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In the Matter of:

WASHINGTON COALITION FOR OPEN GOVERNMENT

VS

STATE OF WASHINGTON

BRADY WALKINSHAW

January 18, 2022

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

WASHINGTON COALITION FOR OPEN)	
GOVERNMENT, a non-profit,)	
nonpartisan Washington)	
organization,)	
)	
Plaintiff,)	
)	
v.)	No. 21-2-02069-34
)	
THE STATE OF WASHINGTON, a state)	
government, acting through THE)	
WASHINGTON STATE REDISTRICTING)	
COMMISSION, a Washington State)	
Agency, et al.,)	
)	
Defendants.)	

Deposition Upon Oral Examination
of
BRADY PINERO WALKINSHAW

Taken Remotely via Zoom

DATE: Tuesday, January 18, 2022

REPORTED BY: Jamie Booker, RPR, CCR 3281

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1 REMOTELY VIA ZOOM; TUESDAY, JANUARY 18, 2022

2 9:00 A.M.

3 --o0o--

4
5 BRADY PINERO WALKINSHAW deponent herein, being
6 first duly sworn on oath,
7 was examined and testified
8 as follows:
9

10 E X A M I N A T I O N

09:05:401 BY JOAN MELL:

09:05:422 Q. State your name.

09:05:443 A. **Brady Walkinshaw.**

09:05:464 Q. What's your address?

09:05:495 A. **It is 1414 East Harrison Street, Unit K,**
09:05:516 **Seattle, Washington, ZIP code 98112.**

09:06:037 Q. What's your phone number?

09:06:058 A. **My personal cell is on (206)465-0818.**

09:06:149 Q. Is that 0818?

09:06:200 A. **That's correct.**

09:06:281 Q. What phone did you use for Commission work?

09:06:292 A. **That phone.**

09:06:253 Q. Okay. And were you issued a Commission phone?

09:06:294 A. **I believe it was an option, but I did not -- I**
09:06:225 **did not have a Commission phone.**

09:06:351 Q. Okay. What's your highest level of education?

09:06:422 A. **A bachelor's degree.**

09:06:443 Q. From where?

09:06:464 A. **Princeton.**

09:06:475 Q. In what?

09:06:496 A. **In the Princeton School of Public Affairs,**

09:06:547 **Public Policy.**

09:06:558 Q. I'm having a little bit of trouble hearing you.

09:07:009 A. **I'm sorry.**

09:07:000 Q. I heard "public" something.

09:07:011 A. **Public policy.**

09:07:022 Q. Public policy. Okay. Yeah. I think that's

09:07:053 better. Thank you.

09:07:064 A. **Is that better? I just moved the mic closer to**

09:07:095 **myself.**

09:07:096 Q. Yeah. Yeah. Way better. Okay. Thank you.

09:07:1137 What experience did you have working in

09:07:1168 government before being appointed Commissioner?

09:07:129 A. **I served in the State Legislature from December**

09:07:250 **of 2013 through January of 2017.**

09:07:371 Q. Have you worked for government in any other

09:07:392 capacity?

09:07:463 A. **I was a US Fulbright Scholar in 2006/2007 so**

09:07:514 **that was paid by the US Government. But, beyond that, not**

09:07:525 **that I can recall.**

09:07:571 Q. How old are you?

09:07:582 A. I'm 37.

09:08:013 Q. The days. The days.

09:08:034 Okay. So when you served in the State

09:08:095 Legislature, were you a representative?

09:08:146 A. That's correct.

09:08:157 Q. And you served an elected term?

09:08:178 A. I was appointed in 2013, and then I was later

09:08:219 elected to a full term.

09:08:240 Q. Who appointed you?

09:08:261 A. The King County Council.

09:08:312 Q. Whose position did you fill?

09:08:323 A. It was the position that -- that now-Senator

09:08:354 Pedersen previously occupied, and he filled what Ed Murray

09:08:435 had been in prior to his election to mayor in 2013.

09:08:496 Q. Okay. So are you a Democrat?

09:08:557 A. Pardon? I didn't hear the question.

09:08:578 Q. Democrat. Partisan?

09:09:109 A. I am a Democrat, yes.

09:09:120 Q. And who swore you in?

09:09:241 A. I'm sorry. I didn't hear you, Joan.

09:09:262 Q. Who swore you in?

09:09:213 A. Do you mean to the Legislature or to the

09:09:224 Commission?

09:09:235 Q. To the Commission.

09:09:231

A. Justice Mary Yu.

09:09:362

Q. What district were you -- did you run for election?

09:09:403

09:09:404

A. I was appointed in the 43rd and then later elected in the 43rd.

09:09:435

09:09:576

Q. What was your role with regard to redistricting once becoming a Commissioner?

09:10:017

09:10:058

A. I was appointed by the Senate Democratic Caucus as one of four voting Commissioners on the State's Redistricting Commission.

09:10:109

09:10:140

09:10:191

Q. So who was the -- who appointed you?

09:10:272

A. The Democratic Senate Caucus and specifically the Senate Majority Leader Andy Billig.

09:10:323

09:10:374

Q. In terms of your redistricting work, did you feel responsible to him then?

09:10:395

09:10:456

A. No.

09:10:557

Q. So, after you were appointed by Andy Billig, what did you believe your role to be?

09:10:598

09:11:039

A. To act on behalf of -- as a bipartisan Commission as one of two Democratic Commissioners to participate and develop maps in this once-a-decade process for the State's legislative and congressional lines.

09:11:070

09:11:221

09:11:202

09:11:263

Q. What is your understanding of what a redistricting plan is?

09:11:304

09:11:315

A. A redistricting plan, in this case, specifies

09:11:431 **the criteria that were later used to create maps.**

09:11:542 Q. So are you describing what you did or what your
09:11:573 understanding of a redistricting plan is?

09:12:054 **A. I believe both.**

09:12:085 Q. Do you think it's appropriate to specify
09:12:116 criteria and treat that as a redistricting plan severed
09:12:187 from the maps?

09:12:208 **A. No. I believe that we need -- you need maps.**
09:12:239 **You eventually need maps to -- to complete the**
09:12:270 **redistricting process.**

09:12:281 Q. Okay. So in order to have a redistricting plan,
09:12:322 it's essential to have a map?

09:12:373 **A. Eventually, yes. At the -- at the end state.**

09:12:484 Q. And so would you also say that, in order to have
09:12:505 a redistricting plan that is complete and/or final, it
09:12:536 requires both a legislative and a congressional map?

09:12:587 **A. To complete the redistricting process, yes, you**
09:13:018 **eventually do need a legislative and a congressional map.**
09:13:069 **I agree.**

09:13:080 Q. And is it correct that you had neither a
09:13:111 congressional or legislative district map by the 15th?

09:13:212 **A. By midnight of the 15th, we did not have**
09:13:243 **completed legislative or congressional maps. That's**
09:13:284 **correct.**

09:13:285 Q. Do you know what, if anything, you voted on, on

09:13:301 the 15th?

09:13:332 **A. I do.**

09:13:353 Q. How do you know?

09:13:404 **A. Because I was directly involved in negotiating a**
09:13:455 **plan for the State's ten Congressional Districts that was**
09:13:496 **brought forward to the Commission, and because -- oh, I'll**
09:13:557 **stop there. Sorry.**

09:13:568 Q. No. No. Go ahead. I didn't mean to cut you
09:13:599 off.

09:13:590 **A. And -- and I was aware of and learned -- and**
09:14:021 **aware of the parameters and the criteria that were being**
09:14:052 **proposed for the State's 49 Legislative Districts.**

09:14:133 Q. So did you know before going into the action
09:14:154 portion of the meeting what those parameters were for both
09:14:175 the Congressional and Legislative District map?

09:14:226 **A. Not everything, but I was familiar with the**
09:14:257 **parameters that were being brought forward as a proposal**
09:14:298 **to the Commission.**

09:14:309 Q. So how were you aware of the parameters for the
09:14:360 Congressional District?

09:14:371 **A. I was directly involved on the development.**

09:14:422 Q. And when you say you were directly involved in
09:14:453 developing them, what does that mean?

09:14:504 **A. To give context, over the course of nine months,**
09:14:525 **we had probably unprecedented public input into the**

09:14:581 process; so that was one really important ingredient.

09:15:012 That came through the course of many public meetings and
09:15:063 hours upon hours of public testimony. So that was one way
09:15:094 I was involved was taking in that public testimony and
09:15:135 translating it into the plan that was then voted on.

09:15:196 The second was, there was a lot of input that
09:15:227 was provided through the course of the process, as has
09:15:278 been the case in every redistricting process in the past,
09:15:299 that we then used.

09:15:310 And then I was directly involved in
09:15:331 conversations with Commissioner Fain on maps; and, through
09:15:362 the course of the process, I released several public maps.

09:15:403 Q. Well, so but on the 15th, how did you know what
09:15:464 form it was in?

09:15:505 A. Because Commissioner Fain and I had been working
09:15:546 on them.

09:15:567 Q. Did Commissioner Fain and you agree to a map
09:16:008 prior to any vote?

09:16:039 A. We felt we had a proposal that was worthy of the
09:16:070 consideration of the Commission.

09:16:091 Q. Is that a no?

09:16:122 A. Apologies. Could you repeat the question?

09:16:153 Q. Did you and Commissioner Fain agree on a map
09:16:184 prior to vote on the 15th?

09:16:215 A. We were in agreement, I would say, on what we

09:16:241 were bringing forward, yes.

09:16:272 Q. But that wasn't a map; correct?

09:16:293 A. No, it was not a map.

09:16:314 Q. Okay. So you and Commissioner Fain had an
09:16:335 agreement on a proposal to vote on?

09:16:406 A. That's correct. That's correct.

09:16:427 Q. And you agreed to move it before the body?

09:16:478 A. We did.

09:16:489 Q. Okay. Did you also agree to move that proposal
09:16:520 before the body with Commissioner Sims?

09:16:571 A. Apologies. I couldn't quite hear the first part
09:17:002 of your question.

09:17:013 Q. Did you agree with Commissioner Sims that you
09:17:044 would bring forward this proposal as well?

09:17:095 A. I think she was aware that we were bringing
09:17:116 forward a proposal, yes.

09:17:137 Q. And did she know what you were bringing forward?

09:17:168 A. I kept her up to date throughout the process,
09:17:249 and there'd been a lot of public input and reflection on
09:17:270 it over the course of the prior several months.

09:17:301 So, yes, I think she was aware of -- I won't
09:17:332 suppose what she knew. But I think she was aware what the
09:17:363 main -- about the main parameters when I discussed them in
09:17:374 a public meeting.

09:17:395 Q. Because you told her or because you and Fain

09:17:421 told her?

09:17:442 **A. I'm not sure about Commissioner Fain. But from**
09:17:463 **what -- I did keep her up to speed as I kept many people**
09:17:504 **up to speed on where we were at.**

09:17:525 Q. Okay. And so when did you last brief
09:17:566 Commissioner Sims about your agreed-upon proposal with
09:18:007 Fain?

09:18:078 **A. It was a busy night, and I don't remember**
09:18:099 **specifically when I would have -- what the most recent**
09:18:120 **update would have been.**

09:18:151 Q. Was it moments before going into the action
09:18:172 portion of the meeting?

09:18:213 **A. I don't believe so, but I may have shared some**
09:18:254 **updates then.**

09:18:305 Q. Did you talk to Commissioner Sims between the
09:18:336 end of the discussion section and the start of the action
09:18:377 section?

09:18:408 **A. Sorry. I'm having trouble following the actual**
09:18:449 **timeline of what you're referring to.**

09:18:470 Q. Do you remember the agenda including a period of
09:18:491 time dedicated to discussion?

09:18:522 **A. At which point in the evening?**

09:18:583 Q. On -- on the 15th. Before moving into the
09:19:014 action item, there was a segment on the agenda listed as
09:19:095 "discussion." And then you took a break, and then you

09:19:131 went into the action section.

09:19:182 **A. I believe what I -- I share -- what I shared in**
09:19:213 **the public meeting -- a bit inarticulately because it was**
09:19:264 **late at night -- was the parameters of the plan that**
09:19:295 **described a number of the characteristics of the State's**
09:19:336 **ten Congressional Districts.**

09:19:367 Q. What you shared in the public meeting when?

09:19:408 **A. I believe around midnight, but the specifics**
09:19:439 **would be in the transcript.**

09:19:450 Q. Is it your testimony that you had intended to
09:19:481 communicate to the public that you and Commissioner Fain
09:19:502 had an agreement on a Congressional District proposal and
09:19:543 you were communicating the parameters of that to the
09:19:574 public?

09:19:585 GREG WONG: Object to form.

09:20:066 **THE WITNESS: I'm sorry. Shall I go ahead and**
09:20:077 **answer the --**

09:20:098 GREG WONG: Yeah. If I object, you can go ahead
09:20:109 and answer unless I instruct you not to.

09:20:240 **THE WITNESS: Sorry, Joan. Could you repeat it**
09:20:261 **again? I apologize for that.**

09:20:272 BY JOAN MELL:

09:20:273 Q. I'm trying to understand your testimony.

09:20:294 Is it your testimony that you communicated to
09:20:235 the public, prior to any vote, that you and Commissioner

09:20:271 Fain had reached an agreement on a Congressional District
09:20:322 proposal that you had shared with other Commissioners --
09:20:363 at least Commissioner Sims -- and that those parameters
09:20:424 were disclosed to the public?

09:20:465 A. I'm not wholly following the question.

09:20:486 But I -- what I shared at the public meeting was
09:20:537 the proposal for the drawing of the Congressional maps was
09:20:598 something -- I believe was something that Commissioner
09:21:009 Fain and I were in agreement on.

09:21:030 Q. What did you share at the public meeting?

09:21:081 A. I believe I described characteristics of the
09:21:112 districts. Things like the 4th and 5th Congressional
09:21:143 Districts would have a north/south orientation.

09:21:234 Q. What else did you share with the public?

09:21:265 A. I believe -- I believe I described, you know,
09:21:306 things like the 2nd Congressional District, working to
09:21:347 retain Skagit as the line to keep communities of interest
09:21:408 together and counties.

09:21:429 I believe I shared efforts to keep population
09:21:490 centers like Mukilteo and Bellingham and Everett retained
09:21:481 in the 2nd.

09:21:492 I believe I may have shared also the intent to
09:21:523 kind of keep the 7th Congressional District in and around
09:21:584 Seattle.

09:22:265 GREG WONG: Joan, you're muted. I don't know if

09:22:281 you're talking.

09:22:372 JOAN MELL: Can you hear me now?

09:22:383 GREG WONG: Yes.

09:22:394 **THE WITNESS: Yeah.**

09:22:405 JOAN MELL: Okay.

09:22:406 BY JOAN MELL:

09:22:427 Q. So what I'm trying to understand is, did you at
09:22:458 some point talk in the discussion section with the intent
09:22:519 to express the parameters of an agreed-upon protocol with
09:22:570 Commissioner Fain?

09:23:051 **A. What I brought forward at the public meeting was**
09:23:082 **an attempt to best characterize the agreement of --**
09:23:123 **between me and Commissioner Fain that we were bringing**
09:23:154 **forward as a proposal to the Commission.**

09:23:175 Q. Okay. So -- so at what time did you agree with
09:23:236 Fain on all of the parameters that you think comprised
09:23:277 what you voted on?

09:23:308 **A. Shortly before -- shortly before the -- that**
09:23:329 **midnight meeting. And the specific times are a little bit**
09:23:370 **faded in my memory, but I believe it was shortly before**
09:23:411 **the vote.**

09:23:422 Q. Okay. And when you say "shortly," you're
09:23:463 talking about minutes?

09:23:484 **A. I can't recall specifics, but in -- in a short**
09:23:525 **period of time.**

09:23:531

Q. Was it after the discussion --

09:23:562

A. Not hours.

09:23:563

Q. Did you reach a conclusion or an agreement with

09:23:594

Fain on the parameters after the discussion section?

09:24:065

A. I can't recall those specific windows of time.

09:24:096

Q. But it's your testimony that, when you spoke

09:24:167

publicly, you intended -- you made a conscious choice to

09:24:218

express to the public that you had an agreement with Fain

09:24:269

on parameters for a Congressional District?

09:24:310

GREG WONG: Object to form.

09:24:351

THE WITNESS: My -- my intent at that time was

09:24:382

to put forward parameters for Congressional Districts

09:24:433

that, as you know, still needed to be drawn into maps and

09:24:464

finalized drawing into maps that Commissioner Fain and I

09:24:505

had agreed to. So my intent was to move -- to move that

09:24:536

process forward and bring forward a proposal to the

09:24:557

Commission.

09:24:578

BY JOAN MELL:

09:25:009

Q. So I just want to make sure I understand

09:25:020

timing-wise and what your thought process was.

09:25:091

Was there a period and point in time when you

09:25:122

were commenting to the public about the status of your

09:25:183

negotiations rather than having reached an agreement?

09:25:284

A. You -- we'd have to look at the transcript. My

09:25:205

memory was a chaotic evening. I believe that there were

09:25:341 moments in public meeting where we gave brief updates on
09:25:382 the status of our conversations, which I think are
09:25:413 important to contextualize in that they were the product
09:25:444 of months and months of public input and public comment.

09:25:505 Q. But did they have anything at all to do with
09:25:536 what the final agreement was with Fain?

09:25:557 A. Yes.

09:25:568 Q. How?

09:26:009 A. We heard significant input from Tribal Nations.

09:26:060 We received --

09:26:081 Q. I -- I think you misunderstood my question.
09:26:102 Just a second. Let me backtrack here.

09:26:193 Is it your recollection as we sit here today
09:26:224 that you expressed publicly consensus on any component of
09:26:305 the Congressional map?

09:26:346 GREG WONG: Object to form.

09:26:357 THE WITNESS: I don't understand the question.

09:26:368 BY JOAN MELL:

09:26:379 Q. Did you -- did you state -- make a statement to
09:26:390 the public at any time during the meeting that would
09:26:451 indicate consensus on any element in a Congressional map?

09:26:512 GREG WONG: Object to form.

09:26:553 THE WITNESS: I voted on and moved a plan
09:26:584 forward the evening of the 15th which at the time I knew
09:27:025 represented a consensus between myself and Commissioner

09:27:061

Fain.

09:27:072

BY JOAN MELL:

09:27:093

Q. Right. And what I'm asking is whether you had communicated to the public prior to the motion that any component you voted on was accepted or agreed upon by any other member.

09:27:267

A. I'm not sure. That may be in the testimony from the evening when we were sharing updates.

09:27:359

Q. Do you remember having reached an agreement while you were communicating to the public?

09:27:431

A. Sorry. Are you asking whether I reached an agreement while communicating to the public?

09:27:513

Q. While you were communicating to the public, do you recall having already reached an agreement?

09:28:005

A. As I said, I believe what I brought forward that evening was something that I knew there was consensus on with Commissioner Fain.

09:28:128

Q. Do you remember making the motion?

09:28:159

A. I actually don't recall who made the motion, but I did vote on it.

09:28:191

Q. Do you remember what the motion was?

09:28:232

A. I believe it was a motion to approve a Congressional redistricting plan. I believe that was the language, but I might be incorrect.

09:28:325

Q. But you did not make the motion?

09:28:341 A. Again, I'm -- I may have. It would be in the
09:28:382 transcript. If I didn't, I was supportive of the motion.

09:28:483 Q. What do you recall about the content of the --
09:28:564 the motion?

09:29:005 A. I believe, either in the public discussion or in
09:29:026 the motion, I described a number of the characteristics of
09:29:067 the ten Congressional Districts which I would say were
09:29:108 the -- which were elements of the criteria of the plan,
09:29:139 things like I was alluding to before.

09:29:180 Q. Okay. But that's what -- I want to make sure I
09:29:211 break this down clearly as to what your recollection is at
09:29:232 this time.

09:29:243 When's the last time you read the transcript?

09:29:284 A. Shortly after the vote a few months ago.

09:29:315 Q. Did you --

09:29:326 A. Couple months ago, I guess.

09:29:347 Q. Did you read it more recently in preparation for
09:29:368 your deposition?

09:29:379 A. I -- I have not read it -- I have not read it --
09:29:400 I have not read it over the last few weeks, no.

09:29:451 Q. And whose transcript did you read?

09:29:522 A. I believe I went back and rewatched the
09:29:553 recording of it.

09:29:574 Q. Okay. So have you ever read a written
09:30:085 transcript of what was actually said?

09:30:091 **A. No.**

09:30:102 Q. What do you recall about your viewing of the --

09:30:163 what did you say? It was audiovisual?

09:30:194 **A. It was a visual -- it was a visual recording**

09:30:225 **that also had audio, yes.**

09:30:246 Q. Okay. What do you recall, having reviewed it?

09:30:317 **A. Honestly, regret that we hadn't reached a**

09:30:338 **conclusion on the maps by midnight on -- and it -- feeling**

09:30:419 **that it was a very chaotic process that evening.**

09:30:460 Q. Who do you fault for the chaos?

09:30:501 GREG WONG: Object to form.

09:30:522 **THE WITNESS: I -- I don't fault anyone for the**

09:30:553 **chaos.**

09:30:554 BY JOAN MELL:

09:30:565 Q. What do you mean when you say "chaos"?

09:31:016 **A. I believe I said "chaotic."**

09:31:027 **I -- I think that it was a -- there was an**

09:31:078 **attempt to really work hard to reach proposals and then**

09:31:149 **translate those proposals to maps in time. And the**

09:31:170 **reality is, we ran out of time to translate those**

09:31:221 **agreements into maps.**

09:31:292 Q. Okay. But you -- you would -- you're -- you're

09:31:363 saying that you had agreements on the proposal.

09:31:524 GREG WONG: Object to form.

09:31:595 **THE WITNESS: Again, we brought forward -- and**

09:32:001 my understanding was we were bringing forward proposals to
09:32:042 be considered for a vote that would provide the ability
09:32:103 for us to complete the drawing of the maps. And that --
09:32:134 that's what I was motioning or that's what I was
09:32:185 describing, at least, around the Congressional Districts
09:32:216 the evening of the 15th.

09:32:247 BY JOAN MELL:

09:32:248 Q. Well, but you -- but you understand that timing
09:32:269 is essential because you don't have an agreement on a
09:32:290 proposal until you have an agreement on a proposal. And,
09:32:311 if you're describing something that you haven't agreed
09:32:342 upon, you don't have a proposal yet; right?

09:32:383 GREG WONG: Object to form.

09:32:414 THE WITNESS: I'm having trouble following.

09:32:425 But we agreed -- we -- what I felt was that we
09:32:456 voted on proposals for redistricting plans for the
09:32:497 Congressional Legislative maps that evening of the 15th.
09:32:538 And then --

09:32:559 BY JOAN MELL:

09:32:550 Q. That had been agreed -- that had been agreed
09:32:571 upon?

09:32:592 A. When they were voted upon, yes.

09:33:013 Q. Well, prior to that, was there a proposal that
09:33:064 you understood was accepted by any other Commissioner?

09:33:125 A. I believe, for example, on the Legislative maps

09:33:161 that the proposal that was being brought forward that
09:33:192 Commissioner Graves and Commissioner Sims had worked on,
09:33:223 reflected an agreement between the two of them. I was
09:33:254 very uncertain how I was going to vote on it up until
09:33:295 minutes before the actual vote.

09:33:316 Q. Okay. But you knew what it was.

09:33:357 A. With -- broadly, yes. Maybe there was some
09:33:408 specifics I did not know, but broadly, yes.

09:33:469 Q. Okay. But you knew enough to -- to make a
09:33:480 decision to vote?

09:33:491 A. That's correct.

09:33:492 Q. Okay. And the reason you knew enough is because
09:33:513 you had spoken to Commissioner Sims about it; correct?

09:33:564 A. She -- she kept me updated on -- and updated
09:34:005 throughout the process, yes.

09:34:016 Q. Okay. Which includes telling you before you
09:34:067 posited a vote what the proposal was that she had agreed
09:34:108 upon with Graves.

09:34:159 A. I had an understanding of what they were
09:34:260 bringing forward, yes.

09:34:271 Q. Okay. What was your understanding when you
09:34:292 voted? What was the proposal?

09:34:243 A. It had a number of criteria.

09:34:274 Q. But we're talking about the Legislative
09:34:295 proposal.

09:34:301 **A. Sorry. That's a great question. You're**
09:34:312 **talking -- you're asking me about the Legislative maps?**

09:34:333 **Q. Yeah. Well, the -- the proposal, because I know**
09:34:364 **you didn't have the maps. So the Legislative proposal**
09:34:405 **that you understood Sims and Graves had agreed upon that**
09:34:426 **you would be voting on was comprised of what elements?**

09:34:497 **A. A whole number of characteristics. But one was**
09:34:548 **criteria, I would say, around keeping communities of**
09:34:579 **interests together. And there were a number of criteria**
09:35:010 **there that we'd received from public input that were**
09:35:041 **public comments and priorities that I had voiced through**
09:35:072 **the process. There were criteria related to**
09:35:103 **competitiveness of districts, and there were other**
09:35:134 **criteria beyond that too.**

09:35:155 **Q. Okay. But how did you know what you were voting**
09:35:176 **on as to each of those criteria?**

09:35:237 **A. Some of it was -- had been described in open**
09:35:258 **public comment. But I would say that, as I shared**
09:35:289 **earlier, Commissioner Sims had kept me up to date on the**
09:35:310 **status of her discussions with Commissioner Graves.**

09:35:341 **Q. Okay. So what had she told you most recently**
09:35:392 **before you voted about keeping communities of interest**
09:35:413 **together? What was the proposal that she'd agreed upon**
09:35:464 **with Graves with regard to communities of interest?**

09:35:505 **A. It was things like -- that were reflected,**

09:35:521 actually, in quite a bit of public comment. It was things
09:35:552 like, in the 42nd Legislative District, uniting --
09:36:003 unifying the Lummi and Nooksack Nations.

09:36:064 It was things like a proposal that she had been
09:36:125 working on with Graves with regards to Highway 2 being the
09:36:176 transportation corridor that would cross the mountains to
09:36:237 adapt for -- or to make up for the relative loss of
09:36:268 population in Eastern Washington, which was something we
09:36:299 were working on throughout the several months. So those
09:36:310 were aspects.

09:36:331 Q. Yeah. But I want to know exactly what the
09:36:352 proposal was you were voting on so I need all the aspects
09:36:393 that you thought you were voting on.

09:36:404 Where did -- where did you think Highway 2 was
09:36:445 going to be drawn when you voted? Did you know?

09:36:486 A. At that point, I did. The -- I believe the
09:36:527 proposal was to bring what I believe is the 12th
09:36:588 Legislative District across the mountains on Highway 2.
09:37:019 The alternative had been a discussion that I wasn't sure
09:37:050 where that was going to wrap up until shortly before the
09:37:101 vote -- was another idea to have it cross over Interstate
09:37:152 90 that would move into the 5th Legislative District. So
09:37:193 that's an example.

09:37:204 Q. But that had been rejected. So, when you voted,
09:37:225 you knew that that component had been rejected and that

09:37:251 the proposal was now that the 12 --

09:37:302 **A. That's correct. Yes.**

09:37:313 Q. -- would -- that the Legislative District would
09:37:334 cross the mountains on Highway 2?

09:37:365 **A. That's correct.**

09:37:386 Q. And what was that accomplishing?

09:37:407 **A. That -- that's a good question. We had a lot of**
09:37:468 **input on that throughout the entire process.**

09:37:499 I think there were different competing interests
09:37:530 on where to cross the mountains because it had a lot of
09:37:571 impacts on how you would draw other communities because
09:38:012 it's a bit of a domino effect.

09:38:033 I believe my opinion had been toward crossing
09:38:064 the mountains on Interstate 90, and that ended up not
09:38:105 being included in the final proposal. I had said that in
09:38:136 public comment.

09:38:147 Q. So where -- what district boundaries were
09:38:198 affected by this Highway 2 proposal?

09:38:139 **A. A number. That would -- that would have**
09:38:250 **impacted everything from the most adjacent ones like the**
09:38:281 **39th through the 44th or even into the 38th. It would**
09:38:332 **impact the 40th and 42nd in Northwest Washington.**

09:38:363 So it really impacted a number of adjacent
09:38:394 districts by making that decision on where you would
09:38:425 distribute the population from Eastern Washington to -- to

09:38:441 make up for normalizing the population of each Legislative
09:38:492 District around 157,000 people. So it was an important
09:38:533 decision.

09:38:534 Q. But have you looked at the map that was finally
09:38:585 transmitted to the Legislature to ascertain whether or not
09:39:016 the district boundary actually follows precisely what you
09:39:077 thought you voted on?

09:39:118 A. I have since looked at the maps, yes. And I
09:39:139 think they reflect the plan that was voted on.

09:39:170 Q. Do you think that there -- that they reflect the
09:39:211 plan voted on "close enough" rather than any specifics
09:39:262 detailed in the proposal voted on?

09:39:313 GREG WONG: Object to form.

09:39:324 THE WITNESS: Could you reframe the question for
09:39:365 me or say that question again?

09:39:386 BY JOAN MELL:

09:39:387 Q. Well, you would agree that the proposal that you
09:39:448 voted on was non-specific; correct?

09:39:479 A. I wouldn't agree with that.

09:39:500 Q. Well, then why didn't you have the maps?

09:39:551 A. Because we, quite simply, ran out of time.

09:39:582 Q. Okay. So what happens between the proposal and
09:40:053 the final maps relative to expressing the proposal? What
09:40:134 had to happen?

09:40:215 A. I'm sorry. Are you asking what steps had to

09:40:231 happen to go from the proposal -- maybe help me understand
09:40:272 the question.

09:40:283 Q. Right. I mean, you're saying that the proposal
09:40:304 was specific. But, if it was specific, you should have
09:40:335 had the maps; right?

09:40:376 A. Ideally, yes. But it takes -- it -- it took
09:40:407 some time from when that proposal was completed,
09:40:458 particularly for the Legislative maps coming from
09:40:489 Commissioner Fain -- I'm sorry -- coming from Commissioner
09:40:500 Graves and Commissioner Sims. It takes some time to
09:40:541 translate that into maps for a variety of technical
09:40:592 reasons, for a variety of map-drawing-cartographic
09:41:053 reasons.

09:41:054 The -- the time period from when I believe
09:41:085 Commissioner Sims and Commissioner Graves were set to
09:41:116 bring forward a proposal just didn't give enough time to
09:41:147 finalize the maps.

09:41:168 Q. Do you know how much time there was?

09:41:239 A. There were -- there was probably very, very busy
09:41:280 map-drawing that was being done on the Legislative side in
09:41:351 the couple hours preceding. People were working very
09:41:392 hard, but I don't remember the specifics, no.

09:41:423 Q. Do you -- do you recall the -- a proposal is so
09:41:464 non-specific that it does not, in and of itself, result in
09:41:515 a district boundary -- that there are multiple district

09:41:571 boundaries based upon the proposal that can be approved?

09:42:012 GREG WONG: Object to form.

09:42:073 **THE WITNESS: If I understand the question, yes,**
09:42:154 **there -- there are decision -- there are ways that you --**
09:42:195 **there are different ways of drawing a map based on**
09:42:226 **criteria, if that's what you're saying. I think I agree**
09:42:247 **with that, if I understood the question.**

09:42:268 BY JOAN MELL:

09:42:269 Q. Okay. And so, given that there are decisions
09:42:300 that need to be made once the proposal is articulated,
09:42:351 that's what takes the time to create the map; correct?

09:42:382 GREG WONG: Object to form.

09:42:433 **THE WITNESS: Actually, it's a combination of**
09:42:454 **things. Like, it's -- it's actually --**

09:42:475 BY JOAN MELL:

09:42:476 Q. Okay. So -- but does it include decision making
09:42:507 as to where to lay the District boundary consistent with
09:42:548 the proposal?

09:42:569 **A. The -- the maps were not done at midnight. And**
09:42:590 **because of that, the plan that we voted on provided**
09:43:061 **instructions and guidelines for how to do that which**
09:43:092 **happened in the succeeding hours. Ideally, that would**
09:43:123 **have happened before midnight, which I really regret.**

09:43:164 Q. Okay. I don't think that answers my question.
09:43:195 Let's try it a different way.

09:43:221 It is correct that the proposal that you voted
09:43:272 on could be drawn in a map with District boundaries in a
09:43:323 wide variety of different locations. Somebody had to make
09:43:354 a choice about where to put the District boundaries after
09:43:385 being given the proposals; correct?

09:43:416 GREG WONG: Object to form.

09:43:427 **THE WITNESS: In a way. There -- I would say**
09:43:448 **that is -- it's not how I would frame it.**

09:43:489 I think that there are -- there was a pretty
09:43:510 good understanding, given that there actually are not that
09:43:561 many ways to -- to draw the lines based on the specificity
09:44:022 of the criteria, that it was -- it was pretty clear what
09:44:093 needed to happen after -- you know, when map-drawing was
09:44:134 occurring.

09:44:145 BY JOAN MELL:

09:44:146 Q. Okay.

09:44:157 **A. Are there --**

09:44:168 Q. You would agree that there were decisions that
09:44:199 had to be made based upon the proposal voted on and where
09:44:250 to draw the District boundary; correct?

09:44:281 **A. I -- I agree that the maps had to be drawn based**
09:44:312 **on that. And, in drawing that, it was -- it was in a**
09:44:343 **sense a very -- it was, in a sense, an instruction manual**
09:44:394 **in a sense for completing the process that we ideally**
09:44:425 **would have completed before midnight. So, if that's what**

09:44:44

you're saying --

09:44:45

Q. No. I'm asking you specifically did -- did decisions have to be made about where to draw the District boundaries based upon the proposal you voted on?

09:44:48

09:44:53

09:44:57

A. Conforming with the criteria, yes. Conforming with the criteria.

09:45:00

09:45:01

Q. Right. Right. But still there were -- there was more than one place to put a District boundary and conform with the criteria, which I think you agreed with earlier; correct?

09:45:04

09:45:09

09:45:11

09:45:12

A. Yes. I agree with that.

09:45:17

Q. Okay.

09:45:20

A. I agree with that.

09:45:24

Q. And, as you sit here today, the only elements of the proposal you can recall voting on was unifying the Lummi and the Nooksack in the 42nd and crossing the corridor on Highway 2.

09:45:25

09:45:31

09:45:37

09:45:40

A. No. There were other -- there were other criteria as well.

09:45:42

09:45:43

Q. Okay. Tell me the other criteria you can recall that you voted on and were still, I believe, on the Legislative map.

09:45:45

09:45:48

09:45:50

A. There was criteria around competitiveness for a whole number of the Districts. I can't recall the specifics for each, but there was competitiveness criteria

09:45:54

09:45:57

09:46:011 across a whole number of Districts.

09:46:052 There were -- there were very specified ideas in
09:46:113 that map for how the 14th and 15th Legislative Districts
09:46:154 were drawn, which I -- was a real source of concern to me
09:46:195 and one reason why I was uncertain how I was going to vote
09:46:226 up until the very tail end.

09:46:247 There were criteria that related to keeping
09:46:328 communities -- abiding to city and county lines for the
09:46:379 drawing of specific Districts, like the city borders of
09:46:420 Seattle or the city borders of Redmond, city borders of
09:46:461 Tacoma or Lakewood, things like that.

09:46:492 Q. But do you remember what you voted on as to the
09:46:523 criteria related to dividing cities?

09:46:554 A. In specific cases, things like I just mentioned,
09:46:575 which were criteria around the Seattle city lines, things
09:47:016 like Lakewood -- Bremerton was an issue -- an area of a
09:47:067 lot of interest. Places like Redmond as well. East King
09:47:178 County was discussed a great deal.

09:47:199 Q. Okay. But do you know, when you voted, what had
09:47:200 been decided about where those lines would be divided --
09:47:231 where those cities would be divided?

09:47:262 A. Yes. I knew which county lines we were aiming
09:47:293 to following in the drawing of the map, yes. And city
09:47:314 lines.

09:47:315 Q. Okay. What were they?

09:47:331 **A. I don't recall them all specifics, but --**

09:47:362 Q. What -- what do you recall?

09:47:423 **A. Things like the northern border of Seattle as a**
09:47:454 **District line.**

09:47:505 Q. And that would be used to divide the city of
09:47:536 Seattle?

09:47:537 **A. No. No. To separate Legislative Districts.**

09:47:598 Q. Within the city; right? Or it would be -- it
09:48:019 would be bringing the -- Seattle all in one District.
09:48:040 That's what I'm asking.

09:48:051 **A. No. It would -- in a sense, because the**
09:48:082 **Legislative Districts each had to be about 157,000 people**
09:48:113 **and Seattle's much larger than that, the goal was to try**
09:48:144 **to keep as many -- as -- as few divisions in those cities**
09:48:205 **as possible. So in Seattle's case, it might mean five**
09:48:246 **Legislative Districts instead of seven.**

09:48:267 **So, for example, the 11th Legislative District**
09:48:308 **previously took up a part of Seattle. In the maps that**
09:48:339 **were drawn and then proposed, the 11th District was no**
09:48:370 **longer in the city of Seattle. So it's things like that.**

09:48:401 Q. Okay. So, when you voted, did you know the 11th
09:48:442 was no longer in the city of Seattle?

09:48:453 **A. Yes.**

09:48:464 Q. Okay. And what else did you know about where
09:48:515 the District lines would be drawn with regard to Seattle?

09:48:581 A. A bit of what I described. You know, things
09:49:002 like the 32nd also not extending into the city of Seattle
09:49:053 like it previously had and being more in the Snohomish
09:49:094 District.

09:49:115 Q. Anything else?

09:49:216 A. I was familiar with the orientation of the 43rd,
09:49:247 the 46th, the 37th.

09:49:348 Q. And it's your recollection right now that the
09:49:409 final map that was transmitted to the Legislature had
09:49:460 boundaries consistent with what you had recollected about
09:49:501 the 43rd, 36th, and 37th?

09:49:532 A. Yeah. But the drawing of the Seattle map was --
09:49:563 once I saw the Legislative map was consistent with what I
09:50:014 expected based on the redistrict -- based on the plan.

09:50:065 Q. What about Lakewood? Is Lakewood within one
09:50:106 District?

09:50:117 A. I don't recall the specifics.

09:50:188 Q. Do you know what you voted on relative to
09:50:219 Lakewood?

09:50:210 A. Not that specific town. No, I don't remember.

09:50:311 Q. And what were the competitiveness metrics that
09:50:352 you voted on?

09:50:383 A. So in the time -- you know, through these
09:50:414 discussions, different pairs approached this differently.
09:50:475 The way that Commissioner Sims and Commissioner

09:50:501 Graves had approached it was, among other -- among many
09:50:552 criteria, was looking at the competitiveness or the
09:51:003 performance of Districts in terms of partisanship using
09:51:064 metrics from the 2020 State Treasurer's race.

09:51:145 So I had a broad understanding of those metrics
09:51:206 across the 49 Legislative Districts, which I believe they
09:51:267 were using quite closely.

09:51:288 Q. So what metrics did you vote on? That's what
09:51:319 I'm asking. For each District, what was the metric that
09:51:330 you voted on?

09:51:351 A. I can't recall the specifics for each one. But,
09:51:372 for example, on -- there was a goal for the 44th District
09:51:493 to be around 55 percent Democratic performance based on
09:51:554 the State Treasure's numbers that I was just alluding to.

09:52:025 Q. Have you read any of the other deps in this
09:52:046 case?

09:52:097 A. I've read partial pieces of -- read partial
09:52:148 pieces of two of them.

09:52:169 Q. And were the partial pieces you read what the
09:52:190 proposal was described by each of those Commissioners?

09:52:221 A. I would say, from what I read with -- yes, with
09:52:272 almost entire accuracy. I can't recall discrepancies.
09:52:323 But I would say there was -- I generally agreed with what
09:52:334 was said.

09:52:345 Q. Okay. And you really wouldn't want to disagree

09:52:371 with them now, would you?

09:52:412 But one of the ways you know -- you already know
09:52:443 what the others have said the proposal was from reading
09:52:474 their deposition transcript; is that correct?

09:52:515 **A. Not everyone, no. I actually -- I actually have**
09:52:536 **not read anyone's transcript in full. And --**

09:52:567 Q. Right. But you --

09:52:588 **A. You know -- oh, sorry. Go ahead.**

09:53:009 Q. What I understood you to say is the portions you
09:53:020 did read included their descriptions of what they voted
09:53:061 on; correct?

09:53:082 **A. There were pieces of it, yes. But I didn't**
09:53:103 **actually finish -- just to be -- I shared -- I read -- I**
09:53:124 **did read the first half of Commissioner Graves'**
09:53:165 **deposition, and I read the beginning of Commissioner**
09:53:206 **Fain's. But that's all that I've -- I didn't make it**
09:53:237 **through the whole -- the whole document.**

09:53:258 **So, from what I saw, I don't think I saw**
09:53:279 **Commissioner Fain's description, but I did see**
09:53:290 **Commissioner Graves'.**

09:53:321 Q. So can you think of any other metrics that you
09:53:382 thought you were voting on that -- that you recall based
09:53:423 on your memory of what you voted on as opposed to what you
09:53:464 read in anyone's deposition?

09:53:475 **A. Yeah. The one piece that was really important**

09:53:50L to me and one reason I hadn't made up my mind on the vote
09:53:55Z until kind of minutes before was the criteria around the
09:54:03B 14th and 15th Legislative District in Yakima Valley. And
09:54:07A there were specific criteria there around the majority
09:54:10S Hispanic population in those Districts and issues related
09:54:14E to the Voting Rights Act.

09:54:157 And that's something I commented pretty
09:54:188 extensively on publicly. And I would say all of
09:54:219 Commissioners, because of my public comments and public
09:54:230 testimony, knew my concerns.

09:54:281 Q. So how were your concerns resolved in terms of
09:54:312 what you voted on?

09:54:333 A. To be honest, they were not fully resolved. I
09:54:364 think that I had -- I had -- despite some of my concerns,
09:54:435 I felt like it was worth advancing a map and ended up --
09:54:476 ended up voting for the plan.

09:54:507 I think it's a negotiating process, and you can
09:54:538 never -- everything is not entirely how you would like to
09:54:569 see it. But that was my largest area of concern as I was
09:55:020 voting.

09:55:041 Q. Can you recall, without having -- without
09:55:082 relying on the deposition testimony of the other
09:55:103 Commissioners, any other metrics that you voted on
09:55:134 relative to the Legislative map?

09:55:215 A. I believe I listed them: The communities of

09:55:231 interest, respecting Tribal sovereignty, issues around the
09:55:282 highway crossing, and the partisanship that I -- I
09:55:313 described, and the issues in and around the 14th and 15th
09:55:344 Legislative Districts in the Yakima Valley.

09:55:385 Q. Can you recall any other partisan metrics that
09:55:416 you voted on based on what you remember voting on, not
09:55:457 what you read in a dep?

09:55:478 A. Yes. I mean, I think that there was an intent
09:55:499 to keep the performance, from the partisanship
09:55:510 perspective, of Districts like the 24th, 42nd, 10th
09:55:561 roughly the same.

09:56:052 Q. And what did you vote on with regard to the
09:56:093 Congressional Districts?

09:56:124 A. With the Congressional District, Commissioner
09:56:145 Fain and I had exchanged a number of maps leading up to
09:56:196 the proposal that we brought forward to the Commission
09:56:227 that reflected public input. So I had a clear sense of
09:56:268 what I was voting on with the Congressional maps because I
09:56:299 was directly involved.

09:56:300 Q. What -- what was the proposal?

09:56:341 A. It was what I'd described in -- broadly and
09:56:382 inarticulately in the public meeting. But it was
09:56:453 basically starting in Northwest Washington, it was
09:56:474 using -- keeping communities of interests together, using
09:56:525 Skagit as the dividing line in the Eastern part of the

09:56:561 Congressional District. It was focused on keeping the
09:57:002 main population centers that had been the main communities
09:57:023 in the 2nd Congressional together. So, for instance,
09:57:074 Bellingham, Everett, Mukilteo remained the core of the 2nd
09:57:115 Congressional District.

09:57:146 So those were -- those were all pretty clear. I
09:57:167 would say with -- I'll pause there and see if you have
09:57:208 followup.

09:57:209 Q. Well, yeah. I mean, you're telling me concepts,
09:57:230 not specifics. I mean, are you telling me that your
09:57:281 proposal was just keep communities of interests together?

09:57:332 A. No. I believe, for instance, using the Skagit
09:57:363 County line as the dividing line to keep -- that's very
09:57:394 specific. I mean, that -- or keeping cities like
09:57:435 Mukilteo, Bellingham, and Everett whole, that's quite
09:57:466 specific.

09:57:477 You know, keeping -- incorporating the input
09:57:528 that we had from the Confederated Tribe of Colville around
09:57:569 unifying the Colville Confederated Tribe in a
09:58:020 Congressional District, that's quite specific because it
09:58:041 has a lot of implications for where you draw the lines.

09:58:072 Similarly, the ways that the 6th was drawn and
09:58:093 the 10th to decrease the split of Tacoma, quite specific.

09:58:154 So I think there was a -- I think there was a
09:58:175 sense of -- of how those would be drawn based on what we

09:58:221 **brought forward.**

09:58:232 Q. Okay. How many Congressional Districts are
09:58:273 there?

09:58:274 **A. Ten.**

09:58:295 Q. And how many Legislative Districts are there?

09:58:326 **A. Forty-nine.**

09:58:387 Q. How many of the boundaries of the Congressional
09:58:438 Districts moved?

09:58:449 **A. Oh, I would say all of them probably. Because**
09:58:450 **we had to -- because of the nature of population growth of**
09:58:481 **the state, the Districts went from about 710,000 to about**
09:58:522 **760,000.**

09:58:553 Q. Okay.

09:58:554 **A. Which required quite a bit of change. So I**
09:58:585 **would say you saw change in all the Congressional**
09:59:006 **Districts. The District that probably changed the least**
09:59:027 **was the 7th is my guess.**

09:59:068 Q. Where --

09:59:069 **A. But we saw change in all of them.**

09:59:120 Q. Where's the 7th?

09:59:131 **A. That's the city of Seattle primarily.**

09:59:152 Q. And the -- of the 49 Legislative Districts, how
09:59:183 many boundaries changed?

09:59:214 **A. Again, I would say probably all 49 saw some**
09:59:275 **change.**

09:59:291 Q. Okay. So with regard to the number of
09:59:362 components your proposal that you voted on contained, how
09:59:423 specific was your proposal as to the ten Congressional
09:59:474 Districts in terms of where the District boundaries
09:59:515 would -- would -- would fall?

09:59:566 **A. It was fairly specific.**

09:59:597 Q. Actually, what I wanted to know is how many
10:00:038 different -- how many different things did you have to
10:00:079 agree on to reach agreement as to a proposal to bring
10:00:120 forward?

10:00:151 **A. Many.**

10:00:262 Q. Okay. And is it correct that you were not
10:00:293 agreeing on District boundaries? None of -- none of your
10:00:344 proposal that was voted on was specific to the ten
10:00:385 Congressional District boundaries.

10:00:436 **A. No. Elements of what we voted on dictated the**
10:00:497 **boundaries, like what I said earlier about Skagit County,**
10:00:538 **for example.**

10:00:539 Q. But -- but, when you brought forward a proposal,
10:00:560 you didn't have a map so you didn't have District
10:00:591 boundaries. You had proposals that were non-specific as
10:01:022 to where the line would be finally drawn; correct?

10:01:063 **A. That's not correct with the Congressional**
10:01:084 **District maps. You -- you know, you saw those released**
10:01:225 **probably in our public records that Commissioner Fain and**

10:01:171 I, on multiple occasions, exchanged Congressional maps
10:01:242 with specific boundaries.

10:01:273 Q. So when did you and Commissioner Fain agree on a
10:01:304 map?

10:01:365 A. I can't recall specifically, but in the -- in
10:01:396 the few hours or in the couple hours prior to midnight on
10:01:447 the 15th.

10:01:488 Q. And so by that time, you did have an agreed-upon
10:01:519 map --

10:01:550 A. Again, I wouldn't --

10:01:551 Q. -- for the Congressional Districts.

10:01:572 A. I wouldn't call it a map. A proposal that we
10:02:003 were ready to bring forward to the Commission, yes.

10:02:034 Q. So no map -- no map; it was a proposal.

10:02:085 A. And we were simultaneously working quite hard in
10:02:126 that busy evening to convert it to a map.

10:02:197 Q. All right. And in terms of -- I want to make
10:02:238 sure I understand this.

10:02:249 So with regard to the negotiations between you
10:02:270 and Fain, you guys came to an agreement a couple hours
10:02:321 before midnight, and then you expressed the agreement with
10:02:372 Fain to Sims?

10:02:413 A. I'd been keeping her up to date. I mean, as
10:02:444 you'll see in her texts too, I'd been keeping her up to
10:02:465 date throughout just on progress. It wasn't to solicit

10:02:501 agreement or sign-off, but I was keeping her up to date on
10:02:552 progress.

10:02:553 Q. What do you mean? You were not telling her that
10:02:594 you and Fain had reached an agreement so that you could
10:03:025 tell whether or not she would agree to it?

10:03:076 A. We were ready to bring forward a proposal to
10:03:097 the -- to the Commission. I think that -- I actually
10:03:128 don't know that -- I'll let -- I won't speak for
10:03:169 Commissioner Sims.

10:03:180 Q. Well, did Commissioner Sims tell you she
10:03:201 couldn't agree with what you and Fain had agreed to?

10:03:262 A. Could you repeat that?

10:03:283 Q. Right. When you -- when you were briefing Sims
10:03:314 on the agreement between Fain, did Sims tell you that
10:03:355 there's no way she could agree to it?

10:03:396 A. No.

10:03:407 Q. Did she ask you for changes?

10:03:448 A. She -- she may have given reflections. The
10:03:489 reality was she was so busy working on the Legislative
10:03:520 maps that evening that I don't recall even sharing the
10:03:551 deep specifics with her before bringing the proposal
10:03:582 forward.

10:03:583 Q. But there were no specifics shared when you
10:04:004 brought the proposal forward; would you agree?

10:04:065 A. I outlined aspects of it --

10:04:121 Q. When?

10:04:122 A. -- in the public meeting.

10:04:133 Q. Okay. But not in the motion; right?

10:04:194 A. I'd have to go back and look at the transcript.

10:04:215 Q. And there was no discussion on the motion;

10:04:236 correct?

10:04:267 A. I'd have to go back and look at the transcript.

10:04:308 Q. All right. So would you agree that you had a

10:04:339 pretty good understanding that what you and Fain had

10:04:380 agreed upon incorporated what Sims needed in order to

10:04:411 approve it as well prior to the vote?

10:04:502 A. With the Congressional maps, I think there was

10:04:543 quite a bit of awareness because there had been discussion

10:04:584 of the Congressional maps in public meeting -- or in

10:05:005 Congressional -- I think there was quite a bit of

10:05:016 awareness of what --

10:05:037 Q. Yeah, I --

10:05:038 A. -- Commissioner Fain and I were bringing

10:05:059 forward.

10:05:060 Q. I want to know what you made Sims aware of and

10:05:081 what you thought Sims thought of your agreement with Fain

10:05:222 prior to the vote.

10:05:233 GREG WONG: Object to form.

10:05:264 THE WITNESS: She likely wanted other things in

10:05:285 it as well. I -- I had shared with her the plan -- I

10:05:331 likely shared with her how we were structuring the 4th and
10:05:372 5th in Eastern Washington. I likely shared with her what
10:05:393 the breakdown was looking like in the 6th and the 10th and
10:05:424 the 3rd and -- so I -- I likely shared specifics.

10:05:495 I don't know that Commissioner Sims knew all the
10:05:516 details.

10:05:527 Q. All right. But did you know that she didn't
10:05:568 have any objections that would cause her to reject the
10:06:029 agreement you reached with Fain?

10:06:050 GREG WONG: Object to form.

10:06:151 THE WITNESS: I -- I -- I don't believe she
10:06:212 shared any significant objections, but I did know her -- I
10:06:253 did know when she raised priorities it may not have been
10:06:294 included.

10:06:305 BY JOAN MELL:

10:06:306 Q. Okay. Did you include some of her priorities?

10:06:407 A. In the same way I was incorporating a lot of
10:06:458 feedback that we'd received. But I think that there was
10:06:529 feedback that I received that was very well-incorporated
10:06:570 around some specific aspects of the map. I mean, I think
10:07:021 broadly we'd all shared priorities like unifying Tribal
10:07:062 Nations.

10:07:073 Like, I knew -- I knew going in some of the
10:07:104 values that we had both expressed and that we were working
10:07:135 toward. We had values around the --

10:07:151 Q. People like Sims and Graves?

10:07:192 A. Sorry. Could you repeat that?

10:07:203 Q. When you say "people," you mean the voting
10:07:244 Commissioners, Sims and Graves; right?

10:07:265 A. Oh, and I mean many other people who provided
10:07:286 input in the process. I mean --

10:07:307 Q. Well, I don't care about -- I don't care about
10:07:328 them right now. I'm trying to ask you specifically what
10:07:359 did you know about Sims' wishes with regard to
10:07:440 Congressional Districts when you reached an agreement with
10:07:471 Fain.

10:07:482 A. Oh, I knew -- I know what we'd shared, which was
10:07:533 that it was very likely that the 4th, the 5th
10:07:594 Congressional Districts would keep their orientation and
10:08:015 they would be predominantly Republican Districts. I knew
10:08:086 that it was a priority across the board to make sure that
10:08:137 the 6th and the 10th were strong.

10:08:178 I knew that it was a priority that we keep
10:08:219 communities together in the 2nd. There were differing
10:08:250 views about Seattle and the 7th Congressional District. I
10:08:301 had an opinion on that.

10:08:312 There were, you know, thoughts about the 8th
10:08:363 Congressional District is a very competitive Congressional
10:08:404 District and was a source of a lot of discussion.

10:08:435 Q. All right. So what you knew with regard to

10:08:481 Sims' priorities were based on what you and Sims shared on
10:08:532 the 15th; correct?

10:08:573 **A. No. No.**

10:08:594 Q. There's no content about your discussions with
10:09:055 Fain that you shared with Sims on the 15th outside the
10:09:096 public meeting?

10:09:107 **A. I did. As I shared, I kept -- I kept**
10:09:148 **Commissioner Sims up to speed and abreast of the**
10:09:169 **conversations --**

10:09:170 Q. Okay.

10:09:171 **A. -- with Commissioner Fain.**

10:09:182 Q. Okay.

10:09:183 **A. The point, though, where I -- I'll -- the**
10:09:224 **results -- the input was all gathered -- a lot of it was**
10:09:265 **gathered in public comment, and it was a reflection of the**
10:09:296 **trips they made around the state to gather input, the**
10:09:327 **hours we spent on Zoom.**

10:09:338 Q. Right. And I'm not discounting that. I -- I
10:09:359 just am trying to be very specific about your
10:09:380 communications with Sims on the 15th about the
10:09:421 Congressional District maps.

10:09:442 **A. Okay.**

10:09:443 Q. And I don't want to -- I just want the answer to
10:09:474 that. I don't need all the other stuff.

10:09:495 What did you say to Sims prior to the vote about

10:09:531 the Congressional District maps off the record, off the
10:10:022 public meeting?

10:10:053 **A. Described the direction that we were headed in.**

10:10:084 Q. Okay. And you described the direction you were
10:10:115 headed as opposed to describing your agreement?

10:10:196 **A. My agreement with Commissioner Fain? I do**
10:10:227 **believe that -- it's -- yes. I -- I didn't have --**
10:10:268 **probably did not share all the details. But the main**
10:10:299 **outlines of -- which I just shared with you --**
10:10:310 **Commissioner Sims was very likely aware of because they'd**
10:10:381 **been things we --**

10:10:392 Q. No. No. No. No. No. I -- I don't want you
10:10:413 speculating on what she was very likely aware of.

10:10:434 I'm asking you a very specific question: What
10:10:465 did you say to Commissioner Sims about your agreement with
10:10:506 Fain prior to the vote off the public record?

10:10:597 **A. I probably shared that I was supportive of it.**

10:11:038 Q. Okay.

10:11:039 **A. That I -- I probably shared that I was**
10:11:070 **supportive of it, and I probably shared the pieces that I**
10:11:091 **just described to you around the orientation of the**
10:11:122 **Districts.**

10:11:243 Q. And this is the point in time when you had
10:11:264 reached agreement with Fain?

10:11:285 **A. I don't recall the exact timeline of events,**

10:11:351 but -- I don't recall the exact timeline of events that
10:11:412 happened precisely.

10:11:443 Q. And are you able to say, as we sit here today,
10:11:474 whether or not you described your agreement with Fain to
10:11:495 Sims?

10:11:546 A. I definitely updated her on where we were in the
10:11:577 process. I don't -- what I don't remember is, were there
10:12:008 a couple more things that happened after I may have shared
10:12:039 an update with Commissioner Sims that -- that were things
10:12:080 that Commissioner Fain and I were discussing.

10:12:111 Q. Okay. All right.

10:12:132 So you may or -- may or may not have told Sims
10:12:183 the entire proposal and agreement you reached with Fain;
10:12:234 is that correct?

10:12:235 A. That's right. That's correct.

10:12:256 Q. But you certainly told her the main components
10:12:307 and that you were supportive of your negotiations on the
10:12:408 Congressional District map with Fain?

10:12:469 A. Part -- partly true. Those aspects would come
10:12:510 as no surprise because we had discussed them on a number
10:12:551 of occasions.

10:12:562 Q. Well, whether they come as a surprise or not is
10:13:003 not what I'm asking. I'm asking whether or not you
10:13:024 actually communicated to Sims what the main points were
10:13:055 that you agreed upon with Fain.

10:13:081 **A. Yes. That's very -- that's a very likely that I**
10:13:112 **shared the main points of --**

10:13:143 Q. And you did that --

10:13:164 **A. -- our discussions.**

10:13:165 Q. You did that in a communication that was not --
10:13:186 that was after the public meeting started on the 5th but
10:13:227 was not in the public meeting?

10:13:258 GREG WONG: Object to form.

10:13:259 **THE WITNESS: That I -- that I can't recall.**
10:13:300 **The timing of when the public meeting -- I can't recall**
10:13:331 **when we may have gone off -- I can't recall the specifics**
10:13:382 **in the public meeting.**

10:13:383 BY JOAN MELL:

10:13:384 Q. Okay. But -- but you do know you had
10:13:405 communicated with Sims main points on the agreement with
10:13:446 Fain outside the public meeting?

10:13:477 **A. Yes. I kept her up to date. I kept her up to**
10:13:498 **date on our conversations.**

10:13:519 Q. Okay.

10:13:540 GREG WONG: Joan, we've been going about an hour
10:13:571 ten. Can we take a break soon?

10:13:582 JOAN MELL: We can take a break as soon as I get
10:14:013 through this segment.

10:14:024 GREG WONG: Sure.

10:14:021 BY JOAN MELL:

10:14:042 Q. When you were talking -- when you shared the
10:14:073 main points with Sims on the Congressional Districts and
10:14:144 your negotiations with Fain, did Sims share with you
10:14:215 the -- the -- any communications about her negotiations
10:14:256 with Graves on the Legislative District?

10:14:287 A. Yes. I was -- I was definitely -- I was aware
10:14:308 of the general direction that they were headed in.

10:14:349 Q. From Sims?

10:14:350 A. Yes.

10:14:361 Q. Okay. And in conversations after the meeting
10:14:412 started on the 15th but not on the public record?

10:14:463 A. That's where I'm -- I get a little hazy on the
10:14:514 timeline, but -- that's where I get a little hazy on the
10:14:555 timeline.

10:14:566 Q. But you believe that you had conversations after
10:14:587 seven o'clock with Sims where Sims told you what she and
10:15:038 Graves were negotiating with respect to the Legislative
10:15:079 maps?

10:15:080 A. Yes.

10:15:091 Q. Okay. And you -- you believe that you knew from
10:15:152 Sims prior to voting that she and Graves had agreed upon a
10:15:213 Legislative proposal?

10:15:234 A. Yes. I -- I knew that they had a proposal they
10:15:265 were bringing forward to the Commission and that they were

10:15:301 **agreed on it.**

10:15:352 Q. And had you ever -- well, who made the decisions
10:15:363 to -- strike that.

10:15:384 Who made the decision to negotiate in dyads?

10:15:435 **A. It's a great question. It was -- I would say it**
10:15:476 **was historic precedent, which is what was shared with us**
10:15:517 **from Commissions in the past.**

10:15:538 Q. Okay. So did you at any time consider Sims
10:16:059 capable of -- strike that. Not "capable." "Capable's"
10:16:100 not the right word.

10:16:121 Did -- did you entrust the Legislative mapping
10:16:162 negotiations to Sims with an expectation she was
10:16:193 incorporating your priorities such that you could approve
10:16:244 it ultimately --

10:16:265 **A. No.**

10:16:266 Q. -- and vice versa?

10:16:287 **A. Not in my case. I mean, and that's -- there**
10:16:318 **were several instances where I also released Legislative**
10:16:349 **maps. And I sent, you know, a few days before the**
10:16:390 **completion -- before the vote, I also had drawn an**
10:16:431 **additional Legislative map that I shared with Commissioner**
10:16:462 **Fain.**

10:16:463 Q. Okay. And was that because the -- you learned
10:16:504 that Sims and Graves, their negotiations had stalled?

10:16:525 **A. I would say it was because I had different**

10:17:001 **ideas.**

10:17:002 Q. Okay. And you wanted -- you wanted them
10:17:033 considered?

10:17:034 A. I wanted the ideas considered. And I have said
10:17:065 this: I had concerns about the way that the Yakima Valley
10:17:116 was being approached and the representation of the
10:17:147 Hispanic majority population there. And, as I said when
10:17:188 we were speaking earlier, I also had real questions about
10:17:229 the highway crossing and what that meant --

10:17:240 Q. So was --

10:17:251 A. -- as far as the District lines.

10:17:272 Q. What you voted on, did it in any way reflect
10:17:303 what you published in your map -- well, what you put out
10:17:334 in your map?

10:17:345 A. Not on those two points it didn't.

10:17:366 Q. On anything else?

10:17:377 A. Maybe. I'd have to go back and look. There
10:17:398 were similarities, but on some of the main -- some of
10:17:429 those points, no.

10:17:430 Q. How did you express your map? Did you give it
10:17:461 to the public?

10:17:482 A. I -- that specific idea was an idea that I
10:17:523 sent -- I sent to just Commissioner Fain.

10:17:564 Q. Just to Fain?

10:17:575 A. Yeah. Directly.

10:17:591 Q. Did you tell Sims?

10:18:022 A. I believe I -- I believe I did. That I was also
10:18:063 developing a Legislative map.

10:18:084 Q. Was that on the 14th or the 15th?

10:18:105 A. No. It was prior to that even. It might have
10:18:136 been the -- I'd have to go back and look at the record,
10:18:157 but maybe it was the 11th or 12th or 13th.

10:18:208 Q. Okay. So then just a few more questions along
10:18:229 the same lines.

10:18:250 Did you then have conversations with Fain after
10:18:311 7:00 on the 15th outside the public record on either the
10:18:372 Congressional or Legislative map -- or proposal, not map.
10:18:403 I know you didn't have maps.

10:18:414 A. Are you asking if Commissioner Fain and I spoke
10:18:435 after 7:00 p.m. on the 15th?

10:18:466 Q. Yes. But not on, "How's your kids doing?" On
10:18:497 what the Congressional or Legislative proposals --

10:18:528 A. Yes, we did for sure.

10:18:579 Q. Okay. Do you recall what you said?

10:18:580 A. We were very busily trying to reach a proposal
10:19:021 that we could bring forward on the Congressional maps.

10:19:072 Q. Did -- did you talk about the Legislative maps
10:19:103 with Fain off the record after 7:00 on the 15th?

10:19:204 A. I don't remember the specifics, but it's -- it's
10:19:235 very possible that we mentioned them. But it's -- but I

10:19:271 **can't remember the specifics.**

10:19:302 Q. Okay. And then --

10:19:303 **A. Primarily focused on the Congressional maps in**
10:19:354 **that time period.**

10:19:365 Q. But you were negotiating with him so you were
10:19:386 having a lot of off-the-record discussions with him;
10:19:387 correct?

10:19:398 **A. We were negotiating, yes.**

10:19:429 Q. And then off the record; correct?

10:19:430 **A. Yes. We were negotiating in our dyad, yes.**

10:19:461 Q. Which was not publicized?

10:19:492 **A. Not all the -- no. Those are not public.**

10:19:523 Q. Okay. And then was there any point in time when
10:19:554 Fain shared with you what Graves thought?

10:20:025 **A. I really don't think so. That I don't recall.**

10:20:056 Q. Okay. And then did you have communications with
10:20:097 Graves after 7:00 on the 15th on Legislative or
10:20:148 Congressional plans off the record outside the public?

10:20:209 **A. I actually don't recall speaking with Graves**
10:20:220 **once in that period. We were all very tired, and I may**
10:20:261 **have seen him and exchanged pleasantries, but I don't**
10:20:312 **remember a substantive conversation with Graves after 7:00**
10:20:353 **p.m. that night.**

10:20:364 Q. Do you remember, in your communications with
10:20:385 Sims, communicating with Sims what Fain thought?

10:20:441 A. Commissioner Sims was continually updating me on
10:20:482 those -- on her discussions she was having.

10:20:503 Q. So Sims would tell you what Graves thought on
10:20:524 the Legislative mapping process or proposal process.

10:20:585 A. She updated me on her negotiations with
10:21:026 Commissioner Graves, yes.

10:21:047 Q. So you knew from Sims what -- what Graves was
10:21:088 negotiating?

10:21:129 A. I knew from Sims what she was working on with
10:21:140 Commissioner Graves, yes.

10:21:151 Q. Which -- which wasn't just her input. You knew
10:21:182 what his input was; correct?

10:21:253 A. I -- I knew where the conflict was between them,
10:21:314 yes. Yes. I knew what they were -- I knew what they were
10:21:335 trying to work through.

10:21:356 Q. Okay. And then -- and vice versa. You would
10:21:407 share with Sims what Fain's position was on the
10:21:468 Congressional maps?

10:21:489 GREG WONG: Object to form.

10:21:490 THE WITNESS: In all honesty, not that much. I
10:21:511 don't -- I think that there wasn't -- there wasn't that
10:21:572 much exchange there, if I recall.

10:22:003 BY JOAN MELL:

10:22:014 Q. But there was some.

10:22:035 A. In the spirit of, "Are you making progress?"

10:22:061 **yes. But I -- I'm hard pressed to remember real specifics**
10:22:092 **that I would have conveyed.**

10:22:113 Q. And then, finally, did Fain ever share with you
10:22:154 what -- anything about Graves?

10:22:185 **A. No.**

10:22:196 Q. Okay.

10:22:207 **A. Not that I --**

10:22:238 JOAN MELL: Are you still there, Greg?

10:22:259 GREG WONG: Yes.

10:22:260 JOAN MELL: What do you want? You want me to
10:22:261 just -- just a potty break kind of thing?

10:22:292 GREG WONG: Can we take ten?

10:22:313 JOAN MELL: Okay. So 10:20; so 10:30?

10:22:374 GREG WONG: Yeah. Okay. Sounds good. Thanks.

10:22:415 (Recess.)

10:33:136 BY JOAN MELL:

10:33:137 Q. Mr. Walkinshaw, who decided to go into caucuses?

10:33:218 GREG WONG: Object to form.

10:33:229 **THE WITNESS: I just turned on my volume. What**
10:33:220 **was the question?**

10:33:221 BY JOAN MELL:

10:33:222 Q. Caucuses. Whose idea was a caucus?

10:33:223 GREG WONG: Object to form.

10:33:224 JOAN MELL: I'm not sure what you mean by
10:33:235 "caucus."

10:33:241 BY JOAN MELL:

10:33:242 Q. Did you caucus during the meeting on the 15th?

10:33:293 A. Again, what is a -- what is your definition of a
10:33:314 "caucus"?

10:33:325 Q. Well, I was asking you that. I'm looking at the
10:33:366 transcript, and there's a lot of reference to the word
10:33:387 "caucus."

10:33:408 What did you think the word "caucus" meant when
10:33:439 mentioned by Sarah Augustine in the November 15th meeting?

10:33:510 A. To me, the term "caucus" refers to the
10:33:541 Republican or Democratic Caucuses in the Senate or the
10:33:572 House when I hear that.

10:34:023 Q. Did you meet as a Senate or -- Senate or House
10:34:084 Democrat or Republican Caucus on the 15th?

10:34:155 A. No. No. I'm not sure what's meant by "caucus"
10:34:216 in that context.

10:34:227 Q. Okay. What were you doing when Chair Augustine
10:34:348 excused you to caucus on the 15th?

10:34:409 A. I'm not sure what's meant by that. I --

10:34:440 Q. But what did you do?

10:34:451 A. Well, I assume I --

10:34:472 Q. Where were you?

10:34:473 A. I assume I was either talking to -- to
10:34:504 Commissioner Fain about the Congressional maps. I assume
10:34:525 that's what I was doing. Or -- or in conversation with

10:34:581 **Commissioner Sims.**

10:35:002 Q. Where were you located?

10:35:043 A. On the evening of the 15th?

10:35:084 Q. Yes.

10:35:095 A. Well, I was --

10:35:126 Q. Let's not be that vague.

10:35:147 When the regular meeting started at seven
10:35:168 o'clock, where were you on the 15th? Excuse me.

10:35:209 A. I'm nearly certain that I was in the Hampton --
10:35:240 I believe it was the Hampton Inn Hotel in Federal Way. I
10:35:291 may have been at the hotel I was actually staying in which
10:35:332 was, I believe, a Marriott Courtyard.

10:35:353 Q. In Federal Way?

10:35:364 A. In Federal Way, yes. I believe -- I believe
10:35:425 that I was at the Hampton Inn at that time. But there is
10:35:466 a possibility that I was at the hotel that I was actually
10:35:497 staying at which was the Marriott Courtyard in Federal
10:35:538 Way.

10:35:599 Q. Whose idea was it to stay in hotels in Federal
10:36:040 Way?

10:36:091 A. I believe the idea had come up because
10:36:132 Commissioner Augustine was trying to facilitate a space
10:36:203 for two Commissioners to meet with one another in person
10:36:234 because all of us work -- nearly all of our work up until
10:36:265 that point had been over Zoom.

10:36:311 Q. So did the Commissioners consent to meet in
10:36:372 Federal Way?

10:36:413 A. Sorry. Did the Commissioners consent to?

10:36:444 Q. Meet in Federal Way.

10:36:485 A. Yes. Because we all ended up going to Federal
10:36:516 Way. I don't believe there was a -- a collective decision
10:36:567 taken on that.

10:36:578 Q. Do you know that the Commission rules require
10:37:009 you hold meetings in Olympia?

10:37:030 GREG WONG: Object to form.

10:37:061 THE WITNESS: I -- I was not aware of that, but
10:37:072 we conducted almost all of our official meetings over
10:37:113 Zoom, which were not in Olympia.

10:37:154 BY JOAN MELL:

10:37:265 Q. When your meetings were conducted via Zoom, were
10:37:296 they facilitated from Olympia?

10:37:327 A. I'm not sure.

10:37:428 Q. Other than the meeting on the 15th, did the
10:37:479 Commissioners convene at one location for any other
10:37:510 meeting?

10:37:521 GREG WONG: Object to form.

10:37:552 THE WITNESS: I met Commissioner Fain, I
10:37:583 believe, twice over the course of the year in person for
10:38:014 coffee or breakfast. I believe we met once Downtown near
10:38:085 the stadiums, and then I met with him once at my office in

10:38:121 person.

10:38:142 And I believe that I met with Commissioner Sims
10:38:173 in person maybe four times over the course of the year.
10:38:254 And I don't believe that I ever met with Commissioner
10:38:295 Graves in person.

10:38:316 BY JOAN MELL:

10:38:327 Q. In any of those meetings with Fain or Sims,
10:38:358 were -- were you -- were you meeting during a publicly
10:38:419 announced meeting?

10:38:440 A. It was -- no. It was our understanding that we
10:38:461 could meet one on one with other Commissioners, which had
10:38:522 been how our understanding was that every Commission had
10:38:563 done it in the past -- that we could have one-on-one
10:39:004 conversations.

10:39:035 Q. What was your understanding relative to what you
10:39:076 did with those conversations relative to the other
10:39:107 Commissioners?

10:39:158 GREG WONG: Object to form.

10:39:169 THE WITNESS: Don't understand the question.
10:39:270 But my meetings with Commissioner Fain, for instance, when
10:39:211 we met in person were, I'd say, primarily about the
10:39:252 Congressional maps and thinking about the public input
10:39:303 we'd received and identifying areas that we negotiated
10:39:344 because there was disagreement.

25

10:39:351 BY JOAN MELL:

10:39:352 Q. And did you understand then that you could go
10:39:373 from your meeting with Fain and have a meeting with Sims
10:39:414 and talk about the same subjects that you discussed with
10:39:455 Fain?

10:39:466 A. Throughout the process, I kept Commissioner Sims
10:39:497 updated after my conversations.

10:39:528 Q. Okay. So it was your understanding that you
10:39:549 could -- as long as you -- there were no more than two of
10:39:560 you in the room at any given time, what you talked about
10:40:011 was fine to discuss with the next Commissioner as long as
10:40:042 the next -- you and the next Commissioner weren't meeting
10:40:093 with a third?

10:40:124 A. Sorry. Meeting with a third?

10:40:155 Q. That there were just two of you present, not
10:40:176 three.

10:40:187 A. Yeah. Never throughout the process -- I mean,
10:40:218 throughout the process, I did not -- in the time going up
10:40:259 to the 15th, I did not have any -- all my meetings -- all
10:40:290 my conversations that I had with other Commissioners were
10:40:321 one on one.

10:40:322 Q. Right. But the content of what you talked about
10:40:353 would be shared with a Commissioner who was not present
10:40:394 when you were talking to the one Commissioner.

10:40:425 You felt like you could take that content and go

10:40:481 meet with Sims -- you could that to Fain one on one. You
10:40:512 could talk to Sims one on one and talk about the same
10:40:543 things?

10:40:554 A. I see what you're saying. I almost -- I did
10:40:595 update Commissioner Sims throughout the process on my
10:41:026 conversations with Commissioner Fain. But they were
10:41:067 not -- not all aspects, but there were aspects that I
10:41:108 shared updates with her on. So I broadly knew what was
10:41:139 happening in her conversations with Commissioner Graves,
10:41:170 but not in -- not in great detail.

10:41:191 Q. Okay. And you said that -- that it was your
10:41:222 understanding that there was no problem with meeting with
10:41:253 one other Commissioner.

10:41:284 Are you talking about problems with open
10:41:305 government rules and standards?

10:41:336 A. Just that we would -- what I had been advised
10:41:357 and what I understood from the initial briefing that we
10:41:388 received was that, historically, the Commissions had
10:41:439 negotiated in these dyads and that that was an appropriate
10:41:480 way to conduct our conversations.

10:41:521 Q. So did you have any OPMA training?

10:41:582 A. As part of the Commission, we had a briefing, I
10:42:023 believe, from the State Attorney General's Office, which I
10:42:204 believe occurred early on in the Commission's work. I
10:42:275 don't recall the specific date but maybe in the

10:42:181 **February-March timeframe would be my best recollection.**

10:42:222 Q. Did you attend?

10:42:233 A. **Yes.**

10:42:254 Q. Did you get any other OPMA training?

10:42:305 A. **I didn't receive any other targeted OPMA
10:42:336 training as part of the Commission's business, no.**

10:42:377 Q. Have you ever had any other OPMA training?

10:42:418 A. **I may well have been briefed on OPMA issues and
10:42:459 received context when I was in the State Legislature, but
10:42:520 I don't recall the specifics. But I -- I may well have so
10:42:541 I just don't want to rule out that possibility.**

10:42:572 Q. Do you know whether or not OPMA applies to the
10:43:003 Legislature?

10:43:014 A. **I believe the disclosure rules changed since I
10:43:045 was there.**

10:43:056 GREG WONG: I'll object to form on that
10:43:077 question.

10:43:088 BY JOAN MELL:

10:43:099 Q. Did you at some point in time believe OPMA
10:43:110 applied to the Legislature?

10:43:131 GREG WONG: Object to form.

10:43:142 **THE WITNESS: I don't recall the specifics of
10:43:173 what -- what the -- it's been several years since I was
10:43:214 there.**

10:43:211 BY JOAN MELL:

10:43:222 Q. How about generally? Do you generally believe
10:43:243 that, while you were in the Legislature, OPMA applied to
10:43:284 you?

10:43:305 A. Not -- not all aspects. Like, we didn't
10:43:336 disclose -- I think the disclosure rules were a bit
10:43:367 different.

10:43:378 Q. When you say "the disclosure rules," what do you
10:43:399 mean?

10:43:400 A. Just with respect to your emails. I believe
10:43:431 that changed after -- I think I believe public access to
10:43:472 Legislative email changed after I was in the Legislature.

10:43:523 Q. Do you know whether or not that -- what you're
10:43:544 talking about there is the Public Records Act as opposed
10:44:015 to OPMA?

10:44:036 A. I -- that's a good point. I don't know the
10:44:057 specifics.

10:44:058 Q. Do you know generally that there's a distinction
10:44:089 between OPMA and Public Records Act?

10:44:210 A. Generally, yes.

10:44:231 Q. Okay. And so, as you sit here today, do you
10:44:262 know whether the OPMA applied to the Legislature?

10:44:223 GREG WONG: Object to form.

10:44:234 THE WITNESS: No. My -- my memory might be
10:44:245 dated so no.

10:44:251

BY JOAN MELL:

10:44:342

Q. What do you do for work?

10:44:393

A. I'm the CEO of an environment media organization called Grist.

10:44:454

10:44:535

Q. So when you said your "office," is that what you meant?

10:44:566

10:45:007

A. Yes. I was trying to recall, but, yes, I believe so. I'd have to go back and remember the specifics, but I think so.

10:45:058

10:45:089

10:45:100

Q. I think you said that you may have met with Fain at your office. Is that the Grist office?

10:45:131

10:45:162

A. Yes. He came by my office one day, yes.

10:45:183

Q. Where's your office?

10:45:194

A. On Capitol Hill.

10:45:315

Q. Okay. Showing you what's been marked as Exhibit 95.

10:45:326

10:45:427

(Deposition Exhibit 95 was marked for identification.)

10:45:428

10:45:449

BY JOAN MELL:

10:45:440

Q. Do you recognize this document?

10:45:541

A. I do not, but I -- I am familiar with what it is.

10:45:562

10:45:573

Q. Okay. Is this the transcript that you thought you would need to refresh your recollection about what you told the public on the 15th?

10:46:034

10:46:065

10:46:121

A. Yes.

10:46:132

Q. And did you believe that, on the 15th, the Redistricting Commission was holding a special meeting rather than a regular meeting?

10:46:183

10:46:214

10:46:265

A. I'm not familiar with the distinction, but it makes sense that we were voting to approve a redistricting plan.

10:46:316

10:46:347

10:46:368

Q. So what -- what was the plan going into the -- well, strike that. Let me think this through.

10:46:429

10:46:470

Were you the only Commissioner staying at the Marriott?

10:46:491

10:46:522

A. Yes.

10:46:533

Q. Why were you the only Commissioner staying at the Marriott and the rest were at the Hampton?

10:46:554

10:46:585

GREG WONG: Object to form.

10:47:036

THE WITNESS: I'm not sure what Commissioners were actually staying at the Hampton.

10:47:057

10:47:088

BY JOAN MELL:

10:47:109

Q. Why didn't you stay at the Hampton?

10:47:160

A. Apologies. Can you repeat the question?

10:47:181

Q. Why didn't you stay at the Hampton?

10:47:212

A. Because I thought it would be good to -- to have some -- some distance to reduce the likelihood that -- that we would -- that you would have meetings -- I was trying to stay close to the -- what I had shared before,

10:47:233

10:47:304

10:47:335

10:47:361 which was my understanding that you could have meetings
10:47:402 of -- of two people on -- in dyads. So I thought it will
10:47:453 just be good to stay in a separate place.

10:47:484 Q. So were you trying to avoid coming into contact
10:47:515 with two Commissioners at one time?

10:47:536 A. Basically.

10:47:537 Q. And you believed you were doing that to comply
10:47:558 with open government requirements?

10:47:589 A. Yes.

10:48:010 Q. Did you, at any point in time, have
10:48:041 communications in person with more than one Commissioner?

10:48:112 A. After the -- not -- not to my memory on the
10:48:153 15th. After -- after -- on the 16th, yes.

10:48:184 Q. Okay. So we'll talk about the 16th here in a
10:48:225 bit, but let's talk about the 15th right now, at least
10:48:276 what happened -- what's reflected in this record.

10:48:297 So tell me how this is going to work for you.
10:48:388 Do you want me to just to scroll down to where it's --
10:48:409 it's a statement attributed to you and let you review that
10:48:440 so that I can ask you questions about it or --

10:48:481 A. Sure. That sounds good.

10:48:502 Q. Do you need to start at the top here and have an
10:48:523 opportunity to read through chronologically?

10:48:574 A. I'm catching up.

10:48:585 GREG WONG: We can also try, Joan, in the past

10:49:011 just put some in the chat and you can open it if that's --

10:49:062 JOAN MELL: Do you want me to try that?

10:49:073 GREG WONG: You can do it either way in terms of
10:49:094 reviewing, Brady.

10:49:105 **THE WITNESS: This works for me, if that's okay,**
10:49:116 **John. I don't mind.**

10:49:127 BY JOAN MELL:

10:49:138 Q. Okay. So then you just cue me when you're ready
10:49:159 to go to the next page with -- with the understanding that
10:49:180 I want to ask you whether or not review of this
10:49:221 transcript -- transcript refreshes your recollection about
10:49:262 what you told the public about your proposal.

10:49:333 **A. Maybe scroll down.**

10:49:364 Q. And just tell me when to stop.

10:49:405 Do you want me to just kind of keep going
10:49:426 slowly?

10:49:427 **A. That's great. Joan, you can go ahead and scroll**
10:50:498 **down.**

10:50:509 **Scroll up, if you may. Thank you. You can go**
10:51:000 **down.**

10:51:021 Q. Oh, well, actually, now that I'm looking at
10:51:042 this, do you recall this point in the public session on
10:51:073 the 15th when Chair Augustine said, "My question is, I
10:51:094 want to ask the Republican Caucus and the Democratic
10:51:125 Caucus if you've had a chance to connect and if you have

10:51:201 an update for us"?

10:51:232 **A. I -- I now understand the context of your**
10:51:253 **question.**

10:51:264 Q. Okay. So what -- what was Chair Augustine
10:51:315 referring to from what you understood?

10:51:356 **A. My understanding of that is that she's referring**
10:51:377 **to a conversation that -- conversations between myself and**
10:51:428 **Commissioner Sims and, in the case of the Republicans, a**
10:51:459 **conversation between Commissioner Graves and Commissioner**
10:51:480 **Fain.**

10:51:491 Q. So when you were at the Hampton -- well, I'm
10:51:532 assuming then, by this time you're at the Hampton;
10:51:563 correct?

10:51:564 **A. Primarily. I recall that I did go back and**
10:52:005 **forth some. But, yes, I did spend some time at the**
10:52:036 **Hampton that evening.**

10:52:047 Q. Okay. So did you sit in a room with
10:52:068 Commissioner Sims?

10:52:069 **A. I did spend some time in a room with**
10:52:090 **Commissioner Sims, yes.**

10:52:061 Q. Okay. And then did you understand Graves and
10:52:082 Fain were in a room together as the Republican Caucus?

10:52:213 **A. That doesn't surprise me.**

10:52:234 Q. Would you -- did you recognize that that's what
10:52:255 they were doing?

10:52:281 **A. I didn't know if they were physically together**
10:52:312 **or not, but they -- they likely were physically together.**
10:52:343 **I was not with them in that period.**

10:52:374 Q. But it -- but is it correct that there were two
10:52:405 different kinds of negotiations going on, on the 15th
10:52:436 offline -- Republicans and Democrats and then in your
10:52:487 dyads?

10:52:508 GREG WONG: Object to form.

10:52:519 **THE WITNESS: Sorry. I'm not tracking that**
10:52:520 **question.**

10:52:531 BY JOAN MELL:

10:52:542 Q. There were conversations that were going --
10:52:563 well -- well, it's correct that you were negotiating with
10:52:594 Graves on -- excuse me -- you were negotiating with Fain
10:53:055 on the 15th?

10:53:076 **A. Correct.**

10:53:087 Q. Outside the public meeting; correct?

10:53:138 **A. We were continuing to have conversations in our**
10:53:159 **dyad, yes, as we had been doing to discuss the**
10:53:200 **Congressional maps.**

10:53:201 Q. And then you were also having what Augustine is
10:53:242 referring to here as "caucus meetings." So you were also
10:53:263 having conversations and discussions with Sims?

10:53:204 **A. Yes. Yes. We were having conversations as**
10:53:225 **well. That's correct.**

10:53:331 Q. Okay. All right.

10:53:452 So when Fain says, "We've been working in caucus
10:53:483 on the map," did you understand that to mean that he was
10:53:534 working with Graves?

10:53:575 **A. I'm not sure what he means there.**

10:53:596 Q. Okay.

10:54:007 **A. It may have been a confusion of the term. I'm
10:54:028 not sure what he means there.**

10:54:049 Q. Okay. So I don't see anything attributable to
10:54:110 you yet so I'm just going to kind of go a little faster
10:54:151 until I see something attributable to you.

10:54:182 Is this working for you?

10:54:193 **A. That works.**

10:54:284 Q. All right. So we're up to page 8, and there's a
10:54:325 line attributed to you: "Beyond what Commissioner Sims
10:54:346 has said and what Commissioner Fain has said" -- do you
10:54:407 know what you were trying to communicate there?

10:54:438 **A. It appears that I was just communicating that I
10:54:469 have nothing to add.**

10:54:470 Q. And so at this point in time in the meeting
10:54:501 that's reflected on page 8, what did you understand the
10:54:572 public had -- what did you understand had been shared with
10:55:013 the public specific to either Congressional or Legislative
10:55:054 proposals?

10:55:085 **A. I think that likely only things that had been --**

10:55:111 doesn't seem like there was a lot of detail prior to this.
10:55:142 So I think just things that had been shared in prior
10:55:213 public comment, public meetings not on the 15th.

10:55:224 Q. Okay. So it --

10:55:225 A. So it sounds as if they're sharing -- it sounds
10:55:226 as if Commissioner Fain and Commissioner Sims are just
10:55:257 sharing the update that we're continuing to work toward
10:55:298 proposals.

10:55:299 Q. Okay. So you would agree, at least up to this
10:55:310 point in time in the meeting, the public had no idea what
10:55:361 the proposals were?

10:55:402 A. Aside from the fact that they were built on
10:55:413 input from the prior many months, which were incorporated,
10:55:454 there was a lot of public input that led to this.

10:55:525 Q. And there's a lot of public input that was
10:55:556 rejected; correct?

10:55:567 A. Depends how you look at it. I mean, I think
10:55:588 there was -- I can point to many, many, many pieces of
10:56:029 public input that were incorporated in the maps. And,
10:56:050 when I released my draft maps in public, I actually also
10:56:091 released public compendiums about how they responded to
10:56:132 public input.

10:56:143 Q. Okay. But your map wasn't adopted; correct?

10:56:174 A. No. Yes. This was the product of negotiation.
10:56:205 No one -- no one Commissioner's map was adopted.

10:56:241 Q. Okay. And I want to make sure the record is
10:56:262 clear on that.

10:56:273 The map you proposed that included the
10:56:314 compendium was rejected and not adopted finally; correct?

10:56:355 A. Not correct. I wouldn't say it was rejected. I
10:56:376 would say that aspects of that were incorporated; but the
10:56:417 map that I had proposed as an individual Commissioner was
10:56:468 not adopted in full, no.

10:56:489 Q. Can you articulate what aspects were adopted?

10:56:450 A. Sure. I mean, I think you saw aspects that we
10:57:001 spoke about earlier, like unifying Tribal Nations and
10:57:052 different Districts on the Congressionals. The draft maps
10:57:083 that I released publicly in September and then in October
10:57:134 had a lot of similarities with the Congressional maps to
10:57:165 what was finally approved and voted on.

10:57:196 So there -- there were a lot of elements.

10:57:237 Q. In terms of unifying Tribal Nations, did the
10:57:268 final map unify them in the same way you proposed?

10:57:319 A. I believe in all cases except for the
10:57:380 Confederated Tribe of the Colville, I believe. I may be
10:57:441 wrong, but I believe in almost all cases, public input was
10:57:502 incorporated on the -- I believe in almost all cases that
10:57:563 the input was incorporated on the Federally recognized
10:57:624 tribes.

10:58:005 Q. I was asking whether or not the final map drew

10:58:041 the boundaries in the same location you did on your
10:58:062 proposal relative to unifying Tribal Nations. Is your
10:58:113 answer the same?

10:58:134 **A. Close to in many cases. I mean, for example --**
10:58:165 **and this was no secret. But, for example, the ways that I**
10:58:206 **was drawing in my draft maps the 14th and the 15th**
10:58:247 **Legislative Districts that were unifying the Yakama Nation**
10:58:288 **with the majority Hispanic population in the 15th, that**
10:58:329 **was not reflected in the final map. That was something**
10:58:350 **that I was advocating for in public. So that was,**
10:58:411 **unfortunately, not included.**

10:58:422 **Q. So is it correct, with regard to unifying Tribal**
10:58:463 **Nations, the final map rejected some of your proposals and**
10:58:494 **there were some similarities with regard to other tribes?**

10:58:535 **A. That's right. I would say some were**
10:58:556 **incorporated and some were not.**

10:58:577 **Q. Okay. Back to this transcript, scrolling down.**
10:59:208 **All right. So you were happy to kick off.**

10:59:259 **So with respect to what you communicated to the**
10:59:270 **public as of the timeframe when you're checking in**
10:59:321 **reflected on page 10, would you agree that you did not**
10:59:362 **give the public any specifics as to any proposal?**

10:59:423 **A. Yes. I referenced the criteria that we were**
10:59:524 **talking about, like, communities of interest. And I**
10:59:575 **referenced public input, which we previously discussed at**

11:00:011 great length. But I was saying we were trying to
11:00:042 integrate into the final maps, but I did not list the
11:00:083 specifics at this moment.

11:00:094 Q. So it's correct that the public had no way of
11:00:125 knowing how you or Fain were proposing to keep communities
11:00:216 of interest together; correct?

11:00:237 A. No.

11:00:248 GREG WONG: Object to form.

11:00:259 THE WITNESS: I would -- I would disagree with
11:00:260 that. I mean, if you had been involved in the process
11:00:281 closely, you would have seen the maps that we released
11:00:312 publicly in the past. You would have seen all of the
11:00:353 public input that had been brought into the Commission
11:00:374 that we subsequently transmitted to the Supreme Court.

11:00:425 So, no, not -- I could have gone into more
11:00:456 detail here for sure, but --

11:00:487 BY JOAN MELL:

11:00:488 Q. Right. But --

11:00:499 A. -- this -- this is not divorced from all of the
11:00:530 input that was provided through the process.

11:00:561 Q. Is it correct that there -- there was no
11:00:582 agreement on keeping communities of interest together
11:01:053 relative to District -- where the District boundaries
11:01:074 were -- would be at the time you were communicating this?

11:01:095 A. That's not correct. No. It was on a

11:01:101 **case-by-case basis.**

11:01:142 **I mean, I think that you had things, like I**
11:01:153 **already alluded to earlier, around, like, using the Skagit**
11:01:184 **County border as a way of dividing the 1st and 2nd**
11:01:225 **Congressional District.**

11:01:236 **Q. Okay. And what Congressional District?**

11:01:267 **A. So the -- I mentioned before that we'd viewed**
11:01:288 **the border -- the southern border of Skagit County as a**
11:01:319 **dividing line for the 2nd Congressional District.**

11:01:350 **Q. So when you say, "We viewed that," who are you**
11:01:381 **talking about?**

11:01:392 **A. Sorry. Say that again?**

11:01:403 **Q. You said, "We viewed." Who's "we"?**

11:01:444 **A. Oh, I'll speak for myself. I viewed.**

11:01:475 **Q. Okay. So that's what I'm asking.**

11:01:496 **At the time that you were commenting to the**
11:01:537 **public as reflected on page 10, who's the "we" in that**
11:01:588 **first sentence?**

11:02:009 **A. Oh, I would say that at that moment I was**
11:02:030 **referring to myself and Commissioner Fain with respect to**
11:02:061 **the Congressional maps.**

11:02:082 **Q. Okay. And so at that point in time, had you and**
11:02:123 **Fain agreed to express the 2nd Congressional District as**
11:02:184 **the southern border of Skagit County?**

11:02:215 **A. I'm not sure. I'd have to look at the timestamp**

11:02:241 on this.

11:02:272 Q. The timestamp on what?

11:02:313 A. What time is this happening?

11:02:324 Q. I don't think that there is a timestamp on this
11:02:355 transcript.

11:02:366 A. As said, we -- I would say that Commissioner
11:02:387 Fain and I reached an agreement on a proposal to bring
11:02:428 forward to the Commission in the hour or two prior to the
11:02:479 deadline.

11:02:530 Q. Is it correct that, as of the -- the portion of
11:02:581 the public meeting reflected on page 10, at that time
11:03:022 there was no portion of your negotiations with Fain
11:03:093 expressed in writing?

11:03:134 A. Again, I -- I would -- that's not how I would
11:03:175 say it. I mentioned earlier that Commissioner Fain and I
11:03:206 had actually exchanged a number of maps.

11:03:237 Q. Right. But was there one that you were working
11:03:248 from so that you knew and could refer to it as the
11:03:349 governing map at the time you were communicating with the
11:03:370 public here?

11:03:371 A. Yes. I'm not sure specifically at this time.
11:03:412 But, yes, we were working from two maps. We were working
11:03:443 to integrate because there were still some areas of
11:03:504 disagreement.

11:04:005 Q. So we're -- when were either one of these two

11:04:021 maps created?

11:04:062 **A. There were several. And I would say --**

11:04:083 Q. No. No. No. No. No. I'm talking about the

11:04:104 two maps you just referenced. When --

11:04:135 **A. Gosh.**

11:04:136 Q. -- were those two maps --

11:04:147 **A. Those ones --**

11:04:158 Q. -- you just referenced --

11:04:169 **A. Those ones were probably -- those drafts were**

11:04:200 **quite iterative in those waning hours. And those may have**

11:04:251 **been created around sometime -- you know, starting at**

11:04:302 **5:00, 6:00 p.m. It takes quite a while to map, which is**

11:04:363 **one of the issues we ran into after we voted, because it**

11:04:374 **actually takes quite a long time to do those.**

11:04:405 Q. Okay. Were either one of those two maps

11:04:436 published?

11:04:517 **A. No. They -- in a way, they became the final --**

11:04:548 **they became the final map as we were -- that were -- that**

11:04:579 **was indeed published on the 16th.**

11:05:000 Q. But those two maps were distinct. They had

11:05:041 different boundaries; correct?

11:05:052 **A. That's correct. And those are -- you can see in**

11:05:073 **our public disclosures that we were exchanging maps so**

11:05:204 **they were --**

11:05:235 Q. Okay. But they only became the final map by

11:05:161 reconciling the differences between the two; correct?

11:05:192 **A. That's correct.**

11:05:203 Q. Okay. And you didn't share with the community
11:05:274 what priorities had been integrated or adapted; correct?

11:05:375 **A. It was a very busy night that evening so no.**

11:05:396 Q. Okay. So in this -- in this section here, what
11:05:507 map are you talking about?

11:05:578 **A. I'm nearly certain that would have been in
11:05:599 reference to the Congressional map.**

11:06:000 Q. And then -- but Sims decides to weigh in on the
11:06:051 Congressional map; is that your understanding of what
11:06:072 she's talking about?

11:06:123 **A. She may have changed the subject here. I can't
11:06:154 recall the specifics. I imagine Commissioner Sims is --
11:06:205 it looks as if she's speaking to the consultation process
11:06:246 with Tribal governments.**

11:06:287 Q. And so in terms of paying attention to the
11:06:318 Tribal consultations, do you -- did it apply to both?

11:06:389 **A. Yes. That was apropos to both.**

11:06:420 Q. Okay. Do you remember whether or not Chair
11:06:491 Augustine was authorized to obtain the Tribal input by
11:06:572 going to Tribal meetings?

11:07:023 **A. I'm not sure I understand what you mean by
11:07:054 "obtain the Tribal input."**

11:07:085 Q. Well, Chair Augustine went to meetings with

11:07:121 tribes; right?

11:07:142 A. That's correct. And I joined her on one
11:07:173 occasion to visit the Colville.

11:07:204 Q. Why did you only go to the Colville meeting?

11:07:245 A. We initially set up public record and public
11:07:286 meetings, a Tribal engagement plan which we then published
11:07:317 for the public to see, which was a way of trying to do the
11:07:368 strongest job than any Commission ever had in creating a
11:07:369 Government-to-Government consultation process with the
11:07:400 Federally recognized tribes.

11:07:421 So what -- I think it was more of a function of
11:07:452 just time and time constraints on Commissioners' lives.
11:07:483 But different Commissioners participated in different
11:07:514 Tribal consultations.

11:07:525 And this was an area, if I recall,
11:07:546 where Commissioner Augustine was particularly interested
11:07:587 in making sure that it was done well. And she
11:08:008 participated -- I would say she probably participated in
11:08:049 most of them. But I only had the time availability to
11:08:070 participate in one in person so I participated in the
11:08:201 Colville.

11:08:202 Q. So was Chair Augustine entrusted to bring back
11:08:253 the Tribal input to you so you could integrate that into
11:08:294 your plan negotiation?

11:08:205 A. No. I wasn't -- I wouldn't say she was

11:08:221 entrusted to. I mean, there was formal input that was
11:08:262 provided by different Tribal governments directly to the
11:08:293 Commission. It wasn't provided to Commissioner Augustine.
11:08:324 It was provided as public input to the Commission.

11:08:355 Q. Was there input from tribes -- gleaned from
11:08:396 meetings from tribes that was integrated?

11:08:437 A. Yes. And I would say it was integrated when it
11:08:478 was formally submitted. So, for example, the Colville
11:08:529 Tribe formally submitted from their Tribal Council in
11:08:560 public record a letter to the Commission saying -- you
11:08:591 know, expressing their priorities in the redistricting
11:09:012 process. I believe similar things happened with other
11:09:043 Tribal Nations.

11:09:124 Q. Was there any Tribal input that you relied upon
11:09:155 that came solely from Chair Augustine's reporting back
11:09:196 what she had gleaned from a Tribal meeting?

11:09:227 A. Not that I recall.

11:09:248 Q. Did you ever talk to Chair Augustine about any
11:09:279 Tribal meeting?

11:09:290 A. Just the one that we were at together in the
11:09:321 Colville.

11:09:332 Q. Did you bring back any input from your
11:09:393 conversation with Augustine from the Colville meeting that
11:09:434 was integrated into the final map?

11:09:465 A. If I recall, what we asked for was for the

11:09:501 Tribal Council to submit it -- their input as a formal
11:09:552 public request to the Commission, which I believe they
11:09:573 did. And they had some specific views about how the
11:10:014 Colville -- Confederated Tribe of the Colville would be
11:10:055 divided between different Legislative Districts.

11:10:086 They had a specific desire to be in both the 4th
11:10:117 and 5th Congressional District, which was actually
11:10:138 dissimilar from other input we'd received from Tribal
11:10:139 Nations where they'd wanted to be consolidated. It
11:10:160 actually -- the Colville Tribe actually wanted to be
11:10:181 divided for a variety of reasons.

11:10:232 And I believe -- I believe we incorporate much
11:10:253 of their input in the final map, but I can't recall if
11:10:294 everything was incorporated.

11:10:475 Q. With regard to Commissioner Fain, when he says,
11:10:506 "We're trying to figure out how to not mess up Aberdeen,"
11:10:547 what was -- what was he communicating publicly to the best
11:10:578 of your knowledge?

11:11:009 A. I -- I can't recall.

11:11:060 Q. Do you remember if it had to do with a
11:11:081 Congressional map?

11:11:152 A. No.

11:11:223 Q. So looks like now at this point in time by page
11:11:254 12, you leave the public meeting again.

11:11:345 Do you remember how -- how many times you left

11:11:371 the public meeting?

11:11:382 **A. No.**

11:11:403 Q. Did you object to any of that?

11:11:454 **A. I'm sorry. Did I object to what?**

11:11:485 Q. Caucusing.

11:11:536 **A. Are you asking --**

11:11:547 Q. Caucusing or negotiating in dyads out of the

11:11:588 public meeting after the meeting started.

11:12:029 **A. Are you asking if I objected to having meetings**

11:12:050 **in dyads?**

11:12:151 Q. I didn't hear your last word.

11:12:162 **A. Are you asking if I objected to having meetings**

11:12:193 **in dyads?**

11:12:234 Q. No. I'm asking whether or not you objected to

11:12:275 leaving the public meeting at any time on the 15th.

11:12:316 **A. Not that I recall.**

11:12:377 Q. Did you have any concerns that leaving the

11:12:398 public meeting for purposes of negotiating either in

11:12:439 caucuses or dyads --

11:12:480 **A. I think at the time what I remember feeling is**

11:12:501 **that we were getting awfully close to finishing the**

11:12:552 **proposal to bring forward to the Commission. And I was at**

11:12:593 **the time without much sleep, was extremely eager to finish**

11:13:044 **the negotiations with Commissioner Fain to be able to**

11:13:075 **bring forward a map for both because we knew how little**

11:13:101 time we had.

11:13:112 So I don't believe that I raised objections to
11:13:143 it that evening because I was very focused on trying to
11:13:184 finish the work.

11:13:195 Q. Why didn't you just do the work in the meeting?

11:13:276 A. Which -- you mean the negotiations?

11:13:297 Q. Yeah. Why didn't you just figure it out right
11:13:338 on the record so everybody could watch and figure out what
11:13:389 you were doing?

11:13:380 A. Just because that wasn't how we understood the
11:13:411 dyad process to function.

11:13:482 Q. And how did you learn how the dyad functioned?

11:13:553 A. Again, I think there was precedents for this
11:13:574 from prior Commissions and --

11:14:005 Q. From prior Commission meeting minutes?

11:14:046 A. My understanding had been that this is the
11:14:097 approach that had been taken in the past in negotiating
11:14:108 map, that you had conversations in a one-on-one basis with
11:14:169 another Commissioner on -- to develop proposals that you
11:14:200 bring forward.

11:14:211 Q. What was your understanding based on?

11:14:282 A. Frankly, what we had been -- what we had been
11:14:293 told.

11:14:314 Q. By who?

11:14:325 A. My understanding -- I don't recall. I think it

11:14:351 may have come back -- come up in some public meetings, but
11:14:392 it was definitely the ingoing assumption.

11:14:423 Q. Had you ever read the transcript from prior
11:14:464 Commissions?

11:14:485 A. I have not read the transcripts, no.

11:14:516 Q. Have you ever talked to any prior Commissioners?

11:14:547 A. Yes. My experience -- I actually did not speak
11:14:568 with any prior Commissioners in this process. But my
11:15:029 understanding had been that this is how it was done in
11:15:060 2010 and in 2000, that Commissioners had met in partisan
11:15:121 dyad and taken different approaches to negotiating.

11:15:152 I know that one of the questions that we had
11:15:173 discussed early on was, not dyads that were dedicated to
11:15:214 specific maps, but maybe it would be more regional. So,
11:15:235 for instance, one group could talk about Southwest
11:15:266 Washington and the other group could talk about Northwest
11:15:287 Washington. But these were seen as ways to advance
11:15:318 negotiations on the maps.

11:15:369 Q. I -- I thought you said "yes" to the question
11:15:390 which was did you ever talk to any prior Commissioners; is
11:15:431 that correct? You talked to a prior Commissioner?

11:15:462 A. I -- I have -- I have spoken with prior
11:15:493 Commissioners in the past but not about this
11:15:524 redistricting. So I have not -- I have not spoken -- I
11:15:545 did not have a conversation with a prior Commissioner to

11:15:571 my knowledge about the actual redistricting.

11:16:142 Q. All right. And so do you recall speaking with
11:16:203 other voting Commissioners off the record, meaning outside
11:16:244 the public purview about, for instance, how to resolve the
11:16:315 Tribal input?

11:16:366 A. At this time, as you characterized it
11:16:407 accurately, I was having continued negotiations with
11:16:438 Commissioner Fain. And I'd had updates -- regular -- I'd
11:16:509 had updates from how Commissioner Sims' and Graves'
11:16:540 conversations were going; so.

11:16:551 Q. All right. And in those negotiations, were you
11:16:582 giving consideration to different public input, including
11:17:023 from Tribes?

11:17:044 A. Extensively.

11:17:065 Q. And were you reviewing various map proposals?

11:17:126 A. Yes. We had seen them. Absolutely.

11:17:147 Q. And were you evaluating the merits of political
11:17:268 performance with regard to both the Congressional and
11:17:299 Legislative Districts?

11:17:310 A. I'll give you an example that, for instance,
11:17:351 there was one group that was deeply involved in the
11:17:372 redistricting process which was the Washington
11:17:393 Coalition -- the Redistricting Coalition.

11:17:424 And in my negotiations with Commissioner Fain, I
11:17:455 happened to quite strongly agree with the input that the

11:17:491 Redistricting Coalition had provided in public comment and
11:17:522 in many, many, many public meetings.

11:17:543 So I -- one thing I was doing was --
11:17:564 particularly in the negotiations with 7th and 9th
11:17:595 Congressional Districts -- was really working to try to
11:18:026 reflect that public input in the final map. And I believe
11:18:067 it did in part. I think it went in that direction.

11:18:098 So that's an example of really working hard to
11:18:119 reflect hours of public input into the final maps.

11:18:170 Q. So is it correct to say that you were evaluating
11:18:211 the impact of differing proposals about political metrics?

11:18:312 A. This input that I was just describing to you
11:18:343 actually wasn't political metrics. This was actually
11:18:374 about representation of minority communities. It was
11:18:415 about unifying communities that were kind of primarily
11:18:446 working class. It was about the -- the shape of the -- of
11:18:497 the 7th and attempting to keep Seattle within the 7th
11:18:548 Congressional District.

11:18:559 So, no, in that case, it wasn't about partisan
11:18:580 interest.

11:18:581 Q. But is it correct that, in your caucus
11:19:012 discussions and in your dyad negotiations, you evaluated
11:19:113 political metrics?

11:19:144 A. Among other criteria, yes.

11:19:165 Q. And some of that other criteria was -- I just

11:19:191 don't know how to summarily describe the criteria you
11:19:242 explained to me just a moment ago. What was that?

11:19:293 **A. Communities of interest.**

11:19:304 Q. Okay.

11:19:305 **A. Majority/minority Districts.**

11:19:336 Q. Okay.

11:19:337 **A. You know, a set of -- a set of them.**

11:19:368 Q. Okay. So is it -- is it correct to say that you
11:19:409 were evaluating all of the elements of your proposal back
11:19:460 and forth between the caucus --

11:19:481 **A. Yes.**

11:19:482 Q. -- and between the dyads?

11:19:503 **A. Oh, not necessarily with -- just to be specific**
11:19:544 **on what you mean by "caucus," because this isn't how I**
11:19:565 **would reference it, even though it's referenced here.**

11:19:596 **What do you mean by "caucus" in this case?**

11:20:027 Q. What Augustine means.

11:20:048 **A. Which is my conversations with Commissioner**
11:20:069 **Sims?**

11:20:070 Q. Correct.

11:20:091 **A. No. Not at that level of detail. The -- the**
11:20:022 **conversations with Commissioner Graves -- sorry --**
11:20:043 **apologize.**

11:20:054 **My conversations with Commissioner Fain were at**
11:20:025 **that level of detail. I would say -- and what you're**

11:20:231 describing as "the caucuses," my conversations on the
11:20:262 Congressional maps were more just an update.

11:20:293 Q. And discussions about what -- what you had
11:20:334 deliberated and evaluated with Graves?

11:20:365 A. Sorry. With Fain. Do you mean Fain?

11:20:396 Q. Yes, I do. Sorry.

11:20:407 A. In -- less discussions, frankly, on the
11:20:448 Congressional maps. It was -- I would say it was almost
11:20:479 purely limited to brief updates at this -- during the
11:20:540 public meeting.

11:20:541 Q. But you were communicating substantive decisions
11:20:572 and negotiations where you had evaluated all of the
11:21:003 elements with Graves; correct?

11:21:034 A. I was communicating --

11:21:045 GREG WONG: Object to form.

11:21:056 THE WITNESS: I was communicating updates. I
11:21:067 don't -- I personally never felt like there were -- I
11:21:108 never felt that Commissioner Fain and I reached an
11:21:159 agreement on a proposal to bring forward to the Commission
11:21:180 until, obviously, too late in the evening, but quite late
11:21:221 in the evening. But I was communicating updates; that's
11:21:292 correct.

11:21:293 BY JOAN MELL:

11:21:314 Q. Well, okay. How -- how is an update -- what was
11:21:345 the content of any update? Did it include the outcome of

11:21:411 you and Fain evaluating the elements of the proposal?

11:21:482 **A. Here's an example of an update:**

11:21:503 **An update -- a likely update -- because my**
11:21:544 **memory may not recall precisely. But a likely update**
11:21:585 **could have been me saying, "I'm working on incorporating**
11:22:026 **some of the priorities from the Redistricting Coalition**
11:22:047 **that we received in public input," as I'm drawing the 9th**
11:22:108 **or I'm negotiating the 9th with Commissioner Fain. That**
11:22:149 **could be an example.**

11:22:160 **Q. Okay. Can you think of any others?**

11:22:191 **A. Probably things along those lines, but I can't**
11:22:222 **remember specifics of what I would have said.**

11:22:243 **Q. Can you remember communicating specifics like**
11:22:294 **incorporating tribes?**

11:22:325 **A. Sure. I mean, that was a priority -- that was a**
11:22:356 **priority all along. So I think I may have -- an update**
11:22:407 **could have been along those lines of working on -- you**
11:22:438 **know, we had a lot of great substantive input from our**
11:22:479 **Tribal consultation process.**

11:22:490 **Q. Did any of your updates include political**
11:22:541 **metrics?**

11:22:542 **A. They may have.**

11:22:553 **Q. Okay. All right.**

11:22:594 **I'm looking back at Exhibit 95 again. Let's see**
11:23:045 **who's talking here. Looks like she's just talking about**

11:23:161 the procedure and the agenda. Okay. So nothing
11:23:252 substantive from Graves here at this point in time
11:23:303 reflected on page 13 and 14; correct?

11:23:344 **A. I'm sorry. Nothing -- are you asking me to --**

11:23:375 Q. I said subs -- nothing substantive.

11:23:416 Do you agree that there was nothing substantive
11:23:427 shared by Commissioner Graves at the point in time when
11:23:458 he's speaking to the public as reflected on page 13 and 14
11:23:499 of the transcript?

11:23:500 **A. Yes. That reads as a process update to me.**

11:23:531 Q. Okay. Looks like I can get all the way through
11:24:062 14 with no substance; correct?

11:24:123 How about -- would you agree that Commissioner
11:24:154 Fain has public input here, as reflected on page 15,
11:24:245 that's not particularly specific?

11:24:306 GREG WONG: Object to form.

11:24:317 **THE WITNESS: Yeah. I won't speculate on it.**
11:24:338 **I'm trying to -- I'm reading the comment as you're**
11:24:369 **scrolling.**

11:24:450 I actually would say that is substantive. What
11:24:471 I read him saying there was actually something substantive
11:24:492 which was then reflected in the final maps, which is
11:24:523 the -- the geographic orientation in the maps that were
11:24:564 drawn in 2010 were north/south orientation on the 1st and
11:25:005 the 2nd Congressional District, which he may have

11:25:031 inarticulately described as two long, skinny Districts.

11:25:072 I think what he's saying is that the map that he
11:25:103 and I had been discussing in response to public input
11:25:134 changed the orientation of those Districts. So you
11:25:155 actually shifted the 1st and the 2nd so it would be
11:25:206 east/west Districts instead of north/south. So I believe
11:25:247 that's what he's referring to.

11:25:268 BY JOAN MELL:

11:25:269 Q. Okay. So the, "There are kind of two long,
11:25:280 skinny Districts that currently exist," what are those
11:25:321 Districts?

11:25:332 A. I believe that when he says, "Some changes in
11:25:363 North/Central part of the state," what he is referring to
11:25:384 are the 1st and the 2nd Congressional Districts.

11:25:445 Q. I thought the -- isn't the 1st Seattle?

11:25:476 A. No. The 1st is -- the 1st is Redmond/Bothell.
11:25:537 It goes -- it used to actually go up north to the Canadian
11:25:568 border, but not after our mapping. The 7th is Seattle.

11:26:099 Q. What's 2nd?

11:26:200 A. The 2nd -- the 2nd Congressional District
11:26:221 includes -- today includes Whatcom, Skagit, Snohomish, and
11:26:282 San Juan County.

11:26:213 Q. When you say "today," what do you mean? What
11:26:224 you and Fain agreed upon, or what it was prior to you --

11:26:255 A. Apologies. Should these maps, you know -- if

11:26:271 these maps are adopted over the next month, that -- that's
11:26:302 correct. I was describing the future District.

11:26:333 Q. Okay. And -- and the old skinny District 2 was
11:26:384 where?

11:26:405 A. Similar. But if you looked at the map, you
11:26:426 would see that there was an orientation of the 1st and the
11:26:467 2nd that ran north/south that was achieved in 2010 for the
11:26:528 first time. And then the map that -- that was then drawn
11:26:569 by the Commission changes the orientation of those to make
11:27:000 them primarily run east/west.

11:27:041 Q. Okay. So what's the -- who -- who -- strike
11:27:082 that.

11:27:093 There's a reference here that, "The feedback we
11:27:114 received input that into the map." What feedback?

11:27:215 A. That specific point would map back to a fair bit
11:27:256 of public feedback that was received.

11:27:287 Q. From who?

11:27:298 A. The public in public testimony.

11:27:319 I mean, if you also look at, for instance, the
11:27:340 draft maps that were submitted by the Coalition -- the
11:27:381 Washington Redistricting Coalition -- it reflects that
11:27:412 shifted orientation.

11:27:443 Q. So is it correct that you did not have an
11:27:454 agreement with Commissioner Fain at this point in time as
11:27:485 reflected in -- at this point in the meeting as reflected

11:27:521 on page 15 of the transcript?

11:27:552 **A. Yeah. I do not believe we had an agreement at**
11:27:573 **this time.**

11:28:014 Q. And do you know what the status of the
11:28:035 Legislative maps was?

11:28:066 **A. No. Because I don't see a timestamp here.**

11:28:137 Q. And do you know what time the Legislative maps
11:28:168 were agreed upon or -- strike that.

11:28:219 Do you know what time the Legislative -- a
11:28:220 Legislative proposal was agreed upon on the 15th?

11:28:341 **A. I know when we -- I know when there was --**
11:28:372 **started to be a lot more work done to draw maps, I was on**
11:28:413 **Legislative maps because, in contrast to Congressional**
11:28:444 **maps, there were actual maps we were working on jointly in**
11:28:465 **our dyad that Commissioner Fain and I were working on. I**
11:28:496 **don't believe that was the case for the Legislative maps.**

11:28:527 Q. So at some point on the 15th during this
11:28:558 meeting, you started working on a Legislative map?

11:28:589 **A. I did not, no.**

11:28:590 Q. Oh, I thought that's what I heard you say. I'm
11:29:011 sorry.

11:29:022 **A. No.**

11:29:033 Q. Okay. Did you have somebody start creating a
11:29:074 Legislative map on the 15th at any time?

11:29:205 **A. Yes. I think that Senate -- yes. I think the**

11:29:131 staff that I was working with were actually working on a
11:29:172 number of options for Legislative maps.

11:29:203 Q. And were you communicating that to Sims?

11:29:254 A. Not all of it, no.

11:29:265 Q. But some of it?

11:29:286 A. Aspects. Aspects. There were aspects that --
11:29:337 that I had different ideas, yes.

11:29:358 Q. Do you remember any specific idea you gave to
11:29:379 Sims?

11:29:380 A. Something like what we were talking about before
11:29:401 that didn't happen, which is the idea that you would draw
11:29:452 the Legislative map by crossing on Interstate 90 versus
11:29:513 Highway 2.

11:30:004 Q. Based on Commissioner Sims' report to the
11:30:035 public, is it your understanding, at the time in the
11:30:076 public meeting reflected on page 16 at the transcript,
11:30:107 that there was no agreement on either a Congressional or
11:30:138 Legislative proposal?

11:30:159 GREG WONG: Object to form.

11:30:190 THE WITNESS: Apologies. Let me read this
11:30:211 statement.

11:30:432 At this stage, it seems like there was not any
11:30:453 agreements on any of the maps, even in dyads.

11:30:484 BY JOAN MELL:

11:31:125 Q. So at this point in time reflected on page 17,

11:31:161 where Chair Augustine is saying, "So what I think I've
11:31:192 understood from staff is that" -- and this is -- this
11:31:213 would be the Independent Redistricting Commission staff --
11:31:244 "are ready to post maps tonight. I think that's their
11:31:285 plan or at least before sunrise.

11:31:306 "So our goal is to begin to -- discussions as
11:31:347 all -- all four of the Commissioners together, and then
11:31:388 review the work that's been done and then to finalize the
11:31:409 plan."

11:31:430 Does this reflect that the -- that you, as the
11:31:461 voting Commissioners, had reached an agreement at this
11:31:502 stage and she's bringing it back?

11:31:543 **A. That's not how I read that statement, no. As I**
11:31:574 **recall this moment, there was not an agreement.**

11:32:015 Q. Do you remember about what time this happened?

11:32:056 **A. No.**

11:32:147 Q. And you would agree that you weren't just
11:32:168 staying in caucuses; correct? When leaving the public
11:32:219 meeting.

11:32:210 **A. Yeah. I would actually say I spent a good deal**
11:32:251 **of that time just alone.**

11:32:262 Q. And when you say you spent a good deal of that
11:32:293 time just alone, where were you?

11:32:324 **A. Either back at the other hotel that I was**
11:32:375 **staying in or another room at the Hampton Inn.**

11:32:451 Q. But you would also agree that, during that time,
11:32:482 you were negotiating?

11:32:513 **A. With Commissioner Fain, yes.**

11:32:544 Q. And communicating with Sims?

11:32:595 **A. Yep. Sharing updates.**

11:33:146 Q. Do you recall hearing this from Augustine:
11:33:157 "When I said in our last update that we will be sure to
11:33:208 have our maps posted on our website sometime tonight
11:33:249 before dawn, I was not saying that -- anything other than
11:33:270 that, just simply when the public would be able to see our
11:33:311 final maps."

11:33:322 What did you take her to be saying?

11:33:353 **A. I don't recall that specific comment. It was**
11:33:374 **pretty chaotic at that moment. If I'm reading that right**
11:33:415 **now, I -- it seems to me like Commissioner Augustine was**
11:33:446 **just really trying to get the work done in time.**

11:33:527 Q. And would you agree that, at this point in time,
11:33:558 as reflected on page 18 and 19, that there was no
11:33:599 agreement on any proposal?

11:34:020 **A. I'll speak for myself, but certainly not from**
11:34:071 **me.**

11:34:252 Q. Again, nothing substantive here from Sims?

11:34:263 **A. The question?**

11:34:274 Q. Would you agree that Commissioner Sims did not
11:34:405 share any substance of the negotiations at this point in

11:34:431 the public meeting as reflected on page 19 of the
11:34:462 transcript?

11:34:473 **A. This reads to me as a process update.**

11:34:494 Q. Oh, and here you are. How about you? How would
11:34:555 you characterize what you communicated to the public as
11:34:586 reflected on page 20 of the transcript?

11:35:027 **A. I think this reflects my state of mind at the**
11:35:068 **moment which was a strong desire to draw the maps, to**
11:35:109 **get -- to get these criteria converted into the maps**
11:35:130 **because I felt like that's what we actually needed to be**
11:35:171 **discussing and considering, and I was very concerned by**
11:35:192 **the delay.**

11:35:203 Q. And do you agree that, at this stage, you did
11:35:234 not have any agreement on the proposals?

11:35:275 **A. Yes. I doubt that there was agreement at this**
11:35:306 **stage, even in dyads.**

11:35:357 Q. Okay. Okay. So we have some reference to the
11:35:408 timeframe.

11:35:419 So do you agree that, by 11:00 o'clock at night,
11:35:450 there was no agreement in the dyads as to either a
11:35:501 Legislative or Congressional proposal?

11:35:532 **A. I -- I can't recall the specifics, but probably**
11:35:563 **around 11:00 o'clock Commissioner Fain and I were quite**
11:36:014 **close to the agreement that we then put forward for**
11:36:045 **consideration by the Commission.**

11:36:131 Q. And it's correct, though, that this point in
11:36:152 time, though, you'd not shared with the public what the
11:36:193 proposal was?

11:36:214 A. Beyond some of the comments that were made
11:36:235 earlier and the maps that we'd shared publicly in the
11:36:286 past.

11:36:347 Q. Which were distinct in terms of boundaries;
11:36:378 correct?

11:36:399 A. Yes. They were inputs to this final map.
11:36:430 This is accurate, for instance, what
11:36:441 Commissioner Fain is saying we were having a discussion at
11:36:482 that final motion. We actually had -- he and I had -- you
11:36:513 know, had an extended conversation about Mercer Island and
11:36:544 where Mercer Island would fit in which Congressional
11:36:585 District.

11:36:586 Q. How did you guys -- well, did you ever reach an
11:37:017 agreement on that before you voted?

11:37:038 A. We -- we did.

11:37:079 Q. Explain to me your conversation. How did that
11:37:000 go?

11:37:021 A. The agreement -- the resolution of the agreement
11:37:032 was that Mercer Island would go into the 1st
11:37:053 Congressional -- sorry -- into the 9th Congressional
11:37:074 District, not the 1st.

11:37:215 Q. And did you share that with Sims before the

11:37:231 vote?

11:37:232 **A. No. I don't -- no. I'm nearly certain that**
11:37:283 **that's not something I shared with her about.**

11:37:324 Q. Did you share it with Graves?

11:37:345 **A. No. I was not communicating with Graves.**

11:37:426 Q. All right. So looks like at this phase, Chair
11:37:467 Augustine has reconvened the meeting to deal with the
11:37:508 discussion portion, and she says she'd like to begin a
11:37:549 discussion about the final Congressional plan.

11:37:590 But you would agree that there was no final
11:38:021 Congressional plan as of that time; correct?

11:38:042 GREG WONG: Object to form.

11:38:053 **THE WITNESS: So just so we're saying the same**
11:38:104 **thing, can you describe what you mean? You mean a**
11:38:155 **Congressional map, or do you mean a plan? There was not a**
11:38:176 **final Congressional map at this stage, no.**

11:38:207 BY JOAN MELL:

11:38:208 Q. Okay. And would you agree that there were
11:38:229 elements of the proposal still being discussed?

11:38:270 **A. I think at this stage we're**
11:38:291 **-- at this stage, the area of disagreement between myself**
11:38:342 **and Commissioner Fain were probably largely resolved.**

11:38:373 Q. And do you think that Sims knew that at this
11:38:414 stage?

11:38:425 **A. She probably knew that we were making progress.**

11:38:451 Q. Did she know that you'd reach agreement by this
11:38:492 stage from anything you would have -- did you communicate
11:38:533 to Sims anything that you --

11:38:564 A. I --

11:38:575 Q. -- believe -- believed that you had an agreement
11:38:586 with Fain as prior to the discussion portion of the
11:39:047 meeting commencing?

11:39:058 A. I'd like to read the rest of this transcript
11:39:079 just so I can situate what time --

11:39:110 Q. Do you need know go back for a minute or --

11:39:131 A. No. Just maybe further down, if you don't mind.
11:39:172 Just let me -- if you don't mind continuing to scroll.

11:39:203 Q. I mean, "We are working toward our Congressional
11:39:244 plan" --

11:39:245 A. Yes. In that case, it had not been completed
11:39:266 yet. I think what you see me here is describing some
11:39:297 specific elements to the public.

11:39:318 Q. All right. So when you say, "It is a plan that
11:39:379 advances a number of priorities and keeps many communities
11:39:410 together," how many different maps could be created with
11:39:481 that information alone?

11:39:502 GREG WONG: Object to form.

11:39:533 THE WITNESS: Which information?

11:39:564 BY JOAN MELL:

11:40:005 Q. Well, let me say it a different way.

11:40:031 When you said there are no -- you're working on
11:40:052 a plan that "advances a number of priorities," the public
11:40:093 had no way of knowing what priorities you were referring
11:40:124 to; correct?

11:40:125 **A. Not necessarily. I think the -- I mean, I**
11:40:166 **could -- those priorities -- some of them were raised**
11:40:197 **throughout the process.**

11:40:218 **There were issues in majority/minority**
11:40:239 **Districts, federally recognized Tribes, communities of**
11:40:250 **interest, and competitiveness, which you asked about. So**
11:40:291 **I would imagine that there was an awareness of those**
11:40:332 **priorities.**

11:40:373 Q. But you didn't identify them as your priorities
11:40:394 so how would anybody know whether or not -- what you had
11:40:435 worked out was specific to your priorities or Commissioner
11:40:486 Graves' priorities?

11:40:507 **A. That's fair. I would say that -- I would say**
11:40:518 **that I subsequently start to speak to them in the -- in**
11:40:549 **the narrative that follows.**

11:40:550 COURT REPORTER: I'm sorry. Was there an
11:40:551 objection in there?

11:40:592 GREG WONG: Object to form.

11:41:003 BY JOAN MELL:

11:41:014 Q. All right. So let's go through the -- so you
11:41:065 choose to tell the public, "I would say, in the 7th

11:41:081 Congressional District, it encompasses a lot of the core
11:41:122 of the city of Seattle as it has over the past many
11:41:163 years."

11:41:174 What you were you communicating there?

11:41:205 A. In that -- in that case, I was communicating
11:41:226 that we had had a lot of input around the shape of the 7th
11:41:257 Congressional District.

11:41:278 And what I was communicating there is that the
11:41:309 shape of the 7th Congressional District was -- is likely
11:41:320 to remain very similar to its current composition, which
11:41:371 we had a lot of public input around, particularly around
11:41:402 the inclusion -- one of the more controversial areas had
11:41:413 been around the inclusion of Southeast Seattle in the 9th
11:41:484 and 7th Congressional District.

11:41:495 And that was actually one of the last things
11:41:506 that Commissioner Fain and I were negotiating, which was
11:41:537 direct result of public input. And that the specific
11:41:588 point, I would say, was one of the last two things that --
11:42:029 that Commissioner Fain and I were working on before
11:42:050 reaching an agreement on a proposal to bring forward to
11:42:071 the Commission.

11:42:082 Q. Okay. So at this point in time, you're still
11:42:003 working on it?

11:42:044 A. Joan, can I have two minutes to run to the
11:42:055 restroom, and I'll be right back?

11:42:181 Q. Yeah. But can you just answer this question?

11:42:202 A. **Absolutely. Go for it.**

11:42:223 Q. At this point in time, when you communicated

11:42:244 this -- that 7th Congressional District conversation --

11:42:275 you were still trying to hammer out exactly what it would

11:42:316 look like with Fain?

11:42:347 A. **Yes. And, for example, you know, things like**

11:42:368 **Mercer Island were kind of wrapped up in that. That**

11:42:389 **was --**

11:42:380 Q. Okay.

11:42:391 A. **That was, like, one of the -- you'll see this**

11:42:412 **here.**

11:42:413 **But the two areas that -- in terms of the**

11:42:454 **conversations between myself and Commissioner Fain that we**

11:42:475 **were working on towards the very end was this and the 8th**

11:42:516 **Congressional District. So those two were the things that**

11:42:547 **we were working out on either end.**

11:42:568 Q. All right. So my only question before you run

11:42:579 is do you just want it to be a brief one? Or do you want

11:43:000 to have lunch now?

11:43:011 **THE WITNESS: Oh, that's up to Greg. I could be**

11:43:032 **back in two minutes.**

11:43:043 GREG WONG: Let's do a brief one now and then

11:43:064 maybe break for lunch in -- whenever --

11:43:085 JOAN MELL: Okay.

11:43:091 GREG WONG: -- half hour or something like that,
11:43:112 if that's okay.

11:43:113 JOAN MELL: Okay. So it's 12:00 -- well,
11:43:124 it's 11:43 so we'll come back at five to.

11:43:195 GREG WONG: Oh, I think he was saying he could
11:43:216 even do briefers right now.

11:43:237 JOAN MELL: Oh, okay.

11:43:238 GREG WONG: But I guess, no, let's go ahead and
11:43:259 do a regular ten-minute break now and then one more
11:43:270 session, then lunch, if that works for you. You're the
11:43:291 one who's an hour ahead so I --

11:43:312 JOAN MELL: Yeah. Yeah. I can do it either
11:43:323 way. I don't care.

11:43:334 GREG WONG: Okay. Let's do a --

11:43:355 JOAN MELL: It would be good to get through the
11:43:366 transcript so let's come back and get through the
11:43:387 transcript. Okay? And then we can break for lunch.

11:43:418 GREG WONG: That sounds good. Okay. See you
11:43:429 in ten. Thanks.

11:43:440 (Recess.)

11:56:021 BY JOAN MELL:

11:56:022 Q. Commissioner, can you tell me, looking at the
11:56:043 transcript at paragraph starting, "Going north and ending
11:56:064 in the San Juan Islands," what were expressing?

11:56:025 A. Can you reshare the --

11:56:141 Q. Oh, it's not -- you can't see it?

11:56:162 A. I can't see it.

11:56:283 Q. "Going north to San Juan Islands."

11:56:314 A. This is along the lines of what I was sharing
11:56:325 with you earlier, that the 2nd Congressional District was
11:56:366 responding to public input and preserving the historic
11:56:397 population centers of that District and keeping those
11:56:428 cities whole -- so Everett, Bellingham, Mukilteo, and the
11:56:469 San Juans.

11:56:470 Q. And so can you -- at this point this time, was
11:56:501 there a definitive boundary for the 2nd?

11:56:552 A. Not definitive.

11:56:563 Q. Okay. And did you have specificity other than
11:57:054 what you describe in here in your proposal that was voted
11:57:085 on?

11:57:096 A. In my -- in my -- in my conversations with
11:57:137 Commissioner Fain, yes, things like I had mentioned
11:57:168 previously in this testimony, like the Skagit County
11:57:209 border as a dividing line.

11:57:230 Q. Okay. But let me understand what you're saying.
11:57:261 Did you talk further about Skagit County after
11:57:302 you made this public comment with Commissioner Fain to
11:57:343 narrow your proposal for the 2nd district beyond what you
11:57:384 have communicated with the public here?

11:57:415 A. I don't recall the timing vis-a-vis those

11:57:441 **conversations.**

11:57:462 Q. But you would agree that it was -- was not
11:57:483 finally resolved at the time you were making this
11:57:504 expression?

11:57:525 A. It may have been. I have to -- I'm not sure on
11:57:566 the actual timing of this.

11:57:587 Q. Okay. And did you -- did the proposal you voted
11:58:028 on include content specific to the 2nd Congressional
11:58:059 District -- more specific than what you've communicated
11:58:110 here?

11:58:151 A. The framework that I'd agreed to with
11:58:192 Commissioner Fain and that we brought forward did include
11:58:213 additional details like what I'm describing about the
11:58:254 Skagit County line.

11:58:265 I will add that this is fairly specific to
11:58:296 include Everett, Bellingham, and Mukilteo, and the San
11:58:347 Juan -- that is -- that makes up a significant part of the
11:58:368 population of the district.

11:58:389 Q. But it -- but you -- you concede that it's
11:58:390 incomplete?

11:58:411 A. It's not a map.

11:58:432 Q. But it's not a proposal either because your
11:58:453 proposal included more detail; correct?

11:58:494 A. That's correct. Things likes the Skagit County
11:58:515 border are not included there.

11:58:531 Q. Okay. How about as to the 1st? What you
11:58:582 communicated publicly, does this fully encompass the
11:59:033 proposal you voted on as to the 1st? Or did you negotiate
11:59:074 further specific details with Fain after this point in
11:59:105 time?

11:59:116 A. Again, this reflects key elements of the 1st.

11:59:157 And, as to your question about further details,
11:59:178 I'm not sure at what point in time this testimony happened
11:59:239 vis-à-vis my conversations with Commissioner Fain. So
11:59:260 that may or may not be the case. But these are elements.

11:59:291 Q. Are you sure that your proposal that you voted
11:59:322 on contained more elements as to the 1st than what you
11:59:363 expressed here?

11:59:394 A. If I'm recollecting my memory on this very tired
11:59:445 evening on the 15th, I believe what I was trying to do was
11:59:476 to share some key illustrative points of which these are.

11:59:547 Q. Meaning, yes, there were more specifics that you
11:59:588 voted on in your proposal that are not expressed here; is
12:00:019 that correct?

12:00:040 A. We had more -- there are more specific aspects
12:00:071 that were needed to translate into maps than is what is
12:00:102 simply contained there, yes.

12:00:133 Q. How about as to the 8th? What is the same as to
12:00:224 the 8th?

12:00:255 A. Basically, it's -- when I read that, it's

12:00:271 conveying a critical design aspect of the 8th, which is
12:00:332 that it will continue to be on both the East and the West
12:00:373 side of the mountain, which is the case.

12:00:414 Q. But is this the Highway 2 part?

12:00:445 A. No. That -- that Highway 2 is in reference to
12:00:476 the -- that had nothing to do with the Congressional maps.
12:00:507 That was purely in reference to the Legislative maps.

12:00:538 Q. Okay. So there are more elements to defining
12:01:009 the 8th that you voted on in your proposal than are
12:01:040 described here?

12:01:051 A. That's an illustrative point, yes. It's a key
12:01:072 point, but it's an illustrative one.

12:01:123 Q. And was the 8th completely defined -- no.
12:01:184 Strike that.

12:01:205 Were your negotiations with Fain concluded as to
12:01:266 the 8th at this stage?

12:01:297 A. Again, I'm not sure of the exact time of this
12:01:328 testimony.

12:01:339 Q. It's after 11:00. Does that change your answer?

12:01:430 A. No.

12:01:441 Q. Okay. What are you communicating as to the 4th
12:01:512 and the 5th?

12:01:553 A. Basically what I see this is conveying is, like,
12:01:584 the key illustrative point behind the design of the 4th
12:02:025 and 5th, which is that they will continue to be

12:02:041 north/south Districts in Eastern Washington that retain
12:02:092 the same general structure as they had over the prior
12:02:133 decade.

12:02:144 Q. Okay. But the District boundaries for the 4th
12:02:175 and 5th changed; correct?

12:02:196 A. They changed for every -- every District, yes.

12:02:227 Q. And with regard to the proposal that you voted
12:02:308 on, there were elements not expressed here that you needed
12:02:339 to agree upon with Fain before the proposal moved forward;
12:02:370 correct?

12:02:371 A. These are illustrative points. These are key
12:02:402 illustrative points, but they're not --

12:02:423 Q. Is it a point or is it -- do you think that
12:02:454 there are multiple points made in this paragraph?

12:02:475 A. This -- this, to me, is the critical point. If
12:02:506 I had to -- from what I see in this testimony, I think I
12:02:537 was highlighting the critical points in this public
12:02:568 testimony, not the comprehensive list. Yes.

12:03:039 Q. Well, and I -- I guess the thing that I'm trying
12:03:060 to figure out is were there further conversation that --
12:03:101 conversations that resulted in a more specific proposal
12:03:132 that you voted on?

12:03:153 A. And what I'm saying is I'm not sure. Given the
12:03:184 time of this conversation and vis-à-vis the vote, I'm not
12:03:235 sure if those -- that happened prior, just after this, or

12:03:261 with Commissioner Fain.

12:03:282 Q. Okay. I don't -- I'm not following what you're
12:03:453 saying here about the 6th and 9th.

12:03:474 What are you communicating?

12:03:505 A. I believe what I'm sharing there is the 6th --
12:03:546 the heart of the 6th has historically been the Olympic
12:03:587 Peninsula and then parts of urban Tacoma and population
12:04:028 centers in places like Gig Harbor and Bremerton,
12:04:059 Bainbridge.

12:04:070 What I see myself saying there is that it's kind
12:04:091 of staying the course on the 6th, which did, in fact,
12:04:132 occur. And -- and generally the same for the 10th is how
12:04:183 I read that.

12:04:194 Q. When you say "staying the course," the District
12:04:215 boundaries changed but not substantially; is that what you
12:04:256 mean?

12:04:267 A. That's what I mean.

12:04:278 Q. Okay. And, again, more details were contained
12:04:329 in the proposal you voted on than you express here?

12:04:360 A. Again, I'd say these were me highlighting kind
12:04:391 of main -- main features.

12:04:412 Q. Okay. So similarly as to the 3rd, you're
12:04:523 providing a -- is this a point or something different?
12:04:594 What are -- let's stop. Strike that.

12:05:015 What are you communicating as to the 3rd?

12:05:041 A. Again, the 3rd didn't substantially change very
12:05:072 much. So I think, in my tired state approaching midnight
12:05:133 on the 15th of November, I -- I felt like the main point
12:05:184 there to highlight was the -- in Southwest Washington,
12:05:235 Vancouver, the city of Vancouver would remain the heart of
12:05:266 the 3rd, which is the case.

12:05:287 Q. Okay. And so you tell the public here, "We've
12:05:308 been making a good deal of process as we work to advance
12:05:339 these maps."

12:05:330 Does this refresh your recollection that you had
12:05:351 not reached an agreement with Commissioner Fain as of this
12:05:382 point in time on a proposal?

12:05:433 A. I believe that we had -- at this stage -- again,
12:05:464 I want to kind of look at where we are in the -- in the
12:05:495 time sequence.

12:05:516 We -- we may have reached an agreement on a
12:05:567 proposal to bring forward, but I -- I can't recall this
12:05:588 vis-à-vis the timestamp of events.

12:06:019 Q. Is it correct that you did not communicate to
12:06:030 the public that you had negotiated an agreement with Fain
12:06:091 in a dyad?

12:06:152 A. I don't know that that's true. I believe that,
12:06:163 in prior public meetings, Commissioner Fain and I had made
12:06:204 mention of the Congressional maps.

12:06:295 Q. Did you -- did you ever tell the public that you

12:06:311 guys were negotiating in dyads?

12:06:352 **A. I'm not sure.**

12:06:363 Q. Okay. And is it correct that, at this point in
12:06:404 time in the public meeting, the public was unaware of
12:06:445 whether or not you and Commissioner Fain had reached an
12:06:476 agreement in your dyad for a proposal for the
12:06:507 Congressional map?

12:06:518 GREG WONG: Object to form.

12:06:529 **THE WITNESS: -- speculate -- I'm not -- I'm not**
12:06:540 **sure.**

12:06:551 BY JOAN MELL:

12:06:582 Q. Well, having reviewed the transcript from the
12:07:003 15th, is it correct that, at least on the 15th, there was
12:07:044 no communication to the public as to any agreement between
12:07:065 you and Commissioner Fain?

12:07:086 GREG WONG: Object to form.

12:07:107 **THE WITNESS: Prior to the vote, I don't believe**
12:07:128 **that's the case. I will say, in reading this, I read that**
12:07:169 **as my describing the parameters.**

12:07:200 BY JOAN MELL:

12:07:211 Q. Okay. And do you see here, however,
12:07:252 Commissioner Fain is questioning what the parameters are
12:07:273 and what the scope of your agreement is?

12:07:294 **A. I -- I'd have to read down in the transcript.**

12:07:425 Q. Tell me when you're ready.

12:07:471 **A. Maybe scroll down a little further. Little**
12:08:002 **further. Little further. Okay. Please go ahead.**

12:08:153 Q. All right. So it's correct that Commissioner
12:08:194 Fain is making inquiry into the elements of your proposal
12:08:295 at this stage of the meeting; correct?

12:08:326 **A. Yeah. Yes. I believe he's asking some -- some**
12:08:357 **questions on some specific facets of it.**

12:08:408 Q. And would you agree then that, based upon his
12:08:439 questions, at this point in time, you and Commissioner
12:08:460 Fain had not reached an agreement on a proposal?

12:08:501 **A. I -- I read this as him raising the issues that**
12:08:552 **it seems like we're continuing to discuss at this point,**
12:08:583 **like what he says at the top around the 9th Congressional**
12:09:004 **District.**

12:09:035 Q. So is that a yes? You and Commissioner Fain --

12:09:076 **A. It appears, from reading the transcript, that we**
12:09:097 **have a couple remaining things to work out --**

12:09:118 Q. Okay.

12:09:119 **A. -- before bringing a full proposal forward.**

12:09:270 Q. And with regard to Commissioner Graves's
12:09:301 presentation to the public, he says, "We -- we have the
12:09:322 Legislative plan."

12:09:353 Do you know whether or not Commissioner Sims had
12:09:414 communicated to you that she had agreed with Graves on a
12:09:455 Legislative proposal at this point?

12:09:501 A. It's -- I don't know with regard to the time of
12:09:532 the evening on this so no. I may know as we look through
12:09:593 the rest of the transcript.

12:10:004 Q. Okay.

12:10:135 A. Can you move further down? Keep moving.
12:10:246 Continue. A bit further. A bit further. Continue. I'm
12:11:087 able to read quickly here. Thank you.

12:11:328 Okay. That's fine, yeah. I can kind of see
12:11:359 where we are in the evening.

12:11:370 Q. Okay. So is it correct, based on the
12:11:401 presentations made to the public, that, at the time the
12:11:432 discussion section ended, you -- "you" meaning the
12:11:483 Commissioners collectively -- were still working in dyads
12:11:524 and caucuses to reach agreed proposals to bring before the
12:11:575 Commission to vote on?

12:12:006 A. I believe that's the case.

12:12:117 Q. Is it correct that you knew what Commissioner
12:12:208 Sims said to the public during the discussion session from
12:12:279 your conversations with her outside the meeting at this
12:12:370 point in time?

12:12:381 A. Aspects of this, but not all of it.

12:12:412 Q. Okay. Do you remember the resolution simply
12:12:543 being a form that -- until you got the final maps drawn,
12:13:004 that you would just be signing a placeholder resolution?

12:13:065 A. Say that again.

12:13:111 GREG WONG: Object to form.

12:13:172 THE WITNESS: Could you repeat the question? I
12:13:193 didn't quite capture that.

12:13:214 BY JOAN MELL:

12:13:215 Q. Did you sign a placeholder resolution that still
12:13:246 would require a final pass for the final map?

12:13:297 A. I'm not sure what you mean by a "placeholder
12:13:318 resolution."

12:13:339 Q. Meaning a resolution that -- that -- that didn't
12:13:380 detail a map because they weren't yet drawn.

12:13:451 A. So I voted for a plan that was in the process of
12:13:502 getting reflected on the maps, but we had missed the
12:13:533 deadline for the actual completion of maps by the midnight
12:13:594 deadline on November 15th.

12:14:015 Q. So would you agree that the resolution was a
12:14:036 placeholder?

12:14:067 A. I wouldn't describe it as a placeholder. I
12:14:098 would describe it as a redistricting plan for the
12:14:119 Legislative and the Congressional maps that was then the
12:14:240 basis for finalizing the actual mapping.

12:14:281 Q. Well, would you --

12:14:292 A. I would not call -- I would not call it a
12:14:213 placeholder.

12:14:224 Q. But you didn't have -- but you didn't have any
12:14:255 defined District boundaries at the time you signed the

12:14:281 resolution; correct?

12:14:302 **A. That's not entirely true. There -- there were**
12:14:333 **maps that -- as I had shared earlier in this testimony,**
12:14:374 **that Commissioner Fain and I had exchanged.**

12:14:415 Q. Right. But --

12:14:426 **A. And we --**

12:14:437 Q. But you didn't have any finalized District
12:14:458 boundaries at the time you signed the resolution; correct?

12:14:489 **A. We did not vote on maps. I do actually think we**
12:14:510 **had a set of District boundaries that were the basis for**
12:14:561 **what we completed after midnight, but there was -- there**
12:14:592 **was mapping happening during this period.**

12:15:033 Q. And -- and in that mapping, District boundaries
12:15:054 were being defined; correct?

12:15:075 **A. That's correct.**

12:15:086 Q. All right. So is it -- is it correct that the
12:15:117 resolution you signed didn't express the final District
12:15:208 boundaries?

12:15:149 **A. It did -- it expressed the ingredients of those**
12:15:280 **and the directions to generate them; but, no, it was not**
12:15:321 **the final maps.**

12:15:332 Q. Well, what portion of the -- of the resolution
12:15:363 described any component of your proposal?

12:15:394 **A. It was -- there were the -- there were criteria**
12:15:455 **that we'd talked about earlier that were the basis --**

12:15:491

Q. Okay. But it's -- it's correct that --

12:15:512

A. -- generated.

12:15:513

COURT REPORTER: I didn't hear the answer

12:15:514

because there were two voices at once.

12:16:015

THE WITNESS: I can't recall what I said now.

12:16:036

BY JOAN MELL:

12:16:047

Q. Let me ask the question again.

12:16:068

Is it correct that the resolution does not

12:16:129

contain any element of either proposal that you voted on

12:16:220

in the motion to adopt a Congressional or Legislative

12:16:251

District?

12:16:282

A. The resolution does not contain all of the

12:16:323

detailed criteria that were then used to translate into

12:16:364

the actual maps. That's correct.

12:16:405

Q. Does the resolution contain any element of

12:16:426

either proposal?

12:16:467

A. I believe the resolution we voted on was

12:16:488

standard language that was shared with us in advance.

12:16:529

Q. All right. Did you sign the resolution before

12:16:540

you voted on the proposal?

12:17:021

A. I don't follow.

12:17:032

Q. Did you sign the -- a form resolution before you

12:17:073

had any proposal adopted?

12:17:214

A. I may not be following, but I believe the -- the

12:17:275

resolution was the reflection of the proposal.

12:17:251 Q. Okay. How was it a reflection of the proposal
12:17:272 if the proposal wasn't reflected in the resolution?

12:17:353 A. You may correct me if I'm wrong here, but I --
12:17:384 my understanding of the resolution is that it was a preset
12:17:425 standard resolution that was provided to us prior -- prior
12:17:476 to the actual vote as a form resolution.

12:17:537 Q. Right. Right.

12:17:568 So you would agree then that the resolution that
12:18:019 you signed was not a reflection of either proposal and
12:18:090 certainly not of any map because they weren't drawn.

12:18:131 A. No. I don't believe that the resolution was
12:18:162 intended to contain any details as such. If I'm correct,
12:18:203 the resolution was a procedural step.

12:18:284 Q. And then you agree that the resolution was
12:18:315 signed before the proposal was agreed upon?

12:18:356 A. No. I agree that the resolution was signed
12:18:387 before maps. I'm not sure that I'm tracking your --

12:18:428 Q. Was the resolution --

12:18:439 A. -- line of questioning.

12:18:440 Q. Did you sign the resolution before there was a
12:18:461 motion to adopt a resolution?

12:18:542 A. I -- I'm not sure. I'm getting a little lost in
12:18:573 your questions.

12:18:594 Q. Did you have a resolution that -- that you
12:19:025 signed before in the public meeting there was a motion to

12:19:061 adopt a resolution?

12:19:092 **A. Are you asking if I had signed it before there**
12:19:113 **was a resolution to sign it?**

12:19:134 **Q. Yes.**

12:19:165 **A. I don't believe so, but I'm not sure. You may**
12:19:206 **need to look through the transcript. I -- I'm getting**
12:19:227 **lost in your questions. I don't understand.**

12:19:248 **Q. Well, I'm just wondering if you -- if you had**
12:19:279 **anticipated that you needed to sign the resolution and**
12:19:300 **they circulated the resolution for signature and you**
12:19:331 **signed it before there was even a motion.**

12:19:422 **A. Again, I believe there was a motion on the**
12:19:443 **resolution and then we signed it. But I'm not sure -- I**
12:19:474 **believe -- I believe that I signed the transmittal letter**
12:19:515 **and the resolution. I mean, there's a timestamp on my**
12:19:546 **signature. It was -- I believe it was shortly after**
12:19:577 **midnight.**

12:19:598 **Q. Do you remember whether or not the -- when you**
12:20:019 **signed either document, the document was in its final**
12:20:060 **form?**

12:20:211 **A. I may be incorrect, but I believe these**
12:20:242 **documents were procedural documents that were provided to**
12:20:293 **us, not detailed documents.**

12:20:284 **Q. What happened in between the discussion section**
12:20:305 **and the action section?**

12:20:381 A. I don't recall. This is very close to midnight,
12:20:412 and there was a lot of discussion between myself and Joe
12:20:453 on --

12:20:454 Q. What caused you to -- I'm sorry.

12:20:485 A. Go ahead.

12:20:496 Q. What caused you to finally concede sufficiently
12:20:537 or cause him to concede sufficiently that you reached
12:20:568 agreement in order to move a measure?

12:21:009 A. The -- the midnight deadline.

12:21:040 Q. Was there any communication to take a vote on
12:21:091 proposals?

12:21:132 GREG WONG: Object to form.

12:21:143 **THE WITNESS: In contrast to what?**

12:21:164 BY JOAN MELL:

12:21:175 Q. Maps.

12:21:186 A. On -- not that I recall.

12:21:217 I believe at the time there was -- there was
12:21:238 confusion on -- on -- on what -- there was confusion on
12:21:269 what we were voting on at that specific moment.

12:21:300 And I think that that is -- and I think that
12:21:341 I -- speaking for myself, I made the decision to -- it
12:21:392 was -- I was unclear how I was going to vote, first of
12:21:423 all, in the minutes leading up to this vote, particularly
12:21:474 on the Legislative maps.

12:21:485 And, secondly, I voted in favor of them in -- in

12:21:541 a good-faith effort to complete the maps that I believed
12:21:592 these plans provided the directions to create.

12:22:053 Q. Okay. So you knew the work wasn't done when you
12:22:084 voted. You just wanted to keep the process moving?

12:22:115 A. I knew that the maps were not completed when I
12:22:156 voted, yes. And I did also believe that our
12:22:187 responsibility was to create maps.

12:22:208 Q. Oh, wow. I just got a notification that some
12:22:259 apartments very near my home in Tacoma and Fircrest are
12:22:290 lit up and burning down.

12:22:311 A. Oh.

12:22:312 Q. Yeah. Very sad. They're beautiful, and it's
12:22:343 kind of a scary thing.

12:22:364 GREG WONG: Do you want to break now? Do you
12:22:375 want to take care of that?

12:22:396 JOAN MELL: No. I think I -- it's -- honestly,
12:22:417 it's very close to -- I'll need to check on it on the
12:22:458 break so let me just finish. I want to get through this
12:22:499 transcript.

12:22:490 BY JOAN MELL:

12:22:571 Q. Did you understand at the time you voted that
12:22:592 you need to ensure that the maps reflected what you voted
12:23:083 on?

12:23:094 A. That -- that was my hope, yes.

12:23:125 Q. And what you voted on -- at the time you placed

12:23:161 a vote, you were still unsure whether or not you -- you
12:23:202 and the others had a common understanding or agreement as
12:23:243 to what you were voting on?

12:23:274 **A. I felt that there was a common understanding on**
12:23:285 **what we were voting on. I think I was uncertain whether**
12:23:316 **or not I supported it, but I do think there was a common**
12:23:357 **understanding of what I was voting on.**

12:23:378 Q. How -- how did you form the beliefs that there
12:23:389 was a common understanding among the voting Commissioners
12:23:420 on what they were voting on?

12:23:451 **A. The -- the criteria that I'd gone through**
12:23:482 **before.**

12:23:533 Q. And are you talking as to both Congressional and
12:24:004 Legislative?

12:24:005 **A. Well, in the case of the Congressionals, I had a**
12:24:036 **very -- I had a probably even a more firm view of**
12:24:067 **specifics.**

12:24:098 Q. Do you remember having -- before you placed your
12:24:149 vote, do you remember hashing out those issues that you
12:24:180 still needed to hash out with Fain, as expressed in the
12:24:241 discussion section, between the time of the discussion
12:24:272 session and the vote?

12:24:293 **A. I believe so. I believe we had some very kind**
12:24:324 **of quick conversations in that period.**

12:24:355 Q. And you believed that you also had a quick

12:24:381 conversation with Sims to reflect what you and Fain
12:24:422 finally decided?

12:24:453 **A. I very likely did. I do not recall it.**

12:24:474 Q. Okay. And same with Sims to you as to what she
12:24:525 and Graves had decided?

12:24:576 **A. I think I had an understanding of the proposal**
12:25:007 **they were bringing forward, yes, from -- from**
12:25:018 **conversations with Commissioner Sims.**

12:25:039 I don't know that I -- I don't know that it was
12:25:050 clear how I was going to vote on it, but I do think I had
12:25:081 an understanding of what was coming forward.

12:25:112 Q. And you understood that she and Graves had
12:25:153 reached an agreement.

12:25:184 **A. Between the two of them on a proposal to bring**
12:25:215 **forward, yes.**

12:25:216 Q. Okay. All right.

12:25:227 And then you would agree that, at the time you
12:25:428 voted, nothing was -- neither proposal was expressed in
12:25:469 writing?

12:25:470 **A. That's correct.**

12:26:041 Q. Was there anything done -- strike that.

12:26:082 Were there any communications in between this
12:26:113 discussion section and the action section from any outside
12:26:154 source that -- that caused the -- caused you to compromise
12:26:245 on any of your elements?

12:26:281 A. Not that I remember. I mean, I -- I mean, Ali
12:26:302 O'Neil, who we'll probably speak about, and I were
12:26:343 communicating very regularly during this period. And she
12:26:364 did reach out to me and encourage me not to vote for the
12:26:395 final proposal, which she also outlined in her memo. So I
12:26:436 spoke with her in that period. I don't remember other
12:26:477 conversations.

12:26:498 Q. Is there a reason why you didn't follow her
12:26:519 advice?

12:26:530 A. I was very conflicted on -- and ultimately
12:26:581 decided to make the decision to go ahead.

12:27:052 Q. So is it your understanding that
12:27:083 when Commissioner Augustine said, "The first item is our
12:27:104 final congressional plan. I wonder if there's a motion to
12:27:145 adopt a final Congressional plan," that the agreement
12:27:196 between the dyads had been communicated to her?

12:27:247 A. I don't know. I -- I don't know in what detail.
12:27:288 I don't know the answer to that.

12:27:309 Q. Did you communicate to Augustine that you and
12:27:340 Fain had reached an agreement on the Congressional
12:27:391 proposal?

12:27:392 A. Not to my knowledge. I don't believe that I
12:27:423 did.

12:27:424 Q. Did Sims say anything to you about any
12:27:445 communication she had with Augustine?

12:27:471

A. No, not that I remember.

12:27:492

Q. Did Fain?

12:27:513

A. Not that I remember.

12:27:544

Q. Do you remember there being input from Laurie

12:27:585

Jenkins to just take a vote on anything, to just do

12:28:026

something before midnight?

12:28:037

A. I don't remember that.

12:28:158

Q. So the extent to which you knew what the final

12:28:199

Congressional plan was that you were voting on is

12:28:220

comprised in these two sentences -- Augustine saying,

12:28:281

"There's a motion to adopt a final Congressional plan,"

12:28:302

and Fain's, "So moved"?

12:28:353

GREG WONG: Object to form.

12:28:374

THE WITNESS: This is a really chaotic moment.

12:28:395

And I think that what -- there was some confusion.

12:28:456

And I think that what I had previously described

12:28:477

in my commentary prior -- earlier in the night was

12:28:538

effectively this. And it -- there were a couple other

12:28:599

areas that Commissioner Fain had raised that we resolved

12:29:030

in the intervening period. So that was my understanding

12:29:051

of what we were moving.

12:29:132

BY JOAN MELL:

12:29:143

Q. And similarly with regard to the extent of what

12:29:174

you knew about, "Do I have a motion to approve," meaning a

12:29:215

final Legislative plan, and Graves saying, "So moved," was

12:29:261 what you'd heard from Sims?

12:29:302 **A. And the conversations over the preceding**
12:29:333 **months -- well, public and in -- as was described here:**
12:29:374 **Caucus conversations.**

12:29:405 Q. Right. But -- but you don't know how that
12:29:426 finally got integrated into an agreement between Sims and
12:29:467 Graves other than what she told you immediately before
12:29:538 going into the action.

12:29:549 So between -- between the discussion and action
12:29:570 portions of the meeting, the extent of what you knew about
12:30:011 the agreed-upon proposal is what she told you at that
12:30:042 moment; correct?

12:30:143 **A. In -- and prior to that, yes. But -- yes. And**
12:30:174 **an update in that moment, if there were final things to be**
12:30:215 **resolved between them.**

12:30:366 Q. Were you having any trouble during the meeting,
12:30:377 or were you in it the whole time that it was public --

12:30:428 **A. There were some unfortunate internet lapses at**
12:30:479 **the closing time of the meeting. So I do believe I was**
12:30:500 **probably kicked off -- on and off a couple times.**

12:30:521 Q. So were you even -- did you even vote on these
12:30:562 items?

12:30:573 **A. I signed the -- I signed the letter, and I**
12:30:594 **believe that I voted, but I may not have had my vote**
12:31:025 **registered in the transcript.**

12:31:091 Q. Do you remember these motions?

12:31:112 A. Yes. I was -- I was there.

12:31:223 Q. Do you remember there being some question about
12:31:254 whether or not you voted or how you voted?

12:31:315 A. Do you mean me specifically or the Commission?

12:31:346 Q. You.

12:31:357 A. No.

12:31:378 Q. Do you remember --

12:31:389 A. Could you say more what -- what do you mean by
12:31:400 that?

12:31:411 Q. I think Ali O'Neil -- or maybe it's the text --
12:31:462 I can't remember. Somewhere I read a communication
12:31:523 between staff questioning how you had voted.

12:32:004 GREG WONG: Object to form.

12:32:015 THE WITNESS: Do you mean -- again, for
12:32:036 clarification, do you mean whether I voted yes or no or
12:32:067 whether I voted?

12:32:078 BY JOAN MELL:

12:32:079 Q. Yeah. Yeah. Yeah. Which way you voted,
12:32:090 whether or not you rejected the proposal or affirmed it.

12:32:091 A. Oh, oh. I affirmed in both cases.

12:32:092 Q. Do you remember anything about that?

12:32:093 A. No. I don't -- I'm actually not familiar with
12:32:094 what you're referencing.

12:32:095 Q. Let me do one last thing here, see if I can do

12:32:331 this real quickly.

12:32:582 GREG WONG: Joan, are you thinking about doing
12:33:003 one more exhibit and then breaking for lunch?

12:33:034 JOAN MELL: Yeah. That's what I'm thinking of.
12:33:045 I'm just trying to get the -- there were prior exhibits.
12:33:056 I'm just trying to pull them back out here.

12:33:157 Here we go. That guy -- hold on just a second.
12:33:238 I need one other. Okay. No. Not that one. That's not
12:33:389 the one I need. Is it this one? Just a second here.

12:35:340 Sorry. This is painful. I know exactly what it
12:35:371 is, and I just can't get my hands on it. Just a second
12:35:412 here.

12:35:413 Here we go. Okay. This is it. 45. Okay.

12:35:534 BY JOAN MELL:

12:35:565 Q. All right. So showing you what's been marked
12:35:586 as -- well, no. I can't do it that way. You won't get
12:36:037 that. Let me just see here. All right.

12:36:098 Showing you what's been marked as -- I don't
12:36:139 remember what exhibit number, but it's the final
12:36:150 resolution letter_11.15.21. I think it's Exhibit 44.

12:36:281 (Deposition Exhibit 44 was marked for
12:36:282 identification.)

12:36:293 BY JOAN MELL:

12:36:304 Q. Do you recognize your signature on this
12:36:315 document?

12:36:341

A. I do.

12:36:352

Q. And do you recall having executed it on the

12:36:413

16th?

12:36:424

A. At 12:04 a.m. on the 16th, yeah.

12:36:455

Q. And do you remember whether or not, when you

12:36:496

executed the document, this content was contained in

12:36:547

there? These file paths?

12:37:038

A. If those are referring to the final maps, the

12:37:079

answer is I -- they were not -- they were not contained

12:37:090

there at the time of the signing.

12:37:131

JOAN MELL: Okay. All right. Let's go ahead

12:37:142

and take a lunch break right now, if you guys are amenable

12:37:183

to that.

12:37:224

GREG WONG: Sounds good.

12:37:235

JOAN MELL: I have it's 1:37 here, 12:37 there.

12:37:266

So you want to come back at 1:30? Does that work? Is

12:37:337

that too long? Do you want to keep it going?

12:37:358

GREG WONG: I mean, as long as we're wrapping up

12:37:389

by 5:00, I don't know kind of your pace. I'm fine with --

12:37:430

do you want to do --

12:37:441

JOAN MELL: Let's do 1:15.

12:37:482

GREG WONG: Sounds good.

12:37:493

(Recess.)

13:18:424

BY JOAN MELL:

13:18:475

Q. Okay. Commissioner Walkinshaw, can you tell me,

13:18:501 when the meeting ended on the 16th, what did you do?

13:19:002 **A. To situate the timing, when the meeting ended on**
13:19:043 **the 16th -- is that correct? Tuesday -- you're speaking**
13:19:064 **about Tuesday, the 16th?**

13:19:085 Q. Right. I mean, I understand it was, like, 12:00
13:19:116 something in the morning, but it was still the 16th;
13:19:137 correct?

13:19:158 **A. When the -- when the public meeting ended on**
13:19:189 **the -- on the 15th, I don't recall immediately what I did.**

13:19:230 Q. Okay. Is it your understanding that it was
13:19:261 before or after midnight when the public meeting that
13:19:322 started on the 15th ended?

13:19:343 **A. That's correct. It was around the time I signed**
13:19:364 **that transmittal letter so shortly after midnight.**

13:19:405 Q. Okay. So did you reconvene the meeting with the
13:19:456 Commissioners in the banquet room of the Hampton?

13:19:507 GREG WONG: Object to form.

13:19:558 **THE WITNESS: No. We did not -- it wasn't a new**
13:19:589 **public meeting. We did not reconvene.**

13:20:010 BY JOAN MELL:

13:20:021 Q. It was not a public meeting at all; correct?

13:20:042 GREG WONG: Object to form.

13:20:053 **THE WITNESS: No.**

13:20:054 BY JOAN MELL:

13:20:065 Q. But you did meet in the banquet room with the

13:20:091 other Commissioners; correct?

13:20:102 **A. That's correct.**

13:20:133 Q. And all four voting Commissioners were there
13:20:164 plus Sarah Augustine, the Chair; correct?

13:20:215 **A. During some moments of it, yes.**

13:20:236 Q. Well, was there communication between you and
13:20:307 any of the other Commissioners that resulted in all of you
13:20:338 convening in the banquet room?

13:20:369 GREG WONG: Object to form.

13:20:400 **THE WITNESS: I -- I don't recall the specifics**
13:20:431 **of how that happened.**

13:20:442 BY JOAN MELL:

13:20:443 Q. Do you recall anything about how it happened?

13:20:564 **A. There was a desire after the vote on the**
13:21:045 **Congressional and Legislative plans to now complete the**
13:21:086 **maps that those plans specified.**

13:21:1137 Q. Was that desire communicated prior to the action
13:21:188 item or after the action item?

13:21:149 **A. The work to draw the maps was already underway**
13:21:280 **prior to midnight so it was a continuation of what had**
13:21:311 **already been initiated.**

13:21:362 Q. Prior to the action item of the agenda, did
13:21:413 anyone convene in the banquet room?

13:21:484 **A. Yes. I believe Commissioner Augustine was**
13:21:505 **working from there, and I believe there were some**

13:21:521 conversations. I went into the banquet room once over the
13:21:562 course of that -- prior to --

13:22:003 Q. Right. To talk to who?

13:22:014 A. I had a -- I had a one-on-one meeting with
13:22:055 Commissioner Graves on the 14th or the 15th. I can't
13:22:106 recall.

13:22:157 Q. What -- what did you say to him and what did he
13:22:188 say to you?

13:22:239 A. From what I recall, the main purpose of that
13:22:250 meeting on my part was to express my concerns about the
13:22:291 14th and the 15th Legislative Districts and the Voting
13:22:342 Rights Act.

13:22:343 Q. And you did that?

13:22:354 A. I did.

13:22:385 Q. What did he say to you?

13:22:416 A. I think we were in disagreement, and it was not
13:22:447 a long meeting.

13:22:488 Q. Did you take back the content of what you
13:22:519 communicated with Graves in that meeting to Sims?

13:22:580 A. I -- I probably kept her updated on that, yes.
13:23:021 I think it was no secret, both privately and publicly,
13:23:072 that I had concerns about the 14th and 15th Districts.

13:23:123 Q. And the -- your concerns about the 14th and 15th
13:23:144 District related to the Voting Rights Act?

13:23:205 A. Yes. And the -- and the drawing of the lines in

13:23:241 ways that included the Yakama Nation.

13:23:282 Q. And what was the Voting Rights Act issue for
13:23:303 you?

13:23:344 A. Effectively, everything that I had said publicly
13:23:385 in reports that we commissioned -- the -- the Senate
13:23:436 Democratic Caucus had commissioned with regards to the
13:23:477 Voting Rights Act, which is a lot of -- a set of issues.

13:23:508 Q. What were the Voting Rights Act issues with the
13:23:539 14th and 15th?

13:23:550 A. Just broadly, they centered around the
13:24:031 percentage of what's called Citizen Voting Age Population
13:24:062 of a single minority community, and that's -- that's where
13:24:143 my -- that's where some of my concerns had been throughout
13:24:194 the process.

13:24:195 Q. And did you get any concessions on your concerns
13:24:236 in the proposal you voted on?

13:24:327 A. I think aspects of my -- the concerns that I'd
13:24:378 raised publicly were incorporated.

13:24:469 Q. And what were those aspects?

13:24:510 A. Specifically the way the 14th was drawn is
13:24:561 actually majority Hispanic by citizen voting age.

13:25:012 Q. And was that a boundary line that was agreed
13:25:053 upon during the meeting on the 16th, or was it in the
13:25:134 proposal when you voted?

13:25:195 A. I think it was -- I think it was -- I had a

13:25:211 clear understanding of where the boundary line would be by
13:25:252 the time I voted on the 15th.

13:25:283 Q. And it included the resolution of the Voting
13:25:314 Rights Act issue as to that population for the 14th and
13:25:345 15th?

13:25:366 A. It included a resolution, not the resolution
13:25:407 that I was advocating for; but it included a resolution,
13:25:448 yes.

13:25:459 Q. And what was the resolution that it included?

13:25:500 A. What I just described: It was the 14th
13:25:531 Legislative District being drawn to be majority Hispanic
13:25:572 by Citizen Voting Age Population.

13:26:003 Q. That is not what you proposed as -- proposed,
13:26:034 but that's what was incorporated that you believed was in
13:26:065 the proposal you voted on?

13:26:086 A. That's correct.

13:26:097 Q. Okay. All right.

13:26:118 So going back to getting into the banquet room
13:26:219 post-public meeting, did you understand, prior to the
13:26:290 meeting -- the public meeting having been completely that
13:26:341 you would convene in the banquet room after the vote?

13:26:392 A. No.

13:26:413 Q. Okay. So, after the vote and the public meeting
13:26:484 ended, what precipitated you going to the banquet room?

13:27:025 A. I was very tired at the time, and I believe it

13:27:041 was to complete the actions that we had just recently
13:27:132 voted on.

13:27:143 Q. So why did you think that you could complete the
13:27:174 actions you had just voted on in the banquet room?

13:27:255 A. Because it felt like there was a set of
13:27:276 activities which were left, which was to translate the
13:27:307 agreement we just voted on into what became the maps that
13:27:358 were completed after the deadline.

13:27:389 Q. Okay. But why did you think that those
13:27:410 activities could be completed in the banquet room?

13:27:451 GREG WONG: Object to form.

13:27:502 THE WITNESS: I -- I think because that's --
13:27:523 that happened to be where a lot of the caucus staff had
13:27:554 been working. There was some computers set up there, and
13:27:585 people were kind of busily working on continuing the
13:28:016 activities that they'd been doing prior to the midnight
13:28:057 deadline.

13:28:068 BY JOAN MELL:

13:28:069 Q. So had you directed your caucus staff to go to
13:28:090 the banquet room to work on completing the actions
13:28:121 necessary to be completed on the 16th?

13:28:172 A. In the banquet room, yes. Ali O'Neil, who was
13:28:213 working closely with me, and Paul Campos, who was working
13:28:264 closely with Joe Fain, were working on finalizing the
13:28:315 Congressional maps together.

13:28:331 Q. But before the -- before the public meeting had
13:28:442 ended, did you know that Ali was in the banquet room?

13:28:493 **A. Before the public -- no.**

13:28:534 Q. Did you go --

13:28:545 **A. I don't believe so.**

13:28:546 Q. Did you go meet with Ali and then the two of you
13:28:577 go to the banquet room?

13:29:008 **A. I don't remember the exact sequence.**

13:29:049 Q. Okay. To the best of your recollection, you
13:29:120 don't remember any communications from the Chair or from
13:29:151 Lisa McLean or anyone else saying, "Go to the banquet
13:29:192 room"?

13:29:203 **A. I don't. There may have been, but I do not**
13:29:234 **remember.**

13:29:275 Q. In the banquet room, did you at any time have a
13:29:336 conversation with more than one Commissioner on the 16th
13:29:367 after the public meeting?

13:29:408 **A. I -- I did have conversations with -- I had**
13:29:449 **individual conversations with different Commissioners,**
13:29:460 **yes.**

13:29:481 Q. Okay. But my question was did you have a
13:29:502 conversation with more than one Commissioner in the
13:29:553 banquet room on the 16th after the meeting.

13:30:004 Meaning, was there any point in time where
13:30:025 three -- you were within earshot or talking to two other

13:30:081 voting Commissioners at any given time?

13:30:112 **A. Yes.**

13:30:123 Q. Okay. Who did you talk to -- which voting
13:30:144 Commissioners did you talk to on the 16th after the public
13:30:185 meeting in the banquet room?

13:30:216 **A. Not in respect -- not in respect to the actual**
13:30:247 **maps that we were finalizing, but I did have some**
13:30:308 **conversations with different Commissioners while we were**
13:30:369 **in the banquet room.**

13:30:370 Q. Okay. That wasn't my question.

13:30:391 What Commissioners did you speak to together in
13:30:512 the banquet room after the public meeting on the 15th --
13:30:553 or 16th? Excuse me.

13:31:064 **A. I don't remember the specifics, but I probably**
13:31:095 **had -- I may well have had a conversation with two other**
13:31:156 **Commissioners about topics that were not related to the**
13:31:177 **actual translation of maps. And I'm not --**

13:31:168 Q. Were they --

13:31:179 **A. -- what those specifics -- I'm not sure what**
13:31:280 **those -- I can't recall what those specifics were. I was**
13:31:411 **very tired at the time.**

13:31:442 Q. Did you talk to two other Commissioners in a
13:31:463 conversation or in multiple conversations about
13:31:594 redistricting?

13:32:005 **A. We probably spoke about things about being**

13:32:031 fatigued, about some confusion around kind of the process
13:32:102 with the vote. And I think that everyone was, at that
13:32:163 time, very determined to finish the maps but continuing to
13:32:224 work in those respective dyads in completing the maps.

13:32:265 So I think that was the primary activity that
13:32:296 occurred was work in those dyads to finalize the maps with
13:32:387 the criteria that we had just voted on.

13:32:428 Q. Can you recite to me the content of any
13:32:459 conversation you had with two other Commissioners in that
13:32:510 banquet room?

13:32:521 A. I don't remember specifics.

13:32:542 Q. Do you remember any conversation within earshot
13:33:013 of two other Commissioners about publication of the maps?

13:33:084 A. There was a conversation about publication of
13:33:115 the maps. Oh, I should say, when the maps were completed,
13:33:176 the publication of the maps, more operationally for how we
13:33:217 should share those given that the deadline had passed.

13:33:258 Q. Okay.

13:33:269 A. I recall sharing my opinion -- I'm not sure if I
13:33:310 shared it in a group setting or it was just one individual
13:33:341 Commissioner, but I do remember sharing my perspective on
13:33:402 it.

13:33:413 Q. Did you share your perspective audibly in a way
13:33:444 that could be heard by more than one Commissioner?

13:33:465 A. I'm not sure, but my -- yeah. I'm not sure.

13:33:491 Q. What do you remember saying?

13:33:512 A. I think my perspective on it was that -- to
13:33:553 avoid further confusion, that both of the maps, when they
13:33:574 were completed, should be shared at the same time.

13:34:065 Q. What do you remember any of the other
13:34:086 Commissioners saying about that?

13:34:117 A. I'm not sure. I think there was -- I think that
13:34:148 that's what did end up happening later in the day on the
13:34:189 16th, but there was a fair bit of confusion that -- that
13:34:230 early morning.

13:34:241 I also remember a very significant part of that
13:34:272 early morning I actually -- the banquet room was quite
13:34:303 large. I would say it could fit -- I don't know how many
13:34:344 chairs were in there, but maybe 150 chairs.

13:34:395 I remember that I spent a very significant part
13:34:416 of that early morning lying down on the far end of the
13:34:467 conference room probably dozing off and asleep for
13:34:508 portions as kind of work was being completed.

13:34:539 So I was -- there was a significant portion of
13:34:550 time when I was not part of the nexus.

13:35:001 Q. You realize you didn't answer the question?

13:35:042 A. What was the question?

13:35:053 Q. What do you remember any other Commissioner
13:35:074 saying to you while you were in the banquet room?

13:35:225 A. About the -- the release of the maps?

13:35:161 Q. About anything.

13:35:182 A. Oh, I think there was -- I think there was
13:35:293 smalltalk. I think that there was -- there was work that
13:35:404 Commissioner Sims -- Commissioner Sims and Graves were
13:35:425 continuing to do on the Legislative map. There was work
13:35:456 that Commissioner Fain and I continued to speak -- I would
13:35:497 say at length, especially for the first hour after the
13:35:528 vote because we hadn't -- we were working together to
13:35:559 ensure that the map that we were drawing conformed with
13:35:590 the criterias as we both understood it.

13:36:021 So that was a period where Commissioner Fain and
13:36:052 I were in close conversation about a whole number of
13:36:093 things, just to be sure that -- that what was being drawn
13:36:124 conformed with what -- what we understood -- what we both
13:36:155 understood we just voted on.

13:36:176 Q. Did you hear from Graves or Sims on the leg maps
13:36:257 in terms of whether or not the mapping they were doing --
13:36:278 the mapping decisions they were making as to the
13:36:309 Legislative Districts conformed with what you voted on?

13:36:230 A. More in the sense that, if there was
13:36:251 communication, it was more in the sense of, like,
13:36:262 "Everything's -- everything going okay?" Like, "Are
13:36:283 things" -- just, "Are things on track?"

13:36:214 Because I think everyone was of the mindset that
13:36:245 we were executing -- basically, I think folks in the room

13:36:481 at the time were of the mindset that we were implementing
13:36:502 what had already been agreed to in the prior vote.

13:36:573 Q. Did you at any time communicate with Sims or
13:37:004 Graves to ascertain whether or not what you thought you
13:37:025 voted on was reflected in the map?

13:37:216 A. I can't recall specifics.

13:37:247 Q. Well, do you generally remember communicating
13:37:268 with either Sims or Graves about the Legislative mapping?

13:37:369 A. Generally, in the sense of what I had said
13:37:380 before, which is kind of confirming that it was going
13:37:431 along the direction we had all voted on.

13:37:462 I think we were all kind of in this mindset that
13:37:483 we voted on these maps against this criteria and wanted to
13:37:524 ensure that that was translated --

13:37:545 Q. Did you ask -- did you ask either one of them
13:37:576 about the criteria?

13:38:017 A. Not that I recall those specifics.

13:38:068 Q. Do you remember generally communicating on any
13:38:079 element of what you believed you voted on as it related to
13:38:110 the Legislative mapping process that was occurring in the
13:38:171 banquet room on the 15th -- on the 16th after the public
13:38:202 meeting?

13:38:213 A. Just -- just that I said that I -- there was
13:38:254 probably some general check-ins of, "Is this on track?
13:38:305 Are we -- how long is this going to take to do?"

13:38:321 I think we were sensitive to the fact that a lot
13:38:352 of staff had been up for many, many hours.

13:38:383 Q. Did you have more specific communications than
13:38:404 "Is this on track"?

13:38:425 Was there ever a point in time when you talked
13:38:446 to Sims or Graves about the Legislative map to ascertain
13:38:497 where a District boundary was positioned on the 16th after
13:38:568 the public meeting in the banquet room?

13:38:599 A. Potentially. And, if I did, it was only in the
13:39:020 context of ensuring that it was mapping to what we'd all
13:39:061 agreed to.

13:39:062 Q. Okay. So can you agree that you did talk about
13:39:093 the Legislative District boundaries with Sims and Graves
13:39:144 on the 16th in the banquet room?

13:39:185 A. I agree to what I -- I just said, which is I --
13:39:216 I checked in. I may have checked in just to confirm that
13:39:257 things were on track. But I didn't --

13:39:298 Q. You did more than that, didn't you, Commissioner
13:39:309 Walkinshaw?

13:39:300 A. -- make any decisions -- excuse me?

13:39:321 Q. You did more than that. You -- your checking in
13:39:342 is just ambiguous verbiage around the content of what you
13:39:393 actually discussed.

13:39:394 Can you tell me whether or not you actually
13:39:425 discussed Legislative District boundaries with Sims and/or

13:39:461 Graves on the 16th in the banquet room after the public
13:39:492 meeting?

13:39:513 GREG WONG: Object to form.

13:39:534 **THE WITNESS: No, not -- I did not make**
13:39:545 **decisions on it. I did -- I --**

13:39:566 BY JOAN MELL:

13:39:577 Q. I didn't say that you made decisions on it. Did
13:39:588 you discuss it? Did you have any content of your
13:40:029 communications with Sims or Graves, was it specific enough
13:40:050 to include a -- a District boundary?

13:40:141 **A. Insomuch as it was confirming that it was on**
13:40:172 **track to what we voted on, yes.**

13:40:203 Q. Okay. And, for instance, did you -- did you
13:40:224 talk to them about whether or not a District boundary
13:40:285 created for the Legislative Districts resulted in a
13:40:336 certain percentage political preference?

13:40:387 **A. If that had been what had been voted on -- which**
13:40:418 **we did vote on criteria that were related to that -- then**
13:40:459 **I -- I may have just checked in on the course of those --**
13:40:470 **of those subsequent hours to confirm that we were mapping**
13:40:531 **in accordance with the criteria that we just voted on.**

13:40:562 Q. Okay. And so did your checking in include
13:40:593 actual communications between Sims and Graves on those
13:41:034 elements such that you were looking at where -- looking at
13:41:005 a map? Did you look at a map?

13:41:141 A. I actually did not see the final Legislative map
13:41:172 on -- which I've said in public comment. But I did not
13:41:213 see a Legislative map before it was transmitted to the
13:41:244 Court. So, no, I did not.

13:41:255 Q. I don't think that was my question.

13:41:276 In the banquet room on the 16th, did you look at
13:41:307 a Legislative map?

13:41:368 A. At a distance over a computer screen, I -- I saw
13:41:409 a Legislative map, yes.

13:41:410 Q. And, when you were looking at that Legislative
13:41:441 map, were Sims and Graves standing next to you?

13:41:502 A. At -- at some point, potentially. But,
13:41:533 typically, no. I don't think -- like, there was a --

13:41:564 Q. Well, what do --

13:41:565 A. -- conversation going on --

13:41:566 Q. -- you remember? Not -- I don't want
13:41:587 potentials. What do you, sitting here today, know
13:42:018 happened?

13:42:029 GREG WONG: Object to form.

13:42:040 BY JOAN MELL:

13:42:041 Q. Were Sims and Graves standing next to you at any
13:42:072 time you looked at a Legislative map in the banquet room
13:42:113 on the 16th after the public meeting?

13:42:134 A. The -- this is what was happening: In my --

13:42:165 Q. No. No. No. No. No. No. No. No. No. No.

13:42:181 No. Answer the question. Yes or no.

13:42:202 Was Sims and Graves at any time standing next to
13:42:243 you when you looked at a Legislative map in the banquet
13:42:274 room on the 16th? Yes or no?

13:42:355 **A. That may have happened once. I don't remember**
13:42:366 **the specifics.**

13:42:397 Q. Okay. Is it -- is it correct that you cannot
13:42:428 recollect whether or not, at any time you were looking at
13:42:459 a Legislative map on the 16th in the banquet room after
13:42:490 the public meeting, Sims and Graves were standing next to
13:42:531 you?

13:42:532 **A. Yes. I did -- I did see a Legislative map that**
13:42:563 **was in process of being drawn to conform with the vote**
13:42:594 **that we had just taken. I don't remember --**

13:43:015 Q. Was --

13:43:026 **A. -- specifics of who was standing where as I was**
13:43:037 **looking.**

13:43:048 Q. Okay. Do you have any recollection as to
13:43:119 whether or not Sims or Graves said anything to you when
13:43:170 you were looking at the Legislative District map in the
13:43:201 banquet room on the 16th after the public meeting?

13:43:242 **A. And, again, I would say just what I -- I had**
13:43:273 **just said, which is that --**

13:43:284 Q. No. I want to know whether or not you have a
13:43:305 specific recollection of actual words used coming from

13:43:351 Sims or Graves when you were looking at a Legislative
13:43:372 District map on the 16th in the banquet room. Can you
13:43:413 give me --

13:43:424 **A. No. I don't have -- I don't have a specific**
13:43:445 **verbatim recollection that I could share.**

13:43:476 Q. And do you have a recollection at all of any
13:43:517 words used by Sims or Graves while you were looking at a
13:43:568 Legislative District map in the banquet room on the 16th
13:44:009 in the public meeting?

13:44:020 **A. Yes. Along the lines of --**

13:44:041 Q. After the public meeting. Excuse me.

13:44:062 **A. Yeah. Yes, I do. Along the lines of what I had**
13:44:093 **just said, which is, "Yes, things are on track." Like,**
13:44:114 **"This is conforming to how we voted."**

13:44:175 Q. Do you -- do you have a recollection of either
13:44:216 Sims or Graves saying anything to you specific about where
13:44:257 the boundaries were drawn to meet any particular political
13:44:318 preference metric?

13:44:389 **A. No. I don't have specific recollection of -- of**
13:44:420 **those specifics other than what I shared, which is that --**
13:44:441 **that it was on track along the criteria that we discussed,**
13:44:492 **and that --**

13:44:533 Q. Do you --

13:44:534 **A. -- Commissioner Sims was -- was working very**
13:44:565 **closely on it. And that's what I recall.**

13:45:001 Q. Do you remember any words from Sims or Graves
13:45:032 when you were looking at a Legislative District map about
13:45:053 the District boundaries for any of the tribes?

13:45:204 A. Again, I don't -- I couldn't tell you specifics.
13:45:235 There might have been something said, but I can't tell you
13:45:266 specifics.

13:45:277 That was part of the vote -- that was part of
13:45:298 the criteria that I would have expected to have been
13:45:329 included in the map based on the vote that we took.

13:45:350 Q. And is it correct to say that you were going
13:45:361 through a checklist with Sims and Graves when looking at
13:45:402 the Legislative map to ensure --

13:45:423 A. No, that -- that's not correct. I was -- I was
13:45:434 not personally going through a checklist on the
13:45:475 Legislative maps with Sims and Graves, no.

13:45:516 Q. Were you doing any checking by way of
13:45:557 communications with Sims or Graves on the Legislative
13:46:008 mapping as it relates to what you voted on?

13:46:139 A. Yes. Along the lines of what I just said, which
13:46:060 is asking Commissioner Sims while we were sitting there,
13:46:081 "Are things going well? Is this on track? Is this
13:46:212 conforming with what we'd agreed to?"

13:46:253 Q. And you cannot be any more specific than that at
13:46:284 this point in time as to what you said or as what -- as to
13:46:205 what they said with regard to the Legislative mapping

13:46:241 process in the banquet room on the 16th after the public
13:46:272 meeting?

13:46:293 A. Specifics may have come up. But if -- but if I
13:46:314 have a recollection, it was -- I can't recall specific
13:46:365 District lines, for example. However, I -- I -- as I just
13:46:406 shared, did check in and likely had a conversation along
13:46:467 those lines.

13:46:478 Q. All right. With regard to the Legislative
13:46:519 mapping, do you remember giving any input to either the
13:46:550 staff people present?

13:47:061 A. I believe at the time that -- I believe at that
13:47:092 time there was a period where I think Ali O'Neil may also
13:47:163 have been looking at the Legislative maps as they were
13:47:184 being drawn to confirm that they lined up with what had
13:47:235 been voted on.

13:47:266 So I think, if anything, there was probably some
13:47:297 amount of fact checking or just some -- some affirmation
13:47:328 or confirmation that was going on as this was being done.

13:47:369 Q. Were you -- were you doing that fact checking
13:47:390 with Ali in front of Sims and Graves?

13:47:431 A. Again, I wasn't doing the fact checking with
13:47:462 Ali. I think that -- I think that she and I may have
13:47:493 had -- we were kind of physically separated.

13:47:524 We may have had a conversation that was along
13:47:565 the lines of, like, "Is this -- what do you think? How's

13:48:001 it going? When will this get done by?"

13:48:042 I think everyone was very keen to try and
13:48:083 complete the mapping activities as -- as soon as we could.

13:48:144 Q. Did you give input to Ali as to the Legislative
13:48:175 maps in front of Sims or Graves?

13:48:276 A. Not in specifics that I can recall.

13:48:307 Q. But you did communicate; you just can't recall?

13:48:348 A. I'm sure that I communicated with Ali in that
13:48:379 period, yes.

13:48:390 Q. In front of Sims and Graves?

13:48:421 A. In -- in a room where they also were. I guess
13:48:452 it's a matter of -- I guess it's a matter of perspective
13:48:483 on -- what you mean by "in front of."

13:48:534 Q. Did you think Sims or Graves ever heard any of
13:48:565 your communications with Ali about the Legislative maps?

13:48:596 GREG WONG: Form.

13:49:017 THE WITNESS: They may have. I don't recall a
13:49:038 conversation that the group of us had, though.

13:49:059 BY JOAN MELL:

13:49:060 Q. Okay. Did you -- do you recall any
13:49:081 conversations you had with Ali in the presence of any of
13:49:132 the -- on the Legislative maps in the presence of either
13:49:173 Sims or Fain's staff?

13:49:224 A. Say -- so which Commissioners did you say? Fain
13:49:255 or Sims?

13:49:261 Q. Oh, I meant Graves or Sims.

13:49:342 A. Yes. It's likely that I had a conversation at
13:49:363 some point with both Osta Davis and Ali O'Neil, and Osta
13:49:424 was working with Ali. I don't -- I don't remember any
13:49:445 conversation that I had at any point with Commissioner
13:49:496 Graves' staff.

13:49:537 Q. I don't know -- I'm not following.

13:49:558 Is it correct that you believe, on the 16th
13:49:579 after the public meeting in the banquet room, that you had
13:50:000 conversations with Ali in front of Anton or Osta?

13:50:081 A. Well, I -- I believe it's possible that I had a
13:50:112 conversation in front of Osta. I spent -- I did speak
13:50:133 with Osta. I do not -- I do not remember ever having a
13:50:194 conversation with Anton.

13:50:215 Q. How about Dominique?

13:50:236 A. Yes. I had -- I did have conversations in front
13:50:267 of Dominique.

13:50:288 Q. And, in those conversations you had with
13:50:319 Dominique, who else was present?

13:50:250 A. We -- we had conversations in -- on the 15th and
13:50:291 on the 16th where Ali was present and I was obviously
13:50:482 present. A lot of those, too, were about just checking in
13:50:523 to -- just making sure things were moving along. But,
13:50:554 yes, Osta may also have been present.

13:51:005 Q. And was Sims or Graves present for any of those

13:51:031 conversations?

13:51:042 **A. Never Graves. I -- I didn't communicate with --**
13:51:073 **I can't remember if -- again, I can't remember with any**
13:51:124 **conversations I had with Commissioner Graves other than**
13:51:145 **the one I shared earlier.**

13:51:156 **Q. So was Sims present for any of the conversations**
13:51:187 **you and Ali had with Dominique and Osta?**

13:51:228 **A. Yes. And on the 15th as well, yes. On the**
13:51:249 **15th, a group of us did speak.**

13:51:270 **Q. And how about on the 16th in the banquet room**
13:51:291 **after the public meeting?**

13:51:312 **A. I -- I can't recall a group conversation that**
13:51:343 **the group of us had. But I -- I definitely spoke with**
13:51:374 **Osta, if nothing else, just to check in on how she was**
13:51:415 **doing.**

13:51:416 **Q. On the mapping?**

13:51:437 **A. Also just as a person being up for so many hours**
13:51:478 **and being exhausted from mapping.**

13:51:509 **Q. Okay. But you were talking to Osta about the**
13:51:520 **mapping specifics; right?**

13:51:541 **A. Not -- again, I wouldn't say specifics. I**
13:51:572 **think, if I was talking to Osta, it was -- it was much**
13:52:013 **more along the lines of what I said earlier, just, like,**
13:52:034 **"Are you doing okay?" Checking in.**

13:52:065 **Q. Are you getting mapping --**

13:52:081 **A. "How's it going?"**

13:52:082 Q. -- did you -- do you recall needing to know
13:52:113 whether or not the mapping was resulting in District
13:52:164 boundaries consistent with the elements you thought you
13:52:185 voted on?

13:52:196 **A. No. I mean, I -- as I've said publicly and as
13:52:237 is in my text messages too, I actually didn't see the
13:52:278 maps -- the Legislative maps before they were completed.
13:52:319 So, no.**

13:52:330 Q. So, at the time that you were looking at the
13:52:361 Legislative maps, you were not affirming whether or not
13:52:392 the Legislative maps complied with elements you voted on?
13:52:423 Or you were?

13:52:454 **A. If anything --**

13:52:465 Q. On the 16th. On the 16th in the banquet room
13:52:496 after the public meeting.

13:52:507 **A. I was primarily in that time working with
13:52:548 Commissioner Fain on finalizing the Congressional maps
13:52:589 on -- and physically separated.**

13:53:000 Q. That's not what I'm asking.

13:53:011 **A. I'm getting there.**

13:53:022 I -- I did -- if there was a conversation, it
13:53:053 was along the lines of just checking in and saying, "How
13:53:094 is it going? Is it all tracking right?"

13:53:215 And I would get an affirmation probably from

13:53:151 Commissioner Sims, like, "Okay. Yeah. This is what we
13:53:172 voted on."

13:53:183 I don't remember ever making any decisions with
13:53:214 regards to the Legislative map lines on the 16th,
13:53:245 personally.

13:53:256 Q. Did you ever have any communications that would
13:53:307 lead you to believe that the Legislative mapping was
13:53:338 progressing in conformance with what you voted on, on the
13:53:409 16th --

13:53:400 A. I think that's exactly what I just said is that
13:53:431 I -- I would -- I feel like there may have been a
13:53:462 conversation there where I might have said -- and
13:53:483 Commissioner Sims was also in the room. I may have said
13:53:514 something.

13:53:535 We were separate by physical distance. I may
13:53:566 have walked over and said, "Are things going okay over
13:53:587 here? Like, are things tracking?"

13:54:008 And then she very well said -- would have said,
13:54:029 "Yes."

13:54:050 And, again, I didn't see -- I didn't see -- I
13:54:081 didn't actually see the boundaries of the Legislative maps
13:54:122 until the following day --

13:54:143 Q. Okay.

13:54:174 A. -- when they were shared.

13:54:175 Q. So let's move now to the Congressional mapping

13:54:221 process.

13:54:222 Was there a point in time when you were present
13:54:253 with Fain and/or Graves or Sims reviewing the
13:54:304 Congressional mapping process?

13:54:335 **A. I don't remember Graves or Sims reviewing the**
13:54:386 **Congressional maps. I was working on them with**
13:54:417 **Commissioner Fain.**

13:54:438 Q. You were working -- hey, guys. Out. Out. Out.
13:54:499 So you were working on maps -- well, strike
13:54:540 that. Let's start over.

13:54:561 Do you recall any statement made between you and
13:55:012 Fain and Sims while looking at the Congressional maps?

13:55:123 **A. Do I recall any statement made by the three of**
13:55:144 **us together? Is that what you're asking?**

13:55:175 **I had several conversations with Commissioner**
13:55:206 **Fain about the Congressional maps.**

13:55:247 Q. All I want to know is -- all that I want to know
13:55:268 timing-wise would be, in the banquet room on the 16th
13:55:319 after the public meeting, while looking at congressional
13:55:370 mapping, do you have a recollection of communications
13:55:411 between you and Fain and Sims?

13:55:482 **A. I don't recall a conversation that the three of**
13:55:503 **us had together, no.**

13:55:514 Q. Okay. Did you have a conversation with Fain on
13:55:575 the 16th in the banquet room on the Congressional map?

13:56:021

A. Yes.

13:56:032

Q. Okay. Do you know if what you and Fain

13:56:063

discussed was communicated in any way to Sims?

13:56:124

A. There may have been -- yes. I think there was

13:56:145

probably one or two specific things that, when

13:56:186

Commissioner Sims was similarly checking in with me to

13:56:217

make sure things were on track, that I would have shared

13:56:248

back with her.

13:56:269

Q. Okay. And do you know whether or not Fain took

13:56:280

back any of your conversations with him to Graves?

13:56:321

A. I don't know.

13:56:332

Q. Do you know whether or not the staff did that?

13:56:363

A. I don't know.

13:56:374

Q. Okay. All right.

13:56:405

Was there a point in time when you had to make a

13:56:426

decision on the 16th about pulling down a Congressional

13:56:467

map?

13:56:518

A. What do you mean by "pulling down"?

13:56:549

Q. Taking it down from the website.

13:56:570

A. Oh, yes. I think we -- I had voiced that

13:57:021

earlier.

13:57:022

There was a -- I had a perspective that I

13:57:033

thought both of the maps, when they were completed, should

13:57:064

just be posted at the same time.

13:57:085

Q. Okay. And -- and your position on that was

13:57:151 communicated in a way that other Commissioners like Fain,
13:57:212 Sims, and Graves would receive that communication?

13:57:263 GREG WONG: Object to form.

13:57:284 THE WITNESS: I'm not sure when -- I'm not
13:57:315 actually even sure who made that decision or even
13:57:346 logistically how it was executed. But there was a period
13:57:397 that I recall that morning where the Congressional map --
13:57:428 because the Congressional map was completed before the
13:57:459 Legislative map because it was further along in the
13:57:470 process, and it was posted.

13:57:511 And I may have -- I can't remember if I
13:57:522 expressed to Sarah Augustine or to Lisa McLean, but it was
13:57:563 my opinion that they should both be released together.

13:57:594 I believe that what happened was that, as you
13:58:005 said, the Congressional map was taken off the site. And I
13:58:066 believe what happened was that they were both then posted
13:58:087 at some point in the future together.

13:58:118 I don't remember when they were both posted.

13:58:139 BY JOAN MELL:

13:58:240 Q. Did you have -- did you in any way convey in the
13:58:201 banquet room on the 16th after the public meeting your
13:58:242 expectation that you would be able to review and approve
13:58:303 the final Congressional and/or Legislative map when the
13:58:364 mapping was completed?

13:58:385 A. I don't know that I conveyed it, but I did

13:58:421 expect to see the final maps before they were made public.

13:58:462 Yes, I did.

13:58:473 Q. Do you believe your expectation was a shared
13:58:494 expectation among the Commissioners?

13:58:515 GREG WONG: Object to form.

13:58:526 THE WITNESS: I don't know. I don't know.

13:58:537 BY JOAN MELL:

13:58:538 Q. Did -- did you have any conversations such
13:59:009 that -- with other Commissioners to support your
13:59:050 expectation?

13:59:071 A. No. And I must have been confused on this point
13:59:092 because that didn't happen. I did not actually see a map
13:59:123 before -- I did not actually see a Legislative map before
13:59:154 it was posted.

13:59:165 Q. Did you have conversations or communications
13:59:216 with voting Commissioners about approving the final maps
13:59:297 prior to a press conference?

13:59:348 A. I -- I can't remember that conversation
13:59:369 happening. And I don't think I was party to it, if it
13:59:380 did. Because that -- there was never a -- there was never
13:59:441 an approval of those -- of those maps by the full
13:59:482 Commission.

13:59:513 Q. And you said there was never an approval of the
13:59:544 final maps by the whole Commission --

13:59:575 A. Because there was never a sec -- there was never

13:59:59L a second vote, if that's what you're asking.

14:00:012 Q. No. That's not what I was asking.

14:00:043 Did you approve the final maps prior to the

14:00:064 press conference?

14:00:135 A. By the time of the press conference, I did -- I

14:00:156 reviewed them and agreed that they were a reflection of

14:00:207 the plans that we voted on the night of the 15th.

14:00:258 Q. Did you communicate that to any other

14:00:279 Commissioner prior to the press conference?

14:00:310 A. Did I communicate that I was in agreement --

14:00:331 that I was going to be supportive of the maps? Is that

14:00:362 what you're asking?

14:00:383 Yes. I think that I -- I think I did

14:00:404 communicate that I was going to be at the press

14:00:425 conference.

14:00:456 Q. And support --

14:00:467 A. At the press conference, I was supportive of the

14:00:488 maps. That's true.

14:00:509 Q. Did you communicate prior to the press

14:00:520 conference to any other voting Commissioner that you would

14:00:551 convey at the press conference that you were supportive of

14:00:592 the maps?

14:00:593 A. I did.

14:01:004 Q. And who was that?

14:01:035 A. Commissioner Sims, and I believe I had a

14:01:081 conversation with Commissioner Graves.

14:01:172 Q. Did you also communicate that to Augustine?

14:01:233 A. I don't remember communicating it to Augustine,
14:01:264 but I -- I may have. But -- but I recall specifically the
14:01:295 other two.

14:01:316 Q. And was that on the 16th?

14:01:367 A. I'm piecing this together. I believe the
14:01:388 conference was on Thursday, the 18th. It may have been on
14:01:419 the 17th. I'm not sure.

14:01:430 Q. Do you know how your communications with Graves
14:01:461 and Sims were -- were exchanged?

14:01:532 A. Yeah. It would have been a one-on-one phone
14:01:553 call.

14:01:564 Q. Do you know which phone call was first and which
14:01:585 was the second?

14:01:596 A. I do not.

14:02:027 Q. Do you remember, at the time you talked to Sims,
14:02:048 knowing what Graves was going to do?

14:02:109 A. Knowing what he was going to do with respect to
14:02:120 what?

14:02:131 Q. Approving the maps.

14:02:172 GREG WONG: Object to form.

14:02:193 THE WITNESS: I'm confused by what you mean in
14:02:224 terms of "approving the maps." We already voted on the
14:02:255 plan.

14:02:251

BY JOAN MELL:

14:02:252

Q. But you had no maps so you had to, at some

14:02:273

point, decide that the maps were correct. So I'm talking

14:02:314

about affirming that the maps were acceptable.

14:02:365

A. Yeah. Affirming or supporting the map. That

14:02:386

would be on -- yes. I -- I believe I spoke with them on

14:02:427

the 17th about that.

14:02:448

Q. Yeah. But my question is, when you spoke to

14:02:479

Sims, did you already know that Graves was going to

14:02:500

approve the maps?

14:02:521

A. Oh, that I don't know.

14:02:532

GREG WONG: Form.

14:02:533

BY JOAN MELL:

14:02:544

Q. When you talked to Graves, did you know that

14:02:565

Sims was going to approve the maps?

14:02:586

GREG WONG: Object to form.

14:03:027

THE WITNESS: That I don't know. I don't

14:03:038

remember the exact sequencing.

14:03:049

BY JOAN MELL:

14:03:050

Q. Okay. Do you recall knowing when you went into

14:03:091

the press conference that the Commissioners were uniformly

14:03:032

accepting the maps?

14:03:063

A. Yes. I did know that -- I did know going into

14:03:084

the press conference that there was support -- that there

14:03:025

was a -- there was a feeling that the maps, as they'd been

14:03:261 drawn, reflected the agreement that we voted on, on Monday
14:03:282 night.

14:03:293 Q. You knew that before the press conference?

14:03:324 A. Yeah. I did know -- I did know what was going
14:03:345 to be -- yes. I did know their perspectives at the press
14:03:386 conference. I had not spoken with Commissioner Fain so I
14:03:407 can't say that I knew his.

14:03:448 Q. I didn't hear who was the last one. I'm having
14:03:469 a trouble again getting your last words.

14:03:480 A. Oh, I'm sorry. No. I was -- they had made
14:03:501 it -- in one way, I was going to say I didn't know
14:03:522 Commissioner Fain's perspective, but then I reconsidered
14:03:553 that thought because he had made statements publicly to
14:03:584 the media and press regarding the maps so I did know his
14:04:015 position.

14:04:016 Q. Okay. And did you -- and you knew Graves' and
14:04:047 Sims' from actually talking to them; correct?

14:04:078 A. I did speak with Graves and Sims on the 16th
14:04:129 and/or 17th. I can't remember specific dates.

14:04:160 Q. And so is that a "yes"?

14:04:181 A. That I had spoken with them? Yes.

14:04:202 Q. And that you knew their position and they knew
14:04:223 yours on the maps prior to the press conference.

14:04:274 A. I actually don't know if they knew mine. I
14:04:295 won't -- I won't speak to that. I'm not sure if they knew

14:04:321 mine.

14:04:322 Q. Did you -- did you tell Graves or Sims what your
14:04:363 position was on the maps when you spoke to them on the
14:04:424 7th --

14:04:435 A. I -- I believe I did. I may have said -- I may
14:04:476 have said that I still had to review them because I did
14:04:507 not -- I did not see the final maps.

14:04:528 Q. I didn't hear what you last said.

14:04:549 A. I may -- I may have. I don't know how direct --
14:04:570 I don't recall how direct I was.

14:05:051 Q. Did you make -- do you recall now whether or not
14:05:112 you decided to accept the maps as consistent with what you
14:05:183 voted on in the press conference or prior to it?

14:05:254 GREG WONG: Object to form.

14:05:265 THE WITNESS: Shortly prior. Shortly prior.

14:05:266 BY JOAN MELL:

14:05:277 Q. When you say "shortly prior," what do you mean?

14:05:298 A. Maybe I made a final decision that -- that
14:05:329 morning of the day -- the evening of the 17th. I had to
14:05:380 take the time to review them.

14:05:461 Q. When did you review them?

14:05:502 A. The Congressional map I knew because I'd worked
14:05:543 on it directly. I would say probably over the course of
14:05:574 the days on the 16th and 17th.

14:06:005 Q. And did you review them from your laptop?

14:06:061 A. I -- I assume so, yes. But I'm not -- I -- yes.
14:06:092 I imagine, yes. I -- I'm not sure where else I would have
14:06:123 reviewed them.

14:06:134 Q. And did you have a Commission-issued computer,
14:06:165 or was it your private computer?

14:06:186 A. I had a Commission-issued computer.

14:06:227 Q. And where is that computer now?

14:06:268 A. It is in my home.

14:06:309 Q. Have you accessed the computer for purposes of
14:06:360 producing meta data or information from that computer that
14:06:391 would be reflective of when you looked at the map?

14:06:442 A. I have not -- I have not looked at that, no.

14:06:473 Q. Okay. Did you have conversations with two
14:07:014 Commissioners in the banquet room about a press statement?

14:07:165 A. No. I recall talking to Commissioner Graves
14:07:196 about that the following day.

14:07:247 Q. On the 17th?

14:07:268 A. Or later in the day on the 16th, but not in
14:07:299 person. Not at the banquet room. But I do recall a
14:07:320 conversation with Commissioner Graves.

14:07:341 Q. What did you say?

14:07:362 A. I believe Commissioner Graves either texted me
14:07:393 or I texted him or he either maybe read me or shared with
14:07:424 me what he thought the press statement should be, and I
14:07:465 agreed with him is what I recall.

14:07:501

Q. Did you make a proposed press statement?

14:07:532

A. I had a longer version, yes, that I had put together. But then I recall thinking his was more succinct.

14:07:563

14:08:014

14:08:025

Q. The proposal you put together, did you share it with Sims?

14:08:046

14:08:067

A. I believe that was different than -- I -- I did text Sims -- Commissioner Sims the statement that I was thinking about individually because, as you will see from my text, I was -- I was surprised when the Commission transmitted the maps to the Court and I hadn't -- I had not yet seen the Legislative map. So I did -- I did make that public so I was considering saying that, which I did later state.

14:08:108

14:08:149

14:08:180

14:08:211

14:08:272

14:08:303

14:08:344

14:08:445

Q. Did you at any time share with Sims what you were communicating with Graves on the press statement?

14:08:476

14:08:537

A. I don't think so. But -- not that I can recall, but I may have. I'm nearly certain. I don't believe so.

14:08:558

14:09:079

Q. Was there unanimity amongst the Commissioners to issue a press statement?

14:09:120

14:09:231

GREG WONG: Object to form.

14:09:272

THE WITNESS: I'm not sure. I didn't discuss it with everyone on the Commission.

14:09:293

14:09:224

BY JOAN MELL:

14:09:275

Q. Did you express your affirmation of Graves'

14:09:301 statement to Sims?

14:09:352 **A. I may have. I'm not sure. I did -- I did to**
14:09:373 **Graves. I told him that I thought that sounded good.**

14:09:414 **Q. And you may have told Sims that?**

14:09:455 **A. I may have told Sims verbally or by text that I**
14:09:496 **thought that what Commissioner Graves had written looked**
14:09:527 **fine.**

14:10:088 **Q. Was there a point in time that you believed that**
14:10:119 **you had not voted on an agreement?**

14:10:180 **GREG WONG: Object to form.**

14:10:221 **THE WITNESS: Point in time when I believed I**
14:10:232 **had not voted on an agreement?**

14:10:253 **Do you mean the evening of the 15th? I believe**
14:10:314 **that I did vote on the Congressional and Legislative map**
14:10:355 **on the evening or early morning of 16th or 15th.**

14:10:376 **BY JOAN MELL:**

14:10:387 **Q. You did what?**

14:10:398 **A. I believe that I did vote on the proposed**
14:10:429 **Legislative and Congressional plan late the evening of the**
14:10:450 **15th, early morning of the 16th.**

14:10:471 **Q. That was in agreement?**

14:10:522 **A. It was a vote on a proposal that we passed**
14:10:533 **unanimously. I would say that that was an agreement**
14:10:554 **that -- in the public vote that we took.**

14:11:025 **Q. Did you believe that it was an agreement between**

14:11:031 two other Commissioners at the time it was moved?

14:11:092 GREG WONG: Object to form.

14:11:123 **THE WITNESS: I believed that Commissioner -- I**
14:11:144 **believed that the proposal that was being put forward by**
14:11:205 **Commissioners Graves and Sims for the Legislative maps was**
14:11:246 **something that the two of them were aligned on, yes.**

14:11:287 BY JOAN MELL:

14:11:298 Q. Okay. So when -- when you voted on the
14:11:349 Legislative maps, you knew Graves and Sims were in
14:11:380 agreement.

14:11:401 GREG WONG: Object to form.

14:11:432 **THE WITNESS: I guess I assumed that to be the**
14:11:453 **case, yes. I don't know that I had that written**
14:11:494 **somewhere, but I assumed that to be the case.**

14:11:515 BY JOAN MELL:

14:11:536 Q. And you assumed that based on your
14:11:567 communications with Sims?

14:11:588 **A. That's correct.**

14:12:079 Q. With regard to the Congressional map, you knew
14:12:020 that you were voting on an agreement with Fain?

14:12:051 GREG WONG: Object to form.

14:12:072 **THE WITNESS: That's correct.**

14:12:083 BY JOAN MELL:

14:12:084 Q. And you had communicated that to Sims prior to
14:12:205 the vote?

14:12:221 A. I updated her on the process throughout, yes.

14:12:322 Q. Did you talk to -- let me see. How do you want
14:12:423 to do this?

14:12:454 Do you know who Amita Spencer -- Amita Spencer
14:12:475 is?

14:12:476 A. I do.

14:12:487 Q. Who is she?

14:12:508 A. I believe she was --I've never met her in
14:12:539 person. I believe she's -- was in an administrative role
14:12:590 on the Commission staff.

14:13:001 Q. Have you ever spoken with her directly?

14:13:032 A. I have.

14:13:053 Q. When was that?

14:13:074 A. A few days ago, actually, for the first time.

14:13:105 Q. And what was the purpose of your conversation?

14:13:186 A. She reached out to me to follow up on what she
14:13:277 was working on with the public disclosure request that I'd
14:13:328 been responding to.

14:13:339 Q. And what public disclosure request was that?

14:13:380 A. There were multiple. But she was involved in
14:13:421 responding with my record -- I guess some of the records
14:13:452 on the PDC request. So I'm not sure specifically which
14:13:493 one.

14:13:504 Q. Do you know if it was mine?

14:13:545 A. I don't believe so, but I'm not sure.

14:13:561 Q. Was it Arthur West?

14:13:582 A. I believe it was with regards to one from Jim
14:13:593 Bruner, actually.

14:14:024 Q. Okay. So did you contact her, or did she
14:14:055 contact you?

14:14:076 A. She reached out to me.

14:14:097 Q. How?

14:14:108 A. Maybe early last week. I believe she sent me an
14:14:159 email asking me if I had a moment to connect.

14:14:170 Q. And did you connect?

14:14:191 A. I called her back, yes.

14:14:212 Q. And what did you say?

14:14:283 A. She wanted to make sure that -- that the -- that
14:14:364 the materials that were being released in response to
14:14:425 public disclosure didn't also include privileged items.
14:14:456 And I said, "Thanks for letting me know."

14:14:497 Q. So what did she say to you?

14:14:518 A. She -- just what I said. She said she wanted --
14:14:559 she just wanted to make sure that in -- in the kind of
14:14:590 push to release all the public documents and public
14:15:051 disclosure, that emails that were privileged weren't
14:15:082 accidentally being also released.

14:15:103 Q. Did you talk about those emails?

14:15:124 A. No. I --

14:15:135 Q. No. Did you know what she meant?

14:15:161 **A. I -- I did not know what she meant actually.**

14:15:202 Q. Did she give you an explanation of what her
14:15:233 concerns were?

14:15:244 GREG WONG: Object to -- hold on. I'm going to
14:15:275 object to the extent that anything reveals the content of
14:15:316 attorney/client privileged communications that may have
14:15:337 been discussed. I'm going to direct you not to answer.

14:15:368 If you can answer the question without talking
14:15:389 about the substance of the attorney/client communication,
14:15:420 you can go ahead and do so.

14:15:501 **THE WITNESS: I'll leave it that I don't recall**
14:15:512 **it being anything sensitive. And it didn't raise concerns**
14:15:553 **to me so I didn't follow up at the time over the last --**
14:15:584 **this occurred last week.**

14:15:595 BY JOAN MELL:

14:16:006 Q. What did she say about the way in which the
14:16:027 disclosure was being handled?

14:16:118 GREG WONG: I'll object to form.

14:16:149 **THE WITNESS: Only that there was a really high**
14:16:160 **volume of requests and that she wanted to make sure that**
14:16:211 **everything was being given the time and attention that it**
14:16:242 **needed so that there weren't any mistakes on -- given the**
14:16:313 **volume of requests.**

14:16:324 BY JOAN MELL:

14:16:405 Q. Was -- was she the staff person to issue the

14:16:471 Commission's public records officer?

14:16:502 **A. I actually don't know. That's the first time I**
14:16:533 **had spoken with her.**

14:16:584 Q. Did she say anything about Lisa McLean?

14:17:075 **A. Yes.**

14:17:086 Q. What'd she say?

14:17:127 **A. Just that she'd -- she shared with me that she**
14:17:158 **had a concern that, given the volume of requests that --**
14:17:189 **the bandwidth in disclosing them, that she just wanted to**
14:17:240 **be sure that all the emails were being looked at carefully**
14:17:281 **so that, if there were things that should have**
14:17:302 **attorney/client privilege that -- that they were also**
14:17:323 **being looked at. I think --**

14:17:334 Q. Did she tell you that Lisa -- did she tell you
14:17:365 that Lisa McLean wasn't properly redacting your
14:17:396 communications?

14:17:407 GREG WONG: Object to form.

14:17:438 **THE WITNESS: She didn't say that in specifics,**
14:17:449 **no.**

14:17:450 BY JOAN MELL:

14:17:461 Q. Was that your takeaway?

14:18:022 **A. I wouldn't say that was my specific takeaway.**
14:18:053 **My takeaway was that the volume of requests**
14:18:214 **coming in, maybe there hadn't been enough attention to**
14:18:265 **detail. That was my takeaway.**

14:18:181

Q. By Lisa?

14:18:202

A. I -- I'm not sure. I'm not as familiar with the inner -- I don't -- I have not had the chance to interact with a lot of the people working operationally on the Commission staff so I did not ascribe it directly to Lisa. No.

14:18:233

14:18:264

14:18:295

14:18:326

14:18:337

Q. Did you reach out to Lisa and ask her about the -- the redactions?

14:18:358

14:18:389

A. I hadn't. I hadn't had time over the last few days.

14:18:410

14:18:431

Q. Did you reach out to Chair Augustine and ask?

14:18:482

A. Again, I hadn't yet. I'd been too busy over the last few days.

14:18:513

14:18:524

Q. Was it your intent to reach out to Lisa and/or the Chair?

14:18:555

14:18:576

A. I -- I had not had the time to think about it yet. I actually had not processed it yet. I was out of town over the holidays.

14:19:007

14:19:048

14:19:069

Q. Did you promise Amita Spencer that you would not disclose the content of your conversation to anyone?

14:19:090

14:19:091

A. No, I did not.

14:19:052

Q. Did she ask whether or not she could have a confidential conversation with you?

14:19:093

14:19:094

A. She asked to have a conversation with me, yes.

14:19:095

Q. Did she ask whether or not she could have a

14:19:291 conversation with you that you would not share with anyone
14:19:312 else?

14:19:343 A. I can't recall those were her -- her words. But
14:19:374 she did -- what you have shared is accurate. She did call
14:19:405 me to express concern about attention to detail in the
14:19:466 public just to make sure that they were all being replied
14:19:507 to and with sufficient detail.

14:19:538 Q. And -- and was -- was there anything exchanged
14:19:599 between the two of you that lead you to believe she
14:20:020 expected you to keep her communication between you and
14:20:071 her?

14:20:092 A. No.

14:20:113 Q. Was she expressing concern that the public
14:20:164 records requests were not being fulfilled completely?

14:20:215 A. No. No. To my understanding, it was actually
14:20:256 the opposite.

14:20:317 Q. What about your conversation pertained to any of
14:20:338 your records?

14:20:379 A. It was a brief conversation. And it's -- it's
14:20:410 what I just shared, which is the way I understood the
14:20:451 concern was that maybe the -- maybe there'd been -- maybe
14:20:522 there were emails that should have attorney/client
14:20:553 privilege that may have been accidentally disclosed. That
14:21:004 was -- that was how I understood the conversation in all
14:21:035 honesty.

14:21:041

Q. But you did nothing about it?

14:21:062

A. I have not yet. This happened -- just recently happened.

14:21:103

14:21:154

Q. Have you had any communications -- well, in that communication with Amita, was there any communication about Jamie Nixon?

14:21:185

14:21:206

A. No. I -- no.

14:21:247

14:21:258

Q. Do you know Jamie Nixon?

14:21:279

A. I've actually -- I know who he is. I don't believe I've had any interaction with him.

14:21:310

14:21:341

Q. Did you give any direction to non-partisan staff during the course of the negotiations or --

14:21:382

14:21:423

A. Not that I recall.

14:21:444

14:21:465

Q. Do you remember giving any direction to somebody like Jamie Nixon or Amita Spencer or anyone employed by the Commission with regard to mapping or redistricting?

14:21:546

14:21:577

A. No. Not that I recall. That was the first time that I had interacted with Amita other than scheduling emails or expense reimbursements.

14:22:059

14:22:080

Q. Other than -- what was the first part of that?

14:22:201

A. Oh, expense -- expense reimbursements.

14:22:232

14:22:273

Q. Okay. So what did you do to respond to the public records requests relevant to your text messages?

14:22:214

14:22:245

A. Oh, I actually was very comprehensive. I worked with a -- a third party that was arranged by Pacifica and

14:22:291 had a third party individual go through all of the
14:22:332 requests and individually kind of go through my phone
14:22:373 on -- and take screenshots of all of the relevant texts
14:22:424 that were then disclosed.

14:22:445 And then he did the same thing in my personal
14:22:476 in-box and then described the steps that he took at each
14:22:517 level to make sure that my disclosures were compliant with
14:22:548 the requests that were coming in.

14:22:579 So it was all done by a third party in my
14:22:590 presence. I was sitting next to him, but he actually was
14:23:011 physically removing the texts from my phone and from my
14:23:042 personal in-box.

14:23:103 Q. And who was this person? What's his name?

14:23:134 A. I believe his name was Allan Muchmore.

14:23:175 Q. Where does he work?

14:23:186 A. I believe he's a -- he's on contract with
14:23:207 Pacifica Law.

14:23:288 Q. What kind of phone do you have?

14:23:319 A. I have an iPhone.

14:23:330 Q. And do you back up your text communications in
14:23:371 the cloud?

14:23:382 A. I'm not -- I'm not very tech savvy. I'm not
14:23:413 sure if I do. But all of the texts -- all the history of
14:23:444 all of my texts dated back to the time periods that were
14:23:475 covered in the public disclosure request.

14:23:511 Q. I didn't hear what -- what you just said.

14:23:532 A. I'm sorry. All of my -- the text history -- I'm
14:23:553 not sure how much is backed up. But all the texts were
14:23:584 contained and are on my phone over the whole time period
14:24:025 that was covered under the Commission.

14:24:036 Q. So -- so this Allan that you worked with didn't
14:24:117 use any software to just download your texts?

14:24:168 GREG WONG: Object to form.

14:24:189 THE WITNESS: I -- that's -- that wasn't the
14:24:200 process that we went through. He went through and
14:24:211 systemically screenshotted. I -- that was my
14:24:272 understanding of the process. That's what I've provided.

14:24:343 BY JOAN MELL:

14:24:434 Q. Okay. And then -- then I think you said
14:24:455 something that led me to believe that he took them out of
14:24:496 your phone.

14:24:497 Are they all still in your phone?

14:24:518 A. Oh, yes. I have not deleted anything.

14:24:539 Q. Okay. And, since you became a Commissioner,
14:24:570 have you retained any text communications with any
14:25:031 Commissioner?

14:25:032 A. I've retained my text messages, yes.

14:25:053 Q. Have you ever deleted any text messages with any
14:25:084 Commissioner?

14:25:095 A. Not to my knowledge.

14:25:111 Q. Have you deleted any text messages with any
14:25:142 elected official as --

14:25:163 A. No.

14:25:164 Q. -- it pertains to redistricting?

14:25:175 A. No, not to my knowledge.

14:25:196 Q. Okay. And so then, when you were working with
14:25:257 Allan, he had your phone?

14:25:288 A. That's correct. I unlocked my phone. He -- we
14:25:309 went through all of the people that -- with whom
14:25:350 disclosures were requested and each one of the individual
14:25:391 public disclosure requests. He then proceeded to
14:25:422 screenshot the discussions with those individuals from my
14:25:463 phone. That's correct.

14:25:474 Q. Do you know what kind of person Allan is in
14:26:055 terms of why -- why him?

14:26:086 GREG WONG: Object to form.

14:26:107 THE WITNESS: He -- he was referred to me by
14:26:128 our -- my -- he was referred to me by counsel at Pacifica
14:26:169 Law.

14:26:280 BY JOAN MELL:

14:26:281 Q. Okay.

14:26:292 A. I -- this was my first time -- my first time
14:26:223 meeting him.

14:26:234 Q. Did you --

14:26:245 A. My sense is he does this professionally.

14:26:271 Q. Do you remember conversing with him about how to
14:26:302 obtain the meta data, digital data?

14:26:353 **A. I -- I don't recall that conversation, no.**

14:26:374 Q. And do you understand that the screenshots do
14:26:405 not reflect the date and time of the texts in their
14:26:436 entirety?

14:26:447 GREG WONG: Object to form.

14:26:478 **THE WITNESS: I -- I would be glad to take any**
14:26:519 **further public disclosure steps to answer any questions.**

14:26:540 BY JOAN MELL:

14:26:541 Q. Okay. Do you know whether or not he's
14:26:562 continuing to do work that would include using software to
14:27:003 obtain the complete text communications complete with meta
14:27:044 data?

14:27:065 **A. I -- I don't know, but I would -- more than**
14:27:096 **willing to provide anything.**

14:27:127 Q. Okay. I think I've requested that, and I do
14:27:148 need it. But we're going to kind of painfully go through
14:27:179 what we can see from the screenshots, and maybe you can
14:27:210 fill in some of the gaps because you just know.

14:27:251 So I think we're on Exhibit 96; is that correct?

14:27:322 GREG WONG: Joan, we've gone about an hour ten.
14:27:333 Can we take a quick break?

14:27:364 JOAN MELL: Yeah. What time is it? Sure. I
14:27:385 actually didn't get to eat last time so we can do 15 so I

14:27:441 can grab a bite?

14:27:442 GREG WONG: If that works for you, that's fine.

14:27:453 You want to say 2:45 or 2:40? What is that?

14:27:494 JOAN MELL: Yeah. Let's do that.

14:27:505 GREG WONG: Okay. All right.

14:27:566 (Recess.)

14:47:357 BY JOAN MELL:

14:47:378 Q. Showing you what's been marked as Exhibit 96 --

14:47:419 I guess I got to share screen again.

14:47:440 (Deposition Exhibit 96 was marked for

14:47:441 identification.)

14:47:522 BY JOAN MELL:

14:47:563 Q. Do you recognize that text communication?

14:48:054 **A. I do.**

14:48:095 Q. Is this a text communication between you and

14:48:126 Commissioner Graves?

14:48:167 **A. Can you scroll down to the bottom?**

14:48:208 **Yes, it is.**

14:48:229 Q. All right. And does this refresh your

14:48:220 recollection as to whether or not you were in

14:48:241 communication with Commissioner Graves between the 15th

14:48:422 and the 16th other than in the one meeting that you

14:48:493 described in the banquet room?

14:48:564 GREG WONG: Object to form.

14:48:585 **THE WITNESS: Yes, it refreshes my memory.**

14:49:011

BY JOAN MELL:

14:49:012

Q. And how does this refresh your memory -- or what does this text message tell you -- strike that.

14:49:043

14:49:084

What does this text exchange with Commissioner Graves tell us about your communications with him specific to redistricting on the 15th and 16th?

14:49:105

14:49:176

14:49:217

GREG WONG: Object to form.

14:49:268

THE WITNESS: This references what I spoke to earlier, and it's me expressing agreement with the press statement that I had mentioned.

14:49:319

14:49:370

14:49:421

BY JOAN MELL:

14:49:482

Q. This is you communicating to Graves that you agreed with the press statement?

14:49:513

14:49:534

A. Yes.

14:49:545

Q. Okay. Where did it go? I don't see it. Okay.

14:50:096

Showing you what's been marked as Exhibit 97.

14:50:147

(Deposition Exhibit 97 was marked for identification.)

14:50:148

14:50:159

JOAN MELL:

14:50:180

Q. Do you recognize that document?

14:50:201

A. Yes.

14:50:302

Q. And is this you texting Sarah Augustine?

14:50:363

A. Yes.

14:50:374

Q. And does this text communication reflect the

14:50:405

fact that you were informing Commissioner Augustine that

14:50:451 you were in close touch with Commissioner Sims as of the
14:50:522 15th?

14:50:553 **A. Yes.**

14:50:564 Q. Okay. And did you mean that you were closely in
14:50:595 touch with April Sims with regard to the activities on the
14:51:036 redistricting?

14:51:077 **A. Yes. This reflects April continuing to keep me
14:51:128 up to date on the Legislative negotiations.**

14:51:259 Q. Showing you what's been marked as Exhibit 98, is
14:51:280 this communicating with -- you communicating with
14:51:311 Commissioner Sims?

14:51:342 (Deposition Exhibit 98 was marked for
14:51:343 identification.)

14:51:354 **THE WITNESS: I'm sorry. You cut out for a
14:51:365 moment. Could you repeat that?**

14:51:386 BY JOAN MELL:

14:51:387 Q. Does Exhibit 98 reflect your text communications
14:51:428 with Commissioner Sims?

14:51:489 **A. Could you scroll down?**

14:52:000 **Yes.**

14:52:001 Q. And what are you communicating to April Sims at
14:52:052 this point?

14:52:213 **A. She was updating me on a disagreement she was
14:52:294 having with Paul Graves on the Legislative maps.**

14:52:255 Q. So is she blue, or are you blue?

14:52:301 **A. I believe I'm blue.**

14:52:322 Q. Okay. And so when she's saying, "We're meeting
14:52:383 again at 8:30," who's "we"?

14:52:414 **A. I'm not sure who she's referring to there.**

14:52:515 Q. The insert here in this text box, do you know
14:52:576 where that comes from?

14:53:027 **A. Yes.**

14:53:038 Q. What is that?

14:53:069 **A. I believe that's an exchange between myself and
14:53:110 Commissioner Fain.**

14:53:121 Q. And so you're now communicating via text with
14:53:162 Sims about your communications with Fain on November 15th
14:53:213 at 6:16 a.m.?

14:53:254 GREG WONG: Object to form.

14:53:295 **THE WITNESS: In part.**

14:53:316 BY JOAN MELL:

14:53:327 Q. Okay. Is this -- this is -- 6:16 a.m. is not a
14:53:378 point in time when you're communicating publicly; correct?

14:53:459 **A. That's correct. There was not a public meeting
14:53:480 at that time.**

14:53:491 Q. So would you agree that this exchange of
14:53:522 information is a communication between three
14:54:003 Commissioners?

14:54:014 GREG WONG: Object to the form.

14:54:065 **THE WITNESS: No. This was a communication**

14:54:121 about the -- the context of this communication is about,
14:54:202 effectively, logistics.

14:54:233 BY JOAN MELL:

14:54:244 Q. Is -- is you -- is this text exchange between
14:54:305 you and Commissioner Sims communicating considerations
14:54:366 with regard to the negotiations on the redistricting plan?

14:54:457 GREG WONG: Object to form.

14:54:558 THE WITNESS: This is regard -- this -- this
14:54:579 specific text is regarding a disagreement between
14:55:030 Commissioner Sims and Graves.

14:55:051 BY JOAN MELL:

14:55:062 Q. Okay. And so were -- were you and Commissioner
14:55:143 Sims taking into consideration the disagreement between
14:55:194 Sims and Graves in your negotiations?

14:55:265 A. My recollection of this text is that it's about
14:55:306 whether the negotiations are making progress or if they
14:55:337 were stalled and potentially dead.

14:55:378 Q. Okay. What consideration did you give to this
14:55:419 exchange with Commissioner Sims?

14:55:460 A. Could you repeat that?

14:55:471 Q. What consideration did you give to this
14:55:502 communication with Sims?

14:55:523 A. Could you scroll down so I can see the rest of
14:55:544 it?

14:56:055 This was at a point in the negotiations on both

14:56:071 sides where it was unclear if either dyad would reach
14:56:122 agreement. So it was -- I would say she was updating me
14:56:143 on her discussions.

14:56:174 Q. Was she asking you to help her figure out what
14:56:235 to do next? Or is this you asking, "Can follow your lead.
14:56:286 Thoughts on my rely to Joe"? What does that mean?

14:56:337 A. If you see Commissioner Fain's text to me, which
14:56:378 says, "Not much of a point to do anything more on the CD
14:56:419 maps because the leg maps are dead," what I understand him
14:56:440 saying is that, if the negotiation on the Legislative maps
14:56:491 had stalled, then he is suggesting that he wants to stop
14:56:542 working on the Congressional maps.

14:56:563 So this was a logistical -- I would describe
14:56:594 this as a logistical coordination between the two of us on
14:57:035 our dyads.

14:57:046 Q. When you say "logistical," is it correct to say
14:57:077 that that's a strategic conversation you're having with
14:57:128 Commissioner Sims about how to -- how to negotiate in the
14:57:189 face of this communication from Fain?

14:57:250 A. I was concerned at this stage that the overall
14:57:281 progress on all of the Commission's work was potentially
14:57:332 stalled.

14:57:343 Q. So, when you say, "Can follow your lead," are
14:57:364 you asking Commissioner Sims what her response to Fain
14:57:425 would be?

14:57:48L

A. I don't recall the specifics.

14:57:51Z

Q. Do you recall whether or not you integrated any of Sims' thoughts on how to reply to Joe to Joe?

14:57:54Z

14:58:03A

A. No.

14:58:06Z

Q. Do you know what you did after this text relative to the negotiations?

14:58:08Z

14:58:20Z

A. I can't remember specifically; but, if we looked at my text with Commissioner Fain, that probably contains a subsequent conversation.

14:58:21Z

14:58:27Z

14:58:29Z

Q. Okay. Well, we'll look at that later.

14:58:34L

(Deposition Exhibit 99 was marked for identification.)

14:58:34Z

14:59:00Z

BY JOAN MELL:

14:59:00Z

Q. Showing you what's been marked as Exhibit 99, does that refresh your recollection as to how you are -- strike that.

14:59:03Z

14:59:14Z

14:59:14Z

Does Exhibit 99 refresh your recollection as to how you acted on your communications with Commissioner Sims relative to your reply to Joe?

14:59:17Z

14:59:22Z

14:59:25Z

A. Could you scroll down?

14:59:29L

GREG WONG: Object to form.

14:59:30Z

THE WITNESS: It -- it does not with this -- this specific text does not spark a recollection, no.

14:59:32Z

14:59:36L

BY JOAN MELL:

14:59:46Z

Q. What "leg convo" were you talking about?

15:01:391 on?

15:01:432 **A. This was the negotiating framework that April**
15:01:493 **and Paul were working from in their dyad, and they had --**
15:01:554 **they had a set of disagreements that stalled their**
15:02:025 **progress.**

15:02:066 Q. Okay. So it -- the clear agreement was a -- an
15:02:107 agreement between Commissioner Graves and Commissioner
15:02:128 Sims prior to this date?

15:02:169 **A. That's correct.**

15:02:160 Q. Or prior to this time, I guess?

15:02:191 **A. That's correct.**

15:02:212 Q. Do you know what date this is?

15:02:253 **A. This specific -- this specific screenshot?**

15:02:294 Q. Yeah. When -- what day is this communication
15:02:315 occurring and time?

15:02:386 **A. I believe the 14th or 15th of November.**

15:02:447 Q. And so do you know what part of the agreement
15:02:488 Paul backed out on? Was it part or incomplete?

15:02:539 **A. I don't remember all the specifics, but they did**
15:02:570 **have to do with aspects of a couple Legislative Districts**
15:03:051 **that they had been discussing.**

15:03:072 Q. Do you remember what Legislative Districts?

15:03:203 **A. One was the 44th. I believe there were others,**
15:03:234 **but I don't recall.**

15:03:245 Q. What was the disagreement that came up about

15:03:171 the 44th?

15:03:222 **A. I believe it had to do with a combination of the**
15:03:273 **District as a majority/minority district and the partisan**
15:03:314 **performance of the District.**

15:03:345 Q. Do you know how it was resolved in terms of what
15:03:376 you voted on?

15:03:397 **A. I don't remember how that specific disagreement**
15:03:418 **was resolved, no.**

15:03:439 Q. Do you know if it involved another Commissioner?

15:03:500 **A. It didn't, to my recollection.**

15:04:001 Q. When you say you were walking over there in ten,
15:04:032 did you mean you were walking over to meet with
15:04:073 Commissioner Sims?

15:04:124 **A. I don't recall specifically.**

15:04:175 (Deposition Exhibit 101 was marked for
15:04:176 identification.)

15:04:187 BY JOAN MELL:

15:04:198 Q. Showing you what's been marked as Exhibit 101,
15:04:279 do you recognize this exchange?

15:04:290 **A. Could you scroll down?**

15:04:291 **No. But I -- I -- I recall it from reading it.**

15:04:442 Q. Okay. So did you communicate to Commissioner
15:04:473 Sims that you had told "everyone that we were in lockstep
15:04:524 as of 11:01 a.m. on November 15th"?

15:05:045 **A. I don't recall who "everyone" is in this**

15:05:061 **context.**

15:05:082 Q. What were you in lockstep -- who was in
15:05:113 lockstep?

15:05:164 **A. I don't recall what that was in reference to at**
15:05:185 **this point.**

15:05:366 (Deposition Exhibit 102 was marked for
15:05:367 identification.)

15:05:378 BY JOAN MELL:

15:05:389 Q. Showing you what's been marked as Exhibit 102,
15:05:460 does this text exchange refresh your recollection about
15:05:511 any communications you had with Sims about your
15:05:562 communications with Joe?

15:06:083 **A. No, not specifically.**

15:06:104 Q. Do you remember telling Commissioner Sims that
15:06:145 you thought Joe was lightly playing Paul?

15:06:196 **A. I had this impression many times throughout this**
15:06:237 **process so I'm not surprised I wrote this here.**

15:06:268 Q. What did that mean?

15:06:329 **A. I think this is just me speculating without**
15:06:370 **knowledge of the dynamics between the two of them.**

15:06:441 Q. Between Paul and Joe?

15:06:452 **A. Correct.**

15:06:483 Q. So what did "lightly playing" mean?

15:06:524 **A. I'm not sure in this case. I'm not sure**
15:06:555 **specifically what -- I don't recall the conversation that**

15:06:58 **I am referencing prior to that.**

15:07:00 Q. I'm not asking about the conversation. I'm
15:07:01 asking you about what -- what did "lightly playing Paul"
15:07:02 mean?

15:07:03 **A. Yeah. I don't -- I actually don't recall. I**
15:07:04 **think it's in reference to the prior sentence, and I don't**
15:07:05 **remember the substance of that conversation with Joe.**

15:07:06 Q. Did you -- what -- was it you communicating to
15:07:07 Sims that Joe saying to Paul that he wouldn't negotiate
15:07:08 absent one of the maps being completed was not serious?

15:07:09 **A. I -- I don't think that's what it was in**
15:07:10 **reference to. That doesn't ring a bell, but I don't -- I**
15:07:11 **don't recall.**

15:07:12 (Deposition Exhibit 103 was marked for
15:07:13 identification.)

15:07:14 BY JOAN MELL:

15:07:15 Q. Showing you what's been marked as Exhibit 103,
15:07:16 do you remember this exchange with April Sims?

15:07:17 **A. Maybe scroll down.**

15:07:18 Q. Looks like it was a continuation on what was on
15:07:19 the other page?

15:07:20 **A. Yes.**

15:07:21 Q. Does this refresh your recollection what
15:07:22 "lightly playing" meant?

15:07:23 **A. Only that I think that, at this point, there was**

15:08:151 a lot of speculation on people's motives between
15:08:192 Commissioners; and I think that's what you're seeing here
15:08:223 is just speculation on motives.

15:08:244 Q. Okay. Is it -- is it you and Commissioner Sims
15:08:295 trying to evaluate what to do next and how to -- how to
15:08:326 make your next moves to reach some kind of consensus
15:08:367 before midnight?

15:08:388 GREG WONG: Object to form.

15:08:389 THE WITNESS: No. I -- I think this is
15:08:410 reflective of us keeping one another up to date on the
15:08:461 respective parts that we're negotiating.

15:08:492 BY JOAN MELL:

15:08:503 Q. Did you want her to keep these -- your thoughts
15:08:514 here in mind when she was engaged in her discussions?

15:08:585 A. No. That wasn't my intent with these texts.

15:09:036 Q. Was it your -- your expectation that she give
15:09:057 some consideration to your thoughts on what Joe and Paul
15:09:138 were saying to one another?

15:09:159 A. No.

15:09:160 GREG WONG: Object to form.

15:09:171 BY JOAN MELL:

15:09:242 Q. I didn't hear you. Did you answer the question?

15:09:273 A. No. I think this was just me thinking out loud.
15:09:304 I had no expectations like that.

15:09:325 Q. Was this you thinking out loud to Commissioner

15:09:401 Sims about the negotiations?

15:09:422 **A. Not negotiations. This is -- I believe this is**
15:09:453 **in reference to Commissioner Fain's motivations.**

15:09:534 Q. But how -- how is that not related to the
15:09:555 negotiations?

15:09:586 **A. Sure. Yes. It is broad -- broadly, it's**
15:10:007 **related to redistricting. I wouldn't say it's with**
15:10:028 **respect to our specific activities on the Congressional**
15:10:059 **map or the work that Commissioner Sims was doing on the**
15:10:090 **Legislative maps.**

15:10:091 Q. It was more a conversation about the strategies
15:10:132 of the negotiations; is that correct?

15:10:213 **A. Yeah. I think that's -- that's correct. I**
15:10:234 **think I was trying to broadly ascertain broad strategy.**

15:10:325 (Deposition Exhibit 104 was marked for
15:10:326 identification.)

15:10:327 BY JOAN MELL:

15:10:328 Q. Showing you what's been marked as Exhibit 104,
15:10:359 looks like this might just be a continuation of the last
15:10:380 one. So would you characterize this similarly again --

15:10:421 **A. Could you scroll -- could you scroll down just**
15:10:442 **so I could see?**

15:10:483 I think this is broadly my -- as I said earlier,
15:10:514 that I -- this is just broadly my keeping -- keeping one
15:10:575 another up to date on our conversations.

15:11:041 Q. Would you agree that this is a text
15:11:072 communication with Commissioner Sims where you're
15:11:103 reviewing with her that you had communications with Fain?

15:11:344 A. Yes. I would put this in the category, I think,
15:11:375 as just general updates to one another as we both were
15:11:416 doing separate work.

15:11:427 Q. Did you tell her what your interesting
15:11:448 conversation was with Fain?

15:11:469 A. I don't -- I don't recall.

15:11:470 Q. What was your interesting conversation that you
15:11:501 had with Fain?

15:11:512 A. Had no -- I have no idea at this point.

15:12:013 Q. Showing you what's been marked as Exhibit 105.

15:12:064 (Deposition Exhibit 105 was marked for
15:12:065 identification.)

15:12:076 JOAN MELL: Whoa, that's weird.

15:12:127 GREG WONG: Joan, are any of these you're doing
15:12:138 just for authorization, or are you asking on substance on
15:12:169 any of these?

15:12:180 JOAN MELL: No. I -- I'm assuming we're
15:12:201 operating on the same premise that they're all
15:12:242 authenticated.

15:12:253 GREG WONG: Okay. Just wanted to confirm.

15:12:284 THE WITNESS: Can you repeat your question,
15:12:305 Greg? I didn't quite hear what you said.

15:12:321 GREG WONG: No. This was a conversation that
15:12:332 Joan and I had during a different deposition. Just
15:12:363 confirming something we had talked about before.

15:12:484 BY JOAN MELL:

15:12:495 Q. Showing you what has been marked as Exhibit 105,
15:12:516 is it correct that you're communicating to April Sims that
15:12:547 you had met with Joe Fain and discussed the final terms of
15:13:018 a Congressional District?

15:13:059 GREG WONG: Object to form.

15:13:070 **THE WITNESS: This is just my continuing to keep**
15:13:091 **April up to date. I hadn't shared specifics at this**
15:13:132 **stage.**

15:13:133 BY JOAN MELL:

15:13:144 Q. Okay. So would you agree that, as of this date
15:13:165 and time, you had not reached a final proposal with Joe?

15:13:156 **A. That's correct. I think there were many --**
15:13:177 **there were many moments throughout this process where I**
15:13:198 **thought we were closer than we were.**

15:13:319 Q. Okay. And so this -- do you know what time this
15:13:340 exchange occurred?

15:13:371 **A. I don't. I probably had that feeling at various**
15:13:392 **times.**

15:13:403 Q. Okay. So you can see why I need the meta
15:13:434 data -- right -- and these in a different form?

15:13:465 **A. Oh, I see. Well taken.**

15:14:011 Q. On November 16 at 8:28 a.m., you were
15:14:062 communicating with Commissioner Sims that there are legal
15:14:123 issues with your proposing to recommend a map?

15:14:174 GREG WONG: Object to form.

15:14:215 **THE WITNESS: Yes.**

15:14:236 BY JOAN MELL:

15:14:237 Q. Okay. So did you know that April Sims had
15:14:318 communicated with legal?

15:14:339 **A. I did not. I do not know.**

15:14:350 Q. Did you -- were you directly communicating with
15:14:391 legal?

15:14:402 **A. No.**

15:14:423 Q. When you said, "There could be some legal issues
15:14:444 around us even recommending a map from this process," was
15:14:475 that based on legal advice at that point or your concerns
15:14:536 about it separate from any legal advice?

15:14:557 **A. That was based on -- that was based on my own
15:14:598 interpretation of the email that we received saying that
15:15:069 the Commission had lost jurisdiction shortly after
15:15:200 midnight on the 15th -- I'm sorry -- on the 16th. Shortly
15:15:241 after midnight on the 16th.**

15:15:262 Q. So this is you communicating via text with
15:15:293 Commissioner Sims at 8:28 a.m.

15:15:254 Had you left the banquet room by 8:28 a.m. on
15:15:285 November 16th?

15:15:301 **A. Nearly certain I had, yes.**

15:15:322 Q. Okay. Do you remember what time you left the
15:15:353 banquet room on the 16th?

15:15:374 **A. Gosh, I -- I think it was 6:00 or 7:00 a.m., but**
15:15:415 **I may be wrong. Ali O'Neil and I left together and drove**
15:15:456 **back to Seattle, and she dropped me off at my apartment.**
15:15:477 **I believe it was before that.**

15:15:498 Q. Okay. Did you talk with Commissioner Sims or
15:15:589 any of the other Commissioners about lacking jurisdiction
15:16:040 when the communication came in from the Assistant AG on
15:16:101 the 16th when you were in the banquet room?

15:16:152 GREG WONG: Object to form.

15:16:163 **THE WITNESS: I did speak about it. I don't**
15:16:174 **know that I spoke about it in the banquet room. But, yes,**
15:16:205 **I did speak about it.**

15:16:216 BY JOAN MELL:

15:16:217 Q. With other Commissioners?

15:16:248 **A. At least with Commissioner Sims.**

15:16:269 Q. Do you remember speaking about it with any of
15:16:290 the other Commissioners?

15:16:311 **A. I don't.**

15:16:382 COURT REPORTER: For the record, is that Exhibit
15:16:393 106?

15:16:444 JOAN MELL: Yes.

15:16:465 (Deposition Exhibit 106 was marked for

15:16:461 identification.)

15:16:462 BY JOAN MELL:

15:16:463 Q. What does it mean when you said, "I think
15:16:474 there's a specific REC around liability"?

15:16:565 A. I think this is -- if I recall, I think this is
15:16:596 still in reference to the loss of jurisdiction and steps
15:17:057 that we would take after having lost jurisdiction.

15:17:078 There was a lot of confusion -- there was -- I
15:17:099 was very confused by what that meant. And I think, at
15:17:120 this point in the morning, on lack of sleep, that email
15:17:161 was -- we didn't know the meaning of it.

15:17:192 Q. But what's the "REC" mean?

15:17:223 A. I believe that's an abbreviation for
15:17:254 recommendation.

15:17:265 Q. Oh. And you're talking about the AG's Office?

15:17:356 GREG WONG: I'll object --

15:17:367 **THE WITNESS: Not to --**

15:17:368 GREG WONG: Hold on, Brady.

15:17:389 Object to the extent you're asking whether the
15:17:400 AG communicated any recommendations around liability.

15:17:471 Direct you not to answer. If there's a way you
15:17:502 can answer that without getting into any attorney
15:17:523 communications, you can do so.

15:17:554 **THE WITNESS: Okay. Yeah. This -- this was not**
15:17:585 **the result, Joan, of any attorney communication. This was**

15:18:001 just my reaction to the email from the Attorney General's
15:18:042 Office.

15:18:053 BY JOAN MELL:

15:18:094 Q. What was the House Senate call for 2:00?

15:18:165 A. April and I had a call that morning with
15:18:256 Democratic House and Senate leadership.

15:18:307 Q. Who is that?

15:18:338 A. At least -- at least Laurie Jenkins and Andy
15:18:369 Billig, but there may have been other people on the call
15:18:390 as well. I believe Jamie Pedersen and Joe Fitzgibbon were
15:18:471 also on that call.

15:18:492 Q. Who's the last one?

15:18:513 A. Joe Fitzgibbon, State Legislator.

15:18:584 Q. Tell me what you recall from that conversation.
15:19:005 What did you say?

15:19:056 A. I, frankly, don't think that I said a lot. I
15:19:077 don't actually recall saying very much.

15:19:108 Q. What did April say?

15:19:179 A. We'd just come out of a very kind of sleepless
15:19:200 24 hours. I don't recall specifically what was said in
15:19:231 the meeting. Just I believe it was primarily others
15:19:272 speaking.

15:19:283 Q. Okay. Do you remember anything Commissioner
15:19:304 Sims said in that meeting?

15:19:335 A. No. But I -- I believe that we texted about it

15:19:371 during the call.

15:19:392 Q. What do you recall texting about during the
15:19:423 call?

15:19:434 A. We can -- we can look at the specifics. I don't
15:19:465 recall the -- I don't recall exactly what we discussed,
15:19:496 but --

15:19:497 Q. What generally do you remember about texting
15:19:518 with Commissioner Sims during that meeting?

15:19:579 A. I believe -- I recall being exhausted and
15:20:000 frustrated after the preceding 24 hours.

15:20:071 Q. And you think that you were texting Sims during
15:20:092 the meeting about being tired and exhausted?

15:20:153 A. I don't know that those were my exact language.
15:20:174 We can look at the precise text.

15:20:205 Q. Do you have any recollection without looking at
15:20:226 the texts about your communications with Sims during this
15:20:257 meeting?

15:20:288 A. Only what you've shown me.

15:20:329 Q. When you say "only what you've shown me," what
15:20:350 do you mean? This Exhibit 106?

15:20:371 A. The text that we've just looked at that you've
15:20:412 screen shared.

15:20:423 Q. This one?

15:20:444 A. All of them -- you asked -- maybe repeat your
15:20:465 question?

15:20:501 Q. What is your recollection as we sit here today
15:20:522 about what you were texting Commissioner Sims while you
15:20:573 were having this House Senate call?

15:21:014 Is that at 2:00?

15:21:055 A. I believe it -- I believe it was frustration and
15:21:106 exhaustion is -- I believe was the sentiment of the texts.

15:21:147 Q. Okay. What did Laurie Jenkins say in that
15:21:198 meeting?

15:21:199 A. I don't remember the specifics.

15:21:220 Q. Can you remember anything she said?

15:21:281 A. I believe she voiced general support for the
15:21:302 maps.

15:21:343 Q. Was that the purpose of the meeting?

15:21:404 A. Actually at this point don't recall the specific
15:21:435 purpose for the meeting.

15:21:456 Q. Can you think of anything else Laurie Jenkins
15:21:487 said?

15:21:518 A. Not that I remember.

15:21:549 Q. What did Andy Billig say?

15:22:000 A. I don't remember specifics that he shared.

15:22:031 Q. What do you remember about what he shared?

15:22:082 A. The purpose, I think, was to check in on the
15:22:213 process coming out of the prior evening. So, to my
15:22:294 recollection, it was kind of an update on the events.

15:22:245 Q. But what did Andy Billig say?

15:22:281 **A. I don't remember.**

15:22:292 Q. Nothing? You don't remember one word he said in
15:22:333 that meeting?

15:22:354 **A. I actually don't remember any specific one word
15:22:385 he said in the meeting, no.**

15:22:406 Q. Do you generally know what he was communicating
15:22:427 in that meeting?

15:22:458 **A. Yes. I think he was generally wanting to check
15:22:489 in with how we were doing and where we thought the process
15:22:530 stood.**

15:22:551 Q. Do you remember conveying to him where you
15:22:582 thought the process stood?

15:23:093 **A. I actually don't remember the specifics or the
15:23:124 general sense of where we were.**

15:23:155 We conveyed that the maps had at that point --
15:23:216 the drawing of the maps had probably been completed at
15:23:267 that point.

15:23:268 I won't kind of conjecture or try to piece
15:23:319 together my memories because I don't recall specific.

15:23:350 Q. Well, I'm just trying to figure out if you have
15:23:381 any recollection of what happened.

15:23:402 **A. I do. And I -- I believe what I said is that I
15:23:453 think he checked in on process, checked in on how folks
15:23:494 were feeling.**

15:23:525 Q. Well, check -- "checking in" means you were

15:23:531 reporting something.

15:23:552 What were you saying?

15:24:013 **A. I don't remember.**

15:24:034 Q. What did Jamie Pedersen say in that meeting?

15:24:195 **A. If I recall, I think the gist of Jamie**

15:24:226 **Pedersen's comments were around speculating whether the**

15:24:327 **Commission still had any jurisdiction after midnight.**

15:24:378 Q. Did anyone respond to him?

15:24:429 **A. Not that I remember. I don't remember the**

15:24:480 **specific back and forth on the call.**

15:24:491 Q. What was his speculative expression about the

15:24:532 legitimacy of the maps?

15:24:553 GREG WONG: Object to form.

15:24:564 **THE WITNESS: Yeah. I don't -- I don't recall**

15:24:585 **any specific comment on that point. I just recall what I**

15:25:026 **said, which was questions about the jurisdiction of the**

15:25:057 **Commission after midnight.**

15:25:068 BY JOAN MELL:

15:25:079 Q. Well, you said that Jamie Pedersen was

15:25:090 speculating about the legitimacy of the maps. Was he

15:25:241 speculating that they weren't legitimate?

15:25:282 GREG WONG: I don't believe --

15:25:293 **THE WITNESS: I don't know if I said**

15:25:294 **"legitimacy." I think I said the jurisdiction of the**

15:25:295 **Commission on the maps, and I don't recall beyond that.**

15:25:261 BY JOAN MELL:

15:25:262 Q. Do you remember what he was saying -- that he
15:25:293 thought there was jurisdiction or not?

15:25:354 A. Just that -- I believe what was brought up was
15:25:385 that the Commission had lost jurisdiction, and that's
15:25:426 consistent with the email received from the Attorney
15:25:437 General.

15:25:458 Q. So was Pedersen expressing concern that, because
15:25:509 there was no jurisdiction, that the maps weren't valid?

15:25:560 A. My recollection is there was a lot of
15:25:581 uncertainty.

15:26:002 Q. About the validity of the maps?

15:26:033 A. About the jurisdiction of the Commission.

15:26:074 Q. Well, I'm asking about the validity of the maps.
15:26:105 Was -- was there communication that the maps
15:26:146 wouldn't be valid because of the lack of jurisdiction?

15:26:177 A. That was also an open question. Absolutely. I
15:26:208 don't -- I don't think we knew.

15:26:309 Q. What did Joe Fitzgibbon say?

15:26:320 A. I don't recall him saying anything specific.

15:26:351 Q. Do you remember him saying anything generally?

15:26:392 A. No.

15:26:403 Q. Do you remember how the meeting concluded?

15:26:454 A. No.

15:26:465 Q. Do you remember any expressions made during the

15:26:541 course of that meeting that led to any later action?

15:26:582 **A. No.**

15:27:053 Q. Were there any recommendations made in that
15:27:094 meeting about what you should do next?

15:27:115 **A. Not that I remember.**

15:27:126 Q. Did you do anything after that meeting based on
15:27:157 the conversation?

15:27:168 **A. No, not that I remember.**

15:27:199 Q. Did you choose not to take action based on your
15:27:230 communications in that meeting?

15:27:261 **A. I don't remember any recommendations or steps
15:27:332 even being recommended out of that meeting.**

15:27:353 Q. Did you rely on any -- on any of your
15:27:374 communications in that meeting at 2:00 to inform your
15:27:485 decision about whether or not to approve the maps or agree
15:27:536 with the maps, accept the maps as final later on?

15:27:587 **A. No. That meeting I don't think had any bearing
15:28:018 on my decision.**

15:28:089 (Deposition Exhibit 107 was marked for
15:28:080 identification.)

15:28:091 BY JOAN MELL:

15:28:092 Q. Showing you what's been marked as Exhibit 107.
15:28:123 Again, this is you and April Sims communicating, and
15:28:174 you're in blue; is that correct?

15:28:225 **A. That's correct.**

15:28:191 Q. And when you say -- or -- is -- is this you
15:28:352 telling Commissioner Sims to call you before the meeting
15:28:393 with the House and the Senate?

15:28:454 **A. I can't tell if that's either affirming the time**
15:28:485 **for the call or asking her to call me.**

15:28:506 Q. Okay. What does, "This is unproductive where
15:29:057 Jamie is heading," mean?

15:29:098 **A. I recall being frustrated on the call with some**
15:29:159 **of the commentary, and I can't -- I can't remember**
15:29:210 **specifically what. But it didn't feel like a very**
15:29:241 **productive call.**

15:29:252 Q. Is this you texting to Commissioner Sims during
15:29:263 the meeting at 2:00 --

15:29:284 **A. Yes, it is.**

15:29:405 Q. I'm sorry. I have to painfully number as we go
15:29:446 because I never know what direction we're going to go in.

(Deposition Exhibit 108 was marked for
15:29:487 identification.)
15:29:488

15:29:499 BY JOAN MELL:

15:29:500 Q. So Exhibit 108, this is, again, you
15:29:521 communicating with Commissioner Sims. And she's asking
15:29:582 you how Jamie Pedersen knows our old 47 goes back to Black
15:30:033 Diamond.

15:30:064 **A. I didn't know what she was referring to; and, in**
15:30:095 **my second text back, I think it reveals that. I remember**

15:30:141 **being confused by her text to me.**

15:30:172 Q. Is that the 47th District?

15:30:193 **A. I imagine that's what she's referring to.**

15:30:214 Q. Was Jamie Pedersen saying that, when you -- the
15:30:275 maps were finally drawn as to the 47th, didn't include
15:30:326 Black Diamond?

15:30:337 **A. Jamie must have made some comment on the call**
15:30:358 **with reference to the 47th Legislative District and the**
15:30:419 **city of Black Diamond, and I don't remember specifically**
15:30:430 **what it is.**

15:30:441 Q. And is this content here your conversation with
15:30:482 Commissioner Sims about what to say publicly?

15:31:053 **A. Yes. I think that's me brainstorming a**
15:31:104 **potential public statement.**

15:31:145 Q. Who's "we" in this for, "When we chat." Who was
15:31:176 going to chat?

15:31:217 **A. I believe that's a reference to myself and**
15:31:248 **April.**

15:31:349 (Deposition Exhibit 109 was marked for
15:31:340 identification.)

15:31:351 BY JOAN MELL:

15:31:392 Q. And is this your text communication to
15:31:433 Commissioner Sims approving Paul's text content for a
15:31:464 public statement?

15:31:485 **A. I recall thinking that Commissioner Graves' text**

15:31:521 was more concise and better than mine so I believe I was
15:31:572 okay with his.

15:31:593 Q. And is this you telling Commissioner Sims, "Go
15:32:024 with his, not mine"?

15:32:045 A. I -- I think that's the -- I think what I'm
15:32:076 saying there is that I preferred Paul's to mine.

15:32:127 Q. Okay.

15:32:198 (Deposition Exhibit 110 was marked for
15:32:199 identification.)

15:32:250 BY JOAN MELL:

15:32:311 Q. Is this you communicating with Lisa -- who is
15:32:352 this? Lisa who?

15:32:433 A. Oh, I'm sorry. It took me a moment. That is --
15:32:464 that is Lisa McLean.

15:32:475 Q. That is -- okay.

15:32:506 Does this reflect the time when Lisa McLean sent
15:32:547 you the resolution to sign?

15:32:578 A. That is how I understand the text, yes.

15:33:009 I did not reply so I'm not sure whether I saw
15:33:030 it, but that is what I understand that to mean.

15:33:081 Q. And is this you communicating to Lisa McLean
15:33:112 that you do not agree with the statement she put forward
15:33:143 in her email?

15:33:194 A. That sounds like my opinion based on that text.
15:33:225 I don't remember what email that's in reference to.

15:33:281 Q. Do you remember Lisa McLean emailing the
15:33:322 Commissioners with a statement to approve for the media on
15:33:353 the 16th?

15:33:374 A. I don't. But it sounds like, if you -- will you
15:33:405 scroll down?

15:33:456 I don't remember this specific email right now.

15:33:507 Q. Is this Lisa McLean sharing content asking for
15:33:548 your approval?

15:33:579 A. That's my -- that would be my guess, yes.

15:33:590 Q. Okay. And do you remember how this compared
15:34:031 with the one in the prior text here?

15:34:082 A. I -- I don't.

15:34:143 Q. So you don't know if you approved both Graves'
15:34:204 and --

15:34:215 A. I believe only one statement went out that
15:34:236 morning, and I believe it was the couple sentences that
15:34:317 Commissioner Graves had drafted.

15:34:338 Q. Okay.

15:34:399 (Deposition Exhibit 111 was marked for
15:34:390 identification.)

15:34:521 **THE WITNESS:** Can you give me two minutes for a
15:34:542 very, very quick restroom break?

15:34:593 JOAN MELL: Yeah. I'm going to try to number
15:35:024 these while you're there.

15:35:075 **THE WITNESS:** Give me literally two minutes.

15:35:091 JOAN MELL: Okay.

15:35:102 (Recess.)

15:37:123 BY JOAN MELL:

15:37:174 Q. Actually, I don't think we went through 111. I
15:37:215 don't think we did.

15:37:226 Showing you what's been marked as Exhibit 111,
15:37:267 is this you communicating with McLean that you're
15:37:318 approving what Commissioner Graves had recommended with
15:37:379 regard to a press statement?

15:37:400 **A. I believe that's correct, yes.**

15:37:431 Q. Okay. And do you know whether or not at this
15:37:472 point in time it's the same content that you were
15:37:503 conferring with Sims about?

15:37:554 **A. Oh, I believe it's different.**

15:37:575 Q. By this time, Paul's statement had changed?

15:38:016 **A. Oh, I don't know the answer to that.**

15:38:047 Q. Do you know if Paul had -- Paul's statement was
15:38:108 altered from the time you approved it with Sims from the
15:38:139 time you approved it with McLean?

15:38:200 **A. No, I don't know that.**

15:38:211 (Deposition Exhibit 112 was marked for
15:38:212 identification.)

15:38:213 BY JOAN MELL:

15:38:224 Q. Showing you what's been marked as Exhibit 112,
15:38:275 is this Andy Billig?

15:38:351 **A. Could you scroll down?**

15:38:422 **Yes. That is -- that is Andy Billig.**

15:38:453 Q. Okay. And is this Andy Billig giving you

15:38:494 recommendations on how to handle the redistricting work

15:38:535 you were -- were undertaking on November 15th at

15:38:586 8:45 p.m.?

15:39:017 **A. I believe this was him giving advice.**

15:39:048 Q. Okay. Do you know if you acted on his advice?

15:39:089 **A. I -- I don't believe I did.**

15:39:110 Q. What finally happened with 17 and 42?

15:39:171 **A. I'm not specifically sure what he's referring to**

15:39:202 **in that sentence.**

15:39:243 Q. Do you know what happened with 17 and 42 in the

15:39:264 final maps?

15:39:275 **A. I do.**

15:39:286 Q. What happened?

15:39:307 **A. The 42nd and the 17th Districts remained roughly**

15:39:368 **the same from the partisanship perspective, and they both**

15:39:429 **saw some changes to their boundaries and borders adjusted**

15:39:460 **based on public feedback and input.**

15:39:501 Q. Do you know where those boundaries moved based

15:39:522 on public feedback?

15:39:543 **A. I do.**

15:39:554 Q. Where did they move?

15:39:555 **A. The 42nd ran more specifically along the city**

15:40:011 lines of Bellingham which had been requested, and it
15:40:042 incorporated the Lummi and the Nooksack Tribal lands into
15:40:103 a single Legislative District. It did a number -- it did
15:40:134 a number of things that were in response to public input.
15:40:165 And the 17th did something similar in Vancouver,
15:40:226 better aligning with the city lines of Vancouver.

15:40:267 Q. Do you remember Jamie Pedersen making any
15:40:288 specific requests with regard to Districting?

15:40:379 A. Along what lines?

15:40:400 Q. Where the District boundaries would be or
15:40:431 whether or not the Districts would -- any communities --
15:40:452 particular communities would change Districts?

15:40:483 A. I did speak to Jamie through the process, and he
15:40:504 did provide input and advice.

15:40:535 Q. What do you recall about his input?

15:41:016 A. He had a wide range of ideas that were, I would
15:41:067 say, varied and spoke to different Legislative Districts.
15:41:128 I don't -- I couldn't remember specifically off the top of
15:41:169 my head.

15:41:170 Q. Do you remember any District that changed
15:41:191 consistent with what he was asking?

15:41:232 A. Do you mean in the final maps?

15:41:363 Q. Yes.

15:41:394 A. Yes.

15:41:415 Q. What?

15:41:441 A. I think that the final drawings of some of the
15:41:522 Seattle Legislative Districts reflected input that he'd
15:41:563 provided, but it was also input we'd received from a lot
15:41:594 of other people throughout the process.

15:42:015 Q. Okay. What were -- what were consistent with
15:42:056 what he asked you?

15:42:117 A. You know, change -- one of the -- one of the
15:42:148 controversial decisions was around the changing shape of
15:42:189 the 11th Legislative District which changed in the course
15:42:210 of this mapping to not include any parts of Seattle. The
15:42:271 lines of the 43rd District moved as well, and the
15:42:332 boundaries to the 37th.

15:42:353 Q. And how did the 43rd -- how did the 43rd move?

15:42:414 A. The 43rd moved further north to take in parts of
15:42:455 what had previously been the 46th Legislative District.

15:42:506 Q. What part of the 46th?

15:42:537 A. I believe some of the southern parts of the --
15:42:568 by Lake Union and the ship canal.

15:43:019 Q. What does that -- what is that area called?

15:43:060 A. There are a few neighborhoods, neighborhoods
15:43:081 like Laurelhurst, University District, Windermere.

15:43:122 Q. Okay. And so Jamie Pedersen was requesting this
15:43:143 change, and you made it consistent with his request?

15:43:174 A. No. He was one of -- I met with many people
15:43:255 through the process, including Jamie. And some of the

15:43:291 input had come also aligned with input we were getting
15:43:332 from public meetings and from my own perspectives. So --

15:43:403 Q. Okay. But -- but it is correct that the change
15:43:444 you made to the lines in the 43rd that affected the 46th
15:43:505 were within the request made by Jamie Pedersen.

15:43:566 A. Not solely, but he had -- he had feedback as
15:44:007 well in the 43rd, yes.

15:44:018 And I would not -- I also would not say that it
15:44:039 was perfect alignment with the request that -- of the
15:44:070 input that was provided.

15:44:111 Q. How was it not consistent with the input Jamie
15:44:142 Pedersen provided as to the 43rd?

15:44:173 A. I don't remember all the specifics, but I know
15:44:244 that it wasn't exactly the same.

15:44:275 Q. Can you remember generally how it wasn't exactly
15:44:296 the same.

15:44:327 A. I think that there were some questions about
15:44:348 specific precincts.

15:44:389 Q. Which precincts?

15:44:390 A. I don't -- I don't remember the specifics, just
15:44:411 in some other neighborhoods in Seattle like Leschi.

15:44:462 Q. Anything else?

15:44:473 A. No.

15:44:504 Q. So when you would -- when you were doing these
15:44:525 kinds of line changes, were you making line changes for

15:44:561 District boundaries that were consistent with precincts?

15:45:002 GREG WONG: Object to form.

15:45:043 **THE WITNESS: Yes. I believe that was required**
15:45:064 **actually to -- to move along precinct lines. Yes.**

15:45:115 BY JOAN MELL:

15:45:116 Q. Okay. And when -- when Billig is saying,
15:45:227 "Hearing 17, 42 also went back which -- backward from
15:45:258 previous offer," does that mean as to the political
15:45:309 preference metrics?

15:45:310 **A. I believe that's what he's referring to, yes.**

15:45:351 Q. And did -- did the recommendation about not
15:45:422 agreeing to Legislative until you agree on Congressional
15:45:493 come from Billig, or was this consistent with what you'd
15:45:524 already been strategizing on before you heard from him?

15:45:585 **A. That was always my plan.**

15:46:106 (Deposition Exhibit 113 was marked for
15:46:107 identification.)

15:46:108 BY JOAN MELL:

15:46:119 Q. Showing you what's been marked as Exhibit 113,
15:46:150 this looks like a continuation of your conversation with
15:46:181 Billig. And you're communicating to Billig about your
15:46:232 conversations with Laurie Jenkins?

15:46:273 **A. Can you scroll down?**

15:46:304 **No. I think it's the opposite. I think he is**
15:46:335 **communicating with me. I'm blue.**

15:46:351 Q. Oh, so this is -- this is Billig talking to
15:46:372 Jinkins and telling you, "She's got nothing noteworthy.
15:46:423 She supports it," meaning what?

15:46:474 **A. I'm not sure.**

15:46:525 Q. What is, "The 42nd gets better, but I don't see
15:46:576 that in the summary we have."

15:46:597 What summary was he looking at?

15:47:018 **A. I'm not also not sure.**

15:47:039 Q. Did you prepare a written summary of the
15:47:060 protocol or planned vote content to Billig and Jinkins?

15:47:131 **A. I didn't --**

15:47:132 Q. Or just to Billig?

15:47:153 **A. I did not.**

15:47:164 Q. Did caucus staff?

15:47:205 **A. Possibly.**

15:47:216 Q. Did you think that's what he's talking about, a
15:47:237 communication from caucus staff?

15:47:268 **A. I -- I'm not sure.**

15:47:289 Q. If it came from caucus staff, who would it come
15:47:310 from?

15:47:331 **A. I'm not sure. There was a lot of map drawing
15:47:362 happening at this time of the evening on the 15th.**

15:47:393 Q. What caucus staff would be communicating with
15:47:424 Billig?

15:47:445 **A. There were -- there were a few people**

15:47:471 involved -- Ali O'Neil, someone named Matt Bridges, and
15:47:552 then someone named Adam Bartz.

15:47:583 Q. Were they in the Hampton with you too?

15:48:014 A. No. No. Only -- only Ali.

15:48:035 (Deposition Exhibit 114 was marked for
15:48:036 identification.)

15:48:037 BY JOAN MELL:

15:48:098 Q. Showing you what's been marked as Exhibit 114,
15:48:169 do you know if you communicated with April about your
15:48:190 strategy beforehand?

15:48:241 A. I'm not sure at this stage what strategy he's
15:48:272 referring to.

15:48:313 Q. But you wanted to know whether or not he and
15:48:334 Jinkins were on the same page before you voted?

15:48:385 GREG WONG: Object to form.

15:48:416 THE WITNESS: No. I believe, if you look at the
15:48:437 timestamp of this, Joan, this is the 16th. This is
15:48:478 already after the vote.

15:48:489 BY JOAN MELL:

15:48:480 Q. Okay. I can't tell because it's not on here.

15:48:521 A. I'm sorry.

15:48:532 Q. This was -- this was on the 16th?

15:48:543 A. Yeah. I -- I believe that 9:00 a.m. Teams call
15:48:594 reference at the top is with respect to the call that you
15:49:025 were discussing earlier.

15:49:101 Q. This isn't the 2:00 -- this isn't -- this isn't
15:49:122 the two o'clock call; right? This is something else?

15:49:183 A. I'm a little bit confused on specific times, but
15:49:214 there was only one call that happened that date. So I
15:49:245 believe maybe the time changed, but that's a reference.
15:49:276 My guess is that's the reference to the only call that
15:49:307 happened that day.

15:49:318 Q. Okay. And there wasn't a separate meeting with
15:49:349 the House from one with the House and Senate?

15:49:370 A. Not that I remember.

15:49:391 Q. Did you say not that you remember?

15:49:412 A. Not that I know of.

15:49:423 Q. Not that you know of. Okay.

15:49:504 And is -- is this you talking?

15:49:545 A. No.

15:49:576 Q. What is this?

15:49:597 A. That is a -- that is me sharing a text that I
15:50:058 received from Tina Podlodowski with Andy Billig.

15:50:119 Q. Okay. But you tried to reach her to talk to her
15:50:150 about this text but didn't reach her?

15:50:271 A. No. I believe that I received it, but I don't
15:50:292 actually believe I spoke with her. I believe it was an
15:50:233 unsolicited text.

15:50:254 Q. Does this mean that, to Billig, you were saying
15:50:285 that you tried to reach Tina?

15:52:051 Q. And what was this -- did you -- did you
15:52:062 formulate a strategy with Andy Billig to buy time?

15:52:133 A. No. I'm not -- maybe we can see the next set of
15:52:194 texts. I'm not immediately sure what that partial text is
15:52:225 in reference to.

15:52:266 (Deposition Exhibit 116 was marked for
15:52:267 identification.)

15:52:468 BY JOAN MELL:

15:52:469 Q. Does this help?

15:52:550 A. Yes.

15:52:571 Q. Okay. So what's happening -- can you tell what
15:53:002 timeframe -- what day are we on?

15:53:033 A. I believe this is the 16th of November, Tuesday.

15:53:074 Q. Okay. Before the maps were finalized?

15:53:125 A. After -- after the vote --

15:53:156 Q. After the vote but before the maps are
15:53:187 finalized?

15:53:198 A. I'm not sure specifically.

15:53:259 Q. What is -- what is Andy Billig referring to?
15:53:270 What is the "final decision"?

15:53:301 A. I believe there's a lot of ambiguity on the 16th
15:53:352 as to whether -- as to what the loss of jurisdiction from
15:53:393 the Commission in terms of the Attorney General's email
15:53:454 means. So I'm -- yeah. I'll leave it there.

15:53:525 Q. Okay. I don't understand how your answer

15:53:571 relates to the meaning of a final decision.

15:53:592 **A. I just think that there was a lot of uncertainty**
15:54:023 **at this stage because the maps -- the maps had not yet**
15:54:054 **been sent by the Commission to the Supreme Court. So the**
15:54:105 **status of the maps was uncertainty to me at this stage as**
15:54:146 **well. I had not seen the Legislative map, but I think at**
15:54:197 **this stage there was a lot of confusion.**

15:54:218 **Q. So there was an understanding at this stage, at**
15:54:249 **least between you and Andy Billig, that a decision was**
15:54:290 **forthcoming relative to the maps.**

15:54:341 **A. In retrospect, I'm not entirety sure what he is**
15:54:402 **referencing by "final decision."**

15:54:423 **Q. Okay. At this point in time, when you were**
15:54:454 **communicating with Andy Billig, did you recognize that you**
15:54:495 **had to make a decision about the position you took on the**
15:54:526 **maps?**

15:55:007 **A. I already voted on the plan. I wasn't sure if**
15:55:048 **there would be a second decision that would need to be**
15:55:069 **made, if I -- if I recall.**

15:55:090 (Deposition Exhibit 117 was marked for
15:55:091 identification.)

15:55:152 BY JOAN MELL:

15:55:163 **Q. Okay. Exhibit 117, is this you telling Andy**
15:55:214 **Billig what the statement is that you were circulating to**
15:55:245 **give to the press?**

15:55:331 A. I believe this was a draft -- if my memory
15:55:372 serves me correctly, I believe this was a draft statement
15:55:413 that was prepared by the Senate Democratic Caucus staff
15:55:464 for me to consider.

15:55:505 Q. So when you're say, "We're circulating," is that
15:55:536 you and your fellow voting Commissioners?

15:55:567 A. I'm sorry. Let me -- I'm not sure who the --
15:56:058 who the "we" is in reference to. That -- that may be in
15:56:089 reference to myself and --

15:56:110 Q. Right here -- right here. "Something like this"
15:56:161 is right here.

15:56:182 A. Yes. I believe I was working on that with
15:56:213 Senate -- Senate caucus staff, not the other
15:56:244 Commissioners.

15:56:285 Q. But Sims was in the know?

15:56:326 A. I'm not sure if she was. I don't remember the
15:56:347 timing. She may not have been.

15:56:418 (Deposition Exhibit 118 was marked for
15:56:419 identification.)

15:56:460 BY JOAN MELL:

15:56:491 Q. Okay. You were telling Andy Billig that this
15:56:532 statement buys you what time? Time to do what?

15:56:583 A. My interpretation of that in retrospect is time
15:57:024 to know what the Supreme Court was going to do. Because,
15:57:055 at this point, if you'll recall, jurisdiction has been

15:57:101 transferred to the Supreme Court and we have not yet heard
15:57:122 what action the Court is going to take.

15:57:143 Q. Okay. And here you're telling Andy Billig,
15:57:174 "We're all agreed on it."

15:57:195 Who did you mean there?

15:57:236 A. I -- I believe that's in reference to the Senate
15:57:297 caucus staff who'd been working on it.

15:57:358 Q. But you're --

15:57:369 A. Not the other Commissioners.

15:57:380 Q. Yeah, but you're a D, not an R; so how did you
15:57:411 know what the Rs wanted?

15:57:442 A. I'm -- I don't remember the specifics, but I had
15:57:473 spoken with Paul Graves at some point earlier that day.

15:57:504 Q. You had?

15:57:525 A. I believe I mentioned that -- that he'd asked
15:57:556 about the statement -- I believe the statement that was --
15:57:577 that went out was the one that he had drafted, if I
15:58:008 recall.

15:58:039 Q. Okay. And how was the R's statement stronger?

15:58:060 A. I don't -- I don't remember.

15:58:081 Q. Are you sure that you're not referencing
15:58:132 agreement amongst the voting Commissioners about the
15:58:163 statement to Billig?

15:58:204 A. I'm fairly certain that that draft was something
15:58:245 that I worked on with the Senate Democratic Caucus staff.

15:58:281 I'm not 100 percent sure, but I -- I believe that was the
15:58:302 case.

15:58:333 Q. And at the time that you worked out a statement
15:58:364 with the Senate Caucus staff, you had a proposal from the
15:58:425 Republicans?

15:58:446 A. I -- I can't remember the specific timeline of
15:58:477 who I spoke to when.

15:59:008 (Deposition Exhibit 119 was marked for
15:59:009 identification.)

15:59:020 BY JOAN MELL:

15:59:031 Q. So this is an exchange with you and Andy Billig
15:59:062 about a proposal coming from Commissioner Augustine.

15:59:123 What did she propose sort of?

15:59:174 A. There was not a proposal. I think there was not
15:59:205 a proposal.

15:59:216 Q. Why'd you say "sort of" to Billig about his
15:59:257 question as to whether or not she did have a proposed map?

15:59:308 A. Because there may have been an attempt, but
15:59:329 there was really no -- there really was not -- there was
15:59:350 not one. So the answer to that is no.

15:59:381 Q. But you didn't tell Billig that at that time?

15:59:422 A. It -- I effectively did. I mean, saying "not
15:59:443 really," that -- that's effectively "no."

15:59:494 Q. Okay. And what did you -- what did you mean, "I
15:59:525 can see how they are saying that"?

15:59:551 **A. If I recall, I believe what Commissioner**
15:59:582 **Augustine raised was some compromised points between the**
16:00:033 **negotiations that I was not involved in. So I don't know**
16:00:074 **all the specifics. I was not involved in those**
16:00:125 **Legislative negotiations in those kind of waning hours of**
16:00:176 **the 15th.**

16:00:217 **Q. Have you heard the -- the other Commissioners**
16:00:268 **and/or staff or blaming you for the lack of action earlier**
16:00:319 **in the day?**

16:00:330 **A. Yeah. I know that that was something that --**
16:00:351 **that was said by some people.**

16:00:392 **Q. Do you agree with them?**

16:00:403 **A. No.**

16:00:424 **Q. Did you go into the Commission negotiations**
16:00:485 **believing the Supreme Court would do a job that you could**
16:00:546 **live with?**

16:01:027 **A. Yes.**

16:01:048 **Q. Okay.**

16:01:049 **A. I did believe that.**

16:01:060 **Q. Did you make a decision at any point on the 15th**
16:01:121 **that you no longer needed to -- needed to communicate**
16:01:162 **further because the Supreme Court could decide the**
16:01:213 **outcome?**

16:01:224 **A. No. I negotiated in good faith throughout the**
16:01:275 **entire process.**

16:01:281 Q. So do you believe that the individuals who are
16:01:302 blaming you for the late activity are wrong?

16:01:363 A. Yes.

16:01:374 Q. Okay. Were you out of country the week before
16:01:465 the meetings started on the 12th?

16:01:526 A. I -- I had three days of international travel, I
16:01:587 believe, one or two weeks prior.

16:02:098 Q. Did you -- did you have any conversations with
16:02:219 Billig that made you take an action to reach agreement as
16:02:290 opposed to let the Supreme Court decide it?

16:02:321 A. No.

16:02:342 Q. Did you have a conversation or any
16:02:363 communications with anyone that led you to compromise
16:02:434 rather than take a different action?

16:02:535 A. I don't --

16:02:546 GREG WONG: Object to form.

16:02:557 THE WITNESS: Oh, I apologies.

16:02:578 GREG WONG: You can answer.

16:02:589 THE WITNESS: I take input -- all my decisions
16:03:020 are mine.

16:03:021 BY JOAN MELL:

16:03:022 Q. Okay. Did you at some point have input that
16:03:093 caused you to change your mind about taking a vote that
16:03:124 night?

16:03:205 A. No.

16:03:261 Q. Was there a point prior to taking a vote in
16:03:292 which you had decided in your own mind that you would not
16:03:323 be voting?

16:03:364 A. Do you mean voting in support of the maps?

16:03:385 Q. No. That you just would -- that you were done
16:03:426 negotiating; there would be no vote that night.

16:03:457 A. I struggled up until the very end with how to
16:03:478 vote on the Legislative maps because of questions that I
16:03:529 had about the 14th and 15th Legislative Districts in the
16:03:590 Yakima Valley. That was a real challenge for me.

16:04:071 Q. So showing you what's been marked as Exhibit
16:04:082 20 -- 120, what was wild about the decision to submit the
16:04:163 maps to the Court?

(Deposition Exhibit 120 was marked for
identification.)

16:04:184 THE WITNESS: In that case, I'm referencing that
16:04:185
16:04:196 the maps allege -- what I've already said publicly and in
16:04:127 this testimony, that I didn't see the Legislative
16:04:168 Districts in their final forms before they went to the
16:04:189 Court.
16:04:210

16:04:221 BY JOAN MELL:

16:04:222 Q. And so that was the big problem?

16:04:253 A. That's what I'm referencing, yes.

16:04:274 Q. So at the time the maps went to the Supreme
16:04:295 Court, you had not approved that transmittal?

16:04:431 A. I had not. I had not -- I had not approved the
16:04:472 transmittal. That's correct.

16:04:483 Though, I had -- I had approved -- I don't know
16:04:524 that it needed my approval, and we had also voted on the
16:04:585 plan. And the maps did reflect in their final form the
16:05:036 framework that I voted on the night of the 15th.

16:05:107 Q. Was it a big problem to you, as expressed to
16:05:148 Andy Billig, because you had understood you would have the
16:05:179 opportunity to approve or at least review and decide
16:05:230 whether or not the final map reflected your vote?

16:05:281 A. I expected that that would be the case.

16:05:352 Q. Do you know if any of the other Commissioners
16:05:373 expected that would be the case?

16:05:384 A. No, I do not.

16:05:415 Q. Do you know if Ali O'Neil expected that to be
16:05:456 the case?

16:05:457 A. I do not.

16:05:518 (Deposition Exhibit 121 was marked for
16:05:519 identification.)

16:05:540 BY JOAN MELL:

16:05:551 Q. What's your VRA concern you're talking about to
16:05:582 Andy Billig in Exhibit 121?

16:06:013 A. This is my concern that I raised throughout the
16:06:054 process on the Voting Rights Act.

16:06:075 Q. Oh, that's -- the VRA means the Voting Rights

16:06:131 Act --

16:06:142 **A. Exactly.**

16:06:153 Q. Why did you think all the Commissioners would be
16:06:184 taken aback?

16:06:195 **A. I think there was uncertainty about what the
16:06:366 Supreme Court was going to do after we were informed that
16:06:427 we lost jurisdiction around midnight -- when we were
16:06:498 informed that we lost jurisdiction around midnight from
16:06:529 the Attorney General.**

16:06:530 Q. So did you think the Commissioners would be
16:06:551 taken aback at you raising publicly your Voting Rights Act
16:06:592 concerns before you knew whether or not the maps would be
16:07:043 validated?

16:07:064 **A. I don't recall specifically what I'm referring
16:07:085 to in that text.**

16:07:106 Q. Is that generally what you were referring to?

16:07:127 **A. That's possible.**

16:07:148 Q. Well, it is likely?

16:07:179 GREG WONG: Object to form.

16:07:200 **THE WITNESS: I would say it's possible.**

16:07:201 BY JOAN MELL:

16:07:212 Q. And possible to you means less than 50 percent
16:07:253 or 50 percent?

16:07:214 **A. Given that I was texting about the Voting Rights
16:07:235 Act immediately before this, I'm -- it was likely**

16:07:361 **referencing my concerns with the Voting Rights Act.**

16:07:422 Q. And that the Commissioners would be taken aback
16:07:443 because the maps had yet to be validated?

16:07:484 GREG WONG: Object to form.

16:07:505 **THE WITNESS: That's correct. There was**
16:07:506 **uncertainty. There was uncertainty at -- on the 16th,**
16:07:537 **there was significant uncertainty about the next steps.**

16:07:578 BY JOAN MELL:

16:07:599 Q. So did you -- did you publish your VRA concerns?

16:08:060 **A. I've stated them. I did not -- I did not**
16:08:081 **publish them in a press release.**

16:08:112 Q. Did you state them in a way that they were heard
16:08:133 publicly, or did you just state them to the Commissioners?

16:08:174 **A. I believe that I referenced them in interviews**
16:08:205 **with the media after the fact.**

16:08:226 Q. Okay. Were the Commissioners taken aback?

16:08:277 GREG WONG: Object to form.

16:08:298 **THE WITNESS: On this issue, I -- I believe that**
16:08:319 **I made it fairly clear all along my perspective so I**
16:08:350 **don't -- I don't believe so.**

16:08:371 BY JOAN MELL:

16:08:372 Q. Okay. Did -- did you have any communications
16:08:393 with any of the Commissioners to find out whether or not
16:08:424 they were taken aback by your public comments on the VRA
16:08:485 concerns you had with the maps?

16:08:491

A. No.

16:08:492

(Deposition Exhibit 122 was marked for
identification.)

16:08:493

16:09:104

BY JOAN MELL:

16:09:105

Q. So this is Andy Billig's advice to you about
covering your back. Did you cover your back?

16:09:136

16:09:157

GREG WONG: Object to form.

16:09:188

**THE WITNESS: Not sure what you mean by that
question.**

16:09:199

16:09:200

BY JOAN MELL:

16:09:221

Q. Do you -- did you distance yourself from the
transmitted maps?

16:09:292

16:09:353

**A. No. No. I have not distanced myself from the
transmitted maps. No.**

16:09:414

16:09:435

Q. So it correct to say you did not follow Andy
Billig's advice?

16:09:466

16:09:517

**A. At this specific moment, at the time this text
was sent, that is accurate. However, time -- this was a
very quickly moving situation given the uncertainty around
the jurisdiction.**

16:09:538

16:09:599

16:10:030

16:10:051

Q. Okay. So did you at some later point in time
after -- do you know when this text communication was?

16:10:102

16:10:183

A. Likely on November 16th.

16:10:214

Q. Okay. And then did you at some later time after
November 16th distance yourself as he recommended?

16:10:245

16:11:42L **at that point.**

16:11:43Z BY JOAN MELL:

16:11:43Z Q. Okay. Did -- did you have an understanding or
16:11:48L an expectancy based on communications with other
16:11:51Z Commissioners that the vote you would be taking in the
16:11:55Z next five -- nine minutes was contingent on the
16:11:59Z transmission of the maps after the -- sometime after the
16:12:02Z vote?

16:12:03Z GREG WONG: Object to form.

16:12:10Z **THE WITNESS: I believe the maps would have to**
16:12:12Z **be drawn in accordance with the plan that we voted on.**

16:12:16Z BY JOAN MELL:

16:12:18Z Q. And did you have an expectancy, based on your
16:12:22Z communications with other Commissioners, that the maps
16:12:27Z would have to be drawn in accordance with what you voted
16:12:30Z on?

16:12:32Z **A. Yes. I believe that's what we -- yes. I think**
16:12:35Z **my expectation was that the maps would be drawn based on**
16:12:39Z **the plan that we approved.**

16:12:41Z Q. And that that was a mutual understanding among
16:12:44Z Commissioners.

16:12:46Z **A. Can you repeat the question?**

16:12:48Z Q. Did you have a mutual understanding with the
16:12:50Z other Commissioners prior to the vote that what you were
16:12:54Z voting on was contingent on transmission of maps that

16:12:581 conformed with what you voted on?

16:13:022 **A. No. Not when you frame it like that. I don't**
16:13:043 **believe that there was -- I don't -- I don't know if that**
16:13:074 **was the case.**

16:13:175 Q. So why did you tell Andy Billig that before you
16:13:196 voted on it that there was?

16:13:227 GREG WONG: Object to form.

16:13:248 **THE WITNESS: Do you mean Jamie Pedersen?**

16:13:269 BY JOAN MELL:

16:13:260 Q. Oh, excuse me. Yes. Jamie Pedersen.

16:13:291 GREG WONG: Same objection.

16:13:322 **THE WITNESS: I -- I can't recall. Those were**
16:13:343 **very busy ten, 15 minutes.**

16:13:464 BY JOAN MELL:

16:13:465 Q. And how did you take Jamie's prediction of
16:13:506 lawsuits? What kind of lawsuits do you think he was
16:13:537 predicting?

16:13:548 GREG WONG: Object to form.

16:13:559 **THE WITNESS: I don't know.**

16:13:560 BY JOAN MELL:

16:13:561 Q. Did you -- did you suspect that he was concerned
16:13:582 about open government?

16:14:023 **A. Again, I don't know.**

16:14:044 Q. How did you take it?

16:14:095 **A. I don't recall my reaction at that moment.**

(Deposition Exhibit 125 was marked for identification.)

BY JOAN MELL:

Q. Okay. Exhibit 125 is a joint communication with Osta, a staffer -- is that correct -- April Sims, and AO -- AO -- Ali O'Neil?

A. Correct.

Q. And what was your instruction to Ali O'Neil relative to what she could share with Osta or Dominique or Anton or Paul?

A. I don't recall giving explicit instructions on that topic.

Q. What was your expectation with regard to Ali O'Neil's communications with other caucus staff people or -- well, let's leave it just other caucus staff about your position as to the redistricting work?

A. I believe it would have been on a case-by-case basis. I don't think there was a general rule.

Q. Okay. So is it correct that here April Sims is communicating to you that Paul Graves is talking to Joe Fain about a proposal that would consolidate Lakewood with the lowest possible Republican increase?

A. You're asking if that's correct?

Q. Is that -- is that what you took it to mean -- that you were receiving information for consideration

16:16:081 about Lakewood?

16:16:162 **A. This wasn't a text that I particularly remember**
16:16:193 **or remember responding to in a way that was substantive.**
16:16:254 **I don't recall those specifics.**

16:16:295 Q. Do you know what happened?

16:16:316 **A. I -- I don't know enough.**

16:16:357 **Bless you.**

16:16:368 Q. Thank you.

16:16:389 GREG WONG: Joan, can we do a quick break? I'm
16:16:410 sorry. I have to run to the restroom. And it's 4:15 now
16:16:461 so just five minutes or so. Because really started at
16:16:492 9:00 and hoping to be done around 5:00.

16:16:523 JOAN MELL: Yeah. I -- hopefully, we can make
16:16:544 it. I don't know. These go so dang slow. I've got some
16:16:585 more in the other batch that I've got to get through too,
16:17:006 but we'll see.

16:17:017 No. I don't mind if we take a break. That's
16:17:038 fine.

16:17:089 (Recess.)

16:17:080 (Deposition Exhibit 126 was marked for
16:17:081 identification.)

16:23:542 BY JOAN MELL:

16:23:553 Q. Commissioner Walkinshaw, Exhibit 126 is a
16:24:024 continuation of the conversation between April Sims,
16:24:055 Osta -- I forget Osta's last name -- Osta Davis and Ali

16:24:101 O'Neil.

16:24:112 Does this refresh your recollection as to
16:24:143 whether or not you and April were negotiating terms to
16:24:234 communicate to Joe?

16:24:295 GREG WONG: Object to form.

16:24:316 **THE WITNESS: I don't believe -- I don't**
16:24:327 **remember this specific -- I don't remember the specific**
16:24:348 **thread and the context behind it, no.**

16:24:379 BY JOAN MELL:

16:24:370 Q. Is it a correct characterization to say that
16:24:401 April Sims communicated to you that she wanted a
16:24:442 consolidated Lakewood on the Congressional maps?

16:24:523 **A. No. I don't believe this is in reference to the**
16:24:554 **Congressional maps.**

16:24:565 Q. Okay. So is this a communication between --
16:24:596 that included you and Commissioner Sims wherein she's
16:25:067 communicating that she wants the consolidated Lakewood on
16:25:098 the Legislative maps?

16:25:129 **A. I'm not sure. I don't remember this -- I don't**
16:25:240 **remember the context of this specific thread.**

16:25:271 Q. Okay. Well, seeing it in black and white, would
16:25:282 you have any reason to believe that April Sims was doing
16:25:253 anything other than telling you what she wanted in terms
16:25:294 of Lakewood in the Legislative maps?

16:25:285 **A. Could you scroll down? Maybe I could get more**

16:25:35L context.

16:25:42 It -- I read this as April updating me on her
16:25:453 conversation.

16:25:494 Q. Her conversations with Paul Graves?

16:25:535 A. Yes.

16:25:546 Q. And what is she saying about, "The diff now
16:25:577 is 1.4. Trying to get that down so we can sell it to
16:26:018 Joe"? What does that mean?

16:26:059 A. I'm not sure, but I think that 1.4 -- I'm not
16:26:090 sure.

16:26:101 Q. Does the 1.4 reflect the difference in political
16:26:142 preference?

16:26:173 GREG WONG: Object to form.

16:26:194 THE WITNESS: I -- I believe so, but I'm not
16:26:205 sure what she's specifically referring to in terms of --

16:26:236 BY JOAN MELL:

16:26:247 Q. All right. So, if this communication means that
16:26:288 April Sims is telling you that, in the Legislative map --
16:26:359 map draft that she has been working on, the political
16:26:430 preference in Lakewood, having consolidated Lakewood, was
16:26:481 at 1.4 but she needed to move that number down so that
16:26:572 Paul can convince Joe to agree to that metric?

16:27:053 A. Again, I don't recall. And I didn't engage back
16:27:074 on this text so I don't recall. I don't recall this
16:27:105 conversation.

16:27:121 Q. Do you think there's anything incorrect about my
16:27:132 statement?

16:27:163 A. Again, I don't know. There may be. I don't
16:27:184 know what direction that is in -- I don't know.

16:27:225 Q. Why are you having such a hard time
16:27:256 understanding what this says?

16:27:297 A. I'm not sure I'm having a hard time
16:27:308 understanding it. I think that that is a reflection --
16:27:329 that is a partisanship -- I read that as her expressing a
16:27:360 partisanship metric.

16:27:411 I don't know which metric she's referring to. I
16:27:432 don't know what direction that difference is in. So I'm
16:27:473 not -- I'm not -- I don't remember the context, and I
16:27:504 don't know where Lakewood ended either.

16:27:555 Q. Okay. But would you agree that, at this point
16:27:586 in time, Sims is communicating with you about
16:28:037 communications she's having with Graves?

16:28:128 A. Yes. I think she's updating me on -- I read
16:28:159 this as Commissioner Sims updating me on her negotiations.

16:28:260 Q. And, at this point in time, do -- oh, strike
16:28:311 that.

16:28:382 What did you mean when you said, "let's all do a
16:28:423 check-in"?

16:28:464 A. I probably meant that we had periodic check-ins
16:28:525 in person throughout the 15th. It was probably -- I can

16:28:551 only venture to say that I suggested that we all do a
16:28:592 quick check-in.

16:29:013 Q. When you voted on the Legislative map, did you
16:29:064 know where Lakewood was?

16:29:105 A. I believe it was consolidated, but I don't
16:29:126 remember the final outcome.

16:29:157 Q. When you voted, did you know whether or not it
16:29:188 was consolidated?

16:29:209 A. Yeah. I believe, in the plan, the intent was to
16:29:250 consolidate Lakewood. Yes.

16:29:261 Q. Do you know, in the final map, all of Lakewood
16:29:282 is in one District?

16:29:293 A. I don't.

16:29:314 Q. Do you know what the political metric is?

16:29:345 A. I don't. Not for Lakewood, no.

16:29:386 Q. Do you know what the political metric was when
16:29:407 you voted on it?

16:29:428 A. For the Legislative District that Lakewood is
16:29:459 contained in? Yes.

16:29:480 Q. Where the what?

16:29:501 A. Not for the city of Lakewood specifically, no.

16:30:022 Q. Where was your place?

16:30:063 A. I don't know what I'm referencing there.

16:30:104 Q. Did you have a place where you would convene to
16:30:145 meet with staff and Commissioner Sims?

16:30:211 A. Osta and Commissioner Sims may have come once to
16:30:272 the hotel -- the hotel where Ali O'Neil and I were
16:30:323 staying.

16:30:354 Q. Did you have a place in the hotel where you were
16:30:375 staying to meet with them?

16:30:396 A. I had a room at the hotel, yes.

16:30:417 Q. And did you meet in your hotel room with them?

16:30:458 A. I believe we may have met once there. I don't
16:30:489 recall the specifics, but I believe we did.

16:30:580 Q. With regard to this Exhibit 127, is this on the
16:31:051 16th? Do you know?

16:31:062 A. Could you scroll --

16:31:073 Q. It's about the press statement.

16:31:104 A. -- up and down?

16:31:125 (Deposition Exhibit 127 was marked for
16:31:126 identification.)

16:31:137 BY JOAN MELL:

16:31:138 Q. Scroll up? This one's up as far as it goes. Do
16:31:179 you need me to move it --

16:31:180 A. No. No. I believe that's the 15th, Joan. And
16:31:221 I don't believe that's in reference to the press statement
16:31:242 only because we were at the hotel, and we're not at the
16:31:273 hotel on the 16th until --

16:31:294 Q. Okay. So what did you have -- what did April
16:31:325 have to get back to Paul on?

16:31:351 **A. I don't -- I don't remember what that specific**
16:31:372 **was at that stage.**

16:31:453 Q. And what did you mean, "We all just wrapped up a
16:31:494 bit ago"?

16:31:495 **A. I'm not sure. It may have been referring to a**
16:31:526 **conversation I had with Joe. I don't know.**

16:32:047 Q. Exhibit 18, April Sims and Sarah Augustine and
16:32:098 you, is that the trio there?

16:32:129 **A. I don't believe I'm on that text thread.**

16:32:150 (Deposition Exhibit 128 was marked for
16:32:151 identification.)

16:32:162 BY JOAN MELL:

16:32:253 Q. You don't know that -- is that just because you
16:32:274 don't see any communications back?

16:32:315 **A. I don't believe that text is from me. There's**
16:32:336 **only two people on that -- oh, is that -- that may be with**
16:32:357 **me. I don't --**

16:32:368 Q. It says two people so I am assuming that means
16:32:389 two others and you.

16:32:410 **A. Oh, I think you're correct. I don't -- maybe**
16:32:431 **scroll down.**

16:32:442 Q. That's -- that's down. That's up.

16:32:493 **A. Okay. Yes. That -- that is -- you are correct.**
16:32:524 **That is with April Sims and Sarah Augustine.**

16:32:555 Q. Okay. So did you have an ongoing chat between

16:32:581 the two of them throughout the course of the negotiations?

16:33:042 **A. I actually don't recall exchanging any chats**
16:33:073 **with the two of them throughout the course of the**
16:33:094 **negotiations myself. This is, to my recollection, the**
16:33:135 **only text that I was included on.**

16:33:166 Q. And when April says you were with Joe, what were
16:33:207 you doing with Joe on November 15th around 10:55 p.m.?

16:33:258 **A. Oh, I believe we were final -- working on our**
16:33:299 **Congressional negotiations.**

16:33:320 Q. Okay.

16:33:391 (Deposition Exhibit 129 was marked for
16:33:392 identification.)

16:33:443 BY JOAN MELL:

16:33:444 Q. Do you recall there being a suggestion that --
16:33:465 that -- well, strike that.

16:33:486 Is it correct that, when you voted, you didn't
16:33:507 have a shapefile to vote on?

16:33:578 **A. There were not maps. There were not final maps.**
16:34:009 **We didn't vote on final maps.**

16:34:030 Q. Do you understand a shapefile to be a
16:34:061 requisite -- prerequisite for a map?

16:34:212 **A. I -- I believe that's the case, but -- could you**
16:34:243 **describe to me what a shapefile is?**

16:34:284 Q. No. I was hoping you could describe it to me.
16:34:215 Can you describe what a shapefile is?

16:35:531 A. No. This is -- no. That is not April. That is
16:35:582 a text that -- that is a -- a text that I received from
16:36:083 Joe Fain.

16:36:094 Q. Okay. And you're sharing this with April Sims'
16:36:135 staff person Osta Davis?

16:36:156 A. That's correct.

16:36:207 Q. And was you sharing what Fain was saying with
16:36:238 Osta so she would get April to talk to you?

16:36:269 A. No. Not for that reason, no.

16:36:290 Q. Why were you sharing this information about Joe
16:36:311 with Osta?

16:36:342 A. I believe we were just coordinating -- we may
16:36:383 well have been coordinating logistics.

16:36:424 I remember there was a real question that
16:36:435 evening on whether or not we were going to be staying at
16:36:456 the hotel that night, and I may have just been keeping her
16:36:507 up to date. I may have also shared that text with April.
16:36:538 I'm not -- I can't recall.

16:36:599 (Deposition Exhibit 131 was marked for
16:36:590 identification.)

16:37:011 BY JOAN MELL:

16:37:132 Q. Did you have an ongoing text thread between Adam
16:37:163 Smith and April Sims?

16:37:194 A. Only what you -- only what you see -- what's
16:37:225 been submitted.

16:37:231 Q. This is all you remember communicating with Adam
16:37:262 Smith and April?

16:37:283 A. On the same text thread, I don't know how long
16:37:324 that -- yes. That's all I remember. There may be more.

16:37:365 Q. There may be more?

16:37:406 A. Whatever I provided -- I provided all of my --
16:37:437 all of my texts. I don't remember the -- I don't remember
16:37:458 what else there was with Adam Smith.

16:37:489 Q. What is this? "Thank you for the suggestion. I
16:37:500 haven't read the ST piece yet."

16:37:571 A. I don't know what April Sims is referencing.

16:38:012 Q. Huh?

16:38:023 A. I don't know what April is -- I don't know if --
16:38:044 I don't know what April is referencing.

16:38:065 Q. Okay. All right. We'll finished the numbered
16:38:166 batch. Let me move here. This is bazillions, but let me
16:38:237 see.

16:38:398 All right. Well, shoot. Let me do this. Just
16:38:439 a second.

16:39:260 (Deposition Exhibit 132 was marked for
16:39:261 identification.)

16:39:272 BY JOAN MELL:

16:39:273 Q. Showing you what's been marked as Exhibit 132, I
16:39:204 think we had a portion of this earlier. But this
16:39:235 communication is from you, "Met with Joe. We should go.

16:39:261 We're pretty close to final offer on CDs."

16:39:352 Is that you asking to talk to Commissioner Sims
16:39:383 about where you and Joe Fain are on the Congressional
16:39:424 District maps on November 15th at 9:02?

16:39:475 GREG WONG: Object to form.

16:39:536 **THE WITNESS: I'm not sure if I am offering to**
16:39:547 **provide April an update or not or if I'm saying that Joe**
16:39:588 **and I are going over it again soon.**

16:40:019 BY JOAN MELL:

16:40:030 Q. So when you say "we" in this comment, is the
16:40:091 "we" you and April?

16:40:112 **A. I'm not sure.**

16:40:393 Q. So in this text chain, who is this? Andy Billig
16:40:424 and AO? Who's that?

16:40:465 **A. I don't believe that's Andy Billig. I believe**
16:40:476 **that's Adam Bartz who works also in the Senate caucus.**

16:40:527 Q. And who's AO?

16:40:548 **A. Ali O'Neil.**

16:40:589 Q. Oh, that's Ali.

16:41:050 And does -- let me mark this. Just a second.

16:41:091 (Deposition Exhibit 133 was marked for
16:41:092 identification.)

16:41:213 BY JOAN MELL:

16:41:214 Q. Okay. With regard to Exhibit 133, does this
16:41:285 text exchange reflect the fact that your staff are

16:41:321 communicating the position of the Commissioners amongst
16:41:352 each other for purposes of integrating, for instance, Joe
16:41:393 Fain's recommendations into the mapping they're working
16:41:434 on?

16:41:465 **A. No.**

16:41:526 Q. So is this you in the green?

16:42:027 **A. The -- I believe the green is me in this text**
16:42:068 **thread, yes.**

16:42:079 Q. And you're telling Andy Billig and Ali O'Neil
16:42:140 what Joe is proposing?

16:42:171 **A. Not Andy Billig.**

16:42:202 GREG WONG: Objection.

16:42:203 BY JOAN MELL:

16:42:214 Q. Who did you say AB was?

16:42:235 **A. Adam Bartz.**

16:42:246 Q. Another staff person. Partisan?

16:42:267 **A. Partisan staff, yes.**

16:42:288 Q. D?

16:42:299 **A. Democratic partisan staff, yes.**

16:42:330 Q. Senate?

16:42:331 **A. Yes.**

16:42:342 Q. Okay. Two people that were helping you craft
16:42:373 maps?

16:42:384 **A. Yes.**

16:42:395 Q. Okay. And so is it correct that you were

16:42:461 communicating what Joe wants to your staff?

16:42:522 **A. I was -- I believe that what you see here is me**
16:42:583 **sharing the feedback that Joe had shared with me on the**
16:43:034 **map that I had proposed to him.**

16:43:055 **So, at this stage, Commissioner Fain and I were**
16:43:086 **negotiating back and forth on Congressional maps, but the**
16:43:137 **staff were actually the ones doing the drawings.**

16:43:158 **So I was sharing Joe's feedback. I was not**
16:43:189 **agreeing to it. I was sharing it with --**

16:43:200 **Q. Oh, okay. Okay.**

16:43:241 **Do you know if the same thing was happening over**
16:43:252 **in his universe with his staff?**

16:43:293 **GREG WONG: Object to form.**

16:43:304 **THE WITNESS: I don't know how he was managing**
16:43:315 **his staff.**

16:43:326 **BY JOAN MELL:**

16:43:327 **Q. Did Ali O'Neil or -- I better write down whoever**
16:43:368 **AB is -- ever communicate to you what they were hearing**
16:43:409 **from his staff?**

16:43:420 **A. No.**

16:43:431 **Q. Did they --**

16:43:442 **A. Not to my knowledge.**

16:43:453 **Q. Did they ever communicate to you what they were**
16:43:474 **hearing from staff for Sims or Graves?**

16:43:505 **A. Yes. I believe there were cases of that. Ali**

16:43:591 was working very closely with Osta Davis and Dominique
16:44:052 Meyer.

16:44:063 Q. Okay.

16:44:184 JOAN MELL: Actually, you know, if we want to
16:44:205 take another just five-minute break, let me get these all
16:44:246 just exhibited up and do a quick run-through and see if I
16:44:277 can figure out a way to get through these quickly.

16:44:308 GREG WONG: That sounds fine. We are -- you
16:44:319 know, we did start at 9:00 so I'm expecting to end shortly
16:44:350 after 5:00. We'll give a little leeway but not too much.

16:44:391 JOAN MELL: Yeah. We'll see what we can do.

16:44:472 GREG WONG: Appreciate that.

16:44:483 JOAN MELL: I'm just going to get going here so
16:44:514 you guys don't have to painfully watch me.

16:48:365 (Recess.)

16:48:456 BY JOAN MELL:

16:48:507 Q. Commissioner, was there a point when you
16:48:528 received a memo on the 15th or thereabouts from
16:48:599 Commissioner Fain describing his proposed Districts?

16:49:070 A. There was a memo -- yes. There was a memo that
16:49:111 I received that we did exchange. I don't know that they
16:49:142 were his final Districts, but there was -- there was a
16:49:173 memo he shared.

16:49:184 Q. And do you remember talking to Commissioner Sims
16:49:225 about that?

16:49:261 **A. Not specifically, but I -- we likely would have**
16:49:302 **because we -- we likely would have.**

16:49:343 Q. Do you remember what you did with it in terms of
16:49:374 his recommendations -- how you reflected his
16:49:415 recommendations and any proposal?

16:49:446 GREG WONG: Object --

16:49:457 **THE WITNESS: Can I see the memo you're**
16:49:468 **referring to so I'm sure we're talking about the same**
16:49:499 **thing?**

16:49:500 JOAN MELL: Yes. Let's see. Where is the memo
16:49:541 most easily retrieved? I believe it's 41.

16:51:012 (Deposition Exhibit 41 was marked for
16:51:013 identification.)

16:51:104 (Deposition Exhibit 42 was marked for
16:51:105 identification.)

16:51:116 BY JOAN MELL:

16:51:117 Q. Showing you what's been marked as Exhibit 42, do
16:51:148 you recognize that document as a memo from Commissioner
16:51:169 Fain that you discussed with Commissioner Sims?

16:51:250 **A. I was asking -- I was asking if you could scroll**
16:51:281 **down so I could see. Yes.**

16:51:422 Q. I was going to open up Exhibit 41 too because
16:51:473 that's the enclosure in case that helps.

16:51:554 **A. Yes. I'm familiar with this memo.**

16:51:595 Q. All right. Is this the memo you discussed with

16:52:031 April Sims?

16:52:042 **A. We likely did discuss it. I don't recall -- I**
16:52:063 **don't recall April and my specific conversation about it,**
16:52:094 **though, no.**

16:52:105 Q. Do you remember what consideration you gave to
16:52:126 it in developing the proposal that you ultimately voted
16:52:187 on?

16:52:198 GREG WONG: Object to the form.

16:52:229 **THE WITNESS: None actually.**

16:52:230 BY JOAN MELL:

16:52:251 Q. You remember that you gave it no consideration?

16:52:282 **A. I read the memo, but I did not take it**
16:52:313 **seriously, no.**

16:52:324 Q. Okay. Did April Sims not take it seriously as
16:52:365 well?

16:52:376 **A. I'm not sure.**

16:52:387 GREG WONG: Object to form.

16:52:398 BY JOAN MELL:

16:52:419 Q. Do you remember, in your communications with
16:52:430 Commissioner Sims, that she did not integrate any of this
16:52:511 input into any proposal she was working on?

16:52:572 **A. I don't -- I don't recall any correspondence**
16:52:593 **with her about it.**

16:53:004 Q. "I don't recall" what?

16:53:025 **A. Any -- I don't recall correspondence with her**

16:53:041 about it. And I'm -- I don't have any recollection of her
16:53:092 using it, and I'm not aware if she did.

16:53:123 Q. Do you have any recollection that she told you
16:53:144 that she was not interested in using any of it; it didn't
16:53:175 make sense to her?

16:53:206 A. No. I have no recollection of that.

16:53:217 (Deposition Exhibit 134 was marked for
16:53:218 identification.)

16:53:219 BY JOAN MELL:

16:53:310 Q. In Exhibit 34, were you expressing to April
16:53:401 Sims, "Good luck in negotiating with Paul Graves, the
16:53:462 Legislative maps"?

16:53:473 A. I believe that's the case. I think this was
16:53:494 just a friendly encouragement.

16:53:515 Q. Rah-rah?

16:54:046 And Exhibit 135, again, is this a text
16:54:067 communication updating April that you're -- on your
16:54:098 communications with Commissioner Fain?

16:54:139 (Deposition Exhibit 135 was marked for
16:54:130 identification.)

16:54:151 THE WITNESS: I don't know. I don't know what
16:54:162 I'm referencing with regard to my -- when I say, "I did
16:54:203 speak with Joe," I don't know -- I don't recall what that
16:54:224 conversation was about, and I don't remember why I was
16:54:275 conveying it to April.

16:54:281 BY JOAN MELL:

16:54:282 Q. Can you review Exhibit 34 and 35 together to
16:54:333 understand what was happening on Saturday, November 13,
16:54:354 12:55, with respect to the negotiations on a redistricting
16:54:395 plan relative to Paul's feedback on coming across the
16:54:466 highway? I think basically talking about this text chain.

16:55:067 A. I believe that I'd -- what I -- what I read from
16:55:098 that is I believe that I had expressed hesitation and
16:55:149 concerns with crossing the -- with the approach to the
16:55:200 Legislative maps that crossed the mountains at Highway 2,
16:55:241 which was an area of disagreement.

16:55:292 And what I read from April there is her asking
16:55:323 me about it.

16:55:354 Q. So at -- at this point in time, what was -- what
16:55:385 was -- what am I trying to say?

16:55:466 Where was Fain and Graves on Highway 2 when you
16:55:517 were talking to April in this text communication?

16:55:558 A. I don't know.

16:55:589 Q. So when -- when Sims is saying, "Paul's map
16:56:020 comes across highway so making it one less thing to
16:56:051 negotiate would be extremely helpful," you ask, "You mean
16:56:082 Highway 2?" Is that -- is that correct?

16:56:223 A. That's correct.

16:56:234 Q. Okay. And so, if it came across Highway 2 in
16:56:295 Paul's map, what -- what was Sims' map doing?

16:56:261 A. I don't know at this stage. There were a lot of
16:56:292 maps at this point. I had put together maps. There were
16:56:343 several maps --

16:56:344 Q. Where did you want it to go?

16:56:365 A. The maps that I drew crossed the mountain at
16:56:386 Interstate 90.

16:56:417 Q. Not Highway 2?

16:56:438 A. That's correct.

16:56:439 Q. And did Sims have less of a position on that?
16:56:460 Was she willing to go either way?

16:56:501 A. No. I believe that -- that Commissioner Sims'
16:56:542 perspective was toward Highway 2.

16:56:573 Q. All right. So, at this point in time, she could
16:57:014 go with Highway 2. Paul was going with Highway 2, and she
16:57:055 wanted to know where you were at Highway 2?

16:57:086 A. I wouldn't characterize it like that. There
16:57:107 were a lot of maps at this stage. I don't know where Paul
16:57:138 was, and I don't know what map she's referring to there.

16:57:189 Q. Well, she's telling you he's at Highway 2 at
16:57:220 this stage; correct?

16:57:241 A. That -- that is what I -- what I would
16:57:272 understand that to mean, yes.

16:57:283 Q. Okay. And did you just not answer her in text
16:57:344 at that time?

16:57:395 A. That's -- that's very likely.

16:57:411 Q. Okay. But at this time, you were -- you were
16:57:462 still on 90?

16:57:483 A. Yes. I -- I believe I was just -- I would read
16:57:524 my text as seeking clarification there.

16:57:555 Q. Of where you were?

16:57:566 And then --

16:57:567 A. No. No. On the meaning where I say, "You mean
16:57:588 Highway 2?" I think I was seeking clarification.

16:58:019 Q. Okay. And then -- then where -- what did you
16:58:050 vote on? Where did it go?

16:58:091 A. In the end, the plan that was voted on, on
16:58:132 November 15th did cross the mountains at Highway 2 for the
16:58:173 Legislative maps.

16:58:184 Q. So do you remember conceding your position on 90
16:58:235 prior to the action portion of the agenda?

16:58:296 A. No. I would not say I conceded. No. I wasn't
16:58:327 sure how I was going to vote.

16:58:348 I did know that the proposal came across Highway
16:58:379 2. But, no, I don't remember conceding.

16:58:430 Q. Did you communicate -- when Sims communicated to
16:58:461 you what the proposal was, did you express any objections
16:58:502 to any of it to her prior to the action portion of the
16:58:563 meeting?

16:59:014 A. I'd raised my concerns at various points all
16:59:075 along, yes.

16:59:071 Q. No. No. No. That's not what I'm saying.
16:59:102 I want to know at a specific point in time prior
16:59:123 to the action -- at the last moment in time when Sims
16:59:164 communicated to you what was in the proposal prior to the
16:59:195 action portion of the meeting, had you communicated
16:59:226 anything back to her on your thoughts about her agreement
16:59:287 with Graves?

16:59:328 **A. I'd shared concerns, yes.**

16:59:349 Q. At -- at -- immediately prior to the vote?

16:59:400 **A. On the 15th, yes. I don't recall --**

16:59:431 Q. No. No. No. No. I'm asking a very specific
16:59:462 point in time.

16:59:473 At the point in time when Commissioner Sims told
16:59:504 you what she had agreed upon with Graves, what, if
16:59:545 anything, did you say to her about her and Graves'
16:59:586 proposal? Not at any other point this time. At that
17:00:017 moment.

17:00:038 **A. I think, in those ten minutes before, I was**
17:00:059 **deciding how to vote so I don't -- I don't recall**
17:00:070 **expressing any specific defect.**

17:00:096 (Deposition Exhibit 136 was marked for
17:00:122 identification.)

17:00:273 BY JOAN MELL:

17:00:304 Q. Do you remember April Sims expressing her
17:00:325 thoughts on Fain's memo other than her comment that it's

17:00:371 clever PR court strategy?

17:00:412 **A. Not -- not really. I remember -- not really,**
17:00:453 **no.**

17:00:494 (Deposition Exhibit 137 was marked for
17:00:495 identification.)

17:00:506 BY JOAN MELL:

17:00:567 Q. In your -- this is you communicating in blue in
17:00:598 Exhibit 137 to Commissioner Sims; is that correct?

17:01:039 **A. That's correct.**

17:01:040 Q. And, at this point, you're sharing with
17:01:081 Commissioner Sims that you have a concern about Fain
17:01:122 regarding the Congressional District maps?

17:01:173 **A. Yes.**

17:01:184 Q. What was your concern at that time that you
17:01:195 communicated with Commissioner Sims?

17:01:226 **A. I had so many concerns. I'm not sure what I was**
17:01:257 **referring to specifically there.**

17:01:288 Q. Do you think you communicated whatever your
17:01:309 concern was about the Congressional maps relative to Fain
17:01:350 to Commissioner Sims?

17:01:361 **A. I'm not sure with respect to that concern.**

17:01:422 Q. Well, do you remember sharing concerns about
17:01:453 Commissioner Fain's position on the Congressional map with
17:01:494 Sims?

17:01:505 **A. Yes. I mean, we kept each other updated**

17:01:521 throughout the process. I don't remember this specific
17:01:562 concern -- what this specific concern is, though.

17:01:583 Q. Is this the first time anyone proposed mapping
17:02:074 after the agreement -- after the meeting?

17:02:165 A. Could I see the timestamp on that text? That --

17:02:196 Q. I sure wish I could show it to you, but I don't
17:02:217 have one.

17:02:228 A. I -- I don't believe -- we would have to look at
17:02:249 the timestamp.

17:02:250 I don't believe that's what -- I don't -- I
17:02:271 believe this was sent at least the day prior to the
17:02:312 deadline. I believe this text is from the 14th.

17:02:343 Q. Okay.

17:02:374 (Deposition Exhibit 138 was marked for
17:02:375 identification.)

17:02:436 BY JOAN MELL:

17:02:517 Q. Showing you what's been marked as Exhibit 138,
17:02:538 this "join in the cloud HD video meeting," does that mean
17:02:579 the public part of the meeting? Or did you have a
17:03:000 separate meeting going on?

17:03:031 A. I don't -- that -- my assumption is that that
17:03:052 was a call between just me and April.

17:03:083 Q. So were you Zoom communicating?

17:03:084 A. April and I did Zoom with one another on
17:03:165 occasion.

17:03:171 Q. Were you Zoom communicating on the 15th?

17:03:212 **A. I don't recall.**

17:03:263 (Deposition Exhibit 139 was marked for
17:03:264 identification.)

17:03:305 BY JOAN MELL:

17:03:376 Q. Does Exhibit 139 reflect a meeting you asked
17:03:407 April Sims to join with a person named Barretto and a
17:03:488 Civil Rights attorney?

17:03:499 **A. Yes.**

17:03:530 Q. That happened on --

17:03:541 **A. Repeat the question.**

17:03:552 Q. What day did the -- this happen?

17:04:003 **A. I'd have to confirm, but that may -- my guess
17:04:034 would be that that text is from the 14th. But --**

17:04:065 Q. Did you --

17:04:066 **A. -- it would be good to confirm.**

17:04:087 Q. Did you communicated what you learned from
17:04:108 Beretto and a Civil Rights attorney with Fain?

17:04:199 **A. I don't believe so.**

17:04:200 (Deposition Exhibit 140 was marked for
17:04:201 identification.)

17:04:262 JOAN MELL: That just looks like the same
17:04:273 continuation.

17:04:284 (Deposition Exhibit 141 was marked for
17:04:285 identification.)

17:04:311

BY JOAN MELL:

17:04:322

Q. Oh, this is Exhibit 141. Is this you confirming for April Sims why you were staying in the Marriott instead of the Hampton?

17:04:373

17:04:404

A. Yes.

17:04:505

17:04:536

Q. Okay.

17:04:597

(Deposition Exhibit 142 was marked for identification.)

17:04:598

17:05:019

BY JOAN MELL:

17:05:080

Q. Does Exhibit 142 refresh your recollection as to your negotiations with April Sims over Fain's memo?

17:05:111

17:05:152

A. Could I see the next text after that?

17:05:283

(Deposition Exhibit 143 was marked for identification.)

17:05:284

17:05:345

BY JOAN MELL:

17:05:346

Q. So we're on Exhibits 142 and 143.

17:05:377

A. Yes. This does refresh my memory, yes.

17:05:408

Q. So tell me what you and Sims were discussing with regards to Fain's recommendations.

17:05:439

17:05:490

A. The -- I think that -- what I recollect is Fain's memo was responding to two maps. It was responding to a Legislative map that I had proposed, and it was responding to a Legislative map that Paul Graves had proposed publicly. And it was giving analysis of it, and it was rejecting kind of my proposal. And it was using

17:05:551

17:05:592

17:06:023

17:06:204

17:06:255

17:06:181 metrics to do that.

17:06:192 I believe that April and I had a brief
17:06:223 conversation about whether one of us should do a similar
17:06:284 analysis.

17:06:355 Q. And did you?

17:06:366 A. No.

17:06:587 Q. So when you say, "We're going to start mapping
17:07:008 off your map as a base of looking at the performance
17:07:039 metrics as a guide," are you talking about your and your
17:07:060 staff?

17:07:061 (Deposition Exhibit 144 was marked for
17:07:062 identification.)

17:07:093 THE WITNESS: Yes.

17:07:104 BY JOAN MELL:

17:07:115 Q. And what mapping are you talking about? Did you
17:07:136 get a Congressional map from April to work on?

17:07:187 A. No. I believe that this is -- we were doing --
17:07:228 I released so many maps in this prior couple months. I
17:07:289 believe this was in reference to a Legislative map that I
17:07:310 was working on that crossed the mountains at Interstate
17:07:341 90.

17:07:362 Q. And who -- but it's -- when you say "your map,"
17:07:403 it's Sims -- oh, Sims' Legislative map. So you were
17:07:444 shifting to her mapping. Okay. I got it.

17:07:475 (Deposition Exhibit 145 was marked for

17:07:471 identification.)

17:07:512 BY JOAN MELL:

17:07:543 Q. All right. So did you prepare a consolidated
17:07:564 draft of the Legislative map to review with Sims and her
17:08:025 staff?

17:08:046 **A. I don't think we actually ever did.**

17:08:117 Q. Even though you said, "We'll have some draft
17:08:148 scenarios to look at in about 15 minutes"?

17:08:169 **A. Uh-huh. I believe it was discussed, but I don't**
17:08:180 **believe it actually ever happened.**

17:08:201 Q. And that's Exhibit 145.

17:08:232 (Deposition Exhibit 146 was marked for
17:08:233 identification.)

17:08:254 BY JOAN MELL:

17:08:345 Q. Let's see. Is this 147?

17:08:396 (Deposition Exhibit 147 was marked for
17:08:397 identification.)

17:08:418 BY JOAN MELL:

17:08:429 Q. Okay. Does Exhibit 147 and 146 refresh your
17:08:460 recollection as to whether or not you did get this one map
17:08:511 to review --

17:08:522 **A. We were working on it. I mean, we may have had**
17:08:553 **a draft, but I don't believe it ever came to anything.**

17:09:004 Q. But you're asking her whether or not they agreed
17:09:035 to the 47th and the 5th as you presented it?

17:09:111 GREG WONG: Object to form.

17:09:132 THE WITNESS: Let me read the text.

17:09:183 I can't tell in that text what I mean when I say
17:09:214 "agree re 47th."

17:09:295 (Deposition Exhibit 148 was marked for
17:09:296 identification.)

17:09:307 BY JOAN MELL:

17:09:318 Q. Does 148 help? It's further down the chain.

17:09:389 A. I believe this is -- that text from April I read
17:09:410 is her keeping me up to date on her conversations with
17:09:451 Commissioner Graves.

17:09:462 Q. Isn't she telling you how to handle the 47th in
17:09:493 your proposed Legislative map?

17:09:524 A. That's actually not how I read it. I think
17:09:555 that's referring to her own mapping.

17:09:576 Q. Okay. And when she's saying "they," is she
17:10:017 talking about Graves?

17:10:048 A. That's my understanding.

17:10:069 Q. She's talking about Graves and his staff or
17:10:080 Graves and Fain?

17:10:211 A. I -- I read that as Graves and his staff, but
17:10:242 I'm not sure.

17:10:253 (Deposition Exhibit 149 was marked for
17:10:254 identification.)

17:10:191 BY JOAN MELL:

17:10:242 Q. And Exhibit 149, when you're saying, "The
17:10:273 current CVAP map goes north; right?" are you still
17:10:334 chatting with Sims so that you can be drafting your own
17:10:365 leg map?

17:10:426 A. I believe that comment is expressing my concerns
17:10:457 on the 14th and 15th Legislative Districts in Yakima.

17:10:518 Q. To Sims to share with Graves?

17:10:539 A. No. Not necessarily to share with Graves. I
17:10:550 think just for her awareness.

17:10:581 Q. In her negotiations with Graves?

17:11:002 A. Or in her own drawing of maps.

17:11:043 Q. That she was negotiating with Graves?

17:11:074 A. She was negotiating with Graves, yes.

17:11:105 Q. Okay. And when you said that, "We're digesting
17:11:136 analyzing what Joe sent" --

17:11:187 A. I believe that's myself and Ali O'Neil and
17:11:218 potentially Adam Bartz.

17:11:249 Q. What does the "RN" mean? Is that just an
17:11:260 artifact?

17:11:281 A. I believe that's an abbreviation for "right
17:11:292 now."

17:11:313 Q. Oh, it's getting late, and I'm going to miss a
17:11:374 lot of stuff. I'm very old. Okay. All right.

17:11:435 And so had Joe at that point -- are you talking

17:11:461 about -- is this what Joe sent in the memo, or is there
17:11:502 some other map he'd sent by this time?

17:11:533 **A. I'm not sure. Joe may have sent another map by**
17:11:564 **then.**

17:11:565 Q. And do you know what day this is?

17:12:026 **A. I believe the 14th, but I would like for that to**
17:12:077 **be fact checked.**

17:12:108 (Deposition Exhibit 150 was marked for
17:12:109 identification.)

17:12:200 BY JOAN MELL:

17:12:201 Q. More of the same -- you and April chatting
17:12:232 about -- this is really -- is this all leg map? Or is any
17:12:273 of this Congressional map discussions in Exhibit 150?

17:12:344 **A. I read this as April updating me on the**
17:12:385 **Legislative maps.**

17:12:406 (Deposition Exhibit 151 was marked for
17:12:407 identification.)

17:12:448 BY JOAN MELL:

17:12:489 Q. Okay. And so in this -- this communication
17:12:530 here?

17:12:581 **A. I'm sorry. There's a number of windows open.**
17:13:022 **Which one are you in?**

17:13:023 Q. I'm on Exhibit 151. It's -- it's partially
17:13:054 reflected in the one that you were just looking, 150 right
17:13:095 here.

17:13:131

A. Yes. I'm tracking.

17:13:152

Q. And so is this Sims wanting to talk to you about what she and Paul had been negotiating as to the 44th and the Legislative mapping?

17:13:193

17:13:234

17:13:265

A. Yes. I believe she's updating me on -- I believe that's an update, yes.

17:13:396

17:13:427

Q. And, at that point in time, what was -- what was the negotiation between Sims and Graves on the 44th?

17:13:448

17:13:499

A. I don't know.

17:13:510

Q. Do you remember her updating you?

17:13:551

A. No. I don't remember -- I don't remember the specifics at that stage in the negotiation on the 44th.

17:13:582

17:14:023

Q. What was your issue with the 44th at that point in time?

17:14:044

17:14:085

A. I wasn't --

17:14:086

GREG WONG: Object to form.

17:14:107

THE WITNESS: I don't believe I had an issue. I wasn't closely enough involved. I don't believe I had an issue, or I can't recall what it would be.

17:14:128

17:14:159

17:14:170

BY JOAN MELL:

17:14:281

Q. Okay. And, again, Exhibit 152, you're texting April saying that, "Are you back with Paul? I've spoken to Joe," and then you call and talk about that?

17:14:342

17:14:373

17:14:404

(Deposition Exhibit 152 was marked for identification.)

17:14:405

17:14:431 **THE WITNESS: I'm not sure if the call happened.**

17:14:452 BY JOAN MELL:

17:14:473 Q. This was an invitation to do just that; right?

17:14:524 **A. Yes.**

17:14:535 (Deposition Exhibit 153 was marked for
17:14:536 identification.)

17:14:567 BY JOAN MELL:

17:14:588 Q. How about Exhibit 153? Is this Commissioner
17:15:009 Sims trying to get some leverage and was asking you to
17:15:050 cooperate in that strategy?

17:15:091 **A. I think it's what she says. I think it's an
17:15:122 FYI. I think that Commissioner Sims is just sharing
17:15:153 her -- I mean, sharing how she's feeling and what she's
17:15:184 doing, I think, for mutual support.**

17:15:215 Q. And then you're providing --

17:15:236 **A. I was not involved in that strategy.**

17:15:257 Q. But you -- but you were giving your thoughts on
17:15:278 what other strategy she could deploy, which would be to
17:15:309 say that you only want it in the 14th so you don't accept
17:15:340 it in the 15th?

17:15:361 **A. I was repeatedly raising the issue that I cared
17:15:402 very deeply about, which is the 14th and 15th Districts
17:15:453 and the Voting Rights aspects of those, which did not get
17:15:494 reflected in the final proposal.**

17:15:525 Q. But when you're saying -- you're suggesting to

17:15:531 her that you only want it in the 14th, that you don't
17:15:572 accept it in the 15th, what is "it"?

17:16:013 **A. The majority/minority Hispanic District.**

17:16:164 (Deposition Exhibit 154 was marked for
17:16:165 identification.)

17:16:196 BY JOAN MELL:

17:16:197 Q. And is this a -- does Exhibit 154 further those
17:16:258 suggestions you're making to Sims on how to negotiate with
17:16:299 Graves on the Legislative maps?

17:16:330 **A. It would read this as conveying my perspective
17:16:371 on the Voting Rights Act District.**

17:16:452 Q. Is -- what does this mean? "50 percent CVAP in
17:16:513 the 14th?"

17:16:534 **A. CVAP stands for the Citizen Voting Age
17:16:565 Population, which is a metric that gets used in
17:16:596 redistricting conversations.**

17:17:007 Q. Okay. When you're saying, "Accept lower than
17:17:038 50 percent CVAP in the 14th," is that the minority
17:17:089 preference?

17:17:210 **A. Correct. Minority population, yes.**

17:17:231 Q. Okay. See if 155 furthers this discussion.

17:17:202 (Deposition Exhibit 155 was marked for
17:17:203 identification.)

17:17:254 JOAN MELL: Oh, I've got to close out some of
17:17:285 these or it's not going to open any of the other ones.

17:17:311 Just a second.

17:17:542 GREG WONG: Joan, just checking. It's 5:17.

17:17:573 I've noticed it's marked, looks like, more than 20 more
17:18:004 exhibits.

17:18:025 JOAN MELL: We're going pretty good right now.
17:18:036 I think we can roll through these pretty quickly.

17:18:057 GREG WONG: We can do that. Because I assume
17:18:078 Arthur has a few questions as well.

17:18:099 JOAN MELL: Let me think. Is there -- was
17:18:110 there -- no. I'll go ahead and concede after we get
17:18:131 through these, and he can do what he's going to do.

17:18:152 GREG WONG: Okay. Thank you.

17:18:173 BY JOAN MELL:

17:18:194 Q. Now, I forgot where I was. I'm at -- I was
17:18:245 trying to see if 155 added to that last bubble in a way
17:18:316 that helped make sense of what you were proposing she do
17:18:397 with Graves at this stage.

17:18:408 "I heard that you're no on the leg maps no
17:18:409 matter what at this point" -- oh, here come -- here's that
17:18:430 statement again.

17:18:441 Is this you communicating Fain to Sims?

17:18:482 **A. This is the same text, yes. This is -- that's**
17:18:503 **correct.**

17:18:514 Q. Okay. And when she's saying, "Back to status
17:18:575 quo on the 14/15," is she asking if that's your position,

17:19:021 or is she telling you that's what she and Graves are on?

17:19:052 **A. That's not my position. That's not my position**
17:19:083 **so I assume that it's coming from somewhere else.**

17:19:104 Q. So at Exhibit 155, "Back to status quo on the
17:19:135 14th and 15th," she's asking if you're in -- would be
17:19:186 willing to agree to that.

17:19:207 **A. I think she's keeping me up to date on the**
17:19:238 **conversations with Paul.**

17:19:249 Q. And then you say, "I think the very best for us
17:19:260 would be a less than 50 percent CVAP in the 14th."

17:19:301 So is that -- are you responding to her back to
17:19:352 the status quo with an alternative proposal that's not the
17:19:393 status quo for the 14th?

17:19:414 **A. No. That was never -- no. I'm expressing an**
17:19:445 **opinion.**

17:19:446 I don't -- that was never a proposal that I
17:19:487 would have advanced. I think it was -- short answer is
17:19:518 "no." I am expressing a reaction to what she shared.

17:19:589 Q. And she says, "Okay. Not a status quo."

17:20:050 **A. That's correct. I'm not sure what I said in the**
17:20:071 **next text, but --**

17:20:082 Q. But when she's saying "not status quo," question
17:20:113 mark, is she asking you "don't negotiate status quo"
17:20:154 and --

17:20:195 GREG WONG: Object to form.

17:20:221 THE WITNESS: I'm a little lost in this thread.

17:20:232 But I -- I will -- I won't venture to -- to suppose what I
17:20:303 might have been thinking. But I'm a little lost in this
17:20:324 thread. That's not my -- that was not my perspective on
17:20:355 the 15th and the 14th.

17:20:376 BY JOAN MELL:

17:20:377 Q. Okay. But would you agree that at this -- we
17:20:408 don't know what time this is or what day; correct? You're
17:20:469 assuming --

17:20:470 A. We should fact-check that.

17:20:491 Q. But you're assuming at this time that it's the
17:20:522 14th?

17:20:553 A. There is a debate as to whether or not the
17:20:584 District would be drawn as the 14th through the 15th
17:21:025 District, and there were cases for both. And I had an
17:21:056 opinion on it. It was also an opinion that I made public
17:21:127 in all of my maps that I released.

17:21:148 Q. But I'm wanting to ask what -- what is the ask
17:21:189 here?

17:21:200 A. I actually don't understand that. I -- I read
17:21:221 that, in retrospect, as meaning keeping those two
17:21:292 Districts constant with their current status prior to
17:21:343 redistricting.

17:21:344 Q. Okay. And you're responding with this
17:21:405 statement, which is a reflection of it being status quo or

17:21:451 not status quo?

17:21:462 **A. I read that as expressing an alternative.**

17:21:493 Q. To status quo?

17:21:504 **A. Alternative to status quo, correct.**

17:21:525 Q. Okay. And so then -- then Sims is acknowledging

17:21:556 that by saying, "Not status quo," question mark.

17:22:007 **A. I actually read confusion between both of us in**

17:22:038 **that thread with one another.**

17:22:059 Q. Do you remember calling after she talked to

17:22:080 Laurie --

17:22:081 **A. I --**

17:22:082 Q. -- and clarifying her --

17:22:103 **A. -- I don't recall calling with respect to that**

17:22:124 **after her -- I don't recall that, no.**

17:22:145 (Deposition Exhibit 156 was marked for

17:22:146 identification.)

17:22:207 BY JOAN MELL:

17:22:218 Q. Does Exhibit 156, the continuation of that

17:22:239 thread, clarify or refresh your recollection as to whether

17:22:250 or not you clarified your position on the 14th and 15th

17:22:291 with regard to whether or not Sims should negotiate with

17:22:322 Graves for a Legislative District map status quo?

17:22:373 **A. I don't think that -- I don't think that we ever**

17:22:394 **spoke that night actually.**

17:22:415 Q. Okay. So are you saying that there was a clear

17:22:461 agreement that Paul backed out on that reflected your
17:22:532 position on the 14th and 15th?

17:22:593 **A. I don't recall that text at that moment and what**
17:23:014 **I was referring to.**

17:23:025 (Deposition Exhibit 157 was marked for
17:23:026 identification.)

17:23:177 BY JOAN MELL:

17:23:188 Q. Do you remember replying to Joe --

17:23:199 GREG WONG: Object to form.

17:23:200 BY JOAN MELL:

17:23:201 Q. -- after talking to Sims as reflected in 157?

17:23:262 **A. I'm not sure when I replied to Joe.**

17:23:283 Q. Do you know what Sims told you to say to Joe?

17:23:314 GREG WONG: Object to form.

17:23:325 **THE WITNESS: No. I don't recall if she said --**
17:23:366 **she may not have said anything.**

17:23:407 (Deposition Exhibit 158 was marked for
17:23:408 identification.)

17:23:419 JOAN MELL: I'm just going to scroll through
17:23:480 these quickly. Sorry. This is not where I thought I was.
17:23:521 Got to get back up to speed.

17:24:212 (Deposition Exhibit 163 was marked for
17:24:213 identification.)

17:24:234 BY JOAN MELL:

17:24:235 Q. When you say "false alarm," were you saying

17:24:351 "false alarm," you didn't intend to text her but then you
17:24:392 decided to say, "I really think Joe wants to run the clock
17:24:423 still midnight, then agree"?

17:24:454 **A. Those are disconnected thoughts. I read "false**
17:24:485 **alarm," pocket dial, meaning I accidentally called her by**
17:24:526 **accident from my pocket.**

17:24:537 Q. But then did you intend to text her, in parens,
17:24:568 "I really think Joe wants to run the clock until midnight
17:25:009 and then agree"?

17:25:020 **A. That's just me reflecting some open thoughts I**
17:25:041 **was having --**

17:25:062 Q. That was the thought you were having at that
17:25:063 time that you shared with Sims?

17:25:084 **A. That was -- that was me just speculating.**

17:25:1185 JOAN MELL: Hold on. Remember the days of
17:25:446 paper, Greg?

17:25:447 GREG WONG: Yeah. There's a lot less documents
17:25:478 back when you only had paper.

17:26:049 JOAN MELL: So then I was trying to get to 164.
17:26:020 No. No. I don't need that one.

17:26:281 (Deposition Exhibit 165 was marked for
17:26:282 identification.)

17:26:293 BY JOAN MELL:

17:26:294 Q. 165, Sims is telling you, "Yes, but we have to
17:26:315 hop on and give an update. Can walk to the steps."

17:26:341 Did you have the impression at some point during
17:26:362 the public meeting, when you were privately negotiating,
17:26:403 that you would conform with open government as long as you
17:26:464 gave updates as to what you discussed privately?

17:26:525 GREG WONG: Object to form.

17:26:576 **THE WITNESS: At -- at that time in that hour**
17:27:007 **leading up to the vote, I was -- I was not clear.**

17:27:328 JOAN MELL: We're back to the meeting now.

17:27:349 GREG WONG: You have some repetition in exhibits
17:27:350 there.

17:27:371 JOAN MELL: It's hard because I got two
17:27:382 different batches, and they've numbered this same content
17:27:423 differently in the public records request. And then they
17:27:484 omitted numbers so there's -- there's something missing --
17:27:555 something going on that doesn't make sense to me so this
17:28:146 must have all run over.

17:28:217 Okay. I got that.

17:28:378 (Deposition Exhibit 176 was marked for
17:28:379 identification.)

17:28:400 BY JOAN MELL:

17:28:401 Q. Exhibit 176 is between you and Sarah Augustine.

17:28:442 And did she -- did you guys have a plan to meet
17:28:473 in Federal Way by the 8th?

17:28:524 **A. I think she may have. I didn't decide to go**
17:28:565 **down to Federal Way until Sunday morning on the 14th.**

17:29:041 Q. And when she stopped by either on the 14th --
17:29:112 did she stop by on the 14th?

17:29:143 A. I can't remember.

17:29:154 Q. Okay. Do you remember telling Sarah anything to
17:29:215 communicate back with the other Commissioners --

17:29:256 A. No.

17:29:257 Q. -- when she met with you?

17:29:278 A. No.

17:29:279 (Deposition Exhibit 177 was marked for
17:29:270 identification.)

17:29:401 BY JOAN MELL:

17:29:402 Q. In this communication from Sarah, when he she's
17:29:453 saying, "Redistricting staff have completed the final
17:29:474 record to the Legislature," what -- what is she talking
17:29:525 about?

17:29:556 A. Oh, that's a fair bit later. She's -- this is
17:29:587 after the maps have been transmitted. This is in
17:30:038 reference to what the Redistricting Commission was
17:30:089 statutorily required to do, which was to submit all the
17:30:210 public testimony and the shapefiles of the maps to the
17:30:261 Legislature. And I believed that we did need to approve
17:30:292 it. I don't remember the exact date.

17:30:203 Q. Do you remember meeting publicly to approve it?

17:30:234 A. That was a public meeting, yes.

17:30:425 Q. Got all out of order here. Okay. That's --

17:30:511 wait a minute. Right here.

17:30:532 Exhibit 178, was she saying to you -- oh, you're
17:30:563 saying to her, "Should I stay logged in, or okay to sign
17:30:594 out?" Is this -- is this you asking whether or not you
17:31:105 should sign out of a public meeting after it convened?

17:31:166 (Deposition Exhibit 178 was marked for
17:31:167 identification.)

17:31:168 **THE WITNESS: I was seeking advice, yes. I was**
17:31:189 **seeking advice on when to keep my camera on and off in the**
17:31:200 **public meeting portion of the agenda that began after**
17:31:211 **7:00 p.m.**

17:31:262 BY JOAN MELL:

17:31:263 Q. Did you stay in the public meeting just off
17:31:304 camera the entire time?

17:31:335 GREG WONG: Object to form.

17:31:346 **THE WITNESS: No. I was on camera for portions.**

17:31:377 BY JOAN MELL:

17:31:388 Q. Okay. Were you logged into the meeting for all
17:31:449 five-plus hours?

17:31:460 **A. I believe I followed Sarah's advice. There**
17:31:481 **was -- there were internet connectivity issues that sprung**
17:31:522 **up on occasion, but I believe I was.**

17:31:553 Q. So then was -- was Chair Augustine controlling
17:32:054 you coming in and out of the public portion of the
17:32:095 meeting?

17:32:101 GREG WONG: Object to form.

17:32:122 **THE WITNESS: Yes. I believe she was -- she was**
17:32:143 **convening those the -- the sequential and periodic updates**
17:32:194 **we were providing from 7:00 p.m. until midnight.**

17:32:225 BY JOAN MELL:

17:32:226 Q. And, during that time, you were just off mic,
17:32:267 off camera unless she let you into the public meeting?

17:32:338 **A. That's my recollection.**

17:32:349 JOAN MELL: Okay. I had -- I had another
17:32:460 question floating around in my head that that
17:32:491 precipitated, but it's gone now. So let me cede to Arthur
17:32:532 since we're late hour. If I remember it, I would reserve
17:32:573 the right to bring back at least that one even if it might
17:32:594 be outside the scope of what Arthur says.

17:33:025 GREG WONG: Arthur, go ahead, and hopefully
17:33:046 appreciate your brevity on this.

17:33:077 ARTHUR WEST: Very good.

17:33:088 Can we see Exhibit 2, page 5? Is that possible?

17:33:179 JOAN MELL: Yeah. Just a minute. Let me see.

17:33:220 **THE WITNESS: Can you see me okay in the room?**
17:33:241 **I don't have the lights on.**

17:33:262 ARTHUR WEST: You're fine.

17:33:273 GREG WONG: Pretty good to me.

17:33:284 **THE WITNESS: Okay.**

17:33:245 JOAN MELL: I think that's Mister reminding me

17:33:371 that I have not fed him yet.

17:33:402 GREG WONG: It's been a long day.

17:33:423 **THE WITNESS: Is Mister a feline or canine?**

17:33:454 **Okay. Canine.**

17:33:525 JOAN MELL: Okay. I believe this is Exhibit 2,
17:33:526 Ali O'Neil's statement.

17:33:557 Is that what you're asking for?

17:33:578 ARTHUR WEST: Start with page 5, and then move
17:33:599 through 6 and 7.

17:34:000 (Deposition Exhibit 2 was marked for
17:34:001 identification.)

17:34:002 E X A M I N A T I O N

17:34:003 BY ARTHUR WEST:

17:34:014 Q. Good evening, Commissioner Walkinshaw.

17:34:085 At any time around 11:57 p.m., did you receive a
17:34:166 text from Ms. O'Neil?

17:34:197 GREG WONG: Is there a screen share that's on?

17:34:218 **THE WITNESS: I can't see any exhibit.**

17:34:239 JOAN MELL: Okay. Just a second. I thought I
17:34:250 was sharing.

17:34:281 And, Arthur, I think that the -- it's 11:47 on
17:34:322 this document.

17:34:363 ARTHUR WEST: Yeah.

17:34:374 JOAN MELL: If you want to direct him to a
17:34:395 different time.

17:34:411 ARTHUR WEST: Little lower down on page 5, the
17:34:432 second paragraph from the bottom.

17:34:453 JOAN MELL: Oh, there we go. Sorry. Okay.

17:34:474 BY ARTHUR WEST:

17:34:505 Q. Have you reviewed the statement of Ali O'Neil?

17:34:546 A. I have.

17:34:567 Q. Do you consider it to be accurate?

17:35:028 A. It -- there are portions that I agree with.

17:35:049 There are other portions that I have some different
17:35:070 recollections on.

17:35:091 Q. Okay. As to the second to the last paragraph on
17:35:132 page 5, is that an accurate statement?

17:35:133 A. The -- the first sentence of that bullet is
17:35:164 accurate. She did text me saying this. I don't recall
17:35:115 the next two sentences.

17:35:136 And I just lost the screen share. I'm sorry.

17:35:407 Q. So were you contacting her voicing these
17:35:458 concerns at any time prior to this point?

17:35:489 A. Can you repeat that, Arthur? I didn't hear what
17:35:500 you said.

17:35:511 Q. Were you contacted by her voicing these type of
17:35:552 concerns at any time prior to this point?

17:35:593 A. Throughout the process, Ali and I discussed our
17:36:014 concerns over a variety of issues, yes.

17:36:045 Q. Okay. Did you discuss the -- her concerns about

17:36:101 voting on a proposal that lacked maps?

17:36:182 **A. We did in a waning -- in the waning minutes**
17:36:213 **prior to midnight, yes, because it was -- it became**
17:36:234 **apparent that the maps would not yet be completed.**

17:36:265 Q. And what were her concerns that she expressed to
17:36:296 you?

17:36:307 **A. Specifically those in that text.**

17:36:338 Q. Okay. Very good.

17:36:379 Let's proceed to page 6.

17:36:560 Around 12:38 a.m., were you aware that an --
17:37:031 that Matt Bridges sent an updated and
17:37:072 near-final Congressional map proposal?

17:37:123 **A. I -- I wasn't. I don't remember the -- I assume**
17:37:154 **that I saw it, but I don't remember the exact time or this**
17:37:205 **email coming in.**

17:37:216 Q. And is it your -- one, two, three, four, five --
17:37:277 fifth paragraph down -- "around the same time, all staff
17:37:328 and Commissioners gathered," is this a correct paragraph?
17:37:389 Is there any inaccuracies here?

17:37:500 **A. It's not how I would characterize the full**
17:37:531 **paragraph, no.**

17:37:542 Q. Okay. And what manner is it not accurate in
17:37:593 your --

17:37:594 **A. The first sentence I agree with, that**
17:38:025 **following -- you know, around that time, staff and**

17:38:061 Commissioners were gathered in this main meeting room on
17:38:092 the first floor of the Hampton Inn.

17:38:123 Q. Okay.

17:38:124 A. I agree with that. And I agree with that, in
17:38:165 that large room, the second sentence I also agree with.

17:38:206 I don't agree -- I don't recall the third
17:38:257 sentence.

17:38:258 I do agree that we had been informed by the
17:38:289 Supreme Court that we no longer had jurisdiction -- or I'm
17:38:310 sorry -- by -- I apologize. Strike that -- from the
17:38:351 Attorney General that we no longer had jurisdiction.

17:38:382 But not this -- not this point that the OPMA was
17:38:403 taken in a light-hearted way.

17:38:444 Q. Thank you. And, just for the record, did you
17:38:495 have an understanding of how all the staff and the
17:38:526 Commissioners ended up in that conference room?

17:39:027 A. When I -- when I track it back to remember in
17:39:058 that given moment, I don't remember the steps that lead to
17:39:099 that, no.

17:39:200 Q. Did you remember the -- receiving some --
17:39:341 involving the -- a Legislative map around 11 -- 12:57 a.m.
17:39:412 that she talks about in the next paragraph?

17:39:473 A. Not familiar with that --

17:39:514 Q. So you weren't involved in that?

17:39:525 A. I was not.

17:40:031 Q. At the last paragraph at the bottom of this
17:40:052 page, did you have a discussion with Commissioner
17:40:093 Fain involving Normandy Park?

17:40:124 A. Yes. Commissioner Fain raised this point. And
17:40:155 then I said to him that that's outside of the agreement
17:40:206 and we've already made decisions on this so it was not
17:40:237 taken into account.

17:40:258 Q. Were any of the other Commissioners present
17:40:279 during that discussion?

17:40:290 A. We were in the same large conference room, but
17:40:311 the conversation was between myself and Commissioner Fain.

17:40:342 Q. But were any of the other Commissioners in the
17:40:373 vicinity during that conversation?

17:40:414 A. How would you define "vicinity"?

17:40:435 Q. Ten feet?

17:40:466 A. I would say more -- more distance than that, but
17:40:497 we were in the same conference room that's been described.

17:40:548 Q. Onto page 7, paragraph 2 says, "The
17:41:019 Commissioners agreed to send the Congressional map files
17:41:050 to Commission staff."

17:41:071 Were you part of any discussion or agreement to
17:41:102 do that?

17:41:123 A. I -- I was. That would have been between myself
17:41:144 and Commissioner Fain.

17:41:165 Q. Okay. Were any of the other Commissioners

17:41:181 involved in that?

17:41:202 **A. Not to my recollection.**

17:41:233 Q. Okay. Do you know one way or the other, or are
17:41:294 you just not recalling?

17:41:325 **A. It was Commissioner Fain and I were working most**
17:41:366 **closely on -- along with the Legislative staff who worked**
17:41:407 **most closely with us who were Paul Campos and Ali O'Neil**
17:41:458 **respectively.**

17:41:479 Q. Were --

17:41:470 **A. We were working together on translating the**
17:41:501 **agreement that we voted on into the maps.**

17:41:532 Q. Could anyone else have been working slightly
17:41:563 less closely with you on that such as either of the other
17:41:594 two Commissioners?

17:42:025 GREG WONG: Object to form.

17:42:046 **THE WITNESS: They were not involved in that**
17:42:057 **process so I don't -- I -- other than maybe the kind of,**
17:42:128 **"How's it going?" kind of question, I -- it was -- it was**
17:42:179 **primary -- it was myself and Commissioner Fain.**

17:42:230 BY ARTHUR WEST:

17:42:231 Q. Okay. To the extent that any of the other
17:42:252 Commissioners and/or Ms. O'Neil may have stated under oath
17:42:283 that there was a discussion amongst the Commissioners at
17:42:334 this point, you -- your testimony is that they would be
17:42:375 mistaken?

17:42:381 GREG WONG: Object to form.

17:42:412 THE WITNESS: No. I think there was an
17:42:433 awareness that it was being sent in. I don't remember the
17:42:454 exact specifics. I would say it was primarily myself and
17:42:485 Commissioner Fain.

17:42:496 BY ARTHUR WEST:

17:42:497 Q. Okay. But you're saying that there was an
17:42:518 awareness of this on the part of the other Commissioners?

17:42:589 A. Yes.

17:42:590 Q. How would that awareness have been transmitted
17:43:041 to them?

17:43:082 A. I don't recall specifically how it was said at
17:43:113 that -- at that -- in that evening. But it was -- we were
17:43:154 all working to complete the respective maps that we'd
17:43:215 negotiated in our dyads.

17:43:236 Q. The other two Commissioners had an awareness of
17:43:267 that; did they voice any objections to your knowledge?

17:43:318 A. Not to my knowledge.

17:43:329 Q. Okay. Two paragraphs further down, paragraph 4,
17:43:470 do you recall a point where the Commissioners -- plural --
17:43:511 were urging staff to hurry and finish the maps so they
17:43:542 could be posted as quickly as possible and before the
17:43:573 reporters woke up?

17:44:004 A. Which -- sorry. With the scroll, I lost track.
17:44:025 Which bullet are you on?

17:44:051 Q. The fourth one from the top. It starts with,
17:44:102 "The Commissioners were urging staff to hurry," right at
17:44:193 the top of the screen right now.

17:44:214 A. I'm tracking. I'm rereading the paragraph.
17:44:245 Thank you.

17:44:366 I don't remember -- I don't recall myself doing
17:44:397 that. I do believe that there was a sense of urgency to
17:44:478 complete the maps because we had missed the deadline.

17:44:569 Q. Okay. Did you discuss the timing of the
17:44:580 completion of the maps with the other Commissioners?

17:45:061 A. For instance, when the Congressional map was
17:45:092 completed and submitted in the non-partisan staff, that
17:45:143 was -- I believe all the Commissioners were aware that
17:45:154 that was completed.

17:45:175 I don't recall when the Legislative map was
17:45:186 completed. And I have -- I said previously I -- I did not
17:45:227 see the Legislative map before it was transmitted so I
17:45:268 don't recall when that was completed.

17:45:289 Q. Okay. Did you have any discussions with any of
17:45:310 the other Commissioners about the Legislative map?

17:45:371 A. Insomuch as I checked in to see how they were
17:45:432 doing but not -- not in specifics.

17:45:463 Q. In generalities?

17:45:514 A. Along the lines of, "Are we -- are we making
17:45:555 progress? Is this aligned with what we voted on?" but not

17:45:58L in specifics.

17:45:59Z Q. Okay. And these general conversations, who did
17:46:03Z they take place with?

17:46:06Z A. I don't recall. I was -- in those hours, I was
17:46:08Z primarily focused on the Congressional maps. And then I
17:46:12Z recall taking an extended kind of rest while staff were
17:46:17Z working on the maps --

17:46:19Z Q. Did you have --

17:46:19Z A. -- in the morning hours.

17:46:22Z Q. To the extent that you may have had discussions
17:46:25Z over these maps with more than two of the other
17:46:29Z Commissioners, would you recall that at this point?

17:46:43Z A. In the sense of what I said a moment ago, in
17:46:45Z generalities. But I was not involved in the direct kind
17:46:52Z of drawing of the Legislative maps that Commissioner
17:46:56Z Graves and Commissioner Sims were collaborating on.

17:46:59Z Q. But you discussed with two of the other -- at
17:47:02Z least two of the other Commissioners in general terms this
17:47:06Z process?

17:47:10Z A. Getting a little confused.

17:47:14Z I was aware of what they were working on, and
17:47:18Z I -- I checked in with Commissioner Sims on -- for an
17:47:21Z update just to be sure that the work that they were doing
17:47:24Z to translate the agreement to the maps was still in line
17:47:28Z with kind of the decisions that we'd previously made.

17:47:341 Q. Did you speak with Commissioner Fain and Graves
17:47:372 concerning those matters?

17:47:393 A. I spoke with Commissioner Fain a fair bit that
17:47:434 evening because we were working on the Congressional maps.
17:47:525 I don't recall specific conversations with Commissioner
17:47:546 Graves.

17:47:557 Q. Okay. With -- was Commissioner Fain in the
17:48:008 vicinity when you talked to any of the other
17:48:049 Commissioners?

17:48:070 A. We were -- we were all in the same conference
17:48:081 room at the Hampton Inn in that period after midnight.

17:48:112 Q. Okay. Were you involved in any conversations
17:48:163 with two or more of the other Commissioners?

17:48:234 GREG WONG: Object to form.

17:48:265 THE WITNESS: I think, again, we -- we were all
17:48:286 in the same room, and we all did have some conversations.

17:48:317 They were not substantive -- I didn't see them
17:48:358 as -- I did not see them as -- as related to kind of
17:48:409 negotiating or giving direction on maps that I wasn't
17:48:460 involved in negotiating like the -- like the -- like the
17:48:521 Legislative maps which we'd already voted on a plan for.

17:48:562 BY ARTHUR WEST:

17:48:573 Q. What about the Congressional maps?

17:49:024 A. I -- I believe that, you know, Commissioner
17:49:055 Fain and I actually did that quite directly with one

17:49:081 another in translating that agreement into maps in which
17:49:142 Paul Campos and Ali O'Neil were also involved.

17:49:183 Q. Did you at any time discuss any portions of that
17:49:224 process or receive any type of implicit or explicit
17:49:285 approval from either of the other two Commissioners in
17:49:306 that seven-hour period?

17:49:337 GREG WONG: Object to form.

17:49:378 THE WITNESS: Only in the sense of what I said,
17:49:399 is this -- you know, just -- is this consistent with the
17:49:420 vote that we'd taken that evening?

17:49:451 I think that everyone was -- I was interested in
17:49:482 making sure that what was done that morning was consistent
17:49:523 with the vote being taken.

17:49:564 BY ARTHUR WEST:

17:49:565 Q. Did the other two Commissioners find that the
17:49:586 maps, as produced, were consistent with the vote that they
17:50:027 had taken?

17:50:038 GREG WONG: Object to form.

17:50:049 THE WITNESS: I -- they've since supported them.
17:50:090 I don't know.

17:50:101 BY ARTHUR WEST:

17:50:102 Q. Okay. Did you have any discussions with them
17:50:133 concerning the maps?

17:50:184 A. On -- on the Legislative maps, I didn't -- not
17:50:225 have a discussion on the final maps before they were

17:50:241 submitted. And I -- I think I -- yeah. I did not, no.

17:50:292 Q. Did you have any discussions on the maps as they
17:50:333 were a work in progress?

17:50:404 A. Only in what I said, which was to -- in my mind,
17:50:445 just to ensure that -- to check in to just affirm that
17:50:536 they were aligned with the agreement we voted.

17:50:567 Q. So that would be a "yes" then?

17:50:598 GREG WONG: Objection to form.

17:51:039 THE WITNESS: It's -- I would say it was -- it
17:51:050 was to check in on the -- to ensure that they were aligned
17:51:101 with what we voted on. So it was not -- that's what I
17:51:132 would say.

17:51:143 BY ARTHUR WEST:

17:51:144 Q. So you did discuss the maps to the extent
17:51:185 with -- with two or more of the other Commissioners to the
17:51:256 extent that they assured you that they were consistent
17:51:277 with what you had voted on?

17:51:308 A. I don't recall any conversation where I was
17:51:329 assured by two Commissioners in a conversation that they
17:51:350 were, no. I don't recall that.

17:51:391 Q. Do you remember any -- any conversation where
17:51:422 you were assured by one Commissioner?

17:51:463 A. I -- I actually can't recall the specifics of
17:51:494 them at this point, no.

17:51:525 Q. So to the extent that you may have discussed

17:51:541 these matters with two Commissioners at the same time or
17:51:592 sequentially, you do not recall that at this point?

17:52:033 GREG WONG: Object to form.

17:52:044 THE WITNESS: At this point, I don't recall the
17:52:095 specifics on how those conversations happened that
17:52:126 evening, no.

17:52:137 I do -- I -- I would affirm what I had said,
17:52:188 that I was reassured, I suspect, by Commissioner Sims that
17:52:239 evening that the Legislative maps were consistent with
17:52:270 what we agreed to.

17:52:291 BY ARTHUR WEST:

17:52:302 Q. Okay. And were you reassured by any of the
17:52:323 other Commissioners?

17:52:374 A. Well, on the -- on the Congressional maps was
17:52:405 reassured -- well, I was working on it directly.

17:52:456 And, consistent with what Ali O'Neil shared in
17:52:487 this memo, we submitted -- we submitted those maps to
17:52:518 non-partisan Commission between 4:00 and 5:00 a.m. the
17:52:569 morning of the 16th.

17:52:570 Q. Which two of the other Commissioners did you
17:53:001 speak with or have receive assurances of -- concerning
17:53:042 those maps then?

17:53:203 A. Well, on the Congressional map, I was directly
17:53:234 involved in it so I guess I -- I affirmed it for myself.

17:53:205 And with the Legislative maps, I would say I

17:53:251 **trusted in the assurance of Commissioner Sims.**

17:53:292 Q. Okay. So around 5:30 or 6:00 a.m., are you
17:53:413 aware that Commissioner Fain left the room?

17:53:464 A. I -- I don't recall that time window and what
17:53:525 Commissioner Fain did between those hours.

17:53:546 Q. Okay. Do you recall Commissioner Graves
17:53:577 receiving a phone call?

17:53:598 A. No, I don't recall.

17:54:029 Q. And we're talking now one, two, three, four --
17:54:050 six -- sixth paragraph down.

17:54:121 Do you recall Graves indicating to Commissioners
17:54:192 Sims and Walkinshaw that there were potentially some legal
17:54:233 questions about the previous night's vote?

17:54:274 A. I recall myself, as I testified earlier, having
17:54:345 questions given the Attorney General's email that we had
17:54:386 lost jurisdiction on -- as a Commission around what that
17:54:437 meant legally for the work product that we were
17:54:478 developing.

17:54:499 Q. To the extent that Ali O'Neil wrote a
17:54:530 statement -- wrote paragraph 6 saying that that happened
17:54:581 and testified under oath to that effect, do you believe
17:55:032 she's mistaken?

17:55:053 GREG WONG: Object to form.

17:55:074 **THE WITNESS: I'm not disavowing it. I just**
17:55:105 **don't recall those specifics.**

17:55:111

BY ARTHUR WEST:

17:55:122

Q. Okay. So as far as your memory goes, to the

17:55:163

extent that someone testified under oath that this

17:55:214

happened, you would have no knowledge to contest that?

17:55:285

GREG WONG: Object to form.

17:55:326

THE WITNESS: Again, I -- I don't recall the

17:55:347

specifics of that time period after 6:00 a.m. and the

17:55:408

specific conversation that's referenced.

17:55:429

BY ARTHUR WEST:

17:55:430

Q. Okay. Are there any other conversations with

17:55:491

the Commissioners that you do not precisely recall?

17:55:542

GREG WONG: Object to form.

17:56:013

THE WITNESS: Not at -- not at the top of my

17:56:034

mind.

17:56:045

BY ARTHUR WEST:

17:56:056

Q. Okay. So you remember all the conversations you

17:56:107

had with each one of the other Commissioners during the

17:56:148

seven-hour period?

17:56:159

A. No. No. I don't -- I don't -- I don't have a

17:56:270

perfect memory of that. I'd been up for many hours and

17:56:211

don't recall all the specifics, no. And --

17:56:242

Q. So --

17:56:243

A. -- for a significant period I was -- for a

17:56:274

period, I was off to the side of the room taking a nap.

17:56:315

Q. I'm talking about the time when your eyes were

17:56:331 open and hopefully you were conscious. And I'm asking if
17:56:402 it's possible that you had conversations with the other
17:56:443 Commissioners that you do not recall at this point.

17:56:504 **A. That -- that's possible.**

17:56:535 Q. Okay. Let's get to the next paragraph.

17:57:056 Ms. O'Neil stated in her -- her -- her statement
17:57:097 and in her testimony that she then heard the Commissioners
17:57:148 discuss how they would portray what they had done.

17:57:199 Do you consider that to be an accurate
17:57:210 statement? Third paragraph from the bottom.

17:57:451 **A. I'm not sure if I was a party to this. I**
17:57:522 **recall -- I recall aspects of this, like what we discussed**
17:57:573 **earlier around the statement to the press the following**
17:57:594 **day.**

17:58:065 Q. When Ms. O'Neil was questioned -- when I
17:58:116 questioned Ms. O'Neil about this paragraph, she indicated
17:58:147 that she observed you and the other two Commissioners who
17:58:188 were present in -- involved in this discussion.

17:58:239 Do you believe she was testifying falsely when
17:58:250 she said that?

17:58:261 GREG WONG: Object to form.

17:58:282 **THE WITNESS: No. I just don't have the memory**
17:58:303 **of those specifics.**

17:58:324 BY ARTHUR WEST:

17:58:325 Q. So to the extent that this might have happened,

17:58:341 you have no recollection?

17:58:482 **A. I -- I don't -- I just -- I do not believe that**
17:58:553 **I was making a decision that evening to recommend the maps**
17:59:094 **to the Supreme Court. I don't believe that that -- I was**
17:59:115 **not privy to a conversation where I agreed to that or**
17:59:156 **stated that that I can recall.**

17:59:177 **Q. Short of making a decision to recommend the maps**
17:59:228 **to the Supreme Court, do you recall being involved in any**
17:59:279 **discussions that did not quite rise to that where they --**
17:59:320 **there was a discussion of how to portray the maps?**
17:59:341 **Discussion of what -- what was to happen with them short**
17:59:412 **of recommending them to the Supreme Court?**

17:59:443 **A. I don't remember strategy discussion that I**
17:59:474 **participated in to that effect.**

17:59:495 **I do agree that it was stated that we'd missed**
17:59:536 **the deadline and that -- that's true.**

17:59:567 **Q. Stated by who?**

17:59:578 **A. At some point, I think that was -- I think we**
18:00:039 **all probably -- I won't surmise, but I certainly felt that**
18:00:070 **we missed the deadline.**

18:00:081 **Q. Okay. And were there any discussions about that**
18:00:122 **between you and any of the other Commissioners?**

18:00:213 **A. I may have spoken with Commissioner Fain about**
18:00:234 **it in our -- as we were working on the Congressional map.**
18:00:255 **We may have -- that may have been discussed. I don't -- I**

18:00:291 don't recall.

18:00:292 Q. Okay. Do you recall speaking about that subject
18:00:323 with either of the other two Commissioners during that
18:00:354 seven-hour period?

18:00:405 GREG WONG: Object to form.

18:00:426 THE WITNESS: I don't -- I don't remember the
18:00:447 specific unfolding of --

18:00:468 BY ARTHUR WEST:

18:00:479 Q. Okay. Second to last paragraph, Ms. O'Neil
18:00:550 wrote in her statement and testified under oath in her
18:01:001 deposition that she then heard the Commissioners decide --
18:01:062 Commissioners -- plural -- decide that they did not want
18:01:093 to post the maps publicly at that time. And there was a
18:01:154 request made to the Commission staff to take down the
18:01:185 Congressional map that was posted shortly beforehand.

18:01:226 Did you -- do you recall any conversations to
18:01:297 that effect or any decision that was made to that effect?

18:01:338 A. I don't remember the decision.

18:01:349 I did have the belief, which I stated earlier,
18:01:370 that I thought that the two maps should be released
18:01:411 simultaneously to the public.

18:01:452 Q. Okay.

18:01:473 GREG WONG: We're a little bit after 6:00 right
18:01:494 now. Are you almost done?

18:01:525 ARTHUR WEST: I'm almost done.

18:01:521 GREG WONG: Yes. Thank you. I think we're all
18:01:542 running out of steam here, and the witness has been pretty
18:01:573 accommodating.

18:01:584 ARTHUR WEST: He has been accommodating to the
18:02:005 extent that his memory serves him. I only have a few
18:02:036 questions left. And, if you'll let me proceed, we'll be
18:02:087 done rather quickly.

18:02:118 BY ARTHUR WEST:

18:02:119 Q. So I'll go back to where I was.

18:02:140 Did you have any conversations with the other
18:02:171 Commissioners about not posting and removing the maps that
18:02:262 were posted?

18:02:293 A. I -- I believe that I -- I had stated that I
18:02:334 thought both maps should be posted at the same time. That
18:02:365 was my opinion.

18:02:386 I don't know in what -- I don't know how many
18:02:417 others I expressed that to, but that was my -- that was my
18:02:448 opinion.

18:02:459 Q. And then did you express that opinion to the
18:02:480 other two Commissioners?

18:02:511 GREG WONG: Object to form.

18:02:522 THE WITNESS: I -- I'm not sure if I just
18:02:553 expressed it to Lisa McLean or to Commissioner Augustine
18:02:584 or to a broader group.

25

18:03:001

BY ARTHUR WEST:

18:03:012

Q. To the extent that Ms. O'Neil testified under oath that you and the other two Commissioners discussed this matter and came to a -- a decision, can you testify from your memory that this would be a false representation?

18:03:043

18:03:084

18:03:145

18:03:166

18:03:207

A. No. I -- no. I would not -- I would not testify to that.

18:03:238

18:03:249

Q. So, to the best of your recollection, you don't remember whether you talked with two of the other Commissioners about this matter?

18:03:280

18:03:311

18:03:332

A. Yes. That -- that's correct. I don't remember how the decision was made.

18:03:353

18:03:374

Q. Okay. And for a large portion of these other decisions and conversations that Ms. McNeil identify, your testimony would also be that you do not recall the specifics of what your conversations were with the other two Commissioners.

18:03:435

18:03:486

18:03:527

18:03:548

18:03:569

GREG WONG: Object to perform.

18:04:010

THE WITNESS: I worked closely with Commissioner Fain that evening completing the Legislative -- the Congressional maps. So I -- I -- I don't know that I fully agree with that statement.

18:04:021

18:04:032

18:04:023

18:04:014

BY ARTHUR WEST:

18:04:025

Q. Okay. Do you recall -- well, in what way or

18:04:171 manner don't you fully agree with it?

18:04:192 **A. Could you restate it?**

18:04:223 Q. My question is that, to the extent that
18:04:284 Ms. O'Neil has written a statement talking about the
18:04:325 various actions that the Commissioners jointly took and
18:04:366 the discussions that they had and to the extent that she
18:04:407 testified under oath that you and the other Commissioners
18:04:448 jointly discussed three or four matters during this
18:04:519 seven-hour period, is it your testimony that -- that
18:04:580 you -- none of this happened?

18:05:021 Or is it your testimony that you do not
18:05:032 precisely recall what your conversations were with the
18:05:083 other Commissioners?

18:05:104 **A. Yeah. My testimony is that, during this time, I**
18:05:135 **was working primarily with Commissioner Fain to -- to kind**
18:05:166 **of resolve and translate the votes into maps.**

18:05:107 I don't recall all the specifics. I don't know
18:05:138 that I was party to all of the bullets here that are
18:05:159 outlined Ms. O'Neil's memo.

18:05:200 Q. So you don't know whether or not you were a
18:05:221 party to all these bullet discussions?

18:05:242 **A. Yes. And I know for certain that I'm -- yes.**
18:05:263 **That's correct.**

18:05:284 Q. Okay. So thank you.

18:05:455 Do you recall a point where the maps were

18:05:481 finally reconciled?

18:05:542 **A. No, I don't.**

18:05:573 Q. Okay. Were you in the room still at seven
18:06:014 o'clock?

18:06:045 **A. I believe I left thereabouts. I don't -- I
18:06:066 don't recall that bullet.**

18:06:087 Q. Okay. Let's go to page 8, paragraph 2.
18:06:178 Did the Commissioners -- do you recall being a
18:06:219 part of an agreement among the Commissioners not to post
18:06:250 the maps before the 10:00 a.m. press conference as
18:06:291 Ms. O'Neil writes in her -- in her statement?

18:06:332 **A. Not that decision, no.**

18:06:363 Q. Okay. Do you recall any discussion of that --
18:06:414 of when to post the maps at that point?

18:06:475 **A. I recall all of us being very tired and
18:06:506 concerned that a 10:00 a.m. press conference, we may not
18:06:557 be awake. That I do recall.**

18:06:578 Q. And then was that understanding based upon
18:07:019 conversations with the other two Commissioners who were
18:07:050 present in the room at that point?

18:07:081 **A. I probably conveyed it to at least -- to at
18:07:212 least one Commissioner. I don't recall.**

18:07:233 Q. Okay. So to the extent that there may have been
18:07:274 an understanding and you may have spoken to the other two
18:07:285 Commissioners at that point, you don't recall that either?

18:07:241 **A. Not on this point of the -- no. Not with**
18:07:262 **regards to the -- the press conference.**

18:07:313 Q. Do you recall leaving the Hampton Inn at around
18:07:354 7:40 a.m.?

18:07:365 **A. I believe that's accurate, yes.**

18:07:476 Q. During the ride back with Ms. O'Neil, do you
18:07:527 recall her discussing that the maps were -- were still a
18:07:578 work in progress and not yet finally approved?

18:08:009 **A. That --**

18:08:010 GREG WONG: Object to form.

18:08:021 **THE WITNESS: I agree with that bullet, yes.**

18:08:052 BY ARTHUR WEST:

18:08:053 Q. Okay. So even after seven o'clock in the
18:08:074 morning, the -- by your perspective, the maps were still a
18:08:105 work in progress and not fully approved?

18:08:146 **A. I had not seen a Legislative map, yes. It had**
18:08:187 **not been completed.**

18:08:198 Q. Okay. Were the maps later fully approved?

18:08:299 GREG WONG: Object to form.

18:08:320 **THE WITNESS: What do you mean by "approved"?**

18:08:331 **The --**

18:08:352 BY ARTHUR WEST:

18:08:353 Q. Well, it says that they were a work in progress
18:08:374 and not fully approved. I'm wondering if they ever
18:08:415 proceeded to a point where they were not a work in

18:08:441 progress and they were approved.

18:08:462 **A. Well, I felt that the maps reflected the**
18:08:513 **agreements that were -- the proposal that was voted on the**
18:08:584 **evening of the 15th.**

18:08:595 Q. At what point?

18:09:006 **A. For me, once I had seen them, probably by**
18:09:097 **Wednesday or Thursday. I don't remember specifically.**

18:09:118 Q. Okay. So sometime -- sometime Wednesday and
18:09:149 Thursday they became something more than a -- than a work
18:09:190 in progress and they were approved. Is that -- would that
18:09:241 be your testimony?

18:09:252 **A. Not that they were approved.**

18:09:263 **We -- they were transmitted to the Supreme Court**
18:09:294 **as acknowledging that we had missed the deadline, and then**
18:09:335 **the Court issued a judgment.**

18:09:366 Q. Okay. Did -- at such point as they became
18:09:437 finalized, did the Commissioners review them?

18:09:508 **A. Yes. I -- I reviewed -- I had reviewed the**
18:09:549 **Congressional maps and later the Legislative maps.**

18:09:570 Q. Did the other Commissioners similarly review
18:09:581 them?

18:09:592 GREG WONG: Object to form.

18:10:003 **THE WITNESS: I don't know.**

18:10:014 BY ARTHUR WEST:

18:10:025 Q. You have no knowledge of that?

18:10:041 **A. I -- no, I don't -- I don't know, no.**

18:10:072 Q. Okay. Did you approve of the maps formally at
18:10:123 any point or informally?

18:10:154 **A. I voiced support for them, yes.**

18:10:185 Q. Okay. And who did you do that to?

18:10:206 **A. On -- I believe I did at the subsequent press
18:10:237 conference later that week.**

18:10:258 Q. Okay. Were the other Commissioners present at
18:10:279 that press conference?

18:10:290 **A. That's correct.**

18:10:301 Q. Did they also voice their approval for the maps
18:10:322 at that point?

18:10:343 **A. That's correct.**

18:10:354 Q. Was that press conference noticed and published
18:10:395 as a public meeting?

18:10:416 GREG WONG: Object to form.

18:10:427 **THE WITNESS: I -- you'd have to check the
18:10:448 record. I -- I don't -- I don't know.**

18:10:469 BY ARTHUR WEST:

18:10:470 Q. So it's your testimony that you appeared at a
18:10:511 press conference and engaged in discussions and approvals
18:10:562 of the final maps at a meeting that you do not know
18:11:003 whether it -- if it was a proper public meeting or not?

18:11:064 GREG WONG: Object --

18:11:075 **THE WITNESS: That's not -- that's not --**

18:11:191 GREG WONG: I object to form. Argumentive.
18:11:232 Mischaracterizes prior testimony.

18:11:263 And I'll let Mr. Walkinshaw speak as to the
18:11:294 answer.

18:11:355 **THE WITNESS: There's not correct. I voiced**
18:11:376 **support for the maps at the press conference. There was**
18:11:407 **not a vote of approval.**

18:11:438 BY ARTHUR WEST:

18:11:439 Q. Okay. Did the other two Commissioners similarly
18:11:460 discuss and voice approval for the maps at this press
18:11:491 conference?

18:11:502 GREG WONG: Object to form.

18:11:523 **THE WITNESS: I -- I believe that the four**
18:11:554 **voting Commissioners did voice support for the maps at**
18:11:575 **that press conference.**

18:11:596 BY ARTHUR WEST:

18:11:597 Q. Okay. Is it your testimony that, at this point,
18:12:018 you do not know whether that was noticed as an open public
18:12:089 meeting?

18:12:090 **A. I believe -- I do believe that that press**
18:12:211 **conference was -- was publicly posted and announced, yes.**

18:12:252 Q. As a public meeting?

18:12:273 GREG WONG: Object to form.

18:12:294 **THE WITNESS: It was publicly posted as a press**
18:12:295 **conference. We were not approving -- I did not see it as**

18:12:251 **a meeting to approve the maps. It was a press conference.**

18:12:292 BY ARTHUR WEST:

18:12:293 Q. Okay. But, to your knowledge, then it was
18:12:334 posted and noticed as a press conference?

18:12:395 **A. To my knowledge, there was a notification that**
18:12:436 **there was a press conference that day, yes.**

18:12:467 Q. Okay. And is it -- is it your knowledge -- was
18:12:518 it your knowledge that there was any notice of a public
18:12:539 meeting on that date?

18:12:560 GREG WONG: Object to form.

18:13:001 **THE WITNESS: I'm not sure what -- if there was**
18:13:022 **a public meeting on that date. I'm not sure.**

18:13:053 ARTHUR WEST: Thank you very much for your
18:13:064 testimony. I'm done.

18:13:115 GREG WONG: Thank you.

18:13:116 **THE WITNESS: Thank you.**

18:13:127 GREG WONG: Are we done?

18:13:178 JOAN MELL: Not going to ask the witness any
18:13:199 further questions at this time.

18:13:220 I would just tell whoever's online from the
18:13:241 legal teams that we've got issues in terms of getting
18:13:302 documents that are necessary for the caucus depositions --
18:13:343 caucus staff depositions.

18:13:374 I think that I will go ahead with the deposition
18:13:455 tomorrow of Osta Davis, but we'll reserve the right to

18:13:511 recall her at a later time based on the actual production
18:13:542 of the records because I think that there's bad faith in
18:13:593 not producing them in time for the deposition. But I
18:14:014 don't want to incur the dep charge of rescheduling at this
18:14:045 late hour.

18:14:056 But the other two have been canceled for now,
18:14:087 and I'm waiting to get the documents.

18:14:118 GREG WONG: So noted. Thank you.

18:14:139 ARTHUR WEST: Thank you.

18:14:140 ANDREW HUGHES: I'm not in a position to speak.

18:14:151 Oh, my apologies, Greg. Go ahead.

18:14:162 GREG WONG: Go ahead, Andrew. I wasn't going to
18:14:183 say anything else.

18:14:204 JOAN MELL: Yeah. Andrew, I knew that -- we'll
18:14:225 be communicating with their legal counsel. But what you
18:14:256 should see in your in-box, there's been subpoenas issued
18:14:297 to the caucuses and then a request for production to you.

18:14:358 And, if you want to get the State to get those
18:14:379 documents over to me right away, I -- I can try to
18:14:420 continue with the depositions without moving them.

18:14:461 ANDREW HUGHES: Well, I'm going to -- we have 30
18:14:482 days to respond to -- to RFPs under the civil rules.

18:14:543 But what I do what to say is I'm not in a
18:14:544 position to make a statement on behalf of Legislative
18:14:585 staffers, but I can't imagine they're going to get two

18:15:001 bites of the apple.

18:15:022 So any suggestion that there's been bad faith
18:15:063 entitles you to a second deposition is -- sorry. That's
18:15:114 my baby -- I'm reasonably certain is not going to be well
18:15:165 taken.

18:15:176 JOAN MELL: It may not be well taken, but it
18:15:207 will be our position going into that.

18:15:228 So if somebody in this team wants to do
18:15:249 something about it so it doesn't happen, that's fine with
18:15:270 me. If not, fine with me. But I will be seeking some
18:15:301 sort of relief for the shenanigans around getting
18:15:342 Commission communications.

18:15:373 ANDREW HUGHES: "Shenanigans" is obviously a
18:15:394 ridiculous way of characterizing it, but I will state that
18:15:435 for the record and leave it at that. Thanks.

18:15:456 GREG WONG: Okay. Thank you.

18:18:417 (Signature reserved.)

18 (Deposition concluded at 6:18 p.m.)

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A F F I D A V I T

I, BRADY WALKINSHAW, hereby declare under penalty of perjury that I have read the foregoing deposition and that the testimony contained herein is a true and correct transcript of my testimony, noting the corrections attached.

BRADY WALKINSHAW

Date: _____

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Case Name: Washington Coalition v. Washington State
Deposition of: Brady Walkinshaw
Date Taken: 11/18/2022
Cause No.: 21-2-02069-34
Court Reporter: Jamie Booker, RPR, CCR

This letter is to advise you of the following:

_____ Signature was reserved. The affidavit and correction sheet are being forwarded to you in electronic form. Please have the deponent review the transcript, note any corrections on the correction sheet, and return the signed affidavit and correction sheet to us within 30 days of this notice. According to Court Rule 30(e), the deposition affidavit should be signed within thirty (30) days or signature is considered waived.

_____ Signature was reserved. The transcript is ready for review and signature. Your office did not order a copy of the deposition transcript. Please contact our office to make an appointment for review. Signature must be completed within 30 days of this notice.

(Sent without signature to avoid delay)

Jamie Booker, RPR, CCR

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