

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 1

Common Cause, et al.)
) 4:22-cv-109
v.)
)
Cord Byrd)

)

TRANSCRIPTION OF AUDIO FILE
11122 House Congressional Redistricting Subcommittee
January 11, 2022

DIGITAL EVIDENCE GROUP
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Washington, D.C. 20036
(202) 232-0646

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 2

1 (Beginning of Video Recording.)

2 CHAIR SIROIS: Good afternoon. Members
3 of the Congressional Redistricting
4 Subcommittee will come to order. DJ, please,
5 call the roll.

6 MS. ELLERKAMP: Chair Sirois?

7 CHAIR SIROIS: Here.

8 MS. ELLERKAMP: Vice Chair Tuck?

9 MS. TUCK: Here.

10 MS. ELLERKAMP: Ranking Member
11 Skidmore? Skidmore? Representative Beltran?

12 MR. BELTRAN: Here.

13 MS. ELLERKAMP: Benjamin?

14 MR. BENJAMIN: Here.

15 MS. ELLERKAMP: Brown? Brown?
16 Fabricio?

17 MR. FABRICO: Here.

18 MS. ELLERKAMP: Fetterhoff?

19 MS. FETTERHOFF: Here.

20 MS. ELLERKAMP: Fischer?

21 MR. FISCHER: Here.

22 MS. ELLERKAMP: Giallombardo?

23 MR. GIALLOMBARDO: Here.

24 MS. ELLERKAMP: Harding?

25 MR. HARDING: Here.

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 3

1 MS. ELLERKAMP: Hunschofsky?

2 Hunschofsky? Joseph?

3 MS. JOSEPH: Here.

4 MS. ELLERKAMP: Massullo?

5 MR. MASSULLO: Here.

6 MS. ELLERKAMP: Morales? Morales?

7 Perez?

8 MR. PEREZ: Here.

9 MS. ELLERKAMP: Plakon?

10 MR. PLAKON: Here.

11 MS. ELLERKAMP: Silvers?

12 MR. SILVERS: Here.

13 MS. ELLERKAMP: Toledo?

14 MS. TOLEDO: Here.

15 MS. ELLERKAMP: Trabulsy?

16 MS. TRABULSY: Here.

17 MS. ELLERKAMP: Williamson?

18 MR. WILLIAMSON: Here.

19 MS. ELLERKAMP: Quorum is Present, Mr.

20 Chair.

21 CHAIR SIROIS: Thank you very much, DJ.

22 Members, a few reminders before we begin.

23 Please silence all electronic devices, and if

24 you're here today to make public comment or

25 provide testimony, please take time now to

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 4

1 fill out an appearance form and turn it in to
2 a member of the Sergeant's staff.

3 Also, as a reminder for our members and
4 speakers, please ensure that you turn off your
5 microphone when you speaking and turn -- I'm
6 sorry. Excuse me. I always get that
7 backwards. Please turn your microphone on
8 when you are speaking and off when you are
9 not.

10 Members, welcome to our first day of
11 regular session and our first subcommittee
12 meeting of the new year. I'm excited for this
13 stage of our redistricting cycle. For those
14 who may be joining us or tuning in for the
15 first time, I would like to recap our
16 progress.

17 Throughout interim committee weeks,
18 this committee took time to diligently educate
19 members and the public on the constitutional
20 and legal requirements for redistricting,
21 debuted and demonstrated a tailored map-
22 drawing application that lives on the
23 legislature's joint redistricting website and
24 is available for any Floridian to use, any
25 individual to use, and end-capped the year

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 5

1 with a workshop of initial ground of maps to
2 tangibly illustrate different policy choices
3 that will come before this committee for a
4 vote.

5 For our first meeting of the regular
6 session, Chair Leek and I have chosen to
7 devote this meeting solely to hearing public
8 testimony. Contrary to some comments I've
9 heard regarding this meeting's agenda, I'd
10 like to point out that it is actually the
11 committee's sixth opportunity to hear public
12 testimony along with the continuous ability to
13 provide and view public input on
14 FloridaRedistricting.gov.

15 Once we conclude our public testimony
16 today, committee members should plan to shift
17 their focus to reviewing and preparing to
18 review and vote on our formal committee work
19 product, which will be debuted in the very
20 near future.

21 Ranking Member, I also understand that
22 you sent a letter at the end of last week. We
23 are working through that letter, but I wanted
24 to acknowledge that we have received it, and I
25 thank you for your questions.

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 6

1 All of the educational effort that
2 we've undertaken as a committee both prepared
3 us to review, appropriately review,
4 understand, and ultimately vote on a work
5 product that will then move onto the full
6 redistricting committee.

7 So today, Members, as I said, is
8 devoted to receiving public testimony. And
9 with that, I would like to move to public
10 testimony. I would remind all speakers to
11 keep their comments on topic, and to the
12 extent that your comments align with our
13 constitutional standards would be beneficial
14 as the maps that we must ultimately vote on
15 have to be in alignment with these
16 constitutional standards.

17 And as always, I would ask speakers to
18 please address your comments to the chair.
19 And I would ask if we have any public input
20 cards. Does any member of the public wish to
21 provide a public comment card to the
22 Sergeant's staff to be heard today?

23 Well, seeing none, Members -- I'm
24 sorry? We do have one. Thank you, ma'am.
25 Would you please provide that to a member of

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 7

1 the Sergeant's staff and -- if you'd like to
2 take a moment to fill it out, that would be
3 fine.

4 Members, I'd ask you to stand by for
5 just a moment. Members, while we have just a
6 moment, an idle moment, and I can't deny the
7 opportunity to make use of a captive audience,
8 I would like to take a moment of personal
9 privilege to recognize my family here today
10 with us.

11 (Clapping)

12 CHAIR SIROIS: And ma'am, we'll take
13 that comment card whenever you're ready.
14 Thank you, ma'am. If you'd like to come on up
15 to the podium. Thank you. Cecile Scoon,
16 League of Women Voters, you're recognized,
17 ma'am, and thank you for being with us today.

18 MS. SCOON: Thank you very much for
19 this opportunity. My name is Cecile Scoon.
20 I'm the president of the League of Women
21 Voters of Florida, and I appreciate this
22 opportunity to speak to you on behalf of the
23 public and on behalf of the league.

24 And it is my understanding that the
25 maps were drawn when -- I've watched some of

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 8

1 your hearings and reviewed statements about
2 the process of drawing the maps.

3 And it's my understanding that the maps
4 were drawn basically with directives to follow
5 the Tier 2 of the Fair Districts, which is,
6 you know, following geography, jurisdiction,
7 cities, trying not to split counties, and
8 things in equal number, and I guess making it
9 as round, as compact as possible, which are
10 certainly good objectives.

11 But there's a concern because you
12 have -- those are -- those Tier 2 objectives
13 are we would like to have these, so long as
14 they do not impact on the Tier 1, which are
15 mandatory.

16 And Tier 1 is, of course, making sure
17 that there's political basis to the lines for
18 the redistricting, and that racial and
19 language minorities have equal opportunity to
20 select a representative of their choice, and
21 that there be no retrogression from the
22 benchmarks, basically.

23 And so with those very important
24 mandatory obligations, there's a concern that
25 since the maps were basically structured on

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 9

1 the nonmandatory, Tier 2, how do you make sure
2 that all of the Tier 1 mandatory obligation
3 are met?

4 And we were told that the tests were
5 being done to check for the Tier 1 potential
6 violations only on the benchmark districts,
7 which were the districts that were set by the
8 court in 2015 in the litigation on
9 redistricting. They said that these
10 particular districts are the ones that must be
11 a majority/minority district or that kind of
12 thing.

13 So since there's been so much change in
14 the population of Florida, we got a new
15 congressional seat out of it, we know that
16 there's been some areas that have lost
17 population and some have gained, some probably
18 due to the hurricane, which is where I'm from.
19 We were hit really bad in Bay County. So
20 there's been a lot of, you know, change.

21 And so there's a concern that -- to
22 make sure that the proper functional tests are
23 being done and that they're being done
24 throughout the state, in particular, where we
25 know that there's been population change

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 10

1 because that's the only way that you can
2 double check to make sure that the Tier 1
3 standards or amendments, a part of our
4 constitution, are met.

5 And because the -- basically, the
6 foundation of the maps were set on things that
7 are not mandatory, by definition, should give
8 way to the Tier 1, of course, you're concerned
9 to make sure that the Tier 1's have not been
10 violated. And when we look at the portal, we
11 don't see any evidence that that testing was
12 done.

13 And so that is a concern, and we would
14 like the congressional redistricting committee
15 to look at those deficiencies in terms of the
16 analysis, and the research, and the data
17 because you know, one set of guidelines are
18 mandatory, and those are the ones that have
19 not been matched up and tested throughout.

20 And since we know our state has had
21 this shift in population and certainly
22 overall, we've grown, which is, again, why we
23 got the extra congressional seat, there's
24 just, you know, in-our-face proof that things
25 have changed.

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 11

1 Now, the problem with relying only the
2 benchmark districts, which were set forth in
3 2015, in the court's order in 2015, the court,
4 at that time, was looking at the census
5 information from 2010, so looking ten years
6 back. Those benchmarks were based on 2010
7 census information.

8 We know we have 2020 census
9 information, and so in order to check to make
10 sure that the mandatory guidelines have been
11 met, it needs to be based on newer
12 information, basically the information's a
13 little stale to only rely on the benchmarks as
14 stated in 2015 because those courts, the
15 Florida Supreme Court, was looking only at
16 census information from 2010.

17 If we were going to just do that, we
18 didn't need to wait for the census to be
19 completed. We could have just had a lot of
20 time, you know, before COVID, when was COVID
21 was up or down, we could have had a lot of
22 opportunity if we were only going to look at
23 the benchmarks as stated in 2015, which are
24 based on 2010 census.

25 So we, again, we know there's growth.

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 12

1 We know there's change, and we would ask you
2 to do the data analysis, a functional
3 analysis, to see the impact of the change in
4 the population across the state.

5 We would ask you double check and see
6 how do the voting populations vote by race and
7 by language with regards to not only the
8 general elections but the primary elections
9 because we all know that people vote
10 differently in different elections.

11 And basically, the case law has
12 established that these are basic things that
13 need to be done in order to avoid any
14 challenges later on. And they're expected to
15 be done, and basically, our Fair Districts,
16 which the citizens worked very, very hard, a
17 citizens' initiative, that our constitution
18 requires this.

19 So we would ask you to, you know, ask
20 your staff to do this extra step and to share
21 that knowledge, that information, and data
22 with the citizens. Thank you very much.

23 CHAIR SIROIS: Thank you, ma'am. Thank
24 you very much. Any further comment cards?
25 I'm sorry, sir. Excuse me. Sir, have you

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 13

1 filled out a comment card? If you would like
2 to receive one from the Sergeant's staff and
3 come to the podium, we'd be happy to hear your
4 testimony. Sir, if you'd like to go ahead and
5 speak, we can get the comment card from you
6 afterwards.

7 And sir, if you could clearly state
8 your name and the group that you're here to
9 represent.

10 MR. MILDEN: Okay. So my name is Jason
11 Milden (phonetic). I guess, you can say, I'm
12 not clearly a part of any affiliation, but I
13 represent standards or, you know, for
14 applicable -- as the State of Florida
15 regulations that apply to civilian access to
16 representation or assistance, as necessary.
17 That's my outreach. So I just wanted to
18 confirm a few things.

19 Pretty much status update of what I've
20 been working on the past year, 2021. It's
21 very tough having resources that have may it
22 easier to work -- regulations as far as --

23 CHAIR SIROIS: Sir, I apologize for
24 interrupting you just I just want to
25 interject. Are your comments regarding

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 14

1 congressional redistricting?

2 MR. MILDEN: Well, it's not
3 necessarily, but I have asked for or what I
4 can offer at the time. But there's a lot of
5 general ground that has been covered as far as
6 my work goes for 2021, and the outreach for
7 the assistance that may be needed upon
8 receiving representation from a source as to
9 validate any information that may not be
10 reliable as far as where it may be received.

11 I have worked on the outreach of making
12 accessible credential -- kind of -- for
13 assistance that is necessary.

14 CHAIR SIROIS: I think I -- I apologize
15 again for interrupting you.

16 MR. MILDEN: Of course.

17 CHAIR SIROIS: I think I may be able --
18 perhaps at the conclusion of the meeting, I
19 could get with you and staff.

20 MR. MILDEN: No, no, it's totally fine.

21 CHAIR SIROIS: We could --

22 MR. MILDEN: I'm finished now. I just
23 wanted to make it clear that it has been very
24 overwhelming to have the detail to have to
25 work on myself and for the many that have

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 15

1 helped -- that have been helped with this
2 without having the resources as yourselves to
3 kind of have that outlet of all the
4 information coming in from wherever it may
5 have come politically or whether that be
6 authoritative or just, I guess, entertaining.

7 But it is information, nonetheless, and
8 it has been taken care of. If there are any
9 details that are necessary upon this outreach
10 that I've worked on, I have a full financial
11 detail that I can disclose, and it is all paid
12 for by tax -- because of the outreach is
13 fully --

14 CHAIR SIROIS: Okay. Thank you.

15 MR. MILDEN: -- funded by the
16 government. Thank you.

17 CHAIR SIROIS: Thank you, sir. And
18 we're going to go back, Representative Joseph,
19 you have a question for Ms. Scoon.

20 Ms. Scoon, if you're available to join
21 us back at the podium, I think we have a
22 question for you.

23 MS. SCOON: Yes, ma'am?

24 MS. JOSEPH: Good afternoon, Ms. Scoon.

25 CHAIR SIROIS: I'm sorry, excuse me.

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 16

1 Representative Joseph, you're recognized for a
2 question.

3 MS. JOSEPH: Thank you, Chair. Yes,
4 thank you. Thank you for being here. I
5 wanted to see if you could elaborate, just so
6 I'm aware of what your efforts have been
7 because I, too, am concerned about the tiering
8 criteria because I haven't gotten a clear
9 understanding of how that has been taken into
10 account in the current maps that we're
11 evaluating.

12 My question for you is, tell -- would
13 you mind informing the committee about
14 whatever your efforts have been, because I'm
15 not sure what they are, to get some of this
16 information, who specifically you might have
17 spoken to, if you have that information, and
18 you know, what has been the response because
19 you kind of talked about it generically as you
20 were --

21 MS. SCOON: Um-hum.

22 MS. JOSEPH: -- telling us, but I'd
23 like to know more --

24 MS. SCOON: Yeah.

25 MS. JOSEPH: -- so that I could follow

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 17

1 up, too.

2 MS. SCOON: Well, the League likes
3 to --

4 CHAIR SIROIS: Sorry, excuse me. Ms.
5 Scoon, you're recognized.

6 MS. JOSEPH: Thank you.

7 MS. SCOON: Oh, thank you, sir. The
8 League like to come up to Tallahassee to speak
9 with our representatives, and you know, we
10 talk with everybody. We're nonpartisan, of
11 course, and we made efforts to reach out to
12 different representatives. I think it was the
13 middle of November, just before Thanksgiving,
14 and whoever was able to speak to us on that
15 day, we spoke to.

16 But we spoke to different
17 representatives. I know we spoke to, I
18 believe, Representative Daley -- yeah, we
19 spoke to Representative Skidmore and tried to
20 reach everybody, but people were in, people
21 were out. Some things, you know, happened.

22 So we spoke to maybe three or four that
23 day on some of our legislative priorities, and
24 one of them, of course, being redistricting
25 and the information that we got. That's what

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 18

1 I'm basing it on.

2 Also, I've looked at some of the
3 hearings that have taken place and the
4 statements that staff, when they're
5 explaining, you know, how the maps were drawn.
6 And so just words that were shared. This is
7 how we did it. We were focusing on Tier 2.

8 In addition to, many times when staff
9 was talking about the maps because they were
10 explaining to the different representatives
11 and the citizens who might have been in
12 attendance or watching, they would frequently
13 talk about, and we didn't split the city.
14 They were talking about Tier 2 concerns every
15 time.

16 Very rarely did they mention Tier 1.
17 When they mentioned Tier 1, maybe three or
18 four times, they would say, and this is a
19 benchmark, this is -- we're following the
20 benchmark. In other words, they were not
21 retrogression. They weren't -- they seemed to
22 be saying, so long as we don't take away what
23 was given in 2015, we're good.

24 That's not what Fair Districts says.
25 Fair Districts says, if there is an

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 19

1 opportunity to create a district so that
2 language or racial minorities, because of the
3 history of our state, if there's an
4 opportunity to give them equal opportunity to
5 select a representative of their choice -- and
6 that doesn't necessarily mean it's going to
7 look like or speak like the person. It just
8 whoever that group wants to pick.

9 If they have that opportunity, then,
10 you need to give them that opportunity. And
11 that part of the equation, I think, has been
12 neglected or just not focused on because what
13 people always talk about is we followed the
14 benchmark. You know, they hit that note.
15 That's a good note to start with, but there's
16 more to the story.

17 CHAIR SIROIS: Thank you, ma'am. Any
18 other additional public testimony? Do we have
19 any further cards? Seeing none, thank you
20 very much to the members of the public that
21 joined us today.

22 With that, ladies and gentlemen, I
23 would ask you to consider the feedback that
24 we've received today and look forward to
25 continuing to work through this process,

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 20

1 redistricting process, with you as we move
2 into the next phase.

3 With that, I wish everyone --
4 Representative Joseph, I appreciate your
5 desire to ask a question, but it is my
6 position that the committee wading into any
7 further discussion beyond accepting public
8 comment today --

9 MS. JOSEPH: (Inaudible).

10 CHAIR SIROIS: Let me finish, please.
11 Any issues or questions that are beyond the
12 scope of our notice today, I don't think would
13 be meeting the spirit of transparency that our
14 meeting notice is intended to provide.

15 MS. JOSEPH: Right. (Inaudible). Now,
16 that we've gotten some input from the public,
17 I know you've mentioned that we're going to
18 take it under advisement. I just don't when
19 we're going to take it under advisement.

20 That's really what my question's going
21 to be because I feel like I've been asking
22 some of those same questions since we started
23 meeting, but I haven't gotten any responses.

24 CHAIR SIROIS: Well, now that -- you
25 know, I appreciate the question. Now that we

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 21

1 are session, as I said at the beginning of my
2 remarks, we've moving into a new phase of our
3 redistricting process. Our committee is going
4 to begin work on a work product that is going
5 to move towards the large redistricting
6 committee.

7 So I think that the posture that we're
8 in now is when we have received this feedback,
9 we've received testimony through all of our
10 meetings that we have had, and we need to be
11 prepared to come back to our next committee,
12 and continue to provide questions, and begin
13 to evaluate a product.

14 All right. Any other -- the purpose
15 of your question, Representative Hunschofsky?

16 MS. HUNSCHOFSKY: I just want to ask a
17 question about -- I'll ask the question. So
18 we, in previous committee meetings, Chair,
19 have spoken about the online testimony that's
20 been submitted.

21 CHAIR SIROIS: Um-hum.

22 MS. HUNSCHOFSKY: And that we would
23 have an opportunity to bring that up at one of
24 the committee. Is this the one because it's
25 public testimony or is this not the one? I'm

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 22

1 just trying figure out where that is, only
2 because -- that's it.

3 CHAIR SIROIS: No. Thank you for your
4 question. I think that as we begin to
5 evaluate a committee work product, you know,
6 during that stage, you'll have the ability to
7 offer comments, questions, and your
8 assessment, just like you would any normal
9 bill.

10 MS. HUNSCHOFSKY: Thank you.

11 CHAIR SIROIS: And to be more clear,
12 and I think to your point, is if you see
13 something out there or that you receive
14 information that you wish to share with the
15 committee as we begin our process of reaching
16 a work product, I would encourage you to do
17 so.

18 All right. Committee members, thank
19 you very much. I wish everyone a good
20 session. And that concludes our committee
21 meeting agenda for today.

22 Representative Massullo moves that we
23 adjourn.

24 (End of Video Recording.)

25

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 23

1

CERTIFICATE

2

3

I, Wendy Sawyer, do hereby certify that I was

4

5

authorized to and transcribed the foregoing recorded

6

7

proceedings, and that the transcript is a true record, to

8

9

the best of my ability.

10

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DATED this 15th day of March, 2023.

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WENDY SAWYER, CDLT

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 1

A	authoritative 15:6 authorized 23:5 available 4:24 15:20 avoid 12:13 aware 16:6	19:19 care 15:8 case 12:11 Cause 1:2 CDLT 23:24 Cecile 7:15,19 census 11:4,7,8 11:16,18,24 certainly 8:10 10:21 CERTIFICATE 23:1 certify 23:3 chair 2:2,6,7,8 3:20,21 5:6 6:18 7:12 12:23 13:23 14:14,17 14:21 15:14,17 15:25 16:3 17:4 19:17 20:10,24 21:18,21 22:3 22:11 challenges 12:14 change 9:13,20 9:25 12:1,3 changed 10:25 check 9:5 10:2 11:9 12:5 choice 8:20 19:5 choices 5:2 chosen 5:6 cities 8:7 citizens 12:16,22 18:11 citizens' 12:17 city 18:13 civilian 13:15 Clapping 7:11 clear 14:23 16:8 22:11 clearly 13:7,12 come 2:4 5:3 7:14 13:3 15:5 17:8 21:11 coming 15:4 comment 3:24 6:21 7:13 12:24	13:1,5 20:8 comments 5:8 6:11,12,18 13:25 22:7 committee 4:17 4:18 5:3,16,18 6:2,6 10:14 16:13 20:6 21:3 21:6,11,18,24 22:5,15,18,20 committee's 5:11 Common 1:2 compact 8:9 completed 11:19 concern 8:11,24 9:21 10:13 concerned 10:8 16:7 concerns 18:14 conclude 5:15 concludes 22:20 conclusion 14:18 confirm 13:18 congressional 1:14 2:3 9:15 10:14,23 14:1 consider 19:23 constitution 10:4 12:17 constitutional 4:19 6:13,16 continue 21:12 continuing 19:25 continuous 5:12 Contrary 5:8 Cord 1:6 counties 8:7 County 9:19 course 8:16 10:8 14:16 17:11,24 court 9:8 11:3,15 court's 11:3 courts 11:14 covered 14:5 COVID 11:20,20 create 19:1 credential 14:12	criteria 16:8 current 16:10 cycle 4:13
ability 5:12 22:6 23:9 able 14:17 17:14 accepting 20:7 access 13:15 accessible 14:12 account 16:10 acknowledge 5:24 addition 18:8 additional 19:18 address 6:18 adjourn 22:23 advisement 20:18 20:19 affiliation 13:12 afternoon 2:2 15:24 agenda 5:9 22:21 ahead 13:4 al 1:2 align 6:12 alignment 6:15 amendments 10:3 analysis 10:16 12:2,3 apologize 13:23 14:14 appearance 4:1 applicable 13:14 application 4:22 apply 13:15 appreciate 7:21 20:4,25 appropriately 6:3 areas 9:16 asked 14:3 asking 20:21 assessment 22:8 assistance 13:16 14:7,13 attendance 18:12 audience 7:7 AUDIO 1:13	B back 11:6 15:18 15:21 21:11 backwards 4:7 bad 9:19 based 11:6,11,24 basic 12:12 basically 8:4,22 8:25 10:5 11:12 12:11,15 basing 18:1 basis 8:17 Bay 9:19 beginning 2:1 21:1 behalf 7:22,23 believe 17:18 Beltran 2:11,12 benchmark 9:6 11:2 18:19,20 19:14 benchmarks 8:22 11:6,13,23 beneficial 6:13 Benjamin 2:13 2:14 best 23:9 beyond 20:7,11 bill 22:9 bring 21:23 Brown 2:15,15 Byrd 1:6	C call 2:5 captive 7:7 card 6:21 7:13 13:1,5 cards 6:20 12:24		
		D D.C 1:24 Daley 17:18 data 10:16 12:2 12:21 DATED 23:13 day 4:10 17:15 17:23 23:13 debuted 4:21 5:19 deficiencies 10:15 definition 10:7 demonstrated 4:21 deny 7:6 desire 20:5 detail 14:24 15:11 details 15:9 devices 3:23 devote 5:7 devoted 6:8 different 5:2 12:10 17:12,16 18:10 differently 12:10 DIGITAL 1:23 diligently 4:18 directives 8:4 disclose 15:11 discussion 20:7 district 9:11 19:1 districts 8:5 9:6,7 9:10 11:2 12:15 18:24,25 DJ 2:4 3:21 double 10:2 12:5 drawing 4:22 8:2 drawn 7:25 8:4 18:5 due 9:18		

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 2

E easier 13:22 educate 4:18 educational 6:1 effort 6:1 efforts 16:6,14 17:11 elaborate 16:5 elections 12:8,8 12:10 electronic 3:23 ELLERKAMP 2:6,8,10,13,15 2:18,20,22,24 3:1,4,6,9,11,13 3:15,17,19 encourage 22:16 end-capped 4:25 ensure 4:4 entertaining 15:6 equal 8:8,19 19:4 equation 19:11 established 12:12 et 1:2 evaluate 21:13 22:5 evaluating 16:11 everybody 17:10 17:20 evidence 1:23 10:11 excited 4:12 excuse 4:6 12:25 15:25 17:4 expected 12:14 explaining 18:5 18:10 extent 6:12 extra 10:23 12:20	feedback 19:23 21:8 feel 20:21 Fetterhoff 2:18 2:19 figure 22:1 FILE 1:13 fill 4:1 7:2 filled 13:1 financial 15:10 fine 7:3 14:20 finish 20:10 finished 14:22 first 4:10,11,15 5:5 Fischer 2:20,21 Florida 7:21 9:14 11:15 13:14 FloridaRedistr... 5:14 Floridian 4:24 focus 5:17 focused 19:12 focusing 18:7 follow 8:4 16:25 followed 19:13 following 8:6 18:19 foregoing 23:5 form 4:1 formal 5:18 forth 11:2 forward 19:24 foundation 10:6 four 17:22 18:18 frequently 18:12 full 6:5 15:10 fully 15:13 functional 9:22 12:2 funded 15:15 further 12:24 19:19 20:7 future 5:20	general 12:8 14:5 generically 16:19 gentlemen 19:22 geography 8:6 Giallombardo 2:22,23 give 10:7 19:4,10 given 18:23 go 13:4 15:18 goes 14:6 going 11:17,22 15:18 19:6 20:17,19,20 21:3,4 good 2:2 8:10 15:24 18:23 19:15 22:19 gotten 16:8 20:16 20:23 government 15:16 ground 5:1 14:5 group 1:23 13:8 19:8 grown 10:22 growth 11:25 guess 8:8 13:11 15:6 guidelines 10:17 11:10	hurricane 9:18 I idle 7:6 illustrate 5:2 impact 8:14 12:3 important 8:23 in-our-face 10:24 Inaudible 20:9 20:15 individual 4:25 information 11:5 11:7,9,12,16 12:21 14:9 15:4 15:7 16:16,17 17:25 22:14 information's 11:12 informing 16:13 initial 5:1 initiative 12:17 input 5:13 6:19 20:16 intended 20:14 interim 4:17 interject 13:25 interrupting 13:24 14:15 issues 20:11	know 8:6 9:15,20 9:25 10:17,20 10:24 11:8,20 11:25 12:1,9,19 13:13 16:18,23 17:9,17,21 18:5 19:14 20:17,25 22:5 knowledge 12:21 L ladies 19:22 language 8:19 12:7 19:2 large 21:5 law 12:11 league 7:16,20,23 17:2,8 Leek 5:6 legal 4:20 legislative 17:23 legislature's 4:23 letter 5:22,23 likes 17:2 lines 8:17 litigation 9:8 little 11:13 lives 4:22 long 8:13 18:22 look 10:10,15 11:22 19:7,24 looked 18:2 looking 11:4,5,15 lost 9:16 lot 9:20 11:19,21 14:4
F Fabricio 2:16 FABRICO 2:17 Fair 8:5 12:15 18:24,25 family 7:9 far 13:22 14:5,10	G gained 9:17	H happened 17:21 happy 13:3 hard 12:16 Harding 2:24,25 hear 5:11 13:3 heard 5:9 6:22 hearing 5:7 hearings 8:1 18:3 helped 15:1,1 history 19:3 hit 9:19 19:14 House 1:14 Hunschofsky 3:1 3:2 21:15,16,22 22:10	J January 1:15 Jason 13:10 join 15:20 joined 19:21 joining 4:14 joint 4:23 Joseph 3:2,3 15:18,24 16:1,3 16:22,25 17:6 20:4,9,15 jurisdiction 8:6 K keep 6:11 kind 9:11 14:12 15:3 16:19	M M 1:24 ma'am 6:24 7:12 7:14,17 12:23 15:23 19:17 majority/mino... 9:11 making 8:8,16 14:11 mandatory 8:15

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 3

8:24 9:2 10:7 10:18 11:10 map- 4:21 maps 5:1 6:14 7:25 8:2,3,25 10:6 16:10 18:5 18:9 March 23:13 Massullo 3:4,5 22:22 matched 10:19 mean 19:6 meeting 4:12 5:5 5:7 14:18 20:13 20:14,23 22:21 meeting's 5:9 meetings 21:10 21:18 member 2:10 4:2 5:21 6:20,25 members 2:2 3:22 4:3,10,19 5:16 6:7,23 7:4 7:5 19:20 22:18 mention 18:16 mentioned 18:17 20:17 met 9:3 10:4 11:11 microphone 4:5,7 middle 17:13 Milden 13:10,11 14:2,16,20,22 15:15 mind 16:13 minorities 8:19 19:2 moment 7:2,5,6,6 7:8 Morales 3:6,6 move 6:5,9 20:1 21:5 moves 22:22 moving 21:2	13:10 near 5:20 necessarily 14:3 19:6 necessary 13:16 14:13 15:9 need 11:18 12:13 19:10 21:10 needed 14:7 needs 11:11 neglected 19:12 new 4:12 9:14 21:2 newer 11:11 nonmandatory 9:1 nonpartisan 17:10 normal 22:8 note 19:14,15 notice 20:12,14 November 17:13 number 8:8 NW 1:24	overwhelming 14:24 <hr/> P paid 15:11 part 10:3 13:12 19:11 particular 9:10 9:24 people 12:9 17:20 17:20 19:13 Perez 3:7,8 person 19:7 personal 7:8 phase 20:2 21:2 phonetic 13:11 pick 19:8 place 18:3 Plakon 3:9,10 plan 5:16 please 2:4 3:23 3:25 4:4,7 6:18 6:25 20:10 podium 7:15 13:3 15:21 point 5:10 22:12 policy 5:2 political 8:17 politically 15:5 population 9:14 9:17,25 10:21 12:4 populations 12:6 portal 10:10 position 20:6 possible 8:9 posture 21:7 potential 9:5 prepared 6:2 21:11 preparing 5:17 Present 3:19 president 7:20 Pretty 13:19 previous 21:18 primary 12:8 priorities 17:23	privilege 7:9 probably 9:17 problem 11:1 proceedings 23:7 process 8:2 19:25 20:1 21:3 22:15 product 5:19 6:5 21:4,13 22:5,16 progress 4:16 proof 10:24 proper 9:22 provide 3:25 5:13 6:21,25 20:14 21:12 public 3:24 4:19 5:7,11,13,15 6:8,9,19,20,21 7:23 19:18,20 20:7,16 21:25 purpose 21:14 <hr/> Q question 15:19 15:22 16:2,12 20:5,25 21:15 21:17,17 22:4 question's 20:20 questions 5:25 20:11,22 21:12 22:7 Quorum 3:19 <hr/> R race 12:6 racial 8:18 19:2 Ranking 2:10 5:21 rarely 18:16 reach 17:11,20 reaching 22:15 ready 7:13 really 9:19 20:20 recap 4:15 receive 13:2 22:13 received 5:24 14:10 19:24	21:8,9 receiving 6:8 14:8 recognize 7:9 recognized 7:16 16:1 17:5 record 23:7 recorded 23:5 Recording 2:1 22:24 redistricting 1:14 2:3 4:13,20,23 6:6 8:18 9:9 10:14 14:1 17:24 20:1 21:3 21:5 regarding 5:9 13:25 regards 12:7 regular 4:11 5:5 regulations 13:15 13:22 reliable 14:10 rely 11:13 relying 11:1 remarks 21:2 remind 6:10 reminder 4:3 reminders 3:22 represent 13:9,13 representation 13:16 14:8 representative 2:11 8:20 15:18 16:1 17:18,19 19:5 20:4 21:15 22:22 representatives 17:9,12,17 18:10 requirements 4:20 requires 12:18 research 10:16 resources 13:21 15:2 response 16:18
<hr/> N name 7:19 13:8	<hr/> O objectives 8:10 8:12 obligation 9:2 obligations 8:24 offer 14:4 22:7 Oh 17:7 Okay 13:10 15:14 Once 5:15 ones 9:10 10:18 online 21:19 opportunity 5:11 7:7,19,22 8:19 11:22 19:1,4,4 19:9,10 21:23 order 2:4 11:3,9 12:13 outlet 15:3 outreach 13:17 14:6,11 15:9,12 overall 10:22			

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 4

responses 20:23 retrogression 8:21 18:21 review 5:18 6:3,3 reviewed 8:1 reviewing 5:17 right 20:15 21:14 22:18 roll 2:5 round 8:9 <hr/> S Sawyer 23:3,24 saying 18:22 says 18:24,25 Scoon 7:15,18,19 15:19,20,23,24 16:21,24 17:2,5 17:7 scope 20:12 seat 9:15 10:23 see 10:11 12:3,5 16:5 22:12 seeing 6:23 19:19 select 8:20 19:5 sent 5:22 Sergeant's 4:2 6:22 7:1 13:2 session 4:11 5:6 21:1 22:20 set 9:7 10:6,17 11:2 share 12:20 22:14 shared 18:6 shift 5:16 10:21 silence 3:23 Silvers 3:11,12 sir 12:25,25 13:4 13:7,23 15:17 17:7 Sirois 2:2,6,7 3:21 7:12 12:23 13:23 14:14,17 14:21 15:14,17 15:25 17:4 19:17 20:10,24 21:21 22:3,11	sixth 5:11 Skidmore 2:11 2:11 17:19 solely 5:7 sorry 4:6 6:24 12:25 15:25 17:4 source 14:8 speak 7:22 13:5 17:8,14 19:7 speakers 4:4 6:10 6:17 speaking 4:5,8 specifically 16:16 spirit 20:13 split 8:7 18:13 spoke 17:15,16 17:17,19,22 spoken 16:17 21:19 staff 4:2 6:22 7:1 12:20 13:2 14:19 18:4,8 stage 4:13 22:6 stale 11:13 stand 7:4 standards 6:13 6:16 10:3 13:13 start 19:15 started 20:22 state 9:24 10:20 12:4 13:7,14 19:3 stated 11:14,23 statements 8:1 18:4 status 13:19 step 12:20 story 19:16 Street 1:24 structured 8:25 subcommittee 1:14 2:4 4:11 submitted 21:20 Suite 1:24 Supreme 11:15 sure 8:16 9:1,22	10:2,9 11:10 16:15 <hr/> T tailored 4:21 take 3:25 7:2,8 7:12 18:22 20:18,19 taken 15:8 16:9 18:3 talk 17:10 18:13 19:13 talked 16:19 talking 18:9,14 Tallahassee 17:8 tangibly 5:2 tax 15:12 tell 16:12 telling 16:22 ten 11:5 terms 10:15 tested 10:19 testimony 3:25 5:8,12,15 6:8 6:10 13:4 19:18 21:9,19,25 testing 10:11 tests 9:4,22 thank 3:21 5:25 6:24 7:14,15,17 7:18 12:22,23 12:23 15:14,16 15:17 16:3,4,4 17:6,7 19:17,19 22:3,10,18 Thanksgiving 17:13 thing 9:12 things 8:8 10:6 10:24 12:12 13:18 17:21 think 14:14,17 15:21 17:12 19:11 20:12 21:7 22:4,12 three 17:22 18:17 Tier 8:5,12,14,16	9:1,2,5 10:2,8,9 18:7,14,16,17 tiering 16:7 time 3:25 4:15,18 11:4,20 14:4 18:15 times 18:8,18 today 3:24 5:16 6:7,22 7:9,17 19:21,24 20:8 20:12 22:21 told 9:4 Toledo 3:13,14 topic 6:11 totally 14:20 tough 13:21 Trabulsy 3:15,16 transcribed 23:5 transcript 23:7 TRANSCRIPT... 1:13 transparency 20:13 tried 17:19 true 23:7 trying 8:7 22:1 Tuck 2:8,9 tuning 4:14 turn 4:1,4,5,7 <hr/> U ultimately 6:4,14 Um-hum 16:21 21:21 understand 5:21 6:4 understanding 7:24 8:3 16:9 undertaken 6:2 update 13:19 use 4:24,25 7:7 <hr/> V v 1:4 validate 14:9 Vice 2:8 Video 2:1 22:24	view 5:13 violated 10:10 violations 9:6 vote 5:4,18 6:4,14 12:6,9 Voters 7:16,21 voting 12:6 <hr/> W wading 20:6 wait 11:18 want 13:24 21:16 wanted 5:23 13:17 14:23 16:5 wants 19:8 Washington 1:24 watched 7:25 watching 18:12 way 10:1,8 we'll 7:12 we're 15:18 16:10 17:10 18:19,23 20:17,19 21:7 we've 6:2 10:22 19:24 20:16 21:2,9 website 4:23 week 5:22 weeks 4:17 welcome 4:10 Wendy 23:3,24 weren't 18:21 Williamson 3:17 3:18 wish 6:20 20:3 22:14,19 Women 7:16,20 words 18:6,20 work 5:18 6:4 13:22 14:6,25 19:25 21:4,4 22:5,16 worked 12:16 14:11 15:10 working 5:23 13:20
---	--	--	--	--

1/11/2022

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 5

workshop 5:1	812 1:24			
X				
Y				
yeah 16:24 17:18				
year 4:12,25				
13:20				
years 11:5				
Z				
0				
1				
1 8:14,16 9:2,5				
10:2,8 18:16,17				
1's 10:9				
11 1:15				
11122 1:14				
15th 23:13				
1730 1:24				
2				
2 8:5,12 9:1 18:7				
18:14				
20036 1:24				
2010 11:5,6,16,24				
2015 9:8 11:3,3				
11:14,23 18:23				
202 1:25				
2020 11:8				
2021 13:20 14:6				
2022 1:15				
2023 23:13				
232-0646 1:25				
3				
4				
4:22-cv-109 1:3				
5				
6				
7				
8				