

**IN THE SUPREME COURT OF OHIO**

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**Regina C. Adams, *et al.*,**

***Relators,***

***v.***

**Governor Mike DeWine, *et al.*,**

***Respondents.***

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**Case No. 2021-1428**

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

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**League of Women Voters of Ohio, *et al.*,**

***Relators,***

***v.***

**Governor Mike DeWine, *et al.*,**

***Respondents.***

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**Case No. 2021-1449**

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

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EXHIBITS APPENDIX D -  
GENERAL ASSEMBLY REDISTRICTING DEPOSITIONS  
Volume 1 of 4**

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# Transcript of Representative Robert R. Cupp

**Date:** October 21, 2021

**Case:** League of Women Voters of Ohio, et al. -v- Ohio Redistricting Comm., et al.

**Planet Depos**

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IN THE SUPREME COURT OF OHIO

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LEAGUE OF WOMEN VOTERS :  
OF OHIO, ET AL., :  
Relators, :  
v. : Case Nos. 2021-1193  
OHIO REDISTRICTING : 2021-1198  
COMMISSION, et al., : 2021-1210  
Respondents. :

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Remote Videotaped Deposition of  
REPRESENTATIVE ROBERT R. CUPP  
Thursday, October 21, 2021  
9:40 a.m.

Job No.: 405261  
Pages: 1 - 110  
Reporter: DEBRA BOLLMAN FARFAN, RDR-RMR-CRR  
CA CSR NO. 11648

1           Videoconference Deposition of  
2       REPRESENTATIVE ROBERT R. CUPP, held remotely:

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5           Witness Location:

6           REMOTE  
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11          Pursuant to notice, before Debra Bollman  
12       Farfan, Registered Diplomate Reporter,  
13       Registered Merit Reporter, Certified Realtime  
14       Reporter, and Certified Shorthand Reporter No.  
15       11648, in and for the State of California.  
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6 Attorney General, Constitutional Offices

7 SLOAN SPALDING, Chief of Staff, Ohio  
8 Auditor of State

9 BRIDGET C. COONTZ, Section Chief,  
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11 AMANDA FERGUSON, Deputy Chief Legal  
12 Counsel at Ohio Secretary of State

13 PAUL DISANTIS, Ohio House of  
14 Representatives Chief Legal Counsel

15 Raisa Cramer, Elias Law Group

16 Kelsey Miller, League of Women Voters

17 ACLU

18 Gabriel Martin, The Videotech

19 Joel Coriat, The Videographer

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P R O C E E D I N G S

\* \* \* \* \*

THE VIDEOGRAPHER: Good morning. Here begins Media Number 1 in the video recorded deposition of Speaker Robert Cupp in the matter of League of Women Voters of Ohio, et al., versus Ohio Redistricting Commission, et al. This is Consolidated Case No. 2021-1193, filed in the Supreme Court of Ohio.

Today's date is October 21st, 2021. The time on the video monitor is now 9:40 a.m.

The videographer today is Joel Coriat on behalf of Planet Depos, and this deposition will be taken via videoconference.

All counsel appearances will be noted on the stenographic record.

The court reporter today is Debra Bollman, on behalf of Planet Depos. She will now swear in the deponent.

Whereupon,

SPEAKER ROBERT CUPP

was called as a witness, was duly sworn and testified under penalty of perjury as follows:

1 EXAMINATION

2 BY MR. STAFFORD:

3 Q. Good morning, Speaker Cupp. My name is  
4 Ben Stafford. I'm an attorney with the Elias  
5 Law Group. I represent a group of relators in  
6 this case.

7 Have you ever had your deposition taken  
8 before?

9 A. I don't recall that I did.

10 Q. Okay. So this is your first deposition  
11 you've had the pleasure of, then?

12 A. To be honest, yes.

13 Q. So I'm sure your attorneys have prepared  
14 you exquisitely, but just a few brief reminders  
15 as we get underway here.

16 First, it's important to verbalize your  
17 answers rather than just nod your head or shake  
18 your head so that we get a clear transcript.

19 Okay?

20 A. Okay.

21 Q. I will also ask you to let me complete  
22 my question before you start your answer, even  
23 if you think you know where I'm going, and I  
24 will try to do the same as you give your answer  
25 so that, again, we can get a clear transcript



1 and try not to talk over each other.

2 Then, finally, I will say in all of my  
3 questions, I am not trying to trick you. So if  
4 you do not understand a question that I've  
5 asked, please let me know so that we can make  
6 sure that I address that.

7 Otherwise, if you do go ahead and  
8 answer, I'll assume that you understood my  
9 question. Is that fair?

10 A. Yes, it is.

11 Q. Okay. Speaker Cupp, what is your role  
12 on the Ohio Redistricting Commission?

13 A. Pro forma member of the commission, and  
14 I also served as the co-chair, one of the  
15 co-chairs.

16 Q. And as one of the members of the  
17 commission -- set aside the co-chair for a  
18 moment -- what are your responsibilities?

19 A. To draw a constitutional district plan  
20 for the -- for the state legislature. When  
21 we're talking about legislative districts, of  
22 course.

23 Q. Okay. And I will just let you know that  
24 unless I am clearly asking to the contrary, my  
25 questions are about the General Assembly plan

1 here today.

2 As the co-chair of the commission, what  
3 were your responsibilities?

4 A. To work with the other co-chair in  
5 establishing and doing the administrative work  
6 to make sure the administrative work of the  
7 commission was functioning properly and  
8 completed.

9 Q. And when you say "the administrative  
10 work of the commission," what do you mean?

11 A. Setting times for meetings, for  
12 hearings, consulting with each other to make  
13 sure that we were able to complete our work on  
14 time. Have proper hearings following the  
15 Constitution.

16 Q. And for the record, who was the other  
17 commission chair -- or co-chair, rather?

18 A. Senator Vernon Sykes.

19 Q. Okay. And when you talk about hearings,  
20 did the commission hold hearings to hear public  
21 testimony or input from the members of the  
22 public?

23 A. Yes, they did.

24 Q. And when were those meetings held?

25 A. Well, they were in August to begin with,

1 and then -- this is before the commission  
2 introduced a map. And then after the  
3 commission introduced the map, there were  
4 hearings in September.

5 Q. And --

6 A. I don't know the exact dates. They're  
7 on the record.

8 Q. And for the meetings before the release  
9 of a plan, did you prepare any materials to  
10 guide what you would say yourself during those  
11 hearings?

12 A. Just the formalities about calling the  
13 meeting to order, introducing who was there,  
14 and that sort of thing. Made the announcement  
15 as to additional hearings, when they were going  
16 to be held.

17 Q. Okay. So you had a -- fair to say a  
18 script of sorts for some of the basics of the  
19 hearings that you were holding?

20 A. Yes, just very basic script of the  
21 procedural matters.

22 Q. Okay. And did you approve the script  
23 that you would be using?

24 A. Usually a staff member would give it to  
25 me just shortly before the hearing. Again, it

1 was just basic, you know, procedure.

2 Q. Okay. And nothing about that was  
3 inaccurate from your perspective?

4 A. I don't recall. I may have made minor,  
5 you know, changes as, you know, I was using it  
6 to fit the circumstances, but...

7 Q. Okay. Now, as the -- when you say that  
8 as a commission member your basic  
9 responsibility was to pass a constitutional  
10 map, I believe you said, are you referring to  
11 any particular provision of the constitution?

12 A. Well, all of them. Tried to follow all  
13 of them.

14 Q. Okay. And that includes Article XI of  
15 the Ohio Constitution?

16 A. Yes, it did.

17 Q. Okay. Now, as the Speaker of the House,  
18 did you take on any particular additional  
19 responsibilities when it came to the process of  
20 preparing a General Assembly plan?

21 A. Additional responsibilities? Well, we  
22 had -- so the staff worked on preparing the  
23 district plan. So I assigned staff to that.

24 Q. And did you then particularly oversee  
25 staff who were preparing a plan?

1       A. From time to time. Obviously, what's  
2       the progress. They were concerned about trying  
3       to get everything done under the constitutional  
4       deadlines. So we would discuss how things were  
5       going and occasionally see what -- again, what  
6       the status, the progress of drawing the plan  
7       was.

8       Q. And did any other member of the  
9       commission oversee staff in a way similar to  
10      the way that you were overseeing staff who were  
11      drawing the plan?

12      A. Yes, Senator Huffman did, I believe, in  
13      the Senate.

14      Q. And did you and Senator Huffman ever  
15      talk about splitting up duties with respect to  
16      the map drawing process?

17      A. No, I don't believe we had specific  
18      discussions about dividing duties.

19      Q. Did you two, in fact, divide  
20      responsibilities for preparing a General  
21      Assembly plan?

22      A. Well, so for the House, obviously I  
23      focused on what the House districts were going  
24      to look like. I think he focused a lot on what  
25      the Senate districts were going to look like.

1           Then, of course, because they overlap,  
2           you know, we each had to be concerned about how  
3           that affected the other.

4           Q.   When did you start preparing for the  
5           2021 redistricting cycle?

6           A.   I don't remember the exact date.

7                   I do know that we were following the  
8           progress of the census data becoming available,  
9           which was delayed, and obviously began  
10          reviewing the constitutional requirements and  
11          identified who from the House was going to be  
12          working on drawing the district lines.

13                  So that could have been -- well, the  
14          census data, obviously, was something fairly  
15          early in the spring or summer.

16          Q.   And so, sorry, did you say then that you  
17          began preparing for the process of districting  
18          in the spring or summer of 2021?

19          A.   I would say, in the general way, become  
20          familiar with the constitutional requirements,  
21          the deadlines, and concerned about when the  
22          census data was going to be available so we  
23          could actually get started on real maps.

24          Q.   And what constitutional provisions did  
25          you familiarize yourself with?

1       A. Read through the whole article,  
2       Article XI.

3       Q. And did that include Section 6 of  
4       Article XI?

5       A. It did.

6       Q. You said that one of the things that was  
7       done was to identify staff in the House who  
8       would work on the redistricting process. Which  
9       staff did you identify?

10      A. Blake Springhetti.

11      Q. Okay. And who is Mr. Springhetti?

12      A. He was our budget director, and he was a  
13      staff person we assigned to help draw the  
14      district map.

15      Q. And why would you assign Mr. Springhetti  
16      in particular to that responsibility?

17      A. He had a facility with numbers and  
18      statistics, was thoughtful, paid attention to  
19      detail, and was a hard worker.

20                So we knew from past experience that it  
21      would be a monumental effort to try to get the  
22      line drawing done in time because it took so  
23      much time, so he was willing to put in that  
24      kind of effort.

25      Q. Do you know whether Mr. Springhetti had

1 any prior map drawing experience?

2 A. I do not.

3 Q. Did you identify any staff members in  
4 the House, other than Mr. Springhetti, to  
5 assist in the map drawing process?

6 A. No, he was the only one involved in  
7 drawing the maps from the House that I'm aware  
8 of.

9 Q. And what did Mr. Springhetti use to draw  
10 maps?

11 A. Well, he used a computer.

12 Q. Okay. And a software program presumably  
13 on the computer?

14 A. Yes. I forget what the name of it is.  
15 Map something or other.

16 Q. Is it Maptitude?

17 A. I believe so.

18 Q. And where was the computer that  
19 Mr. Springhetti used for this purpose?

20 A. It was in the William Green Building, in  
21 an office space there.

22 Q. And when did you get the software and  
23 computer set up for the conduct of mapping?

24 A. I don't recall the exact date, but we  
25 did it in advance of when the census data, we



1 understood, was going to be available so it  
2 would be ready to begin the process of drawing  
3 the lines.

4 Q. What, if anything, was done using that  
5 equipment before the census data were released?

6 A. I think maybe some training on it,  
7 getting familiar with how it worked.

8 Q. Who trained Mr. Springhetti on those  
9 matters?

10 A. I don't know. I do not know  
11 specifically.

12 Q. Was training conducted for  
13 Mr. Springhetti on how to use Maptitude?

14 A. I have no personal knowledge of that.  
15 My understanding was they were going to be  
16 getting training on how to use it.

17 Q. And where did that understanding come  
18 from?

19 A. From my chief of staff.

20 Q. Okay. And who is your chief of staff?

21 A. Christine Morrison.

22 Q. And did Ms. Morrison tell you who would  
23 be conducting that training?

24 A. May have, but I don't recall. That was  
25 not something that I was particularly paying

1 attention to.

2 Q. Did you receive any training on how to  
3 use software to conduct mapping?

4 A. I did not. Although, it would have been  
5 interesting.

6 Q. Did you consider engaging the services  
7 of anyone other than legislative staff to  
8 assist with mapping?

9 A. Well, we obviously obtained legal  
10 counsel.

11 Q. Okay. And I'm not asking you for any  
12 communications you had with legal counsel, but  
13 which legal counsel did you retain?

14 A. Phil Strach and Tom Farr, I believe.

15 Q. And when did you obtain their services?

16 A. I don't recall exactly. It was before  
17 we began the actual drawing of the maps.

18 Q. And when did you begin the drawing of  
19 the maps?

20 A. Once the census data was available.

21 Q. Can you give me an estimate of what  
22 month it was when you retained their legal  
23 services?

24 A. Oh, you know, maybe July, July, August,  
25 early August timeframe.

1 Q. And what source of funds was used to pay  
2 for their services?

3 A. I am not entirely sure at this point.  
4 There was obviously money that was appropriated  
5 for map drawing, and each caucus was allocated  
6 funds.

7 Q. And were Mr. Strach and Mr. Farr paid  
8 from those funds that were allocated for the  
9 purpose of redistricting?

10 A. I really do not know specifically.

11 Q. Who would know that?

12 A. Wendy Zhan, the director of Legislative  
13 Service Commission, was monitoring the  
14 expenditures.

15 Q. And can you tell me a little bit more  
16 about those funds that were set aside for  
17 redistricting? How was that fund created?

18 A. It was a legislative appropriation, and  
19 there were -- essentially it was equal amount  
20 of funds to each joint House/Senate caucus, and  
21 they were divided equally.

22 Later on the Democrats asked for  
23 additional funds, and I believe we provided  
24 additional funds to the Democrats so they could  
25 hire additional experts.

1 Q. Other than legal counsel, did you engage  
2 the services of anyone other than legislative  
3 staff to assist with the map drawing process?

4 A. I don't recall anyone else.

5 Q. And who retained those legal services?  
6 Or to state that differently, who was the  
7 client of those attorneys?

8 A. Well, I'm assuming they were  
9 representing -- were representing me and  
10 probably Senator Huffman as well.

11 Q. Okay. In your individual capacities?  
12 Or were they representing the House and the  
13 Senate themselves?

14 A. I don't know the technicalities of that,  
15 quite frankly.

16 Q. Okay. Is it fair to say, then, that you  
17 were responsible for overseeing the development  
18 of the General Assembly plan on behalf of the  
19 Republican caucus?

20 A. I was one of those, yes.

21 Q. The other one being Senator Huffman?

22 A. That's correct.

23 Q. Okay. So the two of you together were  
24 responsible for overseeing the development of  
25 the General Assembly plan?

1 A. Generally, yes.

2 Q. Okay. And I believe you said that you  
3 generally took primary responsibility for the  
4 House map, Senator Huffman took primary  
5 responsibility for the Senate map, although the  
6 two of you needed to collaborate together given  
7 the impact of one map on the other map?

8 A. That's correct.

9 Q. Okay. So were you responsible for  
10 providing direction to the map drawer for the  
11 House map?

12 A. Yes.

13 Q. Okay. And I believe your testimony was  
14 that it was Mr. Springhetti who was the map  
15 drawer for the House map.

16 A. Yes.

17 Q. Were you responsible for providing  
18 direction to the map drawer for the Senate map?

19 A. So in a general sense, the sense that  
20 they kind of had to work together.

21 But my primary direction was to  
22 Mr. Springhetti.

23 Q. And who was the map drawer for the  
24 Senate map?

25 A. Ray DiRossi.

1 Q. Did anyone other than Mr. DiRossi and  
2 Mr. Springhetti assist in drawing the map on  
3 the House side?

4 A. You mean physically drawing it?

5 Q. Using the software program to draw.

6 A. Not to my knowledge.

7 Q. Did anyone other than Mr. Springhetti  
8 and Mr. DiRossi use the map drawing software on  
9 the Senate side?

10 A. Not to my knowledge.

11 Q. Did anyone other than yourself and  
12 Senator Huffman provide direction to Mr. -- to  
13 either map drawer on drawing the maps?

14 A. Well, I certainly can't speak for the  
15 Senate. And I don't know. What do you mean by  
16 "direction"?

17 Q. Did anyone other than yourself or  
18 Senator Huffman provide guidance on how the map  
19 should be drawn to either map drawer?

20 A. Other than legal advice as to what would  
21 be a constitutional map, I do not believe so.  
22 Not to my knowledge, anyway.

23 Q. And to your knowledge -- and, again, I'm  
24 not asking for the substance of any legal  
25 advice, but who provided legal advice to the

1 map drawers about the map?

2 A. Well, it would have been through me and  
3 through Senator Huffman. But it would be  
4 Mr. Strach and Mr. Farr.

5 Q. When did you first task anyone with  
6 developing a General Assembly plan?

7 A. I think you asked that question before,  
8 and I can't remember exactly when we identified  
9 Blake with doing that for the House, but it  
10 would have been perhaps sometime in July.

11 We were doing our state two-year budget,  
12 so we were pretty consumed with doing that,  
13 getting that done, and then we turned our  
14 attention to the map drawing. So that would  
15 have probably been in early to mid July  
16 sometime.

17 Q. And let me clarify my question. When  
18 did you task anyone to start actually drawing a  
19 plan at this point?

20 A. Oh, directed -- Blake was directed to  
21 start drawing the plans as soon as we got the  
22 census data.

23 Q. Do you recall the date where  
24 Mr. Springhetti started drawing a House plan?

25 A. Well, I don't know the date, but census

1 data came in around mid-August. So that's when  
2 that would have -- we would have taken that up  
3 immediately.

4 Q. Other than legal counsel, did you engage  
5 consultants to assist in the preparation of  
6 maps?

7 A. I don't believe so.

8 Q. Do you have an understanding of how  
9 Mr. Springhetti and Mr. DiRossi worked together  
10 in drawing maps?

11 A. No, not specifically. I didn't actually  
12 see them, you know, work together.

13 Q. Do you know who Clark Benson is?

14 A. I've heard the name, but I don't know  
15 him.

16 Q. Who is Clark Benson to your  
17 understanding?

18 A. I think he is someone that had some  
19 geographical data.

20 Q. Did you ever speak to Mr. Benson?

21 A. I have not.

22 Q. Did you ever communicate, yourself, with  
23 Mr. Benson in any way?

24 A. No.

25 Q. Did any staff members on your behalf



1 speak or work with Mr. Benson?

2 A. No, not on my behalf.

3 Q. Okay. What geographic data did  
4 Mr. Benson have?

5 A. My understanding was to align the  
6 precincts in political subdivisions with -- I  
7 think it was voting data from the early years,  
8 like in the decade. That was part of looking  
9 at the statewide partisan vote as precinct  
10 lines and political things had shifted over  
11 time.

12 Q. Is Mr. Benson a legislative staffer?

13 A. No.

14 Q. Do you know who Mr. Benson works for,  
15 then?

16 A. I do not.

17 Q. Okay. How did you come to understand  
18 that Mr. Benson was sharing some geographic and  
19 partisan data that was used in the map drawing  
20 process?

21 A. Well, I don't know about partisan data.  
22 But the geographic data, trying to put together  
23 the ten-year, you know, voting data, things  
24 weren't publicly available, I guess, for the  
25 early years, '12 and '14, so it was just an

1 attempt to try to put all that together.

2 Q. And who told you that Mr. Benson was  
3 providing that data?

4 A. Mr. DiRossi, I believe.

5 Q. And when you say "voting data" that I  
6 believe was mapping onto precincts, what voting  
7 data do you mean?

8 A. I really don't know. We didn't get into  
9 that level of detail.

10 Q. Do you know why Mr. DiRossi was getting  
11 data from Mr. Benson if you hadn't directed him  
12 to do so?

13 A. I think I had indicated that they were  
14 trying to figure out how to match up, you know,  
15 the legal subdivision lines from early on. And  
16 maybe precinct lines.

17 Q. And just so that I'm clear, and this was  
18 something that Mr. DiRossi had done without  
19 your direction?

20 A. No. Well, we're looking for the data so  
21 that they could be able to complete what the --  
22 the ten-year lookback.

23 And the question was, "Is that  
24 geographical data available publicly?"

25 And the answer was, "No."

1           "So is it available somewhere else?"

2           And they said, "Yes."

3           And so, "Could we get that geographical  
4 information?"

5           And says, "Well, it should be as  
6 complete as possible, so let's do it."

7           Q. Okay. And they got it from a person  
8 that you never spoke to, and you don't know who  
9 he works for; is that right?

10          A. That's correct.

11          Q. Do you know who John Morgan is?

12          A. I don't believe I've heard that name  
13 before.

14          Q. Do you know whether anyone other than  
15 Mr. Benson provided data that the map drawers  
16 relied on in the redistricting process?

17          A. Not to my knowledge. Well, data -- I  
18 think there's data from the Secretary of  
19 State's office, that sort of thing.

20          Q. Okay. Other than from Ohio government  
21 sources, do you know whether anyone else  
22 provided data that the map drawers used in the  
23 mapping process?

24          A. No, I do not know.

25          Q. Do you know whether Mr. Benson was being

1 paid for the services that he was providing to  
2 Mr. DiRossi?

3 A. I believe so.

4 Q. Do you know who was paying him?

5 A. No, I do not.

6 Q. Were Mr. -- was Mr. DiRossi authorized  
7 to expend funds without your approval?

8 A. I'm not essentially -- I'm not sure in  
9 what sense you mean that. Obviously they had  
10 some authority to expend funds to be able to  
11 get the software and do all of those sort of  
12 things.

13 So we would certainly have -- we  
14 authorized him to use that -- to get that data.  
15 The assumption would be if there were a cost,  
16 it would be paid for.

17 Q. So did you provide any direction to  
18 Mr. DiRossi or Mr. Springhetti on what  
19 permissible use of funds were or were not?

20 A. Not for litigation.

21 Q. And so what was it for?

22 A. It was for information, for data, for  
23 software, to be able to draw a district plan.

24 Q. And so were the funds that they were  
25 authorized to use the funds that had been

1     appropriated by the legislature for both the  
2     Democratic caucus on the one hand and the  
3     Republican caucus on the other hand?

4     A.   That would be my assumption, but I don't  
5     know specifically.

6     Q.   Could any member of the Republican House  
7     caucus who wanted to give instruction to  
8     Mr. Springhetti or Mr. DiRossi about how to  
9     draw the maps?

10    A.   In what sense do you mean that?  They  
11    were -- he was a direct -- Mr. Springhetti was  
12    to take direction from me and my staff.

13    Q.   And so I'm just trying to make sure that  
14    I understand the flow of communication.

15    A.   All right.

16    Q.   If a House caucus member had some input  
17    they wanted to provide, could they communicate  
18    directly with Mr. DiRossi or Mr. Springhetti?  
19    Or did they have to come through you or Speaker  
20    Huffman -- sorry, Senator Huffman?

21    A.   That's right.  You never know.  So I  
22    don't know about the Senate side.  But for the  
23    House side, if a member had input, suggestions,  
24    they would have to come through me or one of my  
25    staff members.

1       Q. And what staff members, in particular,  
2 could people use as a point of contact for  
3 issues related to the mapping process?

4       A. Well, our legal counsel, Paul Disantis,  
5 or our chief of staff, Christine Morrison.

6       Q. That was Paul Disantis?

7       A. Pardon?

8       Q. Did I hear the name correctly, was it  
9 Paul Disantis?

10      A. Yes.

11      Q. Okay, thank you. Anyone other than  
12 Mr. Disantis or Ms. Morrison?

13      A. No.

14      Q. And I think I asked you specifically  
15 about the House caucus. Would the same  
16 protocol have been in place for any members of  
17 the Senate caucus who wanted to provide input  
18 or suggestions on the plan?

19      A. Yes. If any senator wanted to have  
20 input through Mr. Springhetti, they would not  
21 go to Mr. Springhetti. They would go to either  
22 me or Christine Morrison.

23      Q. Okay. And then with regard to other  
24 members of the Redistricting Commission, if  
25 they wanted to provide input or suggestions to

1 Mr. Springhetti or Mr. DiRossi, could they do  
2 so directly?

3 A. No.

4 Q. Okay. How -- then who would they be  
5 responsible for communicating with?

6 A. With -- reporting to the House side,  
7 with me or Christine Morrison.

8 Q. And then to your knowledge on the Senate  
9 side?

10 A. I do not know how the Senate handled it.

11 Q. Is it fair, then, to say that on the  
12 House side, you limited access to who could  
13 provide input to the map drawers for the  
14 Republican plans?

15 MR. STRACH: Objection.

16 Go ahead.

17 THE WITNESS: Would you -- would you  
18 restate the question, please.

19 BY MR. STAFFORD:

20 Q. Is it fair, then, to say that on the  
21 House side, you limited access to who could  
22 provide input to the map drawers responsible  
23 for drawing the Republican plan?

24 A. Yes. Direct access, yes, we did limit  
25 that.

1 Q. Okay.

2 A. That was just to -- yeah, we did.

3 Q. Did you provide either Mr. DiRossi or  
4 Mr. Springhetti with any data that could be  
5 used to draw legislative maps before the census  
6 data was released?

7 A. I didn't. Did you ask whether others  
8 did too? I'm sorry, repeat that.

9 Q. To your knowledge, did anyone provide  
10 data to Mr. Springhetti or Mr. DiRossi to draw  
11 legislative maps before the census data were  
12 released?

13 A. Not to my knowledge.

14 Q. Did either Mr. Springhetti or  
15 Mr. DiRossi start drawing any maps before the  
16 census data were released?

17 A. I don't know about Mr. DiRossi, but  
18 Mr. Springhetti did not start drawing maps  
19 until the census data was available.

20 Q. Okay. Do you know whether anyone other  
21 than Mr. Springhetti working on behalf of the  
22 House started drawing legislative maps before  
23 the census data were released?

24 A. I do not know of anyone working on  
25 behalf of the House did that.



1 Q. Other than the data that Mr. Benson  
2 provided, are you aware of whether Mr. DiRossi  
3 or Mr. Springhetti utilized any other voting  
4 data in preparing the General Assembly plans?

5 A. I believe they did use data from the  
6 Secretary of State's office.

7 Q. Other than those two sources, did they  
8 use any --

9 A. I'm not aware.

10 Q. I'm sorry. Just let me finish my  
11 question.

12 A. Yeah, right, go ahead.

13 Q. Other than those two sources, did either  
14 Mr. Springhetti or Mr. DiRossi utilize any  
15 other voting data in preparing the maps?

16 A. Not to my knowledge.

17 Q. Okay.

18 A. Not to my knowledge.

19 Q. Were you provided with a copy of the  
20 voting data that they used to prepare the  
21 plans?

22 A. No.

23 Q. Are you familiar with the maps that were  
24 introduced to the commission on September 9th  
25 by Senate President Huffman?

1 A. Am I familiar with it?

2 Q. Yes.

3 A. Generally speaking, yes. I had seen the  
4 map before it was introduced, yeah.

5 Q. When did you first see the map that was  
6 ultimately introduced on September 9th?

7 A. Maybe the day before. I had seen parts  
8 of it before that.

9 Q. When did you first see any part of the  
10 map that was being drawn that was ultimately  
11 released on September 9th?

12 A. Probably not until early September, and  
13 that's kind of a -- kind of a guess. I don't  
14 know specifically.

15 Q. Do you know when the final version, at  
16 least final as of September 9th version, of the  
17 map was completed?

18 A. I think it was fairly late on  
19 September 14th.

20 Q. I'm sorry. Let me clarify my question.  
21 There was a map that was released on  
22 September 9th. I'm asking when that version of  
23 the map --

24 A. Okay.

25 Q. -- was completed finally.

1       A. I think late on September 8th, the day  
2 before. I know they were -- because there's so  
3 much data and there's so little tolerance in  
4 the line drawing and the population  
5 requirements, I know it was a fairly tedious  
6 and time-consuming effort to be able to get it  
7 right.

8               And we did tell them that we wanted it  
9 right. We wanted to follow the Constitution.  
10 And so it was a -- it was something that just  
11 took a lot of time.

12       Q. When you saw parts of the map, what  
13 parts of the map did you see prior to the  
14 release on September 9th?

15       A. Well, there was some -- part of it was  
16 demonstrating what the constitution  
17 requirements were and how that affected the  
18 line drawing.

19               So there were some counties that could  
20 not be split and some that, you know, had to  
21 be, based upon other constitutional  
22 requirements. So we looked at part of those to  
23 show how that worked and affected the line  
24 drawing. So those would have been the earliest  
25 parts.

1           And then from time to time get a little  
2       status report about how far they've been able  
3       to construct the map and keep within the  
4       constitutional requirements.

5           Q. Did you see images of the map or parts  
6       of the map before September 9th? Or  
7       September 8th, I'm sorry. I think that's when  
8       you said you saw it initially.

9           So before September 8th, did you see  
10      images of the map or parts of the map?

11      A. Yes.

12      Q. Did you see it on the computers that  
13      Mr. DiRossi and Mr. Springhetti were using?

14      A. I may have seen a little, but most of it  
15      was on paper, as I recall.

16      Q. Okay. When you were provided with paper  
17      versions of maps, were you provided with any  
18      data accompanying those images?

19      A. No.

20      Q. Okay. So you were not provided with  
21      population data about the various districts?

22      A. No. Well, I don't recall whether it was  
23      population data on it or not. I know there was  
24      obviously some discussion about whether it's  
25      within the 5 percent leeway either way.

1           You know, so that's about all I recall  
2   about that kind of data.

3           Q.   I believe you said that you saw maps on  
4   the computers a little before September 8th; is  
5   that correct?

6           A.   Yes.   It would have been an individual  
7   kind of thing to show, for example, how you had  
8   to follow the political subdivision lines and  
9   not split them to stay in compliance.   So that  
10   would have been kind of like a little  
11   demonstration as to why this particular one was  
12   drawn the way it was.

13          Q.   And would that have come about because  
14   you had questions about a draft map that you  
15   had seen and you received an explanation in  
16   response?

17          A.   Sometimes.   Sometimes it was just, you  
18   know -- if you look at some of them and you  
19   follow political subdivision lines, they look  
20   kind of a little like a lot of little lines  
21   here and little parts there.

22               And the point was to demonstrate that  
23   those -- that it's part of the political  
24   subdivision lines.   It's not something that the  
25   map drawers were doing to split political

1 subdivisions. They're trying to keep it whole.

2 Q. When you saw the maps on the computer  
3 screen, what data were displayed about the map  
4 on the screen?

5 A. I didn't recall seeing any data  
6 displayed on the screen.

7 Q. Okay. So your testimony is that there  
8 was no data about population or political  
9 performance available on the screen?

10 MR. STRACH: Objection.

11 Go ahead.

12 THE WITNESS: I don't recall seeing any  
13 of that kind of data on the screen, no.

14 BY MR. STAFFORD:

15 Q. Prior so September 9th, did you have any  
16 conversations about the partisan makeup of any  
17 particular districts in a map that was being  
18 prepared by Mr. Springhetti?

19 A. Would you restate that, please.

20 Q. Prior to September 9th, did you have any  
21 conversations about the partisan makeup of any  
22 particular districts in a map that was being  
23 prepared by Mr. Springhetti?

24 A. Yes, there would have been individual  
25 districts. There was some conversation about

1 the political makeup.

2 Q. Which particular districts did you  
3 discuss the political makeup of, the partisan  
4 makeup of those districts before September 9th?

5 A. I don't -- I do not recall.

6 Q. Do you recall any of those districts?

7 A. I do not.

8 Q. Okay. What discussion did you have  
9 about the political makeup of particular  
10 districts?

11 A. I think it was just -- it was very  
12 general about, you know, individual districts  
13 here or there, what the -- what the political  
14 index would be.

15 Q. And when you say "the political index,"  
16 what do you mean by that?

17 A. I assume that's a voting district in  
18 terms of whether it was lean Republican or lean  
19 Democrat.

20 Q. Okay. And who did you have those  
21 discussions with?

22 A. It would have been Blake mostly.

23 Q. Okay. And so would you ask  
24 Mr. Springhetti about what the -- let me make  
25 sure I've got your phrase correctly here. I

1 think you said "political index." Did you have  
2 discussions or did you ask Mr. Springhetti  
3 about what the political index of a particular  
4 district was in a draft map?

5 A. Not specifically. It would have come up  
6 in looking at the district. Again, this was a  
7 spotty sort of thing.

8 Q. What do you mean it would have come up  
9 in looking at a particular district?

10 A. Well, the way that the district was  
11 drawn, the limitations in terms of the  
12 splitting of the district and -- so whether you  
13 had to draw it, and the question is what --  
14 what is -- does that lean Republican or lean  
15 Democrat or is it a competitive district, that  
16 sort of thing, in a general sense.

17 Q. And when that issue came up, what did  
18 Mr. Springhetti look at to answer the question?

19 A. I don't know. He gave didn't give me an  
20 answer.

21 Q. Did this come up when you were looking  
22 at the computer with him?

23 A. No.

24 Q. Okay. And so if this came up, he would  
25 get back to you and tell you what the political



1 index of the district, were a question had come  
2 up, what that was?

3 A. No. Since I indicated most of the  
4 districts that we see were printed on paper  
5 copy, and it would come up in the sense of  
6 looking at those districts and how they -- how  
7 they were -- how they appear on the map.

8 Q. And Mr. Springhetti would tell you what  
9 the political index of a given district was in  
10 the context of those sorts of conversations?

11 A. Not as a uniform matter. But, you know,  
12 if it was a change in the way the district  
13 looked, it would -- that did obviously come up.

14 Q. And I'm asking maybe an even more simple  
15 question, which was on the occasions that this  
16 came up, in those occasions would  
17 Mr. Springhetti tell you, for example, the  
18 political index of this district is Republican  
19 plus three?

20 A. Sometimes it was specific like that, but  
21 more likely it was -- it was a lean Republican  
22 or lean Democrat.

23 Q. And on the occasions that this came up,  
24 was this something that Mr. Springhetti was  
25 answering off the top of his head?

1       A. Well, I don't know off the top of his  
2 head, but he didn't consult, you know, a  
3 directory or anything.

4       Q. So he answered the question without  
5 looking at any source of information?

6       A. Yeah, to me, he did, yeah.

7       Q. Prior to the release of the  
8 September 9th map, did you discuss the overall  
9 partisan makeup of the House map?

10      A. No, I did not, actually.

11      Q. Okay. Did you have any discussion about  
12 the overall political index of the House map?

13      A. No, we did not.

14      Q. Did you have any discussion about how  
15 many overall Republicans you expected that the  
16 map would elect and how many Democrats you  
17 would expect the map would elect?

18      A. I'm trying to recall, because that was  
19 not really the -- generally any part of any  
20 discussion. It was more focused on kind of  
21 individual ones where the lines had changed.

22           And I don't recall -- honestly, I do not  
23 recall whether it was ever advised as to what  
24 the overall final map had in terms of total  
25 districts leaning one way or the other.

1           After the map was introduced, I was  
2       advised of that. I remember being a bit  
3       surprised by it.

4           Q. After the -- when was that, after the  
5       map was released, that someone advised you,  
6       that you specifically recall, of the overall  
7       expected partisan performance of the map?

8           A. I assume on this -- I believe on the  
9       same day. It may have been part of the  
10      discussion before the commission when the map  
11      was introduced. Or presented, I guess.

12          Q. You said that you were surprised. What  
13      do you mean by that?

14          A. That the number of Republican leaning  
15      districts was more than I had anticipated it  
16      was going to be.

17          Q. Were you concerned by the number of  
18      Republican leaning districts?

19          A. I'd just say I was surprised by it.

20          Q. And I asked: Were you concerned by that  
21      data?

22          A. Well, our goal was to draw a  
23      constitutional map, and we also wanted a  
24      ten-year map.

25                 And my concern was, and I was a bit

1 concerned, that that would be something that  
2 would not be acceptable to the Democrat members  
3 of the commission and that we would, obviously,  
4 have to try to figure out some way of getting  
5 to a compromise.

6 Q. As the Speaker of the House, before a  
7 map was introduced on behalf of the Republican  
8 caucus, were you interested in what the overall  
9 partisan performance of that plan would be?

10 A. Was I interested? Well, obviously, I  
11 anticipated that it would be a Republican  
12 leaning overall map, because I believe we are a  
13 Republican state. So in that sense, you know,  
14 certainly.

15 Q. When you and Mr. Springhetti discussed  
16 the partisan performance or expected partisan  
17 performance of the political index, I believe  
18 this is how you put it, of particular districts  
19 before the release of the September 9th map,  
20 did you ever tell Mr. Springhetti to make a  
21 district less Republican leaning?

22 A. I can't recall specifically before the  
23 map was presented.

24 Q. Before the map was presented on  
25 September 9th, did you ever tell

1 Mr. Springhetti to make a district more  
2 Republican leaning?

3 A. No, I'm sure I did not.

4 Q. Prior to the release of the map on  
5 September 9th, did you have any conversations  
6 with members in your caucus about the partisan  
7 makeup of specific districts?

8 A. I know I had some discussion with some  
9 members, but I can't remember whether it was  
10 before or after the release of the map, and it  
11 was because their districts became less  
12 Republican leaning or their districts included  
13 the geography that was not in their current  
14 district, so it would have been a big change  
15 for them.

16 And I do think some of them -- I had an  
17 understanding that there would be less  
18 Republican leaning, so we had a conversation  
19 with them about that. But, again, I can't  
20 recall whether it was before the original  
21 Republican map was presented or whether it was  
22 later than that. And maybe some of both.

23 Q. Do you recall any conversations with  
24 members of your caucus before the September 9th  
25 map was released about their districts?

1       A. Again, I can't recall whether it was  
2 before or whether it was right after.

3       Q. You talked, I believe, and correct me if  
4 I'm wrong -- go ahead.

5       A. I want to add, if it were before, it  
6 would have been just before.

7       Q. You talked previously, and correct me if  
8 I'm wrong, that one of the contexts in which  
9 discussions about the political index of  
10 particular districts would come up with  
11 Mr. Springhetti was when there were changes to  
12 the map. Am I remembering that correctly? Or  
13 changes to districts or areas of the state?

14      A. Yes, the geographical changes to  
15 districts.

16      Q. Okay. What parts of the state did that  
17 kind of conversation occur in?

18      A. It would have been mostly Northeastern  
19 Ohio. It's my understanding that there has  
20 been a long-standing problem with being able to  
21 draw districts there that conform to the  
22 Constitution without violating another  
23 provision.

24             This time, however, with the population  
25 changes, it was possible to do that. And so

1 they were instructed to draw it in a  
2 constitutional way.

3 So there were some -- obviously some  
4 changes in district geography and -- district  
5 geography and political leanings.

6 Q. Other than Northeastern Ohio, was there  
7 discussion of political leanings or political  
8 index in any other parts of the state?

9 A. Sorry. The chair just dropped here.

10 Okay, there we go.

11 Again, are we talking about before the  
12 introduction of the map on September 9th or  
13 presentation of the map on September 9th?

14 Q. Yes. My understanding is that you had a  
15 discussion with Mr. Springhetti about the  
16 political leanings or index of the Northeastern  
17 Ohio area before the release of the map on  
18 May 9th. And my question is did you have a  
19 similar conversation about any other parts of  
20 the state?

21 A. I don't recall specifically.

22 Q. Okay. Do you recall any general  
23 discussions of that nature before the release  
24 of the May 9th map as to any other parts of the  
25 state other than Northeastern Ohio?

1 MR. STRACH: September 9th, Ben.

2 MR. STAFFORD: Thank you for correcting  
3 me. I meant September 9th.

4 MR. STRACH: Go ahead.

5 THE WITNESS: If I understand the  
6 question correctly, was there any discussion  
7 about political leanings of any other districts  
8 before the map was released on September 9th,  
9 and the answer would be yes. There would have  
10 been here or there. I don't recall exactly  
11 where those were.

12 BY MR. STAFFORD:

13 Q. You don't recall as to what parts of the  
14 state those conversations concerned?

15 A. No. I think there was -- there might  
16 have been one in the Hamilton County area. But  
17 that's really all I recall.

18 Q. Did you have conversations with other  
19 members of the commission, other than Senator  
20 Huffman, about working together to draw a map  
21 before September 9th?

22 A. Had some discussions with Auditor Faber.  
23 Had some discussion -- a discussion with  
24 Secretary LaRose. Obviously had some  
25 discussions with Senator Sykes and, to a lesser



1 extent, Leader Sykes.

2 Q. When you say you had conversations with  
3 those individuals about working together to  
4 draw a map, generally speaking, what  
5 conversations were you having or on what  
6 subject?

7 A. Well, usually it was what's the progress  
8 of the map or about the hearings on the map.  
9 The Auditor of State and Secretary of State  
10 were interested in, you know, how the map was  
11 coming along and what it was looking like. So  
12 those would have been the discussions before  
13 the map was presented.

14 Q. Did you show Auditor Faber a copy of the  
15 map or the draft map before May 9th?

16 MR. STRACH: Ben, September 9th, sorry.  
17 You got May 9th.

18 MR. STAFFORD: Sorry, it's stuck in my  
19 brain somewhere, so let's remedy that.

20 BY MR. STAFFORD:

21 Q. Did you have any discussion -- did you  
22 show Auditor Faber a copy of the map that was  
23 released on September 9th, before  
24 September 8th?

25 A. I believe that, yes. I believe he was

1 shown a copy of the map.

2 Q. When was he shown a copy of the map?

3 A. It would have been right around that  
4 timeframe. You know, maybe a few days before.

5 I'm not sure the map was entirely  
6 completed by that time, but that would show the  
7 direction, the general look of the map.

8 Q. Prior to that meeting, did you provide  
9 Auditor Faber an opportunity to provide input  
10 into the construction of the map?

11 A. I wasn't presented with any input by  
12 Auditor Faber prior to that time.

13 Q. Did Auditor Faber ask you to be able to  
14 look at the map and provide input?

15 A. He, early on, I think maybe early  
16 August, indicated that he would like to be kept  
17 abreast of what was happening with the map  
18 drawing.

19 Q. Okay. And so did you invite him to  
20 review the map as it was being developed and  
21 give input?

22 A. Did I? No.

23 Q. Did anyone on your behalf?

24 A. Not on my behalf.

25 Q. Same question as to Secretary LaRose.

1 Did Secretary LaRose ask you for an opportunity  
2 to review the map and provide input?

3 A. I believe -- I don't know whether he  
4 asked or whether we invited him to take a look  
5 at the map before it was presented. But we  
6 did.

7 Q. Did you incorporate any feedback from  
8 Auditor Faber into the map?

9 A. This before the September 9th map?

10 Q. Before September 9th.

11 A. I'm just trying to remember whether we  
12 actually got any feedback. And I know Auditor  
13 Faber had some concern or interest in -- in  
14 Western Ohio. But that was -- that's all the  
15 feedback I got. And I know he was going to  
16 look at that and try to find a solution to it.  
17 But I don't recall any other input that was  
18 offered.

19 Q. After the release of the September 9th  
20 plan, did either Vernon or Emilia Sykes reach  
21 out to you or your staff to try to set up  
22 meetings to discuss the General Assembly plan?

23 A. Yes. We were trying to figure out a way  
24 of being able to do that. Because under our  
25 open meeting law, four members of the

1 commission could not meet together. So the way  
2 we handled that was they met with Senator  
3 Huffman.

4 Q. Did you ever meet with either of the  
5 Sykeses regarding the General Assembly plan?

6 A. Yes.

7 Pardon me here. My screen on the Zoom  
8 has gone a little strange. I'm trying to get  
9 it back to normal.

10 MR. STRACH: You look fine on that.

11 THE WITNESS: All right. I'm just  
12 trying to be able to see the others. I don't  
13 know what happened to it. Okay.

14 BY MR. STAFFORD:

15 Q. Are you good?

16 A. Pardon? I think so.

17 Q. Okay.

18 A. You all on the screen -- my screen kind  
19 of went somewhere. So I think I can see you  
20 though, so...

21 I can't recall the time -- timeline on  
22 that. I know at one point we showed them the  
23 map. I don't recall whether it was the  
24 September 9th map or the September 15th map.

25 Q. I think you said that when the Sykeses

1 reached out after September 9th, the way that  
2 was handled was that Senator Huffman met with  
3 them. Did you authorize Senator Huffman to  
4 discuss and make changes to the plan on your  
5 behalf?

6 A. No, it was to meet with them, discuss,  
7 and see what their concerns were and to  
8 basically have a discussion about, you know,  
9 where to go from there.

10 Again, our goal was to try to get a  
11 ten-year map and recognize, you know, after our  
12 map was developed, that we were going to have  
13 to work through some sort of a compromise on  
14 that.

15 So he met with them to determine where  
16 their concerns were and to have some  
17 discussions, I believe -- this is my  
18 understanding -- as to where we could go in  
19 order to get closer to be able to have their  
20 support for a ten-year map.

21 Q. Your concern after the map was released  
22 or a concern that you had was the expected  
23 number of Republicans that map would elect, as  
24 I understood your testimony.

25 So then would a compromise be a plan

1 that would be likely to elect more Democrats  
2 than the initial version?

3 A. It was to have more -- to reduce the  
4 number of Republican leaning districts and to  
5 have more Democrat leaning districts.

6 Q. Okay. And ultimately a compromise was  
7 not reached, and so why was that?

8 A. Well, I think it takes, you know, two to  
9 get to a compromise. We -- as a result of  
10 those discussions, the Republican map changed.

11 We went from what my understanding was  
12 about 67 Republican leaning districts down to  
13 62 Republican leaning districts.

14 And after that was presented, we were  
15 looking forward for the Democrats to come back  
16 with probably a counteroffer to see whether  
17 there was any other movement that we could  
18 make, and I believe that really never came.

19 Q. And so the discussion was is there a  
20 compromise where a map is going to elect an  
21 anticipated number of Democrats, an anticipated  
22 number of Republicans, and can we all agree on  
23 what those numbers are? Everyone did not agree  
24 on what those numbers were, and there was no  
25 compromise as a result?

1       A. Well, I don't know about electing  
2 members one way or another. But whether the  
3 districts tended to lean Republican or lean  
4 Democrat.

5       Q. Okay. So with that clarification that  
6 we're talking about districts that lean rather  
7 than election, that's the reason there was not  
8 a compromise, was people couldn't agree on the  
9 number of districts that would lean Republican,  
10 would lean Democratic?

11      A. I don't think we were looking at a  
12 number specifically. We were in negotiations.  
13 In terms of the House number, we went from,  
14 what my understanding was leaning 67  
15 Republicans to leaning 62 Republicans. And we  
16 were looking for some movement on the Democrat  
17 side, and it never came.

18      Q. And movement on that number? Like  
19 that's what was under discussion, that was the  
20 source of disagreement among the parties on the  
21 commission?

22      A. Well, that's my understanding.

23      Q. Okay. Did you -- when you were giving  
24 Mr. Springhetti direction about the process he  
25 should follow in the map drawing, what did you

1 tell him to do?

2 A. We told him to draw a map that was  
3 constitutional, could follow all the mandatory  
4 requirements in terms of not splitting  
5 districts, you know, follow districts to be --  
6 to start drawing and to follow all those and to  
7 minimize any kind of permissive splits of  
8 districts so that we could have more compact  
9 districts and those that followed the  
10 constitutional requirements. Same way with  
11 population requirements, obviously. So those  
12 were the instructions.

13 Q. How were those instructions provided?

14 A. Verbally.

15 Q. Same thing with the chair, I think, that  
16 happened to you earlier there.

17 Did you provide instructions in writing  
18 at any time?

19 A. No, I didn't, no.

20 Q. To your knowledge, did anyone else  
21 provide written instructions to Mr. Springhetti  
22 or Mr. DiRossi about how to do the map drawing  
23 process?

24 A. No, not to my knowledge.

25 Q. When you provided those instructions,



1       who was present?

2           A.   Obviously Blake was.   I think Christine  
3 Morrison was present.   I'm not sure about legal  
4 counsel.

5           Q.   Was Mr. DiRossi present?

6           A.   I don't think there was like one meeting  
7 where we did this.   It was, you know -- it was  
8 a Constitution -- it was what the Constitution  
9 requires.   You have your map drawing program,  
10 you have the census data.   Follow the  
11 Constitution and draw a constitutional map.  
12 And minimize splits because and -- and follow  
13 -- try to make the list as compact as possible.  
14 As reasonably possible.

15          Q.   You testified that, after the initial  
16 release of the map, changes were made that took  
17 the House map from a 67 leaning Republican map  
18 to a 62 district leaning Republican map; is  
19 that right?

20          A.   Yes.

21          Q.   How was that done?

22          A.   Well, as you know, there are some parts  
23 of the state where you can't draw a Democrat  
24 leaning map, so you had to go to the areas  
25 where there were more Democrats.   And so -- and

1 still stay within the mandatory requirements of  
2 the constitution. And so --

3 Q. So what would -- apologies, go ahead.

4 A. So you'd have to try to figure out  
5 another way of drawing the lines so that you  
6 had more potential Democrat leaning voters in  
7 those districts.

8 Q. And what would Mr. Springhetti have been  
9 looking at to know that's what he was doing if  
10 he was changing a line on a map?

11 A. He was looking at the voting. The  
12 public voting history, is my understanding of  
13 what he was looking at.

14 Q. Okay. Now, you indicated that  
15 Mr. Springhetti was instructed by you to comply  
16 with the mandatory requirements of the Ohio  
17 Constitution, if I'm capturing your testimony  
18 correctly. Did you tell him what the mandatory  
19 requirements (indiscernible) were in  
20 particular?

21 (Court Reporter clarification.)

22 Of the Ohio Constitution were.

23 A. Well, I don't think specifically, but  
24 they were obviously Article XI, and it talked  
25 about how to draw the lines and not having

1 certain splits. And when you have permissive  
2 splits or required splits, you go -- you'd have  
3 a whole -- I don't remember the numbers of the  
4 constitution, but...

5 Q. Did you tell Mr. Springhetti that any  
6 particular sections of the constitution were  
7 mandatory or not mandatory?

8 A. It was the line drawing part that was  
9 the focus.

10 Q. Okay.

11 A. It was about where do you start drawing,  
12 how you have to have, you know, a whole  
13 ratio -- whole ratio, and where they have to be  
14 either in a political subdivision. If you go  
15 out, how you can do that. And those were the  
16 mandatory requirement -- the population.

17 Q. Okay.

18 A. That was the focus.

19 Q. Did you tell Mr. Springhetti that he  
20 needed to comply with Section 6 of the Ohio  
21 Constitution? Section 6, Article XI, to be  
22 clear.

23 A. Not specifically.

24 With the chair again. My turn, I guess.  
25 I think I'll just leave it down. There we go.

1 I'm sorry, would you rephrase -- or  
2 restate that.

3 Q. My question was did you tell  
4 Mr. Springhetti that he needed to comply with  
5 Article XI, Section 6 of the Ohio Constitution?

6 A. I told him to -- no, not specifically.  
7 Anticipated that we would attempt to get a  
8 ten-year map, and we would negotiate over it,  
9 and that would get us, hopefully, you know,  
10 somewhere in that range that Article VI is  
11 talking about.

12 So, no, he was not given instructions to  
13 specifically follow section or look at  
14 Section 6.

15 Q. Did you tell Mr. Springhetti that he  
16 needed to attempt to comply with Section 6?

17 A. We did that in terms of our  
18 negotiations, our attempted negotiations with  
19 the Democrats.

20 Once the map was drawn, according to the  
21 mandatory line drawing, the geography  
22 requirements, then that's when we set about to  
23 work with the Democrats to try to get to  
24 somewhere close, as close as we could to that.

25 So that's when we changed from what were

1     stated as 67 Republican leaning districts, we  
2     went down to 62, and we were prepared to move  
3     additionally if the Democrats were willing to  
4     move as well.

5             So in terms of changing those districts  
6     from Republican leaning to Democrat leaning,  
7     certainly instructed Blake to find a way of  
8     doing that.

9             Q. Find a way to do that, see if the  
10    Republican side could cut a deal with the  
11    Democratic side to get to a ten-year map?

12            A. No, we didn't ask Blake to cut a deal.  
13    We asked Blake to be able to redraw the  
14    district so they would be more Democrat leaning  
15    so that we could get closer to what the  
16    Democrats were asking for.

17            Q. And thanks for the correction. My  
18    question there was imprecise.

19            So you asked Mr. Springhetti to make  
20    those changes to the map in the hopes that  
21    the -- that yourself and Speaker [sic] Huffman  
22    could cut a deal with the Democratic  
23    commissioners to have the option of a ten-year  
24    map?

25            A. No, this came out of the discussion that

1 Senator Huffman had with Senator Sykes and  
2 Representative Sykes about the maps. And after  
3 that discussion, we tried to find a way of  
4 getting closer to what the Democrats were  
5 asking for.

6 Q. And what your attempt -- I'm sorry. Go  
7 ahead.

8 A. So that's when we moved five House  
9 districts from Republican leaning to Democrat  
10 leaning.

11 Q. And what you were trying to do was get a  
12 version of your plan that the Democratic  
13 commissioners would approve so you could have a  
14 ten-year map? That was what the goal was?

15 A. Yes, that was the goal.

16 Q. (Indiscernible); is that correct?

17 MR. STRACH: Ben, you froze up for about  
18 ten seconds. So you'll need to repeat that.

19 BY MR. STAFFORD:

20 Q. Let me try again.

21 So my question was: "What you were  
22 trying to do was get a version of your plan  
23 that the Democratic commissioners would approve  
24 so that you could have a ten-year map? That's  
25 what the goal was?"

1           And, I'm sorry, I'm seeing now you said,  
2       "Yes, that was the goal." Just for the sake of  
3       the record. Sorry. I'm coming back online  
4       here now.

5           A. I'll say it again. Yes, that was the  
6       goal.

7           Q. Thank you, sir.

8           Okay. So then I am correct that, during  
9       the map drawing process, you did not provide  
10      any direction to Mr. Springhetti about what it  
11      would mean to comply with Section 6, Article XI  
12      of the Ohio Constitution?

13          A. That is correct. I don't recall  
14      providing any direction to him in that regard.

15          Q. Is it your understanding that the  
16      standards set forth in Section 6 are mandatory?

17          A. Well, it says "shall attempt." And I do  
18      believe that's something that we were required  
19      to do. So we did attempt to do that.

20          Q. Okay.

21          A. Excuse me.

22          Q. Through the negotiation with the  
23      Democratic commissioners that you talked about  
24      earlier?

25          A. Yes.

1 Q. Okay. And you did not -- again, just  
2 for the sake of clarity, you did not tell  
3 Mr. Springhetti to do something in particular  
4 to the map to comply with Section 6?

5 A. Not aside from, when the negotiations  
6 started, to redraw some districts so they would  
7 move from Republican leaning to Democrat  
8 leaning.

9 Q. You've talked about what a Republican  
10 proposal was: In the House, 62 Republican  
11 leaning seats.

12 What was the Democratic offer?

13 A. Okay. My device says it just ran into a  
14 problem and it needs to restart, so...

15 MR. STAFFORD: Can we go off the record  
16 here?

17 THE VIDEOGRAPHER: We are going off the  
18 record. The time is 11:09.

19 (Recess ensued from 11:09 a.m.  
20 to 11:20 a.m.)

21 THE VIDEOGRAPHER: We are back on the  
22 record. The time is 11:21.

23 MR. STAFFORD: Could you put the  
24 realtime back in the chat, please.

25 /////



1 BY MR. STAFFORD:

2 Q. Speaker, before we went on break, I had  
3 asked you what was the Democratic proposal or  
4 the Democratic commission proposal on the  
5 number of seats that would be Democratic  
6 leaning.

7 A. I believe they -- I don't have a real  
8 clear recollection, but I think they started  
9 out at 56, and then they had an amendment or  
10 proposal that went to 57. And we went from 67  
11 to 62, and that's kind of where it stalled out.

12 Q. And on that 56 or 57 figure, that would  
13 be the number of Republican leaning seats in  
14 the Democratic proposal?

15 A. Yes.

16 Q. Did you ever conduct any analysis of the  
17 Democratic proposal to see whether it was  
18 compliant with Section 6, Article XI of the  
19 Ohio Constitution?

20 A. I did not.

21 Q. Did you authorize anyone to conduct such  
22 an analysis?

23 MR. STRACH: I'm going to object, Ben,  
24 just to the extent it's calling for a legal  
25 conclusion.

1 But go ahead and answer.

2 THE WITNESS: No, I don't  
3 specifically -- would you please restate that  
4 again. Or repeat it again, I guess, not re --  
5 BY MR. STAFFORD:

6 Q. Did you authorize anyone to conduct an  
7 analysis of the Democratic proposal to see  
8 whether, in your view, it complied with  
9 Article XI, Section 6 of the Ohio Constitution?

10 MR. STRACH: Same objection.

11 THE WITNESS: No, not specifically.  
12 BY MR. STAFFORD:

13 Q. What do you mean by "specifically"?

14 A. To conduct a specific analysis to see  
15 whether it complied. I think the numbers were  
16 out there, that it was a 50 -- 54 Republican  
17 leaning seats to 45 Democrat leaning seats, as  
18 I recall from the ten-year analysis. Which  
19 really wasn't a ten-year analysis, it was more  
20 like a six-year analysis.

21 So that was a number that was thrown  
22 around. So if you're just looking at plain  
23 numbers, that was -- it was -- the numbers were  
24 apparent.

25 But then again, the question was did

1 y'all attempt to do that. So we were  
2 attempting to get closer by -- through  
3 negotiations with the Democrats. With the  
4 goal, of course, to get a ten-year plan.

5 Q. So then am I correct that, other than  
6 looking at the baseline number, 56 Republican  
7 leaning seats, 57 Republican leaning seats,  
8 there was not any additional analysis conducted  
9 with respect to Section 6?

10 MR. STRACH: Objection.

11 You can answer if you can.

12 THE WITNESS: First of all, Section 6 is  
13 not exactly clear as to what it means, which is  
14 of course the statement that the commission  
15 adopted so it could, you know, range, depending  
16 on how you interpret it, from, you know, pretty  
17 significant Republican to a much more narrower  
18 range.

19 So we were in that range. So that was  
20 where we felt we were. We had been trying to  
21 get closer to a number Republicans and  
22 Democrats could agree on.

23 BY MR. STAFFORD:

24 Q. And my question was about the Democratic  
25 proposal. Other than looking at the number of

1 Republican leaning seats in that plan, was any  
2 analysis conducted of that plan under  
3 Section 6?

4 MR. STRACH: Objection.

5 THE WITNESS: No, I don't believe so.

6 BY MR. STAFFORD:

7 Q. Okay. You mentioned a statement. This  
8 is a statement that the commission approved  
9 into the record under Section 8(C)(2) of the  
10 Ohio Constitution, Article XI; is that right?

11 A. I don't have that specific  
12 constitutional provision before me, but it's  
13 the one that has the statement as to why -- how  
14 it meets the requirements of Section 6.

15 Q. Okay.

16 A. Yes.

17 Q. What was your role in drafting that  
18 statement?

19 A. I looked at a draft, and looked at it.  
20 And that was basically my role in drafting it.  
21 Reviewed a draft, it seemed correct.

22 Q. When did you look at that draft?

23 A. I think it was either on the 14th or the  
24 15th of September.

25 Q. Was that draft the same as what was

1 ultimately approved?

2 A. The draft I looked at had some blanks in  
3 it. I don't recall whether it was related to  
4 section numbers or what. But that was  
5 essentially the only change that I'm aware of.

6 Q. Who drafted that statement that you  
7 reviewed?

8 A. I am not really sure who -- who drafted  
9 it.

10 Q. Who gave you the statement to review?

11 A. I'm not sure whether it was -- I'm not  
12 sure whether it was Blake or Ray or Senator  
13 Huffman or who it was, but...

14 Q. But one of those individuals gave you?

15 A. Or Paul Disantis, our legal counsel, or  
16 Frank, the Senate counsel.

17 Q. Were you provided with a hard-copy  
18 statement to review?

19 A. Yes.

20 Q. Okay. Could we go ahead and mark as  
21 Exhibit 1 the document titled "Section 8(c)(2)  
22 Statement."

23 (Deposition Exhibit No. 1 was marked for  
24 identification.)

25 MR. STRACH: You'll want to blow that

1 up.

2 BY MR. STAFFORD:

3 Q. Yeah, Speaker, do you recognize this  
4 document?

5 A. I'm seeing part of it, and the part I  
6 see I recognize.

7 MR. STAFFORD: Could you just quickly  
8 scroll down. I'm not going to ask many  
9 specific questions about this, but just so the  
10 speaker can see the whole statement.

11 Q. Okay. So do you recognize this  
12 document, having had a chance to at least  
13 review the text here?

14 A. Yes.

15 Q. Okay. And what is this?

16 A. That was the statement that the  
17 commission adopted when the four-year map was  
18 also adopted.

19 Q. Okay. And I didn't see any blanks in  
20 this version that the commission adopted. And  
21 so some changes were made to the draft that you  
22 had reviewed before this version was finalized  
23 and adopted; is that correct?

24 A. Yes. There were fairly minor, as I  
25 recall. And, again, I don't know whether it

1 was a number or whether it was relating to a  
2 section or something, but...

3 Q. Okay. Could you scroll down just a  
4 little bit, please, on Exhibit 1, and stopping  
5 right there is great.

6 Do you see the third sentence of the  
7 paragraph that begins "The Commission  
8 considered statewide" -- and I'll just read it  
9 for you.

10 "When considering the results of each of  
11 those elections, the Commission determined that  
12 Republican candidates won thirteen out of  
13 sixteen of those elections resulting in a  
14 statewide proportion of voters favoring  
15 statewide Republican candidates of 81% and a  
16 statewide proportion of voters favoring  
17 statewide Democratic candidates of 19%."

18 Did I read that correctly?

19 A. Yes.

20 Q. Okay. Were those figures in the draft  
21 that you reviewed?

22 A. Oh, I don't remember. Again, I don't  
23 remember what was -- what the blanks were.

24 Q. Who made the calculation regarding  
25 81 percent and 19 percent?

1           A.   I do not know.

2           Q.   Did you discuss with anyone the  
3           justification for using those particular  
4           figures as a measure of proportionality?

5           MR. STRACH:   Objection.

6           Mr. Speaker, obviously, you can answer  
7           that question without revealing any discussions  
8           with lawyers.

9           THE WITNESS:   Discuss it with anyone?  
10          Yes.   With Senator Huffman.   He talked about  
11          that as a -- as one of the readings in the  
12          Constitution of what the results were.

13          BY MR. STAFFORD:

14          Q.   And as your counsel noted, I am not  
15          asking you for the substance of any discussions  
16          that you've had with counsel.

17          Did you discuss that figure -- when you  
18          discussed that with Senator Huffman, was  
19          counsel present?

20          A.   Well, I think Senator Huffman had  
21          mentioned it on several different occasions.  
22          And I think at one time counsel was present and  
23          other times they weren't.

24          Q.   Okay.   So asking about conversations  
25          where counsel was not involved, when was the



1 first time that Senator Huffman discussed that  
2 interpretation with you?

3 A. Oh, I don't remember exactly. It would  
4 have -- it would have been about the time that  
5 the census data became available and the map  
6 drawing began.

7 Q. Did you tell Mr. Springhetti to draw  
8 districts that would result in an expected  
9 Republican leaning for 81 percent of the seats?

10 A. No.

11 Q. Did you tell Mr. Springhetti about  
12 Senator Huffman's potential interpretation of  
13 Section 6?

14 A. I don't recall telling him that, no.

15 Q. Did you tell Mr. Springhetti to draw a  
16 House map that would result in 54 percent of  
17 statewide seats in the -- let me start over  
18 with that question.

19 Did you ask Mr. Springhetti to draw a  
20 map where 54 percent of House seats would lean  
21 Republican?

22 A. I think we've gone over this before.  
23 What I asked him to do was to draw a map that  
24 complied with the constitutional mandated line  
25 drawing requirements, the geographic as well as

1 the population requirements. And we did not  
2 discuss specific numbers of Republican leaning  
3 or Democrat leaning districts.

4 Q. Okay. Other than yourself, do you know  
5 of any other commission members who reviewed  
6 the statement before it was distributed prior  
7 to voting on September 15th or September 16th  
8 on the record?

9 A. I believe Senator Huffman may have seen  
10 it, but I don't recall whether any other  
11 commission members did prior to its  
12 distribution on the 15th.

13 Q. Did you discuss Mr. Springhetti's  
14 deposition with Mr. Springhetti at any point?

15 A. No.

16 Q. Did you discuss your own deposition with  
17 Mr. Springhetti at any point in this matter?

18 A. No.

19 Q. Did you direct Mr. Springhetti to not  
20 consider race in the map introduced on  
21 September 9th?

22 A. Yes.

23 Q. Okay. And what was your instruction in  
24 that regard to Mr. Springhetti, to the best of  
25 your recollection?

1       A. Do not consider race in drawing  
2 districts.

3       Q. Did you tell Mr. Springhetti not to  
4 consider demographic information in drawing  
5 districts in the map introduced on  
6 September 9th?

7       A. What do you mean by "demographic  
8 information"?

9       Q. Any form of demographic information,  
10 other than race.

11       MR. STRACH: Objection.

12       THE WITNESS: I don't recall discussing  
13 other demographic information.

14 BY MR. STAFFORD:

15       Q. Okay. Did you provide any direction to  
16 Mr. DiRossi regarding the use of race in the  
17 map introduced on September 9th?

18       A. I did not directly, no.

19       Q. Okay.

20       A. I mean, he may have been on the  
21 conversation when I discussed with Blake. But  
22 I didn't specifically give anything to Ray.  
23 That would have been Senator Huffman's  
24 responsibility.

25       Q. Returning to the Section 8 statement

1       that we were looking at there, which was marked  
2       as Exhibit 1, when was a final draft of that  
3       statement completed?

4       A.   I don't know, but as we were nearing the  
5       midnight deadline to adopt a map, the statement  
6       was available at that time in completed form  
7       and I think was distributed prior -- prior to  
8       the vote on the map.  But --

9       Q.   And did you -- I'm sorry.  Go ahead.

10      A.   And --

11      Q.   And did you --

12      A.   I'll let you go ahead.

13      Q.   I was going to ask you another question.  
14      So if you haven't completed your answer, I'm  
15      sorry for cutting you off, and please continue.

16      A.   No, I did complete my answer.

17      Q.   Okay.  You, yourself, received a copy of  
18      the final statement at that time shortly before  
19      casting a vote on the map; is that correct?

20      A.   That's correct.

21      Q.   Was that the first time that you had  
22      seen the final version of the statement?

23      A.   I believe so.

24      Q.   Okay.  And you've generally described  
25      the sorts of changes from the draft to the

1 final. And my question is, do you recall any  
2 of the specific changes that were made from the  
3 draft version to the final version?

4 A. Well, there were no longer any blanks.  
5 They were all filled in. But, again, I don't  
6 remember specifically what the blanks were.  
7 The general tenor of the statement was the  
8 same.

9 Q. Okay. When you were provided with a  
10 copy of the draft statement, which I believe  
11 you said was on the 14th or 15th of September,  
12 did you approve the statement?

13 A. I think I took it to look at it.

14 Q. Okay.

15 A. I don't recall saying either way at the  
16 time.

17 Q. Were you asked to approve it or to do  
18 anything in particular with it when it was  
19 provided to you?

20 A. I don't recall any specific conversation  
21 like that.

22 Q. Okay.

23 A. I know it arose in the context of: "If  
24 we're not going to get to a ten-year map, then  
25 we have to have a statement; so is somebody

1 working on a statement?"

2 And I think that's when they said,  
3 "Well, here's our draft. Here is a draft."

4 But it was pretty much complete. So I  
5 felt assured that we would have the necessary  
6 document when we took the vote.

7 Q. And were you asking, "It looks like  
8 we're not going to get to a ten-year map. Do  
9 we have a statement"? Was that a question you  
10 were asking of someone?

11 A. Yes, I did.

12 Q. And who were you asking that question  
13 to?

14 A. I'm trying to remember, because we were  
15 waiting for the Democrats to come back in  
16 response to our movement in the House to go  
17 down to 62 Republican leaning districts, and  
18 they were going to -- they said they were going  
19 to reply to that and provide additional  
20 mapping.

21 I know we were waiting on it and waiting  
22 on it. So I was concerned, if we didn't get  
23 anything, did we have all the documents that we  
24 need. So that's when I asked, "Has anybody  
25 been working on the statement that's required

1 by the constitution?"

2 And your question was who was present,  
3 and I know, you know, Blake and Ray, I'm pretty  
4 sure, were present. Maybe legal counsel was  
5 present. And maybe, you know, House -- House  
6 Republican and Senate Republican counsel may  
7 have been present.

8 Q. Okay. And when you asked that question,  
9 did somebody give you the draft statement  
10 immediately in response to that question, or  
11 was it provided at some time later?

12 A. My recollection is that it was provided  
13 at that time.

14 Q. Okay. Okay. You've talked about, I  
15 think, Senator Huffman floating the idea using  
16 the outcome of statewide races as a measure of  
17 proportionality in various discussions. Is  
18 that fair to say?

19 MR. STRACH: Objection. Go ahead.

20 THE WITNESS: Yes, he raised that a  
21 couple times.

22 BY MR. STAFFORD:

23 Q. Okay. How did you respond when he  
24 raised that?

25 A. Well, so I looked at the language, and I

1 think that's a -- that's a possible reasonable  
2 interpretation.

3 Q. Okay. Do you agree with that  
4 interpretation?

5 A. I think it's reasonable, is one  
6 reasonable interpretation.

7 Q. Do you think it is the best -- I'm  
8 sorry. Go ahead.

9 A. Based upon the actual, you know, text of  
10 the constitutional provision.

11 Q. In your personal view, is it the best  
12 reading of the language of the constitutional  
13 provision?

14 MR. STRACH: Objection. Calls for a  
15 legal conclusion.

16 Answer if you can.

17 THE WITNESS: I think the statement was  
18 adopted by the commission. I think the  
19 statement is fair. It's -- there's a range  
20 that is permissible. So I think that's -- I  
21 would stand on that statement.

22 BY MR. STAFFORD:

23 Q. So then is it your personal view as a  
24 member of the commission who voted to approve  
25 the map, I'm not asking you as an attorney,



1 that it would comport with Section 6 of the  
2 Ohio Constitution and had adopted a plan  
3 (indiscernible) --

4 (Court Reporter Clarification.)

5 81 percent of seats leaning Republican.

6 MR. STRACH: Objection.

7 Go ahead.

8 THE WITNESS: This question is to the  
9 map?

10 BY MR. STAFFORD:

11 Q. Yes. Is it your personal view, not  
12 asking as an attorney, as a member of a voting  
13 commission, that it would have comported with  
14 Section 6 of the Ohio Constitution if the  
15 adopted map had 81 percent of House seats or  
16 Senate seats leaning Republican?

17 MR. STRACH: Objection. Calls for  
18 speculation.

19 Go ahead and answer it if you can.

20 THE WITNESS: I don't know what the  
21 percentage is. I'd say with the 62 House  
22 districts that were adopted and our effort to  
23 reach a compromise to get to a ten-year map, I  
24 think we made an attempt. So I think what we  
25 did comply with the constitution.

1 BY MR. STAFFORD:

2 Q. Well, we've got the statement here that  
3 the commission approved. And it talks about a  
4 statewide proportion of voters favoring  
5 statewide Republican candidates between  
6 54 percent and 81 percent.

7 So my question is not what the  
8 commission did or, as you say, what you  
9 attempted to do to reach a compromise map.

10 My question is in your view would it  
11 comport with Section 6 of the Ohio  
12 Constitution, Article XI, if the resulting plan  
13 had 81 percent seats leaning Republican?

14 MR. STRACH: Same objection.

15 THE WITNESS: Well, that's not what we  
16 did. So I'm not going to speculate. I'm going  
17 to rest on what we did.

18 BY MR. STAFFORD:

19 Q. I'm asking you about the statement that  
20 you adopted that lays out your rationale for  
21 what you did.

22 MR. STRACH: Same objection.

23 BY MR. STAFFORD:

24 Q. So I would ask you to answer my  
25 question, please, sir.

1 MR. STRACH: Same objection. He's  
2 answered the question. He can answer again, if  
3 you'd like.

4 THE WITNESS: We didn't adopt  
5 81 percent. That was the range. And so I  
6 think what we did comports with the  
7 Constitution.

8 BY MR. STAFFORD:

9 Q. And when you said there was a range,  
10 anything that you adopted in that range would  
11 have been permissible in your view; is that  
12 correct?

13 MR. STRACH: Objection. Same objection.

14 THE WITNESS: Well, I'm not going to  
15 speculate on what could have happened. What we  
16 did I think was -- comports with the  
17 Constitution.

18 BY MR. STAFFORD:

19 Q. I am asking you to answer the question  
20 that I asked. So --

21 MR. STRACH: So, Ben, he -- Ben, Ben,  
22 Ben, he's answered the question. You're going  
23 to keep getting the same answer. We can do  
24 this until your time is expired, which is about  
25 four minutes.

1           So if you want to keep doing this  
2           through the remainder of your time, feel free.  
3           But you're going to keep getting the same  
4           objection and the same answer.

5           MR. STAFFORD: So I understand the  
6           witness --

7           MR. STRACH: So proceed.

8           MR. STAFFORD: I will proceed.

9           MR. STRACH: Proceed.

10          MR. STAFFORD: I understand that the  
11          witness is not going to answer the question  
12          that I've asked.

13          MR. STRACH: That's incorrect. He's  
14          answered the question multiple times. He has  
15          answered the question, and he will continue to  
16          do so.

17          MR. STAFFORD: Uh-huh. So let me say,  
18          before we close our time here, that the Speaker  
19          has identified a draft of the Section 8  
20          statement. I don't believe that that document  
21          has been produced in discovery. I believe that  
22          it is responsive to various of the discovery  
23          requests that Relators have made.

24          I would ask that it be produced by the  
25          end of the day. So I want to say that on the

1 record to counsel. We can take it up  
2 afterwards if needed, but that document should  
3 be produced.

4 MR. STRACH: All right. I disagree.  
5 Anything that was responsive and not privileged  
6 was produced, Ben. But feel free to  
7 communicate with me on that.

8 BY MR. STAFFORD:

9 Q. Do you know whether Governor DeWine,  
10 Secretary of State LaRose, or Auditor Faber  
11 were involved in the drafting of the Section 8  
12 statement that we have been talking about?

13 A. I don't know whether they were or they  
14 weren't.

15 Q. Okay. Did you direct that a copy of the  
16 draft statement be provided to the other  
17 members of the commission at any point?

18 A. I did not.

19 Q. You mentioned before -- and, again,  
20 correct me if I'm wrong -- that when the  
21 Sykeses reached out about potentially meeting  
22 after the initial release of the map, that  
23 Senator Huffman met with them. In part that's  
24 because the commission had to consider the Open  
25 Meetings Act; is that correct?

1           And, again, please correct me if I'm  
2       wrong about that.

3           A.   Yes.   We wanted to meet with them to  
4       have discussions about where we could go and  
5       where we could find a compromise to get to a  
6       ten-year map.

7           So these would be the four legislative  
8       members.   We couldn't meet together because  
9       that would violate the Open Meeting law.   It  
10      would be more than a majority of the  
11      commission.

12          So Senator Huffman offered, and I  
13      agreed, that he could meet with them and have  
14      the discussion, and then he could fill me in  
15      where we -- where we -- what generally the  
16      result of that was.

17          Q.   Why not just meet as a commission?   Hold  
18      a meeting?   Why didn't you just do that?

19          A.   Because I don't think that would have  
20      been very productive.

21          MR. STAFFORD:   All right.   I don't think  
22      I have any further questions at this time.  
23      Thank you very much for your time, Speaker, I  
24      appreciate it.

25          THE WITNESS:   You're welcome.

1 MR. STRACH: All right. Thank you, Ben.

2 (Court Reporter clarification.)

3 MR. STAFFORD: I'm not sure where we are  
4 on the timing.

5 MS. BENDER: I believe she was asking  
6 the respondents.

7 MS. KOONTZ: Nothing on behalf of the  
8 statewide officeholders.

9 MR. STRACH: Right, and I don't have any  
10 questions.

11 MR. CLARK: And nothing on behalf of the  
12 commission, thanks.

13 THE VIDEOGRAPHER: Okay. We are off the  
14 record at --

15 MR. GILLIGAN: Wait a second. This is  
16 John Gilligan on behalf of the respondents, the  
17 Sykeses. I do have questions. So if I'm  
18 permitted to go ahead, I'd like to ask my  
19 questions.

20 EXAMINATION

21 BY MR. GILLIGAN:

22 Q. So, Speaker Cupp, my name is John  
23 Gilligan. I'm one of the lawyers for Senator  
24 Sykes and Leader Sykes. First of all, let me  
25 ask a question, which I kind of implicitly

1 promised that I would get an answer to for  
2 Auditor Faber yesterday.

3 What is the precise location of the  
4 mapping, what he referred to as "sanctum,"  
5 which he never was allowed to visit?

6 A. What is the precise location?

7 Q. Yes, sir.

8 A. It's in the William Green Building.

9 Q. Okay. And was there a specific room or  
10 series of rooms?

11 A. Yeah, there's a floor that's not being  
12 used by another state agency at the moment.

13 Q. And Auditor Faber testified yesterday  
14 that he was not permitted to go to the mapping  
15 sanctum. Do you agree with that?

16 MR. STRACH: Objection. Those are your  
17 words.

18 Go ahead and answer it if you can.

19 THE WITNESS: He -- I don't know the  
20 answer to that question specifically. But,  
21 obviously, it was to allow the mappers to do  
22 their work so that they could get it done  
23 without a lot of interruptions, because the  
24 delay in the census data created a time problem  
25 in order to do that.



1 BY MR. GILLIGAN:

2 Q. You talked about the allocation of  
3 resources between the Democratic caucus and the  
4 Republican caucus for mapping software and  
5 other expenses in redistricting. Do you recall  
6 that?

7 A. Yes.

8 Q. Okay. Was there any money allocated for  
9 the statewide commissioners so they could have  
10 mapping software and could determine the  
11 constitutionality of the proposed maps?

12 MR. STRACH: Objection. Mr. Gilligan, I  
13 thought you represented the Sykeses. It sounds  
14 like you represent the statewide officials.

15 So I'm going to permit the speaker to  
16 answer some of these questions, but I'm going  
17 to caution you that, number one, you're  
18 questioning the Speaker of the Ohio House; and,  
19 number two, you need to keep your questions for  
20 your clients and not your non-clients.

21 Mr. Speaker, go ahead and answer the  
22 question, if you can.

23 THE WITNESS: So other than the  
24 Republican/Democrat caucuses, I do not believe  
25 any money was allocated nor was any requested.

1 BY MR. GILLIGAN:

2 Q. So it's your testimony that neither  
3 Secretary LaRose or Auditor Faber requested any  
4 money for software, mapping software?

5 A. They did not request it from me, and I'm  
6 not aware of their request to anyone else.

7 Q. Were you aware that the statewide  
8 commissioners, Secretary LaRose and Auditor  
9 Faber, had to rely on using Dave's  
10 Redistricting software to analyze the maps?

11 A. I'm not aware they had to, no.

12 Q. So you testified about the statement  
13 8(C)(2). And do you understand that  
14 proportionality is a concept or principle in  
15 redistricting that tries to eliminate or reduce  
16 gerrymandering?

17 MR. STRACH: Objection. Calls for a  
18 legal conclusion.

19 Answer if you can.

20 THE WITNESS: I know it has been  
21 discussed as that, yes.

22 BY MR. GILLIGAN:

23 Q. And you indicated, I believe, in your  
24 testimony that the provisions of 6(B) of  
25 Article XI to the Ohio Constitution could have

1 several possible readings or meanings; is that  
2 right?

3 A. Yeah, I think one could read it  
4 different ways.

5 Q. If the -- I'm sorry. Go ahead, sir.

6 A. So in that regard, it's a bit ambiguous.

7 Q. Okay. And did the commission have  
8 counsel prior to this litigation?

9 A. The commission itself?

10 Q. Yes, sir.

11 A. I don't know that anyone was designated  
12 as counsel for the commission prior to the  
13 litigation beginning.

14 Q. Did you, as co-chair of the commission,  
15 ever request a legal opinion about the meaning  
16 of the proportionality provision in  
17 Section 6(B) of Article XI?

18 A. I -- I didn't -- I don't recall  
19 requesting a legal opinion.

20 Q. Did you ever ask the --

21 A. As to that.

22 Q. I'm sorry. Did you ever ask the  
23 Attorney General for a legal opinion about the  
24 meaning of the proportionality provision?

25 A. I don't recall doing that, no.

1 Q. Did you ever ask the Legislative  
2 Services Commission on the meaning of the  
3 proportionality provision in the Section 6?

4 A. I don't recall doing that, no.

5 Q. Do you agree, sir, that proportionality  
6 means that the percentage of the General  
7 Assembly districts represented by one political  
8 party should approximately match the percentage  
9 of voters in the state associated with that  
10 political party?

11 MR. STRACH: Objection. Calls for a  
12 legal conclusion.

13 THE WITNESS: Would you restate that, or  
14 repeat that.

15 BY MR. GILLIGAN:

16 Q. Yes, I will. Do you agree that the  
17 proportionality provision in 6(B) of Article XI  
18 means that the percentage of General Assembly  
19 districts represented by one political party  
20 should approximately match the percentage of  
21 voters in the state associated with that  
22 political party?

23 MR. STRACH: Same objection.

24 THE WITNESS: I -- no, I'm not sure I  
25 agree with that. That doesn't sound like --

1       that doesn't sound like the actual language of  
2       the constitutional provision.

3       BY MR. GILLIGAN:

4           Q.   You disagree that that's what the actual  
5       language of the constitutional provision  
6       actually means?

7           MR. STRACH:  Objection.  He said he  
8       disagrees that that's what it says.

9           MR. GILLIGAN:  I'm asking him to  
10      clarify.

11          Q.   You can go ahead, Mr. Speaker.

12          THE WITNESS:  Frankly, I don't think the  
13      provision is all that clear, and that is why we  
14      attempted to negotiate with the Democrats to  
15      see where we could get in terms of a compromise  
16      on that and also get the ten-year map.  So...

17      BY MR. GILLIGAN:

18          Q.   Would you be --

19          A.   So --

20          Q.   So would you be surprised to learn that  
21      that was the interpretation of the  
22      proportionality provision given by the  
23      Legislative Services Commission of Ohio?

24          MR. STRACH:  Objection.

25      BY MR. GILLIGAN:

1 Q. What I just read to you?

2 A. I was not aware that that was their  
3 interpretation.

4 Q. You never asked the Legislative Services  
5 Commission for their interpretation, did you?

6 A. I did not, no.

7 Q. And the proportionality, or the  
8 Section 6 of Article XI, was an important part  
9 of the Fair Districts amendment that was passed  
10 by the voters in 2015, isn't that right?

11 A. It was part of it. I was not in the  
12 legislature at the time, so I don't know what  
13 the discussion was.

14 Q. So you have talked about delays caused  
15 by the lateness of getting census information  
16 so that you couldn't begin drawing the maps,  
17 correct?

18 A. That's correct.

19 Q. Okay. Was there anything that prevented  
20 the commission from meeting and discussing the  
21 meaning of Section 6(B) of Article XI on what  
22 proportionality actually means?

23 A. There was nothing to prohibit the  
24 commission from meeting, have a discussion --  
25 meeting and having discussion about anything.

1           Q. And did you believe that the  
2           proportionality section, which you describe as  
3           ambiguous, was important to have some  
4           agreement, if possible, by the commission  
5           members on the meaning of that term?

6           A. I think every member of the commission  
7           was developing their own understanding of what  
8           that term meant, and applied that when the  
9           commission voted.

10          Q. So your testimony is that the map  
11          drawers for the Republican caucuses were told  
12          to draw maps that complied with the provisions  
13          of Article XI, except for Section 6. They were  
14          not to pay attention to Section 6. Is that  
15          correct?

16          A. They were not instructed not to pay  
17          attention to Section 6. They were instructed  
18          to comply with the -- the requirements of not  
19          splitting political subdivisions and all of  
20          those other -- I'm not sure "mechanical" is the  
21          right term, but those requirements. To draw  
22          districts that complied with those  
23          requirements.

24          Q. How is it that you expected the map  
25          drawers for the Republican caucus to comply

1 with the provisions of 6(B), to attempt to meet  
2 the proportionality standard, if they were not  
3 provided with the commission's understanding of  
4 what that proportionality clause means?

5 MR. STRACH: Objection.

6 THE WITNESS: They were directed to draw  
7 maps that met the constitutional requirements  
8 on the line drawing and division splitting and  
9 the population requirements, and then we  
10 attempted to negotiate with the Democrats to  
11 reach some consensus on what would meet those  
12 requirements.

13 And that was the process that we used,  
14 which is, I believe, I testified to before.

15 BY MR. GILLIGAN:

16 Q. So do you understand that Section 6  
17 required you as a commissioner to attempt to  
18 compromise with the Democrats or to attempt to  
19 draw a map that met the proportional provisions  
20 of Section 6(B)?

21 MR. STRACH: Objection. Calls for a  
22 legal conclusion.

23 THE WITNESS: We attempted to get to an  
24 under- -- to a status of districts that would  
25 proximate the political -- let me back up.



1           We attempted to negotiate with the  
2 Democrats to get to a point where we could  
3 agree that it represented a situation of  
4 Republican and Democrat leaning districts that  
5 would be acceptable in terms of being sort of a  
6 approximation of political makeup of the state.

7           And, obviously, we didn't get there.  
8 And our framework was what the commission  
9 adopted later in its statement.

10 BY MR. GILLIGAN:

11       Q. So you agree that the historic lookback  
12 at the statewide partisan races showed a split  
13 of 54 percent Republican, 46 percent  
14 Democratic, correct?

15       MR. STRACH: Objection.

16       THE WITNESS: In terms of the number of  
17 votes cast in partisan statewide elections over  
18 the last ten years?

19 BY MR. GILLIGAN:

20       Q. Yes, sir.

21       A. I think that's the number -- I think  
22 that's the number that was computed.

23       Q. Okay. So were the mapmakers instructed  
24 then to put together a map that met the 54-46  
25 allocation of districts?

1 MR. STRACH: Objection.

2 THE WITNESS: They were instructed to  
3 draw a map that met the line drawing  
4 requirements, as I had previously mentioned.

5 BY MR. GILLIGAN:

6 Q. And did you understand that it was the  
7 Sykeses' position that the proportionality  
8 provision called for an allocation of seats on  
9 a General Assembly map of 54 percent leaning  
10 Republican and 46 percent leaning Democrat?

11 A. Did I understand that was the Sykeses'  
12 position?

13 Q. Yes, sir.

14 A. Is that the question?

15 Yes.

16 Q. And so the map that they had proposed  
17 was actually lower than what they thought was  
18 the percentage that the constitution entitled  
19 the Democrats to, correct?

20 A. I don't know about the term "entitled,"  
21 but that was their view.

22 Q. That was their view. But you expected  
23 that they would continue to negotiate a way  
24 from their view of what the meaning of  
25 Section 6(B) provided in terms of the

1 percentage of Democratic or Republican  
2 districts; is that correct?

3 MR. STRACH: Objection.

4 THE WITNESS: We did expect to continue  
5 to negotiate on that issue.

6 BY MR. GILLIGAN:

7 Q. So the statement 8(C)(2) averages the  
8 percentage of votes that people cast for either  
9 Democrats or Republicans with the percentage of  
10 races that were won by Republican candidates to  
11 get to a percentage of -- I think it's  
12 32.5 percent for Democrats and 67.5 percent for  
13 Republicans, is what this statement indicates  
14 is the proportional allocation under 6(B).

15 MR. STRACH: Is that a question?

16 MR. GILLIGAN: Yes. Yes.

17 THE WITNESS: I don't understand the  
18 question. I don't understand the question.

19 BY MR. GILLIGAN:

20 Q. Okay. Okay. Your statement that you  
21 voted on, to explain why it is that you came up  
22 with the map that was not agreed to by the  
23 Democrats, calculated a proportionality formula  
24 which showed 32.5 percent Democratic preference  
25 and 67.5 percent Republican preference,

1 correct?

2 MR. STRACH: Objection. I don't think  
3 that's what the statement says.

4 But answer if you can.

5 THE WITNESS: I don't have the statement  
6 in front of me, so I -- I think the statement  
7 speaks for itself.

8 BY MR. GILLIGAN:

9 Q. Well, I think the statement was marked  
10 as an exhibit. Can we put that back up on the  
11 screen so the Speaker could see it.

12 It says, the third line down in the  
13 third paragraph: "The Commission determined  
14 that Republican candidates won thirteen out of  
15 sixteen of those elections resulting in a  
16 statewide proportion of voters favoring  
17 statewide Republican candidates of 81%."

18 Do you see that, sir?

19 A. Yes, I do.

20 Q. Okay. And then further down it says  
21 that "the statewide proportion of voters  
22 favoring statewide Republican candidates is  
23 54%."

24 Do you see that?

25 A. Yes, I do.

1 Q. Okay. And then it says "the statewide  
2 proportion of voters favoring statewide  
3 Republican candidates is between 54 and 81%."  
4 Do.

5 You see that?

6 A. Yes.

7 Q. So if you average those two, it would be  
8 that the statewide proportion of voters  
9 favoring statewide Republican candidates would  
10 be 67.5 percent, right?

11 A. Well, I don't think it averages. It  
12 just says what we did was within that range.

13 Q. So your understanding of the  
14 proportionality requirement -- excuse me, the  
15 proportionality provision in 6(B) was that the  
16 districts fall somewhere between 54 percent  
17 Republican and 81 percent Republican?

18 A. That would be a constitutional range,  
19 yes.

20 Q. Did the Republican House incumbents meet  
21 with Mr. DiRossi to talk about each of their  
22 individual districts?

23 A. You're talking about -- are you asking  
24 if whether members of the -- current members of  
25 the Ohio House of Representatives met

1 individually with Mr. DiRossi?

2 Q. Yes.

3 A. Not to my knowledge.

4 Q. Did they have input to Mr. DiRossi about  
5 what they wanted to see and what they did not  
6 want to see happen with their districts?

7 A. Not to my knowledge.

8 Q. So it is your testimony that the  
9 mapmakers, Mr. DiRossi on the Senate side and  
10 Mr. Serengeti [sic] on the House side, had no  
11 input from the Republican members of the caucus  
12 about what they wanted to see with their  
13 districts?

14 MR. STRACH: Objection. First of all,  
15 it's Mr. Springhetti.

16 MR. GILLIGAN: Springhetti.

17 MR. STRACH: And, number two, your  
18 questions were just asking about Mr. DiRossi.  
19 You've now added Mr. Springhetti to the mix.  
20 So are you going to ask him about conversations  
21 with Mr. Springhetti separately?

22 MR. GILLIGAN: Well, I can do that if it  
23 will move things along.

24 Q. Do you know whether any of the members  
25 communicated with Mr. Springhetti about what

1 they wanted to see happen with their districts?

2 A. I do not believe they did prior to the  
3 presentation of the initial Republican map.

4 There may have been some individual  
5 conversations that went through either me or  
6 Christine Morrison about some aspects of some  
7 members' districts after that when there was a  
8 map available to look at.

9 Q. So the first Republican map, you're  
10 talking about the September 9th map?

11 A. Yes, that's correct.

12 Q. That was a map about which you expressed  
13 surprise because of the lopsided partisan split  
14 of the districts, correct?

15 MR. STRACH: Objection. That's not his  
16 testimony.

17 THE WITNESS: I was a bit surprised at  
18 the number of Republican leaning districts.

19 BY MR. GILLIGAN:

20 Q. Well, the number was somewhere between  
21 19 percent and -- excuse me, 54 percent and  
22 81 percent. So why were you surprised?

23 A. I didn't expect it would be as -- that  
24 high. I didn't expect it to be 67.

25 Q. In fact, the map that was generated or

1 put forward on September 9th was actually more  
2 lopsided toward the Republicans than the map  
3 that was issued in 2011, isn't that right?

4 MR. STRACH: Objection.

5 THE WITNESS: I don't know about the map  
6 in 2011. There were more Republican leaning  
7 seats than there are current Republican  
8 members. But then there are Democrats elected  
9 in Republican leaning districts and Republicans  
10 elected in Democratic leaning districts. So  
11 it's not always a clear-cut thing.

12 BY MR. GILLIGAN:

13 Q. And just so I make sure that I  
14 understand your testimony, there was no  
15 discussion in the commission about the meaning  
16 of the proportionality provision of Section 6  
17 until, I think, the morning of September 16th  
18 when there was some discussion or debate about  
19 the 8(C)(2) statement?

20 A. That would have been September 15th.

21 And there was among the commission --  
22 okay, so I'm not understanding. Are you  
23 talking about individual members of the  
24 commission having a discussion or the  
25 commission as a whole having discussion?



1 Q. Let's start with the commission as a  
2 whole having the discussion.

3 A. I don't think there was any discussion  
4 of the commission as a whole until the evening  
5 of September 15th.

6 Q. And the discussion about 8(C)(2)  
7 actually followed the vote to approve the map,  
8 correct?

9 A. Yes. The statement was handed out prior  
10 to the vote, though.

11 Q. And so what about individual discussion?  
12 You've already talked about discussion that you  
13 believed that you had with President Huffman.  
14 But was there any other discussion between or  
15 among the members of the commission that you're  
16 aware of about the meaning of the  
17 proportionality provisions of Section 6(B)  
18 prior to the night of September 15th?

19 A. I'm not aware of any.

20 Q. Thank you very much for your time. I  
21 don't have further questions.

22 MR. STRACH: Thank you, John. I've got  
23 no questions on behalf of Speaker Cupp or  
24 President Huffman. Bridget, do you have any  
25 questions?

1 MS. COONTZ: No, nothing, thank you.

2 MR. STRACH: Okay. Then I think that  
3 concludes the deposition.

4 THE VIDEOGRAPHER: Thank you, we are  
5 going off the record. The time is 12:21.

6 (Deposition concluded at 12:20 p.m.,  
7 101)

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Reporter's Certificate

State of California )  
 )  
 )

I, Debra Bollman Farfan, Registered Diplomat  
Reporter and CSR No. 11648, in and for the State of  
California, do hereby certify:

That prior to being examined, the witness  
named in the foregoing deposition was by me duly sworn  
to testify to the truth, the whole truth, and nothing  
but the truth; That said deposition was taken down by  
me in shorthand at the time and place therein named and  
thereafter reduced to typewriting under my direction,  
and the same is a true, correct, and complete  
transcript of said proceedings;

I further certify that I am not interested in  
the event of the action. Witness my hand this 22nd day  
of October, 2021.



Debra Bollman Farfan, CA CSR No. 11648

RDR, RMR, CRR, CRC

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Article XI, Section 8(C)(2) Statement

Pursuant to Article XI, Section 8(C)(2) of the Ohio Constitution, the Ohio Redistricting Commission issues the following statement:

The Commission determined that the statewide preferences of the voters of Ohio predominately favor Republican candidates.

The Commission considered statewide state and federal partisan general election results during the last ten years. There were sixteen such contests. When considering the results of each of those elections, the Commission determined that Republican candidates won thirteen out of sixteen of those elections resulting in a statewide proportion of voters favoring statewide Republican candidates of 81% and a statewide proportion of voters favoring statewide Democratic candidates of 19%. When considering the number of votes cast in each of those elections for Republican and Democratic candidates, the statewide proportion of voters favoring statewide Republican candidates is 54% and the statewide proportion of voters favoring statewide Democratic candidates is 46%. Thus, the statewide proportion of voters favoring statewide Republican candidates is between 54% and 81% and the statewide proportion of voters favoring statewide Democratic candidates is between 19% and 46%. The Commission obtained publicly available geographic data for statewide partisan elections in 2016, 2018, and 2020. Publicly available geographic data for those elections was not available for elections in 2012 and 2014. Using this data, the Commission adopted the final general assembly district plan, which contains 85 districts (64.4%) favoring Republican candidates and 47 districts (35.6%) favoring Democratic candidates out of a total of 132 districts. Accordingly, the statewide proportion of districts whose voters favor each political party corresponds closely to the statewide preferences of the voters of Ohio.



The final general assembly district plan adopted by the Commission complies with all of the mandatory requirements of Article XI, Sections 2, 3, 4, 5, and 7 of the Ohio Constitution. The Commission's attempt to meet the aspirational standards of Article XI, Section 6 of the Ohio Constitution did not result in any violation of the mandatory requirements of Article XI, Sections 2, 3, 4, 5, and 7 of the Ohio Constitution.



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# Transcript of Secretary of State Frank LaRose

**Date:** October 14, 2021

**Case:** League of Women Voters of Ohio, et al. -v- Ohio Redistricting Comm., et al.

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IN THE SUPREME COURT OF OHIO

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LEAGUE OF WOMEN VOTERS :  
OF OHIO, et al., :  
Relators, :  
v. : Case NOS. 2021-1193  
OHIO REDISTRICTING : 2021-1198  
COMMISSION, et al., : 2021-1210  
Respondents. :  
- - - - -x

Remote Videotaped Deposition of  
SECRETARY OF STATE FRANK LAROSE  
Thursday, October 14, 2021  
9:40 a.m.

Job No.: 405254  
Pages: 1 - 105  
Reporter: DEBRA BOLLMAN FARFAN, RDR-RMR-CRR-CRC  
CA CSR NO. 11648

Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

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1           Videoconference Deposition of Secretary of  
2       State Frank LaRose, held remotely:

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4  
5           Witness Location:

6           REMOTE  
7  
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11           Pursuant to notice, before Debra Bollman  
12       Farfan, Registered Diplomate Reporter,  
13       Registered Merit Reporter, Certified Realtime  
14       Reporter, and Certified Shorthand Reporter No.  
15       11648, in and for the State of California.  
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A P P E A R A N C E S

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Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

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Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

5

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Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

6

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Transcript of Secretary of State Frank LaRose  
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Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

8

1 ALSO PRESENT:

2 MIKE HENDERSHOT, Chief Deputy Solicitor  
3 General, Ohio Attorney General's Office.

4 DANIEL MURRY, Deputy Legal Counsel,  
5 Office of the Governor

6 SLOAN SPALDING, Chief of Staff, Ohio  
7 Auditor of State

8 AMANDA FERGUSON, Deputy Chief Legal  
9 Counsel at Ohio Secretary of State

10 JARED BENNETT, The VideoTech

11 STEPHEN ANDREYCHUK, The Videographer

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10

P R O C E E D I N G S

\* \* \* \* \*

THE VIDEOGRAPHER: Here begins Disk  
Number 1 in the videotaped deposition of Ohio  
Secretary of State Frank LaRose in the matter  
of League of Women Voters of Ohio, et al.,  
versus Ohio Redistricting Commission, et al.,  
in the Superior Court of Ohio. The case number  
is 2021-1193.

Today's date is October 14th, 2021, and  
the time is 9:40 a.m. Eastern time.

The videographer today is Stephen  
Andreychuk, representing Planet Depos.

This video deposition is taking place  
via Zoom with all participants attending  
remotely.

The court reporter today is Debra  
Bollman, also representing Planet Depos. Would  
the reporter please swear in the witness.  
Whereupon,

SECRETARY OF STATE

FRANK LAROSE

was called as a witness, was duly sworn  
and testified under penalty of perjury as  
follows:

Transcript of Secretary of State Frank LaRose  
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11

1	EXAMINATION	09:41:32
2	BY MR. STAFFORD:	09:41:32
3	Q. Good morning, Secretary. My name is Ben	09:41:32
4	Stafford. I'm an attorney with the Elias Law	09:41:34
5	Group, and I represent the Bennett Group of	09:41:37
6	Relators in this set of lawsuits.	09:41:39
7	The videographer and court reporter have	09:41:41
8	covered some of this, but just a few basics	09:41:44
9	before we get underway.	09:41:46
10	If you need a break at any time today,	09:41:48
11	please let me know. If there is a question	09:41:51
12	pending, I'll ask that you complete your answer	09:41:54
13	to that question before we take a break, but	09:41:57
14	then we can find a good time to take a break	09:41:59
15	after that. Fair?	09:42:01
16	A. Yes, sir.	09:42:02
17	Q. Okay. Please make sure that you give	09:42:03
18	verbal answers rather than nodding or shaking	09:42:06
19	your head so that we've got a clear record of	09:42:09
20	the proceedings.	09:42:12
21	Then, finally, please make sure to	09:42:13
22	listen to each question that I ask without	09:42:15
23	interrupting with your answer before I finish	09:42:18
24	speaking, and I will try to make sure that I do	09:42:20
25	the same when you're answering.	09:42:22

1	That's particularly important, of	09:42:24
2	course, when we're here on video to make sure	09:42:26
3	we're not talking over each other. Okay?	09:42:29
4	A. Sounds good.	09:42:30
5	Q. All right. And then, finally, if you	09:42:36
6	answer a question, I will assume that you	09:42:38
7	understood my question. I am not trying to	09:42:39
8	trick you in any questions that I ask. So if	09:42:41
9	you do not understand or hear a question,	09:42:43
10	please just let me know.	09:42:45
11	A. Understood.	09:42:47
12	Q. What is your role on the Ohio	09:42:51
13	Redistricting Commission?	09:42:53
14	A. My role on the Ohio Redistricting	09:42:56
15	Commission is as a commissioner, one of seven	09:42:59
16	members of the Ohio Redistricting Commission.	09:43:01
17	Q. And as a commissioner, what did you	09:43:03
18	understand your responsibilities to be with	09:43:06
19	regard to the development of the General	09:43:08
20	Assembly Plan?	09:43:11
21	A. I guess my understanding is that -- to	09:43:11
22	follow the Ohio Constitution to the best of my	09:43:22
23	abilities, to participate in public hearings	09:43:24
24	when possible, and to participate as a voting	09:43:29
25	member of the commission.	09:43:32

1 Q. And, again, with regard to the 09:43:35  
2 development of a General Assembly Plan -- and 09:43:41  
3 just for the sake of clarity, I understand 09:43:43  
4 there is a Congressional plan that's being 09:43:45  
5 developed -- my questions today are really just 09:43:48  
6 focused on the General Assembly plan unless I 09:43:50  
7 note otherwise. 09:43:52

8 So with regard to the development of a 09:43:53  
9 General Assembly plan, what was your role, if 09:43:55  
10 any, in developing the procedures that the 09:43:57  
11 commission would follow in considering and 09:44:01  
12 adopting a plan? 09:44:03

13 A. Ask for clarification. Are you talking 09:44:04  
14 about my role in drafting the original 09:44:09  
15 constitutional amendment that went before the 09:44:11  
16 voters in 2015, or are you talking about my 09:44:13  
17 role in developing the rules of the commission? 09:44:16

18 Q. The rules of the commission that were 09:44:19  
19 followed in 2021 with regard to such issues as 09:44:22  
20 the public hearing schedule, internal meeting 09:44:26  
21 schedules of the commission. 09:44:30

22 A. Okay. Again, to the best of my 09:44:31  
23 recollection, the rules were proposed by the 09:44:34  
24 co-chairs. I reviewed them a day or two before 09:44:39  
25 they were adopted. I recommended some changes, 09:44:42



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1	a few of those changes were accepted, a few	09:44:47
2	were not, and then we voted on them.	09:44:49
3	Q. And then, to your knowledge, then, which	09:44:56
4	other commissioners, for the record, were	09:44:59
5	responsible for developing, in the first	09:45:01
6	instance, those procedures you were talking	09:45:03
7	about?	09:45:06
8	A. If I recall correctly, they were sent to	09:45:06
9	me by the co-chairs. I don't know who else was	09:45:12
10	involved in developing those rules.	09:45:14
11	Q. Okay. Could you just, for the sake of	09:45:19
12	the record, say who the co-chairs were?	09:45:21
13	A. The co-chairs are Speaker of the Ohio	09:45:23
14	House of Representatives, Bob Cupp, and member	09:45:27
15	of the Ohio Senate, Vernon Sykes.	09:45:31
16	Q. What was your role, if any, in drafting	09:45:40
17	the General Assembly plan that was eventually	09:45:41
18	introduced by Senator Huffman on September 9th?	09:45:44
19	A. I had no role in that.	09:45:48
20	MR. STAFFORD: I'm sorry. Could we go	09:45:54
21	off the record for just a moment.	09:45:56
22	THE VIDEOGRAPHER: Going off the record.	09:45:58
23	The time is 9:45.	09:45:59
24	(Recess ensued 9:45 a.m. to 9:48 a.m.)	09:45:59
25	THE VIDEOGRAPHER: Going back on the	09:48:55

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1	record. The time is 9:48.	09:48:56
2	BY MR. STAFFORD:	09:48:59
3	Q. Secretary, you said earlier that you	09:48:59
4	understood one of your responsibilities as the	09:49:02
5	Commissioner was to follow the Ohio	09:49:04
6	Constitution. So are you specifically familiar	09:49:06
7	with Article XI of the Constitution?	09:49:09
8	A. I have not committed that to memory. If	09:49:14
9	you'd like to point out -- I mean, I'm happy to	09:49:16
10	talk about a specific part of it, if you want	09:49:20
11	to point that part out to me.	09:49:22
12	Q. My question is are you generally	09:49:24
13	familiar with it, not whether you've committed	09:49:27
14	the entire Constitution to memory.	09:49:29
15	A. I'm not familiar with the specific	09:49:30
16	contents of XI.	09:49:32
17	Q. Okay. Did you provide any guidance to	09:49:34
18	any person in preparing the September 9th plan	09:49:38
19	that was introduced by Senator Huffman with	09:49:43
20	respect to characteristics of the plan that you	09:49:45
21	believed were necessary to comply with the	09:49:47
22	Constitution?	09:49:50
23	A. No, I did not. The plan was developed	09:49:50
24	without my input.	09:49:59
25	Q. To your knowledge, did the commission	09:50:00

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1 provide criteria to the persons drafting the  
2 map that was introduced by Senator Huffman on  
3 September 9th that should be followed in  
4 preparing the map?

09:50:12

09:50:16

09:50:19

09:50:20

5 A. I mean, obviously, we did dozens of  
6 hours of public testimony where commission  
7 members asked questions, took testimony, heard  
8 from the public. There were times when  
9 commission members stated things that they  
10 thought should be included in a plan, myself  
11 included.

09:50:22

09:50:32

09:50:35

09:50:41

09:50:44

09:50:47

09:50:50

12 Whether the map drawers that completed  
13 the plan that was adopted on the 15th took that  
14 into consideration or not, I do not know.

09:50:51

09:50:54

09:50:56

15 Q. And other than statements that  
16 commissioners made on the public record in the  
17 hearings that you were describing, are you  
18 aware of any commissioner providing particular  
19 feedback to the persons who drew the map?

09:51:00

09:51:03

09:51:06

09:51:07

09:51:11

20 A. My understanding is that the people that  
21 drew the maps worked for commission members  
22 Huffman and Cupp.

09:51:14

09:51:22

09:51:25

23 Don't want to make assumptions, but my  
24 guess would be that they were the ones  
25 directing the map drawers in their actions. I

09:51:27

09:51:30

09:51:32

1	certainly didn't have any authority over the	09:51:34
2	people that were drawing the maps. That were	09:51:39
3	adopted, that is.	09:51:41
4	Q. And are you aware of any criteria that	09:51:43
5	those commission members provided to the	09:51:47
6	persons drafting the General Assembly plan?	09:51:51
7	A. None whatsoever.	09:51:53
8	Q. Okay. Other than the public hearings,	09:51:55
9	how often did you communicate with Senator	09:52:00
10	Huffman, Speaker Cupp, or their staff members	09:52:03
11	about the map that was introduced on	09:52:07
12	September 9th prior to its introduction?	09:52:10
13	A. I'd ask for clarification on the	09:52:11
14	question. So you're asking how often did I	09:52:19
15	communicate with commission members Cupp and	09:52:21
16	Huffman about the September 9th map prior to	09:52:23
17	its introduction?	09:52:27
18	Q. That's correct.	09:52:32
19	A. I did not communicate with them about	09:52:33
20	the September 9th map prior to its	09:52:34
21	introduction.	09:52:36
22	Q. Did you communicate with any staff	09:52:41
23	members working with Senator Huffman or Speaker	09:52:43
24	Cupp about the map prior to its introduction on	09:52:48
25	September 9th?	09:52:51

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1	A. No, I did not.	09:52:51
2	Q. Did you personally review any draft maps	09:52:53
3	prior to September 9th?	09:52:57
4	A. Yeah, to my recollection, one day before	09:52:58
5	that, I was shown a copy of the map. But it	09:53:05
6	was not a particularly detailed copy. It was	09:53:11
7	sort of a printout of it, and it was just kind	09:53:13
8	of a briefing of, here's the map we've	09:53:16
9	developed.	09:53:19
10	Q. And when you say you were provided a	09:53:20
11	copy of the map, do you mean a visual map?	09:53:23
12	A. Yeah, again, this is, to the best of my	09:53:30
13	recollection, prior to the introduction of that	09:53:35
14	map, I was invited to come over to the offices	09:53:39
15	of the Ohio Senate where I was shown -- it was	09:53:41
16	actually the Majority conference room	09:53:45
17	specifically, where they showed me a printed	09:53:47
18	version of the map and just sort of gave a	09:53:50
19	briefing of what they had drawn.	09:53:52
20	I think that was before the 9th. I know	09:53:55
21	that happened before the introduction of one of	09:53:57
22	the maps.	09:53:59
23	Q. Were you provided with any data or	09:54:04
24	related documents regarding the printout of the	09:54:06
25	map during that briefing?	09:54:08

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1	A. None.	09:54:09
2	Q. And who was present during that	09:54:13
3	briefing?	09:54:14
4	A. Again, to the best of my recollection,	09:54:14
5	President Huffman was there; Senate staff	09:54:24
6	member Ray DiRossi was there; Mike Grodhaus, my	09:54:28
7	chief legal counsel, was there in the Senate	09:54:33
8	majority conference room. There may have been	09:54:37
9	a house staffer, but I don't recall	09:54:41
10	specifically.	09:54:43
11	Q. Were any other commission members there?	09:54:45
12	A. At the conclusion of that meeting,	09:54:49
13	Speaker Cupp came in at the conclusion of that	09:54:54
14	meeting. And then, of course, at that point	09:55:00
15	that meant there were three commission members	09:55:02
16	in there, so there couldn't be any more.	09:55:04
17	Q. I'm sorry, what do you mean "there	09:55:09
18	couldn't be any more"?	09:55:12
19	A. Well, of course, we couldn't have more	09:55:13
20	than three commission members in a room without	09:55:17
21	having a public meeting.	09:55:20
22	Q. Do you have any knowledge of whether	09:55:22
23	briefings were provided to other commission	09:55:31
24	members, beyond yourself, before the	09:55:33
25	introduction of the September 9th map?	09:55:36

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1	A. I do not.	09:55:38
2	Q. Okay. Who provided information about	09:55:39
3	the map during that briefing?	09:55:44
4	A. The briefing was conducted by Senate	09:55:46
5	staff member Ray DiRossi.	09:55:50
6	Q. Okay. And to the best of your	09:55:52
7	recollection, what did Mr. DiRossi share with	09:55:57
8	you about the map?	09:56:01
9	A. Again, he sort of moved through the	09:56:03
10	state geographically. Most of what he conveyed	09:56:08
11	was the complexity and difficulty of drawing	09:56:11
12	the map, keeping, of course, three House	09:56:15
13	districts nested within one Senate district.	09:56:18
14	He communicated the challenges of	09:56:22
15	complying with all of the constitutional	09:56:26
16	provisions regarding splits that they were very	09:56:28
17	careful to abide by.	09:56:30
18	That was really the nature of the	09:56:32
19	briefing. It wasn't -- it was maybe a	09:56:34
20	ten-minute conversation about here's what the	09:56:37
21	map looks like. And, again, given that it was	09:56:40
22	my first time seeing it, it was just sort of a	09:56:42
23	cursory overview.	09:56:45
24	Q. Did Mr. DiRossi share with you any	09:56:50
25	information about the expected partisan	09:56:54

1 performance of the map? 09:56:57

2 A. Yeah, I asked that question, and he 09:56:58  
3 conveyed to me that he wasn't aware of that; 09:57:02  
4 that those were not numbers that he had 09:57:07  
5 available or that they hadn't done those 09:57:09  
6 calculations. 09:57:10

7 Q. Okay. So Mr. DiRossi conveyed that in 09:57:14  
8 preparing the map he had not reviewed or 09:57:17  
9 considered partisan performance information? 09:57:19

10 A. To answer your specific question, he 09:57:21  
11 didn't relay to me whether he had considered 09:57:27  
12 that when I asked him what the basic partisan 09:57:30  
13 breakdown of this map would be, he claimed that 09:57:34  
14 he did not have that knowledge. Or that it 09:57:37  
15 wasn't something that he was sort of prepared 09:57:42  
16 to brief on, at least. 09:57:45

17 Q. Okay. Why did you ask Mr. DiRossi about 09:57:46  
18 the expected partisan breakdown of the map? 09:57:50

19 A. I mean, I think it's a basic curiosity 09:57:53  
20 that any commission member would have about a 09:57:57  
21 map that they're considering. 09:57:59

22 Q. Any other reason beyond curiosity you 09:58:00  
23 would ask that particular question? 09:58:04

24 A. One of the factors to take into 09:58:07  
25 consideration, that was really the only reason. 09:58:12



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1	Q. And when you say "one of the factors to	09:58:14
2	take into consideration," what do you mean?	09:58:17
3	A. I mean, among the many factors that	09:58:19
4	commission members should take into	09:58:25
5	consideration when determining how much they	09:58:26
6	like or dislike any particular map presented to	09:58:28
7	them, it's one of the things to be	09:58:31
8	knowledgeable of.	09:58:33
9	Q. Okay. And do you have any understanding	09:58:34
10	of whether it is required for the commission to	09:58:37
11	consider that particular factor?	09:58:43
12	A. Again, I'm not a lawyer or a	09:58:45
13	constitutional scholar, but my understanding of	09:58:50
14	the Ohio Constitution is that there is a	09:58:52
15	secondary consideration for proportionality,	09:58:56
16	but that it is not one of the hard requirements	09:59:00
17	that's laid out.	09:59:03
18	Q. Did you ask Mr. DiRossi, or Senator	09:59:05
19	Huffman, for that matter, any other questions	09:59:12
20	regarding the map during that presentation?	09:59:15
21	A. Yeah, I recall asking about	09:59:17
22	considerations for minority opportunity	09:59:22
23	districts. They told me that racial data was	09:59:25
24	not taken into consideration, so that wasn't	09:59:30
25	something that they knew.	09:59:32

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1	I asked them about incumbents being	09:59:35
2	drawn together, whether, you know, certain	09:59:39
3	incumbent members had been sort of put into the	09:59:41
4	same district. And they said that they didn't	09:59:44
5	have specific knowledge on that, but there were	09:59:48
6	a couple cases where that may be the case.	09:59:51
7	And they reiterated that this was the	09:59:54
8	first draft map, and so those are things that	09:59:56
9	can be worked on going forward.	09:59:58
10	Q. Do you know whether any changes were	10:00:00
11	made to the map that you were briefed on, I	10:00:09
12	think you said it was the day before	10:00:14
13	September 9th, before it was introduced on	10:00:16
14	September 9th?	10:00:19
15	A. Not to my knowledge.	10:00:20
16	Q. Was it your impression that Senator	10:00:22
17	Huffman had taken the lead on the map process	10:00:34
18	for the General Assembly plans?	10:00:38
19	A. Yes, that was my impression.	10:00:41
20	Q. And what was your understanding of	10:00:43
21	Speaker Cupp's role, if any, in the preparation	10:00:47
22	of the maps?	10:00:51
23	A. Well, certainly Speaker Cupp served as	10:00:52
24	the co-chair of the commission.	10:00:59
25	And my understanding is that the two	10:01:00

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1 staffers who were primarily collaborating on 10:01:04  
2 doing the mapmaking, the actual sort of 10:01:07  
3 cartography, if you will, of drawing the maps, 10:01:12  
4 were a House staff member named Blake 10:01:15  
5 Springhetti, and a Senate staff member named, 10:01:18  
6 Ray DiRossi. 10:01:21

7 One would assume, then, that the Speaker 10:01:22  
8 and the President were working as partners in 10:01:24  
9 the drafting process. 10:01:28

10 Q. Other than the briefing that you 10:01:30  
11 described or any public hearings, did you ever 10:01:35  
12 communicate with Mr. DiRossi about the 10:01:40  
13 redistricting process in 2021? 10:01:43

14 A. You mean prior to the beginning of the 10:01:45  
15 process? Or I guess clarify when you asked did 10:01:52  
16 I communicate with DiRossi. 10:01:57

17 Q. Prior to the briefing that we were just 10:02:00  
18 talking about, did you ever communicate with 10:02:03  
19 Mr. DiRossi about the process of redistricting 10:02:05  
20 in 2021? 10:02:09

21 A. In 2021, I did not communicate with 10:02:10  
22 Mr. DiRossi prior to the introduction of the 10:02:15  
23 map. 10:02:17

24 To be clear, Mr. DiRossi is a known 10:02:18  
25 expert on redistricting. We had served -- when 10:02:22

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1	I was a member of the Senate and he was a	10:02:27
2	Senate staffer, we had had conversations about	10:02:28
3	redistricting reform and that kind of thing.	10:02:32
4	But in the year 2021, and certainly once	10:02:34
5	the work of map drawing had begun, I did not	10:02:37
6	have any communication with Mr. DiRossi as he	10:02:39
7	was working on the maps, no.	10:02:43
8	Q. And then how about after the briefing	10:02:50
9	that you talked about, which occurred on or	10:02:52
10	about September 8th, as I understand? Did you	10:02:54
11	speak with Mr. DiRossi about the 2021	10:02:59
12	redistricting process other than at public	10:03:02
13	hearings?	10:03:04
14	A. In the briefing, I expressed some	10:03:04
15	concern that that map needed a lot of work.	10:03:07
16	I also stated that publicly in that	10:03:10
17	first briefing, in fact -- or in the first	10:03:13
18	commission meeting -- or not the first	10:03:16
19	commission meeting, rather the commission	10:03:18
20	meeting on the 9th, when that map was accepted	10:03:20
21	as the work product of the commission, I stated	10:03:23
22	publicly that this is, in my mind, a first	10:03:24
23	draft and needs substantial work.	10:03:27
24	Other than that, I did not communicate	10:03:29
25	with Mr. DiRossi.	10:03:31

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1	Q. Did you have anyone communicate with	10:03:34
2	Mr. DiRossi on your behalf?	10:03:39
3	A. I know that there were a few times that	10:03:41
4	my chief legal counsel sent emails, but mostly	10:03:51
5	about commission meeting schedules, my desire	10:03:54
6	to -- my desire to get the opportunity to	10:03:59
7	collaborate on amendments to the map.	10:04:03
8	I expressed through my staff that I	10:04:07
9	wanted to work with those that were working on	10:04:09
10	the map to make amendments to it, but that was	10:04:15
11	the extent of our communication.	10:04:18
12	Q. What concerns about the map did you	10:04:20
13	express to Mr. DiRossi during the briefing on	10:04:24
14	September 8th?	10:04:28
15	A. My prime concern was that -- I mean,	10:04:29
16	again, the objective I had from the very	10:04:34
17	beginning was a sincere desire to work with the	10:04:37
18	other six members of the commission to reach a	10:04:42
19	ten-year consensus, bipartisan consensus map.	10:04:44
20	And my concerns that I expressed to	10:04:50
21	Mr. DiRossi were that the first draft of the	10:04:52
22	map that he had drawn I didn't think moved us	10:04:54
23	in the direction of finding that middle-ground	10:05:02
24	consensus significantly.	10:05:04
25	Q. What about the map you reviewed on	10:05:06

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1	September 8th gave you concern in that regard?	10:05:09
2	A. First, when he told me that they had not	10:05:12
3	taken race data into account, that gave me	10:05:18
4	concerns because I knew that that was something	10:05:23
5	that our Democratic partners, and myself	10:05:26
6	included, would want to make sure that minority	10:05:29
7	opportunity districts were created. That gave	10:05:32
8	me concern.	10:05:35
9	And then also, although when he told me	10:05:35
10	that they didn't have sort of a partisan data	10:05:39
11	breakdown, by looking at the map, it concerned	10:05:44
12	me that perhaps, you know, the way that it had	10:05:48
13	been drawn would not be acceptable to our	10:05:53
14	minority counterparts.	10:05:57
15	And, again, my goal was that we worked	10:05:58
16	together in good faith to find that middle	10:06:01
17	ground that both the Democrats and the	10:06:03
18	Republicans can accept.	10:06:05
19	Q. Okay. And so as a long-term politician	10:06:08
20	in Ohio, by looking at the map, you could make	10:06:13
21	some assumptions about how it would perform	10:06:17
22	politically, even if you didn't have the data?	10:06:20
23	Is that fair to say?	10:06:23
24	A. I don't know if I consider myself a	10:06:24
25	long-term politician. Twelve years ago I was a	10:06:27

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1 full-time student at Ohio State and a reservist 10:06:30  
2 in the military. 10:06:33

3 But, yeah, given my knowledge of the 10:06:34  
4 state of Ohio, I looked at it, and it seemed to 10:06:35  
5 me that we had significant work to do before we 10:06:38  
6 could reach a bipartisan consensus, based on 10:06:43  
7 the first draft that was presented. 10:06:47

8 Q. You said that you spoke with Mr. DiRossi 10:06:48  
9 about, I believe, constitutional reforms prior 10:06:54  
10 to the beginning of the 2021 redistricting 10:06:58  
11 process specifically. What did you and 10:07:02  
12 Mr. DiRossi speak about? 10:07:04

13 A. Well, numerous conversations. And quite 10:07:06  
14 honestly, I was one of the prime advocates for 10:07:09  
15 redistricting reform. 10:07:16

16 It was something I worked on as a 10:07:18  
17 freshman state senator and, in fact, had worked 10:07:20  
18 with my Democratic counterparts to introduce a 10:07:25  
19 bipartisan redistricting reform proposal in my 10:07:29  
20 first General Assembly, worked consistently as 10:07:33  
21 an advocate for redistricting reform throughout 10:07:39  
22 my years in the Senate, and was instrumental in 10:07:42  
23 the adoption and eventual passage of the 10:07:43  
24 constitutional amendment that is now a part of 10:07:46  
25 the Constitution. 10:07:49

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1           So I have been extensively involved in  
2           conversations about redistricting reform,  
3           various iterations of redistricting reform, and  
4           I've been a longtime proponent of reforming the  
5           process.

6           Q.   Why was redistricting reform so  
7           important to you even from the beginning of  
8           your more recent start, 12 years ago, in  
9           politics?

10          A.   I think it starts from my first race for  
11          the Senate. I come from the Akron area in  
12          Summit County, and I ran in a district that was  
13          highly competitive.

14          I saw that many of my colleagues did not  
15          have competitive districts. And I, for one, am  
16          a believer in the power of competition to make  
17          us all better.

18          I think competition works in the free  
19          market, I think competition works on the  
20          athletic field, and I think competition works  
21          in politics to make us stronger. And so I  
22          wanted to see a more competitive set of  
23          districts.

24          I also didn't like the fact that it had  
25          been throughout the decades sort of a one-party



1 exercise. I wanted to see a process that was 10:09:07  
2 more consensus based. 10:09:12

3 I think throughout history, either party 10:09:14  
4 that's had control of the process has, you 10:09:16  
5 know -- has used that process to their 10:09:19  
6 advantage, and one would suspect that that's 10:09:21  
7 kind of the way the system had been set up 10:09:23  
8 previously. 10:09:26

9 I wanted to see a new system created 10:09:27  
10 that compelled Republicans and Democrats to sit 10:09:30  
11 at the table as statesmen and women and to 10:09:33  
12 reach compromise. That had been the spirit 10:09:36  
13 that I brought to it from the very beginning, 10:09:38  
14 and right up through the very eleventh hour, in 10:09:40  
15 fact, eleventh-and-a-half hour, of this 10:09:43  
16 process. 10:09:46

17 I had been working to try to reach that 10:09:46  
18 consensus, to try to create opportunity for 10:09:49  
19 that compromise, with the goal of reaching a 10:09:51  
20 ten-year commission map with both Republican 10:09:55  
21 and Democratic support. 10:09:58

22 Q. And as a proponent of the constitutional 10:10:00  
23 amendments mid-decade, last decade, do you 10:10:03  
24 understand that the intended effect of those 10:10:10  
25 amendments on Ohio's redistricting process to 10:10:12

1 be the outcomes that you just talked about? 10:10:16

2 A. I know that what we wrote created a 10:10:19

3 multi-step process, where there was the best 10:10:25

4 outcome of a ten-year bipartisan consensus, but 10:10:34

5 also a constitutional process for a four-year 10:10:40

6 map without bipartisan support, because, 10:10:46

7 certainly, at some point there needs to be that 10:10:50

8 sort of finality. 10:10:52

9 Again, putting on my other hat as the 10:10:54

10 person in charge of running elections in Ohio 10:10:56

11 and working with all 88 of our county Boards of 10:10:58

12 Elections, there is a very real concern about 10:11:01

13 logistics and timing of getting new maps 10:11:04

14 approved and finalized so that the boards are 10:11:06

15 ready next spring to conduct primary elections. 10:11:09

16 And so there needs to be a finality to 10:11:12

17 this process. That finality exists in the 10:11:14

18 four-year map opportunity. I was very clear 10:11:18

19 when we did the constitutional amendment in the 10:11:21

20 middle of the last decade that that was not a 10:11:25

21 preferred outcome, but it was one of the 10:11:28

22 constitutional options available. 10:11:30

23 Q. It's fair to say that the amendments 10:11:32

24 were intended to prevent partisan 10:11:35

25 gerrymandering; isn't it? 10:11:39

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1	MS. PFEIFFER: Objection. Calls for	10:11:47
2	speculation.	10:11:49
3	You can answer if you know.	10:11:49
4	THE WITNESS: Yeah, I think that the	10:11:51
5	goal of the redistricting amendment that was	10:11:51
6	put on the ballot was to create an opportunity	10:11:54
7	for bipartisan compromise.	10:11:56
8	And, again, I, for one, as a member of	10:11:58
9	the commission, was working very hard to try to	10:12:01
10	create that opportunity for bipartisan	10:12:03
11	compromise, consistent with my understanding of	10:12:05
12	what we passed last decade.	10:12:07
13	BY MR. STAFFORD:	10:12:07
14	Q. Secretary, to the best of your	10:12:16
15	knowledge, which individuals were involved in	10:12:17
16	preparing the General Assembly Plan introduced	10:12:19
17	by Senator Huffman?	10:12:22
18	A. To the best of my knowledge, it was the	10:12:29
19	four individuals I already named. It was	10:12:30
20	Speaker Cupp and his staff member, Blake	10:12:32
21	Springhetti, and it was President Huffman and	10:12:35
22	his staff member, Ray DiRossi.	10:12:38
23	Q. Do you have an understanding of the term	10:12:40
24	"mapper"?	10:12:42
25	A. Other than the common usage, one who	10:12:42

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1	makes maps, I suppose I don't know of any other	10:12:48
2	meaning.	10:12:51
3	Q. To your knowledge, who were the mappers	10:12:52
4	for the Huffman plan, for the sake of clarity?	10:12:54
5	A. I guess I've never used the term	10:12:58
6	"mapper." I've used the term "mapmaker" or	10:13:04
7	"cartographers." But the people drawing the	10:13:07
8	map, doing the actual technical work of sitting	10:13:10
9	at a computer and GIS shapefile building, my	10:13:13
10	understanding is that those individuals were	10:13:19
11	Blake Springhetti and Ray DiRossi.	10:13:21
12	Q. Did you work with any mappers yourself?	10:13:24
13	A. Throughout the process, I had wanted to	10:13:26
14	be part of collaborating with those that were	10:13:37
15	making the maps. I was not given the	10:13:39
16	opportunity to do so. That is, with the two	10:13:42
17	mapmakers working on behalf of the Speaker and	10:13:48
18	the President.	10:13:50
19	Although repeatedly I had asked to be	10:13:51
20	part of that process and asked to collaborate	10:13:54
21	with them, I was not given the ability to do	10:13:57
22	so.	10:14:00
23	In the later days of the process, once	10:14:01
24	it became clear that they were going to exclude	10:14:03
25	me from the mapmaking, and because at that time	10:14:06

1 it was too late for my staff to set up their  
2 own sort of mapmaking process and training and  
3 expertise, would have been -- you know, it  
4 would have been logistically impossible to put  
5 that together at the last minute, I started  
6 working with the members of the Minority  
7 caucus, the Senate Democrats and House  
8 Democrats and their mapmakers, in several  
9 meetings that I had with them to at least try  
10 to put some drafts down.

10:14:12  
10:14:13  
10:14:18  
10:14:20  
10:14:22  
10:14:25  
10:14:30  
10:14:32  
10:14:37  
10:14:39

11 There was never a full plan completed as  
12 a result of our work, but at least I was sort  
13 of trying to collaborate with them and work  
14 with them to see if there was an opportunity to  
15 draft some things that could reach that  
16 middle-ground compromise.

10:14:41  
10:14:43  
10:14:45  
10:14:47  
10:14:49  
10:14:53

17 Q. And when you say that they prevented you  
18 from participating or they excluded you from  
19 the map drawing process, were you referring to  
20 the Speaker and Senator Huffman?

10:14:57  
10:14:59  
10:15:01  
10:15:04

21 A. Yes.

10:15:06

22 Q. Okay. When the map was introduced on  
23 September 9th, did you believe that it still  
24 required a lot of work, I think you put it?

10:15:07  
10:15:13  
10:15:16

25 A. I said that quite publicly in the

10:15:18

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1 commission. In fact, when we voted to accept 10:15:26  
2 that as the work product for the commission, I 10:15:28  
3 stated very clearly on the record that this map 10:15:31  
4 is very much a first draft, in my mind, and 10:15:35  
5 needs substantial work. 10:15:38

6 Q. So once the map was adopted that you 10:15:48  
7 thought needed substantial work on 10:15:50  
8 September 9th, as you put it on the record, I 10:15:52  
9 think you said, did you meet with any 10:15:54  
10 commissioners to discuss the adopted map or 10:15:56  
11 alternative proposals? 10:15:59

12 A. Yes, numerous times. 10:16:00

13 Q. Okay. Who did you meet with? 10:16:02

14 A. In the ensuing week and a half, I met 10:16:05  
15 with every member of the commission at one 10:16:11  
16 point or another, and in many cases on multiple 10:16:14  
17 times. 10:16:17

18 There were a few days there where I was 10:16:19  
19 basically at the statehouse all day, sort of 10:16:21  
20 shuttling between offices, trying to find 10:16:24  
21 opportunities for bringing the two parties 10:16:28  
22 together on a -- on a -- again, on a consensus. 10:16:31

23 My goal was simply to try to find that 10:16:34  
24 opportunity for some middle-ground compromise 10:16:37  
25 to find a way to create a ten-year map. 10:16:47

1 Q. When you say you were looking for a  
2 middle-ground compromise, what did you think  
3 needed to be changed from the original version  
4 of the map on September 9th that would  
5 constitute a middle-ground compromise?

10:16:49

10:16:51

10:16:54

10:16:56

10:16:58

6 A. I identified three things that I thought  
7 should be part of a basic framework, and what I  
8 was initially trying to do was to get other  
9 principals of the commission, other members of  
10 the commission to have a conversation about  
11 those three basic concepts.

10:17:00

10:17:07

10:17:12

10:17:14

10:17:16

10:17:20

12 And they are, in no particular order,  
13 the concept of what the proportion of districts  
14 are, one to another.

10:17:22

10:17:24

10:17:28

15 Meaning, I guess, what you would call --  
16 however you define them, and there are  
17 different definitions of this -- a so-called  
18 safe Republican district, a competitive  
19 district, and a so-called safe Democratic  
20 district.

10:17:31

10:17:34

10:17:35

10:17:38

10:17:41

10:17:44

21 So that was the first principle I wanted  
22 people to sort of agree on and what that number  
23 of proportionality might be.

10:17:45

10:17:48

10:17:50

24 The second one that I thought would be  
25 an important topic for both sides to reach

10:17:52

10:17:53

1 agreement on is as it relates to minority  
2 opportunity districts and creating those  
3 minority opportunity districts.

4 And the third topic that I thought that  
5 the commission members should be able to find  
6 an agreement on related to not drawing  
7 incumbents into the same district, at least  
8 avoiding that where possible.

9 My mind was that if there could be a  
10 basic agreement of certain numbers as it  
11 relates to proportionality of a certain  
12 handling of minority opportunity districts and  
13 handling as it relates to drawing incumbents  
14 together, that if we could reach an agreement  
15 in principle on those three things, then maps  
16 could be drawn that carry out that agreement.

17 So that was the framework of a basic  
18 bipartisan agreement that I was trying to  
19 encourage. I don't want to even say broker,  
20 but trying to encourage.

21 Q. And you were trying to encourage a  
22 conversation and ultimately an agreement around  
23 those three principles because you believed  
24 that the original map did not adequately embody  
25 those three principles?



1           A. Well, no, it was because I had heard, 10:19:10  
2           clearly, that the two Democratic members of the 10:19:13  
3           commission were not willing to accept the 10:19:16  
4           introduced map. And, again, the basic numbers 10:19:19  
5           are that you have to reach a certain threshold 10:19:23  
6           of votes, including two minority votes, to pass 10:19:26  
7           a map. 10:19:29

8                     So I was trying to get us to a place 10:19:29  
9           where we could reach that threshold. 10:19:32

10          Q. And you believed yourself, personally, 10:19:35  
11          that the map required a lot of work, correct? 10:19:37

12          A. As I stated. 10:19:39

13                     (Deposition Exhibit No. 1 was marked for 10:19:39  
14          identification.) 10:19:41

15          Q. Could we pull up the document marked 10:19:41  
16          Huffman 3139 and mark it as Exhibit 1, please. 10:19:49

17                     Secretary, could you review this and let 10:19:53  
18          me know what it is. 10:20:51

19          A. Yeah, Mr. Stafford, I'm going to turn 10:20:52  
20          around and use the screen behind me. 10:20:54

21          Q. Perfect, thank you. 10:20:56

22                     And I'll direct your attention to the 10:21:25  
23          email that starts this chain on the final page, 10:21:28  
24          in particular. 10:21:30

25          A. Yes. Is there more? Okay. Give me a 10:21:40

1	second.	10:21:48
2	Yes.	10:22:12
3	Q. Okay. So what is this document?	10:22:13
4	A. This document is -- hold on. Now	10:22:14
5	there's a --	10:22:19
6	Q. I'm sorry. Could you scroll back to the	10:22:19
7	second page.	10:22:21
8	A. Okay.	10:22:24
9	Q. Okay. So sorry. Go ahead and tell me.	10:22:25
10	What is this document?	10:22:27
11	A. This document is an email chain that,	10:22:28
12	based on what I just saw on the screen, was	10:22:32
13	initiated by my chief of staff -- at my	10:22:34
14	direction, I will add -- that was asking the	10:22:36
15	members of the commission for opportunities to	10:22:41
16	begin that collaboration that I thought was so	10:22:45
17	necessary, and I stated before.	10:22:47
18	So what you saw there was, again, my	10:22:49
19	chief of staff reaching out to the other	10:22:52
20	members of the commission, saying: Okay, now	10:22:54
21	there is this map that has been adopted as the	10:22:56
22	commission sort of work product. Now is when	10:22:59
23	the real roll-up-your-sleeves,	10:23:02
24	come-to-the-table, do-the-negotiating kind of	10:23:05
25	work needs to begin.	10:23:07

1           And I was trying to sort of spur that           10:23:08  
2           along, and I was looking to create those           10:23:11  
3           opportunities for members to start having those           10:23:15  
4           very serious conversations about where we could           10:23:18  
5           meet in the middle.           10:23:20

6           The response to that was from the           10:23:22  
7           Senate, I believe, Democratic staff, who           10:23:26  
8           invited us to come over, which we then did, to           10:23:28  
9           start working on finding some of those areas of           10:23:33  
10          agreement or work on areas where there were           10:23:37  
11          disagreements.           10:23:39

12          Q.   And for the sake of the record, Merle           10:23:44  
13          Madrid is your chief of staff?           10:23:47

14          A.   That's correct.           10:23:49

15          Q.   Okay.   And did I pronounce that           10:23:49  
16          directly?           10:23:51

17          A.   You did.           10:23:51

18          Q.   Okay, perfect.           10:23:58

19          When you spoke with the Democratic           10:23:59  
20          commissioners and their staff, was there           10:24:00  
21          discussion of what proportionality meant?           10:24:03

22          A.   I don't recall a specific conversation           10:24:08  
23          about what proportionality meant.           10:24:18

24          I can tell you that I introduced the           10:24:21  
25          idea and was trying to get a conversation going           10:24:23

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1 among various commission members, including the 10:24:26  
2 Democratic members, that for the purpose of a 10:24:28  
3 proportionality conversation, that we should 10:24:32  
4 consider sort of the following framework. 10:24:36

5 We should define what constitutes a 10:24:39  
6 competitive district, and I was open to what 10:24:42  
7 that might be. 10:24:45

8 Because, again, to start, I think it's 10:24:46  
9 kind of a fiction or a fallacy that we assume 10:24:49  
10 that we know how the voters are going to vote, 10:24:52  
11 right? Candidates matter, campaigns matter, 10:24:55  
12 the sort of prevailing mood of the state 10:24:58  
13 matters in elections. 10:25:00

14 I, for one, am an example of this. I 10:25:02  
15 won in a heavily Democratic district when I was 10:25:05  
16 initially elected to the State Senate. 10:25:08

17 So I thought that we should, for the 10:25:09  
18 purpose of any proportionality conversation, 10:25:11  
19 define "competitive," 55/45, 46/52, whatever 10:25:14  
20 that might be, or 46/50 -- you know, however -- 10:25:20  
21 however we wanted to define "competitive," and 10:25:25  
22 then take the number of seats that meet that 10:25:28  
23 competitive definition sort of off the table. 10:25:32

24 These are simply competitive seats, so 10:25:36  
25 go compete for them. And then restrain our 10:25:39

1 proportionality conversation to looking at 10:25:42  
2 those that were outside of the competitive 10:25:44  
3 range and then, by definition, become safe 10:25:47  
4 Republican seats or safe Democratic seats. 10:25:50

5 So what I was trying to do, and I 10:25:52  
6 thought this might be a way to create a 10:25:54  
7 consensus on, you know, how we're going to 10:25:58  
8 define this, define "competitive," put those 10:26:02  
9 aside, and then constrain our conversation 10:26:04  
10 about proportionality to those that meet the 10:26:07  
11 definition of a safe seat. 10:26:09

12 Q. Did any commissioner prior to the 10:26:13  
13 adoption of the General Assembly Plan tell you 10:26:15  
14 that they agreed with that definition of 10:26:19  
15 proportionality? 10:26:20

16 A. No, not specifically. When I brought 10:26:21  
17 that up, there were head nods and, you know, 10:26:24  
18 sort of, oh, that's a novel or interesting 10:26:27  
19 idea. 10:26:30

20 But, no, that was never an agreed-to 10:26:30  
21 sort of framework for defining proportionality. 10:26:33

22 Q. And prior to the adoption of the plan on 10:26:37  
23 September 15th, did you conduct any analysis or 10:26:40  
24 have your staff conduct any analysis of whether 10:26:45  
25 the plan met that definition of proportionality 10:26:49

1 that you just laid out? 10:26:53

2 A. A lot of different analyses were 10:26:55

3 conducted. Some we were privileged to as a 10:26:59

4 result of the public hearings. There were 10:27:03

5 hundreds, I think, of members of the public 10:27:06

6 came up and offered their own analysis. 10:27:08

7 There was a question of sort of what 10:27:12

8 data do you consider as it relates to 10:27:15

9 proportionality, and there were some different 10:27:18

10 ways of approaching that as far as the ten-year 10:27:21

11 lookback or, you know, do you take out the 10:27:24

12 extremes on both ends when you average things 10:27:28

13 together. There were all those kind of 10:27:31

14 conversations. 10:27:34

15 But there was not a specific analysis 10:27:35

16 that I did of the September 9th map regarding 10:27:36

17 whether it meant that criteria that I've laid 10:27:40

18 out, no. 10:27:44

19 Q. And same question as to the 10:27:45

20 September 16th map, I think it was adopted 10:27:48

21 shortly after midnight, the final map. Did you 10:27:51

22 conduct any analysis of that? 10:27:54

23 A. My efforts at that point were dedicated 10:27:56

24 to trying to find opportunities for compromise. 10:28:02

25 And so what I had spent my time on, on 10:28:09

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1 the 15th and the 14th and the 13th, was trying  
2 to bring people together around common  
3 principles and trying to find those  
4 opportunities for compromise.

5 I had not conducted nor had my staff  
6 conduct a detailed analysis of the map that was  
7 passed on the 15th.

8 Q. And during those discussions and efforts  
9 that you talked about, did any other commission  
10 member share with you a proportionality  
11 analysis before the final votes on the 15th and  
12 the 16th?

13 A. A proportion -- I guess I'm going to ask  
14 you the question, Mr. Stafford: Are you saying  
15 a proportionality analysis of that map that was  
16 finally adopted?

17 Q. That is correct.

18 A. I don't recall specifically. There have  
19 been a lot of numbers thrown around, either  
20 from members of the public or commission  
21 members. I had taken a lot of those into  
22 consideration. I don't think any of them was  
23 viewed as the definitive number, though. So I  
24 don't have a specific recollection of that  
25 analysis.

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1	Q. You're aware that Senator Sykes	10:29:26
2	introduced a General Assembly Plan on or about	10:29:32
3	the 1st of September?	10:29:36
4	A. I am aware.	10:29:38
5	Q. Okay. Did you speak with any	10:29:40
6	representatives of the Democratic caucus	10:29:42
7	regarding the Sykes plan?	10:29:45
8	A. I did.	10:29:47
9	Q. Did you provide any suggestions	10:29:50
10	regarding that initial plan on September 1st	10:29:51
11	that was introduced?	10:29:55
12	A. Again, during the various iterations of	10:29:55
13	trying to find space for compromise, right,	10:30:02
14	which is a very complex, sort of	10:30:05
15	multidimensional negotiation here, I looked at	10:30:08
16	and discussed the September 9th plan that had	10:30:14
17	been introduced by President Huffman and	10:30:17
18	opportunities to modify that to maybe reach	10:30:21
19	something that both sides could agree with.	10:30:25
20	And also had conversations about the	10:30:28
21	September 1st Sykes plan, which I think was	10:30:31
22	then subsequently amended a couple days later	10:30:33
23	to correct some mistakes that had been made in	10:30:35
24	it. So whether it was the 1st or the 3rd, but	10:30:37
25	the Sykes plan, and again to look at ideas,	10:30:42



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1	iterations, move this line here, move this line	10:30:45
2	there, to see whether there was an opportunity	10:30:48
3	to use that map as the basis of finding that	10:30:50
4	compromise.	10:30:53
5	Ideas, brainstorming occurred with both	10:30:54
6	set of maps, again with the spirit of trying to	10:30:59
7	find that opportunity to reach a compromise.	10:31:02
8	Q. And you're aware that Senator Sykes	10:31:05
9	introduced an amended plan on or about	10:31:08
10	September 15th?	10:31:12
11	A. Yes. On the evening of the 15th, I	10:31:14
12	recall seeing an amended plan proposed by	10:31:26
13	Senator Sykes.	10:31:28
14	Q. And have you reviewed that amended plan?	10:31:30
15	A. Again, at this point, we're talking	10:31:32
16	about the evening of the 15th, we're talking	10:31:37
17	about a amended plan from Senator Sykes, and at	10:31:41
18	the same time we were getting an amended plan	10:31:47
19	from Senator Huffman.	10:31:49
20	There were very initial and sort of	10:31:52
21	quick reviews that I and my staff conducted of	10:31:55
22	those, as I was simultaneously shuttling	10:32:00
23	between offices at the statehouse, trying to	10:32:04
24	find, still, in that late hour, opportunities	10:32:08
25	for a compromise.	10:32:10

1 Q. And as you sit here today, are you aware 10:32:11  
2 as to whether the amended plan included 10:32:17  
3 suggestions that you had made? The Sykes plan. 10:32:19

4 A. Yeah, I was told that it included 10:32:22  
5 suggestions that I had made. I don't know to 10:32:26  
6 what extent, and certainly it wasn't sort of 10:32:29  
7 "my plan." 10:32:33

8 In many hours of sort of brainstorming 10:32:35  
9 with the mapmakers, there had been: Hey, if we 10:32:38  
10 did this, I may be able to get my side to 10:32:42  
11 accept it. Can your side accept it? 10:32:44

12 These kind of general conversations. 10:32:47

13 But, again, the specificity of going 10:32:49  
14 down to sort of pinpoint, ground-level accuracy 10:32:53  
15 and drawing lines and whatever else, that was 10:32:57  
16 not my work product. 10:32:59

17 General concepts were, hey, if we 10:33:01  
18 include this community, we may be able to sell 10:33:03  
19 that to our side. Or, hey, if we keep these 10:33:06  
20 communities of interest together, that may be 10:33:08  
21 more acceptable to my side. Or, hey, if we 10:33:10  
22 create a plan that doesn't draw these two 10:33:14  
23 incumbents together, that may be seen as more 10:33:16  
24 friendly by my side. 10:33:19

25 Those are some of the broad concepts 10:33:21

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1	that were discussed.	10:33:23
2	I know that, again, it was said that	10:33:25
3	those ideas were included in the plan that	10:33:29
4	Senator Sykes introduced on the 15th. So what	10:33:34
5	level of detail, I don't know.	10:33:39
6	Q. At any point have you reviewed it to see	10:33:41
7	the answer to that question?	10:33:46
8	A. Yeah, I did that night, briefly. But it	10:33:48
9	was also clear to me at that point that that	10:33:52
10	plan was not acceptable to a majority of the	10:33:54
11	other members of the commission.	10:33:57
12	And so I focused my effort, because time	10:34:00
13	was precious at that point, on trying to find	10:34:04
14	opportunities to, you know, to reach a	10:34:07
15	consensus.	10:34:09
16	And at that point I was also pushing for	10:34:10
17	us to go past the deadline. Candidly, I had	10:34:14
18	made an effort to say, well, we still have work	10:34:18
19	to do here, and the clock is running out; so	10:34:21
20	let's get members of the commission to agree	10:34:23
21	that we'll table this tonight and that we'll	10:34:26
22	convene a meeting tomorrow morning to start,	10:34:29
23	you know, start again.	10:34:32
24	So, no, as far as a detailed analysis of	10:34:33
25	that, there was not time for that on the	10:34:37

1 evening of the 15th. And subsequent to that, I 10:34:39  
2 have not engaged in such an effort because the 10:34:42  
3 commission had already passed maps. 10:34:44

4 Q. Okay. I want to make sure we have an 10:34:50  
5 understanding of the basic timeline of the 10:34:53  
6 committee's actions in passing maps on the 15th 10:34:54  
7 and 16th. 10:34:57

8 So as we discussed, the committee voted 10:35:00  
9 to adopt an initial version of the General 10:35:02  
10 Assembly Plan on September 9th; is that right? 10:35:05

11 A. That's correct. 10:35:07

12 And I know the word "adopt" is the word 10:35:09  
13 that is used in the law, and I understand what 10:35:12  
14 that means; but I've always said that this is 10:35:17  
15 kind of like a bill being introduced with the 10:35:21  
16 full knowledge that there is an amendment 10:35:23  
17 process. 10:35:28

18 So I always considered that a work 10:35:28  
19 product, the initial draft, the sort of first 10:35:30  
20 draft. And that was, in fact, adopted by the 10:35:32  
21 commission on the 9th. 10:35:34

22 Q. And then on September 15th, Speaker 10:35:36  
23 Huffman presented a motion to amend that plan, 10:35:40  
24 correct? 10:35:43

25 A. That is correct. 10:35:43

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1	Q. And that motion passed by a 5-2 vote of	10:35:45
2	the commission along party lines; is that	10:35:50
3	right?	10:35:53
4	A. That is correct.	10:35:53
5	Q. There was a second vote on the 15th, and	10:35:54
6	that was whether to approve the amended General	10:35:58
7	Assembly Plan introduced by Speaker Huffman; is	10:36:02
8	that right?	10:36:07
9	I'm sorry, I didn't hear you.	10:36:11
10	A. Yes, that's correct.	10:36:13
11	Q. Okay. Thank you.	10:36:14
12	And you voted to adopt that amended	10:36:15
13	plan, correct?	10:36:18
14	A. Correct.	10:36:18
15	Q. And the commission voted to adopt that	10:36:19
16	amended plan on a, again, 5-2 party line vote,	10:36:23
17	correct?	10:36:27
18	A. Correct.	10:36:27
19	Q. The third and final vote was about	10:36:29
20	statements accompanying the adopted General	10:36:33
21	Assembly Plan; is that right?	10:36:37
22	A. That's correct.	10:36:38
23	And it's worth clarifying that those	10:36:41
24	were unanimous, and it was simply to accept	10:36:44
25	those as statements, not to approve the content	10:36:47

1	contained therein.	10:36:50
2	Q. And specifically to accept into the	10:36:52
3	record the commission statement and the	10:36:54
4	dissenting members' statement?	10:36:57
5	A. Correct.	10:37:01
6	Q. We've talked a bit about proportionality	10:37:02
7	under the Ohio Constitution. Was the	10:37:10
8	commission provided any guidance about the	10:37:14
9	standard of proportionality to be used?	10:37:20
10	A. We were not.	10:37:22
11	Q. Okay. You talked about some of the	10:37:23
12	principles that you tried to build consensus	10:37:30
13	around, including an understanding of	10:37:33
14	proportionality.	10:37:35
15	Did Senator Huffman or Speaker Cupp	10:37:37
16	provide any information to you about a standard	10:37:40
17	proportionality that they were using prior to	10:37:44
18	the final statement that you saw?	10:37:47
19	A. No, they did not. And I had asked for	10:37:48
20	that, candidly, and had not received it.	10:37:57
21	Q. When did you ask for that statement?	10:38:01
22	A. If I recall correctly, initially on -- I	10:38:03
23	believe it was the day before the map was	10:38:09
24	adopted on the 9th. So when that briefing had	10:38:11
25	occurred on the 8th.	10:38:15

1 And, again, throughout -- I don't have 10:38:18  
2 specific recollection of the dates, but I had 10:38:21  
3 asked sort of what criteria are you all using 10:38:23  
4 to evaluate proportionality? What data are you 10:38:29  
5 using to determine what the voting pattern of 10:38:33  
6 the state of Ohio is? 10:38:38

7 I thought that we should be able to, at 10:38:40  
8 least, sort of have a common framework of where 10:38:43  
9 those numbers are, but those were not provided. 10:38:45

10 Q. So you were not provided a statement, as 10:38:48  
11 you've testified to. Am I right in 10:38:52  
12 understanding that you were not provided 10:38:54  
13 information about the data that was being used 10:38:56  
14 to assess that information? 10:38:59

15 A. I was provided no information about what 10:39:00  
16 data or considerations were going into 10:39:06  
17 proportionality considerations related to the 10:39:11  
18 mapmaking work that was being done by President 10:39:14  
19 Huffman or Speaker Cupp. 10:39:19

20 Q. So if you weren't provided any of the 10:39:20  
21 information you were asking for, did you 10:39:22  
22 receive any response in request to those 10:39:25  
23 inquiries? 10:39:27

24 A. No. 10:39:28

25 Q. So were these in-person requests that 10:39:28

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1	you were making?	10:39:33
2	A. Yeah, if I recall correctly, it had been	10:39:34
3	a couple times like, hey -- more of a -- not an	10:39:40
4	official communique, but more of a casual	10:39:43
5	conversation of, hey, I'd love to see the	10:39:46
6	numbers that you all are considering here	10:39:49
7	because we should have a common framework.	10:39:51
8	But, again, I think one or two times I	10:39:53
9	had asked for that and was told that "We're	10:39:55
10	still working on it" or "We're still	10:39:57
11	determining that," or what have you.	10:40:00
12	Q. Did you ever inquire to anyone whether	10:40:01
13	the map drawers were attempting to avoid	10:40:05
14	drawing maps that would advantage or	10:40:08
15	disadvantage a political party?	10:40:10
16	A. I didn't have that specific	10:40:12
17	conversation, no.	10:40:15
18	Q. Did you ever inquire to anybody how, if	10:40:16
19	at all, the map drawers were attempting to	10:40:19
20	avoid drawing maps that would advantage or	10:40:22
21	disadvantage a political party?	10:40:25
22	A. No, I didn't have that specific	10:40:26
23	conversation with anyone.	10:40:28
24	Q. Okay. Now you are, sitting here today,	10:40:29
25	familiar with the statement that was released	10:40:40



1	regarding how the commission measured partisan	10:40:44
2	proportionality?	10:40:49
3	A. I am now familiar with that statement,	10:40:50
4	yes.	10:40:51
5	Q. When did you first see that statement?	10:40:52
6	A. A minute before I voted on it.	10:40:57
7	Q. Okay. Did you have an opportunity to	10:41:03
8	read the statement before you voted?	10:41:06
9	A. I did, but only once. It was presented,	10:41:09
10	I reviewed it. And then, again, my	10:41:16
11	understanding is that we were accepting it into	10:41:22
12	the record as a statement, not voting to agree	10:41:24
13	that these are -- that I agree with this	10:41:29
14	statement.	10:41:32
15	So under that rationale, I accepted it,	10:41:32
16	which, again, unanimously the commission did,	10:41:36
17	accepted this as the statement.	10:41:39
18	Q. Okay. So fair to say you weren't	10:41:41
19	involved in the drafting of that statement that	10:41:44
20	you first saw a minute before you had to cast a	10:41:46
21	vote?	10:41:49
22	A. Hundred percent, not involved in the	10:41:50
23	drafting of that statement.	10:41:52
24	Q. Okay. And so probably also fair to say	10:41:53
25	that you had no opportunity to provide input	10:41:56

1	into that statement?	10:41:58
2	A. No opportunity to provide input into	10:42:00
3	that statement.	10:42:03
4	Q. Okay. Do you have any personal	10:42:04
5	knowledge about whether or how the persons who	10:42:07
6	drew the maps that were adopted on the evening	10:42:10
7	of September 15th, early morning of	10:42:14
8	September 16th, how, if at all, those people	10:42:17
9	were attempting to comply with the	10:42:19
10	proportionality standard?	10:42:21
11	A. No personal knowledge of that.	10:42:23
12	Q. In these circumstances, do you think	10:42:26
13	that you were provided a fair opportunity to	10:42:28
14	ensure that the commission was meeting the	10:42:30
15	proportionality standard?	10:42:34
16	A. Can I ask you to restate the question.	10:42:35
17	Q. In the circumstances that you've	10:42:41
18	described, where you weren't provided any	10:42:43
19	information about the data that was being used	10:42:46
20	to assess proportionality, and you weren't	10:42:50
21	provided the statement until shortly before the	10:42:54
22	vote, do you think that you were provided a	10:42:57
23	fair opportunity to ensure that the commission	10:42:59
24	was complying with the proportionality	10:43:02
25	standard?	10:43:06

1	MS. PFEIFFER: I'm going to object to	10:43:06
2	that question to the extent that it assumes	10:43:07
3	some kind of a proportionality requirement.	10:43:10
4	BY MR. STAFFORD:	10:43:16
5	Q. You can go ahead and answer.	10:43:16
6	A. My counsel has objected as to whether	10:43:18
7	there is a proportionality requirement, so I'm	10:43:27
8	not going to answer to the existence of a	10:43:30
9	proportionality requirement.	10:43:34
10	I'll answer the component of your	10:43:38
11	question about whether I received an	10:43:39
12	opportunity to collaborate on the mapmaking and	10:43:41
13	the statement making, and I had no opportunity	10:43:43
14	to collaborate on that, and that was something	10:43:45
15	that was disappointing to me.	10:43:47
16	Q. And you said that one of the principles	10:43:49
17	that you were trying to build consensus around	10:43:53
18	was a common understanding of proportionality.	10:43:55
19	And so do you think in the circumstances	10:43:58
20	that you were provided a fair opportunity to	10:44:01
21	assess whether the plan, as adopted, met your	10:44:04
22	understanding of a proportionality standard?	10:44:10
23	A. My work to try to define common	10:44:12
24	principles of proportionality were under the	10:44:18
25	assumption that that's something that both	10:44:24

1 sides might care about, and so I wanted to try  
2 to reach a compromise and a consensus where  
3 both sides could agree.

4 So because I knew that was something  
5 both sides were going to potentially care  
6 about, that's why that was something that I had  
7 made part of the conversation.

8 Q. Is it something that you personally  
9 cared about?

10 A. Of course, sure.

11 Q. Okay.

12 A. As my understanding of the  
13 constitutional requirements for a four-year  
14 map, make any of those considerations secondary  
15 to the prime considerations that are laid out  
16 in the other sections; and that because those  
17 are secondary, they're not a hard requirement  
18 for passage of a four-year map.

19 And so, you know, that was the  
20 understanding which I had when I voted in favor  
21 of that four-year map; that those secondary  
22 standards were not requirements but secondary  
23 standards, but that the sort of technical  
24 standards had been met.

25 Q. So is it your understanding that if a

10:44:26

10:44:29

10:44:32

10:44:33

10:44:35

10:44:38

10:44:40

10:44:42

10:44:44

10:44:44

10:44:46

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10:44:52

10:44:55

10:44:59

10:45:02

10:45:06

10:45:08

10:45:11

10:45:13

10:45:16

10:45:21

10:45:23

10:45:26

10:45:28

1 majority of the commission decides that it's 10:45:30  
2 just not interested in attempting to achieve 10:45:33  
3 any sort of partisan proportionality, it can 10:45:36  
4 not implement those standards and pass a 10:45:42  
5 four-year plan? 10:45:44

6 MS. PFEIFFER: Objection. Vague. 10:45:45  
7 Speculative. He can answer to the extent that 10:45:46  
8 he knows. 10:45:48

9 THE WITNESS: To the extent that I know, 10:45:49  
10 my understanding is that the standards, as it 10:45:50  
11 relates to proportionality, are secondary to 10:45:55  
12 the primary concerns that are laid out in the 10:45:59  
13 Constitution that have to do with splits, 10:46:04  
14 contiguity, you know, requirements to not split 10:46:06  
15 communities, all of those other sort of 10:46:12  
16 mapmaking considerations that are set out as 10:46:18  
17 primary in the constitution. 10:46:20

18 BY MS. PFEIFFER: 10:46:23

19 Q. Sitting here today, are you aware that 10:46:23  
20 one of the metrics for partisan proportionality 10:46:25  
21 that the commission statement utilizes is the 10:46:30  
22 overall number of Republican candidates that 10:46:32  
23 had won statewide office in the past ten years 10:46:35  
24 as compared to the Democrats that had won? 10:46:38

25 A. I am aware. 10:46:40

1 Q. When did you first become aware that 10:46:41  
2 this is a metric that might be used? 10:46:45

3 A. Moments before the vote to accept that 10:46:46  
4 statement. 10:46:51

5 Q. Okay. When you first were handed a copy 10:46:52  
6 of the statement, shortly before the vote, you 10:46:57  
7 mean? 10:46:59

8 A. Correct, yeah. And if you review the 10:46:59  
9 video of the commission meeting, we were handed 10:47:03  
10 that, I reviewed it, I asked President Huffman 10:47:05  
11 questions about it, because this sparked my 10:47:09  
12 curiosity having sort of seen it for the first 10:47:13  
13 time. So I asked President Huffman one or two 10:47:15  
14 questions about it, and then we voted to accept 10:47:19  
15 that statement. 10:47:22

16 (Deposition Exhibit No. 2 was marked for 10:47:22  
17 identification.) 10:47:41

18 MR. STAFFORD: Could you please display 10:47:41  
19 the document entitled GOV2066 and mark it as 10:47:44  
20 Exhibit 2. 10:47:48

21 THE VIDEOTECH: I see a GOV2062. 10:48:16

22 MR. STAFFORD: Yes. Apologies. That's 10:48:20  
23 correct. 10:48:21

24 THE VIDEOTECH: Thank you. 10:48:22

25 (Discussion with Videotech held off the 10:48:22

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1	written record.)	10:48:22
2	MS. KEENAN: To the extent we're not off	10:50:06
3	the record, can we go off the record while	10:50:07
4	we're figuring out the technological snafu,	10:50:09
5	just to save the time?	10:50:12
6	MR. STAFFORD: Sure, let's go off the	10:50:13
7	record.	10:50:14
8	THE VIDEOGRAPHER: Going off the record.	10:50:17
9	The time is 10:50.	10:50:19
10	(Recess ensued from 10:50 a.m.	10:51:31
11	to 11:04 a.m.)	11:04:35
12	THE VIDEOGRAPHER: Going back on the	11:04:35
13	record. The time is 11:04.	11:04:43
14	BY MR. STAFFORD:	11:04:46
15	Q. Secretary, I believe you have on the	11:04:47
16	screen a document that has been marked as	11:04:49
17	Exhibit 2. And I'm not going to ask questions	11:04:52
18	about the substance of this document, I just	11:04:56
19	want to make sure I understand what it is.	11:04:59
20	So am I right that this document	11:05:01
21	consists of text exchanges between yourself and	11:05:03
22	others?	11:05:06
23	A. I see the names of -- hold on. Let me	11:05:07
24	read the content of this.	11:05:25
25	Okay. Well, I know this one between	11:05:27

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1	Leader Sykes and myself is one that I sent,	11:05:31
2	yeah.	11:05:35
3	Q. And so if you go to page 2066, for	11:05:39
4	example.	11:05:43
5	A. Okay. I'm on it.	11:05:50
6	Q. Okay. So there is an exchange here	11:05:51
7	between yourself and Merle Madrid; is that	11:05:53
8	right?	11:05:57
9	A. That's what I see, yeah.	11:05:57
10	Q. Okay. And so when we're looking at	11:05:59
11	this, on the left side of the document are the	11:06:03
12	texts from the other individual?	11:06:07
13	A. Correct, yeah. On the left of what I'm	11:06:09
14	seeing shows from Merle Madrid in gray, and	11:06:12
15	from me in blue.	11:06:16
16	Q. And in the middle of the page, we see	11:06:17
17	the dates on which a text is exchanged; is that	11:06:21
18	right?	11:06:24
19	A. Correct.	11:06:24
20	Q. Okay. Okay. Just give me just a	11:06:26
21	moment.	11:06:31
22	A. Yeah, I can tell it's mine because it's	11:06:35
23	in military time.	11:06:37
24	Q. Okay. Mr. Secretary, on behalf of the	11:06:40
25	Bennett relators, I do not have any other	11:07:15



1	questions. I believe counsel for other	11:07:19
2	relators may have some questions.	11:07:21
3	A. Thank you, Mr. Stafford.	11:07:27
4	MR. STAFFORD: Thank you for your time.	11:07:28
5	THE WITNESS: You as well.	11:07:29
6	MS. KEENAN: This is Megan Keenan of	11:07:30
7	Covington & Burling. I know we're going to be	11:07:39
8	questioning next. But give me a quick second	11:07:41
9	with my team to confirm whether we want a break	11:07:44
10	between questioners. Can we go off the record	11:07:48
11	while I confirm with my team?	11:07:56
12	MS. PFEIFFER: We just got back from a	11:08:01
13	break. We're not interested in breaking again.	11:08:02
14	So we're not agreed to go off the record. The	11:08:05
15	time is still ticking.	11:08:07
16	MS. KEENAN: Okay. We'll start with our	11:08:09
17	questions, then.	11:08:24
18		11:08:24
19	EXAMINATION	11:08:27
20	BY MS. KEENAN:	11:08:27
21	Q. I want to keep this document in front of	11:08:27
22	us, first. Still, I just want to talk about	11:08:29
23	what the document is, not about any of the	11:08:31
24	content. But specifically I'd like you to	11:08:33
25	authenticate another one of the pages. Give me	11:08:35

1	one second to find it.	11:08:39
2	Could you go to the last page in the	11:08:46
3	document. Bates stamp ends with 2075.	11:08:47
4	A. We're there.	11:08:55
5	Q. Let me know when you're there.	11:08:56
6	You'd agree these are messages from you	11:08:58
7	on the right side in blue, right?	11:09:00
8	A. Yes.	11:09:01
9	Q. And to Merle Madrid, your chief of	11:09:07
10	staff?	11:09:10
11	A. Yes.	11:09:10
12	Q. His messages are the one in gray on the	11:09:15
13	left, right?	11:09:19
14	A. Correct. With the tap back of thumbs	11:09:19
15	up, indicating a response from me as well.	11:09:22
16	Q. Thank you. You'd agree these were sent	11:09:25
17	on Wednesday, September 15th, at military time	11:09:28
18	23 -- I believe that says 36; is that right?	11:09:32
19	A. Yes. 11:36 p.m.	11:09:35
20	Q. Right. So I'm okay to set this document	11:09:38
21	aside now.	11:09:44
22	I want to go back to a couple things	11:09:45
23	that Mr. Stafford asked you about earlier	11:09:47
24	today.	11:09:49
25	You said that you didn't personally	11:09:50

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1 communicate with Huffman or Cupp or their staff 11:09:51  
2 about that September 9th map before it was 11:09:54  
3 introduced. 11:09:57

4 To your knowledge, did any of your staff 11:09:57  
5 members communicate with their staff members 11:10:00  
6 about that map prior to its introduction? 11:10:02

7 A. The only -- the only communication to my 11:10:04  
8 knowledge was us expressing a desire to 11:10:11  
9 collaborate with them on the drafting of that 11:10:13  
10 map, but we were not given the opportunity to 11:10:15  
11 do so. When we had reached out saying, hey, 11:10:18  
12 we'd like to meet so we can give some input on 11:10:23  
13 this, we were not given the opportunity to do 11:10:25  
14 so. 11:10:27

15 Q. Okay. And relatedly, I want to talk a 11:10:28  
16 bit about how your compromised efforts played 11:10:32  
17 out in practice. 11:10:35

18 You talked a lot in hearings and today 11:10:36  
19 about how you were hoping to compromise, and 11:10:38  
20 you mentioned earlier that the Democrats at 11:10:40  
21 least purported to revise their map in response 11:10:43  
22 to your suggestions; is that right? 11:10:46

23 A. Yeah, my understanding is that they took 11:10:48  
24 into consideration some of the suggestions that 11:10:52  
25 I had made in the introduction of their final 11:10:54

1 map on the 15th.

11:10:59

2 Q. Right. And so I want to talk about the  
3 Republican map. When you saw their map on  
4 September 8th, and again on September 9th, you  
5 said the map at that point needed a lot of  
6 work; right?

11:11:01

11:11:04

11:11:07

11:11:09

11:11:11

7 A. That's correct.

11:11:14

8 Q. Did you still think that map needed a  
9 lot of work when you saw it on September 15th?

11:11:15

11:11:18

10 A. Ms. Keenan, when I said on the 9th that  
11 it needs a lot of work, what I meant was in  
12 order to reach a bipartisan compromise, this  
13 map will need a lot of work.

11:11:20

11:11:28

11:11:30

11:11:33

14 And the map that was adopted and passed  
15 on the 15th, of course, did not pass with a  
16 bipartisan majority. And so, were that map to  
17 have reached that bipartisan majority, it would  
18 have needed a lot more work, sure.

11:11:35

11:11:37

11:11:41

11:11:46

11:11:49

19 Q. Right. So that substantial work that  
20 you thought needed to be done to get to a  
21 bipartisan map never happened, right?

11:11:51

11:11:54

11:11:56

22 A. My objective from the beginning was  
23 clear to work with my commission colleagues, in  
24 good faith, to reach a ten-year bipartisan  
25 consensus map. Evidently, the -- you know, the

11:11:58

11:12:00

11:12:04

11:12:08

1 efforts fell short. 11:12:12

2 Q. I see there are some papers on the desk 11:12:13  
3 in front of you. Could you tell us what you 11:12:20  
4 have in front of you? 11:12:22

5 A. Yeah. I've got a list of all of the 11:12:23  
6 names, to the best of my knowledge, of who all 11:12:26  
7 is participating today because I was trying to 11:12:28  
8 keep track of all of that. And then I've got a 11:12:30  
9 blank notepad and an unmarked manilla folder. 11:12:33  
10 On the blank notepad, I wrote the name of the 11:12:38  
11 videographer, and I've written the numbers of 11:12:41  
12 the exhibits that were presented. 11:12:47

13 And I wrote your name, Ms. Keenan, so 11:12:49  
14 that I could recall it as we were going through 11:12:51  
15 these questions. 11:12:53

16 Q. Okay. And so we could see on the video, 11:12:55  
17 but for the record, can you confirm you have 11:12:57  
18 some notes on the paper in front of you that 11:12:59  
19 you just discussed? 11:13:01

20 A. Yeah, but only the items that I just 11:13:02  
21 discussed for you. Nothing that I walked into 11:13:04  
22 the room with. 11:13:06

23 Q. Okay. 11:13:07

24 MS. KEENAN: Counsel, we would request 11:13:08  
25 production of those notes just to confirm. 11:13:12

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1	MS. PFEIFFER: That's fine.	11:13:15
2	MS. KEENAN: Give me one moment here.	11:13:16
3	Okay. I think that's all for the League	11:14:08
4	of Women Voters relators as well. We're ready	11:14:10
5	to go off the record to hand it over to	11:14:13
6	Mr. Funari.	11:14:18
7	MR. FUNARI: Thank you, Megan. Let me	11:14:21
8	give the videographer a minute to pan in. Let	11:14:23
9	me know when you're ready.	11:14:28
10	MS. PFEIFFER: We're ready.	11:14:37
11		11:14:37
12	EXAMINATION	11:08:27
13	BY MR. FUNARI:	11:08:27
14	Q. Good morning, Secretary LaRose. My name	11:14:39
15	is Brad Funari. I'm with the law firm of Reed	11:14:41
16	Smith. I represent the relators in the 1210	11:14:44
17	action brought by the Ohio Organizing	11:14:49
18	Collaborative.	11:14:52
19	I am sitting in Pittsburgh. So I hope	11:14:53
20	as an Akron resident and Cleveland Browns fan	11:14:55
21	you don't have any hostility towards me at the	11:15:01
22	onset, so...	11:15:03
23	A. Only the base level of hostility that	11:15:05
24	should exist between a Browns fan and a	11:15:08
25	Steelers fan. But for the purpose of today's	11:15:10

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1	conversation, no additional hostility,	11:15:12
2	Mr. Funari.	11:15:14
3	Q. Fair enough, fair enough.	11:15:15
4	I'm not going to retread any of your	11:15:21
5	testimony so far. I do want to just dig into a	11:15:23
6	few topics a little deeper.	11:15:25
7	The first is I want to go back to your	11:15:27
8	discussion regarding your feelings that a lot	11:15:32
9	of work needed to be done on the map that was	11:15:37
10	presented by the Republican legislative members	11:15:39
11	of the commission on September 9th.	11:15:43
12	Did you have any discussions with any of	11:15:52
13	your fellow statewide elected officials who	11:15:53
14	were members of the commission, those being	11:15:56
15	Governor DeWine and Auditor Faber, regarding	11:15:58
16	your feelings that the map needed a lot of	11:16:01
17	work?	11:16:03
18	A. Yes, extensive conversations.	11:16:04
19	Q. Okay. When do you recall those	11:16:11
20	conversations starting? Were they	11:16:13
21	pre-September 8th when you had the meeting with	11:16:15
22	the -- with Huffman and Cupp and their two map	11:16:20
23	drawers, or were they post-September 8th when	11:16:25
24	you saw the first draft of the map?	11:16:28
25	A. To the extent that conversation began	11:16:30

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1 pre-September 8th, I recall having just an 11:16:35  
2 initial conversation at the first commission 11:16:39  
3 meeting with the other two executive branch 11:16:42  
4 members of the commission. 11:16:46

5 I remember saying to them something to 11:16:50  
6 the effect of: I think that we, as the three 11:16:53  
7 non-legislative members of this commission, 11:16:56  
8 have an opportunity to try to be the convenors, 11:16:59  
9 because this is, by definition, a challenging 11:17:04  
10 prospect. This is a, you know, difficult task 11:17:07  
11 laid before us by the Ohio Constitution to 11:17:11  
12 reach that ten-year commission compromise. 11:17:13

13 So there was a sort of a statesman role 11:17:18  
14 that the governor and the auditor and I could 11:17:22  
15 play to try to bring everyone together to have 11:17:24  
16 that conversation. 11:17:26

17 Q. What were the -- I'm sorry. Go ahead. 11:17:31

18 A. Regarding conversations after the 11:17:33  
19 introduction of the map on the 9th, I remember 11:17:35  
20 conversations between us that: Well, this is a 11:17:40  
21 starting point, but just a starting point. And 11:17:42  
22 clearly for this to be a good-faith effort, 11:17:45  
23 it's going to have to move quite a bit from 11:17:48  
24 that. 11:17:50

25 The auditor and I, in particular, 11:17:51



1 engaged extensively in many good faith efforts 11:17:53  
2 throughout the days after the introduction of 11:18:00  
3 the map on the 9th to try to find those 11:18:02  
4 opportunities for compromise. 11:18:05

5 The auditor and I, in many cases, really 11:18:07  
6 sort of set up camp together as kind of the 11:18:10  
7 team trying to push the rest of the commission 11:18:13  
8 to come to the table and reach compromise, even 11:18:17  
9 sharing a ride together up to the Cleveland 11:18:21  
10 meeting so that we could continue sort of 11:18:25  
11 pushing for that and having those 11:18:27  
12 conversations. 11:18:29

13 Q. So during that intervening time period 11:18:30  
14 of about a week between September 9th and 15th 11:18:34  
15 when you testified that you were meeting with 11:18:38  
16 each member of the -- each legislative member 11:18:40  
17 of the commission on multiple times to try to 11:18:44  
18 find a middle ground or compromise -- 11:18:47

19 MS. PFEIFFER: I'm going to object. I'm 11:18:49  
20 going to object. I don't believe that was his 11:18:51  
21 testimony. 11:18:53

22 MR. FUNARI: Okay. Let me back up. 11:18:55

23 BY MR. FUNARI: 11:18:55

24 Q. I understood, Secretary, that you 11:19:02  
25 testified that following the introduction of 11:19:04

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1 the map on September 9th, where on the record  
2 you pointed out in several instances that you  
3 felt it was a draft and a work in progress and  
4 that you expressed that the map needed a lot of  
5 work, that following that public hearing and  
6 prior to the September 15th public hearing, you  
7 met on multiple occasions individually with the  
8 legislative members, minority and majority  
9 members, of the commission to discuss the map  
10 and trying to reach a middle ground.

11 Is that your testimony?

12 A. If there's need for clarification, I met  
13 throughout those intervening days with all  
14 members of the commission, not exclusively the  
15 legislative members.

16 Specific recollection of how many times  
17 meeting with how many members is near  
18 impossible because there was like a shuttling  
19 back and forth between offices.

20 I can tell you that I met as often as I  
21 could meet, right, with each member of the  
22 commission, because I believe that there was a  
23 need for a lot of conversation to try to reach  
24 that compromise. So I was trying to encourage  
25 that conversation.

11:19:07  
11:19:11  
11:19:17  
11:19:20  
11:19:23  
11:19:26  
11:19:32  
11:19:35  
11:19:39  
11:19:42  
11:19:45  
11:19:47  
11:19:51  
11:19:53  
11:19:57  
11:20:05  
11:20:06  
11:20:08  
11:20:10  
11:20:11  
11:20:14  
11:20:16  
11:20:17  
11:20:22  
11:20:24

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1	The opportunities for those	11:20:26
2	conversations were more frequent with members	11:20:27
3	of the minority caucuses. They just presented	11:20:33
4	more opportunities to sit down and talk.	11:20:39
5	And, again, what was not provided to me	11:20:42
6	was any opportunity to meet with the mapmakers	11:20:45
7	that were working on behalf of the Senate,	11:20:50
8	President, and the House Speaker, the people	11:20:53
9	actually drawing the maps.	11:20:55
10	And I had asked repeatedly for the	11:20:56
11	chance to meet with them in the hope of working	11:20:59
12	to make amendments to the introduced map.	11:21:01
13	Q. Did either Governor DeWine or Auditor	11:21:07
14	Faber join you in any of those meetings with	11:21:10
15	the -- with either the majority legislative	11:21:15
16	members or the minority legislative members?	11:21:19
17	A. Frequently, the auditor and I met with	11:21:23
18	people together. I don't recall the meetings	11:21:28
19	that involved the Governor and minority members	11:21:33
20	of the commission, no.	11:21:36
21	Q. I have here in my notes a quote that you	11:21:37
22	said that you were "shut out of the process" or	11:21:43
23	you thought you were shut out of the mapmaking	11:21:46
24	process. Do you recall that testimony?	11:21:48
25	A. Is that testimony from today that	11:21:50

1	you're --	11:21:53
2	Q. Yes, yes.	11:21:53
3	A. Yeah, no, that's a fair description of	11:21:55
4	it. I had come into this process with the --	11:21:58
5	again, this is a new process. This is the	11:22:05
6	first time that the State of Ohio has conducted	11:22:07
7	this new constitutional process.	11:22:09
8	I came into this with the assumption, I	11:22:11
9	suppose, that the Republican members of the	11:22:14
10	commission would work with the Republican	11:22:20
11	mapmakers and the Democratic members of the	11:22:22
12	commission would work with the Democratic	11:22:25
13	mapmakers, and then subsequent to that we would	11:22:27
14	bring our ideas to the table, we would find	11:22:30
15	areas of compromise, go back, make another	11:22:33
16	draft, come back to the table.	11:22:35
17	It was a point of frustration for me	11:22:37
18	that I was never given that opportunity to work	11:22:38
19	with the mapmakers that worked on behalf of the	11:22:40
20	Republican caucuses for both the House and	11:22:43
21	Senate.	11:22:46
22	Q. So your expectation of how the process	11:22:47
23	would work was not, in fact, how the process	11:22:49
24	did work?	11:22:55
25	A. That's correct.	11:22:55

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1 Q. Do you know if Auditor Faber was 11:22:56  
2 included in any of those meetings where the map 11:23:01  
3 was being drawn and you testified that you felt 11:23:07  
4 you were shut out of? 11:23:11

5 Did he, I guess -- let me ask that 11:23:12  
6 question, and then I'll ask a follow-up. 11:23:14

7 A. I'm not going to speculate about what 11:23:16  
8 meetings the Auditor was part of or not, other 11:23:19  
9 than I know he was part of meetings that we had 11:23:21  
10 where the auditor and I would meet with one 11:23:23  
11 other commission member on several occasions, 11:23:26  
12 again, and the auditor and I were working very 11:23:31  
13 clearly as a team to try to bring about that 11:23:34  
14 bipartisan compromise. 11:23:38

15 As far as meetings he had when I wasn't 11:23:40  
16 there, I won't speculate. 11:23:41

17 Q. Good. Fair point. 11:23:42

18 Let me ask it this way, then. Do you 11:23:44  
19 have a belief that, one way or another, that 11:23:46  
20 Auditor Faber shared your frustration of being 11:23:50  
21 cut out of the process? 11:23:53

22 A. Yes. We expressed that opinion to one 11:23:54  
23 another many times. 11:23:59

24 Q. And same question with respect to 11:24:00  
25 Governor DeWine. Do you have a belief as to 11:24:03

1 whether he felt he was being shut out of the 11:24:06  
2 process? 11:24:08

3 A. The governor and I did not have a 11:24:08  
4 conversation regarding his feelings about the 11:24:11  
5 process. 11:24:13

6 I can tell you that the governor was 11:24:13  
7 engaging in a good faith effort, along with the 11:24:15  
8 auditor and myself, to try to create 11:24:19  
9 opportunities for compromise, even offering to 11:24:21  
10 conduct a principals' meeting, where three 11:24:25  
11 members of the commission would have the chance 11:24:28  
12 to sit down and try to hammer out a compromise, 11:24:33  
13 in principle, on those three topics I mentioned 11:24:35  
14 earlier: proportionality, majority/minority or 11:24:38  
15 minority opportunity districts, and minimizing 11:24:41  
16 drawing incumbents together. 11:24:44

17 So the governor and the auditor and I 11:24:47  
18 were all engaging in a good faith effort to try 11:24:50  
19 to create that opportunity for bipartisan 11:24:52  
20 compromise. 11:24:54

21 Q. Is it a correct statement that the 11:24:56  
22 seven-member commission as a whole never 11:24:59  
23 convened and drafted a map of its own? 11:25:03

24 A. I guess I don't know logistically how 11:25:06  
25 the commission would do that. 11:25:11

1           When I say "logistically," the work of  
2     drafting a map, as you know, and I don't want  
3     to oversimplify it here for anybody on this,  
4     but like it's not you put a state roadmap on  
5     the table and start tracing.

6           It is GIS shapefiles constructed over  
7     probably dozens of hours on a sophisticated GIS  
8     computer system. So the actual work of making  
9     a map takes a long, long time.

10          So for the commission to sit as a group  
11     in a public forum and drag lines around on a  
12     screen would not have been practical.

13          Q. I appreciate the logistical challenges,  
14     but my question was just, "yes" or "no," did  
15     the commission convene for the purposes of  
16     drawing a map?

17          A. No.

18          Q. Okay. Do you recall suggestions being  
19     made by the minority legislative members of the  
20     commission, the Sykes, Leader Sykes and Senator  
21     Sykes, whereby they were suggesting to the  
22     Republican members of the commission, and  
23     suggesting that the commission purchase  
24     software, mapmaking software, so all of those  
25     things that you just described that would go

1 into the process of drawing a map could be 11:26:34  
2 done? 11:26:39

3 Do you recall receiving any 11:26:40  
4 communications or having any discussions with 11:26:41  
5 the Democratic members of the commission to 11:26:46  
6 that effect? 11:26:48

7 A. Okay. So what I want to do here is just 11:26:49  
8 kind of describe my understanding of how 11:26:54  
9 resources were allocated for the licensing of 11:26:58  
10 software and the hiring of personnel as it 11:27:03  
11 relates to the technical work of map drawing. 11:27:05

12 My understanding is that in the state 11:27:08  
13 budget a certain amount of money was allocated. 11:27:10  
14 My understanding is that the Constitution 11:27:14  
15 allows the co-chairs of the commission to 11:27:18  
16 direct how that money is spent, because the 11:27:21  
17 co-chairs are, of course, one Republican and 11:27:24  
18 one Democrat. 11:27:27

19 So when that initial meeting was held, 11:27:30  
20 the two co-chairs acknowledged that they were 11:27:33  
21 using the funds that were allocated to them to 11:27:37  
22 license software and hire staff or whatever 11:27:41  
23 they were doing. 11:27:45

24 At that time, I asked President Huffman, 11:27:46  
25 since I am a Republican member of the 11:27:51



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1 commission, I am a Republican co-chair that's 11:27:54  
2 been allocated money now for this work, you 11:27:56  
3 know, will I have equal use and access to those 11:27:59  
4 personnel and to that software? 11:28:02

5 I was told at the time I would. That 11:28:05  
6 did not play out that way. I was not given 11:28:08  
7 access to those personnel and to that software. 11:28:11

8 When it became clear that I was not 11:28:14  
9 going to have access to the software and the 11:28:17  
10 personnel for the purpose of map drawing, I 11:28:19  
11 inquired as to the possibility of how I can 11:28:22  
12 have my own mapmaking ability. 11:28:27

13 And I believe there was an email 11:28:30  
14 exchange between a member of my staff and a 11:28:32  
15 member of the -- some other staff member, I 11:28:35  
16 think from the Senate Democrats, and at that 11:28:37  
17 point it was, hey, here's how you get the 11:28:41  
18 software or here's how you license the 11:28:43  
19 software. 11:28:45

20 But at that point it was too late in the 11:28:45  
21 process to sort of set up, train on the use of 11:28:48  
22 that software and to sort of build my own 11:28:53  
23 in-house mapmaking function; that it just 11:28:56  
24 simply logistically would not have been 11:28:59  
25 possible at that point. 11:29:02

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1 Q. Right. And I understand and recall the 11:29:03  
2 email exchange you're referring to. Had the 11:29:07  
3 commission been convened earlier, do you 11:29:11  
4 believe all of those steps that you just 11:29:16  
5 testified you would have taken would have been 11:29:18  
6 able to have been accomplished? 11:29:20

7 MS. PFEIFFER: Objection. Calls for 11:29:21  
8 speculation. He can answer to the extent that 11:29:22  
9 he can. 11:29:25

10 THE WITNESS: To the extent that, you 11:29:26  
11 know, timing here was an issue, I wish, and I 11:29:31  
12 expressed publicly a great level of frustration 11:29:34  
13 that the U.S. Census Bureau was negligent or at 11:29:38  
14 least was not accomplishing their duty as laid 11:29:42  
15 out in law to get us the census data by the 1st 11:29:45  
16 of April, I think is the date that they're 11:29:48  
17 required to get it to us by. They were, what? 11:29:50  
18 Almost five months later. 11:29:53

19 So, yes, that did create a time crunch 11:29:56  
20 that was truly disadvantageous to the work of 11:29:59  
21 the commission, and it's regrettable that the 11:30:03  
22 Census Bureau put us in that situation. 11:30:04

23 BY MR. FUNARI: 11:30:04

24 Q. So being shut out of the process in 11:30:06  
25 making the maps and not seeing them until 11:30:08

1 September 8th, you wouldn't have an 11:30:13

2 understanding how, if at all, that census data 11:30:16

3 was used in preparing the September 9th map; 11:30:19

4 isn't that correct? 11:30:23

5 A. I do not know how the census data was 11:30:24

6 used by the mapmakers who drew the map that was 11:30:30

7 introduced on the 9th. 11:30:32

8 I have a general -- 11:30:34

9 Q. And you don't -- oh, go ahead. 11:30:36

10 A. I have a general knowledge of how census 11:30:39

11 data is received and then processed and then 11:30:41

12 used in the mapmaking process. 11:30:43

13 Q. But it is a true statement that you 11:30:45

14 don't know whether the mapmakers, Mr. DiRossi 11:30:47

15 and his counterpart, in fact, used any of that 11:30:50

16 census data in the maps that they prepared? 11:30:53

17 A. Can't speak to that because I was not 11:30:56

18 part of their mapmaking process. 11:30:58

19 Q. Understood. At the beginning of your 11:31:01

20 deposition, Mr. Secretary, you pointed out that 11:31:04

21 you're neither a lawyer or constitutional 11:31:07

22 scholar. 11:31:09

23 And I understand that, but in your 11:31:09

24 position as a member of the constitutionally 11:31:13

25 required redistricting commission, do you 11:31:18

1 believe that the final adopted map meets the  
2 requirements of the Ohio Constitution?

3 A. Yes, I believe it meets the basic  
4 technical requirements of the Ohio  
5 Constitution.

6 I guess I view this as the sort of floor  
7 and ceiling analogy. It meets those basic  
8 requirements that are laid out in the Ohio  
9 Constitution for drawing districts.

10 Q. And it's my understanding from your  
11 testimony you believe that the map as adopted  
12 is somewhere near the floor or is the floor.

13 A. I made it clear from the beginning that  
14 my objective is to reach a ten-year consensus,  
15 bipartisan consensus that will result in  
16 decade-long maps for the people of Ohio based  
17 on the bipartisan collaboration and compromise.

18 That was not reached, despite my good  
19 faith efforts to reach it, and some others'  
20 good faith efforts to reach a bipartisan  
21 compromise.

22 The maps that were passed meet the --  
23 again, the standards laid out for a four-year  
24 map, but certainly not ideal, and not the maps  
25 that I would want to have seen us pass by any

11:31:21

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11:31:39

11:31:39

11:31:42

11:31:46

11:31:48

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11:31:59

11:32:02

11:32:04

11:32:08

11:32:12

11:32:14

11:32:18

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11:32:32

11:32:34

11:32:36

1 stretch. 11:32:39

2 Q. Understood. And just kind of to wrap 11:32:40  
3 things up, your ability to reach that end point 11:32:46  
4 that you would have liked to reach was the 11:32:53  
5 result of being met with obstructionist tactics 11:32:58  
6 by certain members of the commission -- namely, 11:33:05  
7 Mr. Huffman and Mr. Cupp, I understand from 11:33:09  
8 your testimony -- and in particular them not 11:33:13  
9 allowing you to participate in any way, 11:33:20  
10 whatsoever, in the Republican legislative 11:33:21  
11 drawing of the map that was presented on 11:33:25  
12 September 9th, right? 11:33:28

13 MR. MCGUIRE: Objection. That 11:33:30  
14 mischaracterizes his prior testimony. 11:33:32

15 MS. PFEIFFER: I'm going to object to 11:33:35  
16 the extent that -- I'm going to object to the 11:33:37  
17 whole -- I don't even know if he can answer 11:33:39  
18 that, if we even extract -- 11:33:41

19 MR. FUNARI: Let me break it down. I'll 11:33:44  
20 break it down. Understood. 11:33:45

21 I'll withdraw the question. 11:33:46

22 MS. PFEIFFER: Thank you. 11:33:48

23 BY MR. FUNARI: 11:33:51

24 Q. The Republican legislative members of 11:33:51  
25 the commission and their staff completely cut 11:33:53

1 you out from participating in a map that was 11:33:57  
2 presented on September 9th, correct? 11:34:00

3 MS. PFEIFFER: I'm going to object to 11:34:02  
4 the extent that we're getting into asked and 11:34:04  
5 answered. I think he has answered that 11:34:06  
6 question pretty appropriately and fully. 11:34:09

7 To the extent that there is more 11:34:12  
8 testimony that needs to be elicited, we're fine 11:34:15  
9 with that. We want to answer questions, but we 11:34:19  
10 don't want to go over and over and over matters 11:34:22  
11 that he's already testified to. 11:34:25

12 MR. FUNARI: Okay. Understood. 11:34:27  
13 Understood. I would ask -- you objected to my 11:34:29  
14 last question, so I withdrew that question, and 11:34:31  
15 I would ask that you give me some leeway so 11:34:34  
16 that we have a clear record and I understand 11:34:36  
17 the chronology here. 11:34:39

18 MS. PFEIFFER: Right, right. 11:34:40

19 MR. FUNARI: So I've broken my compound 11:34:41  
20 question down to a single question. This is 11:34:43  
21 the first time I've offered that question. So 11:34:45  
22 I would ask that the witness answer it. 11:34:48

23 MS. PFEIFFER: Can you read it back, 11:34:48  
24 please. 11:35:08

25 (Testimony read back as follows: 11:35:08

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1 Q. The Republican legislative members 11:35:08  
2 of the commission and their staff completely 11:35:08  
3 cut you out from participating in a map that 11:35:08  
4 was presented on September 9th, correct?) 11:35:13

5 THE WITNESS: As I testified before, I 11:35:13  
6 was excluded from the technical mapmaking 11:35:16  
7 process that was carried out by Speaker Cupp 11:35:20  
8 and President Huffman and their two staff 11:35:25  
9 members who were doing the drawing. 11:35:29

10 I had attempted repeatedly to be a part 11:35:32  
11 of that process because that was my 11:35:36  
12 understanding of how this should work; that the 11:35:38  
13 funds allocated to the commission should be 11:35:40  
14 spent for the Republican members to have 11:35:42  
15 map-drawing ability and for the Democratic 11:35:46  
16 members to have map-drawing ability. 11:35:49

17 And as a Republican member, I thought I 11:35:51  
18 should have had access to the Republican 11:35:54  
19 staffers who were drawing maps. 11:35:56

20 And as I have expressed, it was a degree 11:35:59  
21 of -- there was a great degree of frustration 11:36:02  
22 that I was not given ability to work with those 11:36:04  
23 individuals. And when, I mean, I had asked 11:36:08  
24 repeatedly for the ability to do so. 11:36:14

25 BY MR. FUNARI: 11:36:17

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1 Q. And then after September 9th, before  
2 September 15th, when you were meeting with the  
3 various other members of the commission, you  
4 were asking for the raw data, the numbers that  
5 were being used by the mapmakers or the map  
6 drawers, and you were never getting answers.

7 That's how I understood your testimony.  
8 Is that correct? You were getting responses  
9 such as "Still working on it," things to that  
10 nature?

11 A. Mr. Funari, when you say "raw data,"  
12 what I had been asking for were, first,  
13 rationale for how we define competitive  
14 districts. Wanted to, I think, have a common  
15 frame of reference.

16 I'm not a trained mediator or  
17 negotiator, but my understanding is that we all  
18 have to be sort of on the same page as far as a  
19 frame of reference for what we're even talking  
20 about.

21 So I wanted there to be a consensus  
22 among the commission members about what  
23 constitutes a competitive district.

24 I also wanted there to be a consensus on  
25 how are we defining that proportionality? Are

11:36:17

11:36:20

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11:36:57

11:37:00

11:37:02

11:37:04

11:37:07

11:37:07

11:37:10

11:37:12

11:37:15

11:37:18



1 we -- I believe the plain language in the 11:37:21  
2 Constitution talks about a ten-year, statewide 11:37:23  
3 look at partisan races. 11:37:28

4 I know that some statistical techniques 11:37:31  
5 would say, well, you should drop out the 11:37:34  
6 outliers, the highest and the lowest, and then 11:37:37  
7 get a sort of average or whatever else. 11:37:40

8 But I had asked for all of that, and, 11:37:43  
9 again, was not presented with it. 11:37:46

10 Q. And that was by the Republican 11:37:48  
11 legislative members of the commission? 11:37:55

12 A. Correct. 11:37:56

13 Q. And then you might say -- 11:37:57

14 A. Well, hold on, hold on. Let me further 11:37:58  
15 answer that, because when I had been asked 11:38:00  
16 that -- or when I asked for that same sort of 11:38:03  
17 understanding from the Democratic members, they 11:38:06  
18 gave me kind of a verbal understanding of how 11:38:09  
19 they were using Dave's Redistricting to provide 11:38:12  
20 that data. 11:38:18

21 So there was never a clear sort of set 11:38:19  
22 of understandings of what constitutes 11:38:21  
23 proportionality, what constitutes a competitive 11:38:25  
24 district, et cetera. 11:38:28

25 Q. So, in your opinion, that definition was 11:38:30

1	never reached? There was never a consensus	11:38:34
2	reached by the commission as to what	11:38:38
3	proportionality meant?	11:38:44
4	A. That's correct.	11:38:45
5	Q. And I believe one of -- I believe	11:38:46
6	Mr. Stafford asked about your participation in	11:38:52
7	any -- in drafting the Section 8(C) statement,	11:38:54
8	and you said, no, you didn't see it until the	11:38:57
9	day -- few minutes, actually, before it was	11:39:01
10	presented to you.	11:39:03
11	Did you see any earlier drafts of the	11:39:05
12	Section 8(C) statement that was ultimately	11:39:09
13	presented?	11:39:11
14	A. I later found that my -- my team had	11:39:12
15	been emailed a copy just a few hours before.	11:39:19
16	But, again, in the busy kind of	11:39:23
17	negotiating and shuttle diplomacy between	11:39:26
18	different offices that I was doing, although	11:39:29
19	like in the mid-evening of the 15th a copy had	11:39:32
20	been emailed to us, I had not been given that.	11:39:36
21	So the first time I saw any version,	11:39:38
22	draft or otherwise, was when it was handed to	11:39:41
23	me by the clerk of the commission moments	11:39:44
24	before we voted to accept it.	11:39:46
25	Q. Understood. And I, again, know which	11:39:48

1	email you're referring to.	11:39:55
2	So that draft you never saw, it was	11:39:57
3	received by a staff member, but never	11:39:59
4	transmitted to you?	11:40:05
5	A. Correct.	11:40:07
6	Q. In talking about the map that was	11:40:07
7	presented on 9/9, on September 9th, was there a	11:40:08
8	specific part of that map that you were trying	11:40:16
9	to achieve a compromise on geographically, or	11:40:19
10	however else you want to think of that map?	11:40:23
11	A. No, and quite intentionally I was not	11:40:25
12	taking a -- sort of a parochial view of this.	11:40:29
13	I think that we all sort of come from a	11:40:34
14	different part of the state. I'm from the	11:40:37
15	Akron area, so I know the geography of that	11:40:38
16	area better.	11:40:41
17	But as a statewide candidate and	11:40:42
18	statewide officeholder for the last few years,	11:40:45
19	I know the geography of the whole of Ohio	11:40:47
20	reasonably well also.	11:40:50
21	So I didn't focus on one certain	11:40:51
22	geography of the map, nor did I have any	11:40:53
23	particular kind of targets in mind that I	11:40:56
24	wanted to hit.	11:40:58
25	My goal was consensus. My goal was	11:40:59

1       compromise. My goal was trying to, as sort of  
2       one of the executive branch members of the  
3       commission who does not serve in the  
4       legislature on a -- doesn't serve in the  
5       legislature at all, and is not in that world on  
6       a daily basis, I was trying to be a convenor.

7               And my objective was to try to find that  
8       opportunity for middle-ground  
9       consensus-building as it relates to how we can  
10      bring Republicans and Democrats together for  
11      the passage of a ten-year map.

12      Q. Just kind of wrapping up. Do you have  
13      any knowledge of whether any other members of  
14      the General Assembly were involved in preparing  
15      the map that was drawn by DiRossi and produced  
16      to the commission on September 9th?

17      A. I have no knowledge of who they  
18      consulted with whatsoever, members of the  
19      General Assembly or otherwise.

20      Q. Give me one moment; I think I might be  
21      done.

22               I don't believe I asked you this,  
23      Mr. Secretary, but did the commission itself  
24      engage or hire its own map drawer?

25      A. No, the commission did not. Though that

1 had been a concept that I had shared publicly 11:43:15  
2 in the past, including way back in 2015 and 11:43:18  
3 '16. 11:43:21

4 I had even proposed, again, back as a 11:43:21  
5 member of the State Senate, that the 11:43:24  
6 Legislative Services Commission would be the 11:43:28  
7 appropriate body to do the technical mapmaking 11:43:30  
8 work. I believe I had actually drafted a piece 11:43:33  
9 of legislation to do that in statute. It was 11:43:38  
10 never enacted, obviously. 11:43:41

11 But we have a non-partisan bill drafting 11:43:42  
12 service that works for the State General 11:43:45  
13 Assembly and has a sterling reputation for 11:43:47  
14 offering great support to both sides of the 11:43:50  
15 aisle. 11:43:51

16 I thought they would have been perfectly 11:43:51  
17 capable of doing the technical mapmaking work, 11:43:53  
18 and that would have given each member of the 11:43:56  
19 commission equal access to such services. 11:43:58

20 But, again, that did not come to pass. 11:44:03

21 Q. Understood. At the September 15th 11:44:06  
22 meeting of the commission, you made the comment 11:44:09  
23 or words to the effect that you believe that 11:44:15  
24 the commission would be back in this very room 11:44:17  
25 very soon. Do you recall making a statement to 11:44:19

1       that effect?

11:44:21

2           A.    I do.

11:44:22

3           Q.    What did you mean by that?

11:44:23

4           A.    I guess there are multiple meanings.

11:44:30

5       First, that the commission will be back

11:44:33

6       together to draw congressional districts,

11:44:35

7       because at that point it didn't seem as though

11:44:38

8       the General Assembly was anywhere close to

11:44:41

9       reaching the super majority threshold,

11:44:44

10       including half the minority that is required to

11:44:47

11       pass maps in the General Assembly for

11:44:50

12       congressional redistricting.

11:44:53

13                So it appeared clear to me, and this has

11:44:54

14       now since come to pass, that we were heading

11:44:58

15       towards a scenario where it was going to be

11:45:00

16       back in our purview to meet as a seven-member

11:45:03

17       commission and draw Congressional maps.

11:45:07

18                The other meeting was a very

11:45:10

19       straightforward one, and that was what my hope

11:45:12

20       had been that if we could get a ten-year

11:45:15

21       consensus, that that would help us avoid the

11:45:17

22       very litigation that we're involved in right

11:45:21

23       now.

11:45:23

24                Of course, not a sure thing, but my hope

11:45:23

25       was that if we could reach a Republican and

11:45:26

1 Democratic bipartisan consensus and pass 11:45:29

2 ten-year maps, that it would help us avoid 11:45:32

3 litigation. 11:45:34

4 And of course one of the possible 11:45:34

5 outcomes of litigation, not the outcome I 11:45:36

6 believe will be reached, but one of the 11:45:39

7 possible outcomes is that the commission has to 11:45:40

8 reconvene and do its work again. 11:45:44

9 Q. Was another -- so you've offered two 11:45:46

10 potential meanings of that comment that you 11:45:49

11 made. Was another that the passage of the 11:45:53

12 four-year map wouldn't pass muster with the 11:45:56

13 Ohio Supreme Court and you would be back in the 11:45:58

14 room, taking another crack at it? 11:46:03

15 A. Yeah, not for me to define what the 11:46:04

16 Court's going to do or not going to do. In 11:46:08

17 many ways, as you all know, this is novel, it's 11:46:11

18 new, it's a new process that has not been 11:46:14

19 tested in the courts before; and I'm not an 11:46:16

20 expert in, as a non-lawyer, what the Court may 11:46:18

21 or may not do. 11:46:23

22 It struck me, though, as one of at least 11:46:24

23 two possible outcomes: That the Court could 11:46:27

24 either accept that these maps are 11:46:31

25 constitutional or the Court could decide that 11:46:33

1 these maps are not constitutional. 11:46:35

2 I didn't want to take that risk, which 11:46:37

3 was why I was pushing for a ten-year map. 11:46:39

4 Because, again, I wasn't willing to or I 11:46:42

5 didn't -- I wanted to try to avoid kicking this 11:46:44

6 to the judicial branch altogether. 11:46:47

7 Q. So that was one of your motivations in 11:46:50

8 making that comment that you would be back in 11:46:52

9 this room very soon? 11:46:54

10 A. Again, my prime motivation for that 11:46:55

11 comment was that -- and if you remember, I said 11:46:59

12 when we're drawing congressional districts, the 11:47:02

13 process will be very different. That was in 11:47:05

14 another portion of the same remarks that I 11:47:07

15 made. 11:47:09

16 So my prime thought, when I made those 11:47:09

17 remarks in the middle of the night on Wednesday 11:47:12

18 night, was that we would be back for drawing 11:47:14

19 congressional districts and that the process 11:47:18

20 should work differently as it relates to 11:47:20

21 drawing congressional districts. 11:47:23

22 In my mind was that there's basically a 11:47:25

23 binary outcome of two possible outcomes of this 11:47:28

24 going to the courts. One is that they accept, 11:47:32

25 and one is that they reject. And that is not a 11:47:35



1	chance I wanted to take.	11:47:37
2	I was hoping that a ten-year map could	11:47:39
3	prevent either of those two scenarios from	11:47:42
4	coming to pass.	11:47:45
5	Q. Was it your understanding that	11:47:48
6	partisanship -- partisanship was what was	11:47:51
7	preventing the compromise that you so hoped to	11:47:55
8	achieve with the maps?	11:47:58
9	A. I can't speculate on what the other	11:47:59
10	commission members' motivation was.	11:48:02
11	I can tell you that, as I expressed	11:48:05
12	publicly, I was working in good faith.	11:48:07
13	I didn't sense that there was the same	11:48:12
14	level of motivation from some others. And why,	11:48:15
15	whether it was simply a skepticism of whether	11:48:20
16	it was possible or whether they had given up on	11:48:22
17	the possibility of compromise, I can't	11:48:24
18	speculate.	11:48:27
19	But I know that, you know, I tried very	11:48:27
20	hard to find that bipartisan compromise, and I	11:48:32
21	did not have a sense that the same level of	11:48:35
22	effort was being made by other commission	11:48:37
23	members to find that bipartisan compromise.	11:48:40
24	Q. Did you have a sense of what their	11:48:43
25	motivation was?	11:48:44

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1	A. No. Nor did they indicate that to me.	11:48:45
2	I mean, again, I was not able to determine what	11:48:50
3	their motivation was, only to see what their	11:48:53
4	actions were.	11:48:57
5	Q. Understood. Okay. I think those are	11:48:57
6	all the questions I have for you,	11:49:00
7	Mr. Secretary.	11:49:02
8	So I'm going to turn you over to your	11:49:03
9	lawyers and the respondents' lawyers. They'll	11:49:05
10	have an opportunity to ask you some questions.	11:49:08
11	And we'll see what happens on	11:49:13
12	October 31st. I think that's the	11:49:15
13	Browns-Steelers game.	11:49:18
14	A. Go Browns, Mr. Funari.	11:49:18
15	Q. I'm kind of with you this season,	11:49:21
16	Mr. Secretary. Not a lot to root for here in	11:49:23
17	Pittsburgh right now.	11:49:25
18	You can leave that on the record or	11:49:26
19	strike it. It depends on your...	11:49:28
20	All right.	11:49:31
21	MS. PFEIFFER: Would everyone like to	11:49:31
22	take a break?	11:49:33
23	THE VIDEOGRAPHER: Going off the record.	11:49:42
24	The time is 11:49.	11:49:45
25	(Recess ensued from 11:49 a.m.	11:49:47

1	to 11:57 a.m.)	11:57:13
2	THE VIDEOGRAPHER: Going back on the	11:57:14
3	record. The time is 11:57.	11:57:22
4	MS. PFEIFFER: This is the third hour of	11:57:32
5	the deposition. So I believe that the Ohio	11:57:34
6	Supreme Court provided this last hour for any	11:57:36
7	of the respondents to ask questions.	11:57:39
8	Will there be any questions from the	11:57:42
9	respondents?	11:57:43
10	MR. MCGUIRE: Not from the Speaker and	11:57:50
11	the President.	11:57:52
12	MS. MENASHE: Thank you, good morning.	11:57:54
13	Just a few questions on behalf of the Senator	11:57:55
14	Sykes and also Minority House Leader Sykes, if	11:57:59
15	I can.	11:58:01
16	MS. PFEIFFER: Thank you. Yes.	11:58:03
17	MS. MENASHE: Thank you.	11:58:05
18	EXAMINATION	11:58:05
19	BY MS. MENASHE:	11:58:05
20	Q. Again, Diane Menashe on behalf of the	11:58:07
21	Sykes, both respondents in this matter. Just a	11:58:10
22	couple of follow-up questions, if I could.	11:58:12
23	You mentioned that you were shown on	11:58:15
24	9/8 -- 9/8 of 2020 a printout of the map that	11:58:19
25	the Republicans had drawn in advance to it	11:58:26

1	being presented on 9/9. Can you describe the	11:58:29
2	printout?	11:58:32
3	A. Yeah, thank you, Ms. Menashe.	11:58:39
4	There were actually two printouts --	11:58:42
5	well, three, I suppose, because one showed the	11:58:43
6	Senate districts, one showed the House	11:58:46
7	districts, and one showed counties that can't	11:58:47
8	be divided, if I recall correctly, or I think	11:58:50
9	they called it counties with rights. Counties	11:58:53
10	that have to be kept whole and that kind of	11:58:56
11	thing.	11:58:58
12	And it was printed on a color plotter,	11:59:04
13	like a plotting printer, wide format printer.	11:59:06
14	It was sort of stuck to a magnet board with	11:59:09
15	some magnets. And we sort of just -- you know,	11:59:12
16	I remember Mr. DiRossi kind of using a pen to	11:59:17
17	point to different parts of it.	11:59:20
18	Q. Was there anything interactive about	11:59:22
19	those printouts or magnetic boards?	11:59:24
20	A. No.	11:59:27
21	Q. And just so I'm clear, it's not like the	11:59:31
22	software was being projected on some kind of	11:59:34
23	screen? They were more like poster boards?	11:59:37
24	A. Wet ink on dead-tree paper, stuck to a	11:59:39
25	magnetic board.	11:59:44

1 Q. Thank you. Moving to something you said 11:59:45  
2 about the proportionality, and forgive me if 11:59:52  
3 I've written it down wrong. But you, when 11:59:57  
4 asked, indicated that you felt the secondary 11:59:59  
5 standards -- referring to proportionality -- 12:00:03  
6 were not hard requirements. I was wondering if 12:00:06  
7 you could define what you mean by "hard" in 12:00:10  
8 that context. 12:00:13

9 A. Again, to just provide the background 12:00:14  
10 that I'm not a lawyer. But my understanding is 12:00:19  
11 that so long as the primary standards are met, 12:00:28  
12 which are in Section 1 and 7 and a couple 12:00:31  
13 others -- I forget which sections, but there 12:00:35  
14 are some primary standards that are laid out. 12:00:37  
15 And it has a lot to do with splits, for 12:00:39  
16 example, and contiguity and that kind of thing. 12:00:44

17 As long as those standards, those 12:00:48  
18 primary standards are met, then there's not a 12:00:50  
19 consideration of the secondary standards that 12:00:57  
20 are laid out, I believe, in Section 6 that have 12:00:59  
21 to do with proportionality, compactness, and 12:01:01  
22 not favoring or disfavoring. 12:01:04

23 Q. And so as long as the primary standards 12:01:14  
24 are met, is it your belief that the secondary 12:01:16  
25 standards do not have to be met? 12:01:20

1       A. Yeah, that's my understanding of the  
2 plain black-and-white letter of the Ohio  
3 constitutional law on this.

4       I came into this, though, with the  
5 approach though that the Section 6 standards  
6 are things that we should aspire to. And that  
7 was the approach that I had taken all along;  
8 that there are things that we should work to  
9 include.

10       Again, that was the work that I had done  
11 from the very beginning to try to reach a set  
12 of maps that resulted in a ten-year compromise,  
13 that made reasonable attempts to accomplish the  
14 standards laid out in Section 6 as well.

15       Q. Moving now to the questions where you  
16 were asked about being shut out from the  
17 Republican mapmakers. I want to shift to the  
18 mapmakers on the Democrat side. You had access  
19 to those mapmakers?

20       A. I did.

21       Q. And were there meetings in which you  
22 were in the room with the mapmakers on the  
23 Democrat side and participating in live map  
24 drawing, if you will?

25       A. Yes, there were on numerous occasions.

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1	Q. And fair to say that one of those	12:02:43
2	occasions was as recent as the day before the	12:02:50
3	final vote?	12:02:53
4	A. I believe we met the day of the final	12:02:54
5	vote.	12:02:56
6	Q. On the 15th?	12:02:57
7	A. Correct.	12:02:58
8	Q. The vote was technically on the 16th, so	12:03:00
9	I -- so I think it was 12:01 a.m.	12:03:04
10	Okay. So on the 15th, you were	12:03:07
11	participating in one of those meetings. And	12:03:12
12	who were the map drawers, as you recall them to	12:03:14
13	be, on the Democratic side?	12:03:16
14	A. The primary work was being done by a	12:03:17
15	Mr. Glassburn, I believe.	12:03:24
16	Q. And who else was -- let's just focus on	12:03:30
17	the 9/15, the last live map drawing that you	12:03:34
18	participated in on the Democratic side. Who	12:03:37
19	was in that room?	12:03:40
20	A. Oh, goodness. Ms. Menashe, I don't	12:03:42
21	think I can recall with great specificity the	12:03:46
22	names of everyone. I can sort of recall by	12:03:49
23	title or position.	12:03:52
24	I know that at different points	12:03:55
25	throughout the day I had been in the room. I	12:03:57

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1	know that the auditor had been into that room.	12:04:00
2	I know that at certain points Leader Sykes and	12:04:03
3	at certain points Senator Sykes.	12:04:07
4	But at no time were there greater than	12:04:09
5	three commission members in the room, or in any	12:04:11
6	room for that matter, other than the public	12:04:14
7	hearing.	12:04:16
8	I know that Mr. Glassburn was primarily	12:04:20
9	at the helm, so to speak. He had the controls	12:04:23
10	of the computer and was actually doing the	12:04:26
11	manipulation of maps.	12:04:28
12	There were several Democratic Senate	12:04:34
13	staff members and several Democratic House	12:04:36
14	staff members. At various points there were	12:04:38
15	members of the auditor's staff and/or members	12:04:42
16	of my staff that had cycled in and out of that	12:04:45
17	room.	12:04:48
18	That's as much sort of specificity as I	12:04:49
19	can recall about that.	12:04:52
20	Q. And those individuals that were in and	12:04:56
21	out of the room, either on 9/15 or in any of	12:05:00
22	those meetings where you were interacting with	12:05:03
23	the Democratic mapmakers, did you feel like	12:05:06
24	those individuals were putting forth a good	12:05:12
25	faith effort to reach a consensus?	12:05:14



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1       A.   Hmm, I can say that they expressed a  
2       willingness. I can say that the staff members  
3       were earnest and purposeful in the work that  
4       they did. They put in some very long hours and  
5       that kind of thing.

6       As it relates to the commission members  
7       and what level of good faith they were  
8       operating under, it's hard to judge.

9       But I certainly did appreciate the fact  
10      that I had the opportunity to work with the  
11      Democratic map drawers.

12      It was, again, frustrating to me that I  
13      did not have the same opportunity to work with  
14      the Republican map drawers. It struck me as a  
15      little ironic, quite candidly.

16      But I was happy to work with whoever I  
17      could work with at that point to try to bring  
18      about that ten-year bipartisan compromise.

19      And so, you know, that's my level of  
20      recollection as far as sort of the good  
21      faithedness of the members.

22      I mean, ultimately, I think the four  
23      members of the commission that were least open  
24      to compromise were the four legislative  
25      members, though, and that was frustrating to

12:05:18  
12:05:25  
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12:06:33  
12:06:35

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1	me.	12:06:37
2	Q. But can we assume that it was the	12:06:37
3	Democratic members of the commission that gave	12:06:39
4	you access to their map drawers?	12:06:41
5	A. Oh, sure. No, that's beyond a doubt.	12:06:43
6	It was Senator Sykes and Leader Sykes who	12:06:47
7	allowed their staff to meet with us, and I do	12:06:49
8	appreciate that.	12:06:52
9	But, again, as far as how much good	12:06:53
10	faith or even just how optimistic people were,	12:06:56
11	right? And sorry to start ascribing emotions	12:07:02
12	here, but it was interesting to me that in one	12:07:06
13	of the public commission meetings, I said, "I	12:07:09
14	am not pessimistic," and I actually got booed	12:07:12
15	and heckled for expressing that I am not a	12:07:15
16	pessimist.	12:07:18
17	Which I think that was a public	12:07:18
18	sentiment. A lot of people had become	12:07:20
19	pessimistic.	12:07:23
20	I remained an optimist until the very	12:07:23
21	end. As a matter of fact, I told a reporter,	12:07:25
22	when he asked me is it possible for us to still	12:07:27
23	reach a compromise, I referred to our state	12:07:29
24	motto, "With God, all things are possible," as	12:07:31
25	a way to say, "Yes, it's hard, but we can do	12:07:34

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1 it."

12:07:36

2 Listen, as far as what level of good  
3 faith any member of the commission had, I can't  
4 say for sure.

12:07:36

12:07:38

12:07:41

5 MS. MENASHE: Nothing further, thank  
6 you.

12:07:46

12:07:47

7 THE WITNESS: Thank you, Ms. Menashe.

12:07:48

8 MS. PFEIFFER: Okay. Does anyone else  
9 have anything?

12:07:50

12:07:52

10 Court reporter, I think we're done.

12:07:53

11 MR. STAFFORD: I'd just like to thank  
12 again the Secretary for his time today.

12:08:06

12:08:07

13 THE WITNESS: Thank you. I do  
14 appreciate it.

12:08:08

12:08:09

15 THE VIDEOGRAPHER: This concludes the  
16 video deposition of Ohio Secretary of State  
17 Frank LaRose. We are going off the record.  
18 The time is 12:08.

12:08:13

12:08:15

12:08:18

12:08:21

19 (Deposition concluded at 12:08 p.m.,  
20 104)

12:08:23

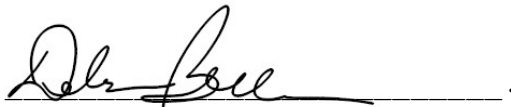
Reporter's Certificate

)  
State of California )  
)

I, Debra Bollman Farfan, Registered Diplomat  
Reporter and CSR No. 11648, in and for the State of  
California, do hereby certify:

That prior to being examined, the witness  
named in the foregoing deposition was by me duly sworn  
to testify to the truth, the whole truth, and nothing  
but the truth; That said deposition was taken down by  
me in shorthand at the time and place therein named and  
thereafter reduced to typewriting under my direction,  
and the same is a true, correct, and complete  
transcript of said proceedings;

I further certify that I am not interested in  
the event of the action. Witness my hand this 15th day  
of October, 2021.



Debra Bollman Farfan, CA CSR No. 11648

RDR, RMR, CRR, CRC

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