

including the requirement to produce a privilege log for any asserted privilege, which it has failed to do—and by the adversarial nature of the judicial process. The NCDP asserts that Democrats cannot win a majority, but their own analytics show they can. Now NCDP wants to hide that information from view. The NCDP claims privilege but does not provide a privilege log. The NCDP claims protection from a confidentiality agreement but does not provide that agreement. The NCDP advances four reasons why it should not be required to produce the requested information and all are overcome by governing rules and law: 1) it is contractually prohibited from producing under its agreement with the Democratic National Committee (“DNC”) even though no private agreement subordinates discovery obligations; 2) the document requests are cumulative, disproportional, and not designed to lead to the discovery of admissible evidence even though they go to the heart of Plaintiffs’ Amended Complaint; 3) the document requests are improper because they seek information from political interests in a political case; and 4) the information is protected from disclosure by the NCDP’s First Amendment associational privilege without any showing of such privilege. For the reasons detailed in the Motion and herein, the NCDP should be compelled to produce responsive materials.

I. The NCDP’s obligation to produce responsive materials transcends any confidentiality agreement.

The NCDP argues it cannot share the requested information because of an agreement with the DNC. (Plaintiff North Carolina Democratic Party’s Opposition to Legislative Defendants’ Motion to Compel Production of Documents from N.C. Democratic Party (“Opposition”) at 5). This argument has no merit. “As a general rule, ‘confidentiality agreements will not stand as a barrier to discovery between two parties in litigation.’” *See Shvartser v. Lekser*, 270 F. Supp. 3d 96, 98 (D.D.C. 2017), *reconsideration denied*, No. CV 16-1199 (JDB), 2017 WL 8944428 (D.D.C. Sept. 14, 2017) (*quoting Saini v. Int’l Game Tech.*, 434 F.Supp.2d 913, 922 (D. Nev. 2006)). A

confidentiality agreement does not create a legal privilege for any documents that were not already privileged. *Id.* If the documents truly are confidential or non-public trade secrets, the NCDP should have taken advantage of the Consent Protective Order that it negotiated with the parties, issued by this Court on April 5, 2019, where “non-public trade secrets” may be designated as confidential. (Order at para. 2 (Apr. 5, 2019)). The NCDP failed to do so. Instead, it is simply telling Legislative Defendants and this Court that it will not produce the responsive materials because of some agreement it will not produce.

Pursuant to Rule 34 of the North Carolina Rules of Civil Procedure, a party may request that any other party produce documents “within the scope of Rule 26(b) and which are in the possession, custody or control of the party upon whom the request is served.” N.C. R. Civ. P. 34(a). “[D]ocuments are deemed to be within the possession, custody or control of a party for the purpose of Rule 34 if the party has actual possession, custody or control of the materials or *has the legal right to obtain the documents on demand.*” See *Lowd v. Reynolds*, 205 N.C.App. 208, 215, 695 S.E.2d 479, 484 (2010) (quoting *Pugh v. Pugh*, 113 N.C.App. 375, 380-281, 438 S.E.2d 214, 218 (1994) (emphasis in original)). The NCDP clearly has access to responsive materials, and those materials should be produced.¹

The NCDP claims that the VAN database that houses the support scores “is not on a server owned or controlled by the NCDP.” (Opposition at 6). To be clear, the Legislative Defendants do not want data on individual voters from the DNC’s server. What Legislative Defendants seek are

¹ The NCDP hangs its hat on *SciGrip, Inc. v. Osa*, 2015 WL 5676989 (N.C. Super, Sept. 28, 2015), to argue it is not required to produce the requested documents. In that case, the Court denied a motion to compel documents on an employee’s laptop owned by his company. *Id.* As part of that Court’s reasoning, it stated that those same documents could be obtained from the non-party corporation instead of by way of a Rule 45 subpoena. *Id.* at *4. The Court went so far as to invite additional motions to compel if efforts to obtain those documents from the non-party company failed. *Id.* at *4. This case, involving a discovery request served on a party for materials in its possession, custody or control, is not governed by a court’s decision to protect non-party individuals and prevent back-door subpoenas to a company through an employee’s laptop (and even there the Court kept that back door open).

district-level compilations, summaries, reports, or analyses of support scores and other derivative documents that are in the possession, custody, or control of the NCDP, which the NCDP suggests it has in its opposition brief. (*Id.*). Moreover, the NCDP has access to the Votebuilder application, which its own website describes as “the North Carolina Democratic Party’s online organizing tools.” (*See* <https://www.ncdp.org/about-votebuilder/>) (last visited May 20, 2019). As set forth more fully below, it appears the NCDP can—and likely did in 2018—use the Votebuilder application to generate lists and analyses of categories of voters in specific legislative districts.

Curiously, the NCDP’s opposition brief makes no mention of the Votebuilder application or the terms of its use under the agreement with the DNC. Instead, it asks Legislative Defendants and this Court to evaluate its claim that it cannot turn over any “derivative work product that reflects support scores” based on portions of three paragraphs of that agreement. (Opposition at 6). Neither Legislative Defendants nor this Court can properly evaluate the merits of that argument without examining the full agreement. For example, the quoted portion of Section I(G) of the agreement purportedly states that “neither the DNC nor the State Party may license, transfer, or swap the Proprietary Data of the other party, *except as permitted under this Agreement or separate explicit grant.*” (Affidavit of Kimberly Reynolds at ¶ 9, Ex. A of Opposition) (emphasis added). By only quoting sections of a few subparagraphs of the agreement and by failing to attach a full copy of that agreement, the NCDP has not given the Court the full picture. There could be provisions in that agreement permitting disclosure, as suggested by the “except as permitted under this Agreement” language.

The NCDP is correct that the Legislative Defendants have sought this information from the DNC. But the DNC has never mentioned any agreement between itself and the NCDP prohibiting the disclosure of the requested information. In fact, the DNC has objected to the Rule

45 subpoena from the Legislative Defendants on the grounds it does not possess this information, and that any information it does have can be obtained from the NCDP. (*See* Letter from Amanda Callais to Trevor Stanley, April 5, 2019, attached as Exhibit A). Specifically, in response to the Legislative Defendants’ subpoena, the DNC wrote: “[T]he North Carolina Democratic Party, a Plaintiff in this suit, is better positioned to provide information related to the North Carolina legislative redistricting process as well as the recruitment and funding of Democratic state level candidates” and that “[t]he DNC does not generally engage in the direct recruitment or funding of legislative candidates nor does it make expenditures directly on their behalves.” (*See id.*). In their opposition to the Legislative Defendants’ motion to enforce the subpoenas in D.C. Superior Court, the DNC and DCCC once again directed Legislative Defendants to the NCDP, claiming that the “NCDP is better positioned to provide the information sought” and that “as a Plaintiff in the underlying North Carolina Litigation, NCDP is a far more convenient source than either of the Committees.” (DNC Opposition at 5, 16, attached as Exhibit B). The DNC claims it does not have the information, and that any information it does have can be obtained from the NCDP. The NCDP suggests it has this information, but claims that it cannot turn it over because it would violate the terms of the agreement with the DNC, and should instead be obtained from the DNC. Legislative Defendants ask this Court to end this circular finger pointing and compel the NCDP to produce relevant materials in their possession, custody, or control.

II. The materials sought go to the heart of Plaintiffs’ claims and are within the scope of North Carolina’s discovery rules.

The NCDP is wrong to claim that Legislative Defendants seek materials beyond the scope of permissible discovery. At the heart of the Amended Complaint is Plaintiffs’ claim that they are prevented by the map from electing Democratic representatives and senators to the North Carolina General Assembly. (Amend. Compl., ¶ 1) (“Republicans in the North Carolina General Assembly

have egregiously rigged the state legislative district lines to guarantee that their party will control both chambers of the General Assembly regardless of how the people of North Carolina vote.”). But discovery has shown that support scores and related materials—in other words, those materials sought in this Motion to Compel—relied on by the NCDP in 2018 showed that Democrats could have elected a majority of seats in both chambers of the General Assembly. North Carolina’s discovery rule, N.C. R. Civ. P. 26(b)(1), provides that “[p]arties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery *or to the claim or defense of any other party...*” (emphasis added).

The NCDP claims that the 2017 Plans “frustrate and burden” its ability to fulfill its purpose of persuading voters to elect Democratic candidates to the North Carolina General Assembly. (Amend. Compl., ¶ 8). The Amended Complaint alleges that the 2017 Plans impermissibly classify voters on the basis of their political affiliations and viewpoints, and that the “[t]he intent and effect of these classifications is to dilute the voting power of Democratic voters, to make it more difficult for Democratic candidates to be elected across the state, and to render it virtually impossible for the Democratic Party to achieve a majority of either chamber of the General Assembly.” (*Id.* at ¶ 203). The NCDP and other Plaintiffs also allege that the 2017 Plans have “burdened the associational rights of Plaintiffs and the NCDP by making it more difficult for Democrats to register voters, recruit candidates, attract volunteers, raise money, campaign, and turn out the vote, by reducing the total representation of the Democratic Party in the General Assembly, and by making it virtually impossible for Democrats to constitute a majority of either chamber of the General Assembly.” (*Id.* at ¶ 219; *see also id.* at ¶ 221).

The NCDP and other Plaintiffs could only make these assertions after reviewing the data and information in their possession regarding voters' support for Democratic candidates in challenged legislative districts and evaluating their ability to effectively target and persuade these voters. The district-level analyses, summaries, and compilations of these support scores and other derivative documents would show what the NCDP and other Plaintiffs truly believe their chances of success of doing the activities listed above in each of the challenged districts in order to elect Democratic candidates. The NCDP claims it "does not use support scores to determine district competitiveness." (Affidavit of Kimberly Reynolds at ¶ 9, Ex. A to Opposition). Yet, in the same breath, the NCDP admits that it and its candidates use support scores "for sizing audiences for campaign purposes, strategizing voter outreach, and making decisions for the campaigns internally." (*Id.*). Furthermore, "the NCDP relies upon this extraordinarily sensitive and proprietary political data in coordinating with campaigns and in targeting and communicating with voters, all in support of the NCDP's mission of working to elect Democrats to office." (Opposition at 12). By its own admission, the NCDP uses the requested information to identify, target, and persuade voters to elect Democratic candidates in North Carolina, all activities Plaintiffs claim are impaired by the 2017 Plans. The NCDP's own website states "[w]hen a campaign buys Votebuilder they also get modeling on turnout, *democratic support likelihood*, volunteer likelihood, and more" and "Votebuilder was built to allow campaigns to run and manage a full-scale field program from *targeting likely supporters and contacting your targets, to analyzing the effectiveness of your program*...If your campaign decides to purchase Votebuilder from NCDP, your campaign receives a standardized set of scores used by other campaigns from our statewide races down to our city council races." (See <https://www.ncdp.org/about-votebuilder/>) (last visited May 20, 2019) (emphasis added).

Recent testimony shows that members of the General Assembly relied on this information in their races in recruiting candidates, persuading voters, getting out the vote, and in raising money. Representative Graig Meyer testified that his campaign, the House Democratic Caucus, and the NCDP have access to support scores that are “essentially meant to give you a one-number snapshot of how likely is that person to vote for a Democrat.” (Transcript of deposition of Graig Meyer (“Meyer Dep.”) at 89:17-23, 90:23-91:1, attached as Exhibit C). His campaign has used those scores to identify voters “to contact, whether that be through direct contact, such as door knocking or telephone calls or for paid communications such as mailing to their house.” (*Id.* at 90:9-14).

Tellingly, the NCDP spearheaded a political effort in 2018 called “Break the Majority” in an effort to break the Republican-held majority in the North Carolina General Assembly. (Transcript of deposition of Morgan Jackson (“Jackson Depo.”) at 32:2-6, attached as Exhibit D) (“Break the Majority was a partnership with the state Democratic party and between the state Democratic party, the state house caucuses, and the state senate caucuses, and Governor Cooper.”); (*id.* at 36:4-22) (the North Carolina Democratic Party helped conceive of Break the Majority). Kimberly Reynolds, former executive director of the NCDP and an affiant in NCDP’s brief in opposition to this Motion, was one of the people who ran Break the Majority on a day to day basis. (Jackson Depo. 32:24-33:4). Consultant Morgan Jackson, a top strategist for Governor Roy Cooper, and at the helm of Break the Majority, testified about the importance of the support scores and how they were used to raise money to fund Break the Majority. He testified that support scores were used in all of the districts for Break the Majority’s campaign for turn out the vote efforts. (*Id.* at 152:2-18). He described how voters are assigned scores from 1 to 100 based on their support for Democrats and their likelihood to vote, and how voters were targeted based on their scores. (*Id.* at 152:20-154:3; 155:6-21; 155:22-156:6). Mr. Jackson explained that voters could be calculated in

a district by searching for how many voters fell within certain ranges of support and turnout scores to identify “persuadable” voters to be targeted for outreach efforts. (*Id.* at 156:7-157:8). The NCDP argues this map prohibits them from raising money and winning seats—but their own witnesses have testified that the support scores are used to do those very things. The support scores and accompanying documents are relevant to Plaintiffs’ claims to the extent they show the levels of support for Democratic candidates and their issues on the district level.

Moreover, documents produced by the NCDP show how it has worked with the DNC to modify and update the information in Votebuilder to meet the needs of the NCDP and its caucuses in order to analyze legislative districts. Despite the NCDP’s claims that this data is not used for redistricting purposes, the NCDP requested in an email titled “Redistricting?” that the legislative districts under the 2017 Plans be reflected in their database as compared to the 2012 legislative districts. (*See* NCCP_0011679-11684, attached as Exhibit E; *see also* NCDP_0037282-87, attached as Exhibit F). The DNC appears to have implemented that request, and even provided numbers of the voters whose districts changed between the districts as passed by the legislature in August 2017 and the 2012 legislative districts. (*Id.*). In January 2018, a campaign staffer for a North Carolina House candidate emailed the NCDP asking if Votebuilder had been updated with the districts drawn by the Special Master in order to determine whether House Districts 82 and 83 had been changed. (*See* NCDP_0005689, attached as Exhibit G). And presumably in reference to Votebuilder, a 2017 NCDP newsletter stated that “[t]he data team also worked on a project to take the new legislative maps and help give us a fuller picture of what the new districts looked like, outside of the data that the NCGA supplied. This project has the ability for future applications to better understand the makeup for political districts from city council to congressional level analysis.” (*See* NCDP_0026337-39, attached as Exhibit H). The NCDP is clearly evaluating the

partisan leanings of its legislative districts and the support for its Democratic candidates in those races. The district-level analyses, summaries, compilations, and other derivative work product incorporating support scores show what the NCDP and other Plaintiffs truly believe their chances of success are in these districts, and bear directly on their claimed harm in this case.

III. The requested documents are sought to rebut Plaintiffs' claims.

The NCDP points to subpoenas issued by Legislative Defendants to contend that the discovery at issue in this Motion was for an improper purpose—to “gather political intelligence” from Legislative Defendants’ political adversaries. (Opposition at 9). But Plaintiffs brought a case arguing burdens on political interests and Legislative Defendants issued subpoenas to legislators and political organizations and consultants for the very mundane purpose of discovering Plaintiffs’ potential witnesses and information relevant to Plaintiffs’ claims.

Moreover, these subpoenas demonstrate the efforts Legislative Defendants have made to obtain the information requested from the NCDP through this motion to compel. To date, Legislative Defendants have obtained documents from two of the twenty-four subpoenaed individuals and organizations. All but two of the Democratic legislators objected to the subpoenas on the grounds of legislative privilege, and the two who did not object have yet to produce any documents. All of the other individuals have failed to produce any documents, and only two of the seven subpoenaed organizations have produced documents while another two are subject to a separate motion to compel in D.C. Superior Court.² If anything, these subpoenas demonstrate that

² Plaintiffs have objected to nearly all of these subpoenas because they were purportedly issued after the end of written discovery, which Plaintiffs contend was April 17. Consequently, nearly every individual to whom the Legislative Defendants have issued subpoenas have argued the subpoenas request for documents was issued late. The April 17 deadline, however, was intended to apply to discovery from *parties*, Plaintiffs and the proposed intervenors. The Rule 45 subpoenas issued by Legislative Defendants were timely served well in advance of the May 17 deadline for the close of fact discovery.

Legislative Defendants have exhausted all other avenues of obtaining the requested information, information that the NCDP as a party should be compelled to produce.

IV. The NCDP cannot hide behind blanket claims of privilege to shield these highly relevant documents from disclosure.

The NCDP's claim of First Amendment privilege does not shield this information from disclosure. A party asserting a claim of First Amendment privilege must first demonstrate a "prima facie showing of an arguable first amendment infringement." *Perry v. Schwarzenegger*, 591 F.3d 1147, 1159 (9th Cir. 2010) (quoting *Brock v. Local 375, Plumbers Int'l. Union of Am.*, 860 F.2d 346, 349-50 (9th Cir. 1988)). This prima facie burden is met by showing that enforcement of the subpoena will result in: "(1) harassment, membership withdrawal, or discouragement of new members, or (2) other consequences which objectively suggest an impact on, or 'chilling' of, the members' associational rights." *Id.* (quoting *Brock*, F.2d at 350); see also *Tree of Life Christian Sch. v. City of Upper Arlington*, No. 2:11-CV-00009, 2012 WL 831918, at *3 (S.D. Ohio Mar. 12, 2012) ("[A] party must 'demonstrate an objectively reasonable probability that disclosure will chill associational rights.'").

The NCDP has not met this burden. The NCDP simply asserts that the requested information is "extraordinarily sensitive and proprietary," (see Opposition at 12), notably without making use of the Consent Protective Order which NCDP negotiated and allows for designating material as "Confidential" or "Highly Confidential/Outside Attorneys' Eyes Only." (Consent Protective Order (Apr. 5, 2019)). The only "chilling effect" the NCDP alleges does not pass the sniff test. The NCDP claims "[i]f this Court were to compel production of support scores or work product derived from them, it could jeopardize the NCDP's ability to obtain data and analytics from the DNC in the future." (Opposition at 12). This is not "objectively reasonable." *Tree of Life Christian Sch.*, 2012 WL 831918 at *3. There is no basis for believing that the DNC would no

longer work with the state party in North Carolina because it was compelled to produce the requested information in this litigation. Notably, the DNC's objections and its opposition brief to the Legislative Defendants' motion to compel directs the Legislative Defendants to seek this information from the NCDP, and makes no threat to cut off the NCDP's access to its data. Any chilling effect that the NCDP may assert would be "minimized" by the protective order in this case. *See Klayman v. Judicial Watch, Inc.*, No. 06-cv-670, 2008 WL 11394177, at *4 (D.D.C. Jan. 8, 2008).

Even if the NCDP could establish disclosure of the requested information could burden its First Amendment rights, Legislative Defendants' need for the information outweighs that privilege. *See AFL-CIO v. FEC*, 333 F.3d 168, 176 (D.C. Cir. 2003); *Int'l Action Ctr. v. United States*, 207 F.R.D. 1, 4 (D.D.C. 2002) (The responding party's "First Amendment claim should be measured against the [issuing party's] need for the information. If the former outweighs the latter, then the claim of privilege should be upheld.") (quoting *Black Panther Party v. Smith*, 661 F.2d 1243, 1266 (D.C. Cir. 1981)). In balancing the parties' competing interests, courts may consider the importance of the litigation, the relevance of the evidence, whether the information is available from less intrusive sources, and the substantiality of the First Amendment rights at stake. *Perry*, 591 F.3d at 1161; *see also Wyoming v. U.S. Dept. of Agriculture*, 208 F.R.D. 449, 455 (D.D.C. 2002). This litigation is incredibly important. The NCDP and other Plaintiffs seek to invalidate the 2017 plans duly enacted by the North Carolina General Assembly, subjecting the State to liability under a federal court's standing order, the Voting Rights Act, and the Fourteenth and Fifteenth Amendments to the United States Constitution, and violate the rights of Legislative Defendants and Republican voters and candidates under the First and Fourteenth Amendments. Moreover, as shown previously, the documents are "highly relevant" to the Plaintiffs' claims in

this case. *Perry*, 591 F.3d at 1161. By its own admission, “the NCDP relies upon this extraordinarily sensitive and proprietary political data in coordinating with campaigns and in targeting and communicating with voters, all in support of the NCDP’s mission of working to elect Democrats to office.” (Opposition at 12). These documents, then, go to the heart of the Plaintiffs’ claims that because of the 2017 Plans, they are unable to “register voters, recruit candidates, attract volunteers, raise money, campaign, and turn out the vote” with the end goal of persuading voters to elect Democrats to the General Assembly. (Amend. Compl., ¶¶ 8, 219, 221). As the NCDP noted, Legislative Defendants’ have tried to obtain these documents from other sources and are litigating a motion to compel in D.C. Superior Court, and have been directed back to the NCDP. The Court should order the production of these documents.

At the very least, the NCDP is required under Rule 26(b)(5) to produce a privilege log that “describes the nature of the documents...in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.” *See Ohio Org. Collaborative v. Husted*, No. 2:15-CV-01802, 2015 WL 7008530, at *4 (S.D. Ohio Nov. 12, 2015) (ordering the Democratic Party claiming First Amendment privilege to produce a privilege log referring to each document or category of documents withheld with sufficient information to justify the invocation of the privilege under Fed. R. Civ. P. 26(b)(5)). The NCDP’s broad objections on the grounds of the First Amendment privilege, without identifying any specific documents being withheld on the basis of that privilege, does not provide the court with the information it needs to perform the necessary balancing analysis. *See Educ. Fin. Council v. Oberg*, No. 10-MC-0079 JDB, 2010 WL 3719921, at *5 (D.D.C. Mar. 8, 2010).

V. Conclusion

For the foregoing reasons, Legislative Defendants respectfully request that the Court enter an Order (1) compelling NCDP to search for and produce all documents in its possession, custody,

or control “containing District-by-District Analytics Reports, DNC Support Scores, and/or similar or related analyses” for the legislative districts at issue in this action; (2) granting Legislative Defendants their reasonable expenses, including attorneys’ fees, for obtaining an Order compelling NCDP to produce the documents sought in this motion; and (3) amending the Case Management Order to allow Legislative Defendants to re-open or take such other fact witness depositions as may be necessary as a result of NCDP’s delay in producing these responsive documents.

This the 21st day of May, 2019.

Respectfully submitted,

BAKER & HOSTETLER, LLP

By: 

E. Mark Braden*
(DC Bar #419915)
Richard B. Raile*
(VA Bar # 84340)
Trevor M. Stanley*
(VA Bar # 77351)

Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5403
rraile@bakerlaw.com
mbraden@bakerlaw.com
tstanley@bakerlaw.com
Telephone: (202) 861-1500
Facsimile: (202) 861-1783

Erika D. Prouty*
(OH Bar # 0095821)
200 Civic Center Drive, Suite 1200
Columbus, OH 43215
eprouty@bakerlaw.com
Telephone: (614) 228-1541
Facsimile: (614) 462-2616
Counsel for Legislative Defendants
**admitted pro hac vice*

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

Phillip J. Strach
N.C. State Bar No. 29456
Michael McKnight
N.C. State Bar No. 36932
phil.strach@ogletreedeakins.com
michael.mcknight@ogletreedeakins.com
4208 Six Forks Road, Suite 1100
Raleigh, North Carolina 27609
Telephone: (919) 787-9700
Facsimile: (919) 783-9412
Counsel for the Legislative Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing in the above titled action upon all other parties to this cause by:

- Hand delivering a copy hereof to each said party or to the attorney thereof;
- Transmitting a copy hereof to each said party via facsimile transmittal;
- By email transmittal;
- Depositing a copy here of, first class postage pre-paid in the United States mail, properly addressed to:

Edwin M. Speas, Jr.
Caroline P. Mackie
P.O. Box 1801
Raleigh, NC 27602-1801
(919) 783-6400
espeas@poynerspruill.com

Counsel for Common Cause, the North Carolina Democratic Party, and the Individual Plaintiffs

R. Stanton Jones
David P. Gersch
Elisabeth S. Theodore
Daniel F. Jacobson
601 Massachusetts Ave. NW
Washington, DC 20001-3761
(202) 942-5000
Stanton.jones@arnoldporter.com

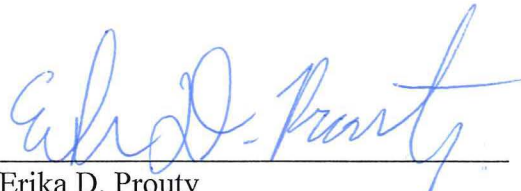
Marc E. Elias
Aria C. Branch
700 13th Street NW
Washington, DC 20005-3960
(202) 654-6200
melias@perkinscoie.com

Abha Khanna
1201 Third Avenue
Suite 4900
Seattle, WA 98101-3099
(206) 359-8000
akhanna@perkinscoie.com

Counsel for Common Cause and the Individual Plaintiffs

This the 21st day of May, 2019.

By:



Erika D. Prouty

EXHIBIT A

April 5, 2019

Amanda R. Callais
ACallais@perkinscoie.com
D. +1.202.654.6396
F. +1.202.654.9995

VIA EMAIL

Mr. Trevor Stanley
1050 Connecticut Ave, NW
Suite 1100
Washington, D.C. 20036-5403

Dear Mr. Stanley:

I am counsel to the Democratic National Committee (“DNC”), a recipient of a third-party subpoena (the “Subpoena”) promulgated by you on behalf of your clients, the Defendants in the matter of *Common Cause, et al. v. Lewis, et al.*, currently pending in Wake County Superior Court in North Carolina. You have served identical subpoenas to two other clients that I represent, the DCCC a.k.a. Democratic Congressional Campaign Committee and the DLCC a.k.a. Democratic Legislative Campaign Committee. This letter memorializes certain conversations that we had to discuss the Subpoena on March 20, 2019 and April 2 as well as the email that you sent on March 26, 2019, in which you modified the original Subpoena (“Modified Subpoena”). It also sets forth the DNC’s objections to the Modified Subpoena, as narrowed by our April 2 conversation, which supersedes the requests in the original Subpoena.

As originally issued, the Subpoena sets forth at least 19 requests for documents related to North Carolina’s legislative redistricting processes from 2009 to the present, the RedMAP project, communications between the DNC and numerous entities regarding legislative candidate recruitment, fundraising, expenditures, and lobbying, Democratic performance in North Carolina, and, in at least one instance, communications specifically related to the congressional redistricting process. On March 19, 2019, I contacted your colleague, Andrew Avram, who is the signatory on the Subpoena to discuss it. Mr. Avram put me in contact with you and we spoke on March 20, 2019. In that conversation I indicated to you that your subpoena was overly broad and asked for your basis for serving all three entities. I explained that the three entities in question had different missions, noting, for example, that the DCCC did not participate in the legislative redistricting process, which is the subject matter of the underlying suit. Likewise, I informed you that your firm had served a similar subpoena on the DNC in a separate partisan redistricting challenge in Ohio, *A. Phillip Randolph v. Smith*, and that the DNC had maintained that there was no basis for such a subpoena in that suit and had no documents of relevance. You stated that one argument proffered by Plaintiffs related to the impact of the legislative map on recruitment and/or funding of Democratic legislative candidates in North Carolina, indicating that this was why all three

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organizations were subpoenaed. You further indicated that you needed to discuss the matter with your colleagues and would follow-up with me regarding changes to the scope of the Subpoena.

I contacted you again on March 25, 2019 to inquire about your decision on the scope of the Subpoena. On March 26, 2019, you responded with an offer to modify the Subpoena to four requests. These requests were further modified during our April 2, 2019 conversation. The four requests in the Modified Subpoena are set out below:

- 1) Copies of all analytics reports for the North Carolina Legislative districts from 2010-2012 and from 2016-2018 and correspondence and information related thereto, including any information regarding support scores, political indices, or other assessments of legislative districts in North Carolina.
- 2) All information related to candidate recruitment efforts in North Carolina from 2016 through today.
- 3) All information related to fundraising or expenditures in North Carolina from 2016 through today.
- 4) All documents that reference the Republican State Leadership Committee, the Redistricting Majority Project, or RedMAP from 2010-2012 or 2016-2018 in connection with North Carolina.

In addition to the further modification of the aforementioned requests, on April 2, 2019, we specifically discussed the scope of these requests as they related to the DNC. I explained to you that even the Modified Subpoena, as applied to the DNC, was overly broad, unduly burdensome, and not proportional to the needs of the case. In particular, the DNC is the national organization of the Democratic Party and is responsible for the operation of the Democratic Party at the national level. *See* 52 U.S.C. § 30101(14). The North Carolina Democratic Party is the entity dedicated to the day to day operations of the Democratic Party at the state level and to election of Democratic candidates within the state. As a result, the North Carolina Democratic Party, a Plaintiff in this suit, is better positioned to provide information related to the North Carolina legislative redistricting processes as well as the recruitment and funding of Democratic state level candidates. The DNC does not generally engage in the direct recruitment or funding of legislative candidates nor does it make expenditures directly on their behalves.

I again asked if you had any specific basis for seeking information from the DNC that could further narrow the Modified Subpoena requests. You stated that your basis for serving the Modified Subpoena was to address the aforementioned argument proffered by the Plaintiffs regarding the ability to recruit and fund Democratic candidates in North Carolina. I explained that if such information is in fact relevant to your case, it could be produced by the North Carolina

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Democratic Party, and that burdening a third-party with such a request was not proportional to the needs of the case. You then stated that it was your understanding that the DNC had partisan scores for legislative districts in North Carolina, and that you had recently attended a fundraiser in which you heard Chairman Tom Perez talk about the importance of redistricting. In response, I explained that to the extent the DNC has any partisan scores for legislative districts not only is that information highly privileged under the First Amendment, but it also only serves as a basis for your first request, not the other requests that you included. You would not withdraw the subpoena or the other three requests for the DNC.

Accordingly, the DNC now proffers these objections to the Modified Subpoena.

GENERAL OBJECTIONS

The following objections are based on the information and documents currently available to the DNC. The DNC reserves the right to alter, supplement, amend, or otherwise modify its objections based on later recollections, the recollections of persons presently unidentified or unavailable, or the discovery of additional documents or information. Nothing in these objections or responses can be taken as an admission that the DNC agrees with Defendants' use or interpretation of terms. These responses are based on the DNC's understanding of each individual request. To the extent Defendants assert an interpretation of any request that is inconsistent with the DNC's understanding, the DNC reserves the right to supplement its objections.

1. The DNC objects to each and every request in the Modified Subpoena to the extent that it seeks documents that are not relevant to the claims and defenses asserted in the underlying action, are not likely to lead to the discovery of admissible evidence in the underlying action and are not proportionable to the needs of the case. In particular, the DNC is the national organization of the Democratic Party and is responsible for the operation of the Democratic Party at the national level. *See* 52 U.S.C. § 30101(14). The North Carolina Democratic Party is the entity dedicated to the day to day operations of the Democratic Party at the state level and to election of Democratic candidates within the state. As a result, the North Carolina Democratic Party, a Plaintiff in this suit, is better positioned to provide information related to the North Carolina legislative redistricting processes, 2017 state legislative map, and the recruitment and funding of Democratic state level candidates. It is unlikely that the DNC has any information relevant to the subject matter of this lawsuit, the questions before the court, or is capable of leading to the discovery of any such information.

2. The DNC objects to the Modified Subpoena to the extent that it purports to impose obligations greater than those imposed by Rules 26 and 45 of the North Carolina Rules of Civil Procedure and D.C. Superior Court Rules 26 and 45.

3. The DNC objects to the Modified Subpoena to the extent that it seeks materials that are not within its possession, custody, or control.

4. The DNC objects to the Modified Subpoena pursuant to Rule 26 of the North Carolina Rules of Civil Procedure and D.C. Superior Court Rule 26 to the extent it seeks documents and materials protected by the attorney work product doctrine, the attorney-client privilege, a joint or common interest privilege, the First Amendment associational privilege, or any other privilege recognized by law, to which no exception or waiver applies.

5. The DNC objects to the Modified Subpoena to the extent it calls for disclosure of the DNC's confidential or proprietary business information, trade secrets, or commercially sensitive information.

6. The DNC objects to the Modified Subpoena to the extent it seeks materials that are publicly available, more easily obtained from sources other than the DNC, or equally or more easily available to the parties in this action. To the extent the Modified Subpoena requests information regarding the alleged activities of the Plaintiffs Common Cause, the North Carolina Democratic Party, or any of the twenty-two individual Plaintiffs, the Plaintiffs can provide such information. To the extent that the Modified Subpoena requests information regarding candidate recruitment, funding, expenditures, or Democratic performance in North Carolina, the Plaintiffs can also provide such information, or it can be garnered from public sources.

7. The DNC objects to the Modified Subpoena to the extent: (1) it is overbroad; (2) the discovery sought is unreasonably cumulative or duplicative or is obtainable from another source that is more convenient—such as the Plaintiffs—less burdensome, or less expensive; (3) the burden or expense of any demand outweighs its likely benefit and, as such, is not proportionable to the needs of the case; or (4) it is unduly burdensome.

8. The DNC objects to the Modified Subpoena to the extent it seeks discovery of information from sources that are not reasonably accessible in light of the burdens or costs required to identify, locate, restore, review, and produce whatever responsive information may be found.

9. The DNC objects to the definition of “document” in the Modified Subpoena to the extent it exceeds the scope of what is allowed by the North Carolina Rules of Civil Procedure or the D.C. Superior Court Rules of Civil Procedure.

10. Each of these General Objections is hereby specifically incorporated into each set of the Specific Objections and Responses, set forth below.

SPECIFIC OBJECTIONS

REQUEST NO. 1: Copies of all analytics reports for the North Carolina Legislative districts from 2010-2012 and from 2016-2018 and correspondence and information related thereto, including any information regarding support scores, political indices, or other assessments of legislative districts in North Carolina.

OBJECTION TO REQUEST NO. 1: The DNC incorporates the General Objections set forth above. The DNC objects to Request Number 1 because it is overly broad and seeks information that is not relevant to this case and is unlikely to lead to the discovery of admissible evidence. This action concerns the constitutionality of the 2017 North Carolina legislative map. Support scores, political indices, or other assessments of legislative districts by a third-party will not inform the court as to the map's constitutionality, nor are they likely to lead to the discovery of information that would do so.

The DNC further objects to this request to the extent it seeks documents and materials protected by the attorney work product doctrine, the attorney-client privilege, and the common or joint interest doctrine, as well as the First Amendment privilege. The First Amendment prohibits disclosure, among other things, of a political organizations' internal plans, financial plans, strategies, polling data, and political tactics as well as communications with strategic partners. *See, e.g., Am. Fed'n of Labor & Cong. of Indus. Organizations v. Fed. Election Comm'n*, 333 F.3d 168, 175-76 (D.C. Cir. 2003); *Arizona v. Arpaio*, 314 F.R.D. 664, 672-73 (D. Ariz. 2016); *Ohio Organizing Collaborative, et al. v. Husted, et al.*, No. 15-1802 (S.D. OH Nov. 12, 2015), ECF No. 69. The DNC further objects to Request Number 1 to the extent it calls for disclosure of the DNC's confidential or proprietary business information, trade secrets, or commercially sensitive information.

The DNC further objects to Request Number 1 because the burdens of producing the requested information would significantly outweigh the benefits of any such production and, as such, the request is not proportionable to the needs of the case and unduly burdens the DNC.

The DNC further objects to the extent that Request Number 1 seeks information that is otherwise available to the parties through discovery.

REQUEST NO 2: All information related to candidate recruitment efforts in North Carolina from 2016 through today.

OBJECTION TO REQUEST NO. 2: The DNC incorporates the General Objections set forth above. The DNC objects to Request Number 2 because it is overly broad and seeks information that is not relevant to this case and is unlikely to lead to the discovery of admissible evidence. In particular, this action concerns the 2017 North Carolina state legislative map, yet

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Request Number 2 seeks information related to “all” candidate recruitment efforts in North Carolina and is not limited to legislative candidates. The DNC is the national organization of the Democratic Party and is responsible for the operation of the Democratic Party at the national level. *See* 52 U.S.C. § 30101(14). The DNC does not generally engage in the direct recruitment of state legislative candidates and is unlikely to have information responsive to this request. The North Carolina Democratic Party, a Plaintiff in this suit, is the entity dedicated to the day to day operations of the Democratic Party at the state level and to election of Democratic candidates within the state. As such, the DNC is not the proper party to seek such information from.

The DNC further objects to this request to the extent it seeks documents and materials protected by the attorney work product doctrine, the attorney-client privilege, and the common or joint interest doctrine, as well as the First Amendment privilege. The First Amendment prohibits disclosure, among other things, of a political organizations’ internal plans, financial plans, strategies, polling data, and political tactics as well as communications with strategic partners. *See, e.g., Am. Fed’n of Labor & Cong. of Indus. Organizations v. Fed. Election Comm’n*, 333 F.3d 168, 175–76 (D.C. Cir. 2003); *Arizona v. Arpaio*, 314 F.R.D. 664, 672–73 (D. Ariz. 2016); *Ohio Organizing Collaborative, et al. v. Husted, et al.*, No. 15-1802 (S.D. OH Nov. 12, 2015), ECF No. 69. The DNC further objects to Request Number 2 because the burdens of producing the requested information would significantly outweigh the benefits of any such production and, as such, the request is not proportionate to the needs of the case and unduly burdens the DNC.

The DNC further objects to the extent that Request Number 2 seeks information that is otherwise available to the parties through discovery.

REQUEST NO. 3: All information related to fundraising or expenditures in North Carolina from 2016 through today.

OBJECTION TO REQUEST NO. 3: The DNC incorporates the General Objections set forth above. The DNC objects to Request Number 3 because it is overly broad and seeks information that is not relevant to this case and is unlikely to lead to the discovery of admissible evidence. In particular, this action concerns the 2017 North Carolina legislative map, yet Request Number 3 seeks information related to “all” fundraising or expenditures in North Carolina and is not limited to legislative candidates. The DNC is the national organization of the Democratic Party and is responsible for the operation of the Democratic Party at the national level. *See* 52 U.S.C. § 30101(14). The North Carolina Democratic Party, a Plaintiff in this suit, is the entity dedicated to the day to day operations of the Democratic Party at the state level and to election of Democratic candidates within the state. As such the DNC is not the proper party to seek such information from.

The DNC further objects to this request to the extent it seeks documents and materials protected by the attorney work product doctrine, the attorney-client privilege, and the common or joint interest doctrine, as well as the First Amendment privilege. The First Amendment prohibits

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disclosure, among other things, of the sources and uses of a political organizations funds, *Buckley v. Valeo*, 424 U.S. 1, 64–68 (1976), as well as its internal plans, financial plans, strategies, polling data, and political tactics as well as communications with strategic partners. *See, e.g., Am. Fed'n of Labor & Cong. of Indus. Organizations v. Fed. Election Comm'n*, 333 F.3d 168, 175–76 (D.C. Cir. 2003); *Arizona v. Arpaio*, 314 F.R.D. 664, 672–73 (D. Ariz. 2016); *Ohio Organizing Collaborative, et al. v. Husted, et al.*, No. 15-1802 (S.D. OH Nov. 12, 2015), ECF No. 69.

The DNC further objects to Request Number 3 because the burdens of producing the requested information would significantly outweigh the benefits of any such production and, as such, the request is not proportionate to the needs of the case and unduly burdens the DNC.

The DNC further objects to the extent that Request Number 3 seeks information that is otherwise available to the parties through discovery and/or is publicly available to the parties at www.NCSBE.gov and/or www.FEC.gov.

REQUEST NO. 4: All documents that reference the Republican State Leadership Committee, the Redistricting Majority Project, or RedMAP from 2010-2012 or 2016-2018 in connection with North Carolina.

OBJECTION TO REQUEST NO. 4: The DNC incorporates the General Objections set forth above. The DNC objects to Request Number 4 because it is overly broad and seeks information that is not relevant to this case and is unlikely to lead to the discovery of admissible evidence. In particular, this action concerns the constitutionality of the 2017 North Carolina legislative map. Documents referencing the aforementioned entities in the DNC's possession will not inform the court as to the map's constitutionality, nor are they likely to lead to the discovery of information that would do so. Moreover, the DNC is the national organization of the Democratic Party and is responsible for the operation of the Democratic Party at the national level. *See* 52 U.S.C. § 30101(14). The North Carolina Democratic Party, a Plaintiff in this suit, is the entity dedicated to the day to day operations of the Democratic Party at the state level and to election of Democratic candidates within the state. As such, the DNC is not the proper party to seek such information from.

The DNC further objects to this request to the extent it seeks documents and materials protected by the attorney work product doctrine, the attorney-client privilege, and the common or joint interest doctrine, as well as the First Amendment privilege. The First Amendment prohibits disclosure, among other things, of a political organizations' internal plans, financial plans, strategies, polling data, and political tactics as well as communications with strategic partners. *See, e.g., Am. Fed'n of Labor & Cong. of Indus. Organizations v. Fed. Election Comm'n*, 333 F.3d 168, 175–76 (D.C. Cir. 2003); *Arizona v. Arpaio*, 314 F.R.D. 664, 672–73 (D. Ariz. 2016); *Ohio Organizing Collaborative, et al. v. Husted, et al.*, No. 15-1802 (S.D. OH Nov. 12, 2015), ECF No. 69.

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The DNC further objects to Request Number 4 because the burdens of producing the requested information would significantly outweigh the benefits of any such production and, as such, the request is not proportionate to the needs of the case and unduly burdensome to the DNC.

The DNC further objects to the extent that Request Number 4 seeks information that is otherwise available to the parties through discovery.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Amanda R. Callais', with a stylized flourish at the end.

Amanda R. Callais

EXHIBIT B

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

COMMON CAUSE, et al.,

Plaintiffs,

v.

REPRESENTATIVE DAVID R. LEWIS, IN
HIS OFFICIAL CAPACITY AS SENIOR
CHAIRMAN OF THE HOUSE SELECT
COMMITTEE ON REDISTRICTING, et al.,

Defendants.

CASE NO. 2019 CA 001475 2
Judge Heidi M. Pasichow
Next Event: None

**RESPONDENTS' OPPOSITION TO PETITIONERS' MOTION TO COMPEL
PRODUCTION OF DOCUMENTS IN RESPONSE TO SUBPOENAS ON THE
DEMOCRATIC NATIONAL COMMITTEE AND THE DEMOCRATIC
CONGRESSIONAL CAMPAIGN COMMITTEE**

INTRODUCTION

Five Republican leaders and representatives of the North Carolina legislature¹ seek to compel production of internal strategic political documents and confidential proprietary information from their political rivals the Democratic National Committee (“DNC”) and the Democratic Congressional Campaign Committee (“DCCC”). The information sought is not only highly sensitive political information going to the heart of the DNC’s and DCCC’s political strategy, but it is at the core of their First Amendment right of association and speech and is protected from disclosure. Moreover, the requested information is not even remotely relevant to the underlying lawsuit, because neither the DNC nor the DCCC had any involvement in the challenged North Carolina redistricting process that is the subject of the underlying litigation, nor could the information they possess bear on Plaintiffs’ claims. Indeed, the tangential nature of the information requested coupled with its highly sensitive and competitive nature makes it clear that

¹ Representative David R. Lewis, Senator Ralph E. Hise, Jr., Speaker of the North Carolina House Timothy R. Moore, and President Pro Tempore of the North Carolina Senate Philip E. Berger (the “Legislative Defendants”).

this is more than simply a discovery request; it is a baseless fishing expedition orchestrated by the DNC's and DCCC's political opponents in an attempt to at best harass, and at worst obtain confidential and protected information to advance the Republican political agenda. The First Amendment bars such baseless requests except upon the most extraordinary showing that the information sought is "crucial" to the underlying lawsuit brought against them, *see Black Panther Party v. Smith*, 661 F.2d 1243, 1268 (D.C. Cir. 1981), *cert. granted and vacated as moot* 458 U.S. 1118, a showing that the Legislative Defendants do not and cannot even begin to make here.

Even beyond the First Amendment's clear protection of these documents, the Legislative Defendants broad foray into the DNC's and DCCC's internal strategies, communications, and finances is also unduly burdensome and far out of proportion to the needs of the underlying litigation, failing to qualify for compelled or voluntary production even under typical discovery rules and protections. Counsel for Legislative Defendants, Baker & Hostetler LLP, is also well aware of this, because they engaged in a similar futile and baseless attempt to obtain the DNC's internal files in an unrelated redistricting suit just last fall. As a result, the DNC spent tens of thousands of dollars responding to those subpoenas and in the end produced only publicly available and utterly irrelevant newspaper articles, because, as it had explained to these same counsel, the DNC had no involvement in the redistricting at issue. This Court should prevent the Legislative Defendants and their counsel from abusing the subpoena power by once again seeking from their direct political competitors highly sensitive internal plans, strategies and finances that are utterly irrelevant to the cases they defend and should deny the pending Motion to Compel ("Motion").

BACKGROUND FACTS

On March 8, 2019, counsel for the Legislative Defendants issued subpoenas to the DNC, DCCC (collectively, the "Committees"), and the Democratic Legislative Campaign Committee ("DLCC") in connection with *Common Cause v. Lewis*, No. 18 CVS 014001 (N.C. Superior Court filed Nov. 13, 2018) (the "North Carolina Litigation"), a partisan gerrymandering case challenging

North Carolina’s legislative² district plans. The North Carolina Democratic Party (“NCDP”) and other interested parties brought the underlying litigation against the Legislative Defendants and others in North Carolina. Pet’rs’ Mot. to Compel, Ex. B. The DNC, DCCC, and DLCC are separate legal entities from NCDP and are not parties to, nor have they had any involvement in that litigation outside of these subpoena requests. Indeed, the DNC operates on a *national* level and the DCCC focuses on *congressional* elections for the U.S. House of Representatives. Neither entity participated in the redistricting of the state legislature in North Carolina.

In the North Carolina Litigation, the Plaintiffs, including the NCDP, challenge North Carolina’s 2017 state House and Senate district plans as partisan gerrymanders in violation of the state’s constitution.³ Plaintiffs allege that Republican legislators in the North Carolina General Assembly used partisan data and prior election results to draw the 2017 plans and pack Democratic voters into a limited number of Democratic-majority districts while cracking the remaining Democratic voters among large Republican-majority districts with the discriminatory intent to dilute their voting strength. *See* Pet’rs’ Mot. to Compel, Ex. A (“Compl.”), ¶¶ 126–88. Plaintiffs further allege that the 2017 plans had the effect of causing Republican candidates to win a majority of state legislative seats despite Democrats winning a majority of the statewide vote. *See id.* ¶¶ 3, 189–96 (explaining that the 2017 plans cause plaintiffs and other Democratic voters to be entirely shut out of the political process). To support its standing, NCDP alleges that its organizational purposes are “(i) to bring people together to develop public policies and positions favorable to NCDP members and the public generally, (ii) to identify candidates who will support and defend those policies and positions, and (iii) to persuade voters to cast their ballots for those candidates.” *Id.* ¶ 8. NCDP asserts that the 2017 plans “frustrate and burden NCDP’s ability to achieve its essential purposes and to carry out its core functions, including registering voters, attracting

² The term “legislative” refers only to the *state* legislature, whereas “congressional” refers to the U.S. House of Representatives.

³ The 2017 plans were drawn after federal courts struck down some of the districts drawn in 2011 as unconstitutional racial gerrymanders. *Covington v. North Carolina*, 316 F.R.D. 176, 176–78 (M.D.N.C. 2016), *aff’d*, 137 S. Ct. 2211 (2017).

volunteers, raising money in gerrymandered districts, campaigning, turning out the vote, and ultimately electing candidates.” *Id.* Thus, “NCDP must expend additional funds and other resources than it would otherwise to combat the effects” of the 2017 plans. *Id.*

The March 8, 2019 Subpoenas (“Original Subpoenas”) sought the production of nineteen categories of documents related to North Carolina’s legislative redistricting processes from 2009 to the present, the RedMAP project, communications between the Committees and numerous entities regarding legislative candidate recruitment, fundraising, expenditures, and lobbying, Democratic performance in North Carolina, and, in at least one instance, communications specifically related to the congressional redistricting process. Pet’rs’ Mot. to Compel, Ex. B. In response, counsel for the three entities met and conferred with counsel for the Legislative Defendants, explaining that the Original Subpoenas called for highly confidential and proprietary information that the First Amendment protected from disclosure, were overly broad and burdensome, and that the entities did not participate in, and thus had no documents relevant to, the legislative redistricting process—the subject of the underlying litigation. *Id.*, Exs. C, D. Counsel also pointed out that the same law firm, Baker & Hostetler LLP, representing the Legislative Defendants served two similar third-party subpoenas on the DNC just last fall in a separate partisan redistricting case in Ohio, *Ohio A. Phillip Randolph Institute v. Smith*, No. 18-00357 (S.D. Ohio filed May 23, 2018), and that the DNC similarly had informed them that there was no basis for the subpoenas in that suit and it had no relevant documents. *Id.*, Ex. C.

In response to the initial meet and confer, on March 25, 2019, the Legislative Defendants modified the Original Subpoenas to seek four categories of documents (“Modified Subpoena”). On April 2, 2019, counsel held a subsequent meet and confer, and counsel for the Committees reiterated that the requests still sought information highly protected by the First Amendment, remained overly broad and unlikely to produce relevant information, and were particularly inappropriate as to the DCCC and DNC. Specifically, counsel explained that the DCCC is “dedicated to the election of *congressional* candidates” and thus “would have no information related to the North Carolina *legislative* redistricting processes” and does not engage in

recruitment, fundraising, and expenditures for *legislative* candidates. *Id.*, Ex. D (emphasis added). Further, the DNC, which “is the national organization of the Democratic Party and is responsible for the operation of the Democratic Party at the *national* level,” *see* 52 U.S.C. § 30101(14), does not generally engage in direct recruitment, fundraising, or expenditures for legislative candidates. *Id.*, Ex. C (emphasis added). As such, with respect to the requests for both entities, NCDP is better positioned to provide the information sought if actually relevant. *Id.*, Exs. C, D.

In response, the Legislative Defendants’ counsel stated that his only “basis for serving the Modified Subpoena requests was to address the aforementioned argument by [NCDP] regarding the ability to recruit and fund Democratic candidates in North Carolina.” *Id.*, Exs. C, D. With respect to the DNC, the Legislative Defendants’ counsel stated that “it was his understanding that the DNC had partisan scores for legislative districts in North Carolina, and that [he] had recently attended a fundraiser in which he heard [DNC] Chairman Tom Perez talk about the importance of redistricting,” without explaining the relevance to the underlying North Carolina Litigation. *Id.*, Ex. C. In response, counsel for the Committees’ explained “that to the extent the DNC has partisan scores for legislative districts not only is that information highly privileged under the First Amendment, but it also only serves as a basis for the first request, not the other requests.”⁴ *Id.* Counsel for the Legislative Defendants would not withdraw the Modified Subpoena or other three requests for the DNC. *Id.* As to the DCCC, counsel for the Committees explained that it has none of the requested information related to legislative races and federal congressional races are not the subject of [the underlying] suit,” *Id.*, Ex. D. Counsel then requested that the Legislative Defendants’ counsel withdraw the Modified Subpoena as to the DCCC, but he refused to do so. *Id.*

The resulting subpoena requests were:

- 1) Copies of all analytics reports for the North Carolina Legislative districts from 2010-2012 and from 2016-2018 and correspondence and information related thereto, including any information regarding support scores,

⁴ Neither the DCCC nor the DNC has “partisan scores” for legislative districts.

political indices, or other assessments of legislative districts in North Carolina.

- 2) All information related to candidate recruitment efforts in North Carolina from 2016 through today.
- 3) All information related to fundraising or expenditures in North Carolina from 2016 through today.
- 4) All documents that reference the Republican State Leadership Committee, the Redistricting Majority Project, or RedMAP from 2010-2012 or 2016-2018 in connection with North Carolina.⁵

Id., Exs. C, D (the Modified Subpoenas).

Nevertheless, as counsel indicated, even these Modified Subpoena requests still sought privileged information and remained overly broad, unduly burdensome, and not proportional to the needs of the case. Accordingly, on April 5, 2019, the Committees served their objections to the Modified Subpoenas, specifically stating that the requests sought privileged, confidential, proprietary information protected by the First Amendment and were not relevant to the underlying North Carolina Litigation. *Id.*, Exs. C, D. The DCCC repeatedly explained that it has no involvement in legislative elections and thus would have no information related to legislative redistricting. *Id.*, Ex. D. Similarly, the DNC stated that NCDP was the proper party to seek the requested information from. *Id.*, Ex. C. Further, because the Committees were third parties to the North Carolina Litigation, the objections reiterated that the Modified Subpoenas were unduly burdensome and not proportional to the needs of the underlying case. On May 3, 2019, nearly a month later, the Legislative Defendants filed their Motion.

⁵ The Legislative Defendants also issued a Modified Subpoena to the DLCC seeking the same four categories of documents. Pet'rs' Mot. to Compel, Ex. E. The DLCC objected to the requested production but agreed to respond to the request on a rolling basis beginning on April 11, 2019 and has been producing documents in response to the Modified Subpoena since that time. *Id.*, Ex. F. The DLCC, however, has not waived any of its objections. *Id.*

ARGUMENT

I. The First Amendment Protects the Committees from Disclosing Documents in Response to the Modified Subpoena Requests.

The Legislative Defendants' Motion seeks to compel production of highly sensitive, confidential, proprietary documents central to the DNC and DCCC's strategic interests. A plain reading of the Modified Subpoena demonstrates that the information sought—data analytics, internal correspondence, political data and indices, political support scores, other assessments, fundraising, expenditures, recruitment, and strategic plans—goes to the heart of both organizations' political missions and therefore to the core of the First Amendment's protections.⁶ Indeed, the Legislative Defendants concede that the First Amendment protects these documents. Pet'r's Mot. to Compel at 14-19. At the same time, the Legislative Defendants have not shown, and cannot show, that the documents they seek are likely to be marginally relevant—much less crucial—to the claims or defenses asserted in the underlying North Carolina Litigation. *See Black Panther Party*, 661 F.2d at 1268 (D.C. Cir. 1981), *cert. granted and vacated as moot* 458 U.S. 1118;⁷ *see also Perry v. Schwarzenegger*, 591 F.3d 1126, 1141 (9th Cir. 2009). This is a required showing and their failure to make it is fatal to their request. Compelled disclosure of this sensitive information—particularly to the Committees' direct political opponents, including Republican elected officials—for no purpose related to the underlying litigation amounts to harassment, abuse of the subpoena power, and would undeniably chill the DNC's and DCCC's ability to exercise their First Amendment rights by disclosing internal strategy, communications, the identity of their supporters, and proprietary information.

⁶ In addition to being protected by the First Amendment the documents sought are also protected by the attorney-client and/or work-product privileges.

⁷ Even though the *Black Panther* decision was later vacated as moot, there is no suggestion in later case law in this Circuit that its reasoning or analysis has been rejected or abandoned by the D.C. Circuit Court of Appeals. *Int'l Action Ctr. v. United States*, 207 F.R.D. 1, 3, 3 n.6 (D.D.C. 2002) (applying *Black Panther Party* balancing inquiry to First Amendment privilege claim).

A. Disclosure Would Infringe on the Committees First Amendment Rights.

The “right of individuals to associate for the advancement of political beliefs’ is fundamental.” *S.F. Cnty. Democratic Cent. Comm. v. Eu*, 826 F.2d 814, 827 (9th Cir. 1987) (quoting *Williams v. Rhodes*, 393 U.S. 23, 30 (1968)); see also *NAACP v. Alabama*, 357 U.S. 449, 460 (1958) (“Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association.”); *Int’l Soc’y for Krishna Consciousness, Inc. v. Lee*, No. 75 Civ. 5388 (MJL), 1985 WL 315, at *8 (S.D.N.Y. Feb. 28, 1985) (“*ISKCON*”) (“[T]he right of associational privacy [applies to] compelled disclosure of the identity of an association’s members or sympathizers”). “Implicit in the right to associate with others to advance one’s shared political beliefs is the right to exchange ideas and formulate strategy and messages, and to do so in private.” *Perry*, 591 F.3d at 1142. “The Supreme Court has long recognized that compelled disclosure of political affiliations and activities can impose just as substantial a burden on First Amendment rights as can direct regulation.” *AFL-CIO v. Fed. Election Comm’n*, 333 F.3d 168, 175–77 (D.C. Cir. 2003) (prohibiting disclosure of a political organizations’ “internal planning materials,” because doing so would “frustrate those groups’ decisions as to how to organize . . . [themselves], conduct . . . [their] affairs, and select . . . [their] leaders, as well as their selection of a message and . . . the best means to promote that message” (quoting *Eu v. San Francisco County Democratic Central Committee*, 489 U.S. 214, 230–31 & n. 21 (1989)). Accordingly, the “First Amendment protects political association as well as political expression. . . .” *Perry*, 591 F.3d at 1139. Indeed, that protection is so strong that courts regularly prohibit the disclosure of a political organization’s “internal planning materials,” *AFL-CIO*, 333 F.3d at 177, “financial, donor, membership, and strategic information,” *The Ohio Org. Collaborative v. Husted*, No. 2:15-CV-01802, 2015 WL 7008530, at *3 (S.D. Ohio Nov. 12, 2015), communications with its members and affiliates, the sources and uses of its funds—the very materials the Legislative Defendants seek in the instant motion..

The First Amendment privilege is analyzed under a two-part framework. *Perry*, 591 F.3d at 1140. *First*, the party asserting the privilege must make a prima facie showing of “arguable first

amendment infringement”—i.e., that compelled discovery will result in “harassment, membership withdrawal, or discouragement of new members,” or “consequences which objectively suggest an impact on, or ‘chilling’ of, the members’ associational rights.” *Id.* (quoting *Brock v. Local 375, Plumbers Int’l Union of Am.*, 860 F.2d 346, 349–50 (9th Cir. 1988)); *see also Black Panther Party*, 661 F.2d at 1267–68 (holding that litigant seeking protection need not prove to a certainty that First Amendment rights will be chilled).

Second, once this showing is made, the burden shifts to the party seeking discovery and the question becomes “whether the party seeking the discovery has demonstrated an interest in [that discovery] . . . sufficient to justify the deterrent effect on the free exercise of the constitutionally protected right of association.” *Perry*, 591 F.3d at 1141 (quotation marks and alterations omitted); *accord Tree of Life Christian Sch. v. City of Upper Arlington*, No. 2:11-CV-00009, 2012 WL 831918, at *3 (S.D. Ohio Mar. 12, 2012) (quoting *Perry*, 591 F.3d at 1161). The Court balances these interests, taking into account the importance of the litigation, how important the information sought is to the case, whether there are less obtrusive ways to obtain the information, and the “substantiality of the First Amendment interests at stake[.]” *Perry*, 591 F.3d at 1141. The D.C. Circuit has emphasized that “[t]he interest in disclosure will be relatively weak unless the information goes to ‘the heart of the matter,’ that is, *unless it is crucial to the party’s case*. . . . *Mere speculation that information might be useful will not suffice*; litigants seeking to compel discovery must describe the information they hope to obtain and its importance to their case with a reasonable degree of specificity.” *Black Panther Party*, 661 F.2d at 1268 (emphases added) (internal citations omitted); *see Anderson v. Hale*, No. 00 C 2021, 2001 WL 503045, at *4 (N.D. Ill. May 10, 2001) (“[T]he inquiring party must show that the information sought is so relevant that it goes to the ‘heart of the matter’; that is, the information is crucial to the party’s case”); *see also Perry*, 591 F.3d at 1141 (the “party seeking the discovery must show that the information sought is *highly relevant* to the claims or defenses in the litigation—a more demanding standard of relevance than that under [Rule] 26(b)(1).”) (emphasis added); *Club v. BNSF Ry. Co.*, No.C13-0967-JCC, 2016 WL 4528452, at *2 (W.D. Wash. Aug. 30, 2016) (same); *Tree of Life*

Christian Sch., 2012 WL 831918, at *3 (same). In addition, the D.C. Circuit has held that “[e]ven when the information sought is crucial to a litigant’s case, disclosure should be compelled only after the litigant has shown that he has exhausted every reasonable alternative source of information.” *Black Panther Party*, 661 F.2d at 1268 (emphasis added).

Here, the Legislative Defendants’ sweeping requests for the Committees’ highly sensitive political information falls squarely within the First Amendment privilege and would be of little relevance—let alone crucial—to this case. Indeed, Modified Requests 1 and 2 seeks copies of “analytics reports,” “internal correspondence and information related thereto,” “support scores, political indices, or other assessments of legislative districts” as well as information related to the Committees’ political recruiting efforts. Pet’rs’ Mot. to Compel, Exs. C, D. On the face of the request, it is obvious that all of the requested information constitutes “internal planning materials” that allow the DNC and the DCCC to perform their core political missions of electing Democratic candidates to office. The Legislative Defendants’ effort to compel the Committees to disclose their highly sensitive, confidential, internal proprietary data and assessments—information that would only be useful to the Legislative Defendants for reasons wholly unrelated to the North Carolina Litigation—would force the Committees to have to change the way they operate to advance their missions, given that their direct political opponent would have a roadmap for their strategy. *AFL-CIO*, 333 F.3d at 177–78 (quoting *Eu*, 489 U.S. at 230–31 & n. 21).⁸ While entirely irrelevant to the underlying litigation, these documents are highly crucial to the Committees’ internal operations and execution of their missions to support the election of Democratic candidates to office—core First Amendment protected political expression and association activities.

⁸ See also *Perry*, 591 F.3d at 1142 (“Compelling disclosure of internal campaign communications can chill the exercise of these rights.”); *Wyoming v. U.S. Dept. Of Ag.*, 208 F.R.D. 449, 454–55 (D.D.C. 2002) (disclosure of “internal communications and communications among various groups . . . would have a potential ‘for chilling the free exercise of political speech and association guarded by the First Amendment’”) (quoting *Fed. Election Comm. v. Machinists Non-Partisan Polit. League*, 655 F.2d 380, 388 (D.C. Cir. 1981)); *Dunnet Bay Construction Co. v. Hannig*, No. 10-CV-3051, 2011 WL 5417123, at *5 (C.D. Ill. Nov. 9, 2011) (“[D]isclosure of private internal communications among [political organization’s] staff, volunteers, and supporters would have a chilling effect on their rights by discouraging them from communicating candidly.”); *ISKCON*, 1985 WL 315, at *8 (same).

Likewise, Modified Request 3 seeks information about the Committees fundraising and contributions, which plainly seeks protected financial information.⁹ And Request 4 seeks documents referencing political opponents of both organizations—which necessarily include highly sensitive communications, internal deliberations, or plans. The disclosure of this information would put the Committees at a competitive disadvantage by revealing to their political opponents their *internal* election-related operations and their plans and strategies. Such information is at the heart of the First Amendment privilege.¹⁰ Indeed, producing any of these documents will reveal the Committees’ confidential internal operations and strategies, inhibiting their abilities to effectively perform their missions and undoubtedly chilling their internal communications. *AFL-CIO*, 333 F.3d at 177 (stating the First Amendment prohibits the compelled disclosure of the internal plans and communications Legislative Defendants seek because it would “frustrate [Plaintiffs’] decisions as to how to organize . . . [themselves], conduct . . . [their] affairs, and select . . . [their] leaders, as well as their selection of a message and . . . the best means to promote that message.” (quoting *Eu*, 489 U.S. at 230–31 & n. 21)).¹¹

⁹ See, e.g., *Buckley v. Valeo*, 424 U.S. 1, 66 (1976) (“[T]he invasion of privacy of belief may be as great when the information sought concerns the giving and spending of money as when it concerns the joining of organizations, for [f]inancial transactions can reveal much about a person’s activities, associations, and beliefs.” (quotation omitted)); *Tree of Life Christian Sch.*, 2012 WL 831918, at *3 (prohibiting discovery of information related to plaintiff’s donors because “it is highly possible, if not probable, that this could hinder [p]laintiff’s ability to receive donations in the future”); *Independence Inst. v. Gessler*, No. 10-cv-00609-PAB-MEH, 2011 WL 809781, at *2 (D. Colo. Mar. 2, 2011) (denying motion to compel by Colorado Secretary of State seeking plaintiff’s “internal associational activities, including budgetary information, sources of financing, the identities of its contributors and the corresponding amounts contributed”); *In re Heartland Inst.*, No. 11 C 2240, 2011 WL 1839482, at *2 (granting on First Amendment grounds motion to quash subpoena seeking donor information); *ISKCON*, 1985 WL 315, at *8 (“[T]he right of associational privacy [applies to] compelled disclosure of the identity of an association’s members or sympathizers, and to compelled disclosure of the sources or uses of an organization’s funds.”).

¹⁰ See *AFL-CIO*, 333 F.3d at 177 (compelling disclosure of political organization’s internal planning materials would have chilling effect on First Amendment rights); *Ohio Org. Collaborative*, 2015 WL 7008530, at *3–4 (First Amendment privilege prevented compelled disclosure of strategic information).

¹¹ See also *Perry*, 591 F.3d at 1142 (“Compelling disclosure of internal campaign communications can chill the exercise of these rights.”); *U.S. Dept. Of Ag.*, 208 F.R.D. at 454–55 (disclosure of “internal communications and communications among various groups . . . would have a potential ‘for chilling the free exercise of political speech and association guarded by the First Amendment’”) (quoting *Fed. Election Comm.*, 655 F.2d at 388; *Dunnet Bay Construction Co.*, 2011 WL 5417123, at *5 (“[D]isclosure of private internal communications among [political organization’s] staff, volunteers, and supporters would have a

In sum, the First Amendment prohibits the compelled disclosure of the information the Legislative Defendants seek. Compelling the disclosure of this information would force Respondents, and future litigants, to choose between protecting the privacy of their confidential information and exercising their First Amendment right to associate for the purposes of litigation. *See NAACP v. Button*, 371 U.S. 415, 429 (1963) (“[A]ssociation for litigation may be the most effective form of political association.”). As explained below, the Legislative Defendants have not and cannot justify their need for this information, and their Motion should therefore be denied.

B. The Legislative Defendants Cannot Establish Their Need for the Requested Information.

Before it can overcome the First Amendment’s protection against disclosure, a party must show that the “the information [requested] goes to ‘the heart of the matter,’” meaning it must be “crucial to the party’s case.” *Black Panther Party*, 661 F.2d at 1268 (internal citations omitted); *see Anderson*, 2001 WL 503045, at *4 (“[T]he inquiring party must show that the information sought is so relevant that it goes to the ‘heart of the matter’; that is, the information is crucial to the party’s case”). In particular, “[c]ourts will look to a variety of factors in balancing these interests including (1) the relevance of the evidence; (2) the necessity of receiving the information sought; (3) whether the information is available from other sources; and (4) the nature of the information.” *Tree of Life Christian Sch.*, 2012 WL 831918, at *3. (quotation marks omitted). Because none of the requested information has any conceivable relevance to this litigation, the Legislative Defendants are incapable of showing that it is crucial to their underlying case and meeting the standard for disclosure.

The underlying litigation challenges North Carolina’s 2017 legislative district plans as partisan gerrymanders in violation of the state constitution. Compl. ¶¶ 197–222. To determine the constitutionality of the plans, the court must evaluate the legislators’ intent when drawing the district lines and the dilutive effect the redistricting had on Democratic voters living in those

chilling effect on their rights by discouraging them from communicating candidly.”); *ISKCON*, 1985 WL 315, at *8 (same).

districts. *Id.* ¶¶ 126-96. Notably, making these determinations does not require the court to look into the intent of the DNC or DCCC—neither of which participated in drawing the districts—or what their data may say about the plans. Indeed, as explained, the Modified Subpoena requests only seek documents that reveal the Committees’ political strategies, internal communications, and assessments, none of which are at issue in the North Carolina litigation nor advance the Plaintiffs’ claims or the Legislative Defendants’ defenses.

Moreover, the Committee’s confidential strategic information says nothing about NCDP’s standing—which is the only basis provided by the Legislative Defendants for seeking these documents. And surely, even if it did, NCDP would have the information needed to prove their own standing and the Legislative Defendants can (or should be able to) use that information.¹² Indeed, to the extent that NCDP’s funding, expenditures, and recruitment have been impacted by the legislative redistricting, NCDP would have that information.¹³ In contrast, two entirely distinct legal entities and third parties to the underlying litigation—one of which does not participate in the legislative process at all and the other which operates on a national level—simply do not have any information that bears on standing or the underlying claims, much less anything so “crucial” as to warrant such a drastic intrusion on their protected constitutional rights, or even likely to lead to the discovery thereof. *See The Ohio Org. Collaborative*, 2015 WL 7008530, at *3 (denying motion to compel plaintiff’s confidential financial, strategic, and internal political information

¹² Notably, as discussed below, NCDP has apparently produced “almost forty thousand pages of documents,” that Defendants have not yet reviewed. Pet’rs’ Mot. to Compel at 13-14.

¹³ Moreover, standing requires only a minimal showing. *Crawford v. Marion Cnty. Election Bd.*, 472 F.3d 949, 951 (7th Cir. 2007) *aff’d*, 553 U.S. 181 (2008) (explaining that “the new [voter ID] law injures the Democratic Party by compelling the party to devote resources to getting to the polls those of its supporters who would otherwise be discouraged by the new law from bothering to vote” and “[t]he fact that the added cost has not been estimated and may be slight does not affect standing, which requires only a minimal showing of injury”); *see also United States v. Students Challenging Regulatory Agency Procedures (SCRAP)*, 412 U.S. 669, 690 n.14 (1973) (noting that the Supreme Court has “allowed important interests to be vindicated by plaintiffs with no more at stake in the outcome of an action than a fraction of a vote; a \$5 fine and costs, and a \$1.50 poll tax” (citations omitted)). Given this slight showing there is simply no argument that a third-parties’ documents are crucial to proving or disproving the Plaintiffs’ standing in this case.

related to standing because “compelled disclosure of such sensitive information” “would have a chilling effect” and “adversely impact” their First Amendment rights). Thus, the remaining *Perry* factors—e.g., whether the information is available from other sources—tip the scale against compelled disclosure.¹⁴ *See Perry*, 591 F.3d at 1141. Accordingly, the Legislative Defendants’ motion to compel must be denied.¹⁵

C. The Committees Adequately Asserted Their First Amendment Privilege and Producing a Privilege Log Would Infringe Upon That Right.

The Legislative Defendants’ argument that the Committees have not adequately asserted a First Amendment privilege over the information must also fail, as the DNC and DCCC plainly stated in their objections that the documents sought in the Modified Subpoena requests are

¹⁴ Moreover, in the case of fundraising or expenditure information, non-privileged information can be obtained from public sources such as the Federal Election Commission.

¹⁵ In addition to being protected from disclosure due to privilege, the documents sought are not relevant to the underlying North Carolina litigation under the less stringent standard in D.C. Rule of Civil Procedure 26(b)(1). Because D.C. Rule of Civil Procedure 45 substantially mirrors Federal Rule of Civil Procedure 45, interpretations of the federal rule are persuasive authority in interpreting the D.C. rule. *So v. 514 10th St. Associates, L.P.*, 834 A.2d 910, 914 (D.C. 2003).

When the court considers whether to grant a motion to compel discovery from a third party under Rule 45, it must look to Rule 26(b)(1) to determine whether the discovery sought is relevant to the underlying litigation. *See Phillips & Cohen, LLP v. Thorpe*, 300 F.R.D. 16, 17-18 (D.D.C. 2013) (stating that “[d]iscovery obtained from a nonparty pursuant to Rule 45 has ‘the same scope as provided in Rule 26(b)[.]’”); *see also Coleman v. District of Columbia*, 275 F.R.D. 33, 36 (D.D.C. 2011) (“No requirement of relevance is included in the text of Rule 45; however, it is settled that a subpoena is limited in scope by Rule 26(b)(1) of the Federal Rules of Civil Procedure.”). Rule 26(b)(1) only permits disclosure of “nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case.” The court must consider, among other things, “the parties’ relative access to relevant information, . . . the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.” Though “relevance” is broadly construed at the discovery stage, the Legislative Defendant are still required to demonstrate that they need the information sought (stating “[a] showing of relevance can be viewed as a showing of need; for the purpose of prosecuting or defending a specific pending civil action, one is presumed to have no need of a matter not ‘relevant to the subject matter involved in the pending action.’” (quoting *Meijer, Inc. v. Warner Chilcott Holdings Co., III, Ltd.*, 245 F.R.D. 26, 29–30 (D.D.C. 2007))). The Legislative Defendants cannot meet this standard.

The documents sought will not inform the court as to the 2017 legislative district plans’ constitutionality, nor are they likely to lead to the discovery of information that would do so. As such, the Legislative Defendants cannot demonstrate a need for the requested information or use subpoenas to harass their direct political competitors in search of highly sensitive, privileged, and confidential proprietary information without showing any relevancy. *Coleman*, 275 F.R.D. at 36 (stating “the relevance standard is ‘not so liberal as to allow a party to roam in shadow zones of relevancy’” (quoting *St. John v. Napolitano*, Civil Action No. 10–00216, 2011 WL 1193009, at *3 (D.D.C. March 31, 2011))). Based on the lack of relevance alone, the Motion should be denied and the subpoenas should be quashed.

protected by the First Amendment Privilege. Pet’rs’ Mot. to Compel, Ex. C at 3 (stating “to the extent the DNC has any partisan scores for legislative districts . . . that information [is] highly privileged under the First Amendment”); *id.* at 4 (“The DNC objects to the Modified Subpoena . . . to the extent it seeks documents and materials protected by . . . the First Amendment associational privilege”); *id.* at 5 (“The DNC further objects to [Request No. 1] to the extent it seeks documents and materials protected by . . . the First Amendment privilege. The First Amendment prohibits disclosure . . . of a political organizations’ internal plans, financial plans, strategies, polling data, and political tactics as well as communications with strategic partners.”); *id.* at 6 (same regarding Request No. 2); *id.* at 6-7 (same regarding Request No. 3); *id.* at 7 (same regarding Request No. 4); *id.*, Ex. D at 3 (“The DCCC objects to the Modified Subpoena . . . to the extent it seeks documents and materials protected by . . . the First Amendment associational privilege”); *id.* at 5 (“The DCCC further objects to [Request No. 1] to the extent it seeks documents and materials protected by . . . the First Amendment privilege. The First Amendment prohibits disclosure . . . of a political organizations’ internal plans, financial plans, strategies, polling data, and political tactics as well as communications with strategic partners.”); *id.* at 5-6 (same regarding Request No. 2); *id.* at 6 (same regarding Request No. 3); *id.* at 7 (same regarding Request No. 4). And, moreover, the Legislative Defendants, despite their argument to the contrary, acknowledge as much. Pet’r’s Mot. to Compel at 16 (stating that the Committees’ “specifically” objected on First Amendment grounds); *id.*, Exs. C, D. Thus, there is no question the Committees’ objections were adequately asserted with more than mere boilerplate language.

More importantly, given that the invasion on the Committees’ First Amendment rights was plain on the face of the requests as well as so plainly irrelevant to the underlying suit, *see* discussion *supra*, the Committees were not required to and should not be required to produce a privilege log. Indeed, not only would the provision of a log in this case likely result in the revealing of highly sensitive information—e.g., who the Committees are communicating with, the types of reports, analytics, and analysis the Committees are running—but its creation would be wholly disproportionate to the needs of this case given that the information is of no relevance to the

underlying litigation and likely to be highly burdensome. Indeed, counsel for Legislative Defendants is well-aware of this. As noted, counsel engaged in this same type of fishing expedition against the DNC just this past fall, with the resultant production revealing only publicly available news clippings, which apparently were never used in the underlying litigation, and the resultant log referencing materials wholly unrelated to the underlying redistricting litigation. B. Spiva Decl. ¶ 5-6. Accordingly, the First Amendment objections were adequately asserted, and no privilege log was or is necessary.

III. The Modified Subpoenas Impose an Undue Burden on the Committees.

The Legislative Defendants' Motion also fails because compelling disclosure would impose an undue burden on the Committees even under the typical discovery rules.

D.C. Rule of Civil Procedure Rule 45(c)(1) requires parties or attorneys responsible for issuing or serving subpoenas to “take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena.” Further, Rule 26(b)(2)(C) requires the court to limit discovery where “(i) the discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive; (ii) the party seeking discovery has had ample opportunity to obtain the information by discovery in the action; or (iii) the proposed discovery is outside the scope of Rule 26(b)(1) [i.e., irrelevant and privileged].” *See also In re Micron Tech., Inc. Sec. Litig.*, 264 F.R.D. 7, 9 (D.D.C. 2010) (*Watts v. Sec. Exchange Comm.*, 482 F.3d 501, 509 (D.C. Cir. 2007)) (stating that when considering a motion to compel under Rule 45, the court must be “generally sensitive to the costs imposed on third parties” by subpoenas). The Legislative Defendants' Modified Subpoena requests fail to meet these clear standards in several ways.

First, the discovery sought is not only cumulative, but, as noted, it can more easily be obtained from another source—namely, NCDP, which is dedicated to the day to day operations and election of candidates of the Democratic Party at the state level. Pet'rs' Mot. to Compel, Exs. C, D. Further, as a Plaintiff in the underlying North Carolina Litigation, NCDP is a far more convenient source than either of the Committees. The Legislative Defendants admit as much. In

their Motion, they state that they “have sought discovery from NCDP—and received almost forty thousand pages of documents—in addition to all of the other plaintiffs and numerous non-parties.” Pet’rs’ Mot. to Compel at 13–14. But, it is clear that the Legislative Defendants have not yet reviewed these documents or determined whether alternative sources are available, claiming that they “have no way of knowing whether the NCDP has produced all relevant documents sought by the Modified Subpoenas, or whether there are relevant documents that can only be obtained from the national Democratic organizations.” *Id.* at 14. The Legislative Defendants’ failure to complete their review does not justify their attempt to compel third parties to essentially review documents for them or to be burdened due to their lack of diligence. Rather, their failure *precludes* disclosure,¹⁶ *Anderson*, 2001 WL 503045, at *4 (stating a party’s “[f]ailure to exhaust all reasonable alternative sources precludes disclosure”), and this Court should find as much.

Second, reviewing documents that may be responsive to the Modified Subpoena requests would be unduly burdensome and costly, outweighing any benefit to the underlying North Carolina Litigation. As discussed, the Committees are national organizations that are not involved in state level redistricting in North Carolina. Specifically, the DNC is responsible for the operation of the Democratic Party at the national level, *see* 52 U.S.C. § 30101(14), and does not generally engage in direct recruitment, fundraising, or expenditures for legislative candidates. Pet’r Mot. to Compel, Ex. C. Similarly, the DCCC is a national organization dedicated to the election of congressional candidates and thus would have no information related to the North Carolina legislative redistricting processes. *Id.*, Ex. D. It does not engage in recruitment, fundraising, and expenditures for legislative candidates. *Id.* Given that Modified Request 1 is the only category limited to legislative races, the remaining three requests are exceedingly broad and compliance with the

¹⁶ The Legislative Defendants have also issued a similar subpoena on NCDP seeking documents containing “District-by-District Analytics Reports, DNC Support Scores, and/or similar or related analyses” for the legislative districts at issue in *Common Cause*. Though NCDP has objected to the subpoena and is challenging the Legislative Defendants’ motion to compel production in response to that subpoena, it is even more apparent that the Legislative Defendants have failed to “exhaust all reasonable alternative sources,” thereby precluding disclosure here. *Anderson*, 2001 WL 503045, at *4.

requests would require collecting documents related to candidates, funding, expenditures, etc. in all elections in North Carolina.

Moreover, though the Committees have repeatedly informed the Legislative Defendants that they had no involvement in the North Carolina legislative redistricting process and would not have information relevant to the claims in this suit, they have nonetheless conducted searches for documents that are potentially responsive to the overly broad Modified Subpoena requests, already expending time and resources identifying these irrelevant documents. A. Callais Decl. ¶ 3. The DCCC's search yielded hits on approximately 195,000 potentially responsive documents, and the DNC's searches yielded hits on approximately 200,000 potentially responsive documents. *Id.* To determine if these documents are actually responsive to the overly broad requests, review would have to be conducted on the documents, requiring significant time and expense. Given that the bulk of these are highly likely to be privileged and protected from disclosure under the First Amendment, and that all of them are also irrelevant to the underlying litigation, it would be exceptional for either Committee to be forced to further engage in discovery.

Indeed, the DNC has previously engaged in a costly and burdensome search in response to a similar subpoena that counsel for the Legislative Defendants issued to the DNC in a separate partisan gerrymandering case in Ohio related to congressional redistricting in 2010 to 2011, and in which the DNC repeatedly maintained that it was not involved in congressional redistricting in Ohio in the 2010/2011 redistricting cycle and would not have relevant information. *See Ohio A. Phillip Randolph Institute v. Kasich*, No. 18-00357 (S.D. Ohio filed May 23, 2018); B. Spiva Decl. ¶¶ 3-5. Despite maintaining those objections—and even though counsel in that case also could not articulate a basis for its requests—the DNC conducted a search of its records and found that no relevant documents existed. *Id.* ¶¶ 5-7. The DNC then produced a privilege log and about 500 pages of documents responsive to the overly broad requests, most of which consisted of news articles discussing redistricting nationally, some in states other than Ohio. *Id.* ¶ 6. Though the DNC had no relevant documents, it expended over sixty-five hours of effort and incurred over \$40,000 in attorney's fees responding to the improper subpoena. *Id.* ¶ 6. At no point did the DNC assert

that the subpoena was proper or that the documents produced were relevant to the underlying litigation. *Id.* And, in truth, the high cost of compliance with the subpoena demonstrates how burdensome it would be for the DNC and the DCCC to review, produce, and log several times that number of documents. The rules of this Court do not require such a burden.¹⁷

CONCLUSION

For the foregoing reasons, the Court should deny the Legislative Defendants' Motion to Compel and impose any sanctions the court deems necessary under Rule 26(b)(1).

DATED: May 17, 2019

Respectfully submitted,

By: /s/ Bruce V. Spiva

Bruce V. Spiva

D.C. Bar Number 443754

Amanda R. Callais

D.C. Bar Number 1021944

PERKINS COIE LLP

700 13th St. N.W., Suite 600

Washington, D.C. 20005-3960

Phone: 202.654.6200

Fax: 202.654.6211

BSpiva@perkinscoie.com

ACAllais@perkinscoie.com

*Attorneys for Respondents Democratic National
Committee and Democratic Congressional
Campaign Committee*

¹⁷ Despite awareness of the irrelevant documents the DNC produced in response to the Ohio redistricting subpoena, counsel for the Legislative Defendants misleadingly refers to the response as precedent that the DNC has "relevant" documents in response to the Modified Subpoena here. To the contrary, the DNC's onerous and costly response in Ohio previews the burden that the Committees will endure by further responding to the Modified Subpoena and to no purpose as any documents found will be irrelevant to the underlying litigation even if technically "responsive" to these outrageous subpoenas.

CERTIFICATE OF SERVICE

I hereby certify this 17th day of May, 2019, that the foregoing document was served via CaseFileXpress on all counsel of record.

By: Bruce V. Spiva

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

COMMON CAUSE, et al.,

Plaintiffs,

v.

REPRESENTATIVE DAVID R. LEWIS, IN
HIS OFFICIAL CAPACITY AS SENIOR
CHAIRMAN OF THE HOUSE SELECT
COMMITTEE ON REDISTRICTING, et al.,

Defendants.

CASE NO. 2019 CA 001475 2

Judge Heidi M. Pasichow

Next Event: None

**DECLARATION OF AMANDA R. CALLAIS IN SUPPORT OF RESPONDENTS’
OPPOSITION TO PETITIONERS’ MOTION TO COMPEL PRODUCTION OF
DOCUMENTS IN RESPONSE TO SUBPOENAS ON THE DEMOCRATIC NATIONAL
COMMITTEE AND THE DEMOCRATIC CONGRESSIONAL CAMPAIGN
COMMITTEE**

I, Amanda R. Callais, hereby declare as follows:

1. I am over the age of 18, am competent to make this declaration, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I am an attorney with the law firm of Perkins Coie LLP, and admitted to practice law in the District of Columbia. I am counsel to Respondents, the Democratic National Committee (“DNC”) and the Democratic Congressional Campaign Committee (“DCCC”), in this action.

3. The DNC conducted searches for documents requested in the Modified Subpoena requests received on March 26, 2019 and further modified by a call on April 2, 2019. The searches the DNC performed produced hits on nearly 200,000 documents that could potentially be responsive to those requests, and that would have to be reviewed for further determination. The DCCC’s searches produced hits on approximately 195,000 documents could potentially be responsive to those requests, and that would have to be reviewed for further determination. The DNC and DCCC do not create or maintain support scores for state legislative districts.

I declare under penalty of perjury, under the laws of the District of Columbia, that the foregoing is true and correct to the best of my knowledge and belief.

Dated: May 17, 2019

By: Amanda R. Callais

Amanda R. Callais
D.C. Bar Number 1021944
PERKINS COIE LLP
700 Thirteenth Street N.W., Suite 600
Washington, D.C. 20005-3960
Phone: 202.654.6396
Fax: 202.654.9995
ACallais@perkinscoie.com

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

COMMON CAUSE, et al.,

Plaintiffs,

v.

REPRESENTATIVE DAVID R. LEWIS, IN
HIS OFFICIAL CAPACITY AS SENIOR
CHAIRMAN OF THE HOUSE SELECT
COMMITTEE ON REDISTRICTING, et al.,

Defendants.

CASE NO. 2019 CA 001475 2
Judge Heidi M. Pasichow
Next Event: None

**DECLARATION OF BRUCE V. SPIVA IN SUPPORT OF RESPONDENTS'
OPPOSITION TO PETITIONERS' MOTION TO COMPEL PRODUCTION OF
DOCUMENTS IN RESPONSE TO SUBPOENAS ON THE DEMOCRATIC NATIONAL
COMMITTEE AND THE DEMOCRATIC CONGRESSIONAL CAMPAIGN
COMMITTEE**

I, Bruce V. Spiva, hereby declare as follows:

1. I am over the age of 18, am competent to make this declaration, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.
2. I am a partner with the law firm of Perkins Coie LLP (“Perkins Coie” or “we”), and am counsel to third-party subpoena recipients, the Democratic National Committee (“DNC”) and the Democratic Congressional Campaign Committee (“DCCC”), in this action.
3. I am familiar with my firm’s role in serving as counsel to the DNC in responding to two similar third-party subpoenas issued by the same law firm of Baker & Hostetler LLP (“Baker & Hostetler”) in *Ohio A. Phillip Randolph v. Smith*, No. 18-357 (S.D. Ohio filed May 23, 2018), a partisan gerrymandering case related to congressional redistricting in 2010 to 2011 currently pending in the United States District Court for the Southern District of Ohio (“the Ohio case”).
4. This past fall, 2018, the DNC engaged in a costly and burdensome search for documents in response to the third-party subpoenas in the Ohio case. Baker & Hostetler

represented Republican Defendant-Intervenors in that case.¹ Perkins Coie represented the DNC in responding to those subpoenas.

5. In response to those subpoenas, we repeatedly informed Baker & Hostetler that the DNC was not involved in congressional redistricting in Ohio in the 2010/2011 redistricting cycle and would not have relevant, non-privileged information. *See, e.g.*, Ex. A at 7-9 (Email from Aria C. Branch, Assoc., Perkins Coie LLP, to Patrick T. Lewis, Partner, Baker & Hostetler LLP (Oct. 10, 2018, 9:32 AM)); Ex. B at 2-3 (Non-Party Democratic National Committee's Resp. and Objections to the Def.-Intervenors' Second Rule 45 Subpoena Duces Tecum). Even though we repeatedly requested that Baker & Hostetler provide a basis for seeking discovery from the DNC, Baker & Hostetler could not articulate a basis for its requests, but nonetheless persisted in demanding the DNC search for and produce documents. Ex. A at 7-9 (Email from Aria C. Branch, Assoc., Perkins Coie LLP, to Patrick T. Lewis, Partner, Baker & Hostetler LLP (Oct. 10, 2018, 9:32 AM)); *id.* at 5-6 (Email from Patrick T. Lewis, Partner, Baker & Hostetler LLP to Aria C. Branch, Assoc., Perkins Coie LLP (Oct. 23, 2018, 10:39 PM)); Ex. B at 2-3. At no point did the DNC assert that the subpoena was proper or that the documents produced were relevant to the underlying litigation. To the contrary, the DNC asserted that the information was both irrelevant and protected from disclosure by the First Amendment. Ex. A at 7-9 (Email from Aria C. Branch, Assoc., Perkins Coie LLP, to Patrick T. Lewis, Partner, Baker & Hostetler LLP (Oct. 10, 2018, 9:32 AM)); Ex. B at 2-3, 7-15, 17-18.

6. Despite its objections, the DNC went through great burden and expense to search for, review, and produce documents and a privilege log. The DNC spent \$43,971.50 engaging in that process. This does not include the time that DNC staff spent searching for and producing these documents. The DNC found no documents reflecting its involvement in the 2010/2011 redistricting of the Ohio congressional map. Ex. C. (Letter from Graham Wilson, Elisabeth Frost, and Aria C. Branch, Counsel to the DNC, Perkins Coie LLP, to Patrick T. Lewis, Baker &

¹ One of the same attorneys involved in issuing the subpoenas to the DNC in that case, Katherine L. McKnight, signed the motion to compel in this matter.

Hostetler LLP (Nov. 16, 2018)). The DNC produced approximately 500 pages of documents, most of which consisted of publicly available news articles discussing redistricting nationally, some in states other than Ohio. *See* Ex. D (sample of the documents produced).

7. In the letter attached to the production, we stated:

Consistent with our discussions, our document searches did not turn up any indication that the DNC was involved with the 2010/2011 redistricting of the Ohio congressional map. As the documents that we are producing reflect, and consistent with every conversation we have had and every document that we have reviewed, we believe that the DNC was, at most, an outside observer, tracking the process to some degree, but not involved in drafting maps, or consulting on or influencing the process.

Ex. C. (Letter from Graham Wilson, Elisabeth Frost, and Aria C. Branch, Counsel to the DNC, Perkins Coie LLP, to Patrick T. Lewis, Baker & Hostetler LLP (Nov. 16, 2018)).

8. Counsel for the Republican Defendant-Intervenors never sought a deposition of any DNC personnel to ask about these documents, and apparently never used them in the underlying litigation. Nor did counsel ever challenge or question any entry on the DNC's privilege log.

I declare under penalty of perjury, under the laws of the District of Columbia, that the foregoing is true and correct to the best of my knowledge and belief.

Dated: May 17, 2019

By: Bruce V. Spiva
Bruce V. Spiva
D.C. Bar Number 443754
PERKINS COIE LLP
700 Thirteenth Street N.W., Suite 600
Washington, D.C. 20005-3960
Phone: (202) 654-6203
BSpiva@perkinscoie.com

Exhibit A

From: Branch, Aria C. (WDC)
Sent: Friday, November 16, 2018 4:52 PM
To: Lewis, Patrick T. <plewis@bakerlaw.com>
Cc: Frost, Elisabeth C. (WDC) <EFrost@perkinscoie.com>; Elias, Marc (WDC) <MElias@perkinscoie.com>; Wilson, Graham M. (WDC) <GWilson@perkinscoie.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Tucker, Robert J. <rtucker@bakerlaw.com>; Prouty, Erika Dackin <eprouthy@bakerlaw.com>
Subject: RE: Ohio A. Philip Randolph Institute, et al. v. Ryan Smith, et al.: DNC Objections and Responses to Third Party Subpoena

Dear Mr. Lewis:

Please see the attached letter on behalf of the DNC. A Leapfile containing documents will be sent to you today under separate cover.

Regards,
Aria

Aria Branch | Perkins Coie LLP
ASSOCIATE
700 Thirteenth Street, N.W. Suite 600
Washington, DC 20005-3960
D. +1.202.654.6338
F. +1.202.654.9996
E. ABranch@perkinscoie.com

From: Lewis, Patrick T. <plewis@bakerlaw.com>
Sent: Tuesday, November 13, 2018 9:00 PM
To: Branch, Aria C. (WDC) <ABranch@perkinscoie.com>
Cc: Frost, Elisabeth C. (WDC) <EFrost@perkinscoie.com>; Elias, Marc (WDC) <MElias@perkinscoie.com>; Wilson, Graham M. (WDC) <GWilson@perkinscoie.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Tucker, Robert J. <rtucker@bakerlaw.com>; Prouty, Erika Dackin <eprouthy@bakerlaw.com>
Subject: Re: Ohio A. Philip Randolph Institute, et al. v. Ryan Smith, et al.: DNC Objections and Responses to Third Party Subpoena

Ms. Branch,

Thank you. We need your response by Friday, or we will have no choice but to seek court intervention.

Best,

Patrick T. Lewis
BakerHostetler LLP
216.861.7096 / Fax 216.696.0740
plewis@bakerlaw.com

On Nov 9, 2018, at 4:30 PM, Branch, Aria C. (Perkins Coie) <ABranch@perkinscoie.com> wrote:

Mr. Lewis:

As we advised, our client has continued searching for responsive documents. We have had to use broad word searches which are necessarily over-inclusive and require additional time to review the "hits" for those searches to determine whether any of the documents are in fact responsive and, if so, non-privileged. Given the nature of these searches, as well as the availability of personnel related to the election, recounts, and the upcoming holiday weekend, it is becoming clear that it is simply impossible for us to determine whether we have any responsive, non-privileged documents by November 12. We will endeavor to complete our search and review process by next Friday, November 16. Please let us know if you have any questions.

Regards,
Aria

Aria Branch | Perkins Coie LLP
ASSOCIATE
700 Thirteenth Street, N.W. Suite 600
Washington, DC 20005-3960
D. +1.202.654.6338
F. +1.202.654.9996
E. ABranch@perkinscoie.com

From: Branch, Aria C. (WDC)
Sent: Thursday, November 08, 2018 5:01 PM
To: 'Lewis, Patrick T.' <plewis@bakerlaw.com>
Cc: Frost, Elisabeth C. (WDC) <EFrost@perkinscoie.com>; Elias, Marc (WDC) <MElias@perkinscoie.com>; Wilson, Graham M. (WDC) <GWilson@perkinscoie.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Tucker, Robert J. <rtucker@bakerlaw.com>; Prouty, Erika Dackin <eprouthy@bakerlaw.com>
Subject: RE: Ohio A. Philip Randolph Institute, et al. v. Ryan Smith, et al.: DNC Objections and Responses to Third Party Subpoena

Mr. Lewis:

As you and your clients are well aware, there was a significant election on Tuesday. As of today, we are still dealing with significant post-election issues.

We previously advised you that the election would make it impossible for the DNC to divert resources and time to responding to this matter during the last weeks of October and first weeks of November. And in this case the difficulty in responding to your subpoenas has been particularly exacerbated given that the issue involved in the underlying lawsuit – Ohio congressional redistricting – took place almost a decade ago, and you have been unable to provide us with any reason for believing that the DNC had any involvement in that process. Based on our own internal inquiries, we have not yet been able to determine that the DNC was involved. You appear to have no additional helpful information on that front (or, if you do, haven't provided it to us, to enable us to better target our internal inquiry). As I previously advised you, we are continuing to attempt to determine whether the DNC might have anything potentially relevant. We asked that you allow us until November 30th to do so, and you refused. You were only willing to extend our time to conduct this inquiry until eight days after the election, until November 12 (Veteran's Day). In accordance with that representation, we are conferring with our client and will respond to your subpoenas (and, now, your intervening letter) on that timeline with the best available information that we are able to obtain under the circumstances. If, in the meantime, you have some additional information about why you believe the DNC is likely to have responsive documents, or who at the DNC you believe was involved in Ohio's last round of congressional redistricting, or any other information that could help us in better targeting our inquiry, please provide us with that information immediately.

Best,
Aria

Aria Branch | Perkins Coie LLP
ASSOCIATE
700 Thirteenth Street, N.W. Suite 600
Washington, DC 20005-3960
D. +1.202.654.6338
F. +1.202.654.9996
E. ABranch@perkinscoie.com

From: Lewis, Patrick T. <plewis@bakerlaw.com>
Sent: Monday, November 05, 2018 3:46 PM
To: Branch, Aria C. (WDC) <ABranch@perkinscoie.com>
Cc: Frost, Elisabeth C. (WDC) <EFrost@perkinscoie.com>; Elias, Marc (WDC) <MElias@perkinscoie.com>; Wilson, Graham M. (WDC) <GWilson@perkinscoie.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Tucker, Robert J. <rtucker@bakerlaw.com>; Prouty, Erika Dackin <eprouthy@bakerlaw.com>
Subject: RE: Ohio A. Philip Randolph Institute, et al. v. Ryan Smith, et al.: DNC Objections and Responses to Third Party Subpoena

Dear Ms. Branch:

We have not heard from you in response to our letter. Please respond by Thursday, November 8, so that we may proceed with intervention by the Court, if necessary.

Sincerely,

pl

From: Lewis, Patrick T.

Sent: Tuesday, October 30, 2018 1:33 PM

To: 'Branch, Aria C. (Perkins Coie)' <ABranch@perkinscoie.com>

Cc: Frost, Elisabeth C. (Perkins Coie) <EFrost@perkinscoie.com>; Elias, Marc (Perkins Coie) <MElias@perkinscoie.com>; Wilson, Graham M. (Perkins Coie)

<GWilson@perkinscoie.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>;

Tucker, Robert J. <rtucker@bakerlaw.com>; Prouty, Erika Dackin

<eprouthy@bakerlaw.com>

Subject: RE: Ohio A. Philip Randolph Institute, et al. v. Ryan Smith, et al.: DNC
Objections and Responses to Third Party Subpoena

Dear Ms. Branch,

See attached correspondence regarding this matter. Thank you for your attention to this matter.

Best regards,

pl

Patrick Lewis

Partner



Key Tower
127 Public Square | Suite 2000
Cleveland, OH 44114-1214
T +1.216.861.7096

plewis@bakerlaw.com

bakerlaw.com



From: Branch, Aria C. (Perkins Coie) <ABranch@perkinscoie.com>

Sent: Wednesday, October 24, 2018 9:55 PM

To: Lewis, Patrick T. <plewis@bakerlaw.com>

Cc: Frost, Elisabeth C. (Perkins Coie) <EFrost@perkinscoie.com>; Elias, Marc (Perkins Coie) <MElias@perkinscoie.com>; Wilson, Graham M. (Perkins Coie)

<GWilson@perkinscoie.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>;

Tucker, Robert J. <rtucker@bakerlaw.com>; Prouty, Erika Dackin

<eprouthy@bakerlaw.com>

Subject: RE: Ohio A. Philip Randolph Institute, et al. v. Ryan Smith, et al.: DNC

Objections and Responses to Third Party Subpoena

Mr. Lewis,

Please find attached the Democratic National Committee's Objections and Responses to the Second Third Party-Subpoena served on it by the Intervenors in the above-referenced matter. We will also send a hard copy in the mail.

Regards,
Aria

Aria Branch | Perkins Coie LLP

ASSOCIATE

700 Thirteenth Street, N.W. Suite 600
Washington, DC 20005-3960
D. +1.202.654.6338
F. +1.202.654.9996
E. ABranch@perkinscoie.com

From: Lewis, Patrick T. <plewis@bakerlaw.com>

Sent: Tuesday, October 23, 2018 10:39 PM

To: Branch, Aria C. (WDC) <ABranch@perkinscoie.com>

Cc: Frost, Elisabeth C. (WDC) <EFrost@perkinscoie.com>; Elias, Marc (WDC) <MElias@perkinscoie.com>; Wilson, Graham M. (WDC) <GWilson@perkinscoie.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Tucker, Robert J. <rtucker@bakerlaw.com>; Prouty, Erika Dackin <eprouthy@bakerlaw.com>

Subject: RE: Ohio A. Philip Randolph Institute, et al. v. Ryan Smith, et al.: DNC Objections and Responses to Third Party Subpoena

[Ms. Branch,](#)

[Thank you for the emails regarding the subpoenas to the DNC. To begin, your email agreed to accept service of the subpoena effective October 10. Your email did not direct me to email you a revised subpoena. We look forward to your objections, if any, on October 24. As to your questions below, here are our responses:](#)

[First, we are not "withdrawing" the subpoena that we served to the DNC in September. The subpoena we attached to our October 3 email includes a revised duces tecum, as explained. We certainly can and do agree that to the extent the two subpoenas request the same information, if the DNC has exhausted its search, it does not need to search again for topics it has addressed already. That said, the DNC is obligated to respond in full to the topics covered in the October 3 subpoena.](#)

[Second, as I explained during our call on October 1, we understand that the Ohio redistricting plan at issue was the result of a bi-partisan compromise with support from Democrats. Also, we know that in 2011 the Ohio Legislative Task Force on Redistricting, Reapportionment and Demographic Research granted authority to the respective Republican and Democrat legislative caucuses to approve payment for expenses incurred for redistricting efforts prior to December 31, 2011. Accordingly, it is not unreasonable for us to inquire about the DNC's involvement. Further, under the Federal Rules of Civil Procedure, it is not our obligation to affirmatively prove the DNC's precise involvement in the matters at issue in this litigation as a basis to serve a subpoena for documents. If the DNC had little to no involvement, as you represented in your email below, it should not be](#)

an undue burden to comply and respond to the subpoena. To the extent any of the requests are overbroad, please assert such an objection and we can meet and confer to address the same.

In regards to the deadline to respond, we will agree to an extension of November 12, 2018 – more than a month of additional time beyond the original subpoena return date of October 5. The discovery cut-off in this case is December 19 and thus granting a more generous extension would not provide our clients with the time needed to conduct any follow-up discovery, if needed. Given your representation that your client likely has limited, if any, responsive documents, we assume that you should be able to satisfy your discovery obligations by November 12.

If you would like to discuss further, please send me your availability and we can set up a call. Otherwise, we look forward to the DNC's production of documents on or before November 12.

We reserve all our rights.

Thanks,
Patrick

Patrick Lewis
Partner

<image004.jpg>
Key Tower
127 Public Square | Suite 2000
Cleveland, OH 44114-1214
T +1.216.861.7096

plewis@bakerlaw.com
bakerlaw.com



From: Branch, Aria C. (Perkins Coie) <ABranch@perkinscoie.com>

Sent: Monday, October 22, 2018 8:37 AM

To: Lewis, Patrick T. <plewis@bakerlaw.com>

Cc: Frost, Elisabeth C. (Perkins Coie) <EFrost@perkinscoie.com>; Elias, Marc (Perkins Coie) <MElias@perkinscoie.com>; Wilson, Graham M. (Perkins Coie) <GWilson@perkinscoie.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Tucker, Robert J. <rtucker@bakerlaw.com>; Prouty, Erika Dackin <eprouthy@bakerlaw.com>

Subject: RE: Ohio A. Philip Randolph Institute, et al. v. Ryan Smith, et al.: DNC Objections and Responses to Third Party Subpoena

Mr. Lewis,

It has been more than a week since I responded to your email inquiring as to whether we would accept service of a second, new subpoena on the DNC in the Ohio redistricting matter in which you represent intervenors. As you will recall, at that time I

requested from you clarification as for the basis for seeking discovery from the DNC in the matter as a general matter, and specific clarification for your request for all materials that you believe the DNC has produced in other redistricting cases in the new subpoena. I also asked that you confirm that in pursuing this second subpoena, you are withdrawing the first. And I explained that we could not agree to the return date as set in the second subpoena, but that we would agree, as a professional courtesy, to accept service on behalf of the DNC for the second subpoena, provided you extended the return date to November 30. I emphasized in that email that the DNC is (obviously) extremely busy in preparing for the midterm elections, which are now less than three weeks away.

You have not responded to my email in any way, not to explain the basis for seeking any of the discovery from the DNC, not to confirm that you are withdrawing the first subpoena, and not to agree to the timeline that I proposed in my email. Nor have you sent me a subpoena with a revised cover sheet reflecting a new return date of November 30. I was clear in my email that we cannot agree to the return date that you unilaterally chose when you prepared the second subpoena. But I told you that we would agree to accept service if that return date was extended. At this point, having heard nothing from you, we can only assume that you have decided not to pursue this matter further at this time.

If you change your mind, we remain willing to accept service of a subpoena on behalf of the DNC if we can agree to a reasonable return date. We also await the responses to our questions about the basis of the discovery sought from the DNC and remind you of your obligations under Rule 45 to take reasonable steps to avoid imposing an undue burden or expense on a person subject to a subpoena.

Regards,
Aria

Aria Branch | Perkins Coie LLP
ASSOCIATE
700 Thirteenth Street, N.W. Suite 600
Washington, DC 20005-3960
D. +1.202.654.6338
F. +1.202.654.9996
E. ABranch@perkinscoie.com

From: Branch, Aria C. (WDC)
Sent: Wednesday, October 10, 2018 9:32 AM
To: 'Lewis, Patrick T.' <plewis@bakerlaw.com>
Cc: Frost, Elisabeth C. (WDC) <EFrost@perkinscoie.com>; Elias, Marc (WDC) <MElias@perkinscoie.com>; Wilson, Graham M. (WDC) <GWilson@perkinscoie.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Tucker, Robert J. <rtucker@bakerlaw.com>; Prouty, Erika Dackin <eprouthy@bakerlaw.com>
Subject: RE: Ohio A. Philip Randolph Institute, et al. v. Ryan Smith, et al.: DNC Objections and Responses to Third Party Subpoena

Mr. Lewis,

In our conversation about the original subpoena, we advised you that based on our investigation, we had no reason to believe that the DNC was involved in congressional redistricting in Ohio in the 2010/2011 redistricting cycle. We asked you to provide us with the basis for your decision to serve the DNC with a subpoena in this matter, including whether you had any reason to believe the DNC was in fact involved, or any names of people associated with the DNC who were involved and whose involvement provided you with the grounds for serving this third party subpoena on the DNC. You were unable to articulate any basis for the service of the subpoena except to say that the RNC has been served in other redistricting cases. That is obviously not sufficient grounds under the Federal Rules to seek discovery from a third party. At this point, the DNC has already incurred costs responding to a subpoena that it appears you had no basis to serve. Please advise whether you have some new basis for believing the DNC has materials that are relevant to this action to justify this second attempt to obtain discovery from the DNC in this action. Although we have not done a strict compare of the subpoenas, this one similarly appears to be seeking information about the DNC's involvement in Ohio redistricting in 2010/2011. It also seems to go far beyond that, including seeking all materials that the DNC has previously produced in discovery in any other redistricting case, and transcripts related to the same. Beyond being clearly overbroad and irrelevant to the case in which you are involved, these topics similarly indicate that your attempt to seek materials from the DNC is nothing more than a broad fishing expedition, rather than an informed attempt to obtain discovery that you have reason to believe exists. What cases, specifically, do these requests mean to refer to?

As for your request that we "meet and confer" about what was done to determine whether the DNC had responsive documents to the original subpoena, I will represent to you that we reached out to several persons who worked for the DNC at the time in question, including the individuals who would have had knowledge about the DNC's involvement in congressional redistricting in Ohio had it occurred. They each advised us that they were not aware of the DNC's involvement. We also searched counsel's records to determine whether there is any indication there that the DNC was in fact involved in Ohio congressional redistricting in or around the time in question, and we did not find any documents indicating that it was. This investigation prompted our question to you about the basis for the discovery request. We have continued to attempt to do a reasonable search of the DNC's records for potentially responsive materials, but because neither the DNC (nor apparently you or your clients) has knowledge that could help us in conducting a search for documents that, in all likelihood, appear not to exist at all, it is not clear to us what more we can or are required to do under the Federal Rules that would not be, on its face, clearly disproportionately and exceedingly burdensome.

As for your request that we accept service of the second subpoena, we will agree to accept service as of today, October 10. We cannot agree to a return date of October

17. Rather, we will agree to serve you with objections in accordance with the Federal Rules, two weeks from today's date, October 24. As for the return date, we can agree to continue to attempt to determine whether the DNC might have anything potentially relevant with a return date of November 30. As you know, at this point, the midterm elections are mere weeks away, and given that, based on what you have told us at this point, there is no legitimate basis for your pursuit of discovery from DNC in this matter at all, much less an urgent need for it, the DNC cannot afford to divert more resources and time to responding to the second subpoena in the immediate weeks before the general election.

Please also confirm that in pursuing the second subpoena, you are withdrawing the first. As I am sure you are aware, under Federal Rule 45 the party and attorney responsible for issuing and serving a third party subpoena "must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena," and courts have an obligation to enforce that duty and impose sanctions, where appropriate. We expressly reserve the right to petition the court for all fees and costs incurred by the DNC in responding to both the original subpoena and the revised subpoena. We similarly reserve the right to seek any other appropriate remedies.

Regards,
Aria

Aria Branch | Perkins Coie LLP
ASSOCIATE
700 Thirteenth Street, N.W. Suite 600
Washington, DC 20005-3960
D. +1.202.654.6338
F. +1.202.654.9996
E. ABranch@perkinscoie.com

From: Lewis, Patrick T. <plewis@bakerlaw.com>
Sent: Tuesday, October 09, 2018 1:55 PM
To: Branch, Aria C. (WDC) <ABranch@perkinscoie.com>
Cc: Frost, Elisabeth C. (WDC) <EFrost@perkinscoie.com>; Elias, Marc (WDC) <MElias@perkinscoie.com>; Wilson, Graham M. (WDC) <GWilson@perkinscoie.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Tucker, Robert J. <rtucker@bakerlaw.com>; Prouty, Erika Dackin <eprouthy@bakerlaw.com>
Subject: RE: Ohio A. Philip Randolph Institute, et al. v. Ryan Smith, et al.: DNC Objections and Responses to Third Party Subpoena

Dear Aria:

Following up on this correspondence. Can you please advise on the issues identified below? Thank you.

Best regards,

pl

From: Lewis, Patrick T.

Sent: Wednesday, October 03, 2018 9:59 AM

To: 'Branch, Aria C. (Perkins Coie)' <ABranch@perkinscoie.com>

Cc: Frost, Elisabeth C. (Perkins Coie) <EFrost@perkinscoie.com>; Elias, Marc (Perkins Coie) <MElias@perkinscoie.com>; Wilson, Graham M. (Perkins Coie)

<GWilson@perkinscoie.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>;

Tucker, Robert J. <rtucker@bakerlaw.com>; Prouty, Erika Dackin

<eprouty@bakerlaw.com>

Subject: RE: Ohio A. Philip Randolph Institute, et al. v. Ryan Smith, et al.: DNC Objections and Responses to Third Party Subpoena

Dear Aria,

This email responds to the Democratic National Committee's Responses and Objections to the Subpoena served by Intervenors in this case. I wanted to address two separate issues with you.

First, as the DNC recognized in its responses, there was an error with Exhibit A attached to the Subpoena. I've attached an updated version of the Subpoena with the corrected Exhibit A. I note that while many of the requests overlap, there are some different requests in the corrected Subpoena. Please let me know if you will agree to accept service of this corrected Subpoena given your role representing the DNC in responding to the original Subpoena. We have set the response date for the corrected Subpoena as October 17 – 14 days from today.

Second, we noted that each of the DNC's responses to the original Subpoena state that the DNC "has undertaken a reasonably diligent inquiry and search and has not found any materials responsive to this request." We would like to set up a meet and confer to discuss how the DNC searched for any responsive documents, including what emails and/or other electronically stored information was searched, what search terms were used, and for what timeframe, so we can confirm that the searches were reasonable and appropriate. Please let us know some dates and times you are available.

We appreciate the DNC's cooperation in responding to this Subpoena.

Best regards,

pl

Patrick Lewis

Partner

<image004.jpg>

Key Tower

127 Public Square | Suite 2000

Cleveland, OH 44114-1214

T +1.216.861.7096

plewis@bakerlaw.com

bakerlaw.com



From: Branch, Aria C. (Perkins Coie) <ABranch@perkinscoie.com>
Sent: Monday, October 01, 2018 5:51 PM
To: Lewis, Patrick T. <plewis@bakerlaw.com>
Cc: Frost, Elisabeth C. (Perkins Coie) <EFrost@perkinscoie.com>; Elias, Marc (Perkins Coie) <MElias@perkinscoie.com>; Wilson, Graham M. (Perkins Coie) <GWilson@perkinscoie.com>
Subject: Ohio A. Philip Randolph Institute, et al. v. Ryan Smith, et al.: DNC Objections and Responses to Third Party Subpoena

Dear Mr. Lewis,

As discussed, and pursuant to Federal Rule of Civil Procedure 45, please find attached the Democratic National Committee's Objections and Responses to the Third Party-Subpoena served on it by the Intervenors in the above-referenced matter. We will also send a hard copy in the mail.

Regards,
Aria

Aria Branch | Perkins Coie LLP
ASSOCIATE
700 Thirteenth Street, N.W. Suite 600
Washington, DC 20005-3960
D. +1.202.654.6338
F. +1.202.654.9996
E. ABranch@perkinscoie.com

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NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

Exhibit B

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
CINCINNATI DIVISION**

OHIO A. PHILIP RANDOLPH INSTITUTE, et
al.,

Plaintiffs,

v.

JOHN KASICH, in his official capacity as Governor
of Ohio, et al.,

Defendants,

STEVE CHABOT, et al.,

Defendant-Intervenors.

Case No. 1:18-cv-00357-TSB-KNM-
MHW

**NON-PARTY DEMOCRATIC NATIONAL COMMITTEE’S RESPONSES AND
OBJECTIONS TO THE DEFENDANT-INTERVENORS’ SECOND RULE 45
SUBPOENA DUCES TECUM**

TO: Defendant-Intervenors Steve Chabot, Brad R. Wenstrup, Jim Jordan, Bob Latta, Bill Johnson, Bob Gibbs, Warren Davidson, Michael Turner, Dave Joyce, Steve Stivers, Robert F. Bodi, Charles Drake, Roy Palmer, III, Nathan Aichele, Republican Party of Cuyahoga County, and Franklin County Republican Party.

Pursuant to Federal Rule of Civil Procedure 45, the Democratic National Committee (“DNC”), through its counsel, hereby responds and objects to the second subpoena that Defendant-Intervenors have issued to the DNC (the “Second DNC Subpoena”) in connection with the underlying action *Ohio A. Philip Randolph Institute, et al. v. Kasich, et al.* (the “Ohio Redistricting Litigation” or the “underlying action”). This is the second subpoena that the Defendant-Intervenors have issued to the DNC, a political committee that is not a party to the underlying litigation, in less than a one-month period. The Second DNC Subpoena repeats

verbatim several of the same requests for production that were made in the first subpoena served on the DNC in connection with the underlying litigation (the “First DNC Subpoena”).¹ In addition to those identical and duplicative requests, the Second DNC Subpoena makes several additional broad requests, many clearly well beyond the scope of any appropriate subject matter relevant to the Ohio Redistricting Litigation.

Counsel for the DNC has repeatedly advised Defendant-Intervenors’ counsel that, based on their reasonable inquiries and searches, they have not been able to identify materials responsive to the First DNC Subpoena and have asked for the basis for counsel’s decision to seek discovery from the DNC. These inquiries were made to give the Defendant-Intervenors the opportunity to avoid or mitigate undue expenses and burdens imposed on the DNC as a result of Defendant-Intervenors’ requests for third party discovery, including by enabling the DNC to target a search for potentially responsive material. In response, counsel for Defendant-Intervenors first stated simply that the *Republican* national party committee, the RNC, had been the recipient of similar subpoenas in other redistricting cases. Later, counsel attempted to justify the DNC Subpoenas by asserting that “the Ohio Legislative Task Force,” which appears to be a body created by the Ohio Legislature (not the DNC) and comprised entirely of local Ohio state legislators, *see* Ohio Rev. Code 103.51, “granted authority to the respective Republican and Democrat [sic] legislative caucuses to approve payment for expenses incurred for redistricting efforts.”

Defendant-Intervenors’ counsel did not make any effort to explain why these entirely local activities by Ohio state legislators are thought to have implicated the DNC, the national

¹ References to the “Subpoenas” refer to both the First and Second DNC Subpoenas.

committee of the Democratic Party, in any way, nor has counsel provided any further guidance to help inform the DNC in identifying potentially responsive documents in response to either the First or Second DNC Subpoenas, both of which were issued during the final weeks leading up to the 2018 midterm elections, a time period during which the DNC is wholly engaged in preparing for the coming election, and where the Subpoenas appear to be, at best, a fishing expedition. The Defendant-Intervenors have also refused to withdraw the First DNC Subpoena. Thus, the DNC has been required to expend time and resources, including incurring legal fees, responding to two Subpoenas from counsel for the Defendant-Intervenors who have been unable to articulate any grounds for seeking discovery from the DNC in the first place, during the final weeks leading up to the 2018 midterm elections.

The DNC maintains and reaffirms the objections that it asserted to the First DNC Subpoena, which were served on Defendant-Intervenors' counsel on October 1, 2018. Where appropriate, the DNC also repeats many of those same objections to the Second DNC Subpoena in the objections that follow.

GENERAL OBJECTIONS

1. These responses and objections are based on the information and documents currently available to DNC and DNC reserves the right to alter, supplement, amend, or otherwise modify these responses and objections based upon later recollections, the recollections of persons presently unidentified or unavailable, or the discovery of additional documents or information.

2. DNC objects to the Second DNC Subpoena under Federal Rule of Civil Procedure 45(d)(3)(A)(iii) to the extent that it seeks documents and communications protected by the attorney work product doctrine, the attorney-client privilege, the First Amendment privilege, a

joint or common interest privilege, or any other privilege recognized by law, to which no exception or waiver applies.

3. DNC objects to the Second DNC Subpoena to the extent that it seeks discovery of materials not relevant to the subject matter involved in the underlying action as required under Federal Rule of Civil Procedure 26(b)(1). In the underlying action, *Ohio A. Philip Randolph Institute, et al. v. Kasich, et al.*, Plaintiffs challenge Ohio’s current United States congressional redistricting plan and each of its component districts as an unconstitutional partisan gerrymander that violates the First Amendment, the Fourteenth Amendment, and Article I of the United States Constitution. The Second DNC Subpoena defines “Ohio congressional map” as “the Ohio congressional maps drawn as a result of the 2010 Census and reapportionment of seats, including the maps adopted in HB 319 and HB 369, as well as any alternative, proposed, or draft maps.” DNC, however, was not involved in the drawing of any Ohio congressional maps as a result of the 2010 Census and reapportionment of seats. Thus, to the extent that DNC has any materials “concerning” or “related to” the Ohio congressional map that are not otherwise publicly available or obtainable from another source, such materials are not only substantially likely to be protected by privilege as discussed above, they are not likely to lead to the discovery of admissible evidence to prove or disprove Plaintiffs’ claim in *Ohio A. Philip Randolph Institute*, i.e., that Ohio’s congressional map violates the First Amendment, the Fourteenth Amendment, and Article I of the United States Constitution. Second Am. Compl. ¶ 1. Furthermore, DNC has undertaken a reasonably diligent inquiry and search and has not found any materials related to congressional redistricting in Ohio during the time period at issue.

4. DNC objects to the Second DNC Subpoena under Federal Rule of Civil Procedure 45(d)(3)(A)(iv) on the ground that complying with it would subject DNC to an undue burden. In

particular, the Second DNC Subpoena is overbroad, it seeks information that is likely cumulative or duplicative of the information sought from the named Defendants and/or other third parties in discovery in the underlying litigation, and it seeks information that can be obtained from some other source that is more convenient, less burdensome, or less expensive, including but not limited to the named Defendants in the underlying lawsuit and/or governmental entities in Ohio.

5. DNC objects to the Second DNC Subpoena to the extent that it seeks identification and/or production of documents or other materials that are not within its possession, custody or control.

6. DNC specifically objects to the definition of “Document” and “Documents,” which reaches far beyond any arguably permissible discovery, even under a broad application of the standard for relevance. “Document” and “Documents” are defined in sweepingly broad terms to include “each and every medium upon which information is or can be printed, typed, written, recorded, or reproduced by mechanical or electronic means, by hand or by any other method, whether by You or someone else, that is or has been within Your possession, custody, control or of which You have knowledge or access.”

7. DNC objects to the term “regarding,” which is undefined in the Second DNC Subpoena, as vague and impermissibly overbroad.

8. DNC objects to the Second DNC Subpoena to the extent that it requests documents and communications that are highly confidential and protected by law, including but not limited to disclosure of expert opinion or information not describing specific events or occurrences in dispute and resulting from the expert’s study not made at the request of any party in violation of Federal Rule of Civil Procedure 45(d)(3)(B)(ii), as well as any politically sensitive or proprietary information protected by Federal Rule of Civil Procedure 45(d)(3)(B)(i).

9. DNC objects to the Second DNC Subpoena's requests and definitions to the extent that they purport to impose a duty on DNC beyond what is required under the Federal Rules of Civil Procedure or other applicable law.

10. DNC objects to the Second DNC Subpoena on the ground that it is unduly burdensome to the extent that it seeks documents and other materials over an undefined time period even though the Ohio congressional redistricting process took place in 2010 and 2011.

11. DNC further objects to the Second DNC Subpoena on the ground that it is unduly burdensome as it seeks documents and other materials that, if they existed, would have been created nearly a decade ago, and thus locating and converting them into a reviewable and producible format is likely to require the expenditure of significant time, money, and other resources, to the marked detriment of DNC, a third party, not proportional to the needs of the case.

12. DNC objects to the Second DNC Subpoena to the extent that it requests documents that are available to or are already in the possession, custody or control of Defendant-Intervenors.

13. DNC objects to the Second DNC Subpoena to the extent that it makes discovery demands that are duplicative to those made by Defendant-Intervenors in the First DNC Subpoena.

14. Each of these general objections is hereby specifically incorporated into the specific responses and objections set forth below.

SPECIFIC RESPONSES AND OBJECTIONS

REQUEST NO. 1: All Documents regarding or relating to the redistricting of the Ohio congressional map conducted as a result of the 2010 Census and reapportionment of seats in 2011.

OBJECTION: DNC objects to this request based on each of the general objections explained above, including on the ground that it is duplicative to requests made in the First DNC Subpoena; to the extent that it seeks materials that are subject to the attorney-client privilege, work product privilege, or other privileges recognized by law, including but not limited to the First Amendment privilege; to the extent that it seeks materials that are highly confidential and protected by law; on the ground that this request is overbroad, unduly burdensome, and vague because it seeks information that is not relevant to proving or disproving Plaintiffs' claims or not subject to discovery under the Federal Rules; on the ground that the request is overbroad, unduly burdensome, and vague because it seeks documents over an undefined time period even though the Ohio congressional redistricting process took place in 2010 and 2011; and to the extent that it seeks materials equally available to Defendant-Intervenors, including materials that are publicly available or that are obtainable from another source that is more convenient, less burdensome, or less expensive.

Notwithstanding, expressly subject to and without waiving these objections, DNC responds that it has undertaken a reasonably diligent inquiry and search and has not found any materials responsive to this request.

REQUEST NO. 2: All Documents constituting any final, proposed, or draft Ohio congressional maps generated in 2011, whether generated by You or by someone else.

OBJECTION: DNC objects to this request based on each of the general objections explained above, including to the extent that it seeks materials that are subject to the attorney-client privilege, work product privilege, or other privileges recognized by law, including but not limited to the First Amendment privilege; to the extent that it seeks materials that are highly confidential and protected by law; to the extent that it seeks information that is not relevant to proving or disproving Plaintiffs' claims or not subject to discovery under the Federal Rules; on the ground that this request is duplicative of and overlapping with other requests in the Subpoenas; and to the extent that it seeks materials equally available to Defendant-Intervenors, including materials that are publicly available or that are obtainable from another source that is more convenient, less burdensome, or less expensive.

Notwithstanding, expressly subject to and without waiving these objections, DNC responds that it has undertaken a reasonably diligent inquiry and search and has not found any materials responsive to this request.

REQUEST NO. 3: All Documents regarding or relating to any services that You or any person affiliated with You provided, whether paid or unpaid, relating to the redistricting of the Ohio congressional map, including but not limited to (a) contracts and agreements, whether oral or written, and Documents reflecting such contracts and agreements; (b) communications with persons relating to the Ohio congressional map or redistricting in general; (c) reports (draft or final) or analysis, and Documents reflecting such reports and analyses relating to the Ohio congressional map; (d) information shared with any person to assist them in their work related to the Ohio congressional map; and (e) invoices or payments submitted relating to congressional redistricting in Ohio in 2009-2011.

OBJECTION: DNC objects to this request based on each of the general objections explained above, including to the extent that it seeks materials that are subject to the attorney-client privilege, work product privilege, or other privileges recognized by law, including but not limited to the First Amendment privilege; on the ground that sections (a) through (d) of this request are unduly burdensome to the extent that they seeks documents and other materials over an undefined time period even though the Ohio congressional redistricting process took place in 2010 and 2011; to the extent that it seeks materials that are highly confidential and protected by law; to the extent that it seeks information that is not relevant to proving or disproving Plaintiffs' claims or not subject to discovery under the Federal Rules; on the ground that the terms "services," "report" and "analyses" are vague and undefined; on the ground that the request is overbroad and unduly burdensome in that it seeks communications related to any "services" "relating to . . . redistricting in general"; on the ground that the request is vague, unduly burdensome and overbroad in seeking all such materials related to "services" provided by "any person affiliated with" the DNC; that this request is duplicative of and overlapping with other requests in the Subpoenas; and to the extent that it seeks materials equally available to Defendant-Intervenors, including materials that are publicly available or that are obtainable from another source that is more convenient, less burdensome, or less expensive.

Notwithstanding, expressly subject to and without waiving these objections, DNC responds that it has undertaken a reasonably diligent inquiry and search as to the extent the request seeks information clearly and directly related to "the redistricting of the Ohio congressional map" in the last redistricting cycle and has not found any materials responsive to this request.

REQUEST NO. 4: All Documents relating to the involvement of the Ohio Democratic Party (“ODP”), the Democratic Congressional Campaign Committee (“DCCC”), Democratic National Committee (“DNC”), or any persons associated with those organizations, in the redistricting of the Ohio congressional map.

OBJECTION: DNC objects to this request based on each of the general objections explained above, including on the ground that it is duplicative to requests made in the First DNC Subpoena; to the extent that it seeks materials that are subject to the attorney-client privilege, work product privilege, or other privileges recognized by law, including but not limited to the First Amendment privilege; to the extent that it seeks materials that are highly confidential and protected by law; to the extent that it seeks information that is not relevant to proving or disproving Plaintiffs’ claims or not subject to discovery under the Federal Rules; on the ground that this request is duplicative of and overlapping with other requests in the Subpoenas; and to the extent that it seeks materials equally available to Defendant-Intervenors, including materials that are publicly available or that are obtainable from another source that is more convenient, less burdensome, or less expensive.

Notwithstanding, expressly subject to and without waiving these objections, DNC responds that it has undertaken a reasonably diligent inquiry and search and has not found any materials responsive to this request.

REQUEST NO. 5: All Documents relating to any statement made by any person in 2010 and/or 2011 regarding or relating to his/her objective(s) or hopes to achieve some result in the redistricting of the Ohio congressional map, including for example and without limitation (a) that using partisan voting data to create congressional districts could reduce the cost needed to

conduct congressional campaigns; and (b) the desire to preserve incumbent members in the Ohio delegation to the United States House of Representatives.

OBJECTION: DNC objects to this request based on each of the general objections explained above, including on the ground that it is duplicative to requests made in the First DNC Subpoena; to the extent that it seeks materials that are subject to the attorney-client privilege, work product privilege, or other privileges recognized by law, including but not limited to the First Amendment privilege; to the extent that it seeks materials that are highly confidential and protected by law; to the extent that it seeks information that is not relevant to proving or disproving Plaintiffs' claims or not subject to discovery under the Federal Rules; on the ground that the term "person" is vague and overbroad; on the ground that this request is duplicative of and overlapping with other requests in the Subpoenas; and to the extent that it seeks materials equally available to Defendant-Intervenors, including materials that are publicly available or that are obtainable from another source that is more convenient, less burdensome, or less expensive.

Notwithstanding, expressly subject to and without waiving these objections, DNC responds that it has undertaken a reasonably diligent inquiry and search and has not found any materials responsive to this request.

REQUEST NO. 6: All documents relating to any attempt to solicit donations or support for the purpose of influencing congressional maps, including Ohio's, as a result of the 2010 statewide elections.

OBJECTION: DNC objects to this request based on each of the general objections explained above, including to the extent that it seeks materials that are subject to the attorney-client privilege, work product privilege, or other privileges recognized by law, including but not limited to the First Amendment privilege; to the extent that it seeks materials that are highly

confidential and protected by law; on the ground that this request is duplicative of and overlapping with other requests in the Subpoenas; on the ground that the request is overbroad, unduly burdensome, and vague because it seeks documents over an undefined time period even though the Ohio congressional redistricting process took place in 2010 and 2011; on the ground that the term “solicit donations or support” is undefined, overbroad, and vague; on the ground that the term “as a result of the 2010 statewide elections” is undefined and vague; and to the extent that it seeks materials equally available to Defendant-Intervenors, including materials that are publicly available or that are obtainable from another source that is more convenient, less burdensome, or less expensive.

REQUEST NO. 7: All communications, and Documents regarding or relating to such communications, with any member, group of members, or prospective members of the United States Congress regarding or relating to the Ohio congressional maps ultimately adopted in HB 319 and HB 369.

OBJECTION: DNC objects to this request based on each of the general objections explained above, including on the ground that it is duplicative to requests made in the First DNC Subpoena; to the extent that it seeks materials that are subject to the attorney-client privilege, work product privilege, or other privileges recognized by law, including but not limited to the First Amendment privilege; to the extent that it seeks materials that are highly confidential and protected by law; to the extent that it seeks information that is not relevant to proving or disproving Plaintiffs’ claims or not subject to discovery under the Federal Rules; on the ground that this request is duplicative of and overlapping with other requests in the Subpoenas; and to the extent that it seeks materials equally available to Defendant-Intervenors, including materials

that are publicly available or that are obtainable from another source that is more convenient, less burdensome, or less expensive.

Notwithstanding, expressly subject to and without waiving these objections, DNC responds that it has undertaken a reasonably diligent inquiry and search and has not found any materials responsive to this request.

REQUEST NO. 8: All Documents regarding or relating to the consideration of any factors in creating any draft or final versions of the Ohio congressional map, including but not limited to (a) compactness; (b) contiguity; (c) population equality; (d) incumbency protection; (e) competitiveness; (f) preservation of communities of interest; (g) likelihood of election outcomes; (h) past election outcomes, either collectively or singularly; (i) Voting Rights Act compliance; (j) location of political campaign contributors; (k) location of the home of any potential candidate for Congress; and (l) location of any county, municipal, or other political boundary.

OBJECTION: DNC objects to this request based on each of the general objections explained above, including on the ground that it is duplicative to requests made in the First DNC Subpoena; to the extent that it seeks materials that are subject to the attorney-client privilege, work product privilege, or other privileges recognized by law, including but not limited to the First Amendment privilege; to the extent that it seeks materials that are highly confidential and protected by law; to the extent that it seeks information that is not relevant to proving or disproving Plaintiffs' claims or not subject to discovery under the Federal Rules; on the ground that the terms "compactness," "contiguity," "competitiveness," "political boundary," and "communities of interest" are vague and undefined; on the ground that this request is duplicative of and overlapping with other requests in the Subpoenas; and to the extent that it seeks materials

equally available to Defendant-Intervenors, including materials that are publicly available or that are obtainable from another source that is more convenient, less burdensome, or less expensive.

Notwithstanding, expressly subject to and without waiving these objections, DNC responds that it has undertaken a reasonably diligent inquiry and search and has not found any materials responsive to this request.

REQUEST NO. 9: All communications, and Documents regarding or relating to such communications with any person regarding the redistricting of the Ohio congressional maps following the 2010 Census, including but not limited to: Armond Budish, Matthew Szollosi, Keary McCarthy, Amanda Hoyt, Chris Glassburn, Randall Routt, Bethany Sanders, Sarah Cherry, Otto Beatty, Jr., James Ruvolo, Christopher Redfern, James Slagle, Catherine Turcer, any person associated with any member of the Ohio General Assembly, any person associated with the Ohio Apportionment Board, any person associated with the Ohio Democratic Party (“ODP”), any person associated with the Democratic Congressional Campaign Committee (“DCCC”), any person associated with the Democratic National Committee (“DNC”), any person associated with the League of Women Voters of Ohio, or any person associated with the Ohio A. Philip Randolph Institute.

OBJECTION: DNC objects to this request based on each of the general objections explained above, including on the ground that it is duplicative to requests made in the First DNC Subpoena; to the extent that it seeks materials that are subject to the attorney-client privilege, work product privilege, or other privileges recognized by law, including but not limited to the First Amendment privilege; to the extent that it seeks materials that are highly confidential and protected by law; on the ground that this request is overbroad, unduly burdensome, and vague because it seeks information that is not relevant to proving or disproving Plaintiffs’ claims or not

subject to discovery under the Federal Rules; on the ground that the term “person” is vague and overbroad; on the ground that the request is overbroad, unduly burdensome, and vague because it seeks documents over an undefined time period even though the Ohio congressional redistricting process took place in 2010 and 2011; on the ground that this request is duplicative of and overlapping with other requests in the Subpoenas; and to the extent that it seeks materials equally available to Defendant-Intervenors, including materials that are publicly available or that are obtainable from another source that is more convenient, less burdensome, or less expensive.

Notwithstanding, expressly subject to and without waiving these objections, DNC responds that it has undertaken a reasonably diligent inquiry and search and has not found any materials responsive to this request.

REQUEST NO. 10: All Documents regarding or relating to any conference, meeting, or training concerning the topic of redistricting in 2010 or 2011, including but not limited to (a) agendas; (b) minutes or notes; (c) any Document provided to participants prior to, at or after the event; (d) invitations; (e) invoices or requests for reimbursements; (f) participation lists; and (g) communications relating to the meeting, conference, or training.

OBJECTION: DNC objects to this request based on each of the general objections explained above, including on the ground that it is duplicative to requests made in the First DNC Subpoena; to the extent that it seeks materials that are subject to the attorney-client privilege, work product privilege, or other privileges recognized by law, including but not limited to the First Amendment privilege; on the ground that this request is overbroad, unduly burdensome, and vague because it seeks materials that are highly confidential and protected by law; to the extent that it seeks information that is not relevant to proving or disproving Plaintiffs’ claims or not subject to discovery under the Federal Rules; on the ground that the request is overbroad,

unduly burdensome, and vague because it seeks documents over an undefined time period and related to “redistricting” generally, even though the underlying litigation is related to Ohio congressional redistricting specifically, on the ground that this request is duplicative of and overlapping with other requests in the Subpoenas; and even though the Ohio congressional redistricting process took place in 2010 and 2011; on the ground that the term “redistricting” is vague and undefined; and to the extent that it seeks materials equally available to Defendant-Intervenors, including materials that are publicly available or that are obtainable from another source that is more convenient, less burdensome, or less expensive.

Notwithstanding, expressly subject to and without waiving these objections, DNC responds that it has undertaken a reasonably diligent inquiry and search and has not found any materials responsive to this request.

REQUEST NO. 11: All deposition and trial transcripts constituting the testimony of any of Your employees, agents, or representatives in any redistricting litigation, and any exhibits thereto.

OBJECTION: DNC objects to this request based on each of the general objections explained above, including to the extent that it seeks any materials that may be protected by a protective order or other court order; on the ground that this request is overbroad, unduly burdensome, and vague because it seeks materials related not just to the testimony of the DNC, but also, without limitation, any person who could possibly be deemed to be the DNC’s “employee[], agent[], or representative[] in *any* redistricting litigation” (emphasis added); to the extent that it seeks information that is not relevant to proving or disproving Plaintiffs’ claims or not subject to discovery under the Federal Rules; on the ground that this request is duplicative of and overlapping with other requests in the Subpoenas; on the ground that this request is unduly

burdensome to the extent that it seeks documents and other materials over an undefined time period even though the Ohio congressional redistricting process took place in 2010 and 2011; and to the extent that it seeks materials equally available to Defendant-Intervenors, including materials that are publicly available or that are obtainable from another source that is more convenient, less burdensome, or less expensive.

Notwithstanding, expressly subject to and without waiving these objections, DNC responds that it has undertaken a reasonably diligent inquiry and is unaware of any redistricting litigation arising out of the last redistricting cycle in which the DNC has provided testimony.

REQUEST NO. 12: All Documents and communications regarding or relating to the above-captioned litigation.

OBJECTION: DNC objects to this request based on each of the general objections explained above including to the extent that it seeks materials that are subject to the attorney-client privilege, work product privilege, or other privileges recognized by law, including but not limited to the First Amendment privilege; and on the grounds that this request is overbroad and unduly burdensome, and vague. For example, the term “above-captioned” is undefined and vague in that it is unclear whether it means the underlying litigation or other litigation referred to in Request 11. To the extent it refers to the latter, DNC objects to this request not only for the reasons stated in the objection to Request No. 11, which are incorporated herein, because also because it seeks materials that are highly confidential and protected by law, to include, without limitation “[a]ll Documents and communications regarding or relating to” “*any* redistricting litigation” in which a DNC “employee[e], agent[], or representative[]” has provided testimony at any point in time; to the extent that it seeks information that is not relevant to proving or disproving Plaintiffs’ claims or not subject to discovery under the Federal Rules; on the ground

that this request is duplicative of and overlapping with other requests in the Subpoenas; on the ground that this request is unduly burdensome to the extent that it seeks documents and other materials over an undefined time period even though the Ohio congressional redistricting process took place in 2010 and 2011; and to the extent that it seeks materials equally available to Defendant-Intervenors, including materials that are publicly available or that are obtainable from another source that is more convenient, less burdensome, or less expensive.

Notwithstanding, expressly subject to and without waiving these objections, DNC responds that it has undertaken a reasonably diligent inquiry and is unaware of any redistricting litigation arising out of the last redistricting cycle in which the DNC has provided testimony.

REQUEST NO. 13: All Documents that you produced to any other person in connection with any redistricting litigation.

OBJECTION: DNC objects to this request based on each of the general objections explained above, including to the extent that it seeks materials that are subject to the attorney-client privilege, work product privilege, or other privileges recognized by law, including but not limited to the First Amendment privilege; on the ground that this request is overbroad, unduly burdensome, and vague because it seeks materials that are highly confidential and protected by law; to the extent that it seeks information that is not relevant to proving or disproving Plaintiffs' claims or not subject to discovery under the Federal Rules; on the ground that the request is overbroad, unduly burdensome, and vague because it seeks documents over an undefined time period and related to *any* redistricting litigation, even though the underlying litigation is related to Ohio congressional redistricting specifically; on the ground that this request is duplicative of and overlapping with other requests in the Subpoenas; on the ground that this request is unduly

burdensome to the extent that it seeks documents and other materials over an undefined time period even though the Ohio congressional redistricting process took place in 2010 and 2011; and to the extent that it seeks materials equally available to Defendant-Intervenors, including materials that are publicly available or that are obtainable from another source that is more convenient, less burdensome, or less expensive.

Notwithstanding, expressly subject to and without waiving these objections, DNC responds that it has undertaken a reasonably diligent inquiry and is unaware of any redistricting litigation arising out of the last redistricting cycle in which the DNC has produced documents.

Dated: October 24, 2018

Respectfully submitted,

By: *Marc E. Elias*

Marc Erik Elias
Graham Wilson
Elisabeth C. Frost
Aria C. Branch
MElias@perkinscoie.com
GWilson@perkinscoie.com
EFrost@perkinscoie.com
ABranch@perkinscoie.com
PERKINS COIE LLP
700 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005-3960
Telephone: 202.654.6200
Facsimile: 202.654.6211

*Attorneys for Democratic National
Committee*

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of October, 2018, I caused a copy of the foregoing Responses and Objections to be served via electronic mail and First Class Mail on the following counsel:

Patrick T. Lewis
Baker & Hostetler LLP
Key Tower
127 Public Square, Suite 2000
Cleveland, OH 44114
plewis@bakerlaw.com

Dated: October 24, 2018

By: *Aria C. Branch*

Aria C. Branch
ABranch@perkinscoie.com
PERKINS COIE LLP
700 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005-3960
Telephone: 202.654.6200
Facsimile: 202.654.6211

Attorneys for Democratic National Committee

Exhibit C

November 16, 2018

Aria Branch
ABranch@perkinscoie.com
D. +202.654.6338
F. +202.654.9996

VIA E-MAIL

Patrick T. Lewis
Baker & Hostetler LLP
Key Towner 127 Public Square, Suite 2000
Cleveland, OH 44114

RE: *Ohio A. Philip Randolph Institute v. Smith*, U.S. District Court, Southern District of Ohio,
Case No. 1:18-cv-00357

Dear Mr. Lewis:

On behalf of our client, the Democratic National Committee (“DNC”), please find enclosed a production of documents Bates-numbered DNC0000001 to DNC0000559.

Consistent with our discussions, our document searches did not turn up any indication that the DNC was involved with the 2010/2011 redistricting of the Ohio congressional map. As the documents that we are producing reflect, and consistent with every conversation we have had and every document that we have reviewed, we believe that the DNC was, at most, an outside observer, tracking the process to some degree, but not involved in drafting maps, or consulting on or influencing the process.

In addition to the documents that we are producing to you today, the DNC is withholding a small subset of documents on attorney client, work product, and First Amendment privilege grounds. We will provide a privilege log of these documents to you early next week.

Regards,




Graham M. Wilson
Elisabeth Frost
Aria C. Branch

Counsel to the DNC

Exhibit D

NOVEMBER 29, 2011, 12:48 PM

Reapportionment panel picks Democratic maps for new state legislative districts

By **TIM HOOVER** |  2 Comments

In a breakdown of what had been a surprisingly bipartisan process for months, a panel drawing new state legislative districts today approved Democratic-drawn maps Republicans said would target GOP leaders in the legislature.

The vote set up a situation in which the maps approved today would give the Democrats an even greater advantage than they would have had under maps the Colorado Supreme Court rejected two weeks ago after a challenge by Republicans.

The 11-member [Colorado Reapportionment Commission](#) ^[1] approved the new Democratic maps today on 6-5 votes, with the panel's unaffiliated chairman, [Mario Carrera](#) ^[2], casting his critical vote with Democrats. Republican member [Mario Nicolais](#) ^[3] had called Carrera a "sheep in wolf's clothing" for siding with Democrats.

"This is politically vindictive," Nicolais said at one point in the commission's meeting today.

Former Denver Mayor [Wellington Webb](#) ^[4], a Democratic member on the panel, dismissed those comments as sour grapes.

"Nobody is happy," Webb said. "I've even had some Democrats call me who were unhappy" about the new maps.

Republicans had complained Democrats were allowed to turn in new maps Sunday night, past a Nov. 23 deadline Carrera had set. In fact, both parties had turned in maps Sunday night, though Republicans argued theirs were only corrected versions of maps turned in Nov. 23.

Carrera said the Nov. 23 deadline never was a drop dead date, and Republicans had no one to blame but themselves for not submitting additional maps.

"They were outsmarted in terms of the approach that they

took when they saw that there was a (Democratic) map submitted that was actually better than they maps they had drawn," Carrera said. "They were caught flat-footed, and they had nothing else other than to blame other people for their own lack of coordination."

The new maps now must go to the Colorado Supreme Court again, which could choose to throw them out and have the commission start over yet again.

The court earlier this month threw out a first set of House and Senate maps, which, while being drawn by Democrats, were still approved on 8-3 and 9-2 votes, respectively. Agreeing with Republicans who had challenged the maps, the high court said too many counties were split by the plans.

Democrats said their new maps would reduce the number of instances where parts of one county are drawn into another from 30 to 16 in the House and from nine to seven in the Senate.

The maps rejected by the court also would have made 33 of 100 districts competitive, while the new Democratic maps would make 38 districts — 24 in the House and 14 in the Senate — competitive.

The latest Democratic maps would draw Senate Minority Leader Bill Cadman into the same district as [Sen. Keith King](#) ^[5], both Colorado Springs Republicans. Meanwhile, [House Majority Leader Amy Stephens](#) ^[6], R-Monument, would be drawn into the same district as [Rep. Marsha Looper](#) ^[7], R-Calhan.

Finally, Reps. B.J. Nikkel, the majority whip, and Brian DelGrosso, both Loveland Republicans, would be drawn in the same seat.

Republicans complained that no Democratic incumbents would be drawn into the same districts together, though some Democratic incumbents would be drawn into districts with Republican incumbents.

Asked if it was a strategic mistake for Republicans to challenge the original maps approved by the commission, Nicolais said no.

“It’s not a strategic problem to challenge an unconstitutional map,” he said. “The constitution isn’t strategic.”

But [Bob Loevy](#) ^[8], a Republican commission member and a long-time professor of political science at Colorado College, disagreed. He said the outcome was ironic.

“It was a bad mistake” for Republicans to challenge the original maps, Loevy said. “The Republicans were much better off with the (original) maps.”

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<http://blogs.denverpost.com/thespot/2011/11/29/reapportionment-commission-picks-democratic-maps-for-new-state-legislative-districts/48009/>

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Connecticut House Speaker Donovan quits redistricting panel

Jesse Buchanan | Posted: Wednesday, November 30, 2011 10:47 pm

Connecticut House Speaker Christopher G. Donovan, D-Meriden, stepped down from the state redistricting committee Wednesday to avoid having a hand in reconfiguring the 5th U.S. House District. Donovan is running for Congress in the 5th District and has been criticized by one of his Republican opponents, Mark Greenberg, for sitting on the committee.

Donovan said he's handing over his role to House Majority Leader Brendan Sharkey, D-Hamden. The committee voted Wednesday on new lines for state House and Senate districts but has applied for a 30-day extension to reconfigure the five congressional districts in Connecticut.

"It's turned into a political issue," Donovan said of his presence on the committee. "I don't want politics to be involved in the process." He said Wednesday that he wanted to "avert any partisan rancor."

Donovan said the state constitution required that he sit on the committee and the state Ethics Commission found no issue with his presence. Since he is running for a congressional seat, Donovan is the only lawmaker on the committee who wasn't redistricting his own General Assembly district, he said.

Greenberg, a Litchfield businessman and real estate developer, said Wednesday that Donovan should never have joined the committee.

"He should have done this long ago," Greenberg said. "It seems to me a little late."

Greenberg said Donovan had the opportunity to create unfair advantages in 5th District while on the committee. He also said in a statement Wednesday that Donovan should have stepped down long ago.

State Sen. Leonard Fasano, R-North Haven, said he didn't have a problem with Donovan's being on the redistricting committee. Donovan would have been criticized for manipulating the redistricting from behind the scenes if he'd not been on the committee, Fasano said.

"He's right there in the open," Fasano said Wednesday. "He knows everyone's eye is on him."

"I respect the decision he made," Fasano said. "He got a lot of flak from a lot of different levels."

During the redistricting, Fasano's 34th Senate District gained half of Durham. He characterized the process as bipartisan but ugly.

“It breeds a sense of incumbency and protectionism,” Fasano said. “It’s very difficult to make changes.”

State Rep. Mary Fritz, D-Wallingford, said she’s been through redistricting four times since joining the legislature in 1980.

“I’m glad it’s over,” she said Wednesday.

Fritz’s 90th House District remained the same in Cheshire but gained more of Wallingford. She’s pleased there wasn’t any radical change.

State Sen. Joseph Markley, R-Southington, added Prospect to the four towns he represents. He said that, if anything, the change made his 16th Senate District more Republican.

“I’m glad I didn’t lose anything,” Markley said. “I still have the same four towns plus one more.”

Markley agreed with Fasano that there were problems with the redistricting process.

“It’s a political process, no doubt about that,” Markley said.

jbuchanan@record-journal.com

(203) 317-2230

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House Redistricting Unanimously Approved; Windsor Redrawn

By CHRISTOPHER KEATING

5:01 PM EST, November 30, 2011

HARTFORD

For the past 30 years, Windsor has been a divided community when it comes to representation in the state legislature.

Despite being the 35th largest town in the state, the town was sliced into three different sections in the state House of Representatives - and all three representatives currently live outside of Windsor in neighboring towns.

That is now expected to change with a unanimous vote Wednesday by the special redistricting commission that created a new seat with a majority of the district in Windsor.

"This is a great day," said Leo Canty, a longtime Democratic activist in Windsor who pushed for the change. "We worked real hard. We did everything we could to make the case. It was an injustice in the 1981 redistricting."

The vote on Windsor was part of a statewide map change for all 151 House districts. Some barely changed at all. Others were shifted around considerably. The state now has two House districts that have portions of at least nine towns.

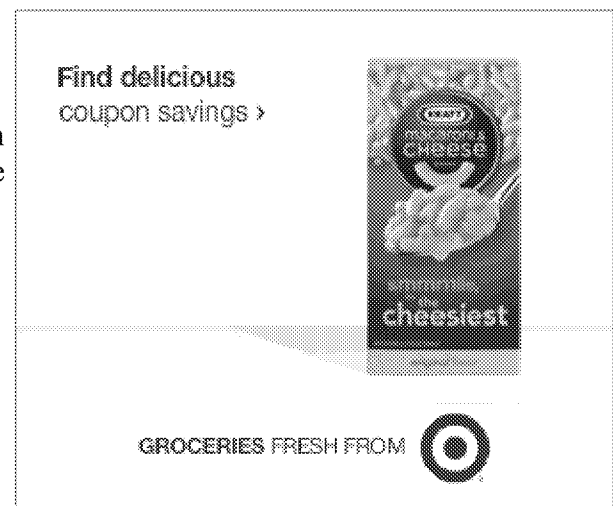
The 9-member commission that is handling the redistricting met today at 4 p.m. today at the state Capitol complex.

One of the biggest issues had been the boundary lines for Windsor, which has been sliced and diced and divided up among legislators for years. By contrast, some lawmakers represent only their hometown. Portions of Windsor, by contrast, are represented by legislators who live in other towns, including Bloomfield.

"That's been a major issue for folks up there," Whiting said.

While the House and Senate lines are now settled, that is not the case for the five Congressional districts, insiders said. They expect that lawmakers will ask the State Supreme Court for an extension on the drawing of the lines for the Congressional districts, and many expect they will be granted an extension

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to finish the work. Ten years ago, a 30-day extension was granted.

The commission includes four Republicans and four Democrats, plus former Democratic state auditor Kevin Johnston, who joined the commission as an honest broker to break any ties.

The problem in Windsor, which is a bit of an anomaly in the state political arena, was that the small community of about 30,000 residents has three state legislators in the House of Representatives - none of whom lives in Windsor.

Town leaders say it makes no sense to slice the community into little pieces, and they have been trying to persuade legislators to correct it. For months, legislators and staff members have been meeting behind closed doors - with the latest U.S. Census Bureau numbers at hand - to reshape the districts. The redrawing of the lines can ensure that the districts become stronger for Democrats or Republicans.

The 2012 elections are now less than a year away, and the new census numbers will have a direct impact on those races.

Cities like Hartford and Bridgeport have multiple legislators, but they also have populations greater than 100,000. But small communities like Windsor rarely have three lawmakers.

State Rep. Peggy Sayers of Windsor Locks represents a piece of Windsor, as does Rep. David Baram of Bloomfield. Rep. Elaine O'Brien of Suffield also has a slice of Windsor in the 61st District. All three are Democrats.

Canty explained that the redistricting was intentional.

"In the 1980 redistricting, there was a fight between Bill O'Neill and our state representative, John Pier, who supported Ernie Abate" - the House speaker who wanted to run for governor against O'Neill.

That battle led to "essentially cutting John Pier out of any political future," Canty said. "We're still paying the price 30 years later. If you talk to anyone, they say: 'That's not right.'"

He added, "It's just not fair, and it's against what our state constitution is all about."

That situation changed when the nine-member, bipartisan reapportionment commission voted on Wednesday. When the committee had initially not finished its work, it moved into a new phase by adding a ninth member - a move that has happened routinely in the past.

For months, lawmakers have been aware of the November 30 deadline.

For the Congressional districts, the redistricting plans could go to the Connecticut Supreme Court, which would be required to settle the issue and establish new boundary lines by Feb. 15, 2012.

But state Rep. Bob Godfrey, a longtime Danbury Democrat, said that the judges on the Supreme Court are busy with numerous other issues and are simply not inclined to spend time drawing political boundary lines.

"Since this is politics, the Supreme Court doesn't want to play," Godfrey told Capitol Watch. "Courts don't want to take up these kinds of issues."

The eight-member committee includes some of the top leaders of the legislature, including Senate President Pro Tem Donald Williams, Senate Majority Leader Martin Looney, House Speaker Chris Donovan, House Republican leader Larry Cafero, and Senate Republican leader John McKinney. The other members are Rep. Sandy Nafis, a Democrat, and Sen. Leonard Fasano and Rep. Arthur O'Neill, both Republicans. That's four Democrats, four Republicans.

The overriding goal of the commission is to ensure that each legislator represents an equal number of residents. Each House member currently represents about 22,000 residents.

The latest Census numbers showed that all of the state's major cities grew in population over the past 10 years. Hartford was up by 2.6 percent, Waterbury by 2.9 percent, and Bridgeport by 3.4 percent. Stamford's population went up by 4.7 percent since the 2000 Census, while New Haven's was up by 5 percent as additional housing units were constructed downtown.

The state's five Congressional members - all Democrats who won reelection in the last cycle - like things just the way they are.

"As Connecticut's redistricting efforts move forward, we, the members of the House of Representatives representing Connecticut, want to make clear that we believe Connecticut does not need major changes to the existing congressional district lines given the modest changes in the most recent census," they said. "Where changes are necessary, we believe they should abide by the principle of community interest and respect the integrity of current district lines as much as possible, with a strong emphasis on keeping communities unified within congressional districts. It is our hope that these simple guidelines are reflected in the ultimate plan that emerges."

Cafero said that, beginning tomorrow, the jurisdiction goes to the state Supreme Court - where legislators will try to receive an extension.

"We've completed 187 districts, and now we only have five to go," Cafero told fellow committee members.

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<http://www.newsday.com/news/region-state/no-agreement-on-new-conn-congressional-lines-1.3357267>

No agreement on new Conn. congressional lines

November 30, 2011 by The Associated Press /

(AP) -- A bipartisan panel of Connecticut lawmakers has failed to meet a constitutional deadline to come up with new boundaries for congressional districts.

The panel is asking the state Supreme Court for another month to redraw congressional voting districts after Democrats and Republicans failed to reconcile rival plans ahead of the midnight Wednesday deadline.

The development comes after Connecticut's five members of the House of Representatives said there is no need for major changes to congressional district lines.

The five U.S. representatives -- all of them Democrats -- said in a statement Wednesday that where changes are necessary, they should respect the integrity of current district lines as much as possible.

The first general election held in the new districts will be in November 2012.

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Article published Nov 29, 2011

Redistricting deadline near for lawmakers

By [JC Reindl](#) Day Staff Writer

Boundaries must be redrawn this week

Hartford - State lawmakers are racing against a Wednesday night deadline to produce plans that would resize Connecticut's legislative and congressional districts to fit 2010 U.S. Census figures.

As of Monday night, the Reapportionment Committee's nine members had yet to fully agree on redrawn maps for Connecticut's five congressional districts and its 36 state Senate districts, officials said. A plan for the 151 district seats of the state House was considered further along.

Committee members devoted much of their Thanksgiving weekend to the task, including negotiations on Sunday that ran until 11:30 p.m.

"We're still working away," Senate Republican Leader John McKinney of Fairfield, said while walking through the Capitol at dinner hour. He couldn't say exactly what was holding up an agreement. "You really don't have anything until you have everything."

Democratic leaders were no less coy. Asked if he thought they would make the deadline, Senate President Donald Williams of Brooklyn, replied "that's why we're continuing to negotiate."

The General Assembly committee comprises four Democratic leaders, four Republican leaders and tie-breaker Kevin Johnston of Pomfret, a former Democratic state auditor.

If the committee fails to complete its work, the state Supreme Court by law must intervene and could decide to grant the lawmakers an extension or have a judge or outside expert redraw the districts for them.

The group was required to add a ninth member, Johnston, after missing its initial Sept. 15 deadline.

Gov. Dannel P. Malloy last week was showing signs of impatience with the committee's pace.

"Have a vote and get it done and stop playing around with it," the governor said in a chat with reporters. "We know how bad Washington looks, we don't need that replicated in our own state."

Connecticut's population grew almost 5 percent last decade to 3.5 million residents, upsetting the balance of many state districts and especially Connecticut's 2nd

Congressional District, represented by Democrat Joe Courtney.

The new districts are supposed to be in effect for the August 2012 primaries and November 2012 general election.

j.reindl@theday.com

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News

Redistricting talks hit road blocks

Wednesday, November 30, 2011 11:43 AM EST

By Mary E. O'Leary and Jordan Fenster
New Haven Register

HARTFORD — One day before negotiators vote on redistricting maps, talks got bumpy Tuesday with the discussions stalling on the seats now held by the Democratic state senators in Milford and Westbrook.

State Sen. Majority Leader Martin Looney, D-New Haven, confirmed that state Sen. Gayle Slossberg's 14th District and state Sen. Eileen Daily's 33rd District in the eastern part of the state, were at the center of discussions.

There were reports throughout the day that talks on the 36-seat Senate map had broken down between Senate Minority Leader John McKinney, R-Fairfield, and state Democratic Pro Tem Donald Williams of Brooklyn with Williams reportedly characterizing his offer as final.

Looney however said maps continued to be exchanged throughout the day as he met in person with his Republican counterpart, state Sen. Leonard Fasano, R-North Haven, and McKinney and Williams conferred by phone.

Republicans caucused by phone earlier in the day, with the Democrats scheduled to do so in the evening as the GOP expressed more interest in letting the courts intervene, if not ultimately on the Senate seats, at least on the congressional map.

Fasano, McKinney and Slossberg did not return calls seeking comment.

The nine-member Reapportionment Committee is scheduled to meet at 4 p.m. on Wednesday to vote on the House redistricting map, for which there is bipartisan agreement, and Looney held out hope that there will be a breakthrough Tuesday night to settle the Senate dispute, something that could spill over into Wednesday morning.

The negotiators have pretty much conceded that reaching agreement on the five congressional districts will not happen before the midnight deadline Wednesday, after which it automatically goes to the state Supreme Court for a decision.

The committee will have to take a vote on whether to ask the court for a 30-day extension, which the Democrats favor, or let it decide the fate of the district boundaries within 45 days of getting the case, which is more appealing to the Republican minority.

Looney has said the proposed congressional map, particularly for the 4th District now represented by Democratic U.S. Rep. Jim Himes, and to a lesser extent the oddly shaped 5th District which incumbent Democratic U.S. Rep. Christopher Murphy is leaving to run for the U.S. Senate, were unacceptable. He said they will also not agree to the spillover changes proposed by the Republicans in the 3rd and 1st districts.

Republican sources said they smoothed out the 5th District lines, which were contorted a decade ago to accommodate

the loss of the 6th District with incumbent Republican U.S. Rep. Nancy Johnson and incumbent Democratic U.S. Rep. Jim Maloney, re-situated in the newly drawn 5th District.

"We got rid of the bear claw. We smoothed out the lines significantly," said one Republican source of its proposed congressional map, something they said was doable since no incumbents will be effected. "It doesn't look like it was gerrymandered," he said, as opposed to the current map.

Also, since the Democrats now represent all five districts, "why not make make the 4th District a truly Fairfield County District?" he asked. "It's not the worst thing in the world, if it ends up in the courts," he said of the congressional map.

House Minority Leader Lawrence Cafero, R-Norwalk, said there is agreement on 82 percent of the 169 towns as far as placing them within congressional districts, leaving 30 towns spread across the state without a home.

"The Republicans are sufficiently in the minority that I don't think they have anything to lose by going to court," Daily observed.

On the flip side, it's to the Democrats advantage to maintain much of the status quo, adjusting where census figures demand it, but leaving the rest alone.

If the ball's in your court, there is more reason to hold out, Daily said of the reapportionment process. Looney described the GOP's proposal as "really a partisan effort."

Democrats now hold 24 of the 36 Senate seats and 98 of the 151 House seats with 52 Republicans and 1 open seat.

Slossberg's 14th District, which covers Milford and Orange and a portion of West Haven, is one of those that needs to be adjusted as it lost voters, according to census figures.

The 33th District will be readjusted because of changes in adjacent districts in eastern Connecticut, Daily said.

Cafero said he was pleased that Republicans and Democrats were able to work out the boundaries for the 151 House seats with both sides working in good faith and giving up something.

"It was a long and arduous process," that goes back to the summer with staff putting in hundreds of hours of work, Cafero said.

Both Daily and state Rep. Kim Fawcett, D-133rd (Fairfield) had similar comments on the fallout from the required reapportionment that occurs every ten years.

Daily said in 2002 she lost three towns and part of another was added to the 33rd District. "I have found that is it like losing family members," Daily said. The longtime lawmaker said however the 33rd is ultimately defined, she plans to continue to represent its residents.

One House district that is expected to see a significant shift is Fawcett's 133rd, which covers large portions of Fairfield and parts of Westport. She said she was called last week about changes to her district, and was informed that things would be somewhat different.

Though she hadn't yet seen the final plan Fawcett said Tuesday that it looks as though 70 percent of her constituents will find themselves with a new representative. "My district has one of the biggest shifts in voters," Fawcett said.

While the 133rd is now primarily Democratic, she said it does contain swaths that she called "staunchly Republican,"

including the Greenfield Hill section of Fairfield.

"The parts that they're taking from me are the very staunch Republican areas, and giving them to Republican representatives," Fawcett said. Her district is surrounded by the 134th, led by Republican Rep. Tony Hwang, and the 132nd, led by Republican Rep. Brenda Kupchick.

Fawcett said the changes will affect her job as a legislator — one she's held since 2006 — in part because of demographic shifts, but, perhaps more significantly, because of the personal connections she's formed with her constituents.

"It's about having a relationship," she said.

State Sen. Andrew Roraback, R-30th, of Goshen, who is looking to be the 5th District Republican nominee, has been critical of House Speaker Christopher Donovan's seat on the Reapportionment Committee since Donovan is one of several Democratic candidates running for the seat being vacated by Murphy.

"I've taken a completely hands-off approach to the process. I haven't been lobbying members of the committee at all," Roraback said. "I don't think it puts me at a disadvantage. In the fullness of time, taking the ethical high-ground and avoiding even the appearance of impropriety is always the right thing to do."

He said ten years ago in the last reapportionment, "Torrington was sliced and diced nine ways from Sunday. People would ask me how that happened, and I would say that there are two words to describe what happened: Pure politics. That's what this process is all about. If anyone tells you different, they're not telling the truth."

It's a description his colleagues are not likely to challenge.

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Senate reaches deal to redraw 36 districts

Ken Dixon, Staff Writer

Updated 09:46 a.m., Wednesday, November 30, 2011

Leaders of the state Senate late Tuesday finally reached agreement on 36 new district lines.

But prospects dimmed for cutting a deal on a new congressional district map.

So midnight Wednesday, the Reapportionment Committee's deadline for drawing House, Senate and congressional lines following the 2010 Census, will likely come with only two thirds of its job completed.

The group is likely to request that the attorney general's office ask the State Supreme Court for an extension.

"We reached an agreement in principle between 10:30 and 11 last night," Senate Minority Leader John McKinney said Wednesday morning. He said that staff members this morning will double check computerized population numbers. "Are there any major changes?" McKinney said. "No. The process doesn't lend itself to major changes. That's a reason why I don't think this system works."

The Senate districts, as well as the new state House are expected to be adopted during the committee's 4 p.m. Meeting in the Capitol complex.

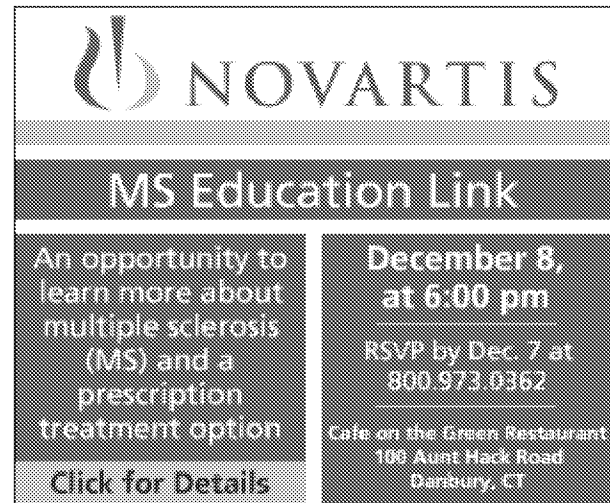
"I don't think there's any chance we'll agree on congressional lines today," McKinney said.

In 2001, the court gave lawmakers another month to iron out an agreement on congressional lines.

The original bipartisan eight-member panel missed its September deadline, was reappointed last month and selected a ninth tie-breaking member.

McKinney said there may be a possibility that some committee members would declare there is a stalemate on the congressional negotiations and ask the Supreme Court to take over the map drawing.

The panel missed its September deadline and was then reappointed, under state law. The commission then added a tie-breaking ninth member, Kevin Johnston of Pomfret, a recently retired state auditor and former veteran Democratic lawmaker.



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Article published Dec 1, 2011

State redistricting plan will affect region

By [JC Reindl](#) Day Staff Writer

Hartford - Several southeastern Connecticut state House districts will dramatically change shape starting with next year's election cycle under a redistricting plan that was unveiled and approved late Wednesday by a bipartisan legislative panel.

The General Assembly's Reapportionment Committee also agreed to make few changes to the region's state Senate districts. But the nine-person group failed to reach agreement on a plan to redraw Connecticut's five congressional districts and is now asking the Connecticut Supreme Court for an extension to Wednesday night's deadline to finish the work.

The committee was tasked with resizing all of Connecticut's legislative and congressional districts to account for population changes in the 2010 U.S. Census. As the state grew by nearly 5 percent last decade to 3.5 million residents, some House districts will become smaller in geographic area but denser in population.

The new district maps will be in effect for the August 2012 primaries and November 2012 general election, when all of the congressional district - 151 House seats, 36 Senate seats - will be in play.

Officials said the new maps should be available for viewing later today on the General Assembly's website, cga.ct.gov.

Big changes will happen to Rep. Ted Moukawsher's 40th Assembly District and Rep. Elissa Wright's 41st Assembly District as the two districts shift and nearly flip. Both lawmakers are Democrats.

Moukawsher's 40th currently includes the city of Groton and a central southern portion of the town. Starting with the 2012 elections, the district will encompass the northern third of Groton and run as far north as Gales Ferry.

Wright's 41st currently encompasses much of the eastern and northern parts of the town of Groton as well as Mystic. It will now include southern New London and a full two-thirds of Groton, including the southern portion of the city.

"Geographically, it's quite a shift," Wright said. "But I certainly would hope to be able to represent the residents and families of the newly reconfigured 41st District."

Moukawsher was surprised by the extent of the redraw, yet relieved to learn that at least his residence would remain in the 40th. He said he will miss representing part of New London and is looking forward to representing Gales Ferry and Ledyard if re-elected.

Major adjustments are also slated for Rep. Kevin Ryan's 139th Assembly District. The district currently includes Bozrah, Franklin, Lebanon and much of Montville. Going forward, it will just include about a third of Norwich, slightly less of Montville but still all of Bozrah.

"I really feel bad about losing Lebanon and Franklin after 20 years," Ryan, a Democrat, said late Wednesday night.

Republican Rep. Chris Coutu's 47th Assembly District will soon extend to nine communities from five, becoming one of the largest districts in the state by geography. It will encompass all of Franklin, Sprague, Scotland, Canterbury, Hampton and Chaplin and contain a northern portion of Norwich, an eastern part of Lebanon and half of Lisbon.

"Whoever is the 47th District state representative is going to be very busy," said Coutu, who is not seeking re-election to the statehouse next year as he focuses on wresting the 2nd Congressional District seat from U.S. Rep. Joe Courtney, a Democrat.

The precise makeup of the 2nd District in 2012 is still undetermined. Reapportionment committee members told reporters that they have yet to formally meet and discuss congressional redistricting because they were too busy finishing the statehouse districts. But Democrats and Republicans are proposing two different congressional maps. The biggest difference between the two involves the city of Bridgeport: Democrats want to keep it in Democrat Rep. Jim Himes' 4th Congressional District, while Republicans want to move Bridgeport into Democrat Rep. Rosa DeLauro's 3rd Congressional District. Democrats view the GOP proposal as a threat to Himes, as it would deprive him of Bridgeport's Democrat voters. Republicans argue that moving Bridgeport into the same district as New Haven would form a district with stronger representation for minorities. They also note that Democrats presently hold all five congressional seats. The reapportionment committee is comprised of four Democratic leaders, four Republican leaders and tie-breaker Kevin Johnston of Pomfret, a former Democratic state auditor and state senator and house member. House Speaker Chris Donovan, D-Meriden, announced Wednesday that he is resigning from the panel and giving his seat to House Majority Leader Brendan Sharkey, D-Hamden. Donovan is running for an open seat in the 5th Congressional District and has faced criticism from one of his Republican opponents, Mark Greenberg, for sitting on the panel that would redraw the district.

j.reindl@theday.com

The Miami Herald

Posted on Mon, Nov. 28, 2011

First redistricting maps for Florida create new Hispanic seats and retain GOP strength

By Mary Ellen Klas
Herald/Times Tallahassee Bureau

Florida legislators released the first two of their proposed redistricting maps Monday, creating new Central Florida seats designed to elect Hispanics while carving up the rest of the state in a way that gives Republicans an electoral edge.

The maps of congressional and state Senate districts were drawn by the staff of the Senate Redistricting Committee and are the first glimpse at how the Republican-led Legislature is tackling new requirements imposed by voters who approved constitutional Amendments 5 and 6 in 2010.

The amendments prohibit lawmakers from protecting incumbents while requiring them to protect language and ethnic minorities, keep districts compact and recognize existing political boundaries.

A preliminary analysis by the Herald/Times found that of the 27 congressional districts, 14 would be solidly Republican, 10 would be solidly Democratic and of the three more competitive seats, two lean Republican while one leans Democrat.

Sen. Don Gaetz, chairman of the Senate Redistricting Committee, proclaimed the process by which the maps were conceived “the most open, transparent and interactive process in Florida history” and said the proposals are “fair, sensible and faithful to the law.”

The congressional maps include two new seats Florida was awarded because of the state’s 18 percent population growth over the last 10 years. Although the two seats appear to honor the 52 percent surge in Hispanic population, mainly in Central Florida, they don’t create a new district for the second high-growth area in Southwest Florida.

That omission, and the fact that the maps perform in a way that is not likely to result in major shifts in congressional or state Senate composition, drew a swift rebuke from Florida Democratic Party Chairman Rod Smith and Senate Democratic Leader Nan Rich.

“Florida Republicans have taken a state — which experts have long considered one of the most mal-apportioned states in the country — and worsened it,” Smith said in a statement. “In doing so, they have chosen to thwart the will of 63 percent of Florida voters by proposing maps that are aimed at incumbent protection and partisan advantage — the very things which Florida’s Constitution now prohibits.”

Rich, who represents Weston but will retire because of term limits next year, watched her state Senate district go from being centered in Broward to being based in Palm Beach, a shift that she said ignores what voters asked for during public hearings last summer.

Rich wasn't the only incumbent facing term limits whose district would be consumed to make up another district that now includes a longer-serving incumbent. Senate President Mike Haridopolos' Merritt Island-based district becomes the home district of Republican Thad Altman of Viera, while Altman's former district becomes a Hispanic, Democrat-leaning seat.

"We're not supposed to be talking about political parties and incumbents, but with this map somebody must have been thinking about political parties and incumbents," Rich said.

The Herald/Times analysis also found that the congressional map includes five seats with no sitting incumbent, including a new Central Florida-based seat comprised of 40 percent Hispanic voters. A second new district, which encompasses the Republican Central Florida strongholds of The Villages, includes the home of U.S. Rep. Cliff Stearns of Ocala.

The proposed map redrawing the state Senate boundaries includes 12 districts with no incumbent and 27 districts where incumbents are shifted into representing new areas. Sen. Jack Latvala, for example, was drawn out of his current South Pinellas district and moved into a district representing North Pinellas, a region Latvala previously represented when he was in the state Senate from 1994-2002.

If the Senate proposal holds, a few sitting congressmen would have to find new housing, the Herald/Times analysis found.

The map would put Democrat Alcee Hastings of Miramar in the same district as Republican David Rivera of Doral. It moves Republican Daniel Webster of Orlando into the same sprawling, eight-county minority-majority district as Democrat Corrine Brown. It also pits Republican John Mica of Winter Park against Orlando Republican Sandy Adams.

Rivera's new district would stretch through western Collier county into Hendry County, one of the five counties with a history of discrimination against Hispanic voters and where the state's redistricting maps must be cleared by the U.S. Department of Justice. Rivera said he would "be proud" to be Hastings' congressman.

"If this map ends up being the final map, then I look forward to earning his vote," he said with a laugh. "He's a great guy."

Few expect the maps to be the final versions. State senators have until the end of this week to propose changes to the map and the state House will be proposing its own versions of the maps as well. The Senate will vote on the proposed maps on Dec. 6 and the public may submit comments by contacting the committee through Facebook, calling 850-487-5757, emailing RedistrictFlorida@flsenate.gov, sending a Tweet to [@Redistrict2012](https://twitter.com/Redistrict2012) or posting video feedback on the committee's YouTube page at www.youtube.com/SenateRedistricting.

Tallahassee staff writer Steve Bousquet and St. Petersburg Times researcher Darla Cameron contributed to this report. Mary Ellen Klas can be reached at meklas@MiamiHerald.com or on Twitter [@MaryEllenKlas](https://twitter.com/MaryEllenKlas).



Florida Democrats say the state Senate's plans for Congressional redistricting "ignore the Florida Constitution"

1:35 PM, Nov 30, 2011 | [comments](#)



Written by Chase Cain

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ST. PETERSBURG, Florida -- The Florida Senate released their proposal late Monday for the state's new Congressional districts for 2012.

At a glance, the maps might not seem so bad. Hernando and Pasco counties join together in District 5. Citrus County could form a brand new District 26, and Manatee and Sarasota Counties stay together in District 13.

However, when 10 News took a closer look at the lines, we found questionable district lines putting next-door neighbors voting for

different politicians. For instance, Polk County could be shredded into fourths, and that's why Democrats are so upset.

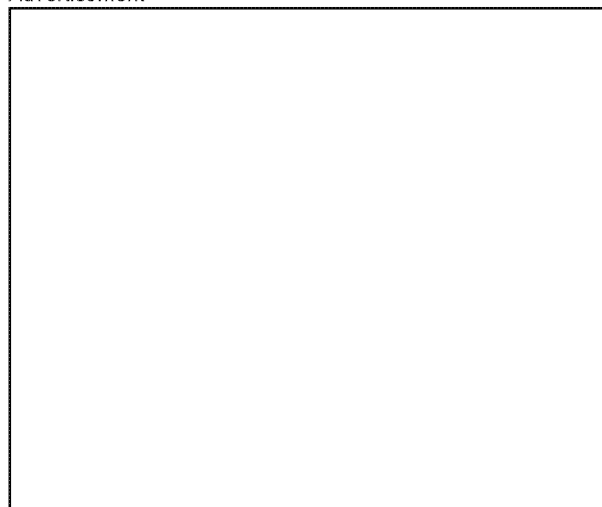
VIEW: Florida Senate's Proposed Congressional Districts

"The Republicans have done just what we expected them to do. They've taken one of the worst maps in the country and they're trying to cement those maps for another ten years," says Scott Arceneaux of the Florida Democratic Party.

Take District 11 covering Tampa. The voting area also snakes into downtown Bradenton, meaning two neighbors on 12th Avenue could be in different districts. One of those neighbors could also be roped in with people living 40 miles away in Temple Terrace.

Southern Hillsborough County faces the possibility of having the same representative as citrus farmers 120 miles away in Glades County. To scenarios like that, Arceneaux says, "They're like a jigsaw

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puzzle gone awry...the Tampa area continues to be cut-up in a number of different ways. Jacksonville is cut up. You saw no effort on the part of Republicans to implement fair districts here."

Lakeland could have three congressional representatives, but none of them are even guaranteed to live in Polk County. One of Lakeland's potential leaders could live in downtown Orlando.

It's even more confusing in the Eagle Rock and Lake Wales area. There, the new District 27 created to ensure Hispanic representation ends up twisting through eastern Polk County, creating a textbook example of gerrymandering.

Democrats like Arceneaux say that's "where [Republicans] try to consolidate their power and thwart the will of the people and basically ignore the Florida constitution."

The Florida House will release their plan for congressional redistricting next week. Then the process begins of combining the two maps into one. However, political experts believe it could be months before we have a final plan because the proposals will likely be challenged in court.

It's also not too late to voice your input on the redistricting proposals. You can email the Senate redistricting committee at RedistrictFlorida@flsenate.gov.

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Published: November 30, 2011

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Mystifying first stab at "fair" districts

By Tom Jackson

So, the first batch of reapportionment maps has plopped like so much brown-bagged waste on our collective kitchen table. And from the looks on our faces — the twisting noses reveal all — one thing is clear: Nobody is eager to pick through this first soggy, steaming mess from the state Senate Committee on Reapportionment, because we know it is not what we signed up for.

Not Pasco voters, anyway, who last year lent 60-plus percent approval to the referenda — amendments 5 and 6 — designed to prevent, well, this.

Communities carved like roasted Butterballs? Natural allies separated and rival regions lumped together? The bustling, urbanized coast and distant inland farmers and ranchers under the same district umbrella? Wow.

Well, nobody said this was going to be easy. Wait. What?

Oh, that's right. Millions of your neighbors thought it was going to be easy. As an editor long-ago was fond of saying, "Like eating your breakfast."

* * * * *

At the very least, simplicity was a feature implied by organizers of the measures, traveling under the alluring — if deceptive — Fair Districts Florida banner. Nearly two-thirds of voting Floridians gobbled it up.

Just feed the parameters into a computer, right? Computers are pretty much flawless and disinterested.

Data in, maps out. Use the one that models global climate change. Maybe the one that projected Stimulus I would keep unemployment below 8 percent is available.

OK. I never thought it would be easy.

My suspicion was reaffirmed the July night the Legislature's redistricting committees brought their barnstorming tour to Wiregrass High School.

You would think witnesses would share some uniform theory about how they should be implemented. But you would be wrong.

Testimony over three hours generated little agreement, let alone consensus. Other hearings around the state produced similar results.

We are reminded of the clarity of Joe Wicker, a Tampa businessman: "What we think is fair tends to be from where we sit, not from where someone else sits."

* * * * *

Suppose they look unfair from where anyone sits? That may be the achievement of these first two maps proposed for Pasco. Not that any one county has a special claim on the committees' attention. But, still.

Congressional Map I isn't much of a shock. The district held by U.S. Rep. Gus Bilirakis moves south and east, creating a historic reunification of Pasco and Hernando counties as well as tantalizing possibilities of challenges for incumbent Congressman Rich Nugent.

It's the state Senate proposal that mystifies. Town 'N Country, Carrollwood and Westchase joining Wesley Chapel, Zephyrhills and St. Leo, but not Dade City?

Dade City and Ridge Manor and Wildwood — Wildwood? — joining the Nature Coast from Anclote Key nearly to Homosassa Bay?

Maybe it's a ruse. Maybe subsequent maps will keep Pasco whole, or divide it east and west along one of the major thoroughfares.

Or maybe we'll be treated to the showdown one of my favorite headline writers has been aching for, state Rep. John Legg vs. Trilby egg farmer Wilton Simpson: The Legg man vs. the egg man.

Proof positive that fairness is in the eye of the beholder.

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OrlandoSentinel.com

Proposed Senate redistricting maps boost Hispanics

By [Aaron Deslatte](#) and Kathleen Haughney, Tallahassee Bureau

10:45 PM EST, November 28, 2011

TALLAHASSEE — In the opening salvo of what could be a contentious political debate in 2012, the Florida Senate released proposed legislative and congressional maps Monday that would likely boost the number of Hispanic lawmakers.

The proposals, released after months of hearings statewide, offer the first peek into how lawmakers might balance popular demands for greater minority representation with the mandates of the anti-gerrymandering Fair Districts reforms that voters wrote into the state constitution last year.

The maps would likely increase the number of Hispanic state senators from three to five. A new congressional district in Central Florida would be 40 percent Hispanic, in addition to three current Hispanic-majority congressional seats. The Hispanic population grew by 57 percent in the past decade.

Meanwhile, boundaries for the state's three black members of Congress and two state senators weren't greatly changed. The new maps also appear likely to make more seats in Florida competitive for Democrats, who outnumber Republicans by 500,000 registered voters.

"I think it's reflective of the testimony we had. It's reflective of population changes," said Sen. John Thrasher, R-St. Augustine.

But the Senate map immediately drew criticism from Democrats for its favorable treatment of incumbent Republicans as well as all but eliminating the current district of Senate Minority Leader Nan Rich, D-Weston.

"It is clear the Florida GOP are working overtime to protect their interests ahead of the interest of the people they serve," Florida Democratic Party Chairman Rod Smith, a former legislator, said in a statement.

Republicans shot back that the maps are fairer than those drawn by their predecessors.

Senate Reapportionment Committee Chairman Don Gaetz, R-Niceville, said Smith should have voted against the gerrymandered current maps adopted in 2002, when the Alachua lawyer was a state senator.

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"He voted for one of the most gerrymandered redistricting proposals in state history 10 years ago," Gaetz said. "We've gone all over the state and heard people complain about the maps he voted for. ... We're trying to clean up the mess than Sen. Smith left for us."

And it's certain to draw fire from Fair Districts advocates for continuing the eight-county district — meandering from Jacksonville to Orlando, with roughly 49 percent of the voters African-American — that elects veteran U.S. Rep. Corrine Brown, D-Jacksonville. But Republican lawmakers say the amendments' language that minority representation is paramount trumps other standards including compactness and respecting political boundaries.

Although the maps have a long way to go before they become reality next year, they would send ripples across Florida's political pecking order.

Florida is landing two new congressional seats in 2012 thanks to 18 percent population growth, and one of those would be a 40 percent Hispanic seat the Senate drew to include south-central Orange County, all of Osceola and a sliver of Polk that follows the Latino population there. Hispanic advocates, however, had pressed for a 46 percent Latino population.

A second new seat would be created in north-central Florida, made up of parts of Lake, Sumter and Marion counties and all of Citrus County. To accommodate the new districts, U.S. Rep. Dan Webster, R-Orlando, would lose all of the voters in Marion and Osceola counties but would gain voters, many of them Republican, in Lake and Polk counties.

Another powerful congressman, John Mica, R-Winter Park, would be drawn out of his current seat, which stretches from just south of Jacksonville Beach to suburban Orange County. The new proposal would keep the district largely in Volusia, Flagler and St. Johns counties.

The district currently held by U.S. Rep. Mario Diaz-Balart, R-Miami, would pick up huge but mostly unpopulated swaths of Collier and Hendry counties and remain more than 70 percent Hispanic.

And the Broward district now held by U.S. Rep. Debbie Wasserman Schultz, D-Weston, would be extended into Miami-Dade to increase its percentage of Hispanic voters — many of them Cuban-American Republicans — from 30 percent to 37 percent.

Another major change for South Florida is the Senate district currently occupied by Rich, D-Weston. The district currently stretches from south-central Broward County down into the middle of Miami-Dade County. But under the new maps, it includes the northern part of Broward and much of Palm Beach County.

Rich called it a "gerrymandered seat," saying it would have a better chance of electing a Republican than the current district.

"Nobody went to the town-hall meeting and asked for a south and central Broward County to be linked with a majority Palm Beach County district," said Rich, who is term-limited next year.

Rep. Marty Kiar, D-Davie, who intends to run for Rich's seat, said he doesn't think the map would pass constitutional muster because of the Fair Districts prohibitions against intentionally favoring political parties and incumbents.

"It almost looks like every incumbent is protected, and I just don't know if that's permitted under the new

amendments," he said.

Kiar said regardless of what the map looked like, he still intended to run for a Senate seat that represented Broward County.

"The Broward section of that district still has 150,00 folks there, and it's something I'm still going to run for, regardless of what the maps ultimately looks like," he said.

In 2010, Democratic gubernatorial candidate Alex Sink won only eight of the current 25 congressional districts; Republican Rick Scott won the rest. But if the Senate's proposed maps were in place, she would have carried 11 congressional districts to Scott's 16. That means the map distributes likely Democratic voters a bit more evenly than the current one.

Central Florida Democrats were more pleased with the results.

Gaetz noted the committee's Senate district map does radical surgery on the current district of Senate President Mike Haridopolos, R-Merritt Island, who is leaving office next year. His seat now takes in coastal and south Brevard County, inland Indian River and a majority of neighboring Osceola County.

The proposed Senate District 26 would encompass all of southern Brevard, and Osceola County would be folded into a new district that stretches into the Polk County district currently held by Sen. Paula Dockery, R-Lakeland, who is also termed out.

The map also obliterates the District 24 seat currently held by Brevard Republican Sen. Thad Altman, R-Viera. Altman would be lumped into Haridopolos' district. The new District 24 snakes from south Orange, through Osceola and Polk, following the Hispanic population corridor along Highway 417. It would be 50.5 percent Hispanic and is already drawing interest from potential candidates.

"I would seriously be looking at a state Senate seat if it maintained that current form," said Rep. Darren Soto, an Orlando Democrat and the region's only elected Latino lawmaker.

"It looks pretty good so far, although I reserve a bit of healthy skepticism for now."

adeslatte@tribune.com or 850-222-5564

khaughney@tribune.com or 850-224-6214

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Stargel: Redistricting Map Bad For Polk

Panel would split county four ways for Senate, House posts; county would keep majority for only one Senate seat.

By [Bill Puffin](#)

Ledger POLITICAL EDITOR

Published: Tuesday, November 29, 2011 at 11:55 p.m.

LAKELAND | Newly released redistricting proposals split Polk County four ways among state Senate and congressional districts.

The districts, proposed Monday by the Florida Senate Redistricting Committee, are only the beginning of a process that could take up most of the two-month session of the Florida Legislature, which begins Jan. 10. The House Redistricting Committee has yet to submit its plans, but the districts affecting Polk are vastly different from the current boundaries.

Redistricting is required every 10 years after each U.S. Census.

"I don't believe that particular map is good for Polk County," said Rep. Kelli Stargel, R-Lakeland, and a member of one of the House Redistricting subcommittees.

"It will weaken Polk County as a whole," she said, "but that is the problem with Amendments 5 and 6 (the state constitution's Fair Districts amendments). You try to keep communities and counties together, but as you work into the center of the state, there is this big county (Polk) that gets divided up for everyone else."

SENATE SEATS

Currently there are three Senate districts in Polk. Two of them, District 15 and District 17, are anchored in the county, with it having the most voting-age people in each. They are represented respectively by Sen. Paula Dockery, R-Lakeland, and Sen. J.D. Alexander, R-Lake Wales. Both of those senators are term limited and won't be running in the new districts. Sen. Ronda Storms' 10th District includes a sliver of western Polk.

Under the proposed Senate maps, which will be discussed in committee meetings in Tallahassee on Dec. 6, Polk would become part of four Senate Districts and has the majority of voters in only one, District 15.

District 21, anchored largely in Manatee County, would move north to include southwestern Polk and a portion of Lakeland bordering U.S. 92 and Bartow Road. It takes in Stargel's home, placing her in a Senate district occupied by Sen. Michael Bennett, R-Bradenton, who also is term limited.

Polk residents, however, would make up only 27 percent of the voting-age population of that district.

Dockery's District 15, a seat for which Stargel has said she would like to run, would take in northern Polk, Osceola County and southeastern Orange County. Polk would control the district with 70 percent of the voting-age population.

District 17, which had been smaller than the average size of a Senate district, would extend from southern Polk to include all or parts of eight counties, dipping all the way south to take in a slice of Charlotte County and parts of Martin County on the southeast.



Polk would have 22 percent of the voting-age population in that district.

The fourth Senate district touching Polk County would be Senate District 24, running from Orange through Osceola to a portion of east Polk, including Poinciana and Solivita. It appears to be a Hispanic-access district with the largest population centered in Osceola.

CONGRESSIONAL SEATS

The proposed map appears to have left Polk without control of any of four congressional seats, including the 12th Congressional District seat held by U.S. Rep. Dennis Ross, R-Lakeland.

Currently, the 12th District takes up more than two-thirds of Polk; with the 5th District of Rep. Rich Nugent, R-Spring Hill, having about a fourth of the northwestern portion of the county; and Rep. Bill Posey, R-Merritt Island, having a small area of northeast Polk in his 15th District.

But in the proposed map, the 12th District boundaries would run south all the way to Charlotte County, and Polk would have only 25 percent of the voting-age population of Ross' district. It seems unlikely a Republican-controlled Senate would place an incumbent Republican congressman in such danger, so the boundaries could be posturing, some observers noted.

Ross said he would like to see Polk less split up.

"I would like to see more of the county in the (12th) District," Ross said. "It would really benefit Polk if there were no more than two congressional districts within it borders."

But he said "members of Congress have taken a quiet role in redistricting and are letting the states go through the process. It is, after all, the first publication; more will come."

Nugent's 5th District would shrink, including only the extreme northeast corner of Polk, including portions of Lakeland. The 8th District of Rep. Daniel Webster, R--Orlando, would take up the north central portion of Polk, along with parts of Orange and Lake counties. Orange would control 50 percent of the voting-age population in the district.

One of Florida's two new congressional districts, added because of the state's population increase, would take over part of eastern side of the county. That district, the 27th, appears to take in Solivita and Poinciana.

Both the proposed congressional and state Senate maps "weaken Polk County," Stargel said. "But this is just the first maps out, and it (the final versions) will change."

MUCH MORE CHANGE AHEAD

Susan MacManus, a University of South Florida political scientist who has researched Polk County for the County Commission, said the districts drawn by the state Senate committee do appear more compact, one of the requirements of the Fair District amendments, but they won't be the final boundaries.

"These aren't anywhere near what the districts likely will wind up with after the House version; public comment; and, I suspect, lawsuits," she said.

Polk's unique communities could be the cause of its being split so many ways, said MacManus, who is compiling an academic paper from the Legislature's 20 public hearings on redistricting.

"I have studied Polk County for quite some time, and I find that the county has clusters — clusters of Hispanic voters, rural Republicans and so on. So they (the Senate redistricting staff) did move like clusters together into the districts. That doesn't make it any easier for Polk County residents," she said.

One of the requests at many of the public hearings during the summer, she said, was keeping districts from mixing urban areas and rural ones and coastal areas and interior ones.

"The problem with it is they have not shown any data related to incumbents in the districts or any data related to party. Some of us can figure it out, but they don't make it easy."

The House Redistricting Committee, which begins its work in earnest next week, is expected to release its maps sometime during December.

The Senate's proposal for state Senate and congressional redistricting can be found at <http://www.flsenate.gov/Session/Redistricting/Plan/s000c9002>.

The Palm Beach Post

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Redistricting proposal by Florida's GOP-run Senate doesn't look good for U.S. Rep. West

By JOHN KENNEDY

Palm Beach Post Staff Writer

Updated: 9:49 p.m. Wednesday, Nov. 30, 2011

Posted: 7:07 p.m. Wednesday, Nov. 30, 2011

U.S. Rep. Allen West, a political lightning rod since his election last fall, was catching some static Wednesday as Democrats predicted his political days may be numbered under his own Republican Party's plan for redrawing congressional boundaries.

West's District 22, which straddles Broward and Palm Beach counties, has toggled between Republicans and Democrats three times since district lines were last drawn in 2002. And Democrats say the congressional map unveiled Tuesday by the GOP-controlled state Senate includes enough challenges for West that 2012 could be the Democrats' turn -- again.

"If there is a GOP loser in redistricting, it is West," said Steve Schale, a Democratic consultant who directed President Obama's campaign in Florida in 2008.

The Democratic Congressional Campaign Committee affirmed its focus Wednesday on West, airing a radio spot in South Florida blasting the first-term lawmaker for supporting tax breaks for upper-income households and opposing Obama's approach to deficit reduction.

"While this is the first step in a redistricting process that is far from over, voters are going to hold Allen West accountable for pushing an extreme agenda that is out of touch with his district," said Adam Hodge, a committee spokesman.

Republicans discount any talk of a West defeat.

But some concede the fiery former Army officer's re-election fight won't be easy. And he would not be helped by a redistricting proposal that appears to strip his district of an area of Republican-leaning northern Palm Beach County while adding areas from Democratic-rich Broward.

"There's no disputing that he has a tough race ahead of him," said Brian Hughes, a spokesman for the Florida Republican Party. "But if the voters in that district want a clear, consistent conservative, Col. West is their candidate."

The only Republican member of the Congressional Black Caucus, West defeated two-term, Democratic U.S. Rep. Ron Klein of Boca Raton in 2010, as Democrats endured their worst national midterm election defeat in 70 years.

West has already built a \$4 million campaign war chest, but is being challenged by a pair of Democrats, former West Palm Beach Mayor Lois Frankel and Broward businessman Patrick Murphy, both also well-financed.

West's current district is divided almost equally between Democratic and Republican voters. But it looks almost certain to be redrawn with a more Democratic tilt.

Fellow Republicans, and political geography, are to blame.

His coastal district is largely hemmed in by the Atlantic Ocean and neighboring districts held by Democratic members of Congress.

Among the few bright spots in the proposed plan is that West's home in Plantation would actually finally be included in his district. West's home currently makes him a constituent of U.S. Rep. Debbie Wasserman Schultz, who doubles as chair of the Democratic National Committee.

The two sparred fiercely last summer amid Congress' debt-ceiling fight, with West at one point telling Wasserman Schultz in an email that she was "vile, unprofessional and despicable."

But the Senate's redrawn boundaries also would push West's District 22 deeper into Democratic-rich Broward by giving it an area of what is now Wasserman Schultz's district and having it exchange some areas with the district of Democrat Ted Deutch of Boca Raton.

At the same time, District 22 would lose Republican-heavy areas of Palm Beach Gardens and communities west of Florida's Turnpike from suburban Gardens to suburban West Palm Beach, with most of those voters being steered into Tequesta Republican Tom Rooney's district.

A precise count of Democratic and Republican voters was unavailable, because the Senate completed its first round of mapmaking without making public the partisan balance of the proposed 27 congressional districts.

But the boundary changes gave rise Wednesday to speculation by Republican consultants that West might consider leaving District 22 -- to challenge Rooney in District 16.

Jonathan Blyth, West's chief of staff, said it was far too early to gauge what final maps will be approved by both the courts and state Legislature, which reconvenes in January.

"I'm not going to speculate," Blyth said to questions about the maps and prospects of facing Rooney in a primary.

"I think it is beneficial to the citizens of Florida that Allen West and Tom Rooney serve in Congress," he said. "We're hoping the people drawing these maps will also feel that having them both in Congress is in the best interest of Florida."

While West's district faces some critical tweaks, Rooney's coast-to-coast, eight-county district would get a wholesale change under the Senate proposal.

Reduced to a more manageable four counties, including parts of Palm Beach and Okeechobee, and all of Martin and St. Lucie, Rooney's District 16 would remain comfortably Republican leaning but would become more competitive for both parties, Schale said.

Schale said his analysis of the proposed changes in Rooney's district shows that it would go from having 47 percent of its voters backing President Obama in 2008 to 50 percent for Obama, largely because of the addition of Democratic-leaning areas of St. Lucie County.

Rooney's brother, state Rep. Pat Rooney, R-West Palm Beach, is a member of the Legislature, and the family's ownership of Palm Beach Kennel Club has positioned them as political players in Tallahassee for decades.

But Rooney's congressional staff acknowledged the redrawn District 16 includes challenges.

West and Rooney are not the only Republican congressional incumbents facing stark changes under the Senate's proposal. U.S. Rep. John Mica, R-Winter Park, chairman of the House's powerful Transportation and Infrastructure Committee, would lose the Orange County portion of his District 7, including his home, and another Republican-rich area of Seminole County.

A congressional plan crafted by the state House is expected to be released next week. The 120-seat House also will redraw its own boundaries, while the Senate has already unveiled a proposal for redrawing its 40 districts in the once-a-decade redistricting based on the 2010 census.

Michael Mahaffey, a Tom Rooney spokesman, downplayed the importance of the early map. Like West, Mahaffey said, Rooney is paying more attention to policy matters -- for now.

"This is the first step in a long process," Mahaffey said.

Find this article at:

<http://www.palmbeachpost.com/news/state/redistricting-proposal-by-floridas-gop-run-senate-doesnt-2004966.html>

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Redrawn districts aim to put logic over politics (MAPS)

Tom McLaughlin

2011-11-28 23:02:25

Republican Congressman Steve Southerland won't be able to rely on GOP-friendly Okaloosa and Walton counties in his re-election bid if lawmakers approve the state Senate redistricting committee's plan to redraw Florida's congressional districts.

The eastward expansion of Congressman Jeff Miller's First District would remove a fingerlike extension of District 2 and Southerland's 20,000-plus conservative voter reach across South Walton County into Okaloosa's Destin and Bluewater Bay.

Southerland's district would be pushed eastward to encompass all of Leon County and other more historically Democratic regions.

The redrawn congressional districts reflect the will of the people, said state Sen. Don Gaetz, the Niceville Republican who chaired the committee.

"We got substantial public testimony indicating the first and second congressional districts were drawn 10 years ago in a way people found to not be sensible," he said. "We tried to resolve these problems."

Maps indicating what congressional and state Senate districts could look like in 2012 were released by the Senate redistricting committee Monday.

Though the release created quite a stir in the media and political circles, Gaetz said it really should have been "anticlimactic."

"For those following the hearings, the 1,700 people who testified, or followed the submissions from 157 citizens, or the committee's public meetings, the release will be anticlimactic," he said.

The Senate redistricting committee submitted bills to be considered by fellow lawmakers along with the maps. The committee did not submit a bill or map for the state House, which will also be reapportioned during next year's legislative session.

A House reapportionment committee, headed by state Rep. Will Weatherford, will submit the House map for consideration.

Gaetz said residents of Niceville and Valparaiso helped influence not only what his committee thought Northwest Florida's congressional districts should look like, but also what its state Senate districts would reflect.

If the Senate plan becomes the state plan, Okaloosa County's twin cities will both be located in Gaetz's district.

"We heard a great deal of testimony indicating that the twin cities considers itself part of a community of interest that should not be separated into different Senate, House or congressional districts," Gaetz said.

The plan introduced Monday would leave Gaetz's district primarily intact, running across the southern portions of Escambia, Santa Rosa, Okaloosa and Bay counties.

The change in the snaking district would be a bubble in Okaloosa County and a flattening out in Bay County.

Gaetz's district would reach to Interstate 10 in the east of Okaloosa County and nearly so in the west.

Sen. Greg Evers, R-Baker, would see his District 2, which runs parallel to Gaetz through more rural and less populated northern Northwest Florida, extend farther south in Bay County.

Evers' district would also expand eastward to take in all of Jackson County.

Evers could not be reached for comment Monday.

Reapportionment, which is undertaken every 10 years, two years after a U.S. Census is completed, was transformed this year by the 2010 passage of Florida Constitutional Amendments 5 and 6.

The Fair District amendments dictated that legislators this year create maps that were not favorable to a particular incumbent or candidate.

Gaetz said, as the Senate redistricting committee chairman working under guidelines dictated by Amendments 5 and 6, he could not concern himself with what fellow Republicans like Southerland or anyone else thought of the maps presented Monday.

"The redistricting process is not supposed to serve the interests of either party, challengers or incumbents," he said. "Its role is to serve fairness and common sense."

Southerland, who in 2010 relied heavily on Tea Party enthusiasm to defeat seven-term Democratic incumbent Allen Boyd by a 52-48 percent vote margin, had little to say Monday about the redistricting maps presented.

"With so many variables left to be determined, it would be premature to comment on any one draft or redraft of our district lines," Southerland spokesman Matt McCullough stated in an email sent on Southerland's behalf.

"Rather than wading into the details of each proposed map, Rep. Southerland is more interested in keeping his focus squarely on serving the citizens of our 16 counties in their current form."

Miller was equally noncommittal.

"This is just the first step in a long process and I think it's too early to comment at this point," he said in an emailed statement.

Gaetz noted that the Democratic Party of Florida had not missed its opportunity to weigh in on the redistricting proposal.

Rod Smith, a former legislator and present head of the Florida Democratic Party, said in a statement:

"Today, Florida Republicans have taken a state — which experts have long considered one of the most malapportioned states in the country — and worsened it."

"Let the games begin," Gaetz said in response to the comment. "Smith seems to forget he voted for the current map."



Posted on Tue, Nov. 29, 2011

Senate maps help and hurt Republicans, pack Democrats into minority seats

By Mary Ellen Klas
Herald/Times Tallahassee Bureau

Despite creating political maps using no political data, two redistricting proposals by Florida's Republican-led Senate favor Republicans, consolidate voters in Democratic districts and compress minority seats, a Herald/Times analysis shows.

But the maps released on Monday by the staff of the state Senate Reapportionment Committee also put incumbent Republicans —such as U.S. Reps. David Rivera of Miami, Steve Southerland of Panama City and Tom Rooney of Palm Beach — in less reliable districts than the ones they represent today.

Senate leaders defended the maps Tuesday, saying they adhere to new constitutionally imposed rules that prohibit lawmakers from drawing districts that favor incumbents or political parties while also protecting the voting strength of racial and ethnic minorities.

“There wasn’t an intent to put more or fewer Democrats or Republicans in any seat because we don’t have party data in our software,” said Sen. Don Gaetz, R-Niceville, head of the Senate redistricting committee. “We followed the law and it inconvenienced some Republicans and it inconvenienced some Democrats. No matter how a line is drawn in a House, Senate, or congressional district, someone is going to see a boogeyman behind the line.”

The maps are the first in a series of redistricting proposals to be debated by lawmakers in January and include many of the sprawling districts that voters thought they were eliminating when they voted for the so-called Fair Districts amendments on the November 2010 ballot. The reason, said Gaetz, is the need to give top priority to protecting existing minority districts even if “the geometry is far from pretty.”

“This really does permanently create gerrymandered districts, but that’s the way Fair Districts was written,” said Henry Kelly, an Okaloosa County Tea Party leader. HE added that the Senate maps “were brilliantly engineered to protect incumbents and get incumbents re-elected,” he said.

Senate leaders did not include voter registration information or how districts voted in previous elections when they draw their maps, but using data provided by the House redistricting committee, the Herald/Times looked at how the proposed Senate districts performed in the past two elections.

The analysis shows that of the 27 congressional districts, 14 of them strongly favor Republicans and favored both John McCain in the 2008 presidential race and Rick Scott in

the 2010 race for governor. Another 10 congressional districts strongly favor Democrats and supported Barack Obama for president and Alex Sink for governor.

In the state Senate, the proposed maps strengthen some Republican districts but weaken others. According to the Herald/Times analysis, 24 of the 40 Senate districts are solidly Republican based on performance in the last two elections and 14 are Democratic — up from the current 12 held by Democrats — and another two lean Republican.

Among the Democratic-leaning districts in the congressional plan is District 25, currently represented by Rivera. The Senate map condenses its size and makes it 61 percent Hispanic, with 37 percent of the registered voters Democratic, 35 percent Republican and 25 percent no party affiliation. It also has a voting record that supported both Sink and Obama in the last elections.

Rivera said Monday that if the Senate map becomes law, he would seek to run for District 21, a Hispanic district with a 40 percent Republican majority. On Tuesday, U.S. Rep. Mario Diaz Balart, who represents the current District 21, said he also plans to run in that district. Both congressmen on Tuesday dismissed the possibility they would be pitted against each other.

“This is the first of various maps that will be considered and changing in the coming weeks and month,” Rivera said. “When the reapportionment process concludes, every candidate will know where they are running.”

Three other proposed congressional districts are toss-ups: One new district, drawn in Central Florida to favor a Hispanic candidate, is 38 percent Democrat, 38 percent Republican and 24 percent no party affiliation. And two districts — currently represented by Republican U.S. Reps. Tom Rooney of Palm Beach and Steve Southerland of Panama City — could lean Democratic. Southerland’s proposed district, for example, supported Sink over Scott 51 to 44 percent.

The congressional map also strengthens Republican districts by using a technique established 20 years ago by packing Democrats into black majority districts, making the surrounding districts more Republican.

In the proposed congressional District 17, for example, Frederica Wilson’s Miami-based district is 70 percent Democratic. In proposed District 23, currently represented by Democrat Alcee Hastings, Democrats make up 66 percent of the voters.

By contrast, all of the congressional districts with a Republican voting majority have a voter concentration of between 30 percent to 50 percent Republican.

St. Petersburg Times researcher Darla Cameron contributed to this report. Mary Ellen Klas can be reached at meklas@MiamiHerald.com or on Twitter [@MaryEllenKlas](https://twitter.com/MaryEllenKlas).

LAS CRUCES SUN-NEWS.com

Hispanic group allowed in NM redistricting case

By Barry Massey Associated Press

Posted: 11/30/2011 10:09:51 PM MST

SANTA FE - A Hispanic civil rights group will be allowed to participate in a trial next week to decide the boundaries of New Mexico's three congressional districts, a state district court judge ruled Wednesday.

The New Mexico League of United Latin American Citizens, or LULAC, planned to offer a proposal for a Hispanic majority congressional district in southern and west-central New Mexico, but District Court Judge James Hall said the group must meet tight deadlines for a trial starting Monday.

Lawyers for Gov. Susana Martinez and other state GOP elected officials - Lt. Gov. John Sanchez and Secretary of State Dianna Duran - told the judge that LULAC shouldn't be allowed to offer a redistricting plan because the group missed by 10 days a court-established deadline for seeking to become a party in the case. They said LULAC also failed to follow the proper procedures for giving other lawyers notice of their request to join in the case.

LULAC can't present its redistricting plan at the trial unless it provides the required materials and makes its witnesses, such as a demographic expert, available for a pre-trial deposition this week by other lawyers.

A LULAC lawyer, Santiago Juarez, said the group will try to meet a Thursday deadline for providing the list of witnesses and trial documents to the court and other lawyers in the case. He said the group might withdraw from the case, however, if it couldn't quickly produce the materials.

"Because this is so late, I am

going to be quite firm on this deadline," Hall told Juarez at a hearing after making his ruling.

Juarez had asked that the trial be postponed for a week - a proposal strongly opposed by lawyers for groups of Democrats and Republicans in the case.

The LULAC redistricting plan was advocated by Democratic Rep. Joseph Cervantes of Las Cruces during a special legislative session in September. It would give Democrats a better chance at winning the 2nd Congressional District, which historically has been a solid GOP seat in southern New Mexico.

Paul Kennedy, a lawyer for the governor, said all the parties in the case were "severely prejudiced" if LULAC entered the case at the last minute, providing little time for analysis of the group's congressional plan and pre-trial questioning of its witnesses.

Juarez was uncertain of his potential witnesses for the trial but said it's possible that Cervantes might not be immediately available. He told the judge that LULAC should be allowed to participate because no other group was proposing to make the 2nd District a majority Hispanic seat.

Hispanics account for 46 percent of New Mexico's population. Currently, Hispanics represent 47 percent of the voting-age population of the 2nd District, 44 percent in the Albuquerque-area 1st District and 36 percent in the 3rd District of northern New Mexico, which is represented by a Hispanic - U.S. Rep. Ben Ray Lujan, a Democrat.

In the upcoming trial, the governor, other Republicans as well as some Democrats and minorities, are advocating a "least change" redistricting plan, which will make as few revisions as possible to New Mexico's congressional districts and won't substantially alter their current political tilt.



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Redistricting landed in court after the Legislature failed to approve a plan for new congressional districts and the governor vetoed Democratic-backed proposals for legislative and Public Regulation Commission districts.

District boundaries must be adjusted for population changes during the past decade to ensure that each New Mexican's vote is of equal weight to comply with the legal requirements of one person, one vote.

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Republican senator unveils congressional remap plan

The Republican chairman of the state Senate committee that will lead GOP redistricting efforts has released his version of a map with proposed new congressional district lines that contains only minor changes from the current ones.

But the map differs greatly from House Speaker Greg Stumbo's proposal, which would shift several of the state's larger cities from one district to another and make at least three of those districts more friendly to Democratic candidates.

Sen. Damon Thayer of Georgetown, chairman of the Senate State & Local Government Committee, released the map Tuesday, saying that his plan could avoid the political infighting that Stumbo's map would produce.

U.S. Rep. Brett Guthrie, R-2nd District, has already said he would oppose Stumbo's plan because it would move Owensboro, traditionally in the 2nd District, into the 1st District.

Stumbo, D-Prestonsburg, also proposes to shift Ashland from the 4th into the 5th District and move Republican-leaning Jessamine from the 6th District to the 5th.

Under Stumbo's plan, the 1st, 5th and 6th districts — two of which are represented by Republicans — would become more Democratic, while the 2nd District would become more Republican. There would be little change to the 3rd and 4th districts. The 3rd District is confined to Jefferson County.

The speaker's plan would alter the odd shape of the 1st District, which now stretches across the bottom of the state from the Mississippi River to Lincoln County, just south of Lexington.

Thayer's plan appears to make the state's 6th District a bit more Republican, which could hurt U.S. Rep. Ben Chandler, D-Versailles, who beat Lexington lawyer Andy Barr by only 647 votes last year. Barr has already announced that he will challenge Chandler again.

Thayer's plan also moves some precincts in southern Jefferson County to U.S. Rep. John Yarmuth's 3rd District, from the 2nd District, and shifts some eastern Jefferson

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County precincts into Guthrie's 2nd District.

"This map looks much like the current map, with a few required shifts for population," Thayer said in a statement. "There is no effort to shift the partisan balance of any district. We are simply building on the lines as they've existed for the past 20 years in the hopes of building consensus for a quick resolution so that people know who their congressman is moving forward."

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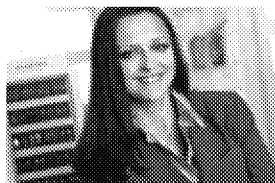


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« Foes of same-sex marriage launch coalition | Main | Md. delegation fires at proposed fed worker pay freeze »

NOVEMBER 30, 2011

Democratic senator backs redistricting suit

A Democratic state senator from Prince George's County has thrown his support behind a lawsuit challenging the congressional redistricting map the General Assembly adopted during its recent special session, calling it "unfair to the voiceless citizens of this state."

Sen. C. Anthony Muse, who was the only African-American senator to oppose the new map, said he backs the legal challenge mounted by the Fannie Lou Hamer Political Action Committee against the redistricting in federal District Court. A three-judge panel of that court has been named to hear the suit, which is also being cheered on by the Maryland Republican Party.

The map devised by Gov. Martin O'Malley and endorsed by General Assembly leaders seeks to increase the current 6-2 Democratic majority in the state's House delegation to 7-1. But in doing so it leaves the number of African-American majority districts at two, where a third minority district could have been drawn.

The lawsuit claims that approach is unconstitutional, and Muse released a statement Wednesday expressing that view.

"This is not about the Democratic party. This about a select few in power, who are hand-selecting individuals to hold seat in government," Muse said. "I believe this type of gerrymandering is what our citizens fought against during the civil rights era, and it is now beginning to present itself again."

Muse, regarded as a maverick within his caucus, said he would not be personally affected by the map because he does not plan to run for the House. He has left open the possibility of running for a U.S. Senate seat -- most likely the one now held by Democratic U.S. Sen. Benjamin L. Cardin.

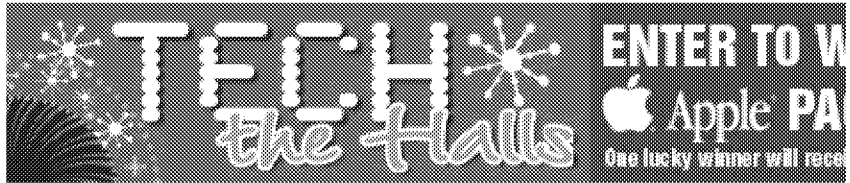


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« Mooney considers run for 6th District | Main | Lt. Gov. Brown endorses Garagiola »

DECEMBER 1, 2011

Schedule for remap hearing puts election in doubt

The U.S. District Court for Maryland has released a schedule for its handling of a challenge to Gov. Martin O'Malley's redistricting plan that could challenge state election officials' ability to conduct the April 3 primary as scheduled.

The court set the date for a three-judge panel to hear the case for Dec. 20 in Greenbelt, with a decision expected by the end of January.

If the judges decide to throw out the map adopted by the General Assembly during its recent special session and to draw their own, the State Board of Elections would almost certainly have to seek a delay in the primary election.

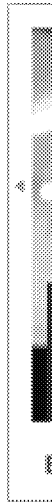
The redistricting plan is being spearheaded by the Fannie Lou Hamer Political Action Committee, which contends the new map unconstitutionally avoids creating a third district in which an African-American would be likely to win. The current map devised by O'Malley and General Assembly leaders gives Democrats a good chance of expanding their margin in the state's House delegation from 6-2 to 7-1 by targeting the 6th District seat held by Rep. Roscoe Bartlett.

The lawsuit is being financed by the conservative Legacy Foundation and has the support of the Maryland Republican Party.

The judges' schedule represents a partial victory for the challengers, who had sought a late January hearing.

Radamase Cabrera, a spokesman for the Hamer committee, said he sees the schedule as a "advantageous" for his group. He said he never really expected the court to grant a January hearing and feared it would order that it be held early next week. The Dec. 20 date will give the plaintiffs time to put together a witness list and produce affidavits for the hearing, he said.

"The judges are clearly doing the right thing," he said.



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Linda Lamone, director of the state elections board, said the schedule could test the agency's ability to hold the primary on April 3.

"The later the decision, the more difficult it will be for us to meet all the deadlines," she said.

Lamone explained that the most important deadline is the federal requirement that the state mail out military absentee ballots at least 45 days before the primary. In the case of an April 3 primary, that means they must go out by Feb. 17, she said.

The elections chief said the board is proceeding with preparations for the election under the assumption that the current redistricting plan will stand.

"We have instructed the local elections board to implement that plan," she said.

Posted by Michael Dresser at 1:25 PM | [Permalink](#) | [Comments \(0\)](#)



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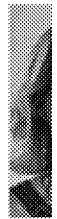
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EXHIBIT C

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A P P E A R A N C E S

Counsel for Common Cause, the NC Democratic Party,
and the Individual Plaintiffs:

POYNER SPRUILL
BY: EDWIN SPEAS, JR., ESQ.
301 Fayetteville Street
Suite 1900
Raleigh, NC 27601
(919) 783-6400
ESpeas@poynerspruill.com

Counsel for the State Board of Elections and Ethics
Enforcement and its members:

NC DEPARTMENT OF JUSTICE
BY: STEPHANIE BRENNAN, ESQ.
114 W. Edenton Street
Raleigh, NC 27603
(919) 716-6900
SBrennan@ncdoj.gov

Counsel for Defendant-Intervenors:

SHANAHAN McDOUGAL
BY: ANDREW BROWN, ESQ.
128 E. Hargett Street
Suite 300
Raleigh, NC 27601
(919) 856-9494
ABrown@shanahanlawgroup.com

Counsel for the Legislative Defendants:

OGLETREE DEAKINS NASH SMOAK
& STEWART
BY: ALYSSA RIGGINS, ESQ.
4208 Six Forks Road
Suite 1100
Raleigh, NC 27609
(919) 787-9700
Alyssa.Riggins@Ogletree.Com

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16
17
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24
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Counsel for the Legislative Defendants:
BAKER & HOSTETLER
BY: E. MARK BRADEN, ESQ.
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5403
(202) 861-1500
MBraden@bakerlaw.com

For the deponent:
WALLACE & NORDAN
BY: JOHN WALLACE, ESQ.
3737 Glenwood Avenue
Suite 260
Raleigh, NC 27612
(919) 782-9322
JWallace@wallacenordan.com

Also Present: Rebecca Skher - summer intern

The Reporter: Discovery Court Reporters
and Legal Videographers, LLC
BY: DENISE MYERS BYRD, CSR 8340
4208 Six Forks Road, Suite 1000
Raleigh, NC 27609
(919) 424-8242
(919) 649-9998 Direct
Denise@DiscoveryDepo.com

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Meyer

Exhibit 1 Map: Challenged Districts -
2018 House Election Districts 74

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GRAIG MEYER,

having been first duly sworn or affirmed by the
Certified Shorthand Reporter and Notary Public
to tell the truth, the whole truth and nothing
but the truth, testified as follows:

EXAMINATION

BY MR. BRADEN:

Q. Could you provide the court reporter with your
name.

A. My name is Graig Meyer.

Q. And are you represented by counsel today?

A. I am represented by John Wallace.

Q. And is anybody else here representing you?

MR. WALLACE: No.

THE WITNESS: No.

BY MR. BRADEN:

Q. And is he representing you in your capacity as a
member of the Legislature or in a personal
representation?

MR. WALLACE: I represent him in his
capacity as a member of the General Assembly.
It was as such that he was served with the
subpoenas for this proceeding.

BY MR. BRADEN:

Q. And have you ever been deposed before?

1 Elections.

2 Q. You don't know whether any work on the data was
3 done for the North Carolina Democratic Party by
4 any national Democratic organization?

5 A. Correct, I don't know.

6 Q. Do you know anything about something called the
7 VAN network, the Voter Activation Network?

8 A. The VAN network is a computer database interface
9 that we use to have access to voter information.

10 Q. Who's the "we"?

11 A. Well, my campaign uses VAN, the House Democratic
12 Caucus uses VAN, the state Party uses VAN.

13 Q. So a variety of House candidates besides you
14 were using VAN, I assume.

15 A. Correct. You have to purchase access to VAN,
16 but you can purchase access to VAN and use it.

17 Q. And what -- and does that include support scores
18 or something like that?

19 A. It does include -- I believe it does include a
20 statistical piece of information called support
21 scores about -- which is essentially meant to
22 give you a one-number snapshot of how likely is
23 that person to vote for a Democrat.

24 Q. So this would give you a view as to -- would
25 help you determine whether or not a particular

1 precinct was Republican or Democrat or swing or
2 something like that?

3 MR. WALLACE: Objection. But you may
4 answer.

5 THE WITNESS: I suppose it could, but I
6 don't -- I don't recall ever having used it that
7 way.

8 BY MR. BRADEN:

9 Q. So how did you use it?

10 A. Well, for my campaign, I use the VAN to identify
11 voters that we want to contact, whether that be
12 through direct contact, such as door knocking or
13 telephone calls or for paid communications such
14 as a mailing to their house.

15 Q. So it would give you a zip -- would it give you
16 a zip or would it give you specific individual
17 names?

18 A. It gives -- it has individual voter information.

19 Q. Okay. That would include geographic
20 information, too, on individual voters, their
21 address?

22 A. Their address, yes.

23 Q. And basically their predilection to vote
24 Republican or Democrat or predilection to vote
25 period?

1 A. Correct.

2 Q. We'll move on to a slightly different set of
3 questions.

4 Do you feel that you represent all the
5 voters in your district, both Republicans and
6 Democrats?

7 A. I do.

8 Q. And if someone comes into your office objecting
9 to any of the million of things that people
10 could object to that the government is doing or
11 not doing, do you ask them whether they're a
12 Republican or a Democrat before you try to
13 address their issues?

14 A. I generally do not. I do occasionally look up
15 people's voter registration depending on what
16 issue they talk to me about and the manner in
17 which they communicate with me.

18 Q. Do you weigh your constituents' interest and
19 policy preference in deciding how to act on a
20 particular piece of legislation?

21 A. Do I weigh their --

22 Q. Your constituents' interest and policy
23 preferences in deciding how to act.

24 A. Sure.

25 Q. And is it your view that most members do that?

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A C K N O W L E D G E M E N T O F D E P O N E N T

I, GRAIG MEYER, declare under the penalties of perjury under the State of North Carolina that I have read the foregoing pages, which contain a correct transcription of answers made by me to the questions therein recorded, with the exception(s) and/or addition(s) reflected on the correction sheet attached hereto, if any.

Signed this the day of , 2019.

GRAIG MEYER

EXHIBIT D

NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
18-CVS-14001

COMMON CAUSE, et al., :
 :
Plaintiffs, :
 :
vs. :
 :
DAVID LEWIS, IN HIS OFFICIAL :
CAPACITY AS SENIOR CHAIRMAN :
OF THE HOUSE SELECT COMMITTEE :
ON REDISTRICTING, et al., :
 :
Defendants. :

DEPOSITION OF
MORGAN JACKSON

Taken by Defendants
Raleigh, North Carolina
May 15, 2019

Reported by: Eileen M. Dunne,
Court Reporter and
Notary Public

1 APPEARANCES

2
3 On behalf of the Plaintiffs:4 JOHN ROBINSON, ESQ.
5 Arnold & Porter Kaye Scholer, LLP
6 601 Massachusetts Avenue, N.W.
7 Washington, D.C. 20001-3743
8 (202) 942-6536
9 john.robinson@arnoldporter.com

10 - and -

11 EDWIN M. SPEAS, JR., ESQ.
12 Poyner Spruill, LLP
13 301 Fayetteville Street
14 Suite 1900
15 Raleigh, North Carolina 27601
16 (919) 783-1140
17 espeas@poynerspruill.com

18 On behalf of the Legislative Defendants:

19 KATHERINE L. MCKNIGHT, ESQ.
20 Baker Hostetler
21 Washington Square, Suite 1100
22 1050 Connecticut Avenue, N.W.
23 Washington, D.C. 20036-5304
24 (202) 861-1618
25 kmcknight@bakerlaw.com

- and -

THOMAS A. FARR, ESQ.
Ogletree, Deakins, Nash
Smoak & Stewart, P.C.
4208 Six Forks Road, Suite 1100
P.O. Box 31608 (27622)
Raleigh, North Carolina 27609
(919) 787-9700
thomas.farr@ogletreedeakins.com

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2
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4
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6
7
8
9
10
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12
13
14
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22
23
24
25

APPEARANCES (CONT'D)

On behalf of the State Board of Elections:

TAMIKA L. HENDERSON, ESQ.
N.C. Department of Justice
114 W. Edenton Street
P.O. Box 629 (27602-0629)
Raleigh, North Carolina 27603
(919) 716-6900
tlhenderson@ncdoj.gov

On behalf of the Deponent, Morgan Jackson:

ERIC M. DAVID, ESQ.

- and -

ERIC F. FLETCHER, ESQ.
Brooks Pierce
Wells Fargo Capitol Center
150 Fayetteville Street, Suite 1700
Raleigh, North Carolina 27601
(919) 573-6203
edavid@brookspierce.com
efletcher@brookspierce.com

Deposition of MORGAN JACKSON, taken by
the Defendants, at Brooks Pierce, 150 Fayetteville
Street, Suite 1700, Raleigh, North Carolina, on the
15th day of May, 2019, at 1:03 P.M., before
Eileen M. Dunne, Court Reporter and Notary Public.

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P R O C E E D I N G S

* * * * *

MORGAN JACKSON,

being duly sworn or affirming to tell the truth, the whole truth and nothing but the truth, was examined and testified as follows:

THE DEPONENT: I do.

EXAMINATION

BY MS. McKNIGHT:

Q For the record, my name is Kate McKnight with Baker Hostetler. I am here today with Tom Farr of Ogletree Deakins. We represent defendants in the matter Common Cause vs. Lewis.

I'd ask other counsel to announce their presence now.

MR. DAVID: Eric David from Brooks Pierce for the witness, Morgan Jackson.

MR. FLETCHER: Eric Fletcher from Brooks Pierce for the witness, Morgan Jackson.

MR. ROBINSON: John Robinson from Arnold & Porter Kaye Scholer on behalf of the plaintiffs.

MS. HENDERSON: Tomika Henderson from the North Carolina Department of Justice on behalf of the North Carolina Board of Elections.

MS. McKNIGHT: Thank you. And I'd like to make

1 Q Could you explain to me what Break the Majority
2 is?

3 A Um-hmm. Break the Majority was a partnership
4 with the state Democratic party and between the state
5 Democratic party, the state house caucuses, and the
6 state senate caucuses, and Governor Cooper.

7 Q And who were the principals of that partnership
8 in Break the Majority?

9 A The folks I just mentioned.

10 Q Pardon me. Who were the individuals who worked
11 on Break the Majority as principals in this effort?

12 MR. DAVID: Objection. Do you mean principals
13 from a legal standpoint or just people that worked
14 on it generally?

15 BY MS. McKNIGHT:

16 Q People who worked on it.

17 A So there was the state house caucus director,
18 the state senate caucus director, and they both had
19 staffs. There was the North Carolina Democratic Party,
20 and myself, of course, but that -- I don't -- I'm not
21 sure if I understand the question much deeper than that
22 or if you're asking me a deeper question than that.

23 Q Sure. Let me ask a very elementary question.
24 Day to day, who were the people running Break the
25 Majority?

1 A Myself, Kimberly Reynolds, who is executive
2 director of the Democratic Party; Ryan Deeter, who was
3 the state senate caucus director; and Casey Wilkinson,
4 who was the house caucus director.

5 Q When did the Break the Majority effort begin?

6 A I think we conceived of the idea in '17, began
7 raising money, I believe, in late '17, maybe -- maybe,
8 actually, a little bit earlier, maybe the fall of '17,
9 but certainly in '17.

10 Q And you said that you conceived of the idea in
11 2017. About when in 2017 did you conceive of the idea?

12 MR. DAVID: Objection.

13 A I -- earlier in the year sometime or maybe the
14 summer. I'm trying to remember.

15 Q What was the impetus for the idea?

16 A The impetus for the idea was that we needed to
17 break the majorities in the house and the senate to
18 change the policy outcomes of this legislature.

19 Q Why did you think of it in 2017 and not earlier?

20 MR. DAVID: Objection. And just, again, you're
21 using "you." I'm not sure he said that he
22 individually came up with the idea of Break the
23 Majority. I think he said "we" came up with the
24 idea.

25 A That's correct.

1 Q How do you know that?

2 A What do you -- I don't understand. How do I
3 know that?

4 Q How do you know that the people who came up with
5 the idea for Break the Majority were limited to those
6 within the North Carolina Democratic Party?

7 A Because they weren't at the table.

8 Q And "at the table," do I understand that to be a
9 metaphor?

10 A Yes, you do.

11 Q Okay. And how would you describe "at the table"
12 in the discussions leading up to the creation of Break
13 the Majority?

14 A I believe the discussions were largely with
15 myself, with leaders in the state Democratic Party
16 about the path forward. Governor Cooper was very clear
17 in 2016 that -- that -- he has said many times publicly
18 that his election was the first step to achieving
19 better policy outcomes. But we had to change the
20 legislature to get -- actually get real investments in
21 education, health care, and other issues the Democrats
22 care deeply about.

23 MS. MCKNIGHT: For the record, I'd like to
24 place a placeholder for Exhibit 1 for the protective
25 order once we enter that. So I'd like to mark this

1 districts and suburban.

2 Q Are you familiar with the term "support scores"?

3 A Yes.

4 Q What does that mean to you?

5 A It is a -- various groups use support score
6 based on -- I'm not -- I've never created one, so I'm
7 not exactly sure what goes into them but past political
8 performance, I think, maybe even consumer data and
9 polling data.

10 Q You said you've never created one. Have you
11 ever used one?

12 A Yes. For individual voters, yes.

13 Q Did you use support scores in 2018 with Break
14 the Majority?

15 A Yes.

16 Q And did you use support scores in certain of the
17 districts you worked in or in all of the districts?

18 A All of the districts.

19 Q Okay. And what did they tell you?

20 A They generally give you a spectrum of where the
21 estimation of how a voter would vote if he or she
22 votes.

23 Q Does this go back to categorizing voters by base
24 and -- what was the term we used earlier?

25 A Persuadable.

1 Q Persuadables?

2 A Um-hmm.

3 Q Okay. Do support scores use those same
4 categories?

5 A Yeah. There are more. I think there are --
6 I'm trying to remember. There are several -- there --
7 there are numbers and they go from 0 to 100 or 100 to
8 0. I can't remember which way. And it depends on the
9 ones you look at. It depends on which is higher or
10 lower, meaning Democratic.

11 Q Do they have more or different categories for
12 voters other than base and persuadable?

13 A In support scores, really not that way. It's a
14 0 to 20, a 20 to 40, a 60 to 80, an 80 to 100, if I can
15 recall correctly. You look at different buckets that
16 are -- and you don't call them base and persuadables.
17 It's much more you look -- what we utilize support
18 scores in Break the Majority was for Turn Out the Vote.
19 We looked at -- that if these folks were likely to
20 vote, they would likely be Democrats, and those are the
21 folks that we spent time talking about -- talking to.

22 Q And can you bear with me; can you go back to 0
23 to 20. Does it then go 20 to 40, 40 to 60 --

24 A Something like that.

25 Q -- something like that?

1 A That's correct. Some are 0 to 30. Again, it
2 depends on the metric but different of them are graded
3 differently.

4 Q And so if there is a support score in a district
5 that is 20 for Democrats, does that literally mean that
6 you expect to get to 20 percent votes for a Democratic
7 candidate; is that how you read it?

8 A It's a little bit more confusing than that,
9 honestly. It is the -- as I said, the different --
10 different support scores are calculated, it's my
11 understanding, differently. So it doesn't necessarily
12 mean -- it's not as simple as 0 to 100 means a hundred
13 percent of the time they're going to vote for Democrats
14 or zero percent of the time, but it is when you look at
15 -- we spend a lot of time looking at support scores,
16 especially when early voting is -- is being voted. So
17 that we look at who has already voted, what is -- what
18 is it we believe the people who have early voted so
19 far, how they might vote. We obviously don't know, but
20 based on all these data points, this is what the -- the
21 formula would -- would predict. It's a predictive
22 model more than anything.

23 Q I see. And is it -- I understand you're
24 describing it as a formula. Does it include anything
25 other than averages of elections? For example, does it

1 include any form of weighting different elections or
2 different factors?

3 A Again, I -- I don't create the support scores,
4 so I'm not exactly sure what all goes into the -- into
5 the pot.

6 Q Okay. And I understand that you use support
7 scores. Did you use one set of support scores in 2018?

8 A Yes, largely the DNC support scores.

9 Q And do you have any sense of how the DNC
10 calculates its support scores?

11 MR. DAVID: Objection.

12 A I don't know what goes into the mix.

13 Q And did you use anyone else's support scores in
14 2018?

15 A I'm trying to remember. I think primarily the
16 DNC. I think we may have only used the DNC as far as
17 the party.

18 Q And so at 0 to 100, is, sort of, closer to 100
19 more support for Democrats and closer to zero, less
20 support?

21 A Yes.

22 Q Okay. And I understand it may be a spectrum of
23 support. Would you describe to me whether -- how you
24 would use that spectrum of support?

25 MR. DAVID: Objection.

1 A Again, it depends on what you're using it for.
2 There's also a turnout score based on how likely you
3 are to vote. And oftentimes it is used in conjunction
4 with that to create a different metric of how likely
5 someone is to vote and how likely they are to vote
6 Democratic if they vote.

7 Q What would you call that metric that has the
8 turnout score combined in some way with the support
9 score?

10 A It's not really -- that's -- I -- I -- let me
11 rephrase that. It's not really -- it doesn't create a
12 new number. It is the -- the way you calculate your
13 voters in a district is you say I'm going to search for
14 how many voters are 0 to 20 and a turnout score of 80
15 to 100. Those are voters who are going to vote
16 whenever there is an election. Zero to twenty are
17 people who are rarely, if ever, going to vote, I
18 believe is the -- as I go back through it, I think that
19 is the right metric here. It might be flipped. They
20 always confuse me but -- as you can tell, I'm not the
21 voter file guy.

22 But you calculate those together and say, all
23 right, well, let me pull -- you rarely just pull a -- a
24 support score. You have to pull it by turnout because
25 otherwise it's -- it's useless. If I know somebody is

1 100 percent Democratic voter, but they voted once in
2 the last 20 years, that's not -- that's not useful to
3 me. I need to know who is actually going to turn out
4 or who has -- who -- who do you need to communicate
5 with to inform them there is an election and, as we
6 talked about, persuadables. You have to look at the
7 metrics to figure that out. And that's what we have
8 really smart data people to do. That's not my thing.

9 Q I'd like to ask you a few bigger picture
10 questions about our political system and how you
11 understand it.

12 Do you believe that voters have a right to
13 representation?

14 MR. DAVID: Objection.

15 A I've honestly never thought about do voters have
16 a right to representation. I -- I -- on the face of
17 it, it sounds right. I mean, sure, but I just haven't
18 given thought to it. As I said, I'm a practice guy,
19 not a theory guy.

20 Q Fair enough. And what are those rights to
21 representation?

22 A I have never --

23 MR. DAVID: Objection.

24 A -- given it thought -- given it thought what the
25 rights to representation are.

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SIGNATURE PAGE

I, Morgan Jackson, do hereby state under oath that I have read the above and foregoing deposition in its entirety and that the same is a full, true and correct transcript of my testimony, subject to the attached list of corrections, if any.

Morgan Jackson

Sworn to and subscribed before me this _____ day of _____, 20____.

Notary Public
My commission expires: _____

Mail to:

Discovery Court Reporters & Legal Videographers
4208 Six Forks Road, Suite 1000
Raleigh, NC 27609

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CERTIFICATE OF REPORTER

STATE OF NORTH CAROLINA)
COUNTY OF WAKE)

I, Eileen M. Dunne, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

EILEEN M. DUNNE
Notary Public # 201314900195

EXHIBIT E

From: Jesse Presnell
Sent: Wednesday, October 4, 2017 11:17 AM
To: Andrew Callahan; Jacob Winowich
Cc: Calahan Riley; Felicity Pereyra
Subject: RE: Redistricting?
Attachments: campus_block.sql

Hey Andy,

We spent a lot of time working on this over the last three months to ensure we had accurate assignments to use while we built our redistricting tool. I'm syncing up (it's at 70%, total record count should eventually be 5122324) a table to Vertica called sp_nc_presnellj.address_source – this table takes in addressid from golden and assigns a censusblock in one or more of several columns:

vertica_block – came directly from the address table in golden

sbe_block – came from a perfect match to the State Board of Elections geocoding database found here:

http://dl.ncsbe.gov.s3.amazonaws.com/ShapeFiles/address_points_sboe.zip

google_block – came from a rooftop match from Google's geocoding API

campus_block – came from either a campus directory or NC's e911 geocoding database. Built out using a SQL query that I've attached

interpolated_block – these are less accurate matches, that are built from street number ranges and zip-4+precinct aggregates

Finally, we added a QA step using the failed_qa column that required the district assignment the addressid has directly from the voterfile matches the district assignments the censusblock has starting from US House and going down to precinct. If any districts don't match, then failed_qa is set to true.

This table allowed us to get coverage to around 93% of all 2016 voters, the remaining 8% we accepted the max(censusblock) assignment aggregated from addresses that shared the same district assignments, street name, and were within 200 digits of the addresses current street number. For about 1% of voters, their address is now marked as confidential, so they remain without an assignment.

RE: How they get in VAN—can they just be a custom field that is written/overwritten? It doesn't necessarily need to be dynamically connected to address on Votebuilder as long as it's searchable by our caucuses.

From: Andrew Callahan [mailto:CallahanA@dnc.org]
Sent: Wednesday, October 4, 2017 10:48 AM
To: Jesse Presnell <jessepresnell@ncdemocraticparty.org>; Jacob Winowich <WinowichJ@dnc.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>
Subject: RE: Redistricting?

Hey Jesse,

The nulls seem to be coming from folks that we have their census block as "37000". There are about 80k voters throughout the state with this code on analytics.person. Looking at a few of the addresses it looks like they are college dorms or weird addresses like that. Let me know how you want me to handle these.

As for how to get them to VAN. I can push them to a series of saved lists. If you want custom districts, that will probably take a bit of development on VAN side and be a bit longer.

Thanks-

From: Jesse Presnell [<mailto:jessepresnell@ncdemocraticparty.org>]
Sent: Tuesday, October 3, 2017 4:23 PM
To: Andrew Callahan <CallahanA@dnc.org>; Jacob Winowich <WinowichJ@dnc.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>
Subject: RE: Redistricting?

Except for the nulls and a few random pockets of tiny voters these check out. I ran counts on VANID from a snapshot of the voterfile two weeks ago.

From: Andrew Callahan [<mailto:CallahanA@dnc.org>]
Sent: Tuesday, October 3, 2017 4:14 PM
To: Jesse Presnell <jessepresnell@ncdemocraticparty.org>; Jacob Winowich <WinowichJ@dnc.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>
Subject: RE: Redistricting?

Cool. You putting together person level counts or you want me to put together some address level counts?

From: Jesse Presnell [<mailto:jessepresnell@ncdemocraticparty.org>]
Sent: Tuesday, October 3, 2017 4:07 PM
To: Jacob Winowich <WinowichJ@dnc.org>; Andrew Callahan <CallahanA@dnc.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>
Subject: RE: Redistricting?

Yes—also @Andrew Callahan – those counts were address-based not people based from our end so ignore those 😊

From: Jacob Winowich [<mailto:WinowichJ@dnc.org>]
Sent: Tuesday, October 3, 2017 4:06 PM
To: Andrew Callahan <CallahanA@dnc.org>; Jesse Presnell <jessepresnell@ncdemocraticparty.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>
Subject: RE: Redistricting?

Jesse can we talk about timing? And how and where you want these?

From: Andrew Callahan
Sent: Tuesday, October 3, 2017 3:49 PM
To: Jesse Presnell <jessepresnell@ncdemocraticparty.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>; Jacob Winowich <WinowichJ@dnc.org>
Subject: RE: Redistricting?

Hey Jesse-

Taking a look at this now. Do the following counts make sense.

House Districts:

1,862,065 voters have changed districts

Senate Districts:

2,348,645 voters have changed districts

I created a doc that breaks down Old District to New District. That can be found [here](#).

Thanks-

From: Andrew Callahan

Sent: Tuesday, October 3, 2017 12:04 PM

To: 'Jesse Presnell' <jessepresnell@ncdemocraticparty.org>

Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>; Jacob Winowich <WinowichJ@dnc.org>

Subject: RE: Redistricting?

It's actually on my to do list for today. Will let you know if I run into any problems.

From: Jesse Presnell [<mailto:jessepresnell@ncdemocraticparty.org>]

Sent: Tuesday, October 3, 2017 11:57 AM

To: Andrew Callahan <CallahanA@dnc.org>

Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>; Jacob Winowich <WinowichJ@dnc.org>

Subject: RE: Redistricting?

Checking in here, our caucuses are eager to get these into the file for recruitment purposes.

From: Jesse Presnell

Sent: Thursday, September 21, 2017 11:18 AM

To: 'Andrew Callahan' <CallahanA@dnc.org>

Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>; Jacob Winowich <WinowichJ@dnc.org>

Subject: RE: Redistricting?

Shapefiles and Block Assignment files up here:

<https://drive.google.com/drive/folders/0Bw9ra0V6AmH5dEs2OGRnUXdxcDQ?usp=sharing>

From: Andrew Callahan [<mailto:CallahanA@dnc.org>]

Sent: Wednesday, September 20, 2017 5:05 PM

To: Jesse Presnell <jessepresnell@ncdemocraticparty.org>

Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>; Jacob Winowich <WinowichJ@dnc.org>

Subject: RE: Redistricting?

Ahhh gotcha. So the state provided a census block to district file? We may actually be able to work with that as well.

From: Jesse Presnell [<mailto:jessepresnell@ncdemocraticparty.org>]

Sent: Wednesday, September 20, 2017 5:03 PM

To: Andrew Callahan <CallahanA@dnc.org>

Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>; Jacob Winowich <WinowichJ@dnc.org>

Subject: RE: Redistricting?

Yes to everything. The assignment file is keyed on census block and the addressid file is one that we created based off of the census block assignment file.

On Sep 20, 2017 4:58 PM, Andrew Callahan <CallahanA@dnc.org> wrote:

Hey Jesse-

This makes sense. Just to be clear:

- 1 What is on the voter file are the “old” districts that are no longer valid moving forward
- 2 What the state submitted are, for now, the “legal” districts but are not on the voter file yet.
 - a. These may change based on still pending lawsuits.
- 3 For these new districts, you all have shapefiles, an assignment file(is this keyed on voter ID?) and addressID to assignment file.
 - a. I don’t see Address ID on the SOS file, is the a file you have created and matched to the DNC addressID?
 - b. Are all of these files starting off from a shapefile?
- 4 The voter file likely won’t be updated with the new districts till December
- 5 You all would like us to keep the current “old districts” on the file as the real districts and then load the “new districts” to a custom field until the new districts are assigned on the voter file.

Does that all sound correct to you?

From: Jesse Presnell [mailto:jessepresnell@ncdemocraticparty.org]

Sent: Wednesday, September 20, 2017 3:57 PM

To: Calahan Riley <CalahanRiley@ncdemocraticparty.org>

Cc: Andrew Callahan <CallahanA@dnc.org>

Subject: RE: Redistricting?

The districts are (currently) the legal legislative districts. We'd really like to load them up into custom districts/fields if at all possible. Calahan can send you the shapefiles, assignment file, and addressid to assignment files whichever works.

On Sep 20, 2017 3:35 PM, Calahan Riley <CalahanRiley@ncdemocraticparty.org> wrote:

Hey Andy,

The legislature has passed them however, the court just received the plaintiffs response on the new maps, and the plaintiffs are still challenging some of the new districts. Jesse would know more about the court timing on all of this but if the court approves them they will from what we have heard not show up in the voter file until December.

Calahan

From: Andrew Callahan [<mailto:CallahanA@dnc.org>]
Sent: Wednesday, September 20, 2017 11:56 AM
To: Jesse Presnell <jessepresnell@ncdemocraticparty.org>; Calahan Riley <CalahanRiley@ncdemocraticparty.org>
Subject: Redistricting?

Hey Jesse and Calahan,

We are still battling with VAN over the September/October Election stuff for 2015. I am hoping it will be live Friday.

On a different note. I am always a bit confused on redistricting. I know there was a September deadline for the state submitting the new lines. Are those final? If so, when should we expect to see them on the voter file?

Thanks!

Andy Callahan

Data Acquisitions Manager

Democratic National Committee

Cell: (240) 593-9626

EXHIBIT F

From: Jacob Winowich <WinowichJ@dnc.org>
Sent: Monday, October 30, 2017 7:37 PM
To: Jesse Presnell
Cc: Kimberly Reynolds
Subject: Re: Redistricting?

Hmm I thought this had been resolved. Lets check back in the morning I have a few ideas.

JMW

Sent from my iPad

On Oct 30, 2017, at 6:59 PM, Jesse Presnell <jessepresnell@ncdemocraticparty.org> wrote:

Hey Jacob,

This is a feature our caucus continues to request. Circling in Kimberly to keep her looped in.

----- Forwarded message -----

From: Andrew Callahan <CallahanA@dnc.org>
Date: Oct 13, 2017 1:38 PM
Subject: RE: Redistricting?
To: Jesse Presnell <jessepresnell@ncdemocraticparty.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>, Felicity Pereyra <PereyraF@dnc.org>, Jacob Winowich <WinowichJ@dnc.org>

I defer to Jacob on this but I don't believe they will.

From: Jesse Presnell [<mailto:jessepresnell@ncdemocraticparty.org>]
Sent: Thursday, October 12, 2017 12:57 PM
To: Andrew Callahan <CallahanA@dnc.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>; Jacob Winowich <WinowichJ@dnc.org>
Subject: RE: Redistricting?

Hey Team,

Will these eventually populate on the voter's **profile**? I see the other custom fields on the **profile**, but the leg **districts** haven't populated yet.

From: Andrew Callahan [<mailto:CallahanA@dnc.org>]
Sent: Wednesday, October 11, 2017 7:36 PM
To: Jesse Presnell <jessepresnell@ncdemocraticparty.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>; Jacob Winowich <WinowichJ@dnc.org>
Subject: RE: Redistricting?

This should be live.

Thanks-

Andy

From: Jesse Presnell [<mailto:jessepresnell@ncdemocraticparty.org>]
Sent: Tuesday, October 10, 2017 1:04 PM
To: Andrew Callahan <CallahanA@dnc.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>; Jacob Winowich <WinowichJ@dnc.org>
Subject: RE: Redistricting?

What are yall waiting on from me? I'd prefer custom fields or a searchable field of some kind for loading and naming can just be 2012 NC Legislative District

On Oct 10, 2017 12:27 PM, Andrew Callahan <CallahanA@dnc.org> wrote:

Hey Jesse-

Wanted to touch base on this. We have another upate scheduled for you this week so wanted to see if you had thoughts here on how we should proceed.

Thanks!

From: Jacob Winowich
Sent: Thursday, October 5, 2017 3:17 PM
To: Andrew Callahan <CallahanA@dnc.org>; Jesse Presnell <jessepresnell@ncdemocraticparty.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>
Subject: RE: Redistricting?

I talked to VAN they are ok to load these as [REDACTED] we might need to work with you on the naming convention.

From: Andrew Callahan
Sent: Thursday, October 5, 2017 3:01 PM
To: Jesse Presnell <jessepresnell@ncdemocraticparty.org>; Jacob Winowich <WinowichJ@dnc.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>
Subject: RE: Redistricting?

Hey Jesse-

Wanted to bump this!

Thanks-

From: Andrew Callahan
Sent: Wednesday, October 4, 2017 10:48 AM
To: 'Jesse Presnell' <jessepresnell@ncdemocraticparty.org>; Jacob Winowich <WinowichJ@dnc.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>
Subject: RE: Redistricting?

Hey Jesse,

The nulls seem to be coming from folks that we have their census block as "37000". There are about 80k voters throughout the state with this code on analytics.person. Looking at a few of the addresses it looks like they are college dorms or weird addresses like that. Let me know how you want me to handle these.

As for how to get them to VAN. I can push them to a series of saved lists. If you want custom districts, that will probably take a bit of development on VAN side and be a bit longer.

Thanks-

From: Jesse Presnell [<mailto:jessepresnell@ncdemocraticparty.org>]
Sent: Tuesday, October 3, 2017 4:23 PM
To: Andrew Callahan <CallahanA@dnc.org>; Jacob Winowich <WinowichJ@dnc.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>
Subject: RE: Redistricting?

Except for the nulls and a few random pockets of tiny voters these check out. I ran counts on VANID from a snapshot of the voterfile two weeks ago.

From: Andrew Callahan [<mailto:CallahanA@dnc.org>]
Sent: Tuesday, October 3, 2017 4:14 PM
To: Jesse Presnell <jessepresnell@ncdemocraticparty.org>; Jacob Winowich <WinowichJ@dnc.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>
Subject: RE: Redistricting?

Cool. You putting together person level counts or you want me to put together some address level counts?

From: Jesse Presnell [<mailto:jessepresnell@ncdemocraticparty.org>]
Sent: Tuesday, October 3, 2017 4:07 PM
To: Jacob Winowich <WinowichJ@dnc.org>; Andrew Callahan <CallahanA@dnc.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>
Subject: RE: Redistricting?

Yes—also @Andrew Callahan – those counts were address-based not people based from our end so ignore those 😊

From: Jacob Winowich [mailto:WinowichJ@dnc.org]
Sent: Tuesday, October 3, 2017 4:06 PM
To: Andrew Callahan <CallahanA@dnc.org>; Jesse Presnell <jessepresnell@ncdemocraticparty.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>
Subject: RE: Redistricting?

Jesse can we talk about timing? And how and where you want these?

From: Andrew Callahan
Sent: Tuesday, October 3, 2017 3:49 PM
To: Jesse Presnell <jessepresnell@ncdemocraticparty.org>
Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>; Jacob Winowich <WinowichJ@dnc.org>
Subject: RE: Redistricting?

Hey Jesse-

Taking a look at this now. Do the following counts make sense.

House **Districts**:

1,862,065 voters have changed **districts**

Senate **Districts**:

2,348,645 voters have changed **districts**

I created a doc that breaks down Old District to New District. That can be found [here](#).

Thanks-

From: Andrew Callahan
Sent: Tuesday, October 3, 2017 12:04 PM

To: 'Jesse Presnell' <jessepresnell@ncdemocraticparty.org>

Cc: Calahan Riley <CalahanRiley@ncdemocraticparty.org>; Felicity Pereyra <PereyraF@dnc.org>;
Jacob Winowich <WinowichJ@dnc.org>

Subject: RE: Redistricting?

It's actually on my to do list for today. Will let you know if I run into any problems.

EXHIBIT G

From: Jesse Presnell
Sent: Sunday, January 14, 2018 1:06 AM
To: support
Subject: Fwd: Votebuilder Districts 82 & 83
Attachments: H927v4.pdf

----- Forwarded message -----

From: James <doshiajames@protonmail.com>
Date: Jan 13, 2018 11:33 PM
Subject: Votebuilder Districts 82 & 83
To: Jesse Presnell <jessepresnell@ncdemocraticparty.org>
Cc:

Hi, I am working on the campaign for Gail Young in House District 83. Up to this point I have been using the precinct #'s or VTD listed in House Bill 927. However, not all of the precinct and district numbers line up with what was in the ratified bill. Ryan Ashe indicated that Votebuilder was updated this week with the Persily maps, and I was under the impression the Special Master didn't make any changes to districts 82 and 83.

Can you confirm if the precinct numbers and districts are correct in Votebuilder? Below is an example of the difference I see between the database and the ratified bill.

HB927 Lists Precinct 04-10 in District 82
Votebuilder Lists Precinct 04-10 in District 83

Thank you!
Doshia James
Gail Young for North Carolina
(704) 743-7220

EXHIBIT H

Monthly SEC Newsletter Content
August 2017

Message from the Chair

Wayne Goodwin

This month we celebrated our Weekend of Action by knocking doors from Murphy to Manteo. We were thrilled to be joined by Congressman and Deputy DNC Chairman Keith Ellison who encouraged our volunteers to continue the fight for Democratic values.

In late August, the NC GOP revealed their new legislative maps. Our Communications and Digital teams, along with our Democratic legislators, held the Republicans responsible for the sham process GOP legislators used to draw the maps, and the poor results it yielded. While the NC GOP continues to ignore the public's call for fair maps and independent redistricting, the Democratic Party is fighting for every North Carolinian's right to choose their representative – not the other way around.

This month, we were proud to stand alongside Governor Cooper in his call to remove Confederate monuments across our state and we are inspired by the many North Carolinians who turned their hearts towards Houston in their time of need. We at the NCDP continue to be encouraged by our volunteers, supporters, and all North Carolinians who are committed to the fight for equality and justice.

Communications

Robert Howard

In August, the Communications team focused on holding Republican legislators responsible throughout the dishonest and exclusionary process of redrawing legislative maps. We closely monitored committee meetings, public hearings, and legislative sessions, while making it clear that these new maps are no better than the old ones.

Towards the end of the month, we focused our efforts on highlighting the shameless partisan political tactics that led to the passage of the controversial plastic bag ban repeal. We also worked alongside the Digital team to pressure Republican legislators to do more for communities impacted by GenX.

Finance

Meredith Cuomo

The Finance team is busy preparing for the Western Gala on October 7th. Get your tickets today and join Governor Cooper for an evening of dinner and discussion as we look forward to the 2018 elections.

We are also excited to announce that we have added new designs to the NCDP store – get yours today!

Digital

Carla Marin

As you've heard, we are getting a brand-new website and will be releasing it in the coming weeks. Thank you to all of you who responded to our re-design survey and gave us feedback on what you'd like to see. We will be incorporating your ideas into our new website, as well as adding additional features in phase two.

The Digital Team is also bringing on two Goodwin Fellows to help our local parties and auxiliary groups with digital and design requests so be on the lookout for an email explaining how to put in those requests!

Data

Jesse Presnell
Calahan Riley

The data team spent the month of August preparing and executing another SEC meeting with the rest of the NCDP staff. We assisted in meeting notices, tech setup and management, ballot counting, and reformatting the Plan of Organization.

The data team also worked on a project to take the new legislative maps and help give us a fuller picture of what the new districts looked like, outside of the data that the NCGA supplied. This project has the ability for future applications to better understand the makeup for political districts from city council to congressional level analysis.

We have also been assisting our statewide field program in getting off the ground, targeting potential volunteers and voters, and analyzing the data we are getting back from the field. Finally, we have been to more counties training on Votebuilder.

Political

Doug Wilson

The political and party affairs department has a busy Fall schedule. Our focus will be on building up our constituency outreach program for 2018 and continue with county chair trainings and organizing fellow recruitment. Here is the party affairs calendar for 2018:

Proposed 2018 Party Affairs Calendar

 meeting: January 27, 2018. Location is TBA

Precinct Organization Period: February 19th- March 5, 2018

County Conventions (8 day period) March 24 – March 31, 2018

Unity Dinner in Raleigh: April 14, 2018

District Conventions: May 5, 2018

State Convention in Raleigh: June 9, 2018

Sanford Hunt Frye in Raleigh: June 9, 2018

Western Gala in Asheville Oct 6, 2018

Organizing

Michael Barnhill

In August, we started our Organizing Fellowship Program across the state. In the first month, we reached out to over 25,000 voters and activated over 300 volunteers. We will continue to build on this program with the goal of having county parties able to run this program on their own and have it as a permanent infrastructure going forward. Additionally, we met with over 80 county chairs, activists, and volunteers.

We had our first Day of Action across the state on August 19th, where Representative Keith Ellison came to North Carolina to launch 2 of our 17 statewide canvasses. We will continue to work with county chairs and county parties to grow the Organizing Fellowship program in September to continue voter contact year-round.