

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

PRESS ROBINSON, et al.,

*Plaintiffs,*

v.

KYLE ARDOIN, in his official capacity as  
Secretary of State for Louisiana,

*Defendant.*

Civil Action No. 3:22-cv-00211-SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

EDWARD GALMON, SR., et al.,

*Plaintiffs,*

v.

R. KYLE ARDOIN, in his official capacity as  
Secretary of State for Louisiana,

*Defendant.*

Consolidated with

Civil Action No. 3:22-cv-00214-SDD-SDJ

**LEGISLATIVE INTERVENORS' OPPOSITION TO  
MOTIONS FOR PRELIMINARY INJUNCTION**

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In the early 1990s, the Louisiana Legislature enacted two redistricting plans containing two majority-Black congressional districts out of seven districts total. A federal three-judge court invalidated both plans as violations of the Equal Protection Clause. Plaintiffs now ask this Court, as temporary relief to preserve the *status quo*, to order the State to use in the next election a congressional redistricting plan containing two majority-minority congressional districts out of six districts total. The Court should deny that request.

## **BACKGROUND**

### **I. The Legal and Historical Framework**

1. After each decennial census, “[s]tates must redistrict to account for any changes or shifts in population.” *Georgia v. Ashcroft*, 539 U.S. 461, 489 n.2 (2003). “Redistricting is never easy.” *Abbott v. Perez*, 138 S. Ct. 2305, 2314 (2018). This is, in part, because “federal law restrict[s] the use of race in making districting decisions.” *Id.* “The Equal Protection Clause forbids ‘racial gerrymandering,’ that is, intentionally assigning citizens to a district on the basis of race without sufficient justification.” *Id.* (citing *Shaw v. Reno*, 509 U.S. 630, 641 (1993) (*Shaw I*)). As a result, purposefully creating a new majority-minority district is presumptively unconstitutional. *See Cooper v. Harris*, 137 S. Ct. 1455, 1468–69 (2017). Districting maps that “sort voters on the basis of race ‘are by their very nature odious.’” *Wis. Legislature v. Wis. Elections Comm’n*, 142 S. Ct. 1245, 1248 (2022) (quoting *Shaw I*, 509 U.S. at 643).

On the other hand, “[a] State violates § 2” of the Voting Rights Act (VRA) “if its districting plan provides ‘less opportunity’ for racial minorities ‘to elect representatives of their choice.’” *Abbott*, 138 S. Ct. at 2315 (quoting *League of United Latin American Citizens v. Perry*, 548 U.S. 399, 425 (2006) (*LULAC*)). The Supreme Court has “interpreted this standard to mean that, under certain circumstances, States must draw ‘opportunity’ districts in which minority groups form ‘effective majorit[ies].’” *Id.* (citation omitted).

In the face of these “‘competing hazards of liability,’” the Supreme Court has “‘assumed”—but never held—that “‘compliance with the VRA may justify the consideration of race in a way that would not otherwise be allowed.” *Id.* (quoting *Bush v. Vera*, 517 U.S. 952, 977 (1996) (plurality opinion)); *but see Miller v. Johnson*, 515 U.S. 900, 927 (1995) (observing that this assumption raises “troubling and difficult constitutional questions”). A state’s burden to satisfy “strictest scrutiny” is demanding. *See Miller*, 515 U.S. at 915. The state must at a minimum adduce evidence—at the time of redistricting—establishing the three “*Gingles*” preconditions: that (1) the relevant minority group is “‘sufficiently large and geographically compact to constitute a majority’ in some reasonably configured legislative district”; (2) the relevant minority group is “politically cohesive,” and (3) the “district’s white majority . . . ‘vote[s] sufficiently as a bloc’ to usually ‘defeat the minority’s preferred candidate.’” *Cooper*, 137 S. Ct. at 1470 (quoting *Thornburg v. Gingles*, 478 U.S. 30, 50–51 (1986)). It is insufficient that citizens or advocacy groups “want[] a State to create” a majority-minority district. *Abbott*, 138 S. Ct. at 2334. It is also insufficient that a government actor demands a majority-minority district. *See Miller*, 515 U.S. at 922 (striking down a majority-minority district, even though the federal government made it a condition of Section 5 preclearance); *Shaw v. Hunt*, 517 U.S. 899, 911–12 (1996) (*Shaw II*) (same). The Supreme Court has forbidden states from seeking to maximize the number of majority-minority districts. *Shaw II*, 517 U.S. at 913. “Nor is proportional representation the benchmark.” *Gonzalez v. City of Aurora, Ill.*, 535 F.3d 594, 598 (7th Cir. 2008). No defendant has successfully invoked Section 2 in the Supreme Court as a racial-gerrymandering defense.

2. Louisiana is no exception. After the 1990 census, the Louisiana Legislature twice enacted congressional plans with two majority-minority districts; both were invalidated under the Constitution. The 1992 plan included one majority-minority district (CD2) that “covers essentially

the same geographic area as did old District 2 in the previous plan” in Orleans Parish. *Hays v. Louisiana*, 839 F. Supp. 1188, 1191 (W.D. La. 1993) (three-judge court) (*Hays I*). That *status quo* district posed no equal-protection problem. *Id.*

But the plan also added a new majority-minority district (CD4), which the Legislature created because the U.S. Department of Justice “had let it be known that preclearance [under VRA Section 5] would not be forthcoming” without a second majority-minority district. *Id.* at 1196 n.1. In the subsequent equal-protection challenge, a three-judge court held that racial considerations predominated because “the Plan was drawn with the *specific intent* of ensuring the creation of a second, safe, black majority congressional district.” *Id.* at 1204. The plan was not narrowly tailored under Section 2 because “it adversely affects more interests, if it generally wreaks more havoc, than it reasonably must to accomplish the articulated compelling state interest.” *Id.* at 1208. The State appealed, but the appeal became moot when the Legislature enacted another plan, also with two majority-minority districts. *See Louisiana v. Hays*, 512 U.S. 1230 (1994) (mem.).

A second challenge ensued. Again, the three-judge court concluded that race predominated, finding that “[t]he Legislature was justifiably convinced that the United States Department of Justice would preclear no redistricting plan for Louisiana that failed to include a second majority-minority district” and therefore passed the plan “for the very reason that it was effective in separating black voters from white.” *Hays v. Louisiana*, 936 F. Supp. 360, 368 (W.D. La. 1996) (*Hays IV*).<sup>1</sup> The court found that CD4 failed strict scrutiny because, “[d]espite a minority population of approximately 30%, demographic distribution is simply too diffuse to generate a majority voting age population in any district outside of the Orleans Parish region.” *Id.* at 124 n.4.

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<sup>1</sup> The three-judge court reached the same conclusion in a prior ruling, *Hays v. Louisiana*, 862 F. Supp. 119 (W.D. La. 1994) (*Hays II*), but the Supreme Court vacated that ruling because no plaintiff had standing to challenge CD4, *United States v. Hays*, 515 U.S. 737 (1995) (*Hays III*).

The three-judge court imposed a remedial plan with one majority-minority district (CD2). *Id.* at 124–25.

## II. The 2020 Redistricting

“Insanity is doing the same thing over and over and expecting different results.”<sup>2</sup> The Louisiana Legislature did not succumb to this malady.

1. In the 2000 and 2010 decades, the Legislature maintained CD2 anchored in Orleans Parish as a majority-minority district, and did not enact a second majority-minority district. The U.S. Department of Justice precleared these plans. The Black population has not materially grown as a percentage of Louisiana’s overall population; as in 1994, it has been “approximately 30%” of the voting-age population, *Hays IV*, 862 F. Supp. at 124 n.4; Hood Rep., Ex. A, at 4. Meanwhile, after the 2010 census, Louisiana lost a congressional district, going from seven to six.

2. In the 2020 apportionment, Louisiana retained six districts. But population shifts within the State necessitated redistricting to “achieve population equality ‘as nearly as is practicable.’” *Karcher v. Daggett*, 462 U.S. 725, 730 (1983) (citation omitted). The Legislature began the process in June 2021 by adopting criteria mandating that proposed plans comply with all legal requirements (including “the Equal Protection Clause”), “contain whole election precincts,” “maintain[] . . . communities of interest,” and “respect the established boundaries of parishes, municipalities, and other political subdivisions and natural geography of this state to the extent practicable.” Ex. B, HCR 90(B), (E)(2), (G)(1). From October 2021 to January 2022, the Legislature held public hearings across the State to present information and solicit public feedback.

The Legislature convened an Extraordinary Session beginning February 1, 2022. The congressional plan ultimately enacted, House Bill 1 and Senate Bill 5, satisfies the adopted

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<sup>2</sup> *E.g.*, Frank Wilczek, *Einstein’s Parable of Quantum Insanity*, Scientific American (Sep. 23, 2015), <https://www.scientificamerican.com/article/einstein-s-parable-of-quantum-insanity/>.

criteria.<sup>3</sup> The plan maintains the “core districts as they [were] configured” to “ensure continuity of representation.”<sup>4</sup> Although population shifts rendered some changes necessary, the plan preserves “the traditional boundaries as best as possible” and “keeps the status quo.”<sup>5</sup> On average, the plan maintains more than 96% of constituents per district in the same district as the 2011 plan. Hood Rep., Ex. A, at 2. The plan respects political-subdivision boundaries and natural geography, and it splits just one precinct.<sup>6</sup> The plan accounts for communities of interest identified in committee hearings, including by grouping major military installations and military communities in CD4, preserving the Acadiana region in CD3, and joining major cities and their suburbs as much as possible.<sup>7</sup> Of particular relevance to this case are CD5, CD6, and CD2:

- CD5, which was underpopulated by about 37,000 residents, is a rural district that accounts for nearly half of Louisiana’s agricultural sales and borders a long stretch of the Mississippi River. Its incumbent serves on the House Agriculture Committee. The plan maintains rural communities as the “backbone” of CD5 by preserving the delta region and adding Point

<sup>3</sup> See Sen. Hewitt, Feb. 3, 2022 Senate and Governmental Affairs (Part 2) at 32:55 to 55:20, [https://senate.la.gov/s\\_video/videoarchive.asp?v=senate/2022/02/020322SG2](https://senate.la.gov/s_video/videoarchive.asp?v=senate/2022/02/020322SG2); see also Sen. Hewitt, Feb. 8, 2022 Senate Session at 1:59:45 to 2:08:33, [https://senate.la.gov/s\\_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB](https://senate.la.gov/s_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB); Speaker Pro Tempore Magee, Feb. 10, 2022 House Session at 1:21:08 to 1:21:48, [https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_2022IES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_2022IES_Redist).

<sup>4</sup> Sen. Hewitt, Feb. 3, 2022 Senate and Governmental Affairs (Part 2) at 37:19 to 38:05; see also Sen. Hewitt, Feb. 4, 2022 Senate and Governmental Affairs at 28:12 to 28:26, [https://senate.la.gov/s\\_video/videoarchive.asp?v=senate/2022/02/020422SG](https://senate.la.gov/s_video/videoarchive.asp?v=senate/2022/02/020422SG); see Sen. Hewitt, Feb. 8, 2022 Senate Session at 2:03:00 to 2:03:40; see also Sen. Hewitt, Mar. 30, 2022, Senate Session at 53:38 to 55:06, [https://senate.la.gov/s\\_video/VideoArchivePlayer?v=senate/2022/03/033022SCHAMB](https://senate.la.gov/s_video/VideoArchivePlayer?v=senate/2022/03/033022SCHAMB).

<sup>5</sup> Speaker Pro Tempore Magee, Feb. 10, 2022 House Session at 8:34 to 9:01, 12:55 to 13:02; see also Rep. Stefanski, Feb. 18, 2022 House Session (Part 1) at 4:24 to 4:48, [https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0218\\_22\\_Day15\\_2022IES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0218_22_Day15_2022IES_Redist); see also Speaker Schexnayder Testimony, Feb. 4, 2022 House and Governmental Affairs at 1:50 to 12:30, [https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0204\\_22\\_HG](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0204_22_HG).

<sup>6</sup> See Sen. Hewitt, Feb. 3, 2022 Senate and Governmental Affairs (Part 2) at 36:38 to 37:18; see also Sen. Hewitt, Feb. 8, 2022 Senate Session at 2:02:40 to 2:03:00.

<sup>7</sup> See Sen. Hewitt, Feb. 3, 2022 Senate and Governmental Affairs (Part 2) at 38:06 to 40:05; see also Sen. Hewitt, Feb. 8, 2022 Senate Session at 2:03:45 to 2:04:50; see also Speaker Pro Tempore Magee, Feb. 10, 2022 House Session at 14:06 to 14:18.

Coupee and rural parts of the Florida Parishes.<sup>8</sup> The enacted plan retains over 89% of the constituents of CD5 in the 2011 Plan. Hood Rep., Ex. A, at 2.

- CD6, which was overpopulated by about 40,000 residents, is anchored in the Greater Baton Rouge area and joins its suburbs, including West Baton Rouge, Ascension, and Livingston. The enacted plan improves CD6 by curing precinct splits from the prior plan.<sup>9</sup> The plan retains nearly 99% of the constituents of CD6 in the 2011 plan. Hood Rep., Ex. A, at 2.

- CD2 was the closest of any district to the ideal population, being under the ideal by 1,000 residents. The district joins the State's two largest urban areas, New Orleans and portions of Baton Rouge, which share interests in the tourism industry, affordable housing, safe neighborhoods, and accessible healthcare. CD2 brings together ports along the Mississippi River, which is the "gateway to commerce."<sup>10</sup> The "general makeup of this district remains the same" from the 2010 plan, though some precincts were shifted between District 2 and others to equalize population.<sup>11</sup> The enacted version retains nearly 99% of the constituents of the 2011 version of CD2. Hood Rep., Ex. A, at 2. CD2 remains a majority-Black district, with a Black Voting Age Population of over 58%.<sup>12</sup> There is no allegation that race predominated in the creation of CD2.

3. The Legislature faced "demands" to engage in race-based redistricting. *See Abbott*, 138 S. Ct. at 2334. Some public commenters contended that, "[b]ecause over 1/3 of Louisiana's population is minority . . . at least 2 of the 6 districts should have a fair chance of electing a member of a minority." *Robinson* Compl. ¶ 48. Some legislators, too, argued for proportionality, "repeating, 'One-third of six is two.'" *Galmon* Compl. ¶ 30. Legislators and members of the public

<sup>8</sup> See Sen. Hewitt, February 3, 2022 Senate and Governmental Affairs (Part 2) at 43:42 to 46:50.

<sup>9</sup> See Sen. Hewitt, Feb. 3, 2022 Senate and Governmental Affairs (Part 2) at 52:05 to 53:45.

<sup>10</sup> See Sen. Hewitt, Feb. 3, 2022 Senate and Governmental Affairs (Part 2) at 53:45 to 54:38.

<sup>11</sup> See Speaker Schexnayder, Feb. 4, 2022 House and Governmental Affairs at 6:00 to 7:05.

<sup>12</sup> See Sen. Hewitt, Feb. 3, 2022 Senate and Governmental Affairs (Part 2) at 53:45 to 54:38.

proposed alternative plans containing two majority-Black districts representing that they were drawn with the specific intent to reach at least 50% Black voting-age population (or BVAP).<sup>13</sup> Senator Fields, for example, asserted that, “if you wish to create a majority-minority district, you can.”<sup>14</sup> The proposals transferred Black residents from CD2 to CD5, reducing CD2’s BVAP,<sup>15</sup> and some contained z-shaped districts that zigged and zagged across the state.<sup>16</sup> The Governor announced that he would veto any congressional plan that “does not include a second majority African American district.” *Galmon* Compl. ¶ 38; compare *Hays I*, 839 F. Supp. at 1196 n.1; *Miller*, 515 U.S. at 917–18; see also *Shaw II*, 517 U.S. at 902–03.

No one advocating a second majority-minority district presented “a strong basis in evidence to conclude that § 2 demands such race-based steps.” *Cooper*, 137 S. Ct. at 1471. Plaintiffs Louisiana NAACP and Power Coalition for Equity and Justice claimed to have conducted statistical analyses.<sup>17</sup> But no submission contained such an analysis or underlying data.

<sup>13</sup> See, e.g., Sen. Fields, Feb. 8, 2022 Senate Session at 2:20:50 to 2:21:13; see also Sen. Luneau, Feb. 3, 2022 Senate and Governmental Affairs (Part 1) at 1:48 to 2:00, [https://senate.la.gov/s\\_video/videoarchive.asp?v=senate/2022/02/020322SG](https://senate.la.gov/s_video/videoarchive.asp?v=senate/2022/02/020322SG) (testifying he offered Senate Bill 16 because “with the changes in our population, it’s pretty clear, that the Census has shown about a third of the population is minority” and that the plan “adds an additional majority-minority district.”); see also Sen. Price, Feb. 15, 2022 Senate and Governmental Affairs at 12:20 to 12:33, [https://redist.legis.la.gov/default\\_video?v=senate/2022/02/021522SG](https://redist.legis.la.gov/default_video?v=senate/2022/02/021522SG) (explaining that the purpose of Amendment 153 to House Bill 1 was to “provide two minority district[s] – District 2 and District 5.”); Rep. Duplessis, Feb. 15, 2022 House and Governmental Affairs at 1:13:10 to 1:13:15, [https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0215\\_22\\_HG](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0215_22_HG) (explaining he offered Amendment 116 to SB 5 to “creat[e] a second majority-minority district.”).

<sup>14</sup> Sen. Fields, Feb. 8, 2022 Senate Session at 2:28:00 to 2:28:27.

<sup>15</sup> See, e.g., Senate Bill 9, <https://legis.la.gov/legis/ViewDocument.aspx?d=1245001> (showing BVAPs of 52.254% and 51.597% for CD2 and CD5, respectively).

<sup>16</sup> See Sen. Hewitt, February 3, 2022 Senate and Governmental (Part 2) at 4:15 to 5:20 (“You’ve got Lafayette in a district with New Orleans, you’ve got neighborhoods in Baton Rouge would share a member of congress with Shreveport, and Lake Charles is joined with parts of Monroe. It divides up some of the Barksdale community.”).

<sup>17</sup> See October 18, 2021 Letter at 5–6, [https://redist.legis.la.gov/2020\\_Files/MtgFiles/Email%20Testimony%20-%20Michael%20Pernick.%20NAACP%20Legal%20Defense%20&%20Educational%20Fund.%20Inc.%20&%20others.pdf](https://redist.legis.la.gov/2020_Files/MtgFiles/Email%20Testimony%20-%20Michael%20Pernick.%20NAACP%20Legal%20Defense%20&%20Educational%20Fund.%20Inc.%20&%20others.pdf); December 14, 2021 Letter at 2–3, [https://redist.legis.la.gov/2020\\_Files/MtgFiles/Dec15/Email%20Testimony%20-%20Arielle%20McTootle%20and%20NAACP%20Legal%20Defense%20and%20Educational%20Fund.%20Inc..pdf](https://redist.legis.la.gov/2020_Files/MtgFiles/Dec15/Email%20Testimony%20-%20Arielle%20McTootle%20and%20NAACP%20Legal%20Defense%20and%20Educational%20Fund.%20Inc..pdf); see also Michael Pernick, Jan. 20, 2022 at 2:45:40 to 2:48:03, [https://redist.legis.la.gov/default\\_video?v=house/2022/jan/0120\\_22\\_JGA\\_BatonRouge\\_Redist](https://redist.legis.la.gov/default_video?v=house/2022/jan/0120_22_JGA_BatonRouge_Redist).

Plaintiffs and their counsel refused to provide analyses and did not answer questions about the elections purportedly analyzed.<sup>18</sup> The only meaningful information that could be gleaned from the submissions was a summary of an analysis of a single 2018 run-off election, and it suggested that alternative configurations of CD5, rendering it a bare-majority-Black district, would not meaningfully improve the Black community's opportunity to elect its preferred candidate.<sup>19</sup> Meanwhile, legislators expressed the concern that drawing two majority-minority districts with slim BVAP majorities would compromise Black opportunity in both.<sup>20</sup> Legislators made similar assertions in connection with state legislative and judicial redistricting plans.<sup>21</sup>

4. The Legislature resisted these calls “to segregate the races for purposes of voting.” *Shaw I*, 509 U.S. at 642. House Bill 1 and Senate Bill 5 (amended to incorporate the identical congressional plans)<sup>22</sup> were passed by the Legislature on February 18, 2022. As promised, the Governor vetoed both bills for failing to achieve his predetermined racial target. The Legislature overrode the veto of House Bill 1 on March 30, 2022.<sup>23</sup>

### III. Procedural Posture

Two sets of Plaintiffs filed the instant consolidated Section 2 actions based on what they call “critical facts,” including that “Louisiana has six congressional districts and a Black population of over 33%,” that “[a]ctivists, community leaders, and ordinary Louisianans petitions

<sup>18</sup> See Michael Pernick, Jan. 20, 2022 Joint Committee at 2:50:08 to 2:50:20, 2:54:37 to 2:55:04; see also Michael Pernick, Feb. 3, 2022 Senate and Governmental Affairs (Part 3) at 33:10 to 34:19, [https://senate.la.gov/s\\_video/videoarchive.asp?v=senate/2022/02/020322SG3](https://senate.la.gov/s_video/videoarchive.asp?v=senate/2022/02/020322SG3).

<sup>19</sup> See Dec. 14, 2021 Letter at 2; see also Michael Pernick, January 20, 2022 Joint Committee at 2:47:00 to 2:49:00.

<sup>20</sup> See Rep. Carter, Feb. 4, 2022 House and Governmental Affairs at 2:24:00 to 2:25:29; see also Sen. Hewitt, Feb. 3, 2022 Senate and Governmental Affairs (Part 2) at 58:10 to 1:03:05; Sen. Hewitt, Feb. 18, 2022 Senate Session (Part 1), 30:57 to 32:32 [https://senate.la.gov/s\\_video/videoarchive.asp?v=senate/2022/02/021822SCHAMB](https://senate.la.gov/s_video/videoarchive.asp?v=senate/2022/02/021822SCHAMB); see also Sen. Hewitt, Feb. 8, 2022 Senate Session, 2:32:30 to 2:33:59.

<sup>21</sup> See Rep. Carter, Feb. 16, 2022, House and Governmental Affairs at 1:11:10 to 1:11:44, [https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0216\\_22\\_HG](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0216_22_HG); Sen. Carter, Feb. 8, 2022 Senate Session at 1:01:08 to 1:03:10.

<sup>22</sup> See Sen. Hewitt, Feb. 18, 2022 Senate Session (Part 1) at 2:45 to 5:45.

<sup>23</sup> See, e.g., Sen. Hewitt, Mar. 30, 2022, Senate Session at 1:38:43 to 1:42:35.

lawmakers” to create a second majority-minority district,” that the Governor “pledged to veto any new map that failed to” create such a race-based district, and that a district could be drawn including “the Baton Rouge area and the delta parishes” to achieve a 50% racial quota. *Galmon Br.* (Doc. 42-1) at 1. They waited 16 days to file preliminary-injunction motions (and nine days to request a status conference concerning provisional relief). They ask the Court to order the Legislature to redistrict and, if it does not, order the State to utilize one of their illustrative plans. Their core retention numbers fall far below those of the enacted plans, especial in CD2, CD5, and CD6. Hood Rep., Ex. A, at 2. The plans do not even purport to be *status quo* plans.

### **LEGAL STANDARD**

“The purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held.” *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981). Preliminary injunctions “favor the status quo and seek to maintain things in their initial condition so far as possible until after a full hearing permits final relief to be fashioned.” *Wenner v. Tex. Lottery Comm’n*, 123 F.3d 321, 326 (5th Cir. 1997). “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. NRDC, Inc.*, 555 U.S. 7, 20 (2008). “A preliminary injunction is an extraordinary remedy never awarded as of right.” *Id.* at 24.

### **ARGUMENT**

#### **I. Plaintiffs Are Unlikely To Succeed on the Merits**

Plaintiffs are unlikely to prove that the Legislature violated Section 2 by doing what the Constitution requires. The Legislature was permitted to create a second majority-minority district only if it had “good reason to think that all the ‘Gingles’ preconditions are met.” *Cooper*, 137 S. Ct. at 1470. “But if not, then not.” *Id.* The Legislature had before it no evidence justifying race-

based redistricting. There can be little doubt that the Legislature would have violated the Equal Protection Clause had it enacted the plans Plaintiffs demand this Court impose as Section 2 remedies. And this would have been true of both CD5 and CD2, as CD2 would be deemed a “donor” of BVAP to CD5, which amounts to inherently suspect redistricting. *Bethune-Hill v. Va. State Bd. of Elections*, 326 F. Supp. 3d 128, 174 (E.D. Va. 2018) (three-judge court). The fact that Plaintiffs, citizens advocacy groups, and the Governor demanded race-based districts only underscores the Legislature’s prudence in declining their overtures. *See Hays I*, 839 F. Supp. at 1196 n.1; *Miller*, 515 U.S. at 917–18; *see also Shaw II*, 517 U.S. at 902–03, 907; *Abbott*, 138 S. Ct. at 2334. And Plaintiffs’ insistence that Section 2 demands proportionality (one third of the districts for one third of the population) stands rejected not only in precedent, *Washington v. Tensas Par. Sch. Bd.*, 819 F.2d 609, 612 (5th Cir. 1987), but also in Section 2’s unmistakable text: “nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population,” 52 U.S.C. § 10301(b). In short, a plan providing the same Section 2 opportunity as has existed for decades is unlikely to be found to violate Section 2 after trial on the merits.

A. The First Gingles Precondition

Plaintiffs are unlikely to show that discrete Black communities are “sufficiently large and compact to constitute a majority” in two “reasonably configured district[s].” *Wis. Legislature*, 142 S. Ct. at 1248. Plaintiffs’ alternatives fail on several grounds.

1. Race was the predominant factor behind Plaintiffs’ alternative majority-minority districts. Their renditions of CD5 and CD2 were “carefully drawn to avoid areas of higher Caucasian population concentration so as to ensure that African–Americans remained a majority.” *Sensley v. Albritton*, 385 F.3d 591, 597 (5th Cir. 2004). “If proposed alternatives are purposefully drawn to avoid areas densely populated by whites and to bring in African-Americans from other

communities that already have an African-American majority, then the court may question the minority group's compactness." *Fairley v. Hattiesburg, Miss.*, 2:06-cv-167, 2008 WL 3287200, at \*6 (S.D. Miss. Aug. 7, 2008), *aff'd*, 584 F.3d 660 (5th Cir. 2009). Section 2 compares the challenged plan against "a race-neutral process," not a race-based process. *Gonzalez*, 535 F.3d at 598. Any other reading would render Section 2 unconstitutional by compelling redistricting authorities to engage in presumptively unconstitutional conduct to satisfy Section 2, which enforces the Fourteenth and Fifteenth Amendments. *See Shelby County v. Holder*, 570 U.S. 529, 542 n.1 (2013). Just as "Congress does not enforce a constitutional right by changing what the right is," *City of Boerne v. Flores*, 521 U.S. 507, 508 (1997), it does not enforce the Civil War Amendments by compelling states to violate them.<sup>24</sup>

Plaintiffs' majority-minority districts were designed "to segregate the races." *Shaw I*, 509 U.S. at 642. A set of 10,000 computer-simulated redistricting plans generated without racial criteria and according to neutral principles produces *zero* majority-minority congressional districts in Louisiana in *any* map—let alone *two* as Plaintiffs demand. Report of Christopher Blunt, Ex. C, ¶¶ 3–4, 20–28. This result demonstrates that race predominated the construction of Plaintiffs' alternative districting plans and that a two majority-minority district plan cannot be drawn without subordinating traditional, non-racial criteria to race.<sup>25</sup>

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<sup>24</sup> *Gingles* itself relied on commentators who argued that "the relevant question should be whether the minority population is so concentrated that, if districts were drawn pursuant to accepted *nonracial* criteria, there is a reasonable possibility that at least one district would give the racial minority a voting majority." James U. Blacksher & Larry T. Menefee, *From Reynolds v. Sims to City of Mobile v. Bolden: Have the White Suburbs Commandeered the Fifteenth Amendment?* 34 Hastings L.J. 1, 64 n.330 (1982) (emphasis added) (cited repeatedly at *Gingles*, 478 U.S. at 47-51); *see also* Richard L. Engstrom & John K. Wildgen, *Pruning Thorns from the Thicket: An Empirical Test of the Existence of Racial Gerrymandering*, 2 Legis. Stud. Q. 465, 465 (1977) (cited in *Gingles*, 478 U.S. at 46 n.11).

<sup>25</sup> A court in Alabama issued a preliminary injunction demanding a second majority-minority district in Alabama, even though two sets of race-neutral computer simulations akin to those Dr. Blunt performed in this case failed to draw such a plan. The Supreme Court promptly stayed the injunction. *Merrill v. Milligan*, 142 S. Ct. 879, 879 (2022).

As Judge Easterbrook of the Seventh Circuit explained in rejecting a Section 2 challenge to the City of Aurora’s ward districts:

Suppose that after 1,000 different maps of Aurora’s wards have been generated, 10% have two or three “safe” districts for Latinos and the other 90% look something like the actual map drawn in 2002: one safe district and two “influence districts” where no candidate is likely to win without substantial Latino support. Then we could confidently conclude that Aurora’s map did not dilute the effectiveness of the Latino vote.

*Gonzalez*, 535 F.3d at 600. As in *Gonzales*, “Plaintiffs did not conduct such an exercise . . . (or, if they did, they didn’t put the results in the record).” *Id.* They cannot meet their burden by neglecting it. And, because a sample of computer-generated maps that *was* submitted produces *no* plan with *any* majority-minority congressional district in Louisiana, the Court can safely conclude that a plan lacking *two* majority-minority districts is not dilutive.

2. Plaintiffs’ alternatives rewrite the Legislature’s non-racial goals. The compactness “inquiry should take into account ‘traditional districting principles such as maintaining communities of interest and traditional boundaries.’” *LULAC*, 548 U.S. at 433 (quoting *Abrams v. Johnson*, 521 U.S. 74, 92 (1997)). “The recognition of nonracial communities of interest reflects the principle that a State may not assume from a group of voters’ race that they think alike, share the same political interests, and will prefer the same candidates at the polls.” *Id.* (quotation marks omitted; alterations accepted). “In the absence of this prohibited assumption, there is no basis to believe a district that combines two far flung segments of a racial group with disparate interests provides the opportunity that § 2 requires or that the first *Gingles* condition contemplates.” *Id.* For example, in *Miller*, the Supreme Court faulted the Georgia legislature of “connecting” in one district “the black neighborhoods of metropolitan Atlanta and the poor black populace of coastal Chatham County, though 260 miles apart in distance and worlds apart in culture.” 515 U.S. at 908. Likewise in *LULAC*, Texas improperly combined an urban Latino community of Austin with

Latinos some 300 miles away in the rural Rio Grande Valley, despite those communities’ different “characteristics, needs, and interests.” 548 U.S. at 434.

The same is true of Plaintiffs’ alternatives, each of which combines urban Baton Rouge and its suburbs in some way with the distant rural communities of Louisiana’s delta parishes. Plaintiffs cite no evidence that Louisiana has ever utilized such an odd configuration of disparate groups, who share race in common and not much else. And the only apparent precedent is the district invalidated in *Hays*, which “meander[ed] down the west bank of the Mississippi River” before “swallow[ing] predominantly black portions of several more parishes” around Baton Rouge. *Hays I*, 839 F. Supp. at 1199.

Plaintiffs’ alternatives flout other principles the Legislature prioritized, such as preserving incumbencies and their constituencies and district cores. Hood Rep, Ex. A, at 2. The Legislature made the sound determination to prioritize retaining constituents in their districts, which enables the populace to hold its representatives accountable for their representation over time. *Id.* at 2 n.2, 3. Plaintiffs’ plans, by contrast, dismantle district cores and decouple representatives from the voters they represented in recent years, severing the link of accountability. *See id.* at 2. Plaintiffs ignore this and utilize different goals, such as avoiding “fracking,” that come with no basis in the legislative record. Fairfax Rep. (Doc. 41-2) at 14–15. Notwithstanding the *Galmon* Plaintiffs’ identification of residents who believe their preferred configuration makes communities-of-interest sense, it is the Legislature’s role to identify communities of interest, not the Court’s or Plaintiffs’ (or third-party affiant’s) role. *See Banerian v. Benson*, -- F. Supp. 3d --, 2022 WL 676001, at \*2–3 (W.D. Mich. Mar. 4, 2022). Because Plaintiffs’ alternatives dismantle the Legislature’s legitimate and race-neutral goals, it is not an appropriate comparator. *See Gonzales*, 535 F.3d at 598–99.

3. Plaintiffs also fail to present an alternative plan that satisfies the majority-minority requirement in more than one district. “[T]he majority-minority rule relies on an objective, numerical test: Do minorities make up more than 50 percent of the voting-age population in the relevant geographic area?” *Bartlett v. Strickland*, 556 U.S. 1, 18 (2009) (plurality opinion). Under the method the U.S. Department of Justice uses to analyze redistricting plans, none of Plaintiffs’ alternatives cross the 50% BVAP mark in two districts. Hood Rep., Ex. A, and 4–6. To compensate, Plaintiffs use a different calculation of “Black,” called “any part Black,” “which counts as black any person who self-identifies as black alone or black in combination with any other race or ethnicity, including those who self-identify as Hispanic.” *Terrebonne Par. Branch NAACP v. Jindal*, 274 F. Supp. 3d 395, 419 (M.D. La. 2017), *rev’d on other grounds sub nom. Fusilier v. Landry*, 963 F.3d 447 (5th Cir. 2020). But Plaintiffs fail to establish the polarized-voting preconditions as to members of these other races and ethnicities and do not justify the use of a measure the Department of Justice does not use.

B. The Third *Gingles* Precondition

Plaintiffs are unlikely to establish an “amount of white bloc voting that can generally ‘minimize or cancel’ black voters’ ability to elect representatives of their choice.” *Gingles*, 478 U.S. at 56 (citations omitted). The question is not merely “whether white residents tend to vote as a bloc, but whether such bloc voting is ‘legally significant.’” *LULAC, Council No. 4434 v. Clements*, 999 F.2d 831, 850 (5th Cir. 1993) (*en banc*) (citation omitted). Plaintiffs’ showing falls short of legal significance.

1. The evidence indicates that there are sufficient levels of white crossover voting to afford Black voters an equal electoral opportunity without a 50% BVAP district. “[I]n the absence of significant white bloc voting it cannot be said that the ability of minority voters to elect their chosen representatives is inferior to that of white voters.” *Voinovich v. Quilter*, 507 U.S. 146, 158

(1993) (quoting *Gingles*, 478 U.S. at 49 n. 15); accord *Bartlett*, 556 US at 24 (“In areas with substantial crossover voting it is unlikely that the plaintiffs would be able to establish the third *Gingles* precondition—bloc voting by majority voters.”). A political scientist can describe voting as “polarized” in any “circumstance in which ‘different races vote in blocs for different candidates.’” *Covington v. North Carolina*, 316 F.R.D. 117, 167 (M.D.N.C. 2016), *aff’d*, 137 S. Ct. 2211 (2017) (quoting *Gingles*, 478 U.S. at 62). But, as *Covington* explained, white bloc voting is only legally significant if it “exist[s] at such a level that the candidate of choice of African-American voters would usually be defeated *without a VRA remedy*.” 316 F.R.D. at 168 (emphasis added). A VRA remedy is a 50% minority VAP district. See *Bartlett*, 556 U.S. at 19.

The polarized voting estimates indicate that white crossover voting exists at sufficient levels that a 50% BVAP district is unnecessary to ensure an equal opportunity for the Black community. Lewis Rep., Ex. D, ¶ 13. The *amicus* brief of mathematics and computer-science professors presents an analysis of 19 elections demonstrating that districts of about 42% BVAP afford an equal minority electoral opportunity. *Amicus* Brief in Support of Neither Party (Doc. 97) at 23, 27, 34–34. Plaintiffs depend on white crossover voting insofar as they propose alternative districts with slim BVAP majorities, where Black voters are the minority in turnout, rendering the Black community dependent on white crossover voting to elect their candidates of choice. Lewis Rep., Ex. D, ¶¶ 7–11. But the converse is also true: white bloc voting at the levels likely to be shown at trial is low enough (and crossover voting is high enough) to permit Black voters to elect their preferred candidates without 50% BVAP districts. As a result, any polarization carries no legal significance. See *Abrams*, 521 U.S. at 93; *Cooper*, 137 S. Ct. at 1470; *McConchie v. Scholz*, --F. Supp. 3d--, 2021 WL 6197318, at \*8 (N.D. Ill. Dec. 30, 2021) (three-judge court).

Plaintiffs and their experts argue that white crossover voting is insufficient to enable Black-preferred candidates to prevail consistently in CD5 as enacted at about 33% BVAP. *See, e.g.*, Palmer Rep. (Doc. 47) at 6–7. Even if that were true, the argument does not address CD2, and, further, the question is not whether the enacted plan hits an ideal BVAP target somewhere above 33% BVAP, but whether a district above 50% BVAP—i.e., “a VRA remedy,” *Covington*, 316 F.R.D. at 168—is necessary to ensure equal electoral opportunity. Section 2 does not mandate crossover districts.<sup>26</sup> *Bartlett*, 556 U.S. at 18–20.

2. Plaintiffs also fail to show that any “tendency among minorities and whites to support different candidates” is “somehow tied to race.” *Clements*, 999 F.2d at 850. *Gingles* requires “an inquiry into the circumstances underlying unfavorable election returns.” *Id.* “Courts must undertake the additional inquiry into the reasons for, or causes of, these electoral losses in order to determine whether they were the product of ‘partisan politics’ or ‘racial vote dilution,’ ‘political defeat’ or ‘built-in bias.’” *Id.* at 854. The Fifth Circuit has stated that there is “a powerful argument supporting a rule that plaintiffs, to establish legally significant racial bloc voting, must prove that their failure to elect representatives of their choice cannot be characterized as a mere euphemism for political defeat at the polls, or the result of partisan politics.” *Id.* at 859 (citation and quotation marks omitted). At a minimum, “Plaintiffs have the duty, in the first instance, to demonstrate some evidence of racial bias through the factors used in the preconditions and totality of circumstances test.” *Lopez v. Abbott*, 339 F. Supp. 3d 589, 604 (S.D. Tex. 2018)<sup>27</sup>; *cf. Vera v.*

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<sup>26</sup> The point can further be understood by imagining that the Legislature had chosen, as Plaintiffs demanded, to create two 50% BVAP districts, donating BVAP from CD2 to CD5. *See Bethune-Hill*, 326 F. Supp. at 149, 154, 157, 158, 174. Each district would have been invalidated as a racial gerrymander because white bloc voting is sufficient to ensure equal opportunity without 50% BVAP districts. *See Covington*, 316 F.R.D. at 167–71; *Cooper*, 137 S. Ct. at 1470–74. This case presents the other side of that coin: white bloc voting does not arise to the level to compel 50% BVAP districts. It therefore is not legally significant.

<sup>27</sup> *Lopez* incorrectly located this inquiry in the totality-of-the circumstances analysis, 339 F. Supp. 3d at 602, where the Fifth Circuit clearly held that the inquiry “concerns *Gingles*’ white bloc voting inquiry” as well as “the closely related *Zimmer* factor,” *Clements*, 999 F.2d at 850.

*Richards*, 861 F. Supp. 1304, 1339 (S.D. Tex. 1994) (three-judge court) (“In *LULAC*, the plaintiffs’ burden was to prove whether race motivated white voters throughout the state.”).

Plaintiffs make no effort to establish that voting preferences “are somehow tied to race.” *Clements*, 999 F.2d at 850. They did not analyze the question, and they considered only elections involving minority candidates. This excluded the kinds of races where a divergence between racial and partisan intent might be shown. They therefore fail to present even “some evidence of racial bias.” *Lopez*, 339 F. Supp. 3d at 604. Further, the trial record is likely to show that the alleged failure of Black-preferred candidates is “a ‘mere euphemism for political defeat at the polls.’” *Clements*, 999 F.2d at 859 (quoting *Whitcomb v. Chavis*, 403 U.S. 124, 153 (1971)). It is difficult for any Democratic candidate, white or Black, to win in Louisiana, except under special circumstances.

#### C. The Totality of the Circumstances

“The question which the court must answer in a section 2 case is whether ‘as a result of the challenged practice or structure plaintiffs do not have an equal opportunity to participate in the political processes and to elect candidates of their choice.’” *Westwego Citizens for Better Gov’t v. City of Westwego*, 946 F.2d 1109, 1120 (5th Cir. 1991) (citation omitted). The inquiry “depends upon a searching practical evaluation of the past and present reality” and on a “functional view of the political process.” *Id.*

1. *No Vote Dilution.* Plaintiffs have erroneously “staked their all on a proposal that [Black residents] are entitled at least to proportional representation via two [Black]-effective districts no matter what the consequences of race-blind districting would be.” *Gonzalez*, 535 F.3d at 600. “Neither our written law nor the construct of our constitutional republic assures any race, or otherwise identifiable voting group, strict proportional representation.” *Washington*, 819 F.2d at 612. “The Voting Rights Act does not require [that] outcome.” *Gonzalez*, 535 F.3d at 600. It

disclaims it. 52 U.S.C. § 10301(b). Plaintiffs do not focus on alleged discrimination against a discrete group in a discrete locality, relying instead on statewide elections and statewide ideals of proportionality. That is not how Section 2 operates. *Shaw II*, 517 U.S. at 917. Because Plaintiffs “lack any evidence of dilution,” *id.*, their claim fails for the reasons the claims in *Washington* and *Gonzalez* failed.

2. *Disagreement of Discretion.* The question in this case is not whether Black voting strength should be protected. The enacted plan protects it in a race-neutral way through CD2, which has “an effective majority.” *LULAC*, 548 U.S. at 426. The question is *how* to protect Black voting strength. But Supreme Court precedent directs that question to state legislatures, holding that Section 2 “allows States to choose their own method of complying.” *Bartlett*, 556 U.S. at 23. For example, “a State may choose to create a certain number of ‘safe’ districts, in which it is highly likely that minority voters will be able to elect the candidate of their choice,” or else “a State may choose to create a greater number of districts in which it is likely—although perhaps not quite as likely as under the [alternative] plan—that minority voters will be able to elect candidates of their choice.” *Ashcroft*, 539 U.S. at 480; *see also Bartlett*, 129 S. Ct. at 23 (citing *Ashcroft* for this proposition applicable to Section 2); *LULAC*, 548 U.S. at 429 (“States retain broad discretion in drawing districts to comply with the mandate of § 2.” (citation omitted)).

The problem in this case is that it is unclear, at best, whether the Black community is better served with one congressional majority-minority district of a healthy BVAP of about 58%, as the enacted plan provides, or two that barely qualify (and may not qualify) as majority-minority districts, as Plaintiffs propose. It is a Section 2 plaintiff’s obligation to prove that “the alternative to the districting decision at issue would . . . enhance the ability of minority voters to elect the candidates of their choice.” *Abbott*, 138 S. Ct. at 2332; *accord Harding v. Cty. of Dallas, Tex.*, 948

F.3d 302, 311 (5th Cir. 2020). “[A]n alternative map containing an additional majority-minority district does not necessarily establish an increased opportunity.” *Harding*, 948 F.3d at 309. It is therefore insufficient that Plaintiffs present plans with an additional district slightly (if at all) above 50% BVAP. And that is especially so where creating that district requires a marked reduction in BVAP compromising its likely performance. The evidence shows that Plaintiffs’ illustrative plans render Black voters in both CD2 and CD5 dependent on white voters to elect their preferred candidates. Lewis Rep., Ex. D, ¶¶ 7–11. But “[n]othing in § 2 grants special protection to a minority group’s right to form political coalitions.” *Bartlett*, 556 U.S. at 15. And, where an alternative renders a minority group beholden to the electoral choices of the majority, it is at best uncertain whether that is an improvement. “Courts cannot find § 2 effects violations on the basis of *uncertainty*.” *Abbott*, 138 S. Ct. at 2333.

Plaintiffs recognize this problem and respond with recompiled election analyses purporting to show that districts at such low BVAP levels will perform. But “[t]hey look at the wrong jurisdiction, the wrong election years,” and the wrong election days. *Thomas v. Bryant*, 938 F.3d 134, 163 (5th Cir. 2019), *vacated on other grounds sub nom. Thomas v. Reeves*, 961 F.3d 800 (5th Cir. 2020). The analyses rely on elections that generally occur in odd years or in October, and no congressional races are considered. Further, Plaintiffs fail to account for the fact that there was a material decline in BVAP in CD2 over the past decade. Hood Rep., Ex. A, at 6. Plaintiffs make no effort to show that CD2, reduced to the barest of majorities, will continue to perform over the next decade. The Legislature was justified in rejecting Plaintiffs’ short-termism.

Besides, “the Legislature surely had the ‘broad discretion’ to comply as it reasonably saw fit,” *Abbott*, 138 S. Ct. at 2333 (citation omitted), with one somewhat higher BVAP district than with two districts that do not even meet the majority-minority requirement under the industry-

standard measure, *see Ashcroft*, 539 U.S. at 480 (citing *Gingles*, 478 U.S. at 48–49). Because Section 2 requires functional majorities, districts with superficial majorities could as easily violate Section 2 as to vindicate it. *See Thomas*, 938 F.3d at 158 & n.120; *see also Monroe v. City of Woodville, Miss.*, 881 F.2d 1327, 1333 (5th Cir. 1989), *opinion corrected on reh'g*, 897 F.2d 763 (5th Cir. 1990). The Legislature was within its discretion to comply with Section 2 as it did.

2. *The Senate Factors*. “The so-called ‘Zimmer factors’” confirm that there is no absence of equal opportunity. *Fusilier*, 963 F.3d at 455. To be sure, because Plaintiffs “lack any evidence of dilution, there is no point in traipsing through the[se] multiple factors.” *Gonzalez*, 535 F.3d at 600. But, in all events, these factors undermine Plaintiffs’ claims.

a. Plaintiffs point to Louisiana’s general sordid history of discrimination, but the question is whether there is “recent evidence of discrimination.” *Lopez*, 339 F. Supp. 3d at 611. Plaintiffs have little to say on that topic and no recent evidence of intentional discrimination by the Legislature. This factor, at best, “has only slight weight, favoring Plaintiffs.” *Id.* at 612; *see also Fairley*, 2008 WL 3287200, at \*9 (“[T]hese discriminatory practices ceased long ago, and no evidence was submitted to prove official discrimination on the part of the City continues to exist.”).

b. As discussed, Plaintiffs’ have not establish racially polarized voting to any degree of legal significance. Plaintiffs have shown, at most, that there is partisan polarization. But that is insufficient. *See Clements*, 999 F.2d at 850. “Therefore, this factor weighs . . . in favor of the State.” *Lopez*, 339 F. Supp. 3d at 614.

c. Plaintiffs contend that the majority-vote requirement and runoff system may enhance the opportunity for voting discrimination, but “there is no evidence that racial bias . . . motivated the adoption of these practices.” *Lopez*, 339 F. Supp. 3d at 615. Rather, the system appears to be a response to *Foster v. Love*, 522 U.S. 67 (1997), which struck down

Louisiana's open primary system occurring in October as violative of a federal statute requiring federal elections to occur in November, *see* 2 U.S.C. § 7. *Foster* recognized an exception where "no candidate receives a majority vote on federal election day, there has been a failure to elect and a subsequent run-off election is required." 522 U.S. at 72 n.3 (citing *Pub. Citizen, Inc. v. Miller*, 813 F. Supp. 821 (N.D. Ga.), *aff'd*, 992 F.2d 1548 (11th Cir. 1993)). Louisiana reconfigured its election to match what the Supreme Court described in *Foster*.

d. There is every reason to believe that Black candidates are not excluded from candidate slating processes. "A slating organization can either be an official political party or an unofficial nonpartisan organization." *United States v. City of Euclid*, 580 F. Supp. 2d 584, 608 (N.D. Ohio 2008); *see also Citizens for a Better Gretna v. City of Gretna, La.*, 636 F. Supp. 1113, 1122–23 n.24 (E.D. La. 1986) (defining a slating group as "an organization whose purpose is to recruit candidates, nominate them, and campaign for their election to office in a nonpartisan election system."). The relevant question is, "where there is an influential official or unofficial slating organization, [what is] the ability of minorities to participate in that slating organization and to receive its endorsement?" *United States v. Marengo County Comm'n*, 731 F.2d 1546, 1569 (11th Cir. 1984). Plaintiffs do not, and cannot, argue that political parties and other slating organizations exclude Black candidates. This factor favors the defense.

e. Plaintiffs contend that "Louisiana's Black community continues to suffer as a result of the state's history of discrimination," *Galmon* Br. 14, but "there is no indication that this lower standard of living hinders their ability to participate effectively in the political process," *Fairley*, 2008 WL 3287200, at \*9. Plaintiffs overlook the legal standard governing this factor. It is their burden to show "that the [Black] group does not in fact participate to the same extent as other citizens" in voting, *Clements*, 999 F. 2d at 866, i.e., "evidence of reduced levels of black voter

registration” or “lower turnout among black voters,” *id.* at 867. Plaintiffs’ expert reports show that Black voting turnout and registration are on par with white turnout and registration in congressional elections. *See* Handley Rep. (Doc. 41-3 at 28–30) at App. B. If that is not so, then their slim majority BVAP remedial districts are no remedy at all. This factor favors the defense. *See Clements*, 999 F.2d at 866–868.

f. Plaintiffs’ arguments regarding lack of responsiveness are subjective, limited, often have no apparent connection to responsiveness, and “responsiveness has ‘limited relevance’” in any event. *Clark v. Calhoun Cty., Miss.*, 88 F.3d 1393, 1400 (5th Cir. 1996) (citation omitted).

g. The policy behind the redistricting plan is far from “tenuous.” *Fusilier*, 963 F.3d at 455 n.6. The Legislature avoided presumptively unconstitutional race-based redistricting. Legal compliance—indeed, *constitutional* compliance—is a “non-tenuous” policy. *See, e.g., Terrazas v. Clements*, 581 F. Supp. 1329, 1357 (N.D. Tex. 1984) (“We cannot conclude that compliance with federal constitutional and statutory standards are only tenuously related to the district lines as drawn”); *Mo. State Conference of NAACP v. Ferguson-Florissant School Dist.*, 201 F. Supp. 3d 1006, 1081 (E.D. Mo. 2016) (finding a non-tenuous justification where voting practice was “required by Missouri law”). Additionally, the Legislature had compelling reasons to minimize changes, preserve the status quo, and keep constituent-incumbent relationships intact. *See Wright v. Sumter Cnty. Bd. of Elections and Registration*, 301 F. Supp. 3d 1297, 1321–22 (M.D. Ga. 2018), *aff’d*, 979 F.3d 1281 (11th Cir. 2020); Hood Rep., Ex A, at 2 n.2, 3.

## **II. The Equities Militate Against an Injunction**

Plaintiffs fail to establish “that the balance of equities tips in [their] favor, and that an injunction is in the public interest.”<sup>28</sup> *Winter*, 555 U.S. at 20. “In exercising their sound discretion,

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<sup>28</sup> It is also difficult to see how they establish irreparable harm from congressional districts substantially similar to those in existence for more than a decade, but the Court need not reach that issue to deny the motions.

courts of equity should pay particular regard for the public consequences in employing the extraordinary remedy of injunction.” *Id.* The equities in this case cut against an injunction.

A. Plaintiffs demand exceptional, possibly unprecedented, relief in the form of a *temporary* injunction ordering a new redistricting plan. Louisiana has never had two majority-Black congressional districts, except for the brief periods before such plans were invalidated in the 1990s. A provisional injunction serves “merely to preserve the relative positions of the parties until a trial on the merits can be held.” *Univ. of Tex.*, 451 U.S. at 395. The Court should not create a new state of affairs that never before existed at this stage. *See, e.g., Blaylock v. Cheker Oil Co.*, 547 F.2d 962, 965 (6th Cir. 1976). Plaintiffs cite no case in which redistricting plaintiffs were awarded a new plan at the preliminary-injunction phase, and this form of relief is routinely denied. *See, e.g., Pileggi v. Aichele*, 843 F. Supp. 2d 584, 596 (E.D. Pa. 2012); *Diaz v. Silver*, 932 F. Supp. 462, 468–69 (E.D.N.Y. 1996); *Cardona v. Oakland Unified Sch. Dist., Cal.*, 785 F. Supp. 837, 840 (N.D. Cal. 1992); *Kostick v. Nago*, 878 F. Supp. 2d 1124, 1147 (D. Haw. 2012); *NAACP-Greensboro Branch v. Guilford Cnty. Bd. of Elections*, 858 F. Supp. 2d 516, 530 (M.D.N.C. 2012); *Perez v. Texas*, 2015 WL 6829596, at \*4 (W.D. Tex. Nov. 6, 2015); *Valenti v. Dempsey*, 211 F. Supp. 911, 912 (D. Conn. 1962); *Shapiro v. Berger*, 328 F. Supp. 2d 496, 501 (S.D.N.Y. 2004).

B. The equities analysis in an election case is governed by the *Purcell* principle, “which establish[es] (i) that federal district courts ordinarily should not enjoin state election laws in the period close to an election, and (ii) that federal appellate courts should stay injunctions when, as here, lower federal courts contravene that principle.” *Merrill*, 142 S. Ct. at 879 (Kavanaugh, J. concurring) (citing *Purcell v. Gonzalez*, 549 U.S. 1 (2006) (per curiam)). This principle antedates *Purcell* by two generations, having its genesis in *Reynolds v. Sims*, 377 U.S. 533 (1964). *Reynolds* ruled that the lower court “acted wisely in declining to stay the impending primary election in

Alabama,” *id.* at 586, even though the plan had been adjudicated as a gross constitutional violation of tens of thousands of citizens’ voting rights, *see id.* at 545.

“*Sims* has been the guidon to a number of courts that have refrained from enjoining impending elections,” *Chisom v. Roemer*, 853 F.2d 1186, 1190 (5th Cir. 1988), “even in the face of an undisputed constitutional violation,” *Sw. Voter Registration Educ. Project v. Shelley*, 344 F.3d 914, 918 (9th Cir. 2003); *see, e.g., Chisom*, 853 F.2d at 1190 (vacating *Chisom v. Edwards*, 690 F. Supp. 1524 (E.D. La. July 7, 1988)); *Kilgarlin v. Martin*, 252 F. Supp. 404, 444 (S.D. Tex. 1966), *aff’d in relevant part sub nom. Kilgarlin v. Hill*, 386 U.S. 120 (1967) (February 2 was too late to implement remedy for that year’s elections); *Cardona v. Oakland Unified Sch. Dist., Cal.*, 785 F. Supp. 837, 843 (N.D. Cal. 1992) (February 25 was too late to interfere with that year’s elections); *Klahr v. Williams*, 313 F. Supp. 148, 152 (D. Ariz. 1970), *aff’d sub nom. Ely v. Klahr*, 403 U.S. 108 (1971); *In re Pa. Cong. Districts in Reapportionment Cases*, 535 F. Supp. 191, 195 (M.D. Pa. 1982); *Dillard v. Crenshaw Cnty.*, 640 F. Supp. 1347, 1362 (M.D. Ala. 1986); *Watkins v. Mabus*, 771 F. Supp. 789, 805 (S.D. Miss. 1991).

In cases where a lower court has chosen differently, “the Supreme Court” has consistently “stayed [that] district court’s hand.” *Chisom*, 853 F.2d at 1190; *Karcher v. Daggett*, 455 U.S. 1303 (1982) (Brennan, J., in chambers) (issuing stay in March of election year); *Gill v. Whitford*, 137 S. Ct. 2289 (2017) (issuing stay about a year and a half before the next election); *Rucho v. Common Cause*, 138 S. Ct. 923 (2018) (issuing stay); *North Carolina v. Covington*, 138 S. Ct. 974 (2018) (same); *Abbott v. Perez*, 138 S. Ct. 49 (2017) (same); *North Carolina v. Covington*, 137 S. Ct. 808 (2017) (same); *Perry v. Perez*, 565 U.S. 1090 (2011) (same); *Miller v. Johnson*, 512 U.S. 1283 (1994) (same); *Chabot v. Ohio A. Philip Randolph Inst.*, 139 S. Ct. 2635 (2019) (same); *Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 140 S. Ct. 1205 (2020) (same).

*Merrill* is just the Supreme Court’s latest correction of this all-too-familiar error. There, the Supreme Court intervened both to stay a three-judge panel’s redistricting injunction and to take jurisdiction of the matter for itself. 142 S. Ct. at 879. According to the two Justices whose votes were decisive, the strength of the *Purcell* principle, standing alone, compelled that result. *Id.* at \*879–82 (Kavanaugh, J., concurring). The principle, at a minimum, “heightens the showing necessary for a plaintiff to overcome the State’s extraordinarily strong interest in avoiding late, judicially imposed changes to its election laws and procedures.” *Id.* at 881.

The *Purcell* principle undermines Plaintiffs’ demanded relief. Plaintiffs make vague efforts to distinguish *Merrill* and the entire body of *Purcell* decisions. *See Robinson* Br. 24; *Galmon* Br. 22–23. “[I]t suffices to say that this argument is an incredibly difficult sell.” *Ark. State Conf. NAACP v. Ark. Bd. of Apportionment*, --F. Supp. 3d--, 2022 WL 496908, at \*5 (E.D. Ark. Feb. 17, 2022). In *Merrill* the trial-court preliminary injunction hearing ended 82 days before the nominations period under Alabama law concluded. *See Singleton v. Merrill*, --F. Supp. 3d--, 2022 WL 265001, at \*8 (N.D. Ala. Jan. 24, 2022); Ala. Stat. § 17-13-5(b). In this case, a final hearing date of May 13 would occur 70 days before Louisiana’s analogous deadline. La. Rev. Stat. s 18:467(2), 18:468 (July 22, 2022). Ballots are set to be delivered four months after that date (Sept. 24). La. Rev. Stat. 18:1308.2; *see Merrill*, 142 S. Ct. at 179 (Kavanaugh, J. concurring) (similar time frame). And Plaintiffs ignore that, whereas the legislature in Alabama “enacted its current plan in less than a week,” *Merrill*, 142 S. Ct. at 888 (Kagan, J., dissenting), it took the Legislature much longer here, so additional time beyond what was even arguably needed in *Merrill* is needed here. The *Purcell* principle applies in full force and demands that the Court stay its hand.

### **CONCLUSION**

The motions should be denied.

Respectfully submitted,

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Speaker of the Louisiana House of  
Representatives, and of Patrick Page Cortez, in  
his Official Capacity as President of the  
Louisiana Senate*

**CERTIFICATE OF SERVICE**

I certify that on April 29, 2022, this document was filed electronically on the Court's electronic case filing system. Notice of the filing will be served on all counsel of record through the Court's system. Copies of the filing are available on the Court's system.

*/s/ Erika Dackin Prouty*

*Erika Dackin Prouty (admitted pro hac vice)*

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# Exhibit A

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**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

PRESS ROBINSON, EDGAR CAGE,  
DOROTHY NAIRNE, EDWIN RENE  
SOULE, ALICE WASHINGTON, CLEE  
EARNEST LOWE, DAVANTE LEWIS,  
MARTHA DAVIS, AMBROSE SIMS,  
NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE  
("NAACP") LOUISIANA STATE  
CONFERENCE, AND POWER COALITION  
FOR EQUITY AND JUSTICE,

*Plaintiffs,*

v.

KYLE ARDOIN, in his official capacity as  
Secretary of State for Louisiana,

*Defendant.*

EDWARD GALMON, SR., CIARA HART,  
NORRIS HENDERSON, and TRAMELLE  
HOWARD,

*Plaintiffs,*

v.

KYLE ARDOIN, in his official capacity as  
Secretary of State for Louisiana,

*Defendant.*

Civil Action No. 3:22-cv-00211-SDD-RLB

Chief Judge Shelly D. Dick

Magistrate Judge Richard L. Bourgeois, Jr.

Civil Action No. 3:22-cv-00214-SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

**EXPERT REPORT OF M.V. HOOD III**

I, M.V. Hood III, affirm the conclusions I express in this report are provided to a reasonable degree of professional certainty. In addition, I do hereby declare the following:

## **I. INTRODUCTION AND BACKGROUND**

My name is M.V. (Trey) Hood III, and I am a tenured professor at the University of Georgia with an appointment in the Department of Political Science. I have been a faculty member at the University of Georgia since 1999. I also serve as the Director of the School of Public and International Affairs Survey Research Center. I am an expert in American politics, specifically in the areas of electoral politics, racial politics, election administration, and Southern politics. I teach courses on American politics, Southern politics, and research methods and have taught graduate seminars on the topics of election administration and Southern politics.

I have received research grants to study election administration issues from the National Science Foundation, the Pew Charitable Trust, and the Center for Election Innovation and Research. I have also published peer-reviewed journal articles specifically in the area of election administration, including redistricting. My academic publications are detailed in a copy of my vita that is attached to the end of this report. Currently, I serve on the editorial boards for *Social Science Quarterly* and *Election Law Journal*. The latter is a peer-reviewed academic journal focused on the area of election administration.

During the preceding five years, I have offered expert testimony (through deposition or at trial) in ten cases around the United States: *League of Women Voters v. Gardner*, 226-2017-cv-00433 (Hillsborough Superior Court), *Ohio A. Philip Randolph Institute v. Ryan Smith*, 1:18-cv-357 (S.D. Ohio), *Libertarian Party of Arkansas v. Thurston*, 4:19-cv-00214 (E.D. Ark.); *Chestnut v. Merrill*, 2:18-cv-907 (N.D. Ala.), *Common Cause v. Lewis*, 18-CVS-014001 (Wake County Superior Court); *Nielsen v. DeSantis*, 4:20-cv-236 (N.D. Fla.); *Western Native Voice v. Stapleton*, DV-56-2020-377 (Montana Thirteenth Judicial District Court); *Driscoll v. Stapleton*, DV-20-0408 (Montana Thirteenth Judicial District Court); *North Carolina v. Holmes*, 18-CVS-15292 (Wake County Superior Court); and *Caster v. Merrill*, 2:21-cv-1536 (S.D. Ala).

I am receiving \$400 an hour for my work on this case and \$400 an hour for any testimony associated with this work. In reaching my conclusions, I have drawn on my training, experience, and knowledge as a social scientist who has specifically conducted research in the area of redistricting. My compensation in this case is not dependent upon the outcome of the litigation or the substance of my opinions.

## **II. SCOPE AND OVERVIEW**

I have been asked by counsel for the defendant to provide a number of comparisons for various Louisiana congressional plans (both proposed and enacted). In Section III, I examine district congruity using both population and geography-based comparisons. Section IV surveys district racial composition.<sup>1</sup>

Note: Throughout this report I refer to different congressional plans. The plan challenged in this matter is referred to as the enacted plan, or the 2022 plan. The previous plan from 2011 is the benchmark plan. Plaintiffs' proposed plans are denoted as follows: Robinson, Galmon-1, Galmon-2, and Galmon-3.

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<sup>1</sup>Data relied upon to compile this report were received through counsel.

### **III. DISTRICT CONGRUITY ANALYSES**

District core retention is one method available to compare two districting plans.<sup>2</sup> In Table 1, core retention for the various plans is measured as the percentage of the population in a new district carried over from the corresponding 2011 (benchmark) district. As such, district core retention is a measure that ranges from 0 to 100%.<sup>3</sup> The higher the percentage, the more a district is representative of its former self. For example, CD 3 in the enacted plan is comprised in whole from CD 3 in the benchmark plan, producing a core retention score of 100%. CD 3 incumbent Clay Higgins' new district, therefore, is comprised in total from constituents that were previously housed in CD 3 from the benchmark plan.<sup>4</sup> Table 1 also presents mean (average) core retention values for the five plans along with the standard deviation and range.

Table 1. District Core Retention Comparisons

<b>District</b>	<b>Enacted</b>	<b>Robinson</b>	<b>Galmon-1</b>	<b>Galmon-2</b>	<b>Galmon-3</b>
1	97.9%	68.5%	71.4%	80.6%	63.6%
2	98.8%	81.3%	85.2%	80.6%	85.2%
3	100%	76.0%	80.9%	88.6%	72.3%
4	93.8%	72.3%	69.3%	70.8%	70.3%
5	89.1%	49.1%	52.3%	53.5%	47.0%
6	98.5%	55.4%	58.6%	64.7%	61.1%
Mean	96.4	67.1	69.6	73.1	66.6
S.D.	4.1	12.4	12.6	12.7	12.8
Range	10.9	32.2	32.9	35.1	38.2

Looking at the core retention scores for the enacted 2022 plan, most districts appear to be a close approximation of their corresponding configurations from the benchmark plan. The core retention scores for all six districts are housed in a narrow range from 89.1% to 100%. The mean (average) core retention score is 96.4%.

Comparatively, the four plaintiff-proposed plans have lower overall core retention as evidenced by their mean scores: 67.1 (Robinson), 69.6 (Galmon-1), 73.1 (Galmon-2), and 66.6 (Galmon-3). This is also the case if one compares specific districts in any of the proposed plans to the corresponding district from the enacted plan. For example, the core retention score for CD 5 in the enacted plan is 89.1%, compared with 49.1% (Robinson), 52.3% (Galmon-1), 53.5% (Galmon-2), and 47.0% (Galmon-3). Comparing the standard deviation statistics and the ranges across plans indicates that core retention scores for the plaintiff-proposed plans have a greater degree of variance as compared to the enacted plan. For example, the standard deviation for the

<sup>2</sup>The presence of a district core is closely linked to incumbent electoral success and, as such, is an important element related to protecting incumbents across a redistricting cycle. Retaining a population core representative of an incumbent's previous constituency helps ensure that voters keep the responsibility for reelecting, or not, the incumbent who has represented them.

<sup>3</sup>The calculations in Table 1 are based on total population.

<sup>4</sup>CD 3 was slightly larger than the ideal district size in 2020. As such, a small number of residents were shifted to CD 4 and CD 6 under the 2020 plan. The remainder of old CD 3 residents comprise the new CD 3.

enacted plan is 4.1, compared to 12.4, 12.6, 12.7, and 12.8 for the other plans, respectively. Another measure of dispersion is the range which simply subtracts the lowest value from the highest. The range for district core retention levels in the enacted plan is 10.9, while the range for core retention levels for the plaintiff-proposed plans are 32.2, 32.9, 35.1 and 38.2. In sum, under the enacted plan, 96% of constituents will have the ability to return their previous incumbent to office if they so choose. In contrast, plaintiff-proposed plans only allow 67% to 73% of constituents this same opportunity.

Another way to compare districts across different plans relies on what is known as the Similarity Index (S.I.).<sup>5</sup> While core retention can give one a sense of population shared between two districts, I will employ the Similarity Index in an effort to determine the degree to which districts from two different plans share a common geography. As with the core retention measure, the Similarity Index ranges from 0% to 100%. The higher the score, the more geographic overlap exists between the two districts under examination. The index relies on the following formula:

$$S.I. = c/(p+n-c)$$

where

$c$  represents the total number of square meters the old district shares with the new district;

$p$  is the total number of square meters in the old district;

and

$n$  is the total number of square meters in the new district

Table 2 compares the shared geography between the enacted and plaintiff-proposed plans to the benchmark plan using the Similarity Index. For the enacted plan, the average S.I. score is 88.3 which demonstrates a high degree of geographic congruence between the benchmark plan and the 2022 plan. With the exception of CD 6 (64.4%), the remaining five districts have S.I. scores that fall in the range from 87.8 to 99.3. The mean value for the S.I. is 88.3. Again, this is an indication, geographically speaking, that the congressional districts in the 2022 enacted plan strongly resemble the previous districts from the benchmark plan.

Comparing things on a district-by-district basis demonstrates that each district in the enacted plan has a higher Similarity Index score than the corresponding district in each of the four plaintiff-proposed plans. Stated concisely, districts in the enacted plan are more geographically congruent with their corresponding district configurations from the benchmark plan than are the districts from any of the alternative plans. This fact is also demonstrated by the lower mean S.I. scores for the four alternative plans as compared to the enacted plan.

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<sup>5</sup>The Similarity Index is detailed in Gary W. Cox and Jonathan N. Katz. 2002. *Elbridge Gerry's Salamander: The Electoral Consequences of the Reapportionment Revolution*. Cambridge: Cambridge University Press (pp. 15,17).

Table 2. District Comparisons-Geographic Similarity Index

District	Enacted	Robinson	Galmon-1	Galmon-2	Galmon-3
1	88.4%	47.5%	52.6%	66.9%	45.4%
2	99.3%	60.5%	46.9%	37.8%	46.9%
3	95.9%	48.4%	53.0%	65.4%	44.8%
4	94.2%	51.4%	44.7%	41.5%	46.7%
5	87.8%	48.5%	50.1%	44.9%	45.4%
6	64.4%	15.5%	16.3%	21.8%	16.5%
Mean	88.3	43.5	43.9	46.4	41.0
S.D.	12.5	15.4	13.9	17.2	12.0
Range	35.0	45.0	63.7	45.1	30.4

*Summary.* This section has demonstrated that in terms of both population and geography, the benchmark and enacted plans are highly congruent. On these same metrics the plaintiff-proposed deviate to a greater degree from the benchmark plan.

#### **IV. DISTRICT RACIAL COMPOSITION**

In this section I document the percentage of Black population contained within each congressional district for the benchmark, enacted, and plaintiff-proposed plans based on 2020 Census data.<sup>6</sup> For these comparisons I calculate the percentage of the total population (Table 3) and the voting age population (Table 4) that is Black as defined by the U.S. Department of Justice.<sup>7</sup> The DOJ definition of Black combines all single-race Black identifiers who are also non-Hispanic with everyone who is non-Hispanic and identifies as white and Black. Specifically, the percentage of Blacks in the total population would be calculated as follows:

$$[\text{Non-Hispanic, Black} + \text{Non-Hispanic, White and Black}] / \text{Total Population}$$

Using the above definition, in total population terms Louisiana was 32.2% black in 2010 and 32.1% black in 2020, a decline of 0.1. In terms of voting age population, Louisiana was 30.0% Black in 2010 and 30.4% in 2020, an increase of 0.4.<sup>8</sup> From these data it is clear that over the past ten years the Black population in Louisiana has been essentially stationary.

<sup>6</sup>The figures for the benchmark plan presented in Tables 3 and 4 use 2020 Census data.

<sup>7</sup>Additional documentation on this measure can be found at: “Guidance under Section 2 of the Voting Rights Act, 52 U.S.C. 10301, for redistricting and methods of electing government bodies.” U.S. Department of Justice. September 1, 2021 and “OMB Bulletin No. 00-02-Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement.” Office of Management and Budget. March 9, 2000.

<sup>8</sup>Source: 2010 and 2020 Redistricting Data (PL 94-171). U.S. Census Bureau.

Comparing the percentage Black in districts across the benchmark and enacted plans in Table 3 demonstrates a great degree of congruence. The absolute difference, by district, ranges from 0.0 to 1.3, producing an average difference of only 0.48. Comparing the four-plaintiff proposed plans to the benchmark plan demonstrates far larger differences.

Looking at the plaintiff-proposed plans, percent Black by district has a greater degree of variance as compared to the benchmark plan. For example, absolute differences in the Robinson Plan range from 1.5 to 19.3, with a mean of 8.0. Congruent statistics for the remaining plans are: Galmon-1 (1.6 to 17.4, mean=7.4); Galmon-2 (2.0 to 17.3, mean=6.7); and Galmon-3 (0.4 to 19.0, mean=8.0).

Using total Black population, there is one majority black district in both the benchmark and the enacted plans (CD 2 with a Black population of 59.1%). For the four plaintiff plans, there are two majority Black districts in each (CD 2 and CD 5) ranging from 50.4% to 53.7% Black population.

Table 3. District Percentage Black Comparisons, 2020 Total Population

District	Benchmark	Enacted	Robinson	Galmon-1	Galmon-2	Galmon-3
1	15.0%	13.7%	18.8%	18.9%	17.0%	19.2%
2	<b>59.1%</b>	<b>59.1%</b>	<b>51.4%</b>	<b>50.4%</b>	<b>51.2%</b>	<b>50.4%</b>
3	25.5%	25.7%	18.6%	20.5%	22.5%	18.7%
4	34.4%	34.9%	32.9%	32.8%	29.6%	34.0%
5	34.4%	34.4%	<b>53.7%</b>	<b>51.8%</b>	<b>51.7%</b>	<b>53.4%</b>
6	25.6%	24.7%	17.0%	18.0%	20.5%	16.7%

Table 4 examines the Black voting age population by district across the six plans. Again, the percentages for the benchmark and enacted plans are remarkably similar. In absolute value terms the differences across these two plans range from 0.1% to 1.2%, for an average difference of 0.5% across all six districts. Comparing the four plans offered by the plaintiffs to the benchmark plan reveals a much greater degree of divergence on district racial composition. For example, comparing Galmon-3 to the benchmark plan, the Black VAP differences by district in absolute value terms range from 0.3 to 18.4, with a mean difference of 7.7. These same calculations for the remaining three plaintiff plans are as follows: Robinson (1.3 to 18.8, mean=7.7); Galmon-1 (1.4 to 16.8, mean=7.1); and Galmon-2 (2.9 to 16.9, mean=6.6).

Based on voting age population, both the benchmark and enacted plans contain one majority-Black district, CD 2, at 57.0% Black in both plans. The Robinson plan also contains a single majority-Black district (CD 5 at 51.2%), as does the Galmon-3 plan (CD 5 at 50.8%). The Galmon-1 and Galmon-2 plans do not contain any majority-Black districts based on voting age population. This examination of the plaintiff-proposed plans indicates only two that contain a single majority-Black district, no more than the benchmark or enacted plans.

Table 4. District Percentage Black Comparisons, 2020 Voting Age Population

District	Benchmark	Enacted	Robinson	Galmon-1	Galmon-2	Galmon-3
1	13.7%	12.5%	17.2%	17.4%	15.7%	17.7%
2	<b>57.0%</b>	<b>57.0%</b>	49.4%	48.4%	48.9%	48.4%
3	23.8%	23.9%	17.3%	19.1%	20.9%	17.4%
4	32.6%	33.1%	31.3%	31.2%	28.0%	32.3%
5	32.4%	32.3%	<b>51.2%</b>	49.2%	49.3%	<b>50.8%</b>
6	24.1%	23.3%	15.7%	16.7%	19.1%	15.5%

For reference, I also include Table 5 which details the DOJ Black population and VAP calculations for the 2011 benchmark districts using 2010 Census Data. As drawn in 2011, CD 2 was 61.9% Black total population and 57.7% Black voting age population. Comparing CD 2 in 2011 and 2022 there was a slight drop of 1.7-points (58.7%–57.0%) in the Black voting age population.

Table 5. District Percentage Black Comparisons, 2011 Benchmark Plan (2010 Census)


District	Population	VAP
1	13.4%	11.8%
2	61.9%	<b>58.7%</b>
3	25.2%	23.0%
4	34.3%	32.2%
5	35.4%	33.3%
6	23.2%	21.2%

*Summary.* In terms of district racial composition, the 2022 enacted plan is highly analogous with the 2011 benchmark plan. There was a single majority-Black district in both districting schemes. On the other hand, the plans introduced by the plaintiffs saw a much wider degree of variance from the enacted plan in terms of district racial composition. Using voting age population data, two of the plaintiff plans do not contain a single majority-Black district. The other two plans contain one each, albeit with lower BVAP levels than the majority-Black district in the enacted plan.

**V. DECLARATION**

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed on April 29, 2022.



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**Academic Positions:**

University of Georgia

Director, SPIA Survey Research Center, 2016-present

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Professor, 2013-present

Associate Professor, 2005-2013

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Texas Tech University

Visiting Assistant Professor, 1997-1999

**Education:**

Ph.D.	Political Science	Texas Tech University	1997
M.A.	Political Science	Baylor University	1993
B.S.	Political Science	Texas A&M University	1991

**Peer-Reviewed Books:**

*Rural Republican Realignment in the Modern South: The Untold Story*. Forthcoming July 2022.  
Columbia, SC: The University of South Carolina Press. (Seth C. McKee, co-author).

*The Rational Southerner: Black Mobilization, Republican Growth, and the Partisan Transformation of the American South*. 2012. New York: Oxford University Press.  
(Quentin Kidd and Irwin L. Morris, co-authors).  
[Softcover version in 2014 with new Epilogue]

**Peer-Reviewed Publications:**

“Getting the Message: Opinion Polarization over Election Law.” Forthcoming 2022. *Election Law Journal*. (Seth C. McKee, co-author).

- “Tracking Hispanic Political Emergence in Georgia: An Update.” 2021. *Social Science Quarterly* 102(1): 259-268. (Charles S. Bullock, III, co-author).
- “Switching Sides but Still Fighting the Civil War in Southern Politics.” 2020 (Online). *Politics, Groups, and Identities*. (Christopher Cooper, Scott H. Huffmon, Quentin Kidd, Gibbs Knotts, Seth C. McKee, co-authors).
- “The Election of African American State Legislators in the Modern South.” 2020. *Legislative Studies Quarterly* 45(4): 581-608. (Charles S. Bullock, III, William Hicks, Seth C. McKee, Adam S. Myers, and Daniel A. Smith, co-authors).
- “What’s in a Name? Gauging the Effect of Labels on Third Party Vote Shares.” 2020 (Online). *Journal of Elections, Public Opinion & Parties*. (Seth C. McKee, co-author).
- “Why Georgia, Why? Peach State Residents’ Perceptions of Voting-Related Improprieties and their Impact on the 2018 Gubernatorial Election.” 2019. *Social Science Quarterly* 100(5): 1828-1847. (Seth C. McKee, co-author).
- “Palmetto Postmortem: Examining the Effects of the South Carolina Voter Identification Statute.” 2019. *Political Research Quarterly* (Scott E. Buchanan, co-author).
- “Contagious Republicanism in Louisiana, 1966-2008.” 2018. *Political Geography* 66(Sept): 1-13. (Jamie Monogan, co-author).
- “The Comeback Kid: Donald Trump on Election Day in 2016.” 2019. *PS: Political Science and Politics* 52(2): 239-242. (Seth C. McKee and Daniel A. Smith, co-authors).
- “Election Daze: Mode of Voting and Voter Preferences in the 2016 Presidential Election.” 2017-2018. *Florida Political Chronicle* 25(2): 123-141. (Seth C. McKee and Daniel A. Smith, co-authors).
- “Out of Step and Out of Touch: The Matter with Kansas in the 2014 Midterm.” 2017. *The Forum* 15(2): 291-312. (Seth C. McKee and Ian Ostrander, co-authors).
- “From Legal Theory to Practical Application: A How-To for Performing Vote Dilution Analyses.” 2018. *Social Science Quarterly* 99(2): 536-552. (Peter A. Morrison and Thomas M. Bryan, co-authors).
- “Race, Class, Religion and the Southern Party System: A Field Report from Dixie.” 2016. *The Forum* 14(1): 83-96.
- “Black Votes Count: The 2014 Republican Senate Nomination in Mississippi.” 2017. *Social Science Quarterly* 98(1): 89-106. (Seth C. McKee, coauthor).
- “Sunshine State Dilemma: Voting for the 2014 Governor of Florida.” 2015. *Electoral Studies* 40: 293-299. (Seth C. McKee, co-author).

- “Tea Leaves and Southern Politics: Explaining Tea Party Support Among Southern Republicans.” 2015. *Social Science Quarterly* 96(4): 923-940. (Quentin Kidd and Irwin L. Morris, co-authors).
- “True Colors: White Conservative Support for Minority Republican Candidates.” 2015. *Public Opinion Quarterly* 79(1): 28-52. (Seth C. McKee, co-author).
- “Race and the Tea Party in the Old Dominion: Split-Ticket Voting in the 2013 Virginia Elections.” 2015. *PS: Political Science and Politics* 48(1):107-114. (Quentin Kidd and Irwin L. Morris, co-authors).
- “The Damnedest Mess: An Empirical Evaluation of the 1966 Georgia Gubernatorial Election.” 2014. *Social Science Quarterly* 96(1):104-118. (Charles S. Bullock, III, co-author).
- “Candidates, Competition, and the Partisan Press: Congressional Elections in the Early Antebellum Era.” 2014. *American Politics Research* 42(5):670-783. (Jamie L. Carson, co-author).  
[Winner of the 2014 Hahn-Sigelman Prize]
- “Strategic Voting in a U.S. Senate Election.” 2013. *Political Behavior* 35(4):729-751. (Seth C. McKee, co-author).
- “Unwelcome Constituents: Redistricting and Countervailing Partisan Tides.” 2013. *State Politics and Policy Quarterly* 13(2):203-224. (Seth C. McKee, co-author).
- “The Tea Party, Sarah Palin, and the 2010 Congressional Elections: The Aftermath of the Election of Barack Obama.” 2012. *Social Science Quarterly* 93(5):1424-1435. (Charles S. Bullock, III, co-author).
- “Much Ado About Nothing?: An Empirical Assessment of the Georgia Voter Identification Statute.” 2012. *State Politics and Policy Quarterly* 12(4):394-314. (Charles S. Bullock, III, co-author).
- “Achieving Validation: Barack Obama and Black Turnout in 2008.” 2012. *State Politics and Policy Quarterly* 12:3-22. (Seth C. McKee and David Hill, co-authors).
- “They Just Don’t Vote Like They Used To: A Methodology to Empirically Assess Election Fraud.” 2012. *Social Science Quarterly* 93:76-94. (William Gillespie, co-author).
- “An Examination of Efforts to Encourage the Incidence of Early In-Person Voting in Georgia, 2008.” 2011. *Election Law Journal* 10:103-113. (Charles S. Bullock, III, co-author).
- “What Made Carolina Blue? In-migration and the 2008 North Carolina Presidential Vote.” 2010. *American Politics Research* 38:266-302. (Seth C. McKee, co-author).

- “Stranger Danger: Redistricting, Incumbent Recognition, and Vote Choice.” 2010. *Social Science Quarterly* 91:344-358. (Seth C. McKee, co-author).
- “Trying to Thread the Needle: The Effects of Redistricting in a Georgia Congressional District.” 2009. *PS: Political Science and Politics* 42:679-687. (Seth C. McKee, co-author).
- “Citizen, Defend Thyself: An Individual-Level Analysis of Concealed-Weapon Permit Holders.” 2009. *Criminal Justice Studies* 22:73-89. (Grant W. Neeley, co-author).
- “Two Sides of the Same Coin?: Employing Granger Causality Tests in a Time Series Cross-Section Framework.” 2008. *Political Analysis* 16:324-344. (Quentin Kidd and Irwin L. Morris, co-authors).
- “Worth a Thousand Words? : An Analysis of Georgia’s Voter Identification Statute.” 2008. *American Politics Research* 36:555-579. (Charles S. Bullock, III, co-author).
- “Gerrymandering on Georgia’s Mind: The Effects of Redistricting on Vote Choice in the 2006 Midterm Election.” 2008. *Social Science Quarterly* 89:60-77 (Seth C. McKee, co-author).
- “Examining Methods for Identifying Latino Voters.” 2007. *Election Law Journal* 6:202-208. (Charles S. Bullock, III, co-author).
- “A Mile-Wide Gap: The Evolution of Hispanic Political Emergence in the Deep South.” 2006. *Social Science Quarterly* 87:1107-1135. (Charles S. Bullock, III, co-author).
- “Punch Cards, Jim Crow, and Al Gore: Explaining Voter Trust in the Electoral System in Georgia, 2000.” 2005. *State Politics and Policy Quarterly* 5:283-294. (Charles S. Bullock, III and Richard Clark, co-authors).
- “When Southern Symbolism Meets the Pork Barrel: Opportunity for Executive Leadership.” 2005. *Social Science Quarterly* 86:69-86. (Charles S. Bullock, III, co-author).
- “The Reintroduction of the *Elephas maximus* to the Southern United States: The Rise of Republican State Parties, 1960-2000.” 2004. *American Politics Research* 31:68-101. (Quentin Kidd and Irwin Morris, co-authors).
- “One Person, [No Vote; One Vote; Two Votes...]: Voting Methods, Ballot Types, and Undervote Frequency in the 2000 Presidential Election.” 2002. *Social Science Quarterly* 83:981-993. (Charles S. Bullock, III, co-author).
- “On the Prospect of Linking Religious Right Identification with Political Behavior: Panacea or Snipe Hunt?” 2002. *Journal for the Scientific Study of Religion* 41:697-710. (Mark C. Smith, co-author).

- “The Key Issue: Constituency Effects and Southern Senators’ Roll-Call Voting on Civil Rights.” 2001. *Legislative Studies Quarterly* 26: 599-621. (Quentin Kidd and Irwin Morris, co-authors).
- “Packin’ in the Hood?: Examining Assumptions Underlying Concealed-Handgun Research.” 2000. *Social Science Quarterly* 81:523-537. (Grant Neeley, co-author).
- “Brother, Can You Spare a Dime? Racial/Ethnic Context and the Anglo Vote on Proposition 187.” 2000. *Social Science Quarterly* 81:194-206. (Irwin Morris, co-author).
- “Penny Pinching or Politics? The Line-Item Veto and Military Construction Appropriations.” 1999. *Political Research Quarterly* 52:753-766. (Irwin Morris and Grant Neeley, co-authors).
- “Of Byrds[s] and Bumpers: Using Democratic Senators to Analyze Political Change in the South, 1960-1995.” 1999. *American Journal of Political Science* 43:465-487. (Quentin Kidd and Irwin Morris, co-authors).
- “Bugs in the NRC’s Doctoral Program Evaluation Data: From Mites to Hissing Cockroaches.” 1998. *PS* 31:829-835. (Nelson Dometrius, Quentin Kidd, and Kurt Shirkey, co-authors).
- “Boll Weevils and Roll-Call Voting: A Study in Time and Space.” 1998. *Legislative Studies Quarterly* 23:245-269. (Irwin Morris, co-author).
- “Give Us Your Tired, Your Poor,...But Make Sure They Have a Green Card: The Effects of Documented and Undocumented Migrant Context on Anglo Opinion Towards Immigration.” 1998. *Political Behavior* 20:1-16. (Irwin Morris, co-author).
- “¡Quedate o Vente!: Uncovering the Determinants of Hispanic Public Opinion Towards Immigration.” 1997. *Political Research Quarterly* 50:627-647. (Irwin Morris and Kurt Shirkey, co-authors).
- “¿Amigo o Enemigo?: Context, Attitudes, and Anglo Public Opinion toward Immigration.” 1997. *Social Science Quarterly* 78: 309-323. (Irwin Morris, co-author).

#### **Invited Publications:**

- “Race and the Ideological Transformation of the Democratic Party: Evidence from the Bayou State.” 2005. *American Review of Politics* 25:67-78.

#### **Book Chapters:**

- “The 2020 Presidential Nomination Process.” 2021. In *The 2020 Presidential Election in the South*, eds. Branwell DuBose Kapeluck and Scott E. Buchanan. Lanham, MD: Rowman & Littlefield. (Aaron A. Hitefield, co-author).

- “Texas: A Shifting Republican Terrain.” 2021. In *The New Politics of the Old South*, 7<sup>th</sup> ed., Charles S. Bullock, III and Mark J. Rozell, editors. New York: Rowman and Littlefield Publishers, Inc. (Seth C. McKee, co-author).
- “Texas: Big Red Rides On.” 2018. In *The New Politics of the Old South*, 6<sup>th</sup> ed., Charles S. Bullock, III and Mark J. Rozell, editors. New York: Rowman and Littlefield Publishers, Inc. (Seth C. McKee, co-author).
- “The Participatory Consequences of Florida Redistricting.” 2015. In *Jigsaw Puzzle Politics in the Sunshine State*, Seth C. McKee, editor. Gainesville, FL: University of Florida Press. (Danny Hayes and Seth C. McKee, co-authors).
- “Texas: Political Change by the Numbers.” 2014. In *The New Politics of the Old South*, 5<sup>th</sup> ed., Charles S. Bullock, III and Mark J. Rozell, editors. New York: Rowman and Littlefield Publishers, Inc. (Seth C. McKee, co-author).
- “The Republican Party in the South.” 2012. In *Oxford Handbook of Southern Politics*, Charles S. Bullock, III and Mark J. Rozell, editors. New York: Oxford University Press. (Quentin Kidd and Irwin Morris, co-authors).
- “The Reintroduction of the *Elephas maximus* to the Southern United States: The Rise of Republican State Parties, 1960-2000.” 2010. In *Controversies in Voting Behavior*, 5<sup>th</sup> ed., David Kimball, Richard G. Niemi, and Herbert F. Weisberg, editors. Washington, DC: CQ Press. (Quentin Kidd and Irwin Morris, co-authors).  
[Reprint of 2004 *APR* article with Epilogue containing updated analysis and other original material.]
- “The Texas Governors.” 1997. In *Texas Policy and Politics*, Mark Somma, editor. Needham Heights, MA: Simon & Schuster.

#### **Book Reviews:**

*The Resilience of Southern Identity: Why the South Still Matters in the Minds of Its People*. 2018.  
Reviewed for *The Journal of Southern History*.

#### **Other Publications:**

- “Provisionally Admitted College Students: Do They Belong in a Research University?” 1998. In *Developmental Education: Preparing Successful College Students*, Jeanne Higbee and Patricia L. Dwinell, editors. Columbia, SC: National Resource Center for the First-Year Experience & Students in Transition (Don Garnett, co-author).
- NES Technical Report No. 52. 1994. “The Reliability, Validity, and Scalability of the Indicators of Gender Role Beliefs and Feminism in the 1992 American National Election Study: A Report to the ANES Board of Overseers.” (Sue Tolleson-Rinehart, Douglas R. Davenport, Terry L. Gilmour, William R. Moore, Kurt Shirkey, co-authors).

**Grant-funded Research (UGA):**

Co-Principal Investigator. "Georgia Absentee Ballot Signature Verification Study." Budget: \$36,950. 2021. (with Audrey Haynes and Charles Stewart III). Funded by the Georgia Secretary of State.

Co-Principal Investigator. "The Integrity of Mail Voting in the 2020 Election." Budget: \$177,080. (with Lonna Atkeson and Robert Stein). Funded by the National Science Foundation.

Co-Principal Investigator. "Georgia Voter Verification Study." Budget: \$52,060. 2020. (with Audrey Haynes). Funded by Center for Election Innovation and Research.

Co-Principal Investigator. "An Examination of Non-Precinct Voting in the State of Georgia." Budget: \$47,000. October 2008-July 2009. (with Charles S. Bullock, III). Funded by the Pew Charitable Trust.

Co-Principal Investigator. "The Best Judges Money Can Buy?: Campaign Contributions and the Texas Supreme Court." (SES-0615838) Total Budget: \$166,576; UGA Share: \$69,974. September 2006-August 2008. (with Craig F. Emmert). Funded by the National Science Foundation. REU Supplemental Award (2008-2009): \$6,300.

Principal Investigator. "Payola Justice or Just Plain 'Ole Politics Texas-Style?: Campaign Finance and the Texas Supreme Court." \$5,175. January 2000-Januray 2001. Funded by the University of Georgia Research Foundation, Inc.

**Curriculum Grants (UGA):**

Learning Technology Grant: "Converting Ideas Into Effective Action: An Interactive Computer and Classroom Simulation for the Teaching of American Politics." \$40,000. January-December 2004. (with Loch Johnson). Funded by the Office of Instructional Support and Technology, University of Georgia.

**Dissertation:**

"Capturing Bubba's Heart and Mind: Group Consciousness and the Political Identification of Southern White Males, 1972-1994."

Chair: Professor Sue Tolleson-Rinehart

**Papers and Activities at Professional Meetings:**

"Rural Voters in Southern U.S. House Elections." 2021. (with Seth C. McKee). Presented at the Virtual American Political History Conference. University of Georgia. Athens, GA.

"Mail It In: An Analysis of the Peach State's Response to the Coronavirus Pandemic." 2020. (with Audrey Haynes). Presented at the Election Science, Reform, and Administrative Conference. Gainesville, FL. [Virtually Presented].

“Presidential Republicanism and Democratic Darn Near Everything Else.” 2020. (with Seth C. McKee). Presented at the Citadel Southern Politics Symposium. Charleston, SC.

“Why Georgia, Why? Peach State Residents’ Perceptions of Voting-Related Improprieties and their Impact on the 2018 Gubernatorial Election.” 2019. (with Seth C. McKee). Presented at the Election Science, Reform, and Administrative Conference. Philadelphia, PA.

“The Demise of White Class Polarization and the Newest American Politics.” 2019. (with Seth C. McKee). Presented at the Annual Meeting of the Southern Political Science Association. Austin, TX.

“The Geography of Latino Growth in the American South.” 2018. (with Seth C. McKee). State Politics and Policy Conference. State College, PA.

“A History and Analysis of Black Representation in Southern State Legislatures.” 2018. (with Charles S. Bullock, III, William D. Hicks, Seth C. McKee, Adam S. Myers, and Daniel A. Smith). Presented at the Citadel Symposium on Southern Politics. Charleston, SC.

Discussant. Panel titled “Southern Distinctiveness?” 2018. The Citadel Symposium on Southern Politics. Charleston, SC.

Roundtable Participant. Panel titled “The 2018 Elections.” 2018. The Citadel Symposium on Southern Politics. Charleston, SC.

“Still Fighting the Civil War?: Southern Opinions on the Confederate Legacy.” 2018. (with Christopher A. Cooper, Scott H. Huffman, Quentin Kidd, H. Gibbs Knotts, and Seth C. McKee). The Citadel Symposium on Southern Politics. Charleston, SC.

“Tracking Hispanic Growth in the American South.” 2018. (with Seth C. McKee). Presented at the Annual Meeting of the Southern Political Science Association. New Orleans, LA.

“An Assessment of Online Voter Registration in Georgia.” 2017. (with Greg Hawrelak and Colin Phillips). Presented at the Annual Meeting of Election Sciences, Reform, and Administration. Portland, Oregon.

Moderator. Panel titled “What Happens Next.” 2017. The Annual Meeting of Election Sciences, Reform, and Administration. Portland, Oregon.

“Election Daze: Time of Vote, Mode of Voting, and Voter Preferences in the 2016 Presidential Election.” 2017. (with Seth C. McKee and Dan Smith). Presented at the Annual Meeting of the State Politics and Policy Conference. St. Louis, MO.

“Palmetto Postmortem: Examining the Effects of the South Carolina Voter Identification Statute.” 2017. (with Scott E. Buchanan). Presented at the Annual Meeting of the Southern Political Science Association. New Orleans, LA.

Panel Chair and Presenter. Panel titled “Assessing the 2016 Presidential Election.” 2017. UGA Elections Conference. Athens, GA.

Roundtable Discussant. Panel titled “Author Meets Critics: Robert Mickey's Paths Out of Dixie.” 2017. The Annual Meeting of the Southern Political Science Association. New Orleans, LA.

“Out of Step and Out of Touch: The Matter with Kansas in the 2014 Midterm Election.” (with Seth C. McKee and Ian Ostrander). 2016. Presented at the Annual Meeting of the Southern Political Science Association. San Juan, Puerto Rico.

“Contagious Republicanism in North Carolina and Louisiana, 1966-2008.” (with Jamie Monogan). 2016. Presented at the Citadel Symposium on Southern Politics. Charleston, SC.

“The Behavioral Implications of Racial Resentment in the South: The Intervening Influence of Party.” (with Quentin Kidd and Irwin L. Morris). 2016. Presented at the Citadel Symposium on Southern Politics. Charleston, SC.

Discussant. Panel titled “Partisan Realignment in the South.” 2016. The Citadel Symposium on Southern Politics. Charleston, SC.

“Electoral Implications of Racial Resentment in the South: The Influence of Party.” (with Quentin Kidd and Irwin L. Morris). 2016. Presented at the Annual Meeting of the American Political Science Association. Philadelphia, PA.

“Racial Resentment and the Tea Party: Taking Regional Differences Seriously.” (with Quentin Kidd and Irwin L. Morris). 2015. Poster presented at the Annual Meeting of the American Political Science Association. San Francisco, CA.

“Race and the Tea Party in the Palmetto State: Tim Scott, Nikki Haley, Bakari Sellers and the 2014 Elections in South Carolina.” (with Quentin Kidd and Irwin L. Morris). 2015. Presented at the Annual Meeting of the Southern Political Science Association. New Orleans, LA.

Participant. Roundtable on the 2014 Midterm Elections in the Deep South. Annual Meeting of the Southern Political Science Association. New Orleans, LA.

“Race and the Tea Party in the Old Dominion: Split-Ticket Voting in the 2013 Virginia Elections.” (with Irwin L. Morris and Quentin Kidd). 2014. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.

“Race and the Tea Party in the Old Dominion: Down-Ticket Voting and Roll-Off in the 2013 Virginia Elections.” (with Irwin L. Morris and Quentin Kidd). 2014. Paper presented at the Annual Meeting of the Southern Political Science Association. New Orleans, LA.

- “Tea Leaves and Southern Politics: Explaining Tea Party Support Among Southern Republicans.” (with Irwin L. Morris and Quentin Kidd). 2013. Paper presented at the Annual Meeting of the Southern Political Science Association. Orlando, FL.
- “The Tea Party and the Southern GOP.” (with Irwin L. Morris and Quentin Kidd). 2012. Research presented at the Effects of the 2012 Elections Conference. Athens, GA.
- “Black Mobilization in the Modern South: When Does Empowerment Matter?” (with Irwin L. Morris and Quentin Kidd). 2012. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “The Legislature Chooses a Governor: Georgia’s 1966 Gubernatorial Election.” (with Charles S. Bullock, III). 2012. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “One-Stop to Victory? North Carolina, Obama, and the 2008 General Election.” (with Justin Bullock, Paul Carlsen, Perry Joiner, and Mark Owens). 2011. Paper presented at the Annual Meeting of the Southern Political Science Association. New Orleans.
- “Redistricting and Turnout in Black and White.” (with Seth C. McKee and Danny Hayes). 2011. Paper presented the Annual Meeting of the Midwest Political Science Association. Chicago, IL.
- “One-Stop to Victory? North Carolina, Obama, and the 2008 General Election.” (with Justin Bullock, Paul Carlsen, Perry Joiner, Jeni McDermott, and Mark Owens). 2011. Paper presented at the Annual Meeting of the Midwest Political Science Association Meeting. Chicago, IL.
- “Strategic Voting in the 2010 Florida Senate Election.” (with Seth C. McKee). 2011. Paper Presented at the Annual Meeting of the Florida Political Science Association. Jupiter, FL.
- “The Republican Bottleneck: Congressional Emergence Patterns in a Changing South.” (with Christian R. Grose and Seth C. McKee). Paper presented at the Annual Meeting of the Southern Political Science Association. New Orleans, LA.
- “Capturing the Obama Effect: Black Turnout in Presidential Elections.” (with David Hill and Seth C. McKee) 2010. Paper presented at the Annual Meeting of the Florida Political Science Association. Jacksonville, FL.
- “The Republican Bottleneck: Congressional Emergence Patterns in a Changing South.” (with Seth C. McKee and Christian R. Grose). 2010. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “Black Mobilization and Republican Growth in the American South: The More Things Change the More They Stay the Same?” (with Quentin Kidd and Irwin L. Morris). 2010. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.

“Unwelcome Constituents: Redistricting and Incumbent Vote Shares.” (with Seth C. McKee). 2010. Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta, GA.

“Black Mobilization and Republican Growth in the American South: The More Things Change the More They Stay the Same?” (with Quentin Kidd and Irwin L. Morris). 2010. Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta, GA.

“The Impact of Efforts to Increase Early Voting in Georgia, 2008.” (With Charles S. Bullock, III). 2009. Presentation made at the Annual Meeting of the Georgia Political Science Association. Callaway Gardens, GA.

“Encouraging Non-Precinct Voting in Georgia, 2008.” (With Charles S. Bullock, III). 2009. Presentation made at the Time-Shifting The Vote Conference. Reed College, Portland, OR.

“What Made Carolina Blue? In-migration and the 2008 North Carolina Presidential Vote.” (with Seth C. McKee). 2009. Paper presented at the Annual Meeting of the Florida Political Science Association. Orlando, FL.

“Swimming with the Tide: Redistricting and Voter Choice in the 2006 Midterm.” (with Seth C. McKee). 2009. Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.

“The Effect of the Partisan Press on U.S. House Elections, 1800-1820.” (with Jamie Carson). 2008. Paper presented at the Annual Meeting of the History of Congress Conference. Washington, D.C.

“Backward Mapping: Exploring Questions of Representation via Spatial Analysis of Historical Congressional Districts.” (Michael Crespin). 2008. Paper presented at the Annual Meeting of the History of Congress Conference. Washington, D.C.

“The Effect of the Partisan Press on U.S. House Elections, 1800-1820.” (with Jamie Carson). 2008. Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.

“The Rational Southerner: The Local Logic of Partisan Transformation in the South.” (with Quentin Kidd and Irwin L. Morris). 2008. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.

“Stranger Danger: The Influence of Redistricting on Candidate Recognition and Vote Choice.” (with Seth C. McKee). 2008. Paper presented at the Annual Meeting of the Southern Political Science Association. New Orleans.

- “Backward Mapping: Exploring Questions of Representation via Spatial Analysis of Historical Congressional Districts.” (with Michael Crespin). 2007. Paper presented at the Annual Meeting of the American Political Science Association. Chicago.
- “Worth a Thousand Words? : An Analysis of Georgia’s Voter Identification Statute.” (with Charles S. Bullock, III). 2007. Paper presented at the Annual Meeting of the Southwestern Political Science Association. Albuquerque.
- “Gerrymandering on Georgia’s Mind: The Effects of Redistricting on Vote Choice in the 2006 Midterm Election.” (with Seth C. McKee). 2007. Paper presented at the Annual Meeting of The Southern Political Science Association. New Orleans.
- “Personalismo Politics: Partisanship, Presidential Popularity and 21st Century Southern Politics.” (with Quentin Kidd and Irwin L. Morris). 2006. Paper presented at the Annual Meeting of the American Political Science Association. Philadelphia.
- “Explaining Soft Money Transfers in State Gubernatorial Elections.” (with William Gillespie and Troy Gibson). 2006. Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.
- “Two Sides of the Same Coin?: A Panel Granger Analysis of Black Electoral Mobilization and GOP Growth in the South, 1960-2004.” (with Quentin Kidd and Irwin L. Morris). 2006. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “Hispanic Political Emergence in the Deep South, 2000-2004.” (With Charles S. Bullock, III). 2006. Paper presented at the Citadel Symposium on Southern Politics. Charleston.
- “Black Mobilization and the Growth of Southern Republicanism: Two Sides of the Same Coin?” (with Quentin Kidd and Irwin L. Morris). 2006. Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.
- “Exploring the Linkage Between Black Turnout and Down-Ticket Challenges to Black Incumbents.” (With Troy M. Gibson). 2006. Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.
- “Race and the Ideological Transformation of the Democratic Party: Evidence from the Bayou State.” 2004. Paper presented at the Biennial Meeting of the Citadel Southern Politics Symposium. Charleston.
- “Tracing the Evolution of Hispanic Political Emergence in the Deep South.” 2004. (Charles S. Bullock, III). Paper presented at the Biennial Meeting of the Citadel Southern Politics Symposium. Charleston.

“Much Ado about Something? Religious Right Status in American Politics.” 2003. (With Mark C. Smith). Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.

“Tracking the Flow of Non-Federal Dollars in U. S. Senate Campaigns, 1992-2000.” 2003. (With Janna Deitz and William Gillespie). Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.

“PAC Cash and Votes: Can Money Rent a Vote?” 2002. (With William Gillespie). Paper presented at the Annual Meeting of the Southern Political Science Association. Savannah.

“What Can Gubernatorial Elections Teach Us About American Politics?: Exploiting and Underutilized Resource.” 2002. (With Quentin Kidd and Irwin L. Morris). Paper presented at the Annual Meeting of the American Political Science Association. Boston.

“I Know I Voted, But I’m Not Sure It Got Counted.” 2002. (With Charles S. Bullock, III and Richard Clark). Paper presented at the Annual Meeting of the Southwestern Social Science Association. New Orleans.

“Race and Southern Gubernatorial Elections: A 50-Year Assessment.” 2002. (With Quentin Kidd and Irwin Morris). Paper presented at the Biennial Southern Politics Symposium. Charleston, SC.

“Top-Down or Bottom-Up?: An Integrated Explanation of Two-Party Development in the South, 1960-2000.” 2001. Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.

“Cash, Congress, and Trade: Did Campaign Contributions Influence Congressional Support for Most Favored Nation Status in China?” 2001. (With William Gillespie). Paper presented at the Annual Meeting of the Southwestern Social Science Association. Fort Worth.

“Key 50 Years Later: Understanding the Racial Dynamics of 21<sup>st</sup> Century Southern Politics” 2001. (With Quentin Kidd and Irwin Morris). Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.

“The VRA and Beyond: The Political Mobilization of African Americans in the Modern South.” 2001. (With Quentin Kidd and Irwin Morris). Paper presented at the Annual Meeting of the American Political Science Association. San Francisco.

“Payola Justice or Just Plain ‘Ole Politics Texas Style?: Campaign Finance and the Texas Supreme Court.” 2001. (With Craig Emmert). Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.

“The VRA and Beyond: The Political Mobilization of African Americans in the Modern South.” 2000. (With Irwin Morris and Quentin Kidd). Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.

- “Where Have All the Republicans Gone? A State-Level Study of Southern Republicanism.” 1999. (With Irwin Morris and Quentin Kidd). Paper presented at the Annual Meeting of the Southern Political Science Association. Savannah.
- “Elephants in Dixie: A State-Level Analysis of the Rise of the Republican Party in the Modern South.” 1999. (With Irwin Morris and Quentin Kidd). Paper presented at the Annual Meeting of the American Political Science Association. Atlanta.
- “Stimulant to Turnout or Merely a Convenience?: Developing an Early Voter Profile.” 1998. (With Quentin Kidd and Grant Neeley). Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.
- “The Impact of the Texas Concealed Weapons Law on Crime Rates: A Policy Analysis for the City of Dallas, 1992-1997.” 1998. (With Grant W. Neeley). Paper presented to the Annual Meeting of the Midwest Political Science Association. Chicago.
- “Analyzing Anglo Voting on Proposition 187: Does Racial/Ethnic Context Really Matter?” 1997. (With Irwin Morris). Paper presented to the Annual Meeting of the Southern Political Science Association. Norfolk.
- “Capturing Bubba's Heart and Mind: Group Consciousness and the Political Identification of Southern White Males, 1972-1994.” 1997. Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.
- “Of Byrds[s] and Bumpers: A Pooled Cross-Sectional Study of the Roll-Call Voting Behavior of Democratic Senators from the South, 1960-1995.” 1996. (With Quentin Kidd and Irwin Morris). Paper presented to the Annual Meeting of the Southern Political Science Association. Atlanta.
- “Pest Control: Southern Politics and the Eradication of the Boll Weevil.” 1996. (With Irwin Morris). Paper presented to the Annual Meeting of the American Political Science Association. San Francisco.
- “Fit for the Greater Functions of Politics: Gender, Participation, and Political Knowledge.” 1996. (With Terry Gilmour, Kurt Shirkey, and Sue Tolleson-Rinehart). Paper presented to the Annual Meeting of the Midwest Political Science Association. Chicago.
- “¿Amigo o Enemigo?: Racial Context, Attitudes, and White Public Opinion on Immigration.” 1996. (With Irwin Morris). Paper presented to the Annual Meeting of the Midwest Political Science Association. Chicago.
- “¿Quedate o Vente!: Uncovering the Determinants of Hispanic Public Opinion Towards Immigration.” 1996. (With Irwin Morris and Kurt Shirkey). Paper presented to the Annual Meeting of the Southwestern Political Science Association. Houston.

“Downs Meets the Boll Weevil: When Southern Democrats Turn Left.” 1995. (With Irwin Morris). Paper presented to the Annual Meeting of the Southern Political Science Association. Tampa.

“¿Amigo o Enemigo?: Ideological Dispositions of Whites Residing in Heavily Hispanic Areas.” 1995. (With Irwin Morris). Paper presented to the Annual Meeting of the Southern Political Science Association. Tampa.

Chair. Panel titled “Congress and Interest Groups in Institutional Settings.” 1995. Annual Meeting of the Southwestern Political Science Association. Dallas.

“Death of the Boll Weevil?: The Decline of Conservative Democrats in the House.” 1995. (With Kurt Shirkey). Paper presented to the Annual Meeting of the Southwestern Political Science Association. Dallas.

“Capturing Bubba’s Heart and Mind: The Political Identification of Southern White Males.” 1994. (With Sue Tolleson-Rinehart). Paper presented to the Annual Meeting of the Southern Political Science Association. Atlanta.

**Areas of Teaching Competence:**

American Politics: Behavior and Institutions

Public Policy

Scope, Methods, Techniques

**Teaching Experience:**

University of Georgia, 1999-present.

Graduate Faculty, 2003-present

Provisional Graduate Faculty, 2000-2003.

Distance Education Faculty, 2000-present.

Texas Tech University, 1993-1999.

Visiting Faculty, 1997-1999.

Graduate Faculty, 1998-1999.

Extended Studies Faculty, 1997-1999.

Teaching Assistant, 1993-1997.

**Courses Taught:**

**Undergraduate:**

American Government and Politics, American Government and Politics (Honors), Legislative Process, Introduction to Political Analysis, American Public Policy, Political Psychology, Advanced Simulations in American Politics (Honors), Southern Politics, Southern Politics (Honors), Survey Research Internship

**Graduate:**

Election Administration and Related Issues (Election Sciences), Political Parties and Interest

Groups, Legislative Process, Seminar in American Politics, Southern Politics; Publishing for Political Science

**Editorial Boards:**

*Social Science Quarterly*. Member. 2011-present.

*Election Law Journal*. Member. 2013-present.

**Professional Service:**

Listed expert. MIT Election Data and Science Lab.

Keynote Address. 2020 Symposium on Southern Politics. The Citadel. Charleston, SC.

**Institutional Service (University-Level):**

University Promotion and Tenure Committee, 2019-2022.

University Program Review Committee, 2009-2011.

Chair, 2010-2011

Vice-Chair, 2009-2010.

Graduate Council, 2005-2008.

Program Committee, 2005-2008.

Chair, Program Committee, 2007-2008.

University Libraries Committee, 2004-2014.

Search Committee for University Librarian and Associate Provost, 2014.

# Exhibit B

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## JRULE 21

### Joint Rule No. 21. Redistricting criteria

A. To promote the development of constitutionally and legally acceptable redistricting plans, the Legislature of Louisiana adopts the criteria contained in this Joint Rule, declaring the same to constitute minimally acceptable criteria for consideration of redistricting plans in the manner specified in this Joint Rule.

B. Each redistricting plan submitted for consideration shall comply with the Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment to the U.S. Constitution; Section 2 of the Voting Rights Act of 1965, as amended; and all other applicable federal and state laws.

C. Each redistricting plan submitted for consideration shall provide that each district within the plan is composed of contiguous geography.

D. In addition to the criteria specified in Paragraphs B, C, G, H, I, and J of this Joint Rule, the minimally acceptable criteria for consideration of a redistricting plan for the House of Representatives, Senate, Public Service Commission, and Board of Elementary and Secondary Education shall be as follows:

(1) The plan shall provide for single-member districts.

(2) The plan shall provide for districts that are substantially equal in population. Therefore, under no circumstances shall any plan be considered if the plan has an absolute deviation of population which exceeds plus or minus five percent of the ideal district population.

(3) The plan shall be a whole plan which assigns all of the geography of the state.

(4) Due consideration shall be given to traditional district alignments to the extent practicable.

E. In addition to the criteria specified in Paragraphs B, C, G, H, I, and J of this Joint Rule, the minimally acceptable criteria for consideration of a redistricting plan for Congress shall be as follows:

(1) The plan shall provide for single-member districts.

(2) The plan shall provide that each congressional district shall have a population as nearly equal to the ideal district population as practicable.

(3) The plan shall be a whole plan which assigns all of the geography of the state.

F. In addition to the criteria specified in Paragraphs B, C, G, H, I, and J of this Joint Rule, the minimally acceptable criteria for consideration of a redistricting plan for the Supreme Court shall be that the plan shall be a whole plan which assigns all of the geography of the state.

G.(1) To the extent practicable, each district within a redistricting plan submitted for consideration shall contain whole election precincts as those are represented as Voting Districts (VTDs) in the most recent Census Redistricting TIGER/Line Shapefiles for the State of Louisiana which corresponds to the P.L. 94-171 data released by the United States Bureau of the Census for the decade in which the redistricting is to occur. However, if the redistricting plan is submitted after the year in which the legislature is required by Article III, Section 6, of the Constitution of Louisiana to reapportion, then to the extent practicable, the redistricting plan submitted for consideration shall contain whole election precincts as those are represented as VTDs as validated through the data verification program of the House and Senate in the most recent Shapefiles made available on the website of the legislature.

(2) If a VTD must be divided, it shall be divided into as few districts as practicable using a visible census tabulation boundary or boundaries.

H. All redistricting plans shall respect the established boundaries of parishes, municipalities, and other political subdivisions and natural geography of this state to the extent practicable. However, this criterion is subordinate to and shall not be used to undermine the maintenance of communities of interest within the same district to the extent practicable.

I. The most recent P.L. 94-171 data released by the United States Bureau of the Census, as validated through the data verification program of the House and Senate, shall be the population data used to establish and for evaluation of proposed redistricting plans.

J. Each redistricting plan submitted to the legislature by the public for consideration shall be submitted electronically in a comma-delimited block equivalency file.

HCR 90, 2021 R.S., eff. June 11, 2021.

# Exhibit C

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

PRESS ROBINSON, et al.,

*Plaintiffs,*

v.

KYLE ARDOIN, in his official capacity as  
Secretary of State for Louisiana,

*Defendant.*

Civil Action No. 3:22-cv-00211-SDD-SDJ

EDWARD GALMON, SR., et al.,

*Plaintiffs,*

v.

R. KYLE ARDOIN, in his official capacity as  
Secretary of State for Louisiana,

*Defendant.*

Consolidated with  
Civil Action No. 3:22-cv-00214-SDD-SDJ

**EXPERT REPORT  
OF  
CHRISTOPHER C. BLUNT, PH.D.**

April 29, 2022

## **I. INTRODUCTION AND SCOPE OF WORK**

1. My name is Christopher C. Blunt, Ph.D. I am a professional political scientist and President of Overbrook Research. I specialize in providing data analytic services for a wide variety of clients, including those in politics, public policy, and consumer marketing. I am particularly experienced in turnout modeling on behalf of political campaigns, and also have substantial expertise in public opinion research.

2. I have been asked by counsel representing Defendant-Intervenors, Speaker of the Louisiana House of Representatives Clay Schexnayder and President of the Louisiana Senate, Patrick Page Cortez, in this lawsuit to analyze and determine whether a race-blind redistricting process, following traditional districting criteria, would or would not be likely to produce a Plan with two majority-minority districts (MMDs), such as those submitted by Anthony Fairfax and William Cooper, the expert witnesses for the Plaintiffs. To do so, I simulated a set of 10,000 possible Louisiana congressional districting plans that adhere as closely as possible to traditional redistricting criteria, but my simulations did not take race or partisanship into account. The simulations allow me to determine the number of MMDs which would be likely to emerge from a mapdrawing process that followed traditional criteria but did not draw districts predominantly on the basis of race.

## **II. SUMMARY OF OPINIONS**

3. In none of the simulated plans does the Black voting age population<sup>1</sup> (BVAP) exceed 45.47 percent in one district, and never does the district with the second highest BVAP exceed 42.24 percent. In only 75 simulated plans does the BVAP reach 40 percent in two districts.

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<sup>1</sup> Throughout this report, BVAP is defined percentage of the 2020 Census Voting Age Population (18+) identifying as Black alone or in combination with any other race.

In the simulated plan with the two districts having the highest average combined BVAP (42.55 percent), those two districts are 42.91 percent and 42.19 percent Black, respectively.

4. Given the extreme unlikelihood that a plan including two majority-minority districts would emerge absent the active consideration of race, this simulation analysis provides evidence that race (or a proxy) would need to be a substantial consideration in drawing a plan which does include a pair of such districts.

### **III. QUALIFICATIONS, EXPERIENCE, AND COMPENSATION**

5. I am trained as a political scientist, and have a Ph.D. in that field from the University of California at Los Angeles (2002). I also hold Bachelor and Master of Arts degrees in political science from Northwestern University; I won admission to an accelerated program of study, and was awarded both degrees simultaneously in 1991.

6. I began my career with Market Strategies, Inc., a national political polling firm in Michigan. The firm's clients included U.S. Senators, governors, members of congress, and the re-election campaign of the sitting U.S. President. Over my first two election cycles, I worked on a wide variety of studies and learned a great deal about the practical design and execution of effective public opinion research.

7. I began a Ph.D. program in political science at U.C.L.A following the 1994 election. My work focused primarily on American politics, elections, and the role of campaigns in shaping public opinion. I returned to work with Market Strategies, both remotely and occasionally on location, as I progressed further in my graduate studies. This arrangement provided not only additional practical experience, but also invaluable data for use in academic research. I grew to become an expert in data analysis, and came to particularly enjoy better understanding why voters believe and behave as they do.

8. I was the principal or sole author of seven scholarly papers, presented at political science conferences, while a graduate student. All involved significant original research and in-depth analysis, often with novel or complex data sources. My first, analyzing hundreds of thousands of ballot images from a recent general election, won a departmental prize for the year's best conference paper by a graduate student. Another, written the next year using an extension of those ballot data, was nominated for an award for best paper presented at the conference.

9. My doctoral dissertation, filed in 2002, synthesized the professional and academic research I conducted over the previous decade. Much of the previous campaign effects academic research had been limited to presidential elections, where such effects can be difficult to detect. My dissertation focused on subpresidential (statewide and local) contests, and found this sort of political campaign activity does indeed provide information which moves voters to candidates whose positions are more in accord with their own underlying values.

10. As the owner and President of Overbrook Research, a public opinion consulting practice, I was among the core team of analysts who collaborated to develop a new methodological approach to voter microtargeting leading up to the 2004 general election. I became a specialist in turnout modeling, and have provided countless such models in the years since.

11. I have conducted hundreds of data analyses on behalf of many other clients, covering a broad range of topics. Many of my clients are other research firms, ranging in size from the global to the boutique, who entrust me with the analysis of their data. I have produced consumer segmentations and attribute driver models that have helped guide national and international product marketing campaigns. My work has helped shape communication campaigns nationally and in many individual states. In addition, my research has helped guide nonprofit organizations,

trade associations, large and small corporations, public and private utilities, colleges and universities, and advocacy campaigns.

12. A copy of my resume is attached as Exhibit A.

13. I am being compensated at a rate of \$250 per hour. My compensation does not depend in any way on the outcome of the case or on the opinions I provide. I have not previously testified as an expert at trial or by deposition.

#### IV. METHODOLOGY

14. I conducted a simulation analysis to create a large number of possible Louisiana congressional district plans.<sup>2</sup> Redistricting simulation algorithms generate a representative sample of all possible plans that satisfy a specified set of criteria. In Louisiana, that means drawing reasonably compact districts, limiting the number of split parish boundaries, ensuring the districts are contiguous, and ensuring population equality between the districts in the plan. The simulated plans that emerge from this analysis represent a set of plans that could have been drawn while being compliant with the specified criteria. By examining this representative set of plans, we can determine the likelihood that any given plan would emerge from a mapmaking process that followed traditional redistricting criteria and did not also consider, to a significant degree, race (or a proxy for race).

15. For the purposes of this analysis, I set all the simulated plans to adhere to the following guidelines: a total of six geographically contiguous districts; the districts as a whole are at least as compact as proposed alternative plans; the district boundaries result in the smallest possible number of parish boundary splits; and the districts in any given plan do not deviate by

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<sup>2</sup> Redistricting simulation algorithms have played an increasingly important role in legal cases. Simulation analyses using the REDIST software I utilized in this case have been credited by the Pennsylvania Reapportionment Commission, the Ohio Supreme Court, and the New York State Supreme Court. In addition, Dr. Kosuke Imai submitted an expert report in the recent *Merrill v. Milligan* case in Alabama using the REDIST software.

more than +/- 0.25 percent from the ideal population distribution. None of the simulated plans take account of race, partisanship, or existing district boundaries.

16. The foregoing traditional districting criteria I employed were also districting criteria that Plaintiffs' Experts, Anthony Fairfax and William Cooper, asserted that they followed in the construction of their illustrative districting plans, as detailed in the Expert Reports of Anthony Fairfax (Doc. 41-2) (the "Fairfax Report") and of William Cooper (Doc. 43) (the "Cooper Report"). See Fairfax Report at pp. 13-15, and Cooper Report at pp. 20-21.

17. My simulations are generated using REDIST, an open-source software package for redistricting analysis.<sup>3</sup> The software includes several different redistricting simulation algorithms, and a variety of methods to evaluate the simulated plans it generates. I rely on the Sequential Monte Carlo (SMC) algorithm, which is most appropriate for the current application.<sup>4</sup>

18. SMC generates nearly independent samples, which produces a diverse set of simulated plans that meet the specified constraints. The SMC algorithm also avoids splitting parish boundaries where possible.

19. In addition to the evaluation tools built into REDIST, I used IBM's SPSS statistical software to conduct further analysis of the results.

## V. RESULTS

20. I used the REDIST software to produce 10,000 simulated redistricting plans following the guidelines outlined above. This number of simulated plans easily provides a large enough sample to ensure statistical precision. (Indeed, I experimented with producing additional

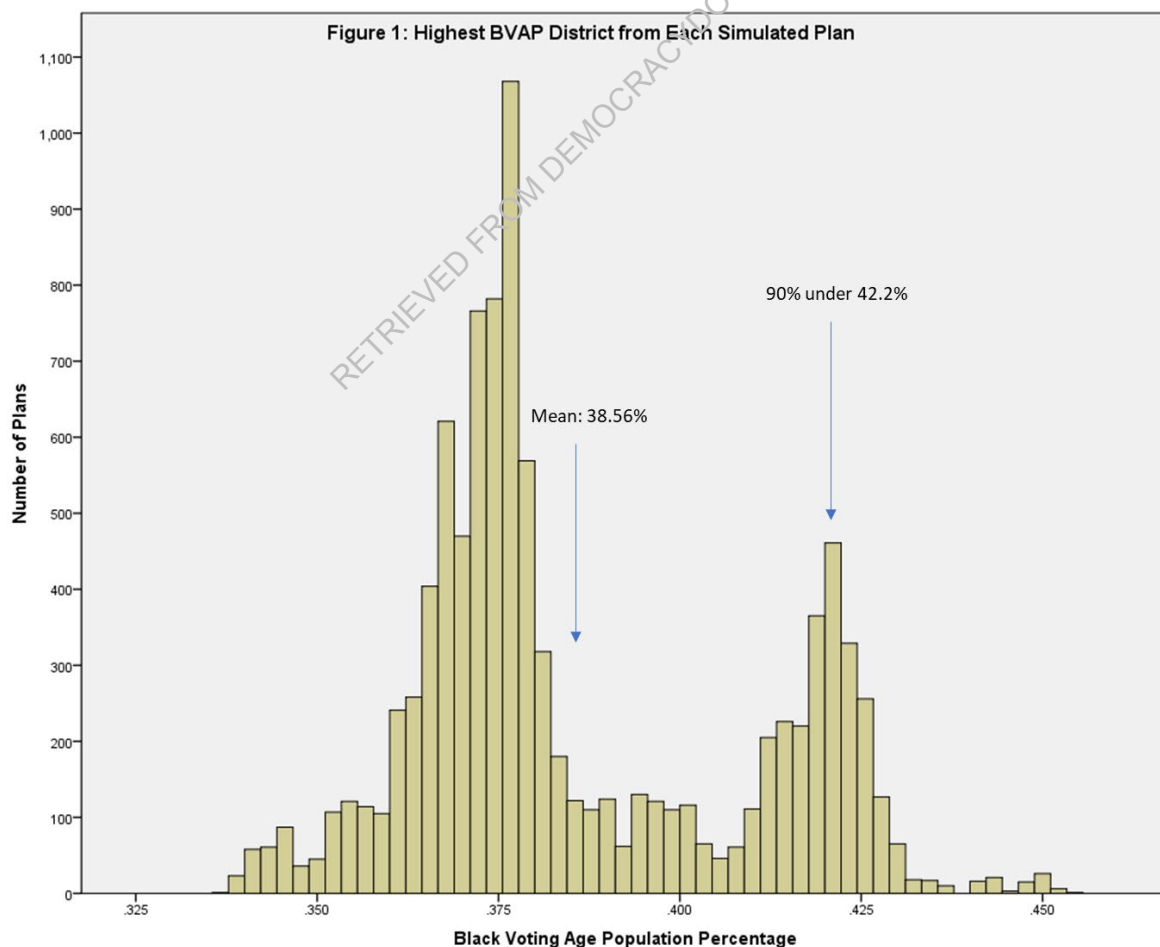
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<sup>3</sup> REDIST runs on the R statistical software platform, and full documentation is available at <https://CRAN.R-project.org/package=redist>.

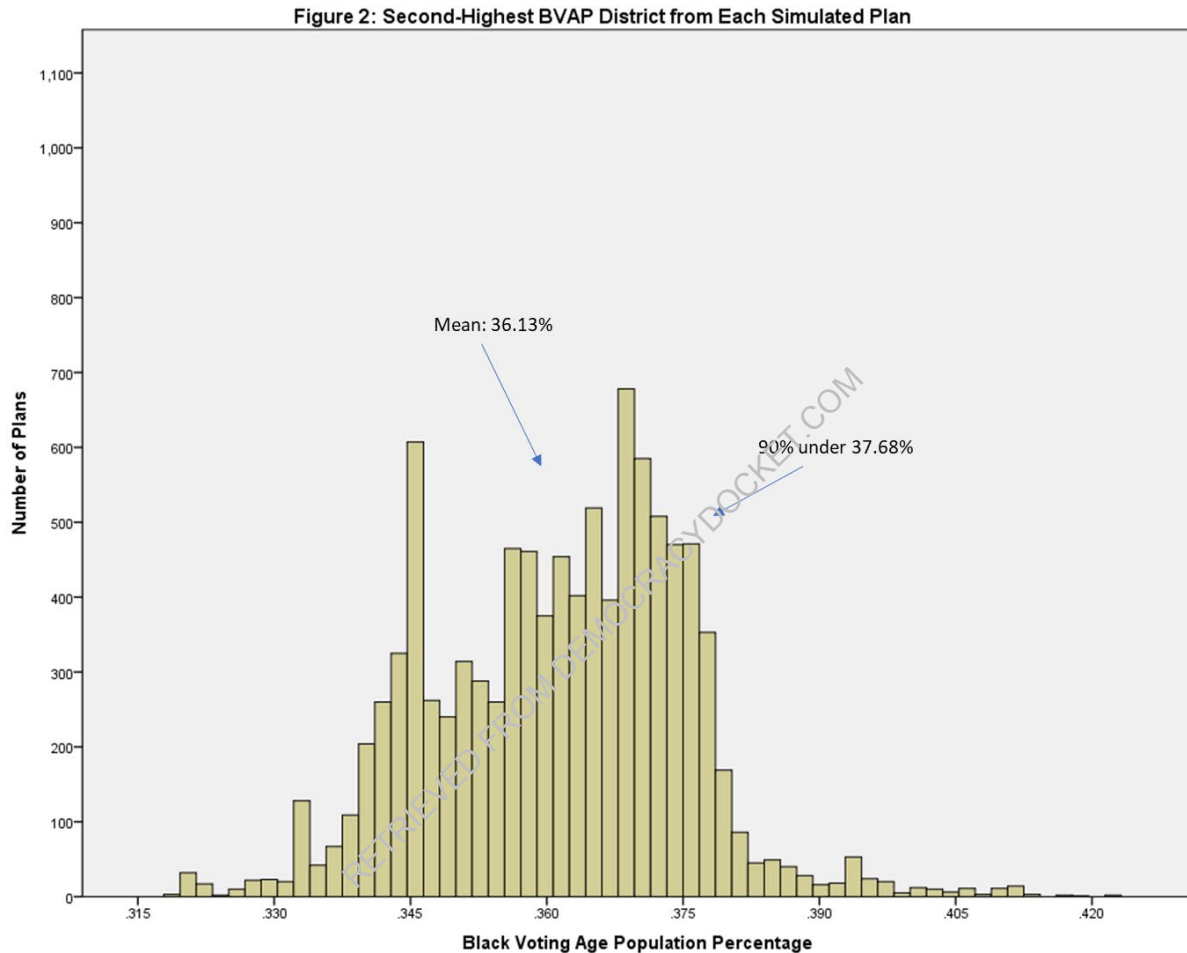
<sup>4</sup> "Sequential Monte Carlo for sampling balanced and compact redistricting plans," a forthcoming piece by Cory McCartan and Kosuke Imai, provides more theoretical background about SMC. The article is currently available at <https://arxiv.org/abs/2008.06131>.

plans, but the results were virtually identical to what I obtained with 10,000.) I then computed the Black Voting Age Population (BVAP) percentage for each of the six districts in each of the 10,000 simulated plans. Because the districts are built without reference to existing districts, the resulting simulated district number labels are arbitrary and do not readily correspond to the current district numbering arrangement. However, it is easy to identify the district in each plan with the highest BVAP. These 10,000 individual districts can then be examined as a set.

21. None of the simulated plans produces even one majority-minority congressional district (MMD). The average BVAP across these “Highest BVAP” districts is 38.56 percent, with a median BVAP of 37.70 percent. The simulated district with the highest total BVAP is 45.47 percent, but 90 percent of the plans top out with a BVAP of less than 42.2 percent.



22. Among the districts with the *second* highest BVAP in each plan, half have a BVAP of 36.25 percent or less, and only about 10 percent of those districts have a BVAP of 37.68 percent or above. The simulated district in this group with the highest BVAP is 42.24 percent.

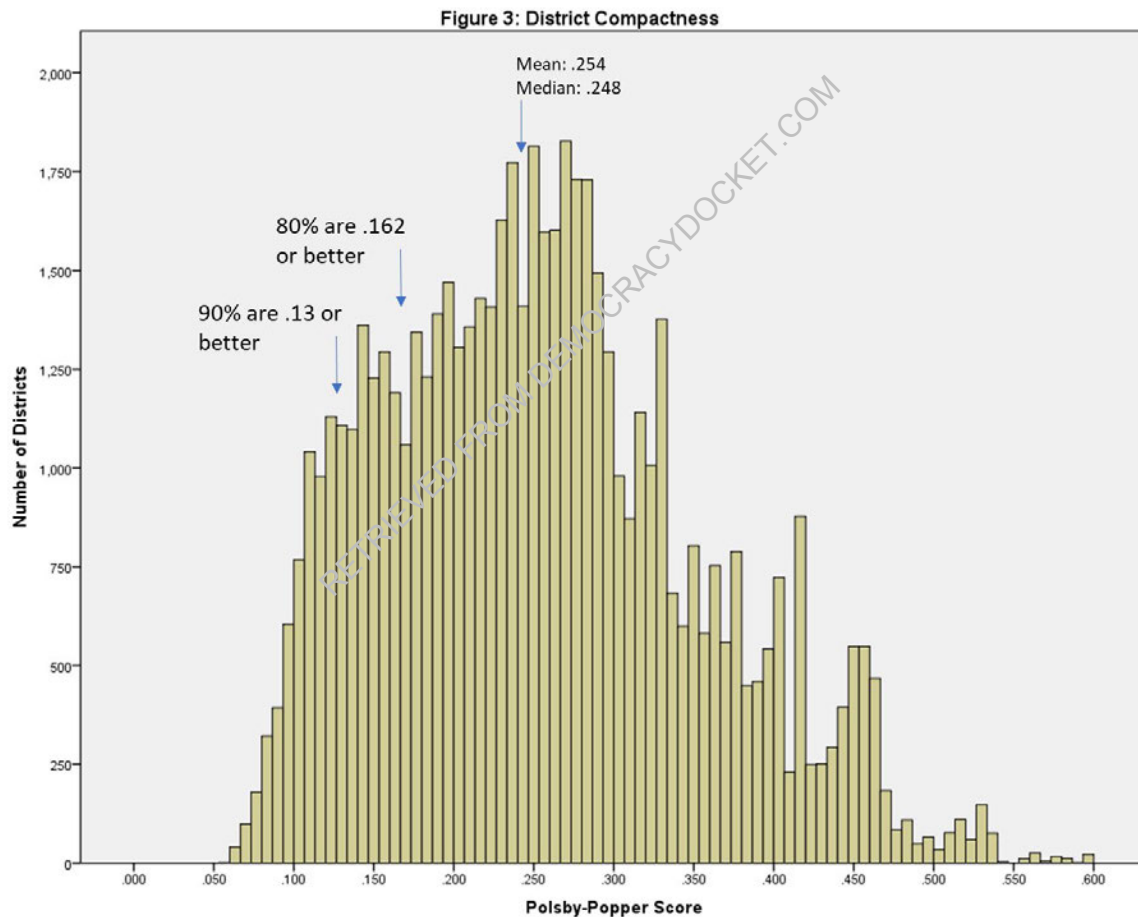


23. It is rare for two districts in the same plan to have large BVAP shares. In only 75 plans out of the 10,000 simulations (0.80 percent) do two districts reach 40 percent BVAP. In 203 plans (2 percent), two districts reach 39 percent BVAP. Reducing the level to 38 percent VBAP, 501 plans (5 percent) include two districts reaching that threshold.

24. Based on the foregoing results, I conclude that it would be extremely unlikely for a Louisiana redistricting plan that included two MMDs to emerge from a process following only the traditional redistricting criteria I employed. Rather, these results provide evidence that a plan

including two MMDs would have likely only been drawn using a process that considered, to a substantial degree, the racial composition of the underlying geography (or a proxy for it).

25. I next used the Polsby-Popper test to examine district compactness. First proposed by lawyers Daniel Polsby and Robert Popper<sup>5</sup>, the score is a popular metric in the academic literature to evaluate the geographic compactness of a given district.<sup>6</sup> The 60,000 individual simulated districts have an average Polsby-Popper score of .254, with 90 percent of the districts scoring at least .13. Eighty percent of the districts have a score of at least .162.



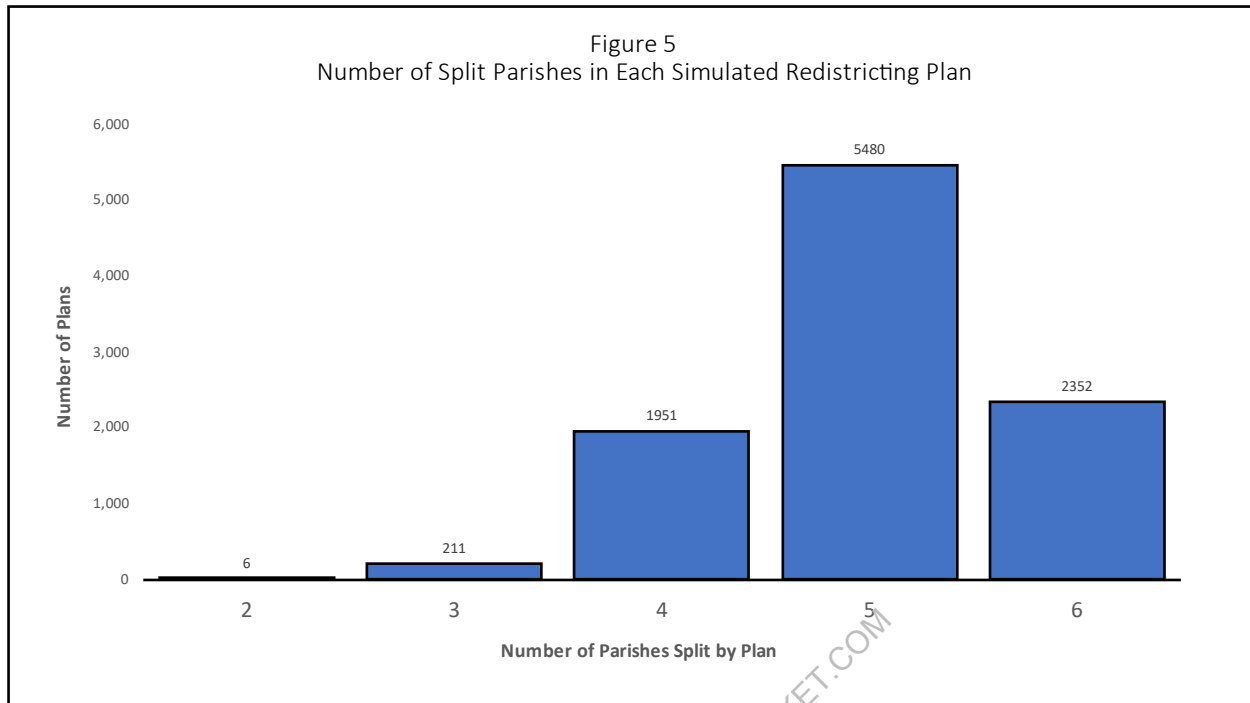
<sup>5</sup> “The Third Criterion: Compactness as a Procedural Safeguard Against Partisan Gerrymandering,” Polsby, Daniel D and Robert D. Popper, *Yale Law & Policy Review* 9 (2): 301-353

<sup>6</sup> The formula is  $4\pi$  times the area of a district, divided by the squared perimeter of the district. Scores will always fall between 0 and 1, with higher scores indicating greater compactness.

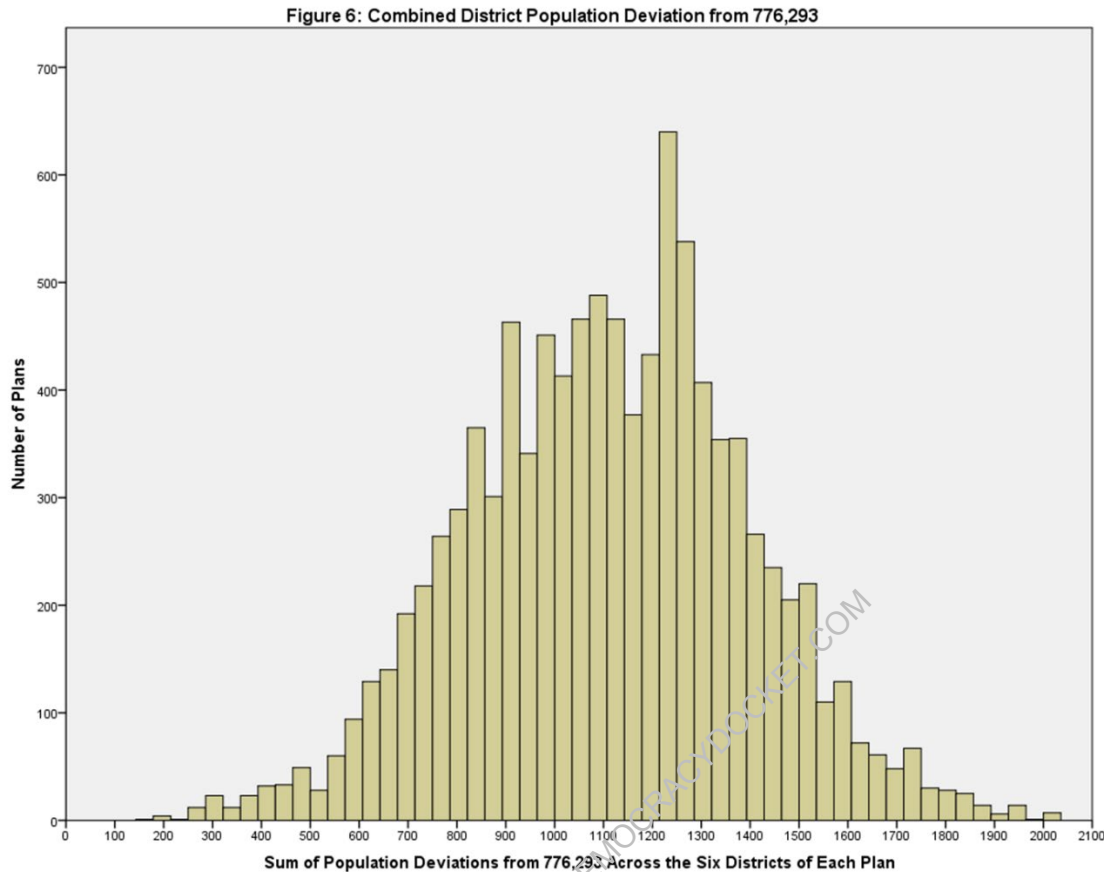
26. Compactness in the simulated districts compares favorably to districts in proposed illustrative plans. Figure 4 shows the Polsby-Popper measures reported by Mr. Cooper for his three plans (Cooper Rep. at 31, Fig. 18), and the Polsby-Popper scores Mr. Fairfax reports for his plan (Fairfax Rep. at 31, Tbl. 9). The simulated plan districts are more compact, on average, than any of these four competing plans. Mr. Cooper's most compact district has a Polsby-Popper score of .31; more than one-fourth (26.4 percent) of the simulated districts are at least this compact. Mr. Fairfax reports his best district has a Polsby-Popper score of .28; more than one-third (36.3 percent) of the simulated districts are as compact as this or better.

<b>Figure 4</b>			
<b>Polsby-Popper Measure of Compactness</b>			
	<b>Mean</b>	<b>Low</b>	<b>High</b>
60,000 Simulated Districts	.25	.06	.60
Illustrative Plan #1 (Cooper)	.19	.09	.29
Illustrative Plan #2 (Cooper)	.19	.09	.27
Illustrative Plan #3 (Cooper)	.18	.08	.31
Illustrative Plan (Fairfax)	.18	.10	.28

27. In addition, the simulated plan districts split considerably fewer parish boundary lines than the illustrative plans of Messrs. Fairfax and Cooper. The average simulated plan splits five parishes, and a sizable majority of simulated plans (76 percent) split five parishes or fewer. The remaining simulated plans split six parishes. By contrast, Mr. Cooper reports his illustrative plans 1 and 3 split ten parishes, and his plan 2 splits eleven parishes. (Cooper Report at p. 30, Fig. 20.) Mr. Fairfax's illustrative plan is reported to split fourteen parishes. (Fairfax Report at p. 23, Tbl 6.)



28. The simulated districts in each plan come very close to equality of total population. Because the simulations rely on voting districts as the smallest geographical unit, achieving perfect equality would be very difficult. In running the simulations, I set the population deviation threshold at  $\pm 0.25$  percent (i.e. around 1,940 people). For each plan, the six individual district population deviations from 776,293 (which would be perfect equality) should sum to around 1,940 or less. The simulations performed well in this regard; the mean (1,110) and median (1,115) total population deviations are well below the upper limit. Although population is not perfectly equalized across districts, this level of population deviation is too small to change the conclusions of the analysis. Shifting the district assignments of a few thousand people around the boundaries, to arrive at perfect population equality, would not alter the structural configuration of those districts.



## VI. CONCLUSION

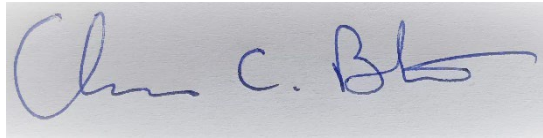
29. This analysis had a specific but limited objective: explore the range of Louisiana congressional districts which would emerge if a large number of simulated plans were drawn from scratch, following criteria for contiguity, equal population, compactness, and respecting parish boundaries – but without reference to the racial or partisan makeup of the geographic units, or to previous district lines.

30. Following these criteria, producing districts which are at least as compact as alternative plans and split fewer parish boundaries, I find that a district plan drawn using only the foregoing traditional districting criteria would be extremely unlikely to contain two MMDs. Drawing a plan in Louisiana with two such districts, like the illustrative plans submitted by Messrs.

Fairfax and Cooper, would almost certainly require the prioritization of racial considerations (or proxies for them) over the traditional criteria.

All of the foregoing opinions in this report are given to a reasonable degree of scientific certainty, and the statements and opinions provided in this report are true and accurate to the best of my knowledge, information, and belief.

Dated this 29th day of April, 2022.

A handwritten signature in blue ink, appearing to read "Chris C. Blunt", is shown on a light-colored background.

---

Christopher C. Blunt, Ph.D.

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**EXHIBIT A**

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**CHRISTOPHER C. BLUNT**  
1574 West Fitchburg Road  
Leslie, Michigan 49251  
CCBlunt@OverbrookResearch.com  
217/390-8006

## EXPERIENCE

2003-Present      **OVERBROOK RESEARCH**  
*President*

- Provide marketing research firms, policy foundations, political pollsters, jury consultants, and other clients with complete analysis of qualitative and quantitative research data.
- Extensive experience in turnout modeling, segmentation, regression, analysis of variance, data mining, cluster analysis, and factor analysis.
- Member of the American Association for Public Opinion Research (AAPOR).
- Partial client list: Deep Root Analytics, TargetPoint Consulting, Hill and Knowlton, Edelman, Koch Industries, AmericanPublic, Chicago Urban League, Whitman Insight Strategies, Communications Consortium Media Center, National Media, Western Corporate Credit Union (WesCorp), and Howard Varinsky Associates.

1996-2003      **MARKET STRATEGIES, INC.**  
1991-1994      *Study Director*

- Managed hundreds of quantitative and qualitative research projects through all stages of completion, from design to presentation of findings. Excelled at client management, study and questionnaire design, coordinating internal operations and outside contractors, data analysis, and presentation.
- Strategic recommendations contributed to dozens of primary and general election victories for presidential, senatorial, gubernatorial and other candidates.
- Conducted and analyzed hundreds of focus groups identifying critical campaign and social marketing themes. Prepared full written and multimedia reports, with recommendations for the enactment of these strategies.
- Wide experience conducting focus groups using Perception Analyzer™ instant-response system.

## EDUCATION

1995-2002      **UNIVERSITY OF CALIFORNIA - LOS ANGELES**  
*Doctor of Philosophy in political science*

- Doctoral Dissertation filed Spring, 2002. *Producing Responsibility: The Role of Campaigns in Sub-presidential Elections.*
- Committee Chair: David O. Sears. Other committee members: John R. Petrocik, Joel Aberbach, Jim Sidanius, James Q. Wilson, and Thomas Schwartz.

1987-1991      **NORTHWESTERN UNIVERSITY**  
*Master and Bachelor of Arts in political science*

- Accelerated BA/MA degree program. Concentrations in American government, political participation, and voting behavior.

## TEACHING EXPERIENCE

- Deliver guest lectures to university courses about voter microtargeting, political polling, and the role of strategic information in political campaigns.
- Teaching Assistant for several UCLA courses. Responsibilities included leading three weekly discussion sections of 20 students each, grading exams, evaluating written papers, holding office hours, and delivering guest lectures on behalf of the professor.
  - ✓ Public Opinion and Voting Behavior, upper division (junior/senior) course.
  - ✓ Mass Media and Elections, upper division (junior/senior) course.
  - ✓ Political Parties, upper division (junior/senior) course.
  - ✓ Introduction to American Politics, freshman/sophomore survey course.

## HONORS

- UCLA Dissertation Year Fellowship, 2001-2002.
- UCLA departmental prize for best 1997-1998 conference paper by a graduate student.
- Dean's List.
- *Pi Sigma Alpha*, national political science honor society.

## PUBLICATIONS

- "Testing Overall and Synergistic Campaign Effects in a Partisan Statewide Election," *Political Research Quarterly*, Vol. 71, No. 2 (June 2018), pp. 361-379. Co-authored with Daron Shaw and Brent Seaborn.
- "The Campaign." Chapter in *Public Opinion and Polling Around the World: A Historical Encyclopedia*. John G. Geer, editor. ABC-CLIO. 2004.
- "Survey Finds Americans Support Early Learning." *News & Issues*, publication of Columbia University National Center for Children in Poverty. Winter 2003. Vol 13:1.
- "Who Will Reconnect with the People: Republicans, Democrats, or None of the Above?" *Americans Talk Issues Foundation*, August, 1995. Co-authored with Fred Steeper, Alan Kay, Stan Greenberg, and Hazel Henderson.
- "Steps for Democracy: The Many Versus the Few," analysis of the American electorate and five major public policy reform proposals. *Americans Talk Issues Foundation*, March, 1994. Co-authored with Fred Steeper, Alan Kay, Stan Greenberg, Celinda Lake, and Hazel Henderson.
- "Disapproval as a Key Indicator," a multivariate analysis of the early Clinton and Bush presidencies. *The Polling Report*, 28 June 1993. Co-authored with Fred Steeper.

## CONFERENCE

### PAPERS

- "Cooking the Goose: Candidate Unfavorable Ratings and Voting Behavior." Paper delivered at the annual meeting of the Midwest Political Science Association, April 2003.
- "Campaigns, Partisanship, and Candidate Evaluations in Subpresidential Elections." Paper delivered at the annual meeting of the Midwest Political Science Association, April 2001.
- Campaigns and Voter Rationality." Paper delivered at the annual meeting of the Western Political Science Association, March 2001.

- “Incumbency, Issues, and Split-Ticket Voting.” Paper delivered at the annual meeting of the American Political Science Association, September 2000.
- “The Representativeness of Primary Electorates.” Paper delivered at the annual meeting of the Western Political Science Association, March 2000.
- “Can Voters Judge? Voting Behavior at the Extreme of Low Information.” Paper delivered at the annual meeting of the Western Political Science Association, March 1999. *Nominated for WPSA award for best 1999 conference paper.*
- “Priming and Issue Agendas in American Campaigns.” Paper delivered at the annual meeting of the Midwest Political Science Association, April 1998. Co-authored with John Petrocik and Fred Steeper.
- “Rationality and Representation in Direct Legislation Voting.” Paper delivered at the annual meeting of the Western Political Science Association, March 1998. *Winner of UCLA departmental prize for best 1997-1998 conference paper by a graduate student.*

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# Exhibit D

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**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

PRESS ROBINSON, et al.,

*Plaintiffs,*

v.

KYLE ARDOIN, in his official capacity as  
Secretary of State for Louisiana,

*Defendant.*

Civil Action No. 3:22-cv-00211-SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

EDWARD GALMON, SR., et al.,

*Plaintiffs,*

v.

R. KYLE ARDOIN, in his official capacity as  
Secretary of State for Louisiana,

*Defendant.*

Consolidated with

Civil Action No. 3:22-cv-00214-SDD-SDJ

**EXPERT REPORT OF DR. JEFFREY B. LEWIS**

I, Jeffrey B. Lewis, provide the following written report:

1. I am a Professor of Political Science at the University of California, Los Angeles (UCLA). I am also the past department chair of UCLA's political science department and past president of the Society for Political Methodology. I have been a member of the UCLA faculty since 2001. Prior to that, I was an Assistant Professor of Politics and Public Affairs at Princeton University from 1998 to 2001. I earned my B.A. in Political Science and Economics from Wesleyan University in 1990 and my Ph.D. in Political Science from the Massachusetts Institute of Technology (MIT) in 1998. My main area of specialization is quantitative political methodology with a focus on making inferences about preferences and behavior from the analysis of voting patterns in the mass public and in legislatures. I have published on the topic of

ecological inference – the challenge that arises when one wants to know how individuals of different types voted in an election but one can only observe electoral data aggregated to the precinct, county or other summary level. A true, accurate, and complete copy of my curriculum vitae is attached as Exhibit A.

2. I have previously been retained as an expert in relation to ten court cases: one involving allegations of voting machine failure in Florida (Jennings v. Elections Canvassing Commission of State of Florida), four involving claims of minority vote dilution in California (Avitia v. Tulare Local Healthcare District; Satorre et al. v. San Mateo County Board of Supervisors et al.; Ladonna Yumori-Kaku v. City of Santa Clara); and Pico Neighborhood Association and Maria Loya v. City of Santa Monica), one involving claims of minority vote dilution in Texas (Perez, et al. v. Abbott, et al.), two involving claims of minority vote dilution in North Carolina (Common Cause, et al. v. Lewis, NCLCV v. Hall), one involving claims of minority vote dilution in Washington (Aguilar v. Yakima County), and one involving the compactness of legislative districts in Illinois (Radogno et al v. Illinois State Board of Elections, et al.). I testified as an expert in the cases of Ladonna Yumori-Kaku v. City of Santa Clara, Pico Neighborhood Association and Maria Loya v. City of Santa Monica, and NCLCV v. Hall.

3. I am being compensated at a rate of \$550/hour.

4. I was asked to calculate the fraction of voters in the November 3, 2020 Presidential General election who identified as Black in the second and fifth districts of the illustrative Louisiana Congressional district plans proposed by the plaintiffs. I was also asked to estimate the support of Black and of white (non-Black) voters for Biden/Harris in the same election among voters residing in each of those illustrative districts. Finally, I was asked to calculate the support for Biden/Harris among all voters residing in each illustrative district and the support

that Biden/Harris would have received in those same districts in the absence of any white “crossover” voting (all else equal).

5. In order to conduct this analysis, I was provided with versions of a dataset originally prepared by Dr. Maxwell Palmer in conjunction with his expert report in this matter (contained in his file, *la\_ei\_data.csv*). These versions were provided to me by Mr. Clark Benson of Political Data Analysis. They contain precinct-level records associated with voting and electoral participation in the 2020 Presidential General Election in Louisiana. The data include the total number of voters and the number of Black voters participating as well as the number of votes cast for the Democratic ticket of Joseph R. Biden, Jr. and Kamala D. Harris (Biden/Harris) and for the Republican ticket of Donald J. Trump and Michael R. Pence (Trump/Pence) in each Louisiana electoral precinct. To those records created by Dr. Palmer, Mr. Benson appended variables indicating the congressional district to which each precinct is assigned in each of the illustrative district plans that I was asked to consider.

6. I apply King’s EI (1997) method to these datasets to arrive at estimates of the support for Biden/Harris among Black and white voters in each of the illustrative plans and districts. The standard version of King’s EI that I employed provides estimates of support for each of two candidates among voters belonging to each of two voter groups. The two voter groups that I consider are Black voters and non-Black voters (who, for convenience, I will refer to as “white voters”).<sup>1</sup> The two candidate choices considered are Biden/Harris and Trump/Pence. I do not consider the 1.5 to 1.7 percent of votes that were cast for candidates for president other than Biden/Harris or Trump/Pence nor do I consider voters who participated in the 2020 General

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<sup>1</sup> Voters classified as something other than “Black” or “white” in Palmer’s data comprise 2.3 to 2.8 percent of District 5 voters and 6.8 to 7.4 percent of District 2 voters in the illustrative plans considered.

Election, but did not cast a vote for any candidate for president. Thus, all of the reported shares of Biden/Harris support presented in this report are fractions of the so-called two-party vote. In order for Biden/Harris to be the plurality winner in a district, they must receive over 50 percent of the two-party vote.

7. The results of my analysis are presented in two tables below. The first table presents the results of the analysis for the second district in each of the four illustrative plans. The second table presents the results for the fifth district in each of those same plans. The first column in each table gives the name of the illustrative plan analyzed in the given row of the table. The second column shows the percent of voters in the 2020 General election who identify as Black. The third column shows the fraction of the two-party vote received by Biden/Harris in the 2020 General Election. These two quantities are directly calculated by aggregating the precinct-level data described above to the district level for each district and plan. The fourth and fifth columns present the estimated shares of the two-party vote for Biden/Harris among Black and white voters respectively. Because a majority of white voters are estimated to have preferred Trump/Pence in both the second and fifth districts under each illustrative plan, I will refer to the white voters who supported Biden/Harris as white “crossover” voters (i.e., white voters who broke with the majority of white voters to support the Black-preferred candidate). The fifth column shows that the share of the two-party vote that Biden/Harris would have received in the absence of any white crossover support (holding fixed the share of the Black vote that they are estimated to have received). This quantity is calculated by multiplying the estimated rate of support for Biden/Harris among Black voters by the fraction of voters who were Black.

8. Only in the Robinson/Fairfax and Galmon-2/Cooper-2 illustrative plans did Black voters comprise a majority of those participating in the 2020 General election in the second district. In

none of the illustrative plans did Black voters comprise a majority of those voting in the fifth district.

9. The EI estimates suggest that 96.3 to 99.1 percent of Black voters in the second and fifth districts of the illustrative plans supported Biden/Harris. White crossover voting is estimated to be much higher in the second district in each of the illustrative plans (36.4 to 40.9 percent) than in the fifth district (12.1 to 13.9 percent).

10. Despite estimated Black voter support for Biden/Harris that approaches 100 percent, because Black voters did not cast a majority of the 2020 General Election votes in the fifth district of any of the illustrative plans, Biden/Harris would not have won a majority of the two-party vote in any of those proposed districts in the absence of white crossover voting.

11. For the second district, the analysis suggests that Biden/Harris would only have gained a majority of the two-party vote in the absence of white crossover voting under one of the four illustrative plans.

12. A complete analysis of the degree to which Black-preferred candidates in the plans and districts considered could prevail in the absence of white crossover voting would require consideration of additional elections and more extensive consideration of whether EI estimates of support for each candidate were reliable in this context among other things. I was unable to conduct such an analysis due to time limitations.

13. Given the estimates of the shares of Black voting-age population (BVAP) in the second and fifth districts of the illustrative plans provided by Mr. Anthony K. Fairfax and Mr. William S. Cooper in their expert reports, holding fixed the rates of participation in the 2020 General election among both Black and white adults in each district, and holding fixed the estimated rates of Black and white voter support for Biden/Harris in each district, the analysis suggests that

Biden/Harris would have received over 50 percent of the vote in each of the illustrative districts considered even if the BVAP in those districts was reduced to as low as 30 percent in the second district or as low as 48 percent in the fifth district.

### **TABLES**

#### **District 2**

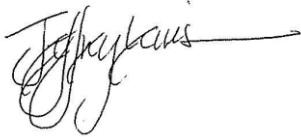
Plan	Percent Black voters	Percent support for Biden/Harris:			
		All voters	Black voters (EI Estimate)	White voters (EI Estimate)	Without white cross-over votes
C130: Robinson/Fairfax	51.18	69.15	99.13	36.35	50.73
C131: Galmon-1/Cooper-1	49.94	68.96	98.57	39.01	49.23
C132: Galmon-2/Cooper-2	50.33	69.11	97.69	40.89	49.16
C133: Galmon-3/Cooper-3	49.79	68.76	98.52	38.85	49.06

#### **District 5**

Plan	Percent Black voters	Percent support for Biden/Harris:			
		All voters	Black voters (EI Estimate)	White voters (EI Estimate)	Without white cross-over votes
C130: Robinson/Fairfax	49.66	55.94	96.91	12.10	48.13
C131: Galmon-1/Cooper-1	47.53	54.37	96.58	13.16	45.90
C132: Galmon-2/Cooper-2	46.88	53.24	96.28	13.18	45.14
C133: Galmon-3/Cooper-3	49.00	55.94	96.75	13.93	47.41

**CERTIFICATION**

I certify that the statements and opinions provided in this report are true and accurate to the best of my knowledge, information, and belief.



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Jeffrey B. Lewis, Ph.D.

April 29, 2022

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Date

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# Exhibit A

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JEFFREY B. LEWIS

Political Science Department  
Bunche Hall, UCLA  
Los Angeles CA 90095  
310.206.1307

2330 Pelham Ave.  
Los Angeles CA 90064  
310.467.7685  
email:jblewis@ucla.edu

**Education** Massachusetts Institute of Technology Cambridge, MA  
Ph.D., Department of Political Science, February 1998.

Wesleyan University Middletown, CT  
B.A., Political Science and Economics with Honors in General Scholarship.  
June 1990.

**Academic Experience**

University of California Los Angeles Los Angeles, CA  
Professor of Political Science. July 2012–present.

University of California Los Angeles Los Angeles, CA  
Director, Center for American Politics and Public Policy. July 2017–July  
2018.

University of California Los Angeles Los Angeles, CA  
Chair, Department of Political Science. July 2011–June 2017.

University of California Los Angeles Los Angeles, CA  
Associate Professor of Political Science. July 2007–June 2012.

University of California Los Angeles Los Angeles, CA  
Assistant Professor of Political Science. July 2001–June 2007.

Dartmouth College,  
Rockefeller Center for the Social Sciences Hanover, NH  
Research Fellow. July 2000–June 2001.

Princeton University Princeton, NJ  
Assistant Professor of Politics and Public Affairs. July 1997–July 2001.

**Teaching Interests**

Quantitative methods  
Elections & Direct democracy  
California politics

**Grants & Awards**

Fellow, Society for Political Methodology, Elected 2019.

Research grant, “For Modernizing the VoteView Website And Software.”  
Madison Initiative. William and Flora Hewlett Foundation (Grant #2016-  
3870). January 2016. \$200k.

Jeffrey B. Lewis (C.V.)

2

Conference/training grant, “Support for Conferences and Mentoring of Women and Underrepresented Groups in Political Methodology,” National Science Foundation (NSF-SBE-1628102 with Kosuke Imai), \$308k.

Research grant. “Collaborative Research on Dynamic Models of Roll Call Voting.” National Science Foundation (NSF-SBS-0611974, with Keith Poole and Howard Rosenthal). July 2006. \$394k total (\$182k UCLA).

Brian P. Copenhaver Award for Innovation in Teaching with Technology, College of Letters and Sciences, University of California Los Angeles. 2007.

Warren Miller Prize for best article in volume 11 of *Political Analysis*. 2003 (article co-authored with Ken Schultz).

Research grant. “Empirical Testing of Crisis Bargaining Models.” National Science Foundation (NSF-SBS-0241647, with Ken Schultz). February 2003. \$200k.

Research grant, “Term limits in California.” John Randolph and Dora Haynes Foundation, May 2000. \$27k.

Research grant, Princeton University Committee on Research in the Humanities and Social Sciences, May 1998.

Harvard/MIT Research Training Group for Positive Political Economy Dissertation Fellowship, 1995-1996.

Sigma Xi Honorary Society, Wesleyan University, 1990.

White Prize for excellence in economics, Wesleyan University, 1990.

Ford Foundation Summer Research Fellowship, Wesleyan University, 1988.

**Publications** “The new Voteview.com: preserving and continuing Keith Poole’s infrastructure for scholars, students and observers of Congress,” *Public Choice*. 2018, 176:17–32 (with Adam Boche, Aaron Rudkin, and Luke Sonnet).

“Recovering a Basic Space from Issue Scales in R.” *Journal of Statistical Software*. 2016, 69(7) (Keith T. Poole, Howard Rosenthal, James Lo, Royce Carroll).

“The Structure of Utility in Spatial Models of Voting,” *American Journal of Political Science*. 2013, 56(4):1008–1028 (with Royce Carroll, James Lo, Keith T. Poole, and Howard Rosenthal).

“Economic Crisis, Iraq, and Race: A Study of the 2008 Presidential Election.” ( *Election Law Journal*. 2010, 9(1): 41–62 (with Michael Herron and Seth Hill).

“Comparing NOMINATE and IDEAL: Points of difference and Monte Carlo tests.” *Legislative Studies Quarterly*. 2009, 34:555–592 (with Royce Carroll, James Lo, Keith T. Poole, and Howard Rosenthal).

“Measuring Bias and Uncertainty in DW-NOMINATE Ideal Point Estimates via the Parametric Bootstrap”, *Political Analysis*. 2009, 17(3):261–275 (with Royce Carroll, James Lo, Keith T. Poole, and Howard Rosenthal).

“poLCA: An R Package for Polytomous Variable Latent Class Analysis.” *Journal of Statistical Software*. 2011, 42(10) (with Drew A. Linzer).

“Scaling Roll Call Votes with Wnominate in R.” *Journal of Statistical Software*. 2011, 42(14) (with Keith Poole, James Lo, and Royce Carroll).

“Ballot Formats, Touchscreens, and Undervotes: A Study of the 2006 Midterm Elections in Florida.” *Election Law Journal*. 2008. 7(1):25–47 (with Laurin Frisana, Michael C. Herron, and James Honaker).

“An Estimate of Risk Aversion in the U.S. Electorate.” *Quarterly Journal of Political Science*. 2007, 2(2):139–154. (with Adam J. Berinsky).

“Ideological Adaptation? The Survival Instinct of Threatened Legislators.” *Journal of Politics*. 2007, 69(3):823–843 (with Thad Kousser and Seth Masket).

“Did Ralph Nader Spoil a Gore Presidency? A Ballot-Level Study of Green and Reform Party Voters in the 2000 Presidential Election.” *Quarterly Journal of Political Science*. 2007, 2(3):205–226 (with Michael Herron).

“A Return to Normalcy? Revisiting the Effects of Term Limits on Competitiveness and Spending in California Assembly Elections” *State Politics and Policy Quarterly*. 2007, 7(1):20–38 (with Seth Masket).

“Learning about Learning: A Response to Wand.” *Political Analysis*. 2006, 14: 121–129 (with Kenneth Schultz).

“Estimating Regression Models in Which the Dependent Variable Is Based on Estimates” *Political Analysis*. 2005, 13(4) (with Drew A. Linzer)

“Beyond the Median: Voter Preferences, District Heterogeneity, and Representation.” *Journal of Political Economy*. 2004, 106(6):1364–1383 (with Liz Gerber).

“Measuring Bias and Uncertainty in Ideal Point Estimates via the Parametric Bootstrap.” *Political Analysis*. Spring 2004. 12:105–127 (with Keith Poole)

“Extending King’s Ecological Inference Model to Multiple Elections using Markov Chain Monte Carlo,” Chapter in Gary King, Ori Rosen, and Martin Tanner, Eds. *Ecological Inference: New Methodological Strategies*. Cambridge: Cambridge University Press. 2004.

“Revealing Preferences: Empirical Estimation of a Crisis Bargaining Game with Incomplete Information.” *Political Analysis*. 2003, 11(4):345–365 (with Kenneth A. Schultz).

“Understanding King’s Ecological Inference Model: A Method-of-moments Approach,” *Historical Methods*. 2001, 34(4):170–188.

Jeffrey B. Lewis (C.V.)

4

“Estimating Voter Preference Distributions from Individual-Level Voting Data,” *Political Analysis*. 2001, 9(3):275-297.

“No Evidence on Directional vs. Proximity Voting,” *Political Analysis*. 1999, 8(1):21-33 (with Gary King).

“Reevaluating the Effect of N-Ach (Need for Achievement) on Economic Growth,” *World Development*. 1991, 19(9):1269–1274.

### Other Publications

Comment on “McCue, K. F. (2001), ‘The Statistical Foundations of the EI method,’ *The American Statistician*. 2002, 55(3):250.

“Veteran’s Adjustment.” Chapter in *After the Cold War: Living with Lower Defense Spending*, Congress of the United States, Office of Technology Assessment, OTA-ITE-524. 1992.

### Working Papers

Has Joint Scaling Solved the Achen Objection to Miller and Stokes? (with Christopher Tausanovitch, under revision).

Residual Votes in the 2008 Minnesota Senate Race (with Jonathan W. Chipman and Michael C. Herron)

From Punchcards to Touchscreens: Some Evidence from Pasco County, Florida on the Effects of Changing Voting Technology (with Michael C. Herron)

Voting in Low Information Elections: Bundling and Non-Independence of Voter Choice (with Liz Gerber, April 2002)

Dangers of Measurement Error in Non-linear Models: The Case of Directional versus Proximity Voting (April 2002)

A Reply to McCue’s Reply to My Comment on “The Statistical Foundations of the EI method”

### PhD Students

Committees Chaired or Co-chaired: Ryan Enos (Harvard), Seth Hill (UCSD), James Lo (USC), stonegarden grindlife.

Currently chairing or co-chairing five committees.

Committee member on over 35 PhD students (including as an outsider member in Economics and Statistics).

### Conference Presentations

American Political Science Association, Philadelphia, September 2016.

Annual Meetings of the Midwest Political Science Association, Chicago, April 2014.

Annual Meetings of the Midwest Political Science Association, Chicago, April 2011.

Summer Meetings of the Political Methodology Society, New Haven, 2009

Annual Meetings of the Midwest Political Science Association, Chicago, April 2006.  
 American Political Science Association, Chicago, September 2004.  
 American Political Science Association, Philadelphia, September 2003.  
 Annual Meetings of the Midwest Political Science Association, Chicago, April 2003.  
 Summer Meeting of the Political Methodology Society, Seattle, 2002  
 Annual Meetings of the Public Choice Society, Houston, San Diego, 2002.  
 Annual Meetings of the Midwest Political Science Association, Chicago, April 2002.  
 Annual Meetings of the Midwest Political Science Association, Chicago, April 2001.  
 Annual Meetings of the Midwest Political Science Association, Chicago, April 2000.  
 Summer Meeting of the Political Methodology Society, College Station Texas, 1999.  
 Annual Meetings of the Social Science History Association, Chicago, November 1998.  
 American Political Science Association, Boston, September 1998.  
 Annual Meetings of the Midwest Political Science Association, Chicago, April 1997.  
 Annual Meetings of the American Political Science Association, San Francisco, August 1996.  
 Annual Meetings of the Public Choice Society, Houston, April 1996.  
 American Political Science Association, Atlanta, August 1989.

## Software

*Voteview: US Roll call votes and legislator ideologies, 1789–2021*: Provides interactive search and visualization of every roll call vote ever taken in the United States Congress. See <https://voteview.com>.

*WNominate* (v1.2): R package implementing Poole and Rosenthal's W-Nominate estimator co-authored with Keith Poole and James Lo. (<http://cran.r-project.org/web/packages/wnominate/index.html>)

*PoLCA* (v1.4.1): R package for Polytomous Variable Latent Class Analysis. Co-authored with Drew Linzer. (<http://dlinzer.github.io/poLCA/>)

## Data collections

*US Congressional roll call voting and related data, 1789–2021*: Provides data on every roll call vote ever taken in the United States Congress. See <https://voteview.com>.

*US Congressional District Boundaries, 1789–2017*. Detailed GIS descriptions of every district in US history (with Brandon DeVine (UCLA), Lincoln Pritcher (UCLA), and Ken Martis (UWV)). See <http://cdmaps.polisci.ucla.edu/>.

*109th – 114th Congress Data Project*. UCLA. Webpage allows download of up to the hour roll call voting matrices for the current US Congress [Now included in the Voteview project].

Jeffrey B. Lewis (C.V.)

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*California Roll Call Project.* UCLA. Collection of roll call voting data from the California Assembly from 1850 to the present. Ongoing (with Seth Masket).

*Crisis Bargaining Data Base.* UCLA. Codings of post-World War I international crises outcomes in terms of a simple game theoretic model of coercive diplomacy (supported by NSF-SBS-0241647) (with Ken Schultz).

*Record of American Democracy Project* Harvard University. One of several project leaders. Summer 1995.

### University Service

**Chair:** Executive Committee, Faculty of Letters and Science, UCLA (September 2019–Present)

**Vice Chair:** Executive Committee, Faculty of Letters and Science, UCLA (2018–2019)

**Member:** Executive Committee, Faculty of Letters and Science, UCLA (2017–2018); Council on Academic Planning and Budget, UCLA (2019–Present); Classroom Advisory Committee, UCLA (2018–2020); Pathways to Commencement Task Force, UCLA (2013–2014).

### Professional Experience

**President:** Society for Political Methodology (2015–2017).

**Vice President/President elect:** Society for Political Methodology (2013–2015).

**Co-editor:** *The American Political Science Review* July 2008–July 2011; *The Political Methodologist*, the APSA Methodology section newsletter. 2004–2007 (with Adam Berinsky and Michael Herron).

**Editorial Board Member:** *Journal of Politics*, 2005–2008; *Political Analysis* 2005–present.

**Panelist:** National Science Foundation ad hoc peer review panels (June 2004, February 2008, October 2010); National Science Foundation Political Science Panel (2009–2010).

**Departmental review visiting committee member:** University of Colorado, 2013; London School of Economics, 2015; University of Michigan, 2015.

**Nominations committee member:** American Political Science Association, 2011–12, 2012–13.

**Program committee member:** American Political Science Association Annual Meetings 2003, Political Methodology division head.

**Anonymous Referee:** *American Political Science Review*, *American Journal of Political Science*, *Journal of Law and Economics*, *World Politics*, *Political Analysis*, *Legislative Studies Quarterly*, *Sociological Methods Review*,

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*Journal of Politics, Journal of Theoretical Politics, and Political Behavior, Perspectives on Politics, Public Opinion Quarterly, Journal of Political Economy.*

**Discussant/Panel Chair** Political Methodology Conference (1997, 2004, 2005, 2015), Midwest Political Science Association meetings (1998, 2005, 2006). American Political Science Association meetings (1998, 2002, 2003, 2006, 2010, 2016). Public Choice Society (1996, 2002)

## Work Experience

Polimetrix Palo Alto, CA  
Director of Statistics, 2003–2007.

Office of Technology Assessment, U.S. Congress Washington, DC  
Research Analyst, Industry Technology and Employment program. October 1990 – August 1992.

## Selected Invited Lectures

American Politics Seminar, Political Science Department, Columbia University, 1998

Political Economy Seminar, Political Science Department, Michigan University, 1999

Political Economy Seminar, Graduate School of Business, Stanford University, 1999

Political Economy Seminar, Politics & Economics Departments, Princeton University, 1998

Southern California Methods Program, UC Riverside, November 2001.

Ideal-Point Estimation Conference, Washington University St. Louis, September 2002.

American Politics Seminar, Political Science Department, Yale University, 2003.

Political Economy Seminar, Politics & Economics Departments, Princeton University, Spring 2004.

Political Economy Seminar, Politics Department, Massachusetts Institute of Technology, Spring 2004.

Empirical Implications of Theoretical Models Program, Washington University, St. Louis, June 2004.

Multilevel Methods Conference, Center for the Study of Democratic Politics, Woodrow Wilson School of Public and International Affairs, Princeton University, October 2004.

Empirical Implications of Theoretical Models Program, University of California Berkeley (one week module co-taught with Kenneth A. Schultz). June 2005.

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Roll Call Voting Conference, Department of Political Science, University of California, San Diego. May 2006.

Measures of Legislators' Policy Preferences and the Dimensionality of Policy Spaces Conference Department of Political Science, Washington University, St. Louis. November 2007.

Causal Inference. Business School. University of Southern California. June 2010.

How to Scrape Web Pages. Summer Methods Program. Department of Sociology. Stanford University, July 2010, 2011, 2012, 2013, 2014, 2015.

Lectures on Ecological Inference. Summer Methods Training Program, Academia Senica, Taipei, Taiwan. July 2010.

Applied Statistics Workshop. Department of Government. Harvard University, April 2011.

Methods Workshop. Department of Political Science, Stanford University. June 2011.

Conference on "Political Representation: Fifty Years After Miller & Stokes." Vanderbilt University, March 2013.

Center for the Study of Democratic Politics (CSDP) Workshop, Princeton University, April 2015.

Ideal Point Models in Political Science Workshop, MIT, April 2015.

Interdisciplinary Seminar in Quantitative Methods (ISQM) Workshop, University of Michigan, September 2015.

Political Economy Seminar, Graduate School of Business, Stanford University, April 2019,

March 25, 2021