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October 17, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

BY: Diego Cesena
DEPUTY

**LEAGUE OF UNITED LATIN § 3:21-CV-00259-DCG-JES-JVB
AMERICAN CITIZENS, ET AL §**

V. § 9:01 A.M. TO 1:02 P.M.

**GREG ABBOTT, IN HIS §
OFFICIAL CAPACITY AS §
GOVERNOR OF THE STATE OF §
TEXAS, ET AL § OCTOBER 3, 2025**

**PRELIMINARY INJUNCTION HEARING
BEFORE THE HONORABLE DAVID C. GUADERRAMA,
HONORABLE JERRY E. SMITH
AND HONORABLE JEFFREY V. BROWN
DAY 3 (MORNING SESSION) OF 9 DAYS**

APPEARANCES:

FOR THE PLAINTIFFS LULAC AND MALDEF:

Ms. Nina Perales
MALDEF
110 Broadway Avenue, Suite 300
San Antonio, Texas 78205
(210) 224-5382
nperales@maldef.org
and
Mr. Javier Silva
MALDEF
100 North LaSalle Street
Suite 1900
Chicago, Illinois 60602
(312) 427-0701
info@maldef.org

FOR THE GONZALES PLAINTIFFS:

Mr. David Fox
Mr. Richard A. Medina
Elias Law Group
250 Massachusetts Avenue NW
Suite 400
Washington, DC 20001
(202) 987-5010
dfox@elias.law
rmedina@elias.law

1 **APPEARANCES: (continued)**

2 **FOR THE PLAINTIFF MEXICAN AMERICAN LEGISLATIVE CAUCUS:**

Mr. Sean McCaffity
3 Mr. George (Tex) Quesada
Sommerman, McCaffity & Quesada, LLP
4 3811 Turtle Creek Boulevard, Suite 1400
Dallas, Texas 75219
5 (214) 720-0720
smccaffity@textrial.com
6 quesada@textrial.com

7 **FOR THE PLAINTIFF TEXAS NAACP:**

Ms. Lindsey Cohan
8 Dechert LLP
515 Congress Avenue, Suite 1400
9 Austin, Texas 78701-3516
(512) 394-3027
10 lindsey.cohan@dechert.com
and
11 Mr. Robert Weiner
Mr. Jeremy Lewis
12 Mr. David Rollins-Boyd
Ms. Jennifer Nwachukwu
13 The Lawyers Committee for Civil Rights Under Law
1500k NW
14 Washington, DC 20005
(617) 893-1322
15 rweiner@lawyerscommittee.org
drollins-boyd@lawyerscommittee.org
16 jlewis@lawyerscommittee.org
jnwachukwu@lawerscommittee.org
17 and
Mr. Carroll Rhodes
18 Law Offices of Carroll Rhodes
P.O. Box 588
19 Hazlehurst, MI 39083
(601) 894-4323

20 **FOR THE BROOKS PLAINTIFFS:**

21 Mr. Chad W. Dunn
Brazil & Dunn
22 1900 Pearl Street
Austin, Texas 78746
23 (512) 717-9822
chad@brazilanddunn.com
24
25

1 **APPEARANCES: (continued)**

2 **FOR THE BROOKS PLAINTIFFS:**

3 Mr. Mark P. Gaber
4 Mark P. Gaber, PLLC
5 P.O. Box 34481
6 Washington, DC 20043
7 (715) 482-4066
8 mark@markgaber.com

9 and

10 Ms. Molly Elizabeth Danahy
11 Molly E. Danahy, Esq
12 P.O. Box 51
13 Helena, Montana 76112
14 (406) 616-3058
15 danahy.molly@gmail.com

16 and

17 Ms. Sonni Waknin
18 Sonni Waknin, Esq
19 6417 N. Figueroa Street, #10
20 Los Angeles, California 90042
21 (732) 610-1283
22 sonniwaknin@gmail.com

23 and

24 Mr. Jesse Gaines
25 Jesse L. Gaines Attorney at Law
6015 Meadowbrook Drive
Fort Worth, Texas 76103
(817) 714-9988
gainesjess@ymail.com

FOR THE CONGRESSIONAL INTERVENORS:

17 Mr. Gary L. Bledsoe
18 The Bledsoe Law Firm
19 6633 East Highway 290, Suite 208
20 Austin, Texas 78723-1157
21 (512) 322-9992
22 garybledsoe@sbcglobal.net

23 gbledsoe@thebledsoelawfirm.com

24 and

25 Mr. Robert Notzon
Law Offices of Robert Notzon
1502 West Avenue
Austin, Texas 78701
(512) 474-7563
robert@notzonlaw.com

1 **APPEARANCES: (continued)**

2 **FOR THE STATE DEFENDANTS:**

3 Mr. Ryan G. Kercher
4 Mr. William Francis Cole
5 Mr. William D. Wassdorf
6 Mr. Steven Loomis
7 Ms. Ali Thorburn
8 Mr. Zachary Berg
9 Mr. David Bryant
10 Mr. Anthony Rodregous
11 Office of Texas Attorney General
12 P.O. Box 12548
13 MC 009

14 Austin, Texas 78711
15 (512) 936-2613
16 ryan.kercher@oag.texas.gov
17 william.cole@oag.texas.gov
18 will.wassdorf@oag.texas.gov
19 steven.loomis@oag.texas.gov
20 ali.thorburn@oag.texas.gov
21 zachary.berg@oag.texas.gov
22 david.bryant@oag.texas.gov
23 anthony.rodregous@oag.texas.gov

24 and
25 Mr. William Thomas Thompson
26 Lehotsky Keller Cohn LLP
27 Special Litigation Unit
28 408 W. 11st Street, 5th Floor
29 Austin, Texas 78701
30 (210) 286-0806
31 will@lkefirm.com

32 Also in Attendance:
33 Mr. Richard Rienstra

34 Court Reporter:
35 Laura Wells, RPR, RMR, CRR
36 601 Rosenberg, Suite 615
37 Galveston, Texas 77550

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**DAY 3
 (PRELIMINARY INJUNCTION HEARING)**

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1 (Call to order of the Court.)

2 JUDGE GUADERRAMA: Good morning, everyone.

3 Please be seated.

4 At the break we had the witness Mr. Ely.

09:01:23 5 Mr. Ely is back on the witness stand.

6 Mr. Thompson, whenever he is set, we are good to go.

7 MR. THOMPSON: Good morning, Your Honor. Will
8 Thompson for the State.

9 PROFESSOR DAVID ELY,

10 having been previously duly sworn, testified as follows:

11 CROSS-EXAMINATION (continued)

12 BY MR. THOMPSON:

13 Q. Good morning, Mr. Ely. Good to see you again.

14 A. Good morning.

09:01:46 15 Q. To I guess orient us, yesterday we talked a bit about
16 the maps here in Alabama and some of your
17 Hispanic-preferred candidate analysis. Today I'd like to
18 talk to you about some of the maps you put in your report.

19 Do you remember the maps from your report?

09:01:59 20 A. Yes.

21 Q. And I guess before I get to that, I should ask. In
22 between the time you got off the stand yesterday and the
23 time you got on today, did you discuss your testimony with
24 anyone?

09:02:07 25 A. No.

1 Q. Now, in Texas partisanship and race are correlated,
2 right?

3 A. Yes. I believe so.

09:02:24

4 Q. So a map gerrymandered to achieve a partisan end can
5 look very similar to a map that is racially gerrymandered,
6 right?

7 A. It's possible, yes.

8 Q. Have you ever heard that phrase before?

9 A. Certainly.

09:02:37

10 Q. Do you know the Supreme Court said it?

11 A. No. I don't -- I don't recall that. But, yes.

12 Q. Now, by looking at a map that just shows racial CVAP
13 shading, that doesn't allow you to disentangle race and
14 party, does it?

09:02:56

15 A. No.

16 Q. But your report never once mentions the word
17 "Republican," does it?

18 A. No. The analysis that I did related to
19 Hispanic-preferred candidates and White-preferred
20 candidates.

09:03:14

21 Q. Right. And so you didn't ever mention the word
22 "Democrat" in your report either, did you?

23 A. That's correct.

24 Q. Nor did you talk about President Trump at all, right?

09:03:23

25 A. That's correct.

1 Q. Didn't use the word "partisan"?

2 A. No.

3 Q. Didn't use the word "party"?

4 A. No.

09:03:29 5 Q. That's just not the analysis you were doing, right?

6 A. That's correct.

7 Q. Your reports don't have any maps showing whether lines

8 dividing different racial groups would correlate with

9 lines dividing precincts based on the percentage of, let's

09:03:43 10 say, Trump voters in 2024, right?

11 A. Not related to Trump voters, no.

12 Q. You did look at the Trende report, as I recall,

13 though, right?

14 A. Yes, I did.

09:03:53 15 Q. I think you had a rebuttal report kind of related to

16 Trende. So you must have studied his report fairly

17 closely. Is that fair?

18 A. Well, I studied the portion that related to my initial

19 report. That was only a couple of paragraphs.

09:04:12 20 MR. THOMPSON: All right. Could we bring up,

21 Richard, the Trende report, which is Defendants'

22 Exhibit 571, and look at page 23 of the report, Figure 20.

23 Can we zoom in on the map, please.

24 BY MR. THOMPSON:

09:04:35 25 Q. Have you seen this before?

1 **A.** I don't recall looking at it, no.

2 **Q.** Fair enough.

3 I think Ms. Perales showed you some maps yesterday.

4 Do you remember being asked about a so-called dangly

09:04:46

5 thing?

6 **A.** Yes.

7 MR. THOMPSON: Richard, could we zoom in there.

8 BY MR. THOMPSON:

9 **Q.** Do you see the dangly thing there?

09:04:53

10 **A.** Yes.

11 **Q.** All right. Now, if we take a look inside the blue

12 line, that's CD 18 in this map, right?

13 **A.** Yes.

14 **Q.** And the color seems to be pretty yellow. Is that

09:05:06

15 fair?

16 **A.** Yes.

17 **Q.** Now, if we look outside of the so-called dangly thing,

18 it looks a little bit more green, doesn't it?

19 **A.** Yes. It does.

09:05:15

20 MR. THOMPSON: Can we zoom back out to the legend

21 on this map.

22 BY MR. THOMPSON:

23 **Q.** On this map yellow means a very low level of Trump

24 support. As you get into green, it's still a

09:05:27

25 Democratic-leaning district, but it's a higher level of

1 Trump support, right?

2 **A.** Yes.

3 **Q.** So the dangly thing captures an area that has even
4 lower Trump support than the area outside the dangly
5 thing, right?

09:05:38

6 **A.** That appears to be the case, yes.

7 **Q.** You don't have any reason to dispute the accuracy of
8 this map, do you?

9 **A.** No.

09:05:47

10 **Q.** Do you know whether in Texas areas with high
11 concentrations of African American voters tend to be more
12 Democratic than areas with high concentrations of Hispanic
13 voters?

14 **A.** I certainly have seen cases that were like that. I
15 wouldn't want to say that there is a general rule.

09:06:09

16 **Q.** It wouldn't surprise you if that were true in this
17 area?

18 **A.** That's correct.

19 **Q.** So a map drawer separating heavily Democratic areas
20 from less heavily Democratic areas could wind up drawing a
21 line that happens to separate a more heavily -- heavy
22 concentration of Black voters from a more heavy
23 concentration of Hispanic voters, right?

09:06:23

24 **A.** Yes.

09:06:35

25 **Q.** And if a map drawer wanted to pair, let's say,

1 Republicans in Liberty County with a somewhat Democratic
2 but not overwhelmingly Democratic part of Harris County,
3 the map drawer might well wind up including Hispanic areas
4 but not Black areas, even without looking at racial data,
5 right?

09:06:52

6 **A.** Yes. It appears that way.

7 **Q.** Your report doesn't study compactness at all, right?

8 **A.** No. It doesn't.

9 **Q.** You are not here to offer an opinion about whether

09:07:07

10 C2333 is more compact than C2193, right?

11 **A.** No. I don't discuss compactness.

12 **Q.** Now, I know you testified yesterday I think that you
13 have drawn a lot of maps in your career. Is that fair?

14 **A.** Yes.

09:07:21

15 **Q.** Including congressional maps?

16 **A.** Yes.

17 **Q.** So you know that when drawing congressional districts
18 the map drawer almost always has to draw at the block
19 level to equalize population, right?

09:07:31

20 **A.** Yes. That's correct.

21 **Q.** And that's because the one person, one vote rule
22 applies differently to congressional districts than it
23 does to state legislative districts, right?

24 **A.** That's correct.

09:07:40

25 **Q.** And when you draw at the block level, you're probably

1 going to split some VTDs, right?

2 **A.** Yes.

3 **Q.** There is nothing suspicious about splitting VTDs
4 because you are equalizing population by drawing at the
5 block level, right?

09:07:52

6 **A.** No. Not necessarily.

7 MR. THOMPSON: No further questions.

8 JUDGE GUADERRAMA: Ms. Perales.

9 **REDIRECT EXAMINATION**

09:08:05

10 BY MS. PERALES:

11 **Q.** Good morning, Mr. Ely.

12 **A.** Good morning.

13 **Q.** Earlier in your conversation with Mr. Thompson, if you
14 recall yesterday afternoon, you had a discussion with him
15 about drawing a race blind map and reaching a number like
16 50.1 or 50.3; and you drew a distinction between drawing
17 to hit a numerical target for that target's sake when you
18 are drawing a nonperforming district versus when you hit a
19 number like 50.1 or 50.3 when you are drawing for
20 performance, as I believe you said you did in Alabama.

09:09:00

21 I just wanted to give you an opportunity to elaborate
22 on that point.

23 **A.** Yeah. This was in reference to the plan, one of the
24 special master plans that was just over 50 percent. And
25 those plans were drawn partially based on community of

09:09:20

1 interests that were discussed, that one of the elements of
2 the community of interest was race. And it was also based
3 on creating an effective remedy for a violation that had
4 been found.

09:09:43

5 And so the things that went into drawing those
6 districts to be effective and to honor those communities
7 of interest naturally result in a Black percentage that's
8 close to 50 percent. The final plan that was adopted was
9 slightly less than 50 percent. One of the three plans
10 that was submitted was slightly more.

09:10:08

11 It seems to me much more unlikely that if I was
12 drawing a district that had a very different focus and was
13 focused on, you could argue, drawing a district that was
14 not going to be effective for a minority population, you
15 wouldn't be drawing based on communities of interest or
16 election results that were consistent with a majority
17 Hispanic district, for example.

09:10:33

18 So that's basically -- that's basically what I was
19 trying to say.

09:10:52

20 **Q.** Mr. Thompson a few minutes ago asked you a question
21 about combining heavily Republican Liberty County with
22 what he described as Democratic precincts in Houston. If
23 you were to take heavily Hispanic Democratic precincts in
24 Houston and combine them with heavily Republican Precincts
25 in Liberty County for the purpose of drawing a Republican

09:11:31

1 district, are you drawing for performance for those
2 Hispanic voters?

3 **A.** No.

09:11:43

4 **Q.** And what would be the expected outcome, for example,
5 of taking a piece of 29, a Hispanic opportunity district
6 under Section 2, and combining them as described by
7 Mr. Thompson with the heavily Anglo Republican Liberty
8 County?

09:12:04

9 **A.** Basically what I would say is that you are combining
10 that Hispanic community with an area that has very strong
11 bloc voting against the Latino preference or Hispanic
12 preference or the candidates of choice. And so it
13 will -- it will result in a dilutive district for
14 those -- for that population.

09:12:26

15 **Q.** And which population?

16 **A.** The Hispanic population.

17 MS. PERALES: Thank you. I pass the witness.

18 JUDGE GUADERRAMA: Mr. Fox.

19 MR. FOX: A few questions, if I may.

09:12:36

20 JUDGE GUADERRAMA: Yes, sir.

21 **CROSS-EXAMINATION**

22 BY MR. FOX:

09:12:49

23 **Q.** Good morning, Mr. Ely. David Fox for the Gonzales
24 plaintiffs. I don't believe we have met before. It's
25 nice to meet you.

1 **A.** Thank you.

2 **Q.** You were asked a few questions yesterday about your
3 work in Alabama for the special master.

4 Do you recall that?

09:12:55

5 **A.** Yes.

6 **Q.** In drawing remedial plans in Alabama, was partisan
7 performance a close proxy for race in the relevant parts
8 of Alabama?

09:13:13

9 **A.** It might have been, but it was not a focus of how we
10 examined things. But the performance, the Black-preferred
11 candidates in most of the contests that were -- that we
12 were evaluating were Democratic candidates. So in that
13 sense, yes, they were closely correlated.

09:13:34

14 **Q.** Was there very -- was there strong racially polarized
15 voting in Alabama?

16 **A.** Yes. There was.

17 **Q.** That was among both -- was that among both Black and
18 White voters?

19 **A.** Yes.

09:13:40

20 **Q.** And what racial groups were you focused on in drawing
21 those maps?

22 **A.** Well, I was not focused on racial groups in drawing
23 those maps. I was focused on communities of interest that
24 had been thoroughly discussed and validated by the Court's
25 opinions, as well as keeping together whole jurisdictions

09:14:02

1 to the extent possible, while checking to see that what we
2 were creating had a -- would perform as a remedial
3 district.

09:14:26

4 So using the history of elections of the
5 Black-preferred candidates over a series of contests that
6 had also been thoroughly discussed in the case itself.

7 **Q.** If polarized voting is lower in a particular area,
8 would drawing maps based on performance be less likely to
9 lead to a particular racial result?

09:14:47

10 **A.** I would think it would be less likely, yes.

11 MR. FOX: Rich, could we pull up what has been
12 marked for identification as Gonzales Exhibit 63. This is
13 not on our exhibit list. It is new. We are just marking
14 it for identification. We have shared it with Texas's
15 counsel.

09:15:08

16 BY MR. FOX:

17 **Q.** Do you recognize this document?

18 **A.** Well, I recognize it as being connected to the case in
19 which I was -- that we have been referring to in Alabama.

09:15:43

20 **Q.** If we can get it back up.

21 If I suggest to you that this is a special master
22 report from the Alabama trial, does that look right to
23 you?

24 **A.** Yes, it does.

09:17:53

25 MR. FOX: If we could go, Rich, please, to

1 page 34 of that PDF, and if we could maybe zoom in on that
2 table.

3 BY MR. FOX:

4 **Q.** Do you see Table 5 on the screen?

09:18:05

5 **A.** Yes.

6 **Q.** What is Table 5?

7 **A.** Table 5 has the breakdown of the Black voting age
8 population in the three -- the three plans that the
9 special master was recommending to the Court. And it has
10 two Black majority districts, District 2 and District 7.

09:18:20

11 **Q.** Which of those districts, District 2 or District 7,
12 was the focus of the remedial plan drawing?

13 **A.** I believe that District 2 was the additional district,
14 yes.

09:18:39

15 **Q.** And could you just high level give an overview of how
16 Remedial Plan 1, 2, and 3 were drawn, if you recall? What
17 the source was for them?

18 **A.** I'm not sure that I'll get this exactly right. I
19 don't remember precisely. But I believe that Remedial
20 Plan 1 was based on modifying one of the
21 plaintiff-suggested plans to make it correspond better
22 with the enacted districts that the legislature had
23 passed.

09:18:58

24 And the second -- the second remedial plan modified
25 that plan additionally to reduce the numbers of counties

09:19:27

1 that were split.

2 And then Remedial Plan 3 was one that I created
3 independently after evaluating all of the submissions and
4 the data that was involved in all this.

09:19:51

5 **Q.** And in doing your work on Remedial Plan 2 and Remedial
6 Plan 3, did you look at racial data specifically in
7 drawing those?

8 **A.** No. I did not.

09:20:10

9 **Q.** And what you came up with after you made those changes
10 or did that drawing, without looking at racial data, was
11 there a 50 percent or more Black voting age population in
12 those districts?

13 **A.** Not in District 2, no.

14 **Q.** And how about District 3? I'm sorry.

09:20:28

15 How about not in District 2 in both plans? I
16 apologize.

17 **A.** That's correct.

18 MR. FOX: Thank you very much. No further
19 questions.

09:20:42

20 JUDGE GUADERRAMA: Mr. Thompson.

21 MR. THOMPSON: If you want to pull it up. Either
22 way. Same thing.

23 **RE-CROSS-EXAMINATION**

24 BY MR. THOMPSON:

09:20:55

25 **Q.** Good to see you again, Mr. Ely. We're trying to get

1 it up. Maybe you just remember off the top of your head.

2 My friend Mr. Fox just asked you whether, without
3 looking at racial data, you drew a majority BVAP district
4 in Plans 2 and 3. Your answer to that is, yes, you did in
5 District 7, right?

09:21:13

6 **A.** Yes.

7 MR. THOMPSON: Could we go -- it's Table 5, which
8 is page 33 of the PDF -- 34 of the PDF. 33 of the
9 internal pagination.

09:21:31

10 BY MR. THOMPSON:

11 **Q.** And then I think Mr. Fox may have suggested that here
12 you were relying on someone else's plan for the starting
13 point when you drew Remedial Plan 1; is that right?

14 **A.** That's correct.

09:21:43

15 **Q.** But a special master reported that the people that you
16 were relying on also had not engaged in racial
17 gerrymandering, right?

18 **A.** Yes.

19 **Q.** Okay. Last question, just as to Ms. Perales's points.

09:21:55

20 Are you aware that this hearing is not about a
21 Section 2 *Gingles* claim?

22 **A.** Yes.

23 MR. THOMPSON: Okay. No further questions.

24 JUDGE GUADERRAMA: Ms. Perales.

09:22:05

25 MS. PERALES: No more questions, Your Honor.

1 THE COURT: Mr. Fox.

2 MR. FOX: Very briefly.

3 **RECROSS-EXAMINATION**

4 BY MR. FOX:

09:22:14 5 **Q.** Was District 7 in Alabama an existing majority Black
6 district?

7 **A.** Yes, it was.

8 MR. FOX: No further questions.

9 JUDGE GUADERRAMA: Mr. Thompson.

09:22:24 10 MR. THOMPSON: Nothing further, Your Honor.

11 JUDGE GUADERRAMA: Ms. Perales.

12 MS. PERALES: Nothing further, Your Honor.

13 JUDGE GUADERRAMA: May this witness be
14 permanently excused?

09:22:30 15 ALL COUNSEL: Yes, Your Honor.

16 JUDGE GUADERRAMA: Mr. Ely, you are excused and
17 free to go.

18 THE WITNESS: Thank you.

19 JUDGE GUADERRAMA: Who is your next witness?

09:22:36 20 MR. FOX: Your Honor, the plaintiffs call
21 Dr. Stephen Ansolabehere.

22 JUDGE GUADERRAMA: Good morning,
23 Mr. Ansolabehere. Raise your right hand to receive the
24 oath.

09:23:44 25 Do you solemnly swear or affirm the testimony that you

1 will give in this proceeding will be the truth, the whole
2 truth, and nothing but the truth so help you God?

3 THE WITNESS: I do.

4 JUDGE GUADERRAMA: Thank you, sir. Have a seat
09:23:52 5 in that chair, please. If you'll do us a favor, roll into
6 the microphone and lean into it when you answer and your
7 voice will get louder.

8 THE WITNESS: Thank you.

9 **STEPHEN DANIEL ANSOLABEHERE, Ph.D,**
09:24:02 10 having been first duly sworn, testified as follows:

11 **DIRECT EXAMINATION**

12 BY MR. FOX:

13 **Q.** Good morning, Doctor. Could you please introduce
14 yourself to the Court, including spelling your first and
09:24:08 15 last name, please?

16 **A.** I'm Stephen Daniel Ansolabehere. It's S-t-e-p-h-e-n.
17 Ansolabehere is A-n-s-o-l-a-b-e-h-e-r-e. I'm a professor
18 of government at Harvard University where I hold the Frank
19 G. Thompson chair of government.

09:24:29 20 **Q.** We went through your qualifications and experience in
21 some detail back in the May and June trial. I'm not going
22 to ask you to go through them again.

23 MR. FOX: Could we please pull up -- it looks
24 like we have in front of you Gonzales Plaintiffs'
09:24:44 25 Exhibit 39.

1 BY MR. FOX:

2 **Q.** Do you recognize this document?

3 **A.** I do.

4 **Q.** And what is this?

09:24:49

5 **A.** This is my expert report in this instance, in this
6 hearing.

7 **Q.** And is it a fair and accurate copy, as far as you
8 know?

9 **A.** As far as I know.

09:24:59

10 MR. FOX: I would like to move Gonzales
11 Plaintiffs' Exhibit 39 into evidence.

12 (Gonzales Plaintiffs' Exhibit Number 39 offered
13 into evidence.)

14 MS. THORBURN: No objection, Your Honor.

09:25:06

15 JUDGE GUADERRAMA: All right. Gonzales
16 Plaintiffs' 39 is admitted.

17 (Gonzales Plaintiffs' Exhibit Number 39 admitted
18 into evidence.)

19 MR. FOX: Could we pull up, Rich, Gonzales 61.

09:25:17

20 BY MR. FOX:

21 **Q.** Doctor, do you recognize Gonzales Plaintiffs' 61?

22 **A.** I do.

23 **Q.** What is this?

24 **A.** This is a report I prepared to respond to the report
25 of Dr. Lewis.

09:25:28

1 Q. A fair and accurate copy, as far as you know?

2 A. Yes.

3 MR. FOX: I'd like to move Gonzales Exhibit 61
4 into evidence as well.

09:25:34

5 (Gonzales Plaintiffs' Exhibit Number 69 offered
6 into evidence.)

7 MS. THORBURN: No objection.

8 JUDGE GUADERRAMA: Okay. Gonzales 61 is
9 admitted.

09:25:40

10 (Gonzales Plaintiffs' Exhibit Number 69 admitted
11 into evidence.)

12 MR. FOX: Could we pull back up the Gonzales 39.

13 BY MR. FOX:

09:25:50

14 Q. I'm going to walk through with you some of your
15 conclusions in this report starting, if we could, on
16 page 16 of the PDF.

17 MR. FOX: Apologies. We're having a little bit
18 of a technical trouble this morning, but we're working
19 through it.

09:27:29

20 If I might just step away from the podium for a
21 moment?

22 JUDGE GUADERRAMA: Sure. We might consider just
23 doing it the old-fashioned way.

24 MR. FOX: I think that's fair. The other

09:27:37

25 suggestion I have that might be worth a shot is if we can

1 take a moment, we can try to get Mr. Dunn a copy of these
2 reports and have him do it. He seems to be having more
3 luck than we are. I think that will only take a moment to
4 do.

09:27:49

5 JUDGE GUADERRAMA: All right. Of course. Of
6 course.

7 MR. FOX: All right. Thank you. Apologies
8 again. So if we could go to PDF page 16 of that exhibit.
9 BY MR. FOX:

09:29:13

10 **Q.** Doctor, what is Table 6 of your report here showing?

11 **A.** Table 6 presents the estimated CVAP, the citizen
12 voting age population, using the American Community Survey
13 from 2019 to 2023 for Whites, Hispanics, Blacks, and
14 Asians in the districts under the new map Plan C2333.

09:29:40

15 **Q.** Looking at Table 6, how many Black majority CVAP
16 districts are there in the new plan?

17 **A.** In the new plan there are two.

18 **Q.** And which districts are those?

19 **A.** Those are Districts 18 and 30.

09:29:55

20 **Q.** And what are the CVAP percentages, the Black CVAP
21 percentages of each of those districts?

22 **A.** CD 18 is 51.6 percent Black CVAP. And CD 30 is
23 51.3 percent Black CVAP.

09:30:16

24 MR. FOX: And if we go back a page, please,
25 Mr. Dunn to Table 5.

1 BY MR. FOX:

2 **Q.** Does this show the prior map demographics?

3 **A.** It does.

4 **Q.** And what were the Black CVAP percentages for CD 18 and
5 CD 30 in the prior map?

09:30:25

6 **A.** CD 18 was 39.3 percent Black CVAP. And CD 30 was
7 47.0 percent Black CVAP.

8 **Q.** Were Black voters already the largest racial group by
9 CVAP in each of those two districts?

09:30:47

10 **A.** They were.

11 **Q.** And if I wanted to know whether the increase in CVAP
12 in the new map, in Black CVAP in the new map created more
13 Black electoral opportunity, how would I figure that out?

14 **A.** I would look at the voting behavior of the Blacks in
15 those districts and whether the candidates preferred by
16 those Black voters won across a range of elections.

09:31:04

17 **Q.** Did you do that analysis?

18 **A.** I did.

19 **Q.** So if we could go to page 17 of the PDF. We saw
20 charts like this in the May-June trial; but there is a lot
21 going on.

09:31:23

22 Could you just provide a quick overview of what we are
23 looking at here?

24 **A.** This chart is my racially polarized voting analysis
25 relying on ecological inference analysis in this case for

09:31:35

1 the districts in the prior map for Whites, Blacks, and
2 Hispanics and the difference between Blacks and Whites and
3 Hispanics and Whites.

09:31:55

4 **Q.** And starting with CD 18 in the prior map, what did you
5 find were the preferences of Black voters in the old
6 CD 18?

7 **A.** In CD 18 under Plan C2193 on average, across 31
8 elections, 94 percent of Blacks voted for Democratic
9 candidates.

09:32:15

10 **Q.** What about the other racial groups in old CD 18?

11 **A.** 63 percent of Hispanics on average voted for
12 Democrats, and 58 percent of Whites voted for Democrats.

09:32:37

13 **Q.** And then looking at CD 30 in the old map, what did you
14 find were the preferences of Black voters in CD 30 in the
15 old map?

16 **A.** In CD 30, again, averaging across 31 different
17 elections, 94 percent of Black voters voted for Democrats.

18 **Q.** And how about the other racial groups in the prior
19 CD 30?

09:32:52

20 **A.** In prior CD 30, 63 percent of Hispanics voted for
21 Democrats -- whoops, sorry -- I read the wrong block --
22 74 percent of Hispanics voted for Democrats and 58 percent
23 of Whites did.

09:33:17

24 **Q.** Doctor, in a district where all racial groups favor
25 the same candidates affiliated with the same political

1 party, do you need a majority Black district for Black
2 voters to be able to elect their candidates of choice?

3 **A.** No.

09:33:30

4 **Q.** Did you study whether voters, Black voters in CD 18
5 and CD 30 were able to elect their candidates of choice
6 under the prior map?

7 **A.** I did.

8 MR. FOX: If we could go to page 19, Table 9.

9 BY MR. FOX:

09:33:39

10 **Q.** What is Table 9 showing?

11 **A.** Table 9 shows the U.S. House elections under
12 Plan C2193 in 2022 and 2024.

09:34:04

13 **Q.** And so for CD 18, what did you find about the results
14 of the elections under the old plan in the results of the
15 congressional elections?

16 **A.** Under C2193 there were two U.S. House elections in
17 CD 18. And both of them were contested between the
18 Democrat and the Republican. So it's possible to do the
19 analysis I have performed. And in both of those elections
20 the candidates preferred by Black candidates and preferred
21 by Hispanic candidates won a majority of votes.

09:34:22

22 **Q.** Were the elections close?

23 **A.** No. The candidate preferred by Blacks won 71 percent
24 of the vote on average.

09:34:39

25 **Q.** And how about in CD 30? What were the results of this

1 analysis in CD 30?

2 **A.** In CD 30?

3 THE WITNESS: Could you scroll down, Mr. Dunn, a
4 tiny bit? Thank you.

09:34:54

5 **A.** In CD 30, there was one contested election between a
6 Democrat and a Republican. And the other election had a
7 Democrat running, but no Republican. And in that one
8 election, the Black candidate preferred by the Blacks won
9 77 percent of the vote.

09:35:11

10 BY MR. FOX:

11 **Q.** Did you also analyze other elections in these
12 districts?

13 **A.** I did.

14 MR. FOX: If we could go to PDF page 21.

09:35:17

15 BY MR. FOX:

16 **Q.** Does this show the results of an analysis of statewide
17 elections in each of those districts?

18 **A.** It does.

19 **Q.** And what did you find for CD 18?

09:35:32

20 **A.** For CD 18, I found that in 31 of 31 elections examined
21 the candidates preferred by Blacks and also the candidates
22 preferred by Hispanics won the majority of the vote. And
23 on average those candidates won 72 percent of the vote.

24 **Q.** And how about in CD 30?

09:35:52

25 **A.** In CD 30, I found similarly that in 31 of 31

1 elections, the candidates preferred by Blacks won a
2 majority of the vote and they won on average 77 percent of
3 the vote.

09:36:11

4 **Q.** So based on this analysis so far, did Black voters in
5 CD 18 and CD 30 need additional Black voters in those
6 districts in order to be able to elect their candidates of
7 choice?

8 **A.** No.

9 **Q.** Did you also look at CD 18 and CD 30 in the new map?

09:36:24

10 **A.** I did.

11 MR. FOX: If we could go to page 18, Table 8.

12 BY MR. FOX:

13 **Q.** Does this show your racially polarized voting analysis
14 in the new map?

09:36:40

15 **A.** It does.

16 **Q.** What did you find about the preferences of Black
17 voters in CD 18 and CD 30 in the new map?

18 **A.** In CD 18 in the new map I found that on average Black
19 voters voted 96 percent for Democratic candidates,

09:36:59

20 Hispanic voters voted on average 73 percent for Democratic
21 candidates, and White voters voted 62 percent on average
22 for Democrats.

23 **Q.** And how about for CD 30?

24 **A.** In CD 30 I found that Black voters voted on average

09:37:16

25 94 percent for Democrats, Hispanic voters voted on average

1 81 percent for Democrats, and White voters voted on
2 average 48 percent for Democrats.

09:37:41

3 **Q.** And so if we go to page 23 of the PDF, Table 13, does
4 this show your analysis of election results under the new
5 districts?

6 **A.** It does.

7 **Q.** And what did you find for CD 18 and CD 30?

09:37:58

8 **A.** For CD 18 I found that in 31 of 31 elections, the
9 candidates preferred by Blacks, who were also candidates
10 preferred by Hispanics, won the majority of the votes; and
11 those candidates won on average 80 percent of the vote.

09:38:18

12 In CD 30 I found that the candidates preferred by
13 Blacks and the candidates -- also the candidates preferred
14 by Hispanics won all 31 of those elections; and on average
15 the vote share was 77 percent.

16 **Q.** Based on this analysis did turning CD 18 and CD 30
17 into majority Black CVAP districts do anything to help
18 Black voters in those districts?

19 **A.** No.

09:38:35

20 **Q.** Now I want to ask about a different district in the
21 prior map, CD 9.

22 MR. FOX: If we could go back to page 15,
23 Table 5, please.

24 BY MR. FOX:

09:38:50

25 **Q.** What was the largest racial group by CVAP in the old

1 CD 9?

2 **A.** In CD 9 under Plan C2193, the largest racial group was
3 Blacks.

09:39:05

4 **Q.** And what percentage of the population, of the eligible
5 voter population were they?

6 **A.** Blacks were 45.9 percent of the CVAP.

7 **Q.** And if we go to page 17, what candidates did Black
8 voters in CD 9 prefer in the old map?

09:39:28

9 **A.** In every one of the 31 elections examined, majority
10 Black voters voted for Democrats; and on average they
11 voted 71 percent for Democrats.

12 **Q.** Sorry. Black voters?

13 **A.** I'm sorry. 94. Sorry. I was looking at the Hispanic
14 voter number.

09:39:41

15 Black voters on average voted 94 percent for
16 Democrats.

17 **Q.** And how about the Anglo and Hispanic voters in that
18 district?

09:39:54

19 **A.** Similarly, Hispanic voters voted for Democratic
20 candidates in all 31 elections examined. And, on average,
21 voted 71 percent for Hispanics.

22 **Q.** And if we go to page 19, Table 9, what did you find
23 when you analyzed congressional elections in the old CD 9?

09:40:18

24 **A.** In the old CD 9 there was one congressional election
25 that was contested between a Democrat and a Republican,

1 and the Democrat won that election with 77 percent of the
2 vote.

3 **Q.** And if we go to page 21, Table 11, what did you find
4 when you analyzed the statewide elections in the old CD 9?

09:40:38

5 **A.** In old CD 9 there were 31 elections in which the
6 candidate preferred by Blacks won out of the 31 elections
7 examined. And those candidates on average won 75 percent
8 of the vote.

09:40:58

9 **Q.** Based on that analysis, how would you characterize old
10 Congressional District 9?

11 **A.** Old Congressional District 9 was a district in which
12 Blacks had the ability to elect their preferred
13 candidates.

09:41:11

14 **Q.** Did the voters in old Congressional District 9 need to
15 be in a Black majority district to be able to elect their
16 candidates of choice?

17 **A.** No.

18 **Q.** Let's go back now, please, to page 16, Table 6.
19 What happened to CD 9 in the new plan?

09:41:28

20 **A.** CD 9 in the new plan is now a majority Hispanic CVAP
21 district. And it has a percentage of 50.2 percent
22 Hispanic CVAP.

23 **Q.** What percentage Black eligible voter is in the new
24 CD 9?

09:41:45

25 **A.** It's 11.9.

1 Q. And what percentage Anglo?

2 A. 35.3.

3 MR. FOX: And if you -- we could go, please, to
4 page 18.

09:41:59

5 BY MR. FOX:

6 Q. What are each of the racial groups' preferred
7 candidates in the new CD 9?

09:42:17

8 A. In the new CD 9, Hispanics on average voted 77 percent
9 of the time for Democrats. And in all 31 elections
10 examined, a majority of Hispanics voted for Democratic
11 candidates.

12 Similarly, in all 31 elections the Black voters in
13 that district voted majority for Democratic candidates;
14 and on average they voted 80 percent for Democrats.

09:42:35

15 The Whites in new CD 9 preferred Republican candidates
16 in all 31 elections, and on average voted 11 percent for
17 the Democrats and 89 percent for the Republicans.

18 Q. And if we go to page 23, did you analyze what
19 candidates would have won past statewide elections in the
20 new CD 9?

09:42:59

21 A. I did.

22 Q. What did you find?

23 A. I found that in all 31 of the elections examined, the
24 Republican candidate would have won the majority votes in
25 the precincts in C2333 for CD 9, and that on average those

09:43:11

1 candidates won 43 percent of the -- the Democratic
2 candidates won 43 percent of the vote, and the Republican
3 candidates won 57 percent of the vote.

09:43:34

4 **Q.** Based on that prior analysis we just talked about,
5 which racial groups preferred the Republican candidate in
6 that district?

7 **A.** The White voters preferred the Republican candidate in
8 that district.

09:43:44

9 **Q.** And which racial groups preferred the Democratic
10 candidate in those districts?

11 **A.** The Black and Hispanic voters preferred the Democratic
12 candidates.

09:43:57

13 **Q.** So based on this analysis, is CD 9 a district in which
14 Black and Hispanic voters have the ability to elect their
15 candidate of choice?

16 **A.** It is not.

17 **Q.** How is it possible, if the district is a majority
18 Hispanic district, that Hispanic voters are not able to
19 elect their candidates of choice?

09:44:11

20 **A.** The two factors that will matter is the degree of
21 cohesion of the groups and the turnout rates for the
22 groups.

23 So the White cohesion rate is very high and even
24 higher than the Hispanic cohesion level.

09:44:26

25 And the other factor would be differential turnout.

1 So Whites would have to have much higher turnout than
2 Hispanics in that district.

3 **Q.** So to sum up, what happened to CD 9 from the old CD 9
4 to the new CD 9?

09:44:40

5 **A.** CD 9 was changed from a district in which Blacks were
6 the plurality of the electorate and had the ability to
7 elect their preferred candidates and transformed into a
8 district in which Hispanics are the majority of the CVAP
9 but do not have the ability to elect their preferred
10 candidates.

09:45:00

11 **Q.** Did the creation of Congressional District 9 as a
12 majority Hispanic district help Hispanic voters in that
13 district?

14 **A.** No.

09:45:09

15 **Q.** Why not?

16 **A.** Because they don't have the opportunity to elect their
17 preferred candidate.

18 **Q.** Now I want to ask you about Congressional District 35.

19 MR. FOX: If we could go to page 15, please.

09:45:26

20 BY MR. FOX:

21 **Q.** What were the demographic characteristics of the old
22 CD 35?

23 **A.** CD 35 under Plan C2193 was a district in which no
24 group had a majority but in which Hispanics were the
25 plurality of the citizen voting age population. They were

09:45:46

1 45.9 percent of the CVAP.

2 **Q.** And if we go to page 17, Table 7, what were the
3 preferences of Hispanic voters in the old CD 35?

09:46:11

4 **A.** In old CD 35, in all 31 elections I examined, a
5 majority of Hispanic voters voted for Democratic
6 candidates, and on average those candidates won 73 percent
7 of the vote.

8 **Q.** And what about the other racial groups that you
9 analyzed in CD 35?

09:46:25

10 **A.** Both Blacks and Hispanic -- and Whites preferred
11 Democratic candidates as well in all 31 elections. On
12 average, Whites in old CD 35 voted 72 percent for
13 Democratic candidates; and the Blacks who were in CD 5
14 voted 68 percent for Democratic candidates.

09:46:52

15 **Q.** Did you analyze the electoral performance of CD 35?

16 **A.** I did.

17 MR. FOX: If we could go to page 19.

18 BY MR. FOX:

09:47:05

19 **Q.** Did you -- what did you find about whether Hispanic
20 preferred candidates were able to win election in
21 congressional elections in CD 35, the old CD 35?

22 **A.** In old CD 35 there were two contested elections
23 between a Democrat and a Republican for U.S. House of
24 Representatives. And the Democratic candidate won both of
25 those elections with on average 70 percent of the vote.

09:47:24

1 MR. FOX: And if we could go to page 21.

2 BY MR. FOX:

3 Q. When you analyzed statewide elections in old CD 35,
4 what did you find?

09:47:37

5 A. In old CD 35 Democratic candidates won 31 of 31
6 elections, and on average they received 71 percent of the
7 vote.

8 Q. And based on your analysis, were those the candidates
9 preferred by Hispanic voters in that district?

09:47:55

10 A. They were.

11 Q. Based on this analysis, did Hispanic voters in old
12 CD 35 need to be in a majority Hispanic district to be
13 able to elect their candidates of choice?

14 A. No.

09:48:10

15 MR. FOX: If we could go to page 16, Table 6.

16 BY MR. FOX:

17 Q. What are the demographic features of new CD 35?

18 A. New CD 35 is now 51.6 percent CVAP Hispanic, which
19 makes it a Hispanic majority district.

09:48:33

20 Q. And if you look at -- if we go to page 18, Table 8,
21 what did you find are the preferences of Hispanic voters
22 in new CD 35?

23 A. In new CD 35, in the 31 elections examined, Hispanic
24 voters voted for Democratic candidates. On average they

09:48:58

25 voted 79 percent for Democrats.

1 Q. And how about the Anglo population in new CD 35?

2 A. Whites in new CD 35 voted on average 20 percent for
3 Democratic candidates and 80 percent for Republican
4 candidates. And in every one of the elections I examined,
09:49:20 5 a majority of Whites voted for Republican candidates.

6 Q. And when you analyzed election performance under the
7 new district, if we go to page 23 of your report, what did
8 you find?

9 A. I found that in all of the 31 elections examined, the
09:49:43 10 Republican candidates won the majority of votes. And on
11 average they won 46 percent of the vote.

12 Q. And were those the candidates preferred by Hispanic
13 voters in that district?

14 A. They were.

09:49:55 15 Q. The Republican candidate --

16 A. I'm sorry. They were -- the Republican candidates
17 were preferred by Whites, and the Democratic candidates
18 were preferred by Hispanics.

19 Q. So were the candidates preferred by Hispanic voters in
09:50:09 20 new CD 35 able to win based on this analysis?

21 A. Not the candidates preferred by Hispanics.

22 Q. Did making CD 35 into a majority Hispanic CVAP
23 district help the Hispanic voters in that district?

24 A. No.

09:50:24 25 Q. Why not?

1 **A.** Because this is not a district in which Hispanics have
2 the opportunity to elect their preferred candidates.

3 **Q.** I'd like to ask you about a handful of other
4 districts.

09:50:36

5 MR. FOX: If we could go back to page 15,
6 Table 5.

7 BY MR. FOX:

8 **Q.** Starting with CD 37, what is the demographic makeup of
9 old CD 37?

09:50:48

10 **A.** CD 37 under Plan C2193 was 60.4 majority White CVAP.
11 So it's a majority White district.

12 MR. FOX: If we go to page 17, Table 7.

13 BY MR. FOX:

14 **Q.** What were the preferred candidates of White voters in
15 old CD 37?

09:51:08

16 **A.** In this version of CD 37, White voters voted for
17 Democratic candidates. On average they voted 80 percent
18 for Democrats. And in none of the 31 elections did a
19 majority of Whites vote for Republican candidates.

09:51:31

20 MR. FOX: And if we go to page 16, Table 6.

21 BY MR. FOX:

22 **Q.** What is the demographic features of new CD 37?

23 **A.** New CD 37 remains a White majority district. It is
24 53.8 percent White CVAP.

09:51:53

25 **Q.** And if we go to page 18, Table 8, what candidates do

1 White voters in new CD 37 prefer?

2 **A.** In new CD 37 the Whites in -- the Whites prefer
3 Democratic candidates. In all 31 elections, a majority of
4 Whites voted for Democratic candidates; and on average
5 those candidates won 85 percent of the vote.

09:52:16

6 **Q.** So did you analyze the election performance of old and
7 new CD 37?

8 **A.** I did.

9 **Q.** And I can show you on the report if you want, but do
10 you recall if the White-preferred Democratic candidates
11 won elections in old and new CD 37?

09:52:29

12 **A.** They do.

13 **Q.** So did the legislature change the nature of CD 37 as a
14 majority White Democratic voting district?

09:52:47

15 **A.** No.

16 **Q.** If we could go to -- back to page 15, Table 5. What
17 was the racial makeup of old CD 22 under the 2019 to 2023
18 ACS?

19 **A.** Under Plan C2193, CD 22 was a plurality White
20 district. That is, the majority of the population were of
21 no particular racial group; but the largest group were
22 White.

09:53:14

23 **Q.** But that was a majority-minority district?

24 **A.** Right. By -- the remainder would be non-Whites. So
25 it was a majority non-White district.

09:53:32

1 Q. How about CD 27 under the old map?

2 A. CD 27 was a Hispanic plurality district. 48.8 percent
3 of the CVAP were Hispanic.

09:54:00

4 Q. And do you recall if CD 22 and CD 27 under the old map
5 were electing Republican or Democratic candidates?

6 A. I believe they were -- both of those districts elect
7 Republican candidates.

8 MR. FOX: And if we can go to page 16.

9 BY MR. FOX:

09:54:12

10 Q. Under the new map, what is the demographic makeup of
11 new CD 22?

12 A. New CD 22 is majority White. It's 50.5 percent White
13 CVAP and --

14 Q. How about new CD 27?

09:54:31

15 A. 27 is also majority White. It's 52.9 percent White
16 CVAP.

17 Q. And based on your analysis, are those still districts
18 in which Republican candidates will consistently win?

19 A. Yes.

09:54:44

20 Q. So how would you characterize the change in these
21 districts from the old map to the new map?

22 A. These districts were converted from -- one from
23 plurality White and one from plurality Hispanic to two
24 majority White districts. They remain districts in which
25 White voters would elect their preferred candidates.

09:55:06

1 Q. They remain Republican districts in both maps?

2 A. Yes.

3 Q. Before we put down this exhibit, does this exhibit
4 contain analysis like this for all 38 congressional
5 districts in Texas?

09:55:24

6 A. It does.

7 Q. And the methodology, is it the same for each of those
8 districts?

9 A. It is.

09:55:30

10 Q. So if the Court wanted to know information like this
11 for any particular district in Texas, could they look at
12 your report to find it?

13 A. Yes.

09:55:45

14 MR. FOX: And if we go to page 15 -- yeah.
15 Sorry. It's not page 15.

16 If we go to page 5 -- sorry -- page 9. Excuse me.
17 Page 9 of the PDF and scroll down to the section that is
18 conclusions.

19 BY MR. FOX:

09:56:04

20 Q. Does that section contain your conclusions from your
21 analysis?

22 A. It does.

23 Q. At a high level, what were your conclusions based on
24 all of your analysis?

09:56:11

25 A. First, that there were -- there was a reduction of

1 four districts in the -- from the old map to the new map
2 in which Hispanics or Blacks had the opportunity to elect
3 their preferred candidates.

4 One of those -- they are scattered around the state.
09:56:31 5 One of them is CD 9 in Houston. One of them is CD 35 in
6 the Travis/Bexar area. One of them is CD 32 up in Dallas.
7 And the final one is CD 34 in The Valley.

8 MR. FOX: If we could pull up now, please,
9 Gonzales Exhibit 61.

09:56:54 10 BY MR. FOX:

11 Q. Is this your rebuttal report for this hearing?

12 A. It is.

13 Q. And, overall, what were you asked to do in this
14 report?

09:57:06 15 A. I was asked to respond to a report that Dr. Lewis had
16 filed.

17 Q. And I'm just going to ask you a few questions about
18 this.

19 First, did Dr. Lewis compare your EI analysis to an
09:57:20 20 analysis by Dr. Collingwood?

21 A. He did.

22 Q. Did Dr. Collingwood use a different methodology than
23 you used?

24 A. He used EI like I do. He used a different measure of
09:57:33 25 race.

1 Q. In your experience, would you expect identical results
2 using those different methodologies?

3 A. No.

09:57:41

4 Q. Do the differences in results suggest a problem with
5 your analysis?

6 A. No.

7 Q. Was part of Dr. Lewis's report about a homogeneous
8 precinct analysis?

9 A. It was.

09:57:51

10 Q. What did he say in particular about homogeneous
11 precincts?

12 A. Dr. Lewis said that my EI analysis was inconsistent
13 with a homogeneous precinct analysis. It was unclear
14 exactly what the inference was that he drew; but based on
15 what he wrote, I was inferring that he meant by that that
16 it was evidence of an aggregation problem.

09:58:08

17 Q. What is homogeneous precinct analysis?

18 A. Homogeneous precinct analysis examines the subset of
19 precincts in a map that are very much -- have very high
20 concentrations of one racial group, like 95 percent White
21 or 95 percent Black.

09:58:28

22 In such a district you have -- you know that all or
23 almost all of the voters are White or all or almost all of
24 the voters are Black. So it's an analysis you would do to
25 confirm some other analysis. Like if I did an EI or an

09:58:43

1 ER, I would want to make sure that things were close to
2 that.

3 And when I did my original analyses, I checked that as
4 a matter of course.

09:58:55 5 **Q.** And in your rebuttal report did you go through a
6 homogeneous precinct analysis in response to Dr. Lewis?

7 **A.** I did. And there are two ways to do a homogeneous
8 precinct analysis. And one is a more naive way, which is
9 you just set a threshold and then pool all the precincts
10 that are above that threshold, like 80 or 85 percent White
11 or 80 or 85 percent Hispanic.

12 The other way is to try to correct for some obvious
13 issues with that naive way. The two issues are you have
14 differential turnout across those precincts; and the other
09:59:31 15 is that a precinct that is 100 percent White is a better
16 measure of how Whites are voting than a precinct that's 80
17 percent White, because there are some other groups mixed
18 in. So you would want to correct for that gradation in
19 the racial composition of those precincts.

09:59:47 20 So I did it both ways. And the first way I found that
21 the EIs on average differed from the homogeneous precinct
22 analysis estimates for Hispanics by 4 percentage points to
23 5 percentage points depending on if it was Plan C2193 or
24 Plan C2333.

10:00:07 25 And then the second approach, which corrected for

1 turnout and the gradation in the racial composition of
2 those precincts, I found that the difference was less than
3 1 percent for the Plan C2193 and less than 2 percent for
4 C2333.

10:00:24

5 So that really confirmed that the EIs were getting the
6 numbers right.

7 **Q.** So to sum up. Does that analysis suggest any problem
8 with your original EI analysis?

9 **A.** No.

10:00:37

10 **Q.** Did Dr. Lewis also do an analysis to compare the
11 impact of race versus partisanship on subsequent voter
12 choices?

13 **A.** He did an analysis along those lines.

14 **Q.** What was that analysis, just high level?

10:00:49

15 **A.** He took the Trump 2024 vote in the precincts and
16 related it to the Abbott 2022 vote in those precincts. He
17 also related the Trump 2024 vote to the racial composition
18 of those precincts.

19 **Q.** Was that -- is that comparison meaningful in your
20 experience in political science?

10:01:08

21 **A.** It could be for some other question than this one.
22 But it's complicated because -- it's not easy to interpret
23 that analysis because the Abbott vote also includes the
24 preferences of Blacks and Hispanics and Whites in that

10:01:28

25 election. So you're sort of factoring in race twice. And

1 it's not a clean simple way to say this is a racial effect
2 and that is a partisan effect.

3 **Q.** Finally, did Dr. Lewis look at the overall effect of
4 the plan statewide on minority voters?

10:01:47

5 **A.** He did.

6 **Q.** What is your opinion of that analysis?

10:02:06

7 **A.** That analysis has two issues. One of them is that the
8 table he presented was just percentages, and it's not
9 immediately interpretable because he didn't provide
10 information on the sizes of those groups that he was
11 analyzing. And 40 percent of a very big group is a
12 different number than 60 percent of a really small group.
13 So comparing 40 to 60, just -- I don't know what -- how to
14 interpret the table at all.

10:02:22

15 The other issue is that he followed an approach used
16 elsewhere in North Carolina where the assumption is to do
17 an ecological inference analysis statewide and then infer
18 from the statewide analysis what is happening in the
19 precinct in a particular part of the state.

10:02:43

20 We already know that that's -- from Dr. Lewis's own
21 analysis and my analysis that, you know, there is
22 variation in how Hispanics vote across Texas. There is
23 variation in how Whites vote across Texas. Less variation
24 in how Blacks vote across Texas.

10:03:01

25 So that assumption that you start with and the

1 methodology he is using isn't right for Texas. It may be
2 right for North Carolina. Not right for Texas. So I set
3 about doing it differently to see what would result.

10:03:16

4 **Q.** Is there a table in your rebuttal report that presents
5 your result intended to correct those issues?

10:03:39

6 **A.** Yes. So Table A presents both the sizes of the groups
7 and the -- does the analysis using the ecological
8 inferences from the districts -- the specific districts of
9 local areas, and it's the EIs that I used in my original
10 report.

11 MR. FOX: Thank you very much, Doctor. No
12 further questions for you at this time.

13 JUDGE GUADERRAMA: Plaintiffs, anyone else?
14 (No response.)

10:03:48

15 JUDGE GUADERRAMA: Ms. Thorburn.

16 MS. THORBURN: Ali Thorburn for the State
17 defendants. Can you hear me?

18 THE WITNESS: I can.

19 MS. THORBURN: Great.

10:04:11

20 **CROSS-EXAMINATION**

21 BY MS. THORBURN:

22 **Q.** Good morning, Mr. Ansolabehere. It's good to see you
23 again.

24 **A.** Good to see you as well.

10:04:19

25 **Q.** I hope you have been well since we last saw each other

1 a few months ago.

2 **A.** All is good.

3 **Q.** I just want to start with talking about some -- your
4 most recent reports and when you provided them. You
10:04:31 5 provided your most recent reports on the 23rd of August
6 and the 28th of September -- I mean, the 29th of
7 September?

8 **A.** Correct.

9 **Q.** When did you begin running the data for those reports?

10:04:43 10 **A.** Well, the 29th of September I was provided with the
11 analysis of Dr. Lewis.

12 And some of the analysis from that report was from
13 earlier reports, so I don't know when that started.

14 And then the 20 -- the August report, I don't remember
10:05:08 15 exactly when I was asked to start in on that report. But
16 sometime -- sometime after the map was passed.

17 **Q.** Okay. Now I want to talk about which elections you
18 analyzed in your August 23rd report. You analyzed general
19 elections, right?

10:05:24 20 **A.** Correct.

21 **Q.** And so specifically you analyzed the three most recent
22 statewide general elections?

23 **A.** Correct.

24 **Q.** So that would be 2020, '22, and '24?

10:05:38 25 **A.** Correct.

1 Q. And you considered U.S. President, Senate, governor,
2 lieutenant governor, attorney general, State Supreme
3 Court, Court of Criminal Appeals, agricultural
4 commissioner, comptroller, land commissioner, and railroad
5 commissioner?

10:05:52

6 A. I believe that's right.

7 Q. You also separately analyzed some endogenous elections
8 for Congress in '22 and '24?

9 A. Yes.

10:06:04

10 Q. And you only did that for the prior map?

11 A. Yes.

12 Q. You analyzed the statewide elections and those general
13 elections, those exogenous analyses, for both the prior
14 and the new map?

10:06:16

15 A. Correct.

16 Q. And when I say "prior" and "new," you use those in
17 your report. And prior is the C2193 and new is C2333?

18 A. Correct.

19 Q. So for your most recent report, your exogenous
20 election analysis, you analyzed 31 general elections?

10:06:32

21 A. I believe that's right.

22 Q. In your second supplemental report from the May-June
23 trial, you analyzed 52 general elections, right?

24 A. I believe we had the entire set going back to 2016,

10:06:48

25 which would be 52.

1 Q. But for this one you only analyzed generals going back
2 to 2020?

3 A. Correct.

4 Q. And I went through the list of the generals that you
10:07:03 5 analyzed. You weighted all of those elections equally
6 when you did your average, right?

7 A. Which average are you referring to?

8 Q. When you analyzed the -- all those general elections
9 and you did your average vote share analysis, you didn't
10:07:23 10 weight, say, U.S. presidential election heavier than the
11 election for the commissioner?

12 A. Correct.

13 Q. So if, for example, when the legislature or the map
14 drawer is looking at maps that they -- is looking at
10:07:38 15 elections and considering election analyses and they
16 prefer to weight, say, the election for President Trump in
17 2022 more favorably or more importantly, your average
18 doesn't do that?

19 A. I have no idea what the State looked at when they drew
10:07:57 20 their map or considered the map.

21 Q. Have you reviewed Dr. Duchin's most recent report?

22 A. No. I have not.

23 Q. Are you aware that in her expert opinion the
24 opportunity to be represented by candidates of choice has
10:08:14 25 two components. First, the minority groups must be able

1 to nominate preferred candidates through the primary and
2 runoff process and elect those preferred candidates in the
3 general?

4 **A.** If you say that's her opinion, I'll take it as such.

10:08:33 5 **Q.** Do you agree with it?

6 **A.** Primary elections are applied differently in different
7 elections in different context, so I -- no.

8 **Q.** Analyzing the candidate of choice in primaries is
9 important, though, because it's possible that different
10:08:56 10 groups prefer different candidates in the primary, but the
11 same candidate in the general, right?

12 **A.** I didn't do a primary analysis, if that is -- is what
13 you are asking.

14 **Q.** I'm asking if you agree that if you don't analyze
10:09:11 15 primaries, you can't say whether White Democrats, Hispanic
16 Democrats, and Black Democrats prefer the same or
17 different candidates. And if you don't know whether
18 White, Hispanic, and Black Democrats prefer different
19 Democratic candidates, you can't say whether Hispanic,
10:09:28 20 Black, or White Democrats were disadvantaged more.

21 **MR. FOX:** Objection, Your Honor. Compound.

22 **JUDGE GUADERRAMA:** I don't think it's a compound
23 question, but it is confusing.

24 **MS. THORBURN:** I can rephrase it, Your Honor.

10:09:45 25 **BY MS. THORBURN:**

1 Q. It's possible, you agree, that in a primary election
2 White Democrats, Hispanic Democrats, and Black Democrats
3 might prefer different candidates?

4 A. Are you saying in one election or in one district?

10:09:59 5 Q. Yes. In one primary election.

6 A. It's possible.

7 Q. And it's possible that they prefer the same Democratic
8 candidate in the general?

9 A. Yes.

10:10:10 10 Q. But unless you know which candidate they preferred in
11 the primary, you can't say whether Hispanic and Black
12 Democrats are more disadvantaged than White Democrats?

13 A. There are a lot of assumptions built into those
14 statements about how political coalitions are formed. For
10:10:30 15 example, in the past hearings on this in Texas we had
16 evidence that coalition making in Austin, Texas was really
17 different than coalition making elsewhere.

18 And sometimes in Austin, Texas, the Blacks and the
19 Hispanics would be together against the Whites. And
10:10:47 20 sometimes the Whites and Blacks would be against the
21 Hispanics and so forth. So it was a context in which you
22 had pretty fluid coalition making.

23 Two-thirds of the time everybody was on the winning
24 side. Each group was on the winning side. That's pretty
10:11:01 25 different than a group is decidedly against another group

1 in the primary. So if you really were wanting to push
2 that you would have to develop that more fully.

3 The theory of primary elections in my field is not
4 fully developed in that respect. So speaking as a
10:11:17 5 political scientist, which is what my Ph.D is in, I don't
6 know what Moon's Ph.D is in, I don't think my field would
7 have a clear answer for you about that.

8 **Q.** Now I want to talk about the exogenous versus
9 endogenous elections that you analyzed. Part of your
10:11:46 10 analysis required you to determine whether a candidate or
11 a party won in a certain district?

12 **A.** Correct.

13 **Q.** You did that by both endogenous and exogenous
14 analyses?

10:11:56 15 **A.** Correct.

16 **Q.** Exogenous election analysis looks at the votes of
17 people in a certain district in a statewide election and
18 calculates which candidate got the majority of votes in
19 that district, right?

10:12:07 20 **A.** Correct.

21 **Q.** And that's the analysis that you did for the 31
22 general elections?

23 **A.** Correct.

24 **Q.** Endogenous election analysis looks at the votes of
10:12:22 25 people in a certain district for an election in that

1 district, right?

2 **A.** Correct.

3 **Q.** And you did that for the prior map in the
4 congressional elections for '22 and '24?

10:12:35

5 **A.** Correct.

6 **Q.** Now that we've talked about what elections you looked
7 at, I want to talk about how you determined the minority
8 candidate of choice.

10:12:46

9 There were different methods for determining the
10 minority candidate of choice, right?

11 **A.** Correct.

12 **Q.** There is the average vote analysis?

13 **A.** Correct.

14 **Q.** And then there is the election-by-election analysis?

10:12:54

15 **A.** Correct.

16 **Q.** And you did both of those here?

17 **A.** I did.

18 **Q.** Under the average vote analysis you determined the
19 minority candidate of choice by looking at the average
20 vote across a certain number of elections in a certain
21 precinct or district, right?

10:13:05

22 **A.** Correct.

23 **Q.** And then you used the party of that candidate as the
24 candidate of choice or the party of choice?

10:13:17

25 **A.** Right. That's what that methodology does.

1 Q. So, for example, if Hispanics on average prefer
2 Republicans at 36 percent and Democrats at 64 percent,
3 then under the average vote analysis their preferred
4 candidate would be Democrat?

10:13:38

5 A. Correct.

6 Q. And you applied that methodology to all of your
7 average vote share analysis in this report?

8 A. Yes. Where the average is used, yes, as opposed to
9 the specific election analysis.

10:13:56

10 Q. And then to determine who won, you look at how many
11 times Democrats won the majority of the votes in that
12 district?

13 A. Correct.

10:14:12

14 Q. In the election-by-election analysis, though, you run
15 a separate ecological inference analysis on each race and
16 determine who the preferred candidate would be in each
17 race, right?

18 A. You mean in each election?

19 Q. Election. Yes.

10:14:27

20 A. Yes. Yes.

21 Q. And then you look at how many times the preferred
22 candidate won the majority of the votes in each election?

23 A. Correct.

10:14:36

24 Q. That's how you conducted the election-by-election
25 analysis in this report for every district you analyzed?

1 **A.** Correct.

2 **Q.** The average vote share analysis and the
3 election-by-election analysis are good for different
4 things, right?

10:14:49

5 **A.** Correct.

6 **Q.** The average vote will average -- it will average over
7 all the idiosyncratic differences of individual candidates
8 and show whether a group tends to vote Democrat or
9 Republican?

10:15:01

10 **A.** Correct.

11 **Q.** And part of the nature of averages is that they
12 condense a variety of numbers into one and they don't
13 really tell you much about the variation between those
14 numbers?

10:15:14

15 **A.** Correct.

16 **Q.** So, for example, if you have five years and in the
17 first year a group votes for a certain party 95 percent,
18 the second year 90 percent, the third 85, the fourth 80,
19 and the fifth 75, the average vote would be 85, right?

10:15:36

20 **A.** If there was a trend, yes.

21 **Q.** But it wouldn't show the movement over time?

22 **A.** Not necessarily.

23 **Q.** And so we can agree that the weakness of the average
24 vote analysis is that it underestimates how much variation
25 there is?

10:15:57

1 **A.** Yes. It doesn't.

2 **Q.** The election-by-election method can capture a fuller
3 range of variation?

4 **A.** Yes.

10:16:05

5 **Q.** And under both analyses, you determine whether a
6 candidate won a district by tallying all the votes for
7 that candidate and the opposing candidate and determining
8 which one won the majority, right?

9 **A.** Yes.

10:16:23

10 **Q.** And so that could be 50 plus one?

11 **A.** Correct.

12 **Q.** It could be 95 percent?

13 **A.** Correct.

14 **Q.** But your win treats them all as the same?

10:16:35

15 **A.** Yes. When it's counted as -- if you win a majority,
16 you win a majority, yeah.

17 **Q.** And that's how you determined whether a candidate won
18 in your report here?

19 **A.** Correct.

10:16:52

20 **Q.** I want to take a look at how these different election
21 by election and average vote share analyses play out.

22 MS. THORBURN: Richard, could you please pull up
23 Gonzales Exhibit 39, page 13.

24 MR. RIENSTRA: Is that PDF or --

10:17:21

25 MS. THORBURN: It's Table 12. So it will be

1 likely 13 of the appendix.

2 BY MS. THORBURN:

3 **Q.** Okay. Table 12.

4 MS. THORBURN: Is this Table 12? Yes.

10:17:34

5 BY MS. THORBURN:

6 **Q.** So this summarizes your analysis of how many elections
7 the minority candidate of choice won the majority of votes
8 across the statewide contested elections, right?

9 **A.** It does.

10:17:45

10 **Q.** And this table is done using the average vote share
11 analysis?

12 **A.** I believe this is actually done using the -- we did it
13 both ways. I did it both ways. And I believe what is in
14 the report shown is done on the individual
15 district-by-district or election-by-election analysis.

10:18:03

16 And what is presented in the additional materials is the
17 statewide analysis.

18 MS. THORBURN: Let's zoom in down towards where
19 it says "note" at the bottom, if we could, Richard. Yeah.

10:18:15

20 BY MS. THORBURN:

21 **Q.** So this analyzes all contested statewide elections
22 from 2020 through 2024?

23 **A.** Correct.

24 **Q.** Does that -- okay.

10:18:27

25 And you say that this was done doing the average vote

1 share analysis or the election by election?

2 **A.** Election by election.

3 **Q.** Okay.

4 MS. THORBURN: Let's look at the next page,

10:18:37

5 Table 13. Okay. Table 13, can we zoom in on the note at
6 the bottom.

7 **A.** I'm sorry. This is the specific election one. Sorry.
8 I just saw that.

9 BY MS. THORBURN:

10:18:47

10 **Q.** Okay. So yeah. Let's go back.

11 **A.** I had it backward.

12 MS. THORBURN: Let's go back to Table 12.

13 BY MS. THORBURN:

14 **Q.** Okay. So we agree Table 12 is done doing the average
15 vote share analysis?

10:18:55

16 **A.** Correct.

17 **Q.** Okay.

18 MS. THORBURN: Let's zoom in on CD 22.

19 BY MS. THORBURN:

10:19:15

20 **Q.** Okay. So here, Dr. Ansolabehere, in Table 12, using
21 the average vote share analysis, you found that the
22 minority candidate of choice in CD 22 will lose 31 out of
23 31 elections; is that right?

24 **A.** Right. In this method.

10:19:33

25 **Q.** And now let's look at the other method.

1 MS. THORBURN: If we could go to Table 13. It
2 will be on the next page. And let's zoom in on CD 22
3 again.

4 BY MS. THORBURN:

10:19:55 5 Q. Okay. So we have established that Table 13 is using
6 the election by election, right?

7 A. Correct.

8 Q. And so under the election-by-election analysis, CD 22
9 under the new map shows that the minority candidate of
10:20:10 10 choice will win about 50 percent of the time?

11 A. 50 out of 31, yeah -- or sorry. Yeah.

12 Q. 48 percent?

13 A. Yeah.

14 Q. And you did this same type of analysis for each
10:20:26 15 district in the map?

16 A. I did.

17 Q. And so if the Court wants to go back and look at these
18 and analyze it for themselves, they can rely on how we
19 just described?

10:20:35 20 A. Correct.

21 MS. THORBURN: Richard, you can take that down,
22 please. Thank you.

23 We are now going to go to page 2 of Dr. Ansolabehere's
24 report.

10:20:49 25 BY MS. THORBURN:

1 Q. On page 2 of your report you summarize your results of
2 your analyses; is that right?

3 MS. THORBURN: Let's go -- it's actually going to
4 be Exhibit 39. Yeah. It will be page 2 of his report.
5 So I believe that might be page 5 of the PDF.

10:21:09

6 Okay. Let's zoom in on the paragraph that has a 2
7 next to it.

8 BY MS. THORBURN:

9 Q. Okay. So in paragraph 2 you begin -- this is your
10 analysis section and you begin by informing the Court that
11 Tables 10 and 11 offer the assessment of district
12 performance in exogenous elections and that this section
13 provides an overview of what the results show, right?

10:21:25

14 A. Correct.

15 Q. But in the following paragraphs you don't cite to
16 which tables you use, do you?

10:21:41

17 A. No.

18 Q. And we just saw that some of these methods have
19 different results?

20 A. For the election for the districts I focused on, I
21 think there is no difference.

10:22:00

22 Q. Regardless, you didn't cite to the table that you used
23 in the following paragraphs?

24 A. I looked at both tables when assessing this question,
25 which is whether the minority-preferred candidates were

10:22:16

1 winning most of the time.

2 MS. THORBURN: Richard, if we could zoom out and
3 just zoom in on the paragraphs A and B.

4 BY MS. THORBURN:

10:22:32 5 Q. These don't say Table 2 -- I mean, Table 10 or
6 Table 11, correct?

7 A. No.

8 MS. THORBURN: And let's actually go to page 3 of
9 the report and zoom in on Section D. And I want to look
10:22:50 10 at the last sentence.

11 BY MS. THORBURN:

12 Q. It says [as read:] In CD 22 the Republican Party
13 affiliated candidates preferred by White voters and
14 sometimes by Hispanic voters won the most votes in all 31
10:23:07 15 elections analyzed.

16 Right?

17 A. Right. And that's using the first analysis.

18 Q. But you don't tell the Court that's using the first
19 analysis, do you?

10:23:15 20 A. There is no reference to a table.

21 Q. In your second supplemental report, this was Gonzales
22 Trial Exhibit 9, you did a similar analysis for the
23 Gonzales plaintiffs, right?

24 A. I did.

10:23:33 25 Q. In that report you cite to which table you used,

1 right?

2 **A.** I did.

3 MS. THORBURN: Richard, you can take that down.

4 Thank you.

10:23:46

5 BY MS. THORBURN:

6 **Q.** I want to talk a little bit about cohesion.

7 For your analysis, you analyzed cohesiveness of
8 voters, right?

9 **A.** I did.

10:23:56

10 **Q.** And you concluded that Hispanic voters were not
11 cohesive when they voted for the Republican Party at
12 53 percent?

13 **A.** Correct.

10:24:17

14 **Q.** Are you aware that some other plaintiff groups here
15 and a witness yesterday claimed that he was concerned that
16 CD 29 and CD 33 in the new map wouldn't elect a minority
17 candidate of choice?

18 **A.** I have no knowledge of other experts' reports beyond
19 Dr. Lewis and didn't sit in on the hearing yesterday. So
20 no idea.

10:24:40

21 **Q.** Well, let's take a look at what your report says about
22 CD 29 and CD 33 in the new map.

23 MS. THORBURN: Richard, could we please pull up
24 Gonzales Exhibit 39, page 13, Table 12. Let's look at the
25 title of this.

10:24:59

1 BY MS. THORBURN:

2 **Q.** So this is the new map. And we established Table 12
3 is the average vote share analysis, right?

4 **A.** It is.

10:25:07

5 MS. THORBURN: Let's look at CD 29.

6 BY MS. THORBURN:

7 **Q.** So under your analysis in CD 29 in the new map, the
8 Hispanic candidate of choice will win 100 percent of the
9 time?

10:25:32

10 **A.** Yes. Using this methodology, in every election the
11 candidates preferred by Hispanics won 31 of 31 elections.

12 **Q.** Let's take a look in the same table at 33, CD 33.

13 So according to your analysis using the average vote
14 share in the new map, the Hispanic candidate of choice
15 will win CD 33 100 percent of the time?

10:26:00

16 **A.** Correct.

17 **Q.** And let's look at the next table with the election by
18 election just to be sure.

19 So this is Table 13, new map, correct? This is
20 Table 13, and it analyzes the new map?

10:26:20

21 **A.** Correct.

22 **Q.** It's the election-by-election data?

23 **A.** Yes.

24 **Q.** Okay. Let's take a look at CD 29. So even

10:26:33

25 considering for the variances of the election-by-election

1 analysis, your data shows that the Hispanic candidate of
2 choice will win CD 29 100 percent of the time?

3 **A.** Yes. They won 31 of 31 elections.

4 **Q.** And let's look at CD 33. So under the new map

10:26:57

5 election-by-election analysis, CD 33, the Hispanic
6 candidate of choice will win 100 percent of the time?

7 **A.** Correct.

8 MS. THORBURN: Thank you, Richard. You can take
9 that down.

10:27:11

10 BY MS. THORBURN:

11 **Q.** Now I want to address some things that you discussed
12 with Mr. Fox on direct. He wanted to talk about the
13 conclusions that you drew in your report?

14 **A.** Correct.

10:27:23

15 MS. THORBURN: And if you could, Richard, please
16 pull up the conclusions. It will be in Gonzales
17 Exhibit 39. It will be page 9 of the PDF, but it's page 5
18 of the report.

19 BY MS. THORBURN:

10:27:45

20 **Q.** Okay. You are not an intent expert; is that correct?

21 **A.** Correct.

22 **Q.** You are only analyzing effect?

23 **A.** Correct.

24 **Q.** Are you aware that the Gonzales plaintiffs claim that

10:27:59

25 there was a racial quota set by the legislature to reach?

1 **A.** No.

2 **Q.** And the word "quota" doesn't appear in your
3 conclusions?

4 **A.** No. This is the first time I have heard that.

10:28:13

5 **Q.** And you talked with Mr. Fox on direct about four
6 districts where the minority candidate of choice used to
7 win and now will not; is that correct?

8 **A.** Correct.

10:28:30

9 **Q.** And when you are talking about those four districts,
10 the Hispanic candidate of choice and the Black candidate
11 of choice, they were Democrat?

12 **A.** Correct.

10:28:47

13 **Q.** And so when you say that the Hispanic candidate of
14 choice and the Democrat -- the Black candidate of choice
15 will no longer win, you are saying the Democrat candidate
16 will no longer win?

17 **A.** As long as that's their candidate of choice, yes.

18 **Q.** And you concluded that it was their candidate of
19 choice?

10:28:57

20 **A.** Correct.

21 **Q.** So in other words, in at least four districts, the
22 Democrat candidate used to win and now the Republican
23 candidate will win?

24 **A.** In these four that is the case.

10:29:12

25 **Q.** And you are not testifying as to intent?

1 **A.** No.

2 MS. THORBURN: I pass the witness.

3 JUDGE GUADERRAMA: Mr. Fox.

4 **REDIRECT EXAMINATION**

10:29:27

5 BY MR. FOX:

6 **Q.** Dr. Ansolabehere, you were asked some questions about
7 weighting and averages.

8 Do you recall that?

9 **A.** I do.

10:29:40

10 **Q.** Do your ecological inference results show in your
11 report the lowest and highest result for cohesion?

12 **A.** They do.

13 **Q.** And that's in those bracketed figures on those tables?

14 **A.** Correct.

10:29:54

15 **Q.** So if someone wanted to see what the lowest result
16 was, they could look there?

17 **A.** Correct.

18 **Q.** Does your backup also show the full results for every
19 election that you analyzed?

10:30:04

20 **A.** It does.

21 **Q.** And you were asked some questions about an average
22 vote share analysis versus an election-specific analysis?

23 **A.** I was.

24 **Q.** Did you conduct both analyses?

10:30:16

25 **A.** I did.

1 Q. For the districts we have been discussing, is there
2 any material difference between them?

3 A. No.

10:30:27

4 Q. And that sentence in your report about Republican
5 candidates sometimes being supported by Hispanic voters,
6 is that true under the election-specific analysis?

7 A. Yes.

8 MR. FOX: No further questions, Your Honor.

9 JUDGE GUADERRAMA: Ms. Thorburn.

10:30:45

10 MS. THORBURN: No further questions, Your Honor.

11 JUDGE GUADERRAMA: Mr. Fox, may this witness be
12 excused?

13 MR. FOX: Yes.

14 THE WITNESS: Thank you very much.

10:30:51

15 JUDGE GUADERRAMA: Thank you for coming in,
16 Dr. Ansolabehere. You are excused and free to go, sir.

17 Who is your next witness?

18 MS. PERALES: Nina Perales for the LULAC
19 plaintiffs. LULAC plaintiffs call Dr. Loren Collingwood
20 to the stand.

10:31:10

21 JUDGE GUADERRAMA: Good morning, Dr. Collingwood.
22 If you'll raise your right hand to receive the oath.

23 Do you solemnly swear or affirm the testimony that you
24 give in this proceeding will be the truth, the whole
25 truth, and nothing but the truth so help you God?

1 THE WITNESS: I do.

2 JUDGE GUADERRAMA: Thank you. Have a seat in
3 that chair. Roll in towards the microphone, lean in to it
4 when you answer; and we should be able to hear you.

10:32:05 5 MS. PERALES: Your Honor, may I approach with a
6 hard copy of Dr. Collingwood's reports just to ward off
7 any of the bad spirits in the technology?

8 JUDGE GUADERRAMA: Yes, ma'am. Please.

9 MS. PERALES: And I have just shown the binder to
10:32:20 10 Mr. Berg.

11 JUDGE GUADERRAMA: Yes, ma'am.

12 **LOREN COLLINGWOOD, Ph.D.,**
13 having been first duly sworn, testified as follows:

14 **DIRECT EXAMINATION**

10:32:38 15 BY MS. PERALES:

16 **Q.** Good morning, Dr. Collingwood.

17 **A.** Good morning.

18 **Q.** Would you please state your name for the Court?

19 **A.** Loren Collingwood.

10:32:45 20 **Q.** Dr. Collingwood, what is your job title?

21 **A.** I'm associate professor of political science at the
22 University of New Mexico.

23 **Q.** Is that a tenured position?

24 **A.** Yes.

10:32:55 25 **Q.** Before your current position, what position did you

1 hold?

2 **A.** I was an associate professor of political science at
3 University of California Riverside.

4 **Q.** Was that a tenured position?

10:33:09 5 **A.** Yes.

6 **Q.** What is the field in which you conduct your scholarly
7 studies?

8 **A.** Political science.

10:33:20 9 **Q.** Do you have any specializations within political
10 science?

11 **A.** American politics, political behavior, public opinion,
12 race and ethnic politics, and political methodology.

13 **Q.** Have you taught graduate level courses in political
14 science methods?

10:33:36 15 **A.** Yes.

16 **Q.** How many peer-reviewed articles have you published?

17 **A.** About 45.

18 **Q.** Have you published research on how to measure racially
19 polarized voting?

10:33:50 20 **A.** Yes.

21 **Q.** Do you have any published articles in which you use
22 the technique ecological inference in your research?

23 **A.** Yes.

10:34:07 24 **Q.** Have you ever worked on the computer code used to
25 analyze racially polarized voting?

1 **A.** Yes. I'm one of the lead authors on a software
2 package called eiCompare, which many of us use to conduct
3 racially polarized voting.

10:34:23

4 **Q.** Have you worked as an expert witness in any voting
5 rights litigation?

6 **A.** Yes.

7 **Q.** Approximately how many lawsuits have you testified in?

8 **A.** Well, I have worked on about 15 to 20 different
9 lawsuits.

10:34:36

10 **Q.** Have you ever testified for parties who supported a
11 Republican state redistricting map?

12 **A.** Yes.

13 **Q.** And when was that?

10:34:51

14 **A.** That was a case in North Dakota where the Republican
15 legislature had created a voting rights district in the
16 central part of the state, part of the MHA Nation. And
17 they had divided the district into a subdistrict. And I
18 worked on behalf of the intervenors in that case.

10:35:11

19 **Q.** Was their position in support of the Republican
20 legislature's map?

21 **A.** It was.

22 **Q.** Have you published any research papers with any other
23 experts testifying in this case?

24 **A.** Yes.

10:35:21

25 **Q.** And who is that?

1 **A.** Dr. Matthew Barreto.

2 **Q.** Was Dr. Barreto on your dissertation committee?

3 **A.** Yes. He was.

4 **Q.** Tell me about that work with Dr. Barreto.

10:35:32

5 **A.** That work is generally twofold. Number one, it's on
6 Latino politics and Latino public opinion. And then also
7 on the study of racially polarized voting.

8 **Q.** Do you publish on similar subjects without
9 Dr. Barreto?

10:35:49

10 **A.** Yes. The vast majority of my research does not entail
11 working with Dr. Barreto. Things like immigration
12 politics and economic voting, things like that, I don't
13 work with him on those things.

14 **Q.** Did you collaborate with Dr. Barreto at all either on
15 your report in this case or his report in this case?

10:36:05

16 **A.** No.

17 MS. PERALES: I will refer the Court to
18 Dr. Collingwood's CV for a longer list of his credentials.
19 Dr. Collingwood's reports and CV contain his background,
20 his academic experience, and other things related to his
21 qualifications. Unless there is a challenge from any
22 party or further questions from the Court, LULAC
23 plaintiffs offer Dr. Collingwood as an expert in political
24 science, voting behavior and methods.

10:36:22

10:36:42

25 MR. BERG: No objections.

1 JUDGE GUADERRAMA: The Court will receive
2 Dr. Collingwood as an expert in those areas.

3 BY MS. PERALES:

4 **Q.** Dr. Collingwood, what was your task in this case?

10:36:52

5 **A.** I had two general goals. One was to examine racially
6 polarized voting to the extent that it exists in the newly
7 enacted C2333 CD 9 and Congressional District 35. And
8 then the task of seeing if their Hispanic-preferred
9 candidates or White-preferred candidates in those
10 districts, whether they win or lose.

10:37:18

11 **Q.** Can you briefly explain your methodology?

12 **A.** Very briefly, again, I used ecological inference. I
13 used two different forms of ecological inference
14 statistical methods.

10:37:35

15 And I downloaded and ascertained election returns from
16 the TLC, Texas Legislative Council, at the VTD level,
17 which is commonly known as the precinct.

18 And then I used voter file data from the Texas
19 Secretary of State to develop individual race predictions
20 at the individual level for White, Black, Hispanic, Asian,
21 and other.

10:37:56

22 And then I collapsed that data to the precinct or the
23 VTD, joined that data with the voting data, and then I
24 conducted ecological inference.

10:38:14

25 Was that brief enough? I don't know.

1 Q. Yes.

2 A. Yes.

3 Q. Yes, Dr. Collingwood. And the Court can read more
4 about your methodology in your report.

10:38:24

5 The Court has heard testimony that ecological
6 inference involves studying both the precinct-level
7 election returns as well as precinct demographics.

8 What is the method that you used to understand
9 precinct-level demographics?

10:38:44

10 A. So the method I use is once I have each individual
11 voter, I have their residential address; and I can convert
12 that into basically census units like a track or a block
13 or anything else.

10:39:08

14 And I use a process known as Bayesian Improved Surname
15 Geocoding or BISG for short. And sometimes I hear people
16 call it BISG. I think that is incorrect, but people may
17 call it that.

10:39:24

18 And that effectively is a mathematical formula that
19 produces an individual probability estimate for each
20 person. So I give myself as an example. We know that
21 Collingwoods, when we take a census, most Collingwoods are
22 White. Using the U.S. Census, the census provides
23 demographic information about people with different
24 surnames. And other scholars have developed those

10:39:43

25 databases.

1 And so about 90 percent of Collingwoods in the United
2 States, it's known, also check White in those kinds of
3 surveys.

10:39:53

4 And so we begin with that information. If someone in
5 the voter file is Collingwood, they are going to begin
6 with a 90 percent White probability, let's say. And then
7 we also know where that person lives. If they live in a
8 certain tract that's also very White, their chances of
9 being White is going to go up. If they are in a tract or
10 block that's much less White, then their chances of being
11 White is going to go down. And so each person gets that,
12 right.

10:40:10

13 And then what we do is we aggregate that data up to
14 the VTD. And that effectively cancels out possible
15 miscalculations or something like that. And so we get an
16 overall average percentage of each precinct that is White,
17 Black, Hispanic, Asian, and other.

10:40:30

18 **Q.** So I would like to stay with this example of a
19 precinct. So if you were doing an analysis of voting in
20 Bexar County, for example, where I live, you would have
21 information about my precinct; is that correct?

10:40:48

22 **A.** That is correct, yes.

23 **Q.** And then you mentioned that you have information about
24 the voters in the precinct.

10:41:06

25 Where does that information come from?

1 **A.** That comes from a -- two files that come from the
2 Secretary of State. That's a list of all registered
3 voters shortly after an election was held. That's known
4 as the historical voter file. So I do that for 2020,
5 2022, and 2024.

10:41:24

6 That contains information like unique voter IDs,
7 residential addresses, date of birth, that kind of
8 information.

9 And then I also have another set of files that are
10 information about whether that person voted in a set of
11 elections. And that would include the most recent general
12 election. And so for the purpose of my analysis, I
13 further filter each person as to whether they voted in
14 that particular election. And so my analysis in terms of
15 the demographic composition focuses only among voters.

10:41:37

10:41:54

16 **Q.** So to continue with the example. If you are studying,
17 for example, the 2024 general election, you have
18 information from the Secretary of State about my precinct.
19 And if I voted in the 2024 general election, you would get
20 my voter information for my precinct for that election; is
21 that correct?

10:42:18

22 **A.** That's correct. Your race probability would go into
23 the overall aggregate probability race distribution in
24 that precinct.

10:42:31

25 **Q.** Let's say you are studying the 2022 election and I

1 skipped that one. When you get my precinct voter
2 information, I wouldn't be present in there; is that
3 correct?

10:42:48

4 **A.** That's correct. You would not be incorporated into my
5 demographic composition analysis.

6 **Q.** What is the advantage of using voters who voted in a
7 particular precinct in a particular election for your
8 analysis?

10:43:02

9 **A.** Right. So I've spent a lot of time conducting
10 research on this and doing deep dive analyses on these
11 types of things. And the main advantage is that I can
12 focus on voters specifically. I don't have to model
13 voting, let's say, in my ecological inference analysis. I
14 can basically look at people who only voted and because we
15 know, as political scientists, typically different racial
16 groups vote at different rates, we can be more confident
17 that we're inputting the demographic composition of the
18 people who voted.

10:43:20

19 **Q.** Does your method BISG rely to some extent on a list of
20 Spanish surnames?

10:43:39

21 **A.** Right. So the overall list of surnames that we
22 incorporate into this analysis would include the census
23 surname database from 2010.

10:43:55

24 A large number of surnames developed by Imai, et al, I
25 think from a 2022 article. They developed a long list of

1 names from southern voter files that include race. I
2 think there are six states.

3 And then it would also include, I think there is
4 about -- a list of about 12,000 surnames, that that would
5 also get incorporated into that overall database.

10:44:11

6 **Q.** And you said 12,000 surnames. 12,000 surnames that
7 are understood to be what?

8 **A.** Spanish. Right. I think it's right around that
9 number.

10:44:25

10 **Q.** And just to reassure the Court, the information that
11 you would get, for example, about me in my precinct in an
12 election that I voted for does not include who I voted
13 for, correct?

14 **A.** That's correct. This is not, I think, a cast vote
15 record type of analysis, which people are starting to do
16 in political science. But that doesn't include people's
17 individual actual information, just the record.

10:44:40

18 **Q.** Has the method BISG been used in other cases that call
19 for racially polarized voting analysis?

10:44:58

20 **A.** Yes. It's been used in several cases. *East Ramapo*,
21 for example. *Soto Palmer v. Hobbs*, I used it in that
22 case. Several cases in Texas, school boards, and many
23 other cases I have used this.

24 **Q.** And now that you have your precinct demographics and
25 your election returns, what statistical methods or

10:45:22

1 methodologies did you use to estimate voter support by
2 race?

3 **A.** Right. So I used two different methods, two of the
4 mainstay methods that commonly appear in racially
5 polarized voting studies and litigation.

10:45:37

6 The first is King's EI, which is known as -- and I use
7 a version of that called iterative King's EI. So
8 basically what that does is it takes, say, Hispanics and
9 non-Hispanics and it estimates vote choice for one
10 candidate. And then it loops over and it does that again
11 for different racial and candidate combinations
12 iteratively. And then I produce an overall table of
13 results for that.

10:45:55

14 And then I use the rows by columns method, which I
15 believe is what Dr. Ansolabehere here -- excuse me if I
16 mispronounced that -- used and many other people used.
17 That method is designed for multiple groups and multiple
18 candidates.

10:46:10

19 And the two methods basically produce very similar
20 findings.

10:46:26

21 **Q.** Why use two methods?

22 **A.** Well, it's just a way of establishing confidence in my
23 results.

24 **Q.** Have these methods, iterative EI and rows by columns,
25 RxC, been used in redistricting cases before?

10:46:41

1 **A.** Oh, definitely. In I think every single case I have
2 been involved in, me and the other experts are using these
3 methods.

10:46:54

4 **Q.** What election contests did you examine for this report
5 in the preliminary injunction phase of this case?

10:47:15

6 **A.** Right. So due to somewhat limited time for me, I
7 basically set an a priori selection criteria which, number
8 one, was whether a candidate over the last three general
9 elections had a Spanish surname and then whether the
10 candidate was a known Hispanic individual.

11 And so that reduced me to six total contests: One in
12 2024 and then three in 2022 and then two in 2020.

13 **Q.** And are these contests localized or statewide?

10:47:45

14 **A.** They are statewide contests, subset down to the VTDs
15 of the enacted plan 2333 for CD 9 and CD 35.

16 **Q.** I'd like to take a moment to explore that.

17 Are the district boundaries in Plan C2333, have they
18 ever been used in an election?

19 **A.** No.

10:48:06

20 **Q.** So we aren't able to analyze the performance of the
21 districts in the 2025 plan in any actually occurring
22 elections; is that right?

10:48:26

23 **A.** That's correct. That's correct. Under C2333 there
24 are no endogenous contests I could look at yet. So it's
25 common, basically almost every case I have worked on, the

1 experts, we look at exogenous statewides and we filter
2 that down to each new congressional plan configuration.

10:48:43

3 **Q.** Is it fair to say that because you are looking at
4 statewide contests there are election returns for that
5 contest in any combination of precincts we choose to
6 examine?

7 **A.** That's correct, and that's why we do that. We have
8 flexibility for different maps that we could look at and
9 then examine performance in those different maps.

10:48:56

10 **Q.** Why did you choose these election years?

11 **A.** These are the three most election -- three most recent
12 elections. And, of course, it makes sense to look at the
13 most recent elections. Those are the most probative.

10:49:13

14 And then, also, these were the years where I had voter
15 file data available to me, historical voter files. So
16 voter files that were basically capturing the electorate
17 as it was or very similar to as it was on election day.

18 And so that's why I focused on those three election
19 years.

10:49:30

20 **Q.** Why did you choose racially contested elections with
21 at least one Spanish surnamed or Hispanic candidate?

22 **A.** So my task was to evaluate whether White and Hispanic
23 voters were potentially polarized based on race or what
24 their vote choice preferences were. And it made sense to

10:49:50

25 me that we would want to consider contests, if we're going

1 to create a filter, to look at races that include either
2 Spanish surname people or that include Hispanic
3 individuals.

4 And I think this is a common methodology. I have used
10:50:05 5 it in California, in other places where there are Spanish
6 surname or Hispanic candidates of some decent frequency.

7 **Q.** I'd like to walk you through your conclusions first
8 for Congressional District 9 in Harris County under the
9 new map.

10:50:24 10 MS. PERALES: I'd like to show LULAC Exhibit 829
11 at page 10. If we can zoom in to Figure 1. Thank you.

12 BY MS. PERALES:

13 **Q.** Dr. Collingwood, I'm showing you LULAC Exhibit 829,
14 your opening report, at page 10, Figure 4.1. Figure 4.1
10:50:53 15 shows the result of which methodology?

16 **A.** This is the iterative ecological inference method.

17 **Q.** What district are we looking at here?

18 **A.** We're looking at District 9.

19 **Q.** What plan are we looking at?

10:51:07 20 **A.** This is C2333.

21 **Q.** Can you talk me through what the colors on those bars
22 mean?

23 **A.** So these are the ecological inference results for this
24 district configuration. So the results for White voters

10:51:30 25 there, White vote choice is on the left. Those are green

1 bars. And then the results for Hispanic voters are on the
2 right. Those are blue bars.

3 And so I'll just begin at the top. So the 2024 U.S.
4 Senate race, what we can see is that about 93 percent of
10:51:49 5 White voters are estimated to have supported Ted Cruz.
6 And there is an asterisk next to Cruz as he is the
7 Hispanic individual candidate there.

8 Meanwhile, if you look over to the blue bar, about
9 30 percent of Hispanic voters backed Ted Cruz. Instead,
10:52:10 10 as a matter of preference, I have about 65 percent of
11 Hispanic voters preferred Colin Allred.

12 So based on these numbers, we would conclude that
13 voters prefer different candidates depending on their
14 race. And that same interpretation you would just walk
10:52:29 15 all the way down. And what you can see is with these bars
16 is there is very high levels of cohesion among White
17 voters in the 90 to 95 percent range for one set of
18 candidates. And there is moderately high cohesion for
19 Hispanic voters in the range of average, I think it's
10:52:50 20 71 percent, ranging from 65 to 73 or so with an average I
21 think of around 71 percent.

22 And so overall we can see that voters have different
23 preferences of candidates, partly based on their race.

24 **Q.** What did you conclude with respect to whether Hispanic
10:53:17 25 voters in Congressional District 9 in the new plan vote

1 cohesively for their preferred candidates?

2 **A.** So my overall conclusion is that they vote around
3 70 percent cohesively for the same set of candidates.

10:53:37

4 **Q.** What did you conclude with respect to whether White
5 non-Hispanic voters in CD 9 in the new plan vote
6 cohesively for candidates that are different from the ones
7 that receive the majority of Hispanic votes?

8 **A.** White voters vote very cohesively for a different set
9 of candidates in the 90 to 95 percent range.

10:53:58

10 **Q.** What did you find when you used the RxC method as a
11 compliment to the iterative EI analysis?

12 **A.** I found very similar results. Overall, White support
13 for one set of candidates is about the same. And then
14 Latino or Hispanic support for the other set of candidates
15 is very similar, slightly attenuated, relative to the
16 iterative ecological inference method. But overall the
17 conclusions one would draw are the same.

10:54:19

18 MS. PERALES: For the Court's benefit,
19 Dr. Collingwood's RxC results that he just testified about
20 are also found in the same exhibit, 829, on the following
21 page. So Dr. Collingwood produced these types of tables
22 for both the iterative EI and the RxC in his report.

10:54:38

23 BY MS. PERALES:

24 **Q.** Dr. Collingwood, I would like to turn now to your
25 analysis of Congressional District 35 in South Central

10:54:58

1 Texas. And I'd like to turn, same exhibit, LULAC 829, at
2 page 14, Figure 4.3.

3 Again, tell us now what district you are looking at.

4 **A.** This is District 35.

10:55:18 5 **Q.** And the plan?

6 **A.** C2333.

7 **Q.** Can you explain your results presented in Figure 4.3?

8 **A.** Again, so the interpretation is effectively the same.

9 What we see on the left or the green bars are -- is
10 estimated White vote choice. And then the right is
11 estimated Hispanic vote choice.

12 And so beginning just, again, with the Ted Cruz 2023
13 contest -- or 2024 contest against Colin Allred, the
14 estimation for White support for Cruz is 90 percent,
15 whereas only 9 percent of White voters are backing Colin
16 Allred.

17 On the flip side, about 27 to 28 percent of Hispanic
18 voters are supporting Ted Cruz, whereas 69 percent of
19 Hispanic voters are supporting Colin Allred.

10:56:13 20 And so, again, as you drop all the way down to the
21 different five other contests, you see a very similar
22 pattern, which is around 90 percent of White voters are
23 supporting the Republican candidates, or one set of
24 candidates. And around 75 percent or so of Hispanic
10:56:36 25 voters are supporting a different set of candidates.

1 **Q.** What did you conclude with respect to whether Hispanic
2 voters residing in CD 35 in the 2025 map vote cohesively
3 for their preferred candidates?

10:56:58

4 **A.** They vote cohesively at a fairly high rate of
5 75 percent Hispanic support for their set of candidates.

6 **Q.** What did you conclude with respect to whether White
7 voters in CD 35 in the 2025 map vote cohesively for
8 candidates who are different from the ones that received a
9 majority of Hispanic votes?

10:57:13

10 **A.** White voters vote very cohesively for a different set
11 of candidates around 90 percent, according to this
12 analysis.

13 **Q.** And for CD 35, what did you find when you used the RxC
14 method as a complement to the EI analysis?

10:57:30

15 **A.** A very similar set of findings, potentially slightly
16 less polarization in the RxC method but, again, very
17 similar. The conclusions are going to be exactly the
18 same, which is that 70 to 75 percent of -- in general of
19 Hispanic voters are backing the one set of candidates,

10:57:54

20 their preferred set of candidates, and around 85 to
21 95 percent of White voters are backing a different set of
22 candidates.

23 **Q.** Let's talk about when the Republican candidate is
24 Latino. I'd like to go in the same exhibit, 829, at
25 page 12, Table 4.1.

10:58:13

1 And just to make sure for the record, what plan are
2 you looking at here?

3 **A.** This is C2333.

4 **Q.** And what district are we looking at here?

10:58:28

5 **A.** This is District 9.

6 **Q.** What did you find in terms of Latino voter support for
7 Latinos who run as Republicans in CD 9?

8 **A.** Well, first I should just say that we should be
9 somewhat cautious with this analysis because we only have

10:58:48

10 two Hispanic Republicans to look at. But, nevertheless, I
11 filtered the data down to the two known Hispanic
12 Republicans.

13 And what we can see is that on average Latinos in the
14 new CD 9 are backing these candidates about 30 percent.

10:59:07

15 **Q.** Does that -- does that represent a difference in their
16 rate of support if you look at the non-Hispanic
17 Republicans?

18 **A.** Right. So when the Republican candidate is not
19 Hispanic, Latino support on average for these candidates

10:59:26

20 is about 25 percent. So based on this analysis -- and,
21 again, I stress that we should be somewhat cautious
22 because we only have two Latino Republicans in which to
23 look at, but there is about a 5 percent gap. So it
24 appears, based on this analysis, that Latino voters are a

10:59:45

25 bit more likely to vote for the Republican candidate when

1 that candidate is Hispanic versus when that candidate is
2 not Hispanic.

11:00:02

3 **Q.** Does this mean that Latino voters in CD 9 in the new
4 plan are casting a majority of their votes for these
5 Republican Hispanic candidates?

6 **A.** No. It is still -- 30 percent is a fairly low number,
7 right. That's not even close to a majority. It's just
8 that we see a little bit of vote differential if the
9 candidate themselves are Hispanic versus not Hispanic.

11:00:19

10 **Q.** Let's turn to your similar analysis for CD 35. This
11 is Exhibit 829 at page 16, Table 4.3.

12 And remind us now, what district are you looking at
13 here?

11:00:46

14 **A.** This is District 35 from the newly enacted C2333. And
15 so we have the basically same analysis. And I should
16 point out to the Court that I also conducted this analysis
17 for the RxC method that's in the report with overall
18 similar conclusions.

11:01:02

19 So here at the top of part of the table, I took the
20 average vote choice among Hispanics for Hispanic
21 Republicans; and that's about 26 percent or 25.8 percent,
22 with a little bit of variation between the two candidates.

11:01:23

23 And then when I looked at all the candidates that are
24 non-Hispanic Republicans, the overall average support
25 among Hispanics for those sets of candidates is

1 22 percent.

2 And so that goes down to a difference of 3 to 4
3 percentage points, which means that Latino voters are a
4 bit more likely to support Republican candidates when
5 those candidates are Hispanic.

11:01:39

6 MS. PERALES: Thank you.

7 Your Honor, I see that we have reached 11:00 and this
8 would be a point in the outline where we are changing
9 topics if the Court would like to have its break.

11:01:50

10 JUDGE GUADERRAMA: Yes, ma'am. Thank you. Let's
11 go ahead and recess till 11:15.

12 MR. VELEZ: This court stands in recess.

13 (Recess from 11:01 a.m. to 11:16 a.m.)

14 JUDGE GUADERRAMA: Be seated, please.

11:16:15

15 Dr. Collingwood is on the stand.

16 And Ms. Perales.

17 MS. PERALES: Thank you, Your Honor.

18 BY MS. PERALES:

19 **Q.** Dr. Collingwood, I would like to turn now to your

11:16:27

20 performance analysis and turn to page 17 of your report,
21 Exhibit 829. Let's start here with Table 5.1.

22 What is the source of your demographic data?

23 **A.** These data come from a redistricting packet that is
24 downloadable from Texas Legislative Council that includes
25 a variety of demographic information by district.

11:17:05

1 Q. What does your chart feature in this table?

2 A. District 9 and District 35 under the C2333 plan.

3 Q. And just so we can see again, what does the Texas
4 Legislative Council report for the Hispanic citizen voting
5 age population in CD 9?

11:17:30

6 A. 50.3.

7 Q. What does the Texas Legislative Council report for the
8 Hispanic citizen voting age population percent of CD 35?

9 A. 51.6.

11:17:46

10 Q. I'd like to turn now to page 18 of your report. What
11 is a performance analysis?

12 A. A performance analysis is essentially reconstituting
13 all the precincts that make up a newly enacted or new -- a
14 district, a proposed district or an enacted district and
15 then looking at election returns in those precincts and in
16 that district for a particular district, in this case CD 9
17 and CD 35.

11:18:13

18 And, basically, we sum up the votes for the
19 Hispanic-preferred candidate; and then we sum up the votes
20 for the White-preferred candidate. And in this case, I
21 take the difference; and then I take the average of those
22 differences.

11:18:34

23 Q. So where did your data come from here for the columns
24 on winner, loser, and difference?

11:18:48

25 A. Well, what is really nice about Texas is Texas

1 produces basically reconstituted performance analyses for
2 statewide elections subset to all the different districts.
3 So I simply went and inserted that information into these
4 tables, as well as from my previous results or the results
5 I just presented on who is the Hispanic and who is the
6 White-preferred candidates in these different districts.

11:19:10

7 **Q.** And then so the preferred candidates come from your
8 analysis?

9 **A.** Correct.

11:19:24

10 MS. PERALES: Let's look at Table 5.2, if we
11 could zoom in to that.

12 BY MS. PERALES:

13 **Q.** What district are we looking at here for 5.2?

14 **A.** This is District 9, C2333.

11:19:41

15 **Q.** Are these the same elections that you did your
16 polarized voting analysis on?

17 **A.** That's correct.

18 **Q.** What did you conclude with respect to whether
19 Hispanic-preferred candidates are winning in the newly
20 enacted Congressional District 9?

11:19:54

21 **A.** They are not winning in the newly enacted CD 9.

22 **Q.** And what are the factors behind the losses of these
23 Latino-preferred candidates?

24 **A.** There are two basic factors here. Basically, the
25 cohesion between White voters is very, very high, as well

11:20:17

1 as the voter turnout differential is also very, very high
2 between Hispanics and Whites.

3 MS. PERALES: Let's go to, same exhibit,
4 LULAC 829, page 20. I'd like to zoom in to these four
5 scatterplots, please.

11:20:43

6 BY MS. PERALES:

7 **Q.** We're now on page 20 of your report, Dr. Collingwood.
8 We're looking at Figure 5.1.

9 Can you tell us the year?

11:20:57

10 **A.** This is 2020.

11 **Q.** And what district are we looking at here?

12 **A.** This is District 9 in the newly enacted C2333.

13 **Q.** What does a dot represent here?

14 **A.** A dot represents a precinct in this congressional
15 district.

11:21:18

16 **Q.** Did you set a numerical threshold for the number of
17 voters in the precinct to include it here?

18 **A.** I did. Only for pictorial reasons. I filtered the
19 data to precincts that had at least five voters in them.

11:21:33

20 And so the ones that have lower than that are not
21 displayed. Their correlations are essentially the same.
22 It's just to reduce the kind of overall plotting effect.

23 **Q.** What do these scatterplots show us?

24 **A.** So this is a basic correlation scatterplot on the

11:21:53

25 relationship between race and voter turnout. And so I did

1 an analysis where I calculated voter turnout, the share of
2 people who voted in a particular precinct. And the -- out
3 of the number of registered voters in that precinct, I had
4 an estimated race demographic composition of that precinct
5 as well.

11:22:14

6 And so I simply correlated race by voter turnout. And
7 so, as an example, let's take the bottom left quadrant.

8 MS. PERALES: Can we -- thank you.

9 THE WITNESS: There we go.

11:22:31

10 **A.** So the baseline interpretation here is starting on the
11 x-axis, that's the one on the bottom. As you move from
12 zero, where there is basically no Hispanic voters, and as
13 you move to 1, where everyone in that precinct is a
14 Hispanic voter, voter turnout declines. So you can see
15 the red line going downwards. And that's a correlation
16 coefficient of negative .72, which is fairly high, a
17 fairly high relationship, ranging from zero to 1, where
18 zero is no relationship and 1 is a perfect positive
19 relationship or negative 1 is a perfect negative
20 relationship. So we would say that the relationship
21 between being Hispanic and voting is negative.

11:22:49

11:23:08

22 And then, as we move over to the right lower panel,
23 that's among White voters. So it's the same data. And
24 now I just switch out percent Hispanic with percent
25 non-Hispanic White. And so as we move over from the

11:23:25

1 x-axis of zero, we can see where there is no White people.
2 And as we move to -- closer to 1, where the vast majority
3 of people in that precinct are White, we can see turnout
4 goes up. And the relationship there is .71, which, again,
5 is a fairly high correlation. Showing that precincts with
6 more White people have higher turnout rates.

11:23:47

7 BY MS. PERALES:

8 **Q.** What do these scatterplots mean taken together?

9 **A.** What it means is that a turnout differential is a very
10 plausible explanation as to why we see Hispanic-preferred
11 candidates failing to win in District 9.

11:24:01

12 **Q.** Now, do you also provide scatterplots for the 2022
13 general election in CD 9 and the 2024 general election in
14 CD 9?

11:24:24

15 **A.** I do.

16 **Q.** And are those on the subsequent pages of your report?

17 **A.** Correct.

18 **Q.** What did you observe about the scatterplots over time?

19 **A.** Especially in CD 9, the correlation coefficient

11:24:38

20 increases over time. And so that means that the
21 relationship between race and turnout grows. And so
22 Whites versus Hispanics, the turnout gap is likely also
23 growing over that same period of time in successive
24 elections in CD 9.

11:24:56

25 **Q.** So based on what you are seeing in CD 9 in the new

1 plan, is the turnout gap between Latinos and Anglos in
2 these three elections closing or widening?

3 **A.** One would conclude that it's most likely widening.

4 **Q.** I'd like to go now to the same exhibit, 829, to
5 page 18 and look at your Table 5.3. We're turning now to
6 CD 35. That's the South Central Texas district.

11:25:24

7 What -- again, what plan are we looking at here?

8 **A.** This is CD 35 in Plan 2 -- C2333.

9 **Q.** And are we looking at the same set of elections as the
10 previous analyses?

11:25:54

11 **A.** Yes. These are the same six elections that I did in
12 CD 9, as well as the racially polarized voting analysis.

13 **Q.** That gives you a preferred candidate; is that correct?

14 **A.** Correct.

11:26:07

15 **Q.** So looking at Table 5.3, what did you conclude with
16 respect to whether Hispanic-preferred candidates are
17 winning in the newly enacted 35?

18 **A.** Hispanic-preferred candidates, again, lose all six
19 contests, ranging from about 4 percentage points to about
20 9 1/2 percentage points, for an average of between 5 and 6
21 percentage points. So that means then that this district
22 is quite unlikely to elect a Hispanic-preferred candidate.

11:26:28

23 **Q.** And, again, what are the factors behind these losses?

24 **A.** The two main factors, again, are very high White
25 cohesion and relatively lower Hispanic turnout.

11:26:48

1 Q. I'd like to stay in your report, LULAC 829, and turn
2 to page 21 and look at Figure 5.2.

3 If you could remind us, what district are you looking
4 at here?

11:27:09

5 A. This is District 35 in C2333.

6 Q. And is this a similar structure for the scatterplots?

7 A. Yes. The layout, the format is exactly the same. The
8 only thing that is different is that this is CD 35 under
9 the newly enacted plan.

11:27:31

10 Q. And what did you conclude with respect to Hispanic and
11 Anglo voter turnout?

12 A. Here in this plot for 2020 the correlation coefficient
13 is a bit higher than in CD 9. But the overall conclusion
14 is effectively the same, which is to say that race and

11:27:47

15 turnout is highly correlated. And Hispanic voters are
16 less likely to turn out to vote than are White voters.

17 Q. Did you perform this same analysis for CD 35 for the
18 2022 election and the 2024 election?

19 A. I did.

11:28:08

20 Q. And are those also presented in your report?

21 A. They are.

22 Q. I'd like to turn now to your overall conclusions.
23 Based on your review of the data and your statistical
24 analysis, what do you conclude with respect to whether

11:28:26

25 voting in the newly enacted CD 9 is polarized by race?

1 **A.** It is -- voting in CD 9, the newly enacted district,
2 voting is polarized by race.

3 **Q.** And based on your review of the data and your
4 statistical analysis, what do you conclude with respect to
5 whether voting in the newly enacted CD 35 is polarized by
6 race?

11:28:45

7 **A.** Like as in CD 9, voting is also polarized by race
8 between Hispanics and Whites in the newly enacted CD 35.

9 **Q.** Did your conclusions about racial polarization vary
10 whether you are using the EI statistical method or the RxC
11 statistical method?

11:29:06

12 **A.** No. The overall conclusion is the same.

13 **Q.** In your electoral performance analysis of the newly
14 enacted CD 9, what did you conclude with respect to how
15 many times the Latino-preferred candidate is elected?

11:29:21

16 **A.** The Latino-preferred candidate is elected zero times
17 for a rate of zero percent.

18 **Q.** And in your performance analysis of CD 35, what did
19 you conclude with respect to how many times the
20 Latino-preferred candidate is elected?

11:29:38

21 **A.** Also, likewise, the Latino-preferred candidate fails
22 to win in any of those contests. And so the win rate is
23 basically zero for Latino-preferred candidates.

24 **Q.** Based on your analysis, is there variation in voter
25 turnout rates by race and ethnicity in the newly enacted

11:29:56

1 CD 9 and CD 35?

2 **A.** Yes, there is.

3 **Q.** How likely are the newly enacted CD 9 and CD 35 to
4 elect Hispanic voters' candidate of choice if plan C2333
5 is implemented in the 2026 election cycle?

11:30:23

6 **A.** It's quite unlikely that the Hispanic-preferred
7 candidate will win in either of these districts, but much
8 less likely in CD 9.

9 **Q.** And I'd like to touch on a few last points before we
10 end.

11:30:38

11 Can your estimates of Latino voter preferences in CD 9
12 and CD 35 be extrapolated to the rest of the state?

13 **A.** No.

14 **Q.** Why not?

11:30:53

15 **A.** Well, Latino voters and White voters vary depending on
16 what part of the state they live in. Whether they are in
17 South Texas or North Texas or West Texas, there is going
18 to be some variation. And so it's definitely my opinion
19 that one would not want to generalize from just two

11:31:14

20 congressional districts to other areas where demographic
21 patterns and political considerations may be different.

22 **Q.** And so just to give a few examples, can we assume that
23 a Latino voter who lives in the East End or Second Ward of
24 Houston has the same candidate preferences as a Latino
25 voter in McAllen, Texas in the Rio Grande Valley?

11:31:32

1 **A.** No.

2 **Q.** And can we assume that a Latino voter in San Antonio's
3 South Side has the same candidate preferences as a Latino
4 voter in Midland, Texas?

11:31:49

5 **A.** No.

6 **Q.** Can we assume that an estimate of the average Latino
7 candidate preference statewide is the same as Latino
8 candidate preference in a more localized geography, like
9 where we are here in El Paso, Texas?

11:32:04

10 **A.** No.

11 **Q.** If we want to understand whether Latino-preferred
12 candidates are likely to be elected in a particular
13 district, like the newly enacted CD 9 and CD 35, what is
14 the best analytical approach?

11:32:19

15 **A.** It's to go look at voting behavior in that specific
16 district.

17 **Q.** Before I let you go, Dr. Lewis, the State's expert,
18 raised a concern about what he calls aggregation bias that
19 can occur when you use ecological inference method to
20 estimate vote choice by race with aggregate data.

11:32:39

21 What is your response?

22 **A.** Dr. Lewis effectively filtered all precincts in Texas
23 to greater than 95 percent Hispanic. So I looked at those
24 precincts and then filtered them to CD 9 and CD 35.

11:33:00

25 And in CD 9, those are three precincts. And in my

1 opinion, although I did do the analysis in my rebuttal
2 report, that's not enough precincts most likely to be able
3 to get a reliable estimate on Hispanic vote of choice.

4 And then on CD 35, those were nine precincts, which is
11:33:21 5 more data to work with. And there the homogeneous
6 precinct analysis estimate for Hispanic voters is about
7 30 percent. And that's right in the middle of my 27.5
8 with iterative EI and 31 percent with RxC.

9 So one would draw basically the exact same conclusion
11:33:42 10 using that method as my approach. And so, therefore,
11 aggregation bias is less of a concern to me.

12 And then, also, that means when you are looking at 252
13 precincts statewide, you can really only speak to Hispanic
14 voting preferences in general, not at the more localized
11:34:03 15 congressional district level, which is -- you know, which
16 is what I did.

17 MS. PERALES: Thank you, Dr. Collingwood.

18 I pass the witness.

19 THE WITNESS: Thank you.

11:34:14 20 JUDGE GUADERRAMA: Plaintiffs.

21 (No response.)

22 JUDGE GUADERRAMA: Mr. Berg.

23 **CROSS-EXAMINATION**

24 BY MR. BERG:

11:34:36 25 **Q.** Good morning, Dr. Collingwood.

1 **A.** Good morning.

2 **Q.** My name is Zachary Berg, and I represent state
3 defendants.

4 You were retained by LULAC plaintiffs in this matter?

11:34:44

5 **A.** Correct.

6 **Q.** Were you retained by any other plaintiffs in this
7 matter?

8 **A.** Not in this matter.

11:34:52

9 **Q.** Were you retained by any other plaintiffs in the
10 consolidated litigation regarding the 2021 redistricting?

11 **A.** Yes.

12 **Q.** And who was that?

13 **A.** I believe it was the Fair Maps plaintiff.

11:35:08

14 **Q.** You prepared a September 5th, 2025, report for LULAC
15 in this case?

16 **A.** I did.

17 **Q.** And, as well, you prepared a September 29th rebuttal
18 report?

19 **A.** That sounds right.

11:35:17

20 **Q.** You also wrote three reports for Fair Maps, correct?

21 **A.** I think that's right.

22 **Q.** That was a May 20th, 2022; a June 15th, 2022; and
23 July 27th, 2022. Does that sound right?

24 **A.** That sounds about right.

11:35:36

25 **Q.** Any other reports you have prepared besides those

1 five?

2 **A.** I don't think so.

3 **Q.** And you are not offering testimony today on the Fair
4 Maps reports from 2022, correct?

11:35:47 5 **A.** That's correct.

6 **Q.** You were deposed in this case on August 4th, 2022?

7 **A.** That sounds about right.

8 **Q.** Let's talk about the September 5th report. LULAC
9 asked you to perform *Gingles 2* and *Gingles 3* analysis?

11:36:11 10 **A.** I don't think it was specifically *Gingles 2* and
11 *Gingles 3*. It was racially polarized voting and then
12 performance. I think that often those are used in
13 *Gingles 2* and *Gingles 3*. But in this case, I don't
14 believe it was articulated in that same way.

11:36:35 15 **Q.** You measured Hispanic cohesion and the ability of
16 White voters to block Hispanic voters, correct?

17 **A.** Could you restate that, please?

18 **Q.** In your September 5th report did you analyze the
19 cohesion of Hispanic voters and the ability of White
11:36:56 20 voters to vote to block them?

21 **A.** Yes. I analyzed cohesion among both Hispanics and
22 Whites in these particular congressional districts, and
23 then whether White voters could block Hispanics' preferred
24 candidates or whether Hispanic-preferred candidates
11:37:19 25 typically lost in those elections that I looked at.

1 Q. And you only analyzed CD 9 and CD 35 in the new maps,
2 correct?

3 A. That is correct.

11:37:37

4 Q. And I think you said to my friend Ms. Perales that
5 your results can't be extrapolated to other districts in
6 the state; is that correct?

7 A. That's correct.

8 Q. And the only map you analyzed is C2333?

9 A. Correct. I did not analyze the prior plan.

11:37:56

10 Q. So you didn't analyze whether the map got better or
11 worse for Hispanic voters?

12 A. I can't speak to that.

13 Q. And other than the cohesion and ability of Hispanic
14 candidates to elect their candidate of choice, you didn't
15 perform any other analysis in your September 5th report?

11:38:20

16 A. I also conducted a turnout analysis.

17 Q. Thank you.

18 Did you interview any legislators for this report?

19 A. I did not.

11:38:44

20 Q. And you didn't talk to the map drawer for this report,
21 correct?

22 A. I don't know who the map drawer is.

23 Q. And your reports don't offer any opinions on
24 legislative intent, correct?

11:38:54

25 A. That's correct.

1 MR. BERG: May we please bring up page 1 of
2 Dr. Collingwood's September 5th report and go to
3 paragraph 2.

4 BY MR. BERG:

11:39:11

5 **Q.** So you opine that [as read:] Racially polarized
6 voting is 50 percent plus one.

7 Is that one voter?

8 **A.** Yeah. One voter or 1 percent.

11:39:25

9 **Q.** So in a two-candidate contest, if 49 percent of the
10 White voters prefer one candidate and 51 percent of
11 Hispanic voters prefer the other one, you would consider
12 that a racially polarized election?

11:39:40

13 **A.** Yes. But I would like to be clear. That's a
14 political science definition, as opposed to say a legal
15 opinion. And so that would get included in that.

11:40:02

16 However, I think about racially polarized voting also
17 on a sliding level of cohesion. And so I begin at that
18 very near threshold and then I go out. And, obviously, as
19 you get further and further from that 49-51 split, the
20 voting becomes more polarized and the groups will become
21 more cohesive.

22 **Q.** You said that that was a political science definition,
23 but you would agree that other experts who do what you do
24 disagree with that definition?

11:40:16

25 **A.** They may. This is the definition I have taken from

1 some articles I have read and some books I have read on
2 the topic. And so I always begin there, just as a matter
3 of course. My other reports look at this and include
4 that. And then I expand out from there.

11:40:32 5 **Q.** I have a similar question about your views on
6 cohesion. In that second paragraph you state [as read:]
7 Cohesion occurs when a large share of voters of the same
8 race/ethnicity back the same set of candidates.

9 Did I read that correctly?

11:40:49 10 **A.** Yes.

11 **Q.** You didn't provide a definition of "large share."
12 What do you mean by a "large share"?

13 **A.** Well, a bright-line rule I don't typically apply. I
14 look at it on a case-by-case basis; but in this case,
11:41:08 15 right, 90 percent was a very, very large share.

16 70 percent of course less so. But I think most people
17 would consider 70 percent cohesive. And those are about
18 the estimates that I am seeing in my data.

19 **Q.** So you would say that cohesion would be when an
11:41:22 20 ethnicity votes greater than 70 percent for one candidate?

21 **A.** Well, again, I take this on a case-by-case basis. You
22 know, there are some reports where I look at many, many
23 different contests. There could be some where cohesion is
24 lower, in the 50s, potentially, and then -- but in that

11:41:43 25 same set of elections you are looking at, you might see it

1 closer to 70, 75. And so for me, at least, I always look
2 at this on a case-by-case basis. So I wouldn't put a
3 specific number on cohesion.

11:41:59

4 **Q.** Why would cohesion numbers being in the 50s as opposed
5 to the 70s change your definition of cohesion?

11:42:16

6 **A.** Well, just numbers in the 70s, there is just more,
7 say, Hispanics who are supporting the same candidate. And
8 then in the 50s, there are fewer. So voting is
9 necessarily less polarized by race when it's in the 50s
10 versus when, say, it's in the 70s.

11 **Q.** I asked about cohesion, and you switched to racially
12 polarized voting. Do you view those terms as the same
13 thing?

11:42:30

14 **A.** No, I don't. They are different, right. So that's
15 why I begin with the technical definition of 50 plus one.
16 We say, okay, that's potentially racially polarized
17 voting.

18 But then cohesion is looking specifically at the
19 different racial groups. So how cohesive are Whites?

11:42:43

20 So first question is: Is it polarized by race? Make
21 an overall assessment about that.

22 And then the second is to look at how cohesive are
23 Whites? And then how cohesive are the minority
24 population, in this case Hispanics?

11:42:59

25 And then the degree of that is the degree of racial

1 polarization that's present in that particular election
2 contest.

11:43:12

3 **Q.** What is the minimum percentage of Hispanic voters that
4 would have to vote for a particular candidate in order for
5 you to conclude, in a two-candidate election, that the
6 Hispanic voters are cohesive in support of that candidate?

11:43:30

7 **A.** I don't really put -- again, I just don't put an
8 official number on that. There are different dynamics in
9 different elections, so I don't place a minimum on it.
10 But what I would say here is we're looking at numbers
11 generally in the 70 percent range, and I would say that
12 that's certainly cohesive.

11:43:50

13 **Q.** I would like to be efficient with your time, but I
14 would like an answer. Certainly you must have some metric
15 when you look at cohesion results that you think either
16 this number is or isn't cohesive.

17 **A.** I just -- I am giving you my answer. It varies
18 depending on the context.

11:44:06

19 **Q.** Is there a minimum number in a two-way race that you
20 would say is cohesive?

11:44:24

21 **A.** A minimum number is -- I would have to, again, look at
22 the different elections and dynamics of that. I simply
23 would say that the data that we're looking at here, where
24 we're looking at over 70 percent, that is cohesive for
25 Latino voters, in my opinion.

1 Certainly, as you get under 60 percent, you start to
2 become less cohesive; and that would start to, you know,
3 raise concerns that that minority population is cohesive
4 or not.

11:44:37 5 **Q.** On direct you said something like the best way to
6 study the maps was to study actual elections?

7 **A.** Election results, yes.

8 **Q.** Election results.

11:44:50 9 Did you mean by that congressional elections in the
10 new CD 9 and CD 35?

11 **A.** Well, certainly the endogenous elections are going to
12 take priority when conducting this type of analysis. By
13 endogenous I mean elections for Congress in these newly
14 drawn maps. But in this case we do not -- for this plan,
11:45:11 15 those elections have not occurred. And so we take the
16 next best thing, which are these statewides, and filter
17 them down to the current plans of CD 9 and CD 35 in my
18 case.

11:45:25 19 **Q.** You would agree that your projections, no matter how
20 good, are projections and not actual results, but instead
21 projections based on past elections?

22 **A.** Yes.

23 **Q.** You talked with my friend on the other side about high
24 levels of White voter cohesion in CD 9 and CD 35, correct?

11:45:43 25 **A.** Correct.

1 Q. Based on these cohesion numbers, could I assume that
2 you were a Republican if you lived in one of these
3 districts?

11:46:02

4 A. Could you assume? Certainly the probability would be
5 certainly higher that I would be. But, again, there is
6 going to be some population of White voters that are going
7 to be siding with the Hispanic voters in terms of vote
8 choice. So, you know, that's -- it's -- certainly the
9 probability would be weighted that I would be.

11:46:24

10 Q. Would you be comfortable if I assumed that about you?

11 A. From like an election analysis, you know, you would
12 assume that if there is a White person living in that
13 district, about 90 percent of them or so, depending on the
14 analysis, 90 to 95, are going to be voting for the
15 White-preferred candidate. So it seems like that would be
16 fair.

11:46:50

17 MR. BERG: Can we go to the last paragraph of
18 page 1 on the September 5th report. Dr. Collingwood's
19 September 5th, 2025, report. Okay.

11:47:13

20 BY MR. BERG:

21 Q. And you briefly covered this. I won't linger. You
22 stated [as read:] I've selected six statewide contests
23 featuring Spanish surname or Hispanic candidates over the
24 last three general election cycles.

11:47:29

25 Correct?

1 **A.** That's correct.

2 **Q.** And the limitation of the Spanish surname or Hispanic
3 candidates, you said you've utilized this factor in your
4 work in California?

11:47:38

5 **A.** Yes.

6 **Q.** Do you use this factor to help you analyze claims
7 under the California Voting Rights Act?

11:48:01

8 **A.** No. I don't think so. The times I have analyzed data
9 in California, they are either -- it's on a -- it's not
10 related to the CVRA or it's a federal case.

11 **Q.** And then you analyze the six elections that you've
12 talked about from 2020 to 2024, correct?

13 **A.** Correct.

14 **Q.** Did you personally choose these elections?

11:48:23

15 **A.** Yes. I created the a priori filter and then selected
16 them.

17 **Q.** And according to the report, the three factors you
18 used to pick these six elections over three years was that
19 it had to be a statewide election from 2020 to 2024 and
20 featuring at least one candidate believed to be Hispanic,
21 correct?

11:48:44

22 **A.** Correct. Oh, sorry. A Spanish surname candidate or
23 a -- or a known Hispanic candidate.

24 **Q.** And just those three factors? No other factors?

11:48:59

25 **A.** Correct.

1 Q. Would you consider adding more election years to get a
2 larger sample size?

3 A. Did I or would I?

4 Q. Did you consider?

11:49:11 5 A. Well, I thought about it; but the voter file data that
6 I had available to me went from 2020, 2022, and 2024. So
7 to me the three most recent election years was enough to
8 begin drawing conclusions.

9 Q. And where did you get your voter data?

11:49:32 10 A. The plaintiff has requested it from the Secretary of
11 State after each election. And then that was forwarded on
12 to me. And then I downloaded the data and started working
13 with it.

14 Q. So the data was provided to you by counsel?

11:49:49 15 A. Yes.

16 Q. Did you ask counsel for additional data?

17 A. No. I don't think so.

18 Q. And I noticed you didn't include any primary
19 elections?

11:50:03 20 A. That is correct.

21 Q. You would agree that if you had analyzed primary
22 elections you could have at least doubled your sample
23 size?

24 A. I would have to look at -- it potentially could be
11:50:17 25 more than that, right, if you include Republican

1 primaries.

2 **Q.** Would you not include Republican primaries?

3 **A.** What?

4 **Q.** Would you not include Republican primaries?

11:50:25 5 **A.** Probably not. Because I, again, would have to look at

6 each specific area. But typically there wouldn't be

7 enough Hispanic voters -- at least when I have looked at

8 this in the past, there is often not enough Hispanic

9 voters in certain jurisdictions to be able to get a

11:50:44 10 reliable estimate on their vote choice in the Republican

11 primary.

12 **Q.** And of your list of elections, you didn't include

13 either of the two last presidential elections, correct?

14 **A.** That's correct. Yes.

11:50:55 15 **Q.** And you didn't include the 2022 gubernatorial election

16 of Governor Abbott, correct?

17 **A.** This is correct. Because I looked at either Spanish

18 surname candidates or known Hispanic candidates and

19 candidates that -- elections that included that. And

11:51:14 20 those contests did not contain that.

21 **Q.** And you didn't include the 2020 United States Senate

22 race?

23 **MR. BERG:** Could you bring the report back up.

24 **A.** That's correct. Yes.

11:51:36 25 **BY MR. BERG:**

1 Q. Did you analyze the 2022 Texas comptroller election?

2 A. No.

3 MR. BERG: Can we bring up the printout from
4 Texas Secretary of State's website with the results from
5 the 2022 Texas Comptroller of Public Accounts election.
6 Can we zoom in on the candidate names. If we could go a
7 little lower on the page. Thank you.

8 BY MR. BERG:

9 Q. Do you see where there were three candidates in this
10 race, one of whom is V. Alonzo Echevarria Garza?

11 A. Yes.

12 Q. Does that candidate appear to have a Hispanic surname
13 to you?

14 A. They do. But my analysis focused on basically
15 Democrats and Republicans, the top two. So minor party
16 candidates essentially get filtered into an other
17 category, regardless of their ethnicity, because they are
18 not going to be playing much dynamics in the contest.

19 And so I think there is a couple other Hispanic
20 surname or Spanish surname candidates that are coming into
21 the Libertarian or Green or other category. And so I did
22 not look at those contests, yes.

23 Q. Okay. So we have a fourth factor. So we have four
24 factors. Statewide elections from 2020, 2024, featuring
25 at least one Hispanic candidate and the Hispanic candidate

1 has to be either a Republican or Democrat?

2 **A.** They have to be the two -- basically the two top
3 vote-getters, yes.

11:53:43

4 **Q.** Why did you choose to exclude statewide elections
5 where there was a Hispanic candidate but the candidate
6 wasn't a Republican or Democrat?

11:53:56

7 **A.** Well, third-party candidates typically play such a low
8 role. It's very common in political science, and
9 especially in racially polarized voting, kind of getting
10 back to our discussion earlier, you are often faced with
11 which candidates I'm going to look at. And so it was very
12 common for people, including myself and other experts,
13 when we have multiple small vote-getting candidates, we
14 collapse that into an other category because we still need
15 to run the ecological inference method, which requires
16 doing that.

11:54:12

17 And so they are playing a very limited dynamic in the
18 race typically. And so just as a matter of course we
19 focus primarily, at least in this case, on the two top
20 vote-getters.

11:54:28

21 MR. BERG: Could we bring out a printout of the
22 2022 gubernatorial race and zoom in on the candidates.

23 BY MR. BERG:

11:54:42

24 **Q.** So, likewise, on this election there is a Hispanic
25 candidate, correct? But it wouldn't be included in the

1 sample because it wasn't Republican or Democrat?

2 **A.** Right. So, basically, what would happen in this case
3 is the four candidates at the bottom would get collapsed.
4 We're talking about 1.37 percent of the vote. Almost no
11:55:02 5 share of the actual vote. They would get collapsed into
6 an other category.

7 And then the ecological inference would conduct its
8 analysis.

9 And then I would focus on vote choice among Latinos
11:55:16 10 and Whites specifically with respect to Abbott and
11 O'Rourke.

12 But because in this case the Latino candidate assumed
13 or the Spanish surname candidate is far down into that
14 collapse, that contest wouldn't get selected.

11:55:29 15 **Q.** Do you know whether the map drawer considered the
16 elections from the 2022 gubernatorial election?

17 **A.** I don't know anything about the map drawing
18 decision-making process.

19 **Q.** So you don't know if any of the six mostly minor
11:55:46 20 elections you selected were considered by the mapmaker?

21 **A.** No. I don't know.

22 **Q.** Did you have any concerns with excluding presidential
23 elections, considering they are the highest number of
24 turnout for any voters?

11:56:24 25 **A.** Well, you know, given the limited time that I had, you

1 know, it made sense to have this selection criteria, since
2 we're looking at contests featuring Hispanic candidates
3 and we're mostly concerned with White versus Hispanic
4 voting. So including those elections could potentially,
5 you know, add some interesting dynamics to the contest;
6 but I didn't do that, so I can't speak to that.

11:56:46

7 **Q.** You would agree that the 2024 presidential contest had
8 at least a minority major party candidate, correct, in
9 Vice President Harris?

11:57:03

10 **A.** Yes.

11 **Q.** Isn't that still probative data to use if you care
12 about contests between candidates of different races?

13 **A.** Potentially. But I think it's -- I really wanted to
14 focus on candidates that featured at least one Hispanic or
15 surname candidate at the top of the ticket basically. And
16 so that one just didn't get included into that criteria.

11:57:21

17 **Q.** Did you impose the limitation that one of the
18 candidates had to be Hispanic because of the party that
19 retained you?

11:57:46

20 **A.** No. One of the main reasons was due to the limited
21 time I had to conduct this analysis. And so by filtering,
22 you don't have to look at as many contests. You can spend
23 more time focusing on, in this case, the six elections.

24 And, again, I have used this in other reports I have
25 written or other analyses I have done. So those are the

11:58:06

1 reasons why this came in to be.

2 **Q.** Did you use those reasonings when you were drafting
3 your reports for Fair Maps?

4 **A.** No. I didn't. In those cases I had a lot more time
5 to work on those projects, and so that also was a
6 coalition claim, I believe.

7 So the client that I was working for, the plaintiff
8 group that I was working for, was focused on coalition
9 claims across Black, Asian, and Hispanic. And so in that
10 case that got very dynamic. And so I wanted to focus on
11 all of the elections as well because filtering in this
12 versus that got to be somewhat excessive.

13 And so here I'm only focused on Hispanic voting and
14 White voting, not Black voting or other groups. And so it
15 made sense to keep things a bit more simple for me, given
16 the time constraints.

17 **Q.** Does it take longer to run an analysis of a
18 presidential election than of a railroad commission race,
19 enough that it would cause you to choose a railroad
20 commission race over a presidential election?

21 **A.** The time for each election would be about the same.
22 But then I would have to say, okay, I'm now expanding my
23 criteria to the Hispanic surname or Spanish surname or
24 known Hispanic candidates at the kind of the two -- of the
25 two main parties and then these presidential elections.

1 And so then if I include that, I could -- someone might
2 say, well, why didn't you look at Senate?

12:00:02

3 And so it could start to kind of spiral; and now I'm
4 looking at a lot of different contests that, again, given
5 my kind of limited time constraints, it made more sense to
6 me to make this upfront a priori decision and then just
7 spend my time focusing on those contests.

8 **Q.** Do you know whether the mapmaker considered the
9 results of the 2024 presidential election?

12:00:20

10 **A.** I don't -- again, I don't know anything about the
11 mapmaker or what they did or didn't consider.

12 **Q.** And you reviewed Dr. Lewis's report to prepare a
13 rebuttal report, correct?

14 **A.** Correct.

12:00:38

15 **Q.** And you are aware that Dr. Lewis used
16 Dr. Ansolabehere's data for his report?

17 **A.** Yes.

18 **Q.** We'll talk more about your rebuttal report later. I'd
19 like to ask you about some of Dr. Ansolabehere's data
20 commented upon by Dr. Lewis.

12:00:56

21 MR. BERG: Richard, would you please bring up
22 Dr. Lewis's report. That's State Defendants' Exhibit 570.
23 Could we go to page 6, Footnote 2.

24 BY MR. BERG:

12:01:20

25 **Q.** Footnote 2 reads [as read:] Professor Ansolabehere's

1 estimates of Hispanic support for President Trump in 2024
2 have a median value of 63 percent and are greater than
3 76 percent in one quarter of his estimates.

4 Did I read that correctly?

12:01:35

5 **A.** Yes.

6 **Q.** Dr. Collingwood, did you exclude presidential
7 elections from your sample because it's -- in the most
8 recent presidential election, Texas Hispanics voted by an
9 almost 2:1 ratio for the Republican candidate?

12:01:52

10 **A.** No. Again, this is also sort of an assessment of
11 voting overall, maybe district by district, in some sort
12 of aggregation or some sort of median, mean value or
13 central tendency of that.

14 **Q.** You didn't analyze this election, though, right?

12:02:13

15 **A.** The Trump? No. I did not.

16 **Q.** We have been discussing the elections that you chose
17 not to analyze as part of your report and, as you have
18 discussed, that you have chosen by contest type, years,
19 and geographic region, correct?

12:02:36

20 **A.** That's, yeah, essentially correct.

21 **Q.** And you've testified on other cases regarding racially
22 polarized voting?

23 **A.** Yes.

24 **Q.** And one of those was *Pierce v. North Carolina State*

12:02:57

25 *Board of Elections*?

1 **A.** Correct.

2 **Q.** And I believe your report said that you authored four
3 expert reports and testified at trial in that case,
4 correct?

12:03:07

5 **A.** Correct.

6 MR. BERG: I'd like to bring up the
7 September 30th, 2025, order in *Pierce*.

8 BY MR. BERG:

12:03:33

9 **Q.** So this is the final order from that trial in the
10 Eastern District of North Carolina, Case 4:23-CV-193-D,
11 correct?

12 **A.** Correct.

13 **Q.** Have you reviewed this order?

14 **A.** Yes. It came out a couple of days ago.

12:03:48

15 MR. BERG: Could we go to the last page of the
16 order, page 126.

17 BY MR. BERG:

18 **Q.** And the order is signed by Judge James C. Dever, III,
19 and dated September 30th, 2025, correct?

12:04:04

20 **A.** Correct.

21 **Q.** And Judge Dever recently -- or Judge Dever found your
22 polarized voting analysis to be not credible or credible
23 because, among other things, you, quote, cherry-picked the
24 election contests, the years, and the counties, and ran
25 your analysis in a manner inconsistent with generally

12:04:24

1 accepted methods, correct?

2 **A.** I believe that was his opinion, yes.

3 **Q.** Did the Court in *Pierce* find that you were also not a
4 credible witness at trial for other reasons?

12:04:39 5 **A.** I believe so, yes.

6 **Q.** And I believe my friend on the other side has
7 previewed with questions about Dr. Barreto. But did the
8 Court find you lacked credibility because you edited your
9 CV mid-trial to remove Dr. Barreto?

12:04:56 10 **A.** That is what the Court concluded, yes. That was their
11 opinion.

12 **Q.** And you replaced Dr. Barreto in testifying at that
13 trial because Dr. Barreto was dinged by the trial court at
14 a PI hearing, is that correct, or a PI order?

12:05:11 15 **A.** That's what the order says more or less, yes.

16 **Q.** And the plaintiffs in *Pierce* appealed to the Fourth
17 Circuit who upheld the District Court's finding on
18 Dr. Barreto, correct?

19 **A.** That I don't know.

12:05:30 20 MR. BERG: Could we bring up the Fourth Circuit
21 opinion, page 23.

22 BY MR. BERG:

23 **Q.** And the Fourth Circuit, quoting the District Court,
24 said that they [as read:] Found profound discrepancies

12:06:02 25 between the methods of analysis performed in Barreto's

1 initial report and supplemental declaration. The District
2 Court was left wondering why the Court should credit any
3 of his estimated outcomes for elections in SD2. At a
4 minimum, the District Court reasoned that the questions
5 raised by Barreto's supplemental declaration demonstrated
6 that, quote, this case would greatly benefit from
7 discovery, including Barreto's deposition and complete
8 data files.

12:06:18

9 Did I read that correctly?

12:06:29

10 **A.** I believe so.

11 MR. BERG: Go to page 27, please.

12 BY MR. BERG:

13 **Q.** Where it says [as read:] The District Court did not
14 clearly err in finding Barreto's analysis of how SD1 and
15 SD2 would have performed in the 2020 and 2022 State Senate
16 elections to be important for proving the third *Gingles*
17 precondition.

12:06:41

18 Did I read that correctly?

19 MS. PERALES: Objection, Your Honor. Counsel is
20 reading from a document the witness has never seen and
21 asking if he is reading it correctly.

12:06:52

22 JUDGE GUADERRAMA: Well, he is -- I guess he is
23 asking if he is reading what is on the screen.

24 MR. BERG: I can connect on the next question.

12:07:07

25 BY MR. BERG:

1 Q. And, Dr. Collingwood, you replaced Dr. Barreto for the
2 trial in *Pierce* because of the District Court's and Fourth
3 Circuit's findings; is that right?

12:07:20

4 A. I mean, that's my general understanding. I received
5 an email call from plaintiffs' attorneys, and they asked
6 me to start working on this case.

7 MR. BERG: Could we go back to the September 5th
8 report, page 2, last bullet point.

9 BY MR. BERG:

12:07:57

10 Q. So you write [as read:] Voter turnout varies
11 significantly by race/ethnicity.

12 And then you continue. [As read:] This means that
13 White voters cast ballots at a significantly higher rate
14 than do Hispanics and helps to explain why D9 and D35 fail
15 to elect minority-preferred candidates.

12:08:11

16 Did I read that correctly?

17 A. Correct.

18 Q. You would agree that between a quarter and a third of
19 the Hispanic voters in your analysis support the
20 Republican candidate? Your chart is on pages 10 and 11.

12:08:23

21 A. That looks about right, yes. A little bit of
22 variation depending on the method and depending on, you
23 know, which election you are looking at. But that's -- as
24 an overall summary statement, I think that's about right.

12:08:56

25 Q. And I think you had Ted Cruz in the 2024 Senate

1 election gaining 35.7 percent in CD 9; is that right?

2 **A.** In CD 9, I have Ted Cruz at either 29.7 among
3 Hispanics or 33. -- using EI iterative or 33.9 using RxC.

4 **Q.** What do you have Ted Cruz in CD 35?

12:09:32 5 **A.** I have Ted Cruz among Hispanics in CD 35 of the new
6 plan, C2333, using the iterative ecological inference
7 method at 27.5 percent among Hispanics and the RxC at
8 31 percent.

9 **Q.** And those Hispanic voters will be able to elect their
10 candidate of choice in the new maps?
12:09:55

11 **A.** Those would, yes.

12 MR. BERG: Could we go to Table 3.1 on page 9.

13 BY MR. BERG:

14 **Q.** So this shows the six elections you picked for CD 9,
15 correct?
12:10:12

16 **A.** Correct. Yes.

17 **Q.** You would agree that the Republicans would have won
18 all these races under the new map?

19 **A.** Yes.

12:10:26 20 MR. BERG: Could we go to Table 3.2, also on
21 page 9.

22 BY MR. BERG:

23 **Q.** You would agree that the Republicans would have won
24 all the races in CD 35 under the new map?

12:10:37 25 **A.** Correct.

1 Q. Are you aware of what partisan changes C2333 made to
2 CD 9 and CD 35?

3 A. No. I have not looked at partisanship in any
4 meaningful way in this analysis.

12:10:54

5 MR. BERG: Could we please bring up demonstrative
6 partisan change between C2193 and C2333. This
7 demonstrative was created with TLC data red reports from
8 State Defendants' Exhibits 628 and 984.

9 Can we zoom in on Trump 2024 general.

12:11:42

10 BY MR. BERG:

11 Q. Professor Collingwood, this demonstrates how the C2193
12 map and the new 2333 map performed during the 2024
13 elections of Ted Cruz and President Donald Trump, correct?

14 A. That's what it appears to be, yes.

12:12:01

15 Q. And you analyzed Senator Cruz's election?

16 A. I did, yes.

17 Q. But not President Trump's, as we've talked about?

18 A. Correct.

12:12:17

19 Q. So President Trump received 27.2 percent of the vote
20 in CD 9 under the old map. But under the new map, if that
21 had been in effect, he would have received 59.5 percent,
22 right?

23 A. Yes. Assuming that these are correct representations
24 of the election voting. I haven't seen -- I don't recall

12:12:39

25 having seen this, but I take your word.

1 Q. So the C2333 map improves President Trump's
2 performance in CD 9 by 32.3 percent?

3 A. That's what this number is saying, yes. Excuse me.
4 Percentage points.

12:12:58

5 Q. Thank you.

6 And the new map would improve President Trump's
7 performance in CD 35 by 22.3 percentage points?

8 A. That looks correct, yes.

12:13:19

9 Q. And Ted Cruz's performance, which you analyzed,
10 improves in CD 9 from 24.3 percent to 54.4 percent?

11 A. Yes. According to this representation.

12 Q. And that's an improvement of 30.1 percent?

13 A. Yes. Percentage points.

12:13:43

14 Q. And Senator Cruz's performance in CD 35 improves to
15 50.6 percent?

16 A. Yes.

17 MR. BERG: Could we go back to the September 5th
18 report to Table 3.1 on page 9.

19 BY MR. BERG:

12:14:04

20 Q. On the top line of Table 1 you have Senator Cruz at
21 54.44 in CD 9, and that's the same performance as in the
22 demonstrative, correct?

23 A. It appears to be, yes.

24 Q. And if we go to Table 3.2, on the top line of

12:14:27

25 Table 3.2 you have Senator Cruz as 50.63 percent, and

1 that's the same as the demonstrative?

2 **A.** I believe so.

3 **Q.** So your analyst shows -- analysis shows that the
4 redrawn CD 9 and CD 35 perform better for these two
5 Republican candidates?

12:14:44

6 **A.** Well, I didn't look and analyze the previous maps. So
7 I couldn't -- based on my analysis in my report, I can't
8 say whether it's better or not; but now that I have seen
9 this representation to me, certainly my interpretation
10 would be that it is better.

12:15:04

11 **Q.** If that's true as a corollary, it would necessarily
12 perform worse for Democrats, correct, their Democratic
13 candidate opponents?

14 **A.** Correct.

12:15:15

15 **Q.** Does your report analyze how the new map performs for
16 Hispanic Republicans?

17 **A.** No. I look at Hispanics and Whites as a group overall
18 as voters. As candidates, yes, I do look at, you know,
19 the two Hispanic Republican candidates that filter into my
20 analysis.

12:15:42

21 **Q.** I'll be there in one second on that. Yes.

22 Does your report compare performance for Hispanic
23 Republicans to performance of Hispanics as a whole?

24 MS. PERALES: Objection. Vague. Performance for
25 Hispanics?

12:15:57

1 BY MR. BERG:

2 **Q.** Does your report compare the ability for Hispanic
3 Republicans to elect their candidate of choice versus the
4 ability of Hispanics as a whole to elect their candidate
5 of choice?

12:16:09

6 **A.** No. What I do is that the data inputs are just
7 measures of Hispanics, not measures of, say, Hispanic
8 Republicans or Hispanic Democrats into the ecological
9 inference method. So as a general rule, I'm strictly
10 looking at the race of -- or the ethnicity of the two
11 groups.

12:16:27

12 **Q.** Professor Collingwood, does your report attempt to
13 disentangle the effects of race and partisanship on voting
14 behavior?

12:16:40

15 **A.** As a general rule, it doesn't do that much of that.
16 However, I do do the analysis where I see that when
17 Hispanics -- excuse me -- when Republicans are --

18 MR. BERG: Objection. Nonresponsive.

19 BY MR. BERG:

12:16:53

20 **Q.** Does it do that?

21 MS. PERALES: Objection. Asked and answered.

22 JUDGE GUADERRAMA: Sustained.

23 MR. BERG: Move to strike. Who did you sustain,
24 Your Honor?

12:17:01

25 JUDGE GUADERRAMA: I'm sustaining the

1 non-responsive objection --

2 MR. BERG: Yeah. Can we move to strike after
3 "no."

4 JUDGE GUADERRAMA: Right. Everything after "no."

12:17:11

5 BY MR. BERG:

6 **Q.** And then we'll touch on the 4.85. You talked with my
7 friend on the other side about this, correct?

8 **A.** Sorry. Where are we at now?

12:17:24

9 MR. BERG: If you go to page 11 of the
10 September 5th report for Dr. Collingwood.

11 THE WITNESS: Okay.

12 MR. BERG: The bottom paragraph.

13 **A.** Yes.

14 BY MR. BERG:

12:17:35

15 **Q.** So you say that [as read:] Hispanic Republican
16 candidates tend to do a bit better among Hispanic voters
17 than do non-Hispanic Republican candidates, indicating a
18 slightly greater preference for Hispanic candidates than
19 White candidates among Hispanic voters.

12:17:52

20 Did I read that right?

21 **A.** That's correct. Yeah.

22 **Q.** And I believe you find that White voters don't have a
23 negative preference for Hispanic Republican candidates?

24 **A.** Right. The comparison is basically the same in those
25 tables.

12:18:06

1 Q. And I couldn't quite tell, but it seems you also found
2 that White Republicans don't have a preference for White
3 Republican candidates?

4 A. I think that's what we were just speaking about, yeah.
5 Just that White voters are going to essentially vote at a
6 similar rate for Hispanic or Anglo/White candidates.

7 MR. BERG: Could we bring up Professor
8 Collingwood's September 29th rebuttal report.

9 BY MR. BERG:

10 Q. And we already touched on demographic patterns and
11 their ability to be extrapolated across the state or not,
12 correct?

13 A. I believe so.

14 MR. BERG: So could we go to the last
15 paragraph -- the next-to-last paragraph on page 1.

16 BY MR. BERG:

17 Q. It says [as read:] Of these 252 precincts, just three
18 are in the newly enacted District 9 and 9 are in the newly
19 enacted District 35.

20 You are referring to the 252 precincts analyzed by
21 Dr. Lewis, correct?

22 A. Correct.

23 MR. BERG: And then if we could go to the next
24 paragraph, which merges with page 2, you can -- highlight

25 the next to last. Just the last, going to the first

1 paragraph of page 2, please. Thank you.

2 BY MR. BERG:

12:19:57

3 **Q.** Your report agrees, though, that you come up with
4 essentially the same numbers as Dr. Lewis on Senator Cruz
5 in CD 9?

12:20:17

6 **A.** There is -- there is more variation here. They are in
7 the same kind of area, but it's -- so they are, you know,
8 similar; but I think that that would require more
9 investigation. Especially when you're thinking about only
10 three precincts and looking at Hispanic voter choice in
11 only three precincts, I would be cautious to make a sort
12 of assessment of Hispanic vote choice for Ted Cruz here.
13 But for -- basically, because I was looking at this, I
14 presented the information nevertheless.

12:20:35

15 **Q.** You would agree, though, that your results on -- and
16 the results of Dr. Lewis are not statistically significant
17 on their inferences?

12:20:54

18 **A.** This -- I didn't do any sort of statistical
19 significance testing on this. It's not really -- there
20 are just three bits of information and different
21 estimates. And so it's not really something that one
22 would do here. We're just looking at the overall
23 differences and coming up with kind of an overall
24 assessment and analysis.

12:21:09

25 MR. BERG: Can we go to the last paragraph on

1 page 2.

2 BY MR. BERG:

3 **Q.** You say [as read:] The homogeneous precincts analysis
4 is unreliable in D9 due to so few precincts are in the
12:21:26 5 range of my findings and the technique appears to match my
6 D35 findings based on the nine precincts identified by
7 Dr. Lewis.

8 Did I read that correctly?

9 **A.** Correct.

10 **Q.** And I think we sort of covered this, but when you say
11 "although in the range of my findings," you mean he
12 basically found what you found in CD 9?

13 **A.** I wouldn't put it like that. I would just say that
14 it's, you know, five, ten points range or so, to kind of
12:21:53 15 if you are throwing darts, you're heading in the same
16 direction. The signal is closer, but the precision is not
17 there in the same way that it is in D35.

18 And so the main reason for that is there is just more
19 precincts and more data to look at in D35.

12:22:13 20 **Q.** And you previewed my next question, that you agree
21 with Dr. Lewis's findings as to CD 35, right?

22 **A.** I think they are going -- his findings -- well, he
23 doesn't -- again, he doesn't do a case-by-case
24 district-level analysis. So he didn't -- at least I
12:22:29 25 didn't see any analysis of that one, of the -- of that

1 specific set of precincts.

2 But what I'm basically finding is that our numbers are
3 somewhat similar in D35. And so that means that these
4 different methods in, basically, D35, where there are
5 enough precincts potentially to do a homogeneous precinct
6 analysis and, therefore, guard against the potential
7 aggregation bias that may occur with other methods,
8 suggests that the results are going to be somewhat
9 similar.

12:22:50

12:23:06

10 **Q.** And have you found that your numbers differ
11 significantly from any of the other experts in this case?

12 **A.** Well, I -- I was here when Dr. Ansolabehere presented.
13 And so our numbers are in the same range. I wouldn't say
14 they are that different. Maybe in individual

12:23:26

15 circumstances or individual contests; but they are in the
16 same range of what one would expect to see, given
17 different methodological techniques and approaches to
18 doing this kind of research. And the same conclusions
19 would be drawn.

12:23:42

20 **Q.** And should we trust your numbers?

21 **A.** Yeah. My numbers are -- of course you can trust my
22 numbers. I mean, I have spent a lot of effort focused on
23 this here.

12:23:58

24 **Q.** And your rebuttal report found no flaws in the
25 calculations concerning the figures or table of

1 Dr. Lewis's September 22nd, 2025, report, correct?

2 **A.** Yeah. His numbers here make sense to me. I did some
3 summaries of what he was doing. And the data looked, you
4 know, accurate, so -- and he is using the data from
5 Dr. Ansolabehere here. So we're working with the exact
6 same datasets.

12:24:22

7 MR. BERG: Thank you for your time. I pass the
8 witness.

9 JUDGE GUADERRAMA: Ms. Perales.

12:24:37

10 THE WITNESS: Thank you.

11 **REDIRECT EXAMINATION**

12 BY MS. PERALES:

13 **Q.** Dr. Collingwood, I want to spend a couple of minutes
14 on the North Carolina decision and then bring you back to
15 Texas.

12:24:46

16 **A.** Okay.

17 **Q.** So my friend Mr. Berg showed you a District Court
18 decision from North Carolina from a few days ago; is that
19 right?

12:24:57

20 **A.** Correct.

21 **Q.** Who was the opposing expert in that case? And let me
22 be clear.

23 Who was defendants' expert on racially polarized
24 voting?

12:25:08

25 **A.** The one and only Dr. Alford.

1 Q. The dear John Alford.

2 And did Dr. Alford use your ecological inference
3 estimates for measuring racially polarized voting?

4 A. He did. He relied on my estimates.

12:25:26

5 Q. And is that because the Court observed that Alford had
6 concluded your results and his results were substantially
7 similar?

8 A. Yes. I believe he replicated my ecological inference
9 analysis in the first report, and our results were almost
10 identical.

12:25:45

11 Q. Did you and Dr. Alford agree on the question whether
12 there was Black voter cohesion in North Carolina?

13 A. Yes. I believe we did. It was somewhere in the
14 neighborhood of 97 to 99 percent or something like that.

12:26:04

15 Q. Did the Court conclude, based on your analysis, that
16 plaintiffs had satisfied in that case the second *Gingles*
17 prong of minority cohesion?

18 A. It did.

12:26:31

19 Q. Did the Court accept and rely on your findings of the
20 estimates for White voter cohesion in the analysis of
21 *Gingles* prong 3?

22 A. I believe so.

23 Q. Now, did the Court disagree with your conclusion about
24 legally significant White bloc voting?

12:26:53

25 A. Yes.

1 Q. In the North Carolina case did the Court disagree with
2 any of your EI estimates of either minority voter support
3 for a particular candidate or White voter support for a
4 particular candidate?

12:27:20

5 A. In the main kind of *Gingles* focus of conducting
6 racially polarized voting using my methods, I don't
7 believe the Court disagreed with the actual numbers
8 themselves. It was more the interpretation.

12:27:42

9 Q. And did you do something additional in the North
10 Carolina case that the Court disagreed with?

11 A. Yes.

12 Q. Did you do that analysis here?

13 A. No. I did not.

14 Q. Let's go to Texas. Only a couple of questions here.

12:27:56

15 Oh, I do have a last question. I'm sorry we are so
16 focused on your résumé. I know it's come up a couple of
17 times.

18 But why did you update your résumé when you did?

12:28:12

19 A. Well, I was starting to think about going up to full
20 professor. So in academia you start out as an untenured
21 assistant professor, you move to associate, and then you
22 go to full. And I was starting to think, okay, it's about
23 time to go up to full professor. And I looked around at
24 some, you know, various scholars in the field. And most

12:28:29

25 don't list their committee that are on their CV. Some

1 still do. But most don't.

2 So I thought, as I was preparing to start thinking
3 about potentially sending out materials, that I would
4 remove that because I felt like it sort of made me look
12:28:47 5 like a graduate student still. And so that's why I did
6 that.

7 **Q.** So when you removed the list of your dissertation
8 advisors, Mr. Barreto's name came out with that group; is
9 that right?

10 **A.** That's correct.

11 **Q.** Two last questions now that really are about Texas.
12 You discussed with my friend Mr. Berg that you
13 received Secretary of State voter files from plaintiffs'
14 counsel; is that right?

15 **A.** That's correct.

16 **Q.** Did plaintiffs' counsel also send you emails from the
17 Secretary of State related to that data production?

18 **A.** Yes.

19 **Q.** And then, finally, I believe you had a brief
12:29:32 20 discussion about the Dr. Ansolabehere report, page 6,
21 Footnote 2. I just have one question for you there.

22 Is the median the average?

23 **A.** No.

24 **Q.** Thank you.

12:29:47 25 MS. PERALES: I pass the witness.

1 JUDGE GUADERRAMA: Mr. Berg.

2 MR. BERG: Very shortly, Your Honor.

3 JUDGE GUADERRAMA: Yes, sir.

4 **RECROSS-EXAMINATION**

12:29:54

5 BY MR. BERG:

6 **Q.** In *Pierce* did the Court find Dr. John Alford credible?

7 **A.** Yes.

8 **Q.** And did the Court accuse Dr. Alford of cherry-picking
9 his elections?

12:30:05

10 **A.** I don't think so.

11 **Q.** Did he use different elections than you did?

12 **A.** For the main ecological inference analysis, we used
13 the same set of elections.

12:30:21

14 **Q.** And could you remind me of the wording on why you
15 updated your résumé? Something about growing into a more
16 senior position?

17 **A.** Yeah. Moving into full professor, I was starting to
18 think about that.

12:30:37

19 **Q.** The CV that you altered in its original state is still
20 the CV that you use on your professor page for your normal
21 job, correct?

22 **A.** Yeah. That's still up there. That hasn't been
23 updated since over a year ago. It's a slow process to get
24 the administrator to get your stuff up on your website. I
25 rarely look at my own website. What I use or what would

12:30:55

1 go out to evaluators of me would be the CV that I maintain
2 on my, you know, computer and update that and then send
3 out my materials to external reviewers who are going to
4 review my CV, my record, my articles, my books, and things
5 like that.

12:31:17

6 **Q.** Have you -- you would agree that the CV that you are
7 now using since *Pierce* and this case now for your own
8 legal work is different than the one that you advertise to
9 the public through your university page, correct?

12:31:40

10 **A.** Yes. They are different. But, again, I spend very
11 little time on that web page. It's not what would go to
12 external reviewers. They would get the same CV that I
13 have here that I update when I have new publications. If
14 you look at the difference, the CV on my own website is I
15 think I have 43 articles. Here now I have 45. It's just
16 the one that is advertised to the public I don't focus
17 that much on that because the internal, you know, process
18 of submitting my CV in different places comes directly
19 from me.

12:31:59

12:32:14

20 **Q.** And did Judge Dever find your explanation that you
21 were maturing in your career and that's why you changed
22 your CV to be credible?

23 **A.** I don't believe that he did.

24 MR. BERG: Thank you. Pass the witness.

12:32:31

25 MS. PERALES: No further questions.

1 JUDGE GUADERRAMA: May this witness be
2 permanently excused?

3 MR. BERG: Yes, Your Honor.

4 MS. PERALES: Yes, Your Honor.

12:32:36

5 JUDGE GUADERRAMA: All right. Dr. Collingwood,
6 thanks so much for coming down. You are excused and free
7 to go, sir.

8 Who is your next witness?

9 MR. NOTZON: Robert Notzon for the intervenors.

12:32:47

10 We call Texas State Representative Chairwoman Barbara
11 Gervin-Hawkins.

12 JUDGE GUADERRAMA: Good morning, Chairman
13 Hawkins. Raise your right hand, ma'am, to receive the
14 oath.

12:35:02

15 Do you solemnly swear or affirm the testimony you
16 shall give in this proceeding will be the truth, the whole
17 truth, and nothing but the truth so help you God?

18 THE WITNESS: I do.

12:35:11

19 JUDGE GUADERRAMA: Thank you, ma'am. If you'll
20 have a seat in that chair there. Do us the huge favor of
21 rolling towards the microphone; and if you'll lean into it
22 a little bit, your voice will get louder.

23 THE WITNESS: Thank you, Judge.

24 JUDGE GUADERRAMA: Mr. Bledsoe.

12:35:25

25 MR. BLEDSOE: Good morning. Thank you, Your

1 Honor.

2 **REPRESENTATIVE BARBARA DENISE GERVIN-HAWKINS,**

3 having been first duly sworn, testified as follows:

4 **DIRECT EXAMINATION**

12:35:27

5 BY MR. BLEDSOE:

6 **Q.** Would you state your full name for the panel, please?

7 **A.** My name is Barbara Denise Gervin-Hawkins.

8 **Q.** Okay. And what is your profession?

9 **A.** I am a state legislator and an educator.

12:35:49

10 **Q.** So let's talk about the state legislator portion of
11 that. How long have you been a state legislator?

12 **A.** This is my fifth term. So nine years. And it will be
13 ten years next year.

14 **Q.** So were you there for the 2021 round of redistricting?

12:36:05

15 **A.** I was.

16 **Q.** And were you on the redistricting committee in 2021?

17 **A.** No.

18 **Q.** Were you on the redistricting committee in 2025
19 regular session?

12:36:22

20 **A.** Yes.

21 **Q.** Now, let's talk a little bit about your professional
22 background. So what is -- tell us about your education.

23 **A.** So I have a bachelor's in business with a

24 concentration in accounting. I have a master's in

12:36:38

25 education. And I am finishing my dissertation for my Ph.D

1 in educational leadership. Also, I'm a certified middle
2 school math teacher, certified principal/school
3 administrator.

12:36:58

4 **Q.** Tell us about some of the roles you have handled in
5 the educational arena.

12:37:16

6 **A.** So I started one of the first charter schools in the
7 state of Texas. So we were first generation. The George
8 Gervin Academy. And I served in the role as the
9 superintendent. And later on, now I'm the special
10 projects coordinator at the organization.

11 **Q.** And tell us about your accounting background.

12:37:37

12 **A.** So getting my undergrad degree from Eastern Michigan
13 University. And I first worked for Ford Motor Company
14 directly out of college. And then I went to Detroit
15 Edison. And then in 1980 my brother called me to come to
16 be his personal business manager.

17 **Q.** Now, do you hold any special positions of significance
18 within the legislature?

12:38:01

19 **A.** I do. I am the chair of the Texas Legislative Black
20 Caucus. I'm also a member of the redistricting committee,
21 a member of the appropriations committee, a member of the
22 ways and means committee. I'm also the Texas caucus chair
23 for tourism.

12:38:26

24 **Q.** Now, Madam Chair, tell me about the Black caucus of
25 the Texas Legislature. How many members, et cetera?

1 **A.** There is 19 House members and two Senators. So it's
2 21 of us.

3 **Q.** The -- in reference to the election of -- as chair,
4 you have been chair since when?

12:38:50 5 **A.** November of 2024.

6 **Q.** Now, when you were on the committee, you say, in 2025
7 regular session; is that correct?

8 **A.** I want to be clear. I'm not clear. What was your
9 previous question? Was it I on the election commission or
10 as Black caucus chair, like you said, in November of 2024?

11 **Q.** Were you on the redistricting committee for the
12 regular session in the 2025 89th regular session?

13 **A.** I was. Yes, sir.

14 **Q.** Was there any discussion of creating a new
15 congressional map on that committee during the regular
16 session?

17 **A.** None at all. We never had one meeting.

18 **Q.** Okay. So you had a redistricting committee during the
19 regular session, and you had no meetings?

12:39:52 20 **A.** Correct.

21 **Q.** So in the summer of 2025, something changed in
22 reference to there being some discussion about
23 redistricting.

24 Could you tell us what happened?

12:40:12 25 **A.** So it's my understanding that the governor received a

1 letter from the Department of Justice saying that the maps
2 were wrong. They were not proper. And so we were told
3 that we needed to do this midterm redistricting.

12:40:40

4 **Q.** Okay. And so when you say "letter," what letter are
5 you referring to?

6 **A.** The Department of Justice letter.

7 MR. BLEDSOE: Thank you, guys.

8 BY MR. BLEDSOE:

12:41:27

9 **Q.** Okay. So can you take a look at this document and
10 tell us if this is the letter that you were talking about?

11 **A.** It is the letter that we were talking about.

12 **Q.** Okay. And does it indicate anywhere here in the
13 letter if any particular districts are at issue?

14 **A.** It does. It lists districts on here, correct.

12:41:50

15 **Q.** And are you familiar with those four districts that
16 are listed there?

17 **A.** Somewhat familiar.

18 **Q.** Okay. And are those districts that are held by
19 minorities or majority individuals?

12:42:03

20 **A.** Minorities.

21 **Q.** Okay. All four of them?

22 **A.** All four of them.

23 **Q.** Okay. And did this letter continue to be part of the
24 legislative discussion?

12:42:15

25 **A.** Yes, sir.

1 Q. Now, when was it that the appointments were made by
2 the speaker to the select committee on redistricting for
3 the summer session?

12:42:41

4 A. I believe it was July 21st, the date of the letter,
5 where he appointed the select committee.

6 Q. And you were appointed to that committee; is that
7 correct?

8 A. I was.

9 Q. And was Todd Hunter also appointed to that committee?

12:43:08

10 A. Yes, sir.

11 Q. Okay. So -- thank you.

12 MR. DUNN: I think we need to switch back over.

13 MR. BLEDSOE: I need to turn this on.

12:43:24

14 MR. DUNN: Mr. Bledsoe, do you want the video or
15 documents?

16 MR. BLEDSOE: Oh, no. The exhibit.

17 MR. DUNN: The order?

18 MR. BLEDSOE: Yes. Could we --

19 BY MR. BLEDSOE:

12:43:57

20 Q. So, Madam Chair, I think you've seen this. Do you see
21 a reference to Representative Todd Hunter in this?

22 A. I do.

23 Q. Okay. Now, this is an opinion from a three-judge
24 panel in the last round of redistricting. And what did it
25 say about Todd Hunter in that first sentence?

12:44:20

1 **A.** It says [as read:] Further, there is evidence that
2 the mapdrawers, including specifically Rep. Hunter,
3 racially gerrymandered the districts that remained in
4 Nueces County to further undermine Latino voting strength.

12:44:41

5 **Q.** And read just the next sentence, and I'll ask you a
6 question.

7 **A.** [As read:] There are ten precinct splits along the
8 HD32/HD34 border (see U.S.-387) indicating that mapdrawers
9 were likely using race to assign population since accurate
10 political data is not available below the precinct level.

12:45:01

11 **Q.** Now, so knowing that Chair Hunter has this kind of
12 history, does that cause you any concern regarding his
13 appointment to be on the redistricting committee and,
14 secondly, to be the sponsor of the new redistricting bill?

12:45:28

15 **A.** Yes. It did.

16 **Q.** Okay. Can you tell us why you would have concern with
17 his appointment based on this information?

18 **A.** Because it was already determined that he was using
19 and/or engaged in racially identifying the precincts in
20 these maps, and it appears the same thing was going on in
21 this 2025 redistricting.

12:45:49

22 **Q.** So after you were appointed to the committee, you guys
23 ended up having a schedule, did you not, of different
24 meetings that took place?

12:46:13

25 **A.** Yes, sir.

1 Q. Okay. And those meetings were first public hearings
2 that were around the state; is that correct?

3 A. Correct. Some parts of the state.

12:46:35

4 Q. And did you have concern with how you all undertook
5 those public hearings?

6 A. Yes.

7 Q. Could you explain to the Court what your concerns
8 were?

12:46:47

9 A. Well, my concerns initially was there were no maps.
10 So how could we have public hearings if there are no maps?
11 So the community, our constituent base, never had any idea
12 of what those maps looked like, nor did we.

12:47:09

13 So two days -- prior to the first meeting, it was just
14 two days supposedly the maps were put out on RedAppl where
15 we were supposed to look at it. So we didn't have any
16 time to do any analytics or see what the impacts were. So
17 that was one of the concerns.

12:47:26

18 As well as when we had the first hearing, which was in
19 Austin, the folks that came to testify was told you can't
20 vote "yea" or "nay." You had to be neutral, since there
21 were no maps.

12:47:46

22 So during that hearing, particularly that first one in
23 Austin, when people were adamantly against the midterm
24 redistricting, and they were just -- I would say 99.5 was
25 against it, and they were asking for the maps and we were

1 asking for the maps. So that was quite concerning when
2 those things did not occur.

12:48:03

3 **Q.** And so you talked about the fact that people had to
4 sign in neutral. What do you think the consequence of
5 them having to sign in neutral was?

12:48:17

6 **A.** Well, because it appeared that they didn't want to
7 register the negative votes. And so naturally that raised
8 a red flag that you don't want people to -- you want to
9 have a public hearing, but you don't want them to
10 adequately weigh in on those public hearings on the actual
11 action to be taken. That was concerning.

12 **Q.** And so it was only a couple of days after the last
13 public hearing that the map was actually revealed; is that
14 correct?

12:48:34

15 **A.** Correct.

16 **Q.** And so what did you think when you saw the map being
17 released so close to the public hearings?

12:48:51

18 **A.** Well, I felt there was nefarious activity going on. I
19 mean, throughout the process, there was a lot of things
20 that I was concerned about because we had no maps. And we
21 had thousands of people to come to testify against maps
22 that no one saw and didn't exist from what I'm aware of --
23 I was aware of.

12:49:17

24 **Q.** Now was this whole issue of the Harmeet Dhillon letter
25 discussed continually throughout the meetings of the House

1 Select Committee on Redistricting?

2 **A.** It was.

3 **Q.** Was it deemed to be important by members of the
4 committee?

12:49:28 5 **A.** No doubt about it.

6 **Q.** So did the committee request the chair to send a
7 letter to the author of the DOJ letter?

8 **A.** Yes. The Democratic members requested that if this
9 letter was so important, that we would like to speak

12:50:10 10 directly to the author of the letter.

11 MR. BLEDSOE: I believe this is Exhibit 5. I'll
12 make sure of that but -- okay.

13 BY MR. BLEDSOE:

14 **Q.** So here in this letter you asked for the author of the
15 letter to come and talk to the committee.

12:50:34

16 And did that ever happen?

17 **A.** No. She never came.

18 **Q.** Okay. Now, you had a meeting just a couple of days
19 later on August 1st; is that correct?

12:50:50 20 **A.** Correct.

21 **Q.** And I think you had another on August 2nd?

22 **A.** Correct.

23 **Q.** And the August 2nd meeting, I think you may not have
24 attended; is that right?

12:51:09 25 **A.** Correct.

1 Q. And could you tell us why?

2 A. It was so much what I would call disrespect as a
3 member of the committee. There was so many lies and
4 disingenuous statements made that I felt there was really
5 no purpose of coming on August 2nd, which was to vote out
6 the maps.

12:51:32

7 Q. And so the -- and so had you -- when you said "to vote
8 out the maps," what do you mean? What was said about
9 voting out the maps?

12:51:56

10 A. So August 1st, when we met, there was discussion and,
11 you know, about the maps. And we didn't have any valuable
12 input, and we weren't able to give any valuable input.
13 And so the trail of events that happened throughout July
14 and August led me to believe what was the purpose of
15 coming on August the 2nd.

12:52:18

16 Q. So did you determine in your mind or opinion whether
17 or not the processes that were being undertaken by the
18 opposition party were legitimate for the legislative
19 process?

12:52:37

20 A. It was not legitimate at all.

21 Q. So two things. You mentioned the lies. Did
22 you -- did you ever have a conversation with Todd Hunter
23 about the inability to get answers or the untruths that
24 were being given to you?

12:53:00

25 A. I did.

1 Q. And what was your -- what was the result of that
2 conversation?

3 A. Well, on August 1st I went to Todd Hunter,
4 Representative Hunter, and really shared with him my
12:53:13 5 concern about the overall process being disingenuous, not
6 truthful, and just playing games with us was basically the
7 problem.

8 And basically Todd told me -- I said, Todd, I have
9 never known you to be like this. You know, this is
12:53:30 10 unfair. It's wrong. And I don't know what you are doing.

11 He said, I'm just a smooth operator.

12 And I thought that was insulting because we're talking
13 about a serious issue here.

14 Q. And so did it ever change that members of the
12:53:51 15 committee and the leadership started to give answers to
16 you? Did they ever start giving answers that you were
17 seeking?

18 A. No. They weren't giving any answers. It was they
19 didn't know this. They didn't -- I asked, Who did the
12:54:06 20 maps? They didn't know.

21 You know, What did it cost? I don't know.

22 I said, Well, if you are going to engage someone to do
23 maps, then that means you should know -- there should be
24 an engagement letter. I know if you are going to engage
12:54:23 25 an attorney you have got to have an engagement letter and

1 you have got to lay out the scope of work.

2 But he said he didn't know what the scope of work was.

3 And so there was just a lot of vagueness and things
4 that just didn't make sense.

12:54:43 5 **Q.** Did you ask for legal counsel?

6 **A.** We did. We said if the majority party has legal
7 counsel and advice, we should have the same right. And
8 the Chairman said, Hmm, I never thought about that. Okay.
9 But nothing ever happened.

12:54:56 10 **Q.** Now, some people might say, well, why didn't you go
11 out and hire legal counsel. Is there anything about how
12 their legal counsel was being paid for that was part of
13 your request?

14 **A.** We asked how was it being paid for, but they said they
15 didn't know.

16 And I said, Well, I think the State probably paid for
17 legal counsel. So we should be entitled to legal counsel,
18 too.

19 It's like, well, I don't know.

12:55:19 20 **Q.** So let me understand what you just said.

21 Did you say you asked the committee leadership how
22 their lawyer was being paid for?

23 **A.** Correct. I said if it's taxpayer money -- if it's
24 taxpayer money, then we need to know that.

12:55:39 25 **Q.** Their answer again was?

1 **A.** They didn't know.

2 **Q.** So they are getting a lawyer and a lawyer is going to
3 be retained, but they don't know who is paying for the
4 lawyer?

12:55:47

5 **A.** Right. And I specifically asked the chairman
6 specifically myself, where is the engagement letter and
7 how much was paid. Nothing to this date.

8 **Q.** Now, if we take a look at -- so on 8-18. Let me get
9 that exhibit here. I'll get it from here in a second.

12:56:52

10 Exhibit 45 is the next one here.

11 On August 18th did you all end up having a special
12 meeting of the committee?

13 **A.** Yes.

12:57:43

14 **Q.** Okay. And was this special meeting of the committee,
15 did you get notice of it on the same day as the meeting?

16 **A.** Yes.

17 **Q.** And could you tell the Judges how -- is that usual or
18 unusual to get a meeting notice on the same day?

12:58:06

19 **A.** Well, something that is as important as this, we
20 normally get an opportunity to have notice prior to the
21 same day.

22 **Q.** And the August 18th meeting was the meeting where a
23 new map was introduced; is that correct?

24 **A.** Yeah. Seven new districts was added.

12:58:24

25 **Q.** And did you have a regular meeting scheduled earlier

1 in the day when you were going to discuss the earlier map
2 that was canceled?

3 **A.** It was canceled.

4 **Q.** All right. And so how many hours would you
5 guesstimate before the special meeting at 5:00 did you get
6 notice that there was going to be a 5:00 special meeting?

7 **A.** I think it was just a couple of hours.

8 **Q.** Okay. And at the time they noticed the meeting, did
9 you have a copy of the new map?

10 **A.** No.

11 **Q.** Did you understand that there was going to be a new
12 map introduced?

13 **A.** No.

14 **Q.** And so you were informed to be at the meeting at 5:00
15 at this new special called meeting?

16 **A.** Correct.

17 **Q.** Okay. And so you talked earlier about the analytics
18 and things like that in analyzing the map; is that
19 correct?

20 **A.** Correct.

21 **Q.** Okay. And as a member of the redistricting committee,
22 could you tell the panel how important that is to perform
23 your role on the redistricting committee to be able to
24 have time to look at things like that?

25 **A.** Well, it was very difficult to vote on something that

1 you haven't seen and that you don't know about.

2 Not only that, giving the public time also to weigh in
3 I feel is always important as we speak about transparency
4 and then the importance of making sure the citizens know
5 what is going on.

12:59:59

6 And none of that occurred.

7 **Q.** And the -- now, when the first map was issued, 2308,
8 I'll ask you if you recall if a link was sent to the
9 members of the committee so they would have access to the
10 leg. counsel RedAppl connection to be able to make
11 recommended changes to the bill?

01:00:27

12 **A.** I'm not aware of any links that were sent. The first
13 I heard about these seven additional districts that were
14 added was at the meeting itself.

01:00:43

15 **Q.** But in the first bill was such a link sent to invite
16 access or opportunity to make --

17 **A.** Yeah. Two days before the public hearing.

18 **Q.** Right.

19 **A.** But it -- I mean, basically, no amendments were going
20 to be accepted.

01:00:55

21 **Q.** All right. And so we'll talk about that in a second.

22 But in terms of the one that happened on the 18th,
23 there was no link, no opportunity, no access for
24 amendments; is that correct?

01:01:08

25 **A.** Correct.

1 Q. Okay. And, in fact, do you remember how long that
2 meeting lasted?

3 A. It was a pretty short meeting.

4 Q. Okay. And I think the record indicates 46 minutes.
5 Is that about right?

01:01:21

6 A. Approximately. Yeah. I wasn't counting, but sounds
7 about right.

8 Q. Okay. And so that bill was unveiled and introduced
9 and laid out in whatever discussion was had, and I think
10 you had to have two votes that day, is that right? Did
11 you have to have a vote to substitute this new bill?

01:01:37

12 A. Correct.

13 Q. And then did you have to have a vote to vote that bill
14 out?

01:01:47

15 A. Correct.

16 Q. So all that occurred in 48 minutes?

17 A. Correct.

18 JUDGE GUADERRAMA: Mr. Bledsoe, before we go on,
19 it's 1:00 and time for our lunch break.

01:01:56

20 MR. BLEDSOE: Yes, Your Honor.

21 JUDGE GUADERRAMA: Be back at 2:15. We'll resume
22 our proceedings.

23 MR. BLEDSOE: Thank you, Your Honor.

24 JUDGE GUADERRAMA: Back at 2:15, please.

01:02:22

25 MR. VELEZ: This Court stands in recess.

