

# Exhibit 1

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UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION  
THE SOUTH CAROLINA  
STATE CONFERENCE OF  
THE NAACP, et al,  
Plaintiffs,  
vs. CASE NO.  
3:21-CV-03302-MBS-TJH-RMG  
THOMAS C. ALEXANDER,  
et al,  
Defendants.  
VIDEOCONFERENCE  
DEPOSITION OF: WILLIAM ROBERTS  
DATE: July 7, 2022  
TIME: 9:35 a.m.  
LOCATION: 1310 Gadsden Street  
Mahogany Conference Room  
Columbia, SC  
TAKEN BY: Counsel for the Plaintiffs  
REPORTED BY: ERIC GLAZIER, Court Reporter

<p>Page 2</p> <p>1 APPEARANCES OF COUNSEL VIA VIDEOCONFERENCE: 2 3 ATTORNEYS FOR THE PLAINTIFFS: 4 NAACP LEGAL DEFENSE AND EDUCATIONAL 5 FUND 6 BY: JOHN S. CUSICK 7 40 Rector Street 8 5th Floor 9 New York, NY 10006 10 (212) 965-2269 11 Jcusick@naacpldf.org 12 13 and 14 15 AMERICAN CIVIL LIBERTIES UNION 16 BY: ADRIEL CEPEDA DERIEUX 17 125 Broad Street 18 18th Floor 19 New York, NY 10004 20 (212) 549-2500 21 Acepedaderieux@aclu.org 22 23 ATTORNEYS FOR DEFENDANTS 24 THOMAS C. ALEXANDER, in his official 25 capacity as President of the Senate; LUKE A. RANKIN, in his official capacity as Chairman of the Senate Judiciary Committee: ROBINSON GRAY BY: ROBERT E. TYSON 1310 Gadsden Street Columbia, SC 29201 (803) 929-1400 Rtyson@robinsongray.com and JONES DAY BY: JOHN M. GORE 51 Louisiana Avenue NW Washington, DC 20001 Jmgore@jonesday.com</p>	<p>Page 4</p> <p>1 PROCEEDINGS 2 ----- 3 COURT REPORTER: The attorneys 4 participating in this deposition acknowledge that 5 the reporter is not physically present in the 6 deposition room and that the reporter will be 7 reporting this deposition remotely. 8 They further acknowledge that in lieu 9 of an oath administered in person, I will 10 administer the oath remotely. 11 If any party has an objection to this 12 manner of reporting, please state it now. 13 Hearing none, I will proceed. 14 WILLIAM ROBERTS, 15 being first duly sworn, testified as follows: 16 EXAMINATION 17 BY MR. CUSICK: 18 Q. Good morning, Mr. Roberts. My name is 19 John Cusick. I'm one of the attorneys representing 20 the plaintiffs in this lawsuit, The South Carolina 21 State Conference of the NAACP vs. Alexander. 22 If you don't mind, could you please 23 state your full name for the record, spelling your 24 first and last name? 25 A. My name is William Francis Roberts, Jr.</p>
<p>Page 3</p> <p>1 ATTORNEYS FOR DEFENDANTS 2 JAMES H. LUCAS, in his official 3 capacity as Speaker of the House of 4 Representatives; CHRIS MURPHY, in his 5 official capacity as Chairman of the 6 House of Representatives Judiciary 7 Committee; WALLACE H. JORDAN, in his 8 official capacity as Chairman of the 9 House of Representatives Elections Law 10 Subcommittee: 11 12 NEXSEN PRUET 13 BY: ANDREW MATHIAS 14 104 South Main Street 15 Suite 900 16 Greenville, SC 29601 17 (864) 282-1195 18 Amathias@nexsenpruet.com 19 20 ATTORNEYS FOR DEFENDANTS 21 JOHN WELLS, Chair, JOANNE DAY, CLIFFORD 22 J. EDLER, LINDA McCALL, and SCOTT 23 MOSELEY, in their official capacities 24 as members of the South Carolina 25 Election Commission: BURR &amp; FORMAN BY: JANE W. TRINKLEY MICHAEL R. BURCHSTEAD 1221 Main Street Suite 1800 Columbia, SC 29201 (803) 753-3241 Jtrinkley@burr.com Mburchstead@burr.com ALSO PRESENT VIA VIDEOCONFERENCE: MARGARET LEATHERWOOD CYNDI NYGORD  (INDEX AT REAR OF TRANSCRIPT)</p>	<p>Page 5</p> <p>1 W-I-L-L-I-A-M is the first name. Last name is 2 Roberts, R-O-B-E-R-T-S. 3 Q. Great. Thank you. 4 MR. CUSICK: And I'll just take a 5 moment now, if everybody in the virtual room, if 6 you will, who is planning to make an appearance, 7 will do so in a moment. 8 And I'll start with any of your counsel 9 in your room, Mr. Roberts. 10 MR. GORE: Good morning. This is John 11 Gore of Jones Day for senate defendants Rankin and 12 Alexander. 13 MR. TYSON: And Rob Tyson. I'm with 14 John and Will. 15 MR. MATHIAS: And this is Andrew 16 Mathias with Nexsen Pruet on behalf of the 17 individual house defendants. With me in the room 18 is Meg Leatherwood, who's a Georgetown law student 19 and summer associate with us at Nexsen Pruet. 20 MS. TRINKLEY: This is Jane Trinkley 21 with Burr &amp; Forman. I represent the election 22 defendants. 23 MR. DERIEUX: Hi. This is Adriel 24 Cepeda of the ACLU, also representing the 25 plaintiffs.</p>

<p style="text-align: right;">Page 14</p> <p>1 maps?</p> <p>2 A. Yes.</p> <p>3 Q. Did you discuss any maps that were</p> <p>4 produced during that conversation not by members of</p> <p>5 the senate?</p> <p>6 A. Could you clarify what you mean by,</p> <p>7 discuss the maps?</p> <p>8 Q. I might have misheard you, but you</p> <p>9 talked about timelines for when you received maps</p> <p>10 or proposed maps; is that right?</p> <p>11 A. That's correct.</p> <p>12 Q. And did that include all maps that were</p> <p>13 submitted during the congressional redistricting</p> <p>14 cycle or just maps proposed or created by the</p> <p>15 senate?</p> <p>16 A. That would have been -- it would have</p> <p>17 been maps from outside parties.</p> <p>18 Q. And who would those outside parties</p> <p>19 have been?</p> <p>20 A. I don't recall the exact name of the</p> <p>21 organization that submitted them.</p> <p>22 Q. Do you know what a type of -- let me</p> <p>23 rephrase that.</p> <p>24 Was it a partisan organization?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 16</p> <p>1 process.</p> <p>2 Q. Do you recall how many maps were</p> <p>3 submitted?</p> <p>4 A. I believe there was three.</p> <p>5 Q. Three maps? Do you recall the timeline</p> <p>6 for when they were shared with you?</p> <p>7 A. I know that two maps were sent at first</p> <p>8 and then a third map was sent later on. I do not</p> <p>9 know the timeline of when that occurred or where we</p> <p>10 were in the process.</p> <p>11 Q. Would Mr. Fiffick have a better</p> <p>12 understanding of the timeline?</p> <p>13 A. They were sent to him, so I would</p> <p>14 assume he has documentation of when those were</p> <p>15 sent.</p> <p>16 Q. And then he forwarded those maps to</p> <p>17 you?</p> <p>18 A. We tried to forward them over to us to</p> <p>19 load them into the computer, but something was</p> <p>20 going on with the email accounts, but somehow we</p> <p>21 got them loaded into the computer to review.</p> <p>22 Q. Were they shared via Google Drive?</p> <p>23 A. I'm not sure how they were shared.</p> <p>24 Q. Do you have an understanding of this</p> <p>25 lawsuit at all?</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Would it have been the National</p> <p>2 Republican Redistricting Trust?</p> <p>3 A. Yes.</p> <p>4 Q. And why did you talk about the timeline</p> <p>5 for that submission of that map?</p> <p>6 A. We couldn't remember when those maps</p> <p>7 were submitted.</p> <p>8 Q. Have you been in contact with anyone</p> <p>9 from the National Republican Redistricting Trust?</p> <p>10 A. No.</p> <p>11 Q. Do you know who Mr. Adam Kincaid is?</p> <p>12 A. I've heard the name. Never spoke to</p> <p>13 him. Don't know who he is.</p> <p>14 Q. Did Mr. Fiffick share maps with you</p> <p>15 that were proposed by the National Republican</p> <p>16 Redistricting Trust?</p> <p>17 A. Yes.</p> <p>18 Q. And that was during the redistricting</p> <p>19 cycle?</p> <p>20 A. That's correct.</p> <p>21 Q. Did the discussion concern any other</p> <p>22 maps outside of those that were produced by the</p> <p>23 National Republican Redistricting Trust?</p> <p>24 A. No. We were just trying to get a</p> <p>25 timeline of when they were submitted in the</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Not really.</p> <p>2 Q. Are you familiar with the claims that</p> <p>3 are being alleged by plaintiffs?</p> <p>4 A. I don't know what the claims are. I</p> <p>5 haven't read the lawsuit.</p> <p>6 Q. Have you been deposed before?</p> <p>7 A. Yes.</p> <p>8 Q. In a personal or professional capacity?</p> <p>9 A. A professional capacity.</p> <p>10 Q. When was that?</p> <p>11 A. Several years ago. I don't know the</p> <p>12 exact year.</p> <p>13 Q. What was the nature of the dispute?</p> <p>14 A. So the previous office that I worked</p> <p>15 for was required to run election reports, and what</p> <p>16 we would do is, we would take the voter file from</p> <p>17 the state election commission and we would run that</p> <p>18 through our GIS system. And what that would</p> <p>19 produce is a map -- or actually map the individual</p> <p>20 voters of the voter file so that we could compare</p> <p>21 the districts that they were assigned to, to what</p> <p>22 districts that they actually fell in on the map.</p> <p>23 And so we began this process back</p> <p>24 probably mid-2000s. And so there was a budget</p> <p>25 proviso put into the budget that required us to</p>

5 (Pages 14 - 17)

<p style="text-align: right;">Page 78</p> <p>1 A. Yes.</p> <p>2 Q. And who gave you that instruction?</p> <p>3 A. That would have been a request by</p> <p>4 Congressman Clyburn.</p> <p>5 Q. Sorry. I think the...</p> <p>6 (Off-the-record conference to address a</p> <p>7 technical issue)</p> <p>8 BY MR. CUSICK:</p> <p>9 Q. Unfortunately, I'll have to repeat this</p> <p>10 question just to make sure we're on the same page</p> <p>11 for setting these other ones up.</p> <p>12 We were talking about what you said, an</p> <p>13 instruction from Representative Clyburn. Do you</p> <p>14 recall that?</p> <p>15 A. That's cor- -- yes.</p> <p>16 Q. And could you repeat the instruction</p> <p>17 that you said you were given?</p> <p>18 A. They were looking for a minimal-change</p> <p>19 plan.</p> <p>20 Q. You said, least-change plan?</p> <p>21 A. Minimal-change plan, yes.</p> <p>22 Q. Minimal-change plan.</p> <p>23 Was that specific to Congressional</p> <p>24 District Six or for all congressional districts?</p> <p>25 A. I'm not really sure.</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Got it.</p> <p>2 Was the map that they provided ever</p> <p>3 publically posted?</p> <p>4 A. No, it was not.</p> <p>5 Q. Did you share it with any members of</p> <p>6 the redistricting subcommittee?</p> <p>7 A. I don't recall.</p> <p>8 Q. Do you know who would recall?</p> <p>9 A. Possibly Andy or Charlie.</p> <p>10 Q. Why wouldn't you post a map that was</p> <p>11 proposed online to the portal?</p> <p>12 A. It was not submitted through the</p> <p>13 portal, and it was an eight-and-a-half-by-eleven</p> <p>14 printed sheet of paper.</p> <p>15 Q. Would it have been possible to ask for</p> <p>16 a map to upload publicly?</p> <p>17 A. Possibly.</p> <p>18 Q. So were maps that were only submitted</p> <p>19 through the portal publicly uploaded?</p> <p>20 A. I'd have to go back and look and see</p> <p>21 what's up on the web now. I can't recall.</p> <p>22 Q. Could it have been scanned and</p> <p>23 uploaded?</p> <p>24 A. That's possible, yes.</p> <p>25 Q. Do you think it would have been</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. You didn't ask any questions to follow</p> <p>2 up?</p> <p>3 A. No. They had brought us a map of what</p> <p>4 they proposed as far as the district, and from what</p> <p>5 we could tell looking at the map, it was a</p> <p>6 minimal-change district just for the sixth</p> <p>7 congressional district, or for Senator --</p> <p>8 Congressman Clyburn's district.</p> <p>9 Q. And just so the record's clear, you</p> <p>10 said when you looked, it looked like a</p> <p>11 minimal-change plan. Did they actually ever say it</p> <p>12 was a minimal-change plan?</p> <p>13 A. Yes. Yes, they -- that's what they</p> <p>14 requested.</p> <p>15 Q. And was this specific to just</p> <p>16 Congressional District Six, the map that you were</p> <p>17 shown?</p> <p>18 A. It was of just Congressional District</p> <p>19 Six. That's correct.</p> <p>20 Q. So was the instruction by -- that you</p> <p>21 understood for minimal change just related to</p> <p>22 Congressional District Six?</p> <p>23 A. Yes, as well as the seventh</p> <p>24 congressional district, which we were told, don't</p> <p>25 mess with the seventh congressional district.</p>	<p style="text-align: right;">Page 81</p> <p>1 appropriate for members of the public to understand</p> <p>2 a map that was proposed by a congressman?</p> <p>3 A. Was not my call to make.</p> <p>4 Q. Whose call was it to make?</p> <p>5 A. Either Andy or Charlie.</p> <p>6 Q. Who made the call?</p> <p>7 A. I don't recall.</p> <p>8 Q. Based on your experience in drawing</p> <p>9 maps, do you think it's helpful to share plans that</p> <p>10 might be being considered as you're drawing maps</p> <p>11 with members of the public?</p> <p>12 A. Yes.</p> <p>13 Q. What are the benefits of that?</p> <p>14 A. Provide -- get public input back on --</p> <p>15 and feedback back on the map.</p> <p>16 Q. Did you ever share with any members of</p> <p>17 the public that you were instructed to draw a</p> <p>18 minimal change for Congressional District Six?</p> <p>19 A. Yes. I believe it was in public</p> <p>20 testimony when we rolled out the senate staff plan.</p> <p>21 Q. That you were instructed by</p> <p>22 Representative Clyburn's office to draw a</p> <p>23 minimal-change map for CD Six?</p> <p>24 A. I don't think we -- I did not state</p> <p>25 that it was from Congressman Clyburn to draw a</p>

<p style="text-align: right;">Page 110</p> <p>1 Q. Did you expect members to ask for BVAP 2 breakdowns?</p> <p>3 A. Yes. We produce those reports as well.</p> <p>4 Q. Who made the request for breakdowns for 5 the data -- for the partisan breakdown data from 6 the subcommittee?</p> <p>7 A. I know for a fact that Senator Campsen 8 requested it, but I believe -- I'd have to go back 9 and look at the notes. I think everybody is 10 provided with the same information. But there was 11 some specific request from Senator Campsen for the 12 information.</p> <p>13 Q. Did you make it aware to all 14 subcommittee members that you had access to this 15 data?</p> <p>16 A. Yes.</p> <p>17 Q. Was that conveyed via email or other 18 means?</p> <p>19 A. I don't remember how it was conveyed to 20 the members, but everybody knew that we had 21 political data.</p> <p>22 Q. I think you mentioned that you saw data 23 for the most recent election returns. Did I hear 24 that right?</p> <p>25 A. Yes. We had election data for the 2020</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Did anybody else make specific requests 2 for certain data like the one you mentioned with 3 Senator Campsen throughout the process?</p> <p>4 A. When we discussed maps with members, 5 that was something we typically discussed with 6 them, was the 2020 election performance in each of 7 the districts.</p> <p>8 Q. You recall discussions with Senator 9 Campsen. Any other discussions about political 10 performance that you participated in with other 11 members?</p> <p>12 A. Yeah. I had a conversation with 13 Senator Grooms. We had two maps that we were 14 looking at, trying to get some feedback on from 15 him. There was two maps. One of them had a 16 smaller Trump -- republican percentage number in 17 the first congressional district than the other. 18 We showed Senator Grooms both maps. He said he 19 liked both of them very much, but only one of them 20 was going to pass the South Carolina general 21 assembly.</p> <p>22 Q. Do you have any sense why he liked one 23 map more than the other?</p> <p>24 A. He said he liked both maps the same, 25 but one was going to pass the South Carolina</p>
<p style="text-align: right;">Page 111</p> <p>1 presidential election, as well as the 2016 election 2 cycle as well. I believe it might have been -- I 3 think we had 2020 presidential and senate, and I 4 don't recall exactly what was on the 2016, because 5 we relied heavily on the 2020 presidential election 6 results in the construction of the plans.</p> <p>7 Q. Did you request any primary election 8 results?</p> <p>9 A. I don't recall at this moment.</p> <p>10 Q. Do you know who would recall?</p> <p>11 A. The request for the data from Clark 12 either came from Charlie or Andy.</p> <p>13 Q. And so just to help my own orientation, 14 before any maps were drawn, what information was 15 provided -- what data sources were the 16 redistricting subcommittee made aware of that they 17 could have access to?</p> <p>18 A. We had the 2020 census data and we 19 had -- we had the political data for 2020 and 2016. 20 I just don't know if the members were told that up 21 front or not.</p> <p>22 Q. At any point, did you prepare packets 23 with all of that information based on the maps you 24 drew for all the members to assess?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 113</p> <p>1 general assembly and one wasn't.</p> <p>2 Q. Did he explain why one was and one 3 wasn't?</p> <p>4 A. He did. He said that the map that had 5 the lower republican -- the lower Trump number 6 would not have passed the South Carolina general 7 assembly.</p> <p>8 Q. Was this the only political data that 9 you had access to for congressional redistricting, 10 was what was provided by Mr. Benson -- or was it 11 Mr. Benson? Sorry.</p> <p>12 A. That was the only data that we actually 13 loaded into the mapping system. The state election 14 commission has a large database of previous 15 election results that we downloaded but never 16 pulled into a mapping format.</p> <p>17 Q. Did you have any other contact with any 18 other senators outside of Senator Grooms who are 19 not part of the redistricting subcommittee about 20 congressional redistricting?</p> <p>21 A. Not that I can recall at this moment.</p> <p>22 Q. Do you know if Mr. Terreni or other 23 folks were involved in any, and then you received 24 information about those conversations or contact?</p> <p>25 A. You'd have to ask them.</p>

<p style="text-align: right;">Page 134</p> <p>1 A. It's something we took under 2 consideration in drafting the maps. 3 MR. CUSICK: I'm now going to mark an 4 email from Madison Faulk to Maxine Henry titled, 5 meeting minutes, which includes attachments of 6 meeting minutes. It's from public hearings Bates 7 stamp numbering, South Carolina Senate ending in 8 24941 through 24942 as Plaintiff's Exhibit 7. I'll 9 pull it up on the screen in a moment. 10 DEFENSE COUNSEL: Which tab is it, 11 John? 12 MR. CUSICK: This should be Tab 30. 13 (PLF. EXHIBIT 7, EMAIL RE: MEETING 14 MINUTES AND ATTACHMENT, was marked for 15 identification.) 16 BY MR. CUSICK: 17 Q. So the first page is an email between 18 Madison Faulk and Maxine Henry. And then the 19 second is just the first page of a summary of 20 testimony at some of these hearings, just the 21 August 2nd one. I will not be going over each one, 22 just a general placeholder here for you. 23 I just want to see, do you recall at 24 all ever seeing these summaries for any of the 25 hearings?</p>	<p style="text-align: right;">Page 136</p> <p>1 which public comments influenced which lines. 2 Q. And so did you go back and review 3 public comments? 4 A. No. It was just something that we 5 picked up, that I can recall, during public 6 testimony. 7 Q. Do you recall if there was a transcript 8 at all created, documenting all the public 9 comments? 10 A. I know there was a court reporter 11 present at the meetings. 12 Q. Do you think it would have been 13 beneficial to hold additional hearings after the 14 redistricting criteria was adopted by the senate? 15 A. That wasn't a decision that would have 16 been up to me to make. 17 Q. Even if it wasn't your decision, would 18 it have been helpful, based on your experience as a 19 map drawer? 20 A. I'd say, not really, because a lot of 21 the public comments we got was complaining about 22 the redistricting process. It wasn't really 23 helpful when we were out -- from a mapping 24 standpoint, I was out there to find out what the 25 community's interests were from the public, and all</p>
<p style="text-align: right;">Page 135</p> <p>1 A. Yeah, I don't recall looking at these 2 written summaries. 3 Q. Did you take notes during the public 4 hearings that you attended? 5 A. Not that I recall, no. 6 Q. How did you keep track of testimony and 7 other things that were commented during the 8 hearings to make sure you were incorporating that 9 in any work that you conducted? 10 A. Could you repeat that question? 11 Q. You said you don't recall if you took 12 notes? 13 A. I did not take notes. 14 Q. Did not take notes. 15 My question, then, was, what did you do 16 to keep track of the information that was being 17 disclosed at these hearings? 18 A. I just listened to the public testimony 19 that was given. 20 Q. And so could you walk me through how 21 the public testimony from these ten hearings 22 factored into the maps that you drew for 23 congressional redistricting? 24 A. If I had a copy of the map in front of 25 me, I could walk you through the map and tell you</p>	<p style="text-align: right;">Page 137</p> <p>1 we got was a lot of feedback that they didn't like 2 the process, that it was rigged, and there was a 3 negative sentiment from the public. We really 4 didn't even make it out on the floor as a 5 cartographer. 6 Q. So in these ten hearings, you said you 7 didn't get many information that you relied on as a 8 cartographer? 9 A. That's correct. 10 Q. And so what did you look to outside of 11 these hearings for assessing public input or public 12 comments to help you as a cartographer in drawing 13 congressional redistricting maps? 14 A. Really just relied upon the public 15 comments at these hearings. 16 Q. You heard complaints, you said, about 17 the process being rigged? 18 A. Yeah, some of the -- being 19 nontransparent and behind closed doors. 20 Q. Did you hear any complaints that were 21 similar after those hearings about the process not 22 being transparent? 23 A. I don't recall. 24 Q. Do you think it would have been 25 helpful, providing those instructions you received</p>



<p style="text-align: right;">Page 166</p> <p>1 criteria that didn't involve legal questions?</p> <p>2 A. Not that I can recall.</p> <p>3 Q. Do you know if any assessment of</p> <p>4 whether this map complied with the Voting Rights</p> <p>5 Act was conducted?</p> <p>6 A. I have no idea.</p> <p>7 Q. Did you take any steps from a technical</p> <p>8 side to ensure that this map complied with</p> <p>9 redistricting criteria?</p> <p>10 A. We ran a continuity check on it to make</p> <p>11 sure everything was contiguous according to the</p> <p>12 software algorithm, made sure that everything was</p> <p>13 also assigned so there was no unassigned population</p> <p>14 in the map. And that's all I can recall at this</p> <p>15 moment.</p> <p>16 Q. Even if you didn't conduct an RPV</p> <p>17 analysis, do you know if any was contemplated or</p> <p>18 conducted on this map, or for this map?</p> <p>19 A. I don't know.</p> <p>20 Q. Have you heard the term, effectiveness</p> <p>21 analysis?</p> <p>22 A. No, I have not.</p> <p>23 Q. If I explained it as a study of two or</p> <p>24 more redistricting plans using a set of metrics to</p> <p>25 assess opportunities for voters, does that at all</p>	<p style="text-align: right;">Page 168</p> <p>1 conducted for how this map might compare to other</p> <p>2 ones that were proposed by members of the public?</p> <p>3 A. Not that I'm aware of. We had no set</p> <p>4 target or benchmark that we were trying to draw to</p> <p>5 as far as racial make-up.</p> <p>6 Q. How did you determine what the BVAP</p> <p>7 would be in each district?</p> <p>8 A. There was no set target we were trying</p> <p>9 to get to for the BVAP in each district. That's</p> <p>10 just the calculation the software provides once the</p> <p>11 district's drawn.</p> <p>12 Q. But it would be fair to say that you</p> <p>13 can control what those targets were based on the</p> <p>14 districts you were proposing in Maptitude?</p> <p>15 DEFENSE COUNSEL: Objection.</p> <p>16 Mischaracterizes testimony.</p> <p>17 A. Can you repeat that one more time?</p> <p>18 Q. Yeah. I was saying that, the BVAP</p> <p>19 would change based on edits you were making in the</p> <p>20 Maptitude software, right?</p> <p>21 A. That's correct.</p> <p>22 Q. Was there any discussion on what the</p> <p>23 BVAP should be in CD Six, whether it should</p> <p>24 increase, decrease, or stay the same compared to</p> <p>25 the benchmark plan?</p>
<p style="text-align: right;">Page 167</p> <p>1 seem consistent or accurate with anything you've</p> <p>2 heard about it?</p> <p>3 A. Can you say that one more time?</p> <p>4 Q. I guess maybe a simpler way is, were</p> <p>5 there any assessments conducted that compared two</p> <p>6 maps for how they might perform for certain voters?</p> <p>7 A. We did compare -- we did do sheets and</p> <p>8 reports comparing this map to the benchmark map.</p> <p>9 Q. On what metrics for the comparison</p> <p>10 purposes?</p> <p>11 A. Looked at population, looked at racial</p> <p>12 make-up of the districts, as well as partisan</p> <p>13 numbers.</p> <p>14 Q. And for the partisan numbers, was that</p> <p>15 based on the 2020 presidential elections?</p> <p>16 A. Primarily, yes.</p> <p>17 Q. Any other elections?</p> <p>18 A. We did have 2016 data, but I don't</p> <p>19 believe it was used in any kind of analysis.</p> <p>20 Q. We talked earlier about assessments to</p> <p>21 see if maps might perform for racial minorities to</p> <p>22 elect candidates of their choice.</p> <p>23 Do you recall that discussion?</p> <p>24 A. Yes.</p> <p>25 Q. Were any assessments along those lines</p>	<p style="text-align: right;">Page 169</p> <p>1 A. Not that I recall.</p> <p>2 Q. Was there any district-by-district</p> <p>3 analysis conducted for each of these before the map</p> <p>4 was publicly posted?</p> <p>5 A. Not that I can recall at this point.</p> <p>6 Q. I heard you say that there weren't any</p> <p>7 targets for BVAP, but were there any other</p> <p>8 discussions about increasing or decreasing BVAP in</p> <p>9 districts outside of CD Six?</p> <p>10 A. Not that I can recall.</p> <p>11 Q. If you kept the core districts the same</p> <p>12 or under a minimal change, would you agree that the</p> <p>13 BVAP would likely stay the same in a congressional</p> <p>14 district?</p> <p>15 A. Say that for me one more time.</p> <p>16 Q. Would you agree that if you were trying</p> <p>17 to retain core constituency or a minimal-change</p> <p>18 map, that you would expect the BVAP within</p> <p>19 congressional districts to relatively be the same</p> <p>20 compared to a benchmark plan?</p> <p>21 DEFENSE COUNSEL: Objection.</p> <p>22 Foundation.</p> <p>23 A. It would depend on the geography -- it</p> <p>24 would depend on the population which you were</p> <p>25 moving into and out of districts.</p>



<p style="text-align: right;">Page 178</p> <p>1 Q. As you were drawing these, did you look</p> <p>2 at any statewide or county-level voting patterns?</p> <p>3 A. We looked at the political information</p> <p>4 typically at the VTD level when making these</p> <p>5 changes.</p> <p>6 Q. Did you share with any redistricting</p> <p>7 subcommittee members that there was a goal to</p> <p>8 maximize CD One as republican-leaning?</p> <p>9 A. Can you repeat that question?</p> <p>10 Q. Did you share with any of the</p> <p>11 redistricting subcommittee members a goal to</p> <p>12 maximize CD One to be republican-leaning compared</p> <p>13 to the benchmark plan?</p> <p>14 A. I don't recall.</p> <p>15 Q. Do you think it would have been</p> <p>16 helpful?</p> <p>17 A. Possibly.</p> <p>18 Q. And why?</p> <p>19 A. To explain some of the questions we got</p> <p>20 about the way the map worked.</p> <p>21 Q. Do you recall your testimony earlier</p> <p>22 about the process being rigged that you heard</p> <p>23 during public comments?</p> <p>24 A. Could you repeat that again?</p> <p>25 Q. Do you recall what we discussed earlier</p>	<p style="text-align: right;">Page 180</p> <p>1 Q. Was there an instruction not to use or</p> <p>2 to look at race?</p> <p>3 DEFENSE COUNSEL: Objection. Asked and</p> <p>4 answered.</p> <p>5 A. No, there was no direction not to look</p> <p>6 at it.</p> <p>7 Q. And this just might be my own naivety</p> <p>8 with the software, but is this there -- do you have</p> <p>9 to turn on displays of different demographic</p> <p>10 categories that are included in the Maptitude</p> <p>11 software when you're making changes?</p> <p>12 A. Yes, it's possible to do that.</p> <p>13 Q. And so, I guess, what's displayed on</p> <p>14 the screen when you're making the changes for</p> <p>15 potential demographic categories that could be</p> <p>16 shown?</p> <p>17 A. What we used was basically the total</p> <p>18 population and the percent -- yeah, percent Biden</p> <p>19 number, the percent Trump number when we were</p> <p>20 drawing.</p> <p>21 Q. And so after this initial proposal was</p> <p>22 finalized, was there any discussion of BVAP among</p> <p>23 the districts before it was publicly posted?</p> <p>24 A. Not that I can recall right now.</p> <p>25 Q. Who do you consider the primary</p>
<p style="text-align: right;">Page 179</p> <p>1 about the redistricting process being rigged that</p> <p>2 members of the public expressed at different</p> <p>3 hearings?</p> <p>4 A. Yes.</p> <p>5 Q. Do you think it would have been helpful</p> <p>6 to share that a goal of CD One was maximizing it</p> <p>7 being republican-leaning?</p> <p>8 A. I wouldn't say the goal is for us to</p> <p>9 maximize this. There's other ways to draw it which</p> <p>10 we could have maximized the republican -- I</p> <p>11 wouldn't say this is the maximization republican</p> <p>12 plan from the first, but it was drawn not to dilute</p> <p>13 the republican percentage in the first.</p> <p>14 Q. And how did you go on about assessing</p> <p>15 dilution of republican voters?</p> <p>16 A. We looked at the benchmark performance</p> <p>17 compared to the map that we were putting together.</p> <p>18 Q. When you were looking at specific VTDs</p> <p>19 that you were moving in and out, did you at all</p> <p>20 look at race of the voters within those VTDs?</p> <p>21 A. No, we did not. We looked strictly at</p> <p>22 the 2020 presidential election results.</p> <p>23 Q. Was it possible to look at race based</p> <p>24 on the software you were using?</p> <p>25 A. That was possible, yes.</p>	<p style="text-align: right;">Page 181</p> <p>1 decision-makers for this proposal?</p> <p>2 A. That would have been the core</p> <p>3 redistricting group of Mr. Terreni, Andy Fiffick,</p> <p>4 myself, Breedon John, Paula Benson.</p> <p>5 Q. I'll take this map down for a second.</p> <p>6 And so after the map's published on</p> <p>7 November 23rd, the senate redistricting</p> <p>8 subcommittee then holds a hearing on November 29th.</p> <p>9 Do you recall that?</p> <p>10 A. Yes, I do.</p> <p>11 Q. For that hearing, were you asked to</p> <p>12 conduct any outreach to members of the public?</p> <p>13 A. I don't recall if I was or not.</p> <p>14 Q. For that hearing, did you prepare any</p> <p>15 materials?</p> <p>16 A. I would have prepared the maps and</p> <p>17 stats as well as copies of the reports, but I don't</p> <p>18 remember if we put anything together or not other</p> <p>19 than that. I can't recall.</p> <p>20 Q. Were you asked by anybody to speak at</p> <p>21 the hearing?</p> <p>22 A. I believe I gave an overview -- I'd</p> <p>23 have to go back and look at the transcript. I</p> <p>24 believe I gave an overview of the staff plan.</p> <p>25 Q. We can -- probably helpful to pull that</p>

<p style="text-align: right;">Page 198</p> <p>1 between the two of us. And that was also known to</p> <p>2 the redistricting staff, as we produced several</p> <p>3 reports for him to take a look at the numbers as</p> <p>4 far as the percentage make-up of the Charleston</p> <p>5 Coun- -- or of the First -- sorry -- the percentage</p> <p>6 make-up of how much of Charleston County was in the</p> <p>7 first congressional district, population-wise.</p> <p>8 Q. Do you recall generally when that</p> <p>9 meeting -- or that phone call -- that phone call</p> <p>10 occurred?</p> <p>11 A. I do not remember the exact time frame.</p> <p>12 I really...</p> <p>13 Q. Was there --</p> <p>14 A. I don't know.</p> <p>15 Q. Was there any discussion with Senator</p> <p>16 Campsen about the total populations or BVAP?</p> <p>17 A. No, not with BVAP. The total</p> <p>18 populations were going to be the same across the</p> <p>19 board between all the districts as they were. It</p> <p>20 was just how much of Charleston County was going</p> <p>21 into the First.</p> <p>22 Q. Got it.</p> <p>23 Did he ask you to do any follow-up</p> <p>24 steps based on that conversation?</p> <p>25 A. Can you clarify what you mean by,</p>	<p style="text-align: right;">Page 200</p> <p>1 it might be. I might have mislabeled this one.</p> <p>2 Do you want to just take a minute to</p> <p>3 review this, what's on the screen, if helpful?</p> <p>4 DEFENSE COUNSEL: Is this on the</p> <p>5 website, John?</p> <p>6 MR. CUSICK: Yeah, this is pulled</p> <p>7 directly from the senate -- it's a press release</p> <p>8 from the senate redistricting subcommittee.</p> <p>9 DEFENSE COUNSEL: I'm handing Will my</p> <p>10 computer. I just pulled it up --</p> <p>11 MR. CUSICK: Perfect.</p> <p>12 DEFENSE COUNSEL: -- so he can see it</p> <p>13 on the screen as well.</p> <p>14 BY MR. CUSICK:</p> <p>15 Q. And so here, it states in the first</p> <p>16 sentence, the senate redistricting subcommittee has</p> <p>17 posted two proposed congressional plans to be</p> <p>18 considered, one of which was referred to generally</p> <p>19 as the senate amendment one plan and the other was</p> <p>20 by Senator Harpootlian.</p> <p>21 Do you recall that?</p> <p>22 A. I'd have to go back and look at what's</p> <p>23 posted online. I don't -- I couldn't tell you what</p> <p>24 these were referring to in this, which two plans.</p> <p>25 Q. After the initial staff plan, did you</p>
<p style="text-align: right;">Page 199</p> <p>1 follow-up steps?</p> <p>2 Q. Or, I guess, was there any discussion</p> <p>3 on how that might impact the maps you were drawing</p> <p>4 or working on?</p> <p>5 A. Yeah. So there were multiple maps that</p> <p>6 we had that he was contemplating against -- about</p> <p>7 and, you know, one of them had more of Charleston</p> <p>8 County in the First, which brought the republican</p> <p>9 performance down. One of them had more of</p> <p>10 Charleston County in the Sixth, which increased the</p> <p>11 Trump performance in the First.</p> <p>12 MR. CUSICK: Now I'm going to bring up,</p> <p>13 mainly just for ease of reference purposes, a press</p> <p>14 release by the Senate Judiciary Committee as</p> <p>15 Plaintiff's Exhibit 20. That's on the senate</p> <p>16 redistricting site.</p> <p>17 (PLF. EXHIBIT 20, SENATE JUDICIARY</p> <p>18 COMMITTEE PRESS RELEASE, was marked for</p> <p>19 identification.)</p> <p>20 BY MR. CUSICK:</p> <p>21 Q. Can you see this okay, Mr. Roberts?</p> <p>22 A. Yes.</p> <p>23 DEFENSE COUNSEL: Do you have a tab</p> <p>24 number for this?</p> <p>25 MR. CUSICK: I'm trying to find where</p>	<p style="text-align: right;">Page 201</p> <p>1 work on a second map that was publicly posted and</p> <p>2 shared?</p> <p>3 A. Yes. That would have been the senate</p> <p>4 amendment one plan.</p> <p>5 Q. Yeah.</p> <p>6 And can you walk me -- who was involved</p> <p>7 in the senate amendment one plan's creation?</p> <p>8 A. That would have been the core</p> <p>9 redistricting group of Andy Fiffick, Charlie</p> <p>10 Terreni, myself, Breeden John, and Paula Benson.</p> <p>11 Q. Anyone else?</p> <p>12 A. Possibly Maura Baker or Madison Faulk.</p> <p>13 They were in and out of the room.</p> <p>14 Q. And were there any differences in the</p> <p>15 data you had available to you for the creation</p> <p>16 of -- or the creation of that map versus the senate</p> <p>17 staff plan?</p> <p>18 A. Not that I can recall. I think we used</p> <p>19 the same data throughout the redistricting process.</p> <p>20 Q. Did you rely on the same priority</p> <p>21 criteria in drawing that map?</p> <p>22 A. The map that was released as senate</p> <p>23 amendment one was -- had the same criteria,</p> <p>24 especially the don't touch the Seventh, Congressman</p> <p>25 Clyburn wants a minimal change, Joe Wilson wants</p>

<p style="text-align: right;">Page 202</p> <p>1 Fort Jackson, and don't go to Beaufort.</p> <p>2 And then we took -- and that created</p> <p>3 the original staff plan, and then we took the</p> <p>4 public input that we received on the original staff</p> <p>5 plan and made some modifications to the staff plan</p> <p>6 to create this one.</p> <p>7 Q. Got it.</p> <p>8 Did any members -- any senate</p> <p>9 redistricting subcommittee members have input in</p> <p>10 this -- in senate amendment one?</p> <p>11 A. Senator Campsen -- this is the one --</p> <p>12 this is -- Senator Campsen possibly could have had</p> <p>13 some input on this, this being the vehicle that was</p> <p>14 moving forward.</p> <p>15 Q. Anyone else outside of Senator Campsen</p> <p>16 that's part of the redistricting subcommittee?</p> <p>17 A. Not that I can recall.</p> <p>18 Q. And this is mainly just to make sure I</p> <p>19 know if there are any differences, but were there</p> <p>20 any changes in who was responsible for providing</p> <p>21 legal advice on this proposal based on the initial</p> <p>22 staff plan?</p> <p>23 A. Can you repeat that one more time?</p> <p>24 Q. Any differences in the make-up of</p> <p>25 people who might have provided legal advice on this</p>	<p style="text-align: right;">Page 204</p> <p>1 it was publicly posted?</p> <p>2 A. I don't recall. I can't remember.</p> <p>3 Q. I think I know the answer to this, but</p> <p>4 I've just got to run it down.</p> <p>5 For assessing compliance with the</p> <p>6 public redistricting guidelines, would that have</p> <p>7 remained the same with Mr. Terreni and Mr. Fiffick,</p> <p>8 and potentially outside counsel like Mr. Gore?</p> <p>9 A. The criteria would have remained the</p> <p>10 same throughout the entire process.</p> <p>11 Q. And apologies. Probably a bad question</p> <p>12 on my end.</p> <p>13 For the people who are making</p> <p>14 determinations with whether a plan complied with</p> <p>15 the criteria, would that have been the same folks</p> <p>16 of Mr. Terreni and Mr. Fiffick and any outside</p> <p>17 counsel like potentially Mr. Gore?</p> <p>18 A. They would have been the ones to make</p> <p>19 sure that the map complied with the criteria, yes.</p> <p>20 They would have done the legal analysis.</p> <p>21 Q. I won't run down all the different</p> <p>22 tests I asked you about the first time with RPV and</p> <p>23 district by district, but were there any reports or</p> <p>24 analyses that were conducted on this plan that were</p> <p>25 different or not conducted on the initial senate</p>
<p style="text-align: right;">Page 203</p> <p>1 proposal compared to the initial staff plan?</p> <p>2 A. I don't believe so. The staff remained</p> <p>3 the same throughout the entire redistricting</p> <p>4 process.</p> <p>5 Q. Now, that Senator Campsen was involved</p> <p>6 in this process -- I know we talked earlier that</p> <p>7 Mr. Terreni kind of had the final responsibility on</p> <p>8 certain decisions being made.</p> <p>9 Did that change at all with this plan,</p> <p>10 given Senator Campsen might have had some input?</p> <p>11 A. Can you repeat that one more time?</p> <p>12 Q. Got it.</p> <p>13 Was Mr. Terreni -- or, I guess, who had</p> <p>14 primary responsibility for final decisions over the</p> <p>15 way certain districts were drawn in this plan?</p> <p>16 A. That would have been senators</p> <p>17 themselves.</p> <p>18 Q. The full senate subcommittee?</p> <p>19 A. The subcommittee -- the senate</p> <p>20 subcommittee would have voted on the plan, but this</p> <p>21 is what came out of the changes that were made to</p> <p>22 the staff plan from the public input.</p> <p>23 Q. Did you provide or did the core</p> <p>24 redistricting team provide senate amendment one to</p> <p>25 all the redistricting subcommittee members before</p>	<p style="text-align: right;">Page 205</p> <p>1 staff plan?</p> <p>2 A. I'd have to go back and look at all the</p> <p>3 notes and the stat sheets and everything. I can't</p> <p>4 recall what was done on which plan.</p> <p>5 Q. Were there any discussions about</p> <p>6 maintaining, increasing, or decreasing BVAP in any</p> <p>7 of these districts?</p> <p>8 A. Not that I can recall.</p> <p>9 Q. What about how districts might perform</p> <p>10 for black-preferred candidates?</p> <p>11 A. I don't recall any -- any discussion</p> <p>12 about that.</p> <p>13 Q. Could you talk a little bit about how</p> <p>14 public input was incorporated, who made</p> <p>15 determinations for what comments were incorporated?</p> <p>16 A. Certainly.</p> <p>17 At the public hearing that we had on</p> <p>18 the original staff plan, there was a lot of public</p> <p>19 comments we received. One in particular was Joe</p> <p>20 Cunningham, former congressman from the first</p> <p>21 congressional district. He spoke at great length</p> <p>22 about the plan and how it divided communities of</p> <p>23 interest in the Charleston area, how it was drawn</p> <p>24 around racial lines.</p> <p>25 And so we took that into consideration</p>

<p style="text-align: right;">Page 206</p> <p>1 and moved the lines to follow the natural</p> <p>2 geographic features around Charleston County.</p> <p>3 Q. Anything else for the process of</p> <p>4 incorporating public input?</p> <p>5 A. With the first congressional district,</p> <p>6 we also had public input originally in one of the</p> <p>7 public meetings about the Sun City area of Jasper</p> <p>8 County wanting to be put in the first congressional</p> <p>9 district with the Sun City portion of Beaufort</p> <p>10 County, which is almost right across the road from</p> <p>11 each other, but it's divided by a county boundary.</p> <p>12 So we took that into consideration,</p> <p>13 leading that into -- in the First Congressional</p> <p>14 District. And that's about all I can recall as far</p> <p>15 as public input on the first congressional</p> <p>16 district, which we went through and changed.</p> <p>17 Q. Before it was publicly posted on</p> <p>18 January 11th, but after it was -- it was finalized,</p> <p>19 the drawing part of it, were there any discussions</p> <p>20 about the BVAP in any of the districts?</p> <p>21 A. Not that I can recall.</p> <p>22 Q. Was it shared with anyone else, the</p> <p>23 final version, before it was publicly posted,</p> <p>24 outside of the core redistricting team?</p> <p>25 A. Not that I can recall. It might have</p>	<p style="text-align: right;">Page 208</p> <p>1 A. Vaguely, yes.</p> <p>2 Q. Did you review at all senate amendment</p> <p>3 two?</p> <p>4 A. I put the map and stats and reports</p> <p>5 together for senate amendment two, yes.</p> <p>6 Q. Did you conduct -- or did the core</p> <p>7 redistricting team conduct any assessment of this</p> <p>8 plan for how it compared to senate amendment one?</p> <p>9 A. You'd have to ask them.</p> <p>10 Q. By, them...</p> <p>11 A. The core redistricting team you just</p> <p>12 referenced.</p> <p>13 Q. But you were not asked to conduct any</p> <p>14 review or analysis?</p> <p>15 A. I wasn't conducting any legal analysis</p> <p>16 on this. I was providing maps and stats for the</p> <p>17 binders.</p> <p>18 Q. Outside of legal analyses, did you</p> <p>19 conduct any review on senate amendment two?</p> <p>20 A. Not that I recall.</p> <p>21 Q. Do you see on Page 20 that's up on the</p> <p>22 screen lines 4, 5, and 6 have been highlighted?</p> <p>23 Can you read that for me?</p> <p>24 A. It says, and more closely adheres to</p> <p>25 continuity objectives under the committee's</p>
<p style="text-align: right;">Page 207</p> <p>1 been sent to members. I just -- I don't remember.</p> <p>2 MR. CUSICK: I'm now going to bring</p> <p>3 up -- this is Tab 4, and it's the transcript from</p> <p>4 the January 11th -- or January 13, 2022 hearing.</p> <p>5 I'll pull it up on the screen in a moment. This is</p> <p>6 Plaintiff's Exhibit 22 (sic). It's in Tab 4.</p> <p>7 (PLF. EXHIBIT 21, 1/13/2022 VIDEO</p> <p>8 TRANSCRIPTION, was marked for identification.)</p> <p>9 BY MR. CUSICK:</p> <p>10 Q. I'm not going to go over this entire</p> <p>11 transcript. I kind of want to focus your attention</p> <p>12 to Mr. Oppermann's testimony, if you recall that.</p> <p>13 And I'll direct you to turn to Page --</p> <p>14 and I'll bring it up on the screen. It's Page 18,</p> <p>15 it begins at. I have it up on the screen, but let</p> <p>16 me know if you can see that or have it up in front</p> <p>17 of you.</p> <p>18 A. Yes, I've got it.</p> <p>19 Q. So he refers here in line 4 and 5,</p> <p>20 offering testimony on behalf of what he calls, the</p> <p>21 whole county map, which has been designated as</p> <p>22 senate amendment two. I think it also had been</p> <p>23 referred to as the Harpootlian amendment at this</p> <p>24 stage.</p> <p>25 Do you recall that?</p>	<p style="text-align: right;">Page 209</p> <p>1 guidelines.</p> <p>2 Q. Did you or anyone in the core</p> <p>3 redistricting team assess whether this statement</p> <p>4 was accurate?</p> <p>5 A. I don't recall.</p> <p>6 Q. Did you have any opinion of that</p> <p>7 statement based on senate amendment one?</p> <p>8 A. According to the software that we used,</p> <p>9 the Maptitude software, both plans are contiguous.</p> <p>10 Q. Then on the same page, he states, the</p> <p>11 whole county map more closely hues to the regions,</p> <p>12 the distinct regions of the state.</p> <p>13 Did you or anyone on the core</p> <p>14 redistricting team assess whether that statement</p> <p>15 was accurate as compared to the senate amendment</p> <p>16 one plan?</p> <p>17 A. I don't recall.</p> <p>18 Q. On Page 21, lines 21 to 25, he states,</p> <p>19 with respect to minimal county splits, clearly the</p> <p>20 whole county map is preferable in this sense to</p> <p>21 amendment one or the plan passed by the house,</p> <p>22 which have ten county splits, that is not</p> <p>23 necessary.</p> <p>24 Did you or anyone assess whether that</p> <p>25 statement was accurate?</p>

<p style="text-align: right;">Page 218</p> <p>1 Q. I'll pivot to a different question.</p> <p>2 How could anyone outside of the core</p> <p>3 redistricting team know that they met criteria on</p> <p>4 maps if you didn't disclose the instructions that</p> <p>5 were given to you by members that were not included</p> <p>6 in the redistricting criteria?</p> <p>7 A. You lost me. You keep -- can you</p> <p>8 clarify that question?</p> <p>9 Q. How could anybody outside of the</p> <p>10 redistricting core team who submitted maps know</p> <p>11 that they met their criteria if there were certain</p> <p>12 criteria that were not publicly disclosed that you</p> <p>13 and other members were elevating or relying upon?</p> <p>14 DEFENSE COUNSEL: Object to form.</p> <p>15 A. Could you clarify that one more time?</p> <p>16 I'm getting a little confused.</p> <p>17 Q. Let's -- do you agree that the senate</p> <p>18 redistricting subcommittee adopted a set of</p> <p>19 criteria that guided their work?</p> <p>20 A. Yes.</p> <p>21 Q. And we've already talked about that</p> <p>22 there was a set of instructions that you and the</p> <p>23 core redistricting team were aware of, correct?</p> <p>24 A. That's correct.</p> <p>25 Q. And those instructions were not at all</p>	<p style="text-align: right;">Page 220</p> <p>1 redistricting team?</p> <p>2 A. The public would not have known the</p> <p>3 recommendations that were made by Congressman</p> <p>4 Clyburn and Congressman Wilson.</p> <p>5 Q. And so if they didn't know about those</p> <p>6 recommendations, how would they then contact their</p> <p>7 congress members to ask them about instructions</p> <p>8 that might impact redistricting?</p> <p>9 A. I guess they could have picked up the</p> <p>10 phone or emailed.</p> <p>11 Q. But how would they know if the senate</p> <p>12 core redistricting team didn't provide or share</p> <p>13 that there were instructions they were given or</p> <p>14 recommendations they were given that guided the</p> <p>15 maps that were being drawn?</p> <p>16 A. Can you repeat that one more time?</p> <p>17 Q. How would they know to pick up the</p> <p>18 phone to call their congress members to discuss</p> <p>19 criteria or recommendations that only the core</p> <p>20 redistricting team knew about and guided their work</p> <p>21 and were not publicly disclosed?</p> <p>22 A. They would not have known about the</p> <p>23 recommendations.</p> <p>24 Q. Did Senator Bright Matthews know about</p> <p>25 these instructions?</p>
<p style="text-align: right;">Page 219</p> <p>1 publicly disclosed, right?</p> <p>2 A. That's correct.</p> <p>3 Q. And they were not within the</p> <p>4 redistricting guidelines adopted by the senate?</p> <p>5 A. That's correct.</p> <p>6 Q. And so how would anybody outside of the</p> <p>7 core redistricting team who submitted maps know</p> <p>8 whether they met the criteria the core</p> <p>9 redistricting team was relying upon?</p> <p>10 A. See, I -- I would say that the</p> <p>11 guidelines were publicly available. The don't</p> <p>12 touch the Seventh, Clyburn wants a minimal-change</p> <p>13 District Six, Joe Wilson doesn't want to go to</p> <p>14 Beaufort and he wants to keep Fort Jackson, I would</p> <p>15 say those are recommendations that the core</p> <p>16 redistricting group decided to use in drawing the</p> <p>17 map, and not actual criteria.</p> <p>18 Q. Yep, you -- you've already conceded</p> <p>19 that point, but I'm asking, if those</p> <p>20 recommendations that you testified earlier to were</p> <p>21 relied upon in the maps you were drawing were only</p> <p>22 known to the core redistricting team, how would</p> <p>23 members of the public know that the maps they</p> <p>24 submitted complied with criteria that was only</p> <p>25 internally being relied upon by the core</p>	<p style="text-align: right;">Page 221</p> <p>1 A. You'd have to ask her. I don't know</p> <p>2 what she knows and what she doesn't know.</p> <p>3 Q. Did you ever discuss them with her?</p> <p>4 A. I don't recall.</p> <p>5 Q. Did you ever discuss it with Senator</p> <p>6 Sabb?</p> <p>7 A. I don't recall.</p> <p>8 Q. Did you ever tell her about these</p> <p>9 instructions, either her or Senator Sabb?</p> <p>10 A. I don't recall.</p> <p>11 Q. Do you think it would have been helpful</p> <p>12 so either one of those members could have then</p> <p>13 shared that with their constituents?</p> <p>14 A. It would have been helpful, yes.</p> <p>15 Q. What about to Mr. Oppermann?</p> <p>16 A. Yes, it would have been helpful to him</p> <p>17 as well.</p> <p>18 Q. Senator Harpootlian?</p> <p>19 A. Would have been helpful as well, but I</p> <p>20 don't know if he -- if that was relayed to him or</p> <p>21 not.</p> <p>22 Q. How about for any of the senators who</p> <p>23 offered amendments?</p> <p>24 A. That would have been helpful as well,</p> <p>25 but I don't know if they were aware or not.</p>



<p style="text-align: right;">Page 238</p> <p>1 one plan was voted out of the redistricting  2 subcommittee. Do you recall that?  3 A. I don't recall it, but I'll take your  4 word for it.  5 Q. I guess, did you -- for the senate  6 amendment one plan, did you work out any changes or  7 iterations of it that were considered after the  8 public hearing?  9 A. I don't recall.  10 Q. I'm now going to pull up some maps --  11 or stats that were included in maps because I  12 unfortunately do not have Maptitude, so there were  13 certain things I could not open on this computer,  14 but hopefully some of them might -- you might  15 recall, and there are some maps. So the first  16 one --  17 MR. CUSICK: Mr. Gore, these will be  18 the tabs beginning on 35, and they're a series of  19 different maps. The first one is Tab 35, marked as  20 Plaintiff's Exhibit 27. It's got a Bates stamp  21 ending in 25791, and it's titled, 7 Member  22 Republican Plan Stats. I'll pull it up on the  23 screen as well.  24 (PLF. EXHIBIT 27, 7 MEMBER REPUBLICAN  25 PLAN STATS, was marked for identification.)</p>	<p style="text-align: right;">Page 240</p> <p>1 2020 election data returns?  2 A. That's correct.  3 MR. CUSICK: And now for what are Tabs  4 36 and Tab 49, these will be -- Tab 36 will be  5 Plaintiff's Exhibit 28. It's titled, 7 Member  6 Republican Plan 2 Stats, with a Bates number ending  7 in 25798.  8 (PLF. EXHIBIT 28, 7 MEMBER REPUBLICAN  9 PLAN 2 STATS, was marked for identification.)  10 MR. CUSICK: And then Plaintiff's  11 Exhibit 29 is in Tab 49, with a Bates stamp ending  12 in South Carolina Senate 26828.  13 And they both are stats for the same  14 plan. Give me one moment to just pull those up.  15 (PLF. EXHIBIT 29, IMAGE FILE, was  16 marked for identification.)  17 DEFENSE COUNSEL: Sorry, John. This  18 second tab, which one was it, 37?  19 MR. CUSICK: 36, and then the second  20 one is 49.  21 DEFENSE COUNSEL: Thank you.  22 BY MR. CUSICK:  23 Q. And so the first one here is -- can  24 you -- I'll zoom in. Do you see, seven-member  25 republican plan two stats?</p>
<p style="text-align: right;">Page 239</p> <p>1 BY MR. CUSICK:  2 Q. Do you have that in front of you,  3 Mr. Roberts, or can you see it?  4 A. Yes.  5 Q. Did you draw this map or do you recall  6 what plan this refers to?  7 A. Yes, I do recall this.  8 Q. Who drew this map?  9 A. I did.  10 Q. And who directed you to draw it?  11 A. I don't recall if it was Andy -- it was  12 either Andy Fiffick or Senator Wes Climer.  13 Q. Sorry. Senator who?  14 A. Wes Climer.  15 Q. Climer?  16 A. C-L-I-M-E-R.  17 Q. And I assume this means seven members  18 of the republican party for each -- all seven  19 congressional districts should be republican under  20 this map?  21 A. That is correct.  22 Q. Do you recall when it was created?  23 A. I do not.  24 Q. What did you do to determine whether  25 these districts would perform? Just looking at</p>	<p style="text-align: right;">Page 241</p> <p>1 A. Yes.  2 Q. Is this a different plan from the one  3 we just discussed?  4 A. I'd have to see the maps.  5 Q. Do you recall who directed you to draw  6 any other seven-member republican plans?  7 A. It would have been either Andy Fiffick  8 or Senator Wes Climer again.  9 Q. Got it.  10 There are quite a few maps, so I'm just  11 trying to get my bearings to make sure we have the  12 intel. I think this next one should be a little  13 easier to discern.  14 MR. CUSICK: This is --  15 (Background noises).  16 MR. CUSICK: Let's go off record for a  17 moment.  18 (Off-the-record conference)  19 MR. CUSICK: I pulled up what is marked  20 as Plaintiff's Exhibit 30. This is Tab 37. It's  21 labeled, Sabb Charleston Beaufort whole stats.  22 (PLF. EXHIBIT 30, SABB CHARLESTON  23 BEAUFORT WHOLE STATS, was marked for  24 identification.)  25</p>

Page 250

1 you continue to work on any other redistricting  
2 efforts outside of South Carolina?  
3 A. No, not outside of South Carolina.  
4 Q. I think otherwise, that's all the  
5 questions I have on my end.  
6 MR. CUSICK: I just want to say thanks  
7 again, and we'll turn it over to -- I don't know if  
8 first Mr. Mathias or Ms. Trinkley have any  
9 questions, and then to Mr. Gore and Mr. Tyson.  
10 MR. MATHIAS: No questions.  
11 MS. TRINKLEY: I have no questions, and  
12 I do not need a copy of the transcript.  
13 MR. CUSICK: Well, I appreciate that  
14 optimism. I'm not sure if Mr. Gore or Mr. Tyson  
15 have any other questions that they want for...  
16 DEFENSE COUNSEL: I do have some  
17 questions. Can we take just a two-minute break?  
18 MR. CUSICK: Yes, yes, totally.  
19 (After a recess, proceedings were  
20 continued as follows:)  
21 EXAMINATION  
22 BY MR. GORE:  
23 Q. Mr. Roberts, Mr. Cusick's asked you  
24 several questions today about -- (inaudible).  
25

Page 251

1 (Off-the-record conference to address a  
2 technical issue)  
3 BY MR. GORE:  
4 Q. Mr. Cusick's asked you several  
5 questions today about the National Republican  
6 Redistricting Trust maps.  
7 Do you recall that conversation?  
8 A. Yes, I do.  
9 Q. Do you recall how long you spent  
10 reviewing those maps when they were submitted?  
11 A. We pulled them up and maybe spent five  
12 to ten minutes on them. It was not very long at  
13 all.  
14 Q. What did you think of those maps?  
15 A. They looked like crap, is what I told  
16 our staff, our legal team, that there was bizarre  
17 shapes that made no sense of why they drew the  
18 districts like they did.  
19 Q. What, if anything, did you do with  
20 those maps?  
21 A. Just kept them on the computer and  
22 moved on to the next.  
23 Q. Mr. Cusick also asked you several  
24 questions about Zoom meetings in which I  
25 participated as outside counsel.

Page 252

1 Do you recall that?  
2 A. Yes.  
3 Q. Did I ever draw any maps?  
4 A. No.  
5 Q. Did I ever direct the drawing of any  
6 district lines?  
7 A. No.  
8 Q. Did I ever share any maps that someone  
9 else had drawn?  
10 A. No.  
11 Q. Okay.  
12 Mr. Cusick asked you about public  
13 comments that the redistricting project was rigged.  
14 Do you remember that conversation?  
15 A. Yes, I do.  
16 Q. Do you think the process was rigged?  
17 A. No.  
18 Q. How would you describe the process?  
19 A. I'd say it was a pretty transparent  
20 process as far as the map drawing and the  
21 information that's available to the public. I'd  
22 say that politics really drove the decisions that  
23 were made on the map.  
24 Q. Can you elaborate on that?  
25 A. Senator Campsen really played a large

Page 253

1 role in determining which map made it to the  
2 full -- to the -- out of subcommittee, and he  
3 really wrestled with the fact that, you know, he  
4 was moving a large chunk of Charleston out of the  
5 first congressional district, which was his home  
6 county. And he was having to determine, do I want  
7 more of Charleston or do I want more republican  
8 representation in the first congressional district.  
9 And so that was a real political decision he had to  
10 make.  
11 Q. And did he ever tell you which decision  
12 he made?  
13 A. Yes, he did. He told me he was going  
14 with the plan that had the higher Trump percentage  
15 over more of Charleston.  
16 Q. Now, earlier this morning, you  
17 discussed whether you considered BVAP with  
18 Mr. Cusick.  
19 Do you remember that?  
20 A. Yes.  
21 Q. And he asked you whether considering  
22 BVAP is helpful in drawing a plan and whether you  
23 did on past clients.  
24 Do you remember that?  
25 A. Yes.