UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LULAC, *et al.*, *Plaintiffs,* v. GREG ABBOTT, in his official capacity as Governor of Texas, *et al.*, *Defendants.*	Case No.: 3:21-CV-00259-DCG-JES-JVB [Lead Case]
ROY CHARLES BROOKS, *et al.*, *Plaintiffs*, v. GREG ABBOTT, in his official capacity as Governor of Texas, *et al.*, *Defendants.*	Case No.1-21-CV-00991-DCG-JES-JVB [Consolidated Case]

BROOKS PLAINTIFFS' DESIGNATION OF DEPOSITION EXCERPTS FOR THE DEPOSITION OF KEL SELIGER

Brooks' Plaintiffs provide the following designations of the Deposition of Kel Seliger which were played in open Court on January 25-26, 2022. Ex. 1 (Tr. of Deposition of K. Seliger).

Duration	**Starting Page and Line**	**Ending Page and Line**
00:39.4	6:3	6:9
1:12.3	11:7	12:17
00:20.5	13:2	13:12
6:12.8	14:5	19:6
05:44.6	21:2	24:19
13:48.4	24:22	38:4
1:18.6	38:22	40:12

00:17.6	38:8	38:14
4:49.7	40:21	45:8
00:06.0	45:18	45:20
1:24.5	46:1	47:9
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3:52.1	54:13	57:20
00:50.5	58:2	58:16
8:54.2	58:25	65:21
1:11.5	68:21	69:21
2:31.3	71:13	73:18

January 26, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that all counsel of record were served a copy of the foregoing this 26th day of January, 2022, via the Court's CM/ECF system.

/s/ Chad W. Dunn
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Transcript of the Testimony of

Senator Kel Seliger

Date:

January 19, 2022

Case:

LEAGUE OF UNITED LATIN vs GREG ABBOTT

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, et al.,	(	
Plaintiffs,	(	
v.	(	Case No. 3:21-cv-00259
GREG ABBOTT, et al.,	(	
Defendants.	(	

VIDEOTAPED ORAL DEPOSITION OF

SENATOR KEL SELIGER

JANUARY 19, 2022

VIDEOTAPED ORAL DEPOSITION OF SENATOR KEL SELIGER, a witness produced on behalf of the Defendants, taken in the above styled and numbered cause on the 19th day of January, 2021, before Renea Seggern, CSR No. 7262, in and for the State of Texas, taken in the offices of the Attorney General, Price Daniel, Jr. Building, 209 West 14th Street, Austin, Texas, in accordance with the Federal Rules of Civil Procedure and any stipulations hereinafter set forth.

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FOR TREY MARTINEZ FISCHER AND CONGRESSWOMAN VERONICA ESCOBAR:
Mr. Martin Golando

ALSO PRESENT:
Mr. Brad Rosauer, Videographer

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P R O C E E D I N G S

THE VIDEOGRAPHER: Good morning. Today's date is January 19th, 2022, at 9:14 a.m. We are on the record. We are located at the Office of the Attorney General of Texas at 209 West 14th Street, Austin, Texas. This is the video deposition of Senator Kel Seliger in the matter of League of United Latin American Citizens, et al., versus Greg Abbott, et al., Case No. 3:21-cv-00259.

My name is Brad Rosauer, the legal videographer, and our court reporter is Renea Seggern and we are with Kim Tindall & Associates in San Antonio, Texas.

Will counsel please introduce themselves for the record after which the court reporter will swear in the witness.

MR. DUNN: This is Chad Dunn on behalf of the Brooks plaintiffs.

MR. HUDSON: Eric Hudson and Courtney Corbello on behalf of the State defendants.

MR. OPIELA: Eric Opiela representing Senator Seliger.

MS. PERALES: Can counsel who are participating remotely also have the opportunity to introduce themselves?

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MR. HUDSON: I was just about to slow things down so we can do that, Nina, thank you. If you want to go ahead and introduce yourself, please do.

MS. PERALES: Thank you so much. Good morning. This is Nina Perales on behalf of the LULAC plaintiffs and with me today from my firm are Kenneth Parreno and Samantha Serna Uribe.

(Witness sworn.)

MS. PERALES: We have more counsel if it's possible for them to introduce themselves.

MR. HUDSON: Go ahead.

MR. McCAFFITY: This is Sean McCaffity and Tex Quesada on behalf of the Mexican American Legislative Caucus. Good morning.

MR. GOLANDO: This is Martin Golando on behalf of Trey Martinez Fischer and Congresswoman Veronica Escobar.

MS. WOLFSON: This is Alexandra Wolfson on behalf of the Southern Coalition for Social Justice.

MS. LOTT: Hi. Good morning. This is Jasmine Lott on behalf of the Department of Justice.

THE COURT REPORTER: Is that everyone?

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MR. OPIELA: It looks like everybody from what I can see here.

MS. PERALES: That's all the folks that I see, yes.

SENATOR KEL SELIGER,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. HUDSON:

Q Ready to go?

A I'm ready to go.

Q Senator Seliger, my name is Eric Hudson. I'm with the Office of the Attorney General. Have we ever met before?

A Not that I recall.

Q Okay. So you're here today for a deposition. Have you ever been deposed before?

A I have.

Q How recently?

A 2012, 2013, subsequent to the redistricting sessions in that period of time.

Q Well, it's been a few years then so let's go over a few ground rules as we're doing the deposition today. The first one which is let's not talk over each other so as you can see, we're obviously on video, we have a court reporter.

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She's taking down everything we say. It's very difficult and I have yet to meet a court reporter who can take down two voices at once so can we agree today that if I'm speaking, you'll let me finish and I'll extend the same courtesy?

A Okay.

Q And the second thing is if you need breaks, let me know. I don't expect that we're going to go a full day today, but in the event that we're in the middle of the deposition and you feel like you need a break, just let me know. The only thing I ask is that during the course of the questioning, if there's a question on the table, I ask that you finish answering the question before you ask for the break. Can you agree to that today?

A Okay. I agree.

Q I also need you to answer verbally. I know right before we went on the record the court reporter suggested she might be able to get head nods so what I don't want to see in the transcript is, you know, my question and then answer, head nod. There's really no way to interpret that.

A Right.

Q So can we agree today that when you

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answer, you will answer verbally?
A Yes, and if I forget, please remind me.
Q Okay. Lastly, you understand that if I ask you a question, it's up to you to decide whether you understand my question. So if I ask you a question and you don't understand it, but you answer it anyway, I'm not going to know.
A Right.
Q You follow what I'm saying?
A Sure.
Q So if I ask you a question, I need you to tell me because otherwise the record and me frankly are going to leave the court with the impression that you understood the question and answered the question as posed.
A I understand.
Q Okay. Now, you're here to testify in the Brooks litigation, right?
A Yes.
Q You understand that there is a preliminary injection hearing set for the week of January 24th, 2022?
A Yes.
Q Are you planning to attend that hearing?
A I have not been.

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Q All right. Have you received a trial subpoena for that hearing?
A I have not.
Q All right. Do you understand what the Brooks plaintiffs are suing over?
A Broadly, just the redistricting maps.
Q Well, the preliminary injunction is challenging Senate District 10 and the Texas Senate Map passed in the third called session of the 87th Legislature. Is that your understanding of what the Brooks plaintiffs are challenging?
A Yes.
Q Okay. I'll be referring to the date of the senate map that was ultimately passed in the third called special session of the 87th Legislature and signed by the Governor. I'll be referring to that map as either SB4 or the Texas Senate Map today.
A Yes.
Q Can we agree to use those terms today when referring to the Texas Senate Map that includes SD10, the district that's at issue in the Brooks litigation?
A Yes.
Q All right. Finally, your testimony today,

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we may play this in court. Do you understand that?
A Sure.
Q And so do you understand that you're under oath and you're required to testify completely and truthfully, right?
A Yes.
Q And you agree to do that today, right?
A Yes.
Q Let's go over a little bit of your background. So could you introduce yourself to the judge?
A My name is Kel Seliger. I live in Amarillo, and since 2004 I've represented the 31st Senatorial District which is the Panhandle, part of the South Plains and the Permian Basin. And then in 2011, I chaired the Senate Committee on redistricting.
Q What do you do for a living when you're not legislating?
A I've been in the structural steel business for 30 some-odd years and it was a family business which we sold a few years ago.
Q Are you currently retired?
A No, I'm a member of the Senate.
Q Let me ask it this way.

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A From the industry, yes.
Q From industry, okay. I'm going to go over briefly your educational background. I understand from your profile online you matriculated at Dartmouth?
A Correct.
Q Got what degree from there?
A Psychology and biology.
Q Bachelor of psychology and biology, science?
A Bachelor of arts. They're all bachelor of arts.
Q Gotcha. You don't have any law degree, right?
A I do not.
Q No advanced degree?
A No.
Q You don't have any -- you've never worked as an attorney?
A Never.
Q Do you currently live in Amarillo?
A I do.
Q Whereabouts?
A 3810 Deann, D-E-A-N-N, Drive.
Q Now, right now you're retired from the

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industry, but your current position is you're the senator for Senate District 31, right?
A Correct.
(Exhibit Number 1 marked.)
Q (BY MR. HUDSON) I'm handing you what I am marking as State Defendant's 1. Go ahead and take a look at that and let me know when you're finished.
A Pretty much finished because I submitted it.
Q Well, go ahead and take a look and let's make sure.
A Okay. Okay.
Q What is that document?
A This is the declaration or affidavit that I submitted as part of this lawsuit.
Q And if you flip to the back page, Page 3, there's a signature. Are you familiar with that signature?
A It is mine.
Q Okay. So you submitted this declaration. Did you write it yourself?
A I'm sorry?
Q Did you write the declaration yourself?
A I did not.

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Q Who wrote it?
A I don't know who wrote it. It was given to me. I asked what Senator Powell wanted me to present and this is what she gave me.
Q Well, let's talk about that for a second. So you didn't have a hand in drafting this declaration?
A I did not draft it.
Q You said you received it from Senator Powell?
A Yes.
Q Do you know if Senator Powell wrote the declaration?
A I couldn't begin to tell you.
Q How did you come about getting a declaration from Senator Powell?
A When she asked me if I would participate in some fashion on this suit when we were in special session on the floor and I told her I wanted to read the lawsuit that was being filed and I wanted to see what it was that she would like me to present and this was it.
Q Okay. So someone wrote this and handed it to you and you signed it?
A Senator Powell handed it to me, yes.

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Q All right. How did she hand it to you?
A That I don't recall.
Q Now, if we go to Paragraph 10 of your declaration.
A Um-hum.
Q See Paragraph 10?
A I do.
Q Follow along with me. It says, the 2021 senate redistricting process saw untrue pretextual explanations given for why the lines were drawn as they were. Did I read that correctly?
A Yes.
Q Again, you didn't write that line?
A No.
Q What lines do you believe were drawn with untrue explanations?
A Oh, the lines in Senate District 31.
Q Are there any other senate districts that you believe untrue explanations were given for why the lines were drawn the way that they were drawn?
A Untrue, no.
Q What about pretextual explanations? When you refer to pretextual explanations, which districts do you believe were drawn and pretextual explanations were given?

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MR. OPIELA: Objection, form.
A Only Senate District 31 that I know of.
Q (BY MR. HUDSON) Okay. The second line reads, for example, I was told by Senator Huffman that my district was being changed to add many new counties around Midland and remove Panhandle counties in order to create distinctive agricultural versus oil and gas districts between SD31 and SD28. Did I read that correctly?
A Yes.
Q All right. That's an example that you give as an untrue explanation; is that right?
A Yes.
Q What is untrue about that explanation?
A Because it doesn't do that as a matter of fact. It excises four counties in the Panhandle and places four counties down in the southern part of the district and it doesn't necessarily create that division. Gray County is one of the districts that was excised from the district which has been a large gas-producing county for a long time. Why take that out? At the same time there's a good deal of agriculture, primarily ranching in the southern part of the district. So those divisions, it is a diverse economy and it's both agricultural

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and oil and gas and these changes did not really have that effect at all.
Q Now, you go on to say in Paragraph 10, as I explained on the senate floor, the plan does not create distinctive agricultural and oil and gas districts. Did I read that correctly?
A Yes, you did.
Q And I think that that's what you're explaining there?
A Yes.
Q All right. Instead, it was obvious that the purpose of these changes was to benefit a potential Republican primary challenger from Midland preferred by the Lieutenant Governor. Did I read that correctly?
A Yes, you did.
Q All right. Tell me about that.
MR. OPIELA: Objection, form.
A I think that's why it was done and I think there was a motivation it was clear that the Lieutenant Governor wanted the candidate from Midland to compete successfully and that's why this was done.
Q (BY MR. HUDSON) The Republican primary challenger?

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A Yes.
Q Why do you think that Senator Huffman was trying to strengthen the Republican primary challenger against you?
A Probably because she was told to by the Lieutenant Governor.
Q Well, Senator Huffman didn't tell you that she was told to do that by the Lieutenant Governor, did she?
A No, that's my surmise.
Q All right. The Lieutenant Governor didn't tell you that that's why Senator Huffman did it, did he?
A That is my surmise.
Q And when you say it's your surmise, you didn't actually speak to Senator Huffman and hear the words I'm doing this because the Lieutenant Governor told me to?
A No.
Q Same is true of the Lieutenant Governor, right?
A True.
Q Did you have any nonpublic conversations with Senator Huffman about how the lines were drawn during the third special session?

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MR. OPIELA: I'm going to object to that on legislative privilege.
MR. HUDSON: Well, let me finish my question.
Q (BY MR. HUDSON) I'm just asking, don't tell me the substance of the conversation.
MR. HUDSON: I guess let's do it this way.
Q (BY MR. HUDSON) You're not waiving legislative privilege by being here, right?
A No.
Q All right. In fact, you intend to assert legislative privilege over communications that are subject to legislative privilege, right?
A I do.
Q Okay. So here's what I'm trying to get at then because I'm trying not to draw an objection here from your counsel. Without telling me the substance of any of the communications, did you have any nonpublic communications with Senator Huffman about the redistricting process?
A Yes.
Q All right. Did you have any public conversations with Senator Huffman about the redistricting process?

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A No.
Q Okay. Did you have any nonpublic conversations about the redistricting process with any of the committees members for the Senate Redistricting Committee in 2021?
A Not that I recall. There's a lot of them and we have a lot of interaction, but not that I recall.
Q Well, I'll go through them in a minute, but I'm just trying to figure out here what the scope of your knowledge is on this.
A Okay.
Q So you did have discussions with Senator Huffman, but again, you would object to talking about those based on legislative privilege, right?
A Um-hum.
Q All right. So you claim that Senator Huffman's reasons for pretextual. Is there any public information that you can point to that demonstrates that Senator Huffman drew Senate District 31 based on pretextual reasons?
A No.
Q Is there any information in the public record that demonstrates that Senator Huffman drew Senate District 31 for untrue reasons?

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A I don't quite understand what you mean by untrue. I think they're specious.
Q Well, so let's go back to your declaration, Paragraph 10. You said, the 2021 senate redistricting process saw untrue explanations given for why the lines were drawn as they were. Did I read that correctly?
A Yes, you did so yeah, I did say untrue.
Q You did and so that's why I'm asking.
A Okay.
Q Did you find -- can you point to any public information or public statements that would demonstrate untrue reasons why Senate District 31 was drawn the way that it was drawn?
A No.
Q Can you point to anything in the public record demonstrating untrue reasons for why Senate District 10 was drawn the way that it was drawn?
A No.
Q Can you point to anything in the public record demonstrating that pretextual explanations were given for why Senate District 10 was drawn the way that it was drawn?
A Anything in the public record?
Q Yes.

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A No.
(Exhibit Number 2 marked.)
Q (BY MR. HUDSON) I'm going to show you what I'm marking as Exhibit 2. Have you ever seen that document before?
A I have.
Q What is it?
A It's the map under SB4.
Q Okay. Is that a true and accurate copy of the map that was adopted through the enrolled and signed SB4?
A I believe it is. I'll have to trust you on this.
Q Okay. You don't have any reason to dispute that this is a final copy?
A No.
Q Okay. Now, you see up there in the top left-hand corner of the State of Texas that Senate District 31; is that correct?
A Yes.
Q All right. And that is the district that you're currently representing in the Texas Senate?
A Correct.
Q And then to the right of that is a gray area that's demarcated as Senate District 28; is

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that right?
A Right.
Q And then within or adjacent to Senate District 28 we have one, two, three, four, five, six, seven, eight counties that comprise Senate District 10; is that right?
A Yes.
Q All right. And, again, looking at this map, there's no way to look at this map and determine that untrue reasons were given for why this map was drawn this way, right?
A Not by looking at the map.
Q Okay. There's no way to look at this map and determine that pretextual reasons were given for why the map was drawn this way; is that right?
A No.
(Exhibit Number 3 marked.)
Q (BY MR. HUDSON) I'm going to hand you what I'm marking as Defendant's 3.
MR. OPIELA: Do you have an extra copy of that? If not, I can look over his shoulder.
Q (BY MR. HUDSON) Have you ever seen Exhibit 3 before?
A No.
Q Well, I'll represent to you that it's a

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copy of the Senate Journal for the fourth day, Monday, October 4th, 2021. Do you have any reason to dispute that?
A Not at all.
Q I'll represent to you that that came directly from the Senate Journal so if there's any dispute about that, you let me know.
A Right.
Q If you'll flip to Page 62 for me. Actually, go back to the first page real quick.
A Okay.
Q Do you see there at the bottom it says, Committee Substitute Senate Bill 4 on Third Reading?
A Yes.
Q Can you explain to the judge what that means?
A Each bill must be read three times, once when it's read and submitted to committee and then once when it's submitted for passage on the senate and then it must be passed a third time generally after a day.
Q So this represents the third and final passage out of the senate?
A It does.

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Q If you'll flip over to Page 62?
A Okay.
Q It says at the top, the bill was read third time and was finally passed by the following vote: Yeas 20, Nays 11. Did I read that correctly?
A Yes.
Q You were among the nays; is that correct?
A Right.
Q Now, some of your colleagues submitted a reason for vote; is that right?
A Yes.
Q Could you explain to the judge what a reason for vote is in senate nomenclature?
A On any vote any member may submit comments on why they voted for or against a bill. It's not part of the debate and everyone has that privilege.
Q Now, there on Page 62 we see that reason for vote was offered by Senator Eckhardt; is that right?
A Yes.
Q And if we go to Page 63, the second full paragraph that starts the author, do you see that?
A Yes.
Q Reads, the author of CSSB 4 (Plan 2130)

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has claimed color blindness to race; is that right?
A Yes.
Q So the authors of SB4 claim that they were color blind in drawing the map lines; is that right?
A Yes.
Q And there's nothing in the public record to your knowledge that demonstrates anything but color blindness, right?
A Correct.
Q In fact, you're not here to testify today about any public record of intentional discrimination in the map drawing, right?
A No.
Q Now, you did not sign on to Senator Eckhardt's reason for vote; is that right?
A Correct.
Q If we flip over to Page 64, the third full sentence starts specifically, do you see that?
A The third full, 60-what now?
Q We're on Page 64, the third full sentence.
A Okay. I apologize. Where it says specifically, okay.
Q Now, Senator Eckhardt says, specifically CSSB 4's author listed their goals and priorities

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in the following order: Abiding by all applicable law, equalizing population across districts, preserving political subdivisions and communities of interest wherever possible, preserving the cores of previous districts to the extent possible, avoiding pairing incumbent members, achieving geographic compactness when possible, and accommodating incumbent priorities when possible. Did I read that correctly?
A Yes.
Q All right. And you would agree that all of those reasons were given in support of passage of SB4, right?
A Yes.
Q And, again, to go through them, you agree that the Republican members offered as a reason for passing SB4 abiding by all applicable law, right?
A Yes.
Q And they offered equalizing population across districts, right?
A Yes.
Q And they offered preserving political subdivisions, right?
A It says that. I don't believe it.
Q And they offered preserving communities of

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interest wherever possible, right?
A It says that. I don't believe it.
Q And they offered preserving the cores of previous districts, right?
A It says that. I don't believe it.
Q And they offered to the extent possible avoiding pairing incumbent members, right?
A I believe that's true.
Q And they offered achieving geographic compactness when possible, right?
A It says that. I don't believe it.
Q And they offered accommodating incumbent parties when possible, right?
A It says that and they did not.
Q Now, you identified four of these that you don't believe, but, again, you can't point to anything in the public record suggesting that these reasons were untrue, right?
A No.
Q And you can't point to anything in the public record suggesting that these reasons were pretextural, right?
A No.
Q Now, you also knew that partisanship was a factor driving the new senate map, right?

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A Absolutely.
Q What role did partisanship play in driving -- well, I'll avoid stepping on legislative privilege, so let me rephrase.
A Please do. Someone is kicking me under the table.
Q All right. Let's go to the bottom of Page 64.
A Okay.
Q Do you see at the bottom it says reason for vote. This is for Senator Johnson?
A Yes.
Q Now, on the next page it reads, the proposed maps under CSSB 4 which is SB4 do exactly what they were expected to do; they make districts more partisan, and -- if not invalidated by a court challenge - they effectively eliminate a Democratic seat. Did I read that correctly?
A Yes.
Q Now, one of the goals of Republican members was to benefit Republicans, right?
A Correct.
Q All right. So losing a Democratic seat is the result of partisanship in the map, right?
A True.

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Q If you go down that page on 65, it has reason for vote and that includes Senator Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menendez, Miles, Powell, West, Whitmire, and Zaffirini; is that right?
A Correct.
Q Now, I'll represent to you that I didn't see any other reason for vote in the Senate Journal that named you as giving a reason for vote on SB?
A Correct.
Q All right. So you didn't join in any of the reasons given by any of the Democratic members for voting against SB4, right?
A I did not.
Q So you disagree with them when, for instance, they refer to intentional discrimination as a basis for drawing SB4, right?
A I don't necessarily disagree at all. If you'll ask the question again.
Q Did you not understand the question?
A Well, I thought I did, but now we've gone so long I'm not sure.
Q Let me ask it like this.
A Okay.
Q You didn't join in any reason for vote for

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any of the members who gave a reason for vote in voting against SB4, right?
MR. DUNN: Object to form. You can answer.
A I did not.
Q (BY MR. HUDSON) You weren't on the redistricting committee for the 2021 session, right?
A Correct.
Q And when I refer to the 2021 session, you understand I'm referring to the 87th Legislature?
A Yes.
Q So I'm not trying to be pedantic, I just want to make sure that the judges understand we're talking about the same thing?
A We can be specific that it was the third special session.
Q Okay. So Senator Joan Huffman was the chair in the third called session of the redistricting committee?
A Yes.
Q And Juan Chuy Hinojosa was the vice chair, right?
A Yes.
Q All right. Did you have any public

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conversations with Senator Hinojosa about the reasons why SB4 was drawn the way it was?
A Not that I recall, no.
Q Same question but for Carol Alvarado?
A Not that I recall, no.
Q Same question but for Paul Bettencourt?
A No.
Q Did you have any public conversations with Brian Birdwell that discussed the reasons why SB4 was drawn the way it was?
A No.
Q What about with Donna Campbell?
A No.
Q Did you have any with Kelly Hancock?
A No.
Q Did you have any conversations with Bryan Hughes about why SB4 was drawn the way it was?
A No.
Q What about with Eddie Lucio, Junior?
A No.
Q What about Robert Nichols?
A No.
Q Same question but Angela Paxton?
A No.
Q Did you have any conversations with

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Charles Perry about why SB4 was drawn the way it was drawn?
MR. OPIELA: Objection, form. You were asking -- I think it's potentially confusing. Can you restate it?
Q (BY MR. HUDSON) Sure. Did you have any public conversations with Angela Paxton about why SB4 was drawn the way it was drawn?
A Would you define public conversations?
Q Anything on the public record.
A No.
Q Did you have any public conversations with Charles Perry about why SB4 was drawn the way it was drawn?
A No.
Q Same question but for Royce West?
A No.
Q Same question but for John Whitmire?
A No.
Q Finally with Judith Zaffirini, did you have any public conversations concerning why SB4 was drawn the way it was drawn?
A No.
Q In fact, any conversations you had would be subject to legislative privilege; would you

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agree?
A I would, yes.
Q Did you have any -- do you know who Senator Huffman's staff was?
A Yes, Sean Opperman was the committee director.
Q All right. Are you familiar with a person by the name of Anna Mackin?
A I might have met her as a member of staff, but I don't recall.
Q Okay. As you sit here right now, you don't recall having any specific conversations with Anna Mackin about redistricting?
A No.
Q Same question but for Sean Opperman?
A Yes.
Q And yes, you do recall or no, you don't recall?
A Yes, I do recall.
Q Okay. Were you personally involved in any of the map drawing with Senator Huffman?
A Early on I submitted a map.
Q All right. Let's -- you can go ahead and put that down for a second.
A Okay.

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Q I'm going to hand you what I'm going to mark as Exhibit Defendant's 4.
(Exhibit Number 4 marked.)
Q (BY MR. HUDSON) Have you ever seen that document before?
A No.
Q Well, I'll represent to you if you take a look in the bottom right-hand corner of Exhibit 4 that I've just handed you, are you familiar with that little capital inside the circle?
A I've seen it before, yes.
Q Okay. Well, I'll represent to you that that's the Texas Legislative Council's symbol marked on the bottom right-hand corner. Do you have any reason to dispute that?
A No.
Q I'll also represent to you that I pulled this from the Texas Legislative Council's website. It concerns redistricting dates of interest. Do you see that here?
A I do.
Q Now, I understand that you've worked as a committee member for redistricting in the past; is that right?
A I was a committee member and chair.

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Q So take a look at these dates. Do you have any reason to disagree that this would have been the normal course had these census data come in timely to the Texas Legislature?
A Yes, I believe it is.
Q Believe it is what?
A I believe it is the map that any normal session with normal report by the Census Bureau, this would be in the schedule.
Q In fact, having been a former chair and a member of the redistricting committee, you're aware that the U.S. Census Bureau had an obligation to publish redistricting data no later than April 1 of 2021, right?
A That is my understanding.
Q In fact, that didn't happen in 2021; is that right?
A Correct.
Q Now, you're aware that in past redistricting cycles and census data was released in time for the Texas Legislature to take the matter during the regular session, right?
A Yes.
Q And you're also aware that the U.S. Census data had been published on time in '21, the Texas

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Legislature would have been able to address redistricting before the 87th regular session adjourned, right?
A Yes.
MR. HUDSON: And my apologies to the reporter. I'll see if I can't slow down. Talking fast seems to be a bad habit of mine.
Q (BY MR. HUDSON) You'd also agree that the U.S. Census Bureau did not release the census data on time in 2021, right?
A Yes.
Q And the census data was instead delayed due to the COVID-19 pandemic, right?
A That's what they told us.
Q Based on everything you know, is the only reason that you're aware of why the census data was not provided on time the COVID-19 pandemic?
MR. OPIELA: Objection, form.
Q (BY MR. HUDSON) Okay. Let me see if I can ask it like this.
A Okay.
Q You don't have any reason to dispute the Census Bureau's statement that the census data was delayed due to the COVID-19 pandemic?
A No.

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Q All right. The Census Bureau did not release preliminary data until August 12th, 2021; is that right?
A That is my understanding.
Q And, in fact, the Census Bureau did not deliver the full redistricting tool kit until September 16 of '21; is that right?
A Once again, that's my understanding.
Q That's roughly a five-month delay from what's set out in the districting dates of interest in Exhibit 4; is that right?
A Right.
Q And for this reason the legislature did not have the opportunity to conduct redistricting during the regular session; is that right?
A That is correct.
Q And the governor instead called a special session, right?
A Yes.
Q In fact, he called three?
A Yes.
Q One of the purposes of the third special session was to enact new legislative maps; is that right?
A Correct.

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Q And a special session only convenes for 30 days; is that right?
A Yes.
Q Now, 30 days is if it was shorter than a regular legislative session; is that right?
A Yes.
Q How much shorter?
A Regular session is 140 days, special session is 30 days, can be called only when a legislature is not in a regular session. The Governor can call as many special sessions as he would like.
Q Okay. Do you mind if I take a short break?
A That's fine.
THE VIDEOGRAPHER: We are off the record. The time is 9:55 a.m.
(Off the record.)
THE VIDEOGRAPHER: We are back on the record. The time is 10:04 a.m.
Q (BY MR. HUDSON) I'm going to hand you what I'm going to mark as Defendant's 5.
(Exhibit Number 5 marked.)
Q (BY MR. HUDSON) Have you ever seen Exhibit 5 before?

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A Yes.
Q What is Exhibit 5?
A It's a text of -- I guess it was a text or an email sent to me by Senator Powell.
Q And there in the middle of the page it says from Beverly Powell; is that right?
A Yes.
Q And the date was November 16th, 2021; is that right?
A Yes.
Q And it says to KelSeliger@iCloud.com; is that right?
A Yes.
Q And the subject is follow up, right?
A Yes.
Q It says, Kel, thank you for visiting with me yesterday. Attached is a draft document. Looking forward to seeing you tomorrow evening in Waco.
A Right.
Q Okay. So first off I understand that that email came with a draft declaration attached to it; is that right?
A That is my memory of it, yes.
Q So the declaration that she sent you is

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also the declaration that you signed, right?
A Yes.
Q And that's Defendant's 1; is that correct?
A Correct.
Q And it looks like if we look at Page 3 of Exhibit 1 you signed it on November 17th of 2021; is that right?
A I'm having trouble finding the page. I believe that's correct.
Q It should be the last page of Defendant's 1.
A Let me go back and find Defendant's 1.
Q Senator, if you lost that exhibit, the court reporter is going to be mad at you, not me.
A That's why I found it so promptly. Yes, November 17th.
Q All right. So the day after you received the declaration you signed it, right?
A Yes.
Q What did you do with it?
A I assume submitted it back to Senator Powell, but I don't recall.
Q Have you had any conversations with any of the plaintiffs from the Brooks case?
A No, only Senator Powell.

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Q Only Senator Powell?
A Yes.
Q Have you had any conversations with counsel for any of the Brooks plaintiffs?
A No.
Q Have you had any conversations with anyone about the declaration aside from Senator Powell or with me here today?
A My chief of staff.
Q Is your chief of staff an attorney?
A No.
Q Obviously he works in your senate office?
A Yes.
Q And what is your chief of staff's name?
A Her name is Johanna Kim.
Q Now, let's go over your declaration in a little bit more detail. I know we've already covered Paragraph 10, but I want to go through the declaration itself.
A Okay.
Q Now, again, you didn't write this yourself, right?
A No.
Q This was handed to you by Beverly Powell and the day after she handed it to you, you signed

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it, right?
A Yes.
Q And your testimony today for the judge is you don't know what you did with this declaration after you signed it?
A No.
Q Now, let's go ahead and go to Paragraph 2 of your declaration. It says you're the incumbent Republican state senator representing District 31 in the Texas State Senate. I have held this position since 2004; is that right?
A Yes.
Q Now, when Beverly Powell was talking to you about signing a declaration for her or asking you how you could help, do you know if she sent declarations like this to anyone else?
A I have no idea.
Q Did she tell you that she was going to send you a declaration?
A Yes, or I asked for it, one of the two.
Q And before we get much deeper in this, let me go back because I forgot to ask on Defendant's 5?
A Uh-huh.
Q She wrote, looking forward to seeing you

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tomorrow evening in Waco. What was happening in Waco on November 17th?
A I was a master of ceremonies at a dinner that was partially sponsored by Texas Pastors for Children and Senator Powell was receiving an award.
Q Would it be fair to say that you're friendly with Senator Powell?
A Yes.
Q And it sounds like you two are both members of the same organization or at least they were honoring -- your organization was honoring her?
A It's not my organization. I just have done some things in public education so I was asked to be the MC and she was -- she was a longtime school board member in Fort Worth and they were honoring her.
Q And you don't recall if you handed this declaration back to her in Waco on the 17th, right?
A No, I don't.
Q All right. Let's go back to Paragraph 3. It says, I was the Chair of the Senate Select Redistricting Committees in 2011 and 2013; is that right?
A Yes.

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Q Do you have any idea why you weren't on the redistricting committee in the 87th Legislature?
MR. OPIELA: Objection, form.
A I have an opinion, but do I know, no.
Q (BY MR. HUDSON) What is your opinion?
THE WITNESS: Can I answer that?
A After 2019 I was named to no other committees or interest areas or anything else.
Q (BY MR. HUDSON) Now, Paragraphs 5, 6, 7, and 8 talk about litigation related to 2011 and 2013 redistricting; is that right?
A Correct.
Q I'm going to ask you this because this case involves allegations of intentional discrimination so please don't take it as an insult that I'm asking you. I kind of have to.
A I understand.
Q You're not a racist, right?
A No.
Q When you were on the redistricting committee, you didn't draw maps because you disliked black people, right?
A Certainly not.
Q You didn't draw maps because you disliked

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Hispanic people, right?
A Certainly not.
Q You weren't trying to disadvantage minority groups, right?
A Absolutely not.
Q You're not aware as you sit here today of any racial animus by the 87th Legislature's redistricting committee, right?
A No.
Q Okay. All right. Let's go down to Paragraph 10. The 2021 senate redistricting process saw untrue, pretextual explanations. We talked about that earlier, right?
A Yes.
Q You gave one example in here -- well, I guess Ms. Powell gave one example in here, right?
A Yeah.
Q All right. Are there any other examples aside from the example that was given in Paragraph 10 that you would include in this?
A No.
Q Are there any other examples that you think should have been included in this?
A No.
Q Paragraph 11 talks about your experience

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on the Senate Redistricting Committee and you write that Senate District 10 was compact and wholly contained within Tarrant County and had close to ideal population; is that right?
A To the best of my recollection, yes.
Q As you were reading this declaration and ultimately before you signed it, did you go back and look at any of the data or maps from the 2011 or 2013 redistricting to refresh your recollection about whether that was true?
A I did not.
Q So when you read that and signed it, you were going based on your recollection just cold?
A Yes.
Q Okay. Now, I want to clarify for the record. I know we touched on it a little bit earlier, but with Senate District 31, you're familiar with how that was drawn in SB4, right?
A Yes.
Q SD10, were you as intimately involved in the drawing of SD10 as you were SD31?
A Not at all in 2021.
Q Okay. So you don't have any information about how SD10 was drawn in the 87th Legislature?
A Ask that again.

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Q Let me ask it like this. Is there any nonprivileged information that you can provide about how SD10 was drawn during the 87th Legislature in either the regular session or any of the special sessions?
A It was drawn very specifically to ensure that it would be represented by a Republican.
Q So partisan reasons?
A Yes.
Q Is there any information that is either missing or that you believe should have been added to this declaration before you signed it having now read it and had it since November of 2021?
A I don't think so.
Q Aside from your chief of staff and Beverly Powell and I might have asked this, but I'm going to ask it again just to make sure I didn't miss it, is there anybody else that you talked to about this declaration before you signed it?
A No.
Q Is there anybody that you talked to other than your chief of staff and Beverly Powell since you signed it excluding your counsel?
A No.
Q Before I move off of your declaration, I'm

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going to hand you what I'm going to mark as Defendant's 6.
(Exhibit Number 6 marked.)
Q (BY MR. HUDSON) So I'll just represent to you that that's a printout of the declaration that was attached as an exhibit that your counsel sent me in response to the subpoena duces tecum.
A Okay.
Q Do you have any reason to dispute that?
A I do not.
Q As you look at that declaration that I handed you, if you go back to Page 3, you'll see that Page 3 has no signature and no date, right?
A Correct.
Q Did you have the opportunity if you wanted to to make amendments to this declaration before you signed it and dated it?
A Yes.
Q And you chose not to do so, right?
A Correct.
Q Now, I believe you mentioned earlier ago -- and I didn't really discuss that, but I want to go back to it. You said you had been removed from all your committee chairs in 2019; is that right?
A Correct.

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Q What's your opinion about why that happened?
A I was removed from -- as a chair and member of the Higher Education Committee, removed from the Public Education Committee and removed from finance because I voted against two of the Lieutenant Governor's 30 priorities.
Q Well, you'd agree with me that you've been losing favor in Republican circles in Texas since at least 2019, right?
A I don't know how much Republican circles. I don't know exactly what that means.
Q How about the Republican party in Texas?
A I've had so little interaction with the Republican party that I wouldn't know. I assume among some members, yeah. Certainly losing favor with the Lieutenant Governor, yes, but that's easy to do.
Q I'm going to hand you what I'm marking as Defendant's 7.
(Exhibit Number 7 marked.)
Q (BY MR. HUDSON) Now, you'll see that the cover page there references Exhibit 21. I'll just represent to you that I'm marking this as Exhibit 7 for purposes of your deposition, but this is

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actually Exhibit 21 from the response to the preliminary injunction that's been filed by the Brooks plaintiffs.
A Okay.
Q Take a look at that and let me know when you're finished.
A I'm very familiar with it. I'm finished.
Q Can you tell me what this is?
A It is an article from the Texas Tribune.
Q All right. So in 2019, the Texas Tribune put out this article that's titled Lieutenant Governor Dan Patrick pulls Senator Kel Seliger's chairmanship after Seliger suggested Patrick aide kiss his, quote/unquote, back end. Did I read that correctly?
A That is correct.
Q All right. What is the substance of this article?
A The subject of the article is the fact that I had been removed from the committees mentioned before and named chairman of the Agriculture Committee. In an interview I was asked for my opinion and I said I did not get the committees that I had asked for or desired, but I thought the Agriculture Committee was a

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particularly important one particularly for my district. At that point, the --
THE WITNESS: Are you --
MR. OPIELA: No.
A At that point, the Lieutenant Governor's policy advisor said Senator Seliger doesn't like his committee assignments or chairmanship, we can put him somewhere else. I didn't say anything derogatory about that committee or that appointment and that's at the point that I said she could consider attaching her lips to my back end which a phrase we don't use in West Texas because normally it's usually she could kiss my ass. The Lieutenant Governor said then that it was lewd, called me up after a few days and told me I was then removed as chairman of the AG Committee saying those remarks were lewd. While they may have been somewhat indelicate, they were not lewd. Let's talk about my back end, not hers, and I think that referring to them as lewd I think shows a little bit of hysteria and priggishness on part of the Lieutenant Governor.
Q Fair to say that you and the Lieutenant Governor were not getting along around the time this article came out and thereafter?

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A We're not close.
Q Now, even before that happened in 2019, you were drawing primary opponents out in West Texas; is that right?
A I was.
Q Let me show you what I'm going to mark as Defendant's 8.
(Exhibit Number 8 marked.)
MR. HUDSON: Mr. Opiela, if you don't mind, I'm actually going to hand that to Chad. It looks like I only have three copies of that. Excuse me, I have four.
Q (BY MR. HUDSON) Now, if you flip over to -- if you look at the top of that page and again just for purposes of the record I'm marking this as 8, but this is also Exhibit 14 to the response to the preliminary injunction. If you look at the cover page there just so you're clear on what it is.
A Okay, yeah.
Q That's also in the record.
A Okay.
Q Have you ever seen this document before?
A Oh, I'm sure I have in a newspaper or something.

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Q Well, on the top of the first page it says Office of the Secretary of State; do you see that?
A Yes.
Q And below that it says Race Summary Report; is that right?
A Yes.
Q And below that it reads 2014 Republican Party Primary Election. Did I read that correctly?
A Correct.
Q And the date is March 4th, 2014, right?
A Yes.
Q Now, if you flip over to the next page.
A Hold on just one second. Okay.
Q On that page from the top going down to the third election there it says State Senator District 31. Correct? Do you see that?
A Yes.
Q Now, do you agree with me that Midland Mayor Mike Canon, a conservative Republican, challenged you 2014 in the Republican primary?
A Yes.
Q These numbers show that he came within five points of beating you in the primary; is that right?
A He did.

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Q So even in 2014 you were drawing challenges and you would agree with me that within five points of this is pretty close, right?
A Yeah, it's pretty close.
Q Fair to say that at least half the district out there that voted in the primary wanted Mike Canon, right?
A More than half wanted me.
Q I'm going to show you what I'm going to mark as Defendant's 9.
(Exhibit Number 9 marked.)
Q (BY MR. HUDSON) And for purposes of identification on the record I'm marking this for the exhibit as Defendant's 9. This is also Exhibit 15 in response to Brooks plaintiff's preliminary injunction. Take a look at that and tell me when you're finished.
A I'm done.
Q There at the top of the first page reads Office of the Secretary of State. Do you see that?
A Yes.
Q Again, this is a Race Summary Report for this time from the 2018 Republican Party Primary Election; is that right?
A Correct.

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Q And the date on this is March 6th, 2018; is that correct?
A Yes.
Q Now, in the 2018 primary you avoided a runoff by just .4%, or 323 votes, with again Mike Canon being the runner-up; is that right?
A Yes.
Q Getting closer, right?
A Yeah. Not close enough.
Q So 2014 you draw a primary challenge, 2018 you draw a primary challenge, 2019 you're stripped of your committee seats, right?
A Um-hum.
Q Are you ready to agree with me that you're falling out of favor as early as 2014 with the Republican party in Texas?
A With the Republican party, but most pronouncedly with the Texas Public Policy Foundation and the power Texans who financed a lot of this opposition.
THE WITNESS: I get lost in these. I'm just glad you're having a little trouble.
MR. OPIELA: I'm happy to share.
Q (BY MR. HUDSON) I believe go back to Exhibit 7.

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A All right.
Q Do it this way. You would agree that there were certain agenda items of Governor Patrick that you opposed in the 2019 regular session; is that right?
A No, in the 2017 regular session.
Q 2017, and those would be property tax reform, right?
A Well, it was tax caps and public -- private school vouchers.
Q And both of those you took a position opposite the Lieutenant Governor, right?
A I did and both measures passed the senate.
Q And you also took a position opposite the governor of that session on those pieces, right?
A Yes.
MR. HUDSON: Mind if we go off the record for a few minutes?
MR. DUNN: Fine.
THE VIDEOGRAPHER: We are off the record. The time is 10:28 a.m.
(Off the record.)
THE VIDEOGRAPHER: We are back on the record. The time is 10:40 a.m.
Q (BY MR. HUDSON) Hand you what I'm going

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to mark as Defendant's 10.
(Exhibit Number 10 marked.)
Q (BY MR. HUDSON) Have you ever seen that document before?
A Yes.
Q What is that document?
A It's an article from the Austin American Statesman.
Q Is that a true and accurate copy of the article dated January 24th, 2019, titled Patrick criticizes Seliger's attitude, lack of teamwork?
A Yes.
Q So in addition to the issues that you had with Senator Patrick or excuse me, Lieutenant Governor Patrick in 2019, he had also criticized you for not being a team player; is that correct?
A Yes.
Q And that, again, was based on your 2017 votes against priorities, right?
A Yes.
Q So challenger in 2014, challenger in 2018, you had a dispute over remarks made about Lieutenant Governor Patrick's staffer in 2019, Lieutenant Governor Patrick criticizes you as not being a team player in 2019, right?

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A Um-hum.
MR. DUNN: Is that a yes?
THE WITNESS: Yes, I'm sorry.
Q (BY MR. HUDSON) I'm going to hand you what I'm going to mark as Defendant's 11.
(Exhibit Number 11 marked.)
Q (BY MR. HUDSON) Take a look at that and tell me when you're finished. For purposes of identification, in addition to marking this as Exhibit 11, this is also Exhibit 20 in the response to plaintiff's preliminary injunction motion. Have you ever seen that document before?
A Yes.
Q What is it?
A It is an article from Texas Tribune, October 7th, 2021.
Q To your knowledge, is that a true and accurate copy of the article entitled Weighing reelection bid, GOP Texas Senator Kel Seliger confronts redrawn district, Trump endorsement of primary challenger, dated October 7th, 2021?
A Yes.
Q Now, the first full paragraph on Page 2 of this document -- follow along with me -- reads, heading into election season, Amarillo State

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Senator Kel Seliger says he feels like members of his own party might be using redistricting to oust him after years of tension with Lieutenant Governor Dan Patrick, a fellow Republican. Did I read that correctly?
A Yes.
Q So you thought politics was at play with potentially being redrawn out of your district; is that right?
A No, not being redrawn out of my district, no. Being redrawn is such a factor to make it more difficult for me to get reelected in that same direct.
Q Well, in fact, the article goes on to read, Seliger is deciding whether he will even run for reelection, but if he does, he is now staring down perhaps his toughest primary yet; is that right?
A Yes.
Q All right. Do you agree that the district was redrawn to be even more Republican making it difficult for you to win a primary; is that right?
A Being more Republican doesn't make it difficult for me as a Republican to win a primary.
Q So why were you concerned about being or

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drawing a tougher race that year?
A Because they were taking counties that I had represented before and taking those counties out of the district and putting counties in the district that were closer to Midland thinking that they would affect the vote in favor of the Midland candidate.
Q In fact, this article goes on to say that on Tuesday, former President Donald Trump, a close ally of Lieutenant Patrick, endorsed Sparks and bashed Seliger as a, quote/unquote, RINO, Republican in name only, in a rare intervention in a Texas legislative race by the former president. Did I read that correctly?
A Yes.
Q Do you consider yourself a RINO?
A Of course not.
Q What does RINO mean?
A Republican in name only.
Q What does that mean?
A I'm not sure I know. It's what people on the far right call people who are not on the far right. What the president also said that I was a RINO and I was like Mitt Romney, and next to probably Ronald Reagan and John McCain there was

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probably no one I would rather be compared to than Mitt Romney which goes to show just how really good the opinions of the former president are.
Q You would agree you're the most liberal Republican in the Texas Senate, right?
A I accept no part of liberal. I am not a liberal. Do I have a less so-called conservative voting record according to Rice University and Texas Public Policy than the rest of my colleagues, I do, but a lot of those are based on fallacious measurements and assumptions so my voting record is 80 some-odd percent with the Republican majority of the senate that is not a liberal voting record.
Q I'm going to hand you what I'm going to mark as Defendant's 12.
(Exhibit Number 12 marked.)
Q (BY MR. HUDSON) Have you ever seen that article before?
A I believe so.
Q Go ahead and take a look and let me know when you're finished.
A Yeah, I've read it at the time.
Q Is this a true and accurate copy of the June 18th, 2021 article titled The Back Mic, Analyzing the 2021 Texas Legislature's Conservative

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to Liberal Rankings?
A I believe so.
Q If you flip over to page -- I'll count them here because the pages aren't numbered. There's one full page, two full pages, three full pages and on the fourth full page Number 1 it reads Bryan Hughes. Do you see that?
A I'm not there yet.
Q Okay.
A No, now I have it.
Q Now, do you see in the top left-hand corner it says 2021 rank?
A Yes.
Q All right. And above that there is a discussion about the methodology, but the 2021 rank is 1 through 18 Republicans?
A Yes.
Q You would agree that there are 18 Republicans in the Texas Senate, right?
A I do.
Q For the 87th Legislature?
A Yes.
Q All right. Number 1 is Bryan Hughes, right?
A Right.

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Q And you're 18th, right?
A Right.
Q So based on Rice University's Baker Institute of Public Policy out of all the members of the Republican party in the senate, you were the least conservative amongst them?
A Yes, and I would also say that the Baker Institute at Rice University does terrible work.
Q So you disagree with them finding that you're the least conservative member of the Texas Senate?
A Yeah, I do.
Q Who do you think you're more conservative than with regard to Republicans in the Texas Senate?
A I would not necessarily make that claim of anybody, but do I think I'm more liberal, no. Am I less conservative, probably not.
Q So we don't like Rice University?
A I love Rice University. I think the Baker Institute is poorly manned.
Q Let's take a look at Defendant's 13.
(Exhibit Number 13 marked.)
Q (BY MR. HUDSON) Did I mark this one that you have in your hand?

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A Yes, you did.
Q Take a look and let me know when you're finished.
A Okay. Okay.
Q Now, this article also pulls from Rice University and if we look at page -- it looks like it didn't come through on the printout -- if you go to Page 2 at the top, again it says Bryan Hughes. I will have to print out a color copy for you. Again, in the Texas Tribune citing this has you as the least conservative member in the Texas Legislature.
MR. OPIELA: Is there a question?
Q (BY MR. HUDSON) Correct?
A Are they using the Rice University statistics here?
Q That's my understanding.
A I think -- I think Rice University is academically irresponsible in this because what they don't do is take the issues, make up those votes and say are they truly conservative issues, and for that I would draw your attention to the Twitter bill and I think that has to do with big government and is antibusiness and I think the people who voted for that, that is not a good

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Republican or conservative vote. I think people who voted for the bill that regulates a city's ability to regulate the number of goats in people's yards is a big government bill and is not a conservative Republican bill. I don't concede that I'm less conservative than those people. So I think that there -- I think the way that they assess issues is really flawed and academically not as competent as it should be for Rice University.
Q If you flip over to Page 5 of 7, if you look at the bottom right-hand corner it has the -- Texas Tribune was kind enough to put the page numbers on their form. Middle of the page it says methodology, do you see that?
A Yes.
Q Follow along with me. This article reads, political scientists have for decades used roll-call votes cast by members of U.S. Congress to map the places on the Liberal-Conservative scale along which most legislative politics now takes place.
A Yes.
Q This ranking of the Texas Senate does the same, by drawing on the 943 non-lopsided roll-call votes taken during the 2021 regular session. Did I

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read that correctly?
A Yes.
Q So that's part of the methodology. Do you disagree with that?
A Yes.
Q So you don't think that your roll-call votes should be used to determine where you fall in the spectrum between Conservative and Liberal?
A Not under the guise of being empirical, no. Just because everybody votes some way -- Republican votes some way doesn't make the issue itself or the bill itself a conservative bill.
Q You would agree with me that at a minimum these two articles demonstrate that at least one prominent academic university, whether you agree with them or not, has pegged you as the least conservative member of the Texas Senate, right?
A They have pegged me that way fallaciously and I'm not sure altogether academically competently.
Q Let me show you what I'm going to mark as Defendant's 14.
(Exhibit Number 14 marked.)
Q (BY MR. HUDSON) Have you ever seen that document before?

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A I have.
Q Take a look and we will talk about it.
A I've got it.
Q Is this -- so you've seen this before?
A I have.
Q To your knowledge, is this a true and accurate copy of the October 20th, 2021 article from the Amarillo Pioneer?
A It is.
Q Called Seliger calls it quits. Republican Senator not seeking reelection?
A Yes.
Q Why did you decide not to run again?
A Everybody leaves at some point and it seemed like a good time after what will be 19 years when I leave office.
Q So you weren't concerned about your district being more competitive in the Republican primary?
A It's always been a concern. More so this time, not necessarily.
Q Is that because of the way that SD31 was drawn?
A Well, partly except for the fact that the new counties that were added are rural counties.

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As a general rule, locally elected officials in those rural counties and educators do not care for Texas Public Policy Foundation and their candidates and that's why when everybody runs for Senate District 31 they resign their positions from the Texas Public Policy Foundation. They are probably the most antilocal control and antipublic education organizations in the state of Texas.

Q Was your decision based in any part on the fact that President Trump declined to endorse you in the primary?

A No, not really.

Q Was your decision not to run based in part in any way on the fact that Lieutenant Governor Dan Patrick had removed you from your committees making you a less effective senator?

A No.

Q Was your decision not to run based in any way on the fact that Rice University had pegged you the least conservative member of the Texas Senate?

A I wouldn't compose a grocery list based upon what Rice University thinks.

Q So the answer is no?

A No, yeah, sorry.

MR. HUDSON: Let's take ten minutes

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off the record. I'll take a look at my notes. Are you good with that?

MR. DUNN: That's fine.

MR. HUDSON: Are you guys good with that?

THE WITNESS: Yeah.

THE VIDEOGRAPHER: We are off the record. The time is 10:56 a.m.

(Off the record.)

THE VIDEOGRAPHER: We are back on the record. The time is 11:18 a.m.

(Exhibit Number 15 marked.)

Q (BY MR. HUDSON) I'm going to hand you what I have marked as Defendant's 15. For purposes of identification, I believe this is Exhibit 6-K to the preliminary injunction motion filed by the Brooks plaintiffs.

A Um-hum.

Q Go ahead and take a look at this document and let me know when you're finished.

A Okay. I think I'm ready. I have seen this before.

Q So I'll just represent to you I didn't print out the entire Senate Journal from that day. This is the relevant portion I believe, Page A-49,

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but I have the first page of the Senate Journal on there and got the last on the back.

A Right.

Q So I want to turn your attention down to about the last third of the page where it says Senator West. If you don't mind, I'll mark it for you so you can find it real easy.

A Okay.

Q This is kind of an extensive document. Do you see the highlighted portion?

A Yes, sir.

Q So follow along with me as I read that. It says, Senator West: -- no, well, hold on for one second. This is going to be part of the record. We know we're going to lose this particular vote. It's been said that Senate District 10 was going to flip. Okay? Did I read that correctly?

A Yes.

Q Now, Senator West a Democrat?

A Yes.

Q Senator Powell responds, That's exactly right. Did I read that correctly?

A Yes.

Q Senator West then says, So, let's get it

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on the record, do you believe that your district is being intentionally targeted for elimination as it being a Democratic trending district? Did I read that correctly?

A Yes.

Q Senator Powell responds, Absolutely. Did I read that correctly?

A Yes.

Q Do you disagree with Senator Powell?

A No. I don't know that it's necessarily a Democratic trending district. I haven't seen any of the statistics, but over the last few terms it's been represented by Senator Kim Brimer and then Senator Wendy Davis and then Senator Connie Burton, a Republican, and now Senator Powell who is a Democrat. Now, statistically it may be Democratic trending, but that's not the way I've seen it over that period of time.

MR. HUDSON: Objection, nonresponsive to everything after yes.

THE WITNESS: Okay.

Q (BY MR. HUDSON) Couple of -- few things remaining, first of which is thank you for your time today. I'm going to turn you over to Chad Dunn here in just a second.

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A Okay.
Q Would you agree that I've been courteous and at least appropriate in the questions that I've asked today?
A You have and I appreciate it.
Q Okay. I want to make sure that you're not walking away thinking that I've done anything rude to you.
A I absolutely agree and I hope you get the same impression about me.
Q Absolutely, sir. I appreciate it. Any questions I haven't asked you today that you think I should have?
A No, I don't think so.
Q Okay. I'll tender the witness and I may have a few redirect after Mr. Dunn, but I'll turn this over to him.
A Okay.
MR. DUNN: Let's go off the record.
THE VIDEOGRAPHER: We are off the record. The time is 11:22 a.m.
(Off the record.)
THE VIDEOGRAPHER: This marks the start of Media 2. We are back on the record. The time is 11:24 a.m.

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EXAMINATION
BY MR. DUNN:
Q Please tell us your name.
A Kel Seliger.
Q Senator Seliger, my name is Chad Dunn. I represent the Brooks plaintiffs in this case. Do you understand that?
A Yes.
Q I believe that you and I might have met at a courthouse a few years back in the earlier round of redistricting. Does that sound right to you?
A I don't recall specifically, but yes, I have in some.
Q Okay. I haven't had any contact with you in years though; would you agree?
A No.
Q Also representing the Brooks plaintiffs is a lawyer named Mark Gaber. Another one named Molly Danahy. Do either of those names sound familiar?
A No.
Q People you've spoken with?
A No.
Q Have you spoken with any lawyers in this case prior to today?
A Not since 2012, 2013.

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Q Okay. Which were the lawyers there that you recall?
A Nina Perales.
Q Okay. You spoke with her today during the deposition?
A Yes.
Q Have you spoken with her prior to the deposition today?
A No.
Q Have you spoken with any lawyer about your testimony today other than your own?
A No.
Q How about any lawyers for the state?
A No.
Q Okay. You received a subpoena to be here today; is that true?
A I was not served. I'm here voluntarily.
Q Okay. I can tell you that I was served with a subpoena that was directed towards you, but it sounds like your testimony is you've never seen that; is that a fact?
A It seems like either you or the state sent me a copy of the subpoena or something like that, but I didn't sign anything and I simply told them I would be here voluntarily, just give me a time and

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place.
Q Okay. I can represent to you I've never sent you anything.
A No.
Q Okay. I'm not trying to trick you here about the subpoena. I guess the reason I bring up the subpoena is it also had a request in there that you bring in some documents. Do you recall that?
A Yes.
Q I notice that the state asked you today about an email that looks like it was forwarded from you to Mr. Opiela. I can find it here in the records.
A Yeah.
Q You recall that email?
A Yes, I recall that.
Q Okay. Do you know how the state would have come in possession of that?
A I assumed Mr. Opiela gave them to you. They were the only things that I had that were responsive to the subpoena and I sent them to Mr. Opiela immediately.
Q Okay. Well, I haven't received any of your documents yet and, again, I'm not fussing about it. I just want to make sure I understand

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what they are.
A Okay.
Q So the subpoena asked you to bring the documents today. Are you saying there's none other than that email that was discussed?
A There was one other document I think.
MR. OPIELA: Just to help. Chad, I sent them to the state.
MR. DUNN: Okay.
MR. OPIELA: I didn't know you were going to be here today so otherwise I would have sent them to you. I would be happy to forward them to you if you want to take a break and do that.
MR. DUNN: In all honesty I'm not fussing, but I do want to see them.
THE WITNESS: I'm sorry. I assumed with my counsel that it was done.
MR. OPIELA: Let me see if -- I think I brought a good deal of them today. If you want to take a break.
MR. DUNN: Let's go ahead and do that then.
MR. OPIELA: Because I want you to be --
MR. DUNN: Sure.

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THE VIDEOGRAPHER: We are off the record. The time is 11:27 a.m.
(Off the record.)
THE VIDEOGRAPHER: We are back on the record. The time is 11:31 a.m.
Q (BY MR. DUNN) Senator, on a break we looked at some of the documents that you produced through your counsel; is that true?
A Yes.
MR. DUNN: And, Mr. Opiela, you've looked at the subpoena. Can you tell us what requests you've had documents responsive to and which you didn't?
MR. OPIELA: So Senator Seliger had items responsive to request 1 and 4. There were no documents in his possession responsive to request 2 and 3.
MR. DUNN: Okay.
Q (BY MR. DUNN) In the interest of clarity, you ultimately produced four documents; is that right?
A I believe that's correct, yes.
Q Two of them were emails related to your declaration. There was the Word document of your declaration and then there is a PDF signed version

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of your declaration; is that right?
A Yes.
Q And that's everything you produced; is that right?
A Yes.
Q Okay. You've looked for anything else in the subpoena and you have nothing else responsive?
A No.
Q Okay. Now, I just want to take a step back for a minute because the court may ultimately watch this video to get your testimony. So just a little bit about yourself, okay, where you grew up, where you're from, that sort of thing. Can you do that for us?
A Yeah. I grew up in the town of Borger, Texas, and for the last lots of years, 40 some-odd years have lived in Amarillo, Texas, where at one time I was city councilman and mayor. And I've been a member of the state senate since 2004.
Q How long have you been in public service?
A Since 1989, when I was first elected to city council.
Q Have you ever lost an election contest?
A No, I haven't.
Q Okay. Now, you mentioned earlier in your

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testimony that you've done some other, you know, business work and I think you said steel erection/fabrication?
A No erection and fabrication, basically a steel supplier, what's called a steel service center.
Q But you've sold that business now?
A Yes.
Q We also had a discussion I think while we were waiting at the security stand about your plans next week. Do you recall that?
A Yes.
Q Okay. It's my understanding you're going to be in California next week?
A Correct.
Q Have you had any discussions with anybody about your testimony in this case? Earlier I asked you if you had any discussion about your testimony today in the deposition. I'm asking have you had any discussion with anybody about your testimony?
A No.
Q Related to this case?
A No, no one.
Q Okay. I just want to be clear in light of some of the State's question of you. Has anybody

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tried to influence you in terms of what your recollections were today?
A Well, no, but Senator Powell did ask me to sign the affidavit, but that's the only person I've talked to about the issue.
Q When she asked you to sign the affidavit, did she get into, you know, what you believe or what you think or what you recall?
A No.
Q Did she try to plant any kind of seeds in your memory about thoughts or events or facts that you might testify to?
A No. I feel certain -- right after the map came out, I went over to her desk and expressed my sympathy for it and we talked about it briefly and what she thought it did, but that's the only discussion I've had with anybody, just with her.
Q That was right there on the floor after the plan had passed?
A Yes.
Q Was she trying to influence your recollections then do you think?
A No.
Q Was that conversation anything other than her confiding in somebody in the senate that she

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had confidence in?
A No, that's all it was.
Q So other than that discussion immediately after the vote, have you ever had any discussion with Senator Powell on the merits of the redistricting plan or her opinions or your opinions, anything of that sort?
A Not at all. I'm sorry.
MR. OPIELA: Well, we were getting close to this. I want to be consistent here and object to any privileged conversations.
Q (BY MR. DUNN) So if you have to -- it's -- let me ask you this. You're familiar with legislative privilege, I assume?
A Yes.
Q I know you're not a lawyer. I'm not asking you -- I'm not trying to box you into lawyer positions here, but you were on the Senate Redistricting Committee back in 2011; is that right?
A Yes.
Q And you have given lots of testimony in various places about redistricting; would that be fair to say?
A Yes.

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Q In the course of that you had opportunity to talk about your legislative privilege?
A Yes.
Q At least what you understand is the scope?
A Right.
Q You realize that's your privilege?
A Right.
Q It's not somebody else's; is that true?
A I think so.
Q You can decide on your own whether or not you want to disclose a conversation?
A Right.
Q Now, in the past you were represented by the Attorney General's office?
A Correct.
Q In fact, some of the same lawyers in this case today were your lawyers in the previous decade; is that not true?
A It may be. I think you were still in high school so.
Q Looking at Mr. Hudson, I think the main lawyer here is Mr. Sweeten?
A I think I recall him, yes.
Q And I assume in the course of meeting with the lawyers at the Attorney General's office they

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talked to you about telling the truth and the importance of doing that in a deposition; is that correct?
A Yes.
Q And they obviously talked to you about your legislative privilege and what your rights are there?
A Yes.
Q Okay. How would you describe the gist if you would of the questioning of the Attorney General's office of you today?
MR. OPIELA: Objection, form.
A I don't know what to say because I don't know why some questions were asked.
Q (BY MR. DUNN) Sure.
A But I thought it was incisive questions and I assumed they were asked to get the information that they needed to have. Other than that, I don't have any real impression.
Q Did you get the sense that your truthfulness as a witness was challenged?
A No.
Q Are you telling the truth today?
A Yes.
Q Okay. I would like to take you to your

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declaration which you should have there in front of you.
A I do.
Q That's attached as Exhibit 1 today. Do you have that there, sir?
A I do, and I have the copy I brought too.
Q Now, this declaration was signed by you in your hand; is that true?
A Yes, sir.
Q And on the last page of it, Page 3, that contains your actual original signature?
A It does.
Q And it was signed on November the 17th; is that a fact?
A Correct.
Q The -- you were given any opportunity you wanted to make adjustments to this declaration; is that true?
A Yes.
Q It's not the case that this was jammed down your throat and this is the language you had to adopt?
A Absolutely not.
Q I assume you read it carefully?
A Yes.

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Q And is there anything in it that you think is, you know, worded incorrectly or slightly wrong or that you would rephrase today?
A I don't think so.
Q Okay. I'd just like to walk through, you know, some of the declaration. Go to Page 1. It says you're over the age of 18 and competent to testify. I assume that's true?
A I hope so.
Q Okay. And you have already testified you're the incumbent Senator in Senate District 31 and you were elected to that position in 2004; is that right?
A Yes.
Q Okay. And you were the chair of the Senate Redistricting Committees in 2011 and '13?
A Yes.
Q When you were the chair of those --
A Let me clarify, please.
Q Sure.
A There was no senate select committee on redirecting in 2013 because we had no bill to consider because that's when we were in the middle of litigation so I was there representing the committee and the senate.

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Q Do you recall the legislature in 2013 adopting a remedy map for the senate?
A I don't recall that well.
Q Okay. Do you recall the U.S. Federal Court passing or issuing an opinion on the Senate District 10 part of the senate map? I think that decision came out in 2012 in Paragraph 5 of your declaration?
A I did not remember that until I read Paragraph 5 and do not recall the substance of that discussion.
Q Okay. Do you recall back in 2012 being briefed on that decision?
A I'm sure I was, but I don't recall it.
Q Okay. In Paragraph 6 you say that members of the committee received copies of the federal decision?
A I can only speak for myself.
Q Did you receive it?
A To the best of my recollection, yes, but I don't recall it.
Q Is it fair to say you relied on the Attorney General's office in interpreting that decision?
A Yes.

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Q Okay. And in 2013 it says then Attorney General Abbott advised the Senate Select Redistricting Committee that it was our duty to correct the racial discrimination that the federal court had found in Senate District 10. Is that what you said, sir?
A Yes.
Q And is that what you recall?
A Yes.
Q The committee held a series of hearings and discussed the federal court's ruling that the dismantling of Senate District 10 was racially discriminatory.
A Yes.
Q And you recall at least having those hearings in response to the federal court's order?
A I do.
Q And you would have been the chair?
A Yes.
Q Okay. The next sentence in your declaration says, to remedy the racial discrimination, the committee adopted Plan S172, which restored Senate District 10 to its benchmark configuration. Do you recall that?
A I do.

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Q And that's your testimony?
A Yes.
Q Do you recall in 2011 that Senate District 10 was not out of deviation?
A I don't recall that specifically.
Q Okay. Do you know that to be the case today with regard to this cycle of redistricting?
A No, I don't know that.
Q And ultimately you say, the plan was passed by the legislature and signed by the Governor; is that right?
A Yes.
Q Is it fair to say that then in 2013 you as chairman of the committee and the senate and the rest of the legislature passed a remedy plan for Senate District 10 to address the federal court's order that the district had been intentionally dismantled in violation of the Voting Rights Act?
A It was not done intentionally to do that. The court found that it did, but it was not intentional on our part.
Q And I understand you testified to that, right, for the state?
A Yes.
Q And you testified in San Antonio in that

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court; is that true?
A Yes.
Q And you testified in Washington, D.C.?
A I did.
Q And there were three federal judges there as well, right?
A There were.
Q And it was your opinion that it was not intentionally discriminatory?
A Absolutely.
Q But ultimately the court found that?
A Right.
Q And then you accepted it; is that true?
A Well, yeah.
Q Okay. And so in response to it you led the committee in passing a plan that the court would approve?
A Yes.
Q You don't have any regret about that?
A I'm sorry?
Q You don't have any regret about that?
A About drawing the first map?
Q No, about drawing the remedy plan in response to the court?
A Yeah, I regret that we had to because I

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think we had drawn a good map, but the court said we had to do it and I'm satisfied that we met the requirements of the court.
Q And the Attorney General at the time told you that you had to; is that correct?
A Yes.
Q And in the next Paragraph Number 8 your declaration says, the committee members all knew it was necessary to restore Senate District 10 to its benchmark configuration in order to comply with the Voting Rights Act and the U.S. Constitution which prohibits racial discrimination; is that your testimony?
A Yes, it is.
Q Is that what you recall the plan did in 2010, restore?
A Yes.
Q And at the time of the drawing of the remedy map in 2013, can you recall, you know, I don't want to put you through a memory test, but what are the members of the committee you can recall, the other members? I know you may not get them all.
A Oh, I won't get them all. Senator West, Senator Zaffirini, Senator Fraser, Senator

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Wentworth, Senator Huffman and I don't recall exactly who else was on it.
Q And, again, fair enough. But Senator Huffman now is the -- was the chair of the committee in this most recent --
A Yes.
Q And as you just noted, she was on the committee in 2013?
A I believe that's right.
Q I think it's also true that she was on the committee in 2011; does that sound right?
A I believe that's correct.
Q In terms of what you've laid out here in these prior paragraphs of your declaration and what the committee was told by the Attorney General what the federal court decision said, that information was shared with Senator Huffman and the rest of the committee; would you agree?
A Yes.
Q Okay. Now, you are familiar with redistricting with racially polarized voting? I understand you may not be an expert in it, but you've heard that phrase?
A I've certainly heard the phrase.
Q Okay. You know it's an important issue

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that courts resolve in voting rights cases?
A Yes.
Q Okay. And so you said here in Paragraph 9, the committee members also knew that voting in Texas and Tarrant County is racially polarized; is that right?
A Yes.
Q And that's something that you I'm assuming saw hours of testimony on in the court proceedings?
A As a witness I did not go -- couldn't go in and see those court proceedings, but yeah, I believe that was subject -- that was a big, big subject in there because we talked about it in my depositions prior to those court proceedings.
Q Okay. Setting aside the litigation then for a moment, when you were chair of the committee, were you briefed, you know, whether in public or private by experts on racially polarized voting?
A Yes.
MR. OPIELA: I was going to -- well, go ahead.
Q (BY MR. DUNN) Were those public briefings or private or both?
A Those were private briefings and all with counsel.

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Q Okay. And the counsel you're referring to there is the Attorney General's office?
A Both the Attorney General's office and Professors Guinn and Morrison of Baylor University.
Q All right. Those were two professors that the state had hired to help advise your committee; is that right?
A Correct.
Q But had you also received advice on racial polarized voting from the Attorney General's office?
MR. HUDSON: I object based on attorney-client privilege, attorney work product.
MR. DUNN: Well, our position is since the Attorney General's office is cross-examining their former client that we are entitled to any of that discussion.
MR. HUDSON: Well, our position is we are instructing you not to answer and we don't think that you're waiving privilege by testifying today so to the extent that they are encroaching on attorney-client privilege or attorney work product, the Attorney General's office position is you should not answer that question.
THE WITNESS: Okay.

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MR. OPIELA: I don't have any objection to that. It's your privilege to waive or not.
THE WITNESS: I'm not going to waive.
Q (BY MR. DUNN) So you're going to take the direction of the Attorney General's office and not answer questions about any advice or discussions they had with you?
A I have to this point, but that's no commitment to future input.
Q I understand. If you don't mind, let me finish my questions so we have a record.
A Okay.
Q You're going to take the Attorney General's office direction and not answer any questions about the communications you had or advice you received from the Attorney General's office in the 2011 and '13 litigation; is that right?
A Depending upon the advice of my counsel.
Q As your attorney noted today it's your privilege to decide whether you want to invoke or not. I'm really not trying to be difficult with you.
MR. HUDSON: I'm going to object to

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that line of questioning. You've suggested to the witness a few times that he has the ability to waive the privilege. It's getting awful close to suggesting that he should and his attorney for purposes of 2011 or 2013 was the Attorney General's office, not Eric Opiela. And so to the extent that you're trying to encroach on attorney-client privilege and attorney work product from prior cases, Mr. Opiela is not here today to advise him. And so I would ask that you please stop suggesting to the witness that, you know, he can and -- implying that he should waive his privilege to attorney-client privilege and attorney work product.
Q (BY MR. DUNN) All I'm trying to establish is you're going to take Mr. Hudson's direction and not answer any questions about your communications with the Attorney General's office during the 2011 and 2013 litigation about redistricting?
A Yes, I am, unless otherwise advised by my attorney.
Q Okay. Now, in terms of going back to the racially polarized voting?
A Um-hum.
Q Tell us and I understand you're not an

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expert in it, but tell us what your kind of understanding of racially polarized voting is?
MR. HUDSON: I'm going to object based on attorney-client privilege and attorney work product. If you can answer that question without encroaching on either of those privileges from prior instruction and prior cases you're free to answer, but if you can't, I'm instructing you not to answer.
A I can't. I can't really define it.
Q (BY MR. DUNN) Okay.
A It's just been a long time.
Q Sure. No. Fair enough. So I will represent to you that racially polarized voting typically is offered as evidence to show that certain racial groups prefer one type of candidate and other racial groups prefer other types of candidates?
A Right.
Q And it relies on election data to reach these conclusions and there are appropriate experts to testify about that. You're aware of all that generally?
A Yes.
Q Okay. And that's testimony or evidence

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that you have seen over the course of your career in the redistricting committee, I mean, would you have ever seen a racially polarized voting analysis?
A Oh, I'm sure I saw analysis at some point.
Q Okay.
MR. OPIELA: Go ahead.
Q (BY MR. DUNN) So that's ultimately how you know that in Tarrant County the voting is racially polarized as you say in Paragraph 9 of your declaration?
A Um-hum.
Q Is that a yes?
A It's yes. That was the decision of the court. I don't concede it.
Q I see. Okay. But that's what the court told in its opinion and that's what was shared with you and the rest of the committee members?
A Right.
Q Now, you were asked quite a few questions from Mr. Hudson on Paragraph 10 and there you say, the 2021 senate redistricting process saw untrue, pretextual explanations given for why the lines were drawn as they were. Do you see that?
A Yes.

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Q You gave some comments on the senate floor about the map around the vote?
A I did.
Q And that information of course is available to anyone to get a sense of what you thought about the plan; is that true?
A Yeah.
Q I'm not asking you -- I know you don't have it memorized, but what are some of the comments you recall having made on the floor?
A That the assertion --
MR. OPIELA: Go ahead.
A That the assertion that it was done to sort of concentration of ag in District 28, in oil and gas in District 31, that those arguments were specious and untrue and I thought it was contrived.
Q (BY MR. DUNN) You said that then?
A Yeah.
Q Okay. And so in that sense what you have said today on that subject is consistent with what you said then?
A Yes.
Q Have you had --
A Malicious and malicious.
Q Do you -- what makes you believe it was

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malicious?
A I think because the strained relationship with Lieutenant Governor and Senator Huffman.
Q Was the -- you were asked a number of questions today about your, you know, relationship with the Republican party and support and things of that. Do you recall that generally?
A Yes.
Q Now, did you view what was done to your district as a punishment?
THE WITNESS: Whenever you clear your throat or something, I think you're going to say something.
MR. OPIELA: No, I'm trying to process what he's asking and the way he's asking.
A Wasn't punishment so much as it was designed to be adverse to me; more that way.
Q (BY MR. DUNN) Is that the -- I mean, somebody that's been in the senate all these years, is that the sense of how things sometimes go, you fall out of line with leadership and there's a reaction?
A Absolutely.
Q You were asked a number of questions about how you vote and did you vote, you know,

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conservatively enough and do you recall those questions generally?
A Yes.
Q Was that -- was it your experience that when you didn't vote with the priorities of the Lieutenant Governor there was a reaction and it was swift?
A I don't know what you call swift. Was it profound and vindictive, yes, it was.
Q All right. And would that have been true in terms of voting against a redistricting bill?
A There's not much else that the Lieutenant Governor can take from me so not necessarily. So that's just the answer.
Q I understand, but in terms of the other members of the senate who still had their committee assignments and other things that, you know, the other kind of assignments that a senator usually receives, based on your experience is it reasonable to believe that voting against a redistricting bill might concern another member of them losing some of their emolument into office?
A No question.
MR. OPIELA: Object to form on that.
THE WITNESS: Just to form?

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MR. OPIELA: Yes, you have to answer.
A Because in truth, yes, it did happen. And the 87th District just passed, Senator Hancock -- on the bills having to do with electrical grid, Senator Hancock did a lot of research and work on the issue. And the Lieutenant Governor -- whoever with the Lieutenant Governor, I assume Senator Schwertner but I don't know that -- did a lot of work on the thing and they had bills that were substantially different. When Senator Hancock -- this transpired on the floor so I can -- when Senator Hancock voted in favor of his work product -- and it should be noted that I voted against Senator Hancock's position and with the Lieutenant Governor's -- he was summarily discharged as the chairman of the business and commerce committee and I think taken off the committee altogether. So yeah, vote against leadership and it's going to be swift and sure.
Q (BY MR. DUNN) So we've had an objection so I have to go back and ask questions again when we have objections so let me ask you this, what examples do you recall of other senators being punished by leadership for not voting for a particular measure?

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A In 20 -- I forget the year, but it was the year the measure was before the caucus of the senate to take our threshold from 21 votes to 19 votes required to bring a measure to the floor after it came out of committee. One Republican voted against -- and this is a rules change, not a piece of legislation -- Craig Estes of Wichita Falls who voted against that rules change and his next session was taken off as chairman I think of the Agriculture Committee and was taken off the Finance Committee.
Q Do you recall any other examples?
A No.
Q Other than your own?
A My own.
Q So was it your impression that if you didn't vote for the leadership's redistricting bill that there would have been a reaction?
A That's an absolute conviction, but like I said, there's not much more they can take from me.
Q Right, but there were other things that other Republican members could have taken from them at that time?
A Chairmanships and I was the senior Republican without a chair.

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Q All the other senators, of course, saw the treatment that you had suffered?
A Yes.
Q They had seen -- those who had been there saw Senator Estes's treatment after his vote; is that right?
A Yes.
Q Do you think observing that had a reaction in the chamber in terms of how they saw things?
MR. OPIELA: Objection, form.
MR. HUDSON: Objection, form.
A Yes, I do, and I'm told that there's a term that goes around the Republic caucus of being Seligered and that's when the recriminations come.
Q (BY MR. DUNN) Since there is an objection, I'm going to ask you a different way. What is being Seligered?
A Not voting with leadership and losing chairmanship or other committee assignments.
Q Have you heard that used by others?
A I have been told --
MR. OPIELA: Objection, as to any nonpublic communications.
A Yeah, it's not a nonpublic communication.
Q (BY MR. DUNN) I see. How would you

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describe the term being Seligered?
A Voting against Lieutenant Governor's position and losing a chairmanship or other committee assignments.
Q And the other example you can think of that is the Senator Estes circumstance you described earlier?
A Senator Estes and the example of Senator Hancock.
Q What was the example of Senator Hancock?
A Senator Hancock almost in the middle of session lost his chairmanship of the Business and Commerce Committee in which he was doing a very nice job and I think that he was taken off the Business and Commerce Committee altogether. It's a very important committee. It's a very important chairmanship. And just right in session taken off.
Q Was it your opinion as a member you didn't have the freedom to vote your conscious?
MR. OPIELA: I'm going to object as to the contemplations that he has when he's voting on bills under legislative privilege.
MR. DUNN: Are you instructing him not to answer?
MR. OPIELA: I am.

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THE WITNESS: Okay.
Q (BY MR. DUNN) Did you feel free to vote your conscious as a senator?
MR. OPIELA: I'll restore that objection as well.
MR. DUNN: Again, instruct him not to answer.
MR. OPIELA: Instruct him not to answer because it's going to the substance of his decision-making while he's a legislator.
Q (BY MR. DUNN) Are there any other sort of reactions that you have observed that leadership has had when it's been dissatisfied with a member's vote?
A Not just offhand because the reaction is pretty swift and for sure it is unmistakable.
Q Returning back to your declaration in Paragraph 10, is it fair to say that Paragraph 10 largely summarizes the comments that you made on the floor during the debate?
A I think so.
Q And you said in the next sentence, for example, I was told by Senator Huffman that my district was being changed to add many new counties around Midland and remove Panhandle counties in

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order to create distinctive agriculture versus oil and gas districts between SD31 and SD28; is that your testimony?
A That is.
Q And I'm reading that way so that it's easier for her to take it down.
A Okay.
Q Now, you were -- you had started to say a bit during Mr. Hudson's question explaining that. But can you explain what you meant by the agriculture versus the oil and gas districts and what you understood Senator Huffman's explanation and what you thought was incorrect about it?
A Senate District 28 has tremendous concentration of agriculture primarily built around the cotton industry around Lubbock. There's also a good deal of oil and gas inside of Senate District 28 because it goes way down south. At the same time, the District 31, the one that I represent has a tremendous amount of agriculture, both beef and corn and peanuts and all those things, it's very agriculture. It happens to be a diversified economy and is there a lot of oil and gas, yes, most of the oil and gas in the state of Texas probably is in the Permian Basin, but a lot of the

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Panhandle. Does that mean that oil and gas is not important for Senate District 28, absolutely not. The assertion was specious and untrue and it's just the best that she could do.
Q And you said that at the time?
A Yes.
Q Why do you think, if you have an opinion, as to she was giving you a specious answer?
A To try and take those four counties in the Panhandle, those being Gray, Wheeler, Donley and Collingsworth, out of the district and adding counties that go almost all the way to the border like Schleicher and Upton and Reagan. Good counties. I have no objection to representing them because clearly I was going to have to represent more than the 37 counties, but it was designed to concentrate the vote to the degree possible in the area close to Midland to help Mr. Sparks.
Q Is that where Mr. Sparks is from?
A Yes.
Q Why not just tell you that?
A I don't know, because everybody insists they are innocent of any suspect motive.
Q I don't want to -- I know that your lawyers are going to instruct you not to answer so

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that's why I'm going to try to ask this carefully.
A Okay.
Q Have you had any private conversations with Senator Huffman about her motivation for your part of the plan?
MR. OPIELA: Yeah, you can't just ask the question another way. I'm going to object again.
MR. DUNN: I'm entitled to know whether the conversation existed, not what she said under your objection.
MR. OPIELA: Correct.
MR. DUNN: I'm just asking whether the conversation happened. The court needs to know that so they can rule on the issue. If it didn't happen, we're all going to spin our wheels.
MR. OPIELA: Okay.
A I don't mind answering if in your opinion it does nothing to compromise privilege.
MR. OPIELA: So can we take a little break here?
MR. DUNN: I'm happy to take a break.
THE VIDEOGRAPHER: We are off the record. The time is 12:02 p.m.
(Off the record.)

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THE VIDEOGRAPHER: We are back on the record. The time is 12:16 p.m.
Q (BY MR. DUNN) Okay, Senator, before the break I had asked you I don't want to know the context of the discussion or what was said, but was there ever any discussions between you and Senator Huffman about private discussions about the motivation behind the senate map?
A No, I did have a conversation with her. It didn't get into motivation.
Q Okay. Was the conversation about the senate map?
A Yes.
Q Okay. Have you at any point had a conversation with the Lieutenant Governor about the senate map and how it was crafted?
A No.
Q Public or private?
A Public or private.
Q Okay. All right. The discussion you did have with Senator Huffman was in advance of the vote or afterwards?
A In advance.
Q And did -- again, I don't want to know the context, well, I mean, I do, but ultimately it's

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going to be for the court to decide whether you can testify about it so don't tell us the substance now, but whatever you were told in substance, did it inform your opinion as to whether you were voting for the bill or not?
MR. OPIELA: I'm going to object to that one because that's going to go under the legislative privilege.
MR. DUNN: Okay.
THE WITNESS: Okay.
Q (BY MR. DUNN) All right. So did you have any other discussions with, you know, what I would call I guess senate leadership about the senate district map in private?
MR. HUDSON: Objection, form.
MR. OPIELA: I'm confused. What's the question?
Q (BY MR. DUNN) Sure. What other members of the senate did you have private conversations about the senate district map?
A I can't remember, but there were probably a few discussions like that.
Q But none that you recall?
A No.
Q All right. Going back to your declaration

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in Paragraph 11 you say -- well, actually let me ask you just a little bit more about 10.
A Okay.
Q The final thing you say here is instead, it was obvious that the purpose of these changes was to benefit a potential Republican primary challenger from Midland preferred by the Lieutenant Governor. How did you know about this Republican primary challenger? Was it in the newspaper?
A He had already filed.
Q Okay. And had you ever had any contact with the challenger at all?
A Yes, because I represent Midland over the years, not in a substantial amount.
Q Okay. And what was his name?
A Kevin Sparks.
Q What gave you the sense that Mr. Sparks was -- in talking to the Lieutenant Governor or Senator Huffman?
MR. OPIELA: Objection, form.
A I don't know that he had.
Q (BY MR. DUNN) Okay. Let me ask you this. Earlier when Mr. Hudson was asking you questions that said that you thought Lieutenant Governor had told Senator Huffman get rid of my district is what

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I wrote down? Do you recall that testimony?
A I didn't say get rid of my district, but do I think the Lieutenant Governor played a role, absolutely I do.
Q Okay. What makes you think that?
A I think he was intimately involved in the whole process. I think the Trump endorsement essentially was requested of the former president by the Lieutenant Governor. Donald Trump doesn't sit around and worry a lot about local elected officials in West Texas.
Q So have you -- do you have any information that Mr. Sparks had direct contact with Senator Huffman?
A No.
Q Do you know whether he had any direct contact with the Lieutenant Governor or Lieutenant Governor's staff?
A No. I suspect that he did.
Q Now, going to Paragraph 11 of the declaration. You say, given my experience on the Senate Redistricting Committee in 2011 and 2013, the federal court's order regarding Senate District 10, the fact that the benchmark district was compact, wholly contained within Tarrant County,

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and had close to ideal population, I cannot accept the suggestion that any of the stated redistricting criteria, such as equalizing population, compactness, communities of interest or incumbent protection compelled the substantial change to Senate District 10's boundaries. Is that what your testimony is?
A Yes.
Q And you say I believe this explanation is pretext?
A Yes.
Q So with regard to Paragraph 10 and 11, you have provided testimony today about two examples that you think the public explanation that Senator Huffman gave for the senate map were pretext at least with respect to two districts?
A Yes.
Q Now, you testified -- at this point sitting here today, I don't want to get into subjects outside of our stipulation, everybody has agreed we are going to talk today about the matters relative to the preliminary injunction.
A Okay.
Q But I just want to make sure in response to questions by Mr. Hudson that there's an

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understanding of what your recollection is so at this point you have not examined whether there are untrue reasons offered for other districts in the senate plan?
A No.
Q And you're not testifying today whether untrue reasons were or were not offered for other districts in the senate plans?
A I am not.
Q Now, finally in Paragraph 12 of your declaration you said, I voted in favor of an amendment offered by Senator Powell to restore Senate District 10 to its benchmark configuration. Do you see that?
A Yes.
Q Does that match your testimony?
A Yes, I'm sorry.
Q And the record reflects that you voted for Senator Powell's amendment?
A I did.
Q Do you recall and again, we are not getting into the discussion, but do you recall having any conversation with Senator Powell about her amendment before she offered it?
MR. OPIELA: Would you rephrase that

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to limit to public conversation?
MR. DUNN: I'm just asking the existence of a private conversation.
Q (BY MR. DUNN) Did you have a private conversation with Senator Powell about her amendment before she offered it?
A Yes.
Q Okay. And I assume that you will invoke legislative privilege over that?
A I will.
Q Did you have a public conversation with Senator Powell over her amendment related to Senate District 10?
A Help me with the distinction between the public and private conversation. When I went and talked to her on the floor?
Q Yes.
A Is that public or private?
Q That's between you and your lawyer to advise.
MR. OPIELA: Public is something that's part of the public record.
A It's not part of the public record. It was a private conversation.
Q (BY MR. DUNN) Did you have a public

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conversation with Senator Powell about it?
A No.
Q Okay. Why did you vote for her amendment?
MR. OPIELA: That I'm going to object to that because that goes directly to his legislative privilege.
A I'm not going to go to it.
Q (BY MR. DUNN) So then returning to Paragraph 12 of your declaration, it says, having participated in the 2011 and 2013 Senate Select Redistricting Committee proceedings, and having read the prior federal court decision regarding Senate District 10, it was obvious to me that the renewed effort to dismantle Senate District 10 violated the Voting Rights Act and U.S. Constitution and that's your testimony?
A Yes, it is.
Q And you draw on that from your experiencing of having been redistricting chair?
A I did.
Q In the prior cycle?
A I did.
Q And testifying and reading the court decisions?
A Yes.

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Q Okay. Now, this declaration that we have gone through here was provided to you I think from your documents in a Word form; is that right?
A Yes.
Q And did you provide it to your staff at any point, your senate staff?
A This declaration?
Q Yes, sir.
A My chief of staff might have read it because she reads almost everything that comes across my desk, but no one else.
Q Okay. I guess I'm curious and you may not remember, but whether you shared the Word version with your staff before you signed the declaration?
A No. Other than her, but no.
Q And you knew when you signed this was going to be filed in the United States District Court?
A Yes.
Q And that the judges and the lawyers were going to rely on your testimony?
A Yes.
Q Did you take the time to be careful about it?
A I read it I thought fairly thoroughly.

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Q And if you had saw anything at all that you thought was incorrect, you would have changed it or asked for it to be changed?
A I believe I would.
Q Okay. And you said something earlier about the -- well, we've had a little bit of discussion about the deviation in the map. And I'm going to show you the map that's been previously marked as Brooks preliminary injunction 17.
MR. DUNN: I'll give you a copy, Mr. Hudson. I couldn't print it in color, but the color is not going to matter for the question I'm going to ask.
Q (BY MR. DUNN) I'm going to use the computer version because we need to be able to zoom in on some numbers.
A Okay.
Q And my computer printing skills weren't good enough to get the numbers.
MR. OPIELA: So just numbers-wise, would it be 16 or what?
MR. DUNN: I don't intent to attach it. It's plaintiff's preliminary injunction, Exhibit 17, that's in the court record.
MR. OPIELA: So procedurally how are

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we giving the court a record of what he's looking at?
MR. DUNN: This is already filed before the court.
MR. OPIELA: Okay.
MR. DUNN: It was filed with the preliminary injunction motion.
MR. OPIELA: Okay.
MR. HUDSON: I'm going to look over your shoulder so I can actually see.
Q (BY MR. DUNN) I have zoomed into Tarrant County there?
A Okay.
Q So you don't think I'm tricking you, I will zoom out so you can see this whole thing. This is the Texas legislative counsel developed a map of the plan that passed or of the benchmark plan, would you agree?
A Yeah.
Q It has the various districts in it and it shows their population deviations; is that right?
A Yes.
Q And your district here that you have discussed is Senate District 31. Do you see that?
A Yes.

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Q It was underpopulated by 7.5%?
A Right.
Q To the south of your district in the Panhandle is Senate District 28 which was underpopulated by 15.3%?
A Right.
Q Now going over to Tarrant County, the district Senator Powell serves in was underpopulated by .6%; is that right?
A Yes.
Q So based on this, there didn't have to be at least for equalization purposes any changes to Senate District 10?
MR. HUDSON: Objection, form.
A That's my impression.
Q (BY MR. DUNN) Now, to the north of the Dallas-Fort Worth area, say the northwest, there is Senate District 30 that was overpopulated by 9.3%?
A Right.
Q So from your standpoint and I guess so you can see it all, Senate District 14 which is to the south of Tarrant County was underpopulated by 1.4%?
A Do you mean 24?
Q I'm sorry, 24. I misspoke. Was underpopulated by 1.4%; is that right?

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A Right.
Q And then Senate District 22, the other one in the region was .4% oversized; is that right?
A Yes.
Q All right. So from your standpoint, you know, if you have an opinion, what was the logical way to deal with the under population of your district?
MR. HUDSON: Objection, form, calls for speculation; objection, form, improper hypothetical; and objection, form, foundation. Senator Seliger is not being offered as an expert. You can answer if you can.
MR. OPIELA: You can answer.
A Ask again, please.
Q (BY MR. DUNN) Sure. From your standpoint as the incumbent Senator in Senate District 31, what was the -- what was your preferred method for balancing the population in your district?
MR. HUDSON: Same objections.
A To add counties in the area not -- that are now in District 28. Those were the only options. Adding things like Clarendon County to the north --
THE COURT REPORTER: I'm sorry, what

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county?
THE WITNESS: Well, Donley County to the north and some of the counties that were added by Senator Huffman.
Q (BY MR. DUNN) And can you recall some of those?
A Yeah, Reeves, Crane, Winkler, Ward, because they are all right by existing counties. They are contiguous with the district.
Q Okay. So when you take those out of Senate District 28, which is already also underpopulated, then I assume Senate District 28 has to take on some space?
A Yes.
Q What was your thought on where that would come from?
A Taylor County specifically because in 2011 we put some of the population in north Taylor County which is Abilene into that district. That leaves a bunch more people there in Taylor County and Calhoun County, Shackelford County.
Q And in equalizing those two districts, was it necessary to go into Senate District 10 at all?
MR. HUDSON: Objection, form.
A Was it necessary to go?

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Q (BY MR. DUNN) In order to make the Panhandle districts that were underpopulated within deviation under the new census figures, was there any need to mess with Senate District 10?
MR. HUDSON: Objection, form, calls for speculation; objection, form, improper hypothetical; objection, foundation. Senator Seliger is not being offered as an expert.
A My impression is District 10's composition to District 10 had nothing whatsoever to do with the Panhandle.
Q (BY MR. DUNN) Is this -- did you essentially give such an opinion on the floor at the time of the vote?
A I made no comment on District 10.
Q And in terms of the changes that you thought could be made to West Texas, were those things you talked about on the floor?
A Not specifically, no. I mentioned some of the counties in the context of ag versus oil and gas, that's all.
Q And why did you mention those things?
A To point out --
MR. OPIELA: I'm going to object to that in terms of his thought processes, how he goes

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about making a decision as legislative privilege.
Q (BY MR. DUNN) Did you have any reasons that -- I don't want you to disclose them at the moment, I just want to know if they exist.
A Okay.
Q Did you have any reasons that you voted against the senate plan other than what you said on the floor publicly?
A Yes.
Q Okay. Have you -- are those other reasons that you have, have you ever expressed them publicly elsewhere?
A Publicly, no.
Q To a newspaper or constituents or anything of that sort?
A No.
Q So I assume you take legislative privileges on your other basis for voting against the senate plan?
A Yeah. I would like to tell you, but he would not approve.
Q Okay. He is your lawyer.
A He is.
Q I say that for our record. It doesn't know who he is.

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A Okay.
Q Is it the case that in the Texas Senate there's sometimes what's said in public about the motivations behind legislative activity and there's something different in private?
A All the time.
Q Would you say more often than not that's the case?
A Not necessarily, no.
Q Would you say more often than not that's the case on the big items?
MR. HUDSON: Objection, form, calls for speculation; objection, foundation.
A I would say that's often the case.
Q (BY MR. DUNN) Do you think it's often the case with regard to redistricting?
MR. HUDSON: Same objections.
A I think it's often the case on a lot of issues particularly more controversial ones.
Q (BY MR. DUNN) Including redistricting?
MR. HUDSON: Same objections.
A Yes.
Q (BY MR. DUNN) You mentioned in response to Mr. Hudson -- well, let me ask it this way. There used to be a two-thirds rule as it was

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referred to in the senate; is that right?
A Correct.
Q And that has gone through some changes in the last decade or so; is that right?
A Correct.
Q What were those changes?
A In -- the rule was that it required two-thirds vote of the senate or 21 votes for a bill that has come out of committee to even go to the floor for debate. Several years ago that rule came up and the Lieutenant Governor wanted it changed to 19 because the Republican majority was eroding in the senate. And the rule was changed and that was the instance I talked about when Senator Estes voted against the rule change. Then I think it was the 87th or 86th session once again as our majority eroded when Beverly Powell won District 10, Pete Forest lost his election in his district to Senator Gutierrez that the Lieutenant Governor wanted the number changed to 18 and so it was. But even with that rule change, with 18 votes to go, if the Lieutenant Governor doesn't want the bill to come to the floor, it doesn't come to the floor.
Q Is that because the Lieutenant Governor

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has the authority to just pull a bill or is it because he can get the votes he needs?
A I would argue that there is no such authority because the senate makes the rules and the senate has not done that. But he does it and he's the one who recognizes senators on the floor.
Q So it's been your experience that the Lieutenant Governor will just decide a bill will not be taken up?
A Absolutely.
Q Without a vote?
A Absolutely.
Q That's a tremendous power, would you agree?
A Yes, and it's also not in the rules of the senate or the Constitution.
Q And ultimately the Lieutenant Governor's ability to withdraw or remove any bill affects every senator being able to pursue their agenda, would you agree?
MR. HUDSON: Objection, form, foundation; objection, form, calls for speculation.
A Yes. You do talk really fast.
Q (BY MR. DUNN) I want to go back and on the first vote that you described Senator Estes

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voting against the first vote to change the rules?
A Yes.
Q How did you vote?
A I voted to change the rule.
Q And what was the new number of senators that were needed after the first rule change?
A Nineteen.
Q Okay. And later the rule was changed again, what was the new number?
A Eighteen.
Q And how did you vote on that?
A I voted in favor.
Q In terms of drawing a district that intentionally would not elect a Democrat -- well, let me strike that.
If Senate District 10 had continued to elect a Democrat, then the rules still provided for Republican control under the revised two-thirds rules; is that right?
A Yes.
Q It wasn't necessary to draw Senate District 10 to elect a Republican in order to get bills before the floor?
MR. HUDSON: Objection, form, speculation, foundation.

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A As I understand the question, no.
Q (BY MR. DUNN) Okay. Earlier, Mr. Hudson asked you some questions about your private conversations with various senators and he asked you about Angela Paxton. It sounds to me like you recalled something, but again, don't get into it. Had you had a conversation with Angela Paxton?
A Not private or public.
Q Okay. I couldn't tell for sure on how you answered the question.
A Sure.
Q You also mentioned that you talked with Sean Opperman, Senator Huffman's committee director?
A Yes.
Q Did you talk to him about the senate plan?
MR. OPIELA: That would be to the substance of the conversation just the fact that -- I'm going to object on legislative privilege.
MR. DUNN: You're not going to let him say whether or not he spoke with Senator Opperman about the plan, that's it?
MR. HUDSON: I want to clarify on the record Sean Opperman is not a senator.
THE WITNESS: He's a committee

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director.
MR. OPIELA: But he's a legislative staff.
Q (BY MR. DUNN) So all I'm asking is was there a conversation between you and Mr. Opperman about the senate plan, without getting into the details of it?
MR. OPIELA: You can answer that.
A Yes.
Q (BY MR. DUNN) Was there more than one?
A I think only one that I recall.
Q Was it in advance of the floor debate?
A Yes.
Q Was there any other witnesses to the discussion?
A No.
Q Was it your sense that Mr. Opperman was the, you know, lead staffer for Senator Huffman on the plan?
A He was the committee director, yes, and if there was anybody else who was part of that, my chief of staff might have been there. Sean used to work for her.
Q I see. So there may have been a witness to this conversation and that person may have been

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your chief of staff?
A May have been. I don't think so, but may have been.
Q All right.
THE WITNESS: She doesn't let me talk to people unaccompanied.
Q (BY MR. DUNN) Did anybody at any point tell you why your district was being drawn the way it was?
A No.
Q Okay. You said you submitted a map at some point in response to Mr. Hudson's questions?
A Yes.
Q You had a proposal?
A Yes.
Q Okay. Had you shopped that proposal to any other members?
A No.
Q Who on your staff drew that proposal or did you?
A As best I recall because we all have access to RedAppl which is our redistricting software, I think my chief of staff and I sat around and said how does this work and how does this work and looked at all the statistics and

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things like that.
Q Okay. Best you recall it was drawn on the state's RedAppl system?
A As best I recall.
Q Was it made public at some point?
A No.
Q Okay. In other words, it wasn't published as an amendment?
A It was not.
Q Again, I'm not asking at this moment to tell me what it is, but did you get any feedback on your plan or you just sent it in and never heard anything?
A Well, that would have to do with my discussions with Senator Huffman and maybe with Mr. Opperman so I don't know that I want to disclose that.
Q You're going to invoke your legislative privilege?
A Yeah.
Q All right. Let me take a break and I should be able to wrap up here pretty quick.
A Okay.
THE VIDEOGRAPHER: We are off the record. The time is 12:40 p.m.

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(Off the record.)
THE VIDEOGRAPHER: We are back on the record. The time is 12:45 p.m.
(Exhibit Number 16 marked.)
Q (BY MR. DUNN) Senator, during a break I've handed you what I've marked Exhibit 16; is that true?
A Yes.
Q It's a letter from Attorney General Greg Abbott to the house and senate chairs of the redistricting committee on April 18, 2013; is that right?
A Yes.
Q And it's copied if you can look on the last page on the members of those committees; is that true?
A Correct.
Q All right. And so do you recall, having looked at this, that this was a letter you received back then as chair of the redistricting committee?
A Vaguely, but not specifically, no.
Q But you do recall the federal court issuing its order and being made aware of it and the need for the senate and the house to take action?

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A Yes.
Q Okay. Did you have some -- I don't want to know what they are at this point.
A Okay.
Q I'm just asking if they exist. Did you have some discussions with lawyers in the Attorney General's office about the effect of the order, the federal order?
MR. HUDSON: I object based on attorney-client privilege and attorney work product. To the extent that your answer would encroach on either of those privileges, I instruct you not to answer. If you can answer without waiving attorney-client privilege or attorney work product doctrines you're free to answer.
MR. OPIELA: So to explain this to you.
MR. HUDSON: Before you explain it to him, if you're going to give him a little advice, do you want to go off the record?
MR. OPIELA: Why don't we do that real quick.
THE VIDEOGRAPHER: We are off the record. The time is 12:46 p.m.
(Off the record.)

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THE VIDEOGRAPHER: We are back on the record. The time is 12:49 p.m.
(Record read by Reporter.)
MR. HUDSON: I will renew my objection instruction based on attorney-client privilege, attorney work product. To the extent that you can answer without waiving or encroaching upon either of those privileges you can answer. To the extent that you can't, an additional legislative privilege or any other applicable privilege you can answer, otherwise I'm instructing you not to.
A Okay. Just as I don't remember specifically getting this or receiving it, my memory is that the Attorney General's office expended a good deal of effort keeping me informed of the things that we received and what they meant in layman's terms and things like that. Any specific discussion, I'm sorry, I don't remember at all.
Q (BY MR. DUNN) Okay. And then have you had -- do you have any understanding about the effect and the requirements of the federal court's order in 2012 that is not in your opinion protected by attorney-client communication privilege or legislative privilege?

A No.
Q Have I been courteous to you today?
A Yes.
Q Have you understood my questions except where you asked me to rephrase?
A Yes.
Q All right.
MR. DUNN: I will pass the witness.
MR. HUDSON: Two minutes to take a look at my notes. Can we go off the record.
THE WITNESS: All right.
THE VIDEOGRAPHER: We are off the record. The time is 12:50 p.m.
(Off the record.)
THE VIDEOGRAPHER: We are back on the record. The time is 12:51 p.m.
MR. HUDSON: Senator Seliger, thank you very much for your time today. We will reserve. One other point I wanted to make on the record though and this isn't necessarily for you, but I wanted to put it on the record. There is a scheduling order in this case that requires the parties to agree before the deposition can be used for error in lieu of trial testimony. We have not entered such stipulation today. We may come to

agreement with opposing counsel, but as of yet you may still be called live to El Paso. I just want to make that clear to you.
THE WITNESS: Okay.
MR. HUDSON: Nothing further.
MR. DUNN: I have nothing further today. I would say in response to that is the deposition notice served on the witness that was provided to our office said that it would be used -- could be used at trial. So we were under the understanding that the Attorney General's office scheduled this for the purpose of having the testimony available at the preliminary injunction next week. So ultimately we will discuss that with the office and determine from there. My understanding -- I will just ask you a couple follow-up questions in response to that.
THE WITNESS: Okay.
Q (BY MR. DUNN) Earlier you said you're going to be in California next week; is that true?
A I am, and it's my understanding if called by the court I'd show up to the court. I will just pout.
Q Okay. All right.
MR. DUNN: I have nothing further.

THE VIDEOGRAPHER: This concludes today's deposition. We are off the record. The time is 12:53 p.m. Number of medias used is two.
(Deposition concluded.)

CHANGES AND SIGNATURE

WITNESS NAME: SENATOR KEL SELIGER

DATE OF DEPOSITION: JANUARY 19, 2022

PAGE	LINE	CHANGE	REASON

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I, SENATOR KEL SELIGER, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

_____
SENATOR KEL SELIGER

THE STATE OF _____
COUNTY OF _____

Before me, _____, on this day personally appeared SENATOR KEL SELIGER, known to me (or proved to me under oath or through _____) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2022.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF _____

MY COMMISSION EXPIRES:_____

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REPORTER'S CERTIFICATION
IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, et al., (
(
Plaintiffs, (
(
v. (Case No. 3:21-cv-00259
(
GREG ABBOTT, et al., (
(
Defendants. (

DEPOSITION OF SENATOR KEL SELIGER
JANUARY 19, 2022

I, RENEA SEGGERN, Certified Shorthand Reporter in and for the State of Texas, do hereby certify to the following:

That the witness, SENATOR KEL SELIGER, was by me duly sworn and that the transcript of the oral deposition is a true record of the testimony given by the witness.

I further certify that pursuant to Federal Rules of Civil Procedure, Rule 30(e)(1)(A) and (B) as well as Rule 30(e)(2), that review of the transcript and signature of the deponent:

__X__ was requested by the deponent and/or a party before completion of the deposition.

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_____ was not requested by the deponent and/or a party before the completion of the deposition.

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this deposition is taken and further that I am not a relative or employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of the action.

The amount of time used by each party at the deposition is as follows:

Mr. Eric Hudson - 1 hour, 24 minutes
Mr. Chad Dunn - 1 hour, 2 minutes

Subscribed and sworn to on this 21st day of January, 2022.

Renea Seggern

_____
Renea Seggern, CSR #7262
Certificate Expires: 04-30-2023
Magna Legal Services
Firm Registration No. 633
16414 San Pedro Avenue
Suite 900
San Antonio, Texas 78232

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