

Not an Official Court Document

FairMaps_Redistricting_3520305-0003

Case ReportBook

Authored by:

Alix Cossette
SLS

Tuesday, July 11, 2023

EXHIBIT
P-4

Introduction

This ReportBook contains a collection of transcript reports we have prepared for this matter.

Some of the reports in this ReportBook may include our annotations of transcript sections of interest and our notes/comments regarding the transcript. It is important to understand that these annotations and notes are a work in progress, not polished or final product. We're using them to capture our ongoing analysis of the transcripts. As the analysis process continues, the annotations and notes will grow and change.

An important part of the reason for circulating ReportBooks is to get everyone involved in the case analysis process. We've found that it expedites the process of developing a complete and accurate understanding of the matter at hand.

When you notice important points during your review of the following reports, please be sure to let us know.

Thank you for your assistance!

Not an Official Court Document

FairMaps_Redistricting_3520305-0003

Trende, Sean 2023.07.06

7/6/2023

Annotation Digest - All Annotations

Not an Official Court Document

TextMap Annotation Digest Report

Case Name: FairMaps_Redistricting_3520305-0003

Transcript: [7/6/2023] Trende, Sean 2023.07.06

Pg: 6 Ln: 11 - Pg: 7 Ln: 2

Annotation:

6:11 Q Good morning, sir.
12 Would you tell us your name, please.
13 A Sean Patrick Trende.
14 Q Mr. Trende, I think you know. My name is
15 Chuck Hatfield. I represent some plaintiffs in a
16 piece of litigation here in Missouri.
17 I understand that you've been designated
18 as an expert in the case that I'm involved in. Is
19 that your understanding?
20 A Yes.
21 Q For whom will you be testifying, for which
22 party?
23 A I don't know if I'm even going to be
24 called to testify, but if I do testify, it will be
25 by the party represented by Mr. Johnson.
7: 1 Q Which is whom?
2 A I don't know.

Pg: 7 Ln: 14 - Pg: 8 Ln: 11

Annotation:

7:14 Q What are the opinions that you've been
15 asked to present if you're called to testify?
16 A Well, I wasn't asked to present them, but
17 the ones that I've developed are: That a split of
18 Buchanan County and the City of Hazelwood is
19 reasonable if the legislature is afforded
20 discretion; that the counties -- that the map
21 presented by Mr. Nicholson has maps that -- has
22 districts that are less compact than those in the
23 original document; that under my read of the
24 constitution, the maps are better because the
25 counties are -- the county split requirement is
8: 1 subordinate to the compactness requirement; and that
2 overall, on my read, the maps are constitutional if
3 the legislature is afforded any level of discretion.
4 The final opinion is that -- and this is
5 from my experience in redistricting and working in
6 this for quite some time -- if the legislature isn't
7 afforded any type of discretion, it becomes an
8 endless chain of litigation.
9 Because there's such a large universe of
10 maps, we can never know what the most superior map
11 is.

Pg: 12 Ln: 12 - Pg: 13 Ln: 3

Annotation:

12:12 Q You used Dave's Redistricting and thought
13 that was a reasonable way to draw a map for possible
14 presentation to the Court?

TextMap Annotation Digest Report

Case Name: FairMaps_Redistricting_3520305-0003

Transcript: [7/6/2023] Trende, Sean 2023.07.06

Pg: 12 Ln: 12 - Pg: 13 Ln: 3 continued...

Annotation:

12:15 A Yes.
 16 Q In fact, you believe that Dave's
 17 Redistricting program is a reasonable program to use
 18 for that purpose, correct?
 19 A Yeah. It doesn't -- I mean, any
 20 appropriate tool can be misused. It is dependent on
 21 the level of sophistication of the user. But in the
 22 abstract, I don't have a problem with it. I've used
 23 it myself in professional circumstances.
 24 Q I'm looking at some emails. You think
 25 that Dave's Redistricting is perfectly legit,
 13: 1 correct?
 2 A Yeah. I've used it myself in professional
 3 circumstances.

Pg: 13 Ln: 4 - 11

Annotation:

13: 4 Q You teach it in your classes, right?
 5 A Yeah. That's correct. For a course, I'm
 6 not going to make the kids buy \$10,000 Maptitude
 7 software for a group project. But, yeah, I teach it
 8 in courses.
 9 Q All right.
 10 A It's certainly the best publicly available
 11 mapping tool out there.

Pg: 16 Ln: 3 - 18

Annotation:

16: 3 Does Exhibit Trende 1 divide the City of
 4 Hazelwood?
 5 A I would have to see the zoom-in, but I
 6 don't believe it does.
 7 Q Okay.
 8 A It would have to, because it's not
 9 possible because of how the population's layout of
 10 getting it within 1 percent of the ideal population
 11 without disrupting the entire map. Yes, it would
 12 keep Hazelwood intact.
 13 Q Okay. So it is possible to draw a
 14 redistricting of Missouri Senate districts that
 15 leaves Hazelwood intact but complies with all of the
 16 other requirements of the Missouri Constitution,
 17 correct?
 18 A It took some work to find it, but yes.

Pg: 30 Ln: 6 - 9

Annotation:

30: 6 Q All right. This document which we're

TextMap Annotation Digest Report

Case Name: FairMaps_Redistricting_3520305-0003

Transcript: [7/6/2023] Trende, Sean 2023.07.06

Pg: 30 Ln: 6 - 9 continued...

Annotation:

30: 7 marking now as Trende 5 is Moredist192.

8 (Whereupon, Trende Exhibit 5 was marked

9 for purposes of identification.)

Pg: 31 Ln: 3 - Pg: 32 Ln: 11

Annotation:

31: 3 Q So this map we're looking at, Exhibit

4 Trende 5, does not divide the municipality of

5 Hazelwood, correct?

6 A That's right.

7 Q So it is different than the enacted map,

8 right?

9 A That's right.

10 Q It crosses fewer municipal lines than the

11 enacted map, right?

12 A One fewer, yes.

13 Q This map that you drew complies with the

14 Voting Rights Act, correct?

15 A Yes. Both these districts, I believe, are

16 50 percent black. So it would be likely that the

17 black candidate of choice would emerge from both the

18 primary and the general election.

19 Q This map, in your view, complies with the

20 compactness criteria that Missouri generally

21 follows, correct?

22 A I believe so, yes.

23 Q Exhibit Trende 5 complies with the equal

24 population requirements which are listed somewhere

25 between 1 and 3 percent deviation, correct?

32: 1 A Yeah. This is just under 3 percent

2 deviation. That was a pain.

3 Q Exhibit Trende 5, as you drew it, no

4 problems with partisan fairness, correct?

5 A Yeah. I wouldn't change the partisan

6 fairness at all.

7 Q So maybe you already answered this. So

8 you agree that the folks who enacted the current map

9 could have drawn a map that crossed fewer municipal

10 lines in the St. Louis area, right?

11 A Yes.

Pg: 38 Ln: 20 - Pg: 39 Ln: 1

Annotation:

38:20 Q Sure.

21 Okay. Let me drill into your experience

22 as a redistricter and how it applies to this case

23 for a moment.

24 Did you do anything to understand how

25 legislative discretion was exercised here?

TextMap Annotation Digest Report

Case Name: FairMaps_Redistricting_3520305-0003

Transcript: [7/6/2023] Trende, Sean 2023.07.06

Pg: 38 Ln: 20 - Pg: 39 Ln: 1 continued...

Annotation:

39: 1 A No.

Pg: 42 Ln: 13 - Pg: 43 Ln: 16

Annotation:

42:13 Q Let me see if I can skip some questions.
14 That's because when we're talking about
15 Districts 34, 12 and 21, race isn't really a factor
16 that needs to be taken into account at all, right?
17 A That's my understanding. I think these
18 districts are overwhelmingly white.
19 Q So when it comes to drawing maps here,
20 there is really no concern with the Voting Rights
21 Act when it comes to Districts 34, 12 and 21, right?
22 A Right. The idea behind it is, if somehow
23 that suggestion were made -- that's typically how
24 you use or at least frequently how you use these
25 simulations is to check to see -- you know, the map
43: 1 divides race a certain way. Is that plausibly how
2 you would divide racial groups up if you weren't
3 paying attention to race? Sometimes the answer is
4 yes and sometimes the answer is very much no. So
5 that's one of the uses for this.
6 The basic use of this, though, is just to
7 see if splitting Buchanan County, when all you're
8 relying on are VTDs, county level, population
9 tolerances, would you still split Buchanan County,
10 and the answer is frequently.
11 Q I'm going to ask a slightly different
12 question. Based on your analysis of Districts 34,
13 12 and 21, it is not necessary to divide Buchanan
14 County in order to comply with the Voting Rights
15 Act, right?
16 A I don't believe so.

Pg: 44 Ln: 3 - 17

Annotation:

44: 3 Q You just answered my next question.
4 Given the low percentage of African-
5 Americans in those three districts, it's almost --
6 well, it's very difficult to create a minority
7 majority district, right?
8 A I think that that's probably right, yes.
9 Again, I got to put the caveat that I
10 haven't examined that carefully.
11 Q Again, when you were drawing your remedial
12 maps, you didn't do that because -- just based on
13 what you know about the data, it's not necessary to
14 do a racial gerrymandering analysis up there, right?
15 A Again, I guess you always technically have

TextMap Annotation Digest Report

Case Name: FairMaps_Redistricting_3520305-0003

Transcript: [7/6/2023] Trende, Sean 2023.07.06

Pg: 44 Ln: 3 - 17 continued...

Annotation:

44:16 to do it, but I don't think you have to formally do
17 it here because of how white the precincts are.

Pg: 55 Ln: 18 - Pg: 57 Ln: 16

Annotation:

55:18 Q I'm going to say it again just because I
19 feel like maybe I talked over you. Black voting-age
20 population in Districts 13 and 14 is almost
21 identical in Defendants' proposed map?

22 A That's my recollection. I do know that I
23 looked at it for Defendants' proposed map to make
24 sure it wasn't, say, 30 percent or something that
25 would raise VRA concerns.

56: 1 Q What about Mr. Nicholson's proposed map?
2 Did you see anything that raised VRA concerns?

3 A I don't remember.

4 Q What about the enacted map? Did you see
5 anything in the enacted map with Districts 13 and 14
6 that raised genuine VRA concerns?

7 A I think the lower BVAP in the enacted map
8 was at 44 percent, but it was so heavily democratic
9 that it shouldn't matter.

10 Someone would have to do the racially
11 polarized voting analysis to see if Gingles 2 was
12 implicated.

13 Someone would have to look at the primary
14 data to figure out if 44 percent elects, and I would
15 have to respond.

16 There is the outstanding question of
17 whether your remedial districts have to be 50
18 percent or whether crossover districts can fulfill
19 the VRA, but that's not at issue in this case to my
20 understanding, so I didn't engage in that analysis!

21 Q Yeah. VRA analysis is really not at issue
22 in this case. For purposes of discovery, I'm trying
23 to understand the districts.

24 It sounds like, to use a phrase that we
25 don't always use, that when you looked at the
57: 1 enacted 13 and 14, you have reasonable suspicion

2 about VRA.
3 A That it doesn't violate the VRA?

4 Q That it does, that you suspect that there
5 might be something worth investigating there.

6 A No. I mean, first, I would be surprised
7 if there were racially polarized voting in the area.
8 But even if there were, 44 percent, given how
9 democratic the district is, would still elect the
10 candidate that emerges from the democratic primary.
11 If there is racially polarized voting, 44 percent
12 should be significant for the black candidate of

TextMap Annotation Digest Report

Case Name: FairMaps_Redistricting_3520305-0003

Transcript: [7/6/2023] Trende, Sean 2023.07.06

Pg: 55 Ln: 18 - Pg: 57 Ln: 16 continued...

Annotation:

57:13 choice to win the primary.
 14 Q Got it.
 15 A That's my suspicion. I haven't run the
 16 numbers.

Pg: 70 Ln: 2 - 6

Annotation:

70:12 Q You think that compactness is an amorphous
 3 concept, don't you?
 4 A In total, it can be. Although, again,
 5 these numeric measures do give -- do encapsulate
 6 some aspect of what compactness is.

Pg: 78 Ln: 21 - Pg: 79 Ln: 20

Annotation:

78:21 Q Okay. Which numbers are you using to
 22 reach the opinion that the Nicholson plan is less
 23 compact than the enacted plan?
 24 A Well, if it is an eyeball test, it sure
 25 looks less compact to me, and I think that's backed
 79: 1 up.
 2 Let's start with 13 and 14. The fact that
 3 both the Reock and the Convex Hull averages are
 4 worse for the Plaintiffs' plan, and the Polsby-
 5 Poppers are on average -- so it would be 1, 2, 5 --
 6 I call them the same, but it's actually marginally
 7 worse for the Plaintiffs' plan for 13 and 14,
 8 because I think the average there -- let's see --
 9 it's .3125 for Plaintiffs' plan and .3145 for the
 10 enacted.
 11 Q You call that marginally worse?
 12 A Yeah.
 13 Q So that was Districts 13 and 14.
 14 What about the northwest module as you
 15 call it?
 16 A Yeah. I think for the northwest module,
 17 it's mostly -- it ends up averaging about the same.
 18 For this, I would have to have a calculator. I can
 19 do two in my head, but three is too much. I think
 20 they all ended up being about the same.

Pg: 80 Ln: 25 - Pg: 81 Ln: 2

Annotation:

80:25 When it comes to compactness, have you
 81: 1 ever heard of a rule called "compact as may be"?
 2 A No.

TextMap Annotation Digest Report

Case Name: FairMaps_Redistricting_3520305-0003

Transcript: [7/6/2023] Trende, Sean 2023.07.06

Pg: 81 Ln: 17 - Pg: 82 Ln: 3

Annotation:

81:17 Q What was the assumption you made about
18 what rules should be applied in Missouri in
19 preparing Exhibit 10, if any?
20 A I didn't. I was asked to look at the
21 compactness of the districts, and these are three of
22 the four. Since Polsby-Popper is identical, for all
23 intents and purposes, just Schwartzberg -- really
24 four of the four metrics, I've used in the past.
25 Like I said, I'm not sure exactly what
82: 1 this document was intended to be used for. I was
2 just asked to give my assessment of what the
3 compactness was.

Pg: 82 Ln: 6 - 21

Annotation:

82: 6 Does this document inform your opinion
7 that the Nicholson plan is less compact than the
8 enacted plan?
9 A To the extent that compactness in Missouri
10 is based on -- can be based on numeric measures to
11 the extent that Reock and Convex Hull can inform how
12 closely something resembles a polygon, then yes, but
13 I also understand that to be a very much in dispute
14 a legal question. So it wouldn't form my
15 understanding.
16 But if the legal question comes out the
17 other way, I think you certainly eyeball the St.
18 Louis district and say that the enacted plan is more
19 compact.
20 I'm not so sure one way or the other about
21 the northwestern quadrant.

Pg: 83 Ln: 22 - Pg: 84 Ln: 8

Annotation:

83:22 Q All right. With respect to the northwest
23 module, reasonable people could disagree on which
24 plan is the most compact?
25 A Yeah. It depends if you can punish the
84: 1 other two -- if it's okay to punish the other two
2 districts at the expense of making one district very
3 compact, which to me sounds more like a legal
4 question than a fact question.
5 But that's what's going on there. One
6 district is made very compact, and the other two
7 districts are a little more distorted than they
8 originally were.

TextMap Annotation Digest Report

Case Name: FairMaps_Redistricting_3520305-0003

Transcript: [7/6/2023] Trende, Sean 2023.07.06

Pg: 85 Ln: 21 - Pg: 86 Ln: 7

Annotation:

85:21 Q But, again, it's pretty easy to make the
 22 judgment that the VRA or racial gerrymandering
 23 analysis is not really an issue for either of these
 24 modules or districts, right?
 25 A Well, it's not for -- I think I said that
 86: 1 with respect to the northwestern module.
 2 With the St. Louis module, I said I would
 3 probably have to do the analysis, though I would be
 4 surprised if there were racially polarized voting.
 5 Even if there were, I would suspect that 44 percent
 6 in this circumstance would be enough to elect the
 7 black candidate of choice.

Pg: 101 Ln: 22 - Pg: 102 Ln: 3

Annotation:

101:22 Q So the enacted map divides Buchanan
 23 County, and you said it does follow political lines
 24 subject to Sections 1 and 2. Help me understand why
 25 you need to divide Buchanan County to comply with
 102: 1 Section 1.
 2 A I don't know that you have to, but you
 3 can.

Pg: 104 Ln: 12 - 21

Annotation:

104:12 Q In fact, it would have been possible to
 13 draw a different map that did not split Buchanan
 14 County but complied with all of the requirements
 15 that we just talked about above, correct?
 16 A Yes. Again, it depends what "as possible"
 17 means. Is it what the legislature came up with at
 18 the time or is it what is absolutely possible?
 19 Yeah, if we're going to say "absolutely
 20 possible," then it sounds to me like there are more,
 21 but I suppose that's a legal fight for you-all.

Pg: 105 Ln: 20 - Pg: 106 Ln: 2

Annotation:

105:20 Q Mr. Nicholson's did not split Buchanan
 21 County, right?
 22 A That is correct.
 23 Q It complied with all of the other criteria
 24 up above, correct?
 25 A Subject to whatever debate we have about
 106: 1 compactness since this is consistent with 1 to 3,
 2 setting that debate aside, yes.

TextMap Annotation Digest Report

Case Name: FairMaps_Redistricting_3520305-0003

Transcript: [7/6/2023] Trende, Sean 2023.07.06

Pg: 124 Ln: 5 - Pg: 125 Ln: 6

Annotation:

124: 5 Q All right. So in terms of the
6 requirements for drawing legislative districts in
7 Missouri as you understand them, you would agree
8 that to have a compliant map, it's not enough to
9 have just 34 districts, right?
10 A Yes. That's true.
11 Q You would agree that it's not enough just
12 that lines are drawn that keep districts within a
13 population of 3 percent, right?
14 A Yes.
15 Q Or even it's not enough that lines were
16 drawn to keep populations within 1 percent, right?
17 A That's right.
18 Q There are other requirements that should
19 be considered to have a compliant map, correct?
20 A That's right.
21 Q So in looking at the enacted map, was it
22 necessary for the drawers to divide Buchanan County
23 in order to comply with the Constitution's
24 compactness requirements?
25 A Well, that gets into the same thing about
125: 1 possible versus necessary -- possible and absolute,
2 subjective terms.
3 In an absolute sense, at least in terms of
4 Prong 1 or 3(b)(1), it wouldn't be necessary in an
5 absolute sense, but in a subjective sense, it may
6 have been.

Pg: 127 Ln: 25 - Pg: 128 Ln: 9

Annotation:

127:25 Q All right. Your opinion with respect to
128: 1 the enacted map is that a split of Buchanan County
2 and the City of Hazelwood was reasonable if the
3 legislature is afforded discretion, correct?
4 A Correct.
5 Q If they are not afforded discretion, you
6 do not hold the opinion that it's reasonable,
7 correct?
8 A That exact verbiage is how I would agree
9 to it, yes.

Defendants' Proposed Remedial Map Blue Lines Reflect Cities

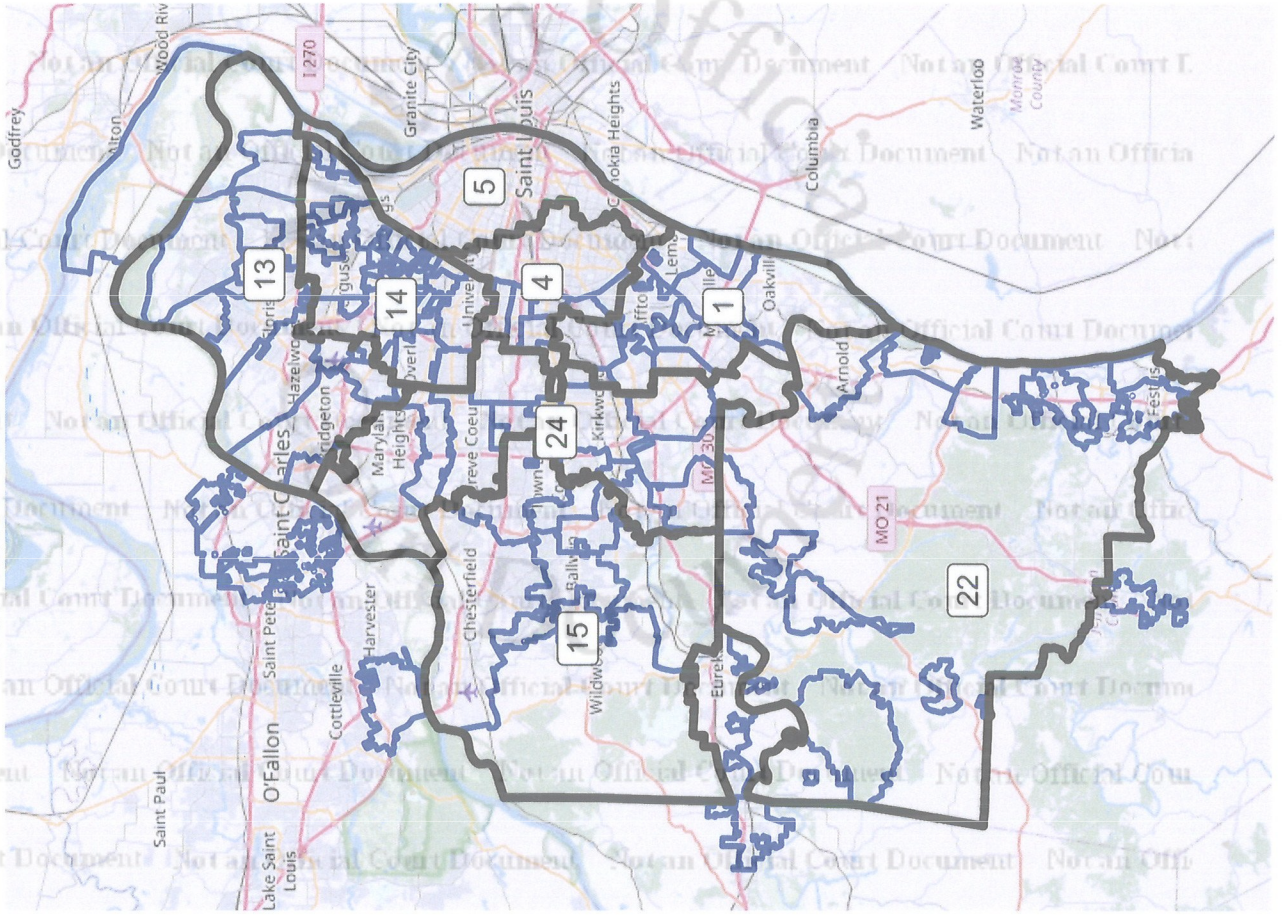


EXHIBIT	5
DEPONENT NAME:	Trende, S.
DATE:	7/6/23

MO Redist000192

Compactness Measures in Enacted, Plaintiff, and Remedial (Defense) Maps

District	Enacted Plan			Plaintiff Plan			Remedial (Defense) Plan		
	Reock	Polsby-Popper	Convex Hull	Reock	Polsby-Popper	Convex Hull	Reock	Polsby-Popper	Convex Hull
12	0.318	0.390	0.858	0.329	0.348	0.763	0.297	0.343	0.833
18	0.436	0.497	0.812	0.436	0.497	0.812	0.474	0.540	0.843
21	0.239	0.250	0.707	0.570	0.539	0.845	0.239	0.250	0.707
34	0.439	0.354	0.792	0.276	0.294	0.775	0.444	0.290	0.804
13	0.366	0.319	0.742	0.291	0.345	0.752	0.278	0.311	0.713
14	0.526	0.310	0.778	0.393	0.280	0.698	0.262	0.401	0.673

EXHIBIT	
DEPONENT NAME: Trende, S.	DATE: 7/6/23

MORedist000008