Supreme Court of Ohio Clerk of Court - Filed October 22, 2021 - Case No. 2021-1193

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF OHIO, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents*.	Case No. 2021-1193
BRIA BENNETT, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents*.	Case No. 2021-1198
THE OHIO ORGANIZING COLLABORATIVE, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents*.	Case No. 2021-1210

STIPULATION OF EVIDENCE

(deposition transcript and exhibits)

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STIPULATION OF EVIDENCE

(deposition transcript and exhibits)

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Transcript of House Minority Leader Emilia Sykes

Date: October 18, 2021
Case: League of Women Voters of Ohio, et al. -v- Ohio Redistricting Comm., et al.

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

IN THE SUPREME COURT OF OHIO

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LEAGUE OF WOMEN VOTERS :

OF OHIO, et al., :

Relators, :

v. : Case Nos. 2021-1193

OHIO REDISTRICTING : 2021-1198

COMMISSION, et al., : 2021-1210

Respondents. :

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Remote Videotaped Deposition of

HOUSE MINORITY LEADER EMILIA SYKES

Monday, October 18, 2021

1:03 P.M.

Job No.: 406207

Pages: 1 - 101

Reporter: DEBRA BOLLMAN FARFAN, RDR-RMR-CRR-CRC

CA CSR NO. 11648

Videoconference Deposition of HOUSE MINORITY LEADER EMILIA SYKES, held remotely:

Witness Location:
REMOTE

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1 P R O C E E D I N G S
2 * * * * *
3 THE VIDEOGRAPHER: Here begins Tape 01:03:27
4 Number 1 in the videotaped deposition of House 01:03:28
5 Minority Leader Emilia Sykes in the matter of 01:03:33
6 League of Women Voters of Ohio, et al., versus 01:03:35
7 Ohio Redistricting Commission, et al., in the 01:03:39
8 Supreme Court of Ohio, Case Number 2021-1193. 01:03:44
9 Today's date is October 18th, 2021. 01:03:50
10 Time on the video monitor is 1:03 p.m. Eastern. 01:03:54
11 The videographer today is Drew Halton 01:03:58
12 representing Planet Depos. All participants 01:04:01
13 are attending remotely. 01:04:03
14 The court reporter is Debra Bollman, 01:04:05
15 representing Planet Depos. 01:04:07
16 Would the reporter please swear in the 01:04:08
17 witness. 01:04:10
18 Whereupon, 01:04:26
19 HOUSE MINORITY LEADER EMILIA SYKES 01:04:26
20 was called as a witness, was duly sworn, 01:04:26
21 and testified under penalty of perjury as 01:04:26
22 follows: 01:04:26
23 EXAMINATION 01:04:28
24 BY MR. BRANCH: 01:04:28
25 Q. Good morning, Leader Sykes. My name is 01:04:29

1 John Branch. I'm a lawyer with the law firm of 01:04:31
2 Nelson Mullins Riley & Scarborough. I'm here 01:04:34
3 representing Speaker Cupp and Senate President 01:04:38
4 Huffman in the three apportionment lawsuits 01:04:42
5 that are at issue today. 01:04:46
6 Do you understand that you're under oath 01:04:47
7 and sworn to tell the truth as though you were 01:04:48
8 testifying in court? 01:04:50
9 A. Yes. 01:04:51
10 Q. And have you testified in a deposition 01:04:52
11 before? 01:04:56
12 A. Yes. 01:04:57
13 Q. Okay. If there's a question that I ask 01:04:57
14 you that you don't understand, please let me 01:05:02
15 know, and I will rephrase the question. 01:05:04
16 And if you do answer questions, I will 01:05:09
17 assume that you have understood the question 01:05:11
18 that I've asked. Is that okay? 01:05:13
19 A. Yes. 01:05:14
20 Q. And if you need a break, all you have to 01:05:15
21 do is ask for one. But I would ask that you 01:05:19
22 finish answering any questions that have been 01:05:22
23 posed prior to taking the break. 01:05:25
24 Can you please state your full name for 01:05:27
25 the record. 01:05:30

1 A. Emilia Strong Sykes. 01:05:30
2 Q. And are you an elected official? 01:05:33
3 A. Yes. 01:05:35
4 Q. And for the record, can you indicate to 01:05:36
5 what offices you've been elected? 01:05:39
6 A. What office I've been elected ever or 01:05:41
7 today? 01:05:46
8 Q. That you're currently representing. 01:05:48
9 A. I am -- I have been elected as state 01:05:50
10 representative for Ohio's 34th House District 01:05:54
11 as well as the minority leader for the Ohio 01:05:57
12 House of Representatives. 01:06:00
13 Q. And were you also elected the leader of 01:06:02
14 the Ohio House Democratic Caucus? 01:06:04
15 A. I have been elected as the minority 01:06:06
16 leader of the Ohio House of Representatives. 01:06:11
17 Q. And is my understanding correct that you 01:06:14
18 are leader of the House Democratic Caucus, 01:06:17
19 though? 01:06:19
20 A. Yes. 01:06:20
21 Q. Okay. Thank you. 01:06:20
22 And you're a member of the Ohio 01:06:22
23 Redistricting Commission, right? 01:06:24
24 A. Yes. 01:06:25
25 Q. And what is your understanding of your 01:06:27

1 duties and responsibilities as a member of the 01:06:30
2 commission? 01:06:32
3 A. As a member of the Ohio Redistricting 01:06:32
4 Commission, my responsibility is to participate 01:06:37
5 in the Redistricting Commission hearings with 01:06:41
6 the end goal of producing a state legislative 01:06:45
7 map for the state of Ohio. That responsibility 01:06:49
8 lasts until the Redistricting Commission is 01:06:56
9 convened and all of our duties are completed. 01:06:58
10 In that role, we are to hear from the 01:07:03
11 public and the communities about what they 01:07:08
12 would like their maps to look like. We are to 01:07:10
13 vote on rules as a matter of the commission. 01:07:15
14 We are to produce maps for consideration of the 01:07:19
15 ten-year legislative districts. 01:07:25
16 Q. And when you -- in the process of the 01:07:35
17 production of maps, what are the factors that 01:07:36
18 as a commission member you're supposed to 01:07:42
19 consider? 01:07:43
20 A. Article XI of the Ohio Constitution. 01:07:43
21 Q. Okay. So in the process of producing 01:07:49
22 these maps, did the House Democratic Caucus 01:07:56
23 engage a consultant to assist it in preparation 01:08:02
24 and analyses of the maps? 01:08:06
25 A. Could you say that question again? 01:08:07

1 Q. Did the House Democratic Caucus engage a 01:08:11
2 consultant to assist it in preparing and 01:08:14
3 analyzing district General Assembly districting 01:08:17
4 maps? 01:08:22
5 A. So the House Democratic Caucus did 01:08:22
6 engage a consultant, and the purposes could 01:08:26
7 have been to prepare a map, but absolutely to 01:08:34
8 analyze a map. 01:08:36
9 Q. And who was the consultant that the 01:08:37
10 House Democratic Caucus engaged? 01:08:43
11 A. HaystaqDNA. 01:08:45
12 Q. And was Haystaq the only consultant to 01:08:47
13 the House Democratic Caucus engaged in 01:08:50
14 connection with the 2021 redistricting process? 01:08:53
15 A. What do you mean by "engaged"? 01:08:55
16 Q. Have a contract with or pay. 01:09:01
17 A. Yes, they are the only entity that we 01:09:02
18 have a contract with. 01:09:05
19 Q. Okay. And did the House Democratic 01:09:08
20 Caucus pay any other people or entity for 01:09:10
21 redistricting services in connection with the 01:09:14
22 2021 General Assembly maps? 01:09:15
23 A. No. 01:09:18
24 Q. Okay. Thank you. What were the 01:09:19
25 responsibilities of Haystaq in providing the 01:09:25

1 services that they did for the House Democratic 01:09:30
2 Caucus? 01:09:35
3 A. Their responsibilities were to take the 01:09:35
4 information from the Census Bureau that had 01:09:39
5 been analyzed by Ohio University to put it in a 01:09:42
6 format that we could understand the data in 01:09:46
7 terms of however population shift had occurred, 01:09:51
8 where the movements were, what the district 01:09:58
9 lines looked like. 01:10:00
10 Additionally, they helped to analyze 01:10:02
11 maps that had been submitted or had been 01:10:05
12 circulating so that we could understand what 01:10:11
13 decisions were made or attempt to understand 01:10:15
14 what decisions were made in the process. 01:10:17
15 They also helped us understand -- I 01:10:20
16 think I said this before, but population 01:10:24
17 differences, the deviation, where people moved, 01:10:26
18 where they didn't move, how that reflected the 01:10:29
19 current maps that were -- that we had been 01:10:34
20 elected from. 01:10:37
21 Q. Thank you. Now, Haystaq -- Haystaq 01:10:45
22 doesn't only provide redistricting services. 01:10:48
23 They also provide general political consulting 01:10:50
24 services, right? 01:10:54
25 A. I am not sure of all of the services 01:10:55

1 that Haystaq provides. 01:10:57
2 Q. All right. And they're based out of 01:10:59
3 Washington, D.C.? 01:11:02
4 A. I don't know that they are based out of 01:11:02
5 Washington, D.C. 01:11:08
6 Q. Do you have any reason to not believe 01:11:10
7 that they're based out of Washington, D.C.? 01:11:12
8 A. I guess I'm trying to understand what 01:11:13
9 your question is asking. 01:11:19
10 Q. Well, I was curious why the House 01:11:22
11 Democratic Caucus chose to engage a D.C. 01:11:27
12 consulting group to assist it with the Ohio 01:11:29
13 General Assembly redistricting process. 01:11:32
14 A. Understood. We decided to contract with 01:11:33
15 an organization that had experience in this 01:11:39
16 process that had worked with redistricting 01:11:43
17 commissions in the past and someone that could 01:11:46
18 help us understand what the process was. 01:11:48
19 And so they were -- they had the 01:11:52
20 experience and expertise and knowledge to allow 01:11:54
21 us to do so. 01:11:56
22 Q. And I will -- since you may not be aware 01:11:57
23 of it, I'll represent to you that Haystaq holds 01:12:06
24 itself out as a political consulting firm as 01:12:09
25 well as a firm that provides redistricting 01:12:12

1 services. Are you aware of whether Haystaq 01:12:14
2 generally advises clients on one side of the 01:12:18
3 political aisle or the other? 01:12:21
4 A. I understand that they tend to work with 01:12:23
5 Democrats. 01:12:30
6 Q. Okay. Who was your main point of 01:12:31
7 contact at Haystaq? 01:12:34
8 A. Ken Strat. 01:12:37
9 Q. And what -- is it Ken S-t-r-a-s-m-a? 01:12:40
10 A. I cannot tell you the absolute correct 01:12:45
11 spelling of the last name. 01:12:49
12 Q. Fair enough. Fair enough. What did Ken 01:12:50
13 do with Haystaq? 01:12:53
14 A. Ken, I believe, is either the president 01:12:54
15 or the CEO of Haystaq. 01:12:59
16 Q. Okay. Was Ken actually analyzing the 01:13:04
17 maps that you all considered or drawing any of 01:13:08
18 the maps that the House Democratic Caucus had 01:13:14
19 drawn? 01:13:17
20 A. I don't know what Ken did on a daily 01:13:17
21 basis. 01:13:23
22 Q. All right. Do you know who Anh Volmer 01:13:24
23 is? 01:13:27
24 A. Yes. 01:13:27
25 Q. And is she -- does she work with Haystaq 01:13:29

1 as well? 01:13:31
2 A. Yes. 01:13:32
3 Q. And do you know what she did with 01:13:33
4 Haystaq? 01:13:36
5 A. She works as one of their analysts. 01:13:36
6 Q. Okay. Other than Ms. Volmer, 01:13:40
7 Mr. Strasma, who else did you have contact with 01:13:46
8 at Haystaq? 01:13:49
9 A. You'll have to excuse me because I don't 01:13:49
10 know everyone's first and last name or their 01:13:54
11 correct spellings. But there is a gentleman 01:13:56
12 named Willie and a gentleman named Quentin. 01:13:59
13 Q. Anybody else? 01:14:05
14 A. Not that I can recall. 01:14:05
15 Q. Do you remember what Willie and Quentin 01:14:14
16 did for Haystaq? 01:14:16
17 A. Willie and Quentin worked with Anh. 01:14:18
18 Q. And did they do the analysis -- the same 01:14:23
19 type of analysis work that Anh did? 01:14:29
20 A. As far as I know, correct, yes. 01:14:34
21 Q. Okay. Do you recall how much the House 01:14:36
22 Democratic Caucus paid Haystaq? 01:14:39
23 A. Can you rephrase the question? I don't 01:14:40
24 seem -- sorry. 01:14:49
25 Q. No, go ahead, ma'am. I'm sorry. 01:14:50

1 A. I said, just excuse me. Can you 01:14:53
2 rephrase that? 01:14:55
3 Q. Yeah. Do you recall approximately how 01:14:55
4 much money that the House Democratic Caucus 01:14:58
5 paid Haystaq? 01:15:01
6 A. To date, I cannot recall accurately. 01:15:01
7 (Deposition Exhibit No. 1 was marked for 01:15:01
8 identification.) 01:15:17
9 Q. Yeah, let's do -- we're going to call up 01:15:17
10 a document that's Bates labeled 01:15:22
11 ESykes_0007247-7250. 01:15:32
12 (Discussion with Videotech held off the 01:15:43
13 written record.) 01:15:43
14 Okay. Ms. Sykes, you can take a moment 01:16:23
15 to review this document, which I will represent 01:16:29
16 to you was produced as part of the 01:16:31
17 approximately 12,000 pages of documents that we 01:16:33
18 received on Saturday night. 01:16:35
19 And, Leader Sykes, what does this appear 01:16:44
20 to be? 01:16:47
21 A. It appears to be an email. 01:16:47
22 Q. And who received the email? 01:16:49
23 A. Which email are you talking -- referring 01:16:52
24 to? 01:16:59
25 Q. I'm looking at the header at the top of 01:16:59

1 ESykes_7247. 01:17:01
2 A. And the question is again? 01:17:06
3 Q. Who received the email? 01:17:08
4 A. Kristen Rhee, Andy DiPalma. 01:17:09
5 Q. And I'm sorry, let me re-ask the 01:17:15
6 question. Who received the email? Did 01:17:18
7 Samantha Herd receive the email? 01:17:24
8 MS. MENASHE: Objection. Calls for 01:17:28
9 speculation. 01:17:29
10 MR. BRANCH: I apologize, I've got my 01:17:30
11 "from" and my "to" backwards. That's my fault. 01:17:32
12 Did Ms. Herd send this email? 01:17:36
13 MS. MENASHE: Objection. Calls for 01:17:39
14 speculation. 01:17:40
15 BY MR. BRANCH: 01:17:46
16 Q. I'll restate. Does this appear to be an 01:17:46
17 email that was sent by Ms. Herd? 01:17:48
18 A. Yes. 01:17:50
19 Q. And who is Ms. Herd? 01:17:55
20 A. She is the chief of staff for the House 01:17:56
21 Democratic Caucus. 01:18:00
22 Q. All right. And do you know whether her 01:18:00
23 email account was searched for documents 01:18:04
24 responsive to the subpoenas in the three 01:18:06
25 apportionment -- or the -- excuse me, the 01:18:08

1 discovery requests in the three apportionment 01:18:10
2 cases? 01:18:13
3 A. From my understanding, she participated 01:18:13
4 in the document request. 01:18:15
5 Q. Okay. And you see the first line here: 01:18:17
6 Please find attached our contract with Haystaq. 01:18:23
7 If you look at pages 7249 and 7250, what 01:18:26
8 do these appear to be? 01:18:34
9 A. It appears to be a correspondence from 01:18:37
10 HaystaqDNA. 01:18:48
11 Q. Is this the proposal that HaystaqDNA 01:18:50
12 sent to you for the services that they were 01:18:53
13 asking to provide? 01:18:56
14 A. I see the word "proposal." 01:18:58
15 Q. And do you recall receiving this 01:19:04
16 document? 01:19:06
17 A. I received -- I don't know if this was 01:19:06
18 the actual document. I assume that it could 01:19:20
19 be, but I apologize I didn't commit to memory 01:19:22
20 the email to answer, but I assume it is. 01:19:26
21 Q. All right. And the "Leader Sykes" at 01:19:29
22 the top of the "To" line refers to you, 01:19:31
23 correct? 01:19:34
24 A. Correct. 01:19:34
25 Q. And on page 7250, it lists the cost as, 01:19:36

1 quote: The total fee will be $120,000. The 01:19:45
2 first month will be 50,000, month two to four 01:19:49
3 will be $23,333.33 per month. 01:19:53
4 Do you see where the proposal says that? 01:19:58
5 A. Do I see where the proposal says what? 01:20:00
6 Q. Lists the costs that I just read out on 01:20:04
7 7250? 01:20:07
8 A. Oh, yes. Yes, thank you. 01:20:08
9 Q. And is that, in fact, what the House 01:20:09
10 Democratic Caucus paid to Haystaq? 01:20:12
11 A. My understanding is they have not 01:20:13
12 completed their activities with the House 01:20:19
13 Democratic Caucus. 01:20:24
14 Q. So has the House Democratic Caucus paid 01:20:25
15 Haystaq at least $120,000? 01:20:28
16 A. Well, if I can adjust a little bit. The 01:20:30
17 Legislative Service Commission is actually the 01:20:37
18 entity that pays for these, and they would have 01:20:39
19 been approved by the task force on 01:20:44
20 redistricting and reapportionment demographic 01:20:48
21 research. Myself and Senator McColley signed 01:20:50
22 off on these. 01:20:52
23 So to answer your question, the total 01:20:53
24 proposal, this was their total proposal, and as 01:20:57
25 I said before, they have not completed all of 01:21:02

1 the work, so I would say that they would not 01:21:05
2 have received all of that. 01:21:07
3 Q. Okay. So it sounds like what you're 01:21:12
4 saying, just for clarity, is that they may not 01:21:14
5 have been paid all of the 120,000 to date, but 01:21:24
6 do you anticipate that they will complete their 01:21:28
7 services and be paid the full amount? 01:21:30
8 A. Barring anything out of the ordinary, 01:21:32
9 perhaps. 01:21:37
10 Q. All right. And is it -- do you recall 01:21:39
11 submitting a request to the task force that you 01:21:50
12 just mentioned seeking additional funds for 01:21:54
13 both the House Democratic Caucus and the Senate 01:21:59
14 Democratic Caucus to use in connection with 01:22:01
15 redistricting? 01:22:05
16 A. Can you restate? I'm not exactly sure 01:22:06
17 what you're asking. 01:22:11
18 Q. On or about August 10th, did the House 01:22:12
19 Democratic Caucus and the Senate Democratic 01:22:18
20 Caucus request an additional $200,000 from the 01:22:22
21 legislative task force for the respective 01:22:25
22 caucuses to be used with their redistricting 01:22:28
23 work? 01:22:31
24 MS. MENASHE: Objection as to what the 01:22:33
25 Senate requested. 01:22:35

1 You can answer as to what the House 01:22:36
2 Democratic Caucus did. 01:22:39
3 THE WITNESS: I do recall making a 01:22:40
4 request. We've made multiple requests over 01:22:43
5 several years of that task force to help us 01:22:47
6 with the redistricting work. And I apologize, 01:22:51
7 I don't know exactly what that requested 01:22:54
8 because there were so many -- because we had a 01:22:58
9 lot of work to do. 01:23:00
10 BY MR. BRANCH: 01:23:01
11 Q. Well, let me ask it this way. Do you 01:23:02
12 recall the legislative task force denying any 01:23:04
13 requests by you for additional funds to be 01:23:07
14 spent on redistricting? 01:23:12
15 A. The legislative task force has never 01:23:16
16 met, so by operation I don't know how that 01:23:20
17 would have occurred. 01:23:22
18 Q. But they have approved requests for 01:23:23
19 additional funding, haven't they? 01:23:26
20 A. Correct. But we still have not met. So 01:23:28
21 I guess my question is I don't understand -- 01:23:32
22 could you just rephrase the question so I can 01:23:36
23 answer it better? 01:23:38
24 Q. Can you name any instance at which the 01:23:41
25 legislative task force denied a request for 01:23:45

1 funding by you in connection with 01:23:48
2 redistricting? 01:23:50
3 A. The legislative task force as a whole 01:23:50
4 has not ever done so because we have not met. 01:23:56
5 Q. Okay. Let's see. Turning back to 01:24:01
6 Haystaq. 01:24:08
7 You mentioned earlier that one of the 01:24:11
8 services that Haystaq provided the House 01:24:13
9 Democratic Caucus was analysis of redistricting 01:24:16
10 plans; is that right? 01:24:19
11 A. Could you say that again, please. 01:24:20
12 Q. You had mentioned previous -- you 01:24:23
13 testified previously that one of the services 01:24:26
14 that Haystaq provided to the House Democratic 01:24:28
15 Caucus was the analysis of redistricting plans; 01:24:30
16 is that correct? 01:24:34
17 A. Correct. 01:24:34
18 (Deposition Exhibit Nos. 2 and 3 were 01:24:34
19 marked for identification.) 01:24:35
20 Q. All right. Let's call up ESykes_10275. 01:24:35
21 And we're going to mark this as Exhibit 2. 01:24:45
22 And I will represent to you, Leader 01:24:52
23 Sykes, this is a document that was produced to 01:24:57
24 us out of your discovery, Bates labeled 01:25:02
25 ESykes_0010275, and it's a spreadsheet. 01:25:06

This is the email that had the 01:25:28
spreadsheet attached, and ESykes_10276 is the 01:25:30
actual spreadsheet. 01:25:37
First, can you read ESykes_10275 and let 01:25:39
me know if you recognize what this is. 01:25:46
A. I do not recognize this. 01:25:55
Q. All right. Let's go back to the 01:25:57
previous email real quick. Still got a couple 01:26:01
questions about it. First of all, there is an 01:26:04
email here, Emilia Sykes@gmail.com. Is that 01:26:06
your email address? 01:26:10
A. Yes, it is. Emiliassykes@gmail.com. 01:26:11
Q. Thank you for the clarification. I 01:26:17
apologize. Emiliassykes@gmail.com. 01:26:19
Do you use your Gmail account to conduct 01:26:23
official business? 01:26:26
A. Not often. 01:26:26
Q. But do emails like this one occasionally 01:26:28
come to your Gmail account whereby official 01:26:34
business is sought to be conducted? 01:26:37
A. I don't know what you mean by "sought to 01:26:39
be conducted." But people who I work with have 01:26:44
my Gmail account, and emails end up there 01:26:48
sometimes. 01:26:51
Q. Okay. And in connection with the 01:26:51

1 discovery sought in the three apportionment 01:26:54
2 cases at hand, did you search your Gmail 01:26:58
3 account, emiliassykes@gmail.com, for any 01:27:01
4 responsive emails or documents? 01:27:05
5 A. Yes. 01:27:07
6 Q. Okay. And all responsive, 01:27:08
7 non-privileged documents that were contained in 01:27:11
8 that email account have been produced? 01:27:13
9 A. To the best of my ability. 01:27:15
10 Q. All right. And do you have any sort of 01:27:18
11 protection enabled on your Gmail account that 01:27:24
12 would prevent information or emails or 01:27:28
13 documents, which constitute public records, 01:27:31
14 from being deleted? 01:27:34
15 A. What's the question? 01:27:34
16 Q. So if official business happens to come 01:27:39
17 into your emiliassykes@gmail.com account, do 01:27:44
18 you have any system in place that would prevent 01:27:48
19 those documents from -- or those emails from 01:27:53
20 being deleted in a way that might not comply 01:27:56
21 with public records law? 01:27:59
22 A. I don't know. 01:28:00
23 Q. So you can't -- you're not aware of 01:28:05
24 any -- any policy or efforts that you have with 01:28:08
25 regard to your email account to prevent the 01:28:11

1 deletion of documents? 01:28:14
2 MS. MENASHE: Asked and answered. She 01:28:16
3 said she didn't know. 01:28:19
4 MR. BRANCH: All right. 01:28:20
5 BY MR. BRANCH: 01:28:21
6 Q. Let's move on to the spreadsheet, then. 01:28:21
7 Okay. This is the placeholder. The 01:28:41
8 spreadsheet was produced in native format. 01:28:43
9 Thank you. 01:28:50
10 Leader Sykes, are you able to -- I know 01:28:52
11 we put the exhibits in the chat. Are you able 01:29:03
12 to call up the spreadsheet and manipulate it to 01:29:04
13 where you can see whether you have seen this 01:29:07
14 document before? 01:29:09
15 A. I am working through that now. 01:29:09
16 Q. Thank you. 01:29:15
17 MS. MENASHE: You'll need to scroll it 01:29:24
18 on your end. 01:29:26
19 Counsel? 01:29:33
20 MR. BRANCH: I'm sorry. Do we need to 01:29:34
21 scroll it on our end? 01:29:35
22 MS. MENASHE: One second. Let me see -- 01:29:37
23 No, we can't scroll the exhibit on our 01:29:43
24 end. 01:29:45
25 MS. RIGGINS: You can if you hit "Enable 01:29:46

1 Editing" at the top. 01:29:48
2 MS. MENASHE: Yeah, I hit that, and it's 01:29:50
3 not allowing me to do that. Do you see where 01:29:52
4 it's on the top right there where the cursor 01:29:58
5 is? 01:30:00
6 MS. RIGGINS: Did you click on the 01:30:01
7 exhibit in the chat, or are you relying on it 01:30:02
8 being shown on the screen? 01:30:05
9 MS. MENASHE: We're relying on it being 01:30:08
10 shown on the screen. 01:30:11
11 MS. RIGGINS: If you click the actual 01:30:12
12 document in the chat, which is what you have to 01:30:14
13 do with large files like this, because there's 01:30:16
14 no way to PDF them, then it will allow you to 01:30:18
15 scroll. 01:30:22
16 MS. MENASHE: Actually, then we need to 01:30:22
17 save it, and then we need to go through it? 01:30:24
18 MS. RIGGINS: You won't need to save it. 01:30:27
19 Once you click it open it, you should be able 01:30:28
20 to hit "Enable Editing." 01:30:34
21 BY MR. BRANCH: 01:30:58
22 Q. All right. Let me shorten what I was 01:30:59
23 going to do at this point. Leader Sykes, is 01:31:00
24 this spreadsheet the type of analysis that 01:31:03
25 HaystaqDNA would perform for the House 01:31:06

1 Democratic Caucus? 01:31:09
2 A. It is an example of analysis that could 01:31:09
3 be performed. 01:31:12
4 Q. Is this an example of the analysis that 01:31:17
5 Haystaq actually did perform for the House 01:31:20
6 Democratic Caucus? 01:31:23
7 A. Probably. 01:31:23
8 Q. Ma'am, you produced the document. Is 01:31:31
9 this from Haystaq? Do you know? 01:31:33
10 A. Can you pull the email back up so I can 01:31:35
11 double-check? 01:31:40
12 Q. All right. Let's go back to 10275. 01:31:43
13 Thank you. 01:31:52
14 All right, ma'am, are you comfortable 01:32:31
15 now that this is -- that the spreadsheet that 01:32:32
16 you just reviewed is an example of the analysis 01:32:34
17 that Haystaq performed for the House Democratic 01:32:38
18 Caucus? 01:32:39
19 A. It could be. 01:32:39
20 Q. So you don't know one way or another? 01:32:44
21 A. Well, I'm relying on you saying that it 01:32:47
22 is. But I apologize, I didn't commit to memory 01:32:54
23 every attachment I've ever received. 01:32:58
24 Q. Okay. But do you have any reason to 01:33:01
25 believe that this email was not sent to you? 01:33:03

1 A. No. 01:33:05
2 Q. And do you have any reason to believe 01:33:08
3 that the spreadsheet, which was produced by you 01:33:11
4 in discovery, is not the analysis from Haystaq? 01:33:14
5 A. An analysis from Haystaq? 01:33:18
6 Q. Fair enough, an analysis from Haystaq? 01:33:27
7 A. I'm confident this is an analysis from 01:33:29
8 Haystaq. 01:33:31
9 Q. All right. Do you have any reason to 01:33:33
10 believe that the analysis or information 01:33:35
11 contained in the spreadsheet is inaccurate? 01:33:36
12 A. Is inaccurate? Is that the question? 01:33:38
13 Q. Yes, ma'am. Do you have any reason to 01:33:43
14 believe that the analysis contained in the 01:33:45
15 spreadsheet marked ESykes_10276 is inaccurate? 01:33:48
16 A. No. 01:33:53
17 Q. Now, did HaystaqDNA actually draw 01:33:54
18 districting maps for the Ohio House Democratic 01:34:06
19 Caucus? 01:34:10
20 A. Haystaq worked with us in an exercise to 01:34:10
21 see what districts could look like given the 01:34:15
22 population shifts. 01:34:17
23 Q. Okay. Did they produce any district 01:34:21
24 maps for the House Democratic Caucus? 01:34:23
25 A. They produced a document after we went 01:34:26

1 through an exercise to show where populations 01:34:34
2 moved about over the last ten years. 01:34:36
3 Q. And what is this document that you 01:34:42
4 referred to in your answer? 01:34:44
5 A. I believe my answer referred to an 01:34:49
6 exercise where they showed us where populations 01:34:57
7 could shift or had shifted. 01:35:00
8 Q. And when was this exercise? 01:35:02
9 A. I can't recall the exact date. 01:35:04
10 Q. Was it before or after the August 31st, 01:35:10
11 2021? 01:35:14
12 A. Before. 01:35:17
13 Q. Okay. And did the document that you 01:35:19
14 referred to that Haystaq produced get produced 01:35:26
15 in discovery in this case? 01:35:31
16 A. The exercise that we performed? I don't 01:35:33
17 know. 01:35:38
18 Q. All right. Let's mark that. 01:35:39
19 So other than this document that was 01:35:47
20 generated prior to August 31st of 2021, did 01:35:50
21 HaystaqDNA prepare any districting maps of 01:35:55
22 the -- of the Ohio House? 01:36:01
23 A. Could you say that again? 01:36:03
24 Q. Other than the document you just 01:36:06
25 referred to in your answer that was prepared 01:36:08

1 prior to August 31st, did HaystaqDNA prepare 01:36:11
2 any districting maps for the Ohio House 01:36:16
3 Democratic Caucus? 01:36:22
4 A. They showed us what maps could look 01:36:22
5 like. They showed us what population shifts 01:36:24
6 could look like, yes. 01:36:27
7 Q. Okay. And did they show the population 01:36:29
8 shifts on maps? 01:36:36
9 A. It was in the Maptitude software. 01:36:38
10 Q. Okay. So would Haystaq provide 01:36:41
11 information to the House Democratic Caucus 01:36:44
12 which the Caucus would then load in a computer 01:36:46
13 and review on Maptitude? 01:36:50
14 A. I'm not a hundred percent sure, but I do 01:36:52
15 believe we looked at it through that software. 01:37:11
16 Q. Through Maptitude? 01:37:13
17 A. Correct. 01:37:14
18 Q. How many licenses for Maptitude did the 01:37:14
19 House Democratic Caucus have? 01:37:20
20 A. I know we have one for sure. 01:37:21
21 Q. All right. Did HaystaqDNA work at all 01:37:34
22 with any consultant engaged by the Senate? 01:37:38
23 A. Yes. 01:37:43
24 Q. Okay. And who was the consultant with 01:37:44
25 which Haystaq worked on behalf of the -- and I 01:37:49

1 want to be clear -- the Senate Democratic 01:37:53
2 Caucus? 01:37:56
3 A. Chris Glassburn. 01:37:56
4 Q. Okay. And did the -- did Haystaq 01:37:59
5 provide input on any of the maps or documents 01:38:07
6 that Mr. Glassburn prepared? 01:38:14
7 A. Did they provide input? Is that the 01:38:18
8 question? 01:38:21
9 Q. Yes, ma'am. 01:38:22
10 A. In terms of? What do you mean by 01:38:23
11 "input"? 01:38:28
12 Q. Well, I'll ask the question a different 01:38:29
13 way. There were a number of -- there were a 01:38:33
14 number of Sykes plans introduced at the 01:38:35
15 commission. And did Haystaq draw or prepare 01:38:38
16 the House part of any of the Sykes plans that 01:38:44
17 were introduced at the commission? 01:38:49
18 A. So the question is did they draw or 01:38:50
19 prepare? 01:38:56
20 Q. Yes, ma'am. 01:38:56
21 A. I don't know if I can answer that 01:38:57
22 question beyond saying I know they were in 01:39:05
23 communication with Chris Glassburn. 01:39:09
24 Q. All right. Did Mr. Glassburn draw the 01:39:16
25 House maps that were introduced as part of any 01:39:23

1 of the plans that were introduced by Senator 01:39:27
2 Sykes? 01:39:29
3 MS. MENASHE: Speculation. Objection. 01:39:30
4 BY MR. BRANCH: 01:39:36
5 Q. Are you aware of whether Mr. Glassburn 01:39:37
6 drew the House plans that were submitted to the 01:39:40
7 commission by Senator Sykes? 01:39:43
8 A. He may have participated in that. 01:39:44
9 Q. All right. But were the primary 01:39:50
10 drafters of the House plans that were submitted 01:39:52
11 by Senator Sykes the HaystaqDNA? 01:39:55
12 A. When you say "primary drafter," what 01:40:01
13 does -- what does that mean, exactly? 01:40:05
14 Q. Well, you have specified in your 01:40:07
15 interrogatory responses that no elected 01:40:09
16 official actually drew any of the lines for any 01:40:12
17 of the Sykes proposals. 01:40:15
18 What I'm trying to figure out is who 01:40:17
19 prepared the House maps that made up the 01:40:20
20 different Sykes proposals? And I'm asking if 01:40:24
21 you know whether those -- the House maps were 01:40:28
22 prepared by Haystaq or by Mr. Glassburn or by 01:40:32
23 both of them together? 01:40:36
24 A. Thank you for that clarification. And 01:40:37
25 which map -- again, which maps are you 01:40:42

1 referring to again? I apologize, it's a long 01:40:45
2 question. 01:40:48
3 Q. Let's start with the last map, the 01:40:49
4 September 15th Sykes plan. Do you know who 01:40:53
5 prepared the House map for the September 15th 01:40:58
6 Sykes plan? 01:41:02
7 A. I will answer your question like this. 01:41:02
8 I don't know if you've ever used that software. 01:41:07
9 I don't know how to use it. So when you say 01:41:11
10 who prepared or who did what, that's a little 01:41:13
11 bit difficult for me to answer because there 01:41:18
12 are so many technical elements, and some of 01:41:20
13 them I probably don't even know that exist. 01:41:22
14 I can say that they communicated with 01:41:25
15 one another, Haystaq team as well as the Senate 01:41:28
16 Democrats team, including Chris Glassburn. But 01:41:33
17 what specific technical part each one did, I 01:41:37
18 cannot tell you. 01:41:40
19 Q. Okay. Did the House Democratic Caucus 01:41:41
20 instruct -- give Mr. Glassburn any instructions 01:41:47
21 on how to draw the Ohio House districts? 01:41:52
22 A. The House Democratic Caucus, all 35 of 01:41:59
23 us? 01:42:02
24 Q. Or any one of you separately. Let me do 01:42:03
25 this. Strike that. 01:42:08

1 Did you or any of your staffers give 01:42:09
2 Mr. Glassburn any direction on how to draw a 01:42:12
3 House districting map for the Ohio General 01:42:15
4 Assembly? 01:42:17
5 A. I'm sure, probably. 01:42:17
6 Q. All right. And did you provide any 01:42:23
7 instructions to Haystaq on how to draw General 01:42:28
8 Assembly House district maps? 01:42:32
9 A. Yes. 01:42:33
10 Q. And do you recall what instructions you 01:42:36
11 provided to Haystaq to draw the maps? 01:42:38
12 A. I asked them to follow Article XI of the 01:42:40
13 Ohio Constitution. 01:42:45
14 Q. Okay. Did you give them any other 01:42:46
15 instructions besides asking them -- excuse 01:42:48
16 me -- directing them to follow Article XI of 01:42:53
17 the Ohio Constitution? 01:42:56
18 A. Probably. 01:42:57
19 Q. Do you recall what those instructions 01:43:02
20 were? 01:43:03
21 A. Oh, no, I couldn't tell you. Deadlines, 01:43:04
22 things like that. 01:43:10
23 Q. Anything -- do you recall anything else 01:43:11
24 besides instructing them to follow Article XI 01:43:13
25 of the Ohio Constitution in communicating 01:43:16

1 deadlines to them? 01:43:19
2 A. At the current moment, no. 01:43:26
3 Q. Okay. And has the House Democratic 01:43:28
4 Caucus been satisfied with the services that 01:43:43
5 HaystaqDNA has provided? 01:43:44
6 A. All 35 of us as members? You want me to 01:43:49
7 answer on behalf of all 35? 01:43:53
8 Q. Well, fair point. 01:43:55
9 Are you satisfied with the services 01:43:58
10 provided by HaystaqDNA? 01:44:00
11 A. Yes. 01:44:02
12 Q. Okay. Moving to the actual plans that 01:44:03
13 were proposed by the commission, who -- are you 01:44:10
14 aware of who prepared the districting map that 01:44:16
15 was introduced as the August 31st Sykes plan? 01:44:21
16 A. That was produced by the Ohio Democrats. 01:44:24
17 Q. And did HaystaqDNA have any role in 01:44:34
18 preparing the August 31st Sykes plan? 01:44:38
19 A. No. 01:44:40
20 Q. And did you provide any input into the 01:44:42
21 August 31st Sykes plan? 01:44:45
22 A. No. 01:44:47
23 Q. And did you -- did you -- well, no. 01:44:49
24 Strike that. 01:44:54
25 So you wouldn't know what instructions 01:44:55

1 were provided to the drafter of the August 31st 01:44:59
2 Sykes plan, right? 01:45:02
3 A. Could you say that again? 01:45:02
4 Q. You wouldn't know what instructions were 01:45:04
5 provided to the drafter of the August 31st 01:45:08
6 Sykes plan? 01:45:11
7 A. No, that was the Senate Democrats. 01:45:11
8 Q. All right. And did you join in the 01:45:13
9 August 31st Sykes plan? 01:45:15
10 A. No. 01:45:17
11 Q. All right. Is it your belief that the 01:45:18
12 August 31st Sykes plan complied with all the 01:45:22
13 requirements of Article XI of the Ohio 01:45:25
14 Constitution? 01:45:27
15 A. Say that again, please. 01:45:27
16 Q. Is it your belief that the August 31st 01:45:33
17 Sykes plan complied with all the requirements 01:45:36
18 of the Ohio Constitution? 01:45:39
19 MS. MENASHE: You know, I'm going to 01:45:41
20 object to you constantly referring to it as 01:45:42
21 "the Sykes plan." There is Vernon Sykes and 01:45:45
22 Emilia Sykes, and they come from different 01:45:48
23 caucuses. 01:45:50
24 So I think we should be more specific, 01:45:51
25 particularly given that there's three different 01:45:53

1 maps put forth. Well, there's really four, but 01:45:55
2 there's three that you seem to be focusing on. 01:45:58
3 So if we could specify the date of the 01:46:01
4 map with which you're asking about, I think 01:46:02
5 that would be helpful for the witness. 01:46:04
6 MR. BRANCH: Okay. And I apologize. I 01:46:06
7 thought I was saying the August 31st Sykes 01:46:08
8 plan. I will refer to this one, since she says 01:46:10
9 that -- she testified that she had no 01:46:13
10 involvement in it, as the August 31st Senator 01:46:15
11 Sykes plan. 01:46:17
12 MS. MENASHE: You can just call it the 01:46:19
13 map, the 8/31 map. I think that's probably the 01:46:22
14 most clear. 01:46:24
15 MR. BRANCH: Fair enough. 01:46:25
16 BY MR. BRANCH: 01:46:26
17 Q. Is it your belief that the 8/31 map 01:46:26
18 complied with all the requirements of the Ohio 01:46:29
19 Constitution? 01:46:31
20 A. From what I could tell. 01:46:31
21 Q. And are you aware of any ways in which 01:46:38
22 it violated -- are you aware of any ways in 01:46:41
23 which the 8/31 map violated the constitution? 01:46:44
24 A. In my understanding, I'm not aware. 01:46:47
25 Q. All right. Did you have any 01:46:53

1 conversations about the 8/31 map with other 01:46:55
2 commissioners? 01:46:58
3 A. Yes. 01:46:59
4 Q. Did you have any conversations about the 01:47:06
5 8/31 map with Senator Huffman? 01:47:08
6 A. Yes. 01:47:11
7 Q. Can you tell me about those 01:47:14
8 conversations? 01:47:18
9 A. It was during the Redistricting 01:47:19
10 Commission meeting on 8/31. 01:47:22
11 Q. And other than the conversation during 01:47:33
12 the August 31st Redistricting Commission 01:47:35
13 meeting, did you have any conversations with 01:47:38
14 Senator Huffman about the 8/31 map? 01:47:41
15 A. Not that I can recall. 01:47:44
16 Q. All right. What about Speaker Cupp? 01:47:52
17 Did you have any conversations with Speaker 01:47:55
18 Cupp about the 8/31 map outside of the 01:47:57
19 August 31st commission meeting? 01:48:01
20 A. Not that I can recall. 01:48:03
21 Q. Did you have any conversations with 01:48:05
22 Governor DeWine about the 8/31 map outside of 01:48:08
23 the August 31st commission meeting? 01:48:13
24 A. Not that I can recall. 01:48:15
25 Q. Did you have any conversations with 01:48:19

1 Auditor Faber about the 8/31 map outside of the 01:48:22
2 August 31st commission meeting? 01:48:25
3 A. Not that I can recall. 01:48:27
4 Q. And same question for Secretary LaRose. 01:48:29
5 Did you have any conversations with Secretary 01:48:32
6 LaRose about the 8/31 map outside of the 01:48:35
7 August 31st redistricting meeting -- commission 01:48:38
8 redistricting meeting? 01:48:40
9 A. Not that I can recall. 01:48:40
10 Q. All right. Now, there was another plan 01:48:46
11 introduced by Senator Sykes on, I believe, 01:48:48
12 September 1st; is that right? 01:48:52
13 A. I don't know. 01:48:54
14 Q. Do you recall whether a second General 01:49:00
15 Assembly redistricting plan was introduced by 01:49:03
16 Senator Sykes shortly after the August 31st 01:49:05
17 plan? 01:49:08
18 A. I recall the Senate Democrats making 01:49:09
19 adjustments to the August 31st map shortly 01:49:13
20 after August 31st when they first introduced 01:49:18
21 it. 01:49:22
22 Q. Okay. Do you recall what those -- what 01:49:22
23 the purpose of those adjustments were? 01:49:24
24 A. I recall them saying they needed to make 01:49:26
25 some adjustments to them. 01:49:34

1 Q. And who is "they"? 01:49:35
2 A. The Senate Democrats. 01:49:37
3 Q. Okay. So do you remember who with the 01:49:40
4 Senate Democrats told you that adjustments had 01:49:42
5 to be made to the August 31st plan? 01:49:46
6 A. It was in a press release. 01:49:49
7 Q. Other than reading that in a press 01:49:51
8 release, did anyone with the Senate Democrats 01:49:54
9 tell you that adjustments have to be made to 01:49:58
10 the August 31st plan? 01:50:00
11 A. I don't recall. 01:50:02
12 Q. Did you provide any input into the 01:50:03
13 September 1st plan that contained the 01:50:10
14 adjustments? 01:50:13
15 A. I did not participate in any 01:50:15
16 adjustments. 01:50:18
17 Q. Did you participate in any way in the 01:50:19
18 preparation of the September 1st plan? 01:50:23
19 A. I don't recall doing that. 01:50:26
20 Q. Okay. And are you aware of any 01:50:30
21 instructions that were given to the individuals 01:50:35
22 responsible with preparing the September 1st 01:50:39
23 plan? 01:50:41
24 A. Instructions from whom? 01:50:41
25 Q. Any instructions at all that were given 01:50:46

1 to the individuals responsible for drafting the 01:50:53
2 September 1st plan? 01:50:57
3 A. I don't know. I don't know what other 01:50:59
4 people said about instructions to the Senate 01:51:13
5 staffers. 01:51:16
6 Q. Okay. So were the Senate staffers 01:51:17
7 responsible for drafting the September 1st 01:51:21
8 plan? 01:51:23
9 A. I don't -- I don't know who does the 01:51:24
10 work for the Senate. 01:51:28
11 Q. Did you join into the September 1st 01:51:30
12 plan? 01:51:33
13 A. No. 01:51:33
14 Q. Okay. Do you believe that the 01:51:37
15 September 1st Sykes plan complied with the 01:51:41
16 Article XI of the Ohio Constitution? 01:51:47
17 A. Probably. 01:51:50
18 Q. Did you perform any analysis on whether 01:51:55
19 the September 1st plan was constitutional? 01:52:00
20 A. Did I personally? No. 01:52:04
21 Q. Did anyone on your behalf perform an 01:52:08
22 analysis as to the constitutionality of the 01:52:12
23 September 1st plan? 01:52:15
24 A. I don't know for sure. 01:52:15
25 Q. And can you recall whether anyone 01:52:21

1 performed an analysis as to the 01:52:24
2 constitutionality of the September 1st Sykes 01:52:30
3 plan? 01:52:32
4 A. I can't recall. 01:52:33
5 Q. All right. Did you have any 01:52:35
6 conversations about the September 1st plan with 01:52:40
7 the other commissioners? 01:52:43
8 A. I can't recall for sure, and I don't 01:52:44
9 want to give you a wrong answer. 01:53:06
10 Q. Well, let me ask you this: Do you 01:53:08
11 recall any specific conversations with Senator 01:53:10
12 Huffman about the September 1st plan? 01:53:12
13 A. We could have, but I don't know for 01:53:14
14 sure. 01:53:18
15 Q. All right. Same question as to Speaker 01:53:19
16 Cupp. Do you recall any conversations with 01:53:22
17 Speaker Cupp about the September 1st plan? 01:53:24
18 A. I can't recall for sure. 01:53:26
19 Q. Do you recall any conversations with 01:53:30
20 Governor DeWine, Auditor Faber, or Secretary 01:53:33
21 LaRose about the September 1st plan? 01:53:36
22 A. I cannot for sure. 01:53:38
23 Q. Okay. And if anybody was to analyze the 01:53:43
24 constitutionality of the September 1st plan for 01:53:52
25 you or for the House Democratic Caucus, that 01:53:56

1 would have been HaystaqDNA, right? 01:53:59
2 A. Correct. 01:54:01
3 Q. I believe the next plan that was 01:54:08
4 introduced by the commission was the 01:54:09
5 September 9th plan that was adopted for 01:54:12
6 consideration. So when was the first time you 01:54:14
7 saw the September 9th plan that was adopted as 01:54:20
8 the commission-proposed plan? 01:54:24
9 A. September 8th. 01:54:28
10 Q. When did you see it on September 8th? 01:54:29
11 A. In the evening, on September 8th. 01:54:31
12 Q. Where were you in the evening on 01:54:39
13 September 8th when you saw it? 01:54:41
14 A. Could you say that again? 01:54:42
15 Q. Where were you on the evening of 01:54:46
16 September 8th where you saw the map -- the 01:54:49
17 September 9th map for the first time? 01:54:54
18 A. In the State House, Senate side. 01:54:55
19 Q. Okay. And who was with you? 01:55:01
20 A. Who was in the room? Is that the 01:55:02
21 question? 01:55:05
22 Q. Well, who was in your immediate vicinity 01:55:06
23 when you saw the commission-proposed plan for 01:55:09
24 the first time on September 8th? 01:55:14
25 A. In my immediate vicinity? What does 01:55:15

1 that mean to you? 01:55:20
2 Q. Who was close to you? Who were you 01:55:24
3 talking to? 01:55:31
4 A. I believe the person closest to me was 01:55:32
5 Senate President Huffman. 01:55:34
6 Q. Okay. And what happened in that 01:55:35
7 conversation with Senate President Huffman? 01:55:38
8 A. He pro- -- showed us a few poster-sized 01:55:40
9 maps and discussed some elements of what he 01:55:47
10 thought -- of what they were going to discuss 01:55:55
11 the next day in terms of a map from him or the 01:55:57
12 Republicans. I'm not exactly sure who he at 01:56:02
13 the time said the map was coming from. 01:56:05
14 Q. All right. And when you say "us," who 01:56:07
15 else was there besides you and Senate President 01:56:10
16 Huffman? 01:56:13
17 A. In the vicinity or just in the room? 01:56:13
18 Q. In the vicinity. 01:56:15
19 A. I recall sitting on a row by myself, so 01:56:18
20 I don't -- I don't know what -- I want to be 01:56:26
21 precise here. 01:56:30
22 Q. Well, you just said -- you just 01:56:31
23 testified that Senate President Huffman "showed 01:56:33
24 us" the maps. Who did you mean by "us"? 01:56:35
25 A. There was -- so you want not the 01:56:37

1 vicinity, but who was all in the room; is that 01:56:41
2 correct? 01:56:43
3 Q. All right, yes. 01:56:45
4 A. Okay, great. Thank you. Samantha Herd, 01:56:46
5 Randall Routt, Sarah Cherry, Christine 01:56:52
6 Morrison, Vernon Sykes, another Senate staffer 01:56:58
7 who I cannot recall, Senate Republican staffer, 01:57:11
8 but I can't recall his name. 01:57:14
9 Q. Anybody else that you can recall? 01:57:23
10 A. If there were any other people, they 01:57:25
11 were sitting behind me. 01:57:30
12 Q. All right. Do you remember any other 01:57:31
13 specifics about the map that were communicated 01:57:35
14 by Senate President Huffman? 01:57:39
15 A. I recall him talking about northeast 01:57:42
16 Ohio being challenging because of the 01:57:48
17 population. 01:57:51
18 Q. And can you tell me to the best of your 01:57:54
19 recollection exactly what he said? 01:57:57
20 A. Exactly what he said, no, I cannot tell 01:57:59
21 you that. 01:58:02
22 Q. And can you provide any other detail 01:58:04
23 about what Senate President Huffman said about 01:58:07
24 the population of northeast Ohio other than 01:58:10
25 that it was challenging? 01:58:14

1 A. He referred to northeast Ohio with 01:58:15
2 counties that had rights. What that meant I 01:58:22
3 still could not tell you to this day. But some 01:58:27
4 counties were red, some counties were green, 01:58:29
5 and something about rights. 01:58:32
6 Q. All right. What else do you remember 01:58:34
7 about that conversation with Senate President 01:58:39
8 Huffman? 01:58:43
9 A. He mentioned that we should talk to Ray 01:58:43
10 DiRossi about more of the details. 01:58:48
11 Q. All right. Anything else that he said? 01:58:53
12 A. I'm sure, but I don't recall the entire 01:58:59
13 conversation. 01:59:13
14 Q. Okay. Fair enough. 01:59:13
15 Do you recall any questions that were 01:59:16
16 asked of Senate President Huffman by any of the 01:59:19
17 individuals listed by you that were in the 01:59:24
18 room? 01:59:26
19 A. No, I can't recall any. 01:59:27
20 Q. Okay. And then prior to the 01:59:35
21 commission's meeting on the September 9th, did 01:59:46
22 you have conversations with any other 01:59:50
23 commission members about the maps that Senate 01:59:54
24 President Huffman showed you? 01:59:57
25 A. Are you asking if I had a conversation 01:59:59

1 about maps that I had not seen yet? 02:00:08
2 Q. So you testified that Senator -- Senate 02:00:13
3 President Huffman showed you maps on 02:00:16
4 September 8th. The commission next met on 02:00:21
5 September 9th. I was asking if you had 02:00:24
6 conversations with any other commission member 02:00:26
7 about those maps prior to the commission's 02:00:29
8 meeting on September 9th. 02:00:32
9 A. Yes. 02:00:35
10 Q. And who did you talk to about those 02:00:36
11 map -- about the maps prior to the commission 02:00:39
12 meeting? 02:00:41
13 A. Senator Sykes. 02:00:43
14 Q. Okay. Did you have conversations with 02:00:44
15 any other commission member besides Senator 02:00:48
16 Sykes about the maps that were shown to you by 02:00:51
17 Senate President Huffman prior to the 02:00:54
18 September 9th meeting? 02:00:56
19 A. Not that I can recall. 02:00:57
20 Q. And do you remember the substance of the 02:01:01
21 conversation between you and Senator Sykes 02:01:05
22 about the September 9th plan? 02:01:08
23 A. I recall wanting to have more details. 02:01:11
24 Q. Gotcha. And did you ask HaystaqDNA to 02:01:19
25 perform an analysis of the commission-proposed 02:01:22

1 plan that was introduced on September 9th? 02:01:27
2 A. Yes. 02:01:32
3 Q. All right. And at the commission 02:01:34
4 meeting on September 9th, you voted against the 02:01:39
5 commission -- against the plan that was 02:01:42
6 introduced on September 9th as being the one 02:01:45
7 that was to be considered by the commission; is 02:01:48
8 that right? 02:01:52
9 A. Yes. 02:01:52
10 Q. Okay. And would it have been your 02:01:54
11 preference that the commission agree to use the 02:01:59
12 September 1st Sykes plan as its working plan, 02:02:02
13 as opposed to the September 9th plan that was 02:02:07
14 introduced? 02:02:10
15 A. No. 02:02:10
16 Q. Then what would have been your 02:02:11
17 preference as far as a plan that the commission 02:02:14
18 should have voted to consider? 02:02:19
19 A. It would have been my preference for the 02:02:22
20 commission as a whole to put forth a map to be 02:02:28
21 considered. 02:02:31
22 Q. All right. And when you say "the 02:02:38
23 commission as a whole to put forth a map to be 02:02:41
24 considered" -- strike that. 02:02:45
25 What did you do after the September 9th 02:02:47

1 commission meeting? 02:02:50
2 A. What did I do after the September 9th 02:02:51
3 commission meeting? 02:02:58
4 Q. Yes, ma'am. 02:03:00
5 A. I think I had lunch. 02:03:01
6 Q. Did you have travel plans after the 02:03:04
7 September 9th meeting? 02:03:07
8 A. Yes. 02:03:09
9 Q. And where did you travel to afterwards? 02:03:11
10 In general. I'm not looking at an address or 02:03:15
11 anything. 02:03:17
12 A. Sure. I spent the weekend in Tampa. 02:03:18
13 Q. Okay. Did you have conversations with 02:03:24
14 any commission members after September 9th 02:03:29
15 about the plan that was introduced on 02:03:34
16 September 9th? 02:03:37
17 A. Did I have any conversations with 02:03:40
18 commission members about the September 9th 02:03:43
19 plan? 02:03:45
20 Q. Yes, ma'am. 02:03:47
21 A. Yes. 02:03:48
22 Q. Okay. Can you relate to me any 02:03:48
23 conversations you had with Senate President 02:03:51
24 Huffman, other than the one you've already 02:03:54
25 described on September 8th? 02:03:55

1 A. Yes. I had a conversation with Senate 02:03:56
2 President Huffman, inquiring as to next steps 02:04:05
3 and some questions about how it met with 02:04:15
4 Section 6 of Article XI. 02:04:20
5 Q. All right. Do you remember 02:04:26
6 approximately when -- let me back up. 02:04:28
7 Was that in -- you mentioned a 02:04:32
8 conversation about next steps and a 02:04:35
9 conversation about Article XI, Section 6. Did 02:04:37
10 both of those happen in the same conversation, 02:04:39
11 or was that information exchanged in multiple 02:04:41
12 conversations? 02:04:46
13 A. I know for sure one conversation. 02:04:46
14 Q. All right. Can you tell me about the 02:04:51
15 one conversation you're referring to? When was 02:04:53
16 it; where was it? 02:04:58
17 A. It was in Senator Sykes' Senate office. 02:04:59
18 It was on or about September 14th or 15th. 02:05:05
19 Q. All right. Was this after you had 02:05:18
20 traveled to Tampa? 02:05:21
21 A. Correct. 02:05:23
22 Q. When did you get home? 02:05:24
23 A. Sunday. I don't recall the actual date, 02:05:27
24 but Sunday. 02:05:34
25 Q. All right. Can you relate to the best 02:05:36

1 of your ability what Senate President Huffman 02:05:43
2 said in the conversation in Senator Sykes' 02:05:46
3 office and if you and Senator Sykes or anybody 02:05:50
4 else that was participating in the conversation 02:05:52
5 had any response? 02:05:55
6 A. In the conversation, we discussed 02:05:56
7 Article VI [sic], primarily. And from what I 02:06:02
8 recall, Senate President Huffman said that 02:06:05
9 there were many ways to interpret it. 02:06:11
10 I disagreed. And I pointed to him 02:06:18
11 Senator Sykes, who was an original drafter, who 02:06:20
12 we had the benefit of asking what, in fact, 02:06:23
13 that meant to him as he was drafting that 02:06:26
14 language. 02:06:29
15 Q. Gotcha. And you said Article VI a 02:06:31
16 moment ago. I think you meant Article XI, 02:06:34
17 Section 6, right? 02:06:37
18 A. I meant Article XI, Section 6. 02:06:37
19 Q. Yeah. Just to clarify the record. 02:06:40
20 And did Senator Huffman -- Senate 02:06:43
21 President Huffman describe any of the many ways 02:06:45
22 to interpret it? 02:06:49
23 A. He discussed the conversation that many 02:06:50
24 of the advocates and people who had testified 02:06:59
25 being away, that where they looked at the 02:07:03

1 totals of vote counts over ten years of 02:07:07
2 elections for the statewide federal -- 02:07:11
3 statewide and federal statewide elections being 02:07:14
4 at 55 percent, approximately 55 percent, for 02:07:17
5 Republicans and 45 percent for Democrats. 02:07:20
6 Q. And do you recall any other ways that he 02:07:25
7 described being able to interpret Article XI, 02:07:28
8 Section 6? 02:07:31
9 A. Not specifically. 02:07:31
10 Q. All right. And you had mentioned that I 02:07:36
11 believe your response was that you did not 02:07:42
12 believe that there was more than one way to 02:07:45
13 interpret Article XI, Section 6; is that right? 02:07:47
14 A. I responded that to our benefit we 02:07:50
15 didn't have to guess because we had an original 02:07:57
16 drafter in the room. 02:07:59
17 Q. Okay. All right. Do you recall 02:08:03
18 anything else that was said during that 02:08:10
19 conversation with Senate President Huffman? 02:08:12
20 A. I recall there being a discussion about 02:08:13
21 what was going to happen next. But there 02:08:17
22 wasn't a finite conclusion of what that would 02:08:26
23 be. 02:08:28
24 Q. Gotcha. And then do you recall anything 02:08:28
25 else that was said? 02:08:33

A. We exchanged pleasantries at the 02:08:34
beginning. 02:08:40
Q. Was that it? I'm just trying to make 02:08:42
sure I cover all my bases, ma'am. 02:08:48
A. I understand, and I want to answer you 02:08:50
accurately. From what I can recall, that's all 02:08:52
I can recall at the moment. 02:08:56
Q. Fair enough. Do you recall any other 02:08:57
conversations with Senator Huffman about the 02:08:59
commission-proposed plan? 02:09:01
A. No, I do not. 02:09:03
Q. All right. What about with Speaker 02:09:09
Cupp, do you recall any conversations with 02:09:11
Speaker Cupp about the commission-proposed 02:09:13
plan? 02:09:15
A. Yes. 02:09:15
Q. Can you tell me about those? 02:09:18
A. What would you like to know? 02:09:20
Q. The same details: when, where, who was 02:09:27
involved, and what was said? 02:09:29
A. Speaker Cupp and I had a phone call -- 02:09:30
two phone calls, actually, before and after the 02:09:33
conversation I had with Senate President 02:09:40
Huffman. 02:09:42
Q. All right. Do you -- can you tell me 02:09:48

1 about -- well, who was on the phone call? 02:09:51
2 A. As far as I know, Senator -- excuse me, 02:09:53
3 Speaker Cupp and myself. 02:09:56
4 Q. Okay. And what was said during the 02:09:57
5 call? 02:10:01
6 A. We exchanged pleasantries, as normal, 02:10:01
7 discussed the timeline of what was happening. 02:10:08
8 We discussed whether it was -- well, I'll put 02:10:14
9 it this way. I asked the Speaker if it was 02:10:19
10 feasible that he, as the Speaker of the House, 02:10:23
11 would support a plan that would follow the 02:10:27
12 proportional representational -- proportional 02:10:33
13 representational language that was in Article 02:10:38
14 XI, Section 6. 02:10:41
15 Q. All right. And what else do you recall 02:10:46
16 about the conversation? 02:10:49
17 A. I recall us talking about sharing a goal 02:10:50
18 of a ten-year map and to continue figuring out 02:10:57
19 how we can get there. 02:11:01
20 Q. And anything else that you recall about 02:11:03
21 the conversation with Speaker Cupp? 02:11:09
22 A. Yes. I expressed to him some concern 02:11:11
23 about whether it was feasible for him as a 02:11:17
24 Speaker of the House to agree to a plan that 02:11:21
25 would, essentially, eliminate ten House 02:11:27

1 Republican members. 02:11:31
2 Q. And why was -- why was the number ten -- 02:11:39
3 elimination of ten House Republican members 02:11:45
4 necessary? 02:11:49
5 A. It was an approximate to comply with 02:11:49
6 some of the testimony we had heard from some 02:11:57
7 political scientists and other individuals who 02:12:01
8 were using the 45/55 breakdown as what they 02:12:06
9 deemed as fair. 02:12:14
10 Q. Gotcha. And did the -- did the 02:12:16
11 requirement for the elimination of ten 02:12:25
12 Republican seats come from anywhere else 02:12:28
13 besides the places you just testified to? 02:12:31
14 A. No. 02:12:34
15 Q. Okay. Do you recall any other 02:12:40
16 conversations with Speaker Cupp about the 02:12:43
17 commission-proposed plan, other than the 02:12:47
18 telephone conversation you've just related? 02:12:51
19 A. I believe there was some communication 02:12:54
20 about it during the commission meetings. 02:13:06
21 Q. Okay. Other than during the meetings, 02:13:08
22 do you recall any conversations with Speaker 02:13:11
23 Cupp? 02:13:13
24 A. Not at this moment. No, I cannot 02:13:13
25 recall. 02:13:17

1 Q. Same question for Governor DeWine. 02:13:19
2 A. Yes, I had a conversation with Governor 02:13:22
3 DeWine. 02:13:25
4 Q. Do you recall when that was? 02:13:25
5 A. September 15th. 02:13:27
6 Q. And do you -- what was the substance of 02:13:40
7 the conversation? 02:13:42
8 A. The substance of the conversation was 02:13:42
9 whether or not there was a way we could get to 02:13:46
10 voting for a -- voting for that map, the 02:13:54
11 proposed Republican map. Or, as you've been 02:14:00
12 saying, the September 9th map. 02:14:05
13 Q. All right. And what -- so how did he 02:14:07
14 make this ask of you? 02:14:14
15 A. The governor made the -- he framed the 02:14:16
16 conversation in terms of it didn't seem as 02:14:24
17 though there was agreement on interpreting 02:14:29
18 Article XI, Section 6. So he requested if 02:14:31
19 there was a number of seats that, as Democrats, 02:14:37
20 we would be willing to vote for. 02:14:42
21 Q. And how did you respond to that ask? 02:14:44
22 A. From what I can recall was the goal was 02:14:46
23 to comply with the Constitution in being 02:14:52
24 mindful of Article XI, Section 6, and also 02:14:58
25 shared with him that there had been two 02:15:01

1 additional amended maps that showed how we 02:15:04
2 could compromise and get to a ten-year map that 02:15:09
3 perhaps all -- maybe not all, but at least we 02:15:14
4 could vote for a bipartisan map that we could 02:15:19
5 vote for for ten years. 02:15:23
6 Q. And when you say the "two amended maps," 02:15:24
7 what are the two amended maps you just referred 02:15:26
8 to? 02:15:28
9 A. There were maps submitted -- I don't 02:15:29
10 remember the exact dates -- but they were 02:15:32
11 amendments to the Republican maps that Senator 02:15:34
12 Sykes and I discussed and worked on with 02:15:39
13 members of the commission. 02:15:48
14 Q. And are these the plan -- the two Sykes 02:15:49
15 plans that were introduced, I believe, on 02:15:54
16 September 12th or 13th and then considered on 02:15:57
17 the 15th? 02:16:00
18 MS. MENASHE: Objection as to the 02:16:02
19 continued characterization of them as "Sykes 02:16:03
20 plan." She's never testified that that's what 02:16:06
21 they were called. And I guess it's best if you 02:16:08
22 want to just say the maps that the Dem Caucus 02:16:13
23 put forth. 02:16:16
24 MR. BRANCH: She just testified that she 02:16:17
25 and Senator Sykes put forth the two amendments 02:16:19

1 to the maps. I'm not trying to antagonize 02:16:23
2 anybody here. 02:16:29
3 MS. MENASHE: I understand. But, 02:16:30
4 Counsel, I think her answer included with input 02:16:31
5 from other commissioners. So clearly they 02:16:34
6 weren't just the Sykes maps. So that's my 02:16:36
7 point. 02:16:38
8 I think if we could just use the dates 02:16:39
9 of the maps for clarification of the record, 02:16:41
10 that would be easiest moving forward, I think. 02:16:42
11 MR. BRANCH: All right. 02:16:44
12 BY MR. BRANCH: 02:16:45
13 Q. So, Leader Sykes, were the two 02:16:46
14 amendments that you're referring to, are they 02:16:48
15 the ones that were offered, I believe one on 02:16:50
16 September 12th or 13, and then the other was 02:16:53
17 considered on the 15th? 02:16:55
18 A. What do you mean by "considered"? 02:16:57
19 Q. I'm not sure if the map that was off -- 02:17:01
20 that was from Senator Sykes and I believe 02:17:07
21 you -- on September 15th was actually ever put 02:17:12
22 forth via motion to the commission. 02:17:18
23 And so, but my understanding is it was 02:17:20
24 actually considered by the commission members. 02:17:22
25 Is that correct? 02:17:25

1 A. There, from my understanding, there 02:17:25
2 wasn't anything that the Democrats put forth 02:17:30
3 that the other commission members were willing 02:17:33
4 to meaningfully consider. 02:17:35
5 Q. What do you mean by "meaningfully 02:17:43
6 consider"? 02:17:45
7 A. I mean by "meaningfully consider" that 02:17:46
8 it could be adopted. 02:17:52
9 Q. Do you recall what the partisan 02:17:55
10 breakdown was of the September 15th plan that 02:18:00
11 the Democrats put forward for the House? 02:18:07
12 A. It was approximately 42 Democrat seats, 02:18:13
13 give or take, and then that would -- then that 02:18:20
14 minus 99 for the Republican. And I don't 02:18:26
15 recall at all the Senate number breakdown. 02:18:28
16 Q. Yeah, I'm just asking as to the House. 02:18:31
17 And did that partisan breakdown change at all 02:18:37
18 from the first map that was proposed by Senator 02:18:40
19 Sykes? 02:18:42
20 A. Yes. 02:18:42
21 Q. Okay. Do you recall how that partisan 02:18:44
22 breakdown changed? 02:18:49
23 A. When you say "how," can you be specific 02:18:51
24 of what you're looking for? 02:18:55
25 Q. How the partisan breakdown changed. 02:18:57

1 Okay. I'll ask the question a different 02:19:03
2 way. 02:19:05
3 How many -- you referred to the 02:19:05
4 September 15th plan as having 42 Democrat 02:19:07
5 seats. How many did the August 31st Sykes plan 02:19:10
6 have? 02:19:14
7 A. Oh, maybe 44 or 45. 02:19:15
8 Q. And what do you base that number off of? 02:19:26
9 A. You would have to ask the Senate 02:19:31
10 Democrats what they based that number off of. 02:19:33
11 Q. Okay. So that analysis came from the 02:19:36
12 Senate Democrats? 02:19:38
13 A. It was their map. The August 31st map 02:19:40
14 was their map. 02:19:46
15 Q. Okay. All right. Let's do this. We've 02:19:46
16 been going about an hour and 20 minutes. Let's 02:19:50
17 go off the record for about a five-minute 02:19:53
18 break, and then hopefully we can get through 02:19:56
19 the remainder of at least my portion of this as 02:19:59
20 quickly as we can. Will that work? 02:20:01
21 A. Yes. 02:20:03
22 MR. BRANCH: All right. 02:20:04
23 THE VIDEOGRAPHER: Off record, 2:20. 02:20:10
24 (Recess ensued from 2:20 p.m. 02:20:11
25 to 2:30 p.m.) 02:30:34

1 THE VIDEOGRAPHER: On record, 2:30. 02:30:35
2 BY MR. BRANCH: 02:30:43
3 Q. Thank you. 02:30:44
4 Leader Sykes, I just want to continue 02:30:45
5 following up with you with the questions about 02:30:49
6 the conversations that you had in regard to the 02:30:52
7 different plans that were considered. 02:30:55
8 I believe that there was a plan that was 02:30:59
9 submitted by Senator Sykes on September 13th. 02:31:02
10 Do you recall that? 02:31:06
11 A. Yes. 02:31:06
12 Q. Now, did you join in the introduction of 02:31:12
13 or proposal of that September 13th plan? 02:31:15
14 A. Yes. 02:31:18
15 Q. Okay. Do you recall how the 02:31:20
16 September 13th plan differed from the 02:31:26
17 September 1st plan? 02:31:28
18 A. In very specific detail, no, I do not. 02:31:32
19 Q. Do you recall any generalities about how 02:31:35
20 it differed, about how the September 13th plan 02:31:38
21 differed from the September 1st plan? 02:31:41
22 A. It was different in there was a 02:31:43
23 reduction of the number of Democratic seats. 02:31:47
24 Q. Do you recall how many Democratic seats 02:31:51
25 were reduced from the September 1st to the 02:31:56

1 September 13th plan? 02:31:58
2 A. Two -- approximately two, two to three. 02:32:00
3 Q. Do you recall how that number of 02:32:05
4 Democratic seats in the September 13th plan was 02:32:13
5 measured? 02:32:17
6 A. It was measured against the statewide 02:32:21
7 election from the previous ten years in some 02:32:26
8 capacity. 02:32:33
9 Q. Was it a ten-year election composite or 02:32:34
10 a election composite of statewide general 02:32:41
11 election results from 2016 to 2020? 02:32:47
12 A. I'm not exactly sure which one. 02:32:50
13 Q. Okay. And is that everything you can 02:32:53
14 recall about how the decrease in the number of 02:33:01
15 Democrat seats was calculated? 02:33:04
16 A. It was calculated in terms of -- can you 02:33:06
17 be more specific what you're asking? 02:33:13
18 Q. I'm trying to figure out how you 02:33:16
19 measured and came to the conclusion that the 02:33:18
20 September 13th plan contained two to three less 02:33:23
21 Democrat-leaning House seats than the 02:33:28
22 September 1st plan. 02:33:31
23 A. The best answer I can give is it was 02:33:32
24 compared against previous election data. 02:33:35
25 Q. All right. And is this a analysis that 02:33:37

1 HaystaqDNA performed for you? 02:33:40
2 A. I'm sure. 02:33:43
3 Q. And could this also have been an 02:33:49
4 analysis that Chris Glassburn performed? 02:33:51
5 A. He may have. 02:33:53
6 Q. Do you recall any conversations about 02:33:57
7 the September 13th plan with Senate President 02:34:01
8 Huffman? 02:34:06
9 A. During the commission meeting he made 02:34:06
10 some statements about it. 02:34:14
11 Q. Other than in the commission meeting, do 02:34:16
12 you recall any conversations with Senate 02:34:20
13 President Huffman about the September 13th 02:34:22
14 plan? 02:34:25
15 A. You said before the commission meeting? 02:34:26
16 Was that the question? 02:34:28
17 Q. Just any conversations at all with 02:34:29
18 Senator Huffman -- strike that. 02:34:31
19 Any conversations, other than during the 02:34:33
20 commission meetings, with Senate President 02:34:37
21 Huffman about the September 13th plan? 02:34:40
22 A. Maybe. I would assume that part of the 02:34:42
23 conversation we had on the 15th included 02:34:48
24 somewhat of a conversation about that plan. 02:34:52
25 Q. All right. And is the conversation you 02:34:56

1 just referred to on the 15th, is that something 02:35:02
2 you've related already? 02:35:05
3 A. Yes. 02:35:06
4 Q. Okay. And is there -- are there any 02:35:07
5 other details about that conversation that you 02:35:10
6 recall that you've not testified to already? 02:35:12
7 A. No. Not at the moment. 02:35:15
8 Q. Okay. Other than that conversation on 02:35:23
9 September 15th, do you recall any other 02:35:25
10 conversations with Senator Huffman, outside of 02:35:26
11 the hearings, about the September 13th plan? 02:35:30
12 A. No. 02:35:35
13 Q. Do you recall any conversations with 02:35:36
14 Speaker Cupp outside of the commission hearings 02:35:38
15 about the September 13th plan? 02:35:42
16 A. Yes. 02:35:44
17 Q. All right. Can you tell me about the 02:35:47
18 conversations? 02:35:50
19 A. It would be the same conversation I 02:35:51
20 shared previously on the same day. 02:35:54
21 Q. All right. Any other conversations that 02:35:57
22 you have not testified to? 02:36:00
23 A. Not that I can recall. 02:36:02
24 Q. All right. Same question with Governor 02:36:05
25 DeWine. Any conversations with the governor 02:36:09

1 about the September 13th plan, other than 02:36:11
2 the -- any conversations during the commission 02:36:17
3 meetings and any conversations you've already 02:36:19
4 testified about? 02:36:21
5 A. Not that I can recall. 02:36:23
6 Q. Same question with Auditor Faber and 02:36:25
7 Secretary LaRose. Were there any conversations 02:36:28
8 you had with either of them about the 02:36:31
9 September 13th plan that did not take place 02:36:35
10 during a commission meeting and about which you 02:36:37
11 have not testified already? 02:36:39
12 A. Yes, there were additional 02:36:41
13 conversations. 02:36:42
14 Q. All right. Can you talk about the 02:36:43
15 conversations with the auditor, please? 02:36:46
16 A. Yes. Auditor Faber and I discussed -- 02:36:47
17 well, Auditor Faber and I participated in a 02:37:00
18 meeting where the September 13th plan was 02:37:04
19 presented to him. And the Senate staffers of 02:37:09
20 Chris Glassburn and Randall Routt discussed how 02:37:18
21 they drafted that map and walked through the 02:37:25
22 changes from the original commission plan. 02:37:32
23 So let me back up. The 13th map was an 02:37:36
24 amendment to the map that Senate President 02:37:41
25 Huffman introduced that the commission 02:37:44

1 ultimately adopted. And it was an amendment to 02:37:45
2 that map that we were having the conversation 02:37:50
3 together. 02:37:55
4 Q. Okay. I appreciate that. Do you recall 02:37:58
5 any specifics of the conversation that took 02:38:04
6 place? 02:38:06
7 A. There were -- Auditor Faber made some 02:38:09
8 suggestions about changes in northwest Ohio. 02:38:15
9 Auditor Faber wanted to look at what was the 02:38:21
10 challenge in northeast Ohio and figure out how 02:38:24
11 we could adjust that. 02:38:28
12 Then he later suggested that Secretary 02:38:31
13 of State LaRose would be the expert, since he 02:38:35
14 was from Summit County, for northeast Ohio and 02:38:38
15 suggested we talk to him about that. 02:38:42
16 Q. Any other -- I'm sorry. My apologies. 02:38:46
17 A. Any other suggestions? No. 02:38:56
18 Q. Do you recall anything else that was 02:38:58
19 said during the conversation with the auditor? 02:39:01
20 A. Yes. 02:39:04
21 Q. And what was that? 02:39:08
22 A. He wanted to -- we discussed the 02:39:09
23 Article XI, Section 6 and what constituted a 02:39:15
24 representational fairness. We talked about 02:39:23
25 what was competitiveness. 02:39:27

Q. Do you recall what Auditor Faber said 02:39:36
about how he interpreted Article XI, Section 6? 02:39:38
A. No, I don't recall. 02:39:44
Q. Do you recall what you told him? 02:39:50
A. I've generally stated that the 55/45 02:39:52
split is approximately where we have seen it. 02:40:03
Again, as I shared with you before, we have 02:40:10
political science attest to that, and many 02:40:14
people come before the commission meetings 02:40:16
sharing and identifying how you can -- how that 02:40:19
makes sense and how that number -- how those 02:40:24
numbers, excuse me, correlate with that 02:40:26
provision. 02:40:30
Q. All right. Do you remember anything 02:40:33
else that occurred during that conversation 02:40:35
with Auditor Faber? 02:40:39
A. Yes. I recall him expressing 02:40:40
frustration with the fact that he had -- did 02:40:42
not have access to map drawing software and 02:40:46
that there wasn't an opportunity for him to 02:40:51
work with Huffman and Cupp on their map drawing 02:40:57
processes. 02:41:01
Q. Gotcha. In contrast to Auditor Faber, 02:41:03
though, you did have access to map drawing 02:41:08
software, right? 02:41:10

1 A. Yes. 02:41:12
2 Q. And the House Democratic Caucus was 02:41:13
3 appropriated approximately $325,000 to spend on 02:41:19
4 consultants for the redistricting process, 02:41:25
5 weren't they? 02:41:27
6 A. I don't know if that amount that you 02:41:28
7 gave is accurate. I would have to look at the 02:41:31
8 contract to see if that was correct. 02:41:34
9 Q. And do you have any reason to believe 02:41:36
10 that it's not accurate? 02:41:38
11 A. The reason being because I have not seen 02:41:40
12 the number in a while, and I don't want to 02:41:43
13 agree to something that you have said without 02:41:46
14 my being able to look at it myself and verify. 02:41:48
15 Q. Okay. Fair enough. 02:41:51
16 Any other conversation -- excuse me. 02:41:53
17 Were there any other aspects of the 02:41:56
18 conversation with Auditor Faber that you have 02:42:00
19 not described? 02:42:02
20 A. Yes. He expressed his gratitude for the 02:42:04
21 Senate and House Democrats being willing to 02:42:08
22 work with him in a way that had not been 02:42:11
23 afforded to him from the Republican members of 02:42:15
24 the commission. 02:42:19
25 Q. All right. And then any other -- 02:42:21

1 anything else from the conversation? 02:42:27
2 A. Yes. We talked about some of the 02:42:28
3 feedback we heard in the Dayton meeting, which 02:42:36
4 was around individuals who lived in communities 02:42:43
5 in western Montgomery County not wanting to be 02:42:50
6 combined with Preble County, because they felt 02:42:56
7 like their voices were not being heard, and 02:43:01
8 that that configuration of including, I 02:43:05
9 believe, Trotwood with Preble County 02:43:08
10 disenfranchised them. And we discussed ways, 02:43:12
11 and if it were possible, to undo that. 02:43:16
12 Q. Gotcha. How did you respond to those 02:43:25
13 concerns? 02:43:27
14 A. I expressed those concerns to him. 02:43:27
15 Q. You expressed those concerns to him. 02:43:29
16 How did he respond to you then? 02:43:31
17 A. He seemed open to it. We had discussed 02:43:33
18 it during the Dayton meeting. There were some 02:43:36
19 conversation we had during the meeting where he 02:43:43
20 asked me what -- he asked me could I show him 02:43:45
21 what they were talking about, and I showed him 02:43:49
22 what they were talking about. 02:43:54
23 Q. Gotcha. Anything else in that 02:43:56
24 conversation with Auditor Faber that you've not 02:44:02
25 testified to? 02:44:04

1 A. Not that I can recall at the moment. 02:44:05
2 Q. Fair enough. And when did this 02:44:10
3 conversation occur? I'm not sure if I asked 02:44:12
4 you that in the beginning. 02:44:14
5 A. It was September 14th, after the 02:44:16
6 commission meeting, I believe. 02:44:26
7 Q. All right. Did you have any other 02:44:33
8 conversations with Auditor Faber about the 02:44:35
9 September 13th plan? 02:44:39
10 A. Probably. 02:44:40
11 Q. All right. Do you recall the specifics 02:44:52
12 of any other conversations? 02:44:54
13 A. Oh, I -- not really, no. 02:44:56
14 Q. Okay. What about conversations with 02:45:01
15 Secretary LaRose about the September 13th plan? 02:45:04
16 Do you recall any of those? And if so, can you 02:45:08
17 tell us about them? 02:45:10
18 A. Yes. What would you like to know about 02:45:11
19 them? 02:45:15
20 Q. When did they occur, and what were their 02:45:16
21 substance? 02:45:18
22 A. Shortly after the meeting with Auditor 02:45:22
23 Faber, also met with Secretary LaRose. He 02:45:24
24 talked some about the northeast Ohio issue 02:45:31
25 being that there is a lot of population there, 02:45:38

1 and trying to un -- not undo it, but unpack it 02:45:42
2 in a certain kind of way that makes it 02:45:48
3 reasonable and makes sense. 02:45:50
4 Q. What do you mean by try to unpack the 02:45:54
5 population of northeast Ohio in a way that is 02:45:58
6 reasonable and makes sense? 02:46:02
7 A. I mean that there's a lot of population 02:46:03
8 in the state in northeast Ohio. And ensuring 02:46:07
9 that every community is represented, some 02:46:12
10 things that you have to do is unpack, for 02:46:17
11 example, Black communities so that they get 02:46:19
12 adequate representation. 02:46:21
13 There has been a tendency in previous 02:46:23
14 maps to put all of the Black people you can 02:46:26
15 possibly find in one district, and that 02:46:29
16 eliminates our ability to have representation 02:46:34
17 that actually listens to us or that is as 02:46:39
18 thoughtful. 02:46:43
19 So we talked about unpacking 02:46:44
20 particularly Cuyahoga County and many of those 02:46:46
21 Cleveland areas in order to have more adequate 02:46:50
22 representation. 02:46:55
23 Q. Gotcha. And under your interpretation 02:46:57
24 of unpacking, would that include drawing 02:47:01
25 districts across county, municipality, or 02:47:05

1 township lines? 02:47:08
2 A. I don't think that's the definition of 02:47:10
3 unpacking. 02:47:15
4 Q. I was asking for your understanding of 02:47:16
5 unpacking and how you just used it in your 02:47:20
6 testimony. 02:47:24
7 A. Unpacking -- unpacking means drawing 02:47:25
8 lines that allow for there to be adequate 02:47:30
9 representation by in usually marginalized 02:47:34
10 populations, typically Black populations, so 02:47:39
11 that their voices are heard by their 02:47:41
12 representatives. 02:47:45
13 Q. And is that irrespective of traditional 02:47:47
14 geographic lines, including counties, 02:47:52
15 municipalities, or townships? 02:47:54
16 A. No, it's possible to do that under -- 02:47:56
17 and maintain those things that you just 02:47:59
18 mentioned. 02:48:03
19 Q. Okay. Fair enough. All right. Let's 02:48:04
20 talk about September 15th and the -- I 02:48:07
21 understand that was a long day, but I still 02:48:14
22 would like to go through the exercise of who 02:48:17
23 you talked to about the plans that were 02:48:19
24 introduced on the 15th. 02:48:23
25 Is it correct that there were two 02:48:26

1 different plan amendments which were introduced 02:48:28
2 on the 15th, one from Senator Sykes and you, 02:48:31
3 Leader Sykes, and the other from the -- the 02:48:35
4 other was the plan that the commission 02:48:40
5 ultimately adopted? 02:48:41
6 A. There were two plans that were -- well, 02:48:42
7 the plan that was ultimately adopted, I 02:48:50
8 wouldn't necessarily say it was introduced 02:48:53
9 because we saw it minutes before it was voted 02:48:55
10 on. So it was produced, but not in the same 02:48:59
11 way as the plan that Senator Sykes and I 02:49:05
12 passed. 02:49:14
13 So we -- so I guess I'm saying we were 02:49:14
14 able to have conversations about them, since 02:49:16
15 that's what you asked. We didn't really 02:49:18
16 have -- we didn't have an opportunity to have 02:49:19
17 many conversations on the latter, than the 02:49:23
18 former. 02:49:24
19 Q. Do you recall when either you or Senator 02:49:26
20 Sykes or somebody on your behalf circulated the 02:49:30
21 proposal that the Democrat members of the 02:49:34
22 commission made on September 15th? 02:49:37
23 A. Do I recall what time? 02:49:38
24 Q. Yes, ma'am. 02:49:41
25 A. No. 02:49:42

1 Q. In other words, do you have any reason 02:49:43
2 to believe or would you have any reason to not 02:49:45
3 believe that it was around 5:45 p.m. when the 02:49:48
4 Democrats' proposal was circulated? 02:49:52
5 A. I believe that you are an honest man, so 02:49:54
6 I believe what you are saying. 02:50:02
7 Q. Okay. Well, I appreciate that. And I 02:50:03
8 will note that that is actually on the record. 02:50:04
9 So when -- you testified a moment ago 02:50:08
10 that you got the -- about when you got the 02:50:13
11 final plan. Do you recall about what time that 02:50:18
12 was? 02:50:21
13 A. It was late into the evening. 02:50:21
14 Q. Was that the first time you'd had a 02:50:26
15 chance to review any of the details of the plan 02:50:29
16 that was ultimately passed by the commission? 02:50:32
17 A. Say that again, please. 02:50:35
18 Q. Was that the first time that you had 02:50:39
19 been able to review the details of the plan 02:50:43
20 that was ultimately passed by the commission? 02:50:45
21 A. I imagine so. 02:50:47
22 Q. All right. Other than the conversations 02:50:55
23 during the commission meetings and the 02:51:01
24 conversations you've already testified to 02:51:04
25 today, did you have any additional 02:51:06

1 conversations with Senate President Huffman 02:51:08
2 about the -- either of the September 15th plans 02:51:13
3 that you can tell me about? 02:51:17
4 A. No. 02:51:20
5 Q. All right. Same question for Speaker 02:51:22
6 Cupp. 02:51:25
7 Do you recall any conversations with 02:51:25
8 Speaker Cupp about the September 15th -- either 02:51:27
9 the September 15th plans which you have not 02:51:30
10 testified to already or which were not taking 02:51:34
11 place inside the meetings? 02:51:37
12 A. I believe you're asking did I have 02:51:39
13 additional conversations with Speaker Cupp? 02:51:47
14 Q. Yes, ma'am. 02:51:51
15 A. About the maps? 02:51:51
16 Q. Yes, ma'am. 02:51:53
17 A. Not that I can recall. 02:51:54
18 Q. All right. Were there any additional 02:51:57
19 conversations that you had with Governor DeWine 02:51:59
20 about either of the September 15th maps about 02:52:01
21 which you have either not already testified or 02:52:04
22 which did not take place -- and which did not 02:52:08
23 take place in the commission meetings? 02:52:11
24 A. Yes. 02:52:13
25 Q. All right. Can you tell me about the 02:52:15

1 conversations with Governor DeWine, please? 02:52:17
2 A. Yes. I spoke to Governor DeWine later 02:52:20
3 in the evening on the 15th. He approached 02:52:28
4 Senator Sykes and I to see if it would be 02:52:33
5 possible to come up with a way forward that 02:52:38
6 would allow for there to be a ten-year map. 02:52:47
7 Q. And how did you respond to his overture 02:52:51
8 to you? 02:52:56
9 A. I was open to the conversation, and we 02:52:56
10 discussed it for, I don't know, a few moments. 02:53:01
11 Well, probably longer than a few moments. 02:53:09
12 Q. Well, do you recall what specifically 02:53:10
13 you told him in response to his ask? 02:53:16
14 A. His ask at the time was to delay voting 02:53:19
15 for the map. 02:53:26
16 Q. All right. And then how did you 02:53:33
17 respond? 02:53:35
18 A. I questioned why we would delay the 02:53:35
19 vote. 02:53:41
20 Q. And how did he respond to that? 02:53:47
21 A. I recall his response being to see if we 02:53:49
22 could continue talking. 02:53:55
23 Q. Gotcha. Were there any discussions with 02:53:56
24 Governor DeWine other than about delaying the 02:54:00
25 vote? 02:54:05

A. Yeah, I -- yes. I asked him if he had 02:54:05
an answer to a previous question which was 02:54:15
whether or not the Republican members of the 02:54:21
commission were willing to break ranks and vote 02:54:24
for a map that would be a ten-year map. 02:54:32
Q. What do you mean by -- what did you mean 02:54:36
by "break ranks"? 02:54:39
A. There was a suggestion -- well, more 02:54:41
than a suggestion -- from Auditor Faber and 02:54:48
Secretary LaRose that the only way to pass a 02:54:51
ten-year map was if it was seven -- was 02:54:55
unanimous. And I expressed that it was 02:54:58
possible to pass a bipartisan ten-year map 02:55:03
without a unanimous 7-0 vote. 02:55:07
And my question to Governor DeWine as 02:55:11
well as other members of the commission was 02:55:15
whether any of them would be willing to support 02:55:19
a map that all seven members didn't vote for if 02:55:22
that meant we got a ten-year map. 02:55:26
Q. And how do you recall him responding to 02:55:29
that? 02:55:32
A. I don't recall there being a response. 02:55:32
Q. All right. 02:55:37
A. But I think we saw what happened at the 02:55:38
end. 02:55:41

1 Q. Other than with respect to Governor 02:55:42
2 DeWine, other than the conversation about 02:55:46
3 delaying the vote and the breaking rank 02:55:48
4 conversation, did you discuss anything else 02:55:51
5 late on the 15th? And if so, can you tell us? 02:55:55
6 A. Yes. Governor DeWine asked if we would 02:55:59
7 still continue to talk to -- which I agreed 02:56:04
8 that I would be more than willing to continue 02:56:08
9 to figure out a path towards a ten-year map. 02:56:10
10 Q. All right. Anything else? 02:56:13
11 A. About my -- with my conversation with 02:56:14
12 Governor DeWine? 02:56:21
13 Q. Yes, ma'am. 02:56:22
14 A. He, I think, at that point went to talk 02:56:24
15 to the other commission members to share. 02:56:30
16 Q. And did you have any other conversations 02:56:32
17 with Governor DeWine that night? 02:56:34
18 A. No, not that I can recall. 02:56:38
19 Q. All right. What about conversations 02:56:41
20 with Auditor Faber about the September 15th 02:56:43
21 plans? Did you have any additional 02:56:47
22 conversations with him which you've not 02:56:52
23 testified about or which occurred during the 02:56:53
24 hearings? 02:56:56
25 A. Not that I can recall. 02:56:57

1 Q. All right. Same question with regard to 02:57:03
2 Secretary LaRose. Did you have any 02:57:05
3 conversation with Secretary LaRose about the 02:57:07
4 September 15th plans, other than those you've 02:57:10
5 testified to and those that took place in the 02:57:13
6 commission meetings? 02:57:18
7 A. Yes. 02:57:19
8 Q. Okay. Can you tell me about the 02:57:22
9 conversations, please? 02:57:24
10 A. Yes. After Governor DeWine left the 02:57:24
11 conversation, he -- well, I don't know where he 02:57:32
12 went, but ultimately I was approached to 02:57:36
13 discuss with Secretary LaRose and one of his 02:57:43
14 staffers, Merle Madrid, and one of Auditor 02:57:47
15 Faber's staffers and Senator Sykes to continue 02:57:52
16 talking about how we could get towards a 02:57:56
17 ten-year map. 02:58:00
18 Q. All right. Do you remember any 02:58:01
19 specifics of terms or proposals that either 02:58:04
20 Secretary LaRose discussed with you or you 02:58:11
21 discussed with Secretary LaRose? 02:58:14
22 A. Yes. 02:58:16
23 Q. Can you testify as to those? 02:58:16
24 A. Yes. Secretary LaRose in that meeting 02:58:19
25 suggested that we could continue to talk about 02:58:29

1 the maps and asked if we would table the voting 02:58:33
2 of the Huffman map to buy us more time. 02:58:42
3 Q. And other than a discussion of tabling 02:58:49
4 the Huffman -- a vote on the Huffman map, did 02:58:53
5 you talk about anything else with Secretary 02:58:56
6 LaRose in this conversation? 02:59:01
7 A. Yes. We talked about just voting the 02:59:01
8 map down altogether, since he and others on the 02:59:04
9 commission had expressed some concerns about 02:59:08
10 it, and that would effectively do the exact 02:59:11
11 same thing. 02:59:14
12 Q. Gotcha. Anything -- any other aspects 02:59:17
13 of that conversation that you haven't testified 02:59:26
14 to? 02:59:28
15 A. Yes. He, as in Secretary LaRose, 02:59:29
16 expressed concern about the process, how he had 02:59:35
17 been shut out, starting with not being able to 02:59:40
18 get access to the Republican map drawers or to 02:59:42
19 the information that the Republicans were using 02:59:47
20 to draw the maps, and was -- appeared to be 02:59:52
21 frustrated that we were at this point. 02:59:59
22 Q. All right. Would you have voted for a 03:00:15
23 General Assembly districting plan that included 03:00:26
24 less than 42 Democrat-leaning house seats? 03:00:32
25 A. I would have voted for a plan that 03:00:37

1 complied with Article XI, Section 6; and if it 03:00:40
2 did that, I would have voted for a plan that 03:00:46
3 did that. 03:00:48
4 Q. And do you believe that a General 03:00:49
5 Assembly districting plan that had 42 -- excuse 03:00:52
6 me, that had 41 or less Democrat-leaning House 03:00:56
7 districts would comply with Article XI, 03:00:59
8 Section 6 of the Constitution? 03:01:03
9 A. I would have to look at some analysis 03:01:04
10 before I could answer that question. 03:01:10
11 Q. Okay. How was it determined there was 03:01:14
12 an impasse in the negotiations over the plan? 03:01:18
13 A. In my opinion, is that what you're 03:01:21
14 asking? Or did somebody else say it? 03:01:33
15 Q. Strike that question. Let me ask you 03:01:35
16 this. You voted against the map that was 03:01:38
17 ultimately adopted by the commission. Do you 03:01:42
18 believe that, instead of the map it adopted, 03:01:46
19 the commission should have passed the 03:01:49
20 September 15th plan circulated by you and 03:01:51
21 Senator Sykes? 03:01:53
22 A. I think the plan that Senator Sykes and 03:01:54
23 I submitted was more in line Article XI, 03:02:00
24 Section 6 than the plan that was ultimately 03:02:07
25 adopted. 03:02:11

1 Q. Okay. Let's do this. Let's -- 03:02:12
2 MS. MENASHE: Can we have a time check 03:02:21
3 from the court reporter, please? 03:02:22
4 (Discussion held off the written 03:02:22
5 record.) 03:02:22
6 (Deposition Exhibit No. 4 was marked for 03:02:22
7 identification.) 03:02:23
8 MR. BRANCH: Let's call up 03:02:23
9 ESykes_0007246. 03:02:38
10 BY MR. BRANCH: 03:03:21
11 Q. Representative Sykes -- or, excuse me, 03:03:22
12 Leader Sykes, do you recognize this email? 03:03:24
13 A. I have not seen this email before. 03:03:25
14 Q. Okay. The email obviously references a 03:03:48
15 requested meeting between you and Senator Brown 03:03:51
16 to discuss redistricting. Did that meeting 03:03:53
17 between you and Senator Brown actually occur? 03:03:57
18 A. No. 03:04:00
19 Q. Okay. Is it scheduled to occur? 03:04:02
20 A. No. 03:04:05
21 Q. Okay. So you have not met with Senator 03:04:06
22 Brown regarding the state redistricting and 03:04:10
23 caucus priorities? 03:04:12
24 A. No. 03:04:14
25 Q. Have you had a phone call with Senator 03:04:15

1 Brown regarding state redistricting and caucus 03:04:18
2 priorities? 03:04:20
3 A. No. 03:04:20
4 Q. And when was the last time you talked 03:04:22
5 with Senator Brown? 03:04:24
6 A. Several months ago. 03:04:25
7 Q. Okay. Fair enough. 03:04:28
8 Leader Sykes, there were a number of 03:04:34
9 documents produced in your production that 03:04:37
10 reference an organization called All On The 03:04:40
11 Line. Is that a group that you received 03:04:45
12 training and guidance from through the 03:04:48
13 redistricting process? 03:04:50
14 A. Guidance and training through -- what -- 03:04:51
15 what would you say is through the redistricting 03:04:58
16 process? What's the timeframe? 03:05:00
17 Q. Let's say over the last two years. 03:05:03
18 A. Yes. 03:05:05
19 Q. All right. And isn't All On The Line 03:05:06
20 affiliated with the National Democratic 03:05:11
21 Redistricting Committee? 03:05:14
22 A. From my understanding, yes. 03:05:15
23 Q. All right. Were you coordinating your 03:05:17
24 redistricting strategy with All On The Line? 03:05:20
25 A. I don't believe so. What do you mean by 03:05:24

1 "coordinating"? 03:05:30
2 Q. Did they provide input and guidance as 03:05:31
3 to the decisions you made on determining how to 03:05:35
4 evaluate and react to redistricting maps that 03:05:39
5 were proposed as part of the redistricting 03:05:46
6 process? 03:05:49
7 A. No, we didn't need them to do that. 03:05:49
8 Q. All right. Were you coordinating your 03:05:53
9 redistricting strategy with the Ohio Democratic 03:06:00
10 party? 03:06:02
11 A. What do you mean by "coordinating"? 03:06:02
12 Q. Did they provide guidance to you as far 03:06:09
13 as decisions you made with respect to the 03:06:12
14 redistricting process? 03:06:15
15 A. No. 03:06:16
16 Q. Did they assist in placing people in 03:06:16
17 commission meetings to provide testimony? 03:06:23
18 A. I don't know what they did. 03:06:25
19 MR. BRANCH: Let's do this. I want to 03:06:27
20 go off the record for maybe 90 seconds and 03:06:37
21 hopefully end in the next two minutes, 03:06:38
22 considering I'm about out of time anyways. 03:06:40
23 Everybody okay? 03:06:42
24 MS. MENASHE: We just took a break. 03:06:44
25 Let's keep going. 03:06:46

1 MR. BRANCH: I have four minutes left. 03:06:47
2 I need to get my thoughts organized, and then 03:06:49
3 I'm going to finish it. 03:06:51
4 So, like I said, I'm not going to leave 03:06:52
5 my chair, I'm going to go off the record for 03:06:54
6 90 seconds and then finish up. 03:06:56
7 THE VIDEOGRAPHER: Off record, 3:06. 03:06:59
8 (Recess ensued from 3:07 p.m. 03:07:01
9 to 3:07 p.m.) 03:07:50
10 THE VIDEOGRAPHER: On record, 3:07. 03:07:50
11 BY MR. BRANCH: 03:07:57
12 Q. Thank you for your patience, Leader 03:07:57
13 Sykes. Last question I think I have is did you 03:07:59
14 introduce any redistricting maps for 03:08:01
15 consideration by the Ohio Redistricting 03:08:03
16 Commission? 03:08:06
17 A. I worked with Senator Sykes to introduce 03:08:06
18 the two amendments, which essentially are maps. 03:08:15
19 Q. Okay. And did you provide the 03:08:19
20 information that led to the House part of the 03:08:22
21 amendments to the September 9th maps that you 03:08:29
22 just referenced? 03:08:33
23 A. By provided information, what exactly 03:08:33
24 does that mean? 03:08:40
25 Q. Well, you've mentioned before that the 03:08:42

1 Senate has some responsibilities and the House 03:08:45
2 has other responsibilities. And given that 03:08:47
3 you're the Ohio House Democratic Caucus leader, 03:08:49
4 was your contribution to the -- to plans the 03:08:54
5 preparation of the House -- the amendments to 03:09:01
6 the House plan for both the September 13th and 03:09:07
7 September 15th proposals? 03:09:10
8 A. Can you try that one more time? I 03:09:12
9 apologize. I'm not sure what you're asking. 03:09:16
10 Q. Did you -- I'll put it this way. Did 03:09:19
11 you approve the House -- the amendments to the 03:09:24
12 House plan in both the September 13th and 03:09:29
13 September 15th proposals from you and Senator 03:09:32
14 Sykes? 03:09:37
15 A. Did I approve the House version of that 03:09:39
16 plan? 03:09:42
17 Q. Yes. The House part of that plan. 03:09:43
18 A. The House part, yes. 03:09:46
19 Q. All right. And was the House part of 03:09:51
20 the two referenced amendments prepared by you 03:09:54
21 or your consultants or prepared by the Senate 03:09:58
22 Democrats and their consultants? 03:10:03
23 A. Both. 03:10:05
24 Q. Okay. So HaystaqDNA and the Senate 03:10:07
25 Democrats' consultant worked together on the 03:10:14

1 two amendments that you've just referenced? 03:10:18
2 A. Yes. But I'll also say previously, 03:10:21
3 because it's very technical, what that means, I 03:10:26
4 don't know if I can give you the best answer to 03:10:33
5 that question. 03:10:35
6 Q. Right. To the best of your -- I'd just 03:10:36
7 like to know how it worked, to the best of your 03:10:40
8 ability. 03:10:42
9 A. Which part? 03:10:42
10 Q. Who was in charge of providing the 03:10:43
11 information that led to the two amendments, to 03:10:49
12 the September 13th amendment and the 03:10:55
13 September 15th amendment? 03:10:58
14 A. Well, from the beginning, the Census 03:11:00
15 Bureau. And then that information was then 03:11:03
16 given to Ohio University, and then Ohio 03:11:05
17 University was able to prepare that in legacy 03:11:08
18 format. And then they were able to upload that 03:11:13
19 for every member of the public to access, and 03:11:16
20 that is the information that was used. 03:11:19
21 Q. Leader Sykes, I'm talking about the 03:11:21
22 actual draw -- the decision on where the lines 03:11:23
23 should be drawn contained in the September 13th 03:11:26
24 and September 15th plans for the Ohio House. 03:11:30
25 Who was the decision-maker on where 03:11:36

1 those lines were placed? 03:11:37
2 A. So, again, I would say the lines were 03:11:39
3 placed following Article XI of the 03:11:46
4 Constitution. That dictates a lot of the 03:11:49
5 decision-making. And otherwise it would have 03:11:54
6 been in consultation with Senate Dems, House 03:11:59
7 Dems, in ensuring that the decisions that were 03:12:04
8 made were in compliance with what we were 03:12:07
9 required to do under the constitution. 03:12:10
10 Q. Okay. So your testimony is that the 03:12:16
11 Senate Dems and the House Dems cooperatively 03:12:18
12 decided on the makeup of the September 13th and 03:12:22
13 the September 15th plans? 03:12:26
14 A. In effect. 03:12:27
15 Q. Okay. I don't have any more questions. 03:12:32
16 MR. BRANCH: Thank you very much, ma'am. 03:12:36
17 THE WITNESS: Thank you. It was a 03:12:42
18 pleasure. 03:12:43
19 MR. CAREY: All right. 03:12:46
20 03:12:48
21 EXAMINATION 03:12:49
22 BY MR. CAREY: 03:12:49
23 Q. Leader Sykes, my name is David Carey. 03:12:50
24 I'm an attorney with the ACLU of Ohio. We 03:12:52
25 represent the League of Women Voters of Ohio, 03:12:52

1 the A. Philip Randolph Institute, and several 03:12:58
2 individuals in this lawsuit. 03:13:00
3 I would like to take a five-minute break 03:13:05
4 before I get started with questions, though, if 03:13:07
5 that's all right with you. 03:13:09
6 A. Yes, that is okay with me. 03:13:09
7 Q. I'm hopeful we can eliminate some 03:13:11
8 redundancy and make this whole thing a bit 03:13:13
9 quicker. 03:13:16
10 THE VIDEOGRAPHER: Off record 3:13. 03:13:16
11 (Recess ensued from 3:13 p.m. to 03:13:19
12 3:21 p.m.) 03:21:23
13 THE VIDEOGRAPHER: On record, 3:21. 03:21:29
14 BY MR. CAREY: 03:21:31
15 Q. Leader Sykes, thank you for being here. 03:21:32
16 I just have a few questions, and I'm 03:21:34
17 hopeful we can be done quickly. Could you 03:21:36
18 describe your position on partisan 03:21:40
19 gerrymandering, generally? 03:21:42
20 A. Generally, I think partisan 03:21:49
21 gerrymandering makes it difficult for citizens 03:21:51
22 to have their voices heard. It's something 03:21:54
23 that I see pretty regularly as the leader of 03:21:58
24 the Ohio House where so often people from the 03:22:01
25 public are asking their government to do 03:22:08

1 something for them and it just does not happen. 03:22:10
2 So partisan gerrymandering is harmful to 03:22:15
3 our democracy, and it is harmful to the people 03:22:19
4 of our state and our country, quite frankly. 03:22:22
5 Q. Would you say that's an important issue 03:22:25
6 for you? 03:22:27
7 A. It should be an important issue for 03:22:27
8 most. 03:22:34
9 Q. What is your position generally on 03:22:39
10 transparency and the redistricting process? 03:22:41
11 A. Generally, I believe transparency allows 03:22:44
12 for the public to engage thoughtfully in what 03:22:47
13 is happening. 03:22:51
14 From my understanding, this process has 03:22:56
15 not been particularly open to the public, and 03:22:58
16 it leaves much to be desired as to the 03:23:03
17 outcomes. 03:23:07
18 Q. Could you explain what you mean when you 03:23:08
19 say "this process has not been particularly 03:23:13
20 open to the public"? 03:23:16
21 A. I was speaking of the redistricting 03:23:17
22 process, generally. 03:23:23
23 Q. Understood. As House Minority Leader, 03:23:27
24 you appointed yourself to the Redistricting 03:23:33
25 Commission; is that right? 03:23:36

1 A. Yes. 03:23:36
2 Q. Why did you choose to take on that 03:23:38
3 responsibility for yourself? 03:23:40
4 A. Because the Constitution allowed for the 03:23:42
5 legislative leaders to appoint someone. There 03:23:47
6 are very minimal restrictions. The Senate 03:23:54
7 president and the Speaker of the House, as 03:23:58
8 legislative leaders, also indicated they would 03:24:01
9 be appointing themselves. 03:24:04
10 I thought I was, and continue to believe 03:24:07
11 that I am, capable and equipped and educated on 03:24:10
12 the process and the constitutional language to 03:24:15
13 be an adequate advocate on behalf of the people 03:24:24
14 who wrote the amendment and drafted the 03:24:30
15 amendment to ensure that Article XI was 03:24:32
16 actually followed and adhered to in the way 03:24:36
17 that it was intended to. 03:24:39
18 Q. Let's back up in time a little bit 03:24:45
19 before your appointment. Do you recall sending 03:24:47
20 a letter, alongside Minority Leader Yuko, to 03:24:49
21 Governor DeWine in June of 2021 about the 03:24:55
22 Redistricting Commission? 03:24:58
23 A. Yes. 03:24:58
24 Q. To the best of your recollection, what 03:25:02
25 was the purpose of that letter? 03:25:04

1 A. The purpose of the letter was to 03:25:05
2 encourage the governor to reconvene -- or to 03:25:10
3 convene the Redistricting Commission. We 03:25:14
4 knew -- we had known since January the census 03:25:17
5 data would be delayed. 03:25:21
6 And Leader Yuko and I believed that, in 03:25:23
7 order to mitigate the problems that we would 03:25:27
8 have in some managerial and administrative 03:25:33
9 issues with the commission, the sooner we got 03:25:36
10 together to figure out some of the issues, 03:25:39
11 including the rules, including how you define 03:25:42
12 Article VI [sic], including distribution of 03:25:49
13 funds, could all be figured out prior to 03:25:50
14 getting the census data so that we didn't have 03:25:54
15 to spend as much time figuring that out when we 03:25:56
16 finally received that information. 03:25:59
17 Q. Did Governor DeWine respond to your 03:26:03
18 letter? 03:26:06
19 A. No. 03:26:06
20 Q. Did any other commissioners comment on 03:26:07
21 your letter? 03:26:15
22 A. Not that I can recall. 03:26:16
23 Q. To your knowledge, has the commission 03:26:34
24 scheduled meetings for Congressional 03:26:36
25 redistricting? 03:26:38

A. No. 03:26:38
Q. Have you been privy to any discussion 03:26:39
about scheduling those meetings? 03:26:42
A. No. 03:26:43
Q. Do you expect to continue to serve as a 03:26:45
commissioner during Congressional 03:26:48
redistricting? 03:26:50
A. Could you repeat that? 03:26:50
MS. MENASHE: David, you're cutting out 03:26:53
in the beginning of your question. 03:26:55
MR. CAREY: Got it, thank you. 03:26:57
BY MR. CAREY: 03:26:59
Q. Do you expect to continue to serve as a 03:26:59
commissioner during the Congressional 03:27:01
redistricting process? 03:27:03
A. Yes. 03:27:03
Q. Earlier you testified that it would have 03:27:05
been your preference for the commission as a 03:27:17
whole to put forth a map for consideration; is 03:27:20
that right? 03:27:25
A. Yes, that is correct. 03:27:25
Q. Would you say that the commission 03:27:26
ultimately took the approach that you 03:27:30
preferred? 03:27:33
A. No. 03:27:33

Q. In your opinion, why did that not 03:27:38
happen? 03:27:39
A. I posed the question during a meeting as 03:27:39
to, multiple times, why the members of the 03:27:47
commission did not want to follow that 03:27:52
provision in Article XI. And I believe the 03:27:54
response was something to the effect that 03:27:58
they -- they, as in the Republicans, were 03:28:04
working on something and they would show it to 03:28:07
us when it was ready. 03:28:10
Q. Was it your understanding that they were 03:28:12
unwilling to jointly work on a map? 03:28:16
A. That was the impression that I received. 03:28:19
Q. How was it ultimately determined, in 03:28:33
your view, that there was an impasse on 03:28:44
September 15th? 03:28:48
A. I would say when I spoke with -- after I 03:28:53
spoke with Huffman -- not Huffman, excuse me, 03:29:02
after I spoke with LaRose, Faber, and DeWine, 03:29:05
not all at the same time, and they did not want 03:29:08
to break ranks with the Republicans, I didn't 03:29:13
understand how we would get to a ten-year map. 03:29:21
And no one from the Republican side offered a 03:29:27
suggestion as to how we would get there. 03:29:30
Q. You said earlier that you believed it 03:29:45

1 was possible to reach a ten-year map without a 03:29:50
2 unanimous vote; is that correct? 03:29:54
3 A. Yes. 03:29:55
4 Q. Could you explain what configuration of 03:29:56
5 votes you anticipated to reach a ten-year map 03:29:58
6 without a unanimous vote? 03:30:03
7 A. Yes. The Article XI requires that at 03:30:06
8 least two members of the minority party vote 03:30:11
9 for a map in order to get ten years. So it 03:30:16
10 could have been two Republicans, two Democrats, 03:30:19
11 it could have been two Democrats three 03:30:24
12 Republicans, and then two Democrats and four 03:30:26
13 Republicans. Does that math add up? Yes. 03:30:29
14 Q. I'm going to pause for a minute just to 03:30:54
15 go through my notes and make sure I'm not 03:30:59
16 missing something. 03:31:01
17 What ultimately would you say was the 03:31:26
18 specific reason that the commission was unable 03:31:29
19 to reach agreement on a ten-year map? 03:31:32
20 A. Could you say that one more time, 03:31:35
21 please. 03:31:41
22 Q. What ultimately would you say was the 03:31:42
23 specific reason that the commission was unable 03:31:44
24 to reach agreement on a ten-year map? 03:31:48
25 A. I don't know if there was one specific 03:31:50

1 reason. 03:31:55
2 Q. Could you describe generally why you 03:32:00
3 believe the commission was unable to reach 03:32:04
4 agreement on a ten-year map? 03:32:06
5 A. Yes. One, I think there was a very 03:32:07
6 consistent and strong desire for there to be a 03:32:17
7 7-0 map, but particularly that the Republicans 03:32:24
8 all vote together. 03:32:29
9 And the second reason would be because 03:32:34
10 the provision in Article XI, Section 6 was not 03:32:38
11 agreed upon by the commissioners, and the way 03:32:50
12 by which we were to apply that to the maps that 03:32:59
13 were being considered was a moving target. 03:33:02
14 Q. I don't believe I have any more 03:33:08
15 questions. 03:33:42
16 Yes, that's it. Thank you. 03:33:46
17 A. Thank you. 03:33:48
18 MS. COONTZ: Nothing on behalf of the 03:34:06
19 Ohio Attorney General's office; I should say 03:34:09
20 the statewide elected officials, Governor 03:34:11
21 DeWine, Auditor Faber, and Secretary of State 03:34:13
22 LaRose. 03:34:15
23 THE VIDEOGRAPHER: If there's nothing 03:34:25
24 else, we'll conclude. Time is 3:34. 03:34:26
25 This concludes today's deposition of 03:34:29

House Minority Leader Emilia Sykes. 03:34:31

We're off the record. 03:34:34

(Deposition concluded at 3:35 p.m., 100) 03:35:14

04:07:11

Reporter's Certificate

State of California)
)

I, Debra Bollman Farfan, Registered Diplomate Reporter and CSR No. 11648, in and for the State of California, do hereby certify:

That prior to being examined, the witness named in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth; That said deposition was taken down by me in shorthand at the time and place therein named and thereafter reduced to typewriting under my direction, and the same is a true, correct, and complete transcript of said proceedings;

I further certify that I am not interested in the event of the action. Witness my hand this 19th day of October, 2021.

Debra Bollman Farfan, CA CSR No. 11648
RDR, RMR, CRR, CRC

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Date: Fri, 20 Aug 2021 12:17:00 AM -0400
Sent: Fri, 20 Aug 2021 12:17:32 AM -0400
Subject: RE: Invoice and Purchase Letter: Consulting
From: Herd, Samantha
To: Kristin Rhee <Kristin.Rhee@lsc.ohio.gov>; DiPalma, Andy <Andy.DiPalma@ohiohouse.gov>;
CC: Wendy Zhan <Wendy.Zhan@lsc.ohio.gov>;
Attachments: OH House Democratic Caucus redistricting proposal - revised.pdf

---

Please find attached our contract with Haystaq. Thanks.

From: Kristin Rhee <Kristin.Rhee@lsc.ohio.gov>
Sent: Tuesday, August 17, 2021 4:22 PM
To: Herd, Samantha <Samantha.Herd@ohiohouse.gov>; DiPalma, Andy <Andy.DiPalma@ohiohouse.gov>
Cc: Wendy Zhan <Wendy.Zhan@lsc.ohio.gov>
Subject: RE: Invoice and Purchase Letter: Consulting

Hi again – Samantha and Andy, do you guys have any sort of contract with HaystaqDNA? As I'm getting the paperwork together, I notice that it seems to be for professional services/consulting and, usually, those come with contracts. If that's not what HaystaqDNA is for, then please disregard this email.
Thank you!

KRISTIN RHEE, Fiscal Officer
Legislative Service Commission
614/466-3278 (p)
614/995-4965 (f)
Kristin.Rhee@lsc.ohio.gov

From: Herd, Samantha <Samantha.Herd@ohiohouse.gov>
Sent: Monday, August 16, 2021 10:17 AM
To: Kristin Rhee <Kristin.Rhee@lsc.ohio.gov>; DiPalma, Andy <Andy.DiPalma@ohiohouse.gov>
Cc: Wendy Zhan <Wendy.Zhan@lsc.ohio.gov>
Subject: RE: Invoice and Purchase Letter: Consulting

Thanks Kristin, yes please email Andrew, I've let him know you will be contacting him.

From: Kristin Rhee <Kristin.Rhee@lsc.ohio.gov>
Sent: Monday, August 16, 2021 10:13 AM
To: Herd, Samantha <Samantha.Herd@ohiohouse.gov>; DiPalma, Andy <Andy.DiPalma@ohiohouse.gov>
Cc: Wendy Zhan <Wendy.Zhan@lsc.ohio.gov>
Subject: RE: Invoice and Purchase Letter: Consulting

Good Morning Samantha and Andy – I went into OAKS to find HaystaqDNA as a vendor and they are not in the system. Because of this, I can't process the invoice that you sent over.
If it's okay with you, I'm going to email Andrew (the email address on the invoice) and send him the information needed to get them entered into OAKS.
Sorry about that but sometimes vendors haven't been used yet by the State so they aren't vendors yet in the state accounting system. I will CC you all on my email to Andrew.
-Kristin

KRISTIN RHEE, Fiscal Officer
Legislative Service Commission
614/466-3278 (p)
614/995-4965 (f)
Kristin.Rhee@lsc.ohio.gov

Exhibit #
Sykes 01
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From: Wendy Zhan <Wendy.Zhan@lsc.ohio.gov>
Sent: Friday, August 13, 2021 1:01 PM
To: Herd, Samantha <Samantha.Herd@ohiohouse.gov>; DiPalma, Andy <Andy.DiPalma@ohiohouse.gov>
Cc: Kristin Rhee <Kristin.Rhee@lsc.ohio.gov>
Subject: FW: Invoice and Purchase Letter: Consulting

We'll process this the first thing on Monday. Thanks!

From: Herd, Samantha <Samantha.Herd@ohiohouse.gov>
Sent: Friday, August 13, 2021 12:36 PM
To: Wendy Zhan <Wendy.Zhan@lsc.ohio.gov>
Cc: DiPalma, Andy <Andy.DiPalma@ohiohouse.gov>
Subject: Invoice and Purchase Letter: Consulting

Good afternoon Wendy,

Please find the attached signed letter and invoice for redistricting consulting services. Please let me know if you have any questions.

Thanks,

Samantha L. Herd
Chief of Staff, Minority Caucus
Ohio House of Representatives
Office: (614) 466-2185
Cell: (614) 301-7229

HAYSTAQ DNA

TO: Leader Sykes and Samantha Herd

FR: Ken Strasma, Andrew Drechsler

HaystaqDNA

RE: Redistricting support for the OH House Democratic Caucus

DT: 8/9/2021

Background

Again, it was great talking to you this weekend and we would welcome the opportunity to assist with your redistricting efforts. There are a wide range of services with which we can assist; below is an outline of what we would propose based on our conversation. As discussed, the scope has been updated based on our conversation

Proposal

Haystaq will:

- Work with the legislature's mapping software vendors to load new Census geography and data into the mapping program.
- Validate population totals in the mapping software against totals directly from the Census.
- Load election data provided by client that would be used to help determine how competitive proposed districts would be.
- House any external data acquired by the client, and work to convert the data as needed for use with the mapping programs. This may include past election results, voterfile IDs, neighborhood or community boundaries, homes of legislators and potential candidates, and any other data that the client would like to use in drawing and analyzing plans.
- Work with the Caucus leadership and their designees to understand goals and priorities for legislative and congressional districts. This may include a broad range of input from more general things like prioritization of various different criteria to local items such as keeping a certain neighborhood or community of interest in a specific district.
- Draw plans based on the goals and criteria provided by the client.
- Provide analysis of plans drawn by the client.
- Provide analysis of other plans including those proposed by public interest groups, other legislative leaders, individual legislators or members of the public. This analysis would include various measures of compactness, counts of split geography, and other metrics.
- Prepare presentations walking through the plan analysis in a way that is digestible to reporters, legislators and interested members of the public.

- Provide racial block voting analysis in order to assess the ability of minority populations to elect their candidates of choice. While we are not lawyers, we would work with your counsel as to implementation.

- Provide population and voting pattern projections to analyze the likely future impact of plans.

Costs

The total fee will be $120,000, the first month will be $50,000, month two to four will be $23,333.33 per month. Extended as needed.

Redistricting software licenses would be billed to the client at cost. Two licenses would be used by Haystaq for this project which are estimated to be $15,000 plus tax.

Other direct costs, including travel, printing and postage would be billed to the client at cost. No expenses in excess of $500 per month would be incurred without the advance authorization of the client.

Scope

Haystaq staff will be available for up to 30 hours per week for work on the services described above, in addition to any other data analysis and strategic consulting needed by the client. If travel is required for in-person meetings, ½ of travel time and time onsite would count toward the 30 hour a week cap.

Any additional reporting and/or presentations or continued services, beyond those services outlined in above will be charged at our standard hourly consulting rates. We will notify you if we go above and beyond the monthly retainer and would need your approval before charging an hourly rate. Client is not responsible for payment of additional service fees for services which it did not pre-approve. The standard rates are as follows:

Title	Rates
President/CEO	$375
Vice President	$300
Senior Analyst	$200
Junior Analyst	$150

Timeline

August 2021 through November 2021 or through passage of final plans, whichever is later. The consulting agreement can be extended on a month to month basis as needed by the client for litigation support and any other services needed after completion of the official legislative redistricting process.

DEPO_00448

CONFIDENTIAL ESYKES_0007250

Date:	Thu, 16 Sep 2021 9:47:02 AM -0400
Sent:	Thu, 16 Sep 2021 9:43:49 AM -0400
Subject:	HD and SD Final Commission Map Links and Data
From:	Anh Volmer <anh@haystaqdna.com>
To:	Samantha Herd <samherd@gmail.com>; Herd, Samantha <Samantha.Herd@ohiohouse.gov>;
CC:	emiliassykes@gmail.com; Ken Strasma <ken@haystaqdna.com>; Willie Desmond <willie@haystaqdna.com>;
Attachments:	DemPerc_AAVAP_DEM_091521.xlsx

Sam-
Per your request, I did not delete any of the extra sheets. I will leave that to you to decide what you would like to keep or throw away. Let me know if you need anything else.
-Anh
House Districts:
https://davesredistricting.org/join/10e980ae- 36ad-410a-b82d-20e924526ccb
Senate Districts:
https://davesredistricting.org/join/598957a9- 15da-4a3e-82cb-4859d623ef78
--

Anh Volmer
Data Analyst
Haystaq DNA
918-557-0768
anh@haystaqdna.com

Exhibit #
Sykes 02
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EXHIBIT 3

DOCUMENT SUBMITTED NATIVELY ON HARD MEDIA

Date: Wed, 13 Oct 2021 11:11:32 AM -0400
Sent: Wed, 13 Oct 2021 11:11:26 AM -0400
Subject: Follow up: Scheduling Request
From: Holley, Mycheala (Brown) <Mycheala_Holley@brown.senate.gov >
To: Spain, Mindy <Mindy.Spain@ohiohouse.gov >;
CC: Rep34 <Rep34@ohiohouse.gov >; Baron, Diana (Brown) <Diana_Baron@brown.senate.gov >;

Good morning Mindy,

I spoke with Leader Sykes this morning and she requested a meeting with Senator Brown to discuss State Redistricting and Caucus priorities.

I have included Diana Baron, Senator Brown's scheduler, to help organize this meeting.

Thank you both. Please let me know if you need anything.

Sincerely,

Mycheala Holley
Regional Representative
Office of U.S. Senator Sherrod Brown
801 W. Superior Ave., Suite 1400
Cleveland, Ohio 44113
Ph: 216-385-4464
Fx: 216-522-2239

Exhibit #
Sykes 04
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CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on October 22, 2021, I caused a true and correct copy of the following documents to be served by email upon the counsel listed below:

1. **Stipulation of Evidence (Deposition Transcripts and Exhibits)**
2. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 1 of 7 (pages 1 - 314)**
3. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 2 of 7 (pages 315 - 451)**
4. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 3 of 7 (pages 452 - 832)**
5. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 4 of 7 (pages 833 - 983)**
6. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 5 of 7 (pages 984 - 1250)**
7. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 6 of 7 (pages 1251 - 1559)**
8. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 7 of 7 (pages 1560- 1892)**

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/s/ Freda J. Levenson