

EXHIBIT 3

Soto Palmer, et al.

v.

Hobbs, et al.

* * * * *

Video-recorded Remote Deposition Upon Oral
Examination of
Brady Pinero Walkinshaw
October 27, 2022

* * * * *

REPORTED BY:

LAKESIDE REPORTING

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Brady Pinero Walkinshaw

October 27, 2022

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

SUSAN SOTO PALMER, et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	
STEVEN HOBBS, in his official)	
capacity as Secretary of State)	
of Washington, and the STATE OF)	
WASHINGTON,)	No. 3:22-cv-05035-RSL
)	
Defendants,)	
)	
and)	
)	
JOSE TREVINO, ISMAEL G. CAMPOS,)	
and State Representative)	
ALEX YBARRA,)	
)	
Intervenor-Defendants.)	
)	

VIDEO-RECORDED REMOTE DEPOSITION UPON ORAL EXAMINATION OF
BRADY PIÑERO WALKINSHAW

Thursday, October 27, 2022
8:00 a.m. to 5:40 p.m.

VIDEOGRAPHER: MIKE ELDERKIN
LAKESIDE REPORTING

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1 October 27, 2022, Remote Proceedings:

2 PROCEEDINGS: 8:00 a.m.

3 THE VIDEOGRAPHER: We're now on the record.
4 The time is 8:00 a.m. Today's date is October 27th, 2022,
5 and this is the video-recorded deposition of Brady
6 Piñero-Walkinshaw being held remotely in the matter of
7 Susan Soto Palmer, et al. versus Steven Hobbs, et al., in
8 the United States District Court for the Western District
9 of Washington.

10 The video operator is Mike Elderkin of Lakeside
11 Reporting, 218 Main Street, Kirkland, Washington.

12 Will counsel and all present please introduce
13 yourselves for the record.

14 MR. MILLSTEIN: Aaron Millstein, counsel
15 for Mr. Walkinshaw.

16 MS. HARLESS: Annabelle Harless, counsel
17 for Plaintiffs Soto Palmer, et al., and I'll just announce
18 my co-counsel as well who are present: Ben Phillips,
19 Ernest Herrera, Simone Leeper, Mark Gaber, Aseem Mulji,
20 and Sonni Waknin.

21 MR. HUGHES: Good morning. I'm Andrew
22 Hughes from the Washington Attorney General's Office on
23 behalf of the State of Washington.

24 MR. HOLT: Good morning. I'm Dallin Holt,
25 here on behalf of the intervenor-defendants.

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1 THE VIDEOGRAPHER: If that's everyone, will
2 the court reporter please swear in the witness.

3 THE REPORTER: Excuse me. I think
4 Ms. Worthington was going to introduce herself.

5 MS. WORTHINGTON: I was. I was just having
6 a moment with my mute button.

7 Good morning, Assistant Attorney General Kate
8 Worthington on behalf of the Secretary of State.

9 THE REPORTER: Okay. And Mr. Walkinshaw,
10 if you will raise your right hand, I'll swear you in.

11 BRADY PIÑERO WALKINSHAW,
12 having been sworn/affirmed on oath to tell the truth, the
13 whole truth, and nothing but the truth, testified as
14 follows:

15 E X A M I N A T I O N

16 BY MS. HARLESS:

17 Q Good morning, Mr. Walkinshaw. We kind of just met,
18 but my name is Annabelle Harless, and I represent the
19 plaintiffs in this case; and I'll be asking you some
20 questions today.

21 I'll go over a few ground rules before we start.

22 Have you ever been deposed before?

23 A I have.

24 Q And we'll go over that in a minute, but the court
25 reporter is transcribing everything that we say here. So

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1 that she can get everything on the record, please wait for
2 me to finish asking my question before you give an answer,
3 and I'll wait for you to finish your answer so that we're
4 not talking over one another.

5 The court reporter can also only record verbal
6 responses, so please do your best to respond with words
7 rather than nodding your head or mumbling or anything like
8 that.

9 And if you don't understand a question for any
10 reason, please just let me know and I'll try to clarify
11 it. And if you answer the question, I'll assume you
12 understood it.

13 And if any of the attorneys here today object to a
14 question I've asked you, that objection will be noted for
15 the record. You must still answer the question unless
16 your attorney instructs you not to.

17 Does that make sense?

18 A (Nodded.) Yes.

19 Q And then please let me know if you need a break, and
20 we can find a spot to take one. We can't take a break
21 while a question is pending. Got it?

22 A Great.

23 Q Okay. Could you please state and spell your name
24 for the record?

25 MR. HOLT: Annabelle, if I -- if I may just

1 jump in real fast. I just want to get on the record to
2 make sure all the parties are okay with our kind of
3 objection rule that we've had in other depositions where
4 if one party objects, it's not necessary for every party
5 to object to preserve, that it applies to everyone.

6 MS. HARLESS: Yes, I think we're set --

7 MR. HOLT: Awesome.

8 MS. HARLESS: -- with that.

9 MR. HOLT: Awesome.

10 MR. HUGHES: Agreed from the State.

11 MR. HOLT: Thank you.

12 Q (By Ms. Harless) Could you please state and spell
13 your full name for the record?

14 A Yes. It's Brady Walkinshaw, which is spelled
15 B-R-A-D-Y. My last name is Walkinshaw,
16 W-A-L-K-I-N-S-H-A-W. My middle name, which you said
17 earlier, is Piñero, P-I-Ñ-E-R-O.

18 Q And do you understand you're under oath today?

19 A I do.

20 Q Is there any reason why you can't give truthful
21 answers to my questions today?

22 A No.

23 Q Part of the oath that you took was to tell the whole
24 truth, which means providing complete and accurate answers
25 to the questions I ask.

1 Do you understand that?

2 A I do.

3 Q Is there any reason why you cannot give complete and
4 accurate testimony today?

5 A Not to my knowledge.

6 Q And is my understanding you're in a room with
7 Mr. Millstein; correct?

8 A That's correct.

9 Q Is there anyone else in the room with you?

10 A Yes. Yes, there is.

11 Q Who else is there?

12 MR. MILLSTEIN: Counsel, sorry. I've got
13 the assistant counsel who is assisting me with this
14 matter, Madi Uekawa, is joining us for part of the day.

15 Q (By Ms. Harless) Okay. And besides the Zoom window
16 that you have on your computer, do you have any other
17 windows open on your computer?

18 Do you have anything --

19 A I do.

20 Q -- in front of you?

21 A I do. And it's not mine, it's the -- It's K&L
22 Gates's.

23 Q Okay. Do you have an email account open anywhere on
24 your phone?

25 A I -- Let me -- There is an email account on my

1 phone, but I will put my phone out of arm's reach.

2 Q Great. I'll just ask that you don't look at your
3 phone during the deposition unless, you know, we're on a
4 break or something like that, and you can let me know if
5 you have questions about that.

6 Do you have any notes visible to you?

7 A I do not.

8 Q And did you bring any documents with you today?

9 A I did not.

10 Q Have you ever been a party to a lawsuit before in
11 your personal or official capacity?

12 A Yes.

13 Q Which lawsuits?

14 A The -- The case on public disclosure to the state
15 against -- with the Commission.

16 Q Do you know the name of that case?

17 A Not to my recollection.

18 Q Did it involve the Open Meetings Act?

19 A That's correct, yes.

20 Q Were you deposed in that case?

21 A Yes, I was.

22 Q Do you remember when that deposition took place?

23 A I'm fairly certain it was probably in December of
24 last year, but I'm not certain.

25 Q And what was the outcome of that case?

1 A The outcome -- You'd have to check the actual legal
2 outcomes. I couldn't tell you in specifics.

3 Q Okay. What do you remember about that case?

4 A That it was agreed that there were certain aspects
5 of the deliberations that were conducted outside of --
6 outside of the public, and the actual legal determination
7 is in the case findings itself. So it's along those
8 lines.

9 Q Did you meet with anyone to prepare for this
10 deposition today?

11 A I did.

12 Q And I'm not going to ask you about the substance of
13 any conversations yet, but who did you meet with?

14 A Just -- just counsel.

15 Q How many times did you meet with your counsel?

16 A Twice I think we spoke by phone.

17 Q And besides your attorney did you discuss this
18 deposition with anybody else?

19 A No.

20 Q Have you had any written communications with anyone
21 besides your attorney to prepare for this deposition?

22 A No.

23 Q And did you review any documents in preparation for
24 this deposition?

25 A No.

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1 Q Even if not in preparation for this deposition, have
2 you ever reviewed any of the documents that have been
3 filed in this case before?

4 A Not -- not in their filing of this case. I may have
5 seen them prior to their being filed in this case.

6 Q Correct.

7 A But the answer to that is no. No.

8 Q So you've never read the Complaint in this case or
9 anything like that?

10 A I have not.

11 Q All right. Besides any meetings we've already
12 discussed, did you do anything else to prepare for this
13 deposition?

14 A I did not.

15 And I apologize for my coughing. I'm still
16 overcoming the wildfire smoke. I'm a little hoarse, so I
17 apologize to the court reporter.

18 Q Well, feel free to, you know, take a drink whenever
19 you need one. We all -- We all understand that.

20 About how long do you think you spent preparing for
21 this deposition?

22 A Just -- just the call that I did with counsel, which
23 was probably 30 to 60 minutes.

24 Q Okay. Now let's focus a little bit on the lawsuit
25 in general. So have you discussed this lawsuit with

1 anyone aside from your attorneys?

2 A Maybe in conversation with my husband, but not
3 beyond that.

4 Q You haven't spoken about this lawsuit with any of
5 the commissioners?

6 A I have not.

7 Q Or any of the legislative staffers you worked with
8 during redistricting?

9 A I have not, no.

10 Q Have you had any written communications about this
11 lawsuit with anyone besides your attorneys?

12 A I have not.

13 Q Are you familiar with an individual named Andrew
14 Stokesbary?

15 A Does that -- Just to ask, does that -- Does that
16 person also go by the name Drew Stokesbary?

17 Q Yes.

18 A I am familiar with him. We may have met when I was
19 in the State Legislature, but that's the extent of my
20 familiarity with him.

21 Q Okay. So you've never discussed anything related to
22 this case with Mr. Stokesbary?

23 A No.

24 Q I'm going to use the term Yakima Valley during this
25 deposition, and I'm going to use it to refer generally to

1 mean the Yakima, Adams, Grant, Benton and Franklin County
2 areas. Does that make sense?

3 A Yes.

4 Q Have you ever discussed anything related to state
5 legislative redistricting in the Yakima Valley area with
6 Mr. Stokesbary?

7 A No.

8 Q Are you familiar with a different lawsuit filed
9 against the enacted version of Legislative District 15
10 called Garcia versus Hobbs?

11 A I'm familiar with its existence, yes.

12 Q Have you ever discussed anything related to that
13 case with Mr. Stokesbary?

14 A No.

15 Q Have you ever discussed anything related to that
16 case with anybody else?

17 A No, other than my -- other than counsel.

18 Q Are you familiar with --

19 A And to clarify that -- Just briefly to clarify that,
20 it's very possible I may have received an email that I'm
21 not -- that you might find in public disclosure that I
22 don't recall, but I didn't -- To my knowledge I didn't
23 reply to it, or I don't remember engaging in it; so I may
24 have passively received an email.

25 Q Okay. But you've never talked about it with any of

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1 the other commissioners from the Redistricting Commission;
2 right?

3 A No, I have not.

4 Q Are you familiar with an individual named José
5 Trevino?

6 A I am not.

7 Q Are you familiar with an individual named Ismael
8 Campos?

9 A No, I'm not.

10 Q Are you familiar with a State Legislator named
11 Alex Ybarra?

12 A Vaguely by name, but I couldn't tell you more about
13 him.

14 Q Okay. Have you ever discussed anything related to
15 this litigation with Mr. Ybarra?

16 A I have not.

17 Q Have you ever discussed anything related to State
18 Legislative Redistricting in the Yakima Valley area with
19 Mr. Ybarra?

20 A I have not.

21 Q Are you familiar with any of the plaintiffs in this
22 lawsuit? And if you need me to list the plaintiffs, I can
23 definitely do that for you.

24 A Why don't you list the plaintiffs.

25 Q All right. Are you familiar with Susan Soto Palmer?

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1 A I am not, only insomuch as the name on the suit.

2 Q Are you familiar with Alberto Isaac Macias?

3 A I am not.

4 Q Are you familiar with Fabiola Lopez?

5 A I am not.

6 Q Are you familiar with Caty Padilla?

7 A I am not.

8 Q Are you familiar with Evangelina Aguilar, or

9 Benji Aguilar?

10 A No.

11 Q Are you familiar with Lizette Parra?

12 A I am not.

13 Q Are you familiar with Heliodora Morfin?

14 A No.

15 Q And have you heard of the organization Southcentral

16 Coalition of People of Color for Redistricting?

17 A Not -- not to my recollection, but I very well may

18 have heard it in the past.

19 Q The trial in this case is currently scheduled to

20 start on May 1st, 2023. As of now do you know of any

21 conflicts you would have or any reason why you would be

22 unavailable during that week?

23 A As of now, no. No, yet I have a busy schedule.

24 Q Thank you. You were served with a subpoena to

25 produce documents in this lawsuit; correct?

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1 A That's correct.

2 Q I'm going to share a document here with you in the
3 chat, and then I'll share my screen as well.

4 THE WITNESS: Where's the chat?

5 MR. MILLSTEIN: The chat will be right
6 here.

7 THE WITNESS: Oh, got it.

8 A And to be clear, when I'm looking down I'm looking
9 at the computer screen.

10 Q (By Ms. Harless) Perfect. So I put that document in
11 the chat, and then I'm going to pull it up here on my
12 screen as well.

13 THE WITNESS: Sorry. It's having trouble
14 downloading.

15 MR. MILLSTEIN: Yeah. Counsel, I'm just
16 going to assist with downloading the exhibit.

17 MS. HARLESS: Okay.

18 MR. MILLSTEIN: Oh, there it goes.

19 THE WITNESS: Oh, great.

20 Q (By Ms. Harless) And then I'm also sharing this on
21 my screen. Can you see on the screen?

22 A I can.

23 Q Okay. And we're going to mark this as Exhibit 1.
24 (Walkinshaw Exhibit No. 1 introduced and displayed.)

25 Q I'll give you a second to review the document if

1 you'd like. Just let me know when you're ready.

2 A Yeah, please proceed.

3 Q Okay. Have you seen this document before?

4 A Yes.

5 Q What is it?

6 A I believe this is the deposition -- This is the
7 subpoena that I was served to be here today.

8 Q If you take a look at it, it says Subpoena to
9 Produce Documents, Information or Objects.

10 Do you see that?

11 A I do. I do.

12 Q And so if you scroll down to the fourth page, I
13 believe, of this document it has an attachment; and if you
14 read through that, it lists categories of documents for
15 you to search for and produce.

16 Do you understand that?

17 A I see that, yes.

18 Q Okay. So do you understand this to be a subpoena to
19 produce documents in this lawsuit?

20 A I do.

21 Q Were you asked to conduct any searches for documents
22 in connection with the subpoena?

23 A I was.

24 Q And what searches -- What searches did you conduct
25 to locate documents responsive to the subpoena?

1 A To my recollection, everything that had been
2 previously produced for prior requests was provided, and
3 then anything additional here was also provided in --

4 I previously had retained independent counsel in the
5 prior lawsuit, which did an independent search, and with
6 Pacifica Law that produced a lot of these records that
7 were independently verified by a third party who did those
8 searches and verified their veracity. So that -- that I
9 believe --

10 To the best of my knowledge I provided everything on
11 this list. It is comprehensive, though. So again, to the
12 best of my knowledge I provided everything on this list.

13 Q Yeah. So just to clarify, did you do any new
14 searches in response to the subpoena, or did you just
15 produce the documents that had been gathered and produced
16 in response to public records requests?

17 A I believe there was some new document production as
18 well. However, to my recollection everything that was
19 asked for here had been previously asked for in prior
20 requests.

21 Q Okay.

22 MR. MILLSTEIN: Sorry. Object late, that
23 that question misstates the prior testimony.

24 Q (By Ms. Harless) When you had -- You mentioned you
25 retained counsel before from Pacifica Law to help you

1 respond to the public records request; is that right?

2 A That's correct.

3 Q Did Pacifica Law conduct searches on all of your
4 official accounts that you used in the redistricting
5 process?

6 A They conducted -- That's correct, yes. Say --
7 Repeat the question.

8 Q Did Pacifica Law conduct searches on all the
9 official accounts that you used in the redistricting
10 process?

11 A Pacifica Law conducted -- Yeah. Yes, they did.

12 In addition to that I believe the Commission, which
13 had access to all my office accounts, produced everything
14 that was in all of my official correspondence and all my
15 official emails. So to the best of my knowledge, the
16 Commission complied -- The Commission staff complied with
17 the request to make available everything in my -- in my
18 public email --

19 Q What --

20 A -- and correspondence.

21 Q Okay. What official accounts --

22 A Oh.

23 Q I'm sorry, I thought you were done.

24 A I am done.

25 Q Okay. What official accounts did you use in the

1 redistricting process?

2 A I believe --

3 Q And by official I mean --

4 Do you understand what I mean by official?

5 A Maybe explain.

6 Q So I know you have like a private email account, for
7 example, but you were also assigned an email address as a
8 commissioner of the Washington Redistricting Commission.

9 So in the course of you being a commissioner, what
10 official accounts were assigned to you or did you use in
11 that process?

12 A Yes. If I'm following your question, everything was
13 produced from the -- I can't remember the email alias, but
14 the @Commission.Wa.gov. I believe everything from that was
15 produced.

16 Pacifica then produced all the documentation from my
17 phone in text message format that was associated with
18 redistricting and also pulled all of the associated
19 correspondence that would have been in my personal account
20 out that was compliant with these requests.

21 Q Okay. And I'm trying to get an understanding of
22 what accounts you had. So did you have an email account
23 that was associated with the Commission.Wa.gov?

24 A Yes.

25 Q And did you have any other accounts that were

1 affiliated with that email address?

2 A Affiliated with? No, I don't believe so. No.

3 Q Did you have an official phone that the Commission
4 gave you to use?

5 A I did not.

6 Q Did you have an official computer that the
7 Commission gave you to use?

8 A Yes.

9 Q Did you use that computer during the 2021
10 redistricting process?

11 A Yes.

12 Q And was that computer searched in response to the
13 public records requests?

14 A To my knowledge, yes. To the best of my knowledge,
15 yes.

16 Q Did you ever use your private email accounts for
17 redistricting work?

18 A My personal Gmail account, yes.

19 Q Did you use that account pretty often for
20 redistricting-related work?

21 MR. MILLSTEIN: Objection, vague.

22 Q (By Ms. Harless) In comparison to your official
23 email account, how often did you use your personal Gmail
24 account?

25 A Insomuch as the documents have been released, I

1 believe you have access to all of those. So I think -- I
2 don't know the relative volume, but it's -- it's -- It's
3 in what's been publicly disclosed in connection with the
4 subpoena.

5 Q Would you say that you used both accounts for
6 redistricting-related work?

7 A Yes.

8 Q And you mentioned that Pacifica Law searched your
9 private email account; is that right?

10 A That's correct.

11 Q I believe you also mentioned that you used your
12 personal phone for redistricting business; is that
13 correct?

14 A That's correct.

15 Q And Pacifica Law searched your personal phone for
16 text messages and other responsive documents?

17 A That's correct.

18 Q Do you know how they searched your text messages for
19 responsive documents?

20 A It was done by a professional who did a third party
21 validation and actually held my phone physically and went
22 through the -- each one of the searches and then signed
23 that it had been done comprehensively in response to each
24 one of the requests.

25 And that was under personal representation that I

1 had retained specifically to make sure that there was
2 third party validation that I had complied with everything
3 that was being requested.

4 Q As far as you're aware, did they also search your
5 voice mails for anything that would relate to the public
6 records requests?

7 A I believe they did.

8 Q And did you ever use your personal computer for
9 redistricting business?

10 A On some occasions I likely did.

11 Q Was your personal computer also searched by Pacifica
12 Law?

13 A Yes. I believe that my personal computer was
14 searched to -- in my Gmail account to retain -- to remove
15 those emails that were responsive. That's correct, yes.

16 Q Did you ever use any messaging platforms like
17 Microsoft Teams during the 2021 redistricting process?

18 A Likely, yes. Likely Zoom and potentially Teams were
19 used at different times for meetings, yes.

20 Q Was your Teams account searched in response to the
21 public records requests?

22 A To the best of my knowledge, I actually don't
23 recall. The Teams would have only been installed on
24 the -- on whatever the State Commission laptop was, so I'm
25 not -- I'm not sure, and that's with the state.

1 Q Did you ever use any other messaging platform like
2 Signal or WhatsApp?

3 A I think Signal might have been used once or twice at
4 the beginning, but I have not -- And whatever was there
5 was -- I believe was produced, but almost -- almost not at
6 all.

7 Q Do you remember who you were communicating with on
8 Signal?

9 A I do not.

10 Q Did the Commission use anything like Slack or any
11 other messaging platform?

12 A I did not, no. I don't -- I don't know about
13 others, but I did not.

14 Q Did you ever use Dropbox during the 2021
15 redistricting process?

16 A Gosh, not to my recollection.

17 Q What about Box.com?

18 A Sorry. Repeat that.

19 Q Box.com, B-O-X.

20 A I don't know what that is.

21 Q Okay. Did the Commission have a shared drive for
22 the 2021 redistricting process?

23 A I don't know.

24 Q Did you use any kind of cloud storage system while
25 you were a commissioner?

1 A Not -- not to my recollection.

2 Q Did you ever post about the 2021 redistricting
3 process on any social media accounts that you have?

4 A No.

5 Q So besides Pacifica Law, which you said you
6 personally hired, once the Commission received the records
7 requests what was the process utilized to collect
8 documents responsive to that request?

9 A That was managed by the Commission staff, and I then
10 directly or via Pacifica replied to those requests.

11 Q Did the Commission staff tell you what searches they
12 were conducting to look for responsive documents?

13 A The Commission staff requested documents when they
14 didn't have them. So, for example, everything that was
15 already publicly available, like my Commission emails,
16 they had access -- the Commission staff had access to and
17 complied, I believe to the best of their abilities, with
18 what they already had access to.

19 And I trusted -- I trusted that the Commission staff
20 would share what was already publicly available so that --
21 Yes, so I complied with the requests that I got from the
22 Commission staff.

23 Q Did someone on the Commission staff review any
24 materials that you provided in response to a public
25 records request to determine if they should be produced?

1 A To understand the question, maybe to restate --
2 restate my answer, I would provide documentation to
3 Commission staff, which they would then provide to comply
4 with the requests, if that answers your question.

5 Q I think --

6 A I'm not sure I understood.

7 Q My question is do you know who reviewed any
8 materials that you identified in response to a public
9 records request to determine if they should be produced?

10 A Well, I believe it was the executive -- I believe it
11 was Lisa McLean and any others on the Commission staff who
12 were working on it. So I don't know specifics as to how
13 labor was divvied up.

14 Q Are you aware of whether any documents were withheld
15 from production in response to a public records request?

16 A I'm not. I'm not aware. I couldn't name anything.
17 I'm not aware of anything.

18 Q Was an individual named Jamie Nixon involved with
19 handling public records requests to the Commission?

20 A I don't know.

21 Q Did you have a Dave's Redistricting App account
22 during the redistricting process?

23 A I viewed maps over Dave's Redistricting. I don't
24 know that I had an app, or -- I did not have an app or an
25 account, but I definitely -- I viewed maps through Dave's

1 Redistricting, but they were always via links. I don't
2 believe I had an account.

3 Q And do you know what the autoBoundEDGE Mapping --
4 Sorry. Do you know what the autoBoundEDGE mapping
5 software is?

6 A No.

7 Q So you never utilized autoBoundEDGE to draw any
8 state legislative maps in the redistricting --

9 A I did not, no. I did not. Staff may have. I did
10 not.

11 Q Have you deleted any emails or electronic
12 communications that you made or received in connection
13 with the redistricting process, including on your personal
14 accounts?

15 A Not to my knowledge.

16 Q Have you deleted any text messages that you made or
17 received in connection with the redistricting process?

18 A Not to my knowledge.

19 Q Have you deleted any voice mails that you made or
20 received in connection with the redistricting process on
21 your personal device?

22 A Not to my knowledge, but voice mail accounts do fill
23 up, so -- But not -- not to my knowledge.

24 Q During the redistricting process did you use any
25 method of communication that's set to automatically delete

1 communications after a certain period of time?

2 A Not to my knowledge.

3 Q Have you been asked to conduct any document searches
4 in connection with the Garcia versus Hobbs lawsuit?

5 A Only what was conveyed to me by counsel; and I can't
6 remember the exact specifics, but I believe anything that
7 was conveyed via counsel to me.

8 I've complied with everything I was asked for, to my
9 knowledge.

10 Q All right. So I'd like to talk a little bit about
11 your background.

12 A Do you mind if I grab another water right here as we
13 continue?

14 Q Go for it.

15 A Okay. Thanks.

16 THE VIDEOGRAPHER: Counsel, do you still
17 need the screen share up?

18 MS. HARLESS: Oh, I can take that down now.
19 Thank you.

20 Q So in today's deposition I'm going to be using the
21 term Hispanic and Latino interchangeably. When I refer to
22 White individuals I'm referring to White individuals who
23 do not identify as Hispanic or Latino.

24 Do you understand that?

25 A I do.

1 Q Do you identify as Latino?

2 A I do.

3 Q And you grew up in Washington; correct?

4 A I did. I spent --

5 Q Where --

6 A -- the majority of my -- the majority of my life. I
7 wasn't born here, but the majority of my life.

8 Q Where in Washington did you grow up?

9 A I grew up in the Nooksack Valley in rural Whatcom
10 County.

11 Q And did you attend college?

12 A I did.

13 Q Where did you go to college?

14 A I went to Princeton.

15 Q And do you have any postgraduate degrees?

16 A I do not.

17 Q And you served in the Washington Legislature as a
18 State Representative for District 43; is that right?

19 A That's correct.

20 Q And you were representing District 43 from 2013 to
21 2017?

22 A That's correct.

23 Q You were first appointed to the Legislature in 2013;
24 is that correct?

25 A That's correct.

1 Q Who appointed you to represent District 43 in 2013?

2 A The King County Council.

3 Q And then you were elected to represent the 43rd
4 District in 2014; is that right?

5 A That's correct.

6 Q At the time you represented District 43 what areas
7 of Washington did that district cover?

8 A Many -- many central Seattle neighborhoods,
9 everything from downtown to Wallingford to Fremont to
10 Capitol Hill, Madison Park, Madison Valley, University of
11 Washington.

12 Q While you were in the Washington Legislature did you
13 work with any other elected Latino state legislators?

14 A Yes.

15 Q Who did you work with?

16 A We had a small Latino caucus in the State House,
17 which was myself -- at the time myself, Luis Moscoso,
18 Monica Stonier. It may have just been the three of us,
19 but I may be forgetting someone.

20 Q Do you remember any particular issues that you
21 worked with any of those legislators on?

22 A Many -- many things affecting Latino communities in
23 Washington state.

24 Q Are there any in particular you can remember?

25 A I helped start something called Latino Center for

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1 Health at the University of Washington. We worked on the
2 Dream Act, which was a really important piece of
3 legislation at the time. Budget provisos, various pieces
4 of legislation.

5 Q Was Senator Rebecca Saldana in office while you were
6 in the State Legislature?

7 A No.

8 Q Were there any other Latino state legislators at the
9 time besides the ones that you just -- the three you just
10 listed off?

11 A There may have been in the State Senate. You'd have
12 to check.

13 Q Okay. So offhand you don't know how many Latino
14 state legislators held office while you were in the State
15 Legislature?

16 A No, I don't have the exact account of the 147
17 legislators, no.

18 Q During your time in the Legislature did any Latino
19 elected officials represent the Yakima Valley area in the
20 State Legislature?

21 A Not to my knowledge, no. I think the answer to that
22 is no.

23 Q While you were in the Legislature did Senator Curtis
24 King represent the Yakima Valley area?

25 A Yep, he did.

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1 Q Were you familiar with Senator King?

2 A Yeah, I was. I am, yes.

3 Q In your view was Senator King responsive to the
4 concerns of the Latino community in the Yakima Valley
5 area?

6 A I don't know. I couldn't answer that.

7 Q While you were in the Legislature did Senator Jim
8 Honeyford represent the Yakima Valley area?

9 A Yes, he did.

10 Q Were you familiar with Senator Honeyford?

11 A I was familiar.

12 Q In your view was Senator Honeyford responsive to the
13 concerns of the Latino community in the Yakima Valley
14 area?

15 A I don't -- I don't know.

16 Q I want to ask you a few questions about state
17 legislative elections in Washington kind of in general.

18 How many state representatives are elected from each
19 state legislative district?

20 A Repeat the question.

21 Q How many state representatives are elected from each
22 state legislative district?

23 A Two.

24 Q And how many state senators are elected from the
25 each state legislative district?

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1 A One.

2 Q So overall each Washington state legislative
3 district has three elected members to the State
4 Legislature; right?

5 A That's correct.

6 Q And each state representative is elected every two
7 years; is that correct?

8 A Yeah. Elected or appointed, to be clear.

9 Q And each state senator is elected every four years;
10 is that right?

11 A Correct.

12 Q And the years in which these elections take place
13 vary depending on the legislative district; is that right?

14 A The senate elections, yes.

15 Q Let's talk a little bit about Legislative District
16 14 in particular. The regularly scheduled senate election
17 in that district is aligned with the presidential
18 election; is that right?

19 A I believe that's correct.

20 Q So the next State Senate election in Legislative
21 District 14 will be in 2024; is that your understanding?

22 A If that's correct, that's correct, yes.

23 Q What about Legislative District 15, do you know when
24 the next State Senate election is in that district?

25 A I -- I believe that they are off cycle with one

1 another. I couldn't -- I couldn't remember which was
2 which, but I believe they're off cycle with one another.

3 So the answer to that would be this cycle, 2022.

4 Q Going back to your time in the Legislature, you did
5 not seek reelection to District 43 in 2016; is that right?

6 A That's correct.

7 Q And why not?

8 A Because you can only be on the ballot for one office
9 at a time.

10 Q And you were running for the Washington 7th
11 Congressional District; is that correct?

12 A That's correct.

13 Q Why did you decide to run for the 7th Congressional
14 District?

15 A Because I believed in what could be done in that
16 seat.

17 Q And you advanced as one of the top two candidates in
18 the 7th congressional seat in the 2016 primary; right?

19 A That's correct.

20 Q You ultimately lost in the 2016 general election; is
21 that correct?

22 A To my recollection, yes.

23 Q And which candidate --

24 A Yes, I did.

25 Q Which candidate did you lose to?

1 A Pramila Jayapal.

2 Q You're currently the CEO of Grist; is that right?

3 A That's not correct.

4 Q What is your current employment?

5 A Oh, I serve on the board of Grist. I was the CEO of
6 Grist for five years. But I am the CEO of an entity
7 called Earth Alliance.

8 Q And what is Earth Alliance?

9 A It's a philanthropic initiative to combat climate
10 change globally.

11 Q Okay. I'd like to ask you a few questions about the
12 Yakima Valley area. Are you kind of generally familiar
13 with that area?

14 A I am generally familiar with that area.

15 Q What do you know about the demographics of the
16 Yakima Valley area?

17 A That there is a large Latino population. That it
18 encompasses -- Parts of it encompasses the Yakama tribal
19 lands, ancestral tribal lands in the current reservation.
20 That there's also a White population there. That there's
21 been a little bit of loss of population relative to the
22 rest of the state.

23 Q Did the Latino population in the Yakima Valley area
24 grow in the past ten years?

25 A I believe it did, but I don't know the specifics.

1 Q Are you aware of any discrimination experienced by
2 Latino residents in the Yakima Valley area?

3 A I'm sure there is. I'm sure there is. I would
4 speculate that there could be discrimination, but no, I'm
5 not aware of any. I couldn't name specifics.

6 Q In early 2021 you were appointed to be a
7 commissioner for the Washington Redistricting Commission;
8 correct?

9 A Correct.

10 Q And who appointed you to be a commissioner?

11 A The Washington State Senate Democratic Caucus.

12 Q Did you work with the Senate Democratic Caucus
13 during the 2021 redistricting process?

14 A I did.

15 Q How did you work with the Senate Democratic Caucus
16 during the 2021 redistricting process?

17 A Collaboratively.

18 Q Did you consult with any state legislators in
19 particular regarding draft district maps from the Senate
20 Democratic Caucus?

21 A I consulted with -- I spoke with many legislators.

22 Q Did you work with Senator Andy Billig during the
23 2021 redistricting process?

24 A I did.

25 Q Did you consult with Senator Billig regarding draft

1 district maps?

2 A I did.

3 Q Did you work with Senator Jamie Pedersen during the
4 2021 redistricting process?

5 A I did.

6 Q Did you consult with Jamie Pedersen about draft
7 district maps?

8 A I did.

9 Q Are there any other particular legislators you can
10 remember consulting about draft district maps?

11 A I met with every -- I believe I met with every
12 member of the State Senate Democratic Caucus.

13 Q Prior to being appointed to the Commission, had you
14 done any redistricting-related work?

15 A No.

16 Q Were you the first Latino commissioner to ever serve
17 on the Washington Redistricting Commission?

18 A To my knowledge, yes.

19 Q Was that important to you?

20 A Yes.

21 Q Why was it important to you?

22 A Because I believe representation is important.

23 Q What do you mean by you believe representation is
24 important?

25 A That groups who have been historically under-

1 represented are represented in our policy making and our
2 decision-making processes.

3 Q And when you say groups that are historically under-
4 represented, are you referring to Latino groups?

5 A Among others, yes.

6 Q You were one of two Democratic affiliated
7 commissioners appointed to the Commission; correct?

8 A That's correct.

9 Q And the other Democratic appointed commissioner was
10 April Sims?

11 A That's correct.

12 Q What were your duties as a commissioner?

13 A Ultimately to develop maps for the state, for the 49
14 state legislative districts and the state's ten U.S.
15 congressional districts.

16 Q While you were commissioner did you work with any
17 particular legislative staffers on redistricting?

18 A Yes.

19 Q Who did you work with?

20 A The name -- There were several -- There were several
21 legislative -- official legislative staff involved. I
22 believe the three primarily were someone named Adam Hall,
23 Matt Bridges, and Ali O'Neil.

24 Q Is there anyone else you can remember working with?

25 A There was also Adam Bartz was involved.

1 Q Let's start with Adam Hall. What was Adam Hall's
2 role in the redistricting process?

3 A I believe he was legal, legal counsel to the Senate
4 Democratic Caucus.

5 Q Did Adam draw any draft versions of the legislative
6 district in the Yakima Valley area?

7 A I couldn't tell you specifically who drew -- who
8 drew -- who drew what, so I don't know.

9 Q Did Adam Hall provide input on any draft maps?

10 A Yes.

11 Q Did Adam Hall provide input on the configuration of
12 Legislative District 14 or 15 in the Yakima Valley?

13 A Very likely, yes. I can't recall specifics, but
14 very likely.

15 Q Why do you say very likely?

16 A Because we were all providing -- everyone in the --
17 Everyone in the staff was providing input who was
18 involved.

19 Q Did Adam Hall have an opinion about the
20 configuration of the state legislative district in the
21 Yakima Valley area?

22 MR. MILLSTEIN: Objection to form.

23 Q (By Ms. Harless) You can answer.

24 A You will have to -- You'll have to ask him.

25 Q You don't remember him having any particular opinion

1 about this configuration of the state legislative district
2 in the Yakima Valley area?

3 A I think there were -- There were many opinions of
4 legislative staff on the configuration of the districts.
5 So yes, I imagine he did -- He did have an opinion.

6 Q How often did you interact with Adam Hall?

7 A Maybe biweekly. Maybe biweekly calls.

8 Q Did you email him?

9 A Maybe more frequently at times.

10 I'm sure -- I'm sure I emailed Adam Hall at
11 different points in time.

12 Q Did you ever have any Zoom meetings with Adam Hall?

13 A I'm sure we did. Yes, we did.

14 Q Did you ever text with Adam Hall?

15 A Probably, yes. Yes. Whatever has been disclosed.

16 Q Did Adam Hall provide input on the compliance with
17 the Voting Rights Act in relation to the Yakima Valley
18 area state legislative district?

19 A Yes, in whatever has been disclosed in public
20 records.

21 Q Let's go to Matt Bridges, who you also mentioned.
22 What was Matt Bridges' role in the redistricting
23 process?

24 A Primarily -- primarily -- primarily like tech. He
25 had a lot of technical knowledge of the actual software

1 for the drawing of the maps. So Matt did a lot of the
2 actual drawing -- the actual drawing of the maps, of the
3 Senate Democratic -- the maps that were being developed by
4 me and the team I was working with.

5 Q And when you say he had a lot of technical knowledge
6 of the map drawing software, which software are you
7 referring to?

8 A There may be others. I wasn't familiar with the
9 earlier software you mentioned, but Dave's Redistricting
10 is what I was referring to.

11 Q Did Matt Bridges draw any draft districts of the
12 legislative -- Did Matt Bridges draw any draft legislative
13 districts in the Yakima Valley area?

14 A Absolutely, yes.

15 Q Did Matt Bridges provide input on draft maps as
16 well?

17 A Yes. We were -- I mean, we were all providing
18 input, so yes.

19 Q How often did you interact with Matt Bridges?

20 A With about the same frequency. It depended on the
21 cadence of the work, but I believe we had a weekly or a
22 biweekly standing call that he usually participated in.

23 Q Did Matt Bridges have an opinion about the
24 configuration of the state legislative district in the
25 Yakima Valley area?

1 MR. MILLSTEIN: Objection to form.

2 Q (By Ms. Harless) You can answer.

3 A And again -- And again, I'm sure he did.

4 Q Do you remember what that opinion was?

5 A The opinion there I think isn't -- This is -- was
6 that -- I think reflected a lot of the maps that I -- that
7 I released.

8 Q What? What's the opinion that you're talking about?

9 A There would be representation, strong representation
10 of Latino -- Latino communities.

11 Q What do you mean by strong representation of Latino
12 communities?

13 A The specifics of that -- I think it depended, so I'm
14 not sure.

15 Q Okay. You also mentioned a gentleman named
16 Adam Bartz. What was Adam Bartz's role in the
17 redistricting process?

18 A He had been involved with redistricting ten years
19 ago and was very familiar with the process, and also gave
20 input and thoughts throughout.

21 Q Did he give input regarding the configuration of the
22 Yakima Valley area district?

23 A Yes, I'm sure he did. I mean, we all -- We all
24 provided input on it.

25 Q Did he ever draw any draft legislative districts?

1 A I'm not sure if he did personally. I'm not sure.

2 Q And how often did you interact with Adam Bartz?

3 A With about the same frequency as the others.

4 Q And then you also mentioned Ali O'Neil. What was
5 Ali O'Neil's role in the redistricting process?

6 A Ali worked most closely -- She worked quite closely
7 with me and was dedicated to this on a full-time basis
8 throughout the process.

9 So she was -- She was -- She was a bit of a
10 coordinator and also kind of a -- She was working across
11 everything.

12 Q Was Ali O'Neil trustworthy?

13 MR. MILLSTEIN: Objection to form, vague.

14 Q (By Ms. Harless) You can answer.

15 A Yeah, I -- I trusted her, yes.

16 Q Did you find that she was reliable?

17 A Yes. I've -- I have found her to be reliable, yes.

18 Q And in your experience working with Ms. O'Neil was
19 she honest?

20 A She's -- She's -- I've always -- She's been honest
21 with me, yes. I've always -- I've -- I've -- Yes.

22 Q Did Ms. O'Neil draft any versions of the legislative
23 district in the Yakima Valley area?

24 A Again, I think she -- she collaborated with this
25 group that we were discussing.

1 Q Do you remember any particular opinion that
2 Ms. O'Neil had about the configuration of the state
3 legislative district in the Yakima Valley area?

4 MR. MILLSTEIN: Objection to form.

5 A I think just it was around -- around a strong
6 representation of Latinos in the district.

7 Q (By Ms. Harless) And what do you mean there again
8 by strong representation of Latinos in the district?

9 A I think it depended -- It depended in different
10 times, but that -- that the voices and the -- the voices
11 of Latinos were reflected in the -- in the political
12 outcomes of the district, of voting; that Latinos had
13 power in their votes.

14 Q You mentioned that it depended on different times.
15 What does that mean?

16 A Oh, that's just to say we had different iterations
17 of the maps over -- over -- over the several months. So
18 not all the maps that I released were identical.

19 Q Were there any other legislative staffers you can
20 remember that you worked closely with during the
21 redistricting process?

22 A Andy Billig's chief of staff was involved as well.

23 Q Who was Andy Billig's chief of staff?

24 A You'll have to -- You'll have to -- You'll have to
25 check the record.

1 Q Okay.

2 A The name is escaping me.

3 Q Does the name Paulette Avalos --

4 A That's correct.

5 Q -- ring a bell?

6 A That's correct, yes.

7 Q Did Paulette Avalos draw any draft districts of

8 state draft legislative districts?

9 A I don't believe so. I don't believe so.

10 Q Did --

11 A But -- I may be incorrect, but I don't believe so.

12 Q Okay. Did Paulette Avalos provide input on the

13 configuration of the district in the Yakima Valley area?

14 A She may have, but nothing distinctive to my memory.

15 Q Did you ever work with Osta Davis in the

16 redistricting process?

17 A I did.

18 Q How often did you work with Osta Davis?

19 A Again, in kind of a weekly or biweekly or sometimes

20 less frequent while she -- Yeah.

21 Q And how did you communicate with Ms. Davis?

22 A Occasionally -- occasionally via text. We may have

23 been on emails together as well or in meetings on Zoom.

24 Q Did you ever work with Dominique Meyers during the

25 redistricting process?

1 A Some.

2 Q In what capacity were you working with Dominique
3 Meyers?

4 A Similar -- similar -- Similar to Osta Davis, but
5 less frequently.

6 Q Did you ever discuss the Yakima Valley area
7 legislative district with Dominique Meyers?

8 A I may have, but I don't recall the specifics of any
9 conversation.

10 Q Did you ever discuss the Yakima Valley area state
11 legislative district with Osta Davis?

12 A Again, I'm sure that I did, but I don't remember the
13 specifics.

14 Q Did you ever work with Paul Campos during the
15 redistricting process?

16 A I know who that is, but in an extremely limited way.

17 Q And who is he?

18 A I believe he worked for one of the senate -- one of
19 the Republican commissioners. And I believe -- I believe
20 he worked with Joe Fain.

21 Q Did you ever discuss the Yakima Valley area state
22 legislative district with Paul Campos?

23 A I don't think so.

24 Q Did you ever work with Anton Grose?

25 A Almost not at all. I know who that is, but very,

1 very limited.

2 Q What were the things that you worked with him on?

3 A Nothing that I can recall. Maybe coordinating a
4 phone call.

5 Q Did you ever discuss the Yakima Valley area state
6 legislative district with Anton Grose?

7 A I really don't -- I really don't think so, but -- To
8 the best of my knowledge, no.

9 Q Did you ever work with anyone named Evan Ridley?

10 A I don't know who that is.

11 Q I'd like to move on to who else you were
12 communicating with during the redistricting process.

13 Which other commissioners did you communicate with
14 about state legislative district maps?

15 A We all -- We all communicated.

16 Q So all of the other three?

17 A I would have spoken with each of the other three
18 commissioners about legislative maps.

19 Q Is there one commissioner in particular that you
20 communicated with the most?

21 A Commissioner Sims.

22 Q And how did you communicate with Commissioner Sims?

23 A Phone, in person, text, everything that's -- all
24 the -- all the content that has been disclosed.

25 Q Did you discuss the configuration of the state

1 legislative district in the Yakima Valley area with
2 April Sims?

3 A We did.

4 Q Did you discuss the configuration of the state
5 legislative district in the Yakima Valley area with
6 Joe Fain?

7 A Yes, but not -- not in great detail.

8 Q What do you mean by that?

9 A I don't -- Like, for example, I can't recall. I
10 don't have -- I don't have a very specific recollection of
11 specific conversations that I had with Commissioner Fain
12 about -- about the 14th or the 15th District in the Yakima
13 Valley.

14 Q And did you discuss the configuration of state
15 legislative districts in the Yakima Valley area with
16 Paul Graves?

17 A I did. Again -- Again, Commissioner Sims primarily
18 spoke about these districts with -- with -- I was -- I was
19 in some ways more focused on the negotiation of the
20 congressional maps, and Commissioner Sims was in many ways
21 more focused on the -- on the negotiation of the state
22 legislative maps.

23 So many of my conversations were directly with
24 Commissioner Sims.

25 Q So many of your conversations were with Commissioner

1 Sims, who would then relay information to Commissioner
2 Graves. Is that what you're saying?

3 A In a way that was appropriate with public
4 disclosure, yes.

5 Q Did you discuss draft state legislative district
6 maps with Sarah Augustine?

7 A Not -- not -- not that much in substance, no.

8 Q Did you ever discuss the Yakima Valley area district
9 with Sarah Augustine?

10 A I'm sure -- Again, I'm sure that I did, but -- but
11 not in specifics that I recall.

12 Q What do you recall discussing about the Yakima
13 Valley area district with Sarah Augustine?

14 A Just that she's -- She's from the Yakima Valley and
15 lives in the Yakima Valley. I -- But I don't remember
16 discussing the actual composition of the district in
17 detail with her.

18 Q Did you ever talk with Sarah Augustine in general
19 about drawing districts that complied with the Voting
20 Rights Act?

21 A Most likely, yes.

22 Q And when you say, "Most likely, yes," can you
23 remember anything specific?

24 A No, only -- I mean, well, yes, in that I released
25 several -- I released public maps during the course of the

1 process, which I believed complied with the Federal Voting
2 Rights Act, and Sarah and I spoke about those.

3 Q Did you speak particularly about how those maps
4 complied with the Voting Rights Act?

5 A I imagine we did, but I can't remember the specifics
6 of those conversations.

7 Q Did you ever discuss the configuration of state
8 legislative districts in the Yakima Valley area with
9 Lisa McLean?

10 A I don't -- I don't think so, but possibly. I
11 don't -- I don't think so.

12 Q Did you ever discuss the configuration of a state
13 legislative district in the Yakima Valley area with
14 Justin Bennett?

15 A With who?

16 Q Justin Bennett.

17 A No.

18 Q Did you ever discuss the configuration of the state
19 legislative district in the Yakima Valley area with Andy
20 Billig?

21 A Yes.

22 Q Do you remember how many times?

23 A I don't remember how many times, no.

24 Q Were those communications over the phone?

25 A Some, yes, but also reflected in all the public --

1 all the public -- all the public documentation that I've
2 released.

3 Q Did you communicate with Senator Andy Billig about
4 the Yakima Valley area district via email?

5 A Not -- Only what's been -- Anything that's been made
6 public, yes, I did. I did. I'm not -- I can't remember
7 the specifics, but if there are emails between us
8 corresponding about the 14th and 15th Districts, then yes.
9 And I can't remember the specifics.

10 Q Do you remember the conversations that you had with
11 Senator Billig about the Yakima Valley area district?

12 A I think broadly -- broadly it was about their being
13 compliant with the Voting Rights Act.

14 Q So Senator Billig wanted the Yakima Valley area
15 district to comply with the Voting Rights Act?

16 MR. MILLSTEIN: Objection to form.

17 Q (By Ms. Harless) You can answer.

18 A To my knowledge, yes.

19 Q Was that important to Senator Billig?

20 MR. MILLSTEIN: Objection to form.

21 MR. HUGHES: And lack of foundation.

22 A Okay. I won't -- I won't -- I won't speculate, but
23 I would -- I won't speculate.

24 Q (By Ms. Harless) Well, based on your conversations
25 with Senator Andy Billig, did you think having a district

1 in the Yakima Valley area that complied with the Voting
2 Rights Act was important to him?

3 A Yes.

4 Q And what is that based on?

5 A Our conversations.

6 Q Anything in particular that he said that you're
7 basing that opinion on?

8 A No, just a desire to comply with the Voting Rights
9 Act.

10 Q Did Senator Billig have a view on the partisan
11 performance of a district in the Yakima Valley area?

12 MR. MILLSTEIN: Objection, lacks
13 foundation.

14 A Did he have a partisan performance view -- Probably,
15 yes, but I can't remember the -- I can't remember the
16 specifics of what his opinion was on the exact partisan
17 performance of districts.

18 Q (By Ms. Harless) Did you ever discuss state
19 legislative district maps with Laurie Jenkins?

20 A Very few times. Maybe -- maybe fewer -- fewer
21 than -- fewer than five.

22 Q Did any of those discussions involve the
23 configuration of the state legislative district in the
24 Yakima Valley area?

25 A I can't recall any of those conversations explicitly

1 talking about the configuration of the 14th and 15th
2 Districts, no.

3 Q Do you --

4 A But they may have come up among other topics, but I
5 can't -- I can't remember that.

6 Q Do you remember any districts in particular that you
7 discussed with Laurie Jenkins?

8 A I think I would describe it as like the general
9 configuration of all 49.

10 Q Did you ever discuss the configuration of the state
11 legislative districts in the Yakima Valley area with any
12 other state legislators?

13 A Probably, yes. I mean, it very likely came up in
14 different conversations, because I spoke with all the
15 legislators.

16 Q Can you remember anyone in particular that you
17 talked to about --

18 A Yes. Yes, I can. No, no. Yes. Yes, I can.

19 I know that, for instance, Rebecca Saldana was
20 very -- was very vocal about these issues, and I certainly
21 spoke with her about it.

22 Q What did you speak about regarding the 14th District
23 with Rebecca Saldana?

24 A Again, the desire to -- the desire to make the
25 districts compliant with the Federal Voting Rights Act.

1 Q Did Senator Saldana have a view of what the district
2 needed to look like to comply with the Voting Rights Act?

3 A I believe she did; and she published an OpEd about
4 it in the Seattle Times, so I believe that reflects her
5 view.

6 Q Do you remember anything -- I'm just asking about
7 your recollection right now. Do you remember anything
8 specific that she said to you about the configuration of
9 the district?

10 A Specifically that it comply with the Federal Voting
11 Rights Act.

12 Q Okay. Besides Senator Saldana are there any other
13 state legislators you can recall talking to about the
14 Yakima Valley area district?

15 A There are other -- There are other legislators I've
16 spoken to in the process. I probably -- I won't
17 speculate, but there are others I very likely spoke to it
18 about among other districts in the process.

19 Q So besides the individuals we've talked about
20 already, did you discuss the configuration of the state
21 legislative district in the Yakima Valley area with anyone
22 else?

23 A Very likely yes. I mean, probably -- very likely
24 yes.

25 Q Who can you remember speaking to about the

1 configuration of that district?

2 A I spoke with -- I very likely spoke with
3 Senator Pedersen about it. I very likely spoke with
4 Representative Joe Fitzgibbon about it. But I can't
5 remember the actual specifics of those conversations.

6 Q Besides state legislators can you remember anyone
7 that you talked to about the configuration of the Yakima
8 Valley area district?

9 A Yes.

10 Q Okay. Who?

11 A There was work that was commissioned by the State
12 Senate Democratic Caucus with the UCLA Voting Rights
13 Project. I've reviewed that and spoke with -- spoke with
14 at least one time colleagues who were involved in creating
15 that body of work.

16 Q When you say you spoke with colleagues involved in
17 creating that body of work, who are you referring to?

18 A I definitely spoke with Matt Barreto at least once.

19 Q And do you --

20 A And I can't remember other specific names, but I
21 know other people may have been involved, too. So I don't
22 want to -- I'm not -- I'm not attempting to exclude
23 anyone, but I specifically remember Matt Barreto.

24 Q Do you remember what you discussed in that
25 conversation with Matt Barreto that you just referenced?

1 A Around compliance of the maps with the Federal
2 Voting Rights Act.

3 Q Do you remember what Matt Barreto told you about
4 compliance of the maps with the Voting Rights Act?

5 A Not in specific detail, but it is -- it is reflected
6 in its entirety in the work that they produced for the
7 State Senate Democratic caucus.

8 Q So besides Matt Barreto and any other colleagues
9 from the UCLA Voting Rights Project, can you remember
10 anyone else that you spoke to about the Yakima Valley area
11 district?

12 A Not -- not in substance, no. Not in substantive
13 detail.

14 Q In a meeting earlier this year did the Commission
15 consider whether to intervene in this litigation?

16 A Oh, yes. Yes, we did.

17 Q What was your position on intervening in this
18 litigation?

19 A I voted against the Commission intervening in this
20 litigation.

21 Q And why did you vote against intervening in this
22 litigation?

23 A Because I felt the Commission didn't have standing
24 after we ceased to exist, and I felt like it was -- It
25 wasn't our role. It wasn't our role to carry on

1 litigation.

2 Q So besides being here today for this deposition, has
3 your official role as a commissioner come to an end?

4 A Yes.

5 Q When did that happen?

6 A I believe it was June 30th of this year.

7 Q What did the process of wrapping up your role as a
8 commissioner entail?

9 A I returned my -- returned the technology that I had
10 been given by the state to the state.

11 Q Did --

12 A Yeah.

13 Q Sorry, go ahead.

14 A That's it. That's it.

15 Q Did the Commission itself have to do certain things
16 to kind of wind down?

17 A Yes. Lisa McLean led that process and I believe
18 complied with everything that was -- that we were supposed
19 to do, to my knowledge.

20 Q And do you know any of the particular things that
21 the Commission had to do to wind down?

22 A I believe there was some amount of public reporting
23 that was done at the end and budget wrap-up and other
24 things along those lines.

25 Q Who holds the Commission's documents now that the

1 Commission has kind of ceased to exist?

2 A I'm not sure, actually.

3 Q While you were a commissioner did you receive any
4 training or attend a workshop on compliance with the
5 Voting Rights Act?

6 A Not that I can remember, though -- not that I can
7 remember, other than the documentation that was shared
8 that was commissioned by the State Senate Democratic
9 Caucus with the -- with the voting -- with the UCLA Voting
10 Rights Project.

11 There may have been -- There may have been -- It may
12 have been part of another training we received, but I
13 don't -- I don't actually remember. I don't remember it
14 specifically, no.

15 It may have been included in one of the trainings we
16 received.

17 Q What is your understanding of what is required by
18 the Federal Voting Rights Act when drawing a state
19 legislative district?

20 MR. MILLSTEIN: Objection to the extent it
21 calls for a legal conclusion.

22 Q (By Ms. Harless) You can answer.

23 A That -- that the -- that the -- the voting -- the
24 voting preferences of specific groups may form the
25 majority of the population be expressed in the outcomes of

1 that process, and that there -- especially in places where
2 there's been --

3 I'll leave it there, that groups who have
4 historically not had their preferences reflected are able
5 to reflect those, that power through the voting process.

6 Q And what is the --

7 A And -- And --

8 Q Go ahead.

9 A No, no, go ahead.

10 Q Okay.

11 A I'm done.

12 Q I didn't want to interrupt you, so I thought --

13 A No, no, I was -- I was -- I was -- I was figuring
14 out the best language to express it.

15 Q And what's the basis for that understanding of the
16 Voting Rights Act that you have?

17 A Twenty -- 20 years of living in education and
18 being -- reading the news and familiarity -- familiarity
19 with voting rights.

20 Q And what is your --

21 A But I don't have a -- I don't have legal training in
22 the topic. I've not worked professionally in the topic.

23 Q And what's your understanding of how the Voting
24 Rights Act applied to the Yakima Valley region?

25 MR. MILLSTEIN: Again, objection to the

1 extent it calls for a legal conclusion.

2 A Repeat the question again.

3 Q (By Ms. Harless) What is your understanding of how
4 the Voting Rights Act applied to the Yakima Valley region?

5 A There was a -- There was a real open question of
6 whether the preferences of a large block of the population
7 were being expressed in the political outcomes of the
8 process.

9 Q What do you mean by that?

10 A There was a question of whether -- whether -- As I
11 understood it, there was a question of whether Latinos as
12 voters and the significant number of Latinos as voters in
13 the Yakima Valley had been able to elect Latinos to office
14 over the course of time.

15 Q And when you say that --

16 A And there are more specific legal definitions that I
17 think are at question, so --

18 Q And when you say there was a question about whether
19 Latinos had been able to elect their candidates of choice
20 to office, what do you mean by that?

21 A I mean exactly that, that there was -- There was a
22 question as to whether -- whether -- whether it was an
23 example of lack of compliance with the Voting Rights Act
24 that you had a group of -- a large group of Latinos who
25 had not elected -- whose preferences weren't being

1 reflected in the voting process to elect a candidate of
2 their choice.

3 Q What was your opinion on that question?

4 A My opinion was very, very clearly reflected in the
5 maps that I produced in September and October when -- when
6 individual commissioners were releasing maps on -- on
7 their perspectives on the drawing of districts.

8 And I believe that the maps that I released in
9 September and October, which are in the public record and
10 were publicly released, were definitely compliant in my --
11 with my understanding of the Voting Rights Act.

12 Q And when you say that you think those maps were
13 compliant with the Voting Rights Act, what -- what do you
14 think made those districts in the Yakima Valley area
15 compliant with the Voting Rights Act?

16 A I -- I -- I hesitate to get into very specific
17 language because I'm not an attorney, but -- but it had to
18 do with the proportion of -- of Latinos by voting age in
19 these districts and the likely ability of those groups to
20 elect candidates that reflected their preferences.

21 And beyond that I -- I hesitate to get into legal
22 specifics because I think I'll trip over my words, but
23 that's my -- I do know that the maps that I released in
24 September and October I believe did that.

25 Q Okay. I'm going to switch gears really quick for a

1 second. During your time as a commissioner did the
2 Washington Redistricting Commission hold public hearings?

3 A Yes, we did.

4 Q Do you remember how many public hearings you held?

5 A A lot. No, but that is -- that is -- That is
6 disclosed.

7 Q Do you remember if any were held in the Yakima
8 Valley area?

9 A I believe -- It may not have been held in the Yakima
10 Valley area because of COVID because we were doing them
11 remotely, but I believe there was definitely -- There were
12 definitely hearings that encompassed the ability for input
13 from the -- from the districts in the Yakima Valley.

14 And I know that there was a separate -- There was
15 also -- We also did the consultations with sovereign --
16 with the 28 tribal sovereign governments. We did a lot of
17 outreach to the tribes.

18 And there was also an in-person consultation, which
19 I did not participate in. I believe other commissioners
20 went, but there was an -- There was an in-person
21 consultation with the Yakama Nation.

22 Q Do you remember how many public hearings were held
23 before any draft maps were released?

24 A No, I don't remember the number, but many.

25 Q Do you remember how many public hearings were held

1 after draft maps were released?

2 A No, but we were on a very -- We were on a very
3 condensed time schedule because of the late release of the
4 census data and the Legislature's decision to move up the
5 due date of the maps from the New Year to November 15th.
6 So we had a very compressed period.

7 Q So just talking about the public hearings before
8 draft maps were released, were you aware of any comments
9 about the configuration of the Yakima Valley area state
10 legislative district?

11 A Could you repeat the question?

12 Q Yes. So limiting us just to any public hearings
13 that were held before draft maps were released, were you
14 aware of any comments about the configuration of the state
15 legislative district in the Yakima Valley area?

16 A Oh, I think there was a fair bit of comment on this
17 for sure. I don't remember the specifics of it, but I
18 definitely think it was along the lines of ensuring
19 representation, strong representation of the preferences
20 of Latino voters. So I think there was a fair bit of
21 public comment on that.

22 Q Do you remember any of the specific comments?

23 A Just what I said, that a strong -- a strong interest
24 in -- in -- in kind of making sure that the preferences of
25 a large voting community, Hispanic voting community were

1 reflected in outcomes.

2 Q Do you remember who any of those comments were from?

3 A No, but leaders in -- I mean, many civic leaders in
4 the Yakima Valley that are in public -- public testimony.

5 Q And the same thing for public hearings after draft
6 legislative maps were released, were you aware of any
7 comments about the configuration of the state legislative
8 district in the Yakima Valley area?

9 A Yeah. I believe -- I believe there was -- In
10 those -- In those hearings after I believe that there was
11 positive input from leaders in the Yakima Valley on maps
12 that I had released.

13 Q Do you remember any of that input specifically?

14 A Just I think general -- I think -- No, I don't
15 remember the specifics, to answer your question.

16 Q Did any of the comments after draft legislative maps
17 were released ask for a state legislative district in the
18 Yakima Valley area that would comply with the Voting
19 Rights Act?

20 A Sorry, I lost you in that question.

21 Q Oh. Did any of the public comments that were --
22 that came after you released your draft legislative map
23 ask for a state legislative district in the Yakima Valley
24 area that would comply with the Voting Rights Act?

25 A Did we receive further comment after I had released

1 my draft map saying that there was desire for the maps to
2 comply with the Voting Rights Act?

3 Q Yes.

4 A I'm sure there was, and I think some of the maps --
5 I mean, I'm sure there was, yes. We had -- We had a lot
6 of input coming in.

7 Q Do you remember specifically anyone who commented on
8 the Yakima Valley area district during that time?

9 A Not by name, no.

10 Q Do you remember any Latino individuals in particular
11 that you communicated with about the Yakima Valley area
12 district?

13 A I'm sure that Rebecca Saldana and I spoke about it
14 at some point. Latino individuals, I don't know how -- I
15 don't know how Matt Barreto identifies, but I spoke with
16 him about it, as is evidenced.

17 There was, I believe, someone else who came to give
18 testimony. To use names, again, I believe her name is
19 Dulce Gutierrez, who was on the city council in Yakima. I
20 believe she gave public comment, and I remember her
21 comments.

22 Another person who may have given public comment was
23 someone named E.J. Juarez. So there were a set of --
24 There were a number of people who gave public comment in
25 support of districts who that in their view were certainly

1 compliant with the Voting Rights Act.

2 Q So you mentioned Dulce Gutierrez. Do you remember
3 what her comments were specifically?

4 A I don't, but I -- I believe it's in public record.
5 I believe that -- I believe there may even have been
6 correspondence with her, that either staff had or -- I
7 believe there was correspondence with her about that,
8 which would have been -- I believe would be released, if
9 my memory serves me.

10 Q And then you also mentioned E.J. Juarez. Do you
11 remember anything in particular about that?

12 A No, I don't, not beyond -- not beyond what I said.

13 Q Okay. Did you communicate with any Latino community
14 groups regarding redistricting of state legislative
15 districts in the Yakima Valley area?

16 A I mean, insomuch as they came to public testimony,
17 yes.

18 Q Do you remember any in particular?

19 A No.

20 Q Was it important to you to take feedback from Latino
21 community members in the Yakima Valley area?

22 A Yes, which is why it was reflected in the maps that
23 I released, or I believed that it was reflected in the
24 maps that I released.

25 Q Why was that important to you?

1 A Because I believe that compliance with the Voting
2 Rights Act is important.

3 Q So going into the 2021 redistricting process were
4 you aware of previous litigation in the Yakima Valley
5 region related to the Voting Rights Act?

6 A I -- I was aware of the -- of litigation I believe
7 at the city level, but I don't recall the specifics of it.

8 Q What do you recall about it?

9 A Only that it dealt with the Yakima City Council, but
10 I don't remember -- I couldn't tell you specifics beyond
11 that on.

12 Q Are you aware of any litigation in the Yakima Valley
13 region under the Washington Voting Rights Act?

14 A I don't -- I don't know the -- I don't -- I'm not
15 familiar. I believe that would have been under the
16 Washington Voting Rights Act. I don't -- I'm not
17 familiar.

18 THE REPORTER: Excuse me. Annabelle, could
19 we take a break for just a moment?

20 MS. HARLESS: Sure. Is five minutes good?

21 MR. MILLSTEIN: Five minutes, 9:27 to come
22 back?

23 THE VIDEOGRAPHER: Can we take an extra --
24 Can we ten minutes? This is the videographer. I just
25 lost power. I'm on limited backup. I just need to fire

1 up a generator. It will take about seven or eight
2 minutes.

3 MR. HUGHES: Oh, no.

4 MR. MILLSTEIN: Okay.

5 THE VIDEOGRAPHER: I appreciate it.
6 Thanks.

7 Going off record, the time is 9:22.

8 (Break 9:22 a.m. to 9:33 a.m.)

9 THE VIDEOGRAPHER: Back on the record.
10 Here begins media two. The time is 9:33.

11 Q (By Ms. Harless) Okay. So before the break we were
12 talking about any of the litigation that you were aware of
13 under the Voting Rights Act in the Yakima Valley region;
14 right?

15 A Correct.

16 Q And you said you were aware of the case against the
17 City of Yakima under the Voting Rights Act?

18 A Yeah. What I -- What I said was that I knew -- I
19 believe it had to do with municipal elections in the city.
20 So I didn't -- I didn't know it was against the city, but
21 yes.

22 Q Are you aware of the outcome of the lawsuit against
23 the City of Yakima?

24 A No.

25 Q Are you aware of a lawsuit that was filed against

1 the City of Pasco alleging that the city's election system
2 diluted Latino voting strength in violation of the Voting
3 Rights Act?

4 A No.

5 Q Were you aware of a lawsuit that was filed under the
6 Washington Voting Rights Act challenging the election
7 system for the Yakima County Board of Commissioners for --

8 A No.

9 Q -- diluting the voting strength of Latino voters?

10 A I'm sorry for interrupting you.

11 No. No, I'm not aware.

12 Q And were you aware of the lawsuit that was filed
13 against the Franklin County Board of Commissioners for
14 diluting the voting strength of Latino voters?

15 A No.

16 Q Did you take the municipal lawsuit into account when
17 you were drawing state legislative districts in the Yakima
18 Valley area?

19 A In --

20 MR. MILLSTEIN: Objection, vague.

21 A Insomuch as -- Insomuch as it was reflected in the
22 analysis that was done that we received, that the State
23 Senate Democratic Caucus commissioned from UCLA, insomuch
24 as that, yes, but not -- not specifically.

25 Q (By Ms. Harless) And when you were referring to the

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1 analysis commissioned by the Senate Democratic Caucus are
2 you referring to the analysis done by Dr. Barreto?

3 A That's correct.

4 Q Do you know what the term racially polarized voting
5 means?

6 MR. MILLSTEIN: Objection to the extent it
7 calls for a legal conclusion.

8 Q (By Ms. Harless) You can answer.

9 A I agree, it calls for a legal conclusion, but I -- I
10 believe -- My understanding of it is that it has to do
11 with patterns when communities have voted one way, but
12 not -- communities, ethnic or racial communities have
13 voted one way, but those ways that they've voted have not
14 resulted in outcomes that they have voted for.

15 There is a better legal description of it.

16 Q And I'm -- Just to be clear, I'm just asking for
17 your understanding of the term.

18 A Understood.

19 Q While you were working on state legislative maps as
20 a commissioner, did you have an understanding of whether
21 racially polarized voting between Latino and White voters
22 exists in the Yakima Valley region?

23 MR. MILLSTEIN: Objection to the extent it
24 calls for a legal conclusion.

25 Q (By Ms. Harless) You can answer.

1 A Only insomuch as what was reflected in the work that
2 was done by the UCLA Voting Rights Project.

3 Q What do you mean by that answer?

4 A So the answer is no, I don't have -- I don't have a
5 specific -- I couldn't go through and specifically detail
6 my knowledge about that, but it was explained to me
7 through the research and conversations that the House --
8 that the Democratic Caucus staff had with UCLA's work.

9 Q Okay. So your understanding of whether racially
10 polarized voting between Latino and White voters exists in
11 the Yakima Valley is based on the Barreto analysis; is
12 that correct?

13 A My understanding of it was based on that, yes.

14 Q Did the Commission hire anyone to analyze whether
15 racially polarized voting exists in the Yakima Valley
16 area?

17 A I don't know.

18 Q Are you aware of anyone that the Commission hired to
19 analyze whether racially polarized voting exists in the
20 Yakima Valley area?

21 A I'm actually not, no.

22 Q So I know you mentioned the Dr. Barreto's analysis
23 already today; right?

24 A That's correct.

25 Q Who is Dr. Matt Barreto?

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1 A I believe he's -- he's someone who works closely
2 with if not founded the Voting Rights Project at UCLA.

3 Q Who commissioned Dr. Barreto to create the analysis
4 that he created?

5 A I believe it was the Senate -- the State Senate
6 Democratic Caucus.

7 Q And do you know when the Senate Democratic Caucus
8 asked Dr. Barreto to prepare a report?

9 A I believe it was August or September, but I may be
10 mistaken.

11 Q And do you know who in particular in the Senate
12 Democratic Caucus decided to hire Dr. Barreto?

13 A No. I don't know who specifically made the
14 decision, no.

15 Q Were you a part of the conversations about whether
16 to hire Dr. Barreto to conduct the analysis?

17 A I may have been privy to it, and I probably said I
18 thought it was a good idea; but no, I'm not -- I'm not --
19 I'm not -- I can't remember the specific moment when we
20 talked about doing that.

21 Q But you agree, thought it was a good idea to have
22 Dr. Barreto conduct the analysis?

23 A To be clear, I don't -- I don't recall saying that.
24 However, I -- I -- Knowing myself and looking back in
25 time, it seems like something I would have agreed with,

1 and I think it was a good idea.

2 Q Do you remember when you first reviewed the analysis
3 from Dr. Barreto?

4 A I don't remember the actual -- the time -- The
5 timeline kind of blurs for me, so no, I don't remember;
6 but I suspect it would have been in the September-October
7 timeframe.

8 And I believe there was a -- I can't remember the
9 exact date, but there was a period when I released a set
10 of maps that I believe I referenced Barreto's work as part
11 of that; but I don't remember the specific date, no.

12 Q The Barreto analysis identified candidates preferred
13 by Latino voters in the Yakima Valley region; correct?

14 A I don't know. I don't actually recall the very --
15 the specifics of the report.

16 Q After reviewing the Barreto report did you have an
17 opinion on whether racially polarized voting exists in the
18 Yakima Valley area?

19 A Not at that level of detail, no. I think my -- My
20 recollection is that the maps that I released publicly
21 were -- The maps that I released publicly addressed the
22 issues that were -- the issues that were raised in
23 Barreto's report.

24 That's my understanding, is the maps --

25 Q What do you --

1 A -- that I -- The maps that I publicly --

2 Q What do you mean -- Sorry.

3 A Go ahead.

4 Q What do you mean when you say that the maps that you
5 released publicly addressed the issues in Dr. Barreto's
6 report?

7 A So I -- I don't recall the specifics of the report.
8 However, questions of -- of -- of preferences and amount
9 of representation and citizen voting age and the questions
10 you brought up around racially polarized voting, the
11 concerns that were brought up there -- which I don't
12 remember the specifics of -- I know that -- I know -- I
13 recall believing that the maps that I released in
14 September and October addressed the issues that were
15 raised in the report.

16 Q In the Yakima Valley area specifically?

17 A Yes. Correct.

18 Q Did you think the analysis prepared by Dr. Barreto
19 was reliable?

20 A I did.

21 Q And why did you think that?

22 A Just because my understanding of his work is that
23 he's respected in the field.

24 Q Did you share the report created by Dr. Barreto with
25 any other commissioners?

1 A I believe we made it public, but I can't -- I can't
2 recall. I believe it was made public.

3 Q That may be the case. I'm just trying to understand
4 if you personally shared Dr. Barreto's report with any --
5 if you can remember sharing it with any commissioners.

6 A Oh, I can't remember the specifics. I'm sorry.

7 Q Can you remember sharing it with anyone?

8 A No. I can't remember specifically sharing it with
9 anyone, no.

10 Q Do you know if any of the legislator -- legislative
11 staffers that you've worked with shared the Barreto report
12 with anyone?

13 A I don't know.

14 Q And when you said that you made the Barreto report
15 public, what did you mean by that?

16 A I believe it was released, but I'm not -- I'm not
17 completely sure. The legislative staff were handling the
18 specifics of that, or it's -- or it's been public, now
19 public record. I'm not sure.

20 Q During the redistricting process did you agree that
21 Latino voters in the Yakima Valley area tend to prefer the
22 same candidates for political office?

23 MR. MILLSTEIN: Object to form.

24 A I do agree with that statement, yes.

25 Q (By Ms. Harless) Why do you agree with that

1 statement?

2 A Because of my understanding of electoral data.

3 Q What electoral data are you referring to?

4 A I couldn't name it specifically, but just general
5 data around party preferences of different ethnic groups
6 and Hispanics in the United States --

7 Q Did you ever --

8 A -- and in Washington state.

9 Q Did you ever discuss which candidates in certain
10 elections were preferred by Latino voters in the Yakima
11 Valley with any legislative staffers?

12 A No, not at the candidate level. Not that I can
13 recall.

14 Q When you say "not at the candidate level," did you
15 discuss -- did you discuss Latino voter preferences
16 generally with legislative staffers?

17 A Probably, but I can't recall the specifics of those
18 conversations.

19 Q Did you have an understanding from the Barreto
20 analysis of which candidates were preferred by Latino
21 voters in elections in the Yakima Valley area?

22 A Yeah. Yes, I did.

23 Q And did that knowledge of Latino candidates of
24 choice inform your decisions about the district lines for
25 state legislative district in the Yakima Valley area?

1 A I wouldn't say party choice, no. I would say -- I
2 would say the maps that I released publicly in September
3 and October in that part of the state were informed by my
4 belief of definite compliance with the Voting Rights Act.

5 Q And by that area of the state, do you mean the
6 Yakima Valley area?

7 A I do mean the Yakima Valley, correct.

8 Q During the redistricting process what was your
9 understanding regarding whether White and Latino voters in
10 the Yakima Valley area preferred the same candidates?

11 A I actually couldn't -- I couldn't tell you the
12 break. I couldn't tell you the actual demographic
13 breakdown on that.

14 Q So besides -- I'm not asking for a specific
15 demographic breakdown. Just generally did you have an
16 understanding of whether Latino voters and White voters
17 prefer the same candidates for political office in the
18 Yakima Valley area?

19 A Yes, I do have an understanding of that.

20 Q And what is your understanding?

21 A That -- That voting -- That Hispanic voters in the
22 Yakima Valley have historically tended to vote for
23 Democrats.

24 Q And did you agree that Latino candidates of choice
25 in the Yakima Valley were being blocked from winning

1 office by White voters?

2 MR. MILLSTEIN: Objection to form.

3 Q (By Ms. Harless) You can answer.

4 A I -- Can you repeat the question?

5 Q Did you agree that Latino candidates of choice in
6 the Yakima Valley area were being blocked from winning
7 office by White voters?

8 MR. MILLSTEIN: Same objection.

9 A I believe that the preferences of Latino voters were
10 not being expressed in the outcomes of the political
11 process. I wouldn't -- I never framed it in my mind in
12 the way you -- the way you stated it.

13 Q (By Ms. Harless) And what do you mean when you say
14 that the preferences of Latino voters are not expressed in
15 the outcomes?

16 A They were not -- That in some of the analysis that I
17 saw, they were not electing candidates of their choice.

18 Q Did any of the commissioners to your knowledge
19 discuss conducting an analysis of whether racially
20 polarized voting exists between Latino and non-Latino
21 voters?

22 A Not that I recall. I mean, I -- My perspective was,
23 as I shared earlier, was that I was pleased that the work
24 was commissioned by the UCLA Voting Rights Project.

25 Q Did you ever discuss whether racially polarized

1 voting between Latino and White voters exists in the
2 Yakima Valley area with any other commissioners?

3 A Not -- Not at that level of detail. I -- Again, to
4 go back to what I said earlier, I believed that the maps
5 that I released in September and October addressed --
6 addressed the concerns as they had been stated in the
7 research that was done by UCLA on voting rights.

8 So I believed -- I believe -- I believed in the
9 maps. I believe the maps that I released in September and
10 October were definitely compliant with the Voting Rights
11 Act.

12 Q In the Yakima Valley area?

13 A Correct.

14 Q But did you -- So I think my question is a little
15 bit different, which is did you ever discuss racial voting
16 patterns of Latino voters or White voters with any of the
17 commissioners in the --

18 A I don't remember the specific conversations, no.
19 Not -- not -- Not along those lines, no.

20 Q Did you discuss whether racially polarized voting
21 exists between Latino and White voters in the Yakima
22 Valley area with any legislative staffers?

23 A That was probably brought up in the discussion. I
24 don't recall the specifics, but that was probably
25 discussed in the reviews and the discussion around

1 Matt Barreto's work.

2 Q And do you remember specifically any of the reviews
3 or discussion around Matt Barreto's work?

4 A Only that that led to the ways that I as a
5 commissioner drew the maps in the Yakima Valley that were
6 reflected in the maps that I released in September and
7 October. And I believe that those maps and how they drew
8 the Yakima Valley addressed the concerns and were
9 compliant with the Voting Rights Act.

10 Q Did you discuss whether racially polarized voting
11 exists between Latino and White voters in the Yakima
12 Valley with any state legislators?

13 A Only -- only insomuch as state legislators were
14 involved -- any state legislators were involved in reading
15 and reviewing the findings from UCLA's work, which were
16 then reflected in the maps that I released in September
17 and October, which I believed were compliant with the
18 Voting Rights Act.

19 Q Do you remember discussing Dr. Barreto's analysis
20 with any state legislators?

21 A Again, as I said, anyone who was involved in
22 discussions around -- It may have been -- I'm not going to
23 speculate on who it was, but I'm sure that there were at
24 least a couple other legislators who also saw and reviewed
25 those -- the findings, including Senator Billig and likely

1 Senator Pedersen, but I won't speculate who else.

2 Q So I just -- Just to be clear, I'm only asking you
3 about your recollection of conversations that you've had.

4 So is there any conversation you can remember
5 specifically having with any state legislators about the
6 Barreto analysis?

7 A No, I couldn't -- I couldn't -- I couldn't tell you
8 specifics.

9 Q And you said you thought Senator Billig read the
10 Barreto analysis; is that right?

11 A I won't speculate.

12 Q You don't know that Senator Billig read the Barreto
13 analysis?

14 A I couldn't factually tell you everyone who read the
15 Barreto analysis, no.

16 Q Did you send the Barreto analysis to Senator Billig?

17 A Not that I recall, but it was -- I wasn't -- I
18 didn't commission the work. It was commissioned by the
19 State Senate Democratic Caucus.

20 Q Did you ever have any conversations with Commission
21 staffers to discuss conducting an analysis of whether
22 racially polarized voting exists between Latino and White
23 voters in the Yakima Valley area?

24 A Not that I remember, but if there's -- If there's
25 record of that, then yes; but not that I remember. There

1 was a lot going on.

2 Q So let's talk a little bit about the process for
3 drafting state legislative maps. How involved were you in
4 the actual drafting of maps?

5 A Not very.

6 Q And what do you mean by not very?

7 A I never personally used Dave's Redistricting to draw
8 lines.

9 Q Who was primarily responsible for drafting the state
10 legislative district configurations for you?

11 A For me it was the group of people we spoke about at
12 the beginning of this conversation, which were the Senate
13 Democratic legislative staff. So it was the people we
14 named -- Matt Bridges, Adam Hall, Ali O'Neil, Adam Bartz.

15 Q Is there anyone else you can remember working with
16 that drew draft configurations of a district in the Yakima
17 Valley area?

18 A There was some collaborations -- There was some
19 collaborations between -- Like, for instance, there was
20 some collaborations between Osta Davis, who you mentioned,
21 and Ali O'Neil and Matt Bridges.

22 I also think in the process -- and I can't remember
23 the specifics -- I believe in the process we also had some
24 like publicly drawn maps that were offered from the
25 community that came in.

1 So I think that there were definitely -- There were
2 maps that came in that drew representations of the Yakima
3 Valley as well, and those -- There were a variety of
4 iterations on that.

5 There were also -- There was also public input with
6 maps that I very likely looked at that came in.

7 Q So do you remember specifically who any of the
8 maps -- You mentioned there were publicly drawn maps that
9 came in. Do you remember anyone in particular who
10 submitted a public drawing?

11 A Yeah, I believe -- I believe there was a map that
12 came from the coalition or the community group that
13 Dulce Gutierrez, who I mentioned earlier, worked with.

14 So I believe there was a map that came in. I don't
15 remember the specifics of it, but I know that -- I believe
16 there was a map that came in from that group, which I
17 don't recall the name of.

18 Q Do you remember what you thought about that map?

19 A No, not -- Overall I remember -- I remember a
20 reaction of thinking it was very likely compliant with the
21 Voting Rights Act, but I don't remember the specifics of
22 it, no.

23 Q Do you --

24 A And I also know that -- I also recall conversations
25 of us taking that into account in the drawing of the maps

1 that I released as an individual commissioner in October,
2 which I believe are compliant with the Federal Voting
3 Rights Act.

4 Q So you don't remember exactly when that map from the
5 group you think is affiliated with Dulce came to you?

6 A No. But I would guess October if you needed -- if
7 you pressed me on a timeframe. I think that was likely
8 October.

9 Q So just going back to the map drawing process kind
10 of, how did the process work? Would you give feedback to
11 one of the legislative staffers and ask them to create a
12 draft that kind of conformed with your instructions?

13 A It was more iterative. I think they would present
14 me options, and we would talk about it. People would
15 share their opinions.

16 I think I gave a lot of -- I think I gave a lot of
17 autonomy -- I think I gave a lot of autonomy to the
18 team -- to the team that was supporting me and working
19 with me on the maps.

20 Q So besides you were there other people that those
21 legislative staffers were getting input from on the
22 configuration of legislative districts?

23 A Very -- Very likely, yes. There were a lot of -- I
24 mean, there were -- I think there were a lot of -- There
25 were a lot of people who were probably giving input.

1 Q Do you remember any particular people who were
2 giving input?

3 A Yeah, I think -- I think Senator Billig. I think
4 Senator Pedersen.

5 Q Did you review all the draft district maps that were
6 sent to you by your legislative staffers?

7 A No, not all of them.

8 Q And you mentioned you would review those in Dave's
9 Redistricting; is that right?

10 A I think most of the time, but maybe not all the
11 time.

12 Q And your staff primarily used Dave's Redistricting;
13 is that your understanding?

14 A I'm not great at technology, so I'm not sure -- I'm
15 honestly not sure what else was used, but I definitely
16 think it was primarily done in Dave's Redistricting.

17 Q Did you ever -- When you received a draft from them
18 and you looked at it in Dave's, did you ever alter the
19 district lines in Dave's, or were you just reviewing,
20 looking at the maps in Dave's?

21 A I never -- I never altered -- I actually wouldn't --
22 If you put Dave's in front of me right now, I wouldn't
23 know how to do that.

24 Q When you reviewed draft legislative districts were
25 you looking at particular data or metrics?

1 A Oh, yeah, we had a -- we had a number of -- a number
2 of things we thought about for sure.

3 Q What were some of those things?

4 A It was very important to me throughout the process
5 to try and keep communities of interest together, so that
6 was put forth in the charter that -- or the governing
7 document, the law making to create the Commission. So
8 thinking about county lines, city lines, communities of
9 interest, like -- like tribal governments and sovereign
10 tribal nations.

11 So there were a lot of communities of interest that
12 I thought a lot about. I would say communities of
13 interest were actually the basis, the guiding basis for a
14 lot of the maps drawn that we did as -- that I did with my
15 colleagues in the State Senate Democratic Caucus was
16 unifying communities of interest. That was our guiding
17 ethos.

18 Q When you were evaluating draft legislative districts
19 were you looking at the citizen voting age population
20 data?

21 A Yes, that -- Those data -- Those data were certainly
22 available.

23 Q And if you could remember, at the time of
24 redistricting did you use the 2019 CVAP data?

25 A That's a good question. I don't know.

1 Q Did you also look at voting age population data when
2 you were reviewing maps?

3 A Citizen voting age -- I believe so. I mean, again,
4 a lot of those analyses were done by staff and then shared
5 with me, and I -- There was a lot of autonomy to the team
6 working on it. So I'm sure what you -- what you heard in
7 earlier -- earlier testimony from others is accurate about
8 what we used for data.

9 Q Have you reviewed any of the testimony from others
10 in this case?

11 A I have not.

12 Q So just -- I'm just asking for what you remember.
13 Do you remember looking at any particular elections
14 when you were evaluating district maps?

15 A Yeah, there was a -- I believe what was settled on
16 is there was a discussion of what -- I think there was a
17 discussion -- There were -- There were several -- There
18 were several looked at, first of all.

19 In particular I remember a lot of discussion around
20 was it the 2016? 2016 or 2018 -- When was the treasurer's
21 race? The 2018 treasurer's race -- or maybe 2016
22 treasurer's race as a potential proxy.

23 And there were -- And again, there were many, so I
24 don't think there was one specific one, but there were
25 many -- There were many cuts and different composites that

1 were pulled together.

2 Q Do you remember any of the other particular
3 elections?

4 A Every -- All of them, like, you know, how the
5 presidential elections went in 2016, how various
6 successions of governor's races went. What it looked like
7 if you looked at, you know, statewide -- statewide
8 elections, performance versus -- a bunch -- many, many --
9 many, many -- many, many variations.

10 Q And I think you said earlier that you never used the
11 autoBoundEDGE software to look at maps; correct?

12 A I may have. I don't remember it being called that.
13 I don't -- I actually don't know what that is. If I was
14 shown a map, I wouldn't have called it that; but I didn't
15 use it personally. I don't know what it is.

16 Q Okay. What are all the places that you remember
17 reviewing maps, besides Dave's?

18 A I think maybe I got -- Maybe there was some PDFs.
19 But Dave's is my primary recollection.

20 Oh, just to be accurate -- If you -- You're more
21 familiar with this. There was -- There was another
22 software that the Commission had to use. You had to enter
23 Dave's into it at the end of the process. If that's what
24 you're referring to, I have seen that, but I didn't really
25 review maps -- I don't believe that I really reviewed maps

1 in that, but I may have been shown some screen views of
2 that software.

3 Q So I'm -- That is what I am referring to when I --

4 A Okay.

5 Q -- say autoBoundEDGE.

6 A Okay.

7 Q So we -- I guess we can just have that common
8 understanding now.

9 But you didn't have an account of your own in that
10 software?

11 A No.

12 Q And when you say --

13 A Maybe the Commission created one for me, but I
14 never -- I never used it.

15 Q And when you say that you were shown maps or screen
16 shares in autoBoundEDGE, who was showing you that?

17 A Again, I don't recall, but I'm -- I'm sure -- My
18 primary recollection is -- is Dave's Redistricting.

19 Q Did you ever create any kinds of documents assessing
20 draft maps on various metrics?

21 A I didn't -- I -- I would say I was primarily in a
22 review capacity. I don't -- I didn't --

23 So no, I don't recall creating any documents.

24 Q Did any of your legislative staffers who you were
25 working with create documents assessing draft maps and

1 metrics?

2 A Oh, very -- very likely, yeah.

3 Q Do you remember any of those documents in
4 particular?

5 A Again, it's whatever was released in the public
6 record, and I remember many -- many versions of
7 different -- of different things that looked at many ways
8 of drawing the lines.

9 Q Are there metrics in particular that you would want
10 the legislative staffers to look at when they were
11 reviewing draft maps?

12 A What I had said before, it was very -- We were very
13 interested particularly as the Senate Democratic Caucus of
14 unifying communities of interest.

15 Q Did you ever send drafts of state legislative
16 districts to anyone besides legislative staffers to
17 review?

18 MR. MILLSTEIN: Objection, misstates prior
19 testimony.

20 MS. HARLESS: It's a question.

21 Q (By Ms. Harless) I said did you ever send draft
22 state legislative districts to anyone besides legislative
23 staffers to review?

24 A Very likely to other commissioners, yes.

25 Q Anyone else besides commissioners?

1 A Not that I can remember, but I may -- may possibly
2 with -- if there is a record of it, possibly with Senator
3 Billig or Senator Pedersen, but not to my -- not to my
4 recollection.

5 Q Would you agree that there were a lot of draft state
6 legislative maps drawn during the 2021 redistricting
7 process?

8 MR. MILLSTEIN: Objection to form.

9 A And yes, I would agree with that.

10 Q (By Ms. Harless) And your staff drew a number of
11 different state legislative district maps; is that right?

12 A I also -- I also agree with that.

13 Q And other commissioners and their staff drew many
14 state legislative district maps?

15 MR. MILLSTEIN: Objection to form.

16 A And I agree, yes.

17 Q (By Ms. Harless) Would you also agree there are many
18 different draft versions of state legislative districts in
19 the Yakima Valley region?

20 A I agree with that as well.

21 Q And were there -- Were a number of those different
22 draft versions of legislative districts in the Yakima
23 Valley region considered by the commissioners?

24 A I don't know. I can't speculate about what other
25 commissioners considered.

1 I considered different versions.

2 Q How many of the draft state legislative maps drawn
3 by the commissioners or their staff were shared with the
4 public?

5 MR. MILLSTEIN: Objection to form.

6 A I released -- I released two; and I may have done
7 more, but I know that I released two public maps to the
8 public.

9 I released two sets of maps to the public, one in
10 September and then a second set in October, both of which
11 included lines drawn in the Yakima Valley, and both of
12 which to me were responding and iterating on the public
13 input that I had received, and both of which to me are
14 compliant with my understanding of the Federal Voting
15 Rights Act.

16 Q (By Ms. Harless) And we'll get to those maps in a
17 little bit, but many of the draft state legislative maps
18 drawn by the legislative staffers were not publicly
19 shared; is that correct?

20 A There were many works in progress, so yes, there
21 were -- Many of them were not shared, correct.

22 Q Okay. So now we'll talk a little about bit about
23 your September map. You and the other three commissioners
24 released public state legislative maps on September 21st;
25 right?

1 A That's correct. If that's the correct date. I
2 trust that you're stating the correct date, but I can't
3 remember the correct date; but yes.

4 Q Can you describe your approach to developing your
5 first state legislative map proposal that was released in
6 September?

7 A Absolutely. We looked very closely at trying to
8 reduce what we were calling splits in districts, so really
9 trying to abide by keeping communities of interest
10 together, which is what is spelled out in the
11 documentation that governs the Commission.

12 So we looked a lot -- We were guiding that map by
13 metrics that we created around keeping communities
14 together. So those were with regard to district lines.
15 They were -- Sorry, like the city lines, county lines.

16 Different sorts, like geographic -- geographic kind
17 of accessibility. So thinking about roadways that
18 could -- So you don't have districts that might be
19 disconnected from one another during the winter over
20 the -- over the -- over the passes.

21 So I would say that the driving principle in that
22 first map that I released was around drawing a map that
23 abided by the notion of keeping communities of interest
24 together, and that's what we released.

25 And if you looked at the -- If -- There were metrics

1 we also provided when we released that to the public,
2 which were around district splits and how few -- how we
3 were really looking at keeping communities together.

4 Q Focusing in on Legislative District 14 in your
5 September map, can you describe the approach that was
6 taken in drafting that district?

7 A Again, the team, the staff had a lot of autonomy in
8 putting together the drawing of those lines, and so they
9 may have provided more specific testimony that I would --
10 I have no reason to be skeptical of, which I very likely
11 would trust. I didn't see it.

12 However, I do recall a strong desire to unify the
13 Yakama Nation and the ancestral lands of the Yakama. So
14 both of those, which are -- you know, the current nation
15 is a subset of the ancestral lands that go all the way
16 down to the Columbia River. So I remember -- I remember
17 that being a discussion that we had had.

18 And I also recall a discussion about -- about
19 unifying or creating -- thinking about Latino -- Latino
20 representation in the Yakima Valley as well. I can't
21 remember how we did that vis-à-vis the 14th versus the
22 15th, so I -- And I can't remember exactly how we drew the
23 lines in Yakima and Pasco and so forth, but those were
24 some principles that I recall.

25 Q Are there any other criteria that you can remember

1 considering when you were drawing Legislative District 14
2 in your September map?

3 A Oh, Legislative District 14. Latino representation,
4 thinking of the Yakama Nation.

5 With every district as every commissioner very
6 likely did, I mean, I also looked at -- I also did look at
7 the kind of -- the partisanship data that you were talking
8 about before. So I also was aware of that, but that was
9 not -- The guiding principle to me in the drawing of those
10 maps in Yakima was around communities of interest.

11 Q Did you or your staff look at population deviations
12 for draft districts?

13 A Oh, yes, of course. We did look at -- But just to
14 be specific, what do you mean by population deviations?

15 Q The total population of a legislative district in
16 comparison to a target population.

17 A That's correct, we did. So, for example, I believe
18 in the 2010 census districts were normalized somewhere
19 around 136,000. And I can't remember the number, but I
20 think this time they were around 157,000. So whatever --
21 Whatever that number was we definitely looked at the
22 deviation from that. And I think by statute we had to
23 keep it within 2 percent.

24 Q Did you or your staff consider the location of
25 incumbents when you were drawing district plans?

1 A Say that again.

2 Q Did you or your staff consider the location of
3 incumbents in the configuration of the district plans?

4 A I would say we tried our very, very, very best not
5 to, and I think that was actually reflected in the maps
6 that we put out, which -- That map in September, there
7 were a lot of incumbents who were not in their districts.

8 Q Okay. I'm going to share another document here in
9 the chat, and while that loads I'm also going to share my
10 screen.

11 THE WITNESS: This computer says it's about
12 to restart.

13 MR. MILLSTEIN: Let me help you out there.

14 THE WITNESS: Okay.

15 MR. MILLSTEIN: It's ten hours.

16 THE WITNESS: Oh, okay. We have ten hours.

17 MR. MILLSTEIN: Yeah. I'll move that down
18 and download this.

19 THE WITNESS: Okay. Cool.

20 MR. MILLSTEIN: Are you comfortable looking
21 at his --

22 THE WITNESS: I'm comfortable looking at
23 this. I'm going to squint, but --

24 MR. MILLSTEIN: Okay.

25 MS. HARLESS: And this document is being

1 marked as Exhibit 2. And I'll just represent to you this
2 was filed -- This document was filed as an exhibit along
3 with Plaintiffs' Preliminary Injunction motion in this
4 case, but it's just a -- It's a screenshot of the
5 Washington State Redistricting Commission website.

6 (Walkinshaw Exhibit No. 2 introduced and displayed.)

7 Q Do you see that?

8 A I do see that.

9 Q And have you looked at this page before on the
10 Commission's website?

11 A I don't remember looking at it, but somewhere in my
12 browser history I probably did look at it at some point.

13 Q Okay. And I scrolled down here to the header with
14 your name.

15 A Correct.

16 Q And under your name there in Exhibit 2 it says,
17 "Proposed Legislative Map September 21, 2021;" right?

18 A Okay. Great.

19 Q And then under that header do you see that there's
20 an option to download the shapefiles?

21 A I do see that.

22 Q Is it your understanding that if someone downloaded
23 the shapefiles from this website, they could load them
24 into the Dave's Redistricting platform?

25 A I don't know the answer to that. I didn't -- I

1 didn't have an understanding one way or the other.

2 Q Okay. Well, I'll represent to you that I downloaded
3 the shapefiles for your September, 2021 map and uploaded
4 them into Dave's Redistricting App. So I'm going to stop
5 sharing that, and I'm going to share the screen that has
6 that map in it.

7 (Map displayed.)

8 Q Can you see this map here on the screen?

9 A I can.

10 Q Okay. And do you recognize --

11 A I'm looking -- I'm looking at the computer screen
12 here. I'm not -- I'm not -- I'm still with you.

13 Q Okay. And do you recognize this map as your
14 September state legislative district proposal?

15 A If that's what -- Yes, if that's what we downloaded.
16 Yes, I do recognize -- I -- My memory is quite fuzzy on
17 specifics, but yes, this is certainly -- This was
18 certainly the map that I released.

19 Q Okay. I'm going to take a screenshot of this map
20 really quick, and we'll mark this as Exhibit 3. So I've
21 done that.

22 (Walkinshaw Exhibit No. 3 introduced and displayed.)

23 Q And looking at this map, which is Exhibit 3, I'm
24 going to zoom in here a little bit on District 14.

25 A Okay.

1 Q And I've selected District 14 here on the side so we
2 can see the statistics for that district.

3 And so if you look over here in this panel on the
4 left, district details, and it has the District 14 number,
5 do you see the citizen voting age population, citizen VAP
6 2019?

7 A I do see that.

8 Q And LD 14 in your September map has a 40.4 percent
9 citizen voting age population 2019 data; right?

10 A Wait, I'm catching up with you. What are you
11 saying?

12 Q So the CVAP 2019 number for your Legislative
13 District 14 is 40.4 percent; correct?

14 A For Hispanics?

15 Q Yes, for Hispanics.

16 A Correct. That's what it -- I mean, that's what it
17 says here, so yes.

18 Q And then let's just go up a little bit here, and
19 we'll look at the voting age population 2020. And the
20 Hispanic voting age population 2020 for your District 14
21 is 55.5 percent; is that right?

22 A Okay.

23 Q At the time you drafted your September Legislative
24 District 14 were you looking at voting age population or
25 citizen voting age population to evaluate maps?

1 A I don't -- I don't recall. I deferred a lot to
2 staff on that.

3 Q Did you have an understanding of the partisan lean
4 of this version of Legislative District 14?

5 A I likely saw a version of this prior to -- I
6 definitely saw a version of this and went over it in
7 detail by different metrics before releasing it.

8 So yes, I likely -- I likely saw -- I certainly saw
9 those numbers. So I did -- I did -- I'm sure that I had
10 an understanding of it at the time.

11 Q Do you remember what that understanding was?

12 A My understanding of -- of these was that I was
13 releasing maps with regard to the 14th and 15th Districts
14 that unified communities of interest and that also in my
15 view were compliant with the Federal Voting Rights Act.

16 I don't remember specifics about kind of the
17 relative -- the relative partisan lean of these two
18 districts.

19 Q Did you have an understanding of whether this draft
20 version of Legislative District 14 would provide Latino
21 voters an opportunity to elect candidates of their choice?

22 A My expectation -- Again, my expectation was that I
23 was drawing a district in the Yakima Valley that did allow
24 Latino voters to elect a candidate of their choice, so
25 that was my -- That was my recollection of what I was

1 trying to do.

2 Q Okay. So let's look at the boundaries of this
3 Legislative District 14 for a second. Are you familiar
4 with the geography in this area?

5 A I am, but again, I -- my memory is hazy -- is hazy
6 on these specifics, but --

7 Q Okay.

8 A But I remember it in generalities.

9 Q I'm just going to zoom in a little bit here so you
10 can see the district.

11 Are you familiar with the location of the Yakama
12 Nation Reservation?

13 A From what you show here I am, and what I -- What I
14 recall is that further south were actually ancestral
15 fishing lands of the Yakama Nation, and what I do recall
16 is a conversation about in this map that I released in
17 September unifying both the ancestral lands along with the
18 current kind of sovereign -- sovereign nation.

19 Q Is that --

20 A So yes, I am familiar with that line.

21 Q Okay. And so this map does that by going all the
22 way down to the bottom of the state, of the Columbia
23 River; is that right?

24 A If I recall intent correctly, yes, it does. It goes
25 down to the Columbia River. And one of the reasons for

1 that at the time I believe was to unify -- unify both the
2 ancestral lands with the -- with the current sovereign
3 nation.

4 Q And what is your understanding of whether the Yakama
5 Nation Reservation was split among Legislative Districts
6 in the 2011 map?

7 A That was -- I believe it -- We received a lot of
8 public feedback on that, which is why we engaged in this
9 consultation process for the first time as a Commission
10 with the tribal governments, and that was my goal was to
11 release a map -- Among other things it was responding to
12 that public feedback and, keeping with what I said at the
13 beginning, of unifying communities of interest, of which
14 we saw the tribal nations being one.

15 So specifically yes, I believe it was split in the
16 last -- in the last set of -- in the 2010 maps.

17 Q And so we have the cities layered on here in this
18 map so you can see these blue outlines are the boundaries
19 of cities in this Legislative --

20 A Um-hmm.

21 Q -- District 14.

22 A Um-hmm.

23 Q So if we look up here we can see that this version
24 of Legislative District 14 includes parts of the City of
25 Yakima; correct?

1 A Um-hmm.

2 THE REPORTER: Could you answer yes or no,
3 please.

4 A Oh, that's -- That's correct. Yes, it appears to
5 include -- It includes parts of the City of Yakima, yes.

6 Q And do you know why this version of Legislative
7 District 14 included parts of the City of Yakima?

8 A No. I mean, I assume it was -- I -- No. I think
9 staff was -- Staff had proposed that to me, and I believe
10 it was probably to normalize -- normalize the populations
11 we had to run the districts and do our best to follow the
12 lines as well.

13 And I also -- I also know we were thinking about the
14 Voting Rights Act in this process in the maps that I
15 released.

16 Q What do you mean by you were thinking about the
17 Voting Rights Act?

18 A To release maps where I believe that the preferences
19 of Latino voters would be reflected in the political
20 outcomes, of voting age. I get a little tripped up there;
21 but yes, the intent was that the preferences of the -- of
22 Latinos were reflected in outcomes.

23 Q This version of Legislative District 14 also
24 includes Wapato. Do you see that?

25 A Where is that? Oh, I see that. Yep, I do see that.

1 Q Do you know why this version includes Wapato?

2 A No, I don't.

3 Q This version also includes Toppenish; correct?

4 I've zoomed in a little bit so maybe you can read
5 some of the --

6 A Yeah. I mean, that -- That would make sense because
7 it sticks with the principles that I outlined are in
8 keeping communities together.

9 Q And this version of Legislative District 14 also
10 includes Granger; right?

11 A Um-hmm. Um-hmm.

12 Q And --

13 A Correct.

14 Q -- would your answer be the same for why Granger is
15 included?

16 A Yes. I mean, again, what I recall is three really
17 important things when we were drawing the Yakima Valley.
18 One is unifying the Yakama Nation and ideally the
19 ancestral lands of the Yakama Nation. The second being
20 a driving interest in keeping communities of interest
21 together. And then the third being ensuring that there
22 was compliance with the Voting Rights Act.

23 So I mean, those -- Those were three principles. At
24 the level of detail I wasn't as involved, but those three
25 principles were really important to me as we were looking

1 at the Yakima Valley.

2 Q Okay. And then I'm going to ask you about a couple
3 more. So do you see Sunnyside is included in --

4 A I do.

5 Q -- this district?

6 A I do.

7 Q Is your answer the same for why Sunnyside is
8 included?

9 A Yeah, those -- those three principles.

10 And I may even add a fourth, which is the public
11 input that we had come in during the process. I don't
12 remember the specifics that applied to these different
13 places, but there very well may have been public input
14 that informed the decisions that we made.

15 Q And then we look down here, Grandview is also
16 included in this Legislative District 14. Is your answer
17 the same for why Grandview is included here?

18 A Again, yes, those principles that I outlined
19 previously.

20 Q And then the last one, do you see Mabton is included
21 here? Can you see it?

22 A To my knowledge, yes. I mean, some of this may have
23 been because when the team was drawing the maps you also
24 had to, you know, make sure that there was 150 -- that
25 populations were balanced and -- You know, there were a

1 lot of things. It's hard to do when you're trying to also
2 stick by city lines and county lines.

3 Q Yes. Okay. Let's zoom out a little bit, and I'm
4 going to show you that I'm going to turn the county lines
5 on so that the boundaries that just got added were the
6 county boundaries.

7 A Oh, great.

8 Q This version of Legislative District 14 does not
9 include any part of Adams County; correct?

10 A If that's the case, then it's correct, yes. I'm not
11 sure where Adams County is on the map, but yes.

12 Q Isn't Adams County right up here? Do you see that?

13 A Yes, the 14th District does not include Adams.

14 Q And it does not include any part of Grant County;
15 correct?

16 A That's correct.

17 Q Why was your district in this map labeled 14 rather
18 than 15?

19 A I'm not -- Again, I guess I would say I'm not sure
20 about the specifics of that, but I would say that the
21 three principles likely led to that, which is making sure
22 that we were keeping communities of interest together,
23 making sure we were unifying the Yakama Nation, making
24 sure that we were drawing districts that we believed to be
25 compliant with the Voting Rights Act.

1 MR. HOLT: Annabelle, if I can jump in here
2 really quick. Would you mind sharing the link to the
3 Dave's Map that you were just reviewing in the chat?

4 MS. HARLESS: Sure.

5 MR. HOLT: Thank you. Sorry to interrupt.

6 Q (By Ms. Harless) And at the time you released your
7 September version of Legislative District 14, you believed
8 it complied with the Voting Rights Act; correct?

9 A Yes. Correct. I released a map that to the best of
10 my -- It was a priority for me, so I believe that the map
11 that I released in September -- and then if we look at the
12 October one as well.

13 And I think probably the October one even more so
14 because we got more public input. So I believe that -- I
15 believe the map that I released in October was an
16 improvement on the one I released in September as well.

17 Q And why was drawing a district in the Yakima Valley
18 area that complied with the Voting Rights Act a priority
19 for you?

20 A Because -- Because it's federal law, and because
21 it's important that the preferences of communities that
22 have been, you know, disenfranchised are reflected in the
23 voting process. I mean, it's important for our democracy.

24 Q Okay. I'm going to share another document with you.
25 I'm going to put it in the chat, and then I'll share it on

1 my screen.

2 A I have to take a -- Can I take a privilege of going
3 to the restroom for just two minutes? Or we can go
4 through this question if you would like.

5 Q Let's just -- Can we just go through this quickly,
6 and then --

7 A Absolutely.

8 Q No, actually, you can go ahead and go to the
9 bathroom. That's fine.

10 A No, no, no. Go ahead. Go ahead, please. You're --
11 You know where you wanted to go next.

12 Q I'm going to have to share my screen, so why don't
13 you just go ahead and run.

14 MS. HARLESS: We'll take a quick two-minute
15 break.

16 THE VIDEOGRAPHER: Going off record, the
17 time is 10:26.

18 (Break 10:26 a.m. to 10:30 a.m.)

19 THE VIDEOGRAPHER: Back on the record, the
20 time is 10:30.

21 A Can I make one -- Can I make one clarification from
22 an earlier statement?

23 Q (By Ms. Harless) Sure.

24 A You had asked a question earlier about whether I had
25 spoken with anyone else about the lawsuit, and I also

1 spoke with the State Attorney -- I neglected to mention I
2 also spoke with the State Attorney General's Office about
3 the lawsuit. So I didn't -- I hadn't referenced that, so
4 just to add that to the record.

5 Q When you say you spoke with the State Attorney
6 General's Office about the lawsuit, were they giving you
7 legal advice about the lawsuit?

8 A No. They were asking me questions. It was with
9 Andrew -- It was with Andrew Hughes and a couple other
10 people whose names are escaping me.

11 Q And do you remember what questions they asked you?

12 A Similar to the questions you're asking me today, but
13 it was only for 30 or 45 minutes; but it was about the
14 Voting Rights Act.

15 Q Do you remember any of the particular questions they
16 asked you?

17 A Very similar to what you're asking me today about
18 things along the lines of what I took into account when I
19 was thinking about the 14th and the 15th Districts,
20 communications with others, some of the questions along
21 the lines of what you're asking me right now.

22 Q Okay. So when we left off --

23 A And I --

24 Q Oh, go ahead.

25 A No, no. I just said the same thing I've shared with

1 you, that I believe the maps I put out in September and
2 October were definitely compliant.

3 And you can continue.

4 Q Okay. So before we went on the break I shared a
5 document in the chat, and I'm going to now share that
6 document on my screen as well.

7 Can you see the document there?

8 A I can.

9 Q Okay. So I'm going to mark this as Exhibit 4.
10 (Walkinshaw Exhibit No. 4 introduced and displayed.)

11 Q And I'll give you a second to look at it, and then
12 can you let me know if you've seen it before?

13 A Perfect. I -- It was an email to me, so I'm sure I
14 did see it. I don't recall the specific email, but I'm
15 catching up on the content.

16 Q Okay. All right. Do you need a second, or --

17 A No, I'm with you.

18 Q Okay. So this is a September 9th email from Ali
19 O'Neil titled Draft Background Doc on Legislative Maps;
20 correct?

21 A Correct.

22 Q And she sent it to you, Adam Hall, Adam Bartz,
23 Matt Bridges and Paulette Avalos?

24 A Correct.

25 Q And in this email Ali O'Neil says she has a

1 background document on your latest state legislative map
2 proposal that has been created; right?

3 A Yes, that -- she does say that there, yep.

4 Q And under that she writes, "This will also be the
5 basis for the presentation to the SDC group that we are
6 doing on Tuesday."

7 A Correct.

8 Q "Happy to discuss on the phone;" right?

9 A Yes. I'm up to speed. I remember this.

10 Q Okay. Does SDC there refer to the Senate Democratic
11 Caucus?

12 A Yes, it does.

13 Q And was there a presentation to the Senate
14 Democratic Caucus on September 14th?

15 A I assume it happened on the 14th, but yes, there was
16 a presentation before the September now 21st release of
17 the map.

18 Q And Ali mentioned discussing this on the phone with
19 you, if that was easiest. Do you remember discussing
20 anything in this email on the phone with her?

21 A No, but I trust that it happened; but I don't
22 remember it, no.

23 Q Okay. And then if you look back towards the top
24 here there's an attachment to this email that's titled Leg
25 Map One-Pager DRAFT --

1 A Um-hmm.

2 Q -- underscore 9.8.docx.

3 A Um-hmm.

4 Q Do you see that?

5 A Um-hmm.

6 Q Okay. So I'm going to stop sharing the screen, and
7 you can put that to the side. And I'm going to share
8 another document in the chat, and that should be loading
9 in there. And then I'm also going to share it on my
10 screen.

11 Do you see that document on the screen?

12 A I do.

13 Q And so we're going to mark this document as
14 Exhibit 5.

15 (Walkinshaw Exhibit No. 5 introduced and displayed.)

16 Q Have you seen this document before?

17 A I saw many documents like this. I -- I assume that
18 I saw it before. I don't recall the specific one, but I
19 will -- I'm sure that I saw this.

20 Q And I'll represent to you that this is the document
21 that was attached to the email we just looked at,
22 Exhibit 4.

23 Do you have any reason to think that's not the case?

24 A No. It makes sense, yes.

25 Q And if we look at the header at the top of the

1 document it says SDC Legislative Plan One-Pager; correct?

2 A Correct.

3 Q And I want to direct you to the header on page 1
4 that says, "Responds to Public Input and Corrects
5 Historical Wrongs."

6 A Perfect. Yes.

7 Q Do you see that?

8 A Correct.

9 Q And so we're going to go to the second paragraph
10 under the header. It says, "The critical mission."

11 A Yes.

12 Q And that paragraphs says, "The critical mission of
13 the Commission over the past few months has been to gather
14 as much public input as possible. As a result of those
15 efforts, this plan is responsive to those public comments
16 and the government-to-government consultations that have
17 been conducted, including the following key areas:"

18 Do you see that?

19 A I do.

20 Q And the first key area listed there as being
21 responsive to public comments is the bullet with
22 Empower/Unite Yakima; correct?

23 A Correct.

24 Q And I'd like to ask you a few questions about that
25 paragraph there that says Empower/Unite Yakima.

1 Would you like a second to read it?

2 A Sure. Give me -- Give me 15 seconds.

3 Terrific. Yep, I'm up to speed.

4 Q Okay. So this paragraph says that your draft LD 14
5 complies with the Federal Voting Rights Act and allows for
6 more fair and effective representation of the state's
7 largest Hispanic community.

8 That was a goal of your September draft map; right?

9 A Correct. This is completely -- I mean, this is
10 completely in line with what I was saying about the
11 three -- the three goals of keeping communities together,
12 complying with the Voting Rights Act, and unifying the
13 Yakama Nation.

14 Q And this paragraph also explains why your draft map
15 made the Yakima Valley district the 14th District; right?

16 A Correct. That was done in order to comply with -- I
17 think what was likely in the minds of the folks working on
18 this on the team was that was important for compliance
19 with the Voting Rights Act.

20 Q Why do you say that that was important for
21 compliance with the Voting Rights Act?

22 A Because -- Because it would increase the likelihood
23 that the preferences of the Hispanic -- of the Latino --
24 Latino -- of Latino voters would be reflected in the
25 outcomes.

1 Q How would it increase the likelihood that the
2 preferences of Latino voters would be reflected in the
3 outcomes?

4 A By the -- by the -- exactly what that sentence says,
5 which is further --

6 If you read the sentence that begins with, "Further,
7 making the majority/minority district the 14th, which is
8 up for election in the presidential year, will help
9 increase voter participation in these areas with
10 traditionally lower voter turnout." [as read]

11 Q Okay. And let's -- So let's go to page 2 of this
12 document, and I'd like you to look at the second paragraph
13 under the header, "Respecting the Will of the Voters."

14 Do you see that?

15 And we're going to look at the -- looking at the
16 second paragraph, and we're going to look at the sentence
17 following the bolded sentence. So the sentence that
18 starts with "Creating."

19 Do you see that sentence?

20 A I'm catching up with you.

21 Q Okay. Yeah, go ahead and read it, and let me know
22 when you're ready.

23 A Okay.

24 Q So that sentence in particular says, "Creating
25 artificial partisan electoral competition at the expense

1 of both logical community boundaries and historically
2 underrepresented groups undermines fair and effective
3 representation. Too often past legislative and
4 congressional maps have reflected this unfortunate
5 reality."

6 Do you know what that was referring to?

7 A I didn't write this language, but I -- My read on
8 this is that it's referring to what I had said before,
9 which is the criteria that I set forth, which were
10 minimizing -- minimizing splits, which we talk about in
11 this.

12 We -- I also neglected to mention, which was also
13 important to us in the process, was creating majority-
14 minority districts.

15 And then the other -- the other piece here was on --
16 that I see reflected here is -- I mean, I agree with -- I
17 agree with what's stated there. I did not write that, but
18 I agree with what's stated there.

19 Q Do you think what's stated there reflects a concern
20 with creating artificial partisan electoral competition at
21 the expense of the Latino community in the Yakima Valley
22 area?

23 A That's very likely, but I'm not going to speculate.
24 But it's -- I mean, I -- I -- I -- I'm not going to
25 speculate, but I think that's very likely.

1 Q Why do you think it's very likely?

2 A Because we had a lot of public -- We had a lot of
3 public testimony on this, and there -- there are -- I'm
4 rereading the language to make sure I'm interpreting it
5 correctly.

6 I think my -- I guess -- I think what it's also
7 saying there is that -- that -- and this was -- this was
8 something that we as the Senate Democratic -- that I was
9 working on very closely with the Senate Democratic Caucus,
10 which is that I think approaching redistricting with an
11 ethos of minimizing splits between communities, keeping
12 communities together, as a priority I think above
13 electoral competition I think leads you to outcomes which
14 are better for lifting up communities which have been
15 marginalized.

16 So I think this is in part a values statement, which
17 is a values statement I agree with. And I'm not going to
18 speculate around which legislative and congressional
19 districts this is referring to, but I -- I agree with the
20 ethos of this statement.

21 Q Okay. We're done with this document, so I'm going
22 to stop sharing that screen.

23 And leading up to the release of your September map,
24 you and your staff were creating a presentation for the
25 Senate Democratic Caucus on your map proposal; right?

1 Correct?

2 A The team was working on that. I remember giving the
3 presentation with Andy Billig.

4 Q Okay. So I'm going to put another document in the
5 chat and share my screen, and we're going to mark this as
6 Exhibit 6.

7 Okay. So that should be loading in the chat. Then
8 one second. Okay. I'm going to share this with you
9 really quick. And I'm showing you what has been marked as
10 Exhibit 6.

11 (Walkinshaw Exhibit No. 6 introduced and displayed.)

12 Q Have you seen this before?

13 A Let's open it to confirm, but --

14 Q Well, have you seen this email before?

15 A There are so many emails, I can't recall the
16 specific one; but the attachment will likely -- The
17 attachment may be familiar to me.

18 Q Okay. And so this email is dated September 16th,
19 2021?

20 A Correct.

21 Q And it's from Ali O'Neil to you?

22 A Correct.

23 Q And it says attached, and then it includes an
24 attachment titled SDC Map Presentation_9.16.pdf; right?

25 A Correct.

1 Q Okay. So I'm going to put another one here in the
2 chat, and this is going to be Exhibit 7.

3 And that should have loaded in the chat, and then
4 I'm also going to share my screen.

5 (Walkinshaw Exhibit No. 7 introduced and displayed.)

6 Q And then I'll zoom out a little bit so it's not so
7 huge.

8 Okay. So I'm showing you what's been marked as
9 Exhibit 7 to this deposition. Have you seen this document
10 before?

11 A I have, yes. I remember it.

12 Q What is it?

13 A This was a presentation that I gave with Senator
14 Billig to the Senate Democratic Caucus to share with them
15 in advance of publicly releasing our first map. Just some
16 summaries, some highlights about what the map did and is.

17 So like it was basically a recap, kind of called a
18 CliffsNotes of the map that I -- I then released publicly
19 that had been developed by the senate staff.

20 Q And if we look at this first page here of Exhibit 7,
21 it says -- It has the date of September 14th, 2021.

22 Do you see that?

23 A Correct.

24 Q Was this map presentation originally planned for
25 September 14th?

1 A Oh, I don't know. I don't remember the scheduling.

2 Q So you mentioned that you gave the presentation with
3 Senator Billig; is that right?

4 A That's correct.

5 Q Was every other member of the Senate Democratic
6 Caucus present for the presentation?

7 A I don't remember exact attendance, but I believe it
8 was well attended.

9 Q So let's go to page 3 of this exhibit, and it's
10 titled Map Overview Principles and Priorities.

11 Do you see that?

12 A Yep.

13 Q And I want to direct your attention to the lower
14 right corner of this page that has the bolded section
15 Empower/Unite Yakima.

16 A Exactly.

17 Q And that looks similar to the paragraph we were just
18 looking at in the Legislative One-Pager document; right?

19 A Correct.

20 Q And this paragraph is referring to the version of
21 Legislative District 14 that would be in your September 21
22 proposal; right?

23 A That's correct.

24 Q Can you explain why this September 21 version of
25 Legislative District 14 allowed for more fair and

1 effective representation of the state's largest Hispanic
2 community?

3 A Oh, I mean, this -- It was no secret this was a
4 priority of mine from the beginning that we create a
5 district that was compliant in my mind with the Federal
6 Voting Rights Act in the Yakima Valley.

7 Because of -- Because of -- Because of this -- I'm
8 not a legal expert, but my -- my understanding is that the
9 map that we released that I briefed the Senate Democratic
10 Caucus on was compliant with the Federal Voting Rights Act
11 because it was drawn in such a way that would -- would
12 enable -- would enable the largest -- the state's largest
13 Hispanic population to elect candidates of their choice.
14 So that -- that was my understanding.

15 I -- I -- I'll get tripped up if I go into the
16 actual details, but that was the purpose of this; and that
17 was -- that was a strong belief that I held through the
18 process -- and I still hold.

19 Q Okay. So let's go down to page 16 of this exhibit.
20 I'm going to scroll down, let it load for a sec.

21 Do you see this page?

22 A Um-hmm.

23 Q It has Yakima (14).

24 A Um-hmm. Um-hmm.

25 Q And this page includes details for Legislative

1 District 14 in your September --

2 A Um-hmm. Um-hmm.

3 Q -- proposal; right?

4 A Correct.

5 Q And it also has a map showing your proposed

6 Legislative District 14?

7 A Correct.

8 Q If we look at the top left corner of page 16 in this

9 exhibit, there's a chart there; right?

10 A Correct.

11 Q And that chart identifies your version of

12 Legislative District 14 as lean D; correct?

13 A That's what it says there, yes.

14 Q And the lean D label for this version of Legislative

15 District 14 is based on the 2020 governor race results; is

16 that right?

17 A I don't remember.

18 Q If you look right underneath the table there, --

19 A Oh, it is. Yes. Correct. Correct.

20 Q And the second chart right underneath that

21 identifies your draft version of LD 14 as having a

22 55.5 percent Hispanic VAP; right?

23 A Correct.

24 Q And so I want to look again at this paragraph of

25 text underneath the map. Do you see that paragraph?

1 A Correct.

2 Q And the text there says that your proposal, "Creates
3 a majority Hispanic district in the 14th LD, which aligns
4 this district's election with the presidential year,
5 allowing for more fair and effective representation of the
6 state's largest Hispanic community by increasing voter
7 participation."

8 Do you see that?

9 A I do.

10 Q Did you number the district as Legislative
11 District 14 in your September proposal to align the
12 district senate election with the presidential election
13 year?

14 A I believe for the reasons that were in the memo that
15 we just looked at, I think this was all about trying to
16 create a district that we thought was compliant with the
17 Federal Voting Rights Act.

18 So I think all of these -- All the steps that you
19 see here I believe were taken to comply with the three --
20 the three principles that I laid out -- keeping
21 communities together, unifying the Yakama Nation with
22 ancestral lands, and the third being to comply with the
23 Federal Voting Rights Act.

24 So when I read that, that's what I read.

25 Q And can you explain to me again how numbering the

1 District 14 would make it comply with the Voting Rights
2 Act?

3 A I can't make that connection, but my understanding
4 is that -- I wouldn't -- I don't know that it makes it
5 comply with the Federal Voting Rights Act. I don't know
6 the answer to that.

7 What I -- What I -- What I do know is that you have
8 higher turnout -- You have higher turnout in presidential
9 election years than you do in off-cycle election years.
10 That I do know. So that is what I understand that to be,
11 that by -- the changing of the numbering could have an
12 implication for voter turnout.

13 Q Latino voter turnout?

14 A I haven't looked at the -- this aggregated data, but
15 general voter turnout that is certainly the case.

16 Q And if we look at the little sentence right below
17 that paragraph it says, "Voter turnout in Yakima went up
18 13 percentage points from 2018 to 2020 and 23 percentage
19 points from 2014 to 2016."

20 Do you see that?

21 A I do see that.

22 Q So that was comparing turnout in non-presidential
23 election years to presidential election years; right?

24 A I didn't make this slide, but my -- I have the
25 same -- I have the same interpretation as you.

1 Q Besides what's included here in the slide, did you
2 know anything else about Latino voter turnout levels in
3 the Yakima Valley area compared to White voter turnout
4 levels at this time?

5 A Not that I remember, no, but I'm -- Not that I
6 remember, no.

7 Q At any point in the map drawing process can you
8 remember did you talk to any legislative staffers about
9 whether a state legislative district in the Yakima Valley
10 area should be labeled with the number 14 or 15?

11 A Say that again.

12 Q Can you remember any conversations you had with any
13 legislative staffers about whether the district in the
14 Yakima Valley area should be labeled 14 or 15?

15 A No, I can't remember specific conversations, but we
16 reflected that in the memo; and we reflected that -- the
17 staff reflected that here in the presentation as well.

18 Q Besides what we've looked at here right now, are you
19 aware of any analysis that was done examining the
20 difference in voter turnout levels between presidential
21 and non-presidential election years?

22 A No. It may exist in documents that were exchanged
23 in email, but no, I don't -- I don't recall specifics.

24 Q And besides what we've looked at today, are you
25 aware of any analysis that was done examining difference

1 in voter turnout between Latino and non-Latino voters in
2 the Yakima Valley area?

3 A That may be contained in details of differential
4 analysis and reports that were created, but no, I don't
5 remember those data.

6 Q Did the analysis you received from Dr. Barreto
7 include any analysis of Latino voter turnout levels?

8 A Again, like I -- I -- My -- My -- The way that the
9 report was shared with me was very much -- I was briefed
10 on it. So I don't recall the specifics, but I -- my
11 presumption -- My assumption is that it included that kind
12 of analysis.

13 Q Did you ever talk to any of the other commissioners
14 about whether a state legislative district in the Yakima
15 Valley area should be numbered with 14 or 15?

16 A I did.

17 Q Who?

18 A I believe I spoke with at least Commissioner Sims
19 about it.

20 Q And what was the conversation you had with
21 Commissioner Sims?

22 A I think very much along the lines of -- of -- of
23 compliance with the Federal Voting Rights Act. I don't
24 remember details beyond that, but it was certainly
25 probably in the context of compliance with the Voting

1 Rights Act.

2 Q Do you remember anything more specific about what
3 you mean by compliance with the Voting Rights Act?

4 A Specifically this, what you see here, that --

5 Q Okay.

6 A -- that this was maybe one of -- I don't know --
7 It's -- It will be a legal determination about -- and
8 that's what you're deciding right now about whether the
9 maps were compliant.

10 But I think that this was, you know, one -- One
11 ingredient was maybe in terms of expressing the
12 preferences of the Latino -- the largest Latino population
13 in the state, that this perhaps was one ingredient to
14 that, which is whether -- whether elections would happen
15 in the presidential -- basically voter turnout.

16 Q Okay. I'm going to stop sharing this screen just
17 for a sec.

18 Did you ever talk about whether the district should
19 be labeled 14 or 15 with Commissioner Graves?

20 A I did once I actually recall.

21 Q What was that conversation?

22 A Again, I don't -- I -- Again, I think we probably
23 had a disagreement. We probably had a -- I think there
24 was a difference of opinion on that, and -- and that is --

25 I don't remember the specifics of it, but I do know

1 that that was discussed among other things when we were
2 finalizing maps. And I think my position -- My position
3 was very clear to everyone else, both publicly and to the
4 other commissioners, about my belief that we needed a
5 district that was compliant with -- certainly compliant,
6 and I think that that was reflected in the maps that I
7 produced in September and October.

8 And as you can see, that we then briefed various
9 people on it and released publicly.

10 Q Did you tell Commissioner Graves that you wanted the
11 district to be Legislative District 14 rather than 15?

12 A I'm not sure. I don't recall specifically telling
13 him that, but I mean I would say it's implicit in the fact
14 that what I released publicly were my beliefs, and
15 those -- those -- those public beliefs are the ways that
16 it shows up here.

17 Q And when you said Commissioner Graves, there was a
18 difference of opinion on that, what was Commissioner
19 Graves's opinion?

20 A I don't recall. I don't recall the specific
21 opinion, but -- I don't recall.

22 Q All right. Following your September map what were
23 your next steps in regards to state legislative
24 redistricting?

25 A We had a lot of input. There were all sorts of

1 things across all the districts that caused, you know,
2 folks liked, that caused consternation, that was input.
3 So we had kind of a deluge -- a deluge of input.

4 And then we decided that it would be wise to release
5 another -- Even though we were working on a very
6 compressed timeline, that it was -- we wanted to
7 release -- I wanted to release another -- another set of
8 maps.

9 And I may be mistaken, but I think in that time
10 period we also -- I don't think I had gotten -- we had
11 gotten the report back from the UCLA Voting Rights Project
12 before we released the September maps. I might be wrong
13 on my timeline, but I don't believe we had gotten that.
14 So I think that was an additional data input.

15 And then we released the October map as well that
16 made it -- made a whole number of changes across, you
17 know, a variety of issues, but --

18 And I actually -- If you asked me right now what's
19 the difference between how you drew the Yakima districts
20 in September versus October, I couldn't tell you those
21 specifics. I don't remember, but you'll probably -- We'll
22 probably look at them in a moment.

23 Q Did you receive feedback about your September
24 version of Legislative District 14 from any Latino
25 individuals?

1 A I did. I remember that there was some like -- I
2 think there may have even been like some constructive
3 critique. I think that there was -- There was feedback,
4 and I actually can't remember the specific; but I know
5 that there were things that we took in that then we worked
6 to improve in the October map.

7 So I don't -- I don't remember the specifics, but we
8 did get input. I think that was in the time period that
9 we got the additional input from Dulce Gutierrez and the
10 other -- and some other -- some other groups, so there was
11 more input that came in.

12 Q Okay. Did you receive feedback about your September
13 version of Legislative District 14 from any state
14 legislators?

15 A Jeez, I probably -- I probably did, but I don't
16 remember specifics.

17 Q Okay. And did you receive feedback about your
18 September version of Legislative District 14 from any of
19 the other commissioners?

20 A Not -- maybe not directly, but I think there was
21 like implicit feedback in that we all released different
22 versions of it, so --

23 Q There were public hearings held following the
24 September release of legislative district maps; right?

25 A Correct.

1 Q And were those held in early October?

2 A If that's what's in the public record, then yes. I
3 don't remember the dates.

4 Q Do you remember any feedback that you received at
5 those public hearings about the Yakima Valley state
6 legislative district?

7 A I don't remember the specifics, but it was along the
8 lines that I just mentioned to you. I think that there
9 was some -- There was definitely some feedback from the
10 Yakama Nation. I can't remember what it was.

11 There was also some feedback from different Latino
12 groups that I believe showed up for public testimony, and
13 I know that that was all captured. And to the extent
14 that, you know, I agreed or disagreed, that was reflected
15 in the October map.

16 Q Did you talk to Commissioner Sims about publicly
17 releasing another state legislative district map?

18 A Another, you mean another beyond what?

19 Q Beyond your September proposal.

20 A Oh, I imagine we all discussed releasing the
21 October -- Because we released another map in October, so
22 I believe --

23 Q You and --

24 A I believe --

25 Q -- Commissioner Sims released additional maps in

1 October; right?

2 A I believe that's correct, yes.

3 Q And --

4 A And I certainly did.

5 Q -- Commissioners Fain and Graves did not release
6 additional maps publicly in October?

7 A I think that's right, but I -- You'd have to
8 confirm.

9 Q And so what -- I think you mentioned some of the
10 things that started to prompt you into work on another map
11 to release in October, and those were, you know, the
12 public input and the Barreto report; is that right?

13 A And many other things. I mean, there was -- There
14 was all sorts of feedback. So it was clear that, you
15 know, no one -- You never hit the mark on the first thing
16 you do.

17 So I think that like it was very -- There was all
18 sorts of input that came back. Like we had lots of input
19 from people who lived on Vashon Island about being moved
20 out of the 34th District, and the way we drew northwest
21 Washington changed quite dramatically.

22 So there was a lot of -- There was a lot of public
23 input that was outside of the Yakima Valley as well.

24 Q I'm going to put another document here in the chat,
25 and then I will also share it on my screen. So we're

1 going to mark this as Exhibit 8.

2 (Walkinshaw Exhibit No. 8 introduced and displayed.)

3 Q And I'll give you a sec to look at it, but the
4 first -- The original email is towards the bottom of the
5 document here.

6 A Um-hmm.

7 Q Do you recognize this document?

8 A Yeah, I believe this was a -- This was a press
9 release that came out from -- that was prepared by the
10 senate staff for me to send.

11 Yes. Yeah, I -- It's -- Yes, I do remember this.

12 Q And this was -- This press release was sent out on
13 October 21st, 2021; right?

14 A Correct.

15 Q And the title of the release is, "New analysis shows
16 final Washington state legislative map must include a
17 VRA-compliant district in the Yakima Valley;" correct?

18 A That's correct, and I agree.

19 Q And the new analysis this refers to is the analysis
20 prepared by Dr. Barreto; right?

21 A Correct.

22 Q Near the top of this exhibit there's a -- there's a
23 line in italics underneath the bolded title.

24 A Yep.

25 Q And it says, "Commissioner Walkinshaw: Guaranteeing

1 voting rights for Latino community is, quote, 'mission
2 critical to me.'"

3 Do you see that?

4 A I do.

5 Q What did you mean when you said guaranteeing voting
6 rights for the Latino community is mission critical to
7 you?

8 A That it was -- it was critical to me that we --
9 we -- we -- that I release maps that were -- that in my
10 mind were kind of beyond a shadow of a doubt compliant
11 with the Voting Rights Act.

12 Q Was it also important to you that the Commission
13 adopted a map that was compliant with the Voting Rights
14 Act?

15 A Yes. That also -- That is also -- That was also
16 important to me.

17 Q Let's go to the second paragraph of this document,
18 and I'll give you a second to read that.

19 A Okay.

20 Q The one that starts "Section 2."

21 A Um-hmm. Correct.

22 Q So that paragraph specifically mentions the lawsuits
23 against the cities of Yakima and Pasco under the Federal
24 Voting Rights Act; correct?

25 A Correct.

1 Q So at least as of the date of this press release you
2 were aware of those lawsuits; right?

3 A I agree with everything here. I did not write this
4 personally, and I did not review everything in great
5 detail; but this was prepared for me, and I wholeheartedly
6 agree with the ethos of it, which is that compliance with
7 the Voting Rights Act was critical in my mind and that I
8 care deeply about the voting rights of the Latino
9 community.

10 Q Okay. So if we scroll down a little bit towards the
11 bottom on this page, --

12 A Correct.

13 Q -- there's a statement from you.

14 Do you see that?

15 A I do.

16 Q And that's around two paragraphs long?

17 A Yep.

18 Q And you still stand by that statement; right?

19 A Let me read it one more time.

20 Yes, I agree with what I wrote -- or what was
21 written on my behalf.

22 Q So let's take a look at that statement, and I'm
23 looking at the first sentence that says, "For a decade
24 Latinos in the Yakima Valley have voted for candidates of
25 their choice, but because of the way the lines have been

1 drawn the political choices of those voters have not been
2 reflected in their elected representatives."

3 Do you see that?

4 A I do.

5 Q When you said, "For a decade Latinos in the Yakima
6 Valley have voted for candidates of their choice," were
7 you referring to any particular candidates there?

8 A Again, this was drafted on my behalf. I stand -- I
9 certainly stand by what's said there. I don't -- I don't
10 have specific candidates in mind, but I definitely stand
11 by this. I definitely stand by it, and I think it's -- I
12 think it's -- I definitely stand by it.

13 Q Okay. And what's -- What's your understanding of
14 the phrase, "Because of the way that the lines have been
15 drawn, the political choices of those voters have not been
16 reflected in their elected representatives"?

17 A I mean, that's just the essence of redistricting
18 that the ways that the lines are drawn affect who votes in
19 different constituencies, and who votes in different
20 constituencies reflects who is elected.

21 Q And in this particular instance it affects Latino
22 voters in the Yakima Valley; right?

23 A That's correct, yeah.

24 Q The next sentence of your statement says, "That's
25 why we have heard repeatedly throughout this redistricting

1 process from the public that Latino communities must be
2 kept together and allowed to elect candidates of their
3 choice."

4 A Correct.

5 Q Do you see that?

6 A Yeah, and I alluded to that earlier.

7 Q Yeah.

8 A We had a lot of public input on this.

9 Q So is that -- When you're referring to -- What
10 you're referring to there, is that what we've already
11 talked about?

12 A Yes.

13 Q And you'll see here that it says, "Latino
14 communities must be kept together and allowed to elect
15 candidates of their choice."

16 A Um-hmm.

17 Q What was your understanding of the phrase, "Allowed
18 to elect candidates of their choice"?

19 A I think in that being written there I was trusting
20 the guidance of the -- of the Senate Democratic staff in
21 how we were stating that.

22 My understanding of that is that the preferences of
23 voters, groups of voters are reflected in the outcomes of
24 the election.

25 Q Okay. So let's go to the second paragraph here of

1 your statement. I'm just going to go to the second
2 sentence there in that paragraph, --

3 A Um-hmm.

4 Q -- starting with, "There can be no doubt that the
5 final map we approve in November complies with the federal
6 VRA. That's why Commissioner Sims and I will be releasing
7 new statewide legislative maps early next week that both
8 incorporate public feedback we've received in the last few
9 weeks and include a VRA-compliant 14th District in the
10 Yakima Valley. We encourage our Republican colleagues to
11 do the same."

12 Do you see that?

13 A Correct.

14 Q Is your -- Is your understanding of what VRA
15 compliant means there the same thing we've already
16 discussed today?

17 A I -- We've discussed a lot today, but I think in --
18 We've discussed a lot today. I -- I -- Yeah. Yes.

19 Q Why don't you tell me what your -- what you
20 understand a VRA-compliant 14th District in the Yakima
21 Valley to mean.

22 MR. MILLSTEIN: Object to the extent it
23 calls for a legal conclusion.

24 Q (By Ms. Harless) You can answer.

25 A It does call for a legal conclusion. It's what I

1 stated before, that -- that -- that groups would be able
2 to elect candidates of their -- of their choice,
3 particularly ethnic and racial groups. But I don't want
4 to wade into the legal opinions here. I think that's what
5 the case is to decide.

6 I -- I then did this. I mean, I released -- The
7 subsequent map that I released I think really did --
8 did -- was compliant with my perspective, my view on the
9 Federal Voting Rights Act.

10 Q And both you and Commissioner Sims in your October
11 maps labeled the Yakima Valley district as District 14;
12 right?

13 A I don't recall Commissioner Sims's map, --

14 Q Okay.

15 A -- but I believe mine did.

16 Q Is the reason that the district there was numbered
17 14 the same as what we were talking about for your Senate
18 Democratic -- Senate Democratic Caucus presentation about
19 the alignment of the election with the presidential year
20 --

21 MR. MILLSTEIN: Objection to form.

22 Q (By Ms. Harless) -- in drawing your map?

23 A To my recollection. To my recollection, yes.

24 Q Did you discuss with Commissioner Sims at that time
25 the numbering of the district as 14 versus 15?

1 A I don't remember the specifics of those
2 conversations at the time.

3 Q The last sentence there of your statement encourages
4 the Republican commissioners to create VRA-compliant
5 districts in the Yakima Valley; right?

6 A That's correct.

7 Q Was it your opinion that neither of the Republican
8 commissioners' proposed legislative districts in the
9 Yakima Valley area up to that point were VRA compliant?

10 MR. MILLSTEIN: Object to the extent it
11 calls for a legal conclusion.

12 Q (By Ms. Harless) You can answer.

13 A I don't recall the specifics of their maps, and what
14 I will say is that I felt very certain -- I felt -- I felt
15 with confidence that the maps that I had released and was
16 advancing were compliant.

17 So I won't -- I'm not going to speak to theirs, but
18 I believe the ones that I had released were -- were
19 compliant and -- were compliant.

20 Q Right below --

21 A But I don't -- I don't remember the specifics of
22 theirs.

23 Q Okay. Do you remember anything about their map
24 proposals?

25 A The numbering of the districts I believe was

1 different. I can't remember -- I can't recall if they had
2 unified the Yakama Nation or not.

3 So yeah, I can't -- I can't recall, but I -- I know
4 that I -- I do recall feeling that the map that I put
5 forth was certainly compliant.

6 Q Did you ever give either of the Republican
7 commissioners feedback about their draft districts in the
8 Yakima Valley area?

9 A I don't remember the specific conversations in
10 October.

11 Q Below your statement in this document there's a
12 statement from David Morales. Do you see that?

13 A That's correct.

14 Q Who is David Morales?

15 A I can't recall, but I believe he's a community
16 member in the Yakima Valley.

17 Q And why did you include a statement from David
18 Morales in your press release?

19 A That was a decision by staff, but it -- it -- I have
20 no -- I have no issue with the statement. I agree with
21 the statement, but I didn't make the decision to include
22 it.

23 Q So let's scroll up a little bit in this exhibit, and
24 do you see above the email where Ali sent out the press
25 release there's an email from Kenneth -- I'm probably

1 going to pronounce this wrong -- Fockele -- to you and --

2 A Fockele.

3 Q -- Ali O'Neil on October 21st. Do you see that?

4 A Correct.

5 Q Do you know how to pronounce that name?

6 A It's Fockele.

7 Q Fockele. Okay.

8 Who is Kenneth Fockele?

9 A He worked for -- He is a staff on the Senate
10 Democratic staff. And we actually went -- graduated from
11 college together, in full disclosure.

12 Q Was he involved in drawing maps in any way?

13 A Not -- No. I actually -- I actually -- This is the
14 only -- I never recalled receiving actually an email from
15 him, but I certainly did.

16 Q So here he replies to Ali's email and says, "Nice.
17 Reminds me of an op-ed from Matt Barreto from a few years
18 back," and he includes the link to the op-ed.

19 Do you see that?

20 A Um-hmm. I do see that.

21 Q Did you read the op-ed that Kenneth included in his
22 reply?

23 A No. I don't -- I actually don't remember this
24 email.

25 Q Okay. When did you or your staff start working on

1 drafting the new state legislative map that you released
2 on October 25th?

3 A The whole process was iterative, so there was map
4 drawing that I would say began immediately after the
5 September map, and we were just getting more and more
6 input. So I would say, you know, shortly after the
7 September map was released.

8 Q Were there staffers in particular that you remember
9 that helped you draft the new LD 14 in the October map?

10 A Just the same group that I had mentioned before.

11 Q Did you show your draft version of Legislative
12 District 14 to anyone besides your own staffers before it
13 was publicly released?

14 A I don't remember.

15 Q All right. I'm going to stop this one.

16 I'm going to put another document here in the chat,
17 and then I will also share my screen.

18 Okay. We are going to mark this as Exhibit 9.

19 (Walkinshaw Exhibit No. 9 introduced and displayed.)

20 Q Have you seen this document before?

21 A I'm sure that I have. I don't remember it.

22 Q This email is dated October 25th, 2021; right?

23 A Correct.

24 Q And it's --

25 A Wait, wait. No, no, no. October 25th.

1 Q I think that's what I thought I said.

2 A Okay. Okay.

3 Q And it was sent by Ali O'Neil on your behalf; is
4 that right?

5 A That's correct.

6 Q And the press release is titled, "Commissioner
7 Walkinshaw releases new VRA-Compliant legislative district
8 map."

9 A Correct.

10 Q What was your basis for thinking your October 25th
11 map was VRA compliant?

12 A All of the -- Basically all of the -- the whole mix
13 of input that we had received, including the work that was
14 done with the UCLA Voting Rights Project.

15 And I also have some -- I defer some to the staff
16 who worked on this because there was a lot of knowledge
17 and expertise and research that was done by the team that
18 went into creating it, and I trusted that. And the --

19 I mean, I think all of the things that we previously
20 have spoken about; but I definitely trusted in a lot of
21 the research and work that had been done by the team in
22 collaboration with the research that had been commissioned
23 from the Voting Rights Project.

24 So that in aggregate certainly led me to believe
25 that what I was releasing was compliant with the VRA.

1 Q Let's look at the first paragraph here of this
2 release. I think it's the second sentence. It says that
3 your "new map follows definitive analysis released last
4 week that the final adopted map must include a majority
5 Hispanic district in the Yakima Valley or face a likely
6 successful lawsuit in federal court for noncompliance with
7 the Federal Voting Rights Act."

8 Do you see that?

9 A I do see that.

10 Q And the definitive analysis your release refers to
11 is the analysis done by Dr. Barreto; right?

12 A I can't confirm what that hyperlink is to, but
13 that's my assumption.

14 Q Okay. Why did you think that there would be a
15 likely successful lawsuit in federal court?

16 A Again, I believed that we needed to release maps
17 that were clearly compliant with the Federal Voting Rights
18 Act.

19 Q And to be compliant with the Federal Voting Rights
20 Act would the map -- would the district need to allow
21 Latino voters to elect a candidate of their choice?

22 MR. MILLSTEIN: Object to the extent it
23 calls for a legal conclusion, but --

24 A Again, I agree. I think I've answered that question
25 different ways. I think it was one really important

1 ingredient.

2 My understanding of the Voting Rights Act was
3 that -- that communities -- along with other ingredients
4 that are -- I trusted a lot in the analysis that was done
5 and the work that the staff did; but yes, my understanding
6 is that what's stated here is -- is -- I mean, that's my
7 understanding.

8 Q (By Ms. Harless) Okay. And if we look at this press
9 release, it's the next paragraph, the second sentence, it
10 says, "In addition to being majority Hispanic by citizen
11 voting age population (CVAP), this district must have the
12 demonstrated ability to allow Latino voters to elect their
13 candidates of choice to the Washington State Legislature."

14 A Um-hmm.

15 Q Do you see that?

16 A I do see that.

17 Q And does that reflect your understanding?

18 A It does. And again, I would say I really trusted in
19 the team and the analysis that was commissioned to
20 develop -- to develop this in a way that was compliant.
21 And I felt like the -- I had really felt like the Senate
22 Democratic team, along with the analysis that was
23 commissioned, was very thoughtful and comprehensive.

24 Q Besides this press release did you ever tell the
25 other commissioners that in order to comply with the

1 Voting Rights Act you needed to draw a district that
2 performed for Latino voters in the Yakima Valley?

3 A I don't remember specific times that I would have --
4 I don't remember specifics of that, but I imagine I would
5 have said that because that's what I believed.

6 Q Do you remember ever telling that to Commissioner
7 Graves?

8 A I don't remember specifics of that, no.

9 Q Do you remember any general conversations about how
10 the legislative district in the Yakima Valley area would
11 perform in elections?

12 A I think what I stated -- I don't think my position
13 was any -- any secret to anyone. I think it was very
14 clearly stated throughout the process.

15 Q And you agree that it's possible to draw a district
16 that allow Latino -- that allows Latino voters to elect
17 candidates of choice in the Yakima Valley; right?

18 A I believe that -- I believe that's what's reflected
19 in the map that I released in October and likely the map I
20 released in September, too; but I think we -- There was
21 more diligence and research done that went into the map
22 that was released in October.

23 Q Let's look at the third paragraph of this release,
24 and here it says that your map "incorporates public
25 feedback received at the October 5th public outreach

1 meeting where more than 100 members of the public
2 testified about their communities as well as hundreds of
3 comments received in the last month since the
4 September 21st map release."

5 Is that what you were referring to when we were
6 talking about the public comments a moment ago?

7 A Yeah, that's -- I think that's all consistent with
8 what I was sharing with you earlier.

9 Q And you don't remember any of the specific public
10 comments as they relate to the Yakima Valley area?

11 A I actually thought I shared -- I shared a number of
12 those earlier. I recall the feedback that Dulce gave and
13 the map that was submitted by the community groups. I
14 mentioned other people by name that provided testimony.
15 And seeing David Morales's name, I actually now recall
16 that he also provided testimony, so --

17 Q But you don't remember the content of the comments;
18 correct?

19 A I don't, but it was very much -- No. I won't
20 speculate. I don't remember the specific content, no.

21 Q And then again this press release, well, that
22 includes a statement from you; do you see that?

23 A I do.

24 Q Do you want a second to read through it?

25 A That's great. Yes, I agree with -- I agree with

1 everything that I stated there.

2 Q Let's look at the first paragraph of this, and I'm
3 looking at the last sentence; and it says, "This new map
4 not only respects the will of the voters in the Yakima
5 Valley, but also will avoid a costly legal challenge."

6 A Correct.

7 Q What did you mean by the phrase "respects the will
8 of the voters in the Yakima Valley"?

9 A I believe that's just a way of paraphrasing the
10 prior sentence, which says I believe that it was compliant
11 with the Voting Rights Act.

12 Q And why did you think your October 25th map would
13 avoid a costly legal challenge?

14 A Because just what I state here, that I felt like it
15 was very clearly compliant with the Federal Voting Rights
16 Act.

17 Q The very next paragraph of your statement says, "Now
18 that we have this information, we as commissioners should
19 not consider legislative district maps that don't comply
20 with the VRA." Do you see that?

21 A I do see that.

22 Q After you released this map did you evaluate draft
23 maps that you were receiving for compliance with the
24 Voting Rights Act?

25 A I don't recall specifics of that, but it's extremely

1 likely that the team -- the team conducted that analysis.

2 Q And what -- what analysis would that have been?

3 A I hesitate to speculate, but if I did it would be to
4 look at the different ingredients that you raised before
5 around preference and so forth and electoral outcomes,
6 things like that; but I don't recall specifically myself
7 conducting that.

8 Q And after you released this October map did the
9 commissioners still consider configurations of the Yakima
10 Valley district that by your definition did not comply
11 with the Voting Rights Act?

12 MR. MILLSTEIN: Objection, misstates prior
13 testimony.

14 Q (By Ms. Harless) You can answer.

15 A I don't -- I don't remember.

16 Q Let's go back to your statement here, and in that
17 same paragraph we were just looking at it continues, "It
18 is irresponsible to the historically underrepresented
19 communities in the Yakima Valley to entertain any
20 proposals that undermine their rights under federal law,
21 and irresponsible to the people of Washington state to do
22 anything that might leave the state so blatantly
23 vulnerable to litigation."

24 Do you see that?

25 A I do.

1 Q What were you referring to with the phrase
2 "historically underrepresented communities in the Yakima
3 Valley"?

4 A The Hispanic -- I believe the Hispanic community,
5 though I may have also been -- I may have also been
6 speaking to the Yakama Nation.

7 Q And why did you consider it irresponsible to the
8 historically underrepresented communities in the Yakima
9 Valley to entertain any proposals that undermine their
10 rights under federal law?

11 A Because I believe in the Voting Rights Act.

12 Q And I believe you said -- Well, I'll just ask you
13 this. Was there anything different about Legislative
14 District 14 in your October map in comparison to
15 Commissioner Sims' version of Legislative District 14?

16 A I don't remember that distinction, but if you -- If
17 you shared it with me I would probably recollect, but I
18 don't remember that distinction.

19 Q Okay. I'm going to go back to Exhibit 2, and I'll
20 share this on the screen again.

21 (Walkinshaw Exhibit No. 2 displayed.)

22 Q Can you see this --

23 A I can, yeah. Yeah.

24 Q -- document?

25 And do you remember we looked at this, and this is

1 the page from the Washington State Redistricting
2 Commission website?

3 A Correct.

4 Q I'm going to zoom out a little bit. It's very big.
5 But if we scroll down there's your name, and if you see
6 the header Revised Map --

7 A Um-hmm.

8 Q -- October 25th, 2021?

9 A Um-hmm.

10 Q And under that you can download the shapefile again
11 for your map.

12 A Right.

13 Q Right? So I'll stop sharing, and I'll represent
14 that I have done that. And I'm going to show you that map
15 on the screen in a second.

16 And it's still loading here, but we'll give it one
17 sec.

18 (Map displayed.)

19 Q Do you recognize this map as your October 25th, 2021
20 state legislative district proposal?

21 A Because it's here and you put it there, I do. I --
22 I -- My memory is -- It was a while ago, but yes, this is
23 the map that I released.

24 Q Okay. And then I'm just going to make sure I select
25 District 14 over here on the side, so what we're seeing

1 are the statistics for District 14.

2 A Um-hmm.

3 Q And I'm going to take a screenshot of this really
4 quick so we have it.

5 MS. HARLESS: Okay. And we're going to
6 mark this as Exhibit 10, the screenshot.

7 (Walkinshaw Exhibit No. 10 introduced and displayed.)

8 Q Looking at the citizen voting age population data
9 over here on the side, --

10 A Um-hmm.

11 Q -- did Legislative District 14 in your October 25th
12 map have a majority Latino CVAP?

13 A Sorry, I have to -- I don't -- If --

14 Q It's right here.

15 A If that's what's stated here, then that's correct.

16 Q Do you see that it says 51.6 percent Hispanic CVAP
17 right here?

18 A I don't. Your -- Sorry, I apologize. Your cursor
19 is masking the --

20 Q Oh.

21 A Yes, 51.6 percent. Yes, correct.

22 Q And when you drafted this version of Legislative
23 District 14 were you looking at the CVAP number rather
24 than the voting age population number?

25 A That -- The team who I entrusted in this process who

1 were really drawing on a lot of expertise and knowledge
2 about the Voting Rights Act, and the analysis that was
3 done by the UCLA Voting Rights Project, I deferred to
4 their judgment on it in bringing this forward.

5 So I don't know the answer to that.

6 Q Okay.

7 A I don't recall the answer to that.

8 Q I'm going to zoom in a little bit here so we can
9 see Legislative District 14 better, and we can see here on
10 the map that your October version of Legislative District
11 14 includes parts of the City of Yakima; right?

12 A Correct.

13 Q Do you know why this version includes parts of the
14 City of Yakima?

15 A Again, I would -- I would say it was driven by the
16 principles that I shared before, which is keeping
17 communities together, unifying the Yakama Nation, and
18 complying with the Voting Rights Act.

19 So I don't -- It was -- I assume it was -- I'm sure
20 that we did it in service of those principles.

21 Q Okay. And I'm going to turn the city lines on and
22 turn off the precinct lines because I think that will be
23 more helpful.

24 This version of Legislative District 14 also
25 includes Wapato; correct? Do you need me to zoom in more

1 so you can see it?

2 A I'm not sure where Wapato is. Oh, yes, it does. It
3 does. It does. Correct.

4 Q Okay. And would your answer be the same for why
5 Wapato is included?

6 A Yes, that we did this in -- My same answer.

7 Q And Toppenish is included in this version of
8 Legislative District 14; right?

9 A Yep. Correct.

10 Q And would your answer for why Toppenish is included
11 be the same?

12 A The same criteria that I laid out before, correct.

13 Q And Granger is included in this Legislative District
14 14; right?

15 A Yep. Correct.

16 Q And would your answer for why Granger is included be
17 the same?

18 A Yes, the same criteria that I spelled out.

19 Q And then Sunnyside is included in this version of
20 Legislative District 14. Do you see that?

21 A Yes.

22 Q And your answer would be the same for why Sunnyside
23 is included?

24 A Yes, those three criteria of uniting communities,
25 complying with the Voting Rights Act, and keeping

1 communities -- and -- and respecting the Tribal Nation.

2 Q And Grandview is included in this version of
3 Legislative District 14?

4 A Same criteria.

5 Q And then Mabton is included in this version of
6 Legislative District 14; right?

7 A Yes.

8 Q Okay. I'm going to zoom out for a sec.

9 A I assume there was also some amount of need for just
10 population balancing, the deviations that we talked about
11 before.

12 Q If we move up to Grant County -- I'm going to zoom
13 in a little bit -- you can see that Mattawa is also
14 included in this version of Legislative District 14.

15 Do you see that?

16 A Okay. I do.

17 Q Do you know why Mattawa was included in this version
18 of Legislative District 14?

19 A I believe we did it in service of the same criteria,
20 which was drawing a 14th that was compliant in our minds
21 with the Federal Voting Rights Act, keeping communities
22 together, and unifying the Yakama Nation.

23 Q But you don't know for sure why Mattawa was
24 included?

25 A No, I don't know for sure why Mattawa was included.

1 No, I don't recall that specifically.

2 Q And if we zoom in over here to Adams County we can
3 see Othello is included in this version of Legislative
4 District 14?

5 A Correct.

6 Q Do you know why Othello was included?

7 A Exact -- I assume it was with our same criteria of
8 drawing maps that we believe were compliant with the
9 Voting Rights Act, that kept communities together, and
10 also unified the Yakama Nation.

11 Q Did you ever have any conversations with anyone
12 about the voter turnout levels in the areas in the cities
13 covered in LD 14?

14 A I don't remember the -- No, I don't remember the
15 specific conversations about voter turnout in cities in
16 LD 14, no.

17 Q After you released this map did you have any
18 conversations with other commissioners regarding drawing a
19 district in the Yakima Valley area that complied with the
20 Voting Rights Act?

21 A Well, I imagine there were -- I mean, there were
22 several conversations after the release of these maps.

23 Q Did any commissioner disagree with your position
24 that a Voting Rights Act-compliant district was necessary
25 in the Yakima Valley area?

1 MR. MILLSTEIN: Objection to form.

2 Q (By Ms. Harless) You can answer.

3 A I believe there were different opinions about what
4 compliance with the Federal Voting Rights Act means, and I
5 think that's what is at issue in this litigation.

6 Q What was -- What were the differing opinions on what
7 compliance with the Voting Rights Act means?

8 MR. MILLSTEIN: Object to the form.

9 A Yeah, and I don't -- I don't recall -- I don't
10 recall the specific opinions of each commissioner, but
11 what I do recall and know and believe to this day is what
12 I brought forward in October I certainly believed was
13 compliant with the Federal Voting Rights Act.

14 Q (By Ms. Harless) You don't remember the specifics of
15 how any commissioners disagreed on what -- on what was
16 necessary for a district to comply with the Voting Rights
17 Act?

18 A I don't remember. I think there were disagreements
19 around all of the ingredients that you had brought up
20 previously.

21 I think there were probably differing opinions
22 around what it meant to elect a candidate of their choice,
23 questions about turnout and numbering of districts, the
24 time periods over which you had to identify these patterns
25 of polarized voting.

1 So I don't remember the specifics, but they were
2 along the lines of the issues we've spoken about already.

3 And I relied -- I trusted a lot in the work that had
4 been done by the team that I worked with, and I also
5 trusted a lot in the analysis that was done by the Voting
6 Rights Project.

7 Q Do you remember anything specifically that you
8 discussed with the other commissioners about what it meant
9 to elect a candidate of choice?

10 A No, I don't remember the specific discussions on
11 that point. No.

12 Q Do you remember anything specifically that you
13 discussed with other commissioners about levels of voter
14 turnout?

15 A Not about levels of voter turnout, no.

16 Q About voter turnout in general?

17 A I -- You know, I think there were -- I think there
18 were disagreements about the numbering of the district of
19 the 14th versus the 15th, and my -- As I said earlier, I
20 saw that as one ingredient in compliance from what I
21 was -- what I was kind of -- from the advice that I
22 received.

23 So there were disagreements about the 14th versus
24 the 15th for sure.

25 Q Do you remember which commissioners wanted to number

1 it the 15th?

2 A Yes, I do. I think it was the -- the -- the two
3 Republican commissioners.

4 Q Paul Graves and Joe Fain?

5 A Correct.

6 Q And did they ever tell you why they wanted to number
7 it the 15th?

8 A I don't recall the details of those conversations at
9 this point.

10 Q Do you remember anything specific that you might
11 have discussed with other commissioners about what time
12 periods were necessary to analyze for patterns of voting?

13 A No, I don't. I -- And on that question, that's
14 really beyond my depth of understanding, and I really
15 trusted in the work that was done by the team and the
16 analysis that was commissioned.

17 Q After you released this map did you have any
18 conversations with the other commissioners about whether
19 it was possible to draw a district with a majority Latino
20 CVAP in the Yakima Valley area?

21 A Just catching up with the question.

22 Very likely. It was very likely discussed
23 because -- I mean, I -- That's what I put out in my
24 statement in my map was demonstrating that you could draw
25 that.

1 So I assume that we discussed it, but I don't
2 remember the specifics.

3 Q After you released your October 25th map do you
4 remember talking to any other commissioners about whether
5 racially polarized voting exists in the Yakima Valley
6 area?

7 A Not specifically. I -- I recall advocating for the
8 map that I produced in October.

9 Q So as of the date you released this map,
10 October 25th, how would you compare your and Commissioner
11 Sims' priorities in regards to drawing a VRA-compliant
12 district in the Yakima Valley area?

13 MR. MILLSTEIN: Objection to form.

14 A Yeah, I won't --

15 MR. HUGHES: And lack of foundation.

16 A I won't speculate on -- I won't speculate on
17 Commissioner Sims's perspectives on it.

18 I believe what -- I believe what I made public and
19 what I put out was very consistent with the private
20 conversations that I had, which was that the maps that I
21 articulated that were informed by the work of the team
22 that we had discussed previously, the analysis that had
23 been commissioned, is -- is compliant with the Federal
24 Voting Rights Act.

25 So any tenor of private conversations I may have had

1 were very consistent with that belief. I mean, my belief
2 was both consistent publicly and privately.

3 Q Did Commissioner Sims ever talk to you about whether
4 the Yakima Valley district was a priority for her?

5 MR. MILLSTEIN: Objection to form.

6 A We had a lot of exchanges about -- about a lot of
7 aspects of the maps, and -- In negotiations, in
8 conversations we had a lot of discussions about it.

9 Q (By Ms. Harless) Is that a yes or a no?

10 A What was the question again?

11 Q Did Commissioner Sims ever talk to you about whether
12 the Yakima Valley district was a priority for her?

13 MR. MILLSTEIN: Objection, vague.

14 A I think -- I think it was a priority to all of us,
15 to both -- I think it was a priority to the two of us,
16 yes, but I don't -- I don't recall her -- I don't recall
17 specific statements on this.

18 Q (By Ms. Harless) Did Commissioner Sims agree with
19 you on what it meant for a district to elect a Latino
20 candidate of choice?

21 MR. HUGHES: Objection, lack of foundation.

22 Q (By Ms. Harless) You can answer.

23 A I don't recall. I don't recall her specific
24 perspective on this.

25 Q Was there ever a time where you and

1 Commissioner Sims disagreed about anything related to the
2 state legislative redistricting in the Yakima Valley?

3 A We -- Insomuch as what we released publicly we
4 released different -- different versions of the maps, so
5 that reflects a different perspective.

6 And again, anything I would have said privately was
7 consistent with what I said publicly around the maps that
8 I produced.

9 Q Is there anything else specific that you can
10 remember disagreeing about with Commissioner Sims
11 regarding the state legislative district in the Yakima
12 Valley area?

13 A Not -- not -- not -- not in specifics. I think
14 we -- We released different versions of the maps, which I
15 think reflected different ways of approaching the drawing
16 of the maps.

17 And I think at a big picture level I believe that
18 what I shared and produced in October is compliant with
19 the Voting Rights Act, and I advocated -- I advocated for
20 that.

21 Q Would you agree that what you shared and released
22 publicly in terms of Legislative District 14 in October is
23 different than the enacted Legislative District 15?

24 A Yes, I do agree with that.

25 Q And in what ways is it different?

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1 A You could -- You could look at the -- You could look
2 at the details. I don't remember the specifics, but
3 they're numbered differently, for one.

4 But you could -- You could go through and look at
5 the specifics, but I don't recall. I don't recall, you
6 know, piece by piece what the differences are, but they
7 are certainly different.

8 Q And after you released your October 25th version of
9 Legislative District 14 are you aware of whether any other
10 commissioners conducted analysis or considered conducting
11 analysis on whether racially polarized voting exists in
12 the Yakima Valley?

13 A There was one memo that Commissioner Fain shared on
14 the topic.

15 MR. HUGHES: Sorry, I'm going to object,
16 lack of foundation.

17 If you could -- Brady, if you don't mind waiting for
18 lawyers to object before you answer the questions that
19 would be great. Thank you.

20 THE WITNESS: Oh, no problem.

21 Q (By Ms. Harless) And what was the memo from
22 Commissioner Fain that you were referring to?

23 A I forget the title of it, but it was -- it was done
24 by some attorneys and was circulated. I don't recall the
25 specifics of it, but I do recall disagreeing with it.

1 Q And after you released your October 25th map, as far
2 as you're aware did any other commissioner look into
3 identifying Latino candidates of choice in the Yakima
4 Valley area?

5 A I'm not -- I don't know.

6 Q After you released this version of Legislative
7 District 14 did you have an expectation for how the
8 negotiations with other commissioners about the Yakima
9 Valley district would go?

10 A No, I didn't have an -- I didn't have an
11 expectation, no. I didn't. I didn't. No, I did not have
12 an expectation.

13 Q Okay. I'm going to put another document here in the
14 chat.

15 MR. HOLT: Counsel, again, would it be
16 possible to get the link to that map that we were just
17 reviewing in the comment box?

18 MS. HARLESS: I'll try to remember to send
19 you that during the longer break that we may take later.

20 MR. HOLT: Sounds good. Thanks.

21 MS. HARLESS: And I'll also pull it up on
22 my screen.

23 (Walkinshaw Exhibit No. 11 introduced and displayed.)

24 Q Okay. I'm showing you what's been marked as
25 Exhibit 11. Have you seen this document before?

1 A No, I've not. I don't think I've seen this
2 document. At least I don't remember it.

3 Q If you look it's an October 23rd email from
4 April Sims to Paul Graves; correct?

5 A That's correct.

6 Q And I'll give you a second to look at it if you'd
7 like, and you can let me know when you're ready.

8 A Yep, got it.

9 Q So I'm looking just at the top portion from April to
10 Paul Graves, and in this email April sets out several
11 bullet points relating to negotiations on legislative
12 maps; right?

13 A Correct.

14 MR. HUGHES: Objection, lack of foundation.

15 Q (By Ms. Harless) And --

16 MR. MILLSTEIN: Brady, if you can just wait
17 --

18 THE WITNESS: Oh, sorry.

19 MR. MILLSTEIN: -- one second to allow us
20 to object, that would be great.

21 Q (By Ms. Harless) Did you discuss this framework with
22 April at any point?

23 MR. HUGHES: Objection, lack of foundation.

24 Q (By Ms. Harless) You can answer.

25 A Aspects of it are familiar to me, but I don't

1 remember it in this way or -- I don't remember it in this
2 way, but aspects of it are familiar to me.

3 Q What aspects of it are familiar to you?

4 A Questions like the metric -- the metrics that
5 Commissioner Sims and Commissioner Graves were talking
6 about, what I -- We spoke about this earlier, but the 14th
7 and the 15th, my perspective on that was unclear -- those
8 sorts of things.

9 Q So let's look at the third bullet, which says, "Use
10 2020 treasurer performance as metric."

11 Did April and Paul agree to use the 2020 treasurer
12 race to assess the performance of draft legislative
13 districts?

14 MR. MILLSTEIN: Objection, lacks
15 foundation, calls for speculation.

16 Q (By Ms. Harless) You can answer.

17 A There were -- There were different things at
18 different times.

19 Q Did they ever agree to use the 2020 treasurer
20 performance as a metric?

21 MR. MILLSTEIN: Objection, lacks
22 foundation.

23 A Among other things, but I believe at different
24 moments other -- other pieces were used as well, but that
25 --

1 Q (By Ms. Harless) And how do you --

2 A That was --

3 Q Sorry, I thought you were done.

4 How do you know that they agreed to use the 2020
5 treasurer performance as a metric?

6 A We'd spoken about different metrics on different
7 occasions, and this was one that was relied on. And it
8 wasn't the only one.

9 Q Did you think using the 2020 treasurer's race was a
10 useful metric?

11 A Again, my main criteria -- I really approached this
12 with a criteria of looking at keeping communities of
13 interest together. I think it was one -- It was one of --
14 It was one of a number of ways of looking at the
15 districts.

16 Q Let's look at the second bullet point in this email,
17 and it says, "Begin with seven swings outlined in the box.
18 We are agreeing to start with these, but not committed to
19 keeping them swing in the final map."

20 Do you see that?

21 A I do see that.

22 Q Did you have a conversation with April about
23 starting with seven swing districts to negotiate on?

24 A The specifics of that aren't familiar to me, no.

25 Q Do you have any idea which seven swing districts

1 April identified here?

2 A I can't recall, and I would have to speculate. So I
3 won't -- I won't state them.

4 Q If we look at the top of this email do you see that
5 there's an attachment here?

6 A I do see that.

7 Q And the title of that document is 10-23.xlsx?

8 A Correct.

9 Q All right. I'm going to put another document here
10 in the chat, and I'll also bring this up on my computer
11 and share my screen.

12 (Walkinshaw Exhibit No. 12 introduced and displayed.)

13 Q So I'm showing you what's been marked as Exhibit 12.
14 Have you ever seen this Excel document before?

15 A I don't know if I've seen this specific one, no. I
16 don't know.

17 Q And I'll represent to you this was the attachment to
18 the email that we were just looking at in Exhibit 11.

19 Looking at this Excel document, what does it show?

20 MR. HUGHES: Objection, lack of foundation.

21 Q (By Ms. Harless) You can answer.

22 A There were many documents like this. I don't know
23 this specific one. I believe it's showing performance in
24 the 2020 treasurer's race across legislative districts.

25 Q And each legislative district has a shaded column

1 showing the percentage -- I'm probably going to butcher
2 this name as well -- Pellicciotti would have received in
3 the district; is that right?

4 MR. MILLSTEIN: Objection, lacks
5 foundation.

6 Q (By Ms. Harless) You can answer.

7 A I agree with that. I agree with you that that's
8 what it shows.

9 Q Okay. And how do you pronounce that name, if you
10 know?

11 A I believe it's Pellicciotti.

12 Q Pellicciotti. Okay. We'll try to say that.

13 Pellicciotti was a Democratic candidate in the 2020
14 treasurer's race; right?

15 A That's correct.

16 Q And then Davidson was his Republican opponent in
17 that race?

18 A I believe that's true.

19 Q And if we look about half way down the first page of
20 Exhibit 12 there are seven districts in a bolded black
21 box. Do you see that?

22 A I do see that.

23 Q And those legislative districts are 28, 24, 42, 10,
24 17, 26 and 35; right?

25 A Correct. Correct.

1 Q Looking at this do you have a recollection of those
2 being the seven swing districts that April was referring
3 to in the email we just looked at?

4 MR. MILLSTEIN: Objection, lack of
5 foundation.

6 Q (By Ms. Harless) You can answer.

7 A I'm not going to speculate because there were
8 several -- This was -- There were many versions of these
9 sorts of documents in the process, and this is how -- This
10 was one way Commissioner Sims and Commissioner Graves were
11 looking at districts.

12 Q Do you remember any districts in particular that
13 Commissioner Sims and Commissioner Graves were focusing
14 on?

15 A I -- I -- Yes, I do remember, and it includes -- It
16 includes some number of those that are in that black box,
17 and others may have come in and out at different times.

18 Q Which district numbers do you remember them focusing
19 on?

20 A Those are included in the black box.

21 Q All of the ones in the black box?

22 A Like all the districts, those were -- those were
23 discussed. Others were discussed as well, but it seems as
24 if -- You know, I won't speculate what was happening on
25 October 23rd because I can't -- I can't recall the

1 specifics of where their conversations were on
2 October 23rd.

3 Q Yeah, so just to be clear I'm not asking you to
4 speculate about what was happening on October 23rd. I'm
5 asking you what districts do you remember Commissioner
6 Sims and Commissioner Graves focusing on?

7 MR. MILLSTEIN: I'm going to object to
8 form.

9 A The term focus is hard for me there. I think those
10 districts -- Those districts were all discussed. Other
11 districts were also discussed.

12 But when I read this, what this tells me is at this
13 moment those districts were all discussed for certain, and
14 it appears to be that those were the ones that they were
15 talking about at that moment in time.

16 Q (By Ms. Harless) Do you remember Commissioner Sims
17 having any priority state legislative districts?

18 A Again, those were -- Those were fluid in the
19 process. Those were fluid in the process.

20 I think Commissioner Sims and I shared a lot of
21 common values around creating majority-minority districts.
22 There were -- There were a lot of districts here that --

23 Yeah, there were a lot of districts here that we all
24 cared about; but in terms of specific district priorities,
25 no, I don't recall her having specific numbered district

1 priorities, other than the ones that, you know, were --

2 Many of these were -- These ones that you have here in the
3 black box are all important districts.

4 Q Let's look below the black box there, and I'm
5 looking at row 36 in this document. And you can see
6 Legislative District 15 there.

7 A Um-hmm.

8 Q Do you see that?

9 A I do.

10 Q And that district is shaded red; correct?

11 A Correct.

12 Q And Pellicciotti would have only received 43.69
13 percent of the vote; is that right?

14 A Yep. Correct. Correct.

15 Q And if we look further down to row 41 there's
16 Legislative District 14 there, and that's also --

17 A Correct.

18 Q -- shaded red; right?

19 A Correct.

20 Q And Pellicciotti would have received only 41.02
21 percent of the vote; right?

22 A That's correct. It's hard for me to comment on this
23 because I don't know what map it corresponds to. So it's
24 hard for me to comment on this.

25 Q Yes. Let's go back. I'm going to stop sharing

1 that, and I'm going to go back to the email, Exhibit 11.

2 (Walkinshaw Exhibit No. 11 displayed.)

3 Q Just looking at the second bullet point there, what
4 did you understand that to mean?

5 MR. MILLSTEIN: Objection, lacks
6 foundation.

7 Q (By Ms. Harless) You can answer.

8 A It's a little bit speculative for me to comment on
9 that because I'm not sure what map this corresponds to,
10 and I'm -- To be frank, I'm confused. There were various
11 versions of this, so I can't speak with authority to what
12 was happening at that specific point in their
13 negotiations.

14 Q If -- Do you -- Did you understand that there was a
15 general framework of swings that Commissioner Sims and
16 Commissioner Graves were negotiating on in the legislative
17 district maps?

18 MR. MILLSTEIN: Objection, lacks
19 foundation.

20 Q (By Ms. Harless) You can answer.

21 A Yes, as in -- As with any districting process
22 anywhere, there was particular -- There was a lot of
23 discussion. My understanding is there was a lot of
24 discussion between the two of them on districts that had a
25 close partisanship, so that's I think what you're seeing

1 there.

2 I don't remember specifically what was being
3 discussed when and where, but those were negotiations
4 that -- and conversations that Commissioner Sims and
5 Commissioner Graves were having with different frameworks
6 at different moments.

7 Q Do you remember any of the district numbers at any
8 point in time that Commissioner Sims and Commissioner
9 Graves were negotiating back and forth on?

10 A You have some of them in that -- in that -- in that
11 spreadsheet, but it really varied. You might have had a
12 focused conversation about the 42nd and then a focused
13 conversation about the 28th, and then you might have had a
14 focused conversation around what the implications of that
15 were for the 47th.

16 And then there was a period where we spent a lot of
17 time talking about trying to create a minority-majority
18 district in Snohomish County, which affected the 38th.

19 So -- So there was a lot -- There were a lot of
20 moving pieces there that were being spoken about at
21 different times. So I'll -- I'll stop there. And I'm
22 just not sure where this -- I don't have the memory to
23 know exactly where this note fits in that set of
24 discussions.

25 Q If we look at the very last bullet point here it

1 says, "Agree to revisit 14/15 pending." Do you see that?

2 A I do see that.

3 Q Do you have any understanding of what that meant?

4 MR. HUGHES: Objection, lack of foundation.

5 MR. MILLSTEIN: Objection, lacks

6 foundation.

7 Q (By Ms. Harless) You can answer.

8 A I don't know the specifics of how Commissioner Sims
9 and Commissioner Graves were talking about the 14th and
10 15th in one-on-one discussions.

11 Q Did you have a conversation with Commissioner Sims
12 about coming back to Legislative Districts 14 and 15 after
13 figuring out the status of other legislative districts?

14 MR. MILLSTEIN: Objection to form.

15 Q (By Ms. Harless) You can answer.

16 A I -- I don't remember that. I think my opinion --
17 my opinion was very clear on this from the public maps.

18 Q All right. Let's look --

19 A I don't remember the staging. I don't remember the
20 staging of what -- of what was happening when.

21 Q Did you and Commissioner Sims ever discuss her
22 negotiations with Commissioner Graves?

23 A We kept each other informed and updated at different
24 times, yeah, not always in the most specifics. There
25 would definitely be times that would go by where we

1 wouldn't speak.

2 But yes, I had a -- I was aware of aspects of it for
3 sure.

4 Q Did --

5 A And Senate -- And, you know, Commissioner Fain and I
6 were also having separate conversations.

7 Q Did Commissioner Sims ever tell you anything that
8 Commissioner Graves said about District 14 or 15 in the
9 Yakima Valley?

10 A I don't -- I don't remember the specifics, but it
11 very likely came up in texts or conversations that we had.

12 I think that it was clear -- It's very clear from
13 public maps that were released that there was a difference
14 of opinion on the 14th and the 15th, and you can -- You
15 can see it here, too. I don't remember -- I don't
16 remember specifically when those decisions were made or
17 how it was spoken about in one-on-one discussions between
18 different commissioners.

19 Q What do you mean that you can see the disagreement
20 on the 14th and 15th here?

21 A I'm not going to speculate on this specific email
22 because I don't -- I don't have enough context on it.

23 Q I'm going to stop sharing this document, and I'm
24 going to put another document in the chat. And then I'll
25 also pull this up on the screen.

1 Okay. I'm showing you a document, and we'll be
2 marking this as Exhibit 13.

3 (Walkinshaw Exhibit No. 13 introduced and displayed.)

4 Q Have you seen this document before?

5 A Yeah, I'm familiar with versions -- with versions of
6 this, yes.

7 Q And what is this?

8 A This to me is a note from Ali to me which is
9 describing -- it's recapping a conversation that she had
10 with -- with the senate Democratic team.

11 Q And she sent you this email on October 27th;
12 correct?

13 A Correct.

14 Q In this email Ali O'Neil says, "Here is the list of
15 key COI must-haves from our perspective in an approved leg
16 map (based on the VRA analysis and what we've heard
17 repeatedly in public comment)."

18 Then she provides a list there; right?

19 A That's correct.

20 Q Did you agree with this list of must-haves from Ali?

21 A These were all -- I can't remember what COI stands
22 for.

23 Q Could it be community of interest?

24 A Yes, correct.

25 So I think each one of these -- I mean, this is all

1 very consistent with what I shared earlier. This is very
2 much the philosophy that we had as a senate Democratic
3 group to how the maps -- some really important things for
4 the maps.

5 One is keeping communities of interest together,
6 which I spoke about. So when I look at this a bunch of
7 those are all about keeping communities of interest
8 together -- so two, three, four, five, six. Those are all
9 about keeping communities of interest together.

10 The second priority we had was creating majority-
11 minority districts. So you can see that in No. 7, which
12 is a priority that we had negotiations.

13 And the first was a large priority, to have a
14 VRA-compliant district in the Yakima Valley.

15 And I would say all seven of those things were
16 aspects that were reflected in the map that I released in
17 October.

18 I think the term -- Yeah, I'll leave it there.

19 Q Do you think all seven of those on the list were
20 reflected in the final enacted version of the map?

21 A No, they were not all reflected in the final
22 negotiated version of the map.

23 Q Which ones weren't reflected --

24 A I --

25 Q -- in the map?

1 A I don't know. I have to go through -- I don't -- I
2 don't remember each one of these. I couldn't --

3 I mean, No. 1, it's the 14th District. I mean,
4 No. 1 is -- I'd have to go -- I'd have to go through them
5 one by one. I don't remember each one of these
6 communities of interest and how the final lines came out.

7 Q Was No. 1 reflected in the final version of the
8 legislative map?

9 A I need to see more detail on specifically what one
10 means here, but no, it's not the 14th -- not in the 14th
11 District, so no.

12 Q Looking at No. 1 it says, "VRA-compliant 14th, Dem
13 performing, non-negotiable."

14 Why was it non-negotiable that the VRA-compliant
15 district be the 14th?

16 A Again, I believe that what I put out in October was
17 definitely a map that was compliant with the VRA.

18 What I think we're putting here is saying that the
19 district that the team drew that was informed by a lot of
20 really good analysis around the Voting Rights Act be
21 reflected in the final maps, so I think that was a
22 negotiating position and also a philosophical position
23 that we had.

24 Q Why was it non-negotiable that the VRA-compliant
25 district be Dem performing?

1 A I -- I believe -- That's not how I would have
2 written it there, but I believe that that's a reflection
3 of -- of the interpretation of electing candidates -- of
4 communities electing candidates of their choice.

5 Q Why do you say that's not how you would have written
6 it there?

7 A I would have written candidates of -- I mean, I
8 think that that's -- I think that's a -- I think -- My
9 understanding of the VRA is around enabling communities to
10 elect candidates of their choice.

11 Q And we kind of just discussed this, but the
12 Commission's final state legislative map, the Yakima
13 Valley State Legislative District was numbered 15;
14 correct?

15 A That's correct.

16 Q Did you change your position on the numbering from
17 14 being non-negotiable to agreeing to 15?

18 A I think that was the result of the final process,
19 and I think that's what the question is in this lawsuit.

20 I mean, my opinion is that I believe that the maps
21 that I put forward in October are certainly compliant in
22 my view with the Federal Voting Rights Act. I think that
23 that is a question for the courts to decide in this
24 litigation.

25 Q Do you think that the enacted version of the

1 legislative map was compliant with the Voting Rights Act?

2 MR. MILLSTEIN: Objection, calls for a
3 legal conclusion.

4 Q (By Ms. Harless) You can answer.

5 A I agree, I think that calls for a legal conclusion.

6 However, I think that is -- That is for the Court to
7 decide. I know what I put forward in my belief is
8 compliant, and I think that there are questions that need
9 to be addressed there for what you're -- what you're
10 considering right now.

11 Q What are the questions that need to be addressed?

12 A The questions that are being brought up in this --
13 in this lawsuit.

14 But my -- I think that -- that the -- I think the
15 map that I put forward definitely is compliant, and I
16 think that there are -- there are -- there are things that
17 we discussed here that will help shed light on that.

18 I don't -- I don't -- I don't have -- I think it was
19 a good faith attempt to it, and it very well may be; and I
20 think that -- I voted for the map believing that it was an
21 outcome of a negotiated agreement and that this will be --
22 I mean, it's being discussed right now in courts.

23 And I believe that what I put forward in October
24 certainly is compliant, and that's -- That will be
25 further -- for further -- for further -- It requires a

1 legal opinion.

2 Q Did you do any analysis that led you to believe
3 Legislative District 15 in the Commission's final state
4 legislative map was VRA compliant?

5 A I don't -- I don't recall specific analyses of the
6 final -- of the final -- of the final District 15 that was
7 approved.

8 Q Did anyone tell you that the final configuration of
9 Legislative District 15 that the Commission agreed on
10 would not allow Latino voters to elect their candidates of
11 choice?

12 A I don't recall that.

13 Q Did you do any analysis that led you to believe
14 Legislative District 15 in the Commission's final state
15 legislative map was, quote, "Dem performing"?

16 A Could you repeat that?

17 Q Did you do any analysis that led you to believe
18 Legislative District 15 in the Commission's final state
19 legislative map was Dem performing?

20 A I don't recall specific analysis in the final -- in
21 the final periods of negotiation on that.

22 Q And in this email Ali references that this list of
23 must-haves was based on the VRA analysis. What is your
24 understanding of what she was referring to as the VRA
25 analysis?

1 A The work done by the UCLA Voting Rights Project.

2 Q Did you communicate any of the items on the list --
3 on this list to any of the other commissioners?

4 A I don't recall specifics, not -- maybe not
5 holistically, but possibly -- possibly in different pieces
6 at different times.

7 Q Did you ever tell any of the other commissioners
8 that a VRA-compliant 14th Dem performing non -- was
9 non-negotiable?

10 A It was very clear to other commissioners that it was
11 a top priority for me.

12 Q As far as you're aware, did Ali O'Neil communicate
13 any of the items on this list to anyone else?

14 A I'm not sure.

15 Q So after you released your October 25th map what
16 happened next in terms of negotiations on the Yakima
17 Valley district? And I'm going to stop sharing this.

18 A I don't remember the actual -- I don't remember the
19 actual cadence. I was more involved in the actual
20 negotiations of the congressional maps.

21 So I don't remember the actual cadence on the
22 timeline there.

23 Q Do you remember having any conversations with
24 Commissioner Graves after your October map about the
25 Yakima Valley area district?

1 A I mentioned this earlier, I do remember having one
2 conversation with him -- at least one, but I do remember
3 one.

4 Q Do you remember what sticking points you heard
5 Commissioner Graves talk about with regards to the
6 legislative district in the Yakima Valley area?

7 MR. MILLSTEIN: Objection, vague.

8 A I don't remember all the specifics, but I think one
9 was the discussion about the numbering of the district.

10 Q (By Ms. Harless) Did -- When you were talking to
11 Commissioner Graves about that Yakima Valley area district
12 did Commissioner Graves ever identify who he thought were
13 Latino candidates of choice in any elections?

14 A I don't -- I don't recall him speaking to that.

15 Q Okay. I'm going to mark another document as an
16 exhibit, and this will be Exhibit 14. So I put that in
17 the chat, and then I will also share my screen.

18 (Walkinshaw Exhibit No. 14 introduced and displayed.)

19 Q All right. I'm showing you what has been marked as
20 Exhibit 14. Have you seen this document before?

21 A Maybe. I don't remember this document.

22 Q It's an email --

23 A I haven't seen it.

24 Q -- from November 3rd from Ali O'Neil to you;
25 correct?

1 A That's correct.

2 Q And the subject says, "Forward: LD Offer from
3 Graves;" is that right?

4 A Correct. Correct.

5 Q And Ali is forwarding you an email from Matt Bridges
6 also from November 3rd; right?

7 A Correct.

8 Q And in his email Matt Bridges says, "This is
9 apparently an LD offer from Graves. It was sent in
10 Autobound. I converted to DRA."

11 Do you see that?

12 A I do see that.

13 Q And he includes a Dave's link to the map?

14 A Correct.

15 Q Do you remember viewing this legislative proposal
16 from Paul Graves on November 3rd?

17 A I don't.

18 Q Okay. I'm going to copy this Dave's link here into
19 the browser, and we will view it in Dave's Redistricting.

20 And we'll give it a second to load here. And I'm
21 going to turn on the district lines, and then I'm going to
22 select District 14. And I'll put the district labels on
23 as well.

24 Also, I'm going to take a screenshot of this map
25 really quick, and we will mark this as Exhibit 15.

1 (Walkinshaw Exhibit No. 15 introduced and displayed.)

2 Q Okay. Do you see the title of this map at the top
3 it says Graves LD parentheses two? Graves LD 14(2).

4 A Let me adjust my screen so I see that. One sec.
5 Yes, I do see that.

6 Q And we're going to look at Legislative District 14
7 in this map, and I'm looking over here at the side panel,
8 the district details for 14. And you see the CVAP there.
9 Legislative District 14 has a 50.6 percent 2019 CVAP;
10 right?

11 A Correct.

12 Q So this draft map from Paul Graves on November 3rd
13 had a majority Latino Legislative District 14; right?

14 MR. MILLSTEIN: Objection -- Sorry.
15 Objection, lacks foundation.

16 Q (By Ms. Harless) You can answer.

17 A A majority Latino by citizen -- by CVAP; correct?
18 Is that what you're asking?

19 Q Yes.

20 A Yes, that's what it shows. I don't recall this. To
21 be clear, I don't recall this specific map.

22 Q And I'm going to show you some -- I'm going to --
23 Over here I'm going to turn on some of the partisan data
24 for this district so you can see some of the election
25 races.

1 And let's look at the governor 2020 race here. So
2 according to the governor 2020 race this LD 14, which
3 candidate would have won the 2020 governor's race?

4 MR. MILLSTEIN: Objection, lacks
5 foundation.

6 A It looks like the Democratic candidate received
7 53.9 percent.

8 Q (By Ms. Harless) And if we look at the treasurer
9 2020 race -- Did I select that one? Well, let's look at
10 the attorney general 2020.

11 Which candidate would have won in District 14?

12 A Sorry, I'm not seeing the treasurer race there.

13 Q Yeah, I think -- I skipped that one for a second and
14 went to AG, but I will just go back and make sure it's in
15 here.

16 Okay. Now it's in there.

17 MR. MILLSTEIN: Counsel, just to make this
18 easier I'm going to just have kind of a standing objection
19 on foundation for this map because Mr. Walkinshaw said he
20 hadn't seen it, but I won't otherwise clutter up your
21 questioning with respect to that issue.

22 MS. HARLESS: Thank you.

23 Q (By Ms. Harless) Do you see the treasurer 2020 race
24 here now?

25 A I do. I do.

1 Q Which candidate would have won in this district?

2 A With the Democratic performance from my reading, it
3 says the Democratic candidate for treasurer received
4 53.6 percent.

5 Q And then if we look at the president 2020 race, the
6 Democratic candidate also would have won in LD 14?

7 A That's correct.

8 Q And if we look at the senator 2018 race the
9 Democratic candidate also would have won in LD 14?

10 A As drawn here, yeah, that's my understanding of it,
11 yes. Correct.

12 Q And if we look at the senator 2016 race, the
13 Democratic candidate also would have won in LD 14?

14 A Correct.

15 Q And the Democratic candidate in the presidential
16 2016 race would have won in LD 14?

17 A In 2016 president, correct.

18 Q And then -- It's very hard to see this here. I
19 don't know if I'm going to be able to.

20 Can you see the governor 2016 at the bottom, or is
21 it cut off?

22 A No, no, I can see it.

23 Q Okay. In the governor 2016 race the Democratic
24 candidate also would have won in LD 14?

25 A Right, the 56.4 percent. Correct.

1 Q So looking at these election results would this
2 November 3rd version of LD 14 from Commissioner Graves
3 perform for Latino voters?

4 A I don't know. I don't -- I don't -- I don't have
5 the expertise to answer that. I think that's a legal -- a
6 legal question and analysis, but --

7 Q Do you think that version of LD 14 would have given
8 Latino voters an equal opportunity to elect the candidate
9 of their choice?

10 A I'm not sure. I'd have to spend more time on this
11 map. And I also trust the analysis of kind of the experts
12 who I relied on in this process to answer questions like
13 that.

14 Q Did Commissioner Graves commission a legal analysis
15 regarding the Yakima Valley -- Yakima Valley legislative
16 district?

17 MR. MILLSTEIN: Objection, lacks
18 foundation.

19 A I don't know. I don't know.

20 I shared that I was familiar with the document that
21 I believe I received from Commissioner Fain during that
22 period, but I don't -- I'm not recalling something from
23 Paul Graves.

24 Q (By Ms. Harless) Did the document that you received
25 from Commissioner Fain, did that include any statistical

1 analysis regarding whether racially polarized voting
2 exists in the Yakima Valley?

3 A I don't remember.

4 Q And earlier you said you disagreed with that memo;
5 right?

6 A I remember -- That was -- I remember disagreeing
7 with the memo, correct.

8 Q Do you remember why you disagreed with the memo?

9 A I think if I -- if I was recollecting it, it had to
10 do with my feeling like it was not --

11 I have to think about that a little bit more. I
12 can't remember the specifics. I think it had to do with I
13 disagreed with how it represented the Federal Voting
14 Rights Act, but I can't -- I can't speak to it beyond
15 that. That's -- That's my recollection is I remember
16 disagreeing with how it was represented the Federal Voting
17 Rights Act, and I remember that it was --

18 Maybe I saw it -- I think I saw it as in conflict
19 with the analysis that we had received from Matt Barreto
20 and the UCLA Voting Rights Project.

21 Q Do you remember when you saw that memo?

22 A I would guess the October timeframe, but I don't
23 remember the date, no.

24 Q Did that memo change your mind about whether a
25 Voting Rights Act-compliant district was necessary in the

1 Yakima Valley area?

2 A No, that memo did not change my mind.

3 I do have to take a privilege to go to the bathroom
4 very quickly.

5 But that memo did not change my mind.

6 THE WITNESS: I will be back in one minute,
7 if that's okay.

8 MS. HARLESS: Yeah, we can take a quick
9 break.

10 MR. MILLSTEIN: Sorry.

11 MS. HARLESS: No, we can take a short maybe
12 five-minute break, if that works for everybody.

13 MR. MILLSTEIN: Sure.

14 MS. HARLESS: All right.

15 THE VIDEOGRAPHER: Going off record, end of
16 media two. The time is 12:23.

17 (Break 12:23 p.m. to 12:29 p.m.)

18 THE VIDEOGRAPHER: Back on the record, here
19 begins media three. The time is 12:29.

20 Q (By Ms. Harless) Did you ever hear any
21 commissioners discuss making changes to the Yakima Valley
22 legislative district in exchange for changes in other
23 districts?

24 A Not -- not in the -- not to my memory. Not in the
25 kind of quid pro quo way you're describing.

1 Q What about it in a not quid pro quo way?

2 A There were a lot of -- There were a lot of
3 exchanges -- There were a lot of moving parts because
4 when you change one thing, it affects a lot of other
5 things, but -- but -- but not -- not -- not -- not in
6 that -- not that I can remember.

7 Q Earlier we were discussing State Senator Rebecca
8 Saldana; right?

9 A Correct.

10 Q And who is she, just generally, if you could
11 describe --

12 A She represents --

13 Q -- her position?

14 A Yeah, she represents the state's 37th District,
15 which is southeast Seattle in the State Senate.

16 Q And following the release of your October proposal
17 did you talk to Senator Saldana about state legislative
18 redistricting in the Yakima Valley area?

19 A I did, yeah.

20 Q Do you remember what you talked about with her?

21 A It was -- I don't remember the specifics, but it was
22 very likely about the voting right -- voting rights. It
23 was very likely about the Voting Rights Act and Yakima
24 Valley.

25 I also -- She also ran by me she published an op-ed

1 in the Seattle Times around that time, and I know that she
2 ran -- ran that by me to let me know she was doing it and
3 asked if I had any thoughts, so --

4 Q Okay. I'm going to put another exhibit in the chat.
5 This is going to be Exhibit 16. And then I'll also pull
6 it up on my screen and share it with you.

7 (Walkinshaw Exhibit No. 16 introduced and displayed.)

8 Q Okay. I'm showing you what's been marked as
9 Exhibit 16. Have you seen this document before? I'll
10 scroll --

11 A I think that --

12 Q -- down through it.

13 A I think that -- Oh, sorry, I cut you off.

14 Q I just am going to scroll down so you can see the
15 whole thing.

16 A Yeah, I think it's exactly what I just mentioned. I
17 think this is -- was her asking for input or mentioning --
18 I don't remember all the specifics, but she was asking for
19 my input or -- or -- or -- or awareness around an op-ed
20 that she was writing in the Seattle Times.

21 Or I don't even know if it ran in the Seattle Times.
22 I think it ran in the Seattle Times.

23 Q And the subject of this email is, "Please review
24 ASAP Saldana Redistricting VRA OpEd;" right?

25 A That's correct.

1 Q And the chain -- The last email in the chain is from
2 you on November 10th, 2021?

3 A That's correct.

4 Q And if we scroll to the bottom the first email here
5 is from Senator Saldana on November 4th, 2021?

6 A Correct.

7 Q And she says in this email, "Dear Brady, It was
8 great to chat."

9 What conversation was she referencing?

10 A A phone call we must have had, or maybe -- It may
11 not have even been a phone call. It may have been me
12 speaking to a few Senate Caucus colleagues and meeting
13 with them.

14 I'm not sure what she's referring to. I can't
15 remember that conversation. I spoke with her -- We
16 probably had a -- We probably spoke -- I don't know --
17 five, six times either in group settings or one on one.

18 Q The next sentence says, "My focus is to remind our
19 Republican commissioners that a Hispanic majority district
20 in Central Valley is a requirement and bottom line."

21 What did you understand that to mean?

22 A Just what I -- Just what I shared, that my --
23 similar to my priority and what I stated, creating a
24 district in the Yakima Valley that was clearly compliant
25 with the Voting Rights Act and I think reflected in the

1 map that I put out in October with all the good work that
2 had been done by the team and the research that had been
3 commissioned and so forth.

4 I -- My read on that is that she shared that
5 perspective.

6 Q And then she references a document that she attached
7 and asked you to review a draft so she can publish it in
8 the following week; correct?

9 A That appears to be the case. I don't remember it
10 specifically, but yes.

11 Q Okay. And if we scroll up the email chain to
12 November 5th there's an email from Nicole Herrera;
13 correct?

14 A Correct.

15 Q Who is Nicole Herrera?

16 A I don't know, but you can maybe tell from her email
17 signature.

18 Q And --

19 A Maybe she worked with Senator Saldana.

20 Q Do you -- Would you like to see her email signature?

21 A It seems as if -- I'm happy to speculate. She
22 appears to work for the Senate Democratic Caucus in
23 communications.

24 So my best guess would be that she worked with
25 Senator Saldana in developing the op-ed.

1 Q And in her email here she asks if you have had a
2 chance to look at the draft op-ed from Senator Saldana and
3 make any edits; right?

4 A Correct.

5 Q And then if we go further up there's an email from
6 you that says, "Thanks, Nicole. Is this the correct
7 attachment?"

8 And then the next response is from Adam Hall, and he
9 includes a more recent version of the draft op-ed;
10 correct?

11 A Yes. Correct.

12 Q And then if we scroll up to November 7th there's a
13 response from you to the chain, and you say, "Terrific.
14 Thanks, all. My comments linked here," and then there's a
15 Google doc --

16 A Correct.

17 Q -- link. And it says, "Looks great to me. Thanks
18 for letting me have a look."

19 A Yep.

20 Q I'm going to copy this Google doc into the browser,
21 if I can. And can you see this document that's come up on
22 the screen?

23 A I can see it.

24 Q And this takes us to a document titled RSO -- RS
25 op-ed 10/29 edits; right?

1 A Yes.

2 Q And have you seen this document before?

3 A I'm sure I did see it. I'm trying to recollect it.

4 Can I -- Can we scroll down so I can read it?

5 Q Yeah. We can scroll down. I'm actually going to --

6 I think it will be easier if I download it and we look at
7 it as a Word document, if that's okay with you.

8 A Yes.

9 Q So I'm going to just do that.

10 A Will that preserve the comment history?

11 Q Yeah.

12 A Okay.

13 Q I'm going to show you the -- I'll put that version
14 in here in the chat, and then I'll share with you the
15 downloaded version.

16 All right. So here's the same file just downloaded
17 so we can look at it in Microsoft Word, and you can see it
18 retains the track changes, edits and comments there.

19 A Um-hmm.

20 Q Do you want a second to read it?

21 A Sure. Give me a quick minute.

22 Terrific. Maybe scroll down, if there's anything at
23 the end, or is that the end of it?

24 Q That's the end of it.

25 A Okay. Okay.

1 Q So in this document we can see that there's edits
2 and track changes from you and Ali O'Neil; right?

3 A Correct.

4 Q And can you just generally describe what this
5 document is? And we'll mark this as Exhibit 17.

6 (Walkinshaw Exhibit No. 17 introduced and displayed.)

7 A I would describe this as the draft of an op-ed that
8 Rebecca Saldana had drafted voicing support for a
9 VRA-compliant district in the Yakima Valley.

10 Q And let's look at the second paragraph of this
11 document. If you look at that second paragraph there's a
12 series of track changes edits to that paragraph from you;
13 correct?

14 A Correct.

15 Q And you added into the document that, "Two
16 commissioners, Commissioner Sims appointed by the House
17 Democrats, and Commissioner Walkinshaw, appointed by the
18 Senate Democrats, have already released public maps which
19 take the historic steps to comply with the Federal Voting
20 Rights Act and undo patterns of racially polarized voting
21 for Hispanic communities in the Yakima Valley."

22 Do you see that?

23 A I do.

24 Q Why did you add that into the draft op-ed?

25 A I can't recall what I edited, but I actually am

1 recalling this now. I think what I was trying to say
2 there was to show that -- and I mean, this is a public --
3 This was going to be a public op-ed in the media. So I
4 think my --

5 My intent with that was to show that both
6 Commissioner Sims and I, that both of us had independently
7 released maps that were in my mind compliant with the VRA.
8 So I think my purpose there was to show that we were, you
9 know, on the same -- working together.

10 Q And what do you mean by the statement that your
11 public maps would undo patterns of racially polarized
12 voting for Hispanic communities in the Yakima Valley?

13 A I think that was probably language that I had
14 borrowed from elsewhere, but I think what I mean there is
15 that -- that I -- that the Barreto report had identified
16 that, and I was building --

17 I mean, the prior -- The prior sentence to that
18 references Matt Barreto's work, which is great; and then I
19 think I was just subsequently trying to substantiate it.

20 Q Okay. So I'd like to direct your attention to the
21 next paragraph, which starts with, "As a national leader
22 in voting rights."

23 Do you see that?

24 A I do see that.

25 Q You made edits to this paragraph as well; right?

1 A Correct.

2 Q And you added in -- The document says, "As a
3 national leader in voting rights -- in voting and voting
4 rights, Washington and its Redistricting Commission
5 have" -- and you added in -- "an historic opportunity and
6 a legal" -- and then it continues to say "imperative to
7 comply with the Federal Voting Rights Act and deliver fair
8 and equal representation to Latino voters in the Yakima
9 Valley."

10 Why did you think the Commission had a historic
11 opportunity and a legal imperative to comply with the
12 Federal Voting Rights Act?

13 A I don't remember where my -- where I was at the
14 moment, but I think that's just me editorializing a
15 sentence for a public-facing op-ed. I -- I do believe
16 that. I think it is --

17 I also believe that it's an historic opportunity,
18 and it's important. It's important to create -- It's
19 important to have a VRA-compliant district in the Yakima
20 Valley, which is why I reflected that in the maps that I
21 produced along the way publicly.

22 Q All right. Let's look at the next paragraph, which
23 starts with, "Despite." And do you want a second to
24 review that, or are you good?

25 A I'm up to speed.

1 Q Okay. So this paragraph says that, "Despite Latinos
2 comprising 14 percent of the state's population, the
3 Washington Legislature currently only has seven Hispanic
4 or Latino members, none of whom reside in the Yakima
5 Valley, the state's most heavily Latino area. The absence
6 of that community's voice in the House and Senate chambers
7 is a reflection of the racially polarized nature of the
8 Yakima Valley, impacting every facet of our work, whether
9 it be health care, education, housing, or employment."

10 Did you agree with that?

11 A Those are Rebecca's words. I mean, I spent -- I
12 probably spent -- This is probably me spending like five
13 minutes, three minutes, glancing through something and
14 providing my quick feedback. I don't have to sit with it
15 longer.

16 I don't disagree with it. I -- I think it's -- It
17 is probably accurate. It's not exactly how I would have
18 framed it, but I agree. I certainly agree with its -- I
19 certainly agree with its -- the thrust of that paragraph.

20 Q How would you frame it?

21 A I'm not sure. It would take me a while to go
22 through and editorialize it in my own words.

23 But I do believe that representation is important,
24 and this is -- This is -- This is -- I believe what she's
25 saying there, that who we elect -- who we elect matters

1 for the outcomes in communities that are impacted. And
2 that's how I -- That's what I see her saying there.

3 Q All right. Let's turn to the last paragraph here,
4 which starts by saying, "Because Latino voters across
5 central and eastern Washington cannot rely on their
6 elected officials to represent their issues in Olympia, we
7 bring their priorities to the table year after year."

8 Do you see that?

9 A I do see that.

10 Q Did you agree that Latino voters in central and
11 eastern Washington could not rely on their elected
12 officials to represent their issues in Olympia?

13 A I don't know. I mean, I think that this is -- This
14 is -- This is an op-ed that is -- that is -- that is being
15 geared to -- to -- to Republican consumption.

16 I -- Philosophically I don't know that I agree in
17 specifics. I don't know the elected officials well enough,
18 and I don't know the specific issues well enough in the
19 Yakima Valley.

20 But I agree that representation matters. And I did
21 not -- I did not write that sentence.

22 Q Do Latino state legislators elected elsewhere in the
23 state feel like they have to try to bring the priorities
24 of Latino voters in central Washington to the table?

25 MR. MILLSTEIN: Objection, lacks

1 foundation.

2 A That's -- That's -- That's -- I'd have to speculate
3 to answer that for others.

4 Having been a Latino legislator, I certainly did
5 that when I was in the Legislature, actually. I thought
6 about that a lot.

7 Q (By Ms. Harless) Why did you think about that a lot?

8 A I think -- Because I think representation matters
9 across -- across communities that -- communities that
10 heavily represent certain minority groups when they don't
11 have a voice. I do think it -- I do think it changes
12 things, and so that's why I think the Voting Rights Act is
13 important. I think it's to address some of these issues.

14 Q Did you think that this op-ed from Senator Saldana
15 was important?

16 A To be -- to be candid, I probably didn't reflect on
17 it that much. I think it was good. I thought it was
18 good. I think it's good that there were people in the
19 state who were -- who were lifting up their voices to
20 advocate for what they believed in on redistricting.

21 And I -- I agree with -- I mean, I agree with the
22 thesis of this. I definitely agree with the thesis of
23 this op-ed, which is about the importance of a
24 VRA-compliant district. So I definitely agree with the
25 thesis of this op-ed.

1 Q I'm going to stop sharing this Word document, and
2 I'm going to go back to Exhibit 16, which is the email we
3 were looking at. One second.

4 (Walkinshaw Exhibit No. 16 displayed.)

5 Q So we just looked at this document that was linked
6 here. If we go up, Nicole Herrera emails the chain on
7 November 8th and asks you and Senator Saldana to approve
8 the clean version of the op-ed; correct?

9 A Does she ask us to? I don't see her asking me to
10 approve it. No, I don't.

11 Q Oh, maybe I'm on the wrong email. Oh, yeah, sorry.
12 I was looking at the -- It's the one above.

13 Do you see that there?

14 A Yes, I do see that.

15 Q And if we scroll up Senator Saldana says, "I think
16 it reads well. Thank you." And then right above you
17 respond on November 8th and say, "I agree. All good."

18 A Yep.

19 Q As far as you were aware, did an op-ed -- Did this
20 op-ed by Senator Saldana get published?

21 A I think it did. You'd have to confirm. I don't
22 even know the final form that it was published in, but I
23 think it did.

24 Q And did you share it with anyone when it was
25 published?

1 A I don't -- I don't think so. I don't recall. I may
2 have. I don't recall.

3 Q So switching gears just a little bit, after your
4 October 25th proposal did you or did your staff start
5 making changes to Legislative District 14 in the Yakima
6 Valley area?

7 A Not -- not that I remember, though I think there
8 were like -- There were so many iterations of maps that
9 were being done. We experimented with so many different
10 versions as we were moving into the final couple weeks
11 that I'm -- I'm sure that we had different versions of the
12 maps that we were drawing; but I also think that if I
13 recall, I think all of the maps that were produced by --
14 I mean, I shouldn't say -- I believe it's highly
15 likely that all the maps that were produced by the Senate
16 Democratic Caucus and the team were compliant with the
17 Voting Rights Act, but you'd have to -- you'd have to --
18 that's for -- That's for a legal decision.

19 Q What is the basis --

20 A I can't -- Oh, go ahead.

21 Q -- for the opinion that all of the draft maps
22 produced by the Senate Democratic Caucus were compliant
23 with the Voting Rights Act?

24 A Just that those were core values. So I'm not sure.
25 Maybe there would have been some that varied from that,

1 but I know that that was a -- It was just a core value of
2 the team that was working on it, and I think kind of
3 interpreting the research that had been commissioned in a
4 way that reflected maps.

5 But inevitably, as there were a lot of changes
6 happening, your -- There were many, many iterations, so
7 nothing -- Nothing -- It's very hard to keep lines static
8 as you're moving, if one -- one line shifting somewhere
9 affects something somewhere else.

10 Q And after the October 25th proposals from you and
11 Commissioner Sims you still discussed the configuration of
12 the Yakima Valley district with Commissioner Sims;
13 correct?

14 A Yes. We discussed everything up until the very end.

15 Q So I'm going to mark another exhibit, and this is
16 going to be Exhibit 18. And I'll put it in the chat, and
17 I'll also share this on my screen.

18 (Walkinshaw Exhibit No. 18 introduced and displayed.)

19 Q Okay. And this document has been marked as
20 Exhibit 18. I'll represent to you that I combined some
21 text messages that have been produced by you together into
22 one PDF just for ease of -- They're all from the same
23 date, and you can see the names of the files that are
24 included; but just to save time and for ease of viewing
25 because they're often screenshots of partial --

1 But have you seen these texts before?

2 A I have -- I don't know. I -- There were so many
3 texts. I'd have to see them all and try to put them in
4 context. I don't remember.

5 Q Well, I can give you a second to look at it if you'd
6 like.

7 A I'm sure that I have seen them. I sent them. I
8 don't remember them.

9 Q And so do you see at the top there's the AS in the
10 gray circle, and it says April?

11 A So April is the blue in this case?

12 Q My understanding is that you produced -- You
13 produced these texts, and they're texts between you and
14 April Sims. So you are the blue.

15 A I'm the blue? Okay.

16 Q Does that match your -- Maybe do you want to take a
17 second --

18 A I don't have --

19 Q -- to look at them?

20 A I don't have any recollection of these yet, but
21 maybe as you go through them I will remember them.

22 Q Okay. If you look at the very top, the timestamp
23 says November 4th -- Thursday, November 4th; right?

24 A Correct.

25 Q And these are screenshots of texts that you took

1 from your personal phone; correct?

2 A Or that were taken by a third party.

3 Q And if it's a screenshot from your phone, then the
4 text that you sent would be blue?

5 A That's correct.

6 Q Correct? And the texts from April are in gray?

7 A Correct.

8 Q So the very first text at the top of this chain is
9 from you, and it says, "Have a minute before you chat with
10 Joe?"

11 Who is the Joe you were referring to there?

12 A I'd have to see the rest of this thread to answer
13 that.

14 Q You're welcome to take a look if you'd like.

15 A I can't scroll down.

16 MR. MILLSTEIN: Here, let me just assist
17 and download the exhibit for him.

18 Q (By Ms. Harless) And I -- If you tell me when to
19 scroll, I can also scroll.

20 A Oh, maybe just -- I can do this.

21 MR. MILLSTEIN: You just want to have her
22 scroll?

23 A Maybe just -- We can just do the scroll.

24 Q (By Ms. Harless) Okay.

25 A Sure, maybe scroll down. Okay. I'm with you.

1 Q Keep going?

2 A One sec. One sec.

3 Q Oh.

4 A Okay. Keep going. Okay. Keep going. Okay. Okay.

5 Maybe scroll down.

6 Q Okay.

7 A Okay. I'm up -- I'm up to speed.

8 Q Okay. So is the Joe there in the very first text on

9 the page 1 of Exhibit 18 Joe Fain?

10 A Yes.

11 Q And do you recall what April was meeting with

12 Joe Fain about?

13 A No, I do not, actually. I don't recall what was

14 happening on November 4th and what she was meeting with

15 him about.

16 Q And in this text chain you're trying to chat with

17 April before she meets with Joe; correct?

18 A Yes. I'm not sure what about, but yes.

19 Q And if we scroll down here towards the bottom do you

20 see there's like a series of missed connections between

21 you two, and she says, "Anything you can text?"

22 A Yeah.

23 Q And at the very bottom there's a partial text from

24 you in blue, --

25 A Um-hmm.

1 Q -- and the rest of it is on page 2?

2 A Yep. Yep.

3 Q And it says, "Were you going to send an actual CVAP
4 Yakima map to Joe today or just talk about it? That's my
5 question."

6 A Yep.

7 Q And again, the Joe here is Joe Fain; right?

8 A Correct.

9 Q And the Q means question?

10 A Correct.

11 Q What did you mean by actual CVAP Yakima map?

12 A I'm not sure. I can give you my interpretation on
13 the overall thread if that's what you're asking, but I'm
14 not sure what I mean by that specifically.

15 Q You can give me your -- I'm going to ask you some
16 additional questions about the texts, but if you would
17 like to give me your interpretation of the thread, you
18 can.

19 A I'll let you lead. Go ahead.

20 Q Below your text April responds by saying, "I'm going
21 to screen share a PDF of the map 14th only but not send
22 anything, just discuss."

23 And then she says, "It's a 50/50 treasurer's race
24 district. I improved the performance some."

25 And you liked that text; correct?

1 A No, I'm not sure if I did. I think I -- I think I
2 was trying to move through the discussion. I'm not sure
3 if I did.

4 Q Oh, I'm sorry. But you --

5 A I wouldn't take my -- I wouldn't take my, "Okay,
6 great," as meaning I am in agreement.

7 Q No, but do you see the text, "It a 50/50 treasurer's
8 race district," there's like a little thumb's up on it?

9 A Okay.

10 Q So in like technical Apple texting terms you reacted
11 to that message with a like; correct, like a thumb's up?

12 A I wouldn't say I reacted -- No, actually that's not
13 how I use texts.

14 I would say I reacted to that with a like, "Okay.
15 What's next?"

16 Q Okay.

17 A I don't think that's a -- I wouldn't take that as
18 a -- like a clear strong vote of approval from me.

19 Q I only solely meant that you reacted to it with some
20 kind of Apple reaction.

21 A Yeah.

22 Q That's all I meant.

23 A I think that to me means that I saw it.

24 Q Okay.

25 A And understand it.

1 Q What did you understand, "It's a 50/50 treasurer's
2 race district" to mean?

3 A I'm not sure exactly, given the context of where
4 things were on November 4th what that means.

5 Q You don't have any understanding of what, "It's a
6 50/50 treasurer's race district" means?

7 A I think what that means -- but I'd have to look at
8 the details -- I think what that means is a performance --
9 measure of partisan performance between Democrats and
10 Republicans in the district; but I don't remember the
11 specific map, and I don't remember the context with which
12 I was reading it.

13 Q She also says, "I improved the -- I improved the
14 performance some." Do you see that?

15 A Yep.

16 Q Do you know what she was comparing the performance
17 to?

18 A No.

19 Q You responded then and said, "Okay. Great. Am
20 a-okay with this. Are you going to discuss it as an offer
21 from us or just an idea?"

22 What were you a-okay with?

23 A That she was -- Probably what I was saying, that she
24 was going to screen share that but not send anything.

25 Q Were you okay with a 50/50 treasurer's race district

1 in the 14th?

2 A No. I think that I had -- I think there were
3 different versions of different things at different times.
4 So I can't really speak to where I was on November 4th and
5 my perception on specific partisanship in that way.

6 So no, I don't know is the answer to that.

7 Q You then said, "I think smart to have improved the
8 performance some." Why did you think it was smart to have
9 improved the performance?

10 A I'd have to go back and remember where I was at the
11 moment, what the maps were; but if I'm speculating on what
12 I would have thought, I probably thought that it was
13 better to have -- I probably was thinking that that would
14 have made it more likely that Latinos would elect
15 candidates of their choice.

16 Q Do you think a 50/50 treasurer's race makes it more
17 likely that Latino voters would elect their candidate of
18 choice?

19 A I'm not sure. I would have to look back at -- I
20 mean, I agree with what was in the analysis that was
21 commissioned.

22 Q April responds and says, "I'm going to present as an
23 offer but can say you haven't signed off on it if that
24 makes you comfortable." And then again you did a thumb's
25 up in reaction to that; right?

1 A That's correct.

2 Q At that point were you uncomfortable signing off on
3 the LD 14 that April was presenting as an offer?

4 A I think I wasn't on November 4th ready to sign off
5 on anything.

6 Q Let's scroll down --

7 A There was still a lot -- There was a lot of
8 uncertainty there.

9 Q What do you mean there was a lot of uncertainty
10 there?

11 A Oh, there were just a lot of -- There were just a
12 lot of moving pieces across all the legislative and
13 congressional maps.

14 Q Including Legislative District 14?

15 A Sure, among others.

16 Q Let's go to the third page here. And then after
17 April says she's going to present it as an offer but say
18 you haven't signed off, she sends a PDF of a map.

19 Do you see that?

20 A I do.

21 Q And she says that's what she's going to share with
22 Fain.

23 A Okay.

24 Q Is that your understanding of that?

25 A That's my understanding, yeah, from this text

1 thread.

2 Q What does that PDF appear to be?

3 A I don't know. I'd have to see it more closely.

4 It's probably somewhere in our public records.

5 Q And what was your response below?

6 A To me that -- to me, my interpretation of that means
7 okay, next. Like okay. I don't think that -- That to me
8 is not a sign of agreement. I think it's just an
9 affirmation of okay. It's noting receipt.

10 Q All right. So let's go to page 4, and we can see
11 these are, you know, some of the same texts repeated. And
12 then April -- After you say, "Okay. Great," April says,
13 "So I'll tell him I'm stroll discussing this proposal with
14 you and you still really want the VRA district. So I'm
15 working on a compromise for all of us. This may be it."

16 Do you see that?

17 A I do see that.

18 Q At the time of this text message did you still
19 really want the VRA district?

20 A I -- I -- Absolutely.

21 Q And what was your understanding of what the VRA
22 district was referring to here?

23 A I think that term would be a VRA-compliant district
24 in the Yakima Valley is what I would -- That would be my
25 understanding of that.

1 Q And when April says there that she's "working on a
2 compromise for all of us," what did you understand her to
3 mean?

4 A I'm not sure. There were so many -- There were so
5 many periods where there were different aspects of things
6 like this. I really don't know.

7 Q If we go back up we were talking about this PDF
8 here; right? And it has --

9 A Correct.

10 Q -- the title 14th LD.pdf?

11 A Correct.

12 Q I'm going to stop sharing my screen, and I'm going
13 to put another document in the chat; and then I will share
14 that on my screen as well.

15 Do you see that document here?

16 A I do.

17 Q And we'll mark this as Exhibit 19.

18 (Walkinshaw Exhibit No. 19 introduced and displayed.)

19 Q Have you seen this before?

20 A I don't remember this specific one, but I'm sure
21 that I -- I have every expectation that I did see it.

22 Q And the title of this document is 14th LD.pdf, and
23 that was the title of the PDF in the text chain; correct?

24 A Correct.

25 Q And if we look at the PDF here has text in the lower

1 left corner. Do you see that?

2 A I do.

3 Q And it says Hispanic CVAP 51.3 percent?

4 A Correct.

5 Q Minority CVAP 56.5, Pellicciotti performance

6 50 percent.

7 Does that Pellicciotti performance 50 percent help
8 you understand what 50/50 treasurer's race meant?

9 A I think that's -- Yeah, that's consistent with what
10 I said earlier.

11 Q Is this -- Do you remember what the performance was
12 for Pellicciotti in your October 25th proposal?

13 A No.

14 Q Do you think it was higher than 50 percent?

15 A We -- If you know it, maybe share with me the
16 actual. I don't actually know what it was. I think it
17 likely was, but I don't -- I don't know the answer to
18 that.

19 Q I'm asking what you know. I can show you the map if
20 you'd like me to, but I'm just asking what you know.

21 A Yeah, no, I don't -- I don't -- I don't -- I don't
22 know the actual number, no.

23 Q Besides that Pellicciotti number there when you were
24 reviewing this version of the 14th did you have an idea of
25 how this district would perform in other elections?

1 A I don't remember reviewing this exact map.

2 Q Do you remember having any idea whether this 14th
3 would allow Latino voters to elect a candidate of choice?

4 A Again, I don't remember this map.

5 Q Okay. If you look at this map for a second -- I'll
6 give you a second to review the boundaries.

7 Can you tell me what about this version of LD 14
8 would have been a compromise?

9 A Honestly, no. It's hard for me to interpret what
10 I'm looking at right now. I actually can't tell what I'm
11 looking at right now outside of in this format.

12 So no, I can't tell you what the compromise is here.

13 Q Do you need -- Do you want me to pull the text chain
14 back up, and I can show you the context of the map?

15 A No, no, no. I don't think that will help. I
16 actually don't -- I don't know -- I don't know -- I don't
17 know what would be a -- I don't know what is a compromise
18 in this map.

19 Q Do you know why any particular cities are included
20 in this version of LD 14?

21 A No. I mean, I can see where parts of Yakima are,
22 but no, I don't know. I don't know what parts of this
23 would be seen as a compromise.

24 Q Do you know if April did share this version of
25 Legislative District 14 with Fain?

1 A I don't know, or I don't recall. I either don't
2 know, or I don't recall.

3 Q Do you have -- This text chain was as of
4 November 4th. Do you have any memory of what the nature
5 of the negotiations on the Yakima Valley district were
6 after this conversation you had with April on
7 November 4th?

8 A No. I mean, there was -- November 4th would have
9 been 11 or 12 days before we finished. So no, I don't. I
10 don't remember.

11 Q Okay. I'm going to put another document in here.
12 We'll mark this as Exhibit 20, and I'll share my screen as
13 well.

14 (Walkinshaw Exhibit No. 20 introduced and displayed.)

15 Q Okay. I'm showing you what was marked as
16 Exhibit 20. I can give you a sec to scroll through it.
17 If you want me to move it down, let me know.

18 A Maybe scroll down so I can see the full context.
19 Okay. What's next?

20 Q That's -- That's it.

21 A Oh, okay. Okay.

22 Q So this is a screenshot of texts between you and
23 April Sims from your phone; correct?

24 A Correct.

25 Q And it's dated November 8th?

1 A Correct.

2 Q And again, the texts from you are in blue, and the
3 texts from April are in gray?

4 A Correct.

5 Q So at 7:54 a.m. you texted April and said, "Was just
6 going to text Joe to confirm 11:00 a.m. with me re leg
7 maps. Anything to chat about before?"

8 A Correct.

9 Q Again, was that Joe Fain?

10 A Correct. Yes. Correct.

11 Q And what was April's response?

12 A It seems like she's updating me on a concurrent
13 conversation she was having with Paul.

14 Q What did you understand her to mean when she said,
15 "I think the biggest issue is the 14th and what we do
16 about that"?

17 A I don't want to speculate to where things were on
18 November 8th. If I could -- If I was to generalize, I
19 think that it's knowledge of how important a voting -- a
20 VRA district in the Yakima Valley kind of was to my
21 position.

22 Q What do you mean by that?

23 A Oh, I think the concern -- I think what -- what I --
24 what I see there is that there is a disagreement. I
25 see -- I'm interpreting that as being that the 14th was an

1 issue in the negotiations the two of them were having on
2 the legislative maps.

3 Joe and I were primarily -- I didn't have that much
4 direct conversation with Paul. A lot of my conversations
5 with Joe Fain were about the congressional maps; but I
6 also in my public maps and in private conversations had
7 continued to express my strong views about what a
8 VRA-compliant district looked like in the Yakima Valley.

9 Q And you said that it indicates there was
10 disagreement about what to do with the 14th; right?

11 A Yes. Yes.

12 Q Do you know what that disagreement was?

13 A I don't know specifically here. I think there were
14 -- There were many -- There were many disagreements
15 across the map.

16 This specific reference -- I'm not going to
17 speculate, but things like whether it was the 14th or the
18 15th, things like that were things that were in question,
19 along with questions like what you brought up earlier
20 around the percentage performance that would -- levels of
21 performance that would enable candidates of choice to be
22 elected, so like those sorts of things.

23 But I don't know what is being specifically spoken
24 about here.

25 Q Do you remember any discussions about levels of

1 performance that would enable Latino voters to elect
2 candidates of choice?

3 A I don't. I don't remember that. Like I don't
4 remember if there was some like threshold we had in mind,
5 or I don't remember that.

6 What I do know is that whatever was reflected in the
7 map that I put out in October does reflect a position that
8 in my mind was definitely compliant with what my
9 interpretation was of the Voting Rights Act and the work
10 that the team had done that we were just speaking about
11 and the research that had been commissioned by the
12 Democratic Caucus.

13 Q So on November 8th what was your position on what to
14 do with the 14th District?

15 A I don't remember where I was on November 8th.

16 Q Did you ever have a position other than the 14th
17 should be compliant with the Voting Rights Act?

18 A That -- That -- That was my position, yes.

19 Q So on November 8th do you think you had a different
20 position than that?

21 A I don't have any reason to think that, no.

22 Q But you don't know what any of the other
23 commissioners' views on the 14th District were on
24 November 8th?

25 A No, and I do not know what other commissioners'

1 views on the 14th were on November 8th.

2 Q In this text April also says, "He suggested if we
3 can't draw a lean D 5th we could draw the 38th lean."

4 What do you understand that to mean?

5 A During this time and in the days following, all the
6 way up to the end of the maps, April -- Commissioner Sims
7 and Commissioner Graves were going back and forth a lot
8 about a variety of districts that you had shown me before,
9 including but not limited to the ones that were in that
10 black box in the earlier exhibit.

11 And I think what you see here is them continuing to
12 carry on that partisanship discussion around
13 competitiveness on districts that were in that -- in that
14 spreadsheet, and not just within the black box, but other
15 districts came in, too.

16 Q Did what happened in the 5th or 38th impact what
17 would happen in the 14th?

18 A I don't think so, but I don't recall. I don't think
19 so. I don't -- I don't think so.

20 Q Was Legislative --

21 A Those are two -- Oh, go ahead.

22 Q What were you going to say?

23 A No, no, no. Go ahead.

24 Q Was Legislative District 5 a priority for April?

25 MR. MILLSTEIN: Objection, lacks

1 foundation.

2 A I wouldn't describe it as a particular priority, no.
3 I mean -- No. I think they were all -- They were all
4 priorities. I wouldn't describe 5 as a particular
5 priority.

6 Q (By Ms. Harless) If we look at the next text below
7 that April says, "No, but I think it's time. I think the
8 only way to draw 5 at ABS 47 LD is to come across
9 Highway 2."

10 What did you understand that to mean?

11 A One of the big debates in the process, which had
12 some bearing on the 14th but was primarily unrelated, was
13 because of the population growth in Washington state,
14 there had to be a legislative district that would cross
15 the mountains. So that you would have people on both
16 sides of the mountains, and there was a debate -- There
17 was a debate as to where that happened, on what
18 transportation corridor you crossed the mountains.

19 So there was a debate as to whether that happened on
20 Highway 2, which is up north in Snohomish County, or that
21 that happened on Interstate 90, which is into King County.

22 So there was a debate. There was a -- There was a
23 long debate about -- about that issue, and it affected a
24 lot of other things on the map; and there were a lot of
25 different opinions about it.

1 So I think what she is saying there is that it's
2 time to come to a decision about which district -- which
3 legislative district holds population on both sides of the
4 Cascades.

5 Q And you said the Highway 2 crossing had some bearing
6 on LD 14 but mostly unrelated. What did you mean by that?

7 A Just that anytime you move anything it affects
8 everything, but it was primarily unrelated.

9 Q In this text you mentioned a meeting that you had
10 scheduled with Joe Fain on November 8th to discuss
11 legislative maps.

12 Did you meet with Joe Fain on that day?

13 A I don't remember. I'd have to go back and look.

14 Q Do you remember discussing anything about the Yakima
15 Valley legislative district with him around this time?

16 A I don't.

17 Q Okay. I'll stop sharing my screen. And I'm going
18 to go back to Exhibit 18 for one second. Give me one
19 second while it loads up.

20 (Walkinshaw Exhibit No. 18 displayed.)

21 Q And we were just looking at this, but this is a
22 string of text messages from November 4th. I'm going down
23 here to the text where April says, "So I'm stroll
24 discussing this proposal with you and still -- and you
25 still really want the VRA district, so I'm working on a

1 compromise for all of us. This may be it."

2 A Okay.

3 Q What do you recall from this time period about
4 potential compromises on Legislative District 14?

5 A I'm trying to remember. I think there were a lot
6 of -- There were a lot of ideas I brought up. I've
7 already mentioned some of them, like questions about the
8 numbering of the district, which conceivably would affect
9 turnout.

10 Questions about like what you were seeing here
11 before, which is what it appears that Paul and April were
12 talking about, which were in partisanship leans.

13 I think there were -- There were -- There were
14 questions about -- questions about the relationship of it
15 to other districts around it.

16 Yakama Nation, I think there were questions about
17 how much of it -- If you keep the Yakama Nation whole,
18 would you include the ancestral tribal lands, which I
19 included in the September map.

20 So I think there were a lot of -- There were a lot
21 of questions there. I think a big one was the numbering
22 of the district. That was -- That was definitely
23 something that was discussed.

24 Q Were there any compromises that were discussed about
25 switching the numbering of the district from 14 to 15?

1 A I don't know what April and Paul discussed in
2 detail. And Joe and I primarily had been discussing
3 congressional maps, so that was -- That was something that
4 I think that was definitely -- I mean, in the end that's
5 how it turned out, so it was definitely something that was
6 discussed.

7 Q Any other specific compromises you can remember
8 relating to the 14th District around this time?

9 A No. I mean, performance, numbering, those to me
10 were the -- Those to me are what I recall, and there may
11 have been other things, too, that I don't recall.

12 Q And when you refer to performance as a possible
13 compromise, what do you mean?

14 A I think it's what -- what you were going toward,
15 which is when you were asking about what was the -- what
16 was the performance in the map that I had put out in
17 October versus the -- and I don't recall -- I don't recall
18 seeing the specific map that you shared with me earlier.

19 But in looking at those data in the bottom left, I
20 think that what percentage -- What percentage is needed --
21 What percentage was needed to -- for Latino voters to
22 elect candidates of their choice, I think that was a
23 question.

24 Q So would the compromise have been a potentially
25 lower Democratic performance in the district?

1 A There were -- There were different versions of
2 different things, and I think that another version of it
3 was like where city lines were drawn.

4 But yes, that's an example, but I think a lot of
5 things -- A lot of things were discussed at different
6 times, and -- For instance, when April here says, "A
7 compromise for all of us," I don't -- There was not -- I
8 don't recall a compromise being reached on November 8th.

9 So I think that was kind of a rolling -- a rolling
10 sense. I mean, these are bipartisan negotiations. So I
11 mean, that's the nature of the Commission is a
12 bipartisan -- is a negotiation process with two bipartisan
13 commissioners. So I'll pause there.

14 Q You also said there was questions about the relation
15 of 14 to other districts around it. What did you mean by
16 that?

17 A Oh, just the composition of 15, or if you flip the
18 numbers, 14 to 15.

19 Q All right.

20 A And there was also some conversation -- I don't
21 remember all the details on it, but there was also
22 conversation about the 16th and seeing if the 16th could
23 also be a majority-minority district. There was some
24 discussion of the 16th, too.

25 In particular like how much -- I think the 16th -- I

1 don't remember how the final maps ended, but I think Pasco
2 is connected to both the 16th -- I don't remember where
3 Pasco sits.

4 Q Okay. After November 8th were you still proposing
5 -- you or your team still proposing alternative
6 configurations of Legislative District 14 to other
7 commissioners?

8 A We had so many iterations of it, so I'm not -- I'm
9 not -- And they're all -- Everything that -- The best way
10 to piece that together would be what's in the public
11 record.

12 Q All right. I'll put another document here in the
13 chat, and then I will also share it on my screen. Okay.
14 This is what will be marked as Exhibit 21.

15 MR. MILLSTEIN: Counsel, just a -- Just a
16 moment. We can -- We can stop now, if you want to take a
17 break now. There will be a floating break for about 20
18 minutes when counsel for the state has a hearing on an --

19 THE WITNESS: Oh, okay.

20 MR. MILLSTEIN: -- unrelated thing, so --

21 THE WITNESS: What time is that?

22 MR. MILLSTEIN: It might be anytime after
23 1:30, but it's --

24 THE WITNESS: Oh, okay.

25 MR. MILLSTEIN: -- if you need a break now,

1 --

2 THE WITNESS: I don't need a break. Thank
3 you.

4 MS. HARLESS: Yeah, I'm good to keep going
5 until Andrew needs his break, if that works for everyone
6 else.

7 Q (By Ms. Harless) Okay. So I'm showing you what's
8 been marked as Exhibit 21. I'm going to scroll down a bit
9 to the first email.

10 (Walkinshaw Exhibit No. 21 introduced and displayed.)

11 Q Have you seen this document before?

12 A I'm sure -- I'm sure I have. I don't remember the
13 specifics of what I shared on I guess what's dated
14 November 10th.

15 Q Okay. This is an email from Ali O'Neil to Paul
16 Campos on November 10th, and the title of the email is
17 Walkinshaw 11/10 Leg Map New VRA.

18 Do you see that?

19 A Perfect.

20 Q And in this email Ali O'Neil says that you asked her
21 to send a new legislative map to share with Commissioner
22 Fain; right?

23 A Correct.

24 Q And she then says, "We had a map ready to send back
25 to y'all last night, but then we saw the new proposed

1 Yakima Valley district that came into the comment in-box
2 last night, so we wanted to try it with that version of
3 the district."

4 Do you know what Ali is referring to there when she
5 says there was a new proposed Yakima Valley district that
6 came into the comment in-box?

7 A I don't. I wonder -- I do wonder -- I remember
8 that -- I do remember that input from Dulce at some point.
9 It may be referring to that, but I don't remember.

10 Q And right below that Ali includes a Dave's link for
11 the map; correct?

12 A Correct.

13 Q And she also includes -- Well, okay. I'm going to
14 copy this Dave's link into the browser, and we'll pull up
15 the map. And it will take just a second for it to load.

16 (Map displayed.)

17 Q Okay. And I'm going to put the district boundaries
18 on and the district labels on.

19 And at the very top here do you see that the title
20 of the map is BW > Fain 11.10 New VRA?

21 A I do see that.

22 Q Okay. And do you recognize this as the map your
23 team sent to Fain on November 10th?

24 A I actually don't recognize the map, but I trust that
25 it's the map that we sent to Fain on November 10th.

1 Q And I'm going to take a screenshot of this district
2 really quick, and we'll mark it as Exhibit 22.

3 (Walkinshaw Exhibit No. 22 introduced and displayed.)

4 Q Okay. I'm going to zoom in just a little bit here.
5 I'm going to select District 14 on the side, and I'm going
6 to zoom in just a little bit so we can see the district
7 better.

8 Do you know what your thoughts -- what your team's
9 thoughts were about this District 14 at the time it was
10 sent to Commissioner Fain?

11 A No, but I assume that we were really trying to find
12 a way forward, that we could still draw a district that we
13 believed was VRA compliant and advance the process.

14 So I -- I would -- If we looked at the partisan --
15 If the metrics -- If we looked at the metrics of this I
16 would -- my assumption would be that it really stuck to
17 the values that we had going in.

18 Q I can show you some of the partisan metrics for this
19 map, and if you look over here you can see.

20 A Yeah.

21 Q And I can scroll down.

22 A I do have a recollection -- I mean, something -- You
23 asked me what I remember about it. I do have a
24 recollection that this was -- this was definitely rejected
25 by -- by -- by Commissioner Fain. So I definitely -- I

1 have that recollection.

2 Q Why do you have that recollection?

3 A I just remember that -- I just remember -- I
4 remember that. I'm like oh, okay. I think that was this
5 iteration that we then had to -- We went back, and the
6 negotiations continued.

7 So I don't -- I don't -- This map that we shared on
8 November 10th was not -- not a -- Even though it's our
9 perspective, it didn't -- it didn't -- It didn't advance
10 us in negotiations.

11 Q Why -- Do you remember why Commissioner Fain
12 rejected it?

13 A I don't remember all the details, no, and it very
14 likely had to do with more than just the 14th; but I don't
15 remember, no.

16 But I do remember that this was not subject to
17 future -- I don't think we further negotiated on this map,
18 if I recall.

19 Q Do you think it had anything to do with the partisan
20 performance of the district?

21 A Again, I think -- I don't remember all the details.
22 I think it had to do with a lot of things.

23 But yes, that very well could have been one of them.

24 Q If we look over here at the left at the citizen
25 voting age population box, this LD 14 has a 52.6 percent

1 Latino CVAP; right?

2 A That's correct.

3 Q As far as you're aware, did Ali send this map to any
4 of the other commissioners or their staffers?

5 A I don't know the answer to that.

6 THE WITNESS: Hang on. I'm just grabbing a
7 coffee. Sorry.

8 MS. HARLESS: I think you need an IV at
9 this point.

10 Q (By Ms. Harless) Just based on some of those
11 partisanship numbers we were looking at here, would this
12 November 10th version of Legislative District 14 provide
13 Latino voters with an equal opportunity to elect
14 candidates of their choice?

15 A I don't know the answer to that. I think that what
16 we put forward -- I think the maps -- All the maps that I
17 think came out of our team and that we proposed around the
18 14th, I believe they corresponded with our values of
19 putting forth maps that were definitively in our view
20 compliant with the VRA.

21 So I think that -- So I -- I -- I don't -- I did not
22 do the analyses that would lead to that conclusion, but I
23 assume that those were the values that we were leading
24 with.

25 So I think the answer to that is yes, but -- but I

1 would -- I would -- I -- I really relied and I think I
2 trusted the team in developing that.

3 Q And I'm going to have us look at the boundaries here
4 really quick of this Legislative District 14. I don't
5 know if it's easier to see.

6 This district appears to include the entire Yakama
7 Nation Reservation; correct?

8 A Yeah. Yes.

9 Q And this version includes parts of the City of
10 Yakima?

11 A Correct.

12 Q And it includes -- Let me turn the precinct lines
13 off and turn on the city lines. And it includes -- I have
14 to zoom in.

15 It includes Wapato; correct?

16 A Correct.

17 Q And it includes Toppenish?

18 A Correct.

19 Q And it includes Granger?

20 A Correct.

21 Q And it includes Sunnyside?

22 A Correct.

23 Q And it includes Mabton?

24 A Correct.

25 Q And then -- I'll zoom out for a second. This

1 version also includes part of the City of Pasco; correct?

2 A Yes. Yes, part of the City of Pasco.

3 Q This version does not contain any part of Adams
4 County; correct? I can put the county lines on again for
5 you.

6 A Yes, that's right.

7 Q And it also does not include any part of Grant
8 County; correct?

9 A Correct.

10 Q This district is labeled 14 here as opposed to 15.
11 Is there any reason other than what we've already talked
12 about today why it's numbered 14?

13 A No, just that was an "angry" [phonetic] and what we
14 thought would lead to performance.

15 Q As far as -- I know you said that Commissioner Fain
16 rejected this version of the district; correct?

17 A Correct.

18 Q Do you know if he shared it with any of the other
19 commissioners?

20 A I do not know.

21 Q Do you remember what happened in terms of the
22 negotiations of the district in the Yakima Valley area
23 after you sent this November 10th proposal?

24 A I believe that -- I believe that Commissioner Sims
25 and Commissioner Graves continued to talk about

1 legislative districts, and Commissioner Fain and I
2 continued to talk about U.S. congressional districts.

3 Q Do you know anything in particular that Commissioner
4 Sims and Commissioner Graves were drawing about in regards
5 to the Yakima Valley district at this time?

6 A Not that I recall, though -- Not that I recall.

7 Q Okay. I'll stop sharing that.

8 Okay. I'm going to put a document in the chat, and
9 this is going to be Exhibit 23. And I'll also share it on
10 the screen as well. Sorry. It just takes one second for
11 me to get it in all these locations.

12 (Walkinshaw Exhibit No. 23 introduced and displayed.)

13 Q So I'm showing you what has been marked as
14 Exhibit 23. Have you seen --

15 A Okay.

16 Q -- this before?

17 A No.

18 Q I can scroll up.

19 A Maybe, as we learn more about it.

20 Q Okay. I'll scroll down a little bit so you can see
21 this first email.

22 A Okay.

23 Q And let me know when you want me to scroll down.

24 A Okay.

25 Q There's little bit more down there at the bottom, so

1 I'll scroll.

2 Have you had a chance to read it all?

3 A I have. Can you scroll up to the top?

4 Q Yes. The very top?

5 A Yes.

6 Q Okay. Yeah.

7 A Okay.

8 Q Okay. So the original email in this chain is dated
9 November 11th, 2021; right?

10 A Correct.

11 Q And it's from Paul Graves to April Sims, Anton
12 Grose, Osta Davis and Dom Meyers?

13 A Yes.

14 Q And then April forwarded this proposal from
15 Mr. Graves to you and Ali O'Neil; correct?

16 A Correct.

17 Q Let's look at Paul Graves's original email, and in
18 this email he's discussing a map proposal; right?

19 A That's correct.

20 Q And in this first bullet he says, "The 14th here is
21 ever so slightly more Republican here than your last
22 proposal but is still firmly swing. It is majority
23 Hispanic CVAP."

24 What did you understand him to mean, "slightly more
25 Republican here"?

1 A I don't remember reading this email.

2 Q What do you think he meant by "slightly more
3 Republican here"?

4 MR. MILLSTEIN: Objection, calls for
5 speculation.

6 A Yeah, and I'm actually not -- I don't know what he's
7 referring to with, quote, "Your last proposal." It's hard
8 to answer that out of context.

9 Q (By Ms. Harless) So you think that April Sims
10 forwarded you this email on November 11th about the latest
11 map proposal in the 14th Legislative District, and you
12 didn't read it?

13 A I very likely skimmed it. I think there were a lot
14 of correspondence like this. I can speak to what I --
15 what I -- what I think is happening here, but I don't -- I
16 don't remember this specific email.

17 I'm sure that I read it. I don't remember this
18 specific email.

19 Q What do you think is happening here?

20 A I think this is -- I think what you're seeing here
21 is a recap of the status of their negotiations. And I
22 think if you read the bottom of the email, from just
23 skimming it right now you can see the different districts;
24 and you can see how, the way in which Commissioner Sims
25 and Commissioner Graves are negotiating.

1 And then I think it also expresses uncertainty from
2 Paul about where my perspective on the kinds of
3 negotiations they were having with one another on the
4 14th. So that's my read. All of that to me seems
5 accurate. Like there was -- There was uncertainty from
6 me, and -- in terms of what Paul thought my position was.
7 And then there's additionally just, you know, evidence
8 here that the two of them are continually iterating with
9 one another on different districts. So that's my --

10 That's my interpretation of it, but I don't remember
11 reading this specific email.

12 Q In the first little bullet here where he says, "The
13 14th here is ever so slightly more Republican here than
14 your last proposal but is still firmly swing," were you
15 aware of any kind of agreement that Commissioner Sims and
16 Commissioner Graves had to make the Yakima Valley district
17 a swing district?

18 A No. I actually don't recall that language.

19 Q Was there some kind of common understanding of what
20 swing district meant among the commissioners?

21 A There were different -- There were different
22 understandings of that at different times as a source of
23 discussion.

24 One understanding of it was that it was a five-point
25 percentage swing in one direction versus the other, and I

1 think that was probably the -- And sometimes it was a
2 3 percent, and I'm not sure based on different data --
3 different composite data. So I'm not sure what they're
4 referring to in this email.

5 Q But you understand that Paul Graves is saying he
6 made his version of the 14th in his new proposal ever so
7 slightly more Republican?

8 A Yes, that's clear.

9 Q In the second bullet Graves says, "I understand from
10 our talks on Monday and yesterday that you agree such a
11 big shift should result in something given in exchange,
12 but that applying points to other districts is not a
13 framework you are interested in. My biggest question to
14 you then: What do you think a fair exchange is for this
15 14th?"

16 Do you see that?

17 A I do see that.

18 Q Do you have an understanding of what kind of
19 exchange was going to be made for the 14th?

20 A No. And I'm not going to speculate on those -- on
21 those because I wasn't privy to all of these conversations
22 between the two of them. I wasn't privy to all these
23 conversations between the two of them.

24 Q Do you know what Paul was referring to when he said,
25 "April agreed such a big shift in the 14th should result

1 in something given in exchange"?

2 A Do I -- Repeat the question. Do I understand?

3 Q Do you know what Paul was referring to when he said,
4 "April agreed such a big shift in the 14th should result
5 in something given in exchange"?

6 A I don't know the specifics of what he's referring
7 to, but my assumption is that he's referring to partisan
8 changes in other districts that are outside of the 14th.

9 Q Did you agree that something needed to be given in
10 exchange to get a swing version of the 14th?

11 A No, I never -- I never -- I wasn't involved in -- I
12 wasn't involved in that. No, I did not agree to that.

13 Q In the next bullet Paul suggests that for the 14th
14 and the map he sent there should be Republican improvement
15 in 47, 24 and 28; correct?

16 A That's what he's proposing. Again, there were so
17 many proposals going back and forth between the two of
18 them. I don't -- I wasn't -- I wasn't intimately involved
19 in each of these exchanges.

20 So I'm -- [reading] "My proposal here is that" -- I
21 actually am having trouble reading that sentence.

22 Q "My proposal here for that 14th is Republican
23 improvement in 47, 24 and 28."

24 A Exactly.

25 Q Do you know if that exchange was ultimately made?

1 A No, I don't believe it was, if I'm -- if I'm reading
2 that correctly.

3 Q Why don't you believe it was?

4 A I'm trying to -- It's a little bit of a dense
5 paragraph.

6 Q I'm just talking about the first sentence. "My
7 proposal here for the 14th is Republican improvement in
8 47, 24 and 28."

9 A Because I don't -- I don't -- Again, it's hard for
10 me to comment on this not having seen the proposal that
11 he's referring to from Commissioner Sims, and I don't
12 recall specifically which proposal he's negotiating
13 against with Commissioner Sims. So I --

14 He's clearly suggesting an exchange and improvement
15 between districts, but I can't -- I can't answer that
16 because I don't know what -- I don't know what the last
17 proposal is that he's referring to.

18 Q Let's go down to the very last paragraph of this,
19 and here Paul says to April, "Again, looking forward to
20 talking at 1:00, and I will be especially interested to
21 hear from you what you think a fair price is for this
22 14th."

23 Did you have an understanding of what April's
24 response to that was going to be?

25 A I -- No.

1 Q Did April ever talk to you about what a fair price
2 would be for the 14th?

3 A Not -- not in that language, or not -- not -- not in
4 those terms. I'm not -- I have not seen this. I don't
5 recall seeing this email.

6 Q Even if not in those terms, did April ever talk to
7 you about what you might be willing to negotiate in
8 regards to the 14th District?

9 A It wasn't my -- I didn't want to negotiate on the
10 14th from a district that I thought was compliant with the
11 Voting Rights Act. So I didn't -- I didn't want to
12 negotiate on this point in the 14th.

13 Q But did you negotiate on the 14th?

14 A I did not. I did not negotiate the 14th. I
15 voted -- I did vote for the final maps, which I did, but I
16 believe that the version of the maps that in my mind is
17 compliant -- is certainly compliant without any sort of
18 shadow of a doubt on the Voting Rights Act are the maps
19 that I released in the process.

20 Q Did you ever discuss this proposal from Paul Graves
21 with Ali O'Neil?

22 A I may have. I don't recall.

23 Q I'll go back down for one second. Paul says here
24 that he's looking forward to talking at 1:00.

25 Do you know if Paul and April did, in fact, meet

1 that afternoon?

2 A No.

3 Q As far as you remember, were you also texting with
4 April Sims on November 11th regarding state legislative
5 maps?

6 A I don't know.

7 Q Okay.

8 A I don't remember.

9 Q I'll stop the screen share. And I'm going to put
10 another document in the chat, and this will be Exhibit 24.
11 And then I'll share it on my screen as well.

12 MR. MILLSTEIN: And Counsel, what exhibit
13 number is this again?

14 MS. HARLESS: Twenty-four.

15 (Walkinshaw Exhibit No. 24 introduced and displayed.)

16 Q (By Ms. Harless) I'll zoom out so we can see it.

17 Okay. This has been marked as Exhibit 24. Have you
18 seen this document before?

19 A I have not seen this document, but they reflect text
20 that I will refresh my memory on.

21 Q And the texts are screenshots from your phone;
22 correct?

23 A Correct.

24 Q And at the very top you see that there's a
25 November 11th timestamp?

1 A Correct.

2 Q And this is a text chain between you and April Sims?

3 A Correct.

4 Q And again, the texts from you are blue, and the
5 texts from April are gray; correct?

6 A Correct.

7 Q So if we look right under this first timestamp of
8 November 11th it looks like April shared with you an
9 article titled, "Latinx community needs fair redistricting
10 map." Do you see that?

11 A I believe I shared -- I believe I shared that with
12 her; right? You said I was blue.

13 Q Okay. So you shared that article with April?

14 A If I'm reading the text thread correctly, yes.

15 Q Was that article the final op-ed from Rebecca
16 Saldana --

17 A I think it was.

18 (Simultaneous speaking, reporter request to repeat.)

19 Q -- published in the Seattle Times?

20 MS. HARLESS: Thank you, Jeanne.

21 THE REPORTER: And could you repeat your
22 answer, please.

23 A Yes.

24 Q And do you know if April ever read that?

25 A I don't know.

1 Q Did you talk to her about it?

2 A I don't recall talking to her about it.

3 Q Then later that day you texted again and said,
4 "Let's debrief when you finish with Joe for a sec."

5 Do you see that?

6 A I do.

7 Q Do you know if that is Joe Fain or a different Joe?

8 A I assume it's Joe, but I guess I couldn't say for
9 certain; but I think that's a safe assumption.

10 Q When you say you assume it's Joe, do you mean
11 Joe Fain?

12 A Correct. I assume it's -- I'm certain that it's
13 Joe. I assume it's Joe Fain, but yes.

14 Q Yeah, got it.

15 And then it looks like April tried to call you, but
16 you were unavailable; right?

17 A It appears that way. I don't know what I was doing.

18 Q And then later you texted, "Let's do a followup this
19 eve? I've reflected some and want to run some thoughts by
20 you on next steps."

21 Do you see that?

22 A Correct.

23 Q Was what you reflected on here related to the Yakima
24 Valley legislative district?

25 A I have no -- I have no idea.

1 Q Do you remember what thoughts you wanted to run by
2 April on next steps?

3 A I don't remember what those thoughts were on that
4 afternoon.

5 Q And if we scroll down here we can see April's
6 response, and she says, "Sounds good! I'm working on the
7 14th, think if we use Barreto's algorithm on CVAP or E can
8 drop the CVAP to 48 and still be over 50 in today's CVAP.
9 That will allow us to drop the D performance some. If we
10 swap 14 for 15, then the performance change is lower. I
11 have some ideas to get what we want."

12 Did you discuss -- Sorry. Did you discuss this
13 suggestion with April Sims?

14 A I don't remember.

15 Q What did you understand April to mean when she said,
16 "That will allow us to drop the D performance some"?

17 A I actually don't know.

18 MR. HUGHES: Objection, lack of foundation.

19 A Apologies.

20 Q (By Ms. Harless) You can answer.

21 A Oh, sorry for cutting you off. I don't -- I don't
22 know.

23 Q You have no idea what she meant when she said, "That
24 will allow us to drop the D performance some"?

25 MR. HUGHES: Objection, asked and answered.

1 MS. HARLESS: If we could limit the
2 objections to form objections, that would be great.

3 MR. HUGHES: That is a form objection.
4 Thanks.

5 MS. HARLESS: There's -- There's some
6 coaching going on here in his responses, so I think we
7 need to limit the objections.

8 MR. HUGHES: I categorically reject the
9 assertion, but go ahead, Counsel.

10 Q (By Ms. Harless) You can answer the question.

11 A I'm not familiar with what Barreto's -- I couldn't
12 describe to you what Barreto's algorithm is on CVAP. I
13 actually am not sure. I could -- I'm not sure what she's
14 referring to in that text.

15 I think my response to it says, "Let's talk more."
16 I read my response saying -- basically saying let's talk
17 about it because I don't understand what you're saying is
18 my response there.

19 Q What did you think about swapping the district
20 number from 14 to 15?

21 A I -- I was not -- I recall not being supportive of
22 that at the time.

23 Q What did you tell April?

24 A I don't remember.

25 Q Did you agree with her approach of dropping the

1 Hispanic CVAP percentage in the Yakima Valley district?

2 A I don't -- I don't -- I don't recall, and I don't --
3 I don't -- I actually don't recall where -- where we were
4 in those conversations at that point. So I don't -- I
5 don't know.

6 Q Did you agree with the approach of dropping the
7 Democratic performance in the Yakima Valley district?

8 MR. MILLSTEIN: Object to form.

9 A There were a lot of things going on at the moment,
10 and I'm not -- I don't -- I don't remember my specific
11 reaction to that text.

12 Q (By Ms. Harless) Is there anything that would help
13 you recall what was going on?

14 A My interpretation of that is that -- that -- that --
15 that April, Commissioner Sims is in negotiations with
16 Commissioner Graves, and she's trying to think of ways to
17 reach a compromise. That's my interpretation of that
18 text.

19 My response -- My interpretation of my response to
20 that text is wanting to talk about it to understand better
21 what she's thinking because I didn't -- I didn't totally
22 understand the text that she shared with me. I'm not sure
23 if you scroll further down in the text if we actually even
24 connected at 5:00 or not, but --

25 We may have spoken about it at 5:00 o'clock on

1 November 11th, and she may have further -- She likely
2 further clarified to me her thinking. I don't know if
3 that's -- I don't believe that's how -- I don't believe
4 that that was a final position for how things ended, so
5 I'm not sure what stage in the discussions that was at.

6 Q Do you remember talking to Commissioner Sims on the
7 phone after these text messages?

8 A I don't.

9 Q Do you remember reaching an understanding of what
10 she was saying in this text message?

11 A I don't. I mean, it was nearly a year ago, and
12 there were a lot of moving parts at that moment. So no, I
13 don't.

14 Q I'm going to mark another exhibit, and this will be
15 Exhibit 25. And then I've put it in the chat, and I will
16 also share it on my screen.

17 (Walkinshaw Exhibit No. 25 introduced and displayed.)

18 Q Okay. I'm showing you what's been marked as
19 Exhibit 25. I'll give you a second to look at this
20 document. Let me know when you want me to scroll down.

21 A Okay. Sure. Scroll down. Yep. Okay.

22 Q And then if we look at the very top -- Well, let's
23 just start. The first email is from April Sims to
24 Paul Graves, Paul Campos, Anton Grose and Joe Fain on
25 November 12th; correct?

1 A Correct.

2 Q And then she forwards that email to you, Ali O'Neil,
3 Dominique Meyers and Osta Davis; right?

4 A Um-hmm. Correct.

5 Q And the original email in this chain is an updated
6 map proposal, updated legislative map proposal from
7 April Sims; correct?

8 A Correct.

9 Q And she included a Dave's link for the map; right?

10 A Correct.

11 Q Were you aware of this proposal before April sent it
12 to Paul and Joe?

13 A I don't think so. We were doing work on fairly
14 parallel tracks at this point, and I think that I had --
15 if I remember it now, I'm piecing things together as
16 you're showing more documents.

17 I recall that I -- the map that I had sent over,
18 which I think was on the 8th or 9th or 10th to
19 Commissioner Fain, was my perspective on the legislative
20 maps at that moment, but we were keeping each other up to
21 date on the conversations we were having with different
22 commissioners.

23 So I don't remember. I don't remember this specific
24 proposal, and it's likely that I read about it -- I read
25 about it when -- when she shared it with me, though we may

1 have exchanged some texts about it as well.

2 But no, I don't remember this specific email.

3 Q If we look here in this email from April to Paul,
4 the very first bullet point April says that her proposal
5 on November 12th, the LD 15 has a 49.2 percent 2019 CVAP;
6 is that right?

7 A That's what it says here, yes.

8 Q Do you have any idea why the CVAP percentage in this
9 proposal was below 50 percent?

10 A I don't.

11 Q Did you ever have conversations with April about why
12 the CVAP percentage would be below 50 percent?

13 A I don't recall those.

14 Q And in April's proposal the district has been
15 switched from Legislative District 14 to 15 now; correct?

16 A That's correct.

17 Q Do you know why she swapped it from 14 to 15?

18 A I don't know. She -- I assume she was -- She was
19 working on negotiations with -- with Commissioner Graves.

20 Q And you hadn't agreed to switching it to Legislative
21 District 15 instead of 14 at this point, had you?

22 A That -- That's my recollection.

23 Q In this email in the very last sentence of that
24 first bullet point April also notes here that the
25 performance in the 15th sits at 45.7 percent Pellicciotti.

1 Do you see that?

2 A I do.

3 Q With that percentage Pellicciotti would lose that
4 election in Legislative District 15; correct?

5 A That's correct.

6 Q Why do you think she was proposing a Legislative
7 District 15 where the Democratic candidate would lose in
8 the 20th treasurer's race?

9 MR. MILLSTEIN: Objection, lacks
10 foundation.

11 A Yeah, I'm not -- I'm not sure. I think she was
12 pursuing different compromise options that -- in her
13 conversations with Commissioner Graves.

14 Q (By Ms. Harless) Did you have an understanding of
15 whether this map provided Latino voters an equal
16 opportunity to elect candidates of choice at the State
17 Legislature?

18 A I didn't. I don't -- I don't recall. I don't
19 recall giving an opinion on this.

20 I think -- I think what I shared -- I think it was
21 November 11th -- you can correct me if I'm wrong -- the
22 map that I shared with Senator Fain -- with Commissioner
23 Fain on the 11th, I think again, similar to the map I did
24 in October and then earlier in September, reflects my
25 views of the drawing of the 14th District, which is

1 compliant with the Federal Voting Rights Act.

2 Q And I think the map went -- By November 11th you
3 mean November 10th, the November 10th map?

4 A November 10th. Thank you.

5 Q At the very bottom of this email April says, "Let me
6 know if you have any questions, and I look forward to
7 talking this afternoon."

8 Do you know if April did talk with any of the people
9 listed on this email that afternoon?

10 A I don't know.

11 Q After this, which was November 12th, do you remember
12 being involved in any conversations with April about the
13 negotiations around the Yakima Valley district?

14 A Yeah, we spoke -- We spoke probably with increasing
15 frequency around the 14th or 15th, on the 14th in
16 particular, I believe.

17 Q All right. I'm going to stop sharing this.

18 I'm going to mark another document. This will be
19 Exhibit 26.

20 MR. MILLSTEIN: Counsel, before you share
21 the next exhibit, let me just check. I don't know,
22 Andrew, if you have an expectation of when your hearing is
23 going to be called.

24 MR. HUGHES: Good question. I think we're
25 the next case called. It looks liked -- Oh, no.

1 Sorry. Say that again.

2 ASSISTANT: I think there's one more case
3 before us.

4 MR. HUGHES: Sorry. The commissioner is
5 feeling verbose today, so it may be another 20 minutes, if
6 I had to guess.

7 MR. MILLSTEIN: Okay.

8 MS. HARLESS: Okay. I'm good to continue
9 for another 20 minutes. I don't know how you're feeling,
10 how everyone else is feeling.

11 THE WITNESS: I'm fine to keep going.
12 Yeah, yeah, yeah, sure. I might have to take a restroom
13 break in a minute, but why don't we keep going.

14 MS. HARLESS: Okay.

15 Q (By Ms. Harless) I'm going to share this document
16 in the chat, and then I'll also share it on my screen.

17 (Walkinshaw Exhibit No. 26 introduced and displayed.)

18 Q Okay. I'm showing you what's been marked as
19 Exhibit 26. I'll give you a second to read through these.
20 Let me know when you want me to scroll down.

21 A Okay.

22 Q Okay as in scroll down, or --

23 A Oh, you can scroll down, yes. Okay. Okay. Maybe
24 scroll up to the top again. I just want to see what this
25 is. Okay. Okay. I've caught up.

1 Q Okay. I'm going to go to the very first email on
2 this page here, and this is an email from Paul Graves to
3 April Sims dated November 13th; correct?

4 A Correct.

5 Q And Paul says, "Anton Grose is going to send
6 another map proposal over;" right?

7 A Correct.

8 Q And then he describes some of the points of his map
9 proposal; correct?

10 A Yes, that looks like that. Yep.

11 Q And so the first bullet point here Paul says his
12 proposal, quote, "Starts with the 14th as you proposed it
13 most recently. That involves a three-point shift in
14 partisan performance, and in exchange the map makes the
15 47th just 0.36 percent better for Republicans."

16 Do you see that?

17 A I do.

18 Q Did Paul's proposal increase Republican performance
19 in the 47th in exchange for a shift in performance in the
20 14th?

21 MR. MILLSTEIN: Objection, lacks
22 foundation.

23 Q (By Ms. Harless) You can answer.

24 A Thank you. That's what it -- That's what it says
25 here. I don't remember this specific proposal, but that's

1 what it says here.

2 At this time Commissioner Fain and I were working on
3 the congressional maps, but this -- This is a good
4 representation of how April and Paul were exchanging
5 ideas.

6 I had not signed off on this map at this point.

7 Q When Paul says his proposal, "Starts with the 14th
8 as you proposed it most recently. That involves a
9 three-point shift in partisan performance," was he
10 referring to the treasurer's race?

11 MR. MILLSTEIN: Objection, lacks
12 foundation.

13 Q (By Ms. Harless) You can answer.

14 A I don't -- I don't know, but I assume -- I assume
15 you're correct, but I don't know.

16 Q Let's go up and look at the next email above this,
17 and Paul Graves replies again, still November 13th shortly
18 after he sent his first email, and says, "Sorry, two quick
19 corrections (we're moving pretty quickly over here): We
20 made the CVAP district the 15th rather than the 14th for
21 ease of incumbents. It's not the just below 2019 CVAP you
22 proposed, but instead it's at just over 50 percent CVAP."

23 Do you see that?

24 A I do see that, yes.

25 Q Did you agree that changing the district from the

1 14th to the 15th for the ease of incumbents?

2 A No.

3 Q Did you agree to changing the district from 14 to 15
4 for the ease of incumbents?

5 A No.

6 Q Did you tell Paul Graves that you didn't agree to
7 that?

8 A I wasn't in touch with Paul at this point.

9 Q Did you tell April Sims that you didn't agree to
10 that?

11 A I think we were -- I don't know where my
12 conversations were with April at this point.

13 Q Did April agree to that?

14 A I'm not sure.

15 Q What did you understand to mean when he said "for
16 ease of incumbents"?

17 MR. MILLSTEIN: Objection, lacks
18 foundation.

19 A I'm seeing this for the first time. I'm not -- I'm
20 not sure what he means. I actually -- I actually am not
21 sure what that sentence means. You could read that in
22 different ways.

23 Q (By Ms. Harless) Just to clarify, you -- You had
24 been forwarded this email chain on November 13th; correct?

25 A That's correct.

1 Q In this first bullet point here -- or no, in the
2 second email he says, "The 15th is not the just below 2019
3 CVAP you proposed, but instead it's at just over
4 50 percent CVAP."

5 Why do you think Graves was increasing the CVAP
6 percentage to over 50 percent?

7 MR. MILLSTEIN: Objection, speculation.

8 A I'm not -- I'm not sure.

9 Q (By Ms. Harless) Do you have any idea why he was
10 suggesting a proposed CVAP percentage -- Latino CVAP
11 percentage over 50 percent?

12 MR. MILLSTEIN: Same objection.

13 Q (By Ms. Harless) You can answer.

14 A Yeah, I mean, my -- my read -- my read on that is
15 that they -- I think he was anticipating trying --
16 anticipating thinking about the performance of the
17 district for Republicans and how it might -- how it might
18 square with the Voting Rights Act.

19 Q What do you mean by that?

20 A To -- to have the performance of the -- to still --
21 I think -- I read that as an acknowledgment of the
22 importance under the Voting Rights Act of his
23 interpretation of having a district that is over
24 50 percent CVAP.

25 Q But what do you mean by --

1 A I'm not sure. Sorry, say that again.

2 Q What do you mean that he was contemplating the
3 performance for Republicans?

4 A I'm not sure. I lost you a little bit.

5 Q Oh. What do you mean when you said he was
6 contemplating the performance for Republicans?

7 A Oh, I think -- I interpret that as -- as working on
8 designing a district that could elect Republican
9 candidates.

10 Q And let's go up a little bit higher in the email
11 chain. At 8:56 a.m. on November 13th April forwards this
12 email chain to you; correct?

13 A Correct.

14 Q And Ali O'Neil?

15 A That's correct.

16 Q And then shortly thereafter Ali sends you a link to
17 the proposal in Dave's Redistricting App; right?

18 A Correct.

19 Q Do you remember if you looked at this map in Dave's
20 Redistricting App?

21 A I don't.

22 Q I'm going to copy the link to this map into the
23 browser, and it will take a second for this map to load.

24 (Map displayed.)

25 Q I'll turn on the district lines.

1 Okay. Can you see at the top of this map it's
2 titled Graves Draft November 12(1)?

3 A I see this, yes.

4 Q Okay. I'm going to take a screenshot of this map
5 very quickly, and we'll mark this as Exhibit 27.

6 (Walkinshaw Exhibit No. 27 introduced and displayed.)

7 Q I'm going to select District 15 on the side here,
8 and if you look at the district details do you see that
9 District 15 here has a 50.2 percent Hispanic CVAP?

10 A I think you're scrolling -- Your cursor might be
11 over it.

12 Q Can you see this?

13 A Say that again.

14 Q Do you see that District 15 has a 50.2 percent --

15 A I do see that.

16 Q -- Hispanic CVAP?

17 A Yes, correct. I do see that.

18 Q I'm also going to show you some of the partisan
19 data.

20 MR. MILLSTEIN: And Counsel, similar to the
21 other map where Mr. Walkinshaw hadn't seen it, I'll just
22 make a standing objection on foundation, but I won't
23 clutter up your question.

24 MS. HARLESS: Thank you.

25 Q (By Ms. Harless) Let's look at the -- Let's look at

1 the treasurer 2020 race real quick, and in the district
2 details box here for treasurer 2020 do you see that the
3 Democratic candidate would lose in District 15?

4 A I do see that.

5 Q But Paul Graves's proposal was that Republican
6 performance would increase in the 47th District in
7 exchange?

8 A I recall that from the email earlier, yes.

9 Q Let's look at some of the other partisan races here
10 as well. If you look at the governor 2020 race for
11 District 15 do you see that the Democratic candidate would
12 lose?

13 A I do see that.

14 Q And do you see that the attorney general 2020
15 candidate would lose in District 15?

16 A Yes, I do.

17 Q And if we look at president 2020, the Democratic
18 candidate would win by .5 percent.

19 A Correct.

20 Q Do you see that?

21 A Correct.

22 Q And if we look at the senator 2018 race the
23 Democratic candidate would lose in District 15?

24 A Correct.

25 Q And if we look at the Senate 2016 the Democratic

1 candidate would win in District 15; correct?

2 A Yep. Correct.

3 Q Did you evaluate whether this proposed map from
4 Paul Graves gave Latino voters an equal opportunity to
5 elect candidates of their choice?

6 A Say that again.

7 Q Did you evaluate whether this proposed map from
8 Paul Graves would give Latino voters an opportunity to
9 elect candidates of their choices?

10 MR. MILLSTEIN: Object to form.

11 A I don't remember evaluating this map, no.

12 Q (By Ms. Harless) Do you think anyone on your staff
13 evaluated that?

14 A Very likely, but I don't -- I don't recall the
15 discussions on this specific map.

16 Q Did you ever discuss this version of LD 15 with
17 Commissioner Sims?

18 A I don't remember the specific conversations.

19 Q Did you discuss that version of LD 15 with
20 Commissioner Graves?

21 A I discussed -- I had a discussion with
22 Commissioner Graves once toward the end of this process,
23 and I think it was on maybe the 15th of November, the 14th
24 or 15th of November.

25 And I did make clear my thoughts on the 14th, the

1 importance of the 14th to elect -- The importance of the
2 14th is one of several ingredients to make it more likely
3 that the candidates of choice for the Latino population in
4 the Yakima Valley to be elected.

5 That didn't -- That was not reflected in the final
6 maps, but that was a position that I had.

7 Q And what do you mean when you say that wasn't
8 reflected in the final maps?

9 A Oh, just that the district, the CVAP district that's
10 being referred to is numbered as the 15th.

11 Q Around this time were you still sending alternative
12 configurations of the Yakima Valley district for
13 consideration?

14 A There were probably some we were iterating on. I
15 was pretty focused on the congressional maps at this
16 point, but -- But I think maybe the last full map that I
17 sent -- I might have done a couple more on the 14th and
18 15th, but the map on the 10th, which was rejected by the
19 Republican commissioners, which I thought was a good faith
20 effort to put forward a map that in my mind complied with
21 the Federal Voting Rights Act, but that -- that didn't
22 advance in the negotiations.

23 Q And I'm going to put another exhibit in the chat,
24 and this will be marked Exhibit 28. I'll also share it on
25 the screen.

1 (Walkinshaw Exhibit No. 28 introduced and displayed.)

2 Q This document has been marked as Exhibit 28. Have
3 you seen it before?

4 A No, but let's -- Let's -- I'm sure I have, but let
5 me -- I don't --

6 Q It's just this one. It's just this bit here.

7 A I'm -- I'd be curious to look -- Maybe we can look
8 at the link, but -- I'm sure I have seen this, but there
9 were a lot of drafts.

10 Q And this email is dated November 13th; correct?

11 A Terrific. Yes.

12 Q And Ali O'Neil sent it to you and Paul Campos?

13 A She copied me, yes. Correct.

14 Q You received the email from Ali O'Neil; correct?

15 A I -- I -- I -- I trust in the internet, yes. I
16 believe it was -- I believe I received it. I don't --
17 Again, I don't remember the specific email, but I'm sure
18 it was received.

19 Q And the title of this email is BW 11/13 Leg Map
20 Proposal; right?

21 A That's correct. That's correct.

22 Q And in the email Ali O'Neil tells Paul Campos that
23 you asked her to share the latest -- your latest
24 legislative map proposal with Mr. Campos and
25 Commissioner Fain; correct?

1 A That's correct.

2 Q So were you still negotiating on the boundaries of
3 the Yakima Valley district on November 13th?

4 A I think I was trying to continue -- I was trying to
5 continue to put forward versions of maps that I felt
6 without any ambiguity were compliant with our team's
7 interpretation of and the analysis that was done by the
8 UCLA Voting Rights Project interpretation of the Federal
9 Voting Rights Act.

10 So I don't remember -- I'll be curious when we open
11 this up and look at it, but I -- I -- I hope that and I
12 assume that -- that what we will see is a -- is a 14th
13 District that in my mind is compliant with the Federal
14 Voting Rights Act.

15 I don't remember -- Again, I don't remember the
16 contents of this map that we're about to look at.

17 Q In this email Ali includes the shapefiles and block
18 assignment files for your November 13th map as well;
19 right?

20 A Correct.

21 Q Okay. So we'll take a look at this map in Dave's --
22 just what you were wishing and hoping for.

23 A Let's see if I was correct.

24 Q And it will take it a second to load.

25 (Map displayed.)

1 Q Okay. I'll put the district lines on, the district
2 labels on. I'll take the precincts off.

3 Do you see at the very top the map is called
4 BW 11/13 Leg Proposal?

5 A Correct.

6 Q Do you recognize this as your 11/13 leg proposal?

7 A I don't, but I take ownership of it; and it reflects
8 my perspective on November 13th.

9 Q Do you know who drew this version of Legislative
10 District 14 in your map?

11 A I -- I am -- I would say with some certainly it was
12 the Senate Democratic Caucus team that was working with
13 me.

14 Q I'm going to add something here. And I'm really
15 quickly going to take a screenshot of this map, and we
16 will mark it as Exhibit 29.

17 (Walkinshaw Exhibit No. 29 introduced and displayed.)

18 Q If we look here on the district -- I'm going to
19 click District 14 here. If we look here in the district
20 details box the citizen voting age -- the 2019 citizen
21 voting age population for this version of Legislative
22 District 14 is 51.6 percent; correct?

23 A Correct.

24 Q Do you -- Did you or anyone on your staff evaluate
25 whether this Legislative District 14 provided Latino

1 voters with an equal opportunity to elect candidates of
2 choice?

3 A I'm not sure. I assume we did, but maybe we can go
4 to the next phase of this analysis.

5 Q Does this version of Legislative District 14 keep
6 the Yakama Reservation whole?

7 A I believe it does.

8 Q Okay.

9 A I can't see clearly.

10 Q I'll zoom in a little bit.

11 A I believe it does.

12 Q And do you think this version of Legislative
13 District 14 keeps Latino communities in the Yakima Valley
14 together in one district?

15 A I'm not sure. I'd have to -- I'd have to -- I'm not
16 sure.

17 I know that probably by November 13th I also was
18 trying to seek a way forward after my -- after the
19 November 10th map was rejected, so let's see what -- Let's
20 see what performances are on this.

21 Q Does this district look similar to your October 25th
22 proposal?

23 A It's hard for me to remember, unless I'm seeing them
24 side by side.

25 I definitely stand by my October -- I think the

1 October 25th proposal was a very strong example of
2 compliance with the Voting Rights Act.

3 Q Did you mention that you wanted to see the partisan
4 performance data?

5 A Yeah. Sure.

6 Q Let me know when you want me to scroll down.

7 A Sure. Maybe scroll down. Okay.

8 Yeah. I mean, just from a -- I would have to -- I
9 would have to -- I would trust the team that developed
10 this; and however they have shared their perspectives on
11 it, I would definitely trust their perspectives.

12 However, from a brief look, this -- this seems to me
13 to still be in keeping with the core values that I shared
14 previously of -- of a -- of a 14th District compliant
15 with -- likely to elect candidates of choice of the
16 Hispanic -- the Latino population in the Yakima Valley.

17 Q What information did looking at the partisan data
18 give you?

19 A The performance. I actually think -- I mean,
20 this -- That was a shorthand look, and I think what's most
21 important is to kind of look at the longer type of
22 analysis that will be done on these, but on --

23 But I -- I -- I just wanted to gut check to remind
24 myself that I felt like the team had also looked at it
25 with the same lens, and it strikes me that we did. So

1 I -- My sense is that this map that I released as well
2 is -- is compliant with my understanding of the Federal
3 Voting Rights Act.

4 Q And what was Commissioner Fain's response to this
5 version of Legislative District 14?

6 A There was -- Oh.

7 MR. MILLSTEIN: Objection to form.

8 A There were so many interactions that I don't
9 remember, but maybe there will be something that will come
10 up that will jog my memory.

11 I will say that this was not the -- This was also
12 similar to the map I shared on the 10th, similar to the
13 map I shared in October. This was not the end result of
14 the process.

15 Q (By Ms. Harless) All right. I'm going to put
16 another document in the chat, and we will mark this one as
17 Exhibit 30.

18 A And maybe we can take a brief recess at 2:30 for
19 five minutes?

20 Q That would be great, as long as it works for Andrew.

21 MR. HUGHES: If you want to take a recess,
22 you don't have to wait for me.

23 Q (By Ms. Harless) Okay. I'm going to -- I put that
24 document in the chat, and I'm also going to share it on my
25 screen. And I'll zoom out so we can see the chain.

1 (Walkinshaw Exhibit No. 30 introduced and displayed.)

2 Q Okay. This has been marked as Exhibit 30.

3 Have you seen this text before?

4 A Yeah.

5 Q What is it?

6 A Yeah, so this is -- This is an example -- This would
7 be an example -- I'm in blue. Joe Fain is in the kind of
8 lighter colored text.

9 Yeah, I think this is an example of the Republican
10 commissioner's release, Senator Fain -- or Commissioner
11 Fain rejecting -- rejecting the legislative map that I
12 sent over that I thought was compliant with the Federal
13 Voting Rights Act.

14 Q So if you look here the timestamp is November 13th
15 on the text?

16 A Correct.

17 Q And this was right after -- These responses are
18 after you sent your legislative proposal to Commissioner
19 Fain on the 13th; correct?

20 A We'd have to cross-check the times of the email and
21 the text, but I assume that's the case.

22 Q Do you want me to show you the --

23 A No, I trust that that's the case.

24 Q And Joe Fain's response was, "Just reviewed the map
25 and charts. It's moving the opposite direction, not

1 really worth discussing." Right?

2 A Correct.

3 Q What did you understand, "It's moving the opposite
4 direction" to mean?

5 A My understanding of that is that he felt -- My
6 understanding of that was that he felt that my -- my --
7 the maps that I was proposing on the legislative side were
8 moving further from a position that he would be
9 comfortable supporting and that he felt the direction of
10 the other -- I'll leave it there.

11 That he felt that it was moving further away from
12 the direction that he would be comfortable supporting.

13 Q What was the direction that he was comfortable
14 supporting?

15 A Commissioner Fain had -- He kind of had this -- this
16 table that he used to assess the maps, and I -- I think
17 that he -- This -- My sense is that this was moving in
18 a -- in a direction that he thought was probably worse for
19 Republican performance.

20 Q When you say he had a table to assess legislative
21 maps, what was the table?

22 A I don't recall. It had a bunch of variables that he
23 was looking at around competitiveness.

24 Q I'll stop sharing that.

25 Did you send your November 13th legislative proposal

1 to any of the other commissioners besides Fain?

2 A I very likely also sent it to Commissioner Sims, but
3 I don't recall.

4 Q Do you remember any kind of conversation you had
5 with Commissioner Sims about this legislative proposal?

6 A I don't.

7 Q Do you remember discussing this version of
8 Legislative District 14 with anyone else?

9 A I very likely discussed it with the caucus staff who
10 worked on it, but beyond that I don't recall.

11 MS. HARLESS: Okay. I think this would be
12 a good point to take a break, if that works.

13 THE WITNESS: Terrific.

14 MR. MILLSTEIN: That's fine.

15 THE VIDEOGRAPHER: Going off record, this
16 is the end of media three. The time is 2:31.

17 (Discussion off the record.)

18 (Break 2:31 p.m. to 2:41 p.m.)

19 THE VIDEOGRAPHER: Back on the record, here
20 begins media four. The time is 2:41.

21 Q (By Ms. Harless) I'm going to put a document here in
22 the chat, and we will mark it as Exhibit 31. And then I
23 will also share it on my screen in one second.

24 (Walkinshaw Exhibit No. 31 introduced and displayed.)

25 Q Okay. I'm showing you what has been marked as

1 Exhibit 31, and I'll let you scroll through. Let me know
2 when you want me to slow down.

3 A Okay. Okay.

4 Q And that's the bottom.

5 A Okay.

6 MS. HARLESS: Andrew, --

7 MR. HUGHES: I'm sorry, they just called my
8 kiddo's case. Would it be okay to take a 30-minute break
9 now?

10 MS. HARLESS: Yeah. Let's just stop here.

11 MR. HUGHES: Okay. Thank you all so much.

12 MR. MILLSTEIN: We'll be back in 30.

13 THE VIDEOGRAPHER: Going off record, the
14 time is 2:42.

15 (Break 2:42 to 3:16 p.m.)

16 THE VIDEOGRAPHER: Back on the record, the
17 time is 3:16.

18 Q (By Ms. Harless) Okay. I'm going to put a document
19 in the chat, and I'm going to mark it as Exhibit 32. And
20 then I will also share it on my screen, and I'm going to
21 zoom out so we can see this a little bit better.

22 (Walkinshaw Exhibit No. 32 introduced and displayed.)

23 Q (By Ms. Harless) Okay. I'm showing you what has
24 been marked as Exhibit 32. Have you seen this before?
25 And I'll scroll down. There's three pages of text.

1 A Sorry. What's the date on this? I missed the
2 timestamp at the top.

3 Q Yeah. It's the file is named 11/14, so --

4 A 11/14.

5 Q Yeah.

6 A So I'm catching up with you.

7 Q Okay. I'll leave it there for a sec. Let me know
8 when you're ready.

9 A Sure. Sure. Keep going down. Okay.

10 Q Okay. So I'm looking on the first page, and you're
11 having a conversation here with April Sims, who says she
12 just -- or you said you just spoke to Joe; correct?

13 A Correct.

14 Q And then part of the way down the page you respond
15 to April and say, "Another thought: You could say that
16 you only want it in the 14th, that you don't accept it in
17 the 15th." What did that mean?

18 A I think what you see there is me -- me trying to
19 advance the idea that it was -- my feeling was it was
20 important that the district be the 14th.

21 Q What was April's thought about the district
22 numbering?

23 MR. MILLSTEIN: Object to form.

24 A I don't -- I don't recall at the moment what it was.
25 Maybe it will -- Maybe it will be -- Maybe it will be in

1 writing later in this text. I don't recall.

2 Q (By Ms. Harless) You also then said, "Maybe that's a
3 way out." What did you mean by that?

4 A I don't actually remember at the moment. I think I
5 was probably just brainstorming ideas to keep things
6 moving.

7 Q Brainstorming ideas to keep things moving in what
8 way?

9 A Just to keep conversation -- keep negotiations
10 continuing so they wouldn't totally fall apart.

11 Q And let's go down to the next page, which shows
12 additional texts from you in that chain, the very next one
13 from you after, "Maybe that's a way out," says, "And we
14 could accept lower than 50 CVAP in the 14th."

15 What did you mean by that?

16 A I think it's me just trying to voice a negotiating
17 position that we can try to move the district back to the
18 14th because I thought that was important.

19 Q And why would offering lower than 50 percent CVAP be
20 a compromise?

21 A I -- Again, I wouldn't treat any of these texts as a
22 vision of a final compromise. I think I would see these
23 texts in my mind as kind of negotiating tactics. And I
24 think -- When I look at that I think what I was trying to
25 do was trying to move the discussion back to the 14th.

1 Q All right. I'm going to stop sharing this exhibit,
2 and I'm going to mark another exhibit. This will be
3 Exhibit 33, and I will put it in the chat.

4 A Can you hear me okay? Is my audio -- You can hear
5 me well? Am I too soft?

6 Q I can hear you.

7 A Okay. Great.

8 Q Okay. So I've got that in the chat, and then I will
9 share my screen. And I'm going to zoom out here.

10 (Walkinshaw Exhibit No. 33 introduced and displayed.)

11 Q So I'm showing you what has been marked as
12 Exhibit 33, and this is a text chain between you and
13 Joe Fain, including on Sunday, November 14th; correct?

14 A Correct.

15 Q And you're the blue text, and he's the gray text?

16 A Correct.

17 Q And if you look at the first text under Sunday,
18 November 14th, Joe says, "I heard that you're a no on the
19 leg maps no matter what at this point. If that's a
20 negotiating tactic by April, then it's kind of lame. If
21 it's not, then let me know so I can pack it up and spend
22 my day doing something productive tomorrow."

23 Do you see that?

24 A I do see that.

25 Q Were you actually a no on the legislative maps no

1 matter what when Joe texted you?

2 A Can I see the rest of the thread?

3 I think I was at this point -- I'm remembering where
4 this was. I was extremely frustrated with where the
5 legislative maps were at.

6 So I was --

7 Q Why did --

8 A I don't think -- I wouldn't say that I was a
9 permanent no, but I was -- I was -- I was frustrated by
10 the direction of the maps.

11 Q But at that point were you a no on the legislative
12 maps?

13 A I don't think that was a negotiating tactic. I was
14 seriously considering my vote.

15 Q Why were you frustrated by the legislative maps at
16 that point?

17 A I think there were a variety of -- a variety of
18 aspects in the maps, if I recall. I was concerned about
19 specific districts. I was -- I had questions about the
20 VRA in the 14th and 15th. I had questions --

21 I just had a series of questions. So I actually
22 think that it was a stage when it wasn't clear how we were
23 moving forward.

24 Q So was one of the reasons you were a no at that
25 point the configuration of the Yakima Valley legislative

1 district?

2 A I would say it was several -- several factors were
3 making me think about my vote at that point.

4 Q And was that one of them?

5 A I think in -- in -- among others, yes.

6 Q And if we look here on page 2 of Exhibit 33 we can
7 see your response to Fain, and you said, "That's a
8 mischaracterization. There was a clear agreement that
9 Paul backed out on."

10 A Correct. There was -- There was an agreement. I
11 actually don't remember the specifics of it, but at that
12 point there had been something that Paul had agreed to
13 that my understanding had been that he -- he -- he changed
14 his mind on.

15 Q The Paul here is Paul Graves; is that right?

16 A That's correct. That's correct.

17 Q Do you have any memory of what the agreement was?

18 A No.

19 Q And what was your response to Paul backing out of
20 the agreement?

21 A Frustration.

22 Q Did you discuss with April how she felt about Paul
23 backing out on the agreement?

24 A Yeah. We spoke about it. I can't remember the
25 specifics of the agreement. We did speak about it, and I

1 also shared that correspondence with Joe with April as
2 well.

3 Q And what was April's response?

4 A I don't know. I can't recall. I'm sure it's in our
5 text thread.

6 Q What was the outcome of that? Or I should say what
7 happened next after Paul backed out of the agreement?

8 A I don't recall the specific chain of events, but I
9 believe that that night things -- the night of the 14th
10 things sort of broke down in the discussions.

11 Q And you mentioned the night of the 14th you had
12 concerns about the Voting Rights Act in Districts 14 and
13 15; right?

14 A Among others -- Among others, yeah. I mean, I think
15 those were expressed repeatedly in the maps that I had
16 shared that hadn't been advanced.

17 Q What were the concerns that you had on the night of
18 the 14th about the Yakima legislative district?

19 A What I had shared previously in my maps of electing
20 candidates of -- of -- of choice.

21 Q So your concern was about the ability of Latino
22 voters to elect their candidate of choice in the Yakima
23 Valley district?

24 A Yes.

25 Q And why were you concerned about that?

1 A I think that because I didn't -- The maps that were
2 being discussed were not along the lines of the maps that
3 I had -- I had produced.

4 Q What was different about the maps than the ones you
5 had produced?

6 A I mean, we've discussed this, but I think the
7 numbering of the districts, issues around performance,
8 keeping communities together.

9 Q And when you say issues around performance, do you
10 mean partisan performance?

11 A Yes.

12 Q And do you mean that the district -- the performance
13 of the district was more Republican?

14 A Yes, I do mean that.

15 Q All right. Let's stop sharing that. And I'm going
16 to go back to Exhibit 32, and I'll pull that up again.

17 (Walkinshaw Exhibit No. 32 displayed.)

18 Q And now we're going to go to page 3 of Exhibit 32.
19 And if you see underneath the text at the top you're
20 saying you just got a text from Joe Fain about, "I heard
21 that you're a no on the leg maps."

22 A Correct. That's what I just shared. I recall
23 sharing that with April.

24 Q And then underneath April says, "Back to status quo
25 on the 14/15?" Do you see that?

1 A I do see that.

2 Q What did back to the status quo on the 14/15 mean?

3 A I don't remember.

4 Q Do you have any idea what she was talking about when
5 she said, "Back to the status quo on the 14/15?"

6 A No, I don't remember.

7 Q You then responded below, "Aw, okay, I think that's
8 the very best" --

9 "Aw, okay. I think the very best for us would be a
10 less than 50 percent CVAP in the 14th."

11 Do you see that?

12 A I think that was a negotiation tactic.

13 Q When you said us, who were you referring to?

14 A I'm not sure. I don't recall. I don't recall
15 whether that's reference to Senate Democratic perspective
16 of Caucus staff in my conversations. I'm not sure who us
17 refers to.

18 Q Why would a less than 50 percent CVAP in the 14th be
19 the very best?

20 A Again, I didn't see that as an end result. I think
21 I -- When I read that I see that as like a negotiating
22 position to move the discussion back to the 14th District.

23 Q Why was that a negotiation tactic?

24 A Because my belief had been that it was better for
25 the district to be the 14th over the 15th.

1 Q And what was the goal of offering a less than
2 50 percent CVAP in the 14th?

3 A I think it was -- Again, I think it was a
4 negotiating tactic to return the conversation to the 14th.

5 Q And by negotiating tactic were you negotiating with
6 Commissioner Sims or all three of the other commissioners?

7 A Oh, no. I think -- I think -- I think with -- I
8 think with our Republican counterparts.

9 Q So once you sent this negotiating tactic of less
10 than a 50 percent CVAP in the 14th, where did you want the
11 conversation to go?

12 A I don't recall at the time.

13 Q All right. You met with Commissioner Graves on the
14 morning of November 15th; correct?

15 A If -- If that's correct. If that's correct from the
16 text history, then that's correct. I don't remember the
17 specific time.

18 Q Do you -- Do you remember who else was present at
19 that meeting with Commissioner Graves?

20 A I do.

21 Q Who? Who was present?

22 A Commissioner Augustine was there, and then someone
23 was with me from caucus. I actually can't -- I think it
24 might have actually been Osta Davis who was with me, but I
25 might be wrong. It might have been Ali O'Neil. I can't

1 remember.

2 And then it was someone who worked with Paul.

3 Q Was Anton Grose there? Is that who you were
4 referring to?

5 A I don't remember if that's -- I don't know if that's
6 correct. I don't remember.

7 Q And Ali O'Neil was there; correct?

8 A I don't remember if it was -- As I said, I don't
9 remember if it was Ali O'Neil or Osta Davis.

10 Q Were you frustrated at that meeting, when you met
11 with Paul Graves at that meeting?

12 A I think I voiced frustration at that meeting, yes.

13 Q What was the frustration that you voiced?

14 A I think it was around the -- the -- the VRA district
15 in the Yakima Valley.

16 Q At that meeting did you tell Paul Graves that you
17 might be willing to vote for a district in the Yakima
18 Valley that was not VRA compliant?

19 A I don't recall saying that, but -- I don't -- I
20 don't remember.

21 Q At that meeting did you ask Paul Graves to draw the
22 Yakima Valley district the way he wanted it but to keep it
23 numbered 14?

24 A I don't recall.

25 Q And at that meeting Graves told you that he wanted

1 to draw the district with a majority Latino CVAP, but that
2 it would be Republican performing; correct?

3 A That's very possible. I do think -- I do think what
4 you're saying was consistent with what my tactic would
5 have been. I was -- I was keen to have the district
6 return to the 14th.

7 Q And how would that be consistent with your tactic?
8 How would -- How would offering to let Paul Graves draw
9 the Yakima Valley district the way he wanted but keep it
10 numbered 14 be consistent with a VRA-compliant district in
11 the Yakima Valley?

12 MR. MILLSTEIN: Objection to form.

13 A Yeah, that's actually consistent with what I said,
14 which was that I was -- I believe that my interest was to
15 have it numbered 14.

16 Q (By Ms. Harless) At that meeting Graves told you he
17 was drawing the district with a majority Latino CVAP but
18 Republican performing because it would protect against a
19 lawsuit; correct?

20 A I don't recall that, but that -- that could have
21 been said.

22 Q And so you said your --

23 A And that --

24 Q Oh, go ahead.

25 A Oh, go ahead. No, just that that may have been

1 said. I don't -- I don't -- I don't recall the specifics.

2 Q And you said your goal was to keep the district
3 numbered 14; right?

4 A That was a tactic that I thought was important, yes.

5 Q Why did you think keeping it numbered 14 was
6 important?

7 A Because of what I had shared before, which we --
8 the -- I think that it -- The alignment with the
9 presidential year made it more likely that it would be
10 compliant with the VRA because of turnout.

11 Q Graves would only agree to a Republican performing
12 legislative district in the Yakima Valley; correct?

13 MR. MILLSTEIN: Objection to form.

14 MR. HUGHES: Lack --

15 Q (By Ms. Harless) You can answer.

16 THE REPORTER: I'm sorry, Andrew, --

17 A I don't know.

18 THE REPORTER: Andrew, I didn't hear your
19 objection.

20 A I don't know. I think there were different things
21 said at different times.

22 THE REPORTER: I'm sorry. I'm sorry.
23 Andrew, I didn't hear your objection.

24 MR. HUGHES: It was lack of foundation.

25 Q (By Ms. Harless) What do you remember about

1 Commissioner Graves' position during this meeting?

2 A A strong feeling of wanting the VRA, the district to
3 be in the -- in the -- in the 15th. And if I recall,
4 along the lines of what you had described as majority CVAP
5 but Republican performing.

6 Q So you remember that Graves wanted the district to
7 be the 15th; is that correct?

8 A I believe -- I believe so.

9 Q And you remember that he wanted the district to be
10 majority Latino CVAP but Republican performing?

11 A I may be mistaken, but I believe that's likely.

12 Q Did you say anything else to him in response besides
13 what we've already discussed?

14 A I actually don't recall my response.

15 Q Did you discuss anything else at that meeting in
16 relation to the Yakima Valley district?

17 A I don't -- I really -- I don't -- I don't recall.

18 Q And did Sarah Augustine say anything at that
19 meeting?

20 A I'm sure she did, but I don't -- I don't recall.

21 Q Did Sarah Augustine have an opinion on the Yakima
22 Valley legislative district?

23 A I don't recall. I don't -- I don't recall her
24 opinion, no.

25 Q Was there agreement among the commissioners about

1 the configuration of a state legislative district in the
2 Yakima Valley area before you voted on the map on the
3 15th?

4 A I think there was uncertainty.

5 Q What do you mean by that? What do you mean that you
6 think there was uncertainty?

7 A I hadn't decided how I was going to vote until I
8 took my vote.

9 Q When did the commissioners agree about the
10 configuration of the Yakima Valley legislative district?

11 A Again, I don't know. I -- I -- I agreed when I took
12 my vote. I didn't agree prior to that.

13 Q Besides Commissioner Fain, at any point before the
14 end of negotiations did you tell anyone else that you were
15 going to vote no on the state legislative map?

16 A I don't recall.

17 Q Did you tell Commissioner --

18 A I think I had -- I had a lot of uncertainty about
19 how I was going to vote up until I voted.

20 Q Did you tell Commissioner Graves that you were going
21 to vote no on the legislative map?

22 A I don't recall.

23 Q And part of that uncertainty was the configuration
24 of the Yakima Valley legislative district; right?

25 A Yes.

1 Q On the morning of November 15 besides the meeting we
2 just talked about, did you have any conversations with
3 anyone about whether you would vote for or against the
4 state legislative map?

5 A Probably.

6 Q Any that you can remember?

7 A I probably spoke with caucus staff about it.

8 Q And do you remember what you told them?

9 A No. I was -- I was -- I wasn't -- I wasn't certain
10 myself at the time.

11 Q When did you decide how you were going to vote on
12 the state legislative proposal?

13 A Immediately before the vote.

14 Q Was it a difficult decision for you to make?

15 A Yes.

16 Q Did you face any pressure from any other
17 commissioners to support a deal on the state legislative
18 map?

19 A I wouldn't characterize it like that, no.

20 Q Who lobbied you in relation to how you would vote on
21 the final legislative map?

22 MR. MILLSTEIN: Objection to form.

23 A Yeah, I don't recall. I think -- I don't recall. I
24 think we were all -- Everyone was advocating for different
25 positions.

1 Q (By Ms. Harless) Do you recall anyone -- Do you
2 recall talking to anyone on the day of the 15th about
3 whether you would or wouldn't vote on the map?

4 MR. MILLSTEIN: Asked -- Objection, asked
5 and answered.

6 A I'm sure I spoke with -- I imagine I probably spoke
7 with a number of people about that. I don't recall
8 specifics, though.

9 Q (By Ms. Harless) Do you recall anyone telling you
10 how they thought you should vote on the map?

11 A People may have expressed their opinions to me, but
12 I don't -- Yeah, I probably had many, many opinions
13 expressed to me on the 15th.

14 Q Do you remember who any of those people were?

15 A No, but very likely everyone involved in the
16 process, and I think it was -- I was in touch with a lot
17 of people on the 15th, and most people had opinions.

18 Q Do you remember what the primary considerations were
19 in your mind when you were deciding whether to vote yes or
20 no on the legislative map?

21 A I think my main considerations were what the best
22 outcome could be from a bipartisan redistricting
23 negotiation process.

24 Q And what do you mean by that?

25 A Whether -- Whether I felt that from the way the

1 process was structured, whether we were getting outcomes
2 that were the best that could emerge from a process like
3 that without the maps going to the Supreme Court.

4 Q Are you aware of any communications between other
5 commissioners and third parties about pressuring you to
6 support a deal on the state legislative map?

7 A No. Pressuring -- I was -- I was very likely -- I
8 wouldn't use the word pressure. I was -- I feel like
9 people voiced their opinions to me, but I didn't -- I
10 didn't feel -- I didn't feel pressured.

11 Q I'm going to put a document here in the chat, and
12 I'm going to mark it as Exhibit 34; and I'll also share my
13 screen.

14 (Walkinshaw Exhibit No. 34 introduced and displayed.)

15 Q Okay. I'm going to zoom out a little bit. And if
16 you see at the top this document is titled J.T. Wilcox
17 11/15(3).

18 A I can't read the text, Annabelle.

19 Q Oh.

20 A I'm wondering if it's too light.

21 Q Maybe I'll zoom in.

22 A There's something weird about it.

23 Q I'll zoom in. Now can you see it? I think it's
24 because of the way it was produced.

25 A Okay. Okay. I can see it now.

1 Q And I'll represent to you that this is a text
2 exchange produced by Commissioner Paul Graves in response
3 to a public records request --

4 A Okay.

5 Q -- and subsequently a subpoena in this case.

6 And who is J.T. Wilcox?

7 A I believe he has some role in -- He has some role in
8 House Republican leadership in the State House.

9 Q And since this was produced by Paul Graves, his
10 texts are in green, and J.T. Wilcox's texts are in gray.

11 And let's look at the texts at the very top, and
12 here Paul Graves says, "Now Brady is saying he's a no, and
13 April is asking for like ten things that we obviously
14 can't do for her to be the one vote -- one yes vote.
15 Pretty lame on their part. We'll see."

16 Does this indicate that Commissioner Graves had
17 heard you were a no on the legislative map?

18 MR. MILLSTEIN: Objection, lacks
19 foundation.

20 A I -- I'm not going to -- That's the implication of
21 this text, but I won't -- I won't -- I won't guess.

22 Q (By Ms. Harless) Do you know who told him that you
23 were a no on the legislative map?

24 MR. MILLSTEIN: Objection, lacks
25 foundation.

1 A I won't -- I won't -- I won't -- I don't know.

2 Q (By Ms. Harless) But you were a no on the
3 legislative map at that point; correct?

4 A Again, as I said earlier, my -- I was -- I was
5 wrestling with the decision throughout the day. So I
6 don't know what that point means.

7 Q Let's go down part way through, and you'll see
8 Monday, 11:36 a.m. J.T. Wilcox says -- texts, "How's it
9 going?"

10 And then Paul says, "I think we'll get there. I
11 think Joe has a lot of good contacts who can make Brady's
12 life very hard who want a deal."

13 Do you see that?

14 A I do see that.

15 Q Did Joe Fain pressure you in any way to support a
16 deal?

17 MR. MILLSTEIN: Objection, lacks
18 foundation.

19 A No, he did not. And I -- I've seen this exchange
20 produced in the past. I actually don't -- I do not know
21 what that's in reference to.

22 Q (By Ms. Harless) You don't know who any of those
23 contacts were?

24 A I don't know what -- I do not know what that text
25 means, no. I do not know who those contacts are.

1 Q Did anyone tell you that voting for a deal was more
2 important than complying with the Voting Rights Act?

3 A No, no one said that to me.

4 Q I'll stop sharing this screen.

5 How would you describe what you ultimately voted for
6 on November 15th?

7 MR. MILLSTEIN: Objection, vague.

8 A As I've shared previously, in previous testimony,
9 I -- I -- We voted on a framework that was later
10 translated to maps and submitted to the courts the
11 subsequent day.

12 Q (By Ms. Harless) So you would agree it was not an
13 actual completed state legislative map at the time you
14 voted on it; correct?

15 A That's correct.

16 Q And what was your understanding of the configuration
17 of the Yakima Valley district in that framework?

18 A I actually don't recall the specifics. I recall
19 that the agreement had been that it would be the 15th, and
20 I think that there had been some -- some final numbers on
21 around partisanship; and I can't remember the specifics
22 beyond that.

23 Q Do you remember what the numbers around partisanship
24 were?

25 A No. I haven't gone back to check, no.

1 Q Would it be fair to say that the district was
2 Republican performing?

3 MR. HUGHES: Object to form.

4 Q (By Ms. Harless) You can answer.

5 A I think that would be in current -- under current --
6 under current -- under current metrics, yes, I think that
7 would be fair to say.

8 Q What do you mean by under current metrics?

9 A Under current -- under the -- under the numbers, the
10 examples of the numbers that you were sharing with me
11 earlier, I think that that would be safe to say.

12 Q And did you think that the district in the framework
13 for the Yakima Valley area did not allow Latino voters an
14 opportunity to elect candidates of their choice?

15 MR. MILLSTEIN: Object to form.

16 Q (By Ms. Harless) You can answer.

17 A I -- Again, not to go back to what I said
18 previously, but I believe that the maps that I produced on
19 the 13th, the 10th of November, the late October,
20 September were all examples that were very clearly in
21 compliance with the Federal Voting Rights Act.

22 I think the question you're asking is for the courts
23 at this point to decide. And I -- I went forward with
24 what I felt was the best outcome from the bipartisan
25 process we were in.

1 Q So I'm not asking you a legal conclusion. I'm just
2 asking at the time you voted on this framework did you
3 think that the Yakima Valley state legislative district
4 would allow Latino voters to elect their candidate of
5 choice?

6 A Again, I think that that's a decision for the
7 courts. And in terms of what my opinion was at the time
8 of the vote, I believed that there was a possibility, and
9 I believed that it was something that would be -- that
10 would be the source of continued discussion.

11 Q Why did you believe that there was a possibility
12 that Latino voters could elect a candidate of choice in
13 that configuration of the Yakima Valley district?

14 A I -- I don't -- I don't recall my specific thinking
15 at the time.

16 Q But when you voted for the framework did you have
17 concerns about whether the Yakima Valley district complied
18 with the Voting Rights Act?

19 A I knew that what I had previously proposed did, and
20 I was -- I believed that it was in an area that would
21 require further consideration. I thought it was in a gray
22 area, but I believed that -- I believed that --

23 Again, I think I'm not a legal expert, but I
24 believed what I had put forward previously did comply.

25 Q Did you believe that there was a chance that the

1 framework did not comply with the Voting Rights Act?

2 A I wasn't sure.

3 Q Were you okay voting for a map that you weren't sure
4 whether it complied with the Voting Rights Act?

5 A Again, I felt like what we -- what we achieved was
6 the process of a bipartisan commission that left questions
7 that -- I shared what I thought would certainly comply
8 with the Federal Voting Rights Act, and I think that's
9 what you're determining right now.

10 Q So did you think it was more important to reach a
11 deal on a legislative map than ensure that the Yakima
12 Valley district complied with the Voting Rights Act?

13 A No.

14 MR. MILLSTEIN: Objection.

15 A I did not think that, no.

16 MR. MILLSTEIN: Form.

17 Q (By Ms. Harless) What happened after the vote on the
18 framework for the state legislative map?

19 MR. HUGHES: Objection, vague.

20 Q (By Ms. Harless) You can answer the question.

21 A We -- There was work that was done by caucus staff
22 to work on translating that into -- into maps.

23 Q And where were they working on creating a map, a
24 final state legislative map?

25 A Can you clarify what you mean by where?

1 Q Yeah. Where were they physically located when they
2 were drawing --

3 A Oh.

4 Q -- the state legislative maps?

5 A In the hotel that we were at in Federal Way,
6 Washington.

7 Q And were you in the room while they were doing that?

8 A It was a large room, and I was in it at times.

9 Q Did you see the final legislative map before it was
10 sent to the State Supreme Court?

11 A No.

12 Q Were you surprised when you didn't see the final
13 state legislative map before it was transmitted to the
14 State Supreme Court?

15 A Yes, and I conveyed that.

16 Q How did you convey that?

17 A In texts. I -- to people involved in transmitting
18 it.

19 Q Had you or your staff done any analysis of the
20 Yakima Valley district in the final map in terms of
21 whether Latino voters had an opportunity to elect a
22 candidate of choice?

23 A I'm not sure, but if it was done, I don't recall
24 seeing that analysis myself.

25 Q Did you talk to Senator Andy Billig about whether to

1 support a deal on a state legislative map?

2 A I imagine that I certainly did, among many -- among
3 other people.

4 Q Okay. I'm going to put a document here in the chat,
5 and we will mark it as Exhibit 35. And I will also share
6 it on the screen.

7 (Walkinshaw Exhibit No. 35 introduced and displayed.)

8 Q I'm going to zoom out here. And I'm showing you
9 what's been marked as Exhibit 35, and this is a screenshot
10 of texts between you and Senator Andy Billig; correct?

11 A That's -- That appears to be the case. Yes, that's
12 correct. I'm catching up with this.

13 Q And the date at the top says Billig_11/16. Do you
14 see that?

15 A Yep, I do.

16 Q And do you understand that to refer to
17 November 16th?

18 A Yeah, at 12:22 a.m., if that's correct.

19 Q And again --

20 A Or is that the 12th? Sorry, I'm trying to
21 understand the timestamp on that.

22 Q I believe the timestamp might have been when you
23 took -- when someone took a screenshot of the texts.

24 A Oh, okay.

25 Q But the texts here are from -- The ones in blue are

1 from you, and the ones in gray are from Andy Billig;
2 correct?

3 A Okay. That's correct.

4 Q In the second text down Andy Billig says, "Seems
5 like buying time until tomorrow makes sense."

6 Why did he want to buy time?

7 MR. MILLSTEIN: Objection to form.

8 A I'm having trouble answering this question because I
9 don't know -- I can't tell what -- when this happened.

10 So I don't know the answer to that without seeing
11 the actual timestamp on this text.

12 Q (By Ms. Harless) Do you understand this is how you
13 produced the texts?

14 A I do. Thank you.

15 Q Okay. I mean, the only thing I can tell you is --

16 A I would say --

17 Q -- the title says --

18 A I would say it was produced by a third party on my
19 behalf.

20 Q The only thing I can say is the title indicates it's
21 November 16th, but I don't know how --

22 A Okay.

23 Q So these texts are taking place after you voted to
24 approve a framework for the state legislative map; right?

25 A That would be correct, yes.

1 Q And if you go to the last gray text there from
2 Andy Billig he says, "That also buys us time to figure out
3 what we say about the VRA district."

4 Do you see that?

5 A Yes, I do.

6 Q Why did Senator Billig want time to figure out what
7 to say about the VRA district?

8 A I'm not sure. There was a lot of --

9 MR. HUGHES: Objection.

10 A -- ambiguity. There was a lot of ambiguity at this
11 stage, and I -- I wasn't aware of where the map -- the
12 status of the maps were, as is evidenced by other texts
13 and statements that I've made.

14 So I'm not -- I'm not actually sure. I can't answer
15 that. I can't answer that with this information.

16 MR. HUGHES: Sorry, I'm just going to have
17 a late objection, lack of foundation.

18 Q (By Ms. Harless) All right. I'm going to stop
19 sharing this. I'm going to grab another --

20 MR. MILLSTEIN: Wait a second. Pause
21 before answering.

22 Q (By Ms. Harless) -- document and screen share, and
23 we'll mark this as Exhibit 36. Let me check -- Okay.

24 (Walkinshaw Exhibit No. 36 introduced and displayed.)

25 Q Okay. I'm showing you what's been marked as

1 Exhibit 36, and this is another screenshot of texts
2 between you and Senator Billig; correct?

3 A Correct.

4 Q And again, this document is titled Billig_11/16, and
5 then it has parentheses eight. Do you see that?

6 A Correct.

7 Q So these are texts from November 16th?

8 A Correct.

9 Q And there's a timestamp in the middle that says
10 November 16th as well?

11 A (Nodded.) Yes.

12 Q And the texts from you are in blue, and the texts
13 from Andy Billig are in gray?

14 A Correct.

15 Q So let's go down to the texts right under the
16 timestamp there, and Senator Billig says, "I just heard
17 the maps were submitted to the court. Was that a decision
18 of the commissioners, or did Sarah do that on her own?"
19 And you said, "It's actually wild. Big problem."

20 A Correct.

21 Q What did you mean by that?

22 A I was extremely surprised to learn that the maps had
23 been transmitted to the court because I didn't -- I
24 didn't -- At the time there was a lot of confusion at that
25 point.

1 I think it was -- Some of us felt -- I think there
2 was confusion about whether we had missed the deadline and
3 that whether the maps were actually going to the court to
4 be drawn. And I wasn't -- I was not -- I was also
5 expecting that there would be another look at the maps
6 before they were passed on and did not see them before
7 they were.

8 Q Senator Billig then says, "Are you issuing your VRA
9 concern as well?" And you said, "At this point I think I
10 have to do a release in the morning."

11 A That's correct.

12 Q Was that release about your VRA concern?

13 A I don't -- I don't recall.

14 Q What was your VRA concern?

15 A I don't -- I don't recall. I mean, I -- What I -- I
16 think that is in reference to my concern about the
17 process. I was -- I think there was a lot of confusion at
18 that moment about what was happening next and who had
19 jurisdiction.

20 Q How would a VRA concern apply to what happened with
21 the process? How would that be a VRA concern?

22 A I don't believe my text is in reference to
23 Senator Billig's prior text.

24 Q What do you think it's in reference to?

25 A The potential -- The concern about the process

1 and -- the process itself and the maps being released to
2 the court.

3 Q Okay. I'm going to stop sharing this, and I'm going
4 to mark another exhibit; and this will be Exhibit 37. And
5 I put it in the chat, and I will also share it on my
6 screen.

7 (Walkinshaw Exhibit No. 37 introduced and displayed.)

8 Q I'm showing you what's been marked as Exhibit 37.
9 Have you seen this before?

10 A I don't remember this specifically, but I'm sure
11 that I saw it that day. That was the day when there was a
12 lot happening, and I did not read all of my email.

13 Q If you look at the bottom there's an email from
14 Paulette Avalos to Ali O'Neil on November 17th; correct?

15 A Correct.

16 Q And she says, "Senate Majority Leader Andy Billig's
17 statement on the maps sent by the Chair of the
18 Redistricting Commission to the Supreme Court last night."
19 And then we'll get into the content in a second, but she
20 forwards that to you as well?

21 A Correct.

22 Q And she said, "Hi, Brady. Senator Billig wanted to
23 be sure you saw this. This was just sent out;" right?

24 A Correct.

25 Q If we look at the statement from Senator Billig I'd

1 like to look at the second sentence there that says,
2 "While there appears to be many features of the map that
3 make sense for the goals of fair representation and
4 keeping communities of interest together, I do have a
5 significant concern that the Yakima Valley district may
6 not be compliant with the Federal Voting Rights Act."

7 Do you see that?

8 A Yes, I do.

9 Q Had you talked with Senator Billig about this
10 significant concern about the Yakima Valley district and
11 compliance with the Voting Rights Act?

12 A It's very likely we spoke about that throughout the
13 process. I don't remember the specific conversations.

14 Q What was Senator Billig's significant concern about
15 the Yakima Valley district and compliance with the Voting
16 Rights Act?

17 MR. MILLSTEIN: Objection, lacks
18 foundation.

19 A Yeah, I agree. I think it's compliance -- Precisely
20 that, compliance with the Federal Voting Rights Act.

21 Q (By Ms. Harless) Did you share -- Did you share
22 Senator Billig's concern that the Yakima Valley district
23 may not be compliant with the Federal Voting Rights Act?

24 MR. MILLSTEIN: Objection, lacks
25 foundation.

1 A As I said before, I shared -- I -- I had some -- I
2 had -- I had some uncertainty, and that's what -- I'm not
3 a legal scholar. I had some uncertainty, and I think that
4 is what is at issue in this case.

5 Q (By Ms. Harless) What was the uncertainty you had
6 about the district?

7 A The questions that I had brought up previously with
8 relation to the numbering of the district, the -- the
9 different aspects we've talked about in this testimony.

10 Q Okay. I'm going to stop sharing this, and I'm going
11 to show you another exhibit.

12 MR. HUGHES: While we're at a bit of a
13 pause here, could we get a time check?

14 THE VIDEOGRAPHER: We have five minutes to
15 hit seven hours.

16 MR. HUGHES: Okay. Thank you.

17 THE WITNESS: Sorry, I missed that. What
18 was the question?

19 MR. MILLSTEIN: Five -- It's five minutes
20 until it hits seven hours.

21 THE WITNESS: Oh, great. What does that
22 mean?

23 MR. MILLSTEIN: Then we're going to have to
24 switch people asking questions.

25 THE WITNESS: Okay. Okay.

1 Q (By Ms. Harless) All right. I'm going to share my
2 screen with you here. All right. I'm showing you what
3 I'll represent to you is the final enacted legislative
4 plan for the State of Washington that I pulled from the
5 Dave's Redistricting website.

6 Is that what it looks like to you?

7 A That's correct.

8 Q And I'm going to take a screen shot of this map
9 really quick, and we'll mark it as Exhibit 38. And we'll
10 just be sure we have the data here. One second.
11 Screenshot.

12 Okay. And we'll mark that screenshot as Exhibit 38.

13 (Walkinshaw Exhibit No. 38 introduced and displayed.)

14 Q Do you see Legislative District 15 here?

15 A I do.

16 Q And if we look at the citizen voting age population
17 for this district, I'll check it over here so we can see
18 that. You'll see that the citizen voting age -- citizen
19 voting age 2019 population for District 15 is exactly
20 50.0 percent; correct?

21 A Yes.

22 Q And the district is labeled 15, not 14; right?

23 A That is correct.

24 Q And if we look at some of the partisan data here,
25 the Democratic candidate for treasurer 2020 would have

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1 lost in District 15; correct?

2 A That's correct.

3 Q And the Democratic candidate for governor 2020 would
4 have lost in District 15; correct?

5 A That's correct.

6 Q And the Democratic candidate for attorney general
7 2020 would have lost in District 15; correct?

8 A Correct.

9 Q And the Democratic candidate for president 2020
10 would have won District 15 by 0.2 percent; correct?

11 A Correct.

12 Q And the Senate 2018 Democratic candidate would have
13 lost District 15; correct?

14 A That's correct.

15 Q The 2016 Senate Democratic candidate would have won
16 District 15; correct?

17 A Yep. Correct.

18 Q The presidential candidate -- The Democratic
19 presidential candidate in the 2016 race would have lost
20 District 16; correct?

21 A Correct.

22 Q And the Democratic candidate for governor in 2016
23 would have lost District 15. Do you see that?

24 A Correct.

25 Q Earlier you said you needed the district to perform

Soto Palmer, et al. v. Hobbs, et al.
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1 for Democratic candidates who were Latino candidates of
2 choice; correct?

3 MR. MILLSTEIN: Objection, misstates prior
4 testimony.

5 Q (By Ms. Harless) You can answer.

6 A I didn't say needed it to. I said that was an
7 objective of mine.

8 Q That was an objective of yours to have the map
9 comply with the Voting Rights Act; correct?

10 A Yeah. No, to have the performance.

11 Q And this district does not perform for Democratic
12 candidates; correct?

13 MR. MILLSTEIN: Objection to form.

14 MR. HUGHES: Once again, I'm going to
15 object to the extent it seeks an expert conclusion.

16 A Yeah, I -- I will -- I think it requires an expert
17 conclusion, or I think that's what is at question in this
18 suit, which --

19 Q (By Ms. Harless) We have been discussing the
20 partisan performance of these districts all evening, and,
21 you know, I'm just asking for your opinion. I'm not
22 asking for an expert legal opinion.

23 A Yeah, I think -- Again, I -- I put forward a lot of
24 examples in this process of what I believe is certainly
25 compliant; and I think that the maps that came out of this

1 bipartisan process, that -- I think that conclusion is one
2 I don't know, and it's for -- I believe it's for the
3 courts to -- to decide.

4 Q Well, in your opinion, based on everything you know
5 about Latino voting patterns and compliance with the
6 Voting Rights Act, would you agree that this version of
7 the Yakima Valley district is less likely to comply with
8 the Voting Rights Act than your October and September
9 proposals?

10 MR. MILLSTEIN: Objection, calls for a
11 legal conclusion. Calls for an expert opinion.

12 Q (By Ms. Harless) You can answer, and I'm asking
13 based on your understanding.

14 A Your question is do I believe the map that I'm
15 looking at here is less likely than the map that I
16 proposed in October and subsequently in November to comply
17 with the Federal Voting Rights Act?

18 Q Yes.

19 A I think that it has more legal ambiguity than --
20 than the maps that I proposed.

21 MR. MILLSTEIN: And Counsel, I think that's
22 your seven-hour time allotment.

23 MS. HARLESS: Is that -- Okay.

24 MR. HUGHES: Could we have a quick time
25 check?

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1 MS. HARLESS: That's good because I'm
2 perfectly done.

3 MR. MILLSTEIN: Great. That works out
4 well.

5 MS. HARLESS: We're all good. Thank you.

6 MR. MILLSTEIN: That's well timed.

7 E X A M I N A T I O N

8 BY MR. HUGHES:

9 Q Hi, Brady. I'm Andrew Hughes on behalf of the state
10 of Washington.

11 A Hello.

12 Q Do you prefer Brady or Commissioner Walkinshaw or --

13 A Brady.

14 Q -- something else?

15 A Brady. No, I'm no longer a commissioner.

16 Q Perfect.

17 MR. HUGHES: Dallin, do you mind if I offer
18 Brady a short break? I don't want to -- I want to make
19 sure you have enough time.

20 MR. HOLT: Go for it. I'll need 45 minutes
21 to an hour, maybe less, depending on what your questions
22 are. So I think I'm fine with that.

23 MR. HUGHES: Okay. Brady, do you want to
24 take like three or five minutes before we get started?

25 THE WITNESS: I'll take three minutes.

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1 That sounds good.

2 MR. HUGHES: Okay. Perfect. So 4:10 we'll
3 meet you back.

4 THE VIDEOGRAPHER: Going off record, the
5 time is 4:07. This is the end of media four.

6 (Break 4:07 p.m. to 4:11 p.m.)

7 THE VIDEOGRAPHER: Back on the record, here
8 begins media five. The time is 4:11.

9 MR. HUGHES: Thank you.

10 Q (By Mr. Hughes) So Brady, I'm going to start by
11 looking at the same exhibit we were just looking at. I
12 think it is 36, if I'm not mistaken. This is the map that
13 was ultimately --

14 (Zoom audio disruption.)

15 MR. MILLSTEIN: Oh, no.

16 THE WITNESS: Oh, no. Andrew, we've lost
17 you. We lost you for 30 seconds.

18 MR. HUGHES: Oh, you've got to be kidding
19 me.

20 THE WITNESS: No.

21 MS. HARLESS: I also think it's Exhibit 38,
22 just to clarify that.

23 MR. HUGHES: Oh, 38. Okay.

24 All right. Can everybody see my screen? Are we
25 good?

1 MR. MILLSTEIN: Yes.

2 (Walkinshaw Exhibit No. 38 displayed.)

3 Q (By Mr. Hughes) So it was Exhibit 38, apparently,
4 and I believe you testified this was the map that was
5 approved by the Legislature; is that right?

6 A If -- if that is the map that was -- To my
7 understanding that's what I'm being shown, yes.

8 Q So you were asked to look at the 2019 CVAP of
9 District 15; correct? Is that --

10 A I'm sorry. When are you referring to?

11 Q Moments ago you testified about the -- the
12 citizen -- the Hispanic CVAP of this district; correct,
13 District 15?

14 A Correct. So that's what I was just shown.

15 Q Right. Yes. If I'm doing this right, you were just
16 shown this exhibit, and you said it was 50 percent;
17 correct?

18 A Correct, though I'm not -- For whatever reason what
19 you're showing doesn't have the level of detail of what I
20 was being shown previously, so I actually don't know that.

21 Q Can you see --

22 A I remember it from eight minutes ago, but my memory
23 will fade on the other numbers.

24 Q Right. Can you see over on the left-hand side of
25 the screen wherein it says citizen VAP 2019 and citizen

1 VAP 2020?

2 A No, I cannot.

3 Q Oh, okay.

4 MR. MILLSTEIN: It shows us composite 2016
5 to 2020 --

6 MR. HUGHES: Let's try this again.

7 MR. MILLSTEIN: -- zoomed in.

8 MR. HUGHES: Zoomed in. Thank you.

9 MR. MILLSTEIN: Or you might have had to
10 scroll down to show it. And we see nothing now.

11 And I think Andrew is frozen again.

12 THE WITNESS: Oh, there he goes.

13 MR. HUGHES: What a time to be alive.

14 Q (By Mr. Hughes) All right. I'm going to make one
15 more go with this.

16 Okay. Are you looking at a map of Washington?

17 A Correct.

18 Q Okay. And this should be Exhibit 38. Can you see
19 now on the left-hand side of the screen where it says
20 citizen VAP 2019 and citizen VAP 2020?

21 A I can.

22 Q And I believe you were asked about citizen VAP 2019
23 by Ms. Harless, and you said it was 50 percent Hispanic;
24 correct?

25 A And that's what it says there, correct.

1 Q And what is the White citizen VAP, just to be clear?

2 A 44.9 percent.

3 Q And then I want to look down to the 2020 citizen
4 VAP. I don't believe you were asked about this; is that
5 right?

6 A I don't believe so.

7 Q And as of 2020 what was the Hispanic citizen VAP in
8 this district?

9 A What I see there is 51.5 percent.

10 Q And what was the White citizen VAP in this district?

11 A 43.2.

12 Q Okay. So let me stop sharing.

13 So does that reflect a 1.5 percent increase in the
14 Hispanic CVAP in just one year?

15 MS. HARLESS: Object to form.

16 A That sounds like the right arithmetic, yes.

17 Q (By Mr. Hughes) And a 1.7 percent decline in White
18 CVAP?

19 MS. HARLESS: Object to form.

20 A If that's the correct math, yes.

21 Q (By Mr. Hughes) I can show it to you again if you
22 would like me to.

23 A No, no, no. I'm sure that's right.

24 Q Okay. I think you mentioned way back towards the
25 beginning of your testimony that the Yakima Valley area

1 was seeing a population decline; is that right?

2 A I think that's right, but I might -- I might be
3 wrong. I think that's been -- There certainly was an
4 absolute decline -- I mean a relative -- I might have
5 meant relative decline.

6 Q Okay. But I think at the same time you mentioned
7 that the Latino population was increasing; is that right?

8 A Again, I don't actually know the -- I shouldn't
9 comment on the demographics of the Yakima Valley because I
10 don't know these data off the top of my head.

11 Q Okay. Well, based on what we just saw the Latino
12 CVAP increased by 1.5 percent in just one year, and the
13 White CVAP declined by 1.7 percent in just one year; is
14 that right?

15 A That appears to be true --

16 MS. HARLESS: Object to the form.

17 A -- for the 2019 --

18 THE WITNESS: Oh, I'm sorry, Annabelle.

19 MS. HARLESS: I'm sorry. Object to form.

20 A That appears to be true --

21 Q (By Mr. Hughes) Sorry.

22 A -- from the two data -- From the two data points
23 that you showed me of 2019 and 2020, that's the change,
24 yes.

25 Q Okay. Given these demographic trends, did you have

1 an expectation that even if the district would not --
2 District 15 would not vote for the Latino preferred
3 candidate in 2020, it would in the near future?

4 MS. HARLESS: Object to form.

5 A That actually wasn't something I was thinking about,
6 no.

7 Q (By Mr. Hughes) Okay. Do you know if anyone was
8 thinking about that?

9 A I don't.

10 Q Okay. Do you happen to know whether any of the
11 elections in LD 15 are contested in 2022?

12 A I don't know, actually. I haven't been following
13 them.

14 Q I'm sure you've had better things to do.

15 I think you said that you were aware of a lawsuit
16 called Garcia versus Hobbs challenging the Commission
17 redistricting plan; is that right?

18 A Yes, I'm familiar with -- I'm familiar with it.

19 Q Do you know what that lawsuit alleges?

20 A No, I couldn't -- I couldn't -- I could not
21 effectively summarize it.

22 Q Okay. Are you aware that it -- Generally speaking
23 it alleges the Commission inappropriately took race into
24 consideration when creating LD 15?

25 A My broad understanding.

1 Q Okay. Did you think that the VRA required the
2 Commission to create a majority Hispanic CVAP district in
3 the Yakima Valley?

4 MR. MILLSTEIN: Objection to the extent it
5 calls for a legal conclusion.

6 THE WITNESS: I agree, I think that calls
7 for a legal conclusion.

8 A I wouldn't frame it like that. I think my
9 understanding was consistent with what -- what the report
10 was that was generated by the UCLA Voting Rights Project.

11 Q (By Mr. Hughes) Okay. And was that
12 understanding -- Well, strike that.

13 Did you have an understanding that as a commissioner
14 you were obligated to create a majority Hispanic CVAP
15 district in the Yakima Valley?

16 A I was -- I was under the impression that we were
17 charged with creating a district that complied with the
18 Federal Voting Rights Act.

19 Q Okay. And I think you've talked at some length
20 about what it meant to comply with the Federal Voting
21 Rights Act; is that right?

22 A In my understanding insomuch as it's not a legal
23 opinion.

24 Q No, totally fair. I'm only asking about your
25 understanding because as you said many times, the legal

1 determinations are yet to be made.

2 But based on your understanding were you required --
3 did you believe yourself to be required to adopt a
4 district in the Yakima Valley area that was majority
5 Hispanic by CVAP?

6 A My understanding was that it had to perform for --
7 and I think that that -- that was more my understanding
8 was that it had to perform.

9 Q Okay. When do you recall the issue of a VRA
10 district in Yakima first arising in your mind?

11 A That's a good question. I think -- Honestly, I
12 think -- I think it predated my involvement with the
13 Commission. I think that I've -- I think I was aware that
14 this was an issue for a long time.

15 Q And how were you aware of that?

16 A By being an active citizen and reading and being
17 involved.

18 Q Okay. So before you even began the Commission work
19 you understood that Voting Rights Act compliance with
20 respect to Yakima was going to be an important part of
21 your duties?

22 A I wouldn't say it like that. I would say that I
23 understood that any representation of the Latino community
24 in the Yakima Valley was going to be an important part of
25 our work, and whether that was involved in creating

1 majority-minority districts -- I mean, I didn't -- I
2 didn't know the details, but --

3 Q Sure.

4 A -- but I felt like that was going to be --
5 representation was going to be important.

6 Q Okay. And you mentioned that when you were going
7 through the process of drafting maps you've relied on the
8 work of Matt Barreto; is that right?

9 A Among others, yes.

10 Q Among others. What others did you rely on?

11 A Just the expertise of caucus staff.

12 Q Okay. Like who?

13 A The -- the individuals who we spoke about earlier --

14 Q Okay.

15 A -- who were involved with the drawing.

16 Q Did you receive advice from Adam Hall in compliance
17 with the VRA?

18 A I did, yes.

19 Q Do you recall getting advice from Mr. Hall before
20 you ever heard about Dr. Barreto or his presentation?

21 A I can't -- I can't remember the timing.

22 Q Okay. Did you rely on Adam's -- sorry, on
23 Mr. Hall's advice about VRA compliance in the Yakima
24 Valley?

25 A I think I relied more on the work that was done

1 by -- by -- by UCLA, knowing that there were a lot of
2 experts --

3 Q Um-hmm.

4 A -- who worked on these issues for a long time.

5 Q Okay. And you said you trusted your team; right?

6 A I did, yeah. Yeah. Yeah.

7 Q Okay. Did you also solicit -- I know you talked
8 about this some, but did you also solicit community
9 feedback in terms of what was required in the Yakima
10 Valley?

11 A Only --

12 MR. MILLSTEIN: Object to form.

13 A Not -- not really. I mean, what was -- What was
14 contained in -- Not really substantively. I mean, what
15 was -- What came in in community feedback, like David
16 Morales provided testimony. We talked about that earlier.

17 Q (By Mr. Hughes) Right.

18 MR. HUGHES: Can I just ask, Aaron, what
19 was the form objection?

20 MR. MILLSTEIN: It's vague with respect to
21 the requirement, --

22 MR. HUGHES: Oh.

23 MR. MILLSTEIN: -- what requirement you
24 were referring to.

25 MR. HUGHES: Oh, fair. Fair.

1 Q (By Mr. Hughes) Okay. I've got more questions.

2 Did you -- Strike that.

3 Okay. So you -- We looked earlier at the maps that
4 you publicly released in September; correct?

5 A We did, correct.

6 Q And that was prior to the Barreto presentation;
7 correct?

8 A Correct.

9 Q And do you recall that the maps that you drew and
10 released to the public in September had a majority
11 Hispanic district in the Yakima Valley?

12 A I believe they did. I think -- I think there
13 were -- I think we may have had like nine
14 minority-majority districts in that map, or eight.

15 Q Okay. Did your understanding of what a majority
16 Hispanic district means change over the course of the
17 redistricting process?

18 A I don't think so. I mean, it may have. It may have
19 become more nuanced, but I don't -- I don't recall an
20 actual evolution there.

21 Q So Brady, let me be a little more specific about
22 what I mean. I don't want to ask leading questions,
23 but --

24 So your -- The district that you created and
25 published in September was majority Hispanic by total

1 population but not by Hispanic citizen voting age
2 population; correct?

3 MS. HARLESS: Object to form.

4 THE WITNESS: Oh, go ahead.

5 MS. HARLESS: Object to form.

6 A I wasn't -- I wasn't aware of that; but I guess if
7 that's the case, then that's the case.

8 Q (By Mr. Hughes) Okay. Did you -- Did you come to
9 develop an understanding of sort of the differences
10 between total population and citizen voting age population
11 and why that mattered for your work over the course of
12 your work?

13 MS. HARLESS: Object to form.

14 A I became more familiar with the term through the
15 process of being redistricting commissioner, yes.

16 Q (By Mr. Hughes) Okay. And what does that mean, you
17 became more familiar with the term?

18 A Two years ago I wouldn't have used the term citizen
19 voting age population.

20 Q Fair. Okay. Let me -- Let me just go ahead and
21 show you an exhibit. I will drop it in the chat first.
22 Okay. Hang on, make sure I've got the right one.

23 Okay. I'm going to try again with the dreaded
24 screen share. Oopsies.

25 MR. MILLSTEIN: And is this exhibit

1 thirty --

2 MR. HUGHES: Oh, 39, I believe.

3 THE REPORTER: Thirty-nine is correct.

4 MR. HUGHES: Thirty-nine. Okay. Let me
5 try to adjust my screen.

6 (Walkinshaw Exhibit No. 39 introduced and displayed.)

7 Q Okay. You should be looking at Exhibit 39. Does it
8 say Washington State Redistricting Commission Verbatim
9 Transcript?

10 A Correct.

11 Q Oh, perfect. So Brady, what is this? If you know.

12 A I've not seen this before. However, it looks like
13 it's the transcript from one of our public hearings --
14 public hearings that we did to get public testimony, which
15 we organized by congressional district. And this looks
16 like it's the one from the 4th Congressional District.

17 Q Okay. And the date is June 5th, 2020; correct --
18 2021; correct?

19 A Yes, that's correct.

20 Q And the title, just to get it on the record, Public
21 Outreach Meeting re the 20 -- re the 4th Congressional
22 District; correct?

23 A Correct.

24 Q Do you know if the 4th Congressional District
25 included parts of Yakima Valley?

1 A Yeah, I believe it does.

2 Q Did you attend this meeting?

3 A I -- I think so. I know that there may have been
4 one that I missed through the entire process. I -- If
5 I'm -- If I am present, then I would -- I attended. Yes,
6 I was there.

7 Q Let me go to page 2 and see if that refreshes your
8 recollection as to whether you were there.

9 A Yes, I was -- I was -- I was there.

10 Q Okay. And what was the purpose of these meetings?

11 A We did many of them to hear public testimony on a
12 wide variety of community perspectives on redistricting.

13 Q Okay. And was the idea that if you wanted to know
14 what was in the interests of the communities, you had to
15 go to the communities and ask folks?

16 A Yes. I mean, historically this is how every
17 commission has done it over the past several decades is to
18 receive public input.

19 Q Okay. Let me head down to page 14 in this document.
20 Do you see at line six and seven someone named Margo
21 Spindola is --

22 A I do see that.

23 Q -- speaking?

24 A I do see that. Yes. Yes.

25 Q Do you know who Ms. Spindola is?

1 A I do not.

2 Q Okay. I'm going to move on down a page just so you
3 can see it's still Ms. Spindola testifying, and I'm going
4 to start at line seven.

5 Do you see what Ms. Spindola is testifying here?

6 "Currently the Latino and indigenous communities in the
7 City of Yakima, Yakima County, and the Yakama Nation are
8 split between the 14th and 15th Legislative Districts."

9 Do you see that?

10 A I do see that.

11 Q She goes on to say, "And this divides communities of
12 color and dilutes their political power, so to keep
13 communities of interest together there needs to be a
14 legislative district that encompasses the following."

15 A Correct.

16 Q And she goes on to say several things that she --
17 that she wants the Commission to do to protect Hispanic
18 voting power in the community?

19 A Correct.

20 Q And let me move down to page 22 now, and you see
21 someone named Giovanni Severino is talking, or Gio?

22 A I do see that,

23 Q And do you know Mr. Severino?

24 A I do not.

25 Q I'm going to move down to page 23, and right at the

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1 top of the page he says, "And I'm here to ask you all that
2 to consider and to listen to our community voices that are
3 asking for a state -- a district that includes the large
4 Latinx population that lives in Yakima City and then also
5 what's considered the Lower Valley, which is the
6 neighboring communities below Yakima."

7 Right? Did I read that right?

8 A Yes, I see that, too.

9 Q And then moving down to the next page you see
10 someone named Sheila Avila is testifying starting at line
11 15?

12 A I do.

13 Q And right at the bottom of page 24 onto -- onto page
14 25 can you start where it says communities, and I'll flip
15 once you've said that.

16 A Communities. Are you asking me to read it?

17 Q Yeah, if you don't mind.

18 A Okay. I apologize.

19 Q Through line six.

20 A "Communities of color have been marginalized in the
21 electoral process, especially here in Yakima, throughout
22 history."

23 Q All right. Can you continue with the next few
24 lines, too?

25 A Sure. "So really, you know, creating a majority POC

1 district in Yakima County will help amend this
2 discriminatory history and give Washington Latino and
3 indigenous communities equitable political power."

4 Q And I'll represent to you that there's more
5 testimony in here. We don't need to go through it all.

6 The question I really want to ask you is was this
7 sort of feedback important to you when you were trying to
8 determine how to draw districts?

9 A I think we weighed all the public input that came in
10 from the process. There was definitely a steady drumbeat
11 of community input from the Yakima Valley that was along
12 these lines of -- of -- of preference -- preference of --
13 of groups that had been historically left out of the
14 process.

15 Q Do you recall any testimony in oppositions to the
16 creation of a majority Hispanic district in the Yakima
17 Valley?

18 A There probably -- I wouldn't be surprised if there
19 was, if we received email correspondence about it, but I
20 can't name it specifically.

21 Q Nothing comes to mind?

22 A No. But again, I should say I struggled -- There
23 was so much testimony that was received over dozens of
24 public meetings that I wouldn't put any -- I wouldn't put
25 weight in that, in my recollection of that.

1 Q Okay. Let me put another document into the chat.

2 Oops. Let me know when you receive that.

3 A Great. I'm ready for the screen share.

4 Q Okay. Perfect. Oh, hang on a second. Sorry. I'm
5 going to have to -- I'm used to having like my many big
6 monitors in the office, and here I'm just on my tiny,
7 little laptop.

8 (Walkinshaw Exhibit No. 40 introduced and displayed.)

9 Q Okay. Do you see an email from Adam Hall to Matt
10 Bridges?

11 A I do see this email, correct.

12 Q Okay. Now, not to -- not to ruin my questions, but
13 what is this exhibit? I can scroll if you need me to.

14 A It appears to be an email where Adam was
15 interpreting feedback that he has received from Matt
16 Barreto.

17 Q Okay. Let me actually go to the bottom email
18 because frankly, this is the one I'm most interested in.
19 Let me know when you've had a chance to review that.

20 A Apologies, I'm not tracking. I'm not -- I don't
21 know who wrote this. Am I reading something that Adam
22 Hall wrote or that Matt Barreto? I'm not sure who wrote
23 what I'm reading.

24 Q Do you see here it says on Friday, February --
25 Sorry. On Friday, September 24th, 2021 at 9:21 a.m. Hall,

Brady Pinero Walkinshaw

October 27, 2022

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1 Adam -- Adam.Hall@Leg.wa.gov wrote, do you see that?

2 A I do see that. And I guess what I'm asking is I'm
3 not sure, is this like copy pasted? I don't remember
4 this. I can't tell if it's copy -- It looks -- I don't
5 know if this language was copy pasted from somewhere or
6 that he wrote.

7 Q Okay. Does this -- Notwithstanding the formatting
8 oddities, does this appear to be an email from Adam Hall
9 to you?

10 A I don't know if it's to me. It doesn't show that,
11 actually.

12 Q Okay. So if you move up one email, and it starts at
13 the bottom from Brady Walkinshaw to Hall, Adam, and it
14 appears that you're responding?

15 A Oh, that's correct. Yes.

16 Q Okay. So safe to say this is an email that Adam
17 Hall sent you?

18 A Yes. Correct. I'm catching up with you. Yes,
19 correct.

20 Q No, I've had lots of time with these documents.
21 You're just seeing it for the first time. I totally get
22 it.

23 So the date on this, September 24th, this was right
24 around the time you released your first public maps;
25 correct?

1 A Correct.

2 Q So this was again before you had ever seen Matt
3 Barreto's analysis; correct?

4 A Yes. I don't believe it was produced yet.

5 Q Okay. So I want to look at this bullet point here
6 where it says, "Since 2011," and if I could just ask you
7 to read this. It's a lot of reading, I know, but just
8 read this bullet point into the record, if you don't mind.

9 THE WITNESS: Is it permissible for me to
10 read it?

11 MR. MILLSTEIN: You can read it.

12 THE WITNESS: Okay. Okay.

13 MR. MILLSTEIN: You're not making any
14 comment on it.

15 THE WITNESS: All right. All right.

16 MR. MILLSTEIN: You're just reading an
17 email.

18 THE WITNESS: Great.

19 A "Since 2011 both the Yakima City Council and County
20 Commission have been sued over their form of government.
21 Community members successfully argued the Hispanic/Latino
22 communities were denied an equal opportunity to elect
23 candidates of their choice, which is a violation of the
24 State and Federal Voting Rights Act. Plaintiffs in both
25 cases established these communities exhibit racially

1 polarized voting, a key element" -- open parentheses --

2 THE WITNESS: Your curser is going over
3 there.

4 MR. HUGHES: Oh.

5 THE WITNESS: I can't see what it says.

6 A -- "(prongs two and three below) for determining
7 whether a majority minority-district -- asterisk bold --
8 must -- closed asterisk -- be drawn."

9 Q Do you remember receiving this email or hearing this
10 sentiment from Adam Hall?

11 A I don't.

12 Q Okay. Does this email refresh your recollection
13 about the VRA litigation you were asked about earlier with
14 respect to Yakima City Council and the County Commission?

15 A No, actually. I mean, it refreshes -- It reaffirms
16 that I was -- I had some familiarity, but I didn't
17 really -- I didn't recall the legal specifics of the
18 cases.

19 Q Okay. Was -- Okay. Let me look at -- Let's look at
20 the next bullet point. Oops! Pardon. "This means that
21 whereas in 2011 the Commission was able to draw a
22 majority-minority district, there is a strong chance our
23 Commission will likely be required to draw one under
24 federal law, and the failure to do so will result in a
25 lawsuit striking down that map."

1 Did I read that right?

2 A That's what's written there, correct.

3 Q And was that your understanding of what the law
4 required at this point in time?

5 A No, I don't -- I don't think I took Adam Hall's
6 advice as kind of doctrine or fact.

7 Q Okay. Did you nonetheless believe that failing to
8 draw a majority-minority district would potentially lead
9 to litigation of the Voting Rights Act?

10 A I was aware that the outcomes of -- of the
11 redistricting process in the Yakima Valley could very well
12 lead to litigation, for different reasons.

13 Q Okay. I'm going to put this document away and pull
14 out another one, and while I do let me just ask you, you
15 were asked about a memo that Commissioners Fain and Graves
16 received from Davis Wright Tremaine.

17 Do you recall that?

18 A I do recall that, yes.

19 Q And did you ever seek or receive any analysis of
20 that memo?

21 A Oh, you know, I actually think at some point I did
22 see some analysis of it. I don't remember it, though. I do
23 think there probably was some in-house internal analysis
24 of the memo by Senate staff.

25 Q Okay. Let me know when you get this next exhibit,

1 and I will move on.

2 A Should I open it, or are you screen sharing it?

3 Q Yeah, I'm going to screen share. That's why I
4 shared --

5 A Oh, great, great, great, great, great. Great.

6 MR. MILLSTEIN: We have it.

7 Q (By Mr. Hughes) Okay. So do you see this document
8 on my screen right now -- on your screen right now?

9 A I do see it.

10 (Walkinshaw Exhibit No. 41 introduced and displayed.)

11 MR. MILLSTEIN: And Counsel, are you
12 marking this as an exhibit?

13 MR. HUGHES: Yeah, and I just realized I
14 might not have marked the last one as an exhibit.

15 So is it too late, Jeanne, to mark the last document
16 as exhibit -- Sorry, I've totally lost count -- thirty --

17 THE REPORTER: It's 40.

18 MR. HUGHES: Forty.

19 THE REPORTER: And this is 41, and it's not
20 too late.

21 MR. HUGHES: Okay. So please make the last
22 one 40, and this one 41.

23 Q (By Mr. Hughes) So Brady, what is this document, if
24 you know?

25 A It looks like what I'm seeing here is an email from

1 Adam Hall to a number of us that shares -- sent -- It
2 appears that he got Matt Barreto's perspective on the
3 Davis Wright Tremaine memo that Joe Fain had produced.

4 Q Okay. And do you have an understanding of why or a
5 belief as to why Adam Hall would have solicited
6 Dr. Barreto's thoughts on this?

7 A I -- No. I mean, I could -- I could make a -- I
8 could make a presumption, but no, I don't know why.

9 Q Fair enough. Was it important to you to continue to
10 do due diligence as new information came in to make sure
11 you were doing the right thing in terms of complying with
12 the law?

13 MR. MILLSTEIN: Objection, vague.

14 A Vague -- That is a vague question.

15 Q (By Mr. Hughes) You know what, it's not an
16 important question. We can skip it.

17 A Yes, I care about -- It was important to me to
18 follow the law.

19 Q Yeah. So it appears that -- from this email that
20 Dr. Barreto read and provided some feedback on the memo;
21 is that correct?

22 A That -- Yes.

23 Q And what was his response to the memo?

24 A And just from my memory, on November 14th there was
25 a lot going on. I don't remember reading -- I actually --

1 This to me in my memory is the first time I'm seeing this.

2 I don't remember -- I actually don't remember this email.

3 But what I see here him saying is that he disagrees
4 with the Davis Wright Tremaine memo.

5 Q Okay. So you might have just answered this when you
6 said you don't remember reading this. Was this
7 significant to you at all?

8 A I'm seeing it for the first time right now, --

9 Q Okay.

10 A -- to my memory.

11 Q Do you see there's an email address in Dr. Barreto's
12 email from Matt Barreto to Adam Hall, and there's another
13 person copied here, Chad@UCLAVRP.org?

14 A I do see that.

15 Q Do you know who that is?

16 A I don't know who that is.

17 Q Okay. We can put this one away then. I'd like to
18 show you one more exhibit. By one more I mean a few more,
19 but -- And I'll share my screen. Oops.

20 (Walkinshaw Exhibit No. 42 introduced and displayed.)

21 Q And do you see that on my screen?

22 A I see an email on your screen, yes.

23 Q And do you recognize this document?

24 A Give me a moment.

25 I don't. I'm not on copy on that email.

1 Q Okay. So --

2 A I don't recognize it.

3 Q Fair. So the email starts -- It's an email from --
4 Well, the original email is from Adam Hall. Do you see
5 that?

6 A Oh, yes. Yes. I -- Thank you. Yes.

7 I remember this conversation. I'm catching up.

8 Q Okay. And -- And Adam is saying --

9 A I --

10 Q Oh, go ahead. Sorry.

11 A I don't remember this email, though, to answer your
12 question.

13 Q Fair. Fair. Adam is saying, "At the request of
14 Commissioners Brady Walkinshaw and April Sims I would like
15 to invite you all to participate in a call with Dr. Matt
16 Barreto at 3:45 p.m. today."

17 So my first question is did you request that
18 Dr. Barreto be available to speak with folks on
19 November 14th?

20 A I don't remember specifically how this call came
21 about, but that's quite possible.

22 Q And looking at the folks in the second email where
23 it appears that Dulce Gutierrez is responding to Adam's
24 email, do you know who these folks are?

25 A I know -- I know a couple of them. I -- I don't

1 know -- I don't recall requesting to speak with that full
2 group of people, though.

3 Q Okay. Dulce Gutierrez, as you mentioned earlier, is
4 an activist in the Yakima area; is that right?

5 A Yes, of this list. I mean, I know Dulce, and I know
6 Kamau.

7 Q Okay.

8 A Those are the two people I know on this list.

9 Q And who is Kamau?

10 A He works with this group, the Washington Community
11 Alliance that had been involved in -- They had been
12 involved in some advocacy. They had been involved in some
13 work around the redistricting process.

14 Q Okay.

15 A They were at a lot of public meetings.

16 Q Okay. And David Morales I think is someone you
17 mentioned earlier; correct?

18 A I've never met him, but I now recall him from
19 testimony.

20 Q Okay. So why did you -- Why did you have a call
21 with -- Well, let me back up.

22 November 14th, that was the day before the due date
23 to adopt maps; correct?

24 A That's correct.

25 Q And why did you have a call with Dr. Barreto the day

1 before the due date to adopt maps?

2 A I remember the call. I imagine it was -- It was
3 about the Yakima Valley. I don't remember -- I remember
4 being on the call. I don't remember the specifics of what
5 he shared with us during the call.

6 Q Okay.

7 A I remember being distracted because there were a lot
8 of negotiations going on at the same time. But I do
9 remember the call happening, and I believe that's the one
10 time -- I may have spoken to him one other time, but that
11 may have been the one time that I spoke with him during
12 the process.

13 Q Okay. Do you remember him providing input on the
14 maps?

15 A Yes, maybe. I don't remember what the input was.

16 Q Okay. Do you remember anyone else providing input
17 on the maps?

18 A No, but I'm sure other people spoke on the call.

19 Q Okay. Do you remember any discussion on sort of
20 negotiating -- negotiation strategy or anything like that?

21 A I don't.

22 Q Okay. Do you recall if anyone else from UCLA was on
23 that call?

24 A I -- I only know that someone else was because I was
25 informed of that since, but I don't remember their name;

1 but I believe there was an attorney on the call from UCLA.

2 Q What do you mean you were informed of that since?

3 A Oh, I just remembered -- I remembered who else was
4 on the call. I believe there was an attorney from UCLA
5 who I don't -- I don't know -- I don't know their name.

6 Q Okay. Do you recall if the prospect of litigation
7 came up during this call?

8 A Again, I don't remember. I genuinely don't remember
9 the details of the call.

10 Q Okay. That's fair. Let me move on then.

11 I'm going to put another exhibit in the chat. And
12 this should be 42, if I'm not mistaken.

13 THE REPORTER: This will be No. 43.

14 MR. HUGHES: Forty-three. Ah, man.

15 Okay. Let me share my screen as well.

16 (Walkinshaw Exhibit No. 43 introduced and displayed.)

17 Q Okay. And what is this, Brady?

18 A This is an analysis from Adam Hall that he's sending
19 me from a conversation he had with Matt Barreto.

20 Q And do you recall this email at all?

21 A I don't.

22 Q Okay. What -- Oops. Pardon me.

23 What do you understand Adam to mean when he says,
24 you know, right at the top of the second paragraph,

25 "Dr. Barreto believes that the most important things to

1 stress in your written communications over the next two
2 days are" -- and then he has some bullet points.

3 A Sorry. Let me -- Let me read these because they're
4 not -- I believe this is probably Adam Hall's
5 interpretation of his conversation with Dr. Barreto
6 about -- with regard to it seems like communications
7 advice --

8 Q Um-hmm.

9 A -- on the VRA. I don't remember adopting this.

10 Q Okay. But you understand Dr. Barreto to be
11 providing communications device -- communications advice,
12 essentially?

13 A It appears that that's -- It appears -- I never
14 received that from Dr. Barreto. It appears that -- If
15 I'm -- If I'm reading the literal language of this email.
16 I'm not going to presuppose the nature of their
17 conversation.

18 Q Sure. Okay.

19 MR. HUGHES: I think that's all I have for
20 you. I do appreciate your time, Brady.

21 THE WITNESS: Thank you.

22 MR. HUGHES: You're all Dallin's now.

23 E X A M I N A T I O N

24 BY MR. HOLT:

25 Q Good afternoon, Brady. How are you doing?

1 A I'm good. I'm good. Thank you.

2 Q My name is Dallin Holt, and I'm an attorney that
3 represents the Intervenor-Defendants in the Palmer
4 litigation.

5 And I'll try to be quick, and I know you need to be
6 out of here in just over an hour. So we'll respect your
7 time and make sure that happens.

8 So I want to go back just to the beginning when you
9 were -- you spoke about the decision for the Commission
10 not to intervene in this litigation.

11 Do you remember those questions?

12 A Vague -- Vaguely. I believe I was asked how I voted
13 on that decision.

14 Q Do you remember if there was any partisan pressure
15 from your leadership to oppose intervention?

16 MR. MILLSTEIN: Objection, vague.

17 A That -- That frankly is a decision I took on my own.
18 I was not influenced by anyone on that decision.

19 Q (By Mr. Holt) Did anyone from Democratic leadership
20 give you their opinion that you should oppose
21 intervention?

22 A Not -- not -- Not to my recollection, but that was a
23 decision that was very clearly made by me -- by me on my
24 own.

25 Q Okay. And was there any partisan pressure from your

1 leadership to not pass a map and to let it go to the
2 Washington Supreme Court to be drawn?

3 MR. MILLSTEIN: Objection, vague.

4 Sorry, Dallin. Objection, vague.

5 A Can you clarify what you mean by leadership?

6 Q (By Mr. Holt) The Democratic legislative leadership.

7 A In the State Senate?

8 Q Yes.

9 A Maybe repeat the question.

10 Q Did you have any type of pressure to not pass a map
11 from your legislative leadership and to have it go to the
12 Supreme Court to be drawn instead?

13 A I didn't feel pressured. I felt like I made my own
14 decisions in the process.

15 Q Did anyone make their opinion known that that's what
16 they wanted you to do from House leadership?

17 A I took --

18 Q I mean from legislative leadership.

19 A I took on a lot of opinions in the process, and I
20 think that a lot of people's opinions also evolved and
21 changed and were different at different moments.

22 But I definitely took in a lot of opinions.

23 Q I understand. Did anyone give you the opinion from
24 House -- from your legislative leadership that they did
25 not want you to pass a map and that it instead should go

1 to the Washington Supreme Court?

2 A I -- I think that many people talked about different
3 options. I think that was one of many things that people
4 discussed in the process. I don't -- I never felt
5 pressured on that specific point.

6 Q Do you remember anyone in particular that shared
7 that opinion with you?

8 A I wouldn't describe it as an opinion. I think it
9 was amongst many things, it was brought up as one
10 potential outcome of the process.

11 But no, I don't -- I don't -- I don't believe it
12 was -- I don't believe I was pressured or even pushed on
13 that point.

14 Q I just asked if you remember anybody that shared
15 that opinion with you.

16 A I think that some members of the Senate Democratic
17 leadership mentioned it as a possibility -- debated
18 whether it was a possibility and what that would look
19 like.

20 Q Okay. What analysis did you engage in to determine
21 that a majority-minority district was required in the
22 Yakima Valley?

23 A Again, I think it was the kind of perspectives --
24 perspectives of the staff team that I trusted and
25 additional analysis that was commissioned.

1 Q Are you referring to Dr. Barreto's analysis?

2 A I am. I am. And -- And -- and I would add to that
3 many examples in public -- in public comment that came in
4 over the course of several months, many of them from
5 people with expertise.

6 Q Do you know if Dr. Barreto is a lawyer?

7 A I don't -- I don't -- I don't know his -- I don't
8 know his professional training.

9 Q If he were indeed not a lawyer, would you give his
10 opinions less weight?

11 A No. I respect the -- I actually do -- I am familiar
12 with him. I have a lot of respect for the work of the
13 UCLA Voting Rights Project.

14 Q Okay. Do you recall any specific analysis regarding
15 the cohesiveness of Hispanics in the Yakima Valley that
16 you found persuasive?

17 MS. HARLESS: Object to form.

18 MR. MILLSTEIN: Objection, vague.

19 THE WITNESS: Sorry. I'll let you put your
20 objections.

21 A Oh. No, I don't remember. I don't remember that
22 specific analysis.

23 Q (By Mr. Holt) Okay. Referring specifically to the
24 Yakima Valley, what type of candidate is the candidate of
25 choice for Hispanic voters?

1 MR. MILLSTEIN: Objection to form.

2 MR. HUGHES: And vague.

3 A I don't -- I don't know what you mean by type of
4 candidate. I'm sorry.

5 Q (By Mr. Holt) Would it always be the Democratic
6 candidate in a general election the Hispanic voters in the
7 Yakima Valley would prefer, in your opinion?

8 A In my opinion that historically has been the
9 expressed preference.

10 Q How did Matt Barreto come to be -- How was he
11 introduced to the Commission or Democratic leadership?

12 MR. MILLSTEIN: Object to form.

13 A I'm not sure, actually. I mean, when I -- When I
14 heard that the Senate -- the Caucus had decided to bring
15 on -- to partner with the Voting Rights Project at UCLA, I
16 was -- I was encouraged by that because I was familiar
17 with their work, but I didn't -- I didn't make that
18 decision.

19 MR. HOLT: Okay. I want to pull up what
20 was previously "examined" as Exhibit 5. Just give me a
21 minute here. For those of you on the deposition
22 yesterday, I finally figured out how to share my screen,
23 so congratulations are in order here.

24 So I'm not going to put that in the chat window
25 again unless someone else needs it. I will just go ahead

1 and open that up.

2 MR. MILLSTEIN: And Dallin, which -- What's
3 the file name of Exhibit 5?

4 MR. HOLT: Leg Map One-Pager Draft --

5 MR. MILLSTEIN: Thank you.

6 MR. HOLT: -- nine -- underscore 9.8.

7 (Walkinshaw Exhibit No. 5 displayed.)

8 Q (By Mr. Holt) Do you see that there, Brady?

9 A I do. I do.

10 Q Okay. I'm going to zoom in just real quick. Oh,
11 well. I just want to turn to page 2 of this document.

12 First of all, do you remember what this is?

13 A Can you refresh my memory, was this associated with
14 the release of my first map or my second map?

15 Q I believe it was in preparation for the presentation
16 to House leadership --

17 A Oh, thank you.

18 Q -- on the release of your first map.

19 A Terrific. I'm with you.

20 Q Do you agree that that's what this document
21 reflects?

22 A I do agree.

23 Q In looking at page 2, specifically as it's talking
24 about your objectives, objective No. 3 where it says one
25 of your objectives was to, "Create more legislative

1 districts where people of color make up a majority of the
2 people eligible to vote."

3 Would you agree that that was one of your goals in
4 this map drawing process?

5 A You know, I would -- I didn't -- I didn't wordsmith
6 this document; but had I wordsmithed it, I probably would
7 have said, you know, increasing representation of
8 communities of color, you know, or creating more
9 majority-minority districts.

10 Q And practically speaking, when you and your staff
11 are engaging in the map drawing process how do you go
12 about identifying areas where there's voters of color,
13 that population? How do you -- How do you determine that?

14 A You know, I wasn't closely involved in the actual
15 drawing, the actual drawing of the maps from a kind of
16 tactical level.

17 Q Based on your understanding is there the ability if
18 you said, "Hey, we need to grab more Hispanic population
19 in this map," that your staff would be able to identify
20 areas of Hispanic population to add to a particular
21 district?

22 MS. HARLESS: Object to form.

23 A I actually never --

24 THE WITNESS: Oh.

25 MS. HARLESS: Object to form.

1 A I don't recall ever hearing a comment like that
2 said. I think the process -- The process that I recall
3 the team talking a lot about in the map drawing was
4 combining communities of interest, thinking how you map
5 the city and county lines and those -- those sorts of
6 approaches, but I don't recall the kind of approach that
7 you just described.

8 Q (By Mr. Holt) Okay. Would you agree that race was
9 considered when drawing these maps?

10 MR. MILLSTEIN: Object to form.

11 Q (By Mr. Holt) Speaking of yourself and your staff
12 personally.

13 A Sure, I would -- I would -- I wouldn't state it like
14 that. I would agree that there was an interest in
15 representation from historically underserved minorities.

16 Q Okay. I want to pull up the report that Matt
17 Barreto provided. I don't believe we've actually included
18 that as an exhibit. It was attached as a link in
19 Exhibit 8. So I'm going to go ahead and drag that in.
20 I'll stop sharing my screen here.

21 MR. HOLT: Give me just one minute here.
22 So I think this is 44; am I correct with that?

23 THE REPORTER: You're correct.

24 MR. HOLT: I'll just open that up here.

25 (Walkinshaw Exhibit No. 44 introduced and displayed.)

1 Q (By Mr. Holt) Do you see that there, Brady?

2 A I do see it, yes.

3 Q Okay. I just want to go through -- First off, do
4 you recognize this to be the report that Dr. Barreto
5 provided to Democratic legislative leadership and that
6 legislative leadership in turn produced to the public?

7 A I do remember this cover page, yes.

8 Q Okay. So I'm going to turn to page 8.

9 What is the Gingles test? What does that mean to
10 you when you read that?

11 A You know, I wasn't -- I wasn't as familiar with the
12 map drawing at the level of thinking about the Gingles
13 test, for example. So I actually couldn't -- I couldn't
14 effectively describe it.

15 Q I mean, if you had to describe it, what -- what
16 comes to your mind when I say the Gingles test? What does
17 that mean to you?

18 MR. MILLSTEIN: Objection, asked and
19 answered.

20 A I think it had to do with the representation of
21 certain minority groups and the ways that the districts
22 are drawn, so that's what it means to me.

23 Q (By Mr. Holt) Okay. I'll draw your attention to
24 that last bullet point where Dr. Barreto is -- I don't
25 know what he's doing.

1 What do you believe he means by "district that is
2 50.1 percent or greater minority among eligible voters"?

3 A I'm not --

4 Q What is he trying to say by that?

5 MR. MILLSTEIN: Objection, lacks
6 foundation.

7 A That's -- I'm not going to -- I'm not going to
8 speculate.

9 Q (By Mr. Holt) You stated that you put a great deal
10 of weight on this presentation by Dr. Barreto, so I'm just
11 trying to understand what it was about this presentation
12 that carried so much weight with you.

13 So I'm only asking what your opinion is and what it
14 meant to you and what it means to you as you see these
15 phrases of, "A district that is 50.1 percent or greater
16 minority among eligible voters."

17 A I think this refers to the kind of CVAP, the CVAP
18 conversation that we've been having through this
19 testimony.

20 Q Okay. Let's move on to the next page, page 9. And
21 it uses this phrase racially polarized voting.

22 Do you see that there on the bottom?

23 A I do see that.

24 Q What does the phrase racially polarized voting mean
25 to you?

1 MR. MILLSTEIN: Objection, only to the
2 extent it calls for a legal conclusion.

3 A To me it means patterns where a certain group has
4 had a demonstrated preference for a long time but that
5 hasn't been reflected in the political outcomes of a
6 group --

7 Q (By Mr. Holt) Okay. Is this the --

8 A -- of this size.

9 Q Okay. Thank you.

10 Does the phrase, "Legally significant racially
11 polarized voting" to you mean something different than
12 simply racially polarized voting?

13 MS. HARLESS: Objection to form.

14 MR. MILLSTEIN: Objection to the extent it
15 calls for a legal conclusion.

16 A And that's out of -- That's out of my depth.

17 Q (By Mr. Holt) Just in your own opinion do you
18 believe those to be the same thing or different things?

19 A I actually don't --

20 MS. HARLESS: Same objection.

21 A I actually don't know.

22 Q (By Mr. Holt) Okay. Did you ever hear Dr. Barreto
23 use the phrase "legally significant racially polarized
24 voting" in any of his presentations?

25 A Not in my -- Not to my recollection.

1 Q Okay. Let's skip down here to page 19. I'll
2 represent this is where Dr. Barreto breaks down the
3 different maps from the first release.

4 Do you see the analysis of your map there, Brady?

5 A I do see that.

6 Q And there it has the -- the total Hispanic CVAP of
7 40 percent. Do you see that there?

8 A I do see that.

9 Q Do you agree with that characterization of your
10 first released map regarding Hispanic CVAP?

11 A I'm not sure. I would have to -- I would have to
12 cross -- We'd have to cross-reference that to the actual
13 map.

14 Q Okay. Right below that it says today Latino CVAP
15 43.2. In your opinion what is meant between Latino CVAP
16 and today Latino CVAP?

17 A My -- What I understand that to mean is that that's
18 the -- Today would refer to the district as it was drawn
19 prior to 2020, and the figure above refers to how it --
20 what the Latino CVAP would be in the map, the draft map
21 that I released in October. I guess this was the October
22 map.

23 Q If I represented to you that he was referring to the
24 middle -- the Latino CVAP in the 14th of 40 percent as the
25 2019 ACS CVAP, and then today Latino CVAP was

1 Dr. Barreto's understanding of what it was at the time he
2 gave his presentation, which had increased 3.2 percent,
3 would you believe that to be a reasonable understanding of
4 those numbers?

5 A I'm not sure I'm following the question. Sorry.

6 Q At the time you drew the map you would agree that
7 you only had the 2019 --

8 A Yes, correct.

9 Q -- CVAP numbers?

10 A Correct.

11 Q Okay.

12 A At the time we drew the map that is correct.

13 Q And Dr. Barreto was giving this presentation in
14 2021, in the fall of 2021; correct?

15 A Correct.

16 Q And so would you agree that what he likely is
17 referring to here is the updated fall of 2021 Hispanic
18 CVAP within the boundary lines that you've produced?

19 MS. HARLESS: Objection to form.

20 MR. MILLSTEIN: Object.

21 A I didn't -- That wasn't what I first thought. I'd
22 have to go back and check. I see what you're saying, but
23 that wasn't actually what I thought when I read it the
24 first time, so I'd have to --

25 If those numbers are correct and that is what he

1 means, then it's not clearly stated here.

2 Q Did you believe that the 40.4 Hispanic CVAP in your
3 first proposed map would have been sufficient for Hispanic
4 voters to elect a Democratic candidate?

5 A Sorry. In which map?

6 Q Your first released map --

7 A You know what, --

8 Q -- in September.

9 A -- I think the map that I -- the map that after we
10 had gathered more expert input, I think that the map I
11 released in October I felt quite strongly would comply
12 with the Voting Rights Act.

13 Q Understood, and we'll get there. I'm just asking
14 about this first released map that Dr. Barreto had
15 analyzed. Did you have --

16 Were you of the opinion when you released it that
17 the 40.4 percent Hispanic CVAP would be sufficient for
18 the Hispanic voters to elect a candidate of their choice?

19 A I don't -- I don't recall. I'd have to go back and
20 look at the other metrics.

21 Q You had stated previously that you were of the
22 opinion that this map was VRA compliant; correct?

23 A Yeah. Yes, and I think I learned -- learned more
24 through the process; but yes, I did state that.

25 Q Okay. Through this process did you come of the

1 opinion that Dr. Barreto believed your first released map
2 to not be VRA compliant?

3 MS. HARLESS: Object to form.

4 MR. MILLSTEIN: Object to form.

5 A I don't remember a perspective on that either way.

6 Q (By Mr. Holt) Okay. Now, did you ever hear
7 Dr. Barreto provide the opinion that he believed Hispanic
8 CVAP would increase 2 percent a year on average in trying
9 to understand the 2019 forward CVAP numbers?

10 MR. MILLSTEIN: Object to form.

11 A I didn't hear that.

12 Q (By Mr. Holt) Okay. Now, I'll just represent on
13 your October 25th map the 2019 Hispanic CVAP number was
14 increased to 51.6.

15 MR. HOLT: And I'm trying to remember, what
16 exhibit was the screenshot of the October map? Can
17 someone help me out? Okay.

18 MS. HARLESS: What was your question?

19 MR. HOLT: What was the screenshot of the
20 October 25th map? I believe it to be Exhibit 10.

21 MS. HARLESS: Yes.

22 MR. HOLT: Does that sound correct?

23 MS. HARLESS: Yes.

24 Q (By Mr. Holt) So Exhibit 10, which I don't have in
25 front of me, I'll represent the 2019 Hispanic CVAP in your

1 released map, Brady, was 51.6 percent. And you stated
2 previously just a minute ago that you're of the opinion
3 that your October released map was VRA compliant; correct?

4 A I'd like to go back. I -- It's hard for me to
5 answer these questions when I'm not actually looking at
6 the figures and being able to answer them because I --
7 I -- I would be --

8 I just can't answer that without seeing the numbers
9 as I was seeing them before. I don't remember them, --

10 MR. HOLT: Annabelle, --

11 A -- and I don't remember this specific --

12 MR. HOLT: -- would you be able to share
13 the link to what you used in Exhibit 10 that I can pull up
14 real fast?

15 MS. HARLESS: Yeah, I can do that. It's
16 just his public October 25th map proposal.

17 MR. HOLT: I just don't have it readily
18 available in Dave's right now.

19 I'm going to stop sharing this here.

20 Thank you.

21 MS. HARLESS: And that should be it that I
22 just put in the chat.

23 MR. HOLT: Okay. I appreciate that. Thank
24 you.

25 Q (By Mr. Holt) Okay. I'm going to share the screen

1 here.

2 (Dave's Redistricting Map displayed.)

3 A Great.

4 Q Okay. Let's wait for this to load up real fast.

5 A Awesome. Thank you.

6 Q Does this appear to be the map that you released on
7 October 25th, your second released map, Brady?

8 A Yes, it does. Thanks so much.

9 Q Yeah, no problem. So I'm not as good at Dave's as
10 some of the other attorneys on this deposition here, so
11 give me just one second here.

12 Okay. So I'm going to go over to your 14th
13 District.

14 A Okay.

15 Q You would agree that the citizen VAP for 2019 was
16 51.6? Do you see that on the right?

17 A Yep. Correct. Agree.

18 Q And that there's a Native population of 8 percent in
19 that district as well?

20 A That's correct.

21 Q And you would agree some of the public comments that
22 the attorney for the State read with you expressed their
23 desire that the Native population and the Hispanic
24 population be grouped together in the district; correct?

25 A I would say that the -- the tribe, the actual tribal

1 land and the Hispanic -- parts of the Hispanic population
2 be grouped together, yeah, that was part of some of the
3 testimony.

4 Q Okay. Now, let me scroll down here. If you look at
5 the CVAP for 2020, which shows 53 percent Hispanic CVAP.

6 A Um-hmm.

7 Q Do you see that?

8 A I do. I do.

9 Q Would you agree that those numbers are correct?

10 A If -- Yes, I agree with that.

11 Q And based off these numbers you're of the opinion
12 that your District 14 was a VRA-compliant district in this
13 October 25th map?

14 MR. MILLSTEIN: Objection to form.

15 MS. HARLESS: Objection to form.

16 A Yes, I think -- I think this map, the way that the
17 14th is drawn, was -- I think to the best of my knowledge
18 was compliant with the Federal Voting Rights Act.

19 Q (By Mr. Holt) Okay. I'm going to stop sharing that,
20 and we're going to jump right back to Dave -- I mean to
21 Dr. Barreto here, to his presentation. I'm going to go
22 down to page 23, and I'll represent these are Dr.
23 Barreto's -- he gave some option districts for 14.

24 A Okay.

25 Q And what is the Latino CVAP in Dr. Barreto's

1 VRA-compliant district option two?

2 A I see 52 percent, if I'm reading this correctly.

3 Q Okay. In your opinion at this time did you believe
4 that a Latino CVAP of 52 percent would be sufficient to be
5 VRA compliant?

6 MR. MILLSTEIN: Objection to form and
7 object to the extent it calls for a legal conclusion.

8 A Again, the map I released in October I believe, as
9 you just showed, had a CVAP in 2019 of 51.6 percent, and I
10 did believe that to be compliant with the VRA.

11 Q (By Mr. Holt) And you said you trusted --

12 A That was --

13 Q -- Dr. Barreto --

14 Sorry, go ahead.

15 A Sorry, go ahead. Go ahead.

16 Q I just said and you said earlier you trusted and had
17 confidence in Dr. Barreto's opinion; is that correct?

18 A Yes. I have confidence in the work that the UCLA
19 Voting Rights Project has done over the years.

20 Q Sir, --

21 A I think it's --

22 Q -- do you have -- Do you have any reason to believe
23 that this option two provided by Dr. Barreto would not be
24 VRA compliant despite his representation that it is?

25 A I don't, but I would have to look at it more. I

1 mean, you're offering not very much detail for me to draw
2 a conclusion. So I'd have to -- I'd have to understand it
3 more.

4 Q Do you have any reason to doubt Dr. Barreto's
5 opinion?

6 A I don't have -- I don't at this moment have a reason
7 to doubt his opinion on this map, no.

8 Q Okay. I'm going to unshare. I'm going to pull up
9 another exhibit here. Just give me one second. I'm going
10 to share the screen here.

11 (Walkinshaw Exhibit No. 45 introduced and displayed.)

12 Q Does this look familiar to you, Brady?

13 A No, it doesn't.

14 Q In your work as a commissioner did you ever come
15 across this polarized voting analysis commissioned by
16 OneAmerica and performed by the group MGGG?

17 MR. MILLSTEIN: Objection, lacks
18 foundation.

19 A I haven't seen this document, no, and I'm not
20 familiar with what you're referring to.

21 Q (By Mr. Holt) Okay. I'll represent to you that this
22 is a document that April Sims had in her possession prior
23 to the passage of the map.

24 I'm going to scroll here to page 3 of this analysis,
25 and I'll represent this is a polarization analysis of the

1 Yakima Valley performed by MGGG.

2 And looking here, do you see this, this box here
3 where it says CCD3 primary 2018?

4 A I do, yes.

5 MR. HUGHES: Let me just -- Sorry, let me
6 just object to that question and the representation in
7 particular. I don't know that there was testimony about
8 Ms. Sims having this in her possession.

9 MR. HOLT: There was. I think you
10 introduced an email. That's where I got it from was an
11 email that was exchanged between her and her staff. That
12 was an exhibit in the deposition on Tuesday.

13 And to the extent you want to object to the form,
14 feel free to do so and we can talk about this later if
15 there's an issue with it.

16 MR. HUGHES: I can say more if you want or
17 not. It's up to you.

18 MR. HOLT: What was that?

19 MR. HUGHES: I can say more about what I
20 mean if you want me to, or not. It's up to you at this
21 point.

22 MR. HOLT: I mean, what is your particular
23 issue with this?

24 MR. HUGHES: I'm just saying I believe the
25 testimony from Ms. Sims was that she had reviewed this,

1 not that she had had it in her possession. I'm not trying
2 to be a nudnik here, but that's my understanding.

3 MR. HOLT: Okay. Well, I've used an email
4 in-box as being possessive; but to the extent possession
5 and review mean different things, the testimony is -- from
6 Ms. Sims was that she reviewed this.

7 And again, I'm not asking any question about it.
8 I'm just making a representation.

9 Q (By Mr. Holt) What MGGG did here is they took
10 several Hispanic candidates in the Yakima area and ran
11 some analyses regarding the races that they participated
12 in. I want to ask you a particular question about the
13 CCD3 primary and general in 2018.

14 Do you see that there?

15 A I do. I will preface this as saying it's really
16 hard for me to react to this document, seeing it for the
17 first time and not knowing the source. And I -- I -- I
18 hesitate to provide any comment on this document, not
19 knowing about it.

20 Q Understood. To the extent that the data in here is
21 not accurate, that's a -- that's an objection that can be
22 preserved and addressed in the event we want to use this
23 at a later stage in trial.

24 But for purposes here let's assume that the
25 estimated Hispanic support in MGGG is the correct number,

1 with the understanding that you're not personally aware of
2 how they arrived at this number. Does that sound good?

3 MR. MILLSTEIN: Dallin, I'm just going to
4 object because it sounds like you're just asking him to
5 speculate. So I'll just have that as a standing objection
6 here to the document, and lack of foundation.

7 A Yeah. I also don't know what CCD3 is.

8 Q (By Mr. Holt) County Commissioner District 3.

9 A Okay. Okay.

10 Q And Soto Palmer I'll represent is one of the
11 plaintiffs in this case.

12 A Okay.

13 Q The named plaintiff in this case, actually. In the
14 primary election there were seven candidates, and she
15 received 44.8 percent of Hispanic support with regard to
16 the voting age population amongst Hispanics.

17 Do you see that there?

18 A I do see that.

19 MR. MILLSTEIN: Objection, misstates the
20 document.

21 MR. HOLT: How am I misstating the
22 document? Do you mind clarifying?

23 MR. MILLSTEIN: I think you said it was the
24 voting age, the voting age population. It says citizen
25 voting age population.

1 MR. HOLT: Understood.

2 Q (By Mr. Holt) Amongst the citizen voting age
3 population she had 44.8 percent in the primary. Do you
4 see that?

5 MR. MILLSTEIN: I'm also -- I'm going to
6 object, lack of foundation.

7 MR. HOLT: Understood.

8 Q (By Mr. Holt) And then in the general election she
9 received 73.3 percent of the Hispanic CVAP. Do you see
10 that as well?

11 A I see the number 73.3 percent there, the estimated
12 Hispanic support.

13 Q Okay. Why do you think the Hispanic candidate was
14 unable to achieve over 50 percent of the Hispanic support
15 in the primary, the Democratic primary?

16 MS. HARLESS: Object to form.

17 MR. MILLSTEIN: Objection, calls for
18 speculation.

19 A Yeah, that requires me to know so many of the
20 variables. I really can't answer that. That's not a fair
21 question.

22 Q (By Mr. Holt) In your opinion do Hispanic voters
23 vote for Hispanic candidates solely based on their race?

24 MR. MILLSTEIN: Objection, calls for
25 speculation.

1 A Yeah, I think there's so many -- There's so many
2 other aspects and data around that question, and I would
3 want to be more familiar with this document.

4 Q (By Mr. Holt) I'm just asking generally. Removing
5 this document, is it your opinion that a Hispanic
6 candidate will receive automatically the support of
7 Hispanic voters solely by nature of their race?

8 MR. MILLSTEIN: Objection, lacks
9 foundation.

10 A Yeah, the data on that is quite mixed.

11 Q (By Mr. Holt) How is it mixed?

12 A I don't -- I don't have a -- I don't have an opinion
13 on that comment.

14 Q I mean, do you believe that to be true personally?

15 A Repeat it again.

16 Q Do you believe a Hispanic candidate automatically
17 receives the support of Hispanic voters solely because of
18 their race?

19 MS. HARLESS: Objection to form.

20 A This is a confusing question. Can I -- Can I ask
21 legal counsel a question on this?

22 Q (By Mr. Holt) Let me rephrase it. You identified
23 earlier at the beginning of this, you identify as a
24 Latino; correct?

25 A I do.

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1 Q Would you ever support a Latino candidate solely
2 because of his or her race?

3 A Yeah, I object to that question, personalizing it to
4 me in that way. I find that inappropriate.

5 Q It's just a question. I'm not -- I apologize, I'm
6 not trying to be inappropriate. I'm just trying to find a
7 way that you'll give a yes or no answer to something I
8 say.

9 MR. MILLSTEIN: I'll just -- Also
10 objection, calls for speculation.

11 A Maybe repeat the question. I can try to answer it.
12 I want to give it a -- give it a go.

13 Q (By Mr. Holt) I guess -- I guess, Brady, what I'm
14 trying to understand here is why Soto Palmer was able to
15 receive 73.3 percent of Hispanic support in the general
16 and only 44.8 percent in the primary from Hispanic voters.

17 MS. HARLESS: Objection to form.

18 A You want me to answer --

19 THE WITNESS: Oh, go ahead.

20 MR. MILLSTEIN: Objection. Sorry, go
21 ahead, Annabelle, and then I'll object.

22 MS. HARLESS: Sorry. Objection to form.
23 Calls for speculation.

24 MR. MILLSTEIN: Those were going to be
25 mine, too.

1 MR. HUGHES: I think it also --

2 MR. MILLSTEIN: It also calls for --

3 MR. HUGHES: Oh, go ahead. Sorry.

4 MR. MILLSTEIN: It calls for expert
5 testimony or an expert opinion.

6 MR. HUGHES: I'm going to object, it also
7 mischaracterizes the document.

8 MR. HOLT: Any other objections?

9 A That's my answer --

10 With noting those objections, --

11 MR. HOLT: Come one, come all.

12 A -- I have literally no -- I have no idea because I
13 don't understand. I don't know the dynamics of that
14 county council race in the Yakima Valley in 2018, so I
15 really can't speculate on that.

16 MR. HOLT: Well, we'll just move on. This
17 was a swing and a miss here. So give me a minute here to
18 gather myself.

19 Q (By Mr. Holt) Let's go to Exhibit 17, and I'll stop
20 sharing the screen here. And I'll represent that that
21 was -- This was saved as RS OpEd 10/29 edits. I'll bring
22 up the document here. Just one moment.

23 (Walkinshaw Exhibit No. 17 displayed.)

24 Q Do you see that there, Brady?

25 A I do see this, yes.

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1 Q Do you remember what this document was?

2 A I do. We spoke about it earlier.

3 Q Okay. I want to look at the second to the last
4 paragraph where you say, "Despite Latinos comprising
5 14 percent of the state's population, the Washington
6 legislature currently only has seven Hispanic/Latino
7 members."

8 Is it your position that Latinos in the state of
9 Washington are entitled to proportional representation in
10 the state legislature?

11 MS. HARLESS: Objection to form.

12 MR. MILLSTEIN: Objection, misstates the
13 document.

14 A Yeah, to be clear, I didn't write -- This is not me.
15 I didn't say any of this.

16 Q (By Mr. Holt) I understand. I'm using this as a
17 springboard for the question. Do you believe that
18 Hispanics are entitled to proportional representation in
19 the state legislature?

20 MS. HARLESS: Objection to form.

21 A "Entitled to proportional representation."

22 No, I think it's much more complicated than that.
23 No, I don't think proportional representation is an
24 entitlement.

25 Q Okay. And do you believe that a candidate besides a

1 Latino can represent the interests of Latinos?

2 MR. MILLSTEIN: Objection, speculation.

3 Q (By Mr. Holt) For example, a White representative.

4 MR. MILLSTEIN: Same objection.

5 A I think there are many cases where -- Do I believe
6 that -- Do I believe a non-Latino can represent the
7 interests of a Latino?

8 Q (By Mr. Holt) Correct.

9 A I think you have many, many examples in Washington
10 state where you have legislators of different racial and
11 ethnic backgrounds who are representing many people of
12 different racial and ethnic backgrounds.

13 Q Okay. Let's stop sharing this document.

14 In your opinion, Brady, just solely as a member -- a
15 former member of the Redistricting Commission -- I'm not
16 asking for any legal opinions. I'm just covering my bases
17 here -- did the Commission approve a VRA-compliant
18 legislative map?

19 MR. MILLSTEIN: I'm still going to object
20 to the extent it calls for a legal conclusion.

21 A I think there's --

22 THE WITNESS: Oh, go ahead.

23 MR. HUGHES: Asked and answered. Sorry.

24 THE WITNESS: What did you say? I'm sorry.

25 MR. HUGHES: I'll object. This question

1 was asked and answered previously.

2 THE WITNESS: Okay.

3 A I answered the question previously.

4 Q (By Mr. Holt) Okay. Would you have voted for the
5 final map if you did not believe it was VRA compliant?

6 MR. MILLSTEIN: Object to form.

7 A I -- I -- The maps that I put forward in October,
8 again on November 10th, again on November 13th, I believe
9 were compliant with the Federal Voting Rights Act.

10 I believe the maps that we -- that I voted on had a
11 lot more legal ambiguity in them.

12 Q (By Mr. Holt) Okay. And when you were attempting
13 to draw a district that is VRA compliant, what is your
14 target Hispanic CVAP?

15 MR. MILLSTEIN: Object to form.

16 MS. HARLESS: Objection to form.

17 A I don't -- I think that's a very hard question to
18 answer because I think it's dependent on a lot of factors.

19 Q (By Mr. Holt) Okay. I'll represent Dr. Barreto, his
20 example two had 52 percent CVAP. The 2020 CVAP in the
21 past map was 51.5.

22 Do you believe these to be in the ballpark of a
23 VRA-compliant district?

24 MR. MILLSTEIN: Object to form.

25 A Again, I feel like the maps -- The map that I

1 proposed, for instance, in October, which I think as we --
2 as we looked at earlier had a 2019 CVAP of around 51.6
3 percent, I believe that that map was compliant with the
4 Federal Voting Rights Act.

5 Q (By Mr. Holt) Okay. And there's been a lot of
6 testimony regarding the 2019 CVAP of the past map being
7 50.0 percent. Do you remember talking about that with
8 attorneys from the State and the plaintiffs earlier today?

9 A Yes. Yes, we looked at that map. Yep.

10 Q And you would agree that in Dave's they only go out
11 one decimal point; correct?

12 MS. HARLESS: Objection to form.

13 MR. MILLSTEIN: Objection, lacks
14 foundation.

15 MR. HOLT: Okay. We'll pull up Dave's
16 here. I'm just trying to save some time.

17 A Sorry. The question was do I agree that in Dave's
18 that they only go out one decimal point?

19 Q (By Mr. Holt) Just give me a minute here. I'll pull
20 up Dave's, and we can look at a map together.

21 (Dave's Redistricting Map displayed.)

22 Q Okay. Do you see this, Brady?

23 A I do see this, yep.

24 Q Okay. I'll represent this is the final map that was
25 passed. Looking at for District 15, do you see that there

1 on the right?

2 A I do.

3 Q The citizen voting age population for Hispanics is
4 50.0; correct?

5 A Correct.

6 Q So you would agree in looking at that data point and
7 all the others that Dave's statistical analysis only goes
8 out one decimal point; correct?

9 MS. HARLESS: Objection, calls for
10 speculation.

11 A Yeah, I actually don't know what data are in Dave's.
12 I don't know if that's a setting --

13 Q (By Mr. Holt) Okay.

14 A -- in Dave's. I actually don't know the answer to
15 that.

16 Q What we're looking at here only goes out one decimal
17 point; correct?

18 A Maybe not, actually. It may be including data that
19 we're not seeing that might be going further out and
20 that's involved in the composite. I'm not sure.

21 Q Okay. If I represented to you that the actual was
22 50.02, the 2019 Hispanic CVAP, would that be correct?

23 MR. MILLSTEIN: Objection, calls for
24 speculation.

25 A Yeah, I don't know.

1 Q (By Mr. Holt) I'll represent that is what plaintiffs
2 used in their Amended Complaint was 50.02. Do you have
3 any reason to doubt that?

4 A I'd like to see that; but if that is what was
5 represented and what is factual, then I would -- I would
6 believe that.

7 Q And if that is the case, you would agree that
8 Hispanic CVAP is in excess of 50 percent, looking at the
9 2019 numbers?

10 MS. HARLESS: Objection to form.

11 A If, in fact -- I agree that 50.02 is greater than
12 50.

13 Q (By Mr. Holt) Okay. And going down to that next
14 column, the 51.5, you would agree that the citizen voting
15 age population of 2020 for Hispanics is 51.5; correct?

16 A Yes, I agree with that.

17 Q In addition to Hispanic voters would you also agree
18 that Native, Black, and White Democrats are also aligned
19 with them in their political --

20 MR. MILLSTEIN: Same objection.

21 Q -- in their candidates of choice?

22 MS. HARLESS: Objection to form.

23 MR. MILLSTEIN: Objection, calls for
24 speculation.

25 A Yeah, that's -- I don't know the answer to that.

1 Q (By Mr. Holt) Who do you believe the candidate of
2 choice to be for the Native population in this District
3 15, a Republican or a Democrat?

4 MR. MILLSTEIN: Objection, calls for
5 speculation.

6 Sorry for cutting off your questions. I'll try to
7 give you another second. I'm not trying to be rude.

8 MR. HOLT: No problem.

9 A I haven't seen those data.

10 Q (By Mr. Holt) You stated earlier that you were of
11 the opinion that the Native voters were aligned in their
12 political interests as far as candidates of choice with
13 the Hispanic voters in the Yakima region.

14 Do you remember saying that?

15 A I don't, but maybe -- Maybe I did. I don't remember
16 saying that.

17 Q Okay. Now, looking at the 2020 Hispanic CVAP of
18 51.5, and as it was talked about with plaintiffs' counsel
19 in her questioning, that this map as passed is not
20 forecasted to give Democrats many victories in the future.

21 Do you remember that testimony?

22 MR. MILLSTEIN: Objection, misstates prior
23 testimony.

24 A The testimony said what? I missed that.

25 Q (By Mr. Holt) In looking at -- We'll look at the

1 composite score here. Do you see that on the right, the
2 2016-2020 composite?

3 A 2016 on the right. The 2016 --

4 Q 2016-2020 composite.

5 A Yeah, I see the -- I do see the composite, yes.

6 I don't -- I don't know in the settings that you
7 have here what makes that composite up, but I do see that
8 composite. I'm not sure what it's a composite of.

9 Q It's all elections from 2016 to 2020 that are in
10 Dave's is what it is. I'll make that representation.

11 And you would agree that you see the Democratic
12 composite is 48.9, and the Republican is 50.3; is that
13 correct?

14 A If -- If that's -- If that's accurate in terms of
15 what's comprising that composite score, then yes, that's
16 correct.

17 Q Okay. Now I want to ask you, go back to political
18 cohesiveness. What does the fact that a 51.5 percent
19 Hispanic CVAP renders a 48.9 Democratic electoral
20 composite score tell you about the political cohesiveness
21 of Hispanic voters in District 15?

22 MS. HARLESS: Objection to form.

23 MR. MILLSTEIN: Objection, calls for
24 speculation and expert testimony.

25 A It's really hard to answer that because that implies

1 all sorts of things about turnout and who is deciding to
2 vote. I just can't answer that. It --

3 There are a lot of other implications in that. Not
4 everyone who is citizen voting age actually votes.

5 Q (By Mr. Holt) I understand, but you would agree that
6 it's not a one-to-one Hispanic equals a Democratic vote;
7 correct?

8 MS. HARLESS: Object to form.

9 MR. MILLSTEIN: Objection, calls for
10 speculation.

11 A Yeah, there's so many other factors in that. Yeah.

12 Q (By Mr. Holt) Okay. I'll stop sharing this here.

13 I'll throw one more document in here, and then we'll
14 wrap up here shortly.

15 MR. MILLSTEIN: Dallin, are you marking
16 this as an exhibit? And if so, what number are we on?

17 MR. HOLT: I believe we're on 44. This
18 would be 44; is that correct?

19 THE REPORTER: No. This will be No. 46.

20 MR. HOLT: Well, there you go, 46. My
21 apologies.

22 I'm going to share my screen here real fast.

23 (Walkinshaw Exhibit No. 46 introduced and displayed.)

24 Q (By Mr. Holt) Do you see this here, Brady?

25 Just let me know when you're able to view that

1 document.

2 A I did. Yes, can you update me on what this document
3 is?

4 Q Yeah. If I represent to you that this is a
5 Washington Supreme Court decision that the map the
6 Commission passed was a valid map and moved it forward, --

7 A Okay.

8 Q -- does that seem correct? You know, I can scroll
9 --

10 A Yes.

11 Q -- through this, and you can take --

12 A Yes.

13 Q -- a look at it.

14 A Yes. That's correct. Yes, I agree.

15 Q I want to go, move to page 3 of this document.
16 There's a line here where my cursor is starting with
17 Redistricting. Do you see that there?

18 A Um-hmm.

19 Q I'm going to read this here. It says -- And this is
20 the Washington Supreme Court where it says, "Redistricting
21 raises largely political questions best addressed in the
22 first instance by commissioners appointed by the
23 legislative caucuses where negotiation and compromise is
24 necessary for agreement."

25 Would you -- Do you agree with that statement in

1 categorizing your work as a Commission during this
2 process?

3 A Yes.

4 Q Do you believe that negotiation and compromise in
5 this context in this process is a negative thing?

6 MR. MILLSTEIN: Objection to form.

7 A No, I believe negotiation and compromise is actually
8 a good -- is a good thing, but not --

9 Yeah. Yes, I believe it's a good thing.

10 MR. HOLT: That's all I've got. Thanks,
11 Brady.

12 THE WITNESS: Thank you very much.

13 MR. HOLT: Good luck with your -- Good luck
14 with your speech tonight.

15 THE WITNESS: Thanks a lot.

16 MR. HOLT: I don't know if anyone else has
17 questions.

18 MR. MILLSTEIN: Just a moment.

19 I think that does it, unless there's potentially
20 redirect from the State, but otherwise we're done.

21 THE WITNESS: I was going to say I
22 appreciate everyone's flexibility and accommodating my
23 early arrival, so thank you all so much.

24 THE VIDEOGRAPHER: Are we ready to go off
25 record, Counsel?

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1 MR. MILLSTEIN: Yes.

2 MS. HARLESS: Yes.

3 THE VIDEOGRAPHER: Okay. Going off record,
4 deposition concluded. This is the end of media five. The
5 time is 5:40.

6 (Deposition concluded at 5:40 p.m.)

7 (Signature reserved.)

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Soto Palmer, et al. v. Hobbs, et al.
LAKESIDE REPORTING (833) 365-3376

1 C E R T I F I C A T E

2 STATE OF WASHINGTON)
) SS
 3 County of King)

4 I, the undersigned Washington Certified Court
 Reporter, pursuant to RCW 5.28.010 authorized to
 5 administer oaths and affirmations in and for the State of
 Washington, do hereby certify:

6 That the annexed and foregoing deposition of the
 witness named herein was taken stenographically before me
 7 and reduced to typewritten form under my direction.

I further certify that the witness examined will be
 8 given an opportunity to review and sign their deposition
 after the same is transcribed, unless indicated in the
 9 record that the parties and witness waived the signing.

I further certify that all objections made at the
 10 time of said examination to my qualifications or the
 manner of taking the deposition or to the conduct of any
 11 party have been noted by me upon the deposition.

I further certify that I am not a relative or an
 12 employee or attorney or counsel of any of the parties to
 said action, or a relative or employee of any such
 13 attorney or counsel, and that I am not financially
 interested in the said action or the outcome thereof.

I further certify that the witness before examination
 14 was by me duly sworn to testify the truth, the whole
 15 truth, and nothing but the truth.

I further certify that the deposition, as
 16 transcribed, is a full, true and correct transcript of the
 testimony, including questions and answers and all
 17 objections, motions and exceptions of counsel made and
 taken at the time of the foregoing examination and was
 18 prepared pursuant to Washington Administrative Code
 308-14-135, the transcript preparation format guideline.

19
 20 IN WITNESS WHEREOF, I have hereunto set my hand this
 10th day of November, 2022.

21 

22 Jeanne M. Gersten, RDR, CCR
 Registered Diplomat Reporter
 23 Washington CCR No. 2711
 License effective until April 2, 2023
 24 Residing at Seattle, Washington
 25



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1 CHANGE/SIGNATURE SHEET

2 I, the undersigned, BRADY PIÑERO WALKINSHAW,
 3 hereby certify that I have read the foregoing deposition
 4 and that, to the best of my knowledge, said deposition is
 5 true and accurate, with the exception of the following
 6 corrections listed below:

5	PAGE	LINE	CHANGE	REASON
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				

18 _____
 19 Signature Date

20 Witness: Brady Piñero Walkinshaw
 21 Soto Palmer, et al. v. Hobbs, et al.
 22 USDC Western District of Washington at Seattle
 23 Cause No. 3:22-cv-05035-RSL
 24 Date: October 27, 2022

23 Reported by: Jeanne M. Gersten, RDR, CCR No. 2711
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