UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALVIN BALDUS, CINDY BARBERA,
CARLENE BECHEN, RONALD BIENDSEIL,
RON BOONE, VERA BOONE, ELVIRA BUMPUS,
EVANJELINA CLEEREMAN, SHEILA COCHRAN,
LESLIE W. DAVIS III, BRETT ECKSTEIN,
MAXINE HOUGH, CLARENCE JOHNSON,
RICHARD KRESBACH, RICHARD LANGE,
GLADYS MANZANET, ROCHELLE MOORE,
AMY RISSEEUW, JUDY ROBSON, GLORIA ROGERS,
JEANNE SANCHEZ-BELL, CECELIA SCHLIEPP,
and TRAVIS THYSSEN,

Plaintiffs,

TAMMY BALDWIN, GWENDOLYNNE MOORE,
and RONALD KIND,

Intervenor-Plaintiffs,

v. File No. 11-CV-562

Members of the Wisconsin Government
Accountability Board, each only in
his official capacity:
MICHAEL BRENNAN, DAVID DEININGER,
GERALD NICHOL, THOMAS CANE,
THOMAS BARLAND, and TIMOTHY VOCKE,

[Caption Continued]

VIDEOTAPE DEPOSITION

TAD M. OTTMAN

Madison, Wisconsin
December 22, 2011

Sarah Finley Pelletter, RPR
Registered Professional Reporter

and KEVIN KENNEDY, Director and
General Counsel for the Wisconsin
Government Accountability Board,

Defendants,

F. JAMES SENSENBRENNER, JR.,
THOMAS E. PETRI, PAUL D. RYAN, JR.,
REID J. RIBBLE, and SEAN P. DUFFY,

Intervenor-Defendants.

VOCES DE LA FRONTERA, INC.,
RAMIRO VARA, OLGA WARA,
JOSE PEREZ, and ERICA RAMIREZ,

Plaintiffs,

v. Case No. 11-CV-1011
JPS-DPW-RMD

Members of the Wisconsin Government
Accountability Board, each only in
his official capacity:
MICHAEL BRENNAN, DAVID DEININGER,
GERALD NICHOL, THOMAS CANE,
THOMAS BARLAND, and TIMOTHY VOCKE,
and KEVIN KENNEDY, Director and
General Counsel for the Wisconsin
Government Accountability Board,

Defendants.

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EXHIBITS

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(The original exhibits were attached to the original transcript and copies were provided to counsel)

(The original deposition transcript was filed with Attorney Douglas M. Poland)

VIDEOTAPE DEPOSITION of TAD M. OTTMAN, a witness of lawful age, taken on behalf of the Plaintiffs, wherein Alvin Bladus, et al., are Plaintiffs, and Members of the Wisconsin Government Accountability Board, et al., are Defendants, pending in the United States District Court for the Eastern District of Wisconsin, pursuant to subpoena, before Sarah Finley Pelletter, a Registered Professional Reporter and Notary Public in and for the State of Wisconsin, at the offices of Godfrey & Kahn, S.C., Attorneys at Law, One East Main Street, in the City of Madison, County of Dane, and State of Wisconsin, on the 22nd day of December 2011, commencing at 9:24 in the forenoon.

APPEARANCES

DOUGLAS M. POLAND, Attorney,
for GODFREY & KAHN, S.C., Attorneys at Law,
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Voces De La Frontera, Inc., et al.

APPEARANCES (Continued)

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Wisconsin 53703, appearing on behalf of the
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ERIC M. MCLEOD, Attorney,
for MICHAEL BEST & FRIEDRICH LLP, Attorneys at Law,
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Wisconsin State Senate by its Majority Leader
Scott Fitzgerald, the Wisconsin Assembly by its
Speaker Jeff Fitzgerald, and Tad M. Ottman.

Also present: Todd S. Campbell, CLVS
Campbell Legal Video Company
417 Heather Lane, Suite B
Fredonia, WI 53021
(262) 447-2199

TAD M. OTTMAN,

called as a witness, being first duly sworn, testified on oath as follows:

MR. KELLY: Mr. Hassett, before you begin, could we put on the record the same agreement we've had the last two days with respect to objections, and that being that when one attorney makes an objection, that stands as an objection for all attorneys without the necessity of each attorney individually joining the objection. Do all counsel agree to that arrangement?

MR. HASSETT: Yes.

MR. POLAND: Yes.

MS. LAZAR: Yes.

MR. SHRINER: Yes.

MR. EARLE: Yes.

MR. POLAND: Before you begin, Peter, we are getting some feedback there coming through. If you could mute your line or stop whatever that background noise is, it would be much appreciated.

MR. EARLE: Is it going on now?

MR. POLAND: No.

MR. EARLE: It's when I walk over toward the refrigerator. Okay. I'll stay away from the refrigerator.

THE VIDEOGRAPHER: And just so the room knows, if there is interference that drowns out an answer or something, I will have to inform you that it did not come across.

EXAMINATION

By Mr. Hassett:

Q Good morning, Mr. Ottman. My name is Scott Hassett. And have you ever given a deposition before?

A I have not.

Q Well, if you don't understand any of my questions, please let me know. And you have to respond orally and not a shake of the head because the transcript won't pick that up.

I want to ask you a few questions on your background. I suspect Mr. Poland will go through it in much more detail later. But where are you currently employed?

A I'm employed for the Wisconsin State Senate, Senator Scott Fitzgerald.

Q And how long have you had that position?

A I've been with him for about seven years.

Q And where did you work prior to that?

A Prior to that, I worked for State Senator Mary Panzer.

Q And how long a period did you work for Senator Panzer?

A I believe it was about 13 years.

Q Have you worked on redistricting prior to this most recent effort in 2011?

A I have.

Q Would you describe your experience in redistricting?

A I have assisted in past redistrictings in terms of reviewing maps and some drafting software, drafting with the software.

Q Okay. And what years?

A In the years following the 1990 and the 2000 censuses.

Q So this was your third involvement in redistricting?

A That's correct.

Q This most recent one this year?

A Yes.

Q Thank you. In this year, 2011, did you have any

involvement in the Congressional redistricting?

A I facilitated the drafting of the Congressional plan.

Q Would you explain what you did there?

A I transmitted a file or took a file to the Legislative Reference Bureau to have the bill drafted.

Q Now, when you say you facilitated the drafting, did you actually engage in any drafting or drawing any lines?

A I did not.

Q So all you did was deliver some material from where to where?

A I got an e-mail from counsel containing a Congressional plan that I delivered to the Legislative Reference Bureau.

Q Now, Mr. Foltz testified yesterday, and I may be wrong, but I thought he said he did that. Did the two of you do that together?

A We worked together to make sure that the plan -- to check the plan, that it imported correctly, and then copied it onto a disk and delivered it to the Legislative Reference Bureau.

Q Okay. Now, prior to that, did you have any involvement in map work with these districts or drawing any lines in these Congressional districts?

A I did not.

Q You did not. What's your understanding of who did it or how it came about?

A I'm not certain who drafted the map.

Q Well, who do you believe did it?

A I believe it was the congressmen.

Q And by congressmen, are you referring to anyone specifically?

A I believe that staff to Representative Ryan was involved.

Q And who would that be?

A Andy Speth.

Q How do you spell Mr. Speth's name?

A I believe his last name is S-p-e-t-h.

Q And did you have any interaction with Mr. Speth in the context of redistricting?

A I had a couple phone conversations with him.

Q What was the nature of those conversations?

A It related mainly to timing of legislative action.

Q And if you would explain that further please. This was prior to the law being passed, Act 44?

A That's correct.

Q And who initiated the call?

A I don't recall.

Q And specifically timing as to what, what's your best recollection of the conversation?

A My recollection of the conversation was that he wanted to know when the legislature anticipated acting on the legislation.

Q Do you know approximately when this was?

A I'm not sure --

Q The call, I'm sorry.

A Oh, the call?

Q Yeah.

A I don't recall.

MR. HASSETT: Are we going to mark this all as one exhibit, Doug?

MR. POLAND: Yeah, I was going to mark it all as one exhibit.

MR. HASSETT: Where are we in the numbers?

MR. POLAND: We can mark it here.

(Exhibit Nos. 33 and 34 marked for identification)

MR. HASSETT: What's the number?

MR. POLAND: 33 is the stack of paper.

Q Mr. Poland is handing you Exhibit 33. And within that exhibit, there is an e-mail, and it's from Ryan Squires. Who is he?

A He is tech support personnel with the Legislative Technology Services Bureau.

Q Now, here's a -- I don't know if I can get up and walk around, I'm linked up.

MS. LAZAR: What's the date?

Q This is about, it's about halfway down. Is there a paper clip in your file there? It's the document above the paper clip.

A Yes.

Q Yeah, you got it.

MR. SHRINER: Is this a two-page e-mail?

MR. HASSETT: No, it's a one-page.

Q It begins at the top, it says Hi, Adam and Tad, and it's from Ryan Squires, it's an e-mail, and then there's another one underneath from Michael Keane to Van Der Wielen and Squires, and it's dated May 11th. Do you recognize this document?

A Yes, I do.

Q And what is this about?

A This was the -- Michael Keane from the LRB was working with the Legislative Technology Services

Bureau to verify home addresses of the incumbent congressmen.
Q And why is that?
A I'm not certain why he was doing that.
Q It looks like Mr. Squires -- well, explain the e-mail from Mr. Squires to Adam and Tad. I assume that's Adam Foltz?
A That's correct.
Q And you. And what is that about?
A I believe that what he was looking for in this e-mail was whether or not we believed those addresses to be correct for the purposes of plotting them on the redistricting software.
Q Okay. And again, was this your only involvement in the Congressional redistricting then, attempting to assist to find these addresses?
A I don't recall doing anything with this e-mail, other than looking at the addresses.
Q Did you observe any Congressional redistricting maps prior to the passage of Act 44, other than the facilitation you did to the LRB?
A I did not.
Q In other words, I'm assuming you worked on the legislative maps over a period of months this year, correct?

A That's correct.
Q And in the context of that work, you never observed any Congressional maps proposed for Act 44?
A I did not.
Q All right.

MR. HASSETT: Thank you. I have nothing more.

MR. POLAND: I've got a couple of follow-up questions on Mr. Hassett's questions, and then I'll start my exam.

EXAMINATION

By Mr. Poland:
Q One follow-up question. You mentioned, Mr. Ottman, that you've received an e-mail from counsel that you were to deliver a file to the LRB, correct?
A That's correct.
Q Who was the attorney who sent you that e-mail?
A Eric McLeod.
Q Was anyone else copied on that e-mail?
A I'm not certain.
Q Did Mr. McLeod say anything specifically to you in that e-mail about delivering that file?

A Not that I recall.
Q Simply instructed you to deliver it to the LRB?
A I don't know that there was any instruction. I believe it contained the file. I don't know, I don't recall what the text was.
Q Is that e-mail anything that you've included within your production of materials today?
A I don't believe so.
Q Is there a reason that you didn't produce it today?

MR. McLEOD: Can you go back one? What was the former question?

MR. SHRINER: Transmittal e-mail.

MR. POLAND: Transmittal e-mail.

MR. McLEOD: Can you read the --

(Question read)

MR. McLEOD: And I guess the question is the e-mail between whom and whom?

Q You testified before that you received an e-mail from Mr. McLeod, and you delivered that e-mail to the LRB, correct?

MR. POLAND: He can answer the question.

MR. McLEOD: Uh-huh.

MR. POLAND: Whether he testified

to that or not.

A I delivered the file that was contained in the e-mail.
Q And Mr. McLeod sent you that e-mail that attached the file, correct?
A Correct.
Q And that's the file you delivered to LRB, correct?
A Correct.
Q Did you simply forward that e-mail to LRB?
A No.
Q You didn't. How did you deliver the file to LRB?
A I imported it into the redistricting software and then copied the plan on to a DVD.
Q Did -- is the e-mail that Mr. McLeod sent to you attaching the file, is that e-mail contained within the materials you've produced today?
A I don't believe so.
Q Is there a reason that you did not include it within the materials that you've produced today?
A I didn't believe it was responsive to the subpoena.
Q Did you receive any -- and I'm going to limit this question now with respect to Act 44 in the Congressional districts. Did you receive any other e-mails from anyone relating to Act 44 or

the Congressional districting?

A Only as it relates to timing of legislative action.

Q And was that the e-mail correspondence that Mr. Hassett was just asking you about?

A I believe so, yes.

Q Did you have any e-mail communications with any counsel about the timing of Act 44 and when it would be taken up by the legislature?

MR. McLEOD: I'm going to assert an objection on grounds of attorney-client communication, and to the extent that what you're seeking is the substance of any attorney-client communications, I'm going to instruct the witness not to answer.

Q Are you going to follow counsel's instruction not to answer the question?

A I am.

Q Other than any communications with counsel and the communications that Mr. Hassett just asked you about, were there any other communications that you had with anyone by e-mail regarding Act 44 or the Congressional redistricting?

A Not that I recall.

MR. POLAND: I'm going to stop there.

MR. SHRINER: I just have a clarification question, because I heard you asking something different from Mr. Hassett.

EXAMINATION

By Mr. Shriner:

Q The communications, the couple that you, one or two that you testified to, Mr. Ottman, between you and Mr. Speth about legislative timing, were those e-mails or telephone, as you recall?

A As I recall, it was both.

MR. SHRINER: Okay. I thought you said, Mr. Hassett, there was a phone call, and then I thought Mr. Poland asked about an e-mail. So if you had both, that's the answer. Thank you.

MR. POLAND: Scott, did you have any follow-up questions?

MR. HASSETT: No, I'm okay.

MR. POLAND: Why don't we go off the record for a minute.

(Recess)

(Exhibit Nos. 33-A and 35 marked for identification)

EXAMINATION

By Mr. Poland: (Cont'd)

Q Mr. Ottman, my name is Doug Poland, and I represent the plaintiffs in this case. You're here today pursuant to a subpoena that you received, correct?

A Correct.

Q I'm going to hand you a copy of a document the court reporter has marked as Exhibit 35.

Mr. Ottman, have you seen Exhibit No. 35 before?

A I have.

Q And when did you first see Exhibit No. 35?

A A little over a week ago.

Q On or about the December 13th date that appears on the cover letter, that's the first page?

A That's correct.

Q And who gave you a copy of the deposition subpoena?

A Attorney McLeod.

Q I'd like you to turn to the last page of the deposition subpoena. And do you see that there is a request headed or captioned Exhibit A, and there are five enumerated paragraphs asking for copies of documents and materials. Do you see that?

A Yes.

Q And you understand that this was a subpoena requesting that you look for and provide copies of the materials identified in Exhibit A, correct?

A Correct.

Q Did you in fact look for materials in your possession, custody or control that are referred to in Exhibit A?

A I did.

Q And have you brought with you today documents that are responsive to the requests in the subpoena?

A I have.

Q We're going to go over those in just a second. Let me first ask you, were you able to locate materials requested by Exhibit A that were not produced today?

A I'm not sure I understand your question.

Q Sure. When you looked for documents or other materials in your possession, custody or control, that are requested by the subpoena, what did you do with the materials that you found?

A The responsive materials that I found were produced here today.

Q Were there any materials that you located that were not produced today?

A No responsive materials.

Q Do you know whether there are materials that you found that are being withheld from production today based on the claim of attorney-client privilege, attorney work product privilege, legislative privilege, or any other privilege?

A Yes.

Q There were such materials that were withheld?

A Those identified in the privilege log.

Q Okay. So when you found materials, did you give them to Mr. McLeod or another lawyer at Michael, Best & Friedrich to make that determination as to whether they were privileged?

A That's correct.

MR. McLEOD: Doug, can I interject briefly?

MR. POLAND: Yes.

MR. McLEOD: Just so that the record is clear, yesterday in connection with Adam Foltz's deposition, we provided a disk which is titled Statewide database that contains certain files that would be responsive to both subpoenas, both Mr. Foltz and Mr. Ottman. We've not reproduced this disk today in response to Mr. Ottman's

subpoena, but wanted to make it clear that those documents which would have been included with Mr. Ottman were otherwise produced already, so we haven't provided you with a duplicate disk with his name on it.

MR. POLAND: Okay. And for the record, that disk that Mr. McLeod is referring to is marked as Exhibit No. 27 in Mr. Foltz's deposition yesterday.

MR. McLEOD: That's correct.

MR. POLAND: So that's a document that is responsive to the subpoena served on Mr. Ottman as well.

MR. McLEOD: That's correct.

MR. POLAND: And we'll consider it produced for that purpose as well.

Q Did you make any determination on your own, Mr. Ottman, about whether materials were covered by an attorney-client privilege, work product privilege, or legislative privilege?

A I did not.

Q So when you were looking through your own materials to determine what to give to Mr. McLeod, you didn't decide that you would set any aside on your own and not give them to Mr. McLeod because

of a claim of privilege?

A That's correct.

Q You mentioned before that you produced relevant documents. Are there documents that you withheld from production or didn't give to Mr. McLeod because you didn't believe them to be relevant?

A I'm not sure if I said relevant or responsive. If there were nonresponsive documents, I didn't produce any.

Q Did you make any kind of decision of what to give to Mr. McLeod based on whether you thought it was relevant or not even if it was called for by the subpoena?

A No.

Q So anything that was within your possession, custody or control that was responsive to the subpoena or requested by the subpoena, you gave to Mr. McLeod?

A That's correct.

Q And you have produced materials here today, correct?

A That's correct.

Q And for the record, we've marked the materials that you've produced as Exhibit 33-A and Exhibit 34, correct?

A That's correct.

Q For the record also, we have marked as Exhibit No. 33 a document that's entitled Documents Produced in Response to Subpoena Issued by Plaintiffs to Tad Ottman. I'm going to hand a copy of that to you, Mr. Ottman, and ask you if you can identify Exhibit No. 33?

A Yes.

Q And what is it?

A It is the documents produced in response to the subpoena.

Q And this sets forth -- this is a document -- it's signed by legal counsel by Mr. McLeod, correct?

A Yes.

Q And it sets forth in a number of paragraphs, and I think there are nine numbered paragraphs in this document, and it's described as a privilege log, correct? Do you see that on the first page?

A Yes, that's correct.

Q And I know you were looking at the number of paragraphs, it's nine paragraphs, correct?

A Yes.

Q Do you see on the first page, under the caption privilege log, it says, "The following documents or categories of documents are privileged and are

not being produced." Do you see that?
A I see that.
Q And the first category, it says, "May 4, 2011, e-mail correspondence from State Senator to Legislative Staff Member Tad Ottman regarding area alternatives." Do you see that?
A Yes.
Q Who is the state senator that sent that e-mail correspondence?
A I don't recall.
Q And that's a document that you located within your possession but is not produced here today based on a claim of privilege, correct?
A That's correct.
Q Second paragraph, it says, "July 18, 2011, e-mail exchange between Legislative Staff Member Adam Foltz and Legislative Staff Member Tad Ottman regarding potential amendment to Act 43." Do you see that?
A Yes.
Q And that's a document that you located that was within your possession but was not produced here today, correct?
A That's correct.
Q And again, it was not produced based on the assertion of a legislative privilege, correct?

A That's correct.
Q Paragraph 3 states -- identifies a July 9, 2011 e-mail exchange between Legislative Staff Member Adam Foltz and State Representative and Legislative Staff Member Tad Ottman regarding alternatives for AD 8 and AD 9. Do you see that?
A Yes.
Q Who was the state representative that was involved in that e-mail exchange?
A I don't recall.
Q Again, that e-mail exchange is something that was within your possession, custody or control, correct?
A That's correct.
Q And it's not being produced today based on a claim of legislative privilege, correct?
A That's correct.
Q Paragraph No. 4, you've identified a July 7, 2011 e-mail between Legislative Staff Member Adam Foltz and State Representative regarding area alternatives. Do you see that?
A Yes.
Q Do you know who the state representative was who's referred to there?
A I don't recall.
Q But that is a document that you had in your possession but is not being produced here today based on a claim of legislative privilege, correct?
A That's correct.
Q Paragraph No. 5 identifies a July 14, 2011 e-mail -- or e-mail correspondence and attachments from Tad Ottman to Legislative Staff Member regarding alternatives for AD 8 and AD 9. Do you see that?
A Yes.
Q Do you know who the legislative staff member was that you were corresponding with by e-mail?
A I don't recall.
Q And that's a document you have within your possession but is not being produced here today based on a claim of legislative privilege, correct?
A That's correct.
Q Paragraph No. 6 identifies March 1, 2011 e-mail correspondence from Adam Foltz to Tad Ottman regarding election data. Do you see that?
A Yes.
Q And that's a document or documents that you had in your possession, custody or control but is not being produced here today based on a claim of legislative privilege, correct?

A That's correct.
Q Paragraph 7 identifies documents used during meetings between Legislative Staff Member Tad Ottman and individual Legislators, including reports related to the 2002 maps, proposed new district analysis, population change analysis, maps confirming the physical location of member's residence. Do you see that?
A Yes.
Q And those are documents that you had within your possession, custody or control but that are not being produced here today based on a claim of legislative privilege?
A Yes.
Q What types of documents are included within -- strike that question. Other than the specific documents identified here, in other words, there's a clause of this that says including reports related to the 2002 maps, proposed new district analysis, population change analysis, maps confirming the physical location of member's residence, are there any other documents that fall

within that category identified in paragraph 7?
A I don't recall.
Q In other words, I'm focusing on the word there *including*, which seems to indicate that it's not necessarily limited to these things, it includes them. Is that correct, that there is something more than these?
A There may be, I don't recall.
Q Who are the individual legislators that are identified in paragraph No. 7?
A I don't recall which individual ones.
Q And there is a reference also to meetings. What were the meetings that were occurring that are referred to in paragraph 7?
A Those were meetings between me and individual legislators.
Q When did those meetings occur?
A I don't recall.
Q Where did those meetings occur?
A They occurred at Michael Best & Friedrich's offices.
Q Did all of them occur at Michael Best & Friedrich's offices?
A I believe so.
Q Paragraph No. 8 identifies documents created in preparation for meetings between Legislative Staff Member Tad Ottman and individual Legislators. Do you see that description?

A Yes.
Q Who are the individual legislators who are identified in paragraph No. 8?
A I don't recall which individual legislators.
Q And what are the meetings that are referred to in paragraph 8?
MR. McLEOD: I'm going to object to the form of the question, but if you understand it, please feel free to answer.
A Those were meetings to discuss reapportionment.
Q I'm sorry, to discuss?
A Reapportionment.
Q And you've used the term *reapportionment*, and we've heard other people use the term *redistricting*, other witnesses in the past two days. Is there a difference in your mind between redistricting and reapportionment?
A I think they can often be used interchangeably.
Q And when you use the term *reapportionment*, what are you referring to?
A I'm referring to the required legislative action to correctly apportion districts following a census.

Q So when you use the term *reapportionment* at your deposition today, is it fair for me to assume that what you're talking about is can also be referred to as redistricting?
A Yes.
Q For the purpose of the 2011 redistricting?
A Yes.
Q Just want to make sure that we understand each other, that we're talking about the same thing.
Did you have documents that are described in paragraph 8 within your possession, custody or control?
A Yes.
Q And you have not produced those documents here today based on a claim of legislative privilege; is that correct?
A That's correct.
Q And then finally paragraph 9 identifies various draft legislative redistricting maps prepared by Tad Ottman. Do you see that description?
A Yes.
Q You had those materials within your possession, custody or control; is that correct?
A That's correct.

Q And you did not produce those today based on the assertion of legislative privilege, correct?
A That's correct.
Q Let's talk about the documents that you did produce today, Mr. Ottman. I've marked them as Exhibit 33-A, that's sitting in front of you. And actually, I also want to -- there was a group of exhibits that was produced or documents produced yesterday by Mr. Foltz as well. We might refer to some of those. I'm going to leave those out for just a second.
I'd like you to take a look at the first page of Exhibit 33-A. And at least on the copy that I have, there is, on the very first page, it's an e-mail, it looks like an exchange, up at the top it says Tad and Adam, and then there's a signature line that says Thank you, Tony. Who is the Tony that's referred to there?
A That is Tony Van Der Wielen with the Legislative Technology Services Bureau.
Q And this appears to be an e-mail exchange between you and Mr. Van Der Wielen; is that correct?
A I believe he's responding to the below e-mail between me and Ryan Squires, also from Legislative Technology Services Bureau.

Q And did this e-mail exchange have to do with some technical difficulties that you were having with the software?

A That's correct.

Q What's the software that you were using and seeking technical support on?

A AutoBound.

Q The autoBound software is the software you generally used for the purpose of accomplishing the redistricting, correct?

A That's correct.

Q What version of autoBound were you using?

A I don't recall.

Q Had you used autoBound software previously for the purpose of redistricting?

A I had.

Q Did you use it in the 2000 -- for the purpose of the redistricting following the 2000 decennial census?

A I did.

Q And did you use it for the purpose of redistricting following the 1990 decennial census?

A I don't recall.

Q Was the version of autoBound that you used in 2011 different than the version of autoBound that you

used following the 2000 census?

A Yes.

Q Were there some new features to autoBound for the purpose that -- strike that question. Were there some new features to the version of autoBound that you used for the 2011 redistricting?

A I don't recall.

Q Do you recall any features that were available to you that you used for the redistricting in 2011 that you did not use for the redistricting following the 2000 decennial census?

A I don't recall the differences.

Q The next page -- you can turn the page. The next set of documents here within Exhibit 33-A, I've got a packet that's stapled together. The very first page has a Gmail header, and it appears to be a printout from your Gmail account; is that correct?

A That's correct.

Q Up in the header line, just below the Gmail logo, it says MALDEF 2 messages; do you see that?

A Yes.

Q And at least the very first page here, it appears to be an e-mail from Jim Troupis to you and Mr. Foltz with some additional copies, correct?

A That's correct.

Q And there's a date of Tuesday, July 12, 2011, at 3:32 p.m., correct?

A That's correct.

Q Now, the substance of, the substance of Mr. Troupis's e-mail appears to have been redacted; is that correct?

A That's correct.

Q Who did that redaction; did you do that redaction?

A That was done by counsel.

Q So the text that appeared in Mr. Troupis's e-mail was in the e-mail that you gave to Mr. McLeod; is that correct?

A That's correct.

Q Do you know why the text was redacted?

MR. McLEOD: I mean, I think the question, Doug, goes to issues of law related to the assertion of attorney-client privilege. I assume Mr. Ottman understands that and can answer, but ultimately those are decisions made by counsel on the basis of legal determinations. I don't know that I necessarily have an objection to raise that would instruct him not to answer that particular question, but I'm concerned about

the nature of the questions about him, asking him for some understanding about legal determinations that were made by counsel as to issues of privilege.

MR. POLAND: The reason I ask the question is that there's blank space there, and there's no indication that anything was redacted, and so that's why I'm asking the question. I want to make sure that I understand what the assertion of privilege is as to why the information was redacted there.

MR. McLEOD: And let me just respond. If there's some -- if we need to provide revised versions of these e-mails indicating the redaction of information, if it's not otherwise obvious, we'll do that in order to make sure we're complying with our obligations to identify, you know, the redaction of information and to assert the privilege specifically. But certainly anywhere where there's communication between attorney-client here on any of these communications, the substance of the text will have been redacted.

MR. POLAND: And will it have been

redacted, Eric, on the basis, the assertion of attorney-client privilege?

MR. McLEOD: That's correct.

MR. POLAND: Is it also legislative privilege that's being asserted, or is it just attorney-client?

MR. McLEOD: I think it's attorney-client privilege.

Q Mr. Ottman, the copies of the Gmail printouts that you had in your possession did contain text in e-mails from Mr. Troupis to you, correct?

A That's correct.

Q And it's your understanding that some of that text, not all of it, but some of that text, that's in this e-mail packet that starts out on July 12, 2011, is being redacted based on the assertion of attorney-client privilege; is that correct?

A That's my understanding.

Q And that's an assertion of privilege that's been made by your counsel, correct?

A That's correct.

Q As far as you know, that's a determination made by counsel?

A Yes.

Q Generally, what was the subject matter of the e-mail that Mr. Troupis sent to you on July 12, 2011?

MR. McLEOD: I'm simply going to point out that you're asking for the subject matter, not the substance or the actual text of any communication. To the extent that you're asking for the subject matter, not any substance, I think it's an appropriate question, but to the extent that the question seeks the actual information contained in the text of the message, I would assert on the grounds of attorney-client privilege. Subject to that, Mr. Ottman can certainly answer the question.

Q What's the general subject matter of the e-mail that Mr. Troupis is sending to you?

A It has to do with MALDEF's consideration of maps for Assembly Districts 8 and 9.

MR. POLAND: I need to ask about the substance of the communication. Obviously I'll give you an opportunity to assert an objection.

Q What was the -- what did Mr. Troupis say about MALDEF's review of proposed districts, Assembly Districts 8 and 9?

MR. McLEOD: Assert the attorney-client privilege and instruct Mr. Ottman not to answer concerning what Mr. Troupis, counsel for the legislature here, actually said. Instruct Mr. Ottman not to answer that question.

Q Are you going to follow counsel's instruction not to answer that question?

A I am.

MR. SHRINER: Could we perhaps stipulate that Mr. Ottman will always follow counsel's instruction not to answer the question and thereby save 20 minutes?

MR. POLAND: I don't think it will save 20 minutes.

MR. SHRINER: Okay. Well, it just occurred to me. We do that sometimes, it does save some time.

MR. POLAND: We do. We do.

Q There is a file, Mr. Ottman, that appears to have been attached to an e-mail from Elisa Alfonso, and this is about three pages in. Appears about the middle of the page, that third page in, it says WI House MALDEF Plan2 Zip. Do you see that?

A Yes.

Q What was that file?

A That was a proposal drawn by MALDEF for Assembly Districts 8 and 9.

Q Is that file -- has that file been produced or is it among the materials that you've produced here today?

A It is.

Q Is that one of the maps that's attached to the e-mails, or did you produce it in an electronic form?

A That was produced electronically.

Q So it's going to be on the disk that you produced today?

A Yes.

Q For the record, I'm going to hand you a copy of what's been marked as Exhibit No. 34. Can you identify that please?

A Yes.

Q And what is that, what is Exhibit 34?

A These are the electronic files produced in response to the subpoena.

Q Okay. So this file that's referred to in Elisa Alfonso's July 11th e-mail to Mr. Troupis is contained on that disk; is that correct?

A That's correct.

Q I'd like you to turn then to the next page of Exhibit 33-A, or the next page of that printout of Gmails. Do you see about the middle of the page down, there is a line, a header that says from TOttman sent Monday, July 11 to Jim Troupis. Do you see that?

A Yes.

Q And then just below that, in brackets, it says Quoted text hidden. Do you see that?

A Yes.

Q Do you know what that quoted text is?

A I believe that was a repeat of an earlier e-mail, so that it wasn't duplicated on the e-mail chain.

Q Is that anything that you specifically hid or turned on some feature to hide that text when you printed out these e-mails before you gave them to Mr. McLeod?

A No.

Q It automatically does that, the Gmail program automatically does that?

A That's correct.

Q Turn to the next page please. Do you see there's an e-mail from Mr. Troupis to Elisa Alfonso and Alonzo Rivas dated Monday, July 11, 6:41 p.m., and

the subject matter says MALDEF WI House Plan (2nd Edition). Do you see that?

A Yes.

Q Mr. Troupis states in that e-mail, "I like your proposal. We've taken it a bit further. Here is a comparison of MALDEF's proposal to a suggestion we think might work a bit better." Do you see that?

A Yes.

Q Did you have any discussions with Mr. Troupis about why he believes that, that the suggestion might work a little bit better -- or work a bit better?

MR. McLEOD: Can you read that question back for me please?

(Question read)

MR. McLEOD: I'm going to -- to the extent the question merely asks for the fact of a communication about that subject, I think it's appropriate. To the extent the question asks for the substance of any communication or the information conveyed between attorney-client, I would object on the grounds of attorney-client privilege. Subject to that objection, you can answer the

question.

A I spoke with Jim Troupis about that.

Q Did you speak with anyone else about the suggestion that Mr. Troupis stated we think might work a bit better?

A Not that I recall.

Q Was anyone else present for any conversation or communication that you had with Mr. Troupis about that topic?

A No.

Q Did Mr. Troupis tell you why he thought that suggestion might work a bit better?

A I don't recall.

Q Do you know why Mr. Troupis thought that suggestion he had might work a bit better?

MR. McLEOD: Can you read that back for me please.

(Question read)

MR. McLEOD: I'm going to object to the form of the question. I'm also going to object to the extent that it seeks to elicit the substance of a communication between Mr. Troupis as counsel and Mr. Ottman as client. So to the extent you can answer the question without discussing the substance of

any specific communication between you and Mr. Troupis, you may answer.

A I described the proposal to Mr. Troupis. I don't know how he came to his conclusion.

Q Who come up with that proposal that Mr. Troupis is suggesting in his e-mail?

A That is something that I and Adam Foltz worked on.

Q Did you and Mr. Foltz work with anyone else on that proposal?

A No.

Q Did you work with Dr. Gaddie on that proposal?

A No.

Q Just the two of you worked on it?

A Yes.

Q What was the basis for coming up with that proposal?

A We looked at the suggestion made by MALDEF for how to configure those districts, and identified ways that we thought could accomplish the goals that it appeared they were trying to reach, but that would involve less disruption to the plan that had been introduced at that point.

Q When you say would involve less disruption, what do you mean by that?

A Their plan went outside the boundaries of several assembly districts that would have required reconfiguration. The alternative that we proposed confined the changes to two assembly seats.

Q Were there any other reasons that you felt the proposal that you had or you came up with might work a bit better than MALDEF's proposal?

A Those were the primary reasons.

Q And you did have discussions with that about -- strike that. You did have discussions with Mr. Troupis about that subject, correct?

A Correct.

Q And counsel has interposed an objection to that. To the extent that your communications with Mr. Troupis are privileged, are you going to follow counsel's instruction not to disclose those conversations?

A I am.

MR. POLAND: Just to respond to Tom's point before, I will assume that we can --

MR. SHRINER: You can do it any way you can.

MR. POLAND: Well, I will assume that we can stipulate that as far as anything that's redacted in the e-mails, the assertion

is the grounds of attorney-client --

MR. McLEOD: That's correct.

MR. POLAND: -- privilege.

MR. McLEOD: And, Doug, if you want me to provide you with a revised version of this showing redacted attorney-client privilege, I can do it. I thought it was self-evident based on the to and from lines listed on the e-mail.

MR. POLAND: Truth be told, I couldn't always tell where there was material redacted. It would be helpful, Eric, if you would do that.

MR. McLEOD: I will agree to do that.

MR. POLAND: Thank you.

Q Mr. Ottman, continuing to look through this printout of e-mails, there is, two pages back from the page we were just looking at, there is an indication there is an attachment of a file that says Comparison of 64-50 maps.PDF. Do you see that reference? This is four pages from the end of that stapled packet you have there.

A Yes.

Q What is that file?

A That is a file that contains a print -- I believe that one contains a printout of the plan proposed by MALDEF with an overlay of the proposal that we sent back to them.

Q Is that a file that is on the disk that you're producing today in Exhibit 34?

A It is.

Q Let me ask you, we had some documents produced in hard copy yesterday by Mr. Foltz, and I'm referring to Exhibit 25 for the record. We had -- there was a printout of maps that was attached to some documents in the materials that Mr. Foltz produced, and I just wanted to hand these to you. These are two maps, again, that are contained in Foltz Deposition Exhibit 25. Want to just hand that to you. If you could take a look at that particular page and then the next page. Does that -- does the page that you're looking at right now appear to be a comparison that you're referring to?

A It appears to be.

Q But in any event, that -- the PDF file, the comparison file you're referring to is on the CD that was produced to us today, correct?

A That's correct.

Q Would you turn to the third page back from the stapled group of e-mail correspondence that you have there? And I'm looking specifically, there's an e-mail from Elisa Alfonso dated Tuesday, July 12, 2011, at 11:41 a.m. Do you see that?

A I do.

Q And it's sent to Mr. Troupis and Alonzo Rivas. Do you see that?

A Yes.

Q And the e-mail says, "Jim, Alonzo is out this morning and won't be back until this afternoon. In regards to the MALDEF map, we will go with the recommendation that you made last night." Do you see that?

A Yes.

Q Do you know which recommendation is being referred to there?

A It's my understanding that it's the alternative configuration for Assembly Districts 8 and 9 referred to in that PDF.

Q And also referred to in Mr. Troupis's e-mail that we just went through?

A Correct.

Q The paragraph -- the next sentence down, it says, "As for tomorrow, we are unfamiliar with the process. Does it have to be oral testimony or can it be written?" Do you see that language?

A Yes.

Q And is that a reference to the July 13th joint committee meeting?

A That's my understanding.

Q Had there been a discussion with MALDEF about providing testimony at that hearing?

A I don't know.

Q Were you involved in any communications with MALDEF regarding testimony that anyone from MALDEF would give at the July 13, 2011 joint committee hearing?

A No.

Q Did you discuss with anyone the possibility of having a representative of MALDEF testify at the July 13, 2011 hearing?

MR. McLEOD: To the extent that calls for communications between you and counsel, I would object on grounds of attorney-client privilege. If the question seeks to elicit information outside of the scope of that privilege, you may answer.

Q Did you have -- let me take it two different ways. Did you have any communications with counsel about

a representative of MALDEF testifying at the July 13th hearing?

MR. McLEOD: And I'll note, and I think what you're asking, Doug, is for the fact of any communication --

MR. POLAND: Correct.

MR. McLEOD: -- about that issue, not for the substance, and in which case you may answer, mindful of the objection concerning attorney-client privilege that would relate to the substance of any such communication.

A Yes.

Q And which specific counsel did you have those conversations with?

A Jim Troupis.

Q Did you have conversations with any other legal counsel about the possibility of having a MALDEF representative testify at the July 13th hearing?

A Not that I recall.

Q And what did you and Mr. Troupis discuss with respect to any representative of MALDEF testifying at the July 13, 2011 hearing?

MR. McLEOD: I'm going to assert the attorney-client privilege and instruct

Mr. Ottman not to answer that question.

Q Are you going to follow counsel's instruction and not answer the question?

A Yes.

Q Other than legal counsel, did you have conversations with anyone else about a representative of MALDEF testifying at the July 13, 2011 hearing?

A Not that I recall.

Q The next e-mail down on that page appears to be an e-mail from Mr. Troupis dated July 12th, and that's to Elisa Alfonso and Alonzo Rivas. Do you see that?

A Yes.

Q In the text of the e-mail, Mr. Troupis states -- this is about three -- this is the third line down I think of the text, he states, "We would like to ensure that the concerns of the Latino community are addressed." Do you see that?

A Yes.

Q Other than MALDEF, do you know whether any other representatives of the Latino community -- strike that question. Other than MALDEF, do you know whether the concerns of any other members of the Latino community were solicited?

A Yes.

Q What other members of the Latino community were solicited to give their concerns about redistricting?

A Zeus Rodriguez.

Q And who is Zeus Rodriguez?

A I'm not certain which organization, if any, that he's affiliated.

Q Did you ever speak with Zeus Rodriguez?

A I did.

Q When did you speak with Zeus Rodriguez?

A I don't recall exactly. I believe there are some responsive e-mails in here with the dates.

Q There are, okay. Did you ever correspond with Mr. Rodriguez other than by e-mail?

A I spoke with him on the phone as well.

Q How many times did you speak with Mr. Rodriguez on the phone?

A I don't recall.

Q Was it before the July 13, 2011 hearing?

A Yes.

Q Was it before you had arrived at a version of the redistricting plan that was reflected in Act 43 that was submitted to the legislature?

A Could you clarify that?

Q Sure. At some point in time, there was a version of Assembly Districts 8 and 9 that was finalized in such a way that it was submitted to the legislature for the legislature's consideration, correct?
A Correct.
Q And these are Assembly Districts 8 and 9 in Milwaukee we're talking about?
A Yes.
Q Did you speak with Mr. Rodriguez before the time that Districts 8 and 9 were in that form that was submitted to the legislature?
A No.
Q So it was after Districts 8 and 9 were set in the form that was submitted to the legislature that you spoke with Mr. Rodriguez?
A It was after the time that the original bill draft with the state map was submitted.
Q Did Districts 8 and 9 -- strike that. Did the boundaries of Assembly Districts 8 and 9 change after the time that you spoke with Mr. Rodriguez?
A Yes.
Q How did they change?
A They were -- there was an amendment adopted that reflected the alternative configuration of 8 and 9.

Q And was that the alternative that was suggested by Mr. Troupis in the e-mails that we looked at before?
A That's correct.
Q Did you ever send that alternative to Mr. Rodriguez?
A Yes.
Q Did you have a conversation with Mr. Rodriguez about that?
A Yes.
Q Are we going to see that in the e-mails that were produced?
A Yes.
Q Did you ever meet face-to-face with Mr. Rodriguez?
A I did not.
Q In the e-mail that we were just looking at from Mr. Troupis, the next sentence continues on and says, "This morning I asked staff to consult with our Legislative Reference Bureau on these alternatives as they must ultimately draft any amendment." Do you see that?
A Yes.
Q Are you the staff that Mr. Troupis asked to consult with the LRB?

A Yes.
Q Do you know whether Mr. Troupis asked anyone else to consult with LRB on this specific, on Districts 8 and 9?
A He may have asked Adam Foltz as well.
Q Do you know whether he did?
A I don't recall.
Q And did you consult with the LRB on these alternatives?
A Yes.
Q What was the substance of your conversations with LRB?
A I provided LRB with a copy of the alternative configurations for Assembly Districts 8 and 9 and asked them to draft that as a simple amendment.
Q And so that's the nature of the consultation -- or the word *consult* is in Mr. Troupis's e-mail. That's the nature of your communication with LRB?
A That's correct.
Q If you turn the page, you'll see an e-mail from Mr. Troupis to Elisa Alfonso and Alonzo Rivas dated July 11th at 6:41 p.m. Do you see that?
A Yes.
Q And we've seen the text of, some of that e-mail at least we saw in an earlier e-mail, correct?

A That's correct.
Q There also is a reference there to HVAP numbers under the two plans; do you see that?
A Yes.
Q What does HVAP refer to?
A Hispanic voting-age percentage.
Q Is it percentage, or is it population?
A It is percentage.
Q And what does that percentage measure?
A That measures the proportion of the district under those alternatives of Hispanics over the age of 18.
Q Does it account for citizenship?
A Not that I'm aware.
Q And so the numbers that are there, if we look, it says MALDEF, correct, and then under that it says AD 8 60.10, correct?
A Correct.
Q And under that it says AD 9 53.00?
A Correct.
Q And what does MALDEF stand for?
A I believe it's the Mexican American Legal Defense Education Fund.
Q And where it states AD 8, that's referring to Assembly District 8?

A That's correct.
Q Is the 60.10 an expression of a percentage?
A It is.
Q So that would be 60.10 percent of the Hispanic voting-age population in Assembly District 8?
A Correct.
Q And that's the proposed Assembly District 8 or the one that was proposed by MALDEF, correct?
A The one proposed by MALDEF.
Q And below that is Assembly District 9, MALDEF's proposal would have a 53 percent Hispanic voting-age population?
A That's correct.
Q Below that, it sets out, quote-unquote, Our Alternative. Do you see that?
A Yes.
Q And that's the alternative that Mr. Troupis had proposed, correct?
A Correct.
Q Are those the percentages that ended up eventually being adopted?
A Yes.
Q Who made a determination that those are the percentages that would be included in Act 43?
A The legislature.

Q Who drew the districts, District 8 and District 9, so that they would be formulated to have those percentages of Hispanic voting-age population?
A Adam Foltz and I worked on those.
Q Did anyone else work with you and Mr. Foltz to come up with those districts?
A No.
Q How did you decide that the Hispanic voting-age population in Assembly District 8 would be 60.52 percent?
A That was a determination by running the autoBound software on the proposed map configuration that we came up with.
Q And how did you decide to configure Assembly District 8 so it would result in a 60.52 percent Hispanic voting-age population?
A That was arrived at by looking at MALDEF's alternative proposal, and working to make the changes within the confines of Assembly District 8 and 9 rather than go outside into other districts that would require further reconfiguration under the MALDEF proposal.
Q And the differences between the MALDEF proposal and your proposal were not limited simply to the percentage of Hispanic voting-age population,

correct?
A Correct. It was selection of ward, different wards to include in the district made under the different proposals.
Q And was that done on a ward basis or was that done on a census block basis?
A I believe that was done on a census block basis.
Q Who made the determination to do that on a census block basis?
A That was a determination that Adam Foltz and I made.
Q Why did you use census blocks instead of wards?
A For population reasons.
Q What do you mean by population reasons?
A The -- we didn't have new wards for that area of the state. The old wards were of substantially larger sizes, so in order to even out the populations, in Milwaukee, we did a live drawing map at the census block level.
Q When you were involved in the redistricting following the 2000 decennial census, was that accomplished with census blocks or wards?
A That I believe was accomplished with wards.
Q When you were involved with the redistricting after the 1990 decennial census, was that

redistricting accomplished with census blocks or wards?
A That I believe was also accomplished with wards.
Q Why did you not wait to do the redistricting until after the ward process had played out in the state of Wisconsin?
A The legislature wanted to move at an earlier time.
Q Did anyone specifically tell you that it wanted to move at an earlier time?
A The timing was up to legislative leadership.
Q Who made the determination that census blocks should be used instead of wards?
A There -- the new wards weren't available, so that was the only thing we had to base it on.
Q So was that a decision that you made?
A Yes.
Q Do you know who in the legislature made the determination to go forward with the redistricting process before the ward process was complete in Wisconsin?
A I believe the scheduling was all done by the assembly and senate organization committees.
Q Was there any reason that you were made aware of of why the scheduling was done such that the redistricting was to be accomplished before the

ward process had played itself out in Wisconsin?
A Not that I was specifically made aware of.
Q Among the differences in the proposal that MALDEF had made versus the proposal that you set forward, there was a difference in the configuration of the districts as well, correct?
A Correct.
Q And that's reflected on the maps that you have produced in Exhibit 34?
A That's correct.
MR. POLAND: I want to pause for just a moment. Peter, have you received an e-mail yet with the scanned documents?
MR. EARLE: Not yet. I've been checking. No.
Q Mr. Ottman, if you flip to the next document that's in that stack, there is a numbered list of 13 items. What is that document?
A That is a document of my notes from a conversation with technical support on how to fix a problem I was having with the software.
Q Who is the conversation -- the conversation was with LTSB staff; is that correct?
A That's correct.
Q The next page in the stack, my stack at least, is

five pages stapled together. On the very first page, there is an e-mail from Mr. Van Der Wielen to you and Mr. Foltz, it would appear; is that right?
A Yes.
Q And if I turn the page, it states disenfranchisement report; do you see that?
A Yes.
Q And there's a date given of May 20, 2011?
A That's correct.
Q What is this disenfranchisement report?
A This is a sample report that he attached to an e-mail. He was working on adding a feature to the software to automatically calculate disenfranchisement.
Q And did he successfully add that feature to the software?
A Not to my version.
Q Not to your version of the software?
A Correct.
Q Were you ever able to modify your version of the software to be able to print a disenfranchisement report?
A No.
Q And when we're talking about the software, we're

talking about autoBound, correct?
A That's correct.
Q You had your own copy of autoBound that you were working with?
A I did.
Q And so Mr. Van Der Wielen, did he have a different version of autoBound, do you know?
A No, I believe he had the same version.
Q Do you know why he was able to print a disenfranchisement report but you couldn't?
A As the e-mails explain, his attempt to create the report didn't generate accurate numbers, and I was never able to get it to work, what he had created, I was never able to get that to work correctly on my software.
Q So on this page here that's labeled Disenfranchisement Report, dated May 20, 2011, are these numbers not accurate?
A Those I believe are sample numbers that he created to test his own software on his computer using his data.
Q So they do not represent actual disenfranchisement numbers that would pertain to the redistricting in Wisconsin?
A That's correct.

Q After that stapled packet, there is a single page, up at the top it says Hi Ted and Adam. It starts out by saying, "We will be clipping the Great Lakes and Lake Winnebago water from the entire statewide 10 database." Do you see that?
A Yes.
Q And this comes from Ryan Squires at the LTSB?
A That's correct.
Q What is the statewide 10 database that Mr. Squires is referring to?
A That is the file folder containing the census information.
Q Do you know the date of this e-mail that Mr. Squires sent?
A I do not.
Q Do you know whether this e-mail came out before the census data were released?
A It came out after.
Q Do you know when the census data were made available?
A I don't recall the exact date.
Q Do you know roughly, which month at least it was?
A I believe it was in March.
Q The next page is another e-mail from Mr. Van Der Wielen at the LTSB. Do you see that? And up at

the top, it says Tad and Adam. It starts out, "Can you run through the following steps in autoBound"?

A Yeah.

Q The next sentence at the top of the e-mail says, "This will prepare your database for the 2010 state senate election data." Do you see that?

A Yes.

Q Do you know whether this e-mail was sent to you before the census data became available?

A Yes. It came after.

Q It came after?

A Yes.

Q Why were -- why did you need to have the database prepared for the 2010 state senate election data?

A The database was not set up to receive the data in the form that LTSB had it.

Q Why did you need the 2010 state senate election data?

A To evaluate some of the maps that we were working on.

Q And in what way did you need to evaluate some of the maps that you were working on using the -- by using the 2010 state senate election data?

A We would look at maps that had been drawn and then

just evaluate them looking at election statistics to see how they may perform based on old election data.

Q And why did you need to do that?

A It was part of the analysis that we provided.

Q Why did you engage in that analysis?

A It was in preparation for discussion with legislators about map alternatives.

Q Did you and Mr. Ottman both work with the 2010 state senate election data?

A Yes.

MR. POLAND: Did I say Ottman or Foltz? I said Ottman.

THE REPORTER: (Indicating)

Q Did you and Mr. Foltz both work with the 2010 state senate election data?

A Yes.

Q Did anyone else work with that data along with you and Mr. Foltz?

A Not that I recall.

Q Did Mr. Handrick ever work with the 2010 state senate election data?

A Not that I recall.

Q Did you ever have any discussions with Mr. Handrick about the use of the 2010 state

senate election data?

A I may have had a conversation that it was available.

Q And what was the nature of that conversation?

A Just informing him that that data was included as part of the software.

Q Why would you have told Mr. Handrick that?

A As part of general discussions of what tools were available to evaluate different maps.

Q Did you and Mr. Handrick have other discussions about using previous election data in the redistricting process?

A Yes.

Q What was the nature of those discussions?

A It was discussions related to what data do we have available to evaluate the maps that we produce.

Q And what was the use that was being made of the previous election data?

A We would look at draft maps that had been prepared, and then look at what the election data, had those maps been in existence, may have provided.

Q What kind of information or insight could the previous election data give you about the maps that you were drawing?

A It could tell you whether or not the maps were responsive to previous election cycles.

Q In other words, if you were drawing lines in certain places for districts, it could tell you how those districts might perform in the next round of elections?

A I don't know that it could -- I don't have enough expertise to say how future elections might perform.

Q Did you ever have that kind of a conversation with Mr. Handrick?

A About future election performance?

Q Correct.

A Not that I recall.

Q Did you ever have any conversations with anyone about how districts that you were drawing might perform based on past election results?

A Yes.

Q Who did you discuss that issue with?

A Legislators.

Q Which legislators did you discuss that with?

A The leadership legislators, Senator Fitzgerald and Senator Zipperer, Representative Fitzgerald, Representative Vos, Representative Suder.

Q And what was the nature of those conversations that you had with the legislators?

MR. McLEOD: I'm going to assert a legislative privilege. If you're looking for the substance of those conversations, I think it's subject to the legislative privilege for the reasons we've articulated in the prior objections. The fact of conversations I think are outside of the scope of that privilege, but if you're going to go further, then I'm going to have to instruct Mr. Ottman not to answer on grounds of legislative privilege.

Q Are you going to decline to answer the question based on counsel's instruction?

A I am.

Q How many times did you speak with the legislators about the use of prior election data in drawing the 2011 maps?

A I don't recall.

Q Do you recall when those conversations occurred?

A I don't recall exactly.

Q Do you know how many conversations you had with the legislators about the use of prior election results?

A I don't recall.

Q In addition to the 2010 state senate election data, were there other election result data that you received and that were included in your autoBound database?

A Yes.

Q What data were those?

A I believe that was statewide election results from 2002 through 2010.

Q Have you produced any of those materials today?

A I don't believe so. The software that Adam produced yesterday I believe had that information.

Q Was it actually on the disk produced in electronic form?

A I believe so.

Q I'm going to refer again to Exhibit 25 that Mr. Foltz produced yesterday, and the very last page, there were some printouts. Actually, I don't think -- let me hand you a copy of that document. This is the last page of Exhibit 25 from yesterday. Does that reflect previous election results?

A Yes.

Q There is data, in addition to that data though, that were produced, at least as far as you know, yesterday by Mr. Foltz?

A Yes.

Q And so those previous election results were ultimately included in the autoBound database that you used to draw the map that was reflected in Wisconsin Act 43?

A It was used to evaluate maps that had been drawn.

Q Do you know whether that data were actually used to draw the final map that resulted in Act 43?

A Not that I'm aware of.

Q Did you produce drafts or versions of a redistricting plan for assembly districts that used the previous election data included in your autoBound database?

MR. McLEOD: I'm going to object to the form of the question, I think it's vague and ambiguous. To the extent you understand it, please answer.

A I don't understand what you're asking for.

MR. POLAND: Can you read the question back?

(Question read)

A I'm not clear.

Q There were -- the previous election data were included in your autoBound database, correct?

A Yes.

Q And did you produce any maps, whether they were drafts or some kind of a version of a map, based on the previous election data?

A It was used for evaluation purposes of draft maps.

Q So did you actually produce a map either on a screen or in a printed version that was generated at least in part using the previous election data?

MR. McLEOD: I think the question is vague and ambiguous, but to the extent that you can answer it, please do so.

A There were maps that we produced, and then there was evaluation that we did of the maps. The maps were drawn using, you know, population and demographic information.

Q So when you actually drew a map, created a map, and either looked at it on a computer screen or printed out a copy of it, the actual lines that were drawn, the boundaries that were drawn, were not based on previous election data; is that correct?

A Previous election data was used to analyze it.

Q And so how did you go about that analysis, is what I'm trying to get at, using the previous election data?

A Once you had a draft map, then you could look at what the election data would have been in those draft districts.

Q Did you have to print out a copy of the election data? Did you look at it on a computer screen? How did you do that analysis, that comparison between the map and the election data?

A It was available both electronically and by printout.

Q Was that an analysis that you personally made?

A Yes.

Q How many times did you make that analysis or evaluation?

A I don't recall.

Q Did Mr. Foltz also participate in that analysis?

A Yes.

Q Did anyone else participate in that analysis?

A Not that I'm aware of.

Q Just the two of you?

A Uh-huh.

Q Were you instructed by anyone to engage in that analysis?

A No.

Q You decided on your own to do that?

A Yes.

Q Did you discuss the results of that analysis with

anyone?

A The draft maps that were discussed with legislators included discussion of that analysis.

Q Which legislators did you discuss the -- that analysis with?

A Senator Fitzgerald, Senator Zipperer, Representative Fitzgerald, Representative Vos, Representative Suder.

Q And so those are the same legislators you identified previously, correct?

A That's correct.

Q What was the substance of those discussions that you had with those legislators about the analysis that you performed using the voting data?

MR. McLEOD: I'm going to assert the same legislative privilege objection. If you're talking about the substance of those communications, I think it falls within the scope of that privilege. The fact of the communication may not, but the substance does, and I'll instruct Mr. Ottman not to answer accordingly.

Q And you're going to follow counsel's instruction not to answer the question?

A I am.

Q If you turn two pages later in the documents that are in front of you, you'll see an e-mail, it starts at the top Hi Adam and Tad. Then down at the bottom it has a number of addresses, correct? This was the one that Mr. Hassett was asking you about before. It might have been put out of place in the stack that I have or perhaps the stack that you have. I just want to make sure we're looking at the right thing, the same thing.

A What does it start with?

Q This is the one that Mr. Hassett was asking you about before, the e-mail starts out Hi Adam and Tad.

A Oh. Is this regarding the congressmen's addresses?

Q Correct.

MR. POLAND: Did Scott, he didn't mark it as a separate exhibit, did he?

MR. SHRINER: (Indicating)

A Is this the e-mail?

Q That's the right one, yes. And that is, I just wanted to confirm, that's the e-mail that Mr. Hassett had asked you about before; is that correct?

A Yes.

Q All right. You can set that to the side.

The next document that I have is a Gmail printout from your Gmail account, it says Assembly map 2010 versus 2000. Do you see that?

A Yes.

Q And it says to tottman@gmail.com, and then below it says from Dana Wolff. Do you see that?

A Yes.

Q Who is Dana Wolff?

A She works for the Legislative Technology Services Bureau.

Q And there is a file attached, as indicated at the bottom of the page, correct?

A Yes.

Q PDF file. Is that printout that's attached to this e-mail the same file?

A Yes, it is.

Q If you turn then to the next document, again, this is a printout of a Gmail, appears to be from your Gmail account; is that correct?

A Which document?

Q Okay. I should identify that. The top, there's a caption, it says tottman@gmail.com. It says to Joseph Handrick, Jim Troupis, Eric McLeod, with a CC to Adam Foltz, and the date is

February 24, 2011. Do you see that?

A Yes.

Q When was the first time that you worked with Mr. Handrick on the redistricting?

A I worked with him on the districting -- redistricting following the 1990 census.

Q Okay. And we'll get back to that. For the purpose of the 2011 redistricting, when was the first time that you worked with Mr. Handrick for the purpose of that redistricting?

A I -- I'm not clear exactly on what you mean.

Q Well, this is an e-mail dated February 24, 2011, correct?

A Uh-huh.

Q And I see that there's an exchange between you and Mr. Handrick, correct?

A Yes.

Q And that's -- this e-mail correspondence is for the purpose of redistricting, correct?

A Correct.

Q Had you corresponded, communicated or worked with Mr. Handrick on the 2011 redistricting before February 24, 2011?

A Yes.

Q When did you begin working or corresponding with

Mr. Handrick about the 2011 redistricting?

A I don't recall exactly when.

Q Do you know whether it was in the month of January?

A No. I believe it was earlier than that.

Q Was it before, was it before Christmas a year ago?

A I believe so.

Q Do you know whether he was still employed with his position up at the town of Minocqua when you started working with him?

A I don't recall.

MR. SHRINER: Doug, I could use a break when you reach a convenient point.

MR. POLAND: That's fine. We could break here. Peter, have you received -- sorry, let me stop there. Why don't we go off the record.

(Recess)

By Mr. Poland:

Q Mr. Ottman, just before we broke, we were talking about an e-mail. I think you still have it in front of you. There are a few pages stapled together. The first page of that document is an e-mail from you to Mr. Handrick and some others dated February 24th. Do you have that in front of

you still?

A Yes.

Q And if you turn to the second page, you'll see an e-mail from Catherine Clark McCully, appears to be at the Census Bureau, to Tony Van Der Wielen. Do you see that?

A Yes.

Q There's a reference to shipping Wisconsin on Tuesday by next day Fed Ex. What is she referring to there, if you know?

A I believe that was the census data for Wisconsin.

Q And that's the census data that ultimately was made available and that you relied on and used in the redistricting process?

A That's correct.

Q There are references to different files. If you turn the page, there's a reference to TIGER data and PL data. Do you see that?

A Yes.

Q Up at the top of the page where it says subject. Just below that there are some blank space. Do you see that?

A Uh-huh.

Q Do you know whether that was material that was redacted from this e-mail?

A I don't believe so.

Q What's the difference between TIGER data and PL data?

A I don't know.

Q Do you know whether the data that you used in the census -- strike that. Do you know whether the census data that you used for the purpose of redistricting was TIGER data or PL data?

A I believe it was both, but I don't know for sure.

Q If you -- you can turn to the next document in the stack, which is a single page. Up at the top -- again, this is a Gmail printout. Up at the top it says Map printing assistance. Do you see that?

A Yes.

Q And this is from you to Mr. Van Der Wielen on May 3, 2011, correct?

A Correct.

Q And there's a P.S. line here that says, "P.S., I know Adam has talked to you about the difficulty in switching districts, but it's become a real annoyance working on any new map. If I have to assign a new district from the toolbar, it crashes the program nearly every time once the map is filled with just a handful of districts." Do you see that?

A Yes.

Q What do you mean here difficulty in switching districts?

A When you are drawing a map, you select which district you are drawing, and then when you want to move to another district, you click on it and try and switch to a different district.

Q So that was for the purpose of just drawing each individual district?

A That's correct.

Q Was that the same problem that you had for assembly districts and for senate districts?

A Yes.

Q If you look at the next e-mail that's printed out in this stack, it appears to be an e-mail from you to Mr. Squires at the LTSB, and this is dated Wednesday, May 4th. Do you see that?

A Yes.

Q And you say, "Ryan, this is a picture of what I get when autoBound crashes on me. I was working on a map that has effectively eight assembly districts assigned," and then it goes on from there. Why were you working on a map that had eight assembly districts assigned?

A It was the early process of creating a map.

Q So you only had eight assigned as of that particular time?

A That's correct.

Q It wasn't a map that was going to be limited to just eight assembly districts?

A That's correct.

Q When you started working on your maps, how did you decide which assembly district to start with?

A I don't know that there was any particular reason. Sometimes I would start in one place, sometimes another.

Q Was there any type of criteria that you considered in trying to decide where to start in configuring assembly districts?

A Just the basic redistricting criteria.

Q What are the basic redistricting criteria?

A Equal population, sensitivity to minority concerns, and compact and contiguous districts.

Q And what about those criteria would cause you to start with a specific assembly district in a specific area of the state?

A Well, sensitivity to minority concerns would cause you to start in Milwaukee.

Q Are there any other assembly districts in the state of Wisconsin that impact minority concerns?

A I'm not aware of the legal requirements elsewhere.

Q Did you have any discussions with anyone about how to accommodate sensitivity to minority concerns?

A There were discussions with counsel.

Q Which counsel did you have those discussions with?

A Jim Troupis, Eric McLeod.

Q And what was the substance of those conversations that you had with Mr. Troupis and Mr. McLeod?

MR. McLEOD: I'm going to assert the attorney-client privilege regarding the substance of communications between Mr. Ottman and counsel, instruct him not to answer.

Q Are you going to follow counsel's instruction and not answer the question?

A Yes.

Q Other than Mr. McLeod and Mr. Troupis, did you have any discussions with anyone else about how to accommodate sensitivity to minority concerns in drawing assembly districts?

A There were discussions with Keith Gaddie.

Q And Keith Gaddie is a professor; is that correct?

A Professor at Oklahoma, yes.

Q What was the nature of your discussions with Dr. Gaddie?

A Just kind of general discussions about what legal principles apply, what we should look for in Milwaukee.

Q What did Dr. Gaddie say to you on those issues?

A I don't recall specifics.

Q Did he tell you what legal principles apply?

A I don't recall.

Q Do you recall whether he told you what principles apply?

A He made reference to the Voting Rights Act.

Q Did he tell you the Voting Rights Act applies in Milwaukee County?

A I don't recall.

Q Did Dr. Gaddie work with you on drawing any assembly districts?

A No.

Q If you turn to the next set of stapled documents, there is an e-mail. This is, again, it's a Gmail from your Gmail account. The header says How to Project, p-r-o-j-e-c-t, the plans. Do you see that?

A Yes.

Q And it attaches an original message from Ryan Squires to you, Mr. Foltz, and then Mr. Van Der Wielen, and -- I guess it's just Mr. Van Der

Wielen is the CC. Do you see just below the subject line, it says, "To project old autoBound 9 plan into autoBound 10 projection." Do you see that?

A Yes.

Q Does that refresh your recollection about which version of autoBound you were working at on the redistricting?

A There were periodic updates to the software. I believe some version of autoBound 10 was used, but I don't know if there were subsequent updates.

Q Do you know whether the map that you eventually produced or maps that you eventually produced were produced in autoBound 9 or autoBound 10?

A I believe it was autoBound 10.

Q How many times did you need to update the autoBound software during the redistricting process?

A I don't recall.

Q If you updated the software, would it have been with the assistance of someone from the LTSB?

A Sometimes.

Q Did anyone else assist you with technical questions about the autoBound software?

A No.

Q Did you receive updates from -- on the autoBound software from anyone other than employees of the LTSB?

A There were a couple of downloadable patches, that LTSB directed us to.

Q So they provided a link for you, and you followed those links to the software manufacturer's website, presumably?

A That's correct.

Q If you would turn to the next document that's in this stack. Again, it's a printout from the Gmail account. The header says Voting-age Populations. Do you see that?

A Yes.

Q And this is an e-mail from your account, and it's to a number of different people, it would appear. The first e-mail address that this is sent to it appears is Prospectre, spelled P-r-o-s-p-e-c-t-r-e, @aol.com. Do you see that?

A Yes.

Q Who is that?

A I believe that's Prospectre Rivera.

Q And who is Pro -- I'm sorry, who is that?

A Prospectre Rivera.

Q How do you -- is that, Prospectre, is that

P-r-o-s-p-e-c-t-r --

A I'm not certain of the spelling of his name.

Q And the last name is Rivera?

A I believe so.

Q Who is Mr. Rivera?

A I'm not certain. The third person on the list I believe was Gerard Randall, and he gave me a couple of e-mails that he requested that I forward this identical information to that are listed here.

MR. EARLE: What exhibit number are we on?

MR. POLAND: Peter, this is Exhibit 33-A. What I did, we took the stack of materials that Mr. Ottman brought with him this morning. The very first document in that was, that we marked as Exhibit 33, was the documents produced in response to subpoena issued by plaintiffs to Tad Ottman. That was essentially Eric's privilege log. Then marked as 33-A --

MR. EARLE: Okay. These are marked differently, I guess, what I had received in the e-mail. Okay. I'll figure it out.

MR. POLAND: It simply is marked as

a stack of documents that's 33-A, is the rest of the paper copies. And I'm just working through them, so it's not separately numbered or paginated.

MR. SHRINER: The one we're looking at right now, Peter, has got the Gmail symbol at the top left, Tad Ottman and his e-mail address on the top right, and then it's got a heading in rather large type Voting-Age Populations.

MR. EARLE: Okay.

MR. SHRINER: And it attaches e-mails July 12, 2011, or at least one e-mail.

MR. EARLE: Okay. Okay. I'm fine. Thank you.

Q Who is Gerard Randall?

A I'm not certain what he does.

Q But who is he?

A He was a gentleman I was asked to forward this information to to see if he would be interested in testifying.

Q Who asked you to forward this e-mail to Mr. Randall?

A I believe it was Jim Troupis.

Q Did Mr. Troupis tell you why he wanted you to forward this e-mail to Mr. Randall?

MR. McLEOD: I'm going to assert the attorney-client privilege as to any substance regarding such communication. I instruct the witness not answer.

Q Are you going to follow counsel's instruction not to answer?

A Yes.

Q Do you know who Mr. Randall was affiliated with?

A I do not.

Q And so, I had asked you before about Prospectre Rivera?

A Uh-huh.

Q Who is Mr. Rivera?

A I'm not sure who he is affiliated with.

Q You were simply asked to forward this e-mail to him?

A That's correct.

Q And Mr. Troupis asked you to forward that e-mail to Mr. Rivera as well?

A Either Mr. Troupis or Mr. Randall.

Q Mr. Randall might have asked you to forward this e-mail to Mr. Rivera?

A That's possible, yes.

Q Did Mr. Randall tell you why he wanted you to forward this to Mr. Rivera?

A I don't recall.

Q Do you know what Mr. Rivera's affiliation is, who he's affiliated with?

A I don't recall.

Q Do you know where Mr. Randall or Mr. Rivera physically are located?

A I believe Mr. Randall is in Milwaukee.

Q And how about Mr. Rivera, do you know why he is physically located?

A I believe he's in Milwaukee as well.

Q I might have already asked you this. Do you know who Mr. Rivera is affiliated with?

A I don't know.

Q There is another address in this e-mail, rspindell, and that's r-s-p-i-n-d-e-l-l. The e-mail address is rspindell@gottesman-company.com. Do you see that?

A Yes.

Q Who is that person?

A I believe that's Robert Spindell.

Q Who is Robert Spindell?

A I believe he's a Milwaukee County supervisor.

Q Why were you sending this e-mail to

Robert Spindell?

A I was asked to send it to him.

Q Who asked you to send it to Mr. Spindell?

A I believe Jim Troupis did.

Q Why did Mr. Troupis ask you to send this e-mail to Mr. Spindell?

MR. McLEOD: I'm going to assert the attorney-client privilege to the extent the question seeks the substance of any communication between Mr. Troupis and Mr. Ottman. I'm instructing Mr. Ottman not to answer.

Q Are you going to follow counsel's instruction and not answer the question?

A Yes.

Q You state in this e-mail, "Attached is the file with voting populations from the court drawn map in 2002. The African-American districts we are talking about are Assembly Districts 10, 11, 12, 16, 17 and 18." Do you see that?

A Yes.

Q Did you personally draft the text of this e-mail?

A Yes.

Q Did Mr. Troupis give you the language to include in the text of the e-mail?

A I don't believe so.

Q Attached then at the bottom, there's an indication of an Excel spreadsheet that's attached; is that correct?

A That's correct.

Q Is that spreadsheet among the materials that you've produced today?

A It's on the electronically reproduced disk.

Q So it's contained on the disk that is Exhibit 34?

A That's correct.

Q What is contained in the Excel spreadsheet that is attached to this e-mail?

A I believe it's population and demographic information for those districts.

Q And that was from the, as you indicate in the e-mail, from the court drawn map in 2002?

A Correct.

Q The statement that reads -- or the sentence that reads, "The African-American" --

A Let me correct that. I think these percentages, it says they're under SB 148. So I think, I think that is what the table is. I would have to look at the table again to refresh my memory.

Q At the Excel spreadsheet itself?

A Yes. Yeah.

Q The e-mail states, "The African-American districts we are talking about Assembly Districts 10, 11, 12, 16, 17 and 18." Do you see that?
A Yes.
Q You say in the e-mail *We are talking about*. What did you mean by that?
A That those were the districts with the applicable minority percentages, voting-age percentages listed below.
Q Why did you say *We are talking about*? Who is talking about these districts?
A I believe that was from my conversation with Mr. Randall.
Q With Mr. Randall?
A Yes.
Q So you and Mr. Randall discussed Assembly Districts 10, 11, 12, 16, 17 and 18?
A Yes.
Q Why were you talking about those districts?
A I was talking to him to see if he or others may be interested in testifying about those districts at the hearing, at the public hearing.
Q Did Mr. Randall end up testifying at the public hearing?
A I don't recall.

Q Did anyone end up talking, testifying about Assembly Districts 10, 11, 12, 16, 17 and 18 at the public hearing?
A I don't recall.
Q And by public hearing, I assume you mean the July 13, 2011 hearing, correct?
A That's correct.
Q Do you know whether Mr. Troupis had conversations with Gerard Randall about those assembly districts?
A I don't know.
Q Were you privy to any conversations between Mr. Troupis and Mr. Randall with respect to those assembly districts?
A No.
Q You go on to state in there, "The Hispanic districts are Assembly Districts 7, 8 and 9." Do you see that?
A Yes.
Q Did you have conversations with Mr. Randall about Assembly Districts 7, 8 and 9?
A I don't recall.
Q Further down in the e-mail, you say, "Under SB 148, below are listed the voting-age percentages." Do you see that?

A Yes.
Q And then you've got Assembly District 10, Assembly District 11, and Assembly District 12, correct?
A Correct.
Q And there are percentages next to each of those, correct?
A Correct.
Q What do those percentages signify?
A Those are the black voting-age percentages for those districts.
Q It was under the proposed new districts, correct?
A Correct.
Q Because this is July 12, and the Act 43 hadn't yet been passed, correct?
A That's correct.
Q Senate District 4 has a percentage attached to it as well, 58.4 percent, correct?
A That's correct.
Q And is that, again, that is the percentage of African-Americans in Senate District 4?
A Of voting age.
Q Of voting age?
A Uh-huh.
Q And Senate District 4 as configured under SB 148?
A That's correct.

Q And then we also have Assembly Districts 16, 17 and 18 and Senate District 6. Again, are the percentages identified next to those districts, that's the voting-age population of African-Americans in those districts?
A That's correct.
Q Under Senate Bill -- I'm sorry -- yes, under Senate Bill 148?
A Correct.
Q Did you have conversations with any of these recipients, Mr. Rivera, Mr. Spindell or Mr. Randall, about the e-mail and the attached Excel spreadsheet after the time that you sent the e-mail?
A I don't recall.
Q Did you have any follow-up communications of any nature with Mr. Rivera, Mr. Spindell or Mr. Randall after the time you sent this e-mail?
A Not that I recall.
Q The next document is a printout of a Gmail from you, and this one is a little bit different in that it says, tad.ottman@legis.wisconsin.gov. Do you see that?
A Yes.
Q And so this is an e-mail that came from your state

e-mail account, correct?
A Correct.
Q And that's an e-mail that you have by virtue of your employment with the State of Wisconsin?
A That's correct.
Q And you sent that to yourself at your Gmail account, correct?
A Correct.
Q Is there a reason that you sent this e-mail from your state e-mail account to your Gmail account?
A Yes, it was easier to track and maintain in my Gmail account.
Q Is that just the nature of the software or the way that the e-mails are kept track of?
A It's more of a personal preference.
Q Just like working with Gmail more than the state e-mail?
A Correct.
Q So you're forwarding to your Gmail account a message from Tony Van Der Wielen that he had sent to you and to Mr. Ottman on March 17th, correct?
A Yes.
Q And the subject says Field Calculations?
A Yes.
Q Mr. Van Der Wielen says, "Here is how the data was

calculated." Do you see that?
A Yes.
Q What is the data that Mr. Van Der Wielen is referring to?
A He is referring to the demographic data that is included with the autoBound software.
Q The demographic data that's included with the autoBound software?
A Yes.
Q When you say included with the autoBound software, what do you mean by that?
A It's the labels that that software generates for the census data.
Q So you have to actually plug the census into the autoBound database, correct?
A Yes. I don't know if that's done by the autoBound folks, I believe that's who does it.
Q So when you receive the autoBound software, it already had a database that was attached to it or incorporated in some way?
A That's correct.
Q Where did you get your autoBound software and database from?
A The legislature ordered the software.
Q Who provided it to you?

A Legislative Technology Services Bureau.
Q On the second page of this printout, after a note, there's a number 18. Do you see that?
A Yes.
Q And then after it, there's a line that says, "This is based on the DOJ guidance that is attached to this e-mail." Do you see that statement?
A Yes.
Q And what is the DOJ guidance that's attached to the e-mail from Mr. Van Der Wielen?
A That is attached on the next page.
Q All right. And so that's the Department of Justice guidance concerning redistricting and retrogression under Section 5 of the Voting Rights Act?
A Yes.
Q Why was Mr. Van Der Wielen sending this to you?
A I believe it was an explanation of the categories that were referenced earlier in the e-mail.
Q Had you asked Mr. Van Der Wielen to send this to you?
A I had asked him for the distinction between some of the categories as to why -- what the labels meant.
Q Those were the labels that were assigned by the

autoBound software?
A Correct.
Q Did you ask him specifically for DOJ guidance on the Voting Rights Act?
A No.
Q Did you make any determinations on your own about whether the Voting Rights Act applied to the redistricting that you were performing?
A I did not.
Q I'd like you to flip forward a few more pages until you come to a document that looks like this. It's got several columns of numbers that are printed out. There you go.
A Yes.
Q And for the record, this is a -- on my copy it's a two-page stapled document. Is yours two pages as well, Mr. Ottman?
A It is.
Q And across the top there are a number of headings, Year, Senate Seats, Dem Inc, I-n-c, GOP Inc, I-n-c, Dem Uncontested, GOP Uncontested, Third Party. Do you see that?
A Yes.
Q What is this document?
A This was a document that Professor Gaddie asked me

to prepare, reflecting election results and state senate races through the decade.
Q Why did Dr. Gaddie ask you to prepare this document?
A I don't know.
Q When did Dr. Gaddie ask you to prepare this document?
A I don't recall exactly.
Q Was it before the time that there was a final map that was sent to the legislature?
A I believe so.
Q Did Dr. Gaddie ask you to prepare this by an e-mail or were you together in person or was this by telephone?
A He asked me in a conversation to prepare this.
Q Was that a conversation in person?
A I believe so.
Q How many times have you met Dr. Gaddie?
A I don't recall exactly.
Q With respect to the 2011 redistricting, how many times did you meet with him personally?
A Perhaps two or three.
Q Were those meetings always at the Michael, Best & Friedrich offices?
A Yes.

Q Dr. Gaddie did not tell you why he wanted you to produce this particular document or prepare this document?
A If he did, I don't recall.
Q Was anyone else present with you and Dr. Gaddie when he asked you to prepare this particular document?
A Adam Foltz I believe was there.
Q And so, let's take a look at, for example, the 2010 election. There is a column that says Senate Seats, correct?
A Correct.
Q And what do those numbers below, in that column, what do they signify?
A Those are the numbers of the senate seats that were up for election in that year.
Q And Dem Inc column, what do those numbers signify?
A I don't recall what the notations in those columns signify.
Q What the numbers mean, you don't recall what they mean?
A I don't recall.
Q What about GOP Inc, do you recall what that number means?
A I don't recall what that number means.

Q Dem Uncontested, do you know what that signifies?
A I believe the title refers to a state senate race that was not -- which a democrat was elected and uncontested.
Q And what about the GOP Uncontested column, what does that refer to?
A That I believe refers to an election in which a GOP senator was elected uncontested.
Q And how about third party?
A That I believe reflects races in which there was a third-party candidate.
Q Did you make any use of this particular document that you prepared?
A No.
Q You just gave it to Dr. Gaddie?
A Yes.
Q Were there other versions of this particular document?
A Not that I recall.
Q Did Dr. Gaddie instruct you to prepare any other documents?
A Not that I recall.
Q Did Dr. Gaddie use this particular document in any way while you were present?
A No.

MR. POLAND: We need to take a break so we can change the videotape.

(Recess)

By Mr. Poland:
Q Mr. Ottman, I'm going to hand you two pages that I have taken from an exhibit that was marked at Mr. Handrick's deposition on Tuesday. For the record, these are two pages that have numbers on them in red and in black, and I'd like you to take a look at that printout. Is that a document that you've seen before?
A Yes.
Q And what is that document?
A I believe that this is a document, as the final map was being drafted, of which districts had been checked to see if there were inaccuracies.
Q And so at the top of that first page, it says districts that have been cleaned up through Thursday night. Do you see that?
A Yes.
Q Do you know what the reference to cleaned up means?
A I believe that means that they have been looked at to see if there are any errors, discontiguities, unassigned blocks, that sort of thing.

Q Who was involved in the process of checking for those errors?

A I believe Joe Handrick, Adam Foltz and I were all involved in that process.

Q Did you perform that analysis, those checks over at the Michael, Best & Friedrich offices?

A Yes.

Q Was anyone else present while you were performing that assessment?

A I don't recall.

Q Were there questions that came up while you were going through that process of cleaning up the districts where judgments had to be made about whether anything on the maps would be changed?

A I'm sorry, could you repeat that question?

MR. POLAND: Can you read the question back.

(Question read)

A Yes.

Q And when there was a decision that had to be made about whether a change would be made to the maps, who made the decision about whether to make a change?

A If I was working on the map, I would make that decision.

Q Did Mr. Handrick make other decisions?

A I don't know.

Q Did Mr. Foltz make other decisions?

A Yes.

Q Do you remember decisions that you made about changing the maps as you were going through this cleaning up process?

A Nothing specific.

Q I note on the two pages you have in front of you, and this is just from my own looking at it, it appears to me that the only difference between the two, is that the number 91 is black on the first page, the number 91 is red on the second page. Do you see that?

A Yes.

Q Does that indicate that a change was made to District 91?

A I don't know.

Q And there are 99 districts in here. Does that indicate the 99 assembly districts?

A That's correct.

Q So as you sit here today, you don't know whether there was a change made to the boundaries of Assembly District 91?

A Correct.

Q You can hand that back to me.

Turning back again to the document that we were looking at before I asked you about Exhibit No. 2. Were there any other versions or iterations of this two-page document that identifies the information from previous elections?

A This document?

Q Correct. Yes. Did you create any other versions or iterations of this document?

A Not that I recall.

Q Did you use it at all in the process of redistricting?

A No.

Q The next document in your stack is an e-mail, this one's on your Gmail account. This is from you to Dr. Gaddie, copying Mr. Foltz, Mr. Troupis, Mr. McLeod, Mr. Taffora, and it's dated July 17th. Do you see that?

A I have two e-mails to Professor Gaddie dated the 17th.

Q Okay. So let's take a look at the one on the first page. Those two are stapled together; is that correct?

A Yes.

Q Let's take a look at the e-mail on the first page?

A Okay.

Q And this is dated Sunday, July 17th, at 11:40 a.m. Do you see that?

A Yes.

Q You state in your e-mail, "Keith, Jim Troupis asked that I have you take a look at the amendment that was adopted in the committee on the Hispanic districts." Do you see that?

A Yes.

Q Did -- do you know why Mr. Troupis was asking you to send this e-mail to Dr. Gaddie?

A I don't recall.

Q Did you have a conversation with Mr. Troupis about sending this e-mail to Dr. Gaddie?

A There was a conversation in which he asked me to send this e-mail to Dr. Gaddie.

Q Did he tell you why he wanted you to send it to Dr. Gaddie?

MR. McLEOD: I'm going to assert -- can you --

MR. SHRINER: He said he didn't remember. You asked him the same question a minute ago.

MR. POLAND: I asked him a

different question.

MR. McLEOD: Can you repeat the last two questions for me.

(Questions and answer were read)

MR. McLEOD: And I'm going to assert the attorney-client privilege as to the substance of that communication between counsel and client here, and instruct the witness not to answer accordingly.

Q **Are you going to follow counsel's instruction not to answer the question?**

A **I am.**

MR. McLEOD: And just so the record is clear, a lot of questions, Doug, are getting at specific communications between the attorneys here and the client. The question, as I understand it, is do you know why Mr. Troupis asked you to send it. Is that correct? Was that the question?

I'm trying to be as -- I'm trying to follow your questions as specifically as possible. If the question was do you know why, I don't think that's subject to the privilege. If you're asking for the specific content of that communication, I'm trying to

make sure that we're asserting the privilege appropriately under those circumstances. But the questions that you're asking of a layperson related to attorney-client privilege communications is creating a lot of problems with respect to the appropriate assertion of the attorney-client privilege. And I want to make sure that the information that you were -- that you're seeking does not elicit the substance of those communications.

That's the nature of sort of my concern here at the moment. I think that the last question simply said do you know why. I think that's either a yes or no, he does or does not. But again, to the extent that what you're seeking is some further description of the content of that communication, I'm going to object on that basis.

MR. POLAND: I'm trying to ask the foundational question first, which should be a non-objectionable question, and depending on -- and I understand. I understand. We're going to disagree about what is covered and what isn't covered. I assume that will be resolved by a court. So to be clear, why don't you read back the last question.

(Question read)

A **I don't recall.**

Q **Do you know if Dr. Gaddie requested that information?**

A **I don't know.**

Q **You say, in the third paragraph, "There was testimony by two different Hispanic groups in favor of the configuration in amendment 2." Do you see that?**

A **Yes.**

Q **Who are the two different Hispanic groups that testified?**

A **I don't recall.**

Q **The last sentence there, you state *Jim was* -- I assume that was intended to be *going to call you*?**

A **I believe that's what it was intended to be.**

Q **All right. Let me read it the way I think you intended it to be. *Jim was going to call you later today to get your thoughts if you have a chance to take a look at that, at the amendment*. Do you see that language?**

A **Yes.**

Q **Do you know what thoughts Mr. Troupis was going to call Dr. Gaddie to get?**

A **I don't know.**

Q **Did you and Mr. Troupis have a discussion at all about that?**

A **Not that I recall.**

Q **And the next page of these two e-mails is an e-mail from Dr. Gaddie back to you, correct?**

A **Correct.**

Q **Dated the same day, at 1:18 p.m.?**

A **Yes.**

Q **Dr. Gaddie says, "I will look at them and can talk after 5 p.m." Do you see that?**

A **Yes.**

Q **Did you speak with Dr. Gaddie that day?**

A **I did not.**

Q **Do you know whether Dr. Gaddie spoke with Mr. Troupis that day?**

A **I don't know.**

Q **Next group of e-mails that are stapled together are dated the same day, Sunday July 17th, and this is at 1:33 p.m. Do you see that e-mail?**

A **Yes.**

Q **And this is, the heading at the top says Revised Timing. Dr. Gaddie says, "I am ready to talk." Do you see that?**

A **Yes.**

Q And again, this pertains to that same conversation that we were looking at in the previous document?

A Yes.

Q And you were not a part of any conversation with Dr. Gaddie on Sunday, July 17th?

A I was not.

Q All right. Turn to the last stapled group of documents that are in that stack. And this is a Gmail header again, correct?

A Uh-huh.

Q And this is your Gmail account?

A Yes.

Q And the header at the top says Alternative, is that supposed to be configuration of ADs 8 and 9?

A Yes.

Q Do you know the date of that e-mail?

A I believe it was July 8th.

Q Now, I note there is a bit of white space there at the top. Do you know whether that was anything that was redacted?

A Yes.

Q It was redacted?

A Yes.

Q There is no indication of who, it simply says Alternative Configuration of ADs 8 and 9 at the top, 13 messages, and then under there is all blank space. There's no indication of who that was to or who it was from, it would appear. Is that correct?

A Yes.

Q So what's been deleted there is the address of anyone who sent or received at least that first part of that e-mail; is that correct?

A I believe so.

Q Do you recall who sent that e-mail?

A I don't.

Q Do you recall who the recipient of that e-mail was?

A I don't.

Q Do you recall whether there was anyone CC'd on that e-mail?

A I don't recall.

Q Now, it identifies a file attached to it that says Alternative ADs 8 and 9.PDF. Do you see that?

A Yes.

Q Is that a file that you've produced on the disk that you're giving to us today?

A Yes.

Q Is that the same as the previous file that we looked at that was attached to an e-mail that I identified alternatives for Districts 8 and 9?

A It may be. I'm not certain.

Q Might be different?

A Might be different.

Q Do you know what the nature of the e-mail was that's been redacted?

A I believe it was communications with counsel.

Q Between --

MR. POLAND: Peter, you're going for the refrigerator again.

MR. EARLE: I'm sorry. Okay. How about now?

MR. SHRINER: It's because you won't give him a lunch break. We're getting hungry.

MR. POLAND: That's right.

Q When you say communications with counsel, communications between you and counsel?

A Correct.

Q Do you know which counsel specifically you were communicating with in that e-mail?

A I don't recall.

MR. McLEOD: Doug, can I interject briefly?

MR. POLAND: Yes.

MR. McLEOD: Obviously, my understanding is the e-mail is attorney-client privilege communication, which is why it was redacted. The to and from designation should not have been redacted. I'll provide you, after the lunch break, with a different version that identifies that information to which you're entitled. So that was an error on our part in the manner in which this was produced. But the assertion of privilege is attorney-client.

MR. EARLE: That will include the date too?

MR. McLEOD: It will include, yeah, it will include the date.

MR. EARLE: And the CC's?

MR. McLEOD: It will include all of that relevant information.

Q Just below that, Mr. Ottman, is, there's an e-mail dated Friday, July 8, 2011, that you sent to Scott Jensen, correct?

A That's correct.

Q Why did you send this e-mail to Mr. Jensen?

A Senator Zipperer mentioned that he may have some

contacts in the Hispanic community who could review the proposal.
Q And who is Mr. Jensen?
A He's a former legislator.
Q You state in that first e-mail, you state -- you say, "Scott, Rich Zipperer mentioned he had been talking to you about the Hispanic districts in Milwaukee." Do you see that?
A Yes.
Q And that's what you just referred to when you made the reference to Mr. Zipperer?
A Correct.
Q You go on to say, "I wanted to get you a shapefile of the amendment with an alternative configuration of the two districts that was introduced along with the bill on legislative districts." Do you see that?
A Yes.
Q What do you mean by a shapefile?
A A shapefile is just a picture of the districts without any information attached.
Q Is that the PDF that's attached, is that the shapefile?
A Yes.
Q And again, that's something that's in the

information that you've provided for us today?
A That's correct.
Q So Mr. Zipperer asked you to send this to Mr. Jensen; is that correct?
A I believe so, yes.
Q Did you have any conversations with Mr. Jensen after you sent this e-mail to him?
A Yes.
Q When did you have those conversations with Mr. Jensen?
A I don't recall exactly. It was around the time of the e-mail.
Q And what was the nature of that conversation with Mr. Jensen?
A I was asking for contact information for the Hispanic contest -- contact, who turned out to be Zeus Rodriguez.
Q So you learned of Mr. Rodriguez through Mr. Jensen?
A That's correct.
Q Was Mr. Zipperer the one who asked you specifically to make this contact with Mr. Jensen?
A I believe so.
Q Did you have any other conversations with Mr. Jensen -- strike that. Did you discuss

anything with Mr. Jensen other than the contact information for the person that turned out to be Mr. Rodriguez?
A No.
Q How many times did you talk to Mr. Jensen about the Hispanic districts in Milwaukee?
A Once, I believe.
Q So if you turn to the second page then, you'll see there is an e-mail from Scott Jensen to Jesus Rodriguez and a copy to you on Friday, July 8th, correct?
A That's correct.
Q And Jesus Rodriguez, the e-mail address is zeus@rodriguezwi.com; is that correct?
A That's correct.
Q And is Zeus a nickname for Jesus, do you know?
A That's my understanding.
Q So Mr. Jensen in this e-mail, it appears, is instructing Zeus Rodriguez that he can contact you for an explanation of both options, correct?
A That's correct.
Q Did Mr. Rodriguez contact you for an explanation of the two options?
A He did.
Q When did he contact you?

A I don't recall exactly.
Q What was -- did you and Mr. Rodriguez have a conversation about the two options?
A Yes.
Q Was this by phone?
A By phone and by e-mail.
Q How many times did you talk with Mr. Rodriguez by phone?
A I don't recall exactly.
Q What was the conversation that you had with him?
A It related to a description of the alternatives, a discussion of the voting-age percentages in the district, and then he had information requests that he wanted to see if I could provide him to evaluate the districts and to consider testifying in talking to other Hispanic groups about the maps.
Q What information did he request from you?
A He requested, along with the district maps and the overlays, he requested heat maps for the districts in question as well as some heat maps for some other communities he identified in the state.
Q And when you refer to heat maps, what do you mean by that?
A They're a graphical representation of

concentration of minority populations.

Q And you said Mr. Rodriguez requested those heat maps for Districts 8 and 9; is that correct?

A That's correct.

Q And for any other districts in the state?

A For other communities.

Q What other communities did he ask you for heat maps of?

A Madison, Waukesha, and Racine.

Q And did you provide those to Mr. Rodriguez?

A I did.

Q Were those heat maps that you created?

A They were.

Q Did you use those heat maps in any way during the redistricting process?

A I did not.

Q Did you create heat maps for any other areas of the state other than Madison, Waukesha, Racine, and then Milwaukee?

A I don't believe so.

Q Mr. Jensen's e-mail also indicates that Mr. Rodriguez can contact Joe Handrick. Do you see that?

A Yes.

Q Did you ever have a conversation with Mr. Handrick

about the Hispanic districts?

A I don't recall.

Q If you turn the page, there is a reference and an e-mail from Mr. Rodriguez about some materials that he's requesting from you. Do you see that?

A At the top of the page?

Q Correct, at the top of the page?

A Yes.

Q Where he says *What I really need is a comparison of the new maps and the current map, along with the actual demographics and percentages of the new and the old districts, preferably in PDF*. Do you see that?

A That's correct.

Q And that's the information that was contained in the PDFs that you sent to Mr. Rodriguez?

A That's correct.

Q I'm going to ask you to turn a couple of pages back. There is an e-mail from you to Mr. Rodriguez, the date is Saturday, July 9, 2011, at 7:41 p.m. And in that e-mail you say, "Here is the Milwaukee heat map." Do you see that?

A Yes.

Q Is that Milwaukee heat map produced in the materials that you've brought with you today?

A It is.

Q Below that is an e-mail from you to Mr. Jensen, also on July 9th at 7:43. Do you see that?

A Yes.

Q And you say *Scott, if you could give me a call at your convenience, I would appreciate it. I'm at home the rest of the night or you can reach me tomorrow*, and he gives you telephone numbers. Correct?

A Yes.

Q I'm sorry, I should say this is from you to Mr. -- from you to Mr. Jensen, correct?

A That's correct.

Q And Mr. Jensen did in fact give you a call?

A Yes.

Q And is that the conversation that you testified about before?

A That's correct.

Q And the e-mail that follows below that, that's dated Saturday, July 9, 2011, at 8:15 p.m., from Mr. Rodriguez, he refers there to the heat maps for Waukesha, Racine, and Madison. And are those the heat maps that you testified about a minute ago?

A That's correct.

Q All right. If you look at the next paragraph of Mr. Rodriguez's e-mail, he says, "Last but not least, when and who do I speak with about making actual changes to the proposal. I spoke with Joe and he said that we would be able to work with someone." Do you see that?

A Yes.

Q Is the Joe that he refers to there Joe Handrick?

A I don't know.

Q Did you ever have a conversation with Mr. Rodriguez that Mr. Handrick also was involved in?

A No.

Q If you turn the page. Up at the top is an e-mail from Mr. Rodriguez -- I'm sorry, that's an e-mail from you; is that correct?

A That's correct.

Q And you state in there, "In terms of a contact for information about changes to the proposal, you should contact Ray Taffora with Michael, Best & Friedrich," and it gives a telephone number. Do you see that?

A Yes.

Q Why did you instruct Mr. Rodriguez to contact Ray Taffora?

A He had requested a person to contact. I consulted with counsel and asked who he should contact, and they suggested Ray Taffora.
Q Who told you to tell Mr. Rodriguez that he should contact Ray Taffora?
A I don't recall.
Q But it was legal counsel?
A Yes.
Q Do you recall whether it was an attorney with Michael, Best & Friedrich?
A I believe so.
Q Do you know whether Mr. Rodriguez ever did speak with Ray Taffora?
A I don't know.
Q And the rest of the conversation in that e-mail on that page refers to heat maps, it would appear; is that correct?
A That's correct.
Q And those heat maps that you transmitted, those are attached to the, to the printout of this e-mail chain?
A Yes.
Q They are also produced in electronic format in the disk that you provided today?
A Correct.

Q Before we break -- we'll break in just a minute here for lunch.
MR. SHRINER: Promises, promises.
Q I have just one more question. Just one more document I wanted to have you take a look at.
I'm going to direct you to Exhibit No. 28. Let me ask you before that. Mr. Ottman, have you seen copies of any orders entered by the Court in this case regarding claims of privilege that were asserted by your counsel over materials related to the redistricting work that you performed?
A Could you repeat the question?
(Question read)
A Yes.
Q What orders did you see?
A I saw the orders from Judge Stadtmeuller in response to the motions to quash.
Q I'm going to hand you document that's been marked as Deposition Exhibit 28. We marked that at Mr. Foltz's deposition. Have you seen a copy of Exhibit 28 before?
A Yes.
Q Who gave you a copy of Exhibit 28?
A I believe counsel provided it.
Q Is it a document that you had reviewed then with

legal counsel previously?
A I have skimmed through it. I don't know that I've reviewed it with counsel.
Q I'd like you to turn to the second page of Exhibit 28, and draw your attention to the third paragraph. It starts out several days later?
A Yes.
Q It states, "Several days later, on December 4, 2011, Tad Ottman, a legislative aid to Wisconsin State Senate Majority Scott L. Fitzgerald, was served with a subpoena by the plaintiffs." Do you see that?
A Yes.
Q And then it goes on and it describes documents that were requested in the subpoena, correct?
A Yes.
Q Then the next paragraph down, the one immediately following, the sentence states, "The Wisconsin Assembly and Senate ("the nonparties") have moved to quash both Mr. Handrick's and Mr. Ottman's respective subpoenas." Do you see that?
A Yes.
Q Then I'd like you to turn to page 4 of the order. And I'm going to draw your attention to about halfway down the page, there is a citation to a

case called Committee for a Fair & Balanced Map and a citation. Do you see that?
A Yes.
Q Do you see then the Court goes on and states, "And, even without that waiver, the Court would still find that legislative privilege does not apply in this case." Do you see that language?
A Yes.
Q Did you ever have any discussion with counsel about the application of legislative privilege in this case?
A Yes.
Q And what were you told about the application of legislative privilege in this case?
MR. McLEOD: Well, can you read the question back?
(Question read)
MR. McLEOD: As specifically asked for in the substance of communication between attorney and client, I'm going to instruct the witness not to answer on grounds of attorney-client privilege.
Q Are you going to follow counsel's instruction and not answer that question?
A I am.

Q You have not made a determination on your own, is it true, about whether legislative privilege does or does not apply in this particular case?
A That's correct.
Q And you've not withheld any documents on your own outside of counsel's determinations about what is or is not subject to a legislative privilege in this case?
A That is correct.
MR. POLAND: Why don't we break for lunch.
(Lunch recess)
(Exhibit No. 36 marked for identification)
By Mr. Poland:
Q Mr. Ottman, at the lunch break did you meet with anyone other than Mr. McLeod, your counsel in this case?
A I talked to Adam Foltz.
Q I'm sorry, you talked to Adam Foltz?
A Yes.
Q And what did you and Mr. Foltz discuss?
A He asked me how the deposition was going. We talked a little bit about Doug LaFollette running against Walker.

Q Did you talk at all about redistricting or the issues involving redistricting that are involved in this litigation?
A Other than just asking how the deposition was going, no.
Q Did you talk about any specific testimony you gave this morning?
A Just a couple of -- what questions did they ask you, that sort of thing.
Q Did Mr. -- did you talk to Mr. Foltz about his testimony yesterday?
A No.
Q I'm handing you a copy that's been marked as Deposition Exhibit 36. I don't have a copy in front of me, so I'm going to do my best here I can without having it. Do you recall this morning there were a string of e-mails that --
MR. POLAND: Thank you. Mr. McLeod has given me a copy.
Q This morning we looked at some e-mails that were included within Exhibit 33-A, and it was a number of stapled pages reflecting e-mail correspondence between you and Mr. Foltz and some other people. Do you recall that?
A Yes.

Q All right. And I'm going to get more specific here. And specifically there was an e-mail that had come from your Gmail account, there was some information that had been inadvertently deleted at the top. Do you recall that?
A It had been redacted, yes.
Q It had been redacted. And there was an additional amount of information that was inadvertently reacted, correct?
A That's correct.
Q And that information that was inadvertently redacted appears on Exhibit 36, correct?
A That's correct.
Q So the information that was inadvertently redacted that now appears on Exhibit 36 identifies Mr. Foltz as the sender of an e-mail on July 8, 2011, correct?
A That's correct.
Q And Mr. Foltz's e-mail was going to Mr. Taffora, correct?
A That's correct.
Q And Mr. McLeod was also a recipient?
A That's correct.
Q And you were copied on that e-mail, correct?
A Correct.

Q All right. The other information that was redacted from the earlier version of this e-mail is -- continues to be redacted, correct?
A That's correct.
Q And is it your understanding that that redacted information has been omitted from this document based on an assertion of privilege?
A That's correct.
Q You can set that document -- actually, one more question. Is there anything else that was added to Exhibit 36, to your knowledge, that -- strike that question. To your knowledge, is there anything else in Exhibit 36 that can now be seen that could not be seen on the earlier version of the same document that we looked at?
A Not to my knowledge.
Q You can set that document to the side. Mr. Ottman, where do you currently live?
A I live in Madison.
Q How long have you lived in Madison?
A I've lived in Madison since 1983.
Q Do you have a curriculum vitae or resume?
A I do.
Q Is it an updated version, or is there an updated version?

A I haven't updated it in some time.
Q So it's not a current CV or resume that you have?
A That's correct.
Q Do you have a college degree?
A Yes.
Q Where did you graduate from?
A University of Wisconsin.
Q What year did you graduate?
A '87.
Q What's your degree in?
A Political science and English.
Q Do you have any other degrees?
A No.
Q Never -- did you ever attend any other educational institutions after college?
A No.
Q Never took any classes at law school?
A No.
Q And you're not a lawyer, correct?
A That's correct.
Q Your current position is with the Senate Majority Leader Fitzgerald; is that correct?
A That's correct.
Q What year were you hired for that job?
A I believe it was 2005.

Q What are the tasks that you perform in that role?
A I perform legislative analysis, work with other senators on budget legislation or other legislation before the senate. I attend meetings. I prepare information for him on legislation.
Q Did Mr. Fitzgerald hire you for that position himself?
A He did.
Q Do you have an office over at the state capitol building?
A Yes.
Q Do you have your own office or do you share an office with others?
A I share it with the media equipment.
Q Do you have a computer that is located in that office?
A Yes.
Q Do you have an e-mail account that is accessible from that computer?
A There is a state legislative e-mail account I --
Q I'm sorry.
A -- that I access on my computer.
Q And an example of that e-mail is one I think that we saw in some of the earlier e-mails that we looked at; is that correct?

A That's correct.
Q Do you also access your Gmail account from that computer?
A Occasionally, yes.
Q For the purposes of work?
A Yes.
Q Do you have offices anywhere other than in the state capitol building?
A There are offices that have been provided to the legislature -- or office provided space provided to the legislature within Michael, Best & Friedrich.
Q And when was that space provided?
A I believe last December or January.
Q Meaning December of 2010, a year ago?
A Correct.
Q When was the first time that you accessed that space?
A I think December of 2010.
Q When were you assigned to work on the 2011 redistricting?
A Shortly after the 2010 elections.
Q Who gave you that assignment?
A Senator Fitzgerald.
Q So it was sometime between November election and

then December when you started in that office?
A That's correct.
Q Now, you had done redistricting previously, correct?
A I had worked on it previously.
Q And I should have used a better word than *done*. You had worked on redistricting previously?
A Yes.
Q And the first time was following the 1990 decennial census; is that correct?
A That's correct.
Q What position did you hold at that time when you worked on redistricting following the 1990 decennial census?
A I was a legislative aide to, at that time I believe it was State Representative Mary Panzer.
Q What did Representative Panzer ask you to do with respect to the redistricting in 1990?
A She asked me to just kind of help out with the redistricting actions that the legislature was undertaking at that time.
Q And Representative Panzer is a republican, correct?
A That is correct.
Q Do you know whether the republicans were in

control of the legislature at that time?

A It was a split legislature at that time.

Q Republicans controlled the assembly, democrats controlled the senate?

A I believe that's the split at that time.

Q Were you asked to assist with the redistricting of one of the two, either the senate or the assembly districts?

A They're all kind of tied together, so it was working on assembly districts that are then combined into the senate districts.

Q And what did you do specifically with respect to assisting on the redistricting following the 1990 decennial census?

A I don't recall a lot of the work, specific work I did in the early Nineties.

Q Did you draw any maps?

A I drew some portions of them.

Q Did you have any particular area of specialty that you developed as part of that process?

A No.

Q Did you work with any computers in drawing maps after the 1990 decennial census?

A Yes.

Q I think you testified earlier you don't recall whether you used autoBound software at that time?

A That's correct.

Q What other people did you work with in the redistricting following the 1990 decennial census?

A I worked with Joe Handrick, obviously Representative Panzer. I can't remember who else was involved at that point.

Q When did you meet Mr. Handrick for the first time?

A Sometime in the mid-1980s, I believe.

Q What work did you and Mr. Handrick perform together in the redistricting following the 1990 decennial census?

A We worked on the redistricting software drawing different districts.

Q Did you receive any instructions from anyone at that time as to how to draw legislative districts?

A Not that I recall.

Q Did you receive any training in, at that time, and I'm talking specifically following the 1990 decennial census, on redistricting generally?

A Not -- no.

Q Now, you also worked on redistricting following the 2000 decennial census, correct?

A That's correct.

Q Let me back up and ask you one other thing. Are you aware there was litigation following the 1990 decennial census?

A I am.

Q And relating to the redistricting?

A Yes.

Q And eventually there was a court-ordered plan, correct?

A That's correct.

Q Did you work on the litigation at all following the 1990 decennial census?

A I did not.

Q What job or what position did you hold in 2000 when you worked on the redistricting following that decennial census in that year?

A I was working for then State Senator Mary Panzer as a legislative aide.

Q So continuing the job that you had held after the 1990 decennial census?

A That's correct.

Q Had your duties changed from the duties that you had performed in 2000 with respect to redistricting -- strike that question. I said 2000. In the 2000 redistricting, did your duties change from what they had been during the redistricting following the 1990 decennial census?

A It was similar tasks, I would say.

Q Were there different or additional tasks that you performed in the 2000 redistricting versus the 1990 redistricting?

A Not specific additional tasks that I recall.

Q In 2000, you did have new tools at your disposal in the form of the autoBound software; is that correct?

A It was improved software, yes.

Q Do you recall whether it was autoBound that you used for the 2000 redistricting?

A Yes, I believe it was autoBound.

Q Did you receive training on the software at that time?

A Informal training.

Q Who gave you that training?

A Joe Handrick.

Q So you worked with Mr. Handrick again in the 2000 redistricting; is that correct?

A That's correct.

Q Did you work with Mr. Handrick at all between the work that you performed together for the 1990 redistricting and then the work you performed together in the 2000 redistricting?

A I guess I don't entirely understand the question.

Q In the years between those two redistricting efforts, did you work with Mr. Handrick at all?

A Yes.

Q In what capacity did you work with Mr. Handrick during that intervening time period?

A For a portion of that time, he was a state representative, so I may have worked with him on talking about legislative items that were moving through both houses.

Q But it wouldn't have been anything specifically relating to redistricting given that it was between decennial censuses; is that a correct statement?

A That's correct.

Q Did you work on the litigation following the 2000 decennial census?

A I guess I'm not clear on what that means.

Q Sure. There was a litigation following the redistricting -- strike that. The redistricting following the 2000 decennial census wound up going to court, correct?

A Correct.

Q And there was a court-ordered redistricting plan, correct?

A Correct.

Q Did you work at all in that litigation?

A I worked on some of the maps that were submitted as part of that litigation.

Q Who did you work with on those maps?

A I worked with Joe Handrick and Greg Hubbard.

Q Who is Mr. Hubbard?

A He at the time was working for the, I believe it was for the assembly caucus on redistricting.

Q Anyone else that you worked with in the litigation in 2000?

A Senator Panzer. I believe Representative Jensen was involved in that litigation.

Q Did you work with the lawyers who were representing the republicans in that litigation?

A Yes.

Q And who were the lawyers that you worked with?

A Jim Troupis, Eric McLeod. I don't recall others.

Q Did you perform any specific tasks in working on the maps that were submitted to the Court in 2000?

A Yes. I believe I worked on some exercises of looking for ways to reduce populations to closer to ideal in certain areas, or to check maps for -- to make sure that all blocks had been assigned, that sort of thing.

Q And when you say populations closer to ideals, what do you mean by that?

A Checking to see if adding to or subtracting to neighboring districts would bring the population of both districts closer to the ideal population for assembly seats.

Q And what is an ideal population?

A It's whatever the population of the state is, total population of the state is for that census divided by 99 seats.

Q And is there a goal when you're looking at population deviation? A goal that you're trying to achieve in terms of the population deviations?

A There can be. For that, I believe there was a range of deviations that they were considering as part of the Court submittal.

Q And this is for the purpose of the litigation following, the redistricting litigation following the 2000 decennial census, correct?

A That's correct.

Q Is it a goal to try to achieve a 0 percent population deviation if you can?

A I don't recall if that was a goal for that redistricting cycle.

Q Generally speaking, do you try to attempt to get the population deviation as low as you can?

A It's one of the standards that you look at in reapportionment.

Q In your experience, is there some deviation from the 0 percent population deviation when engaging in redistricting?

A That's my experience.

Q Have you ever been able to achieve or have you ever seen anyone achieve a 0 percent population deviation in legislative districts?

A In legislative districts? I believe there was a submittal after either the 1990 or the 2000, I don't recall which, that was at zero population deviation.

Q Did you have any other specific tasks in the litigation, the redistricting litigation following the 2000 decennial census other than looking at the population deviations and ways to reduce them?

A Not that I recall.

Q Between the time that you finished working on the redistricting litigation and following the 2000 decennial census and the time that you started working for Senator Fitzgerald in 2005, what did you do in that time frame?

A I continued to work for State Senator Mary Panzer.

Q Right up until the time that you started working

for Senator Fitzgerald?
A That's correct.
Q In that -- would that have been -- that would have been about a 2002 to 2000 time frame; is that correct?
A I'm sorry, what was the time frame?
Q When did you stop working on the litigation, the redistricting litigation following the 2000 decennial census?
A I think my work concluded when the maps were submitted to the Court.
Q Do you recall was that approximately sometime in 2002?
A Yes.
Q So between then and the time that you started with Senator Fitzgerald in 2005, what kinds of tasks were you performing for Representative Panzer?
A Similar to the task I had performed to her prior and performed for Senator Fitzgerald, legislative analysis, working with budget, working with caucus members on legislation moving through the body.
Q And that had nothing to do with redistricting; is that correct?
A That's correct.
Q Was there -- were there any types of

reapportionment issues that you looked at between the time that you stopped working on the litigation in 2002 and the time you started with Senator Fitzgerald in 2005?
A Not that I recall.
Q Did you receive any kind of training at all in that time frame on redistricting or reapportionment?
A No.
Q You mentioned you graduated from college in 1987, was it?
A Yes.
Q What did you do between the time you graduated from college and the time you started with Representative Panzer?
A I worked in the legislature during that period of time.
Q So that would have been when you graduated from the UW in 1987 up until what time?
A I believe I started working for Senator Panzer in 1989 or 1990.
Q What was your job in the legislature between 1987 and the time that you started working for Representative Panzer?
A I was a legislative aide for Senator Harsdorf,

Representative Berndt, and Representative Harsdorf.
Q And in that time frame, from 1987 until the time you started working for Representative Panzer, did you have any training or education with respect to reapportionment or redistricting?
A Not that I recall.
Q During the time you've been working for Senator Fitzgerald, have you received any formal training in reapportionment or redistricting?
A Yes.
Q When did you receive that training?
A Late last year, early this year.
Q So late 2010 or early 2011?
A Yes.
Q And what did that training consist of?
A Consisted of LTSB offering training on the software that was selected for the legislature to use.
Q Was that individual training or was it -- did you train together with other people?
A It was with Adam Foltz.
Q Have you ever had any training on redistricting or reapportionment generally outside of that training that you received from LTSB?

A No.
Q Are there any professional positions or jobs that you've held after graduating from college that I haven't asked you about or you haven't testified about?
A No.
Q Mr. Ottman, in preparing for this deposition, did you meet with anyone?
A I met with counsel.
Q Is that Mr. McLeod?
A Yes.
Q Did you meet with any other counsel?
A Yes.
Q Who else did you meet with?
A I met with Joe Olson.
Q Any other counsel that you met with?
A I don't believe so.
Q Was anyone else present during the time you were meeting with Mr. McLeod and Mr. Olson?
A Adam Foltz was present for some.
Q Anyone else present other than Mr. Foltz?
A No.
Q Did you discuss this deposition with anyone other than Mr. McLeod or Mr. -- strike that question. Other than your legal counsel, did you discuss

this deposition with anyone else?
A No.
Q You mentioned before, you do have a computer in your office at the, over at the state capitol building, correct?
A That's correct.
Q Do you have an employer-issued cell phone that you use for your work?
A No.
Q Do you use your own personal cell phone for your business work?
A Yes.
Q And is that number still (608) 209-0219?
A That's correct.
Q Is that cell phone a Blackberry device or capable of sending e-mail?
A It's an Android device.
Q And is it capable of sending e-mail?
A Yes.
Q Do you send e-mail and receive e-mail on it?
A Yes.
Q And can you text message from it?
A Yes.
Q Do you text -- send and receive text messages from it?

A Yes.
Q Did you review any documents to prepare for your deposition today?
A Yes.
Q What documents did you review?
A The documents requested in the subpoena.
Q Okay. Did you review all documents that you found that were in your possession that were responsive to the subpoena?
A Yes.
Q Regardless of whether they were produced today or whether they were withheld pursuant to a claim of privilege?
A That's correct.
Q All the documents that you reviewed either would have been produced today or described in the privilege log that Mr. McLeod provided this morning; is that correct?
A That's correct.
Q And that's Exhibit 33, for the record.
Mr. Ottman, were you ever told by anyone that you might be deposed in this lawsuit?
A I don't recall.
Q Were you ever told by anyone that you wouldn't be deposed in this lawsuit?

A I don't believe so.
Q Do you understand you've been identified as a potential trial witness in this lawsuit?
MR. KELLY: Objection, form, to the extent it mischaracterizes the disclosures that were made.
Q You can answer the question.
A I was not aware.
Q I'm going to ask you -- why don't I just get it here for you. I'm going to hand you a document that has been marked as Exhibit No. 10. I'm going to ask you to turn to the second page of Exhibit No. 10. Do you see it states Defendants' Amended Initial Rule 26(a) Disclosures?
A Yes.
Q Do you see that? I'd like you to take a look at -- turn to page 5, and look at paragraph No. 10. And before I ask you a question about that, let me ask you, have you seen Exhibit 10 before?
A I have not.
Q No one has ever shown this document to you?
A No.
Q You see paragraph No. 10 states, "Individuals from the legislature, and/or its various bodies, or

those individuals on a legislature's behalf, who were involved in drawing the redistricting maps that were signed into law on August 9, 2011, including without limitation, those individuals who reviewed the 2010 decennial census and assisted in determining the appropriate, constitutional boundaries for the state and Congressional districts as memorialized in Acts 43 and 44." And then your name is mentioned after that paragraph, correct?
A That's correct.
Q Did you in fact review the 2010 decennial census and assist in determining the appropriate constitutional boundaries for the state and Congressional districts as memorialized in Acts 43 and 44?
A No.
Q And what is incorrect about the statement that I just made?
A I did not review the boundaries for the Congressional districts.
Q So is it a true statement with respect to the constitutional boundaries for the state district, and I assume it's state senate and assembly districts, as memorialized in Act 43?

A That's correct.

Q And as you testified this morning, you did not do anything to prepare any of the maps that were reflected in Act 44, correct?

A That's correct.

Q And if you turn the page, to paragraph 11, do you see the statement -- strike that question. Were you in fact involved in reviewing census and population data from the 2010 decennial census to ensure a minimum population deviation for the new districts?

A Yes.

Q I'd like you to look at paragraph No. 12. And that's on the same page. If you flip it, you'll see that your, to the next page, you'll see your name appears at the top of page 7?

A Okay.

Q And then turn back to page 6. I'm going to read from paragraph 12. Did you -- were you involved in reviewing population and other data so as to preserve, to the extent possible and practicable, the core population of prior districts as well as communities of interest?

A Yes.

Q And that would have been with respect to Act 43,

correct?

A That is correct.

Q And not Act 44?

A Correct.

Q All right. Turn to page 7. I'd like to direct your attention to paragraph 13. Do you see your name is mentioned after paragraph 13?

A Yes.

Q Did you in fact assist the legislature in ensuring that the new redistricting maps, to the extent possible, kept wards and municipalities whole within legislative district boundaries, and to the extent possible recognized local government boundaries?

A Yes.

Q And the next paragraph is paragraph 14, and I would just ask you for the moment to turn over to page 8, and do you see your name appears after paragraph 14?

A Yes.

Q Did you in fact assist the legislature to ensure that if voters were shifted from odd to even set of districts, they were not unnecessarily disenfranchised by being deprived of the opportunity to vote?

A Yes.

Q Paragraph No. 15. Again, your name appears after that paragraph, correct?

A Yes.

Q And did you review the 2010 decennial census data and the previous districting maps to ensure that the new districts were as geographically compact as practicable?

A Yes.

Q Paragraph 16. Your name appears after that paragraph as well?

A Yes.

Q Did you assist the legislature to prevent unnecessary and unconstitutional voter dilution of minority voters?

A I guess I'm not entirely clear on what that means.

Q Okay. Do you have an understanding of what unconstitutional voter dilution of minority voters means?

A I'm not familiar with specific legal, or I should say federal criteria.

Q Okay. Did you -- did any of the tasks that you performed in the course of redistricting address dilution of minority voter interests?

A Yes.

Q And what was that?

A We worked with legal counsel and their consultants to review maps that affected minority voters.

Q And who were the legal counsel that you worked with?

A Jim Troupis, Eric McLeod.

Q Anyone else you can recall?

A Not that I recall.

Q And you also mentioned consultants, would that be Mr. Handrick?

A Professor Gaddie.

Q Was I correct in using the statement Mr. Handrick, or no?

A Not specifically to minority voters, no.

Q Okay. Professor Gaddie?

A Yes.

Q Anyone else?

A Not that I recall.

Q And what did you do -- what kind of work did you perform working with legal counsel and Professor Gaddie relating to minority voters?

A We presented map alternatives with different configurations for districts affecting minority voters.

Q And that would be African-American and Hispanic voters; is that correct?

A That's correct.

Q In what ways did you present those alternatives? And by that I mean, did you present them as maps on a computer screen, were they maps that were printed out?

A Both.

Q How many different versions of maps did you present to legal counsel and Professor Gaddie?

A I don't recall.

Q On how many occasions did you present maps regarding minority interests to legal counsel and Professor Gaddie?

A I don't recall.

Q Was Adam Foltz a part of that process as well?

A Yes.

Q Did you save any of the -- those maps that you developed?

A Yes.

Q Are they still in existence?

A I believe so.

Q Do you know where they would be on a computer?

A Yes.

Q Are there also hardcopy printouts of those maps still in existence?

A I don't recall.

Q Did you discard any of those maps that you created relating to minority interests?

A Yes.

Q Did anyone ever tell you to discard maps that you created relating to the interests of minority voters?

A No.

Q Did anyone ever tell you not to discard them?

A Not that I recall.

Q Where were you physically located when you showed maps relating to the interests of minority voters to local counsel and Professor Gaddie?

A Physically, I was in the office space provided to the legislature within Michael, Best & Friedrich.

Q And that's the space that you mentioned before you had access for the first time in December of 2010, approximately?

A That's correct.

Q Do you know why there is an office that was created at Michael, Best & Friedrich for the redistricting process?

A I believe it was to facilitate Adam and my's ability to work together on the project as well as to provide ease of access for -- to legal counsel.

Q Where is that, the Michael, Best & Friedrich office located?

A In the glass bank.

Q And that's across the street from the state capitol building?

A That's correct.

Q You and Mr. Foltz could have met with legal counsel over at the capitol building, correct?

A Yes.

Q Do you know why it was those meetings were held over at Michael, Best & Friedrich offices instead of the capitol building?

A I don't know.

Q Do you know who made the decision to establish an office at Michael, Best & Friedrich for the purpose of redistricting?

A I don't recall.

Q What did the office look like that you occupied over at Michael, Best & Friedrich during the redistricting process?

A It was an interior office with three workstations and a conference table, as well as printing equipment.

Q Is that office still set up in that fashion?

A Yes.

Q Did you have your own computer in that office?

A Yes.

Q Did anyone else have access to that computer?

A Physical access, yes, but it was typically locked when I was not at it.

Q It was password protected, in other words?

A That's correct.

Q Anyone else have a password to be able to access that computer, to your knowledge?

A No.

Q Did Mr. Foltz also have his own computer that was password protected?

A Yes.

Q And then there was a third workstation as well?

A That's correct.

Q And who accessed that third workstation?

A Joe Handrick.

Q Do you know if that workstation was password protected for Mr. Handrick's use?

A It was logged in with my name and a password I created.

Q Did you set up that computer for Mr. Handrick?

A I set up the password and the login.

Q Do you know whether anyone other than you and Mr. Foltz and Mr. Handrick had access to the

computers that were in that office at Michael, Best & Friedrich?
A I'm not aware of anyone else.
Q Did you have any file cabinets or file drawers in that office at Michael, Best & Friedrich?
A Yes.
Q So there were paper copies of materials that were stored in that office; is that correct?
A Yes.
Q And are there still paper copies of materials stored in that office now?
A I believe so, yes.
Q Do you know whether Michael, Best & Friedrich has a document management system, and by that I mean some kind of a centralized computer system that documents can be saved to?
A I'm not aware.
Q Did you save documents on the hard drive of your computer at Michael, Best & Friedrich?
A Yes.
Q Was there a separate hard drive that you saved -- external to the computer that you saved any materials to when you were working at Michael, Best & Friedrich?
A Just a backup drive of what was on the hard drive.

Q Do you recall ever saving anything to some kind of a network drive at all?
A No.
Q Did you receive any e-mail on your computer at Michael, Best & Friedrich?
A Yes.
Q And was that through your Gmail account?
A Through -- yes.
Q Was it received through -- did you receive e-mail at Michael, Best & Friedrich through any other e-mail account?
A My state legislative account.
Q Are your state -- the e-mails you receive and send through your state legislative account, are they maintained on any kind of a computer system or a network drive or hard drive that you know of?
A I believe they are stored on a legislative drive.
Q Do you know where that legislative drive is located?
A It's -- I believe LTSB maintains that server.
Q And what about your Gmail account, do you save e-mails that you send and receive on your Gmail account on any particular computer or in any particular location?
A No.

Q You obviously have produced to us today some Gmail, correct?
A Correct.
Q Were there other Gmail messages that you received or sent relating to redistricting that you did not retain?
A Not that I recall.
Q So everything you would have received or sent on your Gmail account relating to redistricting you would have saved?
A There may have been some e-mails over the course of the last year that I deleted.
Q And same question with respect to your state e-mail account. Did you retain all e-mail that you sent or received regarding redistricting?
A No.
Q So some of it you did not save; is that correct?
A That's correct.
Q Did anyone ever tell you not to save any of your e-mail either from your Gmail or your state e-mail accounts relating to redistricting?
A No.
Q Did anyone ever specifically instruct you to retain those materials?
A Not that I recall.

Q So those would have been decisions you would have made as to whether to retain an e-mail or not?
A That's correct.
Q Do you communicate at all -- strike that. Did you, for the purposes of redistricting, communicate with anyone by text messaging?
A Not that I recall.
Q Do you have the ability to save the text messages that you receive and send, generally?
A I'm not sure.
Q Do you do much text messaging for work purposes?
A No.
Q Do you ever use any instant-messaging features of any computer or web-based program?
A Sometimes.
Q What -- when do you use instant messaging?
A There's no particular time.
Q Did you use instant-messaging services at all for purposes of redistricting?
A No.
Q Never communicated with anybody for the purpose of redistricting by instant messaging?
A No.
Q I want to go back to what we were discussing on paragraph 16 in Exhibit No. 10, and we were

talking about your work with Professor Gaddie and legal counsel relating to minority voters. Do you recall that discussion we were having?

A Yes.

Q All right. You testified that you presented different map alternatives to Professor Gaddie and legal counsel, correct?

A That's correct.

Q Was there any other way that you had involvement in redistricting with respect to minority interests?

A Outside of my outreach in those e-mails described earlier this morning to discuss testimony regarding the map.

Q Okay. So as far as minority interests are concerned in the redistricting, we saw the e-mails this morning relating to Latino voters and also some African-American voters in the Milwaukee area, correct?

A That's correct.

Q And then you just testified about map alternatives that you presented to Professor Gaddie and to legal counsel with respect to minority interests, correct?

A That's correct.

Q The maps that you created, did they relate to Hispanic voter interests and African-American voter interests in Milwaukee?

A Some of them, yes.

Q Did they -- did some of the maps relate to minority voter interests in any area other than Milwaukee?

A Not that I recall.

Q So your involvement with minority voter interests in the redistricting process related exclusively to voters in Milwaukee?

A I believe so, yes.

Q In paragraph 16, it does use the term *voter dilution*. Do you -- unnecessary and unconstitutional voter dilution. Do you know what voter dilution means?

A I'm not certain what it means in that context.

Q Paragraph 17, your name also is associated with that in Exhibit No. 10. Did you in fact assist the legislature to ensure that the new districts reflected communities of interest?

A Yes.

Q I'd also like you to take a look at page 12. And you see that there is a heading B that says Potentially Relevant Documents?

A Yes.

Q And just below that, it says, "Defendants may use the following documents to support their defenses in this matter." Do you see that?

A Yes.

Q I'd like to jump down and ask you about paragraph 6. It says, "Documents in the possession of the legislature, and/or its various bodies, that were utilized to draft the 2011 legislative maps at issue." Do you see that?

A Yes.

Q Now I'd like you to turn to the last page of Exhibit 10. And you'll see that this document is signed by -- on behalf of J.B. Van Hollen, the attorney general, by Maria Lazar, assistant attorney general?

A Yes.

Q And that's attorneys for the defendants; do you see that?

A Yes.

Q Did anyone from the AG's office ask you specifically for documents that were used to draft the 2011 legislative maps at issue?

A I don't believe so, no.

Q Did anyone from the Reinhart law firm ask you to

look for and give copies to them of documents that were in your possession that were used to draft the 2011 legislative maps at issue?

A Not that I recall.

Q Look at paragraph 7. Do you see that identifies, "Expert reports and analysis, if any, in the possession of legislature, and/or its various bodies, that were utilized to draft the 2011 legislative maps at issue." Do you see that?

A Yes.

Q Same question. Did anybody at the attorney general's office or the Reinhart law firm ask you to look for and give them copies of expert reports and analysis that were in your possession that were used to draft the 2011 legislative maps at issue?

A Not that I recall.

Q Mr. Ottman, have you ever seen a copy of the complaint that was filed in this case?

A I believe so, yes.

Q Were you ever asked to provide any comments on the complaint?

A I don't recall.

Q When was the first time that you saw the complaint?

A I believe -- the Baldus complaint we're talking about?
Q That's right, the Baldus complaint.
A I believe shortly after it was filed.
Q Do you recall when it was filed?
A I don't.
Q Was there any specific action that you took once, with respect to redistricting, once you were informed that the Baldus complaint had been filed?
A Nothing specific that I recall.
Q Did it have any impact at all in the redistricting process?
A It may have played into the timing.
Q And how so?
A Given that there was an allegation that the districts were unconstitutionally malapportioned and that the legislature had not yet acted, there was concerns that the -- and the federal court was being asked to step in ahead of the legislature, there was concerns that the legislature should act on its own prior to that happening.
Q And did that speed up the process of the legislature considering Acts 43 and 44?
A The timing was up to legislative leadership.
Q To your knowledge, or has anyone told you, did the

legislature speed up their consideration of Acts 43 and 44 because of the filing of the Baldus complaint?
A I can't speak to the timing.
Q Did you ever have a discussion with anyone about that issue?
A Only to the extent of Senator Fitzgerald asking me if a map would be ready to go.
Q Did Senator Fitzgerald express any concerns to you about the timing of the map being ready to go in light of the filing of the Baldus litigation?
A I don't recall specifically.
Q Were you asked to provide any comments on the complaint to legal counsel who was hired to represent the state in this litigation?
A Not that I recall.
Q Have you ever seen a copy of the answer that the defendants filed to the complaint in this case?
A Yes, I believe so.
Q Do you recall when you saw that?
A I don't recall when.
Q Do you remember who gave it to you?
A I believe it was legal counsel at Michael Best.
Q Did you see a copy of that answer when it was in draft form?

A I don't believe so.
Q You saw something that had already been filed?
A That's my recollection, yes.
Q Were you asked by legal counsel at Michael Best to comment at all on the answer that was filed?
A I don't recall.
Q Have you ever had any discussions with legal counsel at Michael, Best & Friedrich about the allegations in the Baldus complaint?

MR. McLEOD: Let me just interject. The question asks for whether or not such discussions occurred, which is not in and of itself subject to attorney-client privilege. That understood, you may answer the question, but be mindful of not disclosing the subject of any -- or the content of any communication between attorney and client.

A There were discussions with counsel.
Q What was, generally speaking, what was the subject matter or the nature -- the subject matter of those conversations?

MR. McLEOD: And again, if you're asking for -- I think the prior question addressed the subject matter of those conversations, discussions about the answer.

If you're asking for anything concerning the substance or the actual communications that occurred between attorney and client, that's subject to the attorney-client privilege. I mean, can you clarify your question as to what you're trying to get at?

MR. POLAND: Well, I don't know how else to say it other than the subject matter or the conversations.

Q Were you asked -- did local counsel at Michael, Best & Friedrich ask you for your assessment of the allegations in the complaint?
A Not that I recall, no.
Q Did they ask you for your assessment of statements that were made in the answer or any of the defenses that were raised?
A Not that I recall.
Q Were you asked at all about the truth or falsity of any statements that were made in the complaint?
A Not that I recall.
Q Generally speaking, what did the discussions that you had with counsel at Michael, Best & Friedrich regarding the complaint or the answer address?

MR. McLEOD: I think what you're asking for is for Mr. Ottman to describe attorney-client communications, which goes beyond the fact of communications that may have occurred with respect to the answer to the Baldus complaint. And because of that, I'm going to instruct Mr. Ottman not to answer to the extent his answer may disclose the content of any communications between attorney and client. If he understands the question to allow him to answer in a way that doesn't disclose the content of those communications, he may answer, but otherwise I will instruct him not to answer.

Q Are you going to follow counsel's instructions and not answer that question?

A I am.

Q Are you aware of -- there's a term lawyers use called discovery and discovery requests. Have you heard that term before?

A Yes.

Q Have you ever heard anything referred to specifically as an interrogatory?

A I've heard the term.

Q Okay. And what about document production requests, have you heard that term before?

A I have.

Q Were you aware that there were interrogatories and document production requests that the plaintiffs in the Baldus litigation served on the defendants?

A I don't recall specifically, no.

MS. LAZAR: Exhibit 13.

Q Exhibit 13, Maria informs me.

Mr. Ottman, I'm handing you a copy of a document that's been marked as Exhibit No. 13. Do you have that in front of you?

A Yes.

Q And do you see on the front page, it states, it says Plaintiffs' First Set of Interrogatories and First Request for Production of Documents?

A Yes.

Q And I'd like you to turn to the very back page, and draw your attention to the date, November 22, 2011. Do you see that date?

A Yes.

Q Have you ever seen a copy of Exhibit 13 before?

A I don't recall.

Q Did anyone -- you recall anyone ever giving you a copy of this document?

A Not that I recall.

Q I'd like you to look at page No. 2. Into the middle of the page, do you see it states

interrogatories?

A Yes.

Q All right. And then if you turn to page 3, you'll see Interrogatory No. 1. Do you see that?

A Yes.

Q All right. And then if you flip over to page 5, you'll see there are a total of nine interrogatories, correct?

A Yes.

Q Did anyone ever ask you to give them input on any of these interrogatories?

A Not that I recall.

Q And then if you look at page 5, you'll see it states Requests for Production of Documents. Do you see that?

A Yes.

Q And then if you look at pages 6, 7 and 8, you'll see there are 13 specific document requests that are made?

A Yes.

Q Did anyone ever give you a copy of this document and ask you to look specifically for documents responsive to those 13 document requests?

A Not that I recall.

Q You can put that document to the side.

Do you know how it was decided what role you would play in the 2011 redistricting?

A Yes.

Q And how was it decided?

A Senator Fitzgerald asked me to work on redistricting.

Q And then, but specifically with respect to the tasks that you would have as part of the redistricting process, do you know how it was decided what tasks you would handle?

A No.

Q Were you told specifically what your involvement would be, the extent of your involvement and the tasks that you would perform?

A Only generally.

Q And what were you generally told?

A I was generally told to work with the assembly and prepare a redistricting plan.

Q Do you know why you were tasked with that role?

A I presume it was because of my past involvement with redistricting.

Q Now, there was a public hearing on July 13th as we've discussed previously, correct?

A That's correct.

Q And you testified at that hearing, correct?

A That's correct.

Q I'm going to hand you a copy of a document that's been marked as Exhibit No. 19.

A Okay.

Q Was the testimony that you gave at the hearing on July 13th true and correct testimony?

A Yes.

Q Have you had an opportunity to review the transcript of that hearing?

A I have not reviewed the transcript.

Q So Exhibit 19 is a copy of that transcript; is that correct?

A It appears to be, yes.

Q But you've not reviewed this before?

A I have not.

Q Do you know whether your testimony was videotaped?

A Yes.

Q Did you watch the videotape?

A I did, yes.

Q And did you identify anything that you testified to in the videotape that you now believe to be incorrect?

A I don't believe so.

MR. SHRINER: Doug, I've been waiting for a break. I've got to go. I

appreciate your hospitality. Please go along without me. I lasted a little longer than Hassett, but, Merry Christmas.

MR. POLAND: Before you go, I actually do have a --

MR. SHRINER: Subpoena?

MR. POLAND: No, I'm not subpoenaing you, but I've got a copy of a letter that --

MR. SHRINER: Thank you.

MR. POLAND: Thanks, Tom. Take care.

MR. SHRINER: See you all later, I'm sure.

Q You mentioned that you worked with -- before I get to the transcript, a couple other questions -- you worked with Mr. Foltz on the redistricting, correct?

A That's correct.

Q Did you divide up the work with Mr. Foltz in some particular way?

A Not particularly, no.

Q Did Mr. Foltz take charge of any particular tasks?

A No, not particularly.

Q I noticed at the hearing that you primarily

testified about the senate districts, I think, and Mr. Foltz testified about, more about the assembly districts; is that correct?

A That's correct.

Q Is there a reason that you divided up the testimony in that way?

A He works for the assembly, I work for the senate.

Q Okay. But other than that, there was no specific division of responsibilities along task lines; is that correct?

A That's correct.

Q Turning back again to Exhibit 19, your testimony. Did you consult with anyone before the July 13th hearing?

A Yes.

Q Who did you consult with?

A Consulted with counsel.

Q And is that Mr. McLeod?

A And Mr. Troupis.

Q Anyone else?

A Ray Taffora.

Q Anyone else?

A Not that I recall.

Q Generally speaking, what was the subject matter of the conversations or the consultations that you

had with legal counsel before the hearing?

MR. McLEOD: I'm going to point out that the question appears to seek information that would include the content of conversations between and client. To the extent that you can answer describing merely the subject of the conversations without disclosing the actual content of the communications, you may answer, but otherwise I would advise you not to.

A Conversations were generally about what the testimony should cover.

Q And what was discussed about what the testimony should cover?

MR. McLEOD: I'm going to assert the attorney-client privilege and direct Mr. Ottman not to answer the question.

Q And you're going to follow counsel's instruction and not answer the question?

A I am.

Q Did you consult with anyone other than legal counsel? This is before the hearing.

A Not that I recall.

Q Was anyone else present when you were speaking with Mr. McLeod, Mr. Troupis and Mr. Taffora?

A Yes.
Q Who else was present?
A Adam Foltz.
Q Where did that -- where did those meetings occur?
A At Michael Best.
Q Did you consult with anyone after the hearing about your testimony?
A Not that I recall.
Q Let me change the word instead of consult. Did you speak with anyone after the hearing about your testimony?
A Not that I recall.
Q Okay. Turning your attention to the transcript. I'm going to ask you to turn to page 4. And I'd like to draw your attention to lines 9 through 12. And you testified there are three core principles to any reapportionment plan: equal population, sensitivity to minority concerns, and compact and contiguous districts. Do you see that?
A Yes.
Q Are there any other core principles to reapportionment or redistricting?
A No.
Q What's the standard that you use -- well, strike that question. We had a discussion before about equal population, correct?

A Correct.
Q And what is the standard that you used specifically in the 2011 redistricting for equal population?
A There's not a particular standard. It's a balancing of core principles that sometimes do not work in conjunction together.
Q Is it essentially a judgment call when you're engaged in the redistricting process?

MR. McLEOD: I'm going to assert objection to the form of the question. To the extent you understand the question, please answer.

A There is judgment required.
Q And in terms of balancing those core principles in arriving at an equal population, who made those determinations as part of the 2011 redistricting process?
A The legislature.
Q They were looking at a map that had been prepared for them, correct?
A Correct.
Q And so there were determinations that had to be made in drawing that map, correct?

A That's correct.
Q And who made the determinations in the process of drawing the map regarding whether the equal population standard was met?
A There were alternatives considered, and when the map -- when the legislation was created, those alternatives were weighed against each other.
Q All right. And who ultimately decided which alternative was chosen?
A The legislators involved, those legislators I previously identified.
Q Did they all make that determination in conjunction together?
A Yes.
Q Was there a final version of the map, before it was sent to the legislature, that was agreed on by all those legislators at one time?
A I believe --

MR. McLEOD: I'm going to assert an objection to the form of the question. To the extent you understand it, please answer.

A I believe all those legislators were present to review the map that was ultimately submitted.
Q Did everybody -- did all the legislators gather at one time over at Michael, Best & Friedrich's offices and everybody sign off on the final map at one time?

A I'm not sure what you mean.
Q All right. Did there come a point in time where you arrived at a point where you presented what ended up being a final map to the legislators at the Michael, Best & Friedrich office?
A Who do you mean by legislators?
Q All right. We're just not understanding each other. When you're talking about legislators, were you referring to the legislature as a whole?
A I was referring to the five legislators I identified previous.
Q Okay. Yep. All right. So we're on the same page there. Was there a time that they were all together over at the Michael Best offices and they all said, Yep, this looks good, this is a map that can be submitted to the legislature?
A I believe so, yes.
Q Do you know when that occurred?
A I don't recall exactly.
Q Do you know whether it was before or after the July 13th hearing?
A It was before.
Q Who else was present at the time when all the

legislators signed off on a final version of the map?
A I don't recall who was in the room at that time.
Q Did you make adjustments to any versions of the map based on equal population concerns?
MR. McLEOD: I'm going to assert an objection to form. At what time?
Q At any time.
A Yes.
Q What specific kinds of adjustments did you make to the map to address equal population concerns?
A There were changes to the boundaries of districts to bring it closer to ideal populations.
Q Did -- who made those decisions about how to change the boundaries?
A Adam and I each made decisions.
Q Did anyone else guide you or assist you in making those decisions?
A Joe Handrick would sometimes offer advice.
Q Did any of the legal counsel ever give you advice or guidance on adjusting boundaries for the purpose of equal population considerations?
A Not that I recall.
Q Do you know what the overall population deviation is for Act 43?

A I don't recall off the top of my head what it is exactly.
Q Do you know under what conditions race or other protected class may be taken into account when drawing legislative district boundaries?
A I don't know the exact legal standard.
Q Did you make any kind of an assessment of whether it was appropriate to take race into account in drawing legislative district boundaries?
A No.
Q Do you know anyone on the redistricting team who did?
A Counsel and outside consultant.
Q And the outside consultant, would that be Professor Gaddie?
A That's correct.
Q Is it your understanding that counsel worked with Professor Gaddie to make that determination?
A That's my understanding.
Q Did you ever observe counsel working with Professor Gaddie with respect to race or protected class issues in drawing legislative district boundaries?
A Not that I recall.
Q Were you ever involved in any conversations between counsel and Professor Gaddie on that issue?

A I don't recall.
Q I'd like to your draw your attention, Mr. Ottman, to the top of page 27 of the transcript, and specifically lines 2 through 5. You testified, "So over the course of the next decade you could see that senate" -- "you could see that senate district grow in Hispanic voting-age population to the point where it may tip over to a majority minority district." Do you see that?
A Yes.
Q And who made that assessment?
A I did.
Q How did you make that assessment?
A I looked at what the Hispanic voting-age population was in that senate district at the beginning of the decade, I looked at where it was at the end of the decade, and under the proposed plan, and then just basically added the same number to where we wound up.
Q Did you work with any demographer in making that determination?
A I did not.
Q Did you consult any data other than the data you just identified in making that determination?

A I did not.
Q Did that analysis take into account citizenship of Hispanics?
A It did not.
Q Is there a reason why you did not take citizenship into account when making that assessment?
A I don't believe I had any data related to citizenship.
Q The data that you looked at, was that simply census data?
A That is correct.
Q Since the time of your testimony, have you had any discussions on this particular topic with anyone?
A No.
Q At the -- draw your attention to page 28. And your testimony, on lines 13 to 15, you say, "Pairings are sometimes an inevitable consequence, and that is why you see those pairings here." Do you see that testimony?
A I do.
Q Why do you say pairings are an inevitable consequence of redistricting?
A Population shifts require movement of district boundaries, and sometimes moving those boundaries

necessitates drawing a district that happens to have more than one incumbent in the resulting district.

Q And how many incumbent pairings were created by Act 43?

A I believe there were 22 legislators paired.

Q So there were 11 total pairings; is that correct?

A That's my recollection.

Q Do you know how many pairings involved republicans?

A I don't recall the breakdown.

Q Did you have any discussions with any of the republican incumbents who were paired under Act 43?

A Yes.

Q How many of them did you speak with?

A I believe one or maybe two.

Q Did you make any changes to district boundaries as a result of your conversations with any republicans that you spoke with about pairings?

A Not that I recall.

Q Did you speak with any of the democrats who were paired as a result of Act 43?

A I did not.

Q And if turn to the next page, 29. Do you see that

you're discussing, just generally on that page, you're testifying about the issue of disenfranchisement. And your testimony on lines 13 to 16, you state, "Disenfranchisement occurs when -- essentially when a voter goes six years between the opportunity to vote for a state senate -- state senator." Do you see that testimony?

A I do.

Q And then lines 22 to 23, you state, "Under any reapportionment plan a certain amount of disenfranchisement is inevitable and unavoidable." Do you see that?

A Yes.

Q Is it a goal, generally, to minimize the amount of disenfranchisement?

A It's one of the goals that you weigh against the other redistricting principles.

Q Should you try to minimize the disenfranchisement to the best you can?

A It's a factor to consider in conjunction with other principles.

Q Were you -- did you make any attempts to minimize the disenfranchisement of voters under Act 43?

A It is something that I looked at.

Q What's the standard that you and Mr. Foltz used for disenfranchisement under Act 43?

A I don't know that there was a particular standard.

Q I'd like you to take a look at -- first have you take a look at page 30, lines 16 through 18. And do you see your statement, "What we've done here is tried to the best of our ability to minimize that displacement." Do you see that?

A Yes.

Q Now, there are you talking about disenfranchisement?

A Yes.

Q And then Mr. -- it states Mr. Holtz. It's Mr. Foltz, correct?

A Correct.

Q Mr. Foltz then runs through the numbers of voters who were disenfranchised under Act 43, correct?

A Yes.

Q So first, he, Mr. Foltz identifies the 1992 court decision, and then if you turn over to page 31, you'll see that it worked out to five and a quarter percent of the state's population, correct?

A Yes.

Q And in line 3, do you see Mr. Foltz's testimony,

"We used that as a benchmark, and then what we did is we took that five and a quarter percent and applied it to the new population of Wisconsin," and he goes on?

A Yes.

Q Does that refresh your recollection that you used five and a quarter percent as a benchmark for disenfranchisement?

A That was an evaluation of the plans we created, how it compared to previous court plans.

Q And you compared -- that was on par with the 1992 court decision, correct?

A Yes.

Q Do you know what the percentage of disenfranchisement was under the 2002 court plan?

A I don't recall.

Q Do you know if it was lower than five and a quarter percent?

A Yes.

Q If it was lower than five and a quarter percent, why did you not use the 2002 percentage of disenfranchisement under that court plan as a standard?

A As I mentioned, disenfranchisement was only one of the principles that we looked at, and to prioritize that would necessarily mean that you may be sacrificing other principles.

Q Did you have any discussions with anyone as to whether disenfranchisement could be kept below five and a quarter percent?

A Yes.

Q And who did you discuss that with?

A With counsel.

Q Which counsel was that?

A Jim Troupis.

Q And what did you and Mr. Troupis discuss with respect to an appropriate percentage of the population, voting population that would be disenfranchised?

MR. McLEOD: I'm going to assert an objection on the grounds of attorney-client privilege. The subject matter or the fact of the conversation about the issue of disenfranchisement is not privileged but the content of that communication is. So to the extent that your question seeks to elicit the substance of that conversation, I'm going to direct the witness not to answer.

Q Are you going to follow counsel's instructions and not answer the question?

A I am.

MR. POLAND: Let's take a break so we can change the videotape.

(Recess)

By Mr. Poland:

Q Mr. Ottman, I'd like to draw your attention to page 36 of the July 13th transcript. And I'd like you to look at lines 20 through 22. And do you see you testified that, "Technology has moved to the point where it is much easier to draw these maps in advance of the locals completing their process." Do you see that?

A Yes, I do.

Q What did you mean by that statement?

A I meant that technology, as it relates to redistricting, had evolved to the point where you could draw fairly easily on a computer down to the census block level.

Q And that is, as opposed to drawing districts based on wards; is that correct?

A Wards or without computers.

Q Drawing the districts based on census blocks as opposed to wards, does that create difficulties for any of the local governments?

MR. McLEOD: Assert an objection to the form of the question. You can answer it.

A It may create some difficulties for them, depending on how they are drawing them and how far along in the process they may or may not have been.

Q At what point did you start constructing the maps out of the census blocks?

A As we were working on the maps, the first part of last year, we had the previous decade's wards to work with, as well as blocks, block level. So for that entire process, that's the data that we were using. The municipal wards were not completed prior to the legislature's actions.

Q As I understand it, in the autoBound software, you actually can take a mouse and you have a pointer on the screen or a cursor on the screen and you put it on a specific census block and you can assign it to a specific legislative district; is that correct?

A That's correct.

Q In that process for redistricting, who actually did that sitting down at a computer? Did you do that yourself?

A Yes.

Q And did Mr. Foltz do that too?

A Yes.

Q Did Mr. Handrick do that as well?

A I believe he did that as well.

Q Do you know anyone else who actually did that sitting down at a computer and actually putting their hand on a mouse and maneuvering a cursor on the screen and assigning a census block to a district?

A No one else that I recall.

Q Was anyone else present in the room when you were doing that, undergoing -- doing that process of assigning census blocks to districts?

A Not that I recall.

Q Did anyone ever instruct you which census blocks to include in certain districts?

A No.

Q That was a decision that you made?

A That's correct.

Q Did anybody ever give you guidelines about which census blocks ought to be included in certain districts?

A No.

Q I'd like to turn your attention to pages 45 through 47 of the transcript, and specifically, on page 45, line 21. And do you see there's a

statement by Senator -- attributed to Senator Erpenbach where he says, "First question is did you look at the partisan makeup of the districts." Do you see that question?
A Yes.
Q Do you recall Senator Erpenbach asking that question of you?
A I do.
Q And your response in the transcript starts on the bottom of page 45, you say, "That information was made available to all four caucuses by the," and then your response is cut off there, correct?
A That's correct.
Q What specifically is the partisan makeup of district's information that you're referring to there that was made available?
A That is the election data for the decade that was provided by the Government Accountability Board to the Legislative Technology Services Bureau, and then that they made available to all four caucuses.
Q And that's what we discussed this morning in your testimony; is that correct?
A That's correct.
Q And then down at the bottom of page 46, your

testimony in the transcript says, "That information was available. I do not have that information here with you," or with me. "It was available, but the principles by which the map were drawn were those that I enumerated earlier, equal population, sensitivity to minority concerns, and compact and contiguous districts." Do you see that?
A I do.
Q Is that a correct statement?
A It is.
Q Then Senator Erpenbach comes back and says, "Did the partisan makeup of the districts come into play at all when drawing the maps?" And you responded, "The principles were ones I enumerated. Those were the ones that drove drawing the map." Do you see that?
A I do.
Q And is that a correct statement?
A It is.
Q Did partisan makeup of the districts come into play at any time or at all when drawing the maps?
A It was used to evaluate draft maps.
Q How was it used to evaluate draft maps?
A We looked at it to see how various proposals, had

those maps been in place in past elections, how those districts may have performed under those elections.
Q And what were the conclusions that you drew when you looked at that information?
A The conclusions we drew was that -- we drew were that they were responsive to changing election cycles, and if you looked at different election data, you would come up with different outcomes.
Q And as a result of doing that analysis, did you change any of the district boundaries?
A No.
Q Did the final map reflected in Act 43 reflect any partisan makeup of the districts?
MR. McLEOD: Object to the form.
Q Strike the question. Did the final map that was enacted in Act 43 reflect, however, decisions made with respect to partisan makeup of the districts?
A It reflected the different alternatives we considered. The election information that I discussed was used to evaluate different map proposals.
Q Right. And then in the final version of what was presented to the legislature as part of Act 43, did the choices that were made about those

districts, did those reflect partisan decisions that were made?
A I guess I'm not sure what you mean by partisan decisions.
Q Were the districts drawn in a way so as to maximize republican representation in the assembly?
A No.
Q Did that come into play at all?
A Partisan election analysis was something that we evaluated different map proposals on.
Q Was it a goal, though, of the redistricting process to maximize to the extent possible republican representation in the assembly?
A The goal was to draft a fair map, and those three principles I talked about was the mechanism we used to determine that.
Q You weren't attempting and drawing the map that ended up enacted as Act 43 to maximize republican representation in the assembly; is that correct?
A It was used to evaluate it, but I wouldn't say that it was a decision item.
Q So decisions about where the boundaries were drawn in the map that was eventually enacted as Act 43 were not based on maximizing republican

representation in the assembly and senate?
A They considered -- they evaluated partisan outcomes, but the decisions were those three core principles I talked about in determining boundaries.
Q You can set Exhibit 19 to the side.
Now, we've talked about some of the people who were present with you at the Michael, Best & Friedrich offices during the redistricting process, correct?
A Yes.
Q And Mr. McLeod was there from time to time; is that correct?
A That's correct.
Q And Mr. Taffora, correct?
A That's correct.
Q And Mr. Taffora is a lawyer at Michael, Best & Friedrich?
A Yes.
Q Someone we have not yet talked about today is Scott Screnock. Was he ever present?
A Not that I recall.
Q Do you know who Mr. Screnock is; have you ever met him before?
A I believe so, yes.

Q Who is he?
A I believe he's an attorney or associate at Michael Best.
Q But he wasn't present while you were there during the redistricting process?
A That's correct.
Q Did you work with Mr. Screnock at all in the redistricting process?
A No.
Q Mr. Troupis was there, correct?
A That's correct.
Q And did you ever see Sarah Troupis at Michael Best's offices during the redistricting work that you did?
A Yes.
Q Were you ever present in Michael Best's offices with Speaker Fitzgerald?
A Yes.
Q And with Senator Fitzgerald?
A Yes.
Q Representative Vos?
A Yes.
Q Senator Zipperer?
A Yes.
Q Representative Suder?

A Yes.
Q And Professor Gaddie you already have mentioned, correct?
A That's correct.
Q Is there anyone, other than those people, that you can recall being present in the offices at Michael, Best & Friedrich for the purpose of the redistricting work that you performed?
A Was Mr. Handrick mentioned?
Q I didn't mention Mr. Handrick. Mr. Handrick as well, correct. Anyone other than those people that we've just discussed?
A Adam Foltz.
Q All right. Anyone else?
A Not that I recall.
Q Were you ever given any instructions with respect to drawing district boundaries by any of the legislators?
A Nothing specific.
Q Were you given any instructions generally?
A Generally, the instruction was to draw a good map that would survive legal challenge.
Q Were there any ever decisions about specific assembly district boundaries where any of the legislators instructed you to draw a district

boundary differently than it was drawn in the map that you were looking at?
A Not that I recall.
Q What about the legal counsel, did any of the legal counsel ever instruct you to draw a boundary on an assembly district or -- assembly district different than it was drawn on a map that you had presented to them?
A Not that I recall.
Q Did you ever engage in any of the redistricting work outside of Michael, Best & Friedrich's offices?
A Other than the testimony in the capitol, no.
Q Didn't do any of it in your office over in the capitol building?
A I did not.
Q I want to ask you about Professor Gaddie's work. How many times did you meet with Professor Gaddie over at Michael, Best & Friedrich?
A I don't recall exactly.
Q Can you give me a ballpark? Was it more than one time?
A Yes.
Q Was it more than five times?
A I don't believe so.

Q Someplace between one and four times?

A Yes.

Q Or one in five times, I should say?

A Yes.

Q Do you recall when it was that you met with Professor Gaddie?

A In the spring, I believe, but I can't say exactly when.

Q Had the snow melted at that point yet, do you know?

A I believe so.

Q What was the nature of the work that you performed with Professor Gaddie with respect to redistricting?

A He looked at some of the minority district configurations that we had prepared and kind of evaluated them, and he asked us to produce for him election data from the past ten years.

Q And that was the data we talked about earlier this morning in your testimony?

A Yes. And then as well that document that we discussed this morning about election results.

Q Did you assist him in making any calculations at all based on that data?

A No.

Q Did you ever see any results that Professor Gaddie generated by analyzing that data?

A Not that I recall.

Q Did he produce any kind of a report that used that data, to your knowledge?

A Not that I recall.

Q Did you ever work with Dr. Gaddie outside of the Michael, Best & Friedrich offices on redistricting?

A No.

Q Did you ever speak with Dr. Gaddie by phone about redistricting?

A I don't believe so, no.

Q So all of your work with Dr. Gaddie was done over at Michael Best's offices face-to-face?

A Or that e-mail.

Q Or by e-mail?

A Correct.

Q Did you ever discuss redistricting with any democratic member of the legislature?

A No.

Q Did you ever get any input from any democrats about the makeup of the assembly districts?

A Not that I recall.

Q Have you ever discussed the question of district boundaries for senate recall elections with anyone?

A Yes.

Q Who did you discuss that topic with?

A With legal counsel.

Q And which legal counsel is that?

A I believe Jim Troupis, Eric McLeod, Ray Taffora.

Q And what's the nature of those conversations that you had with Mr. Troupis, Mr. McLeod and Mr. Taffora?

MR. McLEOD: I'm going to assert the attorney-client privilege to the extent that the question seeks the content of any conversations with counsel. To the extent that the question simply seeks the subject manner, which I believe has already been disclosed, you can answer the question. But I'll instruct him not to answer insofar as it involves disclosure of the substance or content of the communications.

Q Are you going to follow counsel's instruction and not respond to the question?

A I am.

Q Was there anyone other than legal counsel -- strike that question. When you spoke with legal counsel about district boundaries for senate recall elections, was anyone else present?

A Adam Foltz may have been present.

Q Anyone else?

A Not that I recall.

Q Where did those conversations occur?

A At the offices of Michael, Best & Friedrich.

Q Outside of the offices of Michael, Best & Friedrich and conversations with counsel, have you had any other conversations about the district boundaries for senate recall elections?

A I -- yes.

Q And who did you discuss that with?

A With Senator Fitzgerald.

Q Were you involved in drafting the provision that established the effective date for Act 43?

A Yes.

Q Who did you -- you were involved. What was your role in that?

A I transmitted the map file to LRB for the purpose of drafting the legislation that became SB 148.

Q But in terms of the specific effective date, did you have anything to do with the determining what the effective date should be?

A I don't recall discussing that, no.

Q Don't recall discussing with anyone?
A I don't recall, no.
Q Do you know who was involved in drafting the provision that established the effective date itself?
A I believe it was boilerplate language that the LRB provided in their draft.
Q Were you ever asked to look at that boilerplate language and comment on it, specifically with respect to the effective date?
A I don't recall.
Q Now, you understand that Professor Gaddie has been identified as an expert witness in this case?
A Yes.
Q When did you learn about that?
A I don't recall exactly when.
Q Were you involved at all in the engagement of Professor Gaddie to serve as an expert witness in this case?
A I was not.
Q Have you talked to Professor Gaddie specifically about his work in the litigation as opposed to the redistricting process?
A I don't recall talking to him about it, no.
Q When was the last time you spoke with

Professor Gaddie?
A I don't recall.
Q Or communicated with him in any way, whether it was by e-mail or phone or otherwise?
A I think I -- he was here subsequent to the date on the e-mail. I don't recall what that date was.
Q Did you meet with him when he was here subsequent to the date on the e-mail?
A I believe so, yeah.
Q Do you remember what that meeting was about?
A I don't, I don't recall.
Q Are you aware that Professor Gaddie has filed an expert report in this case?
A I'm aware.
Q Have you seen that report?
A Yes.
Q When did you see the report?
A Sometime shortly after it was filed.
Q Was it final at the time that you saw it, do you know?
A Yes.
Q Were you ever asked to comment on a draft of Professor Gaddie's report?
A I was not.
Q Did you ever see a draft of Professor Gaddie's

report?
A I did not.
Q Were you asked to provide any comments on the final version of Professor Gaddie's report?
A No.
Q Who gave you a copy of Professor Gaddie's report?
A I believe that was provided by legal counsel.
Q And did they tell you why they were giving you a copy of his report?
A I believe just as a courtesy.
Q They didn't ask you for any comments or analysis of his report?
A No.
Q When was the first time that you worked with Professor Gaddie in any capacity?
A Early this year.
Q You didn't work with him at all in the 2002 redistricting litigation?
A I did not, no.
Q Did you receive a copy of any other expert reports that were submitted in this case by the defendants?
A I believe so, yes.
MS. LAZAR: 30, 31, 32.
Q I'm going to hand you a copy as soon as I find it

here. I'm going to hand you a copy of a document that's been marked as Exhibit No. 31. Have you seen a copy of Exhibit 31 before?
A I'm not certain.
Q If you look at the top of Exhibit 31, you'll see there's a date December 14, 2011?
A Uh-huh.
Q And under that it says To: Daniel Kelly/Reinhart Attorneys at Law. Do you see that?
A Yes.
Q And then it says From: John Diez/Magellan Strategies BR?
A Yes.
Q And Subject: Wisconsin Districting; do you see that?
A Yes.
Q Have you ever had any communications at all with John Diez?
A No.
Q Have you ever had any communications with anyone at Magellan Strategies BR?
A No.
Q To your knowledge, were you ever asked to provide any information or materials to Mr. Diez or Magellan Strategies?

A Not to my knowledge.
Q Did you ever see a copy of a draft of Exhibit 31?
A No.
Q Have you been asked to provide any comments on Exhibit 31?
A I have not.
Q You can set that document to the side.
Handing you a copy of a document that's been marked as Exhibit No. 32. And you'll see that document, the title on the front page states that it's the Declaration and Expert Report of Peter A. Morrison, Ph.D.?
A Yes.
Q Have you seen Exhibit 32 before?
A Yes.
Q When did you see Exhibit 32?
A Sometime after it was filed.
Q So that would have been sometime within the past week?
A Yes.
Q Do you know who gave you a copy of Exhibit 32?
A I believe it was provided by counsel.
Q Do you know why counsel gave it to you?
A I believe it was just as a courtesy.
Q They didn't ask you to comment on it or provide

any feedback to them on it?
A No.
Q Have you ever spoken with or otherwise communicated with Peter Morrison before?
A I have not.
Q Do you know whether Mr. Morrison -- Dr. Morrison was involved in any way in the redistricting process in the spring and early summer?
A Not that I'm aware of.
Q If you look at page 2, it says Declaration of Peter Morrison. If you look under paragraph, the number -- paragraph that's numbered 1, you'll see that in the third sentence, he says, "I have been retained as an expert to undertake a demographic analysis of Hispanic population growth in Wisconsin and within Milwaukee County and adopted Assembly Districts 8 and 9." Do you see that?
A Yes.
Q Do you know whether anyone was ever engaged to undertake a demographic analysis for the purposes of the redistricting itself?
A I am not aware.
Q Not aware of any expert who is involved in redistricting with respect to performing a demographic analysis?

A Not that I'm aware.
Q Set that to the side.
I'd like to give you copies of what previously has been marked as Exhibits 14 and 15. On Exhibit 14, I'd like to draw your attention to Statute Section 801.50(4m).
A Okay.
Q Have you seen this statute before? This particular provision, (4m)?
A Yes.
Q Did you see it before it was passed by the legislature?
A I did.
Q Were you involved in drafting it?
A Yes.
Q What was your involvement in drafting it?
A I discussed the provision with legal counsel, and I worked with LRB drafting -- to facilitate the drafting of the legislation.
Q And which legal counsel did you discuss the drafting of the provision with?
A I believe Ray Taffora.
Q What was the goal of Section 801.50(4m)?
A I believe it's stated on its face.
Q Is there any goal other than what you believe is

stated on the text of the statute, in the text of the statute?
A Not that I'm aware of.
Q Did you discuss the draft with anyone other than legal counsel?
A I discussed it with legislative leaders.
Q Which legislative leaders did you discuss it with?
A I discussed it with Senator Fitzgerald and Senator Zipperer.
Q Did you discuss with them anything about the goal of Statute Section (4m) other than what's stated on the expressed text of the statutory provision itself?
A Not that I recall.
Q Did anyone ever tell you why they wanted to have 801.50(4m) enacted?
A Not that I recall.
Q All right. I'd like to have you turn your attention to Exhibit No. 15. And Section 751.035, Assignment to a judicial panel; appeals. Do you see that?
A Yes.
Q And that was part of the same bill as the provision that was passed in 801.50(4m), correct?
A Correct.

Q And so you were also involved in the drafting of Section 751.035?
A Yes.
Q Did you discuss that provision with legal counsel as well?
A I did.
Q And that would have been Mr. Taffora; is that correct?
A That's correct.
Q Same conversation that you had with respect to 801.50(4m)?
A That's correct.
Q Do you know who actually drafted the text of the two statutes we're looking at in Exhibit 14 and 15?
A I believe it was Jeff Kuesel at the LRB, but there may have been other drafters, I don't know.
Q Who -- do you know who spoke with Jeff Kuesel about what language to include in these two statutes?
A I conveyed the intent to Jeff Kuesel.
Q And when you say conveyed intent, does that mean that you gave him the specific language?
A I don't recall if there was specific language.
Q What was the intent that you conveyed to

Mr. Kuesel?
A To accomplish what is on the page here.
Q And that was a topic that you had discussed with Mr. Taffora previously; is that correct?
A That's correct.
Q And you had also discussed that with Senator Fitzgerald and Senator Zipperer, correct?
A That's correct.
Q Was there anyone else that you discussed these provisions with or their intent?
A Not that I recall.
Q Are you aware that there are lawsuits regarding redistricting that are pending in the Supreme Court currently?
A I am aware.
Q Have you seen copies of the original petition jurisdiction?
A Yes.
Q When did you see a copy of the original petition jurisdiction?
A Shortly after it was filed.
Q Did you ever see a copy of it before it was filed?
A I did not.
Q Were you aware that that complaint, that petition was going to be filed before it was filed?

A I was not.
Q How did you become aware that that petition had been filed?
A Counsel provided me with a copy.
Q And when you say counsel, is that counsel at Michael, Best & Friedrich?
A That's correct.
Q Did you discuss the filing of the original petition jurisdiction -- strike that question. Did you discuss the filing of the petition for original jurisdiction with anyone?
A No.
Q Are you aware as well that there was a lawsuit that was filed regarding redistricting in Waukesha County?
A I am aware.
Q Did you see a copy of either of the complaints that was filed in the Waukesha County action?
A Yes.
Q When did you see those complaints?
A Shortly after they were filed.
Q Were you aware that those complaints were going to be filed before they were actually filed?
A Not that I am aware of.
Q Did you ever see any drafts of those complaints?

A I did not.
Q Did you discuss those complaints with anyone?
A No.
Q Who gave copies to you?
A Counsel provided copies.
Q And again, that's counsel at Michael, Best & Friedrich?
A That's correct.
Q Were you in the Michael, Best & Friedrich offices at the time they provided copies to you of the complaints and the original jurisdiction petition?
A I was.
Q Did they tell you why they were giving you copies of those documents?
A No.
Q Did they ask you to give copies to anyone?
A They did not.
Q Mr. Ottman, between the time that you started working on the redistricting approximately a year ago in December of 2010, and the time that the legislation was passed in August, were you working on anything other than the redistricting?
A Yes.
Q How much of your time, in a percentage basis, did the redistricting take up over that time frame?

A Probably 90 to 95 percent.
Q Almost a full-time job for you in and of itself during that time frame?
A That's correct.
Q Is there any way to estimate how many hours you spent working on the redistricting plan before it was enacted?
A I'm not sure how I would estimate that.
Q Do you typically work 40 hours a week?
A Typically.
Q Sometimes more, sometimes a little less?
A Correct.
Q How many different maps did you draw before settling on the final version of what was introduced at the legislature as Act 43?
A There were probably a couple of statewide maps that I drafted.
Q Do you still have copies of those?
A I believe so.
Q Do you know where those would be?
A Yes.
Q Where would they be?
A They would be on my computer.
Q Were any of those -- were either of those among the materials that you produced here today?

A They were not.
Q Do you know why they weren't produced today?
A I believe they were subject to the privilege.
Q During the course of the redistricting process, did you ever travel outside of the state of Wisconsin for the purpose of meeting with anyone about redistricting?
A I did not.
Q Did anyone outside the state of Wisconsin ever show you any proposed or existing legislative redistricting plans for Wisconsin?
A No.
Q Before Act 43 was passed, did you ever meet with or talk to any representatives or officials of the Republican National Committee about the new Wisconsin legislative districts?
A I did not.
Q Before Act 43 was passed, did you ever meet with or talk to any representative or official of the American Legislative Exchange Council about the new Wisconsin legislative districts?
A No.
Q Do you know whether anyone at the RNC has been tasked with tracking the redistricting process in Wisconsin?

A Not that I'm aware.
MR. POLAND: Let's take about a five-minute break. I'm going to look through my notes. I probably don't have that much more.

(Recess)

By Mr. Poland:
Q Mr. Ottman, I've put in front of you a document that's been marked as Exhibit No. 20. Do you know what this document is? You can look at the top of it if you want to know.
A Yes.
Q And what is it?
A It's an assembly map of Act 43.
Q Is this a document that you personally created?
A I worked on the creation of this.
Q And so, but it was -- this is a copy of Act 43 as adopted by the legislature, correct?
A That's correct.
Q And this reflects the redistricting map that you had worked on during the process we've discussed today, correct?
A That's correct.
Q This is a map that you're fairly familiar with; is that a fair statement?

A Yes.
Q I'm going to have some specific questions for you about particular areas on the map. I'd like to draw your attention down to the legend. Do you see under source, it states, "U.S. Census Bureau's TIGER 2010 data was used in the creation of these districts"?
A Yes.
Q And we had a discussion before about TIGER data. Do you recall that?
A Yes.
Q Does this refresh your recollection about TIGER data?
A I know it's a census term. I'm not -- I don't know what it stands for.
Q Do you see also the statement in there that says, "The districts will be used for the fall of 2012 elections." Do you see that?
A Yes.
Q Do you know why that was included in the legend?
A I'm not sure who produced this legend, so I don't know.
Q I'd like to draw your attention to the Kenosha and Racine counties. And I have some questions for you about the assembly districts drawn in these

two counties.

A Okay.

Q Do you know why Racine, portions of the city of Racine and portions of the city of Kenosha were combined in the same assembly district?

A It reflects decisions that were made in that area, that resulted in portions of them being in that district.

Q Do you know specifically why the assembly district was drawn with the boundaries that were used?

A The city of Kenosha is required to be split because of its population.

Q So the city of Kenosha could not fit entirely within one assembly district, correct?

A That's correct.

Q Could the city of Racine fit entirely within one assembly district?

A I believe so.

Q Do you know why it was not included within one single assembly district?

A That was a decision ultimately made by the legislator -- legislature.

Q Legislature. Was there anyone particular in the legislature who decided that the city of Racine should not be in one assembly district?

A Not that I'm aware of.

Q Do you know who actually drew the physical lines outlining the boundaries of Assembly District 64?

A I don't recall. Adam Foltz or myself.

Q Do you know why you drew those lines specifically in that particular configuration?

A It was to reflect the decisions made by the legislature -- the legislators involved in creating the bill.

Q Did -- well, you drew those lines for District 64 before the bill was presented to the legislature, correct?

A Correct.

Q Did you consult with anyone in drawing the boundaries of Assembly District 64?

A No.

Q Did you receive direction from anyone about how to draw the lines of Assembly District 64?

A No.

Q So you made those decisions on your own about how to draw those lines; is that correct?

A Either I or Adam Foltz.

Q Were there any considerations, other than the redistricting criteria, that you used in determining the configuration of District 64?

A Not that I can recall.

Q Did past election results come into play at all in determining how to configure Assembly District 64?

A Not that I recall.

Q Did partisan political concerns come into play or into your consideration in drawing the boundaries for Assembly District 64?

A Not that I recall, no.

Q Did you solicit comments from legislators representing areas that were significantly changed by the new redistricting plan?

A No.

Q I'm sorry, I didn't hear you.

A No.

Q Was there any specific reason why portions of the city of Racine and Kenosha were aggregated together in the same assembly district?

A Could you repeat that question?

MR. POLAND: Could you read it back.

(Question read)

A Yes.

Q And why is that?

A It was necessary to reach the appropriate population for the district.

Q You could have moved the boundaries further north in the city of Racine and further north in the city of Kenosha for that same purpose, correct?

A Yes.

Q It could have been drawn a number of different ways to reach the population requirements, correct?

A Yes.

Q In the previous assembly -- strike that. In the previous court drawn redistricting plan in 2002, do you know whether portions of the city of Racine and portions of the city of Kenosha were combined in the same assembly district?

A I don't believe they were.

Q And so why did that occur for the redistricting in 2011?

A That was a choice ultimately made by the legislature to do that.

Q By the legislature?

A Yes.

Q T-u-r-e, as a whole?

A Yes.

Q And that was as part of the bill when it was considered by the legislature, correct?

A It was.

Q But in terms of drawing the map, why is it that if it wasn't included in the same assembly district in 2002, that you included those two cities in the same assembly district this time around?

A It was a result of the redistricting principles we used to draw the entire state map. We looked at different alternatives, and this was the alternative ultimately selected.

Q Was there anything specific about the city of Kenosha that caused you to include part of it in Assembly District 64?

A Not that I recall.

Q Anything specific about the city of Racine that caused you to include a portion of it in Assembly District 64?

A Not that I recall.

Q I'd like to draw your attention to the city of Beloit. And under the court drawn 2002 redistricting plan, the city of Beloit was contained in a single assembly district, correct?

A Yes.

Q And under the map that you drew, it's split into two separate assembly districts, correct?

A That's correct.

Q Why was that done?

A I don't recall a specific reason.

Q Could the city of Beloit have fit entirely within the same assembly district?

A Yes.

Q Do you know of any justification, as you sit here today, for splitting the city of Beloit between two different assembly districts?

A It goes back to those redistricting principles I talked about earlier, equal population, compact and contiguous, and sensitivity to minority concerns.

Q Were there minority concerns within the city of Beloit that affected where you drew the district lines?

A Not that I'm aware of.

Q So it would have had to be compactness and population concerns that have dictated where you drew the assembly district lines?

A Those could have played a role in it.

Q As you sit here today, do you recall exactly why you split Beloit into two different assembly districts?

A I don't recall.

Q Did you solicit any input from any representatives of the city of Beloit when you were deciding where -- whether to split Beloit or not?

A No.

Q I'd like to draw your attention up to the city of Appleton. Did you participate in drawing the assembly districts that encompass the city of Appleton?

A Yes.

Q And size the Appleton precluded it from being included in a single assembly district, correct?

A I believe that's correct.

Q Do you know how many assembly districts the city of Appleton is split among?

A I don't recall exactly, if it's three or four.

Q Do you know why it was split among multiple assembly districts?

A I don't recall the exact decision there.

Q Do you know the justification for splitting it?

A I don't recall the exact justification.

Q Did you solicit the input of any representatives of the city of Appleton before splitting it in the way that's reflected in Act 43 among multiple assembly districts?

A No.

Q Did you receive any input from any legislators whose districts encompass the city of Appleton before determining to split it in that way?

A No.

Q Do you know whether you or Mr. Foltz actually drew the assembly districts that encompass the city of Appleton?

A I'm not sure which of us drew those.

Q One of you would have drawn them, you just don't recall --

A Yes.

Q -- which of the two of you did?

A That's correct.

Q I'd like to draw your attention to the city of Marshfield. In the 2002 court drawn plan, the city of Marshfield was included in a single assembly district, correct?

A Correct.

Q And it's split under 2011 Wisconsin Act 43, correct?

A That's correct.

Q Did you actually draw the assembly districts that split Marshfield?

A I don't recall.

Q Don't recall -- you or Mr. Foltz would have done it, but you don't recall which of you did?

A That's correct.

Q Did you solicit any input from any representatives of the city of Marshfield before splitting it between two different assembly districts?

A No.

Q Did you solicit the input of any legislators whose districts encompass the city of Marshfield before splitting it into two different assembly districts?

A No.

Q Do you know the justification for splitting Marshfield?

A No.

Q Could it have fit into a single assembly district?

A Yes.

Q I'd like to draw your attention to the city of Madison. Madison historically has covered -- has had three senate districts, correct?

A At least for the last ten years.

Q Why was Madison combined into two senate districts when it historically had had three senate districts?

A It was a choice that the legislators made.

Q Did -- either you or Mr. Foltz would have drawn the assembly districts encompassing the city of Madison, correct?

A That's correct.

Q And therefore the senate districts also, correct?

A That's correct.

Q Did you receive any input from anyone on how many assembly or senate districts to include in the city of Madison?

A No.

Q As you sit here today, do you know the justification for drawing the assembly and senate districts encompassing the city of Madison in the way they're reflected in Act 43?

A Not that I recall.

Q Were there any cities that you split for the purpose of maintaining compactness in assembly districts?

A Nothing that I specifically recall.

Q Would that be reflected anywhere in any of the materials that you created during the course of the redistricting process?

A I don't recall.

Q Do you know whether 2011 Wisconsin Act 43 creates any Latino majority districts?

A I guess I'm not clear on the question.

Q Okay. Are there any majority Latino assembly districts that are created by 2011 Wisconsin Act 43?

A Yes.

Q What are those districts?

A Assembly Districts 8 and 9.

Q In Milwaukee, correct?

A That's correct.

Q And why is it your belief that those are majority Latino districts?

A Because according to the census data, a majority of the population of those districts is Latino.

Q And that's only -- that only takes into account the fact that they're Latino, correct, in other words, it doesn't take into account citizenship, correct?

A The census data does not reflect citizenship.

Q Do you know what percentage of the 8th Assembly District has Latino residents who are of voting age and are also citizens?

A I do not.

Q And what about in the 9th Assembly District, do you know what percentage of the residents in the 9th Assembly District are Latinos of voting age who are also citizens?

A I do not.

Q How many African-American assembly -- majority assembly districts are created by 2011 Wisconsin Act 43?

A Six.

Q Do you know why it was determined only to draw six?

A I don't recall.

Q Did you ever consider creating more than six African-American majority assembly districts?

A Not that I recall.

Q Did you talk to anyone about whether it was possible to create more than six African-American majority assembly districts?

A No.

Q Do you know of anyone who did an analysis of whether more African-American majority assembly districts could be created for the purpose of 2011 Wisconsin Act 43?

A Not that I'm aware.

Q We've talked about some of the municipalities that were split in 2011 Wisconsin Act 43. Did you take any steps to minimize splitting municipalities?

A The splits on the entire map was something that we looked at when we analyzed various draft maps, yes.

Q And what did you do to minimize the number of municipal splits?

A The software generates a report of communities that are split under draft plans. So we would look at the draft report, and then go back and look at the map and see if there were opportunities to reduce those splits that did not compromise the other core principles that we were drafting by.

Q Are those generally referred to as splits reports?

A That's correct.

Q Who looked at and analyzed splits reports?

A I looked at them. Adam Foltz looked at them. Joe Handrick helped us out with that as well.

Q Did the three of you look at those splits reports independently or together?

A Independently.

Q When you found a split municipality, what did you do to analyze whether it didn't need to be split?

A You would look at putting the community in one district, and then seeing what the ripple effect would be on the population and other redistricting criterias with the surrounding districts.

Q Did you do that with respect to every municipality that was split in the state of Wisconsin?

A No.

Q Why did you not look at every municipality that was split?

A Some -- there's a number of municipalities that are required to be split based on population.

Q So for those that were required to be split based on population, you did not go back and look and see whether they could be configured in a different way to minimize splits?

A No.

Q Did you save copies of the splits reports that you generated?

A I believe so.

Q Would those still be in hardcopy format or located on a computer?

A They may be -- some may be in hardcopy, some may be on the computer.

Q At times did you print splits reports and at other times simply look at them on a computer screen?

A Yes.

Q How did you evaluate core population retention of the 2002 districts?

A There is a report that the autoBound software generates that reflects core retention.

Q How many times did you take a look at core population retention of the 2002 districts?

A I'm not certain how many times.

Q In other words, is it something that you waited until you got to the end of the process to look at or is it something that you evaluated throughout the entire process?

A It's difficult to evaluate absent a completed map.

Q Do you know how many core population retention reports you would have created in the process of redistricting?

A I don't know.

Q Are any of those reports still in existence?

A I believe so.

Q Would those also be either in printed copy or on your computer at the Michael, Best & Friedrich office?

A Yes.

Q Did you take into account communities of interest when you were drawing the map that became 2011 Wisconsin Act 43?

A Yes.

Q Did you evaluate any historical data on how communities of interest had been housed in senate and assembly districts previous to 2010?

A Not that I recall.

Q How did you take into account or into

consideration the communities of interest?

A It's a rather nebulous term that I don't know that it's specifically defined. So we looked at just kind of different map alternatives, and if there were alternatives that may indicate communities that have some sort of, you know, interest in being together or not.

Q Did you solicit input from any of the municipalities themselves with respect to what they considered communities of interest to be?

A No.

Q So, for example, if we look at the city of Marshfield, what did you specifically look at in taking into account communities of interest in that city?

A I don't recall specific consideration there.

Q All right. What about city of Beloit?

A I don't recall anything specific there.

Q What about the city of Appleton?

A I don't recall specific discussions there.

Q What about Racine and Kenosha?

A Aside from the fact that Kenosha had to be split, I don't recall anything specific.

Q In the city of Milwaukee, did you take into account any information with respect to communities of interest?

A Not that I can recall.

Q Do you know how many residents in Wisconsin needed to be moved to new districts from existing districts to comply with equal population requirements?

A I'm not aware that there's a way to measure that.

Q Do you know how many people were actually moved to new districts from old districts?

A I don't recall.

Q Do you know whether the number of people that were moved from old districts to new districts was the smallest amount necessary to meet equal population requirements?

MR. McLEOD: Assert an objection to the form of the question. You can answer if you're able to.

A I don't know that there's a way to measure that.

Q Was there an assessment at all that you did about the number of people that were moved from old districts to new districts?

A I looked at that in terms of state senate seats where there would be delayed voting.

Q And that's for the purpose of disenfranchisement?

A Yes.

Q And do you know how many -- this is a discussion we had before about the number of people who were disenfranchised; is that correct?

A Yes.

Q But in terms of statewide, how many people were moved from old districts to new districts, that's not anything that you looked at?

A Not that I recall, no.

Q And again, jumping down to the key in the map that says the districts were -- will be used for the fall of 2012 elections. Act 43 specifically states that the districts don't go into effect until the general election in 2012, correct?

A That's correct.

Q Do you know why that language is included in the statute?

A I don't know specifically.

MR. POLAND: That's all the questions I have at this time. Peter.

MR. EARLE: Okay. Thanks. I only have very, very few questions just to clarify a few loose ends, Mr. Ottman.

EXAMINATION

By Mr. Earle:

Q There was an exhibit that was shown to you, an e-mail that was captioned, from your Gmail account, captioned voting-age population that was sent from you to various -- the three different people, including Gerard Randall?

A Yes.

Q Can you grab that real quickly for me?

A Okay, I have it.

Q You identified the first person on that address stream, it says Prospectreaol. Who was that?

A I'm not entirely certain. I thought it may be Prospectre Rivera.

Q How is it that you remember Prospectre Rivera's name?

A I seem to recall that he had been involved in redistricting ten years ago in some capacity.

Q Okay. And, but you don't recall whether he got back ahold of you; is that a true statement?

A That's correct.

Q As a result of this e-mail?

A That's correct.

Q And did he do anything to precipitate you putting him on this e-mail address list?

A He did not, no.

Q Where did you get his name again from?

A I believe it was provided to me by Gerard Randall.

Q Did Gerard Randall give you the names of any other Latino pop individuals?

A Not that I recall.

Q All right. You testified during -- you testified after lunch that you had a conversation with Adam during lunch; is that accurate?

A Yes.

Q Did you talk about Zeus Rodriguez at all in that conversation with Adam?

A We did not.

Q Have you covered every communication you had with Zeus Rodriguez during the course of this deposition today?

A I believe so.

Q Did you delete any e-mails that involved Zeus Rodriguez?

A Not that I recall.

Q The -- how many e-mail accounts do you have?

A Two.

Q And so you have no other e-mail accounts other than the Gmail account and your work account?

A I have a Yahoo account, but I don't use that.

Q So you've never used the Yahoo account for redistricting purposes?

A That's correct.

Q Okay. This computer that you have at Michael, Best & Friedrich, is it a self-standing computer? I want to make sure I understood your testimony accurately.

A Yes, it is.

Q So it's not linked to any other computer?

A It is not.

Q Are you the only person who has access to that computer?

A Yes.

Q Have you shared the use of that computer with anybody else?

A I have not.

Q Have you used that computer for any purpose other than redistricting?

A I've prepared legislative documents on unrelated issues.

Q On unrelated issues?

A Yes.

Q What percentage of the material on that computer hard drive are legislative documents on unrelated issues?

A Probably less than 5 percent.

Q And if you can clarify for me the testimony you gave earlier about helping Mr. Handrick set up his computer at Michael, Best & Friedrich. Can you describe that for me again?

A Yes. I set up a user name and password for him to get on to the computer.

Q Now, that computer is located in the same room at Michael Best as your computer?

A That's correct.

Q Is Mr. Handrick the only person with access to that computer?

A No, Adam and I can access that.

Q Did you access Mr. Handrick's computer during the course of the redistricting process?

A I may have, yes.

Q And why would you have accessed Mr. Handrick's computer?

A If he were having software issues, sometimes he would ask me to see if I could figure out why the software wasn't working.

Q Any other reason?

A Not that I recall.

Q Do you ever access it when he's not there?

A Not that I recall.

Q Did you have permission from Mr. Handrick to access that computer?

A It was --

Q Let me rephrase the question. Did you need permission from Mr. Handrick to access that computer?

A No.

Q So any time you wanted to access that computer, you could go ahead and access that computer?

A Yes.

Q And did you without him being present and without him giving you explicit permission at any point?

A Yes.

Q About how many times did you do that?

A Maybe three or four.

Q What was the purpose of that?

A There were times when we had to update software or login passwords had expired or there was additional information that LTSB wanted to put on all three computers.

Q Did the attorneys at Michael, Best & Friedrich have access to the computers that you, Mr. Handrick and Adam Foltz had there?

A No.

Q Okay. Do you know whether it was -- it is

demographically possible to create an assembly district in which Latinos are a majority of the eligible voters?

MR. McLEOD: I'm going to object to the form of the question. I think it's vague and ambiguous. Answer if you're able.

A I believe those districts have been created.

Q Well, I want you to listen carefully to every word I use, okay? Let me ask you this then. Are you saying that the 8th Assembly District consists of a majority of voter-eligible Latinos?

A To my knowledge, it consists of a majority of voter-age Hispanics.

Q I'm asking you whether it consists of a majority of voter-eligible Latinos?

MR. KELLY: Objection, form.

MR. EARLE: I'm sorry, what was the objection?

MR. KELLY: Form. If you would like to know the specifics, I would be happy to tell you.

MR. EARLE: That's okay.

MR. KELLY: You may answer if you believe you can.

A I'm not aware of that statistic, no.

Q So you don't know whether the 8th Assembly District consists of a majority of Latinos who are voter eligible; is that correct?

MR. KELLY: Objection, form. You may answer if you believe you can.

A I don't.

Q Okay. Do you know whether any effort was made at any point in time during the redistricting process to ascertain whether it is possible to draw an assembly district in which the Latinos in that district constitute a majority of the voter-eligible residents?

MR. KELLY: Objection, form. You may answer if you believe you can.

A I assumed that's what MALDEF was attempting to do, but other than that, I don't know.

Q Did you have any direct contact with MALDEF?

A No.

Q So is it accurate to say that all your knowledge about MALDEF's participation is in that e-mail that was produced at Mr. Foltz's deposition?

A The e-mail and the document they forwarded.

Q Okay. Let me just look very quickly. I think I'm done here.

Do you know whether any other person on the -- I guess -- well, let me ask you this way. Do you know whether any person on the redistricting team other than -- well, why don't you list for me the people on the redistricting team that had contact with Zeus Rodriguez.

A I believe it was me, and I don't know if he spoke with counsel or not.

Q You asked him to speak with counsel; is that correct?

A He had asked for a contact person to talk to, and I provided the name of Ray Taffora.

Q Did you follow up with Mr. Taffora about whether Zeus had contacted him?

A I did not.

Q Did Mr. Taffora ever tell you or give you any indications whether Zeus had contacted him?

A I don't recall.

Q Okay. Who is your carrier for your Android device?

A Sprint.

Q And that is an account that you have in your name?

A That's correct.

Q Excuse me?

A That's correct.

MR. EARLE: Okay. I have no further questions.

MR. POLAND: We're done. Off the record.

(Adjourning at 4:40 p.m.)

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, SARAH FINLEY PELLETTER, a Registered Professional Reporter and Notary Public duly commissioned and qualified in and for the State of Wisconsin, do hereby certify that pursuant to subpoena, there came before me on the 22nd day of December 2011, at 9:24 in the forenoon, at the offices of Godfrey & Kahn, S.C., Attorneys at Law, One East Main Street, in the City of Madison, County of Dane, and State of Wisconsin, the following named person, to wit: TAD M. OTTMAN, who was by me duly sworn to testify to the truth and nothing but the truth of his knowledge touching and concerning the matters in controversy in this cause; that he was thereupon carefully examined upon his oath and his examination reduced to typewriting with computer-aided transcription; that the deposition is a true record of the testimony given by the witness; and that reading and signing was not waived.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action in which this deposition is taken and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

In witness whereof I have hereunto set my hand and affixed my notarial seal this 23rd day of December 2011.

Notary Public, State of Wisconsin
Registered Professional Reporter

My commission expires
July 15, 2012

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALVIN BALDUS, et al.,

Plaintiffs,

v. Case No. 11-CV-562

MEMBERS OF THE WISCONSIN
GOVERNMENT ACCOUNTABILITY BOARD, et al.,

Defendants.

DOCUMENTS PRODUCED IN RESPONSE TO SUBPOENA ISSUED BY PLAINTIFFS TO TAD OTTMAN

Tad Ottman, through his attorneys, produces the enclosed documents in response to the subpoena issued by Plaintiffs on December 13, 2011, in the above-captioned matter. Mr. Ottman has also withheld certain privileged documents described in the following privilege log. Mr. Ottman has also withheld documents which constitute attorney-client communications.

Privilege Log

The following documents or categories of documents are privileged and are not being produced.

1. May 4, 2011 email correspondence from State Senator to Legislative Staff Member Tad Ottman regarding area alternatives.

> Grounds for Privilege: Legislative Privilege. Contains "information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to" prepare Wisconsin Acts 43 and 44; "information concerning the identities of persons who participated in decisions regarding" the preparation of Wisconsin Acts 43 and 44; and information amounting to "opinions, recommendations or advice." *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

2. July 18, 2011, email exchange between Legislative Staff Member Adam Foltz and Legislative Staff Member Tad Ottman regarding potential amendment to Act 43.

Ottman
EXHIBIT NO. 33
12·22·11 RPTR SFP
For the Record, Inc.
(608) 833-0392

> Grounds for Privilege: Legislative Privilege. Contains "information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to" prepare Wisconsin Acts 43 and 44; "information concerning the identities of persons who participated in decisions regarding" the preparation of Wisconsin Acts 43 and 44; and information amounting to "opinions, recommendations or advice." *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

3. July 9, 2011, email exchange between Legislative Staff Member Adam Foltz and State Representative and Legislative Staff Member Tad Ottman regarding alternatives for AD 8 and AD 9.

> Grounds for Privilege: Legislative Privilege. Contains "information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to" prepare Wisconsin Acts 43 and 44; "information concerning the identities of persons who participated in decisions regarding" the preparation of Wisconsin Acts 43 and 44; and information amounting to "opinions, recommendations or advice." *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

4. July 7, 2011 email between Legislative Staff Member Adam Foltz and State Representative regarding area alternatives.

> Grounds for Privilege: Legislative Privilege. Contains "information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to" prepare Wisconsin Acts 43 and 44; "information concerning the identities of persons who participated in decisions regarding" the preparation of Wisconsin Acts 43 and 44; and information amounting to "opinions, recommendations or advice." *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

5. July 14, 2011 email correspondence and attachments from Tad Ottman to Legislative Staff Member regarding alternatives for AD 8 and AD 9.

> Grounds for Privilege: Legislative Privilege. Contains "information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to" prepare Wisconsin Acts 43 and 44; "information concerning the identities of persons who participated in decisions regarding" the preparation of Wisconsin Acts 43 and 44; and information amounting to "opinions, recommendations or advice." *Comm. For a Fair*

and Balanced Map v. Ill. State Bd. Of Elections, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

6. March 1, 2011 email correspondence from Adam Foltz to Tad Ottman regarding election data.

> Grounds for Privilege: Legislative Privilege. Contains "information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to" prepare Wisconsin Acts 43 and 44; "information concerning the identities of persons who participated in decisions regarding" the preparation of Wisconsin Acts 43 and 44; and information amounting to "opinions, recommendations or advice." *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

7. Documents used during meetings between Legislative Staff Member Tad Ottman and individual Legislators, including reports related to the 2002 maps, proposed new district analysis, population change analysis, maps confirming the physical location of member's residence.

> Grounds for Privilege: Legislative Privilege. Contains "information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to" prepare Wisconsin Acts 43 and 44; "information concerning the identities of persons who participated in decisions regarding" the preparation of Wisconsin Acts 43 and 44; and information amounting to "opinions, recommendations or advice." *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

8. Documents created in preparation for meetings between Legislative Staff Member Tad Ottman and individual Legislators.

> Grounds for Privilege: Legislative Privilege. Contains "information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to" prepare Wisconsin Acts 43 and 44; "information concerning the identities of persons who participated in decisions regarding" the preparation of Wisconsin Acts 43 and 44; and information amounting to "opinions, recommendations or advice." *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

9. Various draft legislative redistricting maps prepared by Tad Ottman.

Grounds for Privilege: Legislative Privilege. Contains "information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to" prepare Wisconsin Acts 43 and 44; "information concerning the identities of persons who participated in decisions regarding" the preparation of Wisconsin Acts 43 and 44; and information amounting to "opinions, recommendations or advice." *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

Dated this 22nd day of December, 2011.

MICHAEL BEST & FRIEDRICH LLP

By:____________________

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029472-0001\10685109.1

Tad and Adam,

Does this happen when assigning from a particular layer?

Is this with all your plans (New, Existing or one's created from a template)? Do the plans have spaces or special characters in their name?

I have been trying hard to recreate the error and I may need some more information.

Thank you,

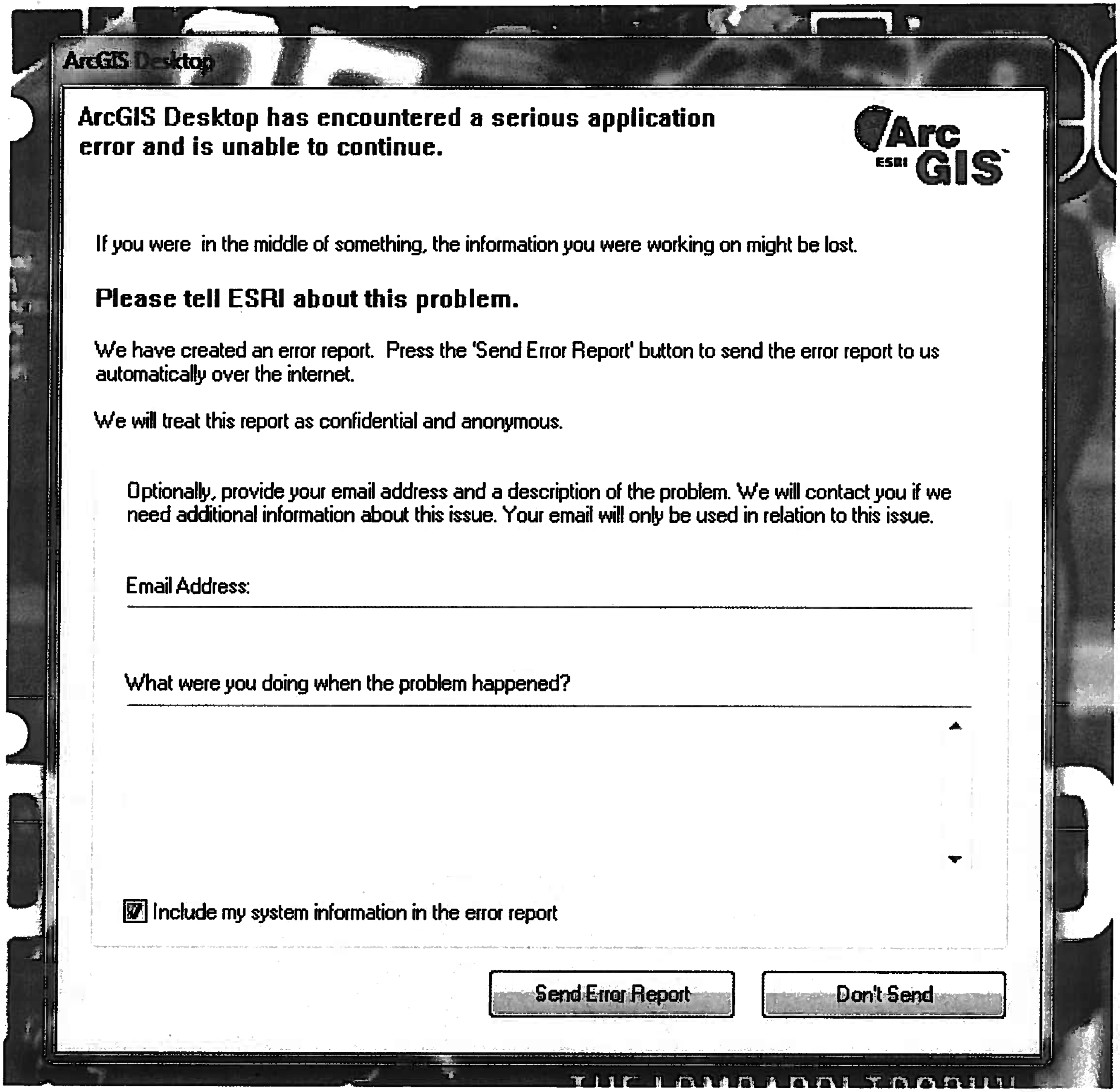
Tony

From: tottman [mailto:]
Sent: Wednesday, May 04, 2011 10:23 AM
To: Squires, Ryan
Subject: Autobound crash

Ryan,

This is a picture of what I get when autobound crashes on me. I was working on a map that has effectively 8 Assembly Districts assigned, I clicked on "current district" on the autobound tools to switch districts. The district numbers came up, when I clicked on the new district I wanted to move to, the program crashed and closed out and this popped up: (If form holds, this will happen on nearly every district switch using the toolbar the rest of the way until I have them all filled in and can left click between districts)

Ottman
EXHIBIT NO. 33A
12.22.11 RPTR SFP
For the Record, Inc.
(608) 833-0392



ArcGIS Desktop has encountered a serious application error and is unable to continue.

If you were in the middle of something, the information you were working on might be lost.

Please tell ESRI about this problem.

We have created an error report. Press the 'Send Error Report' button to send the error report to us automatically over the internet.

We will treat this report as confidential and anonymous.

Optionally, provide your email address and a description of the problem. We will contact you if we need additional information about this issue. Your email will only be used in relation to this issue.

Email Address:

What were you doing when the problem happened?

☑ Include my system information in the error report

Gmail by Google

Tad Ottman <tottman@gmail.com>

MALDEF

2 messages

Jim Troupis <jrtroupis@troupislawoffice.com> **Tue, Jul 12, 2011 at 3:32 PM**
To: tottman <tottman@gmail.com>, adamfoltz@gmail.com
Cc: "McLeod, Eric M (22257)" <EMMcleod@michaelbest.com>, rptaffora@michaelbest.com

Troupis Law Office LLC

7609 Elmwood Ave

Suite 102

Middleton, WI 53562

608.807.4096

jrtroupis@troupislawoffice.com

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---

tottman <tottman@gmail.com> **Tue, Jul 12, 2011 at 3:43 PM**
To: Jim Troupis <jrtroupis@troupislawoffice.com>
Cc: adamfoltz@gmail.com, "McLeod, Eric M (22257)" <EMMcleod@michaelbest.com>, rptaffora@michaelbest.com

Gmail by Google

Tad Ottman <tottman@gmail.com>

FW: MALDEF WI House Plan, (2nd edition)

6 messages

Jim Troupis <jrtroupis@troupislawoffice.com> **Mon, Jul 11, 2011 at 5:05 PM**
To: tottman <tottman@gmail.com>, adamfoltz@gmail.com
Cc: "McLeod, Eric M (22257)" <EMMcleod@michaelbest.com>, rptaffora@michaelbest.com

Troupis Law Office LLC

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From: Elisa Alfonso [mailto:ealfonso@MALDEF.org]
Sent: Monday, July 11, 2011 4:50 PM
To: 'Jim Troupis'
Cc: Alonzo Rivas
Subject: FW: MALDEF WI House Plan, (2nd edition)

Jim,

As promised, here is the MALDEF map we discussed this afternoon.

If you have any questions, please let us know.

Elisa

WI_House_MALDEF_Plan2.zip
314K

---

tottman <tottman@gmail.com> **Mon, Jul 11, 2011 at 5:35 PM**
To: Jim Troupis <jrtroupis@troupislawoffice.com>
Cc: adamfoltz@gmail.com, "McLeod, Eric M (22257)" <EMMcleod@michaelbest.com>, rptaffora@michaelbest.com

---

Jim Troupis <jrtroupis@troupislawoffice.com> **Mon, Jul 11, 2011 at 5:41 PM**
To: tottman <tottman@gmail.com>
Cc: adamfoltz@gmail.com, "McLeod, Eric M (22257)" <EMMcleod@michaelbest.com>, rptaffora@michaelbest.com

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From: tottman [mailto:tottman@gmail.com]
Sent: Monday, July 11, 2011 5:35 PM
To: Jim Troupis
Cc: adamfoltz@gmail.com; McLeod, Eric M (22257); rptaffora@michaelbest.com
Subject: Re: FW: MALDEF WI House Plan, (2nd edition)

[Quoted text hidden]

---

tottman <tottman@gmail.com> **Mon, Jul 11, 2011 at 5:57 PM**
To: Jim Troupis <jrtroupis@troupislawoffice.com>
Cc: adamfoltz@gmail.com, "McLeod, Eric M (22257)" <EMMcleod@michaelbest.com>, rptaffora@michaelbest.com

Jim Troupis <jrtroupis@troupislawoffice.com> **Mon, Jul 11, 2011 at 6:42 PM**
To: tottman <tottman@gmail.com>, adamfoltz@gmail.com, "McLeod, Eric M (22257)" <EMMcleod@michaelbest.com>, rptaffora@michaelbest.com

Troupis Law Office LLC

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From: Jim Troupis [mailto:jrtroupis@troupislawoffice.com]
Sent: Monday, July 11, 2011 6:41 PM
To: 'Elisa Alfonso'; 'Alonzo Rivas'
Subject: FW: FW: MALDEF WI House Plan, (2nd edition)

Elisa and Alonzo,

I like your proposal. We've taken it a bit further. Here is a comparison of MALDEF's proposal to a suggestion we think might work a bit better. MALDEF's option is shown in color and our suggestion to do the same thing on the same template is shown in outline form as an overlay.

The HVAP numbers under the 2 plans:

MALDEF

AD 8 60.10

AD 9 53.00

Our Alternative

AD 8 60.52

So this takes the same principal and improves it slightly on the numbers. Importantly, the MALDEF proposal would result in changing at least four other assembly districts in the present legislation, while this alternative would not cause those other unnecessary changes. As a result, I think the legislature could move to your suggestion—with our small changes.

Let us know what you think.

The hearing is on Wens., and if you would be willing to speak on behalf of this, we can then make sure you are on the agenda and the plan is given complete consideration.

Jim

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jrtroupis@troupislawoffice.com

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From: Elisa Alfonso [mailto:ealfonso@MALDEF.org]
Sent: Monday, July 11, 2011 4:50 PM
To: 'Jim Troupis'
Cc: Alonzo aRivas
Subject: FW: MALDEF WI House Plan, (2nd edition)

Jim,

As promised, here is the MALDEF map we discussed this afternoon.

If you have any questions, please let us know.

Elisa

Comparison of 64-50 maps.pdf
64K

Jim Troupis <jrtroupis@troupislawoffice.com> **Tue, Jul 12, 2011 at 12:00 PM**
To: tottman@gmail.com, adamfoltz@gmail.com, "McLeod, Eric M (22257)" <EMMcleod@michaelbest.com>, rptaffora@michaelbest.com

James R. Troupis

Troupis Law Office LLC

jrtroupis@troupislawoffice.com

ph. 608-807-4096

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From: Elisa Alfonso [mailto:ealfonso@MALDEF.org]
Sent: Tuesday, July 12, 2011 11:41 AM
To: Jim Troupis; Alonzo Rivas
Subject: Re: FW: MALDEF WI House Plan, (2nd edition)

Jim,
Alonzo is out this morning and won't be back until this afternoon.

In regards to the MALDEF map, we will go with the recommendation you made last night.

As for tomorrow, we are unfamiliar with the process. Does it have to be oral testimony or can it be written? Any suggestions you can give us will be greatly appreciated.

We definitely need to speak today. Please let us know when you think we can have a call after your meetings.

Thank you.

Sent via BlackBerry by AT&T

From: Jim Troupis <jrtroupis@troupislawoffice.com>

Date: Tue, 12 Jul 2011 10:35:56 -0500

To: Elisa Alfonso<ealfonso@MALDEF.org>; Alonzo Rivas<Arivas@MALDEF.org>

Subject: RE: FW: MALDEF WI House Plan, (2nd edition)

Elisa,

I am meeting with legislative leaders this afternoon. Can we talk later this morning? The hearing will be tomorrow at 10 a.m. in Madison, and so, to the extent we can, we would like to insure that the concerns of the Latino community are addressed. This morning I asked staff to consult with our Legislative Reference Bureau on these alternatives as they must ultimately draft any amendment.

Let me know what works.

Jim

James R. Troupis

Troupis Law Office LLC

jrtroupis@troupislawoffice.com

ph. 608-807-4096

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From: Jim Troupis [mailto:jrtroupis@troupislawoffice.com]
Sent: Monday, July 11, 2011 6:41 PM
To: Elisa Alfonso; Alonzo Rivas
Subject: FW: FW: MALDEF WI House Plan, (2nd edition)

Elisa and Alonzo,

I like your proposal. We've taken it a bit further. Here is a comparison of MALDEF's proposal to a suggestion we think might work a bit better. MALDEF's option is shown in color and our suggestion to do the same thing on the same template is shown in outline form as an overlay.

The HVAP numbers under the 2 plans:

MALDEF

AD 8 60.10

AD 9 53.00

Our Alternative

AD 8 60.52

AD 9 54.03

So this takes the same principal and improves it slightly on the numbers. Importantly, the MALDEF proposal would result in changing at least four other assembly districts in the present legislation, while this alternative would not cause those other unnecessary changes. As a result, I think the legislature could move to your suggestion—with our small changes.

Let us know what you think.

The hearing is on Wens., and if you would be willing to speak on behalf of this, we can then make sure you are on the agenda and the plan is given complete consideration.

Jim

Troupis Law Office LLC

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From: Elisa Alfonso [mailto:ealfonso@MALDEF.org]
Sent: Monday, July 11, 2011 4:50 PM
To: 'Jim Troupis'
Cc: Alonzo aRivas
Subject: FW: MALDEF WI House Plan, (2nd edition)

Jim,

As promised, here is the MALDEF map we discussed this afternoon.

If you have any questions, please let us know.

Elisa

1. Create a new plan
2. Empty plan
3. Open arcmap
4. Add data
5. Ap9gbd
6. open arc toolbox
7. conversion tools
8. open to shapefile
9. feature class to shapefile
10. input features (plan boundary)
11. output folder, wherever you want
12. Go to data exchange tools
13. Import plan

Tad and Adam,

an you look at this report to see if the structure works for you.

Thank you,

Tony

Tony J. Van Der Wielen
Legislative Technology Services Bureau
GIS Manager
Phone: 608-283-1817
Fax: 608-267-6763
E-mail: Tony.vanderwielen@legis.wisconsin.gov

Disenfranchisement Report

5/20/2011

Current District:	**5**		
Population from District:	**8**	**1,517**	**1,841**
Population from District:	**28**	**31,147**	**39,584**
	Total Disenfranchised:	**32,664**	**41,425**
Current District:	**25**		
Population from District:	**12**	**6,507**	**8,256**
	Total Disenfranchised:	**6,507**	**8,256**
Current District:	**29**		
Population from District:	**12**	**4,069**	**4,832**
	Total Disenfranchised:	**4,069**	**4,832**
Current District:	**33**		
Population from District:	**28**	**749**	**968**
	Total Disenfranchised:	**749**	**968**
Total for Plan:	Workspace: Senate Plans>>SimpleSenate2	**43,989**	**55,481**

I just want to confirm it works with the Senate District Plans. I am still working on the Assembly side.

Tony

-----Original Message-----
From: Ottman, Tad
Sent: Monday, May 23, 2011 5:17 PM
To: Van Der Wielen, Tony
Subject: RE: Disenfranchisement

I finally got the disenfranchisement report to run, but it was off by a 6 figure magnitude compared to the same core constituency report on a senate plan. Some totals from even numbered senate districts it had dead on, others were off by 100's to 1000's, and in still others, it missed complete totals from even numbered senate districts that wound up in odd numbered districts.

-----Original Message-----
From: Van Der Wielen, Tony
Sent: Fri 5/20/2011 3:53 PM
To: Ottman, Tad; Foltz, Adam
Subject: Disenfranchisement

Tad and Adam,

Can you look at this report to see if the structure works for you.

Thank you,

Tony

Tony J. Van Der Wielen
Legislative Technology Services Bureau
GIS Manager
Phone: 608-283-1817
ax: 608-267-6763
E-mail: Tony.vanderwielen@legis.wisconsin.gov <mailto:Tony.vanderwielen@legis.wisconsin.gov>

I will look at this now.

Sent from my iPhone

On May 23, 2011, at 5:16 PM, "Ottman, Tad" <Tad.Ottman@legis.wisconsin.gov> wrote:

> I finally got the disenfranchisement report to run, but it was off by a 6 figure magnitude compared to the same core constituency report on a senate plan. Some totals from even numbered senate districts it had dead on, others were off by 100's to 1000's, and in still others, it missed complete totals from even numbered senate districts that wound up in odd numbered districts.
>
> -----Original Message-----
> From: Van Der Wielen, Tony
> Sent: Fri 5/20/2011 3:53 PM
> To: Ottman, Tad; Foltz, Adam
> Subject: Disenfranchisement
>
> Tad and Adam,
>
>
>
> Can you look at this report to see if the structure works for you.

>
>
> Thank you,
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>
> Tony
>
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>
> Tony J. Van Der Wielen
> Legislative Technology Services Bureau
> GIS Manager
> Phone: 608-283-1817
> Fax: 608-267-6763
> E-mail: Tony.vanderwielen@legis.wisconsin.gov <mailto:Tony.vanderwielen@legis.wisconsin.gov>
>
>

>

I would try and do a recalculation of the plan and choose "no". This should help.

am looking into this further today.

Tony

Tony J. Van Der Wielen
Legislative Technology Services Bureau
GIS Manager
Phone: 608-283-1817
Fax: 608-267-6763
E-mail: Tony.vanderwielen@legis.wisconsin.gov

Hi Tad and Adam,

We will be clipping the Great Lakes and Lake Winnebago water from the entire Statewide10 database so the compactness and other spatial analysis will be accurate. The exact blocks that were chosen as "Land" or "Water" were determined by population counts (all being 0), the US Census Water layer/codes, and by Tony and I confirming each of them by hand. In the frequent case of a river running into the lakes, the blocks were removed in the river outlet up until the first bridge.

The process is quite simple. We will be using the State outline I described above as a cookie cutter to clip out the water from the data. There will be no loss of population, and the data will be exactly the same as before, but there will be blocks removed. Since we drew the outline based on the same blocks that you are using, there shouldn't be any trimming of actual polygons at the block level, only removal. However, we will have to trim the geography of all of the higher level geographies, so the process takes about an hour to complete. The process creates a copy, and does not alter the original database, so we can test it before we leave.

Please let us know when would be the best time for Tony and I to come over and start the process or if you have any questions.

Thanks,

Ryan Squires
GIS Analyst
Legislative Technology Services Bureau
608-283-1814

Tad and Adam,

an you run through the following steps in autoBound. This will prepare your database for the 2010 State Senate Election Data.

1. Open the autoBound Administration tool.
    a. Choose "Manage my Census and Political Data".
    b. Choose "Calculate or Edit My Database".
    c. Click on the "Add Field" button.
    d. Add the following fields with the follow parameters
            1. Numeric
            2. Field 9, no decimals
        ii. SSDEM10
        iii. SSREP10
        iv. SSIND10
        v. SSSCAT10
        vi. SS10T

After the fields are added you may need to "Finalize database" to use autoBound again. If this can be done before we come over tomorrow, I will be able to add the 2010 Senate ata to your databases.

If you don't feel comfortable adding these fields in the database I can do it tomorrow.

Thank you,

Tony
Tony J. Van Der Wielen
Legislative Technology Services Bureau
GIS Manager
Phone: 608-283-1817
Fax: 608-267-6763
E-mail: Tony.vanderwielen@legis.wisconsin.gov

Hi Tad and Adam,

I spoke with Fred on the phone. The slivers showing up in the Plan Errors and the Overlapping Populations error are directly related as you suspected. Without going into too much unnecessary detail, the issue is basically due to the differences in precisions between the native format (shapefiles) that the original data sits in, and the database format that it is converted to when a plan is generated. I guess this is an issue that Fred has been working on for a while and was able to find a resolution last week. He has released a patch on his website. However there are two things you should be aware of. The first is that we have not tested this new patch yet, so you can download and run it now, or let us download and mess with it a bit to test it. It is up to you, I didn't know how much it was affecting you, or if you are ok with trusting the patches. The second is that this will only affect NEW plans, so all of your previously created plans will not be fixed. Fred promised me he would create a utility in the next couple of days to convert old plans into the patch solution. He will let me know when that is released.

You can find the patch (autobound10_P5.exe) on Fred's website here:

http://citygategis.com/download/

In regards to the third issue about AutoBound crashing when you click on Current District or Active Layer, Fred informed me that he has not ever seen the issue or heard of any other users with the issue thus far. We have not seen the issue here, so it was hard for me to push him too had on it. I think to resolve it, we are going to have to document the conditions and procedures around the crash. The next time that it happens, could you please take a screen shot of the error, give me a step by step procedure of what was clicked leading up to the crash, and some information on the plan you were working on at the time.

Please let me know if you have any other questions.

Thanks,

Ryan Squires
GIS Analyst
Legislative Technology Services Bureau
608-283-1814

Hi Adam and Tad,

have been trying to track down the US Representatives' home addresses for the Congressional Incumbents file that you had requested, but due to security reasons, it has been quite difficult to get any information. Mike Keane was able to dig up the addresses below, but it sounds like they are about a year old, or 12 years old in the case of Baldwin. Would you like me to go ahead with these addresses, or do you know of any other person to contact that would have this information? Please see the email below.

Thanks,

Ryan Squires

From: Keane, Michael
Sent: Wednesday, May 11, 2011 10:08 AM
To: Van Der Wielen, Tony; Squires, Ryan
Subject: Addresses of Congressmen.

These are the addresses we have for Representative to Congress from Wisconsin. For the most part, they are the information submitted to the GAB when they filed for candidacy in uly 2010, so they should be considered old data. In the case of Baldwin, the most recent address we have is from 1999, although she may still live there.

Ryan: 221 East Holmes Street, Janesville 53545
Baldwin: 525 Riverside Drive, Madison 53704
Kind: 3061 Edgewater Lane, La Crosse 54603
Moore: 4043 North 19th Place, Milwaukee 53209
Sensenbrenner: N76 W14726 North Point Drive, Menomonee Falls 53052
Petri: N5329 DeNeveu Lane, Fond du Lac 54937
Duffy: 2906 City Heights Road, Ashland 54806
Ribble: 1959 Schuering Road, De Pere 54115

If you have any questions, let me know.

Mike Keane
LRB
6-0346

Tad Ottman <tottman@gmail.com>

FW: Assembly Map 2010 vs. 2000

1 message

Ottman, Tad <Tad.Ottman@legis.wisconsin.gov> **Thu, Mar 17, 2011 at 2:46 PM**
To: tottman@gmail.com

-----Original Message-----
From: Wolff, Dana
Sent: Thu 3/17/2011 1:06 PM
To: Foltz, Adam; Ottman, Tad
Cc: Van Der Wielen, Tony
Subject: Assembly Map 2010 vs. 2000

Hi Adam and Tad,

Tony mentioned you were looking for this map. You should be able to print this off on your plotter.

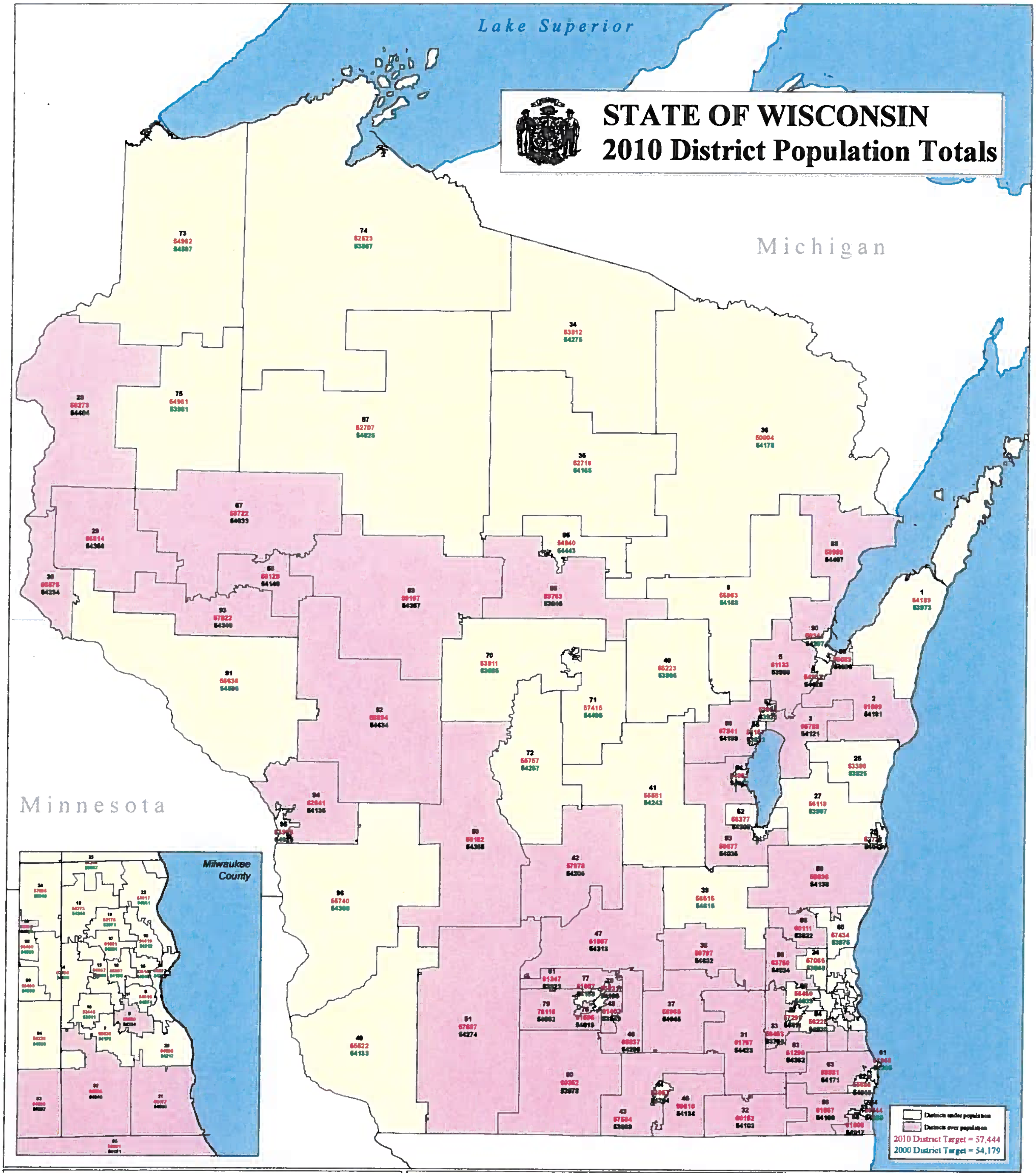
If you have any questions, please let either me or Tony know.

Thank you,

Dana

pl_asm_data.pdf
1120K

STATE OF WISCONSIN
2010 District Population Totals


Lake Superior
Michigan
Minnesota
Milwaukee County
Districts under population
Districts over population
2010 District Target = 57,444
2000 District Target = 54,179
N
W
E
S

S- ¹ ¹S. Census Bureau's TIGER 2000 data was used by local officials to create a statewide municipal ward dataset.
'cipal wards were used to create new legislative and congressional districts of the state.
al ward information includes annexations up to August 1, 2001.

Dis... as created by the Federal Court Redistricting Decision dated May 22, 2002.
Districts are effective as of May 30, 2002.

Projection: All data is projected in Wisconsin Transverse Mercator, referenced to the North American Datum of 1983, 1991 adjustment.

Legislative Technology Services Bureau
17 West Main Street
Suite 200
Madison, WI 53703-3305
(608) 266-6640 Ext. 1

0 5 10 20 30 40 Miles

www.legis.wisconsin.gov/redistricting

Assembly District 01	54,189
Assembly District 02	61,009
Assembly District 03	65,789
Assembly District 04	54,953
Assembly District 05	61,133
Assembly District 06	55,963
Assembly District 07	55,825
Assembly District 08	54,616
Assembly District 09	60,880
Assembly District 10	51,419
Assembly District 11	52,178
Assembly District 12	55,275
Assembly District 13	53,867
Assembly District 14	52,656
Assembly District 15	53,448
Assembly District 16	52,510
Assembly District 17	51,861
Assembly District 18	48,387
Assembly District 19	56,827
Assembly District 20	54,999
Assembly District 21	60,177
Assembly District 22	53,017
Assembly District 23	55,249
Assembly District 24	57,065
Assembly District 25	53,360
Assembly District 26	52,721
Assembly District 27	56,118
Assembly District 28	59,273
Assembly District 29	66,814
Assembly District 30	66,575
Assembly District 31	61,767
Assembly District 32	60,152
Assembly District 33	59,453
Assembly District 34	53,812
Assembly District 35	52,716
Assembly District 36	50,804
Assembly District 37	58,965
Assembly District 38	59,797
Assembly District 39	56,515
Assembly District 40	55,223
Assembly District 41	55,581
Assembly District 42	57,978
Assembly District 43	57,584
Assembly District 44	53,057
Assembly District 45	59,610
Assembly District 46	65,837
Assembly District 47	61,097
Assembly District 48	61,402
Assembly District 49	55,522
Assembly District 50	59,182
Assembly District 51	57,687
Assembly District 52	56,377
Assembly District 53	59,677
Assembly District 54	54,063
Assembly District 55	54,157
Assembly District 56	67,841
Assembly District 57	53,999
Assembly District 58	60,111
Assembly District 59	58,836
Assembly District 60	57,434
Assembly District 61	51,968
Assembly District 62	55,886
Assembly District 63	58,881
Assembly District 64	56,844
Assembly District 65	61,806
Assembly District 66	61,567
Assembly District 67	58,722
Assembly District 68	59,129
Assembly District 69	59,107
Assembly District 70	53,911
Assembly District 71	57,415
Assembly District 72	55,757
Assembly District 73	54,962
Assembly District 74	52,623
Assembly District 75	54,961
Assembly District 76	61,395
Assembly District 77	51,957
Assembly District 78	55,031
Assembly District 79	76,116
Assembly District 80	60,352
Assembly District 81	61,347
Assembly District 82	60,035
Assembly District 83	61,206
Assembly District 84	56,225
Assembly District 85	54,840
Assembly District 86	59,763
Assembly District 87	52,707
Assembly District 88	58,089
Assembly District 89	58,999
Assembly District 90	56,344
Assembly District 91	56,636
Assembly District 92	58,094
Assembly District 93	57,822
Assembly District 94	62,641
Assembly District 95	53,998
Assembly District 96	55,740
Assembly District 97	57,299
Assembly District 98	56,450
Assembly District 99	63,750

Tad Ottman <tottman@gmail.com>

Voting Age Populations

1 message

tottman <tottman@gmail.com> **Tue, Jul 12, 2011 at 5:00 PM**
To: prospectre <prospectre@aol.com>, rspindell <rspindell@gottesman-company.com>, gerardmdll@yahoo.com

Attached is the file with Voting populations from the court drawn map in 2002. The African-American districts we are talking about are Assembly districts 10, 11, 12, 16, 17 and 18. The Hispanic districts are Assembly districts 7, 8 and 9.

AD's 10, 11 and 12 make up the 4th senate district, 16,17 and 18 make up the 6th Senate district, and 7, 8 and 9 make up the 3rd Senate district.

Under SB 148, below are listed the Voting Age Percentages.

AD 10 (Coggs) 61.8%
AD 11 (Fields) 61.9%
AD 12 (Open) 51.5%

SD 4 (Taylor) 58.4%

AD 16 (Young) 61.3%
AD 17 (Toles) 61.3%
AD 18 Grigsby) 60.4%

SD 6 (Coggs) 61%

Please let me know if you have any questions.

Tad Ottman

Copy of 2000_Pop18_2002_ASM.xlsx
23K

Gmail by Google

Tad Ottman <tottman@gmail.com>

FYI

1 message

---

tottman <tottman@gmail.com> **Thu, Feb 24, 2011 at 11:42 AM**
To: "Joseph W. Handrick" <jhandrick@reinhartlaw.com>, Jim Troupis <jrtroupis@troupislawoffice.com>, "McLeod, Eric M (22257)" <EMMcleod@michaelbest.com>
Cc: "adam.foltz" <Adam.Foltz@legis.wisconsin.gov>

-----Original Message-----
From: Van Der Wielen, Tony
Sent: Thu 2/24/2011 11:33 AM
To: Ottman, Tad; Foltz, Adam
Subject: FW: PL and TIGER Data

FYI

-----Original Message-----
From: catherine.clark.mccully@census.gov [mailto:catherine.clark.mccully@census.gov]
Sent: Wednesday, February 23, 2011 7:14 AM
To: Van Der Wielen, Tony
Subject: RE: PL and TIGER Data

Hi Tony,

We're hoping for early March but that's subject to whether we're open or not--if we're shut down--it's then how long are we shut down.

Cathy
****
Cathy McCully, Chief
Census Redistricting Data Office

301-763-4039
fax 301-763-4348
cell-301-467-4845
catherine.clark.mccully@census.gov

From: "Van Der Wielen, Tony" <Tony.VanDerWielen@legis.wisconsin.gov>

To: <catherine.clark.mccully@census.gov>

Date: 02/22/2011 11:38 AM

Subject: RE: PL and TIGER Data

Cathy,

I hope all is going well.

I have been checking the RDO website and I can see we are not scheduled for this week.
Could you give me any insight on the delivery of the PL data to Wisconsin?

Thank you!

Tony

-----Original Message-----
From: catherine.clark.mccully@census.gov
[mailto:catherine.clark.mccully@census.gov]
Sent: Friday, January 14, 2011 6:46 AM
To: Van Der Wielen, Tony
Subject: RE: PL and TIGER Data

Hi Tony,

We will be shipping Wisconsin on Tuesday by next day Fed-Ex. You should have it next Wednesday. It will be posted to the web on Thursday. Have you been watching our web site? You can track progress by going to the www.census.gov/rdo/data Products are listed in the left hand column
and
by clicking each product==you get a description and status report.

We're updating the site right now.

Cathy
****
Cathy McCully, Chief
Census Redistricting Data Office

301-763-4039
fax 301-763-4348
cell-301-467-4845
catherine.clark.mccully@census.gov

From: "Van Der Wielen, Tony"
<Tony.VanDerWielen@legis.wisconsin.gov>

To: <catherine.clark.mccully@census.gov>

Date: 01/13/2011 05:12 PM

Subject: RE: PL and TIGER Data

Cathy,

Do you have a information on the release of our TIGER data or our PL data?

We are getting a little nervous that we are last on the list to get data.

We have some tight deadlines for our local redistricting project and I am
getting pressed for any word on delivery of our data.

Any information would be most appreciated.

Thank you,

Tony

Tony J. Van Der Wielen
Legislative Technology Services Bureau
GIS Manager
Phone: 608-283-1817
Fax: 608-267-6763
E-mail: Tony.vanderwielen@legis.wisconsin.gov
Wisconsin Interactive Map Server: http://wims.legis.state.wi.us

From: Van Der Wielen, Tony
Sent: Monday, November 22, 2010 10:31 AM
To: catherine.clark.mccully@census.gov
Subject: PL and TIGER Data

Cathy,

I wanted to touch base with you on the upcoming release of our redistricting data.

I noticed on the TIGER website that the release date for states has been pushed back (release is now to start in December). Has the TIGER release also been pushed back for RDP participants?

I also wanted to see if a copy of our PL 94-171 data could also be sent

to
CityGate GIS for processing.

Hope all is well with you and your family!

Thank you,

Tony
Tony J. Van Der Wielen
Legislative Technology Services Bureau
GIS Manager
Phone: 608-283-1817
Fax: 608-267-6763
E-mail: Tony.vanderwielen@legis.wisconsin.gov
Wisconsin Interactive Map Server: http://wims.legis.state.wi.us

Gmail by Google

Tad Ottman <tottman@gmail.com>

Map printing assistance

1 message

---

tottman <tottman@gmail.com> **Tue, May 3, 2011 at 10:05 AM**
To: Tony.VanDerWielen@legis.wisconsin.gov

Hi Tony,

I could use a refresher on how to print the maps. I'm having trouble printing the large size maps (can't get them to scale up) and I forgot how to take a portion of the map and blow it up and add it alongside the rest of the map.

Do you have a cheat sheet for that?

Thanks,

Tad

P.S. I know Adam has talked to you about the difficulty in switching districts, but it's become a real annoyance working on any new map. If I have to assign a new district from the toolbar, it crashes the program nearly every time once a map is filled with just a handful of districts.

Gmail by Google

Tad Ottman <tottman@gmail.com>

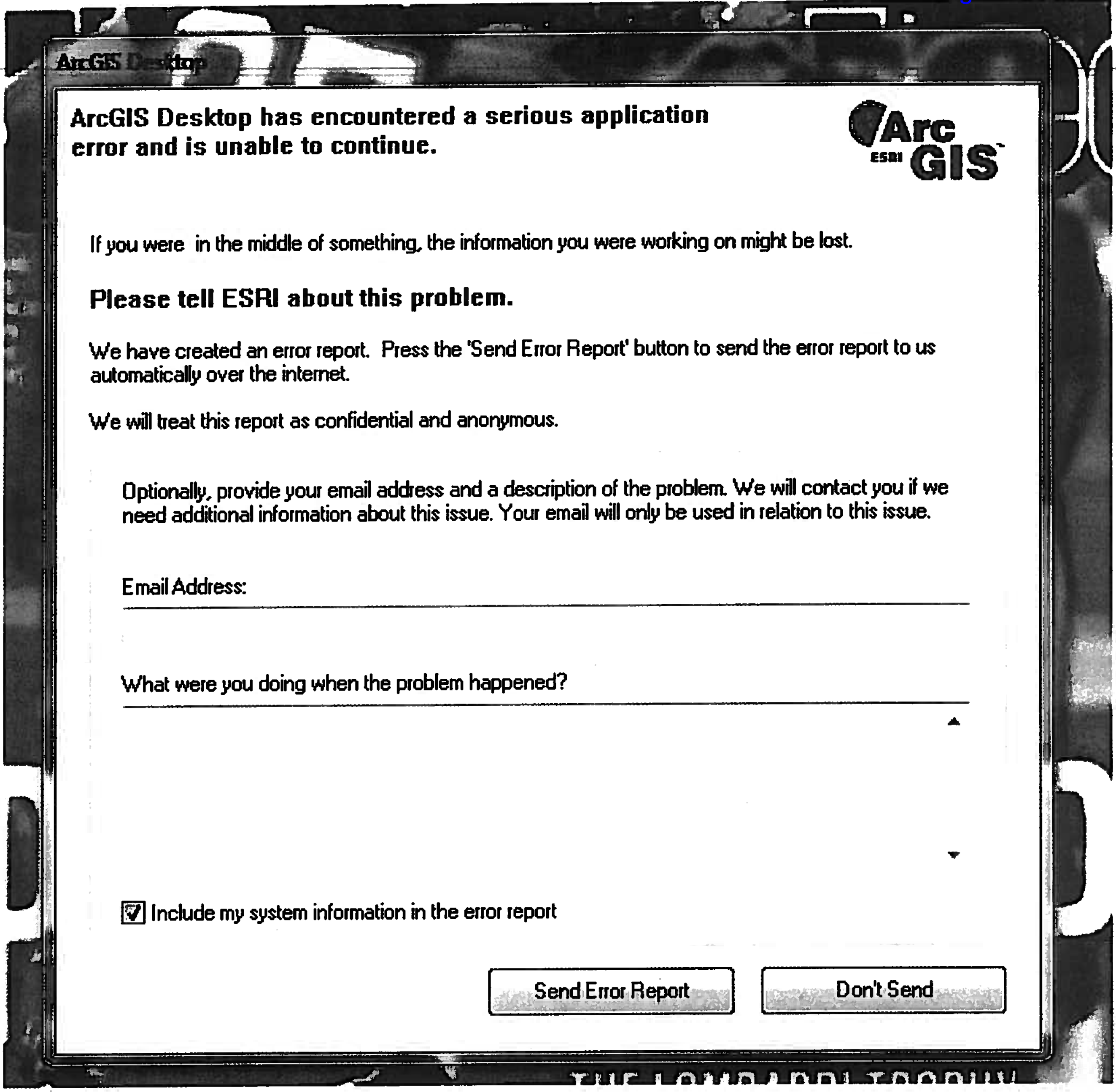
Autobound crash

1 message

tottman <tottman@gmail.com> **Wed, May 4, 2011 at 10:22 AM**
To: Ryan.Squires@legis.wisconsin.gov

Ryan,

This is a picture of what I get when autobound crashes on me. I was working on a map that has effectively 8 Assembly Districts assigned, I clicked on "current district" on the autobound tools to switch districts. The district numbers came up, when I clicked on the new district I wanted to move to, the program crashed and closed out and this popped up: (If form holds, this will happen on nearly every district switch using the toolbar the rest of the way until I have them all filled in and can left click between districts)



ArcGIS Desktop has encountered a serious application error and is unable to continue.

If you were in the middle of something, the information you were working on might be lost.

Please tell ESRI about this problem.

We have created an error report. Press the 'Send Error Report' button to send the error report to us automatically over the internet.

We will treat this report as confidential and anonymous.

Optionally, provide your email address and a description of the problem. We will contact you if we need additional information about this issue. Your email will only be used in relation to this issue.

Email Address:

What were you doing when the problem happened?

☑ Include my system information in the error report

Gmail by Google

Tad Ottman <tottman@gmail.com>

FW: How to Project the Plans

1 message

Ottman, Tad <Tad.Ottman@legis.wisconsin.gov> **Thu, Mar 17, 2011 at 11:51 AM**
To: tottman@gmail.com

-----Original Message-----
From: Squires, Ryan
Sent: Thu 3/17/2011 11:39 AM
To: Ottman, Tad; Foltz, Adam
Cc: Van Der Wielen, Tony
Subject: How to Project the Plans

To Project Old AutoBound 9 Plan into AutoBound 10 Projection

1. Open ArcMap

2. Click File > Open, and navigate to the MXD inside the plan name found in your old Workspace folder (i.e. C:\Wisconsin \Workspace\Assembly\Assembly_2001). Open the MXD.

3. Open ArcToolbox inside of ArcMap

4. In ArcToolbox, click Data Management Tools > Projections and Transformations > Feature > Project

5. In the Project Tool, drag and drop 'Plan Boundary' from the Table of Contents into the Input Dataset or Feature Class. Click the Folder to navigate to an output location for the Shapefile.

6. For the Output Coordinate System, click the icon on the far right (looks like a pointing hand over a page). In Spatial Reference Properties, click Select > Geographic Coordinate Systems > North America > NAD 1983.prj. Click Add.

7. In the Geographic Transformation drop down, select NAD_1983_To_HARN_Wisconsin

8. Click Ok.

You will now be able to import the plans using the shapefiles in AutoBound. I believe you are both able to import shapefiles, but if you have any issues or would like a set of instructions please let me know.

Thanks!

Ryan Squires

GIS Analyst

Legislative Technology Services Bureau

608-283-1814

Gmail by Google

Tad Ottman <tottman@gmail.com>

FW: Field Calculations

1 message

Ottman, Tad <Tad.Ottman@legis.wisconsin.gov> **Thu, Mar 17, 2011 at 2:46 PM**
To: tottman@gmail.com

-----Original Message-----
From: Van Der Wielen, Tony
Sent: Thu 3/17/2011 1:53 PM
To: Foltz, Adam; Ottman, Tad
Subject: Field Calculations

Here is how the data was calculated.

1. Total Population = PERSONS

2. Hispanic Alone = Hispanic

3. Non-Hispanic White = White

4. Non-Hispanic Black + Non-Hispanic Black and White = Black

5. Non-Hispanic Asian + Non-Hispanic Asian and White = Asian

6. Non-Hispanic American Indian and Alaska Native + Non-Hispanic American Indian and Alaska Native and White = AMINDIAN

7. Non-Hispanic Native Hawaiian and Other Pacific Islander + Non-Hispanic Native Hawaiian and Other Pacific Islander and White = PISLAND

8. Non-Hispanic Some Other Race = OTHER

9. Non-Hispanic Other Multiple Race = OTHERMLT

10. Total Population over 18 = PERSONS18

11. 18 Hispanic Alone = Hispanic18

12. 18 Non-Hispanic White = White18

13. 18 Non-Hispanic Black + 18 Non-Hispanic Black and White = Black18

14. 18 Non-Hispanic Asian + 18 Non-Hispanic Asian and White = Asian18

15. 18 Non-Hispanic American Indian and Alaska Native + 18 Non-Hispanic American Indian and Alaska Native and White = AMINDIAN18

16. 18 Non-Hispanic Native Hawaiian and Other Pacific Islander + 18 Non-Hispanic Native Hawaiian and Other Pacific Islander and White = PISLAND18

17. 18 Non-Hispanic Some Other Race = OTHER18

18. 18 Non-Hispanic Other Multiple Race = OTHERMLT18

This is based on the DOJ Guidance that is attached to this e-mail.

If you add 2-9 together you will get 1 (Total Population).

If you add 11-18 you will get 10 (Persons18).

Let me know if you have any questions.

Thank you,

Tony

Tony J. Van Der Wielen
Legislative Technology Services Bureau
GIS Manager
Phone: 608-283-1817
Fax: 608-267-6763
E-mail: Tony.vanderwielen@legis.wisconsin.gov <mailto:Tony.vanderwielen@legis.wisconsin.gov>

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getdoc.cgi_dbname=2001_register&docid=01-1488-filed.pdf
421K

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
1985

Federal Register

Thursday,
January 18, 2001

Part XV

Department of Justice

Guidance Concerning Redistricting and Retrogression Under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c; Notice

DEPARTMENT OF JUSTICE

Office of the Assistant Attorney General, Civil Rights Division; Guidance Concerning Redistricting and Retrogression Under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: The Attorney General has delegated responsibility and authority for determinations under Section 5 of the Voting Rights Act to the Assistant Attorney General, Civil Rights Division, who finds that, in view of recent judicial decisions, it is appropriate to issue guidance concerning the review of redistricting plans submitted to the Attorney General for preclearance pursuant to Section 5 of the Voting Rights Act.

FOR FURTHER INFORMATION CONTACT: Joseph D. Rich, Acting Chief, Voting Section, Civil Rights Division, United States Department of Justice, Washington, D.C. 20530, (202) 514–6018.

SUPPLEMENTARY INFORMATION: Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c, requires jurisdictions covered by the Act's special provisions to obtain a determination from either the Attorney General or the United States District Court for the District of Columbia that any change affecting voting, which they seek to enforce, does not have a discriminatory purpose and will not have a discriminatory effect.

Beginning in April 2001, these jurisdictions will begin to seek preclearance of redistricting plans based on the 2000 Census. Based on past experience, the overwhelming majority of the covered jurisdiction will submit their redistricting plan to the Attorney General. As part of the Department's preparation for the upcoming redistricting cycle, Departmental representatives conducted a nation-wide outreach campaign to inform as many of the interested parties as possible of the manner in which it will analyze redistricting plans under section 5. Many of the contacts, both governmental entities and interested private citizens and groups, expressed the view that, in view of recent judicial decisions, it would be helpful for the Department to issue some general guidance in this area. These requests coincided with the Attorney General's view that, by identifying, in general terms, the Department's analytical approach, such guidance would serve a useful law enforcement purpose. This guidance is not legally binding; rather, it is intended only to provide assistance to entities and persons affected by the preclearance requirements of section 5. Approved OMB No. 1190–001 (expires December 31, 2001).

Guidance Concerning Redistricting and Retrogression Under Section 5 of the Voting Rights Act, as Amended, 42 U.S.C. 1973c

Following release of the 2000 Census data, the Department of Justice expects to receive several thousand submissions of redistricting plans pursuant to the preclearance provisions in Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. The Civil Rights Division has received numerous requests for guidance concerning the procedures and standards that will be applied during review of these redistricting plans. Many of the requests relate to the role of the 2000 Census data in the Section 5 review process and to the Supreme Court's decisions in *Shaw* v. *Reno*, 509 U.S. 630 (1993), and later related cases.

The "Procedures for the Administration of Section 5 of the Voting Rights Act," 28 CFR Part 51, provide detailed information about the Section 5 review process. Copies of these Procedures are available upon request and through the Voting Section Web Site (*http://www.usdoj.gov/crt/voting*). This document is meant to provide additional guidance with regard to current issues of interest. Citations to judicial decisions are provided to assist the reader but are not intended to be comprehensive. The following discussion provides supplemental guidance concerning the following topics:

- The scope of Section 5 review;
- The Section 5 "benchmark";
- how the benchmark plan is compared with the proposed plan;
- The considerations leading to the decision to interpose a Section 5 retrogression objection;
- racially discriminatory purpose under Section 5; and
- The use of 2000 Census data and other information during Section 5 review.

The Scope of Section 5

The Supreme Court has held that under Section 5, a covered jurisdiction has the burden of establishing that a proposed redistricting plan does not have the purpose or effect of worsening the position of minority voters when compared to that jurisdiction's "benchmark" plan. *Reno* v. *Bossier Parish School Board*, 120 S. Ct. 866, 871–72 (2000). If the jurisdiction fails to show the absence of such purpose or effect, then Section 5 preclearance will be denied by the Department of Justice or the District Court for the District of Columbia.

The decision in the *Bossier Parish School Board* case addressed the scope of Section 5 review. Redistricting plans that are not retrogressive in purpose or effect must be precleared, even if they violate other provisions of the Voting Rights Act or the Constitution. The Department of Justice may not deny Section 5 preclearance on the grounds that a redistricting plan violates the one-person one-vote principle, on the grounds that it violates *Shaw* v. *Reno*, or on the grounds that it violates Section 2 of the Voting Rights Act. Therefore, jurisdictions should not regard Section 5 preclearance of a redistricting plan as preventing subsequent legal challenges to that plan by the Department of Justice. In addition, private plaintiffs may initiate litigation, claiming either constitutional or statutory violations.

Benchmark Plans

The last legally enforceable redistricting plan in force for a Section 5 covered jurisdiction is the "benchmark" against which a new plan is compared. *See* 28 CFR 51.54(b)(1). Generally, the most recent plan to have received Section 5 preclearance (or have been drawn by a federal court) is the last legally enforceable redistricting plan for Section 5 purposes. When a jurisdiction has received Section 5 preclearance for a new redistricting plan, or a federal court has drawn a new plan and ordered it into effect, that plan replaces the last legally enforceable plan as the Section 5 benchmark. *See McDaniel* v. *Sanchez*, 452 U.S. 130 (1981); *Texas* v. *United States*, 785 F. Supp. 201 (D.D.C. 1992); *Mississippi* v. *Smith*, 541 F. Supp. 1329, 1333 (D.D.C. 1982), appeal dismissed, 461 U.S. 912 (1983).

In *Abrams* v. *Johnson*, 521 U.S. 74 (1997), the Supreme Court held that a redistricting plan found to be unconstitutional under the principles of *Shaw* v. *Reno* and its progeny could not serve as the Section 5 benchmark. Therefore, a redistricting plan drawn to replace a plan found by a federal court to violate *Shaw* v. *Reno* will be compared with the last legally enforceable plan predating the unconstitutional plan. Absent such a finding of unconstitutionality under *Shaw* by a federal court, the last legally enforceable plan will serve as the benchmark for Section 5 review. Therefore, a jurisdiction is not required to address the constitutionality of its benchmark plan when submitting a redistricting plan and the question of whether the benchmark plan is constitutional will not be considered during the Department's Section 5 review.

Comparison of Plans

When the Department of Justice receives a Section 5 redistricting submission, several basic steps are taken to ensure a complete review. After the "benchmark" districting plan is identified, the staff inputs the boundaries of the benchmark and proposed plans into the Civil Rights Division's geographic information system. Then, using the most recent decennial census data, population data are calculated for each of the districts in the benchmark and proposed plans.

Division staff then analyzes the proposed plan to determine whether it will reduce minority voting strength when compared to the benchmark plan, considering all of the relevant, available information. Although comparison of the census population of districts in the benchmark and proposed plans is the important starting point of any retrogression analysis, our review and analysis will be greatly facilitated by inclusion of additional demographic and election data in the submission. *See* 28 CFR 51.28(a). For example, census population data may not reflect significant differences in group voting behavior.[1] Therefore, election history and voting patterns within the jurisdiction, voter registration and turnout information, and other similar information are very important to an assessment of the actual effect of a redistricting plan. This information is used to compare minority voting strength in the benchmark plan as a whole with minority voting strength in the proposed plan as a whole.

The Section 5 Procedures identify a number of factors that are considered in deciding whether or not a redistricting plan has a retrogressive purpose or effect. These factors include whether minority voting strength is reduced by the proposed redistricting; whether minority concentrations are fragmented among different districts; whether minorities are overconcentrated in one or more districts; whether available alternative plans satisfying the jurisdiction's legitimate governmental interests were considered; whether the proposed plan departs from objective redistricting criteria set by the submitting jurisdiction, ignores other relevant factors such as compactness and contiguity, or displays a configuration that inexplicably disregards available natural or artificial boundaries; and, whether the plan is inconsistent with the jurisdiction's stated redistricting standards. *See* 28 CFR 51.59; *see also* 28 CFR 51.56–51.58.

A proposed plan is retrogressive under the Section 5 "effect" prong if its net effect would be to reduce minority voters" "effective exercise of the electoral franchise" when compared to the benchmark plan. *See Beer* v. *United States,* 425 U.S. 130, 141 (1976). The effective exercise of the electoral franchise usually is assessed in redistricting submissions in terms of the opportunity for minority voters to elect candidates of their choice. The presence of racially polarized voting is an important factor considered by the Department of Justice in assessing minority voting strength. A proposed redistricting plan ordinarily will occasion an objection by the Department of Justice if the plan reduces minority voting strength relative to the benchmark plan and a fairly-drawn alternative plan could ameliorate or prevent that retrogression.

Alternatives to Retrogressive Plans

If a retrogressive redistricting plan is submitted, the jurisdiction seeking preclearance of such a plan bears the burden of demonstrating that a less-retrogressive plan cannot reasonably be drawn. In analyzing this issue, the Department takes into account constitutional principles as discussed below, the residential segregation and distribution of the minority population within the jurisdiction, demographic changes since the previous redistricting, the physical geography of the jurisdiction, the jurisdiction's historical redistricting practices, political boundaries such as cities and counties, and state redistricting requirements.

In considering whether less-retrogressive alternative plans are available, the Department of Justice looks to plans that were actually considered or drawn by the submitting jurisdiction, as well as alternative plans presented or made known to the submitting jurisdiction by interested citizens or others. In addition, the Department may develop illustrative alternative plans for use in its analysis, taking into consideration the jurisdiction's redistricting principles. If it is determined that a reasonable alternative plan exists that is non-retrogressive or less retrogressive than the submitted plan, the Department will interpose an objection.

Preventing retrogression under Section 5 does not require jurisdictions to violate the one-person one-vote principle. *See* 52 FR 488 (Jan. 6, 1987). Similarly, preventing retrogression under Section 5 does not require jurisdictions to violate *Shaw* v. *Reno* and related cases.

The one-person one-vote issue arises most commonly where substantial demographic changes have occurred in some, but not all, parts of a jurisdiction. Generally, a plan for congressional redistricting that would require a greater overall population deviation than the submitted plan is not considered a reasonable alternative by the Department. For state legislative and local redistricting, a plan that would require overall population deviations greater than 10 percent is not considered a reasonable alternative.

In assessing whether a less retrogressive alternative plan can reasonably be drawn, the geographic compactness of a jurisdiction's minority population will be a factor in the Department's analysis. This analysis will include a review of the submitting jurisdiction's historical redistricting practices and district configurations to determine whether the alternative plan would (a) abandon those practices and (b) require highly unusual features to link together widely separated minority concentrations.

At the same time, compliance with Section 5 of the Voting Rights Act may require the jurisdiction to depart from strict adherence to certain of its redistricting criteria. For example, criteria which require the jurisdiction to make the least change to existing district boundaries, follow county, city, or precinct boundaries, protect incumbents, preserve partisan balance, or in some cases, require a certain level of compactness of district boundaries may need to give way to some degree to avoid retrogression. In evaluating alternative plans, the Department of Justice relies upon plans that make the least departure from a jurisdiction's stated redistricting criteria needed to prevent retrogression.

Prohibited Purpose

In those instances in which a plan is found to have a retrogressive effect, as well as in those cases in which a proposed plan is alleged to have a retrogressive effect but a functional analysis does not yield clear conclusions about the plan's effect, the Department of Justice will closely examine the process by which the plan was adopted to ascertain whether the plan was intended to reduce minority voting strength. This examination may include consideration of whether there is a purpose to retrogress in the future even though there is no retrogression at the time of the submission. If the jurisdiction has not provided sufficient evidence to demonstrate that the plan was not intended to reduce minority voting strength, either now or in the future, the proposed redistricting plan is subject to a Section 5 objection.

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[1] For example, within a particular jurisdiction there may be large differences between the rates of turnout among minority populations in different areas. Thus, a redistricting plan may result in a significant, objectionable reduction of effective minority voting strength if it changes district boundaries to substitute poorly-participating minority populations (for example, migrant worker housing or institutional populations) for active minority voters, even though the minority percentages for the benchmark and proposed plans are similar when measured by Census population data.

The 2000 Census

The most current population data are used to measure both the benchmark plan and the proposed redistricting plan. *See* 28 CFR 51.54(b)(2) (Department of Justice considers "the conditions existing at the time of the submission."); *City of Rome* v. *United States,* 446 U.S. 156, 186 (1980) ("most current available population data" to be used for measuring effect of annexations); *Reno* v. *Bossier Parish School Board,* 120 S. Ct. at 874 ("In § 5 preclearance proceedings * * * the baseline is the status quo that is proposed to be changed: If the change 'abridges the right to vote' relative to the status quo, preclearance is denied * * *").

For redistricting after the 2000 Census, the Department of Justice will, consistent with past practice, evaluate redistricting submissions using the 2000 Census population data released by the Bureau of the Census for redistricting pursuant to Public Law 94–171, 13 U.S.C. 141(c). Thus, our analysis of the effect of proposed redistricting plans includes a review and assessment of the Public Law 94–171 population data, even if those data are not included in the submission or were not used by the jurisdiction in drawing the plan. The failure to use the Public Law 94–171 population data in redistricting does not, by itself, constitute a reason for denial of preclearance. However, unless other population data can be shown to be more accurate and reliable than the Public Law 94–171 data, the Department of Justice will consider the Public Law 94–171 data to measure the total population and voting age population within a jurisdiction for purposes of its Section 5 analysis.

The 2000 Census Public Law 94–171 data for the first time will include counts of persons who have identified themselves as members of more than one racial category. This decision reflects the October 30, 1997 decision by the Office of Management and Budget (OMB) to incorporate multiple-race reporting into the federal statistical system. *See* 62 FR 58782–58790. On March 9, 2000, OMB issued Bulletin No. 00–02 addressing "Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Enforcement." Part II of that Bulletin describes how such responses will be allocated for use in civil rights monitoring and enforcement.

For voting rights enforcement purposes, the Department of Justice will be guided by Part II of the Bulletin in its use of Census data. The following is an example, based on the data from the 1998 Dress Rehearsal Census in Columbia, South Carolina, of how such data will be allocated by the Department when analyzing redistricting submissions.

Total population		662,140
Non-Hispanic	649,413	(98.1%)
White	374,291	(56.5%)
Black or African American	262,384	(39.6%)
Asian	6,161	(0.9%)
American Indian/Alaska Native	2,995	(0.5%)
Native Hawaiian or Other Pacific Uslander	375	(0.0%)
Some other race	882	(0.1%)
Other Multiple-Race (where more than one minority race is listed)	2,330	(0.4%)
Hispanic	12,727	(1.9%)

Pursuant to Part II of OMB Bulletin 00–02, any multiple-race response that included white and one of the five other race categories was allocated to the minority race listed in the response. Thus, the numbers above for Black/African American, Asian, American Indian/Alaska Native, Native Hawaiian or Other Pacific Islander and Some other race reflect the total of the single race responses and the multiple-race responses in which the minority race and white race were listed. For example, for the Black/African American category, there were 261,142 single race responses and 1,242 multiple-race responses in which the races listed were White and Black/African American. This adds up to the total calculated above of 262,384.

The Other Multiple-Race category is comprised of all multiple-race responses where there is more than one minority race listed. The number above (2,330) reflects the total number of responses of forty two such categories in the Columbia data where at least one response was indicated. In our analysis, we will examine this multiple-race data and if it appears that any one of these categories has significant numbers of responses (for example, if the Black/African American and American Indian/Alaska Native category, alone, indicates a significant number of responses), those responses will be allocated alternatively to each of the component single-race categories for analysis, as indicated in Part II of the OMB Bulletin. It is important to note that current research indicates that multiple-race responses are expected to be small. This is especially true with respect to multiple-race categories with two or more minority races. For example, in the Columbia data, the largest such groups are only 0.1 percent (American Indian/Alaska Native and Black/African/American; and Asian and Black/African American). In light of this, the impact of such multiple-race responses on the Department of Justice's analysis of census data pursuant to its responsibilities under the Voting Rights Act is expected to be minimal.

As in the past, the Department will analyze Hispanic voters as a separate group for purposes of enforcement of the Voting Rights Act. If there are significant numbers of responses which report Hispanics and one or more minority races (for example, Hispanics who list their race as Black/African-American), those responses will be allocated alternatively to the Hispanic category and the minority race category.

Dated: January 11, 2001.

Bill Lann Lee,

Assistant Attorney General, Civil Rights Division.

[FR Doc. 01–1488 Filed 1–17–01; 8:45 am]

BILLING CODE 4410–13–P

Year	Senate Seats	Dem Inc	GOP Inc	Dem Uncontested	GOP Uncontested	Third Party
2010	1	0	0	0	0	0
	3	1	0	0	0	0
	5	1	0	0	0	0
	7	0	0	0	0	0
	9	0	1	0	0	0
	11	0	1	0	0	0
	13	0	1	0	0	0
	15	0	0	0	0	0
	17	0	1	0	0	0
	19	0	1	0	1	0
	21	1	0	0	0	0
	23	1	0	0	0	0
	25	1	0	0	0	0
	27	1	0	0	0	0
	29	1	0	0	0	0
	31	1	0	0	0	0
	33	0	0	0	1	0
2008	2	0	1	0	1	0
	4	1	0	1	0	0
	6	1	0	1	0	0
	8	0	1	0	0	0
	10	0	1	0	0	0
	12	0	0	0	0	0
	14	0	1	0	1	0
	16	1	0	1	0	0
	18	0	0	0	0	0
	20	0	1	0	0	0
	22	1	0	0	0	0
	24	1	0	0	0	0
	26	1	0	1	0	0
	28	0	1	0	1	0
	30	1	0	0	0	0
	32	0	1	0	0	0
2006	1	0	1	0	0	1
	3	1	0	1	0	0
	5	0	1	0	0	0
	7	1	0	0	0	1
	9	0	1	0	0	0
	11	0	1	0	0	0
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	17	0	1	0	0	0
	19	0	1	0	1	0
	21	0	0	0	0	0

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	25	1	0	0	0	0
	27	1	0	1	0	0
	29	1	0	0	0	0
	31	0	1	0	0	0
	33	0	1	0	0	0
2004	2	0	1	0	0	0
	4	0	0	1	0	0
	6	1	0	1	0	0
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	20	0	0	0	1	0
	22	1	0	0	0	0
	24	1	0	0	0	0
	26	1	0	1	0	1
	28	0	1	0	1	0
	30	1	0	0	0	0
	32	0	0	0	0	0
2002	1	0	1	0	0	0
	3	0	0	1	0	0
	5	0	0	0	0	0
	7	1	0	1	0	1
	9	1	0	0	0	0
	11	0	0	0	0	0
	13	0	1	0	0	0
	15	1	0	0	0	0
	17	0	1	0	0	0
	19	0	1	0	1	0
	21	1	0	0	0	0
	23	0	1	0	0	0
	25	1	0	0	0	0
	27	1	0	1	0	0
	29	1	0	0	0	0
	31	1	0	0	0	0
	33	0	1	0	1	0

Gmail by Google

Tad Ottman <tottman@gmail.com>

Wisconsin Hispanic Districts

tottman <tottman@gmail.com> **Sun, Jul 17, 2011 at 11:40 AM**
To: Keith Gaddie <rkgaddie@ou.edu>
Cc: adam foltz <adamfoltz@gmail.com>, Jim Troupis <jrtroupis@troupislawoffice.com>, "McLeod, Eric M (22257)" <EMMcleod@michaelbest.com>, "Taffora, Raymond P (22244)" <rptaffora@michaelbest.com>

Keith,

Jim Troupis asked that I have you take a look at the amendment that was adopted in committee on the hispanic districts. Here is the link to the interactive maps: http://legis.wisconsin.gov/ltsb/redistricting/bills.htm

Amendment 2 was the configuration that was adopted. The HVAP in AD 8 is 60.5 % and in AD 9 it is 54%. The incumbent lives in AD 8 and AD 9 is open under all alternatives.

There was testimony by 2 different hispanic groups in favor of the configuration in amendment 2. No one that I'm aware of testified in favor of either the bill configuration (AD 8 HVAP 57.2%, AD 9 HVAP 57.2%) or in favor of amendment 1 (AD 8 HVAP 64%, AD 9 HVAP 50%).

Jim was gong to call you later today to get your thoughts if you have a chance to take a look at the amendment.

Thanks,

Tad Ottman

Wisconsin Hispanic Districts

Gaddie, Ronald K. <rkgaddie@ou.edu> **Sun, Jul 17, 2011 at 1:18 PM**
To: tottman <tottman@gmail.com>
Cc: adam foltz <adamfoltz@gmail.com>, Jim Troupis <jrtroupis@troupislawoffice.com>, "McLeod, Eric M (22257)" <EMMcleod@michaelbest.com>, "Taffora, Raymond P (22244)" <rptaffora@michaelbest.com>

I will look at them and can talk after 5pm. There are other items I need to clear off the desk before I am free to visit.

Ronald Keith Gaddie
Professor of Political Science
Editor, *Social Science Quarterly*
The University of Oklahoma
455 West Lindsey Street, Room 222
Norman, OK 73019-2001
Phone 405-325-4989
Fax 405-325-0718
E-mail: rkgaddie@ou.edu
http://faculty-staff.ou.edu/G/Ronald.K.Gaddie-1
http://socialsciencequarterly.org

Gmail by Google

Tad Ottman <tottman@gmail.com>

Revised timing

2 messages

Gaddie, Ronald K. <rkgaddie@ou.edu> **Sun, Jul 17, 2011 at 1:33 PM**
To: tottman <tottman@gmail.com>
Cc: adam foltz <adamfoltz@gmail.com>, Jim Troupis <jrtroupis@troupislawoffice.com>, "McLeod, Eric M (22257)" <EMMcleod@michaelbest.com>, "Taffora, Raymond P (22244)" <rptaffora@michaelbest.com>

I am ready to talk.

Ronald Keith Gaddie
Professor of Political Science
Editor, *Social Science Quarterly*
The University of Oklahoma
455 West Lindsey Street, Room 222
Norman, OK 73019-2001
Phone 405-325-4989
Fax 405-325-0718
E-mail: rkgaddie@ou.edu
http://faculty-staff.ou.edu/G/Ronald.K.Gaddie-1
http://socialsciencequarterly.org

From: tottman [tottman@gmail.com]
Sent: Sunday, July 17, 2011 11:40 AM
To: Gaddie, Ronald K.
Cc: adam foltz; Jim Troupis; McLeod, Eric M (22257); Taffora, Raymond P (22244)
Subject: Wisconsin Hispanic Districts

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Tad Ottman

Jim Troupis <jrtroupis@troupislawoffice.com> **Sun, Jul 17, 2011 at 1:34 PM**
To: "Gaddie, Ronald K." <rkgaddie@ou.edu>, tottman <tottman@gmail.com>
:: adam foltz <adamfoltz@gmail.com>, "McLeod, Eric M (22257)" <EMMcleod@michaelbest.com>, "Taffora, Raymond P (22244)" <rptaffora@michaelbest.com>

I can call you now if you would like. On the cell? Or after 5 if you would like.

James R. Troupis

Troupis Law Office LLC

jrtroupis@troupislawoffice.com

ph. 608-807-4096

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From: Gaddie, Ronald K. [mailto:rkgaddie@ou.edu]
Sent: Sunday, July 17, 2011 1:33 PM
To: tottman
Cc: adam foltz; Jim Troupis; McLeod, Eric M (22257); Taffora, Raymond P (22244)
Subject: Revised timing

I am ready to talk.

Ronald Keith Gaddie

Professor of Political Science

Editor, *Social Science Quarterly*

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http://socialsciencequarterly.org

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Thanks,

Tad Ottman

Gmail by Google

Tad Ottman <tottman@gmail.com>

Alternative Confitureation of ADs 8 and 9

13 messages

Alternative ADs 8 and 9.pdf
106K

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tottman <tottman@gmail.com> **Fri, Jul 8, 2011 at 5:07 PM**
To: scottjensen@wi.rr.com

Scott,

Rich Zipperer mentioned he had been talking to you about the Hispanic districts in Milwaukee. I wanted to get to you a shapefile of the amendment with an alternative configuration of the 2 districts that was introduced along with the bill on legislative districts. There is a link to the interactive map of the full state map below.

Let me know if you have any questions.

Thanks,

Tad Ottman

LTSB has started to post the redistricting information on its site, which can be found at:

http://legis.wisconsin.gov/ltsb/redistricting/bills.htm

Alternative ADs 8 and 9.pdf
106K

Scott Jensen <scottjensen@wi.rr.com> **Fri, Jul 8, 2011 at 10:21 PM**
To: tottman <tottman@gmail.com>

Tad,

Thanks.

Scott

<Alternative ADs 8 and 9.pdf>

Scott Jensen <scottjensen@wi.rr.com> **Fri, Jul 8, 2011 at 10:24 PM**
To: Jesus Rodriguez <zeus@rodriguezwi.com>
Cc: tottman <tottman@gmail.com>

Zeus,

Here is an alternative map for the two Hispanic districts. The original map can be found at the state link below. You can contact Tad Ottman for an explanation of both options at the address above. Also, you can contact Joe Handrick at 608-215-5837. Thanks.

Scott

Begin forwarded message:

From: tottman <tottman@gmail.com>
Date: July 8, 2011 5:07:53 PM CDT
To: scottjensen@wi.rr.com
Subject: **Fwd: Alternative Confitureation of ADs 8 and 9**

Alternative ADs 8 and 9.pdf
106K

Jesus Rodriguez <zeus@rodriguezwi.com> **Sat, Jul 9, 2011 at 7:14 AM**
To: Scott Jensen <scottjensen@wi.rr.com>
Cc: tottman <tottman@gmail.com>

Thanks Scott.

Hello Tad,

Thank you for helping me in this process. What I really need is a comparison of the new maps (both versions of 8 and 9) and the current map. Along with the actual demographics and percentages (both general and Voting Age Populations) of the new and old districts. Preferably in PDF, so that I can make hard copies.

Do both Zepnik and Zamarripa live in these two new versions?

If I am going to be able to testify as soon as Wednesday, time is of the essence, especially if we are going to make any recommendations. You can feel free to call me on my cell phone 414-745-6676. If you think it would be more efficient to bring Joe Handrick in as well, I will call him too.

Thank you very much,

Zeus

<Alternative ADs 8 and 9.pdf>

---

tottman <tottman@gmail.com> **Sat, Jul 9, 2011 at 5:21 PM**
: Jesus Rodriguez <zeus@rodriguezwi.com>

Here are maps of the seats under the bill as introduced (with the current district overlayed on top) as well as the amendment. The third file is some statistics on the districts. We are still working on heat maps at this time.

3 attachments

AD 8 and 9 as introduced.pdf
96K

Amended Hispanic Districts.pdf
86K

Hispanic seats.pdf
95K

RodriguezWI <zeus@rodriguezwi.com> **Sat, Jul 9, 2011 at 5:34 PM**
To: tottman <tottman@gmail.com>

Thank you. I look forward to the rest of the maps.

Agnus Dei, qui tollis peccata Mundi.

<AD 8 and 9 as introduced.pdf>

<Amended Hispanic Districts.pdf>

<Hispanic seats.pdf>

---

ttman <tottman@gmail.com> **Sat, Jul 9, 2011 at 7:41 PM**
:: RodriguezWI <zeus@rodriguezwi.com>

Here is the Milwaukee heat map.

Hispanic Voting Age Population - Heat Map.pdf
442K

---

tottman <tottman@gmail.com> **Sat, Jul 9, 2011 at 7:43 PM**
To: Scott Jensen <scottjensen@wi.rr.com>

Scott,

If you could give me a call at your convenience I'd appreciate it. I'm home the rest of the night at 608.827.0527 or you can reach me tomorrow at 608.258.2291.

Thanks,

Tad

---

sus Rodriguez <zeus@rodriguezwi.com> **Sat, Jul 9, 2011 at 8:15 PM**
To: tottman <tottman@gmail.com>

Outstanding, this is very helpful.

Could we please get this heat map with the current district lines and also the second proposed map?

I hate to sound so demanding, I know you are working overtime. If it's any consolation, I own 2 businesses and run one non profit, while doing this redistricting stuff for free.

I will also like to have heat maps for the proposed Waukesha city, Racine city and Madison districts, where the Hispanic community is also growing significantly. These maps can come after the ones above.

Last but not least when and who do I speak with about making actual changes to the proposal? I spoke with Joe and he said that we would be able to work with someone.

Thank you so much for your hard work!

Zeus

<Hispanic Voting Age Population - Heat Map.pdf>

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ttman <tottman@gmail.com> **Mon, Jul 11, 2011 at 9:54 AM**

To: Jesus Rodriguez <zeus@rodriguezwi.com>

Here are the heat maps with the current district overlay and with the amendment overlay.

In terms of a contact for information about changes to the proposal, you should contact Ray Taffora with Michael Best & Friedrich. His number is 608.283.2244.

Thanks,

Tad

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2 attachments

Hispanic Voting Age Population - Heat Map - Current District Overlay.pdf
438K

Hispanic Voting Age Population - Heat Map - Amendment Overlay.pdf
446K

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tottman <tottman@gmail.com> **Mon, Jul 11, 2011 at 2:23 PM**
To: Jesus Rodriguez <zeus@rodriguezwi.com>

Here are the heat maps for Racine, Waukesha and Madison with both the current district and the proposed maps as overlays.

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6 attachments

Racine HVAP Current District.pdf
60K

Racine HVAP LRB 2261.pdf
61K

Waukesha HVAP Current District.pdf
100K

Waukesha HVAP LRB 2261.pdf
103K

Madison HVAP Current District.pdf
106K

Madison HVAP LRB 2261.pdf
111K

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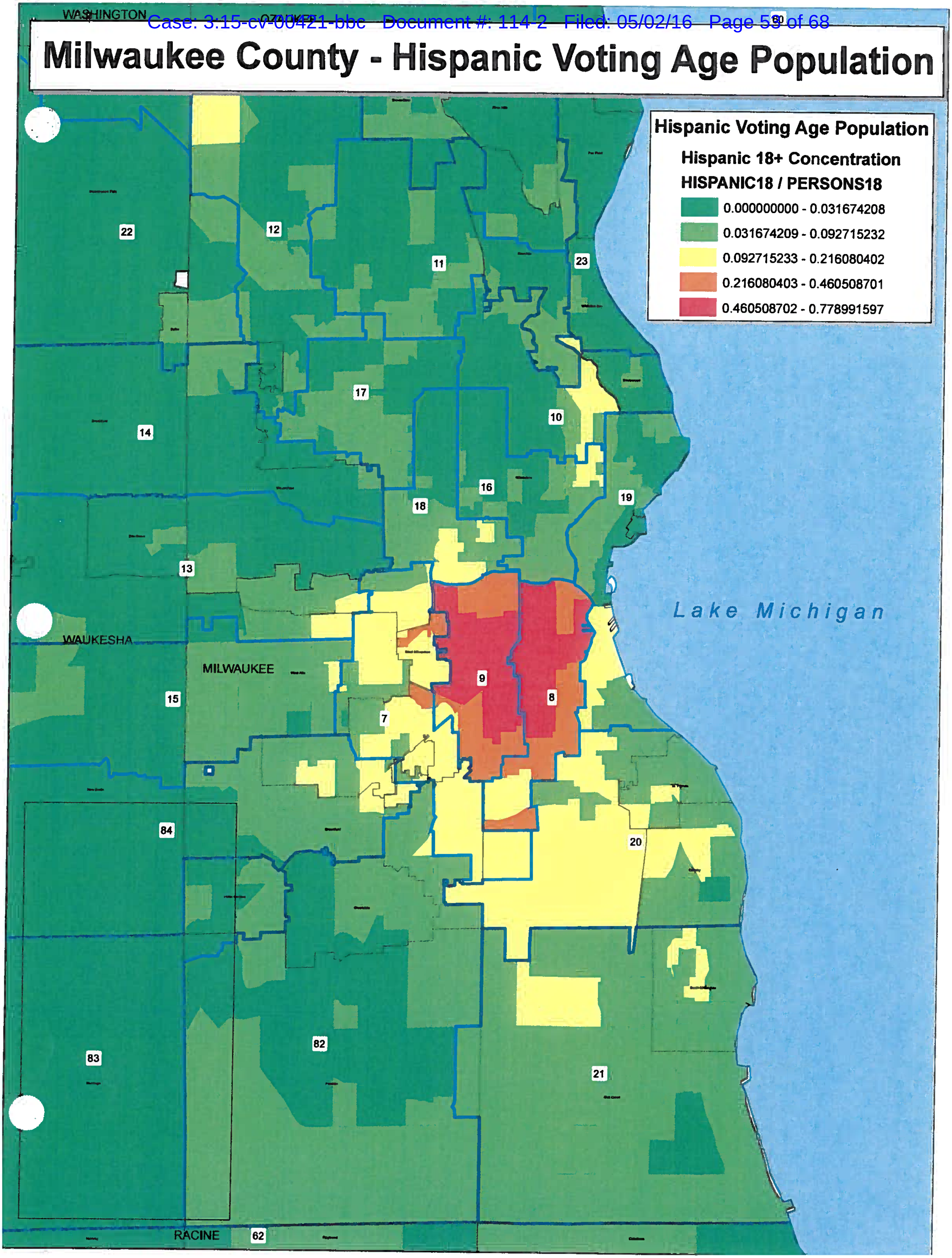
tottman <tottman@gmail.com> **Mon, Jul 11, 2011 at 6:23 PM**
To: Jesus Rodriguez <zeus@rodriguezwi.com>

I wanted to get you one more proposal to look at. This alternative has AD 8 with 60.5 HVAP and AD 9 with 54.03 HVAP. I've overlayed the current district outlines on top.

AD 8 and 9 alternative with current overlay.pdf
59K

Milwaukee County - Hispanic Voting Age Population


WASHINGTON
OZAUKEE
60
Hispanic Voting Age Population
Hispanic 18+ Concentration
HISPANIC18 / PERSONS18
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🟩 0.031674209 - 0.092715232
🟨 0.092715233 - 0.216080402
🟧 0.216080403 - 0.460508701
🟥 0.460508702 - 0.778991597
22
12
11
23
17
10
14
16
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18
13
Lake Michigan
WAUKESHA
MILWAUKEE
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82
83
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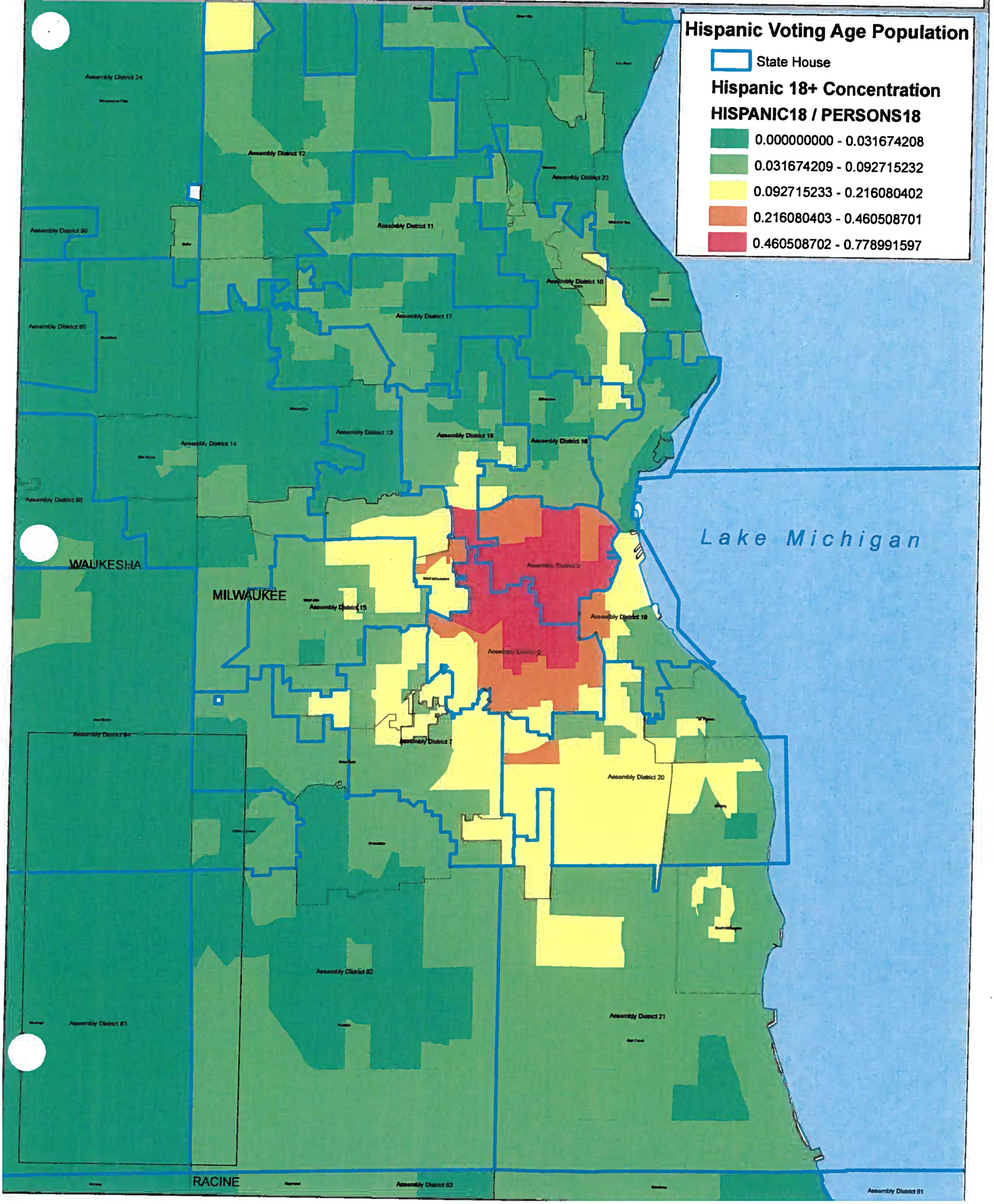
RACINE
62

Milwaukee County - Hispanic Voting Age Population


Hispanic Voting Age Population
State House
Hispanic 18+ Concentration
HISPANIC18 / PERSONS18
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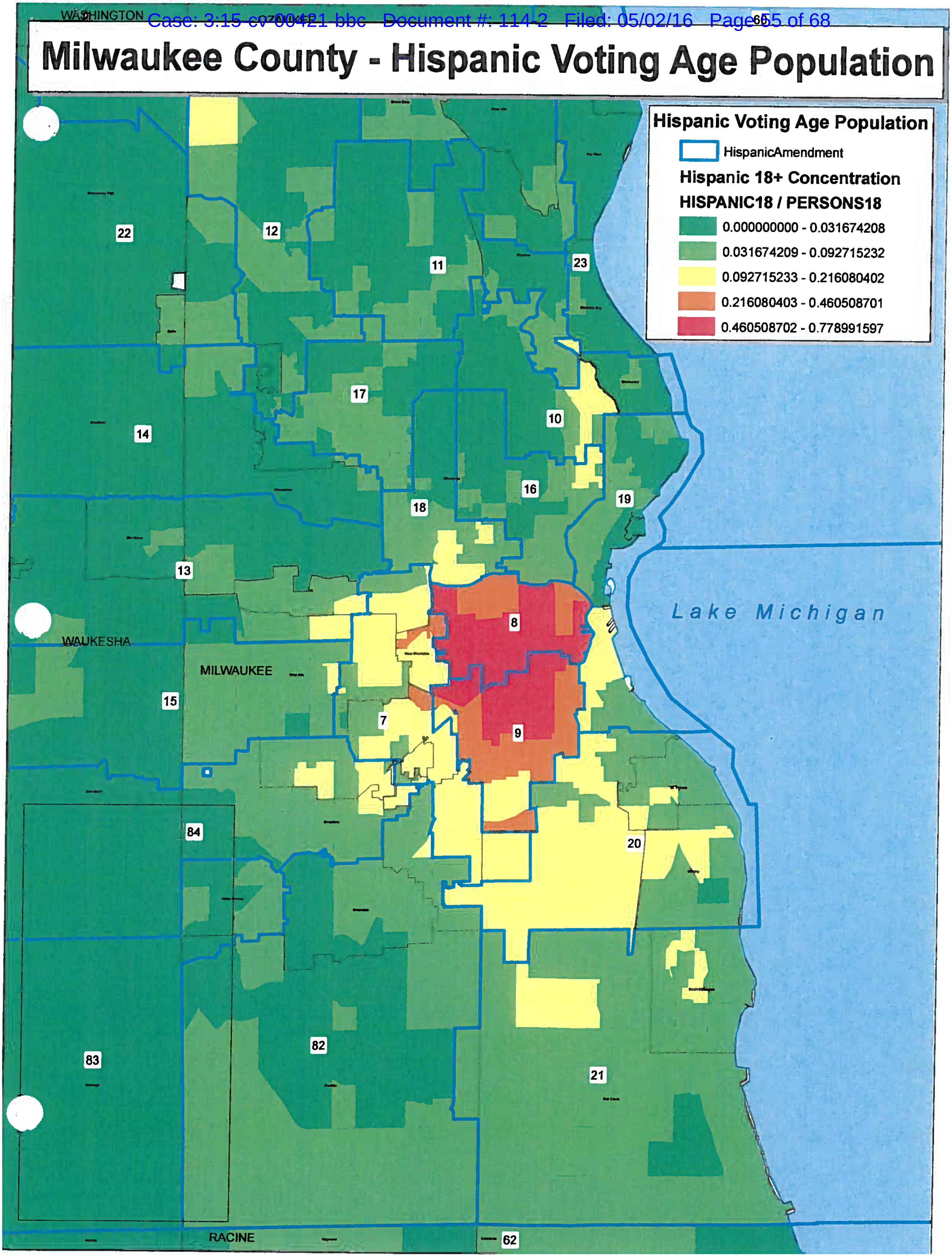
🟩 0.031674209 - 0.092715232
🟨 0.092715233 - 0.216080402
🟧 0.216080403 - 0.460508701
🟥 0.460508702 - 0.778991597
WASHINGTON
OZAUKEE
WAUKESHA
MILWAUKEE
RACINE
Lake Michigan
Assembly District 24
Assembly District 12
Assembly District 22
Assembly District 11
Assembly District 99
Assembly District 10
Assembly District 17
Assembly District 98
Assembly District 13
Assembly District 16
Assembly District 18
Assembly District 14
Assembly District 97
Assembly District 8
Assembly District 15
Assembly District 19
Assembly District 9
Assembly District 7
Assembly District 20
Assembly District 84
Assembly District 82
Assembly District 83
Assembly District 21
Assembly District 63
Assembly District 61

Milwaukee County - Hispanic Voting Age Population


WASHINGTON
OZAUKEE
66
Hispanic Voting Age Population
HispanicAmendment
Hispanic 18+ Concentration
HISPANIC18 / PERSONS18
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0.031674209 - 0.092715232
0.092715233 - 0.216080402
0.216080403 - 0.460508701
0.460508702 - 0.778991597
Lake Michigan
WAUKESHA
MILWAUKEE
RACINE
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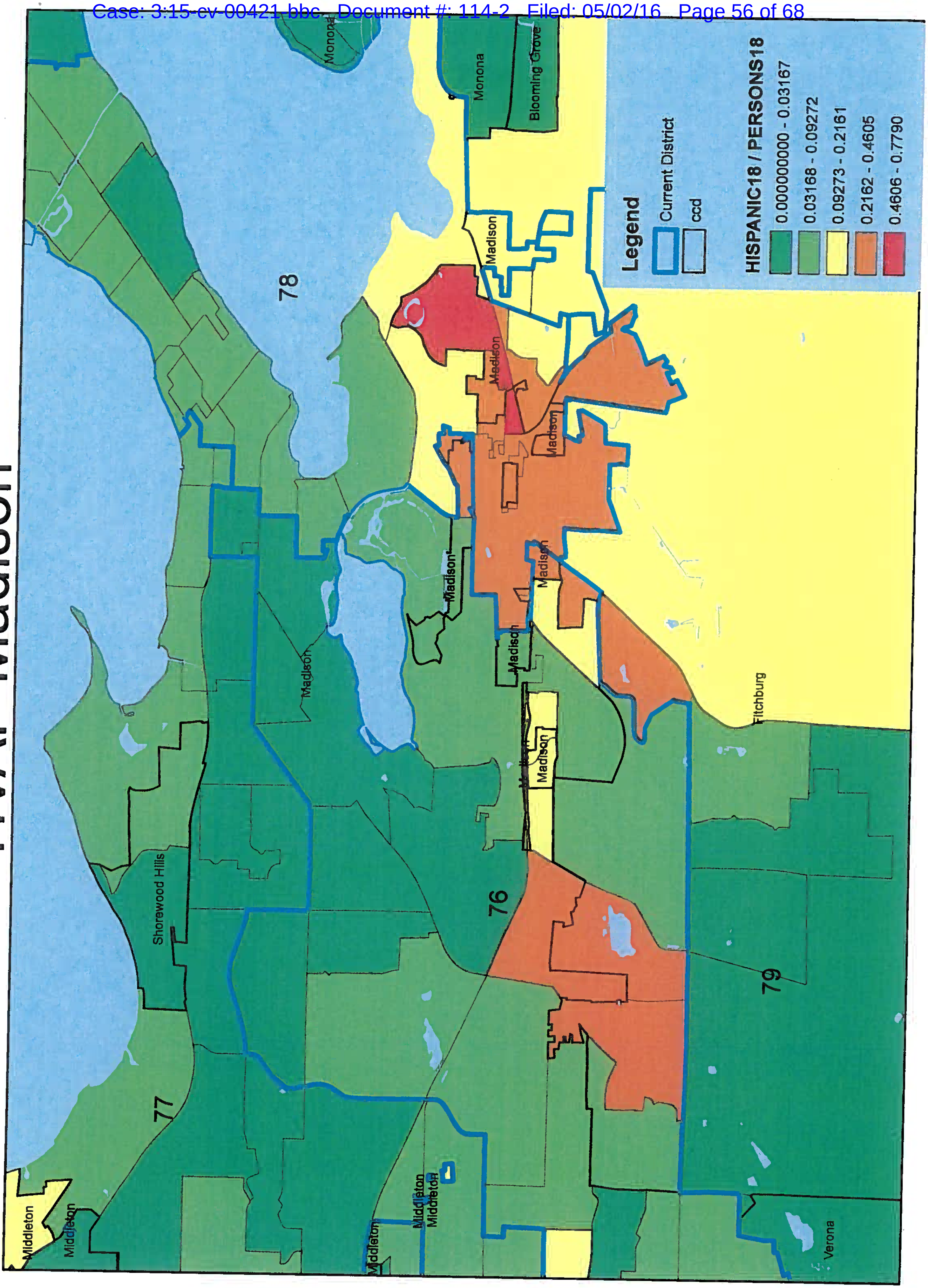
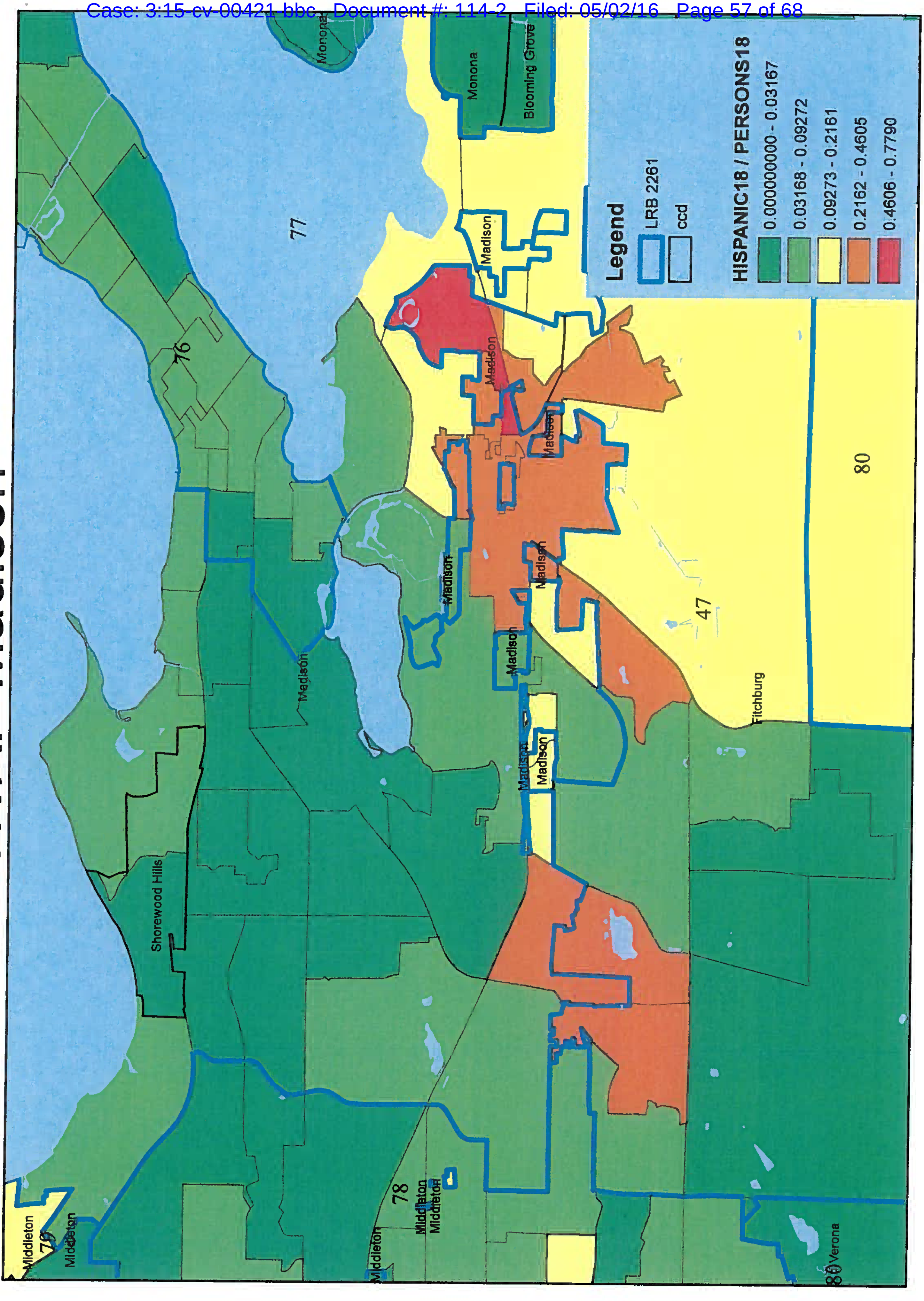
83
21
62

HVAP Madison


Legend
Current District
ccd
HISPANIC18 / PERSONS18
0.0000000000 - 0.03167
0.03168 - 0.09272
0.09273 - 0.2161
0.2162 - 0.4605
0.4606 - 0.7790
76
77
78
79
Madison
Monona
Blooming Grove
Shorewood Hills
Middleton
Fitchburg
Verona

HVAP Madison


Legend
LRB 2261
ccd
HISPANIC18 / PERSONS18
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🟩 0.03168 - 0.09272
🟨 0.09273 - 0.2161
🟧 0.2162 - 0.4605
🟥 0.4606 - 0.7790
Monona
Monona
Blooming Grove
77
76
Madison
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Madison
Madison
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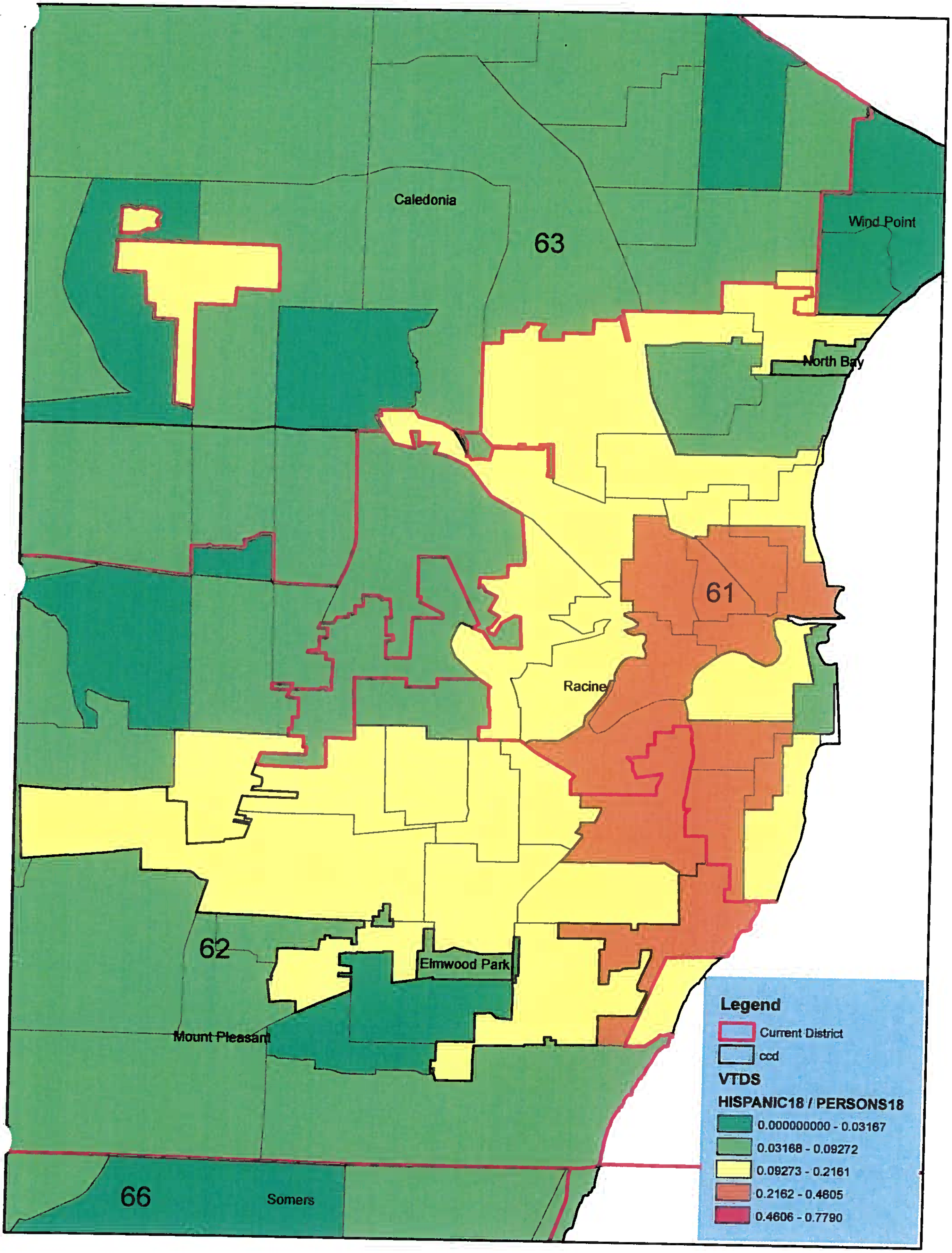
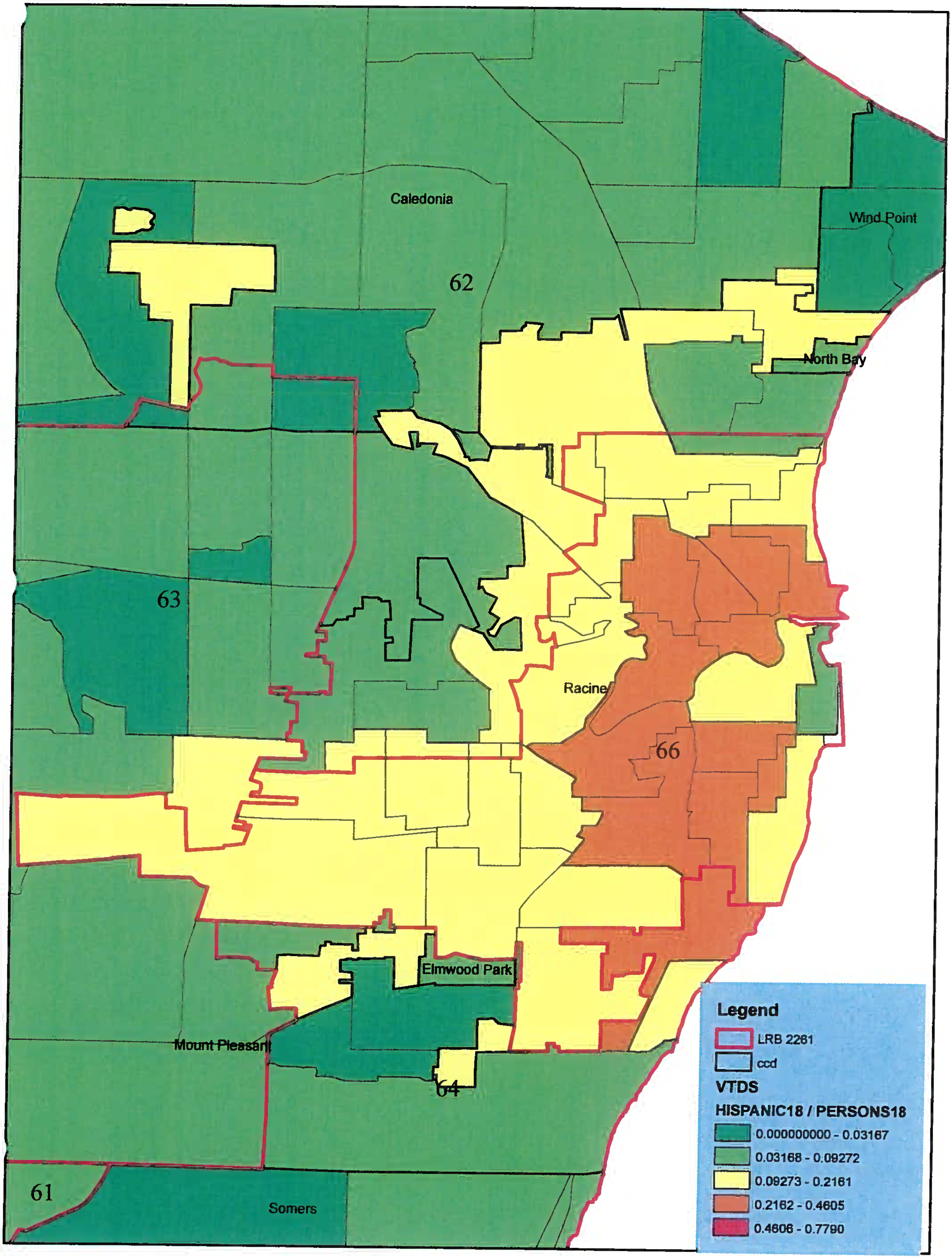
Madison
Madison
Madison
47
80
Fitchburg
Shorewood Hills
78
Middleton
Middleton
Middleton
Middleton
79
Middleton
80
Verona

HVAP Racine


Caledonia
63
Wind Point
North Bay
61
Racine
62
Elmwood Park
Mount Pleasant
66
Somers
Legend
Current District
ccd
VTDS
HISPANIC18 / PERSONS18
0.000000000 - 0.03167
0.03168 - 0.09272
0.09273 - 0.2161
0.2162 - 0.4605
0.4606 - 0.7790

HVAP Racine


Caledonia
62
Wind Point
North Bay
63
Racine
66
Elmwood Park
Mount Pleasant
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Somers
Legend
LRB 2261
ccd
VTDS
HISPANIC18 / PERSONS18
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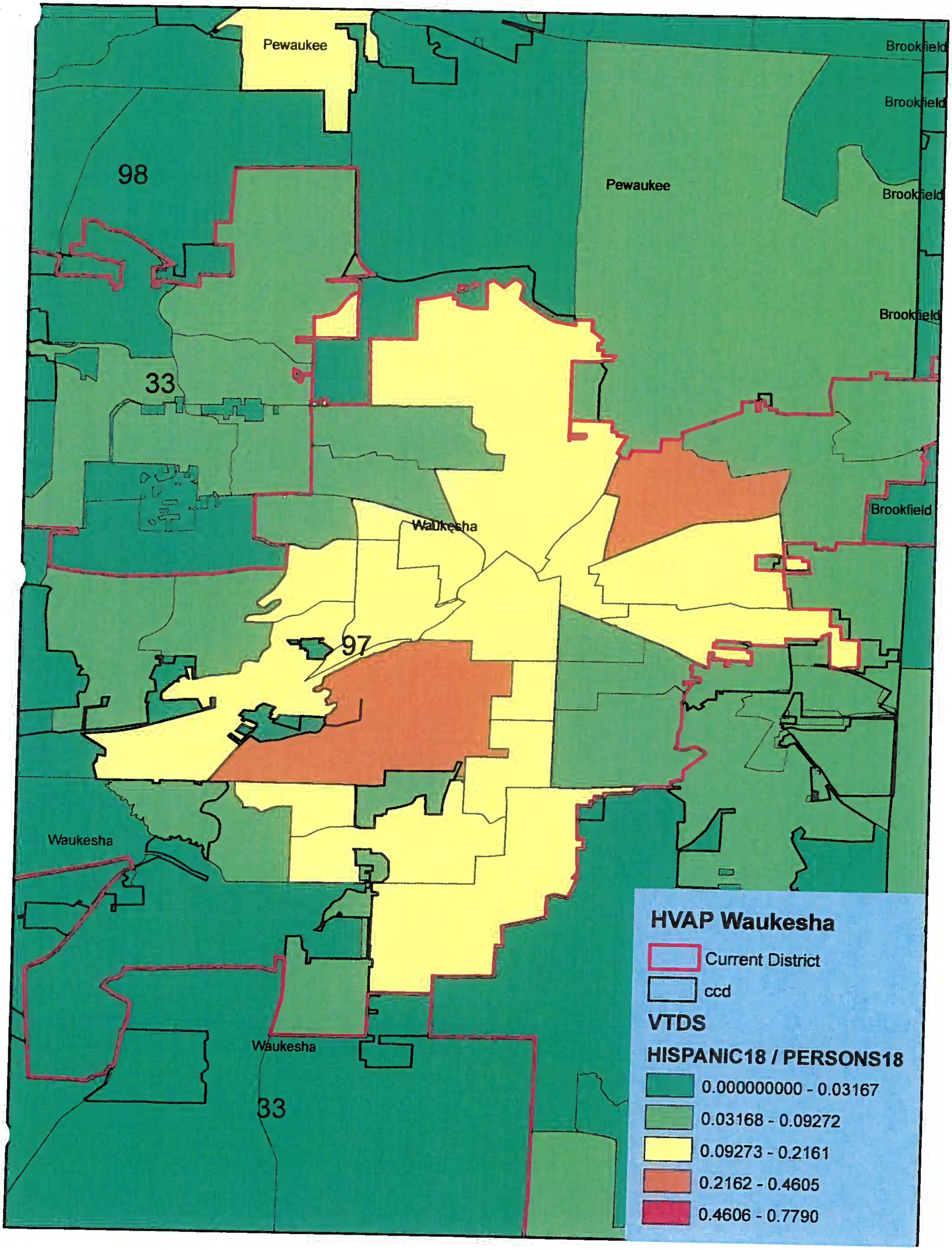
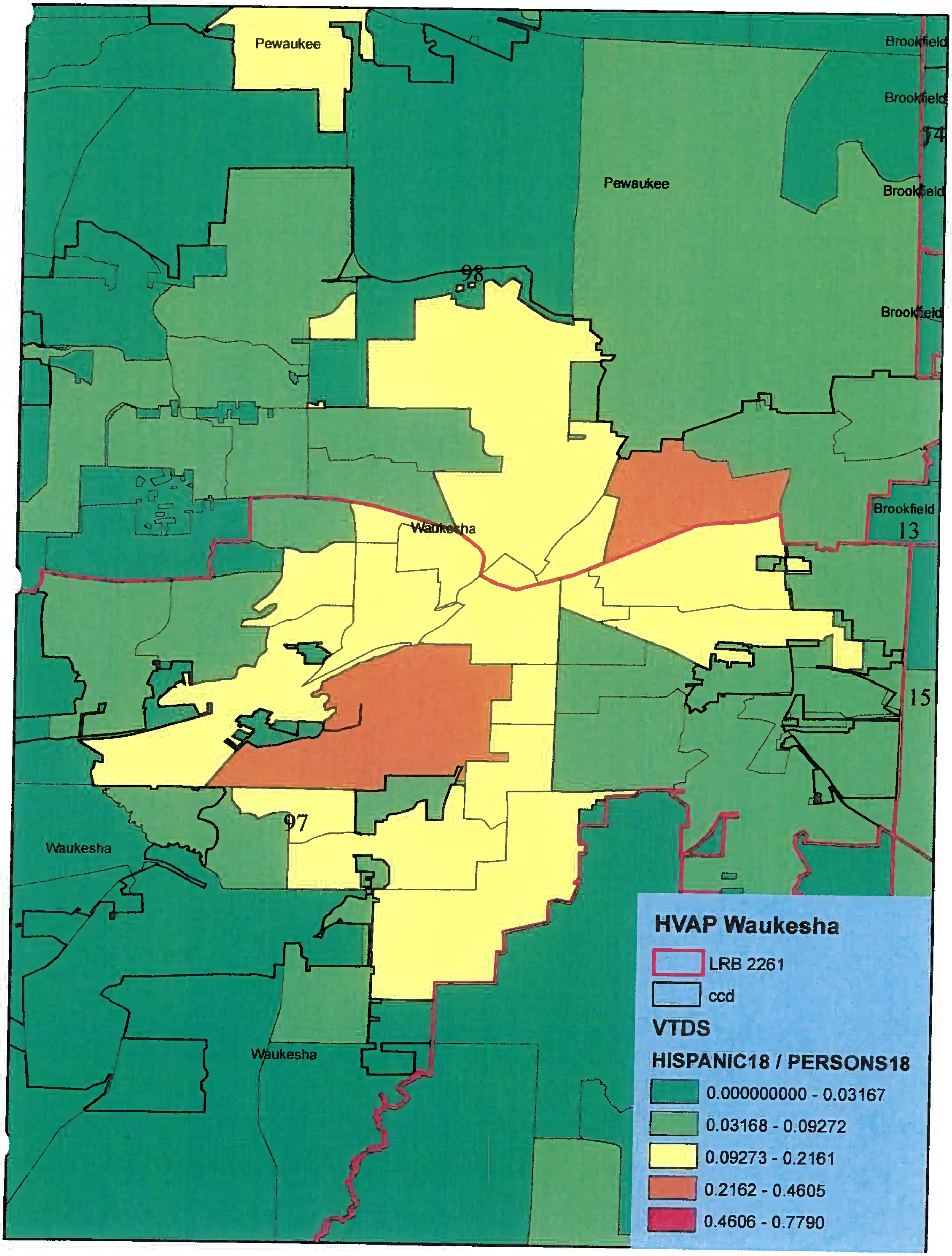
0.03168 - 0.09272
0.09273 - 0.2161
0.2162 - 0.4605
0.4606 - 0.7790

HVAP Waukesha


Pewaukee
Brookfield
Brookfield
98
Pewaukee
Brookfield
Brookfield
33
Brookfield
Waukesha
97
Waukesha
Waukesha
33
HVAP Waukesha
Current District
ccd
VTDS
HISPANIC18 / PERSONS18
0.000000000 - 0.03167
0.03168 - 0.09272
0.09273 - 0.2161
0.2162 - 0.4605
0.4606 - 0.7790

HVAP Waukesha


Pewaukee
Brookfield
Brookfield
74
Pewaukee
Brookfield
98
Brookfield
Brookfield
13
Waukesha
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97
Waukesha
Waukesha
HVAP Waukesha
LRB 2261
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VTDS
HISPANIC18 / PERSONS18
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0.09273 - 0.2161
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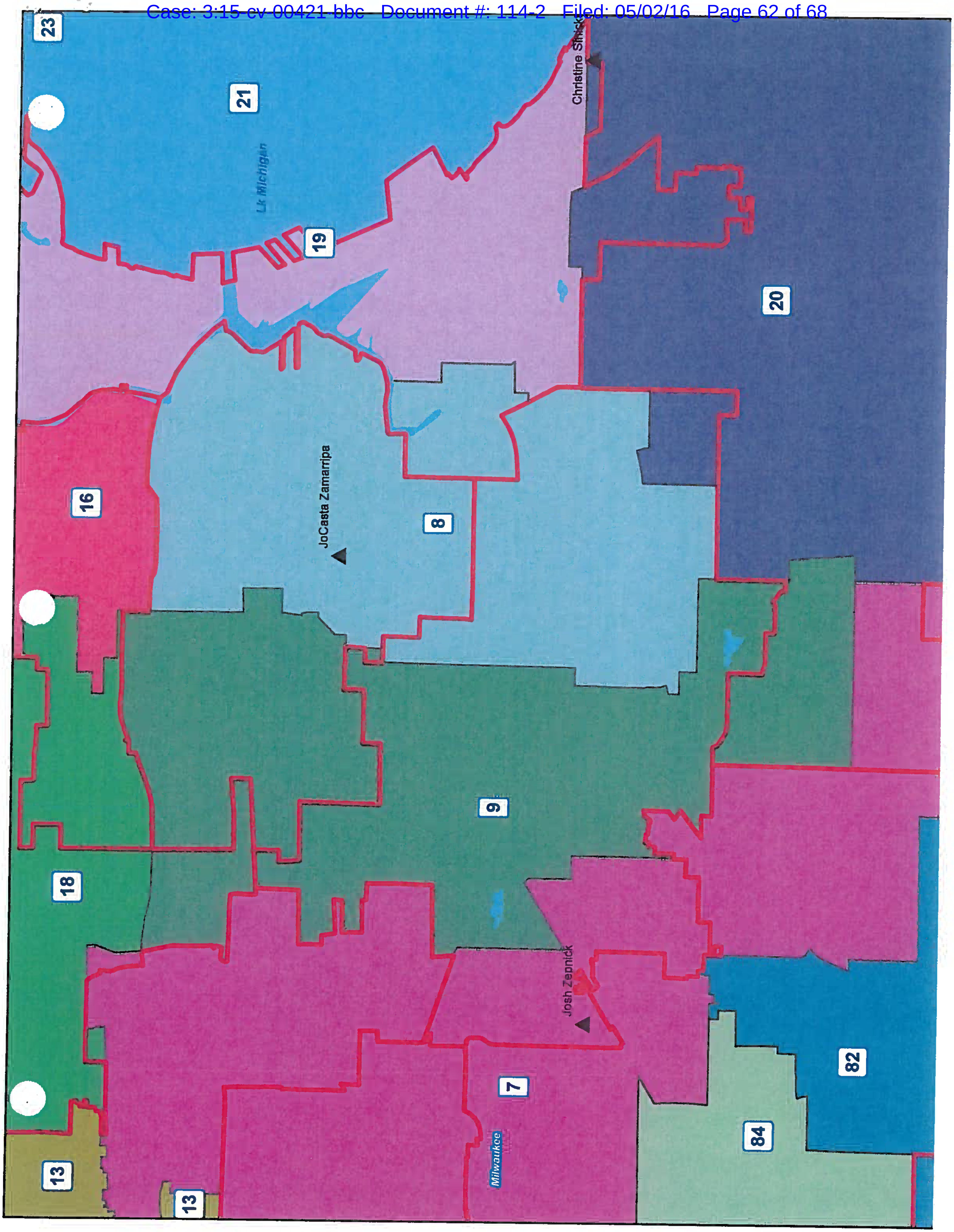
0.4606 - 0.7790


23
21
Lk Michigan
19
Christine Sinick
20
16
JoCasta Zamarripa
8
9
18
Josh Zepnick
7
Milwaukee
82
84
13
13

Hi Tad,

ᵀ emailed Fred and his support staff this morning about the 3 issues (Overlapping Population _rror, Zero Area Plan Errors, and the Current District/Active Layer pop up application crash) that Adam and I discussed this morning. I will keep on them today to try to get a response in a reasonable amount of time this time.

I will write up a quick instructional sheet for you on how to create an inset, and how to set up a large scale (34"x44" ANSI E) print. If you would like me to just call you and walk you through the process I would be happy to do that as well, just let me know.

Please let me know if either of you have any additional questions.

Thanks,

Ryan

From: tottman [mailto:tottman@gmail.com]
Sent: Tuesday, May 03, 2011 10:05 AM
To: Van Der Wielen, Tony
Subject: Map printing assistance

Hi Tony,

I could use a refresher on how to print the maps. I'm having trouble printing the large size maps (can't get them to scale up) and I forgot how to take a portion of the map and blow it up and add it alongside the rest of the map.

Do you have a cheat sheet for that?

Thanks,

Tad

P.S. I know Adam has talked to you about the difficulty in switching districts, but it's become a real annoyance working on any new map. If I have to assign a new district from the toolbar, it crashes the program nearly every time once a map is filled with just a handful of districts.

To Adjust the Page Size and Layout:

1. Click File > Page and Print Setup
2. In Page and Print Setup, under Printer Setup select the name of the printer or plotter
    a. To adjust specific Printer settings (such as Plotter Print Quality), click Properties under Printer Setup.
        i. In the Plotter Properties, click the Paper/Quality tab. In this tab, the Print Quality can be set to a higher quality (Best), Maximum Detail can be enabled, and the specific plotter roll can be chosen
3. In Page and Print Setup, under Paper, select the Paper Size (ANSI E is the poster size), and orientation of the map.

To Adjust the Data Frame (Map Viewing Window) to a New Paper Size:

1. Click View > Layout View. The outer box represents the actual page. The dotted lines just inside the outer box represent the printable area of the page. The area where the map is actually visible is the Data Frame, or the area where your data will be visible.
2. Click Customize > ArcMap Options > Layout View tab. Check "Margins" under "Snap Elements To:". Click Ok. This will allow you to drag the data frame's corners in Layout View to the dotted lines, or margins of the printable area.
3. Click on the Data Frame (By default, it is called Layers and should highlight with blue anchor squares in the corners and edges). Drag the corner squares to the dotted line to maximize the data that can be displayed on the page. You can adjust the data frame however you want with other map objects, but anything that hangs over the dotted line will not be part of the print. I recommend exporting to PDF before printing to confirm that the map is not being cut off, and then print directly from the PDF.

To Create an Inset:

1. In Layout View, click Insert > Data Frame. A new Data Frame should appear in the middle of the screen.
2. Drag and drop any layers you want to see in the inset under the "New Data Frame" header in the Table of Contents.
3. Right click the new data frame header in the Table of Contents > Click Activate.
4. Click View > Data View. In Data View, you should be viewing the inset's data. Zoom to the area approximately where you want the inset to show.
5. Click View > Layout View. In Layout View, the new data frame should still be activated (you can tell what data frame is activated if the data frame header in the

table of contents is bold). Use the normal zoom and pan tools to adjust the exact data that is visible in the inset. You can also use the blue anchors to adjust the exact size and location of the inset within the layout view.

This has been a very brief summary of the process, so if you need any additional instruction, or would like someone to come over and go through a refresher with you, please just let me know.

Thanks!

Ryan

Ryan Squires
GIS Analyst
Legislative Technology Services Bureau
608-283-1814

Hi Tad,

If you create a new map document, add any random layer in it through Add Data, and go to layout view, can you adjust the data frame?

Ryan Squires
GIS Analyst
Legislative Technology Services Bureau
608-283-1814

Hi Tad,

` sounds like the program had noticed an error due to the spatial editing process, and once you told it to fix itself, it was just letting you know that it recompiled. So based on the messages below it sounds like the problem was already corrected.

My best guess as to what is most likely happening is that there were block polygons that were grabbed during they overlay process because they were bordering the edge of the overlay polygon. When the program verified with the block point file to accumulate the population totals it found that those polygons on the edge were not meant to be grabbed and it was letting you know that it wanted to fix it and was asking permission, then letting you know the area was corrected. I can verify with Fred that my hypothesis is correct, but as I said, it sounds like the program has already corrected the issue.

Please let me know if you have any questions.

Thanks,

Ryan

From: tottman [mailto:tottman@gmail.com]
Sent: Thursday, May 19, 2011 6:04 PM
To: Van Der Wielen, Tony
Subject: autobound errors

Tony,

I'm running into the same problem Adam was earlier. I am assigning districts by overlay and I get a message such as:

District 74 is inconsistent!
768 Boundary Polygons vs. 765 Attribute Polygons. Click OK to FIX!

Then it does it and I get this:

For District: 74 The area was 1.920666911865 and was verified to be 1.87974763251698

This has happened to be both assigning by overlay at the block level and manual assigning CCD's at the CCD level.

Any thoughts on how to correct?

Thanks,

Tad

Ottman
EXHIBIT NO. 34
12-22-11 RPTR SFP
For the Record, Inc.
(608) 833-0392

Tad Ottman
Documents Responsive to
12/13/11 Subpoena

GODFREY & KAHN S.C.

ONE EAST MAIN STREET, SUITE 500 • POST OFFICE BOX 2719
MADISON, WISCONSIN 53701-2719

TEL • 608.257.3911 FAX • 608.257.0609

www • GKLAW.COM

Direct: 608-284-2625
dpoland@gklaw.com
Direct: 414-287-9512
rmason@gklaw.com

December 13, 2011

VIA HAND DELIVERY

Tad Ottman
c/o Attorney Eric M. McLeod
Michael Best & Friedrich LLP
100 East Wisconsin Avenue, Suite 3300
Milwaukee, WI 53202

RE: *Baldus et al. v. Brennan et al.*
Eastern District of Wisconsin Case No. 11-CV-562

Dear Mr. Ottman:

Pursuant to our discussion with your counsel earlier this week, we have enclosed a Subpoena requiring your appearance for a deposition scheduled for December 22, 2011 beginning at 9:00 a.m. at the law offices of Godfrey & Kahn, S.C., 780 N. Water Street, Milwaukee, Wisconsin 53202.

The subpoena also requires that you produce at the deposition documents that are identified in the subpoena. Also, since you were served on December 4th with a check for the statutory witness and mileage fees to appear in Milwaukee for a deposition, we have not enclosed an additional check.

Please call me at (608) 257-3911 with any questions.

GODFREY & KAHN, S.C.

Douglas M. Poland
Rebecca Kathryn Mason

WKA:js
Enclosure
cc: Maria Lazar (w/ encl, via Hand Delivery)
Patrick Hodan (w/ encl, via Hand Delivery)
P. Scott Hassett (w/ encl, via Hand Delivery)
Thomas Shriner (w/ encl, via E-mail and U.S. Mail)
Peter Earle (w/ encl, via E-mail and U.S. Mail)
7207957_1

OFFICES IN MILWAUKEE, MADISON, WAUKESHA, GREEN BAY AND APPLETON, WISCONSIN AND WASHINGTON, D.C.
GODFREY & KAHN, S.C. IS A MEMBER OF TERRALEX® A WORLDWIDE NETWORK OF INDEPENDENT LAW FIRMS.

Ottman
EXHIBIT NO. 35
12-22-11 RPTR SPP
For the Record, Inc.
(608) 833-0392

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

ALVIN BALDUS, et al.
Plaintiff
v.
Members of the Wisconsin Government Accountability Board, each only in his official capacity: MICHAEL BRENNAN, et al.
Defendant

Civil Action No. 11-CV-562-JPS

(If the action is pending in another district, state where:)

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Tad Ottman
Wisconsin State Capitol, 2 East Main Street, Room 211 South, Madison WI, 53707

☑ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: GODFREY & KAHN, S.C., 780 N. Water Street Milwaukee, WI 53202, PH: 414-273-3500	Date and Time: 12/22/2011 9:00 am

The deposition will be recorded by this method: The deposition will be recorded by stenographic and audiovisual means.

☑ *Production:* You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See Exhibit A attached.

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 12/13/2011

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* Plaintiffs Alvin Baldus, et al. , who issues or requests this subpoena, are:
Attorney Douglas M. Poland, GODFREY & KAHN, S.C., One East Main Street, Suite 500, Madison, WI 53703, Telephone: (608) 284-2625, Email: dpoland@gklaw.com

Civil Action No. 11-CV-562-JPS

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* ____________________
was received by me on *(date)* __________ .

☐ I served the subpoena by delivering a copy to the named individual as follows: ____________
____
________________________ on *(date)* ________ ; or

☐ I returned the subpoena unexecuted because: ____________________
____________________________________ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
$ ______________ .

My fees are $ ________ for travel and $ ________ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: __________

____
Server's signature

____
Printed name and title

____
Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

Exhibit A

You, or your representatives, must bring with you to the deposition the following documents, communications, electronically stored information or objects (whether sent or received) (collectively "documents") that are in your actual or constructive possession, custody or control, and permit the inspection, copying, testing or sampling of the material:

1. All documents, including but not limited to e-mail, concerning any analyses, data, plans, procedures and/or reports used by state legislative staff and/or any consultants or experts in the planning, development, negotiation, drawing, revision or redrawing of the maps codified in Wisconsin Acts 43 and 44 or any other potential congressional or legislative plan that was not adopted.

2. All documents, including but not limited to e-mail, concerning the objectives and/or motives relied on by – or available to – state lawmakers, their staff and/or any consultants or experts in the planning, development, negotiation, drawing, revision or redrawing of the maps codified in Wisconsin Acts 43 and 44 or any other potential congressional or legislative plan that was not adopted.

3. All documents, including but not limited to e-mail, concerning the identities of persons who participated in the planning, development, negotiation, drawing, revision or redrawing of the maps codified in Wisconsin Acts 43 and 44.

4. All documents, including but not limited to e-mail, concerning the identities, contractual agreements and compensation of any experts and/or consultants (including attorneys retained by contract) retained to assist in the planning, development, negotiation, drawing, revision or redrawing of the maps codified in Wisconsin Acts 43 and 44 or any other potential congressional or legislative plan that was not adopted.

5. All documents, including but not limited to e-mail, concerning the objective facts that legislative staff and/or any experts or consultants referenced, used or relied upon – or available to – in the planning, development, negotiation, drawing, revision or redrawing of the maps codified in Wisconsin Acts 43 and 44 or any other potential congressional or legislative plan that was not adopted.

Gmail by Google

Tad Ottman <tottman@gmail.com>

Alternative Confitureation of ADs 8 and 9

13 messages

Adam Foltz <adamfoltz@gmail.com> **Fri, Jul 8, 2011 at 4:30 PM**
To: rptaffora@michaelbest.com, Eric McLeod <emmcleod@michaelbest.com>
Cc: tad ottman <tottman@gmail.com>

Alternative ADs 8 and 9.pdf
106K

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tottman <tottman@gmail.com> **Fri, Jul 8, 2011 at 5:07 PM**
To: scottjensen@wi.rr.com

Scott,

Rich Zipperer mentioned he had been talking to you about the Hispanic districts in Milwaukee. I wanted to get to you a shapefile of the amendment with an alternative configuration of the 2 districts that was introduced along with the bill on legislative districts. There is a link to the interactive map of the full state map below.

Let me know if you have any questions.

Thanks,

Tad Ottman

LTSB has started to post the redistricting information on its site, which can be found at:

http://legis.wisconsin.gov/ltsb/redistricting/bills.htm

Ottman
EXHIBIT NO. 36
12.22.11 RPTR SFP
For the Record, Inc.
(608) 833-0392

Alternative ADs 8 and 9.pdf
106K

Scott Jensen <scottjensen@wi.rr.com> **Fri, Jul 8, 2011 at 10:21 PM**
To: tottman <tottman@gmail.com>

Tad,

Thanks.

Scott

<Alternative ADs 8 and 9.pdf>

Scott Jensen <scottjensen@wi.rr.com> **Fri, Jul 8, 2011 at 10:24 PM**
To: Jesus Rodriguez <zeus@rodriguezwi.com>
Cc: tottman <tottman@gmail.com>

Zeus,

Here is an alternative map for the two Hispanic districts. The original map can be found at the state link below. You can contact Tad Ottman for an explanation of both options at the address above. Also, you can contact Joe Handrick at 608-215-5837. Thanks.

Scott

Begin forwarded message:

> **From:** tottman <tottman@gmail.com>
> **Date:** July 8, 2011 5:07:53 PM CDT
> **To:** scottjensen@wi.rr.com
> **Subject:** **Fwd: Alternative Confitureation of ADs 8 and 9**

Alternative ADs 8 and 9.pdf
106K

Jesus Rodriguez <zeus@rodriguezwi.com> **Sat, Jul 9, 2011 at 7:14 AM**
To: Scott Jensen <scottjensen@wi.rr.com>
Cc: tottman <tottman@gmail.com>

Thanks Scott.

Hello Tad,

Thank you for helping me in this process. What I really need is a comparison of the new maps (both versions of 8 and 9) and the current map. Along with the actual demographics and percentages (both general and Voting Age Populations) of the new and old districts. Preferably in PDF, so that I can make hard copies.

Do both Zepnik and Zamarripa live in these two new versions?

If I am going to be able to testify as soon as Wednesday, time is of the essence, especially if we are going to make any recommendations. You can feel free to call me on my cell phone 414-745-6676. If you think it would be more efficient to bring Joe Handrick in as well, I will call him too.

Thank you very much,

Zeus

<Alternative ADs 8 and 9.pdf>

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ottman <tottman@gmail.com> **Sat, Jul 9, 2011 at 5:21 PM**
: Jesus Rodriguez <zeus@rodriguezwi.com>

Here are maps of the seats under the bill as introduced (with the current district overlayed on top) as well as the amendment. The third file is some statistics on the districts. We are still working on heat maps at this time.

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3 attachments

AD 8 and 9 as introduced.pdf
96K

Amended Hispanic Districts.pdf
86K

Hispanic seats.pdf
95K

RodriguezWI <zeus@rodriguezwi.com> **Sat, Jul 9, 2011 at 5:34 PM**
To: tottman <tottman@gmail.com>

Thank you. I look forward to the rest of the maps.

Agnus Dei, qui tollis peccata Mundi.

<AD 8 and 9 as introduced.pdf>

<Amended Hispanic Districts.pdf>

<Hispanic seats.pdf>

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ttman <tottman@gmail.com> **Sat, Jul 9, 2011 at 7:41 PM**
o: RodriguezWI <zeus@rodriguezwi.com>

Here is the Milwaukee heat map.

Hispanic Voting Age Population - Heat Map.pdf
442K

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tottman <tottman@gmail.com> **Sat, Jul 9, 2011 at 7:43 PM**
To: Scott Jensen <scottjensen@wi.rr.com>

Scott,

If you could give me a call at your convenience I'd appreciate it. I'm home the rest of the night at 608.827.0527 or you can reach me tomorrow at 608.258.2291.

Thanks,

Tad

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sus Rodriguez <zeus@rodriguezwi.com> **Sat, Jul 9, 2011 at 8:15 PM**
To: tottman <tottman@gmail.com>

Outstanding, this is very helpful.

Could we please get this heat map with the current district lines and also the second proposed map?

I hate to sound so demanding, I know you are working overtime. If it's any consolation, I own 2 businesses and run one non profit, while doing this redistricting stuff for free.

I will also like to have heat maps for the proposed Waukesha city, Racine city and Madison districts, where the Hispanic community is also growing significantly. These maps can come after the ones above.

Last but not least when and who do I speak with about making actual changes to the proposal? I spoke with Joe and he said that we would be able to work with someone.

Thank you so much for your hard work!

Zeus

> <Hispanic Voting Age Population - Heat Map.pdf>

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ottman <tottman@gmail.com> **Mon, Jul 11, 2011 at 9:54 AM**

To: Jesus Rodriguez <zeus@rodriguezwi.com>

Here are the heat maps with the current district overlay and with the amendment overlay.

In terms of a contact for information about changes to the proposal, you should contact Ray Taffora with Michael Best & Friedrich. His number is 608.283.2244.

Thanks,

Tad

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2 attachments

Hispanic Voting Age Population - Heat Map - Current District Overlay.pdf
438K

Hispanic Voting Age Population - Heat Map - Amendment Overlay.pdf
446K

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tottman <tottman@gmail.com> **Mon, Jul 11, 2011 at 2:23 PM**
To: Jesus Rodriguez <zeus@rodriguezwi.com>

Here are the heat maps for Racine, Waukesha and Madison with both the current district and the proposed maps as overlays.

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6 attachments

Racine HVAP Current District.pdf
60K

Racine HVAP LRB 2261.pdf
61K

Waukesha HVAP Current District.pdf
100K

Waukesha HVAP LRB 2261.pdf
103K

Madison HVAP Current District.pdf
106K

Madison HVAP LRB 2261.pdf
111K

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tottman <tottman@gmail.com> **Mon, Jul 11, 2011 at 6:23 PM**
To: Jesus Rodriguez <zeus@rodriguezwi.com>

I wanted to get you one more proposal to look at. This alternative has AD 8 with 60.5 HVAP and AD 9 with 54.03 HVAP. I've overlayed the current district outlines on top.

AD 8 and 9 alternative with current overlay.pdf
59K