
10 you turn off the cities? That's what I recall from
11 this. But again, the -- the memory on this is
12 really dicey at this point.

13 Q Okay. Okay. You can close that for now.
14 I am going to drop a -- another e-mail in the chat.

15 (Exhibit 11 was marked for
16 identification.)

17 BY MR. POSIMATO:

18 Q Let me know when you have it open.

19 A Okay. This is Torchinsky E-mail.PDF.

20 Q Yes. Referring to the bottom of the first
21 page, it looks like on Monday, February 14, 2022,
22 Jason Torchinsky sent you an e-mail saying: "Can
23 you send me the shapefiles for the three new plans?"

24 Is that correct?

25 A Okay. So on January -- I'm sorry. On

REAL TIME ROUGH DRAFT!

1 February 14th, Jason sent me an e-mail saying: "Can
2 you send me the shapefile for these three plans?"
3 That's what you're asking after?

4 Q Yes. It looks like you responded and
5 said: "Here you go."

6 A Yes, I do see that.

7 Q Okay. So we just talked about that
8 your -- your potential response to Mo Jazil asking
9 whether the PDF's versions of the maps you sent over
10 were okay.

11 So why were you sending Jason Torchinsky
12 and Mo Jazil shapefiles?

13 **MS. MEEHAN:** Objection, attorney-client
14 privilege. Legislative privilege.

15 You can answer at a high level of
16 generality, but please don't answer as to why
17 if it's disclosing the substance of
18 attorney-client information.

19 A Yeah, I mean, shapefiles are a common way
20 in which geographic data can be shared between
21 various individuals. So just as a top-line matter,
22 shapefiles are a very common way of sharing
23 geographic information.

24 BY MR. POSIMATO:

25 Q Okay. You can close that now, Mr. Foltz.

REAL TIME ROUGH DRAFT!

1 I am dropping another -- Sandi, I'm sorry. I think
2 that was 11.

3 **THE STENOGRAPHER:** That was 11.

4 **MR. POSIMATO:** I am dropping Exhibit 12 in
5 the chat now.

6 (Exhibit 12 was marked for
7 identification.)

8 A That hasn't come through yet. Joe, how
9 many more of these kind of rapid-fire e-mails do you
10 think we've got?

11 BY MR. POSIMATO:

12 Q This is the last one.

13 A Okay. I am going to start sniffing around
14 for a quick break when you get to a comfortable --
15 we're not at an emergency level yet, but something
16 to keep in the back of your mind.

17 Q Fair enough. Okay.

18 Do you mind if we just try to close out
19 this e-mail and then we can take a break?

20 A Not a problem.

21 Q Okay. Let me know if it becomes an
22 emergency level.

23 A Yeah, you will see the blurred-out wall
24 behind me. Okay. So I am looking at "Relevant
25 Proposals" E-mail.PDF; is that correct?

REAL TIME ROUGH DRAFT!

1 Q That is correct.

2 A Okay.

3 Q So if you scroll down here on the first
4 page at the bottom, it looks like you send Mr. Mo
5 Jazil a spreadsheet. And as part of that, that
6 e-mail, you wrote: "Per client request, I have
7 reduced the number of plans in the summary to just
8 the more relevant proposals." Then you list a few
9 plans there.

10 Is that accurate?

11 A Yes.

12 Q Okay. Do you remember sending this
13 e-mail?

14 A Not specifically.

15 Q Okay. What did you mean by "relevant
16 proposals" in this e-mail?

17 A Yeah, what my memory of this was, and this
18 goes back to the other All Plans Comparison that you
19 had put in front of me, was it was pretty clear that
20 the spreadsheet got quite sprawling. We saw it in
21 the PDF and the same held for the Excel sheet where
22 it was just covering a lot of horizontal rows or
23 columns, I should say.

24 So it got pretty unmanageable just as
25 forming question, so what I was doing here, best of

REAL TIME ROUGH DRAFT!

1 my memory, was taking the plans that were kind of
2 towards the end of the process and reducing the
3 spreadsheet just to make it more readable.

4 Q Okay. And let's just take the first
5 two plans first, Plan 13-A and Plan 14-B. Did you
6 draw those two plans?

7 A I don't remember which -- I don't
8 remember -- this goes back to the prior question of
9 I don't remember which one was me versus Alex and I
10 versus Alex. So I don't remember what the internal
11 file names were for those plans.

12 Q Okay. And then Plan 8019 and Plan 8015,
13 did you draw those plans?

14 A No.

15 Q Who drew those plans?

16 A I believe those are House plans, but I
17 can't testify as to who drew them. Best of my
18 recollection, those are House plans.

19 Q Okay. So at this point in the process, in
20 the redistricting process in Florida, is it fair to
21 say that it became clear to you that either --
22 Plan 13-A and Plan 14-B, either drawn by you or Alex
23 Kelly or some combination of you and Alex Kelly,
24 were the main proposals that were being considered
25 by the Executive Office of the Governor outside of

REAL TIME ROUGH DRAFT!

1 the House plans?

2 **MS. MEEHAN:** Objection, legislative
3 privilege.

4 But answer if it's in the public record.

5 A Generally, I can't pin it down quite that
6 far. There may have been plans that happened after
7 this e-mail, but I think at this point in the
8 process, that those were plans that were kind of at
9 the top of the -- top of the heap.

10 So again, there may have been other plans.
11 There may have been revisions made to these plans,
12 but given this moment in time, that seems fairly
13 accurate, but I don't remember if that held through
14 to the end.

15 BY MR. POSIMATO:

16 Q Do you know why Plan 13-A and Plan 14-B
17 became the focus for the Executive Office of the
18 Governor?

19 **MS. MEEHAN:** Objection, legislative
20 privilege, attorney-client privilege.

21 Answer only if you can.

22 A Yeah, and again, I can't speak to their
23 internal motivations. But I just know that these
24 were the plans that were circled around more at that
25 point in the process, but beyond that, as to the

REAL TIME ROUGH DRAFT!

1 why, that would get into privileged communication.

2 BY MR. POSIMATO:

3 Q Okay. How do you know those were the
4 plans that were, I think you said, "circled around
5 more" at this point?

6 A I think that -- sorry, Taylor.

7 **MS. MEEHAN:** Objection, legislative
8 privilege, attorney-client privilege.

9 But answer if you can.

10 A Yeah, I think just generally speaking, I
11 think the e-mail -- I think the e-mail kind of
12 speaks for itself, that those were the plans that
13 remained on the spreadsheet as they wanted -- as
14 there was a desire to keep those available in the
15 side-by-side comparison at the expense of prior
16 iterations. Beyond that, I don't think I can really
17 answer that question without getting into privilege.

18 BY MR. POSIMATO:

19 Q Okay. Who communicated that desire to
20 focus on those two plans instead all the other plans
21 you had in the prior plan comparisons?

22 **MS. MEEHAN:** Do you mean internal to the
23 Governor's Office or to the legislature?

24 **MR. POSIMATO:** Just whoever communicated
25 that to Mr. Foltz. Such that he knew to send

REAL TIME ROUGH DRAFT!

1 this e-mail reducing the plans in his plan
2 comparison.

3 **MS. MEEHAN:** Objection, legislative
4 privilege, attorney-client privilege.

5 A And I don't remember who communicated
6 that, but yeah.

7 BY MR. POSIMATO:

8 Q At any other stage in the process, did you
9 ever -- were you ever made aware that some other
10 combination of your plans were preferred over some
11 other?

12 **MS. MEEHAN:** Objection to form.
13 Legislative privilege, attorney-client
14 privilege.

15 A Again, to give the iterative process
16 answer, generally speaking, when you receive
17 feedback from someone on a plan you have, it's a
18 safe assumption that the incorporation of that
19 feedback will lead you to a more favorable version
20 to that person.

21 BY MR. POSIMATO:

22 Q Okay. Do you know what ended up happening
23 to Plan 13-A and Plan 14-B? Were they ever
24 submitted to the legislature, for example, for
25 consideration?

REAL TIME ROUGH DRAFT!

1 A Again, I don't remember which plans went
2 into the public domain and which plans were mine
3 versus Alex's based off the internal file numbers.
4 I don't remember which -- which ones fall into which
5 categories.

6 Q Okay. Do you know who decided which of
7 your draft plans would be sent to the legislature?

8 **MS. MEEHAN:** Objection, attorney-client
9 privilege, legislative privilege.

10 Answer if you can.

11 A Yeah, generally I can't speak to the
12 internal decision-making process of the Governor's
13 Office.

14 BY MR. POSIMATO:

15 Q Okay. Did you draw the Enacted Plan?

16 **MS. MEEHAN:** Same objections.

17 A No, I did not.

18 BY MR. POSIMATO:

19 Q Did you draw any district that ended up in
20 the Enacted Plan?

21 **MS. MEEHAN:** Objection to the form, same
22 attorney-client privilege, legislative
23 privilege.

24 A Yeah, and I want to be careful with that
25 answer because, again, iterative process. I can't

REAL TIME ROUGH DRAFT!

1 remember if there were concepts that when Alex took
2 over sort of drawing, if there were concepts that he
3 looked back to and said, "I am going to keep that"
4 or in his conversations internally if they looked
5 back on prior drafts and said, "Let's keep this one
6 through."

7 So Alex did the draw on the Enacted Plan,
8 but I can't say for certain that he didn't take
9 iterations and incorporate them into his drawing.

10 BY MR. POSIMATO:

11 Q Give me a moment, Mr. Foltz. Returning
12 back to Benchmark CD-5, did you preserve the
13 configuration of Benchmark CD-5 in your draft plans?

14 **MS. MEEHAN:** Objection to the form.

15 Legislative privilege.

16 Answer if you can.

17 A No. I would say that Benchmark CD-5 was
18 not preserved in the drafts as a general matter.

19 BY MR. POSIMATO:

20 Q Okay. Why not?

21 **MS. MEEHAN:** Objection to form,
22 legislative privilege, attorney-client
23 privilege.

24 A And again, generally speaking, to
25 motivations and drawing, chase and compactness was a

REAL TIME ROUGH DRAFT!

1 big motivator, and the benchmark district just
2 wasn't compact, so any alternative to that is going
3 to be a much more tightened, compact district.

4 BY MR. POSIMATO:

5 Q Did you intentionally reconfigure North
6 Florida in your draft plans?

7 **MS. MEEHAN:** Objection to form.
8 Legislative privilege.

9 A Yeah, I mean nothing happens by accident.
10 When you are assigning in a software it's not
11 automated, so it was -- there are decisions made.
12 You are assigning geography as you go forward, just
13 speaking generally. So nothing happens by accident,
14 I guess.

15 BY MR. POSIMATO:

16 Q Did the reconfigurations of CD-5 in the
17 North Florida area in your draft plans preserve the
18 ability for Black voters in the region the
19 opportunity to elect a candidate of their choice?

20 **MS. MEEHAN:** Objection to form,
21 attorney-client privilege, legislative
22 privilege.

23 Answer only if you can without disclosing
24 internal communications or attorney-client
25 privileged communications.

REAL TIME ROUGH DRAFT!

1 A That's a matter of analysis and a depth of
2 analysis that I was not doing in that plan, so I
3 can't answer that.

4 BY MR. POSIMATO:

5 Q Did anybody instruct you to reconfigure
6 North Florida in your draft plans?

7 **MS. MEEHAN:** Same objections.

8 A Yeah, and that's going to be one where,
9 again, the prior testimony as to chase and
10 compactness and splits stands. But as far as
11 specific instructions from individuals, that's going
12 to get into privileged communication.

13 BY MR. POSIMATO:

14 Q Did anybody in the Secretary of State's
15 Office ask you about the partisan performance of
16 your draft plans?

17 **MS. MEEHAN:** Objection to form,
18 attorney-client privilege, legislative
19 privilege.

20 You can answer as to what's in the public
21 record.

22 A At no point did I look at any partisan
23 data during the drawing process or as a result of
24 the draw, and I never spoke to anyone in the
25 Secretary's office.

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Did you -- sorry. You never spoke to
3 anybody in the Secretary's office at all during your
4 work for Florida?

5 A Yes, that's correct.

6 Q Okay. You -- did anybody in the
7 Governor's Office ask you -- let me rephrase.

8 Did you have any discussions with anybody
9 in the Governor's Office about the partisan
10 performance of your plans?

11 **MS. MEEHAN:** Object to the form,
12 attorney-client privilege, legislative
13 privilege.

14 Answer if you can.

15 A Yeah, again, there was no partisan
16 performance ever taken into account so there could
17 be no discussions as a result of that.

18 **MR. POSIMATO:** Okay. So I'd like to just
19 spend -- oh, you know what? Why don't we take
20 a break. I think this is probably a good time,
21 Mr. Foltz.

22 **THE WITNESS:** Okay. Ten?

23 **MR. POSIMATO:** Yeah, if 10 works for you.

24 (A recess took place from 3:40 p.m. to
25 3:50 p.m.)

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q I'd like to spend some time discussing
3 your -- your draft plans themselves. To do so I'm
4 going to drop a -- a new exhibit in the chat.

5 (Exhibit 13 was marked for
6 identification.)

7 BY MR. POSIMATO:

8 Q You can let me know when you have that up.

9 **MR. POSIMATO:** This is -- this is
10 Exhibit 13, Sandi?

11 **THE STENOGRAPHER:** That's correct.

12 A Okay. And this is BVM versus Byrd
13 supplemental report?

14 BY MR. POSIMATO:

15 Q That's right. This is a supplemental
16 expert report prepared by one of our experts in this
17 case. And if you scroll down to the first
18 paragraph -- actually, one second -- the first three
19 paragraphs, the expert in this case, Dr. Stephen
20 Ansolabehere, described what he's asked to do in
21 this report.

22 Do you mind just reading those first three
23 paragraphs briefly?

24 A And I'm sorry, just to be clear, we're on
25 page 2, the enumerated 1, 2 and 3?

REAL TIME ROUGH DRAFT!

1 Q That's correct.

2 A Okay. "I have been asked to evaluate
3 several draft congressional district (CD) maps for
4 the State of Florida that were provided to me by
5 counsel and to compare them to the Enacted Plan,
6 (Plan P000C0109) and the Benchmark Map."

7 Number 2: "The maps that I examined in
8 this report were numbered 001-W, 002-A4, 003-A1,
9 00B, 003 -- I'm sorry -- 003-B, 003-C, 003-D, 005-A,
10 005-A5, 008-A, 008-A3, 009-A, 101-A, 011-A, 012-A,
11 013-A, 014-A and 014-B. I treat the sequence of
12 numbers as sequence in which they were drawn.

13 "It is my understanding that these maps
14 were ordered to be produced in this litigation and
15 were drawn by Adam Foltz, a consultant hired by the
16 Executive Office of the Governor and the Secretary
17 of State. I also understand that these draft
18 redistricting plans were reduced -- were produced --
19 sorry -- to plaintiffs after submission of my
20 opening Expert Report, which was served on
21 January 27, 2023."

22 Q Thank you, Mr. Foltz.

23 Okay. Do -- do you agree with the expert
24 testimony in -- in paragraphs 2 and 3 that you drew
25 the series of maps identified in paragraph 2?

REAL TIME ROUGH DRAFT!

1 A Yeah, generally, yes, but again, with
2 the -- with the caveat that I don't remember exactly
3 when Alex -- when Alex stepped in.

4 Q Okay. And do you also agree that the --
5 chronologically, the draft maps start at 001-W and
6 proceed to 014-B in chronological order?

7 A Yeah, generally yes, but I want to be
8 careful with that answer because just because
9 something is in sequence and it may reflect the
10 chronological order of say when a plan came into
11 existence, it doesn't mean that you don't jump back
12 to a plan at another point in the process. So, I
13 mean, you could be working on 14-A and 14-B
14 effectively concurrently. So while I say it's a
15 generally acceptable answer of when the plan was
16 started, it doesn't necessarily mean that you
17 weren't jumping back and forth or going back to a
18 prior iteration.

19 Q Okay. Fair enough. So it sounds like
20 while you drew the plans in roughly this
21 chronological order, you -- the plans may have
22 been -- be considered and you may have been working
23 on some of them simultaneously?

24 A Or going back to them.

25 Q Or going back to them. Okay. Fair

1 enough.

2 Okay. Sticking with paragraph 2, are
3 these the only plans you drew during your work for
4 the State of Florida?

5 A I don't --

6 **MS. MEEHAN:** Objection -- objection to the
7 form. And then I just caution the witness, you
8 can answer the question, but legislative
9 privilege, attorney-client privilege applies.

10 A Yeah, and I can't say with certainty that
11 this is everything. You know, as we had talked
12 about prior, there are some drafts that just don't
13 make it to the summary spreadsheet, there are some
14 drafts that are regional and don't become statewide
15 plans, so I can't say with certainty that this
16 encompasses everything.

17 **MS. MEEHAN:** And just to be clear for the
18 record, there's a -- there's a footnote so
19 there might be additional, I think, what
20 Dr. Ansolabehere says are fragments.

21 **MR. POSIMATO:** Right. Thank you for
22 noting that, Taylor.

23 BY MR. POSIMATO:

24 Q So, Mr. Foltz, is it possible that there
25 were additional fragments but not additional whole

REAL TIME ROUGH DRAFT!

1 plans, or was it possible that you had drafted
2 additional whole plans that are not included here?

3 A Yeah, and I can't answer that with
4 certainty at this point. I don't know if everything
5 was produced to him that would have been produced in
6 discovery. I don't know -- I don't know exactly
7 what he had in front of him. And, you know, as we
8 talked about, there were a lot of plans on the All
9 Plans Comparison sheet. I don't know if this
10 encompasses every one of those plans or not.

11 Q Okay. If you scroll down on this page
12 underneath the heading Overall Findings, if you look
13 at finding 6a, would you mind reading that out loud?

14 A 6a on page 2; is that correct?

15 Q On page 2, yep.

16 A "Foltz-014-A is identical to the Enacted
17 Map (Plan P00C0109). Many portions of the earlier
18 Foltz draft plans also bear a striking resemblance
19 to the Enacted Map and are sometimes identical to
20 the Enacted Map."

21 Q Okay.

22 A Striking resemblance. Okay.

23 Q Okay. Are you surprised by that
24 conclusion?

25 A I think what that conclusion informs me of

REAL TIME ROUGH DRAFT!

1 is that if that is the Enacted Plan, that is me
2 taking what Alex worked on and bringing it into kind
3 of my file naming system, so it helps -- that
4 question I keep -- that -- that hedge I always keep
5 on going back to in these answers of not knowing
6 when Alex stepped in, I think this helps refresh the
7 recollection that 14-A would have been Alex map, as
8 it is the Enacted Plan.

9 Q Does it surprise you that -- that Mr. --
10 or Dr. Ansolabehere concluded that earlier Foltz
11 draft plans than 14-A bear a, quote, striking
12 resemblance to the Enacted Plan?

13 A No, I think that answer just simply states
14 in a different way what I testified to earlier, that
15 while I can, you know, say that Alex drew the
16 Enacted Plan, you know, there were portions of it in
17 the iterative process that remained throughout. So
18 that sentence doesn't surprise me that certain
19 concepts carried through.

20 Q Okay. Can we move down to subparagraph B,
21 so 6b. Do you mind reading that paragraph?

22 A Okay. 6b on page 2: "The Foltz draft
23 plan substantially increased the number of seats won
24 by the Republican Party as compared to the Benchmark
25 Map. The Foltz draft plans ultimately top out at an

REAL TIME ROUGH DRAFT!

1 additional 3.7 Republican seats as compared to the
2 Benchmark Plan. This is the same number of
3 additional Republican seats ultimately put forward
4 by the Governor's plan in Plan P000C0109."

5 Q Okay. Are -- are you surprised by
6 Dr. Ansolabehere's conclusion in this paragraph?

7 A I --

8 **MS. MEEHAN:** Objection to form.

9 A Yeah, I can't speak to surprise or
10 anything as this is the first time I have ever seen
11 this.

12 BY MR. POSIMATO:

13 Q Okay. So you were aware prior to seeing
14 this report that your plans increased the number of
15 Republican seats as compared to the Benchmark Plan
16 in Florida?

17 A No, there was no partisan analysis done
18 during the drawing process on any plan, much less a
19 comparison to the Benchmark Plan.

20 Q But nobody communicated directly or
21 indirectly that information to you?

22 A Again, this is the first time I've seen
23 this report.

24 Q Okay. Can you, if you scroll down to the
25 top of paragraph -- page 3, you see paragraph 6c.

REAL TIME ROUGH DRAFT!

1 Do you mind reading that paragraph?

2 A "Any improvements to the Foltz Draft
3 Plans' compactness or number of county splits only
4 after the map drawer has increased the number of
5 expected Republican seats. In other words, a desire
6 to improve the compactness or decrease the splits
7 does not explain the increase in the expected number
8 of Republican seats in the Enacted Plan."

9 Q Does that conclusion by Dr. Ansolabehere
10 surprise you?

11 A "I am not sure what he's getting at here.
12 Other improvements to the Foltz Draft Plans'
13 compactness or number of county splits come only
14 after the map drawer has increased" -- no, I don't
15 agree with that conclusion.

16 Q Okay. So let's -- let's get into the
17 exact analysis that Dr. Ansolabehere did. Okay.
18 Let's -- let's see where this starts.

19 Okay. Can you scroll down to page 6
20 underneath the heading "Republican Seat Gains Across
21 the Foltz Draft Plans."

22 A I'm sorry, page and paragraph again,
23 please.

24 Q This is page 6, and it's paragraph 13
25 under "Republican Seat Gains Across the Foltz Draft

REAL TIME ROUGH DRAFT!

1 Plans."

2 A Uh-huh. Okay. And was the instruction
3 read that in?

4 Q No, not -- not yet.

5 Can you see the graph underneath
6 paragraph 13?

7 A I can.

8 Q Okay. And can you see the -- if you look
9 at the -- I believe that's the X axis of this graph,
10 there seems to be an identification of the Benchmark
11 Plan and then your draft plans next to it; is that
12 correct?

13 A I'm going to take a bit of an issue
14 because there -- there appears to be -- I guess that
15 is the Enacted Plan. So that's going to be the Alex
16 plan is the Enacted Plan. The benchmark and then
17 these look like file names I would have had. 001-W
18 kind of stands out to me a little, but I have no
19 reason to doubt it's one of my drafts. Yeah --

20 Q These were files that we received from the
21 Executive Office of the Governor, and they
22 represented that these were your draft maps and then
23 we just gave them to Dr. Ansolabehere.

24 A Yeah, and I'll just make the caveat of
25 benchmark and Alex's draft that I brought in as

REAL TIME ROUGH DRAFT!

1 14-A, so I just want to be clear about that.

2 Q Okay. And the Y axis here represents
3 additional Republican seats; is that correct?

4 A That is -- yes, that is what the Y axis
5 appears to represent.

6 Q Okay. So if you look at the X and Y axis
7 for Benchmark Plan, it levels out at zero since it's
8 a benchmark and comparison plan. Move first to your
9 Plan 001-W, there is an immediate increase in the
10 additional Republican seats as compared to the
11 Benchmark Plan.

12 Do you see that?

13 A I do.

14 Q Okay. Does that surprise you to see that
15 from the graph?

16 A Well, again, there was no partisan data
17 incorporated into the drawing process, so people
18 self-sort into areas that tend to reflect similar
19 political leanings. And when you draw compact maps
20 that reflect traditional criteria, oftentimes that
21 will show up in partisan data as well.

22 Q Okay. So you are saying that, in other
23 words, this is explained by political geography?

24 **MS. MEEHAN:** Objection to form,
25 legislative privilege, to the extent it

REAL TIME ROUGH DRAFT!

1 applies.

2 A I think more generally I can't speak to
3 anything in this report. I don't know what his
4 methodology is. He is just saying that, "Hey, there
5 is more Republican seats here than the benchmark."
6 I have no idea how he defines that. I don't know
7 what number he uses for that.

8 Like I said, the drawing process was free
9 of any partisan data, so this is a post hoc analysis
10 done by someone else, but it was not reflective of
11 the data used in our drawing process.

12 BY MR. POSIMATO:

13 Q Okay. Fair enough.

14 Do you have any reason to doubt the
15 accuracy of this additional Republican seat analysis
16 completed by Dr. Ansolabehere?

17 **MS. MEEHAN:** Objection to form.

18 A I would say that generally I can't comment
19 on it because in doing these type of partisan
20 analysis, the devil is in the details. How did he
21 draft this number? How did he reach the conclusion
22 that a seat is a, quote-unquote, Republican seat.

23 So I don't know what his methodology was,
24 so I can't testify to his veracity. I have also
25 been in the space long enough to know that there are

REAL TIME ROUGH DRAFT!

1 a thousand different ways to slice any political
2 number as it applies to a map and tell whatever
3 story someone chooses to tell.

4 BY MR. POSIMATO:

5 Q If -- can you scroll down to the bottom of
6 this page and look at footnote 2. Do you see it?

7 A Footnote 2 on page -- sorry. Are we on
8 6 -- 6?

9 Q Yeah, that's right.

10 A Starting with "The expected number"?

11 Q Yeah. You don't need to read it out loud,
12 but do you mind reading that? That, I think,
13 provides Dr. Ansolabehere's explanation for how he
14 calculated the partisan advantage he describes in
15 this graph. But you can just let me know when you
16 are done.

17 A (Examining document.)

18 Okay.

19 Q Okay. Do you take issue with any portion
20 of the analysis Dr. Ansolabehere describes in
21 footnote 2?

22 A I don't know if -- it's not about issue.
23 It's, again, that there are a thousand different
24 ways to evaluate this. You know, my understanding
25 of the statewide election results in Florida in the

REAL TIME ROUGH DRAFT!

1 past election was that it was an overwhelming
2 victory for the Governor, for Senator Rubio, and
3 that's going to skew results.

4 Secondly, I'm always going to take a
5 little bit of issue with a comparison to the
6 benchmark as the benchmark has fewer Congressional
7 seats than is required following the new
8 apportionment number, so I am always going to take a
9 little bit of an issue with that as well.

10 Q Okay. But you don't have any -- there
11 is -- you don't have -- you don't know -- you have
12 no reason to think -- besides the general concerns
13 you raised, you have no reason to doubt that
14 Dr. Ansolabehere accurately performed the analysis
15 he describes in footnote 2, correct?

16 **MS. MEERAN:** Objection to form.

17 A Yeah, I would say that his analysis is his
18 analysis, and if he believes it's accurate, that's
19 him. I'm not going to testify to the veracity of
20 it, as I haven't spent any time with this report or
21 checking the numbers or seeing if I would do things
22 a different way.

23 BY MR. POSIMATO:

24 Q Okay. Now, underneath the graph, there is
25 another paragraph, paragraph 14. Can you read that

REAL TIME ROUGH DRAFT!

1 paragraph? I think it spans from page 6 to page 7.

2 A Sure. Do you want that read in.

3 Q Yeah, that would be great.

4 A "From Foltz-003-C to Foltz-003-D, the
5 number of expected Republican seats jumps to
6 3.7 additional seats as compared to the Benchmark
7 Map. This occurs because at this point in the
8 sequence of maps, an additional Republican seat is
9 created in the Tampa-St. Petersburg area,
10 eliminating a Democratic seat in that region.

11 "This 3-point seat gain in Republican
12 seats over the Benchmark Map -- created first in
13 Foltz-003-D and replicated in four other draft
14 maps -- is the maximum Republican advantage achieved
15 in any of the Foltz draft plans, and the same
16 Republican advantage observed in the Enacted Map."

17 Q Okay. Does that conclusion surprise you?

18 A Well, again, I mean, surprising so much as
19 this is the first time I have seen this report, and
20 I never looked at any partisan data in the drawing
21 process, so I always take issue with the word
22 "surprise." It's just new information to me.

23 Q Okay. How do you explain the increase in
24 Republican seat chair as Dr. Ansolabehere analyzes
25 it in your draft plans?

REAL TIME ROUGH DRAFT!

1 **MS. MEEHAN:** Objection to form,
2 legislative privilege to the extent it applies.

3 A Going back to the prior answer, when you
4 draw districts that respect traditional criteria and
5 keep things compact and respect splits and other
6 political subdivisions, sometimes that's going to
7 reflect in the partisan performance or perceived
8 partisan performance of a map.

9 So like I said, people self-sort. There
10 is regional self-sorting, and when you draw
11 districts, sometimes you draw around that
12 self-sorting fact. So -- but I don't know that as
13 I'm not looking at partisan data during this
14 process.

15 BY MR. POSIMATO:

16 Q Okay. Let's move on to the next section
17 on page 7, starting in paragraph 14, underneath the
18 heading "The Foltz Draft Plans Repeatedly Sacrifice
19 Tier 2 criteria for Republican Gains."

20 Can you read paragraph 15?

21 A In the record?

22 Q Yeah.

23 A "The increases in the number of additional
24 Republican seats in the Foltz draft plans do not
25 correspond to improvements in compactness or county

REAL TIME ROUGH DRAFT!

1 splits. In fact, in each of the points where there
2 is a substantial increase in the additional
3 Republican seats (i.e., from the Benchmark Map to
4 Foltz-001-W, from Foltz-003-C to Foltz-003-D),
5 compactness and county splits either get worse or
6 stay the same."

7 Q So, in other words -- let me know if you
8 agree with this summary of what Dr. Ansolabehere is
9 saying, is that the increase in Republican seats is
10 not, in fact, due to increases in compactness or
11 decrease in county splits, as you just described
12 earlier. In fact, those things got worse.

13 Is that a fair characterization of what
14 Dr. Ansolabehere is saying?

15 A Well, again, not to endorse work that I've
16 never seen before and methodology that I can't speak
17 to with any detail, you know, it's going to be a
18 process where things change throughout the course of
19 the different iterations, and sometimes you make a
20 sacrifice to satisfy different criteria.

21 So while he quickly kind of sweeps both
22 under the same definition of both get worse, I mean,
23 you could be in a situation where a community of
24 interest is kept together, but it's a little bit
25 more of a less compact community of interest, or a

REAL TIME ROUGH DRAFT!

1 split is eliminated at the expense of compactness.

2 And I can't really tell exactly
3 individually where that may have happened in his
4 paragraph there, but there is always a lot of
5 competing factors as you move through different
6 iterations that sometimes are in conflict with each
7 other or in -- I should say in tension with each
8 other.

9 Q Okay. So let's move down to some specific
10 examples, then. Maybe we can figure out exactly
11 what criteria was motivating your configuration of
12 those maps. So if you look underneath
13 paragraph 16 -- actually, why don't we read
14 paragraph 16 first, and then we'll look at figure
15 underneath it.

16 A Read into the record?

17 Q Yes, please.

18 A So paragraph 16?

19 Q Yeah.

20 A Okay. 16, on page 7: "For example,
21 compare the Benchmark Map to the first full Foltz
22 draft map -- a bit of a tongue twister there --
23 (Foltz-0001-W) in Central Florida. As compared to
24 the Benchmark Map, Foltz-001-W significantly
25 decreases the compactness of this region and

REAL TIME ROUGH DRAFT!

1 increases county splits. It does, however, increase
2 Republican seat count in this region."

3 Q Okay. So you mentioned other criteria
4 beside compactness and splits that may motivate, for
5 example, a drawing of lines that increases
6 Republican advantage. So if you look at 816 and
7 look at the benchmark configurations compared to the
8 configuration you have in Foltz-001-W, can you
9 describe any part of the line drawing here that --
10 where any criteria that motivated the line drawing
11 here other than compactness or splits?

12 **MS. MEEHAN:** Objection to form,
13 legislative privilege. Please don't disclose
14 things internal to the Governor's Office.

15 A Yeah, again, I'm going to go back to the
16 kind of longstanding gripe of looking at the
17 Benchmark Plan in this exercise as there is an
18 entire new Congressional seat added. So benchmark,
19 I struggle with that because you are adding an
20 entirely new Congressional seat.

21 Secondly, without having all the layers
22 available to me, it does look like this is trying to
23 hold the county line in -- between 7 and 10 in
24 District 9. While I don't have that in front of me,
25 that looks like it's attempting to hold the county

REAL TIME ROUGH DRAFT!

1 line in the border between 7, 10, and 9.

2 But again, I don't have that information
3 in front of me. I'm just extrapolating from what it
4 appears to be, given the draw.

5 BY MR. POSIMATO:

6 Q But at the paragraph above that,
7 Dr. Ansolabehere says that this region actually
8 increases the county splits. So I'm just trying to
9 understand.

10 Are you saying that trying to hold 7 and
11 10 potentially on a county line is what led to the
12 increase in the Republican seat advantage in this
13 region?

14 **MS. MEEHAN:** Objection to form.
15 Legislative privilege. And he's -- just for
16 the record, like he said, he can't see where
17 the county lines are and these aren't the maps
18 that he particularly drew, they are the
19 expert's maps.

20 **MR. POSIMATO:** No, no. This is -- this is
21 his map on Foltz 001-W. It's just a
22 replication of it. I will credit --

23 **MS. MEEHAN:** Well, it will -- but to be
24 clear, it's a replication with partisan shading
25 and without any natural boundaries, municipal

REAL TIME ROUGH DRAFT!

1 boundaries, any of that information. It's pure
2 partisanship.

3 **MR. POSIMATO:** Yeah, sure.

4 BY MR. POSIMATO:

5 Q So to the extent you're able, Mr. Foltz, I
6 am just trying to understand how it may be that this
7 region in your maps from the bench -- from benchmark
8 to 001-W, and then from Foltz-003-C to Foltz-00/D
9 led to a significant increase in Republican seat
10 share in both instances while simultaneously
11 decrease in compactness and increasing splits in
12 your plans. So if it's not compactness and it's not
13 splits, I'm just trying to understand what it is.
14 So and we're now dialing in a concrete example here.

15 A Right.

16 Q In this -- so I'm just trying to
17 understand what might it be, to the best that you're
18 able to tell from these graphics, might be an
19 explanation for the increase in the Republican vote
20 share in that region?

21 A Yeah, again --

22 **MS. MEEHAN:** Same objections.

23 A Right. And I can't speak to Republican
24 vote share, again, as partisanship wasn't part of my
25 drawing process. And again, I'm extrapolating based

REAL TIME ROUGH DRAFT!

1 off of what I can just kind of see on this, but it
2 does look like 7 and 10 are attempting to hold a
3 county line and not straddle a county line. I don't
4 have that information in front of me. It also
5 looked like -- it looks like 9 is trying to respect
6 a county line as well. And in that pursuit it
7 appears that 9 becomes a little less compact as it
8 is trying to hold that county line.

9 BY MR. POSIMATO:

10 Q Okay. So your explanation is preserving
11 counties?

12 A From what I can tell here, but there's no
13 county -- there's no county symbology on it. But
14 just given the shapes, it looks like county lines
15 are attempting to be respected in this.

16 Q Okay. And you believe that despite the
17 fact that county splits actually increase in this
18 region?

19 **MS. MEEHAN:** Objection to form.

20 A Yeah, and I'm always going to take issue
21 with increasing splits relative to the benchmark as
22 the benchmark required as there is an entire new
23 Congressional seats from the benchmark to the
24 Enacted Plan.

25 So again, going back to the testimony that

REAL TIME ROUGH DRAFT!

1 everything always has context in redistricting, I
2 mean, you -- you look -- you can look at the
3 Benchmark Plan, but how much probative value does it
4 really provide you when you're adding an entire new
5 seat when you're attempting to equalize population
6 to accommodate for the growth in the state over the
7 decade.

8 BY MR. POSIMATO:

9 Q Mr. Foltz, as Dr. Ansolabehere notes in
10 his report, he's just saying that compactness and
11 splits actually got worse when -- sorry. The
12 compactness and splits got worse in your draft plans
13 when those plans also substantially increased the
14 vote share. He says nothing about the Enacted
15 Plan's compactness and splits. In fact, I can
16 represent to you that the compactness and splits in
17 the Enacted Plan I think meet or beat the Benchmark
18 Plan despite the extra district you're describing.

19 So again, I think based on this analysis,
20 it cannot not be that the extra seat this cycle
21 explains the increase in county splits and
22 decreasing compactness in this region because
23 eventually the Enacted Plan does meet or beat the
24 Benchmark Plan. So again, I'm just going to ask one
25 last time, just trying to understand how it can be,

REAL TIME ROUGH DRAFT!

1 what the explanation is for the increase in
2 Republican vote share in those two maps that you
3 drew because it does not appear in both 1-W and then
4 from 3-D to -- I'm sorry, from 3-C to 3-D because --

5 A Okay.

6 Q -- those cannot be explained by
7 traditional redistricting criteria.

8 A Okay. So specific --

9 **MS. MEEHAN:** Objection. Hang on. Hang
10 on. Objection to form, asked and answered,
11 misstates prior testimony.

12 Go ahead and answer to the extent you can
13 without disclosing information internal to the
14 Governor's Office.

15 A Yeah, so testifying specifically to the
16 demonstrative in the report, which is 001-W, and
17 given the limited information that's in front of me,
18 it appears that this is attempting to hold a county
19 line. I don't have -- I don't know that, but just
20 the optics of it, it appears that the southern
21 border of 7 and the southern border of 10 are
22 attempting to respect a county line relative to the
23 border for 9, and it appears that the northern
24 border of 9 is a county line as well as that kind of
25 northwestern border. But again, I don't have that

REAL TIME ROUGH DRAFT!

1 in front me. It just -- it looks like a district
2 that was assigned by a county and the jaggedness in
3 that line is a result of that.

4 BY MR. POSIMATO:

5 Q Okay. Okay. Let's move down to
6 paragraph 17. Maybe we can have more luck here.
7 Can you read paragraph 17.

8 A "The same is true in Tampa Bay. While the
9 first five full Foltz Draft Plans (Foltz-001-W to
10 Foltz-003-C) maintained two Democratic seats in
11 Tampa Bay, the next iteration of Tampa Bay
12 (Foltz-003-D) eliminates a Democratic seat and
13 increases the Republican seat count in the region.
14 In doing so, it decreases the compactness of this
15 region and increases county splits."

16 Q Okay. So looking at this graphic, can you
17 explain why -- what motivated this configuration in
18 Foltz-00-3 -- sorry, Foltz -- sorry, Foltz/003-D if
19 it was not, as Dr. Ansolabehere testifies,
20 compactness or county splits?

21 **MS. MEEHAN:** Objection to form, and please
22 do not answer what motivated something to the
23 extent it's internal to the Governor's Office.

24 A Yeah, and I don't have specific -- I don't
25 specifically recall this change from 3-C to 3-D,

REAL TIME ROUGH DRAFT!

1 what exactly was motivating that.

2 BY MR. POSIMATO:

3 Q Okay. Can you move to paragraph 19.

4 A 19.

5 Q Do you mind reading that one into the
6 record?

7 A "As discussed above, the Benchmark -- from
8 the Benchmark Map to Foltz-001-W, as the Republican
9 seat count rose by 2.5 seats, the gain in Republican
10 seats was accompanied by a significant increase in
11 the number of county splits (from 18 to 33), see
12 Figure 3 below, and a decrease in compactness, see
13 Figures 4 and 5 below. This indicates that the map
14 maker's goal when drawing Foltz-001-W could not have
15 been increasing compactness or reducing county
16 splits."

17 Q Okay. If -- do you disagree with
18 Dr. Ansolabehere's conclusion here that your goal in
19 drawing Foltz-001-W could not have been increasing
20 compactness or reducing county splits?

21 A Well, again, every iteration is going to
22 reflect feedback and input you receive from
23 interested parties. What motivated a specific move
24 I can't speak to for reasons of privilege and just
25 lack of memory at this point. But it's entirely

REAL TIME ROUGH DRAFT!

1 possible in a process that as you receive feedback,
2 certain criteria are going to rise and fall as you
3 work through different iterations of the process.

4 Q Mr. Foltz I think you testified earlier
5 that you -- when -- you couldn't describe specific
6 instruction you received, but that when you first
7 started drawing maps, you were motivated by an
8 effort to improve the traditional redistricting
9 criteria. I think you specifically named
10 compactness and county splits, is that correct?

11 A Yes.

12 Q Yet it appears the first, very first plan
13 you drew increased, as Dr. Ansolabehere explains,
14 increased county splits from 18 to 33 and decreased
15 compactness. How do you explain that?

16 A He uses the benchmark and as we've been
17 getting round -- as we've been going around and
18 around about when I was looking at, again, general
19 recollection, not specific instruction, I was
20 looking at the house plans, not the benchmark as a
21 measuring stick for compactness and splits. Not the
22 benchmark for the reasons I've previously testified
23 to that I struggled with the probative value that a
24 malapportioned benchmark provides.

25 Q Okay. And you thought it was

REAL TIME ROUGH DRAFT!

1 malapportioned because the State had to add a
2 district?

3 A Well, I mean --

4 **MS. MEEHAN:** Objection to form.

5 A Yeah, I mean, in part. I -- there was
6 clearly a new Congressional district that was added,
7 but, I mean, malapportionment happens throughout the
8 decade even if you're not adding any Congressional
9 seat just as populations shift over the course of
10 the decade. So again, that's going to be my issue
11 with the benchmark is that what probative can you
12 draw from an unconstitutionally malapportioned map.

13 BY MR. POSIMATO:

14 Q Okay. Let's down to page 9 look at
15 Figure 3. I think it's titled "County Splits in
16 Foltz Plans."

17 A Okay.

18 Q Okay. So I just want to see if we can
19 agree on a few things in this figure.

20 So it looks like the Benchmark Plan had 18
21 county splits, is that correct?

22 A Yes.

23 Q Okay. And the Enacted Plan P000C0109 at
24 the bottom had 17 splits; is that correct?

25 A Yes, it is.

REAL TIME ROUGH DRAFT!

1 Q Okay. And you will agree that the Enacted
2 Plan had -- includes the additional district that
3 Florida had to add, right?

4 A Yes.

5 Q So including the additional district, the
6 Enacted Plan was actually able to improve upon the
7 splits from the -- as compared to the Benchmark
8 Plan, right?

9 A Yes.

10 Q Okay. Now, can we look at Plan 001-W and
11 Plan 003-D, the two plans that Dr. Ansolabehere
12 notes as having increased substantially the
13 Republican vote share in those plans.

14 How many county splits does 001-W have?

15 A 33.

16 Q And 003-D?

17 A 27.

18 Q Okay. Those appear like outliers on this
19 graph. Do you agree?

20 A Yeah, they appear to be outliers.

21 Q And do you have explanation for that?

22 A No --

23 **MS. MEEHAN:** Objection. Objection to
24 form, legislative privilege, to the extent it
25 applies.

REAL TIME ROUGH DRAFT!

1 A No, I mean, just the general answer on
2 different drafts, different iterative process. I
3 don't specifically recall what was going on with 1-W
4 or 3-D, but clearly, to use your term, they're
5 outliers, they don't fall into the range that the
6 other draft plans do.

7 So something else was being tried or it
8 was a throwaway draft or, you know -- again, I can't
9 specifically recall, but they are clearly outliers.

10 BY MR. POSIMATO:

11 Q Okay. What do you think was being tried?
12 Do you recall what you were trying in 001-W and
13 003-D?

14 A No, I don't.

15 Q Do you have any recollection of what you
16 may have been trying?

17 A No.

18 Q Okay. The increase in county splits in
19 001-W and 003-D the consequence of any instruction
20 you received from somebody at Holtzman Vogel?

21 **MS. MEEHAN:** Objection to form,
22 legislative privilege, attorney-client
23 privilege.

24 But answer if you can.

25 A I don't recall.

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Was it a consequence of any instruction
3 you received from any member of the Executive Office
4 of the Governor?

5 **MS. MEEHAN:** Same objections.

6 A I don't recall.

7 BY MR. POSIMATO:

8 Q Can you read paragraph 22?

9 A Paragraph 22: "Over the course of more
10 draft plans, the map drawer locks in these
11 Republican gains while cleaning up the map's
12 compactness and county splits. Compare below
13 Foltz-003-D in which Democratic seats in North
14 Florida, Tampa Bay, and Central Florida have already
15 been eliminated with the Enacted Map which
16 maintained those Republican gains, but cleaned up
17 Tier 2 criteria."

18 Q Does that analysis accurately reflect the
19 map-drawing process you underwent?

20 **MS. MEEHAN:** Objection to form,
21 legislative privilege, to the extent it
22 applies.

23 A No, it does not.

24 BY MR. POSIMATO:

25 Q What part of that do you disagree with?

REAL TIME ROUGH DRAFT!

1 A The -- everything here is predicated on
2 partisan advantage. And again, I had no partisan
3 data at my disposal in this process.

4 Q Okay. If you have any partisan data at
5 your disposal, how do you explain the sharp increase
6 in partisan advantage in your very first plan?

7 **MS. MEEHAN:** Same objection.

8 A Yeah, and that's the -- I'm sorry. In
9 which plan are you referring to?

10 BY MR. POSIMATO:

11 Q 001-W. We can go back up if you want to
12 look at the seat share gain. If you would like to,
13 it's on page 6, read paragraph 13.

14 A Well, again, it was driven by compactness
15 and splits. Obviously, that one particular map is
16 an outlier, but clearly it's outlier to a vast
17 majority of the other plans. At 33, I don't recall
18 specifically what was going on with that plan. But
19 like I said, it's an outlier.

20 Q So you have no -- there is -- sitting here
21 today, you can't explain why that first map has a
22 significant increase in Republican advantage?

23 **MS. MEEHAN:** Same objection.

24 A No. Yeah, again, partisan data was not
25 part of my process. I had no idea of what the

REAL TIME ROUGH DRAFT!

1 partisan implications of moving lines would do.

2 BY MR. POSIMATO:

3 Q Fair enough. I'm just trying to
4 understand, then, why your first plan would have led
5 to this, and then you would have had another plan
6 with another jump in Republican seat share advantage
7 with a decrease in Tier 2 criteria.

8 So once more, if it's not the Tier 2
9 criteria of compactness and county splits, what
10 could it be?

11 **MS. MEEHAN:** Same objections.

12 A Again, I am going take issue with this
13 report and constantly comparing things against the
14 benchmark. I am always going to bristle against the
15 idea of using the basis of comparison to being a
16 malapportioned plan.

17 It's data, but it's also malapportioned,
18 and you have to correct for that. You have to
19 equalize population. In the case of Florida, you
20 have to add a seat.

21 So I am always going to take issue with
22 using the benchmark, and I know that I was looking
23 at the House plans when I started the process,
24 knowing the malapportionment that plagued the
25 Benchmark Plan and the requirement to add an

REAL TIME ROUGH DRAFT!

1 additional Congressional seat.

2 BY MR. POSIMATO:

3 Q Just one more round on this road,
4 Mr. Foltz. If you look at Figure 3, just pointing
5 to the Enacted Plan once more, this Enacted Plan had
6 to grapple with the additional seat in Florida,
7 correct?

8 A Uh-huh.

9 Q And had to grapple with reapportioning the
10 State to comply with the one person, one vote
11 federal requirement, correct?

12 A Correct.

13 Q And it has fewer county splits than the
14 Benchmark Plan, correct?

15 A Yes, that appears to be the case.

16 Q Okay. And so your explanation -- well,
17 your issue with my question about comparing the
18 partisan advantage of your plans to the benchmark is
19 that the Benchmark Plan had to grapple with the
20 one person, one vote requirement, because the
21 benchmark was malapportioned, and grapple with the
22 additional seat that Florida gained; is that
23 correct?

24 A My issue with your partisanship questions
25 is that partisanship was not part of my process at

REAL TIME ROUGH DRAFT!

1 any point. I'm just pointing out the differences
2 between how I view things and how the doctor in
3 question here views things. He bounces things off
4 of the benchmark. I tended to look at things as
5 against the House plan as the -- where I was kind of
6 starting the process.

7 Q Just one last stab at this, Mr. Foltz. So
8 what explains -- I understand that you testified
9 that you have not -- you did not consider partisan
10 data as part of your analysis. You testified to
11 that several times. That's clear.

12 But what does explain, then, the partisan
13 advantage in 001-W?

14 A Again, I don't know.

15 **MS. MEEHAN:** Objection, asked and
16 answered. Legislative privilege, to the extent
17 it applies.

18 A Yeah, clearly 1-W is an outlier. I don't
19 know what was going on with that plan, but pretty --
20 it's pretty clear that after 1-W, county splits were
21 tightened down significantly. And that seemed to be
22 what carried through the drafts with the other
23 exception of 3-D.

24 So again, not knowing specifically what
25 happened with 1-W and its splits, it's pretty clear

REAL TIME ROUGH DRAFT!

1 that 17, 18 was kind of the number that other drafts
2 circled around. I'd also point out, too, that there
3 are municipal splits that are not reflected in this
4 as well.

5 So as I said, you are always dealing with
6 competing traditional criteria, and sometimes you
7 are splitting counties, and sometimes you are
8 splitting municipalities. But to your question, I
9 can't explain why that one particular map is such an
10 outlier on county splits.

11 BY MR. POSIMATO:

12 Q Okay. Last question on this. Can you
13 read paragraph 24 at the bottom of page 10 of this
14 report.

15 A "In sum, the Enacted Map identical to
16 Foltz-00 -- I'm sorry -- Foltz-014-A. Foltz-014-A
17 was a product of a succession of maps that
18 advantaged the Republican party, starting with the
19 creation of two additional Republican seats in
20 Foltz-001-W and making additional Republican gains
21 in Foltz-003-D.

22 "Importantly, these partisan gains
23 initially sacrificed Tier 2 criteria; adjustments to
24 improve Tier 2 -- adjustments to improve Tier 2
25 criteria were made only after partisan gains were

REAL TIME ROUGH DRAFT!

1 put in place. In other words, a desire to improve
2 compactness or decrease splits does not explain the
3 increase in the expected number of Republican seats
4 in the Enacted Map."

5 Q Okay. Do you disagree with
6 Dr. Ansolabehere's conclusion there?

7 A I do.

8 Q Okay. And which parts of it?

9 A He's ascribing a time series that,
10 although there is a sequence of maps, it doesn't
11 speak to feedback. It doesn't speak to Alex's
12 process and what he was going through. It simply
13 just connects things that one happened before the
14 other in the process.

15 While I've testified in past that there
16 may have been concepts that I had drafted that Alex
17 had kept as he drew, Alex's process was informed by
18 his conversations and his process, with the
19 exception of maybe he kept certain concepts that I
20 had introduced throughout prior iterations.

21 Q Okay. On that point, can we actually move
22 to the top of page 4 of Dr. Ansolabehere's report.
23 Before we talk about what's here, I'm just trying to
24 understand your answer just there.

25 Are you saying that part of the iterative

REAL TIME ROUGH DRAFT!

1 process and sort of the nature of the different
2 plans Dr. Ansolabehere analyzed here was driven not
3 just by your map-drawing process, but through the
4 iterative process you went through with EOG?

5 A Yes. That informed the process as
6 different drafts were put together.

7 Q Okay. Here at the top of page 4, there is
8 a graph. Underneath the graph, it says "Population
9 Overlap with P000C0109."

10 Do you understand this to be population
11 overlap with the population of the Enacted Plan?

12 A I will take you at your word on that.

13 Q Okay. I can represent that that's true.
14 So if you look here at 001-W, the graph shows
15 70 percent of the population in 001-W is in the same
16 district as the population in P -- in the Enacted
17 Plan.

18 Do you see that?

19 A I do.

20 Q If you look at 003-D, it shows that
21 74 percent of the population 003-D makes it into the
22 same districts as the Enacted Plan.

23 Do you see that?

24 A I do.

25 Q Okay. Does it surprise you that the 001-W

REAL TIME ROUGH DRAFT!

1 and 003-D are so similar to the Enacted Plan?

2 **MS. MEEHAN:** Objection to form.

3 A Yeah, I am going to take issue with "so
4 similar." I mean, the number is what the number is.

5 BY MR. POSIMATO:

6 Q Okay. Just looking at this graph and
7 looking -- the lowest population overlap is
8 70 percent it appears in this graph.

9 Do you agree that that is a substantial
10 overlap between the population in the Enacted Plan
11 and your draft plans? And if not, what word would
12 you use to describe the overlap here?

13 **MS. MEEHAN:** Object to the form.

14 A I would describe it as 70 percent.

15 BY MR. POSIMATO:

16 Q 70 percent. Okay. Give me a moment,
17 Mr. Foltz.

18 (Short pause.)

19 BY MR. POSIMATO:

20 Q Okay. You can take this down for now. We
21 may return to it later.

22 A Okay.

23 Q I want to talk a little bit about your
24 work with Alex Kelly. We've talked about it briefly
25 at high level. I just want to try to understand in

REAL TIME ROUGH DRAFT!

1 more detail.

2 To your knowledge, what was Alex Kelly's
3 role in the State's redistricting process?

4 **MS. MEEHAN:** Objection, legislative
5 privilege.

6 But feel free to answer as it's in the
7 public record.

8 A I would say generally that Alex was the
9 point person within EOG on redistricting.

10 BY MR. POSIMATO:

11 Q Okay. And did Alex -- it appears from
12 your testimony that this is true, but did Alex start
13 drawing maps at some point?

14 A At some point, yes.

15 Q Do you remember when he started drawing
16 maps?

17 **MS. MEEHAN:** Same objection.

18 A No, I don't.

19 BY MR. POSIMATO:

20 Q Was it, generally speaking, was it towards
21 the -- was it towards one end or the other of the
22 process? Was it closer to the beginning of your
23 engagement with Florida or was it towards the end of
24 the process?

25 **MS. MEEHAN:** Same objection.

REAL TIME ROUGH DRAFT!

1 A I don't know.

2 BY MR. POSIMATO:

3 Q Okay. How many draft plans did you work
4 on with Alex Kelly?

5 **MS. MEEHAN:** Same objection.

6 A Yeah, and again, I can't specifically pin
7 down how many of the drafts incorporated were worked
8 with with him. Like I said, conversations were
9 ongoing, there was always feedback being provided,
10 so it's really difficult for me to say specifically
11 how many or what maps he was involved with other
12 than to go back to the iterative process answer that
13 there is always back-and-forth and there are always
14 conversations on drafts.

15 BY MR. POSIMATO:

16 Q How -- do you remember exactly how your
17 work with Alex Kelly began?

18 **MS. MEEHAN:** Objection to form. Please
19 don't disclose anything internal to the
20 Governor's Office.

21 A Yeah, I can't really answer that as -- at
22 some point in the process after I had been brought
23 on board, I was introduced to Alex and the working
24 relationship began at that point. I don't remember
25 when that happened, but it happened at some point

REAL TIME ROUGH DRAFT!

1 clearly during the process.

2 BY MR. POSIMATO:

3 Q Okay. Was Alex involved at all, Alex
4 Kelly involved at all in the drafting of your draft
5 plan 001-W?

6 **MS. MEEHAN:** Objection to the form.

7 Please don't answer if you can't -- if it -- if
8 it reveals internal communications in the
9 Governor's Office.

10 A Yeah, and again, I can't specifically pin
11 down when in the process I was introduced to Alex
12 specifically. I can't pin it down relative to a
13 specific draft. At some point he was introduced to
14 me, we started working together, but where that
15 falls in the timeline relative to a draft, I can't
16 say.

17 BY MR. POSIMATO:

18 Q Okay. Is it possible he was helping with
19 draft plan 001-W?

20 A I don't know.

21 **MS. MEEHAN:** Same objection. And I'll
22 just note, you know, Mr. Kelly testified to the
23 legislature that they collaborated and they
24 worked on that second map, but beyond that, I
25 think we're getting into privileged territory.

REAL TIME ROUGH DRAFT!

1 **MR. POSIMATO:** Sure. And as --

2 **MS. MEEHAN:** Sorry. To be clear, the
3 second map introduced to the legislature, if I
4 recall.

5 **MR. POSIMATO:** Okay.

6 BY MR. POSIMATO:

7 Q I think, Mr. Foltz, you said I don't know?

8 A Yeah, I don't know.

9 Q Okay. What about for Plan 003-D, was he
10 involved in that plan?

11 **MS. MEEHAN:** Same objections.

12 A Same objection, same answer.

13 BY MR. POSIMATO:

14 Q Okay. Can you -- so as counsel noted,
15 it's part of the public record that you and I, and I
16 think you testified today that you and Alex had
17 worked on draft plans together. Can you describe
18 the working process that you and Alex Kelly had when
19 working on a draft plan.

20 **MS. MEEHAN:** Same objections. Please
21 don't disclose things internal to the
22 Governor's Office that aren't part of that
23 public record.

24 A Generally, I would say that Alex would
25 communicate thoughts and impressions that he had on

REAL TIME ROUGH DRAFT!

1 draft maps. I think that's probably about as far as
2 I can take it without getting into privileged
3 communication.

4 BY MR. POSIMATO:

5 Q Did Alex Kelly ever give you any guidance
6 on a particular district in Florida's Congressional
7 Plan?

8 **MS. MEEHAN:** Same objections.

9 A I would say generally that is what
10 providing feedback is with regard to redistricting.

11 BY MR. POSIMATO:

12 Q And what was generally the subject of that
13 feedback or the Tier 2 criteria? Was it concerns
14 from the legislature?

15 **MS. MEEHAN:** Same objections.

16 A Generally, I would say, without getting
17 into disclosing communication specifics, I think all
18 of those things could be part of a potential
19 conversation, yes.

20 BY MR. POSIMATO:

21 Q Okay. Did you ever provide Alex Kelly
22 with any data?

23 **MS. MEEHAN:** Same objections.

24 A No.

25

REAL TIME ROUGH DRAFT!

1 BY MR. POSIMATO:

2 Q Did Alex Kelly provide you any data?

3 **MS. MEEHAN:** Same objections.

4 A Not that I can recall.

5 BY MR. POSIMATO:

6 Q Do you know whether -- well, I believe you
7 testified earlier that Alex Kelly drew at least one
8 draft plan by himself; is that correct?

9 A Yeah, the Enacted Plan, but again, I'm
10 going to keep going back to the caveat of iterative
11 process, are there -- there may be concepts that
12 were -- or that were brought to his attention from
13 my prior drafts that may have survived through the
14 process, but that was his draft with the disclaimer
15 on iterative process.

16 Q Okay. When you say it was his draft, do
17 you mean it was his draft and that he ultimately
18 made the line art drawing decisions without any
19 outside guidance, or were you at all involved even
20 indirectly with the drawing of that plan?

21 **MS. MEEHAN:** Objection to form. Same
22 legislative privilege objection.

23 A And it's going to be the same answer on
24 that where Alex was drawing, but was his drawing
25 informed by what he had seen from me previously?

REAL TIME ROUGH DRAFT!

1 Again, I can't say that he didn't see drafts of
2 certain districts that he liked to carry through for
3 his draft.

4 BY MR. POSIMATO:

5 Q Do you know if Alex Kelly was trying to
6 meet any sort of criteria in his draft plan?

7 **MS. MEEHAN:** Objection to form. And then
8 please only answer to what's in public record.

9 A Again, I'll let Alex's testimony stand on
10 its own. But, I mean, it was traditional
11 redistricting criteria, compactness and splits,
12 taking care of the malapportionment in the map and
13 addressing the new Congress -- the requirement for
14 a new Congressional district was kind of a -- just a
15 global goal that was being pursued.

16 BY MR. POSIMATO:

17 Q Okay. When was the last time you spoke to
18 Alex Kelly?

19 A I don't recall, but it's over a year at
20 this point.

21 Q Okay. Were you shown a copy of Alex
22 Kelly's deposition transcript in preparation of this
23 deposition?

24 **MS. MEEHAN:** Objection to form. You can
25 answer that question yes or no. Or, sorry,

REAL TIME ROUGH DRAFT!

1 attorney-client privilege, attorney work
2 product, but you can answer that question yes
3 or no.

4 A No.

5 BY MR. POSIMATO:

6 Q Were you -- have you otherwise been made
7 aware of the content of Mr. Kelly's deposition
8 testimony in this case?

9 **MS. MEEHAN:** Are you asking about what
10 we -- you know, what counsel has told him in
11 particular? I mean --

12 **MR. POSIMATO:** Excluding -- excluding any
13 protected attorney-client communications you
14 had.

15 BY MR. POSIMATO:

16 Q Have you otherwise been made aware of the
17 content of Alex Kelly's deposition testimony in this
18 case?

19 A No.

20 Q Okay. Well, I can represent to you that
21 as part of his testimony, I think Mr. Kelly was
22 asked whether you provided any input on his draft
23 plan and his answer was no, but that you perhaps
24 congratulated him on a job well done. Do you
25 remember that?

REAL TIME ROUGH DRAFT!

1 **MS. MEEHAN:** Sorry, I think you're asking
2 him about, like, something in a transcript.
3 Are you going to -- do you plan to show him the
4 transcript or --

5 **MR. POSIMATO:** Okay. I don't -- it's
6 okay. It doesn't --

7 **MS. MEEHAN:** Sorry, it's okay. I just --
8 I don't -- I can't remember that long ago and
9 so I don't know.

10 **MR. POSIMATO:** It's fine.

11 BY MR. POSIMATO:

12 Q Did Alex Kelly send you his work to review
13 or provide feedback on?

14 **MS. MEEHAN:** Objection to form.
15 Legislative privilege, to the extent it
16 applies.

17 A Yeah, and I don't remember the exact work
18 flow on this, but it is clear from our conversation
19 today that at some point I received the file that
20 became the Enacted Plan and brought it into, for
21 lack of better term, my system, you know, my file
22 names and whatnot.

23 So at some point that was provided to me.
24 I don't remember who provided it to me, though. But
25 there was at a -- there was a point where it was

REAL TIME ROUGH DRAFT!

1 brought into kind of my internal files.

2 BY MR. POSIMATO:

3 Q Did you and Alex Kelly receive feedback on
4 the plans you worked on together?

5 **MS. MEEHAN:** Same objections.

6 A I would say, yes, generally, as there was
7 always feedback being provided with plans as we
8 worked through the process.

9 BY MR. POSIMATO:

10 Q I'm sorry. Did I say you were always
11 receiving feedback as you worked through the
12 process?

13 A Well, again, the iterative process
14 argument -- argument? -- the iterative process
15 answer. There is always feedback, there's always
16 give and take, there's always a back and forth in
17 this process. So while I don't specifically recall,
18 I would say generally it's very likely that there
19 was feedback received.

20 Q Who provided you and Alex Kelly feedback
21 on the draft plans you worked on together?

22 **MS. MEEHAN:** Same object- -- or
23 legislative privilege, attorney-client
24 privilege. Please do not disclose things
25 internal to the Governor's Office or

REAL TIME ROUGH DRAFT!

1 attorney-client privileged conversations.

2 A I would say generally it's the team that's
3 been outlined before. And again, not specifically
4 recalling this, but the reasonable universe of
5 people that it could have been would have been
6 counsel, perhaps someone in EOG.

7 BY MR. POSIMATO:

8 Q Okay. I think I have one more exhibit to
9 show you, Mr. Foltz.

10 (Exhibit 14 was marked for
11 identification.)

12 **MR. POSIMATO:** Okay. I dropped it in the
13 chat. I think this is Exhibit 13, Sandi; is
14 that right?

15 **THE STENOGRAPHER:** I'm showing 14.

16 **MR. POSIMATO:** 14, okay. Thank you.

17 A Is this a transcript of what appears to be
18 a committee?

19 BY MR. POSIMATO:

20 Q That's right. And I can represent to you
21 this is a transcript of Mr. Kelly's testimony before
22 the House when he was describing the Enacted Plan.
23 Just give me a sec. Can you scroll to page 11.
24 Mr. Kelly discusses his work with you.

25 A Page 11, you said?

REAL TIME ROUGH DRAFT!

1 Q Yes. Go to paragraph 4, the second
2 paragraph from the top or the first full paragraph
3 that starts "For reference." Okay. So you can
4 review this yourself, but as I read this, Mr. Kelly,
5 this is the first plan that was supported by the
6 Florida Governor's Office was Map 0079, and that was
7 authored by you, is that correct?

8 A I believe so.

9 Q Do you remember which of your plans became
10 Plan 0079?

11 A I do not.

12 Q Okay. And while we are down in the
13 paragraph, Mr. Kelly testified that you and he
14 collaborated on the EOG's second contribution which
15 is Map 0094.

16 Do you see that?

17 A "Adam Foltz and I collaborated on our
18 office's second contribution, Map 0094." I do see
19 that.

20 Q Okay. Do you remember which of your --
21 which of your plans became 0094?

22 A I do not.

23 Q Do you remember roughly when 0079 was
24 drafted during the redistricting process in the
25 State?

REAL TIME ROUGH DRAFT!

1 A No. I don't remember. It would have --
2 clearly would have been earlier on in the process,
3 but I don't remember when exactly that went to the
4 legislature as a submission.

5 Q Okay. What about 0094?

6 A Same answer, I don't remember when that
7 happened. It would have been obviously after 0079,
8 but I don't know exactly when on the calendar that
9 would have been.

10 Q Do you recall why your draft plan or the
11 draft plan of yours that became Plan 0079 was
12 selected by EOG to become the first map the
13 Executive Office of the Governor submitted to the
14 legislature?

15 **MS. MEEHAN:** Objection, legislative
16 privilege.

17 A Yeah, and I don't remember what the
18 reasoning was on how they arrived at 0079 being put
19 forward.

20 BY MR. POSIMATO:

21 Q And what about 0094?

22 **MS. MEEHAN:** Same objection.

23 A And same answer.

24 BY MR. POSIMATO:

25 Q Were there any other plans that you drew

REAL TIME ROUGH DRAFT!

1 or helped draw beside 0079, 0094 that the Governor's
2 Office considered submitting to the legislature?

3 **MS. MEEHAN:** Same objection.

4 A Yeah, and again, that's going to go back
5 to the iterative process. They were apprised of
6 many of the different drafts. They were providing
7 feedback, so I can't definitively give you a subset
8 of maps that have been produced that would answer
9 your question because the process is constantly
10 going back and forth with people; there is always
11 feedback.

12 So I can't specifically draw a bright line
13 between maps that they may have commented on and
14 maps they didn't comment on and how 0094 became the
15 second iteration to go to the legislature.

16 BY MR. POSIMATO:

17 Q Give me one moment, Mr. Foltz.

18 (Short pause.)

19 BY MR. POSIMATO:

20 Q Do you know if anybody in the Executive
21 Office of the Governor performed a functional
22 analysis on the Enacted Plan?

23 **MS. MEEHAN:** Objection, legislative
24 privilege, attorney-client privilege.

25 You can answer to the extent it's not

REAL TIME ROUGH DRAFT!

1 privileged information.

2 A Yeah, I can't answer that.

3 BY MR. POSIMATO:

4 Q Okay. To the best of your knowledge, does
5 the Enacted Plan preserve Black Floridian's ability
6 to elect a candidate of their choice in North
7 Florida?

8 **MS. MEEHAN:** Objection to form, and
9 attorney-client privilege.

10 A Yeah, that's a legal conclusion that
11 ultimately will be decided by the courts.

12 BY MR. POSIMATO:

13 Q I'm sorry if I asked you this before, but
14 I think you testified that at some point you had at
15 least looked at Mr. Foltz's draft -- Mr. Kelly's
16 draft of the Enacted Plan; is that correct?

17 A I believe my prior testimony was -- Taylor
18 looks like she's about to say something.

19 **MS. MEEHAN:** Yeah. Same objection,
20 objection to legislative privilege.

21 A Yeah, my testimony, to the best of my
22 recollection, clearly from what we've discerned from
23 the expert report is that at some point Alex's draft
24 was provided to me and then I brought it internally
25 and gave it like 0014-A or whatever the designation

REAL TIME ROUGH DRAFT!

1 may be.

2 BY MR. POSIMATO:

3 Q Okay. And so in returning to some of our
4 conversations that occurred in Dr. Ansolabehere's
5 report, it seems like there was -- I can pull it
6 back up if it's helpful. It seemed like in your
7 files there's a 14-A and a 14-B it sounds like from
8 your testimony that Alex Kelly drew 14-A.

9 And did he also draw 14-B?

10 **MS. MEEHAN:** Objection to form,
11 legislative privilege.

12 To the extent you can answer, go ahead.

13 A I believe that is also an Alex draft.

14 BY MR. POSIMATO:

15 Q Okay.

16 A Not a hundred percent sure on that.

17 Q Okay. So is it possible that you drew a
18 draft plan after Alex Kelly had completed his draft
19 of 14-A?

20 **MS. MEEHAN:** Objection to form.

21 Please do not disclose information
22 internal to the Governor's Office.

23 A I can't specifically recall that, but just
24 knowing the flow of the legislative process, there
25 was really no reason for me to be drawing beyond the

REAL TIME ROUGH DRAFT!

1 introduction of Alex's map to the legislature.

2 But again, maybe something happened. I am
3 just not recalling. But just as a practical matter
4 to the legislative process, I can't think of a
5 reason why I would have been drawing alternatives
6 past that point on the calendar.

7 BY MR. POSIMATO:

8 Q So is it possible that 14-A and 14-B were
9 being considered simultaneously?

10 **MS. MEEHAN:** Same objection. Sorry.

11 BY MR. POSIMATO:

12 Q We're almost done, Taylor.

13 Is it possible that 14-A and -- well, were
14 14-A and 14-B considered -- were they being
15 considered at the same time for -- it's been a long
16 day. Let me try one more time.

17 Was it possible the Executive Office of
18 the Governor was deciding whether to submit 14-A or
19 14-B to the legislature at the same time, roughly
20 the same time?

21 **MS. MEEHAN:** Objection to form,
22 legislative privilege.

23 Please do not divulge information internal
24 to the Governor's Office.

25 A And I don't have the information to be

REAL TIME ROUGH DRAFT!

1 able to testify to that. 14-A and 14-B are my
2 internal files, my internal file-naming schema of
3 files that I have received from someone else to the
4 best of my recollection. So how that intersects
5 with how they worked internally, I don't have the
6 information to be able to testify to that.

7 BY MR. POSIMATO:

8 Q Okay. This -- couple of questions now
9 about just document retention and work. I think we
10 are almost done. I'm going to ask you whether you
11 had some communications with a series of entities.
12 And it's going to start: During your work for
13 Florida, did you have any communications with X? So
14 I'm going to just ask you that question and then
15 name a series of entities. And after each entity,
16 you can say "yes" or "no" or more if you need to.

17 A And just to be clear, we are limiting it
18 to Florida in the context of all these entities that
19 you are going to enumerate?

20 Q That's right.

21 A Got it.

22 Q During your work for Florida, did you have
23 any communications with the Republican National
24 Committee?

25 A No, I did not.

REAL TIME ROUGH DRAFT!

1 Q The Republican Party of Florida?

2 A No, I did not.

3 Q The National Republican Congressional
4 Committee?

5 A No, I did not.

6 Q The Redistricting Majority Project?

7 A No, I did not.

8 Q The Republican State Leadership Committee?

9 A No, I did not.

10 Q National Republican Redistricting Trust?

11 A No, I did not.

12 Q Ballard Partners?

13 A No, I did not.

14 Q Or any other consultant or agent on behalf
15 of any entity affiliated with the Republican party?

16 A No, I did not.

17 Q Okay. Aside from the National Republican
18 Redistricting Trust, have you ever communicated with
19 any of those entities? I can rename them, too, if
20 you'd like.

21 A Ever going all the way back to the
22 beginning of time? Or are we limiting to the window
23 in which Florida was being drafted?

24 Q Let's limit it to -- have you ever
25 communicated with any of those entities aside from

REAL TIME ROUGH DRAFT!

1 NRRT about redistricting?

2 A No. Again, it might be helpful to go
3 through the list again, but it's going to be a no.

4 Q Okay. I think you testified earlier that
5 you are no longer -- aside from this deposition, you
6 are no longer working for the State of Florida?

7 A That's correct.

8 Q And do you recall when your work ended?

9 A Not specifically recalling, just kind of
10 calling back to some of the prior testimony, it
11 would have wrapped up upon enactment of the map,
12 probably a little bit before that, just given the
13 legislative process and introduction.

14 I would say sometime around the enactment
15 of the plan, the bill being signed into law, a
16 little before that would have effectively ended the
17 work for Florida.

18 Q Okay. Have you assisted the State --
19 without disclosing any attorney-client
20 communications, have you assisted the State of
21 Florida in any way in defending this lawsuit?

22 A No.

23 Q Aside from the draft plans and the draft
24 reports and all the other analyses we've already
25 talked about today, did you produce any other work

REAL TIME ROUGH DRAFT!

1 product for the State of Florida during your work on
2 the State's redistricting?

3 **MS. MEEHAN:** Objection to form.

4 Legislative privilege to the extent it applies,
5 attorney-client privilege to the extent it
6 applies.

7 A Yeah, could we try that question again,
8 please.

9 BY MR. POSIMATO:

10 Q Yep. Aside from draft plans and the plan
11 comparison reports that we've talked about already,
12 the shapefiles that we talked about, did you produce
13 any other work product for the State during the
14 State's redistricting process?

15 **MS. MEEHAN:** Same objection.

16 A I think that encompasses the work product.
17 I just want to be careful with that answer because
18 you may have e-mails that are setting up a call or a
19 meeting that is, you know, part of the job and but
20 not necessarily a tangible work product. So I just
21 want to be careful with where you're going with work
22 product and what that means.

23 BY MR. POSIMATO:

24 Q It's not a trap, I promise.

25 I mean, you know, any substantive

REAL TIME ROUGH DRAFT!

1 document, right? Like a memo, a different type of
2 report, a different type of analysis related to
3 redistricting, and obviously exclude from that
4 calendar invites and Zoom links.

5 A I mean, really, the work is really
6 embodied in shapefiles, you know, PDFs reflect those
7 shapefiles, and reports that summarize -- you know,
8 that summarize data of multiple reports or summarize
9 data for an individual map in question. So I think
10 that really -- that really encompasses everything
11 that's going to be produced in a -- just, generally
12 speaking, a redistricting process.

13 Q Okay. Have you retained all of the
14 documents and communications that you created
15 pursuant to your work for the State of Florida
16 during the redistricting process?

17 A Yes.

18 Q Have you retained your e-mails related to
19 that work?

20 A Yes.

21 Q Have you retained text messages related to
22 that work?

23 A Yes.

24 Q Who asked you to retain that information?

25 **MS. MEEHAN:** Objection, attorney-client

REAL TIME ROUGH DRAFT!

1 privilege.

2 You can answer at a high level of
3 generality for now.

4 A High level, I would say counsel.

5 BY MR. POSIMATO:

6 Q Okay. Have you produced all of those
7 documents and communications that we just discussed
8 in the form of e-mails and text messages and the
9 like to counsel in this case?

10 A Yes, I have.

11 **MR. POSIMATO:** Okay. Maybe we could just
12 take a -- I think I'm done. Maybe just a
13 five-minute break, I can look over my notes and
14 then come back on.

15 **MS. MEEHAN:** Yeah, that sounds -- do you
16 want off the record for a second?

17 **MR. POSIMATO:** Sure.

18 (A recess took place from 5:00 p.m. to
19 5:15 p.m.)

20 **MR. POSIMATO:** Okay, Mr. Foltz, thank you
21 so much for your time today. I am finished
22 with my portion of the testimony today.

23 You know, outstanding is a subpoena for
24 some of your documents that we served on your
25 counsel. Pursuant to that subpoena, I am going

REAL TIME ROUGH DRAFT!

1 to ask to hold open your deposition in case we
2 have any further questions based on those
3 documents. Right now I don't expect to have --
4 I don't expect, if anything comes up, we want
5 to reserve that right. Otherwise, I am done
6 for the day and again, thank you so much for
7 your time and I hope this wasn't too painful.

8 **MS. MEEHAN:** And just for the record, we
9 obviously disagree with holding the deposition
10 open, but we understand your position.

11 **MR. POSIMATO:** Right. All right. Thank
12 you. Thank you, Sandi.

13 (Short pause.)

14 **MR. HALPERN:** All right. We can go back
15 on the record.

16 **THE STENOGRAPHER:** Back on the record.

17 DIRECT EXAMINATION

18 BY MR. HALPERN:

19 Q All right. So, Mr. Foltz, thanks again
20 for your time. My name is Mike Halpern. I'm
21 representing the plaintiffs in the federal action,
22 which I think Taylor mentioned this morning is
23 Common Cause, et al., v. Byrd, Case Number
24 4:22cv109, and that's pending in the Northern
25 District of Florida.

REAL TIME ROUGH DRAFT!

1 Do you understand that your answers
2 earlier to Mr. Posimato can be used in this federal
3 case as well?

4 A I do now.

5 Q Okay. And likewise, your answers to me
6 can also be used in the Black Voters Matter state
7 case.

8 A Fair enough.

9 Q Okay. So a lot of this is just going to
10 be bits and pieces, filling in where Mr. Posimato
11 asked you questions earlier today.

12 So starting with just some general
13 background, you mentioned, you testified earlier
14 that you were not familiar specifically with any
15 geography of Florida prior to beginning the
16 redistricting process, correct?

17 **MS. MEEHAN:** Objection to form.

18 A Yeah, it was a little bit more drawn-out
19 conversation. I mean, just a general knowledge of
20 metropolitan areas and their location, but no
21 knowledge of the details of the geography or the
22 political geography of the state.

23 BY MR. HALPERN:

24 Q Okay. So at the time when you started,
25 how familiar were you with Florida's roadways?

REAL TIME ROUGH DRAFT!

1 A None.

2 Q And what about now?

3 A Roadways in particular? I'd say pretty
4 limited.

5 Q Okay. And what about the different
6 communities in Florida at the time when you began?

7 A Yeah, again, that would be that -- the
8 testimony with prior counsel that aside from just a
9 general knowing where Miami is versus Tampa versus
10 Tallahassee, not really any knowledge of anything
11 beyond that with the state of Florida.

12 Q And what about now?

13 A I mean, clearly, more.

14 Q Communities meaning not just municipal
15 boundaries, but also demographics, historical
16 communities, things of that nature?

17 A Yeah, I mean, you're going to pick things
18 up through the process, to be sure. The nature of
19 the draw was definitely focused on communities in
20 the more -- from my perspective, more of the
21 cartographic sense, so more of the MCD counties type
22 of evaluation of communities.

23 Q Okay. Could you expand on that a little
24 bit?

25 A I would say that communities can be

REAL TIME ROUGH DRAFT!

1 defined in a lot of ways. And software only tells
2 you so much. Software is going to give you
3 communities insomuch as the cartographic and
4 geographic embodiment of, you know, political
5 subdivisions, but they're also communities. So,
6 obviously, you pick things up throughout the process
7 that goes beyond that, but I'm really focused on the
8 software end of it, so I'm learning about
9 communities more in the limited sense of the hard
10 geography of it, but also picking other things up as
11 people are having conversations throughout the
12 process.

13 Q Okay. So back when you started, what
14 steps, if any, did you take to familiarize yourself
15 with Florida's communities and demographics?

16 **MS. MEERAN:** Objection, legislative
17 privilege to the extent it applies, and
18 attorney-client privilege to the extent it
19 applies.

20 A I'd say as a general matter, there wasn't
21 a discernible difference between a process where I
22 was familiarizing myself and then jumping in and
23 drawing. It was really just a process of getting
24 in, starting to work on drafts and figuring out the
25 rest on the fly.

REAL TIME ROUGH DRAFT!

1 BY MR. HALPERN:

2 Q So other than what you saw, let's call it
3 within the software, did you refer to any resources
4 in understanding Florida's communities?

5 **MS. MEEHAN:** Same objections.

6 A Yeah, I'm going to parse that question a
7 bit. I can't think of seeking out information from
8 an outside source. But I will say that as you work
9 through the process, as you have conversations, as
10 you work with people that are in the State of
11 Florida, you pick things up along the way.

12 BY MR. HALPERN:

13 Q Did you discuss the redistricting process
14 with anyone who -- I should say outside of the
15 Governor's Office, who lives in northern Florida?

16 A Counsel.

17 Q Okay. But nobody other than counsel or
18 those in the Governor's Office?

19 A Not that I know of. I don't know exactly
20 where everyone lives. I am making a bit of an
21 assumption that given Tallahassee being Tallahassee,
22 that they likely reside in North Florida, so with
23 that disclaimer.

24 Q So just, for instance, a community leader,
25 someone like that?

REAL TIME ROUGH DRAFT!

1 A No, there are no conversations with
2 community leaders or local elected officials.

3 Q What about any state legislators?

4 A I did not communicate with them.

5 Q Okay. And that's at any point in the
6 process?

7 A That's correct.

8 Q Okay. And that true today even as well,
9 you still have not communicated with any
10 legislators?

11 A Yeah, that's correct to this day.

12 Q Okay. Are you -- I am going to switch to
13 a slightly different section

14 Are you affiliated with the National
15 Republican Party?

16 **MS. MEERAN:** Objection to form.

17 A Yeah, I -- I'm going to take issue with
18 "affiliated." I mean, clearly, I've worked for
19 Republicans in the past, but as far as any -- I have
20 no membership, I have no secret handshake, but I
21 have worked for Republicans in the past that we've
22 enumerated, which are distinct from the national
23 party.

24 BY MR. HALPERN:

25 Q Okay. Were you aware that the -- in the

REAL TIME ROUGH DRAFT!

1 oath -- sorry, let me pull that back.

2 Did you have any awareness of Florida's
3 prior redistricting cycle, the 2010 cycle? And I
4 know you might have discussed that earlier with
5 Mr. Posimato.

6 **MS. MEEHAN:** Objection to form.

7 Legislative privilege, attorney-client
8 privilege, to the extent it applies.

9 A I would say as a general matter, I was
10 aware of the prior cycle's redistricting, but I
11 wasn't overly versed in it.

12 BY MR. HALPERN:

13 Q Uh-huh. Were you aware that the national
14 Republican Party was involved in that redistricting
15 process?

16 A I am not aware of that.

17 Q Okay. All right. I am going to move on
18 to another section.

19 We talked earlier about the Fair Districts
20 Amendments. And again, I apologize if some of this
21 is repetitive, but you've -- you testified earlier
22 that you had not read the Fair Districts Amendments;
23 is that correct?

24 A I think it's --

25 **MS. MEEHAN:** Objection to -- objection to

REAL TIME ROUGH DRAFT!

1 the form. Caution the witness not to disclose
2 attorney-client privileged information.

3 A I think the testimony as it relates to the
4 Fair Districts Amendment was that I don't recall
5 having read them specifically. I wouldn't be
6 surprised if at some point I did. And then
7 generally, the application of that would fall under
8 legal advice, so I think I drew the line in my
9 answer right about there.

10 BY MR. HALPERN:

11 Q Okay. Fair enough.

12 So beyond conversations with counsel, did
13 you take any steps to familiarize yourself with the
14 Fair Districts Amendments?

15 **MS. MEEHAN:** Objection, legislative
16 privilege to the extent it applies.

17 A Again, back to the prior testimony, I am
18 sure that at some point I read them. I don't recall
19 that specifically sitting here today.

20 BY MR. HALPERN:

21 Q Are you familiar with the terms "Tier 1"
22 and "Tier 2 standards"?

23 A Starting off the day, I had forgotten
24 about them, but during the course of the deposition,
25 I started to become refamiliarized with them.

REAL TIME ROUGH DRAFT!

1 Q And just so we're on the same page about
2 these, Tier 1 standards refers to partisan and
3 racial consideration considerations and Tier 2
4 standards refers to what you might describe as
5 traditional redistricting principles.

6 Would you agree with that?

7 A To the best of my recollection, I have no
8 reason to doubt you on that, but again, I'm kind of
9 refreshing recollection on the fly here today.

10 Q Sure. Of course. This is just to make
11 sure we're on the same page.

12 Did you consider the Tier 1 standards when
13 engaging in the redistricting process?

14 **MS. MEEHAN:** Objection to form,
15 attorney-client privilege, legislative
16 privilege, to the extent it applies.

17 A Yeah, and again, to the prior testimony,
18 issues related to legal confines were handled by
19 counsel. And I think the testimony previously was
20 alluding to the idea that certain things -- we were
21 cognizant of or I was cognizant of in the drawing
22 process to help counsel with their rendering of
23 legal advice to clients and also respecting Tier 1
24 criteria by keeping partisan data out of the drawing
25 process and then providing certain other data to

REAL TIME ROUGH DRAFT!

1 counsel that can aide them in their rendering legal
2 advice.

3 BY MR. HALPERN:

4 Q Sure. So you mentioned partisan data.
5 What about keeping racial data out of the process?

6 A The prior testimony, what I was trying to
7 draw the distinction between, is having racial
8 shading up while making assignments versus doing
9 post hoc analysis of districts or draft plans after
10 assignments are made and providing that to counsel
11 to assist them in their duties.

12 Q Okay. So earlier you testified about your
13 understanding of compactness. You mentioned you
14 were aware that there is numerous ways to evaluate
15 compactness, correct?

16 A That's correct.

17 Q What is your preferred way of assessing
18 compactness?

19 A I think, going back to the prior
20 testimony, I don't have one. And kind of echoing
21 what I had testified to earlier, there is always
22 context. You know, can perimeter to area tell you
23 something? Sure. But if that perimeter to area is
24 driven in a less compact way because you are showing
25 fidelity to the boundaries of another political

REAL TIME ROUGH DRAFT!

1 subdivision, that -- in that instance, that
2 perimeter to area measure means less.

3 To answer your question I don't really
4 have a preferred one because there is always so much
5 context in this that your mind is just going to vary
6 based on what you are facing for a given district or
7 a given state.

8 Q Is there any particular standard that you
9 have relied upon more often than others in your
10 redistricting experience?

11 A No, I can't say that there's been one
12 that's been relied on more than others. And again
13 it's going to vary based off -- it's going to vary
14 based off of the given stage you are dealing. It's
15 going to vary, again, based off certain just
16 geography, whether it be political subdivisions or
17 natural geography can always drive compactness many
18 times in a less compact way.

19 Q Okay. So now referring to some of the
20 various mathematical -- I think that's what we
21 referred to them earlier as the mathematical
22 standards, there are three in particular that we
23 noticed in the reports that have been produced to
24 us. There is the Convex Hull, the Reock, and the
25 Polsby-Popper.

REAL TIME ROUGH DRAFT!

1 Of those three, is there one that you
2 think is better?

3 A No. There really -- none in my
4 estimation. Again, it's being a bit repetitive, but
5 it's always going to vary. To your prior question
6 on across multiple states, I do remember that Convex
7 Hull was something that the Florida software kind of
8 put out there a little bit more on the front foot
9 than I had seen in other software, for example.

10 So noticing that, I started incorporated
11 that into the summary reports and things like that.
12 So while not a personal preference of mine, it was
13 clear that that was something in Florida that was at
14 least to the level of importance where the
15 technology people decided to incorporate it in the
16 reports.

17 Q Can you explain what you mean by -- what
18 you mean by that, it was featured more prominently
19 in the software?

20 A Yeah. So in my prior experience, there
21 are -- if you open up an ArcGIS toolbox, there are
22 going to be hundreds, if not more, compactness
23 measurements. And a lot of times in redistricting
24 litigation, and in redistricting evaluation, you see
25 people and courts and parties, you see them a lot of

REAL TIME ROUGH DRAFT!

1 times talk about, in my experience, Polsby-Popper
2 and the Reock -- choose your pronunciation -- test,
3 and I have noticed that in other software where GIS
4 redistricting software puts those on the forefront
5 where Convex Hull was always something that had to
6 be added in or was something that wasn't kind of the
7 default setting, if that makes sense.

8 Q Uh-huh. Do you think that any of those
9 standards has any major drawbacks?

10 A Again, I'm going to take issue with
11 "drawback." I think they explain different things
12 in different ways. I think one is going to be
13 better at capturing perimeter to area, to check
14 jaggedness. You are going to have others that --
15 small circumscribing circle that's going to capture
16 just the overall size of the district relative to
17 its ability to fill out that circumscribing circle.

18 So I don't -- I just think they tell you
19 different things that applies differently given
20 where you are looking.

21 Q Were you aware that Robert Popper
22 testified before the Florida legislature during this
23 redistricting cycle in Florida?

24 A Yes, I'm aware that he did.

25 Q Were you involved at all in procuring that

REAL TIME ROUGH DRAFT!

1 testimony?

2 **MS. MEEHAN:** Objection, legislative
3 privilege.

4 Answer if you can.

5 A No, I was not.

6 BY MR. HALPERN:

7 Q Did you -- either watching it when it
8 occurred or have you reviewed that testimony since
9 then?

10 A I watched it when it happened. I have not
11 revisited it since.

12 Q Okay. We might come back to that, I
13 think, tomorrow. I'm going to show you an exhibit
14 that I believe we've already marked as Exhibit 9.

15 A Is this Torchinsky e-mail?

16 Q No, it might be 8. Sorry. It's the memo
17 from the Office of the Governor.

18 **MS. MEEHAN:** February 18th memo.

19 A This is to the -- this is the memo to the
20 subcommittee chair in the House from Ryan Newman?

21 BY MR. HALPERN:

22 Q Correct. We discussed this earlier,
23 correct, this?

24 A Yes. I do have it open.

25 Q Okay. Great. Give me just one minute

REAL TIME ROUGH DRAFT!

1 here.

2 You see in the first paragraph, it
3 discusses towards the bottom how benchmark CD-5 --
4 I'll say that a map that largely tracks CD-5 appears
5 to be drawn solely to combine separate minority
6 populations from different regions in northern
7 Florida in a less than majority minority district.

8 A I'm sorry. Can you help me get my
9 bearings again? Where are you looking?

10 Q I apologize. So this is towards the
11 bottom of the first paragraph, says: "Instead, it
12 appears to be drawn solely to combine."

13 A Okay. Got it. Sorry. I'm with you now.

14 Q Uh-huh. So what would you describe as the
15 separate minority populations that are being
16 referred to here?

17 **MS. MEEHAN:** Objection to form.

18 A I'm sorry. Could you say the question
19 again.

20 BY MR. HALPERN:

21 Q Sure. This memo is referring to minority
22 populations that are being combined from different
23 regions, so let's take this one step at a time.

24 What would you describe as the regions of
25 northern Florida?

REAL TIME ROUGH DRAFT!

1 A What would I describe the regions of
2 northern Florida to be?

3 Q Uh-huh.

4 A Yeah, I mean, to me, northern Florida is
5 the region.

6 Q Okay. So in other words, you're not
7 familiar with any distinct regions, for example, in
8 the east or the west or the central part of northern
9 Florida?

10 A Well, again, those regional definitions
11 vary based on who you ask. And as I testified to
12 prior, a lot of my understanding is really driven by
13 the cartography of the area. You know, these
14 regional fights as what delineates one definition of
15 North Florida versus another, that I can't testify
16 to.

17 Q Going a little bit further up in this
18 paragraph, it talks about the same districts which
19 spans approximately 200 miles from east to west and
20 cuts across eight counties.

21 So again, to break this into two parts, is
22 it -- would you describe a district that is
23 200 miles long as necessarily not being compact?

24 **MS. MEEHAN:** Objection to form.

25 A Again, that's going to vary context by

REAL TIME ROUGH DRAFT!

1 context, right. I mean, you have districts that can
2 stretch 200 miles that can be perfectly compact and
3 perfectly reasonable. Population density, of
4 course, is going to factor into that, other
5 municipal composition, population density, as I
6 said.

7 So there is no hard-and-fast rule that
8 200 miles is inherently bad or not compact. Because
9 200 miles is a measure of just simple distance,
10 whereas compactness is measured by the eyeball test
11 and the test that we've talked about previously.

12 BY MR. HALPERN:

13 Q Okay. So -- alone is not reflective of
14 compactness or lack of compactness?

15 A I wouldn't say alone. Again, it goes back
16 to the context question. You can draw districts in
17 rural Texas that are easily going to span more than
18 200 miles because of the population density. You
19 can draw districts in northern Wisconsin that are
20 going to cover large chunks of geography due to the
21 population distribution as well -- or population
22 density, I should say. So again, everything comes
23 down to context.

24 Q Okay. And likewise, to a district that
25 cuts across eight counties, would that necessarily

REAL TIME ROUGH DRAFT!

1 be an issue for compactness?

2 **MS. MEEHAN:** Objection to the form.

3 A Again, not in isolation. If you have a
4 rural, again, Texas district or a rural Wisconsin
5 district, it's entirely possible that you can have a
6 very compact series of eight counties that achieves
7 equal population. So again, context matters in a
8 very real way.

9 BY MR. HALPERN:

10 Q Okay. We can put that one down. Just
11 give me one second. Just a few more questions and
12 thanks again for bearing with me.

13 I know that you and Mr. Posimato talked
14 about your collaboration with Mr. Kelly.

15 Did you exchange text messages with
16 Mr. Kelly?

17 A Yes.

18 Q Okay. And e-mails?

19 A I don't believe so, but I am not a hundred
20 percent on that.

21 Q Were you ever in the same room together?

22 A No.

23 Q And you testified earlier that you to date
24 have never been to Florida, so all of your
25 interactions with Mr. Kelly were virtual?

REAL TIME ROUGH DRAFT!

1 A Yes.

2 Q Did you ever draw maps together at the
3 same time?

4 A I can't speak to that. I think I know
5 what you're getting at, but just in the interest of
6 precision, I can't say that if I am sitting at my
7 terminal, you know, at my computer in Austin, what
8 Alex was doing in Florida at the same time.

9 Q Right. I understand.

10 So what I am getting at is the map-drawing
11 process is collaborative, but it is still iterative,
12 as in you would send a draft, he might edit your
13 draft, it would go back and forth that way; is that
14 correct?

15 **MS. MEEHAN:** Objection to form.

16 Objection, legislative privilege in the sense
17 that this is going beyond the public record.

18 A Yeah, I am going to take a little bit of
19 an issue with how you built the premise of that
20 question, that just because I was receiving feedback
21 doesn't mean that he was drawing to reflect that
22 feedback. There is many instances where feedback is
23 communicated to me and then I take on making those
24 changes, not necessarily that he takes it on himself
25 and then sends me a counterdraft back as a result of

REAL TIME ROUGH DRAFT!

1 that feedback.

2 BY MR. HALPERN:

3 Q Sure. I didn't mean to suggest any -- I
4 was just trying to understand how it works. And
5 any -- and we'll get to this tomorrow, but Mr. Kelly
6 testified that you and he collaborated and I'm just
7 trying to understand what collaboration means. But
8 why don't we pause on that until I can discuss it in
9 the context of his testimony tomorrow.

10 **MR. HALPERN:** I think, why don't we just
11 take one minute to see if I have anything else
12 in this section. But other than that, I think
13 that would be it for today.

14 **THE WITNESS:** Okay.

15 **MR. HALPERN:** Give me one second.

16 (Short pause.)

17 **MR. HALPERN:** That is all I have for today
18 and we can reconvene in the morning.

19 (Discussion off record.)

20 (Proceedings concluded at 5:43 p.m.)

21

22

23

24

25

MR. BLAKE: [1] 20/16
MR. HALPERN: [4] 298/14 317/10
317/15 317/17
MR. POSIMATO: [46] 3/11 3/18 4/7
4/14 13/14 13/19 13/21 20/11 65/18
70/14 98/19 99/2 134/11 136/3 148/15
162/13 165/2 165/23 184/8 189/14
189/19 195/22 196/2 196/12 196/15
219/23 220/5 226/4 230/24 236/18
236/23 237/9 240/21 255/20 256/3
278/1 278/5 282/12 283/5 283/10
285/12 285/16 297/11 297/17 297/20
298/11
MS. MEEHAN: [284] 2/2 3/4 3/16 3/25
4/11 13/16 13/20 15/9 16/15 18/2 18/24
20/1 20/7 30/6 31/19 35/19 36/11 38/2
39/6 39/20 40/21 41/1 42/20 43/11
43/13 44/13 46/1 46/7 46/24 48/1 48/14
49/25 50/21 52/22 53/6 59/2 62/18 65/6
70/5 74/1 74/9 76/11 77/11 77/25 81/10
81/20 82/8 84/9 91/3 93/21 95/3 95/20
96/14 97/24 98/9 98/25 101/23 103/18
104/9 104/18 105/5 109/4 109/17
112/15 113/14 114/21 115/7 115/20
118/15 121/11 122/23 123/19 124/23
125/7 126/5 128/25 129/18 129/23
130/6 130/11 131/10 132/21 133/16
135/10 136/1 136/11 140/13 140/22
141/21 142/23 143/21 146/8 146/18
147/5 148/9 148/20 149/14 150/20
152/7 152/20 153/20 154/23 155/12
156/22 157/8 157/15 157/24 158/6
158/14 158/20 159/7 159/9 160/1
160/17 161/7 161/17 162/7 162/23
163/18 164/18 165/12 167/18 168/9
168/25 169/12 169/17 169/24 170/16
171/13 171/23 173/12 174/12 175/10
176/25 177/11 177/18 178/6 178/21
179/20 180/7 181/11 181/25 182/7
182/22 183/9 183/18 184/6 184/10
184/19 185/12 185/24 186/20 187/4
187/11 188/1 188/13 188/23 189/12
189/15 192/11 192/25 193/16 194/10
195/6 196/7 196/14 200/23 200/25
201/16 202/4 203/1 203/23 204/15
207/23 208/11 208/21 209/8 210/4
210/15 211/24 213/8 214/8 215/6
217/17 218/7 219/18 219/25 220/24
221/25 222/3 225/13 229/2 229/19
230/7 230/22 231/3 231/12 232/8
232/16 232/21 233/14 233/21 234/7
234/20 235/7 235/17 236/11 240/6
240/17 243/8 246/24 247/17 249/16
251/1 254/12 255/14 255/23 256/22
257/19 259/9 260/21 263/4 264/23
265/21 266/5 266/20 267/7 267/23
268/11 270/15 274/2 274/13 275/4
275/17 275/25 276/5 276/18 277/6
277/21 278/2 278/11 278/20 279/8
279/15 279/23 280/3 280/21 281/7
281/24 282/9 283/1 283/7 283/14 284/5
284/22 287/15 287/22 288/3 288/23
289/8 289/19 290/10 290/20 291/10
291/21 295/3 295/15 296/25 297/15
298/8 299/17 301/16 302/5 303/16
304/6 304/25 305/15 306/14 311/2
311/18 312/17 313/24 315/2 316/15

THE STENOGRAPHER: [7] 195/20
195/25 206/15 226/3 237/11 285/15
298/16
THE WITNESS: [10] 17/5 44/18 98/23
132/20 159/24 189/18 189/20 200/24
236/22 317/14
'06 [1] 29/14
'10 [1] 26/24
'12 [1] 26/20
'13 [2] 9/24 10/9
'20 [1] 86/23
'21 [3] 8/15 54/22 86/23
'22 [1] 40/17
'6 [1] 27/4
'8 [1] 27/5
'almost [1] 71/22
/
/or [1] 1/15
0
00 [1] 271/16
001-W [18] 238/8 239/5 245/17 246/9
255/21 256/8 259/16 264/10 264/14
265/12 265/19 267/11 270/13 273/14
273/15 273/25 277/5 277/19
0014-A [1] 289/25
002-A4 [1] 238/8
003 [1] 238/9
003-A1 [1] 238/8
003-B [1] 238/9
003-C [1] 238/9
003-D [9] 238/9 264/11 264/16 265/13
265/19 273/20 273/21 274/1 278/9
005-A [1] 238/9
005-A5 [1] 233/10
0079 [7] 286/6 286/10 286/23 287/7
287/11 287/18 288/1
008-A [1] 238/10
008-A3 [1] 238/10
009-A [1] 238/10
0094 [7] 286/15 286/18 286/21 287/5
287/21 288/1 288/14
00B [1] 238/9
011-A [1] 238/10
012-A [1] 238/10
013-A [1] 238/11
014-A [1] 238/11
014-B [2] 238/11 239/6
06 [1] 29/13
1
1-W [5] 259/3 265/3 270/18 270/20
270/25
10 [24] 37/1 37/2 71/1 71/5 94/7 94/9
98/25 99/1 178/1 189/16 189/19 189/20
199/14 199/16 218/24 223/4 223/5
236/23 254/23 255/1 255/11 257/2
259/21 271/13
10,000 [1] 81/4
100 percent [2] 6/11 56/10
101-A [1] 238/10
109 [1] 2/15
10:10 [2] 51/22 51/23
10th [1] 199/18
11 [8] 70/19 71/5 199/16 224/15 226/2
226/3 285/23 285/25

11:10 [1] 51/22
11:10 a.m [1] 51/25
11:20 [2] 98/23 99/2
12 [7] 67/20 83/13 90/11 90/12 202/10
226/4 226/6
12:20 p.m [1] 99/4
13 [8] 9/22 90/12 237/5 237/10 244/24
245/6 267/13 285/13
13-A [1] 205/18
14 [6] 224/21 249/25 251/17 285/10
285/15 285/16
14-A [12] 239/13 242/7 242/11 246/1
290/7 290/8 290/19 291/8 291/13
291/14 291/18 292/1
14-B [7] 239/13 290/7 290/9 291/8
291/14 291/19 292/1
14th [2] 223/25 225/1
14th amendment [1] 56/6
15 [1] 251/20
157 [1] 2/20
16 [4] 253/13 253/14 253/18 253/20
17 [4] 260/6 260/7 263/24 271/1
18 [7] 206/23 207/3 207/7 261/11
262/14 263/20 271/1
18th [3] 211/11 211/13 311/18
19 [2] 261/3 261/4
1:30 p.m [1] 134/16
2
2.5 [1] 261/9
20 [2] 9/21 51/18
200 miles [6] 313/19 313/23 314/2
314/8 314/9 314/18
2000 [2] 61/24 62/3
2006 [2] 27/3 29/3
2007 [6] 12/2 12/3 22/11 22/17 22/21
22/22
2008 [5] 27/2 29/3 29/8 29/9 29/10
2010 [26] 12/7 12/10 12/14 12/15 12/15
13/2 13/11 13/18 13/19 13/24 14/15
29/2 35/15 36/3 36/10 56/21 64/22
64/24 65/3 66/22 75/24 78/18 79/14
90/17 167/17 304/3
2010 plan [3] 54/15 55/3 57/1
2012 [4] 26/23 28/21 28/23 65/23
2013 [6] 11/6 11/23 21/4 21/9 21/10
21/13
2014 [5] 26/16 27/7 27/9 27/14 27/17
2016 [1] 33/25
2020 [4] 13/18 80/24 99/13 99/15
2020 Plan [1] 54/18
2021 [8] 16/11 17/23 54/19 81/6 90/22
99/13 99/15 167/16
2021 cycle [1] 80/25
2021 Plan [2] 54/25 55/25
2022 [7] 210/70/19 173/24 190/8
206/23 207/3 224/21
2023 [2] 2/20 238/21
22 [2] 266/8 266/9
24 [1] 271/13
25 [1] 2/20
27 [2] 238/21 264/17
2:43 p.m [1] 189/22
2nd [1] 190/8
3
3-C [2] 259/4 260/25
3-D [5] 259/4 259/4 260/25 265/4
270/23

3	150/4 150/11 151/12 151/16 151/23 152/25 154/20 155/20 155/21 155/22 156/5 162/19 162/20 162/21 163/16 164/25 165/11 165/13 166/3 167/9 174/14 176/13 178/9 178/15 179/13 180/9 182/16 184/16 186/19 189/9 190/22 191/6 191/16 191/20 194/17 195/22 196/8 199/4 202/12 214/16 214/25 215/4 218/24 221/19 225/7 235/15 236/9 240/12 241/8 246/1 248/22 258/14 262/18 269/17 272/23 274/23 274/24 278/9 279/1 282/9 283/2 287/5 287/21 289/18 292/9 294/1 294/25 295/11 295/12 300/2 300/5 300/12 301/8 303/3 304/19 305/9 305/24 306/1 307/5 307/12 310/1 313/18 314/11 315/14	99/13 99/17 99/19 134/17 238/15 286/17 add [6] 196/18 210/8 263/1 264/3 268/20 268/25 added [5] 196/11 209/23 254/18 263/6 310/6 adding [3] 254/19 258/4 263/8 addition [1] 113/25 additional [20] 240/19 240/25 240/25 241/2 243/1 243/3 246/3 246/10 247/15 250/6 250/8 251/23 252/2 264/2 264/5 269/1 269/6 269/22 271/19 271/20 addressing [1] 281/13 adherence [1] 88/16 adjustments [2] 271/23 271/24 administration [2] 63/2 63/15 admit [1] 101/19 adopted [1] 64/15 advance [1] 3/6 advantage [17] 73/8 73/25 74/7 74/23 77/8 78/17 248/14 250/14 250/16 254/6 255/12 267/2 267/6 267/22 268/6 269/18 270/13 advantaged [1] 271/18 advantages [1] 76/3 adversely [1] 218/1 advice [14] 43/15 48/4 48/19 68/19 104/22 123/24 163/10 174/16 185/20 201/11 203/9 305/8 306/23 307/2 adviser [2] 8/20 9/17 affect [3] 101/2 101/21 218/1 affiliated [4] 93/17 293/15 303/14 303/18 affiliation [6] 8/25 9/7 10/22 25/8 27/8 28/24 affiliations [3] 29/15 29/25 153/7 afraid [1] 100/2 after [27] 42/18 43/3 64/2 65/19 76/2 105/12 120/25 121/1 132/17 138/22 140/2 140/16 151/17 190/20 207/6 225/3 229/6 238/19 244/4 244/14 270/20 271/25 276/22 287/7 290/18 292/15 307/9 again [190] 15/22 16/3 18/3 18/11 18/19 22/10 24/3 24/15 35/13 37/7 39/11 42/25 43/17 45/9 49/4 50/6 53/18 53/22 57/23 60/2 61/21 61/24 62/4 62/19 67/20 68/1 69/19 77/21 78/1 78/19 79/20 80/1 80/5 80/12 82/2 82/17 84/10 85/10 90/6 91/11 91/23 91/25 92/15 93/22 97/16 99/10 100/14 101/12 102/4 102/12 102/24 103/10 103/20 103/22 106/6 106/10 107/24 108/4 109/7 109/19 110/3 110/21 113/2 116/8 117/3 125/9 126/7 126/10 127/7 127/11 131/13 131/24 132/11 133/21 135/17 136/14 138/12 145/9 147/21 148/25 149/15 149/19 149/24 152/8 152/21 153/7 155/13 156/10 157/16 158/23 159/8 159/10 160/4 161/20 162/12 164/14 166/22 168/5 171/24 174/4 174/7 175/18 187/20 188/7 191/2 193/7 194/3 195/13 198/23 200/11 200/13 203/16 207/1 207/11 210/17 213/23 216/17 216/17 219/8 221/8 222/2 224/11 229/10 229/22 231/15 232/1 232/25 233/24 235/9 236/15 239/1 243/22 244/22 246/16 248/23 250/18
3-point [1] 250/11 3.7 [1] 243/1 3.7 additional [1] 250/6 33 [4] 261/11 262/14 264/15 267/17 33rd [1] 25/4 3:50 p.m [1] 236/25	300/12 301/8 303/3 304/19 305/9 305/24 306/1 307/5 307/12 310/1 313/18 314/11 315/14 above [3] 94/10 255/6 261/7 absence [2] 28/1 28/5 absolute [2] 163/13 224/6 academic [1] 76/16 acceptable [2] 64/20 239/15 access [1] 24/14 accident [2] 234/9 234/13 accommodate [1] 258/6 accompanied [1] 261/10 accord [1] 202/3 accordance [1] 1/18 according [1] 71/14 accordingly [1] 194/2 account [2] 170/15 236/16 Accountability [1] 62/23 accuracy [2] 6/15 247/15 accurate [21] 7/1 47/20 56/24 77/5 77/10 83/22 149/20 167/7 170/6 173/25 174/1 176/6 190/7 190/15 198/1 202/20 202/21 223/14 227/10 229/13 249/18 accurately [2] 249/14 266/18 achieved [1] 250/14 achieve [1] 315/6 acronym [1] 84/19 across [13] 104/13 108/11 108/21 123/15 153/13 154/2 156/11 215/13 244/20 244/25 309/6 313/20 314/25 ACS [23] 48/22 49/2 49/3 49/5 49/13 50/9 50/12 104/24 105/4 105/10 105/15 105/17 105/18 105/22 105/24 106/5 106/9 106/15 106/19 106/22 113/4 166/6 166/20 act [17] 87/19 88/18 88/18 88/19 88/22 88/22 117/21 118/7 118/13 123/15 123/18 124/4 124/25 125/22 126/3 126/22 127/1 Act 43 [3] 87/19 88/22 88/22 action [2] 135/20 298/21 activating [1] 31/17 active [5] 16/18 85/11 167/5 167/6 186/6 actively [3] 91/9 139/20 160/9 actors [1] 37/24 actual [7] 39/21 63/13 73/17 109/25 157/17 164/7 164/8 actually [20] 46/7 69/16 71/9 82/24 89/1 99/8 107/20 142/9 154/19 171/6 190/5 205/8 223/11 237/18 253/13 255/7 257/17 258/11 264/6 272/21 Adam [17] 4/24 86/10 86/14 89/2 89/4 89/22 89/25 90/14 92/12 92/16 92/17	
4		
43 [5] 87/19 88/18 88/19 88/22 88/22 450 [1] 51/16 4:22cv109 [1] 298/24		
5		
5-minute [1] 51/20 50 [3] 36/15 88/7 88/7 50 percent [3] 199/17 200/20 202/15 50/50 [1] 88/7 5:15 p.m [1] 297/19		
6		
666 [1] 2/10 6a [2] 241/13 241/14 6b [2] 242/21 242/22 6c [1] 243/25		
7		
70 percent [4] 273/15 274/8 274/14 274/16 74 percent [1] 273/21		
8		
8015 [2] 197/25 228/12 8017 [1] 197/24 8019 [4] 197/24 198/6 205/10 228/12 8040 [1] 198/6 816 [1] 254/6		
9		
94 [1] 113/4		
A		
a.m [2] 51/24 51/25 A1 [1] 238/8 A3 [1] 238/10 A4 [1] 238/8 A5 [1] 238/10 ability [7] 94/23 95/1 95/19 112/9 234/18 289/5 310/17 able [15] 7/19 36/16 95/9 99/12 110/9 110/12 110/18 110/19 136/24 142/8 256/5 256/18 264/6 292/1 292/6 about [173] 4/1 11/7 15/12 15/14 19/20 21/11 21/23 22/2 22/25 23/22 25/16 32/16 34/21 35/2 36/9 39/17 46/21 51/20 52/4 57/4 57/14 57/17 57/19 60/11 64/3 74/6 74/20 86/25 87/7 87/11 87/14 87/18 88/20 89/7 90/13 91/6 91/14 91/18 92/22 94/23 95/1 95/18 95/19 96/2 98/20 99/9 99/12 99/17 99/17 99/19 100/1 100/3 100/9 110/7 110/9 112/17 114/4 115/3 116/24 118/22 121/9 123/13 125/20 126/21 126/25 128/1 128/23 130/15 132/24 134/20 134/22 135/23 135/24 136/9 138/16 139/3 139/6 139/14 140/1 141/14 143/1 146/2 148/10 148/15 148/17 148/18 148/18 149/5 149/21		

<p>A again... [54] 252/15 254/15 255/2 256/21 256/24 256/25 257/25 258/19 258/24 259/25 261/21 262/18 263/10 265/8 267/2 267/14 267/24 268/12 270/14 270/24 276/6 277/10 280/9 281/1 281/9 284/13 285/3 288/4 291/2 294/2 294/3 295/7 298/6 298/19 300/7 304/20 305/17 306/8 306/17 308/12 308/15 309/4 310/10 312/9 312/19 313/10 313/21 313/25 314/15 314/22 315/3 315/4 315/7 315/12 against [5] 55/14 123/6 268/13 268/14 270/5 age [18] 60/9 60/13 60/17 106/8 106/14 106/16 106/19 106/23 107/1 107/2 107/6 107/6 199/20 199/22 199/23 200/2 200/10 200/13 agencies [1] 102/11 agency [4] 14/11 63/1 63/16 113/21 agent [1] 293/14 aggregation [1] 46/15 ago [6] 25/14 57/24 67/20 71/17 81/12 283/8 agree [15] 72/5 95/8 119/15 120/16 155/7 215/23 238/23 239/4 244/15 252/8 263/19 264/1 264/19 274/9 306/6 agreed [2] 1/5 1/6 agreed-upon [1] 1/6 agreement [7] 50/19 50/23 50/25 51/4 142/9 216/4 220/4 ahead [11] 52/25 135/1 161/7 162/8 162/24 178/25 181/12 192/13 219/21 259/12 290/12 aide [2] 66/21 307/1 aided [1] 17/19 aides [2] 65/25 69/24 aids [1] 204/9 aisle [1] 84/14 al [1] 298/23 Alex [75] 34/21 173/2 173/3 173/8 173/10 173/18 173/21 174/3 174/8 174/10 174/19 174/22 175/21 176/8 176/13 177/17 178/3 179/4 179/8 179/9 179/13 180/21 184/16 186/10 187/8 187/18 191/13 191/17 193/23 205/13 205/18 228/9 228/10 228/22 228/23 233/1 233/7 239/3 239/3 242/2 242/6 242/7 242/15 245/15 272/16 274/24 275/2 275/8 275/11 275/12 276/4 276/17 276/23 277/3 277/3 277/11 278/16 278/18 278/24 279/5 279/21 280/2 280/7 280/24 281/5 281/18 281/21 282/17 283/12 284/3 284/20 290/8 290/13 290/18 316/8 Alex's [7] 232/3 245/25 272/11 272/17 281/9 289/23 291/1 algorithm [1] 63/13 all [103] 1/16 3/9 5/25 9/12 12/20 20/8 23/13 24/13 24/18 29/20 32/5 32/20 36/18 47/13 48/21 49/14 49/20 51/11 59/6 59/8 59/13 67/4 67/7 67/11 69/2 74/18 79/22 80/12 81/6 85/2 86/9 88/11 94/22 99/6 99/23 101/19 104/13 105/20 107/23 108/7 108/21 109/23 109/23 116/9 118/1 124/24 128/15 131/18 132/1 133/7 133/13 134/11 136/23 157/13 159/13 161/25 168/16 189/7</p>	<p>190/2 190/12 190/13 194/19 194/23 194/24 196/5 196/23 197/18 197/25 200/4 200/4 200/14 204/24 205/9 205/15 205/23 206/2 206/8 207/4 208/13 211/7 217/25 218/17 227/18 230/20 236/3 241/8 254/21 277/3 277/4 279/17 280/19 292/18 293/21 294/24 296/13 297/6 298/11 298/14 298/19 304/17 310/25 315/24 317/17 allow [1] 110/5 allowable [1] 98/13 allowed [1] 98/1 allows [3] 111/11 111/13 111/18 alluding [1] 306/20 almost [11] 68/9 79/11 79/19 79/25 80/4 94/5 104/8 115/10 200/12 291/12 292/10 alone [2] 314/13 314/15 along [13] 25/15 25/18 25/20 30/20 91/13 147/9 147/20 191/12 192/16 192/23 193/3 193/15 302/11 alongside [1] 96/1 already [15] 35/11 37/10 49/21 71/25 83/21 91/18 124/7 126/1 165/4 165/11 205/6 266/14 294/24 295/11 311/14 also [53] 2/12 2/23 5/21 14/16 24/7 29/4 33/22 43/10 43/20 44/23 45/6 46/8 47/4 47/23 49/9 67/2 73/14 73/24 74/7 78/22 95/25 103/23 107/5 113/14 121/8 122/8 122/21 131/4 141/4 160/18 164/22 169/13 173/7 179/12 191/13 200/6 203/21 207/7 238/17 239/4 241/18 247/24 257/4 258/13 268/17 271/2 290/9 290/13 299/6 300/15 301/5 301/10 306/23 alternative [2] 116/15 234/2 alternatives [2] 36/20 291/5 although [3] 101/19 146/18 272/10 always [50] 15/19 57/3 57/4 64/9 64/10 68/2 68/6 75/20 75/21 75/21 104/2 104/8 114/11 115/10 118/2 122/2 122/25 123/4 123/8 123/8 124/16 126/12 131/16 209/25 220/9 220/10 242/4 249/4 249/8 250/21 253/4 257/20 258/1 268/14 268/21 271/5 276/9 276/13 276/13 284/7 284/10 284/15 284/15 284/16 288/10 307/21 308/4 308/17 309/5 310/5 am [73] 12/4 13/14 30/23 33/14 42/5 73/23 78/14 81/12 81/13 81/15 82/4 97/8 98/17 111/13 116/18 138/8 143/13 143/13 144/2 144/3 148/11 148/15 150/13 162/10 162/24 165/3 165/7 165/14 165/21 167/21 169/19 172/3 185/19 187/21 190/5 190/24 194/3 195/18 198/14 205/4 205/11 206/12 209/14 211/3 216/12 220/4 220/15 224/14 226/1 226/4 226/13 226/24 233/3 244/11 249/8 256/6 268/12 268/14 268/21 274/3 291/2 297/21 297/25 298/5 302/20 303/12 304/16 304/17 305/17 315/19 316/6 316/10 316/18 amendment [5] 56/6 157/3 164/5 164/9 305/4 amendments [19] 11/13 156/20 157/7 157/13 157/17 157/22 161/5 163/25 167/15 216/15 216/20 217/1 217/4</p>	<p>217/8 217/11 217/12 304/20 304/22 305/14 American [1] 105/24 among [1] 119/19 amongst [1] 96/22 amount [1] 21/17 analyses [16] 128/7 128/10 128/24 129/15 129/22 130/4 181/23 182/5 182/19 183/6 185/3 185/10 200/18 203/15 203/18 294/24 analysis [55] 47/20 47/25 73/9 74/24 75/4 77/6 77/12 121/2 122/19 127/18 127/22 127/23 128/13 128/16 128/21 128/22 129/6 129/11 131/2 160/7 161/16 162/6 162/16 163/11 163/17 164/22 174/25 182/21 198/17 199/9 199/15 200/21 201/15 202/25 203/21 204/3 207/13 208/14 235/1 235/2 243/17 244/17 247/9 247/15 247/20 248/20 249/14 249/17 249/18 258/19 266/18 270/10 288/22 296/2 307/9 analyst [2] 8/8 8/17 analyzed [2] 202/19 273/2 analyzes [1] 250/24 analyzing [3] 73/8 216/15 216/20 anchor [1] 66/6 ancillary [1] 32/21 annotating [1] 1/22 another [23] 28/10 53/13 54/4 70/12 74/11 117/19 122/13 122/15 144/21 167/2 189/8 189/24 211/3 222/11 224/14 226/1 239/12 249/25 268/5 268/6 304/18 307/25 313/15 another -- Sandi [1] 226/1 Ansolabehere [18] 237/20 240/20 242/10 244/9 244/17 245/23 247/16 248/20 249/14 250/24 252/8 252/14 255/7 258/9 260/19 262/13 264/11 273/2 Ansolabehere's [6] 243/6 248/13 261/18 272/6 272/22 290/4 answer [201] 6/22 7/20 15/11 15/15 15/16 16/25 17/7 18/4 18/20 19/2 19/4 19/19 20/2 20/12 20/15 20/17 20/24 26/5 27/23 28/14 28/20 36/7 36/13 36/16 36/25 38/4 39/9 39/24 41/1 41/4 42/22 44/15 44/19 45/4 45/8 46/5 46/10 47/1 47/7 48/3 48/17 49/6 49/19 50/2 53/10 56/15 57/8 64/8 65/7 69/9 78/20 89/9 90/8 100/15 102/1 102/13 104/5 106/6 123/22 124/14 126/18 129/2 130/14 131/13 133/2 133/19 133/22 135/11 136/12 136/15 138/20 139/4 139/10 143/23 143/25 144/5 145/22 146/10 148/12 148/21 153/21 156/24 160/19 160/25 161/8 161/18 162/8 162/11 162/24 163/5 164/19 164/24 165/16 167/20 169/1 169/6 169/20 171/14 171/16 171/18 172/2 173/15 175/11 176/5 177/3 177/11 177/12 177/19 178/10 178/12 178/25 179/20 180/14 181/12 182/1 182/9 183/20 184/1 184/12 184/20 184/21 185/15 185/17 185/18 185/19 185/25 186/24 187/22 188/2 189/4 192/13 194/13 194/15 195/7 198/19 201/2 201/10 201/18 201/23 203/5 204/16 207/25 209/10 210/5 210/16 210/20 213/10</p>
---	--	--

<p>A</p> <p>answer... [54] 214/11 215/8 217/19 219/20 220/3 221/10 222/5 225/15 225/16 229/4 229/21 230/9 230/17 231/16 232/10 232/25 233/16 234/23 235/3 235/20 236/14 239/8 239/15 240/8 241/3 242/13 251/3 259/12 260/22 265/1 265/24 272/24 275/6 276/12 276/21 277/7 278/12 280/23 281/8 281/25 282/2 282/23 284/15 287/6 287/23 288/8 288/25 289/2 290/12 295/17 297/2 305/9 308/3 311/4 answered [7] 49/22 52/8 91/17 124/7 191/25 259/10 270/16 answering [3] 7/18 89/16 105/9 answers [12] 6/13 6/15 7/1 16/4 42/7 49/21 119/23 141/1 163/19 242/5 299/1 299/5 Antonio [1] 153/4 any [223] 1/9 1/9 1/23 3/5 5/5 5/8 6/25 7/6 7/18 7/25 14/20 15/6 17/24 17/25 18/22 20/9 20/22 24/22 24/22 26/7 26/10 35/4 35/12 37/4 37/12 37/16 42/11 43/3 46/22 47/13 47/23 47/24 48/4 50/19 51/5 54/6 55/8 56/7 56/9 56/25 57/19 64/3 64/13 67/24 69/24 72/12 73/9 74/13 76/5 76/6 77/6 84/24 85/5 85/7 85/16 90/10 92/24 93/4 95/13 97/22 98/6 102/20 104/7 105/7 108/6 109/8 111/10 111/11 112/5 112/10 113/1 113/10 113/13 114/6 114/9 114/18 128/7 128/8 128/9 128/12 128/16 128/18 128/19 129/15 129/16 129/21 130/4 130/9 131/9 133/7 133/24 133/24 135/4 135/23 136/6 136/9 137/8 139/23 140/7 143/18 143/19 143/24 144/17 144/20 145/18 145/24 146/4 146/15 146/23 147/6 149/6 149/6 150/5 150/14 150/15 151/20 152/12 152/12 152/16 157/18 158/4 158/7 161/14 161/15 164/16 166/8 166/12 166/14 166/16 167/22 173/19 174/25 175/3 175/21 175/24 176/3 176/23 177/5 181/9 181/20 181/23 182/21 183/6 184/5 186/2 192/17 194/3 194/8 195/13 196/18 198/17 205/24 205/24 209/6 210/3 213/5 214/6 214/21 215/3 215/3 231/8 232/19 234/2 235/22 236/8 243/18 244/2 247/9 247/14 248/1 248/19 249/10 249/20 250/15 250/20 252/17 254/9 254/10 255/25 256/1 263/8 265/15 265/19 266/2 266/3 267/4 270/1 279/5 279/22 280/2 280/18 281/6 282/12 282/22 287/25 292/13 292/23 293/14 293/15 293/19 293/25 294/19 294/21 294/25 295/13 295/25 298/2 299/14 300/10 301/14 302/3 303/3 303/5 303/9 303/19 304/2 305/13 308/8 310/8 310/9 313/7 317/3 317/5 anybody [23] 5/3 15/6 15/24 18/17 34/14 34/16 53/15 82/10 172/14 180/24 184/4 186/9 192/6 194/7 200/5 210/12 213/4 235/5 235/14 236/3 236/6 236/8 288/20 anymore [1] 111/25 anyone [11] 7/24 41/9 42/13 51/5 85/17 86/14 195/9 201/20 213/11 235/24 302/14</p>	<p>anything [25] 7/17 17/2 20/10 26/15 44/16 68/20 95/17 99/20 104/15 105/4 113/16 143/17 145/5 147/2 151/16 151/23 154/20 176/17 181/8 243/10 247/3 276/19 298/4 300/10 317/11 anywhere [2] 96/10 154/10 apologies [1] 178/7 apologize [4] 3/6 99/11 304/20 312/10 Apparently [1] 139/6 appear [6] 111/4 190/25 191/3 259/3 264/18 264/20 appeared [1] 83/4 appearing [2] 3/4 4/21 appears [24] 109/22 190/10 191/1 197/16 197/21 198/2 198/21 199/13 207/5 211/10 245/14 246/5 255/4 257/7 259/18 259/20 259/23 262/12 269/15 274/8 275/11 285/17 312/4 312/12 appellate [2] 80/17 80/21 Apple [1] 111/20 applicable [2] 3/5 3/10 application [1] 305/7 applications [3] 6/1 6/5 6/6 applied [3] 63/22 79/1 117/8 applies [20] 3/19 3/23 4/2 221/1 240/9 247/1 248/2 251/2 264/25 266/22 270/17 283/16 295/4 295/6 301/17 301/19 304/8 305/16 306/16 310/19 apply [5] 4/13 87/16 101/14 117/4 154/2 applying [1] 216/22 apportionment [1] 249/8 apprised [3] 11/18 11/18 288/5 approached [7] 21/11 21/12 22/2 32/8 39/3 89/6 168/11 appropriate [1] 216/23 approved [4] 216/10 216/19 217/9 218/5 approximately [1] 313/19 ArcGIS [1] 309/21 are [281] 2/2 5/5 5/7 6/1 7/10 8/4 13/4 13/6 14/23 16/13 16/20 17/23 17/24 18/13 19/10 19/18 23/8 23/9 23/10 24/1 26/12 29/7 31/3 31/5 31/6 31/10 31/11 32/24 33/9 37/4 37/21 42/7 50/9 54/13 54/17 55/22 56/5 57/3 60/5 60/17 60/17 60/18 60/22 62/16 62/25 63/10 66/10 72/14 72/16 73/1 73/7 73/9 73/13 73/14 73/21 74/13 74/18 74/19 78/20 78/21 78/24 78/25 81/8 85/8 85/22 89/25 93/8 93/17 98/3 99/11 100/7 100/16 100/16 101/1 101/4 102/8 103/25 104/6 104/11 104/13 104/21 105/11 105/12 105/21 105/21 105/22 106/9 107/24 108/6 108/10 108/10 108/19 108/25 109/12 110/9 111/10 112/5 114/12 116/19 117/2 117/17 117/19 117/20 118/2 118/16 119/3 119/5 119/6 119/21 119/23 119/25 120/5 120/6 120/11 120/23 120/23 121/13 121/16 121/17 123/5 124/16 124/24 127/14 131/18 132/12 137/3 137/11 137/18 138/14 139/19 139/20 140/9 140/10 141/9 141/10 147/12 147/13 147/13 147/20 148/23 149/2 149/3 149/7 149/22 149/24 150/5 150/7 150/13 150/18 150/18 152/5 152/6 152/12 152/16 153/5 153/14 153/25 154/4 154/5 154/7 158/4 158/10 158/12 159/1 161/5 164/21 167/13 168/12 171/15 172/21</p>	<p>173/14 175/18 176/20 179/4 184/6 184/6 192/23 195/23 196/9 196/10 197/9 197/9 197/11 197/11 197/24 198/13 199/4 199/5 199/19 205/1 205/15 212/3 213/13 216/7 216/13 216/18 216/25 218/1 219/6 221/5 221/6 221/13 222/15 223/24 224/2 224/8 224/9 225/19 225/22 228/16 228/18 234/10 234/11 234/12 240/2 240/12 240/13 240/14 240/20 241/2 241/19 241/23 243/5 243/5 246/22 247/25 248/7 248/16 248/23 253/6 254/19 255/10 255/17 255/18 257/2 257/15 259/21 262/2 265/9 267/9 271/3 271/3 271/5 271/7 271/7 272/25 274/1 276/13 280/11 282/9 283/3 286/12 292/1 292/10 292/17 292/19 293/22 294/5 294/6 295/18 301/11 302/10 303/1 303/12 303/14 303/22 305/21 307/10 307/24 308/6 308/14 308/22 309/21 309/21 310/14 310/20 312/9 312/15 312/22 314/17 314/19 area [14] 32/9 53/20 138/11 139/8 199/2 215/12 215/18 234/17 250/9 307/22 307/23 308/2 310/13 313/13 Area/Convex [1] 199/2 areas [23] 107/25 137/2 137/17 137/20 151/25 152/1 152/5 152/6 152/14 152/19 153/5 153/10 153/18 153/19 153/22 153/24 153/25 154/8 154/22 155/9 156/8 246/18 299/20 aren't [4] 130/17 215/5 255/17 278/22 argument [2] 284/14 284/14 arose [1] 183/7 around [19] 30/9 30/9 80/5 93/12 112/3 173/24 190/20 209/17 210/9 217/25 218/23 226/13 229/24 230/4 251/11 262/17 262/18 271/2 294/14 arranged [1] 171/11 arrangements [1] 1/19 arrived [2] 83/2 287/18 arrives [1] 36/1 art [1] 280/18 artfully [1] 217/21 article [16] 65/24 65/25 66/2 66/20 67/2 70/12 70/18 70/22 72/21 77/21 79/7 82/17 83/9 83/15 94/4 95/25 article's [2] 72/5 77/3 as [352] ascribe [1] 54/21 ascribes [1] 167/5 ascribing [1] 272/9 aside [18] 37/3 37/8 49/22 54/8 54/10 81/14 89/18 114/3 137/9 171/5 181/7 205/23 293/17 293/25 294/5 294/23 295/10 300/8 ask [28] 7/11 7/12 11/21 38/10 52/7 53/15 78/22 89/2 112/12 112/17 112/19 113/1 113/2 116/5 119/8 181/3 184/15 192/6 194/7 196/7 201/15 235/15 236/7 258/24 292/10 292/14 298/1 313/11 asked [31] 13/24 30/13 44/2 50/17 51/2 89/4 89/5 92/21 99/16 113/24 115/2 115/17 175/20 175/23 183/21 184/16 185/8 195/5 198/17 202/24 210/2 215/2 223/17 237/20 238/2 259/10 270/15 282/22 289/13 296/24 299/11 asking [22] 50/4 78/2 92/6 105/12</p>
--	---	--

<p>A</p> <p>asking... [18] 116/18 143/1 148/10 148/15 155/20 165/3 174/14 178/9 178/15 184/6 188/11 195/19 196/16 198/8 225/3 225/8 282/9 283/1</p> <p>aspect [2] 24/18 142/12</p> <p>aspects [1] 150/5</p> <p>aspiring [1] 100/3</p> <p>assembly [21] 10/7 13/3 14/1 21/4 22/8 22/23 23/1 23/4 23/12 23/12 24/21 25/1 25/4 25/10 26/6 26/25 59/7 59/7 64/22 65/3 68/17</p> <p>assessing [1] 307/17</p> <p>assign [1] 121/19</p> <p>assigned [2] 63/23 260/2</p> <p>assigning [4] 121/3 132/14 234/10 234/12</p> <p>assignment [1] 105/10</p> <p>assignments [6] 58/20 63/19 131/15 132/11 307/8 307/10</p> <p>assist [9] 44/23 45/7 66/22 69/6 69/13 201/10 203/15 203/17 307/11</p> <p>assistance [1] 15/6</p> <p>assistants [1] 43/8</p> <p>assisted [3] 17/16 294/18 294/20</p> <p>associated [2] 175/7 175/24</p> <p>associates [1] 205/15</p> <p>assume [2] 6/22 138/3</p> <p>assumption [6] 68/3 154/9 155/1 193/6 231/18 302/21</p> <p>asymmetrical [1] 73/4</p> <p>asymmetries [3] 73/2 76/4 87/16</p> <p>asymmetry [7] 73/9 73/14 74/3 74/4 76/13 76/19 87/9</p> <p>at [254] 1/6 5/13 13/18 13/25 14/16 17/14 17/22 22/13 25/20 28/25 31/13 32/10 32/12 33/12 36/5 39/9 40/24 41/9 41/12 42/14 44/15 45/10 47/13 48/13 48/17 48/20 48/23 49/5 49/7 49/10 49/12 49/12 49/14 49/15 49/23 50/2 50/7 51/21 53/3 53/15 57/5 57/7 58/17 61/13 62/3 63/4 63/9 63/17 63/20 66/10 67/6 67/11 67/20 68/15 69/21 72/25 74/11 74/15 76/1 76/19 76/21 80/7 80/10 81/6 85/17 85/25 87/19 91/8 91/13 92/5 93/3 100/12 106/12 109/6 109/23 119/5 119/7 120/14 121/2 121/19 122/25 123/7 126/7 126/11 133/7 133/7 133/13 133/24 136/17 136/23 137/12 137/12 138/15 140/14 140/14 140/18 143/23 144/20 145/3 145/10 151/7 151/11 151/19 161/8 161/18 161/18 162/25 165/18 166/21 168/2 168/7 169/25 171/6 172/11 172/14 172/23 173/1 174/11 177/1 179/10 179/21 182/9 182/12 182/13 183/2 183/21 184/4 185/3 185/9 186/15 187/22 188/18 188/18 190/19 190/23 193/7 194/1 196/24 197/8 197/10 198/24 201/18 204/14 204/16 206/22 208/13 210/23 212/10 215/10 216/13 218/16 218/17 218/24 219/8 222/15 223/11 223/11 224/12 225/15 226/15 226/24 227/4 228/19 229/7 229/8 229/24 230/5 230/15 231/8 235/22 235/22 236/3 239/5 239/12 241/4 241/13 242/25 244/11 245/9 246/6 246/7 248/6 250/7 250/20 251/13 253/1</p>	<p>253/14 254/6 254/7 254/16 255/6 258/2 260/16 261/25 262/18 262/20 263/14 263/23 264/10 265/20 267/3 267/4 267/12 267/17 268/23 269/4 269/25 270/4 270/7 271/13 273/7 273/12 273/14 273/20 274/6 274/25 275/13 275/14 276/21 276/24 276/25 277/3 277/4 277/13 280/7 280/19 281/19 283/19 283/23 283/25 287/18 289/14 289/14 289/15 289/23 291/15 291/19 297/2 299/24 300/6 303/5 305/6 305/18 309/13 310/13 310/25 312/23 316/2 316/5 316/6 316/7 316/8 316/10 317/20</p> <p>at 5:43 p.m [1] 317/20</p> <p>attached [3] 190/13 194/18 196/24</p> <p>attachment [3] 175/3 175/9 176/2</p> <p>attachments [3] 176/6 176/10 181/9</p> <p>attempt [1] 116/17</p> <p>attempting [6] 254/25 257/2 257/15 258/5 259/18 259/22</p> <p>attention [1] 280/12</p> <p>attorney [102] 7/25 38/3 39/8 40/14 41/2 42/20 43/14 46/8 48/2 48/15 49/25 53/7 53/19 53/23 82/2 96/16 101/24 104/20 109/18 109/19 113/13 114/9 114/24 115/21 123/20 126/8 128/8 129/1 129/24 130/12 131/11 133/17 135/11 140/23 142/25 147/6 150/22 156/23 161/22 164/20 167/19 169/4 169/13 181/11 182/1 182/8 183/12 184/2 184/11 185/13 185/16 186/21 186/22 188/4 189/3 194/12 195/6 201/1 201/4 202/5 203/2 203/24 207/24 208/22 209/9 213/9 214/9 215/7 217/18 218/9 219/19 220/2 222/4 225/13 225/18 229/20 230/8 231/4 231/13 232/8 232/22 233/22 234/21 234/24 235/18 236/12 240/9 265/22 282/1 282/1 282/13 284/23 285/1 288/24 289/9 294/19 295/5 296/25 301/18 304/7 305/2 306/15</p> <p>attorney-client [96] 38/3 39/8 41/2 42/20 43/14 46/8 48/2 48/15 49/25 53/7 53/19 53/23 82/2 96/16 101/24 104/20 109/18 113/13 114/9 115/21 123/20 126/8 128/8 129/1 129/24 130/12 131/11 133/17 135/11 140/23 142/25 147/6 150/22 156/23 161/22 164/20 167/19 169/4 169/13 181/11 182/1 182/8 183/12 184/2 184/11 185/13 185/16 186/22 188/4 189/3 194/12 195/6 201/1 201/4 202/5 203/2 203/24 207/24 208/22 209/9 213/9 214/9 215/7 217/18 218/9 219/19 220/2 222/4 225/13 225/18 229/20 230/8 231/4 231/13 232/8 232/22 233/22 234/21 234/24 235/18 236/12 240/9 265/22 282/1 282/13 284/23 285/1 288/24 289/9 294/19 295/5 296/25 301/18 304/7 305/2 306/15</p> <p>attorneys [3] 82/1 126/24 163/3</p> <p>attributed [1] 73/4</p> <p>audio [1] 138/6</p> <p>Austin [1] 316/7</p> <p>author's [1] 83/18</p> <p>authored [1] 286/7</p> <p>authority [1] 56/3</p> <p>Autobound [3] 111/19 111/22 111/23</p>	<p>automated [1] 234/11</p> <p>available [6] 63/16 63/18 113/3 156/16 230/14 254/22</p> <p>average [2] 140/8 151/1</p> <p>averaging [1] 106/3</p> <p>avoid [2] 39/14 42/7</p> <p>aware [46] 81/22 82/1 89/14 90/20 111/10 111/13 112/5 118/17 130/19 130/23 131/16 132/11 138/24 139/2 139/4 139/10 144/6 144/9 151/13 152/12 152/16 159/10 160/6 165/5 165/8 167/21 192/7 192/22 216/7 216/12 216/13 216/18 216/18 216/21 216/25 231/9 243/13 282/7 282/16 303/25 304/10 304/13 304/16 307/14 310/21 310/24</p> <p>awareness [3] 162/22 167/22 304/2</p> <p>away [5] 5/14 31/25 135/2 135/8 149/4</p> <p>axis [4] 245/9 246/2 246/4 246/6</p> <hr/> <p>B</p> <p>back [95] 5/21 8/22 10/15 11/5 11/20 11/23 14/8 20/23 21/2 22/11 24/11 24/24 26/17 30/17 30/21 51/18 51/21 51/21 54/5 55/19 55/25 56/12 59/15 61/21 63/21 64/5 64/14 67/11 82/16 86/2 87/13 90/6 90/19 91/23 92/6 92/20 101/17 107/15 123/1 124/13 125/4 133/21 136/14 138/15 141/5 143/25 145/21 147/19 149/9 163/2 175/17 176/3 192/6 197/4 199/18 204/22 213/23 220/14 221/18 226/16 227/18 228/8 233/3 233/5 233/12 239/11 239/17 239/17 239/24 239/25 242/5 251/3 254/15 257/25 267/11 276/12 276/13 280/10 284/16 288/4 288/10 290/6 293/21 294/10 297/14 298/14 298/16 301/13 304/1 305/17 307/19 311/12 314/15 316/13 316/25</p> <p>background [7] 61/7 97/7 97/8 97/14 97/15 180/17 299/13</p> <p>backpedal [1] 158/2</p> <p>backward [1] 61/19</p> <p>backward-looking [1] 61/19</p> <p>backwards [2] 21/25 26/13</p> <p>bad [6] 13/20 56/15 59/21 72/19 72/24 314/8</p> <p>balance [1] 122/21</p> <p>Baldus [7] 55/11 55/12 55/13 55/16 55/17 79/22 80/13</p> <p>Baldus Court [2] 79/22 80/13</p> <p>Baldus was [1] 55/17</p> <p>Ballard [1] 293/12</p> <p>ballot [2] 24/14 101/14</p> <p>ballpark [3] 36/13 36/25 219/2</p> <p>bank [1] 170/15</p> <p>bar [1] 163/25</p> <p>based [26] 20/18 24/7 36/4 47/17 64/6 76/6 100/20 100/24 107/21 108/5 117/8 118/25 134/6 167/25 198/19 215/21 218/22 232/3 256/25 258/19 298/2 308/6 308/13 308/14 308/15 313/11</p> <p>basics [1] 14/14</p> <p>basis [3] 16/17 217/15 268/15</p> <p>Bay [4] 260/8 260/11 260/11 266/14</p> <p>BCVAP [5] 108/24 109/1 109/16 166/20 167/10</p> <p>be [221] 1/16 1/21 1/22 6/13 7/7 7/17</p>
--	---	---

<p>B</p> <p>be... [215] 7/19 15/1 15/22 15/23 17/3 18/5 18/11 19/17 20/4 20/13 20/24 22/24 25/13 26/3 26/19 27/22 27/22 31/1 32/18 35/22 36/7 36/16 39/5 39/9 39/19 47/9 48/5 57/19 58/9 60/16 61/25 62/23 63/8 63/20 68/10 72/16 73/15 73/16 75/16 78/4 78/19 88/23 89/22 92/6 92/22 92/24 93/11 96/19 98/10 100/2 100/16 103/12 103/20 104/25 105/3 108/21 109/8 109/22 110/12 110/18 110/19 112/8 112/23 113/3 113/8 113/23 114/8 114/23 116/14 117/6 118/20 118/20 119/24 122/7 123/9 124/18 125/1 127/15 131/25 132/3 132/5 133/10 135/24 136/24 138/16 141/14 143/7 143/22 145/21 149/17 154/12 154/15 155/14 157/3 164/4 165/2 165/19 165/22 168/14 176/8 176/16 176/17 176/18 176/19 178/14 181/1 181/2 185/15 187/12 190/10 190/25 191/1 191/2 191/3 192/2 195/21 196/3 197/1 197/21 199/9 199/13 200/1 200/4 200/9 200/13 203/5 206/4 206/8 207/5 209/1 209/2 209/12 209/19 210/17 210/23 212/20 213/12 213/13 213/21 214/22 215/4 217/1 221/3 221/9 224/3 224/6 225/20 232/7 232/24 234/3 235/8 236/17 237/24 238/14 239/7 239/13 239/22 240/17 240/19 245/10 245/14 245/15 246/1 250/3 252/17 252/23 255/4 255/23 256/6 256/17 256/18 257/15 258/20 258/25 259/6 263/10 264/20 268/10 269/15 270/21 273/10 278/2 279/18 280/11 280/23 285/17 289/11 290/1 290/25 291/25 292/6 292/17 294/2 294/3 295/17 295/21 296/11 299/2 299/6 299/10 300/7 300/18 300/25 305/5 308/16 309/22 310/6 310/12 311/16 312/5 312/12 313/2 314/2 315/1 317/13 bear [4] 61/6 197/1 241/18 242/11 bearing [1] 315/12 bearings [1] 312/9 beat [3] 62/10 258/17 258/23 became [12] 8/16 71/18 89/14 148/7 149/18 228/21 229/17 283/20 286/9 286/21 287/11 288/14 because [55] 7/3 20/25 26/9 29/2 36/17 45/9 56/11 57/8 63/6 68/3 75/3 75/16 76/23 82/6 82/12 88/6 100/6 100/15 122/14 127/13 147/24 150/6 150/15 150/17 154/2 154/7 161/5 166/24 179/5 196/25 209/12 210/21 213/21 219/20 222/15 224/5 232/25 239/8 239/8 245/14 247/19 250/7 254/19 258/22 259/3 259/4 263/1 269/20 288/9 295/17 307/24 308/4 314/8 314/18 316/20 become [6] 76/17 219/14 222/14 240/14 287/12 305/25 becomes [4] 121/1 121/13 226/21 257/7 becoming [3] 83/3 148/8 149/13 been [113] 6/7 8/14 9/5 9/22 10/16 11/17 12/2 14/2 16/21 21/16 21/20 23/4 24/24 25/3 27/1 27/2 28/2 28/23 29/3 29/10 30/3 30/8 30/9 33/11 35/17 36/2 36/20 37/15 37/24 38/16 39/2 40/17</p>	<p>41/15 41/24 49/17 51/19 54/7 56/7 56/9 57/20 59/15 62/20 68/3 75/25 82/5 84/6 84/21 84/24 85/6 92/17 92/20 95/8 95/14 114/6 115/17 116/2 133/3 136/23 137/4 144/18 145/25 155/5 155/25 156/3 166/5 166/11 167/22 167/23 175/9 176/11 177/6 177/6 186/14 187/16 188/15 192/15 193/25 194/25 206/3 219/12 219/14 229/6 229/10 229/11 238/2 239/22 239/22 241/5 242/7 247/25 261/15 261/19 262/16 262/17 265/16 266/15 272/16 276/22 282/6 282/16 285/3 285/5 285/5 287/2 287/7 287/9 288/8 291/5 291/15 308/11 308/12 308/23 315/24 before [57] 2/2 6/7 7/11 7/16 8/16 8/18 9/11 9/13 9/14 10/8 24/25 33/3 40/3 41/18 44/5 44/9 45/3 60/20 61/1 66/2 66/23 70/22 97/18 99/7 101/18 102/19 103/4 103/16 107/19 107/22 127/19 134/21 135/25 136/10 138/21 138/24 138/25 139/5 139/11 139/16 140/16 147/11 147/25 182/17 204/22 211/15 213/18 217/21 252/16 272/13 272/23 285/3 285/21 289/13 294/12 294/16 310/22 beforehand [1] 139/2 began [6] 9/20 13/11 209/5 276/17 276/24 300/6 begin [1] 98/20 beginning [10] 86/3 86/5 90/6 90/7 90/7 150/12 209/3 275/22 293/22 299/15 behalf [7] 2/6 4/18 38/1 83/23 98/8 170/21 293/14 behind [1] 226/24 being [44] 2/7 2/12 2/16 2/23 32/11 46/13 60/19 76/8 91/24 109/19 118/17 123/7 124/1 127/9 127/25 145/11 149/8 151/1 151/6 151/8 171/21 181/18 186/6 192/23 193/2 214/25 219/5 228/24 265/7 265/11 268/15 276/9 281/15 284/7 287/18 291/9 291/14 293/23 294/15 302/21 309/4 312/15 312/22 313/23 believe [40] 6/10 9/20 9/25 22/6 22/8 27/5 27/5 41/16 55/6 56/6 56/9 56/10 82/14 91/4 145/8 145/8 147/19 158/1 175/22 175/25 178/21 186/14 198/10 198/12 199/16 208/6 209/1 211/16 211/18 211/22 211/23 228/16 245/9 257/16 280/6 286/8 289/17 290/13 311/14 315/19 believed [1] 216/23 believes [1] 249/18 below [5] 94/7 197/10 261/12 261/13 266/12 bench [1] 256/7 benchmark [60] 33/25 145/7 198/1 212/17 213/7 215/25 216/8 216/19 217/9 233/12 233/13 233/17 234/1 238/6 242/24 243/2 243/15 243/19 245/10 245/16 245/25 246/7 246/8 246/11 247/5 249/6 249/6 250/6 250/12 252/3 253/21 253/24 254/7 254/17 254/18 256/7 257/21 257/22 257/23 258/3 258/17 258/24 261/7 261/8 262/16 262/20 262/22 262/24 263/11 263/20 264/7 268/14 268/22 268/25</p>	<p>269/14 269/18 269/19 269/21 270/4 312/3 benchmarks [1] 215/14 benefits [1] 78/22 beside [2] 254/4 288/1 besides [13] 34/14 37/3 37/10 42/10 42/12 74/13 86/14 104/15 105/4 131/8 182/19 186/10 249/12 best [38] 3/8 7/5 7/9 17/7 22/12 25/19 41/14 41/23 44/19 49/9 49/11 49/15 49/16 50/6 52/19 57/23 83/17 86/7 92/13 103/7 125/13 130/1 130/7 137/20 163/11 198/12 215/9 220/23 221/3 221/4 221/9 227/25 228/17 256/17 289/4 289/21 292/4 306/7 better [12] 15/24 23/15 30/4 35/24 100/2 116/18 116/21 140/5 194/25 283/21 309/2 310/13 between [37] 16/6 17/12 24/5 28/6 28/16 48/9 67/17 77/13 77/16 78/2 78/4 78/8 87/11 108/14 108/24 109/2 110/12 122/21 123/5 123/14 124/10 135/3 136/16 138/13 138/16 141/2 141/23 142/15 204/19 225/20 254/23 255/1 270/2 274/10 288/13 301/21 307/7 beyond [24] 35/8 37/24 44/16 48/6 123/9 123/10 126/18 137/25 145/12 146/22 157/3 163/10 170/23 178/24 183/3 201/11 229/25 230/16 277/24 290/25 300/11 301/7 305/12 316/17 bias [2] 82/6 82/13 big [6] 69/19 145/13 205/20 209/25 222/8 234/1 biggest [1] 143/15 bill [2] 12/23 294/15 bills [1] 11/10 bipartisan [8] 142/4 153/1 153/2 153/2 153/3 153/23 154/12 154/19 bit [52] 22/24 23/9 28/13 28/13 30/7 32/6 34/10 35/20 46/20 54/5 57/17 59/4 75/2 75/16 75/20 75/21 75/21 83/20 100/25 103/5 106/6 109/5 116/24 118/22 127/2 133/3 141/14 142/18 143/4 151/11 152/25 166/3 172/7 190/24 191/17 199/5 205/13 245/13 249/5 249/9 252/24 253/22 274/23 294/12 299/18 300/24 302/7 302/20 309/4 309/8 313/17 316/18 bits [1] 299/10 black [15] 2/8 4/19 70/20 106/23 106/25 107/1 107/2 199/22 200/1 200/4 200/5 200/14 234/18 289/5 299/6 Black-Held [1] 70/20 blanket [2] 64/8 69/9 Blew [1] 70/20 block [5] 58/19 63/17 63/17 63/20 105/10 blocking [1] 197/9 blue [2] 153/24 155/16 blurred [1] 226/23 blurred-out [1] 226/23 BNH [2] 199/21 200/1 board [4] 62/23 63/7 125/10 276/23 body [2] 102/9 134/8 border [9] 121/19 121/25 224/5 255/1 259/21 259/21 259/23 259/24 259/25 borders [1] 224/8 both [11] 96/13 96/19 97/13 119/14</p>
--	--	--

B
both... [7] 138/19 172/7 186/21 252/21
252/22 256/10 259/3
bottom [14] 66/12 71/1 71/4 82/20
82/22 183/2 223/11 224/20 227/4 248/5
263/24 271/13 312/3 312/11
bounces [1] 270/3
boundaries [11] 121/15 121/16 122/5
150/7 150/16 150/17 213/1 255/25
256/1 300/15 307/25
boundary [2] 121/20 124/10
box [1] 148/6
boxes [1] 196/10
Boy [1] 201/16
break [18] 7/11 7/13 28/6 51/21 63/11
63/14 98/21 99/7 176/22 185/4 189/15
189/18 204/2 226/14 226/19 236/20
297/13 313/21
breakdowns [1] 203/21
breaks [1] 7/10
Brett [6] 10/19 10/24 22/3 29/11 29/16
30/1
Brief [1] 65/20
briefly [2] 237/23 274/24
bright [1] 288/12
bring [1] 195/16
bringing [2] 53/24 242/2
bristle [1] 268/14
broad [7] 24/10 24/12 32/24 100/23
137/9 154/9 156/11
broader [3] 23/16 28/17 142/7
broken [3] 58/18 70/21 141/25
brought [18] 37/19 37/25 38/7 53/12
63/3 67/25 69/22 96/20 167/23 167/23
173/24 193/24 245/25 276/22 280/12
283/20 284/1 289/24
brush [4] 24/10 32/24 100/23 156/11
Bryan [38] 34/24 41/25 42/10 42/12
43/7 43/20 44/4 44/8 45/20 45/25 47/14
47/18 48/12 49/23 82/21 83/2 94/19
96/1 97/2 129/21 162/5 162/16 164/12
164/15 165/6 165/14 168/22 168/23
168/23 169/16 169/22 170/4 170/9
170/10 181/1 186/3 203/14 207/12
Bryan's [12] 163/1 166/4 170/5 170/7
170/14 170/20 171/1 171/8 171/8
171/21 171/22 204/13
bubbles [1] 197/9
build [2] 63/21 81/18
building [6] 2/9 21/20 32/2 32/5 47/2
48/24
buildup [1] 60/24
built [9] 32/9 49/18 68/3 84/13 92/15
108/16 115/10 186/5 316/19
built-in [2] 68/3 115/10
bullets [1] 11/13
bureau [7] 14/9 14/10 15/4 59/12 62/22
104/12 113/22
Bush [2] 61/24 62/3
but [350]
BVAP [4] 106/23 108/24 109/1 109/16
BVM [1] 237/12
Byrd [4] 2/10 2/13 237/12 298/23

C
C-E-R-S [1] 27/12
CA [1] 2/10
calculate [1] 58/10

calculated [2] 59/5 248/14
calculation [2] 58/17 59/14
calculations [1] 58/25
calendar [3] 287/8 291/6 296/4
call [2] 295/18 302/2
called [10] 77/21 79/25 80/4 94/8 120/9
174/19 189/9 190/13 194/19 217/21
calling [4] 92/5 92/17 92/17 294/10
callout [1] 196/9
calls [8] 85/20 89/20 89/22 89/25 90/16
92/13 141/5 176/18
calm [1] 35/23
came [8] 20/24 22/4 88/10 143/5 187/8
221/18 222/10 239/10
camp [1] 119/13
campaign [35] 22/23 22/25 23/1 23/4
23/8 23/10 24/19 24/21 24/22 24/25
25/1 25/2 25/11 25/17 25/21 25/22 26/2
26/3 26/7 26/15 26/16 26/21 26/22
26/25 26/25 27/4 27/10 27/16 27/25
28/7 28/9 28/11 28/16 28/18 28/19
campaigns [6] 25/25 26/8 26/15 27/3
29/5 71/13
can [262] 1/21 4/22 7/17 11/6 16/12
16/16 19/9 19/16 20/12 22/20 22/24
23/6 23/22 26/6 26/12 29/7 32/18 36/8
36/12 38/4 38/10 39/14 39/25 41/1
43/19 44/19 46/4 46/6 47/19 47/22 48/3
48/17 50/2 53/10 57/16 57/19 65/11
66/16 67/1 67/8 68/5 68/12 70/12 71/6
73/11 73/12 73/12 73/14 82/10 85/3
85/12 85/23 86/10 86/16 86/21 88/15
89/25 90/15 92/5 93/6 98/25 100/4
100/11 101/10 102/1 102/10 104/24
105/16 105/16 107/3 108/7 111/1
111/17 111/19 111/20 114/18 114/23
116/5 117/1 118/20 119/24 120/16
123/22 125/4 125/13 126/18 126/24
127/15 127/21 129/6 130/14 131/21
131/23 132/1 132/3 132/19 133/4
134/12 134/21 136/12 141/10 141/13
141/14 149/5 154/2 155/14 156/24
158/12 161/8 161/18 162/10 162/13
162/13 162/19 162/19 163/5 163/21
164/24 165/9 166/10 166/12 167/20
169/1 172/16 172/19 173/14 175/5
175/11 176/16 177/3 177/11 177/12
177/18 182/1 182/8 182/16 183/11
183/19 184/1 184/12 184/20 185/17
186/13 186/17 186/24 187/19 187/20
188/18 190/6 192/13 195/8 196/18
199/21 201/10 201/18 204/16 204/22
204/23 204/24 205/21 209/10 210/5
210/16 211/25 213/10 214/11 214/16
215/8 215/9 217/6 217/19 219/20 220/3
222/5 222/5 222/19 224/5 224/13
224/22 225/1 225/15 225/20 225/25
226/19 229/21 230/9 230/16 232/10
233/16 234/23 235/20 236/14 237/8
240/8 242/15 242/20 243/24 244/19
245/5 245/7 245/8 248/5 248/15 249/25
251/20 253/10 254/8 257/1 257/12
258/2 258/15 258/25 259/12 260/6
260/7 260/16 261/3 263/11 263/18
264/10 265/24 266/8 267/11 271/12
272/21 273/13 274/20 278/14 278/17
279/2 280/4 281/24 282/2 282/20
285/20 285/23 286/3 288/25 290/5

290/12 292/16 293/19 297/2 297/13
298/14 299/2 299/6 300/25 307/1
307/22 308/17 309/17 311/4 312/8
314/1 314/2 314/16 314/19 315/5
315/10 317/8 317/18
can't [119] 20/21 21/14 24/15 25/19
40/5 64/12 64/13 69/15 74/18 83/18
84/10 85/2 85/6 86/13 87/2 89/4 89/5
89/13 89/13 90/9 92/16 93/22 93/25
95/4 95/13 95/21 96/18 96/23 97/25
98/3 108/2 112/16 112/18 113/20
113/23 115/8 115/14 118/18 128/19
129/8 133/6 135/2 139/17 141/4 144/16
144/20 145/11 145/12 145/13 147/8
147/15 147/23 148/3 149/20 152/9
156/11 157/1 160/25 161/25 162/3
163/10 163/12 169/6 171/18 173/17
173/19 174/4 178/12 184/21 185/25
189/4 191/24 192/17 193/8 193/20
194/15 195/9 201/20 205/11 228/17
229/5 229/22 232/11 232/25 233/8
235/3 240/10 240/15 241/3 243/9 247/2
247/18 247/24 252/16 253/2 255/16
256/23 261/24 265/8 267/21 271/9
276/6 276/21 277/7 277/10 277/12
277/15 281/1 283/8 288/7 288/12 289/2
290/23 291/4 302/7 308/11 313/15
316/4 316/6
candidate [13] 25/5 26/8 26/23 27/2
27/25 28/9 28/15 28/17 28/21 28/22
125/18 234/19 289/6
candidate's [1] 28/11
candidates [3] 23/17 24/13 94/16
cannot [5] 1/22 6/25 30/18 258/20 259/6
capacities [1] 172/9
capacity [2] 2/9 95/15
capital [1] 138/1
Capitol [1] 66/1
capture [1] 310/15
capturing [1] 310/13
care [4] 19/11 57/14 180/10 281/12
career [3] 9/13 71/12 72/2
careful [15] 27/22 47/9 78/19 143/7
143/22 164/4 187/12 209/12 210/17
210/23 213/21 232/24 239/8 295/17
295/21
carried [2] 242/19 270/22
carry [4] 94/24 95/1 95/9 281/2
cartographic [2] 300/21 301/3
cartography [1] 313/13
case [31] 1/10 1/24 2/10 2/14 2/17 2/21
2/25 4/19 4/20 5/6 16/22 18/13 33/13
80/18 102/18 190/10 199/13 205/16
207/5 209/1 237/17 237/19 268/19
269/15 282/8 282/18 297/9 298/1
298/23 299/3 299/7
catch [2] 182/24 182/25
categories [4] 85/23 176/21 202/15
232/5
category [3] 115/15 199/17 200/20
caucus [4] 23/11 24/5 24/5 27/11
caucuses [2] 59/6 59/14
caught [3] 29/16 169/20 183/3
cause [3] 2/13 222/14 298/23
causing [1] 123/2
caution [7] 96/15 105/6 132/22 132/25
167/18 240/7 305/1
caveat [9] 34/12 36/21 69/19 75/21

<p>C</p> <p>caveat... [5] 132/11 219/3 239/2 245/24 280/10</p> <p>CC [1] 190/8</p> <p>CD [14] 215/24 216/2 216/8 216/8 216/19 217/9 217/13 233/12 233/13 233/17 234/16 238/3 312/3 312/4</p> <p>CD-3 [2] 216/2 216/8</p> <p>CD-5 [11] 215/24 216/8 216/19 217/9 217/13 233/12 233/13 233/17 234/16 312/3 312/4</p> <p>census [12] 36/1 36/4 49/17 54/21 58/19 63/17 104/11 104/11 104/15 104/24 105/10 200/6</p> <p>center [1] 186/5</p> <p>central [3] 253/23 266/14 313/8</p> <p>CERS [1] 27/12</p> <p>certain [28] 63/7 73/18 76/3 82/18 104/6 105/19 105/21 108/19 108/20 117/16 124/22 128/5 132/1 132/2 180/4 182/15 188/21 191/7 199/20 221/23 233/8 242/18 262/2 272/19 281/2 306/20 306/25 308/15</p> <p>certainly [3] 154/25 159/20 219/10</p> <p>certainty [11] 85/7 90/10 161/25 163/13 174/4 191/24 192/17 223/22 240/10 240/15 241/4</p> <p>certification [1] 1/20</p> <p>certified [1] 1/17</p> <p>cetera [1] 150/16</p> <p>chair [2] 250/24 311/20</p> <p>chairman [13] 8/24 9/1 9/2 17/17 18/9 18/17 18/18 19/24 20/18 20/22 20/25 84/2 211/20</p> <p>Chairman Hunter [9] 17/17 18/9 18/17 18/18 19/24 20/18 20/22 20/25 84/2</p> <p>challenge [7] 55/11 55/12 55/13 55/16 55/17 56/2 56/4</p> <p>challenged [5] 54/7 55/3 56/1 56/22 88/22</p> <p>challenges [4] 55/5 55/8 56/5 56/7</p> <p>change [4] 64/11 64/15 252/18 260/25</p> <p>changed [1] 147/16</p> <p>changes [5] 64/6 64/12 149/3 149/7 316/24</p> <p>characterization [7] 72/6 72/21 77/3 142/20 176/3 190/25 252/13</p> <p>characterized [1] 83/16</p> <p>chart [5] 197/8 202/10 202/13 202/13 202/16</p> <p>chase [3] 88/13 233/25 235/9</p> <p>chasing [2] 88/15 210/9</p> <p>chat [11] 65/10 70/9 189/25 195/17 206/12 211/4 222/25 224/14 226/5 237/4 285/13</p> <p>check [9] 90/5 90/16 92/13 92/21 120/22 127/9 127/10 200/6 310/13</p> <p>check-in [3] 90/5 90/16 92/13</p> <p>check-ins [1] 92/21</p> <p>checking [6] 11/10 85/20 89/20 89/24 144/17 249/21</p> <p>checks [3] 109/9 131/17 171/2</p> <p>choice [3] 125/18 234/19 289/6</p> <p>choir [1] 32/14</p> <p>choke [1] 217/24</p> <p>choose [1] 310/2</p> <p>chooses [1] 248/3</p> <p>chose [2] 57/13 195/18</p>	<p>chronological [3] 239/6 239/10 239/21</p> <p>chronologically [1] 239/5</p> <p>chunks [1] 314/20</p> <p>circle [2] 310/15 310/17</p> <p>circled [3] 229/24 230/4 271/2</p> <p>circles [2] 30/10 80/5</p> <p>Circuit [1] 2/11</p> <p>circumscribing [2] 310/15 310/17</p> <p>circumstance [1] 100/20</p> <p>cited [2] 1/23 156/11</p> <p>cities [6] 72/15 110/15 111/3 150/18 224/9 224/10</p> <p>citing [1] 94/22</p> <p>citizen [8] 106/8 106/14 106/16 107/1 107/6 200/2 200/9 200/13</p> <p>citizenship [2] 109/23 109/25</p> <p>city [4] 72/17 136/4 154/13 154/15</p> <p>claim [7] 55/5 55/21 55/21 55/23 71/21 79/11 79/19</p> <p>claims [2] 55/7 55/14</p> <p>clarified [1] 6/4</p> <p>clarify [5] 4/7 18/21 52/6 115/25 196/12</p> <p>clarifying [8] 9/19 13/22 31/4 33/3 59/20 61/6 78/13 196/7</p> <p>classes [1] 14/16</p> <p>classify [1] 37/19</p> <p>clean [1] 28/6</p> <p>cleaned [1] 266/16</p> <p>cleaning [1] 266/11</p> <p>clear [19] 15/23 26/3 138/16 165/2 178/14 212/20 227/19 228/21 237/24 240/17 246/1 255/24 270/11 270/20 270/25 278/2 283/18 292/7 309/13</p> <p>clearinghouse [4] 17/11 17/18 18/6 22/7</p> <p>clearly [25] 67/5 97/12 97/13 109/6 112/19 118/2 139/21 147/10 147/17 187/13 192/16 192/19 193/8 213/24 214/14 263/6 265/4 265/9 267/16 270/18 277/1 287/2 289/22 300/13 303/18</p> <p>clicking [1] 121/3</p> <p>client [110] 38/3 39/8 41/2 42/20 43/14 46/8 48/2 48/15 49/25 53/7 53/19 53/23 82/2 96/16 101/24 104/20 105/3 109/18 112/13 112/22 113/13 114/4 114/6 114/9 115/17 115/21 123/20 126/8 128/8 129/1 129/24 130/12 131/11 133/17 135/11 140/23 142/25 147/6 150/22 156/23 161/22 164/20 167/19 168/8 169/4 169/13 171/22 172/2 172/4 172/6 172/23 173/1 181/11 182/1 182/8 183/12 184/2 184/11 185/13 185/16 186/22 188/4 189/3 194/12 195/6 201/1 201/4 202/5 203/2 203/24 207/24 208/22 209/9 213/9 214/9 215/7 217/18 218/9 219/19 220/2 222/4 225/13 225/18 227/6 229/20 230/8 231/4 231/13 232/8 232/22 233/22 234/21 234/24 235/18 236/12 240/9 265/22 282/1 282/13 284/23 285/1 288/24 289/9 294/19 295/5 296/25 301/18 304/7 305/2 306/15</p> <p>clients [4] 104/23 168/14 172/8 306/23</p> <p>clock [2] 135/19 220/4</p> <p>close [10] 6/2 49/19 52/2 99/8 179/17 205/21 223/1 224/13 225/25 226/18</p> <p>closed [1] 6/1</p> <p>closer [1] 275/22</p>	<p>closing [1] 119/22</p> <p>clunky [2] 28/14 28/20</p> <p>Coast [1] 51/22</p> <p>cobble [1] 137/1</p> <p>cognizant [6] 57/3 104/2 118/3 134/2 306/21 306/21</p> <p>coincidental [1] 72/16</p> <p>collaborated [4] 277/23 286/14 286/17 317/6</p> <p>collaboration [2] 315/14 317/7</p> <p>collaborative [3] 15/17 171/25 316/11</p> <p>college [1] 30/22</p> <p>column [4] 61/25 62/5 199/19 202/16</p> <p>columns [3] 50/11 50/11 227/23</p> <p>combination [5] 13/6 14/7 92/20 228/23 231/10</p> <p>combinations [1] 1/15</p> <p>combine [2] 312/5 312/12</p> <p>combined [2] 183/24 312/22</p> <p>combo [1] 206/6</p> <p>come [19] 50/9 51/21 51/21 112/17 114/5 114/11 123/15 142/8 142/9 172/21 187/8 198/4 205/17 219/7 219/23 226/8 244/13 297/14 311/12</p> <p>comes [12] 35/21 46/11 50/12 69/18 75/7 88/1 92/9 105/4 121/18 192/3 298/4 314/22</p> <p>comfortable [1] 226/14</p> <p>coming [4] 30/22 73/2 171/2 171/4</p> <p>comment [3] 144/24 247/18 288/14</p> <p>commentary [2] 46/16 188/15</p> <p>commented [2] 187/25 288/13</p> <p>comments [2] 65/20 148/17</p> <p>Commission [1] 62/24</p> <p>committee [45] 18/4 18/10 22/23 22/25 22/25 23/2 23/5 23/5 23/7 23/16 23/20 23/20 23/23 24/7 24/16 24/21 25/1 25/11 26/7 26/9 26/10 26/10 26/16 26/22 26/23 26/25 26/25 27/10 27/10 27/12 27/13 27/16 27/25 28/10 28/16 28/18 28/18 129/9 144/3 146/1 212/15 285/18 292/24 293/4 293/8</p> <p>committees [11] 11/11 11/11 23/8 23/10 24/2 24/18 24/19 26/2 26/3 26/15 27/4</p> <p>common [16] 2/12 69/4 69/11 73/7 75/6 108/10 110/12 112/22 114/15 117/22 120/15 181/1 208/15 225/19 225/22 298/23</p> <p>commonly [3] 106/23 118/3 120/6</p> <p>communicate [8] 7/24 176/13 179/13 186/9 186/18 213/11 278/25 303/4</p> <p>communicated [10] 177/21 213/18 230/19 230/24 231/5 243/20 293/18 293/25 303/9 316/23</p> <p>communicating [2] 186/17 193/12</p> <p>communication [12] 53/19 53/24 67/12 67/17 82/3 147/18 187/18 203/4 230/1 235/12 279/3 279/17</p> <p>communications [32] 35/5 40/1 85/16 85/19 89/19 96/16 96/17 126/19 128/9 129/3 129/4 135/13 143/2 176/8 176/10 176/11 179/15 201/5 201/7 203/3 214/3 214/12 234/24 234/25 277/8 282/13 292/11 292/13 292/23 294/20 296/14 297/7</p> <p>communities [13] 117/16 217/23 300/6 300/14 300/16 300/19 300/22 300/25 301/3 301/5 301/9 301/15 302/4</p>
---	---	--

<p>C</p> <p>community [6] 105/25 125/17 252/23 252/25 302/24 303/2</p> <p>compact [30] 88/11 118/24 120/19 122/18 123/16 124/10 124/11 124/12 124/19 124/19 212/24 215/24 216/2 216/6 217/2 218/12 222/15 222/17 234/2 234/3 246/19 251/5 252/25 257/7 307/24 308/18 313/23 314/2 314/8 315/6</p> <p>compactness [82] 108/13 110/5 116/1 116/3 117/15 118/23 119/2 119/11 119/17 119/20 119/25 120/1 120/3 120/4 120/6 120/12 120/22 121/5 121/17 122/4 122/9 122/13 123/3 123/14 124/3 124/15 124/16 181/24 199/6 206/4 209/17 209/21 210/9 214/15 217/3 217/7 217/12 218/1 218/12 222/7 222/13 233/25 235/10 244/3 244/6 244/13 251/25 252/5 252/10 253/1 253/25 254/4 254/11 256/11 256/12 258/10 258/12 258/15 258/16 258/22 260/14 260/20 261/12 261/15 261/20 262/10 262/15 262/21 266/12 267/14 268/9 272/2 281/11 307/13 307/15 307/18 308/17 309/22 314/10 314/14 314/14 315/1</p> <p>compacts [1] 69/15</p> <p>company [12] 170/2 170/5 170/7 170/12 170/14 170/18 170/20 171/1 171/8 171/8 171/22 171/22</p> <p>compare [4] 140/21 238/5 253/21 266/12</p> <p>compared [9] 143/11 242/24 243/1 243/15 246/10 250/6 253/23 254/7 264/7</p> <p>comparing [2] 268/13 269/17</p> <p>comparison [24] 190/2 190/12 190/14 194/19 194/23 195/1 196/5 196/23 204/25 205/23 206/2 206/7 208/13 218/17 218/23 227/18 230/15 231/2 241/9 243/19 246/8 249/5 268/15 295/11</p> <p>comparisons [1] 230/21</p> <p>compensated [1] 80/25</p> <p>compensation [1] 171/11</p> <p>competing [2] 253/5 271/6</p> <p>complete [4] 7/1 32/11 85/12 219/11</p> <p>completed [2] 247/16 290/18</p> <p>completely [2] 13/10 25/13</p> <p>compliance [37] 15/14 67/13 68/7 68/23 69/2 103/6 103/9 103/12 103/20 106/13 116/21 117/21 118/1 118/7 118/9 118/14 123/14 124/3 125/2 126/22 127/4 127/4 127/15 130/21 131/17 132/13 132/24 158/24 159/14 159/23 160/3 160/5 160/24 161/12 165/1 188/21 204/9</p> <p>compliant [4] 103/8 109/13 115/12 131/18</p> <p>complicated [2] 139/21 140/5</p> <p>complied [2] 126/17 159/18</p> <p>complies [2] 75/12 126/25</p> <p>comply [3] 116/18 125/21 269/10</p> <p>component [2] 130/20 204/8</p> <p>comport [1] 122/8</p> <p>composition [2] 182/15 314/5</p> <p>comprises [1] 142/5</p>	<p>computer [3] 5/19 179/5 316/7</p> <p>computers [2] 59/10 101/20</p> <p>concentrated [1] 72/14</p> <p>concentration [2] 79/3 132/4</p> <p>concept [2] 140/15 179/6</p> <p>concepts [8] 147/20 220/10 233/1 233/2 242/19 272/16 272/19 280/11</p> <p>concerned [3] 95/1 95/18 120/21</p> <p>concerning [1] 145/19</p> <p>concerns [5] 64/3 94/23 135/24 249/12 279/13</p> <p>concert [1] 160/3</p> <p>conclude [1] 88/25</p> <p>concluded [4] 81/11 133/6 242/10 317/20</p> <p>conclusion [12] 74/25 95/12 241/24 241/25 243/6 244/9 244/15 247/21 250/17 261/18 272/6 289/10</p> <p>conclusions [1] 60/1</p> <p>concrete [1] 256/14</p> <p>concurrently [1] 239/14</p> <p>condition [1] 205/20</p> <p>conditional [3] 115/22 140/23 173/13</p> <p>conditionally [1] 38/4</p> <p>conference [4] 85/22 86/18 86/25 89/18</p> <p>confidently [1] 90/1</p> <p>configuration [4] 233/13 253/11 254/8 260/17</p> <p>configurations [1] 254/7</p> <p>confined [1] 215/13</p> <p>confines [1] 306/18</p> <p>conflict [2] 123/13 253/6</p> <p>conflicts [1] 94/23</p> <p>conform [1] 212/25</p> <p>congratulated [1] 282/24</p> <p>Congress [1] 281/13</p> <p>congressional [35] 39/23 70/20 74/8 100/5 100/9 100/13 101/13 103/25 104/17 117/13 125/21 130/10 134/23 136/7 144/10 145/6 150/14 179/19 183/7 209/24 211/21 212/13 212/17 213/6 213/7 218/20 221/22 238/3 249/6 254/18 254/20 257/23 263/6 263/8 269/1 279/6 281/14 293/3</p> <p>Congressman [1] 9/21</p> <p>connect [1] 217/23</p> <p>connections [1] 84/12</p> <p>connects [1] 272/13</p> <p>cons [1] 107/23</p> <p>consensus [3] 142/20 143/4 143/8</p> <p>consensus-driven [2] 142/20 143/4</p> <p>CONSENT [1] 1/4</p> <p>consequence [2] 265/19 266/2</p> <p>conservative [1] 94/21</p> <p>consider [18] 15/3 60/8 83/8 102/19 103/3 103/6 104/8 109/16 122/19 136/9 166/14 166/16 166/23 166/24 167/4 167/9 270/9 306/12</p> <p>consideration [4] 130/25 164/1 231/25 306/3</p> <p>considerations [1] 306/3</p> <p>considered [16] 76/2 129/16 130/9 131/8 131/14 133/14 166/6 166/8 166/19 180/5 228/24 239/22 288/2 291/9 291/14 291/15</p> <p>considering [3] 160/15 180/6 209/23</p> <p>considers [1] 200/5</p> <p>consistent [1] 2/16</p>	<p>Consovoy [1] 2/5</p> <p>constant [1] 149/8</p> <p>constantly [4] 149/2 149/8 268/13 288/9</p> <p>constitutes [1] 83/12</p> <p>constitution [2] 103/4 218/5</p> <p>constitutional [1] 56/3</p> <p>consult [1] 35/4</p> <p>consultant [3] 31/5 238/15 293/14</p> <p>contact [7] 38/24 92/6 92/22 173/18 187/14 193/23 209/13</p> <p>contacted [1] 39/16</p> <p>contacts [3] 172/23 173/1 174/11</p> <p>contain [1] 1/13</p> <p>containing [1] 123/24</p> <p>contemplate [1] 118/19</p> <p>content [11] 144/14 148/6 149/12 149/15 178/15 184/9 189/5 206/24 213/17 282/7 282/17</p> <p>context [20] 75/22 105/20 106/7 121/12 122/2 123/1 124/14 129/13 131/9 144/20 258/1 292/18 307/22 308/5 313/25 314/1 314/16 314/23 315/7 317/9</p> <p>contiguity [3] 110/24 110/25 117/15</p> <p>contrac [1] 45/16</p> <p>contract [2] 50/15 50/16</p> <p>contrary [1] 88/15</p> <p>contributed [1] 128/22</p> <p>contribution [2] 286/14 286/18</p> <p>controversy [1] 83/6</p> <p>conversation [15] 5/22 112/20 112/23 120/15 156/25 157/4 161/1 169/7 180/3 186/14 191/6 194/4 279/19 283/18 299/19</p> <p>conversations [44] 46/9 53/9 53/12 90/5 90/21 91/1 91/22 92/4 102/2 109/8 112/10 113/13 114/3 123/23 126/23 130/15 132/23 135/18 149/7 149/22 158/7 158/8 158/22 162/21 165/3 171/19 179/23 180/3 192/1 213/13 213/24 214/18 215/11 215/16 233/4 272/18 276/8 276/14 285/1 290/4 301/11 302/9 303/1 305/12</p> <p>Convex [8] 119/16 119/19 121/10 124/9 199/2 308/24 309/6 310/5</p> <p>convey [2] 75/15 75/23</p> <p>convince [1] 31/25</p> <p>coordinated [1] 178/23</p> <p>coordination [4] 23/17 24/12 24/17 27/18</p> <p>coordinator [1] 12/16</p> <p>cop [3] 17/12 17/18 18/6</p> <p>copy [3] 1/8 1/25 281/21</p> <p>Cord [2] 2/10 2/13</p> <p>core [1] 88/12</p> <p>cornerstone [4] 104/7 105/11 106/11 108/6</p> <p>correct [86] 1/20 5/2 10/4 12/4 21/7 29/6 31/15 35/15 41/19 42/1 44/3 54/16 55/24 56/23 62/17 67/3 83/21 83/25 86/19 96/6 96/7 106/1 107/2 142/19 164/2 172/12 189/13 189/14 190/9 191/14 194/20 195/25 197/12 197/13 197/20 197/22 199/10 199/25 200/3 200/7 202/13 203/16 206/13 206/15 206/25 207/4 207/8 207/13 207/14 211/11 211/13 211/19 213/2 213/19 224/24 226/25 227/1 236/5 237/11</p>
---	--	---

C
correct... [27] 238/1 241/14 245/12
246/3 249/15 262/10 263/21 263/24
268/18 269/7 269/11 269/12 269/14
269/23 280/8 286/7 289/16 294/7
299/16 303/7 303/11 304/23 307/15
307/16 311/22 311/23 316/14
corrected [1] 1/17
correspond [1] 251/25
cost [2] 32/7 32/12
costing [1] 122/8
could [44] 7/6 18/9 37/2 37/22 39/11
48/5 78/4 92/17 92/24 101/3 110/8
137/1 160/19 162/8 162/11 162/11
167/10 175/9 176/8 176/10 176/17
176/18 176/19 176/21 179/2 185/6
189/15 189/18 193/25 196/7 200/19
202/9 236/16 239/13 252/23 261/14
261/19 268/10 279/18 285/5 295/7
297/11 300/23 312/18
couldn't [3] 36/24 192/2 262/5
counsel [98] 1/9 4/18 15/4 15/14 15/19
16/19 20/12 34/5 34/14 35/6 37/20 38/1
38/7 38/13 38/15 40/1 44/20 44/23
44/25 45/6 45/12 45/18 50/4 53/21 67/6
67/13 67/18 68/6 68/16 68/19 69/22
102/3 102/6 103/7 103/8 106/12 109/12
112/11 118/3 123/23 125/10 126/16
127/5 130/16 132/24 135/13 147/12
156/25 157/4 158/8 158/22 158/25
160/4 160/21 161/1 161/12 161/14
162/6 162/12 162/18 162/21 163/9
163/17 164/17 165/1 165/4 165/6
167/23 169/7 169/10 171/19 174/16
182/11 183/4 194/4 201/11 201/22
203/8 203/17 204/3 204/9 214/4 219/5
238/5 278/14 282/10 285/6 297/4 297/9
297/25 300/8 302/16 302/17 305/12
306/19 306/22 307/1 307/10
counsel's [2] 1/22 109/8
counsels [1] 84/4
count [3] 254/2 260/13 261/9
counterdraft [1] 316/25
counties [13] 19/7 72/15 75/8 101/11
110/19 111/3 150/18 257/11 271/7
300/21 313/20 314/25 315/6
country [8] 93/12 152/13 152/16 153/14
154/2 155/22 156/9 156/12
country's [1] 156/5
county [52] 2/12 17/9 56/4 101/11 110/9
110/10 110/15 116/12 116/13 122/6
153/1 154/25 244/3 244/13 251/25
252/5 252/11 254/1 254/23 254/25
255/8 255/11 255/17 257/3 257/3 257/6
257/8 257/13 257/13 257/14 257/17
258/21 259/18 259/22 259/24 260/2
260/15 260/20 261/11 261/15 261/20
262/10 262/14 263/15 263/21 264/14
265/18 266/12 268/9 269/13 270/20
271/10
couple [7] 9/14 55/4 90/24 140/20
187/18 192/1 292/8
course [12] 5/14 5/24 7/23 163/1 209/22
222/8 252/18 263/9 266/9 305/24
306/10 314/4
court [27] 1/23 54/8 56/2 56/11 56/12
71/14 79/22 79/24 80/3 80/12 80/13
80/18 80/19 82/11 87/21 94/17 94/25

95/12 95/15 95/18 168/1 216/10 216/14
216/19 216/22 217/9 218/3
Court's [4] 2/19 4/12 94/21 167/14
courts [4] 109/7 109/12 289/11 309/25
cover [1] 314/20
covered [8] 16/4 16/4 16/8 18/3 97/18
168/6 168/15 182/25
covering [1] 227/22
covers [1] 47/7
cracks [1] 212/16
craft [1] 71/17
crafted [1] 42/7
create [4] 28/6 103/23 195/5 195/10
created [8] 23/14 72/7 178/4 205/25
218/20 250/9 250/12 296/14
creating [1] 49/24
creation [2] 47/24 271/19
credit [1] 255/22
Creek [1] 88/2
criteria [57] 72/13 75/13 79/1 87/8 87/12
87/17 88/17 101/5 101/7 101/8 102/21
102/25 116/6 116/18 116/22 116/25
117/1 117/4 117/6 117/18 117/22
117/24 117/25 118/6 118/6 118/11
122/1 122/2 122/15 122/22 123/5
182/14 188/22 210/3 210/13 217/7
221/8 246/20 251/4 251/19 252/20
253/11 254/3 254/10 259/7 262/2 262/9
266/17 268/7 268/9 271/6 271/23
271/25 279/13 281/6 281/11 306/24
criterion [5] 115/18 115/25 116/1 116/4
117/23
cross [2] 56/19 122/1
crucial [1] 104/16
curious [5] 30/14 31/23 57/4 150/13
178/17
current [1] 212/17
currently [3] 3/4 21/6 31/4
cut [7] 7/6 80/23 92/1 124/18 133/3
199/15 221/18
cuts [2] 313/20 314/25
cy [1] 2/15
CVAP [5] 106/16 106/25 108/15 200/1
207/13
cycle [30] 12/8 12/11 13/24 14/16 26/20
26/23 27/5 27/14 28/21 56/14 72/7
80/24 80/25 81/6 81/23 90/17 90/22
92/3 97/20 129/17 134/21 167/14
167/16 167/17 216/11 218/6 258/20
304/3 304/3 310/23
cycle's [1] 304/10
cycles [1] 68/4

D
daily [1] 144/23
Dallas [1] 153/2
Dane [2] 72/14 75/7
data [137] 12/21 46/15 46/17 47/2 47/2
47/4 47/20 47/24 48/8 48/12 48/21
48/22 49/2 49/5 49/7 49/8 49/10 49/13
49/17 49/22 50/7 50/9 54/21 57/13
58/15 58/18 58/23 58/23 59/4 59/9
59/13 59/18 59/23 59/25 62/2 62/14
62/16 63/1 63/4 63/11 63/15 80/7 97/7
97/14 104/11 104/15 104/22 104/23
104/24 104/24 105/2 105/4 105/7
105/10 105/10 105/11 105/11 105/15
105/17 105/23 106/5 106/11 106/20

107/3 107/7 108/18 113/1 113/10
128/12 128/17 130/9 130/20 131/2
131/9 132/3 133/14 133/23 134/2 136/9
136/19 140/9 140/15 151/20 152/2
152/9 154/25 155/15 155/16 156/15
157/10 157/19 159/11 160/15 163/7
164/1 164/7 164/10 164/16 165/13
166/5 166/6 166/8 166/14 166/17
166/20 166/23 167/10 175/7 175/24
182/21 183/2 186/5 194/24 195/11
204/4 204/18 225/20 235/23 246/16
246/21 247/9 247/11 250/20 251/13
267/3 267/4 267/24 268/17 270/10
279/22 280/2 296/8 296/9 306/24
306/25 307/4 307/5
dataset [5] 48/25 49/18 60/24 108/17
113/25
datasets [2] 104/7 109/2
date [1] 315/23
Davis [7] 10/19 10/24 22/3 29/11 29/12
29/16 30/1
day [8] 20/8 143/14 143/14 207/11
291/16 298/6 303/11 305/23
day-in [1] 143/14
day-out [1] 143/14
days [1] 101/20
dead [1] 62/10
deal [2] 75/23 151/7
dealing [5] 93/11 93/13 143/13 271/5
308/14
dealt [2] 127/4 159/14
debate [1] 144/4
debrief [2] 102/7 102/11
decade [9] 35/18 71/17 91/24 92/20
112/3 155/7 258/7 263/8 263/10
decades [1] 30/4
decennial [1] 12/15
decent [1] 18/14
decide [1] 174/9
decided [4] 82/10 232/6 289/11 309/15
deciding [1] 291/18
decision [5] 68/8 80/18 221/13 221/14
232/12
decision-making [1] 232/12
decisions [8] 77/14 77/17 78/6 78/20
84/11 167/14 234/11 280/18
decrease [6] 244/6 252/11 256/11
261/12 268/7 272/2
decreased [1] 262/14
decreases [2] 253/25 260/14
decreasing [1] 258/22
deem [3] 14/25 37/20 117/25
deemed [3] 118/20 124/18 168/13
deeper [1] 163/11
default [2] 20/23 310/7
defending [1] 294/21
deficiency [1] 88/13
define [13] 14/23 46/11 117/1 118/24
119/11 119/17 119/24 125/13 137/22
137/24 138/2 221/2 221/4
defined [1] 301/1
defines [1] 247/6
definitely [12] 14/18 15/1 57/5 68/22
97/12 106/11 112/17 113/8 144/21
210/10 222/8 300/19
definition [3] 118/25 252/22 313/14
definitions [1] 313/10
definitively [1] 288/7

<p>D</p> <p>degree [4] 37/22 85/7 90/10 117/18</p> <p>delegation [9] 17/8 19/11 19/16 19/18 143/6 153/2 153/3 153/3 154/13</p> <p>delegation-drawn [1] 17/8</p> <p>delegations [9] 17/9 17/9 17/13 142/4 143/5 153/1 153/6 153/23 154/19</p> <p>delineate [4] 77/13 78/4 78/8 155/16</p> <p>delineates [2] 124/10 313/14</p> <p>delineating [1] 138/16</p> <p>delineation [3] 76/22 77/16 138/12</p> <p>deliver [1] 1/18</p> <p>deliverables [1] 172/4</p> <p>delivered [1] 54/21</p> <p>delivering [1] 172/3</p> <p>delivery [2] 1/19 36/5</p> <p>Democrat [6] 11/3 59/8 75/7 140/11 154/15 155/2</p> <p>democratic [9] 23/20 59/7 84/7 84/7 140/1 250/10 260/10 260/12 266/13</p> <p>Democratic-led [1] 84/7</p> <p>Democrats [14] 23/12 23/13 72/14 75/8 78/11 79/3 94/18 151/25 152/4 152/18 153/17 154/21 155/9 156/8</p> <p>demographer [2] 97/7 113/22</p> <p>demographic [8] 97/14 110/1 132/6 139/22 140/1 170/10 170/10 182/15</p> <p>demographics [12] 60/10 105/19 105/21 106/2 106/9 108/21 139/15 139/18 139/18 140/1 300/15 301/15</p> <p>demonstrative [1] 259/16</p> <p>density [4] 314/3 314/5 314/18 314/22</p> <p>DEP [1] 134/17</p> <p>depend [1] 37/18</p> <p>depending [12] 24/3 62/24 100/15 101/15 102/5 102/13 103/1 104/6 110/22 119/8 141/8 152/23</p> <p>depends [6] 14/22 100/25 101/16 108/1 137/22 138/1</p> <p>deposed [2] 6/7 16/21</p> <p>deposition [27] 2/7 2/16 2/19 2/21 2/23 3/1 4/1 5/15 5/24 6/18 7/24 16/22 34/4 34/23 34/25 35/5 81/13 81/14 198/16 281/22 281/23 282/7 282/17 294/5 298/1 298/9 305/24</p> <p>depth [2] 97/9 235/1</p> <p>DeSantis [1] 70/20</p> <p>DeSantis' [1] 144/9</p> <p>describe [26] 16/12 22/20 23/6 26/12 39/4 39/18 57/16 68/13 100/4 100/11 105/16 126/24 127/21 136/21 136/24 162/25 254/9 262/5 274/12 274/14 278/17 306/4 312/14 312/24 313/1 313/22</p> <p>described [5] 51/5 114/4 118/10 237/20 252/11</p> <p>describes [3] 248/14 248/20 249/15</p> <p>describing [5] 141/18 142/18 190/6 258/18 285/22</p> <p>descriptive [1] 195/3</p> <p>desegregated [1] 108/17</p> <p>desegregation [1] 58/1</p> <p>deserve [1] 30/8</p> <p>designation [1] 289/25</p> <p>desire [5] 214/14 230/14 230/19 244/5 272/1</p> <p>despite [2] 257/16 258/18</p> <p>detail [11] 23/22 45/13 45/17 100/1</p>	<p>103/11 105/18 125/9 139/22 155/14 252/17 275/1</p> <p>details [4] 133/8 175/14 247/20 299/21</p> <p>determinations [1] 158/25</p> <p>determine [11] 60/6 61/9 61/14 76/7 77/7 101/21 120/18 122/18 128/4 158/17 162/17</p> <p>determining [1] 161/3</p> <p>deviation [1] 108/12</p> <p>device [2] 1/8 5/9</p> <p>devil [1] 247/20</p> <p>dialing [1] 256/14</p> <p>dice [1] 22/12</p> <p>dicey [3] 22/10 224/1 224/12</p> <p>did [261] 6/19 9/16 11/15 11/22 11/22 12/1 12/19 13/14 13/18 14/4 14/5 14/20 15/6 15/6 17/24 17/25 18/16 19/22 21/4 21/8 21/24 23/19 25/10 26/14 31/24 34/3 34/14 34/18 34/20 34/22 34/24 35/1 35/3 35/4 38/17 39/4 39/18 40/3 40/7 40/15 40/19 40/23 41/8 42/10 42/13 43/8 44/8 45/20 45/22 45/24 46/21 49/3 50/16 50/18 50/19 51/4 53/15 54/24 55/19 56/25 58/10 60/7 60/8 61/8 66/4 67/2 74/24 79/16 79/17 79/22 81/5 81/7 82/14 85/21 86/21 86/24 87/10 88/25 89/2 89/7 90/4 90/16 90/19 90/21 91/1 91/14 99/19 128/1 128/7 128/9 128/11 128/12 128/23 129/15 130/1 130/7 131/5 132/7 132/17 133/3 134/22 135/7 136/6 136/9 138/25 140/14 142/21 142/21 143/18 143/18 143/23 145/18 146/4 146/12 146/17 147/2 156/15 156/19 158/17 158/23 159/4 159/24 160/15 161/14 162/5 163/12 163/16 163/16 164/15 164/15 165/16 166/14 166/16 168/23 169/22 170/5 170/14 172/6 172/14 173/3 173/10 174/9 174/22 174/25 175/3 177/9 177/16 178/3 178/16 179/14 180/21 180/24 181/7 181/8 181/20 181/23 182/6 182/20 183/6 184/4 184/15 184/17 185/4 185/5 186/2 186/8 186/8 186/18 187/2 187/7 192/6 192/16 192/17 193/9 194/7 196/18 198/3 198/8 198/8 198/10 198/21 200/17 200/20 201/2 201/14 201/14 202/2 202/25 204/6 204/12 205/7 205/9 205/12 208/8 210/12 213/4 213/11 214/5 214/20 215/2 215/2 216/14 217/10 217/20 218/22 219/17 227/15 228/5 228/13 231/8 232/15 232/17 232/19 233/7 233/12 234/5 234/16 235/5 235/14 235/22 236/2 236/6 236/8 244/17 247/20 247/21 270/9 275/11 275/12 276/3 279/5 279/21 280/2 283/12 284/3 284/10 290/9 292/13 292/22 292/25 293/2 293/5 293/7 293/9 293/11 293/13 293/16 294/25 295/12 301/14 302/3 302/13 303/4 304/2 305/6 305/12 306/12 310/24 311/7 315/15 316/2</p> <p>didn't [23] 34/16 47/21 76/17 76/20 76/24 90/18 90/18 92/1 92/25 95/15 112/8 135/22 142/12 144/20 172/4 180/20 204/19 219/12 219/13 233/8 281/1 288/14 317/3</p> <p>dies [1] 36/2</p> <p>differ [1] 142/21</p>	<p>difference [7] 74/6 74/14 97/11 141/23 142/15 143/15 301/21</p> <p>differences [5] 100/7 111/4 141/1 141/19 270/1</p> <p>different [75] 23/9 24/6 36/18 36/20 36/23 55/4 57/10 60/9 74/17 74/19 75/16 78/24 78/25 96/21 97/4 98/11 100/17 100/17 100/19 101/1 101/3 101/10 101/13 101/14 104/1 108/14 108/15 109/24 110/4 110/13 110/22 111/5 111/5 117/7 117/12 120/2 120/3 122/2 122/22 141/15 197/11 199/6 199/19 200/18 219/17 220/10 220/13 220/13 221/6 221/7 221/12 221/16 222/20 242/14 248/1 248/23 249/22 252/19 252/20 253/5 262/3 265/2 265/2 273/1 273/6 288/6 296/1 296/2 300/5 303/13 310/11 310/12 310/19 312/6 312/22</p> <p>differently [2] 117/8 310/19</p> <p>difficult [10] 24/9 75/17 103/14 150/5 151/1 151/6 151/9 165/22 198/24 276/10</p> <p>difficulties [1] 150/15</p> <p>dig [2] 85/24 142/17</p> <p>diminish [2] 157/22 159/19</p> <p>direct [4] 4/15 94/5 192/4 298/17</p> <p>directed [1] 188/20</p> <p>direction [1] 20/15</p> <p>directly [39] 15/7 21/15 40/19 40/24 41/8 41/17 42/13 43/5 52/10 52/13 52/16 52/20 53/4 53/17 83/5 144/6 145/23 170/15 173/3 173/7 173/8 173/11 174/10 174/10 174/23 175/1 175/4 175/22 180/21 180/22 180/24 181/10 181/21 181/24 182/21 190/23 194/8 196/16 243/20</p> <p>disadvantageous [1] 78/10</p> <p>disaggregated [4] 60/15 62/2 62/20 73/18</p> <p>disagree [5] 119/15 261/17 266/25 272/5 298/9</p> <p>disagreement [1] 216/4</p> <p>discerned [1] 289/22</p> <p>discernible [3] 135/3 136/16 301/21</p> <p>disclaimer [3] 1/12 280/14 302/23</p> <p>disclose [22] 48/3 50/3 53/8 102/1 129/3 147/6 150/23 158/7 158/21 167/19 182/10 183/11 188/25 203/2 218/10 219/22 254/13 276/19 278/21 284/24 290/21 305/1</p> <p>disclosed [1] 114/23</p> <p>disclosing [16] 82/2 112/10 113/13 114/9 123/23 126/23 180/11 183/20 185/16 188/19 213/24 225/17 234/23 259/13 279/17 294/19</p> <p>discount [1] 141/4</p> <p>discovery [3] 80/8 196/17 241/6</p> <p>discrepancy [1] 109/21</p> <p>discuss [11] 17/2 45/24 46/3 48/18 90/15 105/7 113/16 134/12 162/14 302/13 317/8</p> <p>discussed [14] 37/10 85/13 93/6 104/24 111/12 121/9 132/15 169/9 182/20 191/9 261/7 297/7 304/4 311/22</p> <p>discusses [2] 285/24 312/3</p> <p>discussing [5] 54/14 148/17 160/20 163/2 237/2</p>
--	---	---

D
discussion [5] 4/1 39/22 134/14 190/18 317/19
discussions [4] 64/2 87/5 236/8 236/17
dismissed [3] 71/21 79/11 79/19
displayed [1] 224/8
disposal [2] 267/3 267/5
disproven [1] 152/3
dispute [1] 139/7
disruption [1] 138/6
distance [1] 314/9
distilled [1] 223/21
distinct [3] 27/4 303/22 313/7
distinction [6] 28/16 47/4 78/1 108/23 109/1 307/7
distinctions [1] 108/25
distribute [1] 1/23
distribution [1] 314/21
district [84] 2/14 13/7 25/4 58/1 58/2 58/8 58/9 58/16 59/16 60/3 60/6 60/7 60/10 60/19 61/2 61/3 61/5 61/11 61/20 62/1 62/8 62/17 64/5 72/17 88/3 89/12 111/8 113/6 114/8 115/4 115/19 118/20 118/24 120/18 120/25 121/20 122/18 123/16 124/11 124/11 125/5 125/14 125/16 125/17 126/2 132/15 145/6 157/21 209/24 212/13 212/16 212/17 212/24 213/6 213/7 214/16 215/14 216/2 216/6 217/22 218/6 218/13 232/19 234/1 234/3 238/3 254/24 258/18 260/1 263/2 263/6 264/2 264/5 273/16 279/6 281/14 298/25 308/6 310/16 312/7 313/22 314/24 315/4 315/5
Districting [4] 157/2 216/15 217/4 217/11
Districtings [1] 157/2
districts [52] 13/7 15/13 16/7 57/4 58/11 70/21 104/13 124/2 124/22 128/5 156/19 157/7 157/13 157/23 158/5 158/18 159/1 159/5 159/19 159/20 160/13 160/16 161/4 161/5 161/6 162/17 162/18 163/25 167/15 199/17 200/20 202/15 202/18 203/19 203/22 215/18 216/20 217/1 217/8 251/4 251/11 273/22 281/2 304/19 304/22 305/4 305/14 307/9 313/18 314/1 314/16 314/19
Districts 1 [1] 13/7
distrust [1] 121/7
diverse [1] 140/6
dividing [1] 96/22
division [2] 59/13 96/20
divulge [3] 179/1 193/18 291/23
divulging [1] 180/2
do [244] 1/16 3/8 3/16 5/8 5/13 5/18 5/24 6/16 6/17 6/20 6/21 7/5 7/9 7/13 7/24 8/25 10/12 14/5 19/25 21/12 22/16 25/12 26/15 27/24 30/22 30/25 34/3 36/10 37/25 41/25 42/2 42/16 42/18 43/2 44/2 50/3 50/23 51/2 52/19 61/3 63/14 64/22 67/10 68/25 69/4 69/23 72/5 72/20 72/23 74/24 77/6 80/3 80/17 82/24 83/8 83/10 83/15 84/6 84/16 84/17 85/25 87/1 87/5 92/11 92/12 93/3 94/12 94/25 95/8 95/10 96/25 98/1 98/5 98/14 98/23 99/2 101/20 102/19 103/3 103/7 103/16 105/6 107/21 108/18

110/3 110/4 110/15 110/23 110/24 111/14 111/18 111/19 111/20 112/12 113/10 120/17 125/4 125/8 129/12 129/21 130/3 137/24 138/10 138/19 139/25 139/25 140/7 141/18 141/18 144/13 144/13 144/25 145/5 145/6 145/12 145/16 146/14 148/21 150/23 151/16 151/23 151/24 152/4 153/9 155/7 156/6 156/7 157/6 157/21 158/24 161/6 161/16 167/25 168/11 174/2 175/17 176/23 181/4 182/10 183/18 183/21 187/24 188/2 188/25 191/17 191/19 191/21 193/11 193/18 194/13 197/3 197/14 198/11 201/2 204/22 207/21 208/5 212/19 215/9 217/12 218/3 218/10 218/19 218/21 219/22 220/22 221/4 221/4 224/9 224/9 225/6 226/9 226/18 227/12 229/16 230/3 230/22 231/22 232/6 237/3 237/20 237/22 238/23 238/23 239/4 242/21 244/1 246/12 246/13 247/14 248/6 248/12 248/19 249/21 250/2 250/23 251/24 260/22 261/5 261/17 262/15 264/19 264/21 265/6 265/11 265/12 265/15 266/25 267/5 268/1 272/5 272/7 273/10 273/18 273/19 273/23 273/24 274/9 275/15 276/16 280/6 280/16 281/5 282/24 283/3 284/24 286/9 286/11 286/16 286/18 286/20 286/22 286/23 287/10 288/20 290/21 291/23 294/8 297/15 299/1 299/4 309/6 310/8 311/24
doctor [1] 270/2
document [25] 35/6 66/18 189/8 189/25 190/13 194/22 195/5 195/17 195/20 196/8 196/9 197/4 197/5 198/19 201/17 203/6 204/21 205/12 211/3 212/1 212/5 212/8 248/17 292/9 296/1
documents [6] 5/5 35/4 296/14 297/7 297/24 298/3
does [54] 23/7 23/23 24/16 45/10 45/13 59/14 97/22 106/15 106/19 107/16 108/9 111/7 118/12 123/11 131/21 140/20 154/24 155/1 190/17 190/21 190/25 191/5 197/3 197/3 197/4 197/5 197/6 207/15 212/24 218/24 223/7 223/13 224/3 224/4 224/4 224/4 242/9 244/7 244/9 246/14 250/17 254/1 254/22 257/2 258/3 258/23 259/3 264/14 266/18 266/23 270/12 272/2 273/25 289/4
doesn't [20] 31/20 32/3 53/8 116/16 127/13 154/10 154/19 155/3 172/19 179/6 191/2 219/7 222/16 239/11 239/16 242/18 272/10 272/11 283/6 316/21
doing [22] 18/7 32/22 48/9 48/10 57/12 68/20 100/21 101/16 122/14 127/14 135/4 155/6 156/4 171/6 185/3 185/10 227/25 235/2 247/19 260/14 307/8 316/8
domain [4] 183/25 209/14 210/19 232/2
domino [1] 64/11
don't [236] 3/19 14/17 15/22 17/2 18/25 20/9 22/3 25/14 25/18 35/8 35/12 36/19 40/11 42/22 43/5 43/5 45/12 45/17 46/3 48/3 48/18 49/19 51/20 53/1 53/13 54/1 54/3 56/9 56/10 56/16 56/20 58/6 61/22

62/10 63/12 66/3 67/24 69/19 70/1 72/9 72/10 76/14 83/12 86/22 86/23 89/9 89/15 90/18 91/4 93/9 93/23 95/4 100/2 102/1 103/14 109/21 111/25 112/1 113/16 116/6 117/24 119/10 126/6 126/7 126/18 129/3 129/5 129/11 133/9 134/25 135/11 136/18 137/8 138/19 138/20 139/18 139/19 139/23 140/12 144/24 145/4 145/10 146/10 146/12 146/23 147/6 148/25 157/16 158/7 158/21 160/19 161/21 162/3 162/24 164/5 164/7 164/8 164/24 165/9 166/11 167/16 167/19 168/2 168/10 168/13 169/21 170/9 170/11 170/12 170/24 170/25 171/2 171/3 171/14 172/1 172/2 174/7 175/13 178/2 178/14 179/1 179/5 181/6 181/12 183/14 183/16 183/19 183/19 183/25 184/1 184/21 186/15 187/13 187/15 188/14 192/14 198/10 202/7 203/2 205/13 207/25 208/2 208/24 209/1 209/18 211/16 211/18 211/21 211/22 213/20 216/3 217/3 222/9 223/18 225/16 228/7 228/7 228/9 228/10 229/13 230/16 231/5 232/1 232/4 236/19 239/2 239/11 240/5 240/12 240/14 241/4 241/6 241/6 241/9 244/14 247/3 247/6 247/23 248/11 248/22 249/10 249/11 249/11 251/12 253/13 254/13 254/24 255/2 257/3 259/19 259/19 259/25 260/24 260/24 265/3 265/5 265/14 265/25 266/6 267/17 270/14 270/18 275/18 276/1 276/19 276/24 277/7 277/20 278/7 278/8 278/21 281/19 283/5 283/8 283/9 283/17 283/24 284/17 287/1 287/3 287/6 287/8 287/17 291/25 292/5 298/3 298/4 302/19 305/4 305/18 307/20 308/3 310/18 315/19 317/8 317/10
done [30] 5/17 10/8 11/17 22/22 35/22 37/11 59/18 66/17 66/19 67/6 67/7 68/4 77/13 83/22 87/19 92/25 128/20 132/17 137/15 140/19 170/23 190/20 243/17 247/10 248/16 282/24 291/12 292/10 297/12 298/5
doubt [4] 245/19 247/14 249/13 306/8
down [46] 35/24 36/2 46/11 56/12 58/18 63/12 63/15 66/5 66/7 66/9 71/1 87/24 91/12 97/17 110/15 116/8 116/17 147/15 148/3 176/22 177/21 190/4 197/17 199/1 202/9 209/15 212/23 227/3 229/5 237/17 241/11 242/20 243/24 244/19 248/5 253/9 260/5 263/14 270/21 274/20 276/7 277/11 277/12 286/12 314/23 315/10
downloaded [1] 196/16
dozens [1] 86/8
Dr [1] 258/9
Dr. [23] 237/19 240/20 242/10 243/6 244/9 244/17 245/23 247/16 248/13 248/20 249/14 250/24 252/8 252/14 255/7 260/19 261/18 262/13 264/11 272/6 272/22 273/2 290/4
Dr. Ansolabehere [16] 240/20 242/10 244/9 244/17 245/23 247/16 248/20 249/14 250/24 252/8 252/14 255/7 260/19 262/13 264/11 273/2
Dr. Ansolabehere's [6] 243/6 248/13 261/18 272/6 272/22 290/4

<p>D</p> <p>Dr. Stephen [1] 237/19</p> <p>draft [108] 1/4 1/7 1/12 1/20 39/23 64/4 65/3 73/19 76/1 100/5 133/15 136/7 136/10 146/6 147/3 148/19 159/4 159/17 159/18 167/1 174/22 175/1 175/8 175/8 175/22 175/24 176/7 177/17 178/4 178/9 180/21 181/7 183/6 184/5 184/10 184/17 186/19 186/21 187/2 191/3 197/14 218/19 220/17 220/23 232/7 233/13 234/6 234/17 235/6 235/16 237/3 238/3 238/17 239/5 241/18 242/11 242/22 242/25 244/2 244/12 244/21 244/25 245/11 245/22 245/25 247/21 250/13 250/15 250/25 251/18 251/24 253/22 258/12 260/9 265/6 265/8 266/10 274/11 276/3 277/4 277/13 277/15 277/19 278/17 278/19 279/1 280/8 280/14 280/16 280/17 281/3 281/6 282/22 284/21 287/10 287/11 289/15 289/16 289/23 290/13 290/18 290/18 294/23 294/23 295/10 307/9 316/12 316/13</p> <p>drafted [7] 36/10 36/20 218/16 241/1 272/16 286/24 293/23</p> <p>drafting [3] 47/5 160/25 277/4</p> <p>drafts [23] 16/1 36/18 46/13 46/16 157/19 184/24 219/12 219/13 233/5 233/18 240/12 240/14 245/19 265/2 270/22 271/1 273/6 276/7 276/14 280/13 281/1 288/6 301/24</p> <p>draw [47] 13/5 17/10 28/15 68/7 72/12 76/22 100/8 100/12 101/2 101/22 103/7 103/13 103/13 104/16 115/11 127/8 134/23 152/23 198/9 205/8 205/9 209/7 209/16 214/1 218/22 219/17 220/13 228/6 228/13 232/15 232/19 233/7 235/24 246/19 251/4 251/10 251/11 255/4 263/12 288/1 288/12 290/9 300/19 307/7 314/16 314/19 316/2</p> <p>drawback [1] 310/11</p> <p>drawbacks [1] 310/9</p> <p>drawer [9] 65/1 82/6 100/3 126/24 127/5 127/10 244/4 244/14 266/10</p> <p>drawers [1] 83/3</p> <p>drawing [124] 12/22 13/9 13/12 13/25 14/4 14/20 15/7 17/14 18/8 18/22 19/9 32/19 32/23 33/5 35/14 35/17 35/22 36/2 36/22 46/12 47/4 47/5 47/21 57/1 57/6 64/6 66/22 78/1 78/2 80/16 99/25 100/5 101/16 102/20 103/17 104/8 112/11 112/24 114/5 115/18 117/9 126/3 127/13 127/16 130/10 130/21 130/25 131/13 131/23 132/9 132/14 132/18 133/5 133/15 135/4 135/5 136/10 136/17 136/18 138/12 138/24 139/24 140/3 140/19 140/20 140/21 146/16 147/4 150/5 150/14 151/9 151/14 151/18 154/4 156/20 157/10 159/4 159/12 159/13 160/5 160/8 160/14 160/16 161/15 164/1 164/11 167/6 172/16 186/6 204/7 204/8 205/13 219/6 233/2 233/9 233/25 235/23 243/18 246/17 247/8 247/11 250/20 254/5 254/9 254/10 256/25 261/14 261/19 262/7 266/19 273/3 275/13 275/15 280/18 280/20 280/24 280/24 290/25 291/5 301/23 306/21 306/24</p>	<p>316/10 316/21</p> <p>drawings [1] 221/21</p> <p>drawn [17] 17/8 36/3 108/23 114/8 114/14 120/25 123/17 135/24 214/22 215/4 219/14 228/22 238/12 238/15 299/18 312/5 312/12</p> <p>drawn-out [1] 299/18</p> <p>draws [1] 46/16</p> <p>drew [27] 12/25 13/2 66/14 76/16 77/7 88/1 146/7 197/15 198/11 205/18 218/23 220/23 228/15 228/17 238/24 239/20 240/3 242/15 255/18 259/3 262/13 272/17 280/7 287/25 290/8 290/17 305/8</p> <p>drive [4] 1/8 87/24 124/15 308/17</p> <p>driven [16] 17/8 17/16 36/22 104/1 122/4 141/6 142/1 142/3 142/12 142/20 143/4 143/16 267/14 273/2 307/24 313/12</p> <p>driver [2] 113/9 209/25</p> <p>drives [1] 220/11</p> <p>drop [9] 19/13 19/13 19/16 70/8 189/25 195/17 222/24 224/14 237/4</p> <p>dropped [2] 150/9 285/12</p> <p>dropping [4] 206/12 211/3 226/1 226/4</p> <p>drove [1] 88/5</p> <p>due [6] 1/19 77/9 79/22 80/12 252/10 314/20</p> <p>during [48] 5/14 5/24 7/11 7/23 8/2 11/16 12/7 12/14 12/15 12/25 13/1 13/24 14/21 25/17 51/17 51/17 57/6 67/16 69/20 81/23 90/17 90/22 99/13 114/5 128/14 129/17 132/8 138/18 139/1 146/24 168/6 172/16 173/18 208/7 235/23 236/3 240/3 243/18 251/13 277/1 285/24 292/12 292/22 295/1 295/13 295/16 305/24 310/22</p> <p>duties [1] 307/11</p> <p>dynamic [1] 64/16</p> <p>dynamics [1] 100/18</p> <hr/> <p>E</p> <p>e-mail [36] 6/5 7/25 143/23 190/2 190/6 190/7 190/9 190/12 191/12 194/17 196/24 206/23 207/3 207/11 207/15 207/18 207/20 208/3 208/7 208/18 223/7 223/12 223/19 223/23 224/14 224/22 225/1 226/19 227/6 227/13 227/16 229/7 230/11 230/11 231/1 311/15</p> <p>E-mail.pdf [3] 206/20 224/19 226/25</p> <p>e-mails [16] 181/2 181/9 192/7 192/15 192/18 192/18 192/23 193/5 193/8 194/2 222/24 226/9 295/18 296/18 297/8 315/18</p> <p>each [23] 7/5 10/21 23/11 23/16 23/24 23/25 24/15 57/9 62/6 94/15 123/6 178/4 178/9 178/18 184/17 195/3 202/11 202/18 202/19 252/1 253/6 253/7 292/15</p> <p>earlier [49] 4/1 11/21 52/9 56/21 74/20 96/2 99/9 111/12 114/4 114/10 134/3 151/12 163/24 166/7 166/19 172/10 173/5 173/23 180/8 181/3 191/6 194/18 198/16 199/5 202/12 203/13 213/15 213/16 218/18 222/6 241/17 242/10 242/14 252/12 262/4 280/7 287/2 294/4 299/2 299/11 299/13 304/4 304/19</p>	<p>304/21 307/12 307/21 308/21 311/22 315/23</p> <p>early [3] 40/17 86/23 173/19</p> <p>easily [1] 314/17</p> <p>east [3] 51/22 313/8 313/19</p> <p>East Coast [1] 51/22</p> <p>easy [1] 66/6</p> <p>ECF [1] 2/20</p> <p>echoing [1] 307/20</p> <p>edge [1] 149/1</p> <p>edit [1] 316/12</p> <p>effect [3] 87/22 116/21 160/8</p> <p>effective [3] 71/18 72/8 77/22</p> <p>effectively [3] 160/20 239/14 294/16</p> <p>efficiency [13] 73/21 74/3 74/14 76/4 76/13 76/18 76/19 76/23 87/9 87/12 87/24 88/6 156/2</p> <p>effort [5] 32/7 32/13 108/16 122/7 262/8</p> <p>eight [3] 313/20 314/25 315/6</p> <p>eighth [1] 199/9</p> <p>either [17] 1/7 26/8 63/4 76/3 82/11 83/23 86/22 113/3 150/6 150/15 161/21 171/6 191/22 228/21 228/22 252/5 311/7</p> <p>elaborate [1] 148/21</p> <p>elect [4] 27/13 125/18 234/19 289/6</p> <p>elected [7] 136/6 142/13 143/12 143/19 143/24 145/19 303/2</p> <p>election [9] 25/3 25/17 61/10 61/14 61/16 62/22 63/15 248/25 249/1</p> <p>elections [4] 61/11 62/7 62/24 63/2</p> <p>electronic [1] 1/8</p> <p>elegant [1] 196/25</p> <p>element [1] 61/18</p> <p>elements [1] 32/25</p> <p>eliminated [2] 253/1 266/15</p> <p>eliminates [1] 260/12</p> <p>eliminating [1] 250/10</p> <p>else [17] 18/17 42/13 61/16 68/21 96/10 105/4 128/13 128/21 170/21 172/14 181/8 185/23 186/9 247/10 265/7 292/3 317/11</p> <p>embodied [2] 149/18 296/6</p> <p>embodiment [1] 301/4</p> <p>embody [1] 120/2</p> <p>emergency [2] 226/15 226/22</p> <p>employed [9] 8/4 9/11 12/7 16/14 22/17 67/9 69/16 82/4 102/8</p> <p>employee [5] 31/6 31/8 69/20 98/16 98/17</p> <p>employees [4] 33/18 33/22 70/2 97/23</p> <p>employer [1] 8/9</p> <p>employment [11] 9/10 11/22 21/3 22/21 24/20 31/3 50/19 52/4 52/7 98/14 138/25</p> <p>enacted [44] 33/6 33/9 88/20 88/20 214/21 215/4 232/15 232/20 233/7 238/5 241/16 241/19 241/20 242/1 242/8 242/12 242/16 244/8 245/15 245/16 250/16 257/24 258/14 258/17 258/23 263/23 264/1 264/6 266/15 269/5 269/5 271/15 272/4 273/11 273/16 273/22 274/1 274/10 280/9 283/20 285/22 288/22 289/5 289/16</p> <p>enactment [4] 133/11 179/18 294/11 294/14</p> <p>encompasses [7] 4/4 4/5 154/15 240/16 241/10 295/16 296/10</p>
---	--	---

<p>E</p> <p>encompassing [2] 36/18 67/5 end [9] 46/15 65/14 127/17 210/23 228/2 229/14 275/21 275/23 301/8 endeavor [1] 204/10 ended [4] 231/22 232/19 294/8 294/16 ending [1] 205/7 endorse [1] 252/15 engaged [3] 43/25 45/23 203/14 engagement [7] 39/5 43/24 51/9 179/16 208/19 209/6 275/23 engaging [1] 306/13 enough [25] 26/5 42/9 54/23 64/20 83/14 92/18 97/16 139/9 143/10 150/3 160/11 167/8 191/4 203/11 211/2 219/16 220/21 226/17 239/19 240/1 247/13 247/25 268/3 299/8 305/11 ensure [6] 103/9 106/12 109/12 126/21 159/18 210/2 ensuring [1] 126/25 entail [1] 12/19 entire [5] 23/1 71/12 254/18 257/22 258/4 entirely [3] 254/20 261/25 315/5 entirety [1] 116/12 entities [7] 23/10 83/24 292/11 292/15 292/18 293/19 293/25 entitled [1] 70/19 entity [15] 10/10 23/14 24/22 28/19 37/15 37/23 51/5 53/5 53/13 54/4 82/12 84/7 113/21 292/15 293/15 entries [2] 1/16 1/20 enumerate [1] 292/19 enumerated [3] 120/6 237/25 303/22 EOG [14] 168/12 172/7 173/1 173/8 174/10 193/12 193/15 203/9 213/12 214/4 273/4 275/9 285/6 287/12 EOG's [1] 286/14 equal [3] 13/7 63/7 315/7 equalization [6] 61/4 108/12 108/20 117/11 128/17 209/24 equalize [6] 88/4 103/24 209/22 210/8 258/5 268/19 equalized [1] 104/13 equalizing [1] 222/8 equals [2] 155/2 155/2 Eric [34] 35/2 41/24 42/2 42/2 42/10 42/12 43/7 43/20 44/5 45/2 45/4 45/10 45/13 45/20 46/12 47/15 47/18 48/12 49/24 130/3 163/16 163/19 163/19 164/12 164/15 165/14 166/25 181/1 181/4 186/5 204/2 204/13 207/7 207/10 especially [1] 209/23 essentially [1] 63/12 established [1] 71/25 estimate [2] 36/9 99/12 estimation [2] 105/13 309/4 et [2] 150/16 298/23 et cetera [1] 150/16 evaluate [3] 238/2 248/24 307/14 evaluated [2] 78/2 109/11 evaluation [3] 136/19 300/22 309/24 evasive [2] 221/3 221/9 even [9] 36/12 36/25 68/8 76/14 200/5 221/10 263/8 280/19 303/8 eventually [1] 258/23 ever [40] 6/7 11/2 37/15 41/8 46/22 82/5 84/21 85/13 85/16 91/14 99/19</p>	<p>112/2 112/12 113/21 114/6 115/5 115/9 115/17 116/2 121/7 123/15 124/20 125/23 125/25 130/9 131/8 133/14 194/7 231/9 231/9 231/23 236/16 243/10 279/5 279/21 293/18 293/21 293/24 315/21 316/2 every [23] 24/10 63/6 63/6 64/10 75/15 75/20 96/21 112/20 125/1 126/10 126/11 126/11 126/11 126/14 127/3 127/5 151/2 178/9 184/22 219/3 219/4 241/10 261/21 Everybody [1] 168/12 everyone [2] 156/12 302/20 everyone's [1] 219/25 everything [9] 124/14 183/3 240/11 240/16 241/4 258/1 267/1 296/10 314/22 exact [4] 45/11 145/14 244/17 283/17 exactly [23] 16/12 23/15 45/17 56/16 57/17 86/22 86/23 91/11 129/5 148/25 160/20 168/13 173/17 210/19 239/2 241/6 253/2 253/10 261/1 276/16 287/3 287/8 302/19 EXAMINATION [2] 4/15 298/17 examined [1] 238/7 Examining [4] 66/18 212/5 212/8 248/17 example [27] 34/17 42/19 44/1 57/20 60/7 60/11 61/12 69/11 69/18 69/23 76/8 82/11 88/1 88/5 109/15 115/14 119/19 123/1 154/13 155/24 216/2 231/24 253/20 254/5 256/14 309/9 313/7 examples [7] 87/25 113/10 114/18 114/22 154/18 156/10 253/10 Excel [4] 196/23 197/1 202/19 227/21 Excel.PDF [1] 196/6 exception [2] 270/23 272/19 exchange [1] 315/15 exclude [1] 296/3 excluded [2] 82/5 82/7 excluding [2] 282/12 282/12 exclusive [1] 123/7 exclusively [1] 193/19 excuse [3] 129/7 142/15 182/24 Executive [19] 3/14 3/20 4/3 4/10 52/10 186/9 192/9 192/24 194/9 214/20 215/2 228/25 229/17 238/16 245/21 266/3 287/13 288/20 291/17 exercise [2] 104/8 254/17 exhibit [28] 2/18 2/22 2/25 65/9 65/18 65/21 70/9 70/10 70/15 196/1 196/4 206/13 206/16 211/4 211/5 223/4 223/5 224/15 226/4 226/6 237/4 237/5 237/10 285/8 285/10 285/13 311/13 311/14 Exhibit 1 [1] 2/18 Exhibit 10 [1] 223/4 Exhibit 12 [1] 226/4 Exhibit 13 [2] 237/10 285/13 Exhibit 2 [1] 2/22 Exhibit 3 [1] 2/25 Exhibit 4 [1] 65/18 Exhibit 5 [1] 70/15 Exhibit 8 [1] 206/13 Exhibit 9 [2] 211/4 311/14 exhibits [3] 2/4 3/2 65/19 exist [1] 111/25 existed [4] 76/15 76/21 76/24 90/19 existence [2] 89/12 239/11</p>	<p>expand [1] 300/23 expect [3] 95/16 298/3 298/4 expected [6] 102/9 244/5 244/7 248/10 250/5 272/3 expense [2] 230/15 253/1 experience [13] 21/18 33/5 53/20 69/10 108/3 111/19 112/6 121/14 141/15 141/16 308/10 309/20 310/1 expert [5] 237/16 237/19 238/20 238/23 289/23 expert's [1] 255/19 experts [3] 161/14 161/15 237/16 explain [12] 67/8 244/7 250/23 260/17 262/15 267/5 267/21 270/12 271/9 272/2 309/17 310/11 explained [3] 53/3 246/23 259/6 explainer [1] 75/21 explaining [2] 64/1 88/9 explains [3] 258/21 262/13 270/8 explanation [8] 78/16 78/17 248/13 256/19 257/10 259/1 264/21 269/16 explanations [1] 78/25 explicit [1] 118/16 explicitly [2] 112/16 112/19 exposed [1] 127/25 exposure [1] 124/17 express [2] 114/12 213/5 expressed [5] 214/6 214/22 215/5 215/23 216/3 expresses [1] 212/12 expression [1] 185/6 expressly [1] 164/5 extends [1] 197/18 extensive [1] 80/9 extensively [1] 80/6 extent [48] 18/25 19/1 20/12 36/8 43/14 47/14 52/23 53/8 57/7 67/15 123/22 130/14 132/23 135/12 136/12 143/1 146/10 148/9 156/24 164/21 171/16 174/13 175/15 178/8 188/3 192/13 207/25 209/10 218/8 220/25 246/25 251/2 256/5 259/12 260/23 264/24 266/21 270/16 283/15 288/25 290/12 295/4 295/5 301/17 301/18 304/8 305/16 306/16 extra [3] 108/16 258/18 258/20 extrapolating [2] 255/3 256/25 eyeball [12] 120/11 120/13 120/18 120/20 121/4 121/6 121/7 121/18 121/21 122/11 122/20 314/10</p> <p>F</p> <p>F-O-L-T-Z [1] 4/24 facial [1] 185/6 facilitate [2] 67/12 67/17 facing [1] 308/6 fact [12] 77/8 77/23 121/1 165/11 183/25 193/13 251/12 252/1 252/10 252/12 257/17 258/15 factor [4] 109/11 134/4 204/7 314/4 factored [1] 117/19 factors [4] 101/10 124/15 151/3 253/5 facts [3] 100/21 141/2 141/10 fair [65] 12/6 12/9 21/17 30/3 35/16 35/17 37/1 42/9 47/11 54/23 72/3 72/4 83/14 84/1 84/2 84/5 92/18 97/16 109/10 112/25 122/17 135/22 138/4 139/9 143/10 150/3 156/19 157/2 157/7</p>
---	--	---

<p>F</p> <p>fair... [36] 157/13 157/21 160/11 161/4 163/25 167/8 167/15 168/7 172/25 173/9 177/24 191/4 193/1 203/11 211/2 216/15 216/20 217/1 217/4 217/8 217/10 219/16 220/21 226/17 228/20 239/19 239/25 247/13 252/13 268/3 299/8 304/19 304/22 305/4 305/11 305/14</p> <p>fairly [2] 12/18 229/12</p> <p>faith [1] 122/7</p> <p>fall [9] 94/9 94/10 94/15 115/14 149/4 232/4 262/2 265/5 305/7</p> <p>fallen [1] 176/21</p> <p>falling [2] 134/7 134/7</p> <p>falls [2] 165/10 277/15</p> <p>familiar [14] 33/9 44/4 45/2 73/21 76/17 93/8 120/11 167/13 197/5 207/15 299/14 299/25 305/21 313/7</p> <p>familiarity [1] 194/1</p> <p>familiarize [2] 301/14 305/13</p> <p>familiarizing [1] 301/22</p> <p>family [1] 42/8</p> <p>fancy [1] 120/10</p> <p>far [22] 21/3 42/24 86/2 115/13 120/20 130/25 139/22 144/2 147/8 149/5 159/1 168/10 182/16 186/5 213/11 214/16 217/23 220/7 229/6 235/10 279/1 303/19</p> <p>far-flung [1] 217/23</p> <p>farther [3] 48/8 145/12 149/20</p> <p>fast [3] 80/24 174/18 314/7</p> <p>Fast-forwarding [1] 80/24</p> <p>favorable [1] 231/19</p> <p>FDA [2] 159/18 217/10</p> <p>featured [1] 309/18</p> <p>February [6] 65/23 211/11 211/13 224/21 225/1 311/18</p> <p>February 14 [1] 224/21</p> <p>February 14th [1] 225/1</p> <p>February 18th [3] 211/11 211/13 311/18</p> <p>February 9 [1] 65/23</p> <p>fed [1] 47/3</p> <p>federal [14] 2/19 2/20 4/12 56/5 56/17 69/3 103/15 103/19 118/1 118/13 131/19 269/11 298/21 299/2</p> <p>feedback [70] 16/2 46/13 47/22 64/7 64/10 145/23 149/3 149/8 149/17 149/23 149/25 167/1 176/18 176/23 176/24 177/5 177/9 177/16 178/3 178/15 178/20 179/2 179/9 184/5 184/7 184/16 184/17 184/22 185/2 185/9 185/22 185/23 186/2 187/2 187/7 187/10 187/21 188/5 188/10 188/12 188/20 193/4 213/25 215/11 215/12 215/17 220/10 222/12 222/19 231/17 231/19 261/22 262/1 272/11 276/9 279/10 279/13 283/13 284/3 284/7 284/11 284/15 284/19 284/20 288/7 288/11 316/20 316/22 316/22 317/1</p> <p>feel [7] 19/2 19/3 20/20 32/10 152/9 176/3 275/6</p> <p>feeler [1] 93/4</p> <p>feelers [1] 92/24</p> <p>feels [1] 209/2</p> <p>felt [1] 32/6</p> <p>few [12] 7/16 30/13 33/3 105/15 176/20 204/1 211/25 218/15 219/10 227/8</p>	<p>263/19 315/11</p> <p>fewer [3] 222/17 249/6 269/13</p> <p>fidelity [3] 121/16 121/24 307/25</p> <p>fifth [2] 145/13 199/2</p> <p>fight [1] 313/14</p> <p>figure [6] 253/10 253/14 261/12 263/15 263/19 269/4</p> <p>Figure 3 [2] 261/12 263/15</p> <p>Figures [1] 261/13</p> <p>figuring [1] 301/24</p> <p>file [13] 70/16 105/10 133/10 196/10 196/17 205/14 228/11 232/3 242/3 245/17 283/19 283/21 292/2</p> <p>file-naming [1] 292/2</p> <p>files [7] 204/19 220/13 245/20 284/1 290/7 292/2 292/3</p> <p>filling [1] 28/19</p> <p>filings [1] 40/10</p> <p>fill [2] 21/18 310/17</p> <p>filling [1] 299/10</p> <p>final [2] 1/6 1/17</p> <p>find [2] 66/5 66/6</p> <p>finding [1] 241/13</p> <p>Findings [1] 241/12</p> <p>fine [2] 6/4 283/10</p> <p>finished [1] 297/21</p> <p>fire [1] 226/9</p> <p>firm [18] 37/23 41/18 42/14 43/10 43/21 53/5 53/16 66/1 67/3 67/6 67/9 67/16 67/23 68/13 69/12 69/25 70/3 194/2</p> <p>firms [2] 69/6 171/25</p> <p>first [65] 11/23 11/24 13/11 29/18 34/9 34/12 35/14 38/18 38/23 39/3 39/16 40/15 41/11 43/4 65/9 89/7 95/14 101/22 109/1 110/9 120/21 121/5 128/23 129/12 135/1 173/17 173/20 173/20 173/24 190/5 193/14 193/22 200/19 204/23 206/22 207/2 209/5 212/11 214/7 224/20 227/3 228/4 228/5 237/17 237/18 237/22 243/10 243/22 246/8 250/12 250/19 253/14 253/21 260/9 262/6 262/12 262/12 267/6 267/21 268/4 286/2 286/5 287/12 312/2 312/11</p> <p>fit [1] 154/10</p> <p>Fitz's [1] 11/16</p> <p>Fitzgerald [6] 9/6 9/8 9/18 9/21 10/16 10/23</p> <p>five [4] 177/23 177/25 260/9 297/13</p> <p>five-minute [1] 297/13</p> <p>fixture [2] 30/4 30/7</p> <p>floor [4] 20/19 129/9 144/4 146/1</p> <p>Florida [168] 2/13 2/14 4/20 6/20 33/4 33/6 33/10 33/15 37/3 37/8 37/19 38/8 38/8 39/18 39/23 40/19 40/23 43/9 44/6 44/9 45/3 45/21 45/25 46/23 50/17 52/5 52/13 52/21 54/8 54/10 70/21 81/6 81/9 81/16 81/23 83/2 85/13 91/19 96/8 97/20 98/5 98/6 98/11 98/16 98/18 99/18 99/20 99/21 113/18 127/24 127/25 128/2 128/10 128/14 128/24 129/17 129/22 130/5 131/5 131/8 132/8 133/23 134/20 134/24 135/9 136/22 137/4 137/4 137/5 137/7 137/9 137/20 138/25 140/21 141/15 141/23 142/11 142/15 142/21 143/11 143/20 145/25 150/5 150/13 151/6 151/9 153/8 155/15 155/20 156/16 156/20 158/5 158/19</p>	<p>160/24 161/5 167/13 168/1 168/4 168/6 168/16 170/23 171/4 171/7 175/4 179/16 181/5 204/14 206/1 206/20 207/21 208/18 208/20 209/6 209/23 212/14 216/10 216/14 216/19 217/9 218/3 228/20 234/6 234/17 235/6 236/4 238/4 240/4 243/16 248/25 253/23 264/3 266/14 266/14 268/19 269/6 269/22 275/23 286/6 289/7 292/13 292/18 292/22 293/1 293/23 294/6 294/17 294/21 295/1 296/15 298/25 299/15 300/6 300/11 302/11 302/15 302/22 309/7 309/13 310/22 310/23 312/7 312/25 313/2 313/4 313/9 313/15 315/24 316/8</p> <p>Florida's [20] 33/25 38/13 38/19 43/21 50/20 51/2 51/7 51/10 91/2 144/10 150/4 151/13 151/16 179/18 221/22 279/6 299/25 301/15 302/4 304/2</p> <p>Floridian's [1] 289/5</p> <p>flow [5] 134/5 144/23 220/19 283/18 290/24</p> <p>flung [1] 217/23</p> <p>fly [4] 136/18 138/17 301/25 306/9</p> <p>focus [3] 57/14 229/17 230/20</p> <p>focused [5] 68/22 69/1 90/12 300/19 301/7</p> <p>folded [1] 112/4</p> <p>folks [5] 74/11 84/11 190/23 191/7 191/12</p> <p>follow [4] 3/12 39/10 102/22 161/9</p> <p>follow-up [1] 3/12</p> <p>follow-ups [1] 39/10</p> <p>following [5] 11/10 20/4 59/17 133/10 249/7</p> <p>Foltz [123] 3/5 4/13 4/17 4/24 8/5 16/9 16/19 16/21 16/24 51/19 52/2 56/18 63/25 65/13 65/23 66/8 66/13 66/14 70/8 70/23 71/12 71/23 78/13 79/8 80/22 82/21 82/25 83/2 86/4 92/1 94/19 97/17 98/19 99/6 120/16 133/2 134/17 134/19 137/13 148/14 155/20 160/19 161/18 162/8 162/23 165/4 166/2 169/19 178/10 178/25 183/18 189/10 189/24 196/21 201/18 203/11 205/21 206/19 211/3 211/24 212/4 222/23 225/25 230/25 233/11 236/21 238/15 238/22 240/24 241/16 241/18 242/10 242/22 242/25 244/2 244/12 244/21 244/25 250/4 250/4 250/13 250/15 251/18 251/24 252/4 252/4 252/4 253/21 253/23 253/24 254/8 255/21 256/5 256/8 256/8 258/9 260/9 260/9 260/10 260/12 260/18 260/18 260/18 261/8 261/14 261/19 262/4 263/16 266/13 269/4 270/7 271/16 271/16 271/16 271/20 271/20 271/21 274/17 278/7 285/9 286/17 288/17 297/20 298/19</p> <p>Foltz's [3] 4/5 148/16 289/15</p> <p>Foltz-00 [1] 271/16</p> <p>Foltz-00-3 [1] 260/18</p> <p>Foltz-00/D [1] 256/8</p> <p>Foltz-0001-W [1] 253/23</p> <p>Foltz-001-W [8] 252/4 253/24 254/8 260/9 261/8 261/14 261/19 271/20</p> <p>Foltz-003-C [4] 250/4 252/4 256/8 260/10</p> <p>Foltz-003-D [6] 250/4 250/13 252/4</p>
---	--	--

F
Foltz-003-D... [3] 260/12 266/13 271/21
Foltz-014-A [3] 241/16 271/16 271/16
Foltz/003-D [1] 260/18
foot [1] 309/8
footnote [5] 240/18 248/6 248/7 248/21
249/15
footnote 2 [4] 248/6 248/7 248/21
249/15
forefront [2] 172/21 310/4
forgotten [1] 305/23
form [141] 15/9 18/2 18/24 20/1 30/6
31/19 35/19 36/11 39/6 40/21 43/11
44/14 46/1 46/24 48/14 50/21 52/22
53/6 58/3 59/2 59/3 62/18 65/6 70/5
74/1 74/9 76/11 77/11 77/25 81/10
81/20 82/8 84/9 91/3 93/21 95/3 95/20
96/14 97/24 98/9 101/23 104/18 109/4
109/17 112/15 115/20 118/15 121/11
122/23 123/19 126/5 129/23 130/11
131/10 133/16 140/13 140/22 142/24
149/16 149/17 150/20 152/7 152/20
153/20 154/23 155/12 157/25 160/17
161/17 162/7 164/18 168/9 168/25
169/17 169/24 170/16 171/23 174/12
175/10 178/6 181/25 182/7 183/10
184/10 185/12 186/20 193/16 194/10
200/6 202/4 203/23 208/21 214/8 218/7
220/24 231/12 232/21 233/14 233/21
234/7 234/20 235/17 236/11 240/7
243/8 246/24 247/17 249/16 251/1
254/12 255/14 257/19 259/10 260/21
263/4 264/24 265/21 266/20 274/2
274/13 276/18 277/6 280/21 281/7
281/24 283/14 289/8 290/10 290/20
291/21 295/3 297/8 299/17 303/16
304/6 305/1 306/14 312/17 313/24
315/2 316/15
formal [2] 12/17 14/18
formatting [1] 224/5
former [2] 10/24 10/25
forming [1] 227/25
Fort [1] 153/3
forth [10] 59/15 147/19 149/9 163/2
213/23 239/17 276/13 284/16 288/10
316/13
forward [15] 12/24 19/18 64/19 94/18
95/14 112/18 114/17 180/16 193/8
205/17 222/18 222/21 234/12 243/3
287/19
forwarded [5] 191/12 192/9 192/18
192/23 193/3
forwarding [1] 80/24
found [1] 80/18
four [4] 24/18 58/7 59/6 250/13
fourth [1] 199/1
fragments [2] 240/20 240/25
frame [2] 116/6 210/22
frames [1] 150/9
Franklin [1] 88/2
frankly [1] 36/19
free [13] 16/25 19/2 19/3 20/7 20/20
129/2 133/19 148/23 171/16 173/14
176/3 247/8 275/6
frequent [1] 187/17
front [17] 25/13 35/7 95/5 95/22 151/8
152/23 155/16 201/17 221/12 227/19
241/7 254/24 255/3 257/4 259/17 260/1

309/8
full [5] 4/22 165/7 253/21 260/9 286/2
fully [5] 4/3 45/17 49/19 60/22 75/22
fun [2] 30/20 30/25
function [1] 69/13
functional [18] 127/18 127/21 127/23
128/7 128/9 128/13 128/16 128/21
128/23 129/6 129/10 129/15 129/22
130/4 164/22 203/18 204/3 288/21
functions [2] 69/6 70/4
furnish [1] 1/7
further [5] 148/21 209/3 212/23 298/2
313/17
future [2] 61/10 61/15
G
gain [3] 250/11 261/9 267/12
gained [1] 269/22
gains [8] 244/20 244/25 251/19 266/11
266/16 271/20 271/22 271/25
gaming [2] 69/15 69/23
gap [13] 73/21 74/3 74/14 76/4 76/18
76/20 76/23 87/9 87/12 87/24 88/6
88/13 156/2
gaps [1] 76/14
gate [1] 135/6
gave [12] 87/3 148/17 148/22 154/18
156/1 176/24 184/7 187/10 206/6
215/22 245/23 289/25
general [54] 11/14 16/25 17/6 24/17
39/22 39/24 44/21 64/17 65/2 82/3
85/22 89/24 92/21 93/5 99/24 101/7
102/23 105/9 109/20 110/8 112/25
114/3 119/2 124/1 127/11 135/15
135/18 139/14 147/22 153/16 153/21
154/1 154/6 155/4 155/8 161/11 163/9
175/12 177/19 180/17 192/21 204/16
210/5 210/7 214/2 233/18 249/12
262/18 265/1 299/12 299/19 300/9
301/20 304/9
generality [9] 38/5 44/16 48/18 50/3
161/9 179/21 201/19 225/16 297/3
generally [90] 7/12 11/8 18/8 21/15
24/11 30/15 30/19 33/5 33/11 40/13
53/11 54/6 63/20 66/20 89/21 91/21
92/3 93/11 93/13 93/24 99/20 102/18
103/16 106/10 108/10 109/7 110/3
110/6 110/17 111/1 113/3 116/8 117/10
119/9 125/6 125/8 125/20 127/7 127/13
130/19 131/24 134/22 139/2 139/4
139/10 149/19 149/24 150/4 150/13
150/25 153/14 157/6 157/9 167/21
174/17 176/12 176/14 177/20 185/2
187/21 191/8 193/1 201/10 203/7
204/17 208/12 216/12 216/21 229/5
230/10 231/16 232/11 233/24 234/13
239/1 239/7 239/15 247/2 247/18 275/8
275/20 278/24 279/9 279/12 279/16
284/6 284/18 285/2 296/11 305/7
generate [5] 108/7 110/5 110/10 110/12
111/11
generated [1] 164/13
generating [1] 83/5
Geo [1] 170/10
geographic [7] 14/11 110/25 208/14
212/25 225/20 225/23 301/4
geographical [3] 110/16 150/6 150/16
geography [40] 72/12 72/18 72/20 73/2

73/5 74/21 74/25 75/5 75/11 75/17 76/9
77/9 77/17 77/24 78/10 78/15 78/23
87/15 87/22 89/8 89/11 89/13 89/15
121/4 151/12 151/13 151/17 151/21
153/9 155/24 156/6 234/12 246/23
299/15 299/21 299/22 301/10 308/16
308/17 314/20
gerrymander [3] 72/8 77/22 87/23
gerrymanders [1] 71/19
get [51] 2/2 7/16 14/4 17/10 19/22 21/4
21/8 21/24 22/4 24/14 25/10 35/8 35/22
64/19 65/12 65/15 71/3 82/15 86/9
107/3 108/1 108/14 110/18 110/19
110/21 134/21 140/4 143/23 149/20
149/25 152/9 153/12 165/7 166/12
175/13 179/5 192/16 201/6 214/6
215/12 215/16 222/12 223/20 226/14
230/1 235/12 244/16 252/5 252/22
312/8 317/5
gets [1] 219/7
getting [41] 11/12 14/14 24/24 39/21
39/25 42/5 43/15 53/11 53/18 53/23
62/21 64/18 114/24 126/6 126/19 135/2
149/6 161/1 163/5 164/21 169/7 171/19
177/1 180/15 182/17 184/2 189/4 193/6
214/17 215/10 219/4 222/19 230/17
244/11 262/17 277/25 279/2 279/16
301/23 316/5 316/10
GIS [9] 14/14 14/16 32/23 33/1 59/12
97/7 138/14 224/5 310/3
gist [1] 212/9
give [40] 6/25 30/21 32/11 35/10 36/9
36/12 36/24 39/25 44/19 56/18 63/22
64/9 70/9 70/25 79/2 85/12 89/2 92/2
99/12 102/12 165/17 166/9 178/18
184/5 184/17 205/22 210/12 210/13
231/15 233/11 274/16 279/5 284/16
285/23 288/7 288/17 301/2 311/25
315/11 317/15
given [28] 2/4 54/20 59/6 102/25
103/25 114/6 118/19 132/5 144/18
155/23 156/10 174/16 208/12 208/25
208/25 209/6 213/22 223/19 229/12
255/4 257/14 259/17 294/12 302/21
308/6 308/7 308/14 310/19
gives [1] 30/7
giving [3] 86/19 144/6 171/1
global [1] 281/15
globally [2] 101/8 117/17
go [57] 7/4 30/21 32/11 32/25 41/5
42/23 48/7 52/25 62/10 64/5 80/5 82/20
83/1 83/3 83/8 83/13 83/16 98/21 100/1
120/13 126/25 128/15 133/21 134/12
145/12 149/5 161/7 162/8 162/24
168/10 174/11 175/17 178/25 181/12
181/13 192/13 197/1 197/7 197/18
199/14 199/18 214/17 219/21 220/14
225/5 234/12 254/15 259/12 267/11
276/12 286/1 288/4 288/15 290/12
294/2 298/14 316/13
go-to [4] 83/3 83/8 83/13 83/16
goal [8] 93/19 115/9 116/3 209/15
221/23 261/14 261/18 281/15
goals [5] 24/6 210/10 210/13 210/22
221/23
goes [11] 30/17 38/6 87/13 107/15
124/13 136/14 146/10 227/18 228/8
301/7 314/15

G
going [209] 7/10 8/22 11/5 11/20 11/23 19/17 21/2 22/11 24/3 24/4 24/7 24/11 26/17 30/22 35/20 35/23 45/8 46/10 46/25 48/7 51/19 52/4 52/7 54/5 55/25 57/10 59/3 59/15 60/16 60/23 61/17 61/21 62/10 62/19 64/18 65/10 68/10 69/7 69/7 70/8 71/5 72/13 73/3 75/2 75/16 78/19 78/21 79/2 82/17 85/1 86/2 86/9 90/6 90/25 91/23 92/2 92/20 98/10 100/16 100/17 100/18 102/4 103/5 103/20 104/21 108/5 109/5 109/8 110/18 110/19 111/1 111/2 111/3 112/1 113/5 113/5 113/6 113/8 114/12 117/3 117/6 123/1 127/2 133/21 138/13 138/17 138/21 139/23 143/3 143/25 145/21 147/18 148/11 151/2 151/3 152/21 152/21 152/22 155/19 166/9 170/1 176/8 178/16 183/16 185/19 187/22 189/13 190/24 195/16 195/17 195/21 196/12 201/6 201/23 203/5 205/12 206/4 206/8 208/24 212/6 213/12 213/13 213/25 215/12 218/1 219/2 221/6 222/12 222/13 222/14 222/23 224/3 224/14 226/13 233/3 234/2 235/8 235/11 237/4 239/17 239/24 239/25 242/5 245/13 245/15 249/3 249/4 249/8 249/19 251/3 251/6 252/17 254/15 257/20 257/25 258/24 261/21 262/2 262/17 263/10 265/3 267/18 268/12 268/14 268/21 270/19 272/12 274/3 280/10 280/10 280/23 283/3 288/4 288/10 292/10 292/12 292/14 292/19 293/21 294/3 295/21 296/11 297/25 299/9 300/17 301/2 302/6 303/12 303/17 304/17 307/19 308/5 308/13 308/13 308/15 309/5 309/22 310/10 310/12 310/14 310/15 311/13 313/17 313/25 314/4 314/17 314/20 316/17 316/18
gone [8] 21/3 34/10 66/23 113/21 113/24 140/2 151/18 183/4
good [15] 19/10 26/4 42/6 72/1 88/14 89/15 92/6 92/22 98/21 107/24 122/7 193/2 195/18 223/1 236/20
Google [1] 144/17
GOP [4] 71/13 83/3 83/9 83/16
got [34] 14/19 25/12 25/13 30/14 30/15 33/2 50/14 51/23 56/11 62/6 63/25 65/17 70/13 80/13 80/19 135/25 139/16 142/4 143/5 170/12 183/15 183/15 190/1 206/11 209/12 212/9 226/10 227/20 227/24 252/12 258/11 258/12 292/21 312/13
gotten [1] 179/8
govern [3] 100/18 101/4 110/23
government [13] 10/3 22/18 31/6 31/8 53/5 62/23 70/2 82/12 83/24 84/7 136/4 154/13 154/15
governments [2] 69/4 69/5
Governor [30] 3/15 3/20 4/3 4/10 33/20 33/21 33/22 52/11 144/9 146/16 146/24 186/10 192/10 192/24 194/9 201/3 211/9 213/4 214/21 215/3 228/25 229/18 238/16 245/21 249/2 266/4 287/13 288/21 291/18 311/17
Governor's [52] 33/23 34/19 46/4 52/24 113/17 113/18 130/16 135/14 145/1

145/17 146/11 147/14 148/7 148/10 148/18 148/23 150/24 169/3 171/15 174/15 175/14 177/2 177/4 180/12 183/12 183/22 188/4 189/1 193/19 201/4 208/1 211/15 212/13 213/17 230/23 232/12 236/7 236/9 243/4 254/14 259/14 260/23 276/20 277/9 278/22 284/25 286/6 288/1 290/22 291/24 302/15 302/18
governors [1] 84/5
governs [1] 19/8
granular [4] 103/11 125/9 133/8 160/23
granularity [1] 178/24
graph [11] 245/5 245/9 246/15 248/15 249/24 264/19 273/8 273/8 273/14 274/6 274/8
graphic [1] 260/16
graphics [1] 256/18
grapple [4] 269/6 269/9 269/19 269/21
great [7] 5/23 7/7 22/13 26/19 131/7 250/3 311/25
gripe [1] 254/16
ground [13] 6/13 35/11 55/3 56/1 56/20 99/11 100/22 124/15 141/3 141/10 151/4 154/5 168/5
grounds [5] 20/3 56/6 56/22 164/20 164/23
growth [1] 258/6
Gudex [1] 28/23
Gudex's [1] 28/24
guess [11] 15/23 26/4 31/4 42/6 122/10 153/13 200/18 203/12 203/20 234/14 245/14
guidance [3] 112/12 279/5 280/19
guide [1] 94/17
guys [2] 98/25 214/25

H
had [106] 3/25 9/14 10/2 10/7 14/7 16/5 21/16 21/17 21/21 21/24 22/22 24/23 26/14 27/3 41/17 44/2 49/20 61/3 68/3 69/21 76/2 76/5 77/8 79/7 82/13 85/16 87/19 87/20 87/23 89/19 91/8 92/4 92/24 93/10 95/13 99/16 112/11 120/23 126/23 128/20 139/17 145/5 153/22 155/15 163/7 166/4 166/6 173/6 173/6 175/20 175/21 175/23 176/10 179/9 186/4 187/16 187/25 188/9 190/17 190/21 191/6 191/9 191/25 193/2 194/25 198/17 202/15 203/13 206/3 206/23 215/2 216/16 227/19 230/21 240/11 241/1 241/7 245/17 263/1 263/20 263/24 264/2 264/3 267/2 267/25 268/5 269/5 269/9 269/19 272/16 272/17 272/20 276/22 278/16 278/18 278/25 280/25 282/14 289/14 290/18 292/11 304/22 305/23 307/21 309/9 310/5
Halpern [1] 298/20
hand [6] 13/25 36/5 102/6 151/7 199/18 202/16
handled [3] 158/24 161/12 306/18
hands [1] 103/7
handshake [1] 303/20
Hang [2] 259/9 259/9
happen [2] 86/21 96/21
happened [17] 54/20 114/19 148/2 174/6 175/6 184/9 192/1 222/15 229/6

253/3 270/25 272/13 276/25 276/25 287/7 291/2 311/10
happening [5] 136/18 149/8 180/18 192/22 231/22
happens [4] 101/19 234/9 234/13 263/7
happy [3] 7/13 81/18 162/25
hard [13] 1/8 13/9 36/7 57/8 64/8 69/8 100/22 124/18 150/7 174/18 177/20 301/9 314/7
Harris [1] 153/1
has [31] 16/21 28/17 30/25 60/12 71/12 72/11 75/20 82/10 84/24 92/12 97/10 98/6 102/20 116/21 121/20 125/1 126/15 127/5 137/6 155/5 155/23 156/3 165/4 244/4 244/14 249/6 258/1 267/21 269/13 282/10 310/9
hasn't [1] 226/8
hat [1] 28/3
hate [1] 102/12
have [335]
haven't [3] 77/6 211/24 249/20
having [13] 3/7 30/24 86/10 140/2 151/17 165/16 203/12 214/24 254/21 264/12 301/11 305/5 307/7
HCVAP [2] 107/10 108/24
he [86] 9/9 19/25 20/12 20/13 20/19 21/12 21/18 21/20 22/1 39/4 40/3 40/9 40/13 45/6 71/16 71/17 71/19 79/8 92/21 92/24 93/4 97/9 130/1 130/7 148/16 162/10 163/16 164/24 165/8 165/11 165/16 170/22 179/9 187/2 187/9 187/13 187/13 187/16 188/12 188/15 193/5 193/6 212/23 220/3 220/3 230/25 233/2 233/8 241/7 247/4 247/6 247/7 247/20 247/21 248/13 248/14 249/15 249/18 252/21 255/16 255/16 255/18 258/14 262/16 270/3 272/12 272/17 272/19 275/15 276/11 277/13 277/18 278/9 278/25 280/17 280/25 281/1 281/2 285/22 286/13 290/9 310/24 316/12 316/21 316/24 317/6
he's [11] 29/1 165/5 165/12 170/12 189/12 189/12 237/20 244/11 255/15 258/10 272/9
head [2] 32/4 158/15
heading [3] 241/12 244/20 251/18
heap [1] 229/9
hear [1] 167/4
heard [13] 6/22 28/8 112/2 119/14 120/8 127/18 127/23 129/5 129/12 146/5 146/6 146/15 147/3
hearing [4] 129/6 129/9 129/13 146/2
hearings [1] 144/3
hedge [2] 205/12 242/4
held [7] 10/2 26/14 70/20 142/2 168/1 227/21 229/13
help [24] 7/20 14/20 14/23 15/1 15/3 15/7 15/20 18/9 38/11 43/8 44/1 53/21 53/25 68/12 81/18 84/8 92/2 104/22 153/8 163/17 203/7 203/8 306/22 312/8
helped [2] 17/17 288/1
helpful [8] 7/18 14/13 15/2 66/11 103/13 105/3 290/6 294/2
helping [3] 71/17 201/22 277/18
helps [3] 75/22 242/3 242/6
her [1] 86/13
here [44] 3/4 4/13 4/18 12/3 20/21 30/23 33/4 81/12 81/14 90/12 116/19

H
here... [33] 118/18 149/1 151/17 164/4
167/16 197/19 202/10 217/4 225/5
227/3 227/25 241/2 244/11 246/2 247/5
254/9 254/11 256/14 257/12 260/6
261/18 267/1 267/20 270/3 272/23
273/2 273/7 273/14 274/12 305/19
306/9 312/1 312/16
here's [5] 61/2 61/2 61/3 61/4 224/2
Hey [2] 61/1 247/4
hiccup [1] 216/16
hierarchy [2] 101/6 117/7
high [25] 38/4 39/9 44/15 48/17 48/20
50/2 100/4 100/12 140/18 161/9 161/18
162/25 179/21 182/9 182/13 188/18
188/19 190/18 190/19 201/19 218/16
225/15 274/25 297/2 297/4
high-level [1] 161/9
higher [1] 45/10
highlighted [2] 96/4 154/7
him [39] 11/18 22/2 25/8 40/6 40/7 40/8
40/12 42/8 44/9 86/11 90/17 90/22
90/23 91/1 91/14 91/18 92/5 92/25 93/1
96/6 160/21 165/16 170/11 172/4
174/25 175/3 175/23 176/2 177/10
184/7 186/18 241/5 241/7 249/19 276/8
282/10 282/24 283/2 283/3
himself [3] 33/22 280/8 316/24
hire [4] 69/5 69/12 96/13 161/14
hired [29] 8/11 8/12 8/22 9/3 10/10
10/11 20/18 20/24 21/20 31/5 31/6
37/15 38/12 38/12 43/9 43/20 45/6
52/10 52/13 52/16 52/20 53/4 53/16
66/21 84/6 84/21 112/13 168/4 238/15
hiring [2] 20/23 84/11
his [56] 9/22 21/14 21/19 29/18 42/5
42/7 42/8 44/11 71/12 71/21 86/12
86/14 89/23 89/25 97/7 97/15 148/16
148/18 162/21 162/21 163/7 165/3
169/22 170/2 170/2 180/7 181/5 187/14
205/15 231/1 233/4 233/9 247/3 247/23
247/24 249/17 249/17 253/3 255/21
258/10 272/18 272/18 280/12 280/14
280/16 280/17 280/24 281/3 281/6
282/21 282/22 282/23 283/12 285/24
290/18 317/9
Hispanic [6] 107/5 107/6 199/22 199/23
200/2 200/6
historical [1] 300/15
history [1] 21/3
hit [3] 63/7 181/15 201/12
hoc [5] 120/23 121/2 131/1 247/9 307/9
hold [9] 8/23 155/3 254/23 254/25
255/10 257/2 257/8 259/18 298/1
holding [2] 123/2 298/9
holds [2] 176/7 180/14
holistic [3] 122/19 122/25 215/19
Holtzman [53] 38/16 38/17 38/18 38/21
39/16 40/20 40/24 41/9 41/11 41/13
41/15 41/18 42/14 43/10 43/21 44/1
45/21 45/23 49/24 50/16 50/20 51/1
51/10 53/3 53/4 53/16 81/25 168/7
168/18 171/3 171/7 172/8 172/12
172/15 172/23 173/6 174/11 180/22
180/25 181/8 181/10 181/20 182/20
184/4 184/4 185/3 185/10 190/23 191/7
193/7 193/14 193/22 265/20
homeownership [1] 106/4

honest [1] 25/13
honestly [3] 56/11 56/15 133/6
hood [2] 63/17 108/17
hope [2] 12/3 298/7
horizontal [1] 227/22
horse [1] 62/11
host [1] 76/1
hour [2] 51/16 51/20
hours [3] 34/9 34/10 81/19
house [44] 10/6 10/7 10/8 10/10 10/12
10/17 11/25 13/5 13/6 13/8 13/9 14/8
14/9 16/6 16/20 19/8 21/4 21/17 21/24
22/7 23/4 23/11 23/18 23/25 26/24
44/21 44/25 45/19 73/17 82/4 101/12
198/13 198/14 205/10 212/14 213/6
228/16 228/18 229/1 262/20 268/23
270/5 285/22 311/20
Houston [1] 153/1
how [143] 3/19 6/9 14/4 14/5 14/18
14/22 19/22 21/3 21/8 21/23 21/24 22/3
23/16 25/10 25/12 25/13 30/13 30/14
30/18 31/24 34/6 34/8 34/21 35/2 36/9
36/19 37/18 40/7 40/11 44/8 45/2 45/15
45/15 45/16 46/11 47/9 51/15 57/17
57/25 58/10 60/23 61/9 62/7 69/4 69/11
70/20 73/18 74/21 80/9 81/3 86/2 88/1
88/2 88/4 88/9 88/15 89/9 90/10 90/13
97/5 99/12 100/1 100/8 100/12 101/2
101/4 101/5 101/21 114/7 114/13
116/22 118/24 125/20 126/18 126/24
134/6 134/7 136/21 137/22 138/2
138/19 140/18 140/20 141/14 142/21
142/21 147/8 147/23 158/17 160/12
160/15 163/4 164/24 167/9 174/9
177/16 178/19 178/20 181/4 187/15
190/18 190/19 195/23 209/7 214/21
215/4 218/19 221/2 221/3 221/4 221/7
221/10 224/2 224/8 224/8 226/8 230/3
247/6 247/20 247/21 248/13 250/23
256/6 258/3 258/25 262/15 264/14
267/5 270/2 270/2 276/3 276/7 276/11
276/16 276/16 287/18 288/14 292/4
292/5 299/25 312/3 316/19 317/4
however [1] 254/1
huh [7] 198/7 245/2 269/8 304/13 310/8
312/14 313/3
Hull [8] 119/16 119/19 121/10 124/9
199/2 308/24 309/7 310/5
hundred [5] 198/13 209/14 223/22
290/16 315/19
hundreds [1] 309/22
Hunter [12] 8/24 9/1 9/2 17/17 18/9
18/17 18/18 19/24 20/18 20/22 20/25
84/2
HVAP [2] 107/9 108/24
hypothetical [1] 96/19
hypothetically [2] 61/23 75/24

I
I'd [22] 2/18 2/21 2/25 13/3 16/9 21/20
35/16 40/13 54/21 70/6 71/24 85/24
99/24 112/8 118/22 174/20 178/9
236/18 237/2 271/2 300/3 301/20
I'll [18] 7/5 12/3 12/5 16/17 16/24 20/2
20/23 30/21 89/1 94/5 103/8 103/11
137/15 181/18 245/24 277/21 281/9
312/4
I'm [159] 3/22 4/18 5/20 6/4 6/10 7/13

8/8 15/24 18/19 19/2 22/15 24/16 28/3
29/16 31/8 31/12 32/22 35/11 35/20
42/24 45/8 46/10 46/25 47/12 48/6 49/3
52/7 52/22 56/10 56/19 59/3 61/17 62/9
62/13 62/19 65/10 66/19 70/8 75/2
75/15 75/19 75/20 77/2 78/1 78/8 78/19
80/23 81/18 82/17 85/1 85/11 86/5
97/17 98/12 98/16 98/19 99/25 100/3
103/5 103/10 108/4 109/5 112/6 119/12
120/14 127/2 128/15 128/16 131/14
131/15 132/14 143/3 144/19 144/24
153/12 155/19 155/20 155/21 156/4
160/12 163/4 163/8 169/19 170/1
178/14 182/23 182/24 188/6 189/9
193/13 195/16 195/17 195/22 198/5
198/13 198/23 200/11 201/23 202/14
203/12 203/16 203/20 205/12 205/12
206/14 207/1 208/24 210/12 216/21
219/2 219/2 221/3 222/23 223/1 223/21
224/25 226/1 237/3 237/24 238/9
244/22 245/13 249/4 249/19 251/13
254/15 255/3 255/8 256/13 256/16
256/25 257/20 258/24 259/4 267/8
268/3 270/1 271/16 272/23 280/9
284/10 285/15 289/13 292/10 292/14
297/12 298/20 301/7 301/8 302/6
303/17 306/8 310/10 310/24 311/13
312/8 312/13 312/18 317/6
I've [32] 30/8 30/9 30/13 32/9 33/12
58/22 84/11 85/10 90/13 90/23 92/23
93/1 94/1 107/20 112/1 112/7 113/20
113/24 115/8 120/14 124/17 125/1
126/15 137/3 156/10 211/22 212/9
243/22 252/15 262/22 272/15 303/18
i.e [1] 252/3
idea [10] 67/22 67/25 76/13 137/2
137/16 152/3 247/6 267/25 268/15
306/20
identical [3] 241/16 241/19 271/15
identification [13] 3/3 65/21 70/10 196/1
196/4 206/16 211/5 223/6 224/16 226/7
237/6 245/10 285/11
identified [1] 238/25
identify [3] 111/17 158/12 192/2
identifying [2] 202/14 202/17
if [212] 6/22 7/6 7/11 7/12 7/12 7/17
11/13 13/10 14/25 20/17 22/11 32/5
32/21 33/6 33/13 33/20 33/25 35/6
36/15 37/20 41/4 46/6 47/19 48/7 65/12
66/5 66/7 66/15 69/16 69/17 70/25 71/9
72/25 76/15 82/20 83/21 86/8 87/2 87/7
89/4 89/4 89/8 90/19 90/24 90/24 92/24
93/4 93/9 98/25 99/11 99/16 100/11
102/8 112/8 116/11 117/25 122/5 122/6
123/6 128/16 128/18 128/19 129/9
129/11 129/21 134/25 142/19 144/4
145/5 146/12 148/22 160/13 160/21
160/21 161/3 161/3 161/19 161/19
161/19 163/10 164/5 164/7 164/12
165/9 165/20 166/12 168/10 169/1
169/2 171/2 171/3 171/14 171/21
174/19 175/7 178/17 179/2 179/3 179/3
180/20 184/1 184/22 184/23 185/15
187/13 188/11 190/4 190/6 191/10
194/23 195/7 197/7 197/17 199/8
199/14 200/5 201/2 202/9 202/9 202/13
203/16 203/16 204/22 205/5 206/4
206/14 206/22 210/16 211/17 211/24

<p>I</p> <p>if... [82] 212/10 213/10 214/11 215/8 217/3 217/19 219/20 219/21 219/25 220/14 220/14 222/5 222/17 223/10 225/17 226/18 226/21 227/3 229/4 229/13 229/21 230/9 232/10 233/1 233/2 233/4 233/16 234/23 236/14 236/23 237/17 241/4 241/9 241/11 241/12 242/1 243/24 245/8 246/6 248/5 248/22 249/18 249/21 252/7 253/12 254/6 256/12 260/18 261/17 263/8 263/18 265/24 267/4 267/11 267/12 268/8 269/4 273/14 273/20 274/11 277/7 277/7 277/7 278/3 281/5 288/20 289/13 290/6 292/16 293/19 298/4 301/14 304/20 305/6 307/23 309/21 309/22 310/7 311/4 315/3 316/6 317/11</p> <p>illustration [1] 88/14</p> <p>imagine [1] 29/23</p> <p>immediate [2] 162/2 246/9</p> <p>immediately [1] 121/21</p> <p>impact [2] 75/11 103/21</p> <p>impacts [1] 118/17</p> <p>implicates [1] 218/8</p> <p>implications [2] 159/11 268/1</p> <p>importance [1] 309/14</p> <p>important [8] 7/3 15/1 109/2 109/6 109/11 121/13 122/3 124/16</p> <p>Importantly [1] 271/22</p> <p>impressed [1] 22/15</p> <p>impression [9] 21/15 45/9 45/13 53/23 194/5 214/2 214/6 223/23 223/23</p> <p>impressions [4] 176/19 180/9 180/15 278/25</p> <p>impressive [1] 142/10</p> <p>improve [8] 93/19 214/15 244/6 262/8 264/6 271/24 271/24 272/1</p> <p>improvements [3] 244/2 244/12 251/25</p> <p>in [879]</p> <p>in-general [1] 139/14</p> <p>in-house [2] 14/8 14/9</p> <p>inactive [1] 31/13</p> <p>inartful [2] 176/5 194/25</p> <p>inaudible [1] 30/9</p> <p>include [4] 33/17 157/22 167/10 217/11</p> <p>included [4] 163/8 166/24 167/10 241/2</p> <p>includes [1] 264/2</p> <p>including [4] 7/25 179/21 191/12 264/5</p> <p>inclusive [1] 48/22</p> <p>income [3] 97/23 98/7 106/3</p> <p>incorporate [5] 146/4 146/15 147/2 233/9 309/15</p> <p>incorporated [7] 2/9 15/11 15/16 204/18 246/17 276/7 309/10</p> <p>incorporation [1] 231/18</p> <p>increase [17] 244/7 246/9 250/23 252/2 252/9 254/1 255/12 256/9 256/19 257/17 258/21 259/1 261/10 265/18 267/5 267/22 272/3</p> <p>increased [8] 242/23 243/14 244/4 244/14 258/13 262/13 262/14 264/12</p> <p>increases [7] 251/23 252/10 254/1 254/5 255/8 260/13 260/15</p> <p>increasing [4] 256/11 257/21 261/15 261/19</p> <p>incredibly [1] 14/13</p> <p>incrementally [1] 161/20</p> <p>incumbent [1] 60/12</p>	<p>independent [1] 77/6</p> <p>indicates [1] 261/13</p> <p>indirectly [6] 143/20 145/19 145/23 145/24 243/21 280/20</p> <p>individual [20] 26/3 26/21 26/23 27/2 27/3 28/9 28/15 28/17 28/19 28/21 29/8 32/25 41/22 57/9 58/7 67/24 192/2 206/9 206/9 296/9</p> <p>individually [1] 253/3</p> <p>individuals [11] 10/21 29/4 41/17 41/21 42/11 62/16 86/8 96/23 192/3 225/21 235/11</p> <p>influenced [1] 76/9</p> <p>inform [2] 152/9 153/8</p> <p>information [49] 19/1 68/5 123/25 126/8 143/19 144/2 144/5 147/7 150/23 153/7 161/22 161/23 167/20 169/2 169/4 169/14 171/14 174/14 177/2 178/11 180/11 182/11 185/17 188/3 188/25 189/2 189/3 193/18 205/17 208/1 218/10 219/22 225/18 225/23 243/21 250/22 255/2 256/1 257/4 259/13 259/17 289/1 290/21 291/23 291/25 292/6 296/24 302/7 305/2</p> <p>informed [10] 47/3 50/8 75/22 151/20 155/14 163/9 206/8 272/17 273/5 280/25</p> <p>informs [2] 112/19 241/25</p> <p>infrequent [2] 90/9 187/14</p> <p>infrequently [2] 90/14 92/10</p> <p>inherently [1] 314/8</p> <p>initial [1] 209/13</p> <p>initially [1] 271/23</p> <p>inner [4] 46/3 52/24 88/12 146/11</p> <p>input [2] 261/22 282/22</p> <p>inputs [1] 64/18</p> <p>inputted [2] 58/24 59/24</p> <p>ins [1] 92/21</p> <p>inside [2] 15/25 69/25</p> <p>insight [1] 15/20</p> <p>insights [1] 14/25</p> <p>inasmuch [5] 37/23 60/17 76/15 144/6 301/3</p> <p>instance [8] 69/15 92/9 113/20 113/24 115/8 178/18 302/24 308/1</p> <p>instances [4] 35/25 36/3 256/10 316/22</p> <p>Instant [1] 6/5</p> <p>instead [5] 53/5 66/1 167/9 230/20 312/11</p> <p>Institute [1] 2/9</p> <p>instruct [7] 16/24 20/2 148/11 164/19 178/10 185/18 235/5</p> <p>instructed [1] 116/2</p> <p>instructing [2] 195/10 201/21</p> <p>instruction [11] 20/4 115/10 195/14 209/19 210/21 210/23 245/2 262/6 262/19 265/19 266/2</p> <p>instructions [5] 114/7 115/3 115/5 209/7 235/11</p> <p>instructive [1] 157/18</p> <p>instrument [2] 3/14 3/17</p> <p>intent [1] 83/19</p> <p>intentionally [1] 234/5</p> <p>interact [3] 172/14 174/8 174/9</p> <p>interacted [4] 172/11 173/8 173/20 191/22</p> <p>interacting [1] 173/10</p> <p>interaction [2] 142/13 143/12</p>	<p>interactions [1] 315/25</p> <p>interest [5] 94/23 117/17 252/24 252/25 316/5</p> <p>interested [2] 109/9 261/23</p> <p>interject [1] 3/7</p> <p>internal [44] 17/2 19/1 113/16 129/3 130/16 135/13 148/10 148/22 150/24 169/3 171/15 174/14 175/14 177/2 177/4 180/11 183/11 183/21 187/15 188/3 189/1 193/19 201/3 205/14 208/1 214/12 228/10 229/23 230/22 232/3 232/12 234/24 254/14 259/13 260/23 276/19 277/8 278/21 284/1 284/25 290/22 291/23 292/2 292/2</p> <p>internally [3] 233/4 289/24 292/5</p> <p>internet [3] 6/6 214/24 216/16</p> <p>interplay [1] 16/6</p> <p>interpretation [2] 216/23 218/4</p> <p>interpreting [2] 167/15 217/10</p> <p>interrupt [2] 7/5 7/6</p> <p>intersection [2] 87/8 87/11</p> <p>intersects [1] 292/4</p> <p>interviewed [1] 22/9</p> <p>into [78] 28/6 32/25 33/4 35/8 39/21 39/25 43/15 48/7 53/11 53/18 53/23 58/18 58/24 58/25 60/18 63/3 71/5 85/24 88/12 88/21 92/15 114/24 115/14 126/19 127/12 128/15 128/21 134/21 138/17 138/21 139/24 142/17 147/3 149/6 161/1 163/5 164/21 169/7 171/19 175/13 176/21 182/17 184/2 189/5 193/24 195/1 201/6 204/18 209/3 212/1 214/17 215/10 215/16 230/1 230/17 232/2 232/4 233/9 235/12 236/16 239/10 242/2 244/16 246/17 246/18 253/16 261/5 265/5 273/21 277/25 279/2 279/17 283/20 284/1 294/15 309/11 313/21 314/4</p> <p>intraocular [3] 120/10 120/13 217/21</p> <p>introduced [7] 19/17 71/16 272/20 276/23 277/11 277/13 278/3</p> <p>introduction [3] 174/5 291/1 294/13</p> <p>introductory [1] 2/3</p> <p>invites [1] 296/4</p> <p>involved [27] 12/10 15/5 17/22 24/21 40/9 40/14 44/10 45/4 47/23 48/21 83/5 84/24 85/6 85/8 93/24 118/3 162/1 166/11 172/1 172/20 276/11 277/3 277/4 278/10 280/19 304/14 310/25</p> <p>involvement [3] 44/11 85/2 85/4</p> <p>is [641]</p> <p>isn't [6] 7/2 20/14 48/21 162/20 163/12 182/25</p> <p>isolates [1] 19/14</p> <p>isolation [1] 315/3</p> <p>issuance [1] 147/17</p> <p>issue [34] 35/20 61/17 69/8 69/8 72/21 75/2 79/20 103/5 109/5 127/3 151/7 160/5 166/22 166/24 170/1 171/24 190/24 245/13 248/19 248/22 249/5 249/9 250/21 257/20 263/10 268/12 268/21 269/17 269/24 274/3 303/17 310/10 315/1 316/19</p> <p>issued [2] 145/11 147/11</p> <p>issues [13] 11/8 11/10 16/21 17/15 18/12 35/9 68/23 68/25 127/12 161/12 182/17 214/24 306/18</p> <p>it [565]</p>
---	---	---

I
it's [203] 2/12 4/11 7/3 13/3 13/5 13/9
14/7 15/1 15/2 15/17 17/8 19/1 20/17
22/12 22/13 22/13 24/3 24/7 24/9 29/20
31/12 32/12 32/14 33/11 36/4 36/4
36/21 37/24 43/14 47/13 53/20 57/8
60/12 60/12 60/14 60/16 63/16 64/8
64/9 64/15 66/6 66/8 66/11 68/3 69/7
69/7 69/8 70/6 71/10 72/19 74/2 75/3
75/4 75/6 75/17 86/8 88/7 89/10 90/14
92/20 93/16 100/14 100/22 101/8 102/9
103/20 109/6 109/10 109/11 110/11
112/22 114/15 116/22 117/3 117/24
118/3 120/10 120/14 121/4 122/8
122/24 127/7 130/15 130/20 131/17
132/13 132/23 136/12 137/12 139/7
139/19 139/21 140/8 147/11 149/1
151/3 151/6 151/24 152/4 152/17
152/22 154/12 154/20 156/24 162/21
164/23 165/18 169/1 169/2 171/16
172/7 173/15 174/5 175/15 176/1
177/20 179/7 193/1 195/12 196/25
196/25 197/10 199/1 199/15 199/15
199/15 201/21 201/22 203/5 203/6
203/7 204/8 207/17 207/25 208/5
209/10 214/13 216/5 217/14 217/20
218/12 219/20 220/7 220/8 220/9
220/17 222/13 222/14 225/17 229/4
231/17 234/10 239/14 244/24 245/19
246/7 248/22 248/23 249/18 250/22
252/17 252/24 254/25 255/21 255/24
256/1 256/12 256/12 260/23 261/25
263/15 267/13 267/16 267/19 268/8
268/17 268/17 270/20 270/25 275/6
276/10 278/15 280/23 281/19 283/5
283/7 283/10 284/18 285/2 288/25
290/6 291/15 292/12 294/3 295/24
304/24 308/13 308/13 308/14 309/4
309/5 311/16 315/5
items [1] 7/16
iteration [6] 220/15 220/17 239/18
260/11 261/21 288/15
iterations [14] 114/16 149/25 221/12
221/17 221/19 221/21 221/22 222/21
230/16 233/9 252/19 253/6 262/3
272/20
iterative [23] 64/9 147/12 147/18 149/2
213/23 214/2 214/5 220/8 220/8 220/18
231/15 232/25 242/17 265/2 272/25
273/4 276/12 280/10 280/15 284/13
284/14 288/5 316/11
its [10] 58/2 75/16 151/2 151/3 170/15
216/20 218/4 270/25 281/10 310/17
itself [4] 47/21 121/25 206/10 230/12

J
Jacksonville [1] 137/24
jagged [7] 119/4 121/15 121/20 121/22
122/6 122/6 217/25
jaggedness [2] 260/2 310/14
January [10] 40/17 173/24 174/6 179/16
206/23 207/3 207/7 223/25 224/25
238/21
January 14th [1] 223/25
January 18 [3] 206/23 207/3 207/7
January 2022 [1] 173/24
January 27 [1] 238/21
Jason [15] 39/2 40/5 41/15 42/17 43/2

172/11 172/22 190/8 192/8 192/16
207/11 209/13 224/22 225/1 225/11
Jazil [12] 42/16 42/17 43/2 172/11
172/22 190/8 191/11 192/8 223/13
225/8 225/12 227/5
job [23] 8/7 8/16 9/4 11/7 16/12 19/22
21/4 21/8 22/4 23/3 25/10 26/14 27/15
35/14 65/3 89/10 94/24 95/2 95/9 95/19
158/23 282/24 295/19
jobs [4] 10/6 21/23 21/24 30/14
Joe [3] 181/15 195/18 226/8
John [1] 59/16
joined [3] 9/14 9/22 30/11
joint [1] 11/11
Joseph [1] 4/17
Joshua [2] 191/13 191/17
Journal [2] 65/16 65/24
judge [5] 2/17 4/11 71/21 79/10 79/18
Judicial [1] 2/11
jump [5] 33/4 121/21 122/10 239/11
268/6
jumped [2] 10/8 151/5
jumping [3] 135/1 239/17 301/22
jumps [2] 141/22 250/5
jurisdiction [9] 105/13 107/14 107/17
110/22 126/11 133/22 134/5 134/9
134/10
jurisdictions [1] 111/5
just [343]

K
Karl [3] 10/20 10/25 11/24
keep [17] 3/8 11/18 26/17 32/13 127/11
157/10 189/16 220/8 220/12 226/16
230/14 233/3 233/5 242/4 242/4 251/5
280/10
keeping [7] 44/21 45/9 116/10 116/12
159/6 306/24 307/5
Kelly [54] 34/21 34/22 173/2 173/3
173/8 173/11 173/21 174/3 174/8
174/10 174/22 175/21 175/21 176/13
176/24 177/17 178/4 178/22 179/13
179/15 180/21 186/10 189/7 189/9
191/13 191/17 193/4 228/23 228/23
274/24 276/4 276/17 277/4 277/22
278/18 279/5 279/21 280/2 280/7 281/5
281/18 282/21 283/12 284/3 284/20
285/24 286/4 286/13 290/8 290/18
315/14 315/16 315/25 317/5
Kelly's [9] 184/16 187/8 188/20 275/2
281/22 282/7 282/17 285/21 289/15
kept [4] 22/7 252/24 272/17 272/19
key [2] 113/8 117/11
kick [1] 183/16
kicked [2] 56/12 149/9
Kincaid [9] 86/10 86/14 89/2 89/23
92/12 94/20 99/13 99/17 99/19
kind [57] 15/16 16/4 18/3 23/16 32/24
35/10 68/2 68/4 68/10 73/14 87/1 90/11
93/5 101/8 102/24 105/12 106/10
107/15 117/4 119/21 119/23 120/21
121/2 121/4 121/18 127/24 131/1
133/10 136/14 151/7 164/6 172/8 175/3
194/4 204/1 206/7 209/21 224/7 226/9
228/1 229/8 230/11 242/2 245/18
252/21 254/16 257/1 259/24 270/5
271/1 281/14 284/1 294/9 306/8 307/20
309/7 310/6

knew [7] 40/5 138/13 138/17 138/21
160/13 194/1 230/25
knocks [1] 64/11
know [361]
knowing [12] 21/19 23/15 40/9 40/10
91/11 124/14 217/8 242/5 268/24
270/24 290/24 300/9
knowledge [20] 19/2 32/12 44/24 52/19
75/6 83/17 92/14 125/13 130/1 130/7
137/9 137/21 139/23 163/12 167/25
275/2 289/4 299/19 299/21 300/10
known [1] 106/23
knows [2] 52/23 220/3

L
label [1] 194/25
labeled [1] 224/9
labor [1] 96/20
lack [7] 23/15 35/24 124/15 194/24
261/25 283/21 314/14
laid [2] 45/17 47/1
land [1] 217/23
lane [2] 103/22 190/11
large [5] 36/1 109/21 139/21 140/5
314/20
largely [7] 75/7 141/6 190/21 212/16
212/20 216/9 312/4
larger [1] 63/21
largest [1] 152/18
last [36] 4/25 26/13 26/14 29/17 29/19
31/2 42/5 42/7 62/9 71/2 71/4 71/11
71/11 72/6 81/23 83/5 92/3 94/4 94/9
94/10 94/15 97/20 129/17 134/21 156/6
167/14 167/16 195/20 202/24 216/11
218/6 226/12 258/25 270/7 271/12
281/17
late [2] 8/14 86/23
later [7] 30/23 67/12 149/17 193/24
207/11 222/10 274/21
laughable [4] 79/11 79/19 79/25 80/4
laughable.' [1] 71/22
law [33] 37/23 41/18 42/14 43/10 43/21
53/5 53/16 66/1 67/3 67/9 67/16 67/23
68/13 69/3 69/5 69/12 69/25 70/3 70/21
88/21 101/1 101/2 101/6 101/21 102/7
103/1 118/13 126/11 131/19 171/25
194/2 216/24 294/15
laws [7] 100/16 101/4 101/14 103/21
110/23 118/1 118/16
lawsuit [1] 294/21
lawyer [4] 103/10 125/13 165/15 165/15
lawyers [16] 38/17 40/24 41/9 41/12
42/14 100/19 103/12 103/22 104/21
105/3 105/7 165/17 168/7 184/7 185/3
185/9
layers [2] 132/1 254/21
lead [2] 135/4 231/19
leader [12] 9/6 10/18 11/9 21/10 22/1
24/8 27/19 28/3 64/22 64/24 108/2
302/24
leaders [1] 303/2
leadership [3] 21/16 78/7 293/8
leading [1] 197/25
leads [4] 64/11 74/22 74/25 87/15
leaning [1] 88/7
leanings [1] 246/19
learn [5] 14/5 89/7 128/1 128/23 139/1
learned [2] 138/17 138/22

<p>L</p> <p>learning [1] 301/8</p> <p>least [8] 5/13 17/22 32/10 137/12 218/24 280/7 289/15 309/14</p> <p>leave [8] 28/1 28/4 103/11 103/21 169/25 205/16 219/2 219/11</p> <p>led [8] 65/1 65/2 83/23 83/23 84/7 255/11 256/9 268/4</p> <p>left [3] 63/9 199/18 202/16</p> <p>left-hand [2] 199/18 202/16</p> <p>leg [1] 114/24</p> <p>legal [55] 3/14 3/16 4/8 15/14 48/4 48/19 53/9 53/9 67/13 67/17 68/6 68/19 68/23 103/3 103/6 103/7 103/11 103/20 104/22 106/11 106/12 109/9 118/7 123/17 123/24 124/3 125/9 127/4 130/21 132/13 132/24 159/22 160/2 160/4 160/5 160/24 161/11 161/12 161/14 163/9 163/17 165/1 174/15 185/20 201/11 203/8 203/8 204/9 212/12 219/5 289/10 305/8 306/18 306/23 307/1</p> <p>legally [2] 109/12 115/11</p> <p>legislation [1] 175/16</p> <p>legislative [126] 14/10 16/15 20/3 20/20 23/10 24/19 26/2 28/16 38/2 39/7 43/13 44/14 44/17 46/2 48/1 48/15 50/1 59/12 65/25 66/21 69/24 88/24 100/8 101/24 102/9 102/10 104/19 113/15 115/21 117/14 123/20 128/25 129/7 129/8 129/24 130/12 130/18 131/11 133/17 134/8 135/10 135/16 135/20 140/24 141/5 142/24 146/8 147/5 150/21 156/22 164/22 173/13 174/13 175/11 176/20 176/25 178/7 179/14 179/24 180/9 180/10 180/15 183/10 185/14 186/22 188/23 192/11 193/17 194/11 195/7 200/25 202/5 203/25 207/23 208/22 209/8 213/8 214/9 215/6 217/17 219/18 220/1 220/25 222/3 225/14 229/2 229/19 230/7 231/3 231/13 232/9 232/22 233/15 233/22 234/8 234/21 235/18 236/12 240/8 246/25 251/2 254/13 255/15 264/24 265/22 266/21 270/16 275/4 280/22 283/15 284/23 287/15 288/23 289/20 290/11 290/24 291/4 291/22 294/13 295/4 301/16 304/7 305/15 306/15 311/2 316/16</p> <p>legislatively [8] 17/3 96/17 123/24 126/7 161/21 169/14 203/3 218/8</p> <p>legislators [4] 71/14 144/1 303/3 303/10</p> <p>legislature [33] 12/24 17/3 23/24 24/1 52/14 56/13 57/21 69/12 76/2 105/8 113/17 113/18 133/11 133/12 145/17 145/25 146/3 180/5 183/8 198/18 230/23 231/24 232/7 277/23 278/3 279/14 287/4 287/14 288/2 288/15 291/1 291/19 310/22</p> <p>length [1] 151/12</p> <p>Leon [1] 2/11</p> <p>less [10] 133/7 187/17 222/14 243/18 252/25 257/7 307/24 308/2 308/18 312/7</p> <p>let [51] 3/18 5/20 7/19 27/8 47/19 49/4 50/15 51/18 57/17 60/4 62/10 65/12 65/13 65/15 66/5 66/16 70/13 71/2 88/23 101/17 106/15 119/16 125/4 125/24 150/11 152/15 156/18 164/13</p>	<p>164/14 165/23 184/15 190/1 190/6 192/6 197/4 198/8 204/25 205/8 205/8 206/18 211/7 212/3 224/18 226/21 236/7 237/8 248/15 252/7 281/9 291/16 304/1</p> <p>let's [22] 26/13 30/24 30/25 38/5 61/23 99/2 108/25 176/22 221/16 228/4 233/5 244/16 244/16 244/18 244/18 251/16 253/9 260/5 263/14 293/24 302/2 312/23</p> <p>letting [1] 221/13</p> <p>level [48] 3/8 17/15 38/5 39/9 44/15 45/10 48/17 48/20 50/2 58/17 58/19 63/5 63/6 63/9 63/17 63/17 63/20 100/4 100/12 105/18 126/12 140/18 147/22 154/3 154/4 154/25 161/9 161/19 162/25 165/18 179/21 182/9 182/13 188/18 188/19 190/18 190/19 201/19 204/16 215/10 218/16 225/15 226/15 226/22 274/25 297/2 297/4 309/14</p> <p>levels [3] 101/13 106/3 246/7</p> <p>like [140] 2/18 2/21 2/25 6/2 6/5 16/9 17/21 24/14 26/2 26/17 27/24 29/3 30/25 31/23 32/6 32/10 32/12 32/25 36/4 50/22 58/6 60/9 61/13 61/14 71/24 73/1 73/3 82/16 85/24 88/7 89/20 90/15 92/10 92/19 98/23 99/24 100/4 100/23 101/10 101/12 101/15 103/25 104/6 104/24 105/11 106/3 106/9 106/23 107/18 108/6 108/19 110/15 112/7 114/7 114/13 115/9 115/12 115/13 116/20 118/8 118/22 119/12 119/22 121/9 122/20 122/20 125/19 134/19 136/4 136/5 137/3 140/9 142/18 144/22 145/1 147/21 150/16 150/17 153/9 153/9 154/6 154/24 156/18 161/14 165/15 166/20 170/9 171/6 173/7 175/12 178/16 178/19 189/16 190/7 190/12 191/11 194/18 195/1 206/23 207/2 207/6 207/12 207/19 209/2 215/22 217/24 218/22 224/21 225/4 227/4 236/18 237/2 239/19 245/17 247/8 251/9 254/22 254/25 255/16 257/2 257/5 257/5 257/14 260/1 263/20 264/18 267/12 267/19 276/8 283/2 289/18 289/25 290/5 290/6 290/7 293/20 296/1 297/9 302/25 309/11</p> <p>liked [1] 281/2</p> <p>likelihood [1] 61/15</p> <p>likely [19] 61/9 66/3 151/24 152/4 152/5 152/13 152/17 153/14 153/17 154/20 155/8 156/8 174/5 187/9 201/22 213/16 213/18 284/18 302/22</p> <p>likewise [2] 299/5 314/24</p> <p>limit [1] 293/24</p> <p>limitation [1] 179/7</p> <p>limited [7] 135/16 215/11 215/17 222/11 259/17 300/4 301/9</p> <p>limiting [2] 292/17 293/22</p> <p>limits [1] 201/12</p> <p>line [33] 17/6 52/3 56/4 107/15 108/20 121/22 121/23 128/18 154/25 167/2 167/3 191/15 195/3 203/7 209/21 214/1 225/21 254/9 254/10 254/23 255/1 255/11 257/3 257/3 257/6 257/8 259/19 259/22 259/24 260/3 280/18 288/12 305/8</p> <p>lined [1] 147/23</p>	<p>lines [11] 15/7 15/12 30/20 119/4 123/2 135/24 217/25 254/5 255/17 257/14 268/1</p> <p>link [1] 5/21</p> <p>links [1] 296/4</p> <p>lion's [1] 18/7</p> <p>list [3] 74/18 227/8 294/3</p> <p>listed [4] 57/25 117/6 120/23 153/22</p> <p>listening [2] 144/3 144/3</p> <p>literal [1] 110/24</p> <p>litigation [14] 11/17 16/18 16/20 35/23 55/7 56/16 56/17 76/18 87/20 128/4 131/12 137/15 238/14 309/24</p> <p>little [46] 13/3 22/24 23/22 24/9 28/20 32/18 35/18 46/20 54/5 57/16 59/4 62/6 83/20 85/25 100/25 103/5 106/6 110/21 116/24 118/22 133/3 141/14 142/18 143/4 151/11 166/3 172/7 190/24 191/17 199/5 203/12 205/13 209/2 245/18 249/5 249/9 252/24 257/7 274/23 294/12 294/16 299/18 300/23 309/8 313/17 316/18</p> <p>live [8] 151/25 152/5 152/14 153/15 153/17 153/18 155/9 156/8</p> <p>lives [3] 103/14 302/15 302/20</p> <p>local [6] 135/23 135/23 136/2 136/3 136/6 303/2</p> <p>located [3] 137/18 138/4 138/23</p> <p>location [2] 204/5 299/20</p> <p>locations [1] 150/6</p> <p>locked [1] 224/7</p> <p>locks [1] 266/10</p> <p>log [3] 165/20 175/13 180/13</p> <p>logistical [1] 68/10</p> <p>logistics [1] 90/2</p> <p>long [11] 20/8 25/14 34/8 34/13 57/23 156/4 217/22 247/25 283/8 291/15 313/23</p> <p>longer [5] 31/1 34/10 81/15 294/5 294/6</p> <p>longstanding [1] 254/16</p> <p>look [40] 72/19 73/3 74/11 76/1 106/12 109/23 109/24 122/25 123/16 140/14 179/10 197/3 197/4 197/5 198/24 206/22 207/15 212/10 235/22 241/12 245/8 245/17 246/6 248/6 253/12 253/14 254/6 254/7 254/22 257/2 258/2 258/2 263/14 264/10 267/12 269/4 270/4 273/14 273/20 297/13</p> <p>looked [23] 33/12 49/10 49/12 49/12 49/14 49/15 49/23 57/5 57/7 76/5 80/7 80/9 109/6 133/7 136/17 196/24 208/13 219/8 233/3 233/4 250/20 257/5 289/15</p> <p>looking [36] 21/18 47/8 48/13 48/23 49/5 49/7 50/7 61/12 61/13 61/16 61/19 66/10 67/11 72/25 74/15 76/19 87/19 94/8 119/5 119/6 119/10 138/15 166/21 175/18 218/17 226/24 251/13 254/16 260/16 262/18 262/20 268/22 274/6 274/7 310/20 312/9</p> <p>looks [22] 72/23 123/10 190/7 190/12 191/11 194/18 198/24 199/9 206/22 207/2 207/6 207/12 217/24 224/21 225/4 227/4 254/25 257/5 257/14 260/1 263/20 289/18</p> <p>loop [1] 99/8</p> <p>lost [1] 20/14</p> <p>lot [38] 13/4 15/10 15/15 16/3 16/7 19/13 19/15 21/21 24/12 31/24 32/1</p>
---	--	---

L
lot... [27] 32/3 35/22 36/21 36/23 73/4
74/17 76/12 80/11 87/7 87/13 87/15
87/18 88/22 106/5 120/22 122/4 140/25
141/14 178/24 227/22 241/8 253/4
299/9 301/1 309/23 309/25 313/12
Lots [2] 114/20 114/22
loud [5] 8/1 71/8 71/9 241/13 248/11
lower [1] 10/7
lowest [1] 274/7
LTSB [2] 14/9 59/11
luck [1] 260/6
lunch [2] 98/22 134/13

M
made [24] 1/14 20/19 20/22 58/25
65/20 77/15 77/17 78/6 78/21 149/3
159/1 179/3 213/19 216/5 219/3 219/4
229/11 231/9 234/11 271/25 280/18
282/6 282/16 307/10
Madison [2] 14/16 75/8
mail [36] 6/5 7/25 143/23 190/2 190/6
190/7 190/9 190/12 191/12 194/17
196/24 206/23 207/3 207/11 207/15
207/18 207/20 208/3 208/7 208/18
223/7 223/12 223/19 223/23 224/14
224/22 225/1 226/19 227/6 227/13
227/16 229/7 230/11 230/11 231/1
311/15
mail.PDF [4] 206/20 223/8 224/19
226/25
mails [16] 181/2 181/9 192/7 192/15
192/18 192/18 192/23 193/5 193/8
194/2 222/24 226/9 295/18 296/18
297/8 315/18
main [1] 228/24
maintain [1] 126/3
maintained [2] 260/10 266/16
maintaining [1] 121/24
major [14] 136/24 137/2 137/17 137/19
137/23 137/24 137/25 138/2 139/7
145/9 151/25 153/5 153/22 310/9
majority [12] 9/5 9/12 11/9 21/10 27/19
28/3 94/21 154/14 154/21 267/17 293/6
312/7
make [22] 1/16 20/14 35/11 58/20 60/1
63/19 64/6 103/14 104/12 109/20
126/16 131/17 152/18 154/21 183/23
220/3 221/14 228/3 240/13 245/24
252/19 306/10
maker's [1] 261/14
makers [1] 221/13
makes [7] 13/10 72/19 137/5 160/21
208/10 273/21 310/7
making [14] 2/3 5/25 24/13 121/17
122/7 131/14 132/10 144/22 224/6
232/12 271/20 302/20 307/8 316/23
malapportioned [6] 262/24 263/1 263/12
268/16 268/17 269/21
malapportionment [3] 263/7 268/24
281/12
manage [1] 220/18
manifesting [1] 87/16
many [30] 6/9 30/23 30/23 34/6 36/9
36/20 74/19 74/19 90/10 90/13 99/12
119/25 119/25 121/13 121/13 218/19
219/17 220/7 221/5 221/6 221/21 226/9
241/17 264/14 276/3 276/7 276/11

288/6 308/17 316/22
map [108] 13/12 15/8 19/9 19/11 32/19
32/23 33/4 36/1 47/21 56/25 64/5 65/1
66/22 72/12 72/23 73/3 73/8 73/17
73/17 73/20 74/23 76/8 79/2 82/6 83/3
88/19 88/20 88/23 88/24 100/3 101/2
101/22 102/20 103/17 104/7 112/12
112/24 114/5 114/8 117/13 117/14
118/17 125/21 126/11 126/24 126/25
127/5 131/22 133/7 138/24 140/3
140/19 145/20 146/16 147/16 149/25
150/4 151/7 151/18 161/15 209/16
210/10 212/14 214/22 215/4 217/1
238/6 241/17 241/19 241/20 242/7
242/25 244/4 244/14 248/2 250/7
250/12 250/16 251/8 252/3 253/21
253/22 253/24 255/21 261/8 261/13
263/12 266/10 266/15 266/19 267/15
267/21 271/9 271/15 272/4 273/3
277/24 278/3 281/12 286/6 286/15
286/18 287/12 291/1 294/11 296/9
312/4 316/10
map's [1] 266/11
map-drawing [8] 112/24 114/5 138/24
140/3 151/18 266/19 273/3 316/10
mapmaker [2] 83/9 83/16
mapmaking [1] 150/12
mapper [1] 64/21
mapping [7] 15/25 107/12 108/7 110/3
110/4 111/10 138/21
maps [62] 12/22 12/25 13/2 13/5 13/6
13/9 14/1 14/4 14/20 17/10 19/18 46/12
68/7 71/18 72/19 76/6 77/7 78/18 99/25
100/8 103/25 109/12 129/16 131/18
133/13 134/23 140/20 140/21 143/6
146/6 150/14 151/14 156/20 164/2
167/1 224/2 225/9 238/3 238/7 238/13
238/25 239/5 245/22 246/19 250/8
250/14 253/12 255/17 255/19 256/7
259/2 262/7 271/17 272/10 275/13
275/16 276/11 279/1 288/8 288/13
288/14 316/2
Maptitude [3] 107/18 107/20 112/8
mapwide [2] 115/9 115/13
March [1] 190/8
March 2nd [1] 190/8
marginally [1] 88/6
mark [3] 2/18 2/21 2/25
marked [15] 3/2 65/21 70/10 195/21
195/21 196/1 196/4 206/16 211/5 223/5
224/15 226/6 237/5 285/10 311/14
market [1] 32/3
marking [1] 2/4
Marsh's [3] 2/17 3/19 4/12
matches [1] 72/17
materials [2] 193/14 194/8
mathematical [2] 308/20 308/21
matter [40] 2/8 4/9 4/20 17/1 17/1 17/6
39/22 64/17 82/3 102/23 105/9 109/15
112/25 113/2 118/8 124/1 135/15
153/16 155/8 157/18 160/2 161/11
161/24 163/9 169/5 175/12 177/19
192/21 203/7 209/22 210/5 210/7
218/12 225/21 233/18 235/1 291/3
299/6 301/20 304/9
matters [5] 15/14 67/13 176/14 210/22
315/7
maximized [1] 65/4

maximum [1] 250/14
may [49] 1/13 2/20 10/1 18/20 24/5 39/9
49/16 49/21 52/8 56/14 57/20 64/3
70/21 91/17 102/6 102/25 111/6 113/23
122/7 122/10 123/16 124/7 133/2
166/10 175/5 186/14 189/8 192/2
192/15 211/22 219/12 219/14 229/6
229/10 229/11 239/9 239/21 239/22
253/3 254/4 256/6 265/16 272/16
274/21 280/11 280/13 288/13 290/1
295/18
May 25 [1] 2/20
maybe [27] 11/24 13/17 15/24 16/1
38/11 39/14 51/21 51/22 59/21 62/13
66/8 90/15 98/20 98/22 110/8 120/9
122/12 134/11 142/19 198/8 208/19
253/10 260/6 272/19 291/2 297/11
297/12
McCain [1] 59/16
McCarthy [1] 2/5
MCD [1] 300/21
MCDs [1] 110/20
me [166] 2/3 3/18 5/20 6/2 7/19 14/14
15/2 19/24 20/25 21/11 21/20 22/2 22/9
25/15 26/17 27/8 30/7 30/18 32/1 35/7
35/10 38/24 47/19 49/4 50/15 51/18
53/24 56/15 56/18 57/8 57/17 59/4 59/5
60/4 61/7 65/12 65/13 65/15 66/5 66/16
68/12 69/9 69/17 69/21 70/9 70/13
70/25 71/2 71/8 83/21 88/23 89/4 89/5
92/5 92/17 95/6 95/22 101/17 106/15
119/16 125/4 125/24 129/8 134/7 137/5
141/22 142/2 142/10 142/14 142/15
142/19 143/15 143/16 144/6 150/11
151/1 151/5 152/15 153/8 155/16
156/16 156/18 164/14 164/14 165/23
167/23 168/11 170/22 172/2 174/20
177/20 180/16 182/24 184/15 189/14
190/1 190/6 192/6 193/5 195/10 197/1
197/4 198/8 199/21 201/21 202/13
203/16 204/25 205/8 205/8 205/17
205/22 206/13 206/18 211/7 212/3
213/12 215/15 220/11 220/18 224/18
224/23 225/1 225/2 226/21 226/24
227/19 228/9 233/11 236/7 237/8 238/4
241/25 242/1 242/18 245/18 248/15
250/22 252/7 254/22 254/24 255/3
257/4 259/17 260/1 274/16 276/10
277/14 280/25 283/23 283/24 285/23
288/17 289/24 290/25 291/16 299/5
304/1 311/25 312/8 313/4 315/11
315/12 316/23 316/25 317/15
mean [132] 3/16 12/20 14/7 14/22
15/22 21/15 21/15 24/11 24/23 32/20
32/20 32/23 33/7 33/21 34/1 35/21
35/25 37/25 41/25 42/2 50/23 53/19
57/2 60/5 64/10 67/19 69/2 72/23 73/12
73/12 74/6 74/14 74/16 84/2 84/10
85/20 89/10 90/23 91/23 92/1 92/19
92/19 93/16 97/6 97/12 100/14 101/3
103/19 104/21 109/3 109/6 109/10
110/15 110/17 112/16 112/17 114/10
115/9 115/25 116/7 117/4 118/12 119/1
119/9 124/13 125/6 126/14 127/14
131/21 133/5 137/1 137/17 137/22
137/23 139/21 141/3 141/3 141/10
141/25 149/1 151/2 155/11 163/6
167/16 167/16 168/11 170/5 170/22

M		
<p>mean... [44] 172/20 174/17 176/14 176/17 176/20 183/19 187/20 195/11 214/14 217/20 220/7 221/2 222/16 224/5 225/19 227/15 230/22 234/9 239/11 239/13 239/16 250/18 252/22 258/2 263/3 263/5 263/7 265/1 274/4 280/17 281/10 282/11 295/25 296/5 299/19 300/13 300/17 303/18 309/17 309/18 313/4 314/1 316/21 317/3</p> <p>meaning [2] 6/14 300/14</p> <p>means [5] 1/9 160/18 295/22 308/2 317/7</p> <p>meant [2] 11/20 181/3</p> <p>measure [8] 73/22 73/24 74/2 74/7 75/11 120/2 308/2 314/9</p> <p>measured [1] 314/10</p> <p>measurement [1] 75/4</p> <p>measurements [2] 120/7 309/23</p> <p>measures [5] 119/18 119/20 120/1 120/5 199/6</p> <p>measuring [2] 74/17 262/21</p> <p>media [1] 1/8</p> <p>median [2] 74/6 74/14</p> <p>medium [1] 8/1</p> <p>Meehan [1] 2/5</p> <p>meet [7] 14/24 114/12 115/18 210/14 258/17 258/23 281/6</p> <p>meeting [4] 8/2 12/22 64/17 295/19</p> <p>member [23] 4/10 17/8 17/19 18/7 36/22 57/9 57/15 57/15 60/20 61/1 62/6 64/6 78/21 86/15 116/7 116/16 141/6 142/1 142/3 142/12 145/25 194/8 266/3</p> <p>member-driven [6] 17/8 36/22 141/6 142/1 142/3 142/12</p> <p>members [32] 10/11 10/13 10/14 12/22 14/23 15/12 15/18 16/2 17/16 18/5 23/2 33/17 33/18 33/23 57/3 57/21 57/22 58/5 58/21 64/3 64/18 77/15 77/15 78/6 109/25 114/12 116/4 116/23 134/2 134/8 143/14 143/14</p> <p>members' [1] 146/2</p> <p>membership [1] 303/20</p> <p>memo [21] 57/24 58/4 58/25 61/1 211/9 211/15 212/11 213/3 214/7 214/23 215/5 215/13 215/23 216/9 216/3 223/1 296/1 311/16 311/18 311/19 312/21</p> <p>memorandum [6] 58/12 58/14 58/22 60/20 61/22 62/4</p> <p>memory [10] 12/3 22/10 87/7 147/16 194/23 220/16 224/11 227/17 228/1 261/25</p> <p>men [1] 94/24</p> <p>mentioned [18] 15/3 56/21 58/22 69/21 73/9 76/5 86/17 105/15 106/2 111/6 166/5 166/6 196/22 254/3 298/22 299/13 307/4 307/13</p> <p>Meros [2] 191/14 191/20</p> <p>meshes [1] 191/8</p> <p>message [22] 144/16 144/19 145/2 145/9 145/15 146/22 147/3 147/10 147/17 147/24 148/1 148/2 148/7 148/8 149/12 149/13 149/18 149/23 211/19 213/17 213/18 213/19</p> <p>messages [5] 145/24 148/6 296/21 297/8 315/15</p> <p>messaging [1] 145/18</p> <p>Messenger [1] 6/5</p>	<p>met [2] 34/5 210/3</p> <p>metal [2] 135/5 135/8</p> <p>methodology [3] 247/4 247/23 252/16</p> <p>metric [9] 60/13 74/4 74/11 75/20 75/23 76/20 78/3 109/22 119/1</p> <p>metrics [17] 57/10 57/20 73/1 73/7 73/13 74/16 74/19 76/7 80/7 87/9 88/15 111/12 119/12 119/24 121/8 122/21 222/12</p> <p>metro [2] 153/10 154/8</p> <p>metroplex [1] 19/12</p> <p>metroplexes [2] 142/4 142/7</p> <p>metropolitan [6] 137/2 137/17 137/20 138/10 139/8 299/20</p> <p>Miami [7] 137/11 137/23 138/3 138/10 138/14 138/23 300/9</p> <p>microphone [1] 144/18</p> <p>mid [2] 72/15 72/17</p> <p>mid-size [2] 72/15 72/17</p> <p>midwestern [2] 13/4 189/12</p> <p>might [25] 7/17 7/19 26/5 34/9 36/7 93/5 101/2 101/21 105/2 109/15 113/3 113/11 126/25 144/18 166/5 175/12 240/19 256/17 256/18 294/2 304/4 306/4 311/12 311/16 316/12</p> <p>Mike [1] 298/20</p> <p>mileage [1] 102/25</p> <p>miles [6] 313/19 313/23 314/2 314/8 314/9 314/18</p> <p>Milwaukee [10] 55/5 55/17 55/18 55/22 65/16 65/24 72/15 75/8 88/2 88/12</p> <p>mind [22] 5/13 5/25 50/9 50/12 69/18 82/24 88/1 92/9 94/12 105/4 118/5 141/18 172/21 226/16 226/18 237/22 241/13 242/21 244/1 248/12 261/5 308/5</p> <p>mindful [2] 118/2 209/19</p> <p>mine [4] 42/6 205/16 232/2 309/12</p> <p>minority [21] 10/18 22/1 124/22 125/5 125/14 125/17 126/1 126/15 128/6 157/23 158/4 158/18 159/1 159/5 161/6 162/18 203/19 312/5 312/7 312/15 312/21</p> <p>minted [2] 57/25 59/16</p> <p>minute [5] 33/11 51/20 297/13 311/25 317/11</p> <p>minutes [3] 98/22 189/19 211/25</p> <p>misheard [1] 10/1</p> <p>mission [4] 93/8 93/10 93/23 93/25</p> <p>misspelled [1] 1/15</p> <p>misspoke [1] 13/17</p> <p>misstates [1] 259/11</p> <p>mix [1] 122/1</p> <p>mixed [1] 153/6</p> <p>Mo [15] 41/15 42/16 42/16 42/17 43/2 172/11 172/22 190/8 191/11 192/8 192/15 223/13 225/8 225/12 227/4</p> <p>moment [13] 35/10 37/8 46/21 56/18 70/9 70/25 80/22 97/16 205/22 229/12 233/11 274/16 288/17</p> <p>Monday [1] 224/21</p> <p>money [3] 171/1 171/8 171/9</p> <p>month [3] 81/4 174/3 174/6</p> <p>monthly [2] 87/3 87/4</p> <p>months [1] 71/17</p> <p>mooted [1] 56/14</p> <p>more [104] 6/5 7/16 13/3 17/11 22/24 23/22 30/8 32/11 32/18 36/15 37/1 37/2</p>	<p>38/10 46/14 46/17 46/20 53/19 53/25 57/19 64/16 75/22 76/9 79/3 85/25 88/23 100/1 101/7 102/9 103/23 105/19 106/7 118/6 125/22 125/25 134/20 135/18 141/14 141/25 142/19 143/16 151/1 151/24 152/5 152/13 152/17 153/17 154/20 155/8 155/19 156/8 160/4 163/5 165/19 166/12 167/5 170/6 176/16 177/23 177/24 178/1 178/16 180/6 181/16 181/19 184/23 187/14 210/22 215/18 220/11 221/11 222/17 222/19 226/9 227/8 228/3 229/24 230/5 231/19 234/3 247/2 247/5 252/25 260/6 266/9 268/8 269/3 269/5 275/1 285/8 291/16 292/16 299/18 300/13 300/20 300/20 300/21 301/9 308/9 308/12 309/8 309/18 309/22 314/17 315/11</p> <p>morning [2] 298/22 317/18</p> <p>most [7] 11/5 81/6 85/12 90/22 108/7 141/23 142/14</p> <p>mostly [3] 140/10 140/11 180/3</p> <p>motivate [1] 254/4</p> <p>motivated [5] 254/10 260/17 260/22 261/23 262/7</p> <p>motivating [4] 159/12 204/6 253/11 261/1</p> <p>motivation [5] 21/14 84/11 95/5 95/21 96/18</p> <p>motivations [3] 96/24 229/23 233/25</p> <p>motivator [1] 234/1</p> <p>motivators [1] 222/8</p> <p>mouthful [1] 29/21</p> <p>move [19] 19/18 28/5 28/5 31/25 89/1 99/24 150/1 204/19 204/21 242/20 246/8 251/16 253/5 253/9 260/5 261/3 261/23 272/21 304/17</p> <p>moved [1] 222/18</p> <p>moves [1] 112/18</p> <p>moving [3] 5/14 79/6 268/1</p> <p>Mr [9] 16/9 65/23 98/19 155/20 203/11 222/23 236/21 242/9 258/9</p> <p>Mr. [105] 3/5 4/5 4/13 4/17 8/5 16/19 16/21 16/24 28/24 34/22 39/3 40/3 40/15 51/19 52/2 56/18 63/25 65/13 70/8 70/23 71/23 78/13 79/8 80/22 82/25 86/4 92/1 97/17 99/6 120/16 133/2 134/19 137/13 148/14 148/16 160/19 161/18 162/8 162/23 163/1 165/4 166/2 166/3 166/4 169/19 175/21 176/24 178/10 178/22 178/25 179/15 183/18 186/21 187/9 187/25 188/9 188/20 189/7 189/9 189/10 189/24 193/4 196/21 201/18 203/14 203/14 205/21 206/19 211/3 211/24 212/4 212/15 225/25 227/4 230/25 233/11 238/22 240/24 256/5 262/4 269/4 270/7 274/17 277/22 278/7 282/7 282/21 285/9 285/21 285/24 286/4 286/13 288/17 289/15 289/15 297/20 298/19 299/2 299/10 304/5 315/13 315/14 315/16 315/25 317/5</p> <p>Mr. Bryan [1] 203/14</p> <p>Mr. Bryan's [1] 163/1</p> <p>Mr. Foltz [62] 3/5 4/13 4/17 8/5 16/19 16/21 16/24 51/19 52/2 56/18 63/25 65/13 70/8 70/23 71/23 78/13 79/8 80/22 82/25 86/4 92/1 97/17 99/6 120/16 133/2 134/19 137/13 148/14</p>

M
 Mr. Foltz... [34] 160/19 161/18 162/8 162/23 165/4 166/2 169/19 178/10 178/25 183/18 189/10 189/24 196/21 201/18 205/21 206/19 211/3 211/24 212/4 225/25 230/25 233/11 238/22 240/24 256/5 262/4 269/4 270/7 274/17 278/7 285/9 288/17 297/20 298/19
 Mr. Foltz's [3] 4/5 148/16 289/15
 Mr. Gudex's [1] 28/24
 Mr. Kelly [17] 34/22 175/21 176/24 178/22 179/15 189/7 189/9 193/4 277/22 282/21 285/24 286/4 286/13 315/14 315/16 315/25 317/5
 Mr. Kelly's [4] 188/20 282/7 285/21 289/15
 Mr. Mo [1] 227/4
 Mr. Newman [5] 186/21 187/9 187/25 188/9 212/15
 Mr. Posimato [4] 299/2 299/10 304/5 315/13
 Mr. Tom [1] 166/3
 Mr. Torchinsky [3] 39/3 40/3 40/15
 Mr. Wienckowski [1] 203/14
 Mr. Wienckowski's [1] 166/4
 much [30] 17/11 22/15 31/1 51/15 81/3 121/5 133/7 134/6 134/7 137/5 138/19 141/11 145/12 149/20 163/4 187/14 187/17 187/17 196/19 210/21 220/4 220/17 234/3 243/18 250/18 258/3 297/21 298/6 301/2 308/4
 muddled [1] 13/4
 multicounty [1] 142/7
 multiple [4] 83/4 204/19 296/8 309/6
 municipal [9] 110/23 121/15 121/16 121/20 123/2 255/25 271/3 300/14 314/5
 municipalities [4] 37/5 88/3 121/14 271/8
 municipality [7] 37/13 116/9 116/14 116/20 121/19 121/24 122/7
 municipality's [1] 121/25
 must [1] 217/1
 mutually [1] 123/7
 my [165] 3/8 4/17 4/24 7/5 7/7 7/9 7/18 9/12 13/20 17/10 18/14 20/23 21/15 22/6 22/8 22/12 25/12 25/15 25/19 25/19 25/20 28/20 32/4 37/21 41/14 41/23 42/6 43/23 45/9 45/9 45/13 49/9 49/11 49/16 49/19 50/6 53/20 53/22 53/22 57/23 59/20 59/22 67/25 68/1 69/20 74/10 78/9 80/1 80/11 80/14 84/12 84/12 84/12 85/3 85/8 96/4 97/6 97/15 98/2 103/7 103/22 105/13 106/6 108/3 109/19 111/19 112/6 116/9 116/17 118/5 121/14 121/20 122/10 124/13 124/17 124/17 125/15 128/3 130/1 130/7 130/21 131/13 132/14 133/24 135/16 135/18 140/15 141/24 143/12 143/25 144/22 147/9 151/20 151/22 157/9 158/9 158/9 158/15 158/23 159/2 159/14 162/2 162/14 163/11 163/21 164/6 172/21 176/3 179/4 187/22 192/3 193/22 194/1 194/4 198/12 200/17 201/23 209/15 210/22 213/22 216/1 216/3 220/18 221/11 223/22 223/23 224/1 227/17 228/1 228/17 238/13 238/19 242/3 245/19

248/24 256/24 263/10 267/3 267/25 269/17 269/24 269/25 280/13 283/21 283/21 284/1 289/17 289/21 289/21 292/1 292/2 292/4 297/13 297/22 298/20 300/20 305/8 306/7 309/3 309/20 310/1 312/8 313/12 316/6 316/7 myself [7] 14/19 71/8 100/3 205/16 219/11 220/12 301/22
N
 name [22] 1/15 4/17 4/22 4/24 4/25 25/12 25/19 25/20 29/17 29/18 29/19 40/10 42/5 42/7 73/11 86/13 89/5 120/10 170/8 170/13 292/15 298/20
 named [1] 262/9
 names [5] 197/11 197/14 228/11 245/17 283/22
 naming [2] 242/3 292/2
 narrow [2] 217/22 217/24
 national [9] 84/19 84/21 292/23 293/3 293/10 293/17 303/14 303/22 304/13
 nationwide [1] 154/9
 native [2] 196/10 196/17
 natural [18] 19/8 72/11 72/18 72/20 73/2 73/5 74/22 76/9 77/13 77/17 78/5 78/11 78/23 87/15 87/22 195/12 255/25 308/17
 nature [9] 20/10 52/6 79/4 102/5 102/15 152/23 273/1 300/16 300/18
 navigate [1] 150/8
 necessarily [13] 59/23 59/24 116/6 127/14 216/4 222/9 222/11 222/16 239/16 295/20 313/23 314/25 316/24
 necessary [4] 130/20 132/13 162/16 204/8
 necessity [1] 131/17
 need [15] 1/19 7/11 7/12 7/14 32/10 104/7 109/20 156/13 195/11 210/20 210/20 210/23 211/17 248/11 292/16
 needed [3] 11/13 126/3 130/20
 needs [1] 125/21
 negotiated [3] 19/18 142/5 143/6
 nerd [1] 100/2
 nested [2] 13/4 16/7
 network [1] 84/13
 neutral [4] 118/6 118/11 118/14 118/20
 neutrally [4] 94/24 95/2 95/9 95/19
 never [26] 79/21 80/1 80/6 80/15 84/6 84/11 85/5 85/10 91/18 93/1 94/1 107/20 112/7 124/18 136/23 137/3 137/4 137/6 191/22 204/2 219/8 235/24 236/2 250/20 252/16 315/24
 new [39] 6/12 58/3 58/8 58/9 58/15 60/3 60/18 61/2 61/19 62/1 62/8 62/17 63/22 65/4 70/8 98/20 99/7 126/4 127/24 134/23 199/15 202/10 206/12 206/20 207/21 207/22 208/18 209/23 224/23 237/4 249/7 250/22 254/18 254/20 257/22 258/4 263/6 281/13 281/14
 Newcomer [2] 25/6 30/17
 Newcomer's [3] 25/7 25/16 25/21
 newly [2] 57/25 59/16
 Newman [12] 186/13 186/16 186/16 186/21 187/9 187/25 188/9 191/13 191/16 212/11 212/15 311/20
 news [1] 144/17
 next [8] 79/6 170/23 195/3 199/23 222/24 245/11 251/16 260/11

Nicholas [2] 191/14 191/20
 no [163] 5/4 5/7 6/3 7/2 11/4 19/5 19/20 22/19 25/24 34/15 34/18 34/20 35/1 36/12 37/14 41/4 42/15 42/23 43/5 45/22 46/8 47/11 49/6 50/18 51/3 51/8 52/12 52/15 52/18 55/1 55/15 65/7 70/6 71/20 75/10 75/14 75/19 76/23 77/12 77/16 79/9 79/13 79/15 79/17 80/15 80/21 81/15 83/10 84/23 85/15 90/18 91/16 91/20 95/17 96/11 99/22 107/14 116/19 124/13 128/11 129/19 133/23 140/14 140/15 143/11 143/23 147/19 151/15 151/19 151/19 152/2 152/2 153/7 153/21 154/1 154/6 154/25 155/15 164/23 166/15 166/18 168/20 174/24 175/2 175/23 175/25 177/13 181/13 182/2 184/12 184/20 186/4 186/24 189/11 196/15 196/15 198/10 218/11 218/21 228/14 232/17 233/17 235/22 236/15 236/17 242/13 243/17 243/17 244/14 245/4 245/18 246/16 247/6 249/12 249/13 255/20 255/20 257/12 257/13 264/22 265/1 265/14 265/17 266/23 267/2 267/20 267/24 267/25 275/18 279/24 281/25 282/3 282/4 282/19 282/23 287/1 290/25 292/16 292/25 293/2 293/5 293/7 293/9 293/11 293/13 293/16 294/2 294/3 294/5 294/6 294/22 299/20 303/1 303/1 303/20 303/20 306/7 308/11 309/3 311/5 311/16 314/7 315/22
 nobody [5] 34/19 53/3 192/3 243/20 302/17
 nominal [1] 93/23
 nominees [1] 94/22
 non [2] 199/22 200/2
 non-Hispanic [2] 199/22 200/2
 none [5] 114/23 136/23 136/23 300/1 309/3
 nor [1] 211/19
 North [7] 234/5 234/17 235/6 266/13 289/6 302/22 313/15
 northern [10] 2/14 259/23 298/24 302/15 312/6 312/25 313/2 313/4 313/8 314/19
 northwestern [1] 259/25
 not [328]
 note [4] 1/14 2/6 16/17 277/22
 noted [1] 278/14
 notes [5] 1/22 212/15 258/9 264/12 297/13
 nothing [7] 53/25 150/25 151/5 151/8 234/9 234/13 258/14
 noticed [2] 308/23 310/3
 noticing [1] 309/10
 noting [1] 240/22
 notion [1] 95/13
 notoriously [3] 71/18 72/7 77/22
 novice [1] 61/7
 now [44] 5/19 8/23 9/21 20/21 35/18 45/11 45/15 55/25 62/16 70/15 74/20 96/8 98/20 108/23 125/19 139/25 140/20 155/7 179/18 189/25 195/17 196/6 198/22 199/14 206/13 206/24 211/4 217/5 217/8 224/13 225/25 226/5 249/24 256/14 264/10 274/20 292/8 297/3 298/3 299/4 300/2 300/12 308/19 312/13

N
NRRT [15] 83/5 84/16 84/24 85/14
85/17 86/1 86/17 89/6 89/19 90/19 93/2
99/10 155/23 156/1 294/1
NRRT's [1] 93/8
number [39] 2/10 2/15 2/20 6/10 73/15
87/24 88/13 109/22 109/24 132/5
177/21 188/10 199/16 200/19 202/14
205/14 206/24 227/7 238/7 242/23
243/2 243/14 244/3 244/4 244/7 244/13
247/7 247/21 248/2 248/10 249/8 250/5
251/23 261/11 271/1 272/3 274/4 274/4
298/23
Number 157 [1] 2/20
Number 2 [1] 238/7
Number 2022 [1] 2/10
Number 422-cv-109 [1] 2/15
number seven [1] 6/10
numbered [1] 238/8
numbers [4] 80/9 232/3 238/12 249/21
numerical [2] 124/6 124/8
numerous [2] 154/8 307/14

O
Oak [1] 88/2
oath [5] 6/14 71/19 79/9 79/12 304/1
object [7] 81/10 95/20 183/9 200/23
236/11 274/13 284/22
objection [231] 15/9 16/15 18/2 18/24
20/1 30/6 31/19 35/19 36/11 38/2 39/6
39/7 39/7 39/20 40/21 41/2 42/20 43/11
44/13 44/13 46/1 46/24 48/1 48/14
49/25 50/21 52/22 53/6 59/2 62/18 65/6
70/5 74/1 74/9 76/11 77/3 77/11 77/25
81/20 82/8 84/9 91/3 93/21 95/3 96/14
97/24 98/9 101/23 103/18 104/9 104/18
105/5 109/4 109/17 109/18 112/15
113/14 113/14 114/21 115/20 115/22
118/15 121/11 122/23 123/19 126/5
128/25 129/23 129/25 130/11 131/10
133/16 140/13 140/22 142/23 142/23
146/8 148/20 149/14 150/20 150/21
150/22 152/7 152/20 153/20 154/23
155/12 156/22 157/8 157/15 157/24
157/24 158/6 158/14 158/20 159/7
159/9 160/17 161/7 161/17 162/7
162/14 164/18 168/9 168/25 169/17
169/24 170/16 171/23 173/12 173/13
174/12 175/10 176/25 177/12 177/18
178/6 178/7 179/20 181/11 181/25
182/7 183/9 183/10 184/10 184/11
185/12 186/20 188/13 188/23 192/11
192/25 193/16 193/17 194/10 194/11
194/11 195/6 200/25 202/4 203/23
204/15 207/23 208/21 209/8 213/8
214/8 215/6 217/17 218/7 219/18 220/1
220/24 221/25 222/3 225/13 229/2
229/19 230/7 231/3 231/12 232/8
232/21 233/14 233/21 234/7 234/20
235/17 240/6 240/6 243/8 246/24
247/17 249/16 251/1 254/12 255/14
257/19 259/9 259/10 260/21 263/4
264/23 264/23 265/21 266/20 267/7
267/23 270/15 274/2 275/4 275/17
275/25 276/5 276/18 277/6 277/21
278/12 280/21 280/22 281/7 281/24
283/14 287/15 287/22 288/3 288/23
289/8 289/19 289/20 290/10 290/20

291/10 291/21 295/3 295/15 296/25
299/17 301/16 303/16 304/6 304/25
304/25 305/15 306/14 311/2 312/17
313/24 315/2 316/15 316/16
objections [54] 3/7 39/15 104/20 115/7
115/24 124/23 125/7 129/18 130/6
132/22 133/18 136/11 140/24 141/21
142/25 143/21 146/18 146/20 147/5
163/18 169/12 171/13 180/7 182/22
184/19 185/24 187/4 187/11 188/1
188/2 201/16 201/18 202/6 203/1
203/24 203/25 208/11 208/23 210/4
210/15 212/12 232/16 235/7 256/22
266/5 268/11 278/11 278/20 279/8
279/15 279/23 280/3 284/5 302/5
observation [1] 216/5
observed [1] 250/16
obviously [16] 73/13 81/12 92/25 103/24
117/10 126/16 137/23 138/13 145/3
147/11 161/10 267/15 287/7 296/3
298/9 301/6
occur [2] 12/1 178/17
occurred [3] 178/17 290/4 311/8
occurring [2] 77/14 78/5
occurs [1] 250/7
October [1] 70/19
off [25] 5/13 7/6 28/5 65/20 74/18 92/1
94/5 123/4 124/18 133/3 134/12 134/14
143/7 158/15 199/15 224/10 232/3
257/1 270/3 297/16 305/23 308/13
308/14 308/15 317/19
offend [1] 42/8
office [88] 3/13 3/14 3/20 3/21 3/24 4/3
4/9 4/10 28/12 29/4 29/9 33/15 33/18
33/23 34/17 34/19 46/4 52/10 52/17
52/25 66/1 67/3 67/23 69/25 113/17
113/19 130/17 135/14 145/18 146/11
147/14 148/11 148/18 148/23 150/24
169/3 171/15 174/15 175/14 177/2
177/4 180/12 183/12 183/22 186/10
188/4 189/1 192/9 192/24 193/19 194/9
201/4 208/1 211/9 211/15 212/13 213/4
214/20 215/3 228/25 229/17 230/23
232/13 235/15 235/25 236/3 236/7
236/9 238/16 245/21 254/14 259/14
260/23 266/3 276/20 277/9 278/22
284/25 286/6 287/13 288/2 288/21
290/22 291/17 291/24 302/15 302/18
311/17
office's [1] 286/18
officeholders [1] 83/24
offices [2] 21/16 68/13
official [3] 28/7 84/8 143/24
officials [11] 135/23 136/2 136/3 136/4
136/5 136/7 142/13 143/12 143/19
145/19 303/2
often [4] 177/16 178/19 178/20 308/9
oftentimes [2] 127/15 246/20
oh [5] 13/20 66/11 131/7 195/22 236/19
ok [2] 119/8 119/13
okay [434]
old [2] 61/2 205/20
on [408]
once [9] 30/21 35/22 35/23 64/19 85/21
86/12 99/15 268/8 269/5
one [113] 3/12 7/12 7/12 7/14 23/11
23/23 23/24 24/10 24/25 24/25 30/25
31/2 32/6 32/11 34/9 34/12 53/12 54/4

55/13 57/8 63/7 63/10 69/21 73/16
80/22 82/20 87/4 92/5 92/10 93/3 94/6
100/14 101/17 104/10 108/3 109/22
117/11 117/12 117/12 122/12 129/7
129/8 137/6 139/19 142/1 143/17
150/10 152/8 155/19 156/6 174/19
178/4 181/16 183/15 183/17 184/17
186/13 186/15 192/17 192/19 195/18
196/3 198/14 199/23 200/19 201/13
204/5 205/22 206/7 210/18 211/4
214/13 215/17 215/18 222/10 222/16
222/24 226/12 228/9 233/5 235/8
237/16 237/18 241/10 245/19 258/24
261/5 267/15 269/3 269/10 269/10
269/20 269/20 270/7 271/9 272/13
275/21 280/7 285/8 288/17 291/16
307/20 308/4 308/11 309/1 310/12
311/25 312/23 313/14 315/10 315/11
317/11 317/15
one person [1] 269/20
ones [4] 54/11 55/10 58/6 232/4
ongoing [3] 11/17 179/24 276/9
only [32] 1/21 18/17 24/4 25/21 32/6
49/2 49/5 67/15 69/14 69/18 83/22 90/1
100/15 127/23 145/23 145/24 146/21
155/14 163/21 173/6 173/6 177/3
186/16 214/11 229/21 234/23 240/3
244/3 244/13 271/25 281/8 301/1
open [11] 5/18 5/21 16/20 144/18 190/1
190/3 224/18 298/1 298/10 309/21
311/24
opened [3] 70/16 133/6 196/6
opening [6] 1/4 107/15 133/9 133/9
133/13 238/20
operate [1] 116/23
opportunity [15] 124/22 125/5 125/14
125/16 125/18 126/1 157/23 158/4
158/18 159/5 159/19 161/6 162/18
203/19 234/19
opposed [2] 107/2 127/9
optics [1] 259/20
opting [1] 1/4
or [249] 1/7 1/9 1/9 1/15 1/22 1/23 5/8
5/8 5/13 7/12 7/20 7/25 7/25 8/14 10/11
13/18 16/13 17/11 18/17 20/10 20/19
23/20 24/22 25/12 25/15 26/9 26/9
26/10 26/15 27/25 31/6 32/7 35/4 35/23
37/4 37/12 37/16 41/4 41/21 42/21
42/22 43/9 45/20 47/15 48/24 49/14
50/23 51/5 53/22 58/7 59/5 59/24 62/23
63/5 63/13 63/20 69/16 71/8 73/16
73/17 73/18 75/4 76/4 78/16 80/24
82/11 82/12 83/24 84/7 86/12 86/23
87/3 89/4 89/23 93/1 93/14 96/17 96/24
98/24 99/15 102/8 102/18 107/6 108/7
110/16 110/24 110/24 113/4 113/11
113/17 113/18 113/21 114/24 115/18
116/11 116/14 117/7 117/8 117/19
119/7 119/12 119/16 119/19 120/2
120/25 121/9 123/24 124/9 124/9
124/15 124/19 126/8 128/18 128/21
129/3 129/9 130/16 132/5 133/11
133/12 134/9 135/13 138/25 140/9
140/16 145/23 146/12 150/7 150/17
150/18 152/3 155/17 156/23 161/15
161/22 161/23 163/13 164/12 164/23
165/6 167/6 169/3 170/10 174/15
177/13 178/6 178/23 180/6 180/8

O
or... [100] 181/13 181/24 182/2 183/12
184/12 184/20 184/23 186/24 188/4
189/1 196/10 201/4 203/3 212/25 213/6
215/17 215/18 216/4 218/9 219/13
221/23 222/17 223/11 223/23 227/22
228/22 228/23 230/23 233/4 234/24
235/23 239/17 239/24 239/25 241/1
241/10 242/10 243/9 243/20 244/3
244/6 244/13 249/20 249/21 251/7
251/25 252/5 252/10 252/25 253/7
254/11 258/17 258/23 260/20 261/15
261/20 265/4 265/7 265/8 272/2 275/21
275/23 276/11 279/13 280/12 280/19
281/25 281/25 282/3 283/4 283/13
284/22 284/25 286/2 287/10 288/1
289/25 291/18 292/16 292/16 293/14
293/14 293/22 295/18 296/8 299/21
302/17 303/2 306/21 307/9 308/6
308/16 310/6 311/8 313/8 313/8 314/8
314/14 314/21 315/4
orbit [1] 162/2
order [10] 2/17 2/19 3/19 3/21 4/2 4/12
39/10 239/6 239/10 239/21
ordered [1] 238/14
orders [1] 4/13
organization [1] 37/16
organized [1] 220/12
original [1] 188/6
originated [1] 198/18
Orlando [1] 139/12
other [97] 1/9 1/24 5/8 5/25 7/5 8/1 8/1
10/2 17/24 17/25 20/19 24/22 24/22
25/25 26/7 26/10 37/4 37/12 41/9 42/11
49/7 49/8 49/17 64/11 64/12 69/18 73/7
73/16 89/19 92/8 92/9 95/5 95/22
104/22 104/24 106/8 107/24 120/4
122/21 123/6 131/9 140/21 142/6
145/18 146/23 149/7 161/15 166/8
174/19 181/9 186/16 192/1 195/4
197/24 205/24 205/25 214/21 215/3
215/3 227/18 229/10 230/20 231/8
231/9 231/11 244/5 244/12 246/22
250/13 251/5 252/7 253/7 253/8 254/3
254/11 265/6 267/17 270/22 271/1
272/1 272/14 275/21 276/11 287/25
293/14 294/24 294/25 295/13 301/10
302/2 302/17 306/25 309/9 310/3 313/6
314/4 317/12
others [18] 42/19 43/3 73/9 74/13 101/7
106/12 107/25 108/18 112/5 119/19
119/25 149/4 172/20 186/15 193/23
308/9 308/12 310/14
otherwise [11] 46/4 116/14 120/10
123/17 167/20 185/17 189/2 212/25
282/6 282/16 298/5
Ottman [3] 66/8 66/13 66/14
our [11] 4/2 4/11 65/9 94/4 160/25
196/17 237/16 247/11 283/18 286/17
290/3
out [83] 8/1 17/17 19/13 19/24 19/25
20/25 21/18 26/21 30/22 30/25 32/2
32/5 38/18 38/22 38/24 40/4 40/15
45/17 46/10 47/1 47/9 48/24 49/18
49/19 52/2 56/19 62/19 65/25 67/2 67/8
67/16 67/22 68/14 71/8 71/9 73/1 75/7
76/12 79/4 92/24 93/4 94/24 95/1 95/9
100/3 104/16 108/1 112/18 120/5 135/6

141/22 142/14 143/3 143/14 143/16
151/1 151/5 151/8 157/10 169/22 170/1
170/15 197/9 204/2 205/16 221/18
226/18 226/23 241/13 242/25 245/18
246/7 248/11 253/10 270/1 271/2
299/18 301/24 302/7 306/24 307/5
309/8 310/17
Outerbound [1] 111/21
outlier [6] 76/6 267/16 267/16 267/19
270/18 271/10
outliers [5] 76/6 264/18 264/20 265/5
265/9
outline [1] 58/5
outlined [4] 16/5 51/11 153/10 285/3
outlining [1] 50/25
output [2] 58/21 130/24
outputs [1] 160/6
outside [35] 31/5 41/18 42/11 42/14
44/20 44/23 44/25 45/6 45/12 45/18
53/21 53/25 68/16 68/18 69/5 69/12
69/22 85/8 97/23 98/7 102/6 113/25
127/16 145/16 159/2 159/14 176/9
176/9 180/25 181/9 182/21 228/25
280/19 302/8 302/14
outstanding [1] 297/23
over [29] 10/8 28/1 29/3 35/18 36/3
64/11 66/23 83/13 91/23 92/3 92/20
93/6 109/16 139/7 155/6 175/17 191/7
218/15 222/2 222/2 225/9 231/10 233/2
250/12 258/6 263/9 266/9 281/19
297/13
overall [3] 27/18 241/12 310/16
overlap [7] 48/6 81/6 273/9 273/11
274/7 274/10 274/12
overlapped [4] 27/20 47/16 47/25 97/20
overlaps [1] 48/8
overly [2] 120/9 304/11
overused [1] 62/21
overwhelming [1] 249/1
own [10] 57/11 169/22 170/2 170/15
172/8 185/3 185/10 202/2 220/19
281/10
p
p.m [12] 99/3 99/4 134/15 134/16
134/17 189/21 189/22 236/24 236/25
297/18 297/19 317/20
P000C0109 [4] 238/6 243/4 263/23
273/9
P00C0109 [1] 241/17
page [64] 66/10 66/11 66/12 66/12 71/1
71/5 71/5 82/21 82/22 94/7 94/9 95/23
190/5 191/11 196/9 197/7 197/18
197/20 197/21 198/25 199/1 199/2
199/3 199/9 199/11 199/14 199/16
199/18 202/10 202/22 204/24 205/2
205/7 205/7 206/22 207/2 223/11
223/12 224/21 227/4 237/25 241/11
241/14 241/15 242/22 243/25 244/19
244/22 244/24 248/6 248/7 250/1 250/1
251/17 253/20 263/14 267/13 271/13
272/22 273/7 285/23 285/25 306/1
306/11
page 10 [7] 71/1 71/5 94/7 94/9 199/14
199/16 271/13
page 11 [3] 71/5 285/23 285/25
page 12 [1] 202/10
page 2 [5] 205/7 237/25 241/14 241/15

242/22
page 3 [3] 66/12 205/7 243/25
page 4 [2] 272/22 273/7
page 6 [4] 244/19 244/24 250/1 267/13
page 7 [3] 250/1 251/17 253/20
Page 8 [1] 199/11
page 9 [3] 82/21 82/22 263/14
pages [1] 205/9
pages 2 [1] 205/9
paid [12] 51/13 51/15 81/3 168/18
168/21 168/23 169/16 170/2 170/4
170/5 171/21 181/4
pain [1] 224/6
painful [1] 298/7
paint [3] 24/10 100/22 156/12
panel [3] 71/21 79/10 79/18
paper [1] 101/18
paragraph [48] 66/7 71/1 71/6 71/24
82/21 82/23 94/6 94/7 94/8 94/12
212/11 212/23 214/7 237/18 238/25
240/2 242/21 243/6 243/25 243/25
244/1 244/22 244/24 245/6 249/25
249/25 250/1 251/17 251/20 253/4
253/13 253/14 253/18 255/6 260/6
260/7 261/3 266/8 266/9 267/13 271/13
286/1 286/2 286/2 286/13 312/2 312/11
313/18
paragraph 13 [3] 244/24 245/6 267/13
paragraph 14 [2] 249/25 251/17
paragraph 15 [1] 251/20
paragraph 16 [3] 253/13 253/14 253/18
paragraph 17 [2] 260/6 260/7
paragraph 19 [1] 261/3
paragraph 2 [2] 238/25 240/2
paragraph 22 [2] 266/8 266/9
paragraph 24 [1] 271/13
paragraph 4 [1] 286/1
paragraph 6c [1] 243/25
paragraphs [3] 237/19 237/23 238/24
parcel [1] 89/10
parlance [1] 125/15
parse [9] 45/8 46/10 47/9 59/3 62/19
76/12 85/1 143/3 302/6
part [61] 1/8 3/21 19/3 20/20 26/9 29/5
30/4 37/16 47/13 49/17 51/2 59/5 60/8
77/18 89/10 104/25 105/22 105/22
106/9 112/23 126/12 126/12 127/6
128/10 129/7 130/17 132/13 133/23
144/22 148/24 151/21 156/17 164/12
164/16 166/20 171/16 194/1 195/12
204/7 204/14 204/25 212/10 216/25
217/3 217/7 217/11 227/5 254/9 256/24
263/5 266/25 267/25 269/25 270/10
272/25 278/15 278/22 279/18 282/21
295/19 313/8
participant [1] 139/20
participants [1] 186/6
particular [16] 4/5 9/18 18/10 60/14
76/13 102/2 104/5 105/8 163/2 267/15
271/9 279/6 282/11 300/3 308/8 308/22
particularly [3] 72/19 72/24 255/18
parties [4] 1/24 2/24 261/23 309/25
partisan [52] 55/7 55/14 55/21 56/22
57/20 58/8 58/10 73/8 73/24 74/7 76/3
78/17 80/9 111/12 133/14 133/23 134/2
157/19 164/1 164/7 164/10 164/16
166/14 235/15 235/22 236/9 236/15
243/17 246/16 246/21 247/9 247/19

<p>P</p> <p>partisan... [20] 248/14 250/20 251/7 251/8 251/13 255/24 267/2 267/2 267/4 267/6 267/24 268/1 269/18 270/9 270/12 271/22 271/25 306/2 306/24 307/4</p> <p>partisanship [11] 56/25 57/3 71/20 79/9 79/13 80/15 145/20 256/2 256/24 269/24 269/25</p> <p>Partners [1] 293/12</p> <p>parts [5] 43/19 56/19 71/24 272/8 313/21</p> <p>party [16] 1/9 10/22 23/25 26/9 26/10 31/17 31/20 93/15 94/15 242/24 271/18 293/1 293/15 303/15 303/23 304/14</p> <p>passage [2] 82/18 133/12</p> <p>passed [4] 25/15 25/18 25/20 219/5</p> <p>passing [1] 147/20</p> <p>past [14] 61/11 62/7 62/15 63/22 90/24 92/23 96/2 113/12 218/23 249/1 272/15 291/6 303/19 303/21</p> <p>patient [1] 215/1</p> <p>pause [5] 274/18 288/18 298/13 317/8 317/16</p> <p>pay [6] 168/23 169/9 169/22 170/14 171/1 171/9</p> <p>payment [3] 170/17 170/21 170/22</p> <p>payroll [2] 28/4 28/5</p> <p>PDF [9] 5/21 6/2 6/4 65/16 190/3 196/22 196/25 224/3 227/21</p> <p>PDFs [3] 223/20 225/9 296/6</p> <p>pedal [2] 135/5 135/8</p> <p>pedantic [1] 191/2</p> <p>pen [1] 101/18</p> <p>pending [4] 16/18 18/13 56/17 298/24</p> <p>people [21] 16/5 29/20 64/20 96/19 98/7 162/2 168/15 191/23 204/19 206/24 221/6 221/12 221/13 246/17 251/9 285/5 288/10 301/11 302/10 309/15 309/25</p> <p>per [4] 34/10 34/11 209/19 227/6</p> <p>per se [1] 209/19</p> <p>perceived [2] 82/13 251/7</p> <p>percent [19] 6/11 56/10 62/3 198/13 199/17 199/19 199/19 200/20 202/15 202/17 209/15 223/22 273/15 273/21 274/8 274/14 274/16 290/16 315/20</p> <p>percentage [2] 132/5 202/18</p> <p>percentages [2] 199/20 202/11</p> <p>perfectly [2] 314/2 314/3</p> <p>perform [14] 37/16 39/4 73/19 95/19 128/7 128/9 162/5 163/17 183/6 200/18 200/21 201/15 202/25 203/15</p> <p>performance [15] 58/11 60/3 60/6 61/4 63/22 65/4 73/17 93/20 128/5 203/18 235/15 236/10 236/16 251/7 251/8</p> <p>performed [14] 46/23 58/1 59/17 62/3 62/8 73/16 84/25 129/16 129/21 130/4 162/16 198/17 249/14 288/21</p> <p>performing [3] 39/17 70/3 159/1</p> <p>perhaps [4] 31/16 61/12 282/23 285/6</p> <p>perimeter [4] 307/22 307/23 308/2 310/13</p> <p>period [1] 91/11</p> <p>periodic [1] 87/1</p> <p>periods [1] 90/16</p> <p>permitted [1] 128/13</p> <p>person [12] 11/25 86/12 98/14 117/12</p>	<p>127/9 127/14 172/3 186/16 231/20 269/10 269/20 275/9</p> <p>personal [1] 309/12</p> <p>personally [3] 32/4 118/5 220/12</p> <p>perspective [1] 300/20</p> <p>Petersburg [1] 250/9</p> <p>phone [6] 5/8 5/10 85/20 89/20 89/22 89/25</p> <p>photo [1] 94/11</p> <p>phrase [2] 35/24 127/25</p> <p>phrased [2] 20/9 164/25</p> <p>pick [5] 32/21 174/20 300/17 301/6 302/11</p> <p>picking [1] 301/10</p> <p>picture [1] 165/7</p> <p>pieces [1] 299/10</p> <p>pin [8] 91/12 147/15 148/3 177/20 229/5 276/6 277/10 277/12</p> <p>PL [1] 113/4</p> <p>PL 94 [1] 113/4</p> <p>PL94 [6] 105/11 105/23 107/3 107/4 107/9 108/18</p> <p>place [7] 51/24 99/3 134/15 189/21 236/24 272/1 297/18</p> <p>plagued [1] 268/24</p> <p>plaintiffs [5] 4/19 87/20 88/10 238/19 298/21</p> <p>plan [181] 33/6 33/9 34/1 54/15 54/18 54/19 54/25 55/2 55/3 55/14 55/25 56/1 56/22 57/1 57/10 65/3 65/5 73/25 74/8 75/12 76/16 88/21 91/2 100/6 104/17 115/6 115/18 116/3 120/25 124/10 124/21 125/1 125/23 126/1 126/4 130/10 133/15 145/7 150/6 175/8 178/9 178/18 179/3 179/7 179/9 179/19 184/22 187/9 191/1 191/3 197/11 197/14 197/19 197/24 197/24 197/25 198/6 198/6 202/24 202/24 205/6 205/7 205/10 205/23 206/5 206/9 206/10 208/14 209/7 210/2 212/18 213/6 213/7 215/25 216/8 218/23 219/3 219/4 221/22 222/10 228/5 228/5 228/12 228/12 228/22 228/22 229/16 229/16 230/21 231/1 231/17 231/23 231/23 232/15 232/20 233/7 235/2 238/5 238/6 239/10 239/12 239/15 241/17 242/1 242/8 242/12 242/16 242/23 243/2 243/4 243/4 243/15 243/18 243/19 244/8 245/11 245/15 245/16 245/16 246/7 246/8 246/9 246/11 254/17 257/24 258/3 258/17 258/18 258/23 258/24 262/12 263/20 263/23 264/2 264/6 264/8 264/10 264/11 267/6 267/9 267/18 268/4 268/5 268/16 268/25 269/5 269/5 269/14 269/19 270/5 270/19 273/11 273/17 273/22 274/1 274/10 277/5 277/19 278/9 278/10 278/19 279/7 280/8 280/9 280/20 281/6 282/23 283/3 283/20 285/22 286/5 286/10 287/10 287/11 287/11 288/22 289/5 289/16 290/18 294/15 295/10</p> <p>Plan 13-A [6] 197/19 205/7 228/5 228/22 229/16 231/23</p> <p>Plan 14-B [4] 228/5 228/22 229/16 231/23</p> <p>Plan 2 [1] 205/6</p> <p>Plan 8015 [1] 197/25</p> <p>Plan 8019 [4] 197/24 198/6 205/10</p>	<p>228/12</p> <p>Plan's [1] 258/15</p> <p>plans [172] 18/23 19/5 19/15 19/16 19/20 35/15 35/18 36/10 39/23 54/7 76/1 76/3 91/7 100/13 124/24 136/7 136/10 147/3 148/19 159/4 159/17 159/18 160/16 174/23 175/1 175/8 175/22 175/24 176/7 177/17 178/4 179/4 180/21 181/2 181/7 181/24 183/7 184/5 184/11 184/18 185/4 185/11 186/19 186/21 187/3 187/13 187/24 188/10 188/11 188/14 188/20 190/2 190/12 190/13 190/22 194/19 194/23 194/24 196/5 196/23 197/15 197/18 197/24 198/4 198/5 198/9 198/11 198/13 198/15 198/18 202/11 202/19 203/22 204/24 205/9 205/10 206/2 208/13 208/15 218/16 218/17 218/20 218/24 219/10 219/11 219/14 219/17 220/22 220/23 221/17 224/23 225/2 227/7 227/9 227/18 228/1 228/5 228/6 228/11 228/13 228/15 228/16 228/18 229/1 229/6 229/8 229/10 229/11 229/24 230/4 230/12 230/20 230/20 231/1 231/10 232/1 232/2 232/7 233/13 234/6 234/17 235/6 235/16 236/10 237/3 238/18 239/20 239/21 240/3 240/15 241/1 241/2 241/8 241/9 241/10 241/18 242/11 242/25 243/14 244/21 245/1 245/11 250/15 250/25 251/18 251/24 256/12 258/12 258/13 260/9 262/20 263/16 264/11 264/13 265/6 266/10 267/17 268/23 269/18 273/2 274/11 276/3 278/17 284/4 284/7 284/21 286/9 286/21 287/25 294/23 295/10 307/9</p> <p>Plans' [2] 244/3 244/12</p> <p>platform [1] 196/17</p> <p>play [2] 17/24 56/25</p> <p>played [5] 17/18 71/20 79/9 79/13 80/15</p> <p>players [1] 194/1</p> <p>playing [2] 18/6 68/14</p> <p>please [51] 4/22 7/13 7/19 7/23 17/2 18/25 37/7 39/12 43/17 44/15 46/3 50/3 52/25 105/6 113/16 135/11 146/10 148/21 150/23 158/7 158/21 171/14 175/13 179/1 180/10 182/10 188/2 188/25 189/14 189/20 193/18 194/13 201/1 203/1 207/25 216/17 218/10 219/21 225/16 244/23 253/17 254/13 260/21 276/18 277/7 278/20 281/8 284/24 290/21 291/23 295/8</p> <p>plenty [1] 74/16</p> <p>plumbed [1] 125/1</p> <p>plus [5] 88/3 91/24 199/17 200/20 202/15</p> <p>pocket [2] 169/23 170/2</p> <p>pockets [1] 72/15</p> <p>point [62] 22/14 25/20 31/13 58/18 67/21 69/21 82/17 91/8 91/13 92/5 92/6 92/22 93/3 120/14 122/10 123/7 137/12 140/14 143/23 144/21 145/3 145/22 151/19 168/2 186/15 187/22 193/22 217/25 219/3 219/5 222/16 224/12 228/19 229/7 229/25 230/5 235/22 239/12 241/4 250/7 250/11 261/25 270/1 271/2 272/21 275/9 275/13 275/14 276/22 276/24 276/25 277/13</p>
---	---	---

<p>P</p> <p>point... [10] 281/20 283/19 283/23 283/25 289/14 289/23 291/6 303/5 305/6 305/18</p> <p>pointing [2] 269/4 270/1</p> <p>points [3] 33/3 122/9 252/1</p> <p>policy [14] 8/8 8/17 8/20 9/16 10/6 11/8 11/10 11/12 11/14 21/18 21/19 21/21 28/3 30/10</p> <p>political [72] 8/25 9/7 10/22 24/22 25/7 25/22 26/8 27/7 28/24 29/15 29/24 30/10 58/15 60/2 60/13 72/12 73/2 73/5 73/19 74/21 74/25 75/5 75/11 75/17 77/9 77/14 77/24 78/5 78/10 78/11 78/15 78/23 87/15 89/7 89/11 89/12 89/14 93/15 100/17 101/4 110/16 116/11 116/12 117/16 122/5 150/7 150/17 151/12 151/13 151/17 151/20 151/21 152/9 153/6 153/9 153/13 154/4 155/15 155/15 155/24 156/6 156/15 157/10 212/25 246/19 246/23 248/1 251/6 299/22 301/4 307/25 308/16</p> <p>politics [4] 30/5 30/15 71/13 72/2</p> <p>polls [1] 160/7</p> <p>Polsby [9] 119/6 119/12 119/18 121/9 122/20 124/9 199/3 308/25 310/1</p> <p>Polsby-Popper [9] 119/6 119/12 119/18 121/9 122/20 124/9 199/3 308/25 310/1</p> <p>pop [1] 202/17</p> <p>Popper [10] 119/6 119/12 119/18 121/9 122/20 124/9 199/3 308/25 310/1 310/21</p> <p>population [51] 19/10 60/9 60/13 60/17 61/3 63/8 88/4 103/24 104/1 106/8 106/15 106/17 106/20 106/24 107/1 107/3 107/6 108/11 108/20 117/11 128/17 152/18 154/14 154/21 166/11 199/22 199/24 200/2 200/10 200/14 202/18 209/22 209/24 210/8 222/9 258/5 268/19 273/8 273/10 273/11 273/15 273/16 273/21 274/7 274/10 314/3 314/5 314/18 314/21 314/21 315/7</p> <p>populations [7] 104/12 126/15 199/20 263/9 312/6 312/15 312/22</p> <p>portion [10] 46/22 46/25 47/1 47/3 67/5 72/1 79/7 80/19 248/19 297/22</p> <p>portions [3] 19/10 241/17 242/16</p> <p>pose [1] 150/15</p> <p>Posimato [5] 4/18 299/2 299/10 304/5 315/13</p> <p>position [11] 3/13 3/22 4/2 4/11 8/11 8/23 21/11 21/13 64/23 98/11 298/10</p> <p>positions [3] 9/14 10/2 10/5</p> <p>possessed [1] 126/1</p> <p>possible [19] 3/9 20/17 41/2 75/25 78/16 148/5 149/11 154/12 176/2 208/17 240/24 241/1 262/1 277/18 290/17 291/8 291/13 291/17 315/5</p> <p>possibly [1] 36/24</p> <p>post [5] 120/23 121/2 131/1 247/9 307/9</p> <p>post hoc [2] 120/23 121/2</p> <p>potential [2] 225/8 279/18</p> <p>potentially [2] 116/14 255/11</p> <p>PowerPoint [4] 85/21 86/18 89/18 90/2</p> <p>practical [2] 157/18 291/3</p> <p>practitioner [1] 164/10</p> <p>Pratt [2] 191/13 191/18</p>	<p>preaching [1] 32/14</p> <p>precinct [1] 63/5</p> <p>precision [1] 316/6</p> <p>preconceived [1] 95/13</p> <p>predicated [1] 267/1</p> <p>predictive [1] 61/18</p> <p>predrawing [1] 136/19</p> <p>preexisting [1] 139/23</p> <p>preface [1] 108/8</p> <p>prefer [2] 108/3 220/15</p> <p>preference [5] 107/21 114/13 115/13 143/24 309/12</p> <p>preferences [14] 14/25 15/13 64/4 112/13 112/17 112/23 114/5 114/11 114/16 146/3 146/5 146/6 146/15 213/25</p> <p>preferred [3] 231/10 307/17 308/4</p> <p>preliminary [2] 38/23 135/4</p> <p>premise [2] 79/21 316/19</p> <p>prep [1] 35/7</p> <p>preparation [5] 34/23 34/25 135/1 156/17 281/22</p> <p>preparatory [1] 136/16</p> <p>prepare [3] 34/3 35/5 134/23</p> <p>prepared [1] 237/16</p> <p>present [1] 89/6</p> <p>presentation [6] 87/4 87/6 88/25 89/3 90/3 156/1</p> <p>presentations [2] 87/2 155/23</p> <p>presented [4] 63/4 85/21 202/22 224/3</p> <p>preserve [3] 233/12 234/17 289/5</p> <p>preserved [1] 233/18</p> <p>preserving [2] 3/9 257/10</p> <p>Presidential [1] 61/14</p> <p>presumed [1] 68/9</p> <p>pretty [20] 18/14 22/12 22/13 24/16 90/1 110/11 193/2 193/6 198/14 201/12 205/11 207/13 208/14 217/25 227/19 227/24 270/19 270/20 270/25 300/3</p> <p>preventing [1] 116/10</p> <p>previous [4] 61/13 102/24 115/2 202/12</p> <p>previously [14] 15/3 52/9 87/14 93/1 96/5 97/19 120/23 191/24 193/4 193/22 262/22 280/25 306/19 314/11</p> <p>Primarily [1] 173/2</p> <p>primary [1] 159/19</p> <p>principles [1] 306/5</p> <p>prior [81] 1/20 9/10 10/3 10/17 10/18 10/19 11/23 15/11 15/16 16/4 18/4 18/19 19/6 20/24 21/23 22/2 22/5 22/17 22/21 22/22 23/3 24/11 24/20 24/23 26/20 27/1 31/16 36/21 47/1 47/7 47/17 49/21 55/20 57/2 68/4 68/4 96/4 112/3 117/5 123/1 124/13 125/20 136/15 141/1 143/25 145/21 148/8 149/12 151/13 166/25 176/7 186/4 213/22 216/3 220/15 220/17 228/8 230/15 230/21 233/5 235/9 239/18 240/12 243/13 251/3 259/11 272/20 280/13 289/17 294/10 299/15 300/8 304/3 304/10 305/17 306/17 307/6 307/19 309/5 309/20 313/12</p> <p>prioritize [1] 221/8</p> <p>prioritized [1] 117/8</p> <p>private [9] 37/15 37/23 67/3 67/9 67/16 67/23 69/25 70/3 82/12</p> <p>privilege [201] 3/7 4/12 16/16 16/21 17/15 18/12 20/3 20/9 20/13 35/8 38/3</p>	<p>38/3 39/7 39/8 41/3 42/21 43/13 43/14 43/15 44/14 46/2 48/2 48/2 48/7 48/15 48/16 50/1 50/1 53/7 101/24 101/25 104/19 104/20 109/18 113/15 114/24 114/24 115/21 115/22 123/20 123/21 126/9 129/1 129/1 129/4 129/24 129/25 130/12 130/13 131/11 131/12 133/17 133/18 135/10 135/11 140/23 140/24 142/24 142/25 146/9 147/6 147/7 149/1 150/21 150/22 156/23 156/23 162/14 162/20 164/23 165/10 166/13 169/4 169/13 173/13 174/13 175/11 175/13 177/1 177/6 178/8 180/13 181/12 182/1 182/8 182/17 183/10 183/13 183/14 183/16 184/2 184/11 185/13 185/14 185/16 186/22 186/23 188/5 188/24 192/12 193/17 194/11 194/12 195/7 195/7 201/1 201/1 201/12 202/5 202/6 203/24 203/25 207/24 207/24 208/22 208/23 209/9 209/9 209/19 210/18 210/21 210/24 213/9 213/9 214/9 214/10 214/14 215/7 215/7 217/18 217/18 219/19 219/19 220/1 220/2 220/25 222/4 222/4 225/14 225/14 229/3 229/20 229/20 230/8 230/8 230/17 231/4 231/4 231/13 231/14 232/9 232/9 232/22 232/23 233/15 233/22 233/23 234/8 234/21 234/22 235/18 235/19 236/12 236/13 240/9 240/9 246/25 251/2 254/13 255/15 261/24 264/24 265/22 265/23 266/21 270/16 275/5 280/22 282/1 283/15 284/23 284/24 287/16 288/24 288/24 289/9 289/20 290/11 291/22 295/4 295/5 297/1 301/17 301/18 304/7 304/8 305/16 306/15 306/16 311/3 316/16</p> <p>privileged [39] 17/4 46/9 48/4 48/19 96/17 123/25 126/8 126/19 127/12 130/15 135/12 136/13 143/1 149/7 161/22 161/23 164/20 165/20 167/19 169/14 189/3 189/5 201/7 203/2 203/3 213/12 213/13 214/17 215/16 218/9 218/9 230/1 234/25 235/12 277/25 279/2 285/1 289/1 305/2</p> <p>privileges [3] 3/6 3/10 114/9</p> <p>probably [15] 31/13 38/10 54/19 108/5 149/20 165/19 173/19 176/6 178/2 182/15 182/16 214/17 236/20 279/1 294/12</p> <p>probative [3] 258/3 262/23 263/11</p> <p>problem [1] 226/20</p> <p>proceed [1] 239/6</p> <p>proceedings [5] 1/23 129/7 129/8 129/10 317/20</p> <p>process [186] 4/6 15/2 15/18 15/20 17/7 57/6 64/9 64/15 68/15 68/20 71/21 77/15 77/18 78/3 79/10 79/14 80/10 93/18 94/18 96/22 99/14 99/25 100/5 100/12 100/23 104/25 112/18 112/24 114/6 114/11 114/15 126/13 127/15 127/25 128/2 131/13 133/24 133/25 138/18 138/21 138/25 139/1 139/11 139/24 140/3 140/4 140/15 140/16 141/5 141/7 141/24 142/1 142/3 142/14 142/21 142/22 143/4 143/15 143/16 144/1 144/7 144/11 146/1 146/3 146/24 147/9 147/12 147/18 149/2 149/4 150/1 151/18 151/19 151/22 157/11 159/12</p>
--	--	--

P

process... [110] 160/25 162/1 164/11 167/6 171/25 172/17 173/18 176/20 179/14 179/24 180/10 180/16 186/6 187/15 193/11 193/13 193/24 195/12 207/19 208/8 208/15 209/3 213/23 214/2 214/5 219/13 220/9 220/18 222/2 222/10 222/16 222/18 228/2 228/19 228/20 229/8 229/25 231/8 231/15 232/12 232/25 235/23 239/12 242/17 243/18 246/17 247/8 247/11 250/21 251/14 252/18 256/25 262/1 262/3 265/2 266/19 267/3 267/25 268/23 269/25 270/6 272/12 272/14 272/17 272/18 273/1 273/3 273/4 273/5 275/3 275/22 275/24 276/12 276/22 277/1 277/11 278/18 280/11 280/14 280/15 284/8 284/12 284/13 284/14 284/17 286/24 287/2 288/5 288/9 290/24 291/4 294/13 295/14 296/12 296/16 299/16 300/18 301/6 301/12 301/21 301/23 302/9 302/13 303/6 304/15 306/13 306/22 306/25 307/5 316/11

process-driven [1] 143/16

procuring [1] 310/25

produce [2] 294/25 295/12

produced [9] 211/14 238/14 238/18 241/5 241/5 288/8 296/11 297/6 308/23

producing [1] 58/4

product [10] 42/21 161/23 185/13 271/17 282/2 295/1 295/13 295/16 295/20 295/22

products [1] 103/8

professors [1] 94/19

programs [1] 5/18

Project [1] 293/6

prominently [1] 309/18

promise [2] 62/9 295/24

promised [1] 99/6

pronounced [2] 119/7 119/8

pronunciation [1] 310/2

proper [4] 1/15 88/16 121/15 179/6

properly [2] 79/1 223/20

proposal [1] 64/4

proposals [5] 180/5 226/25 227/8 227/16 228/24

proposed [6] 58/9 60/3 60/19 61/20 87/20 212/14

ProPublica [3] 70/19 82/17 94/3

prorate [1] 63/12

pros [1] 107/23

protect [5] 124/21 160/13 160/16 160/18 214/13

protected [1] 282/13

protection [1] 161/4

proved [1] 152/2

provide [14] 7/19 47/21 75/22 100/2 102/11 128/12 164/16 185/8 185/9 187/2 258/4 279/21 280/2 283/13

provided [33] 46/14 57/22 57/24 59/4 59/9 59/11 59/13 59/18 60/25 80/8 105/22 114/1 128/18 130/24 164/25 177/5 182/11 184/23 185/22 187/21 188/9 188/12 193/4 203/21 204/3 238/4 276/9 282/22 283/23 283/24 284/7 284/20 289/24

provides [5] 104/12 105/18 125/17 248/13 262/24

providing [22] 14/24 15/19 18/8 46/13 46/15 46/17 57/13 57/21 68/19 102/7 104/22 166/25 167/1 180/16 188/15 201/11 203/8 204/9 279/10 288/6 306/25 307/10

provision [2] 19/7 101/11

public [41] 17/1 19/2 19/3 20/22 44/17 69/13 70/3 130/17 133/20 144/7 144/10 145/16 146/3 146/5 146/15 146/19 146/21 148/7 148/8 148/24 149/13 169/2 171/17 173/16 178/11 183/25 194/14 209/11 209/14 210/6 210/19 213/19 219/21 229/4 232/2 235/20 275/7 278/15 278/23 281/8 316/17

published [1] 70/19

pull [4] 65/9 65/11 290/5 304/1

pulled [2] 59/23 70/13

pulling [1] 12/21

punt [1] 183/15

purchase [1] 1/5

purchased [1] 1/24

pure [1] 256/1

purple [2] 153/24 155/17

purpose [2] 6/18 24/2

purposes [2] 1/21 204/5

pursuant [4] 2/8 2/24 296/15 297/25

pursued [1] 281/15

pursuit [4] 122/15 124/3 201/22 257/6

purview [2] 141/24 143/12

push [4] 36/1 145/9 145/13 176/3

pushed [1] 192/16

put [26] 12/23 16/1 24/9 35/6 60/19 60/25 64/8 69/9 92/24 93/3 94/18 95/14 108/16 114/17 135/7 179/6 201/21 202/2 204/5 227/19 243/3 272/1 273/6 287/18 309/8 315/10

puts [1] 310/4

putting [9] 12/23 37/3 37/8 48/23 87/25 101/18 171/5 195/1 221/11

Q

quantify [1] 75/18

quarter [1] 66/8

quarterly [2] 87/3 87/4

quarterly/monthly [1] 87/4

que [1] 177/11

question [97] 6/23 15/16 15/24 16/17 16/17 16/25 17/7 19/15 19/20 20/8 26/4 26/5 31/2 31/4 36/13 39/11 41/1 42/22 42/24 43/17 49/22 58/17 59/20 59/21 59/22 61/18 62/9 73/18 85/2 86/6 89/16 92/16 98/5 98/13 103/15 104/4 107/17 110/1 119/23 126/6 126/14 127/3 129/2 130/14 132/6 134/8 136/1 148/9 159/22 160/20 161/8 162/9 162/11 162/15 164/25 165/16 169/1 173/15 174/14 175/18 177/1 177/12 178/8 179/1 181/13 181/15 182/2 182/9 182/25 184/12 188/7 191/25 196/8 198/20 200/17 223/17 227/25 228/8 230/17 240/8 242/4 269/17 270/3 271/8 271/12 281/25 282/2 288/9 292/14 295/7 296/9 302/6 308/3 309/5 312/18 314/16 316/20

question's [1] 143/1

questioning [1] 107/16

questions [16] 7/7 7/18 35/12 38/11 52/3 52/8 61/7 99/8 115/3 184/16

202/23 269/24 292/8 298/2 299/11 315/11

quick [4] 135/20 189/16 222/24 226/14

quickly [3] 135/6 201/12 252/21

quite [7] 21/17 29/21 81/12 152/25 219/10 227/20 229/5

quote [4] 144/17 212/16 242/11 247/22

quote-unquote [1] 247/22

quotes [1] 146/23

R

race [7] 30/17 118/6 118/11 118/14 118/19 118/20 204/6

race-neutral [1] 118/6

races [7] 57/25 58/5 58/7 61/19 61/22 73/15 106/20

racial [30] 105/19 105/21 106/2 106/8 108/20 118/17 130/9 130/20 130/22 131/2 131/9 131/15 131/22 132/3 132/10 132/15 159/10 159/11 159/13 160/6 160/8 160/14 160/15 163/7 166/5 203/21 204/7 306/3 307/5 307/7

raised [1] 249/13

ran [6] 34/12 49/12 50/10 63/14 160/7 186/5

range [1] 265/5

ranked [2] 101/5 117/7

rapid [1] 226/9

rapid-fire [1] 226/9

rate [1] 1/6

rather [7] 14/6 16/13 17/25 102/19 107/9 152/17 174/10

raw [2] 60/15 132/5

RE [2] 119/8 119/13

RE/ok [2] 119/8 119/13

reach [7] 38/18 40/15 58/24 74/24 214/21 215/3 247/21

reached [6] 19/24 19/25 20/25 38/22 40/4 95/12

reaching [1] 38/24

read [18] 66/16 71/6 79/7 245/3 248/11 249/25 250/2 251/20 253/13 253/16 260/7 266/8 267/13 271/13 286/4 304/22 305/5 305/18

readable [1] 228/3

reading [10] 82/24 94/12 149/23 212/1 237/22 241/13 242/21 244/1 248/12 261/5

reads [1] 82/23

ready [1] 212/3

reaggregated [7] 58/8 58/19 60/2 60/18 61/19 62/2 73/19

reaggregates [1] 60/25

reaggregation [2] 58/2 58/15

real [1] 315/8

realities [1] 154/5

reality [1] 75/5

really [82] 12/2 14/17 17/9 17/15 19/14 22/10 40/6 43/6 57/13 57/14 58/17 59/21 59/22 68/1 72/18 73/4 75/3 76/20 77/16 87/23 89/13 89/13 93/9 100/22 100/23 101/15 102/12 102/13 107/16 107/24 107/25 116/22 120/21 121/4 121/22 128/19 134/4 134/5 134/9 134/25 135/1 135/2 135/5 136/15 137/8 138/1 139/17 139/23 141/3 141/8 141/8 142/2 145/3 145/11 145/12 147/15 148/3 150/25 151/5 151/8 159/2 209/16

<p>R</p> <p>really... [20] 210/8 221/3 221/9 224/12 230/16 253/2 258/4 276/10 276/21 290/25 296/5 296/5 296/10 296/10 300/10 301/7 301/23 308/3 309/3 313/12</p> <p>reapportioning [1] 269/9</p> <p>reason [13] 6/25 67/15 82/14 95/17 122/11 147/19 245/19 247/14 249/12 249/13 290/25 291/5 306/8</p> <p>reasonable [3] 219/2 285/4 314/3</p> <p>reasoning [2] 145/14 287/18</p> <p>reasons [2] 261/24 262/22</p> <p>recall [28] 40/11 66/3 86/10 86/22 89/8 129/6 145/10 174/7 175/5 195/9 223/18 224/10 260/25 265/3 265/9 265/12 265/25 266/6 267/17 278/4 280/4 281/19 284/17 287/10 290/23 294/8 305/4 305/18</p> <p>recalling [7] 49/20 61/25 62/5 195/13 285/4 291/3 294/9</p> <p>receipt [1] 98/7</p> <p>receive [14] 65/13 143/19 145/16 145/18 177/9 177/16 178/3 186/2 186/8 208/7 231/16 261/22 262/1 284/3</p> <p>received [17] 115/5 115/9 145/24 148/5 149/11 170/17 178/20 179/8 187/9 187/13 245/20 262/6 265/20 266/3 283/19 284/19 292/3</p> <p>receiving [8] 97/23 144/2 144/5 149/2 193/5 220/10 284/11 316/20</p> <p>recent [2] 81/6 90/22</p> <p>recently [2] 11/6 72/1</p> <p>recess [6] 51/24 99/3 134/15 189/21 236/24 297/18</p> <p>recollection [26] 22/12 22/13 25/19 41/14 41/23 49/9 49/11 49/15 49/16 50/6 57/23 68/1 86/7 192/4 198/12 207/18 223/20 224/1 228/18 242/7 262/19 265/15 289/22 292/4 306/7 306/9</p> <p>reconfigurations [1] 234/16</p> <p>reconfigure [2] 234/5 235/5</p> <p>reconstituted [1] 61/11</p> <p>reconvene [1] 317/18</p> <p>record [43] 2/7 4/23 8/2 17/1 19/3 20/20 44/17 65/20 71/9 80/9 82/24 130/18 133/20 134/12 134/14 141/25 148/24 169/2 171/17 173/16 178/11 194/14 209/11 210/6 212/1 219/21 229/4 235/21 240/18 251/21 253/16 255/16 261/6 275/7 278/15 278/23 281/8 297/16 298/8 298/15 298/16 316/17 317/19</p> <p>records [1] 71/15</p> <p>recreate [1] 220/16</p> <p>red [3] 111/20 153/24 155/17</p> <p>redacted [3] 206/25 207/4 207/8</p> <p>redid [1] 56/13</p> <p>redistrict [1] 56/3</p> <p>redistricting [119] 4/6 11/15 11/16 12/8 12/11 12/14 12/16 12/16 12/21 17/22 32/17 35/14 36/9 37/6 37/12 37/17 38/8 38/13 38/19 40/9 40/14 43/22 44/24 50/20 51/2 51/7 51/10 54/6 54/7 56/13 67/10 67/14 68/15 68/20 68/24 71/16 72/6 73/25 75/12 75/13 79/14 83/22 84/8 84/20 84/22 84/25 91/2 91/7 93/12</p>	<p>93/13 93/14 93/18 93/20 93/25 94/17 96/22 99/14 100/6 100/10 100/13 102/21 104/17 105/20 106/7 116/1 116/25 117/22 118/4 118/11 122/22 123/4 124/21 126/13 130/10 144/11 155/6 155/6 168/16 175/15 176/15 188/22 208/7 210/3 211/21 212/14 214/3 216/11 221/5 228/20 238/18 258/1 259/7 262/8 275/3 275/9 279/10 281/11 286/24 293/6 293/10 293/18 294/1 295/2 295/14 296/3 296/12 296/16 299/16 302/13 304/3 304/10 304/14 306/5 306/13 308/10 309/23 309/24 310/4 310/23</p> <p>reduce [2] 87/22 209/21</p> <p>reduced [3] 209/16 227/7 238/18</p> <p>reducing [4] 228/2 231/1 261/15 261/20</p> <p>reduction [1] 222/7</p> <p>refamiliarized [1] 305/25</p> <p>refer [9] 33/6 33/13 33/20 33/25 45/20 54/17 62/14 105/2 302/3</p> <p>reference [6] 78/15 78/15 78/16 88/23 94/4 286/3</p> <p>referenced [1] 129/11</p> <p>referencing [1] 58/12</p> <p>referred [4] 25/14 30/18 308/21 312/16</p> <p>referring [17] 33/14 50/22 54/14 54/18 55/19 55/23 62/15 79/8 131/6 144/19 193/13 208/19 223/16 224/20 267/9 308/19 312/21</p> <p>refers [2] 306/2 306/4</p> <p>reflect [17] 72/13 108/11 108/12 109/25 132/4 132/12 191/5 197/14 213/25 239/9 246/18 246/20 251/7 261/22 266/18 296/6 316/21</p> <p>reflected [11] 58/7 60/11 114/17 122/12 122/13 140/25 148/2 149/24 219/15 222/20 271/3</p> <p>reflecting [1] 182/14</p> <p>reflection [1] 72/20</p> <p>reflective [2] 247/10 314/13</p> <p>reflects [1] 79/2</p> <p>refresh [1] 242/6</p> <p>refreshing [1] 306/9</p> <p>regard [7] 80/14 80/14 124/4 125/16 127/24 153/6 279/10</p> <p>regarding [7] 55/13 97/22 98/6 136/7 144/10 177/17 213/5</p> <p>regardless [2] 105/13 117/19</p> <p>regards [1] 86/18</p> <p>region [14] 139/3 234/18 250/10 253/25 254/2 255/7 255/13 256/7 256/20 257/18 258/22 260/13 260/15 313/5</p> <p>regional [9] 17/9 17/12 143/5 143/6 219/13 240/14 251/10 313/10 313/14</p> <p>regionalized [1] 19/6</p> <p>regions [9] 136/25 142/6 142/6 142/7 312/6 312/23 312/24 313/1 313/7</p> <p>registered [5] 31/11 31/12 31/14 31/17 140/10</p> <p>registration [5] 31/16 31/21 140/9 140/15 166/16</p> <p>regular [1] 156/15</p> <p>rejected [1] 94/22</p> <p>related [15] 5/5 12/20 15/14 67/13 68/23 69/22 90/1 90/2 175/4 175/15 176/14 296/2 296/18 296/21 306/18</p> <p>relates [4] 93/18 126/13 128/5 305/3</p>	<p>relationship [3] 45/11 45/16 276/24</p> <p>relative [11] 79/3 85/3 98/11 147/9 147/16 147/24 257/21 259/22 277/12 277/15 310/16</p> <p>relay [1] 189/2</p> <p>relayed [2] 58/21 149/17</p> <p>relaying [2] 69/17 185/23</p> <p>relevant [5] 69/2 131/18 226/24 227/8 227/15</p> <p>relied [3] 53/19 308/9 308/12</p> <p>relying [2] 59/18 104/11</p> <p>remained [2] 230/13 242/17</p> <p>remarks [1] 2/4</p> <p>remember [103] 7/20 22/3 22/15 25/12 25/18 25/20 30/18 30/19 36/19 56/16 58/4 58/6 61/22 63/13 67/19 67/24 68/5 68/25 69/14 69/16 85/25 86/13 86/23 87/2 87/18 87/25 88/9 89/4 89/5 92/5 92/11 93/3 129/5 129/9 129/11 129/13 133/9 144/13 144/15 144/25 144/25 145/4 145/5 145/14 146/12 146/14 146/22 146/23 147/8 147/23 157/1 157/16 157/17 157/21 164/8 164/9 168/1 168/2 170/9 170/11 170/13 176/23 184/21 184/22 186/13 186/15 186/17 187/19 187/24 188/11 188/14 201/20 202/7 207/21 208/2 217/3 218/19 227/12 228/7 228/8 228/9 228/10 229/13 231/5 232/1 232/4 233/1 239/2 275/15 276/16 276/24 282/25 283/8 283/17 283/24 286/9 286/20 286/23 287/1 287/3 287/6 287/17 309/6</p> <p>remembered [1] 68/9</p> <p>remembering [1] 210/18</p> <p>reminds [1] 205/17</p> <p>rename [1] 293/19</p> <p>rendering [2] 306/22 307/1</p> <p>Reock [12] 119/7 119/7 119/13 119/13 119/19 121/9 124/9 197/8 197/11 198/25 308/24 310/2</p> <p>repeat [2] 35/12 100/11</p> <p>Repeatedly [1] 251/18</p> <p>repetitive [5] 15/23 18/5 18/11 304/21 309/4</p> <p>rephrase [13] 20/7 27/8 39/14 50/16 57/18 82/10 119/16 125/24 152/15 156/18 165/9 165/21 236/7</p> <p>rephrasing [1] 165/24</p> <p>replicated [1] 250/13</p> <p>replication [2] 255/22 255/24</p> <p>report [31] 18/16 46/14 47/24 106/15 106/19 106/22 110/20 111/11 121/1 183/2 206/5 206/6 219/4 237/13 237/16 237/21 238/8 238/20 243/14 243/23 247/3 249/20 250/19 258/10 259/16 268/13 271/14 272/22 289/23 290/5 296/2</p> <p>reported [1] 18/18</p> <p>reporter [1] 1/14</p> <p>reporting [4] 63/5 63/6 63/9 63/10</p> <p>reports [56] 46/18 47/3 47/20 47/24 48/10 48/24 49/20 49/23 50/8 50/10 66/20 67/2 83/9 95/25 108/6 108/10 108/11 108/12 110/5 110/10 110/12 110/14 110/18 111/2 120/23 128/18 130/23 132/12 160/7 163/6 164/13 164/17 165/5 165/8 166/4 166/9 167/11 176/7 182/13 183/1 183/1 186/5 191/7</p>
---	--	--

R
reports... [13] 204/4 204/13 204/18
205/25 206/3 206/8 294/24 295/11
296/7 296/8 308/23 309/11 309/16
represent [7] 196/18 217/6 246/5
258/16 273/13 282/20 285/20
representation [3] 4/8 128/6 154/9
Representative [6] 10/19 10/20 10/24
10/24 10/25 29/10
Representatives [1] 45/1
represented [1] 245/22
representing [1] 298/21
represents [1] 246/2
republican [97] 9/2 9/9 10/23 10/25 11/1
23/19 23/21 25/9 27/11 27/13 29/1 30/1
30/2 30/5 30/10 30/15 59/7 59/8 64/21
64/24 65/1 65/2 65/4 71/14 71/19 72/2
72/8 74/22 74/22 77/8 77/22 83/23
83/24 84/3 84/3 84/5 84/13 84/20 84/22
88/6 88/7 93/19 94/22 140/10 154/8
155/3 242/24 243/1 243/3 243/15 244/5
244/8 244/20 244/25 246/3 246/10
247/5 247/15 247/22 250/5 250/8
250/11 250/14 250/16 250/24 251/19
251/24 252/3 252/9 254/2 254/6 255/12
256/9 256/19 256/23 259/2 260/13
261/8 261/9 264/13 266/11 266/16
267/22 268/6 271/18 271/19 271/20
272/3 292/23 293/1 293/3 293/8 293/10
293/15 293/17 303/15 304/14
Republican-led [1] 65/2
Republicans [12] 23/12 23/13 79/4
93/17 94/19 152/14 152/17 153/18
155/10 156/9 303/19 303/21
request [7] 113/11 182/12 206/20
207/21 207/22 208/18 227/6
requested [3] 1/19 105/7 113/12
require [2] 157/7 157/14
required [7] 124/21 125/24 126/2
135/20 161/4 249/7 257/22
requirement [7] 123/18 157/22 158/2
268/25 269/11 269/20 281/13
requirements [3] 103/3 103/16 103/19
requires [1] 122/19
resemblance [3] 241/18 241/22 242/12
reserve [1] 298/5
reside [1] 302/22
resolved [2] 56/7 56/10
resources [1] 302/3
respect [20] 12/13 79/22 80/13 99/10
99/21 115/3 115/6 119/6 119/12 119/17
131/12 138/23 145/20 159/5 202/24
203/18 251/4 251/5 257/5 259/22
respectable [1] 36/25
respected [1] 257/15
respecting [1] 306/23
respective [2] 23/18 142/6
respects [1] 72/13
responded [2] 207/7 225/4
response [1] 225/8
responsibilities [8] 11/7 16/13 17/25
27/15 39/19 51/1 51/6 51/6
responsible [3] 18/22 47/19 63/1
rest [1] 301/25
result [8] 48/25 75/1 77/24 164/9 235/23
236/17 260/3 316/25
resulted [2] 78/6 88/21
results [4] 62/22 73/19 248/25 249/3

resumé [3] 22/6 22/8 25/15
retain [1] 296/24
retained [8] 37/21 44/20 44/23 84/4
98/17 296/13 296/18 296/21
retainers [1] 45/12
retention [1] 292/9
retread [1] 56/20
retreading [1] 99/11
return [3] 16/9 82/16 274/21
returning [6] 94/3 150/12 168/5 198/22
233/11 290/3
reveal [4] 18/25 96/15 126/7 161/21
revealing [1] 214/11
reveals [3] 135/12 201/3 277/8
review [7] 35/7 80/21 103/16 156/19
212/1 283/12 286/4
reviewed [2] 204/12 311/8
reviewing [5] 76/2 80/18 128/8 146/22
157/2
revisions [1] 229/11
revisit [1] 137/15
revisited [1] 311/11
Rick [1] 28/23
right [64] 5/19 10/3 20/13 20/21 21/6
24/14 42/5 47/2 60/23 61/24 64/14
64/23 71/6 86/8 99/6 99/23 102/6 104/4
108/8 122/24 134/11 135/2 135/6 135/8
146/19 148/20 154/16 154/22 159/21
165/12 166/20 189/7 189/25 200/10
200/14 206/21 208/8 211/7 211/12
217/4 218/25 223/10 224/7 237/15
240/21 248/9 256/15 256/23 264/3
264/8 285/14 285/20 292/20 296/1
298/3 298/5 298/11 298/11 298/14
298/19 304/17 305/9 314/1 316/9
Rights [11] 117/21 118/7 118/13 123/15
123/18 124/4 124/25 125/22 126/3
126/22 127/1
ripples [1] 64/12
rise [1] 262/2
road [1] 269/3
roadways [2] 299/25 300/3
Robert [1] 310/21
ROK [1] 119/7
role [24] 4/5 8/19 12/13 17/10 17/24
18/1 18/6 18/23 23/17 25/1 27/24 28/6
28/17 56/25 68/13 71/20 79/10 79/13
80/15 97/8 163/1 167/6 221/11 275/3
roles [2] 21/21 26/2
Ron [1] 70/20
room [6] 5/3 5/6 5/9 5/10 219/12 315/21
rose [1] 261/9
rough [4] 36/9 99/12 137/2 137/16
roughly [7] 90/4 138/3 145/1 218/24
239/20 286/23 291/19
round [3] 112/4 262/17 269/3
routine [1] 63/14
row [3] 197/10 198/22 198/25
rows [1] 227/22
Roy [5] 10/20 10/25 11/24 22/5 23/3
Rubio [1] 249/2
rule [4] 154/1 154/6 174/18 314/7
rules [4] 6/13 97/22 98/2 98/6
run [18] 50/8 76/23 88/15 109/9 111/2
111/2 111/3 120/24 121/1 121/5 121/6
128/13 130/23 132/12 163/7 206/3
206/8 219/4
running [9] 29/4 29/8 46/14 47/3 48/7

48/24 121/8 135/19 208/13
rural [6] 152/1 152/6 155/2 314/17
315/4 315/4
Ryan [6] 186/13 186/16 191/13 191/16
212/11 311/20

S
sacrifice [3] 124/2 251/18 252/20
sacrificed [1] 271/23
safe [6] 24/17 110/11 172/2 193/6
215/15 231/18
said [49] 10/2 11/24 13/19 16/10 17/14
17/17 36/4 36/15 46/16 55/20 64/13
78/25 79/25 80/2 80/6 80/15 89/20
92/10 92/19 100/25 101/15 111/21
112/7 114/10 135/8 137/3 137/16
146/19 147/25 154/6 154/24 170/4
176/1 205/2 208/6 210/7 225/5 230/4
233/3 233/5 247/8 251/9 255/16 267/19
271/5 276/8 278/7 285/25 314/6
sake [1] 7/4
salvo [1] 107/15
same [133] 27/3 33/20 39/20 45/4 59/9
90/8 97/3 97/12 98/5 102/13 103/15
103/18 104/9 104/19 105/5 109/17
115/7 115/20 124/23 125/7 129/18
129/23 130/6 131/13 132/22 133/16
136/11 139/4 139/10 139/13 141/21
143/21 146/18 146/20 147/5 148/20
149/14 150/20 157/8 157/15 157/24
158/6 158/14 158/14 158/20 159/7
159/9 161/7 163/18 163/19 163/20
169/12 171/13 174/3 177/12 177/18
179/20 180/7 182/22 182/22 184/15
184/19 185/24 187/4 187/8 187/11
188/1 188/1 188/13 192/25 201/16
201/17 202/5 202/23 203/1 203/5
203/23 204/15 207/11 208/11 208/21
210/4 210/15 220/1 227/21 232/16
232/21 235/7 243/2 250/15 252/6
252/22 256/22 260/8 266/5 267/7
267/23 268/11 273/15 273/22 275/17
275/25 276/5 277/21 278/11 278/12
278/12 278/20 279/8 279/15 279/23
280/3 280/21 280/23 284/5 284/22
287/6 287/22 287/23 288/3 289/19
291/10 291/15 291/19 291/20 295/15
302/5 306/1 306/11 313/18 315/21
316/3 316/8
San [1] 153/4
Sandi [8] 65/18 134/11 195/23 206/13
226/1 237/10 285/13 298/12
Sandi's [1] 7/4
sat [1] 209/15
satisfies [1] 144/4
satisfy [4] 116/3 116/5 123/17 252/20
satisfying [1] 117/11
saw [5] 145/10 146/24 187/13 227/20
302/2
say [200] 7/13 9/22 12/3 12/6 13/3
13/18 14/18 19/5 19/11 20/12 26/6
26/22 28/8 30/3 35/6 35/16 35/17 37/1
37/2 37/7 37/22 39/22 40/5 40/6 40/8
40/13 48/5 48/8 48/20 48/22 49/3 49/4
49/10 49/11 54/9 54/13 54/19 55/22
59/15 60/12 61/1 61/23 63/10 64/13
67/4 67/6 67/11 70/6 72/3 72/25 74/2
75/14 76/1 76/8 77/5 79/22 81/11 81/13

<p>S</p> <p>say... [142] 81/15 82/3 85/6 89/14 89/24 90/1 90/10 92/3 92/16 95/13 97/2 98/3 102/23 103/4 104/10 106/14 106/20 106/25 108/2 108/9 109/10 109/21 110/14 111/1 112/1 112/16 112/18 112/25 116/1 116/4 116/9 116/16 117/24 118/16 118/18 120/20 121/21 122/17 123/13 123/14 124/1 124/9 124/25 125/21 130/19 131/21 133/3 134/7 135/3 135/15 135/22 135/23 136/17 137/19 139/17 140/4 143/7 143/23 144/16 144/20 149/7 149/19 150/25 152/25 159/22 160/2 163/8 163/10 167/21 168/7 168/11 170/17 172/22 173/17 173/19 174/4 174/17 177/24 179/23 181/24 187/20 188/21 191/24 192/17 193/2 193/8 193/20 195/9 200/11 204/17 205/11 205/18 206/2 207/1 208/5 208/8 209/18 213/20 215/16 216/21 218/11 222/9 227/23 228/21 233/8 233/17 239/10 239/14 240/10 240/15 242/15 247/18 249/17 253/7 275/8 276/10 277/16 278/24 279/9 279/16 280/16 281/1 284/6 284/10 284/18 285/2 289/18 292/16 294/14 297/4 300/3 300/25 301/20 302/8 302/14 304/9 308/11 312/4 312/18 314/15 314/22 316/6 saying [22] 24/17 28/10 38/23 42/7 62/1 75/19 75/20 108/4 116/19 122/24 191/25 220/8 223/21 224/22 225/1 246/22 247/4 252/9 252/14 255/10 258/10 272/25 says [13] 79/7 164/6 197/8 198/25 199/16 208/18 212/24 223/13 240/20 255/7 258/14 273/8 312/11 schema [1] 292/2 science [1] 97/14 scope [8] 18/14 39/5 51/9 85/8 127/6 159/2 159/14 162/1 score [3] 122/13 123/10 218/1 scores [1] 120/22 Scott [9] 9/6 9/7 9/18 9/21 10/15 25/6 25/7 25/16 25/21 screen [3] 6/1 132/16 206/18 scroll [19] 66/5 66/7 71/1 190/4 191/10 197/17 199/1 199/8 202/9 204/22 211/17 223/10 227/3 237/17 241/11 243/24 244/19 248/5 285/23 Scrolling [1] 211/18 se [1] 209/19 seal [1] 16/23 searching [1] 144/17 seat [28] 88/8 116/9 244/20 244/25 247/15 247/22 247/22 250/8 250/10 250/11 250/24 254/2 254/18 254/20 255/12 256/9 258/5 258/20 260/12 260/13 261/9 263/9 267/12 268/6 268/20 269/1 269/6 269/22 seats [25] 87/23 210/8 242/23 243/1 243/3 243/15 244/5 244/8 246/3 246/10 247/5 249/7 250/5 250/6 250/12 251/24 252/3 252/9 257/23 260/10 261/9 261/10 266/13 271/19 272/3 sec [2] 94/6 285/23 second [22] 2/11 66/15 82/20 134/12 196/8 197/7 198/25 204/23 205/2</p>	<p>212/15 223/11 223/12 237/18 277/24 278/3 286/1 286/14 286/18 288/15 297/16 315/11 317/15 Secondly [3] 204/3 249/4 254/21 secret [1] 303/20 Secretary [12] 3/13 3/20 3/23 4/4 4/9 4/20 33/13 33/14 34/17 52/16 235/14 238/16 Secretary's [2] 235/25 236/3 section [23] 55/6 55/21 55/23 56/5 98/20 99/7 100/9 124/4 124/25 125/22 126/2 126/10 126/17 126/22 127/1 127/3 127/14 158/24 159/13 251/16 303/13 304/18 317/12 Section 2 [15] 55/6 55/21 55/23 56/5 124/4 124/25 125/22 126/2 126/10 126/17 126/22 127/1 127/3 127/14 158/24 see [41] 26/13 30/24 38/5 67/1 76/5 93/4 114/13 129/15 144/21 147/21 165/20 175/12 180/12 187/16 191/15 204/24 212/19 222/19 225/6 226/23 243/25 244/18 245/5 245/8 246/12 246/14 248/6 255/16 257/1 261/11 261/12 263/18 273/18 273/23 281/1 286/16 286/18 309/24 309/25 312/2 317/11 seeing [4] 40/10 220/3 243/13 249/21 seeking [1] 302/7 seem [1] 69/14 seemed [2] 270/21 290/6 seems [5] 31/23 218/22 229/12 245/10 290/5 seen [15] 66/2 70/22 94/1 120/14 124/2 124/18 211/15 211/22 211/25 243/10 243/22 250/19 252/16 280/25 309/9 segmentation [1] 19/9 selected [2] 22/8 287/12 self [4] 246/18 251/9 251/10 251/12 self-sort [2] 246/18 251/9 self-sorting [2] 251/10 251/12 seller's [1] 32/3 Senate [26] 8/21 9/5 10/9 10/16 11/9 13/6 13/7 13/10 16/6 21/5 21/8 21/10 22/1 23/13 23/13 26/16 26/21 26/22 27/10 27/11 27/13 27/16 27/21 59/8 59/8 68/17 senator [2] 9/21 249/2 send [27] 42/11 42/13 42/19 50/16 65/10 174/22 174/25 175/3 180/20 180/21 180/22 180/24 181/8 181/20 181/23 182/6 182/20 190/22 193/14 193/15 194/8 224/23 225/2 227/4 230/25 283/12 316/12 sending [6] 170/20 170/22 171/7 191/6 225/11 227/12 sends [1] 316/25 sense [13] 1/16 11/12 13/10 140/5 140/7 153/12 160/22 178/19 193/2 300/21 301/9 310/7 316/16 sent [18] 42/18 43/3 43/4 175/21 175/23 176/2 184/18 190/7 190/19 191/11 194/2 206/23 207/3 223/17 224/22 225/1 225/9 232/7 sentence [5] 66/16 67/1 79/6 212/16 242/18 Sentinel [2] 65/16 65/24 separate [7] 13/9 26/6 118/8 131/1</p>	<p>143/25 312/5 312/15 separately [2] 26/1 43/10 sequence [5] 238/11 238/12 239/9 250/8 272/10 series [10] 52/7 57/25 58/5 184/15 222/24 238/25 272/9 292/11 292/15 315/6 served [2] 238/20 297/24 serves [3] 23/14 87/7 194/23 service [4] 9/15 14/11 102/10 113/22 services [7] 14/9 14/10 15/4 59/12 62/21 170/10 170/11 serving [1] 82/6 session [4] 56/4 134/17 135/16 135/20 sessions [2] 34/8 54/20 set [11] 32/2 32/5 32/10 32/15 35/13 37/17 68/10 97/3 115/2 117/4 193/12 setting [5] 104/16 176/17 192/7 295/18 310/7 seven [1] 6/10 several [5] 7/10 150/9 153/22 238/3 270/11 shading [13] 130/22 131/15 131/22 132/10 132/15 159/13 160/6 160/8 160/14 204/7 224/4 255/24 307/8 shape [2] 63/23 137/10 shaped [2] 150/18 150/18 shapefile [2] 181/20 225/2 shapefiles [8] 182/20 224/23 225/12 225/19 225/22 295/12 296/6 296/7 shapes [1] 257/14 share [11] 18/8 74/15 75/7 256/10 256/20 256/24 258/14 259/2 264/13 267/12 268/6 shared [1] 225/20 sharing [1] 225/22 sharp [1] 267/5 she's [1] 289/18 sheet [7] 195/2 196/23 197/1 202/19 206/6 227/21 241/9 shelved [1] 219/8 shift [2] 28/1 263/9 shifts [1] 134/6 shocked [1] 112/8 short [9] 3/9 19/19 49/6 51/20 98/21 274/18 288/18 298/13 317/16 shorthand [2] 106/16 219/24 shot [1] 30/21 should [11] 6/3 26/22 54/8 135/24 152/24 214/22 215/4 227/23 253/7 302/14 314/22 show [7] 189/8 189/24 222/23 246/21 283/3 285/9 311/13 showed [1] 16/1 showing [5] 87/21 121/15 121/23 285/15 307/24 shown [1] 281/21 shows [2] 273/14 273/20 side [10] 23/24 28/7 28/7 84/13 195/1 195/1 206/7 206/7 230/15 230/15 sign [2] 29/22 143/7 signed [2] 88/21 294/15 significant [3] 256/9 261/10 267/22 significantly [2] 253/24 270/21 similar [4] 202/11 246/18 274/1 274/4 simple [5] 73/15 75/4 193/25 218/12 314/9 simply [14] 61/25 62/7 76/24 80/13</p>
---	--	---

<p>S</p> <p>simply... [10] 108/18 116/19 191/1 204/4 215/17 216/1 216/5 219/7 242/13 272/12</p> <p>simultaneously [3] 239/23 256/10 291/9 since [10] 16/13 30/10 33/11 36/3 36/10 92/7 173/15 246/7 311/8 311/11</p> <p>single [1] 113/23</p> <p>Siri [2] 138/8 200/12</p> <p>sit [3] 81/12 116/16 118/18</p> <p>sits [1] 116/7</p> <p>sitting [10] 20/21 81/14 121/2 131/14 138/14 151/17 217/4 267/20 305/19 316/6</p> <p>situation [3] 100/18 151/3 252/23</p> <p>sixth [1] 199/2</p> <p>size [3] 72/15 72/17 310/16</p> <p>skew [1] 249/3</p> <p>skewed [1] 72/11</p> <p>skill [6] 32/2 32/5 32/10 32/15 37/17 97/3</p> <p>skills [1] 32/21</p> <p>Skipping [1] 29/2</p> <p>slate [3] 23/17 24/14 27/18</p> <p>slew [1] 120/4</p> <p>slice [1] 248/1</p> <p>slightly [2] 45/8 303/13</p> <p>slowly [2] 7/4 83/1</p> <p>small [2] 188/10 310/15</p> <p>smaller [2] 110/16 137/25</p> <p>smallest [1] 63/18</p> <p>sniffing [1] 226/13</p> <p>so [476]</p> <p>software [53] 14/15 15/25 33/1 58/17 58/20 58/24 59/6 59/9 59/14 59/18 59/25 60/8 60/8 60/12 60/25 61/8 61/8 62/15 63/16 64/6 64/14 107/13 107/22 108/2 108/5 108/7 108/9 108/9 108/22 110/3 110/4 110/13 111/5 111/10 111/13 111/17 111/18 113/7 113/8 131/23 131/25 131/25 138/14 234/10 301/1 301/2 301/8 302/3 309/7 309/9 309/19 310/3 310/4</p> <p>softwares [1] 108/15</p> <p>solely [3] 77/9 312/5 312/12</p> <p>some [89] 3/7 3/25 13/25 14/16 17/22 20/19 22/22 32/7 32/12 38/10 39/9 39/14 47/20 48/5 48/8 49/7 52/8 52/9 56/19 72/25 73/11 80/23 87/23 91/8 91/13 92/2 97/18 107/24 108/10 108/15 110/22 116/3 117/1 117/18 120/14 121/8 123/7 123/17 137/12 139/7 140/19 141/18 144/12 149/3 164/21 165/5 168/5 176/2 191/12 191/25 192/23 193/2 193/9 195/2 197/9 197/24 199/9 203/15 204/4 204/12 206/24 206/24 217/25 228/23 231/9 231/10 237/2 239/23 240/12 240/13 253/9 275/13 275/14 276/22 276/25 277/13 283/19 283/23 289/14 289/23 290/3 292/11 294/10 297/24 299/12 304/20 305/6 305/18 308/19</p> <p>somebody [13] 25/18 64/13 69/17 69/20 155/24 170/21 170/25 171/6 185/23 201/14 207/3 220/14 265/20</p> <p>somehow [2] 138/9 195/12</p> <p>someone [14] 96/24 128/13 128/21 155/5 155/23 156/3 164/25 183/21</p>	<p>231/17 247/10 248/3 285/6 292/3 302/25</p> <p>something [44] 27/24 30/19 48/23 53/13 57/5 61/16 63/21 64/14 64/19 75/3 99/9 106/11 115/11 118/2 120/15 120/17 123/10 127/8 131/22 144/22 163/12 170/9 176/18 183/20 187/16 194/14 201/2 201/3 207/8 209/2 219/6 221/9 226/15 239/9 260/22 265/7 283/2 289/18 291/2 307/23 309/7 309/13 310/5 310/6</p> <p>sometime [1] 294/14</p> <p>sometimes [16] 29/19 63/9 120/3 120/9 123/5 179/12 183/2 222/13 222/14 241/19 251/6 251/11 252/19 253/6 271/6 271/7</p> <p>somewhere [4] 91/10 153/24 174/6 218/23</p> <p>soon [1] 207/6</p> <p>sorry [74] 5/20 13/14 13/20 18/19 19/3 21/5 37/7 42/17 42/24 46/7 46/8 49/3 54/14 56/20 80/22 86/5 88/19 91/25 124/11 132/20 136/1 138/8 150/9 150/11 159/24 165/21 169/19 176/5 178/7 183/18 183/22 188/6 189/9 195/22 196/2 196/14 198/5 198/23 200/11 200/24 205/5 207/1 208/23 210/12 214/24 214/25 216/16 224/25 226/1 230/6 236/2 237/24 238/9 238/19 244/22 248/7 258/11 259/4 260/18 260/18 267/8 271/16 278/2 281/25 283/1 283/7 284/10 289/13 291/10 304/1 311/16 312/8 312/13 312/18</p> <p>sort [24] 30/4 52/3 62/12 104/16 106/4 110/8 140/8 148/6 164/21 165/13 168/5 182/5 187/7 188/3 190/18 197/17 203/21 204/23 208/7 233/2 246/18 251/9 273/1 281/6</p> <p>sorting [5] 77/14 78/5 78/11 251/10 251/12</p> <p>sorts [1] 205/24</p> <p>sound [1] 218/24</p> <p>sounds [12] 17/21 29/3 30/20 125/19 142/18 156/18 171/6 173/7 215/22 239/19 290/7 297/15</p> <p>source [1] 302/8</p> <p>south [1] 88/2</p> <p>southern [2] 259/20 259/21</p> <p>space [6] 40/14 91/24 97/13 124/2 163/20 247/25</p> <p>span [1] 314/17</p> <p>spans [2] 250/1 313/19</p> <p>sparkling [1] 207/17</p> <p>speak [40] 21/14 24/15 34/14 34/16 34/22 34/24 83/18 84/10 85/2 85/3 91/14 92/10 93/22 93/25 95/4 95/21 96/18 96/23 97/25 99/19 109/7 128/19 135/23 136/6 154/24 155/1 161/25 163/13 174/19 221/16 229/22 232/11 243/9 247/2 252/16 256/23 261/24 272/11 272/11 316/4</p> <p>speaker [9] 10/17 10/23 12/18 14/2 14/3 22/1 64/25 65/2 84/3</p> <p>speaking [35] 24/11 26/1 60/14 86/17 93/14 99/20 102/18 105/19 106/10 109/7 110/4 110/6 110/17 112/11 116/8 117/10 117/18 119/9 125/8 127/8 131/24 135/17 147/21 150/4 153/14</p>	<p>157/6 174/17 208/12 221/20 230/10 231/16 233/24 234/13 275/20 296/12</p> <p>speaks [1] 230/12</p> <p>special [4] 25/3 25/17 54/20 56/4</p> <p>specific [56] 10/11 10/13 22/24 23/2 23/9 23/25 26/8 28/11 30/14 32/18 38/11 39/25 53/11 57/19 61/15 64/2 67/24 76/8 88/24 90/16 92/9 93/14 96/24 97/9 98/2 105/7 106/19 106/20 107/12 109/8 114/7 114/8 115/4 115/18 123/23 135/17 136/2 141/14 149/21 160/24 165/19 166/12 176/16 181/19 194/3 203/22 207/17 214/3 235/11 253/9 259/8 260/24 261/23 262/5 262/19 277/13</p> <p>specifically [58] 13/3 21/19 24/16 30/18 38/21 40/11 48/20 48/22 50/4 61/23 61/24 62/5 66/3 69/10 76/19 85/25 87/10 92/11 100/6 100/10 105/20 118/19 125/23 125/25 132/14 134/20 141/25 144/19 145/10 155/21 156/2 157/1 188/15 193/20 195/13 201/20 208/25 223/18 227/14 259/15 260/25 262/9 265/3 265/9 267/18 270/24 276/6 276/10 277/10 277/12 284/17 285/3 288/12 290/23 294/9 299/14 305/5 305/19</p> <p>specificity [3] 36/8 165/18 173/20</p> <p>specifics [5] 134/21 163/6 182/10 188/19 279/17</p> <p>specify [1] 138/20</p> <p>specifying [1] 58/13</p> <p>speed [3] 14/14 14/19 21/25</p> <p>spend [2] 236/19 237/2</p> <p>spent [8] 31/23 32/1 32/4 32/9 71/12 71/17 72/1 249/20</p> <p>split [9] 110/19 116/10 116/15 116/19 117/15 135/3 136/16 222/7 253/1</p> <p>splits [65] 49/10 49/12 50/9 50/12 110/7 110/7 110/9 110/10 110/12 110/14 110/18 111/2 181/24 199/10 207/13 208/14 209/16 209/21 210/9 222/18 235/10 244/3 244/6 244/13 251/5 252/1 252/5 252/11 254/1 254/4 254/11 255/8 256/11 256/13 257/17 257/21 258/11 258/12 258/15 258/16 258/21 260/15 260/20 261/11 261/16 261/20 262/10 262/14 262/21 263/15 263/21 263/24 264/7 264/14 265/18 266/12 267/15 268/9 269/13 270/20 270/25 271/3 271/10 272/2 281/11</p> <p>splitting [3] 116/13 271/7 271/8</p> <p>spoke [14] 86/12 91/10 91/13 91/18 99/9 99/13 99/17 99/17 125/20 126/21 178/19 235/24 236/2 281/17</p> <p>spoken [7] 84/12 86/1 86/6 86/11 90/13 90/23 91/8</p> <p>sporadic [2] 36/4 184/23</p> <p>sprawl [1] 119/10</p> <p>sprawling [2] 119/3 227/20</p> <p>spread [2] 79/4 83/13</p> <p>spread-out [1] 79/4</p> <p>spreadsheet [12] 123/9 191/1 194/18 195/10 198/23 205/24 219/15 227/5 227/20 228/3 230/13 240/13</p> <p>spring [2] 8/14 16/10</p> <p>spurred [2] 208/2 208/3</p> <p>spurts [1] 35/21</p>
---	--	--

S
square [1] 88/11
St. [1] 250/9
stab [1] 270/7
staff [6] 9/23 21/19 33/18 33/22 86/12 86/15
staffer [4] 89/5 89/23 89/25 97/8
stage [3] 35/13 231/8 308/14
stand [2] 111/7 281/9
standard [5] 104/1 110/24 110/25 207/18 308/8
standards [7] 117/12 305/22 306/2 306/4 306/12 308/22 310/9
standing [2] 11/11 30/8
stands [6] 142/14 143/16 151/8 199/21 235/10 245/18
stark [2] 79/2 141/23
start [22] 9/16 11/23 13/25 29/7 48/7 102/20 103/4 103/17 111/4 150/11 164/14 173/10 181/18 198/8 200/19 208/19 219/6 222/19 226/13 239/5 275/12 292/12
started [25] 2/2 7/17 14/4 30/14 30/15 35/14 44/5 135/25 136/10 139/5 139/11 139/16 147/10 147/25 174/2 205/13 239/16 262/7 268/23 275/15 277/14 299/24 301/13 305/25 309/10
starting [17] 16/10 41/11 44/8 55/2 58/23 66/7 71/2 98/11 198/6 205/6 248/10 251/17 270/6 271/18 299/12 301/24 305/23
starts [9] 66/12 82/21 108/14 109/24 110/21 197/23 205/10 244/18 286/3
state [185] 2/17 2/25 4/4 4/19 4/20 4/22 6/19 8/10 8/12 8/17 8/21 9/11 9/14 10/19 10/20 12/7 12/25 13/2 14/1 14/15 19/22 22/18 26/22 28/4 28/5 31/3 31/6 31/7 31/8 35/15 37/12 37/21 37/24 39/4 39/11 39/17 40/18 40/23 43/16 44/24 45/7 45/24 45/25 50/17 52/4 52/20 53/17 54/8 54/10 56/2 56/11 56/16 63/8 64/22 65/5 66/21 67/9 68/17 68/17 69/3 69/4 69/5 69/6 69/8 69/8 69/12 71/13 71/14 71/18 73/6 76/10 77/9 79/4 81/5 81/16 82/6 82/11 85/11 94/16 96/12 96/12 97/22 98/8 98/14 98/14 98/16 98/17 100/8 100/16 101/1 101/2 101/6 101/7 101/21 102/7 102/20 103/1 103/3 103/4 104/6 112/12 113/3 113/6 113/7 113/11 113/12 113/21 113/22 117/13 118/1 118/13 126/15 129/22 130/4 131/19 134/9 134/9 134/23 135/25 136/9 136/25 137/7 137/17 138/1 138/4 138/11 139/11 139/15 139/21 140/2 140/6 140/9 146/7 146/17 147/4 150/8 150/14 150/19 151/2 151/14 151/18 151/25 152/6 152/12 152/13 152/16 152/22 152/22 154/3 154/3 156/21 160/24 162/12 164/13 171/4 171/7 178/5 179/16 205/25 209/17 215/13 215/18 216/22 216/23 218/4 238/4 238/17 240/4 258/6 263/1 269/10 286/25 293/8 294/6 294/18 294/20 295/1 295/13 296/15 299/6 299/22 300/11 302/10 303/3 308/7
state's [16] 3/13 3/21 3/23 4/9 19/10 33/15 34/17 52/17 66/22 68/14 75/15 94/17 235/14 275/3 295/2 295/14

statement [8] 62/7 93/10 93/23 94/1 144/21 146/19 146/21 155/7
statements [6] 20/19 20/22 144/10 144/14 145/17 146/16
states [16] 9/13 13/4 16/6 37/4 83/4 83/12 84/25 85/6 140/20 140/21 153/17 155/10 213/3 216/10 242/13 309/6
statewide [8] 19/20 23/5 23/18 87/24 88/13 88/15 240/14 248/25
statistics [2] 195/3 222/20
status [1] 180/4
statute [1] 63/8
statutes [1] 118/18
statutorily [1] 23/14
statutory [1] 23/9
stay [3] 103/22 179/4 252/6
step [13] 11/20 17/15 101/17 125/4 133/24 133/24 159/24 170/23 192/6 197/4 210/18 210/24 312/23
Stephen [1] 237/19
stepped [2] 239/3 242/6
stepping [4] 18/12 127/12 149/6 166/13
steps [4] 47/22 60/4 301/14 305/13
stick [1] 262/21
Sticking [1] 240/2
still [13] 6/3 16/13 16/14 16/18 17/23 18/13 81/8 146/20 212/6 214/13 217/12 303/9 316/11
stipulation [1] 2/24
stood [1] 150/25
stop [3] 187/22 201/23 206/7
story [3] 69/17 123/9 248/3
straddle [1] 257/3
streams [1] 122/2
stretch [2] 88/11 314/2
stretches [1] 217/22
striking [3] 241/18 241/22 242/11
strip [1] 217/23
strong [2] 109/22 142/3
struggle [1] 254/19
struggled [1] 262/23
stuck [2] 137/11 220/15
subcommittee [2] 211/21 311/20
subdivision [5] 14/12 116/11 116/13 122/5 308/1
subdivisions [5] 101/4 117/16 251/6 301/5 308/16
subject [9] 87/6 92/4 115/24 124/24 177/6 190/11 207/20 223/19 279/12
subjects [1] 91/21
submission [3] 133/11 238/19 287/4
submissions [2] 17/19 18/7
submit [5] 40/19 40/24 41/8 127/8 291/18
submitted [10] 22/6 41/17 94/16 94/19 164/17 165/6 178/18 179/5 231/24 287/13
submitting [2] 41/12 288/2
subparagraph [1] 242/20
subpoena [2] 297/23 297/25
subsequent [1] 58/2
subsequently [2] 50/8 128/20
subset [1] 288/7
substance [13] 43/15 46/8 48/4 48/18 53/9 96/16 102/2 158/8 158/21 179/2 179/22 180/2 225/17
substantial [2] 252/2 274/9
substantially [3] 242/23 258/13 264/12

substantive [2] 180/6 295/25
successful [3] 55/8 55/11 55/12
succession [1] 271/17
such [4] 1/16 153/10 230/25 271/9
sudden [2] 109/23 109/24
sufficiently [1] 215/24
suggest [1] 317/3
sum [2] 14/17 271/15
summarize [5] 62/13 195/11 296/7 296/8 296/8
summarized [1] 206/5
summarizes [2] 12/18 212/12
summary [16] 18/14 84/2 131/2 183/2 194/24 195/2 202/21 204/5 204/18 206/3 219/10 222/20 227/7 240/13 252/8 309/11
super [1] 189/16
superior [2] 221/7 222/11
supplemental [3] 46/17 237/13 237/15
supported [1] 286/5
supposed [1] 102/21
Supreme [14] 56/12 87/21 94/17 94/25 95/12 95/18 167/14 168/1 216/10 216/14 216/19 216/22 217/9 218/3
Supreme Court [13] 56/12 87/21 94/17 94/25 95/12 95/18 168/1 216/10 216/14 216/19 216/22 217/9 218/3
Supreme Court's [1] 167/14
sure [69] 4/24 5/25 20/6 20/11 20/14 20/16 20/16 24/13 29/16 35/11 37/2 52/23 54/2 54/3 56/11 57/2 60/21 68/18 69/10 73/10 77/20 77/23 83/1 85/9 94/14 101/3 104/12 109/20 112/7 120/14 120/20 125/12 126/17 128/15 128/16 131/18 141/17 144/24 147/2 153/12 154/17 156/3 159/17 162/10 162/13 163/4 169/19 182/23 182/24 183/23 192/21 198/14 205/11 220/3 224/6 244/11 250/2 256/3 278/1 290/16 297/17 300/18 305/18 306/10 306/11 307/4 307/23 312/21 317/3
surprise [8] 242/9 242/18 243/9 244/10 246/14 250/17 250/22 273/25
surprised [4] 95/11 241/23 243/5 305/6
surprising [3] 142/2 142/10 250/18
survey [2] 101/20 105/25
survive [2] 149/3 219/13
survived [1] 280/13
suspect [1] 95/17
swearing [1] 6/14
sweeps [1] 252/21
switch [1] 303/12
symbolized [1] 132/4
symbolizes [1] 132/2
symbolology [1] 257/13
symbolology [1] 224/4
symmetries [1] 74/15
system [3] 63/3 242/3 283/21

T
table [1] 62/6
tablet [1] 5/8
tabulation [1] 111/7
tailoring [1] 106/6
take [70] 5/20 7/10 7/13 12/5 13/25 16/16 27/24 27/25 28/4 35/20 43/19 47/22 51/18 51/20 60/4 61/17 63/11 64/10 66/15 71/24 72/20 75/2 88/10

<p>T</p> <p>take... [47] 101/17 103/5 106/12 108/25 109/5 125/4 127/2 137/14 156/11 161/20 166/22 166/24 170/1 171/24 180/10 182/16 189/15 190/24 195/2 211/25 212/7 226/19 228/4 233/8 236/19 245/13 248/19 249/4 249/8 250/21 257/20 268/12 268/21 273/12 274/3 274/20 279/2 284/16 297/12 301/14 303/17 305/13 310/10 312/23 316/18 316/23 317/11</p> <p>takeaway [1] 164/6</p> <p>taken [11] 2/7 2/8 2/12 2/16 2/23 19/11 62/22 62/25 63/4 179/9 236/16</p> <p>takes [1] 316/24</p> <p>taking [8] 24/25 60/14 60/24 79/20 194/24 228/1 242/2 281/12</p> <p>talk [15] 11/6 23/22 46/20 87/10 100/9 110/8 118/22 134/19 134/22 160/7 162/19 173/3 272/23 274/23 310/1</p> <p>talked [19] 87/7 88/20 116/24 151/11 190/22 191/16 194/17 199/4 202/12 225/7 240/11 241/8 274/24 294/25 295/11 295/12 304/19 314/11 315/13</p> <p>talking [14] 6/4 8/1 15/12 15/13 32/15 60/11 67/20 87/14 87/18 90/13 101/12 149/21 174/2 221/19</p> <p>talks [1] 313/18</p> <p>Tallahassee [5] 137/25 139/6 300/10 302/21 302/21</p> <p>tallies [1] 73/15</p> <p>Tampa [8] 137/23 139/3 250/9 260/8 260/11 260/11 266/14 300/9</p> <p>Tampa-St. Petersburg [1] 250/9</p> <p>tangible [1] 295/20</p> <p>tasks [1] 12/20</p> <p>taxed [1] 68/1</p> <p>Taylor [12] 2/5 3/11 132/20 159/24 196/13 200/24 219/24 230/6 240/22 289/17 291/12 298/22</p> <p>Taylor's [1] 65/19</p> <p>team [6] 127/5 147/25 163/7 168/15 193/7 285/2</p> <p>technically [1] 120/9</p> <p>technology [7] 14/9 14/10 15/4 59/12 62/21 113/22 309/15</p> <p>tell [10] 154/19 185/6 199/21 248/2 248/3 253/2 256/18 257/12 307/22 310/18</p> <p>tells [1] 301/1</p> <p>template [1] 224/7</p> <p>temporary [1] 30/24</p> <p>Ten [1] 236/22</p> <p>tend [2] 108/21 246/18</p> <p>tended [1] 270/4</p> <p>tends [1] 131/25</p> <p>tension [1] 253/7</p> <p>tentacles [1] 119/3</p> <p>tenure [2] 11/16 31/1</p> <p>term [5] 23/15 110/8 194/25 265/4 283/21</p> <p>terminal [2] 121/3 316/7</p> <p>terms [1] 305/21</p> <p>territory [1] 277/25</p> <p>test [19] 119/7 120/10 120/11 120/13 120/18 120/21 121/4 121/5 121/6 121/8 121/18 121/21 122/11 122/20 128/3 217/22 310/2 314/10 314/11</p>	<p>testified [60] 41/16 57/2 71/19 74/20 79/9 79/12 79/21 80/6 83/20 92/25 96/2 96/5 97/19 132/7 134/3 152/24 152/24 163/24 165/4 165/11 165/12 166/2 166/19 166/25 172/10 173/5 173/23 178/22 179/12 186/4 188/9 193/3 193/21 203/13 204/2 205/6 209/13 213/15 213/16 222/6 242/14 262/4 262/22 270/8 270/10 272/15 277/22 278/16 280/7 286/13 289/14 294/4 299/13 304/21 307/12 307/21 310/22 313/11 315/23 317/6</p> <p>testifies [1] 260/19</p> <p>testify [10] 79/16 148/23 163/21 204/6 228/17 247/24 249/19 292/1 292/6 313/15</p> <p>testifying [2] 194/3 259/15</p> <p>testimony [56] 19/6 24/12 47/18 52/9 55/20 62/14 75/10 78/9 79/25 80/1 80/4 80/11 80/14 80/19 85/12 96/4 102/24 117/6 125/20 148/16 164/3 175/22 175/25 176/7 180/8 199/5 203/17 213/22 215/22 216/1 216/3 235/9 238/24 257/25 259/11 275/12 281/9 282/8 282/17 282/21 285/21 289/17 289/21 290/8 294/10 297/22 300/8 305/3 305/17 306/17 306/19 307/6 307/20 311/1 311/8 317/9</p> <p>testing [1] 12/3</p> <p>Texas [64] 5/1 8/10 8/12 8/17 8/22 16/10 16/19 16/19 17/7 17/23 19/7 19/8 19/23 20/24 31/3 31/9 31/14 31/24 32/8 36/21 37/4 37/11 44/10 44/11 44/17 44/20 44/25 45/5 45/19 54/12 54/17 55/25 56/1 81/1 81/3 81/5 81/22 82/1 82/4 91/9 91/15 92/7 96/6 97/19 97/22 98/12 98/15 101/12 113/18 131/12 134/1 141/6 141/16 141/23 142/1 142/15 142/19 143/15 152/25 153/9 154/7 154/18 314/17 315/4</p> <p>Texas's [1] 91/7</p> <p>text [5] 7/25 157/17 296/21 297/8 315/15</p> <p>than [51] 8/1 30/8 36/15 37/1 37/2 41/9 53/25 64/16 76/9 92/8 92/9 95/5 95/22 101/7 107/10 117/13 143/17 149/7 149/21 151/1 152/1 152/6 152/14 152/18 153/18 155/10 156/9 165/19 166/12 167/6 174/11 177/23 177/24 178/1 180/6 187/18 209/3 242/11 247/5 249/7 254/11 269/13 276/12 302/2 302/17 308/9 308/12 309/9 312/7 314/17 317/12</p> <p>thank [27] 3/11 4/14 4/21 5/16 7/15 9/19 13/21 18/16 26/19 58/13 59/20 61/6 63/25 71/23 78/13 79/5 83/7 196/2 196/15 223/2 238/22 240/21 285/16 297/20 298/6 298/11 298/12</p> <p>thanks [5] 56/18 195/19 214/25 298/19 315/12</p> <p>that [1512]</p> <p>that's [138] 5/2 10/4 12/9 13/21 14/17 15/1 15/10 16/8 18/13 22/11 26/4 27/5 29/6 31/15 35/16 39/24 39/24 42/1 43/23 44/3 47/11 50/11 54/16 55/24 56/6 59/17 60/19 60/23 66/11 67/19 69/18 71/6 72/4 77/24 79/15 84/1 84/1 84/5 85/11 85/11 90/24 90/24 93/5 96/7</p>	<p>98/10 98/15 100/14 102/4 102/7 106/1 107/4 110/11 112/6 112/25 113/5 113/5 114/18 117/7 117/17 121/4 121/12 121/22 122/12 131/6 132/21 133/21 140/25 145/21 149/5 149/19 152/8 152/21 152/21 158/9 159/22 160/2 161/19 164/5 170/6 172/25 173/9 177/24 193/18 199/25 200/3 201/6 202/21 206/15 206/18 206/21 206/24 207/4 210/5 213/12 214/16 214/22 215/15 215/15 219/1 219/1 223/10 224/10 225/3 235/1 235/8 235/11 236/5 237/11 237/15 238/1 245/9 245/15 248/9 249/3 249/18 251/6 259/17 263/10 267/8 270/11 273/13 279/1 285/2 285/20 288/4 289/10 292/20 294/7 296/11 298/24 303/5 303/7 303/11 307/16 308/12 308/20 310/15 313/25</p> <p>their [68] 10/22 14/24 14/25 15/12 15/13 16/2 17/10 23/18 29/5 29/24 43/23 46/21 47/25 49/20 56/13 57/4 57/10 59/9 59/10 63/3 64/3 64/4 64/4 64/15 64/18 67/6 83/6 85/2 93/19 93/23 95/5 95/21 103/14 104/23 109/9 113/7 113/8 114/12 114/16 125/18 126/25 127/5 127/6 142/5 145/19 149/22 163/9 163/22 164/13 166/20 167/2 172/8 182/11 182/12 185/3 185/10 187/15 201/23 203/8 204/4 204/18 229/22 234/19 289/6 299/20 306/22 307/1 307/11</p> <p>them [57] 3/8 13/9 25/13 42/18 43/4 50/5 56/9 57/13 73/11 74/18 78/22 85/5 85/10 85/21 86/9 103/13 103/14 103/23 104/22 108/11 113/24 132/1 132/2 144/12 152/15 158/12 161/16 163/8 167/5 167/22 178/22 180/22 180/24 181/23 182/6 184/18 187/14 193/7 195/1 195/3 228/17 233/9 238/5 239/23 239/24 239/25 245/23 293/19 303/4 305/5 305/18 305/24 305/25 307/1 307/11 308/21 309/25</p> <p>themselves [2] 200/5 237/3</p> <p>then [98] 7/23 10/18 12/6 16/1 22/5 23/24 27/1 28/1 28/4 29/13 30/21 36/2 38/5 41/4 55/6 55/16 56/5 58/19 58/20 59/14 60/1 60/18 63/19 64/5 64/18 76/7 77/20 80/4 84/3 86/11 88/4 88/9 88/9 90/19 92/8 96/15 98/21 104/19 111/4 117/5 119/15 122/12 137/15 137/24 142/24 143/11 160/12 160/18 161/9 161/19 165/16 171/8 175/10 175/23 176/1 179/8 183/1 190/11 191/11 192/8 193/15 193/23 197/23 197/23 199/1 199/8 199/17 200/1 200/4 202/4 206/5 207/6 207/10 218/7 226/19 227/8 228/12 240/7 241/11 245/16 245/22 253/10 253/14 256/8 259/3 268/4 268/5 270/12 281/7 289/24 292/14 297/14 301/22 305/6 306/25 311/9 316/23 316/25</p> <p>there [242] 5/3 5/4 5/5 5/7 5/10 6/25 7/2 11/17 12/17 14/11 14/22 14/23 15/4 15/24 16/20 18/17 23/9 23/11 24/24 28/14 32/24 36/1 36/2 36/24 37/4 37/22 39/9 41/5 42/23 48/5 49/16 55/4 55/5 55/6 55/20 56/3 56/5 58/6 59/4 61/25</p>
--	--	---

T
there... [202] 67/5 67/7 69/14 71/3 73/1
73/9 73/13 73/14 74/13 74/18 74/19
75/14 75/19 76/5 76/12 76/23 77/12
77/16 78/3 78/3 78/20 78/22 78/24
78/24 80/8 80/21 86/11 93/4 96/20
96/20 100/7 104/6 104/23 105/3 105/21
107/12 107/23 108/6 108/10 108/19
113/1 115/9 119/3 119/25 120/5 121/2
121/13 124/6 124/8 125/9 127/15
131/14 132/10 133/23 134/25 135/3
135/16 135/19 136/1 136/15 136/19
138/6 138/14 139/7 140/3 141/1 142/11
143/4 143/11 147/17 147/18 149/16
149/16 150/5 150/13 153/21 154/1
154/6 154/7 154/12 158/1 158/4 158/10
158/12 158/18 159/10 159/11 160/23
163/6 163/10 163/13 165/20 166/5
166/8 166/10 168/14 172/20 174/18
176/8 176/10 176/20 178/23 179/4
181/14 184/22 186/14 187/21 191/25
192/14 192/15 196/9 197/9 197/11
197/23 199/19 201/24 205/1 205/4
205/24 206/4 206/4 214/14 216/16
219/5 219/12 221/5 221/17 221/21
222/17 223/12 227/9 229/6 229/10
229/11 230/14 233/1 233/2 234/11
236/15 236/16 240/12 240/13 240/19
240/24 241/8 242/16 243/17 245/10
245/14 245/14 246/9 246/16 247/4
247/25 248/23 249/10 249/24 251/9
252/1 253/4 253/4 253/22 254/17
257/22 263/5 267/20 271/2 272/6
272/10 272/15 272/24 273/7 276/9
276/13 276/13 280/11 280/11 283/25
283/25 284/6 284/15 284/18 287/25
288/10 290/5 290/24 301/20 303/1
305/9 307/14 307/21 308/4 308/8
308/22 308/24 309/1 309/3 309/8
309/20 309/21 314/7 316/22
there's [49] 14/8 16/18 19/7 19/8 19/13
23/23 23/24 24/12 24/17 35/21 36/12
36/23 56/2 64/9 64/10 74/16 74/17
75/10 76/12 92/8 97/11 106/5 117/4
117/6 119/1 119/4 120/4 122/11 123/8
123/8 125/9 132/12 171/25 172/1 183/1
183/1 197/8 199/14 202/10 205/17
217/24 240/18 240/18 257/12 257/13
284/15 284/16 290/7 308/11
these [37] 16/16 19/15 35/25 52/8 61/18
67/11 87/1 87/23 88/15 90/4 101/20
192/2 192/7 196/9 197/9 203/22 205/15
224/2 225/2 226/9 229/11 229/23
238/13 238/17 240/3 242/5 245/17
245/20 245/22 247/19 255/17 256/18
266/10 271/22 292/18 306/2 313/13
they [144] 14/13 18/7 22/7 22/8 24/5
24/6 25/12 37/21 39/18 42/19 43/8 43/8
43/9 43/25 46/12 46/14 46/16 47/5
47/13 47/21 48/9 48/21 48/23 49/4 49/6
49/9 49/12 49/12 49/14 49/15 49/18
49/20 49/23 50/7 50/8 50/10 50/17
50/18 53/24 57/13 57/24 59/13 60/17
60/17 62/25 63/2 63/3 63/14 63/14 64/3
68/5 68/16 68/18 68/19 68/20 68/22
69/1 76/15 77/8 80/13 81/7 82/3 83/3
83/4 87/1 87/2 87/5 88/10 93/10 93/17
107/23 108/16 108/18 111/25 112/3

112/4 112/8 112/17 114/7 114/12
114/13 116/4 116/6 116/8 116/11
116/19 120/2 134/1 137/3 137/18
140/10 142/8 144/5 147/20 147/21
149/22 152/6 161/5 164/13 164/17
164/17 166/6 166/8 166/14 166/16
166/19 166/20 167/1 167/10 168/11
168/12 171/3 184/17 185/22 185/23
186/7 192/8 193/14 196/13 200/6
216/22 220/15 221/7 230/13 231/23
233/4 238/12 245/21 255/18 264/20
265/5 265/9 277/23 277/23 287/18
288/5 288/6 288/13 288/14 291/14
292/5 302/22 310/11 310/18
they'll [2] 63/11 63/11
they're [13] 14/24 15/19 57/4 85/7 90/9
93/16 93/24 111/1 111/2 111/3 198/14
265/4 301/5
thing [3] 26/14 141/22 192/22
things [52] 24/14 35/23 45/10 46/15
60/9 76/14 78/5 103/13 103/24 106/3
106/4 107/18 108/19 114/13 115/12
116/5 119/2 119/10 120/2 122/20
130/16 139/19 148/10 152/8 204/1
222/14 222/15 224/9 249/21 251/5
252/12 252/18 254/14 263/19 268/13
270/2 270/3 270/3 270/4 272/13 278/21
279/18 284/24 300/16 300/17 301/6
301/10 302/11 306/20 309/11 310/11
310/19
think [244] 3/25 7/17 10/1 11/24 12/17
13/16 15/10 15/15 16/3 16/7 16/10 17/6
18/3 18/12 18/13 18/19 19/19 19/25
20/21 21/5 21/6 21/12 24/16 28/8 29/2
29/20 30/7 31/2 32/1 32/4 34/9 34/12
36/10 37/2 37/18 37/22 39/23 39/24
42/6 44/19 46/25 47/7 48/6 49/6 69/19
69/20 70/14 71/25 75/14 77/12 78/17
83/12 83/15 84/1 84/1 84/5 84/6 85/23
86/16 89/25 90/19 91/8 91/9 91/10
91/12 91/17 92/12 93/7 94/4 94/25 96/2
96/5 97/11 97/11 99/6 99/16 107/23
109/10 110/11 111/6 111/25 112/1
112/4 113/20 113/23 114/18 115/2
115/8 115/14 116/23 117/17 118/12
118/18 119/21 119/22 120/5 120/9
121/12 122/24 122/25 126/6 132/19
133/2 133/4 133/6 136/19 137/11
139/18 139/19 141/20 145/13 146/19
149/5 149/23 152/4 157/3 162/19
162/20 162/24 164/18 165/10 165/20
166/10 167/5 167/7 172/2 172/7 172/10
172/16 172/19 172/25 173/5 173/14
173/23 174/2 174/5 177/1 177/24 179/3
179/6 180/7 180/14 182/14 182/16
183/3 183/19 183/24 189/8 190/5 191/8
193/1 193/1 197/19 201/10 201/12
202/10 202/12 202/13 202/21 203/15
204/24 205/15 206/13 209/15 210/20
210/20 211/4 212/9 213/20 213/22
214/16 215/9 215/15 215/15 216/1
216/3 217/12 218/3 219/1 219/1 219/9
219/9 221/11 223/4 223/21 223/22
224/1 226/1 226/10 229/7 230/4 230/6
230/10 230/11 230/11 230/16 236/20
240/19 241/25 242/6 242/13 247/2
248/12 249/12 250/1 258/17 258/19
262/4 262/9 263/15 265/11 277/25

278/7 278/16 279/1 279/17 282/21
283/1 285/8 285/13 289/14 291/4 292/9
294/4 295/16 296/9 297/12 298/22
302/7 304/24 305/3 305/8 306/19
307/19 308/20 309/2 310/8 310/11
310/12 310/18 311/13 316/4 317/10
317/12
thinking [3] 30/19 116/17 217/15
third [4] 197/20 197/21 204/24 205/2
Thirdly [1] 204/5
this [356]
Thomas [24] 34/24 41/25 42/10 42/12
42/17 43/7 43/20 44/4 44/8 45/20 45/24
47/14 47/18 48/12 49/23 96/1 97/2
129/21 162/5 162/15 162/15 186/2
204/13 207/12
those [126] 2/3 2/4 10/5 10/14 10/21
17/12 19/18 21/24 24/2 24/18 26/12
29/7 34/8 41/21 55/8 56/7 58/11 60/1
63/19 76/3 76/6 76/7 81/18 85/19 85/22
87/4 89/22 91/22 92/4 98/2 103/16
105/11 106/6 108/21 109/2 112/2
115/24 117/1 117/17 118/6 118/16
119/18 119/20 119/23 120/1 121/16
139/19 141/18 146/5 148/1 148/6
149/24 152/8 153/5 153/23 153/25
154/22 159/5 159/20 165/8 166/9
172/20 176/9 179/14 179/23 180/3
181/2 181/2 182/5 182/19 188/11
191/23 192/3 193/5 195/2 196/10
196/11 197/14 198/3 198/9 198/11
198/13 199/4 199/4 199/5 200/14 210/9
210/13 213/5 213/13 217/12 220/14
222/11 228/6 228/11 228/13 228/15
228/16 228/18 229/8 230/3 230/12
230/14 230/20 237/22 241/10 252/12
253/12 258/13 259/2 259/6 264/13
264/18 266/16 279/18 293/19 293/25
296/6 297/6 298/2 302/18 309/1 310/4
310/8 313/10 316/23
though [2] 86/13 283/24
thought [2] 32/8 262/25
thoughts [10] 147/20 148/1 148/17
149/16 149/24 167/2 176/19 180/8
180/15 278/25
thousand [2] 248/1 248/23
three [21] 10/21 21/23 34/7 46/21 58/6
71/21 79/10 79/18 83/12 94/16 94/18
94/22 119/18 119/24 120/6 224/23
225/2 237/18 237/22 308/22 309/1
three metrics [1] 119/24
three-judge [3] 71/21 79/10 79/18
threshold [3] 63/8 124/6 124/8
through [42] 21/2 21/3 52/4 73/3 76/4
84/4 93/20 113/4 114/11 114/16 128/4
140/2 140/4 146/1 146/4 149/3 150/1
151/18 173/6 173/8 174/11 197/2
197/19 211/17 214/5 226/8 229/13
233/6 242/19 253/5 262/3 270/22
272/12 273/3 273/4 280/13 281/2 284/8
284/11 294/3 300/18 302/9
throughout [9] 179/15 203/6 208/15
242/17 252/18 263/7 272/20 301/6
301/11
throwaway [1] 265/8
thumb [1] 154/1
Tier [15] 217/7 251/19 266/17 268/7
268/8 271/23 271/24 271/24 279/13

T
Tier... [6] 305/21 305/22 306/2 306/3
306/12 306/23
Tier 1 [2] 306/12 306/23
Tier 2 [11] 217/7 251/19 266/17 268/7
268/8 271/23 271/24 271/24 279/13
305/22 306/3
tight [1] 119/3
tighten [2] 209/20 222/13
tightened [3] 209/17 234/3 270/21
time [64] 13/1 13/11 14/21 25/14 27/20
28/25 30/25 31/24 32/5 32/6 32/9 32/13
51/22 51/22 57/24 64/13 67/16 68/15
69/20 76/21 83/2 86/5 86/11 86/11
90/16 91/12 95/14 98/21 129/12 133/6
136/16 136/17 145/11 147/9 155/20
156/4 156/6 181/16 212/7 216/13
220/14 229/12 236/20 237/2 243/10
243/22 249/20 250/19 258/25 272/9
281/17 291/15 291/16 291/19 291/20
293/22 297/21 298/7 298/20 299/24
300/6 312/23 316/3 316/8
timeline [5] 26/18 62/25 147/24 223/24
277/15
times [15] 6/9 30/13 34/6 90/10 90/13
99/12 105/16 122/4 177/21 187/19
219/6 270/11 308/18 309/23 310/1
timing [2] 13/16 209/1
title [4] 8/7 12/17 65/25 93/17
titled [2] 196/23 263/15
today [25] 2/6 3/4 4/13 4/21 5/1 6/13 7/1
34/4 35/5 65/10 105/16 111/12 151/17
267/21 278/16 283/19 294/25 297/21
297/22 299/11 303/8 305/19 306/9
317/13 317/17
today's [1] 6/18
Todd [2] 8/24 9/1
together [26] 12/21 12/23 16/1 17/10
46/22 47/15 48/24 83/4 137/1 142/5
142/8 143/5 168/13 178/23 201/21
202/2 217/24 219/7 252/24 273/6
277/14 278/17 284/4 284/21 315/21
316/2
told [3] 123/9 160/21 282/10
Tom [41] 41/24 41/25 44/10 44/12
44/20 45/4 45/11 45/14 46/11 97/6
97/13 163/7 163/12 163/20 164/12
164/15 165/6 165/14 166/3 166/25
168/22 168/23 168/23 169/16 169/22
170/4 170/5 170/7 170/12 170/14
170/20 171/1 171/7 171/8 171/21
171/22 172/1 172/1 172/3 186/4 204/2
Tom's [1] 170/18
tomorrow [3] 311/13 317/5 317/9
tongue [1] 253/22
too [11] 7/7 18/5 20/8 24/8 100/15
142/6 191/2 220/6 271/2 293/19 298/7
took [9] 14/16 51/24 99/3 99/7 134/15
189/21 233/1 236/24 297/18
toolbox [1] 309/21
top [25] 17/6 17/14 94/9 108/20 128/18
154/25 158/15 191/10 197/8 198/22
198/25 203/7 204/22 209/21 212/10
215/10 223/12 225/21 229/9 229/9
242/25 243/25 272/22 273/7 286/2
top-line [7] 17/6 108/20 128/18 154/25
203/7 209/21 225/21
topic [1] 92/11

topics [1] 93/6
Torchinsky [15] 39/2 39/3 40/3 40/15
42/17 43/3 172/11 172/23 190/9 192/8
207/12 224/19 224/22 225/11 311/15
total [1] 166/11
totally [2] 6/4 47/11
touched [1] 18/20
tough [2] 100/14 214/13
towards [10] 66/12 127/16 188/20
221/23 228/2 275/20 275/21 275/23
312/3 312/10
town [1] 136/5
track [1] 190/21
tracks [3] 212/20 216/9 312/4
trade [1] 123/4
traditional [34] 72/13 75/12 79/1 87/8
87/11 87/16 88/16 101/5 101/8 102/25
115/25 116/5 116/18 116/22 116/25
117/18 117/22 117/25 118/5 118/10
122/1 122/15 123/5 182/14 188/21
210/3 221/8 246/20 251/4 259/7 262/8
271/6 281/10 306/5
traffic [3] 17/12 17/18 18/6
trail [1] 119/22
training [3] 14/18 32/23 97/9
transcript [13] 1/5 1/6 1/7 1/12 1/17 1/21
1/25 16/22 281/22 283/2 283/4 285/17
285/21
trap [1] 295/24
tread [1] 35/10
treat [1] 238/11
treated [1] 101/5
tribal [2] 69/15 69/23
tried [4] 77/6 146/14 265/7 265/11
triggered [2] 138/8 200/12
trim [1] 97/17
trouble [1] 203/12
true [21] 33/20 77/23 79/12 79/15 79/18
79/24 83/1 96/3 96/8 97/20 108/2 123/2
131/4 131/25 156/7 198/2 220/9 260/8
273/13 275/12 303/8
truly [2] 97/7 97/14
Trust [4] 84/20 84/22 293/10 293/18
truthfulness [1] 6/15
try [32] 7/4 7/6 17/7 30/20 77/13 78/4
87/21 87/23 88/12 92/2 103/12 103/13
103/13 115/11 116/2 117/15 120/2
146/4 155/19 159/4 162/8 165/23
189/16 209/16 209/20 216/17 220/12
220/12 226/18 274/25 291/16 295/7
trying [47] 28/15 35/11 47/8 47/12 56/19
59/22 60/5 61/9 75/15 75/23 77/2 78/8
78/14 80/23 91/12 97/17 99/25 103/22
108/1 126/21 127/11 153/12 155/21
156/4 160/12 165/7 165/21 220/9
220/16 220/18 254/22 255/8 255/10
256/6 256/13 256/16 257/5 257/8
258/25 265/12 265/16 268/3 272/23
281/5 307/6 317/4 317/7
turn [7] 127/25 131/23 132/1 132/8
132/17 224/9 224/10
turned [5] 30/25 128/20 132/3 155/16
155/17
turning [1] 5/13
turnkey [1] 59/5
turns [2] 153/24 153/24
twice [2] 86/12 99/15
twister [1] 253/22

two [23] 30/4 34/9 34/10 34/10 63/10
65/25 85/22 88/3 88/4 99/8 109/2
172/21 178/22 215/17 217/23 228/5
228/6 230/20 259/2 260/10 264/11
271/19 313/21
two plans [1] 228/5
type [10] 74/3 85/22 107/12 143/24
155/13 195/2 247/19 296/1 296/2
300/21
types [3] 96/21 101/1 110/4
typical [4] 70/2 70/6 102/18 113/2
typically [5] 102/19 107/13 110/9 112/11
119/20

U

Uh [7] 198/7 245/2 269/8 304/13 310/8
312/14 313/3
Uh-huh [7] 198/7 245/2 269/8 304/13
310/8 312/14 313/3
ultimate [1] 58/24
ultimately [8] 12/23 19/17 57/9 148/7
242/25 243/3 280/17 289/11
umbrella [2] 45/18 73/14
uncertified [2] 1/12 1/13
uncomfortable [1] 165/15
uncommon [7] 53/21 96/23 127/7 179/7
208/6 208/6 208/10
uncompact [3] 214/15 217/13 217/14
unconstitutionally [1] 263/12
under [18] 6/14 16/23 45/18 63/8 63/16
71/19 73/13 73/19 79/9 79/12 108/17
123/18 124/8 135/17 161/4 244/25
252/22 305/7
underlying [1] 75/17
underneath [8] 241/12 244/20 245/5
249/24 251/17 253/12 253/15 273/8
understand [38] 6/16 6/19 6/20 23/23
33/21 47/12 47/17 59/22 68/12 77/2
78/14 100/1 100/7 139/25 151/16
155/21 156/5 156/5 160/12 165/23
166/3 183/23 238/17 255/9 256/6
256/13 256/17 258/25 268/4 270/8
272/24 273/10 274/25 298/10 299/1
316/9 317/4 317/7
understanding [39] 37/21 43/23 53/22
60/22 62/13 67/25 68/2 74/10 97/6
97/15 98/2 98/12 102/17 104/4 109/20
119/2 125/12 125/15 128/3 135/19
136/22 137/10 139/15 139/17 141/13
151/21 152/10 153/8 153/13 157/9
158/9 163/22 180/17 203/13 238/13
248/24 302/4 307/13 313/12
understood [10] 6/23 7/15 7/22 8/3 17/5
33/24 44/18 101/9 163/20 163/25
undertake [1] 112/24
underwent [1] 266/19
unedited [1] 1/13
unfair [2] 77/24 142/20
unfortunately [2] 86/3 90/8
uniformly [1] 154/2
unique [2] 151/2 151/3
uniquely [2] 151/6 151/9
unit [3] 63/5 63/6 63/10
United [2] 153/16 155/9
units [1] 110/16
universal [3] 104/10 105/12 108/21
universally [1] 117/5
universe [3] 16/5 165/13 285/4

U
unless [4] 137/11 139/20 178/10 194/13
unmanageable [1] 227/24
unpack [1] 38/11
unpaid [2] 28/1 28/4
unquote [1] 247/22
until [12] 71/2 71/4 71/11 71/11 72/1
76/18 98/22 137/14 179/17 179/17
179/17 317/8
untranslated [1] 1/14
up [61] 3/12 14/14 14/19 30/11 32/10
32/21 63/21 65/9 65/11 67/25 68/11
70/13 70/20 81/18 87/25 92/13 96/22
114/5 114/11 133/7 133/9 133/10
133/13 135/4 143/6 147/23 152/18
154/21 161/9 174/20 176/18 185/4
193/12 195/3 195/16 195/23 205/9
206/18 209/17 209/20 211/8 219/23
222/13 231/22 232/19 237/8 246/21
266/11 266/16 267/11 290/6 294/11
295/18 298/4 300/18 301/6 301/10
302/11 307/8 309/21 313/17
updates [1] 180/4
upon [4] 1/6 264/6 294/11 308/9
ups [1] 39/10
urban [13] 151/25 152/5 152/14 152/19
153/5 153/18 153/19 153/22 153/23
153/25 155/2 155/9 156/8
us [9] 7/4 38/11 63/18 71/7 94/13
154/19 201/17 211/14 308/24
use [13] 32/22 82/11 98/25 107/13
120/17 132/24 155/14 157/18 164/7
164/10 189/18 265/4 274/12
used [18] 1/21 1/22 14/15 32/6 60/1
62/15 78/4 107/18 107/20 107/22 112/7
119/24 120/6 120/15 128/19 247/11
299/2 299/6
uses [2] 247/7 262/16
using [7] 108/6 119/1 130/22 159/12
171/9 268/15 268/22
usual [1] 212/25
UW [1] 14/16
UW-Madison [1] 14/16

V
vacation [1] 137/5
vacationed [1] 137/6
vague [1] 223/19
value [3] 57/10 258/3 262/23
values [1] 101/6
Van [10] 10/20 10/25 11/24 22/5 23/3
29/14 29/18 29/20 29/20 30/1
VAP [2] 108/15 199/21
variable [2] 19/14 166/23
variables [2] 36/23 128/15
varied [1] 57/14
varies [17] 100/15 100/20 100/24
101/15 102/13 102/17 107/14 118/25
119/9 131/24 133/22 134/4 134/5 134/9
141/3 141/8 154/3
various [12] 10/6 11/9 17/12 17/19
48/10 50/10 50/11 103/21 108/22 128/4
225/21 308/20
vary [28] 24/3 24/5 24/7 69/7 69/7 73/12
102/4 103/1 104/5 107/16 108/5 108/9
113/5 113/6 113/6 117/3 141/10 141/13
152/21 152/22 152/22 308/5 308/13
308/13 308/15 309/5 313/11 313/25

varying [1] 11/9
vast [2] 9/12 267/16
veracity [2] 247/24 249/19
verbally [1] 51/11
verbiage [1] 164/8
versa [1] 155/17
versed [1] 304/11
version [4] 196/22 215/14 216/8 231/19
versions [3] 220/11 220/13 225/9
versus [21] 2/10 2/13 53/13 54/4 108/15
109/1 134/7 138/13 145/23 148/2 167/2
174/19 214/3 228/9 228/10 232/3
237/12 300/9 300/9 307/8 313/15
very [38] 15/1 15/2 17/8 17/8 17/14 19/6
19/6 19/8 72/11 72/14 72/16 78/10 86/3
88/11 90/9 90/14 92/10 114/15 118/16
121/14 137/9 142/9 162/25 174/5 182/9
195/12 201/19 202/11 215/13 217/24
220/4 224/1 225/22 262/12 267/6
284/18 315/6 315/8
veto [20] 144/15 144/19 145/1 145/9
145/14 146/22 147/3 147/10 147/11
147/17 147/24 148/1 148/2 149/12
149/12 149/18 149/23 211/19 213/17
213/19
via [2] 7/25 193/7
vice [1] 155/17
victory [1] 249/2
view [12] 93/11 118/5 118/7 118/8
172/1 172/3 172/4 172/6 215/23 220/22
221/11 270/2
views [6] 213/5 214/6 214/21 215/4
221/7 270/3
Virginia [7] 82/15 94/9 94/10 94/15
94/25 95/11 95/18
virtual [1] 315/25
visiting [1] 137/12
Vogel [52] 38/16 38/17 38/18 38/21
39/17 40/20 40/25 41/9 41/11 41/13
41/15 41/18 42/14 43/10 43/21 44/1
45/21 45/23 49/24 50/16 50/20 51/1
51/10 53/3 53/4 53/16 81/25 168/7
168/19 171/3 171/7 172/8 172/12
172/15 172/24 173/7 174/11 180/22
180/25 181/8 181/10 181/20 182/20
184/5 185/3 185/10 190/23 191/7 193/7
193/14 193/22 265/20
vote [15] 31/11 31/18 61/10 61/15 62/15
74/15 75/7 117/12 256/19 256/24
258/14 259/2 264/13 269/10 269/20
voter [3] 140/9 140/14 166/16
voters [8] 2/8 4/19 60/18 61/9 140/10
153/14 234/18 299/6
voters' [1] 61/15
votes [3] 57/9 60/15 60/17
voting [31] 60/9 60/13 60/16 62/16
106/8 106/14 106/16 106/19 106/23
107/1 107/2 107/5 107/6 111/7 117/21
118/7 118/13 123/15 123/18 124/4
124/25 125/22 126/2 126/22 127/1
199/20 199/22 199/23 200/2 200/10
200/13
VTD [1] 111/7

W
waivers [1] 20/10
waiving [2] 3/5 20/13
wake [1] 83/6

wall [1] 226/23
Wanggaard [6] 29/14 29/17 29/19 29/20
29/21 30/2
want [65] 9/22 13/14 14/17 14/23 20/8
20/9 20/14 24/6 27/22 27/22 35/8 41/4
43/16 43/16 46/20 49/18 49/19 52/2
62/10 65/9 66/15 71/8 76/22 98/23
104/21 115/24 116/9 116/11 119/21
138/15 143/7 143/22 161/21 164/4
165/2 165/9 175/17 181/15 183/22
187/12 189/7 189/19 189/24 204/21
205/16 209/18 210/17 213/20 213/21
214/1 219/11 220/2 222/9 232/24 239/7
246/1 250/2 263/18 267/11 274/23
274/25 295/17 295/21 297/16 298/4
wanted [3] 88/10 92/12 230/13
wanting [1] 223/20
wants [1] 220/14
ward [2] 63/5 63/9
wards [2] 63/10 88/4
was [493]
wasn't [32] 12/17 59/4 68/8 76/20 78/3
78/3 80/1 90/20 130/21 132/9 132/10
136/15 142/11 144/22 159/11 159/12
160/5 160/8 175/7 175/8 178/24 193/5
203/16 204/6 204/7 208/6 234/2 256/24
298/7 301/20 304/11 310/6
wasted [1] 32/7
watched [1] 311/10
watching [3] 11/8 129/10 311/7
water's [1] 149/1
waterways [2] 150/7 150/16
way [45] 11/23 17/19 17/22 27/23 28/10
36/12 57/11 59/17 66/8 68/3 73/16
75/11 75/14 75/19 88/11 89/15 91/13
101/21 116/7 122/25 123/10 123/17
142/8 150/17 150/18 165/21 171/12
187/8 197/16 197/19 197/25 210/22
215/9 225/19 225/22 242/14 249/22
293/21 294/21 302/11 307/17 307/24
308/18 315/8 316/13
ways [9] 74/17 85/8 120/3 132/2 248/1
248/24 301/1 307/14 310/12
we [117] 1/17 2/2 3/25 7/10 7/16 14/7
16/16 21/3 29/7 33/3 35/10 35/11 43/19
47/9 47/22 51/20 52/3 56/20 61/3 63/18
66/10 71/25 76/16 76/20 80/7 87/13
87/19 88/1 88/3 90/15 91/8 91/9 91/10
91/13 92/10 94/8 97/13 99/7 99/9
104/23 111/12 120/16 121/8 132/15
134/11 134/21 138/19 162/13 162/13
162/19 177/21 182/20 189/15 190/17
190/21 191/6 191/9 194/17 195/23
196/24 197/1 199/4 202/12 204/22
204/23 204/24 208/12 216/16 218/15
223/24 225/7 226/18 226/19 227/20
236/19 240/11 241/7 242/20 245/20
245/23 248/7 253/10 253/13 260/6
263/18 264/10 267/11 272/21 272/23
274/20 277/14 282/10 284/7 286/12
292/9 292/17 293/22 295/7 295/12
297/7 297/11 297/24 298/1 298/4 298/8
298/10 298/14 304/19 306/20 308/20
308/22 311/12 311/22 315/10 317/8
317/10 317/18
we'll [9] 42/23 51/21 98/21 100/9 119/15
161/20 181/13 253/14 317/5
we're [20] 7/3 22/11 24/24 60/11 60/14

W		
<p>we're... [15] 67/20 86/8 90/13 91/12 94/5 97/12 101/12 214/24 226/15 237/24 256/14 277/25 291/12 306/1 306/11</p> <p>we've [23] 29/2 51/19 59/15 66/23 88/20 90/11 93/6 97/18 116/24 152/24 168/5 168/15 191/16 226/10 262/16 262/17 274/24 289/22 294/24 295/11 303/21 311/14 314/11</p> <p>weaker [1] 107/25</p> <p>wearing [1] 28/3</p> <p>well [58] 3/18 12/18 15/5 21/14 27/8 29/7 30/20 31/10 44/10 45/5 49/7 50/15 69/2 80/5 80/12 84/2 92/15 98/10 104/25 108/8 112/9 119/15 125/24 136/21 138/19 143/18 155/11 156/18 166/11 168/6 174/9 181/2 185/8 205/8 209/25 217/6 246/16 246/21 249/9 250/18 252/15 255/23 257/6 259/24 261/21 263/3 267/14 269/16 271/4 280/6 282/20 282/24 284/13 291/13 299/3 303/8 313/10 314/21</p> <p>went [9] 64/14 146/4 192/15 193/8 218/15 222/21 232/1 273/4 287/3</p> <p>were [242] 3/2 8/11 9/11 10/5 10/10 10/11 10/14 10/22 11/7 11/13 11/13 12/6 12/10 14/13 16/13 17/21 18/7 18/22 21/5 22/17 22/20 24/21 25/8 27/15 29/15 29/24 31/17 34/8 37/25 38/12 38/12 38/17 39/16 41/12 41/21 43/7 43/8 43/9 43/19 44/4 45/2 46/13 46/14 46/17 47/3 47/5 47/8 47/19 47/23 48/9 48/12 48/21 48/23 49/4 49/7 49/23 50/7 51/13 51/15 52/3 52/9 52/13 52/16 53/4 53/24 55/4 55/8 57/17 57/22 57/24 58/6 59/8 61/9 61/18 64/23 65/20 66/21 67/8 67/15 68/16 68/18 68/19 68/20 68/22 69/1 69/1 69/24 76/5 76/6 76/14 76/14 77/17 77/20 80/9 80/25 81/3 81/22 82/1 83/3 85/19 86/19 87/2 87/14 91/2 91/6 91/21 92/4 94/8 95/11 101/19 108/8 112/3 122/14 128/19 129/16 130/23 132/17 134/2 138/24 142/8 142/8 143/5 143/14 144/9 144/14 147/4 148/1 149/16 149/16 151/12 158/18 159/21 161/12 162/2 162/17 163/6 163/7 163/20 165/14 166/21 168/4 168/7 168/15 168/18 171/2 171/3 171/21 172/23 173/1 173/24 179/23 180/3 182/5 185/9 185/23 190/20 191/25 192/7 192/8 192/18 192/18 192/21 193/2 193/23 196/10 203/14 204/25 205/24 209/6 210/2 210/10 216/18 219/15 221/18 221/22 221/23 222/7 222/17 223/16 225/10 225/11 228/1 228/11 228/24 228/24 229/8 229/8 229/24 229/24 230/3 230/4 230/12 231/9 231/10 231/23 232/2 233/1 233/2 238/4 238/8 238/12 238/14 238/15 238/18 238/18 240/25 241/8 242/16 243/13 245/20 245/22 262/7 265/12 270/20 271/25 271/25 273/6 276/7 276/8 280/12 280/12 280/19 281/21 282/6 284/10 287/25 288/5 288/6 291/8 291/13 291/14 299/14 299/25 303/25 304/13 306/18 306/20 307/14 310/21 310/25 315/21 315/25</p>	<p>weren't [15] 43/25 46/12 46/12 52/20 53/16 144/5 160/13 160/14 161/3 166/25 167/1 172/20 176/7 186/7 239/17</p> <p>west [2] 313/8 313/19</p> <p>what [341]</p> <p>what's [14] 9/7 44/16 57/12 95/22 95/22 114/17 133/19 138/15 179/18 209/14 210/19 235/20 272/23 281/8</p> <p>whatever [5] 17/1 73/17 220/5 248/2 289/25</p> <p>whatnot [1] 283/22</p> <p>when [142] 8/11 8/12 9/16 9/22 11/22 11/22 12/1 12/2 22/1 25/8 26/24 27/9 27/15 27/24 28/3 39/3 39/16 40/15 40/18 40/23 50/17 54/13 54/17 54/20 54/21 55/22 60/5 61/8 62/12 62/12 62/14 65/13 66/16 69/16 70/3 70/13 71/2 71/17 71/19 73/4 76/16 79/8 86/21 86/24 87/16 89/7 89/14 90/4 91/8 104/16 105/2 106/14 109/23 110/14 112/11 114/18 115/18 126/3 128/23 129/5 130/10 130/22 131/14 131/21 132/9 133/5 133/15 146/2 148/1 148/2 160/16 164/1 164/1 166/9 167/4 168/4 170/4 173/10 173/17 173/20 174/18 178/16 178/16 185/22 187/8 187/16 190/1 192/7 204/25 205/13 206/18 208/17 208/17 209/5 209/15 211/7 212/3 218/5 218/5 223/17 224/18 226/14 231/16 233/1 234/10 237/8 239/3 239/3 239/10 239/15 242/6 246/19 248/15 251/3 251/10 258/4 258/5 258/11 258/13 261/14 262/5 262/6 262/18 268/23 275/15 276/25 277/11 278/18 280/16 281/17 285/22 286/23 287/3 287/6 287/8 294/8 299/24 300/6 301/13 306/12 311/7 311/10</p> <p>whenever [1] 7/14</p> <p>where [92] 11/12 11/12 15/17 16/7 17/10 18/4 18/9 19/9 28/2 31/11 32/4 35/25 36/3 38/5 56/16 58/18 60/22 62/24 72/12 83/4 85/11 87/14 90/24 94/8 97/8 100/16 100/24 101/16 102/9 102/14 108/14 113/20 113/24 115/8 117/8 117/19 118/6 120/22 121/12 121/13 121/18 129/10 133/11 133/13 135/24 137/3 137/17 138/3 138/10 138/23 139/4 139/10 141/6 141/9 148/25 151/24 153/14 153/23 155/16 158/25 167/2 183/14 183/16 198/3 198/3 205/12 219/6 223/24 227/21 235/8 244/18 252/1 252/18 252/23 253/3 254/10 255/16 270/5 277/14 280/24 283/25 295/21 299/10 300/9 301/21 302/20 309/14 310/3 310/5 310/20 312/9 316/22</p> <p>whereas [2] 202/16 314/10</p> <p>whether [47] 43/2 47/13 62/23 63/20 69/24 73/16 76/5 76/7 77/7 77/21 77/23 78/14 80/17 98/6 102/20 120/18 122/18 130/3 132/4 133/10 139/7 140/7 146/14 150/13 150/14 151/24 154/20 156/7 157/21 158/17 162/15 162/15 162/17 163/13 170/25 174/9 175/21 175/23 184/7 184/8 198/17 225/9 280/6 282/22 291/18 292/10 308/16</p> <p>which [73] 1/17 2/11 2/13 2/18 2/21</p>	<p>2/25 4/4 19/14 22/3 23/5 28/18 37/5 38/15 47/14 54/11 55/10 55/16 58/6 61/22 63/4 63/5 66/10 75/7 78/3 84/25 107/3 108/3 111/18 123/16 137/5 152/13 152/17 159/20 160/13 160/15 161/4 162/17 177/3 183/11 187/24 188/11 188/14 193/8 198/5 205/10 216/8 217/11 217/25 220/22 225/20 228/7 228/9 232/1 232/2 232/4 232/4 232/4 232/6 238/12 238/20 259/16 266/13 266/15 267/9 272/8 286/9 286/14 286/20 286/21 293/23 298/22 303/22 313/18</p> <p>while [34] 3/9 13/8 18/12 21/17 21/21 40/18 44/21 45/23 67/9 81/12 91/1 91/6 132/15 144/5 149/22 156/20 204/6 216/14 216/20 217/10 219/9 239/14 239/20 242/15 252/21 254/24 256/10 260/8 266/11 272/15 284/17 286/12 307/8 309/12</p> <p>Whitford [1] 55/7</p> <p>who [68] 1/24 8/9 8/22 9/3 10/14 10/17 13/24 15/25 18/16 18/18 25/5 25/14 25/20 28/22 29/7 29/8 30/18 38/21 41/12 41/21 57/9 62/16 67/25 85/25 86/6 92/6 92/22 100/21 100/24 102/13 119/8 127/9 137/6 141/2 155/5 155/23 156/3 161/6 161/25 168/13 168/21 169/9 169/16 170/23 171/5 172/6 173/1 186/12 186/15 191/17 193/11 195/5 198/11 200/5 200/17 201/14 201/14 228/15 228/17 230/19 231/5 232/6 283/24 284/20 296/24 302/14 302/15 313/11</p> <p>who's [1] 155/24</p> <p>whoever [1] 230/24</p> <p>whole [16] 1/7 10/11 18/22 19/5 19/7 19/15 101/11 115/6 116/11 116/13 120/4 155/22 209/7 219/14 240/25 241/2</p> <p>whom [2] 29/9 37/5</p> <p>whomever [1] 113/23</p> <p>whose [3] 67/22 68/13 89/5</p> <p>why [64] 3/23 6/25 19/25 20/17 21/12 21/20 42/22 51/20 52/20 53/4 53/12 53/16 54/3 67/8 72/10 80/3 83/11 83/15 84/6 92/12 94/25 95/18 96/12 96/12 96/19 96/24 109/15 118/3 123/10 125/10 135/7 138/19 138/20 162/24 168/23 171/11 181/12 193/11 193/20 200/17 200/17 200/20 201/2 202/25 203/20 208/5 219/17 219/20 220/7 225/11 225/16 229/16 230/1 233/20 236/19 253/13 260/17 267/21 268/4 271/9 287/10 291/5 317/8 317/10</p> <p>widely [1] 104/5</p> <p>Wienckowski [21] 35/2 42/3 42/12 43/7 43/20 44/5 45/3 45/21 47/15 47/18 48/13 49/24 130/3 163/16 164/12 164/16 165/6 181/4 203/14 207/7 207/10</p> <p>Wienckowski's [2] 166/4 204/13</p> <p>wiggle [1] 219/11</p> <p>wildly [1] 141/3</p> <p>will [40] 1/16 1/18 3/8 6/13 6/22 7/9 20/4 20/13 33/7 33/14 33/21 34/1 56/4 63/14 63/21 83/1 104/5 106/22 107/5 107/9 108/16 116/5 120/13 121/21</p>

W
will... [16] 137/14 166/22 169/24 185/15
189/25 196/3 211/17 226/23 231/19
246/21 255/22 255/23 264/1 273/12
289/11 302/8
window [2] 91/11 293/22
winter [1] 8/14
Wisconsin [63] 8/18 8/20 9/3 9/11 9/12
9/17 10/2 10/7 11/6 11/23 12/7 12/11
12/14 13/25 14/8 14/21 23/8 27/23 30/5
30/16 31/12 31/20 31/24 35/15 36/19
37/4 37/11 51/17 54/12 54/13 54/24
55/2 55/3 56/22 57/1 60/7 62/24 63/2
69/11 71/13 71/20 72/2 72/7 72/11
74/21 74/23 75/9 75/25 76/16 77/4 77/7
79/1 79/10 79/13 80/16 88/18 88/23
88/24 92/7 92/23 134/2 314/19 315/4
Wisconsin Plan [3] 55/2 56/22 76/16
Wisconsin's [5] 54/24 74/23 78/9 78/18
87/14
Wisconsinite [1] 137/6
within [11] 14/10 23/25 52/24 103/22
145/9 165/10 173/15 178/11 183/7
275/9 302/3
without [47] 32/11 39/21 39/25 53/11
53/22 53/23 82/2 112/10 113/12 114/8
114/23 121/8 126/19 126/23 127/12
128/8 149/6 149/21 152/9 160/20 161/1
163/1 163/5 166/13 169/6 171/18 180/2
183/20 184/1 188/19 189/4 195/13
211/25 213/24 214/11 214/17 215/10
215/16 230/17 234/23 254/21 255/25
259/13 279/2 279/16 280/18 294/19
witness [10] 2/6 20/2 52/23 96/15 105/6
132/23 164/19 167/18 240/7 305/1
won [1] 242/23
wondering [2] 3/22 203/20
word [12] 1/15 12/5 47/9 62/20 137/14
144/25 144/25 166/22 167/4 250/21
273/12 274/11
words [6] 1/14 244/5 246/23 252/7
272/1 313/6
work [145] 6/19 10/8 10/12 11/5 11/14
11/15 12/18 12/19 16/9 18/14 22/22
23/19 26/6 33/4 35/14 36/5 37/10 37/19
38/8 38/13 38/18 39/4 39/17 40/19
40/24 41/8 41/12 41/17 42/11 42/13
42/18 42/21 43/3 43/9 43/21 44/1 45/3
45/10 45/14 45/21 45/24 46/11 46/21
46/22 46/22 47/15 47/25 50/15 50/17
50/20 51/1 51/9 51/13 51/17 54/6 54/24
67/2 67/22 68/6 68/6 70/3 72/6 77/4
80/25 81/5 81/5 81/11 83/23 84/25
91/14 91/19 92/24 93/4 96/21 97/19
99/18 100/21 102/5 102/6 102/15 103/8
103/23 114/16 123/6 126/16 127/6
128/10 128/14 128/20 131/4 132/8
134/5 134/20 135/2 135/4 144/23
147/10 159/2 159/15 161/23 163/22
168/6 168/12 170/22 175/4 179/6 181/5
185/13 190/18 190/19 201/23 204/14
220/19 223/7 223/13 224/3 236/4 240/3
252/15 262/3 274/24 276/3 276/17
282/1 283/12 283/17 285/24 292/9
292/12 292/22 294/8 294/17 294/25
295/1 295/13 295/16 295/20 295/21
296/5 296/15 296/19 296/22 301/24
302/8 302/10

worked [61] 8/18 10/18 10/20 11/2
11/25 13/8 21/21 24/23 24/25 25/5
25/22 25/22 25/25 26/7 26/20 26/24
27/3 27/9 27/16 28/9 28/11 29/4 29/9
37/5 37/12 47/13 47/15 54/7 54/15
54/18 68/14 85/5 85/10 93/1 96/1 96/1
96/6 97/13 124/20 125/1 125/23 125/25
126/15 128/4 137/4 173/6 178/23
179/24 180/16 190/19 242/2 276/7
277/24 278/17 284/4 284/8 284/11
284/21 292/5 303/18 303/21
workflow [1] 193/21
working [67] 9/13 9/20 10/15 10/15
15/17 15/18 15/19 15/25 18/4 18/5 21/5
21/25 22/2 25/8 26/13 26/16 28/14 32/9
40/18 40/23 44/5 47/5 64/23 65/25 67/8
67/16 69/24 71/12 72/2 81/8 81/14
81/15 81/23 82/1 84/3 91/2 91/6 91/9
92/7 98/7 102/14 102/14 127/16 135/6
139/5 141/2 147/12 147/13 147/13
147/25 160/3 163/20 165/14 168/12
168/13 168/16 187/17 209/20 210/8
221/23 239/13 239/22 276/23 277/14
278/18 278/19 294/6
workings [3] 46/3 52/24 146/11
works [5] 23/16 27/23 220/5 236/23
317/4
world [2] 30/11 76/16
worries [1] 189/11
worse [6] 121/17 252/5 252/12 252/22
258/11 258/12
worth [2] 137/12 153/3
would [224] 6/2 7/7 8/14 9/5 9/13 9/22
10/16 11/16 11/18 12/2 14/2 17/3 19/5
20/11 23/4 24/24 25/3 26/17 26/19 27/1
27/2 28/2 28/4 28/23 29/10 33/17 35/6
35/7 37/18 38/16 39/2 39/5 39/19 39/22
40/5 40/8 40/17 41/14 41/23 42/18
42/19 48/5 48/8 48/20 48/22 49/10
49/11 50/8 54/19 58/1 58/5 58/9 59/17
60/12 51/25 62/2 62/7 62/20 62/22
62/25 63/2 63/3 64/5 67/11 68/6 72/16
74/2 75/25 80/3 81/11 81/13 81/15 82/3
82/16 87/1 89/22 89/24 92/6 92/22
93/10 95/8 96/12 96/12 96/19 96/24
96/24 97/2 98/1 102/23 104/10 106/25
108/9 114/7 114/13 115/14 116/4
116/14 116/16 116/20 117/13 117/24
117/25 118/16 118/24 119/11 119/17
120/20 121/7 124/1 124/25 128/12
130/19 130/22 134/19 135/15 136/17
136/21 136/24 137/19 140/4 145/25
147/21 149/17 149/19 149/23 150/25
151/20 152/2 153/8 157/3 159/22 160/2
163/8 165/18 165/19 167/21 167/22
167/23 168/10 169/9 170/17 172/22
174/5 174/8 174/19 176/13 177/5 177/6
177/21 179/13 179/23 180/20 182/23
182/24 183/4 185/18 187/16 188/15
189/2 190/22 193/4 193/13 193/15
195/2 197/1 200/1 200/4 200/9 200/12
200/13 204/17 206/2 209/2 216/21
221/2 230/1 232/7 233/17 241/5 241/13
242/7 245/17 247/18 249/17 249/21
250/3 267/12 268/1 268/4 268/5 274/11
274/14 275/8 278/24 278/24 279/9
279/16 284/6 284/18 285/2 285/5 287/1
287/2 287/7 287/9 288/8 291/5 294/11

294/14 294/16 297/4 300/7 300/25
304/9 305/7 306/6 312/14 312/24 313/1
313/22 314/25 316/12 316/13 317/13
wouldn't [11] 36/16 36/17 67/4 67/4
67/6 75/14 174/17 180/12 221/10 305/5
314/15
wow [1] 121/21
wrapped [1] 294/11
writes [1] 207/10
writing [1] 127/9
written [4] 50/22 50/25 51/4 93/10
wrong [6] 80/14 80/20 202/14 203/16
206/14 218/4
wrote [1] 227/6
X
X percent [1] 62/3
Y
yard [1] 29/22
yeah [260] 9/20 13/11 14/2 14/5 15/10
16/3 18/3 19/5 23/3 24/24 26/19 28/13
28/13 29/10 29/19 30/7 35/16 35/20
36/12 38/7 38/25 39/1 39/11 39/14
39/21 43/12 43/16 43/19 46/6 46/10
46/25 48/6 49/4 49/10 50/6 50/25 53/18
54/3 55/12 57/22 58/14 59/1 59/3 61/17
62/19 64/25 68/16 68/22 71/11 72/4
74/2 74/10 76/12 77/12 78/1 78/19
79/20 81/11 83/18 85/1 86/7 86/10
86/16 87/13 90/9 90/23 91/4 92/19
93/22 94/12 95/21 96/4 96/18 97/25
98/10 99/2 102/4 103/2 103/19 104/10
104/21 105/9 109/5 109/19 110/11
110/17 111/15 112/16 112/22 113/5
114/10 114/22 117/3 119/21 121/12
123/13 124/24 125/8 126/10 127/2
132/9 133/5 133/21 134/25 136/3
136/14 137/8 138/5 138/12 140/14
140/25 141/20 143/3 143/22 146/21
147/8 148/25 149/15 154/24 155/13
157/1 157/9 157/16 158/15 158/23
160/2 160/23 161/11 162/23 163/4
163/19 165/12 167/21 168/10 169/6
170/1 171/18 173/17 174/1 175/17
175/20 175/20 176/5 177/5 177/7
177/20 178/12 179/3 179/23 180/14
181/15 181/18 182/13 182/23 183/15
183/24 184/8 185/5 185/7 185/19
185/25 187/12 187/20 188/6 188/14
189/4 191/8 192/14 193/20 194/15
195/9 195/19 195/19 196/13 196/16
198/21 201/6 201/20 202/21 203/5
204/1 204/17 205/3 208/2 208/9 208/12
208/24 210/7 210/17 211/19 212/22
213/11 213/21 215/9 217/20 221/2
221/20 221/20 222/6 225/19 226/23
227/17 229/22 230/10 231/6 232/11
232/24 234/9 235/8 236/15 236/23
239/1 239/7 240/10 241/3 243/9 245/19
245/24 248/9 248/11 249/17 250/3
251/22 253/19 254/15 256/3 256/21
257/20 259/15 260/24 263/5 264/20
267/8 267/24 270/18 274/3 276/6
276/21 277/10 278/8 280/9 283/17
287/17 288/4 289/2 289/10 289/19
289/21 295/7 297/15 299/18 300/7
300/17 302/6 303/11 303/17 306/17
309/20 313/4 316/18

Y
year [6] 71/2 71/4 71/11 71/12 83/5
281/19
yearish [1] 91/10
years [10] 21/22 30/23 32/2 67/12 67/20
83/13 90/11 90/12 90/24 93/6
yep [4] 66/11 200/16 241/15 295/10
yes [147] 3/25 5/12 6/8 6/17 6/21 6/24
8/6 8/13 9/13 9/19 9/19 12/9 12/12
13/13 21/7 26/11 27/12 28/20 29/18
29/18 32/20 33/8 33/16 33/19 34/2
38/14 38/20 41/4 41/6 41/10 41/10
41/20 42/4 42/22 43/24 44/7 44/25 48/6
51/12 51/14 54/10 55/9 56/24 58/13
64/25 66/15 66/25 72/22 73/23 81/2
81/7 81/24 82/22 84/17 85/18 86/20
96/9 97/21 102/23 106/18 106/21 107/8
107/11 110/6 111/9 111/16 114/22
158/1 164/23 167/12 169/11 171/10
172/13 172/18 173/4 177/13 177/14
180/23 181/13 181/22 182/2 182/3
184/12 184/13 184/20 186/11 186/24
186/25 187/5 189/20 190/10 190/16
191/15 194/21 195/23 197/6 197/13
197/16 198/2 199/7 199/12 199/13
200/8 200/15 205/11 205/20 207/5
207/9 211/13 212/21 213/3 216/12
216/21 217/14 223/2 223/15 224/20
225/4 225/6 227/11 236/5 239/1 239/7
246/4 253/17 262/11 263/22 263/25
264/4 264/9 269/15 273/5 275/14
279/19 281/25 282/2 284/6 286/1
292/16 296/17 296/20 296/23 297/10
310/24 311/24 315/17 316/1
yet [5] 56/8 226/8 226/15 245/4 262/12
you [1575]
you'd [2] 126/16 293/20
you're [74] 5/1 6/12 6/14 15/11 15/13
15/17 15/18 15/18 16/14 16/24 20/7
26/1 31/14 32/14 32/15 36/18 38/23
50/22 54/1 54/14 60/24 62/15 64/17
66/16 72/25 77/23 85/9 90/25 100/17
100/18 100/21 101/16 102/14 102/14
102/21 104/1 108/1 108/5 110/18
110/19 117/9 119/1 119/9 122/14
122/24 123/22 125/12 127/13 129/2
130/19 131/16 132/11 133/19 141/2
142/18 156/3 160/1 160/3 215/12 220/9
220/10 222/12 225/3 256/5 256/17
258/4 258/5 258/18 263/8 283/1 295/21
300/17 313/6 316/5
you've [20] 25/22 30/3 35/17 36/10
37/11 70/13 83/20 83/21 83/22 84/6
86/1 107/22 108/23 114/15 120/25
126/23 140/19 183/3 190/1 304/21
you-e-mail.PDF [1] 223/8
your [278] 1/18 3/12 3/22 4/8 4/22 5/18
6/1 6/13 6/15 7/25 8/7 8/9 8/16 8/19
9/10 11/5 11/7 11/22 12/5 12/13 16/12
17/7 18/19 19/14 19/19 22/20 24/13
26/6 27/15 27/20 31/2 31/10 31/16 33/4
33/4 34/3 35/13 35/14 37/16 39/5 39/18
40/19 40/24 41/8 41/12 41/17 42/6
42/11 42/13 42/18 43/3 43/9 44/24 45/3
45/24 47/15 47/17 49/15 49/21 50/15
50/25 51/6 51/9 51/9 51/13 51/17 51/22
52/4 52/6 52/19 54/5 55/19 58/20 59/16
62/13 64/2 64/23 65/3 65/14 69/10 72/1

72/6 73/1 75/10 77/3 77/4 78/14 79/19
79/25 80/4 80/19 80/25 81/5 81/5 83/17
86/7 87/6 91/14 91/18 92/14 95/1 95/19
97/19 98/13 99/17 99/24 100/5 100/11
100/16 102/25 104/12 105/10 105/13
108/8 110/22 111/4 111/5 112/13
113/21 113/22 119/22 120/21 121/17
125/13 125/19 126/14 126/24 127/16
128/10 128/14 132/8 134/4 134/20
136/21 137/14 137/20 138/20 138/25
141/15 141/16 144/4 145/22 146/6
152/10 153/12 156/17 159/17 159/18
164/2 167/25 168/6 169/20 171/11
171/22 172/23 173/1 174/11 174/25
175/4 175/7 175/22 175/22 175/24
175/25 176/4 177/17 179/15 180/21
181/23 184/5 185/4 185/6 185/10
186/19 187/2 188/10 188/20 190/18
190/19 190/22 191/6 191/12 192/23
197/18 198/19 199/5 202/2 203/16
204/14 206/18 208/19 209/5 210/2
212/7 215/21 215/21 217/15 220/22
221/17 225/8 225/8 226/16 231/10
232/7 233/13 234/6 234/17 235/6
235/16 236/3 236/10 237/3 237/3 240/3
243/14 245/11 245/22 246/8 250/25
253/11 256/7 256/12 257/10 258/12
261/18 265/4 267/5 267/6 268/4 269/16
269/17 269/18 269/24 270/10 271/8
272/24 273/3 273/12 274/11 274/23
275/2 275/12 275/22 276/16 277/4
286/9 286/20 286/21 287/10 288/9
289/4 290/6 290/8 292/12 292/22 294/8
295/1 296/15 296/18 297/21 297/24
297/24 298/1 298/7 298/10 298/20
299/1 299/5 307/12 307/17 308/3 308/5
308/9 309/5 310/2 315/14 315/24
316/12
yours [4] 43/8 187/25 211/12 287/11
yourself [11] 67/18 74/24 83/8 123/2
128/8 128/10 161/3 161/15 286/4
301/14 305/13

Z
zero [1] 246/7
Zoom [9] 5/20 5/22 7/3 8/2 85/22 86/18
86/25 89/18 296/4

REAL TIME ROUGH DRAFT!

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CONSENT: By opening and opting for this DRAFT transcript, you have agreed: (1) To purchase the final transcript at the agreed-upon rate; (2) Not to furnish this draft transcript, either in whole or in part, on media drive, electronic device, hard copy, or by any other means, to any party or counsel to the case.

DISCLAIMER: This uncertified draft transcript is unedited and uncertified and may contain untranslated words, a note made by the reporter, a misspelled proper name, and /or word combinations that do not make sense. All such entries will be corrected on the final certified transcript which we will deliver to you in accordance with your requested delivery arrangements. Due to the need to correct entries prior to certification, this draft transcript can be used only for the purposes of annotating counsel's notes and cannot be used or cited in any court proceedings or to distribute to other parties in the case who have not purchased a transcript copy.

REAL TIME ROUGH DRAFT!

1 **THE STENOGRAPHER:** On the record.

2 I remind the witness they are still under
3 oath from yesterday.

4 BY MR. HALPER:

5 Q So good morning, Mr. Foltz. Just to
6 remind you from yesterday that, you know, my name is
7 Michael Halper, and I'm representing the plaintiffs
8 in the federal case.

9 Before we begin, since the deposition
10 ended yesterday, have you reviewed any other
11 materials or had any conversations with anyone about
12 the matters we might discuss today?

13 A I have not reviewed any materials, and I
14 spoke to counsel.

15 Q Okay. Let's see. And just one other
16 preliminary point. We talked about taking breaks
17 and that's totally fine, but I just ask that we wait
18 until I finish any pending questions or you answered
19 any pending questions before we go into a break; is
20 that okay?

21 A Understood.

22 Q Great. And I'm going to apologize in
23 advance if we repeat any questions that we talked
24 about yesterday. I know it was a long day, and my
25 outline might be a little duplicative of what we

REAL TIME ROUGH DRAFT!

1 discussed yesterday, so just forgive me in advance
2 for that.

3 Okay. So I'd like to start talking about
4 the software system you used that we discussed
5 yesterday. Could you just describe that system a
6 little more generally?

7 A Generally it was the online system made
8 available by the Florida -- I believe it's the
9 legislature that made it publicly available, but
10 there is a publicly available website hosted by some
11 Florida agency entity that provides public access to
12 the ability to redistrict and draw.

13 Q Uh-huh. And you mentioned that that
14 system showed certain statistical indicators by
15 default; is that correct?

16 A I think the testimony on that was specific
17 to compactness and the default settings within that
18 software, so I think the point I was making is that
19 where in my prior experience defaults with
20 redistricting software had tended to be
21 Polsby-Popper and the Reock rock, to use your
22 pronunciation, Florida by default, if memory serves,
23 also included the Convex Hull measure in addition to
24 the prior two that I had listed.

25 Q Uh-huh. And were there any other default

REAL TIME ROUGH DRAFT!

1 statistics unrelated to compactness that were
2 showing up on the screen?

3 A Well -- and, again, I want to be careful
4 with that answer because there's a difference
5 between showing up on the screen and a report run
6 after the fact. So compactness is an example of
7 that where you're not getting that statistic in
8 realtime. That's a report that is generated after
9 the fact.

10 Q So just so I understand compactness,
11 you're not seeing it until after the fact or you
12 are?

13 A You're seeing it after the fact.

14 Q Okay. And do you have any idea why the
15 Convex Hull measure was loaded on that system by
16 default?

17 A I can't speak to that. That would have
18 been something that either the vendor or whoever --
19 whomever's responsible in Florida for setting that.
20 I don't know who would have made that decision.

21 Q And you never asked anyone about it?

22 A No, I did not.

23 Q Okay. Did you talk to Mr. Kelly about it?

24 A Not that I can recall.

25 Q Okay. Moving on to a different topic.

REAL TIME ROUGH DRAFT!

1 You mentioned earlier in your prior testimony about
2 the payment you received for your work with Florida.

3 Did you receive a 1099 for that work?

4 A Not yet.

5 Q Okay. Did you receive a W-2?

6 A No.

7 Q Did you receive any official invoices?

8 A Receive invoices?

9 Q Right. Well, let me take that back. Did
10 you submit official invoices for reimbursement?

11 A Yes.

12 Q Okay. And you mentioned you -- and
13 correct me if I misunderstand. You received payment
14 into your account from Mr. Bryan's company; is that
15 correct?

16 A Yes.

17 Q And were those physical checks or were
18 they direct deposits?

19 A Physical check.

20 Q Okay. So beyond the physical checks, were
21 there any -- was there any other documentation about
22 your payment?

23 A The previously mentioned invoice.

24 Q The invoices that you had sent?

25 A Correct.

REAL TIME ROUGH DRAFT!

1 Q Okay. So there were no other
2 documentation you received from Mr. Bryan or anyone
3 else?

4 A Not that I can think of, no.

5 Q Okay. Who would you consider your
6 employer in that matter?

7 A I mean, I think employer is -- again, I
8 take issue with that word. I view employer as more
9 like salaried work, you know, who I was working for
10 was counsel and EOG.

11 Q So you'd consider yourself -- you would
12 not consider yourself an employee at that time?

13 **MR. BEATO:** Object to form.

14 Mr. Foltz, you can answer.

15 A Yeah. Again, just personally the
16 distinction I draw is employee to me reads almost
17 more like a salaried position whereas, you know,
18 being retained by someone to do work. It's just a
19 distinction I draw in my head just as a definitional
20 matter.

21 BY MR. HALPER:

22 Q Would you consider yourself an independent
23 contractor?

24 A In this instance, yes.

25 Q Okay. And is that in contrast to your

REAL TIME ROUGH DRAFT!

1 position with the Texas Legislature presently?

2 A Correct. That's a salaried position.

3 Q So you would consider yourself an employee
4 of the Texas Legislature?

5 A Yes.

6 Q Okay. I want to show you an exhibit which
7 is -- I will represent to you is a transcript that
8 we prepared based on the audio testimony that
9 Mr. Kelly made before the Senate.

10 Are you familiar with his -- with
11 Mr. Kelly's testimony before the Senate?

12 A Before the Senate? Did -- I don't
13 remember if he testified more than once or which
14 testimony I watched because I did watch a
15 presentation -- a testimony he gave, but I don't
16 remember exactly which house it was.

17 Q Okay. It's my understanding that
18 Mr. Kelly testified before both the House and the
19 Senate redistricting committees on separate
20 occasions.

21 A Okay. And my recollection is I do
22 remember watching testimony. I don't remember if I
23 watched one or both of those committee testimonies.

24 Q Okay. So I'm going to pull up a
25 transcript of that testimony.

REAL TIME ROUGH DRAFT!

1 A Is that being dropped in the chat?

2 **MR. HALPER:** So can we go off the record
3 for a minute.

4 (Discussion off record.)

5 **MR. HALPER:** We can go back on the record.

6 A Okay. The PDF of Kelly Senate
7 Testimony.PDF is now opened.

8 BY MR. HALPER:

9 Q Okay. Great.

10 So, Mr. Foltz, I'm going to ask you to
11 read out loud certain portions of this.

12 (Exhibit 15 was marked for
13 identification.)

14 **MR. HALPER:** So it's clear on the record,
15 we'll do continuous exhibit markings from
16 yesterday.

17 BY MR. HALPER:

18 Q Just give me one moment.

19 So, Mr. Foltz, starting at the bottom of
20 page 5, Line 25, can you start reading the first
21 complete sentence that starts with 10.

22 A I'm sorry. Just the highlighted portion
23 or the ...

24 Q That's correct, can you read the
25 highlighted portion?

REAL TIME ROUGH DRAFT!

1 A "Ten of the districts are unchanged from
2 Senate Bill 102 that you passed during session, so
3 Primary Plan 8019."

4 Q Thank you. And feel free throughout this
5 to -- in order to help contextualize any testimony
6 that may be presented to you out of context to take
7 your time to read through proceeding and following
8 portions.

9 A Yeah. This is all out of context as I
10 have not seen this transcript before, but go on.

11 Q So in that case, why don't you take a
12 minute to just read the bottom of page 5 and then
13 tell me when you are a little more oriented.

14 A (Examining document.)

15 All right. I think I have sufficient
16 context for that clip.

17 Q Okay. Thank you.

18 So Mr. Kelly testifies that when he is
19 talking about his role in the changes, he's really
20 referring to 18 of the 28 districts in the map and,
21 as you read, 10 of the districts are unchanged from
22 the Senate map.

23 Is that your understanding of the Enacted
24 Plan?

25 **MR. BEATO:** Object to form.

REAL TIME ROUGH DRAFT!

1 A Yeah. And all I can testify to with
2 regard to that specifically is taking Alex's
3 testimony at face value. I don't have that
4 information of my own knowledge.

5 BY MR. HALPER:

6 Q Okay. So when you were collaborating on
7 the maps with Mr. Kelly, did you change every
8 district compared to what the Senate had proposed?

9 **MR. BEATO:** Objection. Legislative
10 privilege.

11 Mr. Foltz, you can answer that question to
12 the extent that it doesn't disclose privileged
13 information or it's a matter of the public
14 record.

15 A Yeah. And I really can't give any context
16 on that without getting into privileged
17 communications.

18 **MR. HALPER:** So Mr. Kelly testified to
19 this, so I think it's our position that the
20 witness can confirm or deny whether that's
21 true.

22 **MR. BEATO:** Well, I think Mr. Kelly
23 testified to it. Mr. Foltz did not testify to
24 it. So I think that's the distinction.

25 **MR. HALPER:** I'm not sure that's our

REAL TIME ROUGH DRAFT!

1 understanding of the privilege order. It's my
2 understanding that Mr. Foltz can testify to any
3 matter in the public record, and this is in the
4 public record.

5 And if he doesn't have personal knowledge
6 of something or he can't confirm or deny it,
7 that's a separate issue, but I think that
8 anything Kelly testified about is fair game.

9 **MR. BEATO:** Sure. Okay. Can you repeat
10 your question please, Counsel?

11 **MR. HALPER:** Sure. Thank you. And please
12 let me know if I'm unclear.

13 BY MR. HALPER:

14 Q So Mr. Kelly testifies that -- so let me
15 back up a minute. Yesterday, you testified that the
16 baseline plan that you used for your drafting was a
17 plan that had been previously submitted by the
18 legislature; is that correct?

19 A No, that's not a correct summary of my
20 prior testimony.

21 Q Can you tell me what the baseline map was
22 when you began drawing?

23 A I'm going to take issue with "baseline
24 map" just as a foundational matter. My testimony
25 was that when it came to tracking certain criteria,

REAL TIME ROUGH DRAFT!

1 like compactness and splits, I was looking at the
2 House map as a plan -- for lack of a better term, a
3 plan to beat, to try to improve on traditional
4 criteria metrics from the House plan.

5 Q Okay. So is it fair to say that when you
6 were drafting the maps, you were not usually
7 starting from scratch?

8 A I don't think I can give a blanket answer
9 on that as there are numerous -- you know, numerous
10 versions, numerous changes. Sometimes I maybe was
11 looking at the House map more and working off of
12 that. Maybe I was starting from more just a truly
13 blank map. There was just a lot of different
14 versions and, you know, as you work through
15 different iterations, sometimes you just take a
16 different tact.

17 Sometimes you're working off of someone
18 else's plan, like the House. Sometimes you're
19 starting from scratch. Other times you start in the
20 north. Other times you start in the south, and all
21 of those can lead to different outcomes.

22 Q Okay. Let's move on a bit to page 6
23 starting at line 11. Can you please read the
24 testimony starting on line 11?

25 A Yeah. Can we get a little bit more scroll

REAL TIME ROUGH DRAFT!

1 there? Thank you.

2 And how far am I going?

3 Q To the end of that paragraph starting on
4 line 11 to line 19.

5 A Okay. "Starting in January earlier this
6 year, I initially served for our office just in a
7 role of providing general guidance and oversight in
8 our house and contract counsel and also to a
9 contract map drawer who we brought on to support
10 this work, and that contract map drawer supported
11 our work in the Governor's Office first map that was
12 submitted back in, I want to say, maybe late
13 January, early February, Plan 0079."

14 Q Thank you.

15 So when Mr. Kelly says "Who we brought on
16 to support this work," is that -- what does that
17 mean to you?

18 **MR. BEATO:** Objection. Attorney-client
19 privilege. Legislative privilege.

20 Mr. Foltz, you can answer to the extent
21 that it doesn't disclose privileged information
22 or to the extent it's a matter of public
23 record.

24 A I think Alex is using -- again, I want to
25 be cautious in speaking to someone else's testimony,

REAL TIME ROUGH DRAFT!

1 but, you know, per my testimony yesterday, the
2 initial contact of who brought me onboard was Jason
3 Torchinsky.

4 BY MR. HALPER:

5 Q Okay. Can you please read lines 20 and 21
6 on that page?

7 A "For reference, that contract map drawer
8 of Congressional Plan 0079, his name is Adam Foltz."

9 Q Thank you.

10 So is it accurate that you were the map
11 drawer for Congressional Plan 0079?

12 **MR. BEATO:** Objection.

13 A Yeah.

14 **THE WITNESS:** Sorry. Sorry, Michael.

15 A Yeah, I think that's -- that's accurate.

16 BY MR. HALPER:

17 Q Did you prepare that map alone?

18 **MR. BEATO:** Same objections.

19 A Again, this is going to be a repeat of
20 yesterday's testimony where there's input, there's
21 the iterative process, there are versions that led
22 to what ultimately became 0079.

23 So while I can say that it's, you know, me
24 clicking the mouse, I can't -- you know, there's
25 always going to be input from others that inform

REAL TIME ROUGH DRAFT!

1 that process.

2 BY MR. HALPER:

3 Q Okay. Was Thomas Bryan involved in
4 drawing Plan 0079?

5 **MR. BEATO:** Same objections.

6 A No, Tom did not draw plans.

7 BY MR. HALPER:

8 Q Okay. Did Tom run any analysis on that
9 plan?

10 **MR. BEATO:** Same objections.

11 A I can't remember specifically, but it's
12 very likely that he did.

13 BY MR. HALPER:

14 Q Uh-huh. Why didn't you gather the data on
15 that plan?

16 **MR. BEATO:** Objection. Legislative
17 privilege information.

18 Mr. Foltz, to the extent that this doesn't
19 disclose internal communications or
20 deliberations with the Executive Office of
21 Governor, you can answer.

22 A Again, I don't know what you mean by
23 "didn't collect the data." There were reports that
24 I ran, there were reports that I ran for every map
25 that was passed along, so I'm not sure what you mean

REAL TIME ROUGH DRAFT!

1 by why I didn't gather the data.

2 BY MR. HALPER:

3 Q Sure. So what would be the difference
4 between an analysis -- a report that you would
5 create compared to a report that Mr. Bryan would
6 create?

7 A Yeah.

8 **MR. BEATO:** Hold on.

9 Object to form and same objections.

10 Mr. Foltz.

11 A Yeah. Going back to yesterday, that
12 dataset was ACS data which wasn't part of the
13 Florida internal system. So, again, top level
14 answer that that was the different dataset that Tom
15 had available to him.

16 BY MR. HALPER:

17 Q And you did not have access to that data?

18 **MR. BEATO:** Objection. Legislative
19 privilege.

20 Mr. Foltz, to the extent that this doesn't
21 disclose privileged information, you can
22 answer.

23 A Yeah. Generally I'm going to be cautious
24 on "access to." When Tom would have the report, it
25 would clearly be sent to me and I would have access

REAL TIME ROUGH DRAFT!

1 to it in that regard, but the actual block level
2 file that they were using to run that report off of,
3 I did not have.

4 BY MR. HALPER:

5 Q Okay. So if you wanted the kind of data
6 that Mr. Bryan had, you'd be unable to get it for
7 yourself?

8 **MR. BEATO:** Same legislative privilege
9 objection.

10 Mr. Foltz.

11 A I mean, it's a hypothetical. We had the
12 data necessary that stemmed from the ACS data. I
13 didn't need to ask for it as Tom and Eric had it
14 available to them. I don't want to say it was not
15 available to me if I would have asked for it, it was
16 just the division of labor that existed.

17 BY MR. HALPER:

18 Q Okay. All right.

19 Let's move on to page 7, at the top. Can
20 you please read the -- I guess the first line and
21 then the -- just read the first sentence on that
22 page, please.

23 A Sure. "Adam and myself collaborated on
24 our office's second map, Map 0094, which was
25 submitted a few weeks later."

REAL TIME ROUGH DRAFT!

1 Q Okay. So is that statement accurate?

2 A I have no reason to doubt it. Again, I
3 don't remember exactly when in the timeline I was
4 introduced to Alex. I have no reason to doubt his
5 recollection of that. But my personal recollection
6 is I don't remember when exactly in the process I
7 was introduced to Alex.

8 Q Okay. So you can't recall whether or not
9 you and Alex collaborated on Map 94?

10 **MR. BEATO:** Objection.

11 A Same answer, I don't remember exactly when
12 I was introduced to Alex, but I have no reason to
13 doubt his testimony.

14 BY MR. HALPER:

15 Q Okay. So when Mr. Kelly testifies that
16 "Adam and myself collaborated," what might that
17 mean?

18 **MR. BEATO:** Object to the form and then
19 legislative privilege.

20 Mr. Foltz, if you can answer at a very
21 high general level, you can answer, but please
22 do not disclose any privileged information.

23 **THE WITNESS:** Understood.

24 A Again, high level, I think it kind of
25 speaks for itself. "Collaborated" means

REAL TIME ROUGH DRAFT!

1 collaborate. And beyond that, you know, I want to
2 be cautious as to not get into privileged
3 communication, but collaborate, worked together,
4 worked in a collaborative manner.

5 BY MR. HALPER:

6 Q I'm just trying to understand because we
7 had a bit of a disconnect yesterday about this, what
8 the collaboration process looked like. And, you
9 know, without revealing any communications or the
10 substance of that collaboration, could you describe
11 the process?

12 **MR. BEATO:** Same legislative privilege
13 objection.

14 But, Mr. Foltz, to the extent you can
15 answer, you can answer.

16 A I think we got into a pretty decent level
17 of detail without disclosing privileged
18 communication that there was conversations that
19 happened to share thoughts and impressions on
20 various draft maps that went back -- you know, that
21 went ultimately before the Legislature.

22 BY MR. HALPER:

23 Q Okay. So let's go down a little further.

24 **MR. HALPER:** Sarah, can you just go --
25 that's good.

REAL TIME ROUGH DRAFT!

1 BY MR. HALPER:

2 Q Can you please start reading at line 8 up
3 through the end of the sentence on line 12?

4 A Sure. "In this map before you today, I
5 alone authored the changes in this plan, 0109, with
6 respect to how this new plan compares to the map
7 that the Legislature passed, the Legislature's
8 primary plan."

9 Q Okay. So Plan 0109, do you understand
10 that to be the Enacted Plan?

11 A Yes, I believe that is.

12 Q And when Mr. Kelly says "I alone authored
13 the changes in this plan"; is that accurate?

14 **MR. BEATO:** Same objections.

15 Mr. Foltz, you can answer.

16 A Yeah. And, again, going back to
17 yesterday's testimony, I have no reason to doubt
18 Alex's testimony here. He was clicking the mouse on
19 that. I just always leave the caveat of certain
20 concepts may have survived from prior iterations
21 that were worked on by me that may have survived
22 throughout the process.

23 So while, you know, Alex did assign the
24 districts in Map 0109, I always want to leave that
25 caveat that there were prior drafts that may have

REAL TIME ROUGH DRAFT!

1 informed his drawing as we worked through different
2 iterations which ultimately led to the plan that
3 became the Enacted Plan.

4 BY MR. HALPER:

5 Q Okay. Let's move on to the top of page 8.
6 Can you please read the highlighted portion?

7 A Sure. "The only time I did reference
8 political data was early in the process to determine
9 a question that you were having to address to
10 determine whether or not it was possible to draw a
11 compact African American performing district in
12 northeast Florida, essentially a more compact
13 version of the benchmark District 5."

14 Q Okay. And to your knowledge, is that
15 testimony accurate?

16 **MR. BEATO:** Object to form. Legislative
17 privilege.

18 To the extent that you can answer the
19 question without revealing privileged
20 information, Mr. Foltz, you can answer.

21 A Again, this is not my testimony, not my
22 process. The best I can give you is that I have no
23 reason to doubt Alex's testimony.

24 BY MR. HALPER:

25 Q Okay. Are you aware of how the Florida

REAL TIME ROUGH DRAFT!

1 Supreme Court defines compactness?

2 A The Supreme Court specifically, I can't
3 say that I'm specifically versed on how they define
4 compactness.

5 Q Okay. I'm going to represent to you --
6 give me one second.

7 **MR. HALPER:** Just give me one moment.

8 Sorry.

9 (Discussion off record.)

10 BY MR. HALPER:

11 Q So I'm going to read to you the definition
12 of compactness from the Florida Supreme Court in a
13 case "In re Senate Joint Resolution of Legislative
14 Apportionment 1176," and that's 83 So. 3d 597 in the
15 Florida Supreme Court 2012.

16 And Florida Supreme Court there held that
17 "Compactness is a standard that refers to the shape
18 of the district. The goal is to ensure that
19 districts are logically drawn and that bizarrely
20 shaped districts are avoid. Compactness can be
21 evaluated both visually and by employing standard
22 mathematical measurements."

23 Did you understand -- let me ask, did
24 that -- does that comport with your understanding of
25 compactness?

REAL TIME ROUGH DRAFT!

1 **MR. BEATO:** Object to form.

2 But, Mr. Foltz, you can answer.

3 A Again, I think yesterday I testified
4 pretty extensively to compactness and my view of it.

5 A lot of what the court laid out and what
6 you just read to me touches on issues that I had
7 talked about. You know, talked about the
8 mathematical, you know, talked with Joe about the
9 eyeball test, and then also kind of building in kind
10 of my personal sense of it where I'm always kind of
11 looking for context, right, that a numerical
12 evaluation doesn't always tell the whole story.

13 So, again, I'll, you know, take what
14 you're saying at face value of the Court's view,
15 but, you know, yesterday's testimony got pretty
16 extensively into kind of my view of compactness.

17 BY MR. HALPER:

18 Q So would you say that your view on
19 compactness may differ of from that of the Florida
20 Supreme Court?

21 **MR. BEATO:** Object to form.

22 Mr. Foltz.

23 A Yeah. Again, I think my testimony
24 yesterday stands on its own, and I think the
25 added -- while I, you know, in an agreement there

REAL TIME ROUGH DRAFT!

1 are certain mathematical measures that get into
2 compactness, I did touch a little bit more
3 extensively on context and how that can relate to
4 compactness or deviations from compactness.

5 BY MR. HALPER:

6 Q Okay. But can you please answer my
7 question more directly? Does your view of
8 compactness differ from what I just read to you from
9 the Florida Supreme Court?

10 MR. BEATO: Object to form.

11 Mr. Foltz.

12 A Yeah. You want to read that one more
13 time?

14 BY MR. HALPER:

15 Q Absolutely. So "Compactness is a standard
16 that refers to the shape of the district. The goal
17 is to ensure that districts are logically drawn and
18 that bizarrely shaped districts are avoided.

19 Compactness can be evaluated both visually and by
20 employing standard mathematical measurements."

21 A Yeah. And I think my prior answer touches
22 on where I -- I don't want to say disagree, but add
23 a little bit of context to how the court lays it
24 out.

25 The court specifically mentions "In an

REAL TIME ROUGH DRAFT!

1 attempt to avoid bizarrely shaped districts." And
2 as I testified yesterday in that kind of contextual
3 matter is that sometimes something can be less
4 compact in a good faith effort to follow municipal
5 boundaries.

6 So I don't want to frame the answer as
7 being sideways with the Court's definition of
8 compactness, just to add some context from my
9 experience that I think kind of fills out my view of
10 it.

11 But, again, I don't disagree necessarily,
12 I just have a little bit more context to the -- in
13 particular the line in there about bizarre shapes.
14 Bizarre shapes can sometimes be a function of
15 natural geography or political subdivisions or any
16 number of factors that may show up as lack of
17 compactness, but have other reasons they exist.

18 So, again, I don't disagreeing with the
19 definition, just building it out a little bit more.

20 Q Are you familiar with the Benchmark CD-5?

21 A Yeah.

22 Q Okay. So I'm going to ask you two
23 questions about that. First, under your
24 understanding of compactness, why isn't Benchmark
25 CD-5 compact?

REAL TIME ROUGH DRAFT!

1 A Sure. Well, there's a number of factors.
2 I don't remember specifically where it scored on the
3 mathematical measures, but if memory serves and just
4 kind of knowing how the mathematical measures work,
5 it's not going to score well.

6 Again, not specifically recalling where it
7 came out on that mathematical measures, so it's
8 uncompact in that way. There is jagged lines as it
9 connects to metropolitan areas, it stretches an
10 extreme distance that isn't otherwise explained by
11 traditional redistricting criteria and it has jagged
12 boundaries for reasons that aren't explained by
13 other traditional criteria. And all of those
14 factors combine to create a noncompactness score.

15 Q So with respect to the mathematical
16 measurements, are there particular cutoffs -- so
17 when you say "score well," can you just explain what
18 you mean by that?

19 A Yeah. And, again, so a lot of the
20 compactness measurements are a ratio measure, you
21 know, draw a circumscribing circle around a
22 district, what is the area of that district relative
23 to the small circumscribing circle and the closer,
24 you know, that number gets to one, the more compact
25 it's going to be.

REAL TIME ROUGH DRAFT!

1 So I think your question was about hard
2 cutoff. No, there isn't. And, you know, going back
3 to the often repeated testimony that context always
4 matters, not hard cutoffs, but that -- again, not
5 knowing -- not remembering the numbers off the top
6 of my head, they would have scored pretty poorly.

7 Q So without holding you to a hard cutoff,
8 is there -- and it's my understanding, and please
9 correct me if I'm wrong, that these ratios are given
10 between zero and one; is that correct?

11 A Yeah.

12 Q Okay. Is there a certain point between
13 zero and one that you would consider beyond the pale
14 for compactness?

15 A No. And, again, bit of broken record on
16 this testimony is that context is always going to
17 matter. And I personally -- and how I view
18 compactness, if the boundaries jaggedness is
19 attributed to showing fidelity to a political
20 subdivision's boundary, I look at that differently
21 than when that jaggedness is a result of not
22 respecting a political subdivision's boundary.

23 And in the case of CD-5, it's jaggedness,
24 specifically referring to Tallahassee, is not -- is
25 a function of not respecting that political

REAL TIME ROUGH DRAFT!

1 subdivision and splitting it as opposed to keeping
2 it whole and then surrounding it with the rest of
3 the population needed to assign a district.

4 Q Okay. So would you say that it's possible
5 to draw a compact African American performing
6 district in Northern Florida?

7 **MR. BEATO:** Object to the fom.

8 Legislative privilege.

9 Mr. Foltz, to the extent that it doesn't
10 disclose privileged information, you can
11 answer.

12 A Yeah. And that's -- I can't really get
13 into that answer without getting into legal advice.
14 You know, Mr. Kelly testified to his process, but I
15 really can't get into that without getting into
16 conversations with counsel.

17 BY MR. HALPER:

18 Q Okay. So did you attempt to draw a
19 compact African American performing district in
20 Northern Florida?

21 **MR. BEATO:** Same legislative objections.

22 Mr. Foltz, to the extent you can answer
23 that without disclosing privileged information,
24 you can comment.

25 A Yeah. And when you get to the question of

REAL TIME ROUGH DRAFT!

1 performance, that's going to be an area that is
2 going to involve legal advice and legal counsel,
3 drafts being submitted and then plumbed for legal
4 compliance, so there's not much I can give you
5 beyond that that would not get into attorney-client
6 communications.

7 BY MR. HALPER:

8 Q Okay. How would you define compact
9 African American performing district?

10 **MR. BEATO:** Object to the form.

11 But, Mr. Foltz.

12 A Yeah. I mean I think we've talked pretty
13 extensively about compactness. Performing -- again,
14 I didn't -- I didn't engage in any of the functional
15 analysis that Florida has used because of the lack
16 of partisan data in my process, so I really can't
17 speak to performance as it wasn't really how I
18 operated given that I had no partisan data available
19 to me.

20 And my understanding of performance and
21 functional analysis is that it's required to look at
22 partisan data to come to that conclusion, which I
23 didn't look at that data.

24 BY MR. HALPER:

25 Q Okay. Let's move on to -- we're going to

REAL TIME ROUGH DRAFT!

1 pull back up that exhibit.

2 Let's move to page 13. I'm not going to
3 ask you to read anything here, but if you'll notice
4 in the middle of the paragraph -- and the context is
5 not really important here, but Mr. Kelly uses the
6 phrase "overall visual compactness."

7 Do you see where he says that?

8 A You want to help me get --

9 Q Sorry. It's on line 5.

10 A Okay. "These changes improve overall
11 visual compactness."

12 Q I just want to ask you about the term
13 "overall visual compactness." What does that mean
14 to you?

15 A Well, again, I'm going to always preface
16 this with, you know, Mr. Kelly's testimony is his
17 own. My impression of it goes back to yesterday's
18 testimony on the eyeball test (audio cut out).

19 Q So, in other words, you'd say that overall
20 visual compactness to you is the same as what you
21 described yesterday as the eyeball test?

22 A I think that's fair. That's how I --
23 again, caveat, Alex's testimony stands on his own,
24 you know, what he means is what he means, but my
25 impression is I think -- I read this as the eyeball

REAL TIME ROUGH DRAFT!

1 test.

2 Q Okay. Let's move to page 15. I'm just
3 trying to figure out how much of this I want to ask
4 you to read.

5 Okay. Can you please read starting on
6 line 16 --

7 A Through the end of the page?

8 Q -- through the end of the paragraph.
9 Yeah, the end of the page.

10 A Yeah. "With respect to similarities with
11 House Plan 8011, specifically with respect to
12 Congressional District 10, we accept the position
13 articulated by the House's professional staff in
14 their subcommittee, that this district is not
15 subject to the Florida Constitution's
16 nondiminishment standard because the benchmark
17 district does not contain an African American
18 population sufficiently large enough to reliably
19 elect a candidate of their choice."

20 Q Okay. So when Mr. Kelly says "We accept
21 the position," do you understand that to include
22 you?

23 **MR. BEATO:** Objection. Legislative
24 privilege. Form.

25 Mr. Foltz, you can answer to the extent it

REAL TIME ROUGH DRAFT!

1 doesn't disclose privileged information.

2 A Yeah. And, again, Alex's testimony is his
3 own, and what he meant by "we" is up to him. I
4 don't view myself in this we. To me, this is
5 decision-makers that are not me. That's how I read
6 this.

7 The final decisions, you know, drafts were
8 offered, negotiations happened, conversations
9 happened, changes were made to the map, but
10 ultimately when I hear "we accept," to me that's,
11 for lack of a better term, above my pay grade. I
12 read that as the decision-makers, not me.

13 BY MR. HALPER:

14 Q Okay. So just to clarify, you don't
15 consider yourself a decision-maker in this process?

16 **MR. BEATO:** Same objections.

17 Mr. Foltz.

18 A Yeah, I don't. I guess I'll be careful
19 with the answer here insomuch as when you're sitting
20 a terminal, you're making decisions, you know,
21 specific to that draft plan, but ultimately the
22 decisions of what ultimately goes forward to the
23 legislature, what is signed into law, what lawmakers
24 find acceptable to them, that's a process outside of
25 me. So I think I've hedged appropriately on that

REAL TIME ROUGH DRAFT!

1 answer.

2 BY MR. HALPER:

3 Q Do you recall Benchmark CD-10?

4 A Not in -- not --

5 Q I'll represent to you that that's in the
6 Tampa Bay region.

7 A Yeah. I don't recall specifically CD 10
8 from the benchmark.

9 Q Okay. Were you aware of the BVAP for
10 Benchmark CD-10?

11 **MR. BEATO:** Objection. Legislative
12 privilege.

13 Mr. Foltz, to the extent that this does
14 not get into privileged communication, you can
15 answer.

16 A Yeah. I think -- I think the answer to
17 that is aware insomuch as reports that we've
18 discussed previously of racial composition were run
19 on the Benchmark Plan just as they were run on many
20 of the draft maps.

21 BY MR. BEATO:

22 Q So it's fair to say that you were aware of
23 the BVAP -- and just, you know, from yesterday, we
24 understand BVAP to mean Black voting age population.

25 You were aware of the BVAP for a number of

REAL TIME ROUGH DRAFT!

1 benchmark districts; is that correct?

2 **MR. BEATO:** Objection to form. Same
3 legislative privilege objection.

4 Mr. Foltz.

5 A Yeah. Again, I'll parse it out a bit.
6 As -- I am aware of any district insomuch as the
7 report -- a report run on the Benchmark Plan will
8 contain that data for all of the congressional
9 districts in the Benchmark Plan.

10 BY MR. BEATO:

11 Q So you reviewed the reports -- let me back
12 up. Is it fair to say that you reviewed statistical
13 reports for every draft plan that you submitted?

14 **MR. BEATO:** Objection. Legislative
15 privilege.

16 Mr. Foltz, to the extent that this does
17 not get into privileged communications, you can
18 answer that question.

19 A Generally I can't say that it was run for
20 every plan, that, you know, there are plans that --
21 that don't come together, there are plans that fall
22 by the wayside, so I can't say that every plan had a
23 full report run on it.

24 BY MR. BEATO:

25 Q Would you say that you reviewed reports

REAL TIME ROUGH DRAFT!

1 for at least some of those plans?

2 **MR. BEATO:** Same privilege objection.

3 Mr. Foltz.

4 A Yeah. And again, I'm going to take issue
5 with the word "review." Am I aware of it? Do I
6 know, you know -- am I aware of it, do I generally
7 know that that data is included in those reports?
8 Yes, I do.

9 Review I always am going to take a little
10 bit of issue with insomuch as, you know, racial
11 considerations are issues of legal compliance, and I
12 view -- I view personally the review of that to be
13 more of counsel and legal compliance than my job
14 necessarily.

15 BY MR. BEATO:

16 Q Okay. So when Mr. Kelly testified that
17 the benchmark district does not contain an
18 African American population sufficiently large
19 enough to reliably elect a candidate of their
20 choice, do you agree with that conclusion?

21 **MR. BEATO:** Objection to form.

22 Legislative privilege. Attorney-client
23 privilege.

24 Mr. Foltz, to the extent that this does
25 not disclose privileged communication, you can

REAL TIME ROUGH DRAFT!

1 answer.

2 A Again, this is not my testimony, and I
3 don't recall where benchmark CD-10 started with
4 respect to which racial composition, so I really
5 can't answer that sitting here right now.

6 BY MR. BEATO:

7 Q Okay. What percentage of Black voters
8 does a district need to contain to reliably elect a
9 candidate of their choice?

10 **MR. BEATO:** Objection. Form.

11 A Yeah. So can you say the question again?

12 BY MR. BEATO:

13 Q Certainly. What percentage of Black
14 voters does a district need to contain to reliably
15 elect a candidate of their choice?

16 **MR. BEATO:** Mr. Foltz -- Counsel, you're
17 asking that as general proposition or a
18 Florida-specific proposition or --

19 **MR. HALPER:** I'm asking for Mr. Foltz's
20 view on that question.

21 **MR. BEATO:** Generally?

22 **MR. HALPER:** I mean, Mr. Foltz can
23 interpret it how he wants to interpret it.

24 **MR. BEATO:** Objection to form.

25 Mr. Foltz.

REAL TIME ROUGH DRAFT!

1 A Yeah. So generally there's no hard cutoff
2 on that percentage.

3 BY MR. HALPER:

4 Q Okay. We discussed yesterday the
5 distinction between Tier 1 and Tier 2 standards.

6 Do you recall discussing that?

7 A I remember us getting into it, yes.

8 Q Right. And do you understand that the
9 Florida Constitution prioritizes minority access
10 districts over compactness?

11 **MR. BEATO:** Objection to form.

12 Mr. Foltz.

13 A My understanding is that Tier 1 --
14 race-related issues are in the Tier 1 criteria and
15 compactness is in the Tier 2 criteria.

16 BY MR. HALPER:

17 Q Okay. And you're aware that the Florida
18 Supreme Court -- or excuse me. The Florida
19 Constitution prioritizes Tier 1 criteria over Tier 2
20 criteria?

21 **MR. BEATO:** Same form objection.

22 Mr. Foltz.

23 A That's my understanding is that the Tier 1
24 and Tier n2 reflect, for lack of a better term, a
25 hierarchy.

REAL TIME ROUGH DRAFT!

1 BY MR. HALPER:

2 Q Okay. And did you keep that hierarchy in
3 mind while you were drafting the plans?

4 **MR. BEATO:** Objection. Attorney-client
5 privilege. Legislative privilege.

6 Mr. Foltz, to the extent that you're not
7 disclosing any privileged communication, you
8 can answer that.

9 A Yeah. I think as a general matter, I can
10 say that I'm aware of it. It's obviously, you know,
11 the law that governs South Florida in this. Beyond
12 that, it's going to very quickly get into
13 attorney-client communication, so I think I need to
14 stop my answer there.

15 BY MR. HALPER:

16 Q Okay. Give me one moment. Let's go to
17 page 35.

18 So, Mr. Foltz, I'd like to ask you to read
19 on page 35, line 6 through 12. But before you do
20 that, if you want to take a moment on your own PDF
21 copy to familiarize yourself with the context of
22 this statement, please do so.

23 A Okay. Give me a moment. I'm sorry.
24 We're on page 35?

25 Q Right. And if you wanted to go a page

REAL TIME ROUGH DRAFT!

1 before or a page -- just take a moment to
2 familiarize yourself.

3 A (Examining document.)

4 I think I have a decent enough amount of
5 context but reserve the right to go back to the PDF.

6 BY MR. HALPER:

7 Q Of course. Thank you.

8 So here, can you please start reading on
9 line 6 and go through line 12?

10 A "So that analysis was provided in public
11 testimony by the House's professional redistricting
12 committee's staff and their Congressional
13 redistricting subcommittee. The analysis was a
14 sound analysis and we have adopted that. We have
15 essentially adopted their judgment in our process
16 and we've agreed with their analysis."

17 Q Thank you.

18 The analysis here, in context, do you
19 understand that to be talking about a functional
20 analysis?

21 **MR. BEATO:** Object to the form.

22 Mr. Foltz.

23 A Yeah. From the context that's what it
24 sounds like, that he's referring to the House's
25 functional analysis in this area.

REAL TIME ROUGH DRAFT!

1 BY MR. HALPER:

2 Q Okay. And do you agree that that was a
3 sound analysis?

4 **MR. BEATO:** Objection to form.

5 Attorney-client privilege, legislative
6 privilege.

7 Mr. Foltz, to the extent you're not
8 disclosing any privileged communication, you
9 can answer.

10 A Yeah. And, again, at no point did I
11 review any partisan data in any context whatsoever,
12 and that includes the House's functional analysis,
13 so I did not review that.

14 BY MR. HALPER:

15 Q Okay. Understood.

16 So when Mr. Kelly testifies that -- and
17 let me rephrase that.

18 You never reviewed the House's functional
19 analysis?

20 **MR. BEATO:** Same objections.

21 Mr. Foltz.

22 A That's correct.

23 BY MR. HALPER:

24 Q Okay. So you were not involved in what
25 Mr. Kelly refers to as adopting their judgment.

REAL TIME ROUGH DRAFT!

1 **MR. BEATO:** Same objection.

2 Mr. Foltz.

3 **THE WITNESS:** Sorry. Sorry, Michael.

4 A Yeah. This is, again, kind of a "we"
5 being used in a couple different contexts here. I,
6 again, read this "we" as the decision-makers. You
7 know, this different subset of we, the
8 decision-makers, decided to adopt the House's
9 interpretation of this region. That's how I read
10 it. Again, a different -- a different "we." The
11 "we" that made the decisions in this context.

12 BY MR. HALPER:

13 Q Okay. Fair enough.

14 So just to confirm, you don't understand
15 the "we" used here to mean you?

16 **MR. BEATO:** Same objections.

17 Mr. Foltz.

18 A Yeah. I mean, beyond -- you know, beyond
19 simple understanding of it, not including me, I did
20 not review the functional analysis so I know just as
21 a matter of fact I was not involved in this specific
22 context.

23 BY MR. HALPER:

24 Q Okay. Referring back to Benchmark CD-5,
25 were you aware that the Benchmark CD-5 came from the

REAL TIME ROUGH DRAFT!

1 Florida Supreme Court?

2 **THE WITNESS:** I'm sorry, Michael. Are you
3 saying something?

4 **MR. BEATO:** No. I'm sorry. Mr. Foltz, if
5 you can answer that.

6 A Yeah. And the question again, please.

7 BY MR. HALPER:

8 Q Were you aware that Benchmark CD-5
9 which -- so let me stop.

10 You recall benchmark CD-5?

11 A Yes.

12 Q Were you aware that the Florida
13 Supreme Court created that?

14 A Yes.

15 Q Okay. You were aware of that?

16 A Yes.

17 **MR. HALPER:** Let's move on to page 49,
18 Sarah. Okay.

19 BY MR. HALPER:

20 Q Mr. Foltz, if you want to take a moment to
21 read just to yourself page 49 starting at line 5,
22 Mr. Kelly's testimony, and I'm going to ask you in a
23 moment to read the end of this page.

24 A Sorry. Going back to the PDF to 49.

25 Q Uh-huh.

REAL TIME ROUGH DRAFT!

1 A I'm starting on line 5 for context and
2 then you will ask me to read highlighted into the
3 record?

4 Q Correct.

5 A Got it. One moment, please.

6 (Examining document.)

7 Okay. I think I have enough context, but,
8 again, might jump back to the PDF if needed.

9 Q Of course. So whenever you're ready,
10 please read the highlighted portion.

11 A Sure. "The boundary between the two is
12 mostly the St. Johns River. As you know,
13 Jacksonville is the single lone city in the entire
14 state that's actually larger in population than a
15 Congressional district, so the river which nearly
16 equally divides the city stands out as certainly a
17 logical recognizable Tier 2 boundary to divide
18 Jacksonville if we're going to have to divide it
19 somewhere."

20 Q Okay. So do you agree with the statement
21 that the St. Johns River is a logical place to
22 divide Jacksonville?

23 **MR. BEATO:** Object to form. Legislative
24 privilege.

25 To the extent that this does not disclose

REAL TIME ROUGH DRAFT!

1 any confidential and privileged information,
2 Mr. Foltz.

3 A Yeah. And again, this is Alex testifying
4 to his drawing process and his impressions of it.
5 I'd say as a general matter, natural geography can
6 oftentimes serve as a commonsense boundary to divide
7 districts. And in this case, Alex is referencing
8 the St. Johns River in Jacksonville.

9 But again, as a general matter,
10 speaking -- you know, Alex speaking to his process
11 for himself, as a general matter, natural geography
12 rivers included can be an appropriate delineation
13 for a district boundary.

14 BY MR. HALPER:

15 Q Okay. So when you were drawing maps, did
16 you have to split Jacksonville -- or let me take
17 that back.

18 Did you draw a district which included
19 Jacksonville?

20 **MR. BEATO:** Objection. Legislative
21 privilege.

22 Mr. Foltz, to the extent that you can
23 answer that question without disclosing
24 privileged information, you can answer.

25 A Again, Jacksonville is part of the State

REAL TIME ROUGH DRAFT!

1 of Florida and the maps assigned -- you know, at
2 least in the context of complete plans assigned all
3 population within Florida, Jacksonville included.

4 BY MR. HALPER:

5 Q Is it accurate that the City of
6 Jacksonville has to be divided in some way because
7 it's larger than a congressional district?

8 A That's my recollection of Jacksonville's
9 population.

10 Q Okay. So when you were drawing maps, you
11 necessarily had to split Jacksonville?

12 **MR. BEATO:** Objection to form.

13 Legislative privilege objection.

14 Mr. Foltz, to the extent that this does
15 not disclose any privileged information, you
16 can answer.

17 A Yeah. Just as a function of math and
18 equal population, Jacksonville requires a split.

19 BY MR. HALPER:

20 Q Okay. So when you were splitting
21 Jacksonville, did you always use the St. Johns River
22 as a dividing line?

23 A I can't say that with certainty, not
24 having reviewed all prior drafts. You know,
25 numerous drafts, a lot of different iterations, I

REAL TIME ROUGH DRAFT!

1 can't remember if I always used the river as the
2 dividing line.

3 Q Would you say that you used the river as a
4 dividing line sometimes?

5 A Again, I can't recall all of the drafts.
6 I think it's a safe assumption that I had drafts
7 that used the river as the dividing line, but I
8 can't say with certainty sitting here today.

9 Q Can you recall other boundaries you might
10 have used to divide Jacksonville?

11 A Not at the moment, no.

12 Q Okay. Were you aware whether a
13 congressional district including Jacksonville had
14 ever been divided along that river, the St. Johns
15 River in the past?

16 A I would say from an historical
17 perspective, I really only went as far back in
18 history as the Benchmark Plan. I can't say that I
19 went back through time prior to that and reviewed
20 prior historical iterations of Florida Congressional
21 plans.

22 Q Okay. What information do you know about
23 the St. Johns River?

24 A What information do I know?

25 Q Sorry. Let me be more specific.

REAL TIME ROUGH DRAFT!

1 When you were drawing districts around
2 Jacksonville, what information did you have in front
3 of you about the St. Johns River?

4 **MR. BEATO:** Objection. Legislative
5 privilege.

6 Mr. Foltz, to the extent that you cannot
7 answer -- well, strike that.

8 To the extent that you can answer that
9 question without disclosing privileged
10 information.

11 A Yeah. I'm not exactly sure where to go
12 with that question. I mean, rivers, water layer --
13 water will be a layer in GIS software, and you have
14 the ability to turn that on so the river shows on
15 the screen.

16 And, I mean, as far as what information
17 you have, I mean really it's just the existence of
18 the river. The water layer in GIS software will
19 show you where the water is.

20 I'm not trying to be trite with that
21 answer, just I'm not sure where you're going with
22 what information you have about the river other than
23 just the river.

24 BY MR. HALPER:

25 Q Fair enough.

REAL TIME ROUGH DRAFT!

1 What about bridges, would that be in the
2 software?

3 A That would be in a roads layer, so, you
4 know, just as you have a water layer available in --
5 generally speaking in all GIS software, you will
6 also have a layer that will symbolize roads, or
7 multiple layers, depending on how the software's
8 set up.

9 Q And would that necessarily include bridges
10 or only major bridges, maybe?

11 A The details aren't going to matter here
12 because -- and it's going to depend on how the
13 software's set up because a lot of times what you'll
14 have is a layer of major roadways, quote-unquote,
15 and then you'll have minor roadways. Sometimes
16 you're choosing to turn those on, other times it
17 will be set in the software to automatically project
18 depending on your zoom layer.

19 So the further you punch in -- or push in
20 in the software, you may have a setting that will
21 automatically bring those minor roads to light where
22 if you're more zoomed out, you may only see
23 interstate.

24 So bit of a long answer there, but it
25 really depends on what layers are in your software

REAL TIME ROUGH DRAFT!

1 and how they're set up and are major and minor roads
2 combined, are they separate layers, it really
3 depends.

4 Q Okay. So about the St. Johns River
5 specifically, do you recall there being -- seeing
6 any bridges when you were drafting the map?

7 A Again, I don't remember if when I was
8 drawing I had instances where I would have had both
9 the water and the roads layer on. I may have, but I
10 don't recall that level of detail at this time.

11 Q Okay. You testified earlier about the
12 ability to include shading to represent racial
13 demographics; is that correct?

14 A Yes.

15 Q And please correct, I can't specifically
16 recall, but did you have the racial shading turned
17 on at any point during the map drawing process?

18 **MR. BEATO:** Objection. Legislative
19 privilege.

20 Mr. Foltz, to the extent that this does
21 not disclose privileged information, you can
22 answer.

23 A Yeah. Per my prior testimony, during the
24 drawing process, racial shading was not on, was not
25 symbolized on my mapping software -- or my instance

REAL TIME ROUGH DRAFT!

1 of the mapping software.

2 BY MR. HALPER:

3 Q Okay. And when you ran reports -- let me
4 just ask: Would you run a statistical report only
5 after you completed an entire map or would you do it
6 after you complete, for example, a district?

7 **MR. BEATO:** Same legislative privilege
8 objection.

9 Mr. Foltz, to the extent that you're not
10 disclosing any privileged information.

11 A Generally speaking, entire plans, but
12 that's more of a post-hoc analysis. I can't say
13 with 100 percent certainty there may not have been a
14 region that maybe a report was run for, but
15 generally speaking, it's done after the plan is
16 completed when all population is assigned.

17 BY MR. HALPER:

18 Q Is it possible to run it district by
19 district?

20 A I'm going to take a bit of issue with the
21 phrasing of that question. If you were to run -- if
22 you were to run the plan -- if you were to run that
23 report on an incomplete plan, you would get usable
24 data for the districts that are assigned.

25 So you're not running it district by

REAL TIME ROUGH DRAFT!

1 district per se, you're running it on an incomplete
2 plan and only getting useful data for the districts
3 that are assigned and then just getting a bunch of
4 null, zeros, or N/As depending on what program
5 you're working in for anything that is not assigned.

6 Q Okay. Thank you for clarifying.

7 So just so I understand, if you were to
8 draw an incomplete plan and run the data on it, you
9 would have, for example, the BVAP of that single
10 district, that assigned district?

11 **MR. BEATO:** Objection. Form. Legislative
12 privilege.

13 To the extent that you can answer that
14 question without revealing privileged
15 information, you can do so.

16 A Yeah. Generally, if you wanted to assign
17 a handful of districts in a region, run that, and
18 just have a bunch of incomplete data for the
19 unassigned district numbers, yeah, you could in
20 theory do that.

21 BY MR. HALPER:

22 Q Okay. Are you aware of the Black
23 neighborhoods in Jacksonville?

24 **MR. BEATO:** Objection. Legislative
25 privilege.

REAL TIME ROUGH DRAFT!

1 To the extent you can answer that question
2 without disclosing any privileged information,
3 you can.

4 A Yeah. Again, to the prior testimony, I
5 did not have the racial shading on during the
6 drawing process which would have been how I could
7 have been informed of that, but I did not have that
8 layer activated in the drawing process.

9 BY MR. HALPER:

10 Q Okay. So you were not aware that there
11 are minority populations -- Black minority
12 populations on both sides of the St. Johns River?

13 **MR. BEATO:** Same legislative privilege
14 objection.

15 Mr. Foltz.

16 A Yeah. I would say that the only way I
17 would have been aware of that is if racial shading
18 were turned on, and it was not.

19 BY MR. HALPER:

20 Q Okay. Were you aware that splitting
21 Jacksonville along the St. Johns River had the
22 effect of diminishing Black voting strength?

23 **MR. BEATO:** Objection. Form. Legislative
24 privilege. Attorney-client privilege.

25 Mr. Foltz, to the extent you can answer

REAL TIME ROUGH DRAFT!

1 that question without revealing privileged
2 information, you can.

3 A Yeah. I'm going to take issue with
4 "diminish." The numbers are what the numbers are.
5 There was clearly a difference in what ultimately
6 was enacted versus the Benchmark Plan just from
7 shape and cartography and the racial results that
8 resulted from that. The numbers are what the
9 numbers are.

10 So I don't know what exactly they are
11 sitting here right now, but, you know, "diminish" is
12 your word, the numbers say what the numbers say.

13 BY MR. HALPER:

14 Q Okay. Give me one minute here.

15 **MR. BEATO:** And, Counsel, too, I think
16 we're a little bit over an hour, if we can --

17 **MR. HALPER:** Yeah. I'm almost done with
18 this exhibit, and that will be a good time to
19 take a break. Just give me a few more minutes.

20 **MR. BEATO:** Okay. Thank you.

21 BY MR. HALPER:

22 Q Let's go to page 58. So I'm going to ask
23 you to read some of this highlighted testimony into
24 the record, but before that, I think it might be
25 useful to go, Mr. Foltz, the bottom of page 57,

REAL TIME ROUGH DRAFT!

1 beginning with Senator Rouson's testimony, just to
2 contextualize yourself.

3 A You said bottom of 57, correct?

4 Q Correct.

5 A (Examining document.)

6 Okay. I think I have decent amount of
7 context if we want to get into it.

8 Q Okay. Thank you.

9 So on line 6, Mr. Kelly begins -- so can
10 you please read line 6 through the end of the
11 sentence on line 10.

12 A Sure. "To be frank, I actually am unaware
13 of the Black voting age population in District 14.
14 This was not even drawn with any type of racial
15 intent at all. This was not drawn with any type of
16 even looking at any racial data for the district."

17 I'm sorry. Where did you want me to stop?

18 Q Right there is fine.

19 A Okay.

20 Q Now, understanding that this is not your
21 testimony, do you understand this to be accurate?

22 **MR. BEATO:** Objection. Legislative
23 privilege.

24 To the extent you can answer that,
25 Mr. Foltz.

REAL TIME ROUGH DRAFT!

1 A Again, I have no reason to doubt Alex's
2 testimony.

3 BY MR. HALPER:

4 Q Okay. Were you aware of the Black voting
5 age population of District 14 in the Enacted Plan?

6 **MR. BEATO:** Same legislative privilege
7 objection.

8 Mr. Foltz.

9 A Yeah. I think specifically prior
10 testimony, you're aware insomuch as reports are run
11 after the fact and given that this was Alex's
12 draw -- at one point, you know, I did receive Alex's
13 draft which became the Enacted Plan, and I did run
14 reports on that. But I'm separated from that
15 when -- as this was Alex's draw, but subsequently a
16 report was run.

17 BY MR. HALPER:

18 Q Okay. Thank you.

19 **MR. POSIMATO:** All right. Let's go off
20 the record.

21 (A recess took place from 11:10 a.m. to
22 11:20 a.m.)

23 **MR. HALPER:** Back on the record.

24 BY MR. HALPER:

25 Q So, Mr. Foltz, you prepared -- we

REAL TIME ROUGH DRAFT!

1 discussed yesterday, a number of maps that were sent
2 on to the Executive Office of Governor that were in
3 shapefile format; is that correct?

4 **MR. BEATO:** Objection. Conditional
5 legislative privilege objection.

6 Mr. Foltz, you can answer that to the
7 extent you're not revealing any confidential
8 information.

9 A I would say more specifically that some
10 shapefiles were sent to counsel and beyond that,
11 some of those did end up with members of the
12 Governor's staff.

13 BY MR. HALPER:

14 Q Okay. So in the course of discovery in
15 this matter, the Office of the Governor produced to
16 us shapefiles that it represented were from your
17 files.

18 So what we have here, and I'm going to
19 show you, are images of those shapefiles that our
20 expert prepared. And our experts will testify at
21 trial that they prepared these images from your
22 shapefiles. So that's just to orient you on what
23 I'm going to show you.

24 So we might not be able to send these
25 because of the file, but we sent them to Sandi, and

REAL TIME ROUGH DRAFT!

1 we're going to pull them up on the screen, so just
2 give me one sec.

3 Yeah, let's start with this one.

4 **MS. HARDIKE:** Okay. I'm going to try
5 sending it in the chat.

6 **MR. HALPER:** Oh, maybe we can.

7 **MS. HARDIKE:** Yeah. I can also share my
8 screen.

9 **THE WITNESS:** I've opened it up and I can
10 see it.

11 **MR. HALPER:** No. That's something else.

12 **MR. BEATO:** Counsel, you said you sent it
13 to the court reporter. If it makes sense, too,
14 you could send it over to us via e-mail just so
15 Mr. Foltz has that in front of him in case he
16 needs to scroll or look at anything in more
17 particular -- particular --

18 **MS. HARDIKE:** I just dropped it in the
19 chat. I don't know if that would ...

20 **MR. BEATO:** The H.001W?

21 **MR. HALPER:** Uh-huh.

22 **MR. BEATO:** I can see that.

23 Mr. Foltz, can you see that?

24 **THE WITNESS:** Yes. I have the PDF from
25 the chat, and it appears that is coinciding

REAL TIME ROUGH DRAFT!

1 with what is up on the screen share.

2 BY MR. HALPER:

3 Q Okay. Great.

4 So I will represent to you that this is an
5 image that our expert prepared based on the
6 shapefile for a map that was labeled, according to
7 your system, 001W.

8 Do you recall this map at all?

9 A Not really. I mean, I don't doubt it's
10 one of mine, but not specifically.

11 BY MR. HALPER:

12 Q Okay. So looking at the top to CD-3, do
13 you recall drawing this?

14 **MR. BEATO:** Objection. Form.

15 Mr. Foltz.

16 A Not specifically.

17 BY MR. HALPER:

18 Q Do you recall drawing a district that
19 might have looked something like this?

20 A Not specifically. Again, I don't have any
21 reason to doubt that I did draw it. I just don't
22 specifically recall drawing it.

23 Q Okay. Would you describe that district as
24 compact?

25 **MR. BEATO:** Objection. Form.

REAL TIME ROUGH DRAFT!

1 A Yeah. And this is going to fall into one
2 of those categories where compactness is sacrificed
3 in the pursuit of other traditional criteria.

4 Obviously the state boarder impacts the
5 compactness of this draft as well as -- well,
6 largely the state boarder here does impact the
7 compactness of this draft.

8 So numerically, it probably doesn't score
9 that great, but, again, in tracing the state line,
10 it's going to sacrifice compactness in that pursuit.

11 BY MR. HALPER:

12 Q Okay. So what about the eyeball test?

13 A Again, I --

14 **MR. BEATO:** Objection. Form.

15 Mr. Foltz.

16 **THE WITNESS:** Yes. Sorry.

17 A Eyeball test is going to lead me to the
18 same conclusion. What jumps out to me is the state
19 boarder has some jaggedness to it and this district
20 traces the state boarder.

21 BY MR. HALPER:

22 Q Okay. Would this district protect the
23 right of minorities to elect a candidate of their
24 choice?

25 **MR. BEATO:** Objection. Form.

REAL TIME ROUGH DRAFT!

1 Attorney-client privilege. Legislative
2 privilege.

3 Mr. Foltz, to the extent that this does
4 not disclose any confidential information, you
5 can answer.

6 A I don't know.

7 BY MR. HALPER:

8 Q Would this be a Black-opportunity
9 district?

10 **MR. BEATO:** Same objections.

11 Mr. Foltz.

12 A I don't know.

13 BY MR. HALPER:

14 Q Okay. Let's move on to --

15 **THE STENOGRAPHER:** Do you want that marked
16 as exhibit?

17 **MR. HALPER:** Yes, please, Sandi.

18 **THE STENOGRAPHER:** Okay. That will be
19 Number 16.

20 (Exhibit 16 was marked for
21 identification.)

22 **MR. HALPER:** I would like to introduce
23 another exhibit.

24 (Exhibit 17 was marked for
25 identification.)

REAL TIME ROUGH DRAFT!

1 BY MR. HALPER:

2 Q It's going to be the same thing as before,
3 Mr. Foltz, except this is Map 002A4.

4 Did you actually -- could you explain your
5 file naming system?

6 A I wish I could. Every time I sit down
7 with one of these projects, I have the best of
8 intentions of creating the filing system that will
9 help me just keep everything straight and then it
10 just ends up being an alphanumeric just mess.

11 Q Sure. I can sympathize.
12 What might impact whether you name a map a
13 new number versus a new letter?

14 **MR. BEATO:** Objection. Form. I think he
15 answered this yesterday. Asked and answered.

16 But, Mr. Foltz, you can answer.

17 A Yeah. And again, I'll try to delineate
18 between like -- you know, because numbers appear
19 twice in here, right? To me, the first number was
20 always more of -- kind of a starting over or, you
21 know, more of just a -- just a different base -- I
22 don't -- I want to choose my words carefully here.
23 Just kind of a new concept, a new swing at it where
24 then anything that follows in like that A or B or,
25 you know, A4 is more of a version change of that

REAL TIME ROUGH DRAFT!

1 broader concept.

2 So I think when you see a number jump
3 generally speaking, it's more of a -- kind of a
4 start -- I don't want to state over because
5 everything always informs everything, but it's more
6 of kind of just a broader version change where the
7 subsequent numbers and letters try to -- generally
8 are trying to refer to more marginal changes within
9 that broader concept.

10 BY MR. HALPER:

11 Q So as I mentioned, this is Map 002A4. Do
12 you recall this map?

13 **MR. BEATO:** Objection. Form.

14 Mr. Foltz.

15 **THE WITNESS:** Sorry, Michael. I am
16 jumping the gun today.

17 A I do not specifically recall this map,
18 but, again no reason to doubt that I didn't draw it.

19 BY MR. HALPER:

20 Q Okay. Do you recall drawing CD-3 this
21 way?

22 A Not specifically. Is this the same as the
23 other one?

24 Q It's not the same, it's very similar.

25 A Okay.

REAL TIME ROUGH DRAFT!

1 Q Actually, I don't want to say that. I'd
2 have to compare them side by side, but it's a
3 different map.

4 A Okay. Yeah. Again, with the caveat if
5 three changed at all between these. I don't recall
6 drawing either map specifically.

7 Q Okay. Does anything jump out at you in
8 this map as unusual or very wrong?

9 **MR. BEATO:** Objection. Form.

10 A You're going to have to be more specific
11 on that one.

12 BY MR. HALPER:

13 Q Does anything -- well, I'm just going to
14 ask you generally. Does anything jump out at you as
15 unusual on this map?

16 **MR. BEATO:** Same form objection.

17 Mr. Foltz.

18 A Yeah. I mean, it's -- again, it's a
19 difficult question to answer sitting here without
20 data in front of me. But, again, three's jaggedness
21 does appear to be tracing the state boundary. I
22 know there's a county to the north of Jacksonville
23 keeping that whole, also traces the state line.

24 So, I mean, again, yes, there's eyeball
25 test compactness that jumps out in three, but,

REAL TIME ROUGH DRAFT!

1 again, it's attributed to the state boarder.

2 BY MR. HALPER:

3 Q Okay. Let's pull up a different one. I
4 have three more of these, it's going to be the same
5 exercise, so just bear with me.

6 (Exhibit 18 was marked for
7 identification.)

8 BY MR. HALPER:

9 Q So I will represent that this is drawn
10 from Map 003A1. Do you recall this map?

11 A I do not.

12 Q Okay. Do you recall drawing what's now --
13 what was District 3 in the previous map is now more
14 like District 4.

15 Do you recall drawing a district like this
16 where District 4 is?

17 **MR. BEATO:** Object to the fom.

18 Mr. Foltz.

19 **THE WITNESS:** Sorry.

20 A No, I don't remember drawing this
21 specifically.

22 BY MR. HALPER:

23 Q What about District 3?

24 **MR. BEATO:** Same form objection.

25 Mr. Foltz.

REAL TIME ROUGH DRAFT!

1 **THE WITNESS:** Sorry, Michael?

2 A No, I don't remember drawing this.

3 BY MR. HALPER:

4 Q Okay. Does District 3 in this map appear
5 compact to you?

6 A No, it does not pass the eyeball test.
7 Again, with the caveat I'm not sure if that matches
8 the Jacksonville boarder or not. I'm not sure if
9 that's trying to be coincidental with the municipal
10 line, but it's -- it definitely does not optically
11 appear to be very compact.

12 Q So if it did correspond to the
13 Jacksonville boarder, might it then be compact?

14 A I think the way of answering that is going
15 back to the -- you know, compactness is what
16 compactness is. It's justifications that can be
17 explained by other traditional criteria or by other
18 municipal subdivisions.

19 So while compactness is just kind of is
20 what it is, it's adding that context. Again,
21 sitting here right now, I don't know if this was an
22 attempt to show fidelity with the Jacksonville
23 boarder or what was going on here with this one. I
24 don't know that sitting here right now.

25 Clearly it's not the version that went

REAL TIME ROUGH DRAFT!

1 forward. And it doesn't pass the eyeball test on
2 compactness with the prior caveats on municipal
3 boundaries maybe are to explain it, but I don't know
4 that sitting here right now.

5 Q Okay. Would CD-3 in this map be a
6 Black-opportunity district?

7 **MR. BEATO:** Objection. Form.
8 Attorney-client privilege. Legislative
9 privilege.

10 Mr. Foltz, to the extent you can answer
11 that question without disclosing privileged
12 information, you may.

13 A Yeah. Again, that's -- I don't know is
14 the short answer, but, again, those questions of
15 legal compliance are handled by counsel.

16 BY MR. HALPER:

17 Q Okay. Let's pull up this one.

18 **THE STENOGRAPHER:** The last one was 18.
19 This one will be 19.

20 **MR. HALPER:** Thanks. And sorry, Sandi, I
21 should have said that I want all of these
22 marked. But thank you.

23 (Exhibit 19 was marked for
24 identification.)

25

REAL TIME ROUGH DRAFT!

1 BY MR. HALPER:

2 Q Okay. So I will represent that this is an
3 image of Map 003B.

4 Do you recall this map?

5 A I don't.

6 Q Okay. Would you describe in this map,
7 looking at CD-12, would that be a compact district?

8 A It's going to depend. Again, with prior
9 caveats of that is an attempt to keep counties whole
10 and reduce, you know, the number of county splits.
11 It's probably going to score pretty well on say like
12 a small circumscribing circle and actually probably
13 won't be that bad on perimeter to area as well. It
14 might not be great on perimeter area but small
15 circumscribing circle might actually score pretty
16 low.

17 Q Okay. And what about CD-4 on this map,
18 that's the blue in the top right, would that be
19 compact?

20 A It would be on small circumscribing
21 circle, it would not be on perimeter to area
22 metrics.

23 Q Okay. And can you clarify when you say --
24 could you assign the, I guess for lack of a better
25 word, official nomenclature to those? Like does one

REAL TIME ROUGH DRAFT!

1 correspond to Reock or ...

2 A I think perimeter to area is Polsby-Popper
3 if memory serves. Me personally, I always use
4 perimeter to area and small circumscribing circle
5 much to the sacrifice of efficiency in language, but
6 it's always been the way I sort them in my head.

7 Q Okay. So would you say that Convex Hull
8 is not one of your go-to kind of shorthand
9 compactness measures?

10 A As I testified to previously, Florida
11 putting it as kind of the default, one of the
12 default metrics was new to me, and the software
13 and -- you know, I've used before in the states that
14 I've worked in before, Polsby-Popper and Reock were
15 prioritized.

16 Q Okay. All right. Last one of these.
17 Let's pull up this one.

18 (Exhibit 20 was marked for
19 identification.)

20 BY MR. HALPER:

21 Q Okay. So I will represent to you that
22 this corresponds to Map 012A. Do you recognize this
23 map?

24 A Not specifically.

25 Q Okay. Looking at CD-3 in the top right,

REAL TIME ROUGH DRAFT!

1 would you describe that as compact?

2 A Yeah. Again, that's going to fall into
3 the state boarder is going to create some
4 compactness issues there, specifically with
5 perimeter to area. Might not be awful on smaller
6 circle -- circumscribing circle. But, again,
7 fidelity with the state boarder is going to impact
8 perimeter to area measures.

9 Q What about CD-4, same question?

10 A Yeah. That -- that is probably not going
11 to do too well on either metric.

12 Q Okay. And do you know if CD-3 would be a
13 Black-opportunity district?

14 **MR. BEATO:** Objection. Form.
15 Attorney-client privilege. Legislative
16 privilege.

17 Mr. Foltz, to the extent that you are not
18 going to reveal any privileged communications,
19 you may answer that question.

20 A Yeah. And again, determinations as to
21 legal compliance matters like that are the purview
22 of counsel.

23 BY MR. HALPER:

24 Q So if you'd estimate the BVAP of CD-3,
25 could you do that?

REAL TIME ROUGH DRAFT!

1 **MR. BEATO:** Objection. Form.

2 Mr. Foltz.

3 A No, I couldn't do that sitting here right
4 now.

5 BY MR. HALPER:

6 Q Do you think you could have done that at
7 the time you were drawing this map?

8 **MR. BEATO:** Objection. Form.

9 Attorney-client privilege. Legislative
10 privilege.

11 Mr. Foltz, to the extent that you can
12 answer that question without disclosing
13 privileged information, you may.

14 A Yeah. And that would be part of the
15 reports that -- if this map had reports run on it,
16 that information as far as BVAP would have been part
17 of those reports.

18 BY MR. HALPER:

19 Q Okay.

20 **MR. HALPER:** We can take this down.

21 Let's go off the record for a minute.

22 (Discussion off record.)

23 **MR. HALPER:** So we just discussed how to
24 handle these maps which are a part of the
25 public domain here on the Florida redistricting

REAL TIME ROUGH DRAFT!

1 website, and I will represent that this is the
2 Florida website's representation of Map 0079.

3 (Exhibit 21 was marked for
4 identification.)

5 BY MR. HALPER:

6 Q Mr. Foltz, do you recognize this map?

7 **MR. HALPER:** And, Sarah, can you zoom out?

8 A Not specifically.

9 BY MR. HALPER:

10 Q Do you recall that Mr. Kelly testified
11 that you had drafted Map 79 by yourself?

12 **MR. BEATO:** Object to form.

13 Mr. Foltz, you can answer.

14 A Yeah. Again, with the -- I do remember
15 him testifying that 79 was the map that I worked on.
16 Again, with the standing kind of disclaimer there's
17 feedback, it's an iterative process. While the
18 mouse clicks were mine, there was definitely input
19 from others that informed this product.

20 BY MR. HALPER:

21 Q Okay. So it's fair to say that you were
22 involved in drafting this map?

23 **MR. BEATO:** Objection. Legislative
24 privilege. Form.

25 Mr. Foltz, to the extent you can answer

REAL TIME ROUGH DRAFT!

1 that question without divulging any privileged
2 communications, you may.

3 A Yeah. It's safe to say I was involved in
4 this draw.

5 BY MR. HALPER:

6 Q Okay. So we're going to zoom in now.
7 Okay. Can you take a look here, Mr. Foltz -- and
8 just for the record, we've just zoomed in on the
9 website to certain districts in South Florida.

10 Can you take a look at District 20? Do
11 you recall drawing this district?

12 A Not specifically, no.

13 Q Okay. Would you describe it as compact?

14 A Again, it's going to get into the -- it's
15 more compact than the Benchmark 20. It may be
16 following the municipal lines here that accounts for
17 that kind of intersection between 20 and 24.

18 It's not bad on compactness. There's
19 going to be a little bit of perimeter to area that's
20 sacrificed in the intersection of 20 and 24, but,
21 again, with the caveat of I don't have a great
22 symbolization of municipal boundaries here.

23 It does look like Pembroke and Pines, but,
24 again, this map isn't great on that detail.

25 So to your question on compactness, not

REAL TIME ROUGH DRAFT!

1 bad, but definitely a little bit of jog there
2 between 20 and 24.

3 Q So I'll represent to you that Pembroke
4 Pines is one city.

5 A Okay. And the line that is between them,
6 though, is that just a road?

7 Q So this is all the information I have.

8 A Okay. So anyway -- yeah.

9 Q We can zoom in and see if it will show us
10 any further detail.

11 A No. To your question on compactness, it's
12 a bit of a trade off. It's a bit of a trade off --
13 oh, Miramar. Okay. Okay. Sorry. There was a bit
14 of a false positive there with that Pembroke
15 Pines --

16 Q Sorry about that, that's just the website.

17 A Again, not bad on compactness with all the
18 often-cited disclaimers as far as respecting
19 municipal lines may have caused a little bit of
20 uncompactness in this area.

21 Q Okay. So do you know why you would have
22 drafted the -- okay. So let me back up.

23 Would you describe these as jagged lines
24 anywhere on the screen right now?

25 **MR. BEATO:** Objection. Legislative

REAL TIME ROUGH DRAFT!

1 privilege.

2 Mr. Foltz, to the extent you can answer
3 that question without disclosing any privileged
4 information, you may.

5 A I mean, again, it's going to be a broken
6 record on this one, but, you know, you can see with
7 Miramar, there's a line that is not straight but it
8 clearly follows a roadway, you know.

9 So are there some jagged lines? Sure.
10 But there always be explanations as to why a line
11 might not be straight.

12 BY MR. HALPER:

13 Q What about -- I believe this was your
14 word, correct me if I'm wrong -- "a tentacle," did
15 you use that word yesterday?

16 **MR. BEATO:** Objection to form.

17 Mr. Foltz.

18 BY MR. HALPER:

19 Q Maybe you didn't. I'm sorry.

20 A Yeah, I don't remember using that word
21 yesterday.

22 Q Perhaps "appendage"?

23 **MR. BEATO:** Same objection.

24 Mr. Foltz.

25 A When you're saying an appendage, what are

REAL TIME ROUGH DRAFT!

1 you citing? What are you --

2 BY MR. HALPER:

3 Q Well, I would ask you, but I think -- I
4 thought you testified earlier -- but if not, we can
5 start fresh -- that when it comes to the eyeball
6 test, you're trying to avoid extraneous appendages.
7 Would you agree with that?

8 A Well, again, it's going to go back to the
9 oft-repeated answer that sometimes to respect one
10 traditional criteria over another, you may sacrifice
11 compactness to hold a line of a minor civil division
12 or other political subdivision.

13 Q Okay.

14 A So I think I've been pretty consistent in
15 my testimony that not all appendages are created
16 equal and that the eyeball always is going to have a
17 bit of context that informs that.

18 Q Okay. Are you aware of the racial
19 composition of this area of Florida?

20 **MR. BEATO:** Objection. Attorney-client
21 privilege. Legislature privilege.

22 Mr. Foltz, to the extent you can answer
23 that question without divulging privileged
24 information, you may.

25 A Yeah. And I can't speak to the specifics

REAL TIME ROUGH DRAFT!

1 of the racial composition of this area.

2 BY MR. HALPER:

3 Q Okay.

4 **MR. HALPER:** Sarah, can you go to the web
5 page for 94.

6 (Exhibit 22 was marked for
7 identification.)

8 BY MR. HALPER:

9 Q I'm going to represent to you that this
10 is --

11 **MR. HALPER:** And can you drop the URL in
12 the chat room.

13 BY MR. HALPER:

14 Q So I'll represent to you that this is the
15 same path we took to get to the previous map but for
16 0094.

17 Do you understand that to be the Enacted
18 Plan?

19 A Hold on one second.

20 Q Sure. Oh, excuse me. I misspoke. This
21 is not the Enacted Plan.

22 A Okay. That was -- this is the second --
23 this is the second -- the collaborative, for lack of
24 a better term, from Alex's testimony?

25 Q Correct. Thank you for -- thank you for

REAL TIME ROUGH DRAFT!

1 that. I apologize.

2 A Okay. I will take you at your word that
3 this is the collaborative -- again, going -- using
4 Alex's nomenclature here, the collaborative map.

5 Q Okay.

6 **MR. HALPER:** Sarah, can you zoom in on --
7 actually, I'll do it.

8 BY MR. HALPER:

9 Q So I'm just going to zoom in here again.
10 What I'd like to do now is show these side
11 by side so we can compare them together. Sorry.
12 This might take me a second to . . .

13 Okay. Can you see this side-by-side
14 comparison?

15 A Yes, I can.

16 Q Okay.

17 **MR. HALPER:** So I think what we'll do,
18 Sandi, is one of these will be an exhibit and
19 then another one will be an exhibit and --
20 actually, it's probably better that we mark
21 these first, so I can just refer to them more
22 easily.

23 Sandi, do you have the screenshots from --
24 that Sarah previously sent to you?

25 **MS. HARDIKE:** Let me drop them.

REAL TIME ROUGH DRAFT!

1 **MR. HALPER:** We're going to drop them --
2 sorry. Just give me one minute.

3 **MR. BEATO:** No problem.

4 And also, not to be overly pedantic, but
5 could you equalize both of those --

6 **MR. HALPER:** Yes.

7 **MR. BEATO:** -- they're slightly off. I
8 want to make sure that doesn't affect anything.

9 **MR. HALPER:** Sandi, can you mark the
10 screenshot that Sarah -- the first screenshot
11 Sarah sent, which should be of 79, as an
12 exhibit and then tell me what number that is?

13 (Exhibit Ex No. was marked for
14 identification.)

15 **MR. HALPER:** So the screenshot of Map 79
16 is Exhibit 23; is that correct?

17 **THE STENOGRAPHER:** If you're marking that
18 now, yes, that's the next number, 23.

19 **MR. HALPER:** Okay. And then the next
20 imagine, which is the screenshot of Map 94,
21 will be Exhibit 24.

22 **THE STENOGRAPHER:** That was discuss- --
23 I'm sorry. That one was discussed previously,
24 so I believe that one would have been 22.

25 **MR. HALPER:** Let's go off the record for a

REAL TIME ROUGH DRAFT!

1 second.

2 **THE STENOGRAPHER:** Sure.

3 (Discussion off record.)

4 **MR. HALPER:** Let's mark the side by side
5 as Exhibit 23.

6 BY MR. HALPER:

7 Q Looking at the maps side by side,
8 Mr. Foltz, can you walk me through some of the
9 changes you made between these maps.

10 BY MR. HALPER:

11 Q Let me ask, were you involved, Mr. Foltz,
12 in making changes to these districts between Map 79
13 and Map 94?

14 **MR. BEATO:** Objection. Legislative
15 privilege.

16 Mr. Foltz, to the extent you can answer
17 that question without divulging privileged
18 information, you may.

19 A Yeah. I was involved in changes that were
20 made between versions, yes.

21 BY MR. HALPER:

22 Q Okay. Were you involved with changes
23 specifically for the districts you see on the screen
24 now?

25 **MR. BEATO:** Same privilege objection.

REAL TIME ROUGH DRAFT!

1 And I urge the witness not to divulge any
2 privileged information.

3 A Yeah. I don't specifically recall being
4 involved, but just generally, yes, I was involved in
5 different drafts, different iterations moving
6 forward to this point.

7 BY MR. HALPER:

8 Q Okay. Can you explain to me what you
9 recall about those changes and just walk me through
10 them?

11 **MR. BEATO:** Same privilege objection.

12 Mr. Foltz, you may answer that question at
13 a general high level if you believe that would
14 not reveal any confidential information, but,
15 again, please do not divulge any confidential
16 information.

17 A Yeah. A bit difficult to walk through
18 everything that's happening here just given what is
19 on the map and not --

20 BY MR. HALPER:

21 Q Well, Mr. Foltz, sorry to interrupt, why
22 don't we start down with District 27.

23 A Okay.

24 Q Can you walk through some changes there?

25 **MR. BEATO:** Again, same privilege

REAL TIME ROUGH DRAFT!

1 objection.

2 Mr. Foltz, do not divulge any privileged
3 information.

4 A Yeah. And I think just as a general
5 matter, I don't have enough detail here to say if
6 the change in how 27 looks is attributed to -- nor
7 do I remember if it was attributed to a municipal
8 line or if it was simply just a -- you know, a
9 change -- because sometimes, you know, in map
10 drawing, things happen as a result of decisions made
11 elsewhere not necessarily decisions made with the
12 district in question.

13 So I don't know if that was simply just a
14 result of changes to other districts nearby it. So,
15 again, with the level of detail here and my lack of
16 recollection and privilege issues, it's really hard
17 for me to get into specifics other than the map's
18 just kind of speak for themselves.

19 BY MR. HALPER:

20 Q Were those changes motivated by racial
21 characteristics?

22 **MR. BEATO:** Objection. Form. Legislative
23 privilege.

24 Mr. Foltz, to the extent that you can
25 answer the question without revealing any

REAL TIME ROUGH DRAFT!

1 privileged information, you may.

2 A Yeah. And, again, just going back to the
3 testimony from, you know, numerous times here in the
4 past two days, you're aware of race, it's a
5 necessary component to legal compliance, but it is
6 not what is motivating the draw as racial shading is
7 not available to me -- or is not being used in that
8 draw.

9 So, again, you're aware of it, you know
10 it's a variable that's important for legal
11 compliance purposes but not a motivating factor in
12 the draw.

13 BY MR. HALPER:

14 Q Okay. So looking at District 24, starting
15 on the one in 79 to our left, and then comparing it
16 to District 24 on the right, is the District 24 in
17 Map 94 more or less compact than in Map 79?

18 **MR. BEATO:** Objection. Form.

19 Mr. Foltz, you can answer that question.

20 A Yeah. And, again, not having the numbers
21 in front of me, it looks like the map in 94 pushes
22 more to the west, but --

23 (Interruption.)

24 **THE WITNESS:** What just happened?

25

REAL TIME ROUGH DRAFT!

1 BY MR. HALPER:

2 Q I don't know what happened. Sorry. Could
3 you maybe start -- maybe someone popped in off mute
4 for a second. Sorry. Could you just say your
5 answer again.

6 A So, again, not having the scores in front
7 of me, and, you know, in Map 94, it clearly pushes
8 more to the west and in Map 79, it pushes more to
9 the east. How those two resolve in compactness
10 scores, the reports will speak for themselves on
11 that.

12 Q Okay. Do you recall any changes between
13 Map 94 and the Enacted Plan with respect to South
14 Florida?

15 **MR. BEATO:** Objection. Legislative
16 privilege.

17 Mr. Foltz, to the extent you can answer
18 that question without revealing privileged
19 information, you may.

20 A My general recollection -- again, trying
21 to answer top line -- is that as the process moved
22 forward, the map looked more like the House plan,
23 and I believe in South Florida, it was ultimately
24 the House plan's version that ended up being more or
25 less adopted. Again, I want to hedge appropriately

REAL TIME ROUGH DRAFT!

1 there. I believe it moved towards the House plan's
2 draft as negotiations happened and as Alex worked
3 with the legislature.

4 **MR. HALPER:** Okay. We can take these
5 down.

6 BY MR. HALPER:

7 Q I just now have a few other questions that
8 are not related to what we've just been talking
9 about.

10 You testified yesterday to the Baldus case
11 in Wisconsin. Do you recall testifying about that?

12 A Yes, I remember it came up.

13 Q Okay. Did the result in that case affect
14 how you went about drawing maps in Florida?

15 **MR. BEATO:** Objection. Form.

16 Mr. Foltz, you can answer that question.

17 A Yeah. That's -- I'm not sure where you're
18 going with that question. I mean, every state is
19 different and legal compliance is handled by lawyers
20 and that was obviously a determination of a
21 three-judge panel. I don't know how to answer that
22 question beyond that.

23 Like I said, every state's different and
24 they need to be treated -- need to be treated
25 differently based on their unique circumstances on

1 the ground.

2 But, again, those are questions of legal
3 compliance, which are handled by lawyers. So,
4 again, not sure what you're looking for with that
5 question.

6 BY MR. HALPER:

7 Q Okay.

8 **MR. HALPER:** Why don't we just take a very
9 short break, and I'm just going to go through
10 my notes and see if I have any further
11 questions before we can wrap up here. So just
12 give me one minute.

13 **MR. BEATO:** Yes. No problem.

14 (Short pause.)

15 **MR. HALPER:** We're going to do one more
16 exhibit. Sarah, can you please turn your
17 screen and send the URL to Mr. Foltz and the
18 team?

19 So this is going to be the same web
20 version we've been looking at but for the
21 Enacted Plan.

22 **THE STENOGRAPHER:** And this will be
23 Number 24.

24 BY MR. HALPER:

25 Q So, again, I'll represent to you,

REAL TIME ROUGH DRAFT!

1 Mr. Foltz, that this is a zoomed-in version of the
2 South Florida districts on the Florida websites
3 version of the Enacted Plan.

4 Looking at District 20 -- well, let me
5 first ask, do you recall making any of these changes
6 from the maps we've previously discussed?

7 **MR. BEATO:** Objection. Form.

8 Mr. Foltz, you can answer that question.

9 A Yeah. Going back to prior testimony, Alex
10 drew the version that ultimately became the Enacted
11 Plan and as to what I just testified, my general
12 understanding was that through the process of those
13 negotiations, it -- South Florida moved more in the
14 direction of the House plan.

15 And I believe -- again, with all
16 appropriate hedges here, I believe that was what was
17 ultimately put in the Enacted Plan was something
18 that was closer to if not identical to the House
19 plan.

20 BY MR. HALPER:

21 Q Okay. Looking at District 20, would you
22 describe this as compact?

23 **MR. BEATO:** Objection. Form.

24 Mr. Foltz, you can answer that question.

25 A I think it probably wouldn't score very

REAL TIME ROUGH DRAFT!

1 well on the metrics.

2 BY MR. HALPER:

3 Q What about the eyeball test?

4 **MR. BEATO:** Same form.

5 Mr. Foltz.

6 A And, again, oft repeated testimony on
7 this. The eyeball test can be deceptive. I don't
8 know exactly where municipal lines are falling here
9 that may contribute to the lack of compactness.
10 There is certainly a jaggedness to it, but is -- you
11 know, the context being lacking.

12 BY MR. HALPER:

13 Q Looking at District 23, would you describe
14 this as compact?

15 **MR. BEATO:** Same form objection.

16 Mr. Foltz.

17 A Yeah. Again, this is going to probably
18 give you a bit of a different story depending on
19 which metric you're looking at. Perimeter area, the
20 jaggedness is going to be reflected in that. And
21 then you probably will do okay on -- you'll probably
22 do pretty well on small circumscribing circle.

23 BY MR. HALPER:

24 Q Okay.

25 **MR. HALPER:** Sandi, did this get marked?

REAL TIME ROUGH DRAFT!

1 **THE STENOGRAPHER:** Yes. That is 24.

2 **MR. HALPER:** Okay. Thank you.

3 All right. I don't have any further
4 questions, but I just want to note that our
5 position is this deposition remains open
6 pending resolution of ongoing privilege issues
7 that counsel today and yesterday have objected
8 to, just as it was that Mr. Posimato said
9 yesterday, but other than that, we can go off
10 the record.

11 **MR. BEATO:** Before we go off the record.

12 Counsel, we understand your position, we
13 respectfully disagree with your position like
14 we disagreed with the BVM plaintiffs, but with
15 that, we can go off the -- well, actually --
16 you have no more questions, Counsel?

17 **MR. HALPER:** That's correct.

18 **MR. BEATO:** Okay. I have no further --

19 **MR. HALPER:** Sorry. I should have asked
20 if you had. I didn't mean to you usurp your
21 opportunity.

22 **MR. BEATO:** No, problem. Well, I'm not
23 going to use my opportunity. I have no other
24 questions.

25 But, Madam Court Reporter, we would like

REAL TIME ROUGH DRAFT!

1 to read.

2 **THE STENOGRAPHER:** Very good.

3 **MR. HALPER:** We're off the record, then.

4 (Proceedings concluded at 12:09 p.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

RETRIEVED FROM DEMOCRACYDOCKET.COM

<p>MR. BEATO: [102] MR. HALPER: [41] 8/2 8/5 8/14 10/18 10/25 11/11 19/24 22/7 36/19 36/22 42/17 53/17 55/23 57/6 57/11 57/21 60/17 60/22 66/20 70/20 70/23 71/7 76/4 76/11 77/6 77/17 78/1 78/6 78/9 78/15 78/19 78/25 79/4 84/4 85/8 85/15 87/25 88/2 88/17 88/19 89/3 MR. POSIMATO: [1] 55/19 MS. HARDTKE: [4] 57/4 57/7 57/18 77/25 THE STENOGRAPHER: [10] 2/1 60/15 60/18 66/18 78/17 78/22 79/2 85/22 88/1 89/2 THE WITNESS: [11] 14/14 18/23 41/3 42/2 57/9 57/24 59/16 62/15 64/19 65/1 82/24</p>	<p>4 49 [3] 42/17 42/21 42/24</p> <p>5 57 [2] 53/25 54/3 58 [1] 53/22 597 [1] 22/14</p> <p>7 79 [8] 71/11 71/15 78/11 78/15 79/12 82/15 82/17 83/8</p> <p>8 8011 [1] 31/11 8019 [1] 9/3 83 [1] 22/14</p> <p>9 94 [8] 18/9 76/5 78/20 79/13 82/17 82/21 83/7 83/13</p>	<p>23/3 23/13 23/23 25/11 25/18 26/6 26/19 27/4 27/15 29/13 30/15 30/23 32/2 34/5 35/4 36/2 36/11 40/10 41/4 41/6 41/10 42/6 43/8 44/3 44/9 44/25 46/5 49/7 52/4 55/1 58/20 59/9 59/13 61/17 62/18 63/4 63/18 63/20 63/24 64/1 65/7 65/20 66/13 66/14 67/8 69/2 69/6 69/20 71/14 71/16 72/14 72/21 72/24 73/17 74/5 75/8 77/3 77/9 80/15 80/25 81/15 82/2 82/9 82/20 83/5 83/6 83/20 83/25 85/2 85/4 85/25 86/15 87/6 87/17 age [3] 33/24 54/13 55/5 agency [1] 3/11 agree [4] 35/20 40/2 43/20 75/7 agreed [3] 1/5 1/6 39/16 agreed-upon [1] 1/6 agreement [1] 23/25 Alex [11] 13/24 18/4 18/7 18/9 18/12 20/23 44/3 44/7 44/10 84/2 86/9 Alex's [11] 10/2 20/18 21/23 30/23 32/2 55/1 55/11 55/12 55/15 76/24 77/4 all [24] 1/16 9/9 9/15 10/1 12/20 17/18 26/13 34/8 45/2 45/24 46/5 48/5 50/16 54/15 55/19 58/8 63/5 66/21 68/16 73/7 73/17 75/15 86/15 88/3 almost [2] 6/16 53/17 alone [3] 14/17 20/5 20/12 along [3] 15/25 46/14 52/21 alphanumeric [1] 61/10 also [7] 3/23 13/8 23/9 48/6 57/7 63/23 78/4 always [17] 14/25 20/19 20/24 23/10 23/12 27/3 27/16 30/15 35/9 45/21 46/1 61/20 62/5 68/3 68/6 74/10 75/16 am [7] 13/2 34/6 35/5 35/6 35/9 54/12 62/15 American [6] 21/11 28/5 28/19 29/9 31/17 35/18 amount [2] 39/4 54/6 analysis [16] 15/8 16/4 29/15 29/21 39/10 39/13 39/14 39/16 39/18 39/20 39/25 40/3 40/12 40/19 41/20 50/12 annotating [1] 1/22 another [3] 60/23 75/10 77/19 answer [71] 4/4 6/14 10/11 12/8 13/20 15/21 16/14 16/22 18/11 18/20 18/21 19/15 19/15 20/15 21/18 21/20 23/2 24/6 24/21 25/6 28/11 28/13 28/22 31/25 32/19 33/1 33/15 33/16 34/18 36/1 36/5 38/8 38/14 40/9 42/5 44/23 44/24 45/16 47/7 47/8 47/21 48/24 49/22 51/13 52/1 52/25 54/24 56/6 60/5 61/16 63/19 66/10 66/14 69/19 70/12 71/13 71/25 74/2 75/9 75/22 79/16 80/12 81/25 82/19 83/5 83/17 83/21 84/16 84/21 86/8 86/24 answered [3] 2/18 61/15 61/15 answering [1] 65/14 any [52] 1/9 1/9 1/23 2/10 2/11 2/13 2/18 2/19 2/23 3/25 4/14 5/7 5/21 5/21 9/5 10/15 11/2 15/8 18/22 19/9 25/15 29/14 34/6 38/7 40/8 40/11 40/11 44/1 45/15 49/6 49/17 50/10 52/2 54/14 54/15 54/16 56/7 58/20 60/4 69/18 72/1 73/10 74/3 80/1 80/14 80/15 81/2 81/25 83/12 85/10 86/5 88/3 anyone [3] 2/11 4/21 6/2</p>
<p>/</p> <p>/or [1] 1/15</p> <p>0 001W [1] 58/7 002A4 [2] 61/3 62/11 003A1 [1] 64/10 003B [1] 67/3 0079 [6] 13/13 14/8 14/11 14/22 15/4 71/2 0094 [2] 17/24 76/16 0109 [3] 20/5 20/9 20/24 012A [1] 68/22</p>	<p>A a.m [2] 55/21 55/22 A4 [1] 61/25 ability [3] 3/12 47/14 49/12 able [1] 56/24 about [37] 2/11 2/16 2/24 3/3 4/21 4/23 5/1 5/21 9/19 11/8 19/7 23/7 23/7 23/8 25/13 25/23 27/1 29/13 30/12 39/19 46/22 47/3 47/22 48/1 49/4 49/11 59/12 64/23 67/17 69/9 73/16 74/13 80/9 84/9 84/11 84/14 87/3 above [1] 32/11 Absolutely [1] 24/15 accept [3] 31/12 31/20 32/10 acceptable [1] 32/24 access [5] 3/11 16/17 16/24 16/25 37/9 accordance [1] 1/18 according [1] 58/6 account [1] 5/14 accounts [1] 72/16 accurate [7] 14/10 14/15 18/1 20/13 21/15 45/5 54/21 ACS [2] 16/12 17/12 activated [1] 52/8 actual [1] 17/1 actually [9] 43/14 54/12 61/4 63/1 67/12 67/15 77/7 77/20 88/15 Adam [3] 14/8 17/23 18/16 add [2] 24/22 25/8 added [1] 23/25 adding [1] 65/20 addition [1] 3/23 address [1] 21/9 adopt [1] 41/8 adopted [3] 39/14 39/15 83/25 adopting [1] 40/25 advance [2] 2/23 3/1 advice [2] 28/13 29/2 affect [2] 78/8 84/13 African [6] 21/11 28/5 28/19 29/9 31/17 35/18 African American [6] 21/11 28/5 28/19 29/9 31/17 35/18 after [8] 4/6 4/8 4/11 4/13 50/5 50/6 50/15 55/11 again [85] 4/3 6/7 6/15 13/24 14/19 15/22 16/13 18/2 18/24 20/16 21/21</p>	<p>23/3 23/13 23/23 25/11 25/18 26/6 26/19 27/4 27/15 29/13 30/15 30/23 32/2 34/5 35/4 36/2 36/11 40/10 41/4 41/6 41/10 42/6 43/8 44/3 44/9 44/25 46/5 49/7 52/4 55/1 58/20 59/9 59/13 61/17 62/18 63/4 63/18 63/20 63/24 64/1 65/7 65/20 66/13 66/14 67/8 69/2 69/6 69/20 71/14 71/16 72/14 72/21 72/24 73/17 74/5 75/8 77/3 77/9 80/15 80/25 81/15 82/2 82/9 82/20 83/5 83/6 83/20 83/25 85/2 85/4 85/25 86/15 87/6 87/17 age [3] 33/24 54/13 55/5 agency [1] 3/11 agree [4] 35/20 40/2 43/20 75/7 agreed [3] 1/5 1/6 39/16 agreed-upon [1] 1/6 agreement [1] 23/25 Alex [11] 13/24 18/4 18/7 18/9 18/12 20/23 44/3 44/7 44/10 84/2 86/9 Alex's [11] 10/2 20/18 21/23 30/23 32/2 55/1 55/11 55/12 55/15 76/24 77/4 all [24] 1/16 9/9 9/15 10/1 12/20 17/18 26/13 34/8 45/2 45/24 46/5 48/5 50/16 54/15 55/19 58/8 63/5 66/21 68/16 73/7 73/17 75/15 86/15 88/3 almost [2] 6/16 53/17 alone [3] 14/17 20/5 20/12 along [3] 15/25 46/14 52/21 alphanumeric [1] 61/10 also [7] 3/23 13/8 23/9 48/6 57/7 63/23 78/4 always [17] 14/25 20/19 20/24 23/10 23/12 27/3 27/16 30/15 35/9 45/21 46/1 61/20 62/5 68/3 68/6 74/10 75/16 am [7] 13/2 34/6 35/5 35/6 35/9 54/12 62/15 American [6] 21/11 28/5 28/19 29/9 31/17 35/18 amount [2] 39/4 54/6 analysis [16] 15/8 16/4 29/15 29/21 39/10 39/13 39/14 39/16 39/18 39/20 39/25 40/3 40/12 40/19 41/20 50/12 annotating [1] 1/22 another [3] 60/23 75/10 77/19 answer [71] 4/4 6/14 10/11 12/8 13/20 15/21 16/14 16/22 18/11 18/20 18/21 19/15 19/15 20/15 21/18 21/20 23/2 24/6 24/21 25/6 28/11 28/13 28/22 31/25 32/19 33/1 33/15 33/16 34/18 36/1 36/5 38/8 38/14 40/9 42/5 44/23 44/24 45/16 47/7 47/8 47/21 48/24 49/22 51/13 52/1 52/25 54/24 56/6 60/5 61/16 63/19 66/10 66/14 69/19 70/12 71/13 71/25 74/2 75/9 75/22 79/16 80/12 81/25 82/19 83/5 83/17 83/21 84/16 84/21 86/8 86/24 answered [3] 2/18 61/15 61/15 answering [1] 65/14 any [52] 1/9 1/9 1/23 2/10 2/11 2/13 2/18 2/19 2/23 3/25 4/14 5/7 5/21 5/21 9/5 10/15 11/2 15/8 18/22 19/9 25/15 29/14 34/6 38/7 40/8 40/11 40/11 44/1 45/15 49/6 49/17 50/10 52/2 54/14 54/15 54/16 56/7 58/20 60/4 69/18 72/1 73/10 74/3 80/1 80/14 80/15 81/2 81/25 83/12 85/10 86/5 88/3 anyone [3] 2/11 4/21 6/2</p>
<p>1 10 [8] 8/21 9/21 31/12 33/3 33/7 33/10 36/3 54/11 100 percent [1] 50/13 102 [1] 9/2 1099 [1] 5/3 11 [3] 12/23 12/24 13/4 1176 [1] 22/14 11:20 a.m [1] 55/22 12 [4] 20/3 38/19 39/9 67/7 13 [1] 30/2 14 [2] 54/13 55/5 15 [2] 8/12 31/2 16 [3] 31/6 60/19 60/20 17 [1] 60/24 18 [3] 9/20 64/6 66/18 19 [3] 13/4 66/19 66/23</p>	<p>RETRIEVED BY: [REDACTED]</p>	<p>23/3 23/13 23/23 25/11 25/18 26/6 26/19 27/4 27/15 29/13 30/15 30/23 32/2 34/5 35/4 36/2 36/11 40/10 41/4 41/6 41/10 42/6 43/8 44/3 44/9 44/25 46/5 49/7 52/4 55/1 58/20 59/9 59/13 61/17 62/18 63/4 63/18 63/20 63/24 64/1 65/7 65/20 66/13 66/14 67/8 69/2 69/6 69/20 71/14 71/16 72/14 72/21 72/24 73/17 74/5 75/8 77/3 77/9 80/15 80/25 81/15 82/2 82/9 82/20 83/5 83/6 83/20 83/25 85/2 85/4 85/25 86/15 87/6 87/17 age [3] 33/24 54/13 55/5 agency [1] 3/11 agree [4] 35/20 40/2 43/20 75/7 agreed [3] 1/5 1/6 39/16 agreed-upon [1] 1/6 agreement [1] 23/25 Alex [11] 13/24 18/4 18/7 18/9 18/12 20/23 44/3 44/7 44/10 84/2 86/9 Alex's [11] 10/2 20/18 21/23 30/23 32/2 55/1 55/11 55/12 55/15 76/24 77/4 all [24] 1/16 9/9 9/15 10/1 12/20 17/18 26/13 34/8 45/2 45/24 46/5 48/5 50/16 54/15 55/19 58/8 63/5 66/21 68/16 73/7 73/17 75/15 86/15 88/3 almost [2] 6/16 53/17 alone [3] 14/17 20/5 20/12 along [3] 15/25 46/14 52/21 alphanumeric [1] 61/10 also [7] 3/23 13/8 23/9 48/6 57/7 63/23 78/4 always [17] 14/25 20/19 20/24 23/10 23/12 27/3 27/16 30/15 35/9 45/21 46/1 61/20 62/5 68/3 68/6 74/10 75/16 am [7] 13/2 34/6 35/5 35/6 35/9 54/12 62/15 American [6] 21/11 28/5 28/19 29/9 31/17 35/18 amount [2] 39/4 54/6 analysis [16] 15/8 16/4 29/15 29/21 39/10 39/13 39/14 39/16 39/18 39/20 39/25 40/3 40/12 40/19 41/20 50/12 annotating [1] 1/22 another [3] 60/23 75/10 77/19 answer [71] 4/4 6/14 10/11 12/8 13/20 15/21 16/14 16/22 18/11 18/20 18/21 19/15 19/15 20/15 21/18 21/20 23/2 24/6 24/21 25/6 28/11 28/13 28/22 31/25 32/19 33/1 33/15 33/16 34/18 36/1 36/5 38/8 38/14 40/9 42/5 44/23 44/24 45/16 47/7 47/8 47/21 48/24 49/22 51/13 52/1 52/25 54/24 56/6 60/5 61/16 63/19 66/10 66/14 69/19 70/12 71/13 71/25 74/2 75/9 75/22 79/16 80/12 81/25 82/19 83/5 83/17 83/21 84/16 84/21 86/8 86/24 answered [3] 2/18 61/15 61/15 answering [1] 65/14 any [52] 1/9 1/9 1/23 2/10 2/11 2/13 2/18 2/19 2/23 3/25 4/14 5/7 5/21 5/21 9/5 10/15 11/2 15/8 18/22 19/9 25/15 29/14 34/6 38/7 40/8 40/11 40/11 44/1 45/15 49/6 49/17 50/10 52/2 54/14 54/15 54/16 56/7 58/20 60/4 69/18 72/1 73/10 74/3 80/1 80/14 80/15 81/2 81/25 83/12 85/10 86/5 88/3 anyone [3] 2/11 4/21 6/2</p>
<p>2 20 [9] 14/5 68/18 72/10 72/15 72/17 72/20 73/2 86/4 86/21 2012 [1] 22/15 21 [2] 14/5 71/3 22 [2] 76/6 78/24 23 [4] 78/16 78/18 79/5 87/13 24 [9] 72/17 72/20 73/2 78/21 82/14 82/16 82/16 85/23 88/1 25 [1] 8/20 27 [2] 80/22 81/6 28 [1] 9/20</p> <p>3 35 [3] 38/17 38/19 38/24 3d [1] 22/14</p>	<p>4 49 [3] 42/17 42/21 42/24</p> <p>5 57 [2] 53/25 54/3 58 [1] 53/22 597 [1] 22/14</p> <p>7 79 [8] 71/11 71/15 78/11 78/15 79/12 82/15 82/17 83/8</p> <p>8 8011 [1] 31/11 8019 [1] 9/3 83 [1] 22/14</p> <p>9 94 [8] 18/9 76/5 78/20 79/13 82/17 82/21 83/7 83/13</p> <p>A a.m [2] 55/21 55/22 A4 [1] 61/25 ability [3] 3/12 47/14 49/12 able [1] 56/24 about [37] 2/11 2/16 2/24 3/3 4/21 4/23 5/1 5/21 9/19 11/8 19/7 23/7 23/7 23/8 25/13 25/23 27/1 29/13 30/12 39/19 46/22 47/3 47/22 48/1 49/4 49/11 59/12 64/23 67/17 69/9 73/16 74/13 80/9 84/9 84/11 84/14 87/3 above [1] 32/11 Absolutely [1] 24/15 accept [3] 31/12 31/20 32/10 acceptable [1] 32/24 access [5] 3/11 16/17 16/24 16/25 37/9 accordance [1] 1/18 according [1] 58/6 account [1] 5/14 accounts [1] 72/16 accurate [7] 14/10 14/15 18/1 20/13 21/15 45/5 54/21 ACS [2] 16/12 17/12 activated [1] 52/8 actual [1] 17/1 actually [9] 43/14 54/12 61/4 63/1 67/12 67/15 77/7 77/20 88/15 Adam [3] 14/8 17/23 18/16 add [2] 24/22 25/8 added [1] 23/25 adding [1] 65/20 addition [1] 3/23 address [1] 21/9 adopt [1] 41/8 adopted [3] 39/14 39/15 83/25 adopting [1] 40/25 advance [2] 2/23 3/1 advice [2] 28/13 29/2 affect [2] 78/8 84/13 African [6] 21/11 28/5 28/19 29/9 31/17 35/18 African American [6] 21/11 28/5 28/19 29/9 31/17 35/18 after [8] 4/6 4/8 4/11 4/13 50/5 50/6 50/15 55/11 again [85] 4/3 6/7 6/15 13/24 14/19 15/22 16/13 18/2 18/24 20/16 21/21</p>	<p>23/3 23/13 23/23 25/11 25/18 26/6 26/19 27/4 27/15 29/13 30/15 30/23 32/2 34/5 35/4 36/2 36/11 40/10 41/4 41/6 41/10 42/6 43/8 44/3 44/9 44/25 46/5 49/7 52/4 55/1 58/20 59/9 59/13 61/17 62/18 63/4 63/18 63/20 63/24 64/1 65/7 65/20 66/13 66/14 67/8 69/2 69/6 69/20 71/14 71/16 72/14 72/21 72/24 73/17 74/5 75/8 77/3 77/9 80/15 80/25 81/15 82/2 82/9 82/20 83/5 83/6 83/20 83/25 85/2 85/4 85/25 86/15 87/6 87/17 age [3] 33/24 54/13 55/5 agency [1] 3/11 agree [4] 35/20 40/2 43/20 75/7 agreed [3] 1/5 1/6 39/16 agreed-upon [1] 1/6 agreement [1] 23/25 Alex [11] 13/24 18/4 18/7 18/9 18/12 20/23 44/3 44/7 44/10 84/2 86/9 Alex's [11] 10/2 20/18 21/23 30/23 32/2 55/1 55/11 55/12 55/15 76/24 77/4 all [24] 1/16 9/9 9/15 10/1 12/20 17/18 26/13 34/8 45/2 45/24 46/5 48/5 50/16 54/15 55/19 58/8 63/5 66/21 68/16 73/7 73/17 75/15 86/15 88/3 almost [2] 6/16 53/17 alone [3] 14/17 20/5 20/12 along [3] 15/25 46/14 52/21 alphanumeric [1] 61/10 also [7] 3/23 13/8 23/9 48/6 57/7 63/23 78/4 always [17] 14/25 20/19 20/24 23/10 23/12 27/3 27/16 30/15 35/9 45/21 46/1 61/20 62/5 68/3 68/6 74/10 75/16 am [7] 13/2 34/6 35/5 35/6 35/9 54/12 62/15 American [6] 21/11 28/5 28/19 29/9 31/17 35/18 amount [2] 39/4 54/6 analysis [16] 15/8 16/4 29/15 29/21 39/10 39/13 39/14 39/16 39/18 39/20 39/25 40/3 40/12 40/19 41/20 50/12 annotating [1] 1/22 another [3] 60/23 75/10 77/19 answer [71] 4/4 6/14 10/11 12/8 13/20 15/21 16/14 16/22 18/11 18/20 18/21 19/15 19/15 20/15 21/18 21/20 23/2 24/6 24/21 25/6 28/11 28/13 28/22 31/25 32/19 33/1 33/15 33/16 34/18 36/1 36/5 38/8 38/14 40/9 42/5 44/23 44/24 45/16 47/7 47/8 47/21 48/24 49/22 51/13 52/1 52/25 54/24 56/6 60/5 61/16 63/19 66/10 66/14 69/19 70/12 71/13 71/25 74/2 75/9 75/22 79/16 80/12 81/25 82/19 83/5 83/17 83/21 84</p>

A

anything [9] 11/8 30/3 51/5 57/16 61/24 63/7 63/13 63/14 78/8
 anyway [1] 73/8
 anywhere [1] 73/24
 apologize [2] 2/22 77/1
 appear [4] 61/18 63/21 65/4 65/11
 appears [1] 57/25
 appendage [2] 74/22 74/25
 appendages [2] 75/6 75/15
 Apportionment [1] 22/14
 appropriate [2] 44/12 86/16
 appropriately [2] 32/25 83/25
 are [53] 2/2 4/12 7/10 9/1 9/13 9/21 12/9 14/21 21/25 22/19 22/20 24/1 24/17 24/18 25/20 26/16 26/20 27/9 32/5 34/20 34/21 35/11 37/14 42/2 48/25 49/1 49/2 50/24 51/3 51/22 52/11 53/4 53/4 53/8 53/9 53/10 55/10 56/19 62/8 66/3 66/15 69/17 69/21 70/24 74/9 74/25 75/1 75/15 75/18 84/8 85/2 85/3 87/8
 area [15] 26/22 29/1 39/25 67/13 67/14 67/21 68/2 68/4 69/5 69/8 72/19 73/20 75/19 76/1 87/19
 areas [1] 26/9
 aren't [2] 26/12 48/11
 around [2] 26/21 47/1
 arrangements [1] 1/19
 articulated [1] 31/13
 as [84] 6/8 6/19 9/9 9/21 11/24 12/2 12/9 12/14 17/13 19/2 21/1 25/2 25/6 25/16 26/8 28/1 29/17 30/20 30/21 30/25 32/12 32/19 33/17 33/19 34/6 34/6 35/10 36/17 38/9 40/25 41/6 41/20 43/12 43/16 44/5 44/6 44/9 44/11 45/17 45/22 46/1 46/3 46/7 46/17 46/18 47/16 47/16 48/4 51/4 55/10 55/15 58/23 59/5 59/5 60/16 61/2 62/11 62/22 63/8 63/14 67/13 68/10 68/11 69/1 69/20 70/16 70/16 72/13 73/18 73/18 73/23 74/10 78/11 79/5 81/4 81/10 82/6 83/21 84/2 84/2 86/11 86/22 87/14 88/8
 ask [17] 2/17 8/10 17/13 22/23 25/22 30/3 30/12 31/3 38/18 42/22 43/2 50/4 53/22 63/14 75/3 79/11 86/5
 asked [4] 4/21 17/15 61/15 88/19
 asking [2] 36/17 36/19
 assign [4] 20/23 28/3 51/16 67/24
 assigned [7] 45/1 45/2 50/16 50/24 51/3 51/5 51/10
 assumption [1] 46/6
 at [46] 1/6 6/12 8/19 10/3 12/1 12/11 12/23 17/19 18/20 20/2 23/14 27/20 29/21 29/23 35/1 40/10 42/21 45/1 46/11 49/10 49/17 54/15 54/16 55/12 56/20 57/16 58/8 58/12 61/23 63/5 63/7 63/14 67/7 68/25 70/6 72/10 77/2 79/7 80/12 82/14 85/20 86/4 86/21 87/13 87/19 89/4
 at 12:09 p.m. [1] 89/4
 attempt [4] 25/1 28/18 65/22 67/9
 attorney [12] 13/18 29/5 35/22 38/4 38/13 40/5 52/24 60/1 66/8 69/15 70/9 75/20
 attorney-client [12] 13/18 29/5 35/22 38/4 38/13 40/5 52/24 60/1 66/8 69/15 70/9 75/20

attributed [4] 27/19 64/1 81/6 81/7
 audio [2] 7/8 30/18
 authored [2] 20/5 20/12
 automatically [2] 48/17 48/21
 available [9] 3/8 3/9 3/10 16/15 17/14 17/15 29/18 48/4 82/7
 avoid [3] 22/20 25/1 75/6
 avoided [1] 24/18
 aware [24] 21/25 33/9 33/17 33/22 33/25 34/6 35/5 35/6 37/17 38/10 41/25 42/8 42/12 42/15 46/12 51/22 52/10 52/17 52/20 55/4 55/10 75/18 82/4 82/9
 awful [1] 69/5

B

back [24] 5/9 8/5 11/15 13/12 16/11 19/20 20/16 27/2 30/1 30/17 34/11 39/5 41/24 42/24 43/8 44/17 46/17 46/19 55/23 65/15 73/22 75/8 82/2 86/9
 bad [4] 67/13 72/18 73/1 73/17
 Baldus [1] 84/10
 base [1] 61/21
 based [3] 7/8 58/5 84/25
 baseline [3] 11/16 11/21 11/23
 Bay [1] 33/6
 be [76] 1/16 1/21 1/22 2/25 3/20 4/3 9/6 13/25 14/19 14/25 16/3 16/23 16/25 17/6 19/2 20/10 22/20 24/19 25/3 25/14 26/25 29/1 32/18 35/12 39/19 44/12 45/6 46/25 47/13 47/20 48/1 48/3 48/17 53/18 53/24 54/12 54/21 56/24 60/8 60/18 61/2 63/10 63/21 64/4 65/9 65/11 65/13 65/16 66/5 66/19 67/7 67/13 67/14 67/18 67/20 67/21 69/5 69/12 70/14 72/15 72/19 74/5 74/10 74/11 76/17 77/18 77/19 78/4 78/11 78/21 84/24 84/24 85/19 85/22 87/7 87/20
 bear [1] 64/5
 beat [1] 12/3
 became [4] 14/22 21/3 55/13 86/10
 because [12] 4/4 7/14 19/6 29/15 31/16 45/6 48/12 48/13 56/25 61/18 62/4 81/9
 been [13] 4/18 11/17 46/14 50/13 52/6 52/7 52/17 68/6 70/16 75/14 78/24 84/8 85/20
 before [17] 2/9 2/19 7/9 7/11 7/12 7/18 9/10 19/21 20/4 38/19 39/1 53/24 61/2 68/13 68/14 85/11 88/11
 began [1] 11/22
 begin [1] 2/9
 beginning [1] 54/1
 begins [1] 54/9
 being [11] 6/18 8/1 25/7 29/3 41/5 49/5 61/10 80/3 82/7 83/24 87/11
 believe [9] 3/8 20/11 74/13 78/24 80/13 83/23 84/1 86/15 86/16
 benchmark [20] 21/13 25/20 25/24 31/16 33/3 33/8 33/10 33/19 34/1 34/7 34/9 35/17 36/3 41/24 41/25 42/8 42/10 46/18 53/6 72/15
 Benchmark CD-5 [1] 41/24
 best [2] 21/22 61/7
 better [6] 12/2 32/11 37/24 67/24 76/24 77/20
 between [15] 4/5 16/4 27/10 27/12 37/5 43/11 61/18 63/5 72/17 73/2 73/5 79/9 79/12 79/20 83/12
 beyond [9] 5/20 19/1 27/13 29/5 38/11

41/18 41/18 56/10 84/22
 Bill [1] 9/2
 bit [22] 12/22 12/25 19/7 24/2 24/23 25/12 25/19 27/15 34/5 35/10 48/24 50/20 53/16 72/19 73/1 73/12 73/12 73/13 73/19 75/17 80/17 87/18
 bizarre [2] 25/13 25/14
 bizarrely [3] 22/19 24/18 25/1
 Black [11] 33/24 36/7 36/13 51/22 52/11 52/22 54/13 55/4 60/8 66/6 69/13
 Black-opportunity [3] 60/8 66/6 69/13
 blank [1] 12/13
 blanket [1] 12/8
 block [1] 17/1
 blue [1] 67/18
 boarder [10] 59/4 59/6 59/19 59/20 64/1 65/8 65/13 65/23 69/3 69/7
 both [7] 7/18 7/23 22/21 24/19 49/8 52/12 78/5
 bottom [4] 8/19 9/12 53/25 54/3
 boundaries [6] 25/5 26/12 27/18 46/9 66/3 72/22
 boundary [7] 27/20 27/22 43/11 43/17 44/6 44/13 63/21
 break [3] 2/19 53/19 85/9
 breaks [1] 2/16
 bridges [4] 48/1 48/9 48/10 49/6
 bring [1] 48/21
 broader [3] 62/1 62/6 62/9
 broken [2] 27/15 74/5
 brought [3] 13/9 13/15 14/2
 Bryan [4] 6/2 15/3 16/5 17/6
 Bryan's [1] 5/14
 building [2] 23/9 25/19
 bunch [2] 51/3 51/18
 but [81] 2/17 3/9 7/15 9/10 11/7 14/1 15/11 17/1 18/5 18/12 18/21 19/3 19/14 23/2 23/15 24/6 24/22 25/11 25/17 26/3 27/4 28/14 29/11 30/3 30/5 30/24 32/9 32/21 38/19 39/5 43/7 44/9 46/7 48/24 49/9 49/16 50/11 50/14 52/7 53/11 53/24 55/14 55/15 56/25 58/10 59/9 61/16 62/5 62/18 63/2 63/20 63/25 65/10 66/3 66/14 66/22 67/14 68/5 69/6 72/20 72/23 73/1 74/6 74/7 74/10 75/3 75/4 76/15 78/4 80/4 80/14 82/5 82/11 82/22 85/2 85/20 87/10 88/4 88/9 88/14 88/25
 BVAP [7] 33/9 33/23 33/24 33/25 51/9 69/24 70/16
 BVM [1] 88/14

C

came [4] 11/25 26/7 41/25 84/12
 can [124]
 can't [21] 4/17 10/15 11/6 14/24 15/11 18/8 22/2 28/12 28/15 29/16 34/19 34/22 36/5 45/23 46/1 46/5 46/8 46/18 49/15 50/12 75/25
 candidate [5] 31/19 35/19 36/9 36/15 59/23
 cannot [2] 1/22 47/6
 careful [2] 4/3 32/18
 carefully [1] 61/22
 cartography [1] 53/7
 case [10] 1/10 1/24 2/8 9/11 22/13 27/23 44/7 57/15 84/10 84/13
 categories [1] 59/2

<p>C</p> <p>caused [1] 73/19</p> <p>cautious [3] 13/25 16/23 19/2</p> <p>caveat [6] 20/19 20/25 30/23 63/4 65/7 72/21</p> <p>caveats [2] 66/2 67/9</p> <p>CD [20] 25/20 25/25 27/23 33/3 33/7 33/10 36/3 41/24 41/25 42/8 42/10 58/12 62/20 66/5 67/7 67/17 68/25 69/9 69/12 69/24</p> <p>CD 10 [1] 33/7</p> <p>CD-10 [3] 33/3 33/10 36/3</p> <p>CD-12 [1] 67/7</p> <p>CD-3 [6] 58/12 62/20 66/5 68/25 69/12 69/24</p> <p>CD-4 [2] 67/17 69/9</p> <p>CD-5 [6] 25/20 25/25 27/23 41/25 42/8 42/10</p> <p>certain [7] 3/14 8/11 11/25 20/19 24/1 27/12 72/9</p> <p>certainly [3] 36/13 43/16 87/10</p> <p>certainty [3] 45/23 46/8 50/13</p> <p>certification [1] 1/20</p> <p>certified [1] 1/17</p> <p>change [5] 10/7 61/25 62/6 81/6 81/9</p> <p>changed [1] 63/5</p> <p>changes [17] 9/19 12/10 20/5 20/13 30/10 32/9 62/8 79/9 79/12 79/19 79/22 80/9 80/24 81/14 81/20 83/12 86/5</p> <p>characteristics [1] 81/21</p> <p>chat [5] 8/1 57/5 57/19 57/25 76/12</p> <p>check [1] 5/19</p> <p>checks [2] 5/17 5/20</p> <p>choice [5] 31/19 35/20 36/9 36/15 59/24</p> <p>choose [1] 61/22</p> <p>choosing [1] 48/16</p> <p>circle [9] 26/21 26/23 67/12 67/15 67/21 68/4 69/6 69/6 87/22</p> <p>circumscribing [8] 26/21 26/23 67/12 67/15 67/20 68/4 69/6 87/22</p> <p>circumstances [1] 84/25</p> <p>cited [2] 1/23 73/18</p> <p>citing [1] 75/1</p> <p>city [4] 43/13 43/16 45/5 73/4</p> <p>civil [1] 75/11</p> <p>clarify [2] 32/14 67/23</p> <p>clarifying [1] 51/6</p> <p>clear [1] 8/14</p> <p>clearly [5] 16/25 53/5 65/25 74/8 83/7</p> <p>clicking [2] 14/24 20/18</p> <p>clicks [1] 71/18</p> <p>client [12] 13/18 29/5 35/22 38/4 38/13 40/5 52/24 60/1 66/8 69/15 70/9 75/20</p> <p>clip [1] 9/16</p> <p>closer [2] 26/23 86/18</p> <p>coincidental [1] 65/9</p> <p>coinciding [1] 57/25</p> <p>collaborate [2] 19/1 19/3</p> <p>collaborated [4] 17/23 18/9 18/16 18/25</p> <p>collaborating [1] 10/6</p> <p>collaboration [2] 19/8 19/10</p> <p>collaborative [4] 19/4 76/23 77/3 77/4</p> <p>collect [1] 15/23</p> <p>combinations [1] 1/15</p> <p>combine [1] 26/14</p> <p>combined [1] 49/2</p> <p>come [2] 29/22 34/21</p> <p>comes [1] 75/5</p>	<p>comment [1] 28/24</p> <p>committee [1] 7/23</p> <p>committee's [1] 39/12</p> <p>committees [1] 7/19</p> <p>commonsense [1] 44/6</p> <p>communication [7] 19/3 19/18 33/14 35/25 38/7 38/13 40/8</p> <p>communications [7] 10/17 15/19 19/9 29/6 34/17 69/18 72/2</p> <p>compact [20] 21/11 21/12 25/4 25/25 26/24 28/5 28/19 29/8 58/24 65/5 65/11 65/13 67/7 67/19 69/1 72/13 72/15 82/17 86/22 87/14</p> <p>compactness [51] 3/17 4/1 4/6 4/10 12/1 22/1 22/4 22/12 22/17 22/20 22/25 23/4 23/16 23/19 24/2 24/4 24/4 24/8 24/15 24/19 25/8 25/17 25/24 26/20 27/14 27/18 29/13 30/6 30/11 30/13 30/20 37/10 37/15 59/2 59/5 59/7 59/10 63/25 65/15 65/16 65/19 66/2 68/9 69/4 72/18 72/25 73/11 73/17 75/11 83/9 87/9</p> <p>company [1] 5/14</p> <p>compare [2] 63/2 77/11</p> <p>compared [2] 10/8 16/5</p> <p>compares [1] 20/6</p> <p>comparing [1] 82/15</p> <p>comparison [1] 77/14</p> <p>complete [3] 8/21 45/2 50/6</p> <p>completed [2] 50/5 50/16</p> <p>compliance [9] 29/4 35/11 35/13 66/15 69/21 82/5 82/11 84/19 85/3</p> <p>component [1] 82/5</p> <p>comport [1] 22/24</p> <p>composition [4] 33/18 36/4 75/19 76/1</p> <p>concept [3] 61/23 62/1 62/9</p> <p>concepts [1] 20/20</p> <p>concluded [1] 89/4</p> <p>conclusion [3] 29/22 35/20 59/18</p> <p>Conditional [1] 56/4</p> <p>confidential [5] 44/1 56/7 60/4 80/14 80/15</p> <p>confirm [3] 10/20 11/6 41/14</p> <p>congressional [9] 14/8 14/11 31/12 34/8 39/12 43/15 45/7 46/13 46/20</p> <p>connects [1] 26/9</p> <p>CONSENT [1] 1/4</p> <p>consider [7] 6/5 6/11 6/12 6/22 7/3 27/13 32/15</p> <p>considerations [1] 35/11</p> <p>consistent [1] 75/14</p> <p>Constitution [2] 37/9 37/19</p> <p>Constitution's [1] 31/15</p> <p>contact [1] 14/2</p> <p>contain [6] 1/13 31/17 34/8 35/17 36/8 36/14</p> <p>context [26] 9/6 9/9 9/16 10/15 23/11 24/3 24/23 25/8 25/12 27/3 27/16 30/4 38/21 39/5 39/18 39/23 40/11 41/11 41/22 43/1 43/7 45/2 54/7 65/20 75/17 87/11</p> <p>contexts [1] 41/5</p> <p>contextualize [2] 9/5 54/2</p> <p>contextural [1] 25/2</p> <p>continuous [1] 8/15</p> <p>contract [4] 13/8 13/9 13/10 14/7</p> <p>contractor [1] 6/23</p> <p>contrast [1] 6/25</p>	<p>contribute [1] 87/9</p> <p>conversations [4] 2/11 19/18 28/16 32/8</p> <p>Convex [3] 3/23 4/15 68/7</p> <p>copy [3] 1/8 1/25 38/21</p> <p>correct [23] 1/20 3/15 5/13 5/15 5/25 7/2 8/24 11/18 11/19 27/9 27/10 34/1 40/22 43/4 49/13 49/15 54/3 54/4 56/3 74/14 76/25 78/16 88/17</p> <p>corrected [1] 1/17</p> <p>correspond [2] 65/12 68/1</p> <p>corresponds [1] 68/22</p> <p>could [13] 3/5 19/10 51/19 52/6 57/14 61/4 61/6 67/24 69/25 70/6 78/5 83/2 83/4</p> <p>couldn't [1] 70/3</p> <p>counsel [17] 1/9 2/14 6/10 11/10 13/8 28/16 29/2 35/13 36/16 53/15 56/10 57/12 66/15 69/22 88/7 88/12 88/16</p> <p>counsel's [1] 1/22</p> <p>counties [1] 67/9</p> <p>county [2] 63/22 67/10</p> <p>couple [1] 41/5</p> <p>course [3] 39/7 43/9 56/14</p> <p>court [16] 1/23 22/1 22/2 22/12 22/15 22/16 23/5 23/20 24/9 24/23 24/25 37/18 42/1 42/13 57/13 88/25</p> <p>Court's [2] 23/14 25/7</p> <p>create [4] 16/5 16/6 26/14 69/3</p> <p>created [2] 42/13 75/15</p> <p>creating [1] 61/8</p> <p>criteria [11] 11/25 12/4 26/11 26/13 37/14 37/15 37/19 37/20 59/3 65/17 75/10</p> <p>cut [1] 30/18</p> <p>cutoff [3] 27/2 27/7 37/1</p> <p>cutoffs [2] 26/16 27/4</p> <p>D</p> <p>data [22] 15/14 15/23 16/1 16/12 16/17 17/5 17/12 17/12 21/8 29/16 29/18 29/22 29/23 34/8 35/7 40/11 50/24 51/2 51/8 51/18 54/16 63/20</p> <p>dataset [2] 16/12 16/14</p> <p>day [1] 2/24</p> <p>days [1] 82/4</p> <p>decent [3] 19/16 39/4 54/6</p> <p>deceptive [1] 87/7</p> <p>decided [1] 41/8</p> <p>decision [6] 4/20 32/5 32/12 32/15 41/6 41/8</p> <p>decision-maker [1] 32/15</p> <p>decision-makers [4] 32/5 32/12 41/6 41/8</p> <p>decisions [6] 32/7 32/20 32/22 41/11 81/10 81/11</p> <p>default [7] 3/15 3/17 3/22 3/25 4/16 68/11 68/12</p> <p>defaults [1] 3/19</p> <p>define [2] 22/3 29/8</p> <p>defines [1] 22/1</p> <p>definitely [3] 65/10 71/18 73/1</p> <p>definition [3] 22/11 25/7 25/19</p> <p>definitional [1] 6/19</p> <p>deliberations [1] 15/20</p> <p>delineate [1] 61/17</p> <p>delineation [1] 44/12</p> <p>deliver [1] 1/18</p> <p>delivery [1] 1/19</p>
---	--	---

<p>D</p> <p>demographics [1] 49/13 deny [2] 10/20 11/6 depend [2] 48/12 67/8 depending [4] 48/7 48/18 51/4 87/18 depends [2] 48/25 49/3 deposition [2] 2/9 88/5 deposits [1] 5/18 describe [9] 3/5 19/10 58/23 67/6 69/1 72/13 73/23 86/22 87/13 described [1] 30/21 detail [6] 19/17 49/10 72/24 73/10 81/5 81/15 details [1] 48/11 determination [1] 84/20 determinations [1] 69/20 determine [2] 21/8 21/10 deviations [1] 24/4 device [1] 1/8 did [43] 4/22 4/23 5/3 5/5 5/7 5/9 7/12 7/14 10/7 10/23 14/17 15/6 15/8 15/12 16/17 17/3 20/23 21/7 22/23 22/23 24/2 28/18 38/2 40/10 40/13 41/19 44/15 44/18 45/21 47/2 49/16 52/5 52/7 54/17 55/12 55/13 56/11 58/21 61/4 65/12 74/14 84/13 87/25 didn't [10] 15/14 15/23 16/1 17/13 29/14 29/14 29/23 62/18 74/19 88/20 differ [2] 23/19 24/8 difference [3] 4/4 16/3 53/5 different [20] 4/25 12/13 12/15 12/16 12/21 16/14 21/1 41/5 41/7 41/10 41/10 45/25 61/21 63/3 64/3 80/5 80/5 84/19 84/23 87/18 differently [2] 27/20 84/25 difficult [2] 63/19 80/17 diminish [2] 53/4 53/11 diminishing [1] 52/22 direct [1] 5/18 direction [1] 86/14 directly [1] 24/7 disagree [3] 24/22 25/11 88/13 disagreed [1] 88/14 disagreeing [1] 25/18 disclaimer [2] 1/12 71/16 disclaimers [1] 73/18 disclose [12] 10/12 13/21 15/19 16/21 18/22 28/10 32/1 35/25 43/25 45/15 49/21 60/4 disclosing [11] 19/17 28/23 38/7 40/8 44/23 47/9 50/10 52/2 66/11 70/12 74/3 disconnect [1] 19/7 discovery [1] 56/14 discuss [2] 2/12 78/22 discussed [8] 3/1 3/4 33/18 37/4 56/1 70/23 78/23 86/6 discussing [1] 37/6 Discussion [4] 8/4 22/9 70/22 79/3 distance [1] 26/10 distinction [4] 6/16 6/19 10/24 37/5 distribute [1] 1/23 district [58] 10/8 21/11 21/13 22/18 24/16 26/22 26/22 28/3 28/6 28/19 29/9 31/12 31/14 31/17 34/6 35/17 36/8 36/14 43/15 44/13 44/18 45/7 46/13 50/6 50/18 50/19 50/25 51/1 51/10 51/10 51/19 54/13 54/16 55/5 58/18 58/23 59/19 59/22 60/9 64/13 64/14</p>	<p>64/15 64/16 64/23 65/4 66/6 67/7 69/13 72/10 72/11 80/22 81/12 82/14 82/16 82/16 86/4 86/21 87/13 District 14 [2] 54/13 55/5 District 20 [3] 72/10 86/4 86/21 District 23 [1] 87/13 District 24 [3] 82/14 82/16 82/16 District 27 [1] 80/22 District 3 [3] 64/13 64/23 65/4 District 4 [2] 64/14 64/16 District 5 [1] 21/13 districts [22] 9/1 9/20 9/21 20/24 22/19 22/20 24/17 24/18 25/1 34/1 34/9 37/10 44/7 47/1 50/24 51/2 51/17 72/9 79/12 79/23 81/14 86/2 divide [5] 43/17 43/18 43/22 44/6 46/10 divided [2] 45/6 46/14 divides [1] 43/16 dividing [4] 45/22 46/2 46/4 46/7 division [2] 17/16 75/11 divulge [3] 80/1 80/15 81/2 divulging [3] 72/1 75/23 79/17 do [65] 1/16 4/14 6/18 7/21 8/15 18/22 20/9 30/7 31/21 33/3 35/5 35/6 35/8 35/20 37/6 37/8 38/19 38/22 39/18 40/2 43/20 46/22 46/24 49/5 50/5 51/15 51/20 54/21 58/8 58/12 58/18 60/15 62/11 62/17 62/20 64/10 64/11 64/12 64/15 67/4 68/22 69/11 69/12 69/25 70/3 70/6 71/6 71/10 71/14 72/10 73/21 76/17 77/7 77/10 77/17 77/23 80/15 81/2 81/7 83/12 84/11 85/15 86/5 87/21 87/22 document [4] 9/14 39/3 43/6 54/5 documentation [2] 5/21 6/2 does [25] 13/16 22/24 24/7 30/13 31/17 33/13 34/16 35/17 35/24 36/8 36/14 43/25 45/14 49/20 59/6 60/3 63/7 63/13 63/14 63/21 65/4 65/6 65/10 67/25 72/23 doesn't [11] 10/12 11/5 13/21 15/18 16/20 23/12 28/9 32/1 59/8 66/1 78/8 domain [1] 70/25 don't [55] 4/20 7/12 7/15 7/22 9/11 10/3 12/8 15/22 17/14 18/3 18/6 18/11 24/22 25/6 25/11 25/18 26/2 32/4 32/14 32/18 33/7 34/21 36/3 41/14 49/7 49/10 53/10 57/19 58/9 58/20 58/21 60/6 60/12 61/22 62/4 63/1 63/5 64/20 65/2 65/21 65/24 66/3 66/13 67/5 72/21 74/20 80/3 80/22 81/5 81/13 83/2 84/21 85/8 87/7 88/3 done [3] 50/15 53/17 70/6 doubt [9] 18/2 18/4 18/13 20/17 21/23 55/1 58/9 58/21 62/18 down [5] 19/23 61/6 70/20 80/22 84/5 draft [12] 1/4 1/7 1/12 1/20 19/20 32/21 33/20 34/13 55/13 59/5 59/7 84/2 drafted [2] 71/11 73/22 drafting [5] 11/16 12/6 38/3 49/6 71/22 drafts [8] 20/25 29/3 32/7 45/24 45/25 46/5 46/6 80/5 draw [18] 3/12 6/16 6/19 15/6 21/10 26/21 28/5 28/18 44/18 51/8 55/12 55/15 58/21 62/18 72/4 82/6 82/8 82/12 drawer [4] 13/9 13/10 14/7 14/11 drawing [25] 11/22 15/4 21/1 44/4 44/15 45/10 47/1 49/8 49/17 49/24 52/6 52/8</p>	<p>58/13 58/18 58/22 62/20 63/6 64/12 64/15 64/20 65/2 70/7 72/11 81/10 84/14 drawn [5] 22/19 24/17 54/14 54/15 64/9 drew [1] 86/10 drive [1] 1/8 drop [3] 76/11 77/25 78/1 dropped [2] 8/1 57/18 Due [1] 1/19 duplicative [1] 2/25 during [4] 9/2 49/17 49/23 52/5</p> <hr/> <p>E</p> <p>e-mail [1] 57/14 earlier [4] 5/1 13/5 49/11 75/4 early [2] 13/13 21/8 easily [1] 77/22 east [1] 83/9 effect [1] 52/22 efficiency [1] 68/5 effort [1] 25/4 either [4] 1/7 4/18 63/6 69/11 elect [5] 31/19 35/19 36/8 36/15 59/23 electronic [1] 1/8 else [2] 6/3 57/11 else's [2] 12/18 13/25 elsewhere [1] 81/11 employee [3] 6/12 6/16 7/3 employer [3] 6/6 6/7 6/8 employing [2] 22/21 24/20 enacted [13] 9/23 20/10 21/3 53/6 55/5 55/13 76/17 76/21 83/13 85/21 86/3 86/10 86/17 end [8] 13/3 20/3 31/7 31/8 31/9 42/23 54/10 56/11 ended [2] 2/10 83/24 ends [1] 61/10 engage [1] 29/14 enough [7] 31/18 35/19 39/4 41/13 43/7 47/25 81/5 ensure [2] 22/18 24/17 entire [3] 43/13 50/5 50/11 entity [1] 3/11 entries [2] 1/16 1/20 EOG [1] 6/10 equal [2] 45/18 75/16 equalize [1] 78/5 equally [1] 43/16 Eric [1] 17/13 essentially [2] 21/12 39/15 estimate [1] 69/24 evaluated [2] 22/21 24/19 evaluation [1] 23/12 even [2] 54/14 54/16 ever [1] 46/14 every [8] 10/7 15/24 34/13 34/20 34/22 61/6 84/18 84/23 everything [4] 61/9 62/5 62/5 80/18 Ex [2] 78/13 78/13 Ex No [2] 78/13 78/13 exactly [7] 7/16 18/3 18/6 18/11 47/11 53/10 87/8 Examining [4] 9/14 39/3 43/6 54/5 example [3] 4/6 50/6 51/9 except [1] 61/3 excuse [2] 37/18 76/20 Executive [2] 15/20 56/2 exercise [1] 64/5</p>
---	--	---

E
exhibit [22] 7/6 8/12 8/15 30/1 53/18
60/16 60/20 60/23 60/24 64/6 66/23
68/18 71/3 76/6 77/18 77/19 78/12
78/13 78/16 78/21 79/5 85/16
Exhibit 23 [2] 78/16 79/5
Exhibit 24 [1] 78/21
exist [1] 25/17
existed [1] 17/16
existence [1] 47/17
experience [2] 3/19 25/9
expert [2] 56/20 58/5
experts [1] 56/20
explain [4] 26/17 61/4 66/3 80/8
explained [3] 26/10 26/12 65/17
explanations [1] 74/10
extensively [4] 23/4 23/16 24/3 29/13
extent [37] 10/12 13/20 13/22 15/18
16/20 19/14 21/18 28/9 28/22 31/25
33/13 34/16 35/24 38/6 40/7 43/25
44/22 45/14 47/6 47/8 49/20 50/9 51/13
52/1 52/25 54/24 56/7 60/3 66/10 69/17
70/11 71/25 74/2 75/22 79/16 81/24
83/17
extraneous [1] 75/6
extreme [1] 26/10
eyeball [13] 23/9 30/18 30/21 30/25
59/12 59/17 63/24 65/6 66/1 75/5 75/16
87/3 87/7

F
face [2] 10/3 23/14
fact [6] 4/6 4/9 4/11 4/13 41/21 55/11
factor [1] 82/11
factors [3] 25/16 26/1 26/14
fair [8] 11/8 12/5 30/22 33/22 34/12
41/13 47/25 71/21
faith [1] 25/4
fall [3] 34/21 59/1 69/2
falling [1] 87/8
false [1] 73/14
familiar [2] 7/10 25/20
familiarize [2] 38/21 39/2
far [5] 13/2 46/17 47/16 70/16 73/18
February [1] 13/13
federal [1] 2/8
feedback [1] 71/17
feel [1] 9/4
few [3] 17/25 53/19 84/7
fidelity [3] 27/19 65/22 69/7
figure [1] 31/3
file [3] 17/2 56/25 61/5
files [1] 56/17
filing [1] 61/8
fills [1] 25/9
final [3] 1/6 1/17 32/7
find [1] 32/24
fine [2] 2/17 54/18
finish [1] 2/18
first [9] 8/20 13/11 17/20 17/21 25/23
61/19 77/21 78/10 86/5
Florida [38] 3/8 3/11 3/22 4/19 5/2
16/13 21/12 21/25 22/12 22/15 22/16
23/19 24/9 28/6 28/20 29/15 31/15
36/18 37/9 37/17 37/18 38/11 42/1
42/12 45/1 45/3 46/20 68/10 70/25 71/2
72/9 75/19 83/14 83/23 84/14 86/2 86/2
86/13

Florida-specific [1] 36/18
follow [1] 25/4
following [2] 9/7 72/16
follows [2] 61/24 74/8
Foltz [97]
Foltz's [1] 36/19
forgive [1] 3/1
form [47] 6/13 9/25 16/9 18/18 21/16
23/1 23/21 24/10 28/7 29/10 31/24 34/2
35/21 36/10 36/24 37/11 37/21 39/21
40/4 43/23 45/12 51/11 52/23 58/14
58/25 59/14 59/25 61/14 62/13 63/9
63/16 64/17 64/24 66/7 69/14 70/1 70/8
71/12 71/24 74/16 81/22 82/18 84/15
86/7 86/23 87/4 87/15
format [1] 56/3
forward [4] 32/22 66/1 80/6 83/22
foundational [1] 11/24
frame [1] 25/6
frank [1] 54/12
free [1] 9/4
fresh [1] 75/5
front [5] 47/2 57/15 63/20 82/21 83/6
full [1] 34/23
function [3] 25/14 27/25 45/17
functional [7] 29/14 29/21 39/19 39/25
40/12 40/18 41/20
furnish [1] 1/7
further [6] 19/23 48/19 73/10 85/10 88/3
88/18

G
game [1] 11/8
gather [2] 15/14 16/1
gave [1] 7/15
general [11] 13/7 18/21 36/17 38/9 44/5
44/9 44/11 80/13 81/4 83/20 86/11
generally [15] 3/6 3/7 16/23 34/19 35/6
36/21 37/1 48/5 50/11 50/15 51/16 62/3
62/7 63/4 80/4
generated [1] 4/8
geography [3] 25/15 44/5 44/11
get [18] 12/25 17/6 19/2 24/1 28/12
28/15 28/25 29/5 30/8 33/14 34/17
38/12 50/23 54/7 72/14 76/15 81/17
87/25
gets [1] 26/24
getting [7] 4/7 10/16 28/13 28/15 37/7
51/2 51/3
GIS [3] 47/13 47/18 48/5
give [15] 8/18 10/15 12/8 21/22 22/6
22/7 29/4 38/16 38/23 53/14 53/19 57/2
78/2 85/12 87/18
given [4] 27/9 29/18 55/11 80/18
go [23] 2/19 8/2 8/5 9/10 19/23 19/24
38/16 38/25 39/5 39/9 47/11 53/22
53/25 55/19 68/8 70/21 75/8 76/4 78/25
85/9 88/9 88/11 88/15
go-to [1] 68/8
goal [2] 22/18 24/16
goes [2] 30/17 32/22
going [73] 2/22 7/24 8/10 11/23 13/2
14/19 14/25 16/11 16/23 20/16 22/5
22/11 25/22 26/5 26/25 27/2 27/16 29/1
29/2 29/25 30/2 30/15 35/4 35/9 38/12
42/22 42/24 43/18 47/21 48/11 48/12
50/20 53/3 53/22 56/18 56/23 57/1 57/4
59/1 59/10 59/17 61/2 63/10 63/13 64/4

65/14 65/23 67/8 67/11 69/2 69/3 69/7
69/10 69/18 72/6 72/14 72/19 74/5 75/8
75/16 76/9 77/3 77/9 78/1 82/2 84/18
85/9 85/15 85/19 86/9 87/17 87/20
88/23
good [5] 2/5 19/25 25/4 53/18 89/2
got [3] 19/16 23/15 43/5
Governor [3] 15/21 56/2 56/15
Governor's [2] 13/11 56/12
governs [1] 38/11
grade [1] 32/11
great [7] 2/22 8/9 58/3 59/9 67/14 72/21
72/24
ground [1] 85/1
guess [3] 17/20 32/18 67/24
guidance [1] 13/7
gun [1] 62/16

H
H.001W [1] 57/20
had [23] 2/11 3/20 3/24 5/24 10/8 11/17
16/15 17/6 17/11 17/13 19/7 23/6 29/18
34/22 45/11 46/6 46/13 49/8 49/8 52/21
70/15 71/11 88/20
Halper [1] 2/7
handful [1] 51/17
handle [1] 70/24
handled [3] 66/15 84/19 85/3
happen [1] 81/10
happened [6] 19/19 32/8 32/9 82/24
83/2 84/2
happening [1] 80/18
hard [6] 1/8 27/1 27/4 27/7 37/1 81/16
has [5] 26/11 29/15 45/6 57/15 59/19
have [83] 1/5 1/24 2/10 2/13 4/14 4/17
4/20 9/10 9/15 10/3 11/5 16/17 16/24
16/25 17/3 17/15 18/2 18/4 18/12 20/17
20/20 20/21 20/25 21/22 25/12 25/17
27/6 39/4 39/14 39/14 43/7 43/18 44/16
46/10 47/2 47/13 47/17 47/22 48/4 48/6
48/14 48/15 48/20 49/8 49/9 49/16
50/13 51/9 51/18 52/5 52/6 52/7 52/7
52/17 54/6 55/1 56/18 57/24 58/19
58/20 61/7 63/2 63/10 64/4 66/21 70/6
70/16 72/21 73/7 73/19 73/21 75/16
77/23 78/24 81/5 84/7 85/10 88/3 88/7
88/16 88/18 88/19 88/23
having [4] 21/9 45/24 82/20 83/6
he [14] 7/13 7/15 9/18 11/5 11/6 15/12
20/18 30/7 30/24 30/24 32/3 36/23
57/15 61/14
he's [2] 9/19 39/24
head [3] 6/19 27/6 68/6
hear [1] 32/10
hedge [1] 83/25
hedged [1] 32/25
hedges [1] 86/16
held [1] 22/16
help [3] 9/5 30/8 61/9
here [36] 20/18 30/3 30/5 32/19 36/5
39/8 39/18 41/5 41/15 46/8 48/11 53/11
53/14 56/18 59/6 61/19 61/22 63/19
65/21 65/23 65/24 66/4 70/3 70/25 72/7
72/16 72/22 77/4 77/9 80/18 81/5 81/15
82/3 85/11 86/16 87/8
hierarchy [2] 37/25 38/2
high [3] 18/21 18/24 80/13
highlighted [6] 8/22 8/25 21/6 43/2

H
highlighted... [2] 43/10 53/23
him [4] 16/15 32/3 57/15 71/15
himself [1] 44/11
his [13] 7/10 9/19 14/8 18/4 18/13 21/1
28/14 30/16 30/23 32/2 44/4 44/4 44/10
historical [2] 46/16 46/20
history [1] 46/18
hoc [1] 50/12
hold [3] 16/8 75/11 76/19
holding [1] 27/7
hosted [1] 3/10
hour [1] 53/16
house [13] 7/16 7/18 12/2 12/4 12/11
12/18 13/8 31/11 83/22 83/24 84/1
86/14 86/18
House's [6] 31/13 39/11 39/24 40/12
40/18 41/8
how [24] 13/2 20/6 21/25 22/3 24/3
24/23 26/4 27/17 29/8 29/17 30/22 31/3
32/5 36/23 41/9 48/7 48/12 49/1 52/6
70/23 81/6 83/9 84/14 84/21
huh [5] 3/13 3/25 15/14 42/25 57/21
Hull [3] 3/23 4/15 68/7
hypothetical [1] 17/11

I
I'd [5] 3/3 38/18 44/5 63/1 77/10
I'll [9] 23/13 32/18 33/5 34/5 61/17 73/3
76/14 77/7 85/25
I'm [51] 2/7 2/22 7/24 8/10 8/22 10/25
11/12 11/23 15/25 16/23 19/6 22/3 22/5
22/11 23/10 25/22 27/9 30/2 30/15 31/2
35/4 36/19 38/10 38/23 42/2 42/4 42/22
43/1 47/11 47/20 47/21 50/20 53/3
53/17 53/22 54/17 55/14 56/18 56/23
57/4 63/13 65/7 65/8 74/14 74/19 76/9
77/9 78/23 84/17 85/9 88/22
I've [5] 32/25 57/9 68/13 68/14 75/14
idea [1] 4/14
identical [1] 86/18
identification [9] 8/13 60/21 60/25 64/7
66/24 68/19 71/4 76/7 78/14
if [54] 2/23 3/22 5/13 7/13 7/22 11/5
11/12 17/5 17/15 18/20 26/3 27/9 27/18
30/3 38/20 38/25 42/4 42/20 43/8 43/18
46/1 48/22 49/7 50/21 50/21 50/22 51/7
51/16 52/17 53/16 54/7 57/13 57/19
63/4 65/7 65/8 65/12 65/21 68/3 69/12
69/24 70/15 73/9 74/14 75/4 78/17
80/13 81/5 81/7 81/8 81/13 85/10 86/18
88/20
image [2] 58/5 67/3
images [2] 56/19 56/21
imagine [1] 78/20
impact [3] 59/6 61/12 69/7
impacts [1] 59/4
important [2] 30/5 82/10
impression [2] 30/17 30/25
impressions [2] 19/19 44/4
improve [2] 12/3 30/10
in [175]
include [3] 31/21 48/9 49/12
included [5] 3/23 35/7 44/12 44/18 45/3
includes [1] 40/12
including [2] 41/19 46/13
incomplete [4] 50/23 51/1 51/8 51/18
independent [1] 6/22

indicators [1] 3/14
inform [1] 14/25
information [39] 10/4 10/13 13/21 15/17
16/21 18/22 21/20 28/10 28/23 32/1
44/1 44/24 45/15 46/22 46/24 47/2
47/10 47/16 47/22 49/21 50/10 51/15
52/2 53/2 56/8 60/4 66/12 70/13 70/16
73/7 74/4 75/24 79/18 80/2 80/14 80/16
81/3 82/1 83/19
informed [3] 21/1 52/7 71/19
informs [2] 62/5 75/17
initial [1] 14/2
initially [1] 13/6
input [3] 14/20 14/25 71/18
insomuch [5] 32/19 33/17 34/6 35/10
55/10
instance [2] 6/24 49/25
instances [1] 49/8
intent [1] 54/15
intentions [1] 61/8
internal [2] 15/19 16/13
interpret [2] 36/23 36/23
interpretation [1] 41/9
interrupt [1] 80/21
Interruption [1] 82/23
intersection [2] 72/17 72/20
interstate [1] 48/23
into [24] 2/19 5/14 10/16 19/2 19/16
23/16 24/1 28/13 28/13 28/15 28/15
29/5 32/23 33/14 34/17 37/7 38/12 43/2
53/23 54/7 59/1 69/2 72/14 81/17
introduce [1] 60/22
introduced [3] 18/4 18/7 18/12
invoice [1] 5/23
invoices [4] 5/7 5/8 5/10 5/24
involve [1] 29/2
involved [10] 15/3 40/24 41/21 71/22
72/3 79/11 79/19 79/22 80/4 80/4
is [158]
isn't [4] 25/24 26/10 27/2 72/24
issue [7] 6/8 11/7 11/23 35/4 35/10
50/20 53/3
issues [6] 23/6 35/11 37/14 69/4 81/16
88/6
it [124]
it's [60] 3/8 6/18 7/17 8/14 10/13 10/19
11/1 13/22 14/23 15/11 17/11 26/5 26/7
26/25 27/8 27/23 28/4 29/21 30/9 33/22
38/10 38/12 45/7 46/6 47/17 48/12
50/15 58/9 59/10 61/2 62/3 62/5 62/24
62/24 63/2 63/18 63/18 64/1 64/4 65/10
65/16 65/20 65/25 67/8 67/11 68/6
71/17 71/21 72/3 72/14 72/14 72/18
73/11 73/12 74/5 75/8 77/20 81/16 82/4
82/10
iterations [6] 12/15 20/20 21/2 45/25
46/20 80/5
iterative [2] 14/21 71/17
its [1] 23/24
itself [1] 18/25

J
Jacksonville [21] 43/13 43/18 43/22
44/8 44/16 44/19 44/25 45/3 45/6 45/11
45/18 45/21 46/10 46/13 47/2 51/23
52/21 63/22 65/8 65/13 65/22
Jacksonville's [1] 45/8
jagged [4] 26/8 26/11 73/23 74/9

jaggedness [7] 27/18 27/21 27/23 59/19
63/20 87/10 87/20
January [2] 13/5 13/13
Jason [1] 14/2
job [1] 35/13
Joe [1] 23/8
jog [1] 73/1
Johns [10] 43/12 43/21 44/8 45/21
46/14 46/23 47/3 49/4 52/12 52/21
Joint [1] 22/13
judge [1] 84/21
judgment [2] 39/15 40/25
jump [4] 43/8 62/2 63/7 63/14
jumping [1] 62/16
jumps [2] 59/18 63/25
just [92]
justifications [1] 65/16

K
keep [3] 38/2 61/9 67/9
keeping [2] 28/1 63/23
Kelly [21] 4/23 7/9 7/18 8/6 9/18 10/7
10/18 10/22 11/8 11/14 13/15 18/15
20/12 28/14 30/5 31/20 35/16 40/16
40/25 54/9 71/10
Kelly's [3] 7/11 30/16 42/22
kind [20] 17/5 18/24 23/9 23/9 23/10
23/16 25/2 25/9 26/4 41/4 61/20 61/23
62/3 62/6 65/19 68/8 68/11 71/16 72/17
81/18
know [77] 2/6 2/24 4/20 6/9 6/17 11/12
12/9 12/14 14/1 14/23 14/24 15/22 19/1
19/9 19/20 20/23 23/7 23/8 23/13 23/15
23/25 26/21 26/24 27/2 28/14 30/16
30/24 32/7 32/20 33/23 34/20 35/6 35/6
35/7 35/10 38/10 41/7 41/18 41/20
43/12 44/10 45/1 45/24 46/22 46/24
48/4 53/10 53/11 55/12 57/19 60/6
60/12 61/18 61/21 61/25 63/22 65/15
65/21 65/24 66/3 66/13 67/10 68/13
69/12 73/21 74/6 74/8 81/8 81/9 81/13
82/3 82/9 83/2 83/7 84/21 87/8 87/11
knowing [2] 26/4 27/5
knowledge [3] 10/4 11/5 21/14

L
labeled [1] 58/6
labor [1] 17/16
lack [9] 12/2 25/16 29/15 32/11 37/24
67/24 76/23 81/15 87/9
lacking [1] 87/11
laid [1] 23/5
language [1] 68/5
large [2] 31/18 35/18
largely [1] 59/6
larger [2] 43/14 45/7
last [2] 66/18 68/16
late [1] 13/12
later [1] 17/25
law [2] 32/23 38/11
lawmakers [1] 32/23
lawyers [2] 84/19 85/3
layer [10] 47/12 47/13 47/18 48/3 48/4
48/6 48/14 48/18 49/9 52/8
layers [2] 48/25 49/2
lays [1] 24/23
lead [2] 12/21 59/17
least [2] 35/1 45/2
leave [2] 20/19 20/24

<p>L</p> <p>led [2] 14/21 21/2</p> <p>left [1] 82/15</p> <p>legal [12] 28/13 29/2 29/2 29/3 35/11 35/13 66/15 69/21 82/5 82/10 84/19 85/2</p> <p>legislative [40] 10/9 13/19 15/16 16/18 17/8 18/19 19/12 21/16 22/13 28/8 28/21 31/23 33/11 34/3 34/14 35/22 38/5 40/5 43/23 44/20 45/13 47/4 49/18 50/7 51/11 51/24 52/13 52/23 54/22 55/6 56/5 60/1 66/8 69/15 70/9 71/23 73/25 79/14 81/22 83/15</p> <p>legislature [9] 3/9 7/1 7/4 11/18 19/21 20/7 32/23 75/21 84/3</p> <p>Legislature's [1] 20/7</p> <p>less [3] 25/3 82/17 83/25</p> <p>let [14] 5/9 11/12 11/14 22/23 34/11 40/17 42/9 44/16 46/25 50/3 73/22 77/25 79/11 86/4</p> <p>let's [20] 2/15 12/22 17/19 19/23 21/5 29/25 30/2 31/2 38/16 42/17 53/22 55/19 57/3 60/14 64/3 66/17 68/17 70/21 78/25 79/4</p> <p>letter [1] 61/13</p> <p>letters [1] 62/7</p> <p>level [8] 16/13 17/1 18/21 18/24 19/16 49/10 80/13 81/15</p> <p>light [1] 48/21</p> <p>like [24] 3/3 6/9 6/17 12/1 12/18 19/8 38/18 39/24 58/19 60/22 61/18 61/24 64/14 64/15 67/11 67/25 69/21 72/23 77/10 82/21 83/22 84/23 88/13 88/25</p> <p>likely [1] 15/12</p> <p>line [32] 8/20 12/23 12/24 13/4 13/4 17/20 20/2 20/3 25/13 30/9 31/6 38/19 39/9 39/9 42/21 43/1 45/22 46/2 46/4 46/7 54/9 54/10 54/11 59/9 63/23 65/10 73/5 74/7 74/10 75/11 81/8 83/21</p> <p>line 10 [1] 54/11</p> <p>line 11 [3] 12/23 12/24 13/4</p> <p>line 12 [2] 20/3 39/9</p> <p>line 16 [1] 31/6</p> <p>line 19 [1] 13/4</p> <p>Line 25 [1] 8/20</p> <p>line 5 [3] 30/9 42/21 43/1</p> <p>line 6 [4] 38/19 39/9 54/9 54/10</p> <p>line 8 [1] 20/2</p> <p>lines [7] 14/5 26/8 72/16 73/19 73/23 74/9 87/8</p> <p>listed [1] 3/24</p> <p>little [14] 2/25 3/6 9/13 12/25 19/23 24/2 24/23 25/12 25/19 35/9 53/16 72/19 73/1 73/19</p> <p>loaded [1] 4/15</p> <p>logical [2] 43/17 43/21</p> <p>logically [2] 22/19 24/17</p> <p>lone [1] 43/13</p> <p>long [2] 2/24 48/24</p> <p>look [7] 27/20 29/21 29/23 57/16 72/7 72/10 72/23</p> <p>looked [3] 19/8 58/19 83/22</p> <p>looking [15] 12/1 12/11 23/11 54/16 58/12 67/7 68/25 79/7 82/14 85/4 85/20 86/4 86/21 87/13 87/19</p> <p>looks [2] 81/6 82/21</p> <p>lot [5] 12/13 23/5 26/19 45/25 48/13</p> <p>loud [1] 8/11</p>	<p>low [1] 67/16</p> <p>M</p> <p>Madam [1] 88/25</p> <p>made [11] 1/14 3/7 3/9 4/20 7/9 32/9 41/11 79/9 79/20 81/10 81/11</p> <p>mail [1] 57/14</p> <p>major [3] 48/10 48/14 49/1</p> <p>make [2] 1/16 78/8</p> <p>maker [1] 32/15</p> <p>makers [4] 32/5 32/12 41/6 41/8</p> <p>makes [1] 57/13</p> <p>making [4] 3/18 32/20 79/12 86/5</p> <p>manner [1] 19/4</p> <p>many [1] 33/19</p> <p>map [69] 9/20 9/22 11/21 11/24 12/2 12/11 12/13 13/9 13/10 13/11 14/7 14/10 14/17 15/24 17/24 17/24 18/9 20/4 20/6 20/24 32/9 49/6 49/17 50/5 58/6 58/8 61/3 61/12 62/11 62/12 62/17 63/3 63/6 63/8 63/15 64/10 64/10 64/13 65/4 66/5 67/3 67/4 67/6 67/17 68/22 68/23 70/7 70/15 71/2 71/6 71/11 71/15 71/22 72/24 76/15 77/4 78/15 78/20 79/12 79/13 80/19 81/9 82/17 82/17 82/21 83/7 83/8 83/13 83/22</p> <p>Map 003B [1] 67/3</p> <p>Map 0079 [1] 71/2</p> <p>Map 0109 [1] 20/24</p> <p>Map 012A [1] 68/22</p> <p>Map 79 [5] 71/11 78/15 79/12 82/17 83/8</p> <p>Map 94 [5] 18/9 79/13 82/17 83/7 83/13</p> <p>map's [1] 81/17</p> <p>mapping [2] 49/25 50/1</p> <p>maps [13] 10/7 12/6 19/20 33/20 44/15 45/1 45/10 56/1 70/24 79/7 79/9 84/14 86/6</p> <p>marginal [1] 62/8</p> <p>mark [3] 77/20 78/9 79/4</p> <p>marked [12] 8/12 60/15 60/20 60/24 64/6 66/22 66/23 68/18 71/3 76/6 78/13 87/25</p> <p>marking [1] 78/17</p> <p>markings [1] 8/15</p> <p>matches [1] 65/7</p> <p>materials [2] 2/11 2/13</p> <p>math [1] 45/17</p> <p>mathematical [8] 22/22 23/8 24/1 24/20 26/3 26/4 26/7 26/15</p> <p>matter [16] 6/6 6/20 10/13 11/3 11/24 13/22 25/3 27/17 38/9 41/21 44/5 44/9 44/11 48/11 56/15 81/5</p> <p>matters [3] 2/12 27/4 69/21</p> <p>may [25] 1/13 9/6 20/20 20/21 20/25 23/19 25/16 48/20 48/22 49/9 50/13 66/12 69/19 70/13 72/2 72/15 73/19 74/4 75/10 75/24 79/18 80/12 82/1 83/19 87/9</p> <p>maybe [10] 12/10 12/12 13/12 48/10 50/14 57/6 66/3 74/19 83/3 83/3</p> <p>me [66] 3/1 5/9 5/13 6/16 8/18 9/13 11/12 11/14 11/21 14/2 14/23 16/25 17/15 20/21 22/6 22/7 22/23 23/6 27/9 29/19 30/8 32/4 32/5 32/10 32/12 32/25 34/11 37/18 38/16 38/23 40/17 41/19 42/9 43/2 44/16 46/25 50/3 53/14 53/19 54/17 57/2 59/17 59/18 61/9 61/19</p>	<p>63/20 64/5 68/3 68/12 73/22 74/14 76/20 77/12 77/25 78/2 78/12 79/8 79/11 80/8 80/9 81/17 82/7 82/21 83/7 85/12 86/4</p> <p>mean [22] 6/7 13/17 15/22 15/25 17/11 18/17 26/18 29/12 30/13 33/24 36/22 41/15 41/18 47/12 47/16 47/17 58/9 63/18 63/24 74/5 84/18 88/20</p> <p>means [4] 1/9 18/25 30/24 30/24</p> <p>meant [1] 32/3</p> <p>measure [3] 3/23 4/15 26/20</p> <p>measurements [4] 22/22 24/20 26/16 26/20</p> <p>measures [6] 24/1 26/3 26/4 26/7 68/9 69/8</p> <p>media [1] 1/8</p> <p>members [1] 56/11</p> <p>memory [3] 3/22 26/3 68/3</p> <p>mentioned [5] 3/13 5/1 5/12 5/23 62/11</p> <p>mentions [1] 24/25</p> <p>mess [1] 61/10</p> <p>metric [2] 69/11 87/19</p> <p>metrics [4] 12/4 67/22 68/12 87/1</p> <p>metropolitan [1] 26/9</p> <p>Michael [6] 2/7 14/14 41/3 42/2 62/15 65/1</p> <p>middle [1] 30/4</p> <p>might [15] 2/12 2/25 18/16 43/8 46/9 53/24 56/24 58/19 61/12 65/13 67/14 67/15 69/5 74/11 77/12</p> <p>mind [1] 38/3</p> <p>mine [2] 58/10 71/18</p> <p>minor [4] 48/15 48/21 49/1 75/11</p> <p>minorities [1] 59/23</p> <p>minority [3] 37/9 52/11 52/11</p> <p>minute [7] 8/3 9/12 11/15 53/14 70/21 78/2 85/12</p> <p>minutes [1] 53/19</p> <p>Miramar [2] 73/13 74/7</p> <p>misspelled [1] 1/15</p> <p>misspoke [1] 76/20</p> <p>misunderstand [1] 5/13</p> <p>moment [10] 8/18 22/7 38/16 38/20 38/23 39/1 42/20 42/23 43/5 46/11</p> <p>more [42] 3/6 6/8 6/17 7/13 9/13 12/11 12/12 12/25 21/12 24/2 24/7 24/12 25/12 25/19 26/24 35/13 46/25 48/22 50/12 53/19 56/9 57/16 61/20 61/21 61/25 62/3 62/5 62/8 63/10 64/4 64/13 72/15 72/21 82/17 82/22 83/8 83/8 83/22 83/24 85/15 86/13 88/16</p> <p>morning [1] 2/5</p> <p>mostly [1] 43/12</p> <p>motivated [1] 81/20</p> <p>motivating [2] 82/6 82/11</p> <p>mouse [3] 14/24 20/18 71/18</p> <p>move [8] 12/22 17/19 21/5 29/25 30/2 31/2 42/17 60/14</p> <p>moved [3] 83/21 84/1 86/13</p> <p>moving [2] 4/25 80/5</p> <p>Mr [1] 13/15</p> <p>Mr. [123]</p> <p>Mr. Bryan [3] 6/2 16/5 17/6</p> <p>Mr. Bryan's [1] 5/14</p> <p>Mr. Foltz [96]</p> <p>Mr. Foltz's [1] 36/19</p> <p>Mr. Kelly [18] 4/23 7/9 7/18 9/18 10/7 10/18 10/22 11/14 18/15 20/12 28/14</p>
---	---	---

M
Mr. Kelly... [7] 30/5 31/20 35/16 40/16 40/25 54/9 71/10
Mr. Kelly's [3] 7/11 30/16 42/22
Mr. Posimato [1] 88/8
much [3] 29/4 31/3 68/5
multiple [1] 48/7
municipal [9] 25/4 65/9 65/18 66/2 72/16 72/22 73/19 81/7 87/8
mute [1] 83/3
my [47] 2/6 2/24 3/19 6/19 7/17 7/21 10/4 11/1 11/19 11/24 14/1 18/5 21/21 21/21 23/4 23/10 23/16 23/23 24/6 24/21 25/8 25/9 27/6 27/8 29/16 29/20 30/17 30/24 32/11 35/13 36/2 37/13 37/23 38/14 45/8 49/23 49/25 49/25 57/7 61/22 68/6 75/15 81/15 83/20 85/10 86/11 88/23
myself [3] 17/23 18/16 32/4

N
N/As [1] 51/4
n2 [1] 37/24
name [4] 1/15 2/6 14/8 61/12
naming [1] 61/5
natural [3] 25/15 44/5 44/11
nearby [1] 81/14
nearly [1] 43/15
necessarily [5] 25/11 35/14 45/11 48/9 81/11
necessary [2] 17/12 82/5
need [7] 1/19 17/13 36/8 36/14 38/13 84/24 84/24
needed [2] 28/3 43/8
needs [1] 57/16
negotiations [3] 32/8 84/2 86/13
neighborhoods [1] 51/23
never [2] 4/21 40/18
new [6] 20/6 61/13 61/13 61/23 61/23 68/12
next [2] 78/18 78/19
no [35] 4/22 5/6 6/1 6/4 11/19 15/6 18/2 18/4 18/12 20/17 21/22 27/2 27/15 29/18 37/1 40/10 42/4 46/11 55/1 57/11 62/18 64/20 65/2 65/6 70/3 72/12 73/11 78/3 78/13 78/13 85/13 88/16 88/18 88/22 88/23
nomenclature [2] 67/25 77/4
noncompactness [1] 26/14
nondiminishment [1] 31/16
nor [1] 81/6
north [2] 12/20 63/22
northeast [1] 21/12
Northern [2] 28/6 28/20
not [130]
note [2] 1/14 88/4
notes [2] 1/22 85/10
notice [1] 30/3
now [16] 8/7 36/5 53/11 54/20 64/12 64/13 65/21 65/24 66/4 70/4 72/6 73/24 77/10 78/18 79/24 84/7
null [1] 51/4
number [13] 25/16 26/1 26/24 33/25 56/1 60/19 61/13 61/19 62/2 67/10 78/12 78/18 85/23
Number 16 [1] 60/19
Number 24 [1] 85/23
numbers [11] 27/5 51/19 53/4 53/4 53/8

53/9 53/12 53/12 61/18 62/7 82/20
numerical [1] 23/11
numerically [1] 59/8
numerous [5] 12/9 12/9 12/10 45/25 82/3

O
oath [1] 2/3
Object [14] 6/13 9/25 16/9 18/18 21/16 23/1 23/21 24/10 28/7 29/10 39/21 43/23 64/17 71/12
objected [1] 88/7
objection [65] 10/9 13/18 14/12 15/16 16/18 17/9 18/10 19/13 31/23 33/11 34/2 34/3 34/14 35/2 35/21 36/10 36/24 37/11 37/21 38/4 40/4 41/1 44/20 45/12 45/13 47/4 49/18 50/8 51/11 51/24 52/14 52/23 54/22 55/7 56/4 56/5 58/14 58/25 59/14 59/25 61/14 62/13 63/9 63/16 64/24 66/7 69/14 70/1 70/8 71/23 73/25 74/16 74/23 75/20 79/14 79/25 80/11 81/1 81/22 82/18 83/15 84/15 86/7 86/23 87/15
objections [10] 14/18 15/5 15/10 16/9 20/14 28/21 32/16 40/20 41/16 60/10
obviously [3] 38/10 59/4 84/20
occasions [1] 7/20
off [20] 8/2 8/4 12/11 12/17 17/2 22/9 27/5 55/19 70/21 70/22 73/12 73/12 78/7 78/25 79/3 83/3 88/9 88/11 88/15 89/3
offered [1] 32/8
office [5] 13/6 13/11 15/20 56/2 56/15
office's [1] 17/24
official [3] 5/7 5/10 67/25
oft [2] 75/9 87/6
oft-repeated [1] 75/9
often [2] 27/3 73/18
often-cited [1] 73/18
oftentimes [1] 44/6
oh [3] 57/6 73/13 76/20
okay [146]
on [130]
onboard [1] 14/2
once [1] 7/13
one [42] 2/15 7/23 8/18 22/6 22/7 24/12 26/24 27/10 27/13 38/16 43/5 53/14 55/12 57/2 57/3 58/10 59/1 61/7 62/23 63/11 64/3 65/23 66/17 66/18 66/19 67/25 68/8 68/11 68/16 68/17 73/4 74/6 75/9 76/19 77/18 77/19 78/2 78/23 78/24 82/15 85/12 85/15
ongoing [1] 88/6
online [1] 3/7
only [8] 1/21 21/7 46/17 48/10 48/22 50/4 51/2 52/16
open [1] 88/5
opened [2] 8/7 57/9
opening [1] 1/4
operated [1] 29/18
opportunity [5] 60/8 66/6 69/13 88/21 88/23
opposed [1] 28/1
optically [1] 65/10
opting [1] 1/4
or [52] 1/7 1/9 1/9 1/15 1/22 1/23 2/11 2/18 4/11 4/18 5/17 6/2 7/13 7/23 8/23 10/13 10/20 11/6 11/6 13/22 15/19 18/8

19/9 21/10 24/4 25/15 25/15 36/17 36/18 37/18 39/1 44/16 48/6 48/10 48/19 49/25 50/5 51/4 57/16 61/20 61/24 61/24 63/8 65/8 65/17 65/23 68/1 75/12 81/8 82/7 82/17 83/24
order [2] 9/5 11/1
orient [1] 56/22
oriented [1] 9/13
other [25] 1/9 1/24 2/10 2/15 3/25 5/21 6/1 12/19 12/20 25/17 26/13 30/19 46/9 47/22 48/16 59/3 62/23 65/17 65/17 75/12 81/14 81/17 84/7 88/9 88/23
others [2] 14/25 71/19
otherwise [1] 26/10
our [12] 10/19 10/25 13/6 13/8 13/11 17/24 39/15 56/19 56/20 58/5 82/15 88/4
out [18] 8/11 9/6 9/9 23/5 24/24 25/9 25/19 26/7 30/18 31/3 34/5 43/16 48/22 59/18 63/7 63/14 63/25 71/7
outcomes [1] 12/21
outline [1] 2/25
outside [1] 32/24
over [7] 37/10 37/19 53/16 57/14 61/20 62/4 75/10
overall [4] 30/6 30/10 30/13 30/19
overly [1] 78/4
oversight [1] 13/7
own [6] 10/4 23/24 30/17 30/23 32/3 38/20

P
p.m [1] 89/4
page [22] 8/20 9/12 12/22 14/6 17/19 17/22 21/5 30/2 31/2 31/7 31/9 38/17 38/19 38/24 38/25 39/1 42/17 42/21 42/23 53/22 53/25 76/5
page 13 [1] 30/2
page 15 [1] 31/2
page 35 [3] 38/17 38/19 38/24
page 49 [2] 42/17 42/21
page 5 [2] 8/20 9/12
page 57 [1] 53/25
page 58 [1] 53/22
page 6 [1] 12/22
page 7 [1] 17/19
page 8 [1] 21/5
pale [1] 27/13
panel [1] 84/21
paragraph [3] 13/3 30/4 31/8
parse [1] 34/5
part [6] 1/8 16/12 44/25 70/14 70/16 70/24
particular [4] 25/13 26/16 57/17 57/17
parties [1] 1/24
partisan [4] 29/16 29/18 29/22 40/11
party [1] 1/9
pass [2] 65/6 66/1
passed [3] 9/2 15/25 20/7
past [2] 46/15 82/4
path [1] 76/15
pause [1] 85/14
pay [1] 32/11
payment [3] 5/2 5/13 5/22
PDF [6] 8/6 38/20 39/5 42/24 43/8 57/24
pedantic [1] 78/4
Pembroke [3] 72/23 73/3 73/14

P
pending [3] 2/18 2/19 88/6
per [3] 14/1 49/23 51/1
per se [1] 51/1
percent [1] 50/13
percentage [3] 36/7 36/13 37/2
performance [3] 29/1 29/17 29/20
performing [5] 21/11 28/5 28/19 29/9 29/13
Perhaps [1] 74/22
perimeter [9] 67/13 67/14 67/21 68/2 68/4 69/5 69/8 72/19 87/19
personal [3] 11/5 18/5 23/10
personally [4] 6/15 27/17 35/12 68/3
perspective [1] 46/17
phrase [1] 30/6
phrasing [1] 50/21
physical [3] 5/17 5/19 5/20
Pines [3] 72/23 73/4 73/15
place [2] 43/21 55/21
plaintiffs [2] 2/7 88/14
plan [49] 9/3 9/24 11/16 11/17 12/2 12/3 12/4 12/18 13/13 14/8 14/11 15/4 15/9 15/15 20/5 20/6 20/8 20/9 20/10 20/13 21/2 21/3 31/11 32/21 33/19 34/7 34/9 34/13 34/20 34/22 46/18 50/15 50/22 50/23 51/2 51/8 53/6 55/5 55/13 76/18 76/21 83/13 83/22 85/21 86/3 86/11 86/14 86/17 86/19
Plan 0079 [1] 15/4
plan's [2] 83/24 84/1
plans [8] 15/6 34/20 34/21 35/1 38/3 45/2 46/21 50/11
players [1] 48/7
please [22] 11/10 11/11 12/23 14/5 17/20 17/22 18/21 20/2 21/6 24/6 27/8 31/5 38/22 39/8 42/6 43/5 43/10 49/15 54/10 60/17 80/15 85/16
plumbed [1] 29/3
point [7] 2/16 3/18 27/12 40/10 49/17 55/12 80/6
political [6] 21/8 25/15 27/19 27/22 27/25 75/12
Polsby [3] 3/21 68/2 68/14
Polsby-Popper [3] 3/21 68/2 68/14
poorly [1] 27/6
popped [1] 83/3
Popper [3] 3/21 68/2 68/14
population [11] 28/3 31/18 33/24 35/18 43/14 45/3 45/9 45/18 50/16 54/13 55/5
populations [2] 52/11 52/12
portion [4] 8/22 8/25 21/6 43/10
portions [2] 8/11 9/8
Posimato [1] 88/8
position [9] 6/17 7/1 7/2 10/19 31/12 31/21 88/5 88/12 88/13
positive [1] 73/14
possible [3] 21/10 28/4 50/18
post [1] 50/12
post-hoc [1] 50/12
preface [1] 30/15
preliminary [1] 2/16
prepare [1] 14/17
prepared [5] 7/8 55/25 56/20 56/21 58/5
presentation [1] 7/15
presented [1] 9/6
presently [1] 7/1
pretty [9] 19/16 23/4 23/15 27/6 29/12

67/11 67/15 75/14 87/22
previous [2] 64/13 76/15
previously [7] 5/23 11/17 33/18 68/10 77/24 78/23 86/6
primary [2] 9/3 20/8
prior [17] 1/20 3/19 3/24 5/1 11/20 20/20 20/25 24/21 45/24 46/19 46/20 49/23 52/4 55/9 66/2 67/8 86/9
prioritized [1] 68/15
prioritizes [2] 37/9 37/19
privilege [56] 10/10 11/1 13/19 13/19 15/17 16/19 17/8 18/19 19/12 21/17 28/8 31/24 33/12 34/3 34/15 35/2 35/22 35/23 38/5 38/5 40/5 40/6 43/24 44/21 45/13 47/5 49/19 50/7 51/12 51/25 52/13 52/24 52/24 54/23 55/6 56/5 60/1 60/2 66/8 66/9 69/15 69/16 70/9 70/10 71/24 74/1 75/21 75/21 79/15 79/25 80/11 80/25 81/16 81/23 83/16 88/6
privileged [36] 10/12 10/16 13/21 16/21 18/22 19/2 19/17 21/19 28/10 28/23 32/1 33/14 34/17 35/25 38/7 40/8 44/1 44/24 45/15 47/9 49/21 50/10 51/14 52/2 53/1 66/11 69/18 70/13 72/1 74/3 75/23 79/17 80/2 81/2 82/1 83/18
probably [9] 59/8 67/11 67/12 69/10 77/20 86/25 87/17 87/21 87/21
problem [3] 78/3 85/13 88/22
proceeding [1] 9/7
proceedings [2] 1/23 89/4
process [22] 14/21 15/1 18/6 19/8 19/11 20/22 21/8 21/22 28/14 29/16 32/15 32/24 39/15 44/4 44/10 49/17 49/24 52/6 52/8 71/17 83/21 86/12
produced [1] 56/15
product [1] 71/19
professional [2] 31/13 39/11
program [1] 51/4
project [1] 48/17
projects [1] 61/7
pronunciation [1] 3/22
proper [1] 1/15
proposed [1] 10/8
proposition [2] 36/17 36/18
protect [1] 59/22
provided [1] 39/10
provides [1] 3/11
providing [1] 13/7
public [7] 3/11 10/13 11/3 11/4 13/22 39/10 70/25
publicly [2] 3/9 3/10
pull [6] 7/24 30/1 57/1 64/3 66/17 68/17
punch [1] 48/19
purchase [1] 1/5
purchased [1] 1/24
purposes [2] 1/21 82/11
pursuit [2] 59/3 59/10
purview [1] 69/21
push [1] 48/19
pushes [3] 82/21 83/7 83/8
put [1] 86/17
putting [1] 68/11

Q
question [40] 10/11 11/10 21/9 21/19 24/7 27/1 28/25 34/18 36/11 36/20 42/6 44/23 47/9 47/12 50/21 51/14 52/1 53/1 63/19 66/11 69/9 69/19 70/12 72/1

72/25 73/11 74/3 75/23 79/17 80/12 81/12 81/25 82/19 83/18 84/16 84/18 84/22 85/5 86/8 86/24
questions [11] 2/18 2/19 2/23 25/23 66/14 84/7 85/2 85/11 88/4 88/16 88/24
quickly [1] 38/12
quote [1] 48/14
quote-unquote [1] 48/14

R
race [2] 37/14 82/4
race-related [1] 37/14
racial [15] 33/18 35/10 36/4 49/12 49/16 49/24 52/5 52/17 53/7 54/14 54/16 75/18 76/1 81/20 82/6
ran [3] 15/24 15/24 50/3
rate [1] 1/6
ratio [1] 26/20
ratios [1] 27/9
re [1] 22/13
read [30] 8/11 8/24 9/7 9/12 9/21 12/23 14/5 17/20 17/21 21/6 22/11 23/6 24/8 24/12 30/3 30/25 31/4 31/5 32/5 32/12 38/18 41/6 41/9 42/21 42/23 43/2 43/10 53/23 54/10 89/1
reading [3] 8/20 20/2 39/8
reads [1] 6/16
ready [1] 43/9
really [14] 9/19 10/15 28/12 28/15 29/16 29/17 30/5 36/4 46/17 47/17 48/25 49/2 58/9 81/16
realtime [1] 4/8
reason [8] 18/2 18/4 18/12 20/17 21/23 55/1 58/21 62/18
reasons [2] 25/17 26/12
recall [31] 4/24 18/8 33/3 33/7 36/3 37/6 42/10 46/5 46/9 49/5 49/10 49/16 58/8 58/13 58/18 58/22 62/12 62/17 62/20 63/5 64/10 64/12 64/15 67/4 71/10 72/11 80/3 80/9 83/12 84/11 86/5
recalling [1] 26/6
receive [5] 5/3 5/5 5/7 5/8 55/12
received [3] 5/2 5/13 6/2
recess [1] 55/21
recognizable [1] 43/17
recognize [2] 68/22 71/6
recollection [6] 7/21 18/5 18/5 45/8 81/16 83/20
record [24] 2/1 8/2 8/4 8/5 8/14 10/14 11/3 11/4 13/23 22/9 27/15 43/3 53/24 55/20 55/23 70/21 70/22 72/8 74/6 78/25 79/3 88/10 88/11 89/3
redistrict [1] 3/12
redistricting [6] 3/20 7/19 26/11 39/11 39/13 70/25
reduce [1] 67/10
refer [2] 62/8 77/21
reference [2] 14/7 21/7
referencing [1] 44/7
referring [4] 9/20 27/24 39/24 41/24
refers [3] 22/17 24/16 40/25
reflect [1] 37/24
reflected [1] 87/20
regard [2] 10/2 17/1
region [4] 33/6 41/9 50/14 51/17
reimbursement [1] 5/10
relate [1] 24/3
related [2] 37/14 84/8

<p>R</p> <p>relative [1] 26/22</p> <p>reliably [4] 31/18 35/19 36/8 36/14</p> <p>remains [1] 88/5</p> <p>remember [18] 7/13 7/16 7/22 7/22 15/11 18/3 18/6 18/11 26/2 37/7 46/1 49/7 64/20 65/2 71/14 74/20 81/7 84/12</p> <p>remembering [1] 27/5</p> <p>remind [2] 2/2 2/6</p> <p>Reock [3] 3/21 68/1 68/14</p> <p>repeat [3] 2/23 11/9 14/19</p> <p>repeated [3] 27/3 75/9 87/6</p> <p>rephrase [1] 40/17</p> <p>report [13] 4/5 4/8 16/4 16/5 16/24 17/2 34/7 34/7 34/23 50/4 50/14 50/23 55/16</p> <p>reporter [3] 1/14 57/13 88/25</p> <p>reports [14] 15/23 15/24 33/17 34/11 34/13 34/25 35/7 50/3 55/10 55/14 70/15 70/15 70/17 83/10</p> <p>represent [13] 7/7 22/5 33/5 49/12 58/4 64/9 67/2 68/21 71/1 73/3 76/9 76/14 85/25</p> <p>representation [1] 71/2</p> <p>represented [1] 56/16</p> <p>representing [1] 2/7</p> <p>requested [1] 1/19</p> <p>required [1] 29/21</p> <p>requires [1] 45/18</p> <p>reserve [1] 39/5</p> <p>resolution [2] 22/13 88/6</p> <p>resolve [1] 83/9</p> <p>respect [7] 20/6 26/15 31/10 31/11 36/4 75/9 83/13</p> <p>respectfully [1] 88/13</p> <p>respecting [3] 27/22 27/25 73/18</p> <p>responsible [1] 4/19</p> <p>rest [1] 28/2</p> <p>result [4] 27/21 81/10 81/14 84/13</p> <p>resulted [1] 53/8</p> <p>results [1] 53/7</p> <p>retained [1] 6/18</p> <p>reveal [2] 69/18 80/14</p> <p>revealing [7] 19/9 21/19 51/14 53/1 56/7 81/25 83/18</p> <p>review [6] 35/5 35/9 35/12 40/11 40/13 41/20</p> <p>reviewed [8] 2/10 2/13 34/11 34/12 34/25 40/18 45/24 46/19</p> <p>right [23] 5/9 9/15 17/18 23/11 36/5 37/8 38/25 39/5 53/11 54/18 55/19 59/23 61/19 65/21 65/24 66/4 67/18 68/16 68/25 70/3 73/24 82/16 88/3</p> <p>river [19] 43/12 43/15 43/21 44/8 45/21 46/1 46/3 46/7 46/14 46/15 46/23 47/3 47/14 47/18 47/22 47/23 49/4 52/12 52/21</p> <p>rivers [2] 44/12 47/12</p> <p>road [1] 73/6</p> <p>roads [5] 48/3 48/6 48/21 49/1 49/9</p> <p>roadway [1] 74/8</p> <p>roadways [2] 48/14 48/15</p> <p>rock [1] 3/21</p> <p>role [2] 9/19 13/7</p> <p>room [1] 76/12</p> <p>Rouson's [1] 54/1</p> <p>run [20] 4/5 15/8 17/2 33/18 33/19 34/7 34/19 34/23 50/4 50/14 50/18 50/21 50/22 50/22 51/8 51/17 55/10 55/13</p>	<p>55/16 70/15</p> <p>running [2] 50/25 51/1</p> <p>S</p> <p>sacrifice [3] 59/10 68/5 75/10</p> <p>sacrificed [2] 59/2 72/20</p> <p>safe [2] 46/6 72/3</p> <p>said [5] 54/3 57/12 66/21 84/23 88/8</p> <p>salary [3] 6/9 6/17 7/2</p> <p>same [37] 14/18 15/5 15/10 16/9 17/8 18/11 19/12 20/14 28/21 30/20 32/16 34/2 35/2 37/21 40/20 41/1 41/16 50/7 52/13 55/6 59/18 60/10 61/2 62/22 62/24 63/16 64/4 64/24 69/9 74/23 76/15 79/25 80/11 80/25 85/19 87/4 87/15</p> <p>Sandi [7] 56/25 60/17 66/20 77/18 77/23 78/9 87/25</p> <p>Sarah [9] 19/24 42/18 71/7 76/4 77/6 77/24 78/10 78/11 85/16</p> <p>say [36] 12/5 13/12 14/23 17/14 22/3 23/18 24/22 26/17 28/4 30/19 33/22 34/12 34/19 34/22 34/25 36/11 38/10 44/5 45/23 46/3 46/8 46/16 46/18 50/12 52/16 53/12 53/12 56/9 63/1 67/11 67/23 68/7 71/21 72/3 81/5 83/4</p> <p>saying [3] 23/14 42/3 74/25</p> <p>says [4] 13/15 20/12 30/7 31/20</p> <p>score [7] 26/5 26/14 26/17 59/8 67/11 67/15 86/25</p> <p>scored [2] 26/2 27/6</p> <p>scores [2] 83/6 83/10</p> <p>scratch [2] 12/7 12/19</p> <p>screen [9] 4/2 4/5 47/15 57/1 57/8 58/1 73/24 79/23 85/17</p> <p>screenshot [4] 78/10 78/10 78/15 78/20</p> <p>screenshots [1] 77/23</p> <p>scroll [2] 12/25 57/16</p> <p>se [1] 51/1</p> <p>sec [1] 57/2</p> <p>second [8] 17/24 22/6 76/19 76/22 76/23 77/12 79/1 83/4</p> <p>see [12] 2/15 30/7 48/22 57/10 57/22 57/23 62/2 73/9 74/6 77/13 79/23 85/10</p> <p>seeing [3] 4/11 4/13 49/5</p> <p>seen [1] 9/10</p> <p>Senate [9] 7/9 7/11 7/12 7/19 8/6 9/2 9/22 10/8 22/13</p> <p>Senator [1] 54/1</p> <p>send [3] 56/24 57/14 85/17</p> <p>sending [1] 57/5</p> <p>sense [3] 1/16 23/10 57/13</p> <p>sent [8] 5/24 16/25 56/1 56/10 56/25 57/12 77/24 78/11</p> <p>sentence [4] 8/21 17/21 20/3 54/11</p> <p>separate [3] 7/19 11/7 49/2</p> <p>separated [1] 55/14</p> <p>serve [1] 44/6</p> <p>served [1] 13/6</p> <p>serves [3] 3/22 26/3 68/3</p> <p>session [1] 9/2</p> <p>set [4] 48/8 48/13 48/17 49/1</p> <p>setting [2] 4/19 48/20</p> <p>settings [1] 3/17</p> <p>shading [6] 49/12 49/16 49/24 52/5 52/17 82/6</p> <p>shape [3] 22/17 24/16 53/7</p> <p>shaped [3] 22/20 24/18 25/1</p>	<p>shapefile [2] 56/3 58/6</p> <p>shapefiles [4] 56/10 56/16 56/19 56/22</p> <p>shapes [2] 25/13 25/14</p> <p>share [3] 19/19 57/7 58/1</p> <p>short [3] 66/14 85/9 85/14</p> <p>shorthand [1] 68/8</p> <p>should [3] 66/21 78/11 88/19</p> <p>show [8] 7/6 25/16 47/19 56/19 56/23 65/22 73/9 77/10</p> <p>showed [1] 3/14</p> <p>showing [3] 4/2 4/5 27/19</p> <p>shows [1] 47/14</p> <p>side [10] 63/2 63/2 77/10 77/11 77/13 77/13 79/4 79/4 79/7 79/7</p> <p>sides [1] 52/12</p> <p>sideways [1] 25/7</p> <p>signed [1] 32/23</p> <p>similar [1] 62/24</p> <p>similarities [1] 31/10</p> <p>simple [1] 41/19</p> <p>simply [2] 81/8 81/13</p> <p>since [1] 2/9</p> <p>single [2] 43/13 51/9</p> <p>sit [1] 61/6</p> <p>sitting [9] 32/19 36/5 46/8 53/11 63/19 65/21 65/24 66/4 70/3</p> <p>slightly [1] 78/7</p> <p>small [6] 26/23 67/12 67/14 67/20 68/4 87/22</p> <p>smaller [1] 69/5</p> <p>so [148]</p> <p>software [13] 3/4 3/18 3/20 47/13 47/18 48/2 48/5 48/17 48/20 48/25 49/25 50/1 68/12</p> <p>software's [2] 48/7 48/13</p> <p>some [12] 3/10 25/8 35/1 45/6 53/23 56/9 56/11 59/19 69/3 74/9 79/8 80/24</p> <p>someone [4] 6/18 12/17 13/25 83/3</p> <p>something [7] 4/18 11/6 25/3 42/3 57/11 58/19 86/17</p> <p>sometimes [10] 12/10 12/15 12/17 12/18 25/3 25/14 46/4 48/15 75/9 81/9</p> <p>somewhere [1] 43/19</p> <p>sorry [28] 8/22 14/14 14/14 22/8 30/9 38/23 41/3 41/3 42/2 42/4 42/24 46/25 54/17 59/16 62/15 64/19 65/1 66/20 73/13 73/16 74/19 77/11 78/2 78/23 80/21 83/2 83/4 88/19</p> <p>sort [1] 68/6</p> <p>sound [2] 39/14 40/3</p> <p>sounds [1] 39/24</p> <p>south [7] 12/20 38/11 72/9 83/13 83/23 86/2 86/13</p> <p>speak [5] 4/17 29/17 75/25 81/18 83/10</p> <p>speaking [7] 13/25 44/10 44/10 48/5 50/11 50/15 62/3</p> <p>speaks [1] 18/25</p> <p>specific [6] 3/16 32/21 36/18 41/21 46/25 63/10</p> <p>specifically [28] 10/2 15/11 22/2 22/3 24/25 26/2 26/6 27/24 31/11 33/7 49/5 49/15 55/9 56/9 58/10 58/16 58/20 58/22 62/17 62/22 63/6 64/21 68/24 69/4 71/8 72/12 79/23 80/3</p> <p>specifics [2] 75/25 81/17</p> <p>split [3] 44/16 45/11 45/18</p> <p>splits [2] 12/1 67/10</p> <p>splitting [3] 28/1 45/20 52/20</p>
---	--	--

S
spoke [1] 2/14
St [3] 43/12 43/21 44/8
St. [7] 45/21 46/14 46/23 47/3 49/4 52/12 52/21
St. Johns [7] 45/21 46/14 46/23 47/3 49/4 52/12 52/21
staff [3] 31/13 39/12 56/12
standard [5] 22/17 22/21 24/15 24/20 31/16
standards [1] 37/5
standing [1] 71/16
stands [3] 23/24 30/23 43/16
start [11] 3/3 8/20 12/19 12/20 20/2 39/8 57/3 62/4 75/5 80/22 83/3
started [1] 36/3
starting [13] 8/19 12/7 12/12 12/19 12/23 12/24 13/3 13/5 31/5 42/21 43/1 61/20 82/14
starts [1] 8/21
state [14] 43/14 44/25 59/4 59/6 59/9 59/18 59/20 62/4 63/21 63/23 64/1 69/3 69/7 84/18
state's [1] 84/23
statement [3] 18/1 38/22 43/20
states [1] 68/13
statistic [1] 4/7
statistical [3] 3/14 34/12 50/4
statistics [1] 4/1
stemmed [1] 17/12
still [1] 2/2
stop [3] 38/14 42/9 54/17
story [2] 23/12 87/18
straight [3] 61/9 74/7 74/11
strength [1] 52/22
stretches [1] 26/9
strike [1] 47/7
subcommittee [2] 31/14 39/13
subdivision [2] 28/1 75/12
subdivision's [2] 27/20 27/22
subdivisions [2] 25/15 65/18
subject [1] 31/15
submit [1] 5/10
submitted [5] 11/17 13/12 17/25 29/3 34/13
subsequent [1] 62/7
subsequently [1] 55/15
subset [1] 41/7
substance [1] 19/10
such [1] 1/16
sufficient [1] 9/15
sufficiently [2] 31/18 35/18
summary [1] 11/19
support [2] 13/9 13/16
supported [1] 13/10
Supreme [10] 22/1 22/2 22/12 22/15 22/16 23/20 24/9 37/18 42/1 42/13
Supreme Court [10] 22/1 22/2 22/12 22/15 22/16 23/20 24/9 37/18 42/1 42/13
sure [22] 10/25 11/9 11/11 15/25 16/3 17/23 20/4 21/7 26/1 43/11 47/11 47/21 54/12 61/11 65/7 65/8 74/9 76/20 78/8 79/2 84/17 85/4
surrounding [1] 28/2
survived [2] 20/20 20/21
swing [1] 61/23
symbolization [1] 72/22

symbolize [1] 48/6
symbolized [1] 49/25
sympathize [1] 61/11
system [9] 3/4 3/5 3/7 3/14 4/15 16/13 58/7 61/5 61/8
T
fact [1] 12/16
take [23] 5/9 6/8 9/6 9/11 11/23 12/15 23/13 35/4 35/9 38/20 39/1 42/20 44/16 50/20 53/3 53/19 70/20 72/7 72/10 77/2 77/12 84/4 85/8
taking [2] 2/16 10/2
talk [1] 4/23
talked [6] 2/16 2/23 23/7 23/7 23/8 29/12
talking [4] 3/3 9/19 39/19 84/8
Tallahassee [1] 27/24
Tampa [1] 33/6
team [1] 85/18
tell [4] 9/13 11/21 23/12 78/12
Ten [1] 9/1
tended [1] 3/20
tentacle [1] 74/14
term [5] 12/2 30/12 32/11 37/24 76/24
terminal [1] 32/20
test [12] 23/9 30/18 30/21 31/1 59/12 59/17 63/25 65/6 66/1 75/6 87/3 87/7
testified [16] 7/13 7/18 10/18 10/23 11/8 11/15 23/3 25/2 28/14 35/16 49/1 68/10 71/10 75/4 84/10 86/11
testifies [4] 9/18 11/14 18/15 40/16
testify [4] 10/1 10/23 11/2 56/20
testifying [3] 44/3 71/15 84/11
testimonies [1] 7/23
testimony [45] 3/16 5/1 7/8 7/11 7/14 7/15 7/22 7/25 9/5 10/3 11/20 11/24 12/24 13/25 14/1 14/20 18/13 20/17 20/18 21/15 21/21 21/23 23/15 23/23 27/3 27/16 30/16 30/18 30/23 32/2 36/2 39/11 42/22 49/23 52/4 53/23 54/1 54/21 55/2 55/10 75/15 76/24 82/3 86/9 87/6
Testimony.PDF [1] 8/7
Texas [2] 7/1 7/4
than [10] 7/13 27/21 35/13 43/14 45/7 47/22 72/15 81/17 82/17 88/9
thank [16] 9/4 9/17 11/11 13/1 13/14 14/9 39/7 39/17 51/6 53/20 54/8 55/18 66/22 76/25 76/25 88/2
Thanks [1] 66/20
that [452]
that's [41] 2/17 4/8 7/2 8/24 10/20 10/24 10/25 11/7 11/19 14/15 14/15 19/25 22/14 28/12 29/1 30/22 30/22 32/5 32/10 32/24 33/5 37/23 39/23 40/22 41/9 43/14 45/8 50/12 56/22 57/11 65/9 66/13 67/18 69/2 72/19 73/16 78/18 80/18 82/10 84/17 88/17
their [11] 31/14 31/19 35/19 36/9 36/15 39/12 39/15 39/16 40/25 59/23 84/25
them [12] 17/14 32/24 56/25 57/1 63/2 68/6 73/5 77/11 77/21 77/25 78/1 80/10
themselves [2] 81/18 83/10
then [18] 9/12 17/21 18/18 23/9 28/2 29/3 43/2 48/15 51/3 61/9 61/24 65/13 77/19 78/12 78/19 82/15 87/21 89/3
theory [1] 51/20

there [40] 3/10 3/25 5/21 5/21 6/1 12/9 12/13 13/1 14/21 15/23 15/24 19/18 20/25 22/16 23/25 25/13 26/8 26/16 27/2 27/8 27/12 34/20 34/21 38/14 48/24 49/5 50/13 52/10 53/5 54/18 69/4 71/18 73/1 73/13 73/14 74/9 74/10 80/24 84/1 87/10
there's [12] 4/4 14/20 14/20 14/24 26/1 29/4 37/1 63/22 63/24 71/16 72/18 74/7
these [18] 27/9 30/10 56/21 56/24 61/7 63/5 64/4 66/21 68/16 70/24 73/23 77/10 77/18 77/21 79/9 79/12 84/4 86/5
they [11] 2/2 5/18 17/2 22/3 25/17 27/6 33/19 49/2 53/10 56/21 84/24
they're [2] 49/1 78/7
thing [1] 61/2
things [1] 81/10
think [45] 3/16 3/18 6/4 6/7 9/15 10/19 10/22 10/24 11/7 12/8 13/24 14/15 18/24 19/16 23/3 23/23 23/24 24/21 25/9 27/1 29/12 30/22 30/25 32/25 33/16 33/16 38/9 38/13 39/4 43/7 46/6 53/15 53/24 54/6 55/9 61/14 62/2 65/14 68/2 70/6 75/3 75/14 77/17 81/4 86/25
this [134]
Thomas [1] 15/3
those [20] 5/17 7/23 12/21 26/13 35/1 35/7 48/16 48/21 56/11 56/19 59/2 66/14 67/25 70/17 78/5 80/9 81/20 83/9 85/2 86/12
though [1] 73/6
thought [1] 75/4
thoughts [1] 19/19
three [4] 63/5 63/25 64/4 84/21
three's [1] 63/20
three-judge [1] 84/21
through [16] 9/7 12/14 20/3 21/1 31/7 31/8 38/19 39/9 46/19 54/10 79/8 80/9 80/17 80/24 85/9 86/12
throughout [2] 9/4 20/22
Tier [10] 37/5 37/5 37/13 37/14 37/15 37/19 37/19 37/23 37/24 43/17
Tier 1 [5] 37/5 37/13 37/14 37/19 37/23
Tier 2 [4] 37/5 37/15 37/19 43/17
Tier n2 [1] 37/24
time [9] 6/12 9/7 21/7 24/13 46/19 49/10 53/18 61/6 70/7
timeline [1] 18/3
times [5] 12/19 12/20 48/13 48/16 82/3
today [5] 2/12 20/4 46/8 62/16 88/7
together [3] 19/3 34/21 77/11
Tom [5] 15/6 15/8 16/14 16/24 17/13
too [3] 53/15 57/13 69/11
took [2] 55/21 76/15
top [8] 16/13 17/19 21/5 27/5 58/12 67/18 68/25 83/21
topic [1] 4/25
Torchinsky [1] 14/3
totally [1] 2/17
touch [1] 24/2
touches [2] 23/6 24/21
towards [1] 84/1
traces [2] 59/20 63/23
tracing [2] 59/9 63/21
tracking [1] 11/25
trade [2] 73/12 73/12
traditional [6] 12/3 26/11 26/13 59/3 65/17 75/10

T
transcript [10] 1/5 1/6 1/7 1/12 1/17 1/21
1/25 7/7 7/25 9/10
treated [2] 84/24 84/24
trial [1] 56/21
trite [1] 47/20
true [1] 10/21
truly [1] 12/12
try [4] 12/3 57/4 61/17 62/7
trying [7] 19/6 31/3 47/20 62/8 65/9 75/6
83/20
turn [3] 47/14 48/16 85/16
turned [2] 49/16 52/18
twice [1] 61/19
two [5] 3/24 25/22 43/11 82/4 83/9
type [2] 54/14 54/15

U
Uh [5] 3/13 3/25 15/14 42/25 57/21
Uh-huh [5] 3/13 3/25 15/14 42/25 57/21
ultimately [10] 14/22 19/21 21/2 32/10
32/21 32/22 53/5 83/23 86/10 86/17
unable [1] 17/6
unassigned [1] 51/19
unaware [1] 54/12
uncertified [2] 1/12 1/13
unchanged [2] 9/1 9/21
unclear [1] 11/12
uncompact [1] 26/8
uncompactness [1] 73/20
under [2] 2/2 25/23
understand [13] 4/10 19/6 20/9 22/23
31/21 33/24 37/8 39/19 41/14 51/7
54/21 76/17 88/12
understanding [13] 7/17 9/23 11/1 11/2
22/24 25/24 27/8 29/20 37/13 37/23
41/19 54/20 86/12
Understood [3] 2/21 18/23 40/15
unedited [1] 1/13
unique [1] 84/25
unquote [1] 48/14
unrelated [1] 4/1
until [2] 2/18 4/11
untranslated [1] 1/14
unusual [2] 63/8 63/15
up [24] 4/2 4/5 7/24 11/15 20/2 25/16
30/1 32/3 34/12 48/8 48/13 49/1 56/11
57/1 57/9 58/1 61/10 64/3 66/17 68/17
73/22 83/24 84/12 85/11
upon [1] 1/6
urge [1] 80/1
URL [2] 76/11 85/17
us [4] 37/7 56/16 57/14 73/9
usable [1] 50/23
use [5] 3/21 45/21 68/3 74/15 88/23
used [13] 1/21 1/22 3/4 11/16 29/15
41/5 41/15 46/1 46/3 46/7 46/10 68/13
82/7
useful [2] 51/2 53/25
uses [1] 30/5
using [4] 13/24 17/2 74/20 77/3
usually [1] 12/6
usurp [1] 88/20

V
value [2] 10/3 23/14
variable [1] 82/10
various [1] 19/20

vendor [1] 4/18
versed [1] 22/3
version [9] 21/13 61/25 62/6 65/25
83/24 85/20 86/1 86/3 86/10
versions [4] 12/10 12/14 14/21 79/20
versus [2] 53/6 61/13
very [9] 15/12 18/20 38/12 62/24 63/8
65/11 85/8 86/25 89/2
via [1] 57/14
view [12] 6/8 23/4 23/14 23/16 23/18
24/7 25/9 27/17 32/4 35/12 35/12 36/20
visual [4] 30/6 30/11 30/13 30/20
visually [2] 22/21 24/19
voters [2] 36/7 36/14
voting [4] 33/24 52/22 54/13 55/4

W
W-2 [1] 5/5
wait [1] 2/17
walk [4] 79/8 80/9 80/17 80/24
want [25] 4/3 7/6 13/12 13/24 17/14
19/1 20/24 24/12 24/22 25/6 30/8 30/12
31/3 38/20 42/20 54/7 54/17 60/15
61/22 62/4 63/1 66/21 78/8 83/25 88/4
wanted [3] 17/5 38/25 51/16
wants [1] 36/23
was [87] 2/24 3/7 3/16 3/18 4/15 5/21
6/9 6/10 7/16 8/12 11/16 11/21 11/25
12/1 12/10 12/12 12/13 13/11 14/2 15/3
15/25 16/12 16/14 17/14 17/15 17/24
18/3 18/7 18/12 19/18 20/18 21/8 21/10
27/1 34/19 39/10 39/13 40/2 41/21 49/7
49/24 49/24 50/14 52/18 53/5 53/6
54/14 54/15 55/11 55/15 55/16 58/6
60/20 60/24 61/19 64/6 64/13 65/21
65/23 66/18 66/23 68/12 68/18 71/3
71/15 71/18 72/3 73/13 74/13 76/6
76/22 78/13 78/22 78/23 79/19 80/4
81/7 81/8 81/13 83/23 84/20 86/12
86/16 86/16 86/17 86/18 88/8
wasn't [2] 16/12 29/17
watch [1] 7/14
watched [2] 7/14 7/23
watching [1] 7/22
water [6] 47/12 47/13 47/18 47/19 48/4
49/9
way [6] 26/8 45/6 52/16 62/21 65/14
68/6
wayside [1] 34/22
we [60] 1/17 2/9 2/12 2/16 2/17 2/19
2/23 2/23 2/25 3/4 7/8 8/2 8/5 12/25
13/9 13/15 17/11 19/6 19/16 21/1 31/12
31/20 32/3 32/4 32/10 33/23 37/4 39/14
39/14 41/4 41/6 41/7 41/10 41/11 41/15
53/16 54/7 55/25 56/18 56/24 56/25
57/6 70/20 70/23 73/9 75/4 76/15 77/11
77/20 80/22 84/4 85/8 85/11 88/9 88/11
88/12 88/12 88/14 88/15 88/25
we'll [2] 8/15 77/17
we're [9] 29/25 38/24 43/18 53/16 57/1
72/6 78/1 85/15 89/3
we've [7] 29/12 33/17 39/16 72/8 84/8
85/20 86/6
web [2] 76/4 85/19
website [4] 3/10 71/1 72/9 73/16
website's [1] 71/2
websites [1] 86/2
weeks [1] 17/25

well [22] 4/3 5/9 10/22 26/1 26/5 26/17
30/15 47/7 59/5 59/5 63/13 67/11 67/13
69/11 75/3 75/8 80/21 86/4 87/1 87/22
88/15 88/22
went [6] 19/20 19/21 46/17 46/19 65/25
84/14
were [55] 3/25 4/1 5/17 5/17 5/20 6/1
10/6 12/6 12/6 14/10 15/23 15/24 17/2
20/21 20/25 21/9 32/7 32/9 33/9 33/18
33/19 33/22 33/25 38/3 40/24 41/25
42/8 42/12 42/15 44/15 45/10 45/20
46/12 47/1 49/6 50/21 50/22 50/22 51/7
52/10 52/18 52/20 55/4 56/1 56/2 56/10
56/16 68/14 70/7 71/18 71/21 79/11
79/19 79/22 81/20
west [2] 82/22 83/8
what [71] 2/25 10/8 11/21 13/16 14/22
15/22 15/25 16/3 18/16 19/7 23/5 23/5
23/13 24/8 26/17 26/22 30/13 30/20
30/24 30/24 32/3 32/22 32/23 32/23
36/7 36/13 39/23 40/24 46/22 46/24
47/2 47/16 47/22 48/1 48/13 48/25 51/4
53/4 53/5 53/8 53/10 53/12 56/18 56/22
58/1 59/12 59/18 61/12 64/13 64/23
65/15 65/20 65/23 67/17 69/9 74/13
74/25 75/1 77/10 77/17 78/12 80/8
80/18 82/6 82/24 83/2 84/8 85/4 86/11
86/16 87/3
what's [1] 64/12
whatsoever [1] 40/11
when [34] 9/13 9/18 10/6 11/22 11/25
12/5 13/15 16/24 18/3 18/6 18/11 18/15
20/12 26/17 27/21 28/25 31/20 32/10
32/19 35/16 40/16 44/15 45/10 45/20
47/1 49/6 49/7 50/3 50/16 55/15 62/2
67/23 74/25 75/5
whenever [1] 43/9
where [21] 3/19 4/7 14/20 23/10 24/22
26/2 26/6 30/7 36/3 47/11 47/19 47/21
48/21 49/8 54/17 59/2 61/23 62/6 64/16
84/17 87/8
whereas [1] 6/17
whether [5] 10/20 18/8 21/10 46/12
61/12
which [19] 1/17 7/6 7/13 7/16 16/12
17/24 21/2 29/22 36/4 42/9 43/15 44/18
52/6 55/13 70/24 78/11 78/20 85/3
87/19
while [6] 14/23 20/23 23/25 38/3 65/19
71/17
who [7] 1/24 4/20 6/5 6/9 13/9 13/15
14/2
whoever [1] 4/18
whole [5] 1/7 23/12 28/2 63/23 67/9
whomever's [1] 4/19
why [9] 4/14 9/11 15/14 16/1 25/24
73/21 74/10 80/21 85/8
will [29] 1/16 1/18 7/7 34/7 43/2 47/13
47/18 48/5 48/6 48/17 48/20 53/18
56/20 58/4 60/18 61/8 64/9 66/19 67/2
68/21 71/1 73/9 77/2 77/18 77/19 78/21
83/10 85/22 87/21
Wisconsin [1] 84/11
wish [1] 61/6
within [3] 3/17 45/3 62/8
without [22] 10/16 19/9 19/17 21/19
27/7 28/13 28/15 28/23 44/23 47/9
51/14 52/2 53/1 63/19 66/11 70/12 72/1

W

without... [5] 74/3 75/23 79/17 81/25 83/18
witness [3] 2/2 10/20 80/1
won't [1] 67/13
word [9] 1/15 6/8 35/5 53/12 67/25 74/14 74/15 74/20 77/2
words [3] 1/14 30/19 61/22
work [9] 5/2 5/3 6/9 6/18 12/14 13/10 13/11 13/16 26/4
worked [7] 19/3 19/4 20/21 21/1 68/14 71/15 84/2
working [4] 6/9 12/11 12/17 51/5
would [60] 4/17 4/20 6/5 6/11 6/22 7/3 16/3 16/4 16/5 16/24 16/25 16/25 17/15 23/18 27/6 27/13 28/4 29/5 29/8 34/25 46/3 46/16 48/1 48/3 48/9 49/8 50/4 50/5 50/23 51/9 52/6 52/16 52/17 56/9 57/19 58/23 59/22 60/8 60/22 66/5 67/6 67/7 67/18 67/20 67/21 68/7 69/1 69/12 70/14 70/16 72/13 73/21 73/23 75/3 75/7 78/24 80/13 86/21 87/13 88/25
wouldn't [1] 86/25
wrap [1] 85/11
wrong [3] 27/9 63/8 74/14

Y

yeah [72] 6/15 9/9 10/1 10/15 12/25 14/13 14/15 16/7 16/11 16/23 20/16 23/23 24/12 24/21 25/21 26/19 27/11 28/12 28/25 29/12 31/9 31/10 32/2 32/18 33/7 33/16 34/5 35/4 36/11 37/1 38/9 39/23 40/10 41/4 41/18 42/6 44/3 45/17 47/11 49/23 51/16 51/19 52/4 52/16 53/3 53/17 55/9 57/3 57/7 59/1 61/17 63/4 63/18 66/13 69/2 69/10 69/20 70/14 71/14 72/3 73/8 74/20 75/25 79/19 80/3 80/17 81/4 82/2 82/20 84/17 86/9 87/17
year [1] 13/6
yes [23] 5/11 5/16 6/24 7/5 20/11 35/8 37/7 42/11 42/14 42/16 49/14 57/24 59/16 60/17 63/24 77/15 78/6 78/18 79/20 80/4 84/12 85/13 88/1
yesterday [24] 2/3 2/6 2/10 2/24 3/1 3/5 8/16 11/15 14/1 16/11 19/7 23/3 23/24 25/2 30/21 33/23 37/4 56/1 61/15 74/15 74/21 84/10 88/7 88/9
yesterday's [4] 14/20 20/17 23/15 30/17
yet [1] 5/4
you [427]
you'd [4] 6/11 17/6 30/19 69/24
you'll [4] 30/3 48/13 48/15 87/21
you're [31] 4/7 4/11 4/13 12/17 12/18 23/14 32/19 32/20 36/16 37/17 38/6 40/7 43/9 47/21 48/16 48/22 50/9 50/25 51/1 51/5 55/10 56/7 63/10 74/25 75/6 78/17 82/4 82/9 84/17 85/4 87/19
your [37] 1/18 3/21 5/1 5/2 5/14 5/22 6/5 6/25 9/7 9/23 11/10 11/16 21/14 22/24 23/18 24/7 25/23 27/1 38/20 48/18 48/25 53/12 54/20 56/16 56/21 58/7 61/4 68/8 72/25 73/11 74/13 77/2 83/4 85/16 88/12 88/13 88/20
yourself [11] 6/11 6/12 6/22 7/3 17/7 32/15 38/21 39/2 42/21 54/2 71/11

Z

zero [2] 27/10 27/13
zeros [1] 51/4
zoom [6] 48/18 71/7 72/6 73/9 77/6 77/9
zoomed [3] 48/22 72/8 86/1
zoomed-in [1] 86/1

RETRIEVED FROM DEMOCRACYDOCKET.COM