

1 IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS

2 FOURTH DIVISION, CIVIL DIVISION

3
4 THE CHRISTIAN MINISTERIAL ALLIANCE

5 PLAINTIFFS

6 V

Case No.:

7 JOHN THURSTON, et al

26CV-23-1289

8 DEFENDANTS

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11
12
13 PLAINTIFF'S REVISED DEPOSITION

14 OF WRITTEN QUESTIONS

15 OF

16 FORMER SENATOR JASON RAPERT

17 BE IT REMEMBERED, that on the 28st day of August 2024,
18 the deposition was held at MITCHELL, WILLIAMS SELIG GATES &
19 WOODYARD, 425 West Capitol, S. 1800, Little Rock, Arkansas
20 72201 @ 10:30 a.m. to-wit:
21
22
23

24 JOB No. 6885505

25 PAGES 1 - 28

<p>1 FOR THE PLAINTIFFS:</p> <p>2 MR. MATTHEW GOLDSTEIN</p> <p>3 O'MELVENY & MYERS, LLP</p> <p>4 Two Embarcadero Center</p> <p>5 28th Floor</p> <p>6 San Francisco, CA 94111</p> <p>7 mgoldstein@omm.com</p> <p>8</p> <p>9 Ms. Arkie Byrd</p> <p>10 MAYS, BYRD & ASSOCIATES</p> <p>11 212 Center St., S. 700</p> <p>12 Little Rock, AR 72202</p> <p>13 abyrd@maysbyrdlaw.com</p> <p>14</p> <p>15 FOR THE DEFENDANTS:</p> <p>16 MR. GRAHAM TALLEY</p> <p>17 MITCHELL WILLIAMS SELIG GATES &</p> <p>18 WOODYARD</p> <p>19 425 W Capitol Ave., S. 1800</p> <p>20 Little Rock, AR 72202</p> <p>21 gtalley@mwlaw.com</p> <p>22</p> <p>23 MS. CHRISTINE CRYER</p> <p>24 SENIOR ASSISTANT ATTORNEY GENERAL</p> <p>25 ARKANSAS ATTORNEY GENERAL'S OFFICE</p> <p>SENIOR ASSISTANT ATTORNEY GENERAL</p> <p>323 Center Street, S. 200</p> <p>Little Rock, Arkansas 72201</p> <p>christine.cryer@ArkansasAG.gov</p> <p>Page 2</p>	<p>1 VIDEOGRAPHER: We're on the record at</p> <p>2 11:13 a.m. Today is August 28, 2024. This</p> <p>3 is the Video Deposition by Written</p> <p>4 Questions of Jason Rapert in the matter of</p> <p>5 the Christian Ministerial Alliance versus</p> <p>6 Thurston. Will Counsel please make a</p> <p>7 record of your appearance?</p> <p>8 MR. GOLDSTEIN: This is Matt Goldstein</p> <p>9 with O'Mulveny & Myers on behalf of the</p> <p>10 Plaintiffs.</p> <p>11 MS. CRYER: This is Christine Cryer. I</p> <p>12 am with the Attorney General's Office</p> <p>13 representing the Defendant, John Thurston.</p> <p>14 MR. TALLEY: Graham Talley for the</p> <p>15 witness. Before we get started, I'll note</p> <p>16 that we're here for a deposition by written</p> <p>17 question according to the Court's Order and</p> <p>18 I've gone back and forth with Dan Bookin</p> <p>19 and others on the Plaintiffs' team about</p> <p>20 this deposition over the past few weeks and</p> <p>21 Senator Rapert is here to answer the</p> <p>22 written questions we have received in so</p> <p>23 far as they relate to his role as Chairman</p> <p>24 of the Senate State Agencies and</p> <p>25 Governmental Affairs Committee, and I</p> <p>Page 4</p>
<p>1 INDEX</p> <p>2</p> <p>3 JASON RAPERT</p> <p>4 Questions Ready by Janis Harbuck, CCR. 4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 3</p>	<p>1 believe that is the understanding that Mr.</p> <p>2 Bookin and I reached in his email of August</p> <p>3 21, 2024.</p> <p>4 COURT REPORTER: Is Mr. Byrd on still</p> <p>5 or?</p> <p>6 VIDEOGRAPHER: Yes. There is an A.</p> <p>7 Byrd. Would you please make a record of</p> <p>8 your appearance?</p> <p>9 MS. BYRD: Arkie Byrd, Counsel for</p> <p>10 Plaintiffs.</p> <p>11 VIDEOGRAPHER: Thank you. Will the</p> <p>12 reporter please swear the witness?</p> <p>13 [Witness sworn]</p> <p>14 PROCEEDING</p> <p>15 THEREUPON,</p> <p>16 JASON RAPERT</p> <p>17 Having been called for examination by counsel for the</p> <p>18 Plaintiffs and after having been duly sworn, answers written</p> <p>19 questions and testified as follows:</p> <p>20 WRITTEN QUESTIONS</p> <p>21 BY COURT REPORTER:</p> <p>22 QUESTION NO. 1:</p> <p>23 Q State your full name and address for the record.</p> <p>24 A Stanley Jason Rapert, P.O. Box 10368, Conway, Arkansas</p> <p>25 72034.</p> <p>Page 5</p>

<p>1 I. In Your March 29 Tweet, You stated that You "know 2 what happened" regarding "drawing the Congressional 3 District lines" because You "chaired the Senate 4 Committee in charge of handling the redistricting 5 legislation" during the 2021 Congressional 6 Redistricting Process.</p> <p>7 QUESTION NO. 2:</p> <p>8 Q Explain all the responsibilities You had as chair of the 9 Senate Committee with respect to the 2021 Congressional 10 Redistricting Process.</p> <p>11 A As a Chair of a Senate Committee in the Arkansas Senate, 12 our role is to announce the meetings, to call the meetings, to 13 convene the meetings, call them to order and then to call up 14 bills that's on the agenda for hearing, and if those bills are 15 heard during the committee, then we obviously entertain motions 16 for passage of those bills. If they receive a second, they 17 receive a vote. And so my role as Chairman of the Committee is 18 just to conduct the meeting, make sure it's in order and it 19 goes by the process.</p> <p>20 QUESTION NO. 3:</p> <p>21 Q Explain all the responsibilities of the Senate Committee 22 with respect to the 2021 Congressional Redistricting Process.</p> <p>23 A As Chair of the Committee as mentioned, my role there is 24 to call up bills and so as it related to the Redistricting 25 Process, we would have handled that just like we handled</p> <p style="text-align: right;">Page 6</p>	<p>1 A -- Yeah.</p> <p>2 Q -- on the 2021 --</p> <p>3 A -- There you go. Well, as chair of the committee, we 4 simply were -- our guidelines were we've got to split four 5 congressional districts as best we can by population in the 6 State of Arkansas. So, to me the process was always about 7 math. How do we get population to be as close as we can to 8 equalize. You never can get them exact and then, of course, 9 any kind of -- it was three years ago, so any statements, I 10 think, that everyone has access to recordings of the committee 11 meetings that laid out any particular guidance that we were 12 given from BLR. But from my perspective, it was also about the 13 fact that we had a charge and that charge was to make sure that 14 we got as equal of districts as possible and personally, as 15 chair, I wanted to make sure that we disrupted the least 16 counties possible in doing that, and I believe only Sebastian 17 County and Pulaski County were significantly affected.</p> <p>18 QUESTION NO. 5:</p> <p>19 Q Explain how the map created by the 2021 Redistricting Plan 20 adhered to each of the principles, criteria, rules or 21 guidelines You identified in your Response to Question No. 4.</p> <p>22 A I think I almost answered that already in reference to the 23 last question but again, this whole process -- as chair of the 24 committee, we went through weeks of testimony, people offering 25 different ideas and we wanted to get a map that would find</p> <p style="text-align: right;">Page 8</p>
<p>1 anything else. Obviously, we did ask for information from the 2 Bureau of Legislative Research proceeding the meetings in the 3 session and also, during the session to make sure that any 4 overarching guidelines or resources and things that they made 5 available to the committee was announced. And so, we just were 6 there to ensure and my role as Chair to ensure that things went 7 proper and in order during that process.</p> <p>8 QUESTION NO. 4:</p> <p>9 Q Identify all principles, criteria, rules or guidelines You 10 or the Senate Committee considered or used as part of the 2021 11 Congressional Redistricting Process in deciding on the 2021 12 Congressional Redistricting Plan and Proposed Congressional 13 Redistricting Maps.</p> <p>14 A As mentioned as Chair of the Committee, we simply ask for 15 information --</p> <p>16 THE WITNESS: -- restate that question 17 for me because that's a long question. I 18 don't think it was exactly worded as I 19 would have, the way I'd done it -- so, say 20 that question again. I'm don't have one to 21 look at so say the question again.</p> <p>22 QUESTION NO. 4:</p> <p>23 Q Identify all principles, criteria, rules or guidelines You 24 or the Senate Committee considered or used as part of the 2021 25 Congressional Redistricting Process in deciding --</p> <p style="text-align: right;">Page 7</p>	<p>1 consensus and could be supported by majority of people in the 2 legislature, and that's what we did in regards to the map that 3 was approved.</p> <p>4 QUESTION NO. 6:</p> <p>5 Q Explain the reason or reasons that the map created by the 6 2021 Congressional Redistricting Plan was ultimately enacted, 7 as opposed to any of the other 2021 Proposed Congressional 8 Redistricting Maps.</p> <p>9 A In the legislature, everything happens based on a majority 10 vote. So, that map got a majority of votes coming out the 11 committee which as a matter of fact, as I recall I didn't even 12 actually vote on that in committee. I usually don't unless it's 13 an issue where there's a situation that requires I do. So, 14 there was enough consensus to pass it so I called, the bill was 15 passed which is the process. It went to the Senate floor and 16 then ultimately, was able to garner a majority vote there just 17 like any other bill that we pass in the legislature.</p> <p>18 QUESTION NO. 7:</p> <p>19 Q Were there any other 2021 Proposed Congressional 20 Redistricting Maps that equalized the populations of Arkansas' 21 Congressional Districts to within an acceptable one person who 22 vote standard?</p> <p>23 A As chair of the committee and during that process, anyone 24 that knows how that works there are tons of proposals that are 25 put forward and sent. I can't recall any particular one. It's</p> <p style="text-align: right;">Page 9</p>

<p>1 been three years. What I can recall is that we finally got a 2 consensus bill and we passed that. But literally, you have 3 input from the public. You have input from the members. There 4 are tons of information coming at the members of those 5 committees and ultimately, the legislature about people's 6 opinion on what a map should look like. 7 QUESTION NO. 8: 8 Q Explain the reason or reasons as part of the 2021 9 Congressional Redistricting Process for the selection of the 10 particular voting districts or precincts that were removed from 11 or added to CD2. Explain the basis for these reasons. 12 A As chair of the committee just like I've stated before, 13 it's simply math. You have to find population. So, any map, 14 and in particular the map that was ultimately approved, simply 15 they are asking BLR to move that map so that we get the 16 variations or deviations as small as possible. And I believe 17 if you look at our map compared to other maps around the 18 country, it was done within a close a range as you possibly can 19 to keep the population but there were no other factors, and 20 I'll just go ahead and say here, I know that many of these 21 questions have been worded in a way to try to inject race as a 22 part of this. Race never was a factor in this process for me 23 or any of the members of the committee that I'm aware of. I 24 publicly stated that it should not be and that I would object 25 if it ever were made a factor by someone.</p> <p style="text-align: right;">Page 10</p>	<p>1 population in southeastern Pulaski County into three different 2 Congressional Districts? 3 A I personally object to whoever wrote these questions 4 that's purposely trying to inject race into this. That should 5 be obvious to anyone that is reasonable. I voted for the map 6 because the map was the best option that we had through 7 consensus to split the least counties possible which that's 8 what we wanted to do is to split the least counties possible, 9 and there was consensus that had built to that point to pass 10 the map and we did have a majority pass it. The house also 11 passed the same map and that was it. 12 II. In Your March 29 Tweet, You stated that "[t]here was 13 ZERO discussion about using race as a factor 14 in drawing the Congressional District lines. Zero" 15 QUESTION NO. 13: 16 Q Was it Your position as Senate Committee chair that You 17 could not consider race as a factor in drawing Congressional 18 District boundaries during the 2021 Congressional Redistricting 19 Process? If so, explain Your basis for that position. 20 A Yes. It was my opinion that race would not be a factor, 21 and I publicly made statements about that. I finally got so 22 tired of hearing some of the Democrat members that were trying 23 to interject or infer, I felt it was insulting to the integrity 24 of the process and made statements on the Senate floor to that 25 effect. So yes, I did not think that race should be a factor</p> <p style="text-align: right;">Page 12</p>
<p>1 QUESTION NO. 9: 2 Q During the 2021 Congressional Redistricting Process, did 3 You know the Black population of CD2 as drawn in 2011 was 4 concentrated in southeastern Pulaski County? 5 A No. 6 QUESTION NO. 10: 7 Q During the 2021 Congressional Redistricting Process, were 8 You familiar with Hunt Districts? If so, what did You 9 understand them to be? 10 A I was not familiar with those districts -- no. 11 QUESTION NO. 11: 12 Q During the 2021 Congressional Redistricting Process, were 13 You aware that the Hunt Districts had been judicially created 14 because of the large black population in southeastern Pulaski 15 County? 16 A No. I was not. As chair, as I've stated, this is a math 17 issue. We are to draw districts based on population, and I 18 object completely to the inferences made and what I believe are 19 even leading questions trying to invoke race. The only people 20 that ever brought up race in this process was the Democrat 21 activists, the Democrat politicians that were purposely trying 22 to make the process falter. 23 QUESTION NO. 12: 24 Q Why did You vote in favor of a 2021 Proposed Congressional 25 Redistricting Map that trisected the heavily concentrated Black</p> <p style="text-align: right;">Page 11</p>	<p>1 or would be a factor in our maps. They weren't. 2 QUESTION NO. 14: 3 Q Were you aware of concerns expressed as part of the 2021 4 Congressional Redistricting Process about the anticipated 5 negative impact of the 2021 Congressional Redistricting Plan or 6 any 2021 Proposed Congressional Redistricting Maps on Black 7 communities in Pulaski County? If so, what were the concerns, 8 by whom were they expressed, and in what setting? 9 A Well, as chair of the committee, we have tons of incoming 10 information that's given from the public. We took public 11 testimony. I don't know of any specific but I do know that I 12 saw at one point towards the end of this process, I could see 13 that Democrat activists, Democrat members were specifically and 14 intentionally trying to create a narrative that probably lands 15 us here today. It was obvious they were trying to interject 16 something that would give them cause to bring a lawsuit to 17 oppose the map process. I found this so objectionable that I 18 went on the Senate floor and literally gave an illustration 19 based on data that I had requested from BLR that showed that 20 our maps were basically the same as what they had produced in 21 2011 as it relates to any racial demographic data. This proved 22 a point and shut down, I believe, most of the rest of the 23 debate that this simply was a red herring. No one during this 24 process tried to convince me or show me anything saying this is 25 why we need to choose this map or the other based on race.</p> <p style="text-align: right;">Page 13</p>

<p>1 That never once happened. I'm proud of the work of the Arkansas 2 Legislature regarding these maps and feel it was the right 3 thing to do; therefore, I ultimately did vote for the map 4 myself.</p> <p>5 QUESTION NO. 15:</p> <p>6 Q As part of the 2021 Congressional Redistricting Process, 7 did you or any other member of the Arkansas General Assembly 8 respond to any concerns expressed about the anticipated 9 negative impact of the 2021 Congressional Redistricting Plan or 10 any 2021 Proposed Congressional Redistricting Maps on Black 11 communities in Pulaski County? If so, what were those 12 responses, by whom were they made, and in what setting?</p> <p>13 A My English teacher would object to these run-on sentences; 14 however, I'm going to respond here. State that again so I 15 get the point -- which did we respond to any objections; is 16 that what that question stated?</p> <p>17 Q Yeah, any concerns -- let me just reread it.</p> <p>18 QUESTION NO. 15:</p> <p>19 Q As part of the 2021 Congressional Redistricting Process, 20 did you or any other member of the Arkansas General Assembly 21 respond to any concerns expressed about the anticipated 22 negative impact of the 2021 Congressional Redistricting Plan or 23 any 2021 Proposed Congressional Redistricting Maps on Black 24 communities in Pulaski County? If so, what were those 25 responses, by whom were they made, and in what setting?</p> <p style="text-align: right;">Page 14</p>	<p>1 that became an issue is again, as I've stated, when Democrat 2 members and Democrat activists began to interject that 3 allegation and that inference. They were trying to specifically 4 build a narrative to, I believe, lead us to the point we are 5 today. Finally, after I got so sick and tired of listening to 6 that narrative, I asked the Bureau of Legislative Research to 7 produce for me the actual percentages based upon racial make up 8 in the four districts after the 2011 maps as compared to the 9 2021 map that we were doing then. And guess what? Virtually 10 no difference whatsoever in that. They were virtually the same. 11 I spoke about that on the Senate floor, and I hope that the 12 Counsel will pull that information and make sure that that is 13 taken into consideration as the Judges make a decision.</p> <p>14 QUESTION NO. 17:</p> <p>15 Q As part of the 2021 Congressional Redistricting Process, 16 did you or any member of the Arkansas General Assembly receive 17 any information regarding the racial makeup of the 18 Congressional Districts that would be created by the 2021 19 Congressional Redistricting Plan or any 2021 Proposed 20 Congressional Redistricting Maps? If so, what information did 21 you or other Assembly members receive, from whom, and when?</p> <p>22 A It's hard not to chastise the sentences over and over 23 again but I think I've made myself clear. I think some of 24 these are not very well written. But in terms of racial 25 demographic data, I stated clearly already as chair when I</p> <p style="text-align: right;">Page 16</p>
<p>1 A I think I've hit that and as chairman and as I believe I 2 pretty much made clear during this process, any responses that 3 I gave, of course, was public. I stated on the floor of the 4 Senate that what my position was. I believe that the inference 5 and the allegation that anything was done based upon race was a 6 falsehood. I did not know of anybody during that process. I 7 think I even stated very clearly that if I saw anyone was doing 8 that, I would object to that and would not allow that to go 9 forward or do my best to stop it. So, I can't speak for all 10 other members, obviously, but for me as chairman of that 11 committee, I made every effort to make sure the process was one 12 that would be seen as a process of integrity. So, I responded 13 to what I felt were these false narratives from Democrats at 14 the time, and I did that in public and on the record, and I 15 would direct you to my comments on the Senate floor and would 16 have them stand for themselves.</p> <p>17 QUESTION NO. 16:</p> <p>18 Q Explain the source of any racial demographic data that was 19 available to You as chair of the Senate Committee during the 20 2021 Congressional Redistricting Process regarding the 2021 21 Congressional Redistricting Plan or any 2021 Proposed 22 Congressional Redistricting Maps.</p> <p>23 A As chair of the committee, I never asked for and looked 24 for during the process anything that would be racial 25 demographic data as we got to the maps. The only time that</p> <p style="text-align: right;">Page 15</p>	<p>1 tired of this beginning to become a refrain that I was hearing 2 from people, I said it's time for me to look at that and I 3 asked for that information and spoke about it on the floor. 4 But I will tell you that as a member of the Legislature, we get 5 emails, we get voice mails, we get messages where they write on 6 a pink slip that somebody wrote in to give us a message about 7 legislation. That's just a part of being a citizen legislator, 8 and I appreciate the transparency with that process and as it 9 relates. Specifically, the only thing that I think that I 10 could say, there's a lot of public information that was put out 11 during that time in the media, the newspapers, online blogs, et 12 cetera, and there's even a website as I recall, Dave's 13 Redistricting, which allowed people be able to view that a lot 14 of states were using at the time and it likely included some 15 racial data in there as it included many other factors and data 16 that would be normally provided by the census, et cetera.</p> <p>17 QUESTION NO. 18:</p> <p>18 Q As part of the 2021 Congressional Redistricting Process 19 did you or any member of the Arkansas General Assembly have 20 communications regarding race or the racial makeup of 21 Congressional Districts with any other person during the 2021 22 Congressional Redistricting Process? Is so, what was the 23 content of those communications, when did they occur, and with 24 whom? If the communications were with other Legislators in a 25 non-public setting, do not disclose their names.</p> <p style="text-align: right;">Page 17</p>

<p>1 A This was three years ago. As Chairman of the committee, 2 I've just related in previous answers the volumes of 3 information that comes at us. I don't recall any particular 4 conversation standing out and I think it would stand out 5 because I had publicly stated the Rules of Order. If somebody 6 had in their mind, they likely would not have shared it with me 7 because I had stated we don't draw maps based upon racial 8 considerations. This is a country made up of people that are 9 white, black, brown, yellow and various shades and all in- 10 between. We're all American citizens, and we're supposed to 11 try to do our best to draw maps for one person, one vote. It's 12 simply a math process. I never once considered and do object 13 and find it insulting that people would say that anything we 14 did was based upon race. It was not.</p> <p>15 QUESTION NO. 19:</p> <p>16 Q Describe any communications as part of the 2021 17 Congressional Redistricting Process that You or any member of 18 the Arkansas General Assembly had regarding racial demographic 19 data related to the 2021 Congressional Redistricting Plan or 20 any 2021 Proposed Congressional Redistricting Maps. If the 21 communications were with other Legislators in a non-public 22 setting, do not disclose their names.</p> <p>23 A I don't — I think I just answered that question 24 previously. I don't have any recollection of any specific 25 communications about race.</p> <p style="text-align: right;">Page 18</p>	<p>1 communications regarding the partisan makeup of Congressional 2 Districts? If so, what was the contents of those discussions, 3 when did they occur and with whom? If the communications were 4 with other Legislators in a non-public setting, do not disclose 5 their names.</p> <p>6 A I think I've already answered that question. As I believe 7 I got the point of the question, do we have communications 8 related to partisanship? Information was made available to the 9 public that was out there. This process was about math. It's 10 about getting a district, and I said from the outset and I 11 maintain here today, that we wanted to disrupt the least 12 counties possible and Sebastian County — I find it 13 interesting, by the way, that all these questions coming from 14 Plaintiffs' were all about Pulaski County when Sebastian County 15 probably was the more contentious discussion. There was a lot 16 of contention around Sebastian County for some reason.</p> <p>17 Apparently, their concerns aren't even spoken of here. But 18 those are two counties where we had to simply draw a line and I 19 felt it was prudent and I felt it was fair that we did that in 20 the least counties possible. The fact is that the boundaries 21 of three congressional districts clearly met around Pulaski 22 County and being the most populous county in the state, that is 23 the logical and easiest place to get that population separated 24 where it's manageable. So, that's my answer for your question.</p> <p>25 III. In Your March 29 Tweet, you made statements about</p> <p style="text-align: right;">Page 20</p>
<p>1 QUESTION NO. 20:</p> <p>2 Q At any point as part of the 2021 Congressional 3 Redistricting Process did You or any member of the Arkansas 4 General Assembly receive any information regarding the partisan 5 (i.e., Republican and Democratic) makeup of the Congressional 6 Districts that would be created by the 2021 Congressional 7 Redistricting Plan or any 2021 Proposed Congressional 8 Redistricting Maps? If so, what information did You or any 9 other member of the Arkansas Assembly receive, from whom and 10 when? If the communications were with other Legislators in a 11 non-public setting, do not disclose their names.</p> <p>12 A As stated before, as chair and then members of the 13 committee, obviously, they're tons of information that is 14 targeted to us whether it's through the media; whether it's 15 emails, things that are coming in. As it relates to partisan 16 information, as I've said before that the website Dave's 17 Redistricting, I believe, had that same kind of data that was 18 out there. So, there was a lot of tools both private and 19 public, I think, that's available out there that were utilized 20 where there was information about that, that people could 21 freely get. In fact, I think it may have even been referred to 22 in committee when some people were proposing maps.</p> <p>23 QUESTION NO. 21:</p> <p>24 Q As part of the 2021 Congressional Redistricting Process, 25 did You or any member of the Arkansas General Assembly have</p> <p style="text-align: right;">Page 19</p>	<p>1 the 2 legislature's "work" on "th[e] maps."</p> <p>3 QUESTION NO. 22:</p> <p>4 Q During the 2021 Congressional Redistricting Process, did 5 BLR draw Congressional District maps at the request of members 6 of the Arkansas General Assembly?</p> <p>7 A Yes.</p> <p>8 QUESTION NO. 23:</p> <p>9 Q During the 2021 Congressional Redistricting Process, was 10 Autobound Edge the software BLR used in drawing the 2021 11 Congressional Redistricting Plan and any 2021 Proposed 12 Congressional Redistricting Maps? If so, as part of the 2021 13 Congressional Redistricting Process, did you or any member of 14 the Arkansas General Assembly discuss whether Autobound Edge 15 included partisan(i.e., Republican or Democratic) makeup of the 16 Congressional Districts that would be created by draft maps? 17 If so, what were the contents of these discussions?</p> <p>18 A Uh, again, what a question. As chair of the committee, 19 until you mentioned the name of the software, I don't actually 20 recall the name of the software that was utilized. I don't 21 recall the name of that. What I rested on is the Bureau of 22 Legislative Research informed us that they had software. In 23 fact, we even had to wait because we're waiting on final census 24 information to have enough information available that was 25 uploaded into all these software programs to be able to draw</p> <p style="text-align: right;">Page 21</p>

<p>1 the maps and have confidence in the integrity of that map based 2 on the proper information. So no, you know, I didn't know of a 3 name of any of that software and again, I clearly stated my 4 position. This is about drawing maps based upon math. It's 5 about population. Approximately 750,000 -- the best that we 6 could get there -- and that was what we were trying to do. The 7 rest of the demographics or the partisanship is secondary to 8 the fact that we had to get people into those districts to make 9 them as equal as possible for the people of Arkansas.</p> <p>10 QUESTION NO. 24:</p> <p>11 Q As part of the 2021 Congressional Redistricting Process, 12 did BLR have racial data loaded in Autobound Edge while drawing 13 Congressional District maps? If so, did you or any member of 14 the Arkansas General Assembly discuss this racial data? If so, 15 what were the contents of these discussions?</p> <p>16 A I don't know. As chairman, I'm not privy to what occurred 17 and how they uploaded information, so I can't answer that. 18 You'd have to ask someone else.</p> <p>19 QUESTIONS NO. 25:</p> <p>20 Q Did You, as part of the 2021 Congressional Redistricting, 21 review any documents provided by BLR regarding the 2021 22 Congressional Redistricting Plan or any 2021 Proposed 23 Congressional Redistricting Maps? If so, describe them.</p> <p>24 A Yes. We reviewed data that BLR provided. That's a part 25 of the process. As chair of the committee, we saw many maps</p> <p style="text-align: right;">Page 22</p>	<p>1 when did they occur, and with whom? If the communications were 2 with other Legislators in a non-public setting, do not disclose 3 their names.</p> <p>4 A So, I think what the question is asking is were there 5 conversations among members about partisanship. Again, from my 6 perspective, it was all about the maps and trying to make sure 7 that they were equal based upon population. If partisanship 8 was ever discussed, I would say it would just be a side note 9 that somebody made about that. But honestly, the clear 10 guidance was to get these districts made as equal as you 11 possibly could. The only time that I can recall just trying to 12 pull this up from three years ago is that obviously, this 13 Dave's Redistricting site had information and there was tons of 14 people that were trying to utilize that. They were even 15 publishing it on social media. There were those maps floating 16 around everywhere and they would discuss these different 17 makeups and different factors, so I think that's the question 18 actually that I kind of stumbled myself and almost asked for 19 that question to be repeated, so I appreciate Counsel for 20 bringing that back up. Again, I think that these questions 21 could have been worded a lot more clearly.</p> <p>22 MR. TALLEY: The witness will read and 23 sign the deposition.</p> <p>24 COURT REPORTER: And I think they want 25 him to sign this.</p> <p style="text-align: right;">Page 24</p>
<p>1 that were provided over a course of that testimony.</p> <p>2 THE COURT REPORTER: And that concludes 3 the 25 questions.</p> <p>4 MR. TALLEY: Any objections by the 5 Plaintiffs' as to responsiveness?</p> <p>6 MR. GOLDSTEIN: Nothing from me at the 7 moment.</p> <p>8 MR. TALLEY: One question from me for 9 our court reporter. Ms. Harbuck, can you 10 reread question number 21 and if you can 11 listen to it and answer that question.</p> <p>12 THE WITNESS: Okay. And I do want to 13 say parenthetically here, these are some of 14 the worst worded questions I've ever seen 15 in my life during my tenure in the Arkansas 16 Legislature, and that's just my personal 17 opinion. But if you got a question, ask a 18 plain question and get a plain answer but 19 this is kind of ridiculous.</p> <p>20 BY THE COURT REPORTER:</p> <p>21 QUESTION NO. 21:</p> <p>22 Q As part of the 2021 Congressional Redistricting Process, 23 did You or any member of the Arkansas General Assembly have 24 communications regarding the partisan makeup of Congressional 25 Districts? If so, what was the content of those discussions,</p> <p style="text-align: right;">Page 23</p>	<p>1 MR. TALLEY: I think that we can do 2 that after we get a copy of the transcript. 3 When he reads and signs, we'll certainly 4 make any changes on an errata sheet and 5 then execute whatever Affidavits or 6 documents that are necessary to complete 7 the deposition. That's all.</p> <p>8 VIDEOGRAPHER: We're off the record at 9 11:48 a.m.</p> <p>10 (WHEREUPON, the deposition is 11 concluded at 11:48 a.m.)</p> <p>12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 25</p>

<p>1 CERTIFICATE</p> <p>2</p> <p>3 I, JANIS C. HARBUCK, Certified Court Reporter in and for</p> <p>4 the State of Arkansas, do hereby certify that the witness,</p> <p>5 JASON RAPERT, was duly sworn prior to the taking of testimony</p> <p>6 as to the truth of the matters attested to and contained</p> <p>7 therein; that the testimony of said witness was taken by me via</p> <p>8 mask and was thereafter reduced to typewritten Form by me or</p> <p>9 under my direction and supervision; that the foregoing</p> <p>10 transcript is a true and accurate record of the testimony given</p> <p>11 to the best of my understanding and ability.</p> <p>12 I FURTHER CERTIFY that I am neither counsel for, related</p> <p>13 to, nor employed by any of the parties to the action in which</p> <p>14 this proceeding was taken; and, further, that I am not a</p> <p>15 relative or employee of any attorney or counsel employed by the</p> <p>16 parties hereto, nor financially interested, or otherwise, in</p> <p>17 the outcome of this action; and that I have no contract with</p> <p>18 the parties, attorneys, or persons with an interest in the</p> <p>19 action that affects or has a substantial tendency to affect</p> <p>20 impartiality, that requires me to relinquish control of an</p> <p>21 original deposition transcript or copies of the transcript</p> <p>22 before it is certified and delivered to the custodial attorney,</p> <p>23 or that requires me to provide any service not made available</p> <p>24 to all parties to the action.</p> <p>25 IN ACCORDANCE with Rule 30(e) of the Rules of Civil</p> <p>26 Procedure, review of the transcript was not requested.</p> <p>27</p> <p>28</p> <p>29</p> <p>30 Janis C. Harbuck, CCR</p> <p>31 LS#619</p> <p>32</p> <p style="text-align: right;">Page 26</p>	<p>1 The Christian Ministerial Alliance v. Thurston</p> <p>2 Jason Rapert (#6885505)</p> <p>3</p> <p>4 E R R A T A S H E E T</p> <p>5 PAGE____ LINE____ CHANGE_____</p> <p>6 _____</p> <p>7 REASON_____</p> <p>8 PAGE____ LINE____ CHANGE_____</p> <p>9 _____</p> <p>10 REASON_____</p> <p>11 PAGE____ LINE____ CHANGE_____</p> <p>12 _____</p> <p>13 REASON_____</p> <p>14 PAGE____ LINE____ CHANGE_____</p> <p>15 _____</p> <p>16 REASON_____</p> <p>17 PAGE____ LINE____ CHANGE_____</p> <p>18 _____</p> <p>19 REASON_____</p> <p>20 PAGE____ LINE____ CHANGE_____</p> <p>21 _____</p> <p>22 REASON_____</p> <p>23 _____</p> <p>24 _____</p> <p>25 (Jason Rapert) Date _____</p> <p style="text-align: right;">Page 28</p>
<p>1 I declare under penalty of perjury</p> <p>2 under the laws that the foregoing is</p> <p>3 true and correct.</p> <p>4</p> <p>5 Executed on _____, 20____,</p> <p>6 at _____.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11 _____</p> <p>12 Jason Rapert</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 27</p>	

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Arkansas Rules of Civil Procedure

Part V. Depositions and Discovery

Rule 30

(e) Review by Witness; Changes; Signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by subdivision (f)(1) whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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