

# Exhibit C

Jason Poreda  
July 17, 2025

UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
Civil Action No. 1:24-cv-21983

CUBANOS PA'LANTE, et al.,

Plaintiff,

vs.

FLORIDA HOUSE OF  
REPRESENTATIVES, et al.,

Defendant.

\_\_\_\_\_/

DEPOSITION OF  
JASON PATTERSON POREDA

Thursday, July 17, 2025  
9:39 a.m. - 6:40 p.m.

GrayRobinson, P.A.  
301 South Bronough Street, Suite 600  
Tallahassee, Florida 32301

STENOGRAPHICALLY REPORTED BY:  
JANE FAUROT  
Registered Professional Reporter

JOB NO.: 410695

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1 APPEARANCES:

2

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ON BEHALF OF PLAINTIFF:

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ALSO PRESENT:  
Adam Brink, General Counsel, Florida House  
of Representatives  
Carmen Manrara Cartaya, Esquire,  
for the Plaintiffs  
Daniel Tilley, Esquire,  
for the Defendants  
Gabrielle Jackson, Esquire,  
for the Defendants

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1 The following proceedings began at 9:39 a.m.

2 THE STENOGRAPHER: Do you swear or affirm  
3 that the testimony you'll give will be the truth,  
4 the whole truth, and nothing but the truth?

5 THE WITNESS: I do.

6 JASON PATTERSON POREDA  
7 having been first duly sworn or affirmed, as hereinafter  
8 certified, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. WARREN:

11 Q. Good morning, Mr. Poreda.

12 A. Good morning.

13 Q. We just met, but my name is Nicholas Warren. I  
14 am with the ACLU of Florida and I represent the Plaintiffs  
15 in this case. With me is our paralegal, Joe.

16 MR. WARREN: Counsel, could you state your  
17 appearance for the record, please.

18 MR. BARDOS: Yes. Andy Bardos. I'm with  
19 the GrayRobinson law firm on behalf of the  
20 Florida House of Representatives. We also have  
21 with us Adam Brink who is the general counsel for  
22 the Florida House of Representatives, and my  
23 co-counsel with the continental firm Carmen  
24 Manrara Cartaya.

25 MS. CARTAYA: Thank you.

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1 MR. WARREN: And I see also representing the  
2 Plaintiffs listening in is Daniel Tilley and  
3 Gabrielle Jackson.

4 BY MR. WARREN:

5 Q. Mr. Poreda, have you been deposed before?

6 A. Yes.

7 Q. Just once?

8 A. Yes.

9 Q. That was in the congressional redistricting case  
10 last decade?

11 A. I believe so, yes.

12 Q. Sometime around 2014?

13 A. Yes.

14 Q. Okay.

15 A. That sounds right. I don't remember the exact  
16 year, but --

17 Q. Certainly. I'm asking just because it sounds  
18 like it's been a while, so I'll refresh you with how the  
19 deposition will proceed and some reminders.

20 First, the court reporter is of course  
21 transcribing what we're saying, which means that we should  
22 speak clearly and not talk over one another, which I'll  
23 try my best to do, wait until you finish answering a  
24 question before I start my next question and ask that you  
25 wait to answer once I finish asking my question.

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1                   That make sense?

2           A.    Yes.

3           Q.    Next, I ask that you answer with a verbal yes or  
4   no or verbal response rather than a head nod or a uh-huh  
5   or an huh-uh, because those can't be transcribed.

6                   Make sense?

7           A.    I'll do my best.

8           Q.    Great. You understand that you're under oath?

9           A.    I do.

10          Q.    And that you have to give truthful and honest  
11   answers to the questions I ask?

12          A.    Yes.

13          Q.    Great. If you don't understand a question, and  
14   I'll try my best to ask understandable questions, but if  
15   you don't understand a question, will you let me know so I  
16   can try to rephrase and clarify?

17          A.    Yes.

18          Q.    Great. If you want to take a break, just let me  
19   know. We will definitely be taking breaks, including a  
20   lunch break. I just ask that I finish a question, you  
21   finish an answer before we take a break, rather than take  
22   one in the middle of a question pending.

23                   Does that make sense?

24          A.    Yes.

25          Q.    Great. If you want to talk to one of your



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1 attorneys here, that's okay. I just ask that if a  
2 question is pending, again, that you answer the question  
3 before speaking with your attorney unless you want to talk  
4 with them about a matter of privilege. Does that make  
5 sense?

6 A. Yes.

7 Q. Sometimes, even though you've given what you  
8 felt was a complete answer, you remember some additional  
9 information that you forgot or perhaps a clarification of  
10 an earlier answer. If that happens, will you let me know  
11 and clarify your answer when it comes to you?

12 A. Yes.

13 Q. Great. So we can address it then while it's  
14 right on your mind.

15 Relatedly, if you realize that an earlier answer  
16 you gave was not completely accurate, you thought of  
17 something that gives you pause, will you stop and let me  
18 know when it comes to you?

19 A. Yes, I will.

20 Q. Great. Is there any reason why you would not be  
21 able to give full, complete, and accurate testimony today?

22 A. No.

23 Q. Excellent. You mentioned that you were deposed  
24 once before in the congressional redistricting case last  
25 decade. Have you ever testified otherwise in a trial or

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1 hearing?

2 A. No.

3 Q. And I should clarify. So you testified in the  
4 congressional redistricting case last decade?

5 A. Yes.

6 Q. I think you testified at the initial trial in  
7 2014?

8 A. Correct.

9 Q. And you also testified in the remedial hearing  
10 in 2015?

11 A. Correct.

12 Q. And otherwise you haven't testified in court?

13 A. No other cases.

14 Q. I'd like to ask you some questions about your  
15 preparation for today's deposition. Did you prepare for  
16 the deposition today?

17 A. Yes, I did.

18 Q. How did you prepare?

19 A. I reviewed some of the data packets, such as the  
20 ones that are here in front of me, and had discussions  
21 with counsel.

22 Q. How many times did you meet with counsel?

23 A. I don't remember the exact number. It was -- I  
24 don't remember the exact number.

25 Q. Was it more than five?

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1 A. Yes.

2 Q. More than ten?

3 A. I don't know if it was more than ten. It was  
4 probably approximately around that number.

5 Q. Okay. Were those meetings in person?

6 A. Virtual.

7 Q. There were no in-person meetings for deposition  
8 preparation?

9 A. There was one in-person meeting.

10 Q. And when you say you met with counsel, who are  
11 you referring to?

12 A. I'm referring to Andy Bardos, Adam Brink, and  
13 Carmen -- I apologize, Carmen, about your last name, but I  
14 met with Carmen.

15 Q. When was the first time you met to prepare for  
16 the deposition?

17 A. I don't recall.

18 Q. Was it in 2025?

19 A. I don't recall.

20 Q. Okay. Did you look at any documents to prepare?

21 A. Yes. The data packets and some other associated  
22 maps that we had drawn during the process.

23 MR. WARREN: And I think at this point we'll  
24 mark the data packets you've been referring to as  
25 Plaintiffs' Exhibit 1. Plaintiffs' Exhibit 1

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1 will be the map and data packet for the enacted  
2 congressional plan, Plan 109.

3 (Exhibit No. 1 marked for identification.)

4 MR. WARREN: And Plaintiffs' Exhibit 2 will  
5 be the map and data packet for the enacted state  
6 house plan.

7 (Exhibit No. 2 marked for identification.)

8 BY MR. WARREN:

9 Q. So you said besides looking at the maps and data  
10 packets you looked at some other materials?

11 A. Yes.

12 Q. What materials were those?

13 A. Some of the other -- some of the other  
14 productions that we made during the process.

15 Q. That's documents that the House developed in the  
16 redistricting process?

17 A. Yet.

18 Q. Not documents that the House produced in  
19 discovery during this case?

20 A. No.

21 Q. Okay. And those documents that the House  
22 generated during the redistricting process -- and I should  
23 clarify so we're all on the same page. When I refer to  
24 the redistricting process or the 2020 cycle, I'm referring  
25 to the redistricting process of the Florida Legislature

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1 following the 2020 census that happened in 2021 and 2022.

2 If I talk about a different cycle or a different process  
3 that happened at a different time I will specify.

4 A. I understand.

5 Q. Okay. So those documents that the House  
6 generated during the redistricting process, were all of  
7 those publicly released documents?

8 A. Some of them were, yes.

9 Q. What were not publicly released documents?

10 A. Some of the drafts that we had -- that I and my  
11 map drawer, Kyle Langan, had produced during the process.

12 Q. Okay. Did you review any of the court filings  
13 in this case?

14 A. Yes.

15 Q. Which ones?

16 A. I don't recall specifically which ones.

17 Q. Did you review the complaint or any of the  
18 versions of the complaint that the Plaintiffs filed?

19 A. Yes.

20 Q. Did you review any of the parties' discovery  
21 responses?

22 A. Yes.

23 Q. Which ones?

24 A. Whichever ones counsel provided to me. I don't  
25 remember specifically which ones.

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1 Q. Were they responses from both sides or just the  
2 House?

3 A. I don't recall.

4 Q. Did you review any transcripts of depositions?

5 A. Yes.

6 Q. Which ones?

7 A. No. I'm sorry. Not transcripts of depositions.  
8 Transcripts from the house and senate proceedings during  
9 the process.

10 Q. So those would be transcripts of house and  
11 senate committee meetings?

12 A. And floor actions, yes.

13 Q. In both chambers?

14 A. Yes.

15 Q. Did you -- have you reviewed -- and now I'm  
16 going to ask you generally, not just in preparation for  
17 this deposition, but, in general, have you ever reviewed  
18 any of the expert reports from this case?

19 A. I don't believe so, no.

20 Q. Okay. What is your understanding of what this  
21 case is about?

22 A. My understanding, this case is about -- I  
23 apologize, it's either seven or eight state house  
24 districts and one congressional district in south Florida.

25 Q. And what about those districts is contested in

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1 the case to your understanding?

2 A. My understanding is that the contention is that  
3 they were drawn improperly, predominantly with race.

4 Q. Are you aware that you're listed on the House's  
5 initial disclosures in this case as someone who the House  
6 may call at trial to testify in support of this case?

7 A. Yes.

8 Q. When did you learn that testifying at trial in  
9 this case was a possibility?

10 A. I don't recall.

11 Q. Do you remember when this complaint was filed?

12 A. No.

13 Q. This complaint was -- this case was filed in May  
14 of last year, 2024. At the time, did you learn that the  
15 case was filed?

16 A. Yes.

17 Q. How did you learn that?

18 A. Counsel informed me.

19 Q. Okay. Have you had any role in assisting the  
20 House's defense of this case?

21 MR. BARDOS: Object to form.

22 A. I helped counsel review documents and responses  
23 and helped to clarify answers to particular  
24 interrogatories that were presented to us.

25

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1 BY MR. WARREN:

2 Q. Thank you. I'd like to talk briefly about your  
3 professional background, and I don't want to go back to  
4 kindergarten, so I'll start with, when did you move to  
5 Florida?

6 A. I moved to Florida in 2007.

7 Q. And when you moved to Florida, what job did you  
8 have?

9 A. I was working at the Republican Party of  
10 Florida. I believe my position was political assistant or  
11 something along those lines.

12 Q. How long did you work as a political assistant  
13 or something along those lines at RPOF?

14 A. Until the beginning of 2009, I believe.

15 Q. And in the beginning of 2009, what did you do  
16 next?

17 A. I began working with Enwright Consulting.

18 Q. What is that?

19 A. They're a political consulting and political  
20 lobbyist firm. Political consulting and lobbyist firm.  
21 Sorry.

22 Q. Is that E-N-W-R-I-G-H-T?

23 A. Correct.

24 Q. Okay. How long were you at Enwright Consulting?

25 A. I believe through the end of 2009.



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1 Q. And then what did you do?

2 A. I accepted a position as campaign manager for  
3 Matt Gaetz's initial special election to the state House  
4 of Representatives.

5 Q. And that I presume lasted until the election?

6 A. Yeah. Because it was a special election, it was  
7 in the beginning of 2010, I believe through March or April  
8 of 2010.

9 Q. What did you do after that?

10 A. I rejoined the Republican Party of Florida.

11 Q. As an employee?

12 A. As an employee.

13 Q. And doing the same work you were doing before?

14 A. At that point, I believe my title was absentee  
15 and early vote director.

16 Q. And how long did you have that position at RPOF?

17 A. Through December of 2010.

18 Q. And then what did you do?

19 A. I was hired by the Florida House of  
20 Representatives redistricting committee.

21 Q. What was your title at that time?

22 A. Legislative analyst.

23 Q. So, let's talk a little bit about your time as a  
24 legislative analyst on the house redistricting committee  
25 starting in 2010, after the 2010 census. What were your

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**1 duties?**

2           A. My duties were really as assigned by the staff  
3 director. I had not done a redistricting cycle, so I was  
4 doing a lot of research and reading a lot of material to  
5 familiarize myself with the whole redistricting process.  
6 I was familiarizing myself with all of the legal case  
7 proceedings that would be relevant to redistricting  
8 obviously, reading the new constitutional standards that  
9 had been in place but had not been adjudicated. And we  
10 were helping to develop the My District Builder  
11 application that the House used at that time that  
12 developed internally, including all of the data that went  
13 into the program.

**14 Q. You reported to the committee staff director?**

15           A. Correct.

**16 Q. Who was that?**

17           A. Alex Kelly.

**18 Q. Did you -- as the process proceeded into**  
**19 mapmaking, did you have a particular map or maps that you**  
**20 worked on?**

21           A. So, me, Jeff Takacs, the other map drawer, and  
22 Alex Kelly have worked on all three maps. However, my  
23 primary focus was the congressional map and the state  
24 senate map.

**25 Q. And Takacs is T-A --**

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1 A. T-A-K-A-C-S.

2 Q. So you were one of the primary drafters of the  
3 congressional map in 2012?

4 A. Correct.

5 Q. And a non-primary drafter of the state house  
6 map?

7 A. Correct.

8 Q. Okay. How much -- if you had to -- how much did  
9 you draft the state house map?

10 A. I don't know.

11 Q. Would you say you were only a little bit  
12 involved in drafting the state house map in 2012?

13 A. It didn't -- it's difficult to answer the  
14 question in those terms, because we all kind of -- we all  
15 worked together. Jeff was the primary on that map like I  
16 was the primary on the congressional map, but that doesn't  
17 mean we weren't all involved. So it would be difficult to  
18 quantify my involvement in that map.

19 Q. But you worked on the state house map in 2012?

20 A. Yes.

21 Q. And so at that time you were familiar with the  
22 state house map and its drafting?

23 A. Yes.

24 Q. When did you stop being a legislative analyst  
25 with the redistricting committee in the 2010 cycle?

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1           A.    When the -- when it switched -- when the new  
2   speaker came on board, so when the administration -- one  
3   administration ended and the other began.

4           **Q.    After the 2012 election?**

5           A.    Yes.

6           **Q.    What did you do then?**

7           A.    I became -- I actually don't remember what my  
8   title was. I believe it was an analyst in the house  
9   majority whip office.

10          **Q.    Do you remember who the whip was?**

11          A.    Dana Young.

12          **Q.    Okay. And what did you do after that?**

13          A.    I then -- so, in July of 2014, the case started  
14   in Judge Lewis's court, and at that point I was moved to  
15   the select committee on redistricting.

16          **Q.    And you say you were moved. How did that come  
17   about?**

18          A.    They needed someone to run the now redistricting  
19   process for the litigation. There was not -- nobody  
20   existed, so I got moved to a conference room.

21          **Q.    What happened to Alex Kelly?**

22          A.    He had left the House by then.

23          **Q.    And you were all alone?**

24          A.    Me, Jeff Takacs, and a IT data guy who had  
25   helped us in the -- who was on the redistricting staff

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1 previously by the name of Dave Silver.

2 Q. Okay.

3 A. I'm sorry. Jeff Silver.

4 Q. And that decision to move you back to the select  
5 committee in 2014, who made that decision?

6 A. The chief of staff.

7 Q. For the speaker?

8 A. Yes.

9 Q. Who was that at the time?

10 A. Kathy Mears.

11 Q. Okay. So during that litigation in 2014 over  
12 the congressional map, were you present at that trial?

13 A. Yes.

14 Q. You testified at that trial?

15 A. Yes.

16 Q. You watched the whole thing?

17 A. Yes.

18 Q. Were you the House's party representative during  
19 the trial?

20 A. I don't remember, but I believe that that is  
21 correct, yes.

22 Q. Okay. When Judge Lewis issued his ruling after  
23 the 2014 trial, do you remember that?

24 A. Yes.

25 Q. Did you read that decision?

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1 A. Yes.

2 Q. And then there was an appeal and the Florida  
3 Supreme Court issued a decision. Do you remember that?

4 A. Yes.

5 Q. Let's call that Apportionment 7. Did you read  
6 that at the time?

7 A. Yes.

8 Q. And then there were more proceedings in trial  
9 court?

10 A. Yes.

11 Q. I think you said you testified at the remedial  
12 hearing in 2015.

13 A. I believe I did, yes.

14 Q. And did you attend the rest of that hearing?

15 A. Yes.

16 Q. And then Judge Lewis had another decision. Did  
17 you read that at the time?

18 A. Yes.

19 Q. And then there was another Florida Supreme Court  
20 decision, which we'll call Apportionment 8.

21 A. Yes. Just as a quick correction, you said let's  
22 call that Apportionment 7. I believe that was  
23 Apportionment 1, and then we went through other  
24 proceedings that have other numbers.

25 Q. Sure. Let's go back to Apportionment 1. So in

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1     2012 --

2           A.    Oh, I'm sorry.  Yeah.  No, you're correct.

3           Q.    But the history is good to talk about.

4                    So in 2012 the Florida Supreme Court reviewed  
5   the state house and state senate maps, and that resulted  
6   in the Apportionment 1 decision?

7           A.    That is correct, yes.

8           Q.    And you read that at the time?

9           A.    Yes.

10          Q.    And then I think there was another state senate  
11   map, and that resulted in Apportionment 2?

12          A.    Correct.

13          Q.    And you read that at the time?

14          A.    Yes.

15          Q.    Back to Apportionment 8.  So that was the final  
16   Florida Supreme Court decision on the congressional map  
17   from the 2010 cycle?

18          A.    I believe that that's the case, yes.

19          Q.    And you were familiar with that decision?

20          A.    Yes.

21          Q.    So after all of that redistricting, then what  
22   did you do?

23          A.    What year are we at right now?

24          Q.    2015.

25          A.    So through the end of the Crisafulli

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1 administration, I was the staff director for the Office of  
2 Redistricting.

3 **Q. What is the Office of Redistricting?**

4 A. It was an office that the Crisafulli  
5 administration created because of all the pending  
6 litigation for both congressional and senate redistricting  
7 and not knowing when or what would be needed.

8 **Q. And forgive me, Speaker Crisafulli -- I won't**  
9 **try to spell that right now -- was -- when was his**  
10 **administration?**

11 A. I believe it was 2015 and 2016.

12 **Q. Okay. So into 2016 you were working in the**  
13 **House's Office of Redistricting?**

14 A. Correct.

15 **Q. Then what did you do?**

16 A. I then joined the public integrity and ethics  
17 committee under Speaker Corcoran.

18 **Q. And that brings us to what year?**

19 A. 2017, I think.

20 **Q. What was your title in that committee?**

21 A. Legislative analyst.

22 **Q. And then what did you do next?**

23 A. I stayed with the public integrity and ethics  
24 committee throughout the Corcoran and Oliva  
25 administrations.



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1 Q. And that brings us to what year?

2 A. It was before -- I was there for four years,  
3 however you want to --

4 Q. Okay. What did you do next?

5 A. From the public integrity and ethics committee,  
6 I joined the next redistricting committee in preparation  
7 for the 2022 redistricting.

8 Q. When did you join that committee?

9 A. I don't remember exactly.

10 Q. Was it after the 2020 election?

11 A. There was a transition period where I began  
12 working, because I was already employed by the Florida  
13 House, and that obviously needed to happen, so I started  
14 doing some work prior to that, during the COVID time.

15 Q. When you say that obviously needed to happen,  
16 what are you referring to?

17 A. Redistricting.

18 Q. Oh. Okay. So -- okay. We'll return to your  
19 work on the redistricting committee in this cycle. When  
20 did you stop working for the house redistricting committee  
21 this cycle?

22 A. It would have been at the ends of the Sprowls  
23 administration.

24 Q. In late 2022?

25 A. Yes, correct.

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1 Q. What did you do after that?

2 A. I joined the state affairs committee.

3 Q. As what?

4 A. Analyst.

5 Q. And then what did you do after that?

6 A. I joined the house budget committee.

7 Q. And then what did you do?

8 A. I'm now currently employed by the Office of  
9 Budget and Policy in the Executive Office of the Governor.

10 Q. When did you start that job?

11 A. Monday.

12 Q. Congratulations.

13 A. Thank you.

14 MR. BARDOS: The first surprise of the  
15 deposition.

16 MR. WARREN: Yeah.

17 BY MR. WARREN:

18 Q. Why did you leave the House?

19 A. I had been there for fourteen and a half years.  
20 Change of scenery.

21 Q. How long were you with the budget committee?

22 A. One session.

23 Q. Not into budget?

24 A. I'm sorry?

25 Q. You're not into the budget?

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1           A.   Well, I'm still with the budget, just from a  
2   different perspective.

3           **Q.   Sure.  Who do you currently report to?**

4           A.   Leda Kelly, and Erika -- I have to apologize.  I  
5   don't remember her last name.  I'm brand new up there.

6           **Q.   How long has Ms. Kelly been at the Governor's**  
7   **Office?**

8           A.   I don't know.

9           **Q.   Do you know who has the power to fire you?**

10          A.   I don't know.

11          **Q.   Someone in the Governor's Office?**

12          A.   Presumably.

13               MR. WARREN:  Okay.  I'd like to talk more  
14   about your work in the 2020 redistricting cycle,  
15   and for reference I have a timeline which we will  
16   mark as Exhibit 3, which may be helpful as we  
17   talk about the process.

18               (Exhibit No. 3 marked for identification.)

19               MR. WARREN:  I also have for reference a  
20   copy of the Fair Districts Amendment, which may  
21   be helpful, and we will mark that Exhibit 4.

22               (Exhibit No. 4 marked for identification.)

23   BY MR. WARREN:

24           **Q.   You don't have to use these, but if they're**  
25   **helpful they're here for your reference.**

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1                   **Now, could you describe your role in the 2020**  
2   **cycle redistricting process?**

3                   MR. BARDOS: I'm sorry, Nick. Just before  
4                   you go on, Exhibit 3, is that a document you  
5                   created or --

6                   MR. WARREN: Yes.

7                   MR. BARDOS: Okay. I think you might have  
8                   said that, but I appreciate that.

9   BY MR. WARREN:

10                  **Q. So my question is, can you describe your role in**  
11   **the 2020 cycle redistricting process?**

12                  A. I was the chief map drawer for the House.

13                  **Q. That was your title?**

14                  A. That was my title.

15                  **Q. Do you know who came up with that title?**

16                  A. I do not.

17                  **Q. But it wasn't you?**

18                  A. No.

19                  **Q. It's a very cool title. What were your duties**  
20   **as chief map drawer for the House?**

21                  A. I was primarily responsible for making sure the  
22                  rest of our staff was aware of all the different  
23                  redistricting principles that we needed to take into  
24                  account, and was primarily responsible for drawing our  
25                  version of the congressional maps. When I say our

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1 version, I mean the House's version of the congressional  
2 map and the state house map, with Kyle Langan as our other  
3 map drawer working under me.

4 **Q. Okay. Besides Mr. Langan, who else did you work**  
5 **with?**

6 A. So Leda Kelly was our staff director. Sam  
7 Wagner was an analyst on the committee, primarily doing  
8 legal analysis and other research projects as assigned, as  
9 well as doing a little map drawing, but that was not his  
10 primary focus. Karen Dearden was also on staff, and she  
11 was primarily responsible at the external communications  
12 side of what we were doing, so she managed a lot of our  
13 public facing content and document creation, et cetera, et  
14 cetera. And DJ Ellerkamp was our AA, who kind of was  
15 really the one who ran the show and kept us all in line.

16 **Q. Is that AA as in --**

17 A. Administrative assistant.

18 **Q. Any other committee staff besides the ones**  
19 **you've mentioned?**

20 A. No, but our office was connected to the two  
21 subcommittee chairs, Chair Sirois and Chair Byrd. So we  
22 worked with their aides directly, and then Chair Leek's  
23 office was in our office, so we worked with him and his  
24 aide.

25 **Q. And you mentioned the subcommittees. The**

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1 subcommittees didn't have any separate staff?

2 A. No.

3 Q. But the legislative aides of the chairs worked  
4 with the committee on subcommittee business?

5 A. Yes.

6 Q. And the same was true of Chair Leek's aide?

7 A. Yes.

8 Q. And I think Chair Leek was the chair of the  
9 redistricting committee?

10 A. Correct.

11 Q. Chair Sirois of the --

12 A. Congressional subcommittee.

13 Q. And Chair Byrd of the legislative subcommittee?

14 A. Correct.

15 Q. Did you work with the ranking members? I'm  
16 sorry. Let me ask first, did you work with the vice  
17 chairs?

18 A. Yes.

19 Q. Okay. Going back, how did you become the chief  
20 map drawer?

21 A. I was asked to become the chief map drawer.

22 Q. By who?

23 A. By Leda Kelly, Michelle Davila, and Matt Ball.

24 Q. What was the second name?

25 A. Michelle Davila.

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1 Q. Who is she?

2 A. She was the -- at the time, she was the deputy  
3 chief of staff, I believe.

4 Q. In the speaker's office?

5 A. Correct.

6 Q. And Matt Ball was the chief of staff?

7 A. Correct.

8 Q. Did you know Leda Kelly before you were asked to  
9 come back?

10 A. No. Well, I had met her. We didn't know each  
11 other very well, but because I had worked with her husband  
12 Alex ten years ago I knew who she was. I had met her.

13 Q. Do you know how she became the staff director?

14 A. I do not.

15 Q. Were the other staff of the committee that you  
16 mentioned already in place when you joined?

17 A. I was the first hire after Leda was hired.

18 Q. Were you involved in the hiring of the other  
19 staff?

20 A. Not directly, no.

21 Q. But indirectly?

22 A. I reviewed some resumés.

23 Q. What was Leda Kelly's role in the redistricting  
24 process?

25 A. She was the staff director.

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1           **Q.    What did that entail?**

2           A.    She was the one that directed the kind of full  
3    focus of the office, and -- but beyond that you'll have to  
4    ask her.  I don't know specifically.

5           **Q.    What were -- what did your interactions with her**  
6    **entail?**

7           A.    I mean, we worked together on everything.  It  
8    would be difficult to pin down to a particular list of  
9    things.  And her office was next to mine, so when she  
10   needed me she just yelled through the wall.

11          **Q.    Did that happen frequently?**

12          A.    All the time.

13          **Q.    What about Mr. Langan, what was his role?**

14          A.    His role was primarily map drawing as well as  
15   some other document creation that worked, as I said, sort  
16   of under me, but then also with Leda, and our offices were  
17   in a row, so we were going to each other's offices quite  
18   frequently, and the walls were quite thin.

19          **Q.    So all the committee staff worked closely**  
20   **together throughout the process?**

21          A.    Correct.

22          **Q.    Were there particular maps that individual staff**  
23   **members focused on drawing?**

24          A.    No.

25          **Q.    All map drawing staff were involved in drawing**



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1 all house committee maps?

2 A. Yes.

3 Q. Is there any aspect of the committee's work that  
4 you wouldn't know about because you weren't involved in  
5 it?

6 A. No.

7 Q. There are no secrets that Ms. Kelly had that she  
8 was keeping from you?

9 MR. BARDOS: Object to form.

10 A. You would have to ask her.

11 BY MR. WARREN:

12 Q. Not that you're aware of?

13 A. Not that I'm aware of.

14 Q. And the same thing is true of Mr. Langan and  
15 Mr. Wagner?

16 A. Correct.

17 Q. Et cetera.

18 Now, we've talked about the committee chairs and  
19 vice chairs. What was committee staff's relationships to  
20 the chairs?

21 A. Can you clarify the question?

22 Q. How were the chairs involved in the  
23 redistricting process?

24 A. They ran the committee meetings for their  
25 respective subcommittee meetings, and we periodically

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1 would have meetings with them to show them the work  
2 product that we had at that particular time, ahead of  
3 meetings.

4 Q. Okay. I think I asked about the ranking  
5 members. What were committee staff's interactions with  
6 the ranking members?

7 A. We met with them as the ranking members  
8 effectively wanted to. We invited them to our office on  
9 multiple occasions. I don't remember how often any of  
10 them came in to meet with us.

11 Q. So we talked about the committee staff and  
12 chairs and vice chairs and their LAs. Did anyone else  
13 work with committee staff on developing maps?

14 A. No.

15 Q. What about counsel?

16 A. We did talk about maps and send maps to Andy  
17 Bardos.

18 Q. And would he send things back to you?

19 A. We would discuss things. I don't believe he  
20 ever sent anything different back to us or anything along  
21 those lines.

22 Q. And when you say you don't think he ever sent  
23 anything different back to you, you're talking about maps?

24 A. Or documents or anything. We would discuss  
25 things that we would send to him.

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1           **Q.    Okay.  Were there any outside analysts or**  
2           **consultants that were involved in analyzing maps or**  
3           **assisting the committee?**

4           A.    Through GrayRobinson and Andy Bardos, we  
5           employed Dr. John Alford, who was our outside expert.

6           **Q.    And what did he do?**

7           A.    He ran analysis and did much further in-depth  
8           data analysis.

9           **Q.    On what?**

10          A.    On the -- on the data and on the maps.

11          **Q.    What data?**

12          A.    The election data or other demographic data that  
13          we provided them.

14          **Q.    Was that limited to -- for what purpose, I**  
15          **guess?**

16          A.    To do further analysis and to do -- yeah, to do  
17          further analysis.  You'd have to ask Andy specifically.  
18          We rarely talked with Dr. Alford directly.  The reports  
19          that he would generate would go to Andy and periodically  
20          be shared with us.

21          **Q.    And how did those reports influence the**  
22          **mapmaking process, if at all?**

23          A.    We would discuss it with counsel, and -- but  
24          generally didn't have been a direct impact on how we drew  
25          the maps.  It was mostly just a kind of a reassurance as

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1 to what we were doing was -- and our analysis, it was kind  
2 of a double-check on our own analysis.

3 Q. And the analysis that Dr. Alfred was doing that  
4 was checking committee staff's own analysis, are we  
5 talking about a functional analysis of minority protected  
6 districts?

7 MR. BARDOS: Object to form.

8 A. Yes, but also some further in more in-depth  
9 analysis that we did not do.

10 BY MR. WARREN:

11 Q. On what?

12 A. On -- you'll have to clarify what you're asking.

13 Q. What analyses, what questions was Dr. Alford  
14 answering?

15 A. He was doing some, again, more in-depth analysis  
16 that we were not capable of doing in our office. And as  
17 far as cohesion and other more in-depth legal analyses.  
18 Or not legal analyses, but more in-depth analyses that  
19 could be used in legal proceedings.

20 Q. Did all of those analyses that Dr. Alford was  
21 doing relate to the minority protection provisions?

22 A. I believe so, yes.

23 Q. Okay. Do you have any reason to doubt that he  
24 was doing some other type of analysis?

25 A. I don't know.

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1           **Q.    Okay. Let's talk about the committee's work**  
2   **before the first committee meetings. You mentioned that**  
3   **there was work that had to be done over COVID. What**  
4   **happened during that period before the first committee**  
5   **meeting?**

6           A.   From what period of committee meetings?

7           **Q.    From when you joined the committee.**

8           A.   Well, even before I technically joined the  
9   committee there had to be work done. The House had to  
10  pick what redistricting software or application that they  
11  were going to use, and we had to start preparing what data  
12  we had, which was the election data and voter registration  
13  data, that would eventually be used in the redistricting  
14  process. So that does not just happen overnight. It  
15  takes a long time to make sure that data is in a state  
16  where it can be used effectively.

17          **Q.    So, selecting the mapping application, compiling**  
18   **the data that would be loaded into it.**

19          A.   Uh-huh.

20          **Q.    What else happened?**

21          A.   It was all related to those types of activities.  
22  All just preparing for the tools that we would then  
23  eventually use in the redistricting process.

24          **Q.    And that is the work that continued up until the**  
25   **first committee meeting?**

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1           A.    No.   That was all the work that was done  
2   essentially prior to the committee's formation, and then,  
3   once the committee actually formed, some other work  
4   happened in trying to prepare for the committee meetings.  
5   And trying to use all of that data and test the  
6   application that we had chosen and try to figure out how  
7   we were going to educate the legislators about  
8   redistricting.

9           It is something that only happens once every ten  
10   years.   None of the legislators that were then in the --  
11   well, with the exception of maybe I think there was two or  
12   three that had cycled back through, but effectively we had  
13   to give them an education on this policy area that none of  
14   them had ever taken part in.

15          **Q.    So you mentioned when the committee formed, that**  
16   **would be when the speaker appointed the members of the**  
17   **committees?**

18          A.    No.   That would be when the new administration  
19   officially takes over, and then they can come up with a  
20   committee structure.   Every time a new administration  
21   comes in the speaker and the chief of staff and the  
22   speaker's office, they decide on what they want their  
23   committee structure to be.   Some committees get renamed,  
24   some committees go away, some committees get formed.

25               Obviously because redistricting, one of the only

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1 two constitutionally mandated things that the Legislature  
2 has to get done other than the budget, clearly a committee  
3 had to be formed. Staff had to be named to the committee.  
4 At that point I was named to the committee. This was  
5 before members were assigned to the committee and at a  
6 later date members were assigned.

7 Q. I see. So the committee formation happened when  
8 the new Speaker Oliva came in in --

9 A. Speaker Sprowls.

10 Q. Speaker Sprowls. I should have a list of them,  
11 too. When Speaker Sprowls came in after the 2020  
12 election?

13 A. Yes. After organizational session that  
14 November.

15 Q. Okay. And -- but there wasn't -- was there a  
16 committee chair at that time?

17 A. No.

18 Q. So the leadership of the committee was  
19 Ms. Kelly?

20 A. And myself.

21 Q. And you reported to Ms. Kelly and she reported  
22 to who?

23 A. The speaker's office.

24 Q. The speaker's office. And then in September the  
25 speaker appointed the chairs and the other members of the

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1     **committee?**

2                   MR. BARDOS: Object to form.

3           A.     The next year, yes.

4     BY MR. WARREN:

5           **Q.     2021?**

6           A.     Yes.

7           **Q.     Okay.**

8           A.     So after the 2020 elections. The Constitution  
9     mandates that within two weeks the Legislature organize an  
10    organizational session. That's when the speaker and the  
11    senate president are officially elected and all of the  
12    members are seated and we proceed from there. The  
13    committee members were not named until the following  
14    September, in 2021.

15          **Q.     Okay. So after that point when the committee**  
16    **members were named through the initial meetings of the**  
17    **committees before workshop maps were presented --**

18          A.     Uh-huh.

19          **Q.     -- what were you doing?**

20          A.     So from when to when? Can you clarify exactly?

21          **Q.     So you mentioned that early on you were working**  
22    **on the mapping application and the data.**

23          A.     Yes.

24          **Q.     And then you -- then the committee membership**  
25    **was appointed and you started working on member education**



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1 and some other things.

2 A. (Nodding head.)

3 Q. And so I'm interested in that period when you --  
4 when the committee has members, you're starting to have  
5 meetings. What was the work in that period?

6 A. So in that period of time we had decided to have  
7 several committee meetings before we were going to be able  
8 to even draw maps in order to try to educate them. So we  
9 had -- so Andy Bardos came in I believe once or twice to  
10 kind of give a legal presentation. We had some other  
11 meetings to that effect where we would show them the  
12 constitutional amendments and kind of the real, like, nuts  
13 and bolts of how the redistricting process -- kind of like  
14 what the guiding principles would be for the process once  
15 we were able to start showing them maps, and allowed them  
16 to ask questions.

17 I don't remember how many committee meetings  
18 there was at that time, but it was -- I think we even had  
19 some in the 2020 session. Or no, we couldn't have.  
20 Sorry. The timeline is getting a little -- yeah. But we  
21 have -- we had several. We had a legal proceeding. We  
22 had other ones where we kind of showed them this and did  
23 some other very basic stuff, and then we showed them the  
24 application. Even before we had data we wanted them to  
25 see the application to see how to draw maps and all that

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1 kind of stuff.

2 **Q. When did committee staff begin drawing maps?**

3 A. We began -- well, we began testing the program  
4 using the old census data, because we wanted to begin --  
5 familiar with the redistricting application that we had  
6 chosen, but we did not begin actually drawing maps with  
7 the new data until the new data was received, which I  
8 believe was September or October of 2021, which was  
9 delayed. Typically, we would have received it in April of  
10 2021 by law, but that obviously didn't happen because  
11 COVID delayed the census.

12 **Q. If I told you that the Census Bureau released**  
13 **the data in legacy format on August 12th, 2021, would that**  
14 **ring a bell?**

15 A. I'll take your word for it. It's on this list  
16 here, but I would need to double-check that date for  
17 accuracy. But that is not when we -- the legacy format  
18 data was not capable in a redistricting capable form, but  
19 it did allow us to at that point have a better idea of how  
20 many people were, like, in the state in total things like  
21 that. But all of the data was not disaggregated into the  
22 census blocs that we would need to actually redistrict or  
23 be associated with census geographies.

24 **Q. And that happened when the Census Bureau**  
25 **released the data in easy-to-use format mid-September?**

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1           A.    I would, again, have to double-check the date  
2   since you had provided this document. I would also object  
3   to easy-to-use format, because we -- no, I'm serious.  
4   Because we are provided a specific redistricting data set  
5   from the Office of Redistricting within the Census Bureau,  
6   and it's a very specific format with associated  
7   geographies and it is not very easy to use.

8                   But when we get that official data set is when  
9   we can get it into a format to get it into our programs.  
10   And it doesn't just easily go in. It takes some further  
11   processing to get it into the application so we can  
12   actually use. That's why in my head I believe it was  
13   closer to October, November before we were actually able  
14   to start drawing maps.

15           **Q.    Okay. So when committee staff started drawing**  
16   **maps using 2020 data, had there already been committee**  
17   **meetings at that time?**

18           A.    As I told you before, yes, we had had some  
19   committee meetings to begin educating the committee  
20   members and subcommittee members on the basis of  
21   redistricting.

22           **Q.    Okay. Let's talk now about the criteria that**  
23   **were used in drawing the maps in the 2020 cycle. I think**  
24   **earlier you mentioned education, about all the principles**  
25   **that the Legislature needed to take into account in**

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1 drawing maps. What principles, what criteria were those?

2 A. So, the constitutional amendments that I have  
3 here before me, all of the apportionment decisions that  
4 kind of guided how some of the provisions in those  
5 constitutional amendments are kind of interpreted, the --  
6 and all of the other associated federal case law regarding  
7 the Federal Voting Rights Act and other relevant --  
8 relevant things impacting redistricting and how they all  
9 balance together.

10 Q. You mentioned that the Florida Supreme Court  
11 apportionment decisions guided you. How so?

12 A. You'll have to be more specific.

13 Q. Were you looking to -- I mean, in your words I  
14 think you said that the apportionment decisions kind of  
15 guided you, and I'm interested in, in what way did they  
16 guide you?

17 A. They gave us some clarity in how certain  
18 provisions may have been -- well, were interpreted by the  
19 Florida Supreme Court, which gave us a little bit more  
20 guidance to how to proceed going forward.

21 Q. So you looked to both Florida and federal case  
22 law in service of implementing the Fair Districts  
23 Amendments and other requirements of federal law?

24 A. Correct.

25 Q. Did you do so for any other purpose or to -- did

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1 you look to case law for guidance on anything besides the  
2 Fair Districts Amendments and requirements of federal law?

3 MR. BARDOS: Object to form.

4 A. I don't understand the question.

5 BY MR. WARREN:

6 Q. I guess, in your words, the principles that the  
7 Legislature needed to take into account, did those include  
8 anything besides the Fair Districts Amendments, the  
9 requirements of federal law, and the case law that  
10 interpreted them?

11 MR. BARDOS: Object to form.

12 A. I don't believe so, but I don't -- there is a  
13 lot that goes into redistricting, so I don't want to  
14 definitively say yes or no. There's a lot of material  
15 that goes into this.

16 BY MR. WARREN:

17 Q. But did you consider any criteria outside of  
18 state law and federal law?

19 MR. BARDOS: Object to form.

20 A. Such as?

21 BY MR. WARREN:

22 Q. Such as a criteria to -- well, let's walk  
23 through the criteria that you applied. So you mentioned  
24 the Fair Districts Amendments. We have them in front of  
25 us for easy reference. You're familiar with Tier 1 and

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1 Tier 2?

2 A. I am.

3 Q. What are Tier 1 and Tier 2?

4 A. Well, as you can see here in front of you,  
5 Tier 1 is typically the racial provisions that tend to  
6 mirror what was Section 5 of the federal Voting Rights  
7 Act, and that no district or plan can essentially diminish  
8 the voting strength of a minority protected district, and  
9 it uses very similar language to what was in Section 5.

10 Section 2 refers more to the, I guess, more  
11 common redistricting criteria that is used, like  
12 compact -- well, first of all, population equality,  
13 compactness, using particular district boundary lines when  
14 you can, political and geographical boundaries, and other  
15 things that are more practical in the drawing process,  
16 rather than the racially protected provisions that are in  
17 Tier 1.

18 Q. You mentioned that Tier 1 includes the  
19 diminishment standard, which is like Section 5.

20 A. Yes.

21 Q. It includes a vote dilution requirement that's  
22 similar to Section 2?

23 A. I believe it does, yes.

24 Q. And I'll be referring to the vote dilution  
25 requirement and the diminishment requirement or maybe

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1 retrogression. You'll understand what I'm referring to?

2 A. Yes.

3 Q. And there's also in Tier 1 a prohibition on  
4 drawing districts with the intent to favor or disfavor a  
5 political party or an incumbent.

6 A. Correct.

7 Q. And contiguity.

8 A. And contiguity.

9 MR. WARREN: Okay. And you mentioned some  
10 of the Tier 2 standards. The first -- the first  
11 Tier 2 requirement is equal population, and then  
12 the second is that districts shall be compact.

13 This exhibit, Plaintiffs' Exhibit 5, is a  
14 transcript of the November 2nd, 2021,  
15 redistricting committee meeting.

16 (Exhibit No. 5 marked for identification.)

17 BY MR. WARREN:

18 Q. And if you could turn to the yellow tab, which  
19 is page 15. This is Mr. Bardos speaking, and at line 17  
20 he says, quote, The second Tier 2 requirement is that  
21 districts be compact. This is a commonsense assessment in  
22 the first place, a visual assessment of the district to  
23 determine whether the district is regular in its shape or  
24 is it bizarre or does it have appendages. It is unusual  
25 in the way -- is it unusual in the way that it looks.

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1 Districts that are more regular in their shape, more  
2 circular, more square, more understandable in terms of the  
3 geographical limitations of the state will be compact.

4 Did I read that correctly?

5 A. Yes.

6 Q. Is that how you understood compactness?

7 A. Yes.

8 Q. Did that understanding inform the committee's  
9 mapmaking?

10 A. I don't know what you mean by inform our  
11 mapmaking.

12 Q. Did you follow this understanding of what  
13 compactness is in drawing the maps?

14 A. I would say generally, yes, absolutely. That's  
15 why he said it in committee.

16 Q. So this quote is what compactness means in the  
17 Florida redistricting context?

18 A. I mean, not entirely. This is -- this is a part  
19 of it, but, yes.

20 Q. What else is part of it?

21 A. There's mathematical measures of compactness  
22 that -- I mean, also with the visual shape of a district.  
23 That's kind of a subjective. A district may look compact  
24 to me might not look compact to you and vice versa, so it  
25 is a little bit of a gray area. But I think compactness



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1 is one of those things you'll see it when you know it kind  
2 of deal. But there are mathematical measures and other  
3 items that need to be included in what is compactness.  
4 But there should be no -- but it doesn't necessarily  
5 always mean the exact same thing.

6 **Q. How did the committee, if at all, use**  
7 **mathematical measures of compactness?**

8 A. We used primarily three different mathematical  
9 scores, Reock, Polsby-Popper, and Convex Hull. Those are  
10 three different mathematical measures that the Florida  
11 Supreme Court had used in their earlier apportionment  
12 decisions, so those are the three that we adopted as the  
13 three mathematical scores that we would look at throughout  
14 the process, in addition to, you know, just simple visual  
15 compactness, and other, I guess, more commonsense visual  
16 interpretations, or the interocular test as the Court  
17 referred to it.

18 **Q. Some committee chairs I think referred to the**  
19 **eyeball test?**

20 A. Correct.

21 **Q. That's what you're referring to there?**

22 A. I'm sorry. Yes.

23 MR. BARDOS: For the record.

24 THE WITNESS: For the record.

25

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1 BY MR. WARREN:

2 Q. You said that you would look at the mathematical  
3 scores. How did looking at them impact the mapmaking  
4 process, if at all?

5 A. We would certainly look at them, and it just  
6 kind of got factored into our analysis of districts, which  
7 were never -- you know, it's never the same thing. But  
8 when we would look at districts that had lower scores or  
9 higher scores and, you know, determine that maybe we would  
10 need to make some adjustments to -- you know, to fix that  
11 or whatever, because sometimes those mathematical scores  
12 don't always necessarily line up with what may look  
13 visually compact. So it just goes into the further  
14 analysis of balancing all of the standards that we had to  
15 factor in.

16 Q. This may be obvious, but did you try to draw  
17 districts that were compact?

18 A. Yes.

19 Q. Did you try to draw districts that were as  
20 compact as possible?

21 A. Yes.

22 Q. The next Tier 2 standard, if you look at page 16  
23 of Exhibit 5, the November 2nd transcript, on line 5,  
24 Mr. Bardos says, quote, Finally, the third Tier 2 standard  
25 is the districts must where feasible utilize existing

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1 political and geographical boundaries. The court has  
2 recognized county and city boundaries as being political  
3 boundaries. It has recognized rivers, railways,  
4 interstates, and state roads as being geographical  
5 boundaries. There might be others as well. The court has  
6 referred to easily ascertainable and commonly understood  
7 geographical boundaries. The idea is that voters  
8 recognize the boundaries as an immovable boundary, like a  
9 state road or like an interstate. It makes more sense to  
10 use that as a district boundary than to simply draw a line  
11 where there's no ability for a voter to recognize it or  
12 refer to it as a geographical boundary does, close quote.

13 Did I read that correctly?

14 A. Yes.

15 Q. Is that how you understood the Tier 2 standard  
16 on political and geographical boundaries?

17 A. Yes.

18 Q. Mr. Bardos mentioned interstates and state roads  
19 as being geographic boundaries. Are there any other roads  
20 that are geographic boundaries besides interstates and  
21 state roads?

22 MR. BARDOS: Object to form.

23 A. Yes.

24 BY MR. WARREN:

25 Q. What are those?

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1           A.    There could be county roads, there could be any  
2   other road that is in a particular area, a commonly used  
3   throughway in a particular area.

4           **Q.    And that would depend on the particular**  
5   **circumstance?**

6           A.    Yes.

7           **Q.    About whether it was a major boundary?**

8           A.    Yes.

9           **Q.    Did the committee categorically conclude that**  
10   **all interstates were major roads?**

11          A.    No.

12          **Q.    Are there some interstates that are not major**  
13   **roads?**

14          A.    I don't believe so.

15          **Q.    Same question for state roads.**

16          A.    I don't believe we made any categorical  
17   decisions one way or the other, other than we did create a  
18   boundary analysis score that includes what the census  
19   considered to be primary and secondary roads within that  
20   analysis as a way of trying to mathematically determine a  
21   boundary score for a particular district. But, again,  
22   that was just simply another tool in our analysis toolbox.

23          **Q.    What are primary and secondary roads under the**  
24   **census?**

25          A.    Under the census's definition, primary and

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1 secondary roads are for the most part interstates and  
2 state roads and a couple of other little things mixed in  
3 with that. But again, the Census Bureau is the one that  
4 determines what roads were classified as primary and  
5 secondary.

6 Q. So for the boundary analysis tool that's in the  
7 Legislature's redistricting application, the major roads  
8 that were included in that were just the census primary  
9 and secondary?

10 A. So everything that was in the boundary analysis  
11 score was geography that was provided by the Census  
12 Bureau. We did not want to add anything additional to  
13 that, to keep it as clean as possible, so the only thing  
14 would be the Census Bureau's designated primary and  
15 secondary roads. They have other roads as well, but we  
16 were trying to come up with a way of creating the score,  
17 so we chose only the Census Bureau designated primary and  
18 secondary roads.

19 Q. Okay.

20 A. Among the other features.

21 Q. And you mentioned that the boundary score was  
22 one of the tools in the toolbox for analyzing plans. How  
23 so? How was the boundary score incorporated into  
24 mapmaking, if at all?

25 A. It was displayed on our data reports, I believe,

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1 in both the House and the Senate as just another visual  
2 number to look at to kind of to quantify how much of the  
3 district boundary followed either a primary or secondary  
4 road, waterway, railway, or I forget what the other  
5 features that went into that particular analysis.

6 **Q. Would the committee make mapmaking decisions**  
7 **based on the boundary scores?**

8 MR. BARDOS: Object to form.

9 Sorry. Could you clarify what you mean by  
10 committee?

11 MR. WARREN: The house redistricting  
12 committee.

13 MR. BARDOS: Okay. Staff or members?

14 MR. WARREN: If he knows, anybody involved.

15 A. Again, it was just another tool in the toolbox.  
16 We would sometimes make adjustments for that particular  
17 score like we would any of the other criteria that we  
18 would take into account.

19 BY MR. WARREN:

20 **Q. What are political boundaries?**

21 A. As you just read, political boundaries refer to  
22 county and municipalities, county lines and municipal  
23 lines.

24 **Q. How did the committee follow the directive to**  
25 **utilize existing political and geographic boundaries?**

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1 MR. BARDOS: Object to form.

2 A. Can you clarify the question?

3 BY MR. WARREN:

4 Q. For example, did following this directive mean  
5 aligning perimeters of boundaries with recognized  
6 boundaries?

7 A. Sometimes, yes.

8 Q. That would mean aligning the border of a  
9 district with a county or a city limit, right?

10 A. Yes.

11 Q. Or with a major road?

12 A. Yes.

13 Q. Or waterway?

14 A. Yes.

15 Q. Would following this directive include keeping  
16 cities or counties whole?

17 A. Yes, where feasible.

18 Q. Would you say that in drawing the enacted maps  
19 there was a priority on keeping counties whole?

20 A. Yes.

21 Q. Would you say that in drawing the enacted maps  
22 there was a priority on keeping cities whole?

23 MR. BARDOS: Object to form.

24 A. Yes.

25

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1 BY MR. WARREN:

2 Q. Does following this directive include minimizing  
3 the number of times a city or a county is split between  
4 different districts?

5 A. That depends on the circumstance.

6 Q. What circumstances does it depend on?

7 A. The population distribution, the other  
8 geographic factors in the area, and if there are any  
9 protected districts in the area, or any other factor that  
10 may come into it.

11 Q. So I'm just asking about the directive to  
12 utilize where feasible political and geographic  
13 boundaries.

14 A. Okay.

15 Q. And what -- how that manifests, I guess.

16 A. Okay.

17 Q. And so my question is, does that directive  
18 include minimizing the number of times a city or county is  
19 split?

20 A. Sometimes.

21 Q. And all things being equal, I guess, you know,  
22 you said sometimes, and I asked in which circumstances is  
23 it not, and you said there might be other factors like  
24 Tier 1 considerations, and that might be an example of  
25 where minimizing the number of times a county is split is



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1 not feasible because of Tier 1. Is that what I'm hearing?

2 MR. BARDOS: Object to form.

3 A. Yes, for counties and cities. It really just  
4 depends. In balancing all of the standards that would  
5 certainly be something we would try to do where we could,  
6 but there would be situations where it just was not  
7 feasible.

8 BY MR. WARREN:

9 Q. When it was feasible, you would try to minimize  
10 the number of times a county or city was split?

11 A. If possible.

12 Q. If possible you would try to minimize the number  
13 of times a county or city was split?

14 A. Yes.

15 Q. You emphasized keeping counties and cities whole  
16 where you could?

17 A. Yes.

18 Q. And where you could keep a city whole you did?

19 A. When feasible or when possible.

20 Q. When feasible or when possible to keep a city  
21 whole you did so?

22 A. We tried to.

23 Q. Did you try to keep districts wholly within a  
24 county?

25 A. Particularly in the state house map, yes. If we

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1 could that was another factor, like keeping counties and  
2 cities whole. If we could fit a district entirely within  
3 a county that was another criteria that we used if  
4 possible. That's not really possible in a congressional  
5 map except for south Florida.

6 Q. So in south Florida there are certain  
7 congressional districts that are entirely contained within  
8 a single county?

9 A. I believe that there are, yeah.

10 Q. And that would be an example of following the  
11 directive to utilize existing political boundaries?

12 A. If we could put a district entirely within a  
13 county that would be consistent with some of the other  
14 criteria that we used throughout the house map and the  
15 congressional map where possible.

16 Q. You -- I think you said that where feasible you  
17 would try to keep a county whole, you would try to keep a  
18 city whole, you would try to keep a district entirely  
19 within a county. Was there a circumstance where it was  
20 feasible to do one of those things but you chose not to?

21 A. Yes.

22 Q. What are some examples?

23 A. Well, I mean, I can't give you every example,  
24 but an example would be the decision to not keep Jefferson  
25 County whole in the state house map because of its

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1 geography that splits the panhandle from the rest of the  
2 state, because it goes from Georgia down to the Gulf. We  
3 could have kept Jefferson County whole, but we chose not  
4 to, because it helped the -- all of the districts -- all  
5 of the surrounding districts have a better -- you know,  
6 follow all of those other criteria in a better way, so  
7 that was a decision that was made, to split Jefferson  
8 County as an example.

9 Q. So using that as an example, is it true that it  
10 was possible to keep Jefferson County whole --

11 A. Yes.

12 Q. -- but you chose not to because of other Tier 2  
13 standards?

14 A. Yes.

15 Q. Like compactness?

16 A. Or other -- yeah, any of the other criteria.

17 Q. Okay. So --

18 A. Yeah. Everything we're doing is trying to  
19 balance everything, so I can't say definitively we always  
20 did this or always did that.

21 Q. Certainly. And the things that you're trying to  
22 balance are the constitutional criteria?

23 A. And federal criteria as necessary.

24 Q. Which are equal population?

25 A. That's also in our state constitution.

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1 Q. And the Voting Rights Act?

2 A. The Voting Rights Act, yes.

3 Q. Are there any other federal standards that you  
4 applied?

5 A. Any other relevant case law where some of those  
6 provisions have been ruled on and interpreted, so we tried  
7 to keep that all into consideration as we were drawing.

8 Q. Okay. You mentioned the boundary report score,  
9 and I think you talked about how that was one tool in the  
10 toolbox in evaluating the maps you were generating. Would  
11 you say the boundary score has any limitations?

12 A. I think every criteria has a limitation. None  
13 of them are perfect.

14 Q. What are the imperfections of that particular  
15 metric?

16 A. As an example, that particular metric would not  
17 include county roads, and in certain parts of our state,  
18 either the rural counties or even in the very high  
19 populated areas like Dade, Broward, Palm Beach County,  
20 there are some county roads or even roads that wouldn't  
21 even be considered a county road that are multiple lanes  
22 in each direction and divided, and for that region would  
23 be considered a major road that would not have been  
24 factored into the boundary analysis score. So that is a  
25 weakness of that particular metric.

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1 Q. Any other weaknesses?

2 A. Probably, but off the top of my head I don't  
3 remember.

4 Q. Okay. You mentioned non-qualifying roads let's  
5 call them that are nonetheless major roads in certain  
6 areas. How would committee staff know whether -- and I'm  
7 not saying that's not true by any means. I just want to  
8 know, how would committee staff determine or get a sense  
9 of whether a non-qualifying road was nonetheless a major  
10 roadway?

11 A. Several ways. One of which when -- I can only  
12 speak for myself, when I was drawing, I was primarily  
13 using the satellite view as a background so you could see  
14 exactly what the roads are. There's also some local  
15 knowledge, and I've never lived in south Florida or Tampa  
16 or Orlando, but I have been to all of those places. We  
17 also have an advantage of the committee staff being from  
18 around the state. We get local knowledge from different  
19 perspectives and different people who have traveled around  
20 who have actually been there. We receive input from  
21 members' offices. We get input from the public when they  
22 would either write in to us or post on a Facebook page or  
23 Twitter or something like that, or come to a committee  
24 meeting, so we would take all of that input and try to use  
25 it to the best of our ability.

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1 Q. The census has its primary and secondary road  
2 classifications that are part of the boundary score.

3 A. Yes.

4 Q. I think that FDOT might have other road  
5 classifications.

6 A. They do.

7 Q. Did the committee refer to those?

8 A. No. We chose to not incorporate any outside  
9 data sets into our redistricting in order to keep what we  
10 were doing just data received from the Census Bureau and  
11 then the Department of State.

12 Q. So the fact that FDOT classified a road in a  
13 particular way did not impact the mapmaking?

14 A. No.

15 Q. Same question for I think in some county  
16 transportation plans or land use plans they also classify  
17 different roads.

18 A. In different ways.

19 Q. In different ways. Same question. Did the  
20 committee rely on local government classifications of  
21 roads in any way?

22 A. I don't believe we did. It's been several years  
23 so I don't want to, you know, definitively say no, but I  
24 don't believe that we did.

25 Q. You don't remember looking up the transportation

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1 **plan for Duval County?**

2 A. I don't remember doing it, but I can't say that  
3 anyone else didn't do that as we were delving into getting  
4 into some of that minutia when we were down. I do  
5 remember looking outside of our redistricting application  
6 on, like, Google Maps, trying to get like what is this and  
7 all of that kind of stuff. We did do some outside  
8 research, but I don't know what -- I don't remember  
9 exactly what all of that was.

10 **Q. And that outside research would be how big is**  
11 **this road, how many lanes does it have, where does -- that**  
12 **kind of thing?**

13 A. Along those lines, yeah.

14 **Q. What is the actual geography of this area?**

15 A. Yeah. Primarily why I use the satellite view  
16 when I'm drawing, so you can see what is actually there  
17 when you're drawing. But, you know, different  
18 applications will sometimes have more updated satellite  
19 views of certain areas, you know, things like that. So we  
20 would occasionally do more than just look at our  
21 application to try to get a better sense of the area that  
22 we were drawing.

23 **Q. And that external reference would always be in**  
24 **service of determining how to follow a major political or**  
25 **geographic boundary?**

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1 A. Correct.

2 MR. WARREN: I'm pulling out Plaintiffs'  
3 Exhibit 6, which is a short excerpt from the  
4 Florida Supreme Court's Apportionment 8 decision.  
5 (Exhibit No. 6 marked for identification.)

6 BY MR. WARREN:

7 Q. If you could turn -- and the front page is the  
8 first page just so that you can see what it is. If you  
9 could turn to page 76. Footnote 14 says, quote, An  
10 uninhabited portion of far southwestern Hillsborough  
11 County, which includes Egmont Key and a portion of the  
12 Sunshine Skyway Bridge, is assigned to District 16 in the  
13 senate plan. Since District 16 includes no population  
14 from Hillsborough County, it is not considered to include  
15 part of the county for the purpose of counting splits,  
16 close quote.

17 Did I read that correctly?

18 A. You did.

19 Q. Do you understand what this footnote is saying?

20 A. Yes.

21 Q. What is it saying?

22 A. It's saying areas of no population essentially  
23 could be split by a district, but effectively wouldn't  
24 count as a split in that jurisdiction, whatever it may be.

25 Q. Did that understanding of splits that are



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1     **unpopulated factor into the House's mapmaking?**

2           A.    Yes.

3           **Q.    How so?**

4           A.    There are some limited times where we took that  
5    and took advantage of that, specifically in that area it's  
6    talking about, where Hillsborough County technically has  
7    what I would refer to like a tail that goes out to the  
8    Skyway Bridge out to the Gulf. Obviously that, for visual  
9    compactness, mathematical compactness, just common sense,  
10   it made sense to essentially cut that off and include that  
11   in another district to -- and we did that in the state  
12   house map. And I don't remember if -- yeah, we did that  
13   in the congressional map as well.

14          **Q.    Besides that one example in Hillsborough County**  
15   **and Egmont Key, are there other instances in which the**  
16   **House incorporated that approach?**

17          A.    I don't remember off the top of my head. I know  
18    that we tried -- I mean, this was, again, another tool in  
19    the toolbox we could use, but one that we tried to use  
20    very judiciously. So we did not use it all the time, but  
21    where it made sense to for I think primarily a visual  
22    compactness way when, you know, we can cut out some zero  
23    population and, you know, just that giant tail sticking  
24    out, then that made sense and we wouldn't count. And I  
25    think there are one or two handful of other examples

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1 throughout the map, but off the top of my head I don't  
2 remember.

3 Q. And this principle that the Apportionment 8  
4 decision discusses in the context of a county boundary, is  
5 it your understanding that it also applies to city  
6 boundaries?

7 A. Yes.

8 Q. And maybe there are more examples of taking  
9 advantage of this principle with city splits?

10 A. Yes.

11 Q. So in certain circumstances when it improved on  
12 visual compactness or another Tier 2 criteria, the House  
13 would create an unpopulated split of a city or county,  
14 right?

15 A. Yes. Sorry. You can keep going.

16 MR. BARDOS: Could we take a break whenever  
17 you have an opportunity.

18 MR. WARREN: Yeah. Just a couple --

19 MR. BARDOS: I'm starting to get -- the BVM  
20 decision just came out, and so --

21 MR. WARREN: Of course. Just a few more  
22 questions on this.

23 BY MR. WARREN:

24 Q. Okay.

25 A. So, yeah, if you look at the data packet there

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1 are some examples throughout where you'll see a zero  
2 population split, like we have one at Gainesville.  
3 There's another one -- that's the Hillsborough County one  
4 that we referred to. There's a handful throughout.

5 So if you look at the data packet and you see a  
6 zero population split, or that packet and see a zero,  
7 that's where we took advantage of it. But you can see  
8 that there's usually only -- you know, in this whole  
9 packet there might be, you know, three or four.

10 Q. So is it -- let me try to sum up. In multiple  
11 instances when it would improve compactness or another  
12 Tier 2 metric, the House created an unpopulated split of a  
13 city or county and wasn't -- didn't feel that negatively  
14 impacted the adherence to the criteria to utilize  
15 political balance?

16 A. Yeah. Again, we tried to do it as few times as  
17 possible, but there are times where we kind of had to do  
18 it. There are some cities that are literally interlocked  
19 with each other, sometimes with one of those unpopulated  
20 areas. So that would be another example where we felt it  
21 was appropriate to do something like that. I don't  
22 remember if we did that specifically in the end, but that  
23 would be another example.

24 Q. Okay. Just one more example from the house map.  
25 So some of these counties have flags, like Citrus

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1 County --

2 MS. CARTAYA: We can't hear you all.

3 MR. WARREN: Oh, it's covering the mike.

4 Sorry, the map covered the mike. Sorry, Carmen.

5 MS. CARTAYA: Okay. Thank you.

6 BY MR. WARREN:

7 Q. So in Citrus County the census geography goes  
8 out due west into the Gulf and there's this odd shape  
9 there.

10 A. Yes.

11 Q. The House obviously chose to follow that county  
12 boundary, notwithstanding the fact that it created this.

13 A. Yes.

14 Q. Would that be an example of where the House  
15 might have said, well, let's cut off this census bloc and  
16 make District 22 more compact -- well, sorry. District  
17 23.

18 A. It would be District 23, yeah.

19 I mean, more compact is a term of art. In this  
20 particular case we chose to keep the county whole  
21 regardless of that and we considered that compact. Could  
22 we have cut off the tail and added it to District 22? It  
23 may have improved the mathematical compactness, but since  
24 that district is essentially an entirely whole county by  
25 itself and then a little bit into Marion County, we just

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1 felt like it wasn't worth doing that in that particular  
2 case.

3 Q. But would you disagree, for example, if  
4 Chair Byrd had come in and said, we've got to get rid of  
5 this tail, take advantage of the fact that you can make  
6 this unpopulated split, would that have been an  
7 unjustifiable position?

8 MR. BARDOS: Object to form.

9 A. Yeah, I don't really follow the premise of the  
10 particular question, but could there -- could we have  
11 taken the tail off that particular district, yes, but we  
12 chose not to, and I think both of those decisions are  
13 equally valid.

14 BY MR. WARREN:

15 Q. So there are other -- there may be other  
16 instances where there's a tail, you could create an  
17 unpopulated split to make the district more visually  
18 compact, and that would be justifiable, just as it would  
19 be justifiable to follow the county boundary.

20 MR. BARDOS: Object to form.

21 A. Potentially, based on the situation, yes. I  
22 don't think you could say anything -- I would not be able  
23 to agree to that blanket statement without looking at a  
24 particular district and its circumstances that you're  
25 referring to.

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1 MR. WARREN: Okay. I think this is a good  
2 time for a break. Ten minutes?

3 MR. BARDOS: Okay. Sounds good.

4 (Recess taken from 11:04 a.m. to 11:15 a.m.)

5 BY MR. WARREN:

6 Q. So we've walked through, I think, all of the  
7 Tier 1 and Tier 2 criteria that you say the committee  
8 applied in drawing the maps, right?

9 A. (Nodding head.)

10 Q. Did you apply the criteria consistently?

11 MR. BARDOS: Object to form.

12 A. I believe that we did.

13 BY MR. WARREN:

14 Q. Did you -- did the committee have a consistent  
15 methodology for applying the constitutional criteria?

16 MR. BARDOS: Object to form.

17 A. I believe that we did, yes.

18 BY MR. WARREN:

19 Q. What does it mean to have a consistent  
20 methodology to you?

21 A. A consistent methodology just means -- to me  
22 means while drawing the districts you're trying -- you're  
23 trying to balance all of the standards equally, and where  
24 possible, like, for example, keeping city and counties  
25 whole or adhering to those political and geographical

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1 boundaries we saw before -- while factoring in Tier 1 and  
2 some of the other considerations, simply trying to make  
3 similar decisions throughout the map, like, throughout the  
4 entirety of the map where feasible.

5           There are certainly situations where you have to  
6 alter that methodology slightly to fit into whatever's  
7 happening demographically or geographically in a  
8 particular area. Like, for example, that Jefferson County  
9 example I mentioned before. That was mostly because the  
10 county goes from one state border to the Gulf. It makes  
11 it very difficult, so geographically we made that  
12 decision, which helped other surrounding districts.

13           And there are other examples like that  
14 throughout the map, where we would slightly deviate  
15 something to accommodate either that particular district  
16 or the districts around it to make everything else be more  
17 compliant and more consistent with everything else. So we  
18 would occasionally do that, but only where we had to.

19           And it's just making sure that you don't draw a  
20 district that is so outside of the methodology you used to  
21 draw the majority of the districts. So there's this one  
22 district that either looks or mathematically is just so  
23 different and really cannot fall into the same methodology  
24 that the rest of them were created with. That's what it  
25 means to me.

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1 Q. That makes sense to me. To your understanding  
2 of following a consistent methodology, did the committee  
3 do that just within a particular type of map or across the  
4 different types of maps?

5 A. Can I get you to clarify what you mean by  
6 committee?

7 Q. What does that mean to you? I guess, what's  
8 unclear.

9 A. Well, there's committee staff and there's three  
10 subcommittees and a big committee, and they all vote on  
11 the map, and the committee staff, like we drew maps or  
12 whatever. So putting everything in one bucket can be a  
13 little confusing. So if you could be more specific about  
14 what you mean, committee.

15 Q. Sure. What I'm mostly referring to, I think, is  
16 the committee staff that drew the maps.

17 A. Okay.

18 Q. So, with that understanding, when committee  
19 staff was applying a consistent methodology as you've  
20 explained, was that within a particular type of map or  
21 across different types of maps?

22 A. We had -- the methodology that we primarily used  
23 that we've kind of discussed here is something that we  
24 used throughout the congressional house and  
25 congressional -- the congressional map and the state house



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1 map, and is really a methodology that we began formulating  
2 in the 2012 process and then was throughout the  
3 apportionment decisions that kind of reaffirm some of our  
4 methodology pieces that kind of built the bigger  
5 methodology. We continued that into this redistricting  
6 cycle.

7 Q. So in drawing both the house and congressional  
8 maps this cycle, committee staff was applying its  
9 consistent methodology of the constitutional standards?

10 A. I believe that we did, yes.

11 MR. WARREN: Now, on the senate side, senate  
12 staff were given a memo to instruct them on  
13 directives for mapmaking, and we have that memo.  
14 It's Plaintiffs' Exhibit 7.

15 (Exhibit No. 7 marked for identification.)

16 BY MR. WARREN:

17 Q. Are you aware of this memo?

18 A. Yes.

19 Q. When was the last time you reviewed it?

20 A. I cannot recall.

21 Q. Could you take a few seconds to flip through it.  
22 My question is, does this memo align with your  
23 understanding of the house committee staff's directives?

24 MR. BARDOS: Take your time.

25 A. I would have to, like, read it at length to

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1 know, but, no, this is the Senate's. I mean, that had no  
2 impact on the House.

3 BY MR. WARREN:

4 Q. Please take the time to read it.

5 A. (Viewing document.)

6 I think there are two of the same memo.

7 Q. I have no idea actually.

8 A. It's just two pages, correct?

9 Q. Yes. Ready?

10 A. I believe I am.

11 Q. Okay. So understanding that this was given to  
12 senate staff, not house staff, does the explanation of the  
13 Tier 1 and Tier 2 standards in this memo align with your  
14 directives?

15 A. Some of them do, some of them not quite.

16 Q. Which ones not quite?

17 A. So, as an example, they have a paragraph here  
18 that says, In accordance with the Tier 2 standard of  
19 constitutional requirements related to equal population,  
20 you are directed to prepare senate plans with district  
21 population and deviations not to exceed 1 percent of the  
22 ideal population of 538,455 people, and to prepare  
23 congressional plans with population deviations plus or  
24 minus one person of the ideal population of 769,221  
25 people.

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1           So the congressional plan part, that aligns with  
2   ours, that the equal population with congressional plans  
3   and equal population quantity, plus or minus one person,  
4   we also complied with.

5           The population deviations not to exceed one  
6   percent, we did not set a specific percentage for  
7   deviation. Rather in the state house we took a -- we  
8   tried to make the deviations as small as possible, but we  
9   were trying to find -- in our drawing process we were  
10   trying to find what deviations for both upper and lower  
11   end of those deviations that fit into the map, meaning if  
12   we were able to keep a city whole, but we had to push the  
13   deviation to 6 percent, just as an example, or something  
14   along those lines, we would factor that in.

15           Rather than picking an arbitrary percentage we  
16   were trying to find -- and that's, I think, primarily  
17   because state house districts are so much smaller that if  
18   you're able to -- you know, if you stick to a certain  
19   percentage you're going to box yourself in to certain  
20   decisions that would have to be made throughout the map.

21           So we were trying to more organically find the  
22   upper and lower end for those districts, and throughout  
23   the process that kind of changed as we changed the map,  
24   and we try to find that upper end and lower end of the  
25   districts. That is something that we employed in the 2012

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1 redistricting as well and we carried through into this.

2 So that was a slight deviation to what the Senate put out.

3 We also -- so they said that with respect to  
4 municipal boundaries you were directed to explore concepts  
5 that where feasible keep cities whole while also  
6 considering the impermanent and changing nature of  
7 municipal boundaries. That part we did not consider.

8 We considered the census geography that was  
9 presented to us, and we would keep municipalities whole  
10 where feasible without considering whether or not the  
11 boundaries were going to change. Now, municipal  
12 boundaries, unlike county boundaries, do tend to change a  
13 little bit more often. They also tend to be a little bit  
14 more chaotic than county boundaries, for example, but we  
15 didn't -- you know, we were presented with geography that  
16 the census presented to us, and if we could keep them  
17 whole regardless of their shape we would. So we did not  
18 really factor that part in.

19 They also say specifically -- well, in the next  
20 paragraph you're further directed to examine the use of  
21 existing geographic boundaries where feasible  
22 specifically, and they outline certain things. We did not  
23 have a specific set of geography that we were specifically  
24 told to look at. It was just all of those -- all of those  
25 features were kind of included, including some that we

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1 might not even -- you know, might not be listed here that  
2 might be relevant in a particular area.

3           Again, we were trying not to box ourselves into  
4 a specific thing. And this does not include some of those  
5 larger county or, you know, even other more rural roads  
6 that might come into consideration. For example, again,  
7 because state house districts are so much smaller, like in  
8 the Ocala National Forest there's a lot of forest service  
9 roads that cut through the Ocala National Forest, and I  
10 don't know if we ended up using any of those, but that  
11 would be a potential boundary, because we are limited by  
12 our approximately 180-ish thousand population districts.  
13 So we're a little bit more boxed in to, you know, what we  
14 can -- what we can do.

15           So, because of that, you know, we didn't feel it  
16 necessary to box ourselves in. As long as we were using  
17 those highly visible political and geographical  
18 boundaries, trying to keep cities whole where possible,  
19 trying to keep counties whole where possible, or in a  
20 state house map with smaller districts, districts within  
21 counties and things along those lines, those would just  
22 kind of naturally come. And we did not feel that it was  
23 necessary to specifically outline specific pieces of  
24 geography, because there might be areas where there might  
25 be something else that might be a better use of that.

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1 And for the most part I think those are some,  
2 you know, slight differences between the House and Senate,  
3 but we did not produce a memo like this for basically the  
4 reasons that I'm telling you now.

5 Q. Okay. So, to sum up, looking at the senate  
6 directives memo, the parts that in your words do not quite  
7 align with the house committee understanding of its  
8 directives are, number one, there was no equal population  
9 threshold for the state house districts, right?

10 A. No. We were trying to draw districts as equal  
11 as possible, but allowing to find that upper and lower end  
12 a little bit more organically in the map depending on, you  
13 know, if we had to push the upper end up a percent or two  
14 in order to keep a city whole as an example, or follow  
15 this county boundary as opposed to, like, oh, we're at the  
16 threshold so we're going to cut this corner off here kind  
17 of arbitrarily just to hit some percentage.

18 We felt it was better to find those boundaries  
19 within the map that made more sense, and if we had to push  
20 the percentage out a little bit more we felt that was more  
21 appropriate and more explainable to our members.

22 Q. Understood. The second way in which the senate  
23 directives memo does not quite align with the house  
24 committee staff's directives is this piece about  
25 discounting municipal boundaries in some way.

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1 A. Correct.

2 Q. And then the third way in which the senate  
3 directives does not quite align with the house committee  
4 staff's directives is that there was no specific limited  
5 universe of major geographic boundaries that were  
6 considered to the exclusion of others as part of --

7 A. Correct.

8 Q. -- geographic boundaries?

9 A. Correct. The senate guidelines do say where  
10 feasible, so obviously they're allowing for some of that  
11 flexibility, too, but we did not go into it with a more  
12 specific set of boundaries. But those are really the  
13 minor -- I mean, we essentially used the same  
14 methodologies I would say, but there are slight  
15 differences that we just discussed.

16 Q. Okay. And there are that you can think of no  
17 other differences in the senate versus house methodologies  
18 of implementing the constitutional criteria?

19 A. Not that I can recall.

20 Q. Excellent. Now, I'd like to talk about other  
21 considerations that one could consider when drawing maps,  
22 and specifically I'd like to ask whether you did, in fact,  
23 consider them when drawing maps in the 2020 process. When  
24 drawing maps in the 2020 process, did you seek in any way  
25 to favor or disfavor a political party?

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1 A. No.

2 Q. When drawing maps in the 2020 process, did you  
3 seek in any way to favor or disfavor an incumbent?

4 A. No.

5 Q. When drawing maps in the 2020 process, did you  
6 seek in any way to preserve the course of preexisting  
7 districts?

8 A. No.

9 Q. Does that mean that you started with a blank map  
10 when you were starting the 2020 process?

11 A. Yes.

12 Q. When drawing any of the maps in the 2020  
13 process, did you rely in any way on districts drawn before  
14 the benchmark plans?

15 MR. BARDOS: Object to form.

16 A. I don't understand the question.

17 BY MR. WARREN:

18 Q. So I think you said you started with a blank map  
19 when drawing maps in the 2020 cycle.

20 A. Yes.

21 Q. So you weren't starting with the benchmark  
22 plans. Do you understand what I mean by benchmark plans?

23 A. You mean the map -- so for the state house  
24 district the map drawn in 2012?

25 Q. Correct.



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1 A. No.

2 Q. And for the congressional map the benchmark plan  
3 is the map court-ordered --

4 A. In 2016?

5 Q. Correct.

6 A. No.

7 Q. So you didn't start with the benchmark plans for  
8 either maps, right?

9 A. We did not.

10 Q. And I'm assuming that you didn't rely on maps  
11 prior to the benchmark plans either?

12 A. No.

13 Q. Okay. When drawing any of the maps in the 2020  
14 process, did you seek in any way to rely on metropolitan  
15 statistical areas, MSAs?

16 A. No.

17 Q. Same question for census designated places,  
18 CDPs.

19 A. No.

20 Q. When drawing the maps in the 2020 cycle, was it  
21 a goal of yours to in any way keep communities of interest  
22 together?

23 A. That is not a standard that we follow. However,  
24 particularly after receiving input either from the public  
25 or members, if we could draw a compliant district with all

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1 of our other standards that we had, but maybe make slight  
2 adjustments based on their input that might better align  
3 with the interests of the community, and it wouldn't  
4 affect any of the other constitutional criteria, where we  
5 could, we did make some changes to that effect.

6 Q. Okay. Apart from the criteria relating to  
7 county boundaries that we've already talked about, did you  
8 have it as a goal to cross any particular county line?

9 A. You're going to have to be more specific.

10 Q. For example, as you're drawing maps you're  
11 attempting to utilize existing political and geographic  
12 boundaries that includes trying to keep counties whole  
13 where feasible, it includes perhaps keeping districts  
14 wholly within a county where feasible.

15 Separate and apart from that, did you have it as  
16 a goal in any particular instance to say this county  
17 boundary -- we are going to cross this particular county  
18 boundary?

19 A. No.

20 Q. Okay. So you didn't have it as a goal to cross  
21 any particular county boundary?

22 MR. BARDOS: Object to form.

23 A. What do you mean by goal?

24 BY MR. WARREN:

25 Q. As in, for example, in the state house map

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1 District 30 contains part of Volusia County and part of  
2 Brevard County.

3 A. Okay.

4 Q. It crosses the Brevard, Volusia line.

5 A. Okay.

6 Q. As a starting place, did you think we need to  
7 have a district that includes portions of both Volusia and  
8 Brevard counties?

9 A. No.

10 Q. So that's an example of what I'm talking about.

11 A. So, no, there was at no point throughout the map  
12 did we have any preconceived goal of combining two  
13 different counties.

14 Q. So any district that includes portions of two  
15 counties, the reason for that would be apart from an  
16 independent goal of having a district that contains parts  
17 of those two counties?

18 A. Yes.

19 MR. BARDOS: Object to form.

20 A. Yes. There are some examples in the map where,  
21 I mean, some of the -- especially particularly the rural  
22 counties were going to have to be connected to another  
23 county. So it wasn't a goal, but it was like  
24 mathematically impossible.

25 An example would be Nassau County had to be

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1 connected to Duval County. There's no other mathematical  
2 way or geographical way to do that, but that was not a  
3 predetermined goal. That was simply a way -- same with  
4 Monroe County that had to be connected to Dade County,  
5 period. But that was not a goal that we had set out prior  
6 to that.

7 BY MR. WARREN:

8 Q. And those are examples of crossing the county  
9 boundary was not done for its own sake, but in service of  
10 another criteria, in that case equal population?

11 A. Correct.

12 Q. Got it. Not to linger on this too long, but the  
13 inverse question to that, did you have it as a goal not to  
14 cross any particular county boundary?

15 MR. BARDOS: Object to form.

16 A. Not before the drawing process, but as we  
17 started drawing we did have some goals of -- well, when  
18 your objective is to a keep a county whole or keep  
19 districts entirely within a county, as you're organically  
20 going throughout the redistricting process, some of those  
21 items pop up and that becomes like, oh, we would like  
22 to -- we discovered that we were able to do this, so we'd  
23 like to do that.

24 An example of that would be keeping four  
25 districts entirely within Polk County in the state house

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1 map. We discovered mathematically you were able to do  
2 that, so we attempted to do that and we were able to do  
3 that.

4 There are examples where we had things like that  
5 that we then later had to throw out because it just didn't  
6 fit the rest of the districts around it. It became too  
7 limiting.

8 Another example is that we were -- in the state  
9 house map we were trying to minimize the amount of  
10 districts that cross the Dade County line to keep them all  
11 within Miami-Dade as much as possible. Obviously, Monroe  
12 had to be connected to Dade, but then beyond that we had  
13 set it out as a goal to try -- like as we learned the rest  
14 of the map, we discovered that we could try to keep as  
15 many districts as possible within Dade County and cross  
16 the Dade, Broward line or Dade, Collier line as few times  
17 as possible. And we were, I think, able to accomplish  
18 that.

19 And then there's, like, District 83 we were  
20 able -- that is a district made up of entirely four whole  
21 counties, and our goal, especially with Polk County above  
22 it, keeping that, that became a goal to keep that district  
23 intact.

24 However, as I said, there were other examples of  
25 that throughout the drafting process that we realized

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1 boxed us in to a point where we couldn't do that.

2           So it was those things that kind of we  
3 organically found in the map and were like, oh, that looks  
4 really good and that district is mathematically and  
5 visually compact, it really works. It follows all the  
6 other criteria. Let's try to keep it. But it limited us  
7 too much with the neighboring districts, or the entire  
8 region, or something along those lines, so we had to scrap  
9 that idea and come up with new things. So those things  
10 kind of came up throughout the drawing process.

11 BY MR. WARREN:

12           **Q. Okay. I think you've already answered this,**  
13 **because it sounds like this was a holistic process of**  
14 **trying to figure out what worked in balancing all the**  
15 **different criteria, but did you have it as a goal to**  
16 **adhere to any particular county line over another?**

17           A. We treated all county lines equally, but, as I  
18 mentioned before, throughout the process, when you kind of  
19 stumble in like that District 83, we realized the  
20 combination of those four counties. So then that  
21 became -- like it became a goal to keep that district  
22 intact, so the outside border of all of those we tried to  
23 not break that where we could. And then other examples  
24 throughout the map.

25           During the drafting process, I forget exactly

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1 what the county combination was, but we had one up here  
2 around District 20 -- 10, 20 and 22 and 21, and then we  
3 discovered that we were limiting ourselves too much, and  
4 if we broke whatever that county combination was we were  
5 able to come up with the configuration that we have now,  
6 which works considerably better than the one that we had  
7 before.

8 And there is another example of the Pasco,  
9 Hernando, Sumter districts. We had a different  
10 configuration for those, and then when we realized we  
11 could take a district from Hernando down into the northern  
12 part of Pasco and kind of everything fit into place where  
13 you could fit three other districts within Pasco, and then  
14 everything else just kind of fit together with that  
15 particular county combination. And those things were just  
16 discovered throughout the drawing process.

17 **Q. And I guess like using Polk as an example, where**  
18 **there's four house districts entirely contained within it,**  
19 **it's not -- it's not that the Polk boundary wasn't broken**  
20 **because there's something --**

21 A. Special about it? Yeah.

22 **Q. -- other than the population?**

23 A. Yeah. When we -- when we first discovered --  
24 and one of the first processes even before we started to  
25 draw, once we got, like, real redistricting data set, one

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1 of the most basic things is simply looking at the county  
2 populations from top to bottom and overlaying our ideal  
3 population of a district for both congressional and house  
4 and figuring out if there are any counties that, like, hit  
5 that number exactly, or a combination of counties that hit  
6 that number exactly.

7 So it's a lot of math and Excel trying to create  
8 these county combinations. And obviously you can't  
9 combine a county -- like, you can't combine Leon with Lee  
10 County, because that doesn't really work. So you had to  
11 find neighboring counties that had those sorts of  
12 combinations, and it's a lot of -- it's a lot of Excel and  
13 math work trying to come up with possibles, and then we  
14 would try them.

15 And, you know, then -- but that's kind of in  
16 isolation just trying to find those mathematical  
17 combinations or what we referred to as sandboxes, county  
18 combinations where you could put districts entirely within  
19 them.

20 But you found one sandbox and it really works  
21 and you're drawing districts within it, and the advantage  
22 of that is that you can put that sandbox on the map and it  
23 won't affect any neighboring districts. So you can kind  
24 of draw it in isolation. So it's a way of trying to  
25 compartmentalize the map.



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1 But that doesn't always work, because sometimes  
2 a county combination just doesn't allow the rest of the  
3 map or really the rest of the region to fit together in a  
4 way that either gets your proper population deviation or  
5 proper compactness, because unfortunately our state is not  
6 Iowa, we're not a box. We have a lot of irregular  
7 geography. Our county lines are even very irregular, not  
8 even to talk about our city lines. So that's just an  
9 organic process as we go through trying to come up with  
10 those types of sandboxes, county combinations, where we  
11 could put a certain number of districts within it.

12 Q. Okay. That makes sense.

13 I'm assuming that the principles we've just  
14 discussed in the context of counties applies to cities as  
15 well, that is to say you didn't have it as a goal to cross  
16 any particular city line or keep any particular city whole  
17 or split in and of itself?

18 A. No, we did not.

19 Q. Did you have it as a goal to avoid crossing any  
20 particular geographic boundary?

21 A. Nope.

22 Q. For example, the Kissimmee River Basin?

23 A. No.

24 Q. Is there any other criterion that I haven't  
25 asked you about that you employed when drawing maps as

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1 part of the 2020 process?

2 A. I don't believe so.

3 Q. Okay. And just to confirm my understanding.

4 When you drew the maps in the 2020 process, you always  
5 followed the directives from the Florida Constitution as  
6 interpreted by case law and the federal standards as  
7 interpreted by federal case law?

8 A. I believe that we did.

9 Q. Now, I'd like to talk about the process of  
10 drawing the maps a little bit more specifically than what  
11 we've discussed now.

12 Technically, when you had the map drawing  
13 application up, what were you looking at?

14 A. The map.

15 Q. What layers did you have on?

16 A. So as I said before, the base layer that I  
17 primarily chose to draw with was the satellite view image.  
18 Occasionally you have to switch to a different background  
19 depending on what area I was drawing or what specifically  
20 I was trying to work on, because sometimes the satellite  
21 view and the district colors on top kind of made things a  
22 little unclear, so you had to help yourself. Particularly  
23 in those areas where it was very -- you know, you're  
24 zoomed in very, very far. That can get a little -- a  
25 little muddy, but I always primarily tried to draw in

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1 that. Does that answer your question?

2 Q. I think so. I guess additionally, what levels  
3 of geography were you assigning or visible to you when you  
4 were drawing?

5 A. So in our program, which was the ESRI  
6 redistricting application, so as you zoomed in and out it  
7 adjusted the census geographies that you could see on the  
8 map in realtime, but you could also adjust at what levels  
9 of zoom those geographies appear. Because in some areas,  
10 like the rural areas, you can zoom down -- in order to see  
11 the census bloc level, the smallest unit of geography, you  
12 had to zoom in pretty far, and that, like, wasn't  
13 really -- doesn't really work for rural areas. You needed  
14 to see the blocs at a higher zoom level.

15 But in south Florida you had to zoom in really,  
16 really far before you wanted the blocs, because there are  
17 so many little blocs. So it's just kind of dependent on  
18 what area you were drawing in.

19 But the smallest unit of geography was census  
20 blocs. Up from there it was census bloc groups, then  
21 census tracts, and then counties. And those were the  
22 primary four census geographies that we would use to draw.

23 We also had the ability to identify cities and  
24 places, so -- specifically cities, but we could turn on  
25 the CDPs and see them and other -- I think those are

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1 really the only things that we could see. Then we could  
2 overlay any of the data points that we had in our data  
3 grid on the bottom, and we also have other reports we  
4 could run, but we could overlay any of that information  
5 onto the census blocs.

6 And we could do two things, so we could -- you  
7 could put on total population and a particular racial  
8 breakdown, or however you wanted to do that. You could  
9 also turn on a heat map for either total population or any  
10 of the other demographic information that you wanted to  
11 within the program.

12 Q. And did you, in fact, turn on a heat map or  
13 display the other data points that are visible in the data  
14 grid as you were mapping?

15 A. Occasionally.

16 Q. What specific data points would you occasionally  
17 turn those functionalities on for?

18 A. I mean, it wasn't one specifically. At some  
19 point we probably have looked at any and all of the data  
20 points, depending on what we were doing or what area we  
21 were drawing in.

22 Q. And just to summarize, what's the data that's  
23 available for those functionalities? Besides total  
24 population, there would be the census voting age  
25 population by race?

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1           A.    Yeah.  You could see total voting age  
2    population, you could see the Hispanic population,  
3    Hispanic voting age population, Black population, Black  
4    voting age population, single race White population, both  
5    voting and otherwise, and then other, which was kind of  
6    all of the other catchall for everything else.  I think  
7    that was primarily it.  Those are the basic census  
8    geographies that we had available to us.

9           **Q.    And in what circumstances would you turn on, so**  
10   **to speak, or have visible a heat map or the data points by**  
11   **census geography on race?**

12          A.    I would say I primarily just had the total  
13    population for the blocs on more often than anything else.  
14    Occasionally when we were looking at a minority district  
15    that had like the candidate of their choice we would  
16    occasionally turn on the heat map in the more difficult  
17    areas just to get a better sense of where that population  
18    was concentrated, or if it was more spread out in a  
19    particular area.  Sometimes helpful, sometimes not  
20    helpful, but we would occasionally turn it on.

21          **Q.    Can you remember particular areas of the state**  
22   **when you found it helpful and turned that information on?**

23          A.    And we wouldn't leave it on like the entire  
24    time.  It was something that was kind of like a reference.  
25    Kind of turn it on and whatever and turn it on and off,

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1 and sometimes it wasn't as helpful as others.

2 You could also change how the colors were  
3 displayed and kind of had to find a best way of doing  
4 that. But I can remember doing that in the Jacksonville  
5 area, I can remember doing that in the Orlando area, the  
6 Tampa area, and in the state house map in the Broward and  
7 Palm Beach area specifically, and then for the Black  
8 population in Dade County.

9 Q. And for the Black population in Dade County,  
10 that would be you're drawing house districts or a  
11 congressional district in Dade County and you're referring  
12 to the overlay of the Black population in the area as  
13 you're drawing?

14 A. Yeah. Yeah, the concentration of the Black  
15 population in particular areas.

16 Q. Do you remember using that functionality to draw  
17 any of the Hispanic performing districts in Dade County?

18 A. We did not. I did not. I can't speak for  
19 anyone else. I did not.

20 Q. Back to the layers of census geography.

21 A. Uh-huh.

22 Q. I think there's another setting in the  
23 application where you turn on VTDs and draw by VTDs. Do  
24 you know --

25 A. Yeah. VTDs were an available data set but that

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1 we did not use.

2 Q. Were you present at all of the committee and  
3 subcommittee meetings?

4 A. No. Only because we sometimes held legislative  
5 and a congressional subcommittee meeting at the same time  
6 and Leda ran one of them and I ran the other one  
7 downstairs, because we had limited time, so we ran them  
8 concurrently, and so she'd be in one and I'd be in the  
9 other.

10 Q. Was there a particular subcommittee that you  
11 would always do that for when they were concurrent?

12 A. I mean, it wasn't always the same, but  
13 especially early on during the educational stuff, I think  
14 I primarily was in the congressional one and Leda was the  
15 legislative one. But then there were certainly times when  
16 I was in the legislative one, and, you know, we just kind  
17 of had to play it by ear.

18 And when we got into actual presentation of the  
19 maps we had to make sure all the staff was in whatever  
20 committee we were doing, so we made sure that there was no  
21 congruent meetings for those types of things, so --

22 Q. And when there was no congruent meetings you  
23 were attending every meeting?

24 A. Correct.

25 Q. Same thing with the floor sessions when the

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1 plans were considered, were you in attendance?

2 A. I was on the floor for all of those, yes.

3 Q. You talked about -- I asked you questions about  
4 communities of interest, and you mentioned how input on  
5 communities of interest was considered to some extent from  
6 the public and from members. More generally, how was  
7 input received during the mapmaking process?

8 A. We received input -- member input, so members  
9 would request to have meetings with us. So me -- I'd say  
10 I took the majority of those meetings, but there was  
11 always another one of our staff in the room with us, and  
12 we took them throughout the process. We also received any  
13 public input at any of our committee meetings, we received  
14 input -- I remember Karen Dearden, she was running kind of  
15 our external communications, so she would gather input  
16 that was being received on social media sites, or whatever  
17 other emails were being sent to the committee, or phone  
18 calls or whatever else was coming in. So all that that  
19 way.

20 Q. And during committee meetings members would give  
21 input?

22 A. Certainly.

23 Q. And I think at some point in the process Chair  
24 Leek said that staff had 37 individual members with --  
25 individual meetings with members. Does that sound about



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1     **right?**

2           A.    It may have been accurate at whatever period of  
3   time that we were having, but myself and Kyle primarily,  
4   and sometimes me and Leda, sometimes me and Sam. I mean,  
5   I met with -- I don't remember how many members. It was a  
6   lot of members. It certainly at one point was a lot more  
7   than 36.

8           **Q.    I'm --**

9           A.    And that would not include repeat meetings.  
10   There were some members that we would meet with on a  
11   pretty consistent, regular basis.

12          **Q.    Who are some of those members?**

13          A.    I met with Rep. Bush probably multiple times a  
14   week throughout the process.

15          **Q.    What was he interested in discussing?**

16          A.    The area surrounding the district that he  
17   currently represented, which would be most analogous to  
18   District 109 today.

19          **Q.    What other members did you meet with frequently?**

20          A.    I had multiple meetings with Representative  
21   Amphroy (phonetic), I had multiple meetings with -- I  
22   would have to double-check. But there was -- and  
23   sometimes there was just one meeting, sometimes there was  
24   two meetings. Those two stand out as being, like, the  
25   regulars so to speak.

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1 But we met with I would say by the end of the  
2 day probably 75 percent of the Democratic caucus and  
3 probably 50 percent of the Republican caucus at one point.

4 **Q. And how, if at all, did member input from**  
5 **meetings with staff influence the mapmaking?**

6 A. I would say the member input from my perspective  
7 influenced the mapmaking probably more than any other  
8 input, because -- in some cases not. We were unable to  
9 accomplish what they were doing. But specifically like  
10 that 108, 109 district, when we originally produced it, it  
11 was in a more horizontal fashion.

12 But we heard from -- like, so we heard from Rep.  
13 Bush, Rep. Joseph, and multiple other members from, like,  
14 the region about how that was not aligning with the Black  
15 communities in that area. There's also a heavy Haitian  
16 population there, and we were orienting it this way,  
17 combined communities that probably shouldn't have been  
18 combined, so orienting them in a more vertical fashion  
19 would be more, you know, aligning to those.

20 And that's where communities of interest came  
21 in. And because those are protected districts, we  
22 obviously want to make sure that we kind of followed  
23 through with protecting all of those communities,  
24 including the language minority of the Haitian community  
25 down there, so we adjusted that accordingly.

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1           **Q.   And same question for public input. How, if at**  
2           **all, was public input, it impacted the mapmaking?**

3           A.   Similarly. I mean, we received -- the public  
4           input came in, the way we received that more than any  
5           other was they would submit maps to us. Because they --  
6           it was a public redistricting application, and the public  
7           was allowed to submit maps to us. And every map that was  
8           submitted to us was reviewed by our staff, and  
9           sometimes -- I wouldn't say like a whole map, but there  
10          were sometimes pieces, or, like, this particular district  
11          or this particular region was drawn in a way that kind of  
12          piqued our interest. So then we would -- we wouldn't take  
13          it from those maps, but we would try to duplicate, to a  
14          certain degree, the concept that the member of the public  
15          had presented to us.

16                 And we found in some cases, like, a slight  
17          alteration or kind of, you know, not exactly what they  
18          drew, but kind of something along those lines could help  
19          us accomplish our goal. And usually the public's drawn  
20          maps were to align more with communities of interest,  
21          right. But if we could take a concept and kind of fit it  
22          into our constitutional standards and our methodology  
23          while also adhering to kind of what they were asking for,  
24          we felt like that was appropriate where we could.

25           **Q.   And would those decisions to incorporate public**

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1     input be made by committee staff alone or involve  
2     committee leadership?

3           A.     Primarily committee staff, but then we would  
4     present all of those ideas and changes to committee  
5     leadership and whatnot.

6           Q.     Okay. You talked earlier about how committee  
7     staff interacted and worked with the chairs and their LAs.  
8     With respect to the development of the maps --

9           A.     Uh-huh.

10          Q.     -- what input, how did the chairs influence the  
11     development of the maps, outside of public meetings?

12          A.     We would occasionally present them with kind of  
13     multiple concepts. Like, particularly before we were  
14     developing the workshop maps for both the congressional  
15     and senate maps, we ended up doing two workshop maps for  
16     each map, but there was probably other -- I don't remember  
17     how many, but there was probably other drafts, and we were  
18     trying to -- our goal with the workshop maps was to  
19     present as many decision points as possible to the  
20     members.

21                 So, like, we could -- you know, we could do this  
22     in this region or we could do this in this region, and  
23     that's going to kind of govern how -- we tried to put as  
24     many of those types of decisions into two maps as  
25     possible. And we had to decide, you know, based on our

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1 other drafting and ideas, like, what particular concepts  
2 would be important to try to incorporate into a single  
3 map, which was difficult, because not all those concepts  
4 could really fit together.

5 And so we'd present those options to the  
6 committee chairs and I believe the vice chairs, and just  
7 kind of, you know, sought their input and kind of how they  
8 were -- how they saw those or what they thought was  
9 important to show their members in the committee.

10 **Q. And then based on that discussion with chairs**  
11 **and maybe vice chairs, staff would rework drafts and --**

12 A. Yeah. Based on that input, we then would try to  
13 narrow down all of the drafts into -- you know, at the  
14 time we didn't know there would only be two workshop maps.  
15 We thought there might be three, but we were able to -- or  
16 four or more. But we were able to incorporate as many of  
17 those ideas as we could into as few maps as we could, and  
18 it ended up being workshop A and workshop B for both, the  
19 congressional and state house.

20 **Q. Maybe an obvious question. In your view, was**  
21 **every map committee staff presented as workshop options**  
22 **constitutional?**

23 A. I believe so, yes.

24 **Q. And that's true of the house maps and the**  
25 **congressional maps?**

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1 A. Yes.

2 Q. So every district in every workshop map to your  
3 understanding was fully compliant with the Tier 2 and Tier  
4 1 standards?

5 A. Yes.

6 Q. I'm returning briefly to the relationship with  
7 committee chairs. Before each committee meeting, would  
8 staff have pre-meetings with committee chairs?

9 A. Yes.

10 Q. What would you discuss at those pre-meetings?

11 A. What we would be doing in the upcoming meeting.  
12 So what information would be presented and . . .

13 Q. So that staff and chairs could get in alignment  
14 on how the meeting would go?

15 A. Yeah. Yes.

16 Q. So staff and committee leadership were in  
17 alignment on the process and purpose and intentions of the  
18 redistricting process?

19 MR. BARDOS: Object to form.

20 A. Yes.

21 BY MR. WARREN:

22 Q. What role, if any, did the Senate play in the  
23 development of the state house plan?

24 A. To my knowledge, none.

25 Q. The only involvement the Senate had was voting

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1 to approve the plan the House drew?

2 A. To the best of my knowledge, yes.

3 Q. Who would have better knowledge than you about  
4 that?

5 A. I don't know. But I can't speak for the Senate,  
6 so I don't know what they -- I don't know.

7 Q. But the House drew the house map?

8 A. Correct.

9 Q. Okay. So walking through briefly the timeline  
10 of how the workshop maps developed to the final product.  
11 On the first subcommittee meetings in which workshop A and  
12 workshop B were presented, that was the first presentation  
13 of draft proposals, right?

14 A. I believe so, yes.

15 Q. That's in early December of 2021.

16 The next drafts were presented at the  
17 January 21st legislative subcommittee. That's when  
18 Plan 8009 was presented, right?

19 A. So it looks like the meetings on December 2nd  
20 and 3rd of 2021 were subcommittee meetings where we  
21 presented the two workshop maps for both maps. It then  
22 looks like we had a full redistricting committee meeting  
23 where we presented all four of them to the main big  
24 committee. And then -- and again, I would have to  
25 double -- I'm taking your word for these dates, but I

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1 believe that they are accurate.

2 On December -- I'm sorry, January 21st, it looks  
3 like the legislative subcommittee met, and we presented --  
4 that would have been the first -- first other version of  
5 any other map that would have been, like, an official PCB  
6 and the state legislative subcommittee, so the state house  
7 map.

8 MR. BARDOS: And for the record, the witness  
9 was referencing Exhibit 3.

10 THE WITNESS: Yes. Sorry. I'm referencing,  
11 yeah, the timeline that was presented to me  
12 earlier.

13 BY MR. WARREN:

14 Q. My question is, what led from the Workshop A and  
15 B maps, 8005 and 8007 to 8009? And, I suppose, to narrow  
16 that in, because we've already covered a lot of ground,  
17 anything -- did anything additional, besides member input  
18 in private meetings, member input in committee meetings,  
19 public input from the public, and staff reworking of how  
20 to apply the constitutional criteria, go into 8009?

21 MR. BARDOS: Object to form.

22 A. So all of the input that we received in during  
23 the workshops we took into account. We took into -- like,  
24 after the workshop meetings that led to further meetings  
25 or phone calls or virtual meetings with members and



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1 talking about the districts that are in the workshop maps,  
2 further public input. We received a new map and other  
3 people would chime in.

4 And we tried to take all of that into  
5 consideration, on top of which as we -- you know, as a map  
6 drawer, you know, like most other pieces of art or work,  
7 you're kind of never finished, or you kind of -- even  
8 during the workshop period identified areas where we might  
9 be able to improve. And when I say improve, I may reduce  
10 the number of city splits or improve compactness over  
11 here, or, you know, I just wasn't a fan of how this region  
12 came together. Because, remember, the workshop maps were  
13 trying to -- like, they weren't really intended to be  
14 whole maps on their own, they were intended to show all of  
15 the decision points throughout the map. So some of it  
16 didn't quite fit together.

17 So when we then identified what pieces of each  
18 of the workshop maps -- members prefer, you know, kind of  
19 like I said, all this works for this reason, this is more  
20 compact. Let's go with that on this map and then kind of  
21 put them all together. So we then had to take those  
22 pieces, put them together, and then, you know, they didn't  
23 all fit together exactly perfectly, so we had to make  
24 further changes with that. And then further refinements  
25 in, you know, trying to reduce the number of city splits,

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1 trying to reduce, you know, county splits, trying to tweak  
2 the visual compactness where we could.

3 I think that Polk County, four districts went  
4 through a variety of different little changes with that to  
5 make that just more visually compact while keeping all of  
6 the variety of cities and lakes together in Polk County,  
7 just as an example. Just little things like that.

8 So once we kind of had the more overall  
9 direction for certain regions, we would then take those  
10 and try to make those concepts, you know, using all of our  
11 methodology and just try to see if we can't further adhere  
12 it to all of that methodology with whatever we were doing  
13 in that particular region, including Tier 1 and Tier 2  
14 stuff.

15 BY MR. WARREN:

16 Q. And further refinement happened to lead from  
17 8009 to 8813?

18 A. Correct.

19 Q. In the same type of process?

20 A. Same type of process. And one of those best  
21 examples, which I already mentioned, was the change in --  
22 I think in both of our workshop state house maps, 108 and  
23 109 were horizontal and we switched them to vertical  
24 because of the abundant, not just public, but member input  
25 that we heard. And by the way, of the members, the repeat

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1 members, if she ever reads this, Representative Woodson  
2 spent a long time in my office throughout the process, and  
3 she actually helped a lot with that area. So I have to  
4 mention her, too.

5 Q. Shout out?

6 A. Yes. She always comes up and gives me a big  
7 hug, so I would be remiss if I did not mention her.

8 Q. Very good. Turning to the same kind of  
9 walk-through of the congressional plan, and I know things  
10 get a little different eventually, but the committee staff  
11 starts with two workshop maps for the congressional plan  
12 presented in early December, 8001 and 8003. Am I right in  
13 thinking that the next draft congressional plan is 8011?

14 A. I believe that that is correct. And looking  
15 again at your Exhibit 3, the timeline you presented  
16 earlier, have to verify the times, but, yeah, I believe on  
17 the list, because we had some legislative committee  
18 meetings and we were trying to lock down both the house  
19 and senate maps, and the first time we returned to the  
20 congressional map would be in February -- on February 18th  
21 where we had the congressional subcommittee where we took  
22 those workshop maps and did the same sort of combination  
23 between the workshop maps and presented 8011 to the  
24 committee.

25 Q. And we'll skip over some procedural history, and

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1 I want to focus mostly on the south Florida district  
2 configurations in the congressional map now. I know there  
3 were changes happening elsewhere, but from 8011 to the  
4 next primary congressional map, 8017, further refinement  
5 and adjustments made?

6 A. Yes.

7 Q. How, if at all, did the Senate's congressional  
8 proposal influence the south Florida districts in 8011 and  
9 8017?

10 A. So, probably particularly with 8015 and 8017,  
11 because those are pretty much identical maps with the  
12 exception of the CD 5 in north Florida, if I'm remembering  
13 correctly, and without seeing the maps I'd have to, you  
14 know, double-check that. But that was kind of toward the  
15 beginning, because eventually that is the only map that  
16 was really worked on by both chambers that we have to come  
17 to an agreement like any other piece of legislation. So  
18 there has to be some sort of compromise between what we're  
19 presenting and what the Senate is presenting to make the  
20 map that both chambers can agree with.

21 So that was the first time at least from the  
22 House's perspective that we tried to incorporate some of  
23 the Senate's concepts into ours.

24 Q. And with respect to south Florida, did 8015/17  
25 largely draw from prior house work, like 8011?

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1 A. I would have to look at them.

2 Q. Let's look at them. So this exhibit is  
3 Exhibit 8. This is 8017. And the next exhibit is 8011.

4 MR. BARDOS: And you say that 8 is 8017?

5 MR. WARREN: Yeah. Exhibit 8 is HB 7503,  
6 which is Map 8017.

7 Could we go off the record for a second?

8 (Off the record briefly.)

9 (Exhibit No. 8 marked for identification.)

10 MR. WARREN: The next exhibit, 9, is 8011.

11 (Exhibit No. 9 marked for identification.)

12 THE WITNESS: 8011. Okay.

13 BY MR. WARREN:

14 Q. And my question is comparing the south Florida  
15 districts --

16 A. Real quick. Do you mind if I look at 8015, too,  
17 since that's another one of the maps we're discussing?

18 Q. I think that you said that they're identical in  
19 south Florida, 15 and 17.

20 A. They are.

21 MR. BARDOS: I have 15 here.

22 MR. WARREN: So I'll just be asking you  
23 about south Florida.

24 THE WITNESS: Okay.

25 MR. BARDOS: Here's 15.

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1 THE WITNESS: Do you mind if I also look at  
2 15, just so I can verify, because I said they're  
3 identical, and that was my understanding, but  
4 without being able to actually see it I'm using  
5 only my previous memory from three years ago.

6 MR. WARREN: I certainly do not mind.

7 THE WITNESS: Okay.

8 MR. WARREN: Let's mark that.

9 THE WITNESS: You want to mark that? Yeah.

10 MR. WARREN: 8015 is marked as Exhibit 10.  
11 (Exhibit No. 10 marked for identification.)

12 THE WITNESS: Sorry. Thank you very much.

13 MR. WARREN: Not at all.

14 BY MR. WARREN:

15 Q. Okay. So the question is, between 8011 and  
16 8015/17, looking at the south Florida districts, is it  
17 fair to say that 0815/17 is based on 8011?

18 A. So --

19 MR. BARDOS: Object to form.

20 A. Okay. So, yeah. I mean, looking at 8011, this  
21 is our combination of our workshop maps that we had  
22 previously produced. When we moved to 8015 and 17 there's  
23 obviously a difference in north Florida, but we're  
24 focusing on south Florida. To me they do appear to be  
25 identical, and Districts 27 and 28 were drawn primarily

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1 from the Senate's congressional -- I don't remember which  
2 map it was, but during their process they had that 27  
3 district that was a little bit more round. It's very  
4 similar population-wise to the district that we drew, but  
5 it was more round in configuration.

6 And same with District 28. It was a very  
7 similar configuration, maybe slight differences, but fit  
8 together. And as a way of, again, we're having to -- like  
9 other pieces of legislation join together with a concept  
10 that can work for both, those two districts were drawn  
11 pretty much almost identically from -- if not identically  
12 from what the Senate had produced.

13 And then other tweaks were made to accommodate  
14 that, and then I believe -- so we kind of -- in 8011 you  
15 can see our District 26 does not include Hendry County. I  
16 would need to -- from my recollection, I believe the  
17 Senate's districts did incorporate Hendry County so we  
18 essentially took our district and tried to incorporate  
19 Hendry County to accommodate the senate map and coming up  
20 with a compromise.

21 But otherwise I think the District 20 from the  
22 House in 2011 is kind of moved over and some of the other  
23 districts were made with slight adjustments along those  
24 lines. And it looks like, yeah, you could see a slight  
25 adjustment obviously from 18 from the Hendry County

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1 portion and then some of the others, but the county  
2 boundary of the Indian River, Martin County line and the  
3 District 21 that goes to Okeechobee, and then down on the  
4 west side of Palm Beach and Broward County, that's the  
5 same and throughout the maps. And that's a concept that  
6 was drawn from the house maps, because I believe that the  
7 Senate had a little bit of Indian River County that was  
8 broken, so that was a concept. And again, in the  
9 compromise of trying to merge all these things together,  
10 and then, you know, 21, 22, 23, 24, 25, that was all kind  
11 of incorporated together.

12 But that was kind of the merging of the very  
13 similar -- I mean, you look at the maps and you'd be,  
14 like, oh, there isn't that much different, but when you're  
15 even -- when you're changing a little bit it can be more  
16 difficult, so we were trying to put those all together.

17 BY MR. WARREN:

18 Q. Okay. The general configuration of the  
19 districts from St. Lucie south to the Keys generally  
20 similar from 8011 to 8015/17?

21 A. Yeah. I think you could actually -- so the  
22 county line, the southern Indian River county line, the  
23 Osceola southern line, and the Polk southern line, really  
24 all of the districts are really -- Districts 18, 21, and  
25 everything south should be identical. Everything north of



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1 that might have slight alterations, because even when  
2 you're changing something up in Jacksonville in a  
3 congressional map because you're dealing with exact  
4 population equality, it'll have a filter effect, so there  
5 might be small changes. But I think that county line  
6 right there, the kind of south Polk and south Indian River  
7 and Osceola line south, I believe, is identical.

8 MR. WARREN: Now, very briefly, I'm handing  
9 you Exhibit 11, which is 8060. This is the map  
10 that the Senate passed off the senate floor in  
11 January 2022.

12 THE WITNESS: Okay.

13 (Exhibit No. 11 marked for identification.)

14 BY MR. WARREN:

15 Q. A portion of it for south Florida. And I see  
16 what you reference there with the piece of Indian River  
17 that's included in what the Senate numbered District 18.

18 A. Yep.

19 Q. And then you see the districts further south. I  
20 think I see what you referenced with District 27 in Dade  
21 County --

22 A. Uh-huh.

23 Q. -- being more round and that boundary being  
24 adopted into 8015/17.

25 A. Yes.

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1           Q.    So, same question.  Generally, the general  
2   configuration of the districts from St. Lucie County south  
3   through the Keys, 8060, 8011, 8015/17, are those  
4   configurations generally similar?

5           MR. BARDOS:  Object to form.

6           A.    I mean, no, in that the 8016 has Hendry County  
7   in their District 25.  In our District 26 in 8011 we don't  
8   have that, so I would not characterize that as  
9   substantially similar.  That's a whole new county.  I  
10   think it's like 26,000 people different.  So, yeah,  
11   they're more or less the same, but that's a big difference  
12   in map drawer world.  Like, the District 27, I mean, they  
13   obviously have a different configuration, but I believe  
14   there's probably like 90 or over 90 percent similar  
15   population in those two districts.  So even though they  
16   look different, that's substantially the same.

17           I don't remember exactly how all the other kind  
18   of pieces come together, but, yeah, it's the merging of  
19   those two concepts into a single idea.  So, yeah, it's  
20   almost like a different idea, but we kind of started with  
21   these two as a base and then birthed this down here.

22           So I guess they're similar in that way, but  
23   these would be in my opinion substantially different than  
24   either of these, because these are the combinations of  
25   these, so you're kind of working through a progression.

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1 MR. BARDOS: For the record, these is --

2 A. I'm sorry. My apologies, because now I'm  
3 pointing. I'm getting into trouble.

4 So the combination of 8011 and the combination  
5 of 8016 together came up with the concepts for 8017 and  
6 8015. So I wouldn't necessarily -- even though there are  
7 some similarities, I would not say that 8011 and 8060 are  
8 substantially similar to 8015 and 8017, because 8017 and  
9 8015 are the combination of both of those other two maps.  
10 So it's a whole new idea, even though there are, of  
11 course, some similarities.

12 BY MR. WARREN:

13 Q. Got it. That makes sense. Thank you.

14 Now, after the regular 2022 session, the next  
15 congressional plan is Plan 109, which became the enacted  
16 plan, right?

17 A. (Nodding head.)

18 Q. I think the parties have already stipulated to  
19 this, but the configuration of south Florida in Plan  
20 109 -- and by south Florida I mean St. Lucie County down  
21 through the Keys. Let's exclude the west coast for now.

22 A. Okay.

23 Q. Is identical. Is that your understanding?

24 A. I don't know if that's the case.

25 Q. Okay. Do you know whether the south Florida

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1 configuration in Plan 109 came from the Legislature as an  
2 idea?

3 MR. BARDOS: Object to form.

4 A. I don't know. You can read the transcript when  
5 Alex Kelly presented that map to the house and senate  
6 committees, but I didn't -- none of the legislative map  
7 drawers drew that map, so I can't substantially say where  
8 an idea from that map came from.

9 BY MR. WARREN:

10 Q. Okay. Well, let's compare Plan 8017 or 8015  
11 with the enacted congressional plan.

12 A. Sure.

13 Q. Comparing 8017 to Plan 109, would you say that  
14 the south Florida districts are similar or identical?

15 A. When you say south Florida districts, can you  
16 give me specific numbers?

17 Q. Certainly. 21, 22, 23, 25, 24, 27, 28, and 20.  
18 So, St. Lucie --

19 A. So everything except for 26; is that what you're  
20 saying?

21 Q. Everything except for 26 on the east coast from  
22 St Lucie County down through Dade and the Keys.

23 A. They look substantially similar. Now, I don't  
24 know if there was -- you know, in map drawer world if one  
25 census bloc gets moved, different map. And without being

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1 able to see all that, I don't know exactly, but they do  
2 look substantially similar. I'll stipulate to that.

3 Q. Okay. And I'm not trying to nail you down on  
4 anything in particular. I just think it'll be helpful as  
5 we start talking about what committee staff and members  
6 are saying about the earlier plans in these districts,  
7 that even though the plan number changed, maybe there were  
8 some slight tweaks that we have an understanding that  
9 we're not talking about completely different districts, if  
10 that makes sense.

11 A. I understand.

12 Q. Great. Okay.

13 MR. WARREN: Could we go off the record for  
14 one second?

15 THE STENOGRAPHER: Yes, sir.

16 (Off the record briefly.)

17 BY MR. WARREN:

18 Q. Now, I'd like to talk more in-depth about the  
19 Tier 1 criteria relating to racial and language  
20 minorities. And just to remind us, I'm talking about in  
21 the Fair Districts Amendments, Tier 1, the provision that,  
22 quote, districts shall not be drawn with the intent or  
23 result of denying or abridging the equal opportunity of  
24 racial or language minorities to participate in the  
25 political process, close quote, which I refer to as the

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1 vote dilution or Section 2 type provision.

2 And then also the provision that districts shall  
3 not be drawn, quote, to diminish their ability to elect  
4 representatives of their choice, end quote, which we refer  
5 to as the diminishment or retrogression or Section 5 type  
6 requirement.

7 A. Okay.

8 Q. Now, back to the November 2nd committee meeting  
9 transcript, which this is when of course Mr. Bardos  
10 presented on redistricting law. If you go to the orange  
11 tab --

12 MR. BARDOS: That's Exhibit 5?

13 MR. WARREN: Yes.

14 BY MR. WARREN:

15 Q. Page 6 at line 11, Mr. Bardos explained the  
16 three Gingles preconditions. He says, quote, There are  
17 three prerequisites, as Gingles calls them, or  
18 preconditions, to the application of Section 2, close  
19 quote.

20 And then further down at line 21 he says, quote,  
21 Before we even get into that analysis, the three  
22 preconditions must be satisfied. Those preconditions are  
23 more quantifiable, more objective than the ultimate  
24 totality of the circumstances analysis. The first  
25 condition is that the minority population, close quote.

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1 I'll skip to the next page, page 7, where  
2 starting at Line 15 he says, quote, Criteria two and three  
3 relate to this concept of racially polarized voting.  
4 Number two is the minority population must be politically  
5 cohesive. In other words, a minority population has a  
6 strong preference for one particular candidate over  
7 another. They are not split between two candidates in a  
8 relatively even way. If a minority population is  
9 cohesive, if it backs a single candidate consistently, and  
10 then number three, the majority population usually votes  
11 as a bloc to defeat the minority population's preferred  
12 candidate, then we have racially polarized voting where  
13 the minority population's preferred candidate is defeated  
14 in most elections by the preference of the majority of the  
15 electorate. In that case, Section 2 might apply to  
16 require that the Legislature to create a district in which  
17 minority voters constitute a majority and are therefore  
18 able to elect the candidates of their choice, close quote.

19 Did I read that right?

20 A. Yes.

21 Q. To your knowledge, did the House examine whether  
22 the second and third Gingles preconditions were present  
23 for any minority groups in Florida?

24 A. Yes.

25 Q. How did the House examine that?

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1           A.    That is why through outside counsel we  
2   contracted the services of Dr. Alford.  What is his first  
3   name again, John?

4           **Q.    John.**

5           A.    John Alford from Rice University.

6           **Q.    And is it your understanding that Dr. Alford**  
7   **examined whether the second and third Gingles**  
8   **preconditions were present with respect to Hispanic voters**  
9   **in south Florida?**

10          A.    It's my understanding that he did that for both  
11   Hispanic and Black voters throughout the state.

12          **Q.    Do you know what his conclusions were?**

13          A.    He presented reports to us and concluded that we  
14   would present him with the maps that we drew, and he  
15   essentially confirmed that the districts we drew would  
16   satisfy the conditions to my understanding of the reports.

17          **Q.    So what was the output from Dr. Alford that you**  
18   **saw?**

19          A.    Through Andy Bardos we would receive kind of  
20   analytical reports that he would produce that we would  
21   then get to review.

22          **Q.    And what did those reports include?**

23          A.    His data analysis.

24          **Q.    Of draft maps?**

25          A.    Yes.



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1           Q.   With conclusions about whether they performed  
2   for minority voters in protected districts?

3           A.   It was a little bit more complicated than that,  
4   because, again, those two preconditions are pretty  
5   specific with racially polarized voting or with cohesion  
6   and they were more -- the analysis was more centered on  
7   that, rather than the basic functional analysis that we  
8   conduct as staff.

9           Q.   Did he produce any output before he received  
10   draft maps from you?

11          A.   I don't remember.

12          Q.   Who else was any of the output that Dr. Alford  
13   made shared with?

14          A.   I know that it was shared with me, with Leda  
15   Kelly and Kyle Langan. I don't know who else it was  
16   shared with.

17          Q.   So Tier 1 protects the ability of certain racial  
18   or language minority voters in their ability to elect  
19   preferred candidates, right?

20          A.   Yes.

21          Q.   And for the diminishment standard, ability to  
22   elect is gauged in reference to ability in the benchmark  
23   district, right?

24          A.   I don't think so.

25               MR. BARDOS: Are we talking about

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1           diminishment now?

2                   MR. WARREN: Yes.

3                   THE WITNESS: Well, diminishment in the  
4           current district when in comparison to its  
5           previous benchmark counterpart.

6 BY MR. WARREN:

7           **Q. Got it. How are the districts that are**  
8           **protected -- and do you understand what I mean when I say**  
9           **protected district?**

10           A. I mean, if you could be more specific, because  
11          that word -- like, there's a lot of different terms that  
12          get used synonymously in redistricting and sometimes mean  
13          a little bit different from me to you or whatever. So if  
14          you could be more specific that would be helpful.

15           **Q. Certainly. So when I refer to a protected**  
16           **district or a Tier 1 protected district, I'm referring to**  
17           **a district in which the House concluded that racial or**  
18           **language minorities' ability to elect could not be**  
19           **diminished or diluted under the Tier 1 requirements.**

20           A. Okay.

21           **Q. Is that a similar terminology that the house**  
22           **staff and members used during the process?**

23           A. I believe more or less, yes.

24                   MR. BARDOS: So just to clarify, diminished  
25           or diluted? So you're talking about either

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1 standard?

2 MR. WARREN: Correct.

3 MR. BARDOS: Okay.

4 MR. WARREN: I'm happy to use the  
5 terminology that everyone agrees on, I just want  
6 to make sure we're all talking about the same  
7 thing.

8 BY MR. WARREN:

9 Q. So how were Tier 1 protected districts  
10 identified in the benchmark plan?

11 MR. BARDOS: Object to form.

12 BY MR. WARREN:

13 Q. Do you understand my question?

14 A. So -- I mean, so with the existing congressional  
15 map that would have been enacted in 2016, 2015, 2016, we  
16 then took the current new data, once we got it, and  
17 overlaid the old map with the new data, right? Including  
18 all of our further electoral information that we  
19 disaggregated into all the census blocs to do essentially  
20 a functional analysis on all of those districts that had  
21 been previously protected, according to the courts, in the  
22 previous map. So that would -- like, that would include  
23 CD 5, for example, or any other district along those  
24 lines.

25 And we would then use that as a base to

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1 determine if any of those districts may -- may still meet  
2 those requirements with the new data, and if that district  
3 essentially may be needed to be duplicated in a new map,  
4 or maybe not, depending on how the demographic data has  
5 changed over the ten years with the new census data. And  
6 then we would go into the -- with the blank map and, you  
7 know, try to essentially recreate those districts where we  
8 could, hopefully making them more compact than they  
9 previously were in trying to balance all the standards  
10 better.

11 We also, in a blank map using the heat map, we  
12 actually looked for potential opportunities where either  
13 those districts could change or where a new district might  
14 suddenly pop up, based on how the population shifts had  
15 changed on the new map.

16 So we weren't necessarily locked into -- just  
17 because there was a benchmark district, we've got to carry  
18 that over into the new map. But certainly, as an example,  
19 CD 20, that being, you know, the more serious section to  
20 vote dilution part of that, that was certainly carried  
21 over and it became pretty clear that that district was  
22 going to have to be recreated in some way. But we tried  
23 to do different orientations with that. And that was  
24 pretty much how we went through that process.

25 Does that answer your question?

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1 Q. It does. I have a follow-up. You said at the  
2 beginning that the previous protected districts that had  
3 been identified from the prior cycle --

4 A. Yeah.

5 Q. -- those were, let's call it, your list of the  
6 Tier 1 protected districts from the benchmark plans; is  
7 that accurate?

8 MR. BARDOS: Object to form.

9 A. I mean, they were certainly -- because we knew  
10 what had been drawn protected previously, those were  
11 certainly districts that we were going to look at  
12 carefully this time. That did not necessarily mean that  
13 they were going to make the list again. But we wanted to  
14 do our due diligence and look at all of those districts,  
15 and really less the districts and more the regions that  
16 had those data district or districts to determine based on  
17 how all the population shifts had changed.

18 This is where the heat maps came into a lot of  
19 account because we could identify potentially new areas  
20 where districts may have to shift to, or areas where  
21 perhaps the Black or Hispanic population may have  
22 dispersed themselves, so it became a little harder to  
23 redraw.

24 Tampa is a good example of that, where they --  
25 the Black population in Tampa had become a little bit

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1 more -- less concentrated, either by other populations  
2 moving into those areas or Black populations moving to  
3 other areas that had been traditionally more White or  
4 Hispanic or something else. Things along those lines.

5 There was an area in Broward County that looked  
6 like it had an increased Black population that, you know,  
7 there might be another opportunity to kind of do something  
8 different there, so --

9 BY MR. WARREN:

10 Q. Okay. When you said that, you know, we looked  
11 at the case law from the last decade and identified the  
12 districts, who is the we? Where is that information  
13 coming from?

14 A. Specifically, the redistricting committee staff  
15 close-knit, so I often refer to us as a collective we. So  
16 that would be -- primarily be Leda Kelly, myself, and Kyle  
17 Langan, but that could also include Sam Wagner and Karen  
18 Dearden.

19 Q. Were counsel involved in those discussions?

20 A. Occasionally.

21 Q. Okay. Back to the November 2nd transcript,  
22 Exhibit 5. Further down at the red tab on page 11,  
23 Mr. Bardos discusses potential conflicts between Tier 1  
24 and Tier 2. And at line 7 he says, quote, The standards  
25 in Tier 1 prevail over those in Tier 2 if there is a

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1 conflict. One example of that might be in order to  
2 maintain a district in which minority voters have the  
3 ability to elect, it might be a district that is  
4 noncompact. It might be in the benchmark plan. Tier 2,  
5 on the other hand, requires districts to be compact. In  
6 order to avoid diminishment, if it's necessary, that  
7 district can be redrawn, even if it's not compact, in  
8 order to avoid diminishing the ability of minority voters  
9 to elect candidates of their choice. That's one example  
10 in which Tier 1 standards might conflict with Tier 2  
11 standards and the Tier 1 standards will prevail in that  
12 situation, close quote.

13 Did I get that right?

14 A. You read that accurately.

15 Q. Are there any instances in drawing the enacted  
16 plans where there was a conflict between Tier 1 and Tier  
17 2?

18 A. Yes.

19 Q. What are those?

20 A. Which map are you referring to specifically?

21 Q. Let's talk about 8013 and 109, and within 109  
22 the south Florida districts that the Legislature drew.

23 A. Can I talk about one map and then the other map,  
24 rather than the collective thing?

25 Q. Certainly.

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1           A.    I mean, I don't know if I could give you a  
2   comprehensive list, but I can point to some examples; is  
3   that sufficient?

4           **Q.    Sure.**

5           A.    Okay. So an example would be District 88. That  
6   is a district that is -- well, I would say that is as  
7   compact as that district can be, given the Tier 1  
8   circumstances with that district. But that's an example  
9   of where we would look at the benchmark districts, we  
10   realized we would need to recreate it for Tier 1 reasons,  
11   but we tried to make it more compact than its predecessor.

12                That district previously went, like, basically  
13   down the highway, like almost to the Broward County  
14   border. We came up -- well, we tried to do that district  
15   in a different, more compact way. Now, looking at the  
16   district in isolation, you would say it's not compact. I  
17   would say, looking at the full story of the district, that  
18   district is as compact as feasible based on Tier 1.

19                District 117 is another good example of that,  
20   similar to that. Really even District 108 and 109 and  
21   107, but I think those are much more compact.

22                The Jacksonville districts. We were able to  
23   create the Black protected districts which are 13 and 14,  
24   and I would say in an extremely compact way now,  
25   especially compared to their predecessors.



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1 District 8, that's all of Gadsden County and  
2 then comes into Leon County.

3 District 62, that connects Tampa to St. Pete,  
4 would be another example of that type of concept.

5 And there might be some examples -- like you  
6 could -- I actually think we did the Orlando area, there  
7 were some Black protected districts and then other  
8 Hispanic districts there. I think we did that very well,  
9 but there's probably some compromise with Tier 2 in there  
10 that might have been a little bit more compact, but I  
11 think that's very well done. But I'm obviously biased.

12 The districts in Broward County, 98 -- 97, 98,  
13 and 99, there might be some compromises to Tier 2 with  
14 those, and there's probably other examples throughout the  
15 map as well, including the south Florida districts, where  
16 we drew them as compact as possible, but there might be  
17 slight deviations with all of that when and if necessary.

18 Q. So while we still have the house map mostly in  
19 front of us, I want to ask specifically about Dade County  
20 in the house map, and this same question along the lines  
21 of how Mr. Bardos explained that there might be places  
22 where Tier 1 standards conflict with Tier 2 standards. Is  
23 that the case to your eye in the challenged house  
24 districts in this case, which, as you may know, but which  
25 I will remind you are 112, 113, 114, 115, 116, 118, and

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1     **119.**

2           A.    I would -- I mean, really I would say maybe very  
3     slightly, but I think that all of the challenged districts  
4     are as compact as feasible in that area considering the  
5     other districts, 117, 108, 109, and the other geography  
6     that exists down there. I think they're very compact,  
7     personally.

8           **Q.    And you said very slightly there might be a**  
9     **conflict?**

10          A.    Yes.

11          **Q.    Can you name some examples of those very slight**  
12     **ways in which there's a conflict?**

13          A.    So -- I mean, that's a very difficult area to  
14     draw. I would say there -- I think it's very compact, but  
15     the area of 115 that follows -- I forget what road that is  
16     that -- it's a very rectangular shape. It actually shares  
17     a border with 116 and creates a kind of T boundary with  
18     two major roads between 114, 16, and 15, which I think is  
19     very -- you know, following geographic roads or whatever.  
20     But that might be a little slight extension. Perhaps the  
21     orientation of 118 and 19 to a degree, but those are both  
22     basically rectangular regular shapes and very compact.

23                So, yeah, there's a -- we're keeping -- so,  
24     like, 114 is, as an example, keeps Coral Gables entirely  
25     whole along with two other cities, West and South Miami.

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1 113 is essentially entirely within the City of Miami,  
2 where we couldn't keep the City of Miami whole, but we  
3 were able to keep a district almost entirely within the  
4 city. District 106 is almost entirely made up of  
5 incorporated cities along the coast and doesn't cross the  
6 county line. 108, 109, and 107 are protected Black  
7 districts, but they keep all the cities whole. You kind  
8 of see the tail on 107, that's actually the municipal  
9 boundary of --

10 **Q. North Miami Beach?**

11 A. -- North Miami Beach or Miami Shores, I forget  
12 which one. And then even all the other districts, like,  
13 112 has that little divot out of it. I think that's  
14 Melody, and then the other part is -- this part is the  
15 Hialeah city line. So even if the city wasn't whole, we  
16 tried to use their municipal lines where we could, along  
17 with other major -- major roadways in the area. For  
18 example, the top of 114 and into 116, that's the Dolphin  
19 Expressway, I believe, right south of the airport. And  
20 that's a very recognizable and well-used thoroughway, so we  
21 tried to keep that as kind of the cap for all of those  
22 districts, while keeping all the Tier 1 considerations in  
23 mind. And the City of Sweetwater is wholly within 116.  
24 That's why it has the little hat on there.

25 But otherwise, we tried to keep all of those

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1 shapes. And then 115, the bottom part of it has three  
2 cities entirely within it, Cutler Bay, Palmetto Bay, and  
3 Pinecrest, I believe, kind of all on top of each other.  
4 Kind of in between the, you know, more irregularly shaped  
5 117, the protected Black district there.

6 So I think we did a tremendous job given the  
7 circumstance. And again, not just me, but Kyle and the  
8 team, of coming up with concepts in that area to keep all  
9 of those districts following and respecting political and  
10 geographical boundaries where we can, keeping all the  
11 cities whole except for, I think, the City of Miami, and  
12 keeping all the shapes very regular for the most part.

13 Q. Okay. So I think -- that's very helpful. I  
14 just want to recap your answers to the original question,  
15 which was, are there any instances of conflict between  
16 Tier 1 and Tier 2 in the challenged districts, just so  
17 that I'm clear on what you said.

18 A. Yeah.

19 Q. And please correct me if I'm wrong. You  
20 mentioned in answer to that the northern extension of  
21 District 115, potentially, right?

22 A. Potentially, but that's also done because we're  
23 keeping those two cities whole in 114. So there's always  
24 going to be some awkward areas we're drawing where you're  
25 going to have to make them as compact as you can,

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1 especially in a densely populated area such as this. So  
2 that might be something that I would identify, but I think  
3 we did it in as compact a way as possible.

4 Q. So you might identify some element of the shape  
5 of 115 as exhibiting that type of conflict?

6 A. Yes.

7 Q. And neighboring -- we discussed 114; you said it  
8 has that northern piece that goes around the top of 115.  
9 Would the shape of 114 be a similar manifestation of a  
10 potential conflict?

11 A. No.

12 Q. So your -- so when you reference the northern  
13 piece of 114 going around the top of 115, that's not an  
14 example of a potential conflict?

15 A. Not in my opinion, no.

16 Q. Okay. And then I think the third thing you  
17 mentioned was, in 118 and 119, the fact that they are side  
18 by side as a potential conflict?

19 A. No. If I said that, I may have misspoke. But  
20 that's -- I mean, they're both basically rectangles. And  
21 I think that they're both incredibly compact shapes. I  
22 think 117 interacting with that area probably has a bigger  
23 impact than anything with those other two districts.

24 Q. So even slightly, you see no conflict between  
25 Tier 1 and Tier 2 in Districts 118 and 119?

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1           A.    No.

2           Q.    Okay. Now, back to the November 2nd transcript,  
3   page 20, which is the blue tab, Mr. Bardos discusses the  
4   functional analysis. And at line 10 he says, quote, This  
5   functional analysis is an assessment of elections data to  
6   determine whether minorities are likely to be able to  
7   elect the candidates of their choice in the districts that  
8   the Legislature has drawn or the districts in the  
9   benchmark plan. It consists of election results. It  
10   consists of turnout data. It consists of registration  
11   data. All of that is viewed in combination with the  
12   voting age population. All of that informs the primary  
13   analysis that the Florida Supreme Court has required the  
14   Legislature to conduct in drawing minority districts, and  
15   that is, one, will minority voters be able to control the  
16   primary election and nominate the candidates from the  
17   primary that they prefer, two, will minority voters be  
18   able to elect the candidates of their choice in the  
19   general election? So primary election, general election.  
20   It requires us to look at the elections data from past  
21   elections, registration data, and turnout data to  
22   determine whether minority voters have sufficient numbers,  
23   sufficient turnouts, sufficient registration in order to  
24   control the primary and then ultimately the general  
25   election, close quote.

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1 Did I read that accurately?

2 A. You did.

3 Q. Is this your understanding of a functional  
4 analysis?

5 A. Yes.

6 Q. Does this explanation capture what committee  
7 staff did in conducting functional analyses?

8 A. Yes.

9 Q. Mr. Bardos references minority voters' candidate  
10 of choice. What does that term mean to you?

11 A. It means the candidate that is preferred by the  
12 minority community.

13 Q. Okay. In a given district in a draft map, how  
14 did the House determine who that candidate was, who the  
15 minority voters' candidate of choice was?

16 A. Well, we looked at all of the previous election  
17 results, specifically the statewide election results from  
18 2012 through 2020.

19 Q. And --

20 A. And what?

21 Q. And then did what with the statewide election  
22 results?

23 A. Well, we had all of those statewide election  
24 results overlaid with every district in the map, and you  
25 could then look at those statewide election results

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1 through the decade basically and determine that that  
2 district's electoral performance throughout the decade and  
3 who was -- who that district voted for, et cetera, et  
4 cetera, et cetera.

5 And we also looked obviously in conjunction with  
6 all of the other demographic data. So the Hispanic  
7 breakdown, Black breakdown, whatever district we were  
8 looking at, and how -- and then all of the electoral  
9 registration data, and how the electorate actually looked  
10 in those for each election and each primary election as it  
11 went through.

12 Q. Okay. I think a little later we may walk  
13 through, just so I get a better --

14 A. Fair enough.

15 Q. But that's very helpful. In the next few  
16 minutes before lunch, I'd like to ask you some questions  
17 about how the House went about drawing Tier 1 districts in  
18 a little more granular level.

19 A. Okay.

20 MR. WARREN: Could I have -- this next  
21 exhibit, Exhibit 12, is the transcript of the  
22 December 2nd congressional redistricting  
23 subcommittee.

24 (Exhibit No. 12 marked for identification.)

25



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1 BY MR. WARREN:

2 Q. If you could turn to the blue tab, page 25, this  
3 is Ms. Kelly discussing drawing Tier 1 districts. At  
4 line 9 she answers a question by saying, quote, It's a  
5 very good question, and the reality is there's no one  
6 right way to start. I think a good starting point and one  
7 of the first things we did look at is how the population  
8 has shifted throughout the state. That is kind of the  
9 foundation for why we are required to redistrict is to  
10 make sure we understand people move into Florida, and  
11 unfortunately they don't just move to one city. They  
12 disperse amongst the state and obviously the population  
13 shifts within the state as well. I think that's one good  
14 place and good consideration for everyone to keep in mind.  
15 From there we obviously have federal and state legal  
16 requirements to ensure that minority communities where  
17 they're protected have the ability to elect  
18 representatives of their district and then from there you  
19 just start to build them out.

20 Did I read that correctly?

21 A. You did.

22 Q. Is this an accurate statement of the committee's  
23 map-drawing process?

24 A. I believe that it is.

25 Q. This reflects your map-making process?

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1           A.    The process that the House, which Ms. Kelly was  
2   part of, yes.

3           Q.    And let's turn to page 29, which is the next  
4   sheet.

5                   Mrs. Kelly says, in response to another question  
6   at line 6, quote, Obviously, we have a legal requirement  
7   under state and federal law to make sure that those groups  
8   have the ability to elect. So we look at our benchmark  
9   map and understand where that may be a starting point.  
10   But I would say it does evolve as you make sure that you  
11   move throughout the region, and you make sure that as you  
12   go where there may have been population shifts you've  
13   accounted for that. And as I mentioned earlier, you kind  
14   of adjust as you build out the entirety of the map, close  
15   quote.

16                   Did I read that correctly?

17           A.    You did.

18           Q.    And is that an accurate statement of the  
19   committee's map-drawing process?

20           A.    Yes, I believe it is.

21                   MR. WARREN: The next exhibit, Exhibit 13,  
22   is the transcript of the legislative  
23   redistricting subcommittee from the following  
24   day, December 3rd, 2021.

25                   (Exhibit No. 13 marked for identification.)

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1 BY MR. WARREN:

2 Q. And I will ask you about page 44, which is the  
3 blue tab. This is Mrs. Kelly again, and she is answering  
4 a question at line 11, quote, Really throughout the map,  
5 obviously, our Tier 1 considerations take priority as we  
6 know over Tier 2. So once we have been able to establish  
7 those, as far as being able to supply workshop options  
8 that either keep cities or counties whole, I think you saw  
9 throughout we tried to demonstrate different areas of the  
10 state where those different options are possible, close  
11 quote.

12 Did I read that correctly?

13 A. You did.

14 Q. Is that an accurate statement of the committee's  
15 map-drawing process?

16 A. Yes.

17 Q. If you turn to the yellow tab on this same  
18 transcript, page 53, this is Director Kelly again.  
19 Starting at line 2 at the end she says, I think, even  
20 looking in south Florida, whether it's Broward or  
21 Miami-Dade, whenever you look at the population, you are  
22 able to see where those Black populations are throughout  
23 those counties. And so we worked to ensure that they were  
24 protected within their respective minority district, and  
25 it obviously performed as required to under Tier 1, close

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1 quote.

2 Did I read that correctly?

3 A. You did.

4 Q. Is that an accurate statement of the committee's  
5 map-drawing process?

6 A. Yes.

7 Q. And here Director Kelly is referring  
8 specifically to drawing Black protected districts, right?

9 A. I think, because it's Representative Chambliss  
10 who's asking, I believe that's specifically in reference  
11 to District 117. But, yes, that would be applied to the  
12 other Black districts as well.

13 Q. Would that same -- would Director Kelly's same  
14 explanation of drawing Tier 1 districts apply to drawing  
15 Hispanic protected districts?

16 A. Yes.

17 MR. WARREN: Thank you. We can put that  
18 away, and I think it is time for lunch.

19 (Lunch recess taken from 1:01 p.m. to  
20 2:13 p.m.)

21 BY MR. WARREN:

22 Q. Okay. Mr. Poreda, I'd like to ask you some more  
23 specific questions about the challenged districts, which  
24 we've reviewed the ones that are challenged in the house  
25 plan, and in the congressional plan is District 26.

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1                   Do you -- did the committee understand the  
2   challenged districts to be protected under Section 2 of  
3   the Voting Rights Act?

4                   MR. BARDOS: Object to form.

5                   A. I believe so.

6   BY MR. WARREN:

7                   Q. And what about the Tier 1 minority protection  
8   provisions?

9                   A. I believe we did, yes.

10                  Q. And would that be under the dilution Section 2  
11   type requirement of Tier 1?

12                  A. As far as the state constitutional standard,  
13   Tier 1, I don't think we really made a distinguishing -- a  
14   large distinguishing factor between that, because it was  
15   all part of Tier 1, so we put them in the same bucket, as  
16   far as that concern.

17                  Q. So as far as the challenged districts are  
18   concerned, the house committee considered them Tier 1  
19   protected under the minority protection provision?

20                  MR. BARDOS: Object to form.

21                  A. Yes.

22   BY MR. WARREN:

23                  Q. How, if at all, did that determination influence  
24   the mapmaking of the challenged districts?

25                  A. Because they all fit that criteria under Tier 1,

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1 all of those districts would require a functional analysis  
2 that we would conduct.

3 Q. Would any -- did the determination that those  
4 districts -- we're now talking specifically about just the  
5 challenged districts.

6 A. Are we just talking about the house districts?

7 Q. Both. CD 26, the versions of it in the plans  
8 the House developed.

9 A. Okay.

10 Q. And the specific seven challenged house  
11 districts. Apart from having to conduct a functional  
12 analysis, did the determination that those districts were  
13 Tier 1 protected influence the drawing of those districts?

14 A. No.

15 Q. You mentioned earlier that before engaging in  
16 the mapmaking itself committee staff looked to the  
17 benchmark plans and the court decisions from last decade  
18 to identify where in the state there might be Tier 1  
19 protected districts. Is that accurate?

20 A. Yes.

21 Q. So the fact that the challenged districts were  
22 Tier 1 protected, that knowledge maybe started with that  
23 determination before the mapmaking process began?

24 MR. BARDOS: Object to form.

25 A. I suppose so, yes.

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1 BY MR. WARREN:

2 Q. Any way in which that's not quite right?

3 A. Well, we started with a blank map, as I  
4 mentioned before, so even knowing that, the shapes of the  
5 previous district did not really come into play in how we  
6 were trying to draw those districts. And in particular in  
7 south Florida with such a high Hispanic population, we  
8 didn't really have to look very carefully at the Hispanic  
9 population breakdown or HVAP in order to draw majority  
10 minority Hispanic districts.

11 So we were trying to draw good Tier 2 compliant  
12 districts and later kind of went back to look at the  
13 functional analysis based on Tier 1.

14 Q. Okay. You had discussed earlier when you did  
15 that before the mapmaking review of where there might be  
16 Tier 1 protected districts in the state, you identified  
17 regions of the state where there might be a certain number  
18 of protected districts in the benchmark; is that accurate?

19 A. Yes.

20 Q. And so with respect to Dade County, before you  
21 started drawing maps, the committee staff had knowledge  
22 that X number of Black protected districts were in the  
23 benchmark in Dade County, Y number of Hispanic protected  
24 districts were in the benchmark in Dade County?

25 A. From the bench -- yes, we determined that number

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1 on the benchmark. That does not necessarily mean that it  
2 would exactly translate over to the new map once we  
3 started drawing, but that was certainly kind of a baseline  
4 where we started from.

5 Q. And -- okay.

6 A. And I should reiterate that that was the old map  
7 using the new data.

8 Q. Right. Thank you.

9 As each draft was developed by committee staff,  
10 staff performed a functional analysis on each of the  
11 Tier 1 protected districts in each draft?

12 A. No.

13 Q. Some of the time?

14 A. Yes.

15 Q. When would staff not perform a functional  
16 analysis on a new draft?

17 A. Well, what do you mean by draft?

18 Q. Let's -- good question. Let's go with the  
19 workshop maps, the ones that were published to the portal.

20 A. Okay. So when you say draft, you mean the  
21 publicly produced maps that we -- the maps we were  
22 preparing to be publicly produced.

23 Q. Yes.

24 A. Okay. So, revising my answer, any map that we  
25 were going to produce to the public we would conduct a



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1 full functional analysis on every protected district.

2 Q. Okay. Thank you. And I think you've explained  
3 this, but just to clarify, you referenced starting with a  
4 blank map at the beginning of the process, right?

5 A. Yes.

6 Q. And you discussed the awareness of the benchmark  
7 plans and the number of Tier 1 districts in different  
8 regions of the state from the benchmark plans, right?

9 A. Correct.

10 Q. But the fact that there might be a particularly  
11 shaped Tier 1 district in a benchmark plan in a particular  
12 portion or portions of counties did not translate into  
13 drawing on the blank map in the 2020 cycle; is that  
14 accurate?

15 MR. BARDOS: Object to form.

16 A. Are you suggesting that we -- we did not try to  
17 mimic previous districts I guess is the point, almost to  
18 the contrary that where we had a -- what we identified as  
19 a protected district in the benchmark map, and in the new  
20 map as we were drawing it was determined that we had to  
21 essentially recreate that, we made every effort possible,  
22 I made every effort possible to make that district more  
23 compact, so changed the shape of that district as much as  
24 I feasibly could to better align it with Tier 2, with the  
25 new demographic data available to us.

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1 BY MR. WARREN:

2 Q. So that makes sense with respect to compactness.  
3 With respect to utilizing political and geographic  
4 boundaries were you doing the same thing?

5 A. Yeah. When I say -- well, yeah, more  
6 compactness. We tried to better align it with all of the  
7 Tier 2 principles, so compactness following better  
8 geographical, more recognizable geographical or political  
9 boundaries, trying to minimize the number of, like, weird  
10 appendages that may come off it, or, you know, anything  
11 that may seem irregular in any way.

12 Q. So, to sum up. So for any Tier 1 protected  
13 district that you're drawing in the 2020 cycle, you  
14 started afresh, so to speak, and tried to apply the Tier 2  
15 standards as we've discussed them previously?

16 A. Yes.

17 MR. WARREN: Now I'd like to ask you some  
18 questions about specific statements that  
19 different committee chairs and staff made about  
20 some of these districts, and the first meeting is  
21 Exhibit 14, the transcript of the January 26th  
22 house redistricting committee.

23 (Exhibit No. 14 marked for identification.)

24 BY MR. WARREN:

25 Q. If you turn to the only tab on page 30, this is

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1 Chair Byrd introducing what is now the enacted house plan  
2 8013 in this house committee, and he says at line 15,  
3 quote, Districts 110, 111, 112, 113, 114, 115, 116, 118,  
4 and 119 in Miami-Dade County are all performing Hispanic  
5 districts protected by Tier 1 of the Florida Constitution.  
6 All nine of these districts are majority minority Hispanic  
7 districts. They are also all entirely within Miami-Dade  
8 County. The Hispanic voting age population in these  
9 districts are similar compared to the benchmark districts  
10 with slight changes, but are drawn in a consistent manner  
11 with respect to Florida Supreme Court precedent to  
12 maintain existing majority minority districts. A  
13 functional analysis conducted by staff ensures each of  
14 these districts are Tier 1 compliant, close quote.

15 Did I read that correctly?

16 A. You did.

17 Q. Does this statement by Chair Byrd accurately  
18 reflect the committee's mapmaking process?

19 A. Yes.

20 Q. How, if at all, did the fact that the Hispanic  
21 voting age population or HVAP in these districts he's  
22 discussing are similar compared to the benchmark  
23 districts, how, if at all, did that fact influence the  
24 mapmaking process?

25 A. Can you clarify the question a little bit?

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1           **Q.    Sure. In drawing these districts, were you**  
2   **looking for similarity in the HVAP to the benchmark**  
3   **districts?**

4           A.    No.

5           **Q.    Did you refer to the HVAP of the benchmark**  
6   **districts at all?**

7           A.    No.

8           **Q.    Why did he comment on that; do you know?**

9           A.    When we were preparing these statements, because  
10   we were -- he was introducing nine districts all at once,  
11   it was simply the easiest way to have that statement apply  
12   to all of the districts. And in the end, all of those  
13   districts did have a similar HVAP to their benchmark  
14   districts, so it was an easier way to kind of explain all  
15   of those districts in kind of a succinct way to the  
16   committee. We were not looking for a specific HVAP in any  
17   specific district when we were drawing to compare to the  
18   benchmark, it just happened to work out that way.

19          **Q.    And similarity of HVAP to the benchmark would**  
20   **have been relevant for the committee members to know?**

21          A.    No. It was simply a way of presenting that the  
22   HVAPs in that area are similar to what they were before.  
23   It was not a particular target or anything like that. It  
24   is just simply a way of presenting information and data  
25   for nine districts all at once in a paragraph to make it a

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1 little easier to digest.

2 Q. Because that would have been information and  
3 data that would be relevant for the committee to know?

4 MR. BARDOS: Object to form.

5 A. I don't understand what you mean, relevant to  
6 know.

7 BY MR. WARREN:

8 Q. I guess what I'm asking is, if you say that you  
9 weren't relying or referring to the HVAP of benchmark  
10 districts in drawing the maps --

11 A. Uh-huh.

12 Q. -- but Chair Byrd is introducing them by  
13 explaining that they have similar HVAPs to the benchmark  
14 districts, my question is, why was that a notable enough  
15 fact that it's included in the introduction of these  
16 districts?

17 MR. BARDOS: Object to form.

18 A. It was only notable in that there were some  
19 similarities and it was an easier way to write a sentence  
20 to encompass the data for nine different districts all at  
21 once. It was a way for the members of the committee to  
22 conceptualize how the region was -- ended up being  
23 relatively similar to the benchmarks. It wasn't a  
24 relevant factor or a target that we were trying to meet.  
25

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1 BY MR. WARREN:

2 Q. Okay. I think we're done with this transcript.

3 Turning now to --

4 A. Do you want me to hold onto that?

5 MR. WARREN: Exhibit 15 is the transcript of  
6 the Florida house floor session on February 1st,  
7 2022. This was when the enacted house plan was  
8 heard on second reading.

9 (Exhibit No. 15 marked for identification.)

10 BY MR. WARREN:

11 Q. If you turn to the green tab --

12 A. Dark green or light green?

13 Q. Dark green. Page 63.

14 A. I'm suddenly glad I'm not colorblind.

15 Q. I am colorblind.

16 A. Oh.

17 Q. So I'm jealous.

18 A. I'm sorry.

19 Q. But I can see most of these colors.

20 On page 63, Chair Leek, the chair of the big  
21 redistricting committee, says at line 2, he's answering a  
22 question about voting age populations in minority  
23 districts, and he says, quote, I'm not sure I understand  
24 the second part of the question. I think I do understand  
25 the first part of the question, and the error here is

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1     trying to pull one factor away from all the others, like  
2     HVAP. So we can tell you generally that you need to get  
3     about 65 percent of Hispanics concentrated within an area  
4     for it to perform, generally. There is no threshold and  
5     it is a district-by-district analysis that is ultimately  
6     determined based on the performance of that district,  
7     close quote.

8             Did I read that correctly?

9             A. You did.

10            Q. So Chair Leek's reference to that generally you  
11     need to get about 65 percent Hispanic VAP for a district  
12     to perform, do you agree with that statement?

13            A. Not necessarily. I think it is a generality. I  
14     don't think he spoke inaccurately, but I wouldn't  
15     necessarily agree with that as being a threshold.

16            Q. Did that as a generality that is generally true  
17     influence the House's mapmaking at all?

18            A. No.

19            Q. Turning to the purple tab at page 83 -- we can  
20     skip that one. Turning to lime green, page 47.

21            A. Page 47. Okay.

22            Q. Representative Driskell, D-R-I-S-K-E-L-L, asks  
23     Chair Leek and maybe Byrd as well about some districts in  
24     Dade County which include some of the challenged districts  
25     here. So I will read some of these questions and some of

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1 these answers.

2 Starting on page 47, line 8, Rep. Driskell says,  
3 I have some questions about the compactness scores because  
4 it looks like for, if you look at Reock and Polsby-Popper  
5 compactness scores, it looks like these districts might be  
6 outliers with respect to the rest of the map and they may  
7 actually have the worst kind of compactness scores. So,  
8 for example -- and then she lists some compactness scores  
9 of these districts.

10 And Chair Leek responds at line 16, so -- quote,  
11 so you also have some protected districts, so there is  
12 also another analysis that goes in that in addition to  
13 compactness. So remember it's a Tier 1 element, so we get  
14 to compactness after Tier 1. So we had to make sure that  
15 the protected districts continue to perform within reason  
16 as they have performed, close quote.

17 Did I read that excerpt accurately?

18 A. You did.

19 Q. Does this statement by Chair Leek, this  
20 explanation, accurately reflect the mapmaking process?

21 A. I think that is accurate for potentially some  
22 districts, but I wouldn't say it is accurate across the  
23 board, no. Yeah.

24 Q. Is it accurate for the districts that  
25 Rep. Driskell was specifically asking about, which is 118,



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1 for example?

2 A. No.

3 Q. In what way is it inaccurate for the districts  
4 that Rep. Driskell is asking about?

5 A. Well, first, let me go back to your -- in that  
6 question from Rep. Driskell she's asking about one single  
7 district. Are you -- when you say districts, are you  
8 referencing other districts as well?

9 Q. Good question. On the previous page, page 46,  
10 Rep. Driskell opens for a series of questions by saying at  
11 line 18, quote, I have some questions about districts down  
12 in south Florida, specifically Districts 114, 115, 116,  
13 118, and 119. In looking at the district in 8013, these  
14 districts that I just named are all long, skinny, vertical  
15 districts and they are significantly greater in their  
16 length than they are in their width. Do you consider each  
17 of those five districts to be compact, close quote.

18 So those are the particular districts that she's  
19 asking about in this series. So my understanding of Chair  
20 Leek's response is in reference to those.

21 A. So your question again is in what way is it not  
22 accurate?

23 Q. Yes. My question is in what way is Chair Leek's  
24 response that he gives starting at line 16 on page 47  
25 inaccurate with respect to those districts.

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1           A.    I'm going to reread Chair Leek's statement here  
2    real quick.   Can I read that silently, is that okay, or do  
3    you want me to read it out loud?

4           **Q.    Silently is great.**

5           A.    Okay.   So Chair Leek's statement is accurate in  
6    that Tier 2 where compactness is is subordinate to Tier 1,  
7    and you have to take Tier 1 into account before you can --  
8    you know, if Tier 1 is satisfied you can factor in Tier 2.

9                   However, for these particular districts, I  
10   actually disagree with her premise of the question.   I  
11   don't think that these districts are un-compact.   She is  
12   referring to a specific mathematical compactness score.  
13   Reock, for example, does a very poor job.   All  
14   mathematical compactness scores have flaws, and you have  
15   to look at them all in that context and not focus on one  
16   or the other or really any of the tests.   Compactness  
17   really is more of an art than it is a specific science  
18   unfortunately.   You cannot look at one or even two  
19   specific scores.

20                   The one score that she left off, Convex-Hull, I  
21   bet if you looked at all of those districts they all score  
22   extremely highly on that particular score.   The reason for  
23   that is that a Reock score takes the district and you have  
24   to -- and it fits the smallest bounding circle around each  
25   individual district, and it's a ratio of the district

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1 compared to the area of that circle that can fit around  
2 it. So it performs very poorly with rectangles. Even a  
3 square, perfect square only scores a .66 on that score.  
4 Whereas, one would be the perfect score. If you had a  
5 district that was a perfect circle that would score one.

6 So it performs very poorly in regularly shaped  
7 square or rectangle type districts. So anytime you have a  
8 rectangle, whether it be vertical or horizontal, Reock is  
9 going to be very poor. Polsby-Popper has some similar  
10 deficiencies, but that's a little bit different. But then  
11 Convex-Hull, that's basically like putting a rubber band  
12 around the district, and it performs very, very well with  
13 rectangular or irregularly shaped districts. There's  
14 flaws to that, too, in that say if a district is one inch  
15 tall and a hundred miles long it would be a perfect score  
16 if there's no deviations in the line.

17 So, I mean, they all have their own flaws. So  
18 you have to use those compactness scores in context with  
19 all of the other elements, including the interocular test  
20 that the court has referred to, or the eyeball test, and  
21 there are no weird appendages that stick off of them,  
22 they're very regular shapes, it's a rectangle.

23 So I don't believe that any of those districts  
24 in my opinion are un-compact. I would not describe them  
25 as tall and skinny. They are rectangles, they are

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1 vertically shaped, but I believe that they compact. So I  
2 disagree with that premise of her question.

3 Chair Leek, in trying to refer to his question  
4 to a multitude of districts, I don't think that he is  
5 wrong in that we do have to satisfy Tier 1 before we can  
6 get to Tier 2. You got to make sure that that's  
7 satisfied. In the balancing of all of the tiers you need  
8 to make sure that that happens. However, in these  
9 particular districts, I kind of disagree with the premise  
10 of her question in this particular case.

11 Q. Understood. Just to make sure I understand some  
12 of what you said.

13 A. Uh-huh.

14 Q. So, in reference to Chair Leek saying we get to  
15 compactness after Tier 1, you don't disagree with that  
16 statement?

17 A. I mean, Tier 2 -- no, in the fact that Tier 2 is  
18 subordinate to Tier 1. However, when drawing -- the  
19 actual drawing process, particularly in south Florida, I  
20 don't think that we were drawing for Tier 1 before we got  
21 to Tier 2. In fact, I think it was the opposite. We drew  
22 for Tier 2 and then made sure the districts then complied  
23 with Tier 1, partially because that area is so densely  
24 populated and so such a high concentration of Hispanic  
25 voting age population, it was not really necessary to draw

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1 first with Tier 1 principles in mind. We tried to draw  
2 really as Tier 2 compliant districts as we could and then  
3 if we had to make slight changes to make sure that those  
4 compact districts satisfied Tier 1.

5 So in that case I think maybe he was a little --  
6 a little bit wrong, but he's not wrong in the fact that  
7 Tier 1 just as an overall guiding principle is superior to  
8 Tier 2.

9 Q. And I think you said just now that you have to  
10 make sure you satisfy Tier 1 before you get to Tier 2; is  
11 that accurate?

12 A. As far as the constitutional standards go, yes,  
13 but not in the drawing -- in the actual drawing of the  
14 districts, that's not necessarily the case. You can draw  
15 a district that is a Tier 2 compliant district, and then  
16 you can make sure it complies to Tier 1. And if that  
17 compact district for whatever reason in the functional  
18 analysis does not comply you then would need to make  
19 adjustments to that district to compensate.

20 So I don't think that that is we don't satisfy  
21 Tier 1 always and then get to Tier 2 in the actual drawing  
22 of the districts. There can be exceptions to that, but  
23 certainly in this particular case with these challenged  
24 districts, because the whole region is so heavily  
25 Hispanic, it's really the opposite. You satisfy Tier 2 as

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1 much as we can and then make adjustments to those  
2 districts to make sure that they're compliant to Tier 1.

3 Q. Okay. Moving on to the next passage in the  
4 February 1st transcript. It's on the next -- two pages  
5 next.

6 A. That's pages --

7 Q. 51.

8 A. 51.

9 Q. And Rep. Driskell is hitting this drum again.  
10 She says, starting at line 10, I guess the challenge --  
11 quote, I guess the challenge I have with these is that  
12 looking at the districts that we have just been talking  
13 about, close quote, referring to the series that we've  
14 been discussing, quote, their scores are indicative that  
15 they're outliers on the map. And so their shapes are also  
16 irregular such that indicates that it's not compact. So  
17 I'm trying to understand why. If you could explain why  
18 you consider these compact if their scores appear to be  
19 outliers and their shapes indicate that they're not  
20 compact, the eye test, close quote.

21 And then Chair Leek responds at Line 17, quote,  
22 And remember, compactness is only one of the things that  
23 we look at to determine whether a district is appropriate.  
24 In some of those instances, and I think Representative  
25 Byrd talked about this, it was necessary to keep cities

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1 whole, close quote.

2 So understanding that you disagree with

3 Rep. Driskell's premise --

4 A. Yes.

5 Q. -- and just focusing on Rep. Leek's response, is  
6 that explanation accurate to your knowledge?

7 A. I think it is accurate that compactness is only  
8 one of the things that we look at to determine if a  
9 district is appropriate. And one of those other things is  
10 keeping cities whole. It may be not necessary to keep it  
11 whole, but it is something that was part of our  
12 methodology that where we could, where feasible, we would  
13 keep a city whole.

14 And because municipal lines are not always the  
15 most regular shapes, they can have a tendency,  
16 particularly with the eyeball test, perhaps not look the  
17 best compactness-wise. So in that way they are -- when  
18 you keep cities whole that sometimes does conflict with  
19 some of the other scores. It could even impact the  
20 compactness scores. For example, Polsby-Popper, a  
21 weakness of that score is that if you have coastline or a  
22 lot of, like, jagged edges, it will negatively impact that  
23 score. And municipal lines are notorious for being  
24 jagged, so -- but it's still following political and  
25 geographical lines.

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1           So the part that I think Chair Leek may have  
2 missed is that it's really just a -- compactness is not  
3 one thing. It's not a mathematical score. There's a lot  
4 of factors that can factor into compactness, like the  
5 eyeball test, like keeping cities and counties whole,  
6 which we heard from the public, and all of those factors  
7 put together a district can be compact even if it doesn't  
8 necessarily satisfy one of those elements according to  
9 some.

10           **Q. Talking specifically about Districts 114 through**  
11 **119, except 117, that Rep. Driskell was asking about, were**  
12 **there instances where the shapes of those districts were**  
13 **necessary to keep cities whole?**

14           A. So, in 114, the vast majority of the shape of  
15 that district, including the little fingers that stick out  
16 into 115, and the sharp edge on the eastern side, that is  
17 entirely the municipal line of Coral Gables. And then  
18 Coral Gables is also kind of oddly shaped as it goes  
19 north. So the vast majority of that district is governed  
20 by being able to keep Coral Gables wholly within that  
21 district. And then those other two smaller cities, I  
22 believe West Miami and South Miami, are right next to  
23 Coral Gables, and those are also included as well.

24           And I think part of the other slight deviation  
25 further north is actually probably South Miami or maybe



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1 it's West Miami, I forget exactly how they're oriented.  
2 So that district is almost entirely shaped by that. 115,  
3 the southern portion of 115, there's three stacked cities.  
4 It's Cutler Bay, Pinecrest, and Palmetto Bay. I don't  
5 remember exactly what order they're in. That governs the  
6 southern part of that district entirely, and then a large  
7 portion of the eastern border of that district as you go  
8 north is dependent on the District 117.

9 Q. And then moving further west, does Chair Leek's  
10 comment that the shapes of those districts are necessary  
11 to keep cities whole, does that comment apply to 118 and  
12 119 as well?

13 A. There's no municipalities in that part of  
14 Miami-Dade County to the best of my recollection.

15 Q. So that explanation does not apply to those  
16 districts?

17 A. It does not, specifically in reference to  
18 cities.

19 Q. Next page, 52, at line 10, Rep. Driskell asks,  
20 quote, Was it necessary that those five districts be long  
21 and skinny and non-compact to comply with Tier 1, close  
22 quote. And Chair Leek's answer at line 13 is, quote,  
23 Tier 1 is a wholly separate analysis, right? And so we're  
24 not going to get to compactness until we are ensured that  
25 Tier 1 is satisfied. Once we get to Tier 2, then you can

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1 start to take into account those types of factors, like is  
2 it compact, does it keep a city whole. And what you see  
3 before you was the best configuration that we could come  
4 up with in balancing all of those factors, close quote.

5 Is Chair Leek's response -- again, recognizing  
6 that you disagree with the premise of Rep. Driskell's  
7 question. Is Chair Leek's response an accurate statement  
8 of the mapmaking process?

9 A. Yes. So I'll reiterate again, I don't think  
10 those five districts are long and skinny and non-compact.  
11 I think if you wanted to we could go through a lot of  
12 reasons why I think they're very compact. However, taking  
13 that into account and going into Chair Leek's analysis,  
14 Chair Leek is speaking, I think, more holistically,  
15 looking at the entire analysis of the constitutional  
16 standards, and it is a wholly separate analysis. However,  
17 it is to be balanced with Tier 2, which I think we could  
18 be a little bit better -- I don't think it's a Tier 1 and  
19 before we get to Tier 2. It is kind of a combination put  
20 together. Now, the functional analysis is entirely  
21 independent of -- in Tier 1, and as long as that is  
22 satisfied you can make the districts as compact as  
23 possible.

24 So I think he's speaking more -- I know the  
25 question that was asked about these five districts, I

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1 think his answer is more applicable in the more global  
2 aspect of looking at all of the protected districts  
3 throughout a map rather than a specific analysis.

4 Q. So do you agree or disagree that Chair Leek's  
5 statement regarding not getting to Tier 2 until you ensure  
6 Tier 1 is satisfied, do you agree or disagree that that  
7 reflects the committee's drawing of the challenged  
8 districts?

9 MR. BARDOS: Object to form.

10 A. Again, I think he's more referring to, like, the  
11 global part of it. I can tell you in the drawing process  
12 that's not -- that's not the -- we did not always, like,  
13 draw a district to satisfy Tier 1 before getting to  
14 Tier 2. It was always a combination of the two together,  
15 right. And specifically in south Florida, with these  
16 districts, it was basically the reverse. We were trying  
17 to draw Tier 2 compliant districts, trying to keep as many  
18 cities whole as possible, find good major roads or other  
19 geographical features to follow, and from there adjust  
20 what we were drawing to then satisfy Tier 1, in as real  
21 way as we possibly could.

22 So it was kind of the reverse, but the analysis  
23 is still the same, because ultimately the thing that  
24 mattered above Tier 2, even though we were drawing Tier 2  
25 compliant districts, was making sure that the functional

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1 analysis on the Tier 1 side was satisfied, and if it  
2 wasn't we would have to make adjustments to those other  
3 districts.

4 But because the Hispanic voting age population  
5 throughout Dade County is so high, we did not have to draw  
6 any of those districts predominantly just looking at race  
7 first. In satisfying Tier 1 we were able to keep -- can  
8 we draw a district to keep Coral Gables whole, and do  
9 those sorts of things, and then be, like, oh, well, this  
10 district we drew, let's do the functional analysis on it  
11 and make sure it still complies.

12 So we kind of almost took a backward approach in  
13 data specifically, except for the Black districts, which  
14 had to be drawn almost the opposite. We had to draw those  
15 where we had the -- we drew those to, I think, maybe  
16 satisfy more Tier 1 and then massaged them to get them to  
17 be more compact, because those Black populations are more  
18 concentrated in particular areas where the Hispanic  
19 population is throughout multiple cities and multiple  
20 areas. So it was just kind of a different approach  
21 depending on how you're looking at different protected  
22 districts and different populations.

23 So there isn't one way that we always drew all  
24 of the protected districts, even in Dade County, so it  
25 is -- the end analysis is always the same. They have to

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1 make sure they're -- you know, they perform in the  
2 functional analysis and they satisfy Tier 1, and then they  
3 satisfy Tier 2 stuff. But in the actual drawing it was  
4 more of an organic process.

5 BY MR. WARREN:

6 Q. So one of the things you said among others is  
7 that there were some instances in drawing Dade County  
8 house districts where you were drawing based on Tier 2 and  
9 then you looked to the functional analysis and you made  
10 adjustments, right?

11 A. Correct.

12 Q. Were any of those instances one of the  
13 challenged districts?

14 A. I don't remember specifically because it's been  
15 so long, but, yeah, I would have to imagine that the  
16 challenged districts were part of that. I can't remember  
17 a specific example. Well, I think probably 115 would  
18 probably be one that would be in that list, where we drew  
19 as compacted districts as we could, slightly difficult  
20 because it's in between 117 and 114, so we're kind of only  
21 going up. But then as 116 came into focus and how those  
22 two districts came into play, and trying to find a good  
23 boundary to separate those two while also making sure they  
24 both satisfied their functional -- their individual  
25 functional analyses, there may have been some interplay

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1 there where we had to adjust the border of 115 to make  
2 sure that the functional analysis was completely satisfied  
3 while making it as compact as possible.

4 Q. So to sum up, you started drawing house  
5 districts in Dade based solely on the Tier 2 criteria,  
6 right?

7 A. Yes.

8 Q. And then, at least in this one instance, ran a  
9 functional analysis on 115, right?

10 A. We ran a function analysis on all of them.

11 Q. Certainly.

12 A. Yeah.

13 Q. And then the functional analysis indicated the  
14 district might not perform for Hispanic voters anymore?

15 A. So, in particularly Districts 113, 114, and 115,  
16 those were districts that were -- at least in our analysis  
17 when we were looking at our data they were -- all three of  
18 them were very competitive districts, meaning they could  
19 theoretically be won by either a Republican or a Democrat.  
20 So sometimes the functional analysis, particularly in  
21 Black districts, let's say in Jacksonville, it's pretty  
22 clear that in Districts 13 and 14 a Democrat is going to  
23 win those districts based on the electoral performance.  
24 So you can look at just the Democratic side in the primary  
25 to see how Democratic voters are broken down to see if

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1 the -- in this case the Black population in Districts 13  
2 and 14 can control the primary, the Democratic primary,  
3 and it becomes an easier analysis relatively speaking.  
4 Not an easy analysis, but relatively speaking. 113, 14,  
5 and 15, because they were competitive, you have to do  
6 essentially a functional analysis that looks at both the  
7 Republican side and the Democratic side and try to draw a  
8 district where theoretically Hispanics of either party  
9 could control the primary and then make it to the general  
10 to ensure that an Hispanic is elected regardless of if  
11 they're a Republican or Democrat.

12 So that becomes more complicated, because you're  
13 then trying to satisfy a functional analysis that doesn't  
14 just mean one way or the other. You're trying to draw a  
15 competitive district and make sure that the Hispanic --  
16 the Republican Hispanic candidate is going to -- like, the  
17 Hispanic side of that equation is going to be able to  
18 elect an Hispanic who then can make it to the general  
19 election, and on the Democratic side that the Hispanic  
20 Democratic voters are able to control their primary and  
21 elect a minority candidate of choice, an Hispanic minority  
22 candidate of choice that will make it to the general. So  
23 then in the general, whichever candidate happens to win a  
24 competitive race will be a minority candidate of choice.

25 Q. So -- that makes sense. So specifically talking

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1 about an early draft of 115 where adjustments were made --

2 A. Yeah.

3 Q. -- in order to ensure Tier 1 compliance, was the  
4 problem in the functional analysis that the draft 115 was  
5 not competitive enough or that one of the party primaries  
6 was not Hispanic enough --

7 MR. BARDOS: Object to form.

8 BY MR. WARREN:

9 Q. -- or another reason?

10 A. Yeah. I mean, we went through so many different  
11 versions in drawing, I don't specifically remember what  
12 the specific issue was, but it was either one side or the  
13 other. Again, I don't remember the specifics, it's three  
14 years ago, and even if I were to look at the data now I  
15 might do a different analysis than I did then.

16 But when you looked at the -- and it wasn't just  
17 one other version of 115. I want to be clear about that.  
18 There's many different versions as you're trying to build  
19 the map, but as we were trying to put the puzzle pieces  
20 together so to speak and satisfy everything, some versions  
21 of 115 in that area between 117, the Coral Gables side,  
22 and trying to fit stuff together and make sure that we had  
23 other districts that were performing, it became difficult  
24 to kind of toe that line in the analysis to make sure that  
25 you could elect a Republican and a Democrat Hispanic



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1 candidate. So some adjustments were made in that way.

2 Q. That makes sense.

3 A. While keeping in respect to Tier 2 as much as we  
4 could, obviously.

5 Q. Certainly. So to sum that up, drafts of 115,  
6 functional analysis, adjustments to ensure Tier 1  
7 compliance, is that --

8 A. Correct.

9 Q. Okay. Did those -- if you remember, did those  
10 adjustments result in 115 extending further north with  
11 that shape that you referenced?

12 A. Yeah. Based on what we talked about earlier  
13 it's my recollection that it's -- that's also part of why  
14 we made a slight adjustment to 116, because the eastern  
15 boundary of 115, or the eastern boundary of 116, those  
16 were where the adjustments were mostly made. A little bit  
17 with 114, too, but that did result in 115 extending  
18 slightly further north than it maybe originally had, to  
19 make sure that there was that proper electoral balance for  
20 both parties, because it was in our estimation a very  
21 competitive district.

22 Q. Okay. So ensuring Tier 1 compliance is the  
23 reason why 115 extended as far north as it does?

24 A. Yes.

25 Q. And ensuring Tier 1 compliance in at least 115

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1 is the reason why the border between 115 and 116 is where  
2 it is?

3 A. That is my recollection, yes.

4 Q. Can you remember any other instances where a  
5 functional analysis on a draft challenged district in Dade  
6 County resulted in adjustments to ensure Tier 1  
7 compliance, besides the ones that we discussed?

8 A. That's the one that immediately jumps out to me  
9 as being something that -- I'm sure there were probably  
10 smaller tweaks made, but that's certainly the one that was  
11 the most relevant one that I can remember. 113 kind of  
12 just fit right in Miami and there were maybe some small  
13 adjustments that were made in there, but, no, I can't --  
14 can you ask the question again?

15 Q. Certainly. Besides the changes to 115 that  
16 we've discussed --

17 A. Yes.

18 Q. -- were there any other instances where  
19 challenged house districts in Dade County were adjusted to  
20 ensure Tier 1 compliance?

21 A. Not that I can recall.

22 Q. But some changes were made to 113 to ensure  
23 Tier 1 compliance?

24 A. I don't remember. It's possible.

25 Q. You think maybe?

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1 A. I don't remember.

2 Q. Do you think -- and I think we've talked about  
3 116 being impacted by 115. Do you remember any changes to  
4 116 because of the result of a functional analysis in 115?

5 A. Not in 116. That was more a function of the  
6 analysis in 115.

7 Q. And same question for 118.

8 A. No. For 118 and 119, those were -- so we had --  
9 so of the kind of larger rectangle that 118 and 119 are  
10 in, we did have different versions of that that all were  
11 similarly compact in both visual and mathematical  
12 compactness, and we were satisfied with the multiple  
13 options that we had. Then running functional analysis in  
14 all of those options, we went with the one that satisfied  
15 the functional analysis the best, that had the better  
16 performance numbers, to ensure that both of those  
17 districts would elect an Hispanic candidate.

18 Q. And when you're talking about versions of 118  
19 and 119 in that box --

20 A. Uh-huh.

21 Q. -- and then you went with --

22 A. That version.

23 Q. -- that version, are we talking about non-public  
24 drafts or are we talking about the workshop A and B?

25 A. I don't remember what workshop A and B looked

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1 like. I don't know if you have that, but there was also a  
2 variety of internal drafts as we were trying to come up  
3 with stuff, so that's certainly a part of this, yes.

4 MR. WARREN: Okay. I don't remember what  
5 workshop A and B look like either. But we will  
6 mark workshop A and B as Exhibit 16.

7 (Exhibit No. 16 marked for identification.)

8 BY MR. WARREN:

9 Q. This is an excerpt from the December 2nd, 2021,  
10 legislative subcommittee meeting that shows the side by  
11 side.

12 So again we're focusing on 118 and 119. Would  
13 it be fair to say that the workshop option that more  
14 closely led to the enacted plan is workshop A in 118 and  
15 119?

16 A. No.

17 Q. Would you say either of these options led to the  
18 enacted plan more than the other?

19 A. No.

20 Q. Okay. So the question was about -- first of  
21 all, let me just make sure I'm straight on what you were  
22 explaining. There were versions, draft versions of 118  
23 and 119 that had different options for their boundaries,  
24 right?

25 A. Yes.

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1           **Q.    Functional analysis was performed on those**  
2           **options?**

3           A.    Yes.

4           **Q.    And the committee staff picked the option that**  
5           **had the strongest functional analysis?**

6           A.    Let me clarify that we picked -- so the  
7           compactness, the Tier 2 compliance for either -- it wasn't  
8           just two options. I think there was multiple. But the  
9           compactness scores that we referred to before, the visual  
10          compactness, there are no cities in that particular area,  
11          so really it just comes down to visual compactness and  
12          mathematical compactness. They were all in our estimation  
13          fundamentally the same. Okay? So I don't remember  
14          exactly what the scores were, but they were all basically  
15          in the same ballpark, so we had in our estimation equally  
16          compliant Tier 2 options.

17                So all things being equal, we then ran the  
18          functional analysis on those options. It could have been  
19          two, it could have been three, I don't remember. We then  
20          picked the one where both 118 and -- because, again, the  
21          functional analysis were not run both collectively, they  
22          were run individually.

23                So we picked the one that -- where each  
24          individual functional analysis performed -- I don't want  
25          to say performed the best because that's not really what

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1 it is, but they were the ones that -- where an Hispanic  
2 minority candidate of I think either party, I don't  
3 remember the political breakdown of all of this, kind of  
4 similar to before, would be able to be elected, but  
5 ensuring that an Hispanic would be elected in either  
6 district, which was the primary focus.

7 And you asked before which one of option A and B  
8 fit more that, I don't think either one, because if you  
9 look at the enacted map, we were also dealing with the  
10 compactness scores of -- well, in this map it's 110 and  
11 120 and 118. As you see in workshop B, 119 has more of  
12 the Everglades area, and we were trying to deal with all  
13 of those compactness factors, because basically it was a  
14 question. Was it better to include all of that in one  
15 district, like 120, which is where we ended up, a district  
16 that was already lower in mathematical compactness because  
17 it has the Keys, or was it better to, you know, kind of  
18 shrink down 118 and 119, and what ended up being 111 into  
19 a smaller geographic area, or was it better  
20 compactness-wise like this 110. It is like a rectangle,  
21 but it goes further out.

22 After doing all of those sorts of analyses and  
23 compactness scores or whatever and just visually, we  
24 determined it was better to go with that. So that kind of  
25 shrunk everything down. So we were trying to put as much

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1 of that empty area into 120 as we could and fit those  
2 districts into different areas, which then condensed down  
3 the area where 118 and 119 were and changed that a little  
4 bit.

5 So I guess it's more similar to workshop A, and  
6 you can see that the version of 119 and 118 were -- kind  
7 of one is an L-shape and the other kind of fits on top of  
8 it. There was a similar -- a slightly different from  
9 this. In my brain I remember a similar option like that  
10 in a more similar location that you see the current 118  
11 and 119. And there was a couple of other versions that we  
12 looked through as well.

13 MR. BARDOS: Sorry. My Exhibit 16 looks  
14 different than the witness's.

15 (Off the record briefly.)

16 THE WITNESS: We had different versions of  
17 the slides because you can see one of those, like  
18 where we -- the one that he was looking at, like,  
19 110 doesn't exist, so we would take out certain  
20 districts in isolation to make the slides for  
21 presentation purposes. So it's probably just a  
22 different actual page number.

23 So what is the page number on the corner  
24 down there?

25 MR. WARREN: 1618.

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1 THE WITNESS: And on the other one, the one  
2 that is missing the top district?

3 MR. WARREN: 1620.

4 THE WITNESS: Yeah. So it's just a  
5 different page number.

6 BY MR. WARREN:

7 Q. Okay. All showing the same workshop A, workshop  
8 B in Dade County?

9 A. Yes.

10 Q. Just to sum up, so that I'm clear on what you're  
11 saying about the 118, 119 process, staff had different  
12 options, equally Tier 2 compliant options of 118 and 119,  
13 right?

14 A. Uh-huh. Yes. Sorry.

15 Q. Performed functional analysis on those districts  
16 and those options, right?

17 A. Yes.

18 Q. And then opted to advance the option that had  
19 the stronger Hispanic ability to elect in 118 and 119?

20 MR. BARDOS: Object to form.

21 A. Yeah. I don't know if I would use the word  
22 stronger. It was simply the one that we felt would be  
23 most compliant I think is the best way to put it.

24 BY MR. WARREN:

25 Q. Okay. So staff selected the option that staff



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1 concluded would be the most Tier 1 compliant in 118 and  
2 119?

3 A. Yeah, the most legally -- yeah, legally  
4 defensible or legally compliant version.

5 Q. And the conclusion that it was more Tier 1  
6 compliant was based on the fact that Hispanic voters'  
7 ability to elect would not be diminished?

8 A. Correct.

9 Q. Okay. Got it. Back to the February 2nd -- or  
10 February 1st.

11 MR. BARDOS: I'm sorry. Would you mind if I  
12 go to the bathroom real quick?

13 THE WITNESS: I could use a break, too.

14 (Recess taken from 3:11 p.m. to 3:16 p.m.)

15 BY MR. WARREN:

16 Q. So, back to the February 1st house session  
17 transcript. On page 52, line 19, Rep. Driskell asks  
18 another question, quote, Looking at those districts,  
19 though, why couldn't, for example, Districts 118 and 119  
20 just be stacked on top of each other like squares, close  
21 quote.

22 Do you understand the question she's asking?

23 A. Yes.

24 Q. Do you have an answer to that question?

25 A. I mean, not exactly. I mean, it's kind of a

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1 hypothetical question. I would have to kind of speculate.  
2 I know that we did look at different versions of that, but  
3 off the top of my head I don't exactly remember why. But,  
4 again, to me rectangles, squares are basically the same.  
5 Functionally, as far as compactness goes, they all score  
6 relatively similar in the different compactness scores.

7 And, as I mentioned before, that may have been  
8 one of the options that we even looked at. I do remember  
9 us looking at a version that was more stacked on top of  
10 each other, although I seem to remember, and part of the  
11 reason why, like, in workshop A 119 is more of an L that  
12 goes around 118.

13 The population -- like, even though they look  
14 like, you know, it's a bigger rectangle and there's a  
15 skinny rectangle or a skinnier rectangle, then 119, the  
16 population distribution there isn't equal, so you couldn't  
17 just go across and have them also then be equal  
18 population.

19 I think that's one of the reasons why in  
20 workshop A 119 has to kind of go down and wrap around,  
21 because I seem to remember that on the top east corner of  
22 118 there was a -- I don't remember if it was an apartment  
23 complex or multiple condo areas. It's a much more densely  
24 populated part of that rectangle.

25 So if you just drew a line straight across, I'm

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1 pretty sure the populations would be unequal or something  
2 along those lines, on top of the functional analysis  
3 information that we would look at before, but I seem to  
4 remember it being something along those lines.

5 Q. Okay. So you mentioned maybe drawing a draft  
6 that had that type of --

7 A. Configuration. We went through many -- we went  
8 through many configurations to try to look at the  
9 different Tier 2 compactness with that. There's also not  
10 a good -- I mean, even this version has that little bump  
11 out of 119, because there is not a road specifically that  
12 just goes right up. And I believe the same is  
13 horizontally, there really isn't a good divider, and  
14 unless you wanted to split a neighborhood or split  
15 something that probably shouldn't be split or something  
16 along those lines.

17 So, yeah, I don't exactly remember what all of  
18 the drafts look like, but I do remember we looked at --  
19 once we settled on more of a configuration that you see in  
20 the enacted map, there were still periods or still parts  
21 of the map where we were trying to make tweaks. And I  
22 remember that being an area, and this configuration, both  
23 being rectangles next to each other, was the most visually  
24 compact version of the map that we could come up with that  
25 also satisfied the Tier 1 to the best of our ability.

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1 Q. So knowing that you perhaps explored a draft  
2 configuration that stacked 118 and 119 on top of each  
3 other, would that have been one of the drafts that  
4 functional analysis was done on and then was one of the  
5 options that was less Tier 1 compliant?

6 MR. BARDOS: Object to form.

7 A. I don't remember.

8 BY MR. WARREN:

9 Q. Okay. So in choosing not to have a,  
10 quote/unquote, stacked orientation of those districts, do  
11 you remember whether that decision was because that  
12 stacked orientation had a Tier 1 deficiency?

13 A. I don't remember.

14 Q. Moving on to the next page, page 53 of the  
15 February 1st transcript.

16 A. Fifty-three?

17 Q. Yes. On line 7, Rep. Driskell asks a last  
18 question about these series of house districts in south  
19 Dade County. At line 7 she asks, quote, Why wouldn't, for  
20 example, District 115 lose its northern appendage up to  
21 the Tamiami Trail and be more compact, taking up the  
22 southern portion of 116 and trading the appendage with  
23 116, close quote. And Chair Leek defers to Chair Byrd,  
24 and at line 13 Chair Byrd says, quote, Because that's a  
25 Tier 1 standard that we applied, close quote.

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1                   **Is that an accurate explanation to why District**  
2   **115 has that northern extension?**

3           A.       I disagree with the characterization that it's  
4   an appendage. I can show you lots of examples of  
5   districts where you would have an appendage. I don't  
6   think that that -- I disagree with that particular line of  
7   that question. However, you can look at the different  
8   versions in the workshop of 116 and 115 that we did, and  
9   there are different configurations there, and they're both  
10   different than what we settled on although reasonably  
11   similar. But everything we did there was to draw as  
12   Tier 2 compliant districts as we could while also making  
13   them legally compliant to Tier 1.

14               So I don't think that that whole -- I also don't  
15   remember exactly how many people, like, total  
16   population-wise we're talking about there. Obviously  
17   District 116 is geographically smaller than 115, because  
18   it's more densely populated than 116, so I don't -- I  
19   don't know if you could -- that, you know, conceptually  
20   you can say, well, that whole northern part of 115, just  
21   put it in 116 or whatever. Well, the total populations  
22   may have not equaled out, but that's just me speculating.  
23   I don't know.

24           **Q.    Okay. So Chair Byrd's response -- and I**  
25   **completely understand you're not accepting the premise of**

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1 these critiques, and that's totally fair. I think  
2 essentially Rep. Driskell is asking why is this district  
3 shaped this way and why does it have this attribute to  
4 make it maybe less value-laden. And Chair Byrd's response  
5 is because of Tier 1, and my question to you is, is that  
6 an accurate explanation to the question as I phrased it?

7 MR. BARDOS: Object to form.

8 A. I think in that context then that's accurate,  
9 yes.

10 BY MR. WARREN:

11 Q. So it would be accurate that the reason why  
12 District 115 is shaped this way and has this feature is  
13 because of Tier 1?

14 MR. BARDOS: Object to form.

15 A. I think that was one of the considerations, yes.  
16 I don't think that it is exclusively for that reason.

17 BY MR. WARREN:

18 Q. Earlier you referenced an early draft of 115,  
19 functional analysis performed, adjustments made, perhaps  
20 it extending more northerly as a result to ensure Tier 1  
21 compliance. You remember that, right?

22 A. Can you repeat that real quick? Sorry.

23 Q. Just referencing your earlier testimony about an  
24 early draft of 115 on which a functional analysis was  
25 performed and then adjustments to 115 to ensure Tier 1

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1 compliance.

2 A. Yes.

3 Q. Is Chair Byrd's explanation that District 115  
4 has this feature because of a Tier 1 standard that we  
5 applied, is that referencing that process?

6 A. As I just previously stated, I believe that that  
7 was a factor. I don't know if it was exclusively the only  
8 factor that was made.

9 Q. That's not exactly my question, and apologies  
10 for being unclear.

11 My question is, when Chair Byrd is explaining  
12 that this district has this feature, has this attribute,  
13 because of a Tier 1 standard that we applied, is that  
14 referencing the process of concluding that District 115  
15 needed adjustments to be Tier 1 compliant?

16 MR. BARDOS: Object to form.

17 A. And my answer stays the same. I think that that  
18 was a factor. I do not think that was the only factor,  
19 considering that the cities of South Miami and West Miami  
20 are also right there with 114 and the road that we  
21 selected to be that boundary that ended up being a  
22 boundary for three districts, that probably -- that also  
23 came into play. I don't think that part of 115 is there  
24 exclusively to satisfy Tier 1.

25

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1 BY MR. WARREN:

2 Q. Would you say Chair Byrd's response is  
3 inaccurate or incomplete?

4 A. No. Well, I think it is part of the Tier 1  
5 standard that we applied. I don't think it's exclusive to  
6 that.

7 Q. So his response is incomplete?

8 A. I don't -- I mean, I don't really know how to  
9 answer that. Sorry.

10 Q. Okay. No problem.

11 So after we've discussed these questions and  
12 answers about the shapes of Districts 114 through 119,  
13 except 117, if in your view it wasn't necessary for 118  
14 and 119 to be shaped the way they are to comply with  
15 Tier 1, would you have drawn them to be shaped that way?

16 MR. BARDOS: Object to form.

17 A. I'm sorry. Can you ask the question again?

18 BY MR. WARREN:

19 Q. Sure. Let's start with 118 and 119.

20 A. Okay.

21 Q. You said that they're in a box, and there's a  
22 line running through the box, and staff explored other  
23 options for configuring those two districts. And the  
24 House enacted the enacted map with the configuration it  
25 has. Follow me?



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1 A. Correct.

2 Q. My question to you is, if in your view it wasn't  
3 necessary to comply with Tier 1 for those two districts to  
4 have that configuration, would you have drawn them that  
5 way anyway?

6 MR. BARDOS: Object to form.

7 A. I don't know.

8 BY MR. WARREN:

9 Q. What information would you need to be able to  
10 know?

11 A. I would have to go back in time and speculate.  
12 I don't know what we would have done in that area had  
13 Tier 1 not been a factor. I think the districts we drew  
14 are very Tier 2 compliant. They're rectangles. We may  
15 have drawn exactly the same shapes, but I don't know.  
16 It's speculation.

17 Q. Okay. And I may ask you to speculate.

18 A. Ask away.

19 Q. And I may ask you a hypothetical, and I'll give  
20 you another one right now. Focusing on 115 as we have  
21 been, again, I think we've been through it enough, but one  
22 more time. If Tier 1 was not a factor at all, if it was  
23 not necessary for 115 to have this shape to comply with  
24 Tier 1, would you have drawn a district shaped like this?

25 A. I don't know.

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1 Q. For the same reasons that you said?

2 A. Correct.

3 Q. Okay. Staying on the same transcript, turning  
4 to the pink tab, page 68 at line 22.

5 A. I'm sorry. What page number did you say?

6 Q. Sixty-eight.

7 A. Got it.

8 Q. At line 22 toward the bottom, Chair Leek is  
9 answering a question from Rep. Skidmore, and he says at  
10 line 21, quote, So what you have before you is the one  
11 that I can tell you for certain if your primary concern,  
12 as it should be, is Tier 1 compliance, is Tier 1  
13 compliance. Tier 2 is Tier 2 for a reason. So when it's  
14 a protected district, we focus much less on Tier 2, close  
15 quote.

16 Does that reflect your understanding of the  
17 mapmaking process?

18 MR. BARDOS: Form.

19 Yeah, take your time.

20 A. Okay. So that is the -- I didn't know if it  
21 continued. I was trying to read the next sentence, but  
22 that actually, actually is the end of his sentence.

23 As I mentioned before, I mean, Tier 1, as far as  
24 compliance goes, is superior to Tier 2, but as I've  
25 mentioned, during the drawing process we didn't

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1 necessarily always draw for Tier 1 first and then Tier 2.  
2 Sometimes in south Florida particularly it was the  
3 opposite, and in a lot of cases it was a balance of the  
4 two. So we were trying to balance all of that together.

5 So I don't think that this is inaccurate,  
6 because at the end of the day the legal analysis is Tier 1  
7 is superior to Tier 2. I think we can all agree that that  
8 is the case. But in the drawing process it's -- like the  
9 actual drawing process is more organic than that. You  
10 cannot -- I don't think you could draw a map doing only  
11 Tier 1 and going back to Tier 2. I don't think that that  
12 would work, or at least the way that I draw it's more  
13 organic.

14 Q. So with respect to drawing -- staff's drawing of  
15 maps, Chair Leek's comment, when it's a protected district  
16 we focus much less on Tier 2, is that inaccurate?

17 A. I hate to disagree with my chair who I love very  
18 much, but I would say that that is inaccurate.

19 Q. With respect at least to the mapmaking process?

20 A. Correct.

21 Q. And I suppose I should ask you at this point,  
22 I'm asking you a lot of questions about member  
23 statements --

24 A. You're fine.

25 Q. Thank you. And I just want to clarify, you're

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1 not a member of the Florida House?

2 A. I am not a member of the Florida House.

3 Q. You were not a member during the redistricting  
4 process?

5 A. I was not a member during the redistricting  
6 process.

7 Q. They have their own thoughts and ideas?

8 A. Correct.

9 Q. And they may be expressing them in these  
10 transcripts?

11 A. Correct.

12 Q. And at the end of the day they're the ones that  
13 vote on the legislation?

14 A. At the end of the day we work for them.

15 Q. Okay. And you may disagree with them from time  
16 to time.

17 A. Correct.

18 Q. And you may disagree with their approach to  
19 redistricting.

20 A. Or at least how they answered a question.

21 Q. And you might not know, whether it's Chair Leek  
22 or Rep. Driskell, whether what they're expressing is how  
23 they feel versus --

24 MR. BARDOS: Object to form.

25 A. I don't know.

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1 BY MR. WARREN:

2 Q. Okay. I get that. I just thought it should be  
3 put out there.

4 Okay. The red tab, same document, page 77.

5 It's actually the one right after the red tab. Page 77,  
6 line 10. Chair Leek is answering another question, and at  
7 line 10 he says, quote, I can tell you that race was never  
8 the predominant factor in drawing a district outside of  
9 protecting the protected district, close quote.

10 In the mapmaking process, is it true that race  
11 was never the predominant factor in drawing a district  
12 outside of protecting the protected districts?

13 MR. BARDOS: Object to form.

14 A. I would go even further and say that race was  
15 rarely the predominant factor even in the protected  
16 districts.

17 BY MR. WARREN:

18 Q. In what situations to your mind was race the  
19 predominant factor in drawing protected districts?

20 A. There were some districts where, because the  
21 minority population that we were looking for was either so  
22 small and so concentrated in specific areas we had to draw  
23 the district looking -- you know, trying to be as Tier 2  
24 compliant as we could, but we had to look at those  
25 minority communities to make sure that they were being

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1 included properly.

2 A great example of that is District 117, amongst  
3 all these challenged districts. That was a district that  
4 we had to look at, like the heat map, and figure out where  
5 that Black population is in Florida City and Homestead and  
6 that little pocket that kind of goes up the highways, and  
7 in an attempt to make sure we included them all properly,  
8 to make sure that district could perform as the way it did  
9 before.

10 Q. So to sum up, would you say that race  
11 predominated in the house committee's drawing of 117?

12 A. That was a factor. It was probably the  
13 predominant factor, while trying to draw the most  
14 compliant district as we could. And as you can see in the  
15 workshop maps we did draw different versions of that, but  
16 we heard a lot from Representative Chambliss, who  
17 represents that area specifically, but then other members  
18 as well, and a lot of the members of the public for that  
19 district. So, yes.

20 Q. So you tried to draw the most Tier 2 compliant  
21 smooth boundary district that you could, but at the end of  
22 the day race was elevated over other factors in 117?

23 A. In that particular district that's probably the  
24 case, yes.

25 Q. Are there any other districts in the house map

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1 in which that's the case?

2 A. District 88.

3 Q. Any other districts?

4 A. Sixty-two.

5 Q. Any others?

6 A. A portion of 8.

7 Q. I understand.

8 A. Yeah. And that's probably it, honestly. Maybe  
9 21 a little bit too, actually.

10 Q. And on the congressional map that was enacted,  
11 are there any districts in which race predominated in the  
12 drawing of those districts?

13 A. Congressional District 20.

14 Q. Any others?

15 A. No.

16 Q. Did you ever try to draw a more Tier 2 compliant  
17 configuration of District 20?

18 A. Yes.

19 Q. What happened to that?

20 A. Early on in the drawing process, Kyle and I  
21 discovered that you were able to draw a Black district  
22 over 50 percent entirely within Broward County in our  
23 effort of trying to draw a more compact district that was  
24 CD 20. Unfortunately when you did that it impacted the  
25 surrounding districts in such a way that it actually made

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1 the whole region more un-compact, and believe it or not  
2 the compactness scores of the enacted congressional  
3 District 20 -- when I say compactness scores I mean the  
4 mathematical compactness scores -- were actually higher on  
5 this version of the map than the one that we put entirely  
6 within Broward. But we did make that attempt, and I think  
7 that was even in one of our workshop congressional maps if  
8 I'm not mistaken.

9 Q. I think I remember something along those lines.

10 You mentioned you and Mr. Langan trying to draw  
11 a 50 percent BVAP district wholly within Broward County  
12 for District 20 was -- I think this is relevant to Section  
13 2 -- was 50 percent BVAP a threshold that you were looking  
14 for in drawing District 20?

15 A. In relevance to Section 2 of the Voting Rights  
16 Act, yes.

17 Q. So District 20 in the enacted plan, which is  
18 based off of District 20 in the House's versions, right?

19 A. Yes.

20 Q. So in the enacted District 20, 50 percent BVAP  
21 was the target that you were looking to reach?

22 A. Yes.

23 Q. If you could have configured District 20 wholly  
24 within Broward County without negatively impacting  
25 surrounding districts' compactness scores, would you have



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1     **presented that as an option?**

2           A.     We did present that as an option in workshop B  
3     or workshop A, but it actually was a less compact -- and  
4     visually it did not look less compact, but mathematically  
5     it was significantly less compact, and its impact to the  
6     surrounding region just made it a nonviable option.

7           Q.     And I think you said this morning -- well, I  
8     think you said this morning that every option that you  
9     presented to the committee was constitutionally compliant,  
10    right?

11          A.     Yes.

12          Q.     So that included the configuration with the  
13    Broward only CD 20?

14          A.     Yes.

15          Q.     Okay. And it was nonviable for reasons other  
16    than it was not compliant with the constitutional  
17    standards?

18          A.     Yeah. It may have been compliant, but it was  
19    probably pushing the boundaries a little bit. But we had  
20    another version, this version, which was essentially more  
21    compliant or more defensible, it was more compact, and it  
22    helped the entire region's compactness. So it was -- you  
23    know, there's always more than one way to draw a map, and  
24    in redistricting there's probably thousands of ways to  
25    draw a map. So by saying that one was compliant, which I

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1 think it was, you know, there's always this is compliant,  
2 that's compliant, but when you're looking at all the  
3 different factors you can pick the one that might be  
4 more -- not more compliant, but more legally defensible.

5 Q. Makes sense. We've discussed -- back to the  
6 state house map in Dade County. We've discussed a lot  
7 about the different challenged districts in the house map  
8 and the different considerations that went into why they  
9 are the way they are. And so I just -- I don't want -- we  
10 don't need to retread all that, but besides what we've  
11 discussed already, what else, if anything, explains the  
12 shapes of those challenged districts, that is, 112 --

13 A. 112, 113, 14, 15, 16, 18, and 19, correct?

14 Q. Right.

15 A. I mean, as I mentioned before, we truthfully  
16 drew all of those districts, looking more at Tier 2 first,  
17 trying to fit them in amongst all the municipalities in  
18 Dade County, which there are many, and all the various  
19 roads that are down there, and trying to find good  
20 recognizable boundaries that aren't going to split up  
21 different neighborhoods or different towns and cities.

22 And when we had to split Miami-Dade -- or not  
23 Miami-Dade, the City of Miami because of -- I mean, it had  
24 to be split anyway. It was one of the few cities that was  
25 greatly above a state house population, but with

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1 Districts 108 and 109 taking a portion of it, we felt it  
2 not necessary, but we really wanted to try to anchor a  
3 district within Miami, and 113 was that district.

4 We also were trying to reduce the number of  
5 districts that crossed other county boundaries other than  
6 the one that has to come up from Monroe, and we were  
7 trying to do that as best as we could and we accomplished  
8 that by only having District 104 cross the boundary.

9 And because the math in Miami-Dade County had  
10 changed from decade to decade, and I don't remember  
11 exactly the math in breaking down, but they were  
12 essentially going to lose a house district because of the  
13 way the population distribution had changed throughout the  
14 state, and we accomplished that by, instead of removing an  
15 entire district, we removed half of two districts. So  
16 there was one district that went from Dade into Broward  
17 along the coast, there was another district that was kind  
18 of more the equivalent of 111 that also went over into  
19 Collier.

20 And so instead of just removing an entire  
21 district, we kind of removed those halves of those  
22 districts to try to keep everything in Dade County. And  
23 that was kind of the -- you know, it didn't start that  
24 way, but that kind of became the goal as we saw  
25 different -- what was possible with the population

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1 distribution.

2 So that became -- that became a goal of ours.

3 And then to -- even though we had to split Miami, we were  
4 going to try to keep as many of those other municipalities  
5 wholly within a district as we could, and I think we  
6 accomplished that. With the exception of Homestead and  
7 Florida City, which were split by the 117 district, I  
8 don't think any other cities were split in Dade County.

9 **Q. Hialeah.**

10 A. Was Hialeah -- oh, Hialeah was too big, so that  
11 had to be split, too. Thank you.

12 So, yeah, we did the best we could with all of  
13 that, and we tried to make them all follow as many, you  
14 know, major political and geographical boundaries as we  
15 could. You know, keeping Coral Gables whole and following  
16 as many of the other canals and streets as we could to  
17 make it as -- as tight and as compact as possible.

18 **Q. Are there any other reasons that explain the**  
19 **shapes of the challenged districts?**

20 MR. BARDOS: Object to form.

21 A. I think we've covered it all.

22 BY MR. WARREN:

23 **Q. Okay. Was there -- you mentioned member input**  
24 **at different points, both in committee and outside**  
25 **committee. Did member input influence the shapes of the**

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1 challenged districts, setting aside 108 and 109 that we've  
2 already discussed?

3 A. That we already discussed? Yeah, I believe at  
4 some point I met with every member of the Miami-Dade  
5 delegation to talk about the region as a whole, but also,  
6 you know, their area that they represent. And we took all  
7 of that input into consideration and considered it where  
8 we could.

9 Q. Is there any specific input that you remember  
10 considering that resulted in the enacted district  
11 configurations?

12 A. Other than 108 and 109?

13 Q. Right.

14 A. I mean, there was -- I don't remember. There  
15 may have been. Certainly 117, because we had that other  
16 version of 117. If we didn't get the member input that we  
17 did I don't think we would have necessarily chosen this  
18 version of it. We probably would have chosen to keep  
19 those cities whole, but we got a lot of -- not just from  
20 Representative Chandler, we got a lot of input to kind of  
21 keep a more similar orientation that had existed  
22 previously. So we took that into account.

23 I don't remember any other specific example. I  
24 don't -- again, I don't remember specifics, but there were  
25 a couple of times where members would come in and ask for

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1 changes that we couldn't do for a variety of reasons. And  
2 we would literally show them what they were asking for us  
3 to do, and why it wouldn't work for a variety of reasons.  
4 And ultimately then they were like, okay, go with the  
5 version that you came up with. Some stuff like that.

6 **Q. Apart from member input, was there any public**  
7 **input or public submissions that you can remember that**  
8 **influenced the enacted districts?**

9 A. I don't remember a specific publicly submitted  
10 map, but as I mentioned, we looked very closely at all of  
11 them. And there were some public ideas that we  
12 incorporated into this. Maybe not in Dade but a little  
13 bit more in South Broward with how that was configured.  
14 And I don't really remember how that impacted Dade other  
15 than maybe keeping Coral Gables wholly within the  
16 district. I remember that. We've seen that a couple of  
17 times.

18 And then -- where's the -- yeah, so originally  
19 we didn't -- originally we were going to split the City of  
20 Sweetwater, mostly for visual compactness. But then we  
21 heard that Sweetwater, you know, they were a smaller city,  
22 they wanted to be kept whole, and that's why we put the  
23 little bump on 116. I don't remember exactly where that  
24 came from, but that was some sort of input that we heard  
25 from the public.

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1 Q. And any input that the committee chairs or vice  
2 chairs gave?

3 MR. BARDOS: Object to form.

4 A. Yeah. All of the comments I just referred to  
5 with members and all that, that kind of all is  
6 incorporated in that, too. I was including them in the  
7 global member -- I wasn't excluding them.

8 BY MR. WARREN:

9 Q. They're members, too?

10 A. Correct.

11 Q. Got it.

12 Would you say that in the challenged districts  
13 that we're looking at it in the house map, the population  
14 distribution has a north/south orientation?

15 MR. BARDOS: Object to form.

16 A. In Dade, or just in -- or in all of those three  
17 counties in general?

18 BY MR. WARREN:

19 Q. In Dade.

20 A. Yes.

21 Q. Did that influence the development of the  
22 challenged districts?

23 A. No.

24 Q. So the fact that Dade County may have a  
25 north/south population distribution did not impact the

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**1 development of the challenged districts?**

2 A. So the population is where it is, and we can  
3 only draw it -- like, we can't move people around when  
4 we're drawing districts, although that would make things  
5 easier on occasion. So ultimately the districts are going  
6 to mirror where the people are.

7 But -- so in that respect, yes, because the  
8 population distribution is for all three of the big three  
9 counties, Dade, Broward, and Palm Beach, they're all  
10 squished up against the coasts. And a lot of the roadways  
11 and major cities there are in a more north/south  
12 orientation because they're densely squeezed to the coast.  
13 That's going to influence the redistricting process,  
14 because the people are where they are.

15 That being said, it wasn't like a predetermined,  
16 we're going to do the districts in this way. And an  
17 example of that is the change in 108 and 109. We actually  
18 did look at maybe configuring the districts in a slightly  
19 different way, but then as time went on and things evolved  
20 in trying to keep more cities whole and all those cities  
21 are basically oriented in that way, it just kind of  
22 naturally fell into that orientation.

23 Q. And in the 108 and 109 example, that change in  
24 orientation was because of member input and a community of  
25 interest concern around a language minority?



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1 A. Right.

2 Q. Okay. Would you say in the area of Dade County  
3 covered by the challenged districts the major roadways  
4 follow a north/south orientation?

5 A. I believe that that is correct, in my opinion.

6 Q. In your opinion, are there fewer east/west major  
7 roadways than north/south major roadways in this area?

8 A. I think it -- I think that depends. There are  
9 so many different roads in that area. What is or is not  
10 considered a major road could be different from person to  
11 person. This is also an example of an area where the  
12 boundary analysis score that we came up with is not really  
13 that effective, because although there are interstates and  
14 state roads that run through that area, there is also far  
15 more city and county roads that could be three, four,  
16 five, six lanes in each direction that anybody on the  
17 ground would consider a major road, but would not be  
18 factored into our boundary analysis score because the  
19 Census Bureau didn't tag that road as a primary or  
20 secondary road.

21 So what is or isn't a major road, particularly  
22 in a densely populated area like this, can mean different  
23 things to different people. So is there a more east/west  
24 than north/south, I don't know. I would have to count  
25 them up, really. And then the number I come up with will

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1 be different than what you come with up with, because  
2 we're going to be considering different roads in different  
3 ways.

4 We tried to use as the most obvious major roads,  
5 and that's part of why I used the satellite view when I  
6 was drawing maps, so I could zoom in and see what a road  
7 actually looks like. And occasionally would determine  
8 that, yeah, I think this road, even though it doesn't  
9 qualify, is a pretty major road, or at least a road that  
10 the people who live in the area are going to recognize as  
11 that could be a boundary, whatever that road is, and used  
12 that. So that's much more difficult in this area than in  
13 other parts of the state.

14 **Q. Because there are a lot of roads, but they may**  
15 **not all be state or interstate roads?**

16 A. Correct.

17 **Q. But there are a lot of major roads in Dade**  
18 **County.**

19 A. A lot of major roads, yes.

20 **Q. And some of them run north/south and some of**  
21 **them run east/west.**

22 A. Yeah.

23 MR. WARREN: Okay. I'd like to transition  
24 to the congressional map and ask you some  
25 questions from the February 18th, 2022,

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1 congressional redistricting subcommittee. The  
2 transcript is Exhibit 17, and we'll start on the  
3 red tab, which is page 10.

4 (Exhibit No. 17 marked for identification.)

5 THE WITNESS: Can I grab another drink real  
6 quick while we're getting straight?

7 MR. BARDOS: Is it okay if we take a  
8 five-minute break?

9 MR. WARREN: Yes, take a break.

10 (Recess taken from 3:54 p.m. to 3:59 p.m.)

11 BY MR. WARREN:

12 Q. So we are at page 10 of the February 18th  
13 transcript, and Chair Sirois, S-I-R-O-I-S, is introducing  
14 the congressional map presented at this committee, and he  
15 says at line 21, quote, In each district the minority  
16 groups' voting age population are similar when compared to  
17 the benchmark districts with slight increases or decreases  
18 as permitted by the Florida Supreme Court precedent, close  
19 quote. And he continues on the next page at line 6,  
20 quote, These districts are also drawn in a consistent  
21 manner with respect to Florida Supreme Court precedent to  
22 maintain existing majority minority districts, close  
23 quote.

24 This is a similar introduction as we discussed  
25 with the house map?

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1 A. Uh-huh.

2 Q. Fair to say?

3 A. That is correct.

4 Q. So your explanation of the relevance or not of  
5 the similarity in HVAP between these new congressional  
6 districts and the benchmark applies?

7 A. I would agree.

8 Q. Okay. And at the end of that statement, Chair  
9 Sirois said that the districts were drawn in a consistent  
10 manner with respect to precedent to maintain existing  
11 majority minority districts. Is that an accurate  
12 statement of the mapmaking process?

13 A. I believe so, yes.

14 Q. Okay. At the orange tab, page 23. Chair Sirois  
15 at line 10 says, quote, Congressional District 26, similar  
16 in shape to the benchmark map, connects the part of  
17 Collier County not included in Congressional District 19  
18 with population in Miami-Dade County, close quote, and  
19 then he continues explaining the district.

20 A. Uh-huh. Yes.

21 Q. That comment that CD 26 in this map is similar  
22 in shape to the benchmark map, is that the same type of  
23 contextual observation that we discussed previously or is  
24 there more meaning to that?

25 A. No. That's a contextual observation in an

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1 effort to present a large amount of information in a more  
2 concise way.

3 Q. Got it. The next yellow tab, page 38.

4 Rep. Joseph is asking questions, and at line 10 she says,  
5 quote, Let me move on to CD 26. So looking at CD 26, was  
6 that impacted by the fact that it's a Tier 1 protected  
7 district for Latino voters or Hispanic voters, close  
8 quote. And Chair Sirois answers at line 16, quote, Yes,  
9 close quote.

10 Is that an accurate answer to that question?

11 A. I'm sorry. I'm -- on line 15 and 16?

12 Q. Correct.

13 A. Sorry, I lost track of it.

14 MR. BARDOS: So, 10 to 16.

15 MR. WARREN: Yeah, 10 to 16.

16 THE WITNESS: Yes.

17 BY MR. WARREN:

18 Q. So CD 26 was impacted by the fact that it's a  
19 Tier 1 protected district for Hispanic voters?

20 MR. BARDOS: Object to form.

21 A. Yes.

22 BY MR. WARREN:

23 Q. On the same page, Rep. Joseph asks a follow-up  
24 at line 17. She says, quote, So looking at kind of the  
25 image of it, it's kind of like an extruded stair step

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1 shape stretching up from the Gulf of Mexico all the way  
2 over to a little finger that points just 700 yards short  
3 of Biscayne Bay in Miami. Was that shape necessary to  
4 comply with Tier 1, or were there other factors that went  
5 into just how it ends up looking there, close quote.

6 And Chair Sirois deferred to you, and you said  
7 on page 39, line 6, quote, Yes. The shape of District 26  
8 was largely because not only it was a Tier 1 protected  
9 district, but the other three districts in Miami-Dade  
10 County, District 24, are protected Black districts, and  
11 District 27 and 28 are also protected districts. So  
12 trying to balance all the Tier 2 issues that are there in  
13 addition to first protecting all three of those districts  
14 and their ability to elect, that largely impacted the  
15 shapes of all four of those districts, close quote.

16 Is your answer an accurate answer to  
17 Rep. Joseph's question, understanding that we may not all  
18 accept her characterizations or premises?

19 A. Yes, I believe it is.

20 Q. Okay. Do you have anything to add or clarify?

21 MR. BARDOS: Object to form.

22 A. The only thing that I would add now upon  
23 reflection is that there were -- I would largely agree  
24 with that, but there's also, especially because of CD 20  
25 and that final shape that we chose with that, there's only

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1 so many people in Dade County, and in congressional  
2 districts you have to achieve population equity. So at  
3 some point some district -- some other district from  
4 Miami-Dade County is going to have to go somewhere,  
5 whether it go north into Broward or west into Collier.

6 So in that respect, I probably should have  
7 pointed that out at that time, but some district is going  
8 to have to go over. There's just not enough people in  
9 Miami-Dade to support putting District 26 entirely within  
10 Dade County, particularly because you have the concern of  
11 CD 20, which is really the district that governs the shape  
12 of really all of the surrounding districts in that area.

13 So that was probably a relevant factor that I  
14 should have mentioned before, in addition to the other  
15 protected districts in that area.

16 BY MR. WARREN:

17 Q. So to sum up, and please correct me if I  
18 misstate, in addition to the reasons that you gave on  
19 page 39 in the transcript, an additional reason is meeting  
20 necessary population to reach equal population?

21 A. Correct.

22 Q. Okay. Turning to the green tab, dark green,  
23 page 43. Rep. Joseph is at it again, and she asks the  
24 following question, starting at line 11, quote, If I'm not  
25 mistaken, the Everglades boundary coincides with the

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1 political boundary where the Dade, Collier County boundary  
2 is. So with that in mind, looking at the Tier 2 factors  
3 with CD 26, like this stairway to Immokalee shape, it  
4 crosses those county lines, it splits Collier, which is  
5 smaller than the ideal district size, it splits the City  
6 of Miami in three ways, and Miami is smaller than ideal  
7 district size, too. And all those Tier 2 -- I don't want  
8 to say deficiencies, but infirmities, if we can call it  
9 that, were those necessary to maintain Tier 1 compliance,  
10 close quote.

11 And Chair Sirois deferred to you again, and you  
12 said, quote, As I mentioned earlier, that is primarily due  
13 to Tier 1 considerations, in addition to the equal  
14 population standard, close quote.

15 Is that an accurate answer to Rep. Joseph's  
16 question?

17 A. I mean, you left out a large portion of my  
18 answer there in that equal population standard because the  
19 boundaries within Collier County, for example, even though  
20 Collier County -- there's lots of counties throughout the  
21 map. Walton County is another example, Citrus County,  
22 where counties have to be split in a congressional map  
23 because of equal population standard. In addition, the  
24 stair step thing that she's describing, we're following  
25 county boundaries to create that stair step look that



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1 she's referring to.

2 So it isn't exactly just in the middle of  
3 nowhere. Those are following defined political  
4 boundaries, and within Miami-Dade we're following the  
5 Tamiami Trail until we're then following the Collier,  
6 Monroe County line. So that stair step thing that she's  
7 referring to is actually following county boundaries. I  
8 don't know why I didn't mention that in the committee, but  
9 it's all county boundaries there.

10 In addition to earlier in the question they  
11 talked about the, quote/unquote, boundary of the  
12 Everglades, which is a nondefined boundary. There is no  
13 definite boundary of where the Everglades start and end.  
14 A lot of environmentalists and everyone will argue over  
15 where the Everglades start and end. So there really is no  
16 definitive boundary there.

17 So in this particular case we're following  
18 county boundaries and the Tamiami Trail to go into Collier  
19 County. So I don't -- yeah, I guess I would add that to  
20 my answer.

21 Q. Okay. And the other elements of Rep. Joseph's  
22 question about why CD 26 splits the City of Miami in three  
23 ways, for example, would your answer that that is  
24 primarily due to Tier 1 considerations apply to that  
25 aspect of her question?

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1 MR. BARDOS: Object to form.

2 A. So City of Miami is split multiple times for  
3 equal population reasons, and also because District 24 is  
4 a protected Black district, so that takes part of Miami.  
5 District 27 is a separately protected district by itself.  
6 So, in essence, yes, it's Tier 1 considerations, but it's  
7 also equal population in that area, because you only have  
8 so much -- you know, congressional districts get -- you  
9 can put more cities within a congressional district  
10 because you have almost 800,000 people, but you're also  
11 dealing with all of these other Tier 1 concerns, too. So  
12 I think it's a combination of all of those things.

13 But certainly all four of the districts in Dade,  
14 24, 27, 28, and 26, are all protected districts, so that  
15 certainly contributes to the shape or the splitting of  
16 Miami.

17 BY MR. WARREN:

18 Q. Would you say, echoing your words from the  
19 committee, that those Tier 1 considerations were a primary  
20 reason for the way the City of Miami is split?

21 MR. BARDOS: Object to form.

22 A. I would say it's our reason. I don't know if I  
23 would say it's primarily the reason.

24 BY MR. WARREN:

25 Q. What are the other reasons, setting aside for a

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1     **second equal population?**

2           A.     Well, that would be the major one, equal  
3     population, but -- yeah, equal population would probably  
4     be the other major one. But considering those are  
5     protected districts, you know, one Black district and  
6     three Hispanic districts, that's certainly a large  
7     concern. But without looking at it I wouldn't be able to  
8     give you a definitive list of all of the other reasons,  
9     but it's certainly a large contributing factor.

10          **Q.     Okay. Tier 1 was a large contributing factor in**  
11     **the way the City of Miami was split?**

12          A.     Correct.

13          Q.     Okay. Moving on to page 47, a couple sheets --  
14     one sheet later. Rep. Fabricio, F-A-B-R-I-C-I-O, asks a  
15     question on page 46 at line 4, quote, I'd like to consider  
16     the compactness scores of District 26 vis-à-vis the  
17     compactness scores of, say, District 3, close quote. And  
18     he lists out some compactness scores.

19                 And Director Kelly answers at line 23, quote,  
20     So, first of all, compactness is secondary to our Tier 1  
21     requirement to ensure that a minority population has an  
22     ability to elect a candidate of their choice. So both of  
23     the districts that you reference, Congressional District 3  
24     in north Florida and then Congressional District 26 in  
25     south Florida, are both Tier 1 protected districts. The

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1 first item I'd like to point out is that Tier 3 -- I think  
2 she meant District 3 -- is a protected Black district.  
3 District 26 is a protected Hispanic district, close quote.

4 My question is, her answer that compactness is  
5 secondary to our Tier 1 requirement, is that an accurate  
6 reflection of your understanding?

7 A. I'm sorry. Can you repeat your question? I'm  
8 sorry.

9 Q. Sure. Director Kelly says, Compactness is  
10 secondary to our Tier 1 requirement to ensure minority  
11 population has an ability to elect.

12 Do you agree with that statement?

13 A. I agree that Tier 1 is superior to Tier 2, yes.  
14 So in that way, yes. And it should be noted that they're  
15 not referencing the enacted congressional map here,  
16 they're referencing one of our earlier versions where the  
17 congressional district -- they went from Jacksonville to  
18 Tallahassee -- was Congressional District 3.

19 Q. Certainly. Thank you.

20 A. Just to clarify for the record.

21 Q. Yes. Very helpful. Thank you.

22 So Rep. Fabricio asks essentially why do  
23 District 26 and District 3 have these low compactness  
24 scores, or at least he thinks they're low. And Director  
25 Kelly's response is, you have to consider these are Tier 1

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1 districts and compactness is secondary to Tier 1. Is that  
2 an accurate paraphrase?

3 A. Yes.

4 Q. So were District 26 -- was the compactness of  
5 District 26, whether it's low or however you want to  
6 characterize it, was District 26's compactness secondary  
7 to achieving Tier 1 compliance?

8 MR. BARDOS: Object to form.

9 A. I mean, its compactness scores, yes. I don't  
10 think its compactness was. Again, compactness can be  
11 several things. It's more of an art than an exact  
12 science, but if you're looking at the mathematical  
13 compactness scores, I would agree with you. But because  
14 it is following -- the majority of that district is  
15 following, like, county lines and things like that, and in  
16 that way that is also a part of compactness.

17 So, yeah, I don't know if I completely agree  
18 with the complete characterization of compactness as  
19 holistically, but if you want to reference the three  
20 mathematical compactness scores that we have used in the  
21 process, they are certainly lower than other districts in  
22 the map, but do a pretty good job of following county  
23 boundaries.

24 The District 3 she's referencing to you could  
25 say the same thing about. Visually maybe not looking very

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1 compact, mathematical compactness scores, no, but that  
2 district was made up of almost entirely whole counties  
3 except for two little bits at the end, so -- and then one  
4 other bit.

5 BY MR. WARREN:

6 Q. So, to make sure I have this right, District  
7 26's compactness scores were secondary to achieving Tier 1  
8 compliance?

9 MR. BARDOS: Object to form.

10 A. That wasn't the -- I mean, Tier 1 was a concern  
11 and the compactness scores were certainly secondary to  
12 that. So, yeah, I'd have to agree with that.

13 BY MR. WARREN:

14 Q. Okay. And relatedly --

15 A. Relatively speaking, because, again, compactness  
16 scores are not -- a seemingly low compactness score does  
17 not necessarily mean low compactness.

18 Q. Of course. Relatedly, the fact that District 26  
19 had lower compactness scores was because of Tier 1  
20 compliance?

21 MR. BARDOS: Object to form.

22 A. And because we were following county boundaries.

23 BY MR. WARREN:

24 Q. Okay. And you were following those particular  
25 county boundaries to achieve equal population?

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1 MR. BARDOS: Object to form.

2 A. That was part of it, yes. We had to -- there  
3 was a portion of Miami-Dade that was left without a  
4 congressional district and it had to go somewhere. We  
5 followed a major road and county boundaries to get over to  
6 Collier County. We then -- at the time we're choosing the  
7 most major roadways and other areas in Collier County to  
8 achieve an equal population congressional district. That  
9 also happened to be a Tier 1 protected district, so we had  
10 to take that into consideration as well.

11 But I think -- I would have to double-check. I  
12 think that district's boundary analysis scores would  
13 probably be pretty high in comparison to some other  
14 districts. But that's me speculating. I'd have to  
15 double-check the numbers.

16 BY MR. WARREN:

17 Q. If you could turn to page 63. At line 19, you  
18 are answering a question from Rep. Joseph about CD 24, and  
19 she's asking you about the difference from the proposal  
20 the committee is considering and the benchmark. And you  
21 answer at line 19, quote, That district is a protected  
22 Black district. Its Black voting age population and the  
23 benchmark was about 43 percent, and the districts you see  
24 before you, it's about 42 and a half percent, 42, I think,  
25 .2 percent. It was brought over to that population so it

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1 wouldn't impact Districts 26, 27, or 28, which are all  
2 protected districts, in addition to adding population to  
3 all three districts to achieve our new ideal population  
4 for a congressional district, close quote.

5 In drawing the border between District 24 and  
6 the adjacent Hispanic protected districts, was there a  
7 concern -- did you have a concern about drawing that  
8 border to not impact the Hispanic protected districts?

9 MR. BARDOS: Object to form.

10 A. I'm not sure if I understand the question.

11 BY MR. WARREN:

12 Q. Let me rephrase it.

13 A. Yeah.

14 Q. I guess my question is, what did you mean when  
15 you said CD 24 was brought over so it wouldn't impact 26,  
16 27, or 28, which are all Hispanic protected districts?

17 A. So, that question -- so there's a portion of the  
18 question you left out and I read a little bit more. The  
19 question was more related to why did District 24 go all  
20 the way to the coast, and why did District 24, a protected  
21 Black district, encompass a lot of these municipalities  
22 that are in House District 106, and the reason for that  
23 was that's where the population was. Also, because if you  
24 start going the other way, some other district is going to  
25 have to come up and take that population on the beaches up



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1 there.

2           So it's going to impact, like, the compactness,  
3 but, yes, the potential functional analysis Tier 1  
4 compliance of all of those other districts. If you took  
5 the district to the east rather than to the west, which is  
6 what that question was specifically referring to, that's  
7 why that was done in District 24, to essentially not have  
8 District 27 or another district have to come up and take  
9 that population and go that way. Or if you had 25 come  
10 down that way, then some other district would have to go  
11 up north, and then so you're impacting everything in the  
12 congressional district world. When you move one district  
13 you're moving six districts sometimes. So that's why that  
14 district went that way.

15           So, yes, it was for the Tier 1 compliance of  
16 those districts, but really it's just that's where the  
17 population was, and we had to achieve the equal population  
18 number for everything. So it was kind of a -- it's kind  
19 of a regional balance of everything, and that population  
20 had to go somewhere. And it was less -- if we took this  
21 district west, it was going to impact the performance in  
22 Tier 1 for 26, 27, and 28, is that 27 would have to come  
23 up and take that, and then this district would have to  
24 come in there. You know what I mean? It would have one  
25 of those pinwheel effects with everything and everything

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1 would be affected globally. So that's what the question  
2 was coming from.

3 Q. So in drawing District 24 you were not -- am I  
4 correct in thinking that you were not only concerned about  
5 ensuring Tier 1 compliance in District 24, but also  
6 avoiding negatively impacting the Tier 1 performance of  
7 the adjacent Hispanic districts?

8 A. Yeah. And the same with 26 and 27 and 28, when  
9 you're drawing those, you're going to try to draw those in  
10 a way that's not going to negatively impact the  
11 performance of District 24. When you have projected  
12 districts all up against each other you got to make sure  
13 everything's all balanced together. So in that way in the  
14 drawing of all of those districts you're trying to make  
15 sure they all can individually perform, but because  
16 they're all neighboring districts, changing one district  
17 is going to impact another in some way, shape, or form.

18 So if you're going to make those changes you  
19 need to make sure that you're not impacting the other  
20 district in its functional analysis or even its  
21 compactness really. But, like, you kind of have to  
22 balance everything together.

23 Q. I think Director Kelly elsewhere in this meeting  
24 referred to the Tier 1 constraints of the region in  
25 talking about drawing districts and Dade County. Is

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1     **that --**

2           A.     Certainly so, yeah. I mean, you can't ignore  
3     CD 20, too, because that probably the -- because that  
4     Section 2 protected county or district, it kind of is in  
5     almost its own category compared to the other districts,  
6     so --

7           **Q.     Okay.**

8           A.     And obviously that district isn't in Dade, but  
9     because it's right up on the border it then impacts  
10    everything else.

11           MR. WARREN: So I'm handing you Exhibit 18,  
12           which is an excerpt from the deposition of Alex  
13           Kelly in 2023.

14           (Exhibit No. 18 marked for identification.)

15           THE WITNESS: In this case?

16    BY MR. WARREN:

17           **Q.     No.**

18           A.     Oh, in the Black -- okay. I see. Never mind.

19           **Q.     In Black Voters Matter and Common Cause jointly.**

20                   And I wanted to ask you about one answer of his  
21    on page 277 of the transcript. The question is starting  
22    at line 12, quote, Would you agree with me then that the  
23    way that the Legislature drew CD 24 and CD 26 was not race  
24    neutral, close quote.

25                   And Mr. Kelly's answer at line 19 is, quote, I

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1 would agree with you, it was not race neutral, close  
2 quote. And he continues, quote, Although I don't know if  
3 I'm being picky, but 26, that district performs for  
4 Hispanic Floridians, so an issue of ethnicity, not race,  
5 close quote.

6 Would you agree with Mr. Kelly that the way the  
7 Legislature drew CD 24 and CD 26 was not race neutral?

8 MR. BARDOS: Object to form.

9 A. I would agree that race was a factor for those  
10 districts, yes.

11 BY MR. WARREN:

12 Q. Is the same thing true of Districts 27 and 28?

13 A. Yes.

14 Q. And just so we're clear, the same thing is true  
15 of the Hispanic protected districts in the state house  
16 plan in Dade County?

17 A. That I would say no to.

18 Q. Why?

19 A. Because -- so when you're dealing with  
20 congressional districts, the state house districts, you're  
21 dealing with districts that are about 180,000, and I think  
22 it was 769,000 and change. I think 769,221 was the exact  
23 number in the state house map. I think it was 184 and  
24 change. I forget the number.

25 So that inherently changes assumptions that you

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1 can make about the different districts in the map. And in  
2 the state house map, because you're dealing with such  
3 smaller districts, as I mentioned before, we almost kind  
4 of did the reverse. We drew Tier 2 compliant districts  
5 and then made adjustments if we had to to get Tier 1. So  
6 I would say the state house districts were primarily drawn  
7 for Tier 2 compliance and keeping cities and counties --  
8 or not counties, but keeping the municipalities whole and  
9 made adjustments where we had to for the most part except  
10 for the Black districts as I mentioned before, 117 and  
11 something like that.

12 But in the congressional world, even in the  
13 state senate, every time you change the ideal population  
14 of the district you're fundamentally changing the overall  
15 drawing equation, because you're dealing with like what  
16 may have been a district that would be easier to draw in a  
17 state house map might become incredibly difficult in a  
18 senate map for a congressional ward or vice versa.

19 There might be a district in a congressional map  
20 because of the population becomes easier that's much  
21 harder in a state house map, just because the district  
22 populations are so different.

23 So I think in this particular context that  
24 applies to the congressional map only and not the state  
25 house map.

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1 Q. You referred earlier to minimizing the number of  
2 times the Dade County boundary was crossed.

3 A. In the state house map.

4 Q. Was a goal in drawing the state house map.

5 A. Ended up being a goal. It wasn't a goal that we  
6 started with, but as we continued to draw we realized that  
7 that would be a thing -- a possibility that we could do  
8 and it became a goal.

9 Q. And that became a goal because that was in  
10 service of the Tier 2 criteria to utilize existing  
11 political boundaries?

12 A. Yes.

13 Q. One manifestation of following that criterion is  
14 minimizing the number of times a county boundary is  
15 breached?

16 A. Where feasible, yes.

17 Q. Okay. I think you already mentioned in the  
18 benchmark house plan there was a state house district, one  
19 of five, I believe, that --

20 A. Yeah, I don't remember the number.

21 Q. That -- let's call it one of five -- that  
22 extended -- that included portions of both Dade and  
23 Collier counties. Do you remember that district?

24 A. Yes, yes.

25 Q. And that district -- there was no longer such a

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1 district in the enacted state house map?

2 A. Correct.

3 Q. And that was a positive in the house committee's  
4 view?

5 A. Yes.

6 Q. Because that achieved the goal of minimizing the  
7 number of times the Dade County boundary was breached?

8 A. Yes.

9 Q. Return to the February 1st transcript,  
10 Exhibit 15, to the yellow tab at the top, page 7.

11 A. Exhibit 17?

12 Q. Fifteen.

13 A. Fifteen. I don't have that. Oh, here it is.  
14 Sorry.

15 Q. Yellow tab, page 7.

16 A. Page 7.

17 Q. Line 15, Chair Leek says, quote, Where feasible,  
18 we also worked to improve visual compactness of districts  
19 or the eyeball test, such as no longer having a district  
20 that stretches from Miami-Dade County to Collier County,  
21 close quote. And he gives another example.

22 A. Yes.

23 Q. Is that what you're talking about?

24 A. Yes.

25 Q. So having a district that stretched from

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1 Miami-Dade to Collier County impaired the visual  
2 compactness of districts?

3 A. Which map are you referring to?

4 Q. In this case the house map.

5 A. Which state house map?

6 Q. Well, that district was in the benchmark house  
7 map.

8 A. Okay. So you're referring to the benchmark  
9 state house map. In that particular map, although I don't  
10 remember if that was a protected district or not, but,  
11 yeah, that was a district that, you know, visually looked  
12 a little out of place I will admit. But I believe --  
13 yeah, anyway.

14 Q. Now, in the enacted congressional map there is a  
15 district that includes portions of both Dade and Collier  
16 County, right?

17 A. Correct.

18 Q. And the Dade County boundary is crossed twice in  
19 the congressional map, right?

20 A. Three times.

21 Q. Three times, because the Keys have to be  
22 connected to Dade?

23 A. Correct.

24 Q. And I suppose it's two times in the house map,  
25 too, if you're counting going into Monroe and then going



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1 into Broward?

2 A. Correct.

3 Q. But it's three in the congressional map?

4 A. Correct.

5 Q. Why? Why not do a similar application of the  
6 Tier 2 considerations we've been talking about in the  
7 congressional map as in the house map?

8 A. I believe that we did, and I believe in the  
9 context when you're dealing again with different total  
10 district populations it inevitably will lead to different  
11 results. And, as an example, we kept District 20 and  
12 District 25 out of Dade, and we only crossed it just  
13 barely with District 24 and obviously 26 that goes to  
14 Collier, and then the other district. When you're dealing  
15 with district populations so high you have to make other  
16 considerations, and I think we did limit the amount of  
17 districts that crossed the Dade County line to the best of  
18 our ability within the context of a congressional map.

19 Q. Okay. During the drafting process, did  
20 committee staff ever draw a draft map that did not include  
21 a district that crossed the Everglades? And by crossing  
22 the Everglades, I should clarify. I mean, was there ever  
23 a draft map that staff drew that didn't include a  
24 congressional district that included both portions of  
25 Collier and Dade counties?

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1           A.   Publicly -- when you say draft map, what are you  
2   referring to?

3           **Q.   Something that staff drew.**

4           A.   So not necessarily public drafts?

5           **Q.   Correct.**

6           A.   Yes.

7           **Q.   Was that concept analyzed as an alternative or**  
8   **possible alternative?**

9           A.   Every draft that we drew was analyzed as a  
10   possible alternative.

11          **Q.   And do you remember why a concept congressional**  
12   **map that followed the Dade County line in the same way as**  
13   **the house map did not advance further in the process?**

14          A.   Yes, for a multitude of reasons. The first is  
15   that when you do that, when you hold that Dade County  
16   line, so you're pushing all the population up to the  
17   north, all the population -- and forget the county  
18   breakdown between -- in District 26 with the population.  
19   You're taking all that population that would be in Collier  
20   County and pushing it up through Broward, which means all  
21   the other remaining districts have to push and go around.  
22   And in the version that -- or versions that we came up  
23   with, because obviously you kind of end at District 21,  
24   and District 21 then becomes underpopulated.

25                   So where do you go? So you kind of push west.

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1 So you go west into these rural unpopulated counties -- or  
2 less populated counties of Okeechobee, Highlands,  
3 whatever, and it essentially ended up being a district  
4 that went from the Atlantic coast to the Peace River over  
5 here, which is effectively going from coast to coast, but  
6 through the middle of the map.

7 So you're basically getting a similar type  
8 district, whether it be from Dade to Collier or kind of  
9 over the top of the map, because everything kind of  
10 shifted around District 20, because District 20 being that  
11 protected Section 2 district, that stayed about the same  
12 and everything went that way.

13 In addition to that -- so that ultimately, like,  
14 we were -- we basically had come to the conclusion that we  
15 were going to have a district that was going to  
16 essentially go from coast to coast, regardless. Do we  
17 want it going through the middle of the map or on the  
18 bottom side of the map.

19 In addition, the functional analysis that was  
20 done on District 26 that included the southern portion of  
21 Broward County became -- looking at the diminishment  
22 standard anyway, I don't remember the vote dilution part  
23 of it, but it significantly impacted that district's  
24 ability to perform. Meaning the minority candidate  
25 just -- the minority community's ability to elect a

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1 candidate of their choice. Because even though there's  
2 some Hispanic population in South Broward County, it was  
3 not populous enough to kind of counter losing the Collier  
4 portion of that.

5 So that district -- and I think it also, because  
6 we had to take -- again, I don't remember the exact draft,  
7 it isn't like this map popped in, whatever, there's a lot  
8 of differences, but it effectively hurt, like, I think two  
9 of these three congressional districts with their  
10 functional analyses, so it just made that -- that was a  
11 separate Tier 1 consideration that we were then having to  
12 deal with on top of the fact that we were trying to  
13 prevent a district kind of going coast to coast.

14 And in the congressional district world, unlike  
15 the house district world where we were able to achieve  
16 that mathematically, and that was partially because, like  
17 I've mentioned before, Dade County was losing a house  
18 district. So the math just sort of fit that ability to  
19 take that district out of Collier by losing half a  
20 district there, and then a half a district over here, it  
21 just -- the puzzle pieces fell into place and we were able  
22 to do that.

23 In the congressional district world, with the  
24 way the population break down when you're dealing with  
25 almost 800,000 people in the district, it just didn't

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1 mathematically work. And that's why some concepts that  
2 may work in a house map don't necessarily work in a  
3 congressional map or a state senate map when you're  
4 dealing with districts that differ in ideal populations.  
5 And we felt it was a better visual choice to have a  
6 district that went from Dade to Collier as opposed to one  
7 that went from St. Lucie and Martin all the way over to  
8 Cape Coral, and essentially have another district that  
9 crossed and cut the state in half.

10 So it was kind of like -- that was probably --  
11 honestly, that was probably the bigger reason why we  
12 scrapped that idea rather than the Tier 1 considerations,  
13 but that was obviously an equally big concern is that we  
14 now had three -- two of the three Hispanic districts that  
15 possibly had questionable functional analysis numbers.

16 But honestly we did not -- we didn't look at  
17 those numbers in, like, more detail, because we kind of  
18 scrapped that idea early on, earlier on than other  
19 options.

20 Q. Okay.

21 A. And, in addition to just that, some of these  
22 other districts kind of around District 20, like, we had a  
23 lot more wraparound districts. Like, 22 had to wrap  
24 around that. So it affected the visual compactness of,  
25 like, pretty much all these districts. And it just

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1 became -- not that wraparound districts are bad, but as a  
2 personal choice, I don't like the way they look visually.  
3 And we ended up having, like, three of them. And it was  
4 just -- to me it looked like a messy option, and then you  
5 had all of the other major factors that I just went  
6 through.

7 Q. You said wrap around that. I'm sorry. Could  
8 you clarify that for the record?

9 A. Sorry. So District 25 would then have to wrap  
10 around the extensions of District 20. District 23 kind of  
11 removed -- which is not quite a wraparound district of  
12 District 20, but that became more condensed up here, and  
13 then District 22 had to wrap around the arm, the northern  
14 arm of CD 20, and it just pushed everything further north,  
15 and just made everything look more jumbled. So the whole  
16 region became less visually compact.

17 Q. Okay. I want to make sure I understand  
18 everything that you've said, so please correct me if I'm  
19 wrong.

20 A. Sorry if I rambled.

21 Q. No. I'm with you.

22 So staff explored options for the congressional  
23 map that followed the Dade, Collier County line and  
24 separated those coasts at the south end of the state,  
25 right?

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1 A. We did.

2 Q. That concept was scrapped, in your words, right?

3 A. Uh-huh. Correct.

4 Q. And the reasons that concept was scrapped were,  
5 number one, because it would negatively impact the  
6 compactness of other districts?

7 A. Correct.

8 Q. Number two, you would have a district that  
9 extended west anyway, just further north?

10 A. Yes. Further north, but it would extend  
11 essentially the same way west. So you would have a  
12 district that would be from the Atlantic coast all the  
13 way, effectively, to the Gulf coast, because you would be  
14 to the Peace River, I think it was, which goes out to the  
15 Gulf. So you're having a coastal to the northern side,  
16 that is correct.

17 Q. So, number two, you would have a big district  
18 that extended from the Atlantic almost all the way to the  
19 Gulf coast?

20 A. Correct.

21 Q. And then, number three, that concept would  
22 negatively impact the Hispanic performance of CD 26 and  
23 CD 27?

24 A. I don't remember which. I know it was two of  
25 the three. I don't remember specifically which ones. I

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1 know that 26 would have been a part of that, I don't  
2 remember if it was 28 or 27.

3 Q. Okay. So the third reason is that concept of  
4 eliminating that Collier, Dade district would have  
5 negatively impacted Hispanic ability to elect in  
6 District 26 and one of District 27 and 28?

7 A. That is correct.

8 Q. Are there -- those are three reasons, I think.

9 A. I think so, yes.

10 Q. Okay. Are there any other reasons why staff  
11 scrapped that idea?

12 A. There may have been. Those are the ones I  
13 remember.

14 Q. Okay. Was that a decision that was made just by  
15 committee staff, or did that include others?

16 A. We may have called Andy Bardos to talk about it.  
17 We would sometimes ask about different draft options as we  
18 were to meet with Andy. I don't remember if we spoke to  
19 anyone else about it. It may have been just us three, me,  
20 Kyle, and Leda, because it seemed kind of an obvious  
21 negative draft, when we had other drafts that were better.

22 And honestly, by going through that exercise,  
23 because we recognized that what we were trying to do in  
24 the house map was not going to be duplicated in the  
25 congressional map, and that was kind of an effort of



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1 trying to do exactly what you're suggesting, trying to put  
2 that in the congressional context, and we realized it just  
3 wasn't really viable because of the larger districts.

4 Q. And so members, including committee chairs,  
5 would not have seen that concept?

6 A. I don't know.

7 Q. You don't know whether members or committee  
8 chairs saw that concept?

9 A. I don't remember if we shared it to the chairs  
10 or vice chairs or anyone else. I don't remember.

11 Q. But you don't remember members or committee  
12 chairs giving input on that concept?

13 A. I don't remember.

14 Q. Okay. One question. So we talked about the  
15 three reasons why that concept was scrapped. One of those  
16 reasons is essentially you're going to have to have a  
17 district that extends a long way across the state from the  
18 Atlantic westward, right?

19 A. Correct.

20 Q. And it's either going to be in the middle of the  
21 state or --

22 A. At the bottom of the state.

23 Q. -- at the bottom of the state. So that's, like,  
24 a tossup, basically?

25 MR. BARDOS: Object to form.

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1           A.    Yes and no. I mean, effectively, yeah, you're  
2   going to have a similar district on the center of that  
3   side, but to us, visually, it was much better to have it  
4   on the bottom. I don't think it was like a tomato/tomahto  
5   situation. Because when you have a district that cuts  
6   across the middle of the state, to me that looked -- well,  
7   I guess I can just speak for me. To me that looked almost  
8   worse, like it just did not -- and I don't remember what  
9   the compactness scores of that were or whatever, but  
10   because you are essentially -- we also explored options  
11   where District 28, the Monroe, Dade district would extend  
12   into Collier, okay, and go up that way.

13               And that didn't work for other variety of  
14   reasons, similar reasons, but then you have a wildly  
15   visually un-compact district, and it just did not really  
16   work for those sorts of reasons as well.

17               But it's been three years, so I don't exactly  
18   remember what --

19   BY MR. WARREN:

20           Q.    Understandable.

21           A.    Yeah.

22           Q.    Let's say the populations worked out so that you  
23   could configure the southeast part of the state on the  
24   congressional map where you didn't have a district that  
25   extended westward into the central part of the state,

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1 either on the south end or on the north end, and somehow  
2 you didn't have negative impact to the other compactness  
3 of other districts because of the wraparound. But it  
4 still would impair Hispanic ability to elect in two of the  
5 three Hispanic performing districts. Do you understand  
6 this premise?

7 A. I think so.

8 Q. My question is, in that scenario would you still  
9 reject that option because of the impairment on the Tier 1  
10 districts?

11 MR. BARDOS: Object to form.

12 A. I don't know, because I would have to look more  
13 closely at all of the other -- I would have to look at the  
14 districts firstly, and then I would have to look at all of  
15 the other districts' data, including the functional  
16 analysis data for the districts that we're referring to  
17 and how they were hurt, and it's all speculation. And me  
18 being the map drawer, I wouldn't -- I can't imagine that  
19 district without actually trying to draw it and see it in  
20 front of me and be able to see all of the data to draw an  
21 opinion about that.

22 MR. WARREN: Okay. Let's take a short  
23 break.

24 (Recess taken from 4:49 p.m. to 4:55 p.m.)

25

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1 BY MR. WARREN:

2 Q. All right. Earlier I asked you what explains  
3 the shapes of the different challenged house districts and  
4 I think we've covered a lot of that same ground with  
5 CD 26.

6 A. Uh-huh.

7 Q. But I'll ask that same question, and feel free  
8 to just refer in brief to other stuff we've already  
9 covered.

10 A. Okay.

11 Q. So the question is, what explains the shape of  
12 CD 26; why is it shaped this way?

13 A. So it's shaped this way first and foremost for  
14 equal population purposes. Dade County only has so many  
15 people. There's two districts wholly within Dade and  
16 another district that attaches to Monroe County, which  
17 effectively has to be attached to Dade in the southern  
18 part. And that leaves a portion of Dade County that  
19 doesn't have a congressional district, so it needs to go  
20 somewhere.

21 So, ultimately, whether it goes west into  
22 Collier or north into Broward, that is the biggest thing  
23 that governs the shape of how all the districts are  
24 configured in south Florida.

25 Second to that, we have one protected Black

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1 district and three protected Hispanic districts, in  
2 addition to another protected Black district just to the  
3 north in Broward and Palm Beach County. So all of those  
4 factors into consideration, that's what primarily governs  
5 the shapes of those districts down there.

6 **Q. Any other reasons that are non-primary that you**  
7 **didn't list?**

8 A. I think in the congressional district context  
9 that pretty much sums it up.

10 **Q. Okay.**

11 A. Well, actually I will add, in addition to that,  
12 especially with District 26, we were trying to not just go  
13 west for no reason. Again, we were following -- to get  
14 out west we followed the northern Miami-Dade, Broward  
15 County line, which is also shared by CD 20. On the south  
16 side we had to pick some sort of -- some sort of line to  
17 get out there, so we picked the Tamiami Trail, which is a  
18 pretty major thoroughfare in south Florida, until we got  
19 to the southern Dade, Collier County line, and followed  
20 that all the way, which is shared by District 28. And  
21 then on the northern side we followed the Collier County  
22 line all the way across.

23 Now, in the version of the district that we  
24 presented we followed the county -- the Collier County  
25 line entirely until we tried to go down I-75 until where

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1 we had to deviate for equal population purposes. The  
2 currently inactive district takes a little bit out of  
3 Immokalee, the area in Collier County around Immokalee and  
4 makes some other changes, but that was done by Alex Kelly  
5 and really the Governor's Office, whoever actually did  
6 that when they presented that map.

7 Q. Got it. I'd like to ask you some more questions  
8 about the Tier 1 requirements and the committee's  
9 understanding of those requirements. As a reminder, you  
10 discussed that you were part of the 2015 committee when  
11 there was litigation over that, right?

12 A. Yes.

13 Q. And you testified in that remedial hearing in  
14 2015, right?

15 A. I did indeed.

16 Q. And you read Apportionment 8 when it came out?

17 A. Of course.

18 Q. And you maybe reviewed it during the 2020  
19 process.

20 A. It's been a few years, honestly, but, yes.

21 Q. Okay. It's been a few years since I've read the  
22 whole thing, too.

23 Do you remember a dispute in the 2015 remedial  
24 process over the Plaintiffs' proposed configuration of  
25 Hispanic protected districts in south Florida?

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1 A. You'll have to refresh my memory.

2 MR. WARREN: I would be happy to do so. I'm  
3 handing you Exhibit 19. This is an excerpt of  
4 the evidentiary hearing transcript before Judge  
5 Lewis in the 2015 congressional remedial  
6 litigation. This is Volume 2 of the hearing  
7 transcript.

8 (Exhibit No. 19 marked for identification.)

9  
10 BY MR. WARREN:

11 Q. If you turn to page 210, starting at line 15,  
12 I'm going to read -- the Court is asking you questions at  
13 this point, and you are answering them, and hopefully this  
14 will refresh your memory about the dispute that you  
15 discuss here. So, quote:

16 Question: The question is, has anybody asked  
17 you to or have you on your own looked at any of the other  
18 maps that have been presented to me; have you?

19 Answer: I have looked at the other maps, yes.

20 Question: Have you analyzed them in terms of  
21 whether they better comply with the Supreme Court's  
22 directions and the Constitution?

23 Answer: Yes.

24 Question: Okay. Tell me about it. Tell me  
25 what your analysis was and what your conclusions were.

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1 Answer: Okay.

2 Question: You can start with anyone you want.

3 Answer: Okay. So I will start with CP 1. The  
4 District 27, 26 and 27 drawn there, I believe, have  
5 significant problems with their functional analysis. Both  
6 of those districts are more Democratic than we drew, which  
7 I would consider as tossup districts. The districts drawn  
8 in CP 1 --

9 Question: Let me go back. When you say  
10 functional analysis, I thought you were talking about a  
11 minority district and whether minorities could elect  
12 somebody they --

13 Answer: Yes. But the first part of that  
14 analysis is determining the districts, how they lean  
15 politically. At that point you can look at the Democratic  
16 and Republican primaries, depending on if it leans  
17 Democratic or leans Republican, to determine the Hispanic  
18 community's influence over those particular primaries.  
19 When you get to the general election, if you have a  
20 Hispanic candidate who is Republican who cannot win a  
21 general election because the district itself leans  
22 Democratic, then that minority candidate would not have a  
23 chance to win. They would not elect a candidate of their  
24 choice at the end, so you would -- so you have to look at  
25 the first part of the functional analysis to determine how



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1 the district performs politically.

2 So in the districts we drew they are what I  
3 would consider very 50/50 districts, where either party  
4 would have a chance to elect any candidate that happened  
5 to be running in that district. And there is a really  
6 good chance on the Republican side that a Hispanic  
7 candidate will win that primary, and there's also a  
8 chance -- not as good of a chance, but a chance that a  
9 Hispanic Democrat would be elected. And therefore you  
10 would have two, potentially two Hispanic candidates in a  
11 general election. So either candidate winning would  
12 result in a Hispanic candidate.

13 Specifically, the District 26 in CP 1 in my  
14 opinion leans so heavily Democratic that a Republican  
15 candidate would not be able to win regardless of whether  
16 they're Hispanic or not. I believe 27 as well follows in  
17 that same line or right -- I could be wrong about that.  
18 It could be one or the other, but one of those districts,  
19 at least one of them, it could be both, leans much more  
20 heavily Democratic.

21 Now, in that area more heavily Democratic would  
22 just be one or two percentage points one way or the other,  
23 and then you don't allow a Republican Hispanic candidate  
24 to win that particular primary. And on the Democratic  
25 side then, because the Republican candidate can't win the

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1 general, you have to look more closely at the Democratic  
2 primary, and in that Democratic primary the Hispanic  
3 candidates control in the low 20s percent of the Democrat  
4 primary so they more than likely would not be able to  
5 elect a Hispanic candidate in the Democratic primary and  
6 would result in either a Black or a White Democrat winning  
7 the Democratic primary, which then would dominate the  
8 general election and therefore not elect a Hispanic  
9 candidate of choice. I believe that was a significant  
10 problem in my opinion in the CP 26 and 27 for that.

11 Close quote.

12 Did I read that accurately?

13 A. You read that accurately.

14 Q. Do you now have a better memory of what you were  
15 discussing in that excerpt?

16 A. To the extent that you just read the excerpt,  
17 yes. I don't remember CP 1 really at all, but since this  
18 was me speaking, I can have a fairly good sense of what we  
19 were getting at, yes. But I don't really remember what  
20 the district specifically looked like, if that was what  
21 your question was.

22 Q. It is not, thankfully. My question is,  
23 essentially what were you expressing there as to walking  
24 through the functional analysis of the district and  
25 concluding that there was a problem with performance?

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1           A.    So that was just -- I mean, in the functional  
2   analysis that I was evaluating here for the judge, that  
3   was when you're dealing with a district that -- in these  
4   south Florida districts, if you're dealing with a district  
5   that can be won by either side, you have to look at the  
6   Hispanic control in either primary to elect a Hispanic  
7   candidate of choice, whether it be a Hispanic candidate or  
8   a White or Black candidate that happens to be the  
9   candidate of choice for that minority group getting to the  
10  general election.

11               And in that particular case, apparently in that  
12  district configuration, the analysis showed that the  
13  Democratic side of -- the Democratic primary -- the  
14  Hispanic in the Democratic primary, sorry, would only  
15  control about 20-ish percent of the primary, which would I  
16  guess in my opinion at the time be unlikely to see their  
17  candidate of choice through the general election, so they  
18  would be defeated.

19               And if it was a district that didn't lean so  
20  heavily Democratic, whatever that district was or whatever  
21  the actual numbers were, then a Republican would be easily  
22  defeated regardless of whether or not they were Hispanic  
23  or not.

24           Q.    Okay. I'm going to try to condense that a  
25  little bit.

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1 A. Okay.

2 Q. And correct me if I get it wrong.

3 So, in -- and I guess I should ask, is what you  
4 walked through for Judge Lewis the same approach that the  
5 committee took in the 2020 cycle when evaluating  
6 functional analysis for Hispanic protected districts?

7 MR. BARDOS: Object to form.

8 A. I would say that each functional analysis in  
9 every district, regardless of the type of map, is an  
10 individual analysis. So the data they just looked at and  
11 the process that you go through might be slightly  
12 different depending on the region of the state, depending  
13 on the demographic breakdowns and all the other numbers.

14 However, that would be more or less the same  
15 process of how you would evaluate the functionality of a  
16 minority community's ability to elect a candidate of their  
17 choice. Again, depending on what specific data points  
18 you're looking at, it's really district by district and  
19 trying to figure all of that out and which data points  
20 become relevant.

21 BY MR. WARREN:

22 Q. So, talking about the 2020 cycle now.

23 A. Uh-huh.

24 Q. In Hispanic protected districts in south  
25 Florida, both congressional and state house, you have a

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1 draft district, you are performing the functional  
2 analysis, am I correct in saying that you start by looking  
3 at the makeup of the primary elections?

4 A. You start by looking at the overall electoral  
5 performance of the district to determine if you need to  
6 look at which primary you're going to look at, or if you  
7 need to look at both.

8 Q. Okay. So the first step is looking at overall  
9 general election performance of the district?

10 A. And voter registration.

11 Q. And voter registration. To look for whether a  
12 district is heavily one party or another?

13 A. To see if -- yeah. I mean, to see if the  
14 district, based on registration, based on electoral  
15 performance would tend to lean toward one party or  
16 another. That could be for a variety of reasons. Once  
17 you kind of make the determine that -- make the  
18 determination that it's either a 50/50 and you kind of  
19 need to do that analysis for both, or if it is more  
20 Republican or more Democrat, to try to determine how each  
21 of those individual parties and the Hispanics within those  
22 parties either control or not control their -- you know,  
23 the election.

24 And in south Florida in particular you're also  
25 looking at the census data, too. I mean, that's really

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1 the starting point. You're looking at total population,  
2 HVAP or whatever, but in south Florida there can be such a  
3 discrepancy between Hispanic voting age population and the  
4 registered voter counts for either party of Hispanics.

5 There can be sometimes five to ten to even  
6 almost 20 percent dropoff between Hispanic voting age  
7 population and the Hispanic registered voters overall or  
8 for one party or the other. It can be very significant.  
9 So that would have -- that obviously comes into the  
10 analysis greatly. And changing a district ever so  
11 slightly can alter those numbers a lot.

12 So it's -- and that's partially because it's so  
13 densely populated, but also because the different types of  
14 communities in Miami-Dade are all kind of intermingled  
15 with each other. So you can't just assume by adding this  
16 neighborhood which is next to this neighborhood is going  
17 to yield a similar result.

18 **Q. So let me try to walk through the steps just to**  
19 **condense things down. So, step one or maybe zero is**  
20 **referring to census voting age population as a reference**  
21 **point?**

22 A. Yeah, for the most part.

23 **Q. Step one is looking at the general election**  
24 **results to determine the overall lean of a district?**

25 A. Along with voter registration.

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1           **Q.    Along with voter registration.**

2           A.    And kind of in conjunction with registration the  
3    turnout in those elections, because sometimes, you know,  
4    in a gubernatorial year or presidential year you're going  
5    to have different turnout rates, and sometimes the racial  
6    breakdown of lower or higher turnout elections can kind of  
7    tell the story as to why the district performs in an  
8    election one way or the other. But that is kind of all  
9    intermingled with that initial analysis, trying to  
10   determine does this district perform for Republicans or  
11   Democrats.

12          **Q.    Okay. And once you've done step one, you**  
13   **concluded is this district 50/50 or is this district**  
14   **performing for one party or another, then you go to step**  
15   **two, and if the district is 50/50, then you would look at**  
16   **both party primaries, right?**

17          A.    Yes, but the only I'll add to when we're saying  
18   50/50 does not necessarily mean an exact 50/50, like,  
19   breakdown, because you're dealing with a -- you're dealing  
20   with an analysis, right? So you're dealing with anything  
21   that could -- and that usually means looking at the  
22   elections across decade. You'll have some that are won by  
23   Republicans and some that are won by Democrats, and maybe  
24   the voter registration, and as it's gotten more --  
25   especially in this last decade you have a lot more NPA

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1 voters involved, so you're dealing with registrations in  
2 the 30 percents for each party and, you know, all of that.  
3 So it becomes a more complicated analysis, but it's not  
4 like necessarily 50/50. It's just a district that could  
5 feasibly be won by either party.

6 Q. Certainly. Okay. So, step 2A, if step one  
7 concludes it's a district that could feasibly be won by  
8 either party, then step 2A is look at both party  
9 primaries, right?

10 A. Correct.

11 Q. And if step one results in this is a district  
12 that is solidly one party or the other, then step 2B maybe  
13 is looking to that particular party primary, right?

14 A. Yeah. If I follow you, yeah. I mean, so if you  
15 determine that the district could be won -- could be  
16 feasibly won by either party, then you kind of do the same  
17 analysis for both parties. If you determine that it leans  
18 one way or the other, then it really doesn't become  
19 necessary to look at either the Republican or Democratic  
20 side.

21 Q. Right. Okay. I wish I had a diagram for this  
22 already, but --

23 A. But it's also not necessarily that -- like,  
24 yeah, it is like the same process, but depending on what  
25 the data is showing it is not always the exact same



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1 analysis every time. So it's not the same steps every  
2 time. An example of that would be the CD 10 analysis  
3 where we saw a very clear trend line with voter  
4 registration and population numbers that kind of led the  
5 functional analysis to go in a slightly different  
6 direction, because you have such a clear trend, which you  
7 don't always see.

8 So sometimes the data, as you're looking at it,  
9 that analysis will evolve based on the individual district  
10 analysis. But what you're talking about is kind of the  
11 general, I guess, guided process, depending on each  
12 individual district.

13 Q. Understood. And when you get to -- let's call  
14 it step three, which is looking at the party primaries,  
15 whichever one you determine is relevant --

16 A. Yes.

17 Q. -- at that point you're looking at minority  
18 voters' control or influence over that relevant party  
19 primary?

20 A. Yes.

21 Q. And specifically you're looking to make sure  
22 that the minority group does, in fact, control that  
23 relevant party primary?

24 A. Yes.

25 Q. Okay. I think now it might be nice to walk

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1 through an example.

2 A. Okay.

3 Q. And we can use the congressional map Exhibit 1  
4 data packet. And I'd like to start with District 26.

5 So am I right in thinking maybe step zero,  
6 second page -- what page are you on?

7 A. Three. I can go back and look at the chart.

8 Q. No, that's fine. Page 3.

9 A. Well, Page 2. Let's start with page 2.

10 Q. Okay. So page 2, step zero maybe with  
11 District 26 referring to the HVAP --

12 A. Sure, yes.

13 Q. You see it's 73.

14 A. Yes, 73.2.

15 Q. Okay. The next page, page 3, District 26,  
16 Hispanic voter registration through the decade, right?

17 A. Yep. And at this step two you'd also look at  
18 the Democratic and Republican registration. I mean,  
19 you're really kind of looking at total turnout  
20 registration, and probably the election results really  
21 kind of all congruently. But all of those are relevant,  
22 potentially relevant data points.

23 Q. Okay. Let's skip to the election results on  
24 page 5. For District 26, these are the general election  
25 results from the decade. What would you be -- what did

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1     **you look for here?**

2           A.     So in the election results -- I'm kind of  
3     glancing through here. I mean, I don't remember exactly  
4     what we looked at before, so this example is me looking  
5     now three or four years removed from everything. So I  
6     don't know if what we're doing is going to be identical to  
7     what we did before, but just looking at the electoral  
8     performance of the more recent elections, and you kind of  
9     look back. It does look like kind of earlier you go there  
10    might be a little bit more Democratic performance, but  
11    certainly in the more recent 2018 and 2020 elections there  
12    was a pretty consistent Republican performance there.

13                But again, I would also look at -- so I would  
14    see that, and then I also have to look at the registered  
15    voter trend. The Hispanic numbers look like they have  
16    increased -- well, kind of stayed fairly consistent,  
17    actually, the overall Hispanic registration in that area,  
18    but you can see that it is, you know, anywhere between 10  
19    and 13 percent less than the HVAP, so that tends -- so for  
20    that district you'll probably see a consistent, you know,  
21    13-ish percent drop from HVAP to registered voters. It  
22    looks like it's more Republican registration than  
23    Democrat, but -- so Democrat registrations in the low 30s,  
24    Republican registration looks to be fairly consistent  
25    around 37/38, and then you obviously have the NPAs which

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1 you don't know about yet.

2 So in that initial analysis, I would say that  
3 the district probably leans Republican.

4 Q. And that initial analysis that this District 26  
5 probably leans Republican means when you're going to the  
6 next step, primaries, you're looking at the Republican  
7 primary?

8 A. Primarily, yes. Although in these Hispanic  
9 districts I probably also would glance at the Democratic  
10 side just to get a -- you know, south Florida can be,  
11 like, you never know. So I probably would look at that.  
12 But, yeah, I think the primary part of this analysis would  
13 be looking at the Republican side of the primary.

14 Q. Okay. Before we move on to that, I want to ask  
15 about District 27, since we're on these pages.

16 A. Sure.

17 Q. I don't think you need to go through every  
18 single data point, but maybe staying on the election  
19 results page, page 5 --

20 A. Uh-huh.

21 Q. -- can you do the same type of conclusion for  
22 District 27?

23 A. Yeah. So District 27, if you look at some of  
24 the earlier parts of the decade, you have a little bit  
25 more consistent Republican performance. But then as you

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1 get closer to 20 -- and I do think that the more -- the  
2 elections that happened more recently probably do carry a  
3 little bit more weight, unless you see something very --  
4 like, as you're -- not necessarily here, but just in  
5 general, if you see something very different in the  
6 2014 -- or the later ones. But as you get closer to what  
7 the actual population numbers are looking like now, the  
8 more recent elections probably are weighted a little bit  
9 differently, at least in my head.

10 So even though President Trump beat Biden, it  
11 was very close. And if you look -- Gillum beat DeSantis  
12 in that district fairly substantially as well as all the  
13 cabinet races underneath in 2018, and in 2016 Clinton beat  
14 Trump substantially.

15 So -- but then you're going back into 2016, you  
16 see that it's pretty close. So I would say that 27 is  
17 probably -- looking at the voter registration -- 27, it  
18 actually looks like from 2012 to 2020 has actually  
19 increased in Hispanic voter register -- or, I'm sorry,  
20 that's turnout.

21 Okay. So registration has actually decreased  
22 from about 70 percent in 2012 closer down to 63 percent,  
23 compared to a 74 percent overall HVAP. So that's fairly  
24 similar, but, you know, probably about 13, 14, 15 percent  
25 dropoff between HVAP and Hispanic registration.

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1           It looks like there's a fairly consistent voter  
2   registration percentage for Democrats. It actually looks  
3   like Republicans from 2012 to 2020 have actually dipped  
4   from almost 37 percent to 33 percent, but the  
5   corresponding change in NPA from 28 to 32. So the  
6   Republicans probably have switched to NPA. Whether or not  
7   they're still voting Republican or not, I don't know.

8           But in turnout, so in turnout the difference  
9   between HVAP and Hispanic -- and why turnout is important  
10   compared to registration, because those are the ones  
11   actually voting, as opposed to just who are on the voter  
12   rolls. So sometimes you see a different gap. And they  
13   actually look like they've increased their gap. So in  
14   2012 only 58 percent of Hispanics actually turned out to  
15   vote compared to 64 percent in 2020.

16           So it seems that they're performing -- they're  
17   actually turning out to the polls more at a higher rate.  
18   Very similar percents for all of the Democratic elections.  
19   Actually looks like Republicans are turning out at a --  
20   compared to, like, closer to 40 percent in 2012 and 2014.  
21   It's now closer to 35, 36 percent, so there's a slight  
22   dropoff in Republican turnout, but a corresponding bigger  
23   gap in NPA. So, again, that also generally would support  
24   the conclusion that the Republicans that were there are  
25   now coming out as NPAs.

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1 And then we just talked about the voting, but  
2 the voting percentage is all fairly, you know, either  
3 fairly consistent for Democrat or, you know, fairly --  
4 fairly close. So I would say in this district, when  
5 you're looking at the primaries, I would be more  
6 comfortable looking at both.

7 **Q. Okay. Let's move on to the primaries then,**  
8 **which starts on page 7, and actually --**

9 A. Well, so, I mean, yes, the other part here -- so  
10 the first page is the 2020 general election, and you can  
11 do some analysis on -- to support your conclusions on the  
12 electoral performance, you can look at the general --  
13 general election registration and turnout to see if those  
14 numbers kind of match some of the conclusions that you may  
15 have made, just looking at the electoral performance.

16 So do you want me to do 26 or 27 first?

17 **Q. So I have a couple of questions maybe just to**  
18 **narrow the focus. So looking at page 6, the 2020 general**  
19 **election --**

20 A. Yeah.

21 **Q. -- I want to focus on the composition of**  
22 **Democratic and Republican voters --**

23 A. Sure.

24 **Q. -- and the share that are Hispanic. So in**  
25 **District 26, which we established the Republican**

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1 electorate would be relevant there, I see 57, almost 58  
2 percent of registered Republicans are Hispanic, right?

3 A. Correct.

4 Q. Okay. So does that tell you then, like, okay,  
5 this is a majority, comfortably majority Hispanic  
6 Republican electorate in this district?

7 A. I would say that that would be a data point that  
8 would potentially support that conclusion, yes.

9 Q. Okay. And in District 27 you have a very solid  
10 majority, 73 percent, in the Republican voter registrants  
11 are Hispanic, and then just over 50 percent of Democratic  
12 registrants are Hispanic.

13 A. Correct.

14 Q. And would this indicate to you in this  
15 competitive District 27 where both party primaries are  
16 relevant, would this be kind of the first data point,  
17 okay, Republican side, Hispanic controlled, Democratic  
18 side, what would be your conclusion?

19 A. Hispanic control. Initially in the general  
20 election the real number is going to be in the primary.  
21 But, yes, that would lead me to the conclusion that in  
22 District 27 that -- again, that's just registered voters.  
23 If you look at the turnout, which is probably the more  
24 relevant number for actually who's going to come out and  
25 vote, the Republican voter turnout is -- and the



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1 Democratic voter turnout is somewhat similar to the  
2 registered voter amounts.

3 And that's -- that just kind of supports the  
4 same conclusion that you just drew. Because sometimes  
5 just looking at the registration, you're missing an  
6 important data point on the turnout. Because sometimes  
7 those percentages can, for whatever reason, have a  
8 difference either plus or minus. So I would agree with  
9 your -- that assessment there.

10 Q. Okay. And I think my understanding is you would  
11 look at the other pages in this packet, look at the other  
12 elections, and, in particular, actual voters who voted in  
13 different party primaries, and the Hispanic share of  
14 those --

15 A. Correct. Yeah, you're certainly not just  
16 looking at 2020. You're going to be looking at the  
17 whole -- the whole thing. I would do this using these,  
18 usually on an Excel -- you can look at multiple, all of  
19 these pages are kind of like together, so it's a little  
20 faster. But, yes --

21 Q. Okay.

22 A. -- the same dataset. But, yeah.

23 Q. Got it. And then the ultimate end of that,  
24 looking at the primary section for District 27, you would  
25 be -- is there a Hispanic majority among Republican

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1     **registrants and primary voters, right?**

2           A.    Yeah. And it would be important to note, like,  
3     if you look at the primary page, we don't even list the  
4     registration there, because the close-of-books  
5     registration is the same for that. So for primaries  
6     you're just looking at the voter turnout. So if you look  
7     at 27 for the Democratic and Republican voter turnout, you  
8     can see that Republicans keep that 76 percent, so it's  
9     similar to their voter registration in the primary.

10           But on the Democratic side, you're in the 40s,  
11    which isn't -- that's a little lower than I probably would  
12    have preferred, but it still doesn't necessarily mean that  
13    they don't have control of that primary in that area.  
14    Because if you have 44 percent, it's very unlikely that  
15    the other 55 percent that are turning out are going to be  
16    all of the same race. So you're probably -- you know,  
17    there's different districts around the state that I could  
18    point to that those percentages -- you don't always have  
19    to hit 50. You know what I mean? So I would say they  
20    would have, at minimum, a very heavy influence in who  
21    elects that. But more likely probably control of that  
22    primary with a plurality that is probably what they have  
23    in that district, so --

24           **Q.    Okay. That's very helpful. Thank you.**

25           **My next question is -- it goes back to kind of**

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1    how we talked about the Tier 1 standards to begin with,  
2    which was avoiding diminishing minority voters' ability to  
3    elect candidates of their choice, which is in a Hispanic  
4    protected district in South Florida, how did you determine  
5    who the Hispanic candidate of choice was?

6           A.    So we also did -- like, so for all of these  
7    elections we looked at, particularly in certain areas,  
8    before we even did map drawing when we were kind of  
9    dealing with all the election data, another part of that  
10   is we're collecting all of that. Because we literally  
11   will collect all of -- so we have a list of all the  
12   candidates and we have all of their races and stuff next  
13   to them so we can see who all of that is. And we know who  
14   won all of those elections, all the way down from  
15   congressional districts to state house districts to state  
16   senate districts, et cetera, et cetera, et cetera.

17                So we can try to do that analysis, and then also  
18   that is where John Alford helps with trying to come up  
19   with all of those other types of more detailed analyses on  
20   who that candidate would be, because sometimes a district  
21   where we could do that functional analysis and be like,  
22   oh, well, you know, just as an example of Republican, like  
23   the CD 26 example, Republicans control it, but if they  
24   were electing me, who is a very white person, I would be  
25   there -- if I was consistently being elected, then clearly

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1 they have control of the primary so that would be the  
2 candidate of choice for that group of people for whatever  
3 reason. And there are some examples of that. It's I  
4 think a little bit more rare, but it does happen  
5 occasionally.

6 Q. Okay. So conclusions about what the political  
7 preferences of Hispanic voters in south Florida were came  
8 from, number one, a detailed analysis that came from John  
9 Alford, right?

10 A. Yes.

11 Q. And then, number two, staff conclusions looking  
12 at past actual election results?

13 A. Correct. In addition to the functional analysis  
14 data and all of that, yeah, because when we were trying to  
15 determine all of that stuff I was talking about before,  
16 it's kind of like before we determine what districts were  
17 protected, when we're kind of looking at the benchmark,  
18 we're looking at the data, but we're also trying to factor  
19 in all of the, like, actual what happened in these  
20 districts, because occasionally that candidate of choice  
21 might not be Hispanic. And that's why John Alford was so  
22 important. And looking at who actually won, some of like  
23 the history of the benchmark state house districts that  
24 we're then going to redraw who has won those districts and  
25 comparing it to the data that we're doing here.

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1 And identifying areas where our analysis  
2 supports all of that or whatever or where there are  
3 discrepancies and trying to figure out why. And then  
4 trying to figure out if that leads to a conclusion about  
5 whether or not that district needs to be protected again  
6 or not. And then -- yeah, from there.

7 **Q. What would lead to a conclusion that the**  
8 **district didn't need to be protected?**

9 A. I don't know. That would be speculation.

10 **Q. So that never happened in the case of south**  
11 **Florida?**

12 A. In the case of south Florida I can say it almost  
13 certainly didn't happen, but -- I don't remember the  
14 details, but there was a district in Alachua County, which  
15 was a protected Black district ten years ago, which --

16 **Q. Volusia.**

17 A. Volusia. What did I say?

18 **Q. Alachua.**

19 A. Did I say Alachua? I meant Volusia. Sorry. I  
20 thought I said Volusia. Did I really say Alachua?

21 Okay. So in Volusia County there was a Black  
22 district that over the decade just -- all of the relevant  
23 data points pointed to the fact that that district was no  
24 longer going to elect the candidate of their choice, and  
25 it would have been too difficult for us to even try to

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1 redraw it, so that was -- it led to the conclusion that  
2 that district no longer needed to be protected.

3 **Q. Because it was no longer performing.**

4 A. It was no longer performing. I forget -- off  
5 the top of my head I forget exactly who the candidates  
6 were, but, yeah, that district stopped electing an actual  
7 Black representative and all of the data trends showed  
8 that district falling away, and it just became to a point  
9 where it no longer needed to be protected.

10 **Q. So if a district from the benchmark plan that**  
11 **had been previously considered a Tier 1 protected district**  
12 **over the decade failed to perform, that would be why you**  
13 **would conclude that a district was no longer protected?**

14 A. That would be one reason. That would be the  
15 beginning. We then -- we'd try to redraw it anyway just  
16 to see what would happen if we were trying to draw a  
17 district that would be protected, and when you're  
18 effectively unable to draw it like at all, even if you're  
19 drawing like the squiggliest, like ugliest looking  
20 district that you can possibly have and it still isn't  
21 performing, then in addition to all of those other  
22 relevant factors, then, yeah, it probably doesn't need to  
23 be.

24 Drawing that district predominately using race,  
25 and it's still not really -- like it just doesn't make

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1 sense, so it doesn't need to be protected, in our due  
2 diligence in trying to figure that out.

3 Q. Understood. I'd like to turn quickly to the  
4 house plan data packet, Exhibit 2, and quickly run through  
5 the same type of functional analysis data points with one  
6 district.

7 A. All right.

8 Q. Which will be 115.

9 A. Dealer's choice.

10 Q. Okay. So starting with -- if you don't mind,  
11 let's skip to the general election results.

12 A. Okay.

13 Q. Page 6. Looking at the general election results  
14 for District 115, what is your conclusion about the  
15 overall lean of that district?

16 A. Just reiterating, again, like before, I'm doing  
17 a brand-new analysis. This is not necessarily the same  
18 analysis I did in whatever year it was, 2022 or 2021, I  
19 guess, whatever it was. So I would -- so in 115 I would  
20 say, looking at these election results, it certainly had a  
21 better Republican performance in the 2014 year, and then  
22 got slowly more competitive as the years went on, and in  
23 2018 was all won entirely by Democrats. And then  
24 President Trump beat President Biden there, but not by  
25 very much. So I would lead the conclusion that this is

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1 probably a district that could go either way, depending on  
2 the circumstances.

3 Q. Okay. So this is one of those districts where  
4 you would be looking at both party primaries?

5 A. That would be correct.

6 Q. Let's move on to that now. Next page, 2020  
7 election. Let's start with Republicans and then do  
8 Democrats. What are your conclusions?

9 A. So here -- so first looking at overall Hispanic.  
10 So, yeah, this is another district where the voter  
11 registration, like, per party is not really -- it's like  
12 34, 35 split between Republican and Democrat with a  
13 significant NPA percentage. Hispanics are at 55 percent  
14 of the total electorate, 64 percent of the Republican  
15 electorate is Hispanic, but only 43 percent of the  
16 Democrat. But again, that kind of leaves -- it's under  
17 50, you know, you might like it a little bit closer, but  
18 in this particular district it might -- that plurality  
19 they have might still allow them to control it without  
20 just guessing at the moment. But it's certainly less  
21 than -- and a consistent -- those numbers are consistent  
22 in turnout, too.

23 But again, we're talking about a general  
24 election, where, if a Hispanic candidate is able to make  
25 it through the primary, generally speaking Democrats are



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1 going to vote for the Democratic candidate whether they're  
2 Hispanic or White anyway, so that might be a little less  
3 relevant, but there's still a large plurality.

4 Q. Okay. If you remember your testimony in  
5 answering Judge Lewis's questions in 2015 about the  
6 Plaintiffs' proposed home district --

7 A. Yeah. The one of the CP 1 map?

8 Q. Yes.

9 A. Okay.

10 Q. And you explained to him one of those districts,  
11 which was purportedly supposed to be a Hispanic performing  
12 district, or at least the Plaintiffs said that it was, I  
13 think the thrust of your analysis was this district -- the  
14 Legislature drew it to be politically competitive because  
15 Hispanics control the Republican primary, Hispanics are a  
16 lower share of the Democratic primary, and so it needs to  
17 be at least politically competitive for the Hispanic  
18 candidate to win the general election. Is that --

19 A. More or less, yeah.

20 Q. Okay. And then I think the thrust of the  
21 critique of the PT --

22 A. The Plaintiffs' district.

23 Q. -- Plaintiffs' district is they made this  
24 district too Democratic. The Democratic primary is not  
25 Hispanic enough to afford Hispanic Democrat success in the

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1 nomination, and so you're going to end up with an overly  
2 Democratic general in which a non-Hispanic Democratic  
3 candidate is going to prevail.

4 A. Most likely anyway. It doesn't mean that that  
5 wouldn't be an Hispanic candidate, but, yes, just looking  
6 at the data that would support that conclusion.

7 Q. Is -- so looking at 115 as an example.

8 A. Sure.

9 Q. Where at least in that most recent metric the  
10 Democratic voters are 43 percent Hispanic, would the same  
11 type of dynamic be present where you would be concerned  
12 about making that district too Democratic lest the same  
13 problem as you explained to Judge Lewis arise?

14 MR. BARDOS: Object to form.

15 A. Yeah, I don't quite follow the question. I  
16 mean, that whole area does have that, like, general  
17 consistency, where if you -- the Democratic primaries tend  
18 to have less control for the Hispanics there. So that's  
19 certainly a concern for all of these districts. However,  
20 that's not -- like, not knowing exactly what the numbers  
21 were in that CP 1 district, and I don't remember what all  
22 that was, it doesn't necessarily mean that that exact same  
23 analysis and that exact same conclusion will apply to  
24 other districts, depending on what the actual numbers are.  
25

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1 BY MR. WARREN:

2 Q. Got it.

3 A. I made that conclusion back in 2015 looking  
4 at -- and obviously looking closer at all those numbers  
5 and everything else with that district, so I don't know.

6 Q. Understood. In a district like 115 --

7 A. Yes.

8 Q. -- where it is pretty politically competitive in  
9 the generals --

10 A. Correct.

11 Q. -- but the Democratic share of registrants that  
12 are Hispanic is in the mid to low 40s, would you be  
13 concerned if that district became more Democrat? If the  
14 election results said, oh, this district is 57 to  
15 65 percent range Democratic in generals, but holding  
16 constant that Hispanic share of Democratic registrants or  
17 voters, would that raise red flags in the functional  
18 analysis?

19 A. I mean, you're talking about a hypothetical.

20 Q. Yes.

21 A. And that may have been the case and why we made  
22 some alterations to the district, to make it more  
23 Democratic -- or, I'm sorry, to make it better for the  
24 Hispanic portion of that Democratic primary. Some of  
25 those adjustments that we made may have been for that

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1 reason, because we were worried about the Democratic side  
2 because we saw it was such a competitive district so we  
3 would do more to -- whatever tweaks we may or may not have  
4 done was probably to help the Democratic primary, to make  
5 sure that Hispanics had a better chance on that primary,  
6 to make sure that an Hispanic candidate would go through.

7 Which also doesn't necessarily -- again, none of  
8 these are -- there's no exact bright line test, so just  
9 because, like, if you look here at the 2020 primary in  
10 that 115 example that you're looking at, they have a lower  
11 percent. They're down at like 35 percent, which would be  
12 something I would be, like, in a vacuum concerned about,  
13 but that 35 percent might actually be enough to control  
14 the district. There's examples of that throughout other  
15 state house districts where a lower percentage like that  
16 would give them a plurality that would allow them to  
17 control.

18 Another interesting number is that there's 11  
19 percent Black, which means that the total -- I mean, not  
20 necessarily that they always vote combined, but, you know,  
21 there's other racial factors in play in all of that. So  
22 each district -- and it's all kind of unique. And then  
23 looking further back, like, say, the 2018 primary, that  
24 number was even lower. It was about 28 percent, so -- and  
25 then you look at --

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1 Q. Let me stop you there.

2 A. Yeah.

3 Q. Okay. That makes sense.

4 A. Then -- go ahead. Sorry.

5 Q. No problem. I think you said that sensitivity  
6 to the Hispanic share of the Democratic electorate would  
7 have been a reason to make adjustments to a draft district  
8 115?

9 A. Yes. Well, potentially anyway, yes.

10 Q. Sure. And to your memory, the adjustments made  
11 to District 115 to ensure that it was Tier 1 compliant  
12 were to increase the Hispanic share of the Democratic  
13 electorate?

14 MR. BARDOS: Object to form.

15 A. No. I suggested that that may have been the  
16 reason. I don't remember what the reasons were. It may  
17 have been for both the Republican and Democratic side, but  
18 that certainly -- I know in that region, looking at those  
19 specific three districts, 13, 14, and 15 -- 113, 114, and  
20 115, because they're all competitive, we were concerned  
21 with both sides of the primary there. So we may have made  
22 adjustments for either side in all three of those  
23 districts. But any district that was that competitive,  
24 we, as map drawers, were trying to ensure that a Hispanic  
25 candidate would be elected in the district. Whether it be

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1 Republican or Democrat, it was kind of -- like we had  
2 to -- I don't want to say it didn't matter to us, but we  
3 had to make sure that the primaries in each side could  
4 potentially be won by a Hispanic candidate in the other  
5 side, because electing a Hispanic in those three districts  
6 specifically was the goal.

7 BY MR. WARREN:

8 Q. So, to recap, in 113, 114, and 115 --

9 A. There may have been others, too. I just  
10 remember those specifically.

11 Q. Sure. So, in at least 113, 114, and 115 you  
12 were drawing the maps and making tweaks to ensure there  
13 was an adequate Hispanic share in both party primary  
14 electorates?

15 MR. BARDOS: Object to form.

16 A. I mean, I can't say definitively one way or the  
17 other on that. I don't remember. It was three years ago.  
18 But I do know that that was -- in those three districts  
19 that was a concern.

20 BY MR. WARREN:

21 Q. Okay. In 113, 114, and 115 it was a concern to  
22 have an adequate Hispanic share of both party primary  
23 electorates?

24 A. To the best of our ability. I mean, regardless  
25 of the share of the primaries, we were trying to ensure

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1 that a Hispanic candidate, regardless of party, could be  
2 elected to ensure that minority communities could elect a  
3 candidate of their choice. That was our overall goal.

4 Q. Certainly. So just trying to make sure I have  
5 this straight. So in 113, 114, and 115 -- okay. I think  
6 I got it.

7 A. Okay.

8 Q. Related question. We've been talking a lot  
9 about the party primaries. There's another part to that  
10 which I think was your testimony to Judge Lewis, which is  
11 that one way to solve or one way to ensure that the  
12 Hispanic voters have the ability to elect their candidate  
13 of choice is to ensure that Hispanic voters control both  
14 party primaries in a competitive district, right?

15 A. In that particular case. That isn't like a  
16 generalization -- sorry, generalization that can be  
17 applied to all Hispanic districts, certainly not.  
18 Whatever district we were talking about in that CP 1, that  
19 conversation was relevant only to that specific analysis  
20 that Judge Lewis was asking me about.

21 Q. I appreciate that. Relevant to that district,  
22 another way to accommodate that concern was the  
23 Legislature's -- well, I guess you were expressing a  
24 concern that if a district like that is too Democratic or  
25 could be too Republican, if the Republican primary doesn't

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1 have a sufficient Hispanic share, then that would be a  
2 problem and thus that district would need to be  
3 competitive.

4 MR. BARDOS: Object to form.

5 A. Okay. Again, to that specific district. That  
6 is not a generalization that can be applied overall. He  
7 was asking me about a specific district on the Plaintiffs'  
8 map, so that conclusion that I was drawing was only  
9 relevant to that district and that case.

10 BY MR. WARREN:

11 Q. Okay. Using 115 as an example, if 115 had been  
12 more Democratic, that 43 percent or lower number in the  
13 Democratic primary, would that have caused concern about  
14 the ability of 115 to perform at that low a share of the  
15 Democratic primary if that district had been more  
16 Democratic?

17 MR. BARDOS: Object to form.

18 A. I don't know.

19 BY MR. WARREN:

20 Q. You don't know?

21 A. I don't.

22 Q. Okay.

23 MR. BARDOS: We have 28 minutes left out of  
24 our seven hours.

25



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1 BY MR. WARREN:

2 Q. I think we may have covered some of this, but  
3 you recall that minority voting cohesion and White bloc  
4 voting, as Mr. Bardos stated in committee, are two of the  
5 three Gingles preconditions, right?

6 A. Correct.

7 Q. And those are, as he explained, I think,  
8 necessary preconditions for Section 2 or the vote dilution  
9 standard of Fair District, right?

10 A. I believe that's correct.

11 Q. Is it your understanding that either of those,  
12 minority voting cohesion and White bloc voting, are also  
13 preconditions for protection under the non-diminishment  
14 standard?

15 A. I don't know.

16 Q. But Dr. Alford was providing an analysis of  
17 minority voting cohesion in protected districts?

18 A. I believe that's what his reports were helping  
19 us with, yes, among other things.

20 Q. Among other things his reports were helping you  
21 with other things or you were helped by other things  
22 besides his report?

23 MR. BARDOS: Object to form.

24 A. From what I remember, again, three years ago,  
25 his reports were primarily providing help for us on the

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1 cohesion and, yeah, on the relevant factors that you just  
2 said.

3 BY MR. WARREN:

4 **Q. And he may have been providing help on other**  
5 **things?**

6 A. No. What I meant is that we would use the  
7 reports that he provided to us. We might have been able  
8 to look at the data -- because he was looking at the same  
9 data we were looking at, and it may have reinforced the  
10 analysis that we had already done. He didn't help us with  
11 anything else, but looking at the reports he provided,  
12 which were primarily provided to us for a specific reason,  
13 it might help inform us on the other function analysis we  
14 were doing in that they kind of supported those decisions.

15 **Q. Okay.**

16 A. But it wasn't anything that John Alford was  
17 doing specifically.

18 **Q. Okay. That makes sense. Thank you.**

19 A few more -- just a few more questions on what  
20 staff was doing, so putting aside anything that Dr. Alford  
21 provided, just what committee staff was doing, you said  
22 that in looking at who would -- in this case the Hispanic  
23 candidate of choice be in a particular district, or  
24 whether Hispanic voters would be politically cohesive, and  
25 I'm going to try to make a list of the things that staff

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1 looked at to investigate those things. So one of those --  
2 one of the things staff looked at to investigate who the  
3 Hispanic candidate of choice was, or whether Hispanic  
4 voters were cohesive, was past election results in those  
5 protected districts, right?

6 A. Yes.

7 Q. And those would be the district level election  
8 results, as in this candidate got this percent, this  
9 candidate who lost got this other percent?

10 A. Correct.

11 Q. And you, as part of that, were looking at the  
12 race of the prevailing candidate?

13 A. Yes.

14 Q. And then you were looking at other district  
15 level statistics that are in the mapping application?

16 A. I don't understand what you mean by that.

17 Q. So besides election results in past -- so state  
18 house election results are not in the mapping application?

19 A. They are not.

20 Q. So you were looking to those separately, which  
21 you said. My question is were you -- to analyze who the  
22 Hispanic candidate of choice is and whether Hispanic  
23 voters are cohesive, was there other data that you were  
24 looking at besides past actual election results district  
25 level in the benchmark districts?

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1 MR. BARDOS: Object to form.

2 A. I don't believe so, but that is also why we  
3 contracted with Dr. Alford. And we provided all of the  
4 data to him to do all of his analyses.

5 BY MR. WARREN:

6 Q. Okay.

7 A. But, yeah, I don't -- I don't believe so, but I  
8 don't remember.

9 Q. Okay. And again, I'm interested right now just  
10 in what staff did, not the work product that Dr. Alford  
11 produced. I think the answer is no, but I just want to  
12 confirm. So did staff perform any ecological inference or  
13 regression analyses?

14 A. No.

15 Q. Did staff produce any scatter plots to analyze  
16 cohesion or bloc voting?

17 A. No.

18 Q. Did staff do -- besides looking at actual  
19 historic district level election results in benchmark  
20 Tier 1 protected districts, did staff do any other  
21 analysis relating to White bloc voting or Hispanic voting  
22 cohesion?

23 A. No.

24 MR. WARREN: Okay. Let me confer with my  
25 team.

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1 (Recess taken from 5:54 p.m. to 6:02 p.m.)

2 MR. WARREN: I have just a few more  
3 questions for you. I'm going to give you  
4 Exhibit 20.

5 (Exhibit No. 20 marked for identification.)

6 BY MR. WARREN:

7 Q. This was a document that the House produced to  
8 us in discovery. Does this look familiar?

9 A. Yes.

10 Q. What is this?

11 A. I mean, it looks vaguely familiar, but I  
12 actually don't know. I mean, it's a draft potential Q&A,  
13 but I don't remember why it was produced or for what or in  
14 what context. But it looks to be a Q&A that is kind of  
15 more general following committee meetings and potential  
16 Q&A from members I think maybe. I don't -- I don't really  
17 know.

18 Q. Is this, the format of this document familiar to  
19 you?

20 A. In that it's a potential Q&A document, yes.

21 Q. What's a potential Q&A document?

22 A. Well, it can be different things. It can either  
23 be for staff or members, but sometimes staff will produce  
24 potential Q&A for members for questions that may or may  
25 not be asked after -- there's usually a press gaggle after

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1 committee meetings, and we try to prepare the chair or  
2 other members for what potential questions might be asked  
3 of them by members of the media or potential Q&A asked on  
4 the floor by other members, or potential Q&A is there in  
5 committee by other members, or by whoever. So it's just  
6 kind of helping to prepare members for questions they  
7 might get and what staff would have told them if we could.  
8 But, you know, in those -- in those press gaggles it's all  
9 the members or even the questions in the committee it's  
10 the members answering the questions, so we just try to  
11 prepare them as much as we can.

12 **Q. And do they sometimes answer in ways that you**  
13 **wish they didn't?**

14 A. No comment.

15 **Q. So this is a potential Q&A document that is of**  
16 **the type that committee staff would prepare for a chair or**  
17 **staff before a meeting?**

18 A. Yes, or just in general. Sometimes we'd have a  
19 running Q&A document that wouldn't be for any particular  
20 meeting or purpose or floor action, it was just kind of a  
21 running Q&A document that we would -- that we would have  
22 so we could have something to draw from for one of those  
23 types of documents. So it's possible that one of our  
24 staff or -- you know, that this was one of those documents  
25 or it could have been for a specific purpose for all I

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1 know.

2 Q. On page 2 -- not page 2 numbered at the bottom,  
3 so the first sheet, halfway down there's a section titled  
4 Between Regular Session and Special Session.

5 A. Yes.

6 Q. So am I right in thinking that this potential  
7 Q&A document would have been prepared for the special  
8 session on redistricting in 2022?

9 A. No, in that what I just said is that sometimes  
10 we keep a running Q&A doc for all possible scenarios, and  
11 that particular section may have been developed -- may  
12 have been developed because we were expecting a special  
13 session at some point for the congressional map, because  
14 if the governor vetoed a congressional map, but without  
15 seeing, you know, when this document was prepared or all  
16 of that, I don't exactly know when or why this document  
17 was prepared. Or, again, if it was one of those running  
18 documents where they were kind of adding sections and  
19 questions as we went. So this may have just been one of  
20 those for all I know.

21 Q. Okay.

22 A. It also is specifically draft, so none of these  
23 were meant to be -- you can see draft in big red. None of  
24 this -- you know, some of these would have been drawn on  
25 if we were ever doing a final Q&A document, but the

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1 answers to this may have changed in the preparation of any  
2 final document.

3 **Q. Okay. You don't remember preparing this**  
4 **document?**

5 A. I can tell you that collectively as a staff we  
6 prepared lots of Q&A documents. I don't remember this one  
7 specifically, but it's been several years. I know that on  
8 any Q&A document given to any of our chairs Leda had me --  
9 specifically had me and her and sometimes Kyle and Karen  
10 Dearden, because she was doing a lot of our external  
11 stuff, we all reviewed it generally before we did, like, a  
12 final one. So I probably did review -- well, I may not  
13 have reviewed this document. I may have reviewed whatever  
14 the final product would have been, which may or may not  
15 have been based on some of this.

16 **Q. Okay. Question 2 on the first page says, quote,**  
17 **There is a UCLA report that states south Florida Hispanic**  
18 **communities do not vote cohesively and therefore those**  
19 **districts may not need to be protected. What do you think**  
20 **of this report/allegation, close quote.**

21 **Do you know what UCLA report that refers to?**

22 A. Yeah. There was a report that was published.  
23 If I'm remembering correctly, it was right in the last,  
24 like, couple of days -- it was either the last couple of  
25 days right at the end of session or right before we were



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1 going to pass the legislative maps, there was a report  
2 done, I forget by who, but it was a UCLA professor I  
3 believe.

4 Q. And you were aware of that at the time that it  
5 came out?

6 A. I became aware of it. Again, we were in the  
7 middle of -- I remember we were in the middle of either  
8 passing maps right at the end of session or something like  
9 that. I remember becoming aware of it at a particular  
10 time, yes, but I don't exactly remember when. It was  
11 shortly after it was published, whatever date that was.

12 Q. So before the special session when the final  
13 congressional map was passed?

14 A. I'm sorry. All my stuff here. What was that  
15 date of that special session?

16 Q. April 19th.

17 A. My copy of that has gotten kind of  
18 discombobulated. Yeah, special session. Yeah. So  
19 mid-April we passed -- so it would have been sometime in  
20 between March 4th of 2022 and April 13th of 2022 that I  
21 became aware of it.

22 Q. Okay. Did you read it?

23 A. Yes.

24 Q. Did you -- do you know if any other committee  
25 staff read it?

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1 A. You'd have to talk to them. I don't know.

2 Q. Did you share it with any other committee staff?

3 A. I did not share it. I got it shared to me from  
4 I forget who. It might have been Leda. I think I  
5 actually found it on my own because we were just kind of  
6 aware of it in general, but I specifically did not share  
7 it with anyone else.

8 Q. Do you remember talking to anybody about it?

9 A. Yeah, the committee -- Leda and Kyle  
10 specifically. I may have talked about it with counsel.

11 Q. What were your conversations about it like?

12 MR. BARDOS: You can answer to the extent  
13 you don't reveal attorney-client communications.

14 A. I honestly don't remember. It was three years  
15 ago. Sorry.

16 BY MR. WARREN:

17 Q. So the answer to the question number two on the  
18 potential Q&A document is, quote, I haven't seen the  
19 report, close quote. And then it says, quote, If pushed,  
20 listen, any person can write a report. It doesn't mean  
21 it's credible or that it wasn't produced for  
22 partisan/improper motivations, close quote.

23 By the time this document was drafted, you had  
24 seen the UCLA report.

25 A. I want to push back --

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1 MR. BARDOS: Hold on. What's the question?

2 THE WITNESS: Yeah. What is the question?

3 BY MR. WARREN:

4 Q. By the time this document was drafted had you  
5 seen the UCLA report?

6 MR. BARDOS: Object to form.

7 A. Well -- okay. First, we don't know when this  
8 document was prepared. We also don't know under what  
9 context or anything else. This is also the answer, I  
10 haven't seen the report. These are answers for members in  
11 whatever other context, and, as I said, we did not share  
12 the report with anybody. So the members would not have  
13 seen the report unless they got it on their own, and I  
14 don't know if they had or hadn't. So whether or not staff  
15 had seen the report or not is not relevant, because the  
16 question or the answer to the question is not for staff.  
17 And also we don't know when this document was or wasn't  
18 produced.

19 MR. WARREN: Fair enough. I think that's  
20 all my questions. Thank you.

21 THE WITNESS: Okay.

22 MR. BARDOS: I do have a few questions. It  
23 won't take long.

24 CROSS-EXAMINATION

25

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1 BY MR. BARDOS:

2 Q. Mr. Poreda, do you recall in your testimony you  
3 at different times discussed quotations that we saw in  
4 legislative transcripts or elsewhere that said that Tier 1  
5 takes priority or is superior to Tier 2, or that Tier 2 is  
6 secondary?

7 A. Yes.

8 Q. Okay. Take a look at Exhibit 4, which is here.  
9 In the introductory language of subsection B in the Fair  
10 Districts Amendments says unless compliance with the  
11 standards in this subsection conflicts with the standards  
12 in subsection -- it should be A -- or with federal law,  
13 and then it goes on to list Tier 2 standards.

14 Is that what you're referring to when you say  
15 that Tier 1 standards take priority or are superior or  
16 that Tier 2 standards are secondary?

17 A. Yes. And section C, where it says the order in  
18 which the standards within subsections 1A and 1B of this  
19 section shall be not read to establish without -- but,  
20 yeah, what you just read, yes.

21 Q. Okay. So is it your understanding that in case  
22 of conflict the Florida Constitution gives priority to  
23 Tier 1 over Tier 2?

24 A. Correct.

25 Q. Okay. Now, where there's no conflict, was it

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1 your understanding and your endeavor while drawing  
2 districts to implement all of the standards in the Fair  
3 Districts Amendments?

4 A. Yes.

5 Q. Okay. Without subordinating any to any others?

6 MR. WARREN: Object to form.

7 BY MR. BARDOS:

8 Q. In other words -- I'll rephrase.

9 When there was no conflict, did you in your mind  
10 subordinate or prioritize any one standard over the others  
11 if you could implement all of them?

12 A. So when there was no conflict that generally  
13 meant we were drawing a district that did not have any  
14 racial issues, so Tier 1 was not applicable. So Tier 2  
15 would then become the guiding principle for the districts.

16 Q. Okay. Now, if you could draw a Tier 1 protected  
17 district in a compact way that also utilizes political and  
18 geographical boundaries, did you do that and fully  
19 implement all of the standards?

20 A. Yes. We tried to balance both Tier 1 and Tier 2  
21 to the extent feasible wherever we could.

22 Q. Okay. And there was also testimony about  
23 statements such as, we get to compactness after Tier 1.  
24 Do you recall that?

25 A. Yes.

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1 Q. And do you understand that to refer to what we  
2 were just talking about, which is the constitutional  
3 prioritization of Tier 1 over Tier 2 in case of conflict?

4 A. Yes, and the strict language of the Constitution  
5 in a more global application, yes.

6 Q. And to be clear, do you or do you not understand  
7 that sort of statement to mean that while you were drawing  
8 maps chronologically you would address Tier 1 first before  
9 you addressed Tier 2?

10 A. I'm sorry. Can you rephrase the question?

11 Q. So, while you were drawing maps, did you address  
12 Tier 1 before addressing Tier 2 chronologically, or did  
13 you try to address all of the standards simultaneously  
14 while drawing?

15 A. No. We tried to address all the standards. I  
16 wouldn't say they were always simultaneously. As I  
17 mentioned in south Florida, where we pretty much drew  
18 Tier 2 districts and then adjusted for Tier 1, so during  
19 the drawing process it was much more organic, but we were  
20 certainly keeping both Tier 1 and Tier 2 standards in our  
21 minds. And obviously if we had a situation where Tier 1  
22 was -- there was some problem with Tier 1, then fixing  
23 that problem became a priority over fixing whatever other  
24 problems with Tier 2 that may have existed.

25 Q. You also mentioned that you started with a blank

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1 map. Do I remember that correctly?

2 A. That is correct.

3 Q. Okay. And you talked about recreating the  
4 Tier 1 districts when you had the blank map?

5 A. Yes.

6 Q. Okay. Now, did you draw the Tier 1 districts  
7 first before you drew the other districts, or did you  
8 develop them concurrently?

9 A. We developed them concurrently.

10 Q. Okay. Tell us a little bit about that.

11 MR. WARREN: Object to form.

12 A. So we drew the map particularly -- which map are  
13 you referring to?

14 BY MR. BARDOS:

15 Q. Either house or congressional.

16 A. So, specifically in the state house map, the  
17 first step was trying to figure out what county  
18 combinations might work to complete a whole district. For  
19 example, in the state house map District 6 is entirely Bay  
20 County only, so that was one district and that became  
21 pretty obvious looking at the math. Then other county  
22 combinations, like CD -- or, I'm sorry, HD 5, where it's a  
23 combination of five different counties.

24 The same with District 83 that I mentioned  
25 before or other districts, like districts -- or other

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1 county combinations which we called sandboxes, like  
2 Districts 52, 53, 54, 55, and 56, which is Pasco,  
3 Hernando, and Sumter County combined, has five districts  
4 among them. And other examples like that throughout the  
5 map.

6 That was the first step before we did anything  
7 else. And then, within that, even those county  
8 combinations we had to then figure out how we were going  
9 to address the districts that may be Tier 1 protected  
10 within those other sandboxes.

11 Q. And I think you testified when speaking about  
12 the state house districts that you drew the challenged  
13 districts with Tier 2 principles in mind before you did  
14 the functional analysis.

15 Is that -- do I recall that correctly?

16 A. That would be correct.

17 Q. Okay. And then you talked about making an  
18 adjustment to House District 115 after performing the  
19 functional analysis. Do you recall that?

20 A. Yes.

21 Q. Okay. And in making that adjustment, when you  
22 made that adjustment did you at that point ignore Tier 2  
23 principles or did you follow Tier 2 principles when making  
24 those adjustments?

25 MR. WARREN: Object to form.



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1           A.    We followed Tier 2 principles to the best of our  
2    ability.

3    BY MR. BARDOS:

4           Q.    Okay.  And how did you follow Tier 2 principles  
5    in the portion of House District 115 that you were  
6    adjusting after you performed the functional analysis?

7           A.    We tried to find as -- kind of what I mentioned  
8    before with the satellite view or other ways.  We were  
9    trying to find the most major throughways or roads  
10   possible to complete 115 along with 116 and 114 that would  
11   use the most obvious roads for the residents in the area  
12   to determine what districts or where the boundary lines  
13   were, up to and including using -- again, I forget which  
14   road it was that became the boundary between 115 and 116  
15   and then it's the same road that becomes the boundary  
16   between 114 and 116.  So there's a nice square T section  
17   there that, you know, it can be very obvious for anyone  
18   driving down those roads that that is a border between  
19   some districts, as an example.

20          Q.    And you mentioned the border between 115 and  
21   116.  In drawing that boundary, did you consider Tier 2  
22   principles?

23          A.    Yes.

24          Q.    Okay.  And elaborate on that, please.

25               MR. WARREN:  Object to form.

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1           A.    So, again, we tried to find as major roads as  
2   possible. I think there's even a little canal that we  
3   used in that area. We also adjusted the boundary between  
4   115 and 116, because at one point 116 had a very sharp  
5   point on it and we took that off for compactness reasons  
6   while keeping Tier 1 principles in mind. We made little  
7   adjustments throughout that whole area while trying to  
8   keep the Tier 1 implications of all of those districts in  
9   mind as we were doing that, but primarily looking at major  
10   roads, easily recognizable landmarks in those areas to  
11   draw districts to make sure that we weren't cutting  
12   through little neighborhoods and things like that.

13   BY MR. BARDOS:

14           Q.    Now, early on in your testimony you mentioned  
15   that there was I believe a potential conflict between  
16   Tier 1 and Tier 2 principles with respect to House  
17   District 115. Do you recall that?

18           A.    Yes.

19           Q.    And what you testified about subsequently  
20   specifically making the adjustment to House District 115  
21   after performing the functional analysis, is that what you  
22   were referring to when you mentioned the potential  
23   conflict?

24           A.    Yes.

25           Q.    Okay. And as I understood your testimony, House

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1 District -- well, let me ask it this way. Was House  
2 District 115 the only one out of the state house districts  
3 that sitting here today you can recall having made  
4 adjustments to after performing the functional analysis?

5 A. That is definitely not the only district we made  
6 adjustments to.

7 Q. I'm sorry. Among the state house challenged  
8 districts.

9 A. Oh, just the challenged districts?

10 Q. Yes.

11 A. No. I believe we made some small tweaks. I  
12 think I mentioned before 113, 14, 15, 116, because we did  
13 that and included Sweetwater and did some other stuff, and  
14 118 and 119 as well from the workshop maps throughout the  
15 process.

16 Q. Okay. I'm saying specifically in response to  
17 the functional analysis.

18 A. Oh.

19 Q. I think the --

20 A. Yeah, I don't -- specifically, like having done  
21 a functional analysis and making adjustments after, I  
22 don't recall. I believe the only district where something  
23 like that probably happened was 115, because I can  
24 remember it specifically. The other districts, there were  
25 adjustments made and functional analysis was performed to

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1 make sure that whatever Tier 2 changes we were making did  
2 not negatively affect the functional analysis.

3 Q. So the other districts besides 115, the  
4 adjustments that you remember -- that you remember making  
5 were made for Tier 2 reasons?

6 A. Correct.

7 Q. Okay. Do you consider each of the challenged  
8 state house districts to be compact?

9 A. I do.

10 Q. Do you think they utilized political and  
11 geographical boundaries where feasible?

12 A. I do.

13 Q. And in your mind did race predominate over  
14 other -- over non-racial considerations in drawing those  
15 districts?

16 A. No.

17 Q. Take a look at Congressional District 26,  
18 please. And, I guess, let's look more broadly at south  
19 Florida. Does the -- in drawing the -- in drawing south  
20 Florida, did the House endeavor to utilize county  
21 boundaries as district boundaries?

22 A. Where feasible, yes.

23 Q. Okay. And did it follow county boundaries along  
24 the northern and western boundaries of District 21 and the  
25 western boundary of District 20?

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1 A. Yes.

2 Q. And was that -- did that influence the shape of  
3 the districts to the south?

4 MR. WARREN: Object to form.

5 A. Yes.

6 BY MR. BARDOS:

7 Q. Okay. Explain how.

8 A. So, honestly, this was also mostly -- like, this  
9 is also related to District 8, which is made up entirely  
10 of Brevard and Indian River, and then just needed a little  
11 bit -- I think it was something along the lines of, like,  
12 two or 3,000 people more. That's all it needed. It could  
13 be a little bit more than that, but off the top of my head  
14 that's the number that's coming to me. But again, it's  
15 been three years.

16 So, in order to keep those two counties whole  
17 with just a little bit more going into Orange or Volusia  
18 and we chose to go into Orange, that kept the Indian River  
19 County line with St. Lucie solid. So if we're going to do  
20 that, then everything had to go south from there. And  
21 also with CD 20 being a Section 2 Voting Rights Act  
22 protected district, that district we knew was probably  
23 going to be in Palm Beach and Broward after our version in  
24 the workshop map and wholly in Broward didn't really work  
25 for a variety of reasons, including being less

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1 mathematically compact than this district.

2 We knew that that Broward County, Palm Beach  
3 County line was going to be whole, so we made the  
4 decision, since that county border between Indian River  
5 and St. Lucie was going to be kept, and the western edge  
6 of the Palm Beach, Broward County line was going to be  
7 kept up -- or be kept, it made sense to try to keep  
8 St. Lucie and Martin whole and then push everything south  
9 from there. And that, going around the arms of  
10 Congressional District 20, just District 21, 22, 23, all  
11 kind of fell into place.

12 We also were very mindful about trying not to  
13 wrap around the northern arm of CD 20, so we tried to find  
14 a dividing line between District 21 and 22 there while  
15 making changes to CD 20 and keeping it compliant and  
16 keeping as many cities whole but getting enough people in  
17 21 without having to come down too far.

18 And then that allowed 22 to have a nice shape.  
19 Twenty-three had to go around a little bit of that  
20 southern arm of Congressional District 20, but then we  
21 were able to find a nice dividing line right in the Fort  
22 Lauderdale area to allow District 25 in the southern part  
23 of Broward County to kind of be a nice rectangular shape,  
24 with some deviations for the City of Sunrise, kind of over  
25 by I-75 -- or -- yeah, I-75. The jaggedness there, that's

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1 the municipality of Sunrise, and there's other  
2 municipalities within the arm that is CD 20.

3 And then CD 24 had to come up into Broward  
4 County, but we were able to use a lot of major roads and  
5 keep that -- keep that district. It's just a neat little  
6 rectangle that goes up in the -- I think just east of  
7 Miramar and some of the other areas where it's nice --  
8 uses nice major roads and it's nice, square, and kind of  
9 keep that as nice as possible before going down into Dade  
10 and doing other stuff that we discussed earlier.

11 **Q. Okay. And as a result of that did it become**  
12 **inevitable that a district in Miami-Dade would have to**  
13 **take some population from Collier?**

14 **A.** One result of doing everything that I just  
15 described is that with two districts -- well, one district  
16 wholly within Dade, another district, 24, almost wholly  
17 within Dade, and then 28 having Monroe and the rest in  
18 Dade, there was inevitably going to be population that  
19 needed to find a congressional district somewhere. At  
20 that point the only option was to go west.

21 **Q. And your decision to follow county boundaries**  
22 **along the northern and western sides of District 21 and**  
23 **along the western side of District 20, was that based on**  
24 **Tier 2?**

25 **A.** Yes.

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1 Q. Okay. And your attempt to keep districts such  
2 as 25, 22, and 23 from wrapping around the arms -- or to  
3 do an L shape along the coast, was that based on Tier 2  
4 principles as well?

5 A. Yes.

6 Q. Okay. Now, the eastern boundary of District 26,  
7 does that split any municipalities in Miami-Dade?

8 A. I don't recall.

9 Q. The border of -- the northern boundary of  
10 District 26, does that follow county boundaries?

11 A. Yes.

12 Q. And what does the southern district -- the  
13 southern boundary of District 26 follow?

14 A. Largely the Tamiami Trail, until you get closer  
15 to the City of Miami, and I don't -- might be the Dolphin  
16 Expressway. I don't remember what road is kind of the  
17 boundary between 26 and 27, and then there's a slight  
18 deviation for 28 that goes above the Tamiami Trail that  
19 follows some other major roads, and that's primarily done  
20 for equal population purposes.

21 Q. And how about in Collier County, what do the  
22 boundaries of District 26 follow?

23 A. I can only speak to the version of the district  
24 that I drew there. The version in the enacted map was  
25 altered by the Governor's Office a little bit and goes



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1 around Immokalee. I don't know what boundaries were used  
2 there, but in our version we kept the county line whole  
3 and we went over to I-75 and went south, and then had to  
4 find an area to jump off of I-75 to equalize population.

5 Q. Now, in the enacted District 26, apart from the  
6 area around Immokalee, does the northern boundary follow  
7 the Collier County line?

8 A. Yes.

9 Q. And does the southern boundary of 26 follow the  
10 Monroe, Collier line?

11 A. Yes.

12 Q. You were asked about cohesion and how you  
13 determined cohesion. Does the functional analysis provide  
14 information about cohesion as well?

15 MR. WARREN: Object to form.

16 A. On a basic level, yes. As an example, you  
17 can -- if a particular racial group -- an easy example is  
18 a lot of the Black districts you can see that they're, you  
19 know, 90 percent registered Democrat, so that suggests  
20 cohesion among that particular racial group.

21 BY MR. BARDOS:

22 Q. At times you referred to the Hispanic candidate.  
23 Were you referring there to the candidate preferred by  
24 Hispanic voters?

25 A. Yes.

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1 Q. And could that include candidates who are not  
2 Hispanic?

3 A. Yes.

4 Q. And then we also looked at this Exhibit 20 that  
5 you were asked about, and you were asked about a question  
6 and answer on the first page. Do you know who authored  
7 that question and answer?

8 A. No.

9 Q. Okay. So it wasn't you?

10 A. I don't -- I don't remember.

11 Q. Okay. And so, sitting here today, do you know  
12 whether the person who authored this, whoever it was, did  
13 or did not see the report at the time this was authored?

14 A. I don't know.

15 MR. BARDOS: Okay. I have no further  
16 questions.

17 MR. WARREN: I just have a few. Perhaps now  
18 is a good time to stipulate that we all agree to  
19 continue a few minutes past seven hours?

20 MR. BARDOS: A few minutes.

21 REDIRECT EXAMINATION

22 BY MR. WARREN:

23 Q. Okay. Mr. Poreda, you testified in response to  
24 Mr. Bardos's questions about the house committee's  
25 decision to configure the districts in southeast Florida.

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1 Do you remember that?

2 A. Yes.

3 Q. I believe you said that maybe a starting place  
4 for the configuration of those districts was the county  
5 boundary between St. Lucie and Indian River?

6 A. Yes.

7 Q. And then the population flowed south and then  
8 west into Collier from there?

9 A. Yes.

10 Q. Was that explanation of why the southeast part  
11 of the congressional districts -- was that explanation  
12 shared with the redistricting committee members?

13 A. Do you mean in a committee meeting?

14 Q. In a committee meeting.

15 A. I don't remember.

16 Q. If it was, that would be reflected in the --

17 A. In the transcripts.

18 Q. Same thing with members generally on the house  
19 floor, if that explanation was shared with them that would  
20 be in the transcripts?

21 A. If they said it. Just because they didn't say  
22 it doesn't mean it wasn't shared with them.

23 Q. Because it could have been shared privately?

24 A. I don't understand the question.

25 Q. I guess -- well, my question is, if an

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1 explanation to members about the configuration of these  
2 districts wasn't shared in a public meeting, how else  
3 could it have been shared to members?

4 A. We had many meetings with members, as we've  
5 talked about extensively, both with committee chairs and  
6 with other members -- like, a lot of different members.  
7 So that explanation could have been shared with them in  
8 any of those meetings with other staff and other members  
9 present, and just because they did not then say it in a  
10 public meeting doesn't mean they were not aware of it.

11 Q. Got it. Do you remember any such conversations  
12 with members outside of public meetings sharing that  
13 explanation?

14 A. It's three years on. I don't remember any  
15 specific meetings, but we had many meetings with  
16 especially our chairs, but also other meetings. When I  
17 say chairs, I mean chairs, vice chairs, and whoever.  
18 There was many others, and lots of explanations were  
19 shared, and I can't remember if I specifically -- I or  
20 anyone else in the committee specifically shared that  
21 specific explanation.

22 I do remember, though, because, again, the  
23 congressional map is something that we have to merge with  
24 the Senate, and the Senate had broken that specific  
25 boundary line, and it was important to us to -- and when

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1 we collectively came together to use our version of that  
2 that kept that line whole. So I imagine at a certain  
3 point talking about that boundary line and how it all  
4 related down was shared.

5 Q. Let's, since you brought it up, talk about the  
6 senate map 8060, which is Exhibit 11.

7 A. Yes.

8 Q. And I see what you just referred to there, which  
9 is the Senate did not start at the Indian River, St. Lucie  
10 County boundary, and instead --

11 A. Yeah. I want to clarify, we didn't necessarily  
12 start there, but because of District 8 and some of the  
13 other configurations that we had that was just a relevant  
14 factor. So if I ever said that we started there, I don't  
15 know if that was -- I don't know if that's true, but  
16 certainly, kind of looking at that region, that's where I  
17 start in kind of looking at how everything kind of flowed  
18 down from there.

19 Q. Thanks for that clarification. That may have  
20 been my poor paraphrase.

21 A. That's okay.

22 Q. So in the senate map 8060 they didn't snap to  
23 that county line or respect that county border between  
24 Indian River and St. Lucie, right?

25 A. Correct.

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1           Q.   Looking further south, though, 8060 does have a  
2   district that combines portions of northwest Miami-Dade  
3   County and a portion of eastern Collier County, right?

4           A.   I'm sorry. So you're referring to -- in their  
5   map District 25?

6           Q.   Correct.

7           A.   Yes.

8           Q.   So, even though the Senate made a redistricting  
9   choice not to align its southeast segment of districts at  
10   the St. Lucie, Indian River county line, it has a  
11   configuration of that Collier, Dade, and in this case  
12   Hendry district?

13          A.   Yes. But I'll point out that although they  
14   don't hold that county line, the configurations of their  
15   districts are very similar to ours, and that occlusion in  
16   there is because they chose to do some other things with  
17   Districts 17 and 19, if you look at our map. We both  
18   chose -- when I say both, I mean the House and the Senate  
19   both in our maps chose to keep Polk County whole, which is  
20   different than the inactive map that the Governor's Office  
21   changed, so that county line on the southern part of Polk,  
22   Osceola, and Indian River is essentially kept except for I  
23   believe it was 2600 people that they broke the line.

24                   So although they broke the line, they barely  
25   broke the line. And that was because of some of the other

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1 choices they had through here, including putting Hendry  
2 County in District 25. We just felt that that small  
3 occlusion that they had in Indian River, because it was so  
4 small, but otherwise effectively mirrored our districts,  
5 we felt it was important to keep that other county whole  
6 and pick up our number of counties whole.

7 I think there might have been something else.  
8 So, yes, they didn't keep that there, but like I said in  
9 my explanation, like I said, I don't know if I  
10 specifically started there to go down. But it was similar  
11 enough that we felt in the House that it was necessary to  
12 do that. Which, again, their districts that they have  
13 coming down similar to their District 20, they're all  
14 very, very similar to ours in our map and what ends up  
15 being in the enacted map, because the amount of people,  
16 total population in that little occlusion, is not really  
17 enough to change the overall configuration that I  
18 described before.

19 MR. WARREN: That's all I have. Thank you.

20 MR. BARDOS: I have just a couple of  
21 additional questions.

22 RECROSS-EXAMINATION

23 BY MR. BARDOS:

24 Q. Did you say that the -- where the senate map  
25 deviates from the Indian River, St. Lucie County line and

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1 takes District 18 north into Indian River, that the  
2 District 18's piece of Indian River has only about 2600  
3 people?

4 A. I don't -- I specifically don't remember, but  
5 I'm sure their data packet specifically shows the county  
6 share of population in that, and it could be a little bit  
7 more than that, but I remember it being such a small  
8 amount of people. Again, I think it was in the area of  
9 3,000 people, but I could be wrong about that because I'm  
10 trying to remember three years ago. But it was such a  
11 small occlusion that the House, me and Leda, we felt like  
12 that that was not -- like, we could make that up somewhere  
13 else and keep it whole.

14 Q. And the two or 3,000 people, or whatever small  
15 number it is that District 18 took out of Indian River,  
16 that's not -- that would not make a difference between  
17 going from Miami-Dade to Collier or not going over to  
18 Collier?

19 A. Correct. That would not have changed that at  
20 all. In fact, I think that 3,000 people was reflected  
21 because they kept, I think, the Pasco County line whole or  
22 something along those -- like it literally was 3,000  
23 people that went from some other portion of the state if  
24 you look at their whole map, this is only a portion of the  
25 map that I'm seeing here, that 3,000 people was moved all



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1 the way around to go up into Indian River as opposed to  
2 like something -- I don't remember what it was, but that's  
3 map drawing in the congressional world, when you have  
4 3,000 people that you need to find a home for and they  
5 literally moved all the districts around to do that.

6 But, no. Again, it could be 13,000, it could be  
7 3,000. I don't remember the exact number, but it was  
8 small enough where we felt that we could do that.

9 MR. BARDOS: Great. No further questions.

10 Thank you.

11 THE STENOGRAPHER: Read?

12 MR. BARDOS: Read, yes. Read and order,  
13 please.

14 (The proceedings concluded at 6:40 p.m.)

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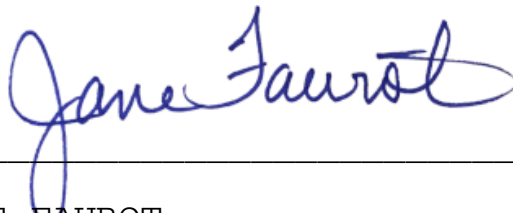
CERTIFICATE OF OATH

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STATE OF FLORIDA  
COUNTY OF LIBERTY

I, JANE FAUROT, Notary Public, State of  
Florida, certify that JASON PATTERSON POREDA  
appeared before me on July 17, 2025, and was  
duly sworn.

Dated this 22nd day of July, 2025.



JANE FAUROT  
Notary Public, State of Florida  
My Commission No. 131262  
Expires: 08/06/2025

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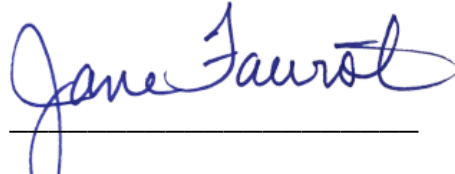
CERTIFICATE OF REPORTER

STATE OF FLORIDA  
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I, JANE FAUROT, do hereby certify that I was authorized to and did stenographically report the foregoing deposition of JASON PATTERSON POREDA; that a review of the transcript was requested; and that the transcript is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 22nd day of July, 2025.



JANE FAUROT, RPR

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1 ERRATA SHEET

2 DO NOT WRITE ON THE TRANSCRIPT  
3 ENTER CHANGED ON THIS SHEET

4 Re: Cubanitos Pa'Lante, et al.  
5 Deponent: JASON PATTERSON POREDA  
6 Date of : July 17, 2025  
7 Case No.: Civil Action No. 1:24-cv-21983

8 PAGE LINE REMARKS

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21 \_\_\_\_\_

22 Under penalties of perjury, I declare that I have  
23 read the foregoing document and that the testimony given  
24 is true.

25 Signature of Witness \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

email to: fl.production@lexitaslegal.com

Job No.: 410695

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July 22, 2025

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ATTN: ANDRE V. BARDOS, ESQUIRE  
Re: Cuban Pa'Lante, et al. vs. Florida House of  
Representatives, et al.  
Case No.: Civil Action No. 1:24-cv-21983  
Deposition of JASON PATTERSON POREDA; July 17, 2025

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Job No.: 410695

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1

<b>Exhibits</b>	46:13, 16 49:23 117:12 125:22	<b>410695JP oreda071 725 Ex 0 11</b>	<b>410695JP oreda071 725 Ex 0 16</b>	<b>1</b>	140:7, 11,13, 15,18, 25
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