

Soto Palmer, et al.
v.
Hobbs, et al.

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Deposition Upon Oral Examination of
Adam Hall
December 19, 2022

* * * * *

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.

REPORTED BY:
LAKESIDE REPORTING

Jeanne M. Gersten, RDR, CCR 2711
(833) 365-3376
Jeanne@LakesideReporting.com
Contact@LakesideReporting.com

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

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

SUSAN SOTO PALMER, et al.,)

Plaintiffs,)

V.

STEVEN HOBBS, in his official)
capacity as Secretary of State)
of Washington, and the STATE OF)
WASHINGTON,) No. 3:22-cv-05035-RSL

Defendants,)

and $\gamma = \frac{1}{2}$)

JOSE TREVIÑO, ISMAEL G. CAMPOS,)
and State Representative)
ALEX YBARRA,)

Intervenor-Defendants.)

DEPOSITION UPON ORAL EXAMINATION OF
ADAM HALL

Monday, December 19, 2022
8:59 a.m. to 4:32 p.m.

REPORTED BY: LAKESIDE REPORTING
Jeanne M. Gersten, RDR, CCR 2711
Registered Diplomate Reporter
(833) 365-3376
Jeanne@LakesideReporting.com
Contact@LakesideReporting.com

1 APPEARANCES:
2 FOR THE WITNESS, ADAM HALL
3 JESSICA L. GOLDMAN
4 SUMMIT LAW GROUP
5 315 Fifth Avenue South, Suite 1
Seattle, Washington 98104-2681
JessicaG@SummitLaw.com

FOR PLAINTIFFS SOTO PALMER, et al.,
on behalf of CAMPAIGN LEGAL CENTER:

ASEEM MULJI
BEN PHILLIPS, Legal Fellow
CAMPAIGN LEGAL CENTER
1101 14th Street Northwest, Suite 400
Washington, DC 20005
AMulji@CampaignLegalCenter.org
BPhillips@CampaignLegalCenter.org

FOR DEFENDANT STATE OF WASHINGTON:
ANDREW R. W. HUGHES
ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
800 Fifth Avenue, Suite 2000
Seattle, Washington 98104
Andrew.Hughes@ATG.Wa.gov

* * * * *

APPEARING VIA ZOOM VIDEOCONFERENCING:

FOR PLAINTIFFS SOTO PALMER, et al.,
on behalf of CAMPAIGN LEGAL CENTER:
ANNABELLE HARLESS
SIMONE LEEPER
KATE HAMILTON
CAMPAIGN LEGAL CENTER
1101 14th Street Northwest, Suite 400
Washington, DC 20005
AHarless@CampaignLegalCenter.org
SLeeper@CampaignLegalCenter.org
(Continued on next page)

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APPEARANCES, continued:
ALL VIA ZOOM VIDEOCONFERENCING:
FOR PLAINTIFFS on behalf of MALDEF:
DEYLIN THRIFT-VIVEROS
Mexican American Legal Defense and Educational
Fund (MALDEF)
634 South Spring Street, 11th Floor
Los Angeles, California 90014
DThrift-Viveros@MALDEF.org

FOR INTERVENOR-DEFENDANTS:
BRENNAN A. R. BOWEN
HOLTZMAN VOGEL
2575 East Camelback Road, Suite 860
Esplanade Tower IV
Phoenix, Arizona 85016
BBowen@HoltzmanVogel.com

* * * * *

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EXHIBITS

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2	Email string with Adam Hall, Matt Bridges, Ali O'Neil, Adam Bartz, Paulette Avalos, Brady Walkinshaw re Similar States w Legislative Data, 11/1-2/21 (Pages 52-54)	82
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4	Email to Sarah Augustine and Lisa McLean from Ali O'Neil re Dr. Barreto's VRA Analysis, 11/1/21	113
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1	NUMBER	DESCRIPTION	INTRODUCED	1	December 19, 2022, Seattle, Washington:
2	9	High Level Talking Points on VRA LEG-Hall_003119, SP-AG-017755	137	2	PROCEEDINGS: 8:59 a.m.
3				3	(Discussion off the record.)
4	10	Teams chat messages between Avalos, Bridges, Hall, 11/15/21	173	4	ADAM HALL,
5	11	Teams chat messages between Hall, Bridges and O'Neil, 11/15/21	176	5	having been sworn/affirmed on oath to tell the truth, the
6				6	whole truth, and nothing but the truth, testified as
7	12	Teams chat messages between Hall, Bridges and O'Neil, 11/15/21	180	7	follows:
8	13	Teams chat messages between Hall, Bridges and O'Neil, 11/15/21	189	8	EXAMINATION
9				9	BY MR. MULJI:
10	14	Teams chat messages between Hall, Bridges, Avalos and O'Neil, 11/15/21	192	10	Q Okay. Good morning. We've met before, but my name
11	15	Teams chat messages between Hall, Bridges, O'Neil, 11/15-16/21	194	11	is Aseem Mulji, and I represent the plaintiffs in the
12				12	Soto Palmer v. Hobbs case; and I'm going to be asking you
13	16	Email to Sen. Jamie Pedersen and Andy Billig from Adam Hall re Redistricting Commission Approves Settlement over OPMA Lawsuit, 2/23/22	207	13	some questions today in this deposition.
14				14	MR. MULJI: Before I start I just want to
15	17	Consent Decree and Final Judgment Washington Coalition for Open Government v. The State of Washington, et al., and West vs. Washington State Redistricting Commission, et al. LEG-Hall_003366, SP-AG-017996	207	15	identify everyone who is here for the record. So I have
16				16	myself and Ben Phillips from Campaign Legal Center for the
17	18	Screenshot of Elections & Voting Washington Secretary of State November 8, 2022 General Election for Legislative District 15	251	17	plaintiffs. Also on the line for the plaintiffs are
18				18	Simone Leeper and Kate Hamilton. And then we have Andrew
19				19	Hughes from the State of Washington. You have your
20				20	attorney, Ms. Goldman. And we have Brennan Bowen on
21				21	behalf of the intervenors. I think I got everyone, yes.
22				22	Q (By Mr. Mulji) Okay. Can you state your full name
23				23	for the record?
24				24	A Adam James Hall.
25				25	Q And do you go by Adam?
Page 7				Page 8	
1	A	Yes.		1	please ask me for clarification. Let me know you don't
2	Q	Can I call you Adam today?		2	understand. If you answer the question, I will assume
3	A	Yes.		3	that you understood it.
4	Q	Okay. I'm going to just start by going over some		4	Does that make sense?
5		ground rules for today's deposition. And actually before		5	A Yes.
6		I do, have you ever been deposed before?		6	Q It may happen that you answer a question and then a
7	A	No.		7	few minutes later or even an hour later remember that you
8	Q	Okay. So this is a deposition. I'm going to just		8	didn't answer completely or want to clarify a response.
9		be asking you questions. It's informal, but you are under		9	If that happens just let me know right then, and we will
10		oath. Everything you say, everything everyone says is		10	go ahead and clarify your response to the prior question.
11		being recorded by Jeanne; and in order to have sort of a		11	Does that make sense?
12		clear record I'm going to try my best not to talk over		12	A Yes.
13		you, and I just ask that you also do the same. Wait for		13	Q One of the attorneys here may object to my
14		me to finish asking my question, and then give your		14	questions -- maybe. That objection is just stated for the
15		answer; and I'll wait for you to finish.		15	record, and you're still required to answer the question
16		Does that all make sense?		16	unless you're specifically instructed not to.
17	A	Yes.		17	Do you understand that?
18	Q	And you've done this twice already, but please		18	A Yes.
19		provide verbal responses. So nodding your head, shaking		19	Q We can take breaks, and I will aim to try to get a
20		your head, um-hmm, uh-uh, none of those things are going		20	break in every hour for Jeanne; but we can break when
21		to show up clearly on the record. So just be sure to give		21	you'd like. I'd just ask that you don't take a break when
22		a verbal response.		22	a question is still pending. So answer the question, and
23		Do you understand that?		23	then you can take a break.
24	A	Yes.		24	Does that sound good?
25	Q	If you don't understand a question that I ask,		25	A Yes.

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<p>1 Q I mentioned this earlier, the court reporter has put</p> <p>2 you under oath, which means that you're under an</p> <p>3 obligation to tell the truth.</p> <p>4 Do you understand that?</p> <p>5 A Yes.</p> <p>6 Q Is there any reason you can't give truthful answers</p> <p>7 to my questions today?</p> <p>8 A No.</p> <p>9 Q Do you have any conditions that impair your memory?</p> <p>10 A No.</p> <p>11 Q Are you taking any medications that might impair</p> <p>12 your memory?</p> <p>13 A No.</p> <p>14 Q What did you do to prepare for this deposition?</p> <p>15 A I spoke with my attorney.</p> <p>16 Q Okay. And how many --</p> <p>17 And your attorney is Ms. Goldman?</p> <p>18 A Yes.</p> <p>19 Q Okay. Any other attorneys that you spoke with?</p> <p>20 A No.</p> <p>21 Q Did you meet with any counsel for the state to</p> <p>22 prepare for this deposition? And by that I mean the</p> <p>23 counsel of record in this case for the Attorney General's</p> <p>24 Office.</p> <p>25 A Can you restate the question?</p>	<p>1 Q Did you meet with any of the counsel of record in</p> <p>2 this case for the Attorney General's Office to prepare for</p> <p>3 this deposition?</p> <p>4 A No.</p> <p>5 Q You said you met with Ms. Goldman. How many times</p> <p>6 did you meet with her?</p> <p>7 A Twice.</p> <p>8 Q And the first time, when was it?</p> <p>9 A It would have been shortly after I got the notice of</p> <p>10 deposition.</p> <p>11 Q And approximately how long was that meeting?</p> <p>12 A It was an hour and -- Let me go back. I've had</p> <p>13 three conversations.</p> <p>14 Q Okay. So the first one was shortly after you got</p> <p>15 the notice for the deposition?</p> <p>16 A That was an hour and a half on the phone.</p> <p>17 Q Okay. And what about the second time, when was</p> <p>18 that?</p> <p>19 A I came into this office, but we had a phone</p> <p>20 conversation. That would have been a week and a half ago.</p> <p>21 Q Okay. And then you met one more time?</p> <p>22 A Yes.</p> <p>23 Q And how long did you meet?</p> <p>24 A We met for about an hour and a half a week ago.</p> <p>25 Q Okay. Besides your attorney did you discuss this</p>
Page 11	Page 12
<p>1 deposition with anyone else?</p> <p>2 A I spoke to people to tell them that I had the</p> <p>3 deposition.</p> <p>4 Q And when you say people, who?</p> <p>5 A Spouse.</p> <p>6 Q Okay.</p> <p>7 A Supervisors.</p> <p>8 Q That was purely to inform people that you were going</p> <p>9 to be in a deposition?</p> <p>10 A Yes.</p> <p>11 Q Did you discuss the content of this deposition or</p> <p>12 what was the expected content of this deposition with</p> <p>13 anyone?</p> <p>14 A No.</p> <p>15 Q Okay. Did you review any documents in preparation</p> <p>16 for this deposition? And I ask you this separate from any</p> <p>17 documents you reviewed with your attorney during any of</p> <p>18 those meetings, but did you -- At any other time did you</p> <p>19 review any documents?</p> <p>20 A No.</p> <p>21 Q About how long do you think you've spent in total</p> <p>22 preparing for this deposition?</p> <p>23 A Less than five hours.</p> <p>24 Q So the trial in this case is currently scheduled to</p> <p>25 start on May 1st, 2023. As of now do you see or foresee</p>	<p>1 any reason why you would be unavailable during the week of</p> <p>2 May 1st?</p> <p>3 A No.</p> <p>4 Q Do you foresee any reason you might be unavailable</p> <p>5 the following week? I think that's May 7th.</p> <p>6 A No.</p> <p>7 Q You understand that you're being deposed in the</p> <p>8 Soto Palmer case?</p> <p>9 A Yes.</p> <p>10 Q Are you familiar with a different lawsuit filed</p> <p>11 against the enacted version of Legislative District 15 as</p> <p>12 Garcia v. Hobbs?</p> <p>13 A Yes.</p> <p>14 Q What's your understanding of what the Garcia case is</p> <p>15 about?</p> <p>16 MS. GOLDMAN: Objection, calls for a legal</p> <p>17 conclusion.</p> <p>18 Q (By Mr. Mulji) You can answer.</p> <p>19 A I followed the initial hearings prior to a decision</p> <p>20 on the injunction before the 2022 elections, so I had an</p> <p>21 opportunity to listen to the arguments made. And I</p> <p>22 understand the case to be about whether the enacted map</p> <p>23 violates the Federal Constitution because of how it was</p> <p>24 drawn.</p> <p>25 Q Okay. I'm going to be using the terms Latino and</p>

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<p>1 Hispanic interchangeably during this deposition.</p> <p>2 Do you understand that?</p> <p>3 A Yes.</p> <p>4 Q And I'm going to be referring to Hispanic or Latino</p> <p>5 to mean anybody of any race who identifies as Hispanic or</p> <p>6 Latino.</p> <p>7 Do you understand that?</p> <p>8 A Yes.</p> <p>9 Q And when I say White in reference to someone, I'm</p> <p>10 talking about someone who identifies as White but not</p> <p>11 Hispanic or Latino.</p> <p>12 Does that make sense?</p> <p>13 A Yes.</p> <p>14 Q Do you identify as Hispanic or Latino?</p> <p>15 A No.</p> <p>16 Q How do you identify racially?</p> <p>17 A White.</p> <p>18 Q And are you an attorney?</p> <p>19 A Yes.</p> <p>20 Q Where did you go to law school?</p> <p>21 A Catholic University in Washington, D.C.</p> <p>22 Q And did you have a particular focus in law school?</p> <p>23 A I spent most of my time focused on constitutional</p> <p>24 law and legislation.</p> <p>25 Q And to the extent, I guess, anybody has a focus in</p>	<p>1 law school, did you --</p> <p>2 A It was informal.</p> <p>3 Q Okay. Did you take any coursework in voting rights?</p> <p>4 A Yes.</p> <p>5 Q Did you take coursework related too redistricting?</p> <p>6 A I believe redistricting was covered in my election</p> <p>7 law course.</p> <p>8 Q Okay. So you took election law, and that covered</p> <p>9 voting rights and redistricting?</p> <p>10 A (Nodded.)</p> <p>11 (Court reporter request to answer verbally.)</p> <p>12 A Yes, that's correct.</p> <p>13 Q I'm sorry. And that also wasn't a clear question,</p> <p>14 so I apologize.</p> <p>15 After law school what kind of legal work did you do?</p> <p>16 A I conducted vetting for a national political</p> <p>17 campaign and the presidential transition team. This team</p> <p>18 was comprised of lawyers. It did not require any legal</p> <p>19 research or writing.</p> <p>20 Q When -- Sorry, go ahead.</p> <p>21 A That's all.</p> <p>22 Q When did you graduate from law school?</p> <p>23 A 2008.</p> <p>24 Q Okay. And so you worked on the presidential</p> <p>25 transition in 2008 or 2009, I guess?</p>
Page 15	Page 16
<p>1 A (Nodded.)</p> <p>2 (Court reporter request to answer verbally.)</p> <p>3 A Yes.</p> <p>4 Q And can you just sort of walk me through the course</p> <p>5 of your career after that as a lawyer?</p> <p>6 A Sure. After working on the national political</p> <p>7 campaign and the presidential transition I spent time</p> <p>8 working for a member of Congress as a Legislative Fellow.</p> <p>9 After that I spent time at the U.S. State Department in</p> <p>10 their human trafficking office. Both of those were</p> <p>11 policy-based positions. I was not acting as a lawyer in</p> <p>12 either of those roles.</p> <p>13 Subsequent to that I spent a little over a year with</p> <p>14 the Council of State Governments Justice Center where I</p> <p>15 worked on criminal justice policy. And I was hired in my</p> <p>16 current position in November of 2013.</p> <p>17 Q And your current position, what is that?</p> <p>18 A I'm Senior Policy Counsel for the Washington State</p> <p>19 Senate Democratic Caucus.</p> <p>20 Q And you've held that position since 2013?</p> <p>21 A Yes.</p> <p>22 Q And in that position you mentioned that in some of</p> <p>23 your previous positions you had worked in sort of a policy</p> <p>24 capacity as an attorney, not as a sort of litigation or</p> <p>25 compliance attorney.</p>	<p>1 A (Nodded.)</p> <p>2 Q Is that -- What is the nature of the work that you</p> <p>3 do, legal work that you do in your current position?</p> <p>4 A I staff policy areas that have a significant legal</p> <p>5 component. So I staff all matters related to voting</p> <p>6 rights, to criminal law, to civil law, to issues that are</p> <p>7 heavily litigated in the courts, like firearms. And so my</p> <p>8 responsibility is to understand existing case law and</p> <p>9 lawsuits that are pending before state and federal courts</p> <p>10 and to be able to provide briefings and analysis to</p> <p>11 legislators.</p> <p>12 Q When you provide briefings and analysis to</p> <p>13 legislators are you providing that in sort of a policy</p> <p>14 capacity, or are you -- You're not retained counsel,</p> <p>15 right, when providing this advice?</p> <p>16 MS. GOLDMAN: Objection, compound.</p> <p>17 A Can you restate the question?</p> <p>18 Q (By Mr. Mulji) When you're providing policy advice</p> <p>19 or policy guidance to members of -- the legislator or</p> <p>20 staff of the legislator, you're providing that advice or</p> <p>21 guidance in the capacity as sort of a policy attorney;</p> <p>22 correct?</p> <p>23 A Yes.</p> <p>24 MR. HUGHES: Object to form.</p> <p>25 Q (By Mr. Mulji) And you mentioned that it's your job</p>

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<p style="text-align: right;">Page 17</p> <p>1 to sort of understand the law and the implications of the</p> <p>2 law on different policy areas; is that right?</p> <p>3 A Yes.</p> <p>4 Q And one of those policy areas was the 2021</p> <p>5 redistricting process; is that right?</p> <p>6 A Yes.</p> <p>7 Q What is your job title?</p> <p>8 A I'm Senior Policy Counsel.</p> <p>9 Q Okay. At any point in time did your title include</p> <p>10 redistricting as an explicit role?</p> <p>11 A Yes.</p> <p>12 Q At what points in time did you hold that position?</p> <p>13 A From roughly January of 2021 through December of</p> <p>14 2021.</p> <p>15 Q And what was your title during that period?</p> <p>16 A I believe it was listed on my signature line as</p> <p>17 Senior Policy and Redistricting Counsel.</p> <p>18 Q And was January of 2021 when you first got involved</p> <p>19 in the redistricting process?</p> <p>20 A No. I had held an informal role in the 2021</p> <p>21 redistricting cycle for several months prior to the</p> <p>22 beginning of 2021.</p> <p>23 Q Prior to January of 2021 what did your work on</p> <p>24 redistricting entail?</p> <p>25 A Because there was no Commission, because there was</p>	<p style="text-align: right;">Page 18</p> <p>1 no commissioners, no Commission staff at that point, but</p> <p>2 there was a desire to start making decisions around how</p> <p>3 the Commission would function and operate, I would meet</p> <p>4 with representatives of the other three partisan caucuses</p> <p>5 as well as Senate and House administration.</p> <p>6 Q In those several months leading up to January, 2021,</p> <p>7 other than working on sort of how the Commission would</p> <p>8 operate, how else did you spend your time on redistricting</p> <p>9 work?</p> <p>10 A Research, conversations around strategy.</p> <p>11 Q Was your research related to sort of how the</p> <p>12 Commission -- I think you said how the Commission would</p> <p>13 operate or function; correct?</p> <p>14 MS. GOLDMAN: Objection, vague.</p> <p>15 A Can you restate the question?</p> <p>16 Q (By Mr. Mulji) Your work before 2021 involved</p> <p>17 looking into how the Commission would operate or function;</p> <p>18 is that right?</p> <p>19 A Yes, along with other things, like the strategicals</p> <p>20 of the redistricting process for the caucus.</p> <p>21 Q And on that first point on how the Commission would</p> <p>22 operate, what did your work entail related to the</p> <p>23 Commission's operations?</p> <p>24 A It would focus on things like did we need office</p> <p>25 space. What software would we hire. What the timelines</p>
<p style="text-align: right;">Page 19</p> <p>1 were for the respective caucuses in terms of appointing a</p> <p>2 commissioner.</p> <p>3 Q You mentioned that you did this work in conjunction</p> <p>4 with staffers of other legislative caucuses; is that</p> <p>5 right?</p> <p>6 A Yes.</p> <p>7 Q Who were the main sort of caucus staff that you</p> <p>8 worked with on this?</p> <p>9 A The other caucus representatives would have been</p> <p>10 Paul Campos, Amy Ruble.</p> <p>11 THE REPORTER: Can you spell her last name,</p> <p>12 please?</p> <p>13 THE WITNESS: R-U-B-L-E.</p> <p>14 THE REPORTER: Thank you.</p> <p>15 A And the staff person from the House Republican</p> <p>16 Caucus has since departed, and I unfortunately don't</p> <p>17 remember his name. I believe it was a Matthew.</p> <p>18 Q That was for the House Republican Caucus?</p> <p>19 A Yes. He left the caucus shortly before the</p> <p>20 commissioners were appointed.</p> <p>21 Q Okay. And Amy Ruble, which caucus --</p> <p>22 A House Democratic Caucus.</p> <p>23 Q And Paul Campos?</p> <p>24 A Senate Republican Caucus.</p> <p>25 Q Okay. During that time did you discuss with other</p>	<p style="text-align: right;">Page 20</p> <p>1 caucus staff what sort of the expected timeline was of the</p> <p>2 redistricting process overall?</p> <p>3 A Yes.</p> <p>4 Q What were those -- What were those discussions?</p> <p>5 What did you discuss about the timeline of the</p> <p>6 redistricting process with those folks?</p> <p>7 A Appointment of commissioners and when those</p> <p>8 announcements might be made.</p> <p>9 Q And when did you expect the appointments would be</p> <p>10 done?</p> <p>11 A The State Constitution requires them to be appointed</p> <p>12 during the first part of the calendar year. So the</p> <p>13 conversations that I had were focused on the caucuses that</p> <p>14 were, I think, less -- that were not working as quickly in</p> <p>15 terms of naming their appointees.</p> <p>16 Q Did you discuss what the timeline for the</p> <p>17 redistricting process might look like beyond appointment?</p> <p>18 A I don't remember.</p> <p>19 Q During that time were you -- What kinds of materials</p> <p>20 were you looking at to prepare for the start of the</p> <p>21 redistricting process?</p> <p>22 A We were given presentation materials from different</p> <p>23 software vendors. So we would review materials that were</p> <p>24 provided by those vendors or by House and Senate</p> <p>25 administration who were serving as the point of entry for</p>

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<p style="text-align: right;">Page 21</p> <p>1 those potential vendors.</p> <p>2 Q Vendors related to -- Software vendors related to</p> <p>3 what?</p> <p>4 A The mapping programs that would be used by the</p> <p>5 Commission.</p> <p>6 Q What was the mapping program that the Commission</p> <p>7 ultimately settled on?</p> <p>8 A I never used it. I don't remember.</p> <p>9 Q Okay. You mentioned that during this time -- Well,</p> <p>10 actually before I go there.</p> <p>11 Did you review materials related to the operation of</p> <p>12 the 2011 Redistricting Commission?</p> <p>13 A Yes.</p> <p>14 Q What materials did you review related to that?</p> <p>15 A There was a binder in my office that was a</p> <p>16 summation of redistricting communications that I reviewed</p> <p>17 before we moved fully remote in March of 2020.</p> <p>18 Q Can you say more about what was in this binder?</p> <p>19 A The surveys of legislators, email communications,</p> <p>20 recommendations regarding the commissioner position for</p> <p>21 the Senate Democratic Caucus.</p> <p>22 Q And to be clear, these are materials related to the</p> <p>23 2011 Redistricting Commission?</p> <p>24 A Yes.</p> <p>25 Q And is it fair to say this was a binder sort of</p>	<p style="text-align: right;">Page 22</p> <p>1 passed on --</p> <p>2 A Yes.</p> <p>3 Q -- to memorialize what happened in the 2011</p> <p>4 Commission?</p> <p>5 A Yes.</p> <p>6 Q Okay. And do you still have this binder?</p> <p>7 A Yes.</p> <p>8 MR. MULJI: We would -- I mean, I'll put</p> <p>9 the request here on the record now, but we would probably</p> <p>10 want to request that binder; and I believe it likely will</p> <p>11 fall under our existing subpoena that we issued. We can</p> <p>12 also discuss that off the record, but I just wanted to</p> <p>13 note that here that it may fall under the obligations to</p> <p>14 produce under what we've asked for.</p> <p>15 Q (By Mr. Mulji) What did you learn about the 2011</p> <p>16 Commission from the research that you did about how that</p> <p>17 Commission operated?</p> <p>18 A I didn't find anything in the binder that was</p> <p>19 particularly instructive, so I received most of -- the</p> <p>20 most valuable information from Adam Bartz, who had been</p> <p>21 commission staff for the House Democratic Caucus, and is</p> <p>22 currently the Executive Director of the Senate Democratic</p> <p>23 Campaign Committee.</p> <p>24 Q And did Adam Bartz work on the 2011 redistricting</p> <p>25 process?</p>	<p>The State objects to lines 24:1-8: hearsay and lack of foundation. Mr. Hall is testifying about conversations he supposedly had with Adam Bartz and materials provided to him by Mr. Bartz that have not been identified in the record. Mr. Bartz is not a party to this case, nor is he the speaking agent of any party to this case. Further, because Mr. Hall's understanding is based on hearsay and materials that were not identified in the record, his testimony lacks foundation.</p> <p>Pls response: Foundation exists based on Hall's personal experiences at the 2021 commission, his review of records, and conversations with Adam Bartz. Not hearsay because opposing party statement.</p>
<p style="text-align: right;">Page 23</p> <p>1 A Yes. He staffed the House Democratic Caucus</p> <p>2 commissioner at the time.</p> <p>3 Q I see. And what did you learn in your conversations</p> <p>4 with him about the 2011 Redistricting Commission?</p> <p>5 A A lot of things. I talked to him about what the</p> <p>6 process was like, how the negotiations went.</p> <p>7 Conversations about Voting Rights Act and its</p> <p>8 applicability.</p> <p>9 We spoke about how negotiations unfolded in the</p> <p>10 months and weeks and days prior to the deadline. We spoke</p> <p>11 about outreach efforts, and we spoke about relationship</p> <p>12 building with members of the Senate Democratic Caucus as</p> <p>13 well as the congressional delegation.</p> <p>14 Q I want to dig into this a little bit. So based on</p> <p>15 those conversations and your review of materials from that</p> <p>16 process, were there particular ways that the 2011's</p> <p>17 Commission process differed from your experience of the</p> <p>18 2021 --</p> <p>19 MS. GOLDMAN: Objection, calls --</p> <p>20 Q -- process?</p> <p>21 MS. GOLDMAN: Objection, calls for</p> <p>22 speculation.</p> <p>23 MR. HUGHES: And vague.</p> <p>24 Q (By Mr. Mulji) You can answer.</p> <p>25 A Can you restate the question?</p>	<p style="text-align: right;">Page 24</p> <p>1 Q Yes. Based on your readings about how the 2011</p> <p>2 Commission operated and your conversations with staffers</p> <p>3 from that Commission, were there ways that the 2021</p> <p>4 redistricting process differed from the prior</p> <p>5 redistricting process?</p> <p>6 A Yes.</p> <p>7 MS. GOLDMAN: Objection, calls for</p> <p>8 speculation.</p> <p>9 Q (By Mr. Mulji) And in what ways did it differ?</p> <p>10 A A lot. Can you be more specific?</p> <p>11 Q Sure. Well, let's start with the timeline.</p> <p>12 Did the Commissions operate on a similar timeline?</p> <p>13 MS. GOLDMAN: Objection, call for</p> <p>14 speculation.</p> <p>15 Q (By Mr. Mulji) You can answer.</p> <p>16 A They had the same requirements. They had the same</p> <p>17 deadlines. I would not say that they performed the duties</p> <p>18 along the same timeline.</p> <p>19 Q In what ways did the 2021 Commission depart from</p> <p>20 maybe the timeline that the 2011 Commission used?</p> <p>21 A They're --</p> <p>22 MS. GOLDMAN: Objection, calls for</p> <p>23 speculation.</p> <p>24 MR. HUGHES: And lack of foundation.</p> <p>25 Can I -- Sorry, Aseem. Can I get a standing</p>	<p>The State objects to lines 24:19-26:1: hearsay; lack of foundation. Mr. Hall is testifying about conversations he supposedly had with Adam Bartz and materials provided to him by Mr. Bartz that have not been identified in the record. Mr. Bartz is not a party to this case, nor is he the speaking agent of any party to this case. Further, because Mr. Hall's understanding is based on hearsay and materials that were not identified in the record, his testimony lacks foundation.</p> <p>Pls response: Same as above</p>

6 (Pages 21 to 24)

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Pls response:
Same as
above

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1 objection on foundation for these sort of questions, any
 2 questions where Adam's knowledge would come solely from
 3 Adam Bartz?
 4 MR. MULJI: Yes, you're welcome to put that
 5 objection on the record.
 6 MR. HUGHES: I'm asking -- I could object
 7 individually to every question, --
 8 MR. MULJI: I see.
 9 MR. HUGHES: -- but if you just give me a
 10 standing objection I could not interrupt the flow.
 11 MR. MULJI: Sure.
 12 MR. HUGHES: Thank you, Aseem.
 13 MR. BOWEN: And also -- and I might have
 14 missed this -- do we have on the record that an objection
 15 by one preserves it for all? I know we talked about it
 16 beforehand.
 17 THE REPORTER: It was not on the record.
 18 MR. BOWEN: Okay. Could we get that on the
 19 record now?
 20 MR. MULJI: That's fine with plaintiffs.
 21 MR. HUGHES: Yes, agreed. Thanks, Brennan.
 22 MR. BOWEN: All right. Thanks.
 23 A I was told that the final map in 2011 was approved
 24 several hours before the constitutional deadline. There
 25 was no map at midnight, at the midnight deadline during

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1 the 2021 redistricting cycle.
 2 Q (By Mr. Mulji) And were there other ways that you
 3 learned the timeline differed from 2011 to 2021?
 4 MS. GOLDMAN: Objection, calls for
 5 speculation.
 6 A Yes. Given the delay in census data being received
 7 by the state, there were fewer caucus proposals than there
 8 were in the previous cycle. In the previous cycle there
 9 were maps produced by -- There was a round of maps
 10 produced by each caucus, a round of maps produced by each
 11 sort of party, meaning the House Democratic, Senate
 12 Democratic commissioners' proposed map; and then the
 13 Republican-appointed commissioners from the House and
 14 Senate caucuses also produced a map, and then there was a
 15 final map.
 16 In this situation there was a single map produced by
 17 all four caucuses in the middle of September, followed by
 18 voluntary maps being produced by the House and Senate
 19 Democratic Caucuses. Excuse me, the appointed
 20 commissioners from the House and Senate Democratic
 21 Caucuses in October, and then the final map, which was
 22 adopted, which was created after the deadline.
 23 Q (By Mr. Mulji) And so just to make sure I
 24 understand. The 2021 process there were -- You said that
 25 there were four public proposals put out by each caucus in

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1 September, followed by two more proposals by the
 2 Democratic caucuses in October; is that right?
 3 A They were put out by the -- I should be more careful
 4 with my words. They were released by the commissioners
 5 appointed by the House and Senate Democratic Caucuses.
 6 Q Right. And how was that different in the 2011
 7 process? I didn't quite understand.
 8 MS. GOLDMAN: Objection, asked and
 9 answered, and calls for speculation.
 10 Q (By Mr. Mulji) You can answer.
 11 A In 2011 there was a round where each caucus released
 12 a map, and then a second round where each partisan
 13 grouping released a map.
 14 So the Republicans released a joint map, and the
 15 Democrats released a joint map.
 16 Q I see. So in 2011 each of the four commissioners
 17 released a public proposal; and then there was a second
 18 round of public proposals where the Democratic
 19 commissioners proposed a single map, and then the
 20 Republican commissioners proposed a single map; is that
 21 right?
 22 A (Nodded.) Yes. And I know I'm nodding my head.
 23 I'm sorry.
 24 Q When was the second proposal, public proposal
 25 released in 2011?

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1 MS. GOLDMAN: Objection, calls for
 2 speculation.
 3 A I don't know offhand.
 4 Q (By Mr. Mulji) Sometime before the deadline for the
 5 Commission; correct?
 6 A Yes.
 7 Q How did that impact the negotiations during the 2011
 8 process, as far as you know?
 9 MS. GOLDMAN: Objection, lack of
 10 foundation, calls for speculation.
 11 MR. HUGHES: I'm going to join that
 12 objection. Sorry. I don't have to join.
 13 Q (By Mr. Mulji) You can answer.
 14 A What I was told was that each round of map drawing
 15 and each public release was used as a way to inform the
 16 negotiations that were happening behind closed doors.
 17 So the more maps that were drawn and released
 18 publicly the more opportunities there were to change the
 19 dynamics that were happening behind closed doors.
 20 Q I see. So one impact of the public proposals in
 21 2011 you're talking about now is that it created more
 22 opportunities to shift the negotiations.
 23 Were there any other impacts of the release of sort
 24 of two rounds of public proposals that you discussed
 25 regarding the 2011 process?

7 (Pages 25 to 28)

Soto Palmer, et al. v. Hobbs, et al.
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The State objects to lines 28:7-29:13: hearsay, lack of foundation, and calls for speculation. Mr. Hall is testifying about conversations he supposedly had with Adam Bartz and materials provided to him by Mr. Bartz that have not been identified in the record. Mr. Bartz is not a party to this case, nor is he the speaking agent of any party to this case. Nor is Mr. Hall's hearsay statements about what he "was told" by Mr. Bartz a statement of then-existing mental condition, but rather a purported explanation by Mr. Bartz about what had happened a decade prior. Further, because Mr. Hall's understanding is based on hearsay and materials that were not identified in the record, his testimony lacks foundation, and his testimony about what might have happened in 2011 is speculation.

Pls response: Foundation exists based on Hall's personal experiences at the 2021 commission, his review of records, and conversations with Adam Bartz. Not hearsay because opposing party statement; 803 exception then existing mental condition

The State objects to lines 27:16-23: hearsay and lack of foundation. Mr. Hall is testifying about conversations he supposedly had with Adam Bartz and materials provided to him by Mr. Bartz that have not been identified in the record. Mr. Bartz is not a party to this case, nor is he the speaking agent of any party to this case. Further, because Mr. Hall's understanding is based on hearsay and materials that were not identified in the record, his testimony lacks foundation.

Pls response: Foundation exists based on Hall's personal experiences at the 2021 commission, is review of records, and conversations with Adam Bartz. Not hearsay because opposing party statement

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1 MS. GOLDMAN: Objection, lack of
 2 foundation, and calls for speculation.
 3 A As a team when we talked about what happened in 2011
 4 we talked a lot about how the Democratic commissioners
 5 were collaborating and coordinating, and we talked about
 6 how the maps that were released that year helped build a
 7 strategy that was shared by both commissioners.
 8 Q (By Mr. Mulji) Was that the case in the 2021
 9 process?
 10 A I think they tried.
 11 Q Do you think they succeeded in sort of successful
 12 coordination?
 13 A No.
 14 Q Was another impact of the multiple rounds of public
 15 proposals in 2011 that the public had an opportunity to
 16 comment on those?
 17 MS. GOLDMAN: Objection, calls for
 18 speculation, lack of foundation.
 19 A In 2011 there were a number of public hearings held
 20 across the state. I attended one informally as a private
 21 citizen just to see how they worked.
 22 And in 2021 there was a desire to have some kind of
 23 public participation because of the pandemic that looked
 24 like Zoom calls. Most of those opportunities happened
 25 prior to the release of the first map, and there was not

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1 as much of a focus on getting public feedback prior to the
 2 release of those first maps -- or after the release of
 3 those first maps in September of 2021.
 4 Q (By Mr. Mulji) Based on your conversations about and
 5 study of the 2011 Commission, did public comment
 6 continue -- Did public comment sort of extend to the
 7 second round of proposals released by the two -- or by
 8 each side of the Commission?
 9 MS. GOLDMAN: Object.
 10 Q (By Mr. Mulji) Let me clarify. You told me that
 11 there was a sort of second round of public proposals
 12 during the 2011 process, one by each side, essentially; is
 13 that right?
 14 MS. GOLDMAN: Objection, calls for
 15 speculation, lack of foundation.
 16 A Yes.
 17 Q (By Mr. Mulji) Was there a round of public comment
 18 on those proposals during the 2011 Commission to the
 19 extent you know?
 20 MS. GOLDMAN: Objection, vague, calls for
 21 speculation, and lack of foundation.
 22 A Can you restate the question?
 23 Q (By Mr. Mulji) Was there an opportunity for the
 24 public to weigh in on that second round of public
 25 proposals?

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1 MS. GOLDMAN: In 2011?
 2 MR. MULJI: In 2011.
 3 MS. GOLDMAN: Objection, calls for
 4 speculation, lack of foundation.
 5 A That's my recollection, but I'd have to go back and
 6 look at the website. They listed out when they had all of
 7 their hearings and when they released their maps.
 8 Q (By Mr. Mulji) Did you look at those proposals, the
 9 public proposals released prior to the adoption of the
 10 final map in 2011?
 11 A Yes.
 12 Q Did the second round of public proposals look like
 13 the final enacted plan?
 14 A I don't remember.
 15 Q Okay. What were the discussions -- based on again
 16 your study of the 2011 process and the conversations you
 17 had about it -- about the district, Legislative District
 18 in the Yakima Valley?
 19 MS. GOLDMAN: Objection, vague, calls for
 20 speculation, lack of foundation.
 21 A Can you restate the question?
 22 Q (By Mr. Mulji) Yes. Based on your review of what
 23 happened in the 2011 redistricting process, what were the
 24 discussions in 2011 around the Legislative District in the
 25 Yakima Valley among commissioners and staff?

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1 A I was --
 2 MS. GOLDMAN: Objection, calls for
 3 speculation, and lack of foundation.
 4 Q (By Mr. Mulji) You can answer.
 5 MR. HUGHES: And vague.
 6 A I was told that at least one commissioner met with a
 7 private attorney, a private law firm here in Seattle, to
 8 perform some basic legal analysis around whether or not a
 9 majority-minority district could be drawn in the Yakima
 10 Valley. Excuse me.
 11 And that firm provided some analysis. I never saw
 12 any documents, but I was told that some material was
 13 prepared for presentation to at least one Democratic
 14 commissioner and their staff outlining the ability to draw
 15 a majority-minority district in the Yakima Valley.
 16 Q (By Mr. Mulji) Are there any other ways in which
 17 the -- When you say draw a majority-minority district are
 18 you referring to the requirement of the Voting Rights
 19 Act -- the potential requirement of the Voting Rights Act
 20 to draw an opportunity district?
 21 Is that what you're referring to?
 22 MS. GOLDMAN: Objection, calls for a legal
 23 conclusion, and vague.
 24 A Yes, that's what I was told.
 25 Q (By Mr. Mulji) Okay. Are there any other ways in

8 (Pages 29 to 32)

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The State objects to lines 31:22-32:24: hearsay and lack of foundation. Mr. Hall is testifying about conversations he supposedly had with Adam Bartz and materials provided to him by Mr. Bartz that have not been identified in the record. Mr. Bartz is not a party to this case, nor is he the speaking agent of any party to this case. Further, because Mr. Hall's understanding is based on hearsay and materials that were not identified in the record, his testimony lacks foundation.

Pls response: Foundation exists based on Hall's personal experiences at the 2021 commission, his review of records, and conversations with Adam Bartz. Not hearsay because opposing party statement.

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The State objects to lines 34:7-21: hearsay. Mr. Hall is testifying about conversations he supposedly had with Noah Purcell (who was an attorney at Perkins Coie in 2011 and is now the State Solicitor General). Mr. Purcell is not a party to this case, nor was he speaking in any capacity as the speaking agent of any party to this case.

Pls response: Not hearsay because opposing party statement.

Pls objection to 34:22: incomplete designation (only the question is designated)

The State objects to lines 36:2-16: hearsay, lack of foundation. Mr. Hall is testifying about conversations he supposedly had with Adam Bartz. Mr. Bartz is not a party to this case, nor is he the speaking agent of any party to this case. Further, because Mr. Hall's understanding is based on hearsay and materials that were not identified in the record, his testimony lacks foundation.

Pls response: Foundation exists based on Hall's personal experiences at the 2021 commission, his review of records, and conversations with Adam Bartz. Not hearsay because opposing party statement.

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1 which the Voting Rights Act figured into the discussion or
2 commentary that you saw related to the 2011 redistricting
3 process?
4 MS. GOLDMAN: Objection, vague, calls for
5 speculation, and lack of foundation.
6 A Can you restate that question?
7 Q (By Mr. Mulji) Were there other discussions about
8 the Voting Rights Act in 2011 that you saw or heard of?
9 MS. GOLDMAN: Objection, calls for
10 speculation, lack of foundation.
11 A Yes.
12 Q (By Mr. Mulji) And what were those discussions?
13 A I believe I reached out to the attorney who produced
14 the document for the Democratic commissioner and staff.
15 Q And who was that attorney?
16 A Noah Purcell.
17 Q And what was your discussion with Mr. Purcell? Did
18 you speak to Mr. Purcell?
19 A Yes.
20 Q What did you talk about?
21 MR. HUGHES: I'm going to pause here.
22 Mr. Purcell is now the Solicitor General for the
23 State of Washington.
24 MR. MULJI: Oh, I'm sorry.
25 MR. HUGHES: Did you -- Do you mind if I

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1 foundation.
2 Q (By Mr. Mulji) You can answer.
3 A No. What I was told was that they were looking at
4 what districts could be drawn, and they were more focused
5 on the ability to draw a district that would perform
6 rather than any requirements that they must draw a
7 district that could perform.
8 Q Was it your understanding that they looked into the
9 legal requirement for such a district, or was it that they
10 just looked into whether they could draw a district?
11 MS. GOLDMAN: Objection, compound, vague,
12 calls for speculation, and lack of foundation.
13 Q (By Mr. Mulji) You can answer.
14 A We didn't get to that level of detail.
15 Q Okay. And let me move on to another difference you
16 noted. You mentioned that in 2011 the Commission adopted
17 a plan, I think you said some number of hours before the
18 deadline; is that right?
19 A Yes.
20 Q Did you say how many?
21 A It was that evening.
22 Q Was there -- Did you watch the commission meeting --
23 MS. GOLDMAN: Objection.
24 Q (By Mr. Mulji) -- where the Commission adopted the
25 final Legislative District plan in 2011?

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1 ask very briefly a question?
2 MR. MULJI: Why don't we go off record for
3 a moment.
4 MR. HUGHES: Thank you.
5 (Discussion off the record.)
6 MR. MULJI: We're back on the record.
7 Q (By Mr. Mulji) Yes, what did you discuss with
8 Mr. Purcell related to the 2011 redistricting process?
9 A I confirmed that Perkins Coie did provide some
10 analysis; that he had worked with a partner named Kevin
11 Hamilton, and that they had met with at least one
12 Democratic commissioner and staff, and that they
13 reviewed --
14 As it was explained to me, they reviewed and
15 provided a thumbs-up on the idea of drawing a majority-
16 minority district that would elect candidates of choice in
17 the Yakima Valley.
18 Q When you say elect candidates of choice, do you mean
19 elect candidates of choice of the Latino community in the
20 Yakima Valley?
21 A Yes.
22 Q Did they come to a conclusion that an opportunity
23 district was required in the Yakima Valley?
24 MS. GOLDMAN: Objection, calls for a legal
25 conclusion, and calls for speculation, and lack of

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1 A I don't remember watching it.
2 Q Okay. Did you discuss how that meeting went with
3 anyone?
4 A Yes.
5 Q Who was there? What did you discuss about that
6 final meeting of the Commission to adopt the 2011
7 Legislative District plan?
8 A In speaking with Adam Bartz during this past cycle,
9 he talked about how negotiations led up to the final
10 meeting, that there were actual maps that they voted on in
11 that final meeting, and that the commissioners' work was
12 effectively done when that meeting adjourned before the
13 midnight deadline.
14 Q And so they had a map they were looking at during
15 that public meeting?
16 A Yes.
17 Q Was there an opportunity for public comment at that
18 public meeting?
19 MS. GOLDMAN: Objection, calls for
20 speculation, and lack of foundation.
21 A I don't know because I wasn't there. I don't
22 remember talking about public feedback at that meeting.
23 Q (By Mr. Mulji) Are you familiar with the Open Public
24 Meetings Act?
25 A Yes.

9 (Pages 33 to 36)

Soto Palmer, et al. v. Hobbs, et al.
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The State objects to lines 33:7-19: hearsay. Mr. Hall is testifying about conversations he supposedly had with Noah Purcell (who was an attorney at Perkins Coie in 2011 and is now the State Solicitor General). Mr. Purcell is not a party to this case, nor was he speaking in any capacity as the speaking agent of any party to this case.

Pls response: Not hearsay because opposing party statement.

The State objects to lines 35:15-21: hearsay, lack of foundation. Mr. Hall is testifying about conversations he supposedly had with Adam Bartz and materials provided to him by Mr. Bartz that have not been identified in the record. Mr. Bartz is not a party to this case, nor is he the speaking agent of any party to this case. Further, because Mr. Hall's understanding is based on hearsay and materials that were not identified in the record, his testimony lacks foundation.

Pls response: Foundation exists based on Hall's personal experiences at the 2021 commission, his review of records, and conversations with Adam Bartz. Not hearsay because opposing party statement.

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<p style="text-align: right;">Page 37</p> <p>1 Q Have you provided guidance around the Open Public 2 Meetings Act? 3 A Yes. 4 Q Do you consider yourself pretty familiar with what 5 the requirements are of the Open Public Meetings Act? 6 A Yes. 7 MS. GOLDMAN: Objection, vague. 8 Q (By Mr. Mulji) Did the Open Public Meetings Act 9 require there to be public comment in 2011 at the final 10 Commission meeting? 11 MS. GOLDMAN: Objection, calls for a legal 12 conclusion, lack of foundation, and calls for speculation. 13 Q (By Mr. Mulji) You can answer. 14 A I never looked into the question of whether or not 15 public comment was required at that meeting. 16 Q So far we've discussed your role prior to January, 17 2021 in the redistricting process. Starting in January of 18 2021 you officially became -- I guess your title became 19 Redistricting Counsel; correct? 20 A (Nodded.) 21 Q What was your role from that point going forward in 22 the redistricting process? 23 A Once we hired Ali O'Neil to serve directly for 24 Commission Brady Walkinshaw, I, along with Matt Bridges, 25 took on roles within the caucus to help Ali and to help</p>	<p style="text-align: right;">Page 38</p> <p>1 Commissioner Walkinshaw. 2 So Ali O'Neil had never held a position with the 3 Legislature. She had never had any experience in 4 redistricting, the subject matter, the process; and so I 5 was someone who helped her learn pretty quickly the ins 6 and outs of the redistricting process. 7 And I provided my services as a sounding board as 8 she became more involved in the day-to-day operations of 9 the Commission as well as the duties of Commissioner 10 Walkinshaw. 11 Q I want to go back to one thing we discussed earlier, 12 your conversation with Mr. Purcell. I want to note -- I 13 want to confirm my understanding from our conversation off 14 record that you didn't understand -- 15 You understood that you didn't have an 16 attorney-client relationship with Mr. Purcell; is that 17 right? 18 A That is correct. 19 Q Okay. So you on-boarded and trained Ms. O'Neil. 20 Did you have any other duties related to 21 redistricting? 22 A Yes. 23 Q And what were those? 24 A My role was two-fold, I think. One was to help Ali 25 navigate the stakeholder community. I had had existing</p>
<p style="text-align: right;">Page 39</p> <p>1 relationships with many of these people that she didn't 2 know previously, and so especially in the early stages I 3 would help her understand sort of who the key players 4 were. 5 The second piece was that whenever a question would 6 arise within our internal team around compliance with 7 state and federal law I would take a first pass at 8 answering those questions. 9 Q In this -- So in this second role you were sort of 10 the go-to -- Were you sort of the go-to person for all 11 questions related to compliance with the Voting Rights Act 12 as well? 13 MS. GOLDMAN: Objection, vague. 14 A Yes. 15 Q (By Mr. Mulji) And that was within the Senate 16 Democratic Caucus team? 17 A Yes. 18 Q And who were the members of this team that were 19 working on the redistricting process? 20 A Within our caucus? 21 Q Yes. 22 A Ali O'Neil, who was an employee -- or was a 23 Redistricting Commission staffer who was employed by the 24 Senate Democratic Caucus. Myself and Matt Bridges, who 25 were paid a small stipend to do redistricting work in</p>	<p style="text-align: right;">Page 40</p> <p>1 addition to our existing duties for the caucus. 2 And Adam Bartz, who was the executive director of 3 the campaign committee had an unpaid and informal role. 4 Q Any other members of the team who worked on 5 redistricting? 6 MS. GOLDMAN: Objection, vague. 7 A The Senate counsel would help on some thornier HR 8 and public records questions. 9 Q (By Mr. Mulji) Was Senate counsel involved at all 10 with compliance -- Was Senate counsel involved in 11 questions related to the Voting Rights Act? 12 A No. 13 Q Other than supporting and training and on-boarding 14 Ali O'Neil and providing your team an understanding of the 15 requirements of the Voting Rights Act and other federal 16 and state laws, did you have other duties related to the 17 redistricting process in your role? 18 A Especially early on I would help coordinate 19 communications with other relevant state agencies, so the 20 Attorney General's Office, the Secretary of State's 21 Office. Those were the main ones. 22 Q Did that role include sort of evaluating map 23 proposals that came through to the Senate Democratic 24 Caucus from the Commission negotiations? 25 MS. GOLDMAN: Objection, vague.</p>

10 (Pages 37 to 40)

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<p>1 A Can you restate the question?</p> <p>2 Q (By Mr. Mulji) Yes. I guess did your -- Was one of</p> <p>3 your duties to evaluate map proposals from the</p> <p>4 negotiations?</p> <p>5 A Yes. Everyone on our team would evaluate and</p> <p>6 provide feedback on what they would see.</p> <p>7 Q So when you got -- Say when Commissioner Walkinshaw</p> <p>8 got a proposal from another commissioner for a district,</p> <p>9 all members of your team would take a look and provide</p> <p>10 feedback?</p> <p>11 A Yes.</p> <p>12 Q Did you have a particular focus when you were</p> <p>13 looking at map proposals compliance with any particular</p> <p>14 laws?</p> <p>15 A Yes.</p> <p>16 Q Which ones?</p> <p>17 A The federal Voting Rights Act.</p> <p>18 Q Okay. Did you conduct any mapping yourself during</p> <p>19 the redistricting process?</p> <p>20 A No.</p> <p>21 Q Who was primarily responsible for mapping on your</p> <p>22 team?</p> <p>23 A Matt Bridges.</p> <p>24 Q And to be clear, you mentioned it sounds like you</p> <p>25 were sort of a four-person team: You, Ali O'Neil, Matt</p>	<p>1 Bridges and Adam Bartz.</p> <p>2 Was your role to support Commissioner Walkinshaw in</p> <p>3 his job?</p> <p>4 A That's how it was envisioned, yes.</p> <p>5 Q Was it your understanding that that's also how all</p> <p>6 the other caucuses operated with respect to the caucus</p> <p>7 staff and commissioners?</p> <p>8 A No.</p> <p>9 MS. GOLDMAN: Objection, calls for</p> <p>10 speculation, lack of foundation.</p> <p>11 Q (By Mr. Mulji) Do you know how other caucus staff</p> <p>12 sort of structured their work on redistricting?</p> <p>13 A I'm reluctant to answer that question because I</p> <p>14 think what I knew is different from what has subsequently</p> <p>15 been released through public records requests and news</p> <p>16 coverage of redistricting.</p> <p>17 Q What do you mean by that?</p> <p>18 A I think that in our internal conversations with the</p> <p>19 House Democratic Caucus staff, with the House Democratic</p> <p>20 Commissioner, we had a sense who we thought their team</p> <p>21 was, and I think that they had additional people who were</p> <p>22 informally advising and had an outsider's role in their</p> <p>23 work.</p> <p>24 Q You're talking specifically about the House</p> <p>25 Democratic Caucus?</p>
Page 43	Page 44
<p>1 A Yes.</p> <p>2 Q Who were informal advisers? Who were these informal</p> <p>3 advisers that you're talking about?</p> <p>4 MS. GOLDMAN: Objection, calls for</p> <p>5 speculation, and lack of foundation.</p> <p>6 A Recent news coverage has indicated that Lindsey Grad</p> <p>7 and Kurt Fritts played a significant role in advising</p> <p>8 April Sims.</p> <p>9 Q (By Mr. Mulji) Who is Lindsey Grad?</p> <p>10 A She is a lobbyist for SEIU 1199.</p> <p>11 Q And the second person was Kurt Fritts. Who is that?</p> <p>12 A Kurt Fritts was a Commission -- was a caucus staffer</p> <p>13 during the 2000 redistricting cycle who subsequently had a</p> <p>14 number of positions, including most recently being</p> <p>15 involved in independent expenditures during -- in the</p> <p>16 Washington state legislative races and statewide</p> <p>17 initiatives over the last several campaign cycles.</p> <p>18 And I spoke with Kurt informally twice before</p> <p>19 January, 2021, and only in the last couple of weeks have I</p> <p>20 come to realize that he was advising the House Democratic</p> <p>21 Caucus's commissioner throughout the process.</p> <p>22 Q Okay. And you didn't know this as the process was</p> <p>23 going on?</p> <p>24 A No.</p> <p>25 Q Okay. What's your understanding of the advice that</p>	<p>1 Kurt Fritts provided to Ms. Sims during the redistricting</p> <p>2 process?</p> <p>3 MS. GOLDMAN: Objection, calls for</p> <p>4 speculation, lack of foundation.</p> <p>5 Q (By Mr. Mulji) You can answer.</p> <p>6 A I don't know.</p> <p>7 Q We've talked about your duties and your position</p> <p>8 related to redistricting.</p> <p>9 A (Nodded.)</p> <p>10 Q What are your sort of -- Do you believe you were</p> <p>11 well equipped for this role during the redistricting</p> <p>12 process?</p> <p>13 MS. GOLDMAN: Objection, vague.</p> <p>14 A Can you restate the question?</p> <p>15 Q (By Mr. Mulji) I guess what I'm getting at is do</p> <p>16 you believe you were qualified for the role that you held</p> <p>17 related to the redistricting process?</p> <p>18 A Yes.</p> <p>19 Q What are some of those qualifications?</p> <p>20 A I've staffed the State Government and Elections</p> <p>21 Committee and its predecessors for nine years. Included</p> <p>22 in that committee's jurisdiction is all legislation</p> <p>23 related to the Open Public Meetings Act, the Public</p> <p>24 Records Act, the Redistricting Commission Statute, the</p> <p>25 state Voting Rights Act, as well as advising members on</p>

11 (Pages 41 to 44)

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<p style="text-align: right;">Page 45</p> <p>1 federal lawsuits relating to the voting rights litigation</p> <p>2 in Washington state.</p> <p>3 Q Have you spent significant time reviewing the</p> <p>4 provisions of the Voting Rights Act, the federal Voting</p> <p>5 Rights Act?</p> <p>6 A Yes.</p> <p>7 Q Have you spent significant time reading case law</p> <p>8 related to the federal Voting Rights Act?</p> <p>9 MS. GOLDMAN: Objection as to form.</p> <p>10 A Yes.</p> <p>11 Q (By Mr. Mulji) Do you feel like you have a</p> <p>12 comfortable grasp of what knowledge you have on the Voting</p> <p>13 Rights Act, --</p> <p>14 MS. GOLDMAN: Objection.</p> <p>15 Q (By Mr. Mulji) -- the federal Voting Rights Act?</p> <p>16 MS. GOLDMAN: Objection, vague.</p> <p>17 Q (By Mr. Mulji) Let me ask the question again.</p> <p>18 Do you have a comfortable grasp of federal Voting</p> <p>19 Rights Act doctrine?</p> <p>20 MS. GOLDMAN: Objection, vague, calls for a</p> <p>21 legal conclusion.</p> <p>22 Q (By Mr. Mulji) You can answer.</p> <p>23 A Yes, when I have my laptop in front of me.</p> <p>24 Q As is the case for all of us.</p> <p>25 Okay. In your role can you tell me about your</p>	<p style="text-align: right;">Page 46</p> <p>1 relationship with Brady Walkinshaw?</p> <p>2 MS. GOLDMAN: Objection, vague.</p> <p>3 Q (By Mr. Mulji) Let me ask a more specific question.</p> <p>4 Well, what was the nature of your working</p> <p>5 relationship? How did you -- How did you communicate with</p> <p>6 Mr. Walkinshaw during the redistricting process, if you</p> <p>7 did?</p> <p>8 MS. GOLDMAN: Objection, compound.</p> <p>9 A In the early stages of redistricting, so say the</p> <p>10 first six months of 2021, I didn't have much of a</p> <p>11 relationship with him. I was on a handful of conference</p> <p>12 calls, Zooms with him. I had maybe two or three phone</p> <p>13 calls.</p> <p>14 But he made clear that he wanted everything to run</p> <p>15 through Ali O'Neil, so most of what he heard or saw from</p> <p>16 me would be routed through Ali.</p> <p>17 Q (By Mr. Mulji) That was you said during the early</p> <p>18 part of the redistricting process.</p> <p>19 A (Nodded.)</p> <p>20 Q Did that change or evolve over time?</p> <p>21 A Yes. We had more frequent meetings as a team with</p> <p>22 him subsequent to the first release of the map because</p> <p>23 we -- Our team believed that we needed to engage an expert</p> <p>24 on the Yakima Valley, and we needed Brady's sign-off.</p> <p>25 He also made public comment about compliance with</p>
<p style="text-align: right;">Page 47</p> <p>1 the federal Voting Rights Act, which required more</p> <p>2 meetings and more coordination.</p> <p>3 And then finally in the week prior to the</p> <p>4 redistricting deadline our team worked out of his offices</p> <p>5 at Grist, so we would usually see him once a day for 30</p> <p>6 minutes to an hour.</p> <p>7 Q And when these more frequent meetings started you</p> <p>8 said it was after the release of the public proposals; is</p> <p>9 that right?</p> <p>10 A (Nodded.)</p> <p>11 Q Which -- There were two public proposals releases.</p> <p>12 MS. GOLDMAN: Objection, vague.</p> <p>13 Q (By Mr. Mulji) Which -- At what point --</p> <p>14 After which public release did you begin working or</p> <p>15 speaking more frequently with Commissioner Walkinshaw?</p> <p>16 A After the initial release of the first round of maps</p> <p>17 in mid September.</p> <p>18 Q And at that point did you start having regular</p> <p>19 check-ins with Commissioner Walkinshaw?</p> <p>20 A We had more frequent conversations. Regular would</p> <p>21 probably be generous.</p> <p>22 Q Approximately how many times a week?</p> <p>23 A If we saw Commissioner Walkinshaw more than once a</p> <p>24 week it was unusual.</p> <p>25 Q Were you in touch with Commissioner Walkinshaw by</p>	<p style="text-align: right;">Page 48</p> <p>1 email or by some other internet communication?</p> <p>2 A With only a few exceptions, everything was routed</p> <p>3 through Ali. So we would either talk to Ali in a meeting,</p> <p>4 I'd have a phone conversation with Ali, or I would pass on</p> <p>5 an email to her.</p> <p>6 I did not have a lot of direct communication with</p> <p>7 the Commissioner himself.</p> <p>8 Q When you did have direct communications with</p> <p>9 Commissioner Walkinshaw what did you typically discuss?</p> <p>10 MS. GOLDMAN: Objection, vague.</p> <p>11 A Usually when I talked to him in a meeting or one on</p> <p>12 one it would be because I felt like he needed to</p> <p>13 understand something around requirements under state and</p> <p>14 federal law, and I would feel like he wasn't getting it.</p> <p>15 He wasn't understanding the nature of the problem.</p> <p>16 Q (By Mr. Mulji) Are you talking specifically about</p> <p>17 the federal Voting Rights Act?</p> <p>18 A That was one of the things.</p> <p>19 Q What did you feel like you needed to help</p> <p>20 Commissioner Walkinshaw understand about the federal</p> <p>21 Voting Rights Act?</p> <p>22 A He didn't have any real foundational knowledge of</p> <p>23 the federal act, so we spent whatever time we could get</p> <p>24 with him talking through with him why it was important,</p> <p>25 what the significance was, the mechanics of the law; but</p>

12 (Pages 45 to 48)

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1 we didn't have I would say nearly enough time for him to
 2 really become an expert or even conversant in the law.
 3 Q Did you feel you were able to convey why the law was
 4 important in your conversations with him?
 5 MS. GOLDMAN: Objection, vague.
 6 A I don't know.
 7 Q (By Mr. Mulji) How many conversations would you say
 8 you had -- that is, live conversations -- with
 9 Commissioner Walkinshaw about the Voting Rights Act during
 10 the redistricting process?
 11 MS. GOLDMAN: Objection, vague.
 12 A I don't know. It would come up in every recurring
 13 meeting we would have after the release of the September
 14 maps, and I had a couple of pretty direct conversations
 15 with him when we were working out of his office
 16 immediately prior to the deadline.
 17 Q (By Mr. Mulji) Did you send Commissioner Walkinshaw
 18 any written materials related to the Voting Rights Act
 19 during the redistricting process?
 20 A I don't remember, but it wouldn't surprise me.
 21 Q What was -- Well, what was your --
 22 What was your understanding of what the Voting
 23 Rights Act requires?
 24 MS. GOLDMAN: Objection, calls for a legal
 25 conclusion, vague.

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1 A Our team understood that if criteria were met under
 2 the Act and under the existing case law, that we would be
 3 required to draw a district that allowed Latino voters to
 4 elect their candidate of choice.
 5 Q (By Mr. Mulji) For our purposes during this
 6 deposition is it okay if we call them district and
 7 opportunity district as a shorthand?
 8 A Sure.
 9 Q Okay. And what were the requirements as you
 10 understood them that needed to be satisfied for an
 11 opportunity district to be required in the Yakima Valley?
 12 MS. GOLDMAN: Objection, calls for a legal
 13 conclusion.
 14 A What I explained to the Commissioner was that we
 15 needed to understand whether or not a compact district
 16 could be drawn, whether we could demonstrate racial
 17 polarization, and whether White voters thwarted minority
 18 voters' ability to elect candidates of choice.
 19 Q (By Mr. Mulji) And you communicated your
 20 understanding that those were the requirements to
 21 Commissioner Walkinshaw?
 22 A Many times.
 23 Q How many times would you say?
 24 A Many.
 25 Q In those conversations what questions did

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1 Commissioner Walkinshaw have about the requirements of the
 2 Voting Rights Act, if any?
 3 A I don't remember him having a lot of questions. I
 4 don't remember him being particularly curious.
 5 Q In an abstract sense or in, I guess, a general sense
 6 did you have the impression in your conversations with
 7 Commissioner Walkinshaw that he cared about the Voting
 8 Rights Act?
 9 MS. GOLDMAN: Objection, calls for
 10 speculation, lack of foundation.
 11 Q (By Mr. Mulji) You can answer.
 12 A We -- I was part of a team that spent a lot of time
 13 crafting a public message, and that was reflected in
 14 conjunction with the map that was released in October by
 15 Commissioner Walkinshaw that we believed was compliant
 16 with the federal VRA where he talked about how it was
 17 important to him.
 18 In our one-on-one conversations it was clear to me
 19 that he was not willing to fight very hard for an
 20 opportunity district.
 21 Q What did he say that made that clear to you?
 22 A About a week prior to the redistricting deadline
 23 myself and maybe one or two other people on our team were
 24 standing with him and telling him why it was important
 25 that an opportunity district be drawn in the Yakima

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1 Valley; that it was important that we comply with the
 2 federal act; and that if he could not secure an
 3 opportunity district in the Yakima Valley, that we should
 4 let the redistricting process go to the courts because the
 5 court would.
 6 What he said in response -- In response to this he
 7 winced and said, "Gee, I don't know. That sounds tough."
 8 Q What did you understand that to mean?
 9 MS. GOLDMAN: Objection, calls for
 10 speculation, lack of foundation.
 11 A That he wasn't going to push Commissioner Sims on
 12 the question, and that he had already made up his mind
 13 that the final map would not include a majority-minority
 14 district -- excuse me, an opportunity district.
 15 Q (By Mr. Mulji) And when was this conversation, you
 16 said?
 17 A It would have been less than a week before the
 18 deadline.
 19 Q So a week prior to the deadline Commissioner
 20 Walkinshaw had already decided that he was okay with the
 21 map not having an opportunity district?
 22 A Yes.
 23 Q You had already communicated to him at that point,
 24 as you said many times, that it was legally required to
 25 have an opportunity district in the Yakima Valley; is that

13 (Pages 49 to 52)

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The State objects to lines 51:5-53:12: hearsay, lack of foundation; speculation. Neither Mr. Walkinshaw, nor the now-defunct Washington Redistricting Commission is a party to this case, so Mr. Walkinshaw's alleged statements are not admissible as statements of a party-opponent. Mr. Walkinshaw's alleged statement is not a present-sense impression because the statements attributed to him do not "describ[e] or explain[] an event or condition," FRE 803(1), but merely react to Mr. Hall. Nor is the hearsay statement a statement of a then-existing mental condition because Mr. Walkinshaw is not in any sense stating his "state of mind (such as motive, intent, or plan," FRE 803(3). To the contrary, the designated testimony consists almost entirely of Mr. Hall's foundationless speculation about Mr. Walkinshaw's state of mind and what Mr. Hall apparently intuited Mr. Walkinshaw had "decided" a week before the Commissioners' deadline. To similar effect, his statement on page 53 "that it was clear that the other commissioners" had particular goals in mind lacks foundation because Mr. Hall was not negotiating with the other Commissioners and could only speculate what was in their heads.

Pls response: Foundation exists based on Hall's personal experiences at the 2021 commission, including his direct conversations with Commissioner Walkinshaw and other Senate staff. Not hearsay because opposing party statement; 803 exception: present sense impression; then existing mental condition

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1 right?

2 MS. GOLDMAN: Objection, calls for a legal

3 conclusion.

4 A I was very careful with my words about whether or

5 not we were required under the law. The -- There were two

6 issues for us. One was whether we were drawing a map that

7 was defensible that looked like an opportunity district,

8 that you could argue was an opportunity district.

9 And the second issue was that it was clear that the

10 other commissioners wanted to generate a very specific

11 outcome in the Yakima Valley, which I had serious

12 reservations about.

13 Q (By Mr. Mulji) Okay. So the -- Well, --

14 THE WITNESS: Before you ask your next

15 question could we take maybe a five-minute break?

16 MR. MULJI: It's about an hour, so we can

17 do that.

18 (Break 10:04 a.m. to 10:15 a.m.)

19 MR. MULJI: We're back on the record.

20 Q (By Mr. Mulji) We were discussing before the break

21 sort of your communications with Commissioner Walkinshaw

22 about the requirements of the Voting Rights Act.

23 MR. MULJI: I want to actually turn to an

24 exhibit. I'm going to mark -- I'll ask to mark Exhibit 1

25 a document labeled C for the court reporter. And my

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1 MS. GOLDMAN: 709?

2 MR. MULJI: No, sorry. Let me do it. I

3 can throw it in there.

4 Brennan, let me know when you --

5 MR. BOWEN: I was able to pull it up.

6 Thank you.

7 MR. MULJI: Okay. Great.

8 Q (By Mr. Mulji) All right. Adam, have you had a

9 chance to review this document?

10 A Yes.

11 Q What is it?

12 A This was talking points that I provided to

13 Commissioner Walkinshaw after the release of the first

14 round of maps.

15 Q Okay. And you sent this email to Commissioner

16 Walkinshaw, and you cc'd Ali O'Neil, Adam Bartz and

17 Matt Bridges; correct?

18 A Yes.

19 Q And that was the email is dated Friday,

20 September 24th; is that right?

21 A Yes.

22 Q Okay. And you said they were talking points on the

23 legislative -- Republican Legislative District proposals?

24 A Yes.

25 Q You put in parentheses in the subject line Yakima

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1 colleague Ben will --

2 MS. GOLDMAN: Can I have a copy?

3 MR. MULJI: -- also drop it in the chat.

4 MS. GOLDMAN: Thank you.

5 MR. BOWEN: Thank you.

6 MS. GOLDMAN: This is Exhibit 1?

7 THE REPORTER: Exhibit 1.

8 (Hall Exhibit No. 1 introduced.)

9 Q (By Mr. Mulji) Adam, have you seen this document

10 before?

11 A Yes. Excuse me. Yes.

12 Q What is it?

13 MR. BOWEN: Counsel, can I ask that we wait

14 until the exhibit is in the chat?

15 MR. MULJI: Oh, I'm sorry. Yes, I will do

16 that. I can also drop it in. Oh, you might have some

17 trouble doing it that way.

18 MR. PHILLIPS: Is it --

19 MR. MULJI: No. Here, let me do it.

20 MR. PHILLIPS: Did it go?

21 MS. GOLDMAN: Yes, something got shared.

22 MR. MULJI: Is that it?

23 MR. BOWEN: Yes. I'm downloading it right

24 now.

25 MR. MULJI: I think that's a --

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1 Valley. The focus of the talking points you were

2 providing was on the Yakima Valley District; is that

3 right?

4 A Yes.

5 Q Did Brady ask for these talking points?

6 A I believe so. I don't remember whether it was

7 something that we had talked about as a staff to team

8 project to him unsolicited, or whether he requested it

9 specifically.

10 (Court reporter request for clarification.)

11 A I don't remember if this was specifically requested.

12 It may have been.

13 Q I want to start down at the bottom of this document,

14 at the bottom of the first page, the last bullet point.

15 Do you see the bullet point starting Factors Under

16 Gingles?

17 A Um-hmm. Yes.

18 Q What are you communicating in that bullet point?

19 MS. GOLDMAN: Objection, it speaks for

20 itself.

21 Q (By Mr. Mulji) You can answer.

22 A I was trying to outline for him how the federal law

23 works.

24 Q And you specifically provided him here the

25 requirements under Gingles v. Thornburg [sic]; is that

14 (Pages 53 to 56)

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<p style="text-align: right;">Page 57</p> <p>1 right?</p> <p>2 A Yes.</p> <p>3 Q And I think when you told me earlier that you had</p> <p>4 communicated to Commissioner Walkinshaw about compactness</p> <p>5 and racially polarized voting, are these Gingles elements</p> <p>6 what you're referring to?</p> <p>7 A Yes.</p> <p>8 Q Okay. And you communicated to him that the racial</p> <p>9 or minority group has to be sufficiently large and</p> <p>10 geographically compact to constitute a majority in a</p> <p>11 single-member district; correct?</p> <p>12 MS. GOLDMAN: Objection, the exhibit speaks</p> <p>13 for itself.</p> <p>14 Q (By Mr. Mulji) You can answer.</p> <p>15 A Yes.</p> <p>16 Q And the last two bullets on the second page, you had</p> <p>17 mentioned that you had communicated to Commissioner</p> <p>18 Walkinshaw that there was a requirement to show that there</p> <p>19 was racially polarized voting.</p> <p>20 What do you understand racially polarized voting to</p> <p>21 mean?</p> <p>22 MS. GOLDMAN: Objection, calls for a legal</p> <p>23 conclusion.</p> <p>24 A Without my laptop and Lexis account in front of me,</p> <p>25 what I described this to mean is that you were looking for</p>	<p style="text-align: right;">Page 58</p> <p>1 a significant disparity in how White voters versus members</p> <p>2 of a minority group would vote in a particular area.</p> <p>3 Q (By Mr. Mulji) What was your understanding of how</p> <p>4 the Voting Rights Act applied in the Yakima Valley?</p> <p>5 MS. GOLDMAN: Objection, calls for a legal</p> <p>6 conclusion, vague.</p> <p>7 A Can you restate the question?</p> <p>8 Q (By Mr. Mulji) Yes. What was your understanding of</p> <p>9 how the Voting Rights Act applied in the Yakima Valley?</p> <p>10 MS. GOLDMAN: Same objections.</p> <p>11 A I knew that there had been a successful lawsuit in</p> <p>12 the City of Yakima at the time, and I was aware of the</p> <p>13 fact that the Legislative Districts here overlapped</p> <p>14 significantly with that region.</p> <p>15 So that when I advised the Commissioner, my</p> <p>16 colleagues or legislators I said that the litigation in</p> <p>17 the region over the past ten years means that we had to be</p> <p>18 very careful in what we did in drawing district boundaries</p> <p>19 because there had already been a finding of racial</p> <p>20 polarization in the region.</p> <p>21 Q (By Mr. Mulji) Okay. When you say lawsuits in the</p> <p>22 region, you're referring to lawsuits that pertain to --</p> <p>23 that relate to the Voting Rights Act in the Yakima Valley</p> <p>24 region?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 59</p> <p>1 Q What lawsuits were you aware of?</p> <p>2 A The primary case we discussed was the city lawsuit,</p> <p>3 Montes v. Yakima.</p> <p>4 I also was aware of the settlement in the City of</p> <p>5 Pasco, and I don't remember at what stage the two county</p> <p>6 suits in Franklin and Yakima County were in when I wrote</p> <p>7 this email.</p> <p>8 Q Okay. At the very -- It would seem looking at the</p> <p>9 second bullet point in Exhibit 1, is it fair to say that</p> <p>10 you're here informing Commissioner Walkinshaw of at least</p> <p>11 two of the lawsuits that you mentioned?</p> <p>12 A Yes.</p> <p>13 Q Which ones?</p> <p>14 A The Montes v. Yakima case that was regarding the</p> <p>15 City Council in Yakima, and the suit against the --</p> <p>16 against the County of Yakima over its three district</p> <p>17 commission form.</p> <p>18 Q And you informed him that in both cases the</p> <p>19 plaintiffs in those lawsuits established that there was</p> <p>20 racially polarized voting in the region?</p> <p>21 MR. HUGHES: Object to form.</p> <p>22 MS. GOLDMAN: Object to the degree it calls</p> <p>23 for a legal conclusion.</p> <p>24 A Can you --</p> <p>25 MS. GOLDMAN: And it speaks for itself.</p>	<p style="text-align: right;">Page 60</p> <p>1 Exhibit 1 speaks for itself.</p> <p>2 A Can you restate the question?</p> <p>3 Q (By Mr. Mulji) You communicated to</p> <p>4 Commissioner Walkinshaw that plaintiffs in both of those</p> <p>5 cases established that there was racially polarized voting</p> <p>6 in the Yakima Valley region?</p> <p>7 MS. GOLDMAN: Objection.</p> <p>8 Q (By Mr. Mulji) Is that right?</p> <p>9 MS. GOLDMAN: That's not what the document</p> <p>10 says.</p> <p>11 A Yes, but I don't remember if that county lawsuit had</p> <p>12 been resolved at the time.</p> <p>13 Q (By Mr. Mulji) I see. Okay. Separate from this</p> <p>14 email did you try to make Commissioner Walkinshaw aware of</p> <p>15 the lawsuits we just discussed related to voting rights in</p> <p>16 the region?</p> <p>17 MS. GOLDMAN: Objection, vague.</p> <p>18 A Can you restate the question?</p> <p>19 Q (By Mr. Mulji) Yes. Separate from this email,</p> <p>20 generally speaking throughout the redistricting process</p> <p>21 did you make an attempt to make Commissioner Walkinshaw</p> <p>22 aware of these lawsuits?</p> <p>23 A Yes.</p> <p>24 Q And in what ways?</p> <p>25 A The caucus generated a document in the first eight</p>

15 (Pages 57 to 60)

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<p style="text-align: right;">Page 61</p> <p>1 months of 2021 articulating our principles and priorities, 2 and one of those priorities was to increase representation 3 for historically marginalized groups. And one of the ways 4 in which that was an issue historically was how the 5 districts were drawn in the Yakima Valley. 6 So I don't recall whether the document itself 7 highlighted the Yakima Valley; but the principle of that, 8 of addressing representation for an underrepresented group 9 had come up, and this would be sort of the classic example 10 that I would provide in those discussions. 11 Q And those discussions, when were those discussions 12 about sort of the broad principles and priorities 13 occurring? 14 A We probably had less than half a dozen meetings with 15 key legislators and the Commissioner before the document 16 was produced and then shared with our counterparts in the 17 House Democratic Caucus. 18 Q At what time were these conversations occurring? 19 Was it early in the redistricting process? 20 MS. GOLDMAN: Objection, compound, vague. 21 Q (By Mr. Mulji) You can answer. 22 A I believe we shared the document with -- the 23 finalized document with our House Democratic counterparts 24 before August 1st. 25 Q Okay. So before August you had brought at least the</p>	<p style="text-align: right;">Page 62</p> <p>1 Montes v. Yakima case to the attention of Commissioner 2 Walkinshaw? 3 A Yes. 4 Q And you said that that document was also shared with 5 the House Democratic Caucus; is that right? 6 MS. GOLDMAN: Objection, vague. 7 A Yes. 8 Q (By Mr. Mulji) Did you share that document with 9 Commissioner Sims? 10 A I didn't. 11 Q Is it your understanding that someone else did? 12 A Yes. 13 Q Who shared that document with Commissioner Sims? 14 MS. GOLDMAN: Objection, calls for 15 speculation, lack of foundation. 16 Q (By Mr. Mulji) You can answer. 17 A It is my understanding that either Ali O'Neil shared 18 it with her counterpart, or Commissioner Walkinshaw shared 19 it with his. 20 Q Have you spoken to Commissioner Sims -- Did you 21 speak to Commissioner Sims at all throughout the 22 redistricting process? 23 A I was in meetings with her. 24 Q How frequently did you communicate with 25 Commissioner Sims?</p>
<p style="text-align: right;">Page 63</p> <p>1 A I was probably in no fewer than three but no more 2 than ten meetings with her. 3 Q Okay. Did those meetings typically concern 4 discussions of the Voting Rights Act? 5 A At the end, yes. 6 Q Okay. Did you speak with Commissioner Sims during 7 these meetings? 8 A I believe I spoke in those meetings, yes. 9 Q Okay. And did you -- Did you talk about the 10 requirements of the Voting Rights Act as you understood 11 them during these meetings? 12 A Yes. 13 Q Did you communicate the same understanding -- 14 Did you communicate the same things about the Voting 15 Rights Act with Commissioner Sims as you communicated with 16 Commissioner Walkinshaw? 17 MS. GOLDMAN: Objection, vague. 18 Q (By Mr. Mulji) Let me reask the question. 19 You told me earlier that you were -- you wanted to 20 give Commissioner Walkinshaw what you thought was sort of 21 an accurate understanding of the Voting Rights Act; 22 correct? 23 A Yes. 24 Q Did you try to convey that same understanding to 25 Commissioner Sims?</p>	<p style="text-align: right;">Page 64</p> <p>1 MR. HUGHES: Objection, vague. 2 A Most of my conversations with this level of detail 3 would have been with my counterpart in the House 4 Democratic Caucus. In meetings with Commissioner Sims 5 generally speaking staff tried not to speak. 6 Q (By Mr. Mulji) And who was your counterpart in the 7 House Democratic Caucus? 8 A Alec Osenbach. 9 Q And you said you -- Did you communicate about the 10 Voting Rights Act in about the level of detail in 11 Exhibit 1 with Alec Osenbach? 12 A Yes. 13 Q And in your conversations with him, how frequently 14 did you speak with Alec Osenbach? 15 A Twice. 16 Q What was his position? 17 MS. GOLDMAN: Objection, vague. 18 A Can you reask the question? 19 Q (By Mr. Mulji) Yes. What position did he hold in 20 the House Democratic Caucus? 21 A He is policy counsel for the House Democratic 22 Caucus, so he has a job that's very similar to mine. He 23 staffs different committees. 24 Q Okay. And was it did you speak about sort of his 25 role in the House Democratic Caucus redistricting work?</p>

16 (Pages 61 to 64)

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<p style="text-align: right;">Page 65</p> <p>1 A Can you --</p> <p>2 MS. GOLDMAN: Objection as to form, vague.</p> <p>3 Q (By Mr. Mulji) Yes. Did you talk about what his</p> <p>4 role was in the redistricting process during these phone</p> <p>5 calls?</p> <p>6 A Not really. I was asked to talk with him to explain</p> <p>7 a lot of this kind of material. So I think because he was</p> <p>8 aware, they wanted to have somebody talk to me about these</p> <p>9 issues. That was the first conversation.</p> <p>10 Q When you say this material, are you referring to</p> <p>11 sort of your detailed understanding of what the Voting</p> <p>12 Rights Act requires in the Yakima Valley?</p> <p>13 A Correct.</p> <p>14 Q What did you convey to Alec Osenbach about the</p> <p>15 Voting Rights Act?</p> <p>16 A That we needed to hire an expert.</p> <p>17 Q Anything else?</p> <p>18 A I mean, I -- I tried to sort of walk through this as</p> <p>19 much as possible; but at the time the issue was that we as</p> <p>20 a team had identified a need to hire an outside expert,</p> <p>21 and the House was pushing back pretty hard. They didn't</p> <p>22 want to share the expense.</p> <p>23 Q When did your conversation with Alec Osenbach occur?</p> <p>24 A It would have been right around here. It would have</p> <p>25 been before we signed the contract with Dr. Barreto.</p>	<p style="text-align: right;">Page 66</p> <p>1 Q Okay. Was the primary goal of that, of that</p> <p>2 meeting, to convince Mr. Osenbach that you needed to hire</p> <p>3 an expert on the Voting Rights Act?</p> <p>4 A Yes.</p> <p>5 Q Okay. Did you get the sense that -- Well, what</p> <p>6 questions did Mr. Osenbach have about the Voting Rights</p> <p>7 Act?</p> <p>8 A He didn't ask a lot of questions. We talked a lot</p> <p>9 about what I had identified here and explained the value</p> <p>10 that hiring an expert would bring.</p> <p>11 Q And I'm sorry, we've been talking about this in the</p> <p>12 abstract because we haven't gone through everything you</p> <p>13 said in this email, so maybe we should do that.</p> <p>14 I just want to point out, so in bullet point three</p> <p>15 do you see where you said, "There is a strong chance our</p> <p>16 Commission will likely be required to draw under federal</p> <p>17 law, and the failure -- draw one under federal law, and</p> <p>18 the failure to do so will result in a lawsuit striking</p> <p>19 down that map."</p> <p>20 Do you see that?</p> <p>21 A Yes.</p> <p>22 Q You're referring to your belief that it was required</p> <p>23 under the federal Voting Rights Act to draw an opportunity</p> <p>24 district; is that right?</p> <p>25 MR. HUGHES: Objection, misstates the</p>
<p style="text-align: right;">Page 67</p> <p>1 document.</p> <p>2 MS. GOLDMAN: Objection, calls for a legal</p> <p>3 conclusion.</p> <p>4 Q (By Mr. Mulji) You can answer.</p> <p>5 A I'm hesitating because I don't remember when CVAP</p> <p>6 information was made available. It wasn't crystal clear</p> <p>7 to us that we would be required to draw one until we saw</p> <p>8 the CVAP data in our software.</p> <p>9 There was a period of time in which we did not have</p> <p>10 the CVAP data, and we were guessing; but that's why I used</p> <p>11 the words will likely, because for a long time we weren't</p> <p>12 100 percent certain as to whether or not we would be</p> <p>13 required to draw one.</p> <p>14 It was more clear based on these maps that two of</p> <p>15 the commissioners were trying intentionally to crack the</p> <p>16 region.</p> <p>17 Q What's the relevance of CVAP to the question of</p> <p>18 whether an opportunity district is required under the</p> <p>19 federal Voting Rights Act?</p> <p>20 MS. GOLDMAN: Objection, calls for a legal</p> <p>21 conclusion.</p> <p>22 Q (By Mr. Mulji) And to be -- And before you answer</p> <p>23 that question, when you say CVAP you're referring to</p> <p>24 citizen voting age population; right?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 68</p> <p>1 Q Okay. And let me reask the last question.</p> <p>2 What is the relevance of CVAP to the question of</p> <p>3 whether or not an opportunity district is required under</p> <p>4 the federal Voting Rights Act?</p> <p>5 MS. GOLDMAN: Objection, calls for a legal</p> <p>6 conclusion.</p> <p>7 A My understanding is that any legal analysis under</p> <p>8 the federal Voting Rights Act would rely on citizen voting</p> <p>9 age population, not simply voting age population. And for</p> <p>10 a long stretch of time in the software that we were using</p> <p>11 we only had access to voting age population.</p> <p>12 Q (By Mr. Mulji) What software was that?</p> <p>13 A Dave's Redistricting App.</p> <p>14 Q Okay. So for a certain period of time you didn't</p> <p>15 have access or didn't see citizen voting age population</p> <p>16 data in Dave's Redistricting; is that right?</p> <p>17 A It wasn't Dave's fault. It was getting the</p> <p>18 information from the Census Bureau.</p> <p>19 Effectively we were sent -- We were told that CVAP</p> <p>20 was not going to be available for a certain period of</p> <p>21 time, and right around the time at which the first maps</p> <p>22 were released publicly was when CVAP finally was loaded</p> <p>23 into the software.</p> <p>24 Q I see. And when you say CVAP, what data</p> <p>25 specifically are you referring to in Dave's Redistricting?</p>

17 (Pages 65 to 68)

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1 MR. HUGHES: Objection, vague.
 2 A Can you reask the question?
 3 Q (By Mr. Mulji) Yes. Well, at the time -- I'm
 4 wondering what dataset, if you recall, you were looking at
 5 to determine Latino CVAP at the time on Dave's
 6 Redistricting App.
 7 MS. GOLDMAN: Objection, vague, calls for
 8 speculation, and lack of foundation.
 9 Q (By Mr. Mulji) You can answer.
 10 A When drawing maps we were able to discern what
 11 percentage a given district was based on race; and so when
 12 we would click on those tabs to understand what it was, we
 13 would see that it was based on voting age population, not
 14 citizen voting age population.
 15 Q And is it your understanding that the citizen voting
 16 age population data is provided by the American Community
 17 Survey of the U.S. Census Bureau?
 18 A Yes.
 19 Q And did you have access to -- Am I right that you
 20 had access to the 2019 estimates under the American
 21 Community Survey at that time?
 22 MS. GOLDMAN: Objection, vague.
 23 A I don't recall any CVAP data being in the system
 24 before we got the most recent data uploaded shortly after
 25 the release of the first maps.

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1 Q (By Mr. Mulji) Okay. And then after that point were
 2 you -- You were looking at 2019 American Community
 3 Survey's CVAP estimates; is that right?
 4 A The most recent CVAP data, yes.
 5 Q Okay. And was it your understanding that the most
 6 recent CVAP data at that time was the 2019 American
 7 Community Survey data?
 8 A I don't remember.
 9 Q Okay. You said that -- You said that two of the --
 10 the two Republican commissioners had drawn maps that crack
 11 the Latino population in the Yakima Valley.
 12 What do you mean by that?
 13 MR. HUGHES: Objection, calls for a legal
 14 conclusion.
 15 MS. GOLDMAN: Join.
 16 A When the four maps were made public our team were
 17 looking at different pieces of the Republican proposed
 18 maps. Those were the maps that we had not seen prior to
 19 their public release.
 20 So my task was to take some time and look at what
 21 had been done in the Yakima Valley. It was clear to me
 22 that the ways in which the two Republican commissioner
 23 proposals were drawn, that they were both inconsistent
 24 with public testimony that the Commission had received
 25 about drawing districts in the Yakima Valley, and that the

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1 Yakima Valley had been divided into enough Legislative
 2 Districts that we needed to take a real serious look at
 3 whether or not they -- adopting such a map would violate
 4 the Federal Act.
 5 Q (By Mr. Mulji) When you used -- When you use the
 6 term in this email crack the Latino population in the
 7 Yakima Valley, what does that mean in particular?
 8 MS. GOLDMAN: Objection, calls for a legal
 9 conclusion.
 10 A My understanding of voting rights case law is that
 11 there are two things that you can do. You can crack, or
 12 you can pack. Both of those can be used to dilute the
 13 voting power of minority groups.
 14 So in this instance they had taken Latino voters who
 15 could reasonably be drawn within a single district and
 16 provide -- and establish an opportunity district. But the
 17 Republican commission proposals instead split them, I
 18 believe, between three districts in one map and four in
 19 the other.
 20 Q (By Mr. Mulji) In the last sentence of this fourth
 21 bullet point in Exhibit 1 you mentioned Latino voter
 22 turnout. What's the relevance of Latino voter turnout to
 23 the question of whether an opportunity district is
 24 required under the federal Voting Rights Act?
 25 MS. GOLDMAN: Objection, calls for a legal

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1 conclusion.
 2 A As I understand the requirements under the federal
 3 law, it matters not whether the district is majority
 4 minority but whether or not they have the ability to elect
 5 candidates of choice; which means that if you draw a
 6 district that is majority Latino by a bare minimum, the
 7 fact that they historically vote at much lower rates,
 8 especially in non-presidential elections, means that that
 9 majority-minority district would not actually result in
 10 any changes to the ability to elect candidates of choice.
 11 Q (By Mr. Mulji) Was it your understanding that if you
 12 drew a district that was say 50.1 Latino CVAP, would that
 13 be sufficient to overcome the turnout disparity? Would
 14 that be sufficient for Latinos to elect candidates of
 15 their choice --
 16 MS. GOLDMAN: Objection, calls --
 17 Q (By Mr. Mulji) -- in the Yakima Valley?
 18 MS. GOLDMAN: Objection, calls for a legal
 19 conclusion, and vague.
 20 MR. HUGHES: And calls for speculation, and
 21 an incomplete hypothetical.
 22 Q (By Mr. Mulji) You can answer.
 23 A I told my colleagues and the Commissioner that
 24 drawing a district that was 50.1 would not allow Latino
 25 voters to elect a candidate of choice.

18 (Pages 69 to 72)

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Pls response: Hall is providing his understanding of the application and requirements of the VRA in the Yakima Valley as a staffer working for Commissioner Walkinshaw and his perception of draft maps during the 2021 process, not offering expert or legal conclusions

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1 Q And what was the basis of your belief?

2 MS. GOLDMAN: Objection to the degree it

3 calls for a legal conclusion.

4 Q (By Mr. Mulji) You can answer.

5 A That was based on legal research, conversations with

6 national experts, and review of mapping data in Dave's

7 Redistricting App.

8 Q What mapping data did you review in Dave's

9 Redistricting App?

10 A Can you be more specific?

11 Q Yeah. You said you looked at -- That part of the

12 basis for your belief that 50.1 wouldn't be sufficient to

13 perform was data that you looked at in Dave's

14 Redistricting App.

15 What kind of data helped form the basis of your

16 belief about the 50.1 district?

17 A I would be looking at competition in the district.

18 I would be looking at voter turnout data from the

19 Secretary of State's website. I was looking at --

20 I think those were probably the primary two.

21 Q In the last sentence of bullet four on Exhibit 1 you

22 say that, "Since Latino voter turnout in the region has

23 been historically lower, these proposal give the

24 appearance of meeting this requirement but actually fails

25 to provide a historically marginalized community with an

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1 A It was clear to me in the final days that at least

2 two commissioners were dead set on drawing a district that

3 was 50.1 Latino in the Yakima Valley, and that they were

4 not going to be moved off that position.

5 Q (By Mr. Mulji) Which two commissioners?

6 A Commissioners Fain and Graves.

7 Q Did you speak to Commissioner Fain and Graves at all

8 during the redistricting process?

9 A No.

10 Q Did you debrief meetings that any members of your

11 team had with Commissioner Graves and Fain?

12 A Yes.

13 MS. GOLDMAN: Objection, vague.

14 Q (By Mr. Mulji) Did you debrief any of the meetings

15 that Brady Walkinshaw had with Commissioner Fain and

16 Graves?

17 MS. GOLDMAN: Objection, vague.

18 A Yes.

19 Q (By Mr. Mulji) Based on your understanding of --

20 Well, what was your understanding of -- Let me reask the

21 question.

22 Did you have an understanding of why Commissioner

23 Fain and Graves were trying to draw, as you said, a 50.1

24 Latino CVAP district in the Yakima Valley?

25 MS. GOLDMAN: Objection, calls for

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1 equal opportunity to elect the candidate of their choice."

2 Accounting for typos, is that right?

3 A Yes.

4 Q Okay. I want to hone in on the language you talk

5 about. You say "give the appearance of meeting this

6 requirement."

7 What was motivating you to -- What motivated --

8 Why did you point this out? Why does it matter what

9 the appearance, what appearances are?

10 MS. GOLDMAN: Objection to the degree it

11 calls for a legal conclusion.

12 A I was concerned that in public meetings of the

13 Commission commissioners would try to take credit for

14 listening to public feedback and compliance with the VRA

15 by drawing districts that look like they reflect the

16 requirements under federal law in public feedback without

17 actually doing so.

18 Q (By Mr. Mulji) Do you believe that's what any of the

19 commissioners in the 2021 redistricting process did?

20 MS. GOLDMAN: Objection to the degree it

21 calls for a legal conclusion.

22 A Yes.

23 Q (By Mr. Mulji) And why do you say that?

24 MS. GOLDMAN: Objection to the degree it

25 calls for a legal conclusion.

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1 speculation, and lack of foundation.

2 A Commissioner Walkinshaw reported back to the team

3 that there was no wiggle room; that this was going to be

4 something that the other commissioners were committed to

5 doing.

6 And so I reached out to several experts to talk to

7 them about why the Republican commissioners would be so

8 fixated on doing this.

9 Q (By Mr. Mulji) Okay. Which experts did you talk to

10 about this?

11 A Dr. Barreto. I believe I also spoke with Yurij

12 Rudensky at the Brennan Center.

13 (Court reporter request for clarification.)

14 THE WITNESS: Yurij Rudensky.

15 Q Any other experts that you spoke to about this

16 question?

17 A Not that I remember.

18 Q And when you say Dr. Barreto, you're referring to

19 Dr. Matt Barreto of the UCLA Voting Rights Project; is

20 that right?

21 A Yes.

22 Q And Yurij -- and I'm not going to be able to say his

23 last name correctly, --

24 A Rudensky.

25 Q Rudensky, Yurij Rudensky.

The State objects to lines 74:18-75:6: lack of foundation; hearsay. Mr. Hall was not in negotiations with Commissioners and was not in a position to know what was in their heads. Insofar as he had any indirect knowledge of their thinking, it would have come from hearsay as Mr. Hall did not communicate with any Commissioners directly, including, in most cases, Commissioner Walkinshaw. See Hall Dep. 44:14-16 (Mr. Walkinshaw "made clear that he wanted everything to run through Ali O'Neil, so most of what he heard or saw from me would be routed through Ali.").

Pls response: Foundation exists based on Hall's personal experiences and observations at the 2021 commission, including his direct conversations with other staffers, review of documents, and review of draft maps. Not hearsay because opposing party statement; 803 exception as present sense impression; then existing mental

19 (Pages 73 to 76)

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<p style="text-align: right;">Page 77</p> <p>1 Who is Yuriy Rudensky?</p> <p>2 A Yuriy Rudensky is the redistricting counsel for the</p> <p>3 Brennan Center at NYU.</p> <p>4 Q In general what did they say about why the</p> <p>5 Republican commissioners would be aiming to draw a 50.1</p> <p>6 district, as you said, in the Yakima Valley?</p> <p>7 MS. GOLDMAN: Objection, compound.</p> <p>8 A Can you reask the question?</p> <p>9 Q (By Mr. Mulji) Yes. What did Yuriy Rudensky have to</p> <p>10 say about the question of drawing a 50.1 Latino CVAP</p> <p>11 district in the Yakima Valley?</p> <p>12 A I don't remember the details of that conversation.</p> <p>13 I remember talking to Dr. Barreto and him saying that this</p> <p>14 was a pretty common tactic to weaken plaintiffs' cases</p> <p>15 when they brought VRA claims.</p> <p>16 Q Say more about what the -- What do you mean by</p> <p>17 tactic, or what did you understand tactic to mean?</p> <p>18 MS. GOLDMAN: Objection, vague, calls for</p> <p>19 speculation, and lack of foundation.</p> <p>20 A He told me that it would be harder to -- for a</p> <p>21 plaintiff to bring a claim if a district was drawn to be</p> <p>22 50.1 because it showed that there was not an effort to</p> <p>23 dilute voters to a significant margin, but rather that it</p> <p>24 was a choice made by the commissioners where they made a</p> <p>25 conscious decision to draw the district in this fashion.</p>	<p style="text-align: right;">Page 78</p> <p>1 And I didn't totally understand his point, but he</p> <p>2 was quite adamant that allowing the Commission to draw a</p> <p>3 district in this fashion would be harmful to potential</p> <p>4 plaintiffs.</p> <p>5 Q (By Mr. Mulji) Coming out of these conversations</p> <p>6 what was your understanding of what the effect would be of</p> <p>7 drawing a 50.1 district that didn't perform to elect</p> <p>8 Latino candidates of choice?</p> <p>9 MS. GOLDMAN: Objection, calls for a legal</p> <p>10 conclusion, vague.</p> <p>11 A It was my belief that adopting a map with this</p> <p>12 district would not allow Latinos to elect candidates of</p> <p>13 their choice and that it would weaken any lawsuit that</p> <p>14 they would subsequently bring against the Commission.</p> <p>15 Q (By Mr. Mulji) If an opportunity district is</p> <p>16 required to be drawn in the Yakima Valley, is it</p> <p>17 sufficient to draw a district that is a simple majority</p> <p>18 Latino CVAP, --</p> <p>19 MS. GOLDMAN: Object --</p> <p>20 Q (By Mr. Mulji) -- or is there some other</p> <p>21 requirement?</p> <p>22 MS. GOLDMAN: Objection, calls for a legal</p> <p>23 conclusion, and compound.</p> <p>24 Q (By Mr. Mulji) You can answer.</p> <p>25 A As was explained to me, as my research said it</p>
<p style="text-align: right;">Page 79</p> <p>1 mattered whether they had the opportunity to elect, not</p> <p>2 whether there was a bare majority.</p> <p>3 And in circumstances in which voting participation</p> <p>4 rates were lower than the electorate at large, that you</p> <p>5 needed to draw a district with a higher percentage to</p> <p>6 account for that.</p> <p>7 Q Was it your concern that if you draw a majority</p> <p>8 Latino district that looks like you have a majority-</p> <p>9 minority district but isn't actually, and if it doesn't</p> <p>10 act --</p> <p>11 Well, did you have a concern that drawing a</p> <p>12 majority-minority district based simply on CVAP numbers,</p> <p>13 like a 50.1 Latino majority district, that it would look</p> <p>14 like it might provide them an opportunity to elect</p> <p>15 candidates of their choice, but not actually?</p> <p>16 MS. GOLDMAN: Objection, calls for a legal</p> <p>17 conclusion, and calls for speculation, and vague.</p> <p>18 MR. HUGHES: Could I actually hear that</p> <p>19 question again, Jeanne?</p> <p>20 (Question read back.)</p> <p>21 MR. HUGHES: Thank you.</p> <p>22 Q (By Mr. Mulji) You can answer.</p> <p>23 MS. GOLDMAN: I want to make sure that I</p> <p>24 objected, vague.</p> <p>25 THE REPORTER: Yes.</p>	<p style="text-align: right;">Page 80</p> <p>1 MS. GOLDMAN: Thank you.</p> <p>2 A I'm sorry to do this. Enough time has passed. Can</p> <p>3 you --</p> <p>4 Q Yes.</p> <p>5 A Was I concerned --</p> <p>6 MS. GOLDMAN: Let him ask the question.</p> <p>7 THE WITNESS: Sorry.</p> <p>8 Q (By Mr. Mulji) You understood that an opportunity</p> <p>9 district needed to allow Latino voters to elect their</p> <p>10 candidates of choice; correct?</p> <p>11 MS. GOLDMAN: Objection, calls for a legal</p> <p>12 conclusion.</p> <p>13 A Yes.</p> <p>14 Q (By Mr. Mulji) You understood that -- Well, what did</p> <p>15 that -- In order to determine whether a district elects</p> <p>16 Latino voters' candidate of choice, what do you need to</p> <p>17 look at to see if a district does that in practice?</p> <p>18 MS. GOLDMAN: Objection, vague, and calls</p> <p>19 for a legal conclusion.</p> <p>20 MR. HUGHES: And calls --</p> <p>21 MS. GOLDMAN: And compound.</p> <p>22 MR. HUGHES: And calls for an expert</p> <p>23 conclusion.</p> <p>24 Q (By Mr. Mulji) You can answer.</p> <p>25 A What I understood was that the Commission needed to</p>

Pls response:
Hall is
providing his
understanding
of the
application
and
requirements
of the VRA in
the Yakima
Valley as a
staffer working
for
Commissioner
Walkinshaw;
his perception
of draft maps
during the
2021 process,
and his
perception of
intent behind
commissioner
s' actions, not
offering expert
or legal
conclusions

Pls
response:
Same as
above

20 (Pages 77 to 80)

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<p style="text-align: right;">Page 81</p> <p>1 draw a district in the Yakima Valley that allowed Latino</p> <p>2 voters the chance to elect candidates of choice, and that</p> <p>3 drawing a district that was 50.1 CVAP would not actually</p> <p>4 do so but give them a fig leaf in public to say that it</p> <p>5 did.</p> <p>6 Q And was that because say a bare majority doesn't</p> <p>7 take into account Latino turnout in the region? Is that</p> <p>8 why?</p> <p>9 MS. GOLDMAN: Objection, calls for a legal</p> <p>10 conclusion.</p> <p>11 A Yes.</p> <p>12 Q (By Mr. Mulji) Okay. And so when you say -- So in</p> <p>13 this email you say, "These proposal give the appearance of</p> <p>14 meeting this requirement," is that the concern -- Is the</p> <p>15 concern we just discussed, is that the concern you're</p> <p>16 trying to convey?</p> <p>17 MS. GOLDMAN: Objection, vague.</p> <p>18 A Yes.</p> <p>19 MR. MULJI: Okay. I want to mark as</p> <p>20 Exhibit 2 the document labeled A. Here you go.</p> <p>21 MR. PHILLIPS: And I can figure out how to</p> <p>22 do this.</p> <p>23 MR. MULJI: You've got it?</p> <p>24 MR. PHILLIPS: Yes.</p> <p>25 MR. MULJI: And Ben is placing that exhibit</p>	<p style="text-align: right;">Page 82</p> <p>1 in the chat.</p> <p>2 (Hall Exhibit No. 2 introduced.)</p> <p>3 Q (By Mr. Mulji) Adam, I'll give you a few minutes to</p> <p>4 just review this, review this document. Let me know when</p> <p>5 you're done.</p> <p>6 MR. BOWEN: I received it in the chat.</p> <p>7 Thank you, guys.</p> <p>8 (Pause in proceedings to review document.)</p> <p>9 Q (By Mr. Mulji) Have you had a chance to review the</p> <p>10 document?</p> <p>11 A Yes.</p> <p>12 Q Do you recognize this document?</p> <p>13 A Yes.</p> <p>14 Q What is it?</p> <p>15 A It's an email I sent to our team roughly two weeks</p> <p>16 before the deadline.</p> <p>17 Q What was -- Well, actually, so this was sent on</p> <p>18 November 2nd?</p> <p>19 A Yes.</p> <p>20 Q And the recipients included Matt Bridges, Ali</p> <p>21 O'Neil, Adam Bartz, Paulette Avalos, and Commissioner</p> <p>22 Walkinshaw?</p> <p>23 A Yes.</p> <p>24 Q What was happening around November 2nd that prompted</p> <p>25 you to write this email?</p>
<p style="text-align: right;">Page 83</p> <p>1 A Our team was struggling to get commissioners to</p> <p>2 focus on drawing maps instead of simply negotiating on</p> <p>3 partisan metrics.</p> <p>4 Q And what do you -- I'm sorry. What do you mean by</p> <p>5 that?</p> <p>6 A Much of the negotiations in the final weeks was</p> <p>7 based upon the idea of what districts performed at what</p> <p>8 number for Democrats rather than drawing district</p> <p>9 boundaries based on public input.</p> <p>10 Q And when you say -- Is this with respect to</p> <p>11 partisanship --</p> <p>12 A Yes.</p> <p>13 Q -- performance?</p> <p>14 A Yes.</p> <p>15 Q Partisan performance; is that right?</p> <p>16 A Yes.</p> <p>17 Q Okay. And so in your mind the commissioners were</p> <p>18 negotiating around partisan performance of districts</p> <p>19 generally, but not actually drawing the district lines; is</p> <p>20 that correct?</p> <p>21 A Yes.</p> <p>22 Q Okay. I want to point you to paragraph three of</p> <p>23 your email on November 2nd, and you say, "Finally, I want</p> <p>24 to address this whole question of CVAP, R-performing</p> <p>25 district in Yakima."</p>	<p style="text-align: right;">Page 84</p> <p>1 Do you see that?</p> <p>2 A Yes.</p> <p>3 Q What was the whole -- when you say the whole</p> <p>4 question of, what are you referring to here?</p> <p>5 A I don't remember. Yeah.</p> <p>6 Q What do you interpret the words CVAP R-performing</p> <p>7 district to mean?</p> <p>8 A We had been struggling with the House, and</p> <p>9 especially the Republican commissioners, about the</p> <p>10 problems with drawing a district that was barely majority</p> <p>11 minority by CVAP but would perform for Republicans in most</p> <p>12 cycles.</p> <p>13 Q Why was that a concern?</p> <p>14 A Because I think that it would lead to the outcome of</p> <p>15 the Commission adopting a map that violated federal law.</p> <p>16 Q And why did you think a map like that that's</p> <p>17 majority Latino CVAP but R performing would violate</p> <p>18 federal law?</p> <p>19 MS. GOLDMAN: Objection, calls for a legal</p> <p>20 conclusion.</p> <p>21 A Because it wasn't focused on performance. It was</p> <p>22 simply focused on numeracy.</p> <p>23 Q (By Mr. Mulji) I want to -- We'll come back to that</p> <p>24 in a moment, but I want to draw your attention to the part</p> <p>25 that you in your email bolded and underlined. It says,</p>

Pls response:
Hall is
providing his
understanding
of the
application and
requirements of
the VRA in the
Yakima Valley
as a staffer
working for
Commissioner
Walkinshaw;
his perception
of draft maps
during the 2021
process, and
his perception
of intent behind
commissioners'
actions, not
offering expert
or legal
conclusions

The State
objects to lines
84:23-85:13:
Lack of
foundation. Mr.
Hall lacks
foundation to
testify about
what Mr.
Walkinshaw
did or did not
understand.

21 (Pages 81 to 84)

Soto Palmer, et al. v. Hobbs, et al.
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Pls response: Foundation exists based on
Hall's personal experiences and
observations at the 2021 commission,
including his direct conversations with other
staffers, review of documents, and review of
draft maps.

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1 "The legal standard set by the federal courts and Congress
 2 is not whether a map is comprised of a certain percentage
 3 of Latinos" -- and then it continues -- "but whether the
 4 district empowers the minority group to elect candidates
 5 of their choice."
 6 Why did you feel it was important to stress this
 7 point in this email on November 2nd?
 8 MS. GOLDMAN: Objection to the degree it
 9 calls for a legal conclusion.
 10 A By this stage of the redistricting cycle I felt that
 11 either the commissioner didn't understand that the law
 12 required or didn't care, and I wanted to have it on
 13 record.
 14 Q (By Mr. Mulji) Did you have a concern that
 15 Commissioner Walkinshaw would vote for a map that
 16 didn't -- for a Legislative District in the Yakima Valley
 17 that did not provide Latino voters an opportunity to elect
 18 candidates of their choice?
 19 A Yes.
 20 Q And that was why you communicated this? Was that
 21 part of the reason why?
 22 A Yes.
 23 Q Are you aware of others who shared your concern at
 24 this time?
 25 A Yes.

Objection to lines 85:23-86:23; lack of foundation; hearsay. None of Senator Billig, Senator Saldana, or the Redistricting Justice Coalition are parties in this suit, so their alleged statements do not qualify as statements of party-opponents. Nor do their alleged statements convey their present-sense impressions or then-existing mental state, under FRE 803(1) or (3).

Pls response: Foundation exists based on Hall's personal experiences and observations at the 2021 commission, including his direct conversations with other staffers and legislators, review of documents and inclusion on emails, and review of draft maps. Not hearsay because opposing party statement; 803 exception as present sense impression; then existing mental condition

The State objects to lines 87:7-24: lack of foundation; hearsay. See objection on p. 85 re: Senator Saldana.

Pls response: Foundation exists based on Hall's personal experiences and observations at the 2021 commission, including his direct conversations with Senator Saldana and inclusion on emails with Senator Saldana regarding her op ed, conversations with staffers. Not hearsay because opposing party statement; 803 exception as present sense impression; then existing mental condition

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1 organization for a number of a local community-based
 2 advocacy organizations in the region. They advocated for
 3 a -- what they considered to be a fair map that empowered
 4 communities of color in Washington State. They testified
 5 at numerous public meetings and met individually with
 6 every commissioner who would take a meeting with them.
 7 Q And when did -- If you know, when did
 8 Senator Saldana communicate these concerns to
 9 Commissioner Walkinshaw?
 10 MS. GOLDMAN: Objection, calls for
 11 speculation, and lack of foundation.
 12 Q (By Mr. Mulji) You can answer.
 13 A She spoke to him prior to a publications of an op-ed
 14 in the Seattle Times advocating for drawing a majority-
 15 minority district in the Yakima Valley.
 16 Q And when you say majority-minority --
 17 A Sorry.
 18 Q -- district, --
 19 A Opportunity.
 20 Q -- are you referring to -- You're referring to not
 21 just sort of a bare majority of Latinos. You're referring
 22 to sort of an opportunity district that allows Latino
 23 candidates to elect candidates of choice?
 24 A Yes.
 25 Q And how many times to your knowledge did she speak

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1 Q Who were they?
 2 A Senate Majority Leader --
 3 MR. HUGHES: Sorry. Objection, calls for
 4 speculation, lack of foundation.
 5 Q (By Mr. Mulji) You can answer.
 6 A Senate Majority Leader Andy Billig. The entire
 7 staff team.
 8 Q Now, you've communicated this to Commissioner
 9 Walkinshaw twice -- at least twice at this point; right?
 10 MS. GOLDMAN: Objection, vague.
 11 Q (By Mr. Mulji) By this I mean the idea that a bare
 12 majority is not sufficient if the district doesn't perform
 13 to elect Latino candidates of choice.
 14 A Yes.
 15 Q Are you aware of anybody else raising this issue
 16 with Commissioner Walkinshaw?
 17 MS. GOLDMAN: Objection, calls for
 18 speculation, and lack of foundation.
 19 A Yes.
 20 Q (By Mr. Mulji) Who else to your understanding
 21 communicated this concern to Commissioner Walkinshaw?
 22 A The Redistricting Justice Coalition, Senator Billig,
 23 Senator Rebecca Saldana.
 24 Q What is the Redistricting Justice Coalition?
 25 A The Redistricting Justice Coalition is an umbrella

The State objects to lines 88:12-89:9: lack of foundation; hearsay. See objection on p. 85 re: Senator Billig and the Redistricting Justice Coalition.

Pls response: Foundation exists based on Hall's personal experiences and observations at the 2021 commission, including his direct conversations with other staffers and legislators, review of documents and inclusion on emails, and review of draft maps. Not hearsay because opposing party statement; 803 exception as present sense impression; then existing mental condition

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1 to Commissioner Walkinshaw?
 2 MS. GOLDMAN: Objection, calls for
 3 speculation, lack of foundation.
 4 Q (By Mr. Mulji) You can answer.
 5 A I don't know. I know that she wanted to touch base
 6 with him before the op-ed was published.
 7 Q Do you recall when roughly that op-ed was published?
 8 A I don't.
 9 Q Okay.
 10 A It would have been after the release of the first
 11 round of maps.
 12 Q And you mentioned Senator Billig in the list of
 13 people who had concerns, shared your concerns that you
 14 might get a district that looked like it complied but
 15 actually didn't; correct?
 16 A Yes.
 17 Q Did Senator Billig to your knowledge speak to
 18 Commissioner Walkinshaw about his concerns?
 19 MS. GOLDMAN: Objection, calls for
 20 speculation, and lack of foundation.
 21 A There were several meetings where legislative
 22 leaders met with Commissioner Walkinshaw where staff was
 23 present where they would articulate priorities, and one of
 24 those priorities was a fair district in the Yakima Valley.
 25 Q (By Mr. Mulji) When you say a fair district, do you

22 (Pages 85 to 88)

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1 mean an opportunity district under the federal Voting
 2 Rights Act?
 3 MS. GOLDMAN: Objection to the degree it
 4 calls for a legal conclusion.
 5 A I don't know what their -- that level of detail was
 6 reached in those meetings; but the Redistricting Justice
 7 Coalition was quite clear about their position, and the
 8 legislators and the Commissioner were very familiar with
 9 the Redistricting Justice Coalition's position on the map.
 10 Q (By Mr. Mulji) I think we're reaching a break point
 11 fairly soon. I think we've gone about another hour, but I
 12 have just a few more questions before we do.
 13 So I just want to clarify what your understanding
 14 was. Did you understand there to be racially polarized
 15 voting in the Yakima Valley between Latino voters and
 16 White voters?
 17 MS. GOLDMAN: Objection, calls for a legal
 18 conclusion.
 19 MR. HUGHES: And calls for an expert
 20 conclusion.
 21 A Yes, based on the court determination in the
 22 Montes v. Yakima case, as well as the analysis provided by
 23 Dr. Barreto to the caucus.
 24 Q (By Mr. Mulji) Okay. And we'll talk about
 25 Dr. Barreto's analysis in a bit.

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1 combination of the Attorney General's Office, the
 2 Secretary of State's Office.
 3 I helped the Secretary of State's Office explain
 4 that the state Voting Rights Act didn't apply in this
 5 circumstance, and the Commission proceeded to schedule a
 6 presentation by the Attorney General's Office.
 7 Separate from that, at least one commissioner was
 8 interested in utilizing the Attorney General's Office for
 9 legal -- legal research on compliance with the federal
 10 Voting Rights Act.
 11 Q Which commissioner was interested in using the
 12 Attorney General's Office for legal research and
 13 compliance with the federal Voting Rights Act?
 14 A I believe it was Commissioner Graves or Fain. I
 15 don't remember which.
 16 Q Did the Commission rely on the Attorney General's
 17 Office for legal search on the federal Voting Rights Act?
 18 MS. GOLDMAN: Objection, calls for
 19 speculation, and lack of foundation.
 20 A Yes.
 21 Q (By Mr. Mulji) And do you know why Commissioner Fain
 22 and Graves -- Was it -- I'm sorry, was it Fain or Graves?
 23 A It was one of them. I don't remember which.
 24 Q Okay. Did you have an understanding of why that
 25 commissioner was interested in having the AG's office

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1 Did you understand that Latino voters tend to prefer
 2 the same candidates in the Yakima Valley region?
 3 MR. HUGHES: Objection, vague.
 4 MS. GOLDMAN: Objection, calls for
 5 speculation.
 6 A Can you reask that question?
 7 Q (By Mr. Mulji) Yes.
 8 MR. MULJI: Actually, rather than going
 9 there now, why don't we actually go on a five-minute break
 10 and maybe come back at 11:12 a.m. Is that five minutes
 11 from now?
 12 (Break 11:07 a.m. to 11:18 a.m.)
 13 MR. MULJI: We can go back on the record.
 14 Q (By Mr. Mulji) I'm going to move on to talk a little
 15 bit about your engagement with Dr. Barreto.
 16 A (Nodded.)
 17 Q Actually, before I go there, how did the Commission
 18 approach VRA compliance?
 19 MS. GOLDMAN: Objection, calls for
 20 speculation, and lack of foundation.
 21 MR. HUGHES: And vague.
 22 Q (By Mr. Mulji) You can answer.
 23 A The Commission, meaning the Chair, the Executive
 24 Director and the four voting members, requested a
 25 presentation on both the federal and state VRAs from some

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1 weigh in and provide the legal research on the federal
 2 Voting Rights Act?
 3 A I don't know their motivation. I do know that once
 4 the topic was broached the Democratic commissioners also
 5 thought it might be useful.
 6 Q Okay. So multiple commissioners were interested in
 7 getting a legal -- legal advice from the -- or legal
 8 opinion from the Attorney General's Office on federal
 9 Voting Rights Act compliance?
 10 MS. GOLDMAN: Objection, calls for
 11 speculation, and lack of foundation.
 12 A Yes. Neither of the Democratic commissioners were
 13 attorneys; so I think once they realized that was on the
 14 table, that they wanted to get any research they could on
 15 an important subject.
 16 Q (By Mr. Mulji) And did the Attorney General's Office
 17 provide research on the federal Voting Rights Act?
 18 MR. HUGHES: Objection, that's
 19 attorney-client privilege. I can't instruct you not to
 20 answer, but that's clearly privileged.
 21 A Yes.
 22 Q (By Mr. Mulji) Was the Attorney General's Office
 23 your counsel, your attorney on Voting Rights Act
 24 compliance?
 25 MS. GOLDMAN: Objection, vague.

23 (Pages 89 to 92)

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The State objects to lines 91:7-93:12: hearsay; lack of foundation. Again, neither Mr. Graves nor Mr. Fain are parties, so their alleged statements as relayed by Mr. Hall are not statements of party-opponents. Nor do the statements purport to convey either Mr. Graves or Mr. Fain's present sense impressions of states of mind, so they are not admissible under FRE 803(1) or (3). Further, Mr. Hall did not communicate directly with either Mr. Fain or Mr. Graves, so he lacks foundation to testify about their thought processes.

Pls response: Foundation exists based on Hall's personal experiences and observations at the 2021 commission, including his direct conversations with other staffers and legislators, and review of documents and inclusion on emails. Not hearsay because opposing party statement; 803 exception as present sense impression; then existing mental condition

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<p style="text-align: right;">Page 93</p> <p>1 MR. HUGHES: And objection, calls for a</p> <p>2 legal conclusion. You can answer, but do you mind if we</p> <p>3 go off the record after this question?</p> <p>4 A There were a number of conversations around legal</p> <p>5 representation. What was eventually determined was that</p> <p>6 the Attorney General's Office was the lawyer for the</p> <p>7 Commission; and there was an agreement that when a</p> <p>8 question was posed by one commissioner, that it would be</p> <p>9 answered and provided to all four.</p> <p>10 There was at one point a discussion around making</p> <p>11 those answers public, but I don't remember what the</p> <p>12 conclusion of those conversations were.</p> <p>13 Q (By Mr. Mulji) Was the Attorney General's Office</p> <p>14 counsel for the Senate Democratic Caucus for this purpose?</p> <p>15 MS. GOLDMAN: Objection, vague.</p> <p>16 MR. HUGHES: And calls for a legal</p> <p>17 conclusion.</p> <p>18 A We didn't talk about it in that fashion, and I</p> <p>19 wasn't involved in the conversations around the Commission</p> <p>20 since I wasn't Commission staff. They talked about it in</p> <p>21 the context of the four commissioners and themselves as a</p> <p>22 group.</p> <p>23 I reached out on my own to the Attorney General's</p> <p>24 Office several times to talk about legal issues, just to</p> <p>25 get a gut check from them, but that was not in an</p>	<p style="text-align: right;">Page 94</p> <p>1 attorney-client privilege. That was me checking my math</p> <p>2 effectively.</p> <p>3 Q (By Mr. Mulji) Did you understand when you were</p> <p>4 asking those questions that you had an attorney-client</p> <p>5 relationship with the Attorney General's Office?</p> <p>6 A No, I did not believe I had one at the time.</p> <p>7 Q Okay. And did the Senate Democratic Caucus -- Was</p> <p>8 it your understanding that the Senate Democratic Caucus</p> <p>9 had an attorney-client relationship with the Attorney</p> <p>10 General's Office when it came to redistricting?</p> <p>11 A I don't believe so. I don't believe that they</p> <p>12 believed --</p> <p>13 MR. HUGHES: Objection.</p> <p>14 MR. MULJI: Okay.</p> <p>15 MR. HUGHES: Sorry. Let me make my</p> <p>16 objection. Calls for a legal conclusion.</p> <p>17 Q (By Mr. Mulji) What questions did you have for the</p> <p>18 Attorney General's Office regarding VRA compliance?</p> <p>19 MR. HUGHES: Can I ask you to clarify? Are</p> <p>20 you talking about the times he reached out on his own or</p> <p>21 the times in which there was communication --</p> <p>22 MR. MULJI: Yes.</p> <p>23 MR. HUGHES: -- on behalf of the</p> <p>24 commissioner?</p> <p>25 MR. MULJI: So I'm sorry. Yes, thank you</p>
<p style="text-align: right;">Page 95</p> <p>1 for clarifying.</p> <p>2 Q (By Mr. Mulji) So when you reached out on your own,</p> <p>3 when you had an understanding that there was no</p> <p>4 attorney-client relationship with the Attorney General's</p> <p>5 Office, what were you reaching out to them about?</p> <p>6 A We spoke about the nature of the representation and</p> <p>7 the kind of work they would do for the commissioners when</p> <p>8 they received these questions. We had a lot of what I</p> <p>9 would consider to be process-oriented questions where --</p> <p>10 when we were trying to establish what the office would and</p> <p>11 would not be providing.</p> <p>12 This was -- My understanding was this was not</p> <p>13 something that had been done in the exact same fashion ten</p> <p>14 years ago. The Attorney General's Office mostly focused</p> <p>15 on things like the PRA and OPMA at the time.</p> <p>16 And then I probably had followup questions to emails</p> <p>17 that they wrote that I was copied on to seek</p> <p>18 clarification.</p> <p>19 Q Who did you speak with specifically at the Attorney</p> <p>20 General's Office in these conversations?</p> <p>21 A Tera Heintz.</p> <p>22 Q And --</p> <p>23 A And at least one other person, whose name is</p> <p>24 escaping me, who was also assisting with representing the</p> <p>25 Commission.</p>	<p style="text-align: right;">Page 96</p> <p>1 Q Was it your understanding that Tera Heintz was</p> <p>2 representing the Commission in this capacity that you</p> <p>3 mentioned earlier?</p> <p>4 A Yes.</p> <p>5 Q Other than process-oriented questions, did you</p> <p>6 discuss the substance of the federal Voting Rights Act</p> <p>7 and its application -- or did you discuss the substance of</p> <p>8 the federal Voting Rights Act with Tera Heintz in your</p> <p>9 individual conversations?</p> <p>10 A Not that I can remember. On a couple of occasions I</p> <p>11 would be forwarded things that she wrote and asked by Ali</p> <p>12 O'Neil whether or not this looked right, and I think in</p> <p>13 every instance I said, "Yes, this is the correct</p> <p>14 analysis."</p> <p>15 Q You were generally sort of satisfied with the legal</p> <p>16 advice provided by the Attorney General's Office on Voting</p> <p>17 Rights Act compliance?</p> <p>18 A Yes.</p> <p>19 Q Did it generally accord with your view of what the</p> <p>20 Voting Rights Act required?</p> <p>21 MR. HUGHES: I'm going to object. You're</p> <p>22 asking about privileged communications between the</p> <p>23 Attorney General's Office and a client that were forwarded</p> <p>24 to Mr. Hall in what appears to be a joint interest</p> <p>25 context. So I don't think there's any waiver here.</p>

24 (Pages 93 to 96)

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<p>1 I realize that no one is here on behalf of the</p> <p>2 Commission itself who can instruct the witness not to</p> <p>3 answer, but I think the question is inappropriate; and I</p> <p>4 don't think it -- I don't think there's been a waiver</p> <p>5 here.</p> <p>6 MR. MULJI: And Mr. Hall has clarified that</p> <p>7 he was not represented that -- by the Commission, or by</p> <p>8 the staff for this purpose. He said that the Senate</p> <p>9 Democratic Caucus does not represent him.</p> <p>10 MR. HUGHES: Yeah, I'm fine with --</p> <p>11 MR. MULJI: Those communications were sent</p> <p>12 to Mr. Hall. That sounds like a waiver.</p> <p>13 MR. HUGHES: Well, I'm fully aware of what</p> <p>14 he just testified to, but there is clearly a joint</p> <p>15 interest issue here.</p> <p>16 I mean, these communications were forwarded to Adam,</p> <p>17 to Mr. Hall, for the purpose of acting on or for the</p> <p>18 purpose of furthering the legal relationship, with</p> <p>19 presumably an expectation that Mr. Hall wouldn't share</p> <p>20 those publicly. And clearly Mr. Hall had a joint interest</p> <p>21 with the commissioners.</p> <p>22 So I think this clearly falls under the joint</p> <p>23 interest privilege, and I don't think there's any waiver</p> <p>24 there. And I think that's it. If you want to take it</p> <p>25 further, I think we're going to have to involve the Court.</p>	<p>1 MR. MULJI: Okay. Let me -- That's fine.</p> <p>2 Q (By Mr. Mulji) You don't have to answer that</p> <p>3 question. Let me ask a different question.</p> <p>4 You mentioned that there had been conversations</p> <p>5 about whether to make the Attorney General's Office's</p> <p>6 guidance related to the Voting Rights Act public earlier;</p> <p>7 is that right?</p> <p>8 A Yes.</p> <p>9 Q With whom did you have those conversations?</p> <p>10 A I believe I had one phone conversation with</p> <p>11 Tera Heintz about how the office would operate. She was</p> <p>12 very confused about my role and whether or not I was</p> <p>13 counsel or an attorney for the Commission, so we had a lot</p> <p>14 of conversations around that.</p> <p>15 We talked for a while in one of the conversations</p> <p>16 about that, and it was eventually determined that there</p> <p>17 was no attorney-client privilege as related to me and the</p> <p>18 Commission.</p> <p>19 Q When you say that what do you -- You came to a</p> <p>20 common understanding of whether communications with you</p> <p>21 related to redistricting were attorney-client privileged?</p> <p>22 MS. GOLDMAN: Objection, misstates the</p> <p>23 testimony.</p> <p>24 Q (By Mr. Mulji) You can clarify.</p> <p>25 A No. The conversation that Tera and I had was about</p>
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<p>1 whether or not because I had the word counsel in my</p> <p>2 signature line that I was somehow the attorney for the</p> <p>3 Commission or any commissioners, and so we had a</p> <p>4 conversation to clarify that that was, in fact, not the</p> <p>5 case.</p> <p>6 Q I see. And specifically regarding publicizing the</p> <p>7 Attorney General's guidance on the Voting Rights Act</p> <p>8 provided to the Commission, what were your -- was that --</p> <p>9 Did you talk about that?</p> <p>10 A I didn't advise anyone on that question. I think</p> <p>11 the Commission came up with a decision on their own.</p> <p>12 Q And what was their decision to the extent you know?</p> <p>13 MS. GOLDMAN: Objection, calls for</p> <p>14 speculation, and lack of foundation.</p> <p>15 A I don't remember.</p> <p>16 Q (By Mr. Mulji) Okay. That was a long segue into our</p> <p>17 discussion about Matt Barreto.</p> <p>18 Who hired Dr. Barreto?</p> <p>19 A The Senate Democratic Caucus.</p> <p>20 Q And I think you said earlier that was sometime after</p> <p>21 the first public release of commissioner proposals in</p> <p>22 September; is that right?</p> <p>23 A Yes.</p> <p>24 Q Why -- Well, and let me say who on the Senate</p> <p>25 Democratic Caucus team was responsible for coordinating</p>	<p>1 with Dr. Barreto about his work?</p> <p>2 A I was.</p> <p>3 Q Okay. And who recommended that Dr. Barreto be</p> <p>4 hired?</p> <p>5 A I reached out to Breanne Schuster, who was an</p> <p>6 attorney for the ACLU on the Montes v. Yakima case, and I</p> <p>7 asked for recommendations.</p> <p>8 I actually may have given her two names I found on</p> <p>9 my own, one being Dr. Barreto, and the other being Bill</p> <p>10 Cooper who is based out of Virginia but drew the final map</p> <p>11 that was implemented in Yakima, the City of Yakima. And</p> <p>12 she confirmed that those were two people that were a good</p> <p>13 place to start.</p> <p>14 Q Did she say why those were people who were a good</p> <p>15 place to start?</p> <p>16 A I think I articulated sort of my understanding of</p> <p>17 their participation, and she said no, that -- She said</p> <p>18 that yes, those were -- That's who she would talk to as</p> <p>19 well. She didn't have a particularly lengthy response.</p> <p>20 Q Why did the Senate Democratic Caucus feel it was</p> <p>21 important to retain Matt Barreto? And I'm sorry. When I</p> <p>22 say the Senate Democratic Caucus I'm talking about the</p> <p>23 redistricting team on the Senate Democratic Caucus</p> <p>24 assisting Commissioner Walkinshaw, if that helps.</p> <p>25 A Our team had a significant fear that without his</p>

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<p style="text-align: right;">Page 101</p> <p>1 analysis we could be unintentionally supporting a map that</p> <p>2 discriminated against Latino voters in the Yakima Valley.</p> <p>3 Q And what were you trying -- What new information</p> <p>4 were you trying to gain by retaining Dr. Barreto?</p> <p>5 A We -- When we reached out -- When I reached out I</p> <p>6 said that there were two things that we sought to</p> <p>7 understand. The first was whether there was a requirement</p> <p>8 under federal law for us to draw an opportunity district</p> <p>9 in the Yakima Valley, and second to conduct an analysis of</p> <p>10 the four released maps to see whether any complied. If</p> <p>11 none did, we asked him to propose maps that he felt would</p> <p>12 comply with the federal Voting Rights Act.</p> <p>13 Q Was there anything else in his scope of work?</p> <p>14 MS. GOLDMAN: Objection, vague.</p> <p>15 A Can you restate the question?</p> <p>16 Q (By Mr. Mulji) Yes. You've described sort of three</p> <p>17 things, I guess two or three things, whether there was a</p> <p>18 requirement to draw an opportunity district, analysis of</p> <p>19 the released maps, and then any additional maps that he</p> <p>20 wanted to provide.</p> <p>21 Were there any other -- What else, if anything, was</p> <p>22 included in the scope of work from the Senate Democratic</p> <p>23 Caucus?</p> <p>24 A We agreed that he would be available to answer</p> <p>25 questions and provide guidance for the remainder of the</p>	<p style="text-align: right;">Page 102</p> <p>1 redistricting period.</p> <p>2 Q And did you rely on Dr. Barreto throughout the</p> <p>3 redistricting process for that kind of guidance?</p> <p>4 A Yes.</p> <p>5 Q He was paid?</p> <p>6 A Yes.</p> <p>7 Q Did you share map proposals other than the publicly</p> <p>8 released maps with Dr. Barreto to analyze?</p> <p>9 A I don't remember. I know that we wanted to focus on</p> <p>10 the four released maps.</p> <p>11 Q What was the nature of your question -- After the</p> <p>12 four released maps you mentioned that you had relied on</p> <p>13 Dr. Barreto for guidance throughout the process.</p> <p>14 From that point forward after he released -- Well,</p> <p>15 actually let me say Dr. Barreto produced a report; is that</p> <p>16 right?</p> <p>17 A Yes.</p> <p>18 Q Okay. Setting the report aside for a moment, in</p> <p>19 your informal conversations for the guidance that we were</p> <p>20 just discussing, what kind of things were you asking</p> <p>21 Dr. Barreto for advice about?</p> <p>22 A We would generally share with him any insight that</p> <p>23 we were receiving from the Commissioner negotiations, as</p> <p>24 well as any map, any full map proposals of Legislative</p> <p>25 Districts to receive his feedback on the districts in the</p>
<p style="text-align: right;">Page 103</p> <p>1 Yakima Valley and whether they were likely to perform for</p> <p>2 Latino voters.</p> <p>3 Q Okay. And so in order to do that did you have to --</p> <p>4 did you share materials from the redistricting</p> <p>5 negotiations with Dr. Barreto?</p> <p>6 A Yes.</p> <p>7 Q What kinds of materials?</p> <p>8 A Emails, maps. There may have been other things, but</p> <p>9 those were the two primary things we would be sharing with</p> <p>10 him.</p> <p>11 Q And you continued to share those kinds of materials</p> <p>12 with Dr. Barreto throughout the whole redistricting</p> <p>13 process after he was retained?</p> <p>14 A Yes.</p> <p>15 Q How frequently did you talk to Dr. Barreto after he</p> <p>16 was retained? And when I say talk to, I mean communicate</p> <p>17 in any form.</p> <p>18 A We had regular communication throughout the</p> <p>19 remainder of the process.</p> <p>20 Q Was part of his scope of work to analyze whether</p> <p>21 there was racially polarized voting in the region?</p> <p>22 A Yes.</p> <p>23 Q Did you discuss how he would conduct that analysis</p> <p>24 --</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 104</p> <p>1 Q -- with Dr. Barreto?</p> <p>2 What did you -- What did you understand Dr. Barreto</p> <p>3 was going to be doing to analyze whether there was</p> <p>4 racially polarized voting in the Yakima Valley?</p> <p>5 A The PowerPoint presentation that he shared that we</p> <p>6 subsequently made public identified both demographic and</p> <p>7 electoral patterns in the Yakima Valley that would provide</p> <p>8 evidence that there was a need to draw an opportunity</p> <p>9 district in the Yakima Valley.</p> <p>10 Q Did Dr. Barreto look at past elections to determine</p> <p>11 whether there was racially polarized voting in those</p> <p>12 elections?</p> <p>13 MS. GOLDMAN: Objection, calls for</p> <p>14 speculation, and lack of foundation.</p> <p>15 Q (By Mr. Mulji) You can answer.</p> <p>16 A Yes.</p> <p>17 Q Was there discussion about how many elections he</p> <p>18 should analyze?</p> <p>19 A Yes.</p> <p>20 Q What was the nature of those discussions?</p> <p>21 A I think he was the one to suggest going back roughly</p> <p>22 ten years.</p> <p>23 Q Did he say anything about how many elections he</p> <p>24 should look into to answer this question?</p> <p>25 A I don't remember.</p>

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<p style="text-align: right;">Page 105</p> <p>1 MR. MULJI: I want to mark as Exhibit 3 a</p> <p>2 document labeled D.</p> <p>3 Ben has placed Exhibit 3 in the chat.</p> <p>4 MR. BOWEN: Got it. Thank you.</p> <p>5 (Hall Exhibit No. 3 introduced.)</p> <p>6 Q (By Mr. Mulji) And Adam, I'll give you a moment to</p> <p>7 take a look at this email chain.</p> <p>8 (Pause in proceedings to review document.)</p> <p>9 Q Have you had a chance to review it?</p> <p>10 A Yes.</p> <p>11 Q Okay. Do you recognize this document?</p> <p>12 A Yes.</p> <p>13 Q What is it?</p> <p>14 A It's an email thread between me, Matt Barreto and</p> <p>15 the Senate Democratic Caucus Chief of Staff Paulette</p> <p>16 Avalos as we discussed the nature of the -- as we</p> <p>17 discussed the scope of work that he would perform for the</p> <p>18 caucus.</p> <p>19 Q And I want to start by looking specifically at the</p> <p>20 second email in this chain. Do you see at the bottom of</p> <p>21 the first page it starts with an email from Matt Barreto</p> <p>22 to you --</p> <p>23 A Um-hmm.</p> <p>24 Q -- on September 28th, 2021. Do you see that?</p> <p>25 MS. GOLDMAN: At the very bottom?</p>	<p style="text-align: right;">Page 106</p> <p>1 MR. MULJI: At the very bottom of the first</p> <p>2 page.</p> <p>3 A So the email that's on the second page, or the</p> <p>4 email --</p> <p>5 Q (By Mr. Mulji) I'm sorry. The email that begins on</p> <p>6 the first -- the bottom of the first page and continues on</p> <p>7 to the second page. Do you see that one?</p> <p>8 A Yes.</p> <p>9 Q Great. Is this the email where Dr. Barreto provides</p> <p>10 you a write-up of his scope of work?</p> <p>11 A Yes.</p> <p>12 Q And it includes an analysis of whether the Latino</p> <p>13 population is sufficiently large and geographically</p> <p>14 compact to be in a single numbered district; is that</p> <p>15 right?</p> <p>16 A Yes.</p> <p>17 Q And that's whether the Gingles one standard is</p> <p>18 satisfied?</p> <p>19 A Yes.</p> <p>20 Q And then his analysis also includes sort of an</p> <p>21 analysis of the voting patterns between Latinos and</p> <p>22 non-Latinos in the wider region; correct?</p> <p>23 A Yes.</p> <p>24 Q And that includes an analysis of the question of</p> <p>25 Latino -- whether Latino voters are cohesive or not; is</p>
<p style="text-align: right;">Page 107</p> <p>1 that right?</p> <p>2 MS. GOLDMAN: Objection. The document</p> <p>3 speaks for itself.</p> <p>4 Q (By Mr. Mulji) You can answer.</p> <p>5 A Yes.</p> <p>6 Q And whether non-Latino voters in that area block</p> <p>7 votes against Latinos' voting preferences or not; is that</p> <p>8 right?</p> <p>9 MS. GOLDMAN: Counsel, are you simply</p> <p>10 asking him if that's what the email says?</p> <p>11 MR. MULJI: Yes.</p> <p>12 MS. GOLDMAN: Objection, the document</p> <p>13 speaks for itself.</p> <p>14 Q (By Mr. Mulji) You can answer.</p> <p>15 A Yes.</p> <p>16 Q Is this an accurate account of your understanding of</p> <p>17 Dr. Barreto's scope of work?</p> <p>18 A Yes.</p> <p>19 Q Okay. Is there anything that was in his scope of</p> <p>20 work that we haven't discussed that's also not included</p> <p>21 here?</p> <p>22 MS. GOLDMAN: Objection, vague.</p> <p>23 Q (By Mr. Mulji) In other words, can you think of</p> <p>24 anything else that was in his scope of work that we</p> <p>25 haven't discussed so far?</p>	<p style="text-align: right;">Page 108</p> <p>1 A No.</p> <p>2 Q Okay. Did you ask Dr. Barreto to start with a</p> <p>3 presupposition that there is racially polarized voting in</p> <p>4 the Yakima Valley area?</p> <p>5 A No.</p> <p>6 Q You wanted Dr. Barreto to do an objective analysis</p> <p>7 of whether there is racially polarized voting in the</p> <p>8 region?</p> <p>9 A Yes.</p> <p>10 Q Is it fair to say you were looking for sort of a</p> <p>11 factual analysis of how the Voting Rights Act might apply</p> <p>12 in the Yakima Valley area?</p> <p>13 A Yes.</p> <p>14 Q What data did you share with Dr. Barreto for him to</p> <p>15 be able to conduct that factual analysis?</p> <p>16 A I believe that I pointed him to the Secretary of</p> <p>17 State's website, which had a number of data files that</p> <p>18 would be useful for him.</p> <p>19 And I also put him on an email thread with Matt</p> <p>20 Bridges because Matt had asked me some questions, and I</p> <p>21 didn't feel comfortable enough in the minutiae of the data</p> <p>22 to answer either to Matt Bridges or to Dr. Barreto.</p> <p>23 Q Okay. Matt Bridges was primarily responsible for</p> <p>24 gathering the data that Dr. Barreto requested; is that</p> <p>25 right?</p>

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<p style="text-align: right;">Page 109</p> <p>1 A I don't know.</p> <p>2 Q Okay. And then going back to the question of sort</p> <p>3 of how many elections Dr. Barreto would analyze to</p> <p>4 determine whether this is racially polarized voting, I</p> <p>5 want to turn your attention to the first email in the</p> <p>6 chain.</p> <p>7 And I'll just ask you to take a look at that first</p> <p>8 email, and let me know when you're done.</p> <p>9 A Okay.</p> <p>10 Q Does this email refresh your recollection of a</p> <p>11 discussion about how many elections Dr. Barreto would</p> <p>12 analyze to determine whether there was racially polarized</p> <p>13 voting?</p> <p>14 A Yes.</p> <p>15 Q And what did he propose?</p> <p>16 A He recommended five elections at a minimum.</p> <p>17 Q At a minimum. With a mix of different kinds of</p> <p>18 elections; correct?</p> <p>19 A Yes.</p> <p>20 Q Okay. Is that what Dr. Barreto ended up doing?</p> <p>21 A I don't remember how many races he actually included</p> <p>22 in his PowerPoint.</p> <p>23 Q Okay. We'll actually take a look at that in a</p> <p>24 moment. You mentioned that he created a report?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 110</p> <p>1 Q And that was one deliverable. Were there any other</p> <p>2 sort of concrete deliverables that he was supposed to</p> <p>3 create as part of the scope of work?</p> <p>4 A No. The primary published document was the report.</p> <p>5 Most of the rest of the work he did was just</p> <p>6 communications and analysis in the email.</p> <p>7 Q And was the format of the report a slide deck,</p> <p>8 essentially?</p> <p>9 A Yes.</p> <p>10 Q Were there any other formats in which he presented</p> <p>11 his findings that you can recall?</p> <p>12 A He walked staff through it, as I recall.</p> <p>13 Q Okay. And it being just the slide deck?</p> <p>14 A Yes. I can't remember whether there was an</p> <p>15 accompanying memo.</p> <p>16 Q Okay. And when did he deliver the slide deck</p> <p>17 analysis with you all at the Senate Democratic Caucus?</p> <p>18 A It was the first or second week of October, I want</p> <p>19 to say.</p> <p>20 Q And at that point you all shared that slide deck</p> <p>21 with the House Democratic Caucus; is that right?</p> <p>22 A We shared it with them after we received it, yes.</p> <p>23 Q Okay. And you said that there was a conference call</p> <p>24 where Dr. Barreto reviewed the results of that analysis?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 111</p> <p>1 Q Who was present at that conference call?</p> <p>2 A I don't remember if this was joint with the House,</p> <p>3 but a presentation to the Senate team, Senate Democratic</p> <p>4 team would have been Commissioner Walkinshaw, the four</p> <p>5 staff people, and I just don't remember whether he had a</p> <p>6 presentation that was with both caucuses and both</p> <p>7 commissioners.</p> <p>8 Q I want to -- I want to actually just show you a</p> <p>9 document. It's labeled H. I'm not going to introduce that</p> <p>10 as an exhibit.</p> <p>11 So take a look, and let me know if this -- Well,</p> <p>12 I'll give you a moment to take a look.</p> <p>13 A Yep. Okay.</p> <p>14 Q Have you had a chance to review the document?</p> <p>15 A Yes.</p> <p>16 Q Does it refresh your recollection about who was</p> <p>17 present at the presentation by Dr. Barreto about his</p> <p>18 report?</p> <p>19 A Yes.</p> <p>20 Q In what way?</p> <p>21 A That there was a presentation to both caucuses.</p> <p>22 Q Was Commissioner Sims present at that presentation?</p> <p>23 A Yes.</p> <p>24 Q And did you discuss Dr. Barreto's report with</p> <p>25 Commissioner Sims at all?</p>	<p style="text-align: right;">Page 112</p> <p>1 A Can you restate the question?</p> <p>2 Q Did you discuss Dr. Barreto's report with</p> <p>3 Commissioner Sims?</p> <p>4 A Personally?</p> <p>5 Q Um-hmm; yes.</p> <p>6 A I don't think so. I would have participated in the</p> <p>7 meeting and maybe said one or two things, but the</p> <p>8 conversation would have primarily been between</p> <p>9 Dr. Barreto, Commissioner Sims and Commissioner</p> <p>10 Walkinshaw.</p> <p>11 Q Did you attend a meeting where Dr. Barreto,</p> <p>12 Commissioner Walkinshaw and Commissioner Sims were</p> <p>13 discussing his findings?</p> <p>14 A Yes.</p> <p>15 Q When was that meeting?</p> <p>16 A It would have been the second week of October.</p> <p>17 Q And that's separate from this presentation?</p> <p>18 MS. GOLDMAN: Objection as to form.</p> <p>19 Q (By Mr. Mulji) I guess what I'm wondering is is the</p> <p>20 meeting that you're talking about where Dr. Barreto and</p> <p>21 the two commissioners were talking that you attended, is</p> <p>22 that different from the presentation to the entire Senate</p> <p>23 Democratic Caucus and House Caucus?</p> <p>24 A No, I'm talking about the same -- the same --</p> <p>25 Q The same thing?</p>

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<p>1 A Yeah.</p> <p>2 Q So you were all at this one presentation in early or</p> <p>3 mid October --</p> <p>4 A Yes.</p> <p>5 Q -- to discuss the findings in his report; is that</p> <p>6 right?</p> <p>7 A Yes.</p> <p>8 Q Commissioner Walkinshaw was there, and Commissioner</p> <p>9 Sims was there as well; right?</p> <p>10 A Yes.</p> <p>11 Q Okay. Why don't we take a quick look at his report,</p> <p>12 actually.</p> <p>13 MR. MULJI: So I'm going to mark as</p> <p>14 Exhibit 4 a document labeled E.</p> <p>15 MR. HUGHES: Sorry. Is this last email not</p> <p>16 an exhibit?</p> <p>17 MR. MULJI: Not an exhibit.</p> <p>18 MR. HUGHES: Oh, okay.</p> <p>19 (Hall Exhibit No. 4 introduced.)</p> <p>20 Q (By Mr. Mulji) Have you seen this document before?</p> <p>21 A Yes.</p> <p>22 Q What is it?</p> <p>23 A It's an email from Ali O'Neil to the Commission</p> <p>24 Chair and Executive Director providing the full analysis</p> <p>25 from Dr. Barreto.</p>	<p>1 Q And it's from -- sorry -- Ali O'Neil to Sarah</p> <p>2 Augustine and Lisa McLean; correct?</p> <p>3 A Yes.</p> <p>4 Q And it cc's Tera Heintz and Emma Grunberg from the</p> <p>5 Attorney General's Office as well as Brady Walkinshaw and</p> <p>6 you; correct?</p> <p>7 A Yes.</p> <p>8 Q And attached to this email is the full slide deck</p> <p>9 report of Dr. Barreto; is that right?</p> <p>10 A Yes.</p> <p>11 Q Okay. I'm going to mark that as Exhibit 5.</p> <p>12 A Thank you.</p> <p>13 (Hall Exhibit No. 5 introduced.)</p> <p>14 Q And I guess before you -- Well, have you seen this</p> <p>15 document before?</p> <p>16 A Yes.</p> <p>17 Q I'll give you a moment to flip through it. Let me</p> <p>18 know when you're done.</p> <p>19 (Pause in proceedings to review document.)</p> <p>20 Q Okay. You've had a chance to review this document?</p> <p>21 A Yes.</p> <p>22 Q Is this the full version of Dr. Barreto's report</p> <p>23 that he produced?</p> <p>24 A Yes.</p> <p>25 Q Okay. There was also a public version of the</p>
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<p>1 report; correct?</p> <p>2 A Yes.</p> <p>3 Q How was that report different from this one?</p> <p>4 A I think we took out some of the data slides because</p> <p>5 we felt they were redundant.</p> <p>6 Q Is it fair to say the public report was sort of an</p> <p>7 abridged version of this full report?</p> <p>8 A Yes.</p> <p>9 Q Okay. And turning back to Exhibit 1, --</p> <p>10 MS. GOLDMAN: One?</p> <p>11 MR. MULJI: I'm sorry, not one. Four.</p> <p>12 MS. GOLDMAN: Four?</p> <p>13 MR. MULJI: Exhibit 4, the email here.</p> <p>14 Q (By Mr. Mulji) This is the email where Ali O'Neil</p> <p>15 shares this full report with the Commission staff;</p> <p>16 correct?</p> <p>17 A Um-hmm. Sorry. Yes.</p> <p>18 Q And with the purpose of circulating it to all the</p> <p>19 commissioners and the staff; correct?</p> <p>20 A Yes.</p> <p>21 Q Okay. Do you know if the report was circulated to</p> <p>22 the commissioners and staff?</p> <p>23 MS. GOLDMAN: Objection, calls for</p> <p>24 speculation, and lack of foundation.</p> <p>25 Q (By Mr. Mulji) You can answer.</p>	<p>1 A I don't know.</p> <p>2 Q Okay. Do you know whether it was posted publicly --</p> <p>3 whether it was publicly --</p> <p>4 This email says to post it publicly as well;</p> <p>5 correct?</p> <p>6 A Yes.</p> <p>7 Q Do you know if that happened?</p> <p>8 A I don't remember.</p> <p>9 Q Okay. All right. So just turning back to the</p> <p>10 report that's Exhibit 5, did you read this full report?</p> <p>11 A When?</p> <p>12 Q I guess at any point.</p> <p>13 A Yes.</p> <p>14 Q Okay. And at any point in time did you feel pretty</p> <p>15 comfortable with its contents?</p> <p>16 MS. GOLDMAN: Objection as to form.</p> <p>17 Q (By Mr. Mulji) You can answer.</p> <p>18 A Yes.</p> <p>19 Q When you reviewed the report for the first or, I</p> <p>20 guess, during this time what were your take-aways and</p> <p>21 impressions?</p> <p>22 MS. GOLDMAN: Objection, compound.</p> <p>23 Q (By Mr. Mulji) You can answer.</p> <p>24 A My belief was that Dr. Barreto had found both the</p> <p>25 need to draw a majority-minority district in the Yakima --</p>

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<p>1 or excuse me, to draw an opportunity district in the</p> <p>2 Yakima Valley, and that none of the four public proposals</p> <p>3 released in September did so.</p> <p>4 Q Did you think the analysis was reliable?</p> <p>5 MS. GOLDMAN: Objection, calls for a legal</p> <p>6 conclusion.</p> <p>7 Q (By Mr. Mulji) You can answer.</p> <p>8 A Yes.</p> <p>9 Q Dr. Barreto's report includes an analysis of</p> <p>10 racially polarized voting; correct?</p> <p>11 A Yes.</p> <p>12 Q Is it your understanding that this analysis also</p> <p>13 identified which candidates were preferred by Latino</p> <p>14 voters in previous races?</p> <p>15 A Yes.</p> <p>16 Q And I just -- Since we were discussing this a little</p> <p>17 earlier, I counted 12 races that he analyzed in this</p> <p>18 report. You can take a look, but is that -- Does that</p> <p>19 look right? Does that sound right to you?</p> <p>20 Is that correct that he analyzed 12 races to</p> <p>21 determine whether there was racially polarized voting?</p> <p>22 MS. GOLDMAN: Objection, the document</p> <p>23 speaks for itself.</p> <p>24 A Yes, that sounds right.</p> <p>25 Q (By Mr. Mulji) Okay. How did you -- How did the</p>	<p>1 Senate Democratic Caucus use this analysis in drafting map</p> <p>2 proposals? And actually, let me ask the question more</p> <p>3 specifically.</p> <p>4 How did the Senate Democratic Caucus use this</p> <p>5 analysis to draw Legislative Districts in the Yakima</p> <p>6 Valley?</p> <p>7 A With this information and the CVAP data that had</p> <p>8 been uploaded to Dave's Redistricting App, the team was</p> <p>9 then able to begin generating maps that it -- that we felt</p> <p>10 were both compliant with the federal Voting Rights Act</p> <p>11 while remaining consistent with the public testimony we</p> <p>12 had received from stakeholders and local organizers about</p> <p>13 the 14th and 15th Legislative Districts.</p> <p>14 Q Did it help you figure out whether the districts you</p> <p>15 were drawing would elect Latino candidates of choice?</p> <p>16 A Yes.</p> <p>17 Q How?</p> <p>18 A Can you ask that question just one more time?</p> <p>19 Q Yeah. How did the report help you in determining</p> <p>20 whether the districts you were drawing or evaluating would</p> <p>21 likely elect Latino candidates of choice?</p> <p>22 A I think the report reflected both whether or not we</p> <p>23 had a responsibility to draw a certain district, but it</p> <p>24 also gave us a stronger grounding in terms of where we</p> <p>25 could draw it.</p>
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<p>1 So, for example, the last two draft maps included in</p> <p>2 the presentation were drawn by Dr. Barreto, and they were</p> <p>3 drawn in such a fashion that I think it helped Matt</p> <p>4 Bridges rethink how to draw a district that was both</p> <p>5 compliant and consistent with public testimony.</p> <p>6 Q I want to turn to page 15 of the report. Do you see</p> <p>7 the second slide on page 15 includes an analysis of Latino</p> <p>8 and White voting patterns in the Trump v. Biden 2020</p> <p>9 general election; is that right? Or I guess it doesn't</p> <p>10 say whether it's the general, but the Trump v. Biden race</p> <p>11 in 2020; correct?</p> <p>12 A Yes.</p> <p>13 Q Does this give you information about which of those</p> <p>14 two candidates was the Latino candidate of choice in that</p> <p>15 election?</p> <p>16 A Yes.</p> <p>17 Q This is just one of several slides analyzing</p> <p>18 different races in Washington state; correct?</p> <p>19 A Yes.</p> <p>20 Q Did you glean from this report that in each of these</p> <p>21 races which candidate was the Latino preferred candidate?</p> <p>22 A Yes.</p> <p>23 Q And did you use that information, or did the Senate</p> <p>24 Democratic Caucus use that information in evaluating</p> <p>25 potential districts in the Yakima Valley and to see</p>	<p>1 whether they would actually elect those candidates -- that</p> <p>2 they would have elected those candidates?</p> <p>3 A Yes.</p> <p>4 MR. HUGHES: Objection, leading.</p> <p>5 Q (By Mr. Mulji) How did you -- How did the Senate</p> <p>6 Democratic Caucus do that?</p> <p>7 A I wasn't responsible for map drawing, so that was</p> <p>8 not something that I spent a lot of time doing.</p> <p>9 I think I just focused on the fact that these races</p> <p>10 were consistently doing the same thing, so that what my</p> <p>11 role was was to talk to others, especially on the House</p> <p>12 team, about the strength of the presentation.</p> <p>13 Q When you say what these races were doing, can you</p> <p>14 clarify what you meant?</p> <p>15 A Sorry. The different elections that were presented.</p> <p>16 The fact that they were all -- that these lines all look</p> <p>17 the same, I think it gave -- It gave our team a lot of</p> <p>18 confidence in the work.</p> <p>19 Q It gave your team a lot of confidence in what</p> <p>20 exactly?</p> <p>21 A In drawing districts that would perform for Latinos</p> <p>22 and that this would be compliant with the Federal Act.</p> <p>23 Q Did you believe that Matt Barreto was qualified for</p> <p>24 the work he did?</p> <p>25 A Yes.</p>

The State objects to lines 118:19-119:5: lack of foundation. Mr. Hall lacks foundation to testify about Matt Bridges' state of mind. Any conversations conveying that state of mind would be inadmissible hearsay in any event.

Pls response: Foundation exists based on Hall's personal experiences and observations at the 2021 commission, including his direct conversations with other Matt Bridges and other staffers, review of documents and inclusion on emails, and review of draft maps.

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<p style="text-align: right;">Page 121</p> <p>1 Q Did you find him credible?</p> <p>2 A Yes.</p> <p>3 Q Did you find his advice reliable?</p> <p>4 MS. GOLDMAN: Objection to the degree it</p> <p>5 calls for a legal conclusion.</p> <p>6 Q (By Mr. Mulji) You can answer.</p> <p>7 A Yes.</p> <p>8 Q And did you -- Did you understand that the analysis</p> <p>9 presented by Matt Barreto to be consistent with best</p> <p>10 practices in this type of analysis?</p> <p>11 MS. GOLDMAN: Objection, calls for a legal</p> <p>12 conclusion and an expert opinion.</p> <p>13 MR. HUGHES: Thanks.</p> <p>14 Q (By Mr. Mulji) You can answer.</p> <p>15 A Yes.</p> <p>16 Q What was the basis of that belief?</p> <p>17 A Prior to the Senate Democratic Caucus hiring</p> <p>18 Dr. Barreto we understood that he had played a pretty</p> <p>19 critical role in analyzing election results in 2012 in the</p> <p>20 race for State Supreme Court Justice in the election of</p> <p>21 Steve Gonzalez. That race attracted a lot of attention</p> <p>22 statewide.</p> <p>23 And the fact that he had also been involved in the</p> <p>24 lawsuit in Montes v. Yakima gave our team a lot of</p> <p>25 confidence not only in his ability, but in the fact that</p>	<p style="text-align: right;">Page 122</p> <p>1 other people in the broader redistricting process were</p> <p>2 familiar with his work.</p> <p>3 Q Do you recall what the Court in the Montes v. Yakima</p> <p>4 case found about whether there was racially polarized</p> <p>5 voting in the region?</p> <p>6 A The Court found racially polarized voting.</p> <p>7 Q Apart from the broader presentation to the caucus</p> <p>8 staff that we'll talk about in a second, did you discuss</p> <p>9 this report specifically with Commissioner Walkinshaw?</p> <p>10 A Yes.</p> <p>11 Q When was that conversation?</p> <p>12 A It likely would have been on a team meeting. I</p> <p>13 don't know what date.</p> <p>14 Q Did he ask any questions about the report during</p> <p>15 that meeting?</p> <p>16 A I don't remember.</p> <p>17 Q What do you remember about that discussion?</p> <p>18 A In meetings that I had with him prior to this</p> <p>19 presentation and meetings afterwards he gave the</p> <p>20 impression that this was something that was important to</p> <p>21 him.</p> <p>22 Q Do you recall whether he said why it was important</p> <p>23 to him?</p> <p>24 A Publicly he said that it was important to him as a</p> <p>25 Latino man serving on the Commission. Privately I think</p>	<p>The State objects to lines 122:17-123:10: hearsay; lack of foundation. Mr. Hall is testifying to Mr. Walkinshaw's "private" statements, information that can only be gleaned via hearsay, and presumably double-hearsay since, per Mr. Hall's testimony, this information would have come second-hand from Ali O'Neil. Plaintiffs cannot rely on FRE 803(1) or (3) because Mr. Hall did not identify the actual statements giving rise to his belief, so there is no basis for any claim that such statements fit any hearsay exemption.</p> <p>Pls response: Foundation exists based on Hall's personal knowledge and conversations with Commissioner Walkinshaw. Not hearsay because not admitted for the truth of the matter; an opposing party statement; 803 exception as</p>
<p style="text-align: right;">Page 123</p> <p>1 he was less vociferous in his support.</p> <p>2 Q Did you discuss whether he found the analysis by</p> <p>3 Dr. Barreto reliable?</p> <p>4 A I never asked him that question.</p> <p>5 Q Did he give you the impression that he found the</p> <p>6 analysis reliable?</p> <p>7 MS. GOLDMAN: Objection, calls for</p> <p>8 speculation, and lack of foundation.</p> <p>9 Q (By Mr. Mulji) You can answer.</p> <p>10 A I don't think he gave it that much thought.</p> <p>11 Q Did other members of the Senate Democratic Caucus</p> <p>12 team believe that Dr. Barreto's analysis was reliable?</p> <p>13 MS. GOLDMAN: Objection, calls for</p> <p>14 speculation, and lack of foundation.</p> <p>15 Q (By Mr. Mulji) You can answer.</p> <p>16 A Yes.</p> <p>17 Q How do you know that?</p> <p>18 A Because it became a priority for our team to include</p> <p>19 this in the final adopted version of the map.</p> <p>20 Q When you say include this in the final adopted</p> <p>21 version of the map, do you mean to use the analysis to</p> <p>22 draw a compliant map; is that what you mean?</p> <p>23 A Yes.</p> <p>24 Q Okay. Who else was Dr. Barreto's report shared</p> <p>25 with?</p>	<p style="text-align: right;">Page 124</p> <p>1 MS. GOLDMAN: Objection, calls for</p> <p>2 speculation, and lack of foundation.</p> <p>3 Q (By Mr. Mulji) You can answer.</p> <p>4 A The report was shared with a number of key</p> <p>5 legislators, and it was also made public in an article</p> <p>6 published on the Crosscut news website.</p> <p>7 Q Did you share the report with any other</p> <p>8 commissioners?</p> <p>9 MR. HUGHES: Can I just clarify? I believe</p> <p>10 there's been testimony about two different versions of</p> <p>11 this report, so which report -- In these questions which</p> <p>12 report are you asking about?</p> <p>13 MR. MULJI: Either the full report that</p> <p>14 we're looking at now or the abridged public version.</p> <p>15 Q (By Mr. Mulji) Did you share either of these with</p> <p>16 the Republican commissioners?</p> <p>17 A Did I share it with them?</p> <p>18 Q Um-hmm.</p> <p>19 A No.</p> <p>20 Q Do you know whether either of them were shared</p> <p>21 directly with them?</p> <p>22 MS. GOLDMAN: Objection, calls for</p> <p>23 speculation, and lack of foundation.</p> <p>24 A I don't.</p> <p>25 Q (By Mr. Mulji) Okay. Okay. So now I'm going to ask</p>	

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<p>1 you about the presentation that he made to the Senate</p> <p>2 Democratic Caucus.</p> <p>3 Do you recall Commissioner Sims asking any questions</p> <p>4 of Dr. Barreto during that presentation?</p> <p>5 A I believe she did. I don't remember their</p> <p>6 substance.</p> <p>7 Q What do you remember about -- about what</p> <p>8 Commissioner Sims's position -- or what do you remember</p> <p>9 about what Commissioner Sims said during that</p> <p>10 presentation?</p> <p>11 MS. GOLDMAN: Objection, asked and</p> <p>12 answered.</p> <p>13 Q (By Mr. Mulji) You can answer.</p> <p>14 A It was either in that meeting or a followup meeting</p> <p>15 where she agreed to publish a new map that would comply</p> <p>16 with the VRA, given the analysis that was included here.</p> <p>17 Q And are you referring to the second public map</p> <p>18 proposal that Commissioner Sims put out?</p> <p>19 A Yes.</p> <p>20 Q Is it your understanding that that was --</p> <p>21 Go ahead.</p> <p>22 A Okay.</p> <p>23 Q Is it your understanding that that second public</p> <p>24 proposal by Commissioner Sims was informed by</p> <p>25 Dr. Barreto's analysis?</p>	<p>1 A Yes.</p> <p>2 Q What's the -- How do you know that?</p> <p>3 A Our team met with the House team, and I know that</p> <p>4 the two commissioners spoke about releasing new maps that</p> <p>5 were -- that were demonstratively compliant with the</p> <p>6 federal VRA.</p> <p>7 I believe both of the Democratic proposals that were</p> <p>8 released on September 21st either weren't compliant or</p> <p>9 were compliant but just barely.</p> <p>10 Q Is there anything else you remember about that --</p> <p>11 Is there anything else that sticks out in your mind</p> <p>12 about that conference call with Dr. Barreto?</p> <p>13 A No.</p> <p>14 Q Did you share Dr. Barreto's report with Tera Heintz?</p> <p>15 MR. HUGHES: I'm going to object. That's</p> <p>16 calling -- This question again I think calls for</p> <p>17 attorney-client privileged material potentially.</p> <p>18 MR. MULJI: Okay. I want to mark as</p> <p>19 Exhibit 6 a document labeled I.</p> <p>20 (Hall Exhibit No. 6 introduced.)</p> <p>21 Q (By Mr. Mulji) I'm giving you a moment to take a</p> <p>22 look at this while we get it shared in the chat.</p> <p>23 A Yes. Okay.</p> <p>24 Q Okay. You've had a chance to review it?</p> <p>25 A Um-hmm.</p>
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<p>1 Q Have you seen this document before?</p> <p>2 A Yes.</p> <p>3 Q What is it?</p> <p>4 A This is an email from Ali O'Neil to Commissioner</p> <p>5 Walkinshaw about a lengthy review done by the Attorney</p> <p>6 General's Office for the commissioners on the requirements</p> <p>7 of the federal Voting Rights Act.</p> <p>8 Q And that email from Ali to Brady is on October 28th;</p> <p>9 correct?</p> <p>10 A Yes.</p> <p>11 Q And just generally speaking, this was where it</p> <p>12 seemed she was talking to Commissioner Walkinshaw about</p> <p>13 sharing the full report with the Commission and the</p> <p>14 commissioners; correct?</p> <p>15 MS. GOLDMAN: Objection, misstates the</p> <p>16 document.</p> <p>17 Q (By Mr. Mulji) Is that an accurate --</p> <p>18 A Yeah, this email --</p> <p>19 Q -- summary of this document?</p> <p>20 A -- talks about sending it to the AAG for the</p> <p>21 Commission.</p> <p>22 Q Oh, I see. Yeah. So that -- Okay. I see. So this</p> <p>23 was -- Okay.</p> <p>24 Why -- It says -- The first line says, "Adam" --</p> <p>25 "Brady, just to follow up on this, Adam" -- and I</p>	<p>1 assume she meant to say, "Adam and I have been talking</p> <p>2 about one specific piece of the assessment." [as read]</p> <p>3 And then she goes on to recommend sharing the full</p> <p>4 analysis with the AG's office; is that right?</p> <p>5 A Yes.</p> <p>6 Q There's some redacted material in between?</p> <p>7 A Yes.</p> <p>8 Q Without going into the specifics of the redacted</p> <p>9 material, generally speaking what was your conversation</p> <p>10 with Ali? What happened during the conversation that</p> <p>11 she's referring to here between you and Ali?</p> <p>12 MR. HUGHES: I'm going to object to the</p> <p>13 extent the question calls for any discussion of the actual</p> <p>14 advice and would ask that Mr. Hall not disclose any</p> <p>15 conversations about the actual advice.</p> <p>16 MS. GOLDMAN: I'm going to join in that</p> <p>17 objection.</p> <p>18 Q (By Mr. Mulji) To the extent you can answer, --</p> <p>19 MS. GOLDMAN: I'm going to instruct the</p> <p>20 witness not to answer.</p> <p>21 Q (By Mr. Mulji) If you go down to the bottom of the</p> <p>22 first page and the last sentence, there's a second email</p> <p>23 by Ali O'Neil to Brady Walkinshaw; correct?</p> <p>24 A Yes.</p> <p>25 Q And that was on October 28th?</p>

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<p style="text-align: right;">Page 129</p> <p>1 A Yes.</p> <p>2 Q You're not cc'd on that email, but I'm wondering</p> <p>3 have you seen this email before? I guess you have. You</p> <p>4 were on the top email.</p> <p>5 Do you recall seeing this email before?</p> <p>6 A Yes.</p> <p>7 Q The first line says -- of the last paragraph of</p> <p>8 Ali O'Neil's email says, "Looks like it largely finds that</p> <p>9 if the Barreto analysis is correct, there is sufficient</p> <p>10 legal need for a VRA district."</p> <p>11 Did you discuss -- Did you discuss what Ali O'Neil</p> <p>12 meant by that?</p> <p>13 MR. HUGHES: I'm going to object --</p> <p>14 MS. GOLDMAN: Go ahead.</p> <p>15 MR. HUGHES: I'm going to object to the</p> <p>16 extent it calls for attorney-client privileged material.</p> <p>17 To the extent there's any discussion of the actual advice</p> <p>18 that was provided by my office, the Attorney General's</p> <p>19 Office, I'd request that Mr. Hall not discuss that.</p> <p>20 MS. GOLDMAN: So subject to you disagreeing</p> <p>21 with me, Andrew, I would like to instruct the witness to</p> <p>22 answer in a yes or no fashion to the question that was</p> <p>23 posed, whether there was a conversation.</p> <p>24 MR. HUGHES: Fine. Thank you.</p> <p>25 MS. GOLDMAN: Okay. Do you recall the</p>	<p style="text-align: right;">Page 130</p> <p>1 question?</p> <p>2 THE WITNESS: No.</p> <p>3 MS. GOLDMAN: Can you please read the</p> <p>4 question back?</p> <p>5 THE REPORTER: Sure.</p> <p>6 MS. GOLDMAN: And my instruction to you,</p> <p>7 just so that there's no interruption, is going to be that</p> <p>8 you answer the question to the degree you know it, either</p> <p>9 yes or no, and say nothing further.</p> <p>10 THE REPORTER: "Did you discuss what Ali</p> <p>11 O'Neil meant by that?"</p> <p>12 MS. GOLDMAN: Could you go back to the</p> <p>13 prior question?</p> <p>14 THE REPORTER: Sure.</p> <p>15 MS. GOLDMAN: Thank you.</p> <p>16 THE REPORTER: "If the Barreto analysis is</p> <p>17 correct, there is sufficient legal need for a VRA</p> <p>18 district. Did you discuss what Ali O'Neil meant by that?"</p> <p>19 A Yes.</p> <p>20 Q (By Mr. Mulji) When did you have that discussion?</p> <p>21 A It would have been that day, Thursday, October 28th.</p> <p>22 Q Okay. And after October 28th did your views on</p> <p>23 whether the federal Voting Rights Act requires an</p> <p>24 opportunity district in the Yakima Valley change?</p> <p>25 MS. GOLDMAN: Objection to the degree it</p>
<p style="text-align: right;">Page 131</p> <p>1 calls for a legal conclusion.</p> <p>2 MR. HUGHES: I'm also going to object --</p> <p>3 and maybe this is surplus. I do apologize -- to the</p> <p>4 extent that it calls for attorney-client privilege. To</p> <p>5 the extent that your view might have shifted based on any</p> <p>6 advice that you or the Commission received from the</p> <p>7 Attorney General's Office, I would request that you not go</p> <p>8 into that.</p> <p>9 MS. GOLDMAN: And I will instruct you not</p> <p>10 to answer to the degree it does.</p> <p>11 MR. MULJI: I'm going to note that I'm</p> <p>12 asking a yes or no question not related to -- He doesn't</p> <p>13 have to discuss any of the content of the communications.</p> <p>14 This is a yes or no question.</p> <p>15 MS. GOLDMAN: Could you either ask the</p> <p>16 question again, or could I have it read back?</p> <p>17 MR. MULJI: Let me ask the question again.</p> <p>18 MS. GOLDMAN: Okay. Thank you.</p> <p>19 Q (By Mr. Mulji) From October 27th to October 29th did</p> <p>20 your views on whether the Voting Rights Act requires an</p> <p>21 opportunity district, a Latino opportunity district in the</p> <p>22 Yakima Valley change?</p> <p>23 A No.</p> <p>24 Q Okay.</p> <p>25 MR. MULJI: I'm going to mark as Exhibit --</p>	<p style="text-align: right;">Page 132</p> <p>1 Where are we at?</p> <p>2 THE REPORTER: Seven.</p> <p>3 MR. MULJI: Seven. I'll mark as Exhibit 7</p> <p>4 a document labeled -- Actually, before we go there -- I'm</p> <p>5 sorry. Can we just not mark the exhibit right now.</p> <p>6 I think we might be at a good stopping point for</p> <p>7 lunch, unless -- Well, actually, if folks are okay going</p> <p>8 for ten minutes, I think I can do this in ten minutes,</p> <p>9 maybe stop at 12:30.</p> <p>10 Does that work for folks?</p> <p>11 THE WITNESS: My only question is whether</p> <p>12 the food is here already.</p> <p>13 MS. GOLDMAN: I don't think so.</p> <p>14 THE WITNESS: Then let's keep going then.</p> <p>15 MS. GOLDMAN: Yes.</p> <p>16 MR. MULJI: Okay.</p> <p>17 MR. BOWEN: Aseem, real quick, how many --</p> <p>18 How much longer do you think you have, just ball-parking?</p> <p>19 MR. MULJI: Ballpark after lunch I would</p> <p>20 say a couple hours.</p> <p>21 MR. BOWEN: Okay. I have about 30 minutes</p> <p>22 at the end. I just want to make sure there's time.</p> <p>23 MR. MULJI: There should definitely be</p> <p>24 time.</p> <p>25 MR. BOWEN: Okay. Perfect. Thank you.</p>

33 (Pages 129 to 132)

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<p>1 MR. MULJI: Okay. In that case, to muck up</p> <p>2 the record I will go ahead and introduce this exhibit.</p> <p>3 That's Exhibit 7, and that's the document labeled I.</p> <p>4 MR. PHILLIPS: That was six.</p> <p>5 THE REPORTER: Yes, that was six.</p> <p>6 MR. MULJI: I'm sorry. J, the document</p> <p>7 labeled J will be Exhibit 7.</p> <p>8 (Hall Exhibit No. 7 introduced.)</p> <p>9 (Pause in proceedings to review document.)</p> <p>10 Q (By Mr. Mulji) Do you recognize this document?</p> <p>11 A Yes.</p> <p>12 Q I'm not going to ask you to read it all again,</p> <p>13 unless you would like that time. I don't have specific</p> <p>14 questions for you about the content, but I --</p> <p>15 My first question for you about it is whether you've</p> <p>16 reviewed this document before in detail.</p> <p>17 A Yes.</p> <p>18 Q What is it?</p> <p>19 A It's a memo prepared for the two Republican</p> <p>20 commissioners arguing effectively the opposite of what</p> <p>21 Dr. Barreto put forward the previous month.</p> <p>22 Q Is it fair to say this is a response to</p> <p>23 Dr. Barreto's report?</p> <p>24 A Yes.</p> <p>25 Q Did you review it closely?</p>	<p>1 A Yes.</p> <p>2 Q Do you recall what you thought about it at the time,</p> <p>3 generally?</p> <p>4 A I didn't have a high opinion of it; and then I</p> <p>5 called a couple of folks who provided sort of additional</p> <p>6 thoughts, and I thought even less of it afterward.</p> <p>7 Q Who were those folks?</p> <p>8 A Abha Khanna at the Elias Law Group, Yuri Rudensky</p> <p>9 at the Brennan Center, and Dr. Barreto.</p> <p>10 Q What was your take-away from those conversations</p> <p>11 about the analysis provided in this memorandum?</p> <p>12 MS. GOLDMAN: I'm going to object to the</p> <p>13 degree it calls for a legal conclusion.</p> <p>14 Q (By Mr. Mulji) You can answer.</p> <p>15 A That this was wrong.</p> <p>16 Q Did it change your understanding of what the federal</p> <p>17 Voting Rights Act requires?</p> <p>18 A No.</p> <p>19 Q Did it add anything to your understanding of what</p> <p>20 the federal Voting Rights Act requires?</p> <p>21 A No.</p> <p>22 Q And to the extent you remember, what about -- what</p> <p>23 about this memorandum is wrong?</p> <p>24 MS. GOLDMAN: Objection to the degree it</p> <p>25 calls for a legal conclusion, calls for speculation.</p>
Page 135	Page 136
<p>1 Q (By Mr. Mulji) You can answer.</p> <p>2 MS. GOLDMAN: If you want that answer, he's</p> <p>3 got to read the whole thing.</p> <p>4 Q (By Mr. Mulji) Did you at any point in time share</p> <p>5 your feedback with -- well, anyone -- about this memo?</p> <p>6 A Yes.</p> <p>7 Q Okay. Let me ask you do you know the attorneys who</p> <p>8 wrote this memo?</p> <p>9 A No.</p> <p>10 Q What do you know about the attorneys who wrote this</p> <p>11 memo, if anything?</p> <p>12 A That they're not Voting Rights Act experts.</p> <p>13 Q Did you look into the expertise of the attorneys who</p> <p>14 wrote this memo?</p> <p>15 A Yes.</p> <p>16 Q What did you find about -- Like what do they do?</p> <p>17 MR. BOWEN: Objection, calls for</p> <p>18 speculation.</p> <p>19 A If you look at their CVs on their firm website it</p> <p>20 shows that they have not litigated any Voting Rights Act</p> <p>21 cases in the past, and they actually intervened or were</p> <p>22 counsel to parties in several partisan lawsuits, including</p> <p>23 Gregoire v. Rossi.</p> <p>24 Q (By Mr. Mulji) What did that lawsuit concern?</p> <p>25 A It was the 2004 gubernatorial race was decided by a</p>	<p>1 very small number of votes, and so there was a lawsuit</p> <p>2 involving the Republic candidate, the Democratic candidate</p> <p>3 and the state parties.</p> <p>4 Yeah, and eventually it resulted in the resolution</p> <p>5 of Christine Gregoire being elected governor.</p> <p>6 Q Did you view this memo as being an objective</p> <p>7 analysis?</p> <p>8 A No.</p> <p>9 Q Why not?</p> <p>10 A It felt like something that the Republican</p> <p>11 commissioners asked for this firm to do for them.</p> <p>12 Q When you say that it felt like the Republican</p> <p>13 commissioners asked them to do this for them, do you mean</p> <p>14 that -- Well, do you mean that they were seeking legal</p> <p>15 cover for the position that they held, or --</p> <p>16 A Yes.</p> <p>17 Q -- what do you mean by that?</p> <p>18 MR. HUGHES: Objection, calls for</p> <p>19 speculation.</p> <p>20 MR. BOWEN: Objection, calls for</p> <p>21 speculation.</p> <p>22 MR. HUGHES: Lack of foundation.</p> <p>23 Q (By Mr. Mulji) Sorry. Was that a yes?</p> <p>24 A Yes.</p> <p>25 Q Based on what you recall about this memorandum, did</p>

The State objects to lines 136:9:24: lack of foundation; speculation. Mr. Hall about what he "felt like" "Republican commissioners asked for" in conversations the Republican Commissioners had with their lawyers, without Mr. Hall's presence. Mr. Hall's testimony is foundationless speculation, which is contradicted by the Republican Commissioners' own testimony.

Pls response: Foundation exists as Hall read the memo and was involved in conversations about the memo, was include d on emails re: same, was reviewing draft maps. Based on his own perception and knowledge.

34 (Pages 133 to 136)

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<p style="text-align: right;">Page 137</p> <p>1 it apply the federal Voting Rights Act to the facts in the</p> <p>2 Yakima Valley?</p> <p>3 MS. GOLDMAN: Objection to the degree it</p> <p>4 calls for a legal conclusion.</p> <p>5 A I'd have to read it --</p> <p>6 Q (By Mr. Mulji) Okay.</p> <p>7 A -- start to finish to answer that.</p> <p>8 MR. MULJI: Let me mark as Exhibit 8 a</p> <p>9 document labeled K.</p> <p>10 THE WITNESS: Thank you.</p> <p>11 (Hall Exhibit No. 8 introduced.)</p> <p>12 Q Do you recognize this document?</p> <p>13 A Yes.</p> <p>14 Q What is it?</p> <p>15 A It was -- I believe the attachment was some talking</p> <p>16 points to rebut the memo that had been circulated by the</p> <p>17 lawyers at Davis Wright Tremaine.</p> <p>18 MR. MULJI: Okay. And I'm going to mark as</p> <p>19 Exhibit 10 -- No, --</p> <p>20 MS. GOLDMAN: Nine.</p> <p>21 MR. MULJI: -- nine a document labeled K.</p> <p>22 I'll just represent to you that's the attachment to this</p> <p>23 email.</p> <p>24 THE WITNESS: Thank you.</p> <p>25 (Hall Exhibit No. 9 introduced.)</p>	<p style="text-align: right;">Page 138</p> <p>1 MR. MULJI: And I'm sorry, this is</p> <p>2 Exhibit 10?</p> <p>3 THE REPORTER: Nine.</p> <p>4 MR. MULJI: Nine.</p> <p>5 Q (By Mr. Mulji) Is Exhibit 9 the attachment to</p> <p>6 Exhibit 8?</p> <p>7 A Yes.</p> <p>8 Q Does this exhibit encapsulate sort of your thoughts</p> <p>9 at the time about the Davis Wright Tremaine memo?</p> <p>10 A Yes.</p> <p>11 Q Did you share this document with -- Well, it looks</p> <p>12 like in this email you shared it with Paulette Avalos,</p> <p>13 Ali O'Neil, Adam Bartz and Matt Bridges; correct?</p> <p>14 A Yes.</p> <p>15 Q Did you share this document with anyone else?</p> <p>16 A I -- I don't remember.</p> <p>17 Q Did you talk about the Davis Wright Tremaine memo</p> <p>18 with Commissioner Walkinshaw?</p> <p>19 A I don't know if I spoke to him directly about it.</p> <p>20 Q Did you communicate the substance of these talking</p> <p>21 points with him in any way?</p> <p>22 A As a general principle anything I sent to Ali would</p> <p>23 usually reach him in some form.</p> <p>24 Q Okay. Did you communicate your thoughts about the</p> <p>25 Davis Wright Tremaine memo to anyone else we haven't</p>
<p style="text-align: right;">Page 139</p> <p>1 discussed so far?</p> <p>2 A Yes.</p> <p>3 Q Who else?</p> <p>4 A The members of the Senate Democratic Caucus who were</p> <p>5 involved in redistricting. We had semi regular check-ins</p> <p>6 with them, and so this probably came up in one of those</p> <p>7 calls.</p> <p>8 Q And you're referring to legislators who were part of</p> <p>9 the Democratic Caucus?</p> <p>10 A Yes.</p> <p>11 Q Okay. Which legislators?</p> <p>12 A State Senators Billig, Pedersen and Saldana were the</p> <p>13 most closely involved with redistricting, so I probably</p> <p>14 shared it with them.</p> <p>15 Q Based on your understanding of the federal Voting</p> <p>16 Rights Act and Dr. Barreto's analysis, did you believe</p> <p>17 that the candidates of choice of Latino voters is</p> <p>18 different from the candidates preferred by White voters in</p> <p>19 the Yakima Valley?</p> <p>20 MS. GOLDMAN: Objection to the degree it</p> <p>21 calls for a legal conclusion.</p> <p>22 Q (By Mr. Mulji) You can answer.</p> <p>23 MS. GOLDMAN: And calls for speculation,</p> <p>24 and lack of foundation.</p> <p>25 A Can you reask the question?</p>	<p style="text-align: right;">Page 140</p> <p>1 Q (By Mr. Mulji) Yes. Based on Dr. Barreto's analysis</p> <p>2 and any other -- any other sources of information that you</p> <p>3 used to come to your understanding of the Voting Rights</p> <p>4 Act, did you believe that candidates of choice of Latino</p> <p>5 voters are different from those of White voters?</p> <p>6 MS. GOLDMAN: Same objections.</p> <p>7 A Yes.</p> <p>8 Q (By Mr. Mulji) And did you believe that White voters</p> <p>9 regularly overwhelm the choices of Latino voters in the</p> <p>10 region?</p> <p>11 MS. GOLDMAN: Objection, calls for</p> <p>12 speculation, and lack of foundation.</p> <p>13 MR. HUGHES: And calls for a legal expert,</p> <p>14 too.</p> <p>15 A Yes.</p> <p>16 Q (By Mr. Mulji) Was that also based on your review of</p> <p>17 Dr. Barreto's analysis?</p> <p>18 MS. GOLDMAN: Objection, calls for a legal</p> <p>19 conclusion.</p> <p>20 A Yes.</p> <p>21 Q (By Mr. Mulji) Was that based on your review of</p> <p>22 prior court cases --</p> <p>23 MS. GOLDMAN: Objection.</p> <p>24 Q (By Mr. Mulji) -- in the region?</p> <p>25 MS. GOLDMAN: Objection, calls for a legal</p>



Pls response:
Not being
offered as
expert or
legal conclu-
sions; based
on Hall's
personal
perception
and
knowledge of
the facts,
voting
patterns,
reports, prior
court cases,
conversations
with others
related to the
VRA in the
Yakima
Valley area.

35 (Pages 137 to 140)

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<p>1 conclusion.</p> <p>2 A Yes.</p> <p>3 Q (By Mr. Mulji) Was it based on anything else?</p> <p>4 A Regular conversations with national experts and</p> <p>5 other lawyers I know who worked on cases prior.</p> <p>6 Q National experts on voting rights and redistricting?</p> <p>7 A Yes.</p> <p>8 Q And based on those things you understood that the</p> <p>9 Voting Rights Act required a Latino opportunity district</p> <p>10 in the Yakima Valley; correct?</p> <p>11 MS. GOLDMAN: Objection, calls for a legal</p> <p>12 conclusion.</p> <p>13 A Yes.</p> <p>14 Q (By Mr. Mulji) Now, did you -- How did you know that</p> <p>15 a Latino opportunity district could be drawn in the Yakima</p> <p>16 Valley at all?</p> <p>17 MS. GOLDMAN: Objection, calls for a legal</p> <p>18 conclusion.</p> <p>19 A Can you ask that a different way?</p> <p>20 Q (By Mr. Mulji) Yes. Well, did you believe it was</p> <p>21 possible that you could draw a Latino opportunity district</p> <p>22 in the Yakima Valley?</p> <p>23 MS. GOLDMAN: Objection, calls for a legal</p> <p>24 conclusion.</p> <p>25 A Yes.</p>	<p>1 Q (By Mr. Mulji) And how did you know that?</p> <p>2 MS. GOLDMAN: Objection, calls for a legal</p> <p>3 conclusion.</p> <p>4 A Some combination of the research done by</p> <p>5 Dr. Barreto, the lawsuits that had transpired in the</p> <p>6 Yakima region over the past ten years, as well as the</p> <p>7 tools we had available to us in Dave's Redistricting App.</p> <p>8 Q (By Mr. Mulji) Did you see maps proposed that you</p> <p>9 believed would give Latino voters an equal opportunity to</p> <p>10 elect their candidates of choice?</p> <p>11 MS. GOLDMAN: Objection to the degree it</p> <p>12 calls for a legal conclusion.</p> <p>13 A Yes.</p> <p>14 Q (By Mr. Mulji) How many maps did you see throughout</p> <p>15 the process, approximately, that you thought would satisfy</p> <p>16 the federal Voting Rights Act in the region?</p> <p>17 MS. GOLDMAN: Objection to the degree it</p> <p>18 calls for a legal conclusion.</p> <p>19 A A number of them.</p> <p>20 Q (By Mr. Mulji) Is it fair to say you saw -- I don't</p> <p>21 know if you said maps. Maybe that was imprecise --</p> <p>22 configurations of the 14th or 15th District in the Yakima</p> <p>23 Valley. Were there more than one configuration --</p> <p>24 Were there more than one way to draw the Legislative</p> <p>25 Districts 14 and 15 that complies in your view with the</p>
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<p>1 federal Voting Rights Act?</p> <p>2 A Yes.</p> <p>3 MS. GOLDMAN: Objection, calls for a legal</p> <p>4 conclusion.</p> <p>5 Q (By Mr. Mulji) And those configurations of</p> <p>6 Legislative District 14 and 15 were known to -- well,</p> <p>7 known to you. You knew about those.</p> <p>8 Did you see those configurations during the</p> <p>9 redistricting process?</p> <p>10 MS. GOLDMAN: Objection, calls for a legal</p> <p>11 conclusion.</p> <p>12 MR. HUGHES: And compound.</p> <p>13 Q (By Mr. Mulji) Let me ask the question again for a</p> <p>14 clear record.</p> <p>15 You saw multiple configurations of the 14th and 15th</p> <p>16 District that would comply with the Voting Rights Act as</p> <p>17 you interpreted it, --</p> <p>18 MS. GOLDMAN: Objection.</p> <p>19 Q (By Mr. Mulji) -- that law; correct?</p> <p>20 MS. GOLDMAN: Objection, calls for a legal</p> <p>21 conclusion.</p> <p>22 A Yes.</p> <p>23 Q (By Mr. Mulji) And were those maps also presented to</p> <p>24 the commissioners in some form?</p> <p>25 MS. GOLDMAN: Objection, calls for</p>	<p>1 speculation, lack of foundation.</p> <p>2 A Yes.</p> <p>3 Q (By Mr. Mulji) Were those maps called to the</p> <p>4 attention of Commissioner Walkinshaw?</p> <p>5 MS. GOLDMAN: Objection, calls for</p> <p>6 speculation, and lack of foundation.</p> <p>7 A Yes.</p> <p>8 Q (By Mr. Mulji) Were those maps called to the</p> <p>9 attention of Commissioner Sims?</p> <p>10 MS. GOLDMAN: Objection, calls for</p> <p>11 speculation, and lack of foundation.</p> <p>12 A Yes.</p> <p>13 Q (By Mr. Mulji) Were those maps called to the</p> <p>14 attention of Commissioner Fain, to the extent you know?</p> <p>15 MS. GOLDMAN: Objection, calls for</p> <p>16 speculation, and lack of foundation.</p> <p>17 A Yes.</p> <p>18 Q (By Mr. Mulji) And what about Commissioner Graves?</p> <p>19 MS. GOLDMAN: Same objections.</p> <p>20 A Yes.</p> <p>21 Q (By Mr. Mulji) There was some discussion during the</p> <p>22 redistricting process about the Yakama Nation as well;</p> <p>23 correct?</p> <p>24 A Yes.</p> <p>25 Q Could an opportunity district be drawn that performs</p>

The State objects to lines 144:8-20: lack of foundation. Mr. Hall's contention that certain unidentified maps were conveyed to Commissioner s he did not staff and in some cases did not even communicate with lacks foundation.

Pls response: Foundation exists based on Hall's personal knowledge, inclusion on emails, conversations with other staffers, and review of draft map proposals.

36 (Pages 141 to 144)

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<p>1 to elect Latino candidates of choice without splitting the 2 Yakama Nation? 3 MS. GOLDMAN: Objection to the degree it 4 calls for a legal conclusion. 5 MR. HUGHES: Also lack of foundation. 6 MR. MULJI: Well, let me back up then. 7 Q (By Mr. Mulji) Tell me about what -- Tell me about 8 how the Yakama Nation figured into your conversations 9 about Legislative Districts in the Yakima Valley. 10 A We received public feedback from stakeholder groups 11 and community members in the Yakima Valley, and the 12 overwhelming preference that was communicated in public 13 meetings was that commissioners draw -- adopt a map that 14 both kept the people living on the Yakama Reservation 15 whole in one district, and also that they would like to be 16 in the same district as Latino voters in the Yakima 17 Valley. 18 Q And did the Senate Democratic Caucus team try to 19 draw maps that kept the Yakama Nation whole? 20 A Yes. 21 Q Did the maps that the Senate Democratic Caucus drew 22 that kept the Yakama Nation whole, do you believe there 23 were maps that the Senate Democratic Caucus drew that also 24 performed to elect Latino candidates of choice? 25 MS. GOLDMAN: Objection, vague, and --</p>	<p>1 Q (By Mr. Mulji) Was the -- 2 MS. GOLDMAN: -- calls for a legal 3 conclusion. 4 Q (By Mr. Mulji) I'll rephrase. Was the Senate 5 Democratic Caucus able to meet both of those goals? In 6 other words, was it able to draw a district that kept the 7 Yakama Nation Reservation whole while also performing to 8 elect Latino candidates of choice? 9 MS. GOLDMAN: Objection to the degree it 10 calls for a legal conclusion. 11 A Yes. 12 Q (By Mr. Mulji) And were these maps proposed to any 13 other commissioners? 14 MS. GOLDMAN: Objection, calls for 15 speculation, and lack of foundation. 16 A Yes. 17 Q (By Mr. Mulji) How many -- I guess can you tell me 18 more about those proposals? 19 A Commissioner Walkinshaw shared a proposed 20 legislative map with Commissioner Fain in the last I'd say 21 ten days of the process; and it included what our team 22 felt like was a compliant map as it relates to the federal 23 Voting Rights Act, and it was dismissed out of hand. 24 Q When did Commissioner Walkinshaw make that proposal? 25 A Sometime around the tail end of the first week of</p>
Page 147	Page 148
<p>1 November, maybe. 2 Q Okay. And were there any -- Were there any maps, 3 any configurations of the 14th or 15 Legislative District 4 proposed by Latino community members in the Yakima Valley 5 that you recall? 6 A Yes. 7 MS. GOLDMAN: And Counsel, it's 12:40, so 8 I'm thinking lunch would be a good time, as -- 9 MR. MULJI: That's a great idea. 10 MS. GOLDMAN: -- soon as it's convenient. 11 MR. MULJI: Yes. 12 Q (By Mr. Mulji) And were those maps -- Well, in your 13 view did those districts afford Latino community members 14 an opportunity to elect candidates of their choice? 15 MS. GOLDMAN: Objection, vague, and calls 16 for a legal conclusion. 17 MR. HUGHES: And compound. 18 A Can you restate? 19 Q (By Mr. Mulji) Yes. The map proposals you received 20 from Latino community members, in your view did they 21 comply with the federal Voting Rights Act? 22 MS. GOLDMAN: Objection, calls for a legal 23 conclusion. 24 MR. HUGHES: And compound. 25 A Yes.</p>	<p>1 Q (By Mr. Mulji) Did the Senate Democratic Caucus 2 staff conduct analyses of those maps to determine whether 3 they would elect Latino candidates of choice? 4 A Yes. 5 MR. HUGHES: Objection, compound. 6 Q (By Mr. Mulji) And did you find that those maps, 7 generally speaking, did elect Latino candidates of choice? 8 MS. GOLDMAN: Objection, calls for a legal 9 conclusion. 10 MR. HUGHES: And compound. 11 A Yes. 12 Q (By Mr. Mulji) All of the maps you received from 13 Latino community members -- 14 Well, scratch that. 15 MR. HUGHES: Lunchtime? 16 MR. MULJI: Lunchtime, yes. 17 (Discussion off the record.) 18 (Break 12:42 p.m. to 1:34 p.m.) 19 Q (By Mr. Mulji) So I want to actually start us off 20 by sharing my screen to show you a map, and I'm going to 21 try to focus right now on -- 22 Are you able to -- 23 (Map displayed.) 24 Q Okay. Can you see -- Do you see something showing 25 up on your screen?</p>

37 (Pages 145 to 148)

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1 A Yes.

2 Q Okay. So I'm on Dave's Redistricting App website.

3 Do you see that?

4 A Yes.

5 Q I'm going to navigate to Washington state.

6 Do you see that I've done that?

7 A Yes.

8 Q And list the current maps. I'll represent to you

9 that Dave's Redistricting has sort of a map representation

10 of the 2022 legislative map here on its website.

11 Do you see that?

12 A Yes.

13 Q And I'm going to click it to pull up the Legislative

14 Districts enacted by Washington.

15 Do you see the map there on your screen?

16 A Yes.

17 Q Okay. I want to start by asking when you got a map

18 proposal how did you -- how would you begin to assess

19 whether the Legislative Districts in the Yakima Valley

20 were a Latino opportunity district under the federal

21 Voting Rights Act?

22 MS. GOLDMAN: Objection, calls for a legal

23 conclusion.

24 A Typically because I wasn't the one drawing the maps,

25 if it was an internal map I would ask my colleague,

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1 Matt Bridges, typically to walk through the entire map; or

2 I would be on a call with other people, and he would walk

3 me through the map.

4 And so the thing I would look at is sort of within

5 the Yakima Valley, stretching from the Reservation over to

6 Pasco where are the different sort of known pockets of

7 population with a high percentage of Latino either

8 residents or citizen age population.

9 Q And were there any particular metrics that you would

10 look at as it pertains to a particular district? I'm

11 going to zoom in actually on District 15 here.

12 Do you see that I've done that?

13 A Yes.

14 Q And I'll ask the question again.

15 Are there particular metrics related to the proposed

16 district -- or in this case the actual district -- that

17 you would look at to assess whether the district might

18 comply with the Voting Rights Act?

19 MS. GOLDMAN: Objection, calls for a legal

20 conclusion.

21 A We would generally look at CVAP, and we would also

22 look at performance within a certain -- for certain races

23 that have occurred in the past.

24 Q (By Mr. Mulji) Okay. So let's talk about the CVAP,

25 I'm going to turn on -- I'm going to turn on CVAP 2019

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1 data on Dave's Redistricting.

2 Do you see that?

3 A Yes.

4 Q Is that the CVAP data that was available to you all

5 during the redistricting process?

6 MS. GOLDMAN: Objection, lack of

7 foundation, calls for speculation.

8 A I don't remember whether we used CVAP 2019 or CVAP

9 2020.

10 Q (By Mr. Mulji) Okay. For the purposes of our

11 discussion let's assume that's the case; and if you recall

12 otherwise later, you can let me know.

13 I turned on citizen voting age population, and I'm

14 hovering over District 15.

15 Do you see the figures for CVAP?

16 A Yes.

17 Q What is the Hispanic CVAP according to this map?

18 A 50.0 percent.

19 Q Okay. And do you understand that to be sufficient

20 generally to elect Latino candidates of choice in this

21 area?

22 MS. GOLDMAN: Objection to the degree it

23 calls for a legal conclusion.

24 MR. HUGHES: And an expert opinion.

25 A No, it is not sufficient in my opinion.

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1 Q (By Mr. Mulji) Why do you say that?

2 MS. GOLDMAN: Same objection.

3 MR. HUGHES: Same objection.

4 A Because voter turnout is really poor in this part of

5 the state; and so if you have two candidates running

6 against each other the Latino candidate would likely need,

7 you know, significantly higher turnout to actually be

8 elected. Their participation rates, especially in

9 non-presidential years, can be as much as 20 percent or

10 more lower than White voter turnout.

11 Q (By Mr. Mulji) You mentioned that you'd also assess

12 performance with respect to certain elections. By that do

13 you mean how this district would have performed to elect

14 certain candidates in past races?

15 A Yes.

16 Q And which races did you typically analyze or look

17 at?

18 A There was a preference amongst the people who drew

19 the maps between the House and Senate teams to use what's

20 called Pellicciotti 2020, which was the performance of

21 Mike Pellicciotti of the state treasurer's race in the

22 year 2020.

23 Q And in that race what was your understanding

24 about -- Well, did you have an understanding of who the

25 candidate, the Latino candidate of choice was in that

38 (Pages 149 to 152)

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Pls response: Not being offered as expert or legal conclusions; based on Hall's personal perception and knowledge of the facts, voting patterns, reports, prior court cases, conversations with others related to the VRA in the Yakima Valley area.

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<p>1 race?</p> <p>2 A In which race?</p> <p>3 Q In the Pellicciotti race.</p> <p>4 A Oh, no. I'm sorry. We would use the Pellicciotti</p> <p>5 number to determine how Democratic a district would be.</p> <p>6 Q I see.</p> <p>7 A There was not a Latino candidate in that race.</p> <p>8 We generally used high turnout races in presidential</p> <p>9 cycles to give ourselves the best sense. There was also a</p> <p>10 composite breakdown that was used that incorporated</p> <p>11 multiple races, and that would give you the partisan lean</p> <p>12 of a given district.</p> <p>13 Q Did you ever or anyone on your team look at the</p> <p>14 races analyzed by Dr. Barreto to see how the district</p> <p>15 would perform to elect the candidates of choice, Latino</p> <p>16 candidates of choice in those locations?</p> <p>17 MS. GOLDMAN: Objection, compound, calls</p> <p>18 for speculation, lack of foundation, and calls for a legal</p> <p>19 conclusion.</p> <p>20 Q (By Mr. Mulji) You can answer.</p> <p>21 A I don't remember performing that exercise, but I</p> <p>22 also didn't use the mapping tool on behalf of the team.</p> <p>23 Q And who would have been the person on the mapping</p> <p>24 team that would have done this kind of analysis?</p> <p>25 A Matt Bridges.</p>	<p>1 MS. GOLDMAN: Objection, asked and</p> <p>2 answered.</p> <p>3 MR. HUGHES: And misstates the prior</p> <p>4 testimony.</p> <p>5 Q (By Mr. Mulji) Go ahead.</p> <p>6 A Matt Bridges.</p> <p>7 Q What was the significance -- Well, let me ask, the</p> <p>8 district -- What's the significance of labeling the Latino</p> <p>9 opportunity district, if there is one, District No. 15</p> <p>10 versus 14?</p> <p>11 MR. HUGHES: Objection, calls for a legal</p> <p>12 conclusion, and vague.</p> <p>13 A Districts 14 and 15, the Senate races are up in</p> <p>14 different cycles. So while the House seats in both</p> <p>15 districts are up every two years, the 14th Legislative</p> <p>16 District is -- the Senate seat, that election is held</p> <p>17 concurrent with the presidential election, which has not</p> <p>18 only higher turnout statewide than the midterms, but in</p> <p>19 this area in particular has dramatically higher turnout</p> <p>20 than the midterms.</p> <p>21 So to create a performing district in the 14th would</p> <p>22 not require as much movement away from the 50 percent</p> <p>23 threshold because the turnout rates are higher. A bare</p> <p>24 minimum CVAP district that elects the Senate -- senators</p> <p>25 in the midterm elections is unlikely to produce a</p>
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<p>1 candidate of choice because the Latino turnout is so much</p> <p>2 lower than the White turnout in those cycles.</p> <p>3 Q (By Mr. Mulji) What's the basis of your knowledge</p> <p>4 regarding Latino turnout in this region?</p> <p>5 A The Secretary of State's office has turnout numbers</p> <p>6 for almost every election over the last ten years, and</p> <p>7 that was part of the materials on the Secretary of State</p> <p>8 website that our team looked at in understanding</p> <p>9 differences.</p> <p>10 It's also based on certain general awareness of</p> <p>11 election results that I've acquired over the last ten</p> <p>12 years.</p> <p>13 Q And your team analyzed Latino turnout in midterm</p> <p>14 versus presidential elections; is that right?</p> <p>15 A We --</p> <p>16 MR. HUGHES: Sorry. Objection, leading.</p> <p>17 Q (By Mr. Mulji) You can answer.</p> <p>18 A We looked at turnout trends on the whole in these</p> <p>19 particular Legislative Districts and also looked at</p> <p>20 turnout in the Yakima City Council districts where there's</p> <p>21 heavy Latino population and noted the disparity in turnout</p> <p>22 in those primary and general elections in those off-year</p> <p>23 elections.</p> <p>24 There's also been some social science research into</p> <p>25 the issue, and I was aware of that when working on</p>	<p>1 redistricting.</p> <p>2 Q I'm going to turn on a layer called city lines.</p> <p>3 Do you see that?</p> <p>4 A Yes.</p> <p>5 Q I'll represent to you that that layer turns on -- it</p> <p>6 shows you what the city boundaries are in this region.</p> <p>7 Do you see that?</p> <p>8 A Yes.</p> <p>9 Q And I'm just going to zoom in. I'm actually going</p> <p>10 to also turn on the city labels. I'll figure it out.</p> <p>11 Okay. Do you see that when I hover over a</p> <p>12 particular area on the right-hand panel it tells you what</p> <p>13 city I'm hovering over?</p> <p>14 A Yes.</p> <p>15 Q Okay. I just want to note a few different features</p> <p>16 of this map. Is the City of Wapato included in the</p> <p>17 Legislative District 15?</p> <p>18 A No.</p> <p>19 Q Did discussion of which district the community of</p> <p>20 Wapato would be included in, did that come up in your --</p> <p>21 over the course of your redistricting process?</p> <p>22 A Yes.</p> <p>23 Q In what context?</p> <p>24 A Our team understood that the jurisdictions with the</p> <p>25 largest Latino population tended to run along a line that</p>

The State objects to lines 154:7-155:2: expert and legal conclusions. Mr. Hall was asked later in his deposition (lines 223:24-225:18) to substantiate these claims, but was unable to do so.

Pls response: Not being offered as expert or legal conclusions; based on Hall's personal perception and knowledge of senate elections as a senate staffer, publicly available voter turnout patterns and election results.

39 (Pages 153 to 156)

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1 you can see here between the 14th and 15th LDs, and so a
 2 lot of the conversation that we had was how to draw
 3 districts that would be both inclusive of these cities
 4 that are both heavily Latino as well as the Yakama
 5 Reservation to the west.

6 Q And that line separating Districts 14 and 15, does
 7 that -- Is that --

8 Well, are you referring to communities kind of
 9 along -- I can't remember what highway it is. There's a
 10 highway that runs from Yakima to Sunnyside.

11 A I believe it's 84.

12 Q Highway 84. When you were discussing the high
 13 Latino --

14 Well, what's your understanding of the communities
 15 that are sort of along that highway from Yakima, the City
 16 of Yakima to the City of Sunnyside?

17 MS. GOLDMAN: Objection, vague, compound.

18 A Our understanding was that to draw a performing
 19 district, that one of the things you wanted to look at
 20 were these heavily Latino cities along Highway 84.

21 Q (By Mr. Mulji) And what were those cities, as far as
 22 you know?

23 A Wapato, Sunnyside, Toppenish. Sorry, you're
 24 hovering over a couple of things. I have to look here
 25 real quick.

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1 Q Let me know if you want me to zoom out or zoom in.

2 A Those were the ones we talked about the most.

3 Q Okay. And in the current enacted plan those
 4 communities were not included with the district that
 5 includes the City of Yakima; correct? Or at least the
 6 eastern part of Yakima.

7 A Those cities are in the 14th Legislative District in
 8 the current map.

9 Q And Wapato and Toppenish are split from Sunnyside;
 10 correct?

11 A Yes.

12 Q What's your understanding of sort of the
 13 geographic -- the geography of race in the City of Yakima?

14 MS. GOLDMAN: Objection, vague.

15 A The way it was explained to me was that there is a
 16 significant legacy of redlining in Yakima, such that we
 17 have a high proportion of Whites along one side of the
 18 east/west access and a high percentage of Latinos on the
 19 other side of the east/west access.

20 Q (By Mr. Mulji) And what side is primarily the
 21 Latino side of the city?

22 A I believe it's the east, but -- Did I get that
 23 right?

24 MS. GOLDMAN: I'm going to belatedly object
 25 on lack of foundation and calls for speculation.

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1 Q (By Mr. Mulji) You can answer if you know.

2 A I don't remember.

3 Q Was there any discussion about the placement of the
 4 community of Mattawa and what district that would be in
 5 during the redistricting process?

6 A Yes.

7 Q What were those discussions?

8 A Subsequent to receiving the analysis from
 9 Dr. Barreto we had a conversation around rethinking how to
 10 draw the performing district in the Yakima Valley, and we
 11 started to draw some maps that included Mattawa to the
 12 north in the district that would perform.

13 Q And zooming out a bit. Do you see that I've zoomed
 14 the map out?

15 A Yes.

16 Q I'm now hovering over the City of Othello.

17 How, if at all, did the City of Othello figure into
 18 discussions of the configuration of the 15th District?

19 A I don't remember discussions of Othello.

20 Q Do you believe that the 15th District satisfies the
 21 requirement for a Latino opportunity district under the
 22 federal Voting Rights Act?

23 MS. GOLDMAN: Objection, calls for a legal
 24 conclusion.

25 A No, I don't believe it does.

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1 Q (By Mr. Mulji) Did you have that same belief when
 2 you first saw the 15th District that was adopted by the
 3 commission?

4 MS. GOLDMAN: Same objection.

5 A Yes.

6 Q (By Mr. Mulji) What was the basis for that
 7 conclusion?

8 MS. GOLDMAN: Same objection.

9 A That was based on looking at the CVAP, looking at
 10 how communities were allocated between the different
 11 districts in the Yakima Valley, as well as informal
 12 conversations with a handful of experts, including, as
 13 previously mentioned, Yuri Rudensky, Dr. Barreto, and
 14 Abha Khanna.

15 Q (By Mr. Mulji) Did you discuss whether --
 16 Did you discuss your belief about the legality of
 17 the 15th District with Commissioner Walkinshaw?

18 MS. GOLDMAN: Same objection, calls for a
 19 legal conclusion.

20 A Yes.

21 Q (By Mr. Mulji) When was that discussion?

22 A The week prior to the redistricting deadline when
 23 staff was working out of his offices.

24 Q Okay. Was the configuration of the 15th District
 25 that you were discussing at the time, was that

40 (Pages 157 to 160)

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The State objects to lines 159:20-160:14: legal and expert testimony. Mr. Hall's ex post belief about the Commissioners' decision, taken after he ceased to advise Mr. Walkinshaw, is not relevant for any purpose.

Pls response: Not being offered as expert or legal conclusions; based on Hall's personal perception and knowledge of senate elections as a senate staffer, publicly available voter turnout patterns and election results.

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1 substantially -- Was that similar to the 15th District
 2 that was ultimately adopted?
 3 MS. GOLDMAN: Objection, calls for
 4 speculation, and lack of foundation.
 5 A Whose version of the 15th?
 6 Q (By Mr. Mulji) Well, was there a version of the
 7 15th District that you were looking at at the time that
 8 resembled the 15th District as adopted?
 9 MS. GOLDMAN: Objection, vague.
 10 A Yes.
 11 Q (By Mr. Mulji) And where did that --
 12 Who proposed that district?
 13 A This is similar to the district that the House
 14 Democratic Caucus told our team that they would be
 15 negotiating with the Republicans.
 16 Q And do you know was it the House Democratic Caucus
 17 that originally came up with this configuration of the
 18 15th District?
 19 MS. GOLDMAN: Objection, calls for
 20 speculation, lack of foundation.
 21 A I don't remember that.
 22 Q (By Mr. Mulji) But you remember seeing a district
 23 that looked like this one?
 24 A Yes.
 25 Q And you remember talking to Commissioner Walkinshaw

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1 about it?
 2 A Yes.
 3 Q Okay. And that was during the week leading up to
 4 the deadline, November 15th?
 5 A Yes.
 6 Q And what did you discuss during that meeting?
 7 A Staff tried to explain to him again that in spite of
 8 the House wanting to make the more heavily Latino district
 9 the 15th, that that was a significant strategic error and
 10 that he should be advocating for the 14th to be the
 11 performing district.
 12 And we also warned him about voting for a map that
 13 would have a bare minimum CVAP in any district in the
 14 Yakima Valley.
 15 Q And in advocating for a district numbered 14 rather
 16 than 15, what was animating that advice you were giving
 17 Commissioner Walkinshaw?
 18 A We believed that it was more appropriate for the
 19 performing district to be one that had a greater turnout
 20 and a turnout that more closely resembled voter turnout as
 21 a whole, which is what happens during presidential cycles.
 22 Q And you would get that by labeling the district 14
 23 for all three legislative seats elected from -- or, well,
 24 I guess the Senate seat, anyway.
 25 If you label a district 14 the Senate seat would be

The State objects to lines 162:22-163:3: leading; expert conclusion. As noted above, Mr. Hall was asked at his deposition to substantiate his claims about Hispanic voter turnout, but was unable to do so.

Pls response: Not being offered as expert conclusions; based on Hall's personal perception and knowledge of senate elections as a senate staffer, publicly available voter turnout patterns and election results.

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1 elected in presidential years where there's higher
 2 turnout; is that what you're saying?
 3 A Yes.
 4 MR. HUGHES: Objection, form.
 5 Q (By Mr. Mulji) And how did Commissioner Walkinshaw
 6 respond to these points?
 7 A By the end of the week that we were at his office it
 8 was clear that he felt like he was not going to be able to
 9 persuade any of his colleagues to draw a performing
 10 district, and he communicated that to staff.
 11 Q Did he say why he felt he could not persuade any of
 12 the other commissioners?
 13 A No. He didn't go into detail. He just made it
 14 clear to us that it was going to be too hard.
 15 Q Was anyone else present at this conversation other
 16 than -- Well, actually, who was present for this
 17 conversation?
 18 A That would have been Commissioner Walkinshaw,
 19 myself, Ali O'Neil, Matt Bridges and Adam Bartz. That was
 20 the staff team that was working out of that office that
 21 week. Some combination of us were there when he made the
 22 comment.
 23 Q And was this -- What was the purpose of this
 24 meeting? Yeah, what was the purpose of this meeting?
 25 A Staff had several conversations with him that week

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1 about holding firm on a Democratic -- excuse me -- on a
 2 performing district; and we were organizing calls with
 3 both him and Commissioner Sims to try to keep that
 4 preserved as a priority, and potentially something that
 5 would result in the two of them not voting in favor of the
 6 map and sending the map-drawing process to the State
 7 Supreme Court.
 8 Q Why did -- Why did --
 9 Why was that proposed as a course of action?
 10 A Can you restate the question?
 11 Q Yes. You mentioned that you had brought up the
 12 possibility of not -- of the two Democratic commissioners
 13 not voting for a map.
 14 Why was that suggested as a course of action?
 15 A VRA compliance had come up in the state of Virginia
 16 previously in the redistricting cycle, and so we looked at
 17 that as a possibility.
 18 Senators Billig and Pedersen from very early on in
 19 the process when talking with Commissioner Walkinshaw,
 20 with House members and with staff, indicated that they as
 21 the senators were very comfortable with the map being
 22 drawn by the State Supreme Court if a -- if they -- if the
 23 commissioners couldn't reach agreement on a map that they
 24 considered was fair.
 25 Q During this conversation did you or anyone else tell

41 (Pages 161 to 164)

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The State objects to lines 163:5-22: lack of foundation; hearsay. Neither Mr. Walkinshaw nor the Commission is a party, so this is not admissible as the statement of a party-opponent. Plaintiffs cannot rely on FRE 803(1) or (3) because Mr. Hall did not identify the actual statements giving rise to his belief, so there is no basis for any claim that such statements fit any hearsay exemption.

Pls response: Foundation exists based on Hall's personal knowledge and perceptions of the conversation with Commissioner Walkinshaw; inclusion on emails; review of draft maps; and conversations with other staffers. Not hearsay as opposing party statement; 803 exception as present sense impression, then-existing mental condition

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The State objects to lines 165:9-25: hearsay, lack of foundation. No Commissioner, nor the Commission is a party, so this is not admissible as the statement of a party-opponent. Plaintiffs cannot rely on FRE 803(1) or (3) because Mr. Hall did not identify the actual statements from Mr. Walkinshaw giving rise to his belief, and certainly does not identify any actual statements from the other commissioners giving rise to Mr. Walkinshaw's purported belief which Mr. Walkinshaw then purportedly passed on to Mr. Hall, so there is no basis for any claim that such statements fit any hearsay exemption.

Pls response: Foundation exists based on Hall's personal knowledge and perceptions of communications with Commissioner Walkinshaw; inclusion on emails; review of draft maps; and conversations with other staffers. Not hearsay as opposing party statement; 803 exception as present sense impression, then-existing mental condition

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- 1 Commissioner Walkinshaw that you believed the district
- 2 that he was considering that looked like the one that was
- 3 ultimately adopted wouldn't elect Latino candidates of
- 4 choice?
- 5 A Yes.
- 6 MS. GOLDMAN: Objection, compound, calls
- 7 for speculation, and lack of foundation.
- 8 A Yes.
- 9 Q (By Mr. Mulji) Did Commissioner Walkinshaw make any
- 10 indication that he disagreed with you?
- 11 MS. GOLDMAN: Objection, vague.
- 12 A No. He considered the problem to be the fact that
- 13 Commissioner Sims didn't view it as a priority and that
- 14 the Republican commissioners would never agree to it.
- 15 Q (By Mr. Mulji) During that conversation he indicated
- 16 that Commissioner Sims did not think VRA compliance was a
- 17 priority; is that what you mean?
- 18 A Yes.
- 19 Q And he understood that the district that was being
- 20 considered was not VRA compliant? Is that the impression
- 21 you came away with?
- 22 MS. GOLDMAN: Objection, calls for
- 23 speculation, lack of foundation, and calls for a legal
- 24 conclusion.
- 25 A Yes.

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- 1 Q What was your understanding of how he was going to
- 2 approach the negotiations in the final week?
- 3 A I think by the time that we left his office the
- 4 Friday prior it was very unclear what he would be fighting
- 5 for in those negotiations.
- 6 Q By that time I think you told me earlier he had
- 7 already mentioned to you all, his staff, that he wasn't
- 8 going to or wasn't going to be able to fight for a
- 9 compliant VRA district in the 14th or in the Yakima
- 10 Valley; correct?
- 11 A Yes.
- 12 Q So that -- And during that week before the
- 13 November 15th deadline I just want to clarify where
- 14 everybody was.
- 15 You all were working from his offices at Grist; is
- 16 that right?
- 17 MS. GOLDMAN: Objection, vague.
- 18 A Can you restate the question?
- 19 Q (By Mr. Mulji) Yes. Where were you -- You
- 20 mentioned, I think, that you had been working from out of
- 21 his offices at Grist; correct?
- 22 A Yes.
- 23 Q When was that?
- 24 A The Monday through Friday of the preceding week.
- 25 Q Okay. So during that week that's where you all --

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- 1 Q (By Mr. Mulji) Was that -- To the extent you
- 2 remember, was that toward the beginning of the week
- 3 preceding the November 15th deadline or somewhere in the
- 4 middle or somewhere toward the end?
- 5 A The Redistricting Commission deadline was, I
- 6 believe, Monday night at midnight, and we had spent the
- 7 prior workweek at Commissioner Walkinshaw's offices.
- 8 We had a number of conversations with him leading up
- 9 to a couple of pretty critical meetings on Saturday and
- 10 Sunday. One meeting that I believe both commissioners
- 11 took with Dr. Barreto and I believe Chad Dunn from UCLA
- 12 and a separate meeting that Commissioner Sims and
- 13 Commissioner Walkinshaw took with the Redistricting
- 14 Justice Coalition, and both meetings were designed to talk
- 15 about the WVRA.
- 16 Q When you say the WVRA do you mean the Voting Rights
- 17 Act?
- 18 A Sorry. The federal Voting Rights Act.
- 19 Q Okay. And at that first meeting with -- Let's talk
- 20 about the first meeting with Dr. Barreto. Well, actually
- 21 before we go there, was there ever a conversation about
- 22 how Commissioner Walkinshaw would sort of go into the
- 23 final round of negotiations, what his priorities were
- 24 during those negotiations or anything like that?
- 25 A Yes.

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- 1 all of you on the Senate Democratic Caucus team were
- 2 there?
- 3 A Yes. And I'm trying to remember if we were also
- 4 there on Saturday and Sunday, and I don't remember. I
- 5 think we may have worked there at some part of Saturday
- 6 and Sunday as well, but we were there from 8:00 to 5:00
- 7 Monday through Friday, with people taking breaks and going
- 8 to deal with other things; but all of us were in the
- 9 office regularly at that point.
- 10 Q Okay. And do you recall any other conversations
- 11 that you had with Commissioner Walkinshaw about the VRA
- 12 during that week?
- 13 A I may have talked to him after those meetings with
- 14 Dr. Barreto and the advocates, but I don't remember. I
- 15 remember talking to other folks on staff after those
- 16 meetings.
- 17 Q What was the purpose of the meeting with
- 18 Dr. Barreto?
- 19 MR. HUGHES: Object to form.
- 20 Q (By Mr. Mulji) You had mentioned that there was a
- 21 meeting and -- I'll strike that question.
- 22 You had mentioned there was a meeting with
- 23 Dr. Barreto and sometime just before the November 15th
- 24 deadline; is that right?
- 25 MR. HUGHES: Object to form.

The State objects to lines 166:19-167:11: lack of foundation; hearsay. Neither Mr. Walkinshaw nor the Commission is a party, so this is not admissible as the statement of a party-opponent. Plaintiffs cannot rely on FRE 803(1) or (3) because Mr. Hall did not identify the actual statements giving rise to his belief about what Mr. Walkinshaw was or was not going to be able to fight for, so there is no basis for any claim that such statements fit any hearsay exemption.

Pls response: Foundation exists based on Hall's personal knowledge and perceptions of communications with Commissioner Walkinshaw; inclusion on emails; review of draft maps; and conversations with other staffers. Not hearsay as opposing party statement; 803 exception as present sense impression, then-existing mental condition

42 (Pages 165 to 168)

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1 A Yes.
 2 Q (By Mr. Mulji) Do you recall when that meeting
 3 occurred?
 4 A I want to say it was the Saturday prior. It was
 5 within a couple days of the deadline.
 6 Q That Saturday would have been November 13th; is that
 7 right?
 8 A Yeah, somewhere in there.
 9 Q And what was the purpose of that meeting?
 10 A I think that staff was frustrated that neither
 11 Democratic commissioner was taking seriously the concerns
 12 about compliance with the federal Voting Rights Act, and
 13 that it was being echoed by Dr. Barreto.
 14 And so we organized one last call with both
 15 commissioners and Dr. Barreto and Chad Dunn to sort of
 16 walk through the VRA, any questions the commissioners
 17 might have, and give Dr. Barreto one last chance to sort
 18 of talk to the commissioners before they went down to
 19 Federal Way for the last couple days of negotiations.
 20 Q And you arranged this meeting?
 21 A I think I helped arrange it.
 22 Q Okay. Who else helped arrange it?
 23 A Probably Ali. And I think this was a meeting where
 24 we were all -- the entire staff team was on the call, so
 25 we were all sort of trying to coordinate at that point.

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1 Q And what about Commissioner Walkinshaw, did he have
 2 questions?
 3 A I don't remember him having a lot of questions at
 4 that meeting.
 5 Q Okay. Did either of the commissioners make a
 6 commitment to try to get a compliant -- Voting Rights Act
 7 compliant district in the Yakima Valley?
 8 A No.
 9 Q And then going back to the meeting with the
 10 Redistricting for Justice Coalition, what was the
 11 coalition trying to communicate as far as you could tell
 12 to the commissioners during that meeting?
 13 MS. GOLDMAN: Object -- Objection, calls
 14 for speculation, and lack of foundation.
 15 A They were trying to communicate their preference in
 16 terms of districts, and they also wanted to talk strategy.
 17 Q (By Mr. Mulji) What do you mean by strategy?
 18 A They had one of the people who was part of the
 19 coalition had talked to a Stanford professor, and they had
 20 some idea -- and I don't even remember what the content of
 21 the idea was. They were just, I think, trying to figure
 22 out how they could get the commissioners to move towards a
 23 compliant map.
 24 Q Did you think of these meetings as sort of a last-
 25 ditch effort to try to convey the importance of complying

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1 Q And it's fair to say the purpose of this call was to
 2 stress the importance of complying with the federal Voting
 3 Rights Act; is that right?
 4 A Yes.
 5 Q You mentioned that there was also a meeting with the
 6 Redistricting --
 7 A Justice.
 8 Q -- Justice Coalition.
 9 Okay. And what was the purpose -- Well, actually,
 10 who was at that meeting?
 11 A Commissioner Sims and Commissioner Walkinshaw
 12 participated on Teams. I was not on the Zoom but sitting
 13 in the room listening to the meeting. And then there were
 14 probably half a dozen folks from the Redistricting Justice
 15 Coalition participating in the meeting with the two
 16 commissioners.
 17 Q And I'm sorry, I want to go back and ask you a
 18 question about the meeting with Dr. Barreto.
 19 What did Commissioner Sims say during that meeting
 20 about her position on the Voting Rights Act in the Yakima
 21 Valley?
 22 A She tried not to share too much in meetings; and I
 23 think she may have asked some questions, but I don't
 24 remember any particular comments that stood out to me in
 25 that meeting.

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1 with the Voting Rights Act to the commissioners?
 2 A Yes.
 3 Q Did it succeed?
 4 A No.
 5 Q Let's talk about sort of what happened on
 6 November 15th. Well, actually -- Yeah, on November 15th.
 7 Where were you on November 15th?
 8 A I spent the afternoon and evening at Matt Bridges'
 9 house. Myself, Adam Bartz and Matt were in a room
 10 together while the commissioners and Ali O'Neil were in
 11 Federal Way.
 12 Q Okay. And was it your understanding that all the
 13 commissioners were in Federal Way by that day?
 14 MS. GOLDMAN: Objection, calls for
 15 speculation, and lack of foundation.
 16 A That's what I was told.
 17 Q (By Mr. Mulji) And how were you sort of keeping
 18 apprised of what was happening in Federal Way during this
 19 day?
 20 A Ali would be checking in with us on a regular basis.
 21 A lot of text messages, lots of Teams chats, lots of phone
 22 calls.
 23 We spoke on a pretty regular basis with key
 24 legislators in terms of strategy because it was clear that
 25 negotiations were not moving quickly.

The State
 objects to lines
 172:3-4: lack of
 foundation.
 Mr. Hall lacks
 foundation to
 testify about
 what was
 important to
 Ms. Sims, at a
 minimum.

Pls response:
 Foundation
 exists based
 on Hall's
 personal
 knowledge
 and per-
 ception of the
 negotiation
 process and
 review of
 draft maps;
 his know-
 ledge of the
 final adopted
 map; his
 knowledge of
 the meetings
 in question,
 his inclusion
 on emails,
 and commu-
 nications with
 other staffers.

43 (Pages 169 to 172)

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<p>1 Q Were you aware of a meeting between Commissioner 2 Graves and Commissioner Walkinshaw on the morning of 3 November 15th? 4 A I don't remember. 5 MR. MULJI: Okay. I want to mark -- 6 And let me first verify where we are in our exhibit 7 numbers. 8 THE REPORTER: No. 10. 9 MR. MULJI: -- as Exhibit 10 document Q. 10 (Hall Exhibit No. 10 introduced.) 11 A Thank you. 12 Sorry, which side? 13 Q Yeah, good question. 14 A I've got 8:01 and 8:02. On the left-hand column 15 does it say 8:01 or 8:02? 16 Q Okay. So this is the start. 17 Okay. So there should be four Teams chat messages, 18 and on the page where you have where the first message on 19 the Teams chat starts at 10:38, -- 20 A Okay. 21 Q -- that would be the first one. And then the next 22 one is on the right side of that page, and then it 23 continues on the back side left to right chronologically. 24 A Um-hmm. 25 Q I'll give you a moment to take a look.</p>	<p>1 A Okay. 2 Q Have you had a chance to review the four screenshots 3 here? 4 A Yes. 5 Q Okay. In some ways this is easier to actually look 6 at on a screen, but -- 7 Do you see on the second page of this exhibit the 8 third screenshot that it says -- It shows a message 9 starting at November 15th, 11:12 a.m.? 10 A Yes. 11 Q Okay. And if you go up from there, back up you can 12 see the first Teams screenshot on the first page of this 13 exhibit has the messages starting at 10:38 a.m. on 14 November 15th. Do you see that? 15 A Yes. 16 Q Okay. And do you recognize this to be a Teams chat 17 that you were participating in on November 15th? 18 A Yes. 19 Q Is this the Teams chat that you mentioned earlier 20 where Ms. O'Neil would provide you updates on what was 21 happening? 22 A Yes. 23 Q Okay. And do you recall this discussion about -- a 24 discussion about Commissioner Graves in the Teams chat? 25 A Yes.</p>
Page 175	Page 176
<p>1 Q Does this help refresh your recollection about 2 whether there was a meeting between Commissioner 3 Walkinshaw and Graves around this time on November 15th? 4 A Yes. 5 Q What do you remember about -- hearing about that 6 meeting, anyway? 7 A We had tried to trade legislative map proposals with 8 Commissioner Fain, and our proposal with what we thought 9 was a compliant map was dismissed out of hand. And by the 10 midpoint of the day it was pretty clear that Commissioner 11 Graves and Sims would be the ones drawing the legislative 12 map. 13 Q What was your understanding of -- Well, did you 14 review any proposals by Commissioner Graves to 15 Commissioner Walkinshaw? 16 A I don't remember. I do remember reviewing some 17 proposals that were traded back and forth that day. 18 Q Did you discuss Commissioner -- any discussions that 19 Commissioner Walkinshaw had with Commissioner Graves 20 during the negotiations, whether it was on the 15th or 21 otherwise? 22 A I don't remember them offhand. 23 Q Did you speak with any staff members of 24 Commissioner Graves? 25 A No.</p>	<p>1 Q Did you have any conversations that would inform 2 your views on what Commissioner Graves's sort of 3 negotiating position was? 4 A I would have gotten all of that from Ali. 5 Q Okay. And did you have an understanding at the time 6 of what Commissioner Graves's negotiating position was? 7 A Yes. 8 MR. HUGHES: Objection, lack of foundation. 9 Q (By Mr. Mulji) What do you recall about what you 10 were thinking at the time about Commissioner Graves's 11 negotiating position? 12 MS. GOLDMAN: Objection as to form. 13 MR. HUGHES: And lack of foundation. 14 Q (By Mr. Mulji) You can answer. 15 A It was clear to me that Commissioner Graves was 16 drawing a line in the sand that he wanted very specific 17 outcomes when it came to the 14th and 15th, and they were 18 about drawing a map that would appear to comply with the 19 federal VRA but not actually do so. 20 MR. MULJI: I want to mark as Exhibit 11 a 21 document labeled R. 22 (Hall Exhibit No. 11 introduced.) 23 Q Have you had a chance to review this document? 24 A Yeah. 25 Q I'll represent to you this is a screenshot of a</p>

44 (Pages 173 to 176)

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The State objects to lines 176:5-19: hearsay; lack of foundation. Mr. Hall testifies that his knowledge comes via hearsay from Ali O'Neil. Ms. O'Neil is not a party, nor the speaking agent of any party, and so her statements are not admissible as statements of party-opponents. This is also double-hearsay because Ms. O'Neil is conveying what Mr. Graves allegedly conveyed, but, again, Mr. Graves is not a party. FRE 803(1) does not apply because Ms. O'Neil's purported statements to Mr. Hall do not convey any present sense impression, but rather a past impression about an alleged conversation between Ms. O'Neil and Mr. Graves. Not does FRE 803(3) apply because Ms. O'Neil is not allegedly describing her own state of mind, but Mr. Graves'.

Pls response: Foundation exists based on Hall's personal knowledge of the negotiation process and review of draft maps, direct conversations with Ali O'Neil, and his inclusion on relevant emails. Not hearsay as opposing party statement; 803 exception as present sense impression, then-existing mental condition

Adam Hall

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<p style="text-align: right;">Page 177</p> <p>1 Teams chat from November 15th, 11:57 a.m.</p> <p>2 Do you see that?</p> <p>3 A Yes.</p> <p>4 Q And is this the same Teams chat that Ms. O'Neil was</p> <p>5 using to provide you all updates on what was happening?</p> <p>6 A Yes.</p> <p>7 Q You say in the first chat message on the screenshot,</p> <p>8 anyway, at 11:57 a.m., "This locks in the 10-year-old map</p> <p>9 that everyone hated."</p> <p>10 Do you recall what -- or what were you talking about</p> <p>11 with respect to the 10-year-old map that everyone hated;</p> <p>12 what does that mean?</p> <p>13 A The 2011 map that was adopted had a lot of</p> <p>14 criticism, and there was a broad consensus amongst</p> <p>15 stakeholders, legislators and others in the space that we,</p> <p>16 quote, unquote, "lost" the negotiation with the Republican</p> <p>17 commissioners, that they got a far more favorable map than</p> <p>18 Democrats in that district.</p> <p>19 And it also did not draw a performing district in</p> <p>20 the Yakima region and, in fact, did not even attempt to</p> <p>21 draw a performing map in the Yakima region.</p> <p>22 Q And you go on in the next message to ask, "Is the</p> <p>23 15th majority CVAP and underperforming, or are they not</p> <p>24 talking about that?"</p> <p>25 What were you getting at in that question?</p>	<p style="text-align: right;">Page 178</p> <p>1 A I was trying to determine whether or not they were</p> <p>2 drawing a 50.1 CVAP map that wouldn't actually perform.</p> <p>3 Q And it's not indicated here who the blue is, at</p> <p>4 least on this piece of paper, the darker colored messages</p> <p>5 on the right-hand side.</p> <p>6 A It's Ali O'Neil.</p> <p>7 Q Okay. And how did she answer that question?</p> <p>8 A That Commissioner Graves was insisting on it.</p> <p>9 Q And you go on to say, "Yes. Because it will lock us</p> <p>10 out in the lawsuit."</p> <p>11 What did you mean by that?</p> <p>12 A I had had a number of conversations with Dr. Barreto</p> <p>13 about the implications of subsequent lawsuits were an</p> <p>14 adopted map to the above 50 percent CVAP, but not perform.</p> <p>15 And we had also had a conversation with the</p> <p>16 Redistricting Justice Coalition before everyone moved down</p> <p>17 to Federal Way where Commissioner Sims asked them how she</p> <p>18 could be helpful in a lawsuit.</p> <p>19 So at this point we were talking about, you know,</p> <p>20 everything that was done on the map, what was the</p> <p>21 implications on a potential lawsuit since it was clear we</p> <p>22 weren't going to get a performing district in the Yakima</p> <p>23 Valley.</p> <p>24 Q Did you fear that a district that was over</p> <p>25 50 percent Latino that underperformed would obscure the</p>
<p style="text-align: right;">Page 179</p> <p>1 fact that it underperforms?</p> <p>2 A Yes.</p> <p>3 Q Did you understand the legal requirement to be that</p> <p>4 the district needs to perform for the Latino community</p> <p>5 regardless of what the population, exact population</p> <p>6 numbers are in the majority-minority district?</p> <p>7 MR. HUGHES: Objection.</p> <p>8 MS. GOLDMAN: Objection, calls for a legal</p> <p>9 conclusion.</p> <p>10 Q (By Mr. Mulji) You can answer.</p> <p>11 A Yes.</p> <p>12 Q So these were messages that you -- These were</p> <p>13 messages you were sending around noon on November 15th.</p> <p>14 What's your understanding based on the information</p> <p>15 you were getting that day of what happened after that in</p> <p>16 the afternoon or evening of November 15th?</p> <p>17 MS. GOLDMAN: Objection, vague, calls for</p> <p>18 speculation, lack of foundation.</p> <p>19 Q (By Mr. Mulji) You can answer if you know.</p> <p>20 A My recollection is that after these conversations a</p> <p>21 lot of the discussion that we had around the activity</p> <p>22 happening down in Federal Way was more focused on meeting</p> <p>23 the deadline and drawing other districts; that it felt</p> <p>24 like this was the end of the conversation around</p> <p>25 compliance with the federal Voting Rights Act in the 14th</p>	<p style="text-align: right;">Page 180</p> <p>1 and 15th Districts.</p> <p>2 Q Were you aware of any agreements that were reached</p> <p>3 by the commissioners prior to the midnight deadline?</p> <p>4 MR. HUGHES: Objection, vague.</p> <p>5 A It was communicated to the staff team that the</p> <p>6 commissioners had agreed upon certain political metrics</p> <p>7 for most if not all of the Legislative Districts, which</p> <p>8 included the Yakima districts in the valley.</p> <p>9 Q (By Mr. Mulji) And what do you mean by agreement on</p> <p>10 political metrics?</p> <p>11 A The first thing the commissioners agreed to before</p> <p>12 drawing any maps was what the partisan breakdown would be</p> <p>13 of each individual district.</p> <p>14 Q Okay. So your understanding was that they came to</p> <p>15 an agreement on that. Did they come to an agreement --</p> <p>16 Well, and do you know when that was?</p> <p>17 MS. GOLDMAN: Objection, calls for</p> <p>18 speculation, and lack of foundation.</p> <p>19 Q (By Mr. Mulji) You can answer if you know.</p> <p>20 A I don't remember.</p> <p>21 MR. MULJI: I'm going to mark as Exhibit 12</p> <p>22 a document labeled S.</p> <p>23 MR. HUGHES: Thanks.</p> <p>24 (Hall Exhibit No. 12 introduced.)</p> <p>25 Q (By Mr. Mulji) Do you recognize this document to be</p>

45 (Pages 177 to 180)

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The State objects to lines 178:7-8: hearsay. Again, this is double-hearsay, neither Mr. Graves nor Ms. O'Neil is a party, and Ms. O'Neil's statement about Mr. Graves' alleged insistence is not admissible under FRE

Pls response: Not hearsay as opposing party statement; 803 exception as present sense impression, then-existing mental condition

Objection to lines 180:2-13: hearsay; lack of foundation. Mr. Hall's statement about what "was communicated to the staff" is hearsay, and there is no indication it comes from a party-opponent. This is not a present sense impression or then-existing mental condition, but rather an apparent description of actions the Commissioners had already undertaken by that point.

Pls response: Foundation exists based on Hall's knowledge of the negotiations process and draft maps, direct conversations with Ali O'Neil. Not hearsay as opposing party statement; 803 exception as present sense impression; then existing-mental condition

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1 a screenshot of the Teams chat that continued between you
 2 and Senate Democratic Caucus staff and Ali O'Neil on
 3 November 15th?
 4 A Yes.
 5 Q You can see that these messages on this screenshot
 6 start at 8:24 p.m. Does this refresh your recollection
 7 about sort of what the deal was -- or when the deal was
 8 occurring that evening?
 9 A Yes.
 10 MS. GOLDMAN: Objection, vague.
 11 Q (By Mr. Mulji) How does it refresh your
 12 recollection?
 13 A Throughout the evening of the 15th we were getting
 14 regular updates about whether there was a deal, whether
 15 there wasn't a deal, whether somebody was walking away
 16 from the table, whether somebody wanted to reach an
 17 agreement. It felt like it changed by the hour.
 18 Q And do you know -- It sounds like --
 19 Ali O'Neil sent a text message at 8:38 a.m. saying
 20 we may have a deal in the next 10-15 minutes.
 21 Do you know if that was around the time when a deal
 22 was ultimately reached, or no?
 23 A I don't remember.
 24 Q Now, to be clear, the deal that was reached that you
 25 know of on partisan metrics, did that include some deal on

The State objects to lines 181:24-182:25: lack of foundation. Mr. Hall was not involved in the negotiations that led to a deal in the final days of redistricting.

Pls response: Foundation exists based on Hall's knowledge of the negotiations process and draft maps, direct conversations with Ali O'Neil.

The State objects to lines 183:1-184:23: lack of foundation. Mr. Hall was not involved in the negotiations that led to a deal in the final days of redistricting.

Pls response: Foundation exists based on Hall's knowledge of the negotiations process and draft maps, direct conversations with Ali O'Neil.

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1 Q Okay. So after this like proposal on the metrics --
 2 Well, what else do you know about what the agreement was
 3 on partisan metrics? Did it concern every single --
 4 What else do you know about what was included in
 5 that, in that agreement?
 6 MR. HUGHES: Objection, vague.
 7 A I simply know that the commissioners, largely
 8 Commissioner Sims and Graves, were negotiating over
 9 partisan lean and were fixated on a handful of what they
 10 considered to be swing or competitive districts.
 11 Q (By Mr. Mulji) Do you recall what those swing or
 12 competitive districts were?
 13 MS. GOLDMAN: Objection, calls for
 14 speculation, and lack of foundation.
 15 Q (By Mr. Mulji) You can answer if you recall.
 16 A The 5th, the 47th, and the 44th.
 17 Q What was the significance of those particular
 18 districts?
 19 MS. GOLDMAN: Objection, lack of
 20 foundation, calls for speculation.
 21 A They were districts that I think the Republicans
 22 felt were prime candidates for flipping from Democratic to
 23 Republican; but Commissioner Graves also served as a house
 24 member from the 5th, and Commissioner Fain served as the
 25 State Senator from the 47th.

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1 where the lines would be drawn?
 2 MS. GOLDMAN: Objection, lack of
 3 foundation, calls for speculation.
 4 A Almost the entire map was talked about in the
 5 context of partisan balance, but the other three caucuses
 6 did seem to be all proposing similar maps in the 14th and
 7 15th.
 8 Q (By Mr. Mulji) So was it assumed that that sort
 9 of -- that the other caucus -- that the map that was
 10 ultimately used for the 15th would be whatever they had
 11 previously agreed to prior to the 15th?
 12 Does that make sense?
 13 MS. GOLDMAN: Objection, vague.
 14 Q (By Mr. Mulji) Let me ask it again. When the
 15 agreement on partisan metrics was reached on November 15th
 16 was it assumed that the 15th District looked the way it
 17 was agreed to sometime prior to that?
 18 MS. GOLDMAN: Objection, vague, calls for
 19 speculation, and lack of foundation.
 20 Q (By Mr. Mulji) You can answer if you know.
 21 A Yes.
 22 Q And how do you know that?
 23 A Because the 15th District in its visual form looked
 24 a lot like what the House Democratic Caucus had been
 25 showing us for several days at that point.

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1 The 44th was a district that was important to the
 2 House Democratic Caucus because they wanted to shore up
 3 one incumbent and draw another one out.
 4 Q (By Mr. Mulji) What was the incumbent they wanted to
 5 shore up in the -- Was it 47th?
 6 A 44th.
 7 Q The 44th. What incumbent did the House Democratic
 8 Caucus want to shore up in the 44th District?
 9 A April Berg.
 10 MR. HUGHES: Sorry. Objection, calls for
 11 speculation, and lack of foundation.
 12 MS. GOLDMAN: Thank you.
 13 And I just want to caution you to make sure you give
 14 as a chance to object. Thank you.
 15 Q (By Mr. Mulji) And I'm sorry, you said that the
 16 House Democratic Caucus had another goal in the 44th?
 17 A Yes.
 18 Q What was that --
 19 MR. HUGHES: Same -- Sorry. Same
 20 objections. I'm, sorry.
 21 Q (By Mr. Mulji) What was that goal?
 22 MR. HUGHES: Same objections.
 23 A To draw out then Senator Steve Hobbs.
 24 Q (By Mr. Mulji) Okay. And I'm sorry. And who was
 25 the person that they wanted to draw into that district?

46 (Pages 181 to 184)

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1 MR. HUGHES: Objection, misstates --
 2 MS. GOLDMAN: Objection.
 3 MR. HUGHES: Sorry. Go ahead.
 4 MS. GOLDMAN: Lack of foundation, calls for
 5 speculation.
 6 MR. HUGHES: And misstates the prior
 7 testimony.
 8 A The House Democratic Caucus made clear throughout
 9 the entire process that they wanted to ensure that
 10 Representative April Berg was in a safe seat, and she --
 11 She and then Senator Hobbs were both representing that
 12 same district.
 13 It was my understanding that the House wanted to
 14 draw a safer district that would be inclusive of where
 15 Representative Berg lived and exclude where Senator Hobbs
 16 lived.
 17 Q (By Mr. Mulji) Do you know if Commissioner Sims made
 18 her motives about the 44th District apparent to
 19 Commissioner Graves?
 20 MS. GOLDMAN: Objection, calls for
 21 speculation, and lack of foundation.
 22 A No. I only know that she made quite clear to the
 23 Senate Democratic Caucus team that drawing a safe 44th for
 24 Representative Berg was a priority.
 25 (Court reporter request for clarification.)

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1 Q (By Mr. Mulji) Did you ever learn what
 2 Commissioner Graves had considered a fair price as the
 3 negotiations continued?
 4 MR. HUGHES: Objection, calls for
 5 speculation, lack of foundation.
 6 A I was told it was part of the discussions, but I
 7 never saw an actual offer.
 8 Q (By Mr. Mulji) Okay. I want to -- So --
 9 Okay. So to get back to where we were. We were --
 10 There was this disagreement on the partisan metrics
 11 concerning a handful of districts you said.
 12 What happened after that agreement was reached, as
 13 far as your understanding?
 14 A After there was agreement several staff persons were
 15 tasked with drawing maps that would reflect those partisan
 16 leanings. The task was actually somewhat difficult
 17 because drawing a map based on partisan metrics means that
 18 you have to ignore things like city boundaries and other
 19 geographic features. So it ended up being a pretty
 20 time-intensive process.
 21 Q Was it understood that every caucus staff or every
 22 commissioner's team would go off and draw maps to try to
 23 meet -- match these -- this partisan criteria that were
 24 agreed to?
 25 MS. GOLDMAN: Objection, vague, calls for

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1 THE WITNESS: Was a priority. Sorry.
 2 Q (By Mr. Mulji) Were you aware of any offers made by
 3 Commissioner Graves to Commissioner Sims to trade a
 4 VRA-compliant district in the 15th for something else?
 5 MS. GOLDMAN: Objection, calls for
 6 speculation, and lack of foundation.
 7 MR. HUGHES: And vague.
 8 Q (By Mr. Mulji) Answer if you know.
 9 A Yes.
 10 Q What do you know about -- What is the offer?
 11 A Ali O'Neil forwarded an email to our staff team that
 12 was an email communication between Commissioner Graves and
 13 Commissioner Sims where he effectively asked Commissioner
 14 Sims to name her price for a VRA-compliant district.
 15 Q And do you know if Commissioner Sims did so?
 16 MS. GOLDMAN: Objection, calls for
 17 speculation, and lack of foundation, and vague.
 18 Q (By Mr. Mulji) You can answer.
 19 A I don't know.
 20 Q And what was -- Did Commissioner Graves suggest what
 21 a fair price might be?
 22 MS. GOLDMAN: Objection, calls for
 23 speculation, and lack of foundation. And object as to
 24 form.
 25 A Not in that email.

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1 speculation, and lack of foundation.
 2 A I knew that at least one other staff team was doing
 3 this, but I wasn't -- It was not clear to me how many were
 4 doing it.
 5 Q (By Mr. Mulji) Which staff team?
 6 A I believe the House Democratic Caucus.
 7 Q Okay. So at least after you reached this deal,
 8 after the commissioners reached this deal, your team went
 9 off to draw maps, and the House team went off to draw maps
 10 is what you understand happened?
 11 A Yes.
 12 Q Okay. And did you -- Did your team end up drawing a
 13 map that was proposed to the other commissioners during
 14 this time?
 15 A Yes, I believe so.
 16 Q When was that map proposed, and to whom? Or I guess
 17 to whom was that map proposed? Let's start with that
 18 question.
 19 A After midnight the map was completed. I do not know
 20 who communicated it as an offer and to whom it was
 21 offered.
 22 Q Okay. And did that map include what you believed to
 23 be a compliant Legislative District 14 or 15?
 24 MS. GOLDMAN: Objection, calls for a legal
 25 conclusion.

47 (Pages 185 to 188)

Soto Palmer, et al. v. Hobbs, et al.
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The State objects to lines 187:9-20: lack of foundation. Mr. Hall was not involved in the negotiations that led to a deal in the final days of redistricting, nor was he involved in subsequent map-drawing.

Adam Hall

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<p style="text-align: right;">Page 189</p> <p>1 A No, it did not include one.</p> <p>2 Q (By Mr. Mulji) So the map -- The map that your team</p> <p>3 proposed did not include a district that you believed</p> <p>4 complied with the Voting Rights Act in the Yakima Valley?</p> <p>5 MS. GOLDMAN: Objection, asked and</p> <p>6 answered, and calls for a legal conclusion.</p> <p>7 A Correct.</p> <p>8 Q (By Mr. Mulji) Why did you -- Why did your team</p> <p>9 propose a map that that you believe didn't include a</p> <p>10 VRA-compliant district?</p> <p>11 A We weren't negotiating at that point. At that point</p> <p>12 we were told what was happening, and the team was directed</p> <p>13 to draw a map.</p> <p>14 Q And you were directed to draw a map by whom?</p> <p>15 A Oh, I wasn't directed to draw a map.</p> <p>16 Q Your team was directed to draw this map by whom?</p> <p>17 A I don't know who actually made the call at that</p> <p>18 point.</p> <p>19 MR. MULJI: I want to mark -- Well, I want</p> <p>20 to mark as Exhibit 13 a document labeled W.</p> <p>21 THE WITNESS: Thank you.</p> <p>22 MR. HUGHES: Thank you.</p> <p>23 (Hall Exhibit No. 13 introduced.)</p> <p>24 Q (By Mr. Mulji) Have you had a chance to take a look?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 190</p> <p>1 Q Do you recognize this to be two screenshots of Teams</p> <p>2 messages that the Senate Democratic Caucus staff was using</p> <p>3 to communicate during November 15th?</p> <p>4 A Yes.</p> <p>5 Q And these chats start at 11:23 p.m.; correct?</p> <p>6 A Yes.</p> <p>7 Q By this time, 11:23 -- Well, there's a message</p> <p>8 from -- and I'll represent to you that that is Ali</p> <p>9 O'Neil -- that says, "We are reconciling the two maps."</p> <p>10 What did -- What do you -- What do you understand</p> <p>11 that to mean?</p> <p>12 A I believe this is discussing separate maps generated</p> <p>13 by staff from the House Democratic Caucus and Senate</p> <p>14 Democratic Caucus prior to the midnight deadline.</p> <p>15 Q Okay. And she goes on to share in the next message</p> <p>16 at 11:24 p.m. House Dems version of the map, and there's a</p> <p>17 Dave's Redistricting link.</p> <p>18 Do you see that?</p> <p>19 A Yes.</p> <p>20 Q And it's, "Copy of Copy of 11/14 7:30 o.m. Merged D</p> <p>21 Map - LD." That's the title of the map. Do you see that?</p> <p>22 A Yes.</p> <p>23 Q Did you understand this map to be sort of the House</p> <p>24 Democratic Caucus's version of the map, their proposal</p> <p>25 that they were going to make?</p>
<p style="text-align: right;">Page 191</p> <p>1 What is this map? Let's start there.</p> <p>2 A This map is the House staff's efforts to draw a map</p> <p>3 based on the partisan numbers that had been agreed upon.</p> <p>4 So because you can draw a million different maps</p> <p>5 based on partisan breakdown of districts, the Senate</p> <p>6 Democratic Caucus team and the House Democratic Caucus</p> <p>7 team each drew their own version and then sought to</p> <p>8 reconcile the two.</p> <p>9 Q I see. She asks you all to flag issues with this</p> <p>10 map; correct?</p> <p>11 MR. HUGHES: Objection, misstates the</p> <p>12 document.</p> <p>13 A Yes.</p> <p>14 Q (By Mr. Mulji) At 11:26 you respond, "Non-performing</p> <p>15 15th." What did you mean by that?</p> <p>16 A That this 15th LD, like prior versions that I had</p> <p>17 seen in preceding days, did not perform for Latino voters.</p> <p>18 MR. MULJI: I want to mark as Exhibit 14 a</p> <p>19 document labeled W. Oh, no, I'm sorry, U.</p> <p>20 MS. GOLDMAN: And while that's being handed</p> <p>21 over could we look for an opportunity to stretch our legs</p> <p>22 in the next --</p> <p>23 MR. MULJI: Oh, yes.</p> <p>24 MS. GOLDMAN: -- couple minutes?</p> <p>25 MR. MULJI: Yes.</p>	<p style="text-align: right;">Page 192</p> <p>1 MS. GOLDMAN: Not that this isn't really</p> <p>2 fascinating, but I think it would help us make sure we're</p> <p>3 all awake.</p> <p>4 MR. MULJI: Yes. Late afternoon. Sorry.</p> <p>5 MS. GOLDMAN: Thank you.</p> <p>6 MR. MULJI: Yes.</p> <p>7 (Hall Exhibit No. 14 introduced.)</p> <p>8 Q (By Mr. Mulji) Have you had a chance to review --</p> <p>9 A Yes.</p> <p>10 Q -- this exhibit?</p> <p>11 Okay. Do you recognize this to be another set of</p> <p>12 screenshots of the Teams chat you were participating in</p> <p>13 with the Senate Democratic Caucus staff on November 15th?</p> <p>14 A Yes.</p> <p>15 Q On the first page of this, or I guess the first</p> <p>16 screenshot of this exhibit on the left side of page 1 I'll</p> <p>17 represent to you that Ali O'Neil shares another Dave's</p> <p>18 Redistricting link at 10:49, and in a message after that</p> <p>19 also at 10:49 she says, "R's leg map," followed by a</p> <p>20 message that says, "Need to go through and identify</p> <p>21 issues."</p> <p>22 What is this map?</p> <p>23 A I believe this is the Republican legislative map</p> <p>24 that reflects the partisan breakdown that was agreed to by</p> <p>25 the commissioners.</p>

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<p style="text-align: right;">Page 193</p> <p>1 Q Do you know who proposed this map?</p> <p>2 A No.</p> <p>3 Q You only know that it was a Republican commissioner?</p> <p>4 Or both, I suppose.</p> <p>5 A I think it was both, but I don't know because I</p> <p>6 wasn't there.</p> <p>7 Q Okay. In any event, you were asked to sort of go</p> <p>8 through and identify issues; correct?</p> <p>9 A Yes.</p> <p>10 Q I believe -- You and others on the Senate Democratic</p> <p>11 Caucus staff go on to list out issues you see with the</p> <p>12 map; correct?</p> <p>13 A Yes.</p> <p>14 Q And at some point at 11:07 -- and this is on the</p> <p>15 third page of the exhibit, the screenshot on the left --</p> <p>16 at 11:07 you say, "Matt, can you send me a map with the</p> <p>17 member locations?"</p> <p>18 What did you -- What were you asking for there?</p> <p>19 A I was asking for Matt Bridges to produce a version</p> <p>20 of the Republican proposal that was shared up thread but</p> <p>21 that had our members' locations so that we could know</p> <p>22 which of our members would be displaced by this map.</p> <p>23 Q Okay. And on the last page of this exhibit, the</p> <p>24 very last page, you say at 11:09, "Heavily Latino</p> <p>25 precincts in Yakima proper split!"</p>	<p style="text-align: right;">Page 194</p> <p>1 What did you -- What were you referring to there in</p> <p>2 that message?</p> <p>3 A That the Republican proposal divided the heavily</p> <p>4 Latino precincts in the City of Yakima between the 14th</p> <p>5 and 15th Legislative Districts.</p> <p>6 Q And do you recall anything more about which</p> <p>7 precincts were split at this point?</p> <p>8 A I don't remember, no.</p> <p>9 Q Okay. Do you remember this map? Do you remember</p> <p>10 looking at this map, I should say.</p> <p>11 A Yes.</p> <p>12 MR. MULJI: Okay. I think this is a good</p> <p>13 time for a break.</p> <p>14 (Discussion off the record.)</p> <p>15 (Break 2:47 p.m. to 2:55 p.m.)</p> <p>16 MR. MULJI: I want to mark as Exhibit 15 a</p> <p>17 document labeled Y.</p> <p>18 MR. HUGHES: Do you have another copy for</p> <p>19 me?</p> <p>20 Q (By Mr. Mulji) So page 1 has holes at the top.</p> <p>21 A I'm sorry. Which is at the top?</p> <p>22 Q If you have the three-hole punch at the top, that's</p> <p>23 page 1.</p> <p>24 A Got it. Okay.</p> <p>25 MR. HUGHES: Is this a continuation of 13?</p>
<p style="text-align: right;">Page 195</p> <p>1 (Hall Exhibit No. 15 introduced.)</p> <p>2 Q (By Mr. Mulji) Do you recognize this to be a</p> <p>3 continuation of the Teams chat of the Senate Democratic</p> <p>4 Caucus team on November 15th and maybe going into</p> <p>5 November 16th?</p> <p>6 A Yes.</p> <p>7 Q Okay. I want to -- At 11:38 p.m. you asked, "If we</p> <p>8 can do a Q&A, can we ask the Rs about the Yakima Valley?"</p> <p>9 What were you asking there?</p> <p>10 A Throughout what I believe was described as a rolling</p> <p>11 meeting the commissioners were coming on camera at</p> <p>12 certain intervals, and they were supposed to be apprising</p> <p>13 the public of what they were negotiating over; and so they</p> <p>14 were having these stilted conversations about their</p> <p>15 positions on different elements of the map.</p> <p>16 And I was suggesting that if we continue with this</p> <p>17 exercise and if we have actual back-and-forth dialogue on</p> <p>18 camera, that one of the Democratic commissioners ask the</p> <p>19 Republican appointed commissioners about the Yakima</p> <p>20 Valley.</p> <p>21 Q Were you watching these public meetings as they were</p> <p>22 happening?</p> <p>23 A Yes.</p> <p>24 Q Did the commissioners apprise the public about what</p> <p>25 was happening during -- in the negotiations?</p>	<p style="text-align: right;">Page 196</p> <p>1 A I wouldn't characterize it that way.</p> <p>2 Q How would you characterize it?</p> <p>3 A They were coming on camera because they were facing</p> <p>4 pretty significant pressure from news organizations that</p> <p>5 they were conducting their business in private, so they</p> <p>6 would come on camera to have the pretense of a meeting and</p> <p>7 then go back off camera.</p> <p>8 Q During the pretense of a meeting was there any Q&A</p> <p>9 among commissioners?</p> <p>10 MR. HUGHES: Object to form.</p> <p>11 A No. My recollection would be that each one of them</p> <p>12 would sort of basically say, "We're making good progress,"</p> <p>13 and then sort of talk vaguely about a particular area of</p> <p>14 the map.</p> <p>15 Q (By Mr. Mulji) Was there any discussion of the</p> <p>16 district in the Yakima Valley?</p> <p>17 A Not that I remember.</p> <p>18 Q Did this Q&A that you suggested -- Well, do you know</p> <p>19 if any of the Democratic commissioners asked a question</p> <p>20 about the Yakima Valley during this meeting? Or I guess</p> <p>21 this series of meetings.</p> <p>22 A I don't remember.</p> <p>23 Q Okay. I guess I don't have any questions</p> <p>24 specifically about this necessarily, but can you just tell</p> <p>25 me how the vote happened as far as you understand it?</p>

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<p>1 MS. GOLDMAN: Objection, calls for 2 speculation, and lack of foundation. 3 Q (By Mr. Mulji) You can answer. 4 MR. HUGHES: And vague. 5 MS. GOLDMAN: And vague. I'm sorry, did 6 you say that? 7 MR. HUGHES: I did, yeah. 8 MS. GOLDMAN: I agree. 9 Q (By Mr. Mulji) I'll ask the question a little bit 10 more specifically. 11 Was there a vote by the Commission before midnight? 12 MS. GOLDMAN: Objection, calls for 13 speculation, lack of foundation. 14 Q (By Mr. Mulji) You can answer if you know. 15 MR. HUGHES: Also -- sorry -- I'm going to 16 object that that calls for a legal conclusion. 17 A The commissioners voted on something. I'm not sure 18 that the actual vote was recorded until after 12:01. 19 Q (By Mr. Mulji) You say they voted on something. 20 What is that something? 21 MS. GOLDMAN: Objection, calls for 22 speculation, lack of foundation. 23 MR. HUGHES: And calls for a legal 24 conclusion. 25 Q (By Mr. Mulji) You can answer.</p>	<p>1 A It was a couple of things, none of which were a map. 2 They had the responsibility to fill out a resolution 3 and to send certain -- transmit certain files to I believe 4 it was the secretary of the Senate and the House chief 5 clerk, but it was nothing resembling a finalized map. 6 Q Were you aware of what the Commission's obligations 7 were regarding transmittal of an approved map? 8 MS. GOLDMAN: Objection, calls for a legal 9 conclusion. 10 A Yes. 11 Q (By Mr. Mulji) And what were they? 12 MS. GOLDMAN: Same objection. 13 Q (By Mr. Mulji) You can answer. 14 A To transmit a map before midnight. 15 Q And what did that look -- Documentation-wise what 16 was that supposed to entail? 17 MS. GOLDMAN: Same objection. 18 A We had looked at what was transmitted ten years 19 prior. There was a document with a legal description. 20 There was an actual map. There was a resolution. There 21 were accompanying files. Most of those things were not 22 transmitted in the official communication from the 23 Commission to the Legislature. 24 Q (By Mr. Mulji) Were any of those things transmitted 25 before midnight?</p>
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<p>1 MS. GOLDMAN: Objection, calls for 2 speculation, and lack of foundation. 3 A I recall that the vote finished shortly after 4 midnight and that an email communication was sent to the 5 Legislature shortly thereafter, sometime between 12:00 6 midnight and 1:00 a.m., but several of those documents 7 were empty. 8 Q What do you mean by that? 9 A They sent incomplete documents. In addition to not 10 transmitting a map, they sent incomplete documents. 11 Q And sent incomplete documents in their sort of 12 official transmittal to -- Sent to whom? 13 Who were these sent to? 14 A The Commission was responsible for transmitting all 15 of these documents to the Legislature. They did not 16 transmit all the required documents, and some of the 17 documents that they did transmit were incomplete. 18 Q Okay. Is it typical in a meeting of the Commission 19 for materials to be shared prior to the meeting that 20 pertain to the meeting that the Commission is going to 21 have? 22 MS. GOLDMAN: Objection, vague, calls for 23 speculation, and lack of foundation. 24 A Can you rephrase the question? 25 Q (By Mr. Mulji) I'm talking about like public notice</p>	<p>1 requirements for public meetings. Are you familiar with 2 the notice requirements for public meetings in Washington 3 state? 4 MS. GOLDMAN: Objection to the degree it 5 calls for a legal conclusion. 6 A Yes. 7 Q (By Mr. Mulji) Did this meeting on November 15th 8 where the vote happened, did it comply with the notice 9 requirements of the OPMA, as far as you know? 10 MS. GOLDMAN: Objection, calls for a legal 11 conclusion. 12 A I'm not aware of any of the activities occurring 13 prior to 12:00 midnight happening inconsistent with the 14 requirements of the OPMA. 15 Q (By Mr. Mulji) Did the vote happen during a public 16 meeting? Were they -- What did that look like to you? 17 Were you watching the vote as it happened? 18 MS. GOLDMAN: Objection, compound times 19 three, calls for speculation, and lack of foundation. 20 MR. HUGHES: And calls for a legal 21 conclusion. 22 Q (By Mr. Mulji) I'll ask the last question that I 23 asked in my three-part question. 24 What did the vote look like as you were watching it? 25 A It was -- They came off -- There's basically a</p>

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<p>1 screen on the broadcast that says, you know, meeting not</p> <p>2 in session. They came off that. They came on screen.</p> <p>3 The commissioners were all present, and they quickly made</p> <p>4 the motion to adopt the proposal. They voted, and then</p> <p>5 they went off screen.</p> <p>6 Q Did anyone describe the proposal during that flash</p> <p>7 of a public meeting?</p> <p>8 MR. HUGHES: Object to form.</p> <p>9 A No.</p> <p>10 Q (By Mr. Mulji) Were you aware of what the proposal</p> <p>11 was that was being voted on as you were watching?</p> <p>12 A No.</p> <p>13 Q On the second Teams chat message here at 11:49</p> <p>14 Ali O'Neil says, "Now they're pushing us to vote without</p> <p>15 maps." And you go on to say, "Like are we transmitting --</p> <p>16 yes, we're most of the way there?" At 11:49, followed by</p> <p>17 a couple of messages in all caps, "NO! DO NOT DO THIS!"</p> <p>18 What was going on at 11:49 that you were sending</p> <p>19 all-caps messages?</p> <p>20 A That was in response to the comments from Ali O'Neil</p> <p>21 regarding the desire of the Speaker to have the Commission</p> <p>22 transmit the resolution by midnight, even if there weren't</p> <p>23 maps, as well as the fact that someone was pushing</p> <p>24 Commissioner Walkinshaw to vote without maps. I was</p> <p>25 telling Ali that this should not be done.</p>	<p>1 Q A couple followups. First you said the Speaker was</p> <p>2 pushing for transmittal.</p> <p>3 The Speaker, who is that?</p> <p>4 A So at the bottom of the column it says, "The Speaker</p> <p>5 wants to have the Commission transmit the resolution by</p> <p>6 midnight."</p> <p>7 Q Oh, I see. And who is the Speaker?</p> <p>8 A That would be Speaker Laurie Jenkins.</p> <p>9 Q Okay. Okay. And you said that someone was pushing</p> <p>10 Commissioner Walkinshaw to vote yes on that; is that</p> <p>11 right?</p> <p>12 A Ali says, "Now they're pushing us to vote without</p> <p>13 maps." So I assumed that that was in reference to other</p> <p>14 commissioners and staff pushing Commissioner Walkinshaw to</p> <p>15 vote without maps.</p> <p>16 Q Okay. I see. Thank you.</p> <p>17 And you watched the public meeting; right?</p> <p>18 A Yes.</p> <p>19 Q Do you know how Commissioner Walkinshaw voted?</p> <p>20 A Yes.</p> <p>21 Q How did he vote?</p> <p>22 A He voted to adopt the map.</p> <p>23 Q Or is it more accurate to say the proposal or</p> <p>24 whatever it was that was voted on?</p> <p>25 MR. HUGHES: Objection, leading.</p>
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<p>1 A He voted in favor of something.</p> <p>2 Q (By Mr. Mulji) Did you speak to Commissioner</p> <p>3 Walkinshaw prior to the vote on November 15th?</p> <p>4 MS. GOLDMAN: Objection, vague.</p> <p>5 A Can you reask the question?</p> <p>6 Q (By Mr. Mulji) Yes. Did you speak -- Did you and</p> <p>7 Commissioner Walkinshaw have a conversation on</p> <p>8 November 15th before midnight?</p> <p>9 A No.</p> <p>10 Q Did you speak to anyone else who did have a</p> <p>11 conversation with him that day prior to midnight?</p> <p>12 A Yes.</p> <p>13 Q Who was that?</p> <p>14 A Senate Majority Leader Andy Billig, State Senator</p> <p>15 Jamie Pedersen, Ali O'Neil.</p> <p>16 Q What did "Governor" Billig tell you, if anything,</p> <p>17 about his conversation with Commissioner Walkinshaw that</p> <p>18 day?</p> <p>19 A The Senate Majority Leader said that he had talked</p> <p>20 with Commissioner Walkinshaw. I don't recall going into</p> <p>21 details.</p> <p>22 Q What about Jamie Pedersen?</p> <p>23 A I believe he had a conversation with Commissioner</p> <p>24 Walkinshaw around what the options were available to him.</p> <p>25 This would have been not at 11:59 but maybe an hour or two</p>	<p>1 earlier.</p> <p>2 Q What do you mean by options that were available to</p> <p>3 him?</p> <p>4 A Voting yes, voting no, making a speech, not making a</p> <p>5 speech. You know, different rationales for not -- for</p> <p>6 voting or not voting for the map.</p> <p>7 Q Did Jamie Pedersen express to you his view on what</p> <p>8 Commissioner Walkinshaw should do?</p> <p>9 A I don't recall.</p> <p>10 Q Did he tell you what he told Commissioner</p> <p>11 Walkinshaw?</p> <p>12 A I don't recall.</p> <p>13 Q And what about Ali O'Neil, did you talk to her about</p> <p>14 her conversation with Brady prior to the vote?</p> <p>15 A Yes, but she told me about it after the fact.</p> <p>16 Q What did she tell you after the fact about that</p> <p>17 conversation?</p> <p>18 A That she gave him a bunch of reasons to either not</p> <p>19 vote or vote no, and he didn't take any of them.</p> <p>20 Q I want to ask you about something on this, on this</p> <p>21 was it Exhibit 15? The last chat.</p> <p>22 MS. GOLDMAN: Sixteen?</p> <p>23 MR. MULJI: Yes. Oh, I'm sorry, no.</p> <p>24 Fifteen.</p> <p>25 MS. GOLDMAN: Fifteen.</p>

The State objects to lines 204:13-19: hearsay. Ms. O'Neil is not a party-opponent. Nor is her alleged statement admissible under FRE 803(1) or (3) because, in Mr Hall's words, any statements came "after the fact."

Pls response: Not hearsay as opposing party statement; 803 exception as present sense impression; then-existing mental condition

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<p>1 MR. MULJI: Exhibit 15.</p> <p>2 MS. GOLDMAN: Okay.</p> <p>3 Q (By Mr. Mulji) The fourth screenshot, which is on</p> <p>4 the second page on the right side. I guess you're looking</p> <p>5 at it. But it's the chat, the screenshot that starts at</p> <p>6 11:52 and then 12:00 a.m. on November 16th.</p> <p>7 Ali O'Neil says, "Yes. It's a vote on the</p> <p>8 agreement. We are still reconciling the maps," at 12:01.</p> <p>9 Do you see that?</p> <p>10 A Yes.</p> <p>11 Q And you ask, "Is that Tera's view or the</p> <p>12 commissioner's view" at 12:12 a.m. See that?</p> <p>13 A Yes.</p> <p>14 Q What did you mean by this question?</p> <p>15 A It was unclear to me whether the Commission was</p> <p>16 acting on guidance from their attorney from the Attorney</p> <p>17 General's Office in taking a vote on a map that didn't</p> <p>18 exist.</p> <p>19 Q You say at 12:15 in this chat thread that, quote,</p> <p>20 "I've been asked to chase that down tomorrow," end quote.</p> <p>21 What did you mean by that?</p> <p>22 A By this point I think we were all trying to figure</p> <p>23 out what happened, and I think I had been delegated by</p> <p>24 either senior staff or members of Senate Democratic</p> <p>25 leadership to figure out legally what the heck had just</p>	<p>1 happened.</p> <p>2 Q Did you end up doing that?</p> <p>3 A I tried.</p> <p>4 Q What do you mean you tried?</p> <p>5 A I think it was very unclear what had transpired and</p> <p>6 whether it was legal for quite some time after the</p> <p>7 deadline had passed.</p> <p>8 Q Now, there was an OPMA lawsuit filed against the</p> <p>9 Commission; correct?</p> <p>10 A There were two.</p> <p>11 Q There were two. Can you -- Briefly, what were the</p> <p>12 two lawsuits about?</p> <p>13 A I believe they covered the same claim, which is that</p> <p>14 the Commission violated the Open Public Meetings Act in</p> <p>15 how it adopted a plan after the November 15th deadline.</p> <p>16 Q What was the outcome of those lawsuits?</p> <p>17 MS. GOLDMAN: Objection, calls for</p> <p>18 speculation, and lack of foundation.</p> <p>19 MR. HUGHES: Objection, calls for a legal</p> <p>20 conclusion.</p> <p>21 MR. MULJI: Scratch that.</p> <p>22 Q (By Mr. Mulji) Let me ask you a different question.</p> <p>23 Did you follow the course of these lawsuits as they were</p> <p>24 progressing in court?</p> <p>25 A Yes.</p>
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<p>1 Q Were you deposed? You weren't deposed in that case;</p> <p>2 correct?</p> <p>3 A No.</p> <p>4 Q Yes. And what do you understand was the outcome of</p> <p>5 those cases?</p> <p>6 MR. HUGHES: Objection, calls for a legal</p> <p>7 conclusion.</p> <p>8 A The commissioners were required to pay attorneys'</p> <p>9 fees, undergo some training on the Open Public Meetings</p> <p>10 Act, but the map was left in place.</p> <p>11 MR. MULJI: Okay. I want to mark as</p> <p>12 Exhibit 16 a document labeled ZA, and I will also mark as</p> <p>13 Exhibit 17 a document marked ZB or labeled ZB.</p> <p>14 MR. HUGHES: This is 16?</p> <p>15 MR. MULJI: Yes.</p> <p>16 THE WITNESS: Thank you.</p> <p>17 MS. GOLDMAN: Thank you.</p> <p>18 (Hall Exhibits No. 16 and 17 introduced.)</p> <p>19 Q (By Mr. Mulji) Okay. We've passed around</p> <p>20 Exhibits 16 and 17, and I believe they're coming in the</p> <p>21 chat.</p> <p>22 Have you seen Exhibit 16 before? That's the email.</p> <p>23 A Yes.</p> <p>24 Q What is it?</p> <p>25 A It is a briefing email that I sent to Senators</p>	<p>1 Pedersen and Billig upon the release of the settlement</p> <p>2 agreement in the lawsuit.</p> <p>3 Q And that was in the Open Public Meetings Act</p> <p>4 lawsuits we were talking about earlier?</p> <p>5 A Yes.</p> <p>6 Q You attach to this document a Consent Decree and</p> <p>7 Settlement or Consent Decree and Final Judgment in those</p> <p>8 cases; is that right?</p> <p>9 A Yes.</p> <p>10 Q Do you recognize Exhibit 17 to be that document?</p> <p>11 MR. HUGHES: I'm going to object to form</p> <p>12 only as far as this is not a signed document.</p> <p>13 A Yes.</p> <p>14 Q (By Mr. Mulji) And it isn't signed; correct?</p> <p>15 A The document in front of me is not signed on the</p> <p>16 last page.</p> <p>17 Q Where did you -- Where did you get this document,</p> <p>18 the Exhibit 17?</p> <p>19 MS. GOLDMAN: You just handed it to him.</p> <p>20 MR. MULJI: Thank you, Counsel.</p> <p>21 Q (By Mr. Mulji) Where did you obtain the copy of the</p> <p>22 Consent Decree and Final Judgment that you shared by email</p> <p>23 with Senators Pedersen and Billig?</p> <p>24 A I don't remember.</p> <p>25 Q Okay. I think maybe the -- Maybe the first</p>

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<p style="text-align: right;">Page 209</p> <p>1 paragraph of your email clarifies, but I'm not sure, which</p> <p>2 is why I'm asking.</p> <p>3 It says, "The terms of the Consent Decree and</p> <p>4 Settlement were not made public during the meeting, as the</p> <p>5 document was not finalized at the time of the meeting</p> <p>6 (this may sound familiar), but were leaked to the press</p> <p>7 afterward, attached above."</p> <p>8 Is this the leaked copy of the Consent Decree and</p> <p>9 Judgment?</p> <p>10 A Yes.</p> <p>11 Q And have you reviewed the Consent Decree and</p> <p>12 Judgment? Not now, but at some point in time?</p> <p>13 A Yes.</p> <p>14 Q When you sent this to the Commissioner -- or I'm</p> <p>15 sorry, to Senators Pedersen and Billig, did you feel that</p> <p>16 the Findings of Fact in this Consent Decree were accurate?</p> <p>17 Do you have a recollection of a position on the</p> <p>18 accuracy of this?</p> <p>19 MS. GOLDMAN: Objection to the degree it</p> <p>20 calls for a legal conclusion.</p> <p>21 A Could you be more specific?</p> <p>22 Q (By Mr. Mulji) Yeah. Did you have a position at</p> <p>23 the time when you shared it on whether the facts about</p> <p>24 what happened are accurate in this Consent Decree and</p> <p>25 Judgment?</p>	<p style="text-align: right;">Page 210</p> <p>1 MR. HUGHES: Objection, compound.</p> <p>2 MS. GOLDMAN: And calls for speculation,</p> <p>3 and lack of foundation.</p> <p>4 Q (By Mr. Mulji) You can answer.</p> <p>5 A Yes.</p> <p>6 Q I want to go back -- and I'm sorry for skipping</p> <p>7 around. I want to go back to the public meeting or</p> <p>8 meetings that were occurring on November 15th leading to</p> <p>9 the vote of the commissioners.</p> <p>10 Was there any opportunity for public comment during</p> <p>11 those Zoom meetings?</p> <p>12 A Not that I remember.</p> <p>13 Q Do you remember any member of the public providing</p> <p>14 public comment during those meetings?</p> <p>15 A No.</p> <p>16 Q What did the Commission do generally to solicit</p> <p>17 feedback from the public on the redistricting process or</p> <p>18 the proposed plans?</p> <p>19 MR. HUGHES: Objection, vague and compound.</p> <p>20 A Can you restate the question?</p> <p>21 Q (By Mr. Mulji) Yes. What did the Commission do</p> <p>22 generally to solicit feedback from the public on</p> <p>23 redistricting, redistricting of the Legislative Districts?</p> <p>24 MR. HUGHES: Objection, vague.</p> <p>25 A It developed an outreach plan in the early stages of</p>
<p style="text-align: right;">Page 211</p> <p>1 2021. It held a number of what were effectively virtual</p> <p>2 town halls with constituents from each region of the</p> <p>3 state, and it held open public comment at a number of its</p> <p>4 regularly scheduled meetings.</p> <p>5 Q (By Mr. Mulji) How did the Commission incorporate</p> <p>6 public comments into map proposals? Or actually how did</p> <p>7 the Senate Democratic Caucus team do that?</p> <p>8 MS. GOLDMAN: Objection, calls for</p> <p>9 speculation, and lack of foundation.</p> <p>10 A We developed a number of documents where we made</p> <p>11 notes of specific requests made by members of the public,</p> <p>12 and we also marked how frequently those requests were</p> <p>13 made.</p> <p>14 And in several instances where there was</p> <p>15 overwhelming public testimony for or against something</p> <p>16 that was not reflected in our most recent map proposal,</p> <p>17 that would be adjusted.</p> <p>18 Q (By Mr. Mulji) What was the thrust of the public</p> <p>19 commentary about the Legislative Districts in the Yakima</p> <p>20 Valley area?</p> <p>21 MS. GOLDMAN: Objection, vague.</p> <p>22 MR. HUGHES: And assumes facts not in</p> <p>23 evidence.</p> <p>24 A The testimony in public comment generally was in</p> <p>25 favor of drawing a performance district in the Yakima</p>	<p style="text-align: right;">Page 212</p> <p>1 Valley so that Latinos could elect a candidate of choice.</p> <p>2 It reflected that a similar change had been made in</p> <p>3 Yakima City Council Districts in the preceding years. And</p> <p>4 there was also a direct request by members of the public</p> <p>5 to comply with the federal Voting Rights Act or, as they</p> <p>6 would put it, draw a VRA district.</p> <p>7 Q (By Mr. Mulji) Is it your understanding that when we</p> <p>8 say Latino voters' candidates of choice that we're talking</p> <p>9 about the ethnic background of the candidates themselves?</p> <p>10 MS. GOLDMAN: Objection, vague.</p> <p>11 Q (By Mr. Mulji) Do you understand the question?</p> <p>12 A I understand the question.</p> <p>13 No.</p> <p>14 Q Okay. So a candidate that is the candidate of</p> <p>15 choice of the Latino community or Latino voters, that can</p> <p>16 be a candidate of any racial or ethnic group; correct?</p> <p>17 A Yes.</p> <p>18 Q Okay. I think -- Oh, actually, I'm sorry. One more</p> <p>19 thing.</p> <p>20 Were you involved at all in the selection of the</p> <p>21 Chair of the Commission?</p> <p>22 A I provided advice and feedback to Commissioner</p> <p>23 Walkinshaw, largely through Ali O'Neil, as different ideas</p> <p>24 were floated, but the commissioners zeroed in on the</p> <p>25 individual who was chosen to chair the Commission pretty</p>

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<p>1 early on.</p> <p>2 Q Was that Ms. Augustine, Sarah Augustine?</p> <p>3 A Yes.</p> <p>4 Q What do you think about -- What was in your view</p> <p>5 Ms. Augustine's role in the redistricting process?</p> <p>6 A What's the role of the Chair, or what did she view</p> <p>7 her role as?</p> <p>8 Q How did she perform her role, as far as you saw it?</p> <p>9 MS. GOLDMAN: Objection, vague, calls for</p> <p>10 speculation, and lack of foundation.</p> <p>11 A She was pretty hands on and wanted to establish a</p> <p>12 significant role for herself in the process and wanted to</p> <p>13 be seen as an equal to the other four voting -- to the</p> <p>14 four voting commissioners.</p> <p>15 Q (By Mr. Mulji) Did the commissioner -- or I'm</p> <p>16 sorry. Did Commissioner Augustine preside over public</p> <p>17 meetings of the Commission?</p> <p>18 A Yes.</p> <p>19 Q Did Commissioner Augustine set the agendas for these</p> <p>20 meetings?</p> <p>21 MS. GOLDMAN: Objection, calls for</p> <p>22 speculation, and lack of foundation.</p> <p>23 A Yes.</p> <p>24 Q (By Mr. Mulji) Does that include the final meeting</p> <p>25 on November 15th --</p>	<p>1 MS. GOLDMAN: Same objection.</p> <p>2 Q (By Mr. Mulji) -- when maps were adopted?</p> <p>3 MS. GOLDMAN: Same objection.</p> <p>4 A I don't know.</p> <p>5 MR. MULJI: Okay. I think that's it. I</p> <p>6 think I'm done with my questioning. Thank you.</p> <p>7 MR. HUGHES: All right. Adam, do you want</p> <p>8 a break, or do you want to just get right into it?</p> <p>9 THE WITNESS: Are we doing two more rounds</p> <p>10 of questions or one?</p> <p>11 MR. HUGHES: Two, but you can take as many</p> <p>12 breaks as you want whenever you want.</p> <p>13 THE WITNESS: Five minutes?</p> <p>14 MR. HUGHES: Of course. Can we go off the</p> <p>15 record?</p> <p>16 (Break 3:26 p.m. to 3:33 p.m.)</p> <p>17 E X A M I N A T I O N</p> <p>18 BY MR. HUGHES:</p> <p>19 Q So Adam, to start, we know each other socially;</p> <p>20 correct?</p> <p>21 A Yes.</p> <p>22 Q And over the past month or so have we had occasion</p> <p>23 to remark upon the fact that you're being deposed in this</p> <p>24 case?</p> <p>25 A Yes.</p>
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<p>1 Q We never discussed the content of your deposition;</p> <p>2 right?</p> <p>3 A Correct.</p> <p>4 Q I haven't shared any of my questions with you, have</p> <p>5 I?</p> <p>6 A No.</p> <p>7 Q Okay. With that out of the way --</p> <p>8 As far as you recall, when did the issue of a</p> <p>9 majority Hispanic district in the Yakima Valley first</p> <p>10 arise for you?</p> <p>11 A When I accepted my current job with the caucus in</p> <p>12 November of 2013 I assumed the portfolio over voting</p> <p>13 rights and elections, which meant that I had occasion to</p> <p>14 have a number of conversations with colleagues, with</p> <p>15 legislators, with stakeholders about redistricting; and</p> <p>16 one of the things that came up from that past cycle was</p> <p>17 how the districts were drawn in the Yakima Valley in 2011.</p> <p>18 Q So you have known since long before Dr. Barreto's</p> <p>19 report in this case that there may be a need to create a</p> <p>20 majority Hispanic district in the Yakima Valley?</p> <p>21 A Yes.</p> <p>22 Q And let me -- Let me clarify that last question.</p> <p>23 When I say a majority Hispanic district I meant a majority</p> <p>24 Hispanic CVAP district.</p> <p>25 Does that change your answer?</p>	<p>1 A No.</p> <p>2 Q And going forward I'm going to try to say majority</p> <p>3 Hispanic CVAP district, but if I slip, understand that I'm</p> <p>4 always talking about CVAP here. Okay?</p> <p>5 Do we agree on that?</p> <p>6 A Yes.</p> <p>7 Q Okay. Perfect.</p> <p>8 You've talked about a lot of things today that have</p> <p>9 gone into that conclusion about the need to create a</p> <p>10 majority Hispanic CVAP district in the Yakima Valley, but</p> <p>11 just for the clarity of the record I want to try and put</p> <p>12 them all in sort of one place.</p> <p>13 So can you briefly list out the things or the</p> <p>14 communications that went into your thinking about the need</p> <p>15 to create a majority Hispanic CVAP district in the Yakima</p> <p>16 Valley?</p> <p>17 MS. GOLDMAN: Objection, vague.</p> <p>18 A Can you restate that question? Specifically the</p> <p>19 timing of that.</p> <p>20 Q (By Mr. Hughes) Yeah. So from when you first took</p> <p>21 this job -- Well, strike that.</p> <p>22 I'm trying to get a sense of what you based your</p> <p>23 belief on that the Commission would need to create a</p> <p>24 majority Hispanic CVAP district in the Yakima Valley. So</p> <p>25 can you walk me through the things that went into your</p>

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<p>1 conclusion there?</p> <p>2 A I think that there were two issues for myself and</p> <p>3 the members of my team. The first was whether we were</p> <p>4 required to draw a map under the Federal Act, and the</p> <p>5 second was what the public testimony was reflecting in</p> <p>6 terms of the wishes of state and local advocates and local</p> <p>7 community members with regards to how the boundaries were</p> <p>8 drawn in the Yakima Valley.</p> <p>9 Q Okay. And as for the first part of that, whether</p> <p>10 you would need to create a majority Hispanic CVAP district</p> <p>11 in the Yakima Valley, was that conclusion informed by your</p> <p>12 reading, your understanding of the Montes v. Yakima case?</p> <p>13 A Yes.</p> <p>14 Q Was it informed by any other case law that you read?</p> <p>15 A Yes.</p> <p>16 Q Which cases, if you remember?</p> <p>17 A In the run-up to the redistricting process before we</p> <p>18 had appointed a commissioner I was doing a general review</p> <p>19 of voting rights. There's a slide deck on the Department</p> <p>20 of Justice's website which is like an intro to Voting</p> <p>21 Rights Act requirements in redistricting, as well as</p> <p>22 review of the major cases that have been handed down by</p> <p>23 the U.S. Supreme Court since the 1970s.</p> <p>24 Q And you mentioned that a case called Glatt v. Pasco;</p> <p>25 do you recall that? I can ask it a different way.</p>	<p>1 You mentioned a VRA case involving the City of</p> <p>2 Pasco; correct?</p> <p>3 A A state VRA, or was it -- No, it was a federal case.</p> <p>4 Yes.</p> <p>5 Q And did the fact that there was a VRA litigation</p> <p>6 involving the City of Pasco factor into your conclusion</p> <p>7 about the need to create a majority Hispanic CVAP district</p> <p>8 in the Yakima Valley?</p> <p>9 MS. GOLDMAN: Objection to the degree it</p> <p>10 calls for a legal conclusion.</p> <p>11 A I was aware of the lawsuit. It was not clear to me</p> <p>12 at the time the implications it would have for specific</p> <p>13 districts being drawn in the Yakima Valley.</p> <p>14 Q (By Mr. Hughes) You mentioned speaking with Yurij</p> <p>15 Rudensky at the Brennan Center. Did your conversations</p> <p>16 with Mr. Rudensky inform your conclusion about the need to</p> <p>17 create a majority Hispanic CVAP district in the Yakima</p> <p>18 Valley?</p> <p>19 MS. GOLDMAN: Objection to the degree it</p> <p>20 calls for a legal conclusion.</p> <p>21 A Yurij stressed to me that the important</p> <p>22 consideration was whether or not the district performed,</p> <p>23 not whether it was majority CVAP.</p> <p>24 Q (By Mr. Hughes) Nonetheless, did communications with</p> <p>25 Yurij Rudensky inform your understanding of the VRA</p>
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<p>1 requirements as applied to the Yakima Valley?</p> <p>2 MS. GOLDMAN: Same objection.</p> <p>3 A Yes.</p> <p>4 Q (By Mr. Hughes) Did Dr. Barreto's analysis in this</p> <p>5 case inform your understanding about the need to create a</p> <p>6 majority Hispanic CVAP district in the Yakima Valley?</p> <p>7 MS. GOLDMAN: Same objection.</p> <p>8 A Yes.</p> <p>9 Q (By Mr. Hughes) Did communications with Abha Khanna</p> <p>10 inform your understanding about the need to create a</p> <p>11 majority Hispanic CVAP district in the Yakima Valley?</p> <p>12 MS. GOLDMAN: Same objection.</p> <p>13 A Yes.</p> <p>14 Q (By Mr. Hughes) Aside from the communications that</p> <p>15 we just discussed, was there anything else as you sit here</p> <p>16 today that you can recall informing your conclusion about</p> <p>17 the need to create a majority Hispanic CVAP district in</p> <p>18 the Yakima Valley?</p> <p>19 MS. GOLDMAN: Same objection.</p> <p>20 A Yes. I had at least one and probably closer to</p> <p>21 three or four conversations with Noah Purcell about</p> <p>22 compliance with the federal Voting Rights Act between</p> <p>23 November, 2013 and January, 2021.</p> <p>24 Q (By Mr. Hughes) Anything else?</p> <p>25 A I would say -- Did we already talk about sort of my</p>	<p>1 own independent research and review of case law?</p> <p>2 Q I believe you made reference to that, yeah.</p> <p>3 A I think that's it then.</p> <p>4 Q And you communicated that to Commissioner</p> <p>5 Walkinshaw, your view of what the VRA required here?</p> <p>6 A Yes.</p> <p>7 Q You mentioned that you conveyed that understanding</p> <p>8 many times; do you recall that?</p> <p>9 A Yes.</p> <p>10 Q Did you convey that understanding to any other</p> <p>11 commissioners?</p> <p>12 A Yes.</p> <p>13 Q Which other commissioners?</p> <p>14 A April Sims.</p> <p>15 Q Did you ever speak -- Strike that.</p> <p>16 Did you convey that understanding to Commissioner</p> <p>17 Graves?</p> <p>18 A Not directly. I don't know what Commissioner</p> <p>19 Walkinshaw said to Commissioner Graves.</p> <p>20 Q Did you convey that understanding to Commissioner</p> <p>21 Fain?</p> <p>22 A Again, not directly. And I don't know what</p> <p>23 Commissioner Walkinshaw said to Commissioner Fain about</p> <p>24 what I had provided.</p> <p>25 Q Did you ever speak to Commissioner Graves throughout</p>

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<p style="text-align: right;">Page 221</p> <p>1 this process?</p> <p>2 A No.</p> <p>3 Q Did you ever speak to Commissioner Fain throughout</p> <p>4 this process?</p> <p>5 A No.</p> <p>6 Q The commission was tasked with drawing both</p> <p>7 legislative and congressional maps; correct?</p> <p>8 A Yes.</p> <p>9 Q And is it fair to say that early in the process the</p> <p>10 commissioners agreed that Commissioners Walkinshaw and</p> <p>11 Fain were primarily responsible for the congressional</p> <p>12 maps?</p> <p>13 A No.</p> <p>14 Q What's wrong about that?</p> <p>15 A Staff continued to work on legislative proposals up</p> <p>16 until the final day or days of the redistricting process</p> <p>17 prior to the deadline. We were not privy to any</p> <p>18 conversations or deals the commissioners had made with</p> <p>19 regard to who draws what when.</p> <p>20 And we were under the impression that as staff we</p> <p>21 were still working to staff Commissioner Walkinshaw with</p> <p>22 regard to the legislative proposals. It was only until</p> <p>23 after the deadline that I discovered that there had been</p> <p>24 more formal decisions to divide the workload.</p> <p>25 Q So there was a decision to divide the workload;</p>	<p style="text-align: right;">Page 222</p> <p>1 correct?</p> <p>2 A That --</p> <p>3 MS. GOLDMAN: Objection, calls for</p> <p>4 speculation, and lack of foundation.</p> <p>5 Q (By Mr. Hughes) Sorry. I'm just trying to</p> <p>6 understand the testimony you just gave.</p> <p>7 Was there a decision, whether you learned about it</p> <p>8 after the fact or before the fact, to divide the workload</p> <p>9 among the commissioners?</p> <p>10 MS. GOLDMAN: Same objection.</p> <p>11 A I've read court materials and coverage after the</p> <p>12 deadline that reflects a division of labor that was not</p> <p>13 reflected in the work the staff was doing.</p> <p>14 Q (By Mr. Hughes) Understood. Do you have any</p> <p>15 reason -- Strike that.</p> <p>16 And what was the division of labor that you read</p> <p>17 about after the fact?</p> <p>18 A That the legislative map drawing would be done by</p> <p>19 Commissioners Sims and Graves, and that Commissioners Fain</p> <p>20 and Walkinshaw would work on the congressional map.</p> <p>21 Q Okay. So at least based on this after-the-fact</p> <p>22 reporting you developed an understanding that</p> <p>23 Commissioner Walkinshaw was primarily responsible for the</p> <p>24 congressional maps?</p> <p>25 MS. GOLDMAN: Objection, calls for</p>
<p style="text-align: right;">Page 223</p> <p>1 speculation, and lack of foundation.</p> <p>2 A That's what I read.</p> <p>3 Q (By Mr. Hughes) Okay. I'd like to take a look at</p> <p>4 Exhibit 1 pretty quickly. And I'd like to point you to</p> <p>5 the fourth bullet point, and in particular the very last</p> <p>6 sentence, the fourth bullet point.</p> <p>7 Do you recall Aseem asking you about this this</p> <p>8 morning?</p> <p>9 A Yes.</p> <p>10 Q And you write here, "Since Latino voter turnout in</p> <p>11 the region has been historically low, these proposal give</p> <p>12 the appearance of meeting this requirements but actually</p> <p>13 fails to provide" -- and I'm not going to read the rest of</p> <p>14 it. I want to focus on the first part of that, "Since</p> <p>15 Latino voter turnout in the region has been historically</p> <p>16 low."</p> <p>17 My understanding is that voter turnout is lower</p> <p>18 across the board in midterm elections.</p> <p>19 Is that your understanding?</p> <p>20 A That's not what I'm referring to in this email.</p> <p>21 Q Right, but that's what I'm asking you. Is voter</p> <p>22 turnout lower across the board in midterm elections?</p> <p>23 A It can vary, but yes, on the whole that's true.</p> <p>24 Q But it's your understanding that Hispanic voter</p> <p>25 turnout declines more sharply in midterm elections than</p>	<p style="text-align: right;">Page 224</p> <p>1 does White turnout?</p> <p>2 A Yes.</p> <p>3 Q And what research did you do on this question?</p> <p>4 A This is evidenced in voter turnout rates between the</p> <p>5 two Senate seats that are up in alternate cycles, one</p> <p>6 being up in midterms, one being up in the presidential</p> <p>7 election.</p> <p>8 It's based on house races and relative turnout for</p> <p>9 those same seats in a midterm election versus a general --</p> <p>10 general election. It's based on incredibly low turnout</p> <p>11 amongst Latino voters in municipal elections. And I</p> <p>12 believe all of these things have been addressed in past</p> <p>13 research that's been done both within the state of</p> <p>14 Washington and nationally in identifying challenges with</p> <p>15 regards to Latino turnout in elections.</p> <p>16 Q So when you're talking about comparing election</p> <p>17 turnout are you looking at Secretary of State data to make</p> <p>18 that conclusion?</p> <p>19 A That's one of the places I looked, yes.</p> <p>20 Q So let's start there. Does Secretary of State data</p> <p>21 distinguish voter turnout by race or ethnicity?</p> <p>22 A No, I believe it does it by precinct.</p> <p>23 Q Okay. So you're making inferences based on</p> <p>24 precincts; is that what you're saying?</p> <p>25 A Yes.</p>

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<p>1 Q And is this in sort of a formalized fashion, or is</p> <p>2 this, for lack of a better term, sort of back of the</p> <p>3 envelope inferencing?</p> <p>4 A I believe that research has been done that's -- Let</p> <p>5 me start over.</p> <p>6 There's been research done on this subject. This</p> <p>7 isn't -- These comments aren't based on my own review of</p> <p>8 the Secretary of State's website.</p> <p>9 Q Okay. When you say there's been research on this</p> <p>10 subject, is this research focused on the Yakima Valley, to</p> <p>11 the best of your knowledge?</p> <p>12 A Yes.</p> <p>13 Q And can you point me to where this research is?</p> <p>14 A I would direct you to Dr. Matt Barreto who has</p> <p>15 written about this, both in his tenure at the University</p> <p>16 of Washington and UCLA, as well as the turnout figures for</p> <p>17 the 14th and 15th Legislative Districts that are available</p> <p>18 on the Secretary of State's website.</p> <p>19 Q Did you share any of this research with Commissioner</p> <p>20 Walkinshaw?</p> <p>21 A I summarized it for him.</p> <p>22 Q Okay. Is there a communication somewhere in your</p> <p>23 email that we can see you summarizing this research for</p> <p>24 him?</p> <p>25 A I don't know.</p>	<p>1 Q Okay. You mentioned that you were relying on CVAP</p> <p>2 data from the 2019 American Community Survey; correct?</p> <p>3 MS. GOLDMAN: Objection, misstates the</p> <p>4 testimony.</p> <p>5 A Yeah, I don't remember whether it was CVAP 2020 or</p> <p>6 CVAP 2019.</p> <p>7 Q (By Mr. Hughes) Understood. As -- Well, I can -- We</p> <p>8 can solve this problem, I think.</p> <p>9 Is it your understanding that the map that was voted</p> <p>10 on was 50.0 something percent Hispanic CVAP in LD 15?</p> <p>11 A Yes.</p> <p>12 Q Okay. So I'm going to pull up a map here for you.</p> <p>13 It's going to take just a minute. And let me share screen</p> <p>14 with you, if I can.</p> <p>15 (Map displayed.)</p> <p>16 Q All right. Are you looking at the map right now,</p> <p>17 Adam?</p> <p>18 A Yes.</p> <p>19 Q Okay. And I am going to come over to the right side</p> <p>20 here, and I'm going to do some magic. I'm going to turn on</p> <p>21 CVAP 2019. I'm going to turn on CVAP 2020.</p> <p>22 Okay. And I'm holding the cursor over 15. Do you</p> <p>23 see that?</p> <p>24 A Yes.</p> <p>25 Q What is the citizen VAP 2019 for LD 15 for this?</p>
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<p>1 Let me ask a better question. What is the 2019</p> <p>2 Hispanic CVAP for this district?</p> <p>3 A 50.0.</p> <p>4 Q And what is the 2022 Hispanic CVAP for this</p> <p>5 district?</p> <p>6 MS. GOLDMAN: 2022?</p> <p>7 Q (By Mr. Hughes) Sorry. 2020 Hispanic CVAP for this</p> <p>8 district.</p> <p>9 A 51.5.</p> <p>10 Q Does that refresh your recollection as to which year</p> <p>11 CVAP you were looking at when you were evaluating these</p> <p>12 districts?</p> <p>13 A Yes.</p> <p>14 Q And what is that refreshed recollection? Which year</p> <p>15 were you looking at?</p> <p>16 A I believe we were looking at 2019.</p> <p>17 Q Okay. And as of 2021 when the commissioners were</p> <p>18 working on these maps, were you aware that the 2019</p> <p>19 CVAP -- 2019 ACS survey undercounted Hispanic CVAP?</p> <p>20 A I -- If that's in reference to 2020 census data, I</p> <p>21 don't believe that I was aware of that at the time. I</p> <p>22 believe I saw a reporting of that later.</p> <p>23 Q Let's pull out Exhibit 5. Do you still have that?</p> <p>24 It's the Barreto report, if that helps.</p> <p>25 And you said you read this report; correct?</p>	<p>1 A Yes.</p> <p>2 Q Can I ask you to go to slide 37? And do you see</p> <p>3 slide 37 is titled, "Evaluating Different Maps"?</p> <p>4 A Yes.</p> <p>5 Q And do you see the second column is Latino CVAP '19?</p> <p>6 A Yes.</p> <p>7 Q And the third column is Latino CVAP now?</p> <p>8 A Yes.</p> <p>9 Q And do you see the Latino CVAP now column is about</p> <p>10 one and a half to two and a half points higher in general</p> <p>11 than the Latino CVAP '19?</p> <p>12 A Yes.</p> <p>13 Q So fair to say that Matt Barreto had concluded and</p> <p>14 was communicating that Latino CVAP now was higher than the</p> <p>15 2019 ACS CVAP you were looking at?</p> <p>16 A I don't know that, actually.</p> <p>17 Q Why not?</p> <p>18 A The -- Any -- There were no CVAP numbers available</p> <p>19 in Dave's Redistricting App for the duration of the time</p> <p>20 that we were drawing the first round map that this is</p> <p>21 referring to.</p> <p>22 So while I don't dispute any of the figures in this</p> <p>23 chart, I would just caution against making any conclusions</p> <p>24 based on the CVAP numbers on the maps that we drew without</p> <p>25 that information.</p>

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<p>1 Q Understood. I think my question is a little bit</p> <p>2 different, though.</p> <p>3 Matt Barreto here is saying that current CVAP, at</p> <p>4 least as of the time of this report, is higher than the</p> <p>5 '19 Hispanic CVAP; correct?</p> <p>6 A Yes.</p> <p>7 Q And this is information that was communicated to the</p> <p>8 commissioners; correct?</p> <p>9 A Which commissioners?</p> <p>10 Q To commissioners who saw this report; correct?</p> <p>11 MS. GOLDMAN: Objection, vague.</p> <p>12 A Yes, this information was shared with Commissioner</p> <p>13 Walkinshaw and Commissioner Sims.</p> <p>14 Q (By Mr. Hughes) And this report was also shared with</p> <p>15 Commissioners Fain and Graves; correct?</p> <p>16 A I don't know that.</p> <p>17 Q All right. Well, we need to solve that riddle here.</p> <p>18 Thinking back to the map that we just looked at, do</p> <p>19 you recall that the 2020 CVAP was 51.5 percent?</p> <p>20 A Yes.</p> <p>21 Q So the CVAP was about one and a half points higher</p> <p>22 in 2020 than the 2019 numbers?</p> <p>23 A Yes.</p> <p>24 Q Okay. You talked a lot about whether the VRA -- and</p> <p>25 when I say you talked a lot, this morning and early</p>	<p>1 afternoon -- you spoke about whether the VRA required the</p> <p>2 creation of a district that empowers Hispanic voters to</p> <p>3 elect their candidates of choice; do you recall that?</p> <p>4 A Yes.</p> <p>5 Q Dr. Barreto didn't do any analysis of whether</p> <p>6 Hispanic-preferred candidates would likely succeed in</p> <p>7 LD 15 as drawn, did he?</p> <p>8 A As drawn by who?</p> <p>9 Q As approved by the Commission.</p> <p>10 A I don't know.</p> <p>11 Q You haven't seen any such analysis?</p> <p>12 A I shared versions of 15th LD maps that were very</p> <p>13 similar to the final adopted map. I do not know if they</p> <p>14 were identical or not, but they were shared with him prior</p> <p>15 to the deadline; and I did receive feedback from him about</p> <p>16 whether or not they would comply with the federal Voting</p> <p>17 Rights Act.</p> <p>18 Q Did you receive feedback from him -- Well, let me</p> <p>19 ask this differently.</p> <p>20 Do you know whether he conducted a performance</p> <p>21 analysis of any of those maps?</p> <p>22 MS. GOLDMAN: Objection, calls for</p> <p>23 speculation, and lack of foundation.</p> <p>24 Q (By Mr. Hughes) Let me ask a better question. Did</p> <p>25 he share with you any performance analyses of any of those</p>
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<p>1 maps that you sent him?</p> <p>2 A No. I recall him summarizing his analysis of those</p> <p>3 maps.</p> <p>4 Q Did he perform, as far as you know, any</p> <p>5 reconstituted election analyses of any of those maps?</p> <p>6 A I don't know.</p> <p>7 Q Have you seen any of the expert reports in this</p> <p>8 case?</p> <p>9 A I'm sorry. Can you restate that question?</p> <p>10 Q Have you seen any of the expert reports from the</p> <p>11 experts retained in this case?</p> <p>12 A I'm not sure I know who all the experts are in this</p> <p>13 case.</p> <p>14 Q Should I take that as a no?</p> <p>15 MS. GOLDMAN: Objection, asked and</p> <p>16 answered.</p> <p>17 Q (By Mr. Hughes) Have you seen -- Go ahead.</p> <p>18 A I'm not sure what you're referring to.</p> <p>19 Q Have you seen an expert report from Dr. Loren</p> <p>20 Collingwood filed in this case?</p> <p>21 A No.</p> <p>22 Q Have you seen an expert report from Dr. John Alford</p> <p>23 filed in this case?</p> <p>24 A No.</p> <p>25 Q Have you seen an expert report from Dr. Mark Owens</p>	<p>1 filed in this case?</p> <p>2 A No.</p> <p>3 Q So safe to say you don't know what any of the</p> <p>4 retained experts in this case have concluded about the</p> <p>5 performance of LD 15?</p> <p>6 A I'm not aware.</p> <p>7 Q Okay. Earlier you mentioned that the House</p> <p>8 Democratic Caucus didn't want to hire Matt Barreto because</p> <p>9 they didn't want to split the cost; is that correct?</p> <p>10 A They didn't want to split the cost. I'm not sure</p> <p>11 that that was the reason why they didn't want to hire him.</p> <p>12 Q That was what your testimony was, that they didn't</p> <p>13 want to hire him because they didn't want to split the</p> <p>14 cost; correct?</p> <p>15 MS. GOLDMAN: Objection, asked and</p> <p>16 answered.</p> <p>17 MR. MULJI: Object to form.</p> <p>18 MS. GOLDMAN: Argumentative.</p> <p>19 A The conversation I had with my counterparts over in</p> <p>20 the House was about whether or not they wanted to split</p> <p>21 the cost of hiring Matt Barreto.</p> <p>22 Q (By Mr. Hughes) Do you remember what Dr. Barreto</p> <p>23 ultimately charged the Senate Democratic Caucus?</p> <p>24 A I wasn't responsible for that. I have what's in my</p> <p>25 emails, which is what he quoted my boss, Paulette Avalos,</p>

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<p>1 --</p> <p>2 Q And what was that --</p> <p>3 A -- for his costs.</p> <p>4 Q Sorry. What was that, if you recall?</p> <p>5 A I believe it was \$75,000.</p> <p>6 Q And I'll represent that's my recollection as well.</p> <p>7 That's a pretty significant cost; correct?</p> <p>8 MR. MULJI: Object to form.</p> <p>9 MS. GOLDMAN: Join.</p> <p>10 A I don't know what the going rate is for VRA</p> <p>11 analysis.</p> <p>12 Q (By Mr. Hughes) Could you hire a new staffer for</p> <p>13 \$75,000?</p> <p>14 MR. MULJI: Object to form.</p> <p>15 MS. GOLDMAN: Objection, calls for</p> <p>16 speculation, and lack of foundation. And vague.</p> <p>17 A I don't know what it costs to hire a new person in</p> <p>18 the Senate.</p> <p>19 Q (By Mr. Hughes) And for those \$75,000 you got a</p> <p>20 slide deck and a few email consultations from Dr. Barreto;</p> <p>21 is that right?</p> <p>22 MR. MULJI: Objection, misstates prior</p> <p>23 testimony, and object to form.</p> <p>24 A Can you restate the question?</p> <p>25 Q (By Mr. Hughes) And for those \$75,000 you got a</p>	<p>1 slide deck, maybe a few phone calls -- to be fair,</p> <p>2 Aseem -- and a couple of email consultations with</p> <p>3 Dr. Barreto?</p> <p>4 MR. MULJI: Same objection, and</p> <p>5 argumentative.</p> <p>6 MS. GOLDMAN: And asked and answered.</p> <p>7 A We believe that he performed the terms of his</p> <p>8 contract.</p> <p>9 Q (By Mr. Hughes) Whether they shared the cost or not,</p> <p>10 the House Democratic Caucus did receive the benefit of</p> <p>11 Dr. Barreto's analysis at essentially the same time as the</p> <p>12 Senate Democratic Caucus; correct?</p> <p>13 A Yes.</p> <p>14 Q Did you ever provide Dr. Barreto any nonpublic</p> <p>15 information about the committee's -- Strike that.</p> <p>16 Did you ever provide Dr. Barreto any nonpublic</p> <p>17 information about the Commission's negotiations?</p> <p>18 MR. MULJI: Object to form.</p> <p>19 A I shared with him the updates on negotiations to</p> <p>20 receive his analysis of potential map proposals.</p> <p>21 Q (By Mr. Hughes) And were those updates publicly</p> <p>22 known information, or was that information that you had by</p> <p>23 virtue of your position?</p> <p>24 MS. GOLDMAN: Objection, compound.</p> <p>25 A I was sharing them on behalf of the Senate</p>
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<p>1 Democratic Caucus and the Commissioner.</p> <p>2 Q (By Mr. Hughes) Understood. Was that publicly known</p> <p>3 information that you were sharing with Dr. Barreto?</p> <p>4 A No.</p> <p>5 Q Did you share with Dr. Barreto maps that had not</p> <p>6 been publicly released?</p> <p>7 A Yes.</p> <p>8 Q Did you share with Dr. Barreto any other information</p> <p>9 that had not been publicly released?</p> <p>10 A I don't know. Can you restate the question?</p> <p>11 Q Did you share with Dr. Barreto any other public</p> <p>12 information that had not been publicly released?</p> <p>13 MR. MULJI: Object to form.</p> <p>14 MR. HUGHES: Did I screw that question up?</p> <p>15 MR. MULJI: Yes.</p> <p>16 MR. HUGHES: Okay. I appreciate your</p> <p>17 honesty.</p> <p>18 Q (By Mr. Hughes) Other than maps and information</p> <p>19 about negotiations did you share with Dr. Barreto any</p> <p>20 other information that had not been publicly released?</p> <p>21 A I don't know.</p> <p>22 Q Dr. Barreto works for the UCLA Voting Rights</p> <p>23 Project; correct?</p> <p>24 A Yes.</p> <p>25 Q Did you discuss whether information that you shared</p>	<p>1 with Dr. Barreto could be used in a potential lawsuit</p> <p>2 brought by the UCLA Voting Rights Project?</p> <p>3 A Yes.</p> <p>4 Q And how did those discussions go?</p> <p>5 A When first meeting with Dr. Barreto we discussed</p> <p>6 that he had been in contact with individuals from</p> <p>7 Washington state, and said that if we proceeded in a</p> <p>8 contract with him that he would effectively create a wall</p> <p>9 between conversations that he had with them and</p> <p>10 conversations that he would have with us, with the</p> <p>11 understanding that he would not be sharing with them any of</p> <p>12 the conversations that we had with him.</p> <p>13 Q Was that important to you in contracting with</p> <p>14 Dr. Barreto?</p> <p>15 A Yes.</p> <p>16 Q You mentioned speaking with Chad Dunn with the UCLA</p> <p>17 Voting Rights Project; correct?</p> <p>18 A Yes.</p> <p>19 Q Did you have a similar agreement with Mr. Dunn?</p> <p>20 A I don't remember if he's a party to the contract.</p> <p>21 Q Was Mr. Dunn on a conference -- on a call with you</p> <p>22 and Dr. Barreto in the day or days immediately prior to</p> <p>23 the November 15th deadline?</p> <p>24 A Yes.</p> <p>25 Q Did you understand that call to be under the code of</p>

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<p style="text-align: right;">Page 237</p> <p>1 silence you had or under the screen that you had</p> <p>2 negotiated with Dr. Barreto?</p> <p>3 A Can you restate the question?</p> <p>4 Q I appreciate that. I can do it better, I think, on</p> <p>5 try two.</p> <p>6 Did you understand that that conversation with you</p> <p>7 and Dr. Barreto and Chad Dunn and Commissioner Walkinshaw</p> <p>8 was subject to the screen that you had negotiated with</p> <p>9 Dr. Barreto?</p> <p>10 A Yes.</p> <p>11 Q So if somewhere you used -- Strike that.</p> <p>12 Other than -- In the course of that call did you</p> <p>13 provide Mr. Dunn with any non-public information about the</p> <p>14 commissioners' negotiations?</p> <p>15 A I don't recall.</p> <p>16 Q Did you have any other communications with Mr. Dunn</p> <p>17 over the course of your work with the UCLA Voting Rights</p> <p>18 Project?</p> <p>19 A I don't remember.</p> <p>20 Q Did you ever discuss whether information that you</p> <p>21 shared with Mr. Dunn could be used in a potential lawsuit?</p> <p>22 MS. GOLDMAN: Objection, asked and</p> <p>23 answered.</p> <p>24 A Can you restate the question, please?</p> <p>25 Q (By Mr. Hughes) Did you ever discuss whether</p>	<p style="text-align: right;">Page 238</p> <p>1 information that you shared with Mr. Dunn could be used in</p> <p>2 a potential lawsuit?</p> <p>3 MS. GOLDMAN: Same objection, asked and</p> <p>4 answered.</p> <p>5 A With Mr. Dunn or with someone else?</p> <p>6 Q (By Mr. Hughes) Either.</p> <p>7 A Yes.</p> <p>8 Q Can you tell me about that conversation or</p> <p>9 conversations?</p> <p>10 A Shortly after the redistricting deadline on</p> <p>11 November 16th I conferred with my Chief of Staff Paulette</p> <p>12 Avalos about waiving the terms of our confidentiality with</p> <p>13 Matt Barreto, and the decision was made to waive our</p> <p>14 confidentiality going forward since the deadline had</p> <p>15 lapsed.</p> <p>16 Q Did that decision affect the prior exchanges of</p> <p>17 confidential information or just going forward?</p> <p>18 A We waived confidentiality with regard to any</p> <p>19 communications.</p> <p>20 Q Including past communications, in other words?</p> <p>21 A Yes.</p> <p>22 Q And how was that memorialized?</p> <p>23 A I send Matt an email and copied Paulette Avalos.</p> <p>24 Q In this call with Mr. Dunn shortly before the</p> <p>25 November 15th deadline do you recall anything that</p>
<p style="text-align: right;">Page 239</p> <p>1 Mr. Dunn said in that call?</p> <p>2 A No.</p> <p>3 Q Do you recall him advising Commissioner Walkinshaw</p> <p>4 on how to vote?</p> <p>5 A No.</p> <p>6 Q Do you recall him advising Commissioner Walkinshaw</p> <p>7 on how to negotiate?</p> <p>8 A It wouldn't surprise me, but I don't remember</p> <p>9 specifics.</p> <p>10 Q Why would it not surprise you?</p> <p>11 A I think that the purpose of that call was for</p> <p>12 Commissioner Walkinshaw to get their perspective on the</p> <p>13 requirements under federal law and to talk about VRA</p> <p>14 compliance, which naturally would impact how he had</p> <p>15 conversations with his fellow commissioners.</p> <p>16 Q And then you mentioned November 16th that you and</p> <p>17 Paulette Avalos decided to waive confidentiality.</p> <p>18 Is that because -- Well, is that because you were</p> <p>19 considering the prospect of litigation after</p> <p>20 November 16th?</p> <p>21 A That was one of the factors, yeah.</p> <p>22 Q Let me ask a better question.</p> <p>23 Following the November 15th deadline were you</p> <p>24 anticipating likely litigation about the Yakima Valley</p> <p>25 districts and whether they complied with the VRA?</p>	<p style="text-align: right;">Page 240</p> <p>1 MR. MULJI: Object to form.</p> <p>2 A Can you ask the question again?</p> <p>3 Q (By Mr. Hughes) Following the November 15th -- Well,</p> <p>4 we don't need that qualifier.</p> <p>5 Approaching and subsequent to the November 15th</p> <p>6 deadline were you of the view that litigation was likely</p> <p>7 about whether the Yakima Valley district or districts</p> <p>8 complied with the VRA?</p> <p>9 A It was not clear to me whether there would be</p> <p>10 litigation once we had passed the November 15th deadline.</p> <p>11 I didn't think about it in those terms prior to the</p> <p>12 deadline. I was focused on what map would be adopted by</p> <p>13 the Commission.</p> <p>14 Q Subsequent to the deadline, the November 15th</p> <p>15 deadline, did you have conversations with anyone at the</p> <p>16 UCLA Voting Rights Project about litigation?</p> <p>17 A Yes.</p> <p>18 Q Can you tell me about those conversations?</p> <p>19 A I had a couple of brief phone calls with</p> <p>20 Dr. Barreto, just kind of commiserating over what had</p> <p>21 happened; but we didn't talk about, you know, whether they</p> <p>22 were going to immediately file, and he didn't ask me for</p> <p>23 any help with the lawsuit.</p> <p>24 Q Do you recall about when these conversations were?</p> <p>25 A It would have been around Thanksgiving.</p>

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<p>1 Q Did you have any other conversations with him?</p> <p>2 MS. GOLDMAN: Can we just be clear on the</p> <p>3 year?</p> <p>4 MR. HUGHES: What's that?</p> <p>5 MS. GOLDMAN: Can we be clear on the year?</p> <p>6 Q (By Mr. Hughes) Thanksgiving 2021; correct?</p> <p>7 A Yes.</p> <p>8 Q Do you recall any other conversations with anyone at</p> <p>9 UCLA Voting Rights Project about potential litigation or</p> <p>10 actual litigation?</p> <p>11 A At the time I was working with Sonni Waknin on a</p> <p>12 State Voting Rights Act proposal. It might have come up</p> <p>13 in passing, but it wasn't something we spent a lot of time</p> <p>14 talking about.</p> <p>15 Q Anyone else?</p> <p>16 A No.</p> <p>17 Q Okay. And I've been focused on the UCLA Voting</p> <p>18 Rights Project. I don't want to leave anyone else out.</p> <p>19 Between the deadline, the November 15th deadline and</p> <p>20 when you first received a subpoena in this case, have you</p> <p>21 had communications with anyone else involved in this</p> <p>22 litigation -- and I can give you names if you need them --</p> <p>23 about this litigation?</p> <p>24 MS. GOLDMAN: I think it would be helpful</p> <p>25 for you to give him names since there is quite a long list</p>	<p>1 of lawyers. So if you want him to answer about all of</p> <p>2 those lawyers, please provide them -- Please provide him</p> <p>3 the names.</p> <p>4 A Can you clarify the timeline? It's between the</p> <p>5 deadline on November 15th, 2021 and when I received the</p> <p>6 subpoena?</p> <p>7 Q (By Mr. Hughes) The first subpoena you received,</p> <p>8 yes.</p> <p>9 A Okay.</p> <p>10 Q So have you communicated with anyone from Campaign</p> <p>11 Legal Center about this litigation?</p> <p>12 A No.</p> <p>13 Q Have you communicated with anyone from Mexican</p> <p>14 American Legal Defense and Educational Fund about this</p> <p>15 litigation?</p> <p>16 A No.</p> <p>17 Q Okay. You were asked -- I'm switching gears totally</p> <p>18 now. You were asked about Wapato and Toppenish and why</p> <p>19 they weren't included in LD 15. Do you recall that?</p> <p>20 A This morning's conversation?</p> <p>21 Q I believe it was this morning. It could have been</p> <p>22 early afternoon.</p> <p>23 A Yes.</p> <p>24 Q Are you aware that both Wapato and Toppenish are</p> <p>25 part of the Yakama Reservation?</p>
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<p>1 A Yes.</p> <p>2 Q And the Reservation is in the 14th District;</p> <p>3 correct?</p> <p>4 A Yes.</p> <p>5 Q Does that in your mind help explain why those</p> <p>6 particular cities are in the 14th with the rest of the</p> <p>7 Yakama Reservation?</p> <p>8 A No.</p> <p>9 Q Why not?</p> <p>10 A Because you could draw a district that was -- that</p> <p>11 would allow Latinos to elect the candidate of their choice</p> <p>12 and include the entirety of the Yakama Reservation in the</p> <p>13 same LD.</p> <p>14 Q Okay. But on the narrow question of -- Well, strike</p> <p>15 that.</p> <p>16 You could also draw a district that complied with</p> <p>17 the VRA in your mind that did not include the Yakama</p> <p>18 Reservation; is that right?</p> <p>19 MS. GOLDMAN: Objection to the degree it</p> <p>20 calls for a legal conclusion.</p> <p>21 A It is my understanding that you could draw a VRA-</p> <p>22 compliant district that includes parts of the Reservation.</p> <p>23 I do not know whether you could draw a VRA district that</p> <p>24 was exclusive of the entire Reservation.</p> <p>25 Q (By Mr. Hughes) Let's pull up Exhibit 5 again, if</p>	<p>1 you don't mind. You know what, scratch that.</p> <p>2 You said that you discussed VRA issues with Senators</p> <p>3 Pedersen and Billig; correct?</p> <p>4 A Yes.</p> <p>5 Q Do you know whether they shared your view about</p> <p>6 whether LD 15 complied with the VRA?</p> <p>7 MS. GOLDMAN: Objection to the degree it</p> <p>8 calls for speculation, and lack of foundation, and to the</p> <p>9 degree it calls for a legal conclusion.</p> <p>10 MR. HUGHES: And you know what, it's also</p> <p>11 compound, so I'm going to ask it differently.</p> <p>12 Q (By Mr. Hughes) Do you know if Senator Pedersen</p> <p>13 shared your view about whether LD 15 complies with the</p> <p>14 VRA?</p> <p>15 MS. GOLDMAN: Same objections.</p> <p>16 A Our caucus was supportive of a statement put out by</p> <p>17 Senator Billig in the immediate aftermath that he had</p> <p>18 concerns that the legislative map did not comply with the</p> <p>19 federal Voting Rights Act. That comported with my</p> <p>20 understanding of their position in private.</p> <p>21 Q (By Mr. Hughes) Their position being Senator</p> <p>22 Pedersen's position?</p> <p>23 A Reflecting both of them, yes.</p> <p>24 Q Okay. So I want to be sure I understand this. In</p> <p>25 your view as far as you understood it, Senator Pedersen</p>

The State objects to lines 244:12-245:17: hearsay; lack of foundation. Neither Senator Pederson nor Senator Billig is not a party-opponent, and any after-the-fact press releases are not present sense impressions or statements of then-existing mental conditions.

Pls response: foundation exists based on Hall's personal knowledge and conversations with staffers and legislators regarding the Yakima Valley district;

Senator Billig's publicly available press statement regarding the Yakima Valley district. Not hearsay as opposing party statement; 803 exception present sense impression, then-existing mental condition

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<p>1 agreed with you that LD 15 did not comply with the Voting 2 Rights Act? 3 MS. GOLDMAN: Objection, misstates the 4 testimony. 5 A I believe that he reflected the same thing that 6 Senator Billig reflected publicly, which is that they had 7 significant concerns that the map was not compliant with 8 the federal Voting Rights Act. 9 Q (By Mr. Hughes) And I think that makes my next 10 question a foregone conclusion, but is it your 11 understanding that Senator Billig shared your view that 12 LD 15 did not comply with the Voting Rights Act? 13 MS. GOLDMAN: Objection, misstates the 14 testimony. 15 A Again, he publicly stated that he had significant 16 concerns that the map as adopted did not comply with the 17 federal Voting Rights Act. 18 Q (By Mr. Hughes) Okay. Do you know whether Senators 19 Pedersen and Billig voted to approve the maps? 20 A I want to be careful here because I think there's 21 been a lot of confusion around the resolution that passed 22 in the Legislature. 23 Can you ask your question again? 24 MR. HUGHES: Jeanne, do you mind reading 25 the question back?</p>	<p>1 THE REPORTER: Sure. "Do you know whether 2 Senators" -- Excuse me. "Do you know whether Senators 3 Pedersen and Billig voted to approve the maps?" 4 A They did not believe they were voting to approve the 5 maps. We had several conversations internally during that 6 legislative session about what their vote constituted at 7 the time. 8 Q (By Mr. Hughes) And when you say their vote, do you 9 mean their vote on House Concurrent Resolution 44.07? 10 A Yes. 11 Q Amending -- and I'll just read the title -- 12 "Amending the Redistricting Plan for State Legislative and 13 Congressional Districts;" correct? 14 A Yes. 15 Q And as far as you understand it, HCR 44.07 is what 16 made the Legislative Districts that the Commission adopted 17 as amended the law of the state of Washington; correct? 18 A I would not actually characterize it that way. 19 Q How would you characterize it? 20 A The Legislature is granted the opportunity to amend 21 the legislative plan so long as no district changes more 22 than 2 percent. The statute says that the maps shall be 23 finalized after that opportunity, but it can be finalized 24 if they took no vote at all. 25 So we discussed at length whether or not it made</p>
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<p>1 sense to approve a resolution amending the map because of 2 the exact nature of this concern that we would somehow -- 3 that the members of the caucus would somehow be seen as 4 approving the map by virtue of their vote. 5 Q And the statute you just referred to, RCW 44.05 -- 6 correct? 7 A Yes. 8 Q -- also empowers the Legislature to reconstitute the 9 Redistricting Commission; correct? 10 A Upon a two-thirds vote of both chambers, yes. 11 Q Okay. And that was not the decision that the 12 Legislature made; correct? 13 A Yes. 14 Q Okay. Instead Senators Pedersen and Billig voted to 15 approve an amended version of the map; correct? 16 MR. MULJI: Objection to form. 17 MS. GOLDMAN: Objection, asked and 18 answered, and argumentative. 19 A Again, they believed at the time -- and I believe 20 that a proper reading of the law is -- that they did not 21 approve the map. They amended the map. That is the only 22 constitutional role granted to them in redistricting. 23 Q (By Mr. Hughes) Do you follow Senate elections in 24 Washington state pretty closely? 25 A Yes.</p>	<p>1 Q If I asked you to -- and I'm not asking you to. If 2 I asked you to could you name every sitting Washington 3 State Senator? 4 A I'd probably miss a couple. 5 Q Well, good thing I won't ask you to because I 6 wouldn't want that to be public record. 7 Do you know who Nikki Torres is? 8 A Yes. 9 Q Who is Nikki Torres? 10 A Nikki Torres is the Senator-elect from the 15th 11 Legislative District. 12 Q Do you know who Lindsey Keesling is? 13 A No. 14 Q You follow Senate elections pretty closely in the 15 state of Washington; correct? 16 MS. GOLDMAN: Objection, asked and 17 answered. 18 A Yes. 19 Q (By Mr. Hughes) Lindsey Keesling was not someone who 20 rated -- Sorry. That was a bad question. I'll start over 21 again. 22 Notwithstanding your clearly vast knowledge of 23 Senate elections, you didn't know the name of the person 24 who was running against Nikki Torres in LD 15? 25 MS. GOLDMAN: Objection, asked and</p>

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The State objects to lines 246:1-10: hearsay. Neither Senator Pederson nor Senator Billig is a party, so this is not admissible as a statement of a part-opponent. Nor is Mr. Hall's testimony about the senators' intentions admissible under FRE 803(1) or (3) because Mr. Hall has not identified any actual statements giving rise to his belief, so there is no basis for any claim that such statements fit any hearsay exemption.

Not hearsay as opposing party statement; 803 exception as present sense impression, then-existing mental

The State objects to lines 246:25-247:4: hearsay. See objection on p. 246 re: Senators Billig's and Pederson's alleged intent.

Not hearsay as opposing party statement; 803 exception as present sense impression, then-existing mental condition

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<p style="text-align: right;">Page 249</p> <p>1 answered, and argumentative.</p> <p>2 A This was a write-in candidate; right?</p> <p>3 Q (By Mr. Hughes) I'm asking you.</p> <p>4 A I don't -- I don't remember.</p> <p>5 MS. GOLDMAN: If you know.</p> <p>6 Q (By Mr. Hughes) So your understanding is that</p> <p>7 Lindsey Keesling is a write-in candidate?</p> <p>8 A I was aware that there was a write-in candidate in</p> <p>9 the 15th Legislative District.</p> <p>10 Q Is it safe to say that if Lindsey Keesling -- and I</p> <p>11 mean this with all due respect to Ms. Keesling -- were a</p> <p>12 serious candidate, you would know who she was?</p> <p>13 MS. GOLDMAN: Objection, calls for</p> <p>14 speculation.</p> <p>15 A I'm going to ask you to restate the question.</p> <p>16 Q (By Mr. Hughes) Is it fair to say -- and I mean this</p> <p>17 with all due respect to Ms. Keesling -- that if she were a</p> <p>18 serious candidate, if she were seriously contending for</p> <p>19 LD 15, you would know who she was?</p> <p>20 MS. GOLDMAN: Same objection.</p> <p>21 A Yes.</p> <p>22 Q (By Mr. Hughes) Do you believe that Lindsey</p> <p>23 Keesling was a serious contender for LD 15?</p> <p>24 MS. GOLDMAN: Objection, calls for</p> <p>25 speculation, lack of foundation.</p>	<p style="text-align: right;">Page 250</p> <p>1 A I don't know anything about the woman who ran as a</p> <p>2 write-in candidate. I believe that any Democrat running</p> <p>3 in that district was unlikely to succeed in the election.</p> <p>4 Q (By Mr. Hughes) Do you know whether Ms. Keesling</p> <p>5 raised any money?</p> <p>6 A I do not.</p> <p>7 Q Do you know whether she had Twitter presence?</p> <p>8 MS. GOLDMAN: Had what?</p> <p>9 MR. HUGHES: Twitter presence.</p> <p>10 A I do not.</p> <p>11 Q (By Mr. Hughes) If someone were a serious candidate,</p> <p>12 do you expect they would have raised a significant sum of</p> <p>13 money?</p> <p>14 A Can you ask that question differently?</p> <p>15 Q It's all right.</p> <p>16 MR. HUGHES: I'm going to actually --</p> <p>17 That's all I have for you.</p> <p>18 MS. GOLDMAN: Let's take a break.</p> <p>19 MR. BOWEN: Okay. Five minutes?</p> <p>20 MS. GOLDMAN: Thank you.</p> <p>21 (Break 4:19 p.m. to 4:24 p.m.)</p> <p>22 (Discussion off the record.)</p> <p>23 MR. BOWEN: I'm going to try to keep this</p> <p>24 very short. If we are back on the record, I'll get</p> <p>25 started.</p>
<p style="text-align: right;">Page 251</p> <p>1 THE REPORTER: Back on the record.</p> <p>2 MR. BOWEN: All right. Thank you, Jeanne.</p> <p>3 EXAMINATION</p> <p>4 BY MR. BOWEN:</p> <p>5 Q Okay. Earlier, Mr. Hall, you said that -- and I'm</p> <p>6 paraphrasing -- that candidates of choice for Latinos</p> <p>7 could be a candidate of any racial or ethnic group; is</p> <p>8 that correct?</p> <p>9 A Yes, that's my understanding.</p> <p>10 Q Okay. Is it also your understanding that they could</p> <p>11 be from any political party?</p> <p>12 MS. GOLDMAN: I'm going to object to the</p> <p>13 degree it calls for a legal conclusion.</p> <p>14 A I'm going to hesitate to answer that question</p> <p>15 because I'm not sure. I want to say I don't know because</p> <p>16 I don't want to misstate the law.</p> <p>17 MR. BOWEN: Okay. I'm going to drop an</p> <p>18 exhibit in the chat. I apologize that I'm not here to</p> <p>19 have handouts for you guys, but it should be very short.</p> <p>20 So let me know when this comes through.</p> <p>21 (Hall Exhibit No. 18 introduced.)</p> <p>22 MR. BOWEN: And if someone can -- once you</p> <p>23 get it and are able to download it, let me know; and I can</p> <p>24 screen share as well to make it easier.</p> <p>25 THE REPORTER: You can save it to the</p>	<p style="text-align: right;">Page 252</p> <p>1 desktop if you want to.</p> <p>2 THE WITNESS: Okay. I'm not sure it's</p> <p>3 going to let me.</p> <p>4 Does someone else have the ability to screen share?</p> <p>5 MR. BOWEN: If it's showing up in the chat,</p> <p>6 I can just screen share and walk through it; and if it's</p> <p>7 placed in the chat for the record is everybody okay with</p> <p>8 that?</p> <p>9 MS. GOLDMAN: Yes.</p> <p>10 MR. HUGHES: Yes, please.</p> <p>11 MR. BOWEN: Okay. Perfect.</p> <p>12 Q (By Mr. Bowen) So right here I'm showing that I'm</p> <p>13 on the Secretary of State's website. This is a picture of</p> <p>14 the website. Is that what you're seeing?</p> <p>15 A Yes.</p> <p>16 Q Okay. And this is from the November 8, 2020 general</p> <p>17 election; is that correct? Sorry, 2022. My apologies.</p> <p>18 A Yes.</p> <p>19 Q So this would be under the maps that were enacted or</p> <p>20 the map that was enacted in 2021; correct?</p> <p>21 A Yes.</p> <p>22 Q Okay. And this is the result for Legislative</p> <p>23 District 15. Is that what you're seeing, also?</p> <p>24 A Yes.</p> <p>25 Q All right. And this indicates the State Senate race</p>

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1 for Legislative District 15 where I'm dragging my cursor
 2 right here. Is that what you're seeing as well?
 3 A Yes.
 4 Q Okay. And there was some discussion earlier of
 5 Nikki Torres and her race for Legislative District 15.
 6 Are you seeing that there are currently three
 7 candidates here in Legislative District 15?
 8 A Sorry. I only see two.
 9 Q My apologies. I see Nikki Torres. Do you see that?
 10 A Yes.
 11 Q Okay. And then Lindsey Keesling?
 12 A Yes.
 13 Q And then a write-in candidate who received about a
 14 quarter of a percent of a vote. Is that what you're
 15 seeing?
 16 MR. HUGHES: Object to form.
 17 A I don't know if that was one person or several, but
 18 yes, I see the line for write-in candidates.
 19 Q (By Mr. Bowen) Okay. Fair enough.
 20 Nikki Torres, what political party does she identify
 21 with?
 22 MS. GOLDMAN: I'm going to object to the
 23 degree it calls for speculation, other than the fact that
 24 you're asking him to read to you what you downloaded from
 25 the Secretary of State's website.

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1 A The screen says prefers Republican party.
 2 Q (By Mr. Bowen) Okay. And she won a little over
 3 67 percent of the vote; is that correct?
 4 MS. GOLDMAN: Objection, lack of
 5 foundation, calls for speculation.
 6 A That's what this says, yes.
 7 Q (By Mr. Bowen) Okay. And based on discussions
 8 earlier, the map that was enacted had just over a
 9 50 percent Hispanic CVAP; is that correct?
 10 MS. GOLDMAN: Objection, misstates the
 11 testimony.
 12 A Can you restate the question?
 13 Q (By Mr. Bowen) Sure. You were discussing just a
 14 moment ago with Mr. Hughes that under the map as enacted
 15 the Hispanic CVAP according to the census data in 2020 was
 16 about 51.5 percent; is that correct?
 17 MS. GOLDMAN: Objection, misstates the
 18 testimony and evidence.
 19 You can answer.
 20 A If I understand your question, yes.
 21 Q (By Mr. Bowen) Okay. So then in order for
 22 Ms. Torres to garner 67 percent of the vote in a district
 23 that is composed of roughly 51 percent Hispanic CVAP, she
 24 would have to garner a large chunk of the Hispanic vote;
 25 is that correct?

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1 MR. MULJI: Object to form.
 2 MR. HUGHES: Objection, incomplete
 3 hypothetical, and calls for speculation.
 4 MS. GOLDMAN: Lack of foundation.
 5 A Yeah, I -- I don't know. I don't feel comfortable
 6 that I have the expertise to answer that.
 7 MR. BOWEN: All right. We'll let it be. I
 8 don't have any other questions.
 9 Thank you for your time today, Mr. Hall.
 10 MS. GOLDMAN: Okay.
 11 EXAMINATION
 12 BY MR. MULJI:
 13 Q I just have a couple of questions.
 14 A Okay.
 15 Q Maybe just one, actually. I'm going to share my
 16 screen with you. There was some discussion about
 17 Lindsey Keesling in the last couple rounds of questioning.
 18 You had mentioned that you had heard that she may
 19 have been a write-in candidate; is that right?
 20 A What I understand is that there was only one
 21 declared candidate for the Senate seat at the end of
 22 filing week, so that she was not a candidate who filed to
 23 run for that seat in May of 2021.
 24 Q I see. Okay. And during the primary election do
 25 you know if Lindsey Keesling was on the ballot?

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1 MS. GOLDMAN: Objection, calls for
 2 speculation, and lack of foundation.
 3 A She was not -- She did not file for the Senate race,
 4 but I believe she sought to get into the race as a
 5 write-in candidate in the August primary.
 6 Q Okay. Let me just share my screen real quick.
 7 (Website displayed.)
 8 Q I'll represent to you that I'm showing you the
 9 Secretary of State's website and the results from the
 10 August 2nd, 2022 primary. I'm scrolling down to the
 11 results from Legislative District 15 State Senate race.
 12 Do you see any election results for a named
 13 candidate Lindsey Keesling?
 14 A No.
 15 Q Is it your assumption that perhaps the write-in --
 16 that she might have been the write-in candidate?
 17 A Yes.
 18 MS. GOLDMAN: Objection, calls for
 19 speculation, and lack of foundation.
 20 Q (By Mr. Mulji) To that point do you know?
 21 A That is my understanding is that she was a write-in
 22 candidate for -- in the August primary; and the fact that
 23 she appeared on the November ballot is likely to mean that
 24 she received enough votes as a write-in candidate to
 25 appear on the November ballot.

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1 CERTIFICATE
2 STATE OF WASHINGTON)
3) SS
4 County of King)
5 I, the undersigned Washington Certified Court
6 Reporter, pursuant to RCW 5.28.010 authorized to
7 administer oaths and affirmations in and for the State of
8 Washington, do hereby certify:
9 That the annexed and foregoing deposition of the
10 witness named herein was taken stenographically before me
11 and reduced to typewritten form under my direction.
12 I further certify that the witness examined will be
13 given an opportunity to review and sign their deposition
14 after the same is transcribed, unless indicated in the
15 record that the parties and witness waived the signing.
16 I further certify that all objections made at the
17 time of said examination to my qualifications or the
18 manner of taking the deposition or to the conduct of any
19 party have been noted by me upon the deposition.
20 I further certify that I am not a relative or an
21 employee or attorney or counsel of any of the parties to
22 said action, or a relative or employee of any such
23 attorney or counsel, and that I am not financially
24 interested in the said action or the outcome thereof.
25 I further certify that the witness before examination
26 was by me duly sworn to testify the truth, the whole
27 truth, and nothing but the truth.
28 I further certify that the deposition, as
29 transcribed, is a full, true and correct transcript of the
30 testimony, including questions and answers and all
31 objections, motions and exceptions of counsel made and
32 taken at the time of the foregoing examination and was
33 prepared pursuant to Washington Administrative Code
34 308-14-135, the transcript preparation format guideline.

Jeanne M. Gersten
 Jeanne M. Gersten, RDR, CCR
 Registered Diplomate Reporter
 Washington CCR No. 2711
 License effective until April 2, 2023
 Residing at Seattle, Washington



1 CHANGE/SIGNATURE SHEET
2 I, the undersigned, ADAM HALL, hereby certify
3 that I have read the foregoing deposition and that, to the
4 best of my knowledge, said deposition is true and
accurate, with the exception of the following corrections
listed below:

PAGE	LINE	CHANGE	REASON
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	Signature	Date
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20	Witness: Adam Hall	
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21	USDC Western District of Washington	
	Cause No. 3:22-cv-03035-RSL	
22	Date: December 19, 2022	
23	Reported by: Jeanne M. Gersten, RDR, CCR No. 2711	
	LAKESIDE REPORTING	
24	(833) 365-3376	
	Jeanne@LakesideReporting.com	
25	Contact@LakesideReporting.com	

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