

16:00 1 Q. You don't recall, then, as you sit here, what the
2 population percentage is, even within a bracket, for your
3 district?

4 A. I've -- you know, there was quite a few percentages we
5 looked at. I'm not sure which one you're actually asking me
6 about, but, I mean, I'm sure the Court has the record.

7 Q. Have you given any careful attention in the difference
8 between the total population of Hispanic that your district is,
9 and the Citizen Voting-Age Population that your district is?

10 A. I haven't looked at any data regarding any of that.

11 Q. But I understood that you testified to counsel that the
12 election that you were able to prevail in 2024, there was
13 roughly about 175,000 votes cast.

14 A. Right. That was in the -- from the outcome of the
15 election.

16 Q. Out of a district, that's roughly 900 or so thousand
17 people?

18 A. Okay.

19 Q. Is that your recollection?

20 A. Yes, sir.

21 Q. Now, you mentioned political science. And the Court's
22 heard from a bunch of them in this case, will hear from some
23 more, but have you actually looked at an analysis of the voting
24 trends in your Senate District?

25 A. Voting trends how? How do you mean?

16:01 1 Q. You know, the types of people that support you, the types
2 of people that support opposing candidates?

3 A. I don't look at that kind of stuff.

4 Q. One of the things that the experts on both sides in this
5 court case have agreed upon is that there's this resource
6 called DRA, or Dave's Redistricting, and I'd like to show you
7 just a few things in that now, which I'll pull up here on the
8 screen.

9 JUDGE GUADERRAMA: Mr. Dunn, it seems like you're
10 going to be going for a while. How about we take our break,
11 come back at 4:15?

12 MR. DUNN: Sure. We can do that.

13 JUDGE GUADERRAMA: All right. Recess 'til 4:15.

14 (Recess.)

15 JUDGE GUADERRAMA: Senator Hinojosa on the witness
16 stand.

17 Mr. Dunn?

18 MR. DUNN: Thank you, sir.

19 Q. (BY MR. DUNN) Good to see you again, Senator. I want to
20 just go back to your conversation with Adam Kincaid just real
21 quick. Do you recall about when that was?

22 A. It was during the ALEC convention. Was it middle of June?
23 I mean, excuse me, July?

24 Q. I think the record reflects it was July 15th through 17th.
25 Does that sound about right to you?

16:17 1 A. Sounds about right.

2 Q. And who else was present for that meeting?

3 A. Senator King.

4 Q. Anyone else?

5 A. And it wasn't a meeting. I was with Senator King, and we
6 were on our way to another meeting, ran into him, short
7 introduction.

8 Q. You sat down at a table, and you all talked?

9 A. They did for a little while. I think I got a phone call,
10 and I was there briefly waiting for Senator King. We were on
11 our way to another meeting.

12 Q. So there was a part of that conversation that Senator King
13 had with Mr. Kincaid that you did not witness?

14 A. That's correct.

15 Q. How long was their meeting, if you know?

16 A. I --

17 Q. You walked away and left them there to meet. Is that fair
18 to say?

19 A. In part.

20 Q. Well, did you return, and they were still meeting?

21 A. I don't recall, actually.

22 Q. Okay. I just want to take one last minute and show you --
23 I was starting this before the break, but we have this software
24 that the experts in this case have used across the board called
25 DRA, Dave's Redistricting, and I've pulled a couple of slides

16:18 1 from it -- from your district. Except for these first two,
 2 which is from Senate District 20, and you recognize downtown
 3 Corpus Christi in this map? See the Corpus Christi Memorial
 4 Hospital here?
 5 A. Okay. Yes, sir.
 6 Q. This would be the bay?
 7 A. Mm-hmm.
 8 Q. You with me now?
 9 A. Yes, sir.
 10 Q. Now, Corpus Christi is not wholly within Senate District 20
 11 or Senate District 27. Is it?
 12 A. That's correct.
 13 Q. It's split. Is that fair to say?
 14 A. Yes, sir.
 15 Q. Now, if you look here on what Dave's is reporting for
 16 precinct 85 -- you see it right there next to Corpus Christi
 17 Memorial Hospital?
 18 A. Yes, sir.
 19 Q. I mean, you're familiar with that area, right? It's your
 20 hometown?
 21 A. I mean, familiar where it is, sure.
 22 Q. Sure. That's all I'm asking.
 23 A. Yes.
 24 Q. And it shows over here that the population of that
 25 particular area, that is in Black is 1,010 people, and it's got

16:18 1 the 2024 election results there. And it shows that it was
2 69.9 percent for the Democratic candidate, which would have
3 been Kamala Harris, and 29.5 percent for the Republican
4 candidate, that would have been Donald Trump.

5 Do you see that?

6 A. I see it, yes, sir.

7 Q. And just to be helpful, I also put the Governor support for
8 Democratic candidates in 2022, and that was 77 percent. Do you
9 see that?

10 A. Yes, sir.

11 Q. And it sounds like, you know, you're unfamiliar, at least
12 with the voting patterns of this area. Is that accurate?

13 A. I don't study the demographics.

14 Q. Okay. Sure. So one more precinct here. This is also from
15 Senate District 20. You'll see it's just across the way here,
16 a little bit to the west. And it shows a population of 1,744
17 people, and it divides, roughly 73 and a half to 26 and a half
18 in favor of the Democratic candidate for president.

19 Do you see that?

20 A. I see it here, yes, sir.

21 Q. 86.3 points in favor of the Democratic candidate for
22 governor in 2022. You see that?

23 A. Yes, sir.

24 Q. Now, let's transition to your district, Senate District 27.
25 You see, we're just in the same area of Corpus Christi, but

16:20 1 we've moved over to a part that's in your district. Do you
 2 recognize that as part of your district? Looks like a
 3 crosstown expressway goes through there?

4 A. Is that -- I can't see that. Is that Escondido --
 5 Saratoga?

6 Q. Let me zoom in here. Maybe you'll recognize some of these
 7 streets for us.

8 A. Okay. That looks like the freeway there. Yeah, Saratoga
 9 down here at the bottom. Okay. I see that.

10 Q. You with us now?

11 A. Yes, sir.

12 Q. Okay. So here it shows about 5,000 people in this
 13 precinct, and it shows that support for Kamala Harris was
 14 58.6 percent. In support for the Republican candidate, Donald
 15 Trump was 40.9 percent. Do you see that?

16 A. Yes, sir.

17 Q. And for Governor, it was 66.4 percent in favor of the
 18 Democratic candidate in that precinct. Do you see that?

19 A. I see it.

20 Q. Here's another precinct that's 90.8 Percent Hispanic.

21 MR. BRYANT: Your Honor, I'm gonna object to Counsel
 22 just reading documents the witness has not seen and really not
 23 asking any questions. He said he doesn't know anything about
 24 these maps. He's essentially just testifying from --

25 JUDGE GUADERRAMA: Well, lawyers' questions are

16:21 1 never -- it's the answer of the witness that's the evidence,
 2 and they can say what they want. But it's the witness' answer
 3 that counts, so I'll let Mr. Dunn do what he's doing.

4 MR. DUNN: I'm sorry to have interrupted, Your Honor.
 5 I just have a couple more, and I'm almost finished.

6 Q. (BY MR. DUNN) Here in the -- in this next slide, each
 7 selected a different precinct that's 90.8 percent Hispanic, and
 8 you see it summarizes the total of support for the Democratic
 9 candidate at 61.8 for Harris in 2024 and 65.7 for the
 10 Democratic gubernatorial candidate in 2022.

11 Do you see that?

12 A. Yeah. I see what you've put on the map here.

13 Q. It's also a precinct, though, that's in your district, as
 14 it notes here, and you probably recall. Fair to say?

15 A. If you want to zoom in, it's hard for me to see these.

16 Q. Sure. Looks like there's a little airport out there. NQI?
 17 Kingsville?

18 A. Oh, yes, Kingsville. Yes, sir.

19 Q. Okay. And another precinct there in Kingsville, roughly
 20 precinct 45, roughly the same results. You see that?

21 A. I see it.

22 Q. So, again, you mentioned you're not a political scientist,
 23 and you haven't studied these things, but here, this resource
 24 will also run what we call a regression, and it will show you
 25 the support for candidates based on the race or ethnicity of

16:22 1 the voters. And the testimony before this Court has been that
2 when you see that X pattern like that, what it shows is the
3 voters are what you would call racially polarized in their
4 choices. Have you ever seen something like this?

5 A. No, sir.

6 Q. But your testimony today is, you haven't looked at the
7 voting patterns of individual citizens in your Senate District
8 in this way. Is that fair?

9 A. I have not. We have consulting firms and people who do
10 that kind of thing.

11 Q. Okay. Well, thank you, sir. Thank you for your time and,
12 thank you for your service to our state.

13 A. God bless you. Thank you.

14 JUDGE GUADERRAMA: Mr. Bledsoe?

15 MR. BLEDSOE: Thank you, Your Honor.

16 **CROSS-EXAMINATION**

17 **BY MR. BLEDSOE:**

18 Q. Senator, howdy? I met you in the elevator earlier. I'm
19 Gary Bledsoe.

20 A. Pleasure, sir.

21 Q. Congresswoman Crockett, Congressman Green. I just have a
22 couple of questions.

23 We -- so you still believe that there is an issue -- a
24 problem with racial discrimination in Texas?

25 A. I believe that there's people who are still racist, but as

16:23 1 widespread, I haven't seen it.

2 Q. But to the extent that it exists, you agree that this Court
3 or whatever other entity that has the authority to stop it
4 should stop it. Is that right?

5 A. If there's an ability to stop racism, absolutely, sure.

6 Q. Because it's wrong and it's bad. Is that not true?

7 A. I agree.

8 Q. And the -- and you've got confidence in minority voters.
9 Don't you?

10 A. I believe I do, sir.

11 Q. Okay. And you have confidence in the voters in your
12 district. Is that correct?

13 A. I believe I do.

14 Q. Okay. And those voters in your district, you believe, have
15 the same free speech rights to vote for whoever they want that
16 any other voter has in any other district. Is that right?

17 A. Yes, sir.

18 Q. Okay. And they shouldn't be penalized because they prefer
19 one group or another. Is that correct?

20 A. Yes, sir.

21 Q. Okay. So a voter should have an equal right to vote for a
22 Democrat or vote for a Republican?

23 A. That's right.

24 Q. Okay. And the -- and just like they have predominantly
25 White districts that are preserved, where White voters are able

16:25 1 to elect their candidate of choice, there should be the
 2 opportunity for there to be a Brown district that exists so
 3 that brown voters can elect their candidate of choice.

4 Wouldn't you agree?

5 A. I differ a little bit, sir. I mean, the fact is, I think
 6 that it's based off of values. I really believe that. I was
 7 raised in South Texas, and again, you know, to bring the
 8 example of my father, who proclaimed himself to be a Democrat
 9 his entire life, but we shared values and, you know, I wasn't
 10 raised to see color, right?

11 So I've heard more about racism in recent years than
 12 I've heard my entire life, and that's living in South Texas,
 13 right? So I feel like people should have the ability to vote
 14 their values. I don't know that it, you know -- that's just
 15 my -- that's how I feel, sir.

16 Q. But you have the -- Brown and Black voters should have the
 17 same opportunity to vote their values as White voters. Is that
 18 correct?

19 A. I mean, everybody should have the right to vote their
 20 values, period. Yes, sir.

21 Q. And so you should not dismantle a district because it has
 22 predominantly Brown voters. Should you?

23 A. I mean --

24 Q. Would you agree?

25 A. If that's what -- I don't think that that's part of what's

16:26 1 considered here, but, yeah, absolutely.

2 Q. That would be wrong, right?

3 A. Sure.

4 Q. Thank you.

5 MR. BLEDSOE: Pass the witness, Your Honor.

6 JUDGE GUADERRAMA: Mr. Quesada?

7 **CROSS-EXAMINATION**

8 **BY MR. QUESADA:**

9 Q. Sir, I represent the Mexican American Legislative Council.
10 You understand that it's open only to members of the State
11 House, right?

12 A. I'm not even aware of that caucus, to be honest.

13 Q. Oh, okay. Because I think some people thought that state
14 senators could be in the Mexican American Legislative Caucus,
15 but you understand that's not the case?

16 A. If you're telling me so, yes, sir.

17 Q. Let me say it this way. No, Senator Hinojosa is eligible.

18 A. Neither one of us, huh?

19 Q. Neither one of you. That's all the questions I have.
20 Thank you, Your Honor.

21 JUDGE GUADERRAMA: Thank you, Mr. Quesada.

22 Anyone else? Plaintiffs?

23 Mr. Bryant?

24 MR. BRYANT: Your Honor, no further questions. May
25 Senator Hinojosa be excused?

16:27 1

MR. DUNN: Yes.

2

MS. PERALES: Yes, Your Honor.

3

MR. QUESADA: No objections, Your Honor.

4

JUDGE GUADERRAMA: Senator, thank you so much for visiting, you're excused and free to go, sir.

6

THE WITNESS: Thank you, Your Honor.

7

(Witness excused.)

8

JUDGE GUADERRAMA: Who's your next witness?

9

MR. BERG: Zachary Berg for State Defendants. Call Dr. Jeffrey Lewis. Also at counsel table will be Katherine McKnight from BakerHostetler based on testimony yesterday that might touch on the privilege of Senator King.

13

THE WITNESS: Present.

14

JUDGE GUADERRAMA: Good afternoon, Dr. Lewis. If you'd raise your right hand, sir, to receive the oath.

16

(Witness sworn.)

17

JUDGE GUADERRAMA: Thank you, sir. If you'd have a seat in the chair, please.

19

Sir, whenever you're ready, sir.

20

MR. BERG: Thank you, Your Honor.

21

JEFFREY B. LEWIS, Ph.D.,

22

duly sworn by the Court, was examined and testified as follows:

23

DIRECT EXAMINATION

24

BY MR. BERG:

25

Q. Dr. Lewis, would you please state your full name for the

16:29 1 record?

2 A. Jeffrey Byron Lewis.

3 Q. And could you please tell us a little bit about your early
4 educational background?

5 A. I earned my bachelor's in economics and political science
6 from Wesleyan University, and my Ph.D. in political science
7 from MIT.

8 Q. And after you graduated from MIT, where did you go next?

9 A. I was appointed as an assistant professor of politics and
10 public policy at Princeton University. And was there for
11 several years. I also spent a year at Dartmouth College before
12 moving to UCLA.

13 Q. And is your current job at UCLA?

14 A. That's correct.

15 Q. And what is your current position?

16 A. I'm a professor of political science.

17 Q. And how long have you been at UCLA?

18 A. Since 2001.

19 Q. During your time at UCLA, have you held any academic
20 leadership positions?

21 A. Yes. I have been -- I was the chair of my -- of our
22 Political Science Department for six years. And I was the
23 chair of the faculty of the college of arts and sciences for
24 three years.

25 Q. And I believe you have some private sector experience. Can

16:30 1 you tell us about that?

2 A. Yes. I joined a startup polling company called
3 Poll Metrics as their director of statistics in the early
4 2000s.

5 Q. And are you still there now?

6 A. I'm not.

7 Q. Why did you leave?

8 A. Well, as I said, it was a startup, and so there were a lot
9 of technical challenges in terms of developing the intellectual
10 capital that this online polling company developed. And after
11 several years of that, we had built this business that did
12 online polling. I wasn't particularly interested in conducting
13 the policy. I was more interested in building the
14 infrastructure. And my stock options had vested, and I stopped
15 working there.

16 Q. What is the current focus of your work?

17 A. Yes. So my work now, as it has been, is largely related to
18 trying to make inferences about preferences, typically voter
19 preferences or legislator preferences, from observable data on
20 the choices that political actors make.

21 Q. And have you published in peer-reviewed outlets on the
22 ecological inference?

23 A. Yes.

24 Q. And approximately how many publications do you have on
25 developing or applying quantitative methods to voting or

16:31 1

politics?

2

A. Over 25.

3

Q. Any topics in particular?

4

A. Yes. A lot of my work, as I -- as I mentioned, involves --

5

in trying to infer the left-right positions of members of

6

Legislatures based on their voting records or the left-right

7

positions of voters based on their vote choices marked on their

8

ballots or by examining answers to policy questions on surveys.

9

Q. Have you taught on the subjects either at UCLA or as a

10

invited lecturer at another university?

11

A. Yes. I talked on the topic of -- of ecological inference.

12

Once, I was invited to give a week-long course to graduate

13

students at Academia Seneca in Taipei. And I've also taught

14

issues related to ecological inference to my graduate students

15

periodically at UCLA and at Princeton.

16

Q. Have you ever held a position in a professional society?

17

A. Yes. I was the president of the Society for Political

18

Methodology.

19

Q. And what is the Society for Political Methodology?

20

A. The Society for Political Methodology is the leading

21

organization -- professional organization for people like

22

myself, who focus on developing quantitative statistical molds

23

for the study of politics.

24

Q. And have you ever worked with R packages or R language?

25

A. Yes, yes. I have written R code and R packages for over --

16:33 1 over 20 -- 20 years, and I've developed many packages. A
2 package is a -- an extension to the R language that you share
3 with other users so they can apply methods that you help to
4 develop. And I've authored several of those.

5 Q. And have you used -- did you use R packages for this
6 report?

7 A. Yes. I used the R computer language and various packages
8 in the work that I did for this proceeding.

9 Q. Have you ever served as an expert witness before?

10 A. I have.

11 Q. Approximately, how many times?

12 A. I believe counting times at which I was both -- you know,
13 was a witness in the sense of writing a report or giving
14 testimony, as well as instances in which I was a consultant.
15 13, I think.

16 Q. And, approximately, how many of those involved claims of
17 minority vote dilution?

18 A. I believe 11.

19 Q. And have you ever worked on a vote dilution case in Texas?

20 A. I have.

21 Q. And what was that case?

22 A. I believe it was Perez, maybe et al., v Abbott.

23 Q. And were you a consulting expert in Perez or a testifying
24 expert?

25 A. I was a consulting expert.

16:34 1 Q. How many times have you testified as an expert witness?

2 A. Five or six.

3 Q. Have you ever testified as an expert in a vote dilution
4 case within the Fifth Circuit?

5 A. I have.

6 Q. When did you do that?

7 A. There are two cases in Louisiana. I'm not remembering the
8 citations now. I think *Ardoin* was the Defendant, I believe, in
9 both cases.

10 Q. I won't make you attempt the French.

11 Have you ever been disqualified through a *Daubert*
12 motion?

13 A. No.

14 Q. Has a court ever found you to be not credible?

15 A. Not to my knowledge.

16 Q. I offer Dr. Jeffrey Lewis as an expert witness.

17 JUDGE GUADERRAMA: Ms. Perales? Mr. Dunn?

18 Mr. Quesada? Mr. --

19 MR. FOX: No objection from Gonzales, Your Honor.

20 MS. PERALES: No objection, Your Honor.

21 MR. DUNN: No objection.

22 JUDGE GUADERRAMA: No objection from Plaintiffs.

23 Anyone?

24 MS. NWACHUKWU: No objection, Your Honor.

25 MR. McCAFFITY: No objection, Your Honor.

16:35 1 JUDGE GUADERRAMA: All right. The Court receives him.

2 Q. (BY MR. BERG) Dr. Lewis, were you retained by State
3 Defendants in this matter?

4 A. I was retained by BakerHostetler for -- I think, on behalf
5 of the State.

6 Q. And did you prepare a report?

7 A. I did.

8 Q. Did you -- were you asked to prepare a rebuttal report?

9 A. I was not.

10 MR. BERG: Could we please bring up Dr. Lewis' expert
11 report dated September 22nd of this year and go to page 1?

12 Q. (BY MR. BERG) Doctor, is this your report?

13 A. Yes. It appears to be.

14 MR. BERG: Could we please go to page 8,
15 Certification?

16 Q. (BY MR. BERG) It says, I certify that the statements and
17 opinions in this report are true and accurate to the best of my
18 knowledge, information, and belief.

19 Dr. Lewis, did I read that correctly?

20 A. Yes.

21 Q. Dr. Lewis, are you aware of anything in your report or
22 backup data that is untrue?

23 A. I believe I'm aware of one inaccuracy, or one small error,
24 which is that -- in footnote 2, I say that some percentages
25 that I give relate to support for Donald Trump and, in fact,

16:37 1 they relate to support for Kamala Harris.

2 Q. Dr. Lewis, are you aware of anything else in your report
3 that is untrue or inaccurate?

4 A. I am not.

5 MR. BERG: Could we bring back up page 8?

6 Q. (BY MR. BERG) And Dr. Lewis, this is your signature dated
7 September 22nd, 2025, the date of the report?

8 A. It is.

9 MR. BERG: Richard, may we please go to paragraph 4?

10 Q. (BY MR. BERG) Dr. Lewis, at a high level, what were you
11 asked to examine in your report?

12 A. Yeah. Exactly -- exactly what it says there, that the
13 scope of my engagement here was very limited and conducted over
14 a very short period of time. And so I was really just asked
15 to -- three questions, really. One question was what the
16 relative value of electoral data versus racial and ethnic data
17 would be in forecasting voting in Texas precincts in an
18 election that would occur in the near -- in the near future.

19 The second question I was asked related to the extent
20 of variation in Hispanic voter cohesion that might be manifest
21 across the various parts of Texas. And they were to measure
22 that cohesion by support for the same candidate among Hispanic
23 voters. That was the second thing.

24 And then the third thing was to consider the degree to
25 which White Democrats, White Republicans, Black Democrats,

16:38 1 White Republicans Hispanic Democrats, and Hispanic Republicans,
2 would have the opportunity to vote for a winning congressional
3 candidate under two districting plans, one C2333 and the other
4 C2193.

5 Q. And, briefly, what were your conclusions on those
6 three points that you considered?

7 A. Yes. Using the methods of ecological inference, I found
8 substantial variation in -- in those estimates of Hispanic
9 cohesion across the state. And that was, I guess, two -- so a
10 little bit out of order. I apologize for that.

11 With respect to the first question, I find that
12 previous data -- previous electoral data, at the -- from the
13 precincts is very strongly predictive of subsequent partisan
14 voting in the precincts so that partisan voting -- prior
15 partisan voting is really a very strong predictor of
16 subsequent, or future, voting at the precinct level.

17 Q. And what was --

18 A. Stronger than for -- than -- stronger predictions that you
19 could make using information about the racial composition of
20 those precincts.

21 Q. I'm sorry. I cut you off. Did you have anything more to
22 add?

23 A. Well, I think still with respect to question three, I found
24 that White Democrats, Black Democrats, and Hispanic Democrats
25 were similarly facing sort of similar reductions in their

16:40 1 opportunity to vote for winning candidates. And that Hispanic
2 Republicans and Black Republicans would have some increase in
3 their ability to vote for winning candidates.

4 And that White Republicans would see a slighter
5 increase, or, actually, relatively stable, I believe, change in
6 their ability to elect their candidate of choice.

7 Q. And, Dr. Lewis, what data did you consider for your
8 analysis?

9 A. The data -- all the data and the estimates of cohesion and
10 so forth that I used were those -- were those prepared and
11 submitted by Professor Ansolabehere as part of -- I think it
12 was September 25th report that he filed. I believe in this or
13 in a related matter.

14 Q. And did you also consider any red reports from the Texas
15 Legislative Council?

16 A. Yes. I didn't rely on those, per se, but I did download
17 from a website operated by I believe the Texas Legislature or
18 the State of Texas Government that provided district-level
19 estimates of the Citizen Voting-Age Population of the districts
20 under these plans to just make sure that I understood what was
21 in Steve's data and -- Professor Ansolabehere's data and that I
22 could sort of roughly -- although I didn't do this in a very
23 systematic way, validate that the data I was looking at that he
24 had provided seemed to match up at the district level to what
25 was on the State's website.

16:42 1 Q. Why did you use the data and estimates of Dr. Ansolabehere
2 instead of preparing your own?

3 A. Yeah. The core reason there was just a matter of time. So
4 there was very little time. It takes a great deal of time to
5 present, or to develop -- estimates the cover of the entire
6 state, which I need in order to do the analysis that I was
7 asked to do. And so I decided that the only way to do that in
8 the amount of time that we had was to found this upon the work
9 that Professor Ansolabehere had done.

10 Q. Have you produced your own data in other cases?

11 A. Yes, in almost every other instance.

12 Q. By using Dr. Ansolabehere's data and estimates, are you
13 endorsing his findings?

14 A. No.

15 Q. Once you decided to use Dr. Ansolabehere's data and
16 estimates, what calculations or manipulations of the data did
17 you perform?

18 A. Yeah. So it was relatively straightforward at that point
19 to take the datasets and the values reported in the tables that
20 Dr. Ansolabehere produced, and load those into R, reformulate
21 them, rearrange them, and so forth in order to do the
22 calculations that I present in my report.

23 Q. Did you consider using any of the other experts in those
24 cases, data, and estimates?

25 A. Yes. I was also given a report filed at I think about the

16:43 1 same time by Professor Collingwood. And I looked there to see
2 if he had provided similar information that I could have used
3 to do the analysis that I did, ultimately, use in Professor
4 Ansolabehere's.

5 Q. Why did you consider using Dr. Collingwood's data?

6 A. Well, as I was reading through his report, I saw that the
7 strategy that he had used for doing the so-called ecological
8 inference estimates, which involve trying to infer the rates at
9 which the different ethnic groups supported various candidates,
10 I found that he had -- he had done that using a method that
11 tries to identify which voters in each particular election were
12 the -- were of the different -- were of different ethnicities,
13 whereas Professor Ansolabehere had set his strategy up to try
14 to -- at the same time, try to learn the rates at which the
15 different groups turned out to vote. So figure out who voted.
16 And also how they voted in one -- in one sort of estimation.

17 And I felt that in this case, it would be better to
18 have been able to -- or to do what Collingwood did.

19 Q. Based on that description, why did you decide against using
20 Dr. Collingwood's data, instead go with data and estimates of
21 Dr. Ansolabehere?

22 A. Dr. Collingwood, only as I understand it, provided
23 estimates for two -- maybe it's two or maybe three
24 congressional districts, and only for a handful of races, so
25 there wasn't enough there for me to be able to pursue that in

16:45 1 terms of answering the questions that I was asked to answer.

2 MR. BERG: Richard, would you please take us to
3 Paragraph 6 of Dr. Lewis' report on page 3?

4 Q. The paragraph begins "In those instances in which professor
5 Collingwood and Professor Ansolabehere provide estimates for
6 the same contests and districts, Professor Ansolabehere
7 consistently estimates higher levels of Hispanic cohesion than
8 does Professor Collingwood."

9 Did I read that correctly?

10 A. Yes.

11 Q. How did you arrive at that conclusion?

12 A. Well, the rates of support for the offices and -- for the
13 offices and districts and plans considered by Professor
14 Collingwood are presented in his report. And I compared those
15 to the data -- well, I suppose the analysis, included in
16 Dr. Ansolabehere's file.

17 And by comparing the estimated rates of Hispanic
18 support for different candidates -- in particular, the
19 candidate that was estimated to have been the most preferred --
20 I found that, in general -- well, across all the districts --
21 across all the contests and districts, the estimated rate of
22 support for the candidate that was receiving the most support
23 was just -- just maybe call that cohesion -- was higher, as
24 estimated by Professor Ansolabehere by about 10 points, on
25 average.

16:46 1 MR. BERG: Can we go to paragraph 7?

2 Q. (BY MR. BERG) Further talking about Dr. Ansolabehere's
3 Hispanic cohesion estimate, you say, this is due to both the
4 methodological choices made by Dr. Ansolabehere and the
5 possible presence of aggregation bias that would persist even
6 if a methodological approach similar to that taken by
7 Dr. Collingwood were applied statewide.

8 Did I read that correctly?

9 A. Yeah. So we're talking about the same -- I'm sorry. Yes,
10 is the answer to that question.

11 Q. Thank you. What methodological choices made by
12 Dr. Ansolabehere do you believe affected his Hispanic cohesion
13 numbers?

14 A. Well, again, the difference between the two analyses is
15 that in one case, that of Professor Ansolabehere, he attempt --
16 he applied the EI method to infer both the rates of turnout
17 across groups, and also the support for candidates. And
18 that -- whereas, as I said before, Professor Collingwood,
19 basically, removes, or largely removes, the uncertainty about
20 who was doing the voting in the election.

21 And so he only needed to infer from the aggregate, you
22 know, from this data that's precinct-level data, the choices
23 made by individual voters to support one candidate or another,
24 but not also the decision to turn out. And that's the
25 fundamental difference in the two approaches. And as the

16:48 1 data -- underlying data were largely, other than that, the
2 same, and we're talking about the same contests, and same
3 districts, the differences is that we find the estimates --
4 would have to accrue to those things.

5 Q. And when you talk about the possible presence of
6 aggregation bias in Dr. Ansolabehere's data, what do you mean
7 by that?

8 A. Right. So -- so again, what's done in this ecological
9 inference setup here is that you have data on the composition,
10 or, you know, this -- so, for example, in the case of
11 Dr. Ansolabehere, you've got the shares of different ethnic
12 groups in each precinct in terms of the CVAP.

13 And then you know the share of people who voted
14 overall for the Democrat or the Republican or that didn't turn
15 out to vote. And so the trick is to look at the sort of
16 correlation between how many people are of different groups and
17 how many people made these different choices in each precinct.
18 You see that correlation.

19 And then the ideas from that aggregate-level
20 correlation to infer what the individual level voting behavior
21 that generated that aggregate pattern was, and fundamentally,
22 what all of these EI methods do is that they sort of say that
23 correlation is caused by -- so if you see differences in the
24 support for Democrats among voters of -- among precincts having
25 different compositions of -- demographic compositions, the

16:50 1 reason why that correlation exists across precincts is because
2 there are differences in the rates at which voters of different
3 ethnicities support different candidates.

4 So mechanically then, it would be the case with -- if
5 the number of Democrats that are supported increases, and the
6 number of Hispanic voters, the assumption of these models is
7 that that's happening because, as you add more Hispanic voters
8 to the precinct, you're adding more -- stronger Democrats to
9 the Precinct. And that's increasing the Democratic vote.

10 But of course, causation and correlation aren't the
11 same thing. So showing that that correlation exists at the
12 precinct level isn't the same. You need an assumption. And,
13 you know, importantly here, the data that we really want just
14 can't be tabulated. I know this is kind of a long answer, but
15 I think it's important to say. We don't tabulate election
16 returns by race. And so what we have to do, in order to make
17 an inference about the race at which different groups support
18 different candidates, is make that -- is make assumptions.

19 And when those assumptions go wrong, we get
20 aggregation -- we can get what's called aggregation bias or
21 ecological fallacy. And that's been known since the 1950s.

22 Q. Thank you for your comprehensive response.

23 A. Sorry about that.

24 MR. BERG: If we could go to paragraph 8, please.

25 Q. (BY MR. BERG) In paragraph 8, you say, "For the purpose of

16:51 1 extrapolating partisan voting behavior in Texas voting
2 precincts into the near future, past partisan voting is far
3 more powerful than racial/ethnic demographics."

4 Did I read that correctly?

5 A. Yes.

6 Q. What analysis did you do to come to that conclusion?

7 A. I -- I took the precinct-level voting data and demographic
8 data provided by Professor Ansolabehere and I plotted the share
9 for Donald Trump in the 2024 general election against the votes
10 for -- the share of vote for Governor Abbott in 2022, and also
11 against the share of each precinct's Citizen Voting-Age
12 Population that was associated with Black voters and Hispanic
13 voters.

14 And I made those plots. I think we'll be talking
15 about those. And I also did some predictive models to see
16 which could do a better job.

17 Q. Let me see if I can help you out.

18 MR. BERG: Richard, can we go to Figure 1 on page 4,
19 titled support for Trump in 2024 versus Abbott vote in 2022,
20 and voter race ethnicity.

21 Q. (BY MR. BERG) So on Figure 1, we have three graphs. You
22 talked about this briefly. So only briefly, what is being
23 compared on these graphs?

24 A. So again, I'm comparing previous voting in a precinct to
25 subsequent voting in the precinct in the -- the first panel.

16:53 1 And then in the second and third panels, comparing the shares
2 of voters that are Black and Hispanic to get the share of
3 support in that subsequent election.

4 Q. How were you able to combine election data with racial data
5 to perform this comparison?

6 A. Well, again, I took the data that was provided at the
7 precinct level by Dr. Ansolabehere.

8 Q. What are the black dots shown on the graphs?

9 A. So each dot represents one precinct, and the coordinates at
10 which that dot are located. Again, reflect, for example, the
11 Abbott support and the Trump support for that precinct.

12 Q. And what are the blue lines on these graphs?

13 A. The blue lines show a sort of smoothed average level of
14 Trump support, at each level of either Abbott support percent
15 Black or percent Hispanic.

16 Q. So on the first graph on Figure 1, when choosing which 2022
17 election to compare to the 2024 presidential election, why did
18 you choose -- why did you choose Governor Abbott's rates?

19 A. Yeah. I thought these two races would be familiar ones
20 that we would all sort of have a little bit kind of intuition
21 about what they looked like. I could have chosen other races.
22 I think the results would have looked very, very similar.

23 Q. What does Figure 1 tell us about the likelihood that a
24 precinct that went for Governor Abbott in 2022 would also
25 support President Trump in 2024?

16:54 1 A. Right. So if we take sort of vertical slices through that
2 graph, we can think about what the subsequent level of support
3 for Donald Trump was in '24 for a level -- a particular level
4 of Abbott support. So we could take the line -- we could take
5 the -- all of the precincts that had about, say, 80 or
6 90 percent support for Abbott, and we can look to see. Okay,
7 so that blue line kind of tells us what we think is gonna be
8 true on average for all those precincts.

9 And then the sort of range of the points around that
10 tells you how much dispersion around that guess would there be.
11 Like, how much did -- did support for Abbott -- I'm sorry,
12 support for Trump go above or below that prediction? What you
13 can see is that these dots overwhelmingly fill -- fall very
14 close to that line, which means that the prediction that you
15 would have made by guessing that line would be very close to
16 correct in most cases.

17 Q. When you say the prediction would be very close, what do
18 you mean by that?

19 A. Yeah. What I mean by that is if you were asked to guess
20 what the Trump support was going to be in '24, and you made a
21 guess that couldn't condition on Abbott support, there would be
22 a certain amount of error that you would make typically.

23 And by conditioning on Abbott support, you can remove
24 96 percent of that prediction -- of that prediction error. So,
25 yeah, that's what I mean. We can -- we can explain, you know,

16:56 1 summarize this by saying that we can explain about 96 percent
2 of the Trump vote with knowledge of Abbott's support.

3 MR. BERG: And then if we go to the second graph on
4 Figure 1.

5 Q. (BY MR. BERG) What does this show?

6 A. So here we're looking at the same sort of plot, but now
7 what we're gonna use for our prediction isn't what the Abbott
8 support was but the percent of voters that were -- had
9 identified themselves as African American when they filled out
10 the census.

11 Q. And this looks a little different from the first graph.
12 What are the results that we find in graph 2?

13 A. Yeah. So here what you'd see as you would expect is that,
14 if you look at precincts where the number of or the fraction of
15 Black voters is really high, there is low dispersion around the
16 prediction. Very similar to the -- to the Trump -- to what we
17 see in the first panel.

18 But as we move back, if we -- when we observe a
19 precinct that's maybe only 25 percent Black, or 10 percent
20 Black, we can see there's an enormous amount of variation in
21 what the political behavior might be like in those precinct
22 that don't have large Black populations.

23 So while knowing the percent, Black is a powerful
24 predictor when the percent Black is very high. When it's not
25 very high, it's not telling you very much about what that

16:57 1 support's going to be.

2 Q. For the purposes of the questions that you examine in your
3 report, what do the results on graph 2 compared to graph No 1
4 mean?

5 A. Yeah. So again, here you can see that knowledge of prior
6 Abbott support gives you greater leverage on what the
7 subsequent Trump support's going to be than being able to base
8 that guess on the fraction that's Black.

9 MR. BERG: And then if we go to the third graph?

10 Q. (BY MR. BERG) What are you showing here?

11 A. Yeah. So this is the same -- the same as in the second
12 plot, except that here what we have on the X axis is the
13 percent of voters who are Hispanic.

14 Q. So this graph looks a little different. Can you talk about
15 how the graph has changed from graph 2 to graph 3?

16 A. Right. So again, what we've got here is at different
17 levels of Hispanic, but we have a blue line that shows us what
18 the average across these precincts -- what the average Trump
19 support was in those precincts. And as in the middle graph
20 there, for low levels of Hispanic population, things are still
21 very widely dispersed, right, you can find places where -- that
22 have no Hispanic voters where Trump got almost all the vote and
23 almost none of the vote.

24 And then you see that, as you increase the Hispanic
25 population, variability goes down similarly to how it goes

16:59 1 down, although not as much as for the Black voters, but even as
2 we get out to precincts that are 100 percent Hispanic, or
3 nearly 100 percent Hispanic, in their population, we still see
4 substantial variation in Trump support -- for Trump support in
5 2024, meaning that knowing the Hispanic proportion of a
6 precinct isn't as predictive as knowing the level of Abbott
7 support, even for areas in which the Hispanic population is
8 large.

9 Q. And how would you compare the results in the graph 3 to the
10 graph 1 of Abbott and Trump support?

11 A. Yeah. I mean, again, you can see that -- how much
12 dispersion there is sort of around that blue line in the first
13 plot is much less than in the third. So, again, the
14 information that's provided by knowing what the support for
15 Abbott had been is much more valuable in pinning down what the
16 behavior of that precinct is going to be in terms of its
17 partisan voting in the subsequent election.

18 MR. BERG: Richard, could we please go to Figure 2 on
19 page 5? It's titled: "Predicting Future Votes with Past Votes
20 and Demographics."

21 Q. (BY MR. BERG) So, Dr. Lewis, we've gone from three graphs
22 to two graphs. What have you done here?

23 A. Yeah. So, you know, the question that I was asked really
24 wasn't about whether a particular -- you know, whether Hispanic
25 or Black voters would be more or less predicted to vote, but

17:00 1 whether the demographics, overall, would be more or less
2 predictive of vote.

3 And so what I've done here is built a statistical
4 model where the predictors of Trump support in the right panel
5 includes both the Hispanic and the Black population, whereas
6 the model on the left uses only the Abbott vote. But it does
7 put it into a model, so rather than just putting the -- sort of
8 the scatter plot of the raw data, I've used statistical
9 modeling to come up with the sort of best prediction of Abbott
10 vote that you can -- of Trump vote from Abbott vote that you
11 can create.

12 So the predicted Trump support is on the X axis. The
13 true Trump support is on the Y axis. And I've calibrated that
14 model to fit as well as it can. And then I did that same best
15 fit for a model that's based on the CVAP composition of the
16 precinct.

17 Q. And I noticed the blue lines are sort of going in similar
18 directions. Does that mean that the two models are equally
19 predictive of future votes?

20 A. No, no. The reason why the slopes are sort of both --
21 well, are both positive there, and -- is because, again, what's
22 plotted on the X axis is the prediction against the actuals.
23 And if you've got a reasonable model, it should be the case
24 that as you predict that Trump will do better, Trump does do
25 better and that's what we see either way.

17:02 1 The way you tell whether the model is more informative
2 about vote is looking, again, at that dispersion. So here we
3 can see that the predictions made by the model that uses only
4 the past vote, have much less sort of error in them, if you
5 like. That is, they fall closer to that line at which the
6 predicted and actual values are equal than to the predictions
7 made by the demographics.

8 Also, you can see that, if you use --

9 Q. So --

10 A. I'm sorry. I've interrupted you.

11 Q. So as the dots spread away from the blue line, they get --
12 it indicates that the model is less predictive? Is that what
13 you're saying?

14 A. Yeah. So if you take somebody who's predicted to support
15 Trump by the racist and ethnicity model at 75 percent, the
16 model across all of the actual precincts there, you know, it's
17 calibrated and so it does predict 75 percent. But what you can
18 see is a lot of those precincts produced, you know, much less
19 than 50 percent support. Some of them produced a lot more.

20 Kind of average out to 75. But that's something you
21 don't see on the other side. So on the other side --

22 Q. When you say the other side --

23 A. To the -- I'm sorry. Beg your pardon. When we think about
24 the first panel, the left panel, what you can see is that
25 all -- at all levels of predicted Trump support, the actual

17:03 1 behavior of the precinct in terms of its support for Trump in
2 that subsequent elections is much closer to the prediction.

3 Q. Dr. Barreto says in his rebuttal report that, "Showing that
4 Republican vote in 2022 is correlated with Republican vote in
5 2024 does nothing to answer the question of whether or not
6 racially polarized voting exists in Texas. Imagine trying to
7 predict a person's height inches using their height in
8 centimeters as the input."

9 How would you respond to Dr. Barreto?

10 A. Well, I think he's -- I think he's right, that these models
11 don't tell you anything about racially polarized voting. I'd
12 also just say that's not what I was asked to do. I was asked
13 to consider whether either of these variables is more
14 predictive of subsequent partisan voting.

15 So I wasn't asked to consider this in terms of
16 racially polarized voting. And let's take that example of
17 measuring in centimeters or inches. And I guess that's really
18 the point that I've been trying to kind of establish here, is
19 that, yes, voting for Abbott is, in this sense, similar, as I
20 think Professor Barreto is saying, is similar to -- to vote --
21 to measuring height in centimeters and voting for Trump is
22 similar to measuring in inches.

23 And my point -- just again, if you told me how tall
24 somebody was in centimeters, I wouldn't need to know perhaps
25 very much about them to know how tall they are in inches.

17:05 1 Q. Also in Dr. Barreto's rebuttal report, he says that, quote,
2 Dr. Lewis is extremely familiar with the literature in American
3 politics that finds conclusively that partisanship itself is a
4 function of race and racial attitudes.

5 Dr. Lewis, are you aware of anything in the literature
6 of American politics that shows that partisanship among certain
7 racial groups has changed over time in Texas?

8 A. Yes.

9 Q. What are you aware of?

10 A. In May, I believe, there was a report called, What happened
11 report from 2024 authored --

12 MR. FOX: Objection, Your Honor. This is outside the
13 scope of Dr. Lewis' expert report.

14 MR. BERG: Dr. Barreto addresses it in his rebuttal
15 report and opens the door for Dr. Lewis to answer the rebuttal
16 report.

17 MR. FOX: I think, Your Honor, Dr. Lewis doesn't say
18 anything about Dr. Barreto at any point. He could have offered
19 a rebuttal to Dr. Barreto. I think this is pretty far outside
20 the scope, which is all about statistical methodology and
21 statistical analysis.

22 MR. BERG: Surely Plaintiff's expert's commentary on
23 Dr. Lewis' report is fair game.

24 JUDGE GUADERRAMA: Well, I guess if you didn't give
25 him that notice, I will sustain his objection.

17:06 1 MR. KERCHER: Your Honor, before we go on, if I could
2 have clarity, because we do have another expert to call later
3 on in trial. It is the case, as the Court knows, that we had
4 Plaintiffs expert reports and then the Defendants answered
5 those reports and Plaintiffs then filed rebuttal reports.

6 Those rebuttal reports from Plaintiffs' experts came
7 on September 29th, two days before the hearing. Is the Court
8 ruling that Defendant experts cannot address critiques offered
9 in Plaintiffs' rebuttal?

10 JUDGE GUADERRAMA: So you had two days to give them
11 that notice. Is that --

12 MR. DUNN: Well, here's what's different here. This
13 expert didn't mention Dr. Barreto at all in his original
14 report. So we've had no notice that he was going to respond to
15 him. So the 29 days -- the 29th and a couple of days later is
16 irrelevant. Had he mentioned something about Barreto's report,
17 it would be different.

18 And to give you another sort of relevant fact to this,
19 as you've heard the witness say he relied on Dr. Ansolabehere's
20 data and Dr. Collingwood's data, all of which came out the same
21 day as Dr. Barreto's data, and for whatever reason, he chose
22 not to use Dr. Barreto's report and said nothing about it.
23 Didn't mention his name. So all of this is outside of any kind
24 of reasonable disclosure.

25 MR. KERCHER: And the only reason I'm asking for

17:08 1 clarification, I'm not arguing that Dr. Lewis' opening report
2 mentioned Dr. Barreto, but as I understand it, if I'm wrong, my
3 colleague will set me straight -- Dr. Barreto, nevertheless,
4 commented on Dr. Lewis' report.

5 Do I have that right, Mr. Berg?

6 MR. BERG: Correct.

7 MR. KERCHER: That's -- he hints Dr. Lewis addressing
8 what Dr. Barreto said about his report. That's right.
9 Dr. Lewis didn't start this fight with Dr. Barreto.
10 Dr. Barreto, though, having offered his opinions, Dr. Lewis has
11 the opportunity to rebut.

12 MR. DUNN: They've had notice of Dr. Barreto
13 mentioning Dr. Lewis' report and at no point disclosed that
14 Dr. Lewis would talk about Dr. Barreto.

15 JUDGE GUADERRAMA: All right. Let me confer.

16 (*Sotto voce* discussion off the record.)

17 JUDGE BROWN: Okay. So give me the timeline on when
18 reports were due and when rebuttal reports were due.

19 MR. DUNN: The -- well, the Plaintiffs originally
20 produced reports with their Motion for Preliminary Injunction,
21 if you recall, so there wasn't a deadline at that point. Then
22 when the Court set the hearing -- when it did, and there was
23 then some time to do additional analysis, the Plaintiffs,
24 including Dr. Barreto, produced a supplemental report.

25 I don't remember that precise date. It was about a

17:09 1 week after the Preliminary Injunction Motion was filed. Then,
2 about -- I want to say ten or 14 days later, the State had
3 responsive reports due to all of the experts' analysis. That's
4 when Dr. Lewis produced his report.

5 MR. KERCHER: That was September 22nd.

6 MR. DUNN: September 22nd. Then on the 29th by the
7 agreed schedule, the Plaintiffs had rebuttal reports due.

8 So if the State was going to engage with Dr. Barreto,
9 it absolutely could have volunteered a report. And I guess
10 what I want to ask here, before this ruling is made, is we're
11 giving careful consideration to calling Dr. Barreto in
12 rebuttal, and so if there is no duty to produce any notice
13 after the 29th reports, then we'll expect to provide none to
14 the State.

15 MR. BERG: I think the point that Mr. Kercher was
16 hinting at is you have the expert reports on the 22nd, rebuttal
17 reports on the 29th. If we're saying now that we can't address
18 the rebuttal reports, then the rebuttal reports can just say
19 whatever they want.

20 JUDGE GUADERRAMA: So we're gonna overrule your
21 objection and allow the question.

22 MR. FOX: Yes, Your Honor.

23 MR. DUNN: So that means that Dr. Barreto will be
24 testifying with no report of his own.

25 JUDGE GUADERRAMA: That would be my intention, but

17:10 1 there's three.

2 JUDGE BROWN: Yeah, I agree with it.

3 MR. BERG: Thank you, Your Honor. I'll keep it brief.

4 Q. (BY MR. BERG) Dr. Lewis, are you aware of anything in the
5 literature of American politics showing changing voting
6 patterns in partisanship among certain racial groups in Texas?

7 A. Yes.

8 Q. What are you aware of?

9 A. I'm aware of a report authored by catalyst called -- called
10 What happened 2024, which claims that the support for the
11 Democratic candidate, I think for president, dropped in Texas
12 by -- for the Republican candidate, I should say -- no, the
13 Democratic candidate -- let me make sure I say that correctly,
14 dropped by about 8 points between 2020 and 2024.

15 And then in 2024, the support for Donald Trump
16 among -- among Hispanic voters exceeded 50 percent.

17 Q. And did you find that report credible?

18 A. Yes.

19 MR. BERG: Richard, could we please go to Figure 3 on
20 page 6 titled: Estimated Hispanic Cohesion Across 31 Contests.

21 Q. (BY MR. BERG) Dr. Lewis, what are we looking at with these
22 two charts?

23 A. Yes. So this is just a sort of visualization of the data
24 that appear in Professor Ansolabehere's report. And also the
25 underlying data -- some of the underlying data upon which the

17:12 1 numbers that are reported in his report are based.

2 Q. And I noticed that you are examining 31 contests, not 38
3 contests. Why is that?

4 A. Yeah. So here we're just gonna focus on the precincts
5 that -- I'm sorry, the precincts -- the districts under each of
6 these two plans that have over 20 percent Hispanic CVAP.

7 Q. What are the advantages of using this threshold?

8 A. Well, I think one thing for sure is that, again, when we
9 generate these estimates here, the ones given here are for
10 Hispanic cohesion, again, they have to do with unpacking this
11 correlation between the voting for, in this case, the
12 Democratic candidate for different offices across different
13 levels of demographic composition, or different kinds of
14 demographic competition.

15 When you have a very small proportion of voters in a
16 particular group, it becomes more challenging to estimate what
17 that level of cohesion for that group is. And, in order to
18 kind of just drill down to those where we might have more
19 confidence in the estimates, I have focused on just those with
20 more than 20 percent Citizen Voting-Age Population that's
21 Hispanic.

22 Q. What are the possible disadvantages of using this
23 20 percent cut-off?

24 A. Well, it is true that there is, therefore, I guess, seven
25 other districts that I'm not presenting the data for. And of

17:14 1 course, they have relatively small Hispanic populations, so the
2 cohesion in there might not be so important, but it's true that
3 it's not every district.

4 Q. So if we go back to Figure 3, it's somewhat busy, so let me
5 ask about this. Each graph has three numbers per district.
6 What are those numbers?

7 A. Yes. So the -- so each district is represented as a row.
8 The three numbers are on the left. The rate of support for the
9 Democratic -- estimate rate of support for the Democratic
10 candidate across all the races that Professor Ansolabehere
11 considers -- that he -- so the rate at which he estimates
12 Hispanic voters to have supported the Democrat, the one that's
13 smallest across all those contests, the middle number, is the
14 average across all those contests and the upper number is the
15 maximum across all those contests.

16 Q. And why do the Black horizontal lines appear blurry or
17 fuzzy?

18 A. Yeah. So I put that Black line there to sort of tie the
19 numbers together to make it easier to track the same district
20 across each contest. The actual dots reflect estimated rates
21 of support for the different contests that make up the
22 calculations that then yield the smallest, biggest, and
23 average.

24 So each one of those dots is an estimated rate of
25 Hispanic support for a Democratic candidate, in particular --

17:15 1 in a particular district and under a particular plan. And
2 that's what the dots are.

3 Q. And what does Figure 3 tell us, if anything, about Hispanic
4 voting cohesion across the state?

5 A. Well, it tells us that there's substantial variation. You
6 can see, at the bottom of the plot here, there are districts
7 where sometimes the Democratic candidate is estimated to
8 receive less than half of the vote or less than 60 percent of
9 the vote. And there are others where -- other districts where
10 very consistently the estimates are a lot higher at the top of
11 the graph.

12 So we see a lot of variation here in the estimates of
13 Hispanic cohesion.

14 Q. So am I reading this correctly that in certain districts,
15 Democratic candidates receive less than 40 and sometimes even
16 less than 30 percent of the Hispanic vote?

17 A. I don't know if there's anywhere where it's less than 30,
18 but certainly less than 40 in a few cases, and in the 40s in
19 other cases. Again, in specific contests.

20 MR. BERG: Richard, could we go to Table 1 on page 7?

21 JUDGE GUADERRAMA: Mr. Berg, what exhibit number is
22 this?

23 MR. BERG: Sorry. State offers Exhibit 570, the
24 September 22nd expert report of Dr. Jeffrey Lewis.

25 JUDGE GUADERRAMA: Is that already in evidence, 570?

17:16 1

MR. BERG: No.

2

JUDGE GUADERRAMA: Any objection to Dr. Lewis' report?

3

MR. FOX: No, Your Honor.

4

JUDGE GUADERRAMA: State Exhibit 570 is admitted.

5

(State Exhibit 570 admitted.)

6

MR. BERG: Thank you for flagging that for me,

7

Your Honor.

8

Q. (BY MR. BERG) So we're back on Table 1: Estimated share of voting age citizens who are expected to prefer the winning candidate by party, racial/ethnic group, and plan.

9

10

11

Dr. Lewis, would you please explain to the Court how you prepared Table 1 and briefly how the work of Dr. Maxwell Palmer influenced that preparation?

12

13

14

A. Yes. So, Dr. Palmer, in a report that was provided to me, sought to estimate the --

15

16

Q. Sorry to cut you off for a second. When you say "provided to," what do you mean? By State Defendants?

17

18

A. Yes.

19

Q. Okay. Continue.

20

A. Yeah. Thank you. And what he's looking at there is the degree to which voters of different racial groups have the will are expected to cast their votes for winning candidates and he, I think, considers this to be a way to sort of estimate the voting strength of different -- of different ethnic groups, where you would look at, say, comparing two plans, whether the

21

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25

17:18 1 chances that a particular voter would -- voter for a particular
2 group would support the candidate that won in contests
3 happening in those districts was increasing or decreasing.

4 And I've extended that here to further break down
5 those percentages, not only by race, but also by party.

6 Q. How do you know which voters are Hispanic and Republican as
7 opposed to White and Democrat?

8 A. Right. So I'm using Professor Ansolabehere's estimates of
9 the rate at which -- at which different groups of voters
10 supported the different candidates in order to construct in
11 each -- in each contest and in each district the proportion of
12 the voters -- actually, the CVAP, so all of the potential
13 voters who were in these four categories.

14 So I -- I can tell from Professor Ansolabehere's data
15 what fraction were White, Black, and Hispanic. I can tell
16 among those groups what -- I can estimate what fraction -- or
17 Steve estimated, Professor Ansolabehere estimated, what
18 fraction supported different candidates. I can do a very
19 simple calculation that then says how many voters supporting --
20 how many voters of these four types, and, again, what it means
21 to be a Democrat is that -- is that your estimate of support of
22 the Democrat in that contest.

23 And then finally, from that, I know in each one of
24 these districts who -- which candidate got the most votes. And
25 so I can calculate what fraction of the time across all these

17:20 1 districts and contests, voters who are of these different
2 combinations of race and party were voting on the winning side.

3 MS. PERALES: Your Honor, I object. I believe I may
4 have misheard. The witness said he was provided with an expert
5 report on which to sort of copy the analysis or the approach
6 here. Was that other expert report produced by Dr. Lewis in
7 his production?

8 Q. (BY MR. BERG) Um, Dr. Lewis, you testified about being
9 provided the Palmer report. Do you know when that was provided
10 to you or who provided that to you?

11 A. Yes.

12 Q. Who provided it to you?

13 A. Attorneys at BakerHostetler.

14 Q. Okay. You -- when you answered that -- sorry. The
15 Dr. Maxwell Palmer, was that provided to you in the context of
16 preparing this report or something else?

17 A. This report.

18 Q. Okay.

19 MR. BERG: We'll confer with Plaintiffs on that.

20 JUDGE GUADERRAMA: Ms. Perales?

21 MS. PERALES: Your Honor, just to be clear, we would
22 object to any discussion of this Table 1 analysis, unless --
23 and it can be pointed out to me -- it could be my mistake --
24 that the Palmer report was produced by Dr. Lewis in his
25 disclosures.

17:21 1 Otherwise, we can't even confirm if he followed the
2 same approach as Dr. -- or Mr. Palmer.

3 JUDGE GUADERRAMA: I think Mr. Berg has indicated
4 maybe it has not yet. I don't know.

5 (Sotto voce discussion off the record.)

6 JUDGE GUADERRAMA: Been provided to him.

7 MR. BERG: Richard, could you zoom in on the top
8 paragraph of that page?

9 Q. (BY MR. BERG) So Dr. Lewis, this is Paragraph 3. For this
10 analysis, following and building on Professor Maxwell Palmer's
11 approach in his August 1, 2024 report in *Williams v Hall, U.S.*
12 *District of North Carolina*, I consider how often voters of each
13 partisan-racial ethnic pairing are expected to vote on the
14 winning side under C2193 and C2333.

15 Does this paragraph tell -- help tell you -- tell us
16 where you received this report?

17 A. Where I -- sorry.

18 Q. Or where you found this report?

19 A. I think it tells me where I could have found the report,
20 yes.

21 MS. PERALES: Your Honor, the rule requires the expert
22 to produce the information upon which he relies in forming his
23 opinions, and the witness has testified he was given the report
24 by counsel, that he should have provided it to us to look at.

25 JUDGE GUADERRAMA: You're indicating they're on notice

17:23 1 where she got it, but --

2 MR. KERCHER: That's exactly right, Your Honor.
3 First, I would say that is not the way that the experts have
4 been disclosing information in this case. For example,
5 Dr. Barreto -- I'm not picking on him. Dr. Barreto has filed
6 numerous reports in this case and has done what we would
7 expect, which is to cite a number of references to other
8 reports, to academic articles, and then it's up to us to go and
9 find them.

10 But the rule requires disclosure. And sometimes that
11 requires production. So, for example, when the various experts
12 are using different code or input data that they cannot simply
13 go and -- that they cannot simply go and see for themselves.
14 This was part of, for example, Dr. Barreto's point on the data
15 on which he relied to create a shapefile. The disagreement
16 there was, we said, telling us where the data are is
17 insufficient if you don't show us how you aggregated or merged
18 those data.

19 But it's right to say Dr. Barreto did tell us where
20 those data are. The same is true here. Just as Dr. Barreto
21 and other experts, in this case, have cited academic articles
22 and other articles on which they relied, without providing the
23 articles themselves, that is what this report does here. This
24 would be, I think, a pretty big change from the way that all of
25 the parties have been disclosing some of the academic sources

1 on which they rely.

2 JUDGE GUADERRAMA: Perales, what do you think of that?

3 MS. PERALES: Thank you, Your Honor. In response,
4 what I've been hearing is that the State was saying it didn't
5 object to a lack of disclosure from some other set of experts.
6 What I can say is LULAC experts have disclosed the materials on
7 which they relied; LULAC Plaintiffs expect to receive the
8 materials on which the State Defendants' experts rely.

9 MR. KERCHER: I believe -- I may be -- I may be
10 mistaken, but I believe that Dr. Barreto is one of LULAC's
11 experts as well. Certainly, LULAC's PI motion cites
12 Dr. Barreto's report.

13 MS. PERALES: Your Honor, if the State chooses not to
14 make an objection, that is the State's choice. LULAC
15 Plaintiffs are objecting to the failure of this expert to
16 provide the material on which he relied in forming his opinion.

17 JUDGE GUADERRAMA: The other thing he said was that
18 the rule doesn't require the production of the report, just
19 disclosure of the report. So maybe we should read the rule and
20 see what it says. Unless --

21 JUDGE BROWN: I was gonna ask how this citation in the
22 report isn't sufficient disclosure of where the material came
23 from. If it's filed in that case -- I mean, ECF number would
24 have been better, but, you know, it seems like it's possible it
25 could have been found. I'm just asking why this isn't

17:26 1 sufficient.

2 MR. BERG: Also, to Judge Brown's point, Dr. Lewis'
3 work stands for itself. All his backup data and all
4 calculations were provided, rebuttal reports by three of
5 Plaintiffs' experts reviewed Dr. Lewis' reports and data. And
6 they are not prejudiced by something they have analyzed
7 thoroughly.

8 MS. PERALES: I'm not familiar with that argument,
9 Your Honor. My brain is turning. I don't think we have
10 anything to add prior to receiving the Court's ruling.

11 JUDGE GUADERRAMA: Well, can you just point me to the
12 part in the rule that distinguishes between production and
13 disclosure? Because that's -- that is the argument. So if
14 somebody has a rule book there, maybe you can open it up.
15 Rule 26. You know, when all else fails, read the instructions.

16 JUDGE SMITH: Anything in a reported case like this is
17 available online anyway. And that's like -- by citing it,
18 you've pretty much provided it -- are you saying they had to
19 provide an actual extra copy, either in hard copy or
20 electronically?

21 MS. PERALES: Well, Your Honor, an ECF number would
22 have been helpful if it was filed on the public docket.
23 Otherwise, you know -- unlike, let's say, a web link where an
24 expert discloses, "I got the database that I relied on at the
25 following link from the U.S. Census," I can click on the link,

17:28 1 I can go to the database.

2 Here, I think what State Defendants are hoping we
3 would be able to do is look up the case, and then go through
4 all of the docket entries, looking -- if it is on the docket,
5 looking for, perhaps, an attachment or an appendix to some type
6 of filing, maybe -- I mean, trial exhibits aren't typically on
7 the docket, but maybe it was attached to some motion practice.

8 MR. KERCHER: Judge Guaderrama, you asked that we read
9 the instructions. I'm looking at Rule 26(a)(2)(B), the last
10 portion of which reads, "The report must contain." I don't
11 think -- I don't think any of us have read that that means
12 cutting and pasting.

13 I also think that the parties have worked well
14 together, although we have -- despite -- in a case this big, I
15 think disclosures -- or disagreements are inevitable. I think
16 the parties have worked well together, and when we requested
17 data, for the most part, we have gotten it.

18 I will say that when I cross-examined Dr. Saenz on a
19 number of the -- on a number of the citations in his report, I
20 had to go find them. ECF 128-1, I'm told.

21 JUDGE GUADERRAMA: Yes, sir. Apparently, it is on
22 file. At CM/ECF 128-1 and 2. And it's not enumerated in the
23 rule, either, so I'm going to overrule your objection.

24 MS. PERALES: Thank you, Your Honor.

25 JUDGE GUADERRAMA: Yes, ma'am.

17:30 1 MS. PERALES: And I'll ask Mr. Berg to talk really
2 slowly so that perhaps I have the evening to review it. Thank
3 you.

4 Q. (BY MR. BERG) Continuing on with Plaintiffs' objections,
5 in Dr. Ansolabehere's rebuttal report, he claims that Table 1
6 does not provide a complete analysis of Black, Hispanics, and
7 Whites because it does not report the size of the groups.

8 Dr. Lewis, how would you respond to Dr. Ansolabehere?

9 A. Yeah. So -- so I think what -- what he's referring to --
10 and he provides a table that then sums across the two partisan
11 groups to get the overall change in the chances of supporting
12 the winning candidate for Black, White, and Hispanic voters.
13 And I -- I think that's correct, that that should have been
14 presented in the report. It had been my intention for that to
15 be included for the -- in the report. It was mistakenly
16 omitted. It is included in the -- in the computer code that I
17 provided, and it was intended to be part of the report.

18 Q. When you say it's included in the backup data, are you
19 saying that if the experts ran your code, they'd get those
20 results as well?

21 A. Yes.

22 Q. Does anything about total line -- or lack of total line
23 change your conclusions that -- as presented in Table 1, that
24 Plan 2333 benefits minority Republicans and harms all
25 Democrats?

17:31 1 A. Yes, as measured in this way.

2 Q. What does your analysis indicate about the effects of
3 Plan 2333 on the ability of Republican voters to vote for the
4 winning candidate?

5 A. Republican voters will increase their chances of voting for
6 a winning candidate.

7 Q. And likewise, what does your analysis say about the ability
8 of Democratic voters to now vote for the winning candidate?

9 A. It's decreased.

10 Q. What are the effects on Democrat voters who are Black or
11 Hispanic compared to the effects on Democratic voters who are
12 White?

13 A. You can see the estimated difference there for Democrats
14 across the -- the three groups is quite close to equal.

15 Q. How does Plan 2333 affect Republican voters who are
16 Hispanic or Black?

17 A. Those that are Hispanic or Black that are Republicans would
18 see some increase in their probabilities -- similar increase to
19 the reductions seen for Democrats in their probability of
20 voting for winning candidates.

21 Q. Under Plan 2333, are Hispanic Republicans more likely to
22 vote for the winning candidate?

23 A. I'm sorry. Could you restate the question?

24 Q. Under Plan 2333, are Hispanic Republicans more likely to
25 vote for the winning candidate?

17:33 1 A. More likely.

2 Q. What is the effect of Plan 2333 on White Republicans
3 compared to White Democrats and their ability to see their
4 preferred candidate receive the most votes?

5 A. White -- I'm sorry. You're going to have to say the
6 question again. I'm sorry. It's getting late in the afternoon
7 here. Please -- I apologize.

8 Q. What does Table 1 tell us about the effect in Plan 2333 on
9 the ability of White Republicans versus White Democrats to vote
10 for the winning candidate?

11 A. So White -- White Democrats would see a reduction in their
12 chances, and White Republicans would see a smaller increase.

13 Q. Thank you.

14 MR. BERG: Pass the witness.

15 JUDGE GUADERRAMA: Thank you.

16 Mr. Fox?

17 **CROSS-EXAMINATION**

18 **BY MR. FOX:**

19 Q. Good evening, Dr. Lewis. I'm David Fox with the Gonzales
20 Plaintiffs. I don't believe we've met. It's nice to meet you.

21 A. Nice to meet you, sir.

22 MR. FOX: I want to start, if Mr. Medina can get set
23 up, with your CV, which you produced in your backup materials.
24 And we've marked it or will mark it as Gonzales
25 Demonstrative -- or Gonzales Exhibit 64. The State, of course,

17:34 1 has it, as they provided it to us, and we've just pulled it out
2 and are putting it up. And we'll add it to our Exhibit List.

3 JUDGE GUADERRAMA: Gonzales 64. Any objection?

4 MR. BERG: No, Your Honor.

5 JUDGE GUADERRAMA: Okay. That will be admitted.

6 (Plaintiff Gonzales Exhibit 64 admitted.)

7 MR. MEDINA: Is the display on?

8 MR. FOX: It looks like it's not. It's just black.
9 Any idea, Mr. Velez?

10 COURTROOM DEPUTY: I may have to reset on my end.

11 JUDGE GUADERRAMA: Let's do that.

12 (Discussion off the record.)

13 Q. (BY MR. FOX) All right, Dr. Lewis, do you recognize this
14 as the CV that was served with your report?

15 A. It appears to be.

16 MR. FOX: And if we scroll down to the very last page,
17 Mr. Medina?

18 Q. (BY MR. FOX) Do you see it's dated September 15, 2025?

19 A. I do.

20 Q. And if we go back to the top, you have your educational
21 background at the top?

22 A. I do.

23 Q. I notice you don't list your thesis committee or your
24 thesis adviser. Is that right?

25 A. I do not.

17:38 1 Q. On your thesis committee, though, was
2 Dr. Stephen Ansolabehere. Is that right?

3 A. That's correct.

4 MR. FOX: And, Mr. Medina, if we could switch to
5 Gonzales Exhibit 65? And, again, this one is additional. We
6 will serve it on Defendants.

7 Q. (BY MR. FOX) Dr. Lewis, I will represent to you that I
8 downloaded this from the UCLA website on Monday night. Does
9 that check out to you?

10 A. I'm not sure what -- what version of my CV may or may not
11 be on any particular website.

12 Q. So this was from your faculty profile.

13 MR. FOX: And if we go down to the bottom, Mr. Medina?

14 Q. (BY MR. FOX) You see, it's dated from 2011?

15 A. I do see that.

16 Q. So I take it you just haven't updated your CV on the
17 website in the last 15 years or so?

18 A. That -- there are various websites that you can find for us
19 by -- by googling or navigating. And, you know, our admin guys
20 occasionally ask for these updates. But no, apparently I
21 haven't updated whichever page this is from.

22 Q. Completely understood, Dr. Lewis.

23 MR. FOX: We can take that down, Mr. Medina.

24 Q. (BY MR. FOX) Do you agree that Dr. Ansolabehere has
25 expertise in ecological inference analysis in politics?

17:40 1 A. I do.

2 Q. And you also have some experience in ecological inference
3 analysis in politics. Is that right?

4 A. I do.

5 Q. You've published on it?

6 A. I have.

7 Q. You've run it yourself?

8 A. Many times.

9 Q. You've testified about it in other cases?

10 A. Many times.

11 Q. Let's pull up your report in this case, which is State
12 Exhibit 570. And while we're doing that, your report is dated
13 September 22 of this year. Is that right?

14 A. Yes.

15 Q. And you are responding to, among others, a report from
16 Dr. Ansolabehere. Is that right?

17 A. I was -- I was asked to opine on the questions that I --
18 that I mentioned, and I was provided Professor Ansolabehere's
19 report in order to help me to do that. I don't think it would
20 have been a rebuttal report, per se.

21 Q. I understand. But you did consider Dr. Ansolabehere's
22 report in this report?

23 A. I've -- I've read Dr. Ansolabehere's report, and yes, in
24 ways that I described, I considered the strategies and methods
25 that he employed.

17:41 1 Q. And among other things, you saw that he had run ecological
2 inference analyses on every one of Texas' 38 congressional
3 districts in two sets of congressional plans, right?

4 A. Correct.

5 Q. And did you see -- do you recall the date of
6 Dr. Ansolabehere's report? It's not a memory test. I can --

7 A. I think it was the 25th of August, but I'm not sure.

8 Q. I think that's right. And so you filed your report about a
9 month after Dr. Ansolabehere filed his report. Is that right?

10 A. Yes.

11 Q. And do you know how long it was from when the map that
12 became Plan 2333 was introduced, and when Dr. Ansolabehere
13 filed his report?

14 A. I do not.

15 Q. If I told you the record in this case reflects that the map
16 became public -- 2333, specifically, became public on
17 August 18, does that sound right to you? Any reason to doubt
18 that?

19 A. I -- I assume that you will only tell me the truth.

20 Q. So that was just -- if that's right, that was just
21 five days before Dr. Ansolabehere's report -- or six days
22 before Dr. Ansolabehere's report was served. Is that right?

23 A. I trust your math, sure.

24 Q. Now, you said in your report that you did not have enough
25 time to run ecological inference analysis yourself, right?

17:42 1 A. That's right.

2 Q. And that's even though you had about a month?

3 A. Well, I'm not -- I don't think from the time that -- I
4 think from the time that -- that I was asked to provide
5 opinions on the matters that I described, I think I had more on
6 the order of ten days.

7 Q. Do you agree with me, Dr. Lewis, that if the State had
8 really wanted someone to run their own ecological inference
9 analysis because they weren't sure about Dr. Ansolabehere's,
10 they would have had time after he served this report -- or his
11 report to get someone to run it in that 30-day window?

12 A. I don't think I can answer, you know, what constraints the
13 State may have been under, but I guess I could say if I had had
14 30 days to do it, I -- I probably could have produced the
15 estimates, yes.

16 Q. And you didn't produce your own estimates, right?

17 A. I did not, no.

18 Q. Before we get too far into it, you talked a little bit
19 about this. When you produced your report, you also produced
20 some code. Is that right?

21 A. I did.

22 Q. And you wrote your code in a language called R. Right?

23 A. Yes.

24 Q. And I think this Court has heard, probably, a little bit
25 more testimony about the R coding language during this trial

17:43 1 than maybe it would like to, but I, unfortunately, am going to
2 ask you a few more questions.

3 MR. FOX: Can we pull up his R code, please? This is
4 Gonzales Exhibit 68.

5 Q. (BY MR. FOX) And, Dr. Lewis, I'll represent to you that
6 what I did here is that I took the code file that was provided
7 to us, and I saved it as a PDF, and that's what this is.

8 Does that make sense to you?

9 A. It does.

10 Q. Does this look like your code?

11 A. It's a little blurry on the screen, but I'll -- I'll take
12 your word for it.

13 MR. FOX: Zoom in. Yes, it's okay.

14 THE WITNESS: Yes, thank you.

15 Q. (BY MR. FOX) And you provided this code because it was an
16 important part of your analysis. Is that right?

17 A. The code generates the tables and figures that we were
18 discussing, yes.

19 Q. And you wrote this code yourself?

20 A. I did.

21 Q. Do you see down on a few lines into this, you see a comment
22 that says "data from report tables"?

23 A. I do.

24 Q. And then you see, a few lines below that, tab 5_C193 [sic].
25 Do you see that line?

17:44 1 A. I do.

2 Q. And then, at the very end of that line, do you see that
3 vertical line and the greater than sign?

4 A. I do.

5 Q. That's a pipe operator?

6 A. It is.

7 Q. Does the use of that particular pipe operator, Dr. Lewis,
8 suggest that your code was written by ChatGPT?

9 A. I don't know what it suggests, but it was not written by
10 ChatGPT.

11 Q. Thank you. I didn't think it did.

12 MR. FOX: You can take the code down for now,
13 Mr. Medina. And let's put back up State 570.

14 Q. (BY MR. FOX) Which is your report. One thing you said in
15 your report is that you prefer Dr. Collingwood's EI methodology
16 to Dr. Ansolabehere's. Is that right?

17 A. Yes. With respect to this question of -- of measuring the
18 composition of the folks that actually voted.

19 Q. You don't identify in your report any consequence that
20 flows from the difference in estimates that were actually
21 provided. Do you?

22 A. The only -- I -- I think I -- I characterize the effect
23 that the difference of estimates might have with respect to, I
24 think, what's presented in Figure 3. Is that true? Figure 3,
25 I believe so.

17:46 1 Q. But you don't identify, for example, that while
2 Dr. Collingwood said it was 60 percent, and Dr. Ansolabehere
3 said it was 71 percent, and that has some significance to you
4 as a matter of political science. Is that right?

5 A. No. Only to -- to point out that these are estimates. We
6 don't know the true value, and that, you know -- in general,
7 where I -- I compared with -- where it was possible to compare
8 the two, I found that Professor Ansolabehere estimates were --
9 were larger and that may be obtained in other places as well.

10 Q. But you agree you can't know if that would obtain in other
11 places as well unless you actually run Dr. Collingwood's
12 methodology in other districts?

13 A. Yes. And I say as much.

14 Q. And you did not do it?

15 A. I did not do that.

16 Q. You did look at homogenous precincts. Is that right,
17 Dr. Lewis?

18 A. Yeah, in passing. I talk about the right edge of the
19 scatter plot that would include those homogenous precincts.

20 Q. And you said that the homogenous precincts analysis
21 suggests that Dr. Ansolabehere's estimates might be overstated.
22 Do you recall that?

23 A. Yeah. I think that's -- that's a fair characterization.

24 Q. That was based on a statewide look at homogenous precincts.
25 Is that right?

17:47 1

A. That's right.

2

Q. You didn't make any effort to isolate homogenous precincts in any particular congressional district?

3

4

A. No, I did not.

5

Q. Didn't make any effort to isolate the homogenous precincts in any particular region?

6

7

A. No, I did not.

8

Q. You agree with me, based on your analysis and your looking at things, that Hispanic voting patterns in particular vary across the State of Texas, right?

10

11

A. I do.

12

Q. Did you make any effort to determine where in Texas most of the homogenous Hispanic precincts are located?

13

14

A. I did not.

15

Q. And where you have a footnote --

16

MR. FOX: If we go to page 6, footnote 2. Blow that up.

17

18

Q. (BY MR. FOX) And there you identify that

19

Dr. Ansolabehere's estimates of Hispanic support for

20

President Trump have a median value of 63 percent and are

21

greater than 76 percent in one quarter of his estimates.

22

Do you see that?

23

A. I do.

24

Q. And I take it you said on direct examination that statement is not true?

25

17:48 1 A. The candidate to which those percentages refer is
2 mislabeled, yes.

3 Q. In fact, Dr. Ansolabehere's estimates show Hispanic support
4 for Vice President Harris in 2024 with a median value of
5 63 percent and greater than 76 percent in one quarter of the
6 estimates. Is that right?

7 A. Yes, I believe so.

8 Q. That's a pretty big difference. Wouldn't you agree,
9 Dr. Lewis?

10 A. The difference between 63 for one and 63 for the other?

11 Q. The difference between this being a statement about
12 President Trump's support and this being a statement about his
13 opponent.

14 A. Yes.

15 Q. And what was the cause of that error in your report?

16 A. And -- yeah, I can't say. I -- I think, you know, when
17 talking about cohesion in the different offices and different
18 percentages, you know, I just made an -- an error in writing
19 that footnote.

20 Q. The error wasn't present in your code?

21 A. I can't say if it was -- I don't know. I don't believe so.

22 Q. How can I tell if that error affected anything else in your
23 report?

24 A. I guess you can -- you can run that code. I'm not actually
25 sure that the -- that the numbers that are in this footnote are

17:49 1 produced in that code. I think that -- that may have been
2 something that I just sort of did at the last -- at the last
3 minute based on the numbers there. So it may be in there, it
4 may not. I'm not sure.

5 MR. FOX: Let's go, Mr. Medina, to page 6, Figure 3.

6 Q. (BY MR. FOX) And you've talked about this figure a little
7 bit on direct examination, right, Dr. Lewis?

8 A. I have.

9 Q. And this is showing the range in Dr. Ansolabehere's
10 ecological inference estimates across various election contests
11 and going down in various congressional districts, correct?

12 A. Yes.

13 Q. And so the numbers, focusing on the numbers, the first
14 number on each line -- so if we look at 33 in Plan C2193, the
15 first number on the line is 68. Do you see that?

16 A. Yes.

17 Q. And that's the lowest EI result for District 33 under
18 Plan C2193, right?

19 A. Yes.

20 Q. And then the next number is 81?

21 A. Yes.

22 Q. And that's the average?

23 A. I believe so, yes.

24 Q. And then the next number is 87. Is that right?

25 A. Yes.

17:50 1 Q. And that's the highest result in any election contest in
2 that district?

3 A. As estimated here, yes.

4 Q. Dr. Lewis, do you agree with me that all of that
5 information was also in Dr. Ansolabehere's report?

6 A. I do.

7 Q. So this is just sort of a different way of presenting the
8 same information he presented in his tables?

9 A. In addition to some additional detail, I don't think he --
10 he indicated where the individual contests fell within that
11 range that we just described.

12 Q. Well, keep in your mind, if you would, the 68, 81, 87
13 numbers for CD33 and CD2193.

14 MR. FOX: And, Mr. Medina, if you could pull up
15 Gonzales Exhibit 39 and go to page 17? And if we could zoom in
16 on the results for CD33, there at the bottom.

17 Q. (BY MR. FOX) Do you see that, Dr. Lewis?

18 A. I do.

19 Q. And do you see -- if we go over to the Hispanic column, do
20 you see that would be 81 and 68 and 87?

21 A. I do.

22 Q. And so those have the same numbers, right? He's showing 81
23 average, 68 minimum, 87 max, right?

24 A. I believe so.

25 Q. So all the information you have in Figure 3, it's not like

17:51 1 Dr. Ansolabehere was hiding that information, right?

2 A. No.

3 Q. That was right here in his report as well?

4 A. Correct.

5 MR. FOX: We can take this down.

6 Q. (BY MR. FOX) Now, Dr. Lewis, you offered -- you've offered
7 a number of expert reports in the past. Is that right?

8 A. Yes.

9 Q. I want to ask you about one in particular. Do you recall a
10 case in 2019 in North Carolina called *Common Cause v. Lewis*?

11 A. Yes.

12 Q. And the Lewis in that case, that wasn't you. I just want
13 to be clear.

14 A. No.

15 Q. Different Lewis.

16 A. Indeed.

17 Q. You were an expert?

18 A. I was.

19 MR. FOX: Could we pull up what will be marked as
20 Gonzales Exhibit 77? And can we blow up the top of half of
21 that?

22 Q. (BY MR. FOX) Dr. Lewis, do you by any chance recognize
23 this as your report in that case?

24 A. I -- I don't recall, but it appears to be, yes.

25 Q. And do you recall your work in that case?

17:52 1 A. I -- I recall that I did it. I don't -- I don't recall
2 very much about it at the moment, I'm afraid.

3 Q. Well, in your report, in that case, you offered an opinion
4 of the percentage of Black Citizen Voting-Age Population in
5 certain parts of the state of North Carolina that was required
6 for a district to support the Black candidate of choice.

7 Do you recall that?

8 A. I do.

9 MR. FOX: And if we go to page 20 of this, Mr. Medina?

10 Q. (BY MR. FOX) There's a table here. Do you recall this
11 table?

12 A. I recall making tables of that sort. I don't specifically
13 recall this table.

14 Q. And this table is doing that, right? It's reporting on the
15 percentage of Black Citizen Voting-Age Population needed to
16 elect a Black candidate of choice in these various county
17 groups. Is that right?

18 A. That appears to be the case, yes.

19 Q. And just to start, Dr. Lewis, I take it from the numbers on
20 the side here, 41, 27, 41, 26. Do you see that? It's in that
21 last column.

22 A. I do.

23 Q. And that shows us -- I think, you'll agree, that you don't
24 need in many cases in North Carolina, perhaps elsewhere, you
25 don't need a majority Black CVAP district to elect Black

17:54 1 candidates of choice. Is that right?

2 A. That's what's shown in the table, yes.

3 Q. And this was your conclusion in that case, right?

4 A. Yes.

5 Q. And your estimates of Black CVAP here in this table that
6 was an important part of your work in this case, right?

7 A. I -- it was part of my work in the case. So I -- I suppose
8 it's all important.

9 Q. And do you recall, Dr. Lewis, that after you submitted your
10 report in this case, you discovered you had made a pretty basic
11 error in your calculation of those numbers?

12 A. I don't.

13 Q. You don't recall forgetting to account for unaffiliated
14 voters when you were calculating these numbers in
15 North Carolina?

16 A. I don't recall.

17 MR. FOX: Well, let's pull up what we'll mark for
18 identification -- we'll mark it as Gonzales Exhibit 70.

19 Q. (BY MR. FOX) Dr. Lewis, I'll represent to you -- and you
20 can see here, this is a transcript of your deposition. You see
21 there *Common Cause v. Lewis*?

22 A. I do.

23 Q. That's dated June 11, 2019?

24 A. Yes.

25 MR. FOX: If we could go, Mr. Medina, to page 289 of

17:55 1 this deposition. Well, let's go back a page. Okay.

2 Q. (BY MR. FOX) So are you able to see that? I apologize;
3 it's a little bit blurry.

4 A. Yes. My vision is quite poor, but I can see that.

5 Q. Okay. And you see -- if you could read -- you see a
6 question here, How did you come up with those assumptions? And
7 then you start talking about some assumptions.

8 A. I do.

9 Q. And I'd just ask you to -- I'm not gonna try to read all of
10 this out loud. There's actually a lot here. I'll let you know
11 when I want to start reading, but I want to give you a little
12 context in fairness to you, since you said you don't remember
13 this.

14 Could you just let me know when you've read what's on
15 the screen here?

16 MR. FOX: If you could scroll down just to get the
17 last line of this page, I'd like to, Mr. Medina.

18 Q. (BY MR. FOX) And like I said, Doctor, just let us know
19 when you've read that page. I know it's a little blurry.

20 A. You know, I'm not sure what I was expressing there, but
21 I --

22 Q. I understand. Let's go to the next page where I'll
23 represent to you your answer continues. Do you see here you
24 testified (Reading) The area which -- which I would want to
25 amend the report now, if -- if I were to rely on this analysis

17:56 1 in any way, is that -- is that I went back, and checking these,
2 some of the numbers from surveys just to make sure that it
3 seemed like I had done it right.

4 I saw there were more survey there, as well. Let me
5 just put it this way: There's only one survey, public survey.
6 And then you go on, and you talk a little bit about the survey
7 that you looked at. And then you start another paragraph.

8 Do you see that?

9 A. I do.

10 Q. And you say (Reading) What I noticed is that I hadn't
11 noticed before is like, Oh, man, this survey data includes a
12 lot of non-affiliated voters -- unaffiliated voters. And I
13 hadn't realized that when I had tried to tabulate that out of
14 the data that I got from the BOE. I don't know, obviously I --
15 I miscalculated that number, and I just sort of neglected
16 that."

17 Do you see that?

18 A. I do.

19 Q. And if we go to the next page, you're explaining (Reading)
20 In some states, you can do that because in some states, the
21 fraction of voters that are registered without party
22 affiliation is very small. So, in doing that, I figured out
23 that actually 40 percent of the Whites that aren't Democrats
24 are unaffiliated in these -- across these counties. And it
25 varies a little bit but across all. And so, obviously, it's

17:57 1 not a reasonable assumption that zero percent of these
2 unaffiliated voters would support Democrats.

3 Do you see that?

4 A. I do.

5 Q. So you had just failed in your analysis in that case to
6 account for 40 percent of White voters in that area. Is that
7 right? 40 percent of non-Democratic voters in that area?

8 A. I had -- I had apparently made the error that I
9 characterized.

10 Q. And you agreed and you said, in your deposition, that was
11 not a reasonable assumption, right?

12 A. I -- yes. You -- you just read that to me.

13 Q. And you wouldn't want to rely on it in any way, right?

14 A. Well, yeah, I don't -- I don't know what "any way" means,
15 but, yeah, I would think this is not something that would be
16 relied on. You would want to make a correction.

17 MR. FOX: And if we could go to page 294, please,
18 Mr. Medina. I think it's probably a transcript. It's not
19 this.

20 Q. (BY MR. FOX) And, at some point, if you read this, you
21 agree with me you recalculated the numbers based on the
22 corrected assumption, right?

23 A. Yeah. I'm not sure exactly what's going on here, but I --
24 I take your word for it.

25 Q. Do you recall recalculating the numbers, though?

17:59 1 A. I don't recall any of this, honestly.

2 Q. Do you recall what happened in -- with your role in *Common*
3 *Cause v. Lewis* after this deposition?

4 A. I don't.

5 Q. Do you recall that the plaintiffs asked you to provide --
6 asked your counsel, I should say -- asked defense counsel, to
7 provide an updated analysis that accounted for this error?

8 A. I don't recall.

9 Q. Do you recall that, instead, they withdrew you from their
10 witness list in advance of trial?

11 A. I don't.

12 Q. Do you know if you ever testified in that case?

13 A. I don't believe that I -- I don't know, but I don't
14 believe -- I don't know if I did or not.

15 Q. Do you recall testifying in that case?

16 A. I don't recall.

17 MR. FOX: We can pull that down, Mr. Medina. Thank
18 you.

19 Your Honor, I'm about to move on to a new subject, and
20 I'm happy to continue. I do see we're close to our time.

21 At the Court's pleasure, can I?

22 JUDGE GUADERRAMA: I'm assuming you're not anywhere
23 close to being done. And Ms. Perales is gearing up over there,
24 and then there's Mr. Dunn. So we'll recess for the evening.

25 JUDGE SMITH: Can we talk about the timing for just a

18:00 1 minute?

2 JUDGE BROWN: Of course.

3 JUDGE SMITH: So we did some more talking about the
4 timing, and the input earlier today was very helpful. So
5 here's what we're looking at. I think what both sides are
6 predicting or hoping that we can finish by Friday. And
7 that's -- that's terrific.

8 So what we -- what we've decided to do is the
9 courtroom in the courthouse would be available for half of
10 Saturday as a safety valve if that's needed. We're not
11 encouraging people to carry over, but just so that nobody's
12 crowded, and that we don't have to talk about coming back at a
13 later time.

14 So I don't mean that as an incentive, but if we finish
15 by Friday, we can all go enjoy happy hour Friday night. If we
16 finish on Saturday, we can watch the Texas/OU game from the bar
17 in the airport.

18 (Laughter.)

19 JUDGE SMITH: So that's what we're looking at.

20 JUDGE BROWN: And I have a quick question. I assume
21 the rebuttal reports were produced to the other side?

22 MR. DUNN: Yes.

23 JUDGE BROWN: Okay. Were they somehow -- were they
24 filed or somehow -- or otherwise submitted to the Court?
25 Because --

18:01 1 MR. DUNN: No, sir, I don't believe so. They've been
2 filed as -- admitted as exhibits now, but I don't believe
3 they've been filed ECF.

4 JUDGE BROWN: Okay. I just would like to see them.

5 MR. DUNN: We'll get that done.

6 JUDGE BROWN: Okay. All right.

7 MR. DUNN: Do you think --

8 MS. PERALES: Would -- would -- I'm sorry. Would the
9 Court appreciate the same types of binders that parties
10 produced for the May/June trial? Or instead a list, perhaps,
11 of ECF exhibit numbers? We can do whatever the Court finds
12 most convenient.

13 JUDGE BROWN: Okay. So then -- so I can get to them
14 in ECF?

15 MR. DUNN: Not yet.

16 JUDGE GUADERRAMA: Okay. I didn't think so. I didn't
17 think so.

18 MR. FOX: We can file them this evening.

19 JUDGE BROWN: If I could have a hard copy of each of
20 the rebuttal reports, I don't even need any -- I don't need a
21 big notebook or anything if I can just get a hard copy of the
22 reports.

23 MR. FOX: Yes, Your Honor.

24 MR. DUNN: Okay. So I guess I'm confused. Would you
25 like us to file them or bring a hard copy or do both?

18:02 1 JUDGE BROWN: No. I just think a hard copy will be
2 fine. If they're gonna be in the record as exhibits, then they
3 don't need to be filed, but I would like to see them.

4 MR. DUNN: Okay. Everybody's been admitting their
5 exhibits as their experts have testified, so -- but we'll get
6 you hard copies.

7 JUDGE BROWN: Okay. All right. Great. Thank you.

8 JUDGE GUADERRAMA: All right. We're in recess 'til
9 9:00 tomorrow.

10 (Evening recess.)

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Signature: /s/Leticia Perez Date: October 17, 2025
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