

LISA MCLEAN - 10/05/2022

Page 1

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

SUSAN SOTO PALMER, et al.,

Plaintiffs,

-vs-

STEVEN HOBBS, in his  
official capacity as  
Secretary of State of  
Washington, and the STATE OF  
WASHINGTON,

Defendants,

And

JOSE TREVINO, ISMAEL G.  
CAMPOS, and State  
Representative ALEX YBARRA,  
Intervenor-Defendants.

No.  
3:22-cv-05035-RSL

Defendant State of Washington, on the eve of the deadline to file this document, and Intervenor-Defendants, with just hours left before the deadline to file this document, provided and adopted extensive edits that substantially expanded on the objections they asserted to these deposition designations. This maneuver deprived Plaintiffs of a meaningful opportunity to respond and therefore deprived the Court of additional substantive responses from the Plaintiffs' perspective.

REMOTE DEPOSITION OF LISA MCLEAN

Wednesday, October 5, 2022

10:00 a.m. PST to 2:38 p.m. PST

Witness Location: Seattle, Washington

REPORTED BY:

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Intervenor-Defendants join with the State in their stated objections throughout this transcript.

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LISA MCLEAN - 10/05/2022

2	4
1 A P P E A R A N C E S - R E M O T E	1 EXAMINATION INDEX
2	2
3 FOR THE WITNESS:	3 EXAMINATION BY: PAGE NO.
4 AARON MILLSTEIN	4 BY MS. WAKNIN 5
5 K&L GATES	5 BY MR. BOWEN 151
6 925 Fourth Avenue, Suite 2900	6 BY MR. HUGHES 168
7 Seattle, Washington 98104	7
8 aaron.millstein@klgates.com	8 EXHIBIT INDEX
9 FOR PLAINTIFFS SOTO PALMER, et al., ON BEHALF OF	9
10 CAMPAIGN LEGAL CENTER:	10 EXHIBIT NO. DESCRIPTION PAGE NO.
11 SIMONE LEEPER	11 Exhibit 1 6/21/21 Meeting Minutes 81
12 ANNABELLE HARLESS	12 Exhibit 2 11/1/21 Meeting Minutes 124
13 ASEEM MULJI	13 Exhibit 3 11/24/21 Meeting Minutes 132
14 BEN PHILLIPS - Legal Fellow	14
15 CAMPAIGN LEGAL CENTER	15
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19 AHarless@CampaignLegalCenter.org	19 Page 115
20 AMulji@CampaignLegalCenter.org	20
21 BPhillips@CampaignLegalCenter.org	21 INFORMATION REQUESTED
22 ON BEHALF OF UCLA VOTING RIGHTS PROJECT:	22 (None)
23	23
24	24
25	25
3	5
1 APPEARANCES, continued:	1 WEDNESDAY, OCTOBER 5, 2022; SEATTLE, WASHINGTON
2	2 10:00 A.M. PST
3 FOR PLAINTIFFS, ON BEHALF OF MORFIN LAW FIRM:	3 ***
4 EDUARDO MORFIN	4
5 MORFIN LAW FIRM, PLLC	5 LISA McLEAN,
6 7325 West Deschutes Avenue, Suite A	6 having been sworn/affirmed on oath to tell the truth,
7 Kennewick, Washington 99336	7 the whole truth, and nothing but the truth, testified as
8 Eddie@MorfinLawFirm.com	8 follows:
9 FOR DEFENDANT STATE OF WASHINGTON:	9
10 ANDREW R.W. HUGHES	10 EXAMINATION
11 Assistant Attorney General	11 BY MS. WAKNIN:
12 ATTORNEY GENERAL OF WASHINGTON	12 Q. Well, good morning, Ms. McLean. My name is Sonni
13 Complex Litigation Division	13 Waknin, and I represent the plaintiffs in this case and
14 800 Fifth Avenue, Suite 2000	14 I will be asking you questions today. So I'm going to
15 Seattle, Washington 98104	15 ask that you please state your full name for the
16 Andrew.Hughes@ATG.Wa.gov	16 record.
17 FOR INTERVENOR-DEFENDANTS:	17 A. Lisa McLean.
18 BRENNAN A.R. BOWEN	18 MR. BOWEN: Sonni, sorry to interrupt. Can we
19 HOLTZMAN VOGEL	19 get on the record that the objections by one party will
20 Esplanade Tower IV	20 be preserved for the objection for all parties?
21 2575 East Camelback Road, Suite 860	21 MS. WAKNIN: Yes.
22 Phoenix, Arizona 85016	22 MR. BOWEN: If anybody disagrees, please speak
23 bbowen@HoltzmanVogel.com	23 now.
24	24 Okay. Sorry, Sonni. I'll try not to interrupt
25	25 again.

LISA MCLEAN - 10/05/2022

<p>6</p> <p>1 MS. WAKNIN: Thank you.</p> <p>2 BY MS. WAKNIN:</p> <p>3 Q. Is it okay for me to call you Lisa today?</p> <p>4 A. Please do. Please do.</p> <p>5 Q. Okay. And, Lisa, have you and I ever met prior to</p> <p>6 today?</p> <p>7 A. No, just over e-mail.</p> <p>8 Q. And is this a deposition being taken -- this is a</p> <p>9 deposition being taken based off of your role in the</p> <p>10 2021 redistricting of Washington.</p> <p>11 Do you understand that?</p> <p>12 A. I do.</p> <p>13 Q. Have you ever been deposed before?</p> <p>14 A. No.</p> <p>15 Q. So I'm going to lay out some ground rules then for this</p> <p>16 deposition. Does that sound okay with you?</p> <p>17 A. Yes.</p> <p>18 Q. So today we're going to have an informal, and I assume,</p> <p>19 professional conversation. And as informal as our</p> <p>20 discussion will be, you do understand the importance of</p> <p>21 telling the truth, correct?</p> <p>22 A. I do.</p> <p>23 Q. And you do understand that you're giving an oath today</p> <p>24 to tell the truth just as you would before a judge in a</p> <p>25 court?</p>	<p>8</p> <p>1 Do you understand that?</p> <p>2 A. I do.</p> <p>3 Q. Okay. And so you are the only person that knows if you</p> <p>4 understand the questions that you're being asked. If</p> <p>5 you answer the question or do not say anything about</p> <p>6 the question, I'm going to assume that you understood</p> <p>7 the question; is that fair enough?</p> <p>8 A. Okay. That's fair.</p> <p>9 Q. And do you understand if I ask a question that you</p> <p>10 think might not make sense to you or is a little too</p> <p>11 complicated, you can ask for a clarification of the</p> <p>12 question?</p> <p>13 A. Yes, I understand.</p> <p>14 Q. Great. And you do understand that your statements are</p> <p>15 going to be taken for a court reporter, so you need to</p> <p>16 provide a verbal answer?</p> <p>17 A. I do understand that.</p> <p>18 Q. Okay. And it's important to talk slowly and -- to make</p> <p>19 sure that we don't try to all talk over each other at</p> <p>20 the same time, so the court reporter can take</p> <p>21 everything down.</p> <p>22 Do you understand that?</p> <p>23 A. I do. And if I am -- I have a tendency to talk too</p> <p>24 fast. So if I do, I welcome anyone to tell me to slow</p> <p>25 down.</p>
<p>7</p> <p>1 A. I do.</p> <p>2 Q. If there comes a point in time today where the lawyers</p> <p>3 in this case or a judge determines that something you</p> <p>4 told us isn't true, you understand that you can be</p> <p>5 called to task for that?</p> <p>6 A. I do.</p> <p>7 Q. Is there any reason why you can't give truthful answers</p> <p>8 to my questions today?</p> <p>9 A. No, not that I know of.</p> <p>10 Q. And these are a little -- these next few questions</p> <p>11 might be a little rude, so apologies. But are you</p> <p>12 taking any medications that impair your memory or brain</p> <p>13 functions?</p> <p>14 A. No.</p> <p>15 Q. Do you have any conditions that impair your memory or</p> <p>16 brain function?</p> <p>17 A. No.</p> <p>18 Q. Okay. So if your attorney objects to a question or you</p> <p>19 hear an objection, the objection will be noted for the</p> <p>20 record, but you will still need to answer the question.</p> <p>21 Do you understand?</p> <p>22 A. I do.</p> <p>23 Q. If you need to go to the restroom or tend to something</p> <p>24 immediately, you are allowed to let us know, and we can</p> <p>25 take an agreed upon break.</p>	<p>9</p> <p>1 Q. Lisa, do you believe the issues in this case are</p> <p>2 important?</p> <p>3 A. Yes.</p> <p>4 Q. Why do you think the issues in this case are important?</p> <p>5 A. Because it speaks to the -- I mean, there's a challenge</p> <p>6 to the redistricting map, and if it were to succeed,</p> <p>7 then it speaks to the validity of that map.</p> <p>8 Q. Is there any other reason why you think the issues in</p> <p>9 this case are important?</p> <p>10 A. I mean, there's -- obviously the whole issue around the</p> <p>11 Section 2 versus Article 14 are interesting issues that</p> <p>12 have been raised by both the plaintiffs and are</p> <p>13 interesting.</p> <p>14 And obviously are before the Supreme Court right</p> <p>15 now, so are issues that will be interesting to find out</p> <p>16 in terms for the whole national debate about</p> <p>17 redistricting.</p> <p>18 Q. And so you stated for both the plaintiffs. Can you</p> <p>19 clarify what you mean?</p> <p>20 A. I guess -- I'm sorry -- I'm referring to the lawsuit</p> <p>21 that you all brought and the lawsuit that was brought</p> <p>22 by -- regarding the 14th Amendment.</p> <p>23 Q. Okay.</p> <p>24 A. I don't remember who brought that lawsuit.</p> <p>25 Q. That's okay. So, Lisa, today I only represent the Soto</p>

LISA MCLEAN - 10/05/2022

<p>10</p> <p>1 Palmer plaintiffs. This case is with respect to</p> <p>2 Section 2, as you stated.</p> <p>3 So I just want -- do you understand that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. I'm going to ask you some demographic questions</p> <p>6 and some background questions now.</p> <p>7 For the record, what is your race?</p> <p>8 A. I'm Caucasian.</p> <p>9 Q. And have you ever been party to a lawsuit in your</p> <p>10 personal or official capacity?</p> <p>11 A. No.</p> <p>12 Q. Have you ever been a witness in a lawsuit?</p> <p>13 A. No.</p> <p>14 Q. Lisa, how did you prepare for this deposition?</p> <p>15 A. Not -- not very much. I just -- I actually mentioned</p> <p>16 to Aaron when I came here that I figured I'd bring my</p> <p>17 brain and my memory of working on this -- working as</p> <p>18 the executive director.</p> <p>19 Q. Do you have any documents that you brought with you</p> <p>20 today?</p> <p>21 A. No.</p> <p>22 Q. Do you have any documents within your control today?</p> <p>23 A. No.</p> <p>24 MR. MILLSTEIN: Objection to form.</p> <p>25 BY MS. WAKNIN:</p>	<p>12</p> <p>1 attorney-client privileged communications and instruct</p> <p>2 you not to answer with respect to our communications.</p> <p>3 Counsel, to the extent you're saying, unless she</p> <p>4 talked about that with a third party who was not me.</p> <p>5 MS. WAKNIN: Yeah, okay.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MS. WAKNIN:</p> <p>8 Q. Did anyone provide you with documents that you might be</p> <p>9 asked about today?</p> <p>10 A. No.</p> <p>11 Q. Have you reviewed any documents filed in this case?</p> <p>12 A. No. I mean -- sorry, before I -- before I was -- not</p> <p>13 relieved -- or before my job finished, I did see all of</p> <p>14 the filings. And I saw many of the filings that came</p> <p>15 in over this lawsuit. And I read a few of them.</p> <p>16 Q. Which filings did you read pertaining to those?</p> <p>17 A. Like the lawsuit itself, I read that. And I don't</p> <p>18 remember, there was some other documents I believe that</p> <p>19 I might have seen, but I don't -- I don't remember</p> <p>20 exactly. They came in over e-mail. I didn't have time</p> <p>21 to read all these things, but sometimes I would look at</p> <p>22 them.</p> <p>23 Q. Who would e-mail them to you?</p> <p>24 A. Counsel and not -- yeah.</p> <p>25 Q. What did you think of the complaint when you read it?</p>
<p>11</p> <p>1 Q. Was there anyone you spoke to about this deposition?</p> <p>2 A. No, none other than Aaron.</p> <p>3 Q. So you didn't speak to anyone else about being deposed</p> <p>4 today?</p> <p>5 A. No.</p> <p>6 Q. Did you meet in person, by phone or Zoom or otherwise</p> <p>7 to prepare for this deposition?</p> <p>8 A. No, except for the counsel, Millstein.</p> <p>9 Q. And so you only met with your counsel to prepare for</p> <p>10 this deposition?</p> <p>11 A. Yes.</p> <p>12 Q. Was there anyone else not -- who is not your counsel in</p> <p>13 the room while you were preparing for this deposition?</p> <p>14 A. No, no.</p> <p>15 Q. How many sessions did you have in preparing for this</p> <p>16 deposition?</p> <p>17 A. One.</p> <p>18 Q. How long did that session go?</p> <p>19 A. I don't recall. No more than an hour.</p> <p>20 Q. And did you discuss with anyone the types of questions</p> <p>21 you may be asked today?</p> <p>22 A. No. I mean, again, Counsel Millstein was giving me</p> <p>23 some advice.</p> <p>24 MR. MILLSTEIN: Well, I'm going to go ahead</p> <p>25 and object to the extent it's calling for any</p>	<p>13</p> <p>1 MR. MILLSTEIN: Objection. Form.</p> <p>2 THE WITNESS: I didn't really have -- I mean,</p> <p>3 I don't have an opinion about it. It's not my job to</p> <p>4 have an opinion -- it was not my job to have an opinion</p> <p>5 about it. I guess when I saw it, I did not -- I was</p> <p>6 not surprised.</p> <p>7 BY MS. WAKNIN:</p> <p>8 Q. Why weren't you surprised?</p> <p>9 A. Because it was an issue of discussion in the media.</p> <p>10 And, you know, we knew that it was an issue in -- the</p> <p>11 media had exposed that it was an issue between the</p> <p>12 commissioners. And obviously, I think nationally it's</p> <p>13 been an issue so...</p> <p>14 Q. When you say we were not surprised, who was the "we"</p> <p>15 you're referring to?</p> <p>16 A. I believe I might have -- like I think -- what I -- I</p> <p>17 think I remember, when it came in, I might have sent it</p> <p>18 to the staff saying, And here it is. As in because we</p> <p>19 had thought that maybe something would come. And I</p> <p>20 think I might have e-mailed it to the staff and said,</p> <p>21 Here it is, look at this.</p> <p>22 Q. Was it a topic of discussion among the staff and the</p> <p>23 commissioners that there would be a lawsuit against the</p> <p>24 commission on the legislative district maps?</p> <p>25 A. Not -- not -- no. I mean, I think I wanted to keep the</p>

LISA MCLEAN - 10/05/2022

<p style="text-align: right;">14</p> <p>1 staff informed about what was going on. And so when we</p> <p>2 would hear things about the lawsuit or another lawsuit,</p> <p>3 then I would make sure that the staff knew about it.</p> <p>4 Discussion between the staff and the commissioners,</p> <p>5 there would be none. And even myself and the</p> <p>6 commissioners. If the commissioners were talking about</p> <p>7 a lawsuit, that was never at my knowledge. I was never</p> <p>8 told about that. And it wasn't -- I mean, with the</p> <p>9 exception of maybe talking to the chair about it.</p> <p>10 <b>Q. And you had previously stated that the lawsuit, or the</b></p> <p>11 <b>topic of the lawsuit, was an issue between the</b></p> <p>12 <b>commissioners.</b></p> <p>13 <b>What did you mean by that?</b></p> <p>14 A. I mean there had been -- let me remind myself.</p> <p>15 There had been an article. I can't remember the</p> <p>16 sequence of the whole thing, but there had been an</p> <p>17 article in the newspaper about -- I think it was the</p> <p>18 democrats -- I want to say it was senate democrats, I'm</p> <p>19 not entirely sure -- that had released sort of an</p> <p>20 analysis from UCLA voting project. And that became a</p> <p>21 discussion.</p> <p>22 And then later on, the republicans issued a memo,</p> <p>23 sort of like countering memo, that also became public.</p> <p>24 And so that was a whole discussion in the media about</p> <p>25 the fact that they were talking about this.</p>	<p style="text-align: right;">16</p> <p>1 <b>in this case?</b></p> <p>2 A. I don't remember if I did. I might have, but I don't</p> <p>3 remember.</p> <p>4 <b>Q. Okay. Have you been asked to save any documents that</b></p> <p>5 <b>are in your personal belongings related to this case?</b></p> <p>6 A. No.</p> <p>7 <b>Q. Did you ever have any meetings regarding this</b></p> <p>8 <b>litigation?</b></p> <p>9 A. No.</p> <p>10 <b>Q. While you were executive director of the redistricting</b></p> <p>11 <b>commission, did you have any meetings after this case</b></p> <p>12 <b>was filed about the litigation with the commissioners</b></p> <p>13 <b>and the chair?</b></p> <p>14 A. Let's see. One second.</p> <p>15 I don't -- I don't recall. Just a minute.</p> <p>16 I don't think so.</p> <p>17 <b>Q. Okay. Did you have any meetings with anyone since</b></p> <p>18 <b>November 15, 2021, about the possibility of a lawsuit</b></p> <p>19 <b>over the legislative district maps?</b></p> <p>20 MR. MILLSTEIN: Objection to form.</p> <p>21 THE WITNESS: No, I don't think so. I</p> <p>22 don't -- I guess, can I ask a question? A meeting?</p> <p>23 Did we discuss it? Yes. Did we meet? Not</p> <p>24 formally, I would say.</p> <p>25 BY MS. WAKNIN:</p>
<p style="text-align: right;">15</p> <p>1 And just to add, there is -- there was --</p> <p>2 especially with some of our meetings at the -- I guess</p> <p>3 on the October -- I want to say October 5th,</p> <p>4 October 9th. I think it was October 9th. There was</p> <p>5 two public meetings.</p> <p>6 And one of the public meetings, I guess it was the</p> <p>7 5th, went from about 7 o'clock in the evening until</p> <p>8 midnight. And there was a lot of people who came in</p> <p>9 and talked about the makeup of the 14th and the 15th.</p> <p>10 So the commissioners were informed -- that was a</p> <p>11 meeting, a public meeting, where we had testifiers,</p> <p>12 public people who were telling the commissioners about</p> <p>13 their opinions about how the different districts should</p> <p>14 be formulated. So again, it was -- it was kind of a</p> <p>15 major topic of discussion.</p> <p>16 <b>Q. I'm going to -- I'll ask you about that a little later.</b></p> <p>17 <b>Are there any other documents in this case -- I</b></p> <p>18 <b>know that you said you might not remember all of</b></p> <p>19 <b>them -- that you reviewed besides the complaint?</b></p> <p>20 MR. MILLSTEIN: Objection to form.</p> <p>21 THE WITNESS: Maybe can you be a little bit</p> <p>22 more specific?</p> <p>23 BY MS. WAKNIN:</p> <p>24 <b>Q. Sure. No problem.</b></p> <p>25 <b>Have you reviewed the preliminary injunction motion</b></p>	<p style="text-align: right;">17</p> <p>1 <b>Q. Okay. So why don't we -- how would you define meeting?</b></p> <p>2 A. I mean, if you're -- was there a meeting of the</p> <p>3 commissioners, right? There were meetings of</p> <p>4 commissioners to discuss various issues afterwards.</p> <p>5 I guess, actually, I'm even forgetting his -- one</p> <p>6 of the -- right. There was a meeting of the commission</p> <p>7 that I was at where they made -- they had a vote and</p> <p>8 public session about whether to intervene in a lawsuit.</p> <p>9 So I did take part in that. So, yeah, that was a</p> <p>10 formal meeting.</p> <p>11 When I say -- basically, I mean, did someone call</p> <p>12 me and say, Hey, did you see this lawsuit? As in did</p> <p>13 the chair call me and say, Did we see this lawsuit?</p> <p>14 You know, maybe. But I wouldn't call that a formal</p> <p>15 meeting.</p> <p>16 But having said that, thank you for reminding me,</p> <p>17 because as I went through it, we did have a meeting to</p> <p>18 discuss -- there was a formal meeting of the commission</p> <p>19 to vote on whether or not to intervene on, I think it</p> <p>20 was March 7th or March 8th of 2022, when the chair also</p> <p>21 resigned.</p> <p>22 <b>Q. Okay. And so why don't we say then, did you have any</b></p> <p>23 <b>conversations regarding the contents of this -- of this</b></p> <p>24 <b>litigation?</b></p> <p>25 A. Yes. I mean, I discussed it with the chair. I</p>



LISA MCLEAN - 10/05/2022

<p>18</p> <p>1 discussed it with the staff. I do not recall</p> <p>2 discussing it with any of the commissioners directly</p> <p>3 because it wouldn't be the type of thing I would have</p> <p>4 talked to them about.</p> <p>5 <b>Q. And when you say "directly," were there indirect ways</b></p> <p>6 <b>that you would communicate with the commissioners?</b></p> <p>7 A. No. I mean that, I guess, to have a discussion</p> <p>8 about -- sorry. To be present at a discussion where</p> <p>9 we're talking about -- where they're talking about</p> <p>10 intervening in the lawsuit, that would be an indirect,</p> <p>11 okay.</p> <p>12 Directly would be them calling me and saying, What</p> <p>13 do you think about this? They didn't call me and say,</p> <p>14 What do you think about this?</p> <p>15 <b>Q. Okay. I want to talk to you about your involvement in</b></p> <p>16 <b>the 2021 redistricting cycle. So can you tell me how</b></p> <p>17 <b>you first got involved in the Washington redistricting?</b></p> <p>18 A. So I was hired on March 25th, 2021, to be the executive</p> <p>19 director. I applied for that position and maybe got it</p> <p>20 because I had been working on the 2020 census for the</p> <p>21 state.</p> <p>22 I had been the coordinator of the complete count</p> <p>23 committee and had been active in trying to make sure</p> <p>24 that people got -- filled out the census. So I brought</p> <p>25 a huge network of contacts throughout the state. And</p>	<p>20</p> <p>1 <b>Q. Did you as executive director have the power to hire</b></p> <p>2 <b>staff?</b></p> <p>3 A. Yes.</p> <p>4 <b>Q. And when you hired staff, were you the final</b></p> <p>5 <b>decision-maker in hiring staff, or did you have to go</b></p> <p>6 <b>to the chair and the commission?</b></p> <p>7 A. I was the final decision-maker.</p> <p>8 <b>Q. What were your duties as executive director of the 2021</b></p> <p>9 <b>Washington Redistricting Commission?</b></p> <p>10 A. They were wide ranging, but I will say that I felt that</p> <p>11 No. 1 it was to hire staff. No. 2, it was to -- I felt</p> <p>12 the biggest thing was to sort of organize the public</p> <p>13 outreach effort, okay.</p> <p>14 So the first thing that we did was to, you know,</p> <p>15 put together the branding, the website and then work</p> <p>16 with the commissioners on a schedule for public</p> <p>17 outreach meetings that was agreeable to them.</p> <p>18 We also had a new provision in the law regarding</p> <p>19 relocation of people in state custody. So we had a big</p> <p>20 process with regard to that, gathering -- gathering</p> <p>21 that information, making sure it was correct, getting</p> <p>22 the person on board to be able to relocate those</p> <p>23 people.</p> <p>24 So -- and organizing the public outreach meetings,</p> <p>25 making sure that there was a large list of stakeholders</p>
<p>19</p> <p>1 that's sort of my feelings with redistricting.</p> <p>2 <b>Q. So prior to 2021, you had never served in any capacity</b></p> <p>3 <b>in Washington redistricting?</b></p> <p>4 A. Oh, no, no.</p> <p>5 <b>Q. Do you have any experience in redistricting prior to</b></p> <p>6 <b>2021?</b></p> <p>7 A. Not -- no. Huh-uh.</p> <p>8 <b>Q. And so it's fair to say that your official title on the</b></p> <p>9 <b>Washington Redistricting Commission was executive</b></p> <p>10 <b>director; is that correct?</b></p> <p>11 A. Yes.</p> <p>12 <b>Q. Who were you employed by?</b></p> <p>13 A. I was employed by the state. Who hired me, or who did</p> <p>14 I report to? I was hired by the chair. I was</p> <p>15 interviewed by the chair and somebody from the</p> <p>16 legislative support services. I was offered the job by</p> <p>17 the chair, and I reported to the chair.</p> <p>18 MR. HUGHES: I'm going to object</p> <p>19 retrospectively to the extent it seeks a legal</p> <p>20 conclusion.</p> <p>21 BY MS. WAKNIN:</p> <p>22 <b>Q. And by "the chair," could you clarify who you mean?</b></p> <p>23 A. Sarah Augustine.</p> <p>24 <b>Q. Did Ms. Augustine have the power to fire you?</b></p> <p>25 A. Yes.</p>	<p>21</p> <p>1 to be contacted. And then staffing commission</p> <p>2 meetings, making sure that the commission meetings were</p> <p>3 prepared.</p> <p>4 And, let's say, you know, organizing, you know, if</p> <p>5 there was -- for instance, we had a tribal consultation</p> <p>6 policy that was agreed to before my coming on board, or</p> <p>7 just as I came on board. And there was a process of</p> <p>8 tribal education, lining up those speakers. And then</p> <p>9 being involved in the tribal consultation process</p> <p>10 afterwards, making sure that, if the counsel had</p> <p>11 contacted me, that the commissioners were aware of it,</p> <p>12 that we organized consultations with them, with those</p> <p>13 tribal councils.</p> <p>14 And basically doing whatever the chair maybe</p> <p>15 instructed me to do. You know, sometimes we would have</p> <p>16 a meeting. She would have a discussion with somebody.</p> <p>17 She would say, Would you please go do this, that or the</p> <p>18 other. Or could you get somebody on staff to do this,</p> <p>19 that and the other?</p> <p>20 <b>Q. Did you have --</b></p> <p>21 A. Sorry. Public records, shutting down the agency, I</p> <p>22 mean, everything, running the agency.</p> <p>23 <b>Q. And would you be able to hire consultants to assist</b></p> <p>24 <b>with redistricting?</b></p> <p>25 A. So I had a -- early on, we had a big discussion about</p>

LISA MCLEAN - 10/05/2022

<p>22</p> <p>1 what my spending limit was. And I think we settled on</p> <p>2 \$30,000. So we felt that something like a consultant</p> <p>3 was -- I mean, I hired -- I got their approval for the</p> <p>4 consultant we hired for the website. Hired a</p> <p>5 consultant to help me with the GIS search for a GIS</p> <p>6 person. But all of that was approved by the</p> <p>7 commission. And generally, my attitude was that</p> <p>8 consultants were probably something we should run by</p> <p>9 the whole commission.</p> <p>10 <b>Q. Okay. And would that include consultants that would</b></p> <p>11 <b>assist the commission with Voting Rights Act</b></p> <p>12 <b>compliance?</b></p> <p>13 A. Yes.</p> <p>14 MR. MILLSTEIN: Objection. Form.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MS. WAKNIN:</p> <p>17 <b>Q. Who are the staff members you oversaw as executive</b></p> <p>18 <b>director?</b></p> <p>19 A. So communications director, the digital and media</p> <p>20 coordinator, the public outreach -- I can't remember</p> <p>21 what, public outreach -- I can't remember exactly if --</p> <p>22 he wasn't a director, but he was sort of -- that was</p> <p>23 the communications team, administrative assistant,</p> <p>24 executive assistant, and then GIS analyst.</p> <p>25 <b>Q. So I'd like to ask you about some of those staffers</b></p>	<p>24</p> <p>1 A. He is a GIS analyst.</p> <p>2 <b>Q. What was his role with the commission?</b></p> <p>3 A. Doing all things GIS. First job was to do the</p> <p>4 relocation of the -- state custody relocation. That</p> <p>5 was the first task. He did not get hired until</p> <p>6 June 15th, I think was his start date. And he -- so he</p> <p>7 started late, because the rest of them started about</p> <p>8 April 15th.</p> <p>9 He -- so he was in charge of the state custody</p> <p>10 relocation. Then he was in charge of, once the census</p> <p>11 data came in, making sure that mapping tool on the</p> <p>12 website worked, and that anybody who had any comments</p> <p>13 was able to sort of -- there were people who didn't</p> <p>14 know how to comment, and they had to walk through that</p> <p>15 process. And anybody who had those comments -- those</p> <p>16 problems, Justin would fix that.</p> <p>17 And then what we were doing was we were testing to</p> <p>18 make sure that the back -- sorry, back end, let's say.</p> <p>19 Because we were using Citygate publicly as a tool.</p> <p>20 That was also the tool that the commission was using.</p> <p>21 And we had known from 2010 that there was some problems</p> <p>22 with that.</p> <p>23 So Justin and I were making sure that we were -- we</p> <p>24 had all the data right so that we -- that we weren't</p> <p>25 going to have problems with that. So we could</p>
<p>23</p> <p>1 <b>that you had just -- or, like, positions that you had</b></p> <p>2 <b>just recalled.</b></p> <p>3 <b>Who is Maria Garza? What was her role with the</b></p> <p>4 <b>commission?</b></p> <p>5 A. She is the administrative assistant. She was the</p> <p>6 administrative assistant up until about March 2022 --</p> <p>7 January 2022, and then she became the executive</p> <p>8 assistant.</p> <p>9 <b>Q. What were her duties?</b></p> <p>10 A. Maria mostly worked on public outreach issues, you</p> <p>11 know, developing the stakeholder list. There's this</p> <p>12 small, little provision in the law about making sure</p> <p>13 that the subentities, sub governmental entities, have</p> <p>14 the redistricting data. So she had to go research all</p> <p>15 of those sub state government entities.</p> <p>16 She helped me with the public records request.</p> <p>17 Just pretty much doing whatever was -- she was told to</p> <p>18 do, you know, to help out with anything. Not just me,</p> <p>19 but if somebody else needed some help. And kind of was</p> <p>20 assigned to the public -- the communications public</p> <p>21 outreach team.</p> <p>22 <b>Q. And was she involved in any way redrafting the</b></p> <p>23 <b>legislative district maps?</b></p> <p>24 A. No.</p> <p>25 <b>Q. Who is Justin Bennett?</b></p>	<p>25</p> <p>1 basically, on the night of the 15th, produce the maps</p> <p>2 and produce all the charts and stuff that we had to do,</p> <p>3 per law.</p> <p>4 So there's just -- there were things like, you</p> <p>5 know, you have to -- you have to list the number -- you</p> <p>6 have to list all -- technically the -- the</p> <p>7 redistricting -- the redistricting that should be sent</p> <p>8 to the state -- to the state legislature should have</p> <p>9 all the census blocks in it. Can we hit a button on</p> <p>10 Citygate to produce that list of all, you know,</p> <p>11 District 1 is going to have all these census blocks,</p> <p>12 District 2.</p> <p>13 They had had problems in 2010. So we were doing</p> <p>14 some testing of that in 2020 to make sure that wasn't</p> <p>15 going to be a problem. We also then had to -- he would</p> <p>16 have to basically -- you know, there were some fixes we</p> <p>17 had to do by getting -- getting Esri involved, doing</p> <p>18 some contract sites, contracts with Esri so that we</p> <p>19 could make sure the Citygate thing would work the way</p> <p>20 it was supposed to work.</p> <p>21 <b>Q. Was Citygate the only tool used by the commissioners to</b></p> <p>22 <b>draw maps, to your knowledge?</b></p> <p>23 <b>A. No. Dave's Redistricting was also used by them.</b></p> <p>24 <b>Q. And by "them," who used Dave's Redistricting?</b></p> <p>25 A. I am not certain. I know -- I know that the democrats</p>

LISA MCLEAN - 10/05/2022

<p>26</p> <p>1 favored it, and I'm talking house democrats and house 2 senate. But I also think at least house republicans, I 3 believe, also used it, but I'm not sure. 4 Because of the fact that you could pull Dave's 5 Redistricting into the Citygate app, sometimes they 6 would, I think, throw maps back and forth to each 7 other. 8 <b>Q. Did you think it was an issue that the commissioners</b> 9 <b>would use Dave's Redistricting to draw maps then throw</b> 10 <b>them into Citygate, which was publicly available?</b> 11 MR. MILLSTEIN: Objection to form. 12 THE WITNESS: But I can answer? 13 MR. MILLSTEIN: Yeah, as long as you're able 14 to. 15 MS. WAKNIN: Yes, you can answer. 16 MR. MILLSTEIN: Just to clarify. 17 THE WITNESS: Just making sure. 18 MR. MILLSTEIN: Yeah, the only time that you 19 should not answer is I will say, I instruct the witness 20 not to answer if it's attorney-client privileged. 21 Sorry to interrupt. But, no, my objection should 22 not stop you from answering. 23 THE WITNESS: Okay. Sorry, the question was 24 did I -- did I think it was a problem? No, no, no. We 25 knew it was fully compatible. In fact, one of the</p>	<p>28</p> <p>1 <b>Q. Was Justin Bennett involved in drafting the legislative</b> 2 <b>district maps?</b> 3 MR. MILLSTEIN: Objection to form. 4 THE WITNESS: No. 5 BY MS. WAKNIN: 6 <b>Q. Did he in any way evaluate map proposals from the</b> 7 <b>commissioners, to your knowledge?</b> 8 MR. MILLSTEIN: Objection to form. 9 THE WITNESS: So there were times -- okay, 10 especially when this discussion became public, this 11 PowerPoint that Matt Barreto put together was made 12 public and the competing memo from the republicans came 13 out, there was some analysis done at the request of the 14 chair by Justin on the offered maps, but only for the 15 chair's use and at the request of the chair. 16 BY MS. WAKNIN: 17 <b>Q. And was that analysis ever made public?</b> 18 A. No. 19 <b>Q. What was that analysis?</b> 20 A. It -- if I recall, and I don't remember exactly, it 21 was -- it was -- I think there was -- if I recall, 22 Barreto had offered one or two maps, and I think that 23 they were doing an analysis of those maps to tell her 24 what the sort of -- to tell the chair what the -- what 25 the racial makeup was and what the numbers were for</p>
<p>27</p> <p>1 things we did was make sure Dave's Redistricting had 2 the state custody data. 3 BY MS. WAKNIN: 4 <b>Q. How did you make sure that Dave's had the state custody</b> 5 <b>data?</b> 6 A. I'm not entirely sure. It was Daniel Pailthorp, public 7 outreach coordinator, it was his job. I think he was 8 in touch with them. But basically I think he and 9 Justin, the GIS analyst, they had several conversations 10 with Dave's making sure that Dave's had the data, had 11 the file with the state custody thing so that they 12 would have that insight. They asked for it, I believe, 13 and we made sure they had it. 14 <b>Q. To your knowledge, was it ever made public that the</b> 15 <b>commissioners were utilizing Dave's Redistricting for</b> 16 <b>map drawing during the public commission process?</b> 17 MR. MILLSTEIN: Objection to form. 18 THE WITNESS: I'm not sure. I'm not sure. I 19 don't -- no, I don't remember. I think it was. It 20 wasn't a big deal. 21 BY MS. WAKNIN: 22 <b>Q. Okay. Why did you think it was?</b> 23 A. That's why I don't know, because it wasn't a big deal. 24 <b>Q. Why wasn't it a big deal?</b> 25 A. Because it was fully compatible.</p>	<p>29</p> <p>1 dems versus republicans. 2 <b>Q. So the analysis included -- when you say demographic</b> 3 <b>data, what do you mean by that?</b> 4 A. I didn't say demographic data. I said racial data. 5 And I meant demographic data. I meant race and 6 ethnicity. 7 <b>Q. Was that -- do you know, was that race and ethnicity</b> 8 <b>broken down by voting age population?</b> 9 A. I do not know. I really did not supervise that. If 10 the request came in from the chair, I'd say, Justin, 11 Daniel, handle it. You know, and if I have time and 12 they would CC me on it and maybe I'd look at it, but it 13 wasn't really a concern of mine. 14 <b>Q. And do you know what else -- strike that.</b> 15 <b>What form was the analysis that Justin Bennett</b> 16 <b>produced to Sarah Augustine on the Barreto maps? What</b> 17 <b>form did it take?</b> 18 MR. MILLSTEIN: Objection to form. 19 THE WITNESS: I really don't recall. I can't 20 remember if it was an Excel document or if it was a map 21 or a combination of both. 22 BY MS. WAKNIN: 23 <b>Q. Do you remember anything else about this analysis that</b> 24 <b>Justin Bennett provided to Sarah Augustine about the</b> 25 <b>legislative district maps after the Barreto report?</b></p>



LISA MCLEAN - 10/05/2022

<p>30</p> <p>1 MR. MILLSTEIN: Objection to form.</p> <p>2 THE WITNESS: I do not.</p> <p>3 BY MS. WAKNIN:</p> <p>4 Q. Do you know around what time period Justin Bennett</p> <p>5 would have done this analysis?</p> <p>6 A. So as I recall, I'm just recalling this, I think that</p> <p>7 the republican kind of counter memo came out in the</p> <p>8 beginning of November, I want to say. And I think so</p> <p>9 then the Barreto thing came out in the end of October.</p> <p>10 So I think it was about that time that they were --</p> <p>11 and also, we were getting down to the deadline. And</p> <p>12 the chair, as I understood it, was trying to make sure</p> <p>13 she understood the different analyses in the event</p> <p>14 that -- as the nonpartisan sort of mediator, so that</p> <p>15 she could help in the event that there was a discussion</p> <p>16 about this. So she wanted to know, understand sort of</p> <p>17 what was being argued in each of these pieces and, you</p> <p>18 know, what was -- where is the data? Where is the</p> <p>19 quantitative stuff behind all of what's being argued?</p> <p>20 Q. And you had stated, and correct me if I am misstating</p> <p>21 what you said, that Justin's analysis, or Mr. Bennett's</p> <p>22 analysis, also included political data, you said, Dems</p> <p>23 versus republicans; is that correct?</p> <p>24 A. I believe so, yeah. I believe so. Yeah.</p> <p>25 Q. You can continue.</p>	<p>32</p> <p>1 believe -- for instance, your public records request, I</p> <p>2 believe, asked for everything on the 14th, 15th. And</p> <p>3 that would have been a search term of the 14th, 15th.</p> <p>4 It's a possibility -- remember, these are staff</p> <p>5 documents. So it's a possibility that if someone -- if</p> <p>6 a public records request -- and there were public</p> <p>7 records requests that asked for documents of the</p> <p>8 commissioners. Then the staff files would not be</p> <p>9 looked at.</p> <p>10 So but there were some people who asked for</p> <p>11 everything from staff and commission, and it should</p> <p>12 have come up in -- as -- one of the terms would have</p> <p>13 been 14th, 15th, or one of the terms might have been</p> <p>14 the Franklin County or Yakima County. Some of that</p> <p>15 stuff would have come up in there.</p> <p>16 Q. Did Mr. Bennett do anything, evaluate any other map</p> <p>17 proposals from the commissioners?</p> <p>18 MR. MILLSTEIN: Objection to form.</p> <p>19 THE WITNESS: So just understand what his role</p> <p>20 was on the night of the 15th and the 16th, was</p> <p>21 basically to take the map given to him, pull it into</p> <p>22 Citygate system, make sure it was in the Citygate</p> <p>23 system, and then basically mirror it back to the</p> <p>24 legislative caucus staff and say, Is this the map that</p> <p>25 you just sent me? You know, is this the map, right?</p>
<p>31</p> <p>1 A. Because that was -- I mean, yeah, I think that was the</p> <p>2 whole point of the 14th, 15th was basic districts, you</p> <p>3 know, how much did they lean republican or lean</p> <p>4 democrat.</p> <p>5 What I don't remember is there was always a debate</p> <p>6 about which election you would use, and I do not</p> <p>7 remember what election they used or what composite</p> <p>8 elections they might have used.</p> <p>9 Q. Do you know what elections or composite elections</p> <p>10 Mr. Bennett might have used for Sarah Augustine?</p> <p>11 A. No, I don't. That's what I don't remember.</p> <p>12 Q. And did you ever discuss the analysis from Mr. Bennett</p> <p>13 with Ms. Augustine?</p> <p>14 A. I believe we had a meeting about it. I believe it was</p> <p>15 a meeting of Justin, myself, Daniel Pailthorp, public</p> <p>16 outreach coordinator, and Sarah. We used to meet with</p> <p>17 her regularly on Fridays. So I believe that was a</p> <p>18 subject around that time where Daniel made a</p> <p>19 presentation of this analysis and we all discussed it.</p> <p>20 Q. Was this analysis ever provided in a public records</p> <p>21 request?</p> <p>22 A. I believe so.</p> <p>23 Q. Which public records request would this analysis have</p> <p>24 been responsive to?</p> <p>25 A. I'd have to look at the public records request. I</p>	<p>33</p> <p>1 And that map was then the one that was sent to the</p> <p>2 legislature. So to that extent, there was some</p> <p>3 complication the night of the 16th where there had been</p> <p>4 a map that had come in at 4 o'clock from the</p> <p>5 legislative caucus staff as the map, but it was</p> <p>6 corrupted. And so we had to do something to it. Then</p> <p>7 he had to get in touch with with legislative caucus</p> <p>8 staff, ask them to send another map. They sent another</p> <p>9 one.</p> <p>10 Somehow I received the final map at sometime about</p> <p>11 8:30, which is why I sent that file to Supreme Court at</p> <p>12 8:30. So it took Justin that time to do that. So he</p> <p>13 wasn't doing analysis. He was just pulling it in,</p> <p>14 making sure it was the right map that had been agreed</p> <p>15 to and making that officially our map.</p> <p>16 BY MS. WAKNIN:</p> <p>17 Q. Who is Jamie Nixon?</p> <p>18 A. Communications director.</p> <p>19 Q. And what were his duties with the commission?</p> <p>20 A. Handling the press, writing press releases. In the</p> <p>21 beginning, standing up a lot of the -- you know,</p> <p>22 working on the website development, standing up a lot</p> <p>23 of the branding, the sort of Twitter feed and the</p> <p>24 Facebook and the postings that we had for those.</p> <p>25 You sort of had these standard postings for</p>

LISA MCLEAN - 10/05/2022

<p>34</p> <p>1 advertising public outreach. Handling the public 2 outreach budget, we had about a budget -- I can't 3 remember now. I don't know, \$30,000, 20,000. I can't 4 remember. And he was basically supposed to use that to 5 promote on Facebook and through the radio and like. 6 <b>Q. And during what time frame was Mr. Nixon employed by</b> 7 <b>the commission?</b> 8 A. April 15th to January 11th. 9 <b>Q. Was Mr. Nixon fired from the redistricting commission?</b> 10 MR. MILLSTEIN: Objection to form. 11 THE WITNESS: Yes. He was let go, yes. 12 BY MS. WAKNIN: 13 <b>Q. Why was Mr. Nixon let go from his position?</b> 14 MR. MILLSTEIN: Objection to form. 15 THE WITNESS: I have to answer these 16 questions? They're about his personnel record. 17 MR. MILLSTEIN: Well, yes. So you can answer 18 these questions except to the extent they would reflect 19 discussions that you had with the assistant attorney 20 generals at the time advising the commission. 21 To the extent it's those discussions, then I would 22 instruct you not to answer. But if the question is 23 touching on nonprivileged information, you do have an 24 obligation to answer the question if you know the 25 answer.</p>	<p>36</p> <p>1 THE WITNESS: Yes. 2 BY MS. WAKNIN: 3 <b>Q. You may answer.</b> 4 A. Yes. 5 <b>Q. And what are those claims, to your knowledge?</b> 6 A. He -- I mean, he -- at the end of November, he was 7 questioning me on how public records requests were 8 being handled, felt that staff were exposed, felt that 9 there should be a training given to the staff regarding 10 that. And later on, he included that in a complaint 11 against the state for wrongful termination in a 12 lawsuit. 13 <b>Q. Was anyone else going to be downsized during that</b> 14 <b>period where you had let -- informed Mr. Nixon that he</b> 15 <b>was being let go?</b> 16 A. Aminta Spencer, the executive assistant, also. 17 <b>Q. Were those the only two people who were being</b> 18 <b>downsized?</b> 19 A. Uh-huh. 20 <b>Q. Why those two people?</b> 21 A. Because they had -- they were -- they had pretty much 22 completed the tasks. Their handling -- as I say, the 23 public records -- for Aminta, she was handling public 24 records. They were mostly done by that time, and so 25 there wasn't a need anymore.</p>
<p>35</p> <p>1 If you don't know the answer, that's up to you. 2 But if you know the answer, then yes. But they are 3 asking you for your answer, if you know. Not guessing, 4 that sort of question. 5 THE WITNESS: So, Sonni, can you restate the 6 question? Sorry. 7 BY MS. WAKNIN: 8 <b>Q. Why was Mr. Nixon fired from his role with the</b> 9 <b>commission?</b> 10 A. So we were -- after November 15th, we were then 11 inundated with public records requests. And then we 12 had those mostly finished by the end of the year. And 13 it was time to downsize the staff, a fact that I told 14 Mr. Nixon. I informed him that we were going to be 15 downsizing and that his role was no longer necessary on 16 the 11th. 17 And he got belligerent with me as well as with the 18 HR person. And it was decided that the safest thing 19 was to have him go that day, even though the original 20 thing had been to basically let him go by the end of 21 the month. 22 <b>Q. To your knowledge, has Mr. Nixon made any claims with</b> 23 <b>respect to the way that the commission has handled</b> 24 <b>public records requests?</b> 25 MR. MILLSTEIN: Objection to form.</p>	<p>37</p> <p>1 She actually also told me she was going to go down 2 to California wanted to work from there. I felt it was 3 easier if we didn't do that. 4 And with Jamie, he really hadn't really contributed 5 very much either on public records or anything from the 6 time -- from late November. So I really felt that 7 there wasn't -- there wasn't a job for him. You know, 8 there was no task for him to do. 9 <b>Q. And when you said he got belligerent with you, what</b> 10 <b>does that mean?</b> 11 A. He got hostile. He got very angry with me and started 12 to sort of intimidate me. And I just ended the 13 conversation, asked him to go to the HR person. And I 14 understood, when he talked to the HR person, he was 15 quite rude with her. 16 <b>Q. Well, I'm going to move on from that line of -- from</b> 17 <b>Mr. Nixon. I wanted to just ask you, how did you</b> 18 <b>communicate with the commissioners?</b> 19 A. So it depended, but mostly I'd communicate with them 20 via e-mail. And then oftentimes, I would communicate 21 with them via text message. 22 <b>Q. Why would you communicate with them via text message?</b> 23 A. Because they didn't read their redistricting e-mails. 24 So I would say things like -- so you've probably 25 seen -- I don't know if you've seen, but on the night</p>

LISA MCLEAN - 10/05/2022

<p>38</p> <p>1 of the 15th, there's a text message from me to all of</p> <p>2 them saying, I have sent you the resolution to be</p> <p>3 signed. I've sent you the cover letter to be signed.</p> <p>4 And that was because of the fact I couldn't necessarily</p> <p>5 ensure that they were looking at their computers or</p> <p>6 signed into their redistricting accounts, you know.</p> <p>7 Also scheduling -- scheduling meetings, that was</p> <p>8 also -- just got complicated. So sometimes scheduling</p> <p>9 meetings via a text message was easier, was easiest.</p> <p>10 <b>Q. Were there anything else -- was there anything else</b></p> <p>11 <b>that you would communicate via text message with the</b></p> <p>12 <b>commissioners about?</b></p> <p>13 MR. MILLSTEIN: Objection to form.</p> <p>14 THE WITNESS: I don't think so.</p> <p>15 BY MS. WAKNIN:</p> <p>16 <b>Q. Did you ever discuss the legislative district maps with</b></p> <p>17 <b>the commissioners via text message?</b></p> <p>18 MR. MILLSTEIN: Objection to form.</p> <p>19 THE WITNESS: No.</p> <p>20 BY MS. WAKNIN:</p> <p>21 <b>Q. Would your text messages with the commissioners have</b></p> <p>22 <b>been produced in public records requests?</b></p> <p>23 A. Again, depending upon what was asked, yes. All my text</p> <p>24 messages were part of the -- I had a state phone, and</p> <p>25 they were produced with that.</p>	<p>40</p> <p>1 through that standing Zoom meeting. And then other</p> <p>2 times I would communicate with them, you know, more</p> <p>3 frequently, you know, or depending upon what the issue</p> <p>4 was maybe, you know.</p> <p>5 <b>Q. Were there particular issues that you would communicate</b></p> <p>6 <b>with the staffers about more than others?</b></p> <p>7 MR. MILLSTEIN: Objection to form.</p> <p>8 THE WITNESS: So the -- I think there was some</p> <p>9 interest in the state custody issue, as I recall. And</p> <p>10 so I would communicate with them about that.</p> <p>11 Obviously, as we approached the deadline, we became</p> <p>12 more sort of -- we were, I guess, more communicative, I</p> <p>13 believe, again, through the Zoom meetings of basically,</p> <p>14 this is what's going to happen on the night of the</p> <p>15 15th. This is how we want this to happen. This is</p> <p>16 what we're expecting, blah, blah, blah.</p> <p>17 And then afterwards, there was a lot of</p> <p>18 conversation, especially -- what happened was the state</p> <p>19 auditors got together, and through the Secretary of</p> <p>20 State's office, they sent us a slew of about 100 --</p> <p>21 about 100 pages plus of amendments to the redistricting</p> <p>22 plan, after the redistricting plan had been, you know,</p> <p>23 submitted.</p> <p>24 And so we had -- I had a whole conversation with</p> <p>25 all of them about that with regard to, you know, how</p>
<p>39</p> <p>1 <b>Q. Did you communicate with the commissioner staffers?</b></p> <p>2 A. Yes.</p> <p>3 <b>Q. Who were those staffers?</b></p> <p>4 A. House senate was -- sorry. That doesn't make sense.</p> <p>5 House democrats was Osta Davis, I think her name</p> <p>6 was, and then also Dominique Meyers. Then senate</p> <p>7 democrats was Ali O'Neil. And then senate republican</p> <p>8 was Paul Campos. And senate democrat -- sorry, and</p> <p>9 house republican was Anton Grose.</p> <p>10 And there was also a guy named Evan Ridley, but I</p> <p>11 really rarely connected with him. There was -- early</p> <p>12 on, he wanted some information and I gave it to him.</p> <p>13 He was house republican.</p> <p>14 <b>Q. Do you remember what information?</b></p> <p>15 A. Oh, it was something -- he introduced himself. He had</p> <p>16 just been hired. He introduced himself. He had asked</p> <p>17 some information about a meeting, an upcoming meeting,</p> <p>18 Evan Ridley -- or, no, actually, he asked for some</p> <p>19 information about the meeting that happened the night</p> <p>20 before, and I sent it to him. And then I think that</p> <p>21 was the last time he communicated with me.</p> <p>22 <b>Q. How often did you communicate with commissioner -- the</b></p> <p>23 <b>commissioner staffers?</b></p> <p>24 A. So we had a standing meeting on Wednesdays at</p> <p>25 3 o'clock. So we at least communicated once a week</p>	<p>41</p> <p>1 are we going to get that passed. Because I knew it</p> <p>2 wasn't up to the caucus staff to approve those</p> <p>3 amendments. But what was the process I would get that</p> <p>4 sent over to the legislature.</p> <p>5 And then I communicated with them about public</p> <p>6 records from time to time.</p> <p>7 BY MS. WAKNIN:</p> <p>8 <b>Q. Did you ever have any communications with the</b></p> <p>9 <b>commissioner staffers regarding the federal Voting</b></p> <p>10 <b>Rights Act?</b></p> <p>11 A. Actually, yeah. Sorry. Thanks a lot for reminding me.</p> <p>12 It was -- it was at one of the early meetings that Osta</p> <p>13 Davis asked if we could make the subject of one of the</p> <p>14 public meetings -- not public outreach, public</p> <p>15 commission meetings -- if we could make the topic be</p> <p>16 the Voting Rights Act, the federal Voting Rights Act.</p> <p>17 And so -- and everybody else agreed at that Wednesday</p> <p>18 meeting.</p> <p>19 And so I can't remember exactly. I want to say,</p> <p>20 what was that, April 8th? It was sometime in April.</p> <p>21 Was it April? Maybe later. There was a meeting,</p> <p>22 public meeting of the commission, in which somebody</p> <p>23 from the Attorney General's Office, Brian Sutherland I</p> <p>24 think his name was, made a presentation on Voting</p> <p>25 Rights Act. And that was a suggestion made by the</p>

LISA MCLEAN - 10/05/2022

<p style="text-align: right;">42</p> <p>1 house democratic staff person.</p> <p>2 <b>Q. Did you have any other communications with the</b></p> <p>3 <b>commissioner staffers about the Voting Rights Act?</b></p> <p>4 A. Again, I think that there's -- so there was -- I don't</p> <p>5 remember how this was. I believe there's communication</p> <p>6 with Ali O'Neil, because she -- no, she didn't. Her --</p> <p>7 Adam Hall, who's senate policy counsel -- senate caucus</p> <p>8 counsel, I think, senate democratic counsel, he had</p> <p>9 contacted Matt Barreto.</p> <p>10 And Matt Barreto said that he had heard from the</p> <p>11 Washington State Redistricting Commission. Because he</p> <p>12 had. He heard from me. So Ali was asking me about</p> <p>13 why -- had I been in touch with Matt?</p> <p>14 And I told her, yes, I had been in touch with Matt.</p> <p>15 And that's what -- and over asking him to be a</p> <p>16 consultant, or exploring with him consultancy. And</p> <p>17 that's what I communicated with them.</p> <p>18 But other than that, I don't think there was</p> <p>19 anything about the Voting Rights Act. I think -- later</p> <p>20 on, there was -- I remember another time, the house</p> <p>21 democrats asked for the presentation from Brian</p> <p>22 Sutherland. They wanted to see -- you know, as we were</p> <p>23 getting closer to the deadline, they wanted to see that</p> <p>24 presentation. So I think I unearthed it for them and</p> <p>25 sent it to them.</p>	<p style="text-align: right;">44</p> <p>1 Brady Walkinshaw, because sometimes when Brady didn't</p> <p>2 like to deliver negative information to Sarah, he would</p> <p>3 deliver it to me.</p> <p>4 <b>Q. Fair enough.</b></p> <p>5 <b>Was there any -- did the commissioners include you</b></p> <p>6 <b>on e-mails about the negotiation process?</b></p> <p>7 A. No, not at all.</p> <p>8 <b>Q. Did you ever receive e-mails from the chair about what</b></p> <p>9 <b>was happening in the negotiation process?</b></p> <p>10 A. E-mails, there was one -- I don't -- I don't believe</p> <p>11 so, except for when we were getting down to the wire.</p> <p>12 So the night of the 13th, November 13th, she sent to</p> <p>13 myself -- and I believe she might have sent it to</p> <p>14 Daniel Pailthorp and Justin or else I forwarded it to</p> <p>15 Daniel and Justin.</p> <p>16 She sent to me a memo that Joe Fain had put</p> <p>17 together about his sort of minimums, I believe. Again,</p> <p>18 I wasn't really paying attention to the actual</p> <p>19 negotiations. And then we met in the office on the</p> <p>20 14th again to go over what Joe was proposing in there</p> <p>21 and to give her -- she was going to go back into</p> <p>22 discussing with the commissioners. So to give her an</p> <p>23 understanding of what the -- what Joe had said in this</p> <p>24 thing.</p> <p>25 And I guess April also had sent something, I</p>
<p style="text-align: right;">43</p> <p>1 <b>Q. Did you have any conversations with Paul Campos or</b></p> <p>2 <b>Anton Grose about the Voting Rights Act?</b></p> <p>3 A. Not that I recall. I vaguely remember that right after</p> <p>4 the presentation that Brian Sutherland had made, I</p> <p>5 think Paul Graves had some questions. I might have --</p> <p>6 those, I sent to the attorney general. Because it came</p> <p>7 back as a privileged conversation.</p> <p>8 So basically, I don't -- I mean, but Anton might</p> <p>9 have been involved in that conversation, Anton Grose</p> <p>10 who's staffer to Paul Graves.</p> <p>11 <b>Q. Did you have any conversations with the commissioners</b></p> <p>12 <b>about hiring a Voting Rights Act consultant?</b></p> <p>13 A. Only with the chair.</p> <p>14 <b>Q. Did any of the commissioners communicate or message</b></p> <p>15 <b>with you about any Voting Rights Act consultant?</b></p> <p>16 A. So I don't remember exactly. The chair wanted me to</p> <p>17 hire a consultant. I spoke -- I -- I reached out to</p> <p>18 Matt Barreto. I spoke to her about that.</p> <p>19 I think she then -- I think she then talked to the</p> <p>20 commissioners about that. And there is a possibility</p> <p>21 that there was some communication back to me about</p> <p>22 whether or not that was a good consultant to hire from</p> <p>23 one of the commissioners, from one of the voting</p> <p>24 commissioners.</p> <p>25 In particular, I -- in particular, I'm thinking</p>	<p style="text-align: right;">45</p> <p>1 believe. I believe, yeah, she sent something, I think,</p> <p>2 too. So there were two e-mails the night of the 13th</p> <p>3 that would have gone to me, come from Sarah to me.</p> <p>4 Perhaps also to Daniel and Justin, or I forwarded them.</p> <p>5 And they were about where they were in the negotiations</p> <p>6 there in terms of a position from April, maybe April</p> <p>7 and Paul, and a position from Joe.</p> <p>8 <b>Q. And were those negotiation e-mails that you were</b></p> <p>9 <b>included on, did they mention the 14th or 15th</b></p> <p>10 <b>legislative district?</b></p> <p>11 A. They might have.</p> <p>12 <b>Q. Do you remember what those e-mails might have said?</b></p> <p>13 A. I honestly didn't. I was really focused on sort of,</p> <p>14 like, the techniques of basically finalizing the thing.</p> <p>15 And sort of what my job was was to, let's say, get a</p> <p>16 room for them to meet. And that was what I was worried</p> <p>17 about.</p> <p>18 Making sure that Daniel and Justin had the data,</p> <p>19 had this -- whatever Joe and April or Paul were saying,</p> <p>20 so that they could analyze it and discuss it with</p> <p>21 Sarah, be prepared to discuss it with Sarah.</p> <p>22 I was in those discussions, but I tell you, my mind</p> <p>23 wasn't necessarily there. I didn't really care.</p> <p>24 <b>Q. Why didn't you care?</b></p> <p>25 A. It wasn't going to be my decision. So, you see,</p>



LISA MCLEAN - 10/05/2022

<p>46</p> <p>1 what -- I'm basically supposed to sort of steer the 2 bus, steer the bus towards the deadline of the 15th. 3 And the only things that I can control are making sure 4 that we're lined up to have a map. But the negotiation 5 itself, the decision about where the line was going to 6 be drawn was never going to be in my control, so it 7 wasn't anything I needed to focus on. I was just a fly 8 on the wall interested in the discussion.</p> <p>9 <b>Q. You had mentioned that Daniel and Justin would be doing</b> 10 <b>analysis on whatever the e-mails on the 13th were to</b> 11 <b>provide information to Sarah Augustine.</b> 12 <b>Why would it be Justin and Daniel who would be</b> 13 <b>doing that analysis?</b> 14 MR. MILLSTEIN: Objection to form. 15 THE WITNESS: Justin because he's a GIS guy. 16 And he has all the data, so he understands, like, the 17 census data and, let's say, the demographic information 18 and had the sort of -- I think he had all the dem, 19 republican stuff. And he had gotten all of that racial 20 data -- or not racial, the election data. 21 So if Daniel said, Go look at it via the state 22 treasurer election, if he said, Go look at it via a 23 composite, you know, basically Justin would do the 24 number crunching. 25 Daniel's background was basically in -- is in</p>	<p>48</p> <p>1 them. 2 BY MS. WAKNIN: 3 <b>Q. To your knowledge, was Sarah Augustine concerned about</b> 4 <b>compliance with the federal Voting Rights Act?</b> 5 MR. MILLSTEIN: Objection to form. 6 THE WITNESS: No. 7 BY MS. WAKNIN: 8 <b>Q. How do you know that?</b> 9 A. I think just based on our discussions and the like. I 10 don't think that we were with so much on Voting Rights 11 Act. I mean, obviously we were concerned about -- not 12 concerned. We had a discussion about the Barreto 13 presentation and what it said. But, again, it was 14 going to be a decision of the commissioners, where 15 that -- what happened there. 16 The -- let me think about... 17 We, as staff and Sarah, would often discuss issues 18 of the Hispanic population in the Yakima Valley, but 19 not from a -- basically, was there -- I think, if 20 anything, what she -- she would -- we would debate 21 whether or not all Hispanic population in the Yakima 22 Valley votes democrat or doesn't it also vote 23 republican. 24 So those were discussions that staff and chair 25 would have. And then because she's from Yakima, she</p>
<p>47</p> <p>1 elections, campaigns. And so of all the people on 2 staff, he was sort of most knowledgeable about 3 Washington State and Washington State, sort of the 4 politics of. So he was sort of the person to say, This 5 is where they might be coming from. You know, this 6 might be a concern of a republican. This might be a 7 concern of a democrat. 8 So, again, to just inform Sarah that -- you know, 9 who's not deeply steeped in politics, of Washington 10 State politics, to understand where -- where if Paul 11 Graves is saying, I'm not moving from here, maybe she'd 12 understand better because of information she got from 13 Daniel, if that makes sense. 14 BY MS. WAKNIN: 15 <b>Q. Would Justin and Daniel analyze the map for Voting</b> 16 <b>Rights Act compliance?</b> 17 MR. MILLSTEIN: Objection to form. 18 THE WITNESS: No. Let's see. What I think, 19 they analyzed some of the maps with regard to Barreto's 20 analysis. And it was about was there -- you know, how 21 do you draw lines to sort of make it, let's say, I 22 don't know, compliant with certain things? 23 I mean, again, I don't really understand what they 24 were doing, and I wasn't really paying attention. I 25 figure you're talking to them later, so you better ask</p>	<p>49</p> <p>1 would basically tell us things like that. And she 2 would tell us about her own anecdotes about what she 3 knew about that. And we'd comment. 4 And so that was -- but I wouldn't say -- you know, 5 it was basically the Yakima Valley was a big 6 concentration of everybody because of the fact there's 7 a large Hispanic population there. They were very 8 active when we had public outreach meetings. But also, 9 the Yakama tribe was very active too. And we had a 10 consultation with them, in person, and we heard their 11 concerns. 12 So we were always sort of aware of a demand from 13 the Hispanic population about a district, a majority 14 district for them, and a concern that the Yakama Nation 15 wanted to be whole, not just by the reservation but 16 also by their ceded lands. 17 So we knew those were issues, but whether or not -- 18 whether or not we were involved in the decision about 19 it, it wasn't that. It was just sort of a discussion 20 about those topics, if that makes sense. 21 <b>Q. So you and Commissioner Augustine, when speaking about</b> 22 <b>the Voting Rights Act, had a specific focus on the</b> 23 <b>Yakima Valley region; is that correct?</b> 24 MR. MILLSTEIN: Objection to form. 25 THE WITNESS: Yes, I would say. We would talk</p>



LISA MCLEAN - 10/05/2022

<p>50</p> <p>1 often about it, because she -- that's what I'm saying</p> <p>2 is she lives there. She's -- she knows. She would</p> <p>3 hear from people, I believe, and it was sort of a topic</p> <p>4 of discussion. We would just debate whether or not</p> <p>5 they would -- the Hispanic population was republication</p> <p>6 or democrat.</p> <p>7 Let's say if we had a meeting of -- you know, we</p> <p>8 had organized our public outreach meetings by</p> <p>9 congressional district. So if we had a meeting about</p> <p>10 the 4th, we'd talk afterwards and be like, Well, that</p> <p>11 was really interesting to hear all these people talk</p> <p>12 about this, that and the other.</p> <p>13 I thought that they were -- let's say, maybe I</p> <p>14 would have said something like, I thought they were</p> <p>15 democrats. A lot of them were democrats, but there was</p> <p>16 a lot of people in there who seemed to be touting a</p> <p>17 republican line.</p> <p>18 And then we would say something like, Yes, there's</p> <p>19 actually quite a few republican Hispanics here, blah,</p> <p>20 blah, blah. So that type of discussion was what was a</p> <p>21 discussion, you know.</p> <p>22 BY MS. WAKNIN:</p> <p>23 <b>Q. Wouldn't you have been able to know the answer as to if</b></p> <p>24 <b>Latinos voted democrat or republican by hiring a</b></p> <p>25 <b>political scientist that could tell you whether or not</b></p>	<p>52</p> <p>1 <b>personal information rather than a statement by a</b></p> <p>2 <b>political scientist?</b></p> <p>3 MR. MILLSTEIN: Objection to form. Calls for</p> <p>4 speculation.</p> <p>5 THE WITNESS: Yeah. Yes.</p> <p>6 BY MS. WAKNIN:</p> <p>7 <b>Q. Do you remember -- strike that.</b></p> <p>8 <b>Going back to the memo that you had written on</b></p> <p>9 <b>Dr. Barreto, do you remember the title of the memo?</b></p> <p>10 A. I don't. Maybe Voting Rights Act consultant.</p> <p>11 <b>Q. Do you remember when you had sent that memo?</b></p> <p>12 A. So it was shortly after the meeting, the public meeting</p> <p>13 over the voting rights, federal Voting Rights Act. I</p> <p>14 probably talked -- I remember I talked to him on a</p> <p>15 weekend, I believe, or maybe on a Monday right after.</p> <p>16 So basically maybe a week later.</p> <p>17 And then I wrote up -- maybe that week I wrote a</p> <p>18 short memo. And I'm not sure if I wrote a memo, or did</p> <p>19 I write an e-mail? I wrote --</p> <p>20 <b>Q. Do you remember what was in that memo or e-mail on --</b></p> <p>21 <b>regarding Dr. Barreto?</b></p> <p>22 A. My argumentation for why we should hire him as the</p> <p>23 commission's federal Voting Rights Act consultant.</p> <p>24 <b>Q. What was your argument as to why you should hire</b></p> <p>25 <b>Dr. Barreto to be your Voting Rights Act consultant?</b></p>
<p>51</p> <p>1 <b>voting there was polarized?</b></p> <p>2 MR. MILLSTEIN: Objection to form and calls</p> <p>3 for speculation.</p> <p>4 BY MS. WAKNIN:</p> <p>5 <b>Q. You can answer.</b></p> <p>6 A. Yes. And after we had the meeting of the federal --</p> <p>7 after we had the public meeting on the federal Voting</p> <p>8 Rights Act, chair asked me to work on getting a</p> <p>9 consultant lined up. And that's how I ended up talking</p> <p>10 to Matt Barreto.</p> <p>11 And I -- and I -- I believe I wrote a memo stating</p> <p>12 why it would be a good idea for us to hire Matt</p> <p>13 Barreto. And that went to Sarah. And Sarah -- I don't</p> <p>14 know if she -- I don't know how she shared it with</p> <p>15 other commissioners, but I believe it was shut down</p> <p>16 pretty quickly.</p> <p>17 I was then told to call Tom Brunell at UT Dallas, I</p> <p>18 think he's at. And I spoke to him. And then after</p> <p>19 that, I basically came back to Sarah and said, I think</p> <p>20 we should hire both of them. We have lots of money.</p> <p>21 And that was shut down. Again, I have no idea what</p> <p>22 her conversations were, but that was shut down.</p> <p>23 <b>Q. And so when discussing the Latino population in the</b></p> <p>24 <b>Yakima Valley with respect to how Latinos voted, is it</b></p> <p>25 <b>that Sarah, in your opinion, went off of anecdotal or</b></p>	<p>53</p> <p>1 A. He was very knowledgeable on the topic of the federal</p> <p>2 Voting Rights Act. He had basically been involved in</p> <p>3 certain cases in Yakima. The Yakima, I believe, city</p> <p>4 and county council. I'm not sure if he was in both or</p> <p>5 what.</p> <p>6 He was from Washington. He had been formerly with</p> <p>7 Washington State, University of Washington. So I felt</p> <p>8 that he had -- he had Washington State chops in terms</p> <p>9 of, like, knowing something about where highways were</p> <p>10 and from how to get from there to where. It wasn't</p> <p>11 like flying in someone from the East Coast who doesn't</p> <p>12 know anything about how the highways go here.</p> <p>13 And I then had -- I understood that I was -- what I</p> <p>14 was saying was quite controversial because of the fact,</p> <p>15 if you look up his bio he's, like, advisor to Biden and</p> <p>16 this, that and the other in terms of democrats. So I</p> <p>17 was -- one of the things that Barreto had told me in</p> <p>18 our conversation was that, if we hired him, then he</p> <p>19 would be conflicted out.</p> <p>20 So I think that was one of my major points to,</p> <p>21 don't worry about him being a democrat, if we hire him,</p> <p>22 he's conflicted out. He serves the commission.</p> <p>23 <b>Q. Okay.</b></p> <p>24 MS. WAKNIN: I see that it is 11:07. I want</p> <p>25 to be respectful. Would you like to take a five-minute</p>

LISA MCLEAN – 10/05/2022

<p style="text-align: right;">54</p> <p>1 break so you can go to the restroom or go get water or 2 whatever you need? 3 THE WITNESS: Sure, yeah. 4 MS. WAKNIN: So why don't we return at 5 11:15 a.m. I know it's, like, 11:08 now. Does that 6 sound okay for everyone? 7 MR. MILLSTEIN: Okay. Great. 8 MS. WAKNIN: So let's be off the record. 9 (Recess 11:08-11:16.) 10 11 EXAMINATION (Continuing) 12 BY MS. WAKNIN: 13 <b>Q. Lisa, did you talk to anyone, not your lawyer, during</b> 14 <b>the break?</b> 15 A. No. No. 16 <b>Q. Lisa, I want to turn to the commission process. Who</b> 17 <b>made the roles or guidelines for how the commission</b> 18 <b>would conduct itself during the 2021 redistricting</b> 19 <b>process?</b> 20 MR. MILLSTEIN: Objection to form. 21 THE WITNESS: I don't -- I guess I don't know. 22 The law. We followed the law. The chair established 23 some requirements. We have -- not just the law, 24 there's the Washington code. We have a couple of WACs 25 that govern the process.</p>	<p style="text-align: right;">56</p> <p>1 So it was just a process. But mostly, it came from 2 the law, the WAC -- the WACs, there are three, and then 3 our own kind of, how can we do this given the fact 4 that -- either how Sarah would like it organized or how 5 I thought it should be organized or some discussion we 6 had with the commission in order to achieve the goals 7 of the law, if that makes sense. 8 <b>Q. And what -- what are you referring to when you say "the</b> 9 <b>law"? Which laws?</b> 10 A. RCW 44.05. 11 <b>Q. Anything else?</b> 12 A. If it was Open Public Meetings Act, Public Records Act, 13 I think those were the main ones. And obviously when 14 we had a discussion about federal Voting Rights Act, we 15 learned about that part of the process. But that was 16 not -- I don't believe that was within my jurisdiction 17 since it was about decisions that were beyond my 18 purview. 19 <b>Q. Did you view compliance with the federal Voting Rights</b> 20 <b>Act as not obligatory?</b> 21 MR. MILLSTEIN: Objection to form. 22 THE WITNESS: No, I did not. Sorry. If 23 that's what you took from that, no. My job was to get 24 those maps over to the legislature, whatever maps were 25 agreed to by the commissioners.</p>
<p style="text-align: right;">55</p> <p>1 Do you have any more specific questions? Am I 2 answering? 3 BY MS. WAKNIN: 4 <b>Q. Well, when you said that the chair made some rules,</b> 5 <b>what were -- what did the chair set forward?</b> 6 A. Again, I guess I go back to the thing that she would -- 7 sometimes she'd just say, We're going to do it this 8 way, let's say. Let's -- I guess, you know, if there 9 was a public outreach meeting, the fact that we gave 10 each person two minutes, you know, to make a comment, 11 those types of things, I think -- I'm not sure we 12 discussed that with the commission. Maybe she -- she 13 might have. But I think she kind of -- we agreed upon 14 that together, sort of that process. 15 Or, again, with regard to public outreach meetings, 16 how many there would be, how they would be organized, 17 that was roundly discussed. Like kind of we beat a 18 dead horse on that in public meetings. So finally 19 agreed to a process, you know, so that. 20 Just stupid things like, you know, we gave a 21 deadline of finalizing the map to the commission staff 22 to pass on the commissioners of midday on Friday 23 the 12th. When that didn't happen, we moved it to 24 Friday -- Sunday the 14th. When that didn't happen, we 25 just kept moving the deadline.</p>	<p style="text-align: right;">57</p> <p>1 BY MS. WAKNIN: 2 <b>Q. And that would be regardless if the maps had complied</b> 3 <b>with the law, either the federal Voting Rights Act or</b> 4 <b>the RCW; is that correct?</b> 5 MR. MILLSTEIN: Objection to form. 6 THE WITNESS: Yes. 7 BY MS. WAKNIN: 8 <b>Q. Was there a formally adopted handbook for the processes</b> 9 <b>that you or Sarah would outline for how to conduct the</b> 10 <b>redistricting commission?</b> 11 A. No. 12 <b>Q. Was there an informal handbook for how you would</b> 13 <b>conduct the redistricting commission process?</b> 14 MR. MILLSTEIN: Objection to form. 15 MR. HUGHES: Vague. 16 THE WITNESS: No, I mean -- I guess what's the 17 task? How is it going to get done? Does this task 18 need to be consulted with Sarah or not? You know, does 19 this task need to be discussed with the commissioners? 20 I think part of the reason why we discussed 21 publicly the public outreach schedule with the 22 commissioners so much is because the commissioners 23 needed to be there. After they had agreed to the 24 website, we didn't discuss with them what was going to 25 be on the website.</p>

LISA MCLEAN - 10/05/2022

<p>58</p> <p>1 We actually -- we did share with them sort of an</p> <p>2 outline, and they gave us a couple of ideas. That was</p> <p>3 a bit of a courtesy, but it wasn't -- because it's a</p> <p>4 temporary agency, you stand up and just go do the task.</p> <p>5 You know, you -- I'm hired on March 25th to basically</p> <p>6 get people hired by the 15th. I got people hired by</p> <p>7 the 15th of April. Stand up the thing, have public</p> <p>8 outreach meetings as soon as possible, as soon as we</p> <p>9 can agree on them.</p> <p>10 Oh, somebody comes up with an idea to have a</p> <p>11 meeting about the federal Voting Rights Act, good idea,</p> <p>12 let's do that.</p> <p>13 We have tribal education. That was something the</p> <p>14 chair wanted to have, so we did that. She had an exact</p> <p>15 how she wanted it done. We did it the way she wanted</p> <p>16 it done.</p> <p>17 Somebody called about tribal -- from the tribal</p> <p>18 council wanting to have a meeting. I reached out to</p> <p>19 commissioners to see if they were interested in joining</p> <p>20 us.</p> <p>21 Those were the processes to get the job done. And</p> <p>22 then November 15th -- what is the deadline?</p> <p>23 November 15th at midnight.</p> <p>24 BY MS. WAKNIN:</p> <p>25 <b>Q. And was the November 15th deadline a legal deadline or</b></p>	<p>60</p> <p>1 <b>Q. To your knowledge, what did the code of conduct say?</b></p> <p>2 A. It was based on the code of conduct that governs the</p> <p>3 legislature, and it was adapted from that. It was</p> <p>4 adopted before my time, but it basically, you know,</p> <p>5 discussed that we were going to treat each other</p> <p>6 respectfully. You know, I wouldn't exactly say it's</p> <p>7 how we're going to get to November 15th.</p> <p>8 <b>Q. To your knowledge, was there a formal schedule for when</b></p> <p>9 <b>maps by the commissioners for the legislative districts</b></p> <p>10 <b>would be introduced?</b></p> <p>11 A. The only thing --</p> <p>12 MR. HUGHES: Objection. Vague.</p> <p>13 BY MS. WAKNIN:</p> <p>14 <b>Q. You can answer.</b></p> <p>15 A. The only thing -- okay, so what they -- what we did get</p> <p>16 the commissioners to agree on is when would draft maps</p> <p>17 be available. So we published -- remind me, I think</p> <p>18 the September 21st and September 28th were the two</p> <p>19 dates for the draft maps.</p> <p>20 And I think -- I can't remember if it was</p> <p>21 congressional first or legislative first, but they were</p> <p>22 to give those -- again, actually, go back to the</p> <p>23 question you asked before, that was something Justin</p> <p>24 was involved in. He would get the map from each one of</p> <p>25 the caucuses, and he had to make sure that was the</p>
<p>59</p> <p>1 <b>a deadline imposed by Sarah?</b></p> <p>2 A. A deadline --</p> <p>3 MR. MILLSTEIN: Objection. Calls for a legal</p> <p>4 conclusion.</p> <p>5 THE WITNESS: Legal. Legal deadline.</p> <p>6 BY MS. WAKNIN:</p> <p>7 <b>Q. And so it's your understanding that there was no formal</b></p> <p>8 <b>handbook for how the commission process would be run</b></p> <p>9 <b>for the 2021 redistricting process, that was adopted by</b></p> <p>10 <b>the commissioners; is that correct?</b></p> <p>11 MR. MILLSTEIN: Objection to form.</p> <p>12 THE WITNESS: Your question again was? Sorry.</p> <p>13 BY MS. WAKNIN:</p> <p>14 <b>Q. Let me rephrase it.</b></p> <p>15 <b>Is it your understanding that the commissioners did</b></p> <p>16 <b>not adopt either a formal set of rules for how the</b></p> <p>17 <b>commission would conduct itself?</b></p> <p>18 MR. MILLSTEIN: Objection to form.</p> <p>19 THE WITNESS: They had a code of conduct.</p> <p>20 They adopted that.</p> <p>21 BY MS. WAKNIN:</p> <p>22 <b>Q. Was that code of conduct made public?</b></p> <p>23 A. Yes. It was discussed in public meetings, and it was</p> <p>24 made public. It was on our website. I think it still</p> <p>25 is.</p>	<p>61</p> <p>1 right map, show it to them when he pulled it into</p> <p>2 Citygate, and then publish it on the website.</p> <p>3 So we published those maps on the 21st. And we</p> <p>4 published again on the 28th. And then there were</p> <p>5 meetings on the 5th and the 8th. And then other than</p> <p>6 that, there was a discussion -- you know, people would</p> <p>7 ask. I asked to begin with. I asked for clarification</p> <p>8 to understand exactly what the legal requirement was.</p> <p>9 I passed that information on to the caucus staff.</p> <p>10 And later on they asked me to clarify what exactly</p> <p>11 needed to be sent over to the legislature. And I made</p> <p>12 that clear again to them shortly before the deadline,</p> <p>13 which was that we had to -- we did not have to send the</p> <p>14 transmittal letter. We did not have to send the</p> <p>15 resolution. But we needed to send a -- most important,</p> <p>16 a list of all the census blocks -- districts and census</p> <p>17 blocks and a map.</p> <p>18 The resolution was -- as I understood it from our</p> <p>19 practice in 2010, the resolution was to identify that</p> <p>20 said document mentioned in resolution was the agreed</p> <p>21 document, the document agreed by the commissioners.</p> <p>22 And then the transmittal letter was a courtesy.</p> <p>23 <b>Q. Could the commissioners introduce more than one</b></p> <p>24 <b>legislative district map?</b></p> <p>25 A. On the deadline or?</p>

LISA MCLEAN - 10/05/2022

<p>62</p> <p>1 <b>Q. Sorry.</b></p> <p>2 A. Yeah.</p> <p>3 <b>Q. Throughout the process -- let me clarify.</b></p> <p>4 <b>Throughout the process of redistricting, could the</b></p> <p>5 <b>commissioners introduce publicly multiple legislative</b></p> <p>6 <b>district maps?</b></p> <p>7 A. Yes. And, actually, you remind me that they did. And</p> <p>8 after -- after the Barreto analysis, I'm pretty sure,</p> <p>9 then the democrats, the house democrats, the senate</p> <p>10 democrats, they put in a revised map. They published a</p> <p>11 revised map that we put on the website.</p> <p>12 You're going to ask me what date. I think that was</p> <p>13 late October. I'm not entirely sure.</p> <p>14 <b>Q. No, that's entirely fine.</b></p> <p>15 <b>Could the republican commissioners also present</b></p> <p>16 <b>additional legislative district maps?</b></p> <p>17 A. Yes. So -- yes. So this is what was agreed. Agreed</p> <p>18 was, you're going to have draft maps in September,</p> <p>19 September 21st, September 28th.</p> <p>20 Matt Barreto has an analysis come out, and I</p> <p>21 received instructions that the democrats wanted to put</p> <p>22 in some revised maps, okay.</p> <p>23 And so then we prepared, staff prepared, to publish</p> <p>24 those maps. We did not -- we were not told that the</p> <p>25 republicans were going to put -- deliver maps, new</p>	<p>64</p> <p>1 saying that we could -- we were going to have a meeting</p> <p>2 every third Monday of the month. And so that was</p> <p>3 something we always had to have, and that was called a</p> <p>4 regular meeting.</p> <p>5 Until we had that established, you had to file that</p> <p>6 so many weeks in advance and get it published in the</p> <p>7 register and, blah, blah, blah. Until that, we had</p> <p>8 only -- all meetings were special meetings, meetings</p> <p>9 that had to be called, I think, 24 hours in advance.</p> <p>10 And I believe that the agenda had to be announced in</p> <p>11 advance.</p> <p>12 Those are all kind of requirements of the Open</p> <p>13 Public Meetings Act, and so all of that was followed.</p> <p>14 And that's why when you look at our website right now,</p> <p>15 you'll see, let's say, January 15th, January 31st.</p> <p>16 Those are all special meetings.</p> <p>17 And at some point, one Monday in -- I think we</p> <p>18 didn't -- by the time we got it published, I want to</p> <p>19 say it was June before we had a real regular meeting of</p> <p>20 the third Monday of the month, okay. So those are --</p> <p>21 those were the regular meetings.</p> <p>22 There was a process that we developed, the staff</p> <p>23 helped develop, to -- well, okay. There -- what I</p> <p>24 had -- I went back through the minutes of the 2010</p> <p>25 thing, and I understood that there was a process that</p>
<p>63</p> <p>1 maps. So we didn't prepare for that.</p> <p>2 <b>Q. To your knowledge, was there a process to facilitate</b></p> <p>3 <b>decision-making by the commissioners?</b></p> <p>4 A. To facilitate decision-making? No. I don't know what</p> <p>5 that means. What do you mean?</p> <p>6 <b>Q. I can clarify.</b></p> <p>7 <b>Was there a process that the commissioners agreed</b></p> <p>8 <b>upon? So would it be a three-out-of-four vote? Or did</b></p> <p>9 <b>decisions have to be made unanimously by the commission</b></p> <p>10 <b>to have decisions be made?</b></p> <p>11 MR. MILLSTEIN: Objection to form.</p> <p>12 THE WITNESS: So I believe it's in the law</p> <p>13 that it says that it's a three-out-of-four for the</p> <p>14 acceptance of the maps. And it's in the WAC that</p> <p>15 three-out-of-four voting -- this was important, voting</p> <p>16 makes decisions. So those were established by law.</p> <p>17 BY MS. WAKNIN:</p> <p>18 <b>Q. To your knowledge, was there a process set up for the</b></p> <p>19 <b>commissioners to meet with one another during the</b></p> <p>20 <b>redistricting process?</b></p> <p>21 A. During the redistricting, so we had the public</p> <p>22 meetings, the public commission meetings. And those</p> <p>23 were, by law -- or, sorry, by -- I don't -- somebody</p> <p>24 who's a lawyer could explain that to me. But we</p> <p>25 basically filed something with the Washington register</p>	<p>65</p> <p>1 they -- that the former commission had, of which they</p> <p>2 kind of decided how they would get to the end.</p> <p>3 And one of the things that, as I was reading the</p> <p>4 minutes, that I had understood is they seemed to have</p> <p>5 divided up the state, okay. So I made that proposal to</p> <p>6 the chair as, I think they divided up the state and</p> <p>7 maybe that would be something you could suggest to them</p> <p>8 as a way.</p> <p>9 And I also think that -- from what I understood</p> <p>10 from 2010 was that, like, the senate -- especially in</p> <p>11 2010, we had an extra -- we got a new congressional</p> <p>12 seat. So I think the senate caucus, the senate</p> <p>13 democrats, the senate republicans were working on,</p> <p>14 where were they going to put that new district in 2010.</p> <p>15 And the house people were working on the legislative</p> <p>16 map.</p> <p>17 Okay. That was what was happening in 2010. So I</p> <p>18 made that point. And, again, there is an e-mail</p> <p>19 where -- e-mail or memo where I lay all this out to</p> <p>20 Sarah, okay. And I make a suggestion to her that we</p> <p>21 maybe pursue this thing.</p> <p>22 So when we got closer to the end, I think it was</p> <p>23 after the census data came in, she tried -- actually, I</p> <p>24 think it was Daniel with the help of Justin. Daniel</p> <p>25 Pailthorp put together a suggestion map, way of saying,</p>



LISA MCLEAN - 10/05/2022

<p>66</p> <p>1 Here, let's have this district -- let's have this area 2 of the state negotiated first, and let's -- I think it 3 was, let's come in to the center to, you know, agree on 4 the legislative map. 5 So that -- there are some maps that go like that, 6 and they were given to Sarah. And Sarah proposed them 7 to the commission. And all I know is she told me that 8 they were not accepted. So there was never a process, 9 a formal process, as had been done in 2010. Not a 10 formal process, but an agreed-upon process, you know. 11 <b>Q. And to your knowledge then, if there was no agreed upon</b> 12 <b>process, how did the commissioners then work through</b> 13 <b>negotiations?</b> 14 MR. MILLSTEIN: Objection to form. 15 THE WITNESS: Yeah, I don't really know. I 16 mean, like, again -- like, here's a thing. I got 17 called sometime in early October, I think. Yeah, it 18 was early October, from Sarah, could I find a place for 19 April and Paul to meet on a regular basis, somewhere in 20 Federal Way. 21 I reserved a -- sort of a -- what do you call that, 22 like WeWork-type place, in Federal Way. We paid for, 23 like, a month of them having access to the space, which 24 I am not aware of the fact that they ever used it. So 25 that was -- again, but that was Sarah calling me</p>	<p>68</p> <p>1 necessarily mean that people might have been meeting in 2 person? 3 A. Yeah, yeah. And we weren't -- I'm not saying we 4 weren't -- the capitol itself, I can't remember, but 5 the legislature had ruled that they were not going to 6 open the thing. So we actually looked into -- on the 7 night of the 15th, we actually looked into basically 8 having -- being able to actually meet in person on the 9 15th of November at the capitol. And we were told that 10 they were not -- that the building was not open. 11 And if you -- I can't remember exactly, but the 12 2022 session was held largely in a hybrid session, 13 largely remotely, okay. And we were before the 2022 14 session, obviously. 15 So, no, we were going to -- as a commission, we 16 were going to try to seek a room there and maybe get us 17 all together. But that didn't work out, because when 18 we went and looked into it, they said the building 19 wasn't open. 20 So, no, people did meet in person. We did -- you 21 know, we had tribal consultations in person, some. 22 They, Sarah, met with -- individually with some of the 23 commissioners from time to time. She came to visit us 24 from time to time. So we didn't not meet in person. 25 <b>Q. Lisa, what are the diads?</b></p>
<p>67</p> <p>1 saying, Paul and April would like a space to meet, have 2 a regular meeting. Can you arrange that? I booked 3 that, you know. 4 BY MS. WAKNIN: 5 <b>Q. To your knowledge, during the 2010-2011 redistricting</b> 6 <b>cycle, did two commissioners try -- did two</b> 7 <b>commissioners have monthly meetings just by themselves?</b> 8 MR. MILLSTEIN: Objection. Calls for 9 speculation. 10 THE WITNESS: I have no idea. I don't 11 remember that. One thing, Sonni, you should keep in 12 mind, and I think it was sort of the challenge with us 13 is, in 2010, they weren't operating in a pandemic. 14 That was always something -- when I went back and 15 did this analysis, everything was happening in Olympia, 16 they came to Olympia, they met in Olympia. Even as the 17 hours were ticking down and they were reaching a 18 deadline, they seemed to be, you know, running around 19 the capitol building. We were never running around the 20 capitol building, because the capitol building wasn't 21 opened to people. 22 BY MS. WAKNIN: 23 <b>Q. Going back on the space, the WeWork space that you had</b> 24 <b>mentioned, wouldn't the meeting between -- if you had</b> 25 <b>reserved a physical meeting space, wouldn't that</b></p>	<p>69</p> <p>1 A. Diads -- again, diads is two people, and you usually -- 2 it implies -- it implied -- and it comes from 2010 and 3 the 2010 research I had done. It implies a dem and a 4 republican talking to each other. Because of the open 5 public meetings law, it basically -- when three of them 6 get together, that becomes an open public meeting. 7 <b>Q. And so are diads ways to work around the public</b> 8 <b>meetings law?</b> 9 MR. MILLSTEIN: Objection to form. 10 THE WITNESS: Yes. 11 BY MS. WAKNIN: 12 <b>Q. Did the 2021 redistricting commission utilize diads?</b> 13 A. Yes. 14 <b>Q. To your knowledge, were there any situations where</b> 15 <b>commission rules or processes were not followed by the</b> 16 <b>commissioners?</b> 17 MR. HUGHES: Objection. Calls for a legal 18 conclusion. 19 THE WITNESS: No, not -- not that I can think 20 of. Unless you want to be more specific, ask something 21 specific. 22 BY MS. WAKNIN: 23 <b>Q. We can move on.</b> 24 <b>To your knowledge, were there any agreed-upon rules</b> 25 <b>by the commissioners on who they can meet with outside</b></p>



LISA MCLEAN - 10/05/2022

<p>70</p> <p>1 the commission to discuss redistricting with?</p> <p>2 MR. MILLSTEIN: Objection to form.</p> <p>3 THE WITNESS: No. And if your -- I was</p> <p>4 actually asked by an outsider -- if I understand your</p> <p>5 question, I was asked by a national -- somebody from</p> <p>6 the national -- from a national organization, did we</p> <p>7 have any rules on ex parte communications? And we did</p> <p>8 not.</p> <p>9 BY MS. WAKNIN:</p> <p>10 Q. Did you have any prior relationships with any of the</p> <p>11 commissioners before working on the 2021 redistricting</p> <p>12 cycle?</p> <p>13 A. Commissioners, no.</p> <p>14 Q. Did you have any prior relationships with anyone</p> <p>15 working on the 2021 redistricting commission?</p> <p>16 A. No, not really. No, huh-uh.</p> <p>17 Q. Did you have any goals as executive director for the</p> <p>18 2021 redistricting commission?</p> <p>19 A. Yeah, I wanted to get to the deadline and meet the</p> <p>20 deadline and make it the most sort of inclusive process</p> <p>21 possible, something I think we did achieve. We had</p> <p>22 more people involved in the process than ever before,</p> <p>23 in the midst of a pandemic with a bunch of virtual</p> <p>24 meetings.</p> <p>25 So I thought we really had, we really managed to do</p>	<p>72</p> <p>1 I did have -- yes. Definitely I took the law the day</p> <p>2 of my -- my first day, made sure -- actually, even</p> <p>3 beforehand, made sure I understood the law, made sure I</p> <p>4 had gone through public records courses to Open Public</p> <p>5 Meetings Act, oftentimes would ask questions of our</p> <p>6 counsels to make sure that I was clear on certain</p> <p>7 aspects of any part of the law -- any part of those</p> <p>8 laws, if I had any problems. So, yes, I mean,</p> <p>9 definitely I didn't want to end up at a deposition.</p> <p>10 But here we are.</p> <p>11 BY MS. WAKNIN:</p> <p>12 Q. Was it a goal of yours to -- was it a goal of yours to</p> <p>13 have the redistricting commission in 2021 follow the</p> <p>14 federal Voting Rights Act?</p> <p>15 A. In all honesty, I did not know about the federal Voting</p> <p>16 Rights Act. I learned that night, and I learned -- you</p> <p>17 know, I knew that there was -- it was there. I didn't</p> <p>18 really know that much about Section 2. So, to me, that</p> <p>19 was an education the night that we had that</p> <p>20 presentation from Brian Sutherland.</p> <p>21 Doing some research, finding Matt Barreto --</p> <p>22 actually, I had watched something, a presentation he</p> <p>23 had done to the California state redistricting</p> <p>24 commission, learned again. So all things that, you</p> <p>25 know, were obviously something.</p>
<p>71</p> <p>1 that. And we did that by also making -- I remember the</p> <p>2 very last piece of paper that we actually published was</p> <p>3 an actual foldout map, which is the only place that I</p> <p>4 allowed our little Washington State seal be put on</p> <p>5 there, because I thought that was so archaic that I</p> <p>6 never let that kind of be put out there.</p> <p>7 I really tried to make also our branding -- I</p> <p>8 really enjoyed our website people who made our branding</p> <p>9 really inclusive accessible. You know, something the</p> <p>10 chair, upon probably the first day upon me being hired,</p> <p>11 she really wanted to do these animated videos. We got</p> <p>12 on that. Jamie found a company to do that. And I</p> <p>13 think so we produced seven animated videos, which I</p> <p>14 thought were great. And we produced them in Spanish.</p> <p>15 So we had Spanish and ASL and all of that.</p> <p>16 So all of that was really something that I take</p> <p>17 great pride in the fact that we did a great job in</p> <p>18 doing.</p> <p>19 Q. Did you have any other roles for the redistricting</p> <p>20 commission?</p> <p>21 A. No. I mean, not that I can think of.</p> <p>22 Q. Did you not have an objective then to ensure that the</p> <p>23 commission followed the law?</p> <p>24 MR. MILLSTEIN: Objection to form.</p> <p>25 THE WITNESS: Well, sure, yeah. I mean, yes.</p>	<p>73</p> <p>1 But to my mind, again, that was not my decision.</p> <p>2 It is the decision of the commissioners to decide on</p> <p>3 the maps. So it would seem to me -- it was never in my</p> <p>4 mind that I had to do that. I had to enable that the</p> <p>5 commissioners had what they needed to make that</p> <p>6 decisions, those decisions that they wanted to make,</p> <p>7 that they needed to make. But the decision of the map</p> <p>8 was theirs to make. And our job as staff, nonpartisan</p> <p>9 staff, was to give them what they needed to make that</p> <p>10 decision.</p> <p>11 Q. So in your opinion, the decision on to whether -- the</p> <p>12 decision to whether or not to comply with the federal</p> <p>13 Voting Rights Act was a decision left to the</p> <p>14 commissioners?</p> <p>15 A. Yes. With them --</p> <p>16 MR. HUGHES: Objection to --</p> <p>17 THE WITNESS: Sorry. Go ahead, Andrew.</p> <p>18 MR. HUGHES: I said objection. Misstates the</p> <p>19 prior testimony.</p> <p>20 BY MS. WAKNIN:</p> <p>21 Q. You can continue.</p> <p>22 A. Yeah. So, yes, according to what I understood as the</p> <p>23 law, a legislative district map or a congressional</p> <p>24 district map was to be drawn by and approved by three</p> <p>25 of four voting commissioners.</p>

LISA MCLEAN - 10/05/2022

<p style="text-align: right;">74</p> <p>1 So as I understood it, it was, like, Sarah's job to  2 help make that agreement come about. It was my job to  3 give them the tools, anything that they needed to make  4 that decision.</p> <p>5 So, you know, Sonni, let me take an example. For  6 instance, when I told you before about Citygate and the  7 fact that we made a contract with Esri later on, blah  8 blah, blah, okay. I'm not going to know this exactly.  9 But basically with this state custody thing, okay, we  10 said, Citygate, we need to do this, okay. Can you do  11 this?</p> <p>12 The person who runs Citygate is not very  13 responsive. Oh, yeah, yeah, yeah, don't worry about  14 it, just give it to us, no problem, no problem.</p> <p>15 So we give it to him. And we say, Can you, like,  16 put that into your thing?</p> <p>17 And he said, You just do it, you go ahead and do  18 it. I don't exactly understand. Justin who  19 understands all this techy stuff will understand.  20 Basically you just do it, right.</p> <p>21 But then there was a problem with the fact that  22 we -- what about the racial idea? So if you're taking  23 somebody from the Monroe correctional facility, you  24 know, who identifies as black and it's minus one black  25 in -- what, I think Monroe Snohomish, or maybe it's</p>	<p style="text-align: right;">76</p> <p>1 A. Yeah. And, actually, when you raise that, also  2 remember we also had 4,000 -- was it 4,000 -- 4,000  3 comments. So we also had -- we had an e-mail box,  4 comment@redistricting.wa.gov. Plus we had a little box  5 on the website where you could just send a comment in.  6 That automatically got forwarded to all  7 commissioners. The comment box got forwarded to all  8 commissioners. And so all of that. And then there was  9 an ability to sort of drop a pin on the map on the  10 website and it basically say -- and say, you know, I  11 wish this would move this way or that way, or I want to  12 stay where I am. And then you were able to drop pins  13 when the -- when the commissioners published their  14 draft maps.</p> <p>15 <b>Q. So did the community or public input process then vary  16 from e-mails and public comments via, you know,  17 internet sources to then people coming and testifying  18 in person?</b></p> <p>19 MR. MILLSTEIN: Objection to form. Vague.  20 THE WITNESS: Yeah, did it differ, did you  21 say?</p> <p>22 BY MS. WAKNIN:</p> <p>23 <b>Q. Apologies. Let me clarify. Let me reask the question.  24 What did the community or public input process look  25 like during public hearings?</b></p>
<p style="text-align: right;">75</p> <p>1 King County, North King County, and basically then is  2 putting them, let's say, at South King County, right.  3 We have plus one black person.</p> <p>4 Okay. Well, Citygate couldn't do that. Well,  5 then, there's a problem there. And that means that our  6 people -- our commissioners cannot draw maps because  7 they don't have the correct -- we have moved people, as  8 we're supposed to by law, but we haven't moved the  9 racial categories or the ethnic categories.</p> <p>10 So that was when we contracted with Esri to do the  11 work for us so that we could make sure that the data in  12 the Citygate was correct ethnically and racially. So  13 that when you pulled up Tacoma, you had -- let's just  14 say if it was -- I don't know, you know, that instead  15 of 16,000 black people, you now had 16,500 black people  16 because of the African Americans and black people who  17 had been relocated from state custody facilities.</p> <p>18 So that was our job. Our job was to make sure that  19 the data they had that they were making decisions on  20 was correct demographically and by law.</p> <p>21 <b>Q. Okay. So I'm going to, I think -- thank you. I'm  22 going to move on to the public input process.  23 When I say "public input process," I mean the  24 hearings that you all had for the public to give  25 feedback. Is that how you understood it, Lisa?</b></p>	<p style="text-align: right;">77</p> <p>1 A. So you had a -- there was an announcement of a public  2 outreach meeting. There was -- I think it's a link to  3 sign up. You got -- then once you got -- you signed  4 up, then you were sent a link. And then the public  5 meeting would happen.</p> <p>6 And we began with a small presentation about  7 redistricting. And that was sort of a composite of all  8 the different commissioners, urging people to  9 participate in this process. And then we just went  10 down the list of whoever had signed up got to make up  11 to a two-minute comment. And that was what was taken  12 in.</p> <p>13 Then it was the job of the public outreach staff,  14 and Daniel leading the charge but helped by Maria and  15 Aminta, to put that into sort of an Excel format. And  16 then that was combined with all the different comments  17 that we got as well, the electronic comments we got.</p> <p>18 But we also -- can I also say, we got voicemails  19 too. We had a voicemail number. Those were not very  20 many of them. And we also got snail mail letters.</p> <p>21 What I did with snail mail letters is I got --  22 whenever we got one of those, we would scan it and send  23 it to the comment@redistricting.wa.gov, because  24 comment@redistricting.wa.gov would go to all staff and  25 all commissioners.</p>

LISA MCLEAN - 10/05/2022

<p>78</p> <p>1 And then -- sorry, so to go back, Sonni, is that</p> <p>2 there was a staff that was in charge of taking all</p> <p>3 spoken and written public comment and putting it into a</p> <p>4 format, which kind of is a huge file that should have</p> <p>5 different tabs that has, like, 1st congressional</p> <p>6 district, 2nd congressional district, 3rd congressional</p> <p>7 district, has all the comments, when they came in, what</p> <p>8 they said.</p> <p>9 And it also should have tabs to Joe Fain, Sarah --</p> <p>10 April Sims, blah, blah, blah because it's the comments</p> <p>11 on their draft maps.</p> <p>12 BY MS. WAKNIN:</p> <p>13 <b>Q. So is it fair so say that there was a variety of ways</b></p> <p>14 <b>that the commissioners would receive public inputs</b></p> <p>15 <b>during the redistricting process?</b></p> <p>16 A. Yes. And we -- yes, and we were proud of that. We</p> <p>17 tried to make every opportunity, give everybody an</p> <p>18 opportunity.</p> <p>19 <b>Q. In your opinion, did the commissioners take public</b></p> <p>20 <b>comment into consideration when they were drawing</b></p> <p>21 <b>and -- their maps?</b></p> <p>22 MR. MILLSTEIN: Objection. Calls for</p> <p>23 speculation.</p> <p>24 THE WITNESS: It does call for speculation,</p> <p>25 but I will say that, for instance, April, on a number</p>	<p>80</p> <p>1 to keep the objections to form objections. Thank you.</p> <p>2 BY MS. WAKNIN:</p> <p>3 <b>Q. All right. Lisa, I'm going to talk to you now just</b></p> <p>4 <b>about the -- a little bit about the timeline of</b></p> <p>5 <b>redistricting.</b></p> <p>6 <b>Is that okay with you?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. So after you were first hired, did the commission, in</b></p> <p>9 <b>your knowledge, ever adopt a set of redistricting</b></p> <p>10 <b>criteria for the legislative district map?</b></p> <p>11 A. They did not, but I also know that it is defined in</p> <p>12 law.</p> <p>13 <b>Q. So the commission never publicly adopted a set of</b></p> <p>14 <b>criteria during a public meeting for the legislative</b></p> <p>15 <b>district map; is that correct?</b></p> <p>16 MR. MILLSTEIN: Objection to form.</p> <p>17 THE WITNESS: To my knowledge, no. But,</p> <p>18 again, it's defined in law.</p> <p>19 BY MS. WAKNIN:</p> <p>20 <b>Q. To your knowledge, was there any other redistricting</b></p> <p>21 <b>criteria that are not defined in law that the</b></p> <p>22 <b>commissioners utilized during the drafting of maps?</b></p> <p>23 MR. MILLSTEIN: Objection to form.</p> <p>24 MR. HUGHES: Calls for speculation.</p> <p>25 THE WITNESS: I don't know. Yeah. I don't</p>
<p>79</p> <p>1 of occasions, would e-mail me and ask me to send her</p> <p>2 the most recent. I believe I at one point sent it to</p> <p>3 Paul Campos, so Joe Fain.</p> <p>4 And so, yes, I mean, I will speculate I know -- and</p> <p>5 one of the things kind of as an organization, the other</p> <p>6 one was tribal consultations where we met in person</p> <p>7 with them or via Zoom with eight tribes. I got -- on a</p> <p>8 number of occasions, I got requests from commissioners</p> <p>9 or commission staff to basically know what the tribal</p> <p>10 request had been, you know. And I know for a fact that</p> <p>11 they -- all of the tribal requests were actually</p> <p>12 honored. So I got the impression that they might have</p> <p>13 taken that into consideration.</p> <p>14 So I'm not entirely sure, but I know that there was</p> <p>15 an interest in the way this was organized and in having</p> <p>16 that data file on a number of occasions.</p> <p>17 BY MS. WAKNIN:</p> <p>18 <b>Q. Do you know what -- do you know what comments that the</b></p> <p>19 <b>commissioners took into consideration?</b></p> <p>20 A. No.</p> <p>21 <b>Q. Had the commissioners ever shared with you certain</b></p> <p>22 <b>public comments that they thought were particularly</b></p> <p>23 <b>interesting to them?</b></p> <p>24 A. No, not that I can recall.</p> <p>25 MS. WAKNIN: Okay. I'm also just going to ask</p>	<p>81</p> <p>1 know.</p> <p>2 BY MS. WAKNIN:</p> <p>3 <b>Q. How many public meetings were held regarding legal</b></p> <p>4 <b>requirements for redistricting, to your knowledge?</b></p> <p>5 MR. MILLSTEIN: Objection to form.</p> <p>6 THE WITNESS: Legal requirements?</p> <p>7 BY MS. WAKNIN:</p> <p>8 <b>Q. So, Lisa, you had stated that you had Brian Sutherland,</b></p> <p>9 <b>I believe, from the AG's office --</b></p> <p>10 A. Yeah.</p> <p>11 <b>Q. -- come and speak with you about the federal Voting</b></p> <p>12 <b>Rights Act; is that correct?</b></p> <p>13 A. Yes. That was one.</p> <p>14 <b>Q. Did you have any other meetings on the legal</b></p> <p>15 <b>requirements that governed the redistricting</b></p> <p>16 <b>commission?</b></p> <p>17 A. Not that I'm aware of. I don't know.</p> <p>18 MS. WAKNIN: Connie, I'm going to introduce</p> <p>19 the meeting minute -- the final meeting minutes of the</p> <p>20 redistricting commission from 6/21. I'm going to drop</p> <p>21 it in the chat for all of you.</p> <p>22 (Exhibit No. 1 marked</p> <p>23 for identification.)</p> <p>24 (Discussion off the record.)</p> <p>25 MS. WAKNIN: Can people open this and see it?</p>

LISA MCLEAN - 10/05/2022

<p>82</p> <p>1 MR. MILLSTEIN: Just one moment.</p> <p>2 THE WITNESS: It wants me to save. But I</p> <p>3 won't save it, right?</p> <p>4 MR. MILLSTEIN: It's okay if you save it to</p> <p>5 the desktop for now, but let's hold. I'm not able to</p> <p>6 open it just yet.</p> <p>7 MR. BOWEN: Same, still working on it.</p> <p>8 (Discussion off the record.)</p> <p>9 BY MS. WAKNIN:</p> <p>10 Q. Lisa, do you see -- are you able to see the document in</p> <p>11 front of you?</p> <p>12 A. Yes, I am.</p> <p>13 Q. This is Exhibit 1. It is the 6.21 final meeting</p> <p>14 minutes of the redistricting commission. These were</p> <p>15 available online. I had downloaded them yesterday from</p> <p>16 the redistricting commission.</p> <p>17 Lisa, do you recognize this document?</p> <p>18 A. I do.</p> <p>19 Q. And are you familiar with this document?</p> <p>20 A. I would be, yes.</p> <p>21 I mean, can I maybe go back to something you asked</p> <p>22 me before about Maria Garza. One of Maria Garza's jobs</p> <p>23 was to prepare the minutes. And then they would come</p> <p>24 to me, and I would review them. And then when I</p> <p>25 reviewed them, I would okay them for -- for giving to</p>	<p>84</p> <p>1 Was the federal Voting Rights Act discussed at this</p> <p>2 public meeting?</p> <p>3 A. Yes.</p> <p>4 Q. And who discussed the federal Voting Rights Act with</p> <p>5 the commission?</p> <p>6 A. Brian Sutherland from the AG's office made a</p> <p>7 presentation.</p> <p>8 Q. Do you know if this full presentation can be found in</p> <p>9 the public materials online?</p> <p>10 A. Yes, they should be, yes.</p> <p>11 Q. What did Mr. Sutherland discuss with the commissioners</p> <p>12 with respect to the federal Voting Rights Act?</p> <p>13 A. He gave an overview of the federal Voting Rights Act</p> <p>14 and discussed per the -- yeah, he gave an overview of</p> <p>15 the federal Voting Rights Act and discussed the</p> <p>16 different aspects of it, showed us some different</p> <p>17 options -- not different options, but different -- what</p> <p>18 was it, packing and cracking and, you know, those</p> <p>19 things.</p> <p>20 Q. Did Mr. Sutherland talk about the Gingles precondition?</p> <p>21 A. Yes, yes. And then he went through the Gingles</p> <p>22 preconditions, yes.</p> <p>23 Q. To your recollection, what did Mr. Sutherland say about</p> <p>24 the Gingles preconditions?</p> <p>25 A. He went through each one of them, as I recall, and</p>
<p>83</p> <p>1 the next meeting. And the commissioners would approve</p> <p>2 the minutes at the next meeting. So, yes, I would have</p> <p>3 seen this.</p> <p>4 Q. And so you would have approved these?</p> <p>5 A. Yes, I would have edited them and gone through and read</p> <p>6 every word.</p> <p>7 Q. And are these the meeting minutes from the June 21st,</p> <p>8 2021, meeting?</p> <p>9 A. Yes.</p> <p>10 Q. And do you mind reading to me who the commission</p> <p>11 members present at that meeting?</p> <p>12 A. It says Sarah Augustine, Joe Fain, Paul Graves, April</p> <p>13 Sims, Brady Walkinshaw.</p> <p>14 Q. And are you listed as "Other Attendees and Public</p> <p>15 Participants"?</p> <p>16 A. I am.</p> <p>17 Q. Can you scroll down to Page 2?</p> <p>18 A. Yep.</p> <p>19 Q. What is one of the items for discussion during this</p> <p>20 meeting?</p> <p>21 MR. HUGHES: Objection. Vague.</p> <p>22 BY MS. WAKNIN:</p> <p>23 Q. Was the federal --</p> <p>24 A. Yes.</p> <p>25 Q. Let me reask the question for a clean record.</p>	<p>85</p> <p>1 explained each one of them.</p> <p>2 Q. Do you remember what the Gingles preconditions are?</p> <p>3 A. Not if I didn't look here, no, I don't.</p> <p>4 Q. Does this document in front of you say what the Gingles</p> <p>5 precondition was?</p> <p>6 A. He provided an overview of the three Gingles</p> <p>7 preconditions to explain how to determine if there was</p> <p>8 evidence of the Gingles district.</p> <p>9 Q. Did any of the --</p> <p>10 A. I don't really see that the three are there. But, I</p> <p>11 mean, the point being is that the attachment is his</p> <p>12 presentation. So we weren't -- I was -- in my</p> <p>13 reviewing of the minutes, I was not trying to get us --</p> <p>14 I didn't want -- because Brian Sutherland is an expert</p> <p>15 on the federal Voting Rights Act.</p> <p>16 I was very careful, I remember, in reviewing this</p> <p>17 is to basically stick to -- try not to basically put</p> <p>18 too much legalese in there. Because then, as</p> <p>19 nonlawyer, we could mess it up. So I didn't want to</p> <p>20 put that -- basically the idea was that you can go to</p> <p>21 the PowerPoint and get Brian's clear explanation.</p> <p>22 Because I think it's a very complicated issue.</p> <p>23 You know, what -- as Paul, I remember, asked about,</p> <p>24 you know, what is cracking or packing? And he asked</p> <p>25 some follow-up questions. And I just think it can be a</p>



LISA MCLEAN - 10/05/2022

<p>86</p> <p>1 little bit confusing. So I wasn't -- I didn't want us,  2 the staff, to overinterpret and leave -- so largely, we  3 were just trying to basically leave it to, go see  4 Brian's presentation.  5 <b>Q. No, that's fair enough.</b>  6 <b>So you had called Mr. Sutherland an expert on the</b>  7 <b>Voting Rights Act; is that correct?</b>  8 A. Let's put it this way, I asked Tara and Emma, who are  9 our counsels, that there had been a request. They  10 said, We'll look into it.  11 They came back to me. They said, We have this guy  12 who works for the Attorney General's Office. He's  13 willing to do it.  14 And I think his background is such that he worked  15 for the ACLU, as I recall, and he had maybe worked on  16 these issues. So he -- it was felt, from their  17 opinion, that this was a pretty good expert to have.  18 <b>Q. And so the commissioners had an expert on the legal</b>  19 <b>requirements of the federal Voting Rights Act present</b>  20 <b>to them what was required in a legislative district</b>  21 <b>map, for example?</b>  22 MR. MILLSTEIN: Objection to form.  23 THE WITNESS: Yeah, I would -- actually, I  24 would say no. He told them what the Voting Rights Act  25 said, the federal Voting Rights Act said, Section 2.</p>	<p>88</p> <p>1 It wasn't -- you know, so when the chairs said, We need  2 a consultant, I was like, All right, if that's what you  3 want, then we'll find it.  4 <b>Q. So in your opinion, the commissioners were aware after</b>  5 <b>this meeting of the requirements of the federal Voting</b>  6 <b>Rights Act?</b>  7 MR. HUGHES: Objection. Lack of foundation.  8 MR. MILLSTEIN: Objection. Form.  9 THE WITNESS: They were at the meeting, and  10 they should -- they heard the information that he  11 presented, yes.  12 BY MS. WAKNIN:  13 <b>Q. And none of them -- none of them were away while</b>  14 <b>Mr. Sutherland was presenting, in your memory?</b>  15 A. They were on screen. They were there, yeah.  16 <b>Q. Did any of the commissioners ask questions of</b>  17 <b>Mr. Sutherland about Voting Rights Act compliance</b>  18 <b>during this meeting?</b>  19 A. Yes. And those were -- those were what we tried to  20 capture in the minutes. So we can see here April,  21 Paul, I remember Joe asked a question.  22 <b>Q. Are you speaking about Joe Fain; is that correct?</b>  23 A. Yes. Yeah, April Sims, Joe Fain, and Paul Graves asked  24 questions.  25 <b>Q. It says -- can you read the second bullet point for me,</b></p>
<p>87</p> <p>1 Talked about the Gingles principles. Talked about  2 the -- what's at the senate. I remember there were  3 these senate provisions. You know, he just -- he  4 just -- the idea was to give, I don't know, study  5 vision of what this was.  6 BY MS. WAKNIN:  7 <b>Q. Did -- did you take anything away from this</b>  8 <b>presentation that Mr. Sutherland gave?</b>  9 A. I mean, it was interesting to me. But, again, it's  10 not -- it's just -- I have to say, I remember that  11 Sarah called me, I think, after we finished the meeting  12 and said, We need to get a voting rights consultant.  13 And I was like, Oh, okay.  14 I mean, to me, go back to the fact that this was  15 not my job. This was not -- you know, my job was to  16 make sure that -- was to fulfill the request, to make  17 sure that the public and the commissioners knew about  18 the federal Voting Rights Act. And I had organized  19 this meeting, and the meeting had taken place. And I  20 was focused on making sure that meeting took place and  21 that it happened.  22 Then, you know, I didn't really -- again, the  23 compliance of the federal Voting Rights Act was going  24 to be up to the commissioners and what they took away  25 from that meeting, what they knew from other people.</p>	<p>89</p> <p>1 <b>under "Chair SA welcomed any questions and comments"?</b>  2 A. So second bullet says, "JF" -- meaning Joe Fain --  3 "asked if there is a percentage that needs to be met to  4 demonstrate political cohesion. Sutherland explained  5 that there is no magic number for determining political  6 cohesion, but there are guideposts to follow in terms  7 of what constitutes severe racial polarization."  8 <b>Q. Do you remember if Mr. Sutherland had given any</b>  9 <b>examples of what constituted severe racial</b>  10 <b>polarization?</b>  11 A. No. You can watch the presentation. And I'm just --  12 because you want -- one of my things, I thought he was  13 very careful to not say too much. That was what I took  14 away.  15 He wasn't -- the commissioners were trying to get  16 him to come down one way or the other, and he was  17 basically not going to go that way. So that was what I  18 took away as an impression that I got, in a process  19 that he was observing rather than -- you know, if I had  20 been a commissioner, I might have taken a different  21 approach. But I was just observing this process of him  22 giving them information, and them observing the  23 information, asking questions about it.  24 <b>Q. To your knowledge, did this meeting -- in this meeting,</b>  25 <b>in this presentation, did anyone inform the</b></p>



LISA MCLEAN - 10/05/2022

<p>90</p> <p>1 commissioners that the Voting Rights Act did not apply</p> <p>2 to the legislative district map?</p> <p>3 A. No.</p> <p>4 MR. MILLSTEIN: Objection to form.</p> <p>5 BY MS. WAKNIN:</p> <p>6 Q. After this presentation, did the commissioners adopt</p> <p>7 redistricting criteria with respect to compliance with</p> <p>8 the federal Voting Rights Act on the legislative</p> <p>9 district map?</p> <p>10 A. To my knowledge, no.</p> <p>11 Q. We're going to move off of Exhibit 1.</p> <p>12 A. All right.</p> <p>13 Q. Lisa, can you tell me about the conversation that you</p> <p>14 and April -- apologies, that you and Sarah Augustine</p> <p>15 had after the presentation by Brian Sutherland?</p> <p>16 A. So she called me probably that night. She used to --</p> <p>17 whenever we finished a meeting, she'd call me and say,</p> <p>18 Can you believe he said that or look at that one thing.</p> <p>19 As I recall, she called and said, We need a voting</p> <p>20 rights consultant. And so that was -- that was a</p> <p>21 conversation.</p> <p>22 I was like, Yes -- yes, ma'am, I'll get on it</p> <p>23 tomorrow.</p> <p>24 Q. Did Sarah say anything else about why you needed a</p> <p>25 Voting Rights Act consultant?</p>	<p>92</p> <p>1 communications...</p> <p>2 THE WITNESS: Yeah. No. No.</p> <p>3 BY MS. WAKNIN:</p> <p>4 Q. How much money did the commission have to hire a</p> <p>5 consultant that could provide VRA analysis?</p> <p>6 MR. MILLSTEIN: Object to form.</p> <p>7 THE WITNESS: We had \$1.6 million. As the</p> <p>8 keeper of the budget, my -- there was nothing -- there</p> <p>9 was no figure for that, okay. There was no budget. It</p> <p>10 was just, you got \$1.6 million. It wasn't like, spend</p> <p>11 so much on staff, spend so much on public outreach.</p> <p>12 So in terms of what -- I wasn't -- I hadn't gotten</p> <p>13 to that point. It was, go hire a voting rights</p> <p>14 consultant. We had money. I knew we had money. I</p> <p>15 knew what pace we were spending money, and I knew we</p> <p>16 had money for that activity. But I didn't know how</p> <p>17 much that was going to cost, because we never got that</p> <p>18 far.</p> <p>19 BY MS. WAKNIN:</p> <p>20 Q. After Sarah had asked you to go and hire a Voting</p> <p>21 Rights Act consultant, what did you do next?</p> <p>22 A. Can I ask my counsel a question? I mean...</p> <p>23 MR. MILLSTEIN: Well, if you've got a concern</p> <p>24 about whether it asks for attorney-client privileged</p> <p>25 information, do you mind if we go off the record to</p>
<p>91</p> <p>1 A. She didn't really. I mean, as I recall, no.</p> <p>2 Because I remember a little bit being like, Really?</p> <p>3 Why? That was my own impression.</p> <p>4 So I was really taking orders. And I remember</p> <p>5 basically being like, Okay, I'm not going to discuss</p> <p>6 this with you. I hear you. I'm going to do it. It's</p> <p>7 my job.</p> <p>8 Q. Was it a short phone call then?</p> <p>9 A. Yeah.</p> <p>10 Q. Did anyone, to your knowledge, from the Attorney</p> <p>11 General's Office during a public meeting ever indicate</p> <p>12 that it would be necessary to hire a VRA consultant?</p> <p>13 A. No. No, not that I remember, which is part of the</p> <p>14 reason why I think I had that reaction when she said,</p> <p>15 Let's go hire a voting rights consultant. Because that</p> <p>16 wasn't -- I don't remember getting that advice from</p> <p>17 Brian.</p> <p>18 Q. Had you gotten that advice from anyone during the</p> <p>19 redistricting process?</p> <p>20 MR. MILLSTEIN: And I'm just going to object</p> <p>21 to the extent this question calls for any advice or --</p> <p>22 advice from the state assistant attorney generals that</p> <p>23 were advising the commission.</p> <p>24 THE WITNESS: Yeah.</p> <p>25 MR. MILLSTEIN: But outside of</p>	<p>93</p> <p>1 address that issue?</p> <p>2 THE WITNESS: Yeah, that's all.</p> <p>3 MR. MILLSTEIN: I don't want to do it while</p> <p>4 you have a pending question. What I would say is to</p> <p>5 the extent it doesn't call for communications with</p> <p>6 counsel -- I'm going to go off the record for a moment</p> <p>7 and talk to my client. I'm just going to mute.</p> <p>8 (Discussion off the record</p> <p>9 between the witness and</p> <p>10 her counsel.)</p> <p>11 MR. MILLSTEIN: Okay. We're back.</p> <p>12 THE WITNESS: Sorry. Sorry. I communicate</p> <p>13 with the Attorney General's Office with our counsels,</p> <p>14 and I also began my own research. And my own research</p> <p>15 brought me to Matt Barreto, partly because I think it</p> <p>16 was prior to -- I think it was actually that week that</p> <p>17 I actually went to this California redistricting</p> <p>18 commission recording and watched Matt Barreto's</p> <p>19 presentation and said, Wow, this guy really knows</p> <p>20 something. And I really wanted to talk to him.</p> <p>21 Again, because I wanted to get somebody who knew</p> <p>22 something about Washington and understood something</p> <p>23 deeper about Washington than that we're the evergreen</p> <p>24 state.</p> <p>25 BY MS. WAKNIN:</p>

LISA MCLEAN - 10/05/2022

<p>94</p> <p>1 Q. Did any other names come up in your own research?</p> <p>2 A. No, not that I recall.</p> <p>3 Q. Did you ever reach out to the following experts or</p> <p>4 consultants for VRA compliance or analysis for the</p> <p>5 redistricting commission?</p> <p>6 Did you reach out to Michael McDonald at all for</p> <p>7 VRA consulting?</p> <p>8 A. No.</p> <p>9 Q. Did you reach out to George Corbell for VRA consulting?</p> <p>10 A. No.</p> <p>11 Q. Did you reach out to Todd Giberson for VRA consulting?</p> <p>12 A. No.</p> <p>13 Q. Did you ever reach out to Richard Engstrom for VRA</p> <p>14 consulting?</p> <p>15 A. No.</p> <p>16 Q. Did you ever reach out to Morgan Kousser for VRA</p> <p>17 consulting?</p> <p>18 A. No.</p> <p>19 Q. Did you ever reach out to John Alford for VRA</p> <p>20 consulting?</p> <p>21 A. No.</p> <p>22 Q. Have you ever reached out to Lisa Hanley for Voting</p> <p>23 Rights Act consulting?</p> <p>24 A. No.</p> <p>25 Q. Did you ever reach out to Redistricting Partners for</p>	<p>96</p> <p>1 consultant after you spoke with Sarah?</p> <p>2 A. Because I didn't see -- I thought it was a consultant.</p> <p>3 So we don't post consultant jobs on the website, you</p> <p>4 know. And, again, it was -- we were up and running.</p> <p>5 As you note, it was 6/21. It -- basically we were --</p> <p>6 if we were going to get somebody, this was -- we were</p> <p>7 past hiring time. Even Justin was on board by that</p> <p>8 time. So you know what I mean? This was sort of a</p> <p>9 side project.</p> <p>10 Q. So you viewed the hiring of a Voting Rights Act</p> <p>11 consultant as a side project to the commission?</p> <p>12 MR. MILLSTEIN: Objection to form.</p> <p>13 THE WITNESS: I mean, it was a new issue that</p> <p>14 had arisen on 6/21.</p> <p>15 BY MS. WAKNIN:</p> <p>16 Q. Did you --</p> <p>17 A. It was not part of the staff. It was -- the 2010 staff</p> <p>18 did not have a VRA consultant. I didn't see that -- we</p> <p>19 were trying to replicate the staff, you know, what</p> <p>20 positions they had in 2010, to 2020. So this was going</p> <p>21 to be a consultant that was going to be in addition to</p> <p>22 what was done in 2010.</p> <p>23 Q. Did you speak with anyone else about hiring -- the</p> <p>24 hiring of a Voting Rights Act consultant?</p> <p>25 A. To my recollection, no. I probably had some</p>
<p>95</p> <p>1 VRA consulting?</p> <p>2 A. No.</p> <p>3 Q. Had you ever reached out to Q2 Data for VRA consulting?</p> <p>4 A. No.</p> <p>5 Q. Have you ever reached out to any other independent</p> <p>6 redistricting commissions to know who they were using</p> <p>7 for VRA consulting?</p> <p>8 A. No.</p> <p>9 Q. You had mentioned the name, I think, Tom Brunell. How</p> <p>10 did you receive Tom Brunell's information?</p> <p>11 A. I received that information from an e-mail, I believe,</p> <p>12 from Sarah that was actually a forward from Paul</p> <p>13 Graves. So Paul had e-mailed his CV to her, and she</p> <p>14 forwarded it to me.</p> <p>15 Q. Do you know why Paul Graves had sent Sarah the name Tom</p> <p>16 Brunell for VRA consulting?</p> <p>17 A. I -- I mean, no. I mean, I don't know for sure. I</p> <p>18 understood that my proposal was -- was probably going</p> <p>19 to annoy the republicans. So I could only speculate</p> <p>20 that because it was an alternate republican suggestion.</p> <p>21 Q. Did you ever have the -- a job post on the Washington</p> <p>22 Redistricting Commission website for a social scientist</p> <p>23 or VRA consultant?</p> <p>24 A. No.</p> <p>25 Q. Why didn't you formally post a job listing for a VRA</p>	<p>97</p> <p>1 discussions with the staff about it. I don't know who</p> <p>2 in particular. Most -- most likely, I talked to</p> <p>3 Daniel, for sure, about it. But just about what I was</p> <p>4 finding out, what I was doing and that stuff.</p> <p>5 Q. And to your recollection, did Daniel provide any names?</p> <p>6 A. No, no.</p> <p>7 Q. Did the commission ultimately hire someone, or a</p> <p>8 consultant, to conduct a Voting Rights Act analysis?</p> <p>9 A. No.</p> <p>10 Q. Do you know why the commission ultimately did not hire</p> <p>11 someone to conduct a Voting Rights Act analysis?</p> <p>12 MR. HUGHES: Objection. Calls for</p> <p>13 speculation.</p> <p>14 THE WITNESS: Yeah, don't know for sure. I</p> <p>15 don't know for sure.</p> <p>16 BY MS. WAKNIN:</p> <p>17 Q. To your knowledge, at any point, did the commission</p> <p>18 hire a person to do a compliance check on whether the</p> <p>19 legislative district maps that were proposed complied</p> <p>20 with the Voting Rights Act?</p> <p>21 A. The commission, no. The commission never hired someone</p> <p>22 to do a compliance check.</p> <p>23 Q. To your knowledge, did any person perform a compliance</p> <p>24 check on the legislative district maps?</p> <p>25 A. Yes. I mean, Matt Barreto did one on the draft maps.</p>

LISA MCLEAN - 10/05/2022

<p>98</p> <p><b>1 Q. Anyone else?</b></p> <p><b>2 A. To my knowledge, no. Because the republicans had a</b></p> <p><b>3 counter memo that came out later, as I recall. I'm not</b></p> <p><b>4 entirely sure. But as I recall, that one is just a</b></p> <p><b>5 commentary on fulfilling the terms of Section 2, as I</b></p> <p><b>6 recall. Again, one of those memos that came past my</b></p> <p><b>7 desk that I didn't have enough time to read. I wasn't</b></p> <p><b>8 going to be worried about too much.</b></p> <p><b>9 Q. Did any state agencies or government employees perform</b></p> <p><b>10 a compliance check on the legislative district map for</b></p> <p><b>11 compliance with the Voting Rights Act?</b></p> <p><b>12 MR. HUGHES: Objection. Calls for</b></p> <p><b>13 speculation.</b></p> <p><b>14 THE WITNESS: To my knowledge, no.</b></p> <p>15 BY MS. WAKNIN:</p> <p><b>16 Q. Did you review the policies and procedures of</b></p> <p><b>17 redistricting commissions in other states as a model</b></p> <p><b>18 for the 2021 redistricting commission?</b></p> <p>19 A. Yeah, I mean, I -- I looked at some stuff for Michigan,</p> <p>20 for California. I had discussions, you know,</p> <p>21 especially on the state custody. We had a meeting of,</p> <p>22 I think Colorado and I want to say California and</p> <p>23 Maryland was there. Got some advice on that.</p> <p>24 So, yes, you know, I did look around, especially --</p> <p>25 I had -- for me, California was -- during the census,</p>	<p>100</p> <p>1 seemed like a good time to break, since I didn't want</p> <p>2 to get into a whole line of questioning and then have</p> <p>3 to go to lunch at 12:30.</p> <p>4 MR. MILLSTEIN: That's fine with me if it's</p> <p>5 fine with everyone else.</p> <p>6 MS. WAKNIN: Okay.</p> <p>7 MR. BOWEN: Fine with me. I'd just like you</p> <p>8 to know that intervenor defendants have maybe</p> <p>9 30 minutes worth of questions at the end.</p> <p>10 MS. WAKNIN: Andrew, do you know if the state</p> <p>11 is going to be asking questions?</p> <p>12 MR. HUGHES: I don't believe so, but that</p> <p>13 could change obviously.</p> <p>14 MS. WAKNIN: Okay. All right. So why don't</p> <p>15 we just break now. We come back at 1:00.</p> <p>16 (Recess 12:23-1:00.)</p> <p>17</p> <p>18 E X A M I N A T I O N (Continuing)</p> <p>19 BY MS. WAKNIN:</p> <p><b>20 Q. Lisa, did you speak with anyone during the break who's</b></p> <p><b>21 not your lawyer about this deposition?</b></p> <p>22 A. I did not.</p> <p><b>23 Q. So, Lisa, we have mentioned Dr. Barreto's name a lot.</b></p> <p><b>24 You said that you had contacted him regarding VRA</b></p> <p><b>25 consulting analysis; is that correct?</b></p>
<p>99</p> <p>1 when I was doing census committee stuff, California</p> <p>2 always -- they were always -- they were spending</p> <p>3 \$300,000 more -- well, 300 percent more than we were.</p> <p>4 But it was always a place of good ideas, so I always --</p> <p>5 I oftentimes would look at that website and see what</p> <p>6 they were doing, recognizing that they're about 20</p> <p>7 times bigger than we are.</p> <p><b>8 Q. In your research looking at our redistricting</b></p> <p><b>9 commissions, did you come across redistricting</b></p> <p><b>10 commissions hiring Voting Rights Act consultants?</b></p> <p>11 A. I did not. It may have happened. I just didn't notice</p> <p>12 it. That wasn't what I was looking for.</p> <p>13 MS. WAKNIN: The time is 12:22 right now. I</p> <p>14 have more questions, but I figure this might be a good</p> <p>15 time to break for lunch.</p> <p>16 Does that seem like a good time for folks?</p> <p>17 MR. MILLSTEIN: That's fine, Sonni. Your</p> <p>18 comment kind of implies you may not have that much more</p> <p>19 to go through. So I was just wondering, do you have a</p> <p>20 sense of how much more you have to go through in terms</p> <p>21 of questioning today?</p> <p>22 MS. WAKNIN: No. I mean, I think I have</p> <p>23 about, like, two hours left, two and a half.</p> <p>24 MR. MILLSTEIN: Okay.</p> <p>25 MS. WAKNIN: I just want to break. This just</p>	<p>101</p> <p>1 A. Yes.</p> <p><b>2 Q. And did you end up having a meeting with Dr. Barreto on</b></p> <p><b>3 VRA consulting?</b></p> <p>4 A. Just we spoke on the phone.</p> <p><b>5 Q. So you had a phone conversation with Dr. Barreto?</b></p> <p>6 A. Yeah, uh-huh.</p> <p><b>7 Q. When did that phone conversation occur?</b></p> <p>8 A. Again, I think it was, like, maybe -- I want to -- I</p> <p>9 think it was the weekend -- no, it was, like, the</p> <p>10 Monday after the 21st. Because I think it took me</p> <p>11 about a week to find his name.</p> <p>12 And then I called him over the -- I e-mailed him</p> <p>13 over the weekend. I remember he got back to me over</p> <p>14 the weekend, but out of respect for him, I remember --</p> <p>15 somehow I remember -- I don't know, these stupid</p> <p>16 things, I do remember.</p> <p>17 I remember that I thought I'd wait until the</p> <p>18 workweek to actually contact him. So I called him on</p> <p>19 Monday, as I recall.</p> <p><b>20 Q. And what did you discuss with Dr. Barreto during this</b></p> <p><b>21 phone conversation?</b></p> <p>22 A. As I recall, I kind of discussed with him what -- what</p> <p>23 did a consultant do? I didn't understand. She had</p> <p>24 told me to go get a consultant. I didn't know what we</p> <p>25 were going to hire this person for. Because it seems</p>

LISA MCLEAN - 10/05/2022

<p>102</p> <p>1 to me there's -- I mean, I didn't understand exactly</p> <p>2 what we would do with this person. So that was what I</p> <p>3 was discussing with him, is what do you do with this</p> <p>4 person and stuff.</p> <p>5 And I don't recall a whole lot. As I recall -- my</p> <p>6 big takeaway from that meeting was what he said, in</p> <p>7 hiring me and -- the positive in hiring me is that you</p> <p>8 conflict me out. I just remember that really well.</p> <p>9 Because in retrospect, we should have done this. We</p> <p>10 could have conflicted him out.</p> <p>11 <b>Q. And what was your understanding of conflicting an</b></p> <p>12 <b>expert out?</b></p> <p>13 A. Well, I understood that that meant that he couldn't</p> <p>14 basically advise the other people or -- you know, he</p> <p>15 had become part of our process. He had become part of</p> <p>16 the team. And, therefore, he couldn't participate in a</p> <p>17 suit against the team because he would be part of the</p> <p>18 team. So, yeah.</p> <p>19 <b>Q. Okay. And did you discuss anything with Dr. Barreto</b></p> <p>20 <b>regarding the Voting Rights Act?</b></p> <p>21 A. Again, I'm not going to remember exactly, but it was</p> <p>22 definitely about the hiring of voting rights -- federal</p> <p>23 voting rights consultant. I had seen his</p> <p>24 presentations. I had understood, you know, about that</p> <p>25 and I had seen in my -- I think my own research that,</p>	<p>104</p> <p>1 <b>in Washington State?</b></p> <p>2 A. I mean, I think he talked about the cases that he had</p> <p>3 been involved with at the city and county level, or the</p> <p>4 research that he had done at the University of</p> <p>5 Washington, you know. So, yeah, I think that we did</p> <p>6 discuss a little bit of that, but I don't recall</p> <p>7 specifics.</p> <p>8 <b>Q. And did Dr. Barreto tell you that he had found racially</b></p> <p>9 <b>polarized voting or polarized voting in Washington</b></p> <p>10 <b>State during this conversation with you?</b></p> <p>11 A. I don't recall. And the reason why I don't recall is</p> <p>12 because I'm mixing up what I might have heard and what</p> <p>13 I might have read of his. Do you know what I mean? I</p> <p>14 can't remember.</p> <p>15 So I understand where he was on the position. I</p> <p>16 understand the position that he took. I understand</p> <p>17 that he kind of proved it in some presentations that he</p> <p>18 made. And so I'm not really sure if I'm remembering --</p> <p>19 I mean, I know that's his position that, you know. And</p> <p>20 so I think we did discuss a little bit of that, but I</p> <p>21 don't remember specifics about it.</p> <p>22 <b>Q. After the meeting with Dr. Barreto, did you believe</b></p> <p>23 <b>that Dr. Barreto was qualified to provide expertise to</b></p> <p>24 <b>the redistricting commission on VRA compliance?</b></p> <p>25 A. Yes.</p>
<p>103</p> <p>1 you know, the work that he had done on -- you know, as</p> <p>2 I recall, he's developed this kind of system of being</p> <p>3 able to identify the ethnicity of a last name, you</p> <p>4 know, something like that, you know. And so I remember</p> <p>5 reading about all that. So I knew all that, and I</p> <p>6 think I somehow approached -- discussed with him all</p> <p>7 those little things.</p> <p>8 But I don't really recall a whole lot of what we</p> <p>9 talked about, you know. I didn't need -- I guess I had</p> <p>10 had this presentation from Brian Sutherland about the</p> <p>11 Voting Rights Act. We were supposed to get a</p> <p>12 consultant to process, and he knew something about it.</p> <p>13 So I kind of felt like he knew something about</p> <p>14 Washington State. So I kind of felt I had the</p> <p>15 components I needed, and I think I let him just kind of</p> <p>16 talk on a little bit, understood what the process would</p> <p>17 be. I might have asked him what his fee was.</p> <p>18 I remember that was one thing maybe he talked</p> <p>19 about, and Burnell talked a little bit about that too,</p> <p>20 sort of the necessity of getting certain data. Did we</p> <p>21 have election results? Did we have all that stuff? So</p> <p>22 I might be running the two of them together, but I</p> <p>23 think we talked a little bit about what data needs</p> <p>24 there would be.</p> <p>25 <b>Q. Did Dr. Barreto tell you anything about VRA compliance</b></p>	<p>105</p> <p>1 <b>Q. Why did you think he was qualified to provide this</b></p> <p>2 <b>expertise?</b></p> <p>3 A. Well, as I said before, I mean, he's been involved in</p> <p>4 several cases. He's -- he was expert enough to make</p> <p>5 a -- I don't know, two-and-a-half, three-hour</p> <p>6 presentation to the California redistricting</p> <p>7 commission, as I recall. He's written a lot about it.</p> <p>8 He's developed this new system about trying to figure</p> <p>9 out how to use the voting rolls, the last names on the</p> <p>10 voting rolls, and identify what their ethnic racial</p> <p>11 background is. So basically, I had -- he seemed pretty</p> <p>12 competent to me about this issue.</p> <p>13 <b>Q. Was there any other option that you thought was just as</b></p> <p>14 <b>qualified to Dr. Barreto to provide this analysis to</b></p> <p>15 <b>the commission?</b></p> <p>16 A. There may have been, but I did not reach out to those</p> <p>17 people and speak to them. I got a bias in my head</p> <p>18 because of the fact that he -- again, I keep saying</p> <p>19 this, he worked in Washington. I think Washington is</p> <p>20 kind of specific. I think that -- I thought that was a</p> <p>21 real benefit. This wasn't some guy who just flies all</p> <p>22 over and does all kinds of stuff all over.</p> <p>23 And maybe he does fly all over the place and</p> <p>24 comment in Texas and all the other states. But he</p> <p>25 actually lived in Washington State. He understands</p>



LISA MCLEAN - 10/05/2022

State Obj:  
Objection to lines 106:5-18: hearsay. This is double-hearsay being offered for the truth of the matter asserted, namely, that Sarah Augustine truthfully conveyed a conversation she had with Paul Graves, and that Paul Graves had taken a position on hiring Dr. Barreto as a consultant. Neither Ms. Augustine nor Mr. Graves are parties, to this is not admissible as a statement of a party opponent. Nor is it admissible as a present sense impression of statement of then-existing mental condition because even if Mr. Graves's alleged statement arguably fit either either exemption (which is not at all clear from this record), Ms. Augustine's alleged statement is plainly the recounting a past event about someone else's alleged opinion.

Pltf Resp: Not hearsay, not being used to prove the truth of the matter, but showing notice that there were conversations occurring with the Commissioners regarding Voting Rights Act Consultant. Not hearsay as opposing party statement; 803 exception as present sense impression, then-existing mental condition.

106  
1 Washington State. And I thought that that was a super  
2 plus, regardless of his political background or  
3 political affiliations or political connections or  
4 anything like that.  
5 **Q. To your knowledge, did any of the commissioners voice**  
6 **displeasure with the idea of hiring Dr. Barreto?**  
7 A. I think that Sarah told me that Paul was a no, thought  
8 that was a bad idea.  
9 **Q. Is that when Paul had provided Sarah the name of**  
10 **Dr. Brunell?**  
11 A. To my understanding, that was the reason why we got  
12 Brunell's CV. Why I got Brunell's CV, yes.  
13 **Q. So to your knowledge, the reason why Dr. Brunell was in**  
14 **the conversation about a VRA consultant was because**  
15 **Paul Graves voiced displeasure with the idea of hiring**  
16 **Dr. Barreto?**  
17 A. I don't -- yeah. I believe that Sarah told me that. I  
18 can't say for sure that would be what...  
19 **Q. Did Sarah tell you whether any of the commissioners**  
20 **expressed that they did not believe Dr. Barreto was**  
21 **qualified to provide Voting Rights Act consulting to**  
22 **the commission?**  
23 A. She did not.  
24 **Q. After you had gotten Dr. Brunell's CV, what did you do**  
25 **next?**

107  
1 A. I reached out, and I called him. And I had a  
2 conversation with him about what he's done. And, I  
3 mean, I obviously think I researched his background.  
4 You know, sort of did a little Google check on him.  
5 And then I called him, and we had a conversation.  
6 Again, I remember he -- there, I definitely  
7 remember that he was -- because I think it was maybe  
8 another week or two later. And he's like, Time is  
9 getting short. And so, you know, I would need some  
10 information. I would need some -- and he talked to me  
11 about sort of some data he would need. And I can't  
12 remember exactly. I think it was election data.  
13 And he -- and kind of -- he was talking about if  
14 somebody could maybe do some crunching of data, maybe  
15 that would reduce his work, the amount of work he had  
16 to do. And somehow I recall something about him  
17 telling me \$500 an hour or \$500 -- I don't know what,  
18 \$500 sticks in my head. So I heard that too.  
19 **Q. Did you ask Dr. Brunell about conducting a racially**  
20 **polarized voting analysis for the commission?**  
21 A. I did not have a job description for this position. So  
22 I was really asking, Are you capable of serving as a  
23 consultant on Voting Rights Act? That was what I was  
24 looking for. So I wouldn't necessarily -- I assumed  
25 that both and both of -- both he and Barreto approached

108  
1 it as, I know what to do. You just get me the data,  
2 and I know how to do what you need me to do. I didn't  
3 understand exactly what the task was that needed to be  
4 done.  
5 **Q. After meeting with Dr. Brunell, did you believe**  
6 **Dr. Brunell was qualified to provide expertise on VRA**  
7 **compliance to the commission?**  
8 A. Yes.  
9 **Q. Why do you say that you thought he was qualified?**  
10 A. Well, he had done it in several different cases around  
11 the state -- or around the nation. And, yeah, he  
12 seemed to -- I mean, yeah, yeah.  
13 **Q. Do you know what the commissioners thought about**  
14 **hiring -- about hiring Dr. Brunell to be a VRA**  
15 **consultant?**  
16 A. I do not. I only know that after I had passed the  
17 information, my recommendation on to Sarah, I think  
18 Sarah came back to me and said something like, We're  
19 not hiring a VRA consultant or somehow just -- you  
20 know, there was no -- whatever she had heard from the  
21 commission meant that this project was dead and I was  
22 moving on to other projects.  
23 **Q. So let me understand this. Sarah had contacted you**  
24 **after Brian Sutherland's presentation about hiring a**  
25 **VRA consultant. You then contacted Dr. Barreto, and**

109  
1 wrote a memo to Sarah about Dr. Barreto. And the  
2 commission passed on Dr. Barreto.  
3 Paul Graves actually passed on Dr. Barreto; is that  
4 correct?  
5 A. Yes. I don't know if Paul Graves did. I don't know  
6 who exactly did. But basically there was sort of,  
7 like, Keep looking. Sarah came back to me, and I  
8 believe she told me that Paul Graves objected. But  
9 others may have objected too.  
10 **Q. Okay. So then Commissioner Graves sent you**  
11 **Dr. Brunell's -- sent Sarah Dr. Brunell's CV for you to**  
12 **reach out to him to hire him. And after you reached**  
13 **out to Dr. Brunell, Sarah -- provided a recommendation**  
14 **to Sarah about Dr. Brunell, the commission had no more**  
15 **appetite to hire a VRA consultant; is that correct?**  
16 MR. MILLSTEIN: Objection to form.  
17 BY MS. WAKNIN:  
18 **Q. You may answer.**  
19 A. Yeah, the -- after I had provided a recommendation to  
20 Sarah, Sarah had basically came back to me and said,  
21 Okay, we're not going to be hiring a voting rights  
22 consultant.  
23 **Q. Did Sarah tell you why they were not going to hire a**  
24 **Voting Rights Act consultant?**  
25 A. On the Brunell thing, I don't remember, you know, if

State  
Obj:  
Objection to lines 108:23 -110:8: hearsay. See statement above re Ms. Augustine's alleged recounting of Mr. Graves's alleged opinion.

Pltf Resp: Not hearsay, not being used to prove the truth of the matter, but showing notice that there

were conversations occurring with the Commissioners regarding Voting Rights Act Consultant. Not hearsay as opposing party statement; 803 exception as present sense impression, then-existing mental condition.



LISA MCLEAN - 10/05/2022

<p style="text-align: right;">110</p> <p>1 she got into -- I don't recall anything, so I don't</p> <p>2 remember her getting into the details of who might have</p> <p>3 said what or who objected or who, you know, was</p> <p>4 positive or negative or anything. Just, This is dead.</p> <p>5 <b>Q. And so after Sarah had told you that -- when did Sarah</b></p> <p>6 <b>tell you that the search for Voting Rights Act</b></p> <p>7 <b>consultant was dead?</b></p> <p>8 A. Sometime after I talked to Brunell.</p> <p>9 <b>Q. Would that be in September?</b></p> <p>10 A. I believe -- if we're talking 6/21, you talk about a</p> <p>11 week later I talked to Barreto. Talk about a week</p> <p>12 later after that, two weeks. So I'd say about a month</p> <p>13 later. It's in the -- you could probably find it in</p> <p>14 the public records.</p> <p>15 The day that I got the CV from -- Brunell's CV from</p> <p>16 Sarah was the day that I reached out to Brunell. I</p> <p>17 talked to him maybe within 24 hours. And I got back to</p> <p>18 Sarah with my recommendation to hire both of them.</p> <p>19 And then I don't remember -- I mean, I believe</p> <p>20 usually it took her awhile to consult with people. So</p> <p>21 within the following week, she would have gotten back</p> <p>22 to me and said, you know, We're not doing this.</p> <p>23 <b>Q. Why did you recommend --</b></p> <p>24 A. She might have even sent me a text message. I don't</p> <p>25 know.</p>	<p style="text-align: right;">112</p> <p>1 you know, reach out to the other one, do that.</p> <p>2 That was what my job was. I did it. When I was</p> <p>3 told that we're not going anywhere on this, that's</p> <p>4 not -- it wasn't anything I need to worry about. I had</p> <p>5 plenty of things on my plate. You know, fine.</p> <p>6 <b>Q. What happened in September, of the redistricting</b></p> <p>7 <b>commission, with respect to the legislative district</b></p> <p>8 <b>maps?</b></p> <p>9 MR. MILLSTEIN: Objection to form.</p> <p>10 THE WITNESS: They -- draft maps were made</p> <p>11 available to the public. Each one of the commissioners</p> <p>12 published a draft map. As I say, I'm pretty sure it</p> <p>13 was the 21st of September. I think we went with</p> <p>14 legislative maps first, and then we had congressional</p> <p>15 maps.</p> <p>16 BY MS. WAKNIN:</p> <p>17 <b>Q. Was a -- to your knowledge, was the proposed maps that</b></p> <p>18 <b>were publicly available for the legislative district,</b></p> <p>19 <b>did anyone do a Voting Rights Act analysis on those</b></p> <p>20 <b>maps besides Dr. Barreto?</b></p> <p>21 A. To my knowledge, no.</p> <p>22 MR. MILLSTEIN: Objection. Form.</p> <p>23 THE WITNESS: To my knowledge, no.</p> <p>24 BY MS. WAKNIN:</p> <p>25 <b>Q. You had mentioned that there was a report released by</b></p>
<p style="text-align: right;">111</p> <p>1 <b>Q. Lisa, why did you recommend hiring both Dr. Brunell and</b></p> <p>2 <b>Dr. Barreto?</b></p> <p>3 A. Because I assumed -- I made the assumption that</p> <p>4 Barreto's -- that the problem we had with Barreto was</p> <p>5 that maybe he leaned farther to the left. I understood</p> <p>6 that Brunell leans farther to the right. So my</p> <p>7 attitude was, why not have the both of them working</p> <p>8 together and giving us -- giving the entire commission,</p> <p>9 which is balanced two republicans, two democrats,</p> <p>10 advice.</p> <p>11 <b>Q. Lisa, did you ask Sarah as to why the commission had</b></p> <p>12 <b>struck down both -- your recommendation of hiring both</b></p> <p>13 <b>Dr. Barreto and Dr. Brunell?</b></p> <p>14 A. No. I mean, no, no. I had long -- sorry. I had long</p> <p>15 since understood that to understand the way that the</p> <p>16 commissioners think is not my job. It was nothing --</p> <p>17 so just take the order. That's it.</p> <p>18 <b>Q. Were the commissioners ever rude to you when you</b></p> <p>19 <b>provided input or opinions?</b></p> <p>20 A. No, no. That was not meant to be that way. That</p> <p>21 wasn't meant to say that. That was just -- just like I</p> <p>22 keep saying is my job, my lane was to do certain</p> <p>23 things. And certain things, you know, didn't -- it</p> <p>24 didn't take me a minute to reach out to find a voting</p> <p>25 rights consultant for this, write up a comment on that,</p>	<p style="text-align: right;">113</p> <p>1 <b>Dr. Barreto; is that correct?</b></p> <p>2 A. The analysis that I understand the democrats had</p> <p>3 commissioned from Barreto was released publicly.</p> <p>4 <b>Q. Okay. And when did you receive that report?</b></p> <p>5 A. I believe, if I recall correctly, I -- I received that</p> <p>6 by downloading it from the article that was published</p> <p>7 in Crosscut. I might have then later received it from</p> <p>8 one of the commission staff.</p> <p>9 I kind of -- what I kind of vaguely remember is</p> <p>10 that there was a mailing list, I think, that the</p> <p>11 senate -- the staff person from the senate democratic</p> <p>12 caucus had. Maybe it's not the staffers, but maybe</p> <p>13 Brady Walkinshaw had it. But somehow it had gotten to</p> <p>14 Jamie Nixon.</p> <p>15 And he forwarded it to me and said, Did you see</p> <p>16 this? So I wasn't on this mailing list. So I think</p> <p>17 that's how I got it, actually by my e-mail. But I'm</p> <p>18 pretty sure I downloaded it from the article, the day</p> <p>19 that it appeared.</p> <p>20 <b>Q. And what did you think of the Barreto report?</b></p> <p>21 A. It was interesting. You know, again -- again, not</p> <p>22 my -- not my lane. And so, you know, interesting, but</p> <p>23 I had other things to do.</p> <p>24 <b>Q. Did the commissioners -- to your knowledge, did any of</b></p> <p>25 <b>the commissioners react to the Dr. Barreto report?</b></p>

LISA MCLEAN - 10/05/2022

<p style="text-align: right;">114</p> <p>1 MR. MILLSTEIN: Objection to form.</p> <p>2 THE WITNESS: Well, Brady Walkinshaw, as part</p> <p>3 of his press release, made public part of that report,</p> <p>4 part of it. And I don't recall that anybody -- I don't</p> <p>5 know what the other ones -- how the other ones reacted</p> <p>6 to it.</p> <p>7 BY MS. WAKNIN:</p> <p>8 Q. Did Sarah ever say anything to you about the Dr. -- the</p> <p>9 Barreto report?</p> <p>10 A. As I recall, again, I believe -- you know, she</p> <p>11 usually -- she had a full-time job of doing something</p> <p>12 else. So probably I was the one who said, Hey, have</p> <p>13 you seen this? So I probably forwarded it to her.</p> <p>14 And then probably we might have -- again, I don't</p> <p>15 recall. We might have discussed it, but it wasn't --</p> <p>16 we did not discuss it in substance, if I can say that.</p> <p>17 Because it was something that was -- as I remember,</p> <p>18 there was nothing to discuss with Sarah, because it</p> <p>19 wasn't my decision or her decision. It was just part</p> <p>20 of -- part of the posturing.</p> <p>21 Q. What do you mean "part of the posturing"?</p> <p>22 A. Well, that it was made public. It was part -- somebody</p> <p>23 was posturing, was obviously making a public statement</p> <p>24 about what was wrong with the maps and posturing in</p> <p>25 public about the maps.</p>	<p style="text-align: right;">116</p> <p>1 correct?</p> <p>2 MR. BOWEN: Objection to form.</p> <p>3 MR. MILLSTEIN: Objection to form.</p> <p>4 THE WITNESS: No idea.</p> <p>5 BY MS. WAKNIN:</p> <p>6 Q. Do you think it would be easier to not have to say that</p> <p>7 the Voting Rights Act applied to the legislative</p> <p>8 district map in the Yakima Valley if the commission did</p> <p>9 not hire a Voting Rights Act expert?</p> <p>10 MR. BOWEN: Objection to form.</p> <p>11 THE WITNESS: No. No.</p> <p>12 BY MS. WAKNIN:</p> <p>13 Q. Why is that?</p> <p>14 A. Sorry. Formulate the first question again. It was</p> <p>15 kind of complicated.</p> <p>16 Do I think it would be easier to not comply with</p> <p>17 the federal Voting Rights Act if we didn't hire one?</p> <p>18 I didn't ever understand that that was why we were</p> <p>19 hiring a voting rights. What I understood us to be --</p> <p>20 why we were going to hire a voting rights consultant</p> <p>21 was to basically consider, have that person help us</p> <p>22 consider, the aspects of the federal Voting Rights Act.</p> <p>23 But in the absence of that person, we could also do it</p> <p>24 ourselves. We had all the information we needed. And</p> <p>25 I mean "we," I mean the commission as a whole, ergo the</p>
<p style="text-align: right;">115</p> <p>1 Q. Okay. Did you ever discuss the Barreto report with the</p> <p>2 Attorney General's Office?</p> <p>3 MR. MILLSTEIN: Objection to the extent you're</p> <p>4 going to be asking about communications with the</p> <p>5 Attorney General's Office.</p> <p>6 THE WITNESS: I can say yes or no?</p> <p>7 MR. MILLSTEIN: You can say whether you -- I'm</p> <p>8 going to instruct the witness not to answer on the</p> <p>9 question.</p> <p>10 BY MS. WAKNIN:</p> <p>11 Q. Did any of the commissioners, after the Barreto report</p> <p>12 was released, ask for the commission to hire -- was</p> <p>13 there -- strike that.</p> <p>14 Was there a renewed interest by the commissioners,</p> <p>15 to your knowledge, after the Barreto report was</p> <p>16 released, to have a Voting Rights Act expert conduct</p> <p>17 analysis to verify Dr. Barreto's report?</p> <p>18 MR. MILLSTEIN: Objection to form.</p> <p>19 THE WITNESS: To my knowledge, no.</p> <p>20 BY MS. WAKNIN:</p> <p>21 Q. Did you think it was important to see if Dr. Barreto's</p> <p>22 findings were correct?</p> <p>23 A. No.</p> <p>24 Q. To your knowledge, did the commissioners think it was</p> <p>25 important to see if Dr. Barreto's findings were</p>	<p style="text-align: right;">117</p> <p>1 commissioners.</p> <p>2 Q. I want to move on now to November.</p> <p>3 Can you describe the last week of the redistricting</p> <p>4 process for me?</p> <p>5 A. So the week before the 15th?</p> <p>6 Q. Correct.</p> <p>7 A. Relatively uneventful. Nothing was happening in my</p> <p>8 book. We were getting ready. We were planned already.</p> <p>9 I think we had -- maybe we had a last meeting, one of</p> <p>10 our Wednesday meetings. Maybe what would that be?</p> <p>11 That would have been something like the 10th.</p> <p>12 You know, one thing I'm just remembering, it was</p> <p>13 11/11. It was Veteran's Day. And I told the staff</p> <p>14 they had to be on standby, but -- in case there was</p> <p>15 something for us to do, but that I didn't see that we</p> <p>16 had anything to do. So we actually all took that</p> <p>17 Veteran's Day off. So 11/11 was a free day for all of</p> <p>18 us. You know, we took our state federal holiday that</p> <p>19 day, because there was nothing for us to do.</p> <p>20 We had had -- we had told -- I think it was not</p> <p>21 that Wednesday, so not the 10th, but I think it was the</p> <p>22 Wednesday before that. We had asked the commission</p> <p>23 staff -- we might have moved that meeting, actually, to</p> <p>24 the Friday. So what's -- 10th minus 7th would be maybe</p> <p>25 the 5th, 11/5. We might have moved it to 11/5.</p>

LISA MCLEAN - 10/05/2022

<p style="text-align: right;">118</p> <p>1 We had told commission staff that we would like the</p> <p>2 commissioners to send us a pretty good map, almost</p> <p>3 final map, by Friday the 12th at mid -- noon.</p> <p>4 And they said -- in the Zoom meeting, they all</p> <p>5 said, Yeah, yeah we'll do that.</p> <p>6 I don't think they had really intention of doing</p> <p>7 that, or I don't know what was going on. Obviously the</p> <p>8 12 o'clock on November 12th came and went. I</p> <p>9 believe -- I'm trying to remember here. And Sarah can</p> <p>10 tell you better. Sarah was coming back and forth. I</p> <p>11 think she came over, I want to say, maybe for the 8th</p> <p>12 and 9th of November she came over to Olympia.</p> <p>13 What she would do is she would come over, spend the</p> <p>14 night in Olympia, meet with us, and then maybe call</p> <p>15 around and meet with some of the commissioners. So</p> <p>16 sometimes go up and -- April's in Tacoma, and the other</p> <p>17 guys are up in Seattle. And she would, you know, run</p> <p>18 and see them if they wanted to see her and stuff.</p> <p>19 So I kind of vaguely think she came over on, I want</p> <p>20 to say the 8th and 9th, but I can't remember. And then</p> <p>21 she went back. And I think she was kind of -- I can't</p> <p>22 remember. I think she was coming over on the 12th, for</p> <p>23 sure. But in any case, I think she was driving over on</p> <p>24 the 12th, and she had a hotel reservation and stuff.</p> <p>25 She was staying down in Olympia.</p>	<p style="text-align: right;">120</p> <p>1 was her last offer to Paul, or Paul's last offer to</p> <p>2 her, I don't know.</p> <p>3 And -- and I sent those -- as I say, I can't</p> <p>4 remember, I think I sent them on to Daniel and Justin.</p> <p>5 Definitely got on the phone with Daniel and Justin that</p> <p>6 evening and said, You guys -- and they knew they were</p> <p>7 on standby. Said, You guys, let's meet in the office</p> <p>8 tomorrow 10 o'clock. Is that okay with you?</p> <p>9 Yeah, yeah. 10, 9, I can't remember what time.</p> <p>10 And we met with her. They kind of presented her</p> <p>11 with sort of what they were seeing in these different,</p> <p>12 whatever they were. And when I say "they" presented,</p> <p>13 this is largely Daniel. Justin is sort of a data guy,</p> <p>14 and he's the map maker, the GIS dude. So he basically</p> <p>15 maybe Daniel would say, Can you kind of run this with</p> <p>16 governor's 2020 election? Can you run it with</p> <p>17 treasurer, we've got 2020 election? Maybe something</p> <p>18 like that, right.</p> <p>19 And then Daniel kind of made a presentation to us</p> <p>20 about some maybe -- I can't remember exactly, but he</p> <p>21 made a presentation about some of the tough points.</p> <p>22 And then we sent her on her way. And she went up to</p> <p>23 there.</p> <p>24 And I'm trying to think if we heard from her. I</p> <p>25 must have heard from her that night. That was Sunday</p>
<p style="text-align: right;">119</p> <p>1 Then she called me at 8 o'clock in the morning on</p> <p>2 the 13th, which is Saturday, and said, Can you find a</p> <p>3 place for April and Paul and I to meet in Federal Way?</p> <p>4 And I said, Yeah, sure.</p> <p>5 So I got on the phone and started calling hotels</p> <p>6 and trying to find a meeting space in any of the hotels</p> <p>7 in Federal Way. Found a place that -- I want to say La</p> <p>8 Quinta Inn, maybe not there. And called her back and</p> <p>9 told her this is where it is, sent her text message,</p> <p>10 you know, giving her the address. She texted it to</p> <p>11 other people, and they had a meeting.</p> <p>12 She called me about 5:00-ish, I want to say,</p> <p>13 saying, I'm just leaving here, and we're going to need</p> <p>14 to keep meeting tomorrow. So Sunday. Can you find</p> <p>15 us -- this place -- we couldn't extend this place. So</p> <p>16 can you find us a place to meet again in Federal Way?</p> <p>17 And, actually, in fact, I'm going to send you a</p> <p>18 couple things, and I would like to see if you and me</p> <p>19 and Daniel and Justin can all meet in the office on</p> <p>20 Sunday morning.</p> <p>21 And I said, Yeah, sure, I'll give them a call right</p> <p>22 now, and we'll meet you there. And then she sent us</p> <p>23 this e-mail from -- she forwarded us this e-mail from</p> <p>24 Joe, which as I said, sort of seemed to have his sort</p> <p>25 of minimums. And something from April, which I think</p>	<p style="text-align: right;">121</p> <p>1 night. Kind of -- I vaguely -- I might not have heard</p> <p>2 from her Sunday night, or if I did, it wasn't anything.</p> <p>3 Then there was sort of, like, this chaos on Monday</p> <p>4 morning, because it was suddenly we need to get more</p> <p>5 rooms. And we couldn't get ahold of anybody to get</p> <p>6 more rooms. And it was really, like, Sarah, You're in</p> <p>7 the hotel, could you please get a room yourself? Can</p> <p>8 you go to the thing?</p> <p>9 Eventually, I -- at some point, there was something</p> <p>10 where Sarah didn't -- she didn't know what she needed.</p> <p>11 But she said, can Justin and Daniel come up here?</p> <p>12 So I put Justin and Daniel in a car, or two</p> <p>13 separate cars, and they went up to Federal Way. And as</p> <p>14 I understand it from them, they played cards most of</p> <p>15 the time with Sarah while she waited for the decision</p> <p>16 to be made.</p> <p>17 Justin was back -- I can't remember exactly when he</p> <p>18 was back, but he was definitely back by the time we</p> <p>19 started the meeting. In fact, all of us were in the</p> <p>20 office on the meeting of the 15th. "All of us," I say,</p> <p>21 the staff. So that was Jamie -- everybody except for</p> <p>22 Daniel. Daniel stayed up in Federal Way.</p> <p>23 So Jamie was there. Justin, Sean, Maria. And</p> <p>24 Aminta was not there. She was -- she was at home. And</p> <p>25 she wasn't even plugged in or anything like that. And</p>

LISA MCLEAN - 10/05/2022

State Objection to lines 122:9-123:15: hearsay; lack of foundation; ER 602. Ms. McLean is purely recounting something that Sarah Augustine allegedly told her about conversations between Ms. Sims and Mr. Graves. None of Ms. Augustine, Ms. Sims, or Mr. Graves are parties, so this is not admissible as a statement of a party-opponent. Nor is this admissible under FRE 803(1) or (3) because Ms. Augustine's recounting of conversations between Ms. Sims and Mr. Graves was an ex post retelling of past events, and did not convey anything about Ms. Augustine's state of mind.

Pls response: Foundation exists based on McLean's personal experiences and observations at the 2021 commission, her experience interfacing with the Commissioners during the redistricting process, her involvement and role as facilitating the 2021 Commission through the redistricting process, including speaking with Commissioner Sarah Augustine who was the Chair and the person that Ms. McLean was interfacing with. Ms. McLean is testifying to her personal knowledge of a conversation between herself and Sarah Augustine regarding the Commission process. Not hearsay as opposing party statement; 803 exception as present sense impression, then-existing mental condition. Ms. McLean has personal knowledge of a conversation between her and Sarah Augustine, where Commissioner Augustine shared her thoughts regarding the redistricting process with Ms. McLean.

<p>122</p> <p>1 so she didn't come in.</p> <p>2 And then we just kind of sat around, you know, had</p> <p>3 the meeting. Opened the meeting, you know. They went</p> <p>4 into meeting sessions or whatever it was called.</p> <p>5 And we came back, checked in, checked in. And, you</p> <p>6 know, then the deadline came and it passed. And that</p> <p>7 was -- I don't know if you want to ask some more</p> <p>8 specific questions about that night.</p> <p>9 <b>Q. Yeah. So, you know, I'm going to go back and just ask</b></p> <p>10 <b>you a few questions about the disagreement or the --</b></p> <p>11 <b>the bargaining that was taking place on the legislative</b></p> <p>12 <b>district map, was that bargaining taking place -- or</b></p> <p>13 <b>the failure to meet an agreement, was that because of</b></p> <p>14 <b>the 14th and 15th legislative district issue?</b></p> <p>15 MR. MILLSTEIN: Objection to form.</p> <p>16 THE WITNESS: I don't think so. I don't</p> <p>17 remember that, being told that. I don't -- I can't</p> <p>18 remember when I found this out. And I think it was</p> <p>19 that I found this out on Sunday night. I could have</p> <p>20 found it out later afterwards. But I think this was --</p> <p>21 I think I found this out on Saturday or Sunday.</p> <p>22 Paul Graves was -- there was a big problem between</p> <p>23 Paul Graves and April Sims that Sarah told me about.</p> <p>24 And it was more about there was some sort of deal that</p> <p>25 they were working on and something that happened with</p>	<p>124</p> <p>1 For Connie, it is 11.01 final minutes over</p> <p>2 redistricting commission PDF.</p> <p>3 (Exhibit No. 2 marked</p> <p>4 for identification.)</p> <p>5 MR. MILLSTEIN: Are you able to open it?</p> <p>6 THE WITNESS: Yes.</p> <p>7 MS. WAKNIN: So this is -- Connie, this will</p> <p>8 be Exhibit 2. It is the 11/01/21 final minutes of</p> <p>9 redistricting commission.</p> <p>10 BY MS. WAKNIN:</p> <p>11 <b>Q. Lisa, are you familiar with this document?</b></p> <p>12 A. I am.</p> <p>13 <b>Q. Can you tell me what this document is?</b></p> <p>14 A. The minutes from the November 1st, 2021, meeting of the</p> <p>15 commission.</p> <p>16 <b>Q. And would you have been one of the members of the</b></p> <p>17 <b>redistricting commission, or staffers, that finalized</b></p> <p>18 <b>these minutes for approval?</b></p> <p>19 A. Yes.</p> <p>20 <b>Q. Can you tell me who from the commission -- of the</b></p> <p>21 <b>commission members were present at this meeting?</b></p> <p>22 A. According to the minutes, it was all commissioners,</p> <p>23 Augustine, Fain, Graves, Sims and Walkinshaw.</p> <p>24 <b>Q. And you were -- were you present at this meeting?</b></p> <p>25 A. I was.</p>
<p>123</p> <p>1 Steve Hobbs being appointed secretary of state that</p> <p>2 sort of blew up the deal. And Steve Hobbs is over in</p> <p>3 the -- which district is he? 42nd. And the 42nd is up</p> <p>4 in the North Seattle or North King County.</p> <p>5 And so as I understand it, that was what was</p> <p>6 somewhat, you know, going on. But, again, I really</p> <p>7 wasn't paying attention. But as I understood, what</p> <p>8 Sarah was doing on Friday, Saturday, Sunday -- and, I</p> <p>9 think, Friday by phone and Saturday -- was she was</p> <p>10 trying to bring April and Paul back together again.</p> <p>11 Because the two of them were presumably working on</p> <p>12 the legislative map. And there had been some rift in</p> <p>13 the relationship there, and they were not making</p> <p>14 progress. And she was helping try to make that</p> <p>15 progress, again, as I understand it from her.</p> <p>16 BY MS. WAKNIN:</p> <p>17 <b>Q. Okay. So I am actually going to go back even earlier</b></p> <p>18 <b>than November 15th. I'm going to ask you about early</b></p> <p>19 <b>November.</b></p> <p>20 <b>Do you understand that?</b></p> <p>21 A. Uh-huh, okay.</p> <p>22 MS. WAKNIN: All right. I'm going to share an</p> <p>23 exhibit with all of you. And I will be posting it to</p> <p>24 the chat now. Please let me know if you can click on</p> <p>25 it.</p>	<p>125</p> <p>1 MS. WAKNIN: Whoever is on -- someone unmuted</p> <p>2 themselves. Thank you.</p> <p>3 BY MS. WAKNIN:</p> <p>4 <b>Q. Can you repeat your answer, Lisa?</b></p> <p>5 A. I was present.</p> <p>6 <b>Q. Can you go down to the Discussion section. It's on</b></p> <p>7 <b>Page 2?</b></p> <p>8 A. Uh-huh.</p> <p>9 <b>Q. Do you remember during the 11/01/21 meeting, the</b></p> <p>10 <b>commissioners discussing the need for a Voting Rights</b></p> <p>11 <b>Act review in the Yakima Valley?</b></p> <p>12 A. No, I don't remember, but it says that here.</p> <p>13 <b>Q. Can you read the first two bullet points of the</b></p> <p>14 <b>Discussion section aloud for me?</b></p> <p>15 A. "BW" -- being Walkinshaw -- "shared that he has spoken</p> <p>16 with each commissioner individually, and there have</p> <p>17 been questions about the Voting Rights Act in the</p> <p>18 Yakima Valley. After the meeting, he will share the</p> <p>19 full data and analysis done by Dr. Barreto with</p> <p>20 Commissioners, staff, and the public. BW looks forward</p> <p>21 to further discussion to decide on final maps.</p> <p>22 "JF" -- being Joe Fain -- "shared that the</p> <p>23 conversations among Commissioners have been productive,</p> <p>24 and there has been discussion of the Voting Rights Act</p> <p>25 and what each Commissioner's priorities are."</p>



LISA MCLEAN - 10/05/2022

<p style="text-align: right;">126</p> <p>1 Q. Do you know what the discussion between the</p> <p>2 commissioners regarding the Voting Rights Act was at</p> <p>3 this period of time?</p> <p>4 A. No.</p> <p>5 Q. Did any of the commissioners have a conversation with</p> <p>6 you during this time about the Voting Rights Act?</p> <p>7 A. No.</p> <p>8 Q. Did Sarah Augustine ever mention to you conversations</p> <p>9 that commissioners were having about the Voting Rights</p> <p>10 Act in the Yakima Valley?</p> <p>11 A. No.</p> <p>12 Q. And there was no -- to your knowledge, there was no</p> <p>13 consultant hired on behalf of the Washington</p> <p>14 Redistricting Commission to consult on Voting Rights</p> <p>15 Act compliance during the 11/01/21 meeting?</p> <p>16 A. No.</p> <p>17 Q. We can put Exhibit 2 away. We're going to go back to</p> <p>18 the November 15th.</p> <p>19 A. Uh-huh.</p> <p>20 Q. What was important about November 15, 2021, with</p> <p>21 respect to redistricting?</p> <p>22 A. It was the deadline for transmission of the final maps,</p> <p>23 congressional and legislative, to the legislature, per</p> <p>24 the law.</p> <p>25 Q. And were you included in any conversations that were</p>	<p style="text-align: right;">128</p> <p>1 Q. What did the document --</p> <p>2 A. You have those documents. And on those documents, they</p> <p>3 have the transmission time. They have: Brady</p> <p>4 Walkinshaw, 12:01, whatever. It's written on there.</p> <p>5 Because they were signed electronically, you have a</p> <p>6 timestamp as to when they were signed. Paul Graves was</p> <p>7 the first person to sign both documents, as I recall,</p> <p>8 and Brady Walkinshaw was the last.</p> <p>9 Q. Were these documents signed in a public meeting?</p> <p>10 A. Yeah. They were -- we were in the public meeting. And</p> <p>11 I don't know, they said the -- Sarah said something</p> <p>12 like, Are we going to vote on the congressional maps,</p> <p>13 you know, and she -- I guess they voted on the maps at</p> <p>14 the meeting, congressional, legislative.</p> <p>15 The signing of the documents, I believe -- I can't</p> <p>16 recall, but I believe those were just -- those were</p> <p>17 going to be. Because, again, as I said before, they</p> <p>18 were -- the transmittal letter was a courtesy to the</p> <p>19 legislative leaders. Dear legislative leaders, we've</p> <p>20 completed this thing, that was what the transmittal</p> <p>21 letter said.</p> <p>22 And the resolution, the main purpose of the</p> <p>23 resolution, was to basically state what was the name of</p> <p>24 the agreed document so that later on somebody couldn't</p> <p>25 say that we had sent the wrong document. So we were --</p>
<p style="text-align: right;">127</p> <p>1 happening between the commissioners on the final</p> <p>2 negotiations for the legislative district map?</p> <p>3 A. I was not.</p> <p>4 Q. Do you know why there was still final negotiations on</p> <p>5 the legislative district map happening on</p> <p>6 November 15th?</p> <p>7 A. Because they hadn't finalized it.</p> <p>8 Q. Do you know when the commissioners had finalized the</p> <p>9 legislative district map?</p> <p>10 A. I don't.</p> <p>11 Q. When did the commissioners tell you that they had</p> <p>12 finalized a decision on the legislative district map?</p> <p>13 A. Well, they made an announcement on the night of</p> <p>14 November 15th that they had. They said that they'd</p> <p>15 come to a consensus. They signed the resolution and</p> <p>16 the transmittal letter, most of them before -- well,</p> <p>17 whatever. One of them got signed by most before 12:00</p> <p>18 and everybody else kind of signed it right after</p> <p>19 12 o'clock.</p> <p>20 Q. So most of them had signed it on November 16th?</p> <p>21 A. It was two documents. One document, three of them had</p> <p>22 signed before 12:00. And then I think that all four</p> <p>23 signed after 12:00 for the second document. And one</p> <p>24 person, Walkinshaw, signed after 12:00 for the first</p> <p>25 document I was talking about.</p>	<p style="text-align: right;">129</p> <p>1 we had a -- the document named -- I can't remember what</p> <p>2 it was called. It's in the resolution.</p> <p>3 But we had this form. And if everybody agrees that</p> <p>4 that's the map, then that's the map. And that's what</p> <p>5 it says in the document. So those were the documents</p> <p>6 that were signed.</p> <p>7 I don't believe that -- I'm not sure if Sarah made</p> <p>8 this big announcement and said, Now you can all sign</p> <p>9 this document. I think we were -- remember, we were up</p> <p>10 against the gun, and we were trying to get this thing</p> <p>11 passed by 12 o'clock. So I think that the main thing</p> <p>12 was a vote. And so a vote on the maps. And so I think</p> <p>13 those were the two action items that were done, as I</p> <p>14 recall. I'm sure that it's reflected -- the accuracy</p> <p>15 is definitely reflected in the minutes of what</p> <p>16 happened.</p> <p>17 Q. During the public meeting when the commissioners voted</p> <p>18 on a legislative district map, did you see the</p> <p>19 legislative district map that they had voted on?</p> <p>20 A. I did not.</p> <p>21 Q. Why didn't you see the legislative district map that</p> <p>22 they voted on during the public meeting?</p> <p>23 A. It had not been shared with us.</p> <p>24 Q. Did the commissioners publicly share during the public</p> <p>25 meeting the legislative district map that they voted on</p>



LISA MCLEAN - 10/05/2022

<p>130</p> <p>1 to be the final legislative district map for the 2020</p> <p>2 redistricting cycle?</p> <p>3 A. They did not.</p> <p>4 Q. Had the commissioners shared the legislative district</p> <p>5 map that they agreed upon to be the final map to</p> <p>6 transmit to the legislature with anyone publicly?</p> <p>7 MR. MILLSTEIN: Objection to form.</p> <p>8 THE WITNESS: To my knowledge, no.</p> <p>9 BY MS. WAKNIN:</p> <p>10 Q. Did you know if those maps actually existed at the time</p> <p>11 that the commissioners voted to approve the final</p> <p>12 legislative district map?</p> <p>13 A. I did not.</p> <p>14 Q. So the redistricting commissioners voted on a map that</p> <p>15 no one had seen, except for themselves, publicly as the</p> <p>16 final map, final legislative district map to transmit</p> <p>17 to legislature?</p> <p>18 MR. MILLSTEIN: Object to form.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MS. WAKNIN:</p> <p>21 Q. Do you think that the public should have seen the maps</p> <p>22 that the commissioners voted on to be the final</p> <p>23 legislative district maps before the commissioners --</p> <p>24 MR. MILLSTEIN: Object to form.</p> <p>25 MS. WAKNIN: Can I --</p>	<p>132</p> <p>1 THE WITNESS: I don't know. I do not know.</p> <p>2 BY MS. WAKNIN:</p> <p>3 Q. Did you have a problem with the fact that the public</p> <p>4 did not get to see the final legislative district map</p> <p>5 that the commissioners voted on during the last public</p> <p>6 meeting?</p> <p>7 MR. HUGHES: Object to form.</p> <p>8 THE WITNESS: No. Again, I was very focused</p> <p>9 on getting something to the legislature. I didn't have</p> <p>10 time to think about that.</p> <p>11 BY MS. WAKNIN:</p> <p>12 Q. To your knowledge, did the commission have anyone do a</p> <p>13 Voting Rights Act compliance on the final legislative</p> <p>14 district map that they had agreed upon?</p> <p>15 A. To my knowledge, no.</p> <p>16 MS. WAKNIN: I want to introduce another</p> <p>17 exhibit. This will be Exhibit 3. These are the 11/24</p> <p>18 final redistricting commission minutes that were</p> <p>19 downloaded from the publicly accessible website.</p> <p>20 (Exhibit No. 3 marked</p> <p>21 for identification.)</p> <p>22 BY MS. WAKNIN:</p> <p>23 Q. Lisa, can you tell me what this document is in front of</p> <p>24 you in your own words?</p> <p>25 MR. MILLSTEIN: Well, hold on just one moment.</p>
<p>131</p> <p>1 MR. MILLSTEIN: Sorry. I thought you were</p> <p>2 done. I apologize.</p> <p>3 MS. WAKNIN: Can you strike that, Connie.</p> <p>4 BY MS. WAKNIN:</p> <p>5 Q. At any point during the public meeting on November 15th</p> <p>6 where the commissioners were voting on the final</p> <p>7 legislative district map, did the public get to comment</p> <p>8 on the boundaries of that map?</p> <p>9 A. They did not.</p> <p>10 Q. Did anyone get to comment on the boundaries of the</p> <p>11 final legislative district map?</p> <p>12 A. Not that I'm aware of, no.</p> <p>13 Q. Is the reason why no one had seen the final legislative</p> <p>14 district map that the commissioners voted on is because</p> <p>15 the legislative district map that the commissioners</p> <p>16 agreed upon was not actually a map itself but the claim</p> <p>17 that the district performed politically?</p> <p>18 MR. MILLSTEIN: Objection to form.</p> <p>19 THE WITNESS: What was that last part? Is the</p> <p>20 reason why because?</p> <p>21 BY MS. WAKNIN:</p> <p>22 Q. Because the commissioners didn't agree upon a map but</p> <p>23 instead agreed upon how the districts in the final map</p> <p>24 would perform politically?</p> <p>25 MR. MILLSTEIN: Objection to form.</p>	<p>133</p> <p>1 MS. WAKNIN: Just let me know when you've been</p> <p>2 able to open the document.</p> <p>3 THE WITNESS: You asked me what this document</p> <p>4 is, did you say?</p> <p>5 BY MS. WAKNIN:</p> <p>6 Q. Yes. Can you tell me what this document is in your own</p> <p>7 words?</p> <p>8 A. It's the minutes of the November 24th, 2021, meeting.</p> <p>9 Q. Do you have any reason to dispute that these are not</p> <p>10 the actual minutes?</p> <p>11 A. I do not.</p> <p>12 Q. Okay. Are you familiar -- strike that.</p> <p>13 Did you attend the November 24, 2021, meeting?</p> <p>14 A. I did.</p> <p>15 Q. And can you tell me who was present of the</p> <p>16 commissioners at this meeting?</p> <p>17 A. Per the minutes, all five of the commissioners</p> <p>18 Augustine, Fain, Graves, Sims, Walkinshaw were there.</p> <p>19 Q. Okay. Lisa, do you mind scrolling down to Section 3</p> <p>20 that says "Action"?</p> <p>21 Can you read for me what the action -- what the</p> <p>22 paragraph and bullet points under Action?</p> <p>23 A. "BV" -- being Walkinshaw -- "made a motion to strike</p> <p>24 the paragraph at the bottom of page six/11, which</p> <p>25 pertains to compliance with the Federal Voting Rights</p>

LISA MCLEAN - 10/05/2022

<p>134</p> <p>1 Act."</p> <p>2 Sims seconded the motion.</p> <p>3 And Fain asked for discussion before voting.</p> <p>4 Fain shared that he -- bullet one: Fain "shared</p> <p>5 that he will be voting in favor of striking amendment.</p> <p>6 He believes that the final map complies with the VRA."</p> <p>7 Paul Graves "shared that he supports the motion.</p> <p>8 He explained that, although the Commissioners may have</p> <p>9 differing views, he believes that the final map</p> <p>10 complies with the VRA, and this discussion can be taken</p> <p>11 up elsewhere.</p> <p>12 Bullet 3: Walkinshaw "agreed that the discussion</p> <p>13 can take place elsewhere."</p> <p>14 Q. Okay. When Paul Graves said that, although the</p> <p>15 commissioners may have differing views, what is -- in</p> <p>16 your -- to your knowledge, what did he mean by having</p> <p>17 differing views?</p> <p>18 MR. MILLSTEIN: Objection to form.</p> <p>19 THE WITNESS: I don't know.</p> <p>20 BY MS. WAKNIN:</p> <p>21 Q. Did, at any point during this meeting, the commissioner</p> <p>22 say -- commissioners say what their differing views on</p> <p>23 the Voting Rights Act were?</p> <p>24 A. They did not.</p> <p>25 Q. Okay. Was it usual to have the commission strike</p>	<p>136</p> <p>1 script for them with regard to their video. I think</p> <p>2 they did that individually. There were a couple edits</p> <p>3 on that, you know. But, you know, nothing.</p> <p>4 So it was -- this was an unusual -- if you go back</p> <p>5 in the history, there are no reports. They didn't</p> <p>6 ever -- let's see, I guess you could say the minutes.</p> <p>7 They've never commented on the minutes or never asked</p> <p>8 for any changes to the minutes.</p> <p>9 Q. Okay. All right. We can move on from that exhibit.</p> <p>10 To your knowledge, did the 2011 commission ever get</p> <p>11 sued over violations of the Public Meetings Act?</p> <p>12 A. I don't know. I don't think so. I don't know.</p> <p>13 Q. I'm so sorry. I cut you off. Do you mind restating</p> <p>14 your answer?</p> <p>15 A. Yeah. I don't think so, but I don't know.</p> <p>16 Q. To your knowledge, did the 2021 redistricting</p> <p>17 commission get sued over violations of the Public</p> <p>18 Meetings Act?</p> <p>19 A. Yes, they did.</p> <p>20 MR. HUGHES: Object to form.</p> <p>21 BY MS. WAKNIN:</p> <p>22 Q. Do you know how many lawsuits were filed alleging</p> <p>23 violations of the Public Meetings Act?</p> <p>24 A. Two.</p> <p>25 Q. To your knowledge, did the 2021 redistricting</p>
<p>135</p> <p>1 sections of reports?</p> <p>2 A. This was the first report, so no. It was not usual or</p> <p>3 not unusual.</p> <p>4 Q. Had anything else been stricken from -- by the</p> <p>5 commissioners that was public facing?</p> <p>6 A. No. Not -- no.</p> <p>7 MR. HUGHES: Objection. Vague. Sorry.</p> <p>8 BY MS. WAKNIN:</p> <p>9 Q. So was this the first -- when the commissioners struck</p> <p>10 the paragraph at the bottom of Page 611 pertaining to</p> <p>11 compliance with the federal Voting Rights Act, was this</p> <p>12 the first time that the commissioners had struck</p> <p>13 anything from a public-facing document?</p> <p>14 MR. HUGHES: Objection. Vague.</p> <p>15 MR. MILLSTEIN: Objection. Form.</p> <p>16 BY MS. WAKNIN:</p> <p>17 Q. You may answer.</p> <p>18 A. Yeah. I think if you go back in the thing, they have</p> <p>19 never been asked to approve anything. So that was the</p> <p>20 first time that they had -- they were striking</p> <p>21 something from something they were being asked to</p> <p>22 approve.</p> <p>23 They didn't have any public -- they didn't get to</p> <p>24 see the website ahead of time and approve all the</p> <p>25 language in the website. They -- you know, we had a</p>	<p>137</p> <p>1 commission get sued over violations of the Public</p> <p>2 Records Act?</p> <p>3 MR. HUGHES: Object to form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MS. WAKNIN:</p> <p>6 Q. Can you restate your answer for the record?</p> <p>7 A. Yes.</p> <p>8 Q. To your knowledge, did the 2011 commission ever get</p> <p>9 sued over violations of the Public Records Act?</p> <p>10 MR. HUGHES: Object to form.</p> <p>11 THE WITNESS: I believe so.</p> <p>12 BY MS. WAKNIN:</p> <p>13 Q. Do you know how many lawsuits have been filed against</p> <p>14 the 2021 redistricting commission?</p> <p>15 A. Against the commission? So two OPMA, one PRA and one</p> <p>16 personnel action; four.</p> <p>17 Q. I'm going to talk to you now about public records</p> <p>18 requests. Can you walk me through the process of how</p> <p>19 the commission handled a public records request when it</p> <p>20 was sent in?</p> <p>21 A. So most public records requests were sent in to the</p> <p>22 executive assistant Aminta, as the public -- the</p> <p>23 appointed public records officer. Not exactly</p> <p>24 appointed, sorry. That got kind of confused. But the</p> <p>25 person who would handle these things.</p>

LISA MCLEAN - 10/05/2022

<p style="text-align: right;">138</p> <p>1 She would send them to me. We would work on a  2 response within five days of acknowledgment. And most  3 of them came in all in a bunch. So there was a process  4 of kind of assembling them and trying to parse what  5 they said.  6 And then making sure -- when -- because there was  7 this bunch, the bunch got put together, and I made a  8 chart that I sent to all the commissioners saying,  9 These are all the public records requests that we've  10 gotten, and can you please get me this information, the  11 required information.  12 So as I said before, sometimes they would ask for  13 text only. Sometimes there was a text from this date  14 to that date. Sometimes it was text and e-mails from  15 this date to that date. Sometimes it was -- you know,  16 so if it was an e-mail, I didn't need anything from the  17 commissioners. That was our job. We had the ability,  18 both Aminta and Maria would go and search the e-mail  19 system.  20 We got the text from state phones. We got the text  21 from the legislature. They had a system for us to  22 capture all those texts. And so we just basically sort  23 of methodically went through and, you know, this guy  24 asked for these dates. And here, we have it all.  25 There, send it.</p>	<p style="text-align: right;">140</p> <p>1 came from his private phone.  2 So then -- so that was -- and there was a way for  3 me to get from the legislature sort of an Excel  4 spreadsheet of the telephone number from which it came,  5 the time, date, telephone number from which it came,  6 telephone number from which it went, and the text of  7 the message, which was great. So you didn't have to do  8 screenshots.  9 <b>Q. And what other messaging apps, applications, did you</b>  10 <b>search for Public Records Act?</b>  11 A. We -- the Teams, we used Teams. But that also came --  12 that was sort of part of the -- any Teams stuff was  13 part of the -- was being able to be captured by the  14 legislature's search of our e-mails.  15 And then we didn't use any other apps, the staff  16 didn't. And I asked -- I mean, again, I passed it on  17 to commissioners to basically search all of their  18 private e-mail, private phone, private text and any  19 apps that they would use, per the request that people  20 would -- like you would send to us.  21 <b>Q. And when you would ask the commissioners to search</b>  22 <b>their private e-mails or private phones, did you have</b>  23 <b>control over searching their private phone?</b>  24 A. No.  25 <b>Q. So anything that you had received from the</b></p>
<p style="text-align: right;">139</p> <p>1 On most of them -- because of this slew that we got  2 in, most of them we got out the fifth -- the five-day  3 notice. And we told everybody that we'd get back to  4 them by, I want to say, most of them, like, the 10th or  5 the 17th.  6 So it was my goal to basically try to see if we  7 couldn't get the bulk of the public records requests  8 done by the time of -- the time we went on Christmas  9 leave, okay. But that -- we didn't succeed on that.  10 <b>Q. When you talk about the searching of text messages, you</b>  11 <b>said that there was a system for that.</b>  12 <b>What system are you talking about?</b>  13 A. So state phones -- I'm not going to know what it is,  14 but so the state phone is connected with the  15 legislature, okay. That was because we are kind of  16 a -- since we're a small agency, we relied on the  17 legislature for a lot of our admin backup, okay.  18 So because they gave us the state phones, our  19 phone's connected to whatever system they had. And so  20 they could basically produce all of our text messages  21 if it came from a state phone. And everybody -- the  22 people who had state phones were all staff and the  23 chair, okay.  24 I would say, just for the record, Paul Graves also  25 had a state phone, but he never used it. So all of his</p>	<p style="text-align: right;">141</p> <p>1 <b>commissioners, if they were searching their private</b>  2 <b>phone, would just be something that they had to</b>  3 <b>willingly give you; is that correct?</b>  4 MR. HUGHES: Object to form.  5 THE WITNESS: Willingly, I'm not sure.  6 Basically, here is a public records request. It  7 clearly states you are to search all of your things.  8 Please search all of your things, all of your different  9 devices, and send me what you have.  10 BY MS. WAKNIN:  11 <b>Q. But if someone didn't send you all that they had, would</b>  12 <b>you be able to know if they had sent you everything</b>  13 <b>that was probably responsive to a records request from</b>  14 <b>their personal phone?</b>  15 A. I wouldn't.  16 <b>Q. Would anyone at the commission be able to know what was</b>  17 <b>on someone's personal phone?</b>  18 MR. HUGHES: Object to form.  19 MR. MILLSTEIN: Object to form.  20 THE WITNESS: No.  21 BY MS. WAKNIN:  22 <b>Q. I'm not going to introduce this as an exhibit. I'm</b>  23 <b>just going to share something with you. We're going to</b>  24 <b>look at something together.</b>  25 <b>Is that okay?</b></p>

LISA MCLEAN - 10/05/2022

<p style="text-align: right;">142</p> <p>1 A. Uh-huh.</p> <p>2 <b>Q. Can you see this screen?</b></p> <p>3 A. Yeah.</p> <p>4 <b>Q. Okay. So this document is called Consolidated</b></p> <p>5 <b>PRR_12/19/21 Updated. It was received in the subpoena</b></p> <p>6 <b>to the commissioners.</b></p> <p>7 <b>Lisa, do you recognize this document?</b></p> <p>8 A. Yes. That's the document I told you -- well, as you</p> <p>9 see, when it says updated 12/9 -- at first, I was just</p> <p>10 doing a little cheat sheet for the commissioners, and</p> <p>11 then it became sort of the record. There's a million</p> <p>12 of these, because it just kept getting updated. And I</p> <p>13 kept adding in. Because we ended up getting 31 public</p> <p>14 records requests. I think it was 31.</p> <p>15 <b>Q. Is this something that you would have made?</b></p> <p>16 A. I did. Yeah. I drafted it.</p> <p>17 <b>Q. All right. So you made this?</b></p> <p>18 A. Uh-huh.</p> <p>19 <b>Q. Okay. Great. So I'm going to go -- I tried zooming in</b></p> <p>20 <b>for ease, but I feel like it's hard because it goes to</b></p> <p>21 <b>the next page. So under the What, it says, "e-mails,</b></p> <p>22 <b>texts memos, voice messages, messages on any internet</b></p> <p>23 <b>or phone app."</b></p> <p>24 <b>Is that -- am I reading that correctly?</b></p> <p>25 A. Yeah.</p>	<p style="text-align: right;">144</p> <p>1 asked for all texts, e-mails, you know, from such and</p> <p>2 such date related to redistricting. So that was --</p> <p>3 it's kind of a broad thing.</p> <p>4 In particular, I will reference your request. That</p> <p>5 one that came in from your organization, which was very</p> <p>6 specific had, I believe, ten points. So what we did is</p> <p>7 we did ten different searches. You know, each -- or</p> <p>8 maybe we grouped -- if I remember correctly, we grouped</p> <p>9 some of the things. Some of them were sort of, we</p> <p>10 could make these together. And we basically came up</p> <p>11 with search terms for that.</p> <p>12 And when I say "we," it was, like, me, Maria and</p> <p>13 Aminta. Because Maria and Aminta would sort of execute</p> <p>14 the search. But it was we would discuss it beforehand</p> <p>15 and say, Why don't you go and do this and go find this</p> <p>16 and find that. And so those were the terms.</p> <p>17 So they had to enter these terms in. And sometimes</p> <p>18 the terms would, you know, come up with a lot of stuff.</p> <p>19 Because I remember yours did. And repetitive stuff.</p> <p>20 As I recall, yours -- and you weren't the only one.</p> <p>21 Because several of them came up with exactly the same</p> <p>22 type of stuff when they came.</p> <p>23 And we just had to keep -- it meant that you had to</p> <p>24 redact, you know, the same -- our same e-mail on every</p> <p>25 single one, it went to all the commissioners. It went</p>
<p style="text-align: right;">143</p> <p>1 <b>Q. What phone applications did you ask the commissioners</b></p> <p>2 <b>to search for public records?</b></p> <p>3 A. All phone apps.</p> <p>4 <b>Q. And did you get any screenshots or messages from phone</b></p> <p>5 <b>applications that weren't text messages?</b></p> <p>6 MR. MILLSTEIN: Objection to form.</p> <p>7 THE WITNESS: To the best of my knowledge, no.</p> <p>8 BY MS. WAKNIN:</p> <p>9 <b>Q. Okay. We're going to be done looking at that document.</b></p> <p>10 <b>When it came to public records, did the commission take</b></p> <p>11 <b>a narrow approach to how terms would be applied?</b></p> <p>12 MR. MILLSTEIN: Objection to form.</p> <p>13 THE WITNESS: Narrow approach, I don't</p> <p>14 understand that.</p> <p>15 BY MS. WAKNIN:</p> <p>16 <b>Q. Let me -- that's fine. It was a confusingly worded</b></p> <p>17 <b>question. Let me rephrase.</b></p> <p>18 <b>If someone -- when someone sent you a public</b></p> <p>19 <b>records request, what is the approach that you would</b></p> <p>20 <b>take on creating search terms that complied with that</b></p> <p>21 <b>request or were responsive to that request?</b></p> <p>22 MR. MILLSTEIN: Objection to form.</p> <p>23 THE WITNESS: It depended, okay. Like you</p> <p>24 see, is it -- that thing you were showing me that</p> <p>25 put -- let me just say that I think Melissa Santos</p>	<p style="text-align: right;">145</p> <p>1 to -- it mentioned Yakima and Franklin and Benton. So,</p> <p>2 therefore, it had to be redacted 15 times. Very</p> <p>3 tedious.</p> <p>4 BY MS. WAKNIN:</p> <p>5 <b>Q. Yeah, it seems like a really hard job to have.</b></p> <p>6 <b>To your knowledge, was there anyone on the</b></p> <p>7 <b>commission who did not comply with public records</b></p> <p>8 <b>requests?</b></p> <p>9 MR. MILLSTEIN: Objection to form.</p> <p>10 THE WITNESS: To my knowledge, no.</p> <p>11 BY MS. WAKNIN:</p> <p>12 <b>Q. Were there any commissioners who had deleted records</b></p> <p>13 <b>that might have been responsive to any public records</b></p> <p>14 <b>requests?</b></p> <p>15 MR. MILLSTEIN: Objection to form.</p> <p>16 MR. HUGHES: Lack of foundation.</p> <p>17 THE WITNESS: So I -- after the fact, it was</p> <p>18 in March of 2022, we discovered that April had deleted</p> <p>19 some e-mails -- some texts before public records</p> <p>20 requests had been received.</p> <p>21 BY MS. WAKNIN:</p> <p>22 <b>Q. When the commissioners first started, to your</b></p> <p>23 <b>knowledge, did anyone explain to them if they had to</b></p> <p>24 <b>retain documents relating to the redistricting</b></p> <p>25 <b>commission?</b></p>

LISA MCLEAN - 10/05/2022

<p style="text-align: right;">146</p> <p>1 A. Yes. That's -- the very first meeting with them, I  2 think was January 15th. If you watch that, there was  3 several people from the Attorney General's Office -- or  4 one guy from the Attorney General's Office, somebody  5 from somewhere else, who came on -- this was before  6 me -- came on and explained to them some of the rules,  7 and I think at the time, offered to -- directed them to  8 take some courses on public records and OPMA and  9 offered to be available to them to consult.</p> <p>10 <b>Q. Do you know if any of the commissioners took those</b>  11 <b>courses?</b></p> <p>12 A. I --</p> <p>13 MR. HUGHES: Objection to form. Lack of  14 foundation.</p> <p>15 THE WITNESS: I do not know for sure, in the  16 beginning. I do know as part of the settlement on the  17 OPMA, they all have filed attestations of taking the  18 course.</p> <p>19 BY MS. WAKNIN:</p> <p>20 <b>Q. To your knowledge, did the commission have a</b>  21 <b>requirement -- or strike that.</b></p> <p>22 <b>To your knowledge, did the commission have a</b>  23 <b>document retention schedule set up?</b></p> <p>24 A. Yes.</p> <p>25 <b>Q. What is the document retention schedule?</b></p>	<p style="text-align: right;">148</p> <p>1 <b>Q. Okay. Did the document retention policy on what</b>  2 <b>documents that you had to keep apply to personal text</b>  3 <b>messages of the commissioners?</b></p> <p>4 MR. HUGHES: Objection.</p> <p>5 THE WITNESS: I don't know.</p> <p>6 MR. HUGHES: Calls for a legal conclusion.</p> <p>7 Sorry.</p> <p>8 BY MS. WAKNIN:</p> <p>9 <b>Q. You can answer.</b></p> <p>10 A. I don't know.</p> <p>11 <b>Q. I want to just go back to April Sims. Lisa, did you</b>  12 <b>speak with April Sims about the text messages she may</b>  13 <b>have deleted?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. And what did you discuss with respect to those text</b>  16 <b>messages?</b></p> <p>17 A. There was an article that came out in Crosscut,  18 whenever that was. It was in March. Was it March,  19 April, May, I don't know? Basically saying we might  20 have violated the public records request referring to  21 certain texts that weren't in her -- I believe what it  22 was is they were in Brady's capture of his text  23 messages but not in hers.</p> <p>24 And so that was when she and I talked. And then  25 she told me that she had deleted some, I think the</p>
<p style="text-align: right;">147</p> <p>1 MR. MILLSTEIN: Objection to form.</p> <p>2 THE WITNESS: I can't remember. It was sent  3 to me at the very beginning of my tenure, and I don't  4 remember. As I understood, it was kind of everything.  5 But I didn't -- I guess I didn't have to read a whole  6 lot. I got the formal thing, and then I understood  7 that everything was retainable.</p> <p>8 BY MS. WAKNIN:</p> <p>9 <b>Q. Do you know how long the documents that pertained to</b>  10 <b>the redistricting commission had to be retained by the</b>  11 <b>commissioners?</b></p> <p>12 A. I think it depended upon which document, but mostly it  13 was 10 years. And then the other thing is, I'll say  14 that when the lawsuits came in, then there was also a  15 document records hold that went on everything. What do  16 you call it? Litigation hold.</p> <p>17 So at the end of the day, there's something you can  18 find. I mean, I was going to throw away some of the  19 junk that we had from public records requests, but I  20 never ever threw that away because it was -- there  21 was sometimes we would be doing searches and redo  22 searches and there was a lot of junk in there. And  23 there's a file in our files that says, Records to  24 delete before -- before disbandment. But we never  25 deleted those just because of the litigation hold.</p>	<p style="text-align: right;">149</p> <p>1 morning of the 16th, and -- but that she provided me  2 everything else. And that was what I think I -- it  3 might have been -- that conversation might have  4 happened before as Melissa was preparing this article.  5 Because Melissa Santos, the reporter from the  6 Crosscut, was being quite insistent with me, and then  7 sharing with me text messages that she had and asking  8 me to explain why they didn't exist. And that's what,  9 I think, caused me to go to April to try to find out  10 what had gone on.</p> <p>11 <b>Q. Do you know what the content of the text messages April</b>  12 <b>deleted was?</b></p> <p>13 A. No, I don't.</p> <p>14 <b>Q. Were there any documents withheld from production in</b>  15 <b>response to any public records requests, to your</b>  16 <b>knowledge?</b></p> <p>17 A. Were there any documents?</p> <p>18 <b>Q. Any documents that were withheld from production in</b>  19 <b>response to any public records requests?</b></p> <p>20 MR. MILLSTEIN: Objection to form.</p> <p>21 THE WITNESS: Yeah, to my knowledge, no. No.</p> <p>22 BY MS. WAKNIN:</p> <p>23 <b>Q. Did, at any time, any of the commissioners ask about</b>  24 <b>how to limit what communications would be subject to</b>  25 <b>public records requests?</b></p>



LISA MCLEAN - 10/05/2022

<p style="text-align: right;">150</p> <p>1 MR. MILLSTEIN: Objection to form.</p> <p>2 THE WITNESS: No.</p> <p>3 BY MS. WAKNIN:</p> <p>4 Q. I want to go back to -- I just had a few questions for</p> <p>5 you about the final map. Did anyone ever express to</p> <p>6 you the belief that if the commissioners had drawn a</p> <p>7 50 percent Latino majority citizen voting age</p> <p>8 population map, that it didn't matter if Latinos were</p> <p>9 able to elect candidates of choice in that district?</p> <p>10 MR. MILLSTEIN: Objection to form.</p> <p>11 THE WITNESS: No. If I get that -- you might</p> <p>12 want to repeat that to me again.</p> <p>13 BY MS. WAKNIN:</p> <p>14 Q. Did anyone ever express to you that in order to comply</p> <p>15 with the Voting Rights Act, the commissioners just had</p> <p>16 to draw a district that had above 50 percent Latino</p> <p>17 majority citizen voting age population?</p> <p>18 MR. MILLSTEIN: Objection to form.</p> <p>19 THE WITNESS: No, nobody did that.</p> <p>20 BY MS. WAKNIN:</p> <p>21 Q. You were shaking your head up and down earlier, so...</p> <p>22 A. Yeah, no, I don't -- the question is: Did anybody</p> <p>23 express that to me?</p> <p>24 Q. Yes.</p> <p>25 A. No, nobody.</p>	<p style="text-align: right;">152</p> <p>1 commission, you had a role with the 2020 census; is</p> <p>2 that correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And are you aware then of what the Census Bureau</p> <p>5 defines as Hispanic?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And from what I gleaned, the commission used the</p> <p>8 census data; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. And according to the census, is Hispanic a race or</p> <p>11 ethnicity?</p> <p>12 A. Ethnicity.</p> <p>13 Q. Okay. So you could be, say, black Hispanic?</p> <p>14 A. Yes.</p> <p>15 Q. Or white Hispanic?</p> <p>16 A. Uh-huh, uh-huh. Yes, indeed, right.</p> <p>17 Q. Okay. Sorry to be redundant, but Native American</p> <p>18 Hispanic as well?</p> <p>19 A. Yes. White Hispanic, yeah, Native American Hispanic,</p> <p>20 Asian Hispanic. The good thing about the census this</p> <p>21 time is you could actually click all the boxes, you</p> <p>22 know, so -- which was a great innovation from the</p> <p>23 previous census.</p> <p>24 Q. Oh, good to know.</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">151</p> <p>1 That would have involved a discussion about</p> <p>2 compliance with the Voting Rights Act or the maps. I</p> <p>3 didn't discuss the maps with anybody. I mean, it</p> <p>4 wasn't in my lane.</p> <p>5 Q. Okay.</p> <p>6 MS. WAKNIN: Well, Lisa, I want to thank you</p> <p>7 so much for your service to the State of Washington.</p> <p>8 And I also just want to thank you for being so flexible</p> <p>9 in rescheduling with us a few times and for your time</p> <p>10 here today. I'm going to pass the witness.</p> <p>11 THE WITNESS: Thank you.</p> <p>12 MR. BOWEN: Andrew, did you have anything?</p> <p>13 MR. HUGHES: Why don't you go ahead, Brennan?</p> <p>14 MR. BOWEN: Are you guys okay if I take a</p> <p>15 quick five-minute break? I don't have a ton of</p> <p>16 questions. Probably no more than 30 minutes.</p> <p>17 MR. HUGHES: That's fine.</p> <p>18 (Recess 2:11-2:16.)</p> <p>19</p> <p>20 EXAMINATION</p> <p>21 BY MR. BOWEN:</p> <p>22 Q. Lisa, I know you said you never were in a deposition</p> <p>23 before, so I appreciate you soldiering on. I just have</p> <p>24 a few questions for you.</p> <p>25 You mentioned that prior to working for the</p>	<p style="text-align: right;">153</p> <p>1 Q. You mentioned earlier -- I'm kind of shifting gears</p> <p>2 here. You mentioned earlier that yourself and the</p> <p>3 chair and the staff would have discussions about kind</p> <p>4 of Yakima Valley voting demographics and the needs of</p> <p>5 the area; is that correct?</p> <p>6 MR. MILLSTEIN: Objection to form.</p> <p>7 THE WITNESS: I mean, yeah. I mean, the --</p> <p>8 like I said, Daniel had sort of this political</p> <p>9 background, sort of knowledge of Washington politics,</p> <p>10 you know. So one of the first things he did was he</p> <p>11 sort of pointed out, made a presentation to the chair</p> <p>12 about the key places that the Dems and Republicans were</p> <p>13 going to have the hardest time agreeing, okay. And</p> <p>14 this is across the state. So one of the places was 13,</p> <p>15 14, 15, you know, that was sort of discussed itself.</p> <p>16 And then, you know, at different points when the</p> <p>17 Barreto analysis came out, then we basically dug a</p> <p>18 little deeper. He had presented two types of maps.</p> <p>19 They did some, you know, drawing on that.</p> <p>20 You know, I think that I might even -- Daniel --</p> <p>21 after we met with Yakama and Yakama explained to us</p> <p>22 about their ceded lands, I think we were curious about,</p> <p>23 how do you keep -- can you keep Yakama together the way</p> <p>24 they want to be kept together? And what impact does</p> <p>25 that have?</p>

LISA MCLEAN - 10/05/2022

<p style="text-align: right;">154</p> <p>1 So all that type of stuff, we would -- you know,  2 and just sort of have intellectual discussions about,  3 in the event that they would help her and inform her in  4 her negotiations.  5 BY MR. BOWEN:  6 <b>Q. Okay. So just kind of, like, informal conversations</b>  7 <b>that might help -- be helpful to the chair?</b>  8 A. Yeah, yeah.  9 <b>Q. To the best of your knowledge -- and it doesn't have to</b>  10 <b>be based on those discussions -- do Hispanics tend to</b>  11 <b>vote for more democrats or republicans in the state of</b>  12 <b>Washington?</b>  13 MR. MILLSTEIN: Objection to form.  14 THE WITNESS: I don't know, but we did have  15 discussions about that.  16 BY MR. BOWEN:  17 <b>Q. Okay. What about in Yakima Valley? Do Hispanics tend</b>  18 <b>to vote more for republicans or democrats?</b>  19 MR. MILLSTEIN: Objection to form.  20 THE WITNESS: Yeah, I don't know. But, again,  21 we would discuss that. We would debate that.  22 BY MR. BOWEN:  23 <b>Q. Okay. You said earlier that the chair mentioned there</b>  24 <b>was quite a few Hispanics who vote republican in Yakima</b>  25 <b>Valley; is that correct?</b></p>	<p style="text-align: right;">156</p> <p>1 <b>guess I want to take this one district at a time. As</b>  2 <b>far as District 14 goes, to the best of your knowledge,</b>  3 <b>is the current representative of District 14 responsive</b>  4 <b>to the needs of the Hispanic community there?</b>  5 MR. MILLSTEIN: Objection to form.  6 MR. HUGHES: Objection. Lack of foundation.  7 THE WITNESS: Honestly, I don't even know  8 who -- I can't remember which one is the 14th and which  9 one is the 15th. Is that Honeyford in the 14th?  10 But anyway, so I don't know. No, we wouldn't talk  11 about representatives and whether or not -- that  12 wasn't -- you know, it was if that's going to be a  13 contentious area. And I guess we would hear it in  14 public outreach meetings, you know, people saying.  15 I mean, it was fascinating public outreach  16 meetings. We had 4 and 5 at one where a bunch of  17 people came on and said, actually, in fact, the 4th  18 district needs -- the 4th and 5th districts need to be  19 drawn horizontally. And I came away from it saying,  20 Yeah, that makes a whole lot of sense because everybody  21 who made this argument was absolutely convincing.  22 And then the next time we had 4 and 5 together,  23 there were a slew of people saying, No, our interests  24 are north and south. And then they had all kinds of  25 convincing issues. So when I came out of that I was</p>
<p style="text-align: right;">155</p> <p>1 A. That's the thing. We would discuss that type of thing  2 of, you know -- I was -- you know, there was -- there  3 was an -- a story yesterday or a couple days ago on  4 NPR, on National Public Radio, about how Hispanics  5 across the nation are assumed to be voting democrat,  6 but actually, in fact, that they don't. There are some  7 issues that make them vote more republicans.  8 So those are the types of discussions we were  9 having, sort of what does -- in that vein, how does  10 that apply to Yakima? But not just, because we also  11 would sometimes debate that other places recognizing  12 that there are Hispanic populations in other parts  13 besides Yakima. For instance, up in Snohomish and  14 Skagit and the like. And we were maybe talking about  15 migrant farmers. Were migrant farmers necessarily  16 democratic voters.  17 <b>Q. So you were then, while the redistricting process was</b>  18 <b>happening, talking about shifts in Hispanic</b>  19 <b>demographics towards republicans then?</b>  20 A. You know, not based on any data. Just sort of  21 anecdotal stuff, you know. Some of the stuff I had  22 from dealing with the Hispanics in Skagit and Snohomish  23 and, you know, over the census and stuff.  24 <b>Q. Okay. And one of the other things you mentioned was</b>  25 <b>responsiveness to the needs of the Yakama community. I</b></p>	<p style="text-align: right;">157</p> <p>1 sort of like, I don't know if 4 and 5 should be drawn  2 horizontally or vertically. Both of them have some  3 really good ideas.  4 So that would be the same thing with Yakima. If  5 there was a congressional -- you know, if a lot of  6 people came in to discuss. And, for instance, Pasco,  7 City of Pasco and City of Yakima, like, they seem to be  8 very active politically. And so they would really join  9 our outreach meetings and have a lot of opinions. So  10 afterwards, we would have discussions about what  11 opinions we'd heard from that and, you know, how  12 representative they were and stuff like that.  13 BY MR. BOWEN:  14 <b>Q. Were any of those conversations centered around what</b>  15 <b>you would characterize as racial concerns, or were they</b>  16 <b>mostly political concerns?</b>  17 MR. MILLSTEIN: Objection to form.  18 THE WITNESS: You know, honestly, it was  19 really -- for me, the learning point was actual  20 interest. They were talking about roads and the way  21 the road went. And, you know, having a relationship  22 with, you know, Canada was important. And, you know,  23 sharing a border with Canada and with Idaho, these  24 types of things.  25 So it was sort of -- it didn't get that political.</p>

LISA MCLEAN - 10/05/2022

<p style="text-align: right;">158</p> <p>1 And it wasn't, we Hispanics. It was really some  2 interest that I thought was kind of interesting to  3 people that I wasn't aware of.  4 BY MR. BOWEN:  5 <b>Q. And to your knowledge, were the commissioners taking</b>  6 <b>those comments into account?</b>  7 A. I don't know, as I said before. I think they were, but  8 I don't know.  9 <b>Q. Okay. Switching gears to the criteria the commission</b>  10 <b>used for going through the redistricting process. You</b>  11 <b>mentioned that it was driven by Washington law on the</b>  12 <b>issue, correct?</b>  13 A. Uh-huh, yes.  14 <b>Q. And to your understanding, does Washington law, meaning</b>  15 <b>the Washington constitution or statutes, require any</b>  16 <b>sort of, like, partisan competitiveness between</b>  17 <b>republicans and democrats in drawing districts?</b>  18 MR. HUGHES: Objection. Calls for a legal  19 conclusion.  20 MR. MILLSTEIN: Objection. Form.  21 THE WITNESS: There is this sort of throwaway  22 phrase in the RCW 44.05 and criteria that makes  23 reference to the political -- and I'm not even --  24 sorry, out of my job now. I don't remember it.  25 But anyway, it was always -- it says something</p>	<p style="text-align: right;">160</p> <p>1 the day, the whole statute is contradictory. Because  2 in the California statute, there's -- you know, you  3 have a hierarchy of which one is first.  4 But in ours, you don't have that. And so if you're  5 supposed to keep areas of interest together, if you're  6 supposed to not be bothered by boundaries, geographic,  7 you know, barriers and stuff like that, you know,  8 that's always -- I think maybe the reasons why our  9 lawmakers don't make it hierarchal is because at some  10 point, you're going to have to cross the Cascades.  11 And, therefore, it presents some geographical barriers,  12 right.  13 So where you do that is kind of an interest. So to  14 me, that was sort of an interesting thing. There is no  15 hierarchy of how you balance those factors.  16 <b>Q. To your knowledge, were these things that the</b>  17 <b>commission was considering?</b>  18 A. No, not to my knowledge.  19 <b>Q. Okay. Changing gears again here maybe a little bit</b>  20 <b>more to the coordination end of what you were doing.</b>  21 <b>It is it true that Commissioner Walkinshaw was in</b>  22 <b>Scotland at a conference during November of 2020?</b>  23 MR. MILLSTEIN: Objection to form.  24 THE WITNESS: I do not know that.  25 BY MR. BOWEN:</p>
<p style="text-align: right;">159</p> <p>1 about -- it's down at the bottom of, I want to say,  2 44.05.09 and -- 90, sorry, 90 or 80. And basically it  3 makes some reference to it, but nobody ever talks about  4 it. But it does sort of say there should be some  5 electoral balance, or I can't remember what the wording  6 is. I always wondered what that meant.  7 BY MR. BOWEN:  8 <b>Q. Did you have any thoughts on what that meant to you?</b>  9 A. No. I always --  10 MR. MILLSTEIN: Objection to form.  11 THE WITNESS: No. Sorry. Objection to form.  12 MR. MILLSTEIN: Objection to form.  13 THE WITNESS: And, no, I always -- I might  14 have been more curious if I had been a commissioner.  15 So it didn't -- it came across as quite vague to me.  16 BY MR. BOWEN:  17 <b>Q. Okay. And you said it was thrown away as kind of a</b>  18 <b>passing reference. What did you mean by that?</b>  19 A. To me, it reads in the RCW as a kind of throwaway, and  20 by the way, you know, don't forget to do this too.  21 That was the way I read it. You know, not being a  22 lawyer, not coming to any legal conclusions or  23 anything.  24 So just that type of, how do you apply that?  25 Because it seems a bit contradictory. At the end of</p>	<p style="text-align: right;">161</p> <p>1 <b>Q. Okay. So you didn't have any difficulty communicating</b>  2 <b>with him around that time?</b>  3 A. Not particularly more or less difficulty around that  4 time, no.  5 <b>Q. When you say more or less, did you have a generally</b>  6 <b>difficult relationship with Commissioner Walkinshaw?</b>  7 A. Oh, no. It was always difficult to all commissioners,  8 all of them. They were full-time working at something  9 else. So reaching any of them was always sort of  10 difficult to get their attention. You know, you wanted  11 to give yourself lead time, you know.  12 <b>Q. So you got along fairly well with Commissioner</b>  13 <b>Walkinshaw then?</b>  14 A. Yeah, I got along with all of them. I did -- I tried  15 to recognize that my role was to see what I could do in  16 a nonpartisan way to make their lives easier. And I  17 felt that I do believe they think I did that.  18 <b>Q. Okay. Changing gears again here, do you -- in your</b>  19 <b>opinion, having gone through the presentation on the</b>  20 <b>VRA, did you think the commission engaged in any form</b>  21 <b>of racial discrimination when coming up with their map?</b>  22 MR. MILLSTEIN: Objection to form.  23 MR. HUGHES: Objection. Vague.  24 THE WITNESS: I didn't hear the last part of  25 that, but no. I think the answer is no.</p>

State Objection to  
lines 159:17-21:  
legal conclusion.  
Ms. McLean's  
personal  
interpretation of  
RCW 44.05 is not  
relevant because  
she was not  
involved at all in  
advising the  
Commissioners  
or  
decisionmaking  
with respect to  
the redistricting  
plan.

LISA MCLEAN - 10/05/2022

<p style="text-align: right;">162</p> <p>1 BY MR. BOWEN:</p> <p>2 <b>Q. Okay. Are you proud of the maps that came out as a</b></p> <p>3 <b>result from the commission?</b></p> <p>4 A. Yes.</p> <p>5 Maybe I'll just clarify. Yes, they were the</p> <p>6 product of consensus. And that's what our law is set</p> <p>7 up to do, is to create a consensus. And I'm proud of</p> <p>8 the fact that there was consensus arrived at and that</p> <p>9 they are a product of consensus. So I'm happy about</p> <p>10 that.</p> <p>11 <b>Q. Okay. I'm going to change gears again here to the</b></p> <p>12 <b>presentation made by Dr. Barreto to the democratic</b></p> <p>13 <b>commissioners and their staffs. Were there any</b></p> <p>14 <b>republican commissioners present at that presentation?</b></p> <p>15 MR. HUGHES: Objection. Lack of foundation.</p> <p>16 THE WITNESS: Yeah, so maybe just to clarify.</p> <p>17 Is the Barreto -- I spoke to Barreto. Barreto prepared</p> <p>18 a PowerPoint presentation that the senate democrats</p> <p>19 released publicly and the republicans saw. So</p> <p>20 that's -- there was never a presentation. Barreto</p> <p>21 never made a presentation.</p> <p>22 BY MR. BOWEN:</p> <p>23 <b>Q. Okay.</b></p> <p>24 A. Yeah.</p> <p>25 <b>Q. And the actual PowerPoint he composed, was that -- who</b></p>	<p style="text-align: right;">164</p> <p>1 <b>Q. Okay. You talked earlier about the Yakama tribal</b></p> <p>2 <b>reservation's involvement in the redistricting process;</b></p> <p>3 <b>is that right?</b></p> <p>4 A. (Witness nods head up and down.)</p> <p>5 <b>Q. You mentioned -- I hope I'm getting this. I don't want</b></p> <p>6 <b>to put words in your mouth -- that all the tribal</b></p> <p>7 <b>requests were honored; is that correct?</b></p> <p>8 MR. MILLSTEIN: Objection to form.</p> <p>9 THE WITNESS: So maybe to establish, as I was</p> <p>10 coming on board, the commission was finalizing a tribal</p> <p>11 consultation policy. That tribal consultation</p> <p>12 policy -- well, actually, it was the chair who decided</p> <p>13 that in order to implement that correctly, we had to</p> <p>14 have a tribal education first.</p> <p>15 So the tribal education was, first, a presentation</p> <p>16 by Bill Craig (sic), the governor's head of the Office</p> <p>17 of Indian Affairs. So he made a presentation at one of</p> <p>18 the meetings. I want to say that was, like, on</p> <p>19 June 7th.</p> <p>20 And then a week later, three -- we wanted four, but</p> <p>21 we had three leaders of the tribal -- of tribal</p> <p>22 councils: Stillaguamish, I want to say Forsman from</p> <p>23 Stillaguamish, Miller from Yakama, and -- oh, and the</p> <p>24 guy from Colville, Rodney -- Rodney something. I'm</p> <p>25 going to forget his last name.</p>
<p style="text-align: right;">163</p> <p>1 <b>would contact him? Did you contact him regarding that,</b></p> <p>2 <b>or was that before you reached out to him?</b></p> <p>3 MR. HUGHES: Form.</p> <p>4 THE WITNESS: I reached out to him -- I</p> <p>5 reached out to him. I -- and finished my conversation</p> <p>6 with him. And later, I discovered that someone else</p> <p>7 had hired him, or I don't know, and then he produced</p> <p>8 this PowerPoint presentation. And I found out through</p> <p>9 the meeting.</p> <p>10 BY MR. BOWEN:</p> <p>11 <b>Q. Okay. And after his presentation in the meeting, then</b></p> <p>12 <b>did the commission continue to contact him, or any of</b></p> <p>13 <b>the commissioners continue to contact him, for</b></p> <p>14 <b>questions as they were going through?</b></p> <p>15 MR. HUGHES: Objection. Lack of foundation.</p> <p>16 THE WITNESS: So he never presented anything</p> <p>17 in a meeting. And if there was any -- the only contact</p> <p>18 that I'm aware of that the commission, or commission</p> <p>19 staff, commissioners, had with Barreto is my</p> <p>20 conversation, my e-mail to him saying, Can I talk to</p> <p>21 you, my telephone conversation with him. Those are all</p> <p>22 that I am aware of.</p> <p>23 How he produced this thing and the senate democrats</p> <p>24 released that, I have no idea how that all happened.</p> <p>25 BY MR. BOWEN:</p>	<p style="text-align: right;">165</p> <p>1 And then the general policy was, you reach out to</p> <p>2 us. Contact us, tribe, okay. And we will arrange a</p> <p>3 consultation with you, okay. So one of the first</p> <p>4 people to reach out, one of the first tribes to reach</p> <p>5 out was Yakama. And we had a -- we went there, April,</p> <p>6 Paul Graves, myself, Sarah, staff, we went there for</p> <p>7 that tribal consultation.</p> <p>8 We also had consultations with Colville. We went</p> <p>9 there with Walkinshaw and Augustine. We had tele- --</p> <p>10 we had Zoom conversations with Tulalip, Nooksack,</p> <p>11 Nisqually, Chehalis, Snoqualmie. And I had e-mail</p> <p>12 conversation with Squaxin Island.</p> <p>13 So those are the eight tribes that we -- so the</p> <p>14 door was open. But you can imagine that Makah doesn't</p> <p>15 need to -- they're always going to be the 6th. They</p> <p>16 don't have anything to discuss with us. But, you know,</p> <p>17 Chehalis and others wanted to make their positions</p> <p>18 clear about where they were or where they wanted to be.</p> <p>19 BY MR. BOWEN:</p> <p>20 <b>Q. Okay. So as it relates to the Yakama tribe</b></p> <p>21 <b>specifically then, when you said the tribal requests</b></p> <p>22 <b>were honored, do you mean more so in the communication</b></p> <p>23 <b>with the commission than in reaching any particular</b></p> <p>24 <b>result at any particular tribe?</b></p> <p>25 MR. MILLSTEIN: Objection. Form.</p>



LISA MCLEAN - 10/05/2022

<p style="text-align: right;">166</p> <p>1 MR. HUGHES: Objection. Form.</p> <p>2 THE WITNESS: Yeah? Specific -- okay, Yakama,</p> <p>3 their general request, and I guess their general</p> <p>4 presentation to us, was for them to explain to us that</p> <p>5 there was a reservation and then there are ceded lands.</p> <p>6 BY MR. BOWEN:</p> <p>7 <b>Q. Okay.</b></p> <p>8 A. And especially along the river. And they wanted to</p> <p>9 make it clear that to them, the ceded lands were an</p> <p>10 important part of what they felt was the Yakama Nation</p> <p>11 that they wanted kept together.</p> <p>12 That was not the case with a lot of -- all tribes.</p> <p>13 Some tribes wanted to be split. And that was -- so</p> <p>14 that was an important thing to hear, and to hear why</p> <p>15 Yakama wanted to be together. And if you were talking</p> <p>16 to another tribe, another tribe would tell you</p> <p>17 something different. And that was really important to</p> <p>18 hear.</p> <p>19 <b>Q. Okay. So it's fair to say then that when you say "stay</b></p> <p>20 <b>together," that the Yakama tribe wanted both the</b></p> <p>21 <b>reservation and the ceded lands to remain within one</b></p> <p>22 <b>district?</b></p> <p>23 A. Yeah, they felt that in 2010 they had been split. And</p> <p>24 they were not happy with that. And they wanted this</p> <p>25 time to be united into one legislative district.</p>	<p style="text-align: right;">168</p> <p>1 A. I mean, maybe -- he described what patching was. He</p> <p>2 described what cracking was. But he didn't use</p> <p>3 anything that was related to Washington State or</p> <p>4 anything specific or explain how you would decide how</p> <p>5 you were going to be arriving at a packing or cracking,</p> <p>6 you know. It was very factual, extremely factual.</p> <p>7 MR. BOWEN: Okay. Well, Lisa, I appreciate</p> <p>8 you taking the time. That is my only questions, so</p> <p>9 unless anybody else has anything, I'm going to pass the</p> <p>10 witness.</p> <p>11 THE WITNESS: You're welcome.</p> <p>12 MS. WAKNIN: Andrew, do you have any</p> <p>13 questions?</p> <p>14 MR. MILLSTEIN: Andrew, any questions?</p> <p>15 MR. HUGHES: Sure.</p> <p>16</p> <p>17 E X A M I N A T I O N</p> <p>18 BY MR. HUGHES:</p> <p>19 <b>Q. Hi, Lisa. I'm Andrew Hughes. I'm the assistant</b></p> <p>20 <b>attorney general -- an assistant attorney general</b></p> <p>21 <b>working on this case.</b></p> <p>22 <b>Did you understand from your communications with</b></p> <p>23 <b>Matt Barreto that anyone who worked on consulting with</b></p> <p>24 <b>the redistricting commission in any capacity would be</b></p> <p>25 <b>conflicted from participating in subsequent litigation?</b></p>
<p style="text-align: right;">167</p> <p>1 <b>Q. Okay. And do you know, does the proposed map split</b></p> <p>2 <b>them up, or did they stay in one district?</b></p> <p>3 MR. MILLSTEIN: Objection to form.</p> <p>4 MR. HUGHES: Vague.</p> <p>5 THE WITNESS: To my knowledge, they're in one</p> <p>6 district. They're in the district -- one legislative</p> <p>7 district.</p> <p>8 BY MR. BOWEN:</p> <p>9 <b>Q. So then, to your knowledge, is Yakama Tribal Council</b></p> <p>10 <b>happy with the result then?</b></p> <p>11 MR. MILLSTEIN: Objection to form.</p> <p>12 MR. HUGHES: And lack of foundation.</p> <p>13 THE WITNESS: I know they are, yes.</p> <p>14 BY MR. BOWEN:</p> <p>15 <b>Q. Okay. Changing gears just one last time. And thank</b></p> <p>16 <b>you for bearing with me. I know it's been a long day.</b></p> <p>17 <b>In the first exhibit that came up, there was a</b></p> <p>18 <b>quote -- or I guess not a quote. There was a summary</b></p> <p>19 <b>explaining the presentation -- strike that.</b></p> <p>20 <b>In the presentation from Mr. Sutherland, you</b></p> <p>21 <b>mentioned earlier that he didn't give specific numbers</b></p> <p>22 <b>but he gave guideposts for how to comply with the VRA;</b></p> <p>23 <b>is that correct?</b></p> <p>24 A. Yes.</p> <p>25 <b>Q. Do you remember what those guideposts were?</b></p>	<p style="text-align: right;">169</p> <p>1 A. No.</p> <p>2 <b>Q. So what did you then understand Dr. Barreto to mean</b></p> <p>3 <b>when he said that, if he advised the commission, he</b></p> <p>4 <b>would be conflicted out?</b></p> <p>5 A. So if he was hired by the commission, he was going to</p> <p>6 owe the loyalty to the commission. He couldn't, I</p> <p>7 guess, sue the commission for what it ends up -- what</p> <p>8 its end map was. As I said, if he's going to be on the</p> <p>9 team and can't, I don't know, get -- anyway, I think I</p> <p>10 made myself clear.</p> <p>11 <b>Q. Okay. Understood.</b></p> <p>12 MR. HUGHES: That's all I got. Thanks.</p> <p>13 MS. WAKNIN: I think there was no further</p> <p>14 questions. I don't have any on redirect.</p> <p>15 (Signature reserved.)</p> <p>16 (Deposition concluded at 2:38 p.m.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

State Objection to  
lines 167:9-13:  
lack of  
foundation;  
hearsay. Ms.  
McLean does not  
provide any  
foundation for her  
opinion about  
how the Yakima  
Nation feels, and  
any opinion could  
only be informed  
by hearsay.



LISA MCLEAN - 10/05/2022

170

1 REPORTER'S CERTIFICATE

2

3 I, CONNIE A. RECOB, the undersigned Certified Court

4 Reporter, pursuant to RCW 5.28.010 authorized to

5 administer oaths and affirmations in and for the State

6 of Washington, do hereby certify that the sworn

7 testimony and/or proceedings, a transcript of which is

8 attached, was given before me at the time and place

9 stated therein; that any and/or all witness(es) were

10 duly sworn to testify to the truth; that the sworn

11 testimony and/or proceedings were by me

12 stenographically recorded and transcribed under my

13 supervision, to the best of my ability; that the

14 foregoing transcript contains a full, true, and

15 accurate record of all the sworn testimony and/or

16 proceedings given and occurring at the time and place

17 stated in the transcript; that a review of which was

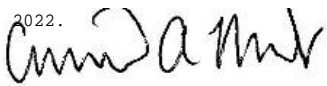
18 requested; that I am in no way related to any party to

19 the matter, nor to any counsel, nor do I have any

20 financial interest in the event of the cause.

21 WITNESS MY HAND and SIGNATURE this 12th day of

22 October, 2022.

23 

24 CONNIE A. RECOB, RMR, CRR

25 Washington Certified Court Reporter, CCR 2631  
connie@lakesidereporting.com

172

1 DEPOSITION ERRATA SHEET

2

3 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

4 \_\_\_\_\_

5 Reason for change: \_\_\_\_\_

6 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

7 \_\_\_\_\_

8 Reason for change: \_\_\_\_\_

9 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

10 \_\_\_\_\_

11 Reason for change: \_\_\_\_\_

12 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

13 \_\_\_\_\_

14 Reason for change: \_\_\_\_\_

15 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

16 \_\_\_\_\_

17 Reason for change: \_\_\_\_\_

18 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

19 \_\_\_\_\_

20 Reason for change: \_\_\_\_\_

21 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

22 \_\_\_\_\_

23 Reason for change: \_\_\_\_\_

24 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

25 LISA MCLEAN

171

1 DEPOSITION ERRATA SHEET

2 Our Assignment No. 1194

3 Case Caption: SOTO PALMER vs. HOBBS

4

5 DECLARATION UNDER PENALTY OF PERJURY

6

7 I declare under penalty of perjury

8 that I have read the entire transcript of

9 my Deposition taken in the captioned matter

10 or the same has been read to me, and

11 the same is true and accurate, save and

12 except for changes and/or corrections, if

13 any, as indicated by me on the DEPOSITION

14 ERRATA SHEET hereof, with the understanding

15 that I offer these changes as if still under oath.

16

17 Signed on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

18

19 \_\_\_\_\_

20 LISA MCLEAN

21

22

23

24

25

LISA MCLEAN - 10/05/2022

Index: \$.a

<hr/>	<b>12:23-1:00</b>	83:17 86:25 98:5	<b>2:11-2:16</b> 151:18	<b>6/21</b> 81:20 96:5,
<b>\$</b>	100:16	124:3,8 125:7	<b>2:38</b> 169:16	14 110:10
<hr/>	<b>12:30</b> 100:3	126:17	<b>2nd</b> 78:6	<b>611</b> 135:10
<b>\$1.6</b> 92:7,10	<b>12th</b> 55:23 118:3,	<b>20</b> 99:6	<hr/>	<b>6th</b> 165:15
<b>\$30,000</b> 22:2	8,22,24	<b>20,000</b> 34:3	<b>3</b>	<hr/>
34:3	<b>13</b> 153:14	<b>2010</b> 24:21 25:13	<hr/>	<b>7</b>
<b>\$300,000</b> 99:3	<b>13th</b> 44:12 45:2	61:19 64:24	<b>3</b> 39:25 132:17,	<hr/>
<b>\$500</b> 107:17,18	46:10 119:2	65:10,11,14,17	20 133:19	<b>7</b> 15:7
<hr/>	<b>14</b> 9:11 153:15	66:9 67:13 69:2,	134:12	<b>7th</b> 17:20 117:24
<b>1</b>	156:2,3	3 96:17,20,22	<b>30</b> 100:9 151:16	164:19
<hr/>	<b>14th</b> 9:22 15:9	166:23	<b>300</b> 99:3	<hr/>
<b>1</b> 20:11 25:11	31:2 32:2,3,13	<b>2010-2011</b> 67:5	<b>31</b> 142:13,14	<b>8</b>
81:22 82:13	44:20 45:9 55:24	<b>2011</b> 136:10	<b>31st</b> 64:15	<hr/>
90:11	122:14 156:8,9	137:8	<b>3rd</b> 78:6	<b>8</b> 119:1
<b>10</b> 120:8,9	<b>15</b> 16:18 126:20	<b>2020</b> 18:20 25:14	<hr/>	<b>80</b> 159:2
147:13	145:2 153:15	96:20 120:16,17	<b>4</b>	<b>8:30</b> 33:11,12
<b>100</b> 40:20,21	<b>15th</b> 15:9 24:6,8	130:1 152:1	<hr/>	<b>8th</b> 17:20 41:20
<b>10:00</b> 5:2	25:1 31:2 32:2,3,	160:22	<b>4</b> 33:4 156:16,22	61:5 118:11,20
<b>10th</b> 117:11,21,	13,20 34:8 35:10	<b>2021</b> 6:10 16:18	157:1	<hr/>
24 139:4	38:1 40:15 45:9	18:16,18 19:2,6	<b>4,000</b> 76:2	<b>9</b>
<b>11.01</b> 124:1	46:2 58:6,7,22,	20:8 54:18 59:9	<b>42nd</b> 123:3	<hr/>
<b>11/01/21</b> 124:8	23,25 60:7 64:15	69:12 70:11,15,	<b>44.05</b> 56:10	<b>9</b> 120:9
125:9 126:15	68:7,9 117:5	18 72:13 83:8	158:22	<b>90</b> 159:2
<b>11/11</b> 117:13,17	121:20 122:14	98:18 124:14	<b>44.05.09</b> 159:2	<b>9th</b> 15:4 118:12,
<b>11/24</b> 132:17	123:18 126:18	126:20 133:8,13	<b>4th</b> 50:10 156:17,	20
<b>11/5</b> 117:25	127:6,14 131:5	136:16,25	18	<hr/>
<b>11:07</b> 53:24	146:2 156:9	137:14	<hr/>	<b>A</b>
<b>11:08</b> 54:5	<b>16,000</b> 75:15	<b>2022</b> 5:1 17:20	<b>5</b>	<hr/>
<b>11:08-11:16</b> 54:9	<b>16,500</b> 75:15	23:6,7 68:12,13	<hr/>	<b>a.m.</b> 5:2 54:5
<b>11:15</b> 54:5	<b>16th</b> 32:20 33:3	145:18	<b>5</b> 5:1 156:16,22	<b>Aaron</b> 10:16
<b>11th</b> 34:8 35:16	127:20 149:1	<b>21st</b> 60:18 61:3	157:1	11:2
<b>12</b> 118:8 127:19	<b>17th</b> 139:5	62:19 83:7	<b>50</b> 150:7,16	<b>ability</b> 76:9
129:11	<b>1:00</b> 100:15	101:10 112:13	<b>5:00-ish</b> 119:12	138:17
<b>12/9</b> 142:9	<b>1st</b> 78:5 124:14	<b>24</b> 64:9 110:17	<b>5th</b> 15:3,7 61:5	<b>absence</b> 116:23
<b>12:00</b> 127:17,22,	<hr/>	133:13	117:25 156:18	<b>absolutely</b>
23,24	<b>2</b>	<b>24th</b> 133:8	<hr/>	156:21
<b>12:01</b> 128:4	<hr/>	<b>25th</b> 18:18 58:5	<b>6</b>	<b>acceptance</b> 63:14
<b>12:22</b> 99:13	<b>2</b> 9:11 10:2 20:11	<b>28th</b> 60:18 61:4	<hr/>	<b>accepted</b> 66:8
	25:12 72:18	62:19	<b>6.21</b> 82:13	<b>access</b> 66:23

LISA MCLEAN - 10/05/2022

Index: a..A

<b>accessible</b> 132:19	137:16	<b>age</b> 29:8 150:7, 17	<b>American</b> 152:17,19	129:8
<b>accessive</b> 71:9	<b>active</b> 18:23	<b>agencies</b> 98:9	<b>Americans</b> 75:16	<b>annoy</b> 95:19
<b>account</b> 158:6	49:8,9 157:8	<b>agency</b> 21:21,22	<b>Aminta</b> 36:16,23	<b>answering</b> 26:22
<b>accounts</b> 38:6	<b>activity</b> 92:16	58:4 139:16	77:15 121:24	55:2
<b>accuracy</b> 129:14	<b>actual</b> 44:18 71:3	<b>agenda</b> 64:10	137:22 138:18	<b>answers</b> 7:7
<b>achieve</b> 56:6	133:10 157:19	<b>agree</b> 58:9 60:16	144:13	<b>Anton</b> 39:9 43:2, 8,9
70:21	162:25	66:3 131:22	<b>amount</b> 107:15	<b>anymore</b> 36:25
<b>acknowledgment</b> 138:2	<b>Adam</b> 42:7	<b>agreeable</b> 20:17	<b>analyses</b> 30:13	<b>apologies</b> 7:11
<b>ACLU</b> 86:15	<b>adapted</b> 60:3	<b>agreed</b> 7:25 21:6	<b>analysis</b> 14:20	76:23 90:14
<b>Act</b> 22:11 41:10, 16,25 42:3,19	<b>add</b> 15:1	33:14 41:17	28:13,17,19,23	<b>apologize</b> 131:2
43:2,12,15 47:16	<b>adding</b> 142:13	55:13,19 56:25	29:2,15,23 30:5,	<b>app</b> 26:5 142:23
48:4,11 49:22	<b>addition</b> 96:21	57:23 61:20,21	21,22 31:12,19,	<b>appeared</b> 113:19
51:8 52:10,13,	<b>additional</b> 62:16	62:17 63:7 66:11	20,23 33:13	<b>appetite</b> 109:15
23,25 53:2	<b>address</b> 93:1	128:24 130:5	46:10,13 47:20	<b>applications</b>
56:12,14,20 57:3	119:10	131:16,23	62:8,20 67:15	140:9 143:1,5
58:11 64:13	<b>admin</b> 139:17	132:14 134:12	92:5 94:4 97:8,	<b>applied</b> 18:19
72:5,14,16 73:13	<b>administrative</b> 22:23 23:5,6	<b>agreed-upon</b> 66:10 69:24	11 100:25	116:7 143:11
81:12 84:1,4,12,	<b>adopt</b> 59:16 80:9	<b>agreeing</b> 153:13	105:14 107:20	<b>apply</b> 90:1 148:2
13,15 85:15	90:6	<b>agreement</b> 74:2	112:19 113:2	155:10 159:24
86:7,19,24,25	<b>adopted</b> 57:8	122:13	115:17 125:19	<b>appointed</b> 123:1
87:18,23 88:6,17	59:9,20 60:4	<b>agrees</b> 129:3	153:17	137:23,24
90:1,8,25 92:21	80:13	<b>ahead</b> 11:24	<b>analyst</b> 22:24	<b>approach</b> 89:21
94:23 96:10,24	<b>advance</b> 64:6,9, 11	73:17 74:17	24:1 27:9	143:11,13,19
97:8,11,20 98:11	<b>advertising</b> 34:1	135:24 151:13	<b>analyze</b> 45:20	<b>approached</b>
99:10 102:20	<b>advice</b> 11:23	<b>ahold</b> 121:5	47:15	40:11 103:6
103:11 106:21	91:16,18,21,22	<b>Alford</b> 94:19	<b>analyzed</b> 47:19	107:25
107:23 109:24	98:23 111:10	<b>Ali</b> 39:7 42:6,12	<b>Andrew</b> 73:17	<b>approval</b> 22:3
110:6 112:19	<b>advise</b> 102:14	<b>alleging</b> 136:22	100:10 151:12	124:18
115:16 116:7,9,	<b>advised</b> 169:3	<b>allowed</b> 7:24	168:12,14,19	<b>approve</b> 41:2
17,22 125:11,17,	<b>advising</b> 34:20	71:4	<b>anecdotal</b> 51:25	83:1 130:11
24 126:2,6,10,15	91:23	<b>aloud</b> 125:14	155:21	135:19,22,24
132:13 134:1,23	<b>advisor</b> 53:15	<b>alternate</b> 95:20	<b>anecdotes</b> 49:2	<b>approved</b> 22:6
135:11 136:11,	<b>Affairs</b> 164:17	<b>amendment</b> 9:22	<b>angry</b> 37:11	73:24 83:4
18,23 137:2,9	<b>affiliations</b> 106:3	134:5	<b>animated</b> 71:11,	<b>apps</b> 140:9,15,19
140:10 150:15	<b>African</b> 75:16	<b>amendments</b> 40:21 41:3	13	143:3
151:2	<b>AG's</b> 81:9 84:6		<b>announced</b> 64:10	<b>April</b> 24:8 34:8
<b>action</b> 129:13			<b>announcement</b> 77:1 127:13	41:20,21 44:25
133:20,21,22				45:6,19 58:7

LISA MCLEAN - 10/05/2022

Index: A..b

66:19 67:1 78:10,25 83:12 88:20,23 90:14 119:3,25 122:23 123:10 145:18 148:11,12,19 149:9,11 165:5 <b>April's</b> 118:16 <b>archaic</b> 71:5 <b>area</b> 66:1 153:5 156:13 <b>areas</b> 160:5 <b>argued</b> 30:17,19 <b>argument</b> 52:24 156:21 <b>argumentation</b> 52:22 <b>arisen</b> 96:14 <b>arrange</b> 67:2 165:2 <b>arrived</b> 162:8 <b>arriving</b> 168:5 <b>article</b> 9:11 14:15,17 113:6, 18 148:17 149:4 <b>Asian</b> 152:20 <b>asks</b> 92:24 <b>ASL</b> 71:15 <b>aspects</b> 72:7 84:16 116:22 <b>assembling</b> 138:4 <b>assigned</b> 23:20 <b>assist</b> 21:23 22:11 <b>assistant</b> 22:23, 24 23:5,6,8 34:19 36:16 91:22 137:22	168:19,20 <b>assume</b> 6:18 8:6 <b>assumed</b> 107:24 111:3 155:5 <b>assumption</b> 111:3 <b>attachment</b> 85:11 <b>attend</b> 133:13 <b>Attendees</b> 83:14 <b>attention</b> 44:18 47:24 123:7 161:10 <b>attestations</b> 146:17 <b>attitude</b> 22:7 111:7 <b>attorney</b> 7:18 34:19 41:23 43:6 86:12 91:10,22 93:13 115:2,5 146:3,4 168:20 <b>attorney-client</b> 12:1 26:20 92:24 <b>auditors</b> 40:19 <b>Augustine</b> 19:23, 24 29:16,24 31:10,13 46:11 48:3 49:21 83:12 90:14 124:23 126:8 133:18 165:9 <b>automatically</b> 76:6 <b>aware</b> 21:11 49:12 66:24 81:17 88:4 131:12 152:4 158:3 163:18,22	<b>awhile</b> 110:20 <hr/> <b>B</b> <hr/> <b>back</b> 24:18 26:6 32:23 43:7,21 44:21 51:19 52:8 55:6 60:22 64:24 67:14,23 78:1 82:21 86:11 87:14 93:11 100:15 101:13 108:18 109:7,20 110:17,21 118:10,21 119:8 121:17,18 122:5, 9 123:10,17 126:17 135:18 136:4 139:3 148:11 150:4 <b>background</b> 10:6 46:25 86:14 105:11 106:2 107:3 153:9 <b>backup</b> 139:17 <b>bad</b> 106:8 <b>balance</b> 159:5 160:15 <b>balanced</b> 111:9 <b>bargaining</b> 122:11,12 <b>Barreto</b> 28:11,22 29:16,25 30:9 42:9,10 43:18 48:12 51:10,13 52:9,21,25 53:17 62:8,20 72:21 93:15 97:25 101:2,5,20 102:19 103:25	104:8,22,23 105:14 106:6,16, 20 107:25 108:25 109:1,2,3 110:11 111:2,4, 13 112:20 113:1, 3,20,25 114:9 115:1,11,15 125:19 153:17 162:12,17,20 163:19 168:23 169:2 <b>Barreto's</b> 47:19 93:18 100:23 111:4 115:17,21, 25 <b>barriers</b> 160:7, 11 <b>based</b> 6:9 48:9 60:2 154:10 155:20 <b>basic</b> 31:2 <b>basically</b> 17:11 21:14 25:1,16 27:8 32:21,23 34:4 35:20 40:13 43:8 45:14 46:1, 23,25 48:19 49:1,5 51:19 52:16 53:2 58:5 60:4 63:25 68:7 69:5 74:9,20 75:1 76:10 79:9 85:17,20 86:3 89:17 91:5 96:5 102:14 105:11 109:6,20 116:21 120:14 128:23 138:22 139:6,20 140:17 141:6	144:10 148:19 153:17 159:2 <b>basis</b> 66:19 <b>bearing</b> 167:16 <b>beat</b> 55:17 <b>began</b> 77:6 93:14 <b>begin</b> 61:7 <b>beginning</b> 30:8 33:21 146:16 147:3 <b>behalf</b> 126:13 <b>belief</b> 150:6 <b>believes</b> 134:6,9 <b>belligerent</b> 35:17 37:9 <b>belongings</b> 16:5 <b>benefit</b> 105:21 <b>Bennett</b> 23:25 28:1 29:15,24 30:4 31:10,12 32:16 <b>Bennett's</b> 30:21 <b>Benton</b> 145:1 <b>bias</b> 105:17 <b>Biden</b> 53:15 <b>big</b> 20:19 21:25 27:20,23,24 49:5 102:6 122:22 129:8 <b>bigger</b> 99:7 <b>biggest</b> 20:12 <b>Bill</b> 164:16 <b>bio</b> 53:15 <b>bit</b> 15:21 58:3 80:4 86:1 91:2 103:16,19,23 104:6,20 159:25 160:19
--	---	---	---	---

LISA MCLEAN - 10/05/2022

Index: b..C

<b>black</b> 74:24 75:3, 15,16 152:13	<b>break</b> 7:25 54:1, 14 99:15,25 100:1,15,20 151:15	<b>Burnell</b> 103:19	<b>candidates</b> 150:9	23 155:23
<b>blah</b> 40:16 50:19, 20 64:7 74:7,8 78:10	<b>Brennan</b> 151:13	<b>bus</b> 46:2	<b>capable</b> 107:22	<b>center</b> 66:3
<b>blew</b> 123:2	<b>Brian</b> 41:23	<b>button</b> 25:9	<b>capacity</b> 10:10 19:2 168:24	<b>centered</b> 157:14
<b>blocks</b> 25:9,11 61:16,17	42:21 43:4 72:20 81:8 84:6 85:14 90:15 91:17 103:10 108:24	<b>BW</b> 125:15,20 133:23	<b>capitol</b> 67:19,20 68:4,9	<b>chair</b> 14:9 16:13 17:13,20,25 19:14,15,17,22 20:6 21:14 28:14,15,24 29:10 30:12 43:13,16 44:8 48:24 51:8 54:22 55:4,5 58:14 65:6 71:10 89:1 139:23 153:3,11 154:7,23 164:12
<b>board</b> 20:22 21:6,7 96:7 164:10	<b>Brian's</b> 85:21 86:4	<hr/> <b>C</b> <hr/>	<b>capture</b> 88:20 138:22 148:22	<b>chair's</b> 28:15
<b>book</b> 117:8	<b>bring</b> 10:16 123:10	<b>California</b> 37:2 72:23 93:17 98:20,22,25 99:1 105:6 160:2	<b>captured</b> 140:13	<b>chairs</b> 88:1
<b>booked</b> 67:2	<b>broad</b> 144:3	<b>call</b> 6:3 17:11,13, 14 18:13 51:17 66:21 78:24 90:17 91:8 93:5 118:14 119:21 147:16	<b>car</b> 121:12	<b>challenge</b> 9:5 67:12
<b>border</b> 157:23	<b>broken</b> 29:8	<b>called</b> 7:5 58:17 64:3,9 66:17 86:6 87:11 90:16,19 101:12, 18 107:1,5 119:1,8,12 122:4 129:2 142:4	<b>cards</b> 121:14	<b>change</b> 100:13 162:11
<b>bothered</b> 160:6	<b>brought</b> 9:21,24 10:19 18:24 93:15	<b>calling</b> 11:25 18:12 66:25 119:5	<b>care</b> 45:23,24	<b>Changing</b> 160:19 161:18 167:15
<b>bottom</b> 133:24 135:10 159:1	<b>Brunell</b> 51:17 95:9,16 106:10, 13 107:19 108:5, 6,14 109:13,14, 25 110:8,16 111:1,6,13	<b>calls</b> 51:2 52:3 59:3 67:8 69:17 78:22 80:24 91:21 97:12 98:12 148:6 158:18	<b>careful</b> 85:16 89:13	<b>chaos</b> 121:3
<b>boundaries</b> 131:8,10 160:6	<b>Brunell's</b> 95:10 106:12,24 109:11 110:15	<b>campaigns</b> 47:1	<b>cars</b> 121:13	<b>characterize</b> 157:15
<b>BOWEN</b> 5:18,22 82:7 100:7 116:2,10 151:12, 14,21 154:5,16, 22 157:13 158:4 159:7,16 160:25 162:1,22 163:10, 25 165:19 166:6 167:8,14 168:7	<b>Budget</b> 34:2 92:8,9	<b>Campos</b> 39:8 43:1 79:3	<b>Cascades</b> 160:10	<b>charge</b> 24:9,10 77:14 78:2
<b>box</b> 76:3,4,7	<b>building</b> 67:19, 20 68:10,18	<b>Canada</b> 157:22, 23	<b>case</b> 5:13 7:3 9:1, 4,9 10:1 12:11 15:17 16:1,5,11 117:14 118:23 166:12 168:21	<b>chart</b> 138:8
<b>boxes</b> 152:21	<b>bulk</b> 139:7		<b>cases</b> 53:3 104:2 105:4 108:10	<b>charts</b> 25:2
<b>Brady</b> 44:1 83:13 113:13 114:2 128:3,8	<b>bullet</b> 88:25 89:2 125:13 133:22 134:4,12		<b>categories</b> 75:9	<b>chat</b> 81:21 123:24
<b>Brady's</b> 148:22	<b>bunch</b> 70:23 138:3,7 156:16		<b>Caucasian</b> 10:8	<b>cheat</b> 142:10
<b>brain</b> 7:12,16 10:17	<b>Bureau</b> 152:4		<b>caucus</b> 32:24 33:5,7 41:2 42:7 61:9 65:12 113:12	<b>check</b> 97:18,22, 24 98:10 107:4
<b>branding</b> 20:15 33:23 71:7,8			<b>caucuses</b> 60:25	<b>checked</b> 122:5
			<b>caused</b> 149:9	<b>Chehalis</b> 165:11, 17
			<b>ceded</b> 49:16 153:22 166:5,9, 21	
			<b>census</b> 18:20,24 24:10 25:9,11 46:17 61:16 65:23 98:25 99:1 152:1,4,8,10,20,	



LISA MCLEAN - 10/05/2022

Index: c..c

<b>choice</b> 150:9	<b>combined</b> 77:16	84:5 91:23 92:4	12 15:10,12	146:10 147:11
<b>chops</b> 53:8	<b>comment</b> 24:14	93:18 94:5 95:22	16:12 17:3,4	148:3 149:23
<b>Christmas</b> 139:8	49:3 55:10 76:5,	96:11 97:7,10,	18:2,6 20:16	150:6,15 158:5
<b>citizen</b> 150:7,17	7 77:11 78:3,20	17,21 98:18	21:11 25:21 26:8	161:7 162:13,14
<b>city</b> 53:3 104:3	99:18 105:24	104:24 105:7,15	27:15 28:7 32:8,	163:13,19
157:7	111:25 131:7,10	106:22 107:20	17 37:18 38:12,	<b>commissions</b>
<b>Citygate</b> 24:19	<b>comment@</b>	108:7,21 109:2,	17,21 43:11,14,	95:6 98:17 99:9,
25:10,19,21	<b>redistricting.wa.</b>	14 111:8,11	20,23,24 44:5,22	10
26:5,10 32:22	<b>gov</b> 77:23,24	112:7 113:8	48:14 51:15	<b>committee</b> 18:23
61:2 74:6,10,12	<b>comment@</b>	115:12 116:8,25	55:22 56:25	99:1
75:4,12	<b>redistricting.wa.</b>	117:22 118:1	57:19,22 58:19	<b>communicate</b>
<b>claim</b> 131:16	<b>gov.</b> 76:4	124:2,9,15,17,	59:10,15 60:9,16	18:6 37:18,19,
<b>claims</b> 35:22	<b>commentary</b>	20,21 126:14	61:21,23 62:5,15	20,22 38:11
36:5	98:5	132:12,18	63:3,7,19 66:12	39:1,22 40:2,5,
<b>clarification</b> 8:11	<b>commented</b>	134:25 136:10,	67:6,7 68:23	10 43:14 93:12
61:7	136:7	17 137:1,8,14,	69:16,25 70:11,	<b>communicated</b>
<b>clarify</b> 9:19	<b>comments</b> 24:12,	15,19 141:16	13 73:2,5,14,25	39:21,25 41:5
19:22 26:16	15 76:3,16	143:10 145:7,25	75:6 76:7,8,13	42:17
61:10 62:3 63:6	77:16,17 78:7,10	146:20,22	77:8,25 78:14,19	<b>communicating</b>
76:23 162:5,16	79:18,22 89:1	147:10 152:1,7	79:8,19,21 80:22	161:1
<b>clean</b> 83:25	158:6	158:9 160:17	83:1 84:11 86:18	<b>communication</b>
<b>clear</b> 61:12 72:6	<b>commission</b>	161:20 162:3	87:17,24 88:4,16	42:5 43:21
85:21 165:18	13:24 16:11	163:12,18	89:15 90:1,6	165:22
166:9 169:10	17:6,18 19:9	164:10 165:23	106:5,19 108:13	<b>communications</b>
<b>click</b> 123:24	20:6,9 21:1,2	168:24 169:3,5,	111:16,18	12:1,2 22:19,23
152:21	22:7,9,11 23:4	6,7	112:11 113:24,	23:20 33:18 41:8
<b>client</b> 93:7	24:2,20 27:16	<b>commission's</b>	25 115:11,14,24	42:2 70:7 92:1
<b>closer</b> 42:23	32:11 33:19	52:23	117:1 118:2,15	93:5 115:4
65:22	34:7,9,20 35:9,	<b>commissioned</b>	124:22 125:10,	149:24 168:22
<b>Coast</b> 53:11	23 41:15,22	113:3	20,23 126:2,5,9	<b>communicative</b>
<b>code</b> 54:24	42:11 53:22	<b>commissioner</b>	127:1,8,11	40:12
59:19,22 60:1,2	54:16,17 55:12,	39:1,22,23 41:9	129:17,24 130:4,	<b>community</b>
<b>cohesion</b> 89:4,6	21 56:6 57:10,13	42:3 49:21 89:20	11,14,22,23	76:15,24 155:25
<b>Colorado</b> 98:22	59:8,17 63:9,22	109:10 125:16	131:6,14,15,22	156:4
<b>Colville</b> 164:24	65:1 66:7 68:15	134:21 159:14	132:5 133:16,17	<b>company</b> 71:12
165:8	69:12,15 70:1,	160:21 161:6,12	134:8,15,22	<b>compatible</b>
<b>combination</b>	15,18 71:20,23	<b>Commissioner's</b>	135:5,9,12	26:25 27:25
29:21	72:13,24 79:9	125:25	138:8,17 140:17,	<b>competent</b>
	80:8,13 81:16,20	<b>commissioners</b>	21 141:1 142:6,	105:12
	82:14,16 83:10	13:12,23 14:4,6,	10 143:1 144:25	
			145:12,22	

LISA MCLEAN - 10/05/2022

Index: c..c

<b>competing</b> 28:12	49:6	<b>connected</b> 39:11	<b>consultation</b>	<b>conversation</b>
<b>competitiveness</b>	<b>concern</b> 29:13	139:14,19	21:5,9 49:10	6:19 37:13
158:16	47:6,7 49:14	<b>connections</b>	164:11 165:3,7	40:18,24 43:7,9
<b>complaint</b> 12:25	92:23	106:3	<b>consultations</b>	53:18 90:13,21
15:19 36:10	<b>concerned</b> 48:3,	<b>Connie</b> 81:18	21:12 68:21 79:6	101:5,7,21
<b>complete</b> 18:22	11,12	124:1,7 131:3	165:8	104:10 106:14
<b>completed</b> 36:22	<b>concerns</b> 49:11	<b>consensus</b>	<b>consulted</b> 57:18	107:2,5 126:5
128:20	157:15,16	127:15 162:6,7,	<b>consulting</b> 94:7,	149:3 163:5,20,
<b>compliance</b>	<b>concluded</b>	8,9	9,11,14,17,20,23	21 165:12
22:12 47:16 48:4	169:16	<b>consideration</b>	95:1,3,7,16	<b>conversations</b>
56:19 87:23	<b>conclusion</b> 19:20	78:20 79:13,19	100:25 101:3	17:23 27:9 43:1,
88:17 90:7 94:4	59:4 69:18 148:6	<b>Consolidated</b>	106:21 168:23	11 51:22 125:23
97:18,22,23	158:19	142:4	<b>contact</b> 101:18	126:8,25 154:6
98:10,11 103:25	<b>conclusions</b>	<b>constituted</b> 89:9	163:1,12,13,17	157:14 165:10
104:24 108:7	159:22	<b>constitutes</b> 89:7	165:2	<b>convincing</b>
126:15 132:13	<b>conditions</b> 7:15	<b>constitution</b>	<b>contacted</b> 21:1,	156:21,25
133:25 135:11	<b>conduct</b> 54:18	158:15	11 42:9 100:24	<b>coordination</b>
151:2	57:9,13 59:17,	<b>consult</b> 110:20	108:23,25	160:20
<b>compliant</b> 47:22	19,22 60:1,2	126:14 146:9	<b>contacts</b> 18:25	<b>coordinator</b>
<b>complicated</b> 8:11	97:8,11 115:16	<b>consultancy</b>	<b>content</b> 149:11	18:22 22:20 27:7
38:8 85:22	<b>conducting</b>	42:16	<b>contentious</b>	31:16
116:15	107:19	<b>consultant</b> 22:2,	156:13	<b>Corbell</b> 94:9
<b>complication</b>	<b>conference</b>	4,5 42:16 43:12,	<b>contents</b> 17:23	<b>correct</b> 6:21
33:3	160:22	15,17,22 51:9	<b>continue</b> 30:25	19:10 20:21
<b>complied</b> 57:2	<b>conflict</b> 102:8	52:10,23,25	73:21 163:12,13	30:20,23 49:23
97:19 143:20	<b>conflicted</b> 53:19,	87:12 88:2	<b>Continuing</b>	57:4 59:10 75:7,
<b>complies</b> 134:6,	22 102:10	90:20,25 91:12,	54:11 100:18	12,20 80:15
10	168:25 169:4	15 92:5,14,21	<b>contract</b> 25:18	81:12 86:7 88:22
<b>comply</b> 73:12	<b>conflicting</b>	95:23 96:1,2,3,	74:7	100:25 109:4,15
116:16 145:7	102:11	11,18,21,24 97:8	<b>contracted</b> 75:10	113:1 115:22
150:14 167:22	<b>confused</b> 137:24	101:23,24	<b>contracts</b> 25:18	116:1 117:6
<b>components</b>	<b>confusing</b> 86:1	102:23 103:12	<b>contradictory</b>	141:3 152:2
103:15	<b>confusingly</b>	106:14 107:23	159:25 160:1	153:5 154:25
<b>composed</b>	143:16	108:15,19,25	<b>contributed</b> 37:4	158:12 164:7
162:25	<b>congressional</b>	109:15,22,24	<b>control</b> 10:22	167:23
<b>composite</b> 31:7,9	50:9 60:21 65:11	110:7 111:25	46:3,6 140:23	<b>correctional</b>
46:23 77:7	73:23 78:5,6	116:20 126:13	<b>controversial</b>	74:23
<b>computers</b> 38:5	112:14 126:23	<b>consultants</b>	53:14	<b>correctly</b> 113:5
<b>concentration</b>	128:12,14 157:5	21:23 22:8,10		142:24 144:8
		94:4 99:10		164:13

LISA MCLEAN - 10/05/2022

Index: c..d

<b>corrupted</b> 33:6 <b>cost</b> 92:17 <b>council</b> 53:4 58:18 167:9 <b>councils</b> 21:13 164:22 <b>counsel</b> 11:8,9, 12,22 12:3,24 21:10 42:7,8 92:22 93:6,10 <b>counsels</b> 72:6 86:9 93:13 <b>count</b> 18:22 <b>counter</b> 30:7 98:3 <b>countering</b> 14:23 <b>county</b> 32:14 53:4 75:1,2 104:3 123:4 <b>couple</b> 54:24 58:2 119:18 136:2 155:3 <b>courses</b> 72:4 146:8,11 <b>court</b> 6:25 8:15, 20 9:14 33:11 <b>courtesy</b> 58:3 61:22 128:18 <b>cover</b> 38:3 <b>cracking</b> 84:18 85:24 168:2,5 <b>Craig</b> 164:16 <b>create</b> 162:7 <b>creating</b> 143:20 <b>criteria</b> 80:10,14, 21 90:7 158:9,22 <b>cross</b> 160:10 <b>Crosscut</b> 113:7 148:17 149:6	<b>crunching</b> 46:24 107:14 <b>curious</b> 153:22 159:14 <b>current</b> 156:3 <b>custody</b> 20:19 24:4,9 27:2,4,11 40:9 74:9 75:17 98:21 <b>cut</b> 136:13 <b>CV</b> 95:13 106:12,24 109:11 110:15 <b>cycle</b> 18:16 67:6 70:12 130:2	<b>date</b> 24:6 62:12 138:13,14,15 140:5 144:2 <b>dates</b> 60:19 138:24 <b>Dave's</b> 25:23,24 26:4,9 27:1,4,10, 15 <b>Davis</b> 39:5 41:13 <b>day</b> 35:19 71:10 72:1,2 110:15,16 113:18 117:13, 17,19 147:17 160:1 167:16 <b>days</b> 138:2 155:3 <b>dead</b> 55:18 108:21 110:4,7 <b>deadline</b> 30:11 40:11 42:23 46:2 55:21,25 58:22, 25 59:1,2,5 61:12,25 67:18 70:19,20 122:6 126:22 <b>deal</b> 27:20,23,24 122:24 123:2 <b>dealing</b> 155:22 <b>Dear</b> 128:19 <b>debate</b> 9:16 31:5 48:20 50:4 154:21 155:11 <b>decide</b> 73:2 125:21 168:4 <b>decided</b> 35:18 65:2 164:12 <b>decision</b> 45:25 46:5 48:14 49:18 73:1,2,7,10,11, 12,13 74:4	114:19 121:15 127:12 <b>decision-maker</b> 20:5,7 <b>decision-making</b> 63:3,4 <b>decisions</b> 56:17 63:9,10,16 73:6 75:19 <b>deeper</b> 93:23 153:18 <b>deeply</b> 47:9 <b>defendants</b> 100:8 <b>define</b> 17:1 <b>defined</b> 80:11,18, 21 <b>defines</b> 152:5 <b>delete</b> 147:24 <b>deleted</b> 145:12, 18 147:25 148:13,25 149:12 <b>deliver</b> 44:2,3 62:25 <b>dem</b> 46:18 69:3 <b>demand</b> 49:12 <b>democrat</b> 31:4 39:8 47:7 48:22 50:6,24 53:21 155:5 <b>democratic</b> 42:1, 8 113:11 155:16 162:12 <b>democrats</b> 14:18 25:25 26:1 39:5, 7 42:21 50:15 53:16 62:9,10,21 65:13 111:9 113:2 154:11,18	158:17 162:18 163:23 <b>demographic</b> 10:5 29:2,4,5 46:17 <b>demographically</b> 75:20 <b>demographics</b> 153:4 155:19 <b>demonstrate</b> 89:4 <b>dems</b> 29:1 30:22 153:12 <b>depended</b> 37:19 143:23 147:12 <b>depending</b> 38:23 40:3 <b>deposed</b> 6:13 11:3 <b>deposition</b> 6:8,9, 16 10:14 11:1,7, 10,13,16 72:9 100:21 151:22 169:16 <b>describe</b> 117:3 <b>description</b> 107:21 <b>desk</b> 98:7 <b>desktop</b> 82:5 <b>details</b> 110:2 <b>determine</b> 85:7 <b>determines</b> 7:3 <b>determining</b> 89:5 <b>develop</b> 64:23 <b>developed</b> 64:22 103:2 105:8 <b>developing</b> 23:11
--	---	---	--	--

LISA MCLEAN - 10/05/2022

Index: d..e

<b>development</b> 33:22	155:1 157:6 165:16	73:23,24 78:6,7 80:10,15 85:8 86:20 90:2,9 97:19,24 98:10 112:7,18 116:8 122:12,14 123:3 127:2,5,9,12 129:18,19,21,25 130:1,4,12,16,23 131:7,11,14,15, 17 132:4,14 150:9,16 156:1, 2,3,18 166:22,25 167:2,6,7	<b>door</b> 165:14 <b>downloaded</b> 82:15 113:18 132:19 <b>downloading</b> 113:6 <b>downsize</b> 35:13 <b>downsized</b> 36:13, 18 <b>downsizing</b> 35:15 <b>draft</b> 60:16,19 62:18 76:14 78:11 97:25 112:10,12 <b>drafted</b> 142:16 <b>drafting</b> 28:1 80:22 <b>draw</b> 25:22 26:9 47:21 75:6 150:16 <b>drawing</b> 27:16 78:20 153:19 158:17 <b>drawn</b> 46:6 73:24 150:6 156:19 157:1 <b>driven</b> 158:11 <b>driving</b> 118:23 <b>drop</b> 76:9,12 81:20 <b>dude</b> 120:14 <b>dug</b> 153:17 <b>duties</b> 20:8 23:9 33:19	23 37:20 52:19, 20 65:18,19 76:3 79:1 95:11 113:17 119:23 138:16,18 140:18 144:24 163:20 165:11 <b>e-mailed</b> 13:20 95:13 101:12 <b>e-mails</b> 37:23 44:6,8,10 45:2,8, 12 46:10 76:16 138:14 140:14, 22 142:21 144:1 145:19 <b>earlier</b> 123:17 150:21 153:1,2 154:23 164:1 167:21 <b>early</b> 21:25 39:11 41:12 66:17,18 123:18 <b>ease</b> 142:20 <b>easier</b> 37:3 38:9 116:6,16 161:16 <b>easiest</b> 38:9 <b>East</b> 53:11 <b>edited</b> 83:5 <b>edits</b> 136:2 <b>education</b> 21:8 58:13 72:19 164:14,15 <b>effort</b> 20:13 <b>elect</b> 150:9 <b>election</b> 31:6,7 46:20,22 103:21 107:12 120:16, 17 <b>elections</b> 31:8,9
<b>development</b> 33:22	<b>discussed</b> 17:25 18:1 31:19 55:12,17 57:19, 20 59:23 60:5 84:1,4,14,15 101:22 103:6 114:15 153:15 <b>discussing</b> 18:2 44:22 51:23 102:3 125:10 <b>discussion</b> 6:20 13:9,22 14:4,21, 24 15:15 18:7,8 21:16,25 28:10 30:15 46:8 48:12 49:19 50:4,20,21 56:5,14 61:6 81:24 82:8 83:19 93:8 125:6,14, 21,24 126:1 134:3,10,12 151:1 <b>discussions</b> 34:19,21 45:22 48:9,24 97:1 98:20 153:3 154:2,10,15 155:8 157:10 <b>displeasure</b> 106:6,15 <b>dispute</b> 133:9 <b>district</b> 13:24 16:19 23:23 25:11,12 28:2 29:25 38:16 45:10 49:13,14 50:9 61:24 62:6, 16 65:14 66:1	<b>districts</b> 15:13 31:2 60:9 61:16 131:23 156:18 158:17 <b>divided</b> 65:5,6 <b>document</b> 29:20 61:20,21 82:10, 17,19 85:4 124:11,13 127:21,23,25 128:1,24,25 129:1,5,9 132:23 133:2,3,6 135:13 142:4,7,8 143:9 146:23,25 147:12,15 148:1 <b>documents</b> 10:19,22 12:8, 11,18 15:17 16:4 32:5,7 127:21 128:2,7,9,15 129:5 145:24 147:9 148:2 149:14,17,18 <b>Dominique</b> 39:6	<b>E</b>	
<b>development</b> 33:22			<b>e-mail</b> 6:7 12:20,	



LISA MCLEAN - 10/05/2022

Index: e..f

<p>47:1  <b>electoral</b> 159:5  <b>electronic</b> 77:17  <b>electronically</b> 128:5  <b>Emma</b> 86:8  <b>employed</b> 19:12, 13 34:6  <b>employees</b> 98:9  <b>enable</b> 73:4  <b>end</b> 24:18 30:9 35:12,20 36:6 65:2,22 72:9 100:9 101:2 147:17 159:25 160:20 169:8  <b>ended</b> 37:12 51:9 142:13  <b>ends</b> 169:7  <b>engaged</b> 161:20  <b>Engstrom</b> 94:13  <b>enjoyed</b> 71:8  <b>ensure</b> 38:5 71:22  <b>enter</b> 144:17  <b>entire</b> 111:8  <b>entities</b> 23:13,15  <b>ergo</b> 116:25  <b>Esri</b> 25:17,18 74:7 75:10  <b>establish</b> 164:9  <b>established</b> 54:22 63:16 64:5  <b>ethnic</b> 75:9 105:10  <b>ethnically</b> 75:12  <b>ethnicity</b> 29:6,7 103:3 152:11,12</p>	<p><b>evaluate</b> 28:6 32:16  <b>Evan</b> 39:10,18  <b>evening</b> 15:7 120:6  <b>event</b> 30:13,15 154:3  <b>Eventually</b> 121:9  <b>evergreen</b> 93:23  <b>evidence</b> 85:8  <b>exact</b> 58:14  <b>examples</b> 89:9  <b>Excel</b> 29:20 77:15 140:3  <b>exception</b> 14:9  <b>execute</b> 144:13  <b>executive</b> 10:18 16:10 18:18 19:9 20:1,8 22:17,24 23:7 36:16 70:17 137:22  <b>exhibit</b> 81:22 82:13 90:11 123:23 124:3,8 126:17 132:17, 20 136:9 141:22 167:17  <b>exist</b> 149:8  <b>existed</b> 130:10  <b>expecting</b> 40:16  <b>experience</b> 19:5  <b>expert</b> 85:14 86:6,17,18 102:12 105:4 115:16 116:9  <b>expertise</b> 104:23 105:2 108:6  <b>experts</b> 94:3</p>	<p><b>explain</b> 63:24 85:7 145:23 149:8 166:4 168:4  <b>explained</b> 85:1 89:4 134:8 146:6 153:21  <b>explaining</b> 167:19  <b>explanation</b> 85:21  <b>exploring</b> 42:16  <b>exposed</b> 13:11 36:8  <b>express</b> 150:5,14, 23  <b>expressed</b> 106:20  <b>extend</b> 119:15  <b>extent</b> 11:25 12:3 19:19 33:2 34:18,21 91:21 93:5 115:3  <b>extra</b> 65:11  <b>extremely</b> 168:6</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>Facebook</b> 33:24 34:5  <b>facilitate</b> 63:2,4  <b>facilities</b> 75:17  <b>facility</b> 74:23  <b>facing</b> 135:5  <b>fact</b> 14:25 26:4, 25 35:13 38:4 49:6 53:14 55:9 56:3 66:24 71:17 74:7,21 79:10 87:14 105:18</p>	<p>119:17 121:19 132:3 145:17 155:6 156:17 162:8  <b>factors</b> 160:15  <b>factual</b> 168:6  <b>failure</b> 122:13  <b>Fain</b> 44:16 78:9 79:3 83:12 88:22,23 89:2 124:23 125:22 133:18 134:3,4  <b>fair</b> 8:7,8 19:8 44:4 78:13 86:5 166:19  <b>fairly</b> 161:12  <b>familiar</b> 82:19 124:11 133:12  <b>farmers</b> 155:15  <b>farther</b> 111:5,6  <b>fascinating</b> 156:15  <b>fast</b> 8:24  <b>favor</b> 134:5  <b>favorable</b> 26:1  <b>federal</b> 41:9,16 48:4 51:6,7 52:13,23 53:1 56:14,19 57:3 58:11 66:20,22 72:14,15 73:12 81:11 83:23 84:1,4,12,13,15 85:15 86:19,25 87:18,23 88:5 90:8 102:22 116:17,22 117:18 119:3,7, 16 121:13,22</p>	<p>133:25 135:11  <b>fee</b> 103:17  <b>feed</b> 33:23  <b>feedback</b> 75:25  <b>feel</b> 142:20  <b>feelings</b> 19:1  <b>felt</b> 20:10,11 22:2 36:8 37:2,6 53:7 86:16 103:13,14 161:17 166:10, 23  <b>figure</b> 47:25 92:9 99:14 105:8  <b>figured</b> 10:16  <b>file</b> 27:11 33:11 64:5 78:4 79:16 147:23  <b>filed</b> 12:11 16:12 63:25 136:22 137:13 146:17  <b>files</b> 32:8 147:23  <b>filings</b> 12:14,16  <b>filled</b> 18:24  <b>final</b> 20:4,7 33:10 81:19 82:13 118:3 124:1,8 125:21 126:22 127:1,4 130:1,5,11,16,22 131:6,11,13,23 132:4,13,18 134:6,9 150:5  <b>finalized</b> 124:17 127:7,8,12  <b>finalizing</b> 45:14 55:21 164:10  <b>finally</b> 55:18  <b>find</b> 9:15 66:18 88:3 101:11</p>
--	---	--	---	---

LISA MCLEAN - 10/05/2022

Index: f..g

110:13 111:24 119:2,6,14,16 144:15,16 147:18 149:9 <b>finding</b> 72:21 97:4 <b>findings</b> 115:22, 25 <b>fine</b> 62:14 99:17 100:4,5,7 112:5 143:16 151:17 <b>finished</b> 12:13 35:12 87:11 90:17 163:5 <b>fire</b> 19:24 <b>fired</b> 34:9 35:8 <b>five-day</b> 139:2 <b>five-minute</b> 53:25 151:15 <b>fix</b> 24:16 <b>fixes</b> 25:16 <b>flexible</b> 151:8 <b>flies</b> 105:21 <b>fly</b> 46:7 105:23 <b>flying</b> 53:11 <b>focus</b> 46:7 49:22 <b>focused</b> 45:13 87:20 132:8 <b>foldout</b> 71:3 <b>folks</b> 99:16 <b>follow</b> 72:13 89:6 <b>follow-up</b> 85:25 <b>forget</b> 159:20 164:25 <b>forgetting</b> 17:5 <b>form</b> 10:24 13:1 15:20 16:20 22:14 26:11 27:17 28:3,8	29:15,17,18 30:1 32:18 34:10,14 35:25 38:13,18 40:7 46:14 47:17 48:5 49:24 51:2 52:3 54:20 56:21 57:5,14 59:11,18 63:11 66:14 69:9 70:2 71:24 76:19 80:1,16,23 81:5 86:22 88:8 90:4 92:6 96:12 109:16 112:9,22 114:1 115:18 116:2,3,10 122:15 129:3 130:7,18,24 131:18,25 132:7 134:18 135:15 136:20 137:3,10 141:4,18,19 143:6,12,22 145:9,15 146:13 147:1 149:20 150:1,10,18 153:6 154:13,19 156:5 157:17 158:20 159:10, 11,12 160:23 161:20,22 163:3 164:8 165:25 166:1 167:3,11 <b>formal</b> 17:10,14, 18 59:7,16 60:8 66:9,10 147:6 <b>formally</b> 16:24 57:8 95:25 <b>format</b> 77:15 78:4 <b>Formulate</b>	116:14 <b>formulated</b> 15:14 <b>Forsman</b> 164:22 <b>forward</b> 55:5 95:12 125:20 <b>forwarded</b> 44:14 45:4 76:6,7 95:14 113:15 114:13 119:23 <b>found</b> 71:12 84:8 104:8 119:7 122:18,19,20,21 163:8 <b>foundation</b> 88:7 145:16 146:14 156:6 162:15 163:15 167:12 <b>frame</b> 34:6 <b>Franklin</b> 32:14 145:1 <b>free</b> 117:17 <b>frequently</b> 40:3 <b>Friday</b> 55:22,24 117:24 118:3 123:8,9 <b>Fridays</b> 31:17 <b>front</b> 82:11 85:4 132:23 <b>fulfill</b> 87:16 <b>fulfilling</b> 98:5 <b>full</b> 5:15 84:8 125:19 <b>full-time</b> 114:11 161:8 <b>fully</b> 26:25 27:25 <b>function</b> 7:16 <b>functions</b> 7:13	<hr/> <b>G</b> <hr/> <b>Garza</b> 23:3 82:22 <b>Garza's</b> 82:22 <b>gathering</b> 20:20 <b>gave</b> 39:12 55:9, 20 58:2 84:13,14 87:8 139:18 167:22 <b>gears</b> 153:1 158:9 160:19 161:18 162:11 167:15 <b>general</b> 43:6 165:1 166:3 168:20 <b>General's</b> 41:23 86:12 91:11 93:13 115:2,5 146:3,4 <b>generally</b> 22:7 161:5 <b>generals</b> 34:20 91:22 <b>geographic</b> 160:6 <b>geographical</b> 160:11 <b>George</b> 94:9 <b>Giberson</b> 94:11 <b>Gingles</b> 84:20, 21,24 85:2,4,6,8 87:1 <b>GIS</b> 22:5,24 24:1,3 27:9 46:15 120:14 <b>give</b> 7:7 44:21,22 60:22 73:9 74:3,	14,15 75:24 78:17 87:4 119:21 141:3 161:11 167:21 <b>giving</b> 6:23 11:22 82:25 89:22 111:8 119:10 <b>gleaned</b> 152:7 <b>goal</b> 72:12 139:6 <b>goals</b> 56:6 70:17 <b>good</b> 5:12 43:22 51:12 58:11 86:17 99:4,14,16 100:1 118:2 152:20,24 157:3 <b>Google</b> 107:4 <b>govern</b> 54:25 <b>governed</b> 81:15 <b>government</b> 23:15 98:9 <b>governmental</b> 23:13 <b>governor's</b> 120:16 164:16 <b>governs</b> 60:2 <b>Graves</b> 43:5,10 47:11 83:12 88:23 95:13,15 106:15 109:3,5, 8,10 122:22,23 124:23 128:6 133:18 134:7,14 139:24 165:6 <b>great</b> 8:14 54:7 71:14,17 140:7 142:19 152:22 <b>Grose</b> 39:9 43:2, 9 <b>ground</b> 6:15
--	---	---	--	--

LISA MCLEAN - 10/05/2022

Index: g..i

<b>grouped</b> 144:8	40:18 48:15	12	<b>holiday</b> 117:18	166:1 167:4,12
<b>guess</b> 9:20 13:5	87:21 99:11	<b>hire</b> 20:1,11	<b>home</b> 121:24	168:15,18,19
15:2,6 16:22	112:6 122:25	21:23 43:17,22	<b>honestly</b> 45:13	169:12
17:5 18:7 40:12	129:16 149:4	51:12,20 52:22,	156:7 157:18	<b>huh-uh</b> 19:7
44:25 54:21	163:24	24 53:21 91:12,	<b>honesty</b> 72:15	70:16
55:6,8 57:16	<b>happening</b> 44:9	15 92:4,13,20	<b>Honeyford</b> 156:9	<b>hybrid</b> 68:12
103:9 128:13	65:17 67:15	97:7,10,18	<b>honored</b> 79:12	
136:6 147:5	117:7 127:1,5	101:25 109:12,	164:7 165:22	<b>I</b>
156:1,13 166:3	155:18	15,23 110:18	<b>hope</b> 164:5	
167:18 169:7	<b>happy</b> 162:9	115:12 116:9,17,	<b>horizontally</b>	<b>Idaho</b> 157:23
<b>guessing</b> 35:3	166:24 167:10	20	156:19 157:2	<b>idea</b> 51:12,21
<b>guidelines</b> 54:17	<b>hard</b> 142:20	<b>hired</b> 18:18	<b>horse</b> 55:18	58:10,11 67:10
<b>guideposts</b> 89:6	145:5	19:13,14 20:4	<b>hostile</b> 37:11	74:22 85:20 87:4
167:22,25	<b>hardest</b> 153:13	22:3,4 24:5	<b>hotel</b> 118:24	106:6,8,15 116:4
<b>gun</b> 129:10	<b>head</b> 105:17	39:16 53:18	121:7	163:24
<b>guy</b> 39:10 46:15	107:18 150:21	58:5,6 71:10	<b>hotels</b> 119:5,6	<b>ideas</b> 58:2 99:4
86:11 93:19	164:4,16	80:8 97:21	<b>hour</b> 11:19	157:3
105:21 120:13	<b>hear</b> 7:19 14:2	126:13 163:7	107:17	<b>identification</b>
138:23 146:4	50:3,11 91:6	169:5	<b>hours</b> 64:9 67:17	81:23 124:4
164:24	156:13 161:24	<b>hiring</b> 20:5 43:12	99:23 110:17	132:21
<b>guys</b> 118:17	166:14,18	50:24 96:7,10,	<b>house</b> 26:1,2	<b>identifies</b> 74:24
120:6,7 151:14	<b>heard</b> 42:10,12	23,24 99:10	39:4,5,9,13 42:1,	<b>identify</b> 61:19
	49:10 88:10	102:7,22 106:6,	20 62:9 65:15	103:3 105:10
<b>H</b>	104:12 107:18	15 108:14,19,24	<b>HR</b> 35:18 37:13,	<b>imagine</b> 165:14
	108:20 120:24,	109:21 111:1,12	14	<b>immediately</b>
<b>half</b> 99:23	25 121:1 157:11	116:19	<b>huge</b> 18:25 78:4	7:24
<b>Hall</b> 42:7	<b>hearings</b> 75:24	<b>Hispanic</b> 48:18,	<b>Hughes</b> 19:18	<b>impact</b> 153:24
<b>handbook</b> 57:8,	76:25	21 49:7,13 50:5	57:15 60:12	<b>impair</b> 7:12,15
12 59:8	<b>held</b> 68:12 81:3	152:5,10,13,15,	69:17 73:16,18	<b>implement</b>
<b>handle</b> 29:11	<b>helped</b> 23:16	18,19,20 155:12,	80:24 83:21 88:7	164:13
137:25	64:23 77:14	18 156:4	97:12 98:12	<b>implied</b> 69:2
<b>handled</b> 35:23	<b>helpful</b> 154:7	<b>Hispanics</b> 50:19	100:12 132:7	<b>implies</b> 69:2,3
36:8 137:19	<b>helping</b> 123:14	154:10,17,24	135:7,14 136:20	99:18
<b>handling</b> 33:20	<b>Hey</b> 17:12	155:4,22 158:1	137:3,10 141:4,	<b>importance</b> 6:20
34:1 36:22,23	114:12	<b>history</b> 136:5	18 145:16	<b>important</b> 8:18
<b>Hanley</b> 94:22	<b>hierarchal</b> 160:9	<b>hit</b> 25:9	146:13 148:4,6	9:2,4,9 61:15
<b>happen</b> 40:14,15	<b>hierarchy</b> 160:3,	<b>Hobbs</b> 123:1,2	151:13,17 156:6	63:15 115:21,25
55:23,24 77:5	15	<b>hold</b> 82:5 132:25	158:18 161:23	126:20 157:22
<b>happened</b> 39:19	<b>highways</b> 53:9,	147:15,16,25	162:15 163:3,15	166:10,14,17

LISA MCLEAN - 10/05/2022

Index: i..k

<b>imposed</b> 59:1 <b>impression</b> 79:12 89:18 91:3 <b>include</b> 22:10 44:5 <b>included</b> 29:2 30:22 36:10 45:9 126:25 <b>inclusive</b> 70:20 71:9 <b>independent</b> 95:5 <b>Indian</b> 164:17 <b>indirect</b> 18:5,10 <b>individually</b> 68:22 125:16 136:2 <b>inform</b> 47:8 89:25 154:3 <b>informal</b> 6:18,19 57:12 154:6 <b>information</b> 20:21 34:23 39:12,14,17,19 44:2 46:11,17 47:12 52:1 61:9 88:10 89:22,23 92:25 95:10,11 107:10 108:17 116:24 138:10, 11 <b>informed</b> 14:1 15:10 35:14 36:14 <b>injunction</b> 15:25 <b>Inn</b> 119:8 <b>innovation</b> 152:22 <b>input</b> 75:22,23	76:15,24 111:19 <b>inputs</b> 78:14 <b>insight</b> 27:12 <b>insistent</b> 149:6 <b>instance</b> 21:5 32:1 74:6 78:25 155:13 157:6 <b>instruct</b> 12:1 26:19 34:22 115:8 <b>instructed</b> 21:15 <b>instructions</b> 62:21 <b>intellectual</b> 154:2 <b>intention</b> 118:6 <b>interest</b> 40:9 79:15 115:14 157:20 158:2 160:5,13 <b>interested</b> 46:8 58:19 <b>interesting</b> 9:11, 13,15 50:11 79:23 87:9 113:21,22 158:2 160:14 <b>interests</b> 156:23 <b>internet</b> 76:17 142:22 <b>interrupt</b> 5:18,24 26:21 <b>intervene</b> 17:8, 19 <b>intervening</b> 18:10 <b>intervenor</b> 100:8 <b>interviewed</b> 19:15	<b>intimidate</b> 37:12 <b>introduce</b> 61:23 62:5 81:18 132:16 141:22 <b>introduced</b> 39:15,16 60:10 <b>inundated</b> 35:11 <b>involved</b> 18:17 21:9 23:22 25:17 28:1 43:9 49:18 53:2 60:24 70:22 104:3 105:3 151:1 <b>involvement</b> 18:15 164:2 <b>Island</b> 165:12 <b>issue</b> 9:10 13:9, 10,11,13 14:11 26:8 40:3,9 85:22 93:1 96:13 105:12 122:14 158:12 <b>issued</b> 14:22 <b>issues</b> 9:1,4,8,11, 15 17:4 23:10 40:5 48:17 49:17 86:16 155:7 156:25 <b>items</b> 83:19 129:13	<b>job</b> 12:13 13:3,4 19:16 24:3 27:7 37:7 45:15 56:23 58:21 71:17 73:8 74:1,2 75:18 77:13 87:15 91:7 95:21,25 107:21 111:16,22 112:2 114:11 138:17 145:5 158:24 <b>jobs</b> 82:22 96:3 <b>Joe</b> 44:16,20,23 45:7,19 78:9 79:3 83:12 88:21,22,23 89:2 119:24 125:22 <b>John</b> 94:19 <b>join</b> 157:8 <b>joining</b> 58:19 <b>judge</b> 6:24 7:3 <b>June</b> 24:6 64:19 83:7 164:19 <b>junk</b> 147:19,22 <b>jurisdiction</b> 56:16 <b>Justin</b> 23:25 24:16,23 27:9 28:1,14 29:10, 15,24 30:4 31:15 33:12 44:14,15 45:4,18 46:9,12, 15,23 47:15 60:23 65:24 74:18 96:7 119:19 120:4,5, 13 121:11,12,17, 23 <b>Justin's</b> 30:21	<hr/> <b>K</b> <hr/> <b>keeper</b> 92:8 <b>key</b> 153:12 <b>kind</b> 15:14 23:19 30:7 55:13,17 56:3 64:12 65:2 71:6 78:4 79:5 99:18 101:22 103:2,13,14,15 104:17 105:20 107:13 113:9 116:15 118:19, 21 120:10,15,19 121:1 122:2 127:18 137:24 138:4 139:15 144:3 147:4 153:1,3 154:6 158:2 159:17,19 160:13 <b>kinds</b> 105:22 156:24 <b>King</b> 75:1,2 123:4 <b>knew</b> 13:10 14:3 26:25 41:1 49:3, 17 72:17 87:17, 25 92:14,15 93:21 103:5,12, 13 120:6 <b>knowing</b> 53:9 <b>knowledge</b> 14:7 25:22 27:14 28:7 35:22 36:5 48:3 60:1,8 63:2,18 66:11 67:5 69:14,24 80:9, 17,20 81:4 89:24
---	---	---	---	---



LISA MCLEAN - 10/05/2022

Index: k..M

90:10 91:10 97:17,23 98:2,14 106:5,13 112:17, 21,23 113:24 115:15,19,24 126:12 130:8 132:12,15 134:16 136:10, 16,25 137:8 143:7 145:6,10, 23 146:20,22 149:16,21 153:9 154:9 156:2 158:5 160:16,18 167:5,9 <b>knowledgeable</b> 47:2 53:1 <b>Kousser</b> 94:16	<b>Latinos</b> 50:24 51:24 150:8 <b>law</b> 20:18 23:12 25:3 54:22,23 56:2,7,9 57:3 63:12,16,23 69:5,8 71:23 72:1,3,7 73:23 75:8,20 80:12, 18,21 126:24 158:11,14 162:6 <b>lawmakers</b> 160:9 <b>laws</b> 56:9 72:8 <b>lawsuit</b> 9:20,21, 24 10:9,12 12:15,17 13:23 14:2,7,10,11 16:18 17:8,12,13 18:10 36:12 <b>lawsuits</b> 136:22 137:13 147:14 <b>lawyer</b> 54:13 63:24 100:21 159:22 <b>lawyers</b> 7:2 <b>lay</b> 6:15 65:19 <b>lead</b> 161:11 <b>leaders</b> 128:19 164:21 <b>leading</b> 77:14 <b>lean</b> 31:3 <b>leaned</b> 111:5 <b>leans</b> 111:6 <b>learned</b> 56:15 72:16,24 <b>learning</b> 157:19 <b>leave</b> 86:2,3 139:9	<b>leaving</b> 119:13 <b>left</b> 73:13 99:23 111:5 <b>legal</b> 19:19 58:25 59:3,5 61:8 69:17 81:3,6,14 86:18 148:6 158:18 159:22 <b>legalese</b> 85:18 <b>legislative</b> 13:24 16:19 19:16 23:23 28:1 29:25 32:24 33:5,7 38:16 45:10 60:9,21 61:24 62:5,16 65:15 66:4 73:23 80:10,14 86:20 90:2,8 97:19,24 98:10 112:7,14, 18 116:7 122:11, 14 123:12 126:23 127:2,5, 9,12 128:14,19 129:18,19,21,25 130:1,4,12,16,23 131:7,11,13,15 132:4,13 166:25 167:6 <b>legislature</b> 25:8 33:2 41:4 56:24 60:3 61:11 68:5 126:23 130:6,17 132:9 138:21 139:15,17 140:3 <b>legislature's</b> 140:14 <b>letter</b> 38:3 61:14, 22 127:16 128:18,21	<b>letters</b> 77:20,21 <b>level</b> 104:3 <b>limit</b> 22:1 149:24 <b>lined</b> 46:4 51:9 <b>lines</b> 47:21 <b>lining</b> 21:8 <b>link</b> 77:2,4 <b>Lisa</b> 5:5,17 6:3,5 9:1,25 10:14 54:13,16 68:25 75:25 80:3 81:8 82:10,17 90:13 94:22 100:20,23 111:1,11 124:11 125:4 132:23 133:19 142:7 148:11 151:6,22 168:7,19 <b>list</b> 20:25 23:11 25:5,6,10 61:16 77:10 113:10,16 <b>listed</b> 83:14 <b>listing</b> 95:25 <b>litigation</b> 16:8,12 17:24 147:16,25 168:25 <b>lived</b> 105:25 <b>lives</b> 50:2 161:16 <b>long</b> 11:18 26:13 111:14 147:9 167:16 <b>longer</b> 35:15 <b>looked</b> 32:9 68:6, 7,18 98:19 <b>lot</b> 15:8 33:21,22 40:17 41:11 50:15,16 100:23 102:5 103:8 105:7 139:17	144:18 147:6,22 156:20 157:5,9 166:12 <b>lots</b> 51:20 <b>loyalty</b> 169:6 <b>lunch</b> 99:15 100:3 <hr/> <b>M</b> <hr/> <b>made</b> 17:7 27:13, 14 28:11,17 31:18 35:22 41:24,25 43:4 54:17 55:4 59:22,24 61:11 63:9,10 65:5,18 71:8 72:2,3 74:7 84:6 104:18 111:3 112:10 114:3,22 120:19, 21 121:16 127:13 129:7 133:23 138:7 142:15,17 153:11 156:21 162:12,21 164:17 169:10 <b>magic</b> 89:5 <b>mail</b> 77:20,21 <b>mailing</b> 113:10, 16 <b>main</b> 56:13 128:22 129:11 <b>major</b> 15:15 53:20 <b>majority</b> 49:13 150:7,17 <b>Makah</b> 165:14
---	---	---	---	---

LISA MCLEAN - 10/05/2022

Index: m..M

<b>make</b> 8:10,18 14:3 18:23 24:18 25:14,19 27:1,4 30:12 32:22 39:4 41:13,15 47:21 55:10 60:25 65:20 70:20 71:7 72:6 73:5,6,7,8,9 74:2,3 75:11,18 77:10 78:17 87:16 105:4 123:14 144:10 155:7 160:9 161:16 165:17 166:9 <b>maker</b> 120:14 <b>makes</b> 47:13 49:20 56:7 63:16 156:20 158:22 159:3 <b>makeup</b> 15:9 28:25 <b>making</b> 20:21,25 21:2,10 23:12 24:11,23 26:17 27:10 33:14,15 45:18 46:3 71:1 75:19 87:20 114:23 123:13 138:6 <b>managed</b> 70:25 <b>map</b> 9:6,7 27:16 28:6 29:20 32:16,21,24,25 33:1,4,5,8,10,14, 15 46:4 47:15 55:21 60:24 61:1,17,24 62:10,11 65:16, 25 66:4 71:3	73:7,23,24 76:9 80:10,15 86:21 90:2,9 98:10 112:12 116:8 118:2,3 120:14 122:12 123:12 127:2,5,9,12 129:4,18,19,21, 25 130:1,5,12, 14,16 131:7,8, 11,14,15,16,22, 23 132:4,14 134:6,9 150:5,8 161:21 167:1 169:8 <b>mapping</b> 24:11 <b>maps</b> 13:24 16:19 23:23 25:1,22 26:6,9 28:2,14,22,23 29:16,25 38:16 47:19 56:24 57:2 60:9,16,19 61:3 62:6,16,18,22, 24,25 63:1,14 66:5 73:3 75:6 76:14 78:11,21 80:22 97:19,24, 25 112:8,10,14, 15,17,20 114:24, 25 125:21 126:22 128:12, 13 129:12 130:10,21,23 151:2,3 153:18 162:2 <b>March</b> 17:20 18:18 23:6 58:5 145:18 148:18 <b>Maria</b> 23:3,10	77:14 82:22 121:23 138:18 144:12,13 <b>marked</b> 81:22 124:3 132:20 <b>Maryland</b> 98:23 <b>materials</b> 84:9 <b>Matt</b> 28:11 42:9, 10,13,14 43:18 51:10,12 62:20 72:21 93:15,18 97:25 168:23 <b>matter</b> 150:8 <b>Mcdonald</b> 94:6 <b>Mclean</b> 5:5,12,17 <b>meaning</b> 89:2 158:14 <b>means</b> 63:5 75:5 <b>meant</b> 29:5 102:13 108:21 111:20,21 144:23 159:6,8 <b>media</b> 13:9,11 14:24 22:19 <b>mediator</b> 30:14 <b>medications</b> 7:12 <b>meet</b> 11:6 16:23 31:16 45:16 63:19 66:19 67:1 68:8,20,24 69:25 70:19 118:14,15 119:3,16,19,22 120:7 122:13 <b>meeting</b> 15:11 16:22 17:1,2,6, 10,15,17,18 21:16 31:14,15 39:17,19,24 40:1 41:18,21,22	50:7,9 51:6,7 52:12 55:9 58:11,18 64:1,4, 19 67:2,24,25 68:1 69:6 77:2,5 80:14 81:19 82:13 83:1,2,7,8, 11,20 84:2 87:11,19,20,25 88:5,9,18 89:24 90:17 91:11 98:21 101:2 102:6 104:22 108:5 117:9,23 118:4 119:6,11, 14 121:19,20 122:3,4 124:14, 21,24 125:9,18 126:15 128:9,10, 14 129:17,22,25 131:5 132:6 133:8,13,16 134:21 146:1 163:9,11,17 <b>meetings</b> 15:2,5, 6 16:7,11,17 17:3 20:17,24 21:2 38:7,9 40:13 41:12,14, 15 49:8 50:8 55:15,18 56:12 58:8 59:23 61:5 63:22 64:8,13, 16,21 67:7 69:5, 8 70:24 72:5 81:3,14 117:10 136:11,18,23 156:14,16 157:9 164:18 <b>Melissa</b> 143:25 149:4,5	<b>members</b> 22:17 83:11 124:16,21 <b>memo</b> 14:22,23 28:12 30:7 44:16 51:11 52:8,9,11, 18,20 65:19 98:3 109:1 <b>memory</b> 7:12,15 10:17 88:14 <b>memos</b> 98:6 142:22 <b>mention</b> 45:9 126:8 <b>mentioned</b> 10:15 46:9 61:20 67:24 95:9 100:23 112:25 145:1 151:25 153:1,2 154:23 155:24 158:11 164:5 167:21 <b>mess</b> 85:19 <b>message</b> 37:21, 22 38:1,9,11,17 43:14 110:24 119:9 140:7 <b>messages</b> 38:21, 24 139:10,20 142:22 143:4,5 148:3,12,16,23 149:7,11 <b>messaging</b> 140:9 <b>met</b> 6:5 11:9 44:19 67:16 68:22 79:6 89:3 120:10 153:21 <b>methodically</b> 138:23 <b>Meyers</b> 39:6
--	---	---	---	--

LISA MCLEAN - 10/05/2022

Index: M..o

<b>Michael</b> 94:6 <b>Michigan</b> 98:19 <b>mid</b> 118:3 <b>midday</b> 55:22 <b>midnight</b> 15:8 58:23 <b>midst</b> 70:23 <b>migrant</b> 155:15 <b>Miller</b> 164:23 <b>million</b> 92:7,10 142:11 <b>Millstein</b> 10:24 11:8,22,24 13:1 15:20 16:20 22:14 26:11,13, 16,18 27:17 28:3,8 29:18 30:1 32:18 34:10,14,17 35:25 38:13,18 40:7 46:14 47:17 48:5 49:24 51:2 52:3 54:7,20 56:21 57:5,14 59:3,11,18 63:11 66:14 67:8 69:9 70:2 71:24 76:19 78:22 80:16,23 81:5 82:1,4 86:22 88:8 90:4 91:20,25 92:6,23 93:3,11 96:12 99:17,24 100:4 109:16 112:9,22 114:1 115:3,7,18 116:3 122:15 124:5 130:7,18, 24 131:1,18,25 132:25 134:18 135:15 141:19	143:6,12,22 145:9,15 147:1 149:20 150:1,10, 18 153:6 154:13, 19 156:5 157:17 158:20 159:10, 12 160:23 161:22 164:8 165:25 167:3,11 168:14 <b>mind</b> 45:22 67:12 73:1,4 83:10 92:25 133:19 136:13 <b>mine</b> 29:13 <b>minimums</b> 44:17 119:25 <b>minus</b> 74:24 117:24 <b>minute</b> 16:15 81:19 111:24 <b>minutes</b> 55:10 64:24 65:4 81:19 82:14,23 83:2,7 85:13 88:20 100:9 124:1,8, 14,18,22 129:15 132:18 133:8,10, 17 136:6,7,8 151:16 <b>mirror</b> 32:23 <b>Misstates</b> 73:18 <b>misstating</b> 30:20 <b>mixing</b> 104:12 <b>model</b> 98:17 <b>moment</b> 82:1 93:6 132:25 <b>Monday</b> 52:15 64:2,17,20 101:10,19 121:3	<b>money</b> 51:20 92:4,14,15,16 <b>Monroe</b> 74:23,25 <b>month</b> 35:21 64:2,20 66:23 110:12 <b>monthly</b> 67:7 <b>Morgan</b> 94:16 <b>morning</b> 5:12 119:1,20 121:4 149:1 <b>motion</b> 15:25 133:23 134:2,7 <b>mouth</b> 164:6 <b>move</b> 37:16 69:23 75:22 76:11 90:11 117:2 136:9 <b>moved</b> 55:23 75:7,8 117:23,25 <b>moving</b> 47:11 55:25 108:22 <b>multiple</b> 62:5 <b>mute</b> 93:7	<b>nationally</b> 13:12 <b>Native</b> 152:17,19 <b>necessarily</b> 38:4 45:23 68:1 107:24 155:15 <b>necessity</b> 103:20 <b>needed</b> 23:19 46:7 57:23 61:11,15 73:5,7, 9 74:3 90:24 103:15 108:3 116:24 121:10 <b>negative</b> 44:2 110:4 <b>negotiated</b> 66:2 <b>negotiation</b> 44:6, 9 45:8 46:4 <b>negotiations</b> 44:19 45:5 66:13 127:2,4 154:4 <b>network</b> 18:25 <b>newspaper</b> 14:17 <b>night</b> 25:1 32:20 33:3 37:25 39:19 40:14 44:12 45:2 68:7 72:16,19 90:16 118:14 120:25 121:1,2 122:8,19 127:13 <b>Nisqually</b> 165:11 <b>Nixon</b> 33:17 34:6,9,13 35:8, 14,22 36:14 37:17 113:14 <b>nods</b> 164:4 <b>nonlawyer</b> 85:19 <b>nonpartisan</b> 30:14 73:8 161:16	<b>nonprivileged</b> 34:23 <b>Nooksack</b> 165:10 <b>noon</b> 118:3 <b>north</b> 75:1 123:4 156:24 <b>note</b> 96:5 <b>noted</b> 7:19 <b>notice</b> 99:11 139:3 <b>November</b> 16:18 30:8 35:10 36:6 37:6 44:12 58:22,23,25 60:7 68:9 117:2 118:8,12 123:18, 19 124:14 126:18,20 127:6, 14,20 131:5 133:8,13 160:22 <b>NPR</b> 155:4 <b>number</b> 25:5 46:24 77:19 78:25 79:8,16 89:5 140:4,5,6 <b>numbers</b> 28:25 167:21
N				
O				
<b>O'NEIL</b> 39:7 42:6 <b>oath</b> 5:6 6:23 <b>object</b> 11:25 19:18 91:20 92:6 130:18,24 132:7 136:20 137:3,10 141:4,18,19 <b>objected</b> 109:8,9 110:3				

LISA MCLEAN - 10/05/2022

Index: o..p

<b>objection</b> 5:20 7:19 10:24 13:1 15:20 16:20 22:14 26:11,21 27:17 28:3,8 29:18 30:1 32:18 34:10,14 35:25 38:13,18 40:7 46:14 47:17 48:5 49:24 51:2 52:3 54:20 56:21 57:5,14 59:3,11, 18 60:12 63:11 66:14 67:8 69:9, 17 70:2 71:24 73:16,18 76:19 78:22 80:16,23 81:5 83:21 86:22 88:7,8 90:4 96:12 97:12 98:12 109:16 112:9,22 114:1 115:3,18 116:2, 3,10 122:15 130:7 131:18,25 134:18 135:7,14, 15 143:6,12,22 145:9,15 146:13 147:1 148:4 149:20 150:1,10, 18 153:6 154:13, 19 156:5,6 157:17 158:18, 20 159:10,11,12 160:23 161:22, 23 162:15 163:15 164:8 165:25 166:1 167:3,11 <b>objections</b> 5:19 80:1	<b>objective</b> 71:22 <b>objects</b> 7:18 <b>obligation</b> 34:24 <b>obligatory</b> 56:20 <b>observing</b> 89:19, 21,22 <b>occasions</b> 79:1,8, 16 <b>occur</b> 101:7 <b>October</b> 5:1 15:3,4 30:9 62:13 66:17,18 <b>offer</b> 120:1 <b>offered</b> 19:16 28:14,22 146:7,9 <b>office</b> 40:20 41:23 44:19 81:9 84:6 86:12 91:11 93:13 115:2,5 119:19 120:7 121:20 146:3,4 164:16 <b>officer</b> 137:23 <b>official</b> 10:10 19:8 <b>officially</b> 33:15 <b>oftentimes</b> 37:20 72:5 99:5 <b>Olympia</b> 67:15, 16 118:12,14,25 <b>online</b> 82:15 84:9 <b>open</b> 56:12 64:12 68:6,10,19 69:4, 6 72:4 81:25 82:6 124:5 133:2 165:14 <b>opened</b> 67:21 122:3	<b>operating</b> 67:13 <b>opinion</b> 13:3,4 51:25 73:11 78:19 86:17 88:4 161:19 <b>opinions</b> 15:13 111:19 157:9,11 <b>OPMA</b> 137:15 146:8,17 <b>opportunity</b> 78:17,18 <b>option</b> 105:13 <b>options</b> 84:17 <b>order</b> 56:6 111:17 150:14 164:13 <b>orders</b> 91:4 <b>organization</b> 70:6 79:5 144:5 <b>organize</b> 20:12 <b>organized</b> 21:12 50:8 55:16 56:4, 5 79:15 87:18 <b>organizing</b> 20:24 21:4 <b>original</b> 35:19 <b>Osta</b> 39:5 41:12 <b>outline</b> 57:9 58:2 <b>outreach</b> 20:13, 17,24 22:20,21 23:10,21 27:7 31:16 34:1,2 41:14 49:8 50:8 55:9,15 57:21 58:8 77:2,13 92:11 156:14,15 157:9 <b>outsider</b> 70:4	<b>overinterpret</b> 86:2 <b>oversaw</b> 22:17 <b>overview</b> 84:13, 14 85:6 <b>owe</b> 169:6 <hr/> <b>P</b> <hr/> <b>p.m.</b> 169:16 <b>pace</b> 92:15 <b>packing</b> 84:18 85:24 168:5 <b>pages</b> 40:21 <b>paid</b> 66:22 <b>Pailthorp</b> 27:6 31:15 44:14 65:25 <b>Palmer</b> 10:1 <b>pandemic</b> 67:13 70:23 <b>paper</b> 71:2 <b>paragraph</b> 133:22,24 135:10 <b>parse</b> 138:4 <b>part</b> 17:9 38:24 56:15 57:20 72:7 91:13 96:17 102:15,17 114:2, 3,4,19,20,21,22 131:19 140:12, 13 146:16 161:24 166:10 <b>parte</b> 70:7 <b>Participants</b> 83:15 <b>participate</b> 77:9 102:16	<b>participating</b> 168:25 <b>parties</b> 5:20 <b>partisan</b> 158:16 <b>partly</b> 93:15 <b>Partners</b> 94:25 <b>parts</b> 155:12 <b>party</b> 5:19 10:9 12:4 <b>Pasco</b> 157:6,7 <b>pass</b> 55:22 151:10 168:9 <b>passed</b> 41:1 61:9 108:16 109:2,3 122:6 129:11 140:16 <b>passing</b> 159:18 <b>past</b> 96:7 98:6 <b>patching</b> 168:1 <b>Paul</b> 39:8 43:1,5, 10 45:7,19 47:10 66:19 67:1 79:3 83:12 85:23 88:21,23 95:12, 13,15 106:7,9,15 109:3,5,8 119:3 120:1 122:22,23 123:10 128:6 134:7,14 139:24 165:6 <b>Paul's</b> 120:1 <b>paying</b> 44:18 47:24 123:7 <b>PDF</b> 124:2 <b>pending</b> 93:4 <b>people</b> 15:8,12 18:24 20:19,23 24:13 32:10 36:17,20 47:1
--	--	---	---	---

LISA MCLEAN - 10/05/2022

Index: p..p

50:3,11,16 58:6 61:6 65:15 67:21 68:1,20 69:1 70:22 71:8 75:6, 7,15,16 76:17 77:8 81:25 87:25 102:14 105:17 110:20 119:11 139:22 140:19 146:3 156:14,17, 23 157:6 158:3 165:4 <b>percent</b> 99:3 150:7,16 <b>percentage</b> 89:3 <b>perform</b> 97:23 98:9 131:24 <b>performed</b> 131:17 <b>period</b> 30:4 36:14 126:3 <b>person</b> 8:3 11:6 20:22 22:6 35:18 37:13,14 42:1 47:4 49:10 55:10 68:2,8,20,21,24 74:12 75:3 76:18 79:6 97:18,23 101:25 102:2,4 113:11 116:21, 23 127:24 128:7 137:25 <b>personal</b> 10:10 16:5 52:1 141:14,17 148:2 <b>personnel</b> 34:16 137:16 <b>pertained</b> 147:9 <b>pertaining</b> 12:16 135:10	<b>pertains</b> 133:25 <b>phone</b> 11:6 38:24 91:8 101:4,5,7, 21 119:5 120:5 123:9 139:14,21, 25 140:1,18,23 141:2,14,17 142:23 143:1,3,4 <b>phone's</b> 139:19 <b>phones</b> 138:20 139:13,18,22 140:22 <b>phrase</b> 158:22 <b>physical</b> 67:25 <b>piece</b> 71:2 <b>pieces</b> 30:17 <b>pin</b> 76:9 <b>pins</b> 76:12 <b>place</b> 66:18,22 71:3 87:19,20 99:4 105:23 119:3,7,15,16 122:11,12 134:13 <b>places</b> 153:12,14 155:11 <b>plaintiffs</b> 5:13 9:12,18 10:1 <b>plan</b> 40:22 <b>planned</b> 117:8 <b>plate</b> 112:5 <b>played</b> 121:14 <b>plenty</b> 112:5 <b>plugged</b> 121:25 <b>point</b> 7:2 31:2 64:17 65:18 79:2 85:11 88:25 92:13 97:17 121:9 131:5	134:21 157:19 160:10 <b>pointed</b> 153:11 <b>points</b> 53:20 120:21 125:13 133:22 144:6 153:16 <b>polarization</b> 89:7,10 <b>polarized</b> 51:1 104:9 107:20 <b>policies</b> 98:16 <b>policy</b> 21:6 42:7 148:1 164:11,12 165:1 <b>political</b> 30:22 50:25 52:2 89:4, 5 106:2,3 153:8 157:16,25 158:23 <b>politically</b> 131:17,24 157:8 <b>politics</b> 47:4,9,10 153:9 <b>population</b> 29:8 48:18,21 49:7,13 50:5 51:23 150:8,17 <b>populations</b> 155:12 <b>position</b> 18:19 34:13 45:6,7 104:15,16,19 107:21 <b>positions</b> 23:1 96:20 165:17 <b>positive</b> 102:7 110:4 <b>possibility</b> 16:18	32:4,5 43:20 <b>post</b> 95:21,25 96:3 <b>posting</b> 123:23 <b>postings</b> 33:24, 25 <b>posturing</b> 114:20,21,23,24 <b>power</b> 19:24 20:1 <b>Powerpoint</b> 28:11 85:21 162:18,25 163:8 <b>PRA</b> 137:15 <b>practice</b> 61:19 <b>precondition</b> 84:20 85:5 <b>preconditions</b> 84:22,24 85:2,7 <b>preliminary</b> 15:25 <b>prepare</b> 10:14 11:7,9 63:1 82:23 <b>prepared</b> 21:3 45:21 62:23 162:17 <b>preparing</b> 11:13, 15 149:4 <b>present</b> 18:8 62:15 83:11 86:19 124:21,24 125:5 133:15 162:14 <b>presentation</b> 31:19 41:24 42:21,24 43:4 48:13 72:20,22 77:6 84:7,8 85:12 86:4 87:8	89:11,25 90:6,15 93:19 103:10 105:6 108:24 120:19,21 153:11 161:19 162:12,14,18,20, 21 163:8,11 164:15,17 166:4 167:19,20 <b>presentations</b> 102:24 104:17 <b>presented</b> 88:11 120:10,12 153:18 163:16 <b>presenting</b> 88:14 <b>presents</b> 160:11 <b>preserved</b> 5:20 <b>press</b> 33:20 114:3 <b>pretty</b> 23:17 36:21 51:16 62:8 86:17 105:11 112:12 113:18 118:2 <b>previous</b> 152:23 <b>previously</b> 14:10 <b>pride</b> 71:17 <b>principles</b> 87:1 <b>prior</b> 6:5 19:2,5 70:10,14 73:19 93:16 151:25 <b>priorities</b> 125:25 <b>private</b> 140:1,18, 22,23 141:1 <b>privileged</b> 12:1 26:20 43:7 92:24 <b>problem</b> 15:24 25:15 26:24 74:14,21 75:5
---	--	--	---	---



LISA MCLEAN - 10/05/2022

Index: p..r

111:4 122:22 132:3 <b>problems</b> 24:16, 21,25 25:13 72:8 <b>procedures</b> 98:16 <b>process</b> 20:20 21:7,9 24:15 27:16 41:3 44:6, 9 54:16,19,25 55:14,19 56:1,15 57:13 59:8,9 62:3,4 63:2,7,18, 20 64:22,25 66:8,9,10,12 70:20,22 75:22, 23 76:15,24 77:9 78:15 89:18,21 91:19 102:15 103:12,16 117:4 137:18 138:3 155:17 158:10 164:2 <b>processes</b> 57:8 58:21 69:15 <b>produce</b> 25:1,2, 10 139:20 <b>produced</b> 29:16 38:22,25 71:13, 14 163:7,23 <b>product</b> 162:6,9 <b>production</b> 149:14,18 <b>productive</b> 125:23 <b>professional</b> 6:19 <b>progress</b> 123:14, 15 <b>project</b> 14:20 96:9,11 108:21	<b>projects</b> 108:22 <b>promote</b> 34:5 <b>proposal</b> 65:5 95:18 <b>proposals</b> 28:6 32:17 <b>proposed</b> 66:6 97:19 112:17 167:1 <b>proposing</b> 44:20 <b>proud</b> 78:16 162:2,7 <b>proved</b> 104:17 <b>provide</b> 8:16 12:8 46:11 92:5 97:5 104:23 105:1,14 106:21 108:6 <b>provided</b> 29:24 31:20 85:6 106:9 109:13,19 111:19 149:1 <b>provision</b> 20:18 23:12 <b>provisions</b> 87:3 <b>PRR_12/19/21</b> 142:5 <b>PST</b> 5:2 <b>public</b> 14:23 15:5,6,11,12 17:8 20:12,16,24 21:21 22:20,21 23:10,16,20 27:6,14,16 28:10,12,17 31:15,20,23,25 32:1,6 34:1 35:11,24 36:7,23 37:5 38:22 41:5,	14,22 49:8 50:8 51:7 52:12 55:9, 15,18 56:12 57:21 58:7 59:22,23,24 63:21,22 64:13 69:5,6,7 72:4 75:22,23,24 76:15,16,24,25 77:1,4,13 78:3, 14,19 79:22 80:14 81:3 83:14 84:2,9 87:17 91:11 92:11 110:14 112:11 114:3,22,23,25 125:20 128:9,10 129:17,22,24 130:21 131:5,7 132:3,5 135:5,23 136:11,17,23 137:1,9,17,19, 21,22,23 138:9 139:7 140:10 141:6 142:13 143:2,10,18 145:7,13,19 146:8 147:19 148:20 149:15, 19,25 155:4 156:14,15 <b>public-facing</b> 135:13 <b>publicly</b> 24:19 26:10 57:21 62:5 80:13 112:18 113:3 129:24 130:6,15 132:19 162:19 <b>publish</b> 61:2 62:23	<b>published</b> 60:17 61:3,4 62:10 64:6,18 71:2 76:13 112:12 113:6 <b>pull</b> 26:4 32:21 <b>pulled</b> 61:1 75:13 <b>pulling</b> 33:13 <b>purpose</b> 128:22 <b>pursue</b> 65:21 <b>purview</b> 56:18 <b>put</b> 20:15 28:11 44:16 62:10,11, 21,25 65:14,25 71:4,6 74:16 77:15 85:17,20 86:8 121:12 126:17 138:7 143:25 164:6 <b>putting</b> 75:2 78:3  <b>Q</b>  <b>Q2</b> 95:3 <b>qualified</b> 104:23 105:1,14 106:21 108:6,9 <b>quantitative</b> 30:19 <b>question</b> 7:18,20 8:5,6,7,9,12 16:22 26:23 34:22,24 35:4,6 59:12 60:23 70:5 76:23 83:25 88:21 91:21 92:22 93:4 115:9 116:14 143:17 150:22	<b>questioning</b> 36:7 99:21 100:2 <b>questions</b> 5:14 7:8,10 8:4 10:5,6 11:20 34:16,18 43:5 55:1 72:5 85:25 88:16,24 89:1,23 99:14 100:9,11 122:8, 10 125:17 150:4 151:16,24 163:14 168:8,13, 14 169:14 <b>quick</b> 151:15 <b>quickly</b> 51:16 <b>Quinta</b> 119:8 <b>quote</b> 167:18  <b>R</b>  <b>race</b> 10:7 29:5,7 152:10 <b>racial</b> 28:25 29:4 46:19,20 74:22 75:9 89:7,9 105:10 157:15 161:21 <b>racially</b> 75:12 104:8 107:19 <b>radio</b> 34:5 155:4 <b>raise</b> 76:1 <b>raised</b> 9:12 <b>ranging</b> 20:10 <b>rarely</b> 39:11 <b>RCW</b> 56:10 57:4 158:22 159:19 <b>reach</b> 94:3,6,9, 11,13,16,19,25 105:16 109:12
--	--	--	--	--

LISA MCLEAN - 10/05/2022

Index: r..r

111:24 112:1 165:1,4 <b>reached</b> 43:17 58:18 94:22 95:3,5 107:1 109:12 110:16 163:2,4,5 <b>reaching</b> 67:17 161:9 165:23 <b>react</b> 113:25 <b>reacted</b> 114:5 <b>reaction</b> 91:14 <b>read</b> 12:15,16,17, 21,25 37:23 83:5 88:25 98:7 104:13 125:13 133:21 147:5 159:21 <b>reading</b> 65:3 83:10 103:5 142:24 <b>reads</b> 159:19 <b>ready</b> 117:8 <b>real</b> 64:19 105:21 <b>reask</b> 76:23 83:25 <b>reason</b> 7:7 9:8 57:20 91:14 104:11 106:11, 13 131:13,20 133:9 <b>reasons</b> 160:8 <b>recall</b> 11:19 16:15 18:1 28:20,21 29:19 30:6 40:9 43:3 79:24 84:25 86:15 90:19 91:1 94:2 98:3,4,6	101:19,22 102:5 103:2,8 104:6,11 105:7 107:16 110:1 113:5 114:4,10,15 128:7,16 129:14 144:20 <b>recalled</b> 23:2 <b>recalling</b> 30:6 <b>receive</b> 44:8 78:14 95:10 113:4 <b>received</b> 33:10 62:21 95:11 113:5,7 140:25 142:5 145:20 <b>recent</b> 79:2 <b>recess</b> 54:9 100:16 151:18 <b>recognize</b> 82:17 142:7 161:15 <b>recognizing</b> 99:6 155:11 <b>recollection</b> 84:23 96:25 97:5 <b>recommend</b> 110:23 111:1 <b>recommendation</b> 108:17 109:13, 19 110:18 111:12 <b>record</b> 5:16,19 7:20 10:7 34:16 54:8 81:24 82:8 83:25 92:25 93:6,8 137:6 139:24 142:11 <b>recording</b> 93:18 <b>records</b> 21:21	23:16 31:20,23, 25 32:1,6,7 35:11,24 36:7, 23,24 37:5 38:22 41:6 56:12 72:4 110:14 137:2,9, 17,19,21,23 138:9 139:7 140:10 141:6,13 142:14 143:2,10, 19 145:7,12,13, 19 146:8 147:15, 19,23 148:20 149:15,19,25 <b>redact</b> 144:24 <b>redacted</b> 145:2 <b>redirect</b> 169:14 <b>redistricting</b> 6:10 9:6,17 16:10 18:16,17 19:1,3,5,9 20:9 21:24 23:14 25:7,23,24 26:5, 9 27:1,15 34:9 37:23 38:6 40:21,22 42:11 54:18 57:10,13 59:9 62:4 63:20, 21 67:5 69:12 70:1,11,15,18 71:19 72:13,23 77:7 78:15 80:5, 9,20 81:4,15,20 82:14,16 90:7 91:19 93:17 94:5,25 95:6,22 98:17,18 99:8,9 104:24 105:6 112:6 117:3 124:2,9,17	126:14,21 130:2, 14 132:18 136:16,25 137:14 144:2 145:24 147:10 155:17 158:10 164:2 168:24 <b>redo</b> 147:21 <b>redrafting</b> 23:22 <b>reduce</b> 107:15 <b>redundant</b> 152:17 <b>reference</b> 144:4 158:23 159:3,18 <b>referring</b> 9:20 13:15 56:8 148:20 <b>reflect</b> 34:18 <b>reflected</b> 129:14, 15 <b>regard</b> 20:20 40:25 47:19 55:15 136:1 <b>region</b> 49:23 <b>register</b> 63:25 64:7 <b>regular</b> 64:4,19, 21 66:19 67:2 <b>regularly</b> 31:17 <b>related</b> 16:5 144:2 168:3 <b>relates</b> 165:20 <b>relating</b> 145:24 <b>relationship</b> 123:13 157:21 161:6 <b>relationships</b> 70:10,14	<b>release</b> 114:3 <b>released</b> 14:19 112:25 113:3 115:12,16 162:19 163:24 <b>releases</b> 33:20 <b>relied</b> 139:16 <b>relieved</b> 12:13 <b>relocate</b> 20:22 <b>relocated</b> 75:17 <b>relocation</b> 20:19 24:4,10 <b>remain</b> 166:21 <b>remember</b> 9:24 12:18,19 13:17 14:15 15:18 16:2,3 22:20,21 27:19 28:20 29:20,23 31:5,7, 11 32:4 34:3,4 39:14 41:19 42:5,20 43:3,16 45:12 52:7,9,11, 14,20 60:20 67:11 68:4,11 71:1 76:2 85:2, 16,23 87:2,10 88:21 89:8 91:2, 4,13,16 101:13, 14,15,16,17 102:8,21 103:4, 18 104:14,21 107:6,7,12 109:25 110:2,19 113:9 114:17 118:9,20,22 120:4,9,20 121:17 122:17, 18 125:9,12 129:1,9 144:8,19
--	--	--	--	---

LISA MCLEAN - 10/05/2022

Index: r..r

147:2,4 156:8 158:24 159:5 167:25 <b>remembering</b> 104:18 117:12 <b>remind</b> 14:14 60:17 62:7 <b>reminding</b> 17:16 41:11 <b>remotely</b> 68:13 <b>renewed</b> 115:14 <b>repeat</b> 125:4 150:12 <b>repetitive</b> 144:19 <b>rephrase</b> 59:14 143:17 <b>replicate</b> 96:19 <b>report</b> 19:14 29:25 112:25 113:4,20,25 114:3,9 115:1, 11,15,17 135:2 <b>reported</b> 19:17 <b>reporter</b> 8:15,20 149:5 <b>reports</b> 135:1 136:5 <b>represent</b> 5:13 9:25 <b>representative</b> 156:3 157:12 <b>representatives</b> 156:11 <b>republican</b> 30:7 31:3 39:7,9,13 46:19 47:6 48:23 50:17,19,24 62:15 69:4 95:20 154:24 162:14	<b>republicans</b> 14:22 26:2 28:12 29:1 30:23 62:25 65:13 95:19 98:2 111:9 153:12 154:11,18 155:7, 19 158:17 162:19 <b>republication</b> 50:5 <b>request</b> 23:16 28:13,15 29:10 31:21,23,25 32:1,6 79:10 86:9 87:16 137:19 140:19 141:6,13 143:19, 21 144:4 148:20 166:3 <b>requests</b> 32:7 35:11,24 36:7 38:22 79:8,11 137:18,21 138:9 139:7 142:14 145:8,14,20 147:19 149:15, 19,25 164:7 165:21 <b>require</b> 158:15 <b>required</b> 86:20 138:11 <b>requirement</b> 61:8 146:21 <b>requirements</b> 54:23 64:12 81:4,6,15 86:19 88:5 <b>rescheduling</b> 151:9	<b>research</b> 23:14 69:3 72:21 93:14 94:1 99:8 102:25 104:4 <b>researched</b> 107:3 <b>reservation</b> 49:15 118:24 166:5,21 <b>reservation's</b> 164:2 <b>reserved</b> 66:21 67:25 169:15 <b>resigned</b> 17:21 <b>resolution</b> 38:2 61:15,18,19,20 127:15 128:22, 23 129:2 <b>respect</b> 10:1 12:2 35:23 51:24 84:12 90:7 101:14 112:7 126:21 148:15 <b>respectful</b> 53:25 <b>respectfully</b> 60:6 <b>response</b> 138:2 149:15,19 <b>responsive</b> 31:24 74:13 141:13 143:21 145:13 156:3 <b>responsiveness</b> 155:25 <b>rest</b> 24:7 <b>restate</b> 35:5 137:6 <b>restating</b> 136:13 <b>restroom</b> 7:23 54:1	<b>result</b> 162:3 165:24 167:10 <b>results</b> 103:21 <b>retain</b> 145:24 <b>retainable</b> 147:7 <b>retained</b> 147:10 <b>retention</b> 146:23, 25 148:1 <b>retrospect</b> 102:9 <b>retrospectively</b> 19:19 <b>return</b> 54:4 <b>review</b> 82:24 98:16 125:11 <b>reviewed</b> 12:11 15:19,25 82:25 <b>reviewing</b> 85:13, 16 <b>revised</b> 62:10,11, 22 <b>Richard</b> 94:13 <b>Ridley</b> 39:10,18 <b>rift</b> 123:12 <b>rights</b> 22:11 41:10,16,25 42:3,19 43:2,12, 15 47:16 48:4,10 49:22 51:8 52:10,13,23,25 53:2 56:14,19 57:3 58:11 72:14,16 73:13 81:12 84:1,4,12, 13,15 85:15 86:7,19,24,25 87:12,18,23 88:6,17 90:1,8, 20,25 91:15 92:13,21 94:23	96:10,24 97:8, 11,20 98:11 99:10 102:20,22, 23 103:11 106:21 107:23 109:21,24 110:6 111:25 112:19 115:16 116:7,9, 17,19,20,22 125:10,17,24 126:2,6,9,14 132:13 133:25 134:23 135:11 150:15 151:2 <b>river</b> 166:8 <b>road</b> 157:21 <b>roads</b> 157:20 <b>Rodney</b> 164:24 <b>role</b> 6:9 23:3 24:2 32:19 35:8, 15 152:1 161:15 <b>roles</b> 54:17 71:19 <b>rolls</b> 105:9,10 <b>room</b> 11:13 45:16 68:16 121:7 <b>rooms</b> 121:5,6 <b>roundly</b> 55:17 <b>rude</b> 7:11 37:15 111:18 <b>ruled</b> 68:5 <b>rules</b> 6:15 55:4 59:16 69:15,24 70:7 146:6 <b>run</b> 22:8 59:8 118:17 120:15, 16 <b>running</b> 21:22 67:18,19 96:4
--	--	--	---	---

LISA MCLEAN - 10/05/2022

Index: r..s

103:22 <b>runs</b> 74:12	<b>scheduling</b> 38:7, 8	162:18 163:23	<b>sharing</b> 149:7 157:23	<b>slow</b> 8:24
<hr/> <b>S</b> <hr/>	<b>scientist</b> 50:25 52:2 95:22	<b>send</b> 33:8 61:13, 14,15 76:5 77:22 79:1 118:2	<b>she'd</b> 47:11 55:7 90:17	<b>slowly</b> 8:18
<b>SA</b> 89:1	<b>Scotland</b> 160:22	119:17 138:1,25 140:20 141:9,11	<b>sheet</b> 142:10	<b>small</b> 23:12 77:6 139:16
<b>safest</b> 35:18	<b>screen</b> 88:15 142:2	<b>sense</b> 8:10 39:4 47:13 49:20 56:7 99:20 156:20	<b>shifting</b> 153:1	<b>snail</b> 77:20,21
<b>Santos</b> 143:25 149:5	<b>screenshots</b> 140:8 143:4	<b>separate</b> 121:13	<b>shifts</b> 155:18	<b>Snohomish</b> 74:25 155:13,22
<b>Sarah</b> 19:23 29:16,24 31:10, 16 44:2 45:3,21 46:11 47:8 48:3, 17 51:13,19,25 56:4 57:9,18 59:1 65:20 66:6, 18,25 68:22 78:9 83:12 87:11 90:14,24 92:20 95:12,15 96:1 106:7,9,17,19 108:17,18,23 109:1,7,11,13, 14,20,23 110:5, 16,18 111:11 114:8,18 118:9, 10 121:6,10,15 122:23 123:8 126:8 128:11 129:7 165:6	<b>script</b> 136:1	<b>September</b> 60:18 62:18,19 110:9 112:6,13	<b>short</b> 52:18 91:8 107:9	<b>Snoqualmie</b> 165:11
<b>Sarah's</b> 74:1	<b>scroll</b> 83:17	<b>sequence</b> 14:16	<b>shortly</b> 52:12 61:12	<b>social</b> 95:22
<b>sat</b> 122:2	<b>scrolling</b> 133:19	<b>served</b> 19:2	<b>show</b> 61:1	<b>soldiering</b> 151:23
<b>Saturday</b> 119:2 122:21 123:8,9	<b>seal</b> 71:4	<b>serves</b> 53:22	<b>showed</b> 84:16	<b>someone's</b> 141:17
<b>save</b> 16:4 82:2,3, 4	<b>Sean</b> 121:23	<b>service</b> 151:7	<b>showing</b> 143:24	<b>Sonni</b> 5:12,18,24 35:5 67:11 74:5 78:1 99:17
<b>scan</b> 77:22	<b>search</b> 22:5 32:3 110:6 138:18 140:10,14,17,21 141:7,8 143:2,20 144:11,14	<b>services</b> 19:16	<b>shut</b> 51:15,21,22	<b>sort</b> 14:19,23 19:1 20:12 22:22 24:13 28:24 30:14,16 33:23, 25 35:4 37:12 40:12 44:17 45:13,15 46:1,18 47:2,3,4,21 49:12,19 50:3 55:14 58:1 66:21 67:12 70:20 76:9 77:7,15 96:8 103:20 107:4,11 109:6 119:24 120:11,13 121:3 122:24 123:2 138:22 140:3,12 142:11 144:9,13 153:8,9,11,15 154:2 155:9,20 157:1,25 158:16, 21 159:4 160:14 161:9
<b>schedule</b> 20:16 57:21 60:8 146:23,25	<b>searches</b> 144:7 147:21,22	<b>serving</b> 107:22	<b>sic</b> 164:16	
	<b>searching</b> 139:10 140:23 141:1	<b>session</b> 11:18 17:8 68:12,14	<b>side</b> 96:9,11	
	<b>seat</b> 65:12	<b>sessions</b> 11:15 122:4	<b>sign</b> 77:3 128:7 129:8	
	<b>Seattle</b> 5:1 118:17 123:4	<b>set</b> 55:5 59:16 63:18 80:9,13 146:23 162:6	<b>signature</b> 169:15	
	<b>seconded</b> 134:2	<b>settled</b> 22:1	<b>signed</b> 38:3,6 77:3,10 127:15, 17,18,20,22,23, 24 128:5,6,9 129:6	
	<b>secretary</b> 40:19 123:1	<b>settlement</b> 146:16	<b>signing</b> 128:15	
	<b>section</b> 9:11 10:2 72:18 86:25 98:5 125:6,14 133:19	<b>severe</b> 89:7,9	<b>Sims</b> 78:10 83:13 88:23 122:23 124:23 133:18 134:2 148:11,12	
	<b>sections</b> 135:1	<b>shaking</b> 150:21	<b>single</b> 144:25	
	<b>seek</b> 68:16	<b>share</b> 58:1 123:22 125:18 129:24 141:23	<b>sites</b> 25:18	
	<b>seeks</b> 19:19	<b>shared</b> 51:14 79:21 125:15,22 129:23 130:4 134:4,7	<b>situations</b> 69:14	
	<b>senate</b> 14:18 26:2 39:4,6,7,8 42:7,8 62:9 65:10,12,13 87:2,3 113:11		<b>six/11</b> 133:24	
			<b>Skagit</b> 155:14,22	
			<b>slew</b> 40:20 139:1 156:23	

LISA MCLEAN - 10/05/2022

Index: S..S

<b>Soto</b> 9:25	<b>split</b> 166:13,23 167:1	<b>stand</b> 58:4,7	<b>statute</b> 160:1,2	<b>subentities</b> 23:13
<b>sound</b> 6:16 54:6	<b>spoke</b> 11:1 43:17,18 51:18	<b>standard</b> 33:25	<b>statutes</b> 158:15	<b>subject</b> 31:18 41:13 149:24
<b>sources</b> 76:17	<b>spoken</b> 78:3 125:15	<b>standby</b> 117:14 120:7	<b>stay</b> 76:12 166:19 167:2	<b>submitted</b> 40:23
<b>south</b> 75:2 156:24	<b>spreadsheet</b> 140:4	<b>standing</b> 33:21, 22 39:24 40:1	<b>stayed</b> 121:22	<b>subpoena</b> 142:5
<b>space</b> 66:23 67:1, 23,25 119:6	<b>Squaxin</b> 165:12	<b>start</b> 24:6	<b>staying</b> 118:25	<b>subsequent</b> 168:25
<b>Spanish</b> 71:14,15	<b>staff</b> 13:18,20,22 14:1,3,4 18:1	<b>started</b> 24:7 37:11 119:5	<b>steeped</b> 47:9	<b>substance</b> 114:16
<b>speak</b> 5:22 11:3 81:11 96:23	20:2,4,5,11	121:19 145:22	<b>steer</b> 46:1,2	<b>succeed</b> 9:6 139:9
100:20 105:17	21:18 22:17	<b>state</b> 5:15 18:21, 25 19:13 20:19	<b>Steve</b> 123:1,2	<b>suddenly</b> 121:4
148:12	32:4,8,11,24	23:15 24:4,9	<b>stick</b> 85:17	<b>sue</b> 169:7
<b>speakers</b> 21:8	33:5,8 35:13	25:8 27:2,4,11	<b>sticks</b> 107:18	<b>sued</b> 136:11,17 137:1,9
<b>speaking</b> 49:21 88:22	36:8,9 41:2 42:1	36:11 38:24	<b>Stillaguamish</b> 164:22,23	<b>stop</b> 26:22
<b>speaks</b> 9:5,7	47:2 48:17,24	40:9,18 42:11	<b>stop</b> 26:22	<b>story</b> 155:3
<b>special</b> 64:8,16	55:21 61:9 62:23	46:21 47:3,10	<b>stricken</b> 135:4	<b>strike</b> 29:14 52:7 115:13 131:3
<b>specific</b> 15:22 49:22 55:1	64:22 73:8,9	53:7,8 65:5,6	<b>strike</b> 29:14 52:7 115:13 131:3	133:12,23
69:20,21 105:20	77:13,24 78:2	66:2 71:4 72:23	134:25 146:21	167:19
122:8 144:6	79:9 86:2 92:11	74:9 75:17 91:22	<b>striking</b> 134:5 135:20	<b>struck</b> 111:12 135:9,12
166:2 167:21	96:17,19 97:1	93:24 98:9,21	<b>study</b> 87:4	<b>stuff</b> 25:2 30:19 32:15 46:19
168:4	113:8,11 117:13, 23 118:1 121:21	100:10 103:14	<b>super</b> 106:1	74:19 97:4 98:19
<b>specifically</b> 165:21	125:20 139:22	104:1,10 105:25	<b>supervise</b> 29:9	99:1 102:4
<b>specifics</b> 104:7, 21	140:15 153:3	106:1 108:11	<b>support</b> 19:16	103:21 105:22
<b>speculate</b> 79:4 95:19	163:19 165:6	117:18 123:1	<b>supports</b> 134:7	118:18,24
<b>speculation</b> 51:3 52:4 67:9 78:23, 24 80:24 97:13	<b>staffer</b> 43:10	128:23 138:20	<b>supposed</b> 25:20 34:4 46:1 75:8	140:12 144:18, 19,22 154:1
98:13	<b>staffers</b> 22:25 39:1,3,23 40:6	139:13,14,18,21, 22,25 151:7	155:21,23	157:12 160:7
<b>Spencer</b> 36:16	41:9 42:3 113:12 124:17	153:14 154:11	<b>stupid</b> 55:20 101:15	
<b>spend</b> 92:10,11 118:13	<b>staffing</b> 21:1	168:3		
<b>spending</b> 22:1 92:15 99:2	<b>staffs</b> 162:13	<b>State's</b> 40:20		
	<b>stakeholder</b> 23:11	<b>stated</b> 9:18 10:2 14:10 30:20 81:8		
	<b>stakeholders</b> 20:25	<b>statement</b> 52:1 114:23		
		<b>statements</b> 8:14		
		<b>states</b> 98:17 105:24 141:7		
		<b>stating</b> 51:11		



LISA MCLEAN - 10/05/2022

Index: S..t

17 89:4,8 90:15 103:10 167:20 <b>Sutherland's</b> 108:24 <b>Switching</b> 158:9 <b>sworn/affirmed</b> 5:6 <b>system</b> 32:22,23 103:2 105:8 138:19,21 139:11,12,19	51:9 69:4 107:13 110:10 127:25 139:12 155:14, 18 157:20 166:15 <b>talks</b> 159:3 <b>Tara</b> 86:8 <b>task</b> 7:5 24:5 37:8 57:17,19 58:4 108:3 <b>tasks</b> 36:22 <b>team</b> 22:23 23:21 102:16,17,18 169:9 <b>Teams</b> 140:11,12 <b>technically</b> 25:6 <b>techniques</b> 45:14 <b>techy</b> 74:19 <b>tedious</b> 145:3 <b>tele-</b> 165:9 <b>telephone</b> 140:4, 5,6 163:21 <b>telling</b> 6:21 15:12 107:17 <b>temporary</b> 58:4 <b>ten</b> 144:6,7 <b>tend</b> 7:23 154:10, 17 <b>tendency</b> 8:23 <b>tenure</b> 147:3 <b>term</b> 32:3 <b>termination</b> 36:11 <b>terms</b> 9:16 32:12, 13 45:6 53:8,16 89:6 92:12 98:5 99:20 143:11,20 144:11,16,17,18	<b>testified</b> 5:7 <b>testifiers</b> 15:11 <b>testifying</b> 76:17 <b>testimony</b> 73:19 <b>testing</b> 24:17 25:14 <b>Texas</b> 105:24 <b>text</b> 37:21,22 38:1,9,11,17,21, 23 110:24 119:9 138:13,14,20 139:10,20 140:6, 18 143:5 148:2, 12,15,22 149:7, 11 <b>texted</b> 119:10 <b>texts</b> 138:22 142:22 144:1 145:19 148:21 <b>thing</b> 14:16 18:3 20:12,14 25:19 27:11 30:9 35:18,20 44:24 45:14 55:6 58:7 60:11,15 64:25 65:21 66:16 67:11 68:6 74:9, 16 90:18 103:18 109:25 117:12 121:8 128:20 129:10,11 135:18 143:24 144:3 147:6,13 152:20 155:1 157:4 160:14 163:23 166:14 <b>things</b> 12:21 14:2 24:3 25:4 27:1 37:24 46:3 47:22 49:1 53:17	55:11,20 65:3 72:24 79:5 84:19 89:12 101:16 103:7 111:23 112:5 113:23 119:18 137:25 141:7,8 144:9 153:10 155:24 157:24 160:16 <b>thinking</b> 43:25 <b>thought</b> 13:19 50:13,14 56:5 70:25 71:5,14 79:22 89:12 96:2 101:17 105:13, 20 106:1,7 108:9,13 131:1 158:2 <b>thoughts</b> 159:8 <b>three-hour</b> 105:5 <b>three-out-of-four</b> 63:8,13,15 <b>threw</b> 147:20 <b>throw</b> 26:6,9 147:18 <b>throwaway</b> 158:21 159:19 <b>thrown</b> 159:17 <b>ticking</b> 67:17 <b>time</b> 7:2 8:20 12:20 26:18 29:11 30:4,10 31:18 33:12 34:6,20 35:13 36:24 37:6 39:21 41:6 42:20 60:4 64:18 68:23,24 96:7,8 98:7 99:13,15,16 100:1 107:8	120:9 121:15,18 126:3,6 128:3 130:10 132:10 135:12,20,24 139:8 140:5 146:7 149:23 151:9 152:21 153:13 156:1,22 161:2,4,11 166:25 167:15 168:8 <b>timeline</b> 80:4 <b>times</b> 28:9 40:2 99:7 145:2 151:9 <b>timestamp</b> 128:6 <b>title</b> 19:8 52:9 <b>today</b> 5:14 6:3,6, 18,23 7:2,8 9:25 10:20,22 11:4,21 12:9 99:21 151:10 <b>Todd</b> 94:11 <b>told</b> 7:4 14:8 23:17 35:13 37:1 42:14 51:17 53:17 62:24 66:7 68:9 74:6 86:24 101:24 106:7,17 109:8 110:5 112:3 117:13,20 118:1 119:9 122:17,23 139:3 142:8 148:25 <b>Tom</b> 51:17 95:9, 10,15 <b>tomorrow</b> 90:23 119:14 120:8 <b>ton</b> 151:15 <b>tool</b> 24:11,19,20 25:21
<hr/> <b>T</b> <hr/>				
<b>tabs</b> 78:5,9 <b>Tacoma</b> 75:13 118:16 <b>takeaway</b> 102:6 <b>taking</b> 7:12 74:22 78:2 91:4 122:11,12 146:17 158:5 168:8 <b>talk</b> 8:18,19,23 18:15 49:25 50:10,11 54:13 80:3 84:20 93:7, 20 103:16 110:10,11 137:17 139:10 156:10 163:20 <b>talked</b> 12:4 15:9 18:4 37:14 43:19 52:14 87:1 97:2 103:9,18,19,23 104:2 107:10 110:8,11,17 148:24 164:1 <b>talking</b> 14:6,9,25 18:9 26:1 47:25				

LISA MCLEAN - 10/05/2022

Index: t..v

<b>tools</b> 74:3	<b>two-and-a-half</b> 105:5	158:14	167:4	<b>vote</b> 17:7,19
<b>topic</b> 13:22 14:11	<b>two-minute</b> 77:11	<b>understands</b> 46:16 74:19	<b>vaguely</b> 43:3	48:22 63:8
15:15 41:15 50:3	<b>tying</b> 96:19	105:25	113:9 118:19	128:12 129:12
53:1	<b>type</b> 18:3 50:20	<b>understood</b> 8:6	121:1	154:11,18,24
<b>topics</b> 49:20	144:22 154:1	30:12,13 37:14	<b>validity</b> 9:7	155:7
<b>touch</b> 27:8 33:7	155:1 159:24	53:13 61:18	<b>Valley</b> 48:18,22	<b>voted</b> 50:24
42:13,14	<b>types</b> 11:20	64:25 65:4,9	49:5,23 51:24	51:24 128:13
<b>touching</b> 34:23	55:11 153:18	72:3 73:22 74:1	116:8 125:11,18	129:17,19,22,25
<b>tough</b> 120:21	155:8 157:24	75:25 93:22	126:10 153:4	130:11,14,22
<b>touting</b> 50:16		95:18 102:13,24	154:17,25	131:14 132:5
<b>training</b> 36:9		103:16 111:5,15	<b>variety</b> 78:13	<b>voters</b> 155:16
<b>transmission</b>		116:19 123:7	<b>vary</b> 76:15	<b>votes</b> 48:22
126:22 128:3		147:4,6 169:11	<b>vein</b> 155:9	<b>voting</b> 14:20
<b>transmit</b> 130:6,	<b>U</b>	<b>uneearthed</b> 42:24	<b>verbal</b> 8:16	22:11 29:8 41:9,
16	<b>UCLA</b> 14:20	<b>uneventful</b> 117:7	<b>verify</b> 115:17	16,24 42:3,19
<b>transmittal</b>	<b>uh-huh</b> 36:19	<b>united</b> 166:25	<b>versus</b> 9:11 29:1	43:2,12,15,23
61:14,22 127:16	101:6 123:21	<b>University</b> 53:7	30:23	47:15 48:4,10
128:18,20	125:8 126:19	104:4	<b>vertically</b> 157:2	49:22 51:1,7
<b>treasurer</b> 46:22	142:1,18 152:16	<b>unmuted</b> 125:1	<b>Veteran's</b>	52:10,13,23,25
120:17	158:13	<b>unusual</b> 135:3	117:13,17	53:2 56:14,19
<b>treat</b> 60:5	<b>ultimately</b> 97:7,	136:4	<b>video</b> 136:1	57:3 58:11 63:15
<b>tribal</b> 21:5,8,9,13	10	<b>upcoming</b> 39:17	<b>videos</b> 71:11,13	72:14,15 73:13,
58:13,17 68:21	<b>unanimously</b>	<b>updated</b> 142:5,9,	<b>view</b> 56:19	25 81:11 84:1,4,
79:6,9,11 164:1,	63:9	12	<b>viewed</b> 96:10	12,13,15 85:15
6,10,11,14,15,21	<b>understand</b> 6:11,	<b>urging</b> 77:8	<b>views</b> 134:9,15,	86:7,19,24,25
165:7,21 167:9	20,23 7:4,21 8:1,	<b>usual</b> 134:25	17,22	87:12,18,23
<b>tribe</b> 49:9 165:2,	4,9,13,14,17,22	135:2	<b>violated</b> 148:20	88:5,17 90:1,8,
20,24 166:16,20	10:3 30:16 32:19	<b>UT</b> 51:17	<b>violations</b>	19,25 91:15
<b>tribes</b> 79:7	47:10,12,23 61:8	<b>utilize</b> 69:12	136:11,17,23	92:13,20 94:22
165:4,13 166:12,	70:4 74:18,19	<b>utilized</b> 80:22	137:1,9	96:10,24 97:8,
13	101:23 102:1	<b>utilizing</b> 27:15	<b>virtual</b> 70:23	11,20 98:11
<b>true</b> 7:4 160:21	104:15,16 108:3,		<b>vision</b> 87:5	99:10 102:20,22,
<b>truth</b> 5:6,7 6:21,	23 111:15 113:2	<b>V</b>	<b>visit</b> 68:23	23 103:11 104:9
24	116:18 121:14		<b>voice</b> 106:5	105:9,10 106:21
<b>truthful</b> 7:7	123:5,15,20		142:22	107:20,23
<b>Tulalip</b> 165:10	143:14 168:22	<b>vague</b> 57:15	<b>voiced</b> 106:15	109:21,24 110:6
<b>turn</b> 54:16	169:2	60:12 76:19	<b>voicemail</b> 77:19	111:24 112:19
<b>Twitter</b> 33:23	<b>understanding</b>	83:21 135:7,14	<b>voicemails</b> 77:18	115:16 116:7,9,
	44:23 59:7,15	159:15 161:23		17,19,20,22
	102:11 106:11			125:10,17,24

LISA MCLEAN - 10/05/2022

Index: V..Y

126:2,6,9,14 131:6 132:13 133:25 134:3,5, 23 135:11 150:7, 15,17 151:2 153:4 155:5 <b>VRA</b> 91:12 92:5 94:4,7,9,11,13, 16,19 95:1,3,7, 16,23,25 96:18 100:24 101:3 103:25 104:24 106:14 108:6,14, 19,25 109:15 134:6,10 161:20 167:22	69:11,22 70:9 72:11 73:20 76:22 78:12 79:17,25 80:2,19 81:2,7,18,25 82:9 83:22 87:6 88:12 90:5 92:3, 19 93:25 96:15 97:16 98:15 99:13,22,25 100:6,10,14,19 109:17 112:16, 24 114:7 115:10, 20 116:5,12 123:16,22 124:7, 10 125:1,3 130:9,20,25 131:3,4,21 132:2,11,16,22 133:1,5 134:20 135:8,16 136:21 137:5,12 141:10, 21 143:8,15 145:4,11,21 146:19 147:8 148:8 149:22 150:3,13,20 151:6 168:12 169:13 <b>walk</b> 24:14 137:18 <b>Walkinshaw</b> 44:1 83:13 113:13 114:2 124:23 125:15 127:24 128:4,8 133:18,23 134:12 160:21 161:6,13 165:9 <b>wall</b> 46:8	<b>wanted</b> 13:25 30:16 37:2,17 39:12 42:22,23 43:16 49:15 58:14,15 62:21 70:19 71:11 73:6 93:20,21 118:18 161:10 164:20 165:17,18 166:8, 11,13,15,20,24 <b>wanting</b> 58:18 <b>Washington</b> 5:1 6:10 18:17 19:3, 9 20:9 42:11 47:3,9 53:6,7,8 54:24 63:25 71:4 93:22,23 95:21 103:14 104:1,5,9 105:19,25 106:1 126:13 151:7 153:9 154:12 158:11,14,15 168:3 <b>watch</b> 89:11 146:2 <b>watched</b> 72:22 93:18 <b>water</b> 54:1 <b>ways</b> 18:5 69:7 78:13 <b>website</b> 20:15 22:4 24:12 33:22 57:24,25 59:24 61:2 62:11 64:14 71:8 76:5,10 95:22 96:3 99:5 132:19 135:24, 25 <b>Wednesday</b> 5:1 41:17 117:10,21,	22 <b>Wednesdays</b> 39:24 <b>week</b> 39:25 52:16,17 93:16 101:11 107:8 110:11,21 117:3, 5 164:20 <b>weekend</b> 52:15 101:9,13,14 <b>weeks</b> 64:6 110:12 <b>welcomed</b> 89:1 <b>Wework</b> 67:23 <b>Wework-type</b> 66:22 <b>white</b> 152:15,19 <b>wide</b> 20:10 <b>willingly</b> 141:3,5 <b>wire</b> 44:11 <b>withheld</b> 149:14, 18 <b>wondered</b> 159:6 <b>wondering</b> 99:19 <b>word</b> 83:6 <b>worded</b> 143:16 <b>wording</b> 159:5 <b>words</b> 132:24 133:7 164:6 <b>work</b> 20:15 25:19,20 37:2 51:8 66:12 68:17 69:7 75:11 103:1 107:15 138:1 <b>worked</b> 23:10 24:12 86:14,15 105:19 168:23 <b>working</b> 10:17 18:20 33:22	65:13,15 70:11, 15 82:7 111:7 122:25 123:11 151:25 161:8 168:21 <b>works</b> 86:12 <b>workweek</b> 101:18 <b>worried</b> 45:16 98:8 <b>worry</b> 53:21 74:13 112:4 <b>worth</b> 100:9 <b>Wow</b> 93:19 <b>write</b> 52:19 111:25 <b>writing</b> 33:20 <b>written</b> 52:8 78:3 105:7 128:4 <b>wrong</b> 114:24 128:25 <b>wrongful</b> 36:11 <b>wrote</b> 51:11 52:17,18,19 109:1
<hr/> <b>W</b> <hr/>				<hr/> <b>Y</b> <hr/>
<b>WAC</b> 56:2 63:14 <b>WACS</b> 54:24 56:2 <b>wait</b> 101:17 <b>waited</b> 121:15 <b>Waknin</b> 5:11,13, 21 6:1,2 10:25 12:5,7 13:7 15:23 16:25 19:21 22:16 26:15 27:3,21 28:5,16 29:22 30:3 33:16 34:12 35:7 36:2 38:15, 20 41:7 47:14 48:2,7 50:22 51:4 52:6 53:24 54:4,8,12 55:3 57:1,7 58:24 59:6,13,21 60:13 63:17 67:4,22				<b>Yakama</b> 49:9,14 153:21,23 155:25 164:1,23 165:5,20 166:2, 10,15,20 167:9 <b>Yakima</b> 32:14 48:18,21,25 49:5,23 51:24 53:3 116:8 125:11,18 126:10 145:1 153:4 154:17,24

LISA MCLEAN - 10/05/2022

Index: y..z

155:10,13 157:4,  
7

**year** 35:12

**years** 147:13

**yesterday** 82:15  
155:3

---

**Z**

---

**Zoom** 11:6 40:1,  
13 79:7 118:4  
165:10

**zooming** 142:19