E-FILED
5/16/2023 3:44 PM
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.

In the Matter of:

WYGANT, et al.

vs

LEE, et al.

TRANSCRIPT OF PROCEEDINGS VOLUME III

April 19, 2023

BERES & ASSOCIATES
COURT REPORTERS

www.beresandassociates.com
615.742.2550 | info@beresandassociates.com

IN THE CHANCERY COURT
FOR THE TWENTIETH JUDICIAL DISTRICT
OF TENNESSEE

TELISE TURNER, GARY
WYGANT, and FRANCIE HUNT,

Plaintiffs,

vs. Case No. 22-0287-IV

BILL LEE, Governor, TRE
HARGETT, Secretary of State,
MARK GOINS, Tennessee
Coordinator of Elections;
all in their official
capacity only,

Defendants.

TRANSCRIPT OF PROCEEDINGS

Volume III

April 19, 2023

Russell T. Perkins, Chief Judge
J. Michael Sharp, Judge
Steven W. Maroney, Chancellor

BERES & ASSOCIATES
Post Office Box 190461
Nashville, Tennessee 37219-0461
(615) 742-2550
beresandassociates.com

A P P E A R A N C E S

For the Plaintiffs:

Mr. Scott P. Tift
Mr. Dave Garrison
Attorneys at Law
Barrett Johnston Martin & Garrison, LLC
414 Union Street
Suite 900
Nashville, Tennessee 37219
615-244-2202
615-252-3798
dgarrison@barrettjohnston.com
stift@barrettjohnston.com

Mr. John Spragens
Attorney at Law
Spragens Law
311 22nd Ave North
Nashville, Tennessee 37203
615-983-8900
john@spragenslaw.com

For the Defendants:

Mr. Alex Rieger
Mr. Steven A. Hart
Attorneys at Law
Office of the Attorney General
P.O. Box 20207
Nashville, TN 37202-0207
alex.rieger@ag.tn.gov
pablo.varela@ag.tn.gov

Mr. Jacob R. Swatley
Attorney at Law
6060 Primacy Parkway
Suite 100
Memphis, Tennessee 38119
jswatley@harrisshelton.com

I N D E X

EXAMINATIONS:

Doug Himes

Direct Examination by Mr. Rieger 526
Cross Examination by Mr. Tift 591
Redirect Examination by Mr. Rieger 652
Recross Examination by Mr. Tift 660
Redirect Examination by Mr. Rieger 662

E X H I B I T S

Defendant Exhibits

No. 103, 2020 Census Result in the Population .. 531
No. 104, 2022 Census Result in the Population .. 531
No. 105, 2022 County Population Split Counties . 564
No. 36-40, Senate Journals 587
No. 41-82, Secretary of State Election Results . 588
No. 28, Map of Chapter 511, 2012 house plan 589
No. 27, Map of Chapter 468, 2002 house plan 590

Plaintiff Exhibits

No. 89, Affidavit of Doug Himes 637
No. 90, Affidavit of Doug Himes 637

(The aforementioned cause came on to be heard Wednesday, April 19, 2023, before the Honorable Russell T. Perkins, Chief Judge; J. Michael Sharp, Judge; and Steven W. Maroney, Chancellor, beginning at approximately 9:00 a.m., when the following proceedings were had, to-wit:)

CHIEF JUDGE: Good morning, everybody. Parties ready to proceed?

MR. RIEGER: Yes, sir.

CHIEF JUDGE: Go ahead.

- - -

DIRECT EXAMINATION BY MR. RIEGER:

Q Mr. Himes, do you understand that you are still under oath?

A I do.

Q Thank you. So we ended yesterday talking about the ideal number of the ideal district. Can you tell us what number is again?

A 69,806 for a house district.

Q Now, we also spoke about the 5.09 percent high deviation that the enacted map and several of the Cervas maps have that is a result of keeping Montgomery County whole. Do you recall that?

A I do.

Q Okay. I would like to work through some basic math with you if that's all right. Is 5.09 percent above 69,806 equal to around 73,359?

A It is above 69,806. I'm not as quick with math in my head as what you are saying, but that doesn't sound far off.

Q Okay. Is 4.91 percent below 69,806 roughly equal to 66,378?

A With the same proviso, that sounds about right, but I would want to do the math to make sure, but that sounds about right.

Q Okay. If we could turn to Exhibit 103, please.

MR. RIEGER: And this is a demonstrative, Your Honor, so it will not be going into evidence.

Q (By Mr. Rieger) Are you familiar with this document, Mr. Himes?

A I am.

Q What is it?

A So, this is a three-page document that lists the counties in alphabetical order. In the first column, it states "Population." It lists there the 2020 census result in the population, and

it expresses it as the number that was reported by the Census Bureau. And it then goes across and divides that population to tell you whether it's one district, two districts, three districts, or four districts as appropriate, what that total population would be.

So, for example, Anderson County has 77,123, so the yellow indicates that it has too many people. So, something has to be done with it. In this case, you know, it's going to be above even the high of the 5.09. So it will have to be split just based on its population. But the next column tells you that if you divide that evenly into two districts, that you would have 38,561, so it can't be divided within itself.

So, this table goes through that with each county and the yellow is over. The darker orange is under. And you can see that if you go down to Carroll County it's 28,040. It's too low to even have a single district. And then, the counties that are in the pink under county are the 30 counties that have been divided under 598. So it gives you an idea of those that have been divided and how it works out population wise.

Q How many counties in Tennessee can be kept

whole or evenly divided amongst themselves and kept alone?

A So taking the range to 5.09 percent, there's ten counties.

Q Are all ten of those counties kept whole?

A They are.

Q Is it possible with some of the other counties that you could simply put two of them together and leave them both whole?

A It is possible.

Q How common is that?

A Since this is a puzzle that works together from both ends of the state really, it just really depends on where you are. Under Chapter 598, you get to a place in sort of southern, Middle Tennessee where you are able to do a lot of keeping two counties whole. And it just shows you, the last census that wasn't the case; this census it was. It's just a different puzzle every time.

Q Are each of the ten counties that are able to be kept whole just based on their numbers alone, are they in the same geographic area in the state of Tennessee?

A No. I wish they were but they are not.

Q Why do you wish they were?

A It would make the process a lot easier if counties that were whole were grouped together and you could start from one point and not have to work around what I referred to yesterday as the stop signs. And the example I think I used yesterday was northeast Tennessee where you have Washington County with two full districts and Greene County with one full district. And you don't have a whole lot of options of what you can do. If one of those two wasn't in that corner, you would have a lot more opportunities to form districts.

Q So, Tennessee has 95 counties. Minus ten, that's 85. Are those the numbers of puzzle pieces that we are talking about?

A Yeah. After you put the stop signs on those ten, you wind up with the 85 counties remaining.

Q And you were able to keep 55 counties whole of those 85?

A That is correct.

Q If I could get you to turn to Exhibit 105, which is another demonstrative, please.

CHIEF JUDGE: Does anybody object to demonstratives that are in the book behind a tab being marked for identification purposes

only?

MR. TIFT: No objection, Your Honor.

MR. RIEGER: No objection.

CHIEF JUDGE: Maybe we should do that.

MR. RIEGER: Then, Defendants would like to mark Exhibit 103 for identification.

(The above-referred to document was thereupon marked Defendant Exhibit No. 103, and is attached hereto.)

MR. RIEGER: And let's go ahead and do 104 then if they are going to come in for identification.

(The above-referred to document was thereupon marked Defendant Exhibit No. 104, and is attached hereto.)

CHIEF JUDGE: Go ahead.

Q (By Mr. Rieger) Mr. Himes, are you familiar with Exhibit 104?

A I am.

Q And what is it?

A Again, it's a breakdown of the 2022 county population. It's the census population of counties that are either single district counties on their own or multidistrict counties, like an example Davidson, a multidistrict, all within its boundary

ten districts, and the counties that are kept whole in Chapter 598.

Q So none of the counties in this list are split?

A They are not.

Q What's the significance of the orange in the population column?

A The orange are all expressing that they are all underpopulated. They don't have enough population for a full district.

Q And if we could move over to Exhibit 105 now. Are you familiar with this document, Mr. Himes?

A I am.

Q What is it?

A So it's labeled 2022 County Population Split Counties. Again, this population data is based on the results from the 2020 census, and this is a demonstration of the 30 counties that were split in Chapter 598. The yellow indicates too much population, and the orange expresses that there's too little population.

So, for example, Sullivan County has 158,163. It's too much for one. Divide it in two, 79,081, so it's too much for two districts. And

then, divide by three, 52,721, it's too little for three full districts. So that's what this table expresses.

Q How do you determine how to solve this puzzle?

A How do you determine just to solve the puzzle in general?

Q Yes.

A As I mentioned yesterday, once the census data comes in, I'm able to distill at least the county populations from it. And I'm able to see which one of these may be stop signs, which ones are whole district counties. And that's the first step, is just to understand that. Then, sometimes on geography, sometimes because of other requirements like the Voting Rights Act, you have to take a look at those areas, as well, to see how the puzzle will fit.

I think as we have mentioned -- I don't want to get ahead of myself. But 598 is based on the concept that then once I have the information the census put into our Maptitude software, I am able to go down to the block level and see the demographics and that helps voting rights compliance. It also helps me to build a concept.

So, when that's there, I'll take that data in there, and I'll begin work on a single concept to see if a plan can be put together based on all the criteria. Equal population being the priority, but see if there's a way to make it work and balance the factors that we talked about yesterday, the eight factors that the house has used as their criteria.

And at that point, the direction I need, as we talked about on Monday, would be -- because it becomes evident looking at that, that districts have to move based on the population shifts, the 30 counties that actually lost population. And looking at it from that higher level, you can see that there is essentially a three-seat shift from the sides East and West Tennessee towards Middle Tennessee, and that's part of the puzzle.

What that means is, is that in those 85 counties that could be split, that three districts that are currently there are going to have to be eliminated. I'll say with a proviso, but for Shelby County that's the case. Shelby County presented the idea of whether you draw 13 or 14, and of course that affects whether I need to have two or

three districts in those other 85.

So I need a little guidance at that point. I need guidance on where on Shelby County should I start 13 or 14 districts. As I said, 13 districts is closer to the ideal than 14 districts. So one district is going to contract in Shelby County. And then, I need guidance on the more rural areas of the state and where the districts would be contracted.

And Chapter 598 and sort of originally in East Tennessee that occurs somewhere around the Hamblen County area. That's where a district comes out. And in middle, West Tennessee it sort of naturally occurs to some extent because of the expansion of population in Montgomery County. And the push from the Mississippi River to Middle Tennessee, District 75 came out of that part of the state.

So, if I have those parameters, then I can start putting the puzzle piece together. Again, knowing that where the districts are going to be contracted and based on population, I can start drawing. A lot of ways from East Tennessee because of the geographic puzzle and the census puzzle, but then also at the same time from West Tennessee to

make sure we are in compliance with the Voting Rights Act. So it's a puzzle that most of the time ends in Middle Tennessee.

Q All right. Using demonstratives 103, 104, and 105, just flipping back and forth, do you have a map in front of you that says Chapter 598?

A I do.

Q I'd like to talk about each of the county splits. Let's go alphabetically. Could you explain the split of Anderson County for us?

MR. TIFT: Your Honor, I would like to lodge an objection to any line of questioning that asks Doug Himes as the fact witness to state the reasons why any of the actual counties were divided, because Plaintiffs vigorously sought discovery on the why behind this map and were vigorously prevented from having that including with the sustained granted Motion in Limine the map.

So, to the extent that Mr. Himes is going to point out that it could be whole or not whole, that's, of course, fine. But he shouldn't be permitted at this point under the 400 series of the Rules of Evidence to testify to the why behind any specific county split

when the Plaintiffs have been entirely shielded from any discovery about that why.

Showing an example of that, you know, pick some random county, Hamblen County. He may have a numbers why to tell you today, but we have no way of knowing and he has to shield from the Court whether or not the member from Hamblen or the Speaker himself communicated a priority about we need to split Hamblen.

We heard on Monday the question of if a member asked you to split a county or put a county back together, can you tell us that? And that's held behind evidence. So, there's no way for his testimony to be verifiably truthful when there's no discovery behind the actual why of any of the splits. There's no examination of drafts leading to the splits to show how we got there. If County was split in one draft and then not split later, the entire subjective why behind any split has been shielded from discovery in this case.

And it may be that Mr. Rieger is going to tell me that's not what he's asking. It's just a theoretical why based on purely population, which we are fine. But to the extent there's

any questions asked about what was the actual reason justifying this county, that has been shielded from Plaintiffs in this case.

And the ability to impeach has been prevented from being given to the Plaintiffs through the lack of the communications from the members and the evolution of the map through drafts and sub drafts.

So to the extent that's what this question is or future questions are, we object to those questions being allowed for those reasons.

MR. RIEGER: Mr. Himes testified during his examination by Plaintiffs' counsel that he was the map drawer. Now, during Mr. Himes' fact deposition, he was never asked to go through the counties and explain. Instead, what Plaintiffs tried to get at were draft maps, or communications with members of the General Assembly. They never took him down the path of pointing at a district and saying, why, why mathematically? How do the numbers work on this? They have not done so. They did not attempt to do so.

And to the extent that they had asked that question at deposition, we would have let that

occur. Because, again, Doug Himes explaining why the numbers work for, as an example, Anderson County split would certainly not be covered by privilege. The demographic numbers are what they are. The census population is what it is. The split is where it is on the map.

Plaintiffs, again, did not ask this question during his fact deposition, and so it's fair game for Mr. Himes as a mapmaker to testify why Anderson County is split here.

CHIEF JUDGE: This would be difficult for the Court, and let me explain why and maybe this can be resolved in a way to make sure that everybody gets their shot at this. The reason why I'm concerned about it is, one, a lot of information was excluded. There was no in camera inspection so we don't know what it was. Secondly, the witness just testified that at some point he needs guidance. We don't know what that is right now. We don't know if something is going to be blurted out that in fairness should have been disclosed in discovery if it's going to be heard by the Panel.

So, I'm just a little concerned about this. The Panel wants to draw the line at the right spot. So I will ask the lawyers to address these comments. You may end up repeating what you just said. That's fine. Starting with counsel for Plaintiff.

MR. TIFT: Yes, Your Honor. I think Mr. Rieger points to exactly the fundamental issue here. You know, what we did ask Mr. Himes both in court on Monday is, did any member ask you to divide a county that you had not in your concept map divided? Did any member ask you to reunite a county that you had in your draft map -- where he explained he was trying to meet all the criteria -- you had maybe not split it, you put it back together? And it's a hard stop on that kind of information. We cannot know that.

So, without having been able to probe the full reasoning behind it, when he has readily admitted, not only today but on Monday, that before he drafted his concept map, he got feedback from members on their priorities and to the best of his ability incorporated their priorities in addition to the eight factors he

was trying to reach.

And that then, through the two-month drafting process that led to draft maps, sub drafts of maps that are still on his Maptitude today indicating a fulsome drafting process, he took further priorities from members and continued to try to incorporate them as he could do so.

And as I believe Mr. Himes has already testified, for instance, every county in this left column could be whole or could be split. They are all under the 66,378 number. So these are a lot of counties that there was a choice whether to split it or not. It's a choice that in part is based on a 99-piece puzzle and that he has admitted is also informed by the priorities communicated to his members, including, he said, he got feedback from all the way to the Speaker of the house staff about their priorities.

And, of course, we understand that Mr. Himes is the mapmaker. In fact, part of our motion, which we supported with authority from other states this situation, that when a lawyer is wearing a non lawyer hat and doing a

fact process, that's not covered by the privilege that is on the privilege process.

And we respect the Court's Ruling. But as a result, non lawyer mapmaker Mr. Himes was prevented from testifying about how he drew the maps and the priorities that were incorporated into it. So there's no way for him to in fairness testify about whether Carter County was split or had to be split when he has to shield off in his head whether or not the Speaker or the member from Carter County asked him to split it or asked him not to split it.

Maybe it was to preserve a core. Maybe the Speaker or some other person had one of two people to be able to run for that county. There's no way for him to testify about the reason and wall off his subjective knowledge of other reasons, while at the same time, we have literally no opportunity to point out the inaccuracy of his reason by showing the email from the member from Carter asking him to split the county or asking him to put the county back together.

They have simply set up a situation where the why is unknowable in this court in a

fulsome way. The only why he is trying to testify to is from a numerical way and shielding off a meaningful part of his actual knowledge, which he agrees he can't forget. I don't know if I asked him that, but he said in his deposition he can't forget what a member told him. So he has all the subjective knowledge.

Maybe counsel do. Maybe he has talked to the them about it. Who doesn't is Plaintiffs and the Court. So I don't see how Mr. Himes can testify to the actual why. He can certainly show the breakpoints and that they could have been or couldn't have been. But to testify as fact as the map drawer to the why is no longer possible through shielding his entire subjective experience of why.

CHIEF JUDGE: I'll hear from you but this is a matter that I'm going to have to confer with the Panel about. It's important enough that I not try to blurt out something without consulting with them. So we will hear your argument and take a recess to talk about this.

MR. RIEGER: Certainly, Your Honor, and I'll be brief because I'm afraid I might be

repetitive here.

But the question of whether or not for each of these districts and each of these county splits the math checks out and that we are talking about counties that don't make sense by themselves, can't be split evenly or divided evenly, or put together with another county to meet that 5.09 high deviation or 4.91 negative deviation is what we are trying to get at here.

Again, we are not interested in going into things that are privileged or communications that are privileged. We are interested in explaining to the Court through Mr. Himes and through the numbers a raw exercise of math as to why these districts work and why alternatives might not be and how each district shift mathematically causes changes in other ones, as well. We are interested in going through on a mathematical basis an analysis of why these districts work.

CHIEF JUDGE: Thank you. We'll take a recess.

[9:26 A.M., a recess was had until 9:53 A.M.]

CHIEF JUDGE: Based on the question and the answer and the anticipated line of questioning, the Court sustains the objection. The Court relies on its prior ruling. And I'll read two paragraphs near the end of that order:

It says, "Therefore, the Panel finds that the thoughts, impressions, and reasoning employed by Attorneys Himes and Ryder in recommending certain maps in considering and declining to recommend other maps, including draft options initially created and subsequently abandoned, as well as the maps, data, documents, and materials created in forming these thoughts, impressions, and reasoning are covered by the attorney-client privilege and work product and therefore not discoverable.

Likewise, the communications between the members of the General Assembly and Attorneys Himes and Ryder, which both generated and responded to those thoughts, impressions, and reasoning, including any of the maps, data, documents, and materials exchanged within those communications are also covered by the attorney-client privilege and work product and

1 therefore not discomfortable."
2 As an additional point related to this
3 ruling, the Panel cannot see how you could go
4 district by district without violating the
5 expressed terms of our prior order.
6 MR. RIEGER: Your Honor, does that mean
7 that we will not be able to have Mr. Himes
8 explain why the math works for an individual
9 district just purely using the population
10 numbers and not going into the why or into
11 anything that would have been shielded from
12 discovery by the privilege?
13 CHIEF JUDGE: Counsel?
14 MR. TIFT: If it's a theoretical matter,
15 Mr. Himes is talking about the math before him,
16 you know, we think this points to the exact
17 problem with having the fact witness be
18 defended by an expert witness who is the same
19 person. But his opinions about the map on a
20 theoretical basis, I think would be expert
21 opinions and not fact opinions. So in his
22 capacity as expert, I think he could say how
23 the map could work.
24 He has also testified as the expert that
25 the map itself, on its face, does not

demonstrate whether or not fewer than 30 counties can be split, so I think there's a limitation. But as an expert if he wants to talk theoretically about whether or not a county could have been split, though he did not do so in his expert report, other than to state specific reasons, including seven counties not for federal reasons, as an expert, if he wants to talk through theoretical math, we would allow that.

But as a fact witness, we don't see how he could talk through -- I guess, if he's talking through theoretical math and not saying that's why it happened. I mean, I guess we have to see how the questioning goes.

In general, I think what's being asked is not for him to opine as an expert, not state facts as a fact witness. So, we would say as a fact witness, the answer is no. Fact witnesses are not supposed to give their opinions on a topic. So, he is also an expert defending the map he created for his day job. And if he wants to as an expert talk about math and theory, he can do that and we can cross examine him.

CHIEF JUDGE: All right. We don't know what the questions are going to be, so we don't want to necessarily preadmit questions. Also, those questions and potential answers may end up as part of a proffer. I don't know.

But that's the guidance we have given you based on our ability from where we sit, not having seen a lot of these documents, not knowing what the questions are going to be, not knowing if they are going to be necessarily in the fact part of his hat or the expert part of his hat, but it's hard to imagine how going county by county we're not going to run afoul of the Court's order. So, that's where we are.

And so, you can continue on. We'll have objections. We'll do our best. And if something gets an area where I think in fairness I need to talk with the other judges, we'll do that.

MR. RIEGER: Yes, Your Honor. We'll give it a shot.

Q (By Mr. Rieger) Mr. Himes, as an expert on the large map, we'll go alphabetically, District 41 is Anderson County. Can you explain the map of the counties in those districts?

MR. TIFT: Could I ask a clarification? For those of us that aren't familiar with the geographic location of all 99, whenever he talks about one, could he point us where it is on the map?

MR. RIEGER: Certainly, District 41 is just west of Knoxville.

MR. TIFT: And, Your Honor, I'm going to object for a second, that without laying a foundation that Mr. Himes in his expert capacity went through and analyzed the district-by-district populations, I think we need to set the foundation that he even knows that outside of his fact role as the person who drew the map. There's no data in front of us about exactly all four of the counties in here I don't believe. And I would like to have a foundation laid where he's coming from on that.

MR. RIEGER: Your Honor, the census data has already been admitted into evidence regarding the population of each of the four counties in 41.

CHIEF JUDGE: Okay. Proceed with your question.

Q (By Mr. Rieger) Mr. Himes, can you explain

District 41, which includes Overton, Fentress, Morgan, and Anderson Counties?

A I will just say before we start, I'm a little unclear exactly what I am to say or not say.

Q Let me ask some more pointed questions then. Of Overton, Fentress, Morgan, and Anderson Counties, can any of them be kept whole by themselves?

A So, just looking at Chapter 598, Morgan and Overton are kept whole in Chapter 598. Fentress has a population that's insufficient for one district by itself, but it could be kept whole in combination with others. Anderson has too much population for one district, and it needs to have a portion of it attached to a different district.

Q And if we could move to Bradley County, which is in the south of Tennessee adjoining Polk.

A And I would say for clarification, in my expert report there is a footnote that beyond population equality, which is the goal statewide, lists possible reasons for why these counties are split. It goes through the 30 that are split and lists that in a footnote. So, that's there.

Q That's fine. If we could go to Exhibit 14, please. And if we could move to Page 38 and the

footnote on that page.

A So, I'm there.

Q Okay. And maybe this is the better way to guide this approach. So, for Anderson County, that's listed there as population; is that accurate?

A That's correct. And what I meant by population, obviously, all 30 of these are population equality. You want to have a plan that fits within your 10 percent. But for the purpose of this footnote that was done for the purpose of the expert report, was not done prior to or during the process of redistricting, but after just for this report. I used the term population to identify those counties that had too much population to be one district, so they have to be divided. You can't keep it together.

So Anderson County, that's one of those ones where there's too much for a single district, too little for two districts, so it must be divided and attached somewhere. In this plan, it attaches to 41.

Fentress, on the other hand in the footnote, which is alphabetical, is identified as core preservation. And for the purpose of this to make the populations balanced between 41 and 38,

District 38 is the exact same district as was adopted in the 2012 redistricting round. It's population grew in a way that it could be left alone. And it included the Fentress County split exactly as you see it.

If you weren't to split that, you would attach somebody else or another county would have to be split. But this keeps 38 in existing boundary and keeps that Fentress County line the same. Core preservation, it's keeping that convenience to the voters and the county election folks. They know what that line is already. And under one person, one vote as it applies to state legislative districts, core preservation is a legitimate factor in justifying a deviation.

Q Would you characterize core preservation as a tool that helps determine what counties should be split in furtherance of one person, one vote?

A Core preservation is a tool. It's one of the practices. We have the six factors that are listed in 3-1-103. And the house, since I have worked with the house in redistricting, has relied on two practices, as well. And together, those eight things are the criteria that are envisioned by the Constitution. But the practice is core

preservation and minimizing incumbent pairing.

I think that the core preservation is a useful tool that when you know you are in a situation where you are going to split, to make it as easy as possible on citizens, on election officials in the county, and on the incumbents, that that line is maintained. And it varies from census to census whether you can do that.

In some cores you don't want to preserve. If you look at the District 80 in the 2000 round, that's something that you wouldn't want to preserve what that looked like. If you look at District 92 in the 2012 round, you probably wouldn't want to let that core continue. Many times those are just products of excess population. You wind up with a district that doesn't look so great. And if there's an opportunity to undue that or make it better, that always would be a preference.

Q Is core preservation, as you referenced in here, intertwined with one person, one vote?

A I believe it is. I believe that the United States Supreme Court has suggested that it is a factor that justifies a deviation above an exact ideal. And I think some of that case law is reflected in this expert report.

Q Is it fair to say that of the 85 counties that we discussed that can't form their own district or districts by themselves, that core preservation helps you assign what districts to put together and what shapes to use in furtherance of one person, one vote?

A Certainly.

Q All right. We'll stay with your expert report and the map, rather than the population data for now, and just go down the line. So Bradley County is next. Can you explain what you mean in footnote 12 of your expert report?

A So Bradley County in southeast Tennessee is a county that is identified in my expert report as both population and core preservation. District 24 and 22, so Bradley has enough population for one full district and has excess population that needs to exit the county boundary. It has to in order to comply with one person, one vote.

So in doing that, again, it just happens that we're starting with alphabetically, but Districts 24, which is wholly within Bradley and District 22, which comes outside of Bradley and attaches to Polk and Meigs is the exact same district lines that were drawn in 2012.

In that corner of the state, there's actually -- and we'll get to the other counties. But in that corner of the state, there's an eight county area that if you go back to 2000 redistricting, most of those counties are in a very similar formation with only minor adjustments. So as we go through this exercise, you'll see core preservation a lot when we go up into Monroe and Loudon.

Q If we could move on to Carroll County in your footnote, and could you talk about what you meant there?

A So, Carroll is identified in the footnote as core preservation. And it's, again, going district by district and doing it this way, Carroll County is, of course, in West Tennessee just northeast of Madison County. And looking at it this way is a little bit different, because obviously it's all a puzzle that works together to create the whole plan. But in this case, Carroll has not enough population for a full district but could be kept whole and attached in another idea with other counties.

But it's also one of those counties around Gibson and in West Tennessee that lost a

tremendous population shift and lost. As I mentioned yesterday, two-thirds of the counties in West Tennessee actually had an actual loss. Every county around Gibson County, but for Madison, had a loss. And Madison, there's other factors in play including the Voting Rights Act.

So when it comes to Carroll, it was split in the 2012 plan. And in working these districts together, it's split again. But the line is identified for core preservation, because the population for this plan had to be attached to 76. And rather than get a new segment of Carroll County, you can maintain that line, which again makes it a lot easier for the county election folks and for the voters to know which district they are in.

Q Moving on to Carter, which is around the Tri-cities, could you explain your footnote there?

A So for Carter County, I have listed multiple things: Population shift, core preservation, and county splitting. I'll explain what I was meaning by these terms. Core preservation we have talked about.

Population shift was when I analyzed this for the expert report, was trying to focus on that movement from east to west. And I tried to use

it sparingly, the descriptive term population shift, because everything is shifting. The whole map is shifting. But as I spoke about yesterday, there's some dramatic shifting in that northeast corner caused by counties that are losing population, and you wind up in that corner with an extra half a district of population.

Carter County was split in 2012 redistricting and it's not a completely dissimilar split. It is different than this split. But its core of that district, District 4, is sill part of it. But because of Unicoi's population, which is kept whole, and because of the fact that Washington County and Greene County are whole districts. Greene County is a single district county and Washington is a two district county. Carter has to be split in some form. Unicoi is too small to have its own representative, so it needs to be attached.

And this footnote identifies that the reasons or the potential reasons are not only this shift of population forcing the population in that corner and as we talked about through Sullivan County. But also, it's a necessity at that point to split Carter, because it's the only way to solve the puzzle.

I guess you could also split Johnson, but I don't know why you would do that. You don't have to split just Carter. You can split an additional county. Obviously, that is not something you would want to do.

Q I'm going to skip around a little bit here if that's all right. We'll go back to the ones we are skipping over. Can you take a look at Gibson?

A Certainly.

Q And what did you mean when you referenced Gibson County in your footnote?

A So for Gibson County, I have population shift and core preservation. And as I just talked about, if you look in the presentation, and I think we talked about that yesterday, the original presentation that I gave to the select committee on redistricting in September of 2021, there's a map that shows the counties that actually lost population. And if you look at that map, every county that surrounds Gibson County that neighbors it, but for Madison, actually lost population, which is forcing the districts to Middle Tennessee.

So, you are left with the problem that there has to be splits in West Tennessee. And Madison County isn't an option to avoid that,

because it has a full district and also because of the Voting Rights Act means that the district that is leaving Madison can't go towards Gibson. It has to go a different direction.

So Gibson I have identified as being split because of that population shift and also core preservation, which I guess would seem interesting in the sense that, well, you split it and it was whole before. Well, someone has to be split. But the population of that split leaves the majority of District 79, which was the district that was in 2012 included all of Gibson and that same part of Carroll. The number of people in Gibson County is the biggest of those three counties, of Gibson, Carroll, and Henderson. So it maintains the larger part of Gibson. It also draws it on Highway 45 West. It tries to keep the municipalities all in District 79. Only Humboldt is split in Gibson County.

And then, 79 also is able to benefit from the Carroll County preservation of that core also that that line stayed the same. So when I described the core preservation, it's looking at Gibson as the bigger piece of that three county district now. And also its core of the old 79 is

still the essence of it.

Q If we could move to Claiborne in northeast Tennessee?

A Sure. Claiborne County is a product of that geographical puzzle in the northeast corner, but Claiborne is described for population shift and district contraction and county splitting. And what I mean by district contraction is Claiborne is in a location where the General Assembly chose to take a district away from the map. And part of that reason is that half a district loss of population in that northeast corner has to push its way through Hawkins and continue towards Middle Tennessee.

In that area of the state is where that contraction was going to organically occur. Claiborne then winds up being split because the Hawkins remaining population and the Hancock total county population isn't enough for a district. So Claiborne is split to add to District 9.

Q I would like to do three at once for the next round, if that's okay.

A Yeah.

Q Could you discuss Haywood, Madison, and Hardeman in West Tennessee?

A So Haywood, Madison, Hardeman Counties

and I think it winds up being four legislative districts: It's Districts 81, 73, 94, and 80. So, for Hardeman County identified the Voting Rights Act and core preservation. For Haywood County, the Voting Rights Act, population shift, and core preservation. And for Madison County, population, Voting Rights Act, and core preservation.

So there's a lot there. And the only new term that I use for describing these for this expert report is the Voting Rights Act. And as we have talked about during the '90 round of redistricting, the General Assembly produced multiple house redistricting plans. That resulted in litigation the Rural West line of cases in Federal Court.

The end result of that, even though it took a complete decade to work its way through the court, was essentially two plans. There was an A and a B. Plan A stayed in effect. It didn't include a rural West Tennessee majority-minority district. It stayed in effect until the 2000 election when the Courts resolved that, no, there needs to be a rural West majority-minority district. And the General Assembly actually drew it in Plan B and it was there. But it took to the 2000 round.

That district included part of Haywood, part of Madison, and all of Hardeman County. So it was that three county group of population that created that majority-minority district.

Here it's re-created in a way. So Hardeman, again, I identified as possible voting rights, core preservation, and it does. What it does is Hardeman's population is split to not only comply with the Voting Rights Act, it then maintains that same line at the southern end of the county. That's the exact same line that was in place in 2012. That's the same split of the county.

Again, if it's going to be split, it's a convenience to the voters and election coordinators to know that line, they don't have to adjust anything. That's the same split.

In Haywood County, it's identified as the Voting Rights Act, population shift, and core preservation. So there, you have the voting rights component. You also have just the general population loss of population, not only in Haywood, but in Hardeman and all of West Tennessee, but it also keeps a core. A historic core not only for District 80, which is the Voting Rights Act, but

it's also a core of around the same time of a Tipton County and Haywood County combination that was drawn in the 2000 round of redistricting. So it preserves that core.

And then finally, for Madison County identified as population, voting rights, and core preservation. Madison County, as we talked about, it's one of those counties that has too much population for one district, too little for two. So it has to be split, and one district needs to be within Madison County. And 73 is the district that has been in Madison County wholly for some time.

And the line that's reflected on this map is very similar, except for a few little adjustments in downtown, to the line that was in the 2012 map, which then also means that the line for District 80, which is the district that Representative Shaw represents, is very similar for the district that helps us satisfy the Voting Rights Act component.

Q If I could draw your attention to -- just leaving the map, I want to focus on something you just said. Going back to this, which I believe is 105 --

MR. RIEGER: Which if we could mark that

identification, please. I don't know if that was done.

CHIEF JUDGE: It was.

MR. RIEGER: Thank you.

(The above-referred to document was thereupon marked Defendant Exhibit No. 105, and is attached hereto.)

Q (By Mr. Rieger) So each of these counties in yellow, must they be split?

A Yes.

Q Why?

A They have to be split because they have too much population for one district and in some cases too much for two districts and in one case too much for three districts.

Q Okay. Going back to the map, I would like to do another set just to move this along hopefully a little faster. Could we talk about Maury, Lawrence, and Hardin, which are all connected in southern Tennessee by District 71?

A Okay. So they incorporate multiple legislative districts in those counties in southern, Middle Tennessee. As I mentioned, that has been an area where the map sometimes gets put together at the end.

MR. TIFT: I would just like to clarify. My understanding is Mr. Himes is currently testifying as an expert about his expert analysis as opposed to what he knows about the redistricting process. I'd ask that we stick to that.

CHIEF JUDGE: I think everybody is on that page.

MR. RIEGER: Yes.

THE WITNESS: Sorry.

So for Hardin for the expert report, was identified as core preservation. For Lawrence, it was identified as population shift and core preservation. And for Maury County, it's population.

So I think probably the easiest one to start with is the Maury. Maury County is one of those counties that has too much population for one district and too little population for two districts. So one district, District 64 is created wholly within the county and the remaining population has to exit.

So Lawrence identifies population shift and core preservation. So again, I would just explain the shifting of the losses of population

from west and east and the growth in middle, that's going to shift everything to the middle of the state. And Lawrence County is one of the places where that shifting has occurred.

That said, the division in Lawrence between Districts 71 and District 70, is not entirely dissimilar to a split that was in the 2012. It's not as close as, say, the split in Sevier, but it is a split of a county that had been split in a previous between the same two districts.

And for Hardin County, it says core preservation. And again, this is one and you look at it and you think, well, what is the core? Well, District 71 before this redistricting was Hardin, Wayne, Lawrence, and Lewis. But because of the population pressures, Lewis is no longer part of 71. Lawrence is slightly different. Maury County's excess population had to go somewhere, and it was attached to District 71. In order to keep some of that traditional 2012 core together, a portion of Hardin County is attached to District 71.

While it may look like an odder looking shape, I believe that's Highway 64 and Highway 203. Just if you have to split, it's better to give some sort of boundary that people might know

what it is.

Q And if I could draw your attention a little bit north to Dickson County.

A So Dickson County, there's two districts that the split in Dickson County has within it. It's District 69 and District 78. And it's identified as core preservation and incumbents. And it is the only time in this expert report in the footnote that incumbents is used. And obviously, it means that there's two incumbents that reside in Dickson County, and there has been through the last cycle.

That said, the core of those districts is not dissimilar. Dickson has been split between the two representatives. One representative has had the smaller portion of Dickson County and all of Cheatham County. And again, Cheatham is backed up with three counties that you can't divide: Robertson County, which is a single-member district county, it's perfect; Montgomery, that has the three districts within its boundary; and Davidson County, which has the ten districts within the borders of Davidson.

So, Cheatham has to go somewhere. And under Chapter 598 in order to keep it similar to

the 2012, it attaches to Dickson County and preserves that core for both districts to some extent.

Q Hamblen County, please.

A Hamblen County is identified as population shift and district contraction. District contraction, again, the same as Claiborne, what we are missing in this part of northeast Tennessee -- and this is part of the northeast Tennessee push of population out of the extreme northeast concern -- is like Claiborne, there is a missing district. And the district that's missing was Claiborne and Grainger and maybe part of Union. My mind is getting a little bit fuzzy on that. But it's moved. It's gone. That district has moved to Middle Tennessee.

And Hamblen is split between Districts 10 and 11, and it is split. And essentially, because Greene is a whole county and Cocke is below it and then Sevier. Blount County is another whole county. It's two districts. Knox is a whole county. So you've got population pressures, not only of that shifting population, but you also have Sevier and Cocke and Jefferson that you have to deal with.

And coming east to west, Cocke would need more population. It's not big enough for its own district. Jefferson County is currently split in the 2012 plan. And I have identified it here as population shift and core preservation. And why this is important to talk about with Hamblen County is it's, again, part of the population shift. But the Jefferson County line that you see in Chapter 598 is exactly the same split of Jefferson County that exists today.

And then, it's within District 11 today, but it's not enough population for District 11; hence, the split of Hamblen County and the contraction of the district that was above it, which had part of Grainger. Grainger is kept whole in this map and attached to it.

Q And if we could stay in upper, East Tennessee and go to Hawkins, please.

A So Hawkins County is identify as population shift and county splitting. The population shift I talked about. I think I talked about the county splitting when we were in Carter. There's no way to draw a map that I know of, any map that you can draw without splitting Hawkins, because of that population exiting that northeast corner.

And it is because of the stop signs of Greene and Washington, and this is part of that overall shift from that corner towards the middle of the state that's just unavoidable and it has to be split.

Q And just to clarify, when you say "stop sign" what are you referring to?

A And if there's a better term somebody has for it, I could say it. It's the ten whole counties, either multidistricts all within the county boundary or single county districts, which there's only two of them in this cycle, which is Robertson and Greene, which the population is sufficient to be a single county. So I just refer to those as stop signs. You can't break those boundaries, but for if you have a really good reason, I would think.

Q If we could go to middle, West Tennessee and go to Henderson right next to Madison?

A So Henderson is identified in the expert report as population shift. And this is just a result of the shifts further to the west moving east. It's the population for again the map that's in part of that presentation of September 17th of all the counties in West Tennessee. Two-thirds of them that have actual loss population.

Redistricting sometimes is a domino effect. And in order to draw 79 from the remainder of Gibson and Carroll, more population needed to be added. And while you could go different directions, Chapter 598 goes through Henderson County.

Q And if we could move north of that and talk about Henry.

A So Henry County in sort of still extreme northeast of Madison County on the Tennessee River is identified in the expert report as population shift and district contraction. The shifting is the same shifting. It's the movement to Middle Tennessee of the West Tennessee districts. But it's also, this is one of the places, like Hamblen County and the district in Shelby County, where there's a contraction, where a district is missing from the map. And that district numbered was 75, but it was a district that included Henry County, Stewart, and Benton, if I'm not mistaken.

But because District 74 was a large portion of Montgomery County in the previous cycle and because Montgomery County had a very explosive growth and the boundary is three districts within it, it became an area of the state where contraction occurred. And Henry County is added to the four

full counties of Stewart, Houston, Humphreys, and Benton to fit the population.

Q And if we could move next to Jefferson, just east of Knox County.

A Jefferson County, and I mentioned it I think a second ago. I got ahead of myself. But Jefferson is identified as population shift and core preservation. So Jefferson County in the 2012 plan was District 17 and District 11, and that boundary for that division of Jefferson County is exactly the same in this plan as it was in the prior plan.

And again, you have to almost talk about Sevier County. Sevier County below it has too much population for a single district, and its excess population has to go somewhere. And in Chapter 598 it's possible to have the District 17 that currently has essentially the same part of Sevier County attached to the part of Jefferson that it currently has.

Q Thank you. Since you referenced Sevier, let's go ahead and take care of that one.

A Okay. So Sevier County is population and core preservation. It's too much population for two districts. And that division is essentially very close to the same division of Sevier that exists and

it's sort of a core preservation. Of the part that you have to get rid of, it's essentially the same part.

Q Lincoln County, south of Nashville on the Alabama border.

A Sure. So Lincoln County is identified as population shift and core preservation. In Chapter 598, Lincoln County is between Districts 70 and 62. 62 is a district that has both Bedford and Moore Counties whole. And the line that District 52 currently has with Lincoln County is very narrowly the same as the line that's on the map Chapter 598. So that helps with the core preservation of District 62, which needs the population to be added to it with Bedford and Moore to make a full county.

And we talked about that shifting of population from east to middle and west to middle. Lincoln County's remaining population helps Giles and the remainder of Lawrence just with the population issue of making that district comply within the overall range.

Q By overall range, are you talking about the 5.09 percent and negative 4.91 percent deviation?

A That would be an absolute 10 percent. But

I'm talking about the positive 5.09 to the negative 4.91 which is in the plan.

Q If you could move to Loudon County, please, which is southwest of Knox next to Blount.

A So for Loudon County I believe is identified as core preservation. And Monroe County -- I sort of have to talk about Monroe with it, which is also identified as core preservation. And as I mentioned when we were discussing Bradley County, the area that contains Meigs, Bradley, Polk, McMinn, Loudon and Roane County are essentially, with some minor variations, are the same or very similar districts with some differences of what part of the county small portions may be attached to going back to the 2000 cycle of redistricting.

Because Bradley, the Districts 24 and 22 that include Bradley, Polk, and Meigs are exactly the same from 2012 and because they back up to Hamilton County, that leaves you with McMinn County or Monroe. If you kept one whole, one would be split. Monroe County is attached to full McMinn County for population reasons, but it maintains a core. The boundary line that you see for Monroe County is very similar to the boundary line of the 2012 plan.

And then, because of that split, it's not enough population left for a district, and population from Loudon is added, which again creates a bit of a domino in that part of the state. With that said, the line that's in Loudon County near Lenoir City is very similar to the line that's in the 2012 plan and historically goes back to a split of Loudon County in the 2000 plan.

Q If I could draw your attention to Obion County in northwest Tennessee.

A Yes. So Obion is identified as population shift, and it is a result of the shifting of population and the loss of population in West Tennessee. District 82 needed population and from Lauderdale and Crockett kept whole, Gibson is a bridge to make sure that enough population could be in the districts. So, Obion helps District 82 with its population variance.

Q And if I could get you to move to Putnam County please.

A So District 42 and 25 is Putnam County. So Putnam County is identified as population shift and core preservation. So Putnam County is one of those counties that has too much population for one district, too little for two districts, so it has to

be split. It's currently split between Districts 42 and 25. I say currently. It was split in the 2012 round between Districts 42 and 25.

This map maintains that that split between those same two districts and I believe it's two voting precincts difference, so the core of it is not dissimilar. District 42 had to give up a little bit of population.

Q And if I could get you to move to the southeast to Roane County, please.

A So Roane County is identified as core preservation. Again, this is that same eight county area in southeast Tennessee that goes back to the 2000 round, where it's just difficult to probably draw that area of the state in a different way. Roane's split has been on both ends. Roane has been split on the south end and on the north end. But essentially Roane is maintaining the core of District 32 and attached to that portion and Loudon that has part of Lenoir City.

Q And if I could get you to move to Sullivan County in the Tri-city area.

A And Sullivan County is identified here as population, county splitting. So I think I probably talked more than anybody wants to hear about the

northeast Tennessee, but Sullivan has enough population for two whole districts but not enough for three whole districts. It has to be split. It's too much population for three. It has to go out.

It was compounded by the fact that we had this bubble of a half a district's population in Unicoi, Carter, and Johnson Counties. You have the stop signs of Washington County and Greene County, and the population from Johnson and the remainder of Carter has to exit through Sullivan. There's no other way to do it. It is not a pretty looking district, but it's a district that has to be created to comply with the Constitution.

Q And then, the last three: Sumner County, Wilson County, and Williamson County, you have listed population for those. Can you explain that briefly?

A So all three of those counties have enough population in the case of Sumner for two full districts but not enough for three. It has to be split. Wilson has enough population for two full districts but has a little too much. I think it would have made the variance a little too high beyond a 5.09, so some has to come out.

And then Williamson County has enough population for three full districts and then has about a half a district even though it doesn't look like that much in Chapter 598, but that city of Spring Hill has a lot of population. So that excess population is attached to Marshall County.

Q Is core preservation a tool to decide how to solve one person, one vote?

A Is core preservation a tool to decide?

Q To solve one person, one vote.

A It's a criteria of the house, and it is a justification for having a deviation.

Q Does it help you to decide what counties to split to get in compliance with equal protection?

A Knowing that a county will be split, it helps with hopefully making it more convenient to the people that are there and the people that administer elections in those areas where core preservation keeps the boundary exactly the same. And then, I think it helps knowing if you are having to split to balance these districts population wise of keeping some of the communities or historical districts together.

Q I would like to draw your attention to the middle of Page 38 on your expert report. Is the

enacted house map similar to the number of county splits in previous maps?

A Yes.

Q Please explain that for us.

A Sure. So going back to the past redistricting cycles, I've talked about the 90 round and the Plan A and Plan B. There was a Plan C, too, but that one was, I think, pretty irrelevant early in the rounds. But Plan A had 29 splits. Plan B, which was the plan that included the Rural West Tennessee majority-minority district had 30 splits. In the 2002 round, there was no A and B. There was just one plan, and Chapter 468 had 30 splits. And in the 2012 round, Chapter 511 had 28 splits.

Q And if I could get you to flip to Page 39, please, of your expert report. In your Conclusion, you state:

"Specifically the singular focus on one criteria in county splitting over other legitimate criteria and the subsequent failure to adhere to that criteria and by failing to preserve districts and/or county lines in Madison, Montgomery, and Shelby Counties, greatly distorts the number of county splits advanced in the alternative plans."

Can you explain what you mean by that?

A Yes, I certainly can. So, I think, you know, that the focus is always on crafting a constitutional plan. And I think I mentioned that I think you can have multiple constitutional plans that may have a difference in overall deviation, in the number of counties that are split, and have differences in the other eight criteria that the General Assembly uses, and they can all be constitutional.

But I think focusing on a single factor and then not doing it, not preserving a full district in Madison County, not replicating the General Assembly's choice the keeping three districts in Montgomery County and splitting a county that is a whole county that can be devisable either on its own as a district or can be divided, and splitting a county that doesn't need to be divided, I think can distort the number of splits that you can get to.

Q Could you draw fewer splits if you were allowed to split urban counties?

A I believe you probably could.

Q Okay. Are you permitted to double split a

county?

A You are not permitted to double split a county.

Q Why not?

A I think that goes back to the whole purpose of trying to take one person, one vote and Article 2, Section 5 and meld them together. That if there is a split of a county, that that county should be split in a way that is probably the easiest for the electorate, for the candidates, and the election folks to understand. And double splitting does not help you conform those two principles.

Q In your expert opinion, did the General Assembly make an honest and good-faith effort here?

A It appears that looking at this plan and going through the counties as we just did, I think they have.

MR. RIEGER: Okay. And, Your Honor, I would like to confer with counsel, but I think we are about to move Mr. Himes' testimony into some senate election results. So, if the Court would like to take a break, it might be a good stopping point.

CHIEF JUDGE: Let's take a ten-minute

break.

[10:55 A.M., a recess was had until 11:11 A.M.]

CHIEF JUDGE: Just wanted to let the lawyers know that we are hoping to take the lunch break around 12:30, but we don't want to interrupt anybody's flow of questioning.

MR. RIEGER: I think we can make that work with the end of the Direct, Your Honor.

Q (By Mr. Rieger) Mr. Himes, have you reviewed Cervas concept map 13b_e as part of Summary Judgment?

A I believe I have.

Q Okay. Do you know whether or not that map unnecessarily split Madison County?

CHIEF JUDGE: Could we go to the document, please? That would help me.

MR. TIFT: Your Honor, if you want to see a visual representation, if you would look at Tab 8, b with the proviso that it no longer contains noncontiguities.

Q (By Mr. Rieger) Exhibit 8, Page 14, please.

A I'm there.

Q And I believe you testified earlier that

there were noncontiguities in Cervas map 13b?
A Yes. I did an evaluation on 13b.
Q If you removed the noncontiguities in 13b, would that map still unnecessarily split Madison County?
A Yes. Just looking at it I can tell you yes.
Q If you'll turn the page to 14a. If you removed the noncontiguities from 14a, would it still unnecessarily split Madison County?
A Looking at the map on Page 15, yes, it would.
Q Okay. Turning two pages to 13.5a_e. If you removed all the noncontiguities from 13.5a, would it still split Shelby County?
A It would.
Q Would it still reduce the number of majority-minority districts from 13 to 11?
A I guess unless it had been corrected in the e version.
Q Okay. On the next page, moving to 13.5b, if you removed the noncontiguities from 13.5b, would it still split Shelby County?
A Yes.
Q Would it still unnecessarily split Madison

and Montgomery Counties?

A I can look at this map and tell you, yes, it would for Madison. The coloring on Montgomery -- I would have done an evaluation of this somewhere. I can't see the coloring very well.

Q But with the noncontiguities corrected, the maps would still be constitutionally deficient; is that accurate?

A If there was a county that should have been a whole county that was split, fixing contiguity issues would not solve that.

Q All right. And if I could turn just generally to your time with the General Assembly. How long have you been with the General Assembly?

A Since 1992 beginning as an intern. As a part-time employee, one session in '94. And then as a full-time employee, from '98 until June of 2018. And then, back by June of 2019 until today.

Q If I could get you to take a look at Exhibits 36 through 40.

MR. TIFT: And, Your Honor, we would like to lodge an objection at this point for this line of questioning. Exhibits 36 through 40 -- and I would encourage Your Honor, you can go ahead and look at 36 to see what I'm talking

about -- are printouts of the journals of the senate from various different years from their organizational first day.

We stipulate to their authenticity. They seem to be journals. But the problem is that in this case, on the senate claim, as an expert witness, Mr. Himes has expressly disclaimed having any opinion on the senate claim. On the house testimony on Monday, he has testified to having no interaction with the drawing of the senate map.

And in response to Interrogatories, in which Plaintiffs asked for Defendants to identify which witnesses they would intend to rely on for the senate claim, they responded none at this time. And there's never been a time since then where they have revised this. So, their expert Doug Himes doesn't have any opinions on the senate. Their fact witness Doug Himes was proffered on the house side and has never been proffered as someone on the senate claim.

Now, the Courts can certainly take judicial notice of -- I believe these are just going to be used to show which senators were

where when. We don't mind admitting these for the sake of Defense being able to cite them in the post-trial brief on their senate claim.

But in terms of questioning Mr. Himes about them, we don't see any reason why that would be appropriate or a good use of Court's time when it's mostly just supporting a post-trial brief argument about the lack of turnover.

So we would submit that it's objectionable for this witness, who is not disclosed on the senate on either his expert or house side, to testify about them. We don't object to them being admitted into the record for citing to in post-trial briefs.

MR. RIEGER: Your Honor, we have no intent of asking the witnesses any questions about these other than to authenticate. So, if the Plaintiffs are okay with allowing in the senate journals in 36 through 40 and the Secretary of state election results from 41 through 82, we can end the examination with that, just by putting them all into the record and letting us do with them what we will on the post-trial brief.

MR. TIFT: Plaintiffs don't object. Substantively, we do and will argue they are irrelevant to the Court's analysis, but we don't dispute the Court can take judicial notice of them, and they can argue in their brief that they are relevant. And it will be convenient for the Court to have the copies. So, no objection.

CHIEF JUDGE: So correct me if I'm incorrect on this, but Exhibits 36 through 82 are now being admitted without any objection to authenticity. And then, there will be legal arguments about what they mean in the posttrial brief.

MR. RIEGER: Correct, Your Honor. We just want to establish the office holders. We know the Court can take judicial notice of it, but we have gone ahead and gathered all the information and that way it's in the record and we can talk about it in our posttrial brief.

CHIEF JUDGE: Thank you.

(The above-referred to document was thereupon marked Defendant Exhibit Nos. 36-40, and is attached hereto.)

(The above-referred to document was thereupon marked Defendant Exhibit Nos. 41-82, and is attached hereto.)

Q (By Mr. Rieger) Back for just briefly to the house, were any of the alternative maps that were presented to the General Assembly even remotely constitutional?

A Presented to the General Assembly, no. The General Assembly did not have any of the four public maps that were submitted by the November 12th deadline, or the Democratic caucus' plan all had constitutional deficiencies.

Q If I could draw your attention to Tab No. 28, please.

A I'm there, sir.

Q Are you familiar with this document?

A I am.

Q What is it?

A It's a map of the Chapter 511, which is the 2012 house plan, which is the plan that was drawn from the House of Representatives based on the 2010 census.

MR. RIEGER: Your Honor, at this time, we would move to introduce this as Exhibit No. 28,

and we understand there's no objection.

MR. TIFT: There's no objection.

CHIEF JUDGE: Exhibit 28 submitted with no objection.

(The above-referred to document was thereupon marked Defendant Exhibit No. 28, and is attached hereto.)

Q (By Mr. Rieger) And if I could draw your attention to the Tab right before it, No. 27. Are you familiar with this document?

A I am.

Q What is it?

A It's Chapter 568, which is the 2002 house plan, which was the plan for the House of Representatives drawn after the 2000 census.

MR. RIEGER: Your Honor, at this time, we would like to move Exhibit No. 27 into evidence.

MR. TIFT: There's no objection.

CHIEF JUDGE: For the record, the witness said 568. Is it 468 or 568?

THE WITNESS: My apologies. It's 468.

CHIEF JUDGE: Great. It's admitted into evidence without objection.

- - -

(The above-referred to document was thereupon marked Defendant Exhibit No. 27, and is attached hereto.)

Q (By Mr. Rieger) Earlier when you were discussing the concept of core preservation, were you referring to the districts that existed in 2012 and 2002?

A Yes. Both 2002 and 2012 you can see some of the core preservation similarities. And then, on occasion, I believe that I referred to Plan B for the District 80 components, which is the 1990 redistricting.

Q If I could draw your attention to Tab No. 31, please. Are you familiar with that document?

A It appears to be the senate districts from the '98 General Assembly.

Q Would that reflect the 1990's senate map?

MR. TIFT: Again, Your Honors, we would object. I think this is already admitted through Ms. Hunt's testimony, but to the extent he is being asked to testify on the senate, he is not a disclosed witness.

MR. RIEGER: We're just moving it into evidence, if it's not there already.

MR. TIFT: It's there already.

MR. RIEGER: Okay. Is 32 in, as well?

MR. TIFT: I thought 31 and 32 came in on Monday.

MR. RIEGER: If that's the case, I will pass the witness.

CHIEF JUDGE: Exhibits 31 and 32 are either already admitted or are either now being admitted without objection.

MR. RIEGER: Thank you, your Honor. I'll pass the witness.

- - -

CROSS EXAMINATION BY MR. TIFT:

Q All right. Mr. Himes, you agree you have not provided an expert opinion concerning the enacted senate map from this last redistricting cycle, correct?

A I agree.

Q I would like to direct you back to the exhibit that's been marked for identification. It's a demonstrative, Exhibit 105.

A I'm there.

Q You've got the multicolored four or five column chart?

A Yes.

Q And earlier you testified that there's ten counties that can fully contain districts within them, and there's no reason to split the boundary, because they contain fully within them districts, correct?

A That is correct.

Q And then, there's a second bucket or category of counties represented in the third, fourth, and fifth rows here that can contain one, two, or three full districts and have to have a county line split for the balance of the population, correct?

A Yes, there's a subset of those here.

Q And then, the second column reflects a third category, which are all counties where the population is beneath the lowest acceptable population for one district, correct?

A Are you saying the second column that's labeled population, the darker orange color?

Q Good clarification. The 20 dark orange counties in the population column all have populations less than one acceptable district?

A Yeah, that's correct.

Q And looking at any one of these counties in isolation, not looking at the county surrounding

it, there's no way as an expert to say whether they have to be divided or could be kept whole and paired with another county, correct?

A That is correct.

Q And looking specifically at Gibson County here, there's no way in isolation to say whether or not it has to be divided or can't be divided, correct?

A That's correct.

Q And typically, when you are looking at a redistricting map, looking at any single county in isolation can't demonstrate to you whether or not it has to be divided or can't be divided, correct?

A Rephrase that, please.

Q If you're just going to take a map of the state of Tennessee and look at all except those that the 85 counties that don't evenly break down, you're not going to be able to look at just that one county and say whether or not it has to be split or not? Actually, let me rephrase that. I'm speaking about all the counties where their population is under one district. You can't look at those and say in isolation whether or not they have to be divided or can't be divided?

A That's right. The ones that are below the

threshold of negative 4.91.

Q And that subset of counties are inherently reliant upon other counties around them for you to figure out whether or not they do need to be split, correct?

A I agree. You have to look at the map as a whole.

Q And you agree the 99-piece puzzle you referred to, there can be many different decisions for any given one of those counties depending on how the other puzzle pieces come together?

A That is correct.

Q And any one piece of that puzzle is inherently reliant on the other pieces around it, right?

A I think that is right.

Q And in your experience as an expert here, you could even make decisions about a whole region of the state and then as you start working on the adjacent region, that could cause some changes back to the region you already temporarily finished, correct?

A I guess if you're asking, it's a 95 district, 99 county puzzle.

Q Right. And changes in Middle Tennessee

can feed back into West Tennessee or feed over into East Tennessee, and all the different directions can cause further revisions to try to get the puzzle right, correct?

A That's right.

Q Now, when you were taking plans from the public -- I guess I'm asking you as a fact witness now, as the fact witness who was the contact for public plans submissions. So, as fact witness Doug Himes, you agree that if Plaintiff Gary Wygant had submitted a proposal to you about whether or not to divide Gibson County on its own, that would have been rejected because it wasn't a statewide map, correct?

MR. RIEGER: Objection. That's speculative.

MR. TIFT: Well, this man ran the entire districting process for the state on the house side. So I think he knows what happened when less than statewide maps came in to him and how he responded to them.

CHIEF JUDGE: It seems to me if the question is as an expert, a hypothetical question seems more appropriate, but as a fact witness, I would tend to exclude that.

MR. TIFT: Okay. Well, let me phrase it differently.

Q (By Mr. Tift) As the map drawer, did you receive any proposals that were not statewide proposals? You talked about four proposals and your analyses of them that came from citizens. Do you remember those four?

A Yes.

Q Those were all statewide proposals, correct?

A Correct.

Q Did anyone attempt to submit less than a statewide proposal to you?

A That would be outside of the guidelines.

Q And did anyone try to submit less than a statewide plan to you?

A I may have received email from at least one individual in Williamson County that just suggested that Spring Hill be kept together in a district. I don't recall getting any other communication that was an attempt to just give me one piece of the puzzle. But I did ask people to do that.

Q All right. And you agree you responded to that person about Spring Hill that to make a

proposal would require a statewide map?

A If somebody wanted to submit a proposal under the house guidelines, it required that a statewide proposal -- because as we just talked about, it's a puzzle that doesn't work with one district.

Q Right. So, it was a guideline that all submissions had to be statewide, correct?

A It was an adopted guideline.

Q And as a result, citizens could not submit partial state or regional or just county proposals, correct?

A They were encouraged to talk to their legislature or me.

Q And in terms of submitting a plan to you under the guidelines, they could not do so if it was not a statewide plan?

A They could not submit a plan to be considered by the committee unless it was a full house plan, but they were encouraged to communicate what their ideas were.

Q And that's as you said, because it's a 99-piece puzzle, you can't just see a few pieces and know how everything else is going to work?

A Yes. The problem with getting just one

district in southeast Tennessee is it can affect districts well beyond it.

Q And as the mapmaker, you understand the decisions you made as a mapmaker had a real-life effect on Tennessee citizens, correct?

A I understand that.

Q And if you, Doug Himes, any one of your decisions, if it led to a constitutional violation, would have violated someone's constitutional rights, correct?

MR. RIEGER: Objection, speculation.

CHIEF JUDGE: I believe given that the witness is lawyer, given the way he looked at this, that he can answer the question as posed.

Q (By Mr. Tift) So, you acknowledge that the decisions you, Doug Himes, make as a map drawer could ultimately lead to constitutional violations for voters, correct?

A So, my job as the counsel for the committee has been to help them enact a constitutional and fair plan, and I have done that consistently as a nonpartisan employee for 30-plus years. I do not want anyone to have their constitutional rights deprived.

I think Tennessee house is unique in

the fact that it tries to keep partisanship out of redistricting. And that goal has always been a constitutional and fair plan. And I have been fortunate enough to work with legislatures, both Democrats and Republicans, that share that same vision.

Q And you just made a good point. These aren't ultimately your decisions. They are the members decisions, correct?

A At the end of the day, I don't make policy.

Q And you agree we are not privy to any of the members' decisions here, correct? Under the privilege we have just been speaking about, any member communication with you are not before the Court, correct?

A I understand that. But I can assure you that the house has always, always had --

Q Respectfully, Mr. Himes, you can't assure me that the process is not political at all when the political actors' communications with you are not before this Court. I understand you are non partisan, but you work for partisan actors, correct?

MR. RIEGER: Your Honor, I would ask that the witness be allowed to finish his answer

before being interrupted by counsel.

CHIEF JUDGE: Mr. Himes, if you were not finished with your answer, you can complete it.

THE WITNESS: Thank you. I would just say that I wouldn't in my career and my resume reflects that I will not work for a person that doesn't share the same regard of the Constitution that I do.

Q (By Mr. Tift) Okay. And you have worked for partisan politicians for the last 30 years ultimately, correct, you haven't worked for Independents?

A That's incorrect.

Q Is it not accurate that you worked under Democratic Speaker Naifeh?

A That is correct.

Q You worked under Republican Speaker Harwell?

A That is correct.

Q Republican Speaker Williams?

A That's incorrect. Speaker Williams was an Independent.

Q So you have worked under Democrats, Independents, and Republicans and you have worked at their appointment, correct?

A I have worked for at one point the entire legislature and now for the House of Representatives.

Q And you have agreed that the members of the General Assembly gave you priorities and feedback on the maps as you were drafting them that you worked to incorporate into the maps as possible, though we are not privy to what those priorities were, correct?

A I think earlier you overstated the direction. There are times that I need direction when I do a concept. But the concept is built on the eight criteria that the General Assembly uses. It's only the areas that I need to know from them where to contract a district. And that's where I need guidance. Or, you know, how many districts in Shelby? Is this concept to be 13 or 14? That's the type of guidance that helps me be able to use those factors to create a constitutional plan.

Q But you acknowledge that we are not privy in this case to any guidance that you got from members, correct?

A I think that's what I have heard, yes.

Q And did you not tell me in your deposition that you met with almost every member during the

redistricting process?

A Yes, I did. I met with, during this process, as the concept, it becomes 598, I meet with hopefully all 99. This time it was all 99. The last time it was only 98. And what they see is where their residence will be in the district.

Q Well, we can't talk about your communications with them. So, you have met with all the members and acknowledge that you have taken feedback from many members?

A Yes.

Q All right. When I refer to the enacted house map, I'm referring to Chapter 598. You agree that that's what I mean when I say enacted house map?

A Yes.

Q Also codified at TCA 3.1.103?

A Yes.

Q Okay. I would like to hand you now a copy of Lockert I, the first of the Lockert cases. And you have testified you agree you have read Lockert before?

A I have.

Q Can I direct you to Page 12 of the printout that you have?

A I'm there.

Q Okay. And the paragraph that's case cite 715, 3, the right column here that ends "We hold part of that." The numbered paragraph 3 on the right column?

A I think I am there.

Q You see how that paragraph ends, "We hold that the plan adopted must cross as few county lines as is necessary to comply with the federal constitutional requirements."

A Yes.

MR. RIEGER: Your Honor, before we go any further down what I expect will be the line, we would like to lodge the same standing objection that Plaintiffs did, which is that any interpretation of what Lockert means or the Tennessee Constitution will ultimately be done by the Courts and not subject to Mr. Himes' understanding of it in terms of what the case actually means and what the Supreme Court actually did.

CHIEF JUDGE: Noted for the record. Thank you.

Q (By Mr. Tift) First, as fact witness Doug Himes, what's your understanding of the federal

constitutional requirements issued here in Lockert, which federal constitutional requirements do you understand the Supreme Court to have referred to?

A One person, one vote.

Q Okay. And you agree they also in this opinion were considering the Equal Protection Clause's dilution of minority votes, correct?

A Yes.

Q Do you agree those are the two federal constitutional requirements referenced in Lockert I?

A Yes.

Q Okay. And you were not asked in your role as expert Doug Himes to opine on whether the enacted map crossed as few county lines as necessary to comply with federal constitutional requirements, correct?

A That is correct.

Q And you were also not asked to do any new map drawing to explore any other potential maps that you could have created, correct?

A That's correct.

Q And you didn't do so because you weren't asked to?

A That is correct.

Q In your capacity as expert?

A That's correct.

Q In fact, you have done no affirmative work as an expert to see if the General Assembly could have enacted a house map based on 2020 census data with fewer county splits while still complying with federal constitutional requirements, correct?

A That's correct.

Q You never took the enacted map and put it into Maptitude and then edit it to see if you could reduce county splits but still comply with one person, one vote and the equal protection clause?

A I was not asked to do that.

Q And you never put the enacted house map in Maptitude to see if you could reduce county splits but still comply with Voting Rights Act, correct?

A I wasn't asked to do that.

Q And you also didn't start from any other beginning point. You didn't go to Maptitude with a blank slate and see if you could create an overall state map with fewer county splits than the enacted house map while still complying with federal constitutional requirements, right?

A That's correct. I wasn't asked to do that.

Q You also didn't start neither from the

enacted house map nor from scratch but from some other starting point to try to create a map that divide fewer counties than the enacted house map while still complying with federal constitutional requirements, right?

A I was not asked to do that.

Q As an expert, you didn't do any mapmaking or analysis to determine if the 2020 census results for Tennessee allow a house redistricting map with fewer county lines crossed than the enacted house map while still complying with federal constitutional requirements?

A I did not attempt to create a map like that.

Q And you used Maptitude in your redistricting work, correct?

A That is correct.

Q Did you say you have used that for the last three cycles or just the last two?

A The house or the General Assembly, one or the other has used it since the late '90s, so the end of Plan A and B.

Q Okay. And so for all three redistricting efforts 2000s, 2010s, 2022 that you were the lead on, that was all Maptitude?

A That is correct.

Q Okay. And you prefer Maptitude to Dave's Redistricting App, correct?

A That's correct.

Q And in December when we had our deposition, you said one of your criticisms of Dave's Redistricting App is that it is "limited in its ability to pick up noncontiguous districts," correct?

A That's what I said in my experience with it.

Q Right. And that was back in December of 2022, correct?

A Yes.

Q And at that time your experience was that Dave's Redistricting App had trouble recognizing noncontiguous districts?

A That is correct.

Q Now, you have already testified you weren't asked in your role as expert to opine on whether the enacted house map crosses as few county lines as necessary to comply with federal constitutional requirements, correct?

A I'm sorry. Could you --

Q Yes. You have already testified, you

weren't asked to opine on whether or not the enacted house map crosses as few county lines as necessary to comply with federal constitutional requirements, right?

A That's right.

Q And as an expert, you do not have an opinion on whether or not the enacted house map split as few counties as necessary to comply with federal constitutional requirements?

A I believe I said I think it's theoretically possible that you could split fewer counties.

Q Okay. So, you don't have an opinion that 30 is the magic number, that 30 is the fewest that could have been split to still comply with federal constitutional requirements, correct?

A I don't think I have the opinion. Thirty is what's in 598, but I think I have said I think that it's theoretically possible that it could be below that.

Q Right. And since your opinion is that it's theoretically possible, that inherently means that your opinion is not that 30 is the fewest splits, correct?

A I don't think it's the magic number

necessarily.

Q And you don't have an opinion in this case as an expert about whether or not the enacted house map split as few counties as necessary to comply with the Voting Rights Act, correct?

A I'm sorry, one more time.

Q Sure. And I can ask them over and over. You don't have an opinion as an expert on whether the house map divides counties only as necessary to comply with the Voting Rights Act?

A Only in the extent that I would say that it does divide the counties that's necessary in West Tennessee to comply. It does do what.

Q All right. But overall the statewide map, you don't have an opinion on whether the statewide map divides counties only as necessary to comply with the Federal Constitution and the Voting Rights Act, or you think it's theoretically possible that there could be fewer?

A Overall, not limited to just the VRA. The VRA I do think it splits counties because of the Voting Rights Act.

Q So you think the map is Voting Rights Act compliant?

A I believe it is.

Q Okay. And you don't have an opinion on whether or not the map splits counties only as necessary to comply with federal constitutional requirements?

A And by saying federal constitutional requirements, you're doing the one person, one vote, not VRA, right?

Q Well, the constitutional requirements that Lockert just spoke about, that we just looked at, which are the Equal Protection Clause, not talking about the Voting Rights Act?

A Again, I think it's theoretically possible to draw a plan that might split fewer than 30.

Q And as an expert in this case, you also have no opinion concerning whether the General Assembly actually tried to create a house map with as few county splitting districts as needed for federal constitutional compliance, right?

A As expert, I wasn't asked to evaluate 598. I think that's what you have asked?

Q I'm confirming you have no opinion on whether the General Assembly itself actually tried to pass a house map with as few county splits as needed for federal constitutional requirements?

A I wouldn't know that.

Q And you were at the public hearings, correct?

A I was.

Q Not as an expert, as a mapmaker. But you still remember the public hearings?

A I do.

Q And you agree at the public hearings, there was no testimony showing that the General Assembly, in fact, tried to have as few county splits as necessary to comply with federal constitutional requirements?

A Yeah. There's no testimony about all the 30 county splits.

Q And are you aware as an expert, you know, experts can look at any documents they are given. As an expert, have you reviewed any documents that show you that the General Assembly actually tried to create as few county splits in the house map as needed for federal constitutional compliance?

A I haven't seen a document that has something like that in it.

Q And so walling off any subjective knowledge Doug Himes the mapmaker has, Doug Himes the expert doesn't have any opinions on whether the General Assembly actually tried to create a house

map with as few county divides as necessitated by federal constitutional requirements?

A So, I think 598 is constitutional with it's 30 splits, but I also think it's theoretically possible that you could have a competing plan.

Q Well, I'm no longer asking you about possibility. I'm asking you about what your expert opinion is about what the General Assembly tried to do. And walling off your subjective knowledge of what the General Assembly actually tried to do, as an expert looking at documents that are publicly available, looking at the map itself, you don't have an opinion about whether the General Assembly actually tried to pass a map with as few county splitting districts as needed for federal constitutional requirements?

A I would say that 598 is a constitutionally compliant plan.

Q That doesn't even remotely answer my question. They question is, I'm asking about the General Assembly's intent. As an expert in this case, do you have an opinion about whether the General Assembly itself actually tried to create a house map with county splits only as many as necessary for federal constitutional requirements,

if that was their actual intent?

A So as an expert, do I know if they have tried, no. But as an expert looking at the plan, provided a constitutional reason for the 30 splits.

Q Sure. There's no question you think the map is constitutional. But as you just confirmed, as an expert, you don't have an opinion about the General Assembly actually trying to create as few as necessary for federal constitutional requirements, right?

A I think as an expert, I wouldn't know that.

Q And you would agree that nothing publicly available demonstrates to anyone that 30 splits was the magic number, meaning the fewest county splits needed, for federal constitutional requirements, right?

A I don't know of anything that says it has to be 30.

Q And you agree the enacted house map on itself looking at it, analyzing it, the enacted house map itself does not demonstrate just on its face that it crosses as few county lines as necessary to comply with federal constitutional requirements, right?

A I think it's theoretically possible that you may be able to produce something that has fewer splits.

Q So you agree the map itself, you don't just look at it and analyze it and it doesn't tell on its own that that is the fewest county splits needed to comply with federal constitutional requirements, right?

A You wouldn't be able to look at any map and know that without analyzing it and looking at it a little deeper.

Q Right. And at your deposition, in fact, you said you would have to try to draw a better map to figure that out, right?

A That's right.

Q And you didn't try to draw a better map as an expert?

A I wasn't asked to.

Q Sure. And you didn't?

A That is correct.

Q Okay. Have you ever tried to create a house map using 2020 census data for Tennessee with fewer than 30 county splitting districts?

MR. RIEGER: I will maintain my objection to the extent that that calls for any sorts of

draft maps that would be protected by attorney-client privilege work product.

CHIEF JUDGE: I'm going to overrule the objection. Go ahead.

MR. TIFT: Well, Your Honor, unless they are waiving the privilege, I'm pointing out just the problem in the reality that he has some subjective knowledge that he can't tell us about. So I anticipate the objection, and I think on the Court's prior ruling, unless we are going to go back and do discovery on his draft maps, I would ask that he not be able to testify about before he was an expert if he ever did so.

CHIEF JUDGE: All right.

Q (By Mr. Tift) So you don't need to answer.

Now, you testified that it's your opinion that you and Ellen Tewes, who you mentioned before, are probably the two living people with the most knowledge about house redistricting in Tennessee, correct?

A That is correct.

Q And there's been discussion in the case about avoiding litigation risk. You agree there hasn't been any federal challenge to Tennessee maps

since the 1990s, correct?

A Federal challenge, there has not.

Q And the first map you did 2000s, no lawsuits?

A There was none on the plan. I think there was one that we didn't redistrict soon enough.

Q And then, the 2010 map, there was limited litigation on the senate side concerning county splits?

A The Moore case.

Q So those are the only cases in the last 25 or so years, correct?

A And I think that shows that the General Assembly takes it constitutional obligation pretty seriously.

MR. TIFT: And just to clarify the record, I just do want to clarify the Panel hasn't modified its ruling on privilege, the Motion the Compel and your ruling still stand?

CHIEF JUDGE: Yes.

Q (By Mr. Tift) All right. I would like to direct you now back to your expert report. That's Exhibit 14. Now, I understand you wrote this report yourself, correct?

A That is correct.

Q The lawyers for the Defendants did not write this report?

A That's right.

Q And you wrote the legal analysis in this brief, as well?

A That is correct.

Q I called it a brief. I meant report. You wrote the legal analysis in this report?

A That's right.

Q And we'll go to Page 38, footnote 12, which was addressed earlier. And so you wrote footnote 12 yourself, correct?

A That's correct.

Q And as an expert you provided this footnote reflective of your analysis of the map, correct?

A That's correct.

Q And this footnote comes off of a sentence midway through that states, "Each split is justified by a legitimate redistricting objective, such as, population, the Voting Rights Act, or other criteria utilized by the Tennessee House of Representatives for state house redistricting." Did I read that correctly?

A You did.

Q And then your footnote states at the start, "Chapter 598 Split Counties and Justifications," correct?

A That is correct.

Q Now, nothing I have read states that there's other justifications you didn't write down, correct?

A I think you read what it says, yes.

Q Okay. And you wrote this, I guess, either late October or early November of 2022?

A Yes.

Q So in November of 2022, you listed the reason for Carroll County's division as core preservation, correct?

A Yes.

Q And in November of 2022, you listed the reason for Dickson's division as core preservation and incumbents, correct?

A That's correct.

Q And in November of 2022, you listed the division of Fentress as core preservation, correct?

A Yes.

Q And at that time, you listed Hardin's justification as core preservation, right?

A That's correct.

Q And you listed Monroe as core preservation, correct?

A I'm sorry, which county?

Q Monroe.

A That is correct.

Q And you agree from the multicolored chart, that several of the counties on here are ones with more population than a district that would have one, two, or three full districts in them and then require a split, correct?

A From the chart on whatever that was.

Q It was 105. Feel free to look at it. But you agree that a subset of these counties are more than one county in population, and the balance of full districts requires a split, correct?

A I think that's right. You are saying the ones that have more than one or two and have access, it has to be split, like Madison and Maury and those folks.

Q And you listed that on this report, right, when that was the case?

A On here, I think all those should say that it was population. Just that was the descriptive term for it.

Q And do you have the big map?

A Yes.
Q There are also occasions where the stop sign requires a split? That's your term, stop sign, correct?
A Yes.
Q And I'm look at far East Tennessee. You noted that Greene County is a full district?
A Correct.
Q Washington is a full two districts?
A Correct.
Q Unicoi is quite small, it's under 20,000, right?
A That's correct.
Q So, it has to be paired with some county, correct?
A Right.
Q And you can't go into Greene because that one is not divided?
A Correct.
Q You can't go into Washington?
A Right.
Q Unicoi is not okay on its on?
A Correct.
Q And Carter has 56,356, correct?
A 56,356, that's correct.

Q So Unicoi and Carter can't be paired together as one whole district, because then you would be above the 73,000 top number, correct?

A Yes. I believe if you added them both together it would be too much population.

Q And that's maybe an example of where an under-one district county has to be split based on the stop signs, correct?

A Correct. There's only one way to get out of there.

Q And you said so, that justification in this footnote, correct? If you look at Carter County, population shift --

A And core preservation and county splitting, yes.

Q Okay. But back in November, for seven of the 30 counties, you did not say population shift. You listed only core preservation or core preservation and incumbent protection, correct?

A There are six that just list core preservation, and one that lists core preservation and incumbents. Only one lists incumbents.

Q And you created this as an expert analyzing the map, not as the drawer of substantive reasoning behind the map, correct?

A I did this independent for this report at the time of the report.

Q So, even if you had personal knowledge about any reason for a split having to do with anything that a member told you, that's not reflected in this footnote, correct?

A That's correct. I prepared this footnote just based on this report looking at the map and the populations.

Q So, we heard about the retiring member from Gibson County. I'm not saying that he did, but if he had asked Speaker Sexton either to divide or not divide Gibson, if he had come to you with that request, as mapmaker, that would not be reflected in this report, correct?

A I don't think I could have.

Q Right. So this is your expert analysis. And at that time, six counties were listed as just core preservation, and one is core preservation and incumbent protection, correct?

A That is correct.

Q And you agree that incumbent protection cannot justify a Tennessee county split under the Lockert decisions, correct?

A I think the litany of those decisions say

that there are going to be some political considerations, and it's one of the criteria that the house has, is minimizing incumbent pairing.

Q And you agree that the Supreme Court in Lockert II invalidated the split of Washington County, because the stated reason for splitting Washington was incumbency protection, correct?

A Was that the senate district?

Q Well, you have reviewed these, right, you spoke about being knowledgable about the Lockert cases?

A Yes, I know the cases. But I also focused on house redistricting. I agree that that's what it says. I also would say that when you go to Lincoln County and you have the same scenario and it's not invalidated. And in the case of Dickson County, it's not just because of the incumbents. There happens to be incumbents, and for the purpose of this, I listed that, but it also has the core preservation.

Q Mr. Himes, I know you are one of the two living people with the most knowledge about these cases. So you are aware of Lockert, correct?

A I'm aware of it.

Q We are now looking at Lockert II, which is

the 1983 decision. Lockert II concerned both senate maps and house maps, correct?

A That's right. There's a little bit of each.

Q I'm going to direct you to Page 4 of the West printout. We are between 839 and 840 in the Southwest second?

A Okay. I'm in that area.

Q Section II of the Court's opinion.

A Okay.

Q And in the first paragraph, the Court writes:

"Chapter 909, Public Acts 1982 divides the state into thirty-three Senatorial districts that have a total variation of 10.76% from the one person, one vote optimum population per district of 139,114. That variance was produced by district twenty-six's over population variance of 6.69% and district nineteen's under population variance of 4.07%. Chapter 909 split Washington County into two parts. The eastern part was joined with Carter and Johnson Counties to form district one. The western part was placed in district three with Greene, Hawkins and Hancock Counties. Frank Hinton,

director of the division of local government in the comptroller's office, testified that he served as principal staff person for the senate Reapportionment Sub-committee and that he was instructed to avoid placing the two incumbents who reside in Washington County in a single district. On cross examination he testified that dividing Washington County did not diminish the total variance and that eliminating the division of Washington County would not increase the variance.

We affirm the chancellor in holding that any plan that splits Washington County is unconstitutional."

So in this section I just read, you agree that the stated justification for dividing Washington County by Mr. Hinton, director of the division of local government was to protect two incumbents, and the Court rejected dividing a county based on that, correct?

A Based on that situation, that's what this says this.

Q And the Court can decide if that means that incumbency is a valid reason to divide a County, is what you are saying?

A Minimizing incumbency is the criteria that the house has as one of its eight criteria it uses. Dickson is identified as both incumbents. There just happens to be two there. Historically, there's been the two districts in Dickson County in the core. Unlike that, if you removed that split, unless you did something differently, you would have a population variance. At the end of the day, all of these are subject to that, to the equal population.

Q You agree that under Lockert, we just read Lockert I, that the Court says you shall not cross county lines other than for federal constitutional requirements, right?

A That is correct.

Q And you agree that core preservation is not a federal constitutional requirement, right?

A I would agree that it is not specifically a federal constitutional requirement, but it is illustrative of a principle that can justify under one person, one vote the reason for a deviation.

Q Core preservation is not written in the Federal Constitution, correct?

A I agree with you.

Q And at your deposition, you agreed that it

is not a federal constitutional requirement, correct?

A I agree with you.

Q And you agree that preserving cores doesn't always increase or decrease or keep the same variations. Sometimes preserving a core will increase the variation, sometimes preserving a core will decrease the variations, and sometimes it might, unlikely, keep it exactly the same?

A Right. And that's the reason why it's helpful with the deviation.

Q You also agree that incumbency protection is not stated in the United States Constitution, correct?

A It is not.

Q It's not stated in the state Constitution either, correct?

A It is not.

Q It's not even stated in the statutory guidelines from the General Assembly, correct?

A No. Incumbency protection is not the practice either. It's minimizing incumbent pairing.

Q Okay. You can call it that. So minimizing incumbent pairings is not in the Constitution or the statute, correct?

A It is not.

Q Okay. And so in November of 2022, this is the footnotes you wrote, and you agree from having reviewed subsequent pleadings that upon the Summary Judgment, Plaintiffs through counsel, have heavily highlighted the fact that you, Defendants' witness, have seven counties where all you list are non-federal requirements for dividing counties, correct?

A I understand that.

Q And now in trial, as the man who drafted the maps and the man who is responsible in his job for making constitutional maps, is now the expert to defend those maps, you are adding reasons that weren't stated in here and saying, well, they were actually all for population, correct?

A Well, I don't think it would have been very helpful as an expert to put population equality on everything that's here.

Q You don't think it would be helpful in a redistricting lawsuit where the Federal Constitution's one person, one vote requirement, by your own admission is the most important requirement, to not list that when it was affecting counties?

A I would expect that everyone would understand that. This was just offered as an explanation under the standards.

Q So as the expert before criticism, you thought the Court would assume that all splits were based on population variance?

A I think it's evident when you look at the map. Core preservation is part of one person, one vote.

Q But you just said it's not evident from the map whether or not the enacted house map divided as few counties as necessary to comply with federal constitutional requirements, right?

A You wouldn't be able to tell that from the map, but if you look at the populations of each of the individual districts and the portions of those populations that are part of those counties, you would know that they all fit between 5.09 and the negative 4.81.

Q And you listed population for many of these counties. You didn't list it for a number of them. But the Court and the parties were supposed to understand that you implied population for all 30 of them?

A When I listed population in the sense in

here, it was to signify -- you can see -- it's only those counties that have excess population for a whole number that have to be split. Those are the have to be split counties. That's all that that meant was if you had Madison County, it would list population. If you had Wilson County, it would list population.

Q Right. So when a county truly had to be divided for population reasons, you listed population?

A That's right.

Q But you didn't list it for all of them. And you agree that for many of the under one district population counties, depending on how the puzzle pieces are put together, they either could be split or could not be split?

A I agree with you.

Q And, Mr. Himes, you haven't been paid in addition as an expert for this case, correct?

A I have not.

Q You are just receiving your state salary?

A That's correct.

Q And one of your primary jobs as a state employee and your job each ten years is to ensure a constitutional map is enacted, correct?

A Yes.
Q And you're the expert defending the map you drew, correct?
A That is the case, it seems.
Q Now, when you reviewed Dr. Cervas' various maps, you exported the underlying files to Maptitude, correct?
A Yes. I would take the Dave's link, make a CVS file and then download it to Maptitude. Is that what you are asking me?
Q Yes.
A Yes.
Q And if I could direct you to Exhibit 89. It's Exhibit 89 and the cover page says Exhibit 6, affidavit of Doug Himes. Do you see that?
A I do.
Q And this is an affidavit you signed on January 20th, 2003?
A Yes, that's what it says.
Q Do you recall signing it?
A I recall signing it. It's my signature.
Q And this affidavit provides your format, the format you have used and we have looked at several times, analyses of 13c, d, and d_e?
A It does with the proviso, it does not have

the paired incumbents on it.

Q Right. And 13c, you agree, does not have any constitutional deficiencies, correct?

A The only thing different than the enacted plan is it has a slightly higher overall deviation.

Q And that deviation, the difference is .06 percent, correct?

A That is correct.

Q Okay. And let me know if you need a pen and paper, but the average ideal district is 69,806, correct?

A That is correct.

Q So, 10 percent of that would be 6,980.6, correct?

A I think I'll need more than a pen and paper.

Q I'll get my phone. You can use a calculator.

MR. RIEGER: Your Honor, we're fine with Mr. Himes using the phone calculator here. However, we would just like to note that math is math. And to the extent if he puts in a number and it ends up not mathematically being the number, we would hope that the parties could agree to not be bound in case the math

goes awry here.

CHIEF JUDGE: Good point. Thank you.

MR. TIFT: Could we short circuit this? Would counsel agree that .01 percent of 69,806 is 6.98.

MR. RIEGER: You're going to have to do that a little bit slower for me.

MR. TIFT: I'm multiplying 69,806 times .00 --

MR. RIEGER: Your Honor, we're fine to just in posttrial briefing stipulating that math is math.

MR. TIFT: We can stipulate to math being math.

THE WITNESS: I'm not good at math.

Q (By Mr. Tift) Do you have any idea, let's say, as either mapmaker or expert about how many people are represented of .06 percent variation?

A Just going through that demonstration, I'm not very good at math. I wouldn't want to speculate what the number would be. It won't be thousands of people.

Q It's actually 42, correct?

A I don't know the answer to it.

Q Okay. The total variance of map 13c is

9.96, correct?

A Correct.

Q And that means that in one of two districts, either the top district or the bottom district, there's .06 percent more or fewer people, correct?

A We're in a combination of districts, yeah, but somewhere it's higher.

Q But it has to be in the top or the bottom for it to affect total deviation, correct?

A Yes. It could be a lower or higher populated district or multiple.

Q And you did not identify any noncontiguous census block in 13c, correct?

A I think that's correct.

Q And you agree 13c has the exact same 13 majority-minority districts as the enacted house map, correct?

A That is correct.

Q And it's with six fewer counties than the enacted house map, correct?

A Yes.

Q And I understand you do criticize it for having a worse core preservation and worse incumbent pairing, correct?

A Do we have a copy that I could look at, or it's in my expert report before? Because the page we're on does not reflect those criticisms.

Q If you don't remember the criticisms, we don't have to talk about them now. Your counsel could on Re-direct.

A There are too many of them for me to remember.

Q Okay. And, of course, you criticize the increase of .06 percent variance as compared to the enacted house map, correct?

A It's higher. It's something that is a factor that you have to think about.

Q And you agree that redistricting, by its very nature, requires some loss of core of prior district, correct?

A Certainly.

Q That's because population moves so districts have to change?

A As I said, three actual districts had to leave where they were and move to Middle Tennessee.

Q And you're aware, correct, that Dr. Cervas did not have incumbent addresses before he produced his first report, correct?

A The first set of reports, yes.

Q And you agree it's hard to avoid pairing incumbents if you don't know where they live?

A That's very true.

Q All right. And you agree that you and fact witness Doug Himes do have the addresses of the members to aid in considering incumbent pairings?

A Yes. Accurately, hopefully.

Q And that's important because incumbents have to live in the districts, and you want to try to avoid incumbent pairings?

A We want to minimize the incumbent pairings.

Q And then, let's jump over two pages the 13d_e. This is your review of 13d_e, correct?

A Yes, it is.

Q The copy I have cuts off your footnote. Does yours only have two lines of the footnote?

A It does. Or was it just a poorly written footnote?

Q I guess I don't know. But I direct you to Exhibit 90, which is a different affidavit from you where you provide the full information.

A Okay. So, yes. This is the affidavit that was filed a little bit later, but it does set out the footnote on Page 2, I guess, is the number

5.

MR. TIFT: Okay. And so with that in mind, I guess I would pause for a second and move to admit 89 and 90.

CHIEF JUDGE: Any objection?

MR. RIEGER: No objection, Your Honor.

CHIEF JUDGE: Exhibits 89 and 90 are admitted to evidence without objection.

(The above-referred to document was thereupon marked Plaintiff Exhibit No. 89, and is attached hereto.)

(The above-referred to document was thereupon marked Plaintiff Exhibit No. 90, and is attached hereto.)

Q (By Mr. Tift) Okay. And so, map 13d_e that reviewed has a 9.89 percent total variation, correct?

A That is correct.

Q You agree that's lower than the enacted house map?

A It is.

Q Map 13d_e has the same 13 majority-minority districts as the enacted house map, correct?

A They may be exactly the same.

Q Right. That's what I'm saying.
A Yes.
Q And you agree that map 13d_e does not include a double split in Sullivan County?
A Yeah, this is the one that fixed that.
Q All right. If it helps you to look back at your 13d summary and compare it. You note the double split in d and not in d_e, correct?
A Yes.
Q So you agree 13d_e does not split Sullivan County twice?
A That is correct.
Q Now, you also identify three noncontiguous census blocks, correct?
A I believe that's correct.
Q Okay. I'm actually looking to 90 since they are all three listed there. But in 90, you state one unpopulated, noncontiguous census block in Sullivan County was assigned to District 1, yet was within District 3. And then you state one unpopulated, noncontiguous census block in Sullivan County was assigned to District 1, yet was between Districts 3 and 4?
A Yes.
Q You recall identifying those

noncontiguities when you put the plans in Maptitude?

A Yes.

Q Okay. I'm going to show you a demonstrative that we have used earlier in the hearing.

A Sure.

Q Which should also be at the very last Tab of the 100 series. I think it's 117, for you to see a closer version. Let me know when you get to it.

A Okay.

Q And this, I'll represent to you, is an enlargement of this section 13d_e identifying the two noncontiguous census blocks that you identified in this affidavit. Do you see it?

A Yes.

Q And do you have any reason to disagree that these are the two blocks that you located?

A I'm sure that you would have made a map of the noncontiguous areas.

Q And you agree both of these noncontiguous areas are zero population, correct?

A They are very small.

Q And you agree, for instance, pairing the top one, census block ending in 031, which is

assigned to District 1 but in District 3, pairing that with District 3 will not affect the total variance of the map?

A None of the ones in this one will affect the variance and can be correct.

Q Okay. So, both of these two zero population, noncontiguous census blocks can be corrected without affecting the total variance of the map?

A You can correct all the ones in this and not affect.

Q And that applies to the 11-person, noncontiguous census block in 13d_e, correct?

A You can correct all of them and fix them.

Q And you can do so without changing the total 9.89 percent variance, correct?

A Because it's very few people.

Q Right. Might even be close to .01 percent once we check the math, it's 11 people, correct?

A It's very few people.

Q And you agree that fixing these three noncontiguous will not change the number of majority-minority districts in this map, correct?

A Not considering where they are.

Q And you agree that correcting these three,

noncontiguous census blocks will not change the number of county splits, as well, correct?

A Unless you were to assign them in an odd way, it would not.

Q Okay. And you agree that map 13d_e has 24 county splits, correct?

A That's the number it has.

Q And it will still have 24 county splits after correcting the three, noncontiguous census blocks, correct?

A It should.

Q And the only constitutional deficiency you identified in analyzing this map was three, noncontiguous census blocks, correct?

A In d_e, that's correct.

Q And once those are corrected, you have no constitutional criticisms of 13d_e, correct?

A I wouldn't.

Q And your counsel a minute ago on several of the other maps, asked you if you still had constitutional concerns once unpopulated census blocks were corrected but did not ask you if you had constitutional concerns once these three were fixed, correct?

A I don't recall exactly.

Q You remember being asked if 13b_e would still be unconstitutional?

A The ones that had the splits of Madison and/or Shelby?

Q Correct.

A Yeah, I do recall that.

Q All right. But you and State's counsel did not discuss correcting these three noncontiguities, correct?

A I don't believe so.

Q And if you correct these three noncontiguities, this 13d_e will still have a lower variance than the enacted house map, will still have 24 county splits, which is six lower than the enacted house map?

A That is correct.

Q And still has the same 13 majority-minority districts?

A That is correct.

Q So 13d_e with those three corrections is a constitutional map with six fewer county splits, correct?

A Yes. It would be a constitutional map if it was corrected.

Q So, let me ask you, do you now have an

opinion about whether the General Assembly could have, in fact, divided far fewer counties while still complying with federal constitutional requirements?

A I would say that the General Assembly wasn't privy to Cervas house 13d_e.

Q And I'm only asking Doug Himes the expert. Does Doug Himes the expert agree that you can have a map based on 2020 census data with six fewer splits that's constitutional under the Federal Constitution?

A It's right there.

Q So 13d_e, in fact, is a statewide map based on 2020 census demographics, once the three noncontiguities are fixed, it's a map that divides six fewer counties than the enacted house map, while still complying with federal constitutional requirements, right?

A Yes. It's indicative of a map that has 24 instead of 30 splits in it.

Q And it doesn't pose a variance threat?

A They are almost the same.

Q They are almost the same but it is lower?

A It is lower.

Q It may only be 6.9 people or 11 people

lower but it is lower, correct?
A It is lower.
Q I should also mention, the 13d_e map doesn't have the District 80 and 73 concerns you raised, correct?
A I think that's correct.
Q Because it holds District 80 and 73 the same as the enacted house map?
A The 13 majority-minority are the same so it wouldn't.
Q Correct. And you also agree that all of the 13 series don't cross the Shelby County boundary?
A That is correct.
Q And it's your opinion that the enacted house map itself complies with the Voting Rights Act?
A Chapter 598?
Q Right.
A Yes.
Q So with the same 13 majority-minority districts, map 13d_e would similarly comply with the Voting Rights Act?
A That would be the hope.
Q Right. And you didn't do as map drawer

Doug Himes an academic voting rights analysis for the whole map looking at racially polarized voting and the other facts in Gingles, correct?

A As which Doug Himes?

Q I don't think either Doug Himes did.

A But you just said something Doug Himes. I can't remember what you said.

Q Did the map drawer Doug Himes do an academic voting rights analysis going through the Gingles factors, analyzing racially polarized voting and similar factors?

A No, it didn't appear necessary.

Q Okay. And you ensured as enacted house map, just on its face, shows that it did not reduce the number of majority-minority districts from the previous decade?

A It does not.

MR. TIFT: I have been alerted that it's about 12:30. I don't know if we should take our lunch break now and complete when we return.

CHIEF JUDGE: Let's come back at 1:40.

[12:33 P.M., a recess was had until 1:41 P.M.]

Q (By Mr. Tift) Mr. Himes, do you still have

a copy of the first Lockert case? I don't remember if I brought it back. It's 1982.

A Lockert I?

Q Yes, exactly. Now, you agree that in Lockert 1, the Tennessee Supreme Court recognizes the importance of Tennessee counties as political units favored under the Tennessee Constitution, correct?

A Yes.

Q Okay. And so, you acknowledge that the Supreme Court has recognized the importance of counties as political units and acknowledge that certain redistricting requirements honor that priority, correct?

A Yes.

MR. RIEGER: Your Honor, just because we had a break, I'm going to just renew the standing objection to make sure it's preserved on the record what the Tennessee Supreme Court says is what the Tennessee Supreme Court says. And Mr. Himes can't override that.

CHIEF JUDGE: Thank you. Noted for the record.

Q (By Mr. Tift) And you agree that redistricting decisions can impact voters'

substantive rights to vote in conformance with the Constitution, correct?

A Correct.

Q And if someone votes in a district that was drawn in violation of the Constitution, they would be denied the benefit of voting in a district that complies with the Tennessee Constitution, correct?

MR. RIEGER: I would like to object, Your Honor. I'm not sure if we're talking about the house map or the senate map.

MR. TIFT: I was talking about a principle of constitutional law, but if he doesn't know, I mean...

THE WITNESS: I would just say that I don't think Lockert addresses what your question is necessarily.

Q (By Mr. Tift) Okay. Now, you talked about at some point I think between your first days assisting then Representative Cohen or Senator Cohen, that you assisted him at maybe once a time before the new computer system had been purchased, or were you the first to help with the new computer system?

A So back in the 1992 round, it was the

first time legal services had a computer system, but it was not Maptitude then. I think the mainframe was a Sun system and it ran in Esri based, which is another GIS software.

Q And you agree that having a computer system has allowed for much more precision in redistricting than beforehand when, I think you said, paper and crayons before?

A Prior to the '90 round, it was big maps, markers and crayons on paper.

Q So, would you agree that in the three redistrictings that you have done, as Maptitude has become more powerful, it has allowed you to become even more precise with your objectives?

A It helps with redistricting, yes.

Q Can I direct you to Exhibit 93. And 93 is the house redistricting guidelines you and I looked at on Monday. Do you recognize that?

A I do.

Q And you have testified that in addition to these six factors, you also consider core preservation and minimizing incumbent pairings as another two factors in the factors you are trying to balance, correct?

A They are practices that go along with

these factors, correct.

Q And they are not reflected in statute?

A They are not.

Q And earlier we were talking about map 13d_e. I believe I did not ask you about map 13d_e's core retention. You agree that map 13d_e retains approximately the same core percentage as the enacted house map, correct?

A I don't recall exactly. I think it's somewhere in one of these documents, but I would have to see that.

Q And would you have any reason to disagree with Sean Trende, Defendants' other expert, concerning the fact that these two maps, enacted house map and 13d_e, preserve roughly the same percentage of cores?

A If that is what he analyzed. I suspect he's looked at -- I prefer to look at it myself to know where the cores were. If I'm not mistaken, and maybe you can refer me to where a map is, but 13d_e does preserve some cores that -- well, I would have to look. I'm sorry.

Q And I'm just asking you, sitting here as an expert who has put in a report about all of these maps and subsequent affidavits about these maps, you

don't have any reason to disagree sitting here with Mr. Trende that the two maps preserve similar cores, correct?

A If they have scored them some way that seems to be the same, I wouldn't disagree.

Q And you also don't have any reason to disagree with Mr. Trende that the enacted house map and map 13d_e paired the same number of incumbents, correct?

A Again, I would like to see if in the evaluation -- I'm not sure the evaluation I did for d_e had that. And I wasn't here for Mr. Trende's testimony. How many does it pair?

Q Well, it sounds like from the information at your hands right now and at your mind, you're not sitting here testifying that 13d_e and the enacted house map pair different numbers of incumbents?

A I don't recall.

Q So now, let's look at the house redistricting guidelines. You agree that map 13d_e, each district is a single-member district, correct?

A Again, I have no reason to think that they are not, but it's been a while since I have looked at it, and I'm not looking at it currently.

Q Okay. I assume you would have put it on

your analysis if it didn't --

A And I don't disagree with that. I don't know where it is.

Q All right. Let's bring your analysis back up. That's 89, includes your 13d_e analysis.

A It has 99 single-member districts.

Q Okay. Great. And you just agreed with us earlier that the districts comply with constitutional requirements for one person, one vote and are .01 percentage lower than the enacted house map, correct?

A I agree, 9.89.

Q Okay. And you understand that map 13d_e, based on you pulling it into Maptitude is based on the 2020 census?

A Yes.

Q And you agree that once the three noncontiguities are corrected it is a contiguous map?

A Yes.

Q And you agree that certainly no more than 30 counties were split to attach to counties or other parts of counties to form multicounty districts in map 13d_e, correct?

A Correct.

Q And, in fact, 6 fewer than 30 were split at 24?

A Fewer than 30.

Q And you agree that map 13d_e complies with the Voting Rights Act in the same way as the enacted house map having the same 13 majority-minority districts?

A Yes.

Q And we just covered core preservation and incumbents based on how you answered. So, just again, I would ask once the noncontiguities are corrected, you agree that 13d_e represents a constitutional map that splits fewer counties than the enacted house map and has a lower total deviation than the enacted house map, correct?

A It does that.

MR. TIFT: I'll pass the witness.

- - -

REDIRECT EXAMINATION BY MR. REIGER:

Q Mr. Himes, in your Cross Examination, you and counsel spoke a great deal about the Lockert I decision. Is that the only decision on redistricting in Tennessee?

A No.

Q What are some of the others?
A Lockert II, Lockert III, Lincoln County, Moore. There are other ones, but those are probably the most relevant to county splitting.
Q What is your understanding of Lockert II's guidance for urban counties?
A My understanding from Lockert II is that the four urbans at the time, which were considered Shelby, Davidson, Knox, Hamilton, should not be divided but for two reasons, either to address a small deviation in an adjoining district or to prevent dilution of minority voting.
Q Earlier you testified that you can reduce county splits by splitting urban counties; is that accurate?
A I think I said it's in theory you would be able to do so.
Q Is it your opinion that the portion of Lockert II that deals with urban county splits in conflict with the portion of Lockert I that says as few as possible?
A I think that the decisions have some small inconsistencies in what they say and what the proof was in front of the Courts at the time.
Q In Lockert II, did the Tennessee Supreme

Court compel the state to use the fewest number of county splits that the Chancery Court found?

A No.

Q Is that inconsistent with the language in Lockert I that Plaintiffs and you were speaking about earlier?

A Yes.

Q Okay. Tell me about Lincoln County vs. Crowell. What's your understanding of that case?

A Lincoln County vs. Crowell was a challenge over a four-county area in southern, Middle Tennessee that involved two splits in the four counties. And there seems to be in the language of the opinion that there was at least some proof that there was the ability to take those four counties and only split them one time, instead of the map at the time that split it twice.

Q Applying Lockert I at face value, would that fly?

A No.

Q But the Tennessee Supreme Court did that in Lincoln County?

A Yes.

Q Can you tell me a little bit about your understanding of Moore vs. State?

A Moore vs. State again, and I don't work on senate plans, but it was a challenge to the senate plan after the 2012 redistricting cycle. And I can't remember the exact number. I believe it was eight counties that were split in the plan. I think there was proof that there was at least one plan that may have had six. And again, I may be a little bit off, but I know it was somewhere around there.

Q During your discussion with Plaintiffs' counsel, you made the statement that core preservation is helpful with the deviation. Now, I would like you to explain that just a little bit more if you could.

A Well, I think in applying a one person, one vote standard and looking at even districts that are on the display, Cervas house d_e, we can use that, because it's the same to some extent as the enacted plan 598, Cheatham County is too small to be one district and maintaining part of Dickson County, which I believe it does go into Dickson County to make up that population, if you can make the districts work from an equal population standpoint and preserve a core of counties that are traditionally together and help you with being your overall deviation range, not only is it helpful from

a mapmaking purpose and from the county administration purpose, but it helps you create an overall plan based on something that has some, I guess, historical context.

Q Did Plaintiffs have the opportunity to ask you about the relationship between your understanding of core preservation and your understanding of population equality?

A I have been deposed two times.

Q If we could go back to the big map of Chapter 598 and then Exhibit No. 103, which is the demonstrative that has the population totals for all the counties.

A Okay.

Q What is the population of Gibson County?

A Gibson County's population is 50,429.

Q Who surrounds Gibson County and what are their populations?

A Crockett neighbors Gibson with a population of 13,391.

Q If you were to attach Crockett to Gibson, could you avoid splitting Gibson, or would that fall below the acceptable total?

A I don't have a calculator. I would have to add this together and then also look at the

range.

Q Would it surprise you if adding Gibson County and Crockett County together would fall underneath the acceptable district total?

A It would not surprise me.

Q Okay. Look at Carroll County, Gibson County's neighbor. What's the population of Carroll County?

A It's 28,440.

Q If you added Carroll to Gibson, could you avoid splitting either one of them?

A It would be too high.

Q Let's look at Madison County, another one of Gibson County's neighbors?

A It has a population of 98,823, but it can't be combined with Gibson and comply with the Voting Rights Act.

Q Let's look at Weakley County. What is its population?

A It would be too much. Weakley is 32,902.

Q How about Obion?

A Obion would be too much, as well.

Q What about Dyer?

A Dyer would be too much, as well.

Q So, is it fair to say that in combining

Gibson and any other county, one of them mathematically must be split?

A Yes.

Q When the Plaintiffs spoke to you about a 9.96 deviation, do you recall that?

A Yes.

Q The clean side of 10 percent, the side that is not per se unconstitutional, would you agree is 9.99 percent?

A Under 10 percent.

Q Would you agree that that 9.96 percent is more than halfway to that bright line of per se unconstitutionality?

A It is.

Q Is 9.90 less of a litigation risk than 9.96 in your opinion?

A I believe it is.

Q And I would like you to put on your expert hat one more time for one last group of questions and ask you what would be the consequences of requiring a perfect map?

A I don't think -- the concept of a perfect map is -- I don't know if you could ever achieve it. Just looking at this cycle, and this cycle was unusual, but with only five months to draw

something, you would never know if you have done the best on every of the eight criteria and any of the eight criteria that the house uses.

Q Would any map that was adopted be immediately challengeable if another map had one fewer county split, if that were the case?

A I believe it could be, yes.

Q Okay. Is it your opinion as an expert that if perfection were required, Tennessee would potentially go through a decade-long cycle where its map was never not subject to challenge?

A I think it's a possibility, yes.

Q To your knowledge, has that ever happened in other states?

A Yes.

Q Can you explain that for us?

A North Carolina is probably one of the best examples of decade's long litigation. But I don't even have to go that far, because we at one time, Tennessee, redistricting was a decade's long process in the '80's round, in the '90's round. In the '90's round, plans A, B, and C, a plan that wasn't as compliant with the constitutional principles was in place until the final election of that redistricting cycle. It wasn't until the 2000 round

that Plan B took effect. So it's not hard to imagine the litigation risks.

Q And is it your opinion as an expert that all of the county splits in Tennessee are based upon a federal justification?

A Chapter 598 splits?

Q Yes.

A Yes.

MR. RIEGER: No further questions. Pass the witness.

MR. TIFT: Very short recross, Your Honor.

- - -

RECROSS EXAMINATION BY MR. TIFT:

Q Mr. Himes, you just testified that Gibson County or one of the counties around it, one of those has to be split, correct, based on population?

A Yes, to combine with Gibson.

Q And you agree it doesn't have to be Gibson?

A Yes, that's correct.

Q And I would ask you to look at two documents. One is Exhibit 28, and that's going to be the 2010 house map?

A Yes, Gibson is not split.

Q And they are in the same binders. So you sort of hold that with one hand and flip back to Exhibit 10, Dr. Cervas' January 2023 report that has the illustration of 13d_e.

A Yes.

Q Now, if you look, 13d_e treats Gibson County and Carroll beside it to the naked eye quite similarly?

A Yes.

Q Gibson is whole. Carroll is split. And while I'm sure the line is not exactly the same, it's in a similar part of Carroll where the line is?

A It's close, yes.

Q That was District 79 before, correct?

A It is and was, yes.

Q Okay. So you agree that 13d_e keeps Gibson whole and keeps 79 very similar to how it was before line wise?

A It's very similar, yes.

MR. TIFT: No other questions.

MR. RIEGER: Just one or two more questions about that.

- - -

REDIRECT EXAMINATION BY MR. REIGER:

Q In the map you were just talking about, Carroll County is split because it's adjoined to Gibson County; is that accurate?

A That is correct.

Q In your mind, is that snapshot of those two counties in the enacted map, is that comparable to the issue that the Tennessee Supreme Court dealt with in Lincoln County vs. Crowell?

A On the issue of splitting, although, I don't believe -- there may have been an allegation of an incumbent issue in Lincoln County, and that doesn't exist in 598. But on the issue of the county splits, yes.

MR. RIEGER: Thank you. No further questions.

MR. TIFT: No further questions, Your Honor.

CHIEF JUDGE: Thank you. Next witness.

MR. RIEGER: The Defense rests, Your Honor.

CHIEF JUDGE: Thank you.

You may step down.

MR. TIFT: Just a quick second for us to confer.

[Thereupon, a discussion off record was had.]

MR. TIFT: Your Honor, Plaintiffs will not call any Redirect witnesses and therefore, I would say, the proof is closed at this point.

Plaintiffs would like to move for directed verdict. I know where we are going on that, but want to make the motion.

CHIEF JUDGE: Go ahead.

MR. TIFT: Your Honors, Plaintiffs move for directed verdict at this point at the close of all the proof for two reasons. On the senate side, the facts before the Court demonstrate that Francie Hunt does, in fact, have standing to bring her claim, and Defendants have not demonstrated otherwise.

She is a voter in a nonconsecutively numbered district. She did vote in that district. She will vote in that district. And her constitutional right to vote in a consecutively numbered district within a fully-staggered deligation has been denied.

So we ask that that be ruled on a directed verdict basis to save both the Court and parties from having us take any longer, as the

1 General Assembly is still in session to the
2 extent that the Court determines that that's
3 determinative at this point. There's no reason
4 to delay while they are still in session.
5 On the house claim, Defendants bear the
6 burden, as the Court has said, of justifying
7 the enacted house map and showing that it
8 crosses as few county lines as necessary to
9 comply with federal constitutional
10 requirements.
11 As we know, Defendants have offered no
12 factual proof, because the only fact witness is
13 unable to testify due to a sustained privilege
14 on the facts underlying that case on that
15 claim. And the Defendants' two expert
16 witnesses expressly disclaim any expert opinion
17 concerning whether the enacted house map, in
18 fact, crosses as few county lines as necessary
19 to comply with federal constitutional
20 requirements.
21 In addition, just now, Defendants' expert,
22 who previously opined, according to the text of
23 his report, that 7 of the 30 districts in the
24 enacted house map were not required by federal
25 constitutional requirements, now has agreed

with Plaintiffs' expert that Plaintiffs' map 13d_e following noncontiguity corrections represents a constitutional map with a lower total variance and therefore better on one person, one vote with the same 13 majority-minority districts and therefore equivalent on Voting Rights Act and equal protection requirements and with 6 fewer splits, that being 20 percent fewer splits than the enacted house map.

And Defendants other expert, though we do not submit that either core protection or incumbency can rise above the level of constitutional requirements and justify a split, 13d_e preserves the same degree of cores and pairs the same number of incumbents demonstrating that all state objectives could have been met while honoring our Constitution's requirement that no counties be split, interpreted as, as few as possible for federal reasons by our Supreme Court.

So, we would ask at this point, given the failure of proof by Defendants on their burden and the illustrative fact that, in fact, it's not just an academic failure of proof, but that

1 significantly fewer could have been divided,
2 that was Court rule in Plaintiffs' favor, and
3 that Plaintiffs submit a proposed order or that
4 we forego posttrial briefing, however the Court
5 chooses on that claim.
6 And finally, I would just note that in
7 Lockert II, the Plaintiffs would submit a close
8 reading of Lockert II would demonstrate that
9 the Chancery Court set a limit of 25 splits and
10 10 percent. The Supreme Court didn't say,
11 yeah, that seems reasonable, but we'll give you
12 five more. The Supreme Court says, based on
13 the facts in the record reviewed by this Court,
14 we find it unlikely that those metrics could be
15 met and increase the metric.
16 So, Lockert II doesn't stand for the
17 proposition that 25 is more or less the lowest,
18 but will give you five extras. They examined
19 in detail the factual record and determined
20 that 25 and 10 percent were probably too low
21 and that realistic on the facts was 30 and more
22 or less 14 percent. So, we wanted to address
23 that point.
24 So, we thank Your Honors for your time,
25 and ask for a motion directed verdict in favor

of Plaintiffs.

CHIEF JUDGE: Thank you.

MR. RIEGER: Your Honor, Defendants respond that a directed verdict as to Plaintiffs' claims is appropriate in terms of the denial of the senate claim, as we had already moved forward had been denied. But in terms of granting either Plaintiffs' claims, we contend that a directed verdict is not appropriate.

A directed verdict is not appropriate for the senate claim. Proof in the record, as we previously discussed, is straight-forward, and it all comes from Ms. Hunt. She has testified that she was not denied the benefit of staggered terms in the 2022 election. That means there's no harm. That she has been occasioned by the nonconsecutive numbering of districts. She then had to prove, because there was no harm for standing purposes, that it was imminent.

She testified that she was unaware of any incumbents ever losing a primary. She testified that she was unaware of any incumbents losing a general election. And

then, the Defendants put on proof in the 40-some-odd exhibits dealing with the election results in Davidson County that the likelihood of all three incumbents rolling over in the next two cycles -- and again, it's only two more cycles. That's 2026 and 2030. That the possibly of one of those two instances, all three incumbents rolling over, is practically zero.

And if the Court needs to see that right now in a very clearcut form, demonstrative Exhibit 102, which we did not use today, but we will feature prominently in our posttrial brief, sets out the historical data as to why Ms. Hunt is correct why she can't remember an incumbent ever losing a general election or a primary. And it's because it does not happen. It does not happen often. It is very unlikely. And for both to roll over at one time, it is near impossible.

Because of that, because she has said that she suffered no injury when she was not deprived benefit of staggered terms in 2020's election and because she has not demonstrated imminence and the historical data undercuts any

argument she could make, Plaintiffs are not entitled to a directed verdict on the senate claim and instead Defendants are.

As to the house claim, again, as we have been arguing the entire time throughout the initial TRO process, through summary judgment, and now, the issue that we have is a standard. And Plaintiffs latch onto Lockert I and close their eyes to everything that the Tennessee Supreme Court has done since 1982. We know that Lockert I -- Plaintiffs do quote it correctly, as few splits as possible.

We know that Lockert II then has the opportunity where it has a constitutional map that is in front -- we have a finding by a chancellor that it is possible and optimal to have 25 splits and a 10 percent deviation. And the Tennessee Supreme Court says, we think you can do it no more than 30 but needs to have a justification.

Mr. Himes gave you his federal justification. Mr. Himes testified, and it was not controverted, that core preservation is a way and is inextricably intertwined with one person, one vote. You can use core

1 preservation to help you determine which
2 counties you need to split in districts so that
3 way all of them include population equality as
4 a factor and a justification.
5 He testified that in his expert report in
6 that footnote, population equality is
7 underpinning all of those. And that is a
8 sufficient federal constitutional
9 justification, because it means that those
10 county splits and the districts created therein
11 were designed to tackle population equality and
12 one person, one vote.
13 Now, Plaintiffs say that they win because
14 they have submitted what's arguably a better
15 map. Again, Lockert II, it was 25; supreme
16 Court gave 30. Plaintiffs say, well, if you do
17 a really close reading, which to us seems more
18 like a reading things that aren't there, you
19 can look ahead, because the problem actually
20 gets resolved in Lincoln County vs. Crowell.
21 Because there it's unequivocal that the Supreme
22 Court is presented with a map that splits less
23 districts compared to a map that splits more.
24 What did the Supreme Court do? It
25 approved the map with more splits. It said, we

1 understand that you can split one less county
2 and not have to change anything else. The
3 Supreme Court said, well, it's not
4 unconstitutional because it split more counties
5 than it should.
6 Here, Mr. Himes testified as to the
7 justifications. His testimony was very
8 straightforward that he did not believe there
9 was a perfect map. And what Plaintiffs are
10 inviting is a never-ending legal morass where
11 Tennessee will go decades, and their maps will
12 always be subject to challenge.
13 For example, Cervas house 13d, Dr. Cervas
14 today testified, you could draw a map as few as
15 22. Well, that means that map is
16 unconstitutional. What if we picked one of
17 Dr. Cervas' maps that he talked about today,
18 say 13c. It has a higher deviation. It goes
19 to 24. Well, Dr. Cervas testified, you could
20 go down to 22. So his map is unconstitutional.
21 And we would be doing that over and over and
22 over again.
23 And it doesn't make sense that Plaintiffs'
24 position that it has to be the fewest. It
25 doesn't make sense because the Tennessee

Supreme Court undercuts that. It undercut it Lincoln County vs. Crowell. It undercut it in Lockert II, and it undercut with the number of counties compared to what the legislature was allowed to use. And it got undercut again in Lockert II by how the Supreme Court ruled about urban counties.

The testimony was very straightforward. You can split fewer county if you can break apart an urban county. For instance, the high 5.09 percent number that we have been talking about all day today, it causes the high because we want to keep Montgomery County whole with three districts in it. That pushes it to 5.09.

If we could break that and get that down maybe a percentage point by splitting that county, then theoretically we could reduce the deviation statewide. The problem is that under Lockert II's guidance, if it can be split in and of itself and confined and split smaller to help with the deviation, you can't do it because it can stand alone. And if Lockert I [inaudible] as few county splits as possible, then Lockert II wouldn't have said, you can't split urban counties, because if you can split

urban counties, you are in better compliance with Lockert I.

Again, mapmaking is complex you have heard that this year that the census and the lateness was a problem. They didn't have the data they needed until August. And Cervas had more than a year before he finally came up with 13d_e. Again, when you require protection, you have to look at what the General Assembly has in front of it at the time.

The General Assembly has a slew of very unconstitutional maps and what was ultimately passed as enacted plan 598. Faulting the General Assembly for not having or voting on Cervas house 13d can't be used against it. They did not get an opportunity to look at it. It was never submitted. Again, you can't hold the General Assembly to a standard of perfection redistricting because, as the witnesses have testified, it's a 99-puzzle-piece puzzle with infinite solutions.

Here the legislature clearly had justifications for each of its splits under population equality and utilized its redistricting guidelines, which it is permitted

to do under Article 2, Section 4, to decide what counties would be split to form which districts to comply with one person, one vote in those federal requirements.

That is the correct standard, and the Court should not rely upon Plaintiffs' myopic view that only Lockert I applies. And for that reason we would ask that Defendants be granted a directed verdict and that Plaintiffs motion for directed verdict should be denied. Thank you.

MR. TIFT: Your Honors, Plaintiffs don't now nor ever have argued that perfection is the standard. The standard is that the General Assembly shall make a good-faith effort to divide as few counties as necessary to comply with the federal constitutional requirements.

Had they done so, it's clearly been illustrated that they would have divided far fewer. Had they done so, they also presumably would have created any record of having done so, rather than create a public record of only shooting for 30 and considering anything less a policy decision and then shielding the rest of the record from being part of the record

through privilege.

We wouldn't be here if this was a question of 30 versus 29. And if it was a question of 30 versus 29 in the public hearings, the General Assembly had laid out for the people their process of determining that 30 was the fewest they could get to for any reasonable reason, but we are not here on that.

We are here looking at a significant difference of 30 versus 6 or maybe even fewer but at least six fewer in the face of no evidence that the legislature actually made any effort to follow the actual standard.

And as to Lincoln County, as we have briefed, it is hugely important that Lincoln County happened in the '80s after the Supreme Court had said for the '80s, 30 splits seems to comply, and two individual counties came back challenging a map that already complied with what the Supreme Court said was compliant. The Supreme Court then said, well, since they have already met our 30-split threshold for this year, we're not going to overturn an individual county's line on a piecemeal attack without some overwhelming evidence of bad faith.

That was a year where the federal court had also already approved the map that Lincoln County and one other county decided to challenge. And so perfection is not the standard. The standard is, in fact, to make a good-faith effort to divide as few counties as possible to comply with federal constitutional requirements. And the evidence here demonstrates that Defendants did not do so.

Finally, to return to the remedy, the remedy we seek as required by state law is not to pick any single map, to identify the constitutional defects, and to provide the legislature with an amount of time to be determined by the Court to remedy those defects.

Thank you, Your Honors.

MR. RIEGER: If I can make just one brief comment, and that is to remind the Court and the parties that Moore vs. State was decided in 2014.

Thank you.

CHIEF JUDGE: Thank you. Anything else?

MR. TIFT: Our housekeeping matters. I think we were going to go through the exhibit

list. We are happy to do that with your clerk if that would be preferable.

CHIEF JUDGE: The Court respectfully denies the motions by both sides, and this case will proceed with posttrial briefs.

Do the parties have any schedule in mind for filing those.

MR. RIEGER: Our preference, if you are okay with it, which we did in the 40-hour waiting period trial, was 30 days but after we get the transcripts.

MR. TIFT: We would suggest shorter than that in light of already approaching 2024 elections, that every passing week gets us closer to that date. At least, I would imagine we could start drafting our briefs before we have the record. I would suggest two to three weeks after receiving the transcripts.

MR. RIEGER: We can meet you in the middle and do three weeks.

CHIEF JUDGE: Are the parties going to ask for an expedited, or should I just not worry about that?

MR. TIFT: Expedited transcripts?

CHIEF JUDGE: Yes. I'm not pushing it.

I'm just asking. It might be a good idea.

MR. TIFT: I would ask the court reporter if they have a sense of timing.

[Thereupon, a discussion off record was had.]

CHIEF JUDGE: Why don't we go with 21 days after the submission of the transcript. And if you would, put that in an order.

Also, I'll ask the lawyers if you would briefly do an order that reflects the evidentiary rulings we made earlier as to the two motions heard on March 7th and the first four Motion in Limine motions that we ruled upon at the beginning of the trial.

Also, as to the exhibits, we want to make sure that the ones that need to be marked for identification purposes are marked accordingly and the ones that have actually been admitted are marked accordingly. The way we do it is that our court room deputy, Ms. Allen, marks those exhibits.

I think that after the judges leave today, you can work that out, or the lawyers can maybe send a joint notice or something or communicate with Ms. Allen. I don't have a particular

preference as how it's done as long as both sides agree that these exhibits have been admitted and these are for identification purposes only.

And as to identification purposes only, even if it's something like one of these big charts that we hadn't talked about marking for identification, if the parties agree on that, we'll do it. But don't do it unless there is an agreement with those. Does that sound reasonable?

MR. TIFT: Sounds great, Your Honor.

MR. RIEGER: Yes, Your Honor.

MR. TIFT: We'll work with your clerk and then submit an order stating what's admitted, what's identification.

CHIEF JUDGE: Okay. I think that will be good, and the record will be clear on that.

MR. SWATLEY: Your Honor, I apologize. I know we are at the very end here, but I did just want to make brief note, when we began this case, we had one more lawyer on our side, Mr. John Ryder, who passed away last May during the proceedings here. He was a mentor and friend to me, and I just wanted to mention

1 during this trial that he was here and we wish
2 he was here today with us.
3 CHIEF JUDGE: It is a loss to the Bar.
4 Anything else?
5 MR. RIEGER: Not for Defendants, Your
6 Honor.
7 MR. TIFT: Not for Plaintiffs.
8 CHIEF JUDGE: Should we discuss the length
9 of the briefs? As an anecdotal story, I had an
10 administrative appeal, and we were going to
11 have premiering briefs about a couple of years
12 ago. And I'm expecting briefs about 40 pages,
13 and so I got 55 from one side and 80-something
14 from the other. And for lawyers, that's not a
15 lot. But if we could have some kind of idea.
16 Maybe we'll put a limit.
17 And again, as I indicated in our pretrial
18 conference, Russell Perkins prefers
19 freestanding brief. I don't like to read five
20 briefs. You are permitted to do it under local
21 rules, but I'd rather have a freestanding
22 brief, so if I'm home on the weekend, I can
23 just pull up one brief.
24 What do you say?
25 MR. TIFT: Plaintiffs would suggest a

30-page limit.

CHIEF JUDGE: That's going to be hard. Why don't we say 55 pages.

Does that work for you?

MR. RIEGER: The State can accommodate that, Your Honor.

MS. ALLEN: All rise. Court is adjourned.

(2:29 P.M.)

(Thereupon, the hearing was concluded.)

- - -

STATE OF TENNESSEE)
COUNTY OF WILLIAMSON)

I, Katy Beres Melcher, a Licensed Court Reporter within and for the state at Large, do hereby certify that the foregoing proceedings were taken at the time and place set forth in the caption thereof; that the proceedings of said were stenographically reported by me in shorthand; and that the foregoing pages constitute a true and correct transcription of said proceedings to the best of my ability.

I further certify that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the outcome of this action.

WITNESS MY SIGNATURE, this 3rd day of May, 2023.

Katy Beres Melcher, LCR #521
LCR Expires: 6/30/2024

0

00 633:9

01 633:4 640:18 651:10

031 639:25

06 632:7 633:18 634:5 635:10

1

1 638:19,22 640:1 646:5

10 551:9 568:18 573:25 632:13 658:7,10 661:3 666:10,20 669:17

10.76% 624:15

100 639:8

102 668:12

103 527:13 531:6,8 536:4 656:11

104 531:10,14,18 536:4

105 530:21 532:11 536:5 563:24 564:6 591:21 619:12

10:55 582:2

11 568:18 569:11,13 572:9 583:18 640:19 643:25

11-person 640:12

117 639:8

11:11 582:2

12 554:12 602:24 617:10, 12

12:30 582:6 645:19

12:33 645:23

12th 588:11

13 534:24 535:4 583:18 601:17 634:16 637:22 642:17 644:9,12,21 652:6 665:5

13,391 656:20

13.5a 583:14

13.5a_e 583:13

13.5b 583:21,22

139,114 624:17

13b 583:1,2,3

13b_e 582:11 642:1

13c 631:24 632:2 633:25 634:14,16 671:18

13d 638:7 671:13 673:15

13d_e 636:14 637:15,22 638:3,10 639:13 640:13 641:5,17 642:12,20 643:6, 13 644:3,22 649:5,6,15,20 650:8,16,20 651:5,13,24 652:4,12 661:4,6,16 665:2,15 673:7

13d_e's 649:6

14 534:24 535:4,5 550:25 582:22 601:17 616:23 666:22

14a 583:8,9

15 583:11

158,163 532:24

17 572:9,16

17th 570:23

19 526:2

1982 624:13 646:2 669:10

1983 624:1

1990 590:11

1990's 590:17

1990s 616:1

1992 584:15 647:25

1:40 645:22

1:41 645:23

2

2 581:7 636:25 674:1

20 592:20 665:9

20,000 620:11

2000 553:11 555:4 561:21,25 563:3 574:15 575:8 576:14 589:15 659:25

2000s 606:24 616:3

2002 579:12 589:13 590:7,8

2003 631:18

2010 588:23 616:7 660:24

2010s 606:24

2012 552:2 553:13 554:25 556:8 557:8 559:11 562:13 563:16 566:7,20 568:1 569:4 572:8 574:18, 25 575:7 576:2 579:14 588:21 590:6,8 655:3

2014 676:21

2018 584:17

2019 584:18

2020 527:25 532:18 605:4 606:8 614:22 643:9,14 651:15

2020's 668:23

2021 558:17

2022 531:21 532:16 606:24 607:13 618:10,12, 16,20 628:2 667:16

2023 526:2 661:3

2024 677:13

2026 668:6

203 566:24

2030 668:6

20th 631:18

21 678:6

22 554:16,23 574:17 671:15,20

24 554:16,22 574:16 641:5,8 642:14 643:19 652:2 671:19

25 575:21 576:2,3 616:11 666:9,17,20 669:17 670:15

27 589:9,17 590:2

28 579:14 588:15,25 589:3,6 660:23

28,040 528:19

28,440 657:9

29 579:9 675:3,4

3

3 603:3,4 638:20,23 640:1, 2

3-1-103 552:21

3.1.103 602:17

30 528:21 532:19 534:13 547:1 550:22 551:7 579:11,13 600:10 608:14, 23 610:13 611:13 612:4 613:4,14,19 614:23 621:17 629:23 643:20 651:22 652:1,3 664:23 666:21 669:19 670:16 674:23 675:3,4,6,10,17 677:10

30-plus 598:22

30-split 675:22

31 590:14 591:2,6

32 576:19 591:1,2,6

32,902 657:20

36 584:20,23,25 586:20 587:10

36-40 587:23

38 550:25 551:25 552:1,8 578:25 617:10

38,561 528:14

39 579:15

4

4 557:11 624:5 638:23 674:1

4.07% 624:20

4.81 629:19

4.91 527:8 544:8 573:23 574:2 594:1

40 584:20,23 586:20

40-hour 677:9

40-some-odd 668:2

400 536:24

41 548:23 549:6,22 550:1 551:21,25 586:21

41-82 588:3

42 575:21 576:1,3,7 633:23

45 559:16

468 579:13 589:21,22

5

5 581:7 637:1

5.09 526:22 527:4 528:11 529:3 544:8 573:23 574:1 577:25 629:18 672:11,14

50,429 656:16

511 579:14 588:20

52 573:10

52,721 533:1

55 530:18

56,356 620:24,25

568 589:13,21

598 528:22 529:14 532:2, 20 533:20 535:10 536:6 550:9,10 567:25 569:9 571:5 572:16 573:8,12 578:4 602:3,13 608:18 610:19 612:3,17 618:2 644:18 655:18 656:11 660:6 662:13 673:13

6

6 631:14 652:1 665:8 675:10

6,980.6 632:13

6.69% 624:19

6.9 643:25

6.98 633:5

62 573:8,9,14

64 565:20 566:23

66,378 527:9 541:12

69 567:6

69,806 526:21 527:4,5,8 632:10 633:4,8

7

7 664:23

70 566:6 573:8

71 564:20 566:6,14,16,19, 21

715 603:3

73 561:2 563:11 644:4,7

73,000 621:3

73,359 527:4

74 571:20

75 535:17 571:17

76 556:11

77,123 528:8

78 567:6

79 559:11,18,20,25 571:2 661:14,17

79,081 532:25

7th 678:12

8

8 582:20,22

80 553:10 561:2 562:25 563:17 590:11 644:4,7

80's 659:21

80s 675:16,17

81 561:2

82 575:14,17 586:21 587:10

839 624:6

840 624:6

85 530:13,16,19 534:20 535:1 554:1 593:17

89 631:13,14 637:4,7,10 651:5

9

9 560:19

9.89 637:16 640:16 651:12

9.90 658:15

9.96 634:1 658:5,11,16

9.99 658:9

90 561:11 579:6 636:21 637:4,7,13 638:16,17 648:9

90's 659:21,22

909 624:13,20

90s 606:21

92 553:13

93 648:16

94 561:2 584:16

95 530:12 594:23

98 584:17 590:16 602:5

98,823 657:15

99 549:3 594:24 602:4 651:6

99-piece 541:15 594:8 597:23

99-puzzle-piece 673:21

9:00 526:5

9:26 544:24

9:53 544:24

A

a.m. 526:5 544:24 582:2

abandoned 545:12

ability 538:4 540:24 548:7 607:8 654:15

above-referred 531:7,13 564:5 587:22 588:1 589:5 590:1 637:9,12

absolute 573:25

academic 645:1,9 665:25

acceptable 592:16,22 656:23 657:4

access 619:17

accurate 551:5 584:8 600:14 653:15 662:4

Accurately 636:7

achieve 658:23

acknowledge 598:15 601:20 602:9 646:10,12

Act 533:16 536:2 556:6 559:2 561:3,5,7,10 562:10,19,25 563:20 605:15 609:5,10,18,22,23 610:11 617:21 644:17,23 652:5 657:17 665:7

actors 599:23

actors' 599:21

Acts 624:13

actual 536:14 537:16 538:1 543:3,12 556:3 570:25 613:1 635:20 675:13

add 560:19 656:25

added 571:4,25 573:14 575:3 621:4 657:10

adding 628:14 657:2

addition 540:25 630:19 648:20 664:21

additional 546:2 558:4

address 540:4 653:10 666:22

addressed 617:11

addresses 635:23 636:5 647:16

adhere 579:21

adjacent 594:20

adjoined 662:3

adjoining 550:17 653:11

adjust 562:17

adjustments 555:6 563:15

administer 578:18

administration 656:2

admission 628:23

admit 637:4

admitted 540:21 541:16 549:20 586:14 587:11 589:23 590:19 591:7,8 637:8 678:18

admitting 586:1

adopted 552:2 597:9 603:8 659:4

advanced 579:25

affect 598:1 634:10 640:2,4,11

affecting 628:24 640:8

affects 534:25

affidavit 631:15,17,22 636:21,23 639:15

affidavits 649:25

affirm 625:12

affirmative 605:2

aforementioned 526:1

afoul 548:13

afraid 543:25

agree 591:14,18 594:6,8 595:10 596:24 599:12 602:13,21 604:5,9 611:7 613:13,20 614:4 615:24 619:6,13 622:22 623:4,13 625:15 626:11,16,18,24 627:3,4,12 628:3 630:13, 17 632:2,25 633:4 634:16 635:14 636:1,4 637:19 638:3,10 639:21,24 640:21,25 641:5 643:8 644:11 646:4,24 648:5,11 649:6 650:20 651:12,17, 21 652:4,12 658:8,11 660:19 661:16

agreed 601:4 626:25 651:7 664:25

agrees 543:4

ahead 526:11 531:10,16 533:20 572:6,21 584:25 587:18 615:4 663:9 670:19

aid 636:6

Alabama 573:5

alerted 645:18

allegation 662:11

Allen 678:20,25

allowed 538:11 580:23 599:25 648:6,13 672:5

allowing 586:19

alphabetical 527:23 551:23

alphabetically 536:9 548:23 554:21

alternative 579:25 588:6

alternatives 544:17

amount 676:14

analyses 596:6 631:24

analysis 544:20 565:4 587:3 606:8 617:4,8,15 622:17 645:1,9 651:1,4,5

analyze 614:5

analyzed 549:11 556:23 649:17

analyzing 613:21 614:10 621:24 641:13 645:10

and/or 579:22 642:4

Anderson 528:7 536:10 539:3,11 548:24 550:2,6, 13 551:4,17

answers 548:4

anticipate 615:9

anticipated 545:2

anybody's 582:7

apologies 589:22

App 607:3,7,16

appears 581:16 590:15

applies 552:13 640:12 674:7

applying 654:18 655:14

appointment 600:25

approach 551:4

approaching 677:13

approved 670:25 676:2

approximately 526:5 649:7

April 526:2

area 529:22 535:12 548:17 555:4 560:14 564:24 571:24 574:10 576:13,15,22 624:8 654:11

areas 533:17 535:8 578:18 601:14 639:20,22

arguably 670:14

argue 587:2,5

argued 674:13

arguing 669:5

argument 543:23 586:8 669:1

arguments 587:13

Article 581:7 674:1

asks 536:13

Assembly 538:19 545:19 560:9 561:12,24 580:10 581:15 584:13,14 588:7,9, 10 590:16 601:5,13 605:3 606:20 610:16,22 611:9, 17,25 612:8,10,13,23 613:8 616:14 627:20 643:1,5 664:1 673:9,11, 14,18 674:15 675:5

Assembly's 580:15 612:21

assign 554:4 641:3

assigned 638:19,22 640:1

assisted 647:21

assisting 647:20

assume 629:5 650:25

assure 599:17,19

attach 552:7 651:22 656:21

attached 531:8,14 550:15 551:20 555:22 556:11 557:18 564:6 566:19,21 569:16 572:18 574:14,21 576:19 578:6 587:24 588:3 589:6 590:2 637:10, 13

attaches 551:21 554:24 568:1

attack 675:24

attempt 538:23 596:12,21 606:13

attention 563:21 567:2 575:9 578:24 588:14 589:9 590:13

attorney-client 545:15, 25 615:2

Attorneys 545:8,19

August 673:6

authenticate 586:18

authenticity 585:4 587:12

authority 541:23

average 632:10

avoid 558:25 625:5 636:1, 10 656:22 657:11

avoiding 615:24

aware 611:14 623:23,24 635:22

awry 633:1

B

back 536:5 537:12 540:16 542:22 555:4 558:7 563:23 564:16 574:15,18 575:7 576:13 579:5 581:5 584:18 588:5 591:19 594:20 595:1 607:12 615:11 616:22 621:16 638:6 645:22 646:2 647:25 651:4 656:10 661:2 675:18

backed 567:18

bad 675:25

balance 534:6 578:21 592:11 619:14 648:24

balanced 551:25

based 528:12 529:21 532:18 533:20 534:3,12 535:22 537:24 541:15 545:1 548:7 588:22 605:4 621:7 622:8 625:20,21 629:6 643:9,14 648:3 651:14 652:10 656:3 660:4,17 666:12

basic 527:3

basis 544:20 546:20 663:24

bear 664:5

Bedford 573:9,15

begin 534:2

beginning 526:5 584:15 605:18 678:14

beneath 592:16

benefit 559:20 647:6 667:15 668:23

Benton 571:19 572:2

big 569:2 619:25 648:9 656:10

bigger 559:24

biggest 559:14

binders 661:1

bit 555:18 558:6 567:3 568:14 575:4 576:8 624:3 633:7 636:24 654:24 655:8,12

blank 605:19

block 533:23 634:14 638:18,21 639:25 640:13

blocks 638:14 639:14,18 640:7 641:1,10,14,22

Blount 568:20 574:4

blurt 543:21

blurted 539:22

book 530:24

border 573:5

borders 567:22

bottom 634:4,9

bound 632:25

boundaries 570:15

boundary 531:25 552:9 554:18 566:25 567:21 570:10 571:23 572:9 574:23,24 578:19 592:3 644:13

Bradley 550:16 554:10, 13,16,22,23 574:9,10,16, 17

break 570:14 581:23 582:1,6 593:17 645:20 646:17 672:9,15

breakdown 531:21

breakpoints 543:13

bridge 575:16

briefed 675:15

briefing 633:11 666:4

briefly 577:18 588:5 678:10

briefs 586:15 677:5,16

bright 658:12

bring 651:4 663:15

brought 646:2

bubble 577:7

bucket 592:7

build 533:25

built 601:12

burden 664:6 665:23

Bureau 528:2

C

calculator 632:18,20 656:24

call 627:23 663:4

called 617:7

calls 614:25

camera 539:18

candidates 581:10

capacity 546:22 549:11 604:25

care 572:21

career 600:5

Carolina 659:17

Carroll 528:19 555:10,13, 15,20 556:7,12 559:13,15, 21 571:3 618:13 657:6,7, 10 661:7,10,12 662:3

Carter 542:8,11,21 556:16,18 557:8,16,24 558:3 569:22 577:8,11 620:24 621:1,12 624:22

case 528:10 529:18 534:23 537:21 538:3 553:24 555:20 564:14 577:20 585:6 591:4 601:21 603:2,19 609:2 610:14 612:22 615:23 616:10 619:21 623:16 630:19 631:4 632:25 646:1 654:9 659:6 664:14 677:4

cases 561:14 564:14 602:20 616:11 623:11,12, 23

category 592:8,15

caucus' 588:12

caused 557:5

census 527:25 528:2 529:18 531:22 532:18 533:9,22 535:24 539:5 549:19 553:7,8 588:23 589:15 605:4 606:8 614:22 634:14 638:14,18, 21 639:14,25 640:7,13 641:1,9,14,21 643:9,14 651:15 673:4

Cervas 526:24 582:11 583:1 635:22 643:6 655:16 671:13,19 673:6, 15

Cervas' 631:5 661:3 671:17

challenge 615:25 616:2 654:10 655:2 659:11 671:12 676:4

challengeable 659:5

challenging 675:19

chancellor 526:5 625:12 669:16

Chancery 654:2 666:9

change 635:19 640:22 641:1 671:2

changing 640:15

Chapter 529:14 532:2,20 535:10 536:6 550:9,10 567:25 569:8 571:5 572:16 573:7,12 578:4 579:13,14 588:20 589:13 602:13 618:2 624:13,20 644:18 656:11 660:6

characterize 552:16

chart 591:24 619:6,11

Cheatham 567:17,24 655:18

check 640:19

checks 544:4

Chief 526:3,8,11 530:23 531:4,16 539:12 543:18 544:22 545:1 546:13 548:1 549:23 564:3 565:7 581:25 582:4,16 587:9,21 589:3,20,23 591:6 595:22 598:12 600:2 603:22 615:3,15 616:20 633:2 637:5,7 645:22 646:22 662:19,22 663:9 667:2 676:23 677:3,21,25 678:6

choice 541:13,14 580:15

chooses 666:5

chose 560:9

circuit 633:3

cite 586:2 603:2

citing 586:14

citizens 553:5 596:6 597:10 598:5

city 575:6 576:20 578:4

Claiborne 560:2,4,6,8,16, 19 568:7,11,12

claim 585:6,8,15,22 586:3 663:15 664:5,15 666:5

667:6,12 669:3,4

claims 667:5,8

clarification 549:1 550:18 592:20

clarify 565:1 570:5 616:16,17

clause 605:11 610:10

Clause's 604:7

clean 658:7

clearcut 668:11

clerk 677:1

close 566:8 572:25 640:18 661:13 663:11 666:7 669:8 670:17

closed 663:5

closer 535:5 639:9 677:15

Cocke 568:20,24 569:1

codified 602:17

Cohen 647:20,21

color 592:19

coloring 584:3,5

column 527:24 528:12 532:7 541:11 591:24 592:14,18,21 603:3,5

combination 550:13 563:2 634:7

combine 660:18

combined 657:16

combining 657:25

comment 676:19

comments 540:4

committee 558:16 597:19 598:20

common 529:11

communicate 597:20 678:24

communicated 537:8 541:17

communication 596:21 599:15

communications 538:6, 18 544:12 545:18,24 599:21 602:8

communities 578:22

comparable 662:7

compare 638:7

compared 635:10 670:23 672:4

compel 616:19 654:1

competing 612:5

complete 561:17 600:3 645:20

completely 557:9

complex 673:3

compliance 533:25 536:1 578:14 610:18 611:19 673:1

compliant 609:24 612:18 659:23 675:20

complied 675:19

complies 644:16 647:7 652:4

comply 554:19 562:10 573:20 577:14 603:9 604:15 605:10,15 607:22 608:3,8,15 609:4,10,13,16 610:3 611:10 613:24 614:7 629:12 644:22 651:8 657:16 664:9,19 674:3,16 675:18 676:7

complying 605:5,21 606:4,11 643:3,17

component 562:21 563:20

components 590:11

compounded 577:6

comptroller's 625:2

computer 647:22,23 648:1,5

concept 533:21,25 534:3 540:12,22 582:11 590:5 601:12,17 602:3 658:22

concern 568:10

concerned 539:16 540:1 624:1

concerns 641:21,23 644:4

Conclusion 579:16

confer 543:19 581:20 662:25

confined 672:20

confirmed 613:6

confirming 610:21

conflict 653:20

conform 581:12

conformance 647:1

connected 564:19

consecutively 663:21

consequences 658:20

considerations 623:2

considered 597:19 653:8

consistently 598:22

Constitution 552:25 577:14 600:8 603:17 609:17 626:23 627:13,16, 25 643:11 646:7 647:2,5,7

Constitution's 628:22 665:18

constitutional 580:5,6, 11 588:8,13 598:8,9,17, 21,24 599:3 601:19 603:10 604:1,2,10,15 605:6,22 606:4,12 607:23 608:3,9,16 610:3,5,8,18, 24 611:11,19 612:2,3,16, 25 613:4,6,9,16,24 614:7 616:14 626:13,17,19 627:1 628:13 629:13 630:25 632:3 641:12,17, 21,23 642:21,23 643:3,10, 17 647:13 651:9 652:13 659:23 663:20 664:9,19, 25 665:3,14 669:14 670:8 674:17 676:7,13

constitutionally 584:7 612:17

consulting 543:22

contact 595:8

contend 667:9

context 656:4

contiguity 584:11

contiguous 651:18

continue 548:15 553:14 560:13

continued 541:7

contract 535:6 601:15

contracted 535:9,22

contraction 560:7,8,15 568:6,7 569:14 571:11,16, 24

controverted 669:23

convenience 552:11 562:15

convenient 578:16 587:7

coordinators 562:16

copies 587:7

copy 602:19 635:1 636:16 646:1

core 542:13 551:24 552:10,14,16,19,25 553:2, 14,19 554:3,15 555:7,14 556:10,19,21 557:11 558:13 559:6,21,23,25 561:4,5,7 562:8,19,24 563:1,4,6 565:12,13,24 566:11,13,20 567:7,13 568:2 569:5 572:7,23 573:1,7,13 574:6,8,23 575:23 576:6,11,18 578:7, 9,18 590:5,9 618:13,17, 21,24 619:1 621:14,18,20, 21 622:19 623:19 626:6, 16,22 627:6,7 629:8 634:24 635:15 648:21 649:6,7 652:9 655:10,23 656:7 665:12 669:23,25

cores 553:9 627:4 649:16,19,21 650:2 665:15

corner 530:10 555:1,3 557:4,6,22 560:5,12 569:25 570:3

correct 530:20 551:6 587:9,15 591:17 592:5,6, 12,17,23 593:3,4,8,9,13 594:5,12,22 595:4,14 596:10,11 597:8,12 598:5, 10,18 599:9,13,16,23 600:11,16,19,25 601:9,22 604:7,16,17,20,21,24 605:1,6,7,15,23 606:16,17 607:1,3,4,9,13,18,23 608:16,24 609:5 611:2 614:20 615:21,22 616:1, 12,24,25 617:6,12,13,16, 17 618:3,4,7,14,18,19,21, 25 619:2,5,10,15 620:4,8, 10,13,15,19,23,24,25 621:3,8,9,12,19,25 622:6, 7,15,20,21,24 623:7,23 624:2 625:20 626:15,23 627:2,14,17,20,25 628:9, 16 630:19,22,25 631:3,7 632:3,7,8,11,12,14 633:23 634:1,2,6,10,14,15,18,19, 21,25 635:11,16,22,24 636:14 637:17,18,24 638:8,12,14,15 639:22 640:5,10,13,14,16,19,23 641:2,6,10,14,15,17,24 642:5,9,11,16,19,22 644:1,5,6,11,14 645:3 646:8,14 647:2,3,8 648:24 649:1,8 650:3,9,21 651:11,24,25 652:15 660:17,21 661:14 662:5 668:15 674:5

corrected 583:19 584:6 640:8 641:16,22 642:24 651:18 652:12

correcting 640:25 641:9 642:8

corrections 642:20 665:2

correctly 617:24 669:12

counsel 538:13 540:6 543:9 546:13 581:20 598:19 600:1 628:5 633:4 635:5 641:19 642:7 652:22 655:10

counties 527:23 528:20, 22,25 529:4,5,8,17,20 530:2,12,16,18 531:22,23, 24 532:1,3,17,19 533:13 534:13,20 536:15 538:16 541:13 544:5 547:2,7 548:25 549:16,22 550:2,7, 21 551:14 552:17 554:1 555:2,5,23,24 556:2 557:5 558:18 559:14 560:25 563:8 564:8,22 565:18 567:18 570:9,24 572:1 573:10 575:24 577:8,19 578:13 579:23 580:8,23 581:17 584:1 592:2,8,15, 21,24 593:17,21 594:2,3, 10 606:3 608:8,12 609:4, 9,12,16,21 610:2 618:2 619:7,13 621:17 622:18 624:23,25 628:7,8,25 629:12,17,21 630:2,4,14 634:20 643:2,16 646:6,12 651:22,23 652:13 653:6, 14 654:13,15 655:5,23 656:13 660:16 662:7 665:19 670:2 671:4 672:4, 7,25 673:1 674:2,16 675:18 676:6

county 526:25 528:7,17, 19,21 530:7 531:21 532:16,23 533:11 534:23 535:3,7,12,15 536:8,10,25 537:4,11,12,18 538:2 539:3,11 540:11,13 541:10 542:8,11,15,22 544:4,8 547:5 548:13,24 550:16 551:4,17 552:4,7, 9,11 553:6 554:11,13,14, 18 555:4,10,16,17 556:4, 12,14,18,20 557:8,14,15, 16,23 558:4,11,12,20,25 559:13,19,21,24 560:4,7, 18 561:3,4,6 562:3,11,13, 18 563:2,5,7,11,12 565:14,17,21 566:3,9,11, 21 567:3,4,5,11,16,17,19, 20,21 568:1,4,5,19,20,21, 22 569:3,6,8,9,13,19,20, 22 570:10,13 571:5,8,9, 14,15,18,21,22,25 572:4, 5,8,10,13,18,22 573:4,6,8, 11,15 574:3,5,7,10,11,14, 19,21,22,24 575:5,8,10, 20,21,22,23 576:10,11,12, 22,23,24 577:9,15,16 578:1,6,15 579:1,19,22,24 580:14,16,17,19 581:1,3,8 582:15 583:5,10,15,23 584:9,10 592:11,25 593:3, 5,11,18 594:24 595:12 596:18 597:11 603:8 604:14 605:5,10,14,20 606:10 607:21 608:2 610:17,23 611:9,13,18 612:1,14,24 613:15,23 614:6,23 616:8 619:3,14 620:7,14 621:7,13,14 622:11,23 623:6,15,16 624:21 625:6,8,10,13,17, 20,25 626:5,13 630:5,6,8 638:4,11,19,22 641:2,6,8 642:14,21 644:12 653:2,4, 14,19 654:2,8,10,22 655:18,19,20 656:1,15,17 657:3,6,8,13,18 658:1 659:6 660:4,16 661:7 662:3,4,9,12,14 664:8,18 668:3 670:10,20 671:1 672:2,9,10,13,17,23 675:14,16 676:3

county's 566:17 573:18 618:13 656:16 657:7,14 675:24

court 537:7 539:13 540:10 542:25 543:11 544:14 545:3,4 553:22 561:15,18 581:22 587:4,7, 17 599:16,22 603:20 604:3 623:4 624:11 625:19,23 626:12 629:5, 22 646:5,11,19,20 654:1, 2,21 662:8 663:13,24 664:2,6 665:21 666:2,4,9, 10,12,13 668:10 669:10, 18 670:16,22,24 671:3 672:1,6 674:6 675:17,20, 21 676:1,15,19 677:3 678:2,20

Court's 542:3 548:14 586:6 587:3 615:10 624:9

Courts 561:22 585:23 603:18 653:24

cover 631:14

covered 539:4 542:1 545:15,24 652:9

crafting 580:4

crayons 648:8,10

create 555:19 601:19 605:19 606:2,13 610:16 611:18,25 612:23 613:8 614:21 656:2 674:22

created 545:11,13 547:22 562:4 565:20 577:13 604:20 621:23 670:10 674:21

creates 575:3

criteria 534:4,8 540:15 552:24 578:11 579:19,20, 21 580:9 601:13 617:21 623:2 626:1,2 659:2,3

criticism 629:4

criticisms 607:6 635:3,4 641:17

criticize 634:23 635:9

Crockett 575:15 656:19, 21 657:3

cross 547:24 591:13 603:8 625:7 626:12 644:12 652:21

crossed 604:14 606:10

crosses 607:21 608:2 613:23 664:8,18

Crowell 654:9,10 662:9 670:20 672:2

cuts 636:16

CVS 631:9

cycle 567:12 570:11 571:21 574:15 591:17 655:3 658:24 659:10,25

cycles 579:6 606:19 668:5,6

D

d_e 631:24 638:8 641:15 650:12 655:16

dark 592:20

darker 528:17 592:19

data 532:17 533:10 534:2 545:13,22 549:15,19 554:9 605:4 614:22 643:9 668:14,25 673:5

date 677:15

Dave's 607:2,7,16 631:8

Davidson 531:25 567:21, 23 653:9 668:3

day 547:22 585:3 599:10 626:8 672:12

days 647:19 677:10 678:6

deadline 588:12

deal 568:25 652:22

dealing 668:2

deals 653:19

dealt 662:8

decade 561:17 645:16

decade's 659:18,20

decade-long 659:10

decades 671:11

December 607:5,12

decide 578:7,9,13 625:23 674:1

decided 676:3,20

decision 624:1 652:23 674:24

decisions 594:9,18 598:4,8,16 599:8,9,13 622:24,25 646:25 653:22

declining 545:10

decrease 627:5,8

deeper 614:11

defects 676:13,16

defend 628:14

Defendant 531:8,14 564:6 587:23 588:2 589:6 590:2

Defendants 531:5 585:13 617:1 663:16 664:5,11 665:11,23 667:3 668:1 669:3 674:8 676:9

Defendants' 628:6 649:13 664:15,21

defended 546:18

defending 547:21 631:2

Defense 586:2 662:20

deficiencies 588:13 632:3

deficiency 641:12

deficient 584:7

degree 665:15

delay 664:4

deligation 663:22

Democratic 588:12 600:15

Democrats 599:5 600:23

demographic 539:4

demographics 533:24 643:14

demonstrate 547:1 593:12 613:22 663:14 666:8

demonstrated 663:16 668:24

demonstrates 613:14 676:9

demonstrating 665:17

demonstration 532:19 633:19

demonstrative 527:15 530:22 591:21 639:4 656:12 668:11

demonstratives 530:24 536:4

denial 667:6

denied 647:6 663:22 667:7,15 674:10

denies 677:4

depending 594:10 630:14

depends 529:14

deposed 656:9

deposition 538:15,25 539:9 543:6 601:24 607:6 614:12 626:25

deprived 598:24 668:23

deputy 678:20

describing 561:9

descriptive 557:1 619:23

designed 670:11

detail 666:19

determinative 664:3

determine 533:4,6 552:17 606:8 670:1

determined 666:19 676:15

determines 664:2

determining 675:6

deviation 526:23 544:8,9 552:15 553:23 573:24 578:12 580:7 626:21 627:11 632:5,6 634:10 652:15 653:11 655:11,25 658:5 669:17 671:18 672:18,21

devisable 580:17

Dickson 567:3,4,5,11,14, 16 568:1 623:16 626:3,5 655:19,20

Dickson's 618:17

difference 576:6 580:7 632:6 675:10

differences 574:13 580:9

differently 596:2 626:7

difficult 539:12 576:14

dilution 604:7 653:12

diminish 625:9

direct 526:14 582:9 591:19 602:24 616:22 624:5 631:13 636:20 648:16

directed 663:6,11,23 666:25 667:4,9,11 669:2 674:9,10

direction 534:9 559:4 601:11

directions 571:4 595:2

director 625:1,17

disagree 639:17 649:12 650:1,5,7 651:2

disclaim 664:16

disclaimed 585:7

disclosed 539:23 586:11 590:22

discomfortable 546:1

discoverable 545:17

discovery 536:16 537:2, 15,21 539:24 546:12 615:11

discuss 560:23 642:8

discussed 554:2 667:13

discussing 574:9 590:5

discussion 615:23 655:9 663:1 678:4

display 655:16

dispute 587:4

dissimilar 557:9 566:7 567:14 576:7

distill 533:10

distort 580:20

distorts 579:24

district 526:19,21 528:4, 20 530:8 531:23 532:10 533:13 535:6,13,17 538:20 544:17 546:4,9 548:23 549:6 550:1,12,14, 15 551:15,19 552:1 553:10,13,16 554:2,15,17, 23,25 555:15,21 556:15 557:7,11,15,16 559:1,2, 11,18,25 560:7,8,10,11, 18,19 561:21,23 562:1,5, 25 563:9,10,11,17,19 564:13,20 565:19,20 566:6,14,19,21 567:6,19 568:6,11,12,15 569:3,11, 12,14 571:11,15,16,17,18, 20 572:9,14,16 573:9,10, 13,20 575:2,14,17,21,25 576:7,19 577:13 578:3 579:11 580:14,18 590:11 592:17,22 593:22 594:24 596:20 597:6 598:1 601:15 602:6 619:8 620:7 621:2,7 623:8 624:17,18, 19,23,24 625:7 630:14 632:10 634:4,5,12 635:16

638:19,20,22 640:1,2 644:4,7 647:4,6 650:21 653:11 655:19 657:4 661:14 663:18,19,21

district's 577:7

district-by-district 549:12

districting 595:18

districts 528:4,5,14 530:7,11 532:1,25 533:2 534:12,21 535:1,4,5,8,21 544:3,16,21 548:25 551:19 552:14 554:3,4,22 556:9 557:14 558:22 561:2 564:14,15,22 565:20 566:6,10 567:4,14, 21,22 568:2,18,21 570:10 571:13,23 572:24 573:8 574:13,16 575:17,25 576:1,3,5 577:2,3,21,23 578:2,21,23 579:22 580:16 583:18 590:6,15 592:2,4,10 598:2 601:16 607:8,17 610:17 612:15 614:23 619:9,15 620:9 624:14 626:5 629:16 634:4,7,17 635:19,20 636:9 637:23 638:23 640:23 642:18 644:22 645:15 651:6,8,24 652:7 655:15,22 664:23 665:6 667:19 670:2,10,23 672:14 674:3

divide 528:13 532:24 533:1 540:11 567:18 595:12 606:3 609:12 622:12,13 625:24 674:16 676:6

divided 528:15,22,23 529:1 536:15 540:12 544:7 551:15,20 580:18, 20 593:2,7,13,23,24 620:18 629:11 630:9 643:2 653:10 666:1 674:19

divides 528:3 609:9,16 612:1 624:13 643:15

dividing 625:8,16,19 628:8

division 566:5 572:10,24, 25 618:13,17,21 625:1,10, 18

document 527:19,22 531:7,13 532:12 564:5 582:16 587:22 588:2,17 589:5,10 590:1,14 611:20 637:9,12

documents 545:13,23 548:8 611:15,16 612:11 649:10 660:23

domino 571:1 575:4

double 580:25 581:2,11 638:4,8

Doug 536:13 539:1 585:18,20 595:9 598:7,16 603:24 604:13 611:23 631:15 636:5 643:7,8 645:1,4,5,6,8

download 631:9

downtown 563:15

draft 537:19 538:17 540:14 541:3 545:11 615:1,12

drafted 540:22 628:11

drafting 541:3,5 601:6 677:16

drafts 537:17 538:8 541:4

dramatic 557:4

draw 534:24 540:2 563:21 567:2 569:23,24 571:2 575:9 576:15 578:24 580:22 588:14 589:8 590:13 610:13 614:13,16 658:25 671:14

drawer 538:14 543:15 596:3 598:16 621:24 644:25 645:8

drawing 535:23 585:10 604:19

drawn 554:25 563:2 588:22 589:15 647:5

draws 559:16

drew 542:5 549:15 561:24 631:3

due 664:13

Dyer 657:23,24

E

earlier 582:25 590:4 592:1 601:10 617:11 639:4 649:4 651:8 653:13 654:6 678:11

early 579:8 618:10

easier 530:1 556:14

easiest 565:16 581:10

east 534:16 535:11,23 556:25 566:1 569:1,17 570:22 572:4 573:17 595:2 620:6

eastern 624:21

easy 553:5

edit 605:9

effect 561:19,21 571:2 598:5 660:1

effort 581:15 674:15 675:13 676:6

efforts 606:24

election 552:11 553:5 556:14 561:22 562:15 581:11,22 586:21 659:24 667:16,25 668:2,16,24

elections 578:18 677:14

electorate 581:10

eliminated 534:22

eliminating 625:10

Ellen 615:18

email 542:20 596:17

employed 545:8

employee 584:16,17 598:22 630:24

enact 598:20

enacted 526:23 579:1 591:16 602:12,14 604:13 605:4,8,13,20 606:1,3,10 607:21 608:1,7 609:3 613:20,21 629:11 630:25 632:4 634:17,21 635:11 637:19,23 642:13,15 643:16 644:8,15 645:13 649:8,14 650:7,16 651:10 652:5,14,15 655:18 662:7 664:7,17,24 665:10 673:13

encourage 584:24

encouraged 597:13,20

end 540:4 545:5 548:4 561:16 562:11 564:25 576:17 582:9 586:22 599:10 606:22 626:8

ended 526:18

ending 639:25

ends 529:13 536:3 576:16 603:3,7 632:23

enlargement 639:13

ensure 630:24

ensured 645:13

entire 537:19 543:16 595:17 601:1 669:5

entitled 669:2

envisioned 552:24

equal 527:4,9 534:4 578:14 604:6 605:11 610:10 626:9 655:22 665:7

equality 550:20 551:8 628:18 656:8 670:3,6,11 673:24

equivalent 665:7

Esri 648:3

essence 560:1

essentially 534:15 561:18 568:19 572:17,24 573:2 574:11 576:18

establish 587:16

evaluate 610:19

evaluation 583:2 584:4 650:11

evenly 528:13 529:1 544:6,7 593:17

evidence 527:17 536:24 537:13 549:20 589:18,24

590:24 637:8 675:12,25 676:8

evident 534:11 629:7,10

evidentiary 678:11

evolution 538:7

exact 546:16 552:1 553:23 554:24 562:12 634:16 655:4

examination 526:14 537:17 538:13 586:22 591:13 625:7 652:20,21 660:14 662:1

examine 547:24

examined 666:18

examples 659:18

excess 553:15 554:17 566:18 572:15 578:5 630:2

exchanged 545:23

exclude 595:25

excluded 539:17

exercise 544:15 555:7

exhibit 527:13 530:21 531:6,8,14,18 532:11 550:24 564:6 582:22 587:23 588:2,25 589:3,6, 17 590:2 591:20,21 616:23 631:13,14 636:21 637:10,13 648:16 656:11 660:23 661:3 668:12 676:25

exhibits 584:20,23 587:10 591:6 637:7 668:2 678:15,21

exist 662:13

existed 590:6

existing 552:8

exists 569:10 572:25

exit 554:18 565:22 577:11

exiting 569:25

expansion 535:15

expect 603:13 629:1

expedited 677:22,24

experience 543:17 594:17 607:10,15

expert 546:18,20,22,24 547:3,6,8,17,21,23 548:11,22 549:10 550:19 551:11 553:25 554:8,12, 14 556:24 561:10 565:3, 11 567:8 570:19 571:10 578:25 579:16 581:14 585:6,18 586:12 591:15 593:1 594:17 595:23 604:13,25 605:3 606:7 607:20 608:6 609:3,8 610:14,19 611:4,14,16,24 612:7,11,21 613:2,3,7,11 614:17 615:13 616:22 617:14 621:23 622:17 628:13,18 629:4 630:19 631:2 633:17 635:2 643:7, 8 649:13,24 658:18 659:8 660:3 664:15,16,21 665:1, 11 670:5

experts 611:15

explain 536:9 538:16 539:13 546:8 548:24 549:25 554:11 556:17,20 565:25 577:17 579:4 580:1 655:12 659:16

explained 540:14

explaining 539:1 544:14

explanation 629:3

explore 604:19

explosive 571:22

exported 631:6

expressed 546:5

expresses 528:1 532:21 533:3

expressing 532:8

expressly 585:7 664:16

extent 535:14 536:20 537:25 538:9,24 568:3 590:20 609:11 614:25 632:22 655:17 664:2

extra 557:6

extras 666:18

extreme 568:10 571:8

eye 661:7

eyes 669:9

F

face 546:25 613:23 645:14 654:18 675:11

fact 536:13 538:15 539:9 541:22 542:1 543:15 546:17,21 547:11,18,19 548:11 549:14 557:13 577:6 585:19 595:7,8,9,24 599:1 603:24 605:2 611:9 614:12 628:6 636:5 643:2, 13 649:14 652:1 663:14 664:12,18 665:24 676:5

factor 552:15 553:23 580:13 635:13 670:4

factors 534:6,7 540:25 552:20 556:5 601:19 645:10,11 648:21,23 649:1

facts 547:18 645:3 663:13 664:14 666:13,21

factual 664:12 666:19

failing 579:21

failure 579:20 665:23,25

fair 539:10 554:1 598:21 599:3 657:25

fairness 539:23 542:8 548:18

faith 675:25

fall 656:22 657:3

familiar 527:18 531:18 532:12 549:2 588:17 589:10 590:14

faster 564:18

Faulting 673:13

favor 666:2,25

favored 646:7

feature 668:13

federal 547:8 561:15 603:9,25 604:2,9,15 605:6,21 606:4,11 607:22 608:3,9,15 609:17 610:3, 5,18,24 611:10,19 612:2, 15,25 613:9,16,24 614:7 615:25 616:2 626:13,17, 19,23 627:1 628:21 629:12 643:3,10,17 660:5 664:9,19,24 665:20 669:21 670:8 674:4,17 676:1,7

feed 595:1

feedback 540:23 541:18 601:6 602:10

Feel 619:12

Fentress 550:1,6,10 551:22 552:4,9 618:21

fewer 547:1 580:22 605:5, 20 606:3,10 608:11 609:19 610:13 614:2,23 634:5,20 642:21 643:2,9, 16 652:1,3,13 659:6 665:8,9 666:1 672:9 674:20 675:10,11

fewest 608:14,23 613:15 614:6 654:1 671:24 675:7

figure 594:4 614:14

file 631:9

filed 636:24

files 631:6

filing 677:7

final 659:24

finally 563:5 666:6 673:7 676:10

find 666:14

finding 669:15

finds 545:6

fine 536:22 537:25 540:5 550:24 632:19 633:10

finish 599:25

finished 594:21 600:3

fit 533:18 572:2 629:18

fits 551:9

fix 640:14

fixed 638:5 641:23 643:15
fixing 584:10 640:21
flip 579:15 661:2
flipping 536:5
flow 582:7
fly 654:19
focus 556:24 563:22 579:18 580:4
focused 623:12
focusing 580:12
folks 552:12 556:14 581:11 619:19
follow 675:13
footnote 550:19,23 551:1,10,23 554:12 555:11,13 556:17 557:19 558:11 567:9 617:10,12, 15,18 618:1 621:12 622:6, 7 636:16,17,19,25 670:6
footnotes 628:3
forcing 557:21 558:22
forego 666:4
forget 543:4,6
form 530:11 554:2 557:17 624:23 651:23 668:11 674:2
format 631:22,23
formation 555:6
forming 545:14
fortunate 599:4
forward 667:7
found 654:2
foundation 549:10,13,18
four-county 654:11
fourth 592:9
Francie 663:14
Frank 624:25
free 619:12
front 536:6 549:15 653:24 669:15 673:9
full 530:7,8 532:10 533:2 540:20 554:17 555:21 559:1 572:1 573:15 574:21 577:20,22 578:2 580:13 592:10 597:19 619:9,15 620:7,9 636:22
full-time 584:17
fully 592:2,4
fully-staggered 663:22
fulsome 541:5 543:1
fundamental 540:8
furtherance 552:18 554:5
future 538:10
fuzzy 568:14

G

game 539:10
Gary 595:10
gathered 587:18
gave 558:16 601:5 669:21 670:16
general 533:7 538:19 545:19 547:16 560:9 561:12,24 562:21 580:10, 15 581:14 584:13,14 588:7,9,10 590:16 601:5, 13 605:3 606:20 610:15, 22 611:8,17,25 612:8,10, 13,21,23 613:8 616:13 627:20 643:1,5 664:1 667:25 668:16 673:9,11, 14,18 674:14 675:5
generally 584:13
generated 545:20
geographic 529:22 535:24 549:3
geographical 560:5
geography 533:15
Gibson 555:25 556:4 558:8,11,12,20 559:3,5, 12,13,14,16,18,24 571:3 575:15 593:5 595:12 622:11,13 656:15,16,17, 19,21,22 657:2,6,10,14,16 658:1 660:15,18,20,25 661:6,10,17 662:4
Giles 573:18
Gingles 645:3,10
GIS 648:4
give 547:20 548:20 566:25 576:7 596:21 666:11,18
goal 550:20 599:2
good 526:8 570:15 581:23 586:6 592:20 599:7 633:2,15,20 678:1
good-faith 581:15 674:15 676:6
government 625:1,18
Grainger 568:13 569:15
granted 536:19 674:8
granting 667:8
great 553:16 589:23 651:7 652:22
greatly 579:24
Greene 530:7 557:14,15 568:19 570:1,12 577:9 620:7,17 624:24
grew 552:3
group 562:3 658:19
grouped 530:2
growth 566:1 571:23
guess 547:12,14 558:1 559:7 583:19 594:23 595:7 618:9 636:20,25 637:3 656:4
guidance 535:2,3,7 539:20 548:6 601:16,18, 21 653:6 672:19
guide 551:4
guideline 597:7,9
guidelines 596:14 597:3, 16 627:20 648:17 650:20 673:25

H

half 557:6 560:11 577:7 578:3
halfway 658:12
Hamblen 535:12 537:4,8, 9 568:4,5,17 569:6,13 571:14
Hamilton 574:19 653:9
Hancock 560:17 624:25
hand 551:22 602:19 661:2
hands 650:15
happen 668:17,18
happened 547:14 595:19 659:13 675:16
happy 677:1
hard 540:17 548:12 636:1 660:1
Hardeman 560:24,25 561:3 562:2,7,23
Hardeman's 562:9
Hardin 564:19 565:11 566:11,14,21
Hardin's 618:23
harm 667:17,20
Harwell 600:18
hat 541:25 548:11,12 658:19
Hawkins 560:12,17 569:18,19,24 624:25
Haywood 560:23,25 561:4 562:2,18,22 563:2
head 527:6 542:10
hear 543:18,22 576:25
heard 526:2 537:10 539:24 601:23 622:10 673:3 678:12
hearing 639:5
hearings 611:1,5,7 675:4
heavily 628:5

held 537:13

helpful 627:11 628:18,20 655:11,25

helps 533:24,25 552:17 554:4 563:19 573:13,18 575:17 578:16,20 601:18 638:6 648:15 656:2

Henderson 559:15 570:18,19 571:5

Henry 571:7,8,18,25

hereto 531:9,15 564:7 587:24 588:3 589:7 590:3 637:11,14

high 526:23 528:11 544:8 577:24 657:12 672:10,12

higher 534:14 632:5 634:8,11 635:12 671:18

highlighted 628:6

Highway 559:16 566:23, 24

Hill 578:5 596:19,25

Himes 526:15 527:19 531:17 532:13 536:13,20 538:12 539:1,10 540:10 541:9,22 542:4 543:11 544:14 545:8,20 546:7,15 548:22 549:10,25 565:2 582:10 585:7,18,20 586:4 591:14 595:10 598:7,16 599:19 600:2 603:25 604:13 611:23 623:21 630:18 631:15 632:20 636:5 643:7,8 645:1,4,5,6, 8,25 646:21 652:21 660:15 669:21,22 671:6

Himes' 538:14 581:21 603:18

Hinton 624:25 625:17

historic 562:24

historical 578:22 656:4 668:14,25

historically 575:7 626:4

hold 603:3,7 661:2 673:17

holders 587:16

holding 625:12

holds 644:7

honest 581:15

honor 527:16 531:2 536:11 540:7 543:24 546:6 548:20 549:8,19 581:19 582:9,18 584:21, 24 586:16 587:15 588:24 589:16 591:9 599:24 603:12 615:5 632:19 633:10 637:6 646:13,16 647:10 660:11 662:18,21 663:3 667:3

Honorable 526:3

honoring 665:18

Honors 590:18 663:10 666:24 674:12 676:17

hope 632:24 644:24

hoping 582:5

house 526:21 534:7 541:19 552:21,22 561:13 578:11 579:1 585:9,20 586:12 588:6,21,22 589:13,14 595:18 597:3, 20 598:25 599:18 601:2 602:13,14 605:4,13,21 606:1,3,9,10,20 607:21 608:2,7 609:3,9 610:16,23 611:18,25 612:24 613:20, 22 614:22 615:20 617:22, 23 623:3,13 624:2 626:2 629:11 634:17,21 635:11 637:20,23 642:13,15 643:6,16 644:8,16 645:13 647:11 648:17 649:8,15 650:7,17,19 651:10 652:6, 14,15 655:16 659:3 660:24 664:5,7,17,24 665:10 669:4 671:13 673:15

housekeeping 676:24

Houston 572:1

hugely 675:15

Humboldt 559:18

Humphreys 572:1

Hunt 663:14 667:14 668:15

Hunt's 590:20

hypothetical 595:23

I

idea 528:23 534:24 555:22 633:16 678:1

ideal 526:19 535:5 553:24 632:10

ideas 597:21

identification 530:25 531:6,12 564:1 591:20 678:17

identified 551:23 554:14 555:13 556:10 559:5 561:3 562:7,18 563:6 565:12,13 567:7 568:5 569:4 570:19 571:10 572:7 573:6 574:6,8 575:11,22 576:11,23 626:3 639:14 641:13

identifies 557:19 565:23

identify 551:13 569:19 585:14 634:13 638:13 676:12

identifying 638:25 639:13

II 623:5,25 624:1,9 653:2, 7,19,25 666:7,8,16 669:13 670:15 672:3,6,24

II's 653:5 672:19

III 653:2

illustrated 674:19

illustration 661:4

illustrative 626:20 665:24

imagine 548:12 660:2 677:15

immediately 659:5

imminence 668:25

imminent 667:21

impact 646:25

impeach 538:4

implied 629:23

importance 646:6,11

important 543:20 569:6 628:23 636:8 675:15

impossible 668:20

impressions 545:7,14, 21

inaccuracy 542:20

inaudible 672:23

include 561:20 574:17 638:4 670:3

included 552:4 559:12 562:1 571:18 579:10

includes 550:1 651:5

including 536:18 541:18 545:10,22 547:7 556:6

inconsistencies 653:23

inconsistent 654:4

incorporate 541:7 564:21 601:7

incorporated 540:24 542:6

incorrect 587:10 600:13, 21

increase 625:11 627:5,7 635:10 666:15

incumbency 623:7 625:24 626:1 627:12,21 665:13

incumbent 553:1 621:19 622:20,22 623:3 627:22, 24 634:24 635:23 636:6, 10,11 648:22 662:12 668:16

incumbents 553:6 567:7, 9,10 618:18 621:22 623:17,18 625:5,19 626:3 632:1 636:2,8 650:8,17 652:10 665:16 667:23,25 668:4,8

independent 600:22 622:1

Independents 600:12,24

indicating 541:5

indicative 643:19

individual 546:8 596:18 629:16 675:18,23

inextricably 669:24

infinite 673:21

information 533:21 539:17 540:18 587:19 636:22 650:14

informed 541:16

inherently 594:2,14 608:22

initial 669:6

initially 545:11

injury 668:22

inspection 539:18

instance 541:10 639:24 672:10

instances 668:7

instructed 625:5

insufficient 550:11

intend 585:14

intent 586:16 612:21 613:1

interaction 585:10

interested 544:11,13,19

interesting 559:7

intern 584:15

interpretation 603:16

interpreted 665:20

Interrogatories 585:12

interrupt 582:7

interrupted 600:1

intertwined 553:20 669:24

introduce 588:25

invalidated 623:5,16

inviting 671:10

involved 654:12

irrelevant 579:8 587:3

isolation 592:25 593:6, 12,23

issue 540:9 573:20 662:8, 10,12,13 669:7

issued 604:1

issues 584:11

J

January 631:18 661:3

Jefferson 568:24 569:3, 8,9 572:3,5,7,8,10,18

job 547:22 598:19 628:12 630:24

jobs 630:23

Johnson 558:1 577:8,10 624:22

joined 624:22

joint 678:24

journals 585:1,5 586:20

Judge 526:3,4,8,11 530:23 531:4,16 539:12 543:18 544:22 545:1 546:13 548:1 549:23 564:3 565:7 581:25 582:4, 16 587:9,21 589:3,20,23 591:6 595:22 598:12 600:2 603:22 615:3,15 616:20 633:2 637:5,7 645:22 646:22 662:19,22 663:9 667:2 676:23 677:3, 21,25 678:6

judges 548:18 678:22

judgment 582:12 628:5 669:6

judicial 585:24 587:4,17

jump 636:13

June 584:17,18

justification 578:12 618:24 621:11 625:16 660:5 669:20,22 670:4,9

justifications 618:3,6 671:7 673:23

justified 617:19

justifies 553:23

justify 622:23 626:20 665:14

justifying 538:2 552:15 664:6

K

keeping 526:24 529:16 552:10 578:22 580:15

kind 540:17

knowing 535:21 537:6 548:9,10 578:15,20

knowledgable 623:10

knowledge 542:17 543:4,8 611:23 612:9 615:8,20 622:3 623:22 659:13

Knox 568:21 572:4 574:4 653:9

Knoxville 549:7

L

labeled 532:16 592:19

lack 538:6 586:8

laid 549:18 675:5

language 654:4,13

large 548:23 571:20

larger 559:15

latch 669:8

late 606:21 618:10

lateness 673:4

Lauderdale 575:15

law 553:24 647:13 676:11

Lawrence 564:19 565:12, 23 566:3,5,15,17 573:19

lawsuit 628:21

lawsuits 616:4

lawyer 541:25 542:4 598:13

lawyers 540:3 582:5 617:1 678:9,23

laying 549:9

lead 598:17 606:24

leading 537:17

leave 529:9 635:21 678:22

leaves 559:10 574:19

leaving 559:3 563:22

led 541:3 598:8

left 541:11 552:3 558:23 575:2

legal 587:12 617:4,8 648:1 671:10

legislative 552:14 561:1 564:22

legislature 597:14 601:2 672:4 673:22 675:12 676:14

legislatures 599:4

legitimate 552:15 579:20 617:20

Lenoir 575:6 576:20

letting 586:23

level 533:23 534:15 665:13

Lewis 566:15,16

light 677:13

likelihood 668:3

Likewise 545:18

Limine 536:19 678:13

limit 666:9

limitation 547:3

limited 607:7 609:20 616:7

Lincoln 573:4,6,8,11,18 623:14 653:2 654:8,10,22 662:9,12 670:20 672:2 675:14,15 676:2

lines 554:25 579:22 603:8 604:14 606:10 607:22 608:2 613:23 626:13

636:17 664:8,18

link 631:8

list 532:3 621:20 628:7,24 629:21 630:5,6,12 677:1

listed 551:5 552:21 556:18 577:17 618:12,16, 20,23 619:1,20 621:18 622:18 623:19 629:20,25 630:9 638:17

lists 527:23,24 550:21,23 621:21,22

litany 622:25

literally 542:19

litigation 561:14 615:24 616:8 658:15 659:18 660:2

live 636:2,9

living 615:19 623:22

local 625:1,18

located 639:18

location 549:3 560:9

Lockert 602:20,21 603:16 604:1,10 610:9 622:24 623:5,10,23,25 624:1 626:11,12 646:1,3,5 647:16 652:22 653:2,5,7, 19,20,25 654:5,18 666:7, 8,16 669:8,11,13 670:15 672:3,6,19,22,24 673:2 674:7

lodge 536:12 584:22 603:14

long 584:14 659:18,20

longer 543:16 566:16 582:20 612:6 663:25

looked 553:12 598:13 610:9 631:23 648:17 649:18 650:23

losing 557:5 667:23,25 668:16

loss 556:3,5 560:11 562:22 570:25 575:13 635:15

losses 565:25

lost 534:13 555:25 556:1 558:18,21

lot 529:16 530:1,9,10 535:23 539:16 541:13 548:8 555:8 556:14 561:8 578:5

Loudon 555:9 574:3,5,11 575:3,5,8 576:19

low 528:19 666:20

lower 634:11 637:19 642:12,14 643:23,24 644:1,2 651:10 652:14 665:3

lowest 592:16 666:17

lunch 582:6 645:20

M

made 577:24 598:4 599:7 639:19 655:10 675:12 678:11

Madison 555:17 556:4,5 558:21,25 559:3 560:23, 25 561:6 562:2 563:5,7, 11,12 570:18 571:9 579:23 580:14 582:15 583:4,10,25 584:3 619:18 630:5 642:3 657:13

magic 608:14,25 613:15

mainframe 648:2

maintain 556:13 614:24

maintained 553:7

maintaining 576:18 655:19

maintains 559:15 562:10 574:22 576:4

majority 559:10

majority-minority 561:20,23 562:4 579:11 583:18 634:17 637:23 640:23 642:18 644:9,21 645:15 652:6 665:6

make 527:11 530:1 534:5 536:1 539:14 544:5 551:25 553:4,17 573:15 575:16 581:15 582:8 594:18 596:25 598:16 599:10 631:8 646:18 655:21 663:8 669:1 671:23,25 674:15 676:5, 18 678:15

makes 556:13

making 573:20 578:16 628:13

man 595:17 628:11,12

map 526:23 536:6,17,19 538:7,14 539:7 540:12,14, 22 543:15 546:19,23,25 547:22 548:23,24 549:5, 15 554:9 557:2 558:17,19 560:10 563:14,16,22 564:16,24 569:16,23 570:22 571:17 573:12 576:4 579:1 582:11,14 583:1,4,11 584:2 585:11 588:20 590:17 591:16 593:11,15 594:6 595:13 596:3 597:1 598:16 602:13,15 604:14,19 605:4,8,13,20,21 606:1,2, 3,9,11,13 607:21 608:2,7 609:4,9,14,16,23 610:2, 16,23 611:18 612:1,12,14, 24 613:6,20,22 614:4,9, 13,16,22 616:3,7 617:15 619:25 621:24,25 622:8 629:8,11,15 630:25 631:2 633:25 634:18,21 635:11 637:15,20,22,24 638:3 639:19 640:3,9,23 641:5, 13 642:13,15,21,23 643:9, 13,15,16,19 644:3,8,16, 22,25 645:2,8,14 647:11 649:4,5,6,8,15,20 650:7,8, 17,20 651:11,13,19,24 652:4,6,13,14,15 654:16 656:10 658:21,23 659:4,5, 11 660:24 662:2,7 664:7, 17,24 665:1,3,10 669:14 670:15,22,23,25 671:9,14, 15,20 675:19 676:2,12

mapmaker 539:10 541:22 542:4 598:3,4 611:4,23 622:14 633:17

mapmaking 606:7 656:1 673:3

maps 526:24 538:18 541:3,4 542:6 545:9,10, 12,22 579:2 584:7 588:6, 11 595:20 601:6,7 604:19 615:1,12,25 624:2 628:12, 13,14 631:6 641:20 648:9 649:14,25 650:2 671:11, 17 673:12

Maptitude 533:22 541:4 605:9,14,18 606:15,25 607:2 631:7,9 639:1 648:2,12 651:14

March 678:12

mark 531:6 563:25

marked 530:25 531:8,14 564:6 587:23 588:2 589:6 590:2 591:20 637:10,13 678:16,17,19

markers 648:10

marks 678:20

Maroney 526:4

Marshall 578:6

materials 545:13,23

math 527:3,6,11 544:4,15 546:8,15 547:9,13,23 632:21,22,25 633:12,13, 14,15,20 640:19

mathematical 544:20

mathematically 538:21 544:18 632:23 658:2

matter 543:19 546:14

matters 676:24

Maury 564:18 565:14,17 566:17 619:18

Mcminn 574:11,19,21

meaning 556:21 613:15

meaningful 543:3

means 534:19 559:2 563:16 567:10 603:16,20 608:22 625:23 634:3 667:17 670:9 671:15

meant 551:6 555:12 617:7 630:5

meet 544:8 602:3 677:19

meet all 540:15

Meigs 554:24 574:10,17

meld 581:7

member 537:7,11 540:11,13 542:11,21 543:6 599:15 601:25 622:5,10

members 538:7,18 540:23 541:6,17 545:19 599:9 601:4,22 602:9,10 636:6

members' 599:13

mention 644:3

mentioned 533:9,19 556:2 564:23 572:5 574:9 580:5 615:18

met 601:25 602:2,8 665:18 666:15 675:22

metric 666:15

metrics 666:14

Michael 526:4

middle 529:15 534:17 535:13,16 536:3 558:22 560:13 564:23 566:1,2 568:15 570:3,17 571:12 573:17 578:25 594:25 635:21 654:11 677:19

midway 617:19

mind 568:13 586:1 637:3 650:15 662:6 677:6

minimize 636:11

minimizing 553:1 623:3 626:1 627:22,24 648:22

minor 555:6 574:12

minority 604:7 653:12

Minus 530:12

minute 641:19

missing 568:8,11,12 571:16

Mississippi 535:16

mistaken 571:19 649:19

modified 616:18

Monday 534:10 537:10 540:10,21 585:9 591:3 648:18

Monroe 555:8 574:6,7,20, 21,23 619:1,4

Montgomery 526:25 535:15 567:20 571:21,22 579:23 580:16 584:1,3 672:13

months 658:25

Moore 573:9,15 616:10 653:3 654:25 655:1 676:20

morass 671:10

Morgan 550:2,6,9

morning 526:8

motion 536:19 541:23 616:18 663:8 666:25 674:9 678:13

motions 677:4 678:12,13

move 532:11 534:12 550:16,25 555:10 560:2 564:17 571:6 572:3 574:3 575:19 576:9,21 581:21 588:25 589:17 635:21 637:4 663:6,10

moved 568:14,15 667:7

movement 556:25 571:12

moves 635:18

moving 556:16 570:21 583:21 590:23

multicolored 591:23 619:6

multicounty 651:23

multidistrict 531:24,25

multidistricts 570:9

multiple 556:19 561:13 564:21 580:6 634:12

multiplying 633:8

municipalities 559:17

myopic 674:6

N

Naifeh 600:15

naked 661:7

narrowly 573:11

Nashville 573:4

naturally 535:14

nature 635:15

necessarily 548:3,10 609:1 647:17

necessitated 612:1

necessity 557:23

needed 571:3 575:14 610:17,24 611:19 612:15 613:16 614:7 673:6

negative 544:9 573:23 574:1 594:1 629:19

neighbor 657:7

neighbors 558:20 656:19 657:14

never-ending 671:10

nineteen's 624:19

non-federal 628:8

nonconsecutive 667:18

nonconsecutively 663:17

noncontiguities 582:21 583:1,3,9,14,22 584:6 639:1 642:9,12 643:15 651:18 652:11

noncontiguity 665:2

noncontiguous 607:8, 17 634:13 638:13,18,21 639:14,20,21 640:7,13,22 641:1,9,14

nonpartisan 598:22

north 567:3 571:6 576:17 659:17

northeast 530:6 555:17 557:4 560:2,5,12 568:8,9, 10 569:25 571:9 577:1

northwest 575:10

Nos 587:23 588:3

note 632:21 638:7 666:6

noted 603:22 620:7 646:22

notice 585:24 587:5,17 678:24

November 588:11 618:10,12,16,20 621:16 628:2

number 526:19,20 528:1 541:12 559:13 579:1,24 580:8,20 583:17 608:14, 25 613:15 621:3 629:21 630:3 632:23,24 633:21 636:25 640:22 641:2,7 645:15 650:8 654:1 655:4 665:16 672:3,11

numbered 571:17 603:4 663:18,21

numbering 667:18

numbers 529:21 530:13 537:5 538:21 539:2,4 544:15 546:10 650:17

numerical 543:2

O

oath 526:16

Obion 575:9,11,17 657:21,22

object 530:23 538:10 549:9 586:13 587:1 590:19 647:9

objection 531:2,3 536:12 545:3 584:22 587:8,11 589:1,2,4,19,24 591:8 595:15 598:11 603:14 614:24 615:4,9 637:5,6,8 646:18

objectionable 586:10

objections 548:16

objective 617:20

objectives 648:14 665:17

obligation 616:14
occasion 590:10
occasioned 667:18
occasions 620:2
occur 539:1 560:15
occurred 566:4 571:25
occurs 535:11,14
October 618:10
odd 641:3
odder 566:22
offered 629:2 664:11
office 587:16 625:2
officials 553:6
opine 547:17 604:13 607:20 608:1
opined 664:22
opinion 581:14 585:8 591:15 604:6 608:7,13,17, 21,23 609:2,8,15 610:1, 15,21 612:8,13,22 613:7 615:18 624:9 643:1 644:15 653:18 654:14 658:16 659:8 660:3 664:16
opinions 546:19,21 547:20 585:19 611:24
opportunities 530:11
opportunity 542:19 553:17 656:5 669:14 673:16
opposed 565:4
optimal 669:16
optimum 624:16
option 558:25
options 530:9 545:11
orange 528:18 532:6,8,21 592:19,20
order 527:23 545:5 546:5 548:14 554:18 566:19 567:25 571:2 666:3 678:8, 10
organically 560:15
organizational 585:3
original 558:15
originally 535:11
override 646:21
overrule 615:3
overstated 601:10
Overton 550:1,6,10
overturn 675:23
overwhelming 675:25

P

P.M. 645:23
pages 583:13 636:13
paid 630:18
pair 650:13,17
paired 593:2 620:14 621:1 632:1 650:8
pairing 553:1 623:3 627:22 634:25 636:1 639:24 640:1
pairings 627:24 636:6, 10,12 648:22
pairs 665:16
Panel 539:25 540:2 543:20 545:6 546:3 616:17
paper 632:10,16 648:8,10
paragraph 603:2,4,7 624:11
paragraphs 545:5
parameters 535:19
part 534:17 535:17 541:15,22 543:3 548:5,11 557:11 559:12,16 560:10 562:1,2 566:16 568:8,9,13 569:7,15 570:2,23 572:17, 18 573:1,3 574:13 575:4 576:20 582:11 603:4 624:22,23 629:8,17 655:19 661:12 674:25
part-time 584:16
partial 597:11
parties 526:9 629:22 632:24 663:25 676:20 677:6,21
partisan 599:23 600:10
partisanship 599:1
parts 624:21 651:23
pass 591:5,10 610:23 612:14 652:17 660:9
passed 673:13
passing 677:14
past 579:5
path 538:20
pause 637:3
pen 632:9,15
people 528:9 542:15 559:13 566:25 578:17 596:22 615:19 623:22 633:18,22 634:5 640:17, 19,20 643:25 675:5
percent 526:22 527:4,8 529:3 551:9 573:23,25 632:7,13 633:4,18 634:5 635:10 637:16 640:16,18 658:7,9,10,11 665:9 666:10,20,22 669:17 672:11
percentage 649:7,16 651:10 672:16
perfect 567:20 658:21,22 671:9
perfection 659:9 673:19 674:13 676:4
period 677:10
Perkins 526:3
permitted 536:23 580:25 581:2 673:25
person 542:14 546:19 549:14 552:13,18 553:20 554:5,19 578:8,10 581:6 596:25 600:6 604:4 605:11 610:6 624:16 625:3 626:21 628:22 629:8 651:9 655:14 665:5 669:25 670:12 674:3
personal 622:3
phone 632:17,20
phrase 596:1
pick 537:3 607:8 676:12
picked 671:16
piece 535:20 559:24 594:13 596:22
piecemeal 675:24
pieces 530:13 594:11,14 597:23 630:15
pink 528:21
place 529:15 562:12 659:24
places 566:3 571:14
placing 625:5
Plaintiff 540:6 595:10 637:10,13
Plaintiffs 536:15 537:1 538:3,5,17 539:8 543:10 585:13 586:19 587:1 603:15 628:5 654:5 656:5 658:4 663:3,6,10 666:3,7 667:1 669:1,8,11 670:13, 16 671:9 674:9,12
Plaintiffs' 538:13 655:9 665:1 666:2 667:5,8 671:23 674:6
plan 534:3 551:8,20 555:20 556:8,11 561:19, 24 569:4 572:8,11 574:2, 25 575:7,8 579:7,9,10,13 580:5 581:16 588:12,21 589:14 590:10 596:16 597:15,17,18,20 598:21 599:3 601:19 603:8 606:22 610:13 612:5,18 613:3 616:5 625:13 632:5 655:3,5,6,18 656:3 659:22 660:1 673:13
plans 561:13,18 579:25 580:6 595:6,9 639:1 655:2 659:22
play 556:5

pleadings 628:4

point 530:3 534:9 535:3 536:21,23 539:20 542:19 546:2 549:4 557:23 581:24 584:22 599:7 601:1 605:18 606:2 633:2 647:19 663:5,11 664:3 665:22 666:23 672:16

pointed 550:5

pointing 538:20 615:6

points 540:8 546:16

polarized 645:2,10

policy 599:11 674:24

political 599:20,21 623:1 646:6,12

politicians 600:10

Polk 550:17 554:24 574:10,17

poorly 636:18

populated 634:12

population 527:24,25 528:3,5,12,24 531:22 532:7,10,16,17,21,22 534:4,12,14 535:15,22 537:24 539:5 546:9 549:21 550:11,14,20 551:5,7,8,13,14 552:3 553:15 554:9,15,16,17 555:21 556:1,11,19,23 557:1,5,7,12,21 558:12, 19,21 559:6,10 560:6,11, 17,18 561:5,6 562:4,9,19, 22 563:6,9 564:13 565:13, 15,18,19,22,23,25 566:16, 18 568:5,10,22,23 569:2, 5,7,12,20,21,25 570:12, 20,22,25 571:3,10 572:2, 7,14,15,22,23 573:7,14, 17,18,20 574:22 575:2,3, 11,13,14,16,18,22,24 576:8,24 577:2,4,7,10,17, 20,22 578:2,5,6,21 592:11,16,17,19,21 593:21 617:21 619:8,14, 23 621:5,13,17 624:16,18, 20 626:8,10 628:16,18 629:6,20,23,25 630:2,6,7, 9,10,14 635:18 639:22 640:7 655:21,22 656:8,12, 15,16,20 657:7,15,19 660:17 670:3,6,11 673:24

populations 533:11 549:12 551:25 592:22 622:9 629:15,17 656:18

portion 550:15 566:20 567:16 571:21 576:19 653:18,20

portions 574:14 629:16

pose 643:21

posed 598:14

position 671:24

positive 574:1

possibility 612:7 659:12

possibly 668:7

post-trial 586:3,8,15,24

posttrial 587:13,20 633:11 666:4 668:13 677:5

potential 548:4 557:20 604:19

potentially 659:10

powerful 648:13

practically 668:8

practice 552:25 627:22

practices 552:20,23 648:25

preadmit 548:3

precincts 576:6

precise 648:14

precision 648:6

prefer 607:2 649:18

preferable 677:2

preference 553:18 677:8

prepared 622:7

presentation 558:14,16 570:23

presented 534:24 588:7, 9 670:22

preservation 551:24 552:10,14,16,19 553:1,2, 19 554:3,15 555:8,14 556:10,20,22 558:13 559:7,21,23 561:4,6,7 562:8,20 563:7 565:12,14, 24 566:12 567:7 569:5 572:8,23 573:1,7,13 574:6,8 575:23 576:12 578:7,9,19 590:5,9 618:14,17,21,24 619:2 621:14,18,19,21 622:19 623:20 626:16,22 629:8 634:24 648:22 652:9 655:11 656:7 669:23 670:1

preserve 542:13 553:10, 12 579:22 649:15,21 650:2 655:23

preserved 646:18

preserves 563:3 568:2 665:15

preserving 580:13 627:4, 6,7

pressures 566:16 568:22

pretty 577:12 579:8 616:14

prevent 653:12

prevented 536:17 538:5 542:5

previous 566:10 571:21 579:2 645:16

previously 664:22 667:13

primary 630:23 667:23 668:17

principal 625:3

principle 626:20 647:12

principles 581:13 659:23

printout 602:25 624:6

printouts 585:1

prior 545:4 546:5 551:11 572:11 615:10 635:15 648:9

priorities 540:23,25 541:6,17,20 542:6 601:5,8

priority 534:5 537:9 646:14

privilege 539:4 542:2 545:16,25 546:12 599:14 615:2,6 616:18 664:13 675:1

privileged 544:12,13

privy 599:12 601:8,20 643:6

probe 540:19

problem 546:17 558:23 585:5 597:25 615:7 670:19 672:18 673:5

proceed 526:9 549:23 677:5

proceedings 526:6

process 530:1 541:3,5 542:1,2 551:12 565:5 595:18 599:20 602:1,3 659:20 669:6 675:6

produce 614:2

produced 561:12 624:17 635:23

product 545:16,25 560:4 615:2

products 553:15

proffer 548:5

proffered 585:20,21

prominently 668:13

proof 653:23 654:14 655:6 663:5,12 664:12 665:23,25 667:12 668:1

proposal 595:11 596:13 597:1,2,4

proposals 596:4,5,9 597:11

proposed 666:3

proposition 666:17

protect 625:18

protected 615:1

protection 578:14 604:6 605:11 610:10 621:19 622:20,22 623:7 627:12, 21 665:8,12 673:8

prove 667:19

provide 636:22 676:13

provided 591:15 613:4 617:14

proviso 527:10 534:22 582:20 631:25

public 588:11 595:7,9 611:1,5,7 624:13 674:22 675:4

publicly 612:11 613:13

pulling 651:14

purchased 647:22

purely 537:24 546:9

purpose 551:9,10,24 581:6 623:18 656:1,2

purposes 530:25 667:20 678:17

push 535:16 560:12 568:9

pushes 672:14

pushing 677:25

put 529:8 530:15 533:22 534:3 537:11 540:16 542:22 544:7 554:4 564:24 605:8,13 628:18 630:15 639:1 649:24 650:25 658:18 668:1 678:8

Putnam 575:19,21,22,23

puts 632:22

putting 535:20 586:23

puzzle 529:12,19 530:13 533:5,7,17 534:18 535:20, 24 536:2 541:15 555:19 557:25 560:5 594:8,11,13, 24 595:3 596:22 597:5,23 630:15 673:21

Q

question 537:10 538:9, 25 539:9 544:2 545:1 549:24 595:23,24 598:14 612:20 613:5 647:17 675:2,3

questioning 536:12 545:3 547:15 582:7 584:23 586:4

questions 538:1,10,11 548:2,3,4,9 550:5 586:17 658:19 660:9 661:20,22 662:16,17

quick 527:5 662:24

quote 669:11

R

racially 645:2,10

raised 644:5

ran 595:17 648:3

random 537:4

range 529:3 573:21,22 655:25 657:1

raw 544:15

re-created 562:6

Re-direct 635:6

reach 541:1

read 545:5 602:21 617:23 618:5,8 625:15 626:11

readily 540:20

reading 666:8 670:17,18

ready 526:9

real-life 598:4

realistic 666:21

reality 615:7

Reapportionment 625:4

reason 538:2 539:15 542:17,20 560:10 570:16 586:5 592:3 613:4 618:13, 17 622:4 623:6 625:24 626:21 627:10 639:17 649:12 650:1,6,22 664:3 674:8 675:8

reasonable 666:11 675:7

reasoning 540:20 545:7, 15,22 621:25

reasons 536:14 538:11 542:18 547:7,8 550:21 557:20 574:22 628:14 630:9 653:10 663:12 665:21

recall 526:25 596:20 631:20,21 638:25 641:25 642:6 649:9 650:18 658:5

receive 596:4

received 596:17

receiving 630:21 677:18

recess 543:23 544:23,24 582:2 645:23

recognize 648:18

recognized 646:11

recognizes 646:5

recognizing 607:16

recommend 545:10

recommending 545:9

record 586:14,23 587:19 589:20 603:22 616:16 646:19,23 663:1 666:13, 19 667:12 674:21,22,25 677:17 678:4

recross 660:11,14

Redirect 652:20 662:1 663:4

redistrict 616:6

redistricting 551:12 552:2,22 555:5 557:9 558:17 561:12,13 563:3 565:5 566:14 571:1 574:15 579:6 590:12 591:16 593:11 599:2 602:1 606:9,16,23 607:3, 7,16 615:20 617:20,23 623:13 628:21 635:14 646:13,25 648:7,15,17 650:20 652:24 655:3 659:20,25 673:19,25

redistrictings 648:12

reduce 583:17 605:10,14 645:14 653:13 672:17

refer 570:13 602:12 649:20

referenced 553:19 558:10 572:20 604:10

referred 530:4 590:10 594:9 604:3

referring 570:6 590:6 602:13

reflect 590:17 635:3

reflected 553:25 563:13 622:6,14 649:2

reflective 617:15

reflects 592:14 600:6 678:10

regard 600:7

region 594:18,20,21

regional 597:11

REIGER 652:20 662:1

rejected 595:13 625:19

related 546:2

relationship 656:6

relevant 587:6 653:4

reliant 594:3,14

relied 552:22

relies 545:4

rely 585:15 674:6

remainder 571:2 573:19 577:10

remaining 530:17 560:17 565:21 573:18

remedy 676:10,11,15

remember 596:7 611:5 635:4,8 642:1 645:7 646:1 655:4 668:15

remind 676:19

remotely 588:7 612:19

removed 583:3,9,14,22 626:6

renew 646:17

repeating 540:5

repetitive 544:1

rephrase 593:14,20

replicating 580:14

report 547:6 550:19 551:11,13 553:25 554:9, 12,14 556:24 561:10 565:11 567:8 570:20 571:10 578:25 579:16 616:22,23 617:2,7,8 619:20 622:1,2,8,15 635:2,24 649:24 661:3 664:23 670:5

reported 528:1

reporter 678:2

reports 635:25

represent 639:12

representation 582:19

representative 557:18 563:18 567:15 647:20

representatives 567:15 588:22 589:15 601:3 617:22

represented 592:8 633:18

represents 563:18 652:12 665:3

Republican 600:17,20

Republicans 599:5 600:24

request 622:14

require 597:1 619:10 673:8

required 597:3 659:9 664:24 676:11

requirement 626:17,19 627:1 628:22,24 665:19

requirements 533:15 603:10 604:1,2,10,15 605:6,22 606:5,12 607:23 608:3,9,16 610:4,6,8,24 611:11 612:2,16,25 613:9, 16,25 614:8 626:14 628:8 629:13 643:4,18 646:13 651:9 664:10,20,25 665:8, 14 674:4,17 676:8

requires 619:15 620:3 635:15

requiring 658:21

reside 567:10 625:6

residence 602:6

resolved 539:14 561:22 670:20

respect 542:3

respectfully 599:19 677:3

respond 667:4

responded 545:21 585:15 595:21 596:24

response 585:12

responsible 628:12

rest 674:24

rests 662:20

result 526:24 527:25 542:4 561:16 570:21 575:12 597:10

resulted 561:13

results 532:18 581:22 586:21 606:8 668:3

resume 600:5

retains 649:7

retention 649:6

retiring 622:10

return 645:21 676:10

reunite 540:13

review 636:14

reviewed 582:11 611:16 623:9 628:4 631:5 637:16 666:13

revised 585:17

revisions 595:3

rid 573:2

Rieger 526:10,14 527:15, 18 531:3,5,10,17 537:22 538:12 540:8 543:24 546:6 548:20,22 549:6,19, 25 563:25 564:4,8 565:9 581:19 582:8,10,22 586:16 587:15 588:5,24 589:8,16 590:4,23 591:1, 4,9 595:15 598:11 599:24 603:12 614:24 632:19 633:6,10 637:6 646:16 647:9 660:9 661:21 662:15,20 667:3 676:18 677:8,19

rights 533:16,24 536:2 556:6 559:2 561:3,5,7,10 562:8,10,19,20,25 563:6, 19 598:9,24 605:15 609:5, 10,17,22,23 610:11 617:21 644:16,23 645:1,9 647:1 652:5 657:17 665:7

rise 665:13

risk 615:24 658:15

risks 660:2

River 535:16 571:9

Roane 574:11 576:10,11, 16,18

Roane's 576:16

Robertson 567:19 570:12

role 549:14 604:12 607:20

roll 668:19

rolling 668:4,8

room 678:20

roughly 527:9 649:15

round 552:2 553:11,13 560:21 561:11,25 563:3 576:3,14 579:6,12,14 647:25 648:9 659:21,22, 25

rounds 579:9

rows 592:9

rule 666:2

ruled 663:23 672:6 678:13

Rules 536:24

ruling 542:3 545:4 546:3 615:10 616:18,19

rulings 678:11

run 542:15 548:13

rural 535:7 561:14,20,23 579:10

Russell 526:3

Ryder 545:8,20

S

sake 586:2

salary 630:21

satisfy 563:19

save 663:24

scenario 623:15

schedule 677:6

scored 650:4

scratch 606:1

Sean 649:13

Secretary 586:20

section 581:7 624:9 625:15 639:13 674:1

seek 676:11

segment 556:12

select 558:16

senate 581:22 585:2,6,8, 11,15,19,22 586:3,12,19 590:15,17,21 591:16 616:8 623:8 624:1 625:3 647:11 655:2 663:13 667:6,12 669:2

Senator 647:20

Senatorial 624:14

senators 585:25

send 678:24

sense 544:6 559:8 629:25 671:23,25 678:3

sentence 617:18

September 558:17 570:23

series 536:24 639:8 644:12

served 625:3

services 648:1

session 584:16 664:1,4

set 542:24 549:13 564:17 635:25 636:24 666:9

sets 668:14

Sevier 566:8 568:20,24 572:13,18,20,22,25

Sexton 622:12

shape 566:23

shapes 554:5

share 599:5 600:7

Sharp 526:4

Shaw 563:18

Shelby 534:23 535:3,6 571:15 579:23 583:15,23 601:17 642:4 644:12 653:9

shield 537:6 542:10

shielded 537:1,21 538:3 546:11

shielding 543:3,16 674:24

shift 534:16 544:18 556:1, 19,23 557:1,21 558:13 559:6 560:6 561:5 562:19 565:13,24 566:2 568:6 569:5,7,20,21 570:2,20 571:11 572:7 573:7 575:12,22 621:13,17

shifting 557:2,3,4 565:25 566:4 568:23 571:11,12 573:16 575:12

shifts 534:13 570:21

shooting 674:23

short 633:3 660:11

shorter 677:12

shot 539:15 548:21

show 537:18 543:13 585:25 611:17 639:3

showing 537:3 542:20 611:8 664:7

shows 529:17 558:18 616:13 645:14

side 585:20 586:12 595:19 616:8 658:7 663:13

sides 534:16 677:4

sign 570:6 620:3

signature 631:21

signed 631:17

significance 532:6

significant 675:9

significantly 666:1

signify 630:1

signing 631:20,21

signs 530:5,15 533:12 570:1,14 577:9 621:8

sill 557:11

similar 555:6 563:14,18 567:25 574:13,24 575:6 579:1 645:11 650:2 661:12,17,19

similarities 590:9

similarly 644:22 661:8

simply 529:8 542:24

single 528:20 531:23 534:2 551:18 557:15 570:10,13 572:14 580:12 593:11 625:6 676:12

single-member 567:19 650:21 651:6

singular 579:18

sir 526:10 588:16

sit 548:7

sitting 649:23 650:1,16

situation 541:24 542:24 553:4 625:21

skip 558:6

skipping 558:8

slate 605:19

slew 673:11

slightly 566:17 632:5

slower 633:7

small 557:17 574:14 620:11 639:23 653:11,22 655:18

smaller 567:16 672:20

snapshot 662:6

software 533:22 648:4

solutions 673:21

solve 533:4,6 557:24 578:8,10 584:11

someone's 598:9

sort 529:15 535:10,14 566:25 571:8 573:1 574:7 661:2

sorts 614:25

sought 536:16

sound 527:7

sounds 527:10,12 650:14

south 550:17 573:4 576:17

southeast 554:13 576:10,13 598:1

southern 529:15 562:11 564:20,22 654:11

southwest 574:4 624:7

sparingly 557:1

Speaker 537:8 541:19 542:11,14 600:15,17,20, 21 622:12

speaking 593:20 599:14 654:5

specific 536:25 547:7

specifically 579:18 593:5 626:18

speculate 633:20

speculation 598:11

speculative 595:16

split 528:11 532:4,17,20 534:20 536:10,25 537:9, 11,18,19,20 539:3,6,11 540:16 541:11,14 542:9, 12,21 544:6 547:2,5 550:22 552:4,6,8,18 553:4 556:8,9 557:8,10,17,24 558:1,3 559:6,8,9,10,18 560:16,19 562:9,13,14,17 563:10 564:9,12 566:7,8, 9,24 567:5,14 568:17,18 569:3,9,13 570:4 574:21 575:1,7 576:1,2,4,16,17 577:3,22 578:14,15,21 580:8,23,25 581:2,8,9 582:15 583:4,10,15,23,25 584:10 592:3,11 593:19 594:4 608:8,11,15 609:4 610:13 617:19 618:2 619:10,15,18 620:3 621:7 622:4,23 623:5 624:20 626:6 630:3,4,16 638:4,8, 10 651:22 652:1 654:16, 17 655:5 658:2 659:6 660:17,25 661:10 662:3 665:15,19 670:2 671:1,4 672:9,19,20,25 674:2

splits 536:9 537:16,17 544:4 558:24 579:2,9,11, 13,14,24 580:20,22 605:5, 10,14,20 608:24 609:21 610:2,23 611:10,13,18 612:4,24 613:4,14,15 614:3,6 616:9 625:13 629:5 641:2,6,8 642:3,14, 21 643:9,20 652:13 653:14,19 654:2,12 660:4, 6 662:14 665:9 666:9 669:12,17 670:10,22,23, 25 672:23 673:23 675:17

splitting 556:20 560:7 569:20,22,24 576:24 579:19 580:16,19 581:12 610:17 612:15 614:23 621:15 623:6 653:4,14 656:22 657:11 662:10 672:16

spoke 526:22 557:3 610:9 623:10 652:22 658:4

spot 540:3

Spring 578:5 596:19,25

staff 541:19 625:3

staggered 667:16 668:23

stand 616:19 666:16 672:22

standard 655:15 669:7 673:18 674:5,14 675:13 676:5

standards 629:3

standing 603:14 646:18 663:15 667:20

standpoint 655:22

start 530:3 535:4,20,22 550:3 565:17 594:19 605:17,25 618:2 677:16

starting 540:6 554:21 606:2

state 529:13,22 535:8,18 536:14 547:6,17 552:13 555:1,3 560:14 566:3 570:3 571:24 575:4 576:15 579:17 586:21 593:16 594:19 595:18 597:11 605:20 617:23 624:14 627:16 630:21,23 638:18,20 654:1,25 655:1 665:17 676:11,20

State's 642:7

stated 623:6 625:16 627:13,16,19 628:15

statement 655:10

states 527:24 541:24 553:22 617:19 618:1,5 627:13 659:14

statewide 550:20 595:13, 20 596:4,9,13,16 597:1,4, 8,17 609:14,15 643:13 672:18

statute 627:25 649:2

statutory 627:19

stay 554:8 569:17

stayed 559:22 561:19,21

step 533:13 662:23

Steven 526:4

Stewart 571:18 572:1

stick 565:5

stipulate 585:4 633:13

stipulating 633:11

stop 530:4,15 533:12 540:17 570:1,5,14 577:9 620:2,3 621:8

stopping 581:24

straight-forward 667:13

straightforward 671:8 672:8

Sub-committee 625:4

subject 603:18 626:9 659:11 671:12

subjective 537:20 542:17 543:7,17 611:22 612:9 615:8

submission 678:7

submissions 595:9 597:8

submit 586:10 596:12,15 597:2,10,18 665:12 666:3, 7

submitted 588:11 589:3 595:11 670:14 673:17

submitting 597:15

subsequent 579:20 628:4 649:25

subsequently 545:12

subset 592:13 594:2 619:13

substantive 621:24 647:1

Substantively 587:2

suffered 668:22

sufficient 570:13 670:8

suggest 677:12,17

suggested 553:22 596:19

Sullivan 532:23 557:22 576:21,23 577:1,11 638:4, 10,19,21

summary 582:11 628:4 638:7 669:6

Sumner 577:15,20

Sun 648:3

supported 541:23

supporting 586:7

supposed 547:20 629:22

supreme 553:22 603:20 604:3 623:4 646:5,11,19, 20 653:25 654:21 662:8 665:21 666:10,12 669:10, 18 670:15,21,24 671:3 672:1,6 675:16,20,21

surprise 657:2,5

surrounding 592:25

surrounds 558:20 656:17

suspect 649:17

sustained 536:18 664:13

sustains 545:3

system 647:22,24 648:1, 3,6

T

tab 530:25 582:20 588:14 589:9 590:13 639:8

table 528:16 533:2

tackle 670:11

takes 616:14

taking 529:3 595:6

talk 536:8 543:23 547:4,9, 12,23 548:18 555:11 564:18 569:6 571:7 572:12 574:7 587:20 597:13 602:7 635:5

talked 534:6,10 543:9 556:22 557:22 558:13,15 561:11 563:7 569:21 573:16 576:25 579:6 596:5 597:4 647:18 671:17

talking 526:18 530:14 544:5 546:15 547:12 573:22 574:1 584:25 610:10 647:10,12 649:4 662:2 672:11

talks 549:4

TCA 602:17

tells 528:12

temporarily 594:21

ten 529:4,5,20 530:12,16 532:1 567:22 570:8 592:1 630:24

ten-minute 581:25

tend 595:25

Tennessee 528:25 529:15,23 530:6,12 534:17 535:11,13,17,23, 25 536:3 550:17 554:13 555:16,25 556:3 558:22, 24 560:3,13,24 561:20 562:23 564:20,23 568:8,9, 16 569:18 570:17,24 571:9,13 575:10,14 576:13 577:1 579:11 593:16 594:25 595:1,2 598:1,5,25 603:17 606:9 609:13 614:22 615:21,25 617:22 620:6 622:23 635:21 646:5,6,7,19,20 647:7 652:24 653:25 654:12,21 659:9,20 660:4 662:8 669:9,18 671:11,25

term 551:13 557:1 561:9 570:7 619:24 620:3

terms 546:5 556:21 586:4 597:15 603:19 667:5,8,16 668:23

testified 538:12 539:19 541:10 546:24 582:25 585:9 592:1 602:21 607:19,25 615:17 625:2,7 648:20 653:13 660:15 667:14,22,24 669:22 670:5 671:6,14,19 673:20

testify 536:24 539:11 542:8,16 543:2,12,15 586:13 590:21 615:13 664:13

testifying 542:5 565:3 650:16

testimony 537:14 581:21 585:9 590:20 611:8,12 650:13 671:7 672:8

Tewes 615:18

text 664:22

theoretical 537:24 546:14,20 547:9,13

theoretically 547:4 608:11,19,22 609:18 610:12 612:4 614:1 672:17

theory 547:24 653:16

thing 632:4

things 544:12 552:24 556:19 670:18

Thirty 608:17

thirty-three 624:14

thought 591:2 629:5

thoughts 545:7,14,21

thousands 633:21

threat 643:21

three-page 527:22

three-seat 534:16

threshold 594:1 675:22

Tift 531:2 536:11 540:7 546:14 549:1,8 565:1 582:18 584:21 587:1 589:2,19 590:18,25 591:2, 13 595:17 596:1,3 598:15 600:9 603:24 615:5,16 616:16,21 633:3,8,13,16 637:2,15 645:18,25 646:24 647:12,18 652:17 660:11,14 661:20 662:17, 24 663:3,10 674:12 676:24 677:12,24 678:2

time 529:19 535:25 536:2 542:18 563:1,12 567:8 584:13 585:16,17 586:7 588:24 589:16 602:4,5 607:15 609:6 618:23 622:2,18 647:21 648:1 653:8,24 654:16,17 658:19 659:19 666:24 668:19 669:5 673:10 676:14

times 553:14 601:11 631:24 633:8 656:9

timing 678:3

Tipton 563:1

to-wit 526:6

today 537:5 540:21 541:5 569:10,12 584:18 668:12 671:14,17 672:12 678:22

told 543:7 622:5

tool 552:17,19 553:3 578:7,9

top 621:3 634:4,9 639:25

topic 547:21

total 528:5 560:17 624:15 625:9 633:25 634:10 637:16 640:2,8,16 652:14 656:23 657:4 665:4

totals 656:12

traditional 566:20

traditionally 655:24

transcript 678:7

transcripts 677:11,18,24

treats 661:6

tremendous 556:1

Trende 649:13 650:2,7

Trende's 650:12

Tri-cities 556:17

Tri-city 576:22

trial 628:11 677:10 678:14

TRO 669:6

trouble 607:16

true 636:3

truthful 537:15

turn 527:13 530:21 583:8 584:12

Turning 583:13

turnover 586:9

twenty-six's 624:18

two-month 541:2

two-thirds 556:2 570:24

type 601:18

typically 593:10

U

ultimately 598:17 599:8 600:11 603:17 673:12

unable 664:13

unavoidable 570:4

unaware 667:22,24

unclear 550:4

unconstitutional 625:14 642:2 658:8 671:4,16,20 673:12

unconstitutionality 658:13

under-one 621:7

undercut 672:1,2,3,5

undercuts 668:25 672:1

underlying 631:6 664:14

underneath 657:4

underpinning 670:7

underpopulated 532:9

understand 526:15 533:14 541:21 581:11 589:1 598:3,6 599:17,22 604:3 616:23 628:10 629:2,23 634:23 651:13 671:1

understanding 565:2 603:19,25 653:5,7 654:9, 25 656:7,8

undue 553:17

unequivocal 670:21

Unicoi 557:17 577:8 620:11,22 621:1

Unicoi's 557:12

Union 568:13

unique 598:25

United 553:22 627:13

units 646:7,12

unknowable 542:25

Unlike 626:6

unnecessarily 582:15 583:4,10,25

unpopulated 638:18,21 641:21

unusual 658:25

upper 569:17

urban 580:23 653:6,14,19 672:7,10,25 673:1

urbans 653:8

utilized 617:22 673:24

V

valid 625:24

variance 575:18 577:24 624:17,19,20 625:9,11 626:8 629:6 633:25 635:10 640:3,5,8,16 642:13 643:21 665:4

variation 624:15 627:7 633:18 637:16

variations 574:12 627:6, 8

varies 553:7

verdict 663:7,11,24 666:25 667:4,9,11 669:2 674:9,10

verifiably 537:14

version 583:20 639:9

versus 675:3,4,10

view 674:7

vigorously 536:16,17

violated 598:9

violating 546:4

violation 598:8 647:5

violations 598:17

vision 599:6

visual 582:19

vote 552:13,18 553:20 554:6,19 578:8,10 581:6 604:4 605:11 610:6 624:16 626:21 628:22 629:9 647:1 651:9 655:15

663:18,19,20 665:5 669:25 670:12 674:3

voter 663:17

voters 552:11 556:15 562:15 598:18

voters' 646:25

votes 604:7 647:4

voting 533:16,24 536:1 556:6 559:2 561:3,5,7,10 562:7,10,19,20,25 563:6, 19 576:6 605:15 609:5,10, 17,22,23 610:11 617:21 644:16,23 645:1,2,9,10 647:6 652:5 653:12 657:17 665:7 673:14

VRA 609:20,21 610:7

W

waiting 677:10

waiving 615:6

wall 542:17

walling 611:22 612:9

wanted 582:4 597:2 666:22

Washington 530:6 557:13,16 570:2 577:9 620:9,20 623:5,7 624:21 625:6,8,10,13,17

Wayne 566:15

ways 535:23

Weakley 657:18,20

wearing 541:25

Wednesday 526:2

week 677:14

weeks 677:18,20

west 534:16 535:13,25 549:7 555:16,25 556:3,25 558:24 559:17 560:24 561:14,20,23 562:23 566:1 569:1 570:17,21,24 571:13 573:17 575:13 579:10 595:1 609:12 624:6

western 624:23

wholly 554:22 563:12 565:21

Williams 600:20,21

Williamson 577:16 578:1 596:18

Wilson 577:16,22 630:6

win 670:13

wind 530:16 553:15 557:6

winds 560:16 561:1

wise 528:24 578:21 661:18

witnesses 547:19 585:14 586:17 663:4 664:16 673:20

work 527:2 530:3 534:2,5 538:21 539:2 544:16,21 545:16,25 546:23 561:17 582:8 597:5,24 599:4,23 600:6 605:2 606:16 615:2 655:1,22 678:23

worked 552:22 600:9,11, 14,17,23,24 601:1,7

working 556:8 594:19

works 528:24 529:12 546:8 555:19

worry 677:22

worse 634:24

write 617:2 618:6

writes 624:12

written 626:22 636:18

wrote 616:23 617:4,8,11 618:9 628:3

Wygant 595:10

Y

year 673:4,7 675:23 676:1

years 585:2 598:23 600:10 616:12 630:24

yellow 528:8,17 532:20 564:9

yesterday 526:18 530:4, 5 533:9 534:7 556:2 557:3 558:15