

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF WISCONSIN

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

Plaintiffs,

TAMMY BALDWIN, GWENDOLYNNE MOORE,  
 and RONALD KIND,

Intervenor-Plaintiffs,

v. File No. 11-CV-562

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

[Caption Continued]

**VIDEOTAPE DEPOSITION - VOLUME II**  
**JOSEPH W. HANDRICK**  
 Madison, Wisconsin  
 February 1, 2012  
 Brandé A. Browne, RPR, CRR  
 Registered Professional Reporter

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2	<u>Witness</u>	<u>Pages</u>
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1 and KEVIN KENNEDY, Director and  
 2 General Counsel for the Wisconsin  
 Government Accountability Board,

3 Defendants,

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

6 Intervenor-Defendants.

7 -----

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

10 Plaintiffs,

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

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

17 Defendants.

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1 VIDEOTAPE DEPOSITION of JOSEPH W. HANDRICK,  
 2 a witness of lawful age, taken on behalf of the  
 3 Plaintiffs, wherein Alvin Baldus, et al., are  
 4 Plaintiffs, and Members of the Wisconsin Government  
 5 Accountability Board, et al., are Defendants, pending  
 6 in the United States District Court for the  
 7 Eastern District of Wisconsin, pursuant to subpoena,  
 8 before Brandé A. Browne, a Registered Professional  
 9 Reporter and Notary Public in and for the State of  
 10 Wisconsin, at the offices of Godfrey & Kahn, S.C.,  
 11 Attorneys at Law, One East Main Street, Suite 500,  
 12 City of Madison, County of Dane, and State of  
 13 Wisconsin, on the 1st day of February 2012,  
 14 commencing at 9:24 in the forenoon.

15

16

17 A P P E A R A N C E S

18

19 DOUGLAS M. POLAND, Attorney,  
 for GODFREY & KAHN, S.C., Attorneys at Law,  
 20 One East Main Street, Suite 500, Madison,  
 Wisconsin 53703, appearing on behalf of  
 21 Plaintiffs Alvin Baldus, et al.

22

PETER G. EARLE, Attorney,  
 23 for LAW OFFICE OF PETER EARLE, LLC, Attorneys at Law,  
 839 North Jefferson Street, Suite 300,  
 24 Milwaukee, Wisconsin 53202, appearing on  
 behalf of Plaintiffs Voces De La Frontera,  
 25 Inc., et al.

1                    A P P E A R A N C E S (Continued)  
2  
3 JACQUELINE E. BOYNTON, Attorney,  
4 for LAW OFFICE OF JACQUELINE BOYNTON,  
5 Attorney at Law, 2266 North Prospect Avenue,  
6 Suite 505, Milwaukee, Wisconsin 53202,  
7 appearing on behalf of Plaintiffs  
8 Voces De La Frontera, Inc., et al.  
9  
10 MARIA S. LAZAR, Assistant Attorney General,  
11 for STATE OF WISCONSIN DEPARTMENT OF JUSTICE,  
12 17 West Main Street, Madison, Wisconsin 53703,  
13 appearing on behalf of the Defendants.  
14  
15 DANIEL KELLY, Attorney,  
16 for REINHART BOERNER VAN DEUREN S.C.,  
17 Attorneys at Law, 1000 North Water Street,  
18 Suite 2100, Milwaukee, Wisconsin 53202,  
19 appearing on behalf of the Defendants.  
20  
21 ERIC M. MCLEOD, Attorney,  
22 for MICHAEL BEST & FRIEDRICH LLP, Attorneys at Law,  
23 One South Pinckney Street, Suite 700, Madison,  
24 Wisconsin 53703, appearing on behalf of the  
25 Wisconsin State Senate by its Majority Leader  
Scott Fitzgerald, the Wisconsin Assembly by its  
Speaker Jeff Fitzgerald, and  
Joseph W. Handrick.

19 Also present: Todd S. Campbell, CLVS  
20 Campbell Legal Video Company  
21 417 Heather Lane, Suite B  
22 Fredonia, WI 53021  
23 (262) 447-2199  
24  
25

1 page of Exhibit No. 1, and that's a page entitled  
2 Exhibit A and asks for a number of documents to be  
3 produced; do you see that?  
4 A Yes.  
5 Q Do you recall at your previous deposition that  
6 there were some objections that were raised to  
7 those production requests; do you recall that?  
8 A No, I don't.  
9 Q Do you recall there were some objections asserted  
10 by your counsel to some of the requests?  
11 A I recall there were objections to questions that  
12 were asked.  
13 Q All right. Do you remember whether any documents  
14 were withheld from production based on claims of  
15 privilege?  
16 A Not that I'm aware of.  
17 Q All right. At a point in time -- let me ask, were  
18 you aware of a court -- of a court opinion on  
19 January 3rd that held that documents -- certain  
20 privileges did not apply and certain documents  
21 needed to be produced?  
22 A Yes.  
23 Q All right. And did your counsel subsequently come  
24 back to you and ask you to search for additional  
25 documents and then produce additional documents?

1 THE VIDEOGRAPHER: We are on the  
2 record. This is the continuation of the  
3 deposition of Mr. Joseph Handrick. This is  
4 Video No. 1 of the day September -- I'm  
5 sorry, February 1st, 2012, Disk No. 4 in the  
6 series. We are on the record.  
7  
8 JOSEPH W. HANDRICK,  
9 called as a witness, testified on continued  
10 oath as follows:  
11  
12 EXAMINATION  
13 By Mr. Poland:  
14 Q Good morning, Mr. Handrick.  
15 A Good morning.  
16 Q As the court -- as the videographer just stated,  
17 this is a continuation of a deposition you  
18 previously had sat for. And I wanted to hand you  
19 a copy of what we had marked at your earlier  
20 deposition as Exhibit No. 1. It's a copy of the  
21 subpoena. And I wanted to make sure that you  
22 understand that you're still appearing pursuant to  
23 subpoena here today; is that correct?  
24 A Yes.  
25 Q Mr. Handrick, I'd like you to turn to the last

1 A The counsel from Reinhart did.  
2 Q Okay. And who's the counsel from Reinhart who  
3 came back to ask you to produce materials?  
4 A Patrick Hodan.  
5 Q The reason that I ask is we have -- I want to make  
6 sure we've got everything on the table here in  
7 front of us that was produced. And so I'd like to  
8 mark as Exhibit No. 88 --  
9 (Exhibit No. 88 marked for  
10 identification)  
11 Q Exhibit No. 88 is a letter dated January 10th.  
12 Can you take a look at that? Just take a look at  
13 it, please, and attached to your copy there is  
14 either a CD or a DVD. I'm going to ask you  
15 questions about that in just a minute.  
16 A Okay.  
17 Q All right. Have you seen Exhibit 88 before?  
18 A No.  
19 Q You see that it's a letter from Mr. McLeod,  
20 correct?  
21 A Yes.  
22 Q All right. And it's a letter to me dated  
23 January 10th; do you see that?  
24 A Yes.  
25 Q And if you look at the second page, do you see

1 that there is a statement or a document, at least,  
 2 that's entitled *Supplemental Document Production*  
 3 *in Response to Subpoenas Issued by Plaintiffs*  
 4 *Joe Handrick, Adam Foltz, and Tad Ottman*; do you  
 5 see that?  
 6 A Yes.  
 7 Q Were you, in fact, asked either by Mr. McLeod or  
 8 somebody at the Reinhart law firm to search for  
 9 and give them copies of additional documents in  
 10 response to Exhibit A to Exhibit 1?  
 11 A No.  
 12 Q You were not, okay. How were you asked to search  
 13 for and produce additional documents, materials?  
 14 A Everything that I had in my custody, possession,  
 15 and control had already been submitted. In the  
 16 initial deposition, near the end, you asked if  
 17 Reinhart had a system for backing up sent items,  
 18 deleted items, and I said I did not know. So the  
 19 Reinhart attorneys then said they do, and so then  
 20 they initiated a search of their system to find  
 21 anything that I would not have had.  
 22 Q I see. And is it your understanding that any  
 23 documents that were previously produced that you  
 24 had given to them, and by them, I mean the  
 25 Reinhart lawyers, in response to the subpoena

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1 A Yes.  
 2 Q And to your knowledge, have those documents been  
 3 produced to the plaintiffs, either previously in  
 4 December or attached either to -- or contained  
 5 within the CDs attached to Exhibits 88 or 89?  
 6 A To my knowledge, yes.  
 7 Q So there's nothing to your knowledge at this point  
 8 that you know of that is responsive to the  
 9 subpoena issued to you that has not been produced?  
 10 A That is correct.  
 11 Q Mr. Handrick, at your first deposition in  
 12 December, I believe that I asked you whether you  
 13 expected to be called to testify at trial; do you  
 14 recall that?  
 15 A Yes.  
 16 Q And at the time I believe your answer was no, you  
 17 did not expect to be called to testify at trial;  
 18 is that correct?  
 19 A I believe that was my answer.  
 20 Q Do you know, as you sit here today, whether you  
 21 expect to be called to testify at trial?  
 22 A I do not know if I'm going to be called.  
 23 Q Have you been told that you will be called to  
 24 testify at trial?  
 25 A No.

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1 served on you were then produced to the plaintiffs  
 2 in this case?  
 3 A It's my understanding.  
 4 Q All right.  
 5 MR. POLAND: I have one other  
 6 document that I want to mark here so we can  
 7 get it out of the way, and this will be  
 8 Exhibit 89.  
 9 (Exhibit No. 89 marked for  
 10 identification)  
 11 Q Have you seen Exhibit 89 before, Mr. Handrick?  
 12 A No, I have not.  
 13 Q You see that's a letter from Mr. McLeod to me  
 14 dated January 11th, 2012?  
 15 A Yes.  
 16 Q And attached to the copy that I've put in front of  
 17 you is a copy of, it's either a CD or a DVD, I  
 18 think, containing additional files; do you see  
 19 that?  
 20 A Yes.  
 21 Q Is it your understanding then that you have  
 22 searched for and given to the lawyers at the  
 23 Reinhart law firm all documents in your  
 24 possession, custody, or control that were  
 25 responsive to Exhibit A attached to Exhibit No. 1?

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1 Q Have you been told that you will not be called to  
 2 testify at trial?  
 3 A No.  
 4 Q I'm going to hand you a copy of a document that we  
 5 had marked as an exhibit at your deposition in  
 6 December. It's Exhibit No. 10.  
 7 MR. POLAND: I'll give that to you,  
 8 and I'll hand out copies to counsel.  
 9 Q And if you look at Exhibit No. 10, is this a  
 10 document that looks familiar to you? Do you  
 11 recall seeing it at your first deposition?  
 12 A I have seen this document. I cannot recall  
 13 exactly at which venue I've seen it.  
 14 Q All right. All right. You see that it is just  
 15 taking you back to the third page of the  
 16 deposition, it's actually numbered page 2, states  
 17 it's *Defendants Amended Initial Rule 26(a)*  
 18 *Disclosures*; do you see that?  
 19 A Yes.  
 20 Q All right. I'd like to take you to the page  
 21 numbered 6 in Exhibit 10 and paragraph number 11.  
 22 And paragraph number 11 identifies individuals who  
 23 were involved in reviewing census and population  
 24 data from the 2010 decennial census to ensure  
 25 minimum population deviation for the new

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1 districts; do you see that?  
 2 A Yes.  
 3 Q All right. And then in the next paragraph down,  
 4 it identifies individuals who were involved in  
 5 reviewing population and other data so as to  
 6 preserve to the extent possible and practical --  
 7 practicable, the core population of prior  
 8 districts as well as communities of interest; do  
 9 you see that?  
 10 A Yes.  
 11 Q And your name is identified as one of those people  
 12 on page 7, correct?  
 13 A Yes.  
 14 Q And did you, in fact, review population and other  
 15 data so as to preserve, to the extent possible and  
 16 practicable, the core population of prior  
 17 districts in Acts -- in Act 43?  
 18 A During my drawing the maps, I do not believe that  
 19 I reviewed such data in terms of core retention.  
 20 Q You didn't review core population retention data,  
 21 prior districts?  
 22 A As I was drawing, no.  
 23 Q Did you -- and I think we can probably knock  
 24 Act 44 -- get it out of the way here. I believe  
 25 your previous testimony was that you didn't have

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1 A Well, generally speaking, the legislature did.  
 2 Q Okay. But the legislature was looking at maps  
 3 that had already previously been drawn, correct?  
 4 A Correct.  
 5 Q And so in the purpose of putting together Act 43  
 6 and determining what the boundaries to the  
 7 districts would be, do you know who in the process  
 8 of creating those districts actually looked at  
 9 core population retention?  
 10 A No, I don't.  
 11 Q Let me ask you with respect to certain of the  
 12 Assembly districts and Districts 8 and 9 in  
 13 Milwaukee, did you look at all at any of the core  
 14 population retention from the existing districts  
 15 at the time and how that could be retained in the  
 16 new Districts 8 and 9?  
 17 A I did not do an analysis or core retention reports  
 18 for District 8 or 9. But as I was drawing, I  
 19 would have the outline of Districts 8 and 9  
 20 visible on the screen.  
 21 Q And did you do anything, as you had the outlines  
 22 of Districts 8 and 9 visible on the screen, did  
 23 you do anything to determine what percentage of  
 24 the population in the existing districts would be  
 25 retained in the new Districts 8 and 9?

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1 anything to do with Act 44 essentially, is that  
 2 correct, in terms of the drawing?  
 3 A That is correct.  
 4 Q So we'll focus on Act 43 then. You did -- you did  
 5 not -- well, strike that. Were you involved in  
 6 analyses of drawing -- strike that. In drawing  
 7 the new districts under Act 43, were you involved  
 8 in either preparing or reviewing analyses relating  
 9 to the retention of the core populations from  
 10 previous districts?  
 11 A Not that I recall.  
 12 Q Were you involved in any decisions that were made  
 13 in the redistricting process about how to draw  
 14 districts so as to retain as much of the core  
 15 population as possible?  
 16 A Repeat the question, please.  
 17 MR. POLAND: Brandé, could you read  
 18 that back.  
 19 (Question read)  
 20 A No.  
 21 Q Do you know who made those decisions about how to  
 22 retain as much of the core population from  
 23 previous districts as possible?  
 24 A No.  
 25 Q Generally speaking?

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1 A No.  
 2 Q Did you make any recommendations to anyone who was  
 3 drawing the districts about what the percentage of  
 4 core population retention should be?  
 5 A Not that I recall.  
 6 Q Do you know who did make those types of analyses  
 7 or determinations with respect to Districts 8  
 8 and 9?  
 9 A No, I don't.  
 10 Q I'm going to hand you a document that we had  
 11 marked in your previous deposition as Exhibit  
 12 No. 11. I'd like you to turn to -- well, first of  
 13 all, just for the record, Exhibit No. 11 is the  
 14 *Second Amended Complaint for Declaratory*  
 15 *Injunctive Relief* that the plaintiffs filed. And  
 16 I'd like you to turn to page 15, and I'm going to  
 17 ask you some questions about paragraphs that  
 18 appear on pages 15 through 17. Let me first ask  
 19 you, have you seen Exhibit No. 11 before?  
 20 A Yes.  
 21 Q Have you seen it outside of the context of your  
 22 first deposition?  
 23 A I don't -- I don't recall if I saw it prior to  
 24 that date.  
 25 Q All right. If you turn to page 15, I'd like to

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1 draw your attention to paragraph B, and as you'll  
 2 see in paragraph B on page 15, there is a  
 3 statement in the complaint that the 2011 Assembly  
 4 districts do not preserve core populations from  
 5 prior districts, and then it will go -- it goes  
 6 down, continues on in a number of subparagraphs,  
 7 little Roman 1 through little Roman 5. I'd like  
 8 you to take just a moment to look at those.  
 9 A Okay.  
 10 Q Did you do anything in the course of the  
 11 redistricting process that analyzed the core  
 12 population retention with respect to any of the  
 13 Assembly districts that are identified in the  
 14 complaint?  
 15 A Yes.  
 16 Q Okay. And so which of the Assembly districts  
 17 identified in the complaint did you address?  
 18 A I would believe I through V, or I through V,  
 19 Roman.  
 20 Q All right. So you looked at each of those  
 21 districts as part of the redistricting process and  
 22 the core population retention specifically?  
 23 A I looked at a core retention report.  
 24 Q Why did you look at the core retention report for  
 25 each of those districts?

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1 A Because it was -- when a core retention report is  
 2 printed and it says that, under 1, 57,932 have  
 3 been taken out, and 53,984 have been added, that  
 4 is not correct. So I would point out why it's not  
 5 correct and make sure that they understood that  
 6 they cannot simply take those numbers from the  
 7 report as this did and state them as lack of core  
 8 retention.  
 9 Q All right. And was that a statement that you made  
 10 to somebody at the time during the redistricting  
 11 process?  
 12 A Yes.  
 13 Q Okay. Who did you make that statement to?  
 14 A Tad and Adam who printed the core retention  
 15 reports.  
 16 Q All right. I think that -- why don't we mark one  
 17 here, as an example, so we can get something  
 18 concrete in front of us and talk about it.  
 19 (Exhibit No. 90 marked for  
 20 identification)  
 21 Q Mr. Handrick, the court reporter has marked as  
 22 Exhibit No. 90 a document that you have in front  
 23 of you. One thing that we've done this time with  
 24 the documents that were produced is we identified  
 25 whose files they came from, and that was as they

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1 were given to us or produced to us. So in the  
 2 lower right-hand corner of the documents we're  
 3 going to mark as exhibits today, you'll see what  
 4 we refer to -- lawyers refer to as a Bates number,  
 5 and so that identifies the file that it came from,  
 6 and then each page will be numbered individually.  
 7 So you see the first page of Exhibit No. 90 is  
 8 Bates numbered Handrick 000391; do you see that?  
 9 A Yes.  
 10 Q So if I refer to a Bates number or ask you to turn  
 11 to a page that has been Bates numbered with a  
 12 certain number, that's what I'm referring to.  
 13 A Okay.  
 14 Q Is Exhibit No. 90 is copy of a core constituency  
 15 report or core retention report?  
 16 A It appears to be, yes.  
 17 Q All right. Now, you had just testified about  
 18 statements that you made about the removal of  
 19 individuals from a district in addition to  
 20 individuals to a district, correct?  
 21 A Correct.  
 22 Q And those were statements that you made to  
 23 Mr. Foltz and Mr. Ottman?  
 24 A Correct.  
 25 Q Now, if it helps you to use Exhibit 90 to explain

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1 what it was that you told them, please do it. But  
 2 what I'd like to find out is what you told them  
 3 about population retention in the districts?  
 4 A Could you please specify which district?  
 5 Q Sure. So let's talk about, on page 15,  
 6 paragraph B, and little Roman Numeral 1.  
 7 A Okay.  
 8 Q Start with District 81.  
 9 A And please restate your question.  
 10 Q Yeah. Actually, before I do that, let me ask you  
 11 this, is Exhibit No. 90 a document that you  
 12 prepared?  
 13 A No.  
 14 Q Do you know who did prepare it?  
 15 A I don't know.  
 16 Q Okay. It did come from your files, according to  
 17 the documents that were given to us. Was it your  
 18 practice to have someone else prepare constituency  
 19 reports and provide them to you?  
 20 A Yes. I did not know how to prepare reports.  
 21 Q And these were prepared on Autobound; is that  
 22 correct?  
 23 A Yes.  
 24 Q Do you have a belief as to who most likely would  
 25 have prepared and printed this report?

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1 A Yes.  
2 Q Who was it in your belief would have prepared  
3 Exhibit No. 90?  
4 A Most likely Tad or Adam.  
5 Q Okay. And if we look -- if we look at  
6 District 81, which appears on the page that has  
7 been Bates labeled Handrick 000407, we see a  
8 report for District 81, correct?  
9 A Correct.  
10 Q Now, it looks like the numbers are different on  
11 this report than they are in the complaint in  
12 paragraph B, little Roman Numeral i on page 15,  
13 correct?  
14 A Yes.  
15 Q Do you know whether there were core retention or  
16 core constituency reports that were prepared and  
17 printed after June 15th?  
18 A For Act 43?  
19 Q Correct.  
20 A I don't know that.  
21 Q All right. When I asked you about that  
22 paragraph B, little Roman i, and you said you  
23 can't look at a report and say -- conclude that  
24 the statute removes a certain number of people and  
25 adds a certain number of people, what did you mean

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1 A I can't answer that because your question said  
2 they're moving people and they're not. They're  
3 changing the number of the district.  
4 Q All right. Well, the population from District 81  
5 in the former or existing District 81 that will be  
6 in the new District 81 is 3,419 people; is that  
7 correct?  
8 A Yes.  
9 Q All right. And then there are -- in new District  
10 81, there will be 33,046 people who had been in  
11 District 42, correct?  
12 A Correct.  
13 Q So I understand people aren't moving their  
14 physical addresses; they're being put into a  
15 different legislative district, correct?  
16 A Yes.  
17 Q All right. Do you know -- the allegation in  
18 paragraph little Roman i on page 15 states that  
19 District 81 was required to lose only 3,907  
20 individuals to meet the ideal population. Do you  
21 know if that allegation is true, that it was  
22 overpopulated by 3,907 individuals?  
23 A I do not know that.  
24 Q Is it true that 57,932 people who had been in  
25 District 81 were moved to different districts?

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1 by that?  
2 A For District 81 --  
3 Q And you're referring here to Exhibit 90, for the  
4 record?  
5 A Yes. It says that District 81 only retains 3,419  
6 people from District 81. What I said was that to  
7 say that that is the core retention for  
8 District 81 is incorrect.  
9 Q Why is it incorrect?  
10 A Because District 81 and District 42 flipped  
11 numbers.  
12 MR. EARLE: I'm sorry?  
13 THE WITNESS: Flipped numbers.  
14 Q Why did they flip numbers?  
15 A Population gains and losses from Milwaukee to  
16 Dane County resulted in a shifting of districts.  
17 As a result of that, sometimes districts change  
18 numbers.  
19 Q Why would it be necessary to flip populations in  
20 such a large fashion as opposed to -- as opposed  
21 to simply moving fewer people to achieve  
22 population equality?  
23 MR. MCLEOD: I'm going to object to  
24 the form of the question. Feel free to  
25 answer if you're able to.

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1 A No.  
2 Q I want you to assume that that is a true  
3 allegation, that 57,932 people who had been in  
4 District 81, existing District 81, were now  
5 reassigned to a new district, to a different  
6 district, all right. Do you know why so many  
7 people would have been moved if the district was  
8 only overpopulated by 3,907 individuals?  
9 MR. KELLY: Objection, form.  
10 A As answered before, they weren't moved to a  
11 different district. 33,046 of those people are  
12 still in the same district as each other. Their  
13 district number has changed.  
14 Q Right. So in other words, the people are still  
15 together in the same district, but their district  
16 number has changed; that's what you're saying,  
17 right?  
18 A Correct.  
19 Q What has changed is the lines, the boundaries of  
20 the districts, correct?  
21 A The boundaries changed, yes.  
22 Q All right. So if a district only was  
23 overpopulated by 3,907 individuals, why not simply  
24 change the district line so that you only move  
25 3,907 individuals to a different district?

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1 MR. KELLY: Objection, form.  
 2 A Because when you change the number, you're not  
 3 necessarily moving a single person.  
 4 Q Why are you not necessarily moving a single  
 5 person?  
 6 A If you have two districts that are the exact  
 7 correct population, one is District 1 and one is  
 8 District 2, and you exchange those two numbers,  
 9 you have not moved a single person.  
 10 Q You've reassigned them to different districts;  
 11 they're in different districts?  
 12 A Correct.  
 13 Q All right. So why do that? Why not reassign  
 14 3,907 people to a new district?  
 15 MR. KELLY: Objection, form.  
 16 A You -- you can't start in District 81. Districts  
 17 are all interrelated. So any changes made in  
 18 District 81 would have been by necessity the  
 19 result of the ripple effect triggered by the  
 20 population shifts in the state of Wisconsin.  
 21 Q Where did -- where did the team, the redistricting  
 22 team, start when formulating new districts for  
 23 Act 43?  
 24 A My understanding is that the team began in the  
 25 city of Milwaukee.

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1 A Yes.  
 2 Q And so what was it about redistricting and drawing  
 3 the new districts in the Milwaukee area that  
 4 caused ripple effects around the other parts of  
 5 the state?  
 6 A My recollection is that Milwaukee County was  
 7 losing approximately a district, and Dane County  
 8 was going to gain a district. You cannot separate  
 9 those two out.  
 10 Q And why do you say you can't separate them out?  
 11 A They're interrelated. Milwaukee was going to lose  
 12 a district. That district goes somewhere.  
 13 Dane County was going to gain a district. So  
 14 therefore, those two population malapportionments  
 15 have a relationship.  
 16 Q What -- what factors were considered as decisions  
 17 were made in drawing the new district lines for  
 18 the districts that are identified here in these  
 19 paragraphs 81, 33, 62, 37, and 76?  
 20 A The factors that I recall are population equality,  
 21 municipal splits, compactness, contiguity,  
 22 communities of interest.  
 23 Q Did you have any input into how those factors were  
 24 considered in the way that the districts  
 25 identified in the complaint were drawn?

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1 Q Is it your understanding that it was the new  
 2 districts created in and around the city of  
 3 Milwaukee then that subsequently caused the  
 4 districts to be drawn in such a way that the  
 5 number of -- that they determined the number of  
 6 people who needed to be moved into new -- or  
 7 reassigned to new districts?  
 8 A No, that's not accurate.  
 9 Q You talked about ripple effects, and so a ripple  
 10 has to start someplace, right? You drop a stone  
 11 in the water, and you start ripples. So it has  
 12 got to start somewhere. Is it your testimony that  
 13 the ripple started in Milwaukee through the  
 14 creation of the new districts in Milwaukee?  
 15 A The ripples begin simultaneously when the census  
 16 is completed and there's malapportionment  
 17 throughout the state.  
 18 Q And by *malapportionment* you mean some districts  
 19 have greater than the ideal population, and some  
 20 have less than the ideal population, correct?  
 21 A Correct.  
 22 Q And in terms of balancing the population by  
 23 drawing new districts, is that a process that the  
 24 team -- the redistricting team started in the  
 25 Milwaukee area?

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1 A No.  
 2 Q Do you know who did?  
 3 A Please restate the premise question.  
 4 MR. POLAND: I'll ask, Brandé,  
 5 could you read it back.  
 6 (Question read)  
 7 A And then the follow-up was do I know who did?  
 8 Q Yes.  
 9 A The fundamental direction would have come from  
 10 legal counsel.  
 11 Q Who was the legal counsel who gave that  
 12 fundamental direction?  
 13 A The legal team, that I recall it, consisted of  
 14 Eric McLeod, Tim Troupis, Sarah Troupis.  
 15 Q Did you have discussions with Mr. McLeod,  
 16 Jim Troupis, or Sarah Troupis about the number of  
 17 people that needed to be reassigned to different  
 18 districts?  
 19 A No.  
 20 Q Was there any kind of goal or target that was  
 21 discussed in terms of the number of people that  
 22 would be assigned to new districts?  
 23 A No.  
 24 Q Was there any target established or goal about the  
 25 percentage of residents in a district want to be

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1 retained in a new district?  
 2 A No, not that I recall.  
 3 Q If you look on paragraph 16 -- page 16,  
 4 paragraph C.  
 5 A Thank you.  
 6 Q There are references to, continuing on to page 17,  
 7 there are references to Senate districts. So for  
 8 example, in paragraph little Roman i, there's a  
 9 reference to Senate District 22. The next  
 10 paragraph mentions District 21. The next,  
 11 District 17, and then the following paragraphs  
 12 mention Senate Districts 32 and 7; do you see  
 13 those?  
 14 A Yes.  
 15 Q Did you have any input into how the Senate  
 16 districts were drawn, the Senate districts  
 17 mentioned here in the complaint in these  
 18 paragraphs.  
 19 A Not directly.  
 20 Q Indirectly, did you have any input into how the  
 21 Senate districts were drawn?  
 22 A Yes.  
 23 Q How did you have indirect input?  
 24 A I recall that I drew a number of maps that then  
 25 were provided to the team that -- region by region

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1 pertained to Senate districts?  
 2 A No, not that I recall.  
 3 Q Did you have any discussions with anyone during  
 4 the redistricting process about retaining core  
 5 populations of Senate districts?  
 6 A Yes.  
 7 Q Who did you discuss that with?  
 8 A Adam -- I'm sorry, Tad Ottman.  
 9 Q What did you and Tad discuss about core retention  
 10 of Senate districts?  
 11 A Wisconsin has odd and even Senate districts. Odd  
 12 Senate districts are not up for election this  
 13 year. Therefore, I needed to know the location of  
 14 odd senators because an odd senator had to be  
 15 retained in an odd district. So therefore, the  
 16 block or the ward or the municipality that an odd  
 17 senator lived in, that core would be essentially  
 18 keeping in an odd Senate district.  
 19 Q Were there any other factors that you and  
 20 Mr. Ottman discussed in drawing the Senate  
 21 district boundaries other than the senators in odd  
 22 districts needed to be retained?  
 23 A Not that I recall.  
 24 Q Did you consider communities of interest in  
 25 drawing Assembly districts or Senate districts?

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1 that then gave direction as to how Act 43 would be  
 2 compiled. So they may or may not have used some  
 3 of my features or portions of my maps.  
 4 Q Do you know whether they did use features or  
 5 portions of the maps that you drew?  
 6 A I believe they did.  
 7 Q From the standpoint of core population retention  
 8 for Senate districts, was there a core district  
 9 population report that was printed that would show  
 10 the Senate district core population retention?  
 11 A I don't know that.  
 12 Q Did you ever ask for any reports to be generated  
 13 for Senate districts?  
 14 A Not that I recall.  
 15 Q Is there a reason that you had them run for  
 16 Assembly districts but not for Senate districts?  
 17 A Yes.  
 18 Q Why?  
 19 A It was -- all maps I drew were drawn at the  
 20 Assembly level.  
 21 Q And the Senate districts are aggregations of  
 22 Assembly districts, correct?  
 23 A Correct.  
 24 Q As you drew your Assembly districts, did you  
 25 consider the core population retention as it

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1 A Yes.  
 2 Q How did you consider communities of interest in  
 3 drawing those districts?  
 4 A I need you to be more specific, please.  
 5 Q Generally speaking, what were the types of  
 6 communities of interest that you considered in  
 7 drawing Senate and Assembly districts?  
 8 A Municipalities can be a form of communities of  
 9 interest. I would consider -- I recall  
 10 considering and making sure I was familiar with  
 11 tribal boundaries.  
 12 Q Anything else you can remember that you  
 13 considered?  
 14 A Generally, no. Even specifically, no.  
 15 Q What about any discussions with Mr. Foltz or  
 16 Mr. Ottman, did you discuss with either of them  
 17 preservation of communities of interest in drawing  
 18 the new Senate and Assembly districts?  
 19 A Not that I recall.  
 20 Q I'd like you to turn to page 17 of the complaint,  
 21 which is Exhibit 11, and I'd like you to look at  
 22 paragraph D on page 17. Little Roman Numeral i  
 23 refers to fracturing of the Clarke Square  
 24 neighborhood in Milwaukee by drawing the district  
 25 boundary between the 8th and 9th Assembly

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1 districts; do you see that?  
 2 A Yes.  
 3 Q Did you have any discussions with anyone during  
 4 the redistricting process about fracturing the  
 5 Clarke Square neighborhood?  
 6 A No.  
 7 Q Was that anything that you took into account as  
 8 you were drawing the Assembly and Senate  
 9 districts?  
 10 A No.  
 11 Q Do you know anyone who did take that into account?  
 12 A No.  
 13 Q I'd like you to look at the second paragraph on  
 14 page 17, that's little Roman Numeral ii. There's  
 15 a reference to Senate districts in Racine and  
 16 Kenosha Counties. And the statement is made that  
 17 the city of Racine is split into six different  
 18 Assembly districts, including one that stretches  
 19 into the city of Kenosha and another that  
 20 stretches west to Wind Lake and then it seems to  
 21 decline; do you see that statement?  
 22 A Yes.  
 23 Q All right. Did you consider the fracturing or  
 24 splitting of the city of Racine into different  
 25 Assembly districts when you were drawing your

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1 maps?  
 2 A No, I did not.  
 3 Q Did you have discussions with anyone, Mr. Foltz,  
 4 Mr. Ottman, or anyone else about splitting the  
 5 city of Racine into different Assembly or Senate  
 6 districts?  
 7 A Yes.  
 8 Q Who did you speak with about that topic?  
 9 A Mr. Ottman.  
 10 Q What did you and Mr. Ottman discuss?  
 11 A I asked Mr. Ottman for a listing of all  
 12 municipalities that were too large to be contained  
 13 into an Assembly district.  
 14 Q And the city of Racine was on that list?  
 15 A Yes.  
 16 Q And so that's why it was split into different  
 17 Assembly districts?  
 18 A Yes.  
 19 Q Do you know how many Assembly districts the city  
 20 of Racine would have needed to be split into so  
 21 that it would be -- that it would comply with the  
 22 statutes?  
 23 MR. MCLEOD: I'm going to object to  
 24 the form of the question. To the extent you  
 25 can answer, please do so.

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1 Q Let me back up just a minute. Why did Racine need  
 2 to be split up into more than one district?  
 3 A It's too large to be contained in a single  
 4 district.  
 5 Q And that's because the statute said a maximum  
 6 number of people who can be in a single Assembly  
 7 district, correct?  
 8 A No, statutes don't do that.  
 9 Q What does do that?  
 10 A The -- I believe it's the constitution.  
 11 Q Okay. So there is a legal limit to the number of  
 12 people, let's put it that way, that can be  
 13 contained in a single Assembly district, correct?  
 14 A No.  
 15 MR. MCLEOD: Object to the form of  
 16 the question. You can answer, please.  
 17 A No, I don't believe there's a limit.  
 18 Q All right. Then why do you say Racine was too  
 19 large to be contained in a single district?  
 20 A Because if it was put in one district, the  
 21 population would be likely viewed by a court as  
 22 too large for widely-accepted court parameters.  
 23 Q All right. Is there a specific number that is too  
 24 large to be contained in a single district?  
 25 A I'm not an attorney, but I don't believe so.

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1 Q Is that a judgment then that you made that it was  
 2 too large to be contained in a single district?  
 3 A Yes.  
 4 Q All right. Why did you decide that the population  
 5 of Racine was too large to be in one district?  
 6 A Because it grossly exceeded the ideal population  
 7 for a district.  
 8 Q And what was the ideal population for a district?  
 9 A 57,444.  
 10 Q Do you know what the population in Racine was?  
 11 A I don't know.  
 12 Q Do you know whether it was over 100,000 people?  
 13 A I don't believe it's that large.  
 14 Q How many -- how many districts would Racine have  
 15 had to be split into to be able to comply with the  
 16 maximum population requirement, as you understood  
 17 it?  
 18 A My understanding is at least two.  
 19 Q And the allegation, the statement in the  
 20 complaint, is that it's split into six Assembly  
 21 districts, correct?  
 22 A That's what it says.  
 23 Q All right. Do you know whether that's true?  
 24 A That's not true.  
 25 Q How many is it split into?

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1 A I don't know, but it's not six.  
2 Q Is it more than two; do you know?  
3 A I don't know.  
4 Q If it is more than two, do you know why it was  
5 split into more than two districts?  
6 MR. KELLY: Objection, form.  
7 A No.  
8 Q Was that a decision that you made?  
9 A No.  
10 Q Do you know who drew the map that split Racine  
11 into six -- into a number of different Assembly  
12 districts?  
13 A No.  
14 Q Did you have any discussions with Mr. Ottman about  
15 the number of districts Racine should be split  
16 into?  
17 A No.  
18 Q Did you have any discussions with why Racine  
19 should be split into multiple Assembly districts,  
20 and this is with anyone?  
21 A No.  
22 Q Going on to the next sentence in paragraph 2, it  
23 states, "The statute also ignores the traditional  
24 and historical representation afforded to the two  
25 counties combining the cities into one Senate

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1 district, while another Senate district is spread  
2 across the rural parts of both counties." So  
3 that's referring to the cities of Kenosha and  
4 Racine; do you see that?  
5 A Yes.  
6 Q Do you know Kenosha and Racine were combined  
7 into -- strike that.  
8 Do you know why parts of Kenosha and Racine  
9 were combined into a single Assembly district?  
10 MR. MCLEOD: Object to the form of  
11 the question. Please answer if you're able  
12 to.  
13 A No, I don't.  
14 Q Was that a discussion that you had with anyone  
15 during the redistricting process?  
16 A After Act 43 was completed, yes.  
17 Q Who did you discuss that with?  
18 A Attorneys at the Reinhart law firm.  
19 Q Which attorneys did you talk -- discuss that  
20 subject?  
21 A Attorneys -- Patrick Hodan.  
22 Q And what did you and Mr. Hodan discuss on that  
23 topic?  
24 MR. KELLY: Really?  
25 MR. POLAND: Pardon?

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1 MR. KELLY: Really?  
2 MR. POLAND: Well, you can object  
3 if you want to object.  
4 MR. KELLY: Well, okay. I object  
5 that it calls for information covered by the  
6 attorney-client privilege, and I instruct you  
7 not to answer the question.  
8 Q Let me ask, when did those conversations occur?  
9 MR. KELLY: Well, he said it  
10 occurred after adopting Act 43.  
11 MR. POLAND: He said -- that's  
12 right.  
13 Q But when did those conversations occur?  
14 A Within the last probably month or so.  
15 MR. POLAND: All right. So the  
16 objection you had raised at the first  
17 deposition was after you were retained as  
18 counsel in this case?  
19 MR. KELLY: Yes.  
20 MR. POLAND: Right. And that was  
21 the basis for the assertion of privilege?  
22 MR. KELLY: Right.  
23 MR. POLAND: But you were retained  
24 on November 22nd, correct?  
25 MR. KELLY: Yes.

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1 MR. POLAND: So that's the basis of  
2 the objection, not just that it occurred  
3 after August 9th?  
4 MR. KELLY: Of course.  
5 MR. POLAND: I just want to make it  
6 clear.  
7 Q Did -- during the redistricting process or up  
8 until the time that Reinhart was retained as legal  
9 counsel in this case, did you have any discussions  
10 with anyone about why portions of the cities of  
11 Kenosha and Racine were combined in Assembly  
12 District 64?  
13 A No, not that I recall.  
14 Q Not a topic that you recall being discussed during  
15 the redistricting process?  
16 A Not that I recall.  
17 Q Have you -- have you ever seen any reasons that  
18 have been provided other than in conversations  
19 with legal counsel about why Racine and Kenosha  
20 were combined into Assembly District 64?  
21 A Not that I recall. I want to correct myself. I  
22 recall reading in one of these documents somewhere  
23 one of the results of that drawing.  
24 Q And what do you recall reading on that topic?  
25 A That the results of that drawing were --

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1 significantly enhanced the minority population in  
2 one of the Senate districts.  
3 Q Do you remember, when you say one of the  
4 documents, do you mean one of the documents in the  
5 litigation?  
6 A I can't recall specifically where I saw that.  
7 Q Was it an expert report that you saw that perhaps?  
8 A It may have been.  
9 Q Was minority representation in the cities of  
10 Racine or Kenosha anything that you had  
11 discussions with anyone about during the  
12 redistricting process?  
13 A No.  
14 Q Did you ever see any kinds of analyses or any  
15 statements by anyone during the redistricting  
16 process about enhancing minority representation in  
17 Racine and Kenosha?  
18 A Not that I recall.  
19 Q All right. Look on page 18 of the complaint, I'd  
20 like you to look at paragraph, it's little Roman  
21 Numeral iii, and there's a reference to the city  
22 of Appleton; do you see that?  
23 A Yes.  
24 Q And there are references to splits of the city of  
25 Appleton; do you see that?

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1 Q Did you ever look -- there is a statement in the  
2 complaint here *Residents in the city of Appleton*  
3 *have little in common with residents of, for*  
4 *example, Norwegian Bay on Lake Poygan; do you see*  
5 *that?*  
6 A Yes.  
7 Q Do you know, is that anything that you've ever  
8 looked at, that specific contention that's made  
9 there?  
10 A No.  
11 Q Did that ever come up in any discussions that you  
12 had with anyone?  
13 A Not that I recall.  
14 Q Did you ever do anything to look at communities of  
15 interest that might be fractured by splitting the  
16 city of Appleton?  
17 A Not that I recall.  
18 Q And was that a discussion that was had at the  
19 regional review meeting with legislative  
20 leadership and legal counsel?  
21 A Not that I recall.  
22 Q The next paragraph down discusses the city of  
23 Beloit; do you see that?  
24 A Yes.  
25 Q And that's paragraph 4, Roman iv, on page 18. Did

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1 A Yes.  
2 Q Did you have any -- any discussions with anyone  
3 during the redistricting process about how  
4 Appleton would be split?  
5 A Yes.  
6 Q Who did you speak with about that topic?  
7 A The people previously identified as participating  
8 in the regional map review.  
9 Q Remind me who that is again?  
10 A Legislative leadership. I believe there was legal  
11 counsel there, but I can't recall whom -- who.  
12 Q What was discussed on that topic of the splits of  
13 the city of Appleton?  
14 A Each regional variation, to my recollection,  
15 likely contained a different form of the split.  
16 Q And so when you say *regional variation*, what are  
17 you referring to?  
18 A For each region, there was more than one map  
19 presented for that region.  
20 Q Do you know why the map that was chosen split  
21 Appleton as it did?  
22 A No.  
23 Q Was there a discussion as those options were  
24 presented about communities of interest?  
25 A Not that I recall.

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1 you, in the maps that you drew, did you have  
2 Beloit split?  
3 A I may have. I don't recall.  
4 Q Did you discuss the splitting of Beloit with  
5 anyone during the redistricting process?  
6 A Not that I recall.  
7 Q Did you do anything to look at that -- to look at  
8 communities of interest contained within the city  
9 of Beloit and preserving those?  
10 A Yes.  
11 Q Who did you discuss that with?  
12 A Can you repeat your original question?  
13 (Question read)  
14 Q And you answered yes; let me withdraw the  
15 follow-up question. What did you do to look at  
16 that issue?  
17 A The city of Beloit has a minority population, and  
18 so I did take note of where that minority  
19 population was.  
20 Q And what did you do as a result of taking a look  
21 at where the minority population of Beloit is  
22 located?  
23 A So that if I were to have a split in the city, I  
24 would not -- I would take caution not to split  
25 that population.

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1 Q Do you know whether the final split of Beloit  
 2 preserved the minority population?  
 3 A I believe so.  
 4 Q Did you have a discussion with anyone else about  
 5 that topic?  
 6 A No, not that I recall.  
 7 Q Have you ever heard any explanation, other than  
 8 from legal counsel, about why the city of Beloit  
 9 was split?  
 10 A No, not that I recall.  
 11 Q And when I say *legal counsel*, I mean the legal  
 12 counsel for the purposes of this litigation, and I  
 13 should make that clear because we have legal  
 14 counsel from the redistricting process and then  
 15 the legal counsel from this litigation. So let me  
 16 just ask the question again. Other than the  
 17 litigation counsel representing the GAB or the  
 18 legislature in this action, did you ever have any  
 19 discussions about preserving communities of  
 20 interest in Beloit with anyone?  
 21 A Not that I recall.  
 22 Q Turning your attention to paragraph 5 then on  
 23 page 18, do you see there's a statement made  
 24 that *Three Assembly districts in Milwaukee*  
 25 *that had historically been contained within*

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1 county, the suburbs, and Dane County, and the  
 2 effect that the ripple/domino effect has on  
 3 districts as you move out from the center of the  
 4 county.  
 5 Q Is it your testimony that the decision to  
 6 configure the districts in that way then was a  
 7 result of the population shift westward away from  
 8 the city of Milwaukee?  
 9 A It may have been a factor.  
 10 Q Were there other factors that also influenced  
 11 drawing of the districts in that way?  
 12 A I do not know.  
 13 Q Did you ever have discussions with anyone on the  
 14 regional team about any other reasons to draw the  
 15 districts in that way?  
 16 A Not that I recall.  
 17 Q Was there a discussion of preserving communities  
 18 of interest in drawing those districts they  
 19 referred to in paragraph 5 in that fashion?  
 20 A No, not that I recall.  
 21 Q So other than population reasons for drawing the  
 22 districts in that way, were there any other  
 23 reasons you can recall as you sit here today for  
 24 why the districts were drawn in that fashion?  
 25 A No.

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1 *Milwaukee County are now stretched from the edge*  
 2 *the city well into Waukesha County; do you see*  
 3 *that statement?*  
 4 A Yes.  
 5 Q And did you participate in drawing those districts  
 6 so that they stretched to the edge of the city and  
 7 into Waukesha County?  
 8 A I may have.  
 9 Q In the maps that you drew, were those districts  
 10 configured in that way so that they went into  
 11 Waukesha County?  
 12 A I can't state that specifically yes or no.  
 13 Q Have you ever had discussions with anyone about,  
 14 other than legal counsel in this case, about that  
 15 topic?  
 16 A Yes.  
 17 Q Who have you discussed that topic with?  
 18 A The team reviewing the regional area for  
 19 Milwaukee.  
 20 Q And again that was legislative leadership and then  
 21 legal counsel as well at the time?  
 22 A Correct.  
 23 Q What was discussed on that topic?  
 24 A The discussion was the -- the broad  
 25 malapportionment between the -- between that

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1 Q Beginning on page 18 then and continuing on to  
 2 page 19, there are two paragraphs that talk about  
 3 fracturing Native American communities. Do you  
 4 see those two paragraphs? The full two paragraphs  
 5 are contained on page 19 of the complaint.  
 6 A Yes.  
 7 Q Do you see those? And in the first paragraph  
 8 there is a discussion of members of the  
 9 Oneida Nation; do you see that?  
 10 A Yes.  
 11 Q Are you familiar with the district that  
 12 encompasses members of the Oneida Nation?  
 13 A To some degree.  
 14 Q All right. Did -- well, strike that. Do you know  
 15 whether it is true that under the 2002 boundaries,  
 16 members of the Oneida Nation were primarily with  
 17 Assembly Districts 5 -- District 5 instead of  
 18 District 2?  
 19 A I believe that's accurate.  
 20 Q And is it also true that under the new statute,  
 21 under Act 43, members of the Oneida Nation now  
 22 reside in two Assembly districts?  
 23 A Yes, that is true, and it's not a change from  
 24 2002.  
 25 Q Do you know whether members of the Oneida Nation

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1 are now split into more than two Assembly  
2 districts?  
3 A I do not believe -- rephrase the --  
4 THE WITNESS: Will you state the  
5 question, please.  
6 (Question read)  
7 A I do not know that.  
8 Q Did you participate in drawing the districts that  
9 encompassed members of the Oneida Nation?  
10 A Again, I may have.  
11 Q Was it anything that you specifically looked at  
12 when you were participating in the drawing of the  
13 Assembly districts in that area of the state?  
14 A Yes.  
15 Q And what did you specifically look at with respect  
16 to those districts that encompassed the members of  
17 the Oneida Nation?  
18 A The overwhelming majority of members of the  
19 Oneida Nation live in two townships, in two  
20 counties, town of Hobart and the town of Oneida,  
21 and a very small portion is in the village of  
22 Ashwaubenon.  
23 Q And how did that factor into your consideration of  
24 how to draw districts in that area of the state?  
25 A Just as the court did in 2002, in my maps, I kept,

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1 my recollection is, I kept those two towns  
2 together that contained the vast majority of the  
3 Oneida Nation population.  
4 Q Hobart and Oneida?  
5 A Yes.  
6 Q Do you know whether that was done in the final map  
7 that was adopted?  
8 A I believe it was.  
9 Q Did you ever have any discussions with anyone on  
10 that topic?  
11 A Yes.  
12 Q Who did you talk to that -- who did you speak with  
13 on the topic?  
14 A Tad Ottman.  
15 Q What did you and Mr. Ottman discuss?  
16 A I would have discussed with him because when  
17 you -- when he would be working, you cannot --  
18 reservation boundaries are not visible. Just  
19 because I was familiar with many of the  
20 reservations, I would just note to him that even  
21 though those towns are different counties, they  
22 actually encompass the reservation.  
23 Q Were there any other considerations of the  
24 Oneida Nation that were discussed as you were  
25 drawing the boundaries of the district --

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1 districts that encompassed them?  
2 A Not that I recall.  
3 Q And then there was also a paragraph on page 19,  
4 it's the second paragraph that refers to members  
5 of the Stockbridge-Munsee and Menominee tribes; do  
6 you see that?  
7 A Yes.  
8 Q Did you consider the members of those tribes as a  
9 community of interest when you were drawing any  
10 maps for Act 43?  
11 A Yes.  
12 Q What did you consider?  
13 A The Stockbridge-Munsee Nation is -- is separate  
14 from the Menominee Nation. The Menominee Nation  
15 is indigenous to Wisconsin. The  
16 Stockbridge-Munsee Nation was not. They're  
17 Mohican origin from the state of New York. The  
18 Stockbridge-Munsee reservation is, I think,  
19 exclusively or almost exclusively contained in two  
20 townships, the town of Bartelme and the town of  
21 Red Springs.  
22 Q And how did that factor into the way that you drew  
23 districts for Act 43?  
24 A In my maps, I made effort to keep the  
25 Stockbridge-Munsee reservation, which is contained

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1 in two townships in one district.  
2 Q Did you have any discussions with anyone else on  
3 the redistricting team about how the  
4 Stockbridge-Munsee and Menominee tribes were  
5 treated under Act 43?  
6 A Yes.  
7 Q Who did you discuss that with?  
8 A Mr. Ottman.  
9 Q What did you discuss?  
10 A Again, as Mr. Ottman may be drawing on his own, he  
11 would not necessarily be able to know that that  
12 tribal reservation, the Stockbridge-Munsee, is  
13 contained in two separate townships, so I noted  
14 that for him so he would be aware of that.  
15 Q Did you have any discussions with any members of  
16 the Oneida Nation or members of the  
17 Stockbridge-Munsee or Menominee tribes in making a  
18 determination about how to draw districts that  
19 encompass those tribes?  
20 A Not recently.  
21 Q When was the last time that you spoke with anyone  
22 from those tribes about districts?  
23 A 10 years ago.  
24 Q What were you told at that time by members of  
25 those tribes?

307

1 A That's when I was sort of given the history of the  
2 Stockbridge-Munsee Nation, and the fact that  
3 they're in multiple townships and that they are  
4 separate and distinct from the Menominee tribe.  
5 Q Someone from the Stockbridge-Munsee tribe told you  
6 that?  
7 A Yes.  
8 Q Did you ever speak with anyone from the Menominee  
9 tribe?  
10 A Not that I recall.  
11 Q About the issue of redistricting?  
12 A Not that I recall.  
13 Q What about someone from the Oneida Nation?  
14 A Not that I recall.  
15 Q Did you participate in actually hands-on drawing  
16 any of the legislative districts in Milwaukee?  
17 A On my maps, yes.  
18 Q On the maps -- in the maps that you drew that  
19 encompass the city of Milwaukee, do you know  
20 whether any of those became part of Act 43?  
21 A Exactly, I don't know that.  
22 Q What did you do after you drew your maps? Who did  
23 you give them to?  
24 A I did not give them to anybody.  
25 Q What did you do with them after you drew them?

308

1 A They were on the computer terminal at the law  
2 firm.  
3 Q So anyone else who was part of the redistricting  
4 team could pull them up and use them?  
5 A That is correct.  
6 Q Do you know who finally drew the maps that were  
7 then presented to the legislature for its  
8 approval?  
9 A I don't know that exactly, no.  
10 Q Do you know whether it was Mr. Foltz or  
11 Mr. Ottman?  
12 A It's my understanding.  
13 Q It wasn't you; is that correct?  
14 A It was not me.  
15 Q So you don't know whether they, whoever it was who  
16 drew the final maps, used the districts that you  
17 drew for the city of Milwaukee?  
18 A Right. I don't know that, but many of them look  
19 very similar to the maps I had drawn.  
20 Q When you were drawing districts in the city of  
21 Milwaukee, did you take into account minority  
22 interests?  
23 A Yes.  
24 Q Which minority interests did you take into  
25 account?

309

1 A The African-American minority interest and the  
2 Hispanic minority interest. That's what I recall.  
3 Q All right. And as far as the African-American  
4 districts are concerned, do you know how many  
5 African-American majority districts there are  
6 under the 2002 court-drawn plan?  
7 A Yes.  
8 Q How many are there?  
9 A There are five.  
10 Q How many -- do you know how many there are under  
11 Act 43?  
12 A Yes.  
13 Q How many are there?  
14 A There are six.  
15 Q Were there any discussions among the redistricting  
16 team about the number of African-American majority  
17 districts in Milwaukee?  
18 A Yes.  
19 Q What were those discussions?  
20 A The discussion I recall was with Attorney Troupis.  
21 Q What was that discussion?  
22 A Attorney Troupis did not provide any specific  
23 instructions. However, he gave sort of broader  
24 guidelines.  
25 Q What were the guidelines that he gave?

310

1 A One, the court-drawn map had five African-American  
2 districts, and that number should -- should not  
3 decrease. Two --  
4 Q I've got to stop you there for a second, and we'll  
5 come back, or do you want to get them out first  
6 and then we can come back?  
7 A Go ahead.  
8 Q I was just going to say, did he say why that  
9 number should not decrease?  
10 A Not that I recall.  
11 Q All right. Go ahead.  
12 A Two, if the -- if the population, African-American  
13 population had grown relative to the total  
14 population enough to create a sixth majority  
15 African-American district without violating  
16 traditional redistricting principles, that would  
17 be acceptable to do.  
18 Q Was there any other guidance that he gave to you?  
19 A Maybe give me a minute. This is a long time ago.  
20 Q Sure, I understand.  
21 A Unless dictated by greater forces of population  
22 malapportionment, African-American incumbents  
23 ideally would not be paired with each other or  
24 with a white incumbent. I think there's something  
25 else that I'm just not --

311



1 Q Not coming back.  
2 A Not coming to me.  
3 Q All right. Do you know whether, speaking to that  
4 last principle that you mentioned, do you know  
5 whether any African-American incumbents were, in  
6 fact, paired with one another?  
7 A I believe the answer is no.  
8 Q And what about paired with any white incumbents?  
9 A I believe the answer is no.  
10 Q I assume then that the redistricting team found it  
11 acceptable to create a sixth African-American  
12 majority Assembly district, correct?  
13 A They did.  
14 Q Do you know who made that decision?  
15 A No, I do not.  
16 Q In the maps that you drew of the city of  
17 Milwaukee, did you have six African-American  
18 majority Assembly districts?  
19 A I believe the answer is yes.  
20 Q Did you ever look into creating a seventh  
21 African-American majority Assembly district?  
22 A No, I did not.  
23 Q Did you have any discussions with Mr. Troupis  
24 about the possibility of creating a seventh  
25 African-American majority Assembly district in

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1 Milwaukee?  
2 A Not that I recall.  
3 Q Do you know whether anyone on the redistricting  
4 team looked into that issue?  
5 A Not that I'm aware of.  
6 Q Have you done any investigation to determine  
7 whether a seventh African-American majority  
8 Assembly district could be created in Milwaukee?  
9 A No, I have not.  
10 Q And do you know whether anyone on the  
11 redistricting team engaged in that analysis?  
12 A Not to my knowledge.  
13 Q Have you seen anything that addressed that topic  
14 during the course of the redistricting process?  
15 A Somewhere, again, in one of those documents I've  
16 seen reference to that.  
17 Q In the court documents, you think?  
18 A Yes.  
19 Q As opposed to the redistricting process itself?  
20 A That's right.  
21 Q Moving on to the Latino districts in Milwaukee;  
22 were you involved in drawing the Latino majority  
23 Districts 8 and 9?  
24 A I did in my maps draw the Hispanic districts on  
25 the south side of Milwaukee.

313

1 Q So if we call them Hispanic or Latino, we're  
2 talking about the same thing; is that correct?  
3 A My understand something those are both  
4 interchangeable, acceptable terms. If I'm  
5 mistaken, correct me.  
6 Q It's my understanding as well. Mr. Earle will  
7 correct us if we step over the line, I'm sure.  
8 But in any rate, it's Assembly Districts 8 and 9,  
9 correct?  
10 A Yes.  
11 Q Was there any kind of a goal that the  
12 redistricting team had in drawing Latino majority  
13 districts in Milwaukee in Act 43?  
14 A I do not know if the team had a goal.  
15 Q Was there any kind of a goal that was discussed  
16 among the members of the team?  
17 A Again, with Mr. Troupis.  
18 Q And what was discussed with Mr. Troupis?  
19 A That there was a majority Hispanic district in  
20 Milwaukee County, and therefore, any new map  
21 would, at the very least, have to continue that  
22 district. Two, that the -- if population growth  
23 of the Hispanic community relative to the total  
24 community would permit the creation of a second  
25 Hispanic majority district, that would be okay or

314

1 a good thing. Three, the -- that unless dictated  
2 by forces of malapportionment, an Hispanic  
3 incumbent should not be paired with another  
4 incumbent.  
5 Q I'm going to step back one second, sorry to take  
6 this out of sequence. But did you personally  
7 speak with any members of the African-American  
8 community in Milwaukee about drawing the Assembly  
9 districts there?  
10 A In 2011?  
11 Q In 2011, correct.  
12 A No.  
13 Q Do you know whether anyone else on the  
14 redistricting team spoke with any members of the  
15 African-American community in Milwaukee about how  
16 to draw those Assembly districts?  
17 A I do not have any knowledge of that.  
18 Q Have you seen any kinds of communications at all  
19 between members of the redistricting team and  
20 members of the African-American community in  
21 Milwaukee about how the district should be drawn?  
22 A Not that I recall.  
23 Q With respect to Assembly Districts 8 and 9 in  
24 Milwaukee, did you draw your map before talking  
25 with Mr. Foltz and Mr. Ottman about how those

315

1 districts should be drawn?  
 2 A Yes.  
 3 Q Do you know whether the way that you drew the  
 4 districts is the way that they were finally drawn?  
 5 A They were not.  
 6 Q How were the districts that you drew different  
 7 than the way the districts were finally drawn?  
 8 A I recall drawing two options. One had Hispanic  
 9 voting age population of both districts at 57  
 10 percent, and one had one district at 64 percent  
 11 and one district at 51 approximately.  
 12 Q And do you recall what the final districts were in  
 13 terms of their Hispanic voting age population?  
 14 A Yes.  
 15 Q What were the final districts?  
 16 A My recollection is that the final districts ended  
 17 exactly in the middle of those two sets of numbers  
 18 I just related, which I believe is 60 and -- no,  
 19 I'm sorry, 60 and 54.  
 20 Q Were the boundaries, the outside boundaries, of  
 21 the combined 8th and 9th Assembly districts that  
 22 you drew the same as the outer boundaries of those  
 23 districts under Act 43?  
 24 A I don't know that.  
 25 Q How did you decide where to make the outer

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1 boundaries of the districts, Districts 8 and 9,  
 2 when you drew them?  
 3 A This is the one and only place in the state where  
 4 I actually drew a larger population on the  
 5 Assembly map equal to the Senate district  
 6 population. And in that area of what would be a  
 7 Senate district captured, consistent with other  
 8 redistricting principles of compactness and  
 9 population, captured a large, large percentage of  
 10 the Hispanic population in that region in the  
 11 county.  
 12 MR. POLAND: Brandé, could you read  
 13 my question back.  
 14 (Question read)  
 15 Q So were the outer boundaries that you drew the  
 16 same as the outer boundaries that Mr. Foltz and  
 17 Mr. Ottman drew?  
 18 A I don't know that.  
 19 Q And you don't recall whether the outer boundaries  
 20 of the districts that you drew were the same as  
 21 what ended up being in Act 43?  
 22 A I would have to look at a map I drew, and I would  
 23 have to look at Act 43.  
 24 Q Was there ever any discussion about the outer  
 25 boundaries of the two combined districts, that

317

1 they had to be in a certain fixed configuration?  
 2 A No.  
 3 Q Did you ever participate in any discussions with  
 4 anyone on the redistricting team where it was  
 5 suggested that those boundaries could be changed  
 6 or should be changed, and they were not?  
 7 A Not that I recall.  
 8 Q Do you recall in what part of the process, the  
 9 redistricting process, you drew the Hispanic or  
 10 Latino districts in Milwaukee?  
 11 A Yes.  
 12 Q When was that?  
 13 A Shortly after I created the larger three Assembly  
 14 seat area. I then drew Districts 8 and 9 within  
 15 that area.  
 16 Q Was this closer to the beginning of the process of  
 17 redistricting, or was it closer to the end; if you  
 18 can recall?  
 19 A It would have been after the census came out in  
 20 April.  
 21 Q Relative to drawing districts in other parts of  
 22 the state, do you recall whether it was more at  
 23 the beginning of that process or closer to the  
 24 end?  
 25 A It would have been closer to the beginning.

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1 Q And that's because, as you testified before, the  
 2 process started in Milwaukee and went out from  
 3 Milwaukee; is that correct?  
 4 A Yes.  
 5 Q When you were deciding how to draw Districts 8  
 6 and 9 and the map that you had drew, did you  
 7 consult with any members of the Latino community  
 8 in Milwaukee?  
 9 A No.  
 10 Q Is it fair to say that the first communication or  
 11 contact that you had with anyone who was a  
 12 representative of the Latino community was with  
 13 Mr. Rodriguez, Jesus Rodriguez?  
 14 A Yes.  
 15 Q Was he the only one you ever spoke with who was a  
 16 member of the Latino community about Districts 8  
 17 and 9?  
 18 A Yes.  
 19 Q We've seen references to MALDEF in some of the  
 20 documents. Did you ever speak with anyone from  
 21 MALDEF?  
 22 A No.  
 23 MR. POLAND: Why don't we take a  
 24 break.  
 25 MR. MCLEOD: Okay.

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1 THE VIDEOGRAPHER: The time is  
 2 10:48. We are going off the record.  
 3 (Recess taken)  
 4 THE VIDEOGRAPHER: The time is  
 5 11:13. We are back on the record.  
 6 Q Mr. Handrick, in your first deposition I had asked  
 7 you some questions about conversations that you  
 8 had with different members of the, we'll call it,  
 9 the redistricting team when you were working  
 10 together with Michael Best & Friedrich last year.  
 11 There were some objections made at that  
 12 deposition, and so I'm going to come back and ask  
 13 you some follow-ups to some of those questions,  
 14 okay?  
 15 A Okay.  
 16 Q I had asked generally about conversations that you  
 17 had with Mr. Ottman and Mr. Foltz during that  
 18 process. I understand that it was a period of  
 19 time of months, and there were probably a number  
 20 of conversations that you had. I want to try to  
 21 start out a little bit more generally and see if  
 22 we need to focus on anything more specific.  
 23 Generally speaking, with respect to Mr. Foltz, did  
 24 you have conversations about drawing the new  
 25 districts under Act 43?

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1 A We had a conversation about drawing districts in  
 2 our own maps.  
 3 Q All right. So you were each separately drawing  
 4 your own maps at the time?  
 5 A Yes.  
 6 Q Why were you drawing them separately and not  
 7 drawing them together?  
 8 A I was -- Reinhart was retained by Michael Best &  
 9 Friedrich to assist them as they gave legal advice  
 10 to the legislature, and part of my role in that  
 11 role was to serve as sort of a translator,  
 12 facilitator, to help translate those legal  
 13 principles and constitutional principles into a  
 14 map. And so I drew separately because that was my  
 15 role was to work for Michael Best & Friedrich and  
 16 take direction from the legal team.  
 17 Q I see. So in that process then, were you talking  
 18 primarily or working primarily with the lawyers at  
 19 Michael Best & Friedrich?  
 20 A No, I was working primarily on my own.  
 21 Q All right. Then consulting with the lawyers at  
 22 Michael Best & Friedrich were taking direction  
 23 from them; is that correct?  
 24 A In a general sense.  
 25 Q And that would extend to Mr. Troupis as well?

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1 A Yes.  
 2 Q So was the primary legal team that you were  
 3 working with Mr. McLeod, Mr. Troupis, Jim Troupis,  
 4 Sarah Troupis, and to some extent Ray Taffora?  
 5 A Yes.  
 6 Q Was there anybody that I left out there?  
 7 A No, I don't believe so.  
 8 Q Did you have general discussions with members of  
 9 the legal team about the principles you were to  
 10 follow when drawing your own maps?  
 11 A Very general.  
 12 Q And what were the general discussions or  
 13 guidelines that you were given?  
 14 A They would -- they would remind me what the, sort  
 15 of the objective criteria are, the population,  
 16 compactness, contiguity. That would be in a real  
 17 general sense.  
 18 Q Did you have discussions about the partisan makeup  
 19 of the districts and the extent to which partisan  
 20 interests could play a role in the drawing of the  
 21 maps?  
 22 A With the legal team?  
 23 Q Correct.  
 24 A Not that I recall.  
 25 Q Did you have discussions with any members of the

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1 legal team about representation of minorities in  
 2 the new districts, and here I'll put a qualifier  
 3 on that, other than you've already testified to  
 4 here today?  
 5 A What I testified in regards to Jim Troupis is that  
 6 was the primary sort of guidance that was given.  
 7 Q Did you have any conversations with Mr. McLeod  
 8 about representation of minority interests in the  
 9 new Assembly districts under Act 43?  
 10 A Not that I recall specifically.  
 11 Q And you added *specifically* on the end there. Was  
 12 there something general that you recall discussing  
 13 with Mr. McLeod on that topic?  
 14 A Nothing that I recall that would be any different  
 15 than the conversation with Mr. Troupis. My  
 16 recollection is those conversations were with  
 17 Mr. Troupis.  
 18 Q Did you have any conversations with Sarah Troupis  
 19 or Ray Taffora about representation of minorities  
 20 in the districts drawn under Act 43?  
 21 A No.  
 22 Q Other than the conversations you already testified  
 23 to today that you had with Mr. Troupis about the  
 24 number of minority, majority Assembly districts,  
 25 were there any other conversations that you had

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1 with members of the legal team about the number of  
2 minority, majority districts that could be created  
3 under Act 43?  
4 A Aside from what I already testified to, no, not  
5 that I recall.  
6 Q Let me shift that over then, focus on the  
7 nonlawyers who were on the redistricting team, so  
8 Mr. Foltz, Mr. Ottman, and any of the other people  
9 that you previously have identified as  
10 participating in the process. With that group of  
11 people in mind, did you have any discussions with  
12 any of them about the number of minority, majority  
13 districts that would be or could be created under  
14 Act 43?  
15 A Yeah. I don't recall whether we sort of the broad  
16 direction I was given from Attorney Troupis was  
17 done to me and then together and whether or if  
18 that was done separately or whether it was done to  
19 me and then conveyed to them. I just don't recall  
20 that.  
21 Q When you say that you had a role sort of as a  
22 translator between the legal team and then  
23 Mr. Ottman and Mr. Foltz, how did that play out in  
24 practice?  
25 A There are a number of objective redistricting

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1 criteria, and those are -- you know, the ones I  
2 mentioned, population, et cetera. Then if you're  
3 going to draw a map --  
4 THE WITNESS: I'm sorry, can you  
5 repeat it?  
6 MR. POLAND: We'll just have Brandé  
7 read it back.  
8 (Question read)  
9 A So you have these objective redistricting criteria  
10 and those are words. Part of my job was to work  
11 on maps that would take those criteria and try to  
12 have -- put them in the form of a map which would  
13 excel on those criteria to the best degree  
14 possible.  
15 Q So you would take that and then you provided that  
16 to Mr. Foltz and Mr. Ottman?  
17 A No.  
18 Q Maybe I'm misunderstanding your response.  
19 MR. POLAND: Brandé, could you read  
20 back the response.  
21 (Answer read)  
22 Q Once you created your maps, what did you do with  
23 the maps?  
24 A Once I created the maps, I did not do anything  
25 specifically with them. They were simply there.

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1 Q They were there for Mr. Foltz and Mr. Ottman to  
2 use as they saw appropriate?  
3 A I suppose, yes.  
4 Q And they discussed your maps with you, is that  
5 correct, as they were going through and creating  
6 their own maps?  
7 A Not specifically.  
8 Q How did the process work?  
9 A I drew my maps pretty much to myself and did not  
10 have direction from any single person about how to  
11 draw something, nor did I give direction how to  
12 draw something.  
13 Q So working with or consulting with the legal team,  
14 you got guiding principles from them; is that  
15 correct?  
16 A Correct.  
17 Q And then you drew your own maps, correct?  
18 A Correct.  
19 Q And those were located in or loaded in or  
20 just present on the computers that were at  
21 Michael Best & Friedrich, correct?  
22 A Correct.  
23 Q So at that point in time then, they were there and  
24 available for Mr. Foltz and Mr. Ottman to draw  
25 from as they were creating their own district

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1 maps; is that correct?  
2 A They could have been, yes.  
3 Q Do you know whether they did, in fact, draw from  
4 the maps that you created?  
5 A As far as I know, they did not, as they were  
6 creating their maps.  
7 Q All right. Did they use your maps in any way, to  
8 your knowledge?  
9 A When my maps then would be broken into the  
10 regions, then the regions would be presented  
11 one at a time, and then they would be given  
12 direction -- then they were given the direction to  
13 then make the map, and they may have taken parts  
14 of some of my maps and used them at that stage of  
15 the process.  
16 Q So it was -- your map wasn't taken as a whole.  
17 They were regions from your maps that were used by  
18 Mr. Foltz and Mr. Ottman?  
19 A I believe there were.  
20 Q Did you have discussions with Mr. Foltz and  
21 Mr. Ottman about the regional maps that you drew?  
22 A As they were being drawn, no, not really.  
23 Q It was after they had already drawn theirs; is  
24 that correct?  
25 A Yeah, that's my understanding.

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1 Q Was there a comparison then between what they had  
2 drawn and what you had done before?  
3 A Region by region, there may have been. I am not  
4 aware if the entire map was ever laid out and  
5 compared to someone else's entire map. I  
6 didn't -- I never did that.  
7 Q Let's take, for example, let's take Assembly  
8 Districts 8 and 9, did there ever come a time  
9 where you sat down with Mr. Foltz and Mr. Ottman  
10 and compared the districts that you had drawn with  
11 districts that they had drawn?  
12 A Not that I recall. Prior to when the regions were  
13 printed out and assembled.  
14 Q And when did that occur in the process?  
15 A I can't remember specifically.  
16 MR. EARLE: Could you read that  
17 question and answer back?  
18 (Question and answer read)  
19 Q Do you remember whether that was late in process,  
20 closer to the time that a final map was created,  
21 or was it sometime earlier?  
22 A It was relatively late in the process.  
23 Q So if I understand this correctly, and please  
24 correct me if I'm wrong, the review with the -- of  
25 the regions was done on an ongoing basis

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1 throughout, and in the end, the final regions were  
2 printed out and assembled into a single map?  
3 A No, that's not correct.  
4 Q Can you describe it for me. I'm having a hard  
5 time understanding how this proceeded.  
6 A I'm sorry. I drew maps. My understanding is Tad  
7 and Adam also drew maps, and I don't mean to say  
8 plural. I don't know if they drew more than one,  
9 but my understanding is they also drew maps.  
10 Those were done. Then region by region varied,  
11 the different maps, one region at a time were  
12 examined so the people looking at them could see  
13 all of the different variations that had been  
14 drawn for that region.  
15 Q I see. And by the people who were examining them,  
16 these are the regional groups that you had  
17 mentioned before. So it was the legislative  
18 leadership it was the legal staff or the legal  
19 team that was looking at them?  
20 A Correct. And I can't say for certain there were  
21 legal team there, but yeah, the legislative  
22 leaders were there for certain.  
23 Q All right. Did the review by these, of the  
24 individual regions, did that occur at one time, or  
25 was that done over a course of time, over a number

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1 of different days?  
2 A My recollection is that was done over the course  
3 of two days.  
4 Q When did that happen?  
5 A I don't recall specifically.  
6 Q Do you know whether you would be able to identify  
7 when that occurred from your time sheets?  
8 A I don't think so.  
9 Q The time sheets which were produced, I saw they  
10 don't have descriptions of what you were doing on  
11 any given day; it has got a number of hours, but  
12 no descriptions?  
13 A That's my understanding as well.  
14 Q Do you remember or recall whether the review of  
15 those regions was closer to the time that the map  
16 was presented to the legislature or whether it was  
17 earlier in the process?  
18 A It was relatively late in the process, but  
19 obviously before the map was presented to the  
20 legislature.  
21 Q Right. After the -- after the options were  
22 presented -- actually, strike that question. Who  
23 made the decision about which map to take from the  
24 various options that were presented?  
25 A My recollection is that the legislative leaders

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1 gave directions to their staff as to -- as to  
2 which options they liked per region.  
3 Q Were all of the legislators whose districts were  
4 encompassed within a region present at these  
5 regional reviews?  
6 A No.  
7 Q So when you say legislative leaders, you're  
8 referring to the Senate majority leader, the  
9 Speaker of the House?  
10 A Correct.  
11 Q And who else?  
12 A Representative Robin Vos, Senator Rich Zipperer,  
13 and the article in the Journal Sentinel recently  
14 reminded me that Majority Leader Scott Suder was  
15 also there I believe on just one of the days or a  
16 partial day.  
17 Q Do you know whether Representative Suder was there  
18 when his district was being reviewed?  
19 A I don't recall.  
20 Q Do you know what happened after the -- an option  
21 was chosen from each of the regions?  
22 A The group went on to the next region.  
23 Q And so once that process was complete, what then  
24 happened with the regional maps?  
25 A I don't know because that was not part of my task

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1 then.  
 2 Q That was -- in terms of drawing the maps, at that  
 3 point, somebody else took over that process?  
 4 A Yes.  
 5 Q Is it your understanding it would have been either  
 6 Mr. Ottman or Mr. Foltz?  
 7 A That's my understanding.  
 8 Q Mr. Handrick, I had asked you at your previous  
 9 deposition whether as part of the redistricting  
 10 process anyone provided you with any data on  
 11 voting results from past elections, and that you  
 12 were instructed not to answer that question. And  
 13 I wanted to come back and ask you, just to make it  
 14 clear, not talking about any representation in any  
 15 of the counsel who are representing the parties in  
 16 this case, outside of that context. So let me  
 17 come back to that question now, were you provided  
 18 with or were you asked to provide any data on  
 19 voting results from past elections as part of the  
 20 redistricting process?  
 21 A Not to my recollection.  
 22 MR. MCLEOD: Can you read back the  
 23 question and answer.  
 24 (Question and answer read)  
 25 MR. MCLEOD: Thank you.

1 Q So there were no discussions that you had with  
 2 anyone during the redistricting process about  
 3 attempting to gauge the percentage of Latinos in  
 4 Districts 8 or 9 who were not only voting age  
 5 population, but also citizens; is that correct?  
 6 A That's correct.  
 7 Q I wanted to come back to another question I had  
 8 asked you a little bit earlier, and this relates  
 9 to the cities of Racine and Kenosha. Did you have  
 10 any conversations with anyone from the city of  
 11 Racine or the city of Kenosha about the way that  
 12 those cities were treated under Act 43?  
 13 A Yes.  
 14 Q Who did you speak with?  
 15 A Senator Bob Wirsch.  
 16 Q What was the substance of the conversation that  
 17 you had with Senator Wirsch?  
 18 A I had seen Senator Wirsch prior to his recall  
 19 election and wished him well. And after the  
 20 recall election and after the maps were enacted,  
 21 we happened to just meet up at his car  
 22 unintentionally. And so I wanted to take the  
 23 opportunity then to thank him or congratulate him  
 24 for his recall election victory, and then he said  
 25 that it's probably his last real race.

1 Q It was a long lead-in to the question. If you  
 2 want me to rephrase it, I can. Did you understand  
 3 the question I asked?  
 4 A Yeah.  
 5 Q Okay?  
 6 MR. EARLE: Only the court reporter  
 7 had to read it.  
 8 Q We were talking about the Latino districts or  
 9 Hispanics districts in Milwaukee before; you  
 10 recall our discussion about that?  
 11 A Yes.  
 12 Q And you made a reference to the percentage of  
 13 voting age population in those districts that was  
 14 Latino or Hispanic?  
 15 A Yes.  
 16 Q Did you consider citizenship in addressing or  
 17 analyzing the portion or proportion of the Latino  
 18 makeup in those districts?  
 19 A No.  
 20 Q Why did you not?  
 21 A I was not even aware that there was such a thing  
 22 as citizen voting age population, and I believe,  
 23 even to this day, I believe it's not census data,  
 24 but I could be wrong. So I had not even heard  
 25 that term during this process.

1 Q Did he say why it was his last real race?  
 2 A Well, I took -- I inadvertently took that to mean  
 3 he might retire, and so I did ask him *Oh, you're*  
 4 *leaving or you're stepping down.* He said *No, I*  
 5 *have a safe district now.*  
 6 Q Do you know what he meant by that when he said he  
 7 has a safe district?  
 8 A I don't know what he meant. I don't know if he  
 9 meant safe in a general election or safe in a  
 10 primary or safe from someone who might have been  
 11 thinking about running against him that's no  
 12 longer. So I don't know exactly what he meant.  
 13 Q Did he say anything about the way that the cities  
 14 of Racine and Kenosha were treated under Act 43?  
 15 A No, I don't recall him saying anything about that.  
 16 Q Other than Senator Wirsch, did you have any  
 17 discussions with anyone from the cities of Racine  
 18 and Kenosha about how they were treated -- and by  
 19 treated, I mean, how they were districted under  
 20 Act 43?  
 21 A Not that I recall.  
 22 Q Mr. Handrick, I'm going to ask the court reporter  
 23 to mark a document here as another exhibit.  
 24 (Exhibit No. 91 marked for  
 25 identification)



1 Q In your earlier deposition, Mr. Handrick, we  
 2 had some conversations about your retention by  
 3 Michael Best & Friedrich; do you recall that?  
 4 A Yes.  
 5 Q I believe we marked, and I can pull it out and we  
 6 can show it to you if you need to, your engagement  
 7 letter. It was sometime around the middle of  
 8 February; do you recall that?  
 9 A That sounds correct.  
 10 Q When were you first approached about working with  
 11 Michael Best & Friedrich on the redistricting?  
 12 A I can't recall that precisely.  
 13 Q All right. Well, I'm going to ask you to take a  
 14 look at Exhibit No. 91, and I will point out,  
 15 again, this is a document that came from your  
 16 files. It was produced to us. It has got a Bates  
 17 number in the lower right-hand corner that  
 18 indicates that. Is this a document that is  
 19 familiar to you? You can take a minute to look at  
 20 it.  
 21 A Yes.  
 22 Q I'd like to draw your attention to the bottom of  
 23 the first page of Exhibit 91, and you'll see that  
 24 it's an e-mail from you to Mr. Troupis on  
 25 January 14th, 2011?

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1 A Yes.  
 2 Q If you look at the last paragraph in that  
 3 e-mail on the first page, you'll see it states,  
 4 "Senator Fitzgerald and I had a great meeting last  
 5 week and he asked me to get together with you  
 6 and/or Eric and begin figuring out how to  
 7 structure my involvement with the team." Do you  
 8 see that statement?  
 9 A Yes.  
 10 Q Is it your understanding that you were essentially  
 11 on board for the redistricting process as of  
 12 January 14th, 2011?  
 13 A No, I wouldn't necessarily agree with that.  
 14 Q All right. Why not?  
 15 A Because I was an employee of Reinhart, and the  
 16 retention would be through Reinhart, and if,  
 17 regardless of whether someone says they want me to  
 18 be on the team, if Reinhart had identified a  
 19 conflict or some other issue that would prevent us  
 20 from taking that engagement, it wouldn't have been  
 21 up to me.  
 22 Q So this is more in the nature of preliminary  
 23 investigation about whether you were going to be  
 24 involved?  
 25 A That's -- that's what I would conclude.

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1 Q Do you know whether you had any conversations  
 2 with -- well, strike that question. This e-mail  
 3 seems to indicate that a week before January 14th,  
 4 2011, you had met with Senator Fitzgerald, and you  
 5 were discussing the redistricting process; is that  
 6 fair to say?  
 7 A I met with Senator Fitzgerald early in the session  
 8 to reintroduce myself as someone who had recently  
 9 entered the lobbying world. So that was the  
 10 purpose of meeting with him.  
 11 Q All right. There's a specific reference here,  
 12 though, to a meeting that you had with  
 13 Senator Fitzgerald where it was discussed  
 14 apparently how to structure your involvement with  
 15 the team; do you see that?  
 16 A Yes.  
 17 Q And by team, are you suggesting or testifying that  
 18 that's not the redistricting team that's referred  
 19 to there?  
 20 A No, I'm not testifying to that.  
 21 Q Is it your belief that that does refer to the  
 22 redistricting team?  
 23 A Likely does, yes.  
 24 Q Fair to say then that as of sometime in the first  
 25 half of January, a year ago, you were at least

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1 discussing with Senator Fitzgerald the possibility  
 2 of participating in the redistricting team?  
 3 A Yes. At the end of our meeting, he directed me to  
 4 deal directly with the legal folks that they had  
 5 already retained.  
 6 Q Was that meeting in January you had with  
 7 Senator Fitzgerald the first one where you  
 8 discussed with any of the legislators the  
 9 possibility of being involved with the  
 10 redistricting process?  
 11 A I would have had a similar reintroduction meet  
 12 Joe Handrick meeting with the Assembly speaker on  
 13 or about that same time. So it could have been  
 14 before. It could have been after, but on or about  
 15 that same time.  
 16 Q Do you recall when you first met with a  
 17 member of the legal team after speaking with  
 18 Senator Fitzgerald and sending Mr. Troupis that  
 19 e-mail on January 14th?  
 20 A No, I don't. I don't, but the e-mail does make  
 21 reference to going to see Mr. Troupis Monday  
 22 afternoon.  
 23 Q And that's what I was going to ask you about. So  
 24 sometime on or around January 17th or 18th, you  
 25 would have met with Mr. Troupis for the first

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1 time?  
 2 A Yeah.  
 3 Q Do you recall what you discussed with Mr. Troupis  
 4 at that meeting about the redistricting?  
 5 A Not specifically, no.  
 6 Q Generally recall what you talked about?  
 7 A Generally, it would have been the nature of the  
 8 relationship between the law firms and what my  
 9 role in assisting those law firms would be.  
 10 Q At that initial point, did you talk with  
 11 Mr. Troupis at all about any of the principles  
 12 that would govern redistricting itself?  
 13 A No, I don't believe so.  
 14 MR. POLAND: I've got a document  
 15 that has already been marked as an exhibit.  
 16 I'll go ahead and pass this around to  
 17 counsel. For the record, this is Exhibit  
 18 No. 64.  
 19 Q Mr. Handrick, as you'll see, the document in  
 20 front of you was marked as an exhibit at  
 21 Professor Gaddie's deposition. And you were there  
 22 for part of that deposition, as I recall, correct?  
 23 A Yes.  
 24 Q Exhibit 64 is an exchange of e-mails, it appears,  
 25 between you and Mr. Troupis, correct?

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1 A Correct.  
 2 Q And there is a statement, the middle portion of  
 3 this e-mail, there is a statement from Mr. Troupis  
 4 to you saying that Professor Gaddie is on board  
 5 now; do you see that?  
 6 A Yes.  
 7 Q Did you have any discussions with Professor Gaddie  
 8 before January 24th about participating in the  
 9 redistricting process in 2011?  
 10 A You know, not that I remember, not that I recall.  
 11 Q There's also a reference that Mr. Troupis makes to  
 12 Dr. Grofman; do you see that?  
 13 A Yes.  
 14 Q And that is Dr. Bernie Grofman, who is testifying  
 15 as an expert in this case, correct?  
 16 A That's my understanding.  
 17 Q Did you ever talk to Dr. Grofman during any part  
 18 of the redistricting process last year, before  
 19 November 22nd?  
 20 A Thank you. No.  
 21 Q Do you know whether Dr. Grofman played any role  
 22 whatsoever in the redistricting process itself?  
 23 A Not that I'm aware of.  
 24 Q The very top part of Exhibit No. 64 has a  
 25 statement from you to Mr. Troupis stating *The*

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1 *Speaker asked me to come see him on Thursday; do*  
 2 *you see that?*  
 3 A Yes.  
 4 Q So that would have been toward the end of  
 5 January of 2011, correct?  
 6 A Yes.  
 7 Q What did you speak with -- did you, in fact, go to  
 8 see the speaker?  
 9 A Again, yeah, sometime around that time, I did pay  
 10 visits to both him and the Majority Leader in the  
 11 Senate.  
 12 Q Do you know whether that conversation that you  
 13 had with Speaker Fitzgerald after January 24th was  
 14 the equivalent of the one that you had with  
 15 Senator Fitzgerald before then?  
 16 A I believe it was, but I can't say that for  
 17 certainty.  
 18 Q This was an initial meeting to explore the  
 19 possibility of having you participate on the  
 20 redistricting team?  
 21 A No. It was, as with Senator Fitzgerald, it was a  
 22 meeting I requested to reintroduce myself, and I  
 23 believe what this is saying is that this -- I got  
 24 an answer back saying *Yeah, come in on Thursday.*  
 25 Q Did you, when you met with the speaker when you

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1 went back in to see him, did you have any specific  
 2 discussions with him about the redistricting  
 3 process?  
 4 A Yes.  
 5 MR. POLAND: We're going to end the  
 6 tape there, and we'll come back to that  
 7 question. Let's go ahead and go off the  
 8 record.  
 9 THE VIDEOGRAPHER: The time is  
 10 11:48. We are going off the record. This  
 11 marks the conclusion of Disk No. 4 in the  
 12 series, Disk No. 1 in the deposition of  
 13 Joe Handrick, a continuation.  
 14 (Recess taken)  
 15 THE VIDEOGRAPHER: The time is  
 16 11:53. We are back on the record. This  
 17 marks Disk No. 2 in the continuation in the  
 18 deposition of Mr. Joseph Handrick, Disk No. 5  
 19 in the series.  
 20 MR. POLAND: Brandé, could you read  
 21 the last question and answer back.  
 22 (Question and answer read)  
 23 Q What discussions did you have with  
 24 Speaker Fitzgerald about the redistricting process  
 25 at that time?

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1 A My recollection is he wanted clarification on my  
2 role.  
3 Q Did you talk at all about the substance of  
4 redistricting, what the districts might look like,  
5 any guiding principles for redistricting?  
6 A No.  
7 Q When was the first time that you met with  
8 Mr. Ottman about redistricting?  
9 A I don't -- I don't recall.  
10 Q What about Mr. Foltz?  
11 A I don't recall.  
12 (Exhibit Nos. 92 and 93 marked for  
13 identification)  
14 Q Mr. Handrick, the court reporter has handed you a  
15 document that we've marked as Exhibit No. 93. You  
16 have that in front of you?  
17 A Yes.  
18 Q This consists of a chain of e-mails between you  
19 and Mr. Ottman, correct?  
20 A Correct.  
21 Q If you look down at the bottom of the page, you'll  
22 see an e-mail from Mr. Ottman to you dated  
23 January 24th; do you see that?  
24 A Yes.  
25 Q And Mr. Ottman says, "I was wondering if you had

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1 some time to get together this week and just go  
2 through a few things." Do you see that?  
3 A Yes.  
4 Q Do you recall meeting with Mr. Ottman in January  
5 of 2011 to discuss redistricting?  
6 A I -- I do vaguely recall that, yes.  
7 Q Do you know what you and Mr. Ottman discussed at  
8 that time about redistricting?  
9 A In a general sense, yes.  
10 Q And what generally did you discuss?  
11 A In 2001 and 2002, I had a much more prominent role  
12 with the, I believe at the time it was, the  
13 plaintiffs, and Mr. Ottman wanted to pick my brain  
14 a little bit as to sort of logistical and  
15 structural things to do to help him as he put  
16 together whatever process they were going to use.  
17 Q Do you recall what you discussed any more  
18 specifically than that?  
19 A No, not really.  
20 Q There is a reference at the top of Exhibit 93 to a  
21 meeting you had with Adam; you say you had it two  
22 weeks ago. I presume that's Adam Foltz; is that  
23 correct?  
24 A Yes, I would presume so.  
25 Q And you say in that e-mail that occurred the same

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1 day that you spent a half an hour with  
2 Senator Fitzgerald; do you see that?  
3 A Yes.  
4 Q Do you recall what you and Mr. Foltz discussed  
5 when you met in January of 2011?  
6 A Yes.  
7 Q What did you discuss?  
8 A Mr. Foltz, who was -- I don't believe he had been  
9 involved in past redistrictings inquired as to how  
10 10 years ago, 20 years ago, the people who were  
11 working on maps interacted with individual  
12 legislators in terms of what sort of processes  
13 they used or controls they had or tools they had.  
14 Q And so you instructed him or told him how that had  
15 been done?  
16 A Yes.  
17 Q Did you have any discussions with Mr. Foltz at  
18 that time about redistricting principles that  
19 would be guiding the efforts that resulted in  
20 Act 43 or Act 44?  
21 A Not that I recall, no.  
22 Q Other than the people that we've talked about in  
23 these e-mails from January 2011, so Mr. Troupis,  
24 Mr. Foltz, Mr. Ottman, Speaker Fitzgerald and  
25 Senator Fitzgerald, did you have any discussions

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1 or meetings with anyone else about the topic of  
2 redistricting?  
3 A Yes.  
4 Q Who else did you speak with?  
5 A I would not be able to give specific names, but  
6 more than one legislator from both parties who  
7 would, as I was doing my work or my normal work,  
8 would ask if I was going to play a role in the  
9 process again this time around.  
10 Q When you say your normal work, you mean your work  
11 as --  
12 A As a government relations specialist.  
13 Q With Reinhart?  
14 A Yes.  
15 Q Anyone else that you recall talking to in January  
16 2011 about redistricting?  
17 A I just mentioned that legislators, some staff  
18 would ask the same question, and some lobbyists  
19 would ask the same question.  
20 MR. POLAND: Let's go ahead and  
21 mark this as Exhibit 94.  
22 (Exhibit No. 94 marked for  
23 identification)  
24 Q Mr. Handrick, the court reporter has handed you a  
25 copy of a document that has been marked Exhibit

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1 No. 94. It's a string of e-mails between you and  
 2 Mr. Troupis, and as you'll see from the Bates  
 3 number in the lower right-hand corner, this is a  
 4 document that we got from your files. I wanted to  
 5 ask you about the last e-mail that appears on the  
 6 end of the first page, beginning on the second  
 7 page. It's an e-mail from you to Mr. Troupis on  
 8 January 28th, and you asked the question, "Are you  
 9 expecting me on Monday for the meeting with  
 10 private groups?" Do you see that? Top of the  
 11 second page?  
 12 A Top of the second page. Yes.  
 13 Q Who were the private groups you were referring to  
 14 there?  
 15 A I do not know specifically who they would be.  
 16 Q Did you have a conversation with Mr. Troupis about  
 17 meeting with private groups?  
 18 A Yeah, I believe so.  
 19 Q What was that discussion?  
 20 A Mr. Troupis notified me that he, as he had done 10  
 21 years ago and 20 years ago, was going to have some  
 22 discussions with private organizations on the  
 23 topic of redistricting. And from my e-mail here,  
 24 it looked like I asked him if he wanted or if he  
 25 thought I should be there, or I used the phrase

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1 Are you expecting me.  
 2 Q Do you know who the private groups were that  
 3 Mr. Troupis was going to be meeting with?  
 4 A No, I don't.  
 5 Q Did you ever have any conversations with any  
 6 private groups about the topic of redistricting?  
 7 A Yes.  
 8 Q Who did you speak with?  
 9 A As discussed, I think, in my previous deposition,  
 10 the Wisconsin Association of Lobbyists invited me  
 11 to give a presentation after the enactment of  
 12 Acts 43 and 44.  
 13 Q Were there any other private groups that you  
 14 spoke with about the topic of redistricting during  
 15 the redistricting process itself, so before  
 16 August 9th, 2011?  
 17 A Not that I recall.  
 18 Q Do you know whether Mr. Troupis did, in fact, meet  
 19 with the private groups that are referred to in  
 20 this e-mail from January 28th?  
 21 A I have no idea.  
 22 Q Did you ever talk with Mr. Troupis after the time  
 23 that he had that meeting, assuming he had it,  
 24 about the meeting itself?  
 25 A Not that I recall.

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1 Q The e-mail that Mr. Troupis sends back to you then  
 2 that's dated the next day, Saturday, January 29th,  
 3 Mr. Troupis says, "I will defer to Tad on this."  
 4 Do you refer talking to Tad Ottman about whether  
 5 you should attend a meeting with the private  
 6 groups?  
 7 A No, I do not recall that.  
 8 Q Did anyone ever tell you not to attend that  
 9 meeting?  
 10 A I do not believe I was ever told not to, nor do I  
 11 believe I was ever invited.  
 12 Q All right. There is a statement that Mr. Troupis  
 13 then makes where he says, "I think for you that  
 14 maintaining the appearance of independence is  
 15 potentially very important (and lucrative for  
 16 you)." Do you see that statement?  
 17 A Yes.  
 18 Q What did he mean by maintaining the appearance of  
 19 independence, in your understanding?  
 20 A Remember back to my discussion with Mr. Troupis  
 21 regarding what my role would be, and it just stems  
 22 out of that, that conversation.  
 23 Q What specifically did he mean, if you know, by  
 24 independence?  
 25 A I -- when we discussed what my role would be and

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1 should be, I tried to make it clear that I was not  
 2 interested in anything that would be a partisan  
 3 role. I wanted my role to be more of a  
 4 nonpartisan consultant, adviser to the legal team  
 5 in the process.  
 6 Q That was something that you had made apparent to  
 7 Mr. Troupis?  
 8 A Yes.  
 9 Q Did he have a response to that when you told him  
 10 that?  
 11 A Yes.  
 12 Q What was that response?  
 13 A His response, if I can sum up, was that that means  
 14 that I would not be a full-time person as I was 10  
 15 years ago or 20 years ago; that I would play a  
 16 smaller role. I would not be -- it would not be a  
 17 day-to-day role.  
 18 Q You would not do what Mr. Ottman and Mr. Foltz had  
 19 ended up doing, in other words; is that a fair way  
 20 of putting it?  
 21 A Yes.  
 22 Q It is true that as you went through this process,  
 23 you were meeting with the legislative leadership,  
 24 who was republican, correct?  
 25 A Yes.

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1 Q And were there any democrats that -- democratic  
2 legislators that you met with during the  
3 redistricting process for the purpose of getting  
4 their feedback on how districts should be drawn?  
5 A No, not that I recall.  
6 Q You met with individual legislators during the  
7 process of redistricting; is that correct?  
8 A Only those identified.  
9 (Exhibit No. 95 marked for  
10 identification)  
11 A Could I have her please re-read your question?  
12 Q Sure, of course.  
13 (Question read)  
14 A If I may correct my answer. I met with individual  
15 legislators of both parties and both houses  
16 frequently during the process of redistricting.  
17 That's not the same as regarding redistricting.  
18 Q Fair point, and I appreciate the correction,  
19 and --  
20 A I'd hate to have my clients ask what I'm billing  
21 them for.  
22 Q I understand. Let me re-ask the question so we're  
23 clear. Did you meet with individual legislators  
24 during the process of redistricting to discuss  
25 specifically the process itself of drawing the new

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1 maps?  
2 A Outside of the aforementioned names, I don't  
3 believe so.  
4 Q You've been handed a copy of an exhibit that has  
5 been marked deposition Exhibit No. 95. Do you  
6 have that in front of you?  
7 A Yes.  
8 Q And the e-mail that I would like to draw your  
9 attention to was one that Mr. Ottman sent to you  
10 on Monday, February 14th, 2011. Mr. Ottman states  
11 in that, "We'd like to get going on legislator  
12 meetings next week and it would be helpful to see  
13 what you included in your packets." Do you see  
14 that?  
15 A Yes.  
16 Q So the first part of this that I wanted to ask you  
17 about was the legislator meetings that Mr. Ottman  
18 referred to. Do you know what he means when he  
19 refers to legislator meetings?  
20 A My understanding is he's referring meetings he  
21 would have had with individual legislators.  
22 Q Did you attend any of those meetings?  
23 A No.  
24 Q Then there's also a reference that Mr. Ottman has  
25 in there to packets. Do you know what he's

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1 referring to when he uses the term packets?  
2 A Yes. This is the e-mail version of the same  
3 question that Mr. Foltz asked me verbally  
4 regarding so how did we do things 10 years ago in  
5 terms of their interaction with legislators.  
6 Q Were there materials that you prepared for  
7 Mr. Foltz and Mr. Ottman and gave to them then  
8 that they referred to as the packets?  
9 A No.  
10 Q So what's included within the packets that  
11 Mr. Ottman is referring to?  
12 A He's referring to what we would have done 10 years  
13 ago and 20 years ago in terms of meeting with  
14 individual legislators.  
15 Q I see. What you included in the packets when you  
16 met with legislators the last go-round in the  
17 1990s?  
18 A Yes.  
19 Q Understood. Mr. Handrick, I'm going to hand  
20 you a document that we already marked at  
21 Professor Gaddie's deposition as Exhibit 67. The  
22 middle of Exhibit 67, there's an e-mail from  
23 Dr. Gaddie to you, and he includes -- he's  
24 referring to some materials that he had sent to  
25 you. And this was regression models that he had

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1 run on previous elections, correct, on the results  
2 of previous elections?  
3 A You'll have to point me to exactly where you're  
4 reading.  
5 Q Oh, sure, to the middle of page. Professor Gaddie  
6 states *Hey, Joe, I went ahead and ran the*  
7 *regression models for 2006, 2008, 2010.* Do you  
8 see --  
9 A Yes.  
10 Q You recall I had asked you previously a question  
11 about whether you had reviewed information or data  
12 relating to previous elections. I think your  
13 answer to that was no. After seeing this e-mail,  
14 does this change your recollection at all about  
15 what you reviewed?  
16 A No.  
17 Q All right. What use did you make of the  
18 information that Dr. Gaddie sent to you that's  
19 referenced in Exhibit 67?  
20 A I don't know what a regression model is, but I was  
21 not -- I was serving as the -- the stuff that  
22 whatever he would send to me would then get  
23 provided to the people who actually operated and  
24 knew how to use the computers, Mr. Foltz and  
25 Mr. Ottman. So I did not -- whatever this data

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1 is, I didn't know how to use it, manipulate it,  
 2 nor did I use it.  
 3 Q All right. So I note in Exhibit 67 if we go  
 4 toward the top of the page, I see that you  
 5 forwarded this to Mr. Foltz and Mr. Ottman,  
 6 correct? If you look above --  
 7 A Yeah, yeah.  
 8 Q And it says *See Keith's comments below*?  
 9 A Yes.  
 10 Q So you didn't make any use at all of the  
 11 information that Professor Gaddie sent to you?  
 12 A I wouldn't have known how to.  
 13 Q Fair to characterize you as a conduit of this  
 14 information to get it to Mr. Foltz and Mr. Ottman?  
 15 A That appears to be fair, yes.  
 16 Q I have a couple more here that I want to ask you  
 17 about. Mr. Handrick, have you heard about an  
 18 issue that has come up recently that has been  
 19 referred to as anomalies or discrepancies in the  
 20 legislative districts?  
 21 A Yes, I have.  
 22 Q So you're familiar with the term as it has been  
 23 used recently, at least?  
 24 A Yes.  
 25 Q Have you seen any documents relating to

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1 Q And I want to ask you then if you'll turn two  
 2 pages back, you'll see a January 13th, 2012  
 3 memorandum?  
 4 A Many more pages than that back, but yes.  
 5 Q Oh, all right. Is that a document you've seen  
 6 before?  
 7 A Yes.  
 8 Q And have you read through that before as well?  
 9 A Yes, I have.  
 10 Q So I want to ask you are you familiar with the  
 11 term anomalies? It appears in the subject line of  
 12 the January 13th memo, for example; as it's used  
 13 in these documents, in these memorandums?  
 14 A Am I familiar with that term?  
 15 Q As it's used in these documents?  
 16 A Yes.  
 17 Q And are you, generally speaking, familiar with  
 18 the -- some of the discrepancies that are  
 19 identified in these two memorandums?  
 20 MR. KELLY: Objection to form.  
 21 A I am familiar with the alleged discrepancies.  
 22 Q All right. What I want to ask you has to do with  
 23 the redistricting process itself, and whether  
 24 these kinds of anomalies or discrepancies came up  
 25 during the redistricting process.

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1 discrepancies or anomalies?  
 2 A Yes, I have.  
 3 Q What documents have you seen?  
 4 MR. KELLY: Objection. To the  
 5 extent this answer seeks information related  
 6 to work he had done with Reinhart in  
 7 representing the Government Accountability  
 8 Board inquires into material protected by the  
 9 work product doctrine and the attorney-client  
 10 privilege, I instruct you not to answer.  
 11 Q I'm going to hand you a copy of a document that  
 12 has been marked as Exhibit No. 86, the letter  
 13 itself on the cover is not anything I'm interested  
 14 in asking you about, but there are attachments to  
 15 it that I wanted to ask you about. So if you  
 16 would turn to a memorandum dated November 10th,  
 17 2011. It's a few pages back.  
 18 A Okay.  
 19 Q Have you seen the November 10th, 2011 memorandum  
 20 before? I'm just asking the fact of whether you  
 21 have seen it before, not asking who gave it to  
 22 you, how you got it, just have you seen it?  
 23 A Yes, I have.  
 24 Q Have you read through it?  
 25 A Yes, I did.

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1 A Okay.  
 2 Q Did they?  
 3 A Oh, you started by saying I want to ask you; you  
 4 didn't actually ask.  
 5 Q That's why I had my follow-up question.  
 6 MR. MCLEOD: I'm going to object to  
 7 the form of that question.  
 8 Q Did these issues about, similar issues, about  
 9 anomalies or discrepancies come up during the  
 10 process of redistricting last year?  
 11 A No.  
 12 Q Were these kinds of anomalies or discrepancies  
 13 anything that was discussed or contemplated at the  
 14 time that the redistricting process was going on?  
 15 A No.  
 16 MR. KELLY: Objection to form.  
 17 Q Did you participate in making a decision to draw  
 18 Act 43 using census blocks rather than wards as  
 19 determined by municipalities?  
 20 A No, I was not. No, I did not.  
 21 Q You were not involved in that process of making  
 22 that determination?  
 23 A No.  
 24 Q Did you ever advise anyone during the process of  
 25 redistricting that census blocks should be used

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1 rather than wards to construct the maps that  
2 resulted in Acts 43 and 44?  
3 A No.  
4 MR. POLAND: I think I'm going to  
5 pass it over to Peter.  
6 MR. EARLE: Just a few things here  
7 and there.  
8  
9 EXAMINATION  
10 By Mr. Earle:  
11 Q Did you ever -- the questions I'm going to ask  
12 deal with the period of time before November 22nd,  
13 2011, okay?  
14 A Okay.  
15 Q Because I understand that's the date you were  
16 retained by Reinhart for -- Reinhart was retained  
17 in this case?  
18 A Yes.  
19 Q Okay. So did you ever discuss with anyone --  
20 strike that. Did you ever participate in a  
21 discussion in which accelerating the redistricting  
22 process was discussed in relationship to the  
23 pending recalls?  
24 MR. MCLEOD: I'm going to object to  
25 the form of the question. Please answer.

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1 correct?  
2 A Correct.  
3 Q And who's the carrier for that system?  
4 A It's msn.com.  
5 Q And how long have you had that e-mail system?  
6 A Probably at least seven, eight years.  
7 Q So you can just log on to a -- well, let me ask  
8 you -- well, strike that. Do you have Outlook?  
9 A I currently have Outlook via Reinhart.  
10 Q Did you have Outlook in October and November of  
11 2011?  
12 A Yes.  
13 Q Did your Outlook program sync with your MS private  
14 e-mail account?  
15 A No.  
16 Q How did you manage your private e-mail account?  
17 A How did I manage it?  
18 Q Yeah.  
19 A What do you mean by that?  
20 Q Well, how do you access it?  
21 A You log on to their website.  
22 Q You never download any of the messages from their  
23 website?  
24 A No.  
25 Q And what did you do to search for responsive

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1 THE WITNESS: Can you please --  
2 Q I'm going to rephrase the question. Did you ever  
3 participate in any discussions in which the  
4 subject of the pending recalls was considered as a  
5 factor in accelerating the redistricting process?  
6 A Not to my recollection.  
7 Q I think you were sitting in the room during  
8 Dr. Gaddie's deposition when I asked him about a  
9 blind copy of an e-mail; do you recall that?  
10 A Yes.  
11 Q Okay. Did you search for that e-mail?  
12 A I had searched and turned over all the e-mails  
13 that I had to any of the persons listed.  
14 Q Tell me exactly what you did to search for  
15 e-mails.  
16 A Reinhart did a search by names, for a list of  
17 names, and I also searched through my personal  
18 e-mail for any e-mails to those same names.  
19 Q Let's bifurcate the question a little bit more  
20 then. As far as your understanding of Reinhart's  
21 search, they searched their own server for the  
22 e-mails that you sent over the Reinhart e-mail  
23 system, correct?  
24 A Correct.  
25 Q But you have a separate e-mail system of your own,

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1 e-mails from that e-mail account?  
2 A I took both my inbox, my outbox, or I should say,  
3 I'm sorry, my sent box and sorted them by name and  
4 then looked for any of the names that were  
5 responsive.  
6 Q Okay. And when did you do that?  
7 A December, late December prior to the deposition.  
8 Q Prior to your first deposition?  
9 A Yes.  
10 Q And what did you do with -- how did you download  
11 all the e-mails you felt were responsive?  
12 A I printed them.  
13 Q What did you do with the e-mails that remain on  
14 that server?  
15 A You mean nonrelated e-mails?  
16 Q The body of your e-mails from that e-mail account?  
17 A I regularly, you know, clean out boxes and get rid  
18 of older stuff.  
19 Q Did anybody talk to you about preservation of  
20 e-mails that were responsive?  
21 A Yes.  
22 Q When did that occur?  
23 A It was after the deposition. We did a  
24 preservation on everything that was in the  
25 Reinhart account, and then I was asked to make

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1 sure I, you know, preserve anything that's in my  
 2 personal account.  
 3 Q And what did you do, if anything, to preserve  
 4 everything, anything in your private account?  
 5 A Since that time, if there's anything that would  
 6 have come in or out of the private account  
 7 relating to this topic, I would make sure not to  
 8 delete it.  
 9 Q Did you make an effort to search for that blind  
 10 copy e-mail that you referred to in your Facebook  
 11 exchange with Dr. Gaddie?  
 12 A Yes.  
 13 Q What did you do?  
 14 A Well, I went on my personal account, I went to see  
 15 if there were any -- actually, before I did, I  
 16 went to see if I would be able to see if something  
 17 was blind cc'd to anybody, and that system does  
 18 not record a blind cc.  
 19 Q Okay. So what did you do when you discovered  
 20 that?  
 21 A There was nothing to do.  
 22 Q Well, did you look at what e-mails you sent to  
 23 other people during that time frame?  
 24 A Those e-mails had all been turned over, prior to  
 25 the first deposition, to Mr. McLeod.

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1 in the week following October 31st of 2011,  
 2 correct?  
 3 A If they're still in my sent folder, yes.  
 4 Q Would they be in your -- have you done anything to  
 5 purge your system?  
 6 A I regularly clean out various different boxes in  
 7 the system.  
 8 Q Have you cleaned out your sent folder since the  
 9 week following October 31st of 2011?  
 10 A Probably.  
 11 Q When would you have done that?  
 12 A I typically do that near the end of the year  
 13 because the sent folder gets so big. And on MSN  
 14 when a folder gets too big, it doesn't allow you  
 15 to sort.  
 16 Q What computer did you do that on?  
 17 A You know, in fact, I don't recall exactly.  
 18 Q Okay. Have you discussed that e-mail with  
 19 Dr. Gaddie?  
 20 A That e-mail?  
 21 Q That blind cc e-mail.  
 22 A I don't know what the blind cc e-mail is.  
 23 Q Have you discussed the question of what that blind  
 24 e-mail might be with Dr. Gaddie?  
 25 A No.

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1 Q Now, according to the Facebook exchange, in that  
 2 exchange you referenced the filing of the  
 3 complaint by Voces de la Frontera, correct?  
 4 A Yes.  
 5 Q And that complaint was filed on October 31st,  
 6 2011, correct?  
 7 A I don't know that.  
 8 Q I'll represent that fact as a matter of record in  
 9 the case. Did you search the time frame  
 10 immediately following that date for e-mails that  
 11 might be the e-mail you sent to Dr. Gaddie?  
 12 A No, because all the e-mails that had been printed  
 13 out had been -- had been already turned over.  
 14 Q So did you look at e-mails that had not been  
 15 printed out to see if any of those e-mails might  
 16 be that e-mail?  
 17 A No.  
 18 Q Are you able to do that?  
 19 A No, not really.  
 20 Q Why not?  
 21 A The system doesn't indicate who an e-mail would  
 22 have been blind cc'd to.  
 23 Q No, but I'm asking you -- let's take the week  
 24 after October 31st, 2011; you have the capacity to  
 25 go back to your system and look at all the e-mails

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1 Q Have you spoken to Dr. Gaddie since his  
 2 deposition?  
 3 A We spoke briefly at the end of the deposition,  
 4 yes.  
 5 Q What did you speak to Dr. Gaddie about?  
 6 MR. KELLY: Objection, that  
 7 inquires into work product and  
 8 attorney-client privilege information. I'll  
 9 instruct you not to answer that question.  
 10 Q Did you discuss that Facebook exchange with  
 11 Dr. Gaddie during that conversation at the end of  
 12 the deposition?  
 13 A I don't believe so.  
 14 Q Did you discuss any of the interactions you had  
 15 with Dr. Gaddie during the redistricting process  
 16 in that conversation that you had at the end of  
 17 the deposition?  
 18 A No.  
 19 Q Okay. As I understood your testimony in response  
 20 to Mr. Poland's questions, you took a look at the  
 21 8th Assembly District for purposes of  
 22 redistricting, correct?  
 23 A Yes.  
 24 Q What did you do to assess the 8th Assembly  
 25 District prior to beginning the remap process?

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1 A As I discussed at the previous deposition, I was  
 2 able to review the malapportionment throughout the  
 3 state, which I believe was done at the Senate  
 4 level. From that, then I'm able to construct sort  
 5 of in my mind a schematic of where the major  
 6 population shifts are going to occur.  
 7 Q Did you do anything to assess whether the 8th  
 8 Assembly District contained an eligible Latino  
 9 voting population that constituted a majority?  
 10 A Eligible?  
 11 Q Yeah.  
 12 A Please define. You mean voting age population?  
 13 Q Well, an eligible voter is a person who can vote,  
 14 right?  
 15 A Yes.  
 16 Q And that person has to be old enough to vote,  
 17 right?  
 18 A Yes.  
 19 Q And they have to be eligible to vote, correct?  
 20 A Yes.  
 21 Q So did you do anything to assess whether or not  
 22 the 8th Assembly District constituted an electoral  
 23 district that had a majority of Latinos that were  
 24 eligible to vote?  
 25 A No.

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1 A There could have been.  
 2 Q You remember discussing the fact that Latino  
 3 groups in Milwaukee wanted an aldermanic district  
 4 with a 70 percent total population?  
 5 A I do not remember ever hearing that.  
 6 Q Is it your testimony that you never discussed the  
 7 interest of Latino groups in Milwaukee in a 70  
 8 percent Latino electoral district in the city?  
 9 A Yeah, I do not recall having discussions regarding  
 10 Milwaukee aldermanic districts.  
 11 Q Did you make any effort to draw an Assembly  
 12 district that had a 70 percent Latino population?  
 13 A You'll need to specify what you mean by 70 percent  
 14 Latino population.  
 15 Q What do you think that means?  
 16 A It could mean a number of things.  
 17 Q Such as?  
 18 A It could mean total Hispanic population. It could  
 19 mean voting age Hispanic population.  
 20 Q I'm talking total population.  
 21 A Okay. Now, please restate your question.  
 22 Q I'll rephrase. Did you make any effort to  
 23 determine whether or not it was possible to draw  
 24 an Assembly district that had a 70 percent total  
 25 Latino population?

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1 Q And you never did that at any point, correct?  
 2 A That is correct.  
 3 Q Did there come a time where you became aware that  
 4 the eligible Latino voting population of the 8th  
 5 Assembly District was being reduced by Act 43?  
 6 MR. KELLY: Objection, form.  
 7 A Can you clarify being reduced from what?  
 8 Q From what it was before the redistricting process.  
 9 MR. KELLY: Objection, form.  
 10 THE WITNESS: Can you please repeat  
 11 his question.  
 12 (Question read)  
 13 A No.  
 14 (Exhibit No. 96 marked for  
 15 identification)  
 16 Q Show you what has been marked as Exhibit No. 97,  
 17 is it?  
 18 MS. REPORTER: 96.  
 19 Q You've seen this before, right?  
 20 A I do not recall seeing this, but I am on the send  
 21 list.  
 22 Q Well, you read the e-mails you received from  
 23 Adam Foltz, right, during this period of time?  
 24 A Usually.  
 25 Q Were there some that you didn't read?

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1 A In drawing districts, I never used total Hispanic  
 2 population.  
 3 Q What did you use?  
 4 A Voting age Hispanic population.  
 5 Q What was your target voting age Hispanic  
 6 population for the 8th Assembly District when you  
 7 started redrawing -- started drawing districts?  
 8 MR. MCLEOD: Objection to the form  
 9 of the question.  
 10 A I did not have a target.  
 11 Q How did you determine the degree of concentration  
 12 of Latinos of voting age?  
 13 A You'll recall our discussion earlier with myself  
 14 and Mr. Troupis some basic guidelines; one of  
 15 those guidelines was to make sure the current  
 16 district continues to exist, and it's the  
 17 population growth of the Hispanic community  
 18 relative to the total population allows it to  
 19 create a second majority district. As part of  
 20 that general direction, Mr. Troupis reminded me of  
 21 what the 1992 court had done for African-American  
 22 and Hispanic districts, as well as what the court  
 23 in 2002 did in regard to Hispanic and  
 24 African-American districts in regards to voting  
 25 age population for both, either the

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1 African-American or the Hispanic community. And  
 2 the general direction was to try to fall within a  
 3 ballpark of where the two different courts had  
 4 come in their drawing of those districts.  
 5 Q Did you make any effort to assess what the Latino  
 6 voting age population of the 8th Assembly District  
 7 was at that point in time when you started to look  
 8 at it?  
 9 A I did not, no.  
 10 Q Did you have any idea what it was in terms of its  
 11 Latino voting age population?  
 12 A I did see a document that showed what the court  
 13 had drawn it at, what it was at as of Census Day  
 14 2010, so yes.  
 15 Q What was that?  
 16 A The court-drawn percentage, I believe, was 58, and  
 17 that percentage over the decade had risen to some  
 18 level above that. I can't tell you the exact  
 19 number.  
 20 Q Well, did you use that number that you can't  
 21 recall as a benchmark in the redistricting  
 22 process?  
 23 A No.  
 24 Q Why not?  
 25 A Because that district, if my recollection is

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1 right, was underpopulated, and therefore, had to  
 2 grow, and the more appropriate benchmark then  
 3 would have been where the Court had set it at as a  
 4 properly apportioned district.  
 5 Q Well, how would you know whether you were reducing  
 6 the Latino voting age population for that district  
 7 or not if you didn't attempt to benchmark that?  
 8 A Because after, at some point when a district would  
 9 be drawn, Tad or Adam could run a report that  
 10 would show what the populations were.  
 11 (Exhibit No. 97 marked for  
 12 identification)  
 13 Q Have you ever seen this map before?  
 14 A Yes.  
 15 Q Can you identify it for me, please?  
 16 A I believe this is Assembly District 8 from 2002 to  
 17 2011, but I can't say that for certain.  
 18 Q How familiar are you with this area in the city of  
 19 Milwaukee?  
 20 A Practical terms in terms of where a restaurant is  
 21 or something like that, I'm not familiar with it.  
 22 In terms of some of the basic demographics, I'm a  
 23 little familiar.  
 24 Q Describe your knowledge of the basic demographics.  
 25 A The area south of Interstate 94 and to the west

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1 of, I don't know what the river is, there's a  
 2 rather sizeable Hispanic population that resides  
 3 in that portion of the city.  
 4 Q And have you ever gone to 16th Street?  
 5 A Is that a restaurant?  
 6 Q Have you ever gone to 16th Street?  
 7 A I'm asking is that a name of a restaurant or are  
 8 you asking about a street?  
 9 Q A street.  
 10 A I may have. I drive through there a number of  
 11 times.  
 12 Q Are you familiar with 16th Street at all?  
 13 A No.  
 14 Q Are you familiar with where the central -- the  
 15 main business district of the Latino community is?  
 16 A No.  
 17 Q Did you make any effort to redistrict Assembly  
 18 District 8 by simply adding 2,000 additional  
 19 people from areas of significant Hispanic  
 20 concentration that are adjacent to it?  
 21 A No. I would have to look at the maps that I drew  
 22 to know that.  
 23 Q And how would you do that?  
 24 A You would have to show me the maps that I drew.  
 25 Q Do you have the maps that you drew?

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1 A No.  
 2 Q Where are you maps that you drew?  
 3 A My understanding is you have them.  
 4 MR. EARLE: Let's go off the  
 5 record.  
 6 THE VIDEOGRAPHER: The time is  
 7 12:41. We are going off the record.  
 8 (Recess taken)  
 9 THE VIDEOGRAPHER: The time is  
 10 1:48. We are back on the record.  
 11 (Exhibit No. 98 marked for  
 12 identification)  
 13 Q I'm showing you what has been marked as  
 14 Exhibit 98. And before I ask you questions about  
 15 it, I will represent to you that this is a  
 16 printout of the menu of the disk that we were  
 17 discussing during the break, the lunch break. And  
 18 I guess I just marked it so that we can have a  
 19 brief discussion on the record about, as I  
 20 understand, what I think we've agreed to.  
 21 MR. KELLY: Okay.  
 22 MR. EARLE: And what's on this disk  
 23 are 24 maps that are on Autobound software,  
 24 and we were trying to figure out a way that  
 25 we could identify which was the map that the

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1 deponent was discussing prior to the lunch  
 2 break where he had described putting together  
 3 a map. And we were trying to deal with the  
 4 logistics of how we make that identification.  
 5 It is my understanding that counsel has  
 6 agreed that if we take these maps to the L --  
 7 MR. KELLY: LTSB.  
 8 MR. EARLE: LTSB and have them  
 9 print it out and ship them over to your  
 10 office, that Mr. Kelly will be kind enough to  
 11 then identify the person who drafted that  
 12 map.  
 13 MR. KELLY: Yes. I will have  
 14 Mr. Handrick, to the extent that he knows,  
 15 identify who drew the map.  
 16 MR. EARLE: Okay. Can we have that  
 17 for each map so we can identify who were the  
 18 authors of each map were?  
 19 MR. KELLY: Sure, to the extent of  
 20 his knowledge.  
 21 MS. LAZAR: Can you identify which  
 22 disk this is. There are two disks.  
 23 MR. POLAND: This was a disk -- I  
 24 think that if you look in the directory,  
 25 I'll just read for the record, it's labeled

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1 *Joe Handrick's draft maps-block assignment*  
 2 *files. The date of it was December 19th,*  
 3 *2011. I believe that it was produced in*  
 4 *advance of his deposition in December, and I*  
 5 *think we marked it as an exhibit or we marked*  
 6 *it as an attachment to one of the first*  
 7 *exhibits, I believe.*  
 8 MR. KELLY: Let me just ask this,  
 9 Mr. Handrick, do you know if there's  
 10 sufficient information on this disk to be  
 11 able to print one or more maps?  
 12 THE WITNESS: My understanding, and  
 13 I think this was discussed at the first  
 14 deposition was that that disk contained the  
 15 Autobound files for any maps that I may have  
 16 had access to.  
 17 MR. KELLY: And who made that CD?  
 18 Who put the files on that CD?  
 19 THE WITNESS: I believe Michael  
 20 Best & Friedrich did.  
 21 MR. KELLY: Okay. So what we'll do  
 22 is represent that there's information  
 23 sufficient to print out one or more maps,  
 24 send them out to us. We'll present them to  
 25 Mr. Handrick, to the extent he knows who

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1 authored the maps, we'll have him identify  
 2 that.  
 3 MR. EARLE: It's specific, and I'm  
 4 particularly interested in the map that he  
 5 described this morning right before the lunch  
 6 break.  
 7 MR. KELLY: What map did you  
 8 describe?  
 9 THE WITNESS: Actually, used a  
 10 plural. If you remember earlier in  
 11 Mr. Poland's questioning, I recalled drawing  
 12 two different maps for the south side of  
 13 Milwaukee.  
 14 MR. EARLE: Well, those are the  
 15 ones that we want you to send.  
 16 THE WITNESS: Yeah.  
 17 MS. LAZAR: For the record, those  
 18 are Exhibit 3 at the December deposition,  
 19 that disk.  
 20 MR. KELLY: Does that work?  
 21 MR. EARLE: That works, fine.  
 22 We'll finish up very quickly here.  
 23 **Q** Showing you what has been previously marked as  
 24 Exhibit 81 in the Gaddie deposition. Can you  
 25 identify this, please?

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1 **A** Difficult to read, but this appears to be a  
 2 Facebook instant message exchange between  
 3 Keith Gaddie and myself.  
 4 **Q** Okay. And I can show you -- I can give you a  
 5 cleaner, easier to read copy that has some  
 6 highlighting. That's mine. Here we go. If that  
 7 would help you, Mr. Handrick, I've given you a  
 8 copy that's a little bit easier to read.  
 9 **A** Thank you.  
 10 **Q** Can you read that?  
 11 **A** Yes.  
 12 **Q** If you go to the second page, there is -- I  
 13 highlighted about the middle of the page where it  
 14 says *Joe Handrick, excellent*. Could you read that  
 15 into the record, please? Why don't you just read  
 16 that whole string starting with Joe Handrick and  
 17 academia, just read that whole string to the end  
 18 of it?  
 19 **A** Joe Handrick, *Excellent*. Did the people at  
 20 Michael Best contact you about the recent Hispanic  
 21 suit. The basis of it is that the legislature  
 22 should use voting age citizen Hispanics as the  
 23 basis of drawing Hispanic seats instead of voting  
 24 age Hispanics. Keith Gaddie, *Nope*, but if they  
 25 want us to adjust for citizens, it makes our job

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1 easier. Joe Handrick, *The claim is that there are*  
2 *so many illegals that a district that is 60*  
3 *percent voting age Hisp is not enough because it*  
4 *is only 40 percent in reality. The group filing*  
5 *suit wants just one district that is 65 percent or*  
6 *more VA Hisp. I'm going to blank cc you on an*  
7 *e-mail.*  
8 Q We can agree that this exchange on Facebook  
9 occurred after Voces de la Frontera filed this  
10 lawsuit?  
11 A Yes.  
12 Q And you're referring to the Voces de la Frontera  
13 lawsuit?  
14 A I believe so, yes.  
15 Q And we can agree that the blind cc e-mail is  
16 related to that discussion?  
17 A No.  
18 Q Do you have any recollection of this event at all?  
19 A I do recall the overall exchange.  
20 Q Why do you use the word illegals?  
21 A I was characterizing the lawsuit that was filed to  
22 Professor Gaddie. That was my characterization of  
23 what my interpretation of the lawsuit was.  
24 Q Elaborate on that. I don't understand. What was  
25 your interpretation of the lawsuit?

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1 A When I saw the lawsuit, my interpretation was that  
2 the people filing it were saying to the Court that  
3 there are -- there are a lot of people in  
4 Milwaukee County or in that area that are -- that  
5 are not citizens, and therefore, it draws -- it  
6 would then draw attention to that fact or that  
7 assertion.  
8 Q So you equate people who are not citizens with  
9 illegals?  
10 A No, because there can be people who are not  
11 citizens, but who are here legally.  
12 Q Right.  
13 A And so in that context, illegals is probably not  
14 an appropriate word to use.  
15 Q But in the context of this, with Mr. Gaddie, you  
16 equated everybody who is not a citizen from the  
17 Hispanic community with the category of illegals;  
18 is that accurate?  
19 MR. KELLY: Objection, form.  
20 A Not really. I was more trying to characterize the  
21 suit itself.  
22 Q Well, you said the claim is that there are so many  
23 illegals that a district that is 60 percent voting  
24 age Hisp is not enough because it is only 40  
25 percent in reality. So you're offsetting citizens

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1 with illegals, as you characterized those folks,  
2 correct?  
3 A Correct.  
4 Q You understand that that's a pejorative term in  
5 the Latino community?  
6 A Yeah. Yeah, I do.  
7 Q And Mr. Gaddie responds to you by saying on page 3  
8 *Loving watching your Badgers put it to State Penn,*  
9 correct?  
10 A Yes.  
11 Q So we can -- so we know that this happened after  
12 the Voces de la Frontera lawsuit was filed and  
13 after the Badgers beat the Nittany Lions, correct?  
14 A No.  
15 Q No? Why not?  
16 A It says *I enjoyed your Badgers put it to Penn or*  
17 *State Penn.* That could have happened weeks later.  
18 Q You mean his -- Gaddie's statement to you  
19 referring to the Badgers football game against  
20 Penn State is not in the same sequence as the  
21 prior dialogue?  
22 A That's correct. This is a running dialogue that  
23 begins on July 4th.  
24 Q Did you ever follow up with Gaddie about the  
25 question of citizenship in the Latino community as

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1 it affects the Assembly district?  
2 A Not prior to November 22nd, no.  
3 Q So it's your testimony that the only discussion  
4 you had with anybody about citizenship as it  
5 affects the 8th Assembly District is contained in  
6 this Facebook exchange with Gaddie?  
7 A Prior to November 22nd, yes.  
8 (Exhibit No. 99 marked for  
9 identification)  
10 Q Showing you what has been marked as Exhibit 99,  
11 this is an e-mail you received, correct?  
12 A Yes.  
13 Q And it's dated July 25th, 2011?  
14 A Yes.  
15 Q And there's an article attached to it; do you see  
16 that there?  
17 A Yes.  
18 Q Do you recall reading that article?  
19 A I don't recall reading that article.  
20 Q Do you recall receiving this e-mail?  
21 A Specifically, no.  
22 Q You recall discussions about the alternative of  
23 redrawing the 8th Assembly District within the  
24 area of the outer bounds of the 8th and 9th  
25 combined?

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1 A Yes.  
 2 Q Tell me about those discussions. Well, let me ask  
 3 you, with whom did you have those discussions?  
 4 A With Mr. Troupis.  
 5 Q And when did those discussions occur?  
 6 A That would have been, if you recall my earlier  
 7 testimony about drawing an area the size of the  
 8 Senate seat for the Hispanic population and then  
 9 drew seats 8 and 9 within it and then had multiple  
 10 variations, it would have been after that time.  
 11 Q Approximately when was that?  
 12 A Certainly after the census was filed, so -- but  
 13 prior to the time that the team held the regional  
 14 meetings.  
 15 Q And it's accurate to say that the team's strategic  
 16 position was that there was flexibility as far as  
 17 drawing the 8th and 9th relative to each other as  
 18 long as it did not cause a ripple effect outside  
 19 the 3rd Senate District; is that correct?  
 20 A Yes.  
 21 Q And why was that?  
 22 A Why was?  
 23 Q Why was it that there was flexibility as long as  
 24 the outside bounds of the 3rd Senate District were  
 25 not affected?

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1 A Because as I was drawing, I did not know there  
 2 were -- as I testified, there were more than one  
 3 way to draw those two districts in different  
 4 proportions of the voting age percentage. I did  
 5 not know which would either be preferable to the  
 6 legal counsel or which might be preferable to the  
 7 community.  
 8 Q Do you know whether it's possible to draw  
 9 an 8th Assembly District that has an effective  
 10 voting majority of Latinos within it --  
 11 MR. KELLY: Objection to form. I'm  
 12 sorry, were you not done?  
 13 MR. EARLE: I was not done, but I  
 14 anticipate the objection, and we will count  
 15 it toward the question I'm about to ask. How  
 16 about that?  
 17 MR. KELLY: Splendid.  
 18 Q Do you know whether it is possible to draw  
 19 an 8th Assembly District within the bounds of  
 20 the 3rd Senate District as the team had designated  
 21 those boundaries that has within it an effective  
 22 voting majority of Latinos?  
 23 A I do not know that.  
 24 Q And you're familiar enough with redistricting that  
 25 you're familiar -- that you know that an effective

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1 voting majority is a concept that's discussed in  
 2 the concept of redistricting, correct?  
 3 MR. KELLY: Objection, form.  
 4 A I am not 100 percent certain what the definition  
 5 of effective is.  
 6 Q You've heard that -- you've heard those terms  
 7 before, haven't you?  
 8 A I've heard the term effective before.  
 9 Q We all have, but have you heard the term effective  
 10 voting majority in the context of redistricting?  
 11 A Prior to you just saying it, not that I can  
 12 remember.  
 13 Q This is nothing that Eric McLeod ever said to you,  
 14 correct?  
 15 A Correct.  
 16 Q So you've never discussed with Eric McLeod the  
 17 importance of making sure that there was a  
 18 majority of eligible Latino voters in the  
 19 district?  
 20 MR. KELLY: Objection, form.  
 21 A That's correct.  
 22 Q And you never spoke with Jim Troupis about the  
 23 importance of determining whether or not it was  
 24 possible to draw a district that had a majority of  
 25 eligible Latino voters in it?

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1 MR. KELLY: Objection, form.  
 2 A That's correct.  
 3 Q And you never discussed that with Adam Foltz?  
 4 MR. KELLY: Objection, form.  
 5 A That's correct.  
 6 Q Never discussed that with Tad Ottman?  
 7 MR. KELLY: Objection, form.  
 8 A That's correct.  
 9 Q Never discussed it with Ray Taffora?  
 10 MR. KELLY: Objection, form.  
 11 A That's correct.  
 12 Q Now, in the e-mail dated July 25th, Jim Troupis  
 13 says -- writes to you and others that the  
 14 alternative of simply redrawing within the area  
 15 remains a real possibility. How do you interpret  
 16 that, that phrase?  
 17 A I interpret that to mean that there is still an  
 18 ability to reconstitute Assembly 8 and Assembly 9  
 19 to form the different proportion of those two  
 20 relative to whatever the baseline is that  
 21 Mr. Troupis was referring to at that time.  
 22 Q And in this context the issue is whether you  
 23 divide the 8th from the 9th horizontally in an  
 24 east-west delineation versus a north-south  
 25 vertical delineation; is that correct?

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1 A No, not really.  
2 Q No? Okay. What does that mean functionally?  
3 A It means functionally, there's a different --  
4 there's multiple different ratios of the voting  
5 age population in the two districts. I already  
6 testified that I had drawn a 57/57, I had drawn a  
7 64/51. So meaning that within those two, there  
8 would be redrawing those, there's opportunity to  
9 redraw those to come up with a third or fourth  
10 different balance between those two.  
11 Q Was there ever a discussion about bringing it up  
12 to 70 percent total population?  
13 A No.  
14 Q Just one last thing, in answer to questions from  
15 Mr. Poland, you discussed the -- these two days  
16 during which various map options were reviewed and  
17 there was the Fitzgerald brothers and Zipperer,  
18 Vos, and Scott Suder. You participated in those  
19 meetings?  
20 A Yes.  
21 Q The meeting in which the 8th Assembly District  
22 was discussed, who was in that room when  
23 the 8th Assembly District was discussed?  
24 A My recollection is that all of the above-named  
25 people in addition to myself, Tad Ottman,

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1 Adam Foltz, but Mr. Suder --  
2 Q Were there any attorneys in the room --  
3 A -- was not there. I believe there were, but I  
4 can't state for certain nor state who exactly it  
5 might have been.  
6 Q Did you see anybody in the room taking notes?  
7 A I -- I don't know.  
8 Q Well, did anybody have a legal pad in front of  
9 them?  
10 A No, I don't recall back that far.  
11 Q Did you take any notes?  
12 A Not that I recall.  
13 Q How was it recorded what was decided?  
14 A My recollection is that it wasn't.  
15 Q In that meeting, in that room, a decision was made  
16 about the 8th Assembly District, correct?  
17 A I believe, yes, I believe the legislative leaders  
18 would have, after viewing the different options,  
19 would have directed their staff which option they  
20 wanted included in what became the map.  
21 Q Which option was that that was selected in that  
22 meeting?  
23 A When Act 43 was introduced as SB148, it contained  
24 District 8 and 9 with 57/57 voting age Hispanic,  
25 so it would have been the option that had that as

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1 the balance between the two seats.  
2 Q Did you participate in any meetings related to the  
3 amendment as applied to the 8th Assembly District?  
4 A No, not that I recall.  
5 Q Are you aware of who participated in the decision  
6 to bring that amendment forward?  
7 A No, I'm not.  
8 MR. EARLE: I have no further  
9 questions.  
10 THE WITNESS: Thank you.  
11  
12 EXAMINATION  
13 By Mr. Kelly:  
14 Q Mr. Handrick, I'd like to take you back a couple  
15 of steps. This might seem like we're starting at  
16 a very basic level, but tell me with respect to  
17 the maps that you worked on, you worked on the  
18 computer, yes?  
19 A Yes.  
20 Q And do you know if it was running a specialized  
21 software?  
22 A Yes. My understanding it was running Autobound.  
23 Q You have some familiarity with Autobound?  
24 A Yes.  
25 Q Did you use Autobound as you were crafting any of

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1 the various maps that you worked on?  
2 A Yes.  
3 Q Was there any alternative software to use  
4 available to you to work on these maps?  
5 A Yes.  
6 Q What was the alternative?  
7 A Prior to the census coming out, there was a  
8 website called Dave's Redistricting where anybody  
9 could go on to any state and draw, but it didn't  
10 contain census data.  
11 Q And what was that based on?  
12 A I think it was based on the population estimates  
13 that each state does through the Department of  
14 Administration each year.  
15 MR. POLAND: What was the name of  
16 that website?  
17 THE WITNESS: Dave's Redistricting.  
18 MR. POLAND: Dave's Redistricting?  
19 THE WITNESS: Yeah.  
20 Q Is it important in drawing new legislative  
21 district maps to rely on credible population  
22 information?  
23 A Yes.  
24 Q That's kind of the whole point of the process,  
25 yes?

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1 A Yes.  
2 Q What data for population did you rely on in  
3 crafting the maps that you worked on?  
4 A The data, as I understand it, that was on the  
5 machines was put on the machines by the LTSB/LRB,  
6 I tend to not be able to not keep all their  
7 functions straight, and that's what's called the  
8 PL data from the U.S. Census.  
9 Q Does the data come from any other place ultimately  
10 than the U.S. Census?  
11 A The census data only comes from the U.S. Census.  
12 Q Was there other information, other population  
13 information like demographic information on the  
14 computer you were working on with respect to the  
15 population of the State of Wisconsin?  
16 A No, not that I'm aware of.  
17 Q So would it be true to say that the only data that  
18 you had available to you as you were crafting maps  
19 was the data provided by the United States Census?  
20 MR. POLAND: Object to the form of  
21 the question.  
22 A Yes.  
23 Q Now, the data provided by the census does have  
24 some demographic information contained in it; is  
25 that correct?

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1 A Yes.  
2 Q What kind of demographic information would it  
3 have?  
4 A It contains information regarding race, and then  
5 it also has information regarding Hispanic  
6 population. Again, I could be corrected, but my  
7 understanding is that Hispanic is not a race, but  
8 it's an ethnicity. It contains information on age  
9 so that you can see how many people in any unit,  
10 in a block are over 18 or under 18. And the data  
11 at some level also has things such as housing  
12 values per block, median income per block. I do  
13 not know whether that is included on what was  
14 loaded on those machines or not.  
15 Q Mr. Earle was asking you questions about eligible  
16 voters in Assembly Districts 8 and 9. Aside from  
17 information about age in the census data you were  
18 relying on, is there anything else in there that  
19 spoke to the eligibility of the people to vote?  
20 A No, not that I'm aware of.  
21 Q Is there any information in there about whether  
22 people in nay given census block were citizens  
23 versus noncitizens?  
24 A Not that I'm aware of.  
25 Q So did the United States Census provide any

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1 information to you that would allow you to  
2 consider the citizenship of voters as you crafted  
3 the maps that you worked on?  
4 MR. POLAND: Object to the form of  
5 the question.  
6 MR. EARLE: Join.  
7 A Not that I'm aware of.  
8 Q So even if Mr. Earle had been in the room with you  
9 and asked you to consider the citizenship of the  
10 voters -- the voting population in the districts  
11 that you were creating, you wouldn't have been  
12 able to give him any information on that?  
13 MR. POLAND: Object to the form of  
14 the question.  
15 MR. EARLE: I object to the form of  
16 the question as well.  
17 A That's correct. I would not, with my knowledge  
18 and understanding of what's on there, I would not  
19 have been able to give him any information of that  
20 nature.  
21 Q So based on the computer system you had available  
22 to you, the software that was available to you and  
23 the data that was available to you, is it possible  
24 to have drawn maps based on citizen voting age  
25 population?

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1 MR. POLAND: Object to the form of  
2 the question.  
3 MR. EARLE: Object to the form.  
4 A Your question was it possible to? No, not so far  
5 as I know.  
6 Q Mr. Handrick, could you take Exhibit No. 11, it's  
7 the second amended complaint that you looked at  
8 earlier, and turn to pages 18 and 19?  
9 A Yes.  
10 Q Earlier, Mr. Poland was asking you questions about  
11 whether the Oneida Nation as a community of  
12 interest had been fractured in the creation of  
13 Act 43, and there was a suggestion that they had  
14 been unnecessarily fractured in the map that  
15 became Act 43; do you recall that?  
16 MR. POLAND: Object to the form of  
17 the question.  
18 A Yes, I recall that.  
19 Q Has the Oneida Nation historically been contained  
20 entirely within one Assembly district?  
21 THE WITNESS: Can you repeat the  
22 question.  
23 (Question read)  
24 Q And when I say contained within one Assembly  
25 district, entirely contained within one Assembly

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1 district?  
2 A My understanding is no, not entirely.  
3 Q Where has that split come?  
4 A The bulk of the Oneida Nation is in two counties  
5 and in two towns, the town of Hobart and the town  
6 of Oneida. One is in Brown County. One is in  
7 Outagamie. I believe there is also a small  
8 segment of the Oneida Nation that is in the  
9 village of Ashwaubenon that at some point would  
10 have been annexed out of one of those towns. And  
11 my recollection is that the village of Ashwaubenon  
12 has not always been in the same district as those  
13 two towns.  
14 Q Let's go back to the map that was adopted in 2002.  
15 That was a court-adopted map; is that right?  
16 A Yes.  
17 Q Do you know if the map created by the Court in  
18 2002 had the entire nation of -- the entire  
19 Oneida Nation contained in only one Assembly  
20 district?  
21 A My recollection is that it did not.  
22 Q Do you know anything about how prior maps before  
23 2002 had addressed the Oneida Nation?  
24 A Off the top of my head, no.  
25 Q In paragraph II on page 19, it says *Members of the*  
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1 *Stockbridge-Munsee and Menominee tribes have*  
2 *historically have been represented by one member*  
3 *of the Assembly and one member of the Senate; is*  
4 *that true?*  
5 A No.  
6 Q What is the truth of the matter?  
7 A That does not say the Stockbridge-Munsee  
8 reservation or the Menominee reservation. It says  
9 members of. Members of those two nations live  
10 everywhere in Wisconsin. There are Menominee  
11 tribal members, I believe, who live in Milwaukee.  
12 So that's not a true statement to say that members  
13 of those two nations, those two tribes have been  
14 represented by one member of the Assembly and the  
15 Senate.  
16 Q Mr. Handrick, I'd like to ask you, in general  
17 terms, how one goes about building a map. When  
18 you set out to create a state-wide legislative  
19 district map, do you treat every district as if it  
20 is the first district that you are considering, or  
21 is there a certain place on the map that you begin  
22 and then start building out from there?  
23 MR. POLAND: Object to the form of  
24 the question.  
25 A There's a place where one would typically begin.  
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1 Q Where does one typically begin in Wisconsin?  
2 A This falls under sort of the general advice from  
3 Mr. Troupis regarding the African-American and the  
4 Hispanic districts, and that advice was because of  
5 the importance of making sure that the voting  
6 rights act is not just followed, but that's a  
7 criteria that the map would excel at, the broad  
8 advice was, in essence, you don't want to start  
9 somewhere else and then find yourself cornered in,  
10 and now you can't properly address the Voting  
11 Rights Act. So I would always begin with the near  
12 north side of Milwaukee and the African-American  
13 districts.  
14 Q So what would you do as you begin in the near  
15 north side of Milwaukee with the African-American  
16 districts, what is the first step?  
17 A The first step before drawing is to, again, take,  
18 I think I've said this now a couple times at  
19 deposition, take the over/under report, which is a  
20 document we went over at great length in December,  
21 you can also call it the malapportionment report,  
22 that gives you the big picture of where districts  
23 are over, where they're under where the shifts  
24 have to occur. Then, and again, I'm repeating  
25 myself, but then in my mind, I'm able to create a  
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1 form of a schematic that's able to just think  
2 through, you know, if you have four or five  
3 districts, for example, that are together that are  
4 all underpopulated, that that creates a ripple  
5 domino effect that is going to extend to some part  
6 of the state that has four or five districts  
7 together that may be overpopulated.  
8 Q Let's stop there for a moment, and let's explore  
9 that a little bit.  
10 MR. EARLE: He wasn't finished with  
11 his answer. I know you had part of the  
12 question, but he didn't finish his answer.  
13 MR. KELLY: Well, I can ask him if  
14 he wants to finish.  
15 MR. EARLE: By interrupting him,  
16 you're offering the question as he was  
17 answering it, and you're taking it in a  
18 different direction. And I don't think a  
19 questioner should have that kind of control  
20 over the interrogation.  
21 MR. KELLY: Well, in this case he  
22 does because we don't want to be here all day  
23 long. So Mr. Handrick --  
24 MR. EARLE: I'm going to object to  
25 the prior answer as being incomplete and  
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1 strike it.  
2 MR. KELLY: You may. So noted.  
3 Q So what was the -- you mentioned you start with  
4 figuring out what the big picture is with respect  
5 to the map that you start with. What was the big  
6 picture with respect to the African-American  
7 majority/minority, districts?  
8 A Okay. Having completed my answer to the prior  
9 question, which I would call part one. Part two  
10 then would be think through what does a big  
11 picture possibly even translate into in terms of  
12 what was going to happen. So to finish answering  
13 that, Milwaukee continued to lose population as a  
14 proportion of the state-wide population. Suburban  
15 areas of the state continued to gain population in  
16 proportion to the total population. And  
17 Dane County continued to gain population in  
18 comparison to the totality of the state  
19 population. So what would allow me, again, before  
20 drawing anything to recognize that seats in the  
21 area that are underpopulated are going to grow in  
22 size, expand outward, create a ripple effect that  
23 is going to magnify each step that you move  
24 outward until -- and then Dane County as it's  
25 growing was going to have seats that theoretically

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1 overpopulated are going to start shrinking. So  
2 that both in Milwaukee County and Dane County and  
3 by definition, everything in between, seats are  
4 more likely than not going to be different than  
5 they were when you started even if a seat in the  
6 middle is entirely properly proportioned to begin  
7 with.  
8 Q All right. So let's drill down into that a little  
9 bit. So when a district is underpopulated, it  
10 needs to expand in size to bring in additional  
11 population?  
12 A In a general sense, yes.  
13 Q What happens if that underpopulated district is  
14 adjacent to or surrounded by other districts that  
15 are also underpopulated?  
16 A That's why I said in the general sense. Because  
17 the first district you're dealing with is  
18 underpopulated and needs to grow. If the district  
19 next to it is also underpopulated, that district  
20 not only has to grow, but first it has to shift.  
21 And in doing so, it theoretically could shift into  
22 a more densely populated area. And that's why I  
23 say generally they have to grow because  
24 theoretically that next one then actually could be  
25 smaller because of the shift that occurred. But

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1 yeah, so the first district grows; that triggers a  
2 domino effect that starts then with the second  
3 district. Which now, if they were both  
4 underpopulated, which I think was your question,  
5 the first one grew, the one next to it, which  
6 already was underpopulated is now even more  
7 underpopulated, so it shifted and now has to grow  
8 greater than the initial over/under count would  
9 have indicated.  
10 Q What effect, if any, does this cause on the  
11 redistricting principle with core retention?  
12 A It can have a couple. To begin with, the district  
13 you start with, if it's underpopulated, is going  
14 to grow, is likely going to have a pretty good  
15 core retention. And then as you move out in that  
16 ripple, the core retention is likely going to drop  
17 at each stage, at each bump in the ripple, so to  
18 speak. That's point one. Point two is it could  
19 be to a degree that which an entire district  
20 actually ends up moving in or out of a county. So  
21 Dane County is the opposite. Dane County seats  
22 are overpopulated. It means they had to shrink.  
23 So a seat might actually move into Dane County.  
24 That can trigger the renumbering of the seats that  
25 was discussed earlier, which can cause people to

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1 misread the core retention report by not realizing  
2 that there was a number flip. The answer is it's  
3 hard to say what effect it will have because the  
4 effect doesn't end. It just keeps rippling across  
5 the state.  
6 Q So the ripples keep propagated?  
7 A Yes.  
8 MR. EARLE: Form.  
9 Q When you're attempting to create districts that  
10 comply with the Voting Rights Act, do you need to  
11 know where geographically the minority population  
12 is?  
13 A You don't need to know that because the census  
14 data will show you that.  
15 Q You can derive from the census data where the  
16 minority population is at?  
17 A Correct.  
18 Q So when you are building Voting Rights Act  
19 compliant districts, those districts need to  
20 follow where the minority population is, correct?  
21 MR. POLAND: Object to the form of  
22 the question.  
23 MR. EARLE: Join.  
24 A Yeah, I think that's accurate.  
25 Q It would be able to get more minority members into

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1 a district without knowing where they are and  
2 extending the boundary to where they actually  
3 live; wouldn't that be about right?  
4 MR. EARLE: Form.  
5 A Yes.  
6 MR. EARLE: You're doing a good job  
7 of leading the witness.  
8 MR. KELLY: Well, thank you, Peter.  
9 I appreciate that. Fortunately, it's all  
10 preliminary.  
11 Q So when you are building Voting Rights Act  
12 compliant majority/minority districts, does that  
13 have the possibility of impacting the compactness  
14 of those districts?  
15 MR. POLAND: Object to the form.  
16 MR. EARLE: Join.  
17 A It could.  
18 Q What are the possible effects on compactness?  
19 A Well, if you -- if you're -- if that's, in fact,  
20 what you're doing is looking for particular groups  
21 of minority voters, and there's interest in  
22 geography that comes into play, districts could  
23 and in other states have taken on an odd shape.  
24 Q And the odd shape is there because of the attempt  
25 to comply with the Voting Rights Act?

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1 A Yes.  
2 Q What would those have been?  
3 A Well, going back to the malapportionment  
4 over/under map, one thing I knew was that there an  
5 even-numbered Senate district in northwest  
6 Wisconsin that was overpopulated. That district  
7 was surrounded on three sides by odd-numbered  
8 districts and on one side by Vikings fans from the  
9 state of Minnesota. So by definition, any time I  
10 just knew, from the county or doing a report, I  
11 just knew that any time, no matter how I shrunk  
12 that district, people that were moving from that  
13 even to that odd seat would have their vote for  
14 State Senate temporarily delayed.  
15 Q Is it possible that a map drawer's desire to  
16 create or reunite communities of interest might  
17 have an impact on delayed voting?  
18 MR. POLAND: Object to the form.  
19 A Certainly.  
20 Q What kind of an affect might that be?  
21 A If there was a desire to try to create a district  
22 with a -- maybe reunite in a community or putting  
23 like communities in the same district, if people  
24 moved in this case from even/odd, that might have  
25 an impact on temporary voter delay.

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1 MR. EARLE: Form.  
2 MR. POLAND: Same.  
3 A I'm particularly thinking of Illinois  
4 Congressional 18. There is no other information  
5 on why a seat would be shaped that way other than  
6 they were trying to create a Voting Rights Act  
7 seat.  
8 Q In the work that you did in crafting legislative  
9 district maps, do you know if any of the decisions  
10 that you were making in building districts that  
11 may have had an impact on the effect known as  
12 delayed voting?  
13 MR. EARLE: I'm going to object to  
14 the form of the question, and I love the  
15 vocabulary euphemism. I don't think you've  
16 asked one question where you used the term  
17 disenfranchisement. It's delayed voting.  
18 The nomenclature is artful.  
19 MR. KELLY: The nomenclature  
20 follows what the courts call it.  
21 MR. POLAND: Object to the form.  
22 A Could you please restate your question?  
23 MR. KELLY: Brandé, can you read  
24 it.  
25 (Question read)

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1 Q You mentioned when you were speaking with  
2 Mr. Earle about Districts 8 and 9 that you drew  
3 two options, one of which split the Latino  
4 population 57/57 in Districts 8 and 9 and one  
5 configuration in which the Latino population in  
6 District 8 was 64 and in 9 was 51; do you remember  
7 that one?  
8 A Yes.  
9 Q And I think you mentioned that the first version,  
10 the original version of Senate Bill 148 contains  
11 the first option when there was an equal amount of  
12 Hispanic voting age population in Districts 8  
13 and 9; do you recall that?  
14 A That's my understanding, yes.  
15 Q But that was not the final configuration of  
16 Assembly Districts 8 and 9, correct?  
17 A That is correct.  
18 Q How did that change?  
19 A My understanding is that the committee that  
20 addressed the bill in the State Senate adopted a  
21 simple -- what's called a simple amendment that  
22 changed the configuration of those two seats, at  
23 least partially based on testimony.  
24 Q Do you know what testimony that was based on?  
25 A I believe it was, in part, on the testimony of

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1 Zeus Rodriguez.  
2 Q And do you have any idea what Zeus Rodriguez --  
3 MR. EARLE: Let me insert an  
4 objection to form to the last question.  
5 Q Do you have any idea what Mr. Rodriguez's concerns  
6 were with respect to Assembly Districts 8 and 9?  
7 MR. EARLE: Form.  
8 A In the way it was originally drafted?  
9 Q Yes.  
10 A No, I don't know exactly.  
11 Q What did the -- to your knowledge, what did the  
12 amendment accomplish with respect to the Hispanic  
13 voting age populations in Districts 8 and 9?  
14 MR. POLAND: Object to the form.  
15 MR. EARLE: Join.  
16 A The amendment that was adopted caused the final  
17 percentages of those districts, and particularly,  
18 caused the final voting age percentage of  
19 District 8 to be higher than the court-drawn  
20 percentage in 2002.  
21 Q So if we were to -- and do you know what that  
22 percentage was?  
23 A In 2002?  
24 Q No, in the amendment.  
25 A My recollection is it was 60 percent. There may

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1 have been a decimal point, something I don't  
2 recall.  
3 Q And your understanding is that 60 percent was a  
4 higher Latino voting age population than the  
5 court-drawn map for Assembly District 8 in 2002?  
6 MR. POLAND: Object to the form.  
7 MR. EARLE: I object to the form as  
8 well.  
9 A That's my understanding, yes.  
10 Q That amendment that increased the Latino voting  
11 age population in Assembly District 8, was that  
12 introduced by the democrats?  
13 MR. POLAND: Object to the form.  
14 MR. EARLE: Object to the form as  
15 well.  
16 A In the committee, there were only two amendments  
17 introduced. To my recollection, they were both  
18 introduced. One was introduced, I believe, by the  
19 committee. They both may have been, or they may  
20 have been introduced by the chair. But in any  
21 case, they were introduced -- they were drafted by  
22 the republican members of the committee.  
23 Q And that amendment passed?  
24 A That amendment passed, yes.  
25 MR. EARLE: Form.

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1 Q Do you know, of the two caucuses, the republican  
2 caucus and the democratic caucus, was there a  
3 split in support with respect to that amendment?  
4 MR. EARLE: Form.  
5 A Within each caucus?  
6 Q Between the two caucuses?  
7 A Yes, there was.  
8 Q What was it?  
9 A At the committee level?  
10 Q On the floor.  
11 A On the floor level. That amendment would have had  
12 to have been adopted by the State Senate, and my  
13 recollection is there were no democratic votes for  
14 that amendment.  
15 Q So to your understanding, the democrats voted  
16 against raising the Latino voting age population  
17 in Assembly District 8 from 57 to 60 percent?  
18 MR. POLAND: Object to the form.  
19 MR. EARLE: Form.  
20 A Yes.  
21 MR. KELLY: If you wouldn't mind  
22 giving me just a few moments.  
23 THE VIDEOGRAPHER: The time is  
24 2:43. We are going off the record.  
25 (Recess taken)

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1 THE VIDEOGRAPHER: The time is  
2 2:45. We are back on the record.  
3 MR. KELLY: I have no further  
4 questions at this time.  
5 MR. POLAND: Just a few follow-up  
6 questions.  
7  
8 RE-EXAMINATION  
9 By Mr. Poland:  
10 Q Mr. Handrick, you testified in response to some  
11 questions Mr. Kelly asked you some of the advice  
12 that you received from Mr. Troupis was that  
13 because of the importance of complying with the  
14 Voting Rights Act, you needed to begin the  
15 redistricting process with the north side of  
16 Milwaukee; is that correct?  
17 A Yes.  
18 Q Is it your understanding that you and the  
19 redistricting team were creating districts in  
20 Milwaukee that were compliant with the  
21 Voting Rights Act?  
22 A That was certainly my intention.  
23 Q You testified as well in response to questions  
24 Mr. Kelly asked you about possible effects that  
25 reuniting districts might have; do you recall

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1 that?  
 2 MR. KELLY: Objection, form.  
 3 A I would use the term communities of interests.  
 4 Q Okay. Reuniting communities of interest. What  
 5 communities of interest were reunited under  
 6 Act 43?  
 7 A The city of Eau Claire, the city of Madison. Two  
 8 examples I could think of.  
 9 Q Could you think of any others?  
 10 A Cities of Racine, Kenosha being mostly contained  
 11 in one Senate district would be an example.  
 12 Q Did you speak with anyone in any way affiliated  
 13 with the city of Eau Claire and ask whether those  
 14 communities of interest wanted to be or desired to  
 15 be reconnected or reunited?  
 16 A No.  
 17 Q Do you know whether anyone on the redistricting  
 18 team did?  
 19 A No.  
 20 Q What about the city of Madison, did you or, to  
 21 your knowledge, anyone else on the redistricting  
 22 team speak with any members of the communities of  
 23 interest in Madison that were reunited -- ask  
 24 whether they wanted to be reunited?  
 25 A Not that I know of.

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1 Q What about the cities of Racine and Kenosha, did  
 2 you or, to your knowledge, anyone else on the  
 3 redistricting team speak with any representatives  
 4 of the cities of Racine or Kenosha to ask whether  
 5 they wanted to be reunited in the way that Act 43  
 6 draws them together?  
 7 A Not that I know of.  
 8 Q Did you ever look at reuniting the Oneida Nation?  
 9 A I may have had permutations of my maps where the  
 10 two towns and village of Ashwaubenon were in one  
 11 district, but I don't recall doing that or seeking  
 12 that intentionally.  
 13 Q Was there ever a discussion among the  
 14 redistricting team about reuniting the Oneida into  
 15 a single Assembly district as one community of  
 16 interest?  
 17 A Not that I recall.  
 18 Q Did you receive, to your knowledge, did you or the  
 19 redistricting team receive any inquiries from any  
 20 communities of interest in the State of Wisconsin  
 21 that expressed a desire to be reunited?  
 22 A Not that I can recall.  
 23 MR. POLAND: No further questions.  
 24 MR. EARLE: Just a couple.  
 25

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1 RE-EXAMINATION  
 2 By Mr. Earle:  
 3 Q I want to be clear about your testimony. I think  
 4 you testified in response to Mr. Kelly's questions  
 5 that you compared the 8th Assembly District as you  
 6 were redrawing it to what the Court had previously  
 7 done in 2002, correct?  
 8 MR. KELLY: Objection, form.  
 9 Q In terms of, and I'll clarify, in terms of the  
 10 thresholds of Latino voting age population?  
 11 A I was aware of the Court's 2002 percentages, yes.  
 12 Q But I think your testimony was that you indexed it  
 13 vis-a-vis what the Court had previously done,  
 14 correct?  
 15 MR. KELLY: Objection, form. It  
 16 was not his testimony.  
 17 A I don't believe that's what I said.  
 18 Q I don't believe you used the word index, but you  
 19 were mindful of what the statistical Latino voting  
 20 age population was of the district created by the  
 21 Court because you wanted to follow Mr. Troupis's  
 22 advice and remain above that; isn't that correct?  
 23 A His advice was not to remain above it, that is not  
 24 correct.  
 25 Q What was his advice?

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1 A His advice, as I stated earlier, was that the  
 2 courts in 1992 and in 2002 drew African-American  
 3 districts and Hispanic districts that would sort  
 4 of present a ballpark of what the courts had  
 5 decided were appropriate districts. And the  
 6 general advice for Mr. Troupis was to try to fall  
 7 in that -- in about that general ballpark area.  
 8 Q Okay, that's what I thought you said. I just want  
 9 to have the record clear, as I understand your  
 10 testimony, you did not know then, at the time you  
 11 were drawing the maps for the 8th Assembly  
 12 District, you did not know whether Act 43 reduced  
 13 the Hispanic voting age population of the then  
 14 malapportioned 8th Assembly district, correct?  
 15 A I did not know that, that is correct.  
 16 Q And you don't know that today, correct?  
 17 A Yeah, I believe that's correct.  
 18 MR. EARLE: I have no further  
 19 questions.  
 20 MR. KELLY: Nothing from me.  
 21 MR. MCLEOD: Nothing from me  
 22 either.  
 23 THE VIDEOGRAPHER: We are going off  
 24 the record, concluding the video deposition  
 25 of Mr. Joseph Handrick. The time is

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1 2:51 p.m.  
2 (Adjourning at 2:51 p.m.)  
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1 employed by the parties hereto or financially  
2 interested in the action.  
3 In witness whereof I have hereunto set my  
4 hand and affixed my notarial seal this 8th day of  
5 February 2012.  
6  
7  
8 Notary Public, State of Wisconsin  
Registered Professional Reporter  
9 My commission expires  
10 April 21, 2013  
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1 STATE OF WISCONSIN )  
 ) ss.  
2 COUNTY OF DANE )  
  
3 I, BRANDÉ A. BROWNE, a Registered Professional  
4 Reporter and Notary Public duly commissioned and  
5 qualified in and for the State of Wisconsin, do  
6 hereby certify that pursuant to subpoena, there came  
7 before me on the 1st day of February 2012, at 9:24 in  
8 the forenoon, at the offices of Godfrey & Kahn, S.C.,  
9 Attorneys at Law, One East Main Street, Suite 500,  
10 the City of Madison, County of Dane, and State of  
11 Wisconsin, the following named person, to wit:  
12 JOSEPH W. HANDRICK, who was by me duly sworn to  
13 testify to the truth and nothing but the truth of his  
14 knowledge touching and concerning the matters in  
15 controversy in this cause; that he was thereupon  
16 carefully examined upon his oath and his examination  
17 reduced to typewriting with computer-aided  
18 transcription; that the deposition is a true record  
19 of the testimony given by the witness; and that  
20 reading and signing was not waived.  
21 I further certify that I am neither  
22 attorney or counsel for, nor related to or employed  
23 by any of the parties to the action in which this  
24 deposition is taken and further that I am not a  
25 relative or employee of any attorney or counsel

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