

ALI O'NEIL - 11/16/2022

Page 1

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

SUSAN SOTO PALMER, et al.,)

Plaintiffs,)

vs.)

No. 3:22-cv-05035-RSL

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

Defendants.)

and)

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

Intervenor-Defendants.)

ORAL VIDEO DEPOSITION OF ALI O'NEIL

-- VOLUME I --

WEDNESDAY, NOVEMBER 16, 2022

THE ORAL VIDEO DEPOSITION OF ALI O'NEIL,
produced as a witness at the instance of the Plaintiffs,
was taken in the above-styled and -numbered cause on the
16th day of November, 2022, from 9:02 a.m. to 5:10 p.m.
Pacific Time. The court reporter was Nor Monroe,
Certified Court Reporter for the State of Washington.
All participants appeared via Zoom videoconference.

ALI O'NEIL - 11/16/2022

2	4
1 APPEARANCES	1 I N D E X
2	2
3 FOR PLAINTIFFS	3 WITNESS PAGE
4 ASEEM MULJI	4 Title Page 1
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6 SIMONE LEEPER	6 Index 4
7 sleeper@campaignlegal.org	7 ALI O'NEIL
8 MARK P. GABER	8 EXAMINATION BY MR. MULJI 7
9 mgaber@campaignlegal.org	9 Deposition Adjourned 279
10 CAMPAIGN LEGAL CENTER	10 Court Reporter's Certificate 280
11 1101 14th Street NW, Suite 400	11 Changes and Signature 281
12 Washington DC 20005	12
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18 732 North Center Parkway	18 NO. DESCRIPTION PAGE
19 Kennewick, Washington 99336-8100	19 Exhibit 1 Email Thread "RE: Similar States w 83
20 Phone: (509) 380-9999	20 Legislative Data"
21 ANNABELLE HARLESS	21
22 aharless@campaignlegal.org	22 EXHIBIT 2 Email Thread -- "RE: RELEASE" 104
23 CAMPAIGN LEGAL CENTER	23
24 55 West Monroe Street, Suite 1925	24
25 Chicago, Illinois 60603	25
1 SONNI WAKNIN	18 NO. DESCRIPTION PAGE
2 sonni@uclavrp.org	19 Exhibit 1 Email Thread "RE: Similar States w 83
3 UCLA VOTING RIGHTS PROJECT	20 Legislative Data"
4 3250 Public Affairs Building	21
5 Los Angeles, California 90095	22 EXHIBIT 2 Email Thread -- "RE: RELEASE" 104
6 Phone: (310) 400-6019	23
7	24
8 ERNEST HERRERA	25 continued
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16	
17 CONTINUED	
3	5
1 APPEARANCES	1 EXHIBITS
2 continued	2 continued
3 FOR DEFENDANT STATE OF WASHINGTON	3 NO. DESCRIPTION PAGE
4 ERICA FRANKLIN	4 Exhibit 5 Email from Ali O'Neil -- "Dr. Barreto"s 108
5 erica.franklin@atg.wa.gov	5 VRA Analysis" -- November 1, 2021
6 ANDREW R. W. HUGHES	6
7 andrew.hughes@atg.wa.gov	7 Exhibit 6 "WA VRA Presentation FULL" 109
8 WASHINGTON ATTORNEY GENERAL'S OFFICE	8
9 800 5th Avenue, Suite 2000	9 Exhibit 7 Email from Ali O'Neil -- "leg map 127
10 Seattle, Washington 98104	10 slideshow" -- September 16, 2021
11 Phone: (206) 464-7744	11 Exhibit 8 Slide Deck -- "SDC Redistricting 128
12 FOR INTERVENOR-DEFENDANTS	12 Update" -- September 14, 2021
13 DREW STOKESBARY	13
14 dstokesbary@chalmersadams.com	14 Exhibit 9 Personal Notes of Ali O'Neil 136
15 CHALMERS & ADAMS LLC	15
16 1003 Main Street, Suite 5	16 Exhibit 10 "Analysis of Republican Legislative Map 148
17 Summer, Washington 98390	17 Proposals"
18 Phone: (206) 207-3920	18 Exhibit 11 Email from Ali O'Neil -- "Leg map 162
19	19 must-haves" -- October 27, 2021
20 DALLIN HOLT	20
21 dholt@holtzmanvogel.com	21 Exhibit 12 Personal Notes of Ali O'Neil 177
22 HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK	22
23 2575 East Camelback Road, Suite 860	23 Exhibit 13 Email Thread -- "LD Offer from Graves" 192
24 Esplanade Tower IV	24 -- November 3, 2021
25 Phoenix, Arizona 85016	25 Exhibit 14 Email Thread -- "Fain LD Map" -- 196
1 Phone: (540) 341-8808	1 November 8, 2021
2 FOR DEPONENT	2
3 CODY ERICKSON	3 Exhibit 15 Email Thread -- "Walkinshaw 11.10 leg 202
4 cerickson@hkm.com	4 map, new VRA" -- November 10, 2021
5 HKM EMPLOYMENT ATTORNEYS LLP	5 Exhibit 16 Email Thread -- "RE: New map proposal" 206
6 600 Stewart Street, Suite 901	6 -- November 11, 2021
7 Seattle, Washington 98101	7
8 Phone: (206) 838-2504	8 Exhibit 17 Email Thread -- "Graves 11-10 LD 207
9 FOR THE WASHINGTON STATE REDISTRICTING COMMISSION	9 Proposal" -- November 11, 2021
10 COMMISSIONERS	10 Exhibit 18 Email Thread -- "Map proposal" -- 217
11	11 November 13, 2021
12 AARON MILLSTEIN	12
13 aaron.millstein@klgates.com	13 Exhibit 19 Personal Notes of Ali O'Neil 221
14 K&L GATES	14
15 925 4th Avenue, Suite 2900	15
16 Seattle, Washington 98104	16
17 Phone: (206) 623-7580	17 continued

ALI O'NEIL - 11/16/2022

Pls response to below: Ms. O'Neil lives in Detroit, see 27:24-28:5, which is more than 100 miles from the courthouse. She is therefore unavailable within the meaning of FRCP 34(a)(4) (B). While Ms. O'Neil has so far been agreeable to attend, Plaintiffs cannot ultimately compel her attendance. Her deposition testimony should be admitted in the event she changes her mind or cannot testify live.

The State objects to this designation in its entirety because the witness is not unavailable within the meaning of FRCP 32(a)(4). To the contrary, Plaintiffs have made arrangements for Ms. O'Neil to testify at trial. Although the parties have stipulated to the admissibility of certain deposition testimony notwithstanding FRCP 32(a)(4), both the State and Intervenor-Defendants have been clear that they would not stipulate to the admissibility of deposition testimony of the Commissioners or their four primary staffers, including Ms. O'Neil. See ECF #180 at p.4.

6	8
1 EXHIBITS	1 Can you hear me okay? I'm not on mute? Okay.
2 continued	2 Alison O'Neil.
3 NO. DESCRIPTION PAGE	3 Q. And do you go by "Ali"?
4 Exhibit 20 Email Thread -- "Merged leg map" 228	4 A. Yes.
5 Exhibit 21 Memo from Ali O'Neil -- "Timeline of Redistricting Commission Events" -- November 21, 2021 231	5 Q. Is it all right if I call you "Ali" for today's deposition?
6 Exhibit 22 "Timeline of Events" by Ali O'Neil -- November 18, 2021 240	7 A. Yes, please do.
8 Exhibit 23 Text/Chat/Messaging Thread 245	8 Q. And Ali, have you ever been deposed before?
9 Exhibit 24 Text/Chat/Messaging Thread 252	9 A. I have, yes.
10 Exhibit 25 Text/Chat/Messaging Thread 262	10 Q. Okay. We'll come back to that in a second, but I'll just go over some of the ground rules for this deposition before we do that.
11 Exhibit 26 Text/Chat/Messaging Thread 264	13 So I'm gonna be asking you questions, and in order to have your transcript of your answers, if you could just wait for me to finish asking the question before responding, so we can make things easy for the court reporter and not speak over each other. Does that make sense?
12 Exhibit 27 Text/Chat/Messaging Thread 267	14 A. Yes, absolutely.
13 Exhibit 28 Text/Chat/Messaging Thread 272	20 Q. Okay. And relatedly, the court reporter can only record verbal responses, so it's important that you answer out loud with words, rather than "uh-huh," "nuh-uh," shaking your head, things like that. Does that make sense?
14 *	21 A. Yes.
15 *	
16 *	
17 *	
18 *	
19 *	
20 *	
21 *	
22 *	
23 *	
24 *	
25 *	
7	9
1 (WEDNESDAY, NOVEMBER 16, 2022)	1 Q. And then if there's anything I ask that you don't understand -- may be possible -- please let me know, and I'll try to clarify; but if you answer the question, I'll assume you understood it. Does that make sense?
2 (9:02 a.m.)	2 A. Yes.
3 ALI O'NEIL,	7 Q. If you don't know the answer to a question, you can say so, but we're entitled to your informed estimate. I don't want you to guess. But if you don't know the answer to a question, just simply say so.
4 having been called as a witness herein, having been first duly sworn/affirmed, was examined and testified as follows:	10 Sometimes it might happen you give an answer as completely as you can, but then later on you remember some more information or some clarification in response to an earlier question. If that happens, just let me know right then and there, and we'll do it while it's fresh in your mind.
7 EXAMINATION	17 Does that make sense?
8 BY MR. MULJI:	18 A. Yes.
9 Q. Good morning. My name's Aseem Mulji. I represent the Plaintiffs in the Soto Palmer v. Hobbs lawsuit, and then I'm gonna be taking your deposition today.	19 Q. One of the attorneys who are here today may object to some of my questions today. If they do, the objection will be noted for the record, but you're still required to answer the question, unless your attorney specifically instructs you not to.
13 Just for the record, aside from your attorney Mr. Erickson, I also wanna identify some of the other folks attending the deposition. So we have several attorneys representing the Plaintiffs, including myself, Mark Gaber, Simone Leeper, Annabelle Harless, and Ernest Herrera. And we may have other some of Plaintiffs' counsel team join, as well; Sonni Waknin. And then I believe Erica Franklin is here from the State of Washington, and Drew Stokesbary's here representing the Intervenor-Defendants.	24 Do you understand that?
23 Can you please state your full name for the record?	25 A. Yes.
24 A. Sure.	

Intervenor-Defendants concur with the State's objections and comments to the left.

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

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ALI O'NEIL - 11/16/2022

<p>10</p> <p>1 Q. Okay. And then lastly, we can take breaks. 2 Please let me know if you need a break, and we'll 3 accommodate you. I'll just ask that if there's a 4 question pending, that you answer that question before 5 we go on break, rather than leaving it hanging. Does 6 that make sense? 7 A. Yes. 8 Q. The court reporter just put under your oath, 9 which means that you're under an obligation to tell the 10 whole truth. Do you understand that? 11 A. Yes. 12 Q. And though we're in somewhat of a formal -- 13 informal environment, that oath -- that oath has the 14 same force and effect that it would have in a court of 15 law, in front of a judge or jury. Do you understand 16 that? 17 A. Yes. 18 Q. Is there any reason you cannot give truthful 19 answers to my questions today? 20 A. No. 21 Q. Do you have any conditions that impair your 22 memory? 23 A. No, I do not. 24 Q. Any medications you're taking that would 25 impair your memory?</p>	<p>12</p> <p>1 saw in those final days, and I had written a memo 2 detailing what I had seen in those final days and how 3 the negotiations had taken place, and things that I had 4 heard and seen go on those final days, and that was 5 released publicly, and a lot of what was in that memo 6 was discussed in the -- in the deposition. 7 I -- it -- it -- it's hard for me to say I had 8 a position on the case, but I -- I certainly saw some 9 things in those final days that were concerning, and I 10 wanted to bring them to light, and I thought that people 11 should know what had happened those last few days. 12 Q. What were some of the things you found 13 concerning that you wanted to bring to light in that 14 lawsuit? 15 A. So some of the things I noticed were 16 just . . . you know, my limited understanding of the 17 Open Public Meetings Act in how the Commissioners could 18 conduct negotiations; in what ways they could or 19 couldn't meet without it being a public meeting. I -- I 20 noticed some things in the final days of 21 Commissioners -- or I -- I -- I should say the -- maybe 22 the setting not being as conducive as I thought it 23 needed to to -- adhering exactly to that -- to that law 24 in the way that I understood -- my limited understanding 25 that it needed to be carried out.</p>
<p>11</p> <p>1 A. No, none. 2 Q. Okay. You mentioned that you had been deposed 3 once before. What -- in what case were you deposed? 4 A. I am not going to remember the exact name. It 5 was the . . . the Washington Community for -- Coalition 6 for Open Government versus the Commission; the lawsuit 7 that took place right after the Commission finished its 8 work. 9 Q. Did that case -- did that case concern the 10 open meetings and -- and -- 11 A. Yes -- 12 (Simultaneous talking.) 13 A. -- exactly. 14 Q. Okay. What was your understanding of -- of 15 sort of what that case was alleging? 16 A. I believe my understanding was that the 17 Washington Coalition for Open Government -- and maybe 18 one other plaintiff -- had brought a suit against the 19 Commission for violating the -- you know, they alleged 20 that the Commission had violated the Open Public 21 Meetings Act in the way that the negotiations took place 22 in the final hours and days. 23 Q. And what was your position, if you had one, on 24 the merits of that case? 25 A. My position was just that I recounted what I</p>	<p>13</p> <p>1 And certainly, a concerning period of time was 2 after midnight on November 15th, which was the deadline 3 for the Commission to conduct its work. After that 4 period of time I noticed a shift in the way the 5 Commissioners were behaving, and they were all operating 6 in the same room, and there was no public meeting taking 7 place any longer, and they were continuing to draw maps 8 that had not been discussed or shared with the public or 9 voted on previously, and were continuing to do their 10 mapping work until early into the next day, Tues- -- I 11 believe that was Tuesday, November 16th. 12 So that's a kind of brief summary, but it is 13 laid out in detail in my memo in more depth. 14 Q. And we'll -- we'll certainly talk about that. 15 I guess outside of the legal requirements of 16 the Open Meetings Act, did you have a sense -- was it 17 your -- was it your sense that the Commission in the 18 final two days of its negotiations was generally 19 operating transparently or that . . . or -- or not? 20 A. You said in the final days. . . . 21 Q. In the final days of negotiations, was it your 22 sense that the Commission was operating -- that the 23 Commissioners were operating transparently in their 24 negotiations, in public view, or -- or otherwise? 25 MS. FRANKLIN: Objection: Vague.</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">14</p> <p>1 THE WITNESS: I'm still answering this; right?</p> <p>2 Q. (BY MR. MULJI) [Nodded head.]</p> <p>3 A. Okay. Yes, I -- I would say that I had</p> <p>4 concerns that the Commission was not operating as</p> <p>5 transparently as I thought that they should be, you</p> <p>6 know, notwithstanding [sic] the -- the letter of the</p> <p>7 law, which, again, I -- I'm not and was not an expert</p> <p>8 in. But I -- I did feel that due to the rushed nature</p> <p>9 of the negotiations, and, you know, certainly the</p> <p>10 question of what was being voted on that final night,</p> <p>11 what exactly the Commissioners had agreed to and what</p> <p>12 exactly they were voting to approve, I was very</p> <p>13 concerned that that was not clear to the public; not</p> <p>14 even to perhaps all the Commissioners.</p> <p>15 So yes, I -- I definitely had concern that</p> <p>16 they were not acting transparently.</p> <p>17 Q. Did that lawsuit go to trial, to the best of</p> <p>18 your knowledge?</p> <p>19 A. I don't believe it did. I believe it was</p> <p>20 settled. But I'm not sure, yes.</p> <p>21 Q. You didn't testify in a trial in that case?</p> <p>22 A. I -- I did not, no.</p> <p>23 Q. And you said the final outcome, to the best of</p> <p>24 your understanding, was that it settled. Do you know</p> <p>25 the details of that settlement?</p>	<p style="text-align: right;">16</p> <p>1 redistricting work. I also went back and reviewed my</p> <p>2 own personal notes.</p> <p>3 Q. And when you say you went back and reviewed</p> <p>4 some proposed maps, do you recall which -- which</p> <p>5 proposed maps that you reviewed?</p> <p>6 A. I do recall, and I can . . . I -- I reviewed</p> <p>7 them through Dave's Redistricting app. And some of</p> <p>8 those maps were internal to my team; representations of</p> <p>9 other maps that were public or had come from other</p> <p>10 sources. And so I took the ones that I thought</p> <p>11 corresponded to these certain maps -- it -- it may not</p> <p>12 be exactly right, 'cause our naming conventions were</p> <p>13 kind of wonky. But I can -- I can --</p> <p>14 The maps that I intended to look at were the</p> <p>15 map that had been -- the second public</p> <p>16 legislative-district map that Commissioner Walkinshaw</p> <p>17 released, which I believe was end of October; maybe</p> <p>18 October 25th.</p> <p>19 And then I wanted to review some of the</p> <p>20 later . . . final proposals that had come I believe</p> <p>21 from -- potentially one from Commissioner Graves and one</p> <p>22 from Commissioner Sims that had been sent to us; as in</p> <p>23 Commissioner Walkinshaw and the Senate Democratic Caucus</p> <p>24 team. So that was one map.</p> <p>25 And then the other map that I reviewed was the</p>
<p style="text-align: right;">15</p> <p>1 A. I could -- I can say what I think they were,</p> <p>2 but I -- I don't know for sure. Based on my</p> <p>3 understanding from just, you know, news articles, "The</p> <p>4 Seattle Times", other things, I believe it was settled.</p> <p>5 I believe there was some financial payment from the</p> <p>6 Commission to the plaintiffs. And -- and some ad- -- I</p> <p>7 think there was an admission that there had been a</p> <p>8 violation of OPMA, but I -- that's my understanding; I'm</p> <p>9 not sure.</p> <p>10 And that there was something about future</p> <p>11 processes relating to the Commission, and that they</p> <p>12 would, you know, better conduct their negotiations and</p> <p>13 their work in accordance with OPMA and the Public</p> <p>14 Records Act and -- and other things.</p> <p>15 Q. Have you ever been a party to a lawsuit in</p> <p>16 your personal or official capacity?</p> <p>17 A. No, I have not.</p> <p>18 Q. What did you do to prepare for this</p> <p>19 deposition?</p> <p>20 A. For this p- -- today's deposition? Not the</p> <p>21 one that you were discussing previously?</p> <p>22 Q. Correct. Today's -- today's deposition.</p> <p>23 A. I went back and reviewed a couple of the</p> <p>24 proposed maps that had been -- that I knew had been</p> <p>25 discussed, you know, in -- in late 2021 during our</p>	<p style="text-align: right;">17</p> <p>1 final, approved, amended map.</p> <p>2 Q. And those two proposals from Commissioner</p> <p>3 Graves and Commissioner Sims that you just spoke about,</p> <p>4 are those proposals that were made in -- do you recall</p> <p>5 when those proposals were made, the final day or</p> <p>6 otherwise?</p> <p>7 A. A- -- again, that's a little tricky, and --</p> <p>8 and I don't even know exactly which . . . map . . .</p> <p>9 which Commissioner the map came from. I -- I wanna say</p> <p>10 it was around November 11th to the 13th; maybe even the</p> <p>11 14th. Yeah, one of those -- that final weekend.</p> <p>12 Q. And did you meet with anyone to prepare for</p> <p>13 this deposition?</p> <p>14 A. No, I did not. Other than I've s- -- spoken</p> <p>15 with my attorneys.</p> <p>16 Q. And other than your attorneys, did you speak</p> <p>17 with anybody on the phone to prepare for this</p> <p>18 deposition; communicate with anyone otherwise?</p> <p>19 A. No, I did not.</p> <p>20 Q. Did you speak with any Commissioners in</p> <p>21 preparation for this deposition?</p> <p>22 A. No, I did not.</p> <p>23 Q. Nobody other than your attorney?</p> <p>24 A. That's correct.</p> <p>25 Q. What documents did you review in preparation</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">18</p> <p>1 for this deposition? You had mentioned some personal</p> <p>2 notes.</p> <p>3 A. Yes, notes that I had in my notebook.</p> <p>4 Q. Did you review any of the legal filings in</p> <p>5 this case in preparation for this deposition?</p> <p>6 A. Oh, I -- I reviewed the subpoena that had been</p> <p>7 sent to me; for the original subpoena. Yes.</p> <p>8 Q. Any other documents that you reviewed in</p> <p>9 preparation for the deposition?</p> <p>10 A. None that I can recall. Subpoena -- no, I</p> <p>11 think that's it.</p> <p>12 Q. About how long would you say you've spent</p> <p>13 preparing for this deposition in total?</p> <p>14 A. I would say less than two hours. Potentially</p> <p>15 closer to one hour.</p> <p>16 Q. Even if not in preparation for this</p> <p>17 deposition, have you ever reviewed any documents from</p> <p>18 this case?</p> <p>19 A. Legal filings or -- I -- I guess that would --</p> <p>20 that would be documents; right?</p> <p>21 Q. Yeah, this -- yeah, legal filings.</p> <p>22 A. I would say -- the answer is probably yes,</p> <p>23 back when it was initially -- the suit was initially</p> <p>24 filed. I can't remember exactly when or exactly which</p> <p>25 ones, but I think it's likely that I have, yes.</p>	<p style="text-align: right;">20</p> <p>1 Q. No, that's okay.</p> <p>2 A. Okay.</p> <p>3 Q. Have you -- have you talked about this lawsuit</p> <p>4 since it was filed with any of the Commissioners?</p> <p>5 A. No, I don't believe that I have.</p> <p>6 Q. Have you -- when was the last time you spoke</p> <p>7 with any one of the Commissioners?</p> <p>8 A. I believe the last time I spoke with</p> <p>9 Commissioner Walkinshaw was . . . I think it was the</p> <p>10 Friday after the deadline. So I think it was in -- in</p> <p>11 November of 2021.</p> <p>12 Q. And what about Commissioner Sims?</p> <p>13 A. Oh, I'm -- I'm sorry. I have not spoken with</p> <p>14 any of the other Commissioners since -- since . . . the</p> <p>15 other Commissioners would be the day that we finished,</p> <p>16 so early in the morning of November 16th.</p> <p>17 Q. Apart from -- apart from your attorney here,</p> <p>18 the -- the -- here today from HKM, have you retained any</p> <p>19 other attorneys to represent you in this case?</p> <p>20 A. No, I have not.</p> <p>21 Q. Are you familiar with any of the Plaintiffs in</p> <p>22 this lawsuit?</p> <p>23 A. I am a little bit, but not -- not too much.</p> <p>24 Q. And I'll just -- I'll list their names, and</p> <p>25 you tell me if -- if you're familiar with them.</p>
<p style="text-align: right;">19</p> <p>1 Q. And did you review, for example, the motion</p> <p>2 for preliminary injunction in this case?</p> <p>3 A. I -- I think s- -- again, I think so. That</p> <p>4 sounds familiar. I can't recall an exact time that I</p> <p>5 would have reviewed it, and it certainly wasn't</p> <p>6 recently.</p> <p>7 Q. Have you discussed this lawsuit with anyone</p> <p>8 aside from your attorneys?</p> <p>9 A. Yes.</p> <p>10 Q. Who have you discussed this lawsuit with?</p> <p>11 Apart from your attorneys.</p> <p>12 A. Apart from my attorneys, I've discussed -- I</p> <p>13 [indiscernible] mention it, discuss it with my husband.</p> <p>14 Some other former colleagues from the Senate Democratic</p> <p>15 Caucus. Should I name them specifically?</p> <p>16 Q. Yeah.</p> <p>17 A. Adam Hall, who I worked with at SDC.</p> <p>18 Matt Bridges, who I also worked with there. I'm sure</p> <p>19 I've discussed this with Paulette Avalos, who was my</p> <p>20 supervisor; the chief of staff of the SDC. Adam Bartz,</p> <p>21 who is the executive director of the Senate . . . don't</p> <p>22 know the acronym. Senate Democratic Campaign Committee.</p> <p>23 I am sure I've mentioned this -- discussed it with my</p> <p>24 family. Would you like me to n- -- me to name my family</p> <p>25 members or --</p>	<p style="text-align: right;">21</p> <p>1 Susan Soto Palmer?</p> <p>2 A. No, I'm not familiar.</p> <p>3 Q. Alberto Macias?</p> <p>4 A. No.</p> <p>5 Q. Fabiola Lopez?</p> <p>6 A. That -- that name does sound vaguely familiar,</p> <p>7 but I'm not sure that I could say from -- from where.</p> <p>8 So maybe it is just from this case.</p> <p>9 Q. Caty Padilla?</p> <p>10 A. No.</p> <p>11 Q. Evangelina or Benji [sp] Aguilar?</p> <p>12 A. No.</p> <p>13 Q. Lizette Parra?</p> <p>14 A. No.</p> <p>15 Q. And then Heliodora Morfin?</p> <p>16 A. No.</p> <p>17 Q. And are you familiar with any of the</p> <p>18 Intervenor -- Intervenor-Defendants in this case?</p> <p>19 A. I -- I believe so, but . . . I'm -- I'm not</p> <p>20 sure.</p> <p>21 Q. Jose Trevino?</p> <p>22 A. No.</p> <p>23 Q. Ismael Campos?</p> <p>24 A. No.</p> <p>25 Q. Alex Ybarra?</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">22</p> <p>1 A. That -- that name I am somewhat familiar with, 2 but not other than just the name. 3 Q. Where do you know the name from? 4 A. I -- I believe Alex Ybarra is a State 5 representative, but now I'm questioning that 6 [indiscernible]. 7 Q. And do you know counsel for Intervenor- -- 8 Intervenor-Defendants, Drew Stokesbary, who's here 9 today? 10 A. Not personally, but I'm familiar with him. 11 Q. Have you and Mr. Stokesbary spoken before 12 about this lawsuit? 13 A. No. 14 Q. Are you familiar with a different lawsuit 15 filed against the State regarding Legislative District 16 15, called Garcia v. Hobbs? 17 A. Yes, I believe I am familiar with that one. 18 Q. What's your understanding of what the Garcia 19 case is about? 20 A. My very limited understanding is that it 21 alleges that the newly drawn District 15 . . . violates 22 part of the constitution -- and I don't know what exact 23 part -- but because it is . . . takes too much race into 24 account in -- in -- race only, perhaps, into account 25 when drawing that district.</p>	<p style="text-align: right;">24</p> <p>1 potentially discussing, you know, whether or not that 2 member should make any public statements about the 3 lawsuit; other things of that nature. That's one thing 4 that I can remember. 5 Some of the other conversations were probably 6 text messages in a group thread, where anytime there was 7 a filing or any other news -- you know, a news article, 8 would be shared with that text thread. And, you know, 9 I -- I can't recall a lot of substantive discussions 10 about the case, but, you know, some of our -- our own 11 kind of personal commentary . . . or, you know, notes on 12 when things were happening or weren't happening . . . 13 but I -- I can't recall too many specifics. 14 I think those were some of the folks I 15 mentioned. I c- -- I can't recall if there were any 16 other con- -- specific conversations about it. 17 Q. Who's the legislator that you were working for 18 on communications after your redistricting -- or 19 after -- 20 (Simultaneous talking.) 21 Q. -- your duties shifted? 22 A. I worked for Rebecca S- -- Rebecca Saldaña, 23 State Senator for the 37th District. 24 Q. And did you begin working for Senator Saldaña 25 immediately after your redistrict- -- was it after your</p>
<p style="text-align: right;">23</p> <p>1 Q. Have you discussed this lawsuit with the 2 individuals you noted earlier that you spoke to about 3 the current laws- -- I'm -- lemme -- lemme rephrase 4 that, actually. 5 Have you spoken to the individuals we s- -- 6 you mentioned earlier about the Garcia lawsuit? 7 A. Yes, I -- I believe that's likely true. 8 Q. Have you discussed the Garcia lawsuit with 9 anybody else? 10 A. I do not recall if there's anybody else that 11 I've spoken to about that, no. 12 Q. And . . . lemme go back and ask you about some 13 of those conversations that you had with the individuals 14 you listed about this lawsuit. What did you -- what did 15 you discuss with Adam Hall regarding this lawsuit? 16 A. There were I think . . . prob'ly several 17 conversations, some of which that occurred when I was 18 still employed by the Senate Democratic Caucus, but my 19 duties had shifted to -- I -- I worked as a member of 20 the communications team, and I was assigned to work on 21 behalf of a member of the Senate Democratic Caucus. And 22 so some of those conversations were just asking for my 23 own edification and to report back to that member, you 24 know, what . . . what the -- the lawsuit was about, you 25 know; the timeline -- expected timeline of things;</p>	<p style="text-align: right;">25</p> <p>1 redistricting duties ended? 2 A. Y- -- I -- after the majority of them ended. 3 I bil- -- I probably started -- so I guess legislative 4 session began in January of '22. I probably 5 didn't . . . official- -- you know, really start until 6 early February -- or maybe it was -- maybe it was in 7 January. So there was a little bit of a break 8 between -- most of my redistricting duties ended, you 9 know, end of November, but then when the . . . when the 10 resolution came up in the legislature, and the -- you 11 know, there were the proposed amendments to the maps 12 that were drawn and -- by the Commission, I had some 13 remaining, you know, duties that I would consider part 14 of my role in redistricting, but at that time I was also 15 doing communications for Senator Saldaña. 16 Q. And you spoke with -- you spoke with Senator 17 Saldaña about this lawsuit, as well, during that time? 18 A. Oh, yes, that -- that would be likely the 19 case, as well, yes. 20 Q. And what do you recall about your 21 conversations with Matt Bridges regarding this lawsuit? 22 A. I . . . can't recall any one-on-one 23 conversations. I -- I would have had one-on-one 24 conversations with Adam Hall, I imagine, if -- you know, 25 if throughout that -- the time when I was working for</p>

ALI O'NEIL - 11/16/2022

<p>26</p> <p>1 the -- the Caucus or working for Senator Saldaña, if I, 2 you know, was looking for information on the case or an 3 update on the timeline, Adam Hall is the person that I 4 would have gone to for that information. Matt Bridges, 5 I can't recall any specific one-on-one conversations 6 with him that I had specifically about the lawsuit. 7 Those would have been likely text conversations; 8 potentially, you know, again, a group Teams message that 9 we had with our SDC small-group team; again, discussing 10 any news ar- -- you know, sharing news articles that 11 would have come up or discussing any recent filings, but 12 not in -- in great detail or depth.</p> <p>13 Q. What about Paula was it Avalos or. . . 14 A. Paulette. 15 Q. Paulette? 16 A. Avalos, yes. 17 Q. Avalos. 18 And what about Paulette Avalos? 19 A. Again, some, you know, group text thread or -- 20 or m- -- Teams message conversations. I . . . it's 21 likely that I had some one-on-one conversations with her 22 about it, as the, you know, chief of staff of the Senate 23 Democratic Caucus. And . . . sim- -- s- -- potentially 24 similar to conversaish- -- if I -- what I recall is 25 similar to conversations with -- with Adam Hall,</p>	<p>28</p> <p>1 May 1st, 2023. As of now, can you foresee any reason 2 why you'd be unavailable during the week of May 1st, 3 2023? 4 A. Other than the fact that I currently live in 5 Detroit, Michigan. I s'pose I would have to fly out 6 there. And I'm -- I'm unfamiliar with how this works, 7 so I'm not sure that I would have a choice if I were 8 being called to testify. But yeah, it would require me 9 to physically be there, I assume.</p> <p>10 Q. Do you have any planned travel during that 11 time? 12 A. You said May fir- -- first week in May or 13 which week did you say? 14 Q. We'll say during the first two weeks of May. 15 A. Not currently planned that I'm aware of, no. 16 Q. So in this deposition I'm gonna be using the 17 terms "Hispanic" and "Latino" interchangeably. When I 18 refer to white individuals, I'm referring to white 19 individuals who do not identify as Hispanic or Latino. 20 Does that make sense? 21 A. Yes, it does. 22 Q. So with that, I just wanna ask a bit about 23 your background. Do you identify as Hispanic or Latina? 24 A. No, I do not. 25 Q. Did you grow up in Washington?</p>
<p>27</p> <p>1 potentially discussing whether or not, you know, Senator 2 Saldaña should have made a public statement. 3 I think there were also discussions -- now I'm 4 remembering -- because -- I believe Senator Billig was 5 originally named as a defendant in the lawsuit, so were 6 probably -- I -- I -- I can vaguely recall some 7 discussions about that. 8 And then I'm also remembering probably also 9 discussed this with Aaron Wasser, who was the 10 communications director for the Senate Democratic 11 Caucus, and who -- I -- I worked with him when I worked 12 on the communication team, but also at times dealing 13 with some redistricting things, as he is obviously 14 responsible for the messaging and communications for the 15 Senate Democratic Caucus and for Senator Billig. So I 16 would have discussed this with him, as well.</p> <p>17 Q. Were you in touch with Senator Billig about 18 this lawsuit? 19 A. I don't believe that I was directly in touch 20 with Senator Billig at all . . . about the lawsuit. I'm 21 trying to . . . recall. I -- I do not think that there 22 was a time where we spoke directly about the lawsuit 23 together.</p> <p>24 Q. [Indiscernible] a little bit. So the -- the 25 trial in this case is currently scheduled to start on</p>	<p>29</p> <p>1 A. No, I did not. 2 Q. Where'd you grow up? 3 A. I grew up in a small town outside of Syracuse, 4 New York. 5 Q. And when did you move to Washington? 6 A. I moved to Washington in fall -- September -- 7 late September of 2013. 8 Q. And what . . . what brought you to Washington? 9 A. My husband -- or then boyfriend at the time -- 10 we decided to move out there together, and he had gotten 11 a job, and. . . . Not really much else in that, that we 12 just wanted to move there. 13 Q. Okay. Where did you attend high school? 14 A. I went to Fayetteville-Manlius High School. 15 Q. And where is that? 16 A. That is in Manlius, New York. 17 Q. Did you attend college or do any postsecondary 18 education? 19 A. I did, yes. 20 Q. Where? 21 A. I went to Cornell University. 22 Q. What did you study at Cornell? 23 A. I studied English literature; French 24 literature; and linguistics, slash, cognitive science. 25 Q. Did you do any coursework on politics?</p>

ALI O'NEIL - 11/16/2022

<p>30</p> <p>1 A. I took one international-relations course, 2 which I would say was some politics, but I believe that 3 was it.</p> <p>4 Q. What about race and ethnicity?</p> <p>5 A. I think I took one sociology course, but I 6 believe it was more heavily on statistics. But it -- 7 I'm -- I'm sure it discussed some demographics and some 8 things like that.</p> <p>9 Q. And what about mapping or GIS?</p> <p>10 A. No, I -- I did not take any courses in that.</p> <p>11 Q. Do you have any postgraduate degrees?</p> <p>12 A. I do not, no.</p> <p>13 Q. And are you currently employed?</p> <p>14 A. I am not, no.</p> <p>15 Q. Okay. And when -- what was your last 16 employment?</p> <p>17 A. I worked with the Senate Democratic Caucus 18 until April 30th of this year, 2022, and then I worked 19 in some self-employment contract work over the summer; 20 spring and summer.</p> <p>21 Q. And what was the nature of the contract work 22 that you were doing over the summer?</p> <p>23 A. I -- [cough]. 'Scuse me. I work -- I had a 24 contract with the Washington Senate Democratic Campaign 25 Committee. I also had a contract with Ravenna</p>	<p>32</p> <p>1 know . . . basically recruiting, hiring, and training 2 office to get canvassers out to canvass for these 3 organizations. Did that for about a year and a half.</p> <p>4 And then I worked for two different nonprofit 5 organizations that -- those were not political jobs at 6 all.</p> <p>7 And then in March of 2016 I joined Brady 8 Walkinshaw -- then State Representative Brady 9 Walkinshaw's campaign for congress, for the 7th 10 Congressional District. I don't know if you want to 11 know the specific positions that I had or if that's 12 sufficient.</p> <p>13 (Simultaneous talking.)</p> <p>14 Q. Well, when you worked for Brady Walkinshaw, 15 what was your position on his campaign then?</p> <p>16 A. I -- I was hired to be a field organizer, 17 and -- and that then became kind of call-time manager, 18 slash, assistant finance -- or deputy finance director; 19 and then I also occupied the role as field director 20 later in the campaign.</p> <p>21 And after that campaign ended in November 22 in -- in 2017, I was hired to manage Mayor -- then Mayor 23 Ed Murray's re-election campaign. I did that until he 24 dropped out of the race in May of 2017, at which point I 25 was hired to manage Jenny Durkan's campaign for mayor of</p>
<p>31</p> <p>1 Strategies, which is a duhliit- -- a local, Washington 2 state -- although they do work somewhat with other 3 candidates outside of the state -- but political/digital 4 consulting firm.</p> <p>5 Did I have any other contracts at that time. 6 I believe those were the only two contracts that I had.</p> <p>7 Q. Is it fair to say the nature of the work that 8 you've done since leaving the Senate Democratic Caucus 9 has been political?</p> <p>10 A. Yes, that is fair.</p> <p>11 Q. And . . . I'll talk -- we'll talk a little bit 12 more about your time at the Senate Democratic Caucus in 13 a moment, but I -- if you could give a brief history of 14 just sorta your professional history between let's say 15 college and when you started working at the Senate 16 Democratic Caucus, that would be great.</p> <p>17 A. Sure. So let's see. I -- I graduated in May 18 of 2012. I spent a year living abroad, in Paris, 19 teaching English. When I returned to the U.S., and then 20 moved to Seattle that fall, my first job in Seattle was 21 also in politics. It was managing a canvass office for 22 a national, like, political-canvassing firm that 23 contracted out with certain progressive organizations, 24 like Planned Parenthood and the ACLU and other things 25 like that. And so I was just managing this, you</p>	<p>33</p> <p>1 Seattle. And so I did that until . . . November of 2 2017. And then in December of 2017 I managed Jason 3 Ritterer's campaign for congress in 8th District. 4 Did that until August of 2018.</p> <p>5 And then I worked in California, with a 6 direct-mail consulting firm on some national race -- 7 writing direct mail for national races and clients.</p> <p>8 2019 I worked for Attorney General Bob 9 Ferguson on his re-election campaign. The end of that 10 year I also managed the "No on I-975 [sic]" -- I always 11 form- -- forget the -- the ballot-initiative number. 12 But it was the \$30 car tabs, the Tim Eyman initiative. 13 I managed the no campaign on that in 2019.</p> <p>14 In 2020 I moved to St. Louis to manage a 15 congressional race: Missouri 2nd Congressional District, 16 Jill Schupp. I did that until the fall of 2020.</p> <p>17 And then January of 2021 I started with the 18 Senate Democratic Caucus.</p> <p>19 Q. M'kay. And do you have any experience 20 anywhere in that time working on various political 21 campaigns or working on state legislative elections in 22 Washington?</p> <p>23 A. No. I don't -- no, none of that was working 24 directly on state legislative races.</p> <p>25 Q. And I think one of those races that you -- or</p>

ALI O'NEIL - 11/16/2022

<p>34</p> <p>1 at least one of the campaigns that you mentioned was for</p> <p>2 state- -- Washington statewide elections.</p> <p>3 Is that right?</p> <p>4 A. [Cough.] 'Scuse me. Technically two of them,</p> <p>5 I think. So one was Bob Ferguson, his re-election. And</p> <p>6 actually, you know, it would have been -- if -- if he</p> <p>7 had chosen to run for governor in 2020, it would have</p> <p>8 been then working on that campaign. And then the other</p> <p>9 was the statewide ballot initiative in Washington state.</p> <p>10 Q. And I guess anywhere in your professional</p> <p>11 history working on political campaigns in Washington, do</p> <p>12 you have any experience working in Yakima County?</p> <p>13 A. Other than those two statewide races in which</p> <p>14 I don't think I . . . physically set foot in Yakima</p> <p>15 County, I do not, no.</p> <p>16 Q. What about the sorta Pasco/Tri-Cities area?</p> <p>17 A. I maybe went to somewhere in the Tri-Cities,</p> <p>18 potentially Kennewick, with Attorney General Ferguson</p> <p>19 for an event, but I can't even remember that</p> <p>20 specifically. And that was it.</p> <p>21 Q. Are you familiar with the region sort of</p> <p>22 encompassing Yakima County, Pasco, Grant and Adams</p> <p>23 County, kinda that area around central -- south-central</p> <p>24 Washington?</p> <p>25 A. A little bit. Somewhat familiar, yes.</p>	<p>36</p> <p>1 grow.</p> <p>2 Q. And do you know how much of the voting-age</p> <p>3 population in that region is Latino as compared to the</p> <p>4 population -- total population?</p> <p>5 A. I'm sorry. Can you -- could you say that one</p> <p>6 more time?</p> <p>7 Q. Sure. Or I guess I'll just say: Do you . . .</p> <p>8 do you know how much of the voting-age population in the</p> <p>9 region is Latino?</p> <p>10 A. Voting -- I -- I do not off the top of my</p> <p>11 head, no.</p> <p>12 Q. Do you know how much of the citizen-voting-age</p> <p>13 population is Latino?</p> <p>14 A. I do not know that, either, off the top of my</p> <p>15 head.</p> <p>16 Q. Do you have a sense of whether the Latino</p> <p>17 citizen-voting-age population is more or less than the</p> <p>18 total Latino population in that region?</p> <p>19 A. My understanding typically is that -- or in</p> <p>20 this -- in this region that the citizen-voting-age</p> <p>21 population is less than both the voting-age population</p> <p>22 and the total population.</p> <p>23 Q. Are you aware of any discrimination</p> <p>24 experienced by Latinos in the south-central-Washington</p> <p>25 region?</p>
<p>35</p> <p>1 Q. Do you know the demographics of that region?</p> <p>2 A. I have learned a little bit about them, yes.</p> <p>3 Q. What -- what do you know about the</p> <p>4 demographics of the region and sort of -- and I guess</p> <p>5 I'll define it a little bit more specifically: Yakima</p> <p>6 County; Benton County; Franklin County, including the</p> <p>7 Pasco area; and -- and Adams and Grant County.</p> <p>8 A. So -- and this was all learned throughout my</p> <p>9 time with the Senate Democratic Caucus, doing</p> <p>10 redistricting. Although I guess I was, you know,</p> <p>11 periph- -- vaguely somewhat aware of it beforehand. But</p> <p>12 just that there is a significant Hispanic population in</p> <p>13 those counties; certainly in the Yakima Valley. I think</p> <p>14 before I started working for the SDC, I didn't -- I</p> <p>15 wasn't as aware of the demographics in Franklin, Benton,</p> <p>16 Grant, some of those other counties that you mentioned,</p> <p>17 but I had been aware of the trends of Hispanic</p> <p>18 population in Yakima Valley, certainly. I think I</p> <p>19 was . . . or -- and have become aware of the Yakama</p> <p>20 Nation and the Yakama Nation Reservation in Yakima</p> <p>21 County.</p> <p>22 Let's see if there's anything else that I can</p> <p>23 say about it. I think that's it. Either that there has</p> <p>24 been a strong Hispanic population there and that it's</p> <p>25 growing. It's been growing, and it's continuing to</p>	<p>37</p> <p>1 A. I am aware of it -- yes, I'm aware of it.</p> <p>2 Q. Do you agree that members of the Latino</p> <p>3 community continue to face discrimination in that</p> <p>4 region?</p> <p>5 A. I have --</p> <p>6 (Simultaneous talking.)</p> <p>7 MR. STOKESBARY: [Indiscernible] to form.</p> <p>8 THE WITNESS: I'm still answering it; right?</p> <p>9 Q. (BY MR. MULJI) You can go ahead and answer,</p> <p>10 yeah.</p> <p>11 A. I am -- I'm sorry. Could you -- could you say</p> <p>12 it one more time?</p> <p>13 Q. Do you agree that members of the Latino</p> <p>14 community continue to face discrimination in that</p> <p>15 region?</p> <p>16 A. I -- I would have to say I agree with that,</p> <p>17 although, I mean, my experience with it is not direct or</p> <p>18 firsthand, but it's based on reports; things that I've</p> <p>19 read; people that I've heard; sources that I trust that</p> <p>20 have spoken about it.</p> <p>21 Q. And what are some of those sources that you</p> <p>22 trust that form the basis of that opinion?</p> <p>23 A. I have read about previous lawsuits --</p> <p>24 I -- I'm sorry. B- -- your -- your question</p> <p>25 is about do they continue or have they in the past?</p>

ALI O'NEIL - 11/16/2022

<p>38</p> <p>1 Q. Question was about whether they continue to 2 face discrimination.</p> <p>3 A. Okay. I mean, I think my answer to that 4 question has been informed by what I've read about 5 things that have happened in the not-so-distant past; 6 certain lawsuits that have been filed and have been 7 successful there; you know, groups like the ACLU of 8 Washington State and others who have worked on behalf of 9 people in the region who have said they face 10 discrimination.</p> <p>11 I also know that elected leaders and other 12 organizers, or other political leaders that I follow and 13 trust, like State Senator Rebecca Saldaña and others, 14 have -- who have direct experience working in that 15 region have talked publicly about it and have talked -- 16 I -- I've spoken directly with her about it, but others 17 I've read about and seen public statements about that 18 type of discrimination that has gone on, and that, based 19 on what I've read, does -- does continue to go on in -- 20 in certain ways.</p> <p>21 I would say that that's it. I think that 22 answers your question.</p> <p>23 Q. What do you recall about your discussions with 24 Senator Saldaña about the Latino community generally in 25 this region?</p>	<p>40</p> <p>1 the public meetings that the Commission has held, about 2 discrimination that they s- -- they said they faced and 3 they've witnessed in -- in Yakima and in the region.</p> <p>4 Q. Who is Dulce Gutiérrez?</p> <p>5 A. Dulce Gutiérrez was a member of the 6 Redistrict- -- Redistricting Justice coalition, a 7 community-led group that was involved in -- wanted 8 to . . . make voices of different communities known 9 throughout the redistricting prog- -- process. I 10 believe she also is a former Yakima City Councilmember 11 or perhaps ran for city council. I -- I can't recall 12 this specifically. But -- and also is maybe or was 13 employed by the Washington State Labor Council.</p> <p>14 Q. And are you familiar with Ms. Gutiérrez in a 15 personal capacity?</p> <p>16 A. No. Only -- only engaged with her 17 professionally.</p> <p>18 Q. And was that through the redistricting 19 process?</p> <p>20 A. Yes. I mean, there's a -- it's possible that 21 throughout -- through Bob Ferguson's campaign or others 22 we engaged briefly -- again, professionally -- but 23 really was through the redistricting process that we 24 have done so the most.</p> <p>25 Q. In your experience working on campaigns in</p>
<p>39</p> <p>1 A. Well, Senator Saldaña often talks about her 2 experience I believe organizing farm workers in that 3 region and working with immigrant populations there 4 and . . . talking about how difficult it's been for them 5 to make their voices heard in the same -- and -- and -- 6 heard and listened to in the same way that they see 7 white residents or white community members being heard 8 or listened to or represented in a political system.</p> <p>9 I -- I can think now of one other person that 10 I've heard about this from, so I'm not sure if I should 11 mention that person now or --</p> <p>12 Q. Sure. Yeah, go ahead.</p> <p>13 A. Through our discussions with the Redistricting 14 Justice coalition throughout the redistricting process, 15 I and other staffers had multiple meetings with them, 16 members of that coalition, and there were a number of -- 17 number of people on those calls, and I'm -- I -- the one 18 I can remember is Dulce Gutiérrez, but there are -- were 19 others, I'm sure, on those calls whose names I can't 20 think of at this moment.</p> <p>21 But Dulce has spoken in those calls about 22 discrimination that Hispanic people in the region and 23 it -- it -- her -- she's spoken specifically about 24 Yakima, and also she has spoken at the public meetings 25 that the Commission has held, and others have spoken at</p>	<p>41</p> <p>1 Washington, have you -- did you have the opportunity to 2 see candidates or campaigns. . . . Scratch that.</p> <p>3 In your experience working at campaigns in 4 Washington, have you seen candidates or campaigns make 5 racialized appeals to voters?</p> <p>6 A. Yes, I'm . . . almost sure of it. Yes, I'm 7 sure.</p> <p>8 Q. What -- what have you seen in that regard?</p> <p>9 A. So I'm trying to think of . . . the most 10 likely specific example. I mean, is -- in my work and 11 in my -- I have, you know, professional and personal 12 connections, and there's a lot of sharing of 13 advertisements, direct-mail pieces, things that we see 14 in different parts of the state, and that kinda happens, 15 you know, in a professional and personal capacity, you 16 know. "Oh, look what this candidate or campaign or 17 whatever group sent out to these people in this 18 district." And that's happened over the years in 19 various ways.</p> <p>20 And I know it's -- I can't think of any 21 specific to Yakima or that region; that one I'm less 22 kinda tapped into. But I know, you know, when Manka 23 Dhingra, senator from the 45th District, you know, her 24 race was a very highly publicized and well-known senate 25 race in 2017. You know, other . . . similar -- T'wina</p>

ALI O'NEIL - 11/16/2022

<p>42</p> <p>1 Noble [sic], similar candidates of color I know I've --</p> <p>2 I've seen or been at least aware of things that I would</p> <p>3 consider racial messaging in those campaigns.</p> <p>4 Q. You're not aware of specific examples from the</p> <p>5 sort of Yakima Valley/south-central-Washington region?</p> <p>6 A. Examples of racial messaging used in a</p> <p>7 campaign there?</p> <p>8 Q. Yes.</p> <p>9 A. I -- I'm not aware of anything specific for</p> <p>10 that region, no.</p> <p>11 Q. So wanna turn to your time at the Senate</p> <p>12 Democratic Caucus now. So you mentioned that you</p> <p>13 stopped working at the Senate Democratic Caucus in April</p> <p>14 of 2022, this year. When were you hired to work at the</p> <p>15 Senate Dem- -- S- -- D- -- Senate Democratic Caucus?</p> <p>16 A. I was hired in January of 2021. I think my</p> <p>17 start date was the 2nd.</p> <p>18 (Simultaneous talking.)</p> <p>19 Q. And were you hired specifically to work on the</p> <p>20 2021 redistricting process?</p> <p>21 A. Yes, I was.</p> <p>22 Q. And when you were hired, was it understood</p> <p>23 that you would be hired to support Commissioner</p> <p>24 Walkinshaw?</p> <p>25 A. Yes, that's correct.</p>	<p>44</p> <p>1 Q. And were the things that you were doing</p> <p>2 related to redistricting during the 2022 session -- were</p> <p>3 they related to your role as a communications support</p> <p>4 for Senator Saldaña?</p> <p>5 A. No, there -- there were some that I would say</p> <p>6 were distinct from that.</p> <p>7 Q. What were those duties?</p> <p>8 A. So I was supporting the caucus and kinda being</p> <p>9 a resource for them when it came time to vote on the</p> <p>10 continuing resolution that originated in the house --</p> <p>11 the -- the resolution that included some amendments to</p> <p>12 the Commission-approved plan I believe that was voted on</p> <p>13 February 9th. So I looked at the proposed amendments</p> <p>14 which came from county auditors across the state, and I</p> <p>15 kind of synthesized them and tried to present a way for</p> <p>16 the members of the Senate Democrat [sic] Caucus and</p> <p>17 Senator Billig to kind of easily, digestibly [sic]</p> <p>18 understand what it was they were voting on. So that was</p> <p>19 one piece.</p> <p>20 And then later on in the session, I was also</p> <p>21 asked to do some -- to create some reports about each of</p> <p>22 the new districts for members -- not all 50 -- not all</p> <p>23 49 of the new districts, but each of the districts for</p> <p>24 sitting members of the SDC. I compiled some reports so</p> <p>25 that they had information at their fingertips about</p>
<p>43</p> <p>1 Q. And Commissioner Walkinshaw was the Senate</p> <p>2 Democratic Caucus's appointee; correct?</p> <p>3 A. Yes, that's correct.</p> <p>4 Q. And instead of saying "Senate Democratic</p> <p>5 Caucus," I'm gonna go ahead and say "SDC," if that's</p> <p>6 okay? Does that make sense?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And what was your job title at the SDC?</p> <p>9 A. Redistricting director.</p> <p>10 Q. Did you have any other employment while you</p> <p>11 were redistricting director at the SDC?</p> <p>12 A. No, I did not.</p> <p>13 Q. And I think you had mentioned this earlier,</p> <p>14 but just to clarify, when did your redistricting duties</p> <p>15 or your duties as redistricting director end with the</p> <p>16 SDC?</p> <p>17 A. I guess that's a little difficult to say</p> <p>18 specifically. My duties -- I would say my duties of</p> <p>19 sort of staffing and supporting Commissioner Walkinshaw</p> <p>20 ended pretty finitely [sic] in November of 2021, and</p> <p>21 that's when the vast majority of my duties also ended</p> <p>22 relating to redistricting. And then there were a few</p> <p>23 final things that I was doing under my redistricting --</p> <p>24 that I would consider to be under my redistricting hat</p> <p>25 in 2022, during the legislative session.</p>	<p>45</p> <p>1 their new districts.</p> <p>2 Q. Did you continue to have redistricting-related</p> <p>3 duties until you left the SDC in -- in April?</p> <p>4 A. Yes, I think that's fair to say, yes.</p> <p>5 Q. And why did you -- why did you leave the SDC</p> <p>6 in April?</p> <p>7 A. That was the end of my -- guess it wasn't</p> <p>8 officially a contract. But that was the end of my work</p> <p>9 with SDC, and that was a pre-agreed-upon date.</p> <p>10 Q. How did you -- did you -- did you apply for</p> <p>11 the redistricting-director position?</p> <p>12 A. I -- I -- I think I did, but that it -- it was</p> <p>13 not . . . something that I found; it was kind of brought</p> <p>14 to me and suggested that I apply.</p> <p>15 Q. Who suggested that you apply?</p> <p>16 A. Commissioner Walkinshaw.</p> <p>17 Q. And -- and why . . . why, in your sense, do --</p> <p>18 do you think that they ap- -- that Commissioner</p> <p>19 Walkinshaw approached you for this position?</p> <p>20 A. He approached me because we'd worked together</p> <p>21 in the past. As I mentioned, I worked on his</p> <p>22 congressional race. Since then we had maintained a</p> <p>23 friendly personal and professional relationship, but we</p> <p>24 hadn't worked really closely professionally since then.</p> <p>25 And he knew that they were going to be hiring somebody</p>

ALI O'NEIL - 11/16/2022

<p>46</p> <p>1 to manage this process from the caucus side that would</p> <p>2 essentially be staffing him, and he -- he liked me and</p> <p>3 knew we worked well together and . . . wanted -- he told</p> <p>4 me he wanted me to be his person.</p> <p>5 Q. What did you believe were your qualifications</p> <p>6 to take on this role?</p> <p>7 A. I think my qualifications were my</p> <p>8 organizational skills; my ability to kind of manage</p> <p>9 information flow between different organizations and</p> <p>10 groups of people and -- I call them principals. You</p> <p>11 know, I spend my political career working for</p> <p>12 candidates, but in this case I was dealing with multiple</p> <p>13 principals -- commissioner -- other Commissioners;</p> <p>14 senate m- -- you know, the senate majority leader; other</p> <p>15 people -- and they really -- at least was described to</p> <p>16 me they needed somebody to kind of knit all these things</p> <p>17 together and keep information flowing; keep the trains</p> <p>18 running on time. So that was a big piece of it.</p> <p>19 But -- but another piece I think, frankly, was</p> <p>20 my political experience that -- while this was an</p> <p>21 official job, it wasn't inherently a political role, and</p> <p>22 they wanted somebody who did understand campaigns and</p> <p>23 did understand the politics of -- of the state and what</p> <p>24 redistricting could mean politically.</p> <p>25 Q. Aside from managing information and ensuring</p>	<p>48</p> <p>1 Q. What was your -- what were your duties as</p> <p>2 redistricting commissioner [sic]? At least those that</p> <p>3 you recall.</p> <p>4 A. Do you mean as --</p> <p>5 (Simultaneous talking.)</p> <p>6 Q. I'm sorry. As -- as redistricting director of</p> <p>7 the Senate Democratic Caucus.</p> <p>8 A. Yes, so . . . my duties were to coordinate</p> <p>9 this internal SDC team that we had, a small team, to</p> <p>10 report directly to Paulette Avalos, the chief of</p> <p>11 staff -- SDC chief of staff. Somet- -- she mostly</p> <p>12 reported to Senator Billig, but sometimes I also</p> <p>13 reported directly to Senator Billig, or to Senator</p> <p>14 Pedersen, Jamie Pedersen, as well.</p> <p>15 I also assist- -- so I primarily assisted</p> <p>16 Commissioner Walkinshaw in just about anything that he</p> <p>17 needed. I coordinated his schedule: meetings with other</p> <p>18 Commissioners; with community groups; with our SDC team;</p> <p>19 with, you know, meetings or calls with the press.</p> <p>20 I also worked with other -- the other staffers</p> <p>21 from the other three caucuses to kind of s- -- s- --</p> <p>22 stand up or set up the Redistricting Commission, the</p> <p>23 agency itself, before there was internal Commission</p> <p>24 staff hired.</p> <p>25 I . . . Let's see if there's anything</p>
<p>47</p> <p>1 that it flows between different principals and your</p> <p>2 political experience, were there other qualifications</p> <p>3 that you believe you had for this role?</p> <p>4 A. [Indiscernible] my communication -- my ability</p> <p>5 to communicate. My relationship with -- with</p> <p>6 Commissioner Walkinshaw, with -- with Brady, and my</p> <p>7 ability to kinda work with him and staff him and manage</p> <p>8 him. Were there other specifically. . . . I think</p> <p>9 those are the main ones that I can think of.</p> <p>10 Q. Had you worked with any of the other</p> <p>11 Commissioners prior to starting your work on the</p> <p>12 redistricting process?</p> <p>13 A. No. I -- I mean, I -- I was aware of</p> <p>14 Commissioner Sims through her capacity working with the</p> <p>15 State Labor Council, and, you know, I'm sure I've been</p> <p>16 on emails with her or coordinated other events. I think</p> <p>17 we coordinated one event when I was working for Attorney</p> <p>18 General Ferguson that I believe she was a speaker at.</p> <p>19 But, you know, we did not work very closely/directly</p> <p>20 together.</p> <p>21 Q. Any other -- any of the other Commissioners</p> <p>22 where y- -- did you know them before working on the</p> <p>23 redistricting process?</p> <p>24 A. I knew of them, but did not know them, and we</p> <p>25 did not work together.</p>	<p>49</p> <p>1 else . . . distinct from those things. Yeah, generally</p> <p>2 I think to understand -- to help develop and an -- you</p> <p>3 know, carry out SDC's goals and mission for</p> <p>4 redistricting, and, you know, assist Commissioner</p> <p>5 Walkinshaw in carrying them out, i- -- as well as his</p> <p>6 own goals and objectives for redistricting that year.</p> <p>7 Q. Did you manage Commissioner Walkinshaw's</p> <p>8 calendar?</p> <p>9 A. Yes, I did.</p> <p>10 Q. Did you often -- did you meet with him</p> <p>11 regularly during the redistricting process?</p> <p>12 A. Yes, although, you know, more often than not</p> <p>13 they were phone calls; sometimes text messages. But</p> <p>14 yes.</p> <p>15 Q. Did you have regularly scheduled check-ins?</p> <p>16 A. Yes. I mean, ideally. They weren't always</p> <p>17 kept or maybe called as such, but we tried to, yes.</p> <p>18 Q. I guess . . . how often would you say you were</p> <p>19 in touch with him throughout the redistricting process?</p> <p>20 Once a week? Your best estimate.</p> <p>21 A. Yeah, it was at least once a week. Certainly</p> <p>22 there were periods when it was potentially less than</p> <p>23 that, but certainly there were periods where it was more</p> <p>24 than that. Probably two times a week on average, and</p> <p>25 then toward the end it was more than that.</p>

ALI O'NEIL - 11/16/2022

<p>50</p> <p>1 Q. Did you accompany Commissioner Walkinshaw on</p> <p>2 his meetings with other Commissioners?</p> <p>3 A. Sometimes yes -- excuse me -- sometimes no,</p> <p>4 and sometimes they were calls or vid- -- you know, phone</p> <p>5 calls or video calls, and -- and sometimes I was on</p> <p>6 those, but again, sometimes I was not.</p> <p>7 Q. And when I say "meetings," I guess, throughout</p> <p>8 this deposition, you can assume that I'm -- I'm speaking</p> <p>9 about in-person meetings as well as phone calls and</p> <p>10 virtual meetings.</p> <p>11 A. Okay.</p> <p>12 Q. When you did accompany Commissioner Walkinshaw</p> <p>13 in his meetings with other Commissioners, did you two</p> <p>14 generally debrief after those meetings?</p> <p>15 A. Yes.</p> <p>16 Q. Is it accurate to say that you worked -- well,</p> <p>17 how would you characterize your working relationship</p> <p>18 with Commissioner Walkinshaw during the redistricting</p> <p>19 process?</p> <p>20 A. I would -- I would characterize it as a good</p> <p>21 working relationship. Like I said, we knew each other</p> <p>22 very well. In his congressional campaign I was hired --</p> <p>23 well, it -- it -- I wasn't hired to do this, but</p> <p>24 eventually I worked as his call-time manager, which</p> <p>25 meant I was spending almost all day, every single day,</p>	<p>52</p> <p>1 right?</p> <p>2 A. That's right.</p> <p>3 Q. What was -- what was Adam Hall's role on the</p> <p>4 team?</p> <p>5 A. My understanding was that he was brought onto</p> <p>6 the redistricting team because of his legal and policy</p> <p>7 background and awareness of state redistricting and</p> <p>8 elecsh- -- and election laws.</p> <p>9 Q. How often did you interact with Adam Hall?</p> <p>10 A. I would say pretty frequently; certainly</p> <p>11 several times a week, if not daily.</p> <p>12 Q. Did Adam draw any draft versions of a</p> <p>13 legislative district in the Yakima Valley area?</p> <p>14 A. I don't know that he drew any directly</p> <p>15 himself. But I -- I don't know for sure.</p> <p>16 Q. Did he provide input on any draft maps?</p> <p>17 A. Yes.</p> <p>18 Q. Did he provide input on the configuration of</p> <p>19 the -- of Legislative Districts 14 or 15 in the Yakima</p> <p>20 Valley area?</p> <p>21 A. Yes.</p> <p>22 Q. To your knowledge, what was -- what was Adam's</p> <p>23 opinion of -- of how the districts in the Yakima Valley</p> <p>24 area should be configured?</p> <p>25 A. My understanding of his position was that it</p>
<p>51</p> <p>1 working with him, and so we knew each other very well</p> <p>2 when we came into this work, the redistricting work.</p> <p>3 And I, you know, knew how he functioned and kind of how</p> <p>4 he liked to be staffed, and so I was able to incorporate</p> <p>5 that into my role as -- for the redistricting process.</p> <p>6 I think we were -- we were very, you know, friendly on</p> <p>7 personal level as well as professional level. I felt</p> <p>8 very comfortable speaking openly and freely to him.</p> <p>9 Q. Did you have a close -- would you say you had</p> <p>10 a close working relationship with Commissioner</p> <p>11 Walkinshaw throughout the redistricting process?</p> <p>12 A. Yes, I would say that.</p> <p>13 Q. You also mentioned that you -- one of your</p> <p>14 duties was coordinating the SDC team.</p> <p>15 A. Mm-hmm.</p> <p>16 Q. Who -- who was on that team?</p> <p>17 A. So the main members of that team would be Matt</p> <p>18 Bridges and Adam Hall, who were both from SDC. And at</p> <p>19 times Paulette Avalos would join some of those meetings.</p> <p>20 Aaron Wasser, communications director, would at times be</p> <p>21 involved in that group. And then Adam Bartz also at</p> <p>22 times would be involved in those small meetings.</p> <p>23 Q. Okay. So the -- the small team was Matt</p> <p>24 Bridges and Adam Hall, with some participation by</p> <p>25 Paulette Avalos, Aaron Wasser, and Adam Bartz; is that</p>	<p>53</p> <p>1 was likely true that there was sufficient Hispanic</p> <p>2 population in that region to draw a majority-Hispanic</p> <p>3 district, or what we frequently referred to as a VRA</p> <p>4 district, or VRA-compliant district. To my knowledge,</p> <p>5 that was his understanding and belief. And -- [cough]</p> <p>6 'scuse me -- more explicitly, what that often meant was</p> <p>7 also keeping in mind the specific majority-Hispanic</p> <p>8 cities in the region and keeping them together in the</p> <p>9 same district as much as possible.</p> <p>10 Q. Did he communicate those views to Commissioner</p> <p>11 Walkinshaw?</p> <p>12 A. I believe that he did, yes.</p> <p>13 Q. And when you say keeping specific cities</p> <p>14 together . . . that have a high Latino population, which</p> <p>15 cities are you talking about? Or what -- which cities</p> <p>16 was he talking about, to your -- to your knowledge?</p> <p>17 A. Well, the -- the city of Yakima is -- was too</p> <p>18 big to be unified in one legislative district. But we</p> <p>19 talked about keeping the majority-Hispanic areas in that</p> <p>20 city together with other smaller cities that were in the</p> <p>21 Yakima Valley, and -- I'm not gonna be able to name</p> <p>22 every single one, but . . . can I think of a few.</p> <p>23 Q. And it's okay if you can't --</p> <p>24 (Simultaneous talking.)</p> <p>25 A. Okay.</p>

ALI O'NEIL - 11/16/2022

<p>54</p> <p>1 Q. We'll -- we'll --</p> <p>2 A. Yeah.</p> <p>3 Q. -- talk more about this.</p> <p>4 A. Okay.</p> <p>5 Q. And did you -- did you share that view, that</p> <p>6 the . . . sort of majority-Latino cities throughout the</p> <p>7 Yakima Valley should be unified?</p> <p>8 A. I do share that view, and that, you know, view</p> <p>9 certainly developed and was informed by my conversations</p> <p>10 with -- with Adam Hall and others throughout the</p> <p>11 process. Yes, I did share that view.</p> <p>12 Q. And did Commissioner Walkinshaw share that</p> <p>13 view, as well?</p> <p>14 A. I believe so. I would say so. I mean, maybe</p> <p>15 I -- I can't recall him saying those exact words</p> <p>16 directly, that these cities in the Yakima Valley should</p> <p>17 be kept together, but it was my understanding that he</p> <p>18 agreed with and was supportive of the -- the general</p> <p>19 objective of drawing a district in -- in that region</p> <p>20 that was majority Hispanic and allowed, you know --</p> <p>21 would -- would give appropriate political power to</p> <p>22 those -- to people in that region.</p> <p>23 Q. What was Matt Bridges's role on the SDC team?</p> <p>24 A. My understanding is that Matt Bridges was</p> <p>25 brought on because of his understanding of the kind of</p>	<p>56</p> <p>1 he was very steeped in the, you know, population trends.</p> <p>2 He very closely follows the population estimates that</p> <p>3 come out yearly, I believe from not just the census, but</p> <p>4 also from OFM, which stands for the Office of Financial</p> <p>5 Management, I think, that's -- comes from the State of</p> <p>6 Washington. And so he was a- -- very aware of how the</p> <p>7 population trends have . . . changed over the last ten</p> <p>8 years.</p> <p>9 And he also I think had strong feelings</p> <p>10 about . . . not just the general idea about Hispanic --</p> <p>11 about creating His- -- majority-Hispanic district, but</p> <p>12 that which of these communities, you know, were majority</p> <p>13 Hispanic and which of those communities and cities did</p> <p>14 it logically make sense to put together into one</p> <p>15 district. And because of his experience and knowledge</p> <p>16 of the mapping, you know, he could make -- he could say,</p> <p>17 you know, things like, "Oh, it's -- it's really hard to</p> <p>18 unify these two communities because of these, you know,</p> <p>19 other aspects of mapping." Or you could say, "Oh, it</p> <p>20 makes sense to bring those two communities together, and</p> <p>21 therefore -- and then we can put this here."</p> <p>22 He just had spatial knowledge of how</p> <p>23 demographics played out on the ground from his</p> <p>24 experience.</p> <p>25 Q. By that do you mean that he sort of understood</p>
<p>55</p> <p>1 demographic and population data in the state and his</p> <p>2 mapping abilities. And experience.</p> <p>3 Q. Was he -- was he sort of the -- well, did he</p> <p>4 draw draft districts -- draft versions of the</p> <p>5 legislative districts in the Yakima Valley?</p> <p>6 A. Yes, he did.</p> <p>7 Q. Was he sorta the primary map-draw-er for the</p> <p>8 SDC team?</p> <p>9 A. Yes, I would say that.</p> <p>10 Q. How often did you interact with Matt Bridges?</p> <p>11 A. Frequently, as well. Maybe slightly less so</p> <p>12 than Adam Hall. But certainly multiple times a week,</p> <p>13 and at the end certainly multiple times a day.</p> <p>14 Q. Did Matt Bridges provide input on any draft</p> <p>15 maps?</p> <p>16 A. Yes.</p> <p>17 Q. Did he provide input on the configuration of</p> <p>18 the 14th or 15th District in the Yakima Valley?</p> <p>19 A. Yes.</p> <p>20 Q. And what was his opinion about how those</p> <p>21 districts should be configured?</p> <p>22 A. My understanding is that his opinion was</p> <p>23 similar to, if not the same as, Adam Hall's: that there</p> <p>24 was sufficient Hispanic population there to draw at</p> <p>25 least one majority-Hispanic legislative district. And</p>	<p>57</p> <p>1 the -- the geography of the area well enough to know</p> <p>2 what communities could be put together while taking into</p> <p>3 other mapping considerations [sic]?</p> <p>4 A. I -- I would say that, yes, but not in the</p> <p>5 sense that, you know, he's lived there and spent a lot</p> <p>6 of time in the region and, you know, has, like, driven</p> <p>7 around in the streets and -- you know, I wouldn't say it</p> <p>8 in that way. What I -- what I mean specifically is</p> <p>9 that, you know, it -- it's really not enough to just</p> <p>10 look at where the population is and say, "Oh, if I just</p> <p>11 draw this big circle around this m- -- 157,000 people,</p> <p>12 that's gonna be a fair district." You know, there's a</p> <p>13 lot of other geographic concerns that you take into</p> <p>14 account when you draw these maps. You know, they have</p> <p>15 to be contiguous, they have to be -- there's a lot</p> <p>16 of these other -- they have to be compact. There's a</p> <p>17 lot of these other concerns you have to take into</p> <p>18 account.</p> <p>19 And so he was aware of those demands on the</p> <p>20 actual mapping process, and we were constantly -- those</p> <p>21 are constantly in -- intention not necessarily, you</p> <p>22 know, opposing, but just balancing all of those factors</p> <p>23 when we were drawing maps and critiquing other maps.</p> <p>24 Q. Did he communicate his opinion about the</p> <p>25 configuration of the state legislative districts in the</p>

ALI O'NEIL - 11/16/2022

<p>58</p> <p>1 Yakima Valley to Commissioner Walkinshaw?</p> <p>2 A. Yes, I -- I believe he did.</p> <p>3 MR. MULJI: I'm wondering if it might make</p> <p>4 sense now for a quick -- maybe a five-minute break. I</p> <p>5 think we've passed the hour mark. Does that make sense</p> <p>6 to other folks?</p> <p>7 (A break was taken from 10:17 to 10:25 a.m.)</p> <p>8 MR. MULJI: All right. Let's go back on the</p> <p>9 record.</p> <p>10 MS. FRANKLIN: Counsel, if I could just jump</p> <p>11 in for a moment. I just wanted to get it on the record</p> <p>12 that we can have the rule that we've had in other</p> <p>13 depositions, that an objection for one party is</p> <p>14 sufficient for all parties, if that's okay with other</p> <p>15 counsel.</p> <p>16 MR. MULJI: Plaintiffs agree to that, as well.</p> <p>17 I don't know if Drew is back yet, actually.</p> <p>18 MS. FRANKLIN: I don't wanna slow you up, but</p> <p>19 thank you.</p> <p>20 MR. MULJI: Okay. All right. Well, we'll</p> <p>21 just keep going, then.</p> <p>22 Q. (BY MR. MULJI) I wanna -- I wanna move on to</p> <p>23 ask you about sorta the public-comment process that the</p> <p>24 Commission engaged in. And -- so did the -- did the</p> <p>25 Commission hold public hearings to solicit public</p>	<p>60</p> <p>1 I think there was a -- w- -- at least one</p> <p>2 meeting per region, and potentially two. Potentially</p> <p>3 two in each region. And all of this was conducted I</p> <p>4 believe from May until mid to late August, before the</p> <p>5 redistricting files were released by the census.</p> <p>6 Q. Okay. And were there also public hearings</p> <p>7 held after the Commissioners released their draft map</p> <p>8 proposals in September?</p> <p>9 A. Yes, there -- there were. I cannot remember</p> <p>10 how many . . . 'cause I remember that they released the</p> <p>11 maps -- the congressional and legislative-district maps</p> <p>12 separately. So I -- I believe there were meetings held</p> <p>13 on the maps separately, but I'm -- I can't recall that</p> <p>14 exactly. But there were meetings held, yes.</p> <p>15 Q. And talking just about the public hearings</p> <p>16 before the draft public proposals were released, were</p> <p>17 you aware of any comments about the configuration of the</p> <p>18 legislative districts in the Yakima Valley?</p> <p>19 A. Yes.</p> <p>20 Q. Did you generally review the comments that</p> <p>21 came through?</p> <p>22 A. Yes, I generally sat in on those meetings, as</p> <p>23 many as I possibly could. I believe I sat through</p> <p>24 almost all of them. But the Commission staff also</p> <p>25 logged all of the comments that were received at those</p>
<p>59</p> <p>1 comments on state legislative districts?</p> <p>2 A. Yes.</p> <p>3 Q. To your memory, h- -- how many were there?</p> <p>4 How did those -- how did those work?</p> <p>5 A. How many . . . I -- I -- I -- a number that</p> <p>6 sticks in my head for some reason, although I'm not sure</p> <p>7 this is exactly right, is something like 18 meetings</p> <p>8 that were specifically for public comment. However,</p> <p>9 there were also public-comment periods at most -- not</p> <p>10 every single one, but most Commission -- regularly --</p> <p>11 you know, regular business meetings and special business</p> <p>12 meetings that were held by the Commission, and there was</p> <p>13 often public feedback given either on maps or before</p> <p>14 mapping proposals just on their communities during those</p> <p>15 meetings.</p> <p>16 But the specific process that was laid out,</p> <p>17 from what I can recall, was that . . . or -- or we --</p> <p>18 they -- they decided to break down the state into</p> <p>19 regions using the congressional districts as just an</p> <p>20 easier way to divide up the state, and so a meeting</p> <p>21 would be focused on the region contained within one or</p> <p>22 maybe two congressional districts, and the Commission</p> <p>23 would hear comments on either congressional maps or</p> <p>24 legislative-district maps or communities generally</p> <p>25 within that congressional district.</p>	<p>61</p> <p>1 public hearings in a spreadsheet that was available to</p> <p>2 all staff and Commissioners, and I regularly went</p> <p>3 through that spreadsheet and cataly- -- catalogued that</p> <p>4 in my -- I -- I think I created a separate spreadsheet</p> <p>5 of my own, where I catalogued and kinda coded those</p> <p>6 messages so that I could get a better sense of what was</p> <p>7 commented.</p> <p>8 And -- and w- -- the -- we also received</p> <p>9 public comment through email to the Commission, and I</p> <p>10 got those emails directly to my inbox.</p> <p>11 Q. What was your sense of the thrust of public</p> <p>12 commentary on state legislative districts in the Yakima</p> <p>13 Valley?</p> <p>14 A. I notice a thread -- I did two main threads, I</p> <p>15 think: One was that the Yakama Nation Reservation</p> <p>16 should be unified in one legislative district, and the</p> <p>17 other was that Hispanic communities should be unified,</p> <p>18 as much as possible, in one legislative district. I</p> <p>19 think there was also a vein of -- of comments that asked</p> <p>20 for the Yakama Nation Reservation to be in the same</p> <p>21 legislative district as . . . as many of those Hispanic</p> <p>22 populations as possible.</p> <p>23 Q. Did any of the comments ask for a state</p> <p>24 legislative district in the Yakima Valley that would</p> <p>25 comply with the Voting Rights Act?</p>

ALI O'NEIL - 11/16/2022

<p>62</p> <p>1 A. Yes, I believe several comments did mention</p> <p>2 that specifically.</p> <p>3 Q. Did any of the comments ask for state</p> <p>4 legislative districts that kept together various Latino</p> <p>5 communities throughout that region?</p> <p>6 A. Yes, I -- I believe so.</p> <p>7 Q. And did any of the comments ask for state</p> <p>8 legislative district in the Yakima Valley that would</p> <p>9 allow Latino voters to elect a candidate of choice?</p> <p>10 A. I believe that was also a comment, yes.</p> <p>11 Q. And were . . . was your compilation of the</p> <p>12 commentary on this region communicated to</p> <p>13 Commissioner Walkinshaw?</p> <p>14 A. Yes, I believe it was.</p> <p>15 Q. And do you believe he had an understanding of</p> <p>16 the -- these sort of veins of commentary that you've</p> <p>17 listed?</p> <p>18 A. Yes, I believe he did.</p> <p>19 Q. Separate from sort of the public comments,</p> <p>20 did . . . you or Commissioner Walkinshaw or someone else</p> <p>21 on the SDC team meet with Latino individuals from the</p> <p>22 Yakima Valley area?</p> <p>23 A. Yes. I believe that was mainly through the</p> <p>24 Redistricting Justice coalition. I can't recall if</p> <p>25 there was any other individuals that we would have met</p>	<p>64</p> <p>1 from these meetings, what was your sense of the</p> <p>2 coalition's position on configuration of the legislative</p> <p>3 districts in the Yakima Valley area?</p> <p>4 A. I think at times -- I -- I -- I think I have a</p> <p>5 clear and had a clear -- at -- at times I had a clear</p> <p>6 idea of that. I think at times part of the meetings</p> <p>7 were trying to get that sense, but also recognizing that</p> <p>8 there maybe wasn't even a unified position within the</p> <p>9 coalition.</p> <p>10 And so -- but I think ultimately what I --</p> <p>11 what I gathered their position was that they wanted a</p> <p>12 VRA-compliant district, and they believed that there</p> <p>13 needed to be a VRA-compliant district, legislative</p> <p>14 district, in the region. They wanted the Yakama Nation</p> <p>15 Reservation to be -- to -- unified in one legislative</p> <p>16 district. And . . . my understanding is that they</p> <p>17 wanted the Yakama Nation to be unified -- to be in one</p> <p>18 district, which would have also been the VRA-compliant</p> <p>19 district, but that actually is a point that I do think</p> <p>20 later on potentially some people thought one way, and</p> <p>21 there wasn't necessarily consensus on that within the</p> <p>22 coalition.</p> <p>23 What else?</p> <p>24 Q. Was the view that the coalition was seeking a</p> <p>25 VRA-compliant district in the region communicated to</p>
<p>63</p> <p>1 with outside of the coalition.</p> <p>2 Q. And in your meetings with the coalition, this</p> <p>3 Redistricting -- Redistricting Justice coalition, was</p> <p>4 Commissioner Walkinshaw present for those meetings?</p> <p>5 A. He was present for some; not all. He was</p> <p>6 present for some, but not -- many of them were held just</p> <p>7 with staff.</p> <p>8 Q. And how many times -- how many times total, I</p> <p>9 guess, did -- did the SDC staff and Commissioner</p> <p>10 Walkinshaw meet with this coalition?</p> <p>11 A. We had a standing monthly call scheduled with</p> <p>12 the coalition probably for . . . six months I might say,</p> <p>13 and that was typically with me and then my counterpart</p> <p>14 in the House Democratic Caucus, Osta Davis. And most</p> <p>15 often, she and I were the staff on those calls, and the</p> <p>16 Commissioners, Sims and Walkinshaw, were not present.</p> <p>17 Sometimes I think other SDC staff, maybe Adam Hall,</p> <p>18 would show up on those calls, as well. And</p> <p>19 Commissioner Walkinshaw probably met with the</p> <p>20 Coalition . . . three t- -- three d- . . . maybe three</p> <p>21 to five times. There may have been a couple extra calls</p> <p>22 in October/November that came up in the final weeks. So</p> <p>23 maybe it was as many as five times. But I prob'ly met</p> <p>24 with them an additional five or six times.</p> <p>25 Q. And throughout these meetings, what was --</p>	<p>65</p> <p>1 Commissioner Walkinshaw?</p> <p>2 A. Yes.</p> <p>3 Q. Was that view also communicated to</p> <p>4 Commissioner Sims?</p> <p>5 A. I believe so, yes.</p> <p>6 Q. Did you or Commissioner Walkinshaw speak with</p> <p>7 any legislators regarding the redistricting process or</p> <p>8 to solicit feedback on the redistricting process?</p> <p>9 A. Yes.</p> <p>10 Q. Members of the state legislature?</p> <p>11 A. Yes.</p> <p>12 Q. Did any members of the state legislator [sic]</p> <p>13 express -- express an opinion about the configuration of</p> <p>14 district in the Yakima Valley region?</p> <p>15 A. I think Senator Saldaña did. I can't</p> <p>16 recall . . . specifically others. [Indiscernible]</p> <p>17 Senator Billig and Senator Pedersen, certainly we</p> <p>18 discussed in that terms of our . . . in terms of their</p> <p>19 goals for the entire map and the entire process. I</p> <p>20 can't recall others.</p> <p>21 Q. Did all three of these legislators also</p> <p>22 express a view to Commissioner Walkinshaw that there</p> <p>23 should be a VRA-compliant district in the Yakima Valley?</p> <p>24 A. I believe that Senator Billig and</p> <p>25 Senator Pedersen did. I am not aware of specific</p>

ALI O'NEIL - 11/16/2022

<p>66</p> <p>1 conversations -- I'm -- I'm not aware specifically of 2 Senator Saldaña and Senator -- or Commissioner 3 Walkinshaw's conversations about that, but I -- I 4 believe they did discuss it, but I -- I can't say for 5 sure. 6 And -- and actually, other senators that I 7 know -- there was a small group of senators that were 8 also kind of involved in the overall caucus . . . you 9 know, goals and objectives for redistricting, and those 10 were Senator Dhingra; Senator Marko Liias. Was there 11 someone -- and Senator Saldaña. And so I -- I believe 12 it was discussed at those meetings, and so Senator Liias 13 and Senator Dhingra also would have been part of those 14 discussions, specifically about a VRA-compliant district 15 in the Yakima Valley. 16 Q. And for public hearings after the public 17 proposals for the state legislative maps were released 18 in September of 2021, were you aware of comments about 19 the configuration of the state legislative districts in 20 the Yakima Valley? 21 A. About -- after the release of which maps? 22 Which. . . . 23 Q. So the Commissioners released 24 state-legislative-district-map proposals to the public 25 on September 21st; correct?</p>	<p>68</p> <p>1 until mid-August, we had been working on mapping for 2 months beforehand with the best available data. We had 3 been using 2019 American Community Survey data, and then 4 we'd also been using OFM, Office of Financial Man- -- 5 Financial or Fiscal Management data, as well, to do some 6 internal mapping scenarios. 7 And -- but the -- the process, I guess to go 8 back further, began with some overall principles and 9 priorities that were established at a very general level 10 from the -- Senator Billig, Senator Pedersen, and the 11 smaller group of senators, as well: Senator Dhingra, 12 Senator Saldaña, and Senator Liias. Commissioner 13 Walkinshaw I know gave in- -- was able to review and 14 gave input on those principles and priorities, to guide 15 their end of the redistricting process. 16 And we . . . spoke with community members -- 17 we spoke with members and senators about their home 18 districts and communities, to get, you know, input on -- 19 from -- from people on the ground about those 20 communities. 21 And then we try to take as much of that as we 22 could into account when staff would map and -- and staff 23 would try out mapping scenarios. And when staff came up 24 with something that they felt matched the principles and 25 priorities, and also was an effective, good starting</p>
<p>67</p> <p>1 A. I believe that's correct, yes. 2 Q. Okay. Were you aware of sort of public 3 comments that were coming in after that regarding the 4 legislative districts in the Yakima Valley? 5 A. I believe so, yes. 6 Q. And did those comments ask for a VRA-compliant 7 district in the Yakima Valley region? 8 A. I believe so, yes. 9 Q. And did those comments include a request to 10 keep together various Latino communities in the region? 11 A. I believe so, yes. 12 Q. And did those comments include a request to 13 draw a district in the region that would allow Latino 14 voters to elect their candidate of choice? 15 A. I believe so, yes. 16 Q. Was it generally important to 17 Commissioner Walkinshaw to take feedback from the Latino 18 community members in the Yakima Valley into account 19 during the redistricting process? 20 A. It's my understanding that it was, yes, based 21 on our -- my conversations with him. 22 Q. What was the SD seems -- SDC team's process 23 for drafting legislative-district-map proposals? 24 A. So at a staff level, we -- even though there 25 was not official redistricting data from the census</p>	<p>69</p> <p>1 point, we really viewed the first map as a opening bid 2 for negotiations. And so -- you know, that it met our 3 principles and priorities, it adhered to what we were 4 learning from communities and the public feedback we had 5 received, and . . . it also represented what we thought 6 as a good opening bid for negotiations, a strong 7 position for Democrats, and it was defensible by the 8 state constitution and the laws governing redistricting. 9 We, you know, presented maybe one or two of 10 those maps to -- you know, we would show those maps to 11 Commissioner Walkinshaw or to Senator Billig and Senator 12 Pedersen and walk through our rationale; they would ask 13 questions. Or -- or Commissioner Walkinshaw would give 14 input on things that he wanted to see changed or 15 differently or different scenarios he wanted to look at. 16 And that all happened even prior to receiving 17 the official redistricting -- the PL file in mid-August. 18 And then at that point, once we had the 19 official data, we, you know, loaded that into our 20 software, and we essentially had a map that we, you 21 know, think we -- we thought we wanted as a baseline. 22 We saw maybe where the population differences were 23 slightly different, and we made tweaks to that map to 24 balance the population, and, you know, did another round 25 of meetings with Commissioner Walkinshaw and -- and, you</p>

ALI O'NEIL - 11/16/2022

<p>70</p> <p>1 know, demonstrations to senate -- to Senator Billig and 2 Pedersen. And then once we felt like we had a good -- a 3 good map, we went about crafting our kind of defense and 4 our explanation of the map, and then that in turn was 5 ready for that first release. 6 And, you know, that was prob'ly the biggest, 7 you know, run-up and most work for one public proposal; 8 the other proposals were obviously much more condensed 9 time line. But that's kind of generally our approach. 10 Q. And for this first public release, on 11 September 21st, what were Commissioner Walkinshaw's main 12 sort of priorities for that map? 13 A. Well, it's my understanding that those 14 priorities were -- did in- -- involve . . . I can't 15 remember exactly h- -- I can't recall exactly how it was 16 phrased, but I -- I believe we put out some public 17 documents stating what the priorities were for those 18 first maps; maybe with the release, but maybe before 19 that. 20 One of them was protecting communities of 21 interest. That was a phrase that -- that appears in the 22 redistricting statute in Washington state, and also is 23 something that we were -- we used -- we referred to 24 frequently throughout our process internally and 25 externally, to be able to understand in different</p>	<p>72</p> <p>1 Democratic and Republican voters being what it was. We 2 wanted our -- our map to represent that and result in 3 representation in the state legislature that . . . that 4 was parallel to, you know, what the statewide voting 5 patterns were in the state. 6 I think those are the main principles that we 7 had agreed upon with Commissioner Walkinshaw, and that I 8 believe Commissioner Walkinshaw stated were his own 9 priorities, too. 10 Q. M'kay. And I'll have more specific questions 11 for you on that -- on that map proposal in a moment, but 12 I guess I wanna nail down just sort of there were a lot 13 of proposals after that point flying between 14 Commissioners; correct? 15 A. Yes. 16 Q. And the pros- -- the mechanics of creating 17 proposals on Commissioner Walkinshaw's team, was that 18 that Matt Bridges would draft those proposals? Is that 19 right? 20 A. Yes. 21 (Simultaneous talking.) 22 Q. -- general process, like, the SDC team, 23 including Matt Bridges, would draft, and Commissioner 24 Walkinshaw would provide instruction? 25 A. Yeah, so Matt Bridges would draft, he would</p>
<p>71</p> <p>1 regions and districts what communities of interest were, 2 and then to try to respect those and keep those together 3 as frequently as possible. And what that often meant 4 was -- or under that umbrella, I would say, were 5 understanding communities of color and -- and creating 6 districts that made sense, that adhere to redistricting 7 statute, but that also kept communities of color 8 together, and specifically Hispanic communities in 9 Yakima Valley, but it also played out in other places 10 that we wanted to be cognizant of communities of color 11 in other places. 12 We also wanted to have a really clean -- we 13 called a clean map. And so in the statute it mentions 14 minimizing splits -- county/city/other splits -- and 15 so -- precinct splits, and so we were really cognizant 16 of minimizing those as much as possible, and I believe 17 in our first public release we had the least amount of 18 at least some of those categories, if not all of those 19 categories. 20 We, let's see, also wanted a map politically 21 or electorally that represented the views of the state 22 of Washington; that, you know, was accurate based on -- 23 or -- or, you know, it -- it reflected statewide voting 24 patterns and demographics, with the growth of the state 25 being where it was and, you know, the percentage of</p>	<p>73</p> <p>1 send that around to the staff team to review and give 2 feedback, he might make tweaks, we send to Commissioner 3 Walkinshaw or we'd walk him through it in a meeting, he 4 would give his feedback, and then that would be a 5 mapping proposal, and we would decide "Does [sic] this 6 something we release? Is this something we send to a 7 Commissioner? Is this, you know, something else." 8 Q. And when you shared with Commissioners -- 9 Oh, and I should say -- I should ask: What 10 mapping program was used by the SDC team to draft 11 these -- these map proposals? 12 A. The vast majority of our mapping occurred on 13 Dave's Redistricting app, but I did at times use -- the 14 Commission paid for software which . . . was 15 called. . . . 16 Q. Is that the EDGE software? 17 A. Yes, that -- 18 Q. Okay. 19 A. -- is correct. 20 M- -- Matt Bridges may have also used ArcGIS 21 for some processes, as well, but I'm not certain of 22 that. 23 Q. And did -- did you ever draw -- in addition to 24 Matt Bridges, did you draw draft state legislative 25 districts?</p>

ALI O'NEIL - 11/16/2022

<p>74</p> <p>1 A. I did do some of it, yes.</p> <p>2 Q. Did you draw daf- -- draft districts in the</p> <p>3 Yakima Valley area?</p> <p>4 A. I don't think I specifically -- I -- drew</p> <p>5 that. I typically would take and make small tweaks or</p> <p>6 edits, or proposed edits, to a map that came to me from</p> <p>7 Matt Bridges or a map that we received from another</p> <p>8 Commissioner. I can't recall specifically drawing or</p> <p>9 proposing a district or a few districts for the Yakima</p> <p>10 region.</p> <p>11 Q. And you mentioned that once the SDC team and</p> <p>12 Commissioner Walkinshaw had developed a map proposal,</p> <p>13 you were deciding whether to share it, how did the</p> <p>14 sharing typically happen? And I'm thinking just -- I'm</p> <p>15 asking very mechanically here. Did you typically create</p> <p>16 a copy of the map in DRA to share with the Commissioners</p> <p>17 or external parties?</p> <p>18 A. I think that's how it went. I think it was a</p> <p>19 copy and -- and there's a way -- you know, you can click</p> <p>20 a share button and it creates a link, and you can send</p> <p>21 that link, and you can create a version of the map</p> <p>22 that's not editable by people who are viewing it. I</p> <p>23 believe that's how we did it.</p> <p>24 But other caucuses --</p> <p>25 And so I would just email it. Sometimes I</p>	<p>76</p> <p>1 legislative-district-map proposals that you received</p> <p>2 from Commissioners or the public summarizing certain</p> <p>3 information about the map?</p> <p>4 A. Yeah, I believe s- -- yes, I believe so.</p> <p>5 Q. And otherwise, you communicated your feedback</p> <p>6 on draft proposals from other Commissioners or the</p> <p>7 public --</p> <p>8 Or I guess in what other ways did you</p> <p>9 communicate that to Commissioner Walkinshaw?</p> <p>10 A. Sometimes verbally, in meetings or over the</p> <p>11 phone. Sometimes I would put it in email form. Maybe</p> <p>12 some of the evaluations of the maps submitted by the</p> <p>13 public, 'cause those were often catalyzed [sic] with</p> <p>14 public -- or catalogued with public comment. So I think</p> <p>15 in one of my spreadsheets I may have had comments or</p> <p>16 analyses on some of the proposals built in there.</p> <p>17 But I can't think of any other specific</p> <p>18 documents that I created for the purpose of -- that --</p> <p>19 that I then sent to Commissioner Walkinshaw other than</p> <p>20 just kind of written out in email.</p> <p>21 Q. And I wanna turn to sort of Voting Rights Act</p> <p>22 compliance. Did Commissioners receive training or</p> <p>23 attend a workshop on compliance of the Voting Rights</p> <p>24 Act?</p> <p>25 A. I don't think so. I mean, deef- -- I -- I --</p>
<p>75</p> <p>1 would email it directly to the staff of the other</p> <p>2 Commissioner; sometimes I would send the link to</p> <p>3 Commissioner Walkinshaw, who would then send the email</p> <p>4 directly to a Commissioner. As -- oftentimes staff was</p> <p>5 CC'd on that, but not always.</p> <p>6 There were other times where it was back and</p> <p>7 forth with staff via Microsoft Teams, especially because</p> <p>8 some of the other caucuses were not using Dave's</p> <p>9 Redistricting app primarily, and so there was some</p> <p>10 back-end work required to convert files to be able to</p> <p>11 use in EDGE software, if that's where they were</p> <p>12 primarily viewing maps.</p> <p>13 Q. When you received map proposals from other</p> <p>14 Commissioners or from the public in a format other than</p> <p>15 Dave's Redistricting, did the SDC t- -- seem -- team</p> <p>16 typically upload it to -- upload the map to DRA to sort</p> <p>17 of view and evaluate that map?</p> <p>18 A. Yes, vast majority of the time that was the</p> <p>19 case. Although I actually toward the end would do some</p> <p>20 viewing of the maps -- if it was sent to us in a file</p> <p>21 that was compatible with EDGE, I would sometimes review</p> <p>22 maps in EDGE, but . . . most of the time it was</p> <p>23 converted and uploaded into DRA.</p> <p>24 Q. Did you or other staffers created documents</p> <p>25 for Commissioner Walkinshaw to summarize</p>	<p>77</p> <p>1 I'm not exactly sure what you mean by a training or a</p> <p>2 workshop. I -- I don't think so.</p> <p>3 Q. Were there any public meetings concerning</p> <p>4 compliance with the Voting Rights Act . . . public</p> <p>5 meetings with the Commission?</p> <p>6 A. I don't recall. I -- I don't think so, but I</p> <p>7 guess I'm not entirely sure.</p> <p>8 Q. Were you aware of any presentations given by</p> <p>9 the attorney general's office to the Commissioners in</p> <p>10 September or so regarding the Voting Rights Act?</p> <p>11 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>12 THE WITNESS: I should still answer it,</p> <p>13 though; right?</p> <p>14 Q. (BY MR. MULJI) Yes.</p> <p>15 A. Okay. That sounds right. Again, I'm -- I'm</p> <p>16 having a hard time remembering specifically. But it --</p> <p>17 it's possible that that took place.</p> <p>18 Q. What is your understanding of what is required</p> <p>19 by the federal Voting Rights Act?</p> <p>20 A. My very limited understanding is that . . . if</p> <p>21 there is a certain amount -- or if population of a</p> <p>22 specific racial group is compact enough and high enough,</p> <p>23 that it's possible to draw a congressional or</p> <p>24 legislative district that has a majority. . . . Well, I</p> <p>25 don't even think that it's specifically the majority.</p>

ALI O'NEIL - 11/16/2022

<p>78</p> <p>1 But to draw a district where that one racial group has 2 enough voters to elect a candidate of their choice. 3 That if -- if that's possible, if the demographics and 4 the geography of where those people are -- if it makes 5 it possible to draw that type of district, then that 6 district should be drawn. 7 And, again, it's to . . . allow those voters 8 to elect a candidate of their choice. I -- I don't know 9 that it specifically mentions majority, that you have to 10 draw a district that has a majority of those voters, 11 but . . . enough people to actually in practice elect a 12 candidate of their choice. 13 Q. What's -- 14 A. Oh, I -- I'm sorry. I did think of one other 15 thing. 16 Q. Sure. Go ahead. 17 A. The other -- the other piece that I do 18 remember about the Voting Rights Act is that not only do 19 you have to have the demographics that that population 20 of a racial group present, but you also have to 21 demonstrate that there is racially polarized voting; 22 that there is a difference between the voting patterns 23 specifically of that racial group and the voting 24 patterns of people outside that racial group. You know, 25 that those -- that that . . . people outside the racial</p>	<p>80</p> <p>1 I don't know for sure. 2 Q. Did you speak with any commission staff about 3 the possibility of hiring a VRA consultant? 4 A. Yes, I believe I did. 5 Q. Who did you speak with? 6 A. I believe I spoke to Lisa McLean about it. 7 She was the executive director. 8 Commission staff, you said; right? 9 Q. Yes. 10 A. It's possible that I spoke to Justin Bennett 11 or Jamie Nixon about it. Lisa McLean is what I can 12 recall, though. 13 Q. And when was that conversation with 14 Lisa McLean, to the best of your memory? 15 A. I wanna say in the spring of twenty-. . . I 16 don't know if that's right. I -- I -- I . . . I -- I 17 wanna say that there was an early conversation, in the 18 spring, but I imagine . . . I think there also may have 19 been another later one again in the fall. I -- but I -- 20 I'm . . . sorry, I can't quite recall. 21 Q. Was it before -- were these conversations 22 before the release of the public map proposals in 23 September? 24 A. At least one -- yes, one of them I think was, 25 but there may have been another one after that.</p>
<p>79</p> <p>1 group tend to vote one way, and people within this 2 racial group in this area tend to vote a specific way, 3 and that because of that, and because of the way 4 districts have been drawn in the past, that people of 5 that racial group have not been able to elect a 6 candidate of their choice. 7 MR. MULJI: And I'm -- I'm sorry. Can you all 8 hear -- I have some -- unfortunately some construction 9 happening near me. Are you able to hear me? 10 [Indiscernible] the construction come through? Is that 11 impeding -- you can hear it? 12 THE WITNESS: Oh, I can't hear the 13 construction. 14 THE COURT REPORTER: No, we can't hear it. 15 MR. STOKESBARY: Yeah, A- -- Aseem, you sound 16 great, and I haven't -- 17 (Simultaneous talking.) 18 MR. MULJI: Okay. Great. Okay. Only I can 19 hear it, then. Great. 20 Q. (BY MR. MULJI) To -- to your knowledge, did 21 the Commission hire any consultants or experts on VRA 22 compliance? 23 A. To my knowledge, the Commission did not, no. 24 Q. Do you know why? 25 A. I do not know for sure why. I can guess, but</p>	<p>81</p> <p>1 Q. Okay. And for that first conversation, what 2 did you discuss with Lisa McLean about hiring a VRA 3 consultant? 4 A. I believe the discussion would have just been 5 on a general level, that I thought it should be done, to 6 get an analysis, to figure out whether or not that -- a 7 VRA district was required, and that I thought that that 8 analysis should be commissioned by the Commission, and 9 that it should be publicly available. 10 Q. Why did you believe that the Commission should 11 have hired a VRA consultant, if that was your view? 12 A. My view or my understanding was that there was 13 good reason to believe that we did need to draw a 14 VRA-compliant district in the Yakima Valley, and -- but 15 the -- also that it needed further analysis and review. 16 And I was not an expert, and to my knowledge no one on 17 the Commission was an expert, and I -- I and 18 Commissioner Walkinshaw were not able to get definitive 19 answers, or as definitive as we wanted, from other 20 places. And we wanted to have somebody whose explicit 21 expertise was on this area to be able to give advice to 22 the Commissioners and advice -- I mean, when it's 23 something that's hired by the Commission, it's ideally 24 something that all the Commissioners are bought into and 25 agree to . . . you know, to . . . review and use in good</p>

ALI O'NEIL - 11/16/2022

<p>82</p> <p>1 faith and, you know, to -- to trust that analysis. And</p> <p>2 I also wanted the public to have access to that, as</p> <p>3 well.</p> <p>4 Q. And did the Commission staff provide the</p> <p>5 opportunity for Commissioners themselves to hire their</p> <p>6 own VRA counsel or advisors?</p> <p>7 A. I don't know that they explicitly did that. I</p> <p>8 don't know. I don't know.</p> <p>9 Q. What steps did Commissioner Walkinshaw's staff</p> <p>10 take to understand the requirements of the VRA?</p> <p>11 A. Well, our staff at SDC, we -- I -- I worked</p> <p>12 closely and spoke closely and frequently with Adam Hall</p> <p>13 about this. And there were a couple of -- you know,</p> <p>14 there are various resources that I would use -- you</p> <p>15 know, I did some personal research about it. We spoke</p> <p>16 with Adam Hall's con- -- some -- his contacts. I think</p> <p>17 someone from the Brennan Center. Was there another one?</p> <p>18 I can't think of another one. And then ultimately we</p> <p>19 came up with -- we made a recommendation for the SDC</p> <p>20 specifically to seek and hire their own expert to do an</p> <p>21 analysis on this.</p> <p>22 Q. And who was the expert that the SDC hired to</p> <p>23 do an analysis on the Voting Rights Act?</p> <p>24 A. That was Matt Barreto, of the -- I believe of</p> <p>25 the UCLA Voting Rights Project.</p>	<p>84</p> <p>1 you see -- do you see the document on my screen here?</p> <p>2 Or on the shared screen?</p> <p>3 A. I do, yes.</p> <p>4 Q. And is it -- are you -- is it visible enough</p> <p>5 to read?</p> <p>6 A. I might -- actually, yeah, that's -- did you</p> <p>7 just do something? 'Cause if you did, that helped.</p> <p>8 Yes.</p> <p>9 Q. Okay. I'll zoom in a bit. Have you seen this</p> <p>10 document before?</p> <p>11 A. I'm CC'd on the email, so I'm sure I have. I</p> <p>12 don't remember it off the top of my head. But yes, I'm</p> <p>13 sure I have.</p> <p>14 Q. This is an email from Adam Hall on November</p> <p>15 2nd to you, Matt Bridges, Adam Bartz, Paulette Avalos,</p> <p>16 and Brady Walkinshaw; correct?</p> <p>17 A. Yes.</p> <p>18 Q. I wanna turn your attention to paragraph three</p> <p>19 of Adam's email. And I'll -- I'll let you read it to</p> <p>20 yourself for a moment.</p> <p>21 (Brief pause.)</p> <p>22 Q. Have you had a chance to review?</p> <p>23 A. Yes, I have.</p> <p>24 Q. Okay. And so in paragraph three, Adam is</p> <p>25 providing the SDC team, including Commissioner</p>
<p>83</p> <p>1 Q. Okay. So you -- the SDC sort of drew from</p> <p>2 Adam Hall's expertise --</p> <p>3 A. Mm-hmm.</p> <p>4 Q. -- the -- the Brennan Center's expertise,</p> <p>5 and -- and Matt Barreto's expertise on Voting Rights Act</p> <p>6 compliance; is that right?</p> <p>7 A. Yes, that's right.</p> <p>8 Q. Any other steps that the staff took to</p> <p>9 understand the Voting Rights Act?</p> <p>10 A. Other steps the staff took to understand the</p> <p>11 Voting Right [sic] Act. I mean, a -- you know, like I</p> <p>12 said, reading some other resources online. Certainly</p> <p>13 following and reading other cases, other VRA cases, that</p> <p>14 had been brought in other states across the country. I</p> <p>15 think that's -- that's the only thing that I can think</p> <p>16 of.</p> <p>17 Q. Okay. I am going to mark as Exhibit 1</p> <p>18 document B. And I'm gonna put it in the chat, and I'm</p> <p>19 also gonna share it on my screen, so that you can look</p> <p>20 at it. Gimme just a second to figure out exactly how to</p> <p>21 do that.</p> <p>22 (Brief pause.)</p> <p>23 Q. Okay. So I've placed the -- what I've marked</p> <p>24 as -- as g- -- ex- -- as Exhibit 1 in the chat and share</p> <p>25 my screen. Take a look at it together. Okay. And do</p>	<p>85</p> <p>1 Walkinshaw, his views on what the Voting Rights Act</p> <p>2 requires; is that right?</p> <p>3 A. That -- that appears to be the case, yes.</p> <p>4 Q. Okay. And he -- he says in that paragraph</p> <p>5 that "... the legal standard set by the federal courts</p> <p>6 and Congress is not whether a map is comprised of a</p> <p>7 certain percentage of Latinos (which appeared to be the</p> <p>8 question during the last cycle), but whether the</p> <p>9 district empowers the minority group to elect candidates</p> <p>10 of their choice." Do you see that?</p> <p>11 A. I do see that, yes.</p> <p>12 Q. And he also goes on to say, "Agreeing to a</p> <p>13 district that is 50.1 percent Latino by CVAP, but does</p> <p>14 not perform for those voters is both a violation of</p> <p>15 federal law and inconsistent with the principles</p> <p>16 articulated by the public throughout this process." Do</p> <p>17 you see that?</p> <p>18 A. I do see that, yes.</p> <p>19 Q. Was this your understanding -- does this</p> <p>20 paragraph reflect your understanding of what the Voting</p> <p>21 Rights Act requires, as well?</p> <p>22 MS. FRANKLIN: Objection: Calls for a legal</p> <p>23 conclusion.</p> <p>24 THE WITNESS: It -- it does in that the vast</p> <p>25 majority of my understanding and opinion is informed</p>

ALI O'NEIL - 11/16/2022

<p>86</p> <p>1 by -- from -- from Adam Hall, and he's the expert that I</p> <p>2 would go to in this.</p> <p>3 Q. (BY MR. MULJI) This is the sort of expertise</p> <p>4 that you would provide the SDC team regarding Voting</p> <p>5 Act -- Voting Rights Act compliance?</p> <p>6 A. Yes, that's correct.</p> <p>7 Q. And did he provide this sort of advice</p> <p>8 throughout the process?</p> <p>9 A. Yes, he did.</p> <p>10 Q. There's a part where he says, [as read] "I</p> <p>11 have no doubt that it is impossible -- that it is</p> <p>12 possible to draw majority minority CVAP district that</p> <p>13 elects Republicans to office, especially if the Senate</p> <p>14 seat is up during the midterms." What did you</p> <p>15 understand that sentence to mean?</p> <p>16 A. So my understanding of that sentence . . . is</p> <p>17 that it's . . . it's possible to have barely enough</p> <p>18 Hispanic voters who are citizens, citizen-voting-age</p> <p>19 population/people, but that because, you know, that --</p> <p>20 that number is barely over, you know, 50 percent plus 1,</p> <p>21 that -- but there are also still a certain number of</p> <p>22 Hispanic voters who probably vote for Republicans, that</p> <p>23 that district would still elect -- would still in</p> <p>24 practice elect Republicans.</p> <p>25 And the s- -- the second part of that</p>	<p>88</p> <p>1 I don't know that they actually take on cases, but they</p> <p>2 have a lot of resources available about voting/election</p> <p>3 law; redistricting. I visited their website frequently</p> <p>4 to get updates on certain cases that -- relating to</p> <p>5 voting/redistricting, and would read their resources</p> <p>6 about Supreme Court cases; about different cases about</p> <p>7 different laws that had been passed. And I know there</p> <p>8 was at least one person who I believe is a lawyer on</p> <p>9 staff who Adam Hall was in direct contact with, and who</p> <p>10 I was also in direct contact with, and who answered some</p> <p>11 of our questions about how this has played out in other</p> <p>12 states and how we could potentially expect it to play</p> <p>13 out here.</p> <p>14 Q. And who -- who was the lawyer that you were in</p> <p>15 touch with?</p> <p>16 A. His first name was Yuriy, and his last name</p> <p>17 was . . . Rudensky, I think.</p> <p>18 Q. Did Commissioner Walkinshaw indicate that a</p> <p>19 VRA opportunity district is one that provides Latino</p> <p>20 voters an opportunity to elect candidates of their</p> <p>21 choice?</p> <p>22 A. Can you say the first part of that again?</p> <p>23 Q. Sure. I -- I guess I should clarify. The</p> <p>24 point . . . do you understand the point that Adam is</p> <p>25 making here to be that the district needs to not only</p>
<p>87</p> <p>1 sentence, ". . . especially if the Senate seat is up</p> <p>2 during the midterms," you know, based on my political</p> <p>3 experience and knowledge, that is important because</p> <p>4 turnout and s- -- especially turnout among nonwhite</p> <p>5 voters, does fluctuate significantly between different</p> <p>6 cycles, and it does significantly matter whether or not</p> <p>7 an election is held during a presidential year or during</p> <p>8 what's called a midterm year, that -- that does</p> <p>9 significantly impact turnout, and often the voters that</p> <p>10 are least likely to turn out in midterm years are</p> <p>11 Hispanic voters and. . . Well, I guess I don't know</p> <p>12 the s- -- the second part to be true. But are --</p> <p>13 Hispanic voters are . . . minority voters.</p> <p>14 Q. And the advice that Adam's providing in this</p> <p>15 paragraph you said is based on "What the Brennan Center</p> <p>16 has repeatedly stressed to him [sic] over the last</p> <p>17 several months . . ."; correct?</p> <p>18 A. Yes, that's what I can see written there, yes.</p> <p>19 Q. And what is your understanding of what the</p> <p>20 Brennan Center is?</p> <p>21 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>22 Q. (BY MR. MULJI) [Indiscernible.]</p> <p>23 A. Okay. Thank you. The -- the -- my</p> <p>24 understanding of the Brennan Center is a national . . .</p> <p>25 organization, legal organization; employs lawyers. I --</p>	<p>89</p> <p>1 perhaps be comprised of a certain percentage of Latinos,</p> <p>2 but also empower that group to elect candidates of their</p> <p>3 choice; correct?</p> <p>4 A. I do understand that to be the point he's</p> <p>5 making, yes.</p> <p>6 Q. And did Commissioner Walkinshaw share that</p> <p>7 view, to your knowledge?</p> <p>8 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>9 THE WITNESS: I -- I believe that he did. I</p> <p>10 believe that he did, although I -- I can't say for sure.</p> <p>11 Q. (BY MR. MULJI) Did you communicate with</p> <p>12 Commissioner Walkinshaw about the requirements of the</p> <p>13 federal Voting Rights Act?</p> <p>14 A. I did communicate the requirements as I</p> <p>15 understood them based on conversations with Adam Hall</p> <p>16 and others.</p> <p>17 Q. And did he in those conversations indicate to</p> <p>18 you that he shared your understanding?</p> <p>19 A. Yes, I believe he did.</p> <p>20 Q. Did Adam Hall provide any other information to</p> <p>21 the team about Voting Rights Act compliance. . . .</p> <p>22 Well, I'll say: Did he provide information</p> <p>23 about which candidates Latinos have tended to prefer in</p> <p>24 the I- -- in the Yakima Valley?</p> <p>25 A. I'm not sure I can explicitly recall that</p>

ALI O'NEIL - 11/16/2022

<p>90</p> <p>1 coming directly from Adam Hall . . . but it -- it's --</p> <p>2 it's possible that he did. I can't say for sure.</p> <p>3 Q. Did Matt Bridges do any analysis on whether</p> <p>4 draft districts or proposed districts in this region</p> <p>5 would enable Latino voters to elect candidates of their</p> <p>6 choice in the Yakima Valley area?</p> <p>7 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>8 THE WITNESS: I'm sorry. Can you say that</p> <p>9 again?</p> <p>10 Q. (BY MR. MULJI) Did Matt Bridges do any</p> <p>11 analysis of whether districts or draft districts in the</p> <p>12 Yakima Valley would allow Latino voters to elect</p> <p>13 candidates of their choice?</p> <p>14 A. The type of analysis I guess that we did</p> <p>15 it- -- internally, or that Matt Bridges would do</p> <p>16 internally, I mean, we would look at -- in Dave's</p> <p>17 Redistricting app, it -- it tells us -- you know, it</p> <p>18 tells you based on certain -- you can -- you can use</p> <p>19 past races to -- in a newly drawn district, see who</p> <p>20 would have won that new district. And I -- I think</p> <p>21 that's the . . . that's the extent of the analysis that</p> <p>22 Matt Bridges did on that. I -- I can't recall any other</p> <p>23 explicit analysis on potential . . . districts --</p> <p>24 proposed districts in that region and their performance</p> <p>25 or whether or not that would allow Hispanic voters to</p>	<p>92</p> <p>1 specific CVAP number, the citizen-voting-age population,</p> <p>2 for the 2020 population data; all we had was overall</p> <p>3 population and we had voting-age population, and we had</p> <p>4 a 2019 CVAP estimate based on the American Community</p> <p>5 Survey, which I had not a ton of faith in, because we</p> <p>6 knew how off the 2019 American Community Survey data was</p> <p>7 from the rest of the state in -- in the 2020 population.</p> <p>8 So, you know, I had concerns that that data was not</p> <p>9 as . . . accurate as we wanted it to be, but. . .</p> <p>10 He -- Matt Barreto's analysis did show some of</p> <p>11 the relationships between CVAP data, VAP data, and</p> <p>12 regular population data, and that if you typically use</p> <p>13 certain guidelines, you know, that -- because</p> <p>14 traditionally CVAP -- the number of CVAP --</p> <p>15 citizen-voting-age population was typically less than</p> <p>16 voting-age population, and so that -- to kind of mirror</p> <p>17 the number that you -- we thought we needed to have to</p> <p>18 allow the voters in that district to elect a candidate</p> <p>19 of their choice, we had to have probably around this</p> <p>20 number in terms of VAP. That would probably allow</p> <p>21 Hispanic voters in practice to elect the candidate of</p> <p>22 their choice.</p> <p>23 And then we also knew that . . . for -- or,</p> <p>24 you know, based on our understanding, based on past</p> <p>25 political trends and, you know, some maybe just, I don't</p>
<p>91</p> <p>1 elect the candidate of their choice. But we drew</p> <p>2 certain conclusions based on the overall Democratic or</p> <p>3 Republican performance of those proposed districts.</p> <p>4 Q. Okay. And so -- so you and other Senate</p> <p>5 Democratic Caucus staff used metrics in Dave's</p> <p>6 Redistricting to sort of get a sense of whether a draft</p> <p>7 district would likely comply with the Voting Rights Act;</p> <p>8 is that right?</p> <p>9 A. Yes. And some of that was also informed by</p> <p>10 Matt Barreto's analysis and other information, you know,</p> <p>11 about how to do that type of approximation without a</p> <p>12 real analysis of that, which would be a little more</p> <p>13 in-depth than we were able to do at that time.</p> <p>14 Q. How did Matt Barreto's analysis inform what</p> <p>15 you were doing in Dave's Redistricting?</p> <p>16 A. So Matt Barreto's report that he submitted to</p> <p>17 the SDC, and that also was released to the public, he</p> <p>18 actually did look at trends and past Democratic and</p> <p>19 Republican candidates for office and how those</p> <p>20 candidates performed specifically in certain</p> <p>21 majority-Hispanic areas and majority-non-Hispanic areas</p> <p>22 and compared that, and then . . . from that analysis he</p> <p>23 also looked at . . . I -- I -- I can't remember if it</p> <p>24 was specifically turnout, but I -- I know he looked at</p> <p>25 numbers . . . 'cause at the time we did not have a</p>	<p>93</p> <p>1 know, of our own suspicions, we -- we figured that</p> <p>2 because we had shown racially polarized voting and that</p> <p>3 Hispanic -- majority-Hispanic areas tended to vote for</p> <p>4 the Democrat and majority-non-Hispanic areas in the</p> <p>5 region tended to vote for the Republican, and just given</p> <p>6 the other trends in that area, we made judgments based</p> <p>7 on how much . . . how . . . what the performance of that</p> <p>8 district had to be to account for potential changes in</p> <p>9 turnout that would result in the Hispanic voters not</p> <p>10 actually being able to elect a candidate of their choice</p> <p>11 because they didn't turn out at the same levels in a</p> <p>12 certain dis- -- in certain elections as they did in</p> <p>13 other elections.</p> <p>14 I'm sorry. That was a little perhaps</p> <p>15 convoluted.</p> <p>16 Q. No, no, no. Let's unpack some of that.</p> <p>17 So it -- it sounds like one of the things that</p> <p>18 the SDC team did to check to see when a draft district</p> <p>19 complied with the Voting Rights Act in the Yakima Valley</p> <p>20 area was to see whether it was majority Latino for the</p> <p>21 purposes of VRA compliance.</p> <p>22 Is that right?</p> <p>23 A. Yes, that's correct.</p> <p>24 Q. And I think you said the -- w- -- the</p> <p>25 datasets -- the datasets you used were 2019 ACS CVAP</p>

ALI O'NEIL - 11/16/2022

<p>94</p> <p>1 data.</p> <p>2 Is that right?</p> <p>3 A. That's correct.</p> <p>4 Q. Okay. And did you have 2020's CVAP data</p> <p>5 available to you at the time?</p> <p>6 A. We did not. We only had 2020 VAP data</p> <p>7 available to us.</p> <p>8 Q. Okay. So you used the combination of 2020 VAP</p> <p>9 data and 2019 CVAP data to assess whether the district</p> <p>10 that you were looking at was majority Latino; is that</p> <p>11 correct?</p> <p>12 A. That is correct, and I would say most of the</p> <p>13 time we relied upon the 2020 VAP data versus the 2019</p> <p>14 CVAP data.</p> <p>15 Q. Okay. And then next you mentioned that you</p> <p>16 had looked at certain races/contests in that district.</p> <p>17 Okay. And was that -- was the purpose of looking at</p> <p>18 those races to see if Latino candidates of choice would</p> <p>19 be elected in that district?</p> <p>20 A. The most basic purpose in -- from Matt</p> <p>21 Barreto's analysis that we, you know, took from --</p> <p>22 and -- and did kind of use in our own analysis later on,</p> <p>23 was that to establish that there was racially polarized</p> <p>24 voting, and to say what does it look like when Hispanic</p> <p>25 voters -- or Latino voters, to use the phrase you're</p>	<p>96</p> <p>1 candidates would be elected in the district that you</p> <p>2 were evaluating?</p> <p>3 A. Yes, although we didn't always use those exact</p> <p>4 candidates. . . . Let's see. In Barreto's report, I</p> <p>5 mean, he -- he I think called out three or four</p> <p>6 statewide races, and we . . . when we were going back</p> <p>7 and evaluating later proposals . . . I don't think we</p> <p>8 exactly matched each -- I don't think we looked at each</p> <p>9 one of those three races Matt Barreto put in his report</p> <p>10 and compared the results. Sometimes we -- we may have</p> <p>11 been limited in the data that was available to us in</p> <p>12 DRA. But typically we use the composite -- what's</p> <p>13 called a composite score, which is a political metric</p> <p>14 specific to DRA. Combines the results of various</p> <p>15 statewide races and provides what they consider to be a</p> <p>16 sort of aggregate or composite Democrat verse [sic]</p> <p>17 Republican score for the state. Or performance of those</p> <p>18 parties based on statewide races over the past believe</p> <p>19 ten years. So that was a metric we used most often.</p> <p>20 And so for us, I think it was more the Democratic versus</p> <p>21 Republican overall performance and less about the --</p> <p>22 looking at the exact, specific candidates that Barreto</p> <p>23 called out in his report.</p> <p>24 Q. Was it your team's understanding that . . .</p> <p>25 from Dr. Barreto's report that Latinos had historically</p>
<p>95</p> <p>1 using -- Latino voters do elect a candidate of their</p> <p>2 choice. Like, what does that even look like?</p> <p>3 In other places, that metric -- in other</p> <p>4 places, in other similar VRA suits, my understanding is</p> <p>5 that it's been not based on political party; more so</p> <p>6 based on, you know, Black voters electing Black</p> <p>7 candidates. And we didn't necessarily have that same</p> <p>8 analog in Washington state, because we didn't</p> <p>9 necessarily have a trend of Hispanic candidates losing</p> <p>10 to non-Hispanic candidates. And so establishing</p> <p>11 racially polarized voting at this level, we were looking</p> <p>12 at statewide race- -- statewide contests and how those</p> <p>13 specific candidates were faring at the precinct level in</p> <p>14 majority-Hispanic areas and then in</p> <p>15 non-majority-Hispanic areas.</p> <p>16 Q. Was it your understanding that the d- -- that</p> <p>17 Dr. Barreto's report provided an estimate for which</p> <p>18 candidates in previous races were the Latino community's</p> <p>19 candidate of choice?</p> <p>20 A. Yes, it's my understanding that his report did</p> <p>21 identify which candidates in previous contests were the</p> <p>22 preferred candidate, yes.</p> <p>23 Q. Okay. And so would you, when you were</p> <p>24 assessing compliance with VRA of a particular district,</p> <p>25 look at those particular races and see if those</p>	<p>97</p> <p>1 preferred Democratic candidates in those races that</p> <p>2 formed the composite score in the region?</p> <p>3 A. Yes, that was my understanding, and that was</p> <p>4 my understanding of the purpose of him calling out those</p> <p>5 three or four races, or contests, to draw that</p> <p>6 conclusion, yes.</p> <p>7 Q. Who -- you said that -- actually, how did the</p> <p>8 Senate Democratic Caucus come into contact with</p> <p>9 Dr. Barreto when you commissioned this report?</p> <p>10 A. I believe that that was initially through Adam</p> <p>11 Hall, and I'm not sure how Adam Hall found him other</p> <p>12 than that. I do believe Matt Barreto worked on -- did</p> <p>13 some work around redistricting or some of the previous</p> <p>14 VRA cases in the Yakima Val- -- he had some experience</p> <p>15 with Washington state and with the Yakima Valley prior</p> <p>16 to us working with him, I believe.</p> <p>17 Q. And when did the Senate Democratic Caucus hire</p> <p>18 Dr. Barreto to prepare his report?</p> <p>19 A. I think the end of September; early October.</p> <p>20 I can't recall specifically.</p> <p>21 Q. Sometime between the release of the first</p> <p>22 public map proposals and second map proposals; is that</p> <p>23 right?</p> <p>24 A. Yeah, and -- yes. And closer to the release</p> <p>25 of the first public map proposals, because we</p>

ALI O'NEIL - 11/16/2022

<p>98</p> <p>1 incorporated the results of his report into our second</p> <p>2 release.</p> <p>3 Q. When did you first review his analysis?</p> <p>4 A. That is hard for me to say for sure. I'm sure</p> <p>5 it's in my email somewhere. I wanna say, again, early</p> <p>6 October. Or erl- . . . maybe middle of October.</p> <p>7 Q. Okay. And . . . who from the Senate</p> <p>8 Democratic Caucus team was in communication with</p> <p>9 Dr. Barreto, aside from Adam Hall?</p> <p>10 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>11 THE WITNESS: I know Adam Hall was. I don't</p> <p>12 think anyone else . . . was in direct --</p> <p>13 You said from the Senate Democratic Caucus;</p> <p>14 right?</p> <p>15 Q. (BY MR. MULJI) Yeah.</p> <p>16 A. I don't know that anyone else was in direct</p> <p>17 communication with him. I -- he did some briefings and</p> <p>18 meetings with our team that Matt Bridges and probably</p> <p>19 Paulette Avalos would have been on; that I would have</p> <p>20 been on. And I think there was at least one meeting</p> <p>21 with the Commissioners, but . . . or k -- the</p> <p>22 Democratic Commissioners.</p> <p>23 Q. Were you in direct contact with Matt Barreto</p> <p>24 or . . .</p> <p>25 A. I potentially exchanged a few emails back and</p>	<p>100</p> <p>1 Q. You had mentioned that you had looked at --</p> <p>2 you know, when you were evaluating draft maps based on</p> <p>3 his analysis, that you were looking at sort of the</p> <p>4 composite score in Dave's Redistricting. Was it your</p> <p>5 understanding that the composite score included some of</p> <p>6 the races that Dr. Barreto looked at in his report?</p> <p>7 A. Yes, that is my understanding.</p> <p>8 Q. How did -- how did Dr. Barreto deliver his</p> <p>9 findings? Like in what format?</p> <p>10 A. Dr. Barreto I believe emailed us a slide deck,</p> <p>11 and then I think he presented that -- the results of the</p> <p>12 s- -- like, that slide deck to us, to the SDC team, and</p> <p>13 I believe to Commissioners Walkinshaw and Sims together</p> <p>14 on a call. There may have been multiple mee- -- calls</p> <p>15 or different briefings.</p> <p>16 Q. Hmm. Was that briefing on October 15th?</p> <p>17 A. That does sound right. I can't say for sure,</p> <p>18 but that sounds right.</p> <p>19 Q. Okay. And you said that that was with the</p> <p>20 Senate Democratic Caucus team and the House Democratic</p> <p>21 Caucus team?</p> <p>22 A. I believe that's correct, yes.</p> <p>23 Q. Who specifically do you remember was in</p> <p>24 attendance at that briefing?</p> <p>25 A. Dr. Barreto; myself; Adam Hall. I imagine</p>
<p>99</p> <p>1 forth with him when we were discussing -- you know, when</p> <p>2 we were asking him to repair [sic] -- prepare a version</p> <p>3 of the report for the public. To -- for public release.</p> <p>4 Q. And to be clear about the purpose of this</p> <p>5 report, was the purpose to conduct a s- -- a statistical</p> <p>6 analysis of whether there was racially polarized voting</p> <p>7 between Latino and vy- -- white voters in the Yakima</p> <p>8 Valley region?</p> <p>9 A. That was part of the purpose. The other</p> <p>10 purpose was to determine -- you know, to -- b- --</p> <p>11 because part of determining whether or not there is</p> <p>12 racially polarized voting is -- in my understanding is</p> <p>13 that that will inform whether or not there is even</p> <p>14 grounds or the need to draw VRA district. So the</p> <p>15 purpose was to figure out, "Do we -- are we right? Do</p> <p>16 we need to draw VRA district in Yakima -- legislative</p> <p>17 district in the Yakima Valley? And what would that --</p> <p>18 what would compliant districts look like?" And those</p> <p>19 were the -- that was the purpose of the report and --</p> <p>20 and soliciting his services.</p> <p>21 Q. And what did Dr. Barreto find about the</p> <p>22 question of whether there was racially polarized voting</p> <p>23 between Latino and white -- white voters in that region?</p> <p>24 A. My understanding is that he found that there</p> <p>25 was racially polarized voting.</p>	<p>101</p> <p>1 Matt Bridges. I don't know about Paulette Avalos, but I</p> <p>2 assume she received an invitation. I believe</p> <p>3 Commissioners Walkinshaw and Sims were both invited</p> <p>4 or -- I think there may have been one -- that -- that</p> <p>5 may have been this call that Commissioner Walkinshaw was</p> <p>6 supposed to be there but he got caught up in another</p> <p>7 meeting so had to join late or something.</p> <p>8 And then . . . Commissioner Sims . . . I'm not</p> <p>9 sure if Osta Davis would have been present, 'cause she</p> <p>10 was on leave for a few weeks during this time. So if</p> <p>11 not her, it woulda been Dominique Meyers from the House</p> <p>12 Democratic Caucus. And potentially Alec I think his</p> <p>13 name is Osenbach, from the HDC.</p> <p>14 Q. And you -- anyone else, actually, that you can</p> <p>15 recall?</p> <p>16 A. I cannot recall if Adam Bartz was on the call.</p> <p>17 He -- he may have been. I can't say for sure. Can't</p> <p>18 remember.</p> <p>19 Q. And did you read Dr. Barreto's analysis that</p> <p>20 he presented that day?</p> <p>21 A. Yes, I did.</p> <p>22 Q. Did you believe the analysis prepared by</p> <p>23 Dr. Barreto was reliable?</p> <p>24 A. I -- I did so in my limited expertise and</p> <p>25 experience, but I did, yes.</p>

ALI O'NEIL - 11/16/2022

<p>102</p> <p>1 Q. Did you discuss the analysis with</p> <p>2 Commissioner Walkinshaw?</p> <p>3 A. Yes, I did.</p> <p>4 Q. Did you discuss whether he felt the analysis</p> <p>5 was reliable?</p> <p>6 A. I believe so, yes.</p> <p>7 Q. What was your sense about whether he thought</p> <p>8 that re- -- analysis was reliable?</p> <p>9 A. My sense was that he did believe that it was</p> <p>10 reliable.</p> <p>11 Q. Did you discuss the analysis with</p> <p>12 Commissioner Sims?</p> <p>13 A. Not directly, but I believe it was discussed</p> <p>14 at later meetings that we had with both Democratic</p> <p>15 Commissioners and staff.</p> <p>16 Q. During the briefing on October 15th, did</p> <p>17 Commissioner Sims express any views about Dr. Barreto's</p> <p>18 analysis that your k- -- that you can recall?</p> <p>19 A. I can't remember specific views that she</p> <p>20 expressed.</p> <p>21 Q. Did you speak with Commissioner Sims's</p> <p>22 staff -- either Dominique Meyers or Osta Davis -- about</p> <p>23 this analysis?</p> <p>24 A. I believe so, yes.</p> <p>25 Q. From those conversations, did you get a sense</p>	<p>104</p> <p>1 Q. Did you share Dr. Barreto's analysis from</p> <p>2 October 15th with anyone beyond those who attended the</p> <p>3 October 15th briefing?</p> <p>4 A. I believe it would have been. . . I -- I</p> <p>5 can't recall specifically, but I can think of people</p> <p>6 that it likely was shared with, but I can't recall s- --</p> <p>7 specific instances of me sharing it with other people.</p> <p>8 Q. Okay. I'm going to . . . mark as Exhibit 2</p> <p>9 document C. And share it on the screen. Okay. And do</p> <p>10 you see Exhibit 2 on the screen?</p> <p>11 A. Yes.</p> <p>12 Q. Have you seen this document before?</p> <p>13 A. Yes.</p> <p>14 Q. What is it?</p> <p>15 A. It is a press release.</p> <p>16 I'm sorry. Lemme just -- may I just read this</p> <p>17 for a second?</p> <p>18 Yes, so it is a press release that we sent out</p> <p>19 sharing the analysis with the public and the press.</p> <p>20 Q. Okay. And did you at this time share the</p> <p>21 analysis with any of the other Commissioners or their</p> <p>22 staff?</p> <p>23 A. After it was publicly sent out? I -- I -- I</p> <p>24 frankly can't recall, but it would not surprise me if I</p> <p>25 did send it directly to other Commissioners and their</p>
<p>103</p> <p>1 of what their opinion was on this analysis?</p> <p>2 A. From those conversations, I believe their</p> <p>3 opinion was, you know, similar to ours. I think their</p> <p>4 concerns, or the concerns that I heard, were more so on</p> <p>5 how to actually get this in practice and whether or not</p> <p>6 Republican Commissioners would -- there'd be any path to</p> <p>7 negotiating an agreed-upon map with a district like this</p> <p>8 that Republican Commissioners would support. And I -- I</p> <p>9 bil- -- but I believe generally that their understanding</p> <p>10 or belief was that it was also reliable.</p> <p>11 Q. And did you have a sense that</p> <p>12 Commissioner Sims and her staff believed that a VRA</p> <p>13 district was required in the Yakima Valley?</p> <p>14 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>15 THE WITNESS: I'm sorry. Can you repeat it</p> <p>16 one more time?</p> <p>17 Q. (BY MR. MULJI) Did you have a sense from your</p> <p>18 conversations with Commissioner Sims and her staff that</p> <p>19 they believed a VRA district was required in the Yakima</p> <p>20 Valley?</p> <p>21 A. I -- I do believe that, and they, you know,</p> <p>22 supported that in the follow-up map that they released</p> <p>23 in late October, and included the same VRA-compliant</p> <p>24 district that Commissioner Walkinshaw's map included.</p> <p>25 So I do believe that.</p>	<p>105</p> <p>1 staff, but I can't say for sure.</p> <p>2 Q. Okay. I'm gonna mark as Exhibit 3 document D.</p> <p>3 Do you see document D on the screen?</p> <p>4 A. I think so, yes. I do, yes.</p> <p>5 Q. Okay. And I'll -- I'll put this in the chat,</p> <p>6 as well.</p> <p>7 Okay. And have you seen this document before?</p> <p>8 A. Yes. [Cleared throat.] 'Scuse me.</p> <p>9 Q. Is this the public version of -- well, is this</p> <p>10 the . . . is this the version of Dr. Barreto's report</p> <p>11 that you shared in the public press release?</p> <p>12 A. I believe so, yes.</p> <p>13 Q. The . . . do you see that the file name says</p> <p>14 "Public Version"?</p> <p>15 A. Yes, I do see that.</p> <p>16 Q. And it's dated October 19th; is that right?</p> <p>17 A. I do see that, as well, yes.</p> <p>18 Q. Is this version different than the analysis</p> <p>19 that Dr. Barreto provided to the Senate and House</p> <p>20 Democratic Caucuses on October 15th?</p> <p>21 A. The analysis is not different. What may be</p> <p>22 different are some of the slides, and specifically some</p> <p>23 of the background information about the Voting Rights</p> <p>24 Act, I believe. I can think of a few areas that would</p> <p>25 be different. But to my understanding, the analysis is</p>

[cont.] As a state official, Ms. Sims is an agent of the state subject to the party-opponent hearsay exception. Ms. O'Neil may offer her opinion as to Ms. Sim's, Ms. Davis's and Ms. Meyers' impressions of the Barreto per FRE 701 as they are rationally based on her perception and helpful to establish the reactions to Dr. Barreto's report among Commissioner Sims and her staff.

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State objection to lines 102:21-25: hearsay; lack of foundation. None of Ms. Meyers, Ms. Davis, or Ms. Sims are parties, so this testimony is not admissible as statements of party-opponents. Nor is there sufficient foundation for any exceptions under FRE 803 because there is no information about specific statements or the context in which they arose. Finally, this testimony lacks foundation because Ms. O'Neil cannot testify about what was in Ms Sims', Davis' or Meyer's head.

Pls' response: Testimony is based on personal observation, including meetings Ms. O'Neil had with Ms. Meyers and Ms. Davis re Dr. Barreto's analysis and the Oct 15 briefing.

ALI O'NEIL - 11/16/2022

<p>106</p> <p>1 the same.</p> <p>2 Q. Okay. Is it your understanding that this is</p> <p>3 sort of an abridged version -- the public version. Is</p> <p>4 an abridged version of the full report that Dr. Barreto</p> <p>5 provided?</p> <p>6 A. That is my understanding. Again, I -- I</p> <p>7 believe with some changes to -- specifically to, like,</p> <p>8 the background and explanation of the requirements of</p> <p>9 Voting Rights Act, you know, thinking with -- what would</p> <p>10 make this most accessible to the public to understand</p> <p>11 this.</p> <p>12 Q. Okay. I'm gonna mark as Exhibit 4 document G.</p> <p>13 (Brief pause.)</p> <p>14 Q. Okay. And have you seen Exhibit 4 before?</p> <p>15 A. Yes.</p> <p>16 Q. What is it?</p> <p>17 A. It is an email from -- I'm assuming it's just</p> <p>18 the top half [indiscernible] but . . . yeah, it is -- it</p> <p>19 is an email conversation with myself and</p> <p>20 Commissioner Walkinshaw and Adam Hall.</p> <p>21 Q. On page 1 of this document is an email from</p> <p>22 you to Commissioner Walkinshaw and Adam Hall on -- on</p> <p>23 October 28th; correct?</p> <p>24 A. That's correct.</p> <p>25 Q. And you write in the second paragraph of this</p>	<p>108</p> <p>1 A. I -- I believe so. I -- I think -- now that</p> <p>2 I'm seeing this, I can recall I think that that is the</p> <p>3 result of this email exchange. I think so.</p> <p>4 Q. Okay. I'm gonna mark as Exhibit 5 document E.</p> <p>5 Do you see Exhibit 5 on your screen?</p> <p>6 A. I do, yes.</p> <p>7 Q. Have you seen this document before?</p> <p>8 A. Yes, I have.</p> <p>9 Q. Is this a doc- -- is this a -- an email from</p> <p>10 you to Commissioner Sarah Augustine and Lisa McLean</p> <p>11 sharing the full Dr. Barreto analysis?</p> <p>12 A. Yes, it is.</p> <p>13 Q. And the full report is attached to this email;</p> <p>14 correct?</p> <p>15 A. It does appear to be. I can't exactly make</p> <p>16 out the name of the file --</p> <p>17 Q. Oh.</p> <p>18 A. -- in the attachment-name f- -- field. Full.</p> <p>19 It -- it appears to be a different name from the public</p> <p>20 version, so I would assume that based on that that that</p> <p>21 is the full document referred to.</p> <p>22 Q. And I'll -- I'll go ahead and mark as</p> <p>23 Exhibit 6 that full presentation. That's document D.</p> <p>24 THE COURT REPORTER: Counsel, if it's D, then</p> <p>25 we already marked that as Exhibit 3.</p>
<p>107</p> <p>1 email that it occurred to you that the public analysis</p> <p>2 you shared was an abridged version of the full analysis</p> <p>3 Matt Barreto did for the Senate Democratic Caucus;</p> <p>4 correct?</p> <p>5 A. That's correct.</p> <p>6 Q. And the abridged version included two specific</p> <p>7 races that Dr. Barreto analyzed; is that right?</p> <p>8 A. That is -- that appears to be correct, based</p> <p>9 on my email, yes.</p> <p>10 Q. And in your email you note that the full slide</p> <p>11 deck that he prepared included analyses of every major</p> <p>12 race in that region, in -- except for local races; is</p> <p>13 that right?</p> <p>14 A. Again, yeah, appears to be correct, based on</p> <p>15 the email.</p> <p>16 Q. Okay. And you suggested sharing the full</p> <p>17 analysis with Tera, who's a -- a member of the attorney</p> <p>18 general's office; is that right?</p> <p>19 A. That is correct, yep.</p> <p>20 Q. Okay. And you also suggested sharing with</p> <p>21 Commissioners?</p> <p>22 A. Yes, that appears to be correct, as well.</p> <p>23 Q. Okay. So after this -- after this email</p> <p>24 exchange, did you end up sharing the full Barreto</p> <p>25 analysis with Commissioners or the Commission?</p>	<p>109</p> <p>1 (A discussion was held off the record</p> <p>2 regarding exhibits.)</p> <p>3 MR. MULJI: Document F.</p> <p>4 THE COURT REPORTER: Exhibit 6?</p> <p>5 MR. MULJI: Is 6. Yeah.</p> <p>6 Q. (BY MR. MULJI) Okay. And do you see</p> <p>7 Exhibit 6 on your screen?</p> <p>8 A. I do indeed, yes.</p> <p>9 Q. Okay. And is this -- is this the full</p> <p>10 Dr. Barreto analysis attached to your email to</p> <p>11 Commissioners -- Commissioner Augustine and Sarah</p> <p>12 McLean? Lisa McLean? I'm sorry.</p> <p>13 A. Yes, it does appear to be that.</p> <p>14 Q. Okay. And this report is the one that</p> <p>15 included analysis of several more elections than the</p> <p>16 sort of publicly released report; correct?</p> <p>17 A. That's what I recall, from my understanding,</p> <p>18 yes. From seeing the emails, I believe that's correct,</p> <p>19 yeah.</p> <p>20 Q. Did you understand the report to find racially</p> <p>21 polarized voting in each of the elections that it</p> <p>22 anal- -- analyzed?</p> <p>23 A. That is my understanding, yes.</p> <p>24 Q. Okay. In going back to Exhibit 5, you also</p> <p>25 shared this document with Emma Grunberg and Tera Heintz</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">110</p> <p>1 at the attorney general's office; is that correct?</p> <p>2 A. That is correct.</p> <p>3 Q. Okay. And did you -- in addition to sharing</p> <p>4 this full analysis with Sarah Augustine and Lisa McLean</p> <p>5 and others [indiscernible] upon this email, did you also</p> <p>6 send this analysis to other Commissioners?</p> <p>7 A. I do not believe that I directly sent it to</p> <p>8 other Commissioners, no.</p> <p>9 Q. Are you aware of whether either Sarah</p> <p>10 Augustine or Sarah Mc- -- or Lisa McLean shared this</p> <p>11 analysis with other Commissioners?</p> <p>12 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>13 THE WITNESS: I . . . I believe there was --</p> <p>14 that the email was forwarded to all the Commissioners,</p> <p>15 but . . . I -- I can't say for sure. It was so long</p> <p>16 ago.</p> <p>17 Q. (BY MR. MULJI) Did you share the full</p> <p>18 analysis with other legislative staff for the other</p> <p>19 Commissioners?</p> <p>20 A. Aside from HDC staff . . . I can't recall -- I</p> <p>21 can't say for sure.</p> <p>22 Q. And did you share this full analysis with any</p> <p>23 other Commission staff?</p> <p>24 A. I can't say for sure. Can't recall.</p> <p>25 (Brief pause.)</p>	<p style="text-align: right;">112</p> <p>1 Yakima Valley.</p> <p>2 Q. And did you ever get an indication from . . .</p> <p>3 anybody in state government that Dr. Barreto's analysis</p> <p>4 was correct?</p> <p>5 MS. FRANKLIN: Objection to the extent that it</p> <p>6 potentially calls for a legal conclusion, but I would</p> <p>7 defer that to Ms. O'Neil's attorney.</p> <p>8 Q. (BY MR. MULJI) You can answer.</p> <p>9 A. Okay. I'm sorry. Can you say that -- the</p> <p>10 question one more time?</p> <p>11 Q. Sure. Did -- did anyone -- did anyone convey</p> <p>12 to you in -- I guess did anyone from the attorney</p> <p>13 general's office convey to you that Dr. Barreto's</p> <p>14 analysis was correct?</p> <p>15 A. I don't recall anytime when that -- I -- I</p> <p>16 don't recall, no.</p> <p>17 Q. Do you recall anything that Ms. Heintz</p> <p>18 conveyed -- well, did you have any conversations with</p> <p>19 Miss Heintz about this report?</p> <p>20 MS. FRANKLIN: Same objection.</p> <p>21 THE WITNESS: Not that I can recall. Not that</p> <p>22 I can recall.</p> <p>23 Q. (BY MR. MULJI) And you say in the email above</p> <p>24 that you're going to send Tera the full slide deck.</p> <p>25 Correct?</p>
<p style="text-align: right;">111</p> <p>1 Q. Wanna go back to Exhibit 4, which is document</p> <p>2 G. At the bottom of this thread is an email sent</p> <p>3 by . . . Tera Heintz at 1:06 p.m. on October 28th, sent</p> <p>4 via BCC to all Commissioners. Do you see that?</p> <p>5 A. I do, yes.</p> <p>6 Q. Did you retain Tera Heintz as your attorney at</p> <p>7 that time?</p> <p>8 A. I don't believe so, no.</p> <p>9 Q. Have you -- have you ever retained Tera Heintz</p> <p>10 as your attorney?</p> <p>11 A. I don't believe so, no.</p> <p>12 Q. You forwarded this redacted email that she</p> <p>13 wrote to Commissioner Walkinshaw in the email just one</p> <p>14 up in the chain; correct?</p> <p>15 A. That is correct.</p> <p>16 Q. And you wrote in the second paragraph of that</p> <p>17 email, "Looks like it largely finds that if the Barreto</p> <p>18 analysis is correct, there's a sufficient legal need for</p> <p>19 a VRA district"; is that right?</p> <p>20 A. It does appear to be what I wrote, yes.</p> <p>21 Q. To the best of your recollection, what did you</p> <p>22 mean by that?</p> <p>23 A. From what I can recall, what I meant was</p> <p>24 that . . . if Dr. Barreto's analysis was correct, then</p> <p>25 we would need to draw VRA-compliant district in the</p>	<p style="text-align: right;">113</p> <p>1 A. That is correct.</p> <p>2 Q. You say you know that April has seen it;</p> <p>3 correct?</p> <p>4 A. That is correct.</p> <p>5 Q. And you shared ultimately this completed</p> <p>6 and -- or the full Barreto analysis with Tera Heintz in</p> <p>7 separate email; correct?</p> <p>8 MS. FRANKLIN: Objection to the extent it</p> <p>9 calls for a legal conclusion, but I would defer to</p> <p>10 Ms. O'Neil's attorney on any instructions related.</p> <p>11 Q. (BY MR. MULJI) You can answer.</p> <p>12 A. That is correct.</p> <p>13 Q. Okay. And did you receive a response from</p> <p>14 Tera or anyone at the attorney general's office with an</p> <p>15 opinion on Dr. Barreto's full report?</p> <p>16 MS. FRANKLIN: Objection -- same objection.</p> <p>17 THE WITNESS: When you say "response," can you</p> <p>18 clarify that?</p> <p>19 Q. (BY MR. MULJI) Did you receive any follow-up</p> <p>20 to the analysis that the attorney general's office</p> <p>21 provided in this email to -- did you receive any</p> <p>22 follow-up analysis on Dr. Barreto's full report from the</p> <p>23 attorney general's office after you shared the full</p> <p>24 report?</p> <p>25 MS. FRANKLIN: Objection. Same objection as</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">114</p> <p>1 before. I would ask if we could take a break after this 2 question. 3 THE WITNESS: I am . . . I -- I might need you 4 to clarify, just because I think I'm getting the order 5 of operations confused here. 6 Q. (BY MR. MULJI) Sure. So in this email chain, 7 you received an email from Tera Heintz, a redacted 8 email, presumably concerning Dr. Barreto's public 9 analysis that you shared in the press release. Correct? 10 Is that your understanding? 11 A. Yes. Although it -- it -- it's my -- I 12 don't -- it's my understanding that that was . . . not 13 just in response to the public analysis, but also after 14 I had sent the full analysis to them, as well. 15 Q. Okay. 16 MS. FRANKLIN: Counsel -- 17 MR. MULJI: Well, I guess -- 18 MS. FRANKLIN: -- if we -- 19 (Simultaneous talking.) 20 MS. FRANKLIN: -- sorry to interrupt. If -- 21 I'm just -- I'm concerned that there may be some 22 privilege issues with this line of questioning. I was 23 hoping we could take a break to try to resolve those. 24 MR. MULJI: I guess unless you have a 25 privilege objection to any particular question, I just</p>	<p style="text-align: right;">116</p> <p>1 MS. FRANKLIN: And I would state the same 2 objection and propose that we take a break so that we 3 can contact counsel for the Commission; to the 4 Commissioners. 5 MR. MULJI: I think . . . I don't have a ton 6 more questions on this or on -- I can move on to another 7 topic, but I just have a few more questions on a 8 different topic. If you have an objection to this 9 question, you're -- you're welcome to make one, but I -- 10 I'd like to just finish up this section, if that's okay, 11 and then we can take a break; just 'cause we just took a 12 five-minute break, I wanna make sure we get 13 through . . . this part of the questioning. 14 MS. FRANKLIN: Actually, I think . . . 15 [indiscernible] just joined now. I think counsel for 16 Commissioners is joining. 17 MR. MILLSTEIN: Hi. This -- this is Aaron 18 Millstein here. Lemme just rename myself here. There 19 we go. 20 And I apologize for joining -- I'll join on 21 video for a moment. I appreciate Andrew looping me in. 22 If I can -- if I can just jump in here for a moment. I 23 understand that there's some questions regarding emails 24 that I see here from the AG's office to the 25 Commissioners. From -- from our perspective, these are</p>
<p style="text-align: right;">115</p> <p>1 wanna finish clarifying the time line here with 2 Ms. O'Neil, and then -- and then we can take a break, if 3 that's okay with you. 4 MS. FRANKLIN: Yeah, I think the objection 5 would just be around advice provided by the attorney 6 general's office. 7 MR. MULJI: Okay. 8 Q. (BY MR. MULJI) In this email, on October 9 28th, at 3:57 p.m., you -- you mention that after 10 receiving the email below, from Tera Heintz, that you 11 thought you should share the full Barreto analysis with 12 her, to see if it would resolve her questions; correct? 13 A. Okay. Yes. I am s- -- I am remembering that 14 now. I think I'm . . . I've got the time line straight. 15 Okay. Yes. 16 Q. Okay. And then you went ahead and shared that 17 with Tera Heintz in subsequent email that we just looked 18 at, in I think it was Exhibit 4. I'm sorry. Or I 19 guess . . . well, in this -- in this email to . . . to 20 Tera Heintz you shared that full analysis; correct? 21 A. Yes, that is correct, yes. 22 Q. And my question that I was asking earlier was 23 whether you received any follow-up analysis after you 24 shared Dr. Barreto's full report with the attorney 25 general's office.</p>	<p style="text-align: right;">117</p> <p>1 privileged communications, and that the privilege isn't 2 breached or waived because Ali O'Neil and Adam Hall in 3 here -- this -- they're operating as advy- -- they're 4 working with Brady for Brady, and so they're covered 5 underneath the umbrella privilege from the AG's office, 6 and so that the communications they're having, at least 7 to the extent you're -- you're seeking -- if it's 8 redacted, fine. But if you're asking about the legal 9 advice that's being provided, that that would be 10 protected by the attorney-client privilege. 11 MR. MULJI: Okay. I haven't -- we have not 12 asked about the redacted -- the redacted information 13 here. And so far we've asked about communications 14 between Ali and Commissioner Walkinshaw. And so I -- I 15 don't know that we -- unless there's a specific 16 privil- -- privilege objection to my questions, I think 17 we understand some of the contours, but . . . also, 18 Ali's no longer a employee of the -- of the -- of the 19 Senate Democratic Caucus, and these communications were 20 shared with her, presumably waived, waiving privilege, 21 or at least she might be able to waive privilege. I 22 guess, you know. . . . 23 MR. MILLSTEIN: Our -- our position is she 24 can't waive -- it's not her privilege to waive in that 25 instance, because she wasn't -- she's not necessarily</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">118</p> <p>1 the client. That would be our position. It would have 2 to take the Commission as a whole to decide to waive 3 privilege, because it doesn't belong to any individual 4 person that is there.</p> <p>5 And you -- right, she's no longer there. I -- 6 and I -- I don't know the -- the question specifically 7 that's being asked. But I just say: If you're -- if 8 the conversation's about, "Well, what did the AG tell 9 you?", that that would still be privileged 10 communication. That is our position.</p> <p>11 MR. MULJI: Okay. Well, I don't -- I don't 12 have -- we -- we're not asking her that question; we're 13 asking whether she received any follow-up analysis from 14 the AG's office, and that's it. So I haven't . . . 15 W- -- we're -- I'm happy to -- I'm happy to sort 16 of . . . I -- I think we're I think basically done with 17 this line of questioning, anyway.</p> <p>18 MR. MILLSTEIN: Okay. And I -- I'm sorry for 19 jumping in. Yeah, we would take if you're asking about 20 the analysis from the AG's office, if you're saying was 21 there -- getting into what was the AG's office doing in 22 terms of analyzing these issues, would be covered by the 23 attorney-client privilege; right? I mean, you can ask 24 generally were there communications, but asking the 25 substance of those communications gets into the nature</p>	<p style="text-align: right;">120</p> <p>1 other . . . specific statistical analyses on racially 2 polarized voting in that region.</p> <p>3 Q. Okay. And going into the 2021 redistricting 4 process, were you -- you mentioned that you were aware 5 of sort of previous litigation in the Yakima Valley 6 related to the Voting Rights Act; correct?</p> <p>7 A. That is correct.</p> <p>8 Q. What litigation were you aware of?</p> <p>9 A. I am not gonna be able to say the exact names 10 of the cases. I believe there were two lawsuits. I 11 think they were both brought under the federal V- -- 12 VRA, although I'm not sure of that; and it's possible 13 that one of them was brought under the Washington State 14 Voting Rights Act. But one was against the City of 15 Yakima, one was against Yakima County, about . . . 16 discrimination and violations of the Voting Rights Act 17 in those local elections and district-drawing. Is my 18 understanding.</p> <p>19 Q. How did you learn about those cases?</p> <p>20 A. I had been aware of them very peripherally, I 21 think, just through my political work, before I joined 22 the Senate Democratic Caucus in January of 2021. And 23 then once I joined the team and there were discussions 24 of a potential need for a VRA-compliant district in the 25 new maps that we were working on drawing, it was brought</p>
<p style="text-align: right;">119</p> <p>1 of those communications and would therefore be 2 privileged.</p> <p>3 MR. MULJI: So far we've asked whether there 4 were communications.</p> <p>5 MR. MILLSTEIN: And I'm --</p> <p>6 MR. MULJI: We're gonna -- we're gonna end 7 there.</p> <p>8 MR. MILLSTEIN: Okay. All right. I -- I 9 appreciate it. And sorry to crash the -- the 10 deposition. But if -- if that's the issue and 11 everyone's in agreement, I will just drop off, then.</p> <p>12 MR. MULJI: Sounds good.</p> <p>13 MR. MILLSTEIN: Thank you.</p> <p>14 MR. MULJI: Thanks.</p> <p>15 Q. (BY MR. MULJI) Okay. I'm gonna stop sharing 16 my screen here.</p> <p>17 During the redistricting process, did you 18 believe that -- well, actually, lemme ask you. . . .</p> <p>19 Apart from Dr. Barreto's analysis, were there 20 any other analyses that you're aware of, statistical 21 studies of racialized polarized voting between Latino 22 and white voters that you were aware of, during the 23 redistricting process?</p> <p>24 A. Not specifically a statistical analysis, I 25 don't think. I -- I don't think I'm aware of any</p>	<p style="text-align: right;">121</p> <p>1 to my attention in more detail by Adam Hall; he may have 2 sent me or emailed, you know, various explanations of 3 what took place there. It was also something that I had 4 researched and read some news articles about.</p> <p>5 Potentially was something that we discussed with Yuri 6 in calls with the Brennan Center, you know, and whether 7 those analyses or things found in those cases helped 8 demonstrate the need for VRA-compliant district in the 9 legislative maps.</p> <p>10 Q. Did you communicate about these cases with 11 Commissioner Walkinshaw?</p> <p>12 A. I believe it's likely that I did, yes.</p> <p>13 Q. Did knowledge of these cases inform or 14 influence how Commissioner Walkinshaw's team drew 15 legislative districts in the Yakima Valley?</p> <p>16 A. Yes, I -- I would say that's a fair 17 characterization.</p> <p>18 Q. How?</p> <p>19 A. Well, I think it -- generally speaking, the 20 fact that at least one of those cases had been 21 successful on the side of the plaintiffs, you know, on 22 the side of -- of Latino voters alleging there had been 23 discrimination or unfair voting or electoral practices, 24 that gave us a general sense that there was sufficient, 25 you know, population and racially vol- -- racially</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">122</p> <p>1 polarized voting, that those same things that resulted</p> <p>2 in a successful case for the plaintiffs in those cases</p> <p>3 would also . . . translate to, you know, the</p> <p>4 legislative-district maps and the need -- the legal</p> <p>5 needs for requirements for legislative-district map.</p> <p>6 That because of the size of Yakima County and</p> <p>7 the amount of population we were talking about, there</p> <p>8 was enough overlap with potential legislative districts</p> <p>9 that, again, a lot of that analysis -- legal and</p> <p>10 demographic analysis would be very applicable and -- but</p> <p>11 generally speaking, in terms of our mapping proposals,</p> <p>12 we took that as a need to investigate further and figure</p> <p>13 out, you know, s- -- or hire some outside expert to do</p> <p>14 this analysis, for example.</p> <p>15 Q. Based on all of the analyses and court cases</p> <p>16 we've talked about thus far, did -- did those form the</p> <p>17 basis of your opinion that there was racially polarized</p> <p>18 voting in the Yakima Valley region?</p> <p>19 A. Yes, that certainly helped inform that, for</p> <p>20 sure.</p> <p>21 Q. And did you communicate your understanding</p> <p>22 that there's racially polarized voting in the Yakima</p> <p>23 Valley region to Commissioner Walkinshaw?</p> <p>24 A. Yes, I did.</p> <p>25 Q. And did he indicate to you that he shared your</p>	<p style="text-align: right;">124</p> <p>1 Q. What about Commissioner Fain and his staff?</p> <p>2 Did you discuss whether there was racially polarized</p> <p>3 voting between Latino and white voters in the Yakima</p> <p>4 Valley with Commissioner Fain?</p> <p>5 A. [Cough.] 'Scuse me. [Cough.] I'm just gonna</p> <p>6 take a quick sip of water, if that's okay.</p> <p>7 Q. Please go ahead.</p> <p>8 A. Could you say the question one more time?</p> <p>9 Q. Sure. Did you discuss whether racially</p> <p>10 polarized voting exists between Latino and vy- -- Latino</p> <p>11 and white voters in Yakima Valley with Commissioner</p> <p>12 Fain?</p> <p>13 A. [Cough.]</p> <p>14 Q. If you'd like, we can also. . . .</p> <p>15 A. I think I'm okay, but I will let you know if I</p> <p>16 need a pause.</p> <p>17 I -- I don't believe that I did myself</p> <p>18 directly, personally, to Commissioner Fain.</p> <p>19 Q. Do you know whether. . . .</p> <p>20 A. [Cleared throat.]</p> <p>21 (A discussion was held off the record.)</p> <p>22 MR. MULJI: I have just a few more questions</p> <p>23 about this topic, and then maybe would it make sense to</p> <p>24 break for lunch? After that? Okay. Or we can . . . we</p> <p>25 could also break now, if -- if this is a difficult</p>
<p style="text-align: right;">123</p> <p>1 understanding that there was racially polarized voting</p> <p>2 in the Yakima Valley region?</p> <p>3 A. Yes, I believe that he did.</p> <p>4 Q. Did he share those views or you -- did you</p> <p>5 share those views with other Commissioners or their</p> <p>6 staff?</p> <p>7 MS. FRANKLIN: Objection: Compound.</p> <p>8 Q. (BY MR. MULJI) Well, let's -- we'll ask the</p> <p>9 first part of that, then. Did you share your views that</p> <p>10 there was racially polarized voting between Latino and</p> <p>11 white -- white voters with Commissioner Sims?</p> <p>12 A. I believe that I did, yes.</p> <p>13 Q. Okay. And did you share that view with</p> <p>14 Commissioner Sims's staff?</p> <p>15 A. I believe that I did, yes.</p> <p>16 Q. And when did you share your views with</p> <p>17 Commissioner Sh- -- Sims and her staff about existence</p> <p>18 of racially polarized voting?</p> <p>19 A. We would have had many meetings between the</p> <p>20 October 15th briefing with Dr. Barreto and the final</p> <p>21 deadline, and the question of a VRA-compliant</p> <p>22 legislative district came up many times in those</p> <p>23 meetings, and so I'm . . . there were certainly many</p> <p>24 times where it would have been brought up and discussed</p> <p>25 in those meetings.</p>	<p style="text-align: right;">125</p> <p>1 time --</p> <p>2 THE WITNESS: [Cough.]</p> <p>3 Q. (BY MR. MULJI) -- [indiscernible].</p> <p>4 A. I think I'm okay for a few more minutes.</p> <p>5 Yeah.</p> <p>6 Q. Okay. Just a few more questions.</p> <p>7 Did Commissioner Walkinshaw communicate with</p> <p>8 Commissioner Fain his views about racially polarized</p> <p>9 voting in Yakima Valley?</p> <p>10 MR. STOKESBARY: Objection --</p> <p>11 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>12 [Indiscernible] cut you off.</p> <p>13 THE WITNESS: I still answer?</p> <p>14 Q. (BY MR. MULJI) Yeah.</p> <p>15 A. I -- I can recall conversations with</p> <p>16 Commissioner Walkinshaw where he said he discussed with</p> <p>17 Commissioner Fain, you know, the importance of drawing a</p> <p>18 VRA-compliant district, but I -- I can't say for sure</p> <p>19 that Commissioner Walkinshaw, based on my conversations</p> <p>20 with him, that he said -- mentioned anything</p> <p>21 specifically about racially polarized voting to</p> <p>22 Commissioner Fain.</p> <p>23 Q. And are you aware of whether . . . did you</p> <p>24 communicate with Commissioner Graves or his staff about</p> <p>25 racially polarized voting in Yakima Valley?</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">126</p> <p>1 A. I don't believe so explicitly. There was one</p> <p>2 meeting that took place . . . well, it wasn't -- I was</p> <p>3 not communicating directly with Commissioner Graves.</p> <p>4 So. I was merely an observer. So no, I -- I d- -- I</p> <p>5 don't believe that I did.</p> <p>6 Q. Did Commissioner Walkinshaw indicate to you</p> <p>7 that he had spoken with Commissioner Graves about</p> <p>8 racially polarized voting in the Yakima Valley?</p> <p>9 A. Again, I can't recall specifically him</p> <p>10 mentioning/discussing racially polarized voting with</p> <p>11 Commissioner Graves. I -- I cannot recall that specific</p> <p>12 phrase in relation to those conversations that they had.</p> <p>13 Q. The Senate Democratic Caucus team, to the best</p> <p>14 of your understanding, believed that there was racially</p> <p>15 polarized voting in Yakima Valley between Yakima -- or</p> <p>16 between Latino and white voters; correct?</p> <p>17 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>18 THE WITNESS: Yes, that -- that's correct, to</p> <p>19 my knowledge.</p> <p>20 Q. (BY MR. MULJI) And you -- do you agree that</p> <p>21 Latino candidates of choice in the Yakima Valley were</p> <p>22 being blocked from winning office by white voters?</p> <p>23 MS. FRANKLIN: Objection to the extent that it</p> <p>24 calls for an expert conclusion.</p> <p>25 Q. (BY MR. MULJI) You can answer.</p>	<p style="text-align: right;">128</p> <p>1 September 21st public proposal.</p> <p>2 Have you seen the document on your screen</p> <p>3 here, Exhibit 7?</p> <p>4 A. Yes.</p> <p>5 Q. What is this document?</p> <p>6 A. It appears to be an email that I sent to</p> <p>7 Commissioner Walkinshaw.</p> <p>8 Q. And that was on September 16th; correct?</p> <p>9 A. That's correct.</p> <p>10 Q. The subject is "leg map slideshow," and then</p> <p>11 it says below "Attached!"; correct?</p> <p>12 A. That's correct.</p> <p>13 Q. And it includes an attachment, if you can see</p> <p>14 it, called "SDC Map Presentation_9.16.pdf"; correct?</p> <p>15 A. That's correct.</p> <p>16 Q. And I'll mark as Exhibit 8 . . . that -- that</p> <p>17 attachment.</p> <p>18 MR. MULJI: And that's document QQ, the court</p> <p>19 reporter.</p> <p>20 And I'll put that in chat, as well. Attempt</p> <p>21 to put that in the chat.</p> <p>22 Q. (BY MR. MULJI) Okay. And you see document</p> <p>23 QQ -- or I'm sorry -- Exhibit -- Exhibit 8 on your</p> <p>24 screen?</p> <p>25 A. I do, yes.</p>
<p style="text-align: right;">127</p> <p>1 A. I -- I do agree, to the best of my limited</p> <p>2 knowledge and expertise, and based on the information</p> <p>3 that I had been provided throughout my time as staff</p> <p>4 member with SDC.</p> <p>5 Q. Did any other Commissioners, to your</p> <p>6 knowledge, discuss conducting an analysis of whether</p> <p>7 racially polarized voting exists between Latino and</p> <p>8 non-Latino voters?</p> <p>9 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>10 THE WITNESS: I -- I'm sorry. What was the</p> <p>11 first part of that question?</p> <p>12 Q. (BY MR. MULJI) Did any of the other</p> <p>13 Commissioners, to your knowledge, discuss conducting an</p> <p>14 analysis of whether racially polarized voting exists?</p> <p>15 A. Not to my knowledge, again, specifically about</p> <p>16 the analysis of racially polarized voting. But not to</p> <p>17 my knowledge.</p> <p>18 MR. MULJI: Okay. This might be a good</p> <p>19 stopping point for -- for lunch.</p> <p>20 (Discussion held off the record at 12:09 p.m.)</p> <p>21 (A break was taken to 12:46 p.m.)</p> <p>22 Q. (BY MR. MULJI) I'd like to mark as Exhibit 7</p> <p>23 document H. I'll put it in chat.</p> <p>24 For -- for context, Ali, I wanna ask you</p> <p>25 about -- a few questions about the roll-out of the</p>	<p style="text-align: right;">129</p> <p>1 Q. Do you recognize this to be the -- the -- the</p> <p>2 presentation attached to the email in Exhibit 7?</p> <p>3 A. It does appear to be, yes.</p> <p>4 Q. And what -- what is this document?</p> <p>5 A. 'Scuse me. This document is a presentation</p> <p>6 that I prepared that Commissioner Walkinshaw gave to the</p> <p>7 full Senate Democratic Caucus membership.</p> <p>8 Q. What was the purpose of this presentation?</p> <p>9 A. The purpose of this presentation. . . .</p> <p>10 Actually, I'm sorry. Could you scroll down a</p> <p>11 little bit in the slides just so I can be sure that this</p> <p>12 is the correct thing I'm talking about?</p> <p>13 Q. Yeah.</p> <p>14 A. Okay. Thank you.</p> <p>15 Yes [indiscernible]. And you -- I'm sorry.</p> <p>16 What was your question again?</p> <p>17 Q. What was the purpose of this presentation?</p> <p>18 A. Yes. The purpose of this presentation was to</p> <p>19 share with the caucus members what the map that</p> <p>20 Commissioner Walkinshaw was going to be releasing as his</p> <p>21 initial proposed legislative map -- to share with them</p> <p>22 what that map looked like; and also to give our and</p> <p>23 Commissioner Walkinshaw's sort of justification for that</p> <p>24 map and how it aligned with the principles and</p> <p>25 priorities that he had outlined previously and had</p>

ALI O'NEIL - 11/16/2022

<p>130</p> <p>1 discussed with Senator Billig and other members of the</p> <p>2 caucus; and, you know, generally share why some of the</p> <p>3 changes were being proposed in his new map and what he</p> <p>4 saw were the next steps after that.</p> <p>5 Q. And you said that this was for the Senate</p> <p>6 Democratic Caucus. Does that include both legislators</p> <p>7 and staff?</p> <p>8 A. That includes senators -- state senators.</p> <p>9 Staff was . . . staff from the redistricting team was</p> <p>10 present, I believe, but I don't know if other staffers</p> <p>11 from other parts of the caucus or members' offices were</p> <p>12 present on the call.</p> <p>13 Q. 'Kay. I just wanna talk about a few -- few</p> <p>14 things in here. First turning to page 3. The second</p> <p>15 bullet on the screen, if you can see that, says,</p> <p>16 "Empower/unite Yakima." Do you see that bullet point?</p> <p>17 A. I do.</p> <p>18 Q. That bullet point says, "We unite the Yakama</p> <p>19 Nation and the Hispanic communities in the Yakima valley</p> <p>20 in the 14th district, allowing for more fair and</p> <p>21 effective representation of both the Yakama Nation and</p> <p>22 the state's largest Hispanic community." This paragraph</p> <p>23 is referencing the version of LD 14 in the September</p> <p>24 21st proposal; correct?</p> <p>25 A. That is correct, yes.</p>	<p>132</p> <p>1 you know, types of, I guess . . . "barriers" is not the</p> <p>2 correct word, but different boundaries or lines that</p> <p>3 existed across the state, geographic and political and</p> <p>4 demographic and otherwise. We took as much of those</p> <p>5 into account as we could in this proposal. And we felt</p> <p>6 that it . . . by grouping certain communities of</p> <p>7 interest together, like Hispanic voters in the Yakima</p> <p>8 Valley, you know, allowing them to have sufficient</p> <p>9 electoral power to elect candidates that they would</p> <p>10 choose. And so that was not just based on race for</p> <p>11 Hispanic voters, but it was a principle that was applied</p> <p>12 throughout the map and also applied to Hispanic voters.</p> <p>13 Q. I wanna turn your attention to page 16. This</p> <p>14 is the sort of -- the slide 16 --</p> <p>15 A. Mm-hmm.</p> <p>16 Q. -- describes some specifics about the 14th</p> <p>17 District; correct?</p> <p>18 A. Mm-hmm. Mm-hmm. Yes.</p> <p>19 Q. The second chart . . . the second chart on the</p> <p>20 page identifies -- I'm sorry. The -- the first chart</p> <p>21 identifies the district as -- as District . . . 14.</p> <p>22 Actually, I'm -- I'm sorry. This chart -- the second</p> <p>23 chart on the page identifies District 14 as having a</p> <p>24 Hispanic VAP percentage of 55.5; correct?</p> <p>25 A. That is correct.</p>
<p>131</p> <p>1 Q. How did LD 14 allow for more fair and</p> <p>2 effective representation of the state's largest Hispanic</p> <p>3 community?</p> <p>4 A. Specifically the Hispanic community; right?</p> <p>5 Q. Mm-hmm.</p> <p>6 A. We believed that it did that by keeping them</p> <p>7 together in one legislative district, rather than</p> <p>8 splitting a lot of those communities and splitting</p> <p>9 Hispanic voters between multiple districts, which would</p> <p>10 give them a majority in the district by the voting-age</p> <p>11 population. And we thought that it gave them enough of</p> <p>12 a majority that it would allow them to significantly</p> <p>13 vote the -- the -- the candidate that those voters voted</p> <p>14 for, give them a significant chance that that candidate</p> <p>15 would be successful in an election in that district.</p> <p>16 Q. Any other reasons why the district in the</p> <p>17 proposed map that you believe that it would provide fair</p> <p>18 and effective representation for the Hispanic community?</p> <p>19 A. I mean, there were reasons that we believe</p> <p>20 that districts in this map would provide fair and</p> <p>21 effective representation for voters across the state,</p> <p>22 and those things applied also to Hispanic voters in</p> <p>23 Yakima Valley.</p> <p>24 I mean, we also view these districts to be</p> <p>25 cognizant of communities of interest and other relevant,</p>	<p>133</p> <p>1 Q. And you were looking at [indiscernible]</p> <p>2 population at the time to determine whether the district</p> <p>3 was majority Hispanic?</p> <p>4 A. You -- you cut out just a little bit. Could</p> <p>5 you say that one more time?</p> <p>6 Q. Were you looking at voting-age population at</p> <p>7 the time to evaluate whether a district was majority</p> <p>8 Hispanic?</p> <p>9 A. Yes, we were looking at voting-age population.</p> <p>10 Q. Okay. And another thing that's indicated here</p> <p>11 is that District 14 changed from being I think</p> <p>12 district -- LD 15 to LD 14. Why switch from LD 15 to</p> <p>13 LD 14 for the majority-Hispanic district?</p> <p>14 A. Yes, that -- we made that change, again, what</p> <p>15 we thought would help . . . better empower Hispanic</p> <p>16 voters in that district, in that region, to elect</p> <p>17 candidates of their choice and participate in the</p> <p>18 elections by choosing the number 14 to go with that</p> <p>19 district, because the 14th District in Washington state</p> <p>20 elections, the senate -- the senator up for that seat is</p> <p>21 elected on presidential years, which typically has</p> <p>22 higher turnout for nonwhite voters or low-propensity</p> <p>23 voters, and we knew with that -- that that would</p> <p>24 translate typically to higher participation by Hispanic</p> <p>25 or Latino voters in that district.</p>

ALI O'NEIL - 11/16/2022

<p>134</p> <p>1 Q. And increased participation would enable</p> <p>2 Hispanic voters to -- greater opportunity to elect</p> <p>3 candidates of their choice; correct?</p> <p>4 A. In our view --</p> <p>5 (Simultaneous talking.)</p> <p>6 MS. FRANKLIN: Objection: Leading, but</p> <p>7 [indiscernible].</p> <p>8 THE WITNESS: [indiscernible] I still answer?</p> <p>9 Q. (BY MR. MULJI) You can answer, yeah.</p> <p>10 A. In -- in our view, yes, it did, because a</p> <p>11 55 percent voting-age population does not mean that</p> <p>12 55 percent of the voters who vote in that election are</p> <p>13 going to be Hispanic voters; it simply means that</p> <p>14 55 percent of people of voting age in that area are</p> <p>15 Hispanic. And so in terms of translating that to people</p> <p>16 who actually show up to the polls and cast their votes,</p> <p>17 there are many reasons that those numbers don't</p> <p>18 translate perfectly. And typically white voters, you</p> <p>19 know, are more likely to show up and vote, is my</p> <p>20 understanding of this. And so that was something we</p> <p>21 take -- had to take into account, was that in these</p> <p>22 areas and in similar districts and similar places across</p> <p>23 the country, the data and trends show that, you know, in</p> <p>24 order to translate from a analysis of voting-age</p> <p>25 population to the voters who actually show up at the</p>	<p>136</p> <p>1 years; correct?</p> <p>2 A. That is correct.</p> <p>3 Q. And it's comparing turnout in those years</p> <p>4 in -- for voters in the Yakima Valley or in -- in Yakima</p> <p>5 City? Do you know?</p> <p>6 A. I am not sure of that. I'm inclined to say</p> <p>7 Yakima County, but I -- I can't say for sure.</p> <p>8 Q. Okay. And are you aware of any other data on</p> <p>9 voter turnout in Yakima County or Ya -- greater Yakima</p> <p>10 Valley that was considered or that you considered in</p> <p>11 creating this -- this document?</p> <p>12 A. I know that that data exists, and I think that</p> <p>13 is relatively easy to access from secretary of state and</p> <p>14 just general voting records, you know, based on how many</p> <p>15 people voted in past elections. And so . . . I can't</p> <p>16 recall specifically, you know, where it came from or who</p> <p>17 did the analysis or when, but -- or whether there was</p> <p>18 additional analysis. But I know that that data does</p> <p>19 exist and that it's pretty easily accessible.</p> <p>20 Q. I wanna mark as Exhibit 9 document FI [sic].</p> <p>21 THE COURT REPORTER: I'm sorry. What letter</p> <p>22 was that again?</p> <p>23 MR. MULJI: I.</p> <p>24 Q. (BY MR. MULJI) And I'm gonna put it in the</p> <p>25 chat and I'm sharing my screen. Do you -- have you seen</p>
<p>135</p> <p>1 polls, or at the polls for specific races and elections,</p> <p>2 you know, you have to have a higher number -- you --</p> <p>3 it's -- it's not enough to just have 50 percent plus</p> <p>4 one; you have to have a higher number to actually</p> <p>5 translate toward a majority showing up at the polls and</p> <p>6 therefore being able to elect candidates of their</p> <p>7 choosing. And that's why we tried to . . . draw a</p> <p>8 district that had the highest Hispanic VAP that -- that</p> <p>9 we could, that also, again, was justifiable and made</p> <p>10 sense with the other districts and within the region as</p> <p>11 a whole.</p> <p>12 Q. And the last bullet point on the slide</p> <p>13 includes some data; correct?</p> <p>14 A. That is correct.</p> <p>15 Q. And it says voter turnout in Yakima went up 13</p> <p>16 percentage points from 2018 to 2020, and 23 percentage</p> <p>17 points from 2014 to 2016; is that right?</p> <p>18 A. That is correct.</p> <p>19 Q. What was -- where did this -- where did this</p> <p>20 statistic come from?</p> <p>21 A. I -- that actually can't recall where that</p> <p>22 statistic came from.</p> <p>23 Q. And just to clarify sort of what the statistic</p> <p>24 is saying, this paragraph is comparing turnout in</p> <p>25 non-presidential-election years to presidential-election</p>	<p>137</p> <p>1 this document before?</p> <p>2 A. Yes, I have.</p> <p>3 Q. Okay. And what is it?</p> <p>4 A. This looks like a page from my personal notes.</p> <p>5 Q. Okay. And these are -- these are handwritten</p> <p>6 notes that you took during the redistricting process;</p> <p>7 right?</p> <p>8 A. That appears to be correct, yes.</p> <p>9 Q. And . . . do you recognize this to be the</p> <p>10 third -- the third set of handwritten notes you produced</p> <p>11 in response to Plaintiffs' subpoena?</p> <p>12 A. Based on the title, yes, appears to be</p> <p>13 correct.</p> <p>14 Q. [Indiscernible] part three. And just to be</p> <p>15 clear, the source of these notes is -- these are notes</p> <p>16 that you took by hand contemporaneous with your work on</p> <p>17 the redistricting process; correct?</p> <p>18 A. That's correct.</p> <p>19 Q. And you produced them through your attorney</p> <p>20 yesterday, November 14th? Or . . . 15th? Is that</p> <p>21 right? Or 14th. I'm sorry. Two days ago. Or</p> <p>22 yesterday? When did you produce these?</p> <p>23 A. I believe it was yesterday, 'cause that is</p> <p>24 when I discovered that I had not yet produced them and</p> <p>25 that it prob'ly was relevant to your request.</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">138</p> <p>1 Q. Okay. Thank you for clarifying. 2 I wanna turn your attention to page 18 of this 3 set of notes . . . in there. I'm gonna just rotate them 4 so you can actually -- so we can both read them. So 5 page 18 says -- there's a -- there's a checkbox here, 6 and it says, "Get turnout data from Barreto. CVAP vs. 7 likely voters." And then I -- and then I think it says 8 ele- -- or . . . I'm actually . . . not sure what it 9 says after that. "114 [sic] voters (doesn't have to be 10 super high)." What is -- what are those notes 11 concerning? 12 A. I am not sure when this was -- I don't see a 13 date on here, so I can't say . . . the reason that's 14 important is because I -- I can't say for sure if that 15 was, you know, before we received Barreto's analysis 16 or -- or after. But I know -- maybe there's an -- date 17 on it -- no? Okay. 18 I know that there was discussion throughout: 19 you know, what can -- what can we -- what sort of data 20 does Barre- -- Dr. Barreto need to conduct an analysis; 21 but then after the fact, as well, what additional data 22 or information would be useful just in making the case 23 to the public, you know. And helping to arm 24 Commissioner Walkinshaw as he was going into 25 negotiations, into conversations, to strengthen his and</p>	<p style="text-align: right;">140</p> <p>1 And just to clarify, the -- the "1, 2 dash [sic], 4," it means one out of four voters. So, 3 like, voters who voted in one out of the last four 4 elections. So that's a pretty low-propensity voter, and 5 that to us would say that is a voter who would show up 6 in a presidential election but potentially not in any 7 other race. 8 Q. I see. 9 (Simultaneous talking.) 10 Q. You were looking for data from Dr. Barreto 11 about the difference between the CVAP numbers for 12 precincts [indiscernible] and the number of likely 13 voters that you I think indicated here is . . . voters 14 who are voters -- who are not the low-propensity, 15 one-out-of-four voters; is that right? 16 A. Well, when I said "likely voters," I -- what I 17 meant was just v- -- more just voters. So I meant the 18 one-out-of-four voters. So it actually -- 19 (Simultaneous talking.) 20 A. -- they weren't really likely voters, but we 21 were trying to identify, like, that's the subset of 22 likely voters in this particular scenario. 23 Q. You were trying to identify maybe voters who 24 only vote in presidential elections. Is that. . . 25 A. That's exactly right.</p>
<p style="text-align: right;">139</p> <p>1 our position that we felt a VRA-compliant district was 2 required and necessary, and this is how -- what it had 3 to look like in this region. 4 And so what this refers to, we -- we knew that 5 Dr. -- I mean, this -- this data -- turnout data, some 6 of these other -- this data, is publicly available, so 7 anybody could access it. We had thought that 8 Dr. Barreto had looked at that, I think, in -- when he 9 conducted his analysis, and so maybe we thought that he 10 had this data regularly available . . . or -- or, like, 11 at his fingertips. 12 And what I wrote was understanding, again, the 13 difference between the citizen-voting-age population 14 and/or voting-age population and what that actually 15 translates to in terms of voters showing up at the 16 polls, because that's what determines whether or not 17 that group actually gets to elect the candidate of their 18 choice. And when we're doing, you know, mapping, we 19 rely on population, but we also wanted to understand the 20 relationship between the population data that we had and 21 turnout data, who showed up to the polls, because, 22 again, it's that question of whether or not these 23 candidates [sic] would be able to elect a cand- -- or 24 these voters would be able to elect a candidate of their 25 choice.</p>	<p style="text-align: right;">141</p> <p>1 Q. Okay. Okay. And did you end up getting this 2 turnout data from Dr. Barreto? 3 A. I -- I don't think that we did. I think this 4 was . . . from my recollection, this was, you know, in 5 the later days, and time was of the essence, and, you 6 know, we had ideas that didn't always come to fruition, 7 and I -- I don't think this was data that we got. 8 Q. I see the checkbox is not marked. Is it 9 possible that perhaps that you didn't end up asking 10 Dr. Barreto, or -- or do you remember asking him? 11 A. It is very possible that we did not ask. 12 Unfortunately, the checked or unchecked boxes don't 13 always correspond to reality, but I did my best. And 14 I -- I do not recall even asking him for this data, 15 so . . . it's very possible that we didn't even make the 16 ask. 17 Q. Did you -- it says [as read] "Have a call with 18 Barreto on slide 31." Does that indicate -- does that 19 help you indicate the timing of when this was happening? 20 A. It does. It does. And so that would appear 21 to be after the analysis had -- we'd received the 22 analysis, and so . . . yeah, that does align with how 23 I've been characterizing these notes and what they meant 24 in our process, yes. 25 Q. Okay. And -- and I guess in -- in</p>

ALI O'NEIL - 11/16/2022

State objection to lines 144:9-145:8: to the extent this testimony is offered as evidence of anyone's thinking besides Ms. O'Neil's, it is hearsay and lacks foundation.

Pls response: Ms. O'Neil testified that she worked closely and met regularly with the Senate Democratic Caucus team and Mr. Walkinshaw and observed discussions regarding the memo in question, establishing personal knowledge. The testimony is not hearsay Ms. O'Neil is summarizing impressions of her team's overall attitude/ thinking, no particular statements asserted. Mr. Walkinshaw is a state agent subject to party-opponent exception. The testimony is admissible as lay opinion under FRE 701.

142	<p>1 general . . . you understood, I guess based on these</p> <p>2 notes, that -- that . . . there was an effort to get</p> <p>3 turnout data in Washington; correct?</p> <p>4 A. There was. There was an effort to get</p> <p>5 specifically I guess the difference between CVAP and</p> <p>6 turnout so that . . . we could say . . . you know . . .</p> <p>7 because there is typically a 5 percent or a 10 percent</p> <p>8 or a 12 percent difference, that we could say in our</p> <p>9 drawing of a new map that had -- a new district that had</p> <p>10 never been tested, never had an election before, so we</p> <p>11 didn't know, but that reliably, based on past electoral</p> <p>12 data, a district that has a CVAP of 55 percent will</p> <p>13 typically roughly translate to about 45 percent of</p> <p>14 voters -- of Hispanic voters showing up at the polls in</p> <p>15 this type of election, or something like that.</p> <p>16 Q. And this may be unrelated, but in the same</p> <p>17 page, on page 18, you have a -- notes -- there a heading</p> <p>18 that says, "With Brady and April." Point number 3 says,</p> <p>19 "VRA memo." What -- what is -- what is that referring</p> <p>20 to?</p> <p>21 A. I am not exactly sure, again, because of the</p> <p>22 time line. Yeah, that -- that's hard for me to say.</p> <p>23 I c- -- I can think of multiple things that might be</p> <p>24 characterized as a VRA memo, and so I can't say for sure</p> <p>25 which -- what that refers to.</p>	144	<p>1 polarized voting, but it provided, you know, legal</p> <p>2 analysis of the Voting Rights Act and whether there was</p> <p>3 sufficient legal requirement to draw one. But I believe</p> <p>4 it was arguing that there is not -- there was not</p> <p>5 sufficient legal grounds to draw one in the legislative</p> <p>6 map.</p> <p>7 Q. Were you part of discussions about that memo?</p> <p>8 A. Yes. I'm -- yes, I was.</p> <p>9 Q. And -- and do you recall what -- what the</p> <p>10 Senate Democratic Caucus team and Commissioner</p> <p>11 Walkinshaw -- what their -- what your position was on</p> <p>12 that memo?</p> <p>13 MS. FRANKLIN: Objection: Compound.</p> <p>14 Q. (BY MR. MULJI) You can answer.</p> <p>15 A. I recall that generally the attitude or the</p> <p>16 thinking was that, you know, that legal analysis was not</p> <p>17 sufficient to dissuade any of us from our position or to</p> <p>18 think differently of Dr. Barreto's analysis or our</p> <p>19 position, you know, to continue to work for a VRA --</p> <p>20 what we saw as a VRA-compliant legislative district in</p> <p>21 the region.</p> <p>22 I think we viewed it as a negotiating strategy</p> <p>23 or as a strategy from the Dem- -- from the -- 'scuse</p> <p>24 me -- the Republican Commissioners, and to give them</p> <p>25 cover or reasoning to not support proposed maps that had</p>
143	<p>1 Q. What are -- what are some of those things that</p> <p>2 would have been characterized as a VRA memo?</p> <p>3 A. I could see -- we cr- -- created documentation</p> <p>4 to go with the release of the public -- with the public</p> <p>5 release of Dr. Barreto's analysis. I don't know if that</p> <p>6 would be better characterized as a press release or --</p> <p>7 we may have also produced a memo in addition to that.</p> <p>8 We may have had Dr. Barreto produce a one-page or a</p> <p>9 two-page memo.</p> <p>10 But then I know there was also another memo</p> <p>11 circulated later on in the process, another legal memo,</p> <p>12 that had a -- a different interpretation of the VRA</p> <p>13 requirement in this -- for this map and this district</p> <p>14 that came from I think Commissioner Graves or</p> <p>15 potentially Commissioner Fain or both of them or. . .</p> <p>16 It was another legal memo. And I may have been</p> <p>17 referring to that memo, as well. Or instead.</p> <p>18 Q. That second memo, do you recall the contents</p> <p>19 of -- of that . . . memo from Commissioner Graves or</p> <p>20 Fain on VRA?</p> <p>21 A. I can recall them very generally. I believe</p> <p>22 it was a publicly released memo . . . essentially</p> <p>23 refuting Dr. Barreto's analysis. But to my</p> <p>24 understanding, it did not provide alternate statistical</p> <p>25 or demographic analysis or analysis of racially</p>	145	<p>1 our version of the VRA-compliant legislative district in</p> <p>2 them.</p> <p>3 Q. Did you understand the memorandum to be cover</p> <p>4 for not including a VRA-compliant district in the Yakima</p> <p>5 Valley?</p> <p>6 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>7 THE WITNESS: Yes, I -- I would say that</p> <p>8 that's correct.</p> <p>9 Q. (BY MR. MULJI) I wanna ask about one other</p> <p>10 thing in this set of notes. It may not be quite along</p> <p>11 the lines of what -- what we were discussing, but . . .</p> <p>12 has to do with Dr. Barreto, I believe. On -- on page 9</p> <p>13 you have notes from what appears to be a 10:00 a.m.</p> <p>14 meeting with April and Osta.</p> <p>15 Is that correct?</p> <p>16 A. That appears correct.</p> <p>17 Q. And -- and . . . I'll scroll a little --</p> <p>18 (Simultaneous talking.)</p> <p>19 Q. -- more to see if you can determine whether</p> <p>20 there's a date there.</p> <p>21 A. Apologize for my lack of diligence in my</p> <p>22 dating.</p> <p>23 Q. It doesn't seem like -- I don't see a date</p> <p>24 on -- on -- on any of the preceding pages. But do you</p> <p>25 have a sense of -- do you have a sense of when this</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">146</p> <p>1 might have been?</p> <p>2 A. May I take a moment to read through a little</p> <p>3 bit?</p> <p>4 Q. [Indiscernible.]</p> <p>5 (Brief pause.)</p> <p>6 A. I would -- I would guess that this would be</p> <p>7 late October, after the second round of Democratic</p> <p>8 public maps. Potentially early November.</p> <p>9 Q. Okay. And it -- it -- I think you -- there's</p> <p>10 a line that says, "include this in what we provide to</p> <p>11 Tera and the commission." That second -- the second</p> <p>12 sort of to-do's on that page is, "Ask Barreto for</p> <p>13 analysis of local races, LD races?" Do you see that?</p> <p>14 A. I do see that, yes.</p> <p>15 Q. And the -- the second point under that says,</p> <p>16 "include this in what we provide to Tera and the</p> <p>17 commission." Do you see that?</p> <p>18 A. I do see that, yes.</p> <p>19 Q. Is that potential -- additional potential</p> <p>20 follow-up from Dr. Barreto's initial report that you're</p> <p>21 discussing here or that you're noting here?</p> <p>22 A. That -- that looks like a fair</p> <p>23 characterization, yes.</p> <p>24 Q. And what did you mean by that second point</p> <p>25 under that checkbox, which says, [as read] "remind them</p>	<p style="text-align: right;">148</p> <p>1 I spoke directly myself to about it.</p> <p>2 Q. And are -- and are you aware of whether</p> <p>3 Commissioner Walkinshaw spoke to the other two</p> <p>4 Commissioners about this issue?</p> <p>5 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>6 THE WITNESS: I know that we -- I</p> <p>7 specifically, and others on our SDC team -- asked them</p> <p>8 to -- multiple times to bring that up in conversations</p> <p>9 with other Commissioners, and I believe that he . . .</p> <p>10 has told us -- had told us, you know, several times that</p> <p>11 he did have those conversations with other</p> <p>12 Commissioners.</p> <p>13 Q. (BY MR. MULJI) And did he indicate that he</p> <p>14 provided reasons to other Commissioners for why the</p> <p>15 district should be numbered 14 versus 15?</p> <p>16 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>17 THE WITNESS: I -- I can't recall him</p> <p>18 specifically mentioning that he gave reasons for that.</p> <p>19 MR. MULJI: Wanna mark as Exhibit 10 document</p> <p>20 J.</p> <p>21 (Brief pause.)</p> <p>22 MR. MULJI: And putting here in the chat. And</p> <p>23 actually, my apologies; it's not allowing me to put this</p> <p>24 one in the chat, but I will -- I will put it in the</p> <p>25 chat, if that's okay with counsel, just after discussing</p>
<p style="text-align: right;">147</p> <p>1 about racially -- remind them that racially polarized</p> <p>2 voting has already been demonstrated"? Do you -- do you</p> <p>3 recall what you meant when you wrote this?</p> <p>4 A. I do not recall. I don't recall who the</p> <p>5 "them" is, unfortunately.</p> <p>6 Q. Apart from what we've discussed already, are</p> <p>7 you aware of any other analyses that were done examining</p> <p>8 the difference in voter-turnout levels between</p> <p>9 presidential- and non-presidential-election years?</p> <p>10 A. I cannot recall anything specific. I cannot</p> <p>11 recall any specifics . . . no.</p> <p>12 Q. And did you or -- did you speak to any other</p> <p>13 Commissioners about labeling the Latino</p> <p>14 opportunity district 14 rather than 15?</p> <p>15 A. Did I personally?</p> <p>16 Q. [Nodded head.]</p> <p>17 A. I -- sorry. Can you clarify? Is it --</p> <p>18 (Simultaneous talking.)</p> <p>19 Q. Yeah, whether -- whether you spoke with any</p> <p>20 other Commissioners about numbering the Latino --</p> <p>21 majority-Latino district in the Yakima Valley</p> <p>22 District 14 rather than 15?</p> <p>23 A. I certainly spoke with Commissioner Walkinshaw</p> <p>24 about it. I believe that I spoke with Commissioner Sims</p> <p>25 about it. And I think those are the Commissioners that</p>	<p style="text-align: right;">149</p> <p>1 it. I just have a few questions here.</p> <p>2 I'll screen-share.</p> <p>3 Q. (BY MR. MULJI) So -- actually, so Exhibit 10,</p> <p>4 have you seen this document before?</p> <p>5 A. I believe so, yes.</p> <p>6 Q. Did you -- is this a document that you</p> <p>7 produced in response to Plaintiffs' subpoena?</p> <p>8 A. I believe so, yes.</p> <p>9 Q. What is this document?</p> <p>10 A. I believe it is some talking points prob'ly</p> <p>11 for Commissioner Walkinshaw, or just synthesis that I</p> <p>12 shared with the SDC team, of comments on the Republican</p> <p>13 Commissioners' proposed legislative maps from the</p> <p>14 September 21 public map release. Yeah. And as it says,</p> <p>15 it's a top tet- -- analysis of Republican</p> <p>16 legislative-map proposals.</p> <p>17 Q. And did you -- did you create this document?</p> <p>18 A. I -- I do believe that I did, yes.</p> <p>19 Q. Did you -- do you recall sharing this document</p> <p>20 with Commissioner Walkinshaw?</p> <p>21 A. I believe that I did, yes.</p> <p>22 Q. Do you recall sharing this document with</p> <p>23 Commissioner Sims or her staff?</p> <p>24 A. That I can't specifically recall. I -- I'm</p> <p>25 not sure. I don't know if I did.</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">150</p> <p>1 Q. The first header in this document says 2 "Definitely Illegal." Can you say more about what . . . 3 what you meant by that? 4 A. Yes. This was -- these were notes and bullets 5 compiled from various analyses from members of our small 6 SDC team, and based on -- so from Matt Bridges and Adam 7 Hall. And these were mostly points that we identified 8 or we believed were in conflict with state laws around 9 redistricting and/or federal laws, in some cases, as -- 10 the federal VRA is mentioned in the first bullet point. 11 But this -- it was our -- based on our assessment that 12 these specific aspects of the Republican Commissioners' 13 maps were likely illegal because they did not . . . they 14 did not comply with federal or state statutes or 15 regulations around drawing maps. 16 Q. Do -- and there's a -- a number of bullet 17 points on the bottom of page 1, going to page -- onto 18 page 2. I'll give you a moment to take a look at those. 19 My question is: Do you recall who drafted these bullet 20 points? 21 (Brief pause.) 22 A. I do not recall specifically who drafted them. 23 You know, I can say what is possible or probable that 24 they came from. But often when assembling these 25 documents, I, you know, took from emails or other</p>	<p style="text-align: right;">152</p> <p>1 Q. The last bullet point says that -- beginning 2 of last bullet point says that the -- "Both the 3 Republican maps proposed last Tuesday 'crack' the Latino 4 population in the Yakima Valley among the 14th, 15th, 5 and 16th legislative districts." Is that right? 6 A. I do see that bullet point, yes. 7 Q. Do you agree with that statement? 8 A. Based on what I can remember of those first 9 proposals, and without having them in front of me, I 10 do -- I do believe that -- that yes, that's what I 11 believed at the time, based on this document, yes. 12 Q. And the last sentence says, [as read] "Since 13 the Latino voter turnout in the region has been 14 historically lower, these proposal give the appearance 15 of meeting this requirement, but actually fails to 16 provide a historically marginalized community with an 17 equal opportunity to elect candidates of their choice." 18 Is that more or less what that says there? 19 A. Can you just scroll -- I can't see -- 20 Q. Oh. 21 A. -- the last bit. If you could scroll 22 [indiscernible] thank you. 23 Yeah, I do see that's what that says, yes. 24 Q. Do you agree with -- do you agree with that? 25 A. I do. Again --</p>
<p style="text-align: right;">151</p> <p>1 communications with staff, and, you know, wasn't always 2 myself sitting there and drafting every single 3 individual word off the top of my head. 4 Q. Did you -- do these bullet points -- 5 well . . . as far as you can see, what's the -- is the 6 purpose of these bullet points to explain why you had -- 7 why there were concerns about the compliance of -- to 8 Republican proposals for the Voting Rights Act? 9 A. I believe so, yes. And also it's likely that 10 they were talking points or general context or 11 background for Commissioner Walkinshaw for any public 12 statements or comments he might be making in public 13 meetings or otherwise; com- -- conversations with the 14 press. 15 Q. And do they reflect the position of 16 Commissioner Walkinshaw on the Republican Commissioners' 17 September map proposals? 18 MS. FRANKLIN: Objection: Lack of foundation. 19 Q. (BY MR. MULJI) You can answer. 20 A. I would say they recor- -- reflect the 21 position of staff and the recommendations of staff to 22 the Commissioner. I can't say for sure if they're 23 exactly his positions. But . . . these were our 24 comments and our . . . our opinions that we shared with 25 him.</p>	<p style="text-align: right;">153</p> <p>1 MS. FRANKLIN: Objection -- 2 THE WITNESS: -- not -- oh. 3 MS. FRANKLIN: Sorry. [Indiscernible] unmute. 4 Objection to the extent that it calls for a legal 5 conclusion or expert testimony. Sorry about that. 6 Q. (BY MR. MULJI) You can answer. 7 A. I -- I do, you know, believe I agree with that 8 in my limited ex- -- experience and expertise and 9 without having the inish- -- the original maps in front 10 of me. 11 Q. Okay. I wanna move on to talk a little bit 12 about the October public proposal. After the release of 13 the September 21st legislative-district-map proposal, 14 Commissioner Walkinshaw and Commissioner Sims released a 15 second public proposal, on October 25th; correct? 16 A. That -- I can't remember the exact date, but I 17 believe it is that date, yes. 18 Q. At what point did Commissioner Walkinshaw 19 decide to publicly release another 20 state-legislative-district map? 21 MS. FRANKLIN: Objection: Lack of foundation. 22 THE WITNESS: I can't remember the exact date, 23 but . . . there had been discussions throughout -- not 24 just relating to the question of a VRA-compliant 25 district in the region, but just throughout the process</p>

ALI O'NEIL - 11/16/2022

<p>154</p> <p>1 of the . . . timeline and how maps would be shared with 2 the public in the fall, and of course the benefits or 3 drawbacks of public maps in terms of the negotiating 4 processes. So we had discussed multiple roll-outs of 5 multiple maps at varying points throughout our 6 discussions of how the process would go, but I think it 7 became more necessary once we had seen the analysis from 8 Dr. Barreto and he had analyzed -- we'd asked him also 9 to analyze the -- all four of the proposed maps that 10 were in the September 21 release from the Commissioners. 11 Q. (BY MR. MULJI) What -- what factors led 12 the -- Commissioner Walkinshaw's team specifically to -- 13 to roll out the second, October 25th, proposal? 14 A. Well, I -- so to be specific, I think the main 15 point was when -- in Dr. Barreto's analysis, when he 16 found that certainly the Dem- -- you know, Commissioners 17 Walkinshaw and Sims' maps, but none of the four 18 Commissioners' maps, according to his analysis, had 19 districts in the Yakima Valley that complied w- -- that 20 were compliant with the VRA, based on his analysis, and 21 so we determined that we wanted to release an updated 22 public map as a new starting point for negotiations that 23 reflected all of our principles and priorities and also 24 complied with the federal VRA. 25 Q. Did you receive feedback from . . . did you</p>	<p>156</p> <p>1 split other communities up. 2 But we also took the opportunity to address a 3 few other comments and concerns that we had heard from 4 the public on our map that were not related to VRA 5 district or Yakima Valley. So we made other changes, as 6 well. 7 But . . . the -- you know, it was a similar 8 mapping process: we made those changes internally; we -- 9 we -- I bil- -- I -- as I said, I believe we dropped in 10 almost if not the exact district that Dr. -- one of the 11 two that Dr. Barreto proposed into our map. And . . . 12 then we balanced it out, and that was our new 13 second-round proposed map. 14 Q. Did you -- did the Senate Democratic Caucus 15 team coordinate with Commissioner Sims's staff in 16 drafting this district, as well? 17 A. Yes. It was our objective that both 18 Democratic Commissioners, you know, if they were in 19 agreement on this, that this analysis was sound and that 20 this was an important principal for their map and a 21 thing to fight for in the negotiations, that both 22 Democratic Commissioners should release another public 23 map that had the same -- again, I -- I -- I think it is 24 literally the exact same; if it is not the exact same, 25 it was very, very close to the exact same. And I</p>
<p>155</p> <p>1 receive feedback about the Yakima Valley districts in 2 the September 21st proposal from . . . individuals other 3 than Matt Barreto regarding VRA compliance? 4 A. I don't know. I can't recall anything 5 specific. Yeah. 6 Q. What was the Senate Democratic Caucus team's 7 process for drafting a new proposal that would comply 8 with the Voting Rights Act? 9 A. Well, we based it -- I mean, we -- we knew 10 there were certain -- [cough]. 'Scuse me. We -- we 11 started with our September 21st public map, and -- but 12 another piece of Dr. Barreto's analysis did include 13 several sample districts that he drew that complied 14 with -- in his -- according to his analysis, that 15 complied with the federal VRA. 16 And so I believe that we included -- we just 17 took one of those two sample districts and we put that 18 into our September 21st mapping proposal. And of course 19 we had to rearrange several things in eastern Wa- -- 20 I -- I mean, if you change one thing in the map, then it 21 changes everything, so we had to go through and 22 rebalance population and again make sure that our 23 principles adhered to the other principles of 24 redistricting: that the districts were contiguous; that 25 they were compact and all these other things; didn't</p>	<p>157</p> <p>1 believe that -- yeah, we -- we did discuss that in 2 advance and -- with the objective of releasing the 3 same . . . the same district in both of our maps. 4 Q. And so there wasn't anything different about 5 the -- the 14th District in Commissioner Sims's proposal 6 and Commissioner Walkinshaw's proposal? 7 A. Not to my knowledge. Like I said, I believe 8 the objective was to make them the exact same. If there 9 were a few differences, they were very small a- -- as -- 10 to my understanding. 11 Q. And I'll just represent to you that I've -- 12 I've put on the screen a -- a -- a version of -- or 13 Commissioner Walkinshaw's October 25th proposal uploaded 14 to Dave's Redistricting. Does the district as shown 15 here, District 14, look to you like the -- the district 16 that -- that Commissioner Walkinshaw drew? 17 A. It -- it does appear to be. The color -- 18 sometimes they choose very bad colors, and they're a 19 little rough here, but it does look to be the one. 20 Q. And -- and you said that this was based 21 on. . . I can turn, actually, the district lines on. 22 And you said [indiscernible] the starting point for this 23 district was a map proposed by Dr. Barreto that -- that 24 he indicated would comply with the Voting Rights Act; 25 correct?</p>

ALI O'NEIL - 11/16/2022

<p>158</p> <p>1 A. I -- I believe so. I -- I -- I may be getting 2 the order of events confused, but I think that this was 3 one of two samples that he published in this report, and 4 so would be in one of the other documents that you've 5 shown. If -- if I'm not remembering that correctly, 6 then it would have -- we would have started with one of 7 those and, you know, sent this proposal to Dr. Barreto 8 for analysis and confirmation that this district, you 9 know, according to his analysis, did comply with federal 10 VRA, if it's different from one of the ones that he 11 proposed.</p> <p>12 Q. I'm just gonna pull up Dr. Barreto's full 13 analysis that we were discussing, Exhibit 6, and --</p> <p>14 A. Should be at the very end [indiscernible] --</p> <p>15 Q. Scroll down to. . .</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And so I'm on page 18 of this document. 18 And . . . is one of these districts the -- sort of 19 the -- the -- the shape of the district in the October 20 25th proposal that you were working on?</p> <p>21 A. Yeah, I believe that it's VRA-compliant option 22 2, Yakama Reservation.</p> <p>23 Q. Got it.</p> <p>24 And why -- can you just say again why -- why 25 start with -- why start with one of these proposals?</p>	<p>160</p> <p>1 to look at. And that went into our decision-making. 2 We gave that information -- a lotta that to 3 Dr. Barreto, when he was looking at this and drawing 4 his -- I mean, of course, he only drew just these 5 districts; he did not draw a map of 49 districts, which 6 is what our task was to do.</p> <p>7 So we . . . wanted to make sure that there was 8 a -- a clear line, and that we weren't, again, just 9 drawing a big circle around all the Hispanic voters, and 10 that it was a district that made sense and was grounded 11 in reality and statute and then that was defensible.</p> <p>12 Q. And was it your understanding that the -- that 13 District 14 in the October 25th proposal would perform 14 to elect Latino candidates of choice?</p> <p>15 A. I -- it -- it was my understanding. I mean, 16 if you -- on -- on the other screen that you were just 17 on, with -- in the proposal -- or in the analysis, it -- 18 you can see it was not the most -- the highest CVAP. 19 The option 1 was technically higher CVAP of Hispanic 20 voters than the option that we elected to use in our 21 second map.</p> <p>22 But we made the assessment that that -- given 23 the CVAP data that -- which at the time we were using 24 2019 CVAP data, so we made an educated guess that 25 between 2019 data and the 2020 data, that the p- -- the</p>
<p>159</p> <p>1 A. Well . . . that was, I mean, I think just 2 process-wise the simplest way to go about it. But . . . 3 we. . . Let's see. If I can remember exactly what 4 the reasoning for that was. I mean, i- -- i- -- my 5 understanding was that this was something that 6 Dr. Barreto does in his analyses like this: He not only 7 says, you know, based on his research or his, you know, 8 analysis that something is compliant or not, but he 9 helps people in these positions that are drawing 10 districts or doing things like this to draw the 11 best-possible district in these scenarios, and so we 12 wanted his help to -- to do that for us.</p> <p>13 And . . . and -- and we didn't want to just 14 completely start from scratch. We wanted it to be a 15 clear line between the analysis that says, you know, 16 "This is what's compliant, and then this is what we -- 17 Commissioners Walkinshaw and, you know, Sims, if they 18 believe this is important, this is what it's gonna look 19 like in their map." Have a really clear line.</p> <p>20 And also because, again, when you're drawing 21 these districts, you can't just look at population and 22 race and be like, "Oh, here are all the Hispanic people. 23 Let's just draw a big circle around them," and then 24 that's 157,000 people and you're done. You -- you have 25 to take -- there's a lot of considerations that you have</p>	<p>161</p> <p>1 actual true CVAP of that district would be a little bit 2 higher than what our data said, and we made the 3 assessment that that was high enough, and that other 4 things that we were able to accomplish in this district, 5 like putting the Hispanic voters in the same district as 6 the Yakama Nation and other things, again, gave us the 7 best-possible opportunity district for the Hispanic 8 voters, but also the best grounding in other public 9 comment we'd heard, and, again, other areas of 10 redistricting statute that we wanted to follow.</p> <p>11 Q. After this October 25th map release, did 12 Commissioner Walkinshaw's goals and priorities for the 13 negotiations change at all in any way? From what they 14 were --</p> <p>15 (Simultaneous talking.) 16 MS. FRANKLIN: Objection: Lack of foundation. 17 Sorry. I didn't mean to cut you off. 18 MR. MULJI: [Indiscernible.] 19 THE WITNESS: Could you say it one more time?</p> <p>20 Q. (BY MR. MULJI) Sure. Did -- well, let me ask 21 it a different way. What were Commissioner Walkinshaw's 22 sort of main goals and priorities for the negotiations 23 after -- after this October 25th map release?</p> <p>24 MS. FRANKLIN: Same objection. 25 THE WITNESS: I -- I can't say for sure, but</p>

ALI O'NEIL - 11/16/2022

<p>162</p> <p>1 in -- in the ones that I believe he communicated with --</p> <p>2 in the thing -- conversations that we had, my</p> <p>3 understanding of what he said to me was that a</p> <p>4 VRA-compliant district was a priority for him in the</p> <p>5 map -- in any map that he approved. And I think that</p> <p>6 maybe technically was a change, because before the</p> <p>7 analysis, you know, we -- we didn't know what we thought</p> <p>8 was VRA compliant or not. You know, we -- the only kind</p> <p>9 of standard, I guess, we had was majority Hispanic or</p> <p>10 not majority Hispanic, which, as we've seen, we can draw</p> <p>11 that in a lot of different ways, and the question of</p> <p>12 whether or not every single majority-Hispanic district</p> <p>13 actually allows them to elect the candidate of their</p> <p>14 choice is -- is at the heart of the debate.</p> <p>15 So . . . but I -- so I think it maybe was</p> <p>16 clarified after, you know, that late-October release,</p> <p>17 and after getting the analysis from Dr. Barreto, that</p> <p>18 that was a main priority.</p> <p>19 I'm sorry. Does that answer your question?</p> <p>20 Or were you asking about other priorities?</p> <p>21 Q. (BY MR. MULJI) That answers -- I think that</p> <p>22 answers the question.</p> <p>23 I wanna mark as Exhibit 11 document K. And</p> <p>24 I'll -- I'll share it on the screen. And I'll -- I'll</p> <p>25 put it in the chat, as well. Have you seen this</p>	<p>164</p> <p>1 A. That is correct.</p> <p>2 Q. First I guess I wanna ask: What did you mean</p> <p>3 by "dem performing"?</p> <p>4 A. "Dem performing" I meant using the -- I mean,</p> <p>5 literally using, like, the composite measure on . . .</p> <p>6 DRA -- which was how we were evaluating most of these</p> <p>7 things -- that it was, you know, at least 50 percent</p> <p>8 plus one for Democrats. And I meant that as a shorthand</p> <p>9 to demonstrate that that district would allow Hispanic</p> <p>10 voters to elect a candidate of their choice because of</p> <p>11 the previously demonstrated fact that there was racially</p> <p>12 polarized voting, and that Hispan- -- majority-Hispanic</p> <p>13 precincts or areas typically elect Democrats, whereas</p> <p>14 white or non-Hispanic areas in that reej- -- in --</p> <p>15 region -- that region typically elect Republicans.</p> <p>16 Q. And why -- why was it nonnegotiable that . . .</p> <p>17 why was it nonnegotiable that the VRA-compliant district</p> <p>18 be 14th -- be the 14th and -- well. . . . Lemme ask</p> <p>19 first: Why was it nonnegotiable that the d- -- the</p> <p>20 district be "dem performing" the way that you have</p> <p>21 indicated its meaning here?</p> <p>22 A. Well, it was my and I believe our staff team's</p> <p>23 belief that based on the analysis and our understanding</p> <p>24 of the VRA, that that was the requirement under the VRA.</p> <p>25 And so that that was not -- we were not in the business</p>
<p>163</p> <p>1 document before?</p> <p>2 A. Yes, I have.</p> <p>3 Q. What is it?</p> <p>4 A. This is an email that I wrote to</p> <p>5 Commissioner Walkinshaw late October, October 27th,</p> <p>6 about priorities, legislative maps -- map must-haves,</p> <p>7 based on staff recommendations.</p> <p>8 Q. In the first line it says "COI." What does</p> <p>9 that mean?</p> <p>10 A. COI means community of interest, or</p> <p>11 communities of interest.</p> <p>12 Q. Okay. And you say, [as read] "Here's the list</p> <p>13 of key communities of interest must-haves from our</p> <p>14 perspective in an approved legislative map. . . ."</p> <p>15 What -- who is the "our" in the "our --" what does</p> <p>16 "our sp- -- perspective" mean? Whose perspective was</p> <p>17 being expressed on this email?</p> <p>18 A. That would be our SDC-staff team.</p> <p>19 Q. Okay. And who -- did the full team -- full</p> <p>20 member of the team -- sort of Adam Hall; Matt Bridges --</p> <p>21 contribute to the creation of this list?</p> <p>22 A. I believe they did, yes.</p> <p>23 Q. Okay. The first must-have on this list was</p> <p>24 a -- was a "VRA-compliant 14th, dem performing,</p> <p>25 non-negotiable"; is that right?</p>	<p>165</p> <p>1 of negotiating the -- what compliance with federal law</p> <p>2 looked like. Our position was that we were complying</p> <p>3 with federal law and that this is what it required. And</p> <p>4 so . . . that was our stance, said this piece has to be</p> <p>5 nonnegotiable because compliance with federal law has to</p> <p>6 be nonnegotiable.</p> <p>7 Q. And was it also nonnegotiable that the</p> <p>8 district be the 14th and not the 15th?</p> <p>9 A. I believe that was our staff desire that it be</p> <p>10 nonnegotiable, yes.</p> <p>11 Q. And . . . why?</p> <p>12 A. Because, again, that was the way to ensure the</p> <p>13 highest-possible voter turnout, which would mean most</p> <p>14 likely that Hispanic voters would be able to, in</p> <p>15 practice, elect a candidate of their choice, not just,</p> <p>16 you know, get 50.2 percent in a -- you know, essentially</p> <p>17 a simulation on a soft- -- piece of software, you know.</p> <p>18 Q. And you wrote here that this is, quote,</p> <p>19 ". . . based on the VRA analysis. . . ." Is that</p> <p>20 referring to Dr. Barreto's analysis?</p> <p>21 A. That is, yes.</p> <p>22 Q. And you also wrote that [as read] "this is</p> <p>23 based on what we've heard repeatedly in public comment."</p> <p>24 Is that referring to public comments regarding . . .</p> <p>25 desired state-legislative districts in the Yakima</p>

ALI O'NEIL - 11/16/2022

State objection to lines 168:16-172:1: hearsay and lack of foundation. None of the Commissioners and staff alluded to (although generally not identified) in Ms. O'Neil's testimony are parties, so this is not admissible as party-opponent statements. There is insufficient foundation laid for any exception under FRE 803. Ms. O'Neil's testimony also lacks foundation insofar as she purports to testify about the thinking or strategy of Ms. Sims and her staffers.

Pls response: Ms. O'Neil is testifying based on personal observations & participation in discussions w/ Commissioner Sims & her staff. Ms. Sims is a state official subject to party-opponent exception.

Ms. O'Neil is entitled to offer opinions as to the thinking and strategy of other actors in the redistricting process rationally based on her perception per FRE 701.

<p>166</p> <p>1 Valley?</p> <p>2 A. Yes, and other things. I think some of these</p> <p>3 other bullet points also came from public comment.</p> <p>4 Q. I see.</p> <p>5 You mentioned that it was staff's preference</p> <p>6 that the numbering of the district as 14 be</p> <p>7 nonnegotiable. Did you have an understanding of</p> <p>8 Commissioner Walkinshaw's position on whether --</p> <p>9 whether -- either that the district -- or whether either</p> <p>10 of the pieces that you put here regarding VRA compliance</p> <p>11 should be nonnegotiable?</p> <p>12 A. I'm sorry. Can you repeat that one more time?</p> <p>13 Q. Yeah, I'll ask it differently. Did you have a</p> <p>14 sense of Commissioner Walkinshaw's position on -- on --</p> <p>15 on ... on the first must-have here, about VRA</p> <p>16 compliance? Start there.</p> <p>17 A. I believe that he was generally supportive,</p> <p>18 and that he's -- he indicated that to me -- he certainly</p> <p>19 didn't push back on it or try to diminish its</p> <p>20 importance, but I can't say that he committed to it also</p> <p>21 being nonnegotiable for him. I can't say that for sure.</p> <p>22 But I think generally he ... he believed it was also</p> <p>23 important and agreed with the general principle.</p> <p>24 Q. Did ... did you have the sense as</p> <p>25 negotiations progressed that VRA compliance ... was</p>	<p>168</p> <p>1 THE WITNESS: Based on my conversations with</p> <p>2 Commissioner Walkinshaw, I -- I th- -- or I -- I mean, I</p> <p>3 think I believe that he believed that it was</p> <p>4 nonnegotiable, and that it was for him a top or the top</p> <p>5 priority, and ... I believe he, you know, made public</p> <p>6 statements at least alluding to the fact that he -- you</p> <p>7 know, saying that he would not vote on a map that he</p> <p>8 didn't believe was VRA-compliant. Certainly that was</p> <p>9 the general spirit of k- -- many conversations that I</p> <p>10 had with him. But I -- I can't say for sure that it</p> <p>11 was -- it was never not. ... I'm getting confused</p> <p>12 with the negatives here. I -- I can't say for sure that</p> <p>13 it -- it wasn't always negotiable. Maybe it was, but</p> <p>14 that ... I -- I don't think that's the impression that</p> <p>15 I got at some points early on in the process.</p> <p>16 Q. (BY MR. MULJI) And you said your opinion on</p> <p>17 that VRA compliance was negotiable was based on things</p> <p>18 that you had heard. What -- what are the things that</p> <p>19 you -- that you heard?</p> <p>20 A. I ... I'm not sure I'll be able to say</p> <p>21 specifics. But there were multiple times throughout my</p> <p>22 conversations with certainly HDC staff ... assisting</p> <p>23 Commissioner Sims, and even Commissioner Sims, that</p> <p>24 there was a question as to whether or not -- as what</p> <p>25 pot- -- like what possible map could we draw that</p>
<p>167</p> <p>1 nonnegotiable for the Democratic Commissioners?</p> <p>2 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>3 THE WITNESS: I had the sense that VRA</p> <p>4 compliance was actually negotiable.</p> <p>5 Q. (BY MR. MULJI) And what -- what is the basis</p> <p>6 for that -- for that opinion?</p> <p>7 A. The basis for that opinion is what I heard in</p> <p>8 negotiating meetings that I sat in on; things that I</p> <p>9 heard directly from Commissioners, from staff;</p> <p>10 throughout those final days and the final week. Yeah.</p> <p>11 Q. Was ... the ... was it -- was -- was VRA</p> <p>12 compliance in the Yakima Valley always negotiable, or</p> <p>13 was there a point at which the Commissioner -- or w- --</p> <p>14 Commissioner Walkinshaw that you believed that he saw it</p> <p>15 as a nonnegotiable? And if so --</p> <p>16 Well, yeah. I'll start there.</p> <p>17 MS. FRANKLIN: Objection: Compound, and lack</p> <p>18 of foundation.</p> <p>19 THE WITNESS: I'm sorry. Could you just say</p> <p>20 it one more time?</p> <p>21 Q. (BY MR. MULJI) Yeah. Was VRA compliance in</p> <p>22 the Yakima Valley always a negotiable goal? For the --</p> <p>23 based on your conversations with Commissioner</p> <p>24 Walkinshaw?</p> <p>25 MS. FRANKLIN: Lack of foundation.</p>	<p>169</p> <p>1 included this -- this -- our VRA com- -- our desired</p> <p>2 14th Legislative District that Republican Commissioners</p> <p>3 would agree to and vote on. And because that that was</p> <p>4 viewed as -- by some as inachieve- -- or not achievable,</p> <p>5 that therefore there was a sentiment that we should</p> <p>6 focus on other areas of the map and not continue to push</p> <p>7 for the 14th District that we wanted.</p> <p>8 Q. When you say "focus on other areas of the</p> <p>9 map," what do you mean by that?</p> <p>10 A. I mean other --</p> <p>11 (Simultaneous talking.)</p> <p>12 THE WITNESS: Oh, I'm sorry. I need to give</p> <p>13 you more time.</p> <p>14 MS. FRANKLIN: Sorry. I can be a little</p> <p>15 quicker. Objection: Lack of foundation.</p> <p>16 THE WITNESS: I mean other geographic areas,</p> <p>17 typically. There were other areas of focus that I know</p> <p>18 were priorities for both Democratic Commissioners. Some</p> <p>19 were the same; some were different. And so yeah,</p> <p>20 other -- other specific districts or other regions of</p> <p>21 the map that they wanted to negotiate about.</p> <p>22 Q. (BY MR. MULJI) You mentioned earlier that --</p> <p>23 that you had the sense that Commissioner Sims and her</p> <p>24 staff believed that a VRA-compliant district in the</p> <p>25 Yakima Valley was not achievable. Is that -- and</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">170</p> <p>1 that's -- is that why they decided to . . . when you say</p> <p>2 "focus on other regions," was that to get better "dem</p> <p>3 performance" or to get -- to meet other objectives on</p> <p>4 other areas of the map?</p> <p>5 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>6 THE WITNESS: Based on k- -- my conversations</p> <p>7 with them and my impres- -- my understanding from those</p> <p>8 conversations, I think that's a fair characterization.</p> <p>9 You know, there were a couple points that I</p> <p>10 can think of in the negotiations, in the discussions,</p> <p>11 where I think, you know, the Republican Commissioners</p> <p>12 said, "Okay. If we were to accept this legislative --</p> <p>13 the -- this 14th Legislative District as you've drawn</p> <p>14 it, here's what we would want in return." I'm not</p> <p>15 saying they used that exact phrasing, but, you know,</p> <p>16 some sort of exchange was implied or even directly asked</p> <p>17 for.</p> <p>18 And the sense that I got in conversations with</p> <p>19 the Commissioners and HDC staff and our staff t- -- you</p> <p>20 know, was that those . . . no one was willing to say yes</p> <p>21 to that exchange, to say, "Okay. We will . . . draw the</p> <p>22 14th Legislative District the way that we think it</p> <p>23 should be drawn and that we think federal law says it</p> <p>24 should be drawn, and then you can draw these three or</p> <p>25 four districts the way that you would like to be drawn."</p>	<p style="text-align: right;">172</p> <p>1 Yakima-area district.</p> <p>2 Q. (BY MR. MULJI) And in shifting their focus to</p> <p>3 those other districts where Republicans were proposing</p> <p>4 higher -- or were offering, I guess. . . . In shifting</p> <p>5 your focus to the districts that Republicans were</p> <p>6 proposing to exchange for a performing 14th for Latinos,</p> <p>7 did . . . did the Democratic Commissioners accept</p> <p>8 that . . . that they wouldn't be -- in the context of</p> <p>9 those negotiations be pushing for a VRA-compliant</p> <p>10 district if they were doing that?</p> <p>11 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>12 Q. (BY MR. MULJI) In the Yakima Valley?</p> <p>13 A. I guess I -- I, you know, can't say for sure</p> <p>14 what they did or didn't accept, but . . . certainly from</p> <p>15 a staff perspective, our -- our objective on SDC side</p> <p>16 was to never -- was to not support or propose any map</p> <p>17 that didn't have a VRA-com- -- what we viewed as a</p> <p>18 VRA-compliant district in it. I -- I don't think that</p> <p>19 that same belief was held by HDC staff and team . . .</p> <p>20 and Commissioner.</p> <p>21 And very late on in the negotiations, I think</p> <p>22 it was understood that . . . that line of negotiating</p> <p>23 around the VRA district was not yielding anything . . .</p> <p>24 w- -- was not -- yeah, was -- was not going to create an</p> <p>25 opportunity for Democrats to vote on a district that</p>
<p style="text-align: right;">171</p> <p>1 And -- because that was seen as too much of a political</p> <p>2 loss for the Democrats.</p> <p>3 And the Republican Commissioners, my</p> <p>4 understanding was that they were -- they were viewing</p> <p>5 this in terms of the political -- of the plus or minus;</p> <p>6 how many points were they gaining or losing. So if our</p> <p>7 version of the Legislative District 14, the</p> <p>8 VRA-compliant district, was taking five, six, eight -- I</p> <p>9 can't remember what it took -- but whatever number off</p> <p>10 of their political metric that they were using off of</p> <p>11 Republican performance, that they wanted to,</p> <p>12 quote/unquote, make up those numbers in other areas of</p> <p>13 the map in other districts. And Commissioner Walk- --</p> <p>14 Commissioner Sims and their team -- and certainly our</p> <p>15 team, as well -- was not willing to agree to any</p> <p>16 such . . . to any such proposal like that, because we</p> <p>17 did not believe we wanted to exchange complying with a</p> <p>18 federal law for -- you know, we did not want to make</p> <p>19 that an exchange.</p> <p>20 And because it was viewed as not worth -- you</p> <p>21 know, not a real, credible offer or something that we</p> <p>22 would even consider, my understanding is that the</p> <p>23 Commissioners decided to move on to working for the</p> <p>24 priorities in districts in political numbers that they</p> <p>25 wanted in other districts rather than focusing on the</p>	<p style="text-align: right;">173</p> <p>1 they thought was VRA compliant, and so I believe they</p> <p>2 decided to . . . I -- I -- I can't say for sure that</p> <p>3 they accepted that it would never happen, but they -- in</p> <p>4 their negotiations, they focused on other areas; on</p> <p>5 other districts.</p> <p>6 Q. In the final, enacted plan, did SDC staff do</p> <p>7 any analysis that led you to believe that Legislative</p> <p>8 District 15, in the final, approved plan, was</p> <p>9 VRA-compliant as -- as you understood it here in this</p> <p>10 email?</p> <p>11 MS. FRANKLIN: Objection: Calls for a legal</p> <p>12 conclusion.</p> <p>13 THE WITNESS: Yeah, you [indiscernible] you</p> <p>14 say something?</p> <p>15 Q. (BY MR. MULJI) You can answer, yeah.</p> <p>16 A. We did not h- -- I don't believe we had -- we</p> <p>17 did not conduct any sort of analysis. . . . Well, lemme</p> <p>18 think about that.</p> <p>19 In terms of analysis of any of these proposals</p> <p>20 at this late stage, where we did not have a lot of time,</p> <p>21 when we could, when we had time -- and Dr. Barreto was</p> <p>22 also very busy at that time, 'cause a lot of other</p> <p>23 places were doing redistricting -- we would send him</p> <p>24 when we could mapping proposals or districts and ask for</p> <p>25 his input on those. A lotta times, you know, we may</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">174</p> <p>1 have had an idea or thought a certain way, and he would</p> <p>2 confirm that or provide further analysis on that. And</p> <p>3 that was usually just a quick, you know,</p> <p>4 via-email-exchange analysis, not -- not an in-depth</p> <p>5 slide deck like he did initially for us.</p> <p>6 And I can't remember exactly when the district</p> <p>7 that appears in the final, you know, amended/approved</p> <p>8 map -- when that first was proposed, at what stage in</p> <p>9 the process. I imagine it -- I think it may have been</p> <p>10 early enough that we would have been able to send it to</p> <p>11 him, to Dr. Barreto; but if not, the analysis that we</p> <p>12 have conducted would have been using the tools</p> <p>13 [indiscernible] and DRA, looking at the voting-age</p> <p>14 population, looking at CVAP based on the 2019 ACS</p> <p>15 numbers, and also looking at Democratic performance</p> <p>16 using the composite score.</p> <p>17 And, you know, I believe we had reason to</p> <p>18 bil- -- to be skeptical of its -- even though it had</p> <p>19 a -- over 50 percent, you know, majority-Hispanic</p> <p>20 population, skeptical of its ability to actually allow</p> <p>21 Hispanic voters to elect a candidate of their choice.</p> <p>22 But I -- I guess I'm not sure h- -- if that</p> <p>23 qualifies as a strict analysis.</p> <p>24 Q. You believed that the district that was</p> <p>25 ultimately enacted was not "dem performing," as you have</p>	<p style="text-align: right;">176</p> <p>1 final, enacted plan. During that time, did you attend</p> <p>2 any conversations between Commissioner Graves and</p> <p>3 Commissioner Walkinshaw about VRA compliance in the</p> <p>4 Yakima Valley?</p> <p>5 A. Yes.</p> <p>6 Q. What -- do you recall how many times those</p> <p>7 conversations occurred?</p> <p>8 A. Sorry. Which -- specifically which</p> <p>9 conversations?</p> <p>10 Q. Between Commissioner Walkinshaw and</p> <p>11 Commissioner Graves regarding VRA compliance in the</p> <p>12 Yakima Valley.</p> <p>13 A. I can't call -- specifically recall one</p> <p>14 instance. I can't recall any others that I was involved</p> <p>15 in. I don't think.</p> <p>16 Q. And do you recall sort of roughly when that</p> <p>17 conversation took place?</p> <p>18 A. The conversation that I can recall I believe</p> <p>19 took place Monday morning. The dates are a little -- I</p> <p>20 think the Monday was the 15th. I think it was Monday of</p> <p>21 the final day.</p> <p>22 Q. Okay. Do you recall any conversations aside</p> <p>23 from that conversation on Monday, the 15th -- do you</p> <p>24 recall any conversations that occurred between</p> <p>25 Walkinshaw -- Commissioner Walkinshaw and -- and</p>
<p style="text-align: right;">175</p> <p>1 defined the term here.</p> <p>2 A. Yes, that -- that is what I and I believe my</p> <p>3 other staff members believed and agreed, yes.</p> <p>4 Q. Did you communicate that belief to</p> <p>5 Commissioner Walkinshaw?</p> <p>6 A. I believe that I did, yes.</p> <p>7 Q. Did you communicate that belief to</p> <p>8 Commissioner Sims?</p> <p>9 A. I . . . I believe so. I can't recall a</p> <p>10 specific time that I did.</p> <p>11 Q. And did you communicate that belief with</p> <p>12 Commissioner Sims's staff?</p> <p>13 A. I believe so, yes.</p> <p>14 Q. Okay. I wanna -- I wanna ask you about some</p> <p>15 notes that you took. [Indiscernible] going back to --</p> <p>16 or, well, actually, we'll mark as Exhibit 12 document A.</p> <p>17 A. Actually, excuse me. If there's a good time</p> <p>18 to take a break and if -- I can wait a few more minutes,</p> <p>19 but I just have to go to the bathroom, so --</p> <p>20 Q. This is -- this is fine -- this is a fine</p> <p>21 breaking point, yeah.</p> <p>22 (A break was taken from 2:01 to 2:07 p.m.)</p> <p>23 Q. After -- I wanna go back and -- and sort of</p> <p>24 talk through the map proposals between the October 25th</p> <p>25 public release and then the -- and then passage of the</p>	<p style="text-align: right;">177</p> <p>1 Commissioner Graves earlier; closer to the October 25th</p> <p>2 release?</p> <p>3 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>4 THE WITNESS: I cannot recall it specifically.</p> <p>5 Or none that -- that I was in. I -- I cannot think of</p> <p>6 them. I can't recall any.</p> <p>7 Q. (BY MR. MULJI) Okay. I wanna ask you about</p> <p>8 some notes that you took. I'll mark as Exhibit 11 -- or</p> <p>9 I'm sorry -- Exhibit 12 document A. And I'll put that</p> <p>10 in the chat. And I'll put it in the chat here.</p> <p>11 (Brief pause.)</p> <p>12 Q. Okay. And I think . . . have you seen this</p> <p>13 document before?</p> <p>14 A. Yes.</p> <p>15 Q. Are these . . . is this the second set of</p> <p>16 handwritten or personal notes that you produced to</p> <p>17 Plaintiffs in response to the subpoena?</p> <p>18 A. Yes, that is what it appears to be.</p> <p>19 Q. And I'm here on page 13 of this document,</p> <p>20 which is the -- which is the latest time stamp I see,</p> <p>21 which is September 14th. Does that look right to you?</p> <p>22 A. I do see that, yes.</p> <p>23 Q. I'm gonna scroll from page 13, from these</p> <p>24 notes on September 14th, to page 17, which is where I</p> <p>25 wanted to ask you some questions. And I'll let you sort</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">178</p> <p>1 of browse as you go. Stopping here on page 17, there's 2 a -- there's a page that appears to reflect notes from a 3 meeting with Paul Graves. Does that sound right to you? 4 A. It could be that. It could also be reflection 5 of a debrief that I had with Commissioner Sims' team, 6 because we had established specific negotiating dyads, 7 we called them, and so Commissioner Sims was meeting 8 most frequently with Commissioner Graves. So I guess I 9 can't say for sure that this was the result of a meeting 10 that Commissioner Walkinshaw had with Graves or that I 11 was in, or if it was the result of a debriefing 12 conversation where we got the notes of a meeting between 13 Commissioner Sims and Commissioner Graves. 14 Q. Okay. And in any of these sorta debrief 15 conversations, do you recall talking about 16 Commissioner Graves's sticking points regarding 17 Legislative Districts 14 and 15 in the Yakima Valley? 18 A. Yes. 19 Q. What -- what generally was your understanding 20 of the -- those sticking points? 21 A. He did not want a 14th or 15th Legislative 22 District that was Democratic-performing. 23 Q. And how did that impact . . . how did that 24 impact the conversations with Commissioner Graves and 25 negotiations with Commissioner Graves regarding VRA</p>	<p style="text-align: right;">180</p> <p>1 Q. I wanna ask you about a couple of things that 2 are written here on this page. Under -- there's a note 3 on page 17, first -- of Exhibit 12, that says -- under a 4 bullet point "majority/minority [sic] districts," I 5 believe "VAP vs. CVAP"; "coalition districts"; "white 6 Hispanics." What -- what -- do you recall what -- what 7 white Hispanics . . . why -- why you wrote that here? 8 A. I think it was because. . . . So there was a 9 kind of ongoing discussion with all the -- the caucus 10 staffers that were assisting the Commissioners from each 11 of the four caucuses and the Commission staff -- 12 specifically Justin Bennett, the data person, the GIS 13 person, who was in charge of helping to make the s- -- 14 the EDGE software work to the best of his ability -- 15 there was a kind of ongoing discussion about how to 16 slice and dice, you know, for lack of a better term -- 17 how to -- how to -- how to present -- how to use the 18 racial and ethnicity data that was received from the 19 Census Bureau in the PL file -- how -- how to use that. 20 Because my understanding is that there was -- this -- in 21 2020 -- the 2020 census, there were more options 22 available to people in responding about their race and 23 their ethnicity, or that it was -- it was a little 24 different from the way that they conducted the census in 25 the past, which meant that the race and ethnicity data</p>
<p style="text-align: right;">179</p> <p>1 compliance? 2 A. I -- I can't say for sure, because I wasn't in 3 all those conversations, but my kind of general 4 understanding from conversations with 5 Commissioner Walkinshaw and our debrief meetings with 6 Commissioner Sims and her team was that the question of 7 electoral performance and Democratic performance was a 8 sticking point because, you know, he and -- and others 9 said that . . . they did not believe that s- . . . we 10 had to draw a district that was specifically 11 Democratic-performing. And maybe I'm just rephrasing 12 what I said before, but. . . . That -- that that was 13 not a specific requirement of the federal VRA, and 14 that . . . yeah, that the Democratic performance was 15 not . . . something that he agreed was legally required. 16 Q. Did he indicate in any of your conversations 17 what -- or any of these -- as far as you heard, in 18 either of these debriefs or in direct conversations with 19 Commissioner Graves, did you gain any understanding of 20 whether Commissioner Graves had an idea of who were 21 Latino candidates of choice in the Yakima Valley? 22 A. I do not recall any assertion -- or hearing 23 from Commissioner Sims or any -- or Commissioner 24 Walkinshaw that he said who he thought Hispanic-voters' 25 candidates of choice were.</p>	<p style="text-align: right;">181</p> <p>1 looked a little different. 2 And . . . and so when it -- we . . . when we, 3 as in the Commission -- the Commissioners, received the 4 data -- also, the people that were mapping only within 5 EDGE were using the race/ethnicity data as it was kind 6 of assembled and parsed out for them by Justin Bennett, 7 and the Commission -- whereas, like -- whereas the 8 people that mapped using Dave's Redistricting app, 9 that . . . software packages and takes their 10 redistricting file, the same file, but packaged, and my 11 understanding is put the race data into different 12 buckets. So we didn't have control over how that race 13 and ethnicity data was reflected in Dave's Redistricting 14 map, whereas in the EDGE software, theoretically you had 15 a lotta control. We had some issues with some of the 16 functionality of it and getting it to do what we wanted, 17 but -- 18 I think there were some -- my understanding is 19 there were some . . . potential disagreements or just 20 people not exactly on the same page about how to 21 represent some of this data, specifically . . . people 22 who identified as Hispanic in ethnicity question, but 23 then in the race question also identified as white. 24 Because Latino or Hispanic, my understanding is, is not 25 a race -- is not in a category in the race question in</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">182</p> <p>1 the census; it's only available in the ethnicity 2 question. 3 And so this was kind of a major question, is 4 who is -- who -- who is white and who is not white, and 5 who is Hispanic and who's not Hispanic, specifically for 6 the purpose of determining a m- -- what is a 7 majority-minority district, or what is a 8 majority-Hispanic or -Latino district. 9 And so I think this is referring to the fact 10 that we felt at certain points that we needed to kind of 11 get on the same page in terms of staff and the 12 Commissioners what data are we using, what terms are we 13 using, what are we agreeing to, in terms of our own 14 discussions and analyses of this data and each other's 15 proposals. 16 Q. How did -- do you know how -- the way that DRA 17 reported race and ethnicity numbers, the various 18 geographies, differed from the way that Justin Bennett 19 set it up in EDGE? 20 MS. FRANKLIN: Objection: Lack of foundation. 21 THE WITNESS: I think -- when you view it in 22 Dave's Redistricting app, they don't differentiate 23 between race and ethnicity. You can -- you -- in Dave's 24 Redistricting app, you can see the percentages of people 25 who are white, who are minority, and then they do</p>	<p style="text-align: right;">184</p> <p>1 would -- you would do an analysis of the racial back- -- 2 breakdown of a district in the two different per- -- in 3 the two different platforms, and you would get a 4 different analysis or a different number. 5 Q. (BY MR. MULJI) You end up using -- did you 6 end up deciding to just go with Dave's Redistricting for 7 that reason? The Senate Democratic Caucus team? 8 A. For that and a number of other reasons, yes. 9 I -- I believe it -- you know, we could have been more 10 interested in using EDGE data; it just took too l- -- or 11 the EDGE platform; it just too long -- I -- I worked 12 with Justin a lot on trying to get at least my version 13 of the software to show me the numbers that I needed it 14 to show me, but it was -- it was very difficult to do in 15 that software. 16 Q. You also I think on the next -- I wanna ask 17 about page 18. These are some notes under a heading 18 that says "For Brady tonight." I'm not sure if you -- 19 I'm not sure if you know when these are from. 20 A. I do not. 21 Q. Okay. There's a -- there's a -- a box that 22 says "'poke' the R's on 14, VRA, allow Hispanic voters 23 to elect candidates [sic] of their own choosing." What 24 is -- what is that, to the best of your knowledge, 25 referring to?</p>
<p style="text-align: right;">183</p> <p>1 Hispanic . . . Black or African American, American 2 Indian, Alaska nate- -- you know, Pacific I- -- you 3 know, the -- so they just have those buckets; they don't 4 differentiate between race and ethnicity. 5 And what's important, too, is that the 6 percentages all add up to 100 percent, whereas -- which 7 sounds like a very straightforward thing that would be 8 obvious, but that didn't always happen when we were 9 working within EDGE. And it's difficult for me to say 10 or explain exactly why that was, but. . . 11 I think the main question was: What do we do 12 with these -- the main difference was: How do we 13 categorize these people who report and reflect multiple 14 races. That was another thing that is not in Dave's 15 Redistricting app. I don't believe that there's a 16 column for, like, multiple -- more than -- selected more 17 than one race . . . whereas -- 18 So -- so in -- in EDGE, just bringing in the 19 data in -- in a certain way that Justin did, what I 20 found when I was just using it is that pulling the 21 numbers, they wouldn't always add up to 100 percent when 22 you took the percentages. So that already I was, like, 23 "We're not working -- we're working with apples and 24 oranges here. Like, we can't talk about our proposals 25 'cause we're not coming from the same place." Or you</p>	<p style="text-align: right;">185</p> <p>1 A. I cannot say for sure, but I think it was, you 2 know, generally a point of our strategy to try to figure 3 out where the Republicans were on this at repeated 4 points throughout the process, and also to remind them 5 that it was a priority for us; "us" meaning the senate 6 team and what I thought, you know -- I thought for 7 Commissioner Walkinshaw, as well. And so I think also 8 to remind them that at one point, you know, it was a 9 priority to the point of ours that Commissioner 10 Walkinshaw I believe said or we asked him to say that he 11 would not vote on a proposal that didn't have this. And 12 so it was, you know, in some ways a tool to remind them 13 that his -- you know, this is a priority of his in 14 negotiations. 15 Q. And just on -- one other question on the page 16 above. There's a heading here with the list of -- a 17 list of swing districts: 26, 35, 10, 42, 6, 17, and 18 then 14, slash, 15. There's a parenthetical after "14 19 and [sic] 15" that says "(probably not really swing)". 20 Do you recall what you meant by that? 21 A. Yeah, so what I believe that meant was that 22 Commissioner Graves and Republican Commissioners wanted 23 to be able to characterize that -- this -- those 24 districts as swing based on certain political metrics; 25 but in our evaluation, you know, we did not believe that</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">186</p> <p>1 that was a w- -- that -- that that would actually in 2 practice play out to be a swing district. 3 Q. And when you say "that district," are you 4 referring to a particular -- are these referring to a 5 particular map proposal? Swing districts in a map 6 proposal? 7 A. Not necessarily, no. No. 8 Q. And do you have a sense of what map -- what 9 districts and which map this -- these notes are 10 referring to? 11 A. That's hard to say, because a lot of the 12 framework of these negotiations at this late time -- I 13 mean, there was exchanging of mapping proposals, but a 14 lot of the discussions, especially coming from the 15 Republican Commissioners, and with Commissioner Sims, 16 was around which districts would be swing -- swing 17 districts in any map -- and "swing" meaning within a 18 certain percentage in terms of Democratic or Republican 19 performance -- and which districts would gain a little 20 Democrat or gain a little Republican. And that was 21 discussed often, very separately from any direct mapping 22 proposal. 23 Q. So is this maybe a general framework? 24 A. Yes, that -- that's how I would characterize 25 it.</p>	<p style="text-align: right;">188</p> <p>1 Well, these are your -- these are another page 2 of your personal notes from -- from part three of that 3 installment; right? 4 A. Yes, that's correct. 5 Q. Okay. The first -- on the f- -- on the first 6 part of the page it says, "Graves showed a majority CVAP 7 that is R." And I don't know if you recall when this 8 is -- when this is from, but . . . what does . . . what 9 does that -- what is that referring to? If you 10 remember. 11 A. I don't remember what specifically that refers 12 to. What I remember about a time -- especially in 13 October, as I said, there were two kind of negotiating 14 teams. Commissioner Walkinshaw and Commissioner Fain 15 were -- you know, decided to pair together, and 16 Commissioner Graves and Commissioner Sims, and I know 17 there were a series of meetings between Commissioners 18 Graves and Sims with their staffs where they maybe 19 didn't email back and forth mapping proposals, but that 20 I believe they would exchange -- share screens and show 21 proposals to one another. And so this could be in 22 reference to that, but -- 23 What it literally means is must have -- I -- I 24 took a note that at some point in the negotiations, 25 Commissioner Graves had drawn or shown or shared a map</p>
<p style="text-align: right;">187</p> <p>1 Q. Okay. At any point in time, as far as you 2 were aware, was Commissioner Graves -- did he express 3 openness to a configuration of Legislative District 14 4 or 15 that would perform for Latino-preferred 5 candidates? 6 A. I guess it depends maybe on your . . . 7 definition of "openness" or your, you know, judgment of 8 that. I think . . . as I mentioned earlier, there were 9 several points where I remember . . . Commissioner 10 Graves saying, "Okay. If you want to have this 11 Legislative District 14 as you want, here's what would 12 require from me and elsewhere in the map for me to agree 13 to that." 14 But I think we -- staff; Commissioner 15 Walkinshaw -- did not consider those serious offers or 16 proposals, so I don't know that it was true openness. 17 I'm not sure I can characterize it as that, but . . . he 18 certainly made offers to us as to what he said he would 19 be willing to accept if we . . . were willing to . . . 20 you know, if we wanted to draw the -- the district 21 that . . . that we viewed as VRA-compliant. 22 Q. I wanna go back to Exhibit -- Exhibit 9. On 23 page 11 of Exhibit 9. There are some notes from 24 Commissioner Grave- -- or about -- about Commissioner 25 Graves, and I think --</p>	<p style="text-align: right;">189</p> <p>1 that had a majority-Hispanic district by CVAP but that 2 was Republican-performing. 3 Q. And further down it says, "Graves alluded to 4 using --" 5 And actually, I should clarify. Were you 6 saying that these notes could be like the others that we 7 looked at, notes from your debrief with Commissioner 8 Sims about -- and her staff about her communications 9 with Commissioner Graves? 10 (Simultaneous talking.) 11 MR. HOLT: Objection -- objection to the form 12 of the question. 13 Q. (BY MR. MULJI) You can answer. 14 A. That -- that is correct. I can't remember 15 many, if any, times where Commissioner Walkinshaw and I 16 had a meeting with Commissioner Graves and his team and 17 we shared maps before, you know, the final few days of 18 the negotiations. 19 Q. Okay. And . . . it says, [as read] "Graves 20 alluded to using Alex Ybarra as an example of a -- as a 21 'candidate of choice.'" Do you recall what this note is 22 referring to? 23 MR. HOLT: Objection to the form of the 24 question. 25 THE WITNESS: I can -- I don't recall exactly.</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">190</p> <p>1 You know, I think, upon -- upon reading this again, it 2 reminds me of -- I think that there -- there may have 3 been a discussion that because Alex Ybarra had been 4 elected -- who I believe is a Republican State 5 representative, who also identifies as Hispanic or 6 Latino -- that that was potentially a way to show that 7 Hispanic voters in the region have been able to elect a 8 candidate of their choice. 9 Q. (BY MR. MULJI) And below it that says, 10 "Graves proposed an R coalition district in Yakima; he 11 wants a 12 point increase elsewhere." Do you see that? 12 A. I do, yes. 13 Q. Do you recall what this proposal -- like, 14 where or . . . where he was looking for a 12-point 15 increase -- w -- what is this -- what is this referring 16 to? 17 MR. HOLT: Objection to the form of the 18 question. 19 THE WITNESS: I don't recall what -- if 20 there -- there's a specific mapping proposal that this 21 is referring to. I . . . I think what coalition 22 district to me -- there was also discussion about 23 whether or not a district that's majority made up of 24 nonwhite voters, presumably in coalition with native 25 voters in the reservation and other nonwhite voters, if</p>	<p style="text-align: right;">192</p> <p>1 under was that there were a set number -- they wanted to 2 decide on how many and which districts were going to be, 3 quote/unquote, swing districts, and typically that's 4 between -- that would be between 45 and 55 percent 5 Democratic perfor- -- you know, districts that could 6 potentially exchange [sic] hands during s- -- based on 7 certain other political factors. 8 And so that was -- was something kind of that 9 set its own part of the negotiations. And that was a 10 huge point of contention: which districts would be in 11 there and what metric would be used to determine swing. 12 But this -- this 12-point increase, my 13 understanding is that that is completely separate. So 14 in addition to these swing districts to be negotiated -- 15 which was seven; sometimes eight; maybe sometimes ten -- 16 and some of which would be -- become more Democratic, 17 some less Democratic -- this 12-point increase, or the 18 other things he asked for in other places, was 19 completely outside of that -- the negotiation about the 20 swing districts. 21 Q. (BY MR. MULJI) I wanna now mark as Exhibit 13 22 document L. 23 (Brief pause.) 24 Q. Oh, do you see -- oh, you don't see. 25 [Indiscernible.] Not yet. Okay. Can you see</p>
<p style="text-align: right;">191</p> <p>1 it wasn't a majority-Hispanic but it was a majority 2 nonwhite, would that still qualify; you know, 3 technically be compliant with the federal VRA. 4 And then in the -- the second half -- again, 5 this is just another example -- there were a few 6 examples in -- somewhere in my notes or emails I think 7 there were specific districts mentioned, and I don't 8 know if it's exactly the same. I think I've seen 9 different numbers, but -- 10 Evidence of Graves, you know, asking -- trying 11 to negotiate in return for the VRA district and viewing 12 it solely -- he -- he -- he wanted to see -- he saw it 13 as we were taking a certain amount of points away from 14 Republicans by taking away that district from 15 Republicans, and he wanted to see those points given 16 back to Republicans in other places in the map. 17 Q. Is that what's referred -- are those districts 18 the ones referred to in the last point of this page, "7 19 swings to be negotiated," and the districts listed after 20 that? 21 MR. HOLT: Objection to the form of the 22 question. 23 THE WITNESS: I don't think so, because . . . 24 again, a kind of basic framework that had been -- that I 25 believe Commissioners Graves and Sims were operating</p>	<p style="text-align: right;">193</p> <p>1 Exhibit 13 on your screen? 2 A. 'Scuse me. I do. Yes. 3 Q. This is a -- a November 3rd email you 4 forwarded to Commissioner Walkinshaw; correct? 5 A. That appears to be correct. 6 Q. And looking at the first email in that chain, 7 it's an email from Matt Bridges to you and other members 8 of the SDC staff, titled "LD Offer from Graves." Do you 9 see that? 10 A. I do see that, yes. 11 Q. And [indiscernible] just says, "This is 12 apparently an LD offer from Graves. It was sent in 13 Autobound; I converted to DRA. . . ." Do you see that? 14 A. I see that, as well. 15 Q. And he includes a Dave's link. I'm going to 16 open the Dave's link from this email in my browser. Do 17 you see the map -- the title of this map displayed as 18 "GravesLD14, parentheses 2"? 19 A. I do see that, yes. 20 Q. Okay. I'm just gonna turn on the district 21 labels. 22 This is a proposal from Commissioner Graves; 23 correct? 24 A. It would appear to be, based on the email, 25 yes.</p>

ALI O'NEIL - 11/16/2022

<p>194</p> <p>1 Q. Did you . . . discuss this proposal with</p> <p>2 Senate Democratic Caucus staff?</p> <p>3 A. I would imagine that we did, yes.</p> <p>4 Q. And would you have done an analysis about</p> <p>5 whether this district would -- whether District 14 in</p> <p>6 this proposal would perform to elect Latino-voters'</p> <p>7 candidates of choice in Yakima Valley?</p> <p>8 A. Yes, such -- you know, such as it was, which</p> <p>9 at -- at that time prob'ly would have been just looking</p> <p>10 at the composite score for these districts, which you</p> <p>11 can get from the statistics page. And it's possible</p> <p>12 that we would have also sent it to -- excuse me --</p> <p>13 Dr. Barreto for analysis, as well. I can't say for sure</p> <p>14 that we did that for this district or this map.</p> <p>15 Q. And I'll go ahead and I'll turn on the</p> <p>16 composite score for this one. Do you -- do you see the</p> <p>17 composite here as performing 55.7 percent for Democratic</p> <p>18 candidates for District 14?</p> <p>19 A. I do see that, yes.</p> <p>20 Q. Based on -- and do you see that the</p> <p>21 citizen-voting-age population of District 14 is</p> <p>22 50.6 percent?</p> <p>23 A. Oh. I think so. It's a little small, but</p> <p>24 yes, I think I do see that.</p> <p>25 Q. Okay. And . . . do you recognize -- I</p>	<p>196</p> <p>1 within negotiations but that aren't necessarily . . .</p> <p>2 weren't seriously considered because of problems</p> <p>3 throughout the map in other places. And I know -- I</p> <p>4 think Matt in his email did mention there were some</p> <p>5 issues with not all the districts had assignments.</p> <p>6 So I think it -- it certainly was concerning</p> <p>7 to us, or would have been concerning at the time -- it</p> <p>8 was concerning -- if we received a -- a proposal that</p> <p>9 didn't involve, you know, mapping the entire state, or</p> <p>10 didn't also, you know, assign every single precinct or</p> <p>11 assign every voter or wasn't contiguous or wasn't -- you</p> <p>12 know, these other areas, because those were also</p> <p>13 criteria [indiscernible] follow when creating a</p> <p>14 legislative district map. So would have raised some red</p> <p>15 flags.</p> <p>16 Q. I wanna mark as -- as Exhibit 14 . . .</p> <p>17 document M.</p> <p>18 (Brief pause.)</p> <p>19 Q. All right. And do you see Exhibit 14 on your</p> <p>20 screen?</p> <p>21 A. I believe so.</p> <p>22 Q. Okay. And this is -- just looking at the</p> <p>23 first email in the chain, this is a -- a -- an email</p> <p>24 from Matt Bridges to you and other members of SDC staff,</p> <p>25 titled "Fain LD Map." He said -- he says it's "The</p>
<p>195</p> <p>1 mean . . . was it your understanding that the 14th</p> <p>2 District in this proposal from Commissioner Graves would</p> <p>3 give Latino voters opportunity to elect candidates of</p> <p>4 their choice?</p> <p>5 A. W- -- it -- it's -- it's difficult for me to</p> <p>6 say for sure. I think that, based on the -- the CVAP is</p> <p>7 a little lower than we've -- than we proposed or we</p> <p>8 tried to get it to, but the Democratic performance seems</p> <p>9 to be in range. So I would prob'ly look a little more</p> <p>10 closely at that to make a definitive answer, and I can't</p> <p>11 recall if I -- if I did at the time. But it seems to be</p> <p>12 close.</p> <p>13 Q. Do you recall how the Senate Democratic Caucus</p> <p>14 or Walkinshaw's team responded to this proposal?</p> <p>15 A. I do not recall specifically. I think -- I</p> <p>16 mean, one thing that I'm concerned by or confused by are</p> <p>17 the population deviations. So . . . I think I -- I'm</p> <p>18 not sure if that's -- you know, there's a number of</p> <p>19 reasons why that could be looking like that on the</p> <p>20 left-hand side.</p> <p>21 I think -- but -- but the reason I bring that</p> <p>22 up is because we would have looked at the entirety of</p> <p>23 the proposal, and sometimes -- you know, there were</p> <p>24 different points where a proposal may have been sent,</p> <p>25 again, for -- for reasons that we think are tactical</p>	<p>197</p> <p>1 long-awaited Fain and LD map." Do you understand that</p> <p>2 to mean that it was a proposal from Commissioner Fain to</p> <p>3 Commissioner Walkinshaw?</p> <p>4 A. I -- I believe that's correct. Maybe not</p> <p>5 directly to Commissioner Walkinshaw, but a proposal that</p> <p>6 was being shared with other Commissioners, yes.</p> <p>7 Q. Okay. And there's a Dave's link there, which</p> <p>8 I'm going to open in my browser.</p> <p>9 Actually, before I do that, I just wanna</p> <p>10 confirm: You -- you shared -- you forwarded that email</p> <p>11 from Matt Bridges to Commissioner Walkinshaw and</p> <p>12 Commissioner Sims; correct?</p> <p>13 A. That appears to be correct.</p> <p>14 Q. Do you see that I've clicked the link to open</p> <p>15 the map proposal that Matt Bridges sent to you?</p> <p>16 A. I do see that it is slowly [indiscernible].</p> <p>17 Q. There we go. Do you recall viewing this</p> <p>18 legislative proposal from Fain on November 8th?</p> <p>19 A. I do recall this, yes.</p> <p>20 Q. What do you recall about this proposal?</p> <p>21 A. I recall a few things. It does not include</p> <p>22 a -- a Yakima Valley-area district that resembles the</p> <p>23 ones we proposed that are VRA-compliant. It -- it does</p> <p>24 look like -- similar in some ways in the western part of</p> <p>25 the district to one of the samples that Matt Barre- --</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">198</p> <p>1 that Dr. Barreto proposed, although it . . . maybe not, 2 actually, when -- now that you zoom in and I look at the 3 actual boundary there, but. . . . 4 Another thing that I notice and recall about 5 this is that it does not unify the Yakama Nation 6 Reservation in one district. 7 And . . . think those are the main things that 8 I notice and can remember off the top of my head. 9 Q. And you can see that I've -- I've selected 10 District 15 here. Is that the district you understand 11 to be the -- the . . . majority-Latino district in this 12 area on this proposal? 13 A. Without s- -- oh, wait. District 15. Yes, 14 it's a little hard to read, but it does appear to be the 15 majority-Hispanic district; at least that's by total 16 pop. Oh, I'm seeing it by CVAP, as well, yes. 17 Q. Did you discuss this proposal with Senate 18 Democratic Caucus staff? 19 A. Yes, I'm sure I did. 20 Q. And did Senate Democratic Caucus staff analyze 21 whether this district would perform -- District 15 in 22 this proposal would perform to elect Latino-voters' 23 candidates of choice in Yakima Valley? 24 MR. HOLT: Objection: Form of the question. 25 THE WITNESS: I would say that we likely</p>	<p style="text-align: right;">200</p> <p>1 A. Okay. Thank you. Yes, it was a little 2 difficult to read. 3 That -- I would say that composite Democratic 4 performance for a district that is the 15th District, 5 and so not for the senate seat up for election on 6 presidential years, that that performance would 7 probab- -- would the CVAP be lower than we would hope it 8 to be or to have a district that would perform and allow 9 Hispanic voters to elect candidates of their choice. 10 Q. And do you recall whether this is a proposal 11 that you sent to Dr. Barreto for analysis? 12 A. I do not recall whether we did with this 13 specific one. 14 Q. And did you discuss this proposal with 15 Commissioner Sims or her staff? 16 A. Aside from forwarding the email, I can't 17 recall if we specifically discussed this one or what we 18 discussed about it. 19 Q. And do you recall what response 20 Commissioner Walkinshaw provided on this proposal to 21 Commissioner Fain? 22 MR. HOLT: Objection to the form of the 23 question. 24 MS. FRANKLIN: Objection: Lack of foundation. 25 THE WITNESS: I can recall certainly</p>
<p style="text-align: right;">199</p> <p>1 looked at this information the same that you're looking 2 at here in -- in little more detail on the statistics 3 page. And again, I can't recall for sure, but if we had 4 time, there's -- [indiscernible] we would -- may have 5 sent it to Dr. Barreto for additional analysis, 6 but. . . . Using the data here is probably what we did. 7 Q. (BY MR. MULJI) Did you have an understanding 8 of whether the 15th District in this proposal would give 9 Latino voters opportunity to elect candidates of their 10 choice? 11 A. I can't recall off the top of my head, you 12 know, what our analysis was then. And I'm not seeing 13 the polit- -- the Democratic-performance numbers on 14 here, but -- 15 It -- it looks similar in CVAP to the proposal 16 you shared from Commissioner Graves. 50.6, which is 17 very close -- I think lower than the CVAP that we were 18 trying to achieve in the districts that we wanted or 19 felt would be . . . compliant with the VRA. And the 20 composite looks to be 52 . . . percent. 21 Q. I'll represent to you that -- if it's hard to 22 read -- 23 (Simultaneous talking.) 24 Q. -- I turned on the composite score, and it's 25 52.6 Democratic.</p>	<p style="text-align: right;">201</p> <p>1 discussing with Commissioner Walkinshaw that he should 2 raise concerns about the splitting of the Yakama Nation 3 Reservation. That's kind of a striking part of this map 4 that I remember. It's -- it was such a big part of 5 public comment, that would have been an easy thing for 6 us to ask Commissioner Walkinshaw to raise, but I can't 7 say for sure whether he had those discussions directly 8 with Commissioner Fain or not. 9 Q. (BY MR. MULJI) As far as you were aware, was 10 Commissioner Fain open at any point to a configuration 11 of the 14th or 15th District that would perform for 12 Latino-preferred candidates? 13 MS. FRANKLIN: Objection -- 14 (Simultaneous talking.) 15 MR. HOLT: Objection: Form. 16 MS. FRANKLIN: Lack of foundation, and vague. 17 THE WITNESS: Can you repeat that, please? 18 Q. (BY MR. MULJI) As far as you were aware, was 19 Commissioner Fain open to a configuration of legislative 20 District 14 or 15 that would perform for 21 Latino-preferred candidates? 22 A. I am not sure that I can say for sure either 23 way. I think . . . I mean, from what I can recall, 24 it -- it seems -- it seemed that the -- Commissioner 25 Fain in some of these proposals was . . . was trying to</p>

ALI O'NEIL - 11/16/2022

<p>202</p> <p>1 get, you know, as close as he possibly could get and get</p> <p>2 a barely-majority CVAP legislative district, but that,</p> <p>3 you know -- our -- our assumption was that it would</p> <p>4 still be something that they were comfortable with and</p> <p>5 that it would still elect Republicans and not perform</p> <p>6 for Hispanic can- -- Hispanic voters.</p> <p>7 Q. Did Commissioner Fain ever identify who he</p> <p>8 thought were Latino candidates of choice in any</p> <p>9 elections?</p> <p>10 MR. HOLT: Objection to the form of the</p> <p>11 question.</p> <p>12 THE WITNESS: Not that I can specifically</p> <p>13 recall.</p> <p>14 Q. (BY MR. MULJI) Did you join any of</p> <p>15 Commissioner Walkinshaw's conversations with</p> <p>16 Commissioner Fain about the Yakima Valley-area district?</p> <p>17 A. I cannot recall any specific meetings that I</p> <p>18 was present for that were about the Yakima-area district</p> <p>19 with Commissioner Fain.</p> <p>20 Q. I wanna mark as Exhibit 15 document N.</p> <p>21 (Brief pause.)</p> <p>22 Q. Do you see this document on your screen?</p> <p>23 A. I do.</p> <p>24 Q. And the last email in this chain is an email</p> <p>25 from you to Paul Campos; correct?</p>	<p>204</p> <p>1 working with would support. And I can remember those</p> <p>2 conversations around that time, so I -- I think that</p> <p>3 that's where that came from.</p> <p>4 Q. Okay. And I -- I will -- do you see that</p> <p>5 there's a DRA link that you shared with Paul Campos?</p> <p>6 A. I do see that, yes.</p> <p>7 Q. I'm gonna click that link and open the map.</p> <p>8 So lemme do it in a new tab. Do you see that I've</p> <p>9 clicked the link, and it has opened a map with the title</p> <p>10 "BW to [sic] Fain 11.10 new VRA"?</p> <p>11 A. I do see that. And the color is filling in.</p> <p>12 Q. Do you recognize the Yakima Valley districts</p> <p>13 that . . . in this -- in this map proposal?</p> <p>14 A. I do a little bit, vaguely.</p> <p>15 Q. I'll turn on the district lines. Was it your</p> <p>16 understanding that District 14 in this map was . . .</p> <p>17 the, quote, new VRA district referred to in the title?</p> <p>18 A. It's possible, but -- oh, yeah, so is that the</p> <p>19 one . . . yes, 73 percent by VAP. That does appear to</p> <p>20 be correct, yes.</p> <p>21 Q. And in case it's helpful for your memory, I'll</p> <p>22 turn on the -- the citizen-voting --</p> <p>23 (Simultaneous talking.)</p> <p>24 Q. -- population and the composite for District</p> <p>25 14. And I'll represent to you that the composite</p>
<p>203</p> <p>1 A. That appears to be correct.</p> <p>2 Q. From November 10th; is that right?</p> <p>3 A. Also appears correct, yes.</p> <p>4 Q. And you said, "Brady asked me to send you this</p> <p>5 new legislative district map proposal, to share with</p> <p>6 Commissioner Fain." And it -- you go on to say,</p> <p>7 [as read] "We had a map ready to send back to y'all last</p> <p>8 night, then we saw the new proposed Yakima Valley</p> <p>9 district that came into the comment box last night, so</p> <p>10 we wanted to try with that version of district."</p> <p>11 What -- what is the new pro- -- what is the</p> <p>12 new proposed Yakima Valley district that came into the</p> <p>13 comment box you were referring to?</p> <p>14 A. I believe that there was -- I believe that it</p> <p>15 was from s- -- the Redistricting Justice coalition, or a</p> <p>16 few members of the coalition -- maybe not officially the</p> <p>17 whole coalition -- that had redrawn or submitted a</p> <p>18 new/alternate proposal of a district that would perform</p> <p>19 for Hispanic voters in the region, and what we thought</p> <p>20 would be v- -- VRA-compliant, as well.</p> <p>21 I can't remember the specifics of that</p> <p>22 district, but I do remember conversations with the</p> <p>23 coalition, looking at other potential options for a</p> <p>24 district in that region that they would support and that</p> <p>25 their -- you know, the community members that they were</p>	<p>205</p> <p>1 Democratic is 59 percent, and the citizen-voting-age</p> <p>2 population is 52.6 percent, according to s- -- citizen</p> <p>3 VAP 2019.</p> <p>4 A. [Indiscernible] thank you.</p> <p>5 Q. Did you or -- did you have an understanding of</p> <p>6 how this November 10th LD 14 proposal would perform</p> <p>7 in -- in the elections for electing Latino candidates of</p> <p>8 choice?</p> <p>9 A. Based on what I can see here, and -- and</p> <p>10 thinking back to my memories of this time, with a</p> <p>11 composite score of 59 percent, my belief is that that</p> <p>12 would be enough of a buffer to account for potential</p> <p>13 turnout drop-off, and would give enough buffer for</p> <p>14 Hispanic voters to actually elect the candidate of their</p> <p>15 choice and for this district to perform the way that we</p> <p>16 thought it needed to based on the patterns of racially</p> <p>17 polarized voting in the region.</p> <p>18 Q. This map includes the Yakama Nation</p> <p>19 Reservation; correct?</p> <p>20 A. It does appear to be true, yes.</p> <p>21 Q. Are you aware of how this map proposal was</p> <p>22 received by Commissioner Fain?</p> <p>23 A. I'm not sure that I can remember specifics,</p> <p>24 but I don't remember this proposal being discussed any</p> <p>25 further, so I can't imagine that it went very far.</p>

ALI O'NEIL - 11/16/2022

<p>206</p> <p>1 Q. Did Commissioner Walkinshaw and Commissioner 2 Fain meet to discuss this proposal, to your knowledge? 3 MR. HOLT: Objection -- 4 (Simultaneous talking.) 5 MR. HOLT: -- f -- form. 6 THE WITNESS: Not that I can recall. 7 Q. (BY MR. MULJI) Did you send this proposal to 8 any other Commissioners? 9 A. It's likely that I would have shared it with 10 Commissioner Sims or her staff. 11 Q. Did you share this proposal with 12 Commissioner Graves? 13 A. I am not sure. I don't know. 14 Q. I'll stop sharing this one, and I'll mark as 15 Exhibit 16 document O. 16 (Brief pause.) 17 Q. And do you see document -- Exhibit 16 on your 18 screen? 19 A. I believe so, yes. 20 Q. Okay. I'll scroll down to -- well . . . the 21 bottom of the red. This is an email from Paul Graves to 22 April Sims and staff and his staff on November 11th; 23 correct? 24 A. That does appear to be correct. 25 Q. Do you recognize this email from Paul Graves?</p>	<p>208</p> <p>1 Q. Is it your understanding that Matt Bridges 2 created a -- a -- a DRA version of Commissioner Graves's 3 LD proposal just here? 4 A. I believe so. It -- that looks to be correct. 5 Q. I will go ahead and click the link so you can 6 see the map that he's providing. Do you see that the 7 title of this map is also Graves111- -- or -1110LD? 8 A. I do see that, yes. 9 Q. Okay. Is -- is this the same map that . . . 10 is this the -- the DRA version of the proposal that 11 Commissioner Graves shared . . . on . . . on November 12 11th? 13 MR. HOLT: Objection to the form of the 14 question. 15 THE WITNESS: Yes, this does appear to be the 16 same map that was transmitted by Anton Grose on behalf 17 of Commissioner Graves. 18 Q. (BY MR. MULJI) Okay. And in -- in 19 Exhibit 17, do you see at the top here where you 20 forwarded this to Commissioner Walkinshaw? 21 A. I do see that, yes. 22 Q. Okay. Did anyone from the Senate Democratic 23 Caucus team analyze this map for compliance with the 24 Voting Rights Act? 25 MS. FRANKLIN: Objection: Lack of foundation.</p>
<p>207</p> <p>1 MR. HOLT: Objection to the form of the 2 question. 3 THE WITNESS: I -- let's see. Do I rec- -- 4 yes, I do believe that I recognize it, yeah. 5 Q. (BY MR. MULJI) In the first -- in the first 6 email -- or the latest email in this thread, Osta Davis 7 shares a Dave's Redistricting link of a proposal sent by 8 Anton Grose on behalf of Paul Graves; correct? 9 A. That does appear to be correct, yes. 10 Q. I'm gonna open the link to that -- to that 11 map. Did you see that? 12 A. I do see it opening, yes. 13 Q. You see the title of this map? 14 A. I do. 15 Q. It's -- is it Graves111LD [sic]? Or I'm 16 sorry. -1110LD? 17 A. Yes, that is what I see. 18 Q. Okay. I'm gonna mark as the Exhibit 17 19 document P. You shared -- 20 Do you recognize this email? 21 A. Yes. 22 Q. The bottom email in the thread is an email 23 from Matt Bridges to you and other members of the SDC 24 team, with the subject "Graves 11-10 LD Proposal"? 25 A. That's correct.</p>	<p>209</p> <p>1 THE WITNESS: I can't say for sure for others 2 on the team, but I know that there would have been 3 discussion of performance under the composite metric and 4 looking at the CVAP and VAP numbers, based on the -- 5 similar to the DRA information that you have here. 6 Q. (BY MR. MULJI) Okay. And I will -- I'll go 7 ahead and turn on the . . . composite and 8 citizen-voting-age-population scores. Do you see that 9 I've done that? 10 A. I do. 11 Q. And I'll -- I'll turn on the district labels. 12 Do you recognize sort of the configuration of the 13 14th District in this map? Or I'm s- -- yeah, the 14 14th District? 15 A. I do, yes. 16 Q. And . . . do you see that the 14th District in 17 this map is 50.3 percent citizen-voting-age popu- -- 18 Hispanic-citizen-voting-age population? 19 A. I do see that, yes. 20 Q. Wanna ask that you recognize -- whether you 21 recognize the configuration of this 14th District, does 22 this district resemble any other proposals or plans that 23 you saw during the process? 24 MS. FRANKLIN: Objection: Vague. 25 THE WITNESS: There were a couple of proposals</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">210</p> <p>1 from around this time. I think at -- at some point -- I 2 can't remember exactly when this type of district was 3 introduced; first proposed. Maybe it was here, 4 but. . . I know there are a number of proposals that 5 went back and forth around this time that had that same 6 district. I can't remember the specifics of when I saw 7 them, if they were before this or not. 8 Q. (BY MR. MULJI) And just to be clear, that 9 when you say "this district," you're talking about the 10 14th in this proposal? 11 A. Yes, this proposal's 14th, although I can't 12 say for sure that it was labeled the 14th in all the 13 other proposals that I've seen. 14 Q. Okay. And . . . I wanna go back to 15 Commissioner Graves's explanatory email to this 16 proposal. You said that you had seen this email before; 17 correct? 18 A. That is correct. 19 Q. In the first bullet he says, "The 14th here is 20 ever so slightly more Republican here than your last 21 proposal, but is still firmly swing. It is majority 22 Hispanic CVAP." What do you understand him to mean by 23 "slightly more Republican here"? 24 MS. FRANKLIN: Objection -- 25 MR. HOLT: Objection --</p>	<p style="text-align: right;">212</p> <p>1 to the shift in the political numbers -- which was 2 significant, especially in our early proposals for a VRA 3 district in this region -- would not have been as 4 significant in this latest proposal that he's referring 5 to, but probably still a -- you know, coulda been 6 a . . . five- to six-point shift, which for them would 7 be significant. 8 But I -- I understood that to mean or 9 understood from our conversations at the time that it 10 was also a great -- just the -- the new district itself 11 was a concern because it made major changes to the 12 district lines; not just of the new 14th or 15th, but to 13 other districts in the -- in the region would result in 14 pretty significant shifts from the prior map that had 15 been adopted and used from 2012 until 2022, and that 16 would mean a pretty significant shift not just for 17 political metrics in that district, but also incumbents 18 and what their districts generally looked like in that 19 region. 20 These are just two of the things that I 21 remember talking about and thinking about and hearing 22 were issues for them in that region. I imagine there 23 were other specific ones, not just the political 24 numbers, but those were two of the ones I remember. 25 Q. (BY MR. MULJI) How do you interpret the last</p>
<p style="text-align: right;">211</p> <p>1 MS. FRANKLIN: -- lack of foundation. 2 MR. HOLT: Objection: Form. 3 THE WITNESS: My understanding is that he's 4 referring to political performance. I don't believe he 5 was using the same composite metric. I believe they may 6 have been using a different metric -- political metric. 7 But that . . . that -- that number was slightly lower 8 for Democrats and better for Republicans. 9 Q. (BY MR. MULJI) He says in the next bullet, 10 [as read] "I understand from our talks on Monday and 11 yesterday that you agree such a big shift could result 12 in something given in exchange, but that applying points 13 to other districts is not a framework that -- that you 14 are interested in." And he goes on to say, "My biggest 15 question to you then: what do you think is a fair ex- -- 16 what do you think a fair exchange is for this 14th?" 17 When you saw this email, what was your 18 understanding of the big shift or the huge shift that -- 19 that this paragraph is referring to? 20 MR. HOLT: Objection: Form. 21 MS. FRANKLIN: Objection -- 22 (Simultaneous talking.) 23 MS. FRANKLIN: -- foundation. 24 THE WITNESS: My understanding or an 25 understanding that I had at the time is that in addition</p>	<p style="text-align: right;">213</p> <p>1 sentence of this paragraph; the question at the end of 2 the paragraph? 3 MS. FRANKLIN: Objection: Lack of foundation. 4 MR. HOLT: Objection: Form. 5 THE WITNESS: So I'm sorry. Which -- the 6 one -- which one? 7 Q. (BY MR. MULJI) [As read] "My biggest question 8 to you then: what do you think is a fair exchain- -- 9 what do you think a fair exchange is for this 14th?" 10 A. My understanding is that Commissioner Graves 11 is asking Commissioner Sims to say what she would be 12 willing to offer to the Republicans, you know, from 13 something that is something that she wants but, you 14 know, something that she's willing to give, 15 quote/unquote, to the Republicans in order to agree on 16 I -- I presume the 14th District that he is drawing in 17 this map that he sent. 18 Q. And he -- in the next paragraph he says, "My 19 proposal here for that 14th is Republican improvement in 20 47, 24, and 28." You mentioned earlier that there were 21 districts that he proposed had higher Republican 22 performance. Are these those districts that you were 23 referring to? 24 MR. HOLT: Objection: Form. 25 MS. FRANKLIN: Objection: Lack of foundation.</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">214</p> <p>1 THE WITNESS: I'm -- I'm sorry. Which -- are</p> <p>2 those which districts that I was referring to?</p> <p>3 Q. (BY MR. MULJI) He says "My --" in the third</p> <p>4 bullet point he says, [as read] "My proposal here for</p> <p>5 that 14th is a Republican im- -- is Republican</p> <p>6 improvement in 47, 24, and 28." Were these districts</p> <p>7 that you understood Commissioner Graves to be</p> <p>8 prioritizing during the -- during the negotiations?</p> <p>9 (Simultaneous talking.)</p> <p>10 MR. HOLT: Objection: Form.</p> <p>11 MS. FRANKLIN: Objection --</p> <p>12 (Simultaneous talking.)</p> <p>13 MS. FRANKLIN: -- lack of foundation.</p> <p>14 THE WITNESS: Yes, that is my understanding,</p> <p>15 that they were districts that Commissioner Graves was</p> <p>16 prioritizing throughout the negotiations.</p> <p>17 Q. (BY MR. MULJI) And he was offering these to</p> <p>18 Commissioner Sims in exchange for a district that he</p> <p>19 drew in the Yakima Valley that was . . . in this</p> <p>20 proposal; correct?</p> <p>21 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>22 MR. HOLT: Objection: Form.</p> <p>23 THE WITNESS: I guess I would characterize it</p> <p>24 as he was asking for those things. He was asking for</p> <p>25 improvements for Republicans in those districts in</p>	<p style="text-align: right;">216</p> <p>1 that line. And -- and saying that, you know,</p> <p>2 essentially if we were to get what he would characterize</p> <p>3 as what we wanted in that region, he needed to get</p> <p>4 something that he wanted somewhere else on the map.</p> <p>5 Q. (BY MR. MULJI) And did he -- and is it your</p> <p>6 understanding that he interpreted what you wanted in</p> <p>7 that district as to be a VRA-compliant district?</p> <p>8 MR. HOLT: Objection: Form.</p> <p>9 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>10 THE WITNESS: Can you say that one more time?</p> <p>11 Q. (BY MR. MULJI) Did he interpret what you --</p> <p>12 as the Democratic Commissioners and their teams -- what</p> <p>13 they wanted as -- as being a -- a VRA-compliant district</p> <p>14 in the Yakima Valley?</p> <p>15 A. I -- I can't say for sure what he interpreted.</p> <p>16 I mean, my assumption or my understanding through this</p> <p>17 and through these conversations was that -- I mean,</p> <p>18 he's -- he's trying to negotiate, and I think he thinks</p> <p>19 we wanted to use that to secure another Democratic</p> <p>20 district in the region. And -- and so I'm not sure, you</p> <p>21 know, that his interpretation was . . . I'm -- I'm not</p> <p>22 sure that that wasn't his interpretation, that we just</p> <p>23 wanted a Democratic district. Or as Democratic as we</p> <p>24 could get.</p> <p>25 Q. Did he understand that. . . . Well, was it</p>
<p style="text-align: right;">215</p> <p>1 exchange for the district he had proposed and drawn in</p> <p>2 14th.</p> <p>3 Q. (BY MR. MULJI) In the last paragraph he says,</p> <p>4 [as read] "I'll -- I will be especially interested to</p> <p>5 hear from you what you think is a fair price for this</p> <p>6 14th." When you read this . . . when you read this</p> <p>7 sentence . . . how did you interpret -- how did you</p> <p>8 interpret this?</p> <p>9 MR. HOLT: Objection: Form.</p> <p>10 THE WITNESS: Similarly to I guess other parts</p> <p>11 in the email and other parts of my notes, I -- I</p> <p>12 interpreted it as Commissioner Graves, you know, wanting</p> <p>13 to -- I interpreted it as nego- -- Commissioner Graves</p> <p>14 viewing the Democratic Commissioner stance on the VRA</p> <p>15 district as a negotiating ploy or tactic, and, you know,</p> <p>16 that he . . . he wanted to see how much we'd be willing</p> <p>17 to give or not give, and -- and even whether it was</p> <p>18 something to be negotiated. Our position on the --</p> <p>19 well, it wasn't even our position on the 14th, because</p> <p>20 this -- this district is not our pozish- -- was not our</p> <p>21 position on the 14th.</p> <p>22 So I -- I interpret it as him trying to</p> <p>23 negotiate this point; trying to find a -- I guess a</p> <p>24 compromise, is what you could say, you know, meeting in</p> <p>25 the middle, was my -- was my interpretation of . . . of</p>	<p style="text-align: right;">217</p> <p>1 made clear to Commissioner Graves that -- that</p> <p>2 the. . . . You had mentioned earlier that Commissioner</p> <p>3 Walkinshaw had made a VRA-compliant district in the --</p> <p>4 in the Yakima Valley, the 14th, one of his top</p> <p>5 priorities going into these negotiations. Did</p> <p>6 Commissioner Walkinshaw make that position clear, to</p> <p>7 your knowledge, to Commissioner Graves?</p> <p>8 MS. FRANKLIN: Objection: Lack of foundation,</p> <p>9 and vague.</p> <p>10 MR. HOLT: Objection: Form.</p> <p>11 THE WITNESS: It is my understanding that</p> <p>12 Commissioner Walkinshaw did state this to</p> <p>13 Commissioner Graves.</p> <p>14 MR. HOLT: And counsel, is there any way we</p> <p>15 could get Exhibit 17 in the comment [sic] box</p> <p>16 [indiscernible]?</p> <p>17 MR. MULJI: Yes.</p> <p>18 MR. HOLT: Thanks.</p> <p>19 (Pause.)</p> <p>20 Q. (BY MR. MULJI) I wanna mark as Exhibit 18</p> <p>21 document Q.</p> <p>22 (Brief pause.)</p> <p>23 Q. Do you see this document on your screen?</p> <p>24 A. Yes, I do now.</p> <p>25 Q. Okay. At the bottom of the thread . . . do</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">218</p> <p>1 you see an email from Paul Graves on November 13th to</p> <p>2 April Sims and their staff regarding a new map proposal?</p> <p>3 A. I do see that.</p> <p>4 Q. He refers to -- he provides a description of</p> <p>5 this -- of this proposal on November 13th . . . on the</p> <p>6 last page of this document, and it says, [as read]</p> <p>7 "Starts with the 14th as you proposed it most recently.</p> <p>8 That involves a 3 point shift in partisan performance,</p> <p>9 and in exchange the map makes 47th just 0.3 percent</p> <p>10 better for republicans." Do you see that?</p> <p>11 A. I do, yes.</p> <p>12 Q. Do you know which proposal of -- do you</p> <p>13 understand that he -- him to be referring to a</p> <p>14 proposal . . . of April Sims? "Starts with the 14th as</p> <p>15 April Sims proposed it most recently"?</p> <p>16 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>17 MR. HOLT: Objection: Form.</p> <p>18 THE WITNESS: I do understand that to be the</p> <p>19 case, yes.</p> <p>20 Q. (BY MR. MULJI) Have you seen this email</p> <p>21 exchange before?</p> <p>22 A. I believe so, yes. Yes.</p> <p>23 Q. Okay. You -- you forwarded this thread to</p> <p>24 Commissioner Walkinshaw and Commissioner Sims?</p> <p>25 A. I -- I guess also to Commissioner Sims, but</p>	<p style="text-align: right;">220</p> <p>1 THE WITNESS: Y- -- yeah, the -- it's -- is</p> <p>2 referring to the 15th District, yes. What is now the</p> <p>3 15th.</p> <p>4 Q. (BY MR. MULJI) I'm gonna click the Dave's</p> <p>5 link that you put here, or that you included in your</p> <p>6 email to Commissioner Walkinshaw and Commissioner Sims.</p> <p>7 And it -- do you see that it displays a . . . map called</p> <p>8 [as read] "Graves Draft November 12th, parentheses 1"?</p> <p>9 A. I do see that.</p> <p>10 Q. I'll wait for the map to load. Do you -- did</p> <p>11 the Senate Democratic Caucus staff evaluate this map for</p> <p>12 VRA compliance?</p> <p>13 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>14 THE WITNESS: Yes. I believe similarly to the</p> <p>15 other ones we've discussed today, looking at, you know,</p> <p>16 d- -- Democratic performance and CVAP. And it's</p> <p>17 possible that we would have sent it to Dr. Barreto, but</p> <p>18 I can't say for sure for this specific map.</p> <p>19 Q. (BY MR. MULJI) Do you recall how -- how your</p> <p>20 team responded to this proposal?</p> <p>21 MR. HOLT: Objection: Form.</p> <p>22 THE WITNESS: I -- I recall that it was, you</p> <p>23 know, similar to some of the other ones that we've seen</p> <p>24 that are very close in . . . looking at this map, that</p> <p>25 the, you know, CVAP -- the composite and even the CVAP</p>
<p style="text-align: right;">219</p> <p>1 she was already on it, so I don't know why I would have</p> <p>2 done that.</p> <p>3 Q. Is it possible that you sent it to April Sims</p> <p>4 to share the Dave's link with her?</p> <p>5 A. That could be true, yes.</p> <p>6 Q. Going back down to Commissioner Graves's</p> <p>7 email, in the next email up, he makes a couple of</p> <p>8 corrections about his characterization of the proposal</p> <p>9 that he's sharing; correct?</p> <p>10 A. It looks -- looks to be corrections. I guess</p> <p>11 I can't say for sure whether they were just corrections</p> <p>12 to his characterization or corrections to the actual map</p> <p>13 proposal that was shared.</p> <p>14 Q. I see.</p> <p>15 He says ". . . we made the CVAP district the</p> <p>16 15th rather than the 14th for ease of incumbents. . . ."</p> <p>17 Is that -- do you see that?</p> <p>18 A. I do see that.</p> <p>19 Q. It says [as read] ". . . it's not just the --</p> <p>20 it's not the just-below-2019-CVAP you proposed, but</p> <p>21 instead it's at just over 50% CVAP." Do you understand</p> <p>22 him to be referring to the 15th District in this</p> <p>23 proposal?</p> <p>24 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>25 MR. HOLT: Objection: Form.</p>	<p style="text-align: right;">221</p> <p>1 can look above 50 percent, but that it was close -- you</p> <p>2 know, too close, in that our understanding was that we</p> <p>3 should make the strongest VRA-compliant district that we</p> <p>4 could that also satisfied other criteria of</p> <p>5 redistricting and was defensible in other ways, as well.</p> <p>6 And so we had concerns about these propose- -- this</p> <p>7 proposal and others like it.</p> <p>8 I also can recall, you know, the switching of</p> <p>9 the numbers from 14 to 15, that being an area of</p> <p>10 concern, as well; again, due to low turnout in</p> <p>11 presidential y- -- or in nonpresidential years,</p> <p>12 specifically for, you know, Hispanic voters in this</p> <p>13 area.</p> <p>14 MR. MULJI: And if it's all right, I'd like to</p> <p>15 take just a five- -- a five-minute break here. If</p> <p>16 that's all right with folks. And reconvene at 3:26.</p> <p>17 (A break was taken from 3:21 to 3:28 p.m.)</p> <p>18 Q. (BY MR. MULJI) I wanna mark as Exhibit 19</p> <p>19 document R. [Indiscernible] chat.</p> <p>20 (Brief pause.)</p> <p>21 Q. Okay. And do you recognize these d- --</p> <p>22 Exhibit 19 to be notes -- hand- -- more handwritten</p> <p>23 notes that you produced in response to Plaintiffs'</p> <p>24 subpoena?</p> <p>25 A. That is correct.</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">222</p> <p>1 Q. And this is part four?</p> <p>2 A. That does appear to be correct, as well.</p> <p>3 Q. Okay. Wanna ask you about a few notes that</p> <p>4 you put here. On page 3 . . . you . . . you wrote about</p> <p>5 a meeting with April; correct?</p> <p>6 A. That does appear to be correct.</p> <p>7 Q. Okay. And I assume the answer's "no," but</p> <p>8 do -- do you recall when this might be from?</p> <p>9 A. Well, the first page you were just on had</p> <p>10 November 8th; right?</p> <p>11 Q. Yes.</p> <p>12 A. So presumably after that time.</p> <p>13 Q. Okay. And you . . . you wrote two checkboxes</p> <p>14 under that: [as read] "VRA district with Yakama, Yakima</p> <p>15 and Pasco?", and then a checkbox "VRA district based on</p> <p>16 ours with lower D performance." And under that you</p> <p>17 wrote, "draw 5 plus 47 lean D (Pellicciotti); drop</p> <p>18 performance on 15th slightly," and then there's an arrow</p> <p>19 pointing to 14th. Do you see that?</p> <p>20 A. I do see that.</p> <p>21 Q. When you say -- in the -- in the second</p> <p>22 checkbox you said, "VRA district based on ours with</p> <p>23 lower D performance." What is that referring to?</p> <p>24 A. It is my unders- -- from what I can recall, I</p> <p>25 believe that that would be referring to the</p>	<p style="text-align: right;">224</p> <p>1 points. I can't explain why I do a box with one and why</p> <p>2 I do a dash with others. I'm sorry, but. . . .</p> <p>3 Q. Well, actually, lemme ask you about another --</p> <p>4 another part here. You -- you wrote on the next page,</p> <p>5 on page 4, at the bottom of the page, "For Brady: 4</p> <p>6 main priorities"; correct?</p> <p>7 A. Yep, that does appear to be correct.</p> <p>8 Q. The first three are on page 4, and then the</p> <p>9 last one spills over to page 5; is that right?</p> <p>10 A. It does appear to be correct.</p> <p>11 Q. And there's a question after these four boxes,</p> <p>12 "Which do we care about?"</p> <p>13 Do you recall what prompted you to write these</p> <p>14 priorities down?</p> <p>15 A. Sorry. Lemme just read this, if I may.</p> <p>16 From what I can recall, this -- this appears</p> <p>17 to be discussion of, you know, staff priorities. At</p> <p>18 this time, when it was really busy, there would be some</p> <p>19 times where the SDC team -- staff team would meet; we</p> <p>20 might discuss other proposals; do an a- -- more in-depth</p> <p>21 analysis and -- and game out strategies for next</p> <p>22 negotiating meetings. And sometimes Commissioner</p> <p>23 Walkinshaw would be in those meetings and sometimes he</p> <p>24 would not be. And so we might discuss priorities or</p> <p>25 things that we wanted to bring to Commissioner</p>
<p style="text-align: right;">223</p> <p>1 VRA-compliant dis- -- or the 14th Legislative District</p> <p>2 that we and the senate -- the SDC team, Commissioner</p> <p>3 Walkinshaw, included in the second public map release,</p> <p>4 so the 10-25, updated, legislative-district map.</p> <p>5 Q. And --</p> <p>6 (Simultaneous talking.)</p> <p>7 Q. -- you -- you say "with lower D performance,"</p> <p>8 and then there are two sort of subbullets: "draw 5 and</p> <p>9 47 lean D" and "drop performance in 15th slightly." Are</p> <p>10 those instructions to draw particular proposal? What</p> <p>11 are those -- what are those bullet points referring to?</p> <p>12 A. I actually don't think that the other two</p> <p>13 bullets were, like, subbullets to that "VRA district</p> <p>14 based on ours." I think they're separate points.</p> <p>15 What I think it's saying is that . . . yeah,</p> <p>16 for the VRA district -- and I'm not sure if this is</p> <p>17 coming from April or a report from April of a -- from</p> <p>18 Commissioner Sims of a conversation she had with other</p> <p>19 Commissioners or -- but that would be -- is saying that,</p> <p>20 you know, to consider or look at or potentially see a</p> <p>21 proposal that includes a VRA district that's based on</p> <p>22 our 10/25 proposed district with a slightly lower</p> <p>23 Democratic performance.</p> <p>24 And then the other two bullets, I can explain</p> <p>25 those, as well, but I view those as distinct kinda</p>	<p style="text-align: right;">225</p> <p>1 Walkinshaw for him to then decide on or react to or</p> <p>2 bring to the Commissioners again.</p> <p>3 So . . . this looks to me to be, like, a</p> <p>4 discussion of four main priorities that our staff team</p> <p>5 came up with and that I was then supposed to go talk to</p> <p>6 Brady about and ask him, you know, "These are four</p> <p>7 things that we came up with or that we have questions</p> <p>8 on, and . . . you know, which of these things do you</p> <p>9 agree are most important or will you push or do you want</p> <p>10 us to push in our discussions or future maps?"</p> <p>11 Q. [Indiscernible] unclear to staff whether</p> <p>12 Commissioner Walkinshaw cared at this point about the</p> <p>13 VRA district as compared to these other priorities?</p> <p>14 MR. HOLT: Objection: Form.</p> <p>15 THE WITNESS: I don't know that I can</p> <p>16 definitively say it was unclear. I think I would say</p> <p>17 that when it came down to brass tacks or actually doing</p> <p>18 negotiations, I think what was not clear was how far</p> <p>19 Commissioner Walkinshaw was willing to go; meaning the</p> <p>20 ultimate farthest option would be to say he wouldn't</p> <p>21 just -- or just not vote -- not vote to approve a map</p> <p>22 proposal, which is something that I believe he had said.</p> <p>23 But I still -- I think at that point, whether or not he</p> <p>24 was willing to do that or to fight for the VRA district</p> <p>25 that we thought we wanted, I think that piece was clear.</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">226</p> <p>1 Or that -- that piece -- I'm sorry -- was not clear.</p> <p>2 But I -- I think it was still a -- you know,</p> <p>3 he still told us that it was important to him to get</p> <p>4 through the negotiations or get somehow a VRA district</p> <p>5 that was -- that would provide for very effective</p> <p>6 representation for Hispanic voters in the -- in that</p> <p>7 region.</p> <p>8 Q. (BY MR. MULJI) The next part of these notes</p> <p>9 appear to be -- and correct me if I'm wrong -- some</p> <p>10 notes on proposals -- 11-11 morning proposal and an</p> <p>11 11-12 proposal -- with some notes about them. Are these</p> <p>12 proposals in reference to the Graves proposals we just</p> <p>13 discussed on November 11th -- the morning of el- --</p> <p>14 November 1- -- November 11th and November 12th?</p> <p>15 A. I cannot recall specifically, but I'm inclined</p> <p>16 to say no, because they specifically -- you know,</p> <p>17 underneath each says the 10-25 VRA, and so that to me</p> <p>18 would say our -- SDC's proposed 10-25 VRA district and</p> <p>19 the 10-25 plan. So what I think that those would be,</p> <p>20 we're sketching out potential responses, you know, in</p> <p>21 gaming out, "Okay. This morning we're gonna initially</p> <p>22 propose this map with a weaker four-t -- 42/17 and our</p> <p>23 initial VRA district. And then as a follow-up to that,</p> <p>24 if there's another counter from the Republicans, then we</p> <p>25 would take out one point of our 10.25 VRA district."</p>	<p style="text-align: right;">228</p> <p>1 characteristics of that map proposal. So saying that</p> <p>2 districts 10, 42, and 26 were about the same -- I'm not</p> <p>3 sure the same as what. Prob'ly the same as previous</p> <p>4 proposals. And that 28/24/47 were more Republican in</p> <p>5 their block 12 [ph] performance and that that was his --</p> <p>6 Commissioner Graves' offer to us or ask of us in</p> <p>7 response -- you know, in -- in exchange for the 14th</p> <p>8 Legislative District that he was proposing, which I</p> <p>9 think he viewed as a compromise with us.</p> <p>10 And then . . . again, alter- -- you know,</p> <p>11 changes to the 35th -- the 38th and the 5th</p> <p>12 District . . . as a result probably of changes being</p> <p>13 made to the 47th . . . 'cause that's very close . . . to</p> <p>14 the 5th.</p> <p>15 Q. So these are your personal notes on his 11-10</p> <p>16 proposal is what you think?</p> <p>17 A. I think that would -- that's -- yes, based on</p> <p>18 these notes and the emails and from what I can recall, I</p> <p>19 think that is correct.</p> <p>20 Q. Okay. And I wanna now move to. . .</p> <p>21 Actually, I will mark as Exhibit 20 document T.</p> <p>22 (Brief pause.)</p> <p>23 Q. Do you see Exhibit 20 on your screen?</p> <p>24 A. I do, yes.</p> <p>25 Q. Okay. And . . . I'll scroll down to the</p>
<p style="text-align: right;">227</p> <p>1 Did I explain that well?</p> <p>2 Q. Yes, I think I -- the question I had is: What</p> <p>3 does -- what does "10.25 VRA minus 1 point" mean?</p> <p>4 A. That would mean dropping Democratic</p> <p>5 performance in our version of the VRA district, or the</p> <p>6 Yakima Valley district, that was in our 10-25 public</p> <p>7 proposal.</p> <p>8 Q. Okay. And then at the bottom of -- of page 5</p> <p>9 it has . . . there's some notes under a heading called</p> <p>10 "Paul: 11/10." I'll give you a second to look at</p> <p>11 these. I'll note that the first bullet says, "10, 42,</p> <p>12 26 about the same. 28, 24, 47 more Republican (all for</p> <p>13 14)." And then it says, "also wants to mess with 38 and</p> <p>14 5." Do you see that?</p> <p>15 A. I do, yes.</p> <p>16 Q. What do -- what are . . . what does -- what</p> <p>17 are these bullets referring to?</p> <p>18 A. Based on what I can recall from this, they'd</p> <p>19 be referring to a proposal we received from Commissioner</p> <p>20 Graves. It seems like it would make sense that it was</p> <p>21 one of the other maps that you showed already that was</p> <p>22 labeled "1110" from Commissioner Graves; I think that</p> <p>23 you showed in one of my emails. And again, I -- he also</p> <p>24 may have mentioned that in one of his emails, but. . .</p> <p>25 It -- it's just commenting on some of the</p>	<p style="text-align: right;">229</p> <p>1 bottom of this thread. You sent an email to April Sims,</p> <p>2 Osta Davis, and Dominique Meyers on Sunday, November</p> <p>3 14th, at 7:27 p.m. Is that -- is that what you see?</p> <p>4 A. That is, yes.</p> <p>5 Q. The subject is "Merged leg map"? You see</p> <p>6 that?</p> <p>7 A. I do see that.</p> <p>8 Q. You say, [as read] "Hi, we worked on this</p> <p>9 version of your merged map that y'all sent over</p> <p>10 yesterday," and you provide a Dave's link. Is it your</p> <p>11 understanding that you were sharing, based on this, a</p> <p>12 map that your team was working on; a map proposal that</p> <p>13 your team was working on?</p> <p>14 A. Yes. But it looks like it was based on a</p> <p>15 version that had been sent to us initially by the House</p> <p>16 Democratic Caucus team.</p> <p>17 Q. Okay. And you include a description here in</p> <p>18 this email about that proposal; correct?</p> <p>19 A. That is correct.</p> <p>20 Q. Say, [as read] "There are no changes to</p> <p>21 eastern Washington other than the 3rd, so it includes</p> <p>22 the CVAP district from the Republicans which I know we</p> <p>23 still need to discuss." Is the CVAP district from the</p> <p>24 Republicans -- what is that referring to?</p> <p>25 A. Without seeing the map, it's hard for me to</p>

ALI O'NEIL - 11/16/2022

<p>230</p> <p>1 say for sure which district that refers to. I can't 2 recall exactly. 3 Q. Why don't I -- 4 (Simultaneous talking.) 5 A. Oh -- 6 Q. Go ahead. 7 A. I guess what I -- what I can say is that I 8 imagine that the C- -- saying "the CVAP district" would 9 be shorthand for whatever they drew as their -- we -- 10 we've called it a number of different things in our 11 shorthand in our communication. So "the VRA-compliant 12 district"; "the 14th or the 15th District"; "the 13 majority-Hispanic district"; "the Yakima Valley 14 District." You know. I think "the CVAP district," that 15 would refer to whatever district they'd drawn in that 16 region that was satisfying this kind of nebulous thing 17 that we were trying to do in that area. 18 Q. I see. 19 And -- and your map proposal that you're 20 sharing here includes one that was drawn by the 21 Republican Commissioners. Is that what you're 22 indicating in this email? 23 A. I believe that's what we're -- that I'm 24 indicating this email, yes. 25 Q. Okay. I wanna move on now to talk about sorta</p>	<p>232</p> <p>1 personal notes, Teams chats, and just tried to capture 2 as immediately as I could for my own memory of what 3 happened those final days; just tried to get as much of 4 it down as possible. But then from the document that I 5 sent to the Majority Leader, and that was later made 6 public, I, you know, tried to stick as much to 7 definitive things, things I could back up in my 8 text/emails/chats/notes, to compile this specific 9 document. 10 Q. And were you asked by -- were you asked to 11 create this document? 12 A. Senator Billig did send me an email that week, 13 can't remember when, to -- a -- asking for my account 14 of what had happened those final days; but I had begun 15 work on this for just kind of organizing my own thoughts 16 prior to him asking for that. But at that point I 17 started assembling this memo specifically, in response 18 to his email. 19 Q. Okay. And you mentioned earlier that this was 20 based on notes that you took about various 21 communications that you had during the final days of the 22 redistricting process; is that right? 23 A. It was based on a combination of notes and 24 communications and -- you know, those are different 25 things that I looked at to help remind myself</p>
<p>231</p> <p>1 the final day of negotiations on the legislative map. 2 And I know that you mentioned a memo that you've written 3 earlier in our deposition. I wanna mark that memo, 4 document V, as Exhibit 21. 5 (Brief pause.) 6 Q. Do you see document -- or Exhibit 21 on your 7 screen? 8 A. I do. 9 Q. Do you recognize this document? 10 A. I do. 11 Q. What is it? 12 A. This appears to be the memo that I drafted and 13 sent to Senator [sic] Majority Leader -- Senate Majority 14 Leader Andy Billig in November of 2021. 15 Q. Did you -- did you write this document? 16 A. I did write this, yes. 17 Q. And you wrote this memorandum in its entirety? 18 A. I did, yes. 19 Q. When did you create this document? 20 A. I -- let's see. I began work on this document 21 probably . . . maybe not the 16th, but perhaps the 17th 22 or 18th of November, so in the day or two following the 23 completion of the Commission's work. 24 Q. And . . . how did you create this document? 25 A. I looked at text messages, emails, my own</p>	<p>233</p> <p>1 of -- yeah, help remember what had happened and spe- -- 2 be specific about what had happened. 3 Q. Why did you feel the need to -- to compile 4 that information at this time? 5 A. I wanted to re- -- keep it while it was fresh 6 in my mind; kind of an account from my perspective and 7 what I witnessed what happened in those final days. And 8 the reason I wanted to do that was because I was deeply 9 concerned about how those negotiations took place in the 10 final days and how the Commission, you know, arrived at 11 the maps that they then released and shared to the 12 public. 13 Q. I wanna turn to page 2 of this document. You 14 begin on page 2 with a number of bullets chronicling the 15 day on Monday, November 15th. 16 You understood that Monday, November 15th, to 17 be the -- the deadline for the Commission to pass a map; 18 correct? 19 A. That is correct. 20 Q. Actually, before we do that, can you -- you 21 mentioned that you had concerns about how the 22 negotiations went. Can you expand on those concerns? 23 What -- what specifically were you concerned about about 24 the negotiations? 25 A. Yeah, I think I was concerned about what I</p>

ALI O'NEIL - 11/16/2022

<p>234</p> <p>1 viewed as a lack of transparency and general openness to 2 the public. I was concerned that there was . . . I 3 think what I viewed as an -- as a reliance on political 4 numbers as being the foundation for an agreement, 5 without a discussion dir- -- of direct mapping 6 proposals . . . and that that being the only or the main 7 consideration throughout much of the negotiations. 8 I was concerned just about the, you know, 9 kinda rapid, fast nature of the final hours before 10 midnight, and how there was not a lot of time to -- for 11 people to understand exactly what was going on on the 12 public -- or even the people that were there, at the 13 hotel, and trying to draw the maps. 14 I was concerned by the way the final vote took 15 place, right at/before/after midnight. I honestly can't 16 even remember which it was, but. . . 17 And then I was also concerned by how the 18 Commissioners continued mapping and working together all 19 in the same room after midnight, after the public 20 meeting had ended; and then how initially those -- there 21 seemed to be an attempt to . . . show those maps as, you 22 know, the product of the negotiations and the vote 23 before midnight, but then just the confusion after is, 24 like, what were those maps that were being released to 25 the public and what exactly was voted on. And how the</p>	<p>236</p> <p>1 rather than a discussion and understanding of . . . a 2 good-faith discussion/understanding of what does the law 3 require here, and the fact that it was being traded back 4 and forth in terms of political points -- as were, 5 frankly, all the districts. And that -- that gave me 6 pause in . . . in terms of negotiations in other areas 7 of the map, as well, but certainly that one. 8 And the fact that -- frankly, also, that -- 9 that at some point the Democratic Commissioners, you 10 know, decided that they were going to vote on a -- you 11 know, potentially vote on a map that our analysis said 12 was not compliant with the V- -- with the V- -- federal 13 VRA. 14 Q. Did the Democratic Commissioners vote on a map 15 that you felt did not comply with the VRA? 16 MS. FRANKLIN: Objection: Calls for a legal 17 conclusion. 18 THE WITNESS: I -- I have concerns and 19 questions. I don't -- I don't know that I had 20 sufficient or anybody had sufficient time to fully 21 explore that to their own ability. I do not think 22 the -- well, I -- as I've said in here, I don't think 23 the Commissioners voted on a map, a legislative-district 24 map, at all. But I also think that the final map that 25 was the result of their work was not the strongest</p>
<p>235</p> <p>1 Commissioners were kind of representing the work that 2 they had done . . . that day and that night and the 3 morning of the twenty-s- -- of the 16th. 4 It's kind of a very generic explanation of the 5 concerns that I had. 6 Q. Were there any other concerns that you had 7 about this process that prompted you to -- to document? 8 The process? 9 A. I mean, I certainly -- you know, the question 10 of the -- a VRA-compliant district being in -- and -- 11 and the role of a VRA-compliant district in the 12 negotiations was certainly of concern to me, and. . . 13 I'm not sure that was a main impetus for me to craft 14 this specific document, but that was certainly a concern 15 that I had. 16 I'm trying to recall if there were other 17 specific concerns that directly led to this document. I 18 think those are the ones that I can recall at this time. 19 Q. Why was -- why was the way that the VRA 20 district figured into the negotiations on the last day 21 cause for concern to you? 22 A. Well, I think . . . what I can recall, 23 there . . . there certainly was . . . it -- it . . . 24 the -- the way that the VRA district, you know, was used 25 as a negotiating tool, as kind of a bargaining chip,</p>	<p>237</p> <p>1 district in terms of compliance with the VRA; a district 2 that was -- that were proposed that were . . . the 3 strongest possible districts we could put forward that 4 did comply with the VRA. 5 Q. (BY MR. MULJI) In treating a VRA district as 6 a bargaining chip, as you said, did you feel like the 7 Commissioners knew they were supposed to comply with the 8 VRA but were choosing not to? 9 MS. FRANKLIN: Objection: Lack of foundation. 10 THE WITNESS: I -- I -- I guess I can't speak, 11 you know, to what they knew or didn't know or didn't -- 12 knew or didn't know or, you know, the choices that they 13 made. I think certainly the things that they were 14 saying were -- you know, whether or not they felt -- 15 like, I think Commissioner Graves, you know, thought -- 16 I have reason to believe that Commissioner Graves 17 thought that the district he was drawing and proposing 18 was one that would hold up under legal scrutiny in a 19 lawsuit. 20 So I don't know that he -- I -- I can't say 21 that he knew he was supposed to comply and chose not to, 22 but I -- I think he . . . didn't think that our 23 reasoning of how we were supposed to comply was accurate 24 and didn't think that he needed to follow that analysis. 25 Q. (BY MR. MULJI) Let's -- let's get into some</p>

ALI O'NEIL - 11/16/2022

State objection to lines 238:15-240:2: hearsay. Neither Mr. Graves nor Mr. Walkinshaw are parties, so these are not statements of party-opponents. Ms. O'Neil's recitation of the Commissioners' negotiation does not meet any of the hearsay exceptions under FRE 803. These are negotiations, and not in any sense statements of then-existing mental state or present sense impressions.

Pls response: Msrs. Graves and Walkinshaw are state actors subject to party-opponent hearsay exception. Ms. O'Neil's recollection of what transpired at this meeting is based on her personal observation. Commissioners' statements are expressions of then-existing mental states (e.g. plans and desires).

238	<p>1 of the details. You mentioned that you remembered a</p> <p>2 meeting between Commissioner Walkinshaw and</p> <p>3 Commissioner Graves on the morning of the 15th; correct?</p> <p>4 MR. HOLT: Objection: Form.</p> <p>5 THE WITNESS: That is correct.</p> <p>6 Q. (BY MR. MULJI) Okay. And . . . turning to</p> <p>7 the second bullet on page 2. It says, [as read]</p> <p>8 "Shortly thereafter, Commissioner Walkinshaw met with</p> <p>9 Commissioner Graves. Also present were Commissioner</p> <p>10 Augustine--acting as a mediator, Anton Grose (HRC), Osta</p> <p>11 Davis, and -- and me"; and you. Is that an accurate --</p> <p>12 is that -- is that your recollection of who was in</p> <p>13 attendance at that meeting?</p> <p>14 A. That is, yes.</p> <p>15 Q. Okay. What -- what was discussed at that</p> <p>16 meeting?</p> <p>17 MR. HOLT: Objection --</p> <p>18 THE WITNESS: I --</p> <p>19 MR. HOLT: -- form. Sorry. Just wanna object</p> <p>20 to form on that question.</p> <p>21 THE WITNESS: My recollection was that the</p> <p>22 main purpose of that meeting was for Commissioner</p> <p>23 Walkinshaw to go in and reassert his -- the fact that it</p> <p>24 was a priority for him to have a VRA-compliant district,</p> <p>25 and that he didn't feel that the -- at least this was</p>	240	<p>1 I am trying to recall if there were other</p> <p>2 specifics from the meeting. I think that is it.</p> <p>3 Q. (BY MR. MULJI) I wanna mark as</p> <p>4 Exhibit 22 . . . document U. [Indiscernible] chat</p> <p>5 [indiscernible].</p> <p>6 (Brief pause.)</p> <p>7 Q. Okay. Do you see Exhibit 22 on your screen?</p> <p>8 A. I do, yes.</p> <p>9 Q. Do you recognize this document?</p> <p>10 A. I do, yes.</p> <p>11 Q. And --</p> <p>12 MR. HOLT: Just -- just -- just real quick,</p> <p>13 counsel. Is that 21 or 22?</p> <p>14 MR. MULJI: That should be 22.</p> <p>15 MR. HOLT: I have it as 21. Actually, you</p> <p>16 never gave us the email for 21, that's why. Never mind.</p> <p>17 MR. MULJI: Ah, I see. I will share 21 in the</p> <p>18 chat, as well.</p> <p>19 MR. HOLT: Okay. Sorry about that.</p> <p>20 MR. MULJI: I'm having a little trouble</p> <p>21 sharing that, but I'll share it just after this exhibit.</p> <p>22 MR. HOLT: No problem. Thanks.</p> <p>23 Q. (BY MR. MULJI) So . . . Okay. And . . .</p> <p>24 I'm sorry. What is this document?</p> <p>25 A. This is a document that I created in the week</p>
239	<p>1 the -- kind of the strategy that was discussed with</p> <p>2 staff and Democratic Commissioners before the meeting --</p> <p>3 that that was very important to him; important to him in</p> <p>4 these negotiations; priority for him.</p> <p>5 And that then if he -- if the district that</p> <p>6 he -- that we thought was the VRA-compliant district,</p> <p>7 the best-VRA-compliant district, if that district wasn't</p> <p>8 something they could agree to, I believe there was then</p> <p>9 an ask or the -- the . . . we wanted Commissioner Graves</p> <p>10 to draw his own ideal district in that region and his</p> <p>11 own ideal, you know, configuration for eastern</p> <p>12 Washington.</p> <p>13 And at -- at one point he said he --</p> <p>14 Commissioner Graves did not want to go back to that; did</p> <p>15 not want to go back to prior -- their prior iterations</p> <p>16 of eastern Washington; he wanted to stick with his later</p> <p>17 version of the Yakima Valley district, which included I</p> <p>18 think it was the 15th District and included a, you know,</p> <p>19 barely Hispanic CVAP majority. And . . . when</p> <p>20 Commissioner Walkinshaw asked why he wanted to do that,</p> <p>21 I -- I remember s- -- him saying something to the effect</p> <p>22 of that he didn't wanna lose a lawsuit or he wanted it</p> <p>23 to hold up to a lawsuit or something to that effect. I</p> <p>24 can't recall the exact phrasing. That does stand out to</p> <p>25 my memory.</p>	241	<p>1 after the Commission deadline, and I had just -- this is</p> <p>2 where I'd kind of organized what I remembered as having</p> <p>3 happened and then emails or things or other messages</p> <p>4 that I had that kind of lined up with that, to help</p> <p>5 piece together the time line and also things I had to</p> <p>6 kinda corroborate my own memory.</p> <p>7 Q. You created this document in its entirety?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. I wanna draw your attention to page 4.</p> <p>10 [Indiscernible] page 4. Ah, page 4 and 5. The bottom</p> <p>11 of page 4 there's a paragraph that starts, "Brady met</p> <p>12 with commissioner graves Monday morning (the 15th)."</p> <p>13 Are these your notes? Does that box contain your notes</p> <p>14 from -- from that meeting?</p> <p>15 A. Yes.</p> <p>16 And I apologize if you can hear my dog barking</p> <p>17 in the background. I hope it's not too --</p> <p>18 (Simultaneous talking.)</p> <p>19 Q. No worries.</p> <p>20 I wanna draw your attention to the paragraph</p> <p>21 where it says, "Brady told graves that his priority was</p> <p>22 a VRA compliant district. . . ." I'm gonna ask that you</p> <p>23 read this to yourself and let me know when you're done.</p> <p>24 (Brief pause.)</p> <p>25 A. Okay. Yes, I'm done.</p>

ALI O'NEIL - 11/16/2022

State objection to lines 242:11-243:14: hearsay. See statement above re Ms. O'Neil's recitation of this negotiation between Mr. Graves and Mr. Walkinshaw.

Pls response: Same as response to previous objection.

<p style="text-align: right;">242</p> <p>1 Q. Does this description accurately reflect your</p> <p>2 recollection of that meeting?</p> <p>3 A. It does, yes.</p> <p>4 Q. You told me earlier in the deposition that it</p> <p>5 was the SD team's understanding that a Dem-leaning</p> <p>6 district was one that -- or a district that provided</p> <p>7 Latino community members opportunity to elect candidates</p> <p>8 of their choice was a, quote/unquote, Dem-leaning</p> <p>9 district; correct?</p> <p>10 A. Yes, that's -- that's correct.</p> <p>11 Q. You write here that Graves expressed that he</p> <p>12 wanted to draw the district with a majority-Latino CVAP,</p> <p>13 but that it would be a Republican-forming [sic] --</p> <p>14 -performing district; correct?</p> <p>15 MR. HOLT: Objection: Form.</p> <p>16 THE WITNESS: That does appear to be what I've</p> <p>17 written, yes.</p> <p>18 Q. (BY MR. MULJI) Is that your memory of what he</p> <p>19 said, as well?</p> <p>20 A. Yes, that does -- that is what I recall.</p> <p>21 Q. And you said that he was drawing the district</p> <p>22 that way to protect against a lawsuit?</p> <p>23 MR. HOLT: Objection: Form.</p> <p>24 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>25 THE WITNESS: Yeah, that is what I have</p>	<p style="text-align: right;">244</p> <p>1 best thing to do to not lose a lawsuit?</p> <p>2 MR. HOLT: Objection: Form.</p> <p>3 Q. (BY MR. MULJI) Is that right?</p> <p>4 A. That is what I said, yes. That is what I</p> <p>5 wrote.</p> <p>6 Q. In response -- was there a back-and-forth</p> <p>7 between him and Commissioner Walkinshaw about this?</p> <p>8 MR. HOLT: Objection: Form.</p> <p>9 MS. FRANKLIN: Lack of foundation.</p> <p>10 Q. (BY MR. MULJI) You can answer.</p> <p>11 A. Can you repeat the question?</p> <p>12 Q. Was there a back-and-forth between</p> <p>13 Commissioner Walkinshaw and Commissioner Graves about</p> <p>14 his point about avoiding a lawsuit?</p> <p>15 MR. HOLT: Objection: Form.</p> <p>16 Q. (BY MR. MULJI) You can answer.</p> <p>17 A. I -- I can't remember a specific</p> <p>18 back-and-forth or what that looked like. I'm trying to</p> <p>19 recall aside from what I wrote here, and I -- I . . . I</p> <p>20 can't specifically recall what that woulda been.</p> <p>21 Q. Was there any discussion about whether the</p> <p>22 majority-Latino CVAP district would be the 14th or the</p> <p>23 15th District?</p> <p>24 MR. HOLT: Objection: Form.</p> <p>25 MS. FRANKLIN: Objection: Lack of</p>
<p style="text-align: right;">243</p> <p>1 written, and yes, and . . . yeah, I remember him saying</p> <p>2 that he wanted to keep the district the way that he had</p> <p>3 drawn it in his latest proposal so that it would</p> <p>4 protect -- survive a -- a -- a legal challenge.</p> <p>5 Q. (BY MR. MULJI) Did he say why he believes it</p> <p>6 would protect against a legal damage?</p> <p>7 MR. HOLT: Objection: Form.</p> <p>8 THE WITNESS: I do not recall him saying why.</p> <p>9 Q. (BY MR. MULJI) And did he say what about the</p> <p>10 district that he was drawing would protect it against a</p> <p>11 lawsuit?</p> <p>12 MR. HOLT: Objection: Form.</p> <p>13 THE WITNESS: I don't recall him saying that</p> <p>14 specifically, either.</p> <p>15 I'm just gonna yell to my dog real quick. I'm</p> <p>16 sorry. C- -- can you hear that? I'm sorry.</p> <p>17 MR. MULJI: It's not -- it's not actually too</p> <p>18 disturbing to us.</p> <p>19 THE WITNESS: Okay.</p> <p>20 MR. MULJI: Can we go off the record for this</p> <p>21 if it's gonna [indiscernible]?</p> <p>22 THE WITNESS: I'm sorry. I -- you can</p> <p>23 continue.</p> <p>24 Q. (BY MR. MULJI) Okay. You said in here, in</p> <p>25 these notes, that he said repeatedly that this was the</p>	<p style="text-align: right;">245</p> <p>1 foundation --</p> <p>2 Q. (BY MR. MULJI) You can --</p> <p>3 MS. FRANKLIN: -- vague.</p> <p>4 Q. (BY MR. MULJI) -- answer.</p> <p>5 A. I -- I believe that there was discussion. I</p> <p>6 believe that Commissioner Walkinshaw asked for it to be</p> <p>7 the 14th, as I -- I think I say in these notes. I can't</p> <p>8 recall if Commissioner Graves had specific comments</p> <p>9 about that.</p> <p>10 Q. Did you -- did you debrief this meeting with</p> <p>11 your colleagues at the Senate Democratic. . . .</p> <p>12 A. I'm sorry. Was that the end of the question?</p> <p>13 Q. Actually -- I'm sorry. You were -- and you</p> <p>14 were -- you were at this meeting; correct? Present for</p> <p>15 the entire thing?</p> <p>16 A. That is correct.</p> <p>17 Q. Okay. Did you debrief this meeting with your</p> <p>18 colleagues at the Senate Democratic Caucus?</p> <p>19 A. I believe so, yes, via a Microsoft Teams chat</p> <p>20 that we had.</p> <p>21 Q. Okay. And I'd like to mark as</p> <p>22 Exhibit 23 . . . [indiscernible] . . .</p> <p>23 (Brief pause.)</p> <p>24 Q. . . . document W.</p> <p>25 (Brief pause.)</p>

ALI O'NEIL - 11/16/2022

Potential State objection to 246:25-248:4: this is hearsay if offered for the truth, i.e., if used as evidence to prove what Mr. Graves said. But if this is introduced to explain Mr. Walkinshaw's staffers' thinking at this time, then no objection.

Pls response: Mr. Graves is a state official and therefore party-opponent. Also admissible for the truth as statement of Mr. Graves's then-existing mental state (e.g. plans, intent, motive, desire).

<p>246</p> <p>1 Q. Do you see Exhibit 23 on your screen?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And have you seen this document before?</p> <p>4 A. Yes.</p> <p>5 Q. I'll scroll through the full document so you</p> <p>6 can see it. Are these the screenshots of the Teams chat</p> <p>7 messages you produced in response to Plaintiffs'</p> <p>8 subpoena?</p> <p>9 A. Yes.</p> <p>10 Q. And do you see that these are from -- well,</p> <p>11 actually, it's -- the date's not entirely clear. From</p> <p>12 November 15th, as you can see on -- on page 3?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And they -- and the text-message thread</p> <p>15 begins at 10:37 a.m. on November 15th; correct?</p> <p>16 A. Yes, I believe that to be correct.</p> <p>17 Q. Do you recognize this to be the debrief you</p> <p>18 were having with Senate Democratic Caucus colleagues</p> <p>19 about this meeting with Commissioner Graves?</p> <p>20 A. Yes.</p> <p>21 Q. On -- at 11:02 a.m. you wrote three messages.</p> <p>22 Your messages are -- are shaded purple in this exhibit;</p> <p>23 correct?</p> <p>24 A. I do believe that to be correct, yes.</p> <p>25 Q. Okay. And you wrote -- you wrote that, [as</p>	<p>248</p> <p>1 Hispanic-majority CVAP district, but a</p> <p>2 Republican-performing district, and that that's -- he</p> <p>3 would only do -- he would only s- -- even do that in</p> <p>4 exchange for the 44th and the 47th.</p> <p>5 Q. (BY MR. MULJI) Was the -- was it -- was the</p> <p>6 district along the lines of what Commissioner Walkinshaw</p> <p>7 proposed on October 25th off the table during this</p> <p>8 conversation?</p> <p>9 MR. HOLT: Objection: Form.</p> <p>10 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>11 THE WITNESS: Which conversation are you --</p> <p>12 you're referring to this debrief conversation or the --</p> <p>13 the meeting --</p> <p>14 (Simultaneous talking.)</p> <p>15 Q. (BY MR. MULJI) -- the meeting between</p> <p>16 Commissioner Walkinshaw and Commissioner Graves. You --</p> <p>17 you just told me that he was offering his version of the</p> <p>18 14th in exchange for . . . the additional Republican</p> <p>19 performance in the 44th and the 47th; not a Latino</p> <p>20 opportunity district as you saw it; correct?</p> <p>21 MR. HOLT: Objection: Form.</p> <p>22 THE WITNESS: That's my understanding. I -- I</p> <p>23 believe that, you know, coming into the meeting with</p> <p>24 Commissioner Graves, it was an objective, certainly a</p> <p>25 hope, of our team and of Commissioner Walkinshaw to see</p>
<p>247</p> <p>1 read] "Graves said they don't want it to be the 14th no</p> <p>2 matter what because of incumbents"; correct?</p> <p>3 MR. HOLT: Objection: Form.</p> <p>4 THE WITNESS: That appears to be correct.</p> <p>5 Q. (BY MR. MULJI) And you go on to say, "So not</p> <p>6 sure we'll get anywhere there"; correct?</p> <p>7 MR. HOLT: Objection: Form.</p> <p>8 THE WITNESS: That is correct.</p> <p>9 Q. (BY MR. MULJI) And you say, "He is still</p> <p>10 insisting on trading the 44th and the 47th"? </p> <p>11 MR. HOLT: Objection: Form.</p> <p>12 THE WITNESS: That is -- appears to be</p> <p>13 correct.</p> <p>14 Q. (BY MR. MULJI) And was Graves suggesting that</p> <p>15 he would only draw a Latino opportunity district in</p> <p>16 exchange for higher performance in the 44th and the</p> <p>17 47th?</p> <p>18 MR. HOLT: Objection: Form.</p> <p>19 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>20 THE WITNESS: I believe that he was saying</p> <p>21 that he would, yeah, draw -- only draw or only support</p> <p>22 a -- a -- vote for a map that had, you know, his version</p> <p>23 of the . . . Latino opportunity district, which, based</p> <p>24 on this conversation, you know, it -- was the one that</p> <p>25 he was discussing in that meeting, which was a</p>	<p>249</p> <p>1 if the 10-25 -- our 10-25 version of the district would</p> <p>2 still be on the table at all. I don't think we were</p> <p>3 really, you know, optimistic that that was true. And</p> <p>4 yeah, and it is my understanding that that is not</p> <p>5 something that Graves -- Commissioner Graves was . . .</p> <p>6 was truly considering or was in his offer or his</p> <p>7 discussion.</p> <p>8 Q. (BY MR. MULJI) Did. . . . Lemme s- -- move</p> <p>9 to the fourth page of this exhibit. In the last page</p> <p>10 Adam Hall --</p> <p>11 Is that -- is that Adam Hall, A -- "Hall,</p> <p>12 comma, A, period"?</p> <p>13 A. Yes.</p> <p>14 Q. Adam Hall suggests at 11:15 a.m. that the 15th</p> <p>15 District should either perform or be sub 50 CVAP." Do</p> <p>16 you recall what he meant by that?</p> <p>17 MS. FRANKLIN: Objection --</p> <p>18 MR. HOLT: Objection --</p> <p>19 MS. FRANKLIN: -- lacks foundation.</p> <p>20 MR. HOLT: Objection: Form.</p> <p>21 Q. (BY MR. MULJI) Do you recall what you</p> <p>22 understood that to mean?</p> <p>23 A. What I understood that -- what I recall I</p> <p>24 understood that to mean was that we either wanted</p> <p>25 a . . . performing district -- a district that was</p>

ALI O'NEIL - 11/16/2022

<p>250</p> <p>1 majority CVAP Hispanic and also performed for Democrats, 2 which, therefore, would allow -- in our view and our -- 3 based on our analysis allow Hispanic voters to elect a 4 candidate of their choice; or it should be a district 5 that did not perform and was not majority CVAP -- 6 majority Hispanic by CVAP. Yeah. That -- that's what I 7 took that to mean. 8 Does that answer the question? 9 Q. Mm-hmm. 10 And . . . was that communicated to the -- did 11 Commissioner Walkinshaw communicate that preference to 12 Commissioner Graves? 13 MS. FRANKLIN: Objection -- 14 (Simultaneous talking.) 15 MR. HOLT: Objection -- 16 MS. FRANKLIN: -- foundation. 17 MR. HOLT: Objection: Form. 18 THE WITNESS: Not in those words, from what I 19 heard based on that meeting. But the -- the purpose of 20 that meeting -- I mean, this is at . . . yeah, the -- 21 I -- I believe this was after the meeting took place, 22 so. . . . 23 What Commissioner Walkinshaw said in that 24 meeting was he offered to Commissioner Graves, "Why 25 don't you just go back and start from scratch and draw</p>	<p>252</p> <p>1 A. Yes. Yes. 2 Q. And "they" refers to Commissioner Graves 3 or. . . . 4 A. Yeah -- 5 MR. HOLT: Objecsh- -- Objection: Form. 6 MS. FRANKLIN: Objection: Lack of foundation. 7 Q. (BY MR. MULJI) You can answer. 8 A. Yes, it refers to Commissioner Graves or -- 9 and/or Commish- -- Republican Commissioners. 10 Q. Can you read your messages in response? 11 A. I -- I'm not sure I can see all of it, but 12 what I can see is "They told us" and then "They don't 13 wanna [sic] lose a lawsuit." 14 Q. I wanna mark as Exhibit . . . 24 . . . 15 document X. 16 MR. HOLT: I just wanna put it out there that 17 we didn't get the last exhibit, either; so we still -- 18 we still need Exhibit 21 and Exhibit 23. 19 MR. MULJI: Okay. Hold on. 20 (Brief pause.) 21 MR. MULJI: Exhibit 23 is in the chat. 22 Exhibit 21 for some reason is still not loading. 23 Q. (BY MR. MULJI) So I wanna ask you about . . . 24 Exhibit 24. Do you see Exhibit 24 on your screen? 25 A. I do now, yes.</p>
<p>251</p> <p>1 this region in eastern Washington as you would like it 2 to be drawn, and we'll just leave it at that." And that 3 was I believe his way of asking them to . . . you know, 4 to say that the preference was either the district that 5 we have, that's a -- that we believe is VRA-compliant 6 based on our analysis, or a district that is not 7 performing and is also not 50 percent majority Hispanic 8 by CVAP. 9 Q. (BY MR. MULJI) And during that meeting 10 instead, Commissioner Graves split the difference and 11 said, "I will make it 50-percent-plus Latino CVAP, but 12 not Dem-performing"; correct? 13 MR. HOLT: Objection: Form. 14 THE WITNESS: That is what I recall, and based 15 on my notes that seems to be the case, yes. 16 Q. (BY MR. MULJI) And Adam Hall in this text 17 message is -- is saying if they do that, "we have to ask 18 them WHY." 19 MR. HOLT: Objection: Form. 20 (Simultaneous talking.) 21 MS. FRANKLIN: -- lack of foundation. 22 (Simultaneous talking.) 23 MS. FRANKLIN: Same objection: Document 24 speaks for itself. 25 Q. (BY MR. MULJI) You can answer.</p>	<p>253</p> <p>1 Q. Have you seen this document before? 2 A. Yes. 3 Q. This is the same Teams chat on November 15th, 4 about 40 minutes later, starting at 11:57 a.m.; correct? 5 A. That is correct. 6 Q. Adam Hall says, "This locks in the 10-year-old 7 map that everyone HATED," "HATED" in all caps; correct? 8 A. That is correct. 9 Q. Is he commenting on a specific map proposal 10 here? 11 MR. HOLT: Objection: Form. 12 MS. FRANKLIN: Objection: Lack of foundation. 13 THE WITNESS: I don't bil- -- I -- I can't 14 recall if he is talking about a specific proposal. 15 Q. (BY MR. MULJI) His next message is, "Is the 16 15th majority CVAP and underperforming or are they not 17 talking about that?" 18 You respond, "Paul insisted on that. That's 19 what he has said." 20 What do you mean by "Paul insisted on that"? 21 A. I re- -- I mean that the 15th District that he 22 said he wanted, Commissioner Graves, would be a 23 majority-Hispanic district by CVAP, but that it would be 24 a Republican-performing district. 25 MR. MULJI: All right. And I'd like to take</p>

Pls response to below: Mr. Graves is a state official and therefore party-opponent. Also admissible for the truth as statement of Mr. Graves's then-existing mental condition (e.g. plans, intent, motive, desire).

Potential State objection to lines 253:15-24: as above, this is hearsay if offered for the truth, but non-hearsay if offered to explain staffers' understanding of the situation.

ALI O'NEIL - 11/16/2022

State objection to lines 254:6-255:20, 256:5-257:8: hearsay. The Commissioners are not parties. Their alleged agreement was not a verbal act with independent legal significance separate from its truth because any agreement would only be effective if voted on by all Commissioners in a public meeting. Finally, there is no foundation to establish that any purported statement meets any hearsay exception under FRE 803.

Pls response to below: Commissioners are state agents therefore party-opponents. Ms. O'Neil's description of the agreement itself is not hearsay as it is not offered for the truth of a matter asserted but merely proof of the existence of an agreement and its terms. Commissioners are state agents and thus party opponents.

<p>254</p> <p>1 about a five-minute break and come back at 4:23, if</p> <p>2 that's okay.</p> <p>3 (A break was taken from 4:18 to 4:26 p.m.)</p> <p>4 MR. MULJI: So let's get back on the record,</p> <p>5 then.</p> <p>6 Q. (BY MR. MULJI) Ali, I wanna go back to the</p> <p>7 memo that you wrote. After that morning meeting with</p> <p>8 Commissioner Walkinshaw and Commissioner Graves,</p> <p>9 around -- you write on page 4 that, "At around 8:45 PM,</p> <p>10 I heard Commissioners Walkinshaw and Sims say they</p> <p>11 agreed to a deal with Republican Commissioners that was</p> <p>12 based almost solely on partisanship numbers in a few</p> <p>13 legislative districts." You said you were in the room</p> <p>14 at the time; you were in the room with Commissioner Sims</p> <p>15 and Walkinshaw at the time.</p> <p>16 If -- what was your -- what form did that</p> <p>17 agreement take? Was that a verbal agreement?</p> <p>18 MR. HOLT: Objection: Form.</p> <p>19 THE WITNESS: Verbal agreement. It may have</p> <p>20 been, like, a text -- you know, the specific numbers may</p> <p>21 have been in a text. It was not a text that I saw. But</p> <p>22 I know there were text conversations happening between</p> <p>23 some of the other Commissioners, as well; the people you</p> <p>24 mentioned were in the same room. But it -- it was a,</p> <p>25 yeah, largely verbal agreement.</p>	<p>256</p> <p>1 THE WITNESS: I cannot recall that. It's</p> <p>2 likely that I have it somewhere in my notes, but I --</p> <p>3 I -- which district specifically, but I cannot recall</p> <p>4 for sure.</p> <p>5 Q. (BY MR. MULJI) Let's take a look at . . .</p> <p>6 Exhibit 22.</p> <p>7 (Brief pause.)</p> <p>8 Q. So I'm on page . . . [indiscernible]. Okay.</p> <p>9 So page 9 of Exhibit 22 on your notes, there's a</p> <p>10 paragraph here that starts, [as read] "Sometime between</p> <p>11 8 and 9 PM a tentative deal was reached based on --</p> <p>12 mainly on partisanship numbers." Are the districts</p> <p>13 listed -- you list the districts here . . . the 10th,</p> <p>14 the 17th, the 26th, and the 42nd and the 44th, as well</p> <p>15 as the 28th. Are these -- is this paragraph, to your</p> <p>16 understanding, accurate as to your recollection of -- of</p> <p>17 what the deal was?</p> <p>18 MR. HOLT: Objection: Form.</p> <p>19 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>20 THE WITNESS: Yes, to best of my knowledge,</p> <p>21 this matches what I recollect of that -- of that</p> <p>22 agreement.</p> <p>23 Q. (BY MR. MULJI) And does the 14th or 15th</p> <p>24 District figure into your description of this agreement?</p> <p>25 A. Based on --</p>
<p>255</p> <p>1 Q. (BY MR. MULJI) And what did you mean by that</p> <p>2 it -- what did you mean that it was a -- an agreement on</p> <p>3 the partisanship numbers?</p> <p>4 MR. HOLT: Objection: Form.</p> <p>5 THE WITNESS: The agreement, as I understood</p> <p>6 it, what -- what was being discussed at the time and</p> <p>7 what had been agreed to finally, was a small subset of</p> <p>8 districts that were -- you know, which districts were</p> <p>9 the swing districts, and then how much each of those</p> <p>10 swing districts were going to change in relation to</p> <p>11 the -- you know, the 2012, the 2022 map, so the prior</p> <p>12 map. And it was . . . so that -- those were the only,</p> <p>13 you know, sort of parameters that were being discussed</p> <p>14 and that were then agreed upon. There was no</p> <p>15 accompanying map or district drawings that I had seen at</p> <p>16 the time that this agreement was -- you know, or that</p> <p>17 this . . . was tentatively agreed to by the</p> <p>18 Commissioners. And it was only specifically referring</p> <p>19 to a subset of the districts and only their percent</p> <p>20 Democratic or Republican performance.</p> <p>21 Q. (BY MR. MULJI) And was -- you said it was for</p> <p>22 a subset of districts. Did that subset of districts in</p> <p>23 this agreement include the 14th or 15th District?</p> <p>24 MR. HOLT: Objection: Form.</p> <p>25 MS. FRANKLIN: Objection: Lack of foundation.</p>	<p>257</p> <p>1 MS. FRANKLIN: Objection --</p> <p>2 THE WITNESS: -- this --</p> <p>3 MS. FRANKLIN: -- vague.</p> <p>4 THE WITNESS: Oh, I'm sorry.</p> <p>5 Q. (BY MR. MULJI) You can answer.</p> <p>6 MS. FRANKLIN: [Indiscernible.]</p> <p>7 THE WITNESS: It -- it does not appear to</p> <p>8 figure into my notes here.</p> <p>9 Q. (BY MR. MULJI) And do you have any memory of</p> <p>10 the 14th or 15th District being discussed at the time</p> <p>11 they came to this agreement on partisanship numbers?</p> <p>12 MR. HOLT: Objection: Form.</p> <p>13 THE WITNESS: I do not have a specific memory</p> <p>14 of it factoring into this point in time in the</p> <p>15 negotiations.</p> <p>16 Q. (BY MR. MULJI) Do you recall the 14th and</p> <p>17 15th District factoring into the negotiations at all on</p> <p>18 the night of November 15th?</p> <p>19 MR. HOLT: Objection: Form.</p> <p>20 MS. FRANKLIN: Lack of foundation.</p> <p>21 THE WITNESS: Not the night, and not really</p> <p>22 after that morning meeting with Commissioner Graves.</p> <p>23 Q. (BY MR. MULJI) To your memory, is that</p> <p>24 morning meeting with Commissioner Graves the last time</p> <p>25 you really -- that you heard the Commissioners discuss</p>

ALI O'NEIL - 11/16/2022

<p>258</p> <p>1 the 14th and 15th District with each other?</p> <p>2 MR. HOLT: Objection: Form.</p> <p>3 THE WITNESS: I believe so. I can't recall</p> <p>4 specific instance after that meeting.</p> <p>5 Q. (BY MR. MULJI) Was . . . was this agreement</p> <p>6 ultimately what was voted on prior to midnight by the</p> <p>7 Commissioners?</p> <p>8 MR. HOLT: Objection: Form.</p> <p>9 THE WITNESS: I think so, but that agreement</p> <p>10 was never, you know, reiterated or specifically laid out</p> <p>11 in the public meeting, to my knowledge, and so I guess I</p> <p>12 can't authoritatively say for sure. But that's what I</p> <p>13 understood to be the agreement and the thing that staff</p> <p>14 was supposed to be working on mapping based off of that</p> <p>15 agreement and those numbers.</p> <p>16 Q. (BY MR. MULJI) Okay. So staff began mapping</p> <p>17 based on the partisanship agreement reached at 8:45 p.m.</p> <p>18 and then voted on just before midnight, to the best of</p> <p>19 your understanding; is that correct?</p> <p>20 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>21 THE WITNESS: Can -- c -- s -- I'm sorry.</p> <p>22 Can you say that one more time?</p> <p>23 Q. (BY MR. MULJI) Sure. I just wanna confirm</p> <p>24 what you're telling me. So you -- your understanding is</p> <p>25 staff voted on the partisanship number -- or agreed to</p>	<p>260</p> <p>1 (Brief pause.)</p> <p>2 Q. You write on page 4, the last bullet, that you</p> <p>3 received a legislative-map proposal from HDC staff at</p> <p>4 11:23 p.m.; is that right?</p> <p>5 A. That is correct.</p> <p>6 Q. Okay. And that was prior to the vote.</p> <p>7 After the vote. . . Well, actually,</p> <p>8 in . . . when Commissioner Walkinshaw -- was it your</p> <p>9 understanding that Commissioner Walkinshaw -- at the</p> <p>10 vote just before midnight, is it your understanding that</p> <p>11 he voted yes on the partisanship-metrics deal that we</p> <p>12 just discussed?</p> <p>13 MS. FRANKLIN: Objection --</p> <p>14 MR. HOLT: Objection: Form.</p> <p>15 MS. FRANKLIN: -- lack of foundation.</p> <p>16 THE WITNESS: I can't say for sure the exact</p> <p>17 timing of it, but my understanding is that he did vote</p> <p>18 yes on whatever they were voting on at -- right around</p> <p>19 midnight.</p> <p>20 Q. (BY MR. MULJI) How did you feel about that</p> <p>21 decision?</p> <p>22 A. I -- as I have said in this memo, I did not</p> <p>23 think that he should vote on an agreement that didn't --</p> <p>24 that wasn't accompanied with an actual map that was</p> <p>25 shown -- should have been shown to the public in my</p>
<p>259</p> <p>1 the par- -- I'm sorry. Commissioners agreed to the</p> <p>2 partisanship numbers at 8:45; they voted on that same</p> <p>3 agreement just before midnight. Is that correct?</p> <p>4 A. That is correct, based on my knowledge of it,</p> <p>5 yes.</p> <p>6 Q. Okay. And then based on your knowledge, after</p> <p>7 that is when staff for the Commission began</p> <p>8 mapping . . . creating a map to meet those partisanship</p> <p>9 standards?</p> <p>10 MR. HOLT: Objection: Form.</p> <p>11 THE WITNESS: Not staff of the Commission, but</p> <p>12 cau- -- caucus staff that were assigned to work with the</p> <p>13 specific Commissioners began mapping after the agreement</p> <p>14 was reached, and that occurred throughout the time over</p> <p>15 the following hours and, you know, before and after the</p> <p>16 vote was taken right around midnight.</p> <p>17 Q. (BY MR. MULJI) And were the staff members</p> <p>18 working on those maps Osta Davis and Anton Grose?</p> <p>19 A. They were working initially on the legislative</p> <p>20 maps, while myself and . . . Paul Campos were working on</p> <p>21 the congressional maps. But as it got into the -- later</p> <p>22 in the night and the next morning, there was all four of</p> <p>23 us working on . . . both maps, I believe.</p> <p>24 Q. Okay. And . . . let me . . . go back to</p> <p>25 exhibit. . .</p>	<p>261</p> <p>1 opinion.</p> <p>2 Q. Did you . . . did you feel that the final</p> <p>3 enacted map included a . . . VRA-compliant district in</p> <p>4 the Yakima Valley?</p> <p>5 MS. FRANKLIN: Objection: Calls for a legal</p> <p>6 conclusion --</p> <p>7 MR. HOLT: Objection --</p> <p>8 (Simultaneous talking.)</p> <p>9 MR. HOLT: -- form.</p> <p>10 MS. FRANKLIN: -- expert testimony.</p> <p>11 Q. (BY MR. MULJI) You can answer.</p> <p>12 A. It -- the final enacted map certainly did not</p> <p>13 include the VRA-compliant or the -- you know, even a --</p> <p>14 what I would consider a similar in -- in metrics or</p> <p>15 analogous kind of compliant district that the analysis</p> <p>16 that we sought out from expert told us that we needed to</p> <p>17 have in that district, and I had -- had and have</p> <p>18 concerns about the district that was included in the --</p> <p>19 in the final enacted map.</p> <p>20 I guess I can't say for sure whether or not</p> <p>21 it -- it's compliant with VRA, just due to my experience</p> <p>22 and my expertise, but based on what I thought we needed</p> <p>23 to have, and the analysis that I thought we -- or that</p> <p>24 we had, I don't think it was the -- the district that</p> <p>25 we -- that -- it wasn't the district that I wanted or</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">262</p> <p>1 that we -- we wanted to have, from my team's</p> <p>2 perspective.</p> <p>3 Q. I'm gonna mark as Exhibit 25 document JJ. Can</p> <p>4 you see . . . can you see Exhibit 25 on your screen?</p> <p>5 A. I do, yes.</p> <p>6 Q. Okay. This is a text message that you</p> <p>7 produced in response to Plaintiffs' subpoena; correct?</p> <p>8 A. It appears to be correct.</p> <p>9 Q. And a series of text messages. Is that right?</p> <p>10 A. It does appear -- that does appear to be</p> <p>11 correct, yes.</p> <p>12 Q. And the -- the thread that you can see here</p> <p>13 starts on November 18th at 10:06 a.m.; correct?</p> <p>14 A. That is correct.</p> <p>15 Q. Okay. And you mentioned that you had spoken</p> <p>16 to -- you had a chat with a number of staff -- the SDC</p> <p>17 staff. Is that -- is this a chat with Senate Democratic</p> <p>18 Caucus staff?</p> <p>19 A. That appears to be correct. I can see the</p> <p>20 "MB" and the "PA" pretty large. The other one's</p> <p>21 "AH" . . . I think is in there, and I see Adam Hall's</p> <p>22 name. I can't see what the -- oh, A- -- Aaron Wasser,</p> <p>23 yes. Okay.</p> <p>24 Q. Okay. And . . . I'm gonna just scroll to the</p> <p>25 last page here. Aaron Wasser asks at 10:34 a.m., "The</p>	<p style="text-align: right;">264</p> <p>1 Q. I wanna mark as Exhibit 26 document KK.</p> <p>2 (Brief pause.)</p> <p>3 Q. And -- actually, lemme scratch that. I'm not</p> <p>4 gonna ask you about this one. I'm gonna . . . instead</p> <p>5 ask:</p> <p>6 Did you communicate your concerns that you</p> <p>7 [indiscernible] about enacted plans, VRA compliance,</p> <p>8 with Commissioner Walkinshaw at any point on the -- on</p> <p>9 November 15th or the 16th?</p> <p>10 A. I believe that I did, yes.</p> <p>11 Q. Did Matt Bridges communicate . . . his</p> <p>12 understanding that the final map did not include a</p> <p>13 VRA-compliant 14th, as well, to Commissioner Walkinshaw?</p> <p>14 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>15 THE WITNESS: I -- I can't say for sure that</p> <p>16 he d- -- I can't recall for sure that he did. I -- I'm</p> <p>17 not sure about that.</p> <p>18 Q. (BY MR. MULJI) When did you communicate your</p> <p>19 concern that the final map did not include a</p> <p>20 VRA-compliant district to Commissioner Walkinshaw?</p> <p>21 A. I recall discussing it with him --</p> <p>22 I mean, I think your earlier question was</p> <p>23 specifically about the 15th and the 16th. Is that still</p> <p>24 the parameter that you're asking about?</p> <p>25 Q. The 14th and the 15th District or. . .</p>
<p style="text-align: right;">263</p> <p>1 final did not include a VRA compliant 14th I thought?"</p> <p>2 Do you see that text message?</p> <p>3 A. I do, yes.</p> <p>4 Q. And you replied -- what was your reply to that</p> <p>5 message?</p> <p>6 A. I said, "It did not".</p> <p>7 Q. And Matt Bridges, how did he respond to that</p> <p>8 message?</p> <p>9 A. He also said that "It did not."</p> <p>10 Q. Okay. At the time, did you believe the final</p> <p>11 map did not include a VRA-compliant 14th District?</p> <p>12 A. Yes, I think the -- I mean, the way to</p> <p>13 characterize it is what I was -- what I was told by</p> <p>14 other experts was that to have a VRA-compliant district</p> <p>15 in an area that had racial- -- racially polarized</p> <p>16 voting -- which I felt we had demonstrated -- we needed</p> <p>17 to have a district that had a majority Hispanic voters</p> <p>18 by CVAP, and also one that performed; allowed them to</p> <p>19 elect Democrats -- or candidate of their choice, which,</p> <p>20 based on the analysis of racially polarized voting,</p> <p>21 would be Democratic candidates. And so a district that</p> <p>22 did not have both of those things -- a majority-Hispanic</p> <p>23 population by CVAP and the performance -- would not be a</p> <p>24 VRA-compliant district, and that's not the district that</p> <p>25 they had in this final map.</p>	<p style="text-align: right;">265</p> <p>1 A. The dates. Were you re- --</p> <p>2 Q. Oh.</p> <p>3 A. -- -ferring to the dates -- the specific</p> <p>4 dates?</p> <p>5 Q. Yeah, the 15th, spilling into the morning of</p> <p>6 the 16th, yes.</p> <p>7 A. I remember discussing it, you know, after</p> <p>8 the -- when we were debriefing the meeting that we had</p> <p>9 with Commissioner Graves on the morning of the 15th. I</p> <p>10 can't remember -- I can't recall specific instances that</p> <p>11 I discussed it with him in those terms later in that day</p> <p>12 before the vote, or the following day, on the 16th. And</p> <p>13 I'm not recalling any other specific instance.</p> <p>14 Q. Was it your sense that Commissioner Walkinshaw</p> <p>15 knew that the enacted plan did not include a</p> <p>16 VRA-compliant district?</p> <p>17 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>18 MR. HOLT: Objection: Form.</p> <p>19 Q. (BY MR. MULJI) In the Yakima Valley.</p> <p>20 (Simultaneous talking.)</p> <p>21 MR. HOLT: Objecsh- -- Objection: Form.</p> <p>22 Q. (BY MR. MULJI) You can answer.</p> <p>23 A. Could you -- could you just repeat it?</p> <p>24 Q. Was it -- was it your sense that Commissioner</p> <p>25 Walkinshaw knew that the final enacted map did not</p>

ALI O'NEIL - 11/16/2022

<p>266</p> <p>1 include a VRA-compliant district in Yakima Valley?</p> <p>2 MR. HOLT: Objection: Form.</p> <p>3 THE WITNESS: My -- my sense was that after</p> <p>4 the convers- -- that con- -- meeting with Commissioner</p> <p>5 Graves the morning of the 15th, that the -- and -- and I</p> <p>6 can't remember if this was even said explicitly, but may</p> <p>7 have been said explicitly, but -- that if -- if we were</p> <p>8 not going to get a map that had the -- pretty much the</p> <p>9 district that we proposed in the 10.25 map, or as close</p> <p>10 to that as possible, that anything else -- any other</p> <p>11 district there would, you know, not meet our definition</p> <p>12 or our standards for what we w- -- what we thought would</p> <p>13 be VRA-compliant.</p> <p>14 And so my understanding was, you know, not</p> <p>15 that we were accepting other proposals as VRA-compliant,</p> <p>16 but that we were . . . that those . . . we were shifting</p> <p>17 gears from pushing for that VRA-compliant district to</p> <p>18 working on other areas of the map, and we were gonna --</p> <p>19 Commissioner Walkinshaw was gonna accept the map that</p> <p>20 didn't have the VRA-compliant district in it.</p> <p>21 Q. (BY MR. MULJI) And when you say "accepted the</p> <p>22 map that didn't have the VRA-compliant district in</p> <p>23 it" . . . was it your understanding that he knew that</p> <p>24 the map did not have VRA-compliant district in it?</p> <p>25 MS. FRANKLIN: Objection: Lack of foundation,</p>	<p>268</p> <p>1 A. That appears to be correct.</p> <p>2 Q. Okay. I'm gonna give you a second to take a</p> <p>3 look at these text messages, and then I'll ask you a</p> <p>4 couple questions about them.</p> <p>5 A. You can scroll down.</p> <p>6 You can scroll down.</p> <p>7 Okay.</p> <p>8 Q. So in -- in this text-message chain, you're</p> <p>9 discussing -- or you dis- -- are you discussing the</p> <p>10 statement that Commissioner Walkinshaw is preparing</p> <p>11 following the -- I guess the end of negotiations on the</p> <p>12 no- -- on the morning of November 16th?</p> <p>13 A. I can't say for sure what day this is.</p> <p>14 The "2:42," is that a timestamp from the</p> <p>15 message?</p> <p>16 Q. I believe that's the timestamp of when you</p> <p>17 took the screenshot.</p> <p>18 A. Oh, okay.</p> <p>19 (Simultaneous talking.)</p> <p>20 Q. Do you have some sense of when this was -- I</p> <p>21 guess I'll just ask: This was after -- this was after</p> <p>22 the . . . plans were transmitted to the State Supreme</p> <p>23 Court; correct?</p> <p>24 A. Th- -- that's correct, and -- and that</p> <p>25 happened on the evening of November 16th. So. This</p>
<p>267</p> <p>1 and calls for legal conclusion.</p> <p>2 Q. (BY MR. MULJI) You can answer.</p> <p>3 A. I guess I'm not sure that I can definitely</p> <p>4 say what he knew or didn't know, especially since, you</p> <p>5 know, the discussion of that specific district occurred</p> <p>6 in the morning, and then there was discussion of numbers</p> <p>7 that was not accompanying a final map, and then a final</p> <p>8 legislative map was being drawn from the hours of</p> <p>9 9:00 p.m. to 7:00 a.m. in the morning, and I don't know</p> <p>10 what was seen when of the actual final map, then became</p> <p>11 the enacted map. So. I can't say for sure what he knew</p> <p>12 or didn't know about that final map.</p> <p>13 Q. Okay. Now I wanna mark as Exhibit 27 document</p> <p>14 LL.</p> <p>15 (Brief pause.)</p> <p>16 Q. Do you recognize this document?</p> <p>17 A. Hmm. Yes.</p> <p>18 Q. Are these texts that you screenshotted and</p> <p>19 produced to Plaintiffs in response to subpoena?</p> <p>20 A. They are.</p> <p>21 Q. Are your text messages in blue?</p> <p>22 A. That does appear to be correct.</p> <p>23 Q. Okay. And -- and these are text messages with</p> <p>24 Commissioner Walkinshaw, which are represented in gray</p> <p>25 on the left side here; correct?</p>	<p>269</p> <p>1 could be late that evening, but it also could be the</p> <p>2 following day/morning. And I'm inclined to say that it</p> <p>3 was from the following day.</p> <p>4 Q. Okay. And you say . . . you say, "Their</p> <p>5 statement is ready they're just waiting for us." The</p> <p>6 statement is -- that you're referring to is a</p> <p>7 statement . . . the statement that you're waiting --</p> <p>8 you're referring to be waiting for is a statement from</p> <p>9 Commissioner Walkinshaw on the proposed -- or on the</p> <p>10 final maps; correct?</p> <p>11 A. That is correct.</p> <p>12 Q. And you say, "Sounds like people are hearing</p> <p>13 that both you and April are planning to support the</p> <p>14 maps"; correct?</p> <p>15 A. I do see that there, yes.</p> <p>16 Q. And Commissioner Walkinshaw replies, "I'm</p> <p>17 not"; is that right?</p> <p>18 A. That is correct.</p> <p>19 Q. You then encourage him to get a statement out,</p> <p>20 and you ask him if it's ready to go; correct?</p> <p>21 A. That's correct.</p> <p>22 Q. In the following message he sends you a draft.</p> <p>23 Is that right?</p> <p>24 A. That's correct.</p> <p>25 Q. On page 2 of this exhibit you ask, "Would you</p>


ALI O'NEIL - 11/16/2022

<p style="text-align: right;">270</p> <p>1 add something like, quote, I am disappointed we were not 2 able to agree on a VRA-compliant district, end quote"? 3 A. That's correct. 4 Q. And what does Commissioner Walkisaw [sic] -- 5 Walkinshaw respond with? 6 A. He says, "Yes. That's great." 7 And it -- that does remind me of something 8 else from the Commissioner Graves meeting. 9 Q. What does that remind you of? 10 A. It -- it just reminds me that Commissioner 11 Walkinshaw, in that meeting -- and I believe to the 12 other Commissioners: Commissioners Fain and -- and 13 Sims -- is that he -- he was vocal about saying that if 14 an agreement was made in a legislative-district map, and 15 even if there was a map that he could vote for, vote to 16 approve, despite the Yakima-area district, that he was 17 going to be vocal about the -- even after the maps were 18 approved, that he was saying he would be vocal about his 19 support for a VRA-compliant district, and his potential 20 disapproval of the map if the map did not -- or 21 disapproval of that piece of the map if the map did not 22 include what his understanding was of a VRI [sic] 23 compliant district. 24 Lemme know if I need to repeat that. 25 Q. You then send in the next page a draft</p>	<p style="text-align: right;">272</p> <p>1 we were not getting the district that we wanted, which 2 we thought was the district that complied with the VRA 3 the best, and that we wanted to make our case for that, 4 and ray- -- and Commissioner Walkinshaw wanted to state 5 that he was disappointed that he did not get the 6 district that we proposed as a VRA-compliant district. 7 So that -- you know, that's consistent with 8 how I remember those conversations. 9 Q. (BY MR. MULJI) And I wanna . . . mark as 10 Exhibit Twenty-fi- -- or I'm sorry -- 28 document MM. 11 (Brief pause.) 12 Q. Do you recognize this document? 13 A. Yes. 14 Q. This is a text message between you and 15 Commissioner Walkinshaw; correct? [Indiscernible] this 16 is a screenshot of text messages between you and 17 Commissioner Walkinshaw; is that right? 18 A. That's correct. 19 Q. Okay. It doesn't have a date on it, but it 20 says 10:33 a.m. Do you have a sense of when these text 21 messages are from? 22 A. I believe that this is from the morning of 23 November 18th, which I think was a Thursday, and there 24 was a press conference taking place during this text 25 conversation that the Commissioners were holding,</p>
<p style="text-align: right;">271</p> <p>1 incorporating your suggestions in a statement; correct? 2 A. Yes. 3 Q. The final sentence of your draft statement 4 says, [as read] "I am also disappointed that we were not 5 able to agree on a VRA-compliant legislative district in 6 Yakima Valley"; right? 7 A. That's correct. 8 Q. And Commissioner Walkinshaw says, "Ok. Let me 9 work that in." Is that correct? 10 A. That's correct. 11 Q. Does this refresh your memory as to whether 12 Commissioner Walkinshaw was aware that the . . . final 13 [indiscernible] map did not include a VRA-compliant 14 legislative district in the Yakima Valley? 15 MS. FRANKLIN: Objection -- 16 (Simultaneous talking.) 17 MR. HOLT: Objection -- objection: Form. 18 MS. FRANKLIN: Calls for a legal conclusion, 19 and lack of foundation. 20 THE WITNESS: It is consistent with my memory 21 of those days. And I think I was keying into the 22 November 15th and 16th date frame, because my 23 recollection is that this conversation is from the 17th. 24 And also with -- again, the -- the way I would 25 characterize it is he was aware and we were aware that</p>	<p style="text-align: right;">273</p> <p>1 discussing the maps. 2 Q. On -- at 10:37 you say, "I just want you to 3 make it clear that you don't think the district that is 4 drawn is compliant Even though you voted on the 5 agreement." Is that correct? 6 A. That's correct. 7 Q. And Commissioner Walkinshaw responds, "I 8 will." Correct? 9 A. That's correct. 10 MR. MULJI: Okay. And I think I'm just gonna 11 take about three minutes here . . . for a quick break, 12 and then I will be right back. 13 (A break was taken from 4:57 to 5:02 p.m.) 14 (Discussion held off the record to 5:03 p.m.) 15 MR. HOLT: If we could, just note it for the 16 record, if we'll need to notice another deposition, just 17 in case it's opposed, we just wanna note that we 18 attempted to ask questions and were not allowed to. 19 MR. MULJI: So we can get back on the record. 20 I'll just note for the record that Plaintiffs 21 are entitled to seven hours, and we're sticking to that 22 and not going over, so . . . you know, I think we'll -- 23 we'll continue questioning. But for the record, I think 24 s- -- inter- -- counsel Intervenor-Defendants said the 25 comment, as well.</p>

ALI O'NEIL - 11/16/2022

<p style="text-align: right;">274</p> <p>1 MR. HOLT: Yeah --</p> <p>2 (Simultaneous talking.)</p> <p>3 MS. FRANKLIN: Sorry. Go ahead.</p> <p>4 MR. HOLT: No, I just note the</p> <p>5 Intervenor-Defendants have about 15 to 20 minutes of</p> <p>6 questions. And we -- we've spoken to Plaintiffs'</p> <p>7 counsel about the situation before, about the -- the --</p> <p>8 the desire to . . . treat the -- the time of the</p> <p>9 deponents better than we have been, and try to share</p> <p>10 time better, and they've been unwilling to cooperate</p> <p>11 with us. So.</p> <p>12 While we don't want to notice a second</p> <p>13 deposition, we will need to do that to get our 15 to 20</p> <p>14 minutes of questions in, as we've been told that that</p> <p>15 will not be permitted. I just wanna make sure that's</p> <p>16 noted on the record.</p> <p>17 MR. MULJI: I have to say that that's a</p> <p>18 misrepresentation. We -- we . . . Plaintiffs are gonna</p> <p>19 take their full time, and the Intervenor-Defendants are</p> <p>20 welcome to -- to seek additional time if they need it,</p> <p>21 and witness willing and if there's time, but . . . you</p> <p>22 know, we -- the -- we didn't -- we didn't get a</p> <p>23 notification from Intervenor-Defendants or the State</p> <p>24 about the time they'd need beforehand for this</p> <p>25 deposition. And so we're gonna -- we're gonna take that</p>	<p style="text-align: right;">276</p> <p>1 THE WITNESS: That was --</p> <p>2 I'm sorry. Can you say that one more time?</p> <p>3 Q. (BY MR. MULJI) Did you have concerns that the</p> <p>4 final negotiations between Commissioners were shielded</p> <p>5 from public view?</p> <p>6 MR. HOLT: Objection: Form.</p> <p>7 THE WITNESS: I think, you know,</p> <p>8 [indiscernible] maybe take issue with what was</p> <p>9 considered the negotiations or not, but yes, I was</p> <p>10 definitely concerned about aspects of the final</p> <p>11 discussions between Commissioners and how the final map</p> <p>12 was actually being drawn and how changes to that were</p> <p>13 discussed that I would characterize as negotiations.</p> <p>14 Yes, I was concerned that they were taking place outside</p> <p>15 the public view.</p> <p>16 Q. (BY MR. MULJI) And after midnight,</p> <p>17 Commissioners were meeting all together to discuss</p> <p>18 proposals outside of public view; is that right?</p> <p>19 MR. HOLT: Objection: Form.</p> <p>20 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>21 THE WITNESS: That is correct, yes.</p> <p>22 Q. (BY MR. MULJI) And the Commissioners met in</p> <p>23 dyads; correct? Throughout this process?</p> <p>24 MR. HOLT: Objection: Form.</p> <p>25 THE WITNESS: They did, yes, for most of the</p>
<p style="text-align: right;">275</p> <p>1 time that we were entitled to, and the</p> <p>2 Intervenor-Defendants can speak with the witness's</p> <p>3 counsel, if they'd like, about additional time.</p> <p>4 MR. HOLT: Okay.</p> <p>5 (Simultaneous talking.)</p> <p>6 MR. HOLT: -- has come up at every single</p> <p>7 deposition we've taken, so it's not a surprise. And</p> <p>8 I -- I did attempt to ask questions and was told that</p> <p>9 that would not be permitted, due to conflicts of time</p> <p>10 for the deponent.</p> <p>11 MS. FRANKLIN: And I would just like to note</p> <p>12 for the record that the State also requested earlier in</p> <p>13 the day to -- to ask some questions.</p> <p>14 MR. MULJI: All right. So we're gonna --</p> <p>15 we're gonna continue, since the witness has a bit of</p> <p>16 time left.</p> <p>17 Q. (BY MR. MULJI) So Ali, you mentioned concerns</p> <p>18 about the transparency of the process at the final days</p> <p>19 of the negotiation, and that being one of your</p> <p>20 motivations for writing your memo; correct?</p> <p>21 A. That's correct.</p> <p>22 Q. Did you have -- was your -- were your concerns</p> <p>23 that the final negotiations were shielded from public</p> <p>24 view?</p> <p>25 MR. HOLT: Objection: Form.</p>	<p style="text-align: right;">277</p> <p>1 time. Yes, they did.</p> <p>2 Q. (BY MR. MULJI) Was the purpose of that</p> <p>3 arrangement to avoid a violation of Public Meetings Act?</p> <p>4 MR. HOLT: Objection: Form.</p> <p>5 MS. FRANKLIN: Objection: Lack of foundation.</p> <p>6 THE WITNESS: I believe the purpose of that</p> <p>7 was to be in compliance with the Open Public Meetings</p> <p>8 Act, and that a model similar -- you know, it was based</p> <p>9 off similar negotiation models that were used in</p> <p>10 previous redistricting cycles.</p> <p>11 Q. (BY MR. MULJI) Did you review how previous</p> <p>12 redistricting cycles worked?</p> <p>13 A. I did at a -- kind of a high level, yes.</p> <p>14 Q. And what about -- what were the differences</p> <p>15 between how this redistricting cycle worked compared to</p> <p>16 the one before?</p> <p>17 A. Based on my understanding, the dyads were --</p> <p>18 the -- the fact there were two dyads, or two pairs,</p> <p>19 is -- is s- -- the same between both, but my</p> <p>20 understanding of how it went in 2011 was that the . . .</p> <p>21 the dyads initially, you know, were split up based on</p> <p>22 legislative map and congressional map, but also they had</p> <p>23 split up by regions, and so they were mapping certain</p> <p>24 regions and coming -- and negotiating moving lines and</p> <p>25 changing districts within a region and coming to</p>

ALI O'NEIL - 11/16/2022

<div>278</div> <div><div>1 consensus within that pair based on a region, and then</div><div>2 from that moving on to drawing different areas of the</div><div>3 map. And then based on the speed at which the different</div><div>4 pairs moved through their assigned sections of the maps,</div><div>5 you know, they would then move on to either the next map</div><div>6 or a new region in the map.</div><div>7 And then I believe from there, the maps were</div><div>8 then brought -- I'm not sure at what point they were</div><div>9 made public or -- or how they were brought to the full</div><div>10 Commission for votes or not.</div><div>11 But that's a key difference that I remember</div><div>12 hearing about and -- and reading about.</div><div>13 Q. Did the public have an opportunity to review</div><div>14 the maps that the Commission planned to vote on -- the</div><div>15 State legislative districts [indiscernible] vote on</div><div>16 before the vote occurred?</div><div>17 MR. HOLT: Objection: Form.</div><div>18 THE WITNESS: That I c- -- I can't say for</div><div>19 sure.</div><div>20 Q. (BY MR. MULJI) Did that happen in this 2021</div><div>21 redistricting cycle?</div><div>22 A. No, it did not.</div><div>23 Q. Did the public have an opportunity to even see</div><div>24 the consensus map before it was transmitted to the state</div><div>25 Supreme Court?</div></div>	<div>280</div> <div><div>CERTIFICATE</div><div>STATE OF WASHINGTON)</div><div>)</div><div>COUNTY OF KING)</div><div>I, Nor Monroe, Certified Court Reporter in and</div><div>for the State of Washington, do hereby certify to the</div><div>following:</div><div>That the witness, ALI O'NEIL, was duly sworn</div><div>by me, and that I reported by stenotype all testimony</div><div>adduced and other oral proceedings had in the foregoing</div><div>matter;</div><div>That my stenographic notes were reduced to</div><div>typewriting under my direction;</div><div>And that the foregoing transcript, pages 1</div><div>through 279, inclusive, constitutes a full, true, and</div><div>accurate record of all such testimony adduced and oral</div><div>proceedings had, and of the whole thereof.</div><div>Witness my hand this 30th day of November,</div><div>2022.</div><div></div><div>NOR MONROE, RDR, CRR, CRC</div><div>Stenographic Court Reporter</div><div>Washington CCR No. 3442</div><div>Expiration: November 10, 2023</div></div>																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
<div>279</div> <div><div>1 MR. HOLT: Objection: Form.</div><div>2 THE WITNESS: No, they did not. I don't --</div><div>3 not to my knowledge.</div><div>4 MR. MULJI: Okay. I think that's it. Those</div><div>5 are all the questions I have. I really appreciate your</div><div>6 time.</div><div>7 And I think we m- -- unless. . . Well, I --</div><div>8 I think this is the stop. But unless -- unless the</div><div>9 State and Intervenor-Defendants have questions and</div><div>10 there's time for that, I think we can go off the record,</div><div>11 but I'll -- I'll leave it to you all to confirm that.</div><div>12 MR. HOLT: I think we've already had those</div><div>13 conversations and everyone's positions have been noted.</div><div>14 MR. MULJI: Okay. All right.</div><div>15 (Deposition adjourned at 5:10 p.m.)</div><div>16 (Signature reserved.)</div></div>	<div>281</div> <div><div>ALI O'NEIL</div><div>I have read the transcript of my deposition</div><div>taken on November 16, 2022, and make the following</div><div>additions or corrections:</div><table><tr><td>PAGE</td><td>LINE</td><td>CHANGE</td><td>REASON FOR CHANGE</td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td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ALI O'NEIL - 11/16/2022

Index: \$.2

	10:25 58:7	131:1 132:21,23	19 187:4 198:10,	17th 231:21
\$	10:33 272:20	133:11,12,13,18	13,21 201:20	256:14 271:23
\$30 33:12	10:34 262:25	147:14,22	202:20 221:9	18 59:7 138:2,5
	10:37 246:15	148:15 157:15	274:5,13	142:17 158:17
-	273:2	160:13 166:6	157,000 57:11	184:17 217:20
	10th 203:2 205:6	171:7 178:17	159:24	18th 231:22
-1110LD 207:16	256:13	184:22 185:18	15th 13:2 55:18	262:13 272:23
208:7	11 162:23 177:8	187:3,11 194:5,	100:16 102:16	19 221:18,22
-ferring 265:3	187:23	18,21 196:16,19	104:2,3 105:20	19th 105:16
-latino 182:8	11-10 207:24	201:20 204:16,	123:20 137:20	1:06 111:3
-performing	228:15	25 205:6 221:9	152:4 165:8	1st 28:1,2
242:14	11-11 226:10	227:13	176:20,23	
	11-12 226:11	14th 17:11 55:18	178:21 199:8	2
0	11.10 204:10	130:20 132:16	200:4 201:11	2 104:8,10
0.3 218:9	11/10 227:10	133:19 137:20,	212:12 219:16,	150:18 158:22
	1110 227:22	21 152:4 157:5	22 220:2,3	193:18 233:13,
1	114 138:9	163:24 164:18	222:18 223:9	14 238:7 269:25
	11:02 246:21	165:8 169:2,7	230:12 233:15,	20 228:21,23
1 83:17,24 86:20	11:15 249:14	170:13,22 172:6	16 238:3 239:18	274:5,13
106:21 140:1	11:23 260:4	177:21,24	241:12 244:23	2011 277:20
150:17 160:19	11:57 253:4	178:21 195:1	246:12,15	2012 31:18
220:8 227:3	11th 17:10	201:11 209:13,	249:14 253:3,16,	212:15 255:11
10 142:7 148:19	206:22 208:12	14,16,21 210:10,	21 255:23	2013 29:7
149:3 185:17	226:13,14	11,12,19 211:16	256:23 257:10,	2014 135:17
227:11 228:2	12 142:8 175:16	212:12 213:9,16,	17,18 258:1	2016 32:7 135:17
10-25 223:4	177:9 180:3	19 214:5 215:2,	264:9,23,25	2017 32:22,24
226:17,18,19	190:11 228:5	6,19,21 217:4	265:5,9 266:5	33:2 41:25
227:6 249:1	12-point 190:14	218:7,14 219:16	271:22	2018 33:4 135:16
10-year-old	192:12,17	222:19 223:1	16 7:1 132:13,14	2019 33:8,13
253:6	12:09 127:20	228:7 229:3	206:15,17	68:3 92:4,6
10.25 226:25	12:46 127:21	230:12 244:22	16th 13:11 20:16	93:25 94:9,13
227:3 266:9	12th 226:14	245:7 247:1	128:8 152:5	160:24,25
10/25 223:22	13 135:15	248:18 255:23	231:21 235:3	174:14 205:3
100 183:6,21	177:19,23	256:23 257:10,	264:9,23 265:6,	2020 33:14,16
10:00 145:13	192:21 193:1	16 258:1 263:1,	12 268:12,25	34:7 92:2,7 94:6,
10:06 262:13	13th 17:10 218:1,	11 264:13,25	271:22	8,13 135:16
10:17 58:7	5	15 22:16,21	17 177:24 178:1	160:25 180:21
	14 52:19 130:23	52:19 133:12	180:3 185:17	
		147:14,22	207:18 208:19	
		148:15 173:8	217:15	
		178:17 185:18,		

ALI O'NEIL - 11/16/2022

Index: 2..a

2020's 94:4	28/24/47 228:4	42/17 226:22	55 134:11,12,14 142:12 192:4	9:02 7:2
2021 15:25 20:11 33:17 42:16,20 43:20 66:18 120:3,22 231:14 278:20	28th 106:23 111:3 115:9 256:15 2:01 175:22 2:07 175:22 2:42 268:14 2nd 33:15 42:17 84:15	42nd 256:14 44th 247:10,16 248:4,19 256:14 45 142:13 192:4 45th 41:23 47 213:20 214:6 222:17 223:9 227:12 47th 218:9 228:13 247:10, 17 248:4,19 49 44:23 160:5 4:18 254:3 4:23 254:1 4:26 254:3 4:57 273:13	55.5 132:24 55.7 194:17 59 205:1,11 5:02 273:13 5:03 273:14 5:10 279:15 5th 228:11,14	9th 44:13
2022 7:1 30:18 42:14 43:25 44:2 212:15 255:11	<hr/> 3 <hr/> 3 105:2 108:25 130:14 142:18 218:8 222:4 246:12 30th 30:18 31 141:18 35 185:17 35th 228:11 37th 24:23 38 227:13 38th 228:11 3:21 221:17 3:26 221:16 3:28 221:17 3:57 115:9 3rd 193:3 229:21	<hr/> 5 <hr/> 5 108:4,5 109:24 142:7 222:17 223:8 224:9 227:8,14 241:10 50 44:22 86:20 135:3 164:7 174:19 221:1 249:15 251:7 50% 219:21 50-percent-plus 251:11 50.1 85:13 50.2 165:16 50.3 209:17 50.6 194:22 199:16 52 199:20 52.6 199:25 205:2	<hr/> 6 <hr/> 6 108:23 109:4,5, 7 158:13 185:17 <hr/> 7 <hr/> 7 127:22 128:3 129:2 191:18 73 204:19 7:00 267:9 7:27 229:3 7th 32:9 <hr/> 8 <hr/> 8 128:16,23 256:11 8:45 254:9 258:17 259:2 8th 33:3 197:18 222:10 <hr/> 9 <hr/> 9 136:20 145:12 187:22,23 256:9, 11 9:00 267:9	<hr/> A <hr/> a- 17:7 56:6 79:15 157:9 224:20 232:13 262:22 a.m. 7:2 58:7 145:13 246:15, 21 249:14 253:4 262:13,25 267:9 272:20 Aaron 27:9 51:20,25 116:17 262:22,25 abilities 55:2 ability 46:8 47:4, 7 174:20 180:14 236:21 abridged 106:3,4 107:2,6 abroad 31:18 absolutely 8:19 accept 170:12 172:7,14 187:19 266:19 accepted 173:3 266:21 accepting 266:15 access 82:2 136:13 139:7 accessible 106:10 136:19 accommodate 10:3 accompanied 260:24
2023 28:1,3				
21 149:14 154:10 231:4,6 240:13, 15,16,17 252:18, 22				
21st 66:25 70:11 128:1 130:24 153:13 155:2,11, 18				
22 25:4 240:4,7, 13,14 256:6,9				
23 135:16 245:22 246:1 252:18,21				
24 213:20 214:6 227:12 252:14, 24				
25 262:3,4				
25th 16:18 153:15 154:13 157:13 158:20 160:13 161:11, 23 175:24 177:1 248:7				
26 185:17 227:12 228:2 264:1				
26th 256:14				
27 267:13				
27th 163:5				
28 213:20 214:6 227:12 272:10				

ALI O'NEIL - 11/16/2022

Index: a..a

accompany 50:1, 12	actual 57:20 161:1 198:3 219:12 260:24 267:10	adhering 12:23	agreeing 85:12 182:13	alluded 189:3,20
accompanying 255:15 267:7	ad- 15:6	adjourned 279:15	agreement 119:11 156:19 234:4 254:17,19, 25 255:2,5,16,23 256:22,24 257:11 258:5,9, 13,15,17 259:3, 13 260:23 270:14 273:5	alluding 168:6
accomplish 161:4	Adam 19:17,20 23:15 25:24 26:3,25 51:18, 21,24,25 52:3,9, 12 54:10 55:12, 23 63:17 82:12, 16 83:2 84:14, 15,24 86:1 88:9, 24 89:15,20 90:1 97:10,11 98:9,11 100:25 101:16 106:20,22 117:2 121:1 150:6 163:20 249:10, 11,14 251:16 253:6 262:21	admission 15:7	Aguilar 21:11	alter- 228:10
accordance 15:13	advised 97:10,11 98:9,11 100:25 101:16 106:20,22 117:2 121:1 150:6 163:20 249:10, 11,14 251:16 253:6 262:21	adopted 212:15	ahead 37:9 39:12 43:5 78:16 108:22 115:16 124:7 194:15 208:5 209:7 230:6 274:3	alternate 143:24
account 22:24 57:14,18 67:18 68:22 93:8 132:5 134:21 205:12 232:13 233:6	Adams 34:22 35:7	advance 157:2	Alaska 183:2	amended 17:1
accurate 50:16 71:22 92:9 237:23 238:11 256:16	add 183:6,21 270:1	advertisements 41:13	Alec 101:12	amended/
accurately 242:1	addition 73:23 110:3 143:7 192:14 211:25	advice 81:21,22 86:7 87:14 115:5 117:9	Alex 21:25 22:4 189:20 190:3	approved 174:7
achievable 169:4,25	additional 63:24 136:18 138:21 146:19 199:5 248:18 274:20 275:3	advisors 82:6	Ali 7:3 8:3,5,8 117:2,14 127:24 254:6 275:17	amendments 25:11 44:11,13
achieve 199:18	address 156:2	advy- 117:3	Ali's 117:18	American 68:3 92:4,6 183:1
ACLU 31:24 38:7	adhere 71:6	African 183:1	align 141:22	amount 71:17 77:21 122:7 191:13
acronym 19:22	adhered 69:3 155:23	AG 118:8	aligned 129:24	anal- 109:22
ACS 93:25 174:14		AG's 116:24 117:5 118:14,20, 21	Alison 8:2	analog 95:8
Act 11:21 12:17 13:16 15:14 61:25 76:21,24 77:4,10,19 78:18 82:23 83:5,9,11 85:1,21 86:5 89:13,21 91:7 93:19 105:24 106:9 120:6,14, 16 144:2 151:8 155:8 157:24 208:24 277:3,8		age 134:14	alleged 11:19	analogous 261:15
acting 14:16		agency 48:23	alleges 22:21	analyses 76:16 107:11 119:20 120:1 121:7 122:15 147:7 150:5 159:6 182:14
		aggregate 96:16 58:16 81:25 126:20 127:1 152:7,24 153:7 169:3 171:15 187:12 211:11 213:15 225:9 239:8 270:2 271:5	alleging 11:15 121:22	analysis 81:6,8, 15 82:1,21,23 90:3,11,14,21,23 91:10,12,14,22 92:10 94:21,22 98:3 99:6 100:3 101:19,22 102:1, 4,8,11,18,23 103:1 104:1,19, 21 105:18,21,25 107:1,2,17,25 108:11 109:10, 15 110:4,6,11, 18,22 111:18,24 112:3,14 113:6, 20,22 114:9,13,
		agreed 14:11 54:18 72:7 166:23 175:3 179:15 254:11 255:7,14,17 258:25 259:1	allowed 54:20 263:18 273:18	
		agreed-upon 103:7	allowing 130:20 132:8 148:23	

ALI O'NEIL - 11/16/2022

Index: a..A

14 115:11,20,23 118:13,20 119:19,24 122:9, 10,14 127:6,14, 16 134:24 136:17,18 138:15,20 139:9 141:21,22 143:5, 23,25 144:2,16, 18 146:13 149:15 154:7,15, 18,20 155:12,14 156:19 158:8,9, 13 159:8,15 160:17 162:7,17 164:23 165:19, 20 173:7,17,19 174:2,4,11,23 184:1,4 194:4,13 199:5,12 200:11 224:21 236:11 237:24 250:3 251:6 261:15,23 263:20 analyze 154:9 198:20 208:23 analyzed 107:7 109:22 154:8 analyzing 118:22 and/or 139:14 150:9 252:9 Andrew 116:21 Andy 231:14 Annabelle 7:17 answer's 222:7 answering 14:1 37:8 answers 8:14 10:19 38:22 81:19 162:21,22	Anton 207:8 208:16 238:10 259:18 anytime 24:6 112:15 ap- 45:18 apologies 148:23 apologize 116:20 145:21 241:16 app 16:7 73:13 75:9 90:17 181:8 182:22,24 183:15 apparently 193:12 appeals 41:5 appearance 152:14 appeared 85:7 appears 70:21 85:3 107:8,14,22 108:19 128:6 137:8,12 145:13, 16 174:7 177:18 178:2 193:5 197:13 203:1,3 224:16 231:12 247:4,12 262:8, 19 268:1 apples 183:23 applicable 122:10 applied 131:22 132:11,12 apply 45:10,14, 15 applying 211:12 appointee 43:2	approach 70:9 approached 45:19,20 approve 14:12 225:21 270:16 approved 17:1 162:5 163:14 173:8 270:18 approximation 91:11 April 30:18 42:13 45:3,6 113:2 142:18 145:14 206:22 218:2,14,15 219:3 222:5 223:17 229:1 269:13 ar- 26:10 Arcgis 73:20 area 34:16,23 35:7 52:13,20,24 57:1 62:22 64:3 74:3 79:2 81:21 90:6 93:6,20 134:14 198:12 221:9,13 230:17 263:15 areas 53:19 91:21 93:3,4 95:14,15 105:24 134:22 161:9 164:13,14 169:6, 8,16,17 170:4 171:12 173:4 196:12 236:6 266:18 278:2 arguing 144:4 arm 138:23	arrangement 277:3 arrived 233:10 arrow 222:18 article 24:7 articles 15:3 26:10 121:4 articulated 85:16 Aseem 7:9 79:15 asks 262:25 aspects 56:19 150:12 276:10 assembled 181:6 assembling 150:24 232:17 assertion 179:22 assess 94:9 assessing 95:24 assessment 150:11 160:22 161:3 assign 196:10,11 assigned 23:20 259:12 278:4 assignments 196:5 assist 49:4 assist- 48:15 assistant 32:18 assisted 48:15 assisting 168:22 180:10 assume 9:4 28:9 50:8 101:2 108:20 222:7 assuming 106:17 assumption 202:3 216:16	at/before/after 234:15 attached 108:13 109:10 128:11 129:2 attachment 128:13,17 attachment-name 108:18 attempt 128:20 234:21 275:8 attempted 273:18 attend 29:13,17 76:23 176:1 attendance 100:24 238:13 attended 104:2 attending 7:15 attention 84:18 121:1 132:13 138:2 241:9,20 attitude 144:15 attorney 7:13 9:22 17:23 20:17 33:8 34:18 47:17 77:9 107:17 110:1 111:6,10 112:7,12 113:10, 14,20,23 115:5, 24 137:19 attorney-client 117:10 118:23 attorneys 7:16 9:19 17:15,16 19:8,11,12 20:19 auditors 44:14 August 33:4 60:4
--	--	--	--	--

ALI O'NEIL - 11/16/2022

Index: A..b

Augustine 108:10 109:11 110:4,10 Augustine-actin g 238:10 authoritatively 258:12 Autobound 193:13 Avalos 19:19 26:13,16,17,18 48:10 51:19,25 84:15 98:19 101:1 average 49:24 avoid 277:3 avoiding 244:14 aware 28:15 35:11,15,17,19 36:23 37:1 42:2, 4,9 47:13 56:6 57:19 60:17 65:25 66:1,18 67:2 77:8 110:9 119:20,22,25 120:4,8,20 125:23 136:8 147:7 148:2 187:2 201:9,18 205:21 271:12, 25 awareness 52:7	98:25 109:24 111:1 166:19 175:15,23 187:22 188:19 191:16 203:7 205:10 210:5,14 219:6 232:7 236:3 239:14,15 250:25 254:1,4,6 259:24 273:12, 19 back- 184:1 back-and-forth 244:6,12,18 back-end 75:10 background 28:23 52:7 105:23 106:8 151:11 241:17 bad 157:18 balance 69:24 balanced 156:12 balancing 57:22 ballot 34:9 ballot-initiative 33:11 barely 86:17,20 239:19 barely-majority 202:2 bargaining 235:25 237:6 barking 241:16 Barre- 138:20 197:25 Barreto 82:24 96:9,22 97:9,12, 18 98:9,23 99:21 100:6,8,10,25	101:23 105:19 106:4 107:3,7,24 108:11 109:10 111:17 113:6 115:11 123:20 138:6,20 139:8 140:10 141:2,10, 18 143:8 145:12 146:12 154:8 155:3 156:11 157:23 158:7 159:6 160:3 162:17 173:21 174:11 194:13 198:1 199:5 200:11 220:17 Barreto's 83:5 91:10,14,16 92:10 94:21 95:17 96:4,25 101:19 102:17 104:1 105:10 111:24 112:3,13 113:15,22 114:8 115:24 119:19 138:15 143:5,23 144:18 146:20 154:15 155:12 158:12 165:20 barriers 132:1 Bartz 19:20 51:21,25 84:15 101:16 based 15:2 37:18 38:18 67:20 71:22 87:2,15 89:15 90:18 91:2 92:4,24 93:6 95:5,6 96:18 100:2 107:8,14	108:20 122:15 125:19 127:2 132:10 136:14 137:12 142:1,11 150:6,11 152:8, 11 154:20 155:9 157:20 159:7 163:7 164:23 165:19,23 167:23 168:1,17 170:6 174:14 185:24 192:6 193:24 194:20 195:6 205:9,16 209:4 222:15,22 223:14,21 227:18 228:17 229:11,14 232:20,23 247:23 250:3,19 251:6,14 254:12 256:11,25 258:14,17 259:4, 6 261:22 263:20 277:8,17,21 278:1,3 baseline 69:21 basic 94:20 191:24 basically 32:1 118:16 basis 37:22 122:17 167:5,7 bathroom 175:19 BCC 111:4 began 25:4 68:8 231:20 258:16 259:7,13	begin 24:24 233:14 beginning 152:1 begins 246:15 begun 232:14 behalf 23:21 38:8 207:8 208:16 behaving 13:5 belief 53:5 103:10 164:23 172:19 175:4,7, 11 205:11 believed 64:12 103:12,19 126:14 131:6 150:8 152:11 166:22 167:14 168:3 169:24 174:24 175:3 believes 243:5 belong 118:3 benefits 154:2 Benji 21:11 Bennett 80:10 180:12 181:6 182:18 Benton 35:6,15 best-possible 159:11 161:7 best-vra- compliant 239:7 bid 69:1,6 big 46:18 53:18 57:11 159:23 160:9 201:4 211:11,18 biggest 70:6 211:14 213:7
<hr/> B <hr/>				
b- 37:24 99:10 back 8:10 15:23 16:1,3 18:23 23:12,23 58:8,17 68:8 75:6 96:6				

ALI O'NEIL - 11/16/2022

Index: b..c

bil- 25:3 103:9 156:9 174:18 253:13	47:6 84:16 117:4 142:18 184:18 203:4 224:5 225:6 241:11,21	briefly 40:22		46:22
Billig 27:4,15,17, 20 44:17 48:12, 13 65:17,24 68:10 69:11 70:1 130:1 231:14 232:12	brass 225:17	bring 12:10,13 56:20 148:8 195:21 224:25 225:2	C	Campos 21:23 202:25 204:5 259:20
bit 20:23 25:7 27:24 28:22 31:11 34:25 35:2,5 84:9 129:11 133:4 146:3 152:21 153:11 161:1 204:14 275:15	breached 117:2	bringing 183:18	c- 24:15 142:23 230:8 243:16 258:21 278:18	can- 202:6
Black 95:6 183:1	break 10:2,5 25:7 58:4,7 59:18 114:1,23 115:2 116:2,11, 12 124:24,25 127:21 175:18, 22 221:15,17 254:1,3 273:11, 13	brought 11:18 29:8 45:13 52:5 54:25 83:14 120:11,13,25 123:24 278:8,9	calendar 49:8	cand- 139:23
block 228:5	breakdown 184:2	browse 178:1	California 33:5	candidate 41:16 62:9 67:14 78:2, 8,12 79:6 91:1 92:18,21 93:10 95:1,19,22 131:13,14 139:17,24 162:13 164:10 165:15 174:21 189:21 190:8 205:14 250:4 263:19
blocked 126:22	breaking 175:21	browser 193:16 197:8	call 8:5 46:10 63:11 100:14 101:5,16 130:12 141:17 176:13	candidates 31:3 41:2,4 42:1 46:12 85:9 88:20 89:2,23 90:5,13 91:19,20 94:18 95:7,9,10,13,18, 21 96:1,4,22 97:1 126:21 132:9 133:17 134:3 135:6 139:23 152:17 160:14 179:21, 25 184:23 187:5 194:7,18 195:3 198:23 199:9 200:9 201:12,21 202:8 205:7 242:7 263:21
blue 267:21	breaks 10:1	bullet 130:15,16, 18 135:12 150:10,16,19 151:4,6 152:1,2, 6 166:3 180:4 210:19 211:9 214:4 223:11 227:11 238:7 260:2	call-time 32:17 50:24	canvass 31:21 32:2
Bob 33:8 34:5 40:21	Brennan 82:17 83:4 87:15,20,24 121:6	buckets 181:12 183:3	called 7:4 22:16 28:8 49:17 71:13 73:15 87:8 96:5, 13,23 128:14 178:7 220:7 227:9 230:10	canvassers 32:2
bottom 111:2 150:17 206:21 207:22 217:25 224:5 227:8 229:1 241:10	Bridges 19:18 25:21 26:4 51:18,24 54:24 55:10,14 72:18, 23,25 73:20,24 74:7 84:15 90:3, 10,15,22 98:18 101:1 150:6 163:20 193:7 196:24 197:11, 15 207:23 208:1 263:7 264:11	bullets 150:4 223:13,24 227:17 233:14	calling 97:4	
bought 81:24	Bridges's 54:23	Bureau 180:19	calls 39:17,19,21 48:19 49:13 50:4,5,9 63:15, 18,21 85:22 100:14 112:6 113:9 121:6 126:24 153:4 173:11 236:16 261:5 267:1 271:18	
boundaries 132:2	briefing 100:16, 24 102:16 104:3 123:20	business 59:11 164:25	campaign 19:22 30:24 32:9,15, 20,21,23,25 33:3,9,13 34:8 40:21 41:16 42:7 50:22	
boundary 198:3	briefings 98:17 100:15	busy 173:22 224:18	campaigns 33:21 34:1,11 40:25 41:2,3,4 42:3	
box 184:21 203:9,13 217:15 224:1 241:13		button 74:20		
boxes 141:12 224:11		BW 204:10		
boyfriend 29:9				
Brady 32:7,8,14				

ALI O'NEIL - 11/16/2022

Index: c..C

capacity 15:16 40:15 41:15 47:14 caps 253:7 capture 232:1 car 33:12 care 224:12 cared 225:12 career 46:11 carried 12:25 carry 49:3 carrying 49:5 case 11:3,9,15,24 12:8 14:21 18:5, 18 19:2 20:19 21:8,18 22:19 24:10 25:19 26:2 27:25 46:12 75:19 85:3 122:2 138:22 204:21 218:19 251:15 272:3 273:17 cases 83:13 88:1, 4,6 97:14 120:10,19 121:7, 10,13,20 122:2, 15 150:9 cast 134:16 catalogued 61:3, 5 76:14 cataly- 61:3 catalyzed 76:13 categories 71:18, 19 categorize 183:13 category 181:25 Caty 21:9	cau- 259:12 caucus 16:23 19:15 23:18,21 26:1,23 27:11,15 30:17 31:8,12,16 33:18 35:9 42:12,13,15 43:5 44:8,16 46:1 48:7 63:14 66:8 91:5 97:8,17 98:8,13 100:20, 21 101:12 107:3 117:19 120:22 126:13 129:7,19 130:2,6,11 144:10 155:6 156:14 180:9 184:7 194:2 195:13 198:18, 20 208:23 220:11 229:16 245:18 246:18 259:12 262:18 Caucus's 43:2 caucuses 48:21 74:24 75:8 105:20 180:11 caught 101:6 CC'D 75:5 84:11 census 56:3 60:5 67:25 180:19,21, 24 182:1 Center 82:17 87:15,20,24 121:6 Center's 83:4 central 34:23 chain 111:14 114:6 193:6 196:23 202:24	268:8 challenge 243:4 chance 84:22 131:14 change 133:14 155:20 161:13 162:6 255:10 changed 56:7 69:14 133:11 changing 277:25 characteristics 228:1 characterization 121:17 146:23 170:8 219:8,12 characterize 50:17,20 185:23 186:24 187:17 214:23 216:2 263:13 271:25 276:13 characterized 142:24 143:2,6 characterizing 141:23 charge 180:13 chart 132:19,20, 22,23 chat 83:18,24 105:5 127:23 128:20,21 136:25 148:22, 24,25 162:25 177:10 221:19 240:4,18 245:19 246:6 252:21 253:3 262:16,17 chats 232:1 check 93:18	check-ins 49:15 checkbox 138:5 141:8 146:25 222:15,22 checkboxes 222:13 checked 141:12 chief 19:20 26:22 48:10,11 chip 235:25 237:6 choice 28:7 62:9 67:14 78:2,8,12 79:6 85:10 88:21 89:3 90:6,13 91:1 92:19,22 93:10 94:18 95:2,19 126:21 133:17 134:3 139:18,25 152:17 160:14 162:14 164:10 165:15 174:21 179:21,25 190:8 194:7 195:4 198:23 199:10 200:9 202:8 205:8,15 242:8 250:4 263:19 choice.' 189:21 choices 237:12 choose 132:10 157:18 choosing 133:18 135:7 184:23 237:8 chose 237:21 chosen 34:7 chronicling 233:14	circle 57:11 159:23 160:9 circulated 143:11 cities 53:8,13,15, 20 54:6,16 56:13 citizen 205:2 citizen-voting 204:22 citizen-voting- age 36:12,17,20 86:18 92:1,15 139:13 194:21 205:1 209:17 citizen-voting- age-population 209:8 citizens 86:18 city 40:10,11 53:17,20 120:14 136:5 clarification 9:13 clarified 162:16 clarify 9:3 43:14 88:23 113:18 114:4 135:23 140:1 147:17 189:5 clarifying 115:1 138:1 clean 71:12,13 clear 14:13 64:5 99:4 137:15 159:15,19 160:8 210:8 217:1,6 225:18,25 226:1 246:11 273:3 Cleared 105:8 124:20
--	---	--	--	--

ALI O'NEIL - 11/16/2022

Index: c..C

click 74:19 204:7 208:5 220:4	colors 157:18	80:2,8 81:8,10, 17,23 82:4	122:23 123:11, 14,17 124:1,4, 11,18 125:7,8, 16,17,19,22,24 126:3,6,7,11 128:7 129:6,20, 23 138:24 143:14,15,19 144:10 147:23, 24 148:3 149:11, 20,23 151:11,16, 22 153:14,18 154:12 156:15 157:5,6,13,16 161:12,21 163:5 166:8,14 167:13, 14,23 168:2,23 169:23 171:13, 14 172:20 175:5, 8,12 176:2,3,10, 11,25 177:1 178:5,7,8,10,13, 16,24,25 179:5, 6,19,20,23 185:7,9,22 186:15 187:2,9, 14,24 188:14,16, 25 189:7,9,15,16 193:4,22 195:2 197:2,3,5,11,12 199:16 200:15, 20,21 201:1,6,8, 10,19,24 202:7, 15,16,19 203:6 205:22 206:1,10, 12 208:2,11,17, 20 210:15 213:10,11 214:7, 15,18 215:12,13, 14 217:1,2,6,7, 12,13 218:24,25	clicked 197:14 204:9	column 183:16	219:6 220:6 223:2,18 224:22, 25 225:12,19 227:19,22 228:6 237:15,16 238:2, 3,8,9,22 239:9, 14,20 241:12 244:7,13 245:6,8 246:19 248:6,16, 24,25 249:5 250:11,12,23,24 251:10 252:2,8 253:22 254:8,14 257:22,24 260:8, 9 264:8,13,20 265:9,14,24 266:4,19 267:24 268:10 269:9,16 270:4,8,10 271:8,12 272:4, 15,17 273:7	client 118:1	combination 94:8 232:23	Commission's 231:23	Commission- approved 44:12	Commissioners 12:17,21 13:5,23 14:11,14 17:20 20:4,7,14,15 46:13 47:11,21 48:18 50:2,13 60:7 61:2 63:16 66:23 72:14 73:8 74:16 75:14 76:2,6,22 77:9 81:22,24 82:5 98:21,22 100:13 101:3 102:15 103:6,8 104:21, 25 107:21,25 109:11 110:6,8, 11,14,19 111:4 116:4,16,25 123:5 127:5,13 144:24 147:13,	clients 33:7	Combines 96:14	comment 59:8 61:9 62:10 76:14 161:9 165:23 166:3 201:5 203:9,13 217:15 273:25	commentary 24:11 61:12 62:12,16	commented 61:7	commenting 227:25 253:9	comments 59:1, 23 60:17,20,25 61:19,23 62:1,3, 7,19 66:18 67:3, 6,9,12 76:15 149:12 151:12, 24 156:3 165:24 245:8	commented 61:7	Commish- 252:9	commission 11:6,7,19,20 13:3,17,22 14:4 15:6,11 25:12 39:25 40:1 48:22,23 58:24, 25 59:10,12,22 60:24 61:9 73:14 77:5 79:21,23	close 51:9,10 156:25 195:12 199:17 202:1 220:24 221:1,2 228:13 266:9	comfortable 51:8 202:4	Commissioner 16:16,21,22,23 17:2,3,9 20:9,12 42:23 43:1,19 45:16,18 46:13 47:6,14 48:2,16 49:4,7 50:1,12, 18 51:10 53:10 54:12 58:1 62:13,20 63:4,9, 19 65:1,4,6,22 66:2 67:17 68:12 69:11,13,25 70:11 72:7,8,17, 23 73:2,7 74:8, 12 75:2,3,4,25 76:9,19 81:18 82:9 84:25 88:18 89:6,12 101:5,8 102:2,12,17,21 103:12,18,24 106:20,22 108:10 109:11 111:13 117:14 121:11,14	closely 45:24 56:2 82:12 195:10	commentary 24:11 61:12 62:12,16	commented 61:7	commenting 227:25 253:9	comments 59:1, 23 60:17,20,25 61:19,23 62:1,3, 7,19 66:18 67:3, 6,9,12 76:15 149:12 151:12, 24 156:3 165:24 245:8	commented 61:7	Commish- 252:9	commission 11:6,7,19,20 13:3,17,22 14:4 15:6,11 25:12 39:25 40:1 48:22,23 58:24, 25 59:10,12,22 60:24 61:9 73:14 77:5 79:21,23	closely/directly 47:19	commented 61:7	commenting 227:25 253:9	comments 59:1, 23 60:17,20,25 61:19,23 62:1,3, 7,19 66:18 67:3, 6,9,12 76:15 149:12 151:12, 24 156:3 165:24 245:8	commented 61:7	Commish- 252:9	commission 11:6,7,19,20 13:3,17,22 14:4 15:6,11 25:12 39:25 40:1 48:22,23 58:24, 25 59:10,12,22 60:24 61:9 73:14 77:5 79:21,23	closer 18:15 97:24 177:1	commented 61:7	commenting 227:25 253:9	comments 59:1, 23 60:17,20,25 61:19,23 62:1,3, 7,19 66:18 67:3, 6,9,12 76:15 149:12 151:12, 24 156:3 165:24 245:8	commented 61:7	Commish- 252:9	commission 11:6,7,19,20 13:3,17,22 14:4 15:6,11 25:12 39:25 40:1 48:22,23 58:24, 25 59:10,12,22 60:24 61:9 73:14 77:5 79:21,23	coalition 11:5,17 39:14,16 40:6 62:24 63:1,2,3, 10,12,20 64:9, 22,24 180:5 190:10,21,24 203:15,16,17,23	commented 61:7	commenting 227:25 253:9	comments 59:1, 23 60:17,20,25 61:19,23 62:1,3, 7,19 66:18 67:3, 6,9,12 76:15 149:12 151:12, 24 156:3 165:24 245:8	commented 61:7	Commish- 252:9	commission 11:6,7,19,20 13:3,17,22 14:4 15:6,11 25:12 39:25 40:1 48:22,23 58:24, 25 59:10,12,22 60:24 61:9 73:14 77:5 79:21,23	coalition's 64:2	commented 61:7	commenting 227:25 253:9	comments 59:1, 23 60:17,20,25 61:19,23 62:1,3, 7,19 66:18 67:3, 6,9,12 76:15 149:12 151:12, 24 156:3 165:24 245:8	commented 61:7	Commish- 252:9	commission 11:6,7,19,20 13:3,17,22 14:4 15:6,11 25:12 39:25 40:1 48:22,23 58:24, 25 59:10,12,22 60:24 61:9 73:14 77:5 79:21,23	coded 61:5	commented 61:7	commenting 227:25 253:9	comments 59:1, 23 60:17,20,25 61:19,23 62:1,3, 7,19 66:18 67:3, 6,9,12 76:15 149:12 151:12, 24 156:3 165:24 245:8	commented 61:7	Commish- 252:9	commission 11:6,7,19,20 13:3,17,22 14:4 15:6,11 25:12 39:25 40:1 48:22,23 58:24, 25 59:10,12,22 60:24 61:9 73:14 77:5 79:21,23	cognitive 29:24	commented 61:7	commenting 227:25 253:9	comments 59:1, 23 60:17,20,25 61:19,23 62:1,3, 7,19 66:18 67:3, 6,9,12 76:15 149:12 151:12, 24 156:3 165:24 245:8	commented 61:7	Commish- 252:9	commission 11:6,7,19,20 13:3,17,22 14:4 15:6,11 25:12 39:25 40:1 48:22,23 58:24, 25 59:10,12,22 60:24 61:9 73:14 77:5 79:21,23	cognizant 71:10, 15 131:25	commented 61:7	commenting 227:25 253:9	comments 59:1, 23 60:17,20,25 61:19,23 62:1,3, 7,19 66:18 67:3, 6,9,12 76:15 149:12 151:12, 24 156:3 165:24 245:8	commented 61:7	Commish- 252:9	commission 11:6,7,19,20 13:3,17,22 14:4 15:6,11 25:12 39:25 40:1 48:22,23 58:24, 25 59:10,12,22 60:24 61:9 73:14 77:5 79:21,23	COI 163:8,10	commented 61:7	commenting 227:25 253:9	comments 59:1, 23 60:17,20,25 61:19,23 62:1,3, 7,19 66:18 67:3, 6,9,12 76:15 149:12 151:12, 24 156:3 165:24 245:8	commented 61:7	Commish- 252:9	commission 11:6,7,19,20 13:3,17,22 14:4 15:6,11 25:12 39:25 40:1 48:22,23 58:24, 25 59:10,12,22 60:24 61:9 73:14 77:5 79:21,23	colleagues 19:14 245:11,18 246:18	commented 61:7	commenting 227:25 253:9	comments 59:1, 23 60:17,20,25 61:19,23 62:1,3, 7,19 66:18 67:3, 6,9,12 76:15 149:12 151:12, 24 156:3 165:24 245:8	commented 61:7	Commish- 252:9	commission 11:6,7,19,20 13:3,17,22 14:4 15:6,11 25:12 39:25 40:1 48:22,23 58:24, 25 59:10,12,22 60:24 61:9 73:14 77:5 79:21,23	college 29:17 31:15	commented 61:7	commenting 227:25 253:9	comments 59:1, 23 60:17,20,25 61:19,23 62:1,3, 7,19 66:18 67:3, 6,9,12 76:15 149:12 151:12, 24 156:3 165:24 245:8	commented 61:7	Commish- 252:9	commission 11:6,7,19,20 13:3,17,22 14:4 15:6,11 25:12 39:25 40:1 48:22,23 58:24, 25 59:10,12,22 60:24 61:9 73:14 77:5 79:21,23	color 42:1 71:5,7, 10 157:17 204:11	commented 61:7	commenting 227:25 253:9	comments 59:1, 23 60:17,20,25 61:19,23 62:1,3, 7,19 66:18 67:3, 6,9,12 76:15 149:12 151:12, 24 156:3 165:24 245:8	commented 61:7	Commish- 252:9	commission 11:6,7,19,20 13:3,17,22 14:4 15:6,11 25:12 39:25 40:1 48:22,23 58:24, 25 59:10,12,22 60:24 61:9 73:14 77:5 79:21,23
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ALI O'NEIL - 11/16/2022

Index: C..c

20,25 148:4,9, 12,14 154:10,16 156:18,22 159:17 167:1,9 169:2,18 170:11, 19 171:3,23 172:7 180:10 181:3 182:12 185:22 186:15 188:17 191:25 197:6 206:8 216:12 223:19 225:2 230:21 234:18 235:1 236:9,14,23 237:7 239:2 252:9 254:10,11, 23 255:18 257:25 258:7 259:1,13 270:12 272:25 276:4,11, 17,22 Commissioners' 149:13 150:12 151:16 154:18 committed 166:20 Committee 19:22 30:25 communicate 17:18 47:5 53:10 57:24 76:9 89:11,14 121:10 122:21 125:7,24 175:4,7,11 250:11 264:6,11, 18 communicated 62:12 64:25 65:3 76:5 162:1	250:10 communicating 126:3 communication 27:12 47:4 98:8, 17 118:10 230:11 communications 23:20 24:18 25:15 27:10,14 44:3 51:20 117:1,6,13,19 118:24,25 119:1, 4 151:1 189:8 232:21,24 communities 40:8 56:12,13, 18,20 57:2 59:14,24 61:17 62:5 67:10 68:18,20 69:4 70:20 71:1,5,7,8, 10 130:19 131:8, 25 132:6 156:1 163:11,13 community 11:5 37:3,14 38:24 39:7 48:18 67:18 68:3,16 92:4,6 130:22 131:3,4, 18 152:16 163:10 203:25 242:7 community's 95:18 community-led 40:7 compact 57:16 77:22 155:25	compared 36:3 91:22 96:10 225:13 277:15 comparing 135:24 136:3 compatible 75:21 compilation 62:11 compile 232:8 233:3 compiled 44:24 150:5 completed 113:5 completely 9:12 159:14 192:13, 19 completion 231:23 compliance 76:22,23 77:4 79:22 83:6 86:5 89:21 93:21 95:24 151:7 155:3 165:1,5 166:10,16,25 167:4,12,21 168:17 176:3,11 179:1 208:23 220:12 237:1 264:7 277:7 compliant 99:18 154:20 159:8,16 162:8 173:1 191:3 199:19 236:12 241:22 261:15,21 263:1 270:23 273:4 complied 93:19 154:19,24	155:13,15 272:2 comply 61:25 91:7 150:14 155:7 157:24 158:9 236:15 237:4,7,21,23 complying 165:2 171:17 composite 96:12, 13,16 97:2 100:4,5 164:5 174:16 194:10, 16,17 199:20,24 200:3 204:24,25 205:11 209:3,7 211:5 220:25 Compound 123:7 144:13 167:17 comprised 85:6 89:1 compromise 215:24 228:9 con- 24:16 82:16 266:4 concern 11:9 14:15 212:11 221:10 235:12, 14,21 264:19 concerned 14:13 114:21 195:16 233:9,23,25 234:2,8,14,17 276:10,14 concerns 14:4 57:13,17 92:8 103:4 151:7 156:3 201:2 221:6 233:21,22 235:5,6,17	236:18 261:18 264:6 275:17,22 276:3 conclusion 85:23 97:6 112:6 113:9 126:24 153:5 173:12 236:17 261:6 267:1 271:18 conclusions 91:2 condensed 70:8 conditions 10:21 conductive 12:22 conduct 12:18 13:3 15:12 99:5 138:20 173:17 conducted 60:3 139:9 174:12 180:24 conducting 127:6,13 conference 272:24 configuration 52:18 55:17 57:25 60:17 64:2 65:13 66:19 187:3 201:10,19 209:12,21 239:11 configured 52:24 55:21 confirm 174:2 197:10 258:23 279:11 confirmation 158:8 conflict 150:8 conflicts 275:9
---	---	--	--	---

ALI O'NEIL - 11/16/2022

Index: c..c

confused 114:5 158:2 168:11 195:16	contacts 82:16	18,23 178:12	copy 74:16,19	238:3,5 242:9,
confusion 234:23	contained 59:21	223:18 247:24	Cornell 29:21,22	10,14 245:14,16
congress 32:9	contemporaneou s 137:16	248:8,11,12	correct 15:22	246:15,16,23,24
33:3 85:6	contention 192:10	271:23 272:25	17:24 42:25	247:2,4,6,8,13
congressional	contents 143:18	conversation's 118:8	43:2,3 66:25	248:20 251:12
32:10 33:15	contests 95:12,21	conversations	67:1 72:14 73:19	253:4,5,7,8
45:22 50:22	97:5	23:13,17,22	84:16 86:6 87:17	258:19 259:3,4
59:19,22,23,25	context 127:24	24:5,16 25:21,	89:3 93:23 94:3,	260:5 262:7,8,
60:11 77:23	151:10 172:8	23,24 26:5,7,20,	11,12 100:22	11,13,14,19
259:21 277:22	contiguous 57:15	21,25 54:9 66:1,	106:23,24 107:4,	267:22,25 268:1,
connections	155:24 196:11	3 67:21 80:21	5,8,14,19,22	23,24 269:10,11,
41:12	continue 37:3,14,	89:15,17 102:25	108:14 109:16,	14,18,20,21,24
consensus 64:21	25 38:1,19 45:2	103:2,18 112:18	18 110:1,2	270:3 271:1,7,9,
278:1,24	144:19 169:6	125:15,19	111:14,15,18,24	10 272:15,18
consideration	243:23 273:23	126:12 138:25	112:4,14,25	273:5,6,8,9
234:7	275:15	148:8,11 151:13	113:1,3,4,7,12	275:20,21
considerations	continued	162:2 167:23	114:9 115:12,20,	276:21,23
57:3 159:25	234:18	168:1,9,22	21 120:6,7	corrections
considered	continuing 13:7,	170:6,8,18	126:16,18 128:8,	219:8,10,11,12
136:10 196:2	9 35:25 44:10	176:2,7,9,22,24	9,11,12,14,15	correctly 158:5
276:9	contours 117:17	178:15,24 179:3,	129:12 130:24,	correspond
consistent	contract 30:19,	4,16,18 202:15	25 132:2,17,24,	141:13
271:20 272:7	21,24,25 45:8	203:22 204:2	25 134:3 135:13,	corresponded
constantly 57:20,	contracted 31:23	212:9 216:17	14,18 136:1,2	16:11
21	contracts 31:5,6	254:22 272:8	137:8,13,17,18	corroborate
constitution	contribute	279:13	142:3 145:8,15,	241:6
22:22 69:8	163:21	convert 75:10	16 153:15	cough 30:23 34:4
construction	control 181:12,	converted 75:23	157:25 164:1	53:5 124:5,13
79:8,10,13	15	193:13	188:4 189:14	125:2 155:10
consultant 80:3	conventions	convey 112:11,13	193:4,5,23	coulda 212:5
81:3,11	16:12	conveyed 112:18	197:4,12,13	council 40:11,13
consultants	convers- 266:4	convoluted 93:15	202:25 203:1,3	47:15
79:21	conversaish-	cooperate 274:10	204:20 205:19	Councilmember
consulting 31:4	26:24	coordinate 48:8	206:23,24 207:8,	40:10
33:6	conversation	156:15	9,25 208:4	counsel 7:19 22:7
contact 88:9,10	80:13,17 81:1	coordinated	210:17,18	58:10,15 82:6
97:8 98:23 116:3	106:19 176:17,	47:16,17 48:17	214:20 219:9	108:24 114:16
		coordinating	221:25 222:2,5,6	116:3,15 148:25
		51:14	224:6,7,10 226:9	217:14 240:13
			228:19 229:18,	273:24 274:7
			19 233:18,19	

ALI O'NEIL - 11/16/2022

Index: c..d

275:3 counter 226:24 counterpart 63:13 counties 35:13, 16 country 83:14 134:23 county 34:12,15, 22,23 35:6,7,21 44:14 120:15 122:6 136:7,9 county/city/other 71:14 couple 15:23 63:21 82:13 170:9 180:1 209:25 219:7 268:4 courses 30:10 coursework 29:25 court 8:17,20 10:8,14 79:14 88:6 108:24 109:4 122:15 128:18 136:21 268:23 278:25 courts 85:5 cover 144:25 145:3 covered 117:4 118:22 cr- 143:3 crack 152:3 craft 235:13 crafting 70:3 crash 119:9	create 44:21 74:15,21 149:17 172:24 231:19, 24 232:11 created 61:4 75:24 76:18 143:3 208:2 240:25 241:7 creates 74:20 creating 56:11 71:5 72:16 136:11 196:13 259:8 creation 163:21 credible 171:21 criteria 196:13 221:4 critiquing 57:23 current 23:3 cut 125:12 133:4 161:17 CVAP 85:13 86:12 92:1,4,11, 14 93:25 94:4,9, 14 138:6 140:11 142:5,12 160:18, 19,23,24 161:1 174:14 180:5 188:6 189:1 195:6 198:16 199:15,17 200:7 202:2 209:4 210:22 219:15, 21 220:16,25 229:22,23 230:8, 14 239:19 242:12 244:22 248:1 249:15 250:1,5,6 251:8, 11 253:16,23	263:18,23 cycle 85:8 277:15 278:21 cycles 87:6 277:10,12 <hr/> D <hr/> d- 42:15 63:20 95:16 126:4 164:19 220:16 221:21 264:16 daf- 74:2 daily 52:11 damage 243:6 dash 140:2 224:2 data 55:1 67:25 68:2,3,5 69:19 92:2,6,8,11,12 94:1,4,6,9,13,14 96:11 134:23 135:13 136:8,12, 18 138:6,19,21 139:5,6,10,20,21 140:10 141:2,7, 14 142:3,12 160:23,24,25 161:2 180:12,18, 25 181:4,5,11, 13,21 182:12,14 183:19 184:10 199:6 datasets 93:25 date 42:17 45:9 138:13,16 145:20,23 153:16,17,22 271:22 272:19 date's 246:11	dated 105:16 dates 176:19 265:1,3,4 dating 145:22 Dave's 16:7 73:13 75:8,15 90:16 91:5,15 100:4 157:14 181:8,13 182:22, 23 183:14 184:6 193:15,16 197:7 207:7 219:4 220:4 229:10 Davis 63:14 101:9 102:22 207:6 229:2 238:11 259:18 day 13:10 17:5 20:15 50:25 55:13 101:20 176:21 231:1,22 233:15 235:2,20 265:11,12 268:13 269:3 275:13 day/morning 269:2 days 11:22 12:1, 2,4,9,11,20 13:18,20,21 137:21 141:5 167:10 189:17 232:3,14,21 233:7,10 271:21 275:18 deadline 13:2 20:10 123:21 233:17 241:1 deal 254:11 256:11,17	260:11 dealing 27:12 46:12 debate 162:14 debrief 50:14 178:5,14 179:5 189:7 245:10,17 246:17 248:12 debriefing 178:11 265:8 debriefs 179:18 December 33:2 decide 73:5 118:2 153:19 192:2 225:1 decided 29:10 59:18 170:1 171:23 173:2 188:15 236:10 deciding 74:13 184:6 decision 260:21 decision-making 160:1 deck 100:10,12 107:11 112:24 174:5 deef- 76:25 deeply 233:8 defendant 27:5 defense 70:3 defensible 69:7 160:11 221:5 defer 112:7 113:9 define 35:5 defined 175:1 definition 187:7 266:11
--	--	--	---	--

ALI O'NEIL - 11/16/2022

Index: d..d

definitive 81:18, 19 195:10 232:7 definitively 225:16 267:3 degrees 30:11 deliver 100:8 dem 163:24 164:3,4,20 170:2 174:25 Dem- 42:15 144:23 154:16 Dem-leaning 242:5,8 Dem-performing 251:12 demands 57:19 Democrat 44:16 93:4 96:16 186:20 Democratic 16:23 19:14,22 23:18,21 26:23 27:10,15 30:17, 24 31:8,12,16 33:18 35:9 42:12,13,15 43:2,4 48:7 63:14 72:1 91:2, 5,18 96:20 97:1, 8,17 98:8,13,22 100:20 101:12 102:14 105:20 107:3 117:19 120:22 126:13 129:7 130:6 144:10 146:7 155:6 156:14,18, 22 167:1 169:18 172:7 174:15 179:7,14 184:7	186:18 192:5,16, 17 194:2,17 195:8,13 198:18, 20 199:25 200:3 205:1 208:22 215:14 216:12, 19,23 220:11,16 223:23 227:4 229:16 236:9,14 239:2 245:11,18 246:18 255:20 262:17 263:21 Democratic- performance 199:13 Democratic- performing 178:22 179:11 Democrats 69:7 164:8,13 171:2 172:25 211:8 250:1 263:19 demographic 55:1 122:10 132:4 143:25 demographics 30:7 35:1,4,15 56:23 71:24 78:3,19 demonstrate 78:21 121:8 164:9 demonstrated 147:2 164:11 263:16 demonstrations 70:1 depends 187:6 deponent 275:10	deponents 274:9 deposed 8:8 11:2,3 deposition 7:11, 15 8:6,12 12:6 15:19,20,22 17:13,18,21 18:1,5,9,13,17 28:16 50:8 119:10 231:3 242:4 273:16 274:13,25 275:7 279:15 depositions 58:13 depth 13:13 26:12 deputy 32:18 describes 132:16 description 218:4 229:17 242:1 256:24 desire 165:9 274:8 desired 165:25 169:1 detail 13:13 26:12 121:1 199:2 detailing 12:2 details 14:25 238:1 determine 99:10 133:2 145:19 192:11 determined 154:21 determines 139:16	determining 99:11 182:6 Detroit 28:5 develop 49:2 developed 54:9 74:12 deviations 195:17 Dhingra 41:23 66:10,13 68:11 dice 180:16 differed 182:18 difference 78:22 139:13 140:11 142:5,8 147:8 183:12 251:10 278:11 differences 69:22 157:9 277:14 differentiate 182:22 183:4 differently 69:15 144:18 166:13 difficult 39:4 43:17 124:25 183:9 184:14 195:5 200:2 digestibly 44:17 diligence 145:21 diminish 166:19 dir- 234:5 direct 33:7 37:17 38:14 88:9,10 98:12,16,23 179:18 186:21 234:5 direct-mail 33:6 41:13	directly 27:19,22 33:24 38:16 48:10,13 52:14 54:16 61:10 75:1,4 90:1 102:13 104:25 110:7 124:18 126:3 148:1 167:9 170:16 197:5 201:7 235:17 director 19:21 27:10 32:18,19 43:9,11,15 48:6 51:20 80:7 dis- 93:12 223:1 268:9 disagreements 181:19 disappointed 270:1 271:4 272:5 disapproval 270:20,21 discovered 137:24 discrimination 36:23 37:3,14 38:2,10,18 39:22 40:2 120:16 121:23 discuss 19:13 23:15 66:4 81:2 102:1,4,11 124:2,9 127:6,13 157:1 194:1 198:17 200:14 206:2 224:20,24 229:23 257:25 276:17
---	--	---	--	---

ALI O'NEIL - 11/16/2022

Index: d..d

<p>discussed 12:6 13:8 15:25 19:7, 10,12,19,23 23:1,8 27:9,16 30:7 65:18 66:12 102:13 121:5 123:24 125:16 130:1 147:6 154:4 186:21 200:17,18 205:24 220:15 226:13 238:15 239:1 255:6,13 257:10 260:12 265:11 276:13</p> <p>discussing 15:21 24:1 26:9,11 27:1 99:1 145:11 146:21 148:25 158:13 201:1 247:25 264:21 265:7 268:9 273:1</p> <p>discussion 81:4 109:1 124:21 127:20 138:18 180:9,15 190:3, 22 209:3 224:17 225:4 234:5 236:1 244:21 245:5 249:7 267:5,6 273:14</p> <p>discussion/ understanding 236:2</p> <p>discussions 24:9 27:3,7 38:23 39:13 66:14 120:23 144:7 153:23 154:6</p>	<p>170:10 182:14 186:14 201:7 225:10 276:11</p> <p>displayed 193:17</p> <p>displays 220:7</p> <p>dissuade 144:17</p> <p>distinct 44:6 49:1 223:25</p> <p>district 22:15,21, 25 24:23 32:10 33:3,15 41:18,23 52:13 53:3,4,9, 18 54:19 55:18, 25 56:11,15 57:12 59:25 61:16,18,21,24 62:8 64:12,13, 14,16,18,19,25 65:14,23 66:14 67:7,13 74:9 77:24 78:1,5,6, 10 81:7,14 85:9, 13 86:12,23 88:19,25 90:19, 20 91:7 92:18 93:8,18 94:9,16, 19 95:24 96:1 99:14,16,17 103:7,13,19,24 111:19,25 120:24 121:8 123:22 125:18 130:20 131:7,10, 15,16 132:17,21, 23 133:2,7,11, 12,13,16,19,25 135:8 139:1 142:9,12 143:13 144:20 145:1,4 147:14,21,22</p>	<p>148:15 153:25 156:5,10,16 157:3,5,14,15, 21,23 158:8,19 159:11 160:10, 13 161:1,4,5,7 162:4,12 164:9, 17,20 165:8 166:6,9 169:2,7, 24 170:13,22 171:7,8 172:1, 10,18,23,25 173:8 174:6,24 178:22 179:10 182:7,8 184:2 186:2,3 187:3, 11,20 189:1 190:10,22,23 191:11,14 193:20 194:5,14, 18,21 195:2 196:14 197:22, 25 198:6,10,11, 13,15,21 199:8 200:4,8 201:11, 20 202:2,16,18 203:5,9,10,12, 18,22,24 204:15, 16,17,24 205:15 209:11,13,14,16, 21,22 210:2,6,9 212:3,10,12,17 213:16 214:18 215:1,15,20 216:7,13,20,23 217:3 219:15,22 220:2 221:3 222:14,15,22 223:1,13,16,21, 22 225:13,24 226:4,18,23,25</p>	<p>227:5,6 228:8,12 229:22,23 230:1, 8,12,13,14,15 235:10,11,20,24 237:1,5,17 238:24 239:5,6, 7,10,17,18 241:22 242:6,9, 12,14,21 243:2, 10 244:22,23 247:15,23 248:1, 2,6,20 249:1,15, 25 250:4 251:4,6 253:21,23,24 255:15,23 256:3, 24 257:10,17 258:1 261:3,15, 17,18,24,25 263:11,14,17,21, 24 264:20,25 265:16 266:1,9, 11,17,20,22,24 267:5 270:2,16, 19,23 271:5,14 272:1,2,6 273:3</p> <p>district-drawing 120:17</p> <p>districts 44:22,23 45:1 52:19,23 55:4,5,21 57:25 59:1,19,22 60:18 61:12 62:4 64:3 66:19 67:4 68:18 71:1,6 73:25 74:2,9 79:4 90:4, 11,23,24 91:3 99:18 121:15 122:8 131:9,20, 24 134:22 135:10 152:5 154:19 155:1,13,</p>	<p>17,24 158:18 159:10,21 160:5 165:25 169:20 170:25 171:13, 24,25 172:3,5 173:5,24 178:17 180:4,5 185:17, 24 186:5,9,16, 17,19 191:7,17, 19 192:2,3,5,10, 14,20 194:10 196:5 199:18 204:12 211:13 212:13,18 213:21,22 214:2, 6,15,25 228:2 236:5 237:3 254:13 255:8,9, 10,19,22 256:12, 13 277:25 278:15</p> <p>disturbing 243:18</p> <p>divide 59:20</p> <p>doc- 108:9</p> <p>document 83:18 84:1,10 104:9,12 105:2,3,7 106:12,21 108:4, 7,21,23 109:3,25 111:1 127:23 128:2,5,18,22 129:4,5 136:11, 20 137:1 148:19 149:4,6,9,17,19, 22 150:1 152:11 158:17 162:23 163:1 175:16 177:9,13,19 192:22 196:17</p>
---	---	--	--	--

ALI O'NEIL - 11/16/2022

Index: d..e

202:20,22 206:15,17 207:19 217:21, 23 218:6 221:19 228:21 231:4,6, 9,15,19,20,24 232:4,9,11 233:13 235:7,14, 17 240:4,9,24,25 241:7 245:24 246:3,5 251:23 252:15 253:1 262:3 264:1 267:13,16 272:10,12 documentation 143:3 documents 17:25 18:8,17,20 70:17 75:24 76:18 150:25 158:4 dog 241:16 243:15 Dominique 101:11 102:22 229:2 doubt 86:11 DRA 74:16 75:16,23 96:12, 14 164:6 174:13 182:16 193:13 204:5 208:2,10 209:5 draft 52:12,16 55:4,14 60:7,16 72:18,23,25 73:10,24 74:2 76:6 90:4,11 91:6 93:18 100:2 220:8 269:22	270:25 271:3 drafted 150:19, 22 231:12 drafting 67:23 151:2 155:7 156:16 draw 13:7 52:12 53:2 55:4,24 57:11,14 67:13 73:23,24 74:2 77:23 78:1,5,10 81:13 86:12 97:5 99:14,16 111:25 135:7 144:3,5 159:10,23 160:5 162:10 168:25 170:21,24 179:10 187:20 222:17 223:8,10 234:13 239:10 241:9,20 242:12 247:15,21 250:25 drawbacks 154:3 drawing 22:25 54:19 57:23 74:8 120:25 125:17 142:9 150:15 159:9,20 160:3,9 213:16 237:17 242:21 243:10 278:2 drawings 255:15 drawn 22:21 25:12 78:6 79:4 90:19 170:13,23, 24,25 188:25 215:1 230:15,20 243:3 251:2 267:8 273:4	276:12 drew 7:21 22:8 52:14 58:17 74:4 83:1 91:1 121:14 155:13 157:16 160:4 214:19 230:9 driven 57:6 drop 119:11 222:17 223:9 drop-off 205:13 dropped 32:24 156:9 dropping 227:4 due 14:8 221:10 261:21 275:9 duhli- 31:1 Dulce 39:18,21 40:4,5 duly 7:5 Durkan's 32:25 duties 23:19 24:21 25:1,8,13 43:14,15,18,21 44:7 45:3 48:1,8 51:14 dyads 178:6 276:23 277:17, 18,21	early 13:10 20:16 25:6 80:17 97:19 98:5 146:8 168:15 174:10 212:2 ease 219:16 easier 59:20 easily 44:17 136:19 eastern 155:19 229:21 239:11, 16 251:1 easy 8:16 136:13 201:5 Ed 32:23 EDGE 73:16 75:11,21,22 180:14 181:5,14 182:19 183:9,18 184:10,11 edification 23:23 editable 74:22 edits 74:6 educated 160:24 education 29:18 effect 10:14 239:21,23 effective 68:25 130:21 131:2,18, 21 226:5 effort 142:2,4 el- 226:13 ele- 138:8 elecsh- 52:8 elect 62:9 67:14 78:2,8,11 79:5 85:9 86:23,24 88:20 89:2 90:5, 12 91:1 92:18,21	93:10 95:1 132:9 133:16 134:2 135:6 139:17,23, 24 152:17 160:14 162:13 164:10,13,15 165:15 174:21 184:23 190:7 194:6 195:3 198:22 199:9 200:9 202:5 205:14 242:7 250:3 263:19 elected 38:11 94:19 96:1 133:21 160:20 190:4 electing 95:6 205:7 election 52:8 87:7 131:15 134:12 140:6 142:10,15 200:5 elections 33:21 34:2 93:12,13 109:15,21 120:17 133:18, 20 135:1 136:15 140:4,24 202:9 205:7 electoral 121:23 132:9 142:11 179:7 electorally 71:21 elects 86:13 email 61:9 74:25 75:1,3 76:11,20 84:11,14,19 98:5 106:17,19,21 107:1,9,10,15,23
---	---	--	---	---

ALI O'NEIL - 11/16/2022

Index: e..e

108:3,9,13 109:10 110:5,14 111:2,12,13,17 112:23 113:7,21 114:6,7,8 115:8, 10,17,19 128:6 129:2 163:4,17 173:10 188:19 193:3,6,7,16,24 196:4,23 197:10 200:16 202:24 206:21,25 207:6, 20,22 210:15,16 211:17 215:11 218:1,20 219:7 220:6 229:1,18 230:22,24 232:12,18 240:16 emailed 100:10 121:2 emails 47:16 61:10 98:25 109:18 116:23 150:25 191:6 227:23,24 228:18 231:25 241:3 Emma 109:25 employed 23:18 30:13 40:13 employee 117:18 employment 30:16 43:10 employs 87:25 empower 89:2 133:15 Empower/unite 130:16	empowers 85:9 enable 90:5 134:1 enacted 173:6 174:25 176:1 261:3,12,19 264:7 265:15,25 267:11 encompassing 34:22 encourage 269:19 end 16:17 25:9 33:9 43:15 45:7, 8 49:25 55:13 68:15 75:19 97:19 107:24 119:6 141:1,9 158:14 184:5,6 213:1 245:12 268:11 270:2 ended 25:1,2,8 32:21 43:20,21 234:20 engaged 40:16, 22 58:24 English 29:23 31:19 ensure 165:12 ensuring 46:25 entire 65:19 196:9 245:15 entirety 195:22 231:17 241:7 entitled 9:8 273:21 275:1 environment 10:13 equal 152:17	Erica 7:20 Erickson 7:14 erl- 98:6 Ernest 7:17 essence 141:5 essentially 46:2 69:20 143:22 165:16 216:2 establish 94:23 established 68:9 178:6 establishing 95:10 estimate 9:9 49:20 92:4 95:17 estimates 56:2 ethnicity 30:4 180:18,23,25 181:13,22 182:1, 17,23 183:4 evaluate 75:17 133:7 220:11 evaluating 96:2,7 100:2 164:6 evaluation 185:25 evaluations 76:12 Evangelina 21:11 evening 268:25 269:1 event 34:19 47:17 events 47:16 158:2 eventually 50:24 everyone's 119:11 279:13	Evidence 191:10 ex- 83:24 153:8 211:15 exact 11:4 19:4 22:22 54:15 96:3,22 120:9 153:16,22 156:10,24,25 157:8 170:15 239:24 260:16 EXAMINATION 7:7 examined 7:5 examining 147:7 examples 42:4,6 191:6 exchain- 213:8 exchange 107:24 108:3 170:16,21 171:17,19 172:6 188:20 192:6 211:12,16 213:9 214:18 215:1 218:9,21 228:7 247:16 248:4,18 exchanged 98:25 exchanging 186:13 excuse 50:3 175:17 194:12 executive 19:21 80:7 exhibit 83:17,24 104:8,10 105:2 106:12,14 108:4, 5,23,25 109:4,7, 24 111:1 115:18 127:22 128:3,16, 23 129:2 136:20 148:19 149:3	158:13 162:23 175:16 177:8,9 180:3 187:22,23 192:21 193:1 196:16,19 202:20 206:15, 17 207:18 208:19 217:15, 20 221:18,22 228:21,23 231:4, 6 240:4,7,21 245:22 246:1,22 249:9 252:14,17, 18,21,22,24 256:6,9 259:25 262:3,4 264:1 267:13 269:25 272:10 exhibits 109:2 exist 136:19 existed 132:3 existence 123:17 exists 124:10 127:7,14 136:12 expand 233:22 expect 88:12 expected 23:25 experience 33:19 34:12 37:17 38:14 39:2 40:25 41:3 46:20 47:2 55:2 56:15,24 87:3 97:14 101:25 153:8 261:21 experienced 36:24 expert 14:7 81:16,17 82:20, 22 86:1 122:13
---	---	--	---	--

ALI O'NEIL - 11/16/2022

Index: e..f

126:24 153:5 261:10,16 expertise 81:21 83:2,4,5 86:3 101:24 127:2 153:8 261:22 experts 79:21 263:14 explain 151:6 183:10 223:24 224:1 227:1 explanation 70:4 106:8 235:4 explanations 121:2 explanatory 210:15 explicit 81:20 90:23 explicitly 53:6 82:7 89:25 126:1 266:6,7 explore 236:21 express 65:13,22 102:17 187:2 expressed 102:20 163:17 242:11 extent 90:21 112:5 113:8 117:7 126:23 153:4 external 74:17 externally 70:25 extra 63:21 Eyman 33:12	206:5 Fabiola 21:5 face 37:3,14 38:2,9 faced 40:2 fact 28:4 121:20 138:21 164:11 168:6 182:9 236:3,8 238:23 277:18 factoring 257:14, 17 factors 57:22 154:11 192:7 fails 152:15 Fain 124:1,4,12, 18 125:8,17,22 143:15,20 188:14 196:25 197:1,2,18 200:21 201:8,10, 19,25 202:7,16, 19 203:6 204:10 205:22 206:2 270:12 fair 31:7,10 45:4 57:12 121:16 130:20 131:1,17, 20 146:22 170:8 211:15,16 213:8, 9 215:5 faith 82:1 92:5 fall 29:6 31:20 33:16 80:19 154:2 familiar 19:4 20:21,25 21:2,6, 17 22:1,10,14,17 34:21,25 40:14	family 19:24 faring 95:13 farm 39:2 farthest 225:20 fast 234:9 Fayetteville- manlius 29:14 February 25:6 44:13 federal 77:19 85:5,15 89:13 120:11 150:9,10, 14 154:24 155:15 158:9 165:1,3,5 170:23 171:18 179:13 191:3 236:12 feedback 59:13 65:8 67:17 69:4 73:2,4 76:5 154:25 155:1 feel 14:8 233:3 237:6 238:25 260:20 261:2 feelings 56:9 felt 51:7 68:24 70:2 102:4 132:5 139:1 182:10 199:19 236:15 237:14 263:16 Ferguson 33:9 34:5,18 47:18 Ferguson's 40:21 FI 136:20 field 32:16,19 108:18 fight 156:21 225:24	figure 81:6 83:20 99:15 122:12 185:2 256:24 257:8 figured 93:1 235:20 file 69:17 75:20 105:13 108:16 180:19 181:10 filed 18:24 20:4 22:15 38:6 files 60:5 75:10 filing 24:7 filings 18:4,19,21 26:11 filling 204:11 final 11:22 12:1, 2,4,9,20 13:18, 20,21 14:10,23 16:20 17:1,5,11 43:23 63:22 123:20 167:10 173:6,8 174:7 176:1,21 189:17 231:1 232:3,14, 21 233:7,10 234:9,14 236:24 261:2,12,19 263:1,10,25 264:12,19 265:25 267:7,10, 12 269:10 271:3, 12 275:18,23 276:4,10,11 finally 255:7 finance 32:18 financial 15:5 56:4 68:4,5 find 99:21 109:20 215:23	findings 100:9 finds 111:17 fine 117:8 175:20 fingertips 44:25 139:11 finish 8:15 115:1 116:10 finished 11:7 20:15 finitely 43:20 fir- 28:12 firm 31:4,22 33:6 firmly 210:21 firsthand 37:18 Fiscal 68:5 five- 212:6 221:15 five-minute 58:4 116:12 221:15 254:1 flags 196:15 flow 46:9 flowing 46:17 flows 47:1 fluctuate 87:5 fly 28:5 flying 72:13 focus 169:6,8,17 170:2 172:2,5 focused 59:21 173:4 focusing 171:25 folks 7:15 24:14 58:6 221:16 follow 38:12 161:10 196:13 237:24 follow-up 103:22
<hr/> F <hr/>				
f- 108:18 188:5				

ALI O'NEIL - 11/16/2022

Index: f..g

113:19,22 115:23 118:13 146:20 226:23 foot 34:14 force 10:14 foresee 28:1 forget 33:11 form 37:7,22 76:11 122:16 189:11,23 190:17 191:21 198:24 200:22 201:15 202:10 206:5 207:1 208:13 211:2,20 213:4,24 214:10, 22 215:9 216:8 217:10 218:17 219:25 220:21 225:14 238:4,19, 20 242:15,23 243:7,12 244:2, 8,15,24 247:3,7, 11,18 248:9,21 249:20 250:17 251:13,19 252:5 253:11 254:16, 18 255:4,24 256:18 257:12, 19 258:2,8 259:10 260:14 261:9 265:18,21 266:2 271:17 275:25 276:6,19, 24 277:4 278:17 279:1 form- 33:11 formal 10:12 format 75:14 100:9	formed 97:2 forward 237:3 forwarded 110:14 111:12 193:4 197:10 208:20 218:23 forwarding 200:16 found 12:12 45:13 97:11 99:24 121:7 154:16 183:20 foundation 77:11 87:21 89:8 90:7 98:10 103:14 110:12 125:11 126:17 127:9 145:6 148:5,16 151:18 153:21 161:16 167:2,18, 25 169:15 170:5 172:11 177:3 182:20 200:24 201:16 208:25 211:1,23 213:3, 25 214:13,21 216:9 217:8 218:16 219:24 220:13 234:4 237:9 242:24 244:9 245:1 247:19 248:10 249:19 250:16 251:21 252:6 253:12 255:25 256:19 257:20 258:20 260:15 264:14 265:17 266:25 271:19 276:20 277:5	four-t- 226:22 fourth 249:9 frame 271:22 framework 186:12,23 191:24 211:13 Franklin 7:20 13:25 35:6,15 58:10,18 77:11 85:22 87:21 89:8 90:7 98:10 103:14 110:12 112:5,20 113:8, 16,25 114:16,18, 20 115:4 116:1, 14 123:7 125:11 126:17,23 127:9 134:6 144:13 145:6 148:5,16 151:18 153:1,3, 21 161:16,24 167:2,17,25 169:14 170:5 172:11 173:11 177:3 182:20 200:24 201:13, 16 208:25 209:24 210:24 211:1,21,23 213:3,25 214:11, 13,21 216:9 217:8 218:16 219:24 220:13 236:16 237:9 242:24 244:9,25 245:3 247:19 248:10 249:17, 19 250:13,16 251:21,23 252:6 253:12 255:25	256:19 257:1,3, 6,20 258:20 260:13,15 261:5, 10 264:14 265:17 266:25 271:15,18 274:3 275:11 276:20 277:5 frankly 46:19 104:24 236:5,8 freely 51:8 French 29:23 frequently 52:10 53:3 55:11 70:24 71:3 82:12 88:3 178:8 fresh 9:16 233:5 Friday 20:10 friendly 45:23 51:6 front 10:15 152:9 153:9 fruition 141:6 full 7:23 106:4 107:2,10,16,24 108:11,13,18,21, 23 109:9 110:4, 17,22 112:24 113:6,15,22,23 114:14 115:11, 20,24 129:7 158:12 163:19 246:5 274:19 278:9 fully 236:20 functionality 181:16 functioned 51:3 future 15:10	225:10 <hr/> G <hr/> g- 83:24 Gaber 7:17 gain 179:19 186:19,20 gaining 171:6 game 224:21 gaming 226:21 Garcia 22:16,18 23:6,8 gathered 64:11 gave 68:13,14 121:24 129:6 131:11 148:18 160:2 161:6 236:5 240:16 gears 266:17 general 33:8 34:18 47:18 54:18 56:10 68:9 72:22 81:5 121:24 136:14 142:1 151:10 166:23 168:9 179:3 186:23 234:1 general's 77:9 107:18 110:1 112:13 113:14, 20,23 115:6,25 generally 13:18 38:24 49:1 50:14 59:24 60:20,22 67:16 70:9 103:9 118:24 121:19 122:11 130:2 143:21 144:15
--	--	--	--	---

ALI O'NEIL - 11/16/2022

Index: g..h

166:17,22 178:19 185:2 212:18 generic 235:4 geographic 57:13 132:3 169:16 geographies 182:18 geography 57:1 78:4 Gimme 83:20 GIS 30:9 180:12 give 9:11 10:18 31:13 54:21 69:13 73:1,4 81:21 129:22 131:10,14 144:24 150:18 152:14 169:12 195:3 199:8 205:13 213:14 215:17 227:10 268:2 goal 167:22 goals 49:3,6 65:19 66:9 161:12,22 good 7:9 50:20 68:25 69:6 70:2, 3 81:13,25 119:12 127:18 175:17 good-faith 236:2 governing 69:8 government 11:6,17 112:3 governor 34:7 graduated 31:17	Grant 34:22 35:7,16 Grave- 187:24 graves 16:21 17:3 125:24 126:3,7,11 143:14,19 176:2, 11 177:1 178:3, 8,10,13,24,25 179:19,20 185:22 187:2,10, 25 188:6,16,18, 25 189:3,9,16,19 190:10 191:10, 25 193:8,12,22 195:2 199:16 206:12,21,25 207:8,24 208:11, 17 213:10 214:7, 15 215:12,13 217:1,7,13 218:1 220:8 226:12 227:20,22 237:15,16 238:3, 9 239:9,14 241:12,21 242:11 244:13 245:8 246:19 247:1,14 248:16, 24 249:5 250:12, 24 251:10 252:2, 8 253:22 254:8 257:22,24 265:9 266:5 270:8 Graves' 228:6 Graves's 178:16 208:2 210:15 219:6 Graves111- 208:7	Graves111ld 207:15 Gravesld14 193:18 gray 267:24 great 26:12 31:16 79:16,18, 19 212:10 270:6 greater 134:2 136:9 grew 29:3 Grose 207:8 208:16 238:10 259:18 ground 8:11 56:23 68:19 grounded 160:10 grounding 161:8 grounds 99:14 144:5 group 24:6 26:8, 19 40:7 41:17 51:21 66:7 68:11 77:22 78:1,20, 23,24 79:1,2,5 85:9 89:2 139:17 grouping 132:6 groups 38:7 46:10 48:18 grow 28:25 29:2 36:1 growing 35:25 growth 71:24 Grunberg 109:25 guess 9:9 13:15 18:19 25:3 34:10 35:4,10 36:7 43:17 45:7 49:18	50:7 63:9 68:7 72:12 76:8 77:7 79:25 87:11 88:23 90:14 112:12 114:17, 24 115:19 117:22 132:1 141:25 142:1,5 146:6 160:24 162:9 164:2 172:4,13 174:22 178:8 187:6 214:23 215:10, 23 218:25 219:10 230:7 237:10 258:11 261:20 267:3 268:11,21 guide 68:14 guidelines 92:13 Gutiérrez 39:18 40:4,5,14 <hr/> H <hr/> h- 59:3 70:15 173:16 174:22 half 32:3 106:18 191:4 Hall 19:17 23:15 25:24 26:3,25 51:18,24 52:9 54:10 55:12 63:17 82:12 84:14 86:1 88:9 89:15,20 90:1 97:11 98:9,11 100:25 106:20, 22 117:2 121:1 150:7 163:20	249:10,11,14 251:16 253:6 Hall's 52:3 55:23 82:16 83:2 262:21 hand 137:16 handr- 221:22 hands 192:6 handwritten 137:5,10 177:16 221:22 hanging 10:5 happen 9:11 74:14 173:3 183:8 278:20 happened 12:11 38:5 41:18 69:16 232:3,14 233:1, 2,7 241:3 268:25 happening 24:12 79:9 141:19 254:22 happy 118:15 hard 12:7 56:17 77:16 98:4 142:22 186:11 198:14 199:21 229:25 Harless 7:17 hat 43:24 HATED 253:7 HDC 101:13 110:20 168:22 170:19 172:19 260:3 head 8:23 14:2 36:11,15 59:6 84:12 147:16 151:3 198:8
--	---	---	--	---

ALI O'NEIL - 11/16/2022

Index: h..i

199:11	helping 138:23	8,15,24 134:2,	206:3,5 207:1	house 44:10
header 150:1	180:13	13,15 135:8	208:13 210:25	63:14 100:20
heading 142:17	helps 159:9	142:14 159:22	211:2,20 213:4,	101:11 105:19
184:17 185:16	Herrera 7:18	160:9,19 161:5,7	24 214:10,22	229:15
227:9	high 29:13,14	162:9,10 164:9	215:9 216:8	HRC 238:10
hear 8:1 59:23	53:14 77:22	165:14 174:21	217:10,14,18	huge 192:10
79:8,9,11,12,14,	138:10 161:3	181:22,24 182:5	218:17 219:25	211:18
19 215:5 241:16	277:13	183:1 184:22	220:21 225:14	husband 19:13
243:16	higher 133:22,24	190:5,7 200:9	238:4,17,19	29:9
heard 12:4 37:19	135:2,4 160:19	202:6 203:19	240:12,15,19,22	
39:5,6,7,10	161:2 172:4	205:14 210:22	242:15,23 243:7,	I
103:4 156:3	213:21 247:16	221:12 226:6	12 244:2,8,15,24	
161:9 165:23	highest 135:8	239:19 250:1,3,6	247:3,7,11,18	i- 49:5 159:4
167:7,9 168:18,	160:18	251:7 263:17	248:9,21 249:18,	183:2
19 179:17	highest-possible	Hispanic-citizen-	20 250:15,17	I-975 33:10
250:19 254:10	165:13	voting-age	251:13,19 252:5,	idea 56:10 64:6
257:25	highly 41:24	209:18	16 253:11	174:1 179:20
hearing 179:22	hire 79:21 82:5,	Hispanic-	254:18 255:4,24	ideal 239:10,11
212:21 269:12	20 97:17 122:13	majority 248:1	256:18 257:12,	ideally 49:16
278:12	hired 32:16,22,	Hispanic-voters'	19 258:2,8	81:23
hearings 58:25	25 42:14,16,19,	179:24	259:10 260:14	ideas 141:6
60:6,15 61:1	22,23 48:24	Hispanics 180:6,	261:7,9 265:18,	identified 150:7
66:16	50:22,23 81:11,	7	21 266:2 271:17	181:22,23
heart 162:14	23 82:22	historically	273:15 274:1,4	identifies 132:20,
heavily 30:6	hiring 32:1 45:25	96:25 152:14,16	275:4,6,25	21,23 190:5
Heintz 109:25	80:3 81:2	history 31:13,14	276:6,19,24	identify 7:14
111:3,6,9	His- 56:11	34:11	277:4 278:17	28:19,23 95:21
112:17,19 113:6	Hispan- 164:12	HKM 20:18	279:1,12	140:21,23 202:7
114:7 115:10,17,	Hispanic 28:17,	Hmm 100:16	home 68:17	illegal 150:2,13
20	19,23 35:12,17,	267:17	honestly 234:15	im- 214:5
held 39:25 40:1	24 39:22 53:1	Hobbs 7:10	hope 200:7	imagine 25:24
59:12 60:7,12,14	54:20 55:24	22:16	241:17 248:25	80:18 100:25
63:6 87:7 109:1	56:10,13 61:17,	hold 58:25	hoping 114:23	174:9 194:3
124:21 127:20	21 71:8 86:18,22	237:18 239:23	hotel 234:13	205:25 212:22
172:19 273:14	87:11,13 90:25	252:19	hour 18:15 58:5	230:8
Heliodora 21:15	92:21 93:3,9	holding 272:25	hours 11:22	immediately
helped 84:7	94:24 95:9	HOLT 189:11,23	18:14 234:9	24:25 232:2
121:7 122:19	130:19,22 131:2,	190:17 191:21	259:15 267:8	immigrant 39:3
helpful 204:21	4,9,18,22 132:7,	198:24 200:22	273:21	
	11,12,24 133:3,	201:15 202:10		

ALI O'NEIL - 11/16/2022

Index: i..i

impact 87:9 178:23,24 impair 10:21,25 impeding 79:11 impetus 235:13 implied 170:16 importance 125:17 166:20 important 8:21 67:16 87:3 138:14 156:20 159:18 166:23 183:5 225:9 226:3 239:3 impossible 86:11 impressh- 170:7 impression 168:14 improvement 213:19 214:6 improvements 214:25 in- 68:13 70:14 in-depth 91:13 174:4 224:20 in-person 50:9 inachieve- 169:4 inbox 61:10 inclined 136:6 226:15 269:2 include 67:9,12 130:6 146:10,16 155:12 197:21 229:17 255:23 261:13 263:1,11 264:12,19 265:15 266:1 270:22 271:13	included 44:11 100:5 103:23,24 107:6,11 109:15 155:16 169:1 220:5 223:3 239:17,18 261:3, 18 includes 128:13 130:8 135:13 193:15 205:18 223:21 229:21 230:20 including 7:16 35:6 72:23 84:25 145:4 inconsistent 85:15 incorporate 51:4 incorporated 98:1 incorporating 271:1 increase 190:11, 15 192:12,17 increased 134:1 incumbents 212:17 219:16 247:2 Indian 183:2 indicating 230:22,24 indication 112:2 indiscernible 19:13 22:6 27:24 37:7 47:4 65:16 79:10 87:22 106:18 110:5 116:15 125:3,12 129:15 133:1 134:7,8 137:14	140:12 146:4 152:22 153:3 157:22 158:14 161:18 173:13 174:13 175:15 192:25 193:11 196:13 197:16 199:4 205:4 217:16 221:19 225:11 240:4,5 241:10 243:21 245:22 256:8 257:6 264:7 271:13 272:15 276:8 278:15 individual 118:3 151:3 individuals 23:2, 5,13 28:18,19 62:21,25 155:2 influence 121:14 inform 91:14 99:13 121:13 122:19 informal 10:13 information 9:13 26:2,4 44:25 46:9,17,25 76:3 89:20,22 91:10 105:23 117:12 127:2 138:22 160:2 199:1 209:5 233:4 informed 9:8 38:4 54:9 85:25 91:9 inherently 46:21 inish- 153:9 initial 129:21 146:20 226:23	initially 18:23 97:10 174:5 226:21 229:15 234:20 259:19 277:21 initiative 33:12 34:9 injunction 19:2 input 52:16,18 55:14,17 68:14, 18 69:14 173:25 insisted 253:18, 20 insisting 247:10 installment 188:3 instance 117:25 176:14 258:4 265:13 instances 104:7 265:10 instruction 72:24 instructions 113:10 223:10 instructs 9:23 intended 16:14 intention 57:21 inter- 273:24 interact 52:9 55:10 interchangeably 28:17 interest 70:21 71:1 131:25 132:7 163:10,11, 13 interested 184:10 211:14 215:4	internal 16:8 48:9,23 68:6 internally 70:24 90:15,16 156:8 international- relations 30:1 interpret 212:25 215:7,8,22 216:11 interpretation 143:12 215:25 216:21,22 interpreted 215:12,13 216:6, 15 interrupt 114:20 Interveed- 22:7 Intervenor 21:18 Intervenor- defendants 7:22 21:18 22:8 273:24 274:5,19, 23 275:2 279:9 introduced 210:3 investigate 122:12 invitation 101:2 invited 101:3 involve 70:14 196:9 involved 40:7 51:21,22 66:8 176:14 involves 218:8 Ismael 21:23 issue 119:10 148:4 276:8
--	--	---	--	--

ALI O'NEIL - 11/16/2022

Index: i..1

issues 114:22 118:22 181:15 196:5 212:22 it- 90:15 iterations 239:15 <hr/> J <hr/> Jamie 48:14 80:11 January 25:4,7 33:17 42:16 120:22 Jason 33:2 Jenny 32:25 Jill 33:16 JJ 262:3 job 29:11 31:20 43:8 46:21 jobs 32:5 join 7:19 51:19 101:7 116:20 202:14 joined 32:7 116:15 120:21, 23 joining 116:16, 20 Jose 21:21 judge 10:15 judgment 187:7 judgments 93:6 jump 58:10 116:22 jumping 118:19 jury 10:15 just-below-2019- cvap 219:20	Justice 39:14 40:6 62:24 63:3 203:15 justifiable 135:9 justification 129:23 Justin 80:10 180:12 181:6 182:18 183:19 184:12 <hr/> K <hr/> k- 98:21 102:18 168:9 170:6 Kay 130:13 keeping 53:7,8, 13,19 131:6 Kennewick 34:18 key 163:13 278:11 keying 271:21 kind 13:12 16:13 24:11 32:17 44:15,17 45:13 46:8,16 48:21 51:3 54:25 66:8 70:3,9 76:20 92:16 94:22 162:8 179:3 180:9,15 181:5 182:3,10 188:13 191:24 192:8 201:3 230:16 232:15 233:6 235:1,4,25 239:1 241:2,4 261:15 277:13	kinda 34:23 41:14,22 44:8 47:7 61:5 223:25 234:9 241:6 KK 264:1 knew 15:24 45:25 46:3 47:24 50:21 51:1,3 92:6,23 133:23 139:4 155:9 237:7,11,12,21 265:15,25 266:23 267:4,11 knit 46:16 knowledge 14:18 52:22 53:4,16 56:15,22 79:20, 23 81:16 87:3 89:7 121:13 126:19 127:2,6, 13,15,17 157:7 184:24 206:2 217:7 256:20 258:11 259:4,6 279:3 <hr/> L <hr/> l- 89:24 184:10 226:14 labeled 210:12 227:22 labeling 147:13 labels 193:21 209:11 Labor 40:13 47:15 lack 77:11 87:21 89:8 90:7 98:10 103:14 110:12	125:11 126:17 127:9 145:6,21 148:5,16 151:18 153:21 161:16 167:2,17,25 169:15 170:5 172:11 177:3 180:16 182:20 200:24 201:16 208:25 211:1 213:3,25 214:13, 21 216:9 217:8 218:16 219:24 220:13 234:1 237:9 242:24 244:9,25 247:19 248:10 251:21 252:6 253:12 255:25 256:19 257:20 258:20 260:15 264:14 265:17 266:25 271:19 276:20 277:5 lacks 249:19 laid 13:13 59:16 258:10 large 262:20 largely 111:17 254:25 largest 130:22 131:2 lastly 10:1 late 15:25 29:7 60:4 101:7 103:23 146:7 163:5 172:21 173:20 186:12 269:1	late-october 162:16 latest 177:20 207:6 212:4 243:3 Latina 28:23 Latino 28:17,19 36:3,9,13,16,18 37:2,13 38:24 53:14 62:4,9,21 67:10,13,17 85:13 88:19 90:5,12 93:20 94:10,18,25 95:1,18 99:7,23 119:21 121:22 123:10 124:3,10 126:16,21 127:7 133:25 147:13, 20 152:3,13 160:14 179:21 181:24 190:6 195:3 199:9 202:8 205:7 242:7 247:15,23 248:19 251:11 Latino-preferred 187:4 201:12,21 Latino-voters' 194:6 198:22 Latinos 36:24 85:7 89:1,23 96:25 172:6 law 10:15 12:23 14:7 85:15 88:3 165:1,3,5 170:23 171:18 236:2 laws 52:8 69:8 88:7 150:8,9
--	---	---	---	---

ALI O'NEIL - 11/16/2022

Index: 1..1

laws- 23:3	left-hand 195:20	legislative-	145:11 157:21	long 18:12
lawsuit 7:11 11:6	leg 128:10 229:5	district 16:16	204:15 212:12	110:15 184:11
12:14 14:17	legal 13:15 18:4,	59:24 60:11	248:6 277:24	long-awaited
15:15 19:7,10	19,21 52:6 85:5,	122:4,5 223:4	linguistics 29:24	197:1
20:3,22 22:12,14	22 87:25 111:18	236:23 270:14	link 74:20,21	longer 13:7
23:1,6,8,14,15,	112:6 113:9	legislative-	75:2 193:15,16	117:18 118:5
24 24:3 25:17,21	117:8 122:4,9	district-map	197:7,14 204:5,	looked 44:13
26:6 27:5,18,20,	143:11,16 144:1,	67:23 76:1	7,9 207:7,10	91:23,24 94:16
22 237:19	3,5,16 153:4	153:13	208:5 219:4	96:8 100:1,6
239:22,23	173:11 236:16	legislative-map	220:5 229:10	115:17 129:22
242:22 243:11	237:18 243:4,6	149:16 260:3	Lisa 80:6,11,14	139:8 165:2
244:1,14 252:13	261:5 267:1	legislator 24:17	81:2 108:10	181:1 189:7
lawsuits 37:23	271:18	65:12	109:12 110:4,10	195:22 199:1
38:6 120:10	legally 179:15	legislators 65:7,	list 20:24 163:12,	212:18 231:25
lawyer 88:8,14	legislative 22:15	21 130:6	21,23 185:16,17	232:25 244:18
lawyers 87:25	25:3 33:21,24	legislature 25:10	256:13	looping 116:21
LD 130:23 131:1	43:25 52:13,19	65:10 72:3	listed 23:14	Lopez 21:5
133:12,13	53:18 55:5,25	lemme 23:3,12	62:17 191:19	lose 239:22 244:1
146:13 193:8,12	57:25 59:1 60:18	104:16 116:18	256:13	252:13
196:25 197:1	61:12,16,18,21,	119:18 164:18	listened 39:6,8	losing 95:9 171:6
205:6 207:24	24 62:4,8 64:2,	173:17 204:8	literally 156:24	loss 171:2
208:3	13,15 66:17,19	224:3,15 249:8	164:5 188:23	lot 12:5 24:9
leader 46:14	67:4 73:24 77:24	264:3 270:24	literature 29:23,	41:12 57:5,13,
231:13,14 232:5	99:16 110:18	letter 14:6	24	15,17 72:12 88:2
leaders 38:11,12	121:9,15 122:8	136:21	litigation 120:5,8	122:9 131:8
Leading 134:6	123:22 129:21	level 51:7 67:24	live 28:4	159:25 162:11
lean 222:17	131:7 144:5,20	68:9 81:5 95:11,	lived 57:5	173:20,22
223:9	145:1 149:13	13 277:13	living 31:18	184:12 186:11,
learn 120:19	152:5 163:6,14	levels 93:11	Lizette 21:13	14 234:10
learned 35:2,8	169:2 170:12,13,	147:8	LL 267:14	lotta 160:2
learning 69:4	22 171:7 173:7	light 12:10,13	load 220:10	173:25 181:15
leave 45:5 101:10	178:17,21 187:3,	Liias 66:10,12	loaded 69:19	loud 8:22
251:2 279:11	11 196:14	68:12	loading 252:22	Louis 33:14
leaving 10:5 31:8	197:18 201:19	limited 12:16,24	local 31:1 107:12	low 221:10
led 154:11 173:7	202:2 203:5	22:20 77:20	120:17 146:13	low-propensity
235:17	223:1 228:8	96:11 101:24	locks 253:6	133:22 140:4,14
Leeper 7:17	231:1 254:13	127:1 153:8	logged 60:25	lower 152:14
left 45:3 267:25	259:19 267:8	lined 241:4	logically 56:14	195:7 199:17
275:16	271:5,14 277:22	lines 132:2		200:7 211:7
	278:15			

ALI O'NEIL - 11/16/2022

Index: l..m

222:16,23 223:7, 22 lunch 124:24 127:19	77:24,25 78:9,10 85:25 86:12 93:20 94:10 131:10,12 133:3, 7 135:5 162:9,10 188:6 190:23 191:1 210:21 231:13 232:5 239:19 250:1,5,6 251:7 253:16 263:17	155:22 157:8 160:7 171:12,18 180:13 195:10 217:6 221:3 227:20 251:11 272:3 273:3 274:15	132:12 142:9 143:13 144:6 149:14 151:17 153:20 154:22 155:11,20 156:4, 11,13,20,23 157:23 159:19 160:5,21 161:11, 23 162:5 163:6, 14 168:7,25 169:6,9,21 170:4 171:13 172:16 174:8 175:24 181:14 186:5,8, 9,17 187:12 188:25 191:16 193:17 194:14 196:3,14,25 197:1,15 201:3 203:5,7 204:7,9, 13,16 205:18,21 207:11,13 208:6, 7,9,16,23 209:13,17 212:14 213:17 216:4 218:2,9 219:12 220:7,10, 11,18,24 223:3,4 225:21 226:22 228:1 229:5,9, 12,25 230:19 231:1 233:17 236:7,11,14,23, 24 247:22 253:7, 9 255:11,12,15 259:8 260:24 261:3,12,19 263:11,25 264:12,19 265:25 266:8,9, 18,19,22,24	267:7,8,10,11,12 270:14,15,20,21 271:13 276:11 277:22 278:3,5, 6,24 map-draw-er 55:7 mapped 181:8 mapping 13:10 30:9 55:2 56:16, 19 57:3,20 59:14 68:1,6,23 73:5, 10,12 122:11 139:18 155:18 156:8 173:24 181:4 186:13,21 188:19 190:20 196:9 234:5,18 258:14,16 259:8, 13 277:23 maps 13:7 15:24 16:4,5,8,9,11,14 25:11 52:16 55:15 57:14,23 59:13,23,24 60:11,13 66:17, 21 69:10 70:18 75:12,20,22 76:12 100:2 120:25 121:9 122:4 144:25 146:8 149:13 150:13,15 152:3 153:9 154:1,3,5, 9,17,18 157:3 163:6 189:17 225:10 227:21 233:11 234:13, 21,24 259:18,20, 21,23 269:10,14
M	188:6 190:23 191:1 210:21 231:13 232:5 239:19 250:1,5,6 251:7 253:16 263:17	272:3 273:3 274:15	11,13,20,23 157:23 159:19 160:5,21 161:11, 23 162:5 163:6, 14 168:7,25 169:6,9,21 170:4 171:13 172:16 174:8 175:24 181:14 186:5,8, 9,17 187:12 188:25 191:16 193:17 194:14 196:3,14,25 197:1,15 201:3 203:5,7 204:7,9, 13,16 205:18,21 207:11,13 208:6, 7,9,16,23 209:13,17 212:14 213:17 216:4 218:2,9 219:12 220:7,10, 11,18,24 223:3,4 225:21 226:22 228:1 229:5,9, 12,25 230:19 231:1 233:17 236:7,11,14,23, 24 247:22 253:7, 9 255:11,12,15 259:8 260:24 261:3,12,19 263:11,25 264:12,19 265:25 266:8,9, 18,19,22,24	map-draw-er 55:7 mapped 181:8 mapping 13:10 30:9 55:2 56:16, 19 57:3,20 59:14 68:1,6,23 73:5, 10,12 122:11 139:18 155:18 156:8 173:24 181:4 186:13,21 188:19 190:20 196:9 234:5,18 258:14,16 259:8, 13 277:23 maps 13:7 15:24 16:4,5,8,9,11,14 25:11 52:16 55:15 57:14,23 59:13,23,24 60:11,13 66:17, 21 69:10 70:18 75:12,20,22 76:12 100:2 120:25 121:9 122:4 144:25 146:8 149:13 150:13,15 152:3 153:9 154:1,3,5, 9,17,18 157:3 163:6 189:17 225:10 227:21 233:11 234:13, 21,24 259:18,20, 21,23 269:10,14

ALI O'NEIL - 11/16/2022

Index: M..m

270:17 273:1 278:4,7,14 March 32:7 marginalized 152:16 mark 7:17 58:5 83:17 104:8 105:2 106:12 108:4,22 127:22 128:16 136:20 148:19 162:23 175:16 177:8 192:21 196:16 202:20 206:14 207:18 217:20 221:18 228:21 231:3 240:3 245:21 252:14 262:3 264:1 267:13 272:9 marked 83:23 108:25 141:8 Marko 66:10 matched 68:24 96:8 matches 256:21 Matt 19:18 25:21 26:4 51:17,23 54:23,24 55:10, 14 72:18,23,25 73:20,24 74:7 82:24 83:5 84:15 90:3,10,15,22 91:10,14,16 92:10 94:20 96:9 97:12 98:18,23 101:1 107:3 150:6 155:3 163:20 193:7 196:4,24 197:11,	15,25 207:23 208:1 263:7 264:11 matter 87:6 247:2 mayor 32:22,25 MB 262:20 Mc- 110:10 Mclean 80:6,11, 14 81:2 108:10 109:12 110:4,10 meaning 164:21 185:5 186:17 225:19 means 10:9 134:13 140:2 163:10 188:23 meant 50:25 53:6 71:3 111:23 140:17 141:23 147:3 150:3 164:4,8 180:25 185:20,21 249:16 measure 164:5 mechanically 74:15 mechanics 72:16 mediator 238:10 medications 10:24 mee- 100:14 meet 12:19 17:12 49:10 62:21 63:10 170:3 206:2 224:19 259:8 266:11 meeting 12:19 13:6 59:20 60:2	73:3 98:20 101:7 126:2 145:14 152:15 178:3,7, 9,12 189:16 215:24 222:5 234:20 238:2,13, 16,22 239:2 240:2 241:14 242:2 245:10,14, 17 246:19 247:25 248:13, 15,23 250:19,20, 21,24 251:9 254:7 257:22,24 258:4,11 265:8 266:4 270:8,11 276:17 meetings 11:10, 21 12:17 13:16 39:15,24 40:1 48:17,19 50:2,7, 9,10,13,14 51:19,22 59:7, 11,12,15 60:12, 14,22 63:2,4,25 64:1,6 66:12 69:25 76:10 77:3,5 98:18 102:14 123:19, 23,25 151:13 167:8 179:5 188:17 202:17 224:22,23 277:3, 7 member 23:19, 21,23 24:2 40:5 107:17 127:4 163:20 members 19:25 37:2,13 39:7,16 44:16,22,24	51:17 65:10,12 67:18 68:16,17 129:19 130:1 150:5 175:3 193:7 196:24 203:16,25 207:23 242:7 259:17 members' 130:11 membership 129:7 memo 12:1,5 13:13 142:19,24 143:2,7,9,10,11, 16,17,18,19,22 144:7,12 231:2, 3,12 232:17 254:7 260:22 275:20 memorandum 145:3 231:17 memories 205:10 memory 10:22, 25 59:3 80:14 204:21 232:2 239:25 241:6 242:18 257:9,13, 23 271:11,20 mention 19:13 39:11 62:1 115:9 196:4 mentioned 11:2 18:1 19:23 23:6 24:15 34:1 35:16 42:12 43:13 45:21 51:13 74:11 94:15 100:1 120:4 125:20 150:10	166:5 169:22 187:8 191:7 213:20 217:2 227:24 231:2 232:19 233:21 238:1 254:24 262:15 275:17 mentioning 148:18 mentioning/ discussing 126:10 mentions 71:13 78:9 merged 229:5,9 merits 11:24 mess 227:13 message 26:8,20 251:17 253:15 262:6 263:2,5,8 268:15 269:22 272:14 messages 24:6 49:13 61:6 231:25 241:3 246:7,21,22 252:10 262:9 267:21,23 268:3 272:16,21 messaging 27:14 42:3,6 met 62:25 63:19, 23 69:2 238:8 241:11 276:22 metric 95:3 96:13,19 171:10 192:11 209:3 211:5,6 metrics 91:5 185:24 212:17
--	--	--	--	---

ALI O'NEIL - 11/16/2022

Index: M..n

261:14	mission 49:3	31:20 33:14	19 221:14,18	name's 7:9
Meyers 101:11	Missouri 33:15	278:4	226:8 237:5,25	named 27:5
102:22 229:2	MM 272:10	moving 277:24	238:6 240:3,14,	names 20:24
Michigan 28:5	Mm-hmm 51:15	278:2	17,20,23 242:18	39:19 120:9
Microsoft 75:7	83:3 131:5	Mulji 7:8,9 14:2	243:5,9,17,20,24	naming 16:12
245:19	132:15,18 250:9	37:9 58:3,8,16,	244:3,10,16	nate- 183:2
mid 60:4	model 277:8	20,22 77:14	245:2,4 247:5,9,	Nation 35:20
mid-august 68:1	models 277:9	79:7,18,20 86:3	14 248:5,15	61:15,20 64:14,
69:17	moment 31:13	87:22 89:11	249:8,21 251:9,	17 130:19,21
middle 98:6	39:20 58:11	90:10 98:15	16,25 252:7,19,	161:6 198:5
215:25	72:11 84:20	103:17 109:3,5,6	21,23 253:15,25	201:2 205:18
midnight 13:2	116:21,22 146:2	110:17 112:8,23	254:4,6 255:1,21	national 31:22
234:10,15,19,23	150:18	113:11,19 114:6,	256:5,23 257:5,	33:6,7 87:24
258:6,18 259:3,	Monday 176:19,	17,24 115:7,8	9,16,23 258:5,	native 190:24
16 260:10,19	20,23 211:10	116:5 117:11	16,23 259:17	nature 14:8 24:3
276:16	233:15,16	118:11 119:3,6,	260:20 261:11	30:21 31:7
midterm 87:8,10	241:12	12,14,15 123:8	264:18 265:19,	118:25 234:9
midterms 86:14	monthly 63:11	124:22 125:3,14	22 266:21 267:2	nebulous 230:16
87:2	months 63:12	126:20,25	272:9 273:10,19	necessarily 57:21
Millstein 116:17,	68:2 87:17	127:12,18,22	274:17 275:14,	64:21 95:7,9
18 117:23	Morfin 21:15	128:18,22 134:9	17 276:3,16,22	117:25 186:7
118:18 119:5,8,	morning 7:9	136:23,24	277:2,11 278:20	196:1
13	20:16 176:19	144:14 145:9	279:4,14	nee- 122:4
mind 9:16 53:7	226:10,13,21	148:13,19,22	multiple 39:15	needed 12:23,25
233:6 240:16	235:3 238:3	149:3 151:19	46:12 55:12,13	46:16 48:17
minimizing	241:12 254:7	153:6 154:11	100:14 131:9	64:13 81:15
71:14,16	257:22,24	161:18,20	142:23 148:8	92:17 182:10
minority 85:9	259:22 265:5,9	162:21 167:5,21	154:4,5 168:21	184:13 205:16
86:12 87:13	266:5 267:6,9	168:16 169:22	183:13,16	216:3 237:24
182:25	268:12 272:22	172:2,12 173:15	Murray's 32:23	261:16,22
minus 171:5	motion 19:1	177:7 184:5	must-have	263:16
227:3	motivations	189:13 190:9	163:23 166:15	negatives 168:12
minutes 125:4	275:20	192:21 199:7	must-haves	nego- 215:13
175:18 253:4	move 29:5,10,12	201:9,18 202:14	163:6,13	negotiable 167:4,
273:11 274:5,14	58:22 116:6	206:7 207:5	mute 8:1	12,22 168:13,17
mirror 92:16	153:11 171:23	208:18 209:6		negotiate 169:21
misrepresentatio	228:20 230:25	210:8 211:9	N	191:11 215:23
n 274:18	249:8 278:5	212:25 213:7		216:18
	moved 29:6	214:3,17 215:3	n- 19:24	
		216:5,11 217:17,	nail 72:12	
		20 218:20 220:4,		

ALI O'NEIL - 11/16/2022

Index: n..o

negotiated 191:19 192:14 215:18 negotiating 103:7 144:22 154:3 165:1 167:8 172:22 178:6 188:13 215:15 224:22 235:25 277:24 negotiation 192:19 275:19 277:9 negotiations 11:21 12:3,18 13:18,21,24 14:9 15:12 69:2,6 138:25 154:22 156:21 161:13, 22 166:25 170:10 172:9,21 173:4 178:25 185:14 186:12 188:24 189:18 192:9 196:1 214:8,16 217:5 225:18 226:4 231:1 233:9,22, 24 234:7,22 235:12,20 236:6 239:4 257:15,17 268:11 275:23 276:4,9,13 new/alternate 203:18 newly 22:21 90:19 news 15:3 24:7 26:10 121:4	night 14:10 203:8,9 235:2 257:18,21 259:22 Nixon 80:11 no- 268:12 Noble 42:1 Nodded 14:2 147:16 non-hispanic 95:10 164:14 non-latino 127:8 non-majority- hispanic 95:15 non-negotiable 163:25 non-presidential- election 135:25 147:9 nonnegotiable 164:16,17,19 165:5,6,7,10 166:7,11,21 167:1,15 168:4 nonpresidential 221:11 nonprofit 32:4 nonwhite 87:4 133:22 190:24, 25 191:2 not-so-distant 38:5 note 107:10 180:2 188:24 189:21 227:11 273:15,17,20 274:4 275:11 notebook 18:3	noted 9:21 23:2 274:16 279:13 notes 16:2 18:2,3 24:11 137:4,6, 10,15 138:3,10 141:23 142:2,17 145:10,13 150:4 175:15 177:8,16, 24 178:2,12 184:17 186:9 187:23 188:2 189:6,7 191:6 215:11 221:22, 23 222:3 226:8, 10,11 227:9 228:15,18 232:1, 20,23 241:13 243:25 245:7 251:15 256:2,9 257:8 notice 61:14 198:4,8 273:16 274:12 noticed 12:15,20 13:4 notification 274:23 noting 146:21 notwithstanding 14:6 November 7:1 13:2,11 17:10 20:11,16 25:9 32:21 33:1 43:20 84:14 137:20 146:8 193:3 197:18 203:2 205:6 206:22 208:11 218:1,5 222:10 226:13, 14 229:2 231:14, 22 233:15,16 246:12,15 253:3 257:18 262:13 264:9 268:12,25 271:22 272:23 November12th 220:8 nuh-uh 8:23 number 33:11 39:16,17 59:5 86:20,21 92:1, 14,17,20 133:18 135:2,4 140:12 142:18 150:16 171:9 184:4,8 192:1 195:18 210:4 211:7 230:10 233:14 258:25 262:16 numbered 148:15 numbering 147:20 166:6 numbers 91:25 134:17 140:11 171:12,24 174:15 182:17 183:21 184:13 191:9 199:13 209:4 212:1,24 221:9 234:4 254:12,20 255:3 256:12 257:11 258:15 259:2 267:6 <hr/> O <hr/> O'NEIL 7:3 8:2	115:2 117:2 O'Neil's 112:7 113:10 oath 10:8,13 Objecsh- 252:5 265:21 object 9:20 238:19 objection 9:21 13:25 58:13 77:11 85:22 87:21 89:8 90:7 98:10 103:14 110:12 112:5,20 113:8,16,25 114:25 115:4 116:2,8 117:16 123:7 125:10,11 126:17,23 127:9 134:6 144:13 145:6 148:5,16 151:18 153:1,4, 21 161:16,24 167:2,17 169:15 170:5 172:11 173:11 177:3 182:20 189:11, 23 190:17 191:21 198:24 200:22,24 201:13,15 202:10 206:3 207:1 208:13,25 209:24 210:24, 25 211:2,20,21 213:3,4,24,25 214:10,11,21,22 215:9 216:8,9 217:8,10 218:16, 17 219:24,25
---	---	---	--

ALI O'NEIL - 11/16/2022

Index: o..p

220:13,21 225:14 236:16 237:9 238:4,17 242:15,23,24 243:7,12 244:2, 8,15,24,25 247:3,7,11,18,19 248:9,10,21 249:17,18,20 250:13,15,17 251:13,19,23 252:5,6 253:11, 12 254:18 255:4, 24,25 256:18,19 257:1,12,19 258:2,8,20 259:10 260:13, 14 261:5,7 264:14 265:17, 18,21 266:2,25 271:15,17 275:25 276:6,19, 20,24 277:4,5 278:17 279:1 objective 54:19 156:17 157:2,8 172:15 248:24 objectives 49:6 66:9 170:3 obligation 10:9 observer 126:4 obvious 183:8 occupied 32:19 occurred 23:17 73:12 107:1 176:7,24 259:14 267:5 278:16 October 16:17, 18 97:19 98:6 100:16 102:16	103:23 104:2,3 105:16,20 106:23 111:3 115:8 123:20 146:7 153:12,15 154:13 157:13 158:19 160:13 161:11,23 163:5 175:24 177:1 188:13 248:7 October/ november 63:22 offer 171:21 193:8,12 213:12 228:6 249:6 offered 250:24 offering 172:4 214:17 248:17 offers 187:15,18 office 31:21 32:2 56:4 68:4 77:9 86:13 91:19 107:18 110:1 112:13 113:14, 20,23 115:6,25 116:24 117:5 118:14,20,21 126:22 offices 130:11 official 15:16 46:21 67:25 69:17,19 official- 25:5 officially 45:8 203:16 OFM 56:4 68:4 oftentimes 75:4 one's 262:20 one-on-one	25:22,23 26:5,21 one-out-of-four 140:15,18 one-page 143:8 ongoing 180:9,15 online 83:12 open 11:6,10,17, 20 12:17 13:16 193:16 197:8,14 201:10,19 204:7 207:10 277:7 opened 204:9 opening 69:1,6 207:12 openly 51:8 openness 187:3, 7,16 234:1 operating 13:5, 19,22,23 14:4 117:3 191:25 operations 114:5 opinion 37:22 52:23 55:20,22 57:24 65:13 85:25 103:1,3 113:15 122:17 167:6,7 168:16 261:1 opinions 151:24 OPMA 15:8,13 opportunity 41:1 82:5 88:19,20 134:2 147:14 152:17 156:2 161:7 172:25 195:3 199:9 242:7 247:15,23 248:20 278:13, 23	opposed 273:17 opposing 57:22 optimistic 249:3 option 158:21 160:19,20 225:20 options 180:21 203:23 oranges 183:24 order 8:14 114:4 134:24 158:2 213:15 organization 87:25 organizational 46:8 organizations 31:23 32:3,5 46:9 organized 241:2 organizer 32:16 organizers 38:12 organizing 39:2 232:15 original 18:7 153:9 originally 27:5 originated 44:10 orth- 10:13 Osenbach 101:13 Osta 63:14 101:9 102:22 145:14 207:6 229:2 238:10 259:18 other's 182:14 outcome 14:23 outlined 129:25	overlap 122:8 <hr/> P <hr/> p- 15:20 160:25 p.m. 111:3 115:9 127:20,21 175:22 221:17 229:3 254:3 258:17 260:4 267:9 273:13,14 279:15 PA 262:20 Pacific 183:2 packaged 181:10 packages 181:9 Padilla 21:9 pages 145:24 paid 73:14 pair 188:15 278:1 pairs 277:18 278:4 Palmer 7:10 21:1 par- 259:1 paragraph 84:18,24 85:4,20 87:15 106:25 111:16 130:22 135:24 211:19 213:1,2,18 215:3 241:11,20 256:10,15 parallel 72:4 parameter 264:24 parameters 255:13
--	---	--	---	--

ALI O'NEIL - 11/16/2022

Index: p..p

parentheses 193:18 220:8	Pasco 34:22 35:7 222:15	252:20 256:7 260:1 264:2 267:15 272:11	percentages 182:24 183:6,22	person 26:3 39:9, 11 46:4 88:8 118:4 180:12,13
parenthetical 185:18	Pasco/tri-cities 34:16	payment 15:5	perfectly 134:18	personal 15:16 16:2 18:1 24:11 40:15 41:11,15 45:23 51:7 82:15 137:4 177:16 188:2 228:15 232:1
Parenthood 31:24	pass 233:17	Pedersen 48:14 65:17,25 68:10 69:12 70:2	perfor- 192:5	personally 22:10 124:18 147:15
Paris 31:18	passage 175:25	Pelliciotti 222:17	perform 85:14 160:13 187:4 194:6 198:21,22 200:8 201:11,20 202:5 203:18 205:6,15 249:15 250:5	perspective 116:25 163:14, 16 172:15 233:6 262:2
Parra 21:13	passed 58:5 88:7	pending 10:4	performance 90:24 91:3 93:7 96:17,21 170:3 171:11 174:15 179:7,14 186:19 195:8 200:4,6 209:3 211:4 213:22 218:8 220:16 222:16, 18,23 223:7,9,23 227:5 228:5 247:16 248:19 255:20 263:23	ph 228:5
parsed 181:6	past 37:25 38:5 45:21 79:4 90:19 91:18 92:24 96:18 136:15 142:11 180:25	people 12:10 37:19 38:9 39:17,22 41:17 46:10,15 54:22 57:11 64:20 68:19 74:22 78:4,11,24,25 79:1,4 104:5,7 134:14,15 136:15 159:9,22, 24 180:22 181:4, 8,20,21 182:24 183:13 234:11, 12 254:23 269:12	performed 91:20 250:1 263:18	phone 17:17 49:13 50:4,9 76:11
part 22:22,23 25:13 64:6 66:13 86:10,25 87:12 88:22 99:9,11 116:13 123:9 127:11 137:14 144:7 188:2,6 192:9 197:24 201:3,4 222:1 224:4 226:8	path 103:6	per- 184:2	performing 163:24 164:3,4, 20 172:6 174:25 194:17 249:25 251:7	phrase 70:21 94:25 126:12
participate 133:17	patterns 71:24 72:5 78:22,24 205:16	percent 85:13 86:20 134:11,12, 14 135:3 142:7, 8,12,13 164:7 165:16 174:19 183:6,21 192:4 194:17,22 199:20 204:19 205:1,2,11 209:17 218:9 221:1 251:7 255:19	period 13:1,4 249:12	phrased 70:16
participation 51:24 133:24 134:1	Paul 178:3 202:25 204:5 206:21,25 207:8 218:1 227:10 253:18,20 259:20	permitted 274:15 275:9	periods 49:22,23 59:9	phrasing 170:15 239:24
parties 58:14 74:17 96:18	Paula 26:13			physically 28:9 34:14
partisan 218:8	Paulette 19:19 26:14,15,18 48:10 51:19,25 84:15 98:19 101:1			piece 44:19 46:18,19 78:17 155:12 165:4,17 225:25 226:1 241:5 270:21
partisanship 254:12 255:3 256:12 257:11 258:17,25 259:2, 8	pause 83:22 84:21 106:13 110:25 124:16 146:5 148:21 150:21 177:11 192:23 196:18 202:21 206:16 217:19,22 221:20 228:22 231:5 236:6 240:6 241:24 245:23,25			pieces 41:13 166:10
partisanship- metrics 260:11				PL 69:17 180:19
parts 41:14 130:11 215:10, 11				place 11:7,21 12:3 13:7 77:17 121:3 126:2 176:17,19 183:25 233:9
party 15:15 58:13 95:5				

ALI O'NEIL - 11/16/2022

Index: p..p

234:15 250:21 272:24 276:14 places 71:9,11 81:20 95:3,4 134:22 173:23 191:16 192:18 196:3 plaintiff 11:18 plaintiffs 7:10,16 15:6 20:21 58:16 121:21 122:2 177:17 267:19 273:20 274:18 Plaintiffs' 7:18 137:11 149:7 221:23 246:7 262:7 274:6 plan 44:12 173:6, 8 176:1 226:19 265:15 planned 28:10,15 31:24 278:14 planning 269:13 plans 209:22 264:7 268:22 platform 184:11 platforms 184:3 play 88:12 186:2 played 56:23 71:9 88:11 ploy 215:15 PM 254:9 256:11 point 32:24 64:19 69:1,18 72:13 88:24 89:4 127:19 130:16, 18 135:12 142:18 146:15, 24 150:10 152:1,	2,6 153:18 154:15,22 157:22 167:13 175:21 179:8 180:4 185:2,8,9 187:1 188:24 190:11 191:18 192:10 201:10 210:1 214:4 215:23 218:8 225:12,23 226:25 227:3 232:16 236:9 239:13 244:14 257:14 264:8 278:8 pointing 222:19 points 135:16,17 149:10 150:7,17, 20 151:4,6,10 154:5 166:3 168:15 170:9 171:6 178:16,20 182:10 185:4 187:9 191:13,15 195:24 211:12 223:11,14 224:1 236:4 poke' 184:22 polarized 78:21 93:2 94:23 95:11 99:6,12,22,25 109:21 119:21 120:2 122:1,17, 22 123:1,10,18 124:2,10 125:8, 21,25 126:8,10, 15 127:7,14,16 144:1 147:1 164:12 205:17	263:15,20 policy 52:6 polit- 199:13 political 31:9 32:5 33:20 34:11 38:12 39:8 46:11,20,21 47:2 54:21 87:2 92:25 95:5 96:13 120:21 132:3 171:1,5,10,24 185:24 192:7 211:4,6 212:1, 17,23 234:3 236:4 political- canvassing 31:22 political/digital 31:3 politically 46:24 71:20 politics 29:25 30:2 31:21 46:23 polls 134:16 135:1,5 139:16, 21 142:14 pop 198:16 popu- 209:17 population 35:12,18,24 36:3,4,8,13,17, 18,21,22 53:2,14 55:1,24 56:1,2,7 57:10 69:22,24 77:21 78:19 92:1,2,3,7,12,15, 16 121:25 122:7 131:11 133:2,6,9 134:11,25 139:13,14,19,20	152:4 155:22 159:21 174:14, 20 194:21 195:17 204:24 205:2 209:18 263:23 population/ people 86:19 populations 39:3 61:22 position 11:23,25 12:8 32:15 45:11,19 52:25 64:2,8,11 69:7 117:23 118:1,10 139:1 144:11,17, 19 151:15,21 165:2 166:8,14 215:18,19,21 217:6 positions 32:11 151:23 159:9 279:13 possibility 80:3 possibly 60:23 202:1 postgraduate 30:11 postsecondary 29:17 pot- 168:25 potential 90:23 93:8 120:24 122:8 146:19 181:19 203:23 205:12 226:20 270:19 potentially 16:21 18:14 24:1 26:8, 23 27:1 34:18	49:22 60:2 64:20 88:12 98:25 101:12 112:6 121:5 140:6 143:15 146:8 190:6 192:6 223:20 236:11 power 54:21 132:9 pozish- 215:20 practice 78:11 86:24 92:21 103:5 165:15 186:2 practices 121:23 pre-agreed-upon 45:9 preceding 145:24 precinct 71:15 95:13 196:10 precincts 140:12 164:13 prefer 89:23 preference 166:5 250:11 251:4 preferred 95:22 97:1 preliminary 19:2 preparation 17:21,25 18:5,9, 16 prepare 15:18 17:12,17 97:18 99:2 prepared 101:22 107:11 129:6 preparing 18:13 268:10
---	---	--	---	---

ALI O'NEIL - 11/16/2022

Index: p..p

<p>present 44:15 63:4,5,6,16 78:20 101:9 130:10,12 180:17 202:18 238:9 245:14</p> <p>presentation 108:23 129:2,5, 8,9,17,18</p> <p>Presentation_9.16.pdf 128:14</p> <p>presentations 77:8</p> <p>presented 69:9 100:11 101:20</p> <p>presidential 87:7 133:21 140:6,24 200:6 221:11</p> <p>presidential- 147:9</p> <p>presidential- election 135:25</p> <p>press 48:19 104:15,18,19 105:11 114:9 143:6 151:14 272:24</p> <p>presume 213:16</p> <p>pretty 43:20 52:10 136:19 140:4 212:14,16 262:20 266:8</p> <p>previous 37:23 95:18,21 97:13 120:5 228:3 277:10,11</p> <p>previously 13:9 15:21 129:25 164:11</p>	<p>price 215:5</p> <p>primarily 48:15 75:9,12</p> <p>primary 55:7</p> <p>principal 156:20</p> <p>principals 46:10, 13 47:1</p> <p>principle 132:11 166:23</p> <p>principles 68:8, 14,24 69:3 72:6 85:15 129:24 154:23 155:23</p> <p>prior 47:11 69:16 97:15 212:14 232:16 239:15 255:11 258:6 260:6</p> <p>priorities 68:9, 14,25 69:3 70:12,14,17 72:9 129:25 154:23 161:12,22 162:20 163:6 169:18 171:24 217:5 224:6,14, 17,24 225:4,13</p> <p>prioritizing 214:8,16</p> <p>priority 162:4,18 168:5 185:5,9,13 238:24 239:4 241:21</p> <p>privil- 117:16</p> <p>privilege 114:22, 25 117:1,5,10, 16,20,21,24 118:3,23</p> <p>privileged 117:1 118:9 119:2</p>	<p>pro- 203:11</p> <p>prob'ly 23:16 63:23 70:6 137:25 149:10 194:9 195:9 228:3</p> <p>probab- 200:7</p> <p>probable 150:23</p> <p>problem 240:22</p> <p>problems 196:2</p> <p>process 39:14 40:9,19,23 42:20 46:1 47:12,23 49:11,19 50:19 51:5,11 54:11 57:20 58:23 59:16 65:7,8,19 67:19,22 68:7,15 70:24 72:22 85:16 86:8 119:17,23 120:4 137:6,17 141:24 143:11 153:25 154:6 155:7 156:8 168:15 174:9 185:4 209:23 232:22 235:7,8 275:18 276:23</p> <p>process-wise 159:2</p> <p>processes 15:11 73:21 154:4</p> <p>produce 137:22 143:8</p> <p>produced 137:10,19,24 143:7 149:7 177:16 221:23 246:7 262:7</p>	<p>267:19</p> <p>product 234:22</p> <p>professional 31:14 34:10 41:11,15 45:23 51:7</p> <p>professionally 40:17,22 45:24</p> <p>prog- 40:9</p> <p>program 73:10</p> <p>progressed 166:25</p> <p>progressive 31:23</p> <p>Project 82:25</p> <p>prompted 224:13 235:7</p> <p>proposal 70:7 72:11 73:5 74:12 128:1 130:24 132:5 152:14 153:12,13,15 154:13 155:2,7, 18 157:5,6,13 158:7,20 160:13, 17 171:16 185:11 186:5,6, 22 190:13,20 193:22 194:1,6 195:2,14,23,24 196:8 197:2,5, 15,18,20 198:12, 17,22 199:8,15 200:10,14,20 203:5,18 204:13 205:6,21,24 206:2,7,11 207:7,24 208:3, 10 210:10,16,21 212:4 213:19</p>	<p>214:4,20 218:2, 5,12,14 219:8, 13,23 220:20 221:7 223:10,21 225:22 226:10, 11 227:7,19 228:1,16 229:12, 18 230:19 243:3 253:9,14 260:3</p> <p>proposal's 210:11</p> <p>proposals 16:20 17:2,4,5 59:14 60:8,16 66:17,24 67:23 70:8 72:13,17,18 73:11 75:13 76:1,6,16 80:22 96:7 97:22,25 122:11 149:16 151:8,17 152:9 158:25 173:19, 24 175:24 182:15 183:24 186:13 187:16 188:19,21 201:25 209:22, 25 210:4,13 212:2 224:20 226:10,12 228:4 234:6 266:15 276:18</p> <p>propose 116:2 172:16 226:22</p> <p>propose- 221:6</p> <p>proposed 15:24 16:4,5 25:11 44:13 74:6 90:4, 24 91:3 129:21 130:3 131:17</p>
--	---	---	--	--

ALI O'NEIL - 11/16/2022

Index: p..r

144:25 149:13 152:3 154:9 156:11,13 157:23 158:11 174:8 190:10 195:7 197:23 198:1 203:8,12 210:3 213:21 215:1 218:7,15 219:20 223:22 226:18 237:2 248:7 266:9 269:9 272:6 proposing 74:9 172:3,6 228:8 237:17 pros- 72:16 protect 242:22 243:4,6,10 protected 117:10 protecting 70:20 provide 52:16,18 55:14,17 72:24 82:4 86:4,7 89:20,22 131:17, 20 143:24 146:10,16 152:16 174:2 226:5 229:10 provided 95:17 105:19 106:5 113:21 115:5 117:9 127:3 144:1 148:14 200:20 242:6 providing 84:25 87:14 208:6 public 11:20 12:17,19 13:6,8, 24 14:13 15:13	16:9,15 24:2 27:2 38:17 39:24 40:1 58:25 59:8, 13 60:6,15,16 61:1,9,11 62:19 66:16,24 67:2 69:4 70:7,10,16 71:17 75:14 76:2,7,13,14 77:3,4 80:22 82:2 85:16 91:17 97:22,25 99:3 104:19 105:9,11, 14 106:3,10 107:1 108:19 114:8,13 128:1 138:23 143:4 146:8 149:14 151:11,12 153:12,15 154:2, 3,22 155:11 156:4,22 161:8 165:23,24 166:3 168:5 175:25 201:5 223:3 227:6 232:6 233:12 234:2,12, 19,25 258:11 260:25 275:23 276:5,15,18 277:3,7 278:9, 13,23 public-comment 58:23 59:9 publicized 41:24 publicly 12:5 38:15 81:9 104:23 109:16 139:6 143:22 153:19	published 158:3 pull 158:12 pulling 183:20 purple 246:22 purpose 76:18 94:17,20 97:4 99:4,5,9,10,15, 19 129:8,9,17,18 151:6 182:6 238:22 250:19 277:2,6 purposes 93:21 push 166:19 169:6 225:9,10 pushing 172:9 266:17 put 10:8 56:14, 21 57:2 70:16 76:11 83:18 96:9 105:5 127:23 128:20,21 136:24 148:23, 24 155:17 157:12 162:25 166:10 177:9,10 181:11 220:5 222:4 237:3 252:16 putting 148:22 161:5	10:4 14:10 37:24 38:1,4,22 85:8 99:22 112:10 114:2,25 115:22 116:9 118:6,12 123:21 124:8 127:11 129:16 139:22 150:19 153:24 162:11, 19,22 168:24 179:6 181:22,23, 25 182:2,3 183:11 185:15 189:12,24 190:18 191:22 198:24 200:23 202:11 207:2 208:14 211:15 213:1,7 224:11 227:2 235:9 238:20 244:11 245:12 250:8 264:22 questioning 22:5 114:22 116:13 118:17 273:23 questions 8:13 9:20 10:19 69:13 72:10 88:11 115:12 116:6,7, 23 117:16 124:22 125:6 127:25 149:1 177:25 225:7 236:19 268:4 273:18 274:6,14 275:8,13 279:5,9 quick 58:4 124:6 174:3 240:12 243:15 273:11	quicker 169:15 quote 165:18 204:17 270:1,2 quote/unquote 171:12 192:3 213:15 242:8 <hr/> R <hr/> R's 184:22 race 22:23,24 30:4 32:24 33:6, 15 41:24,25 45:22 107:12 132:10 140:7 159:22 180:22, 25 181:11,12,23, 25 182:17,23 183:4,17 race- 95:12 race/ethnicity 181:5 rac 33:7,24,25 34:13 90:19 94:18 95:18,25 96:6,9,15,18 97:1,5 100:6 107:7,12 135:1 146:13 183:14 rac 94:16 racial 42:3,6 77:22 78:1,20, 23,24,25 79:2,5 180:18 184:1 racial- 263:15 racialized 41:5 119:21 racially 78:21 93:2 94:23 95:11
--	--	---	--	---

ALI O'NEIL - 11/16/2022

Index: r..r

99:6,12,22,25 109:20 120:1 121:25 122:17, 22 123:1,10,18 124:2,9 125:8, 21,25 126:8,10, 14 127:7,14,16 143:25 147:1 164:11 205:16 263:15,20 raise 201:2,6 raised 196:14 ran 40:11 range 195:9 rapid 234:9 rationale 69:12 Ravenna 30:25 ray- 272:4 re- 102:8 233:5 253:21 265:1 re-election 32:23 33:9 34:5 reached 256:11 258:17 259:14 react 225:1 read 37:19,23 38:4,17,19 84:5, 19 86:10 88:5 101:19 104:16 121:4 138:4 141:17 146:2,25 152:12 163:12 165:22 189:19 198:14 199:22 200:2 203:7 211:10 213:7 214:4 215:4,6 218:6 219:19 220:8 222:14 224:15 229:8,20	238:7 241:23 247:1 252:10 256:10 271:4 reading 83:12,13 190:1 278:12 ready 70:5 203:7 269:5,20 real 91:12 171:21 240:12 243:15 reality 141:13 160:11 rearrange 155:19 reason 10:18 28:1 59:6 81:13 138:13 174:17 184:7 195:21 233:8 237:16 252:22 reasoning 144:25 159:4 237:23 reasons 131:16, 19 134:17 148:14,18 184:8 195:19,25 reassert 238:23 rebalance 155:22 Rebecca 24:22 38:13 rec- 207:3 recall 16:4,6 17:4 18:10 19:4 23:10 24:9,13,15 25:20,22 26:5,24 27:6,21 38:23 40:11 48:3 54:15 59:17 60:13 62:24 65:16,20 70:15 74:8 77:6 80:12,20 89:25	90:22 97:20 101:15,16 102:18 104:5,6, 24 108:2 109:17 110:20,24 111:23 112:15, 16,17,21,22 125:15 126:9,11 135:21 136:16 141:14 143:18, 21 144:9,15 147:3,4,10,11 148:17 149:19, 22,24 150:19,22 155:4 175:9 176:6,13,14,16, 18,22,24 177:4,6 178:15 179:22 180:6 185:20 188:7 189:21,25 190:13,19 195:11,13,15 197:17,19,20,21 198:4 199:3,11 200:10,12,17,19, 25 201:23 202:13,17 206:6 220:19,22 221:8 222:8,24 224:13, 16 226:15 227:18 228:18 230:2 235:16,18, 22 239:24 240:1 242:20 243:8,13 244:19,20 245:8 249:16,21,23 251:14 253:14 256:1,3 257:16 258:3 264:16,21 265:10	recalling 265:13 receive 76:22 113:13,19,21 154:25 155:1 received 60:25 61:8 69:5 74:7 75:13 76:1 101:2 114:7 115:23 118:13 138:15 141:21 180:18 181:3 196:8 205:22 227:19 260:3 receiving 69:16 115:10 recent 26:11 recently 19:6 218:7,15 recognize 129:1 137:9 194:25 204:12 206:25 207:4,20 209:12, 20,21 221:21 231:9 240:9 246:17 267:16 272:12 recognizing 64:7 recollect 256:21 recollection 111:21 141:4 238:12,21 242:2 256:16 271:23 recommendation 82:19 recommendation s 151:21 163:7 reconvene 221:16 recor- 151:20	record 7:13,24 8:21 9:21 58:9, 11 109:1 124:21 127:20 243:20 254:4 273:14,16, 19,20,23 274:16 275:12 279:10 records 15:14 136:14 recounted 11:25 recruiting 32:1 red 196:14 206:21 redacted 111:12 114:7 117:8,12 redistrict- 24:25 redistricting 16:1,7 24:18 25:1,8,14 27:13 35:10 39:13,14 40:6,9,18,23 42:20 43:9,11, 14,15,22,23,24 44:2 46:24 47:12,23 48:2,6, 22 49:4,6,11,19 50:18 51:2,5,11 52:6,7 60:5 62:24 63:3 65:7, 8 66:9 67:19,25 68:15 69:8,17 70:22 71:6 73:13 75:9,15 88:3 90:17 91:6,15 97:13 100:4 119:17,23 120:3 130:9 137:6,17 150:9 155:24 157:14 161:10 173:23 181:8,10,
--	--	---	---	---

ALI O'NEIL - 11/16/2022

Index: r..r

13 182:22,24 183:15 184:6 203:15 207:7 221:5 232:22 277:10,12,15 278:21 redistricting- director 45:11 redistricting- related 45:2 redrawn 203:17 Redristic- 40:6 reej- 164:14 refer 28:18 230:15 reference 188:22 226:12 referencing 130:23 referred 53:3 70:23 108:21 191:17,18 204:17 referring 28:18 142:19 143:17 165:20,24 182:9 184:25 186:4,10 188:9 189:22 190:15,21 203:13 211:4,19 212:4 213:23 214:2 218:13 219:22 220:2 222:23,25 223:11 227:17, 19 229:24 248:12 255:18 269:6,8 refers 139:4 142:25 188:11	218:4 230:1 252:2,8 reflect 85:20 151:15,20 178:2 183:13 242:1 reflected 71:23 154:23 181:13 reflection 178:4 refresh 271:11 refuting 143:23 regard 41:8 region 34:21 35:1,4 36:3,9,18, 20,25 37:4,15 38:9,15,25 39:3, 22 40:3 41:21 42:5,10 53:2,8 54:19,22 57:6 59:21 60:2,3 62:5,12 64:14,25 65:14 67:7,10,13 74:10 90:4,24 93:5 97:2 99:8, 23 107:12 120:2 122:18,23 123:2 133:16 135:10 139:3 144:21 152:13 153:25 164:15 190:7 203:19,24 205:17 212:3,13, 19,22 216:3,20 226:7 230:16 239:10 251:1 277:25 278:1,6 regions 59:19 71:1 169:20 170:2 277:23,24 regular 59:11 92:12	regularly 49:11, 15 59:10 61:2 139:10 regulations 150:15 reiterated 258:10 related 44:2,3 113:10 120:6 156:4 relatedly 8:20 relating 15:11 43:22 88:4 153:24 relation 126:12 255:10 relationship 45:23 47:5 50:17,21 51:10 139:20 relationships 92:11 release 66:21 70:5,10,18 71:17 73:6 80:22 97:21,24 98:2 99:3 104:15,18 105:11 114:9 143:4,5,6 149:14 153:12,19 154:10,21 156:22 161:11, 23 162:16 175:25 177:2 223:3 released 12:5 16:17 60:5,7,10, 16 66:17,23 91:17 103:22 109:16 143:22 153:14 233:11	234:24 releasing 129:20 157:2 relevant 131:25 137:25 reliable 101:23 102:5,8,10 103:10 reliably 142:11 reliance 234:3 relied 94:13 rely 139:19 remaining 25:13 remember 9:12 11:4 18:24 24:4 34:19 39:18 60:9,10 70:15 78:18 84:12 91:23 100:23 101:18 102:19 141:10 152:8 153:16,22 159:3 171:9 174:6 187:9 188:10,11, 12 189:14 198:8 201:4 203:21,22 204:1 205:23,24 210:2,6 212:21, 24 232:13 233:1 234:16 239:21 243:1 244:17 265:7,10 266:6 272:8 278:11 remembered 238:1 241:2 remembering 27:4,8 77:16 115:13 158:5 remind 146:25 147:1 185:4,8,12	232:25 270:7,9 reminds 190:2 270:10 rename 116:18 repair 99:2 repeat 103:15 166:12 201:17 244:11 265:23 270:24 repeated 185:3 repeatedly 87:16 165:23 243:25 rephrase 23:3 rephrasing 179:11 replied 263:4 replies 269:16 reply 263:4 report 23:23 48:10 91:16 95:17,20 96:4,9, 23,25 97:9,18 98:1 99:3,5,19 100:6 105:10 106:4 108:13 109:14,16,20 112:19 113:15, 22,24 115:24 146:20 158:3 183:13 223:17 reported 48:12, 13 182:17 reporter 8:17,20 10:8 79:14 108:24 109:4 128:19 136:21 reports 37:18 44:21,24 represent 7:10
---	---	--	---	---

ALI O'NEIL - 11/16/2022

Index: r..s

20:19 72:2 157:11 181:21 199:21 204:25 representation 72:3 130:21 131:2,18,21 226:6 representations 16:8 representative 22:5 32:8 190:5 represented 39:8 69:5 71:21 267:24 representing 7:16,21 235:1 Republican 72:1 91:3,19 93:5 96:17,21 103:6,8 144:24 149:12, 15 150:12 151:8, 16 152:3 169:2 170:11 171:3,11 185:22 186:15, 18,20 190:4 210:20,23 213:19,21 214:5 227:12 228:4 230:21 248:18 252:9 254:11 255:20 Republican- forming 242:13 Republican- performing 189:2 248:2 253:24 republicans 86:13,22,24 164:15 172:3,5	185:3 191:14,15, 16 202:5 211:8 213:12,15 214:25 218:10 226:24 229:22, 24 request 67:9,12 137:25 requested 275:12 require 28:8 187:12 236:3 required 9:22 75:10 77:18 81:7 103:13,19 139:2 165:3 179:15 requirement 143:13 144:3 152:15 164:24 179:13 requirements 13:15 82:10 89:12,14 106:8 122:5 requires 85:2,21 research 82:15 159:7 researched 121:4 resemble 209:22 resembles 197:22 reservation 35:20 61:15,20 64:15 158:22 190:25 198:6 201:3 205:19 reserved 279:16 residents 39:7 resolution 25:10 44:10,11 resolve 114:23	115:12 resource 44:9 resources 82:14 83:12 88:2,5 respect 71:2 respond 253:18 263:7 270:5 responded 195:14 220:20 responding 8:16 180:22 responds 273:7 response 9:13 113:13,17 114:13 137:11 149:7 177:17 200:19 221:23 228:7 232:17 244:6 246:7 252:10 262:7 267:19 responses 8:21 226:20 responsible 27:14 rest 92:7 result 72:2 93:9 108:3 178:9,11 211:11 212:13 228:12 236:25 resulted 122:1 results 96:10,14 98:1 100:11 retain 111:6 retained 20:18 111:9 return 170:14 191:11	returned 31:19 review 16:19 17:25 18:4 19:1 60:20 68:13 73:1 75:21 81:15,25 84:22 98:3 277:11 278:13 reviewed 15:23 16:1,3,5,6,25 18:6,8,17 19:5 Rights 61:25 76:21,23 77:4, 10,19 78:18 82:23,25 83:5,9 85:1,21 86:5 89:13,21 91:7 93:19 105:23 106:9 120:6,14, 16 144:2 151:8 155:8 157:24 208:24 Rittereiser's 33:3 role 25:14 32:19 44:3 46:6,21 47:3 51:5 52:3 54:23 235:11 roll 154:13 roll-out 127:25 roll-outs 154:4 room 13:6 234:19 254:13, 14,24 rotate 138:3 rough 157:19 roughly 142:13 176:16 round 69:24 146:7	Rudensky 88:17 rule 58:12 rules 8:11 run 34:7 run-up 70:7 running 46:18 rushed 14:8 <hr/> S <hr/> s'pose 28:5 s- 17:14 19:3 23:5 24:22 26:23 40:2 42:15 48:21 76:4 86:25 87:4, 12 99:5 100:12 104:6 115:13 122:13 179:9 180:13 192:6 198:13 203:15 205:2 209:13 239:21 248:3 249:8 258:21 273:24 277:19 Saldaña 24:22, 24 25:15,17 26:1 27:2 38:13,24 39:1 44:4 65:15 66:2,11 68:12 sample 155:13, 17 samples 158:3 197:25 Sarah 108:10 109:11 110:4,9, 10 sat 60:22,23 167:8 satisfied 221:4
--	---	--	---	---

ALI O'NEIL - 11/16/2022

Index: s..s

satisfying 230:16	screenshotted 267:18	Seattle 15:4 31:20 33:1	senator 24:23,24 25:15,16 26:1 27:1,4,15,17,20 38:13,24 39:1 41:23 44:4,17 48:12,13 65:15, 17,24,25 66:2, 10,11,12,13 68:10,11,12 69:11 70:1 130:1 133:20 231:13 232:12	16 87:1 152:12 213:1 215:7 271:3 sentiment 169:5 separate 61:4 62:19 113:7 192:13 223:14 separately 60:12, 13 186:21 September 29:6, 7 60:8 66:18,25 70:11 77:10 80:23 97:19 128:1,8 130:23 149:14 151:17 153:13 154:10 155:2,11,18 177:21,24 series 188:17 262:9 services 99:20 session 25:4 43:25 44:2,20 set 34:14 48:22 85:5 137:10 138:3 145:10 177:15 182:19 192:1,9 setting 12:22 settled 14:20,24 15:4 settlement 14:25 Sh- 123:17 shaded 246:22 shaking 8:23 shape 158:19 share 54:5,8,11, 12 74:13,16,20 83:19,24 89:6
scenario 140:22	scroll 129:10 145:17 152:19, 21 158:15 177:23 206:20 228:25 246:5 262:24 268:5,6	second-round 156:13 secretary 136:13 section 116:10 sections 278:4 secure 216:19 seek 82:20 274:20 seeking 64:24 117:7 selected 183:16 198:9 self-employment 30:19 senate 16:23 19:14,21,22 23:18,21 26:22 27:10,15 30:17, 24 31:8,12,15 33:18 35:9 41:24 42:11,13,15 43:1,4 44:16 46:14 48:7 70:1 86:13 87:1 91:4 97:8,17 98:7,13 100:20 105:19 107:3 117:19 120:22 126:13 129:7 130:5 133:20 144:10 155:6 156:14 184:7 185:5 194:2 195:13 198:17,20 200:5 208:22 220:11 223:2 231:13 245:11,18 246:18 262:17	senators 66:6,7 68:11,17 130:8 send 73:1,2,6 74:20 75:2,3 104:25 110:6 112:24 173:23 174:10 203:4,7 206:7 232:12 270:25 sends 269:22 sense 8:18,24 9:5,17 10:6 13:16,17,22 28:20 36:16 43:6 45:17 56:14,20 57:5 58:4,5 61:6, 11 64:1,7 71:6 91:6 102:7,9,25 103:11,17 121:24 124:23 135:10 145:25 160:10 166:14, 24 167:3 169:23 170:18 186:8 227:20 265:14, 24 266:3 268:20 272:20 sentence 86:15,	
scenarios 68:6,23 69:15 159:11 schedule 48:17 scheduled 27:25 49:15 63:11 school 29:13,14 Schupp 33:16 science 29:24 score 96:13,17 97:2 100:4,5 174:16 194:10, 16 199:24 205:11 scores 209:8 scratch 41:2 159:14 250:25 264:3 screen 83:19,25 84:1,2 104:9,10 105:3 108:5 109:7 119:16 128:2,24 130:15 136:25 157:12 160:16 162:24 193:1 196:20 202:22 206:18 217:23 228:23 231:7 240:7 246:1 252:24 262:4 screen-share 149:2 screens 188:20 screenshot 268:17 272:16 screenshots 246:6	scuse 30:23 34:4 53:6 105:8 124:5 129:5 144:23 155:10 193:2 SD 67:22 242:5 SDC 19:17,20 26:9 35:14 43:5, 8,11,16 44:24 45:3,5,9 48:9,11, 18 51:14,18 54:23 55:8 62:21 63:9,17 67:22 72:22 73:10 74:11 75:15 82:11,19,22 83:1 84:25 86:4 91:17 93:18 100:12 127:4 128:14 148:7 149:12 150:6 172:15 173:6 193:8 196:24 207:23 223:2 224:19 262:16 SDC's 49:3 226:18 SDC-STAFF 163:18 seat 86:14 87:1 133:20 200:5			

ALI O'NEIL - 11/16/2022

Index: s..s

104:1,9,20 110:17,22 115:11 123:4,5, 9,13,16 129:19, 21 130:2 162:24 188:20 203:5 206:11 219:4 240:17,21 274:9 shared 13:8 24:8 73:8 84:2 89:18 104:6 105:11 107:2 109:25 110:10 113:5,23 114:9 115:16,20, 24 117:20 122:25 149:12 151:24 154:1 188:25 189:17 197:6,10 199:16 204:5 206:9 207:19 208:11 219:13 233:11 shares 207:7 sharing 26:10 41:12 74:14 104:7,19 107:16, 20,24 108:11 110:3 119:15 136:25 149:19, 22 206:14 219:9 229:11 230:20 240:21 shielded 275:23 276:4 shift 13:4 211:11, 18 212:1,6,16 218:8 shifted 23:19 24:21	shifting 172:2,4 266:16 shifts 212:14 shorthand 164:8 230:9,11 Shortly 238:8 show 63:18 69:10 92:10 134:16,19, 23,25 140:5 184:13,14 188:20 190:6 234:21 showed 139:21 188:6 227:21,23 showing 135:5 139:15 142:14 shown 93:2 157:14 158:5 188:25 260:25 sic 14:6 33:10 42:1 43:20 44:16,17 48:2 57:3 65:12 73:5 76:13 83:11 87:16 96:16 99:2 136:20 138:9 139:23 140:2 180:4 184:23 185:19 192:6 204:10 207:15 217:15 231:13 242:13 252:13 270:4,22 side 46:1 121:21, 22 172:15 195:20 267:25 signature 279:16 significant 35:12 131:14 212:2,4, 7,14,16	significantly 87:5,6,9 131:12 sim- 26:23 similar 26:24,25 41:25 42:1 55:23 95:4 103:3 134:22 156:7 197:24 199:15 209:5 220:23 261:14 277:8,9 similarly 215:10 220:14 Simone 7:17 simplest 159:2 simply 9:10 134:13 Sims 16:22 17:3 20:12 47:14 63:16 65:4 100:13 101:3,8 102:12,17 103:12,18 123:11,17 147:24 149:23 153:14 159:17 168:23 169:23 171:14 175:8 178:7,13 179:6, 23 186:15 188:16,18 189:8 191:25 197:12 200:15 206:10, 22 213:11 214:18 218:2,14, 15,24,25 219:3 220:6 223:18 229:1 254:10,14 270:13 Sims' 154:17 178:5	Sims's 102:21 123:14 156:15 157:5 175:12 simulation 165:17 simultaneous 11:12 24:20 32:13 37:6 42:18 48:5 53:24 72:21 79:17 114:19 134:5 140:9,19 145:18 147:18 161:15 169:11 189:10 199:23 201:14 204:23 206:4 211:22 214:9,12 223:6 230:4 241:18 248:14 250:14 251:20,22 261:8 265:20 268:19 271:16 274:2 275:5 single 50:25 53:22 59:10 151:2 162:12 196:10 275:6 sip 124:6 sitting 44:24 151:2 situation 274:7 six-point 212:6 size 122:6 skeptical 174:18, 20 sketching 226:20 skills 46:8 slash 29:24 32:18 185:18	slice 180:16 slide 100:10,12 107:10 112:24 132:14 135:12 141:18 174:5 slides 105:22 129:11 slideshow 128:10 slightly 55:11 69:23 210:20,23 211:7 222:18 223:9,22 slow 58:18 slowly 197:16 small 29:3 48:9 51:22,23 66:7 74:5 150:5 157:9 194:23 255:7 small-group 26:9 smaller 53:20 68:11 sociology 30:5 soft- 165:17 software 69:20 73:14,16 75:11 165:17 180:14 181:9,14 184:13, 15 solely 191:12 254:12 solicit 58:25 65:8 soliciting 99:20 Somet- 48:11 Sonni 7:19 sort 11:15 34:21 35:4 42:5 43:19 54:6 55:3 56:25 62:16,19 67:2 70:12 72:12
--	--	---	---	---

ALI O'NEIL - 11/16/2022

Index: s..s

75:16 76:21 83:1 86:3,7 91:6 96:16 100:3 106:3 109:16 118:15 120:5 129:23 132:14 135:23 138:19 146:12 158:18 161:22 163:20 170:16 173:17 175:23 176:16 177:25 209:12 223:8 255:13 sorta 31:14 34:16 55:7 58:23 178:14 230:25 Soto 7:10 21:1 sought 261:16 sound 21:6 79:15 100:17 156:19 178:3 sounds 19:4 77:15 93:17 100:18 119:12 183:7 269:12 source 137:15 sources 16:10 37:19,21 south-central 34:23 south-central- washington 36:24 sp 21:11 sp- 163:16 spatial 56:22 spe- 233:1 speak 8:17 17:16,20 65:6	80:2,5 102:21 147:12 237:10 275:2 speaker 47:18 speaking 50:8 51:8 121:19 122:11 speaks 251:24 special 59:11 specific 24:16 26:5 32:11 41:10,21 42:4,9 53:7,13 59:16 65:25 72:10 76:17 77:22 79:2 92:1 95:13 96:14,22 102:19 104:7 107:6 117:15 120:1 126:11 135:1 147:10 150:12 154:14 155:5 169:20 175:10 178:6 179:13 190:20 191:7 200:13 202:17 212:23 220:18 232:8 233:2 235:14,17 244:17 245:8 253:9,14 254:20 257:13 258:4 259:13 265:3,10, 13 267:5 specifically 9:23 19:15 26:6 34:20 35:5 39:23 40:12 42:19 43:18 47:8 57:8 59:8 62:2 65:16 66:1,14	71:8 74:4,8 77:16,25 78:9,23 82:20 91:20,24 97:20 100:23 104:5 105:22 106:7 118:6 119:24 125:21 126:9 127:15 131:4 136:16 142:5 148:7,18 149:24 150:22 154:12 176:8,13 177:4 179:10 180:12 181:21 182:5 188:11 195:15 200:17 202:12 221:12 226:15,16 232:17 233:23 243:14 244:20 255:18 256:3 258:10 264:23 specifics 24:13 132:16 147:11 168:21 203:21 205:23 210:6 240:2 speed 278:3 spend 46:11 spending 50:25 spent 18:12 31:18 57:5 spilling 265:5 spills 224:9 spirit 168:9 split 156:1 251:10 277:21, 23 splits 71:14,15	splitting 131:8 201:2 spoke 17:3 20:6, 8 23:2 25:16 27:22 68:16,17 80:6,10 82:12,15 147:19,23,24 148:1,3 spoken 17:14 20:13 22:11 23:5,11 37:20 38:16 39:21,23, 24,25 126:7 262:15 274:6 spreadsheet 61:1,3,4 spreadsheets 76:15 spring 30:20 80:15,18 St 33:14 staff 19:20 26:22 47:7 48:11,24 60:24 61:2 63:7, 9,15,17 67:24 68:22,23 73:1 75:1,4,7 80:2,8 82:4,9,11 83:8, 10 88:9 91:5 102:15,22 103:12,18 104:22 105:1 110:18,20,23 123:6,14,17 124:1 125:24 127:3 130:7,9 149:23 151:1,21 156:15 163:7 164:22 165:9 167:9 168:22	169:24 170:19 172:15,19 173:6 175:3,12 180:11 182:11 187:14 189:8 193:8 194:2 196:24 198:18,20 200:15 206:10, 22 218:2 220:11 224:17,19 225:4, 11 239:2 258:13, 16,25 259:7,11, 12,17 260:3 262:16,17,18 staff's 166:5 staffed 51:4 staffers 39:15 48:20 75:24 130:10 180:10 staffing 43:19 46:2 staffs 188:18 stage 173:20 174:8 stamp 177:20 stance 165:4 215:14 stand 48:22 239:24 standard 85:5 162:9 standards 259:9 266:12 standing 63:11 stands 56:4 start 25:5 27:25 42:17 158:25 159:14 166:16 167:16 250:25
---	--	---	--	---

ALI O'NEIL - 11/16/2022

Index: s..t

started 25:3 31:15 33:17 35:14 155:11 158:6 232:17 starting 47:11 68:25 154:22 157:22 253:4 starts 218:7,14 241:11 256:10 262:13 state 7:20,23 22:4,15 24:23 31:2,3 32:8 33:21,24 34:9 38:8,13 40:13 41:14 44:14 46:23 47:15 52:7 55:1 56:5 57:25 59:1,18,20 61:12,23 62:3,7 65:10,12 66:17, 19 69:8 70:22 71:21,24 72:3,5 73:24 92:7 95:8 96:17 97:15 112:3 116:1 120:13 130:8 131:21 132:3 133:19 136:13 150:8,14 190:4 196:9 217:12 268:22 272:4 274:23 275:12 278:15,24 279:9 state's 130:22 131:2 state-legislative 165:25 state-legislative- district 153:20	state-legislative- district-map 66:24 stated 72:8 statement 27:2 152:7 268:10 269:5,6,7,8,19 271:1,3 statements 24:2 38:17 151:12 168:6 states 83:14 88:12 statew- 34:2 statewide 34:2,9, 13 71:23 72:4 95:12 96:6,15,18 stating 70:17 statistic 135:20, 22,23 statistical 99:5 119:20,24 120:1 143:24 statistics 30:6 194:11 199:2 statute 70:22 71:7,13 160:11 161:10 statutes 150:14 steeped 56:1 steps 82:9 83:8, 10 130:4 stick 232:6 239:16 sticking 178:16, 20 179:8 273:21 sticks 59:6 Stokesbary 22:8, 11 37:7 79:15	125:10 Stokesbary's 7:21 stop 119:15 206:14 279:8 stopped 42:13 stopping 127:19 178:1 straight 115:14 straightforward 183:7 strategies 31:1 224:21 strategy 144:22, 23 185:2 239:1 streets 57:7 strengthen 138:25 stressed 87:16 strict 174:23 striking 201:3 strong 35:24 56:9 69:6 strongest 221:3 236:25 237:3 studied 29:23 studies 119:21 study 29:22 subbullets 223:8, 13 subject 128:10 207:24 229:5 submitted 76:12 91:16 203:17 subpoena 18:6,7, 10 137:11 149:7 177:17 221:24 246:8 262:7 267:19	subsequent 115:17 subset 140:21 255:7,19,22 substance 118:25 substantive 24:9 successful 38:7 121:21 122:2 131:15 sufficient 32:12 53:1 55:24 58:14 111:18 121:24 132:8 144:3,5,17 236:20 suggested 45:14, 15 107:16,20 suggesting 247:14 suggestions 271:1 suggests 249:14 suit 11:18 18:23 suits 95:4 summarize 75:25 summarizing 76:2 summary 13:12 summer 30:19, 20,22 Sunday 229:2 super 138:10 supervisor 19:20 support 42:23 44:3 103:8 144:25 172:16 203:24 204:1 247:21 269:13 270:19	supported 103:22 supporting 43:19 44:8 supportive 54:18 166:17 supposed 101:6 225:5 237:7,21, 23 258:14 Supreme 88:6 268:22 278:25 surprise 104:24 275:7 Survey 68:3 92:5,6 survive 243:4 Susan 21:1 suspensions 93:1 swing 185:17,19, 24 186:2,5,16,17 192:3,11,14,20 210:21 255:9,10 swings 191:19 switch 133:12 switching 221:8 sworn/affirmed 7:5 synthesis 149:11 synthesized 44:15 Syracuse 29:3 system 39:8 <hr/> T <hr/> T'WINA 41:25 t- 63:20 75:15 170:19
---	---	--	---	--

ALI O'NEIL - 11/16/2022

Index: t..t

tab 204:8	268:19 271:16	245:19 246:6	251:16 254:20,	212:20 214:24
table 248:7 249:2	274:2 275:5	253:3	21,22 262:6,9	224:25 225:7,8
tabs 33:12	talks 39:1 211:10	technically 34:4	263:2 267:21,23	230:10 232:7,25
tacks 225:17	tapped 41:22	160:19 162:6	268:3 272:14,16,	237:13 241:3,5
tactic 215:15	task 160:6	191:3	20,24	263:22
tactical 195:25	teaching 31:19	telling 258:24	text-message	thinking 74:14
takes 22:23	team 7:19 16:8,	tells 90:17,18	246:14 268:8	106:9 144:16
181:9	24 23:20 26:9	ten 56:7 96:19	text/emails/chats/	205:10 212:21
taking 7:11	27:12 48:9,18	192:15	notes 232:8	thinks 216:18
10:24 13:6 57:2	51:14,16,17,23	tend 79:1,2	texts 267:18	thought 12:10,22
171:8 191:13,14	52:4,6 54:23	tended 89:23	th- 168:2 268:24	14:5 16:10 64:20
272:24 276:14	55:8 62:21	93:3,5	theoretically	69:5,21 81:5,7
talk 13:14 31:11	72:17,22 73:1,10	tentative 256:11	181:14	92:17 102:7
54:3 130:13	74:11 75:15	tentatively	there'd 103:6	115:11 131:11
153:11 175:24	84:25 86:4 89:21	255:17	thing 24:3 78:15	133:15 139:7,9
183:24 225:5	93:18 98:8,18	Tera 107:17	83:15 129:12	162:7 173:1
230:25	100:12,20,21	109:25 111:3,6,9	133:10 145:10	174:1 179:24
talked 20:3 38:15	120:23 121:14	112:24 113:6,14	155:20 156:21	185:6 202:8
53:19 122:16	126:13 130:9	114:7 115:10,17,	162:2 183:7,14	203:19 205:16
talking 11:12	144:10 148:7	20 146:11,16	195:16 198:4	225:25 237:15,
24:20 32:13 37:6	149:12 150:6	term 175:1	201:5 230:16	17 239:6 261:22,
39:4 42:18 48:5	154:12 156:15	180:16	244:1 245:15	23 263:1 266:12
53:15,16,24	163:18,19,20	terms 28:17	258:13	272:2
60:15 72:21	171:14,15	65:18 92:20	things 8:16,23	thoughts 232:15
79:17 114:19	172:19 178:5	118:22 122:11	12:3,9,12,15,20	thread 24:6,8
122:7 129:12	179:6 184:7	134:15 139:15	15:4,14 23:25	26:19 61:14
134:5 140:9,19	185:6 189:16	154:3 171:5	24:3,12 27:13	111:2 207:6,22
145:18 147:18	195:14 207:24	173:19 182:11,	30:8 31:24 37:18	217:25 218:23
149:10 151:10	208:23 209:2	12,13 186:18	38:5 41:13 42:2	229:1 246:14
161:15 169:11	220:20 223:2	236:4,6 237:1	43:23 44:1 46:16	262:12
178:15 189:10	224:19 225:4	265:11	49:1 56:17 69:14	threads 61:14
199:23 201:14	229:12,13,16	tested 142:10	93:17 121:7	throat 105:8
204:23 206:4	248:25	testified 7:5	122:1 130:14	124:20
210:9 211:22	team's 67:22	testify 14:21 28:8	131:22 142:23	thrust 61:11
212:21 214:9,12	96:24 155:6	testimony 153:5	143:1 155:19,25	Thursday 272:23
223:6 230:4	164:22 242:5	261:10	159:10 161:4,6	Tim 33:12
241:18 248:14	262:1	tet- 149:15	164:7 166:2	time 13:1,4 19:4
250:14 251:20,	teams 26:8,20	text 24:6,8 26:7,	167:8 168:17,18	20:6,8 25:14,17,
22 253:14,17	75:7 188:14	19 49:13 231:25	180:1 192:18	25 27:22 28:11
261:8 265:20	216:12 232:1		197:21 198:7	29:9 31:5,12

ALI O'NEIL - 11/16/2022

Index: t..u

33:20 35:9 36:6 37:12 42:11 44:9 46:18 57:6 70:9 75:18,22 77:16 91:13,25 94:5,13 101:10 103:16 104:20 111:7 112:10 115:1,14 124:8 125:1 127:3 133:2,5,7 141:5 142:22 152:11 160:23 161:19 166:12 167:20 169:13 173:20,21,22 175:10,17 176:1 177:20 186:12 187:1 188:12 194:9 195:11 196:7 199:4 204:2 205:10 210:1,5 211:25 212:9 216:10 222:12 224:18 233:4 234:10 235:18 236:20 241:5 254:14,15 255:6,16 257:10, 14,24 258:22 259:14 263:10 274:8,10,19,20, 21,24 275:1,3,9, 16 276:2 277:1 279:6,10 timeline 23:25 26:3 154:1 times 15:4 27:12 49:24 51:19,20, 22 52:11 55:12, 13 63:8,21,23,24 64:4,5,6 73:13	75:6 123:22,24 148:8,10 168:21 173:25 176:6 189:15 224:19 timestamp 268:14,16 timing 141:19 260:17 title 43:8 137:12 193:17 204:9,17 207:13 208:7 titled 193:8 196:25 to-do's 146:12 today 7:12 9:19, 20 10:19 20:18 22:9 220:15 today's 8:6 15:20,22 told 46:3 148:10 226:3 241:21 242:4 248:17 252:12 261:16 263:13 274:14 275:8 ton 92:5 116:5 tonight 184:18 tool 185:12 235:25 tools 174:12 top 36:10,14 84:12 106:18 149:15 151:3 168:4 198:8 199:11 208:19 217:4 topic 116:7,8 124:23 total 18:13 36:4,	18,22 63:8 198:15 touch 27:17,19 49:19 88:15 town 29:3 traded 236:3 trading 247:10 traditionally 92:14 training 32:1 76:22 77:1 trains 46:17 transcript 8:14 translate 122:3 133:24 134:18, 24 135:5 142:13 translates 139:15 translating 134:15 transmitted 208:16 268:22 278:24 transparency 234:1 275:18 transparently 13:19,23 14:5,16 travel 28:10 treat 274:8 treating 237:5 trend 95:9 trends 35:17 56:1,7 91:18 92:25 93:6 134:23 Trevino 21:21 Tri-cities 34:17 trial 14:17,21 27:25	tricky 17:7 trouble 240:20 true 23:7 53:1 87:12 161:1 187:16 205:20 219:5 249:3 trust 37:19,22 38:13 82:1 truth 10:10 truthful 10:18 Tues- 13:10 Tuesday 13:11 152:3 turn 42:11 70:4 76:21 84:18 87:10 93:11 132:13 138:2 157:21 193:20 194:15 204:15, 22 209:7,11 233:13 turned 199:24 turning 130:14 238:6 turnout 87:4,9 91:24 93:9 133:22 135:15, 24 136:3,9 138:6 139:5,21 141:2 142:3,6 152:13 165:13 205:13 221:10 tweaks 69:23 73:2 74:5 twenty- 80:15 Twenty-fi- 272:10 twenty-s- 235:3 two-page 143:9	type 38:18 78:5 90:14 91:11 142:15 210:2 types 132:1 typically 36:19 63:13 74:5,14,15 75:16 92:12,15 96:12 133:21,24 134:18 142:7,13 164:13,15 169:17 192:3 <hr/> U <hr/> U.S. 31:19 UCLA 82:25 uh-huh 8:22 ultimate 225:20 ultimately 64:10 82:18 113:5 174:25 258:6 umbrella 71:4 117:5 unavailable 28:2 unchecked 141:12 unclear 225:11, 16 underneath 117:5 226:17 underperforming 253:16 unders- 222:24 understand 9:2, 24 10:10,15 44:18 46:22,23 49:2 70:25 82:10 83:9,10 86:15 88:24 89:4
---	---	--	--	---

ALI O'NEIL - 11/16/2022

Index: u..v

106:10 109:20 116:23 117:17 139:19 145:3 197:1 198:10 210:22 211:10 216:25 218:13, 18 219:21 234:11 understanding 11:14,16 12:16, 24 14:24 15:3,8 22:18,20 36:19 52:5,25 53:5 54:17,24,25 55:22 62:15 64:16 67:20 70:13 71:5 77:18,20 81:12 85:19,20,25 86:16 87:19,24 89:18 92:24 95:4,16,20 96:24 97:3,4 99:12,24 100:5,7 103:9 105:25 106:2,6 109:17,23 114:10,12 120:18 122:21 123:1 126:14 134:20 139:12 143:24 157:10 159:5 160:12,15 162:3 164:23 166:7 170:7 171:4,22 178:19 179:4,19 180:20 181:11,18,24 192:13 195:1 199:7 204:16 205:5 208:1 211:3,18,24,25	213:10 214:14 216:6,16 217:11 221:2 229:11 236:1 242:5 248:22 249:4 256:16 258:19, 24 260:9,10,17 264:12 266:14, 23 270:22 277:17,20 understood 9:4 12:24 42:22 56:25 89:15 142:1 172:22 173:9 212:8,9 214:7 233:16 249:22,23,24 255:5 258:13 unfair 121:23 unfamiliar 28:6 unified 53:18 54:7 61:16,17 64:8,15,17 unify 56:18 198:5 unite 130:18 University 29:21 unmute 153:3 unpack 93:16 unrelated 142:16 unwilling 274:10 update 26:3 updated 154:21 223:4 updates 88:4 upload 75:16 uploaded 75:23 157:13	<hr/> V <hr/> v- 120:11 140:17 203:20 236:12 vague 13:25 201:16 209:24 217:9 245:3 257:3 vaguely 21:6 27:6 35:11 204:14 Val- 97:14 valley 35:13,18 52:13,20,23 53:21 54:7,16 55:5,18 58:1 60:18 61:13,24 62:8,22 64:3 65:14,23 66:15, 20 67:4,7,18 71:9 74:3 81:14 89:24 90:6,12 93:19 97:15 99:8,17 103:13, 20 112:1 120:5 121:15 122:18, 23 123:2 124:4, 11 125:9,25 126:8,15,21 130:19 131:23 132:8 136:4,10 145:5 147:21 152:4 154:19 155:1 156:5 166:1 167:12,22 169:25 172:12 176:4,12 178:17 179:21 194:7 198:23 203:8,12 204:12 214:19	216:14 217:4 227:6 230:13 239:17 261:4 265:19 266:1 271:6,14 Valley-area 197:22 202:16 Valley/south- central- washington 42:5 VAP 92:11,20 94:6,8,13 132:24 135:8 180:5 204:19 205:3 209:4 varying 154:5 vast 43:21 73:12 75:18 85:24 vein 61:19 veins 62:16 verbal 8:21 254:17,19,25 verbally 76:10 verse 96:16 version 74:21 99:2 105:9,10, 14,18 106:3,4 107:2,6 108:20 130:23 145:1 157:12 171:7 184:12 203:10 208:2,10 227:5 229:9,15 239:17 247:22 248:17 249:1 versions 52:12 55:4 versus 11:6 94:13 96:20 148:15	via-email- exchange 174:4 vid- 50:4 video 50:5 116:21 view 13:24 54:5, 8,11,13 64:24 65:3,22 75:17 81:11,12 89:7 123:13 131:24 134:4,10 182:21 223:25 250:2 275:24 276:5,15, 18 viewed 69:1 144:22 169:4 171:20 172:17 187:21 228:9 234:1,3 viewing 74:22 75:12,20 171:4 191:11 197:17 215:14 views 53:10 71:21 85:1 102:17,19 123:4, 5,9,16 125:8 violated 11:20 violates 22:21 violating 11:19 violation 15:8 85:14 277:3 violations 120:16 virtual 50:10 visible 84:4 visited 88:3 vocal 270:13,17, 18 voices 39:5 40:8
---	--	--	--	--

ALI O'NEIL - 11/16/2022

Index: v..W

vol- 121:25 vote 44:9 79:1,2 86:22 93:3,5 131:13 134:12, 19 140:24 168:7 169:3 172:25 185:11 225:21 234:14,22 236:10,11,14 247:22 259:16 260:6,7,10,17,23 265:12 270:15 278:14,15,16 voted 13:9 14:10 44:12 131:13 136:15 140:3 234:25 236:23 258:6,18,25 259:2 260:11 273:4 voter 135:15 136:9 140:4,5 152:13 165:13 196:11 voter-turnout 147:8 voters 41:5 62:9 67:14 72:1 78:2, 7,10 85:14 86:18,22 87:5,9, 11,13 88:20 90:5,12,25 92:18,21 93:9 94:25 95:1,6 99:7,23 119:22 121:22 123:11 124:3,11 126:16, 22 127:8 131:9, 13,21,22 132:7, 11,12 133:16,22, 23,25 134:2,12, 13,18,25 136:4 138:7,9 139:15, 24 140:2,3,13, 14,15,16,17,18, 20,22,23 142:14 160:9,20 161:5,8 164:10 165:14 174:21 184:22 190:7,24,25 195:3 199:9 200:9 202:6 203:19 205:14 221:12 226:6 250:3 263:17 votes 134:16 278:10 voting 14:12 36:10 44:18 61:25 71:23 72:4 76:21,23 77:4, 10,19 78:18,21, 22,23 82:23,25 83:5,9,11 85:1, 20 86:4,5 89:13, 21 91:7 93:2,19 94:24 95:11 99:6,12,22,25 105:23 106:9 109:21 119:21 120:2,6,14,16 121:23 122:1,18, 22 123:1,10,18 124:3,10 125:9, 21,25 126:8,10, 15 127:7,14,16 134:14 136:14 144:1,2 147:2 151:8 155:8 157:24 164:12 205:17 208:24 260:18 263:16, 20 voting-age 36:2, 8,21 92:3,16 131:10 133:6,9 134:11,24 139:14 174:13 voting/election 88:2 voting/ redistricting 88:5 VRA 53:3 79:21 80:3 81:2,7,11 82:6,10 83:13 88:19 93:21 95:4,24 97:14 99:14,16 103:12, 19 111:19 120:12 142:19, 24 143:2,12,20 144:19 150:10 154:20,24 155:3, 15 156:4 158:10 162:8 164:24 165:19 166:10, 15,25 167:3,11, 21 168:17 169:1 172:23 173:1 176:3,11 178:25 179:13 184:22 191:3,11 199:19 204:10,17 212:2 215:14 220:12 222:14,15,22 223:13,16,21 225:13,24 226:4, 17,18,23,25 227:3,5 235:19, 24 236:13,15 237:1,4,5,8 241:22 261:21 263:1 264:7 272:2 VRA-COM- 172:17 VRA- COMPLIANT 53:4 64:12,13, 18,25 65:23 66:14 67:6 81:14 103:23 111:25 120:24 121:8 123:21 125:18 139:1 144:20 145:1,4 153:24 158:21 162:4 163:24 164:17 168:8 169:24 171:8 172:9,18 173:9 187:21 197:23 203:20 216:7,13 217:3 221:3 223:1 230:11 235:10, 11 238:24 239:6 251:5 261:3,13 263:11,14,24 264:13,20 265:16 266:1,13, 15,17,20,22,24 270:2,19 271:5, 13 272:6 VRI 270:22 vy- 99:7 124:10 <hr/> W <hr/> w- 60:1 61:8 93:24 118:15 154:19 167:13 172:24 186:1 190:15 195:5 266:12 Wa- 155:19 wait 8:15 175:18 198:13 220:10 waiting 269:5,7,8 waive 117:21,24 118:2 waived 117:2,20 waiving 117:20 Waknin 7:19 walk 69:12 73:3 Walk- 171:13 Walkinshaw 16:16,23 20:9 32:8,14 42:24 43:1,19 45:16,19 47:6 48:16 49:5 50:1,12,18 51:11 53:11 54:12 58:1 62:13,20 63:4, 10,16,19 65:1,6, 22 67:17 68:13 69:11,13,25 72:7,8,24 73:3 74:12 75:3,25 76:9,19 81:18 84:16 85:1 88:18 89:6,12 100:13 101:3,5 102:2 106:20,22 111:13 117:14 121:11 122:23 125:7,16,19 126:6 128:7 129:6,20 138:24 144:11 147:23 148:3 149:11,20
--

ALI O'NEIL - 11/16/2022

Index: W..w

151:11,16 153:14,18 154:17 157:16 159:17 163:5 167:14,24 168:2 175:5 176:3,10, 25 178:10 179:5, 24 185:7,10 187:15 188:14 189:15 193:4 197:3,5,11 200:20 201:1,6 206:1 208:20 217:3,6,12 218:24 220:6 223:3 224:23 225:1,12,19 238:2,8,23 239:20 244:7,13 245:6 248:6,16, 25 250:11,23 254:8,10,15 260:8,9 264:8, 13,20 265:14,25 266:19 267:24 268:10 269:9,16 270:5,11 271:8, 12 272:4,15,17 273:7 Walkinshaw's 32:9 49:7 66:3 70:11 72:17 82:9 103:24 121:14 129:23 154:12 157:6,13 161:12, 21 166:8,14 195:14 202:15 Walkisaw 270:4 wanna 7:14 17:9 28:22 42:11 58:18,22 72:12	76:21 80:15,17 84:18 98:5 111:1 115:1 116:12 127:24 130:13 132:13 136:20 138:2 145:9 148:19 153:11 162:23 164:2 175:14,23 177:7 180:1 184:16 187:22 192:21 196:16 197:9 202:20 209:20 210:14 217:20 221:18 222:3 228:20 230:25 231:3 233:13 238:19 239:22 240:3 241:9,20 252:13,14,16,23 254:6 258:23 264:1 267:13 272:9 273:17 274:15 wanted 12:10,13 16:19 29:12 40:7 46:3,4,22 58:11 64:11,14,17 69:14,15,21 71:10,12,20 72:2 81:19,20 82:2 92:9 139:19 154:21 159:12, 14 160:7 161:10 169:7,21 171:11, 17,25 177:25 181:16 185:22 187:20 191:12, 15 192:1 199:18 203:10 215:16 216:3,4,6,13,19,	23 224:25 225:25 233:5,8 239:9,16,20,22 242:12 243:2 249:24 253:22 261:25 262:1 272:1,3,4 wanting 215:12 Washington 7:21 11:5,17 28:25 29:5,6,8 30:24 31:1 33:22 34:2, 9,11,24 38:8 40:13 41:1,4 56:6 70:22 71:22 95:8 97:15 120:13 133:19 142:3 229:21 239:12,16 251:1 Wasser 27:9 51:20,25 262:22, 25 water 124:6 ways 12:18 38:20 41:19 76:8 162:11 185:12 197:24 221:5 weaker 226:22 website 88:3 WEDNESDAY 7:1 week 28:2,12,13 49:20,21,24 52:11 55:12 167:10 232:12 240:25 weekend 17:11 weeks 28:14 63:22 101:10	well-known 41:24 western 197:24 Where'd 29:2 white 28:18 39:7 99:7,23 119:22 123:11 124:3,11 126:16,22 134:18 164:14 180:5,7 181:23 182:4,25 winning 126:22 witness's 275:2 witnessed 40:3 233:7 won 90:20 wondering 58:3 wonky 16:13 word 132:2 151:3 words 8:22 54:15 250:18 work 11:8 13:3, 10 15:13 16:1 23:20 30:19,21, 23 31:2,7 41:10 42:14,19 45:8 47:7,11,19,25 51:2 59:4 70:7 75:10 97:13 120:21 137:16 144:19 180:14 231:20,23 232:15 235:1 236:25 259:12 271:9 worked 19:17,18 23:19 24:22 27:11 30:17,18 32:4,14 33:5,8	38:8 45:20,21,24 46:3 47:10 48:20 50:16,24 82:11 97:12 184:11 229:8 277:12,15 workers 39:2 working 24:17, 24 25:25 26:1 31:15 33:20,21, 23 34:8,11,12 35:14 38:14 39:3 40:25 41:3 42:13 46:11 47:14,17, 22 50:17,21 51:1,10 68:1 97:16 117:4 120:25 158:20 171:23 183:9,23 204:1 229:12,13 234:18 258:14 259:18,19,20,23 266:18 works 28:6 workshop 76:23 77:2 worries 241:19 worth 171:20 woulda 101:11 244:20 write 106:25 224:13 231:15, 16 242:11 254:9 260:2 writing 33:7 275:20 written 12:1 76:20 87:18 180:2 231:2 242:17 243:1
---	--	--	---	---

ALI O'NEIL - 11/16/2022

Index: w..z

<p>wrong 226:9</p> <p>wrote 111:13,16, 20 139:12 147:3 163:4 165:18,22 180:7 222:4,13, 17 224:4 231:17 244:5,19 246:21, 25 254:7</p> <hr/> <p>Y</p> <hr/> <p>y'all 203:7 229:9</p> <p>y- 25:2 47:22 220:1 221:11</p> <p>Ya- 136:9</p> <p>Yakama 35:19, 20 61:15,20 64:14,17 130:18, 21 158:22 161:6 198:5 201:2 205:18 222:14</p> <p>Yakima 34:12, 14,22 35:5,13, 18,20 39:24 40:3,10 41:21 42:5 52:13,19,23 53:17,21 54:7,16 55:5,18 58:1 60:18 61:12,24 62:8,22 64:3 65:14,23 66:15, 20 67:4,7,18 71:9 74:3,9 81:14 89:24 90:6,12 93:19 97:14,15 99:7, 16,17 103:13,19 112:1 120:5,15 121:15 122:6,18, 22 123:2 124:3,</p>	<p>11 125:9,25 126:8,15,21 130:16,19 131:23 132:7 135:15 136:4,7,9 145:4 147:21 152:4 154:19 155:1 156:5 165:25 167:12, 22 169:25 172:12 176:4,12 178:17 179:21 190:10 194:7 197:22 198:23 202:16 203:8,12 204:12 214:19 216:14 217:4 222:14 227:6 230:13 239:17 261:4 265:19 266:1 271:6,14</p> <p>Yakima-area 172:1 202:18 270:16</p> <p>Ybarra 21:25 22:4 189:20 190:3</p> <p>year 30:18 31:18 32:3 33:10 42:14 49:6 87:7,8</p> <p>yearly 56:3</p> <p>years 41:18 56:8 87:10 96:19 133:21 135:25 136:1,3 147:9 200:6 221:11</p> <p>yell 243:15</p> <p>yesterday 137:20,22,23 211:11 229:10</p>	<p>yielding 172:23</p> <p>York 29:4,16</p> <p>Yurij 88:16 121:5</p> <hr/> <p>Z</p> <hr/> <p>zoom 84:9 198:2</p>	
--	--	--	--