

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**IN RE REDISTRICTING 2023
SPECIAL MASTER**

Misc. No. 2:23-mc-1181-AMM

***MILLIGAN AND CASTER* PLAINTIFFS' BRIEF IN SUPPORT OF
REMEDIAL PROPOSAL**

I. Introduction

The *Caster* and *Milligan* Plaintiffs respectfully submit the VRA Plaintiffs' Plan ("VRA Plan") as a proposed remedy to the State's likely violation of Section 2 of the Voting Rights Act. The VRA Plan is a complete and comprehensive remedy that aligns with state policy, traditional redistricting principles, and the Voting Rights Act.

First, the Plan respects the Legislature's policy preferences to the extent permissible by law. It maintains the Black Belt community of interest in just two districts, retains over 80% of the lines drawn in Alabama's 2021 congressional plan, and splits Jefferson County and Mobile County close to the same manner as the State's 2021 Congressional Plan and Board of Education Plan, respectively. Second, the VRA Plan draws from and improves upon Cooper Illustrative Plan 2, a plan this

Court and the Supreme Court have already identified as constitutional and reasonably configured. And third, the VRA Plan abides by the Voting Rights Act, the opinion of the U.S. Supreme Court, and this Court's preliminary injunction orders by providing Black Alabamians two districts in which they have an opportunity to elect a candidate of their choice.

There is no doubt that the VRA Plan remedies Alabama's Section 2 violation. And there is no doubt that it does so in a manner that is both lawful and respectful, to the extent permitted by law, of the State's own policy choices and redistricting traditions. Plaintiffs accordingly urge the Special Master to consider the VRA Plan as a remedy.

II. Legal Standard

To remedy Alabama's Section 2 violation, the Court must fashion a plan that complies with three criteria. First and foremost, the Court's plan must "completely remed[y] the prior dilution of minority voting strength and fully provide[] equal opportunity for minority citizens to participate and to elect candidates of their choice." *United States v. Dall. Cnty. Comm'n*, 850 F.2d 1433, 1442 (11th Cir. 1988) (citing S. Rep. No. 417, 97th Cong. 2d Sess. 26, reprinted in 1982 U.S. Code Cong. & Adm. News 177, 208). Because the essence of Section 2 liability is unequal electoral opportunity, a Section 2 remedy requires a new plan that creates an additional district in which the injured minority group has an effective opportunity

to elect their preferred candidates. *See, e.g., Perez v. Texas*, No. 11-CA-360, 2012 WL 13124275, at *5 (W.D. Tex. Mar. 19, 2012) (three-judge court) (ordering, on remand from the Supreme Court, the “creation of a new Latino district” to remedy a likely violation of Section 2 of the Voting Rights Act); *League of United Latin Am. Citizens v. Perry*, 457 F. Supp. 2d 716, 719 (E.D. Tex. 2006) (three-judge court) (ordering, on remand from the Supreme Court, a remedy that restored an effective opportunity district to cure a Section 2 violation). In line with this precedent, the Court here has correctly held that the remedial plan must create “either an additional majority-Black congressional district, or an additional district in which Black voters otherwise have an opportunity to elect a representative of their choice.” *Milligan v. Merrill*, 582 F. Supp. 3d 924, 936 (N.D. Ala. 2022), *aff’d sub nom. Allen v. Milligan*, 143 S. Ct. 1487 (2023).

Whether a remedial district provides a minority group an opportunity to elect is a fact-based analysis that evaluates the likelihood that the injured minority group’s candidate of choice will be elected based on factors such as the district’s demographics, the degree of racially polarized voting in the state, and historical election performance. *See, e.g., League of United Latin Am. Citizens v. Perry* (“*LULAC*”), 548 U.S. 399, 428-29 (2006) (considering past election performance and the minority citizen voting-age population in a district to determine whether it offered an “effective opportunity” under the VRA); *Baldus v. Members of Wis. Gov’t*

Accountability Bd., 862 F. Supp. 2d 860, 863 (E.D. Wis. 2012) (three-judge court) (rejecting a state’s remedial plan and adopting a Section 2 plaintiff’s proposal that increased a remedial district’s minority population to ensure an “effective majority minority” district); *cf. also Abbott v. Perez*, 138 S. Ct. 2305, 2332-33 (2018) (evaluating whether illustrative plans included “opportunity districts” by reviewing their past election performance); *League of United Latin Am. Citizens*, 457 F. Supp. 2d at 721 (concluding that a district is an opportunity district by considering past election performance and minority voting age population).

Second, while a “Court-created plan should follow . . . traditional redistricting principles, . . . these principles have less precedence than ‘the requirements of the Constitution and Voting Rights Act.’” *Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Com’rs*, 996 F. Supp. 2d 1353, 1358-59 (N.D. Ga. 2014) (citing *Larios v. Cox*, 314 F. Supp. 2d 1357, 1360 (N.D. Ga. 2004) (three-judge court)); *see also Upham v. Seamon*, 456 U.S. 37, 43 (1982). That is because the Court’s plan must comply with the Constitution and any other requirements of federal law, such as Section 2 of the Voting Rights Act and one-person-one-vote rule. *See Abrams v. Johnson*, 521 U.S. 74, 78-79, 98 (1997).

III. VRA Plaintiffs’ Remedial Proposal

The VRA Plan fully satisfies the relevant criteria for Court-ordered plans.

The VRA Plan is a lawful remedy for the State's likely Section 2 violation.

The VRA Plan completely remedies the likely violation by establishing two districts in which Black voters have an equal opportunity to elect candidates of their choice despite high degrees of persistent racially polarized voting. Dr. Maxwell Palmer—the *Caster* expert—analyzed seventeen statewide elections held between 2016 and 2022. Ex. 1, Palmer Report at 1-2. Dr. Palmer found that Black-preferred candidates would have won the VRA Plan's CD-2 in all but two elections that he analyzed. *Id.* Dr. Palmer also found that Black-preferred candidates would win all seventeen elections in the VRA Plan's CD-7.

Dr. Baodong Liu—the *Milligan* expert—analyzed eleven biracial statewide elections held between 2014 and 2022. Ex. 2, Liu Report at 1-2. *See Abrams*, 521 U.S. at 93-94 (evaluating only elections involving Black candidates to determine if a remedial plan satisfied Section 2); *Wright v. Sumter Cnty. Bd. of Elections & Registration*, 979 F.3d 1282, 1293 (11th Cir. 2020) (noting that biracial elections between Black and white candidates may be “more probative” than elections only involving white candidates) (citation omitted); *cf. Thornburg v. Gingles*, 478 U.S. 30, 48 n.15 (1986) (noting that the success of minority candidates is one of the “most important” Senate factors bearing on Section 2 challenges to multimember districts); *Rogers v. Lodge*, 458 U.S. 613, 623-24 (1982) (similar). Consistent with this precedent, Dr. Liu focused his analysis on biracial elections because “analysis of

elections in which there are no black candidates proves only that candidates favored by blacks can win, but only if the candidates are white.” *Jeffers v. Clinton*, 730 F. Supp. 196, 209 (E.D. Ark. 1989) (three-judge court), *aff’d mem.*, 498 U.S. 1019 (1991) (internal citation, quotation marks, and alterations omitted).

Dr. Liu concluded that in CD-2 of the VRA Plan, the Black candidate would have won nine of these eleven elections (or 81.8%).¹ Ex. 2, Liu Report at 1-2. CD-2 in the VRA Plan therefore provides Black voters with an additional opportunity district but is “not a guarantee of electoral success for minority-preferred candidates.” *LULAC*, 548 U.S. at 428 (concluding that an “effective opportunity district” was a district where the minorities’ preferred candidates would win “13 out of 15” or 86.6% of races) (citation omitted). Likewise, Black-preferred candidates would win all eleven elections that Dr. Liu analyzed in the VRA Plan’s CD-7.

The VRA Plan is guided by legislative policy and traditional redistricting criteria and complies with constitutional and federal requirements. The VRA Plan is consistent with legislative policy to the extent permissible by law and complies with the traditional redistricting criteria as well as the foundational principle of one-person-one-vote. The VRA Plan has a one-person population deviation, the lowest deviation permitted by the State’s population and number of districts. Ex. 3, Duchin

¹ In contrast, in Alabama’s enacted 2023 and 2021 Plans, Black candidates lost all the biracial elections that Dr. Liu analyzed in CD-2. *Milligan v. Allen*, 2023 WL 5691156, at *52-53 (N.D. Al. Sept. 5, 2023); *Milligan v. Allen*, 582 F. Supp. 3d 924, at *1017 (Jan. 24, 2022).

Report at 1. It adheres to the principle of core retention by mirroring 82.2% of the State's 2021 congressional plan and tracking the State's treatment of the Mobile region in the 2021 Board of Education plan. *Id.* at 1. The VRA Plan also places the eighteen core Black Belt counties into two districts without splitting them and places the individual plaintiffs who live in the cities of Dothan, Montgomery, and Mobile into these Black Belt districts. *Id.* at 1-3.

The VRA Plan also complies with traditional redistricting criteria of compactness, contiguity, and respect for political subdivisions and communities of interest. The VRA Plan is contiguous and reasonably compact. *Id.* at 1. The VRA Plan splits seven counties, which is only one more county than necessary to satisfy one-person-one-vote.² *Id.* at 3. As noted above, like the State's 2023 Plan, the VRA Plan also places the eighteen core Black Belt counties into only two districts and splits none of those eighteen counties. *Id.* at 1. And like the State's 2021 Board of Education Plan, the VRA Plan places Prichard and most of the City of Mobile in the Black Belt districts. *Id.* The VRA Plan thus connects the cities of Mobile and Prichard to the Black Belt counties out of respect for the longstanding socioeconomic, familial, and cultural ties of these overlapping communities. *See Milligan*, 2023 WL 5691156, at *25, *59-63. Finally, the VRA Plan places

² Dr. Duchin split a seventh county to place all individual *Milligan* plaintiffs in the Black Belt districts. Ex. 3, Duchin Report at 1, 3.

Alabama's purported communities of interest in no more than two districts, the same number as the 2023 Plan for the Wiregrass region, and only one additional district than the 2023 Plan for the Gulf Coast region. Ex. 3, Duchin Report at 6.

The Supreme Court has already ruled that Mr. Cooper's Illustrative Plan 2, on which the VRA Plan is based, *id.* at 1, is reasonably configured and that race did not predominate in the plan. *See Milligan*, 143 S. Ct. at 1510-11 (plurality opinion). The VRA Plan better adheres to legislative policy and provides a full and fair remedy to the likely Section 2 violation.

IV. Conclusion

Plaintiffs respectfully urge the Special Master to recommend for adoption the VRA Plan as a remedy to the State's likely Section 2 violation.

Respectfully submitted this 11th day of September 2023.

/s/ Deuel Ross

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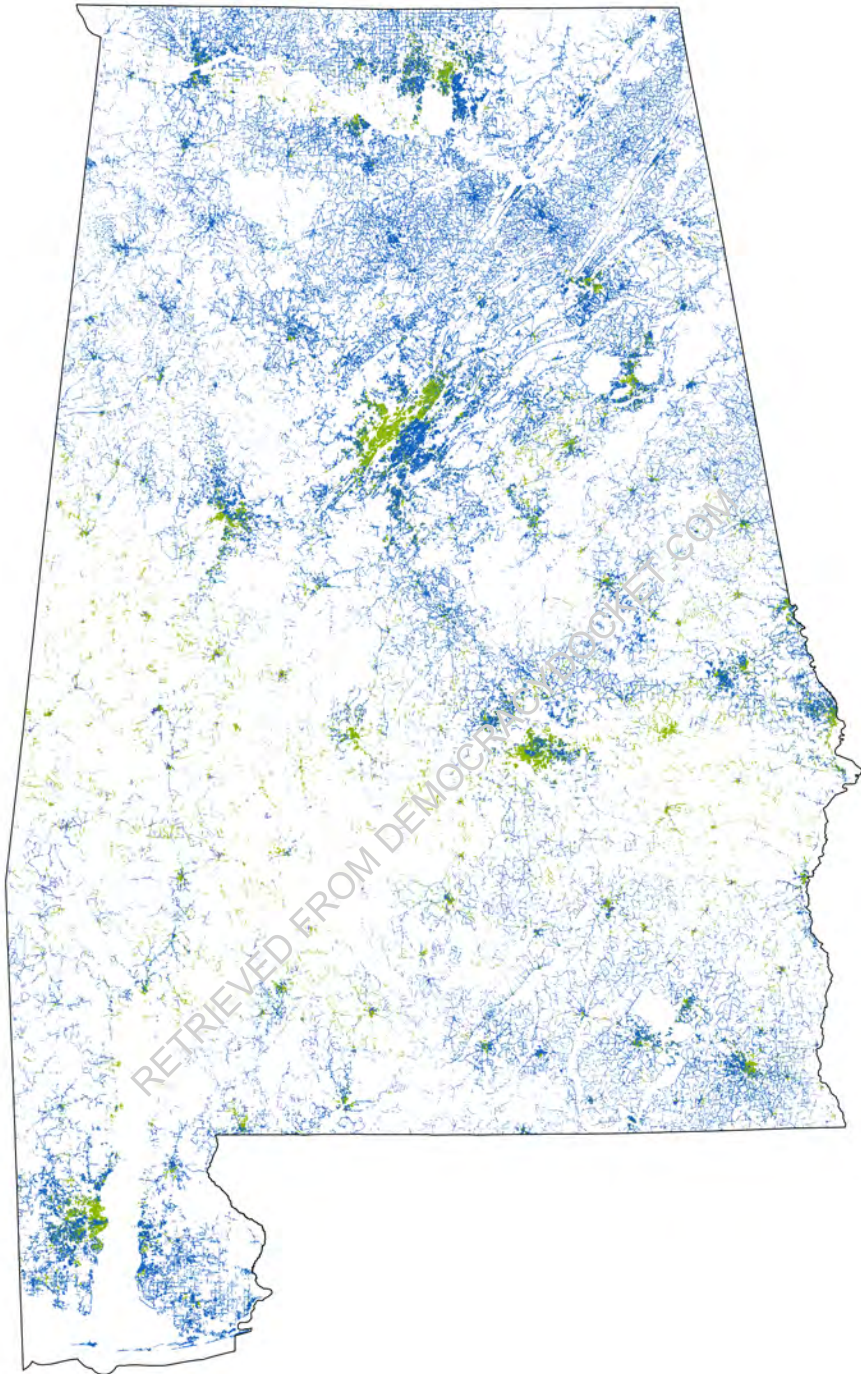


Figure 2: Address locations of registered voters from the July 18, 2023 voter file, with those self-identified as Black and those self-identified as White shown in green and blue, respectively.

**EXPERT REPORT OF MAXWELL PALMER, PH.D.
IN SUPPORT OF VRA PLAINTIFFS' REMEDIAL PLAN**

1. My name is Maxwell Palmer. I am currently an Associate Professor of Political Science at Boston University. I previously submitted reports in this case on December 12, 2021, and July 28, 2023, and my first report sets forth my qualifications in detail. A copy of my most recent curriculum vitae is attached as Exhibit A.
2. I testified in this matter in the January 2022 preliminary injunction proceedings. I was accepted by the Court as an expert in redistricting and data analysis. The Court found me to be a credible expert witness and credited my testimony on racially polarized voting and performance in its January 2022 and September 2023 opinions.
3. I was asked by the Caster Plaintiffs in this litigation to evaluate the performance of the VRA Plaintiffs' Remedial Plan. I will refer to this map as the VRA Plan. Unless otherwise specified, all references to particular districts refer to the VRA Plan.
4. For the purpose of my analysis, I examined elections in the 2nd and 7th Congressional Districts under the VRA Plan.
5. To analyze the performance of districts under the VRA Plan, I relied on precinct-level election results from the 2016, 2018, and 2020 general elections, and the 2017 special election for U.S. Senate. My original report in this matter describes this dataset.
6. I supplemented this dataset with 2022 general election results from the data file disclosed by Dr. Baodong Liu with his July 28, 2023 report.
7. I analyzed performance by calculating the share of the vote that the Black-preferred candidate would have won under the boundaries of the VRA Plan. Figure 1 and Table 1 present the results.
8. I find that Black-preferred candidates are almost always able to win elections in both the 2nd and 7th Congressional Districts. The Black-preferred candidate was successful in 15 of the 17 elections analyzed in the 2nd District, and 17 of the 17 elections analyzed in the 7th District.
9. Across 17 elections from 2016 to 2022, the average vote share for Black-preferred candidates is 55.4% in the 2nd District and 66.0% in the 7th District.

10. These results demonstrate that both the 2nd District and the 7th District of the VRA Plaintiffs’ Remedial Plan will perform and allow Black voters to elect their candidates of choice.

I reserve the right to continue to supplement my reports in light of additional facts, testimony and/or materials that may come to light.

I declare under penalty of perjury that the foregoing is true and correct.

Maxwell Palm

Executed on: September 11, 2023

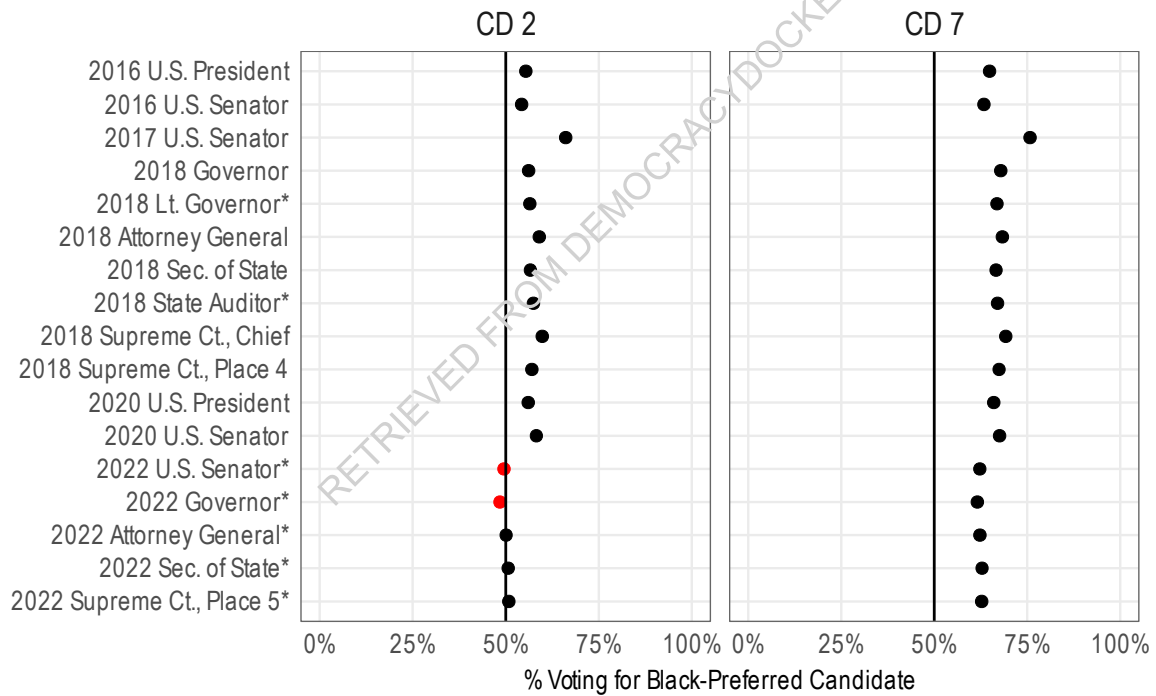


Figure 1: Vote Shares of Black-Preferred Candidates Under the VRA Plaintiffs’ Remedial Plan

Table 1: Vote Shares of Black-Preferred Candidates Under the VRA Plaintiffs' Remedial Plan

Election	CD 2	CD 7
2016 U.S. President	55.4%	64.9%
2016 U.S. Senator	54.3%	63.4%
2017 U.S. Senator	66.1%	75.8%
2018 Governor	56.2%	67.9%
2018 Lt. Governor*	56.5%	66.9%
2018 Attorney General	59.0%	68.3%
2018 Sec. Of State	56.6%	66.6%
2018 State Auditor*	57.5%	67.0%
2018 Supreme Ct., Chief	59.8%	69.2%
2018 Supreme Ct., Place 4	57.0%	67.4%
2020 U.S. President	56.1%	66.0%
2020 U.S. Senator	58.2%	67.6%
2022 U.S. Senator*	49.6%	62.3%
2022 Governor*	48.4%	61.6%
2022 Attorney General*	50.1%	62.3%
2022 Sec. Of State*	50.7%	62.9%
2022 Supreme Ct., Place 5*	50.8%	62.8%

* Indicates that the Black candidate of choice was Black.

EXHIBIT A

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- Selected chapters republished in *Political Science Quarterly*.
 - Reviewed in *Perspectives on Politics*, *Political Science Quarterly*, *Economics 21*, *Public Books*, *City Journal*, and *Urban Studies*.
 - Covered in Vox’s “The Weeds” podcast, CityLab, Slate’s “Gabfest,” Curbed, Brookings Institution Up Front.
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The Boston Foundation Grant. “2022 Greater Boston Housing Report Card” (Co-principal investigator). 2022. \$70,000.

The Rockefeller Foundation, “Menino Survey of Mayors” (Co-principal investigator). 2021. \$355,000.

American Political Science Association, *Heinz Eulau Award*, for the best article published in *Perspectives on Politics* during the previous calendar year, for “Who Participates in Local Government? Evidence from Meeting Minutes.” (with Katherine Levine Einstein and David M. Glick). 2020.

Boston University Initiative on Cities, COVID-19 Research to Action Seed Grant. “How Are Cities Responding to the COVID-19 Housing Crisis?” 2020. \$8,000.

The Rockefeller Foundation, “Menino Survey of Mayors” (Co-principal investigator). 2017. \$325,000.

Hariri Institute for Computing, Boston University. Junior Faculty Fellow. 2017–2020. \$10,000.

The Rockefeller Foundation, “2017 Menino Survey of Mayors” (Co-principal investigator). 2017. \$100,000.

The Center for Finance, Law, and Policy, Boston University, Research Grant for “From the Capitol to the Boardroom: The Returns to Office from Corporate Board Directorships,” 2015.

Senator Charles Sumner Prize, Dept. of Government, Harvard University. 2014.

Awarded to the best dissertation “from the legal, political, historical, economic, social or ethnic approach, dealing with means or measures tending toward the prevention of war and the establishment of universal peace.”

The Center for American Political Studies, Dissertation Research Fellowship on the Study of the American Republic, 2013–2014.

The Tobin Project, Democracy and Markets Graduate Student Fellowship, 2013–2014.

The Dirksen Congressional Center, Congressional Research Award, 2013.

The Institute for Quantitative Social Science, Conference Travel Grant, 2014.

The Center for American Political Studies, Graduate Seed Grant for “Capitol Gains: The Returns to Elected Office from Corporate Board Directorships,” 2014.

The Institute for Quantitative Social Science, Research Grant, 2013.

Bowdoin College: High Honors in Government and Legal Studies; Philo Sherman Bennett Prize for Best Honors Thesis in the Department of Government, 2008.

SELECTED
PRESENTATIONS

“A Partisan Solution to Partisan Gerrymandering: The Define-Combine Procedure.” MIT Election Data and Science Lab, 2020.

“Who Represents the Renters?” Local Political Economy Conference, Washington, D.C., 2019.

“Housing and Climate Politics,” Sustainable Urban Systems Conference, Boston University 2019.

“Redistricting and Gerrymandering,” American Studies Summer Institute, John F. Kennedy Presidential Library and Museum, 2019.

“The Participatory Politics of Housing,” Government Accountability Office Seminar, 2018.

“Descended from Immigrants and Revolutionists: How Immigrant Experience Shapes Immigration Votes in Congress,” Congress and History Conference, Princeton University, 2018.

“Identifying Gerrymanders at the Micro- and Macro-Level.” Hariri Institute for Computing, Boston University, 2018.

“How Institutions Enable NIMBYism and Obstruct Development,” Boston Area Research Initiative Spring Conference, Northeastern University, 2017.

“Congressional Gridlock,” American Studies Summer Institute, John F. Kennedy Presidential Library and Museum, 2016.

“Capitol Gains: The Returns to Elected Office from Corporate Board Directorships,” Microeconomics Seminar, Department of Economics, Boston University, 2015.

“A Two Hundred-Year Statistical History of the Gerrymander,” Congress and History Conference, Vanderbilt University, 2015.

“A New (Old) Standard for Geographic Gerrymandering,” Harvard Ash Center Workshop: How Data is Helping Us Understand Voting Rights After Shelby County, 2015.

“Capitol Gains: The Returns to Elected Office from Corporate Board Directorships,” Boston University Center for Finance, Law, and Policy, 2015.

“Capitol Gains: The Returns to Elected Office from Corporate Board Directorships,” Bowdoin College, 2014.

American Political Science Association: 2013, 2014, 2015, 2016, 2018, 2019, 2020, 2022

Midwestern Political Science Association: 2012, 2013, 2014, 2017, 2019, 2023

Southern Political Science Association: 2015, 2018

European Political Science Association: 2015

EXPERT
TESTIMONY
AND CONSULTING

Bethune-Hill v. Virginia (3:14-cv-00852-REP-AWA-BMK), U.S. District Court for the Eastern District of Virginia. Prepared expert reports and testified on racial predominance and racially polarized voting in selected districts of the 2011 Virginia House of Delegates map. (2017)

Thomas v. Bryant (3:18-CV-441-CWR-FKB), U.S. District Court for the Southern District of Mississippi. Prepared expert reports and testified on racially polarized voting in a district of the 2012 Mississippi State Senate map. (2018–2019)

Chestnut v. Merrill (2:18-cv-00907-KOB), U.S. District Court for the Northern District of Alabama. Prepared expert reports and testified on racially polarized voting in selected districts of the 2011 Alabama congressional district map. (2019)

Dwight v. Raffensperger (No. 1:18-cv-2869-RWS), U.S. District Court for the Northern District of Georgia. Prepared expert reports and testified on racially

polarized voting in selected districts of the 2011 Georgia congressional district map. (2019)

Bruni, et al. v. Hughs (No. 5:20-cv-35), U.S. District Court for the Southern District of Texas. Prepared expert reports and testified on the use of straight-ticket voting by race and racially polarized voting in Texas. (2020)

Caster v. Merrill (No. 2:21-cv-1536-AMM), U.S. District Court for the Northern District of Alabama. Prepared expert report and testified on racially polarized voting in selected districts of the 2021 Alabama congressional district map. (2022)

Pendergrass v. Raffensperger (1:21-CV-05339-SCJ), U.S. District Court for the Northern District of Georgia. Prepared expert reports and testified on racially polarized voting in selected districts of the 2021 Georgia congressional district map. (2022)

Grant v. Raffensperger (1:22-CV-00122-SCJ), U.S. District Court for the Northern District of Georgia. Prepared expert reports and testified on racially polarized voting in selected districts of the 2021 Georgia state legislative district maps. (2022)

Galmon, et al. v. Ardoin (3:22-cv-00214-SDD-SDJ), U.S. District Court for the Middle District of Louisiana. Prepared expert reports and testified on racially polarized voting for the 2021 Louisiana congressional district map. (2022)

United States v. Robert Bowers (2:18-cr-00292-DWA), U.S. District Court for the Western District of Pennsylvania. Prepared expert reports on the demographics of the voter registration list and composition of the master jury wheel. (2020–2023)

Agee, et al. v. Benson, et al. (1:22-CV-00272-PLM-RMK-JTN), U.S. District Court for the Western District of Michigan. Prepared expert report on racially polarized voting and racial predominance in the Michigan House and Senate maps adopted by the Michigan Independent Citizens Redistricting Commission. (2023)

In Re: Georgia Senate Bill 202 (1:12-MI-55555-JPB), U.S. District Court for the Northern District of Georgia. Prepared expert report and testified on demographics and racially polarized voting in Georgia. (2023)

Vet Voice Foundation, et al., v. Hobbs, et al. (No. 22-2-19384-1 SEA), King County Superior Court, Washington. Prepared expert reports and testified on ballots rejected for non-matching signatures in Washington. (2023)

Racially Polarized Voting Consultant, Virginia Redistricting Commission, August 2021.

The General Court of the Commonwealth of Massachusetts, Joint Committee on Housing, Hearing on Housing Production Legislation. May 14, 2019. Testified on the role of public meetings in housing production.

TEACHING

Boston University

- *Introduction to American Politics* (PO 111; Fall 2014, Fall 2015, Fall 2016, Fall 2017, Spring 2019, Fall 2019, Fall 2020)
- *Congress and Its Critics* (PO 302; Fall 2014, Spring 2015, Spring 2017, Spring 2019)
- *Data Science for Politics* (PO 399; Spring 2020, Spring 2021, Fall 2021, Fall 2022, Fall 2023)
- *Formal Political Theory* (PO 501; Spring 2015, Spring 2017, Fall 2019, Fall 2020)
- *American Political Institutions in Transition* (PO 505; Spring 2021, Fall 2021)
- *Prohibition* (PO 540; Fall 2015, Fall 2022)
- *Political Analysis (Graduate Seminar)* (PO 840; Fall 2016, Fall 2017)
- *Graduate Research Workshop* (PO 903/4; Fall 2019, Spring 2020)
- *Spark! Civic Tech Research Design Workshop* (CDS DS 290; Spring 2023)
- *Spark! Civic Tech Toolkit Workshop* (CDS DS 292; Spring 2023)

SERVICE

Boston University

- Research Computing Governance Committee, 2021–.
- Initiative on Cities Faculty Advisory Board, 2020–2022.
- Undergraduate Assessment Working Group, 2020–2021.
- College of Arts and Sciences
 - CAS BA Curriculum Committee, 2023–.
 - Search Committee for the Faculty Director of the Initiative on Cities, 2020–2021.
 - General Education Curriculum Committee, 2017–2018.
- Department of Political Science
 - Director of Advanced Programs (Honors & B.A./M.A.). 2020–.
 - Political Methodology Search Committee, 2021.
 - Delegate, Chair Selection Advisory Process, 2021.
 - Comprehensive Exam Committee, American Politics, 2019.
 - Comprehensive Exam Committee, Political Methodology, 2016, 2017, 2021.

- Co-organizer, Research in American Politics Workshop, 2016–2018.
- American Politics Search Committee, 2017.
- American Politics Search Committee, 2016.
- Graduate Program Committee, 2014–2015, 2018–2019, 2020–2021.

Co-organizer, *Boston University Local Political Economy Conference*, August 29, 2018.

Editorial Board Member, *Legislative Studies Quarterly*, 2020–2023

Malcolm Jewell Best Graduate Student Paper Award Committee, Southern Political Science Association, 2019.

Reviewer: *American Journal of Political Science*; *American Political Science Review*; *Journal of Politics*; *Quarterly Journal of Political Science*; *Science*; *Political Analysis*; *Legislative Studies Quarterly*; *Public Choice*; *Political Science Research and Methods*; *Journal of Law, Economics and Organization*; *Election Law Journal*; *Journal of Empirical Legal Studies*; *Urban Affairs Review*; *Applied Geography*; *PS: Political Science & Politics*; Cambridge University Press; Oxford University Press.

Elected Town Meeting Member, Town of Arlington, Mass., Precinct 2. April 2021–Present.

Arlington Election Reform Committee Member, August 2019–April 2022.

Coordinator, **Harvard Election Data Archive**, 2011–2014.

OTHER
EXPERIENCE

Charles River Associates, Boston, Massachusetts 2008–2010

Associate, Energy & Environment Practice

Economic consulting in the energy sector for electric and gas utilities, private equity, and electric generation owners. Specialized in Financial Modeling, Resource Planning, Regulatory Support, Price Forecasting, and Policy Analysis.

Updated July 27, 2023

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

EVAN MILLIGAN, et al.,

Plaintiffs,

vs.

JOHN H. MERRILL, et al.,

Defendants.

No. 2:21-cv-01530-AMM

Supplemental Remedial Report of Baedong Liu, Ph.D.

September 10, 2023

I have been asked by Counsel for the Plaintiffs to express my opinion on the effectiveness of the VRA Plaintiffs' Plan. This report summarizes the results of my Effective Analysis (EA).

My EA is based on the eleven biracial elections between 2014 and 2022. These eleven elections are all state-wide and general elections: the 2014 Secretary of State, the 2014 Lt. Governor, the 2014 State Auditor, the 2018 Lt. Governor, the 2018 State Auditor, the 2018 Public Service Commission (Place 1), the 2022 Gubernatorial, the 2022 US Senate, the 2022 Secretary of State, the 2022 Attorney General, and the 2022 Alabama Supreme Court Associate Justice (Place 5) elections. This report examines how the VRA Plaintiffs' Plan performs in these eleven elections in Congressional Districts 2 and 7 where Black Voting Age Population (BVAP) are substantially larger than those of the other five Congressional districts.

My conclusion is that voting is highly racially polarized in both CDs 2 and 7 under the VRA Plaintiffs' Plan. But this Plan provided a realistic chance for Black voters to elect the candidate of their choice in both districts.

I am being compensated at \$300 per hour for my work in this report. My compensation is not contingent on or affected by the substance of my opinions or the outcomes of this litigation.

Method and Data Used in this Report

As in my prior reports and the original remedy report for this case executed on July 28, 2023, the method I used for the estimates of racial group voting and turnout is called Ecological Inference (EI) developed by Harvard Professor Gary King. This report continues to use the same EI method and the EI R-software to calculate the racial groups' vote choice in the 11 elections with respect to the plan analyzed. Furthermore, this Supplemental EA report, just like my original EA report continues to report the findings concerning the exact percentage of votes cast for each candidate based on the tally of the votes in the 11 elections with respect to the three plans. The data acquisition, processing and aggregation of this report is also the same process used in writing my preliminary report (see Appendix of my preliminary report).

Effectiveness Analysis Concerning CD2 of the VRA Plaintiffs' Plan¹

As shown in Table 1, Black preferred candidates ("BPCs") won 9 out of 11 biracial elections in CD2 according to the VRA Plaintiffs' Plan. Even in the two biracial elections that BPCs didn't win (i.e., the 2022 Governor and the 2022 U.S. Senate elections), the BPCs (Flower and Boyd) received 48.5% and 49.6% of the total votes cast, respectively.

As shown in Table 2, the BPCs in all 11 elections received on average 52.5% of the total votes cast from the VRA Plaintiffs' Plan in CD2. Thus, the BPCs received on average 5 percentage points more votes than WPCs in CD2 of the VRA Plaintiffs' Plan.

Effectiveness Analysis Concerning CD7 of the VRA Plaintiffs' Plan

Table 3 provides the details about the RPV level in each of the 11 biracial elections for CD7.

As shown in Table 4, BPCs received on average 63.7% of the total votes cast in the 11 elections analyzed in this report whereas White Preferred Candidates (WPCs) received on average only 35.4% of the total votes cast in these biracial elections. Thus, the BPCs received on average 28.3 percentage points more votes than WPCs in CD7 of the VRA Plaintiffs' Plan.

¹ This report uses the Non-Hispanic Black voting age population as the measure of BVAP in the EA and RPV analyses. However, using any-part Black VAP to run the same analyses leads to the same conclusions stated in this report.

Conclusion

The comparison of my EA analyses shows clearly that the Black Preferred Candidates have a realistic opportunity to win in CDs 2 and 7 of the VRA Plaintiffs' Plan. The VRA Plaintiffs' Plan will allow the Black voters in both Congressional Districts to overcome the significant white bloc voting in biracial elections and to usually succeed in electing the candidates of their choice.

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

Executed on September 10, 2023.



BAODONG LIU, PH.D.

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Table 1: CD2, RPV in the 11 Biracial Elections based on the VRA Plaintiffs' Plan

Election	Black Pref-Cand	White Pref-Cand	% vote cast for BPC in VRA Plan	Black Support for Black Cand (95% CI)	White Support for Black Cand (95% CI)	BPC Won in VRA Plan?	RPV?
2022 Governor	Yolanda Flowers	Kay Ivey	48.5%	93.3% (90-95)	8.1% (6-12)	No	Yes
2022 US Senate	Will Boyd	Katie Britt	49.6%	93.8% (90-96)	10.3% (8-14)	No	Yes
2022 Attorney General	Wendell Major	Steve Marshall	50.2%	93.6% (92-96)	9.2% (8-11)	Yes	Yes
2022 Secretary of State	Pamela Laffitte	Wes Allen	50.8%	94.6% (92-96)	10.9% (8-13)	Yes	Yes
2022 Supreme Court, Place 5	Anita Kelly	Greg Cook	50.9%	93.9% (92-96)	9.9% (8-12)	Yes	Yes
2018 Lt Governor	Will Boyd	Will Ainsworth	56.9%	95.8% (93-97)	9.2% (7-14)	Yes	Yes
2018 State Auditor	Miranda Joseph	Jim Zigler	57.8%	95.0% (92-97)	11.0 (8-15)	Yes	Yes
2018 Public Service Commission, Place 1	Cara McClure	Jeremy Oden	57.9%	96.0% (95-98)	10.4% (8-13)	Yes	Yes
2014 Secretary of State	Lula Albert-Kaigler	John Merrill	53.9%	92.7% (90-95)	8.8% (7-10)	Yes	Yes
2014 Lt Governor	James Fields	Kay Ivey	53.5%	91.7% (88-95)	9.9% (8-12)	Yes	Yes
2014 State Auditor	Miranda Joseph	Jim Zigler	54.6%	94.4% (92-96)	8.6% (7-10)	Yes	Yes

Table 2: Overall Performance in CD2 based on 11 Biracial Elections, VRA Plaintiffs' Plan²

	Blk_pref_cand %	Whte_pref_cand %
White	9.2	89.9
Black	93.5	5.6
Total	52.5	46.5

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² Tables 2 shows the average values based on the RPV analyses of all 11 elections.

Table 3: CD7, RPV in the 11 Biracial Elections based on the VRA Plaintiffs' Plan

Election	Black Pref-Cand	White Pref-Cand	% vote cast for BPC in VRA Plan	Black Support for Black Cand (95% CI)	White Support for Black Cand (95% CI)	BPC Won in VRA Plan?	RPV?
2022 Governor	Yolanda Flowers	Kay Ivey	61.6%	96.5% (96-97)	11.2% (10-13)	Yes	Yes
2022 US Senate	Will Boyd	Katie Britt	62.2%	96.8% (96-98)	12.6% (10-16)	Yes	Yes
2022 Attorney General	Wendell Major	Steve Marshall	62.3%	96.4% (95-97)	13.6% (11-18)	Yes	Yes
2022 Secretary of State	Pamela Laffitte	Wes Allen	62.8%	96.6% (96-98)	12.7% (11-15)	Yes	Yes
2022 Supreme Court, Place 5	Anita Kelly	Greg Cook	62.7%	96.3% (93-98)	12.9% (11-16)	Yes	Yes
2018 Lt Governor	Will Boyd	Will Ainsworth	66.8%	96.3% (94-98)	14.9% (11-21)	Yes	Yes
2018 State Auditor	Miranda Joseph	Jim Zigler	67.0%	96.4% (94-98)	14.4 (11-19)	Yes	Yes
2018 Public Service Commission, Place 1	Cara McClure	Jeremy Oden	67.5%	96.8% (95-98)	13.8% (10-21)	Yes	Yes
2014 Secretary of State	Lula Albert-Kaigler	John Merrill	64.6%	93.0% (91-95)	11.8% (8-15)	Yes	Yes
2014 Lt Governor	James Fields	Kay Ivey	64.7%	92.7% (90-94)	14.2% (11-19)	Yes	Yes
2014 State Auditor	Miranda Joseph	Jim Zigler	64.1%	95.4% (94-97)	9.0% (7-12)	Yes	Yes

Table 4: Overall Performance in CD7 based on 11 Biracial Elections, VRA Plaintiffs' Plan

	Blk_pref_cand %	Whte_pref_cand %
White	12.3	86.8
Black	95.3	3.8
Total	63.7	35.4

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Appendix I
Curriculum Vitae

Baodong Liu, Ph.D.

Professor (with Tenure) in Political Science and Ethnic Studies

University of Utah

260 S. Central Campus Drive, Room 3231, Salt Lake City, UT 84112

Tel: Office (801) 585 7987; Fax: (801) 585 6492

baodong.liu@utah.edu

PROFESSIONAL EXPERIENCE

Director of Graduate Studies, 2023-present

Professor of Political Science and Ethnic Studies, affiliated with Asian Studies, 2008-present

Associate Chair, Political Science Department, 2015-2017

Interim Director, Ethnic Studies Program, 2011-2013

University of Utah

Courses taught: Advanced Quantitative Methods (graduate), American Political Behavior (graduate), Race and Political Volatility in the US (graduate/undergraduate), Voting, Election and Public Opinion, Racial and Ethnic Politics, Political Analysis, Asian American Contemporary Issues, Social Justice and Inequality, Asian Pacific American Experiences, Methodology in Ethnic Studies.

TRISS Endowed Professor in Political Science, 2007-2008

Associate Professor (early promotion to associate professor 2005, early tenure 2006)

Assistant Professor, 2002-2005

Department of Political Science

University of Wisconsin-Oshkosh

Courses taught: Race and Ethnicity in American Politics, Politics of Urban Growth, Political Method, State and Local Government, Political Analysis, American Government, National, state and Local Government.

Assistant Professor of Political Science

Department of Political Science

Stephens College, Columbia, Missouri, 1999 - 2002

Courses taught: Urban and Minority Politics, Legislative Process, American Presidency, Campaigning and Lobbying, Macroeconomics, American Government, and Introduction to Statistics.

Consultant, Expert Witness, Principal Investigator, Opinion Writer/Commentator, 2000-present

Provided research services to NAACP LDF, Southern Poverty Law Center, the US Department of Justice, New America, Mexican American Legal Defense and Educational Fund, Navajo Nation, Native American Rights Fund, Southern Coalition for Social Justice, National Science Foundation, Lawyers' Committee for Civil Rights Under Law, Florida State Legislature, Illinois State Legislature, Wisconsin Security Research Consortium, Fond du Lac School District, Johnson Controls, Inc, City of Waupaca (WI), and Wisconsin Public Service, among others.

Served also as a commentator and/or opinion writer for Salt Lake Tribune, ABC4News, Hinkley Forum, NPR, AP, Daily Utah Chronicle, ETtoday, Chinese Americans, Milwaukee Sentinel Journal, Daily Caller, KSL, among other media outlets.

EDUCATION

Ph.D. in Political Science (1999), University of New Orleans, Louisiana

Dissertation: *Black Candidates, White Voters and Racial Context*

Winner of Byran Jackson Award, Urban Politics Section, American Political Science Association, and

Winner of Ted Robinson Award for the best research in race and ethnicity, Southwestern Political Science Association

M.A. in *Political Science* (1995), Oklahoma State University, Stillwater, Oklahoma

LL. B (1987), The East China University of Political Science and Law, Shanghai, China

Post-Doctoral Educational Program Participant

National Science Foundation's "Local Elections in America Project Workshop," Macalester College, Saint Paul, MN (2009)

Methodological Issues in Quantitative Research on Race and Ethnicity, Inter-University Consortium for Political and Social Research (ICPSR), University of Michigan (2006)

Mapping Your City with GIS Workshop, New Urban Research, Madison, Wisconsin (2005)

Jessie Ball duPont Summer Seminars for Liberal Arts College Faculty, the National Humanities Center, Research Triangle, North Carolina (2001)

PROFESSIONAL PUBLICATIONS (contribution is in the order of authors for publications with multiple authors).

A) Books

Liu, Baodong. Ed. (2nd edition, 2023). *Solving the Mystery of the Model Minority: The Journey of Asian Americans in America*. Cognella Academic Publishing.

Liu, Baodong. (2022). *Political Volatility in the United States: How Racial and Religious Groups Win and Lose*. Lexington Books. Reviewed by *Choice*.

Liu, Baodong. Ed. (2018). *Solving the Mystery of the Model Minority: The Journey of Asian Americans in America*. Cognella Academic Publishing.

Liu, Baodong. (2016). *Race, Ethnicity and Religion in the American Political Arena*. University Readers.

Liu, Baodong. (2015). *Social Research: Integrating Mathematical Foundations and Modern Statistical Computing*. Cognella Academic Publishing.

Liu, Baodong. (2013). *Understanding the Scientific Method: A Social Science Approach*. University Readers.

Liu, Baodong. (2010). *The Election of Barack Obama: How He Won*. Palgrave Macmillan. Reviewed by Hanes Walton, Jr. (2012) for *The American Review of Politics*.

Liu, Baodong and James Vanderleeuw. (2007). *Race Rules: Electoral Politics in New Orleans, 1965-2006*. Lexington Books. Paperback and Hardback. Reviewed by Peter Burns (2008) for *Urban Affairs Review*; also reviewed by Robert Dupont (2008) for *H-Urban*.

Liu, Baodong. (2002). *Making American Democracy Work: Reforms and Debates*. The McGraw-Hill, Inc.

B) Peer-Reviewed Journal Articles

Liu, Baodong, Porter Morgan and Dimitri Kokoromytis. (2022) "Immigration, Nation-State Contexts and Value Changes of Ethnic Chinese" *Athens Journal of Social Sciences* 9(1):31-54.

Liu, Baodong, Zachary Stickney, and Nicole Batt. (2020). "Authoritarianism for and against Trump," *Journal of Behavioral and Social Sciences* 7(3): 218-238.

Liu, Baodong. (2018). "The Haitian and Cuban American Electorates in South Florida: Evidence from Ten Federal, State and Local Elections, 2008-2014." *National Political Science Review* 19 (1): 51-60.

Wei, Dennis, Weiyi Xiao, Christopher Simon, Baodong Liu, Yongmei Ni. (2018). "Neighborhood, Race and Educational Inequality." *Cities* 73: 1-13.

Simon, Christopher A., Nicholas P. Lovrich, Baodong Liu, and Dennis Wei. (2017). "Citizen Support for Military Expenditure Post 9/11: Exploring the Role of Place of Birth and Location of Upbringing." *Arm Forces and Society* 44 (4): 688-706.

Liu, Baodong, Dennis Wei, and Christopher A. Simon. (2017). "Social Capital, Race, and Income Inequality in the United States." *Sustainability* 9 (2): 1-14.

Liu, Baodong. (2014). "Post-Racial Politics? Counterevidence from the Presidential Elections, 2004-2012." *Du Bois Review: Social Science Research on Race* 11(2): 443-463.

Liu, Baodong. (2014). "Racial Context and the 2008 and 2012 US Presidential Elections." *Athens Journal of Social Sciences* 1(1): 21-33.

Liu, Baodong. (2011). "Demystifying the 'Dark Side' of Social Capital: A Comparative Bayesian Analysis of White, Black, Latino, and Asian American Voting Behavior." *The American Review of Politics* 32 (Spring): 31-56.

Byron D'Andra Orey, L. Marvin Overby, Pete Hatemi and Baodong Liu. (2011). "White Support for Racial Referenda in the Deep-South." *Politics & Policy* 39 (4): 539-558.

Geoffrey M. Draper, Baodong Liu, and Richard F. Riesenfeld. (2011). "Integrating Statistical Visualization Research into the Political Science Classroom." *Information Systems Education Journal* 9 (3): 83-94.

Liu, Baodong. (2011). "Obama's Local Connection: Racial Conflict or Solidarity?" *PS: Political Science and Politics* 44 (1): 103-105.

Liu, Baodong. (2011). "State Political Geography and the Obama White Vote." *World Regional Studies* 20 (4): 1-15. (in Chinese)

Liu, Baodong, Sharon D. Wright Austin, and Byron D'Andrá Orey. (2009). "Church Attendance, Social Capital, and Black Voting Participation" *Social Science Quarterly* 90 (3): 576-92.

Vanderleeuw, James, Baodong Liu, and Erica Nicole Williams. (2008). "The 2006 New Orleans Mayoral Election: The Political Ramifications of a Large-Scale Natural Disaster." *PS: Political Science and Politics* 41 (4): 795-801.

Liu, Baodong and Robert Darcy. (2008) "Race, Immigration, and Party Strategies in the US Elections," *Íslenska Leiðin*: 33-39.

Liu, Baodong. (2007). "El Extended Model and the Fear of Ecological Fallacy," *Sociological Methods and Research* 36 (1): 3-25.

Liu, Baodong. (2006). "Whites as a Minority and the New Biracial Coalition in New Orleans and Memphis," *PS: Political Science and Politics* 40 (1): 69-76.

Vanderleeuw, James, and Baodong Liu. (2006). "Racial Polarization or Biracial Coalition? An Empirical Analysis of the Electoral Coalition of Winning Candidates in Urban Elections," *American Review of Politics* 27 (Winter): 319-344.

Liu, Baodong, and James Vanderleeuw. (2004). "Economic Development Priorities and Central City/Suburb Differences," *American Politics Research* 32 (6): 698-721.

Vanderleeuw, James, Baodong Liu, and Greg Marsh. (2004). "Applying Black Threat Theory, Urban Regime Theory, and Deracialization: The Memphis Mayoral Elections of 1991, 1995, and 1999," *Journal of Urban Affairs* 26 (4): 505-519.

Liu, Baodong, and James Vanderleeuw. (2003). "Growth Imperative, Postmaterialism and Local Decision-Makers," *Journal of Political Science* 31: 173-96.

Liu, Baodong. (2003). "Deracialization and Urban Racial Context," *Urban Affairs Review* 38 (4): 572-591.

Vanderleeuw, James and Baodong Liu. (2002) "Political Empowerment, Mobilization, and Black-Voter Rolloff," *Urban Affairs Review* 37 (3): 380-96.

Liu, Baodong. (2001). "The Positive Effect of Black Density on White Crossover Voting: Reconsidering the Social Interaction Theory," *Social Science Quarterly* 82 (3): 602-615.

Liu, Baodong. (2001). "Racial Context and White Interests: Beyond Black Threat and Racial Tolerance," *Political Behavior* 23 (2): 157-80.

Liu, Baodong, and James Vanderleeuw. (2001). "Racial Transition and White-Voter Support for Black Candidates in Urban Elections," *Journal of Urban Affairs* 23 (3/4): 309-22.

Liu, Baodong. (2001). "Interests and Opinions among African-Americans: A Test of Three Theories," *the Texas Journal of Political Studies* 21 (2): 113-24.

Liu, Baodong, and James Vanderleeuw. (1999). "White Response to Black Political Power: the Case of New Orleans, 1980-1994." *Southeastern Political Review* 27 (1): 175-188.

C) Book Chapters, Encyclopedia Entries and other Peer-reviewed Articles

Liu, Baodong, Nadia Mahallati, and Charles Turner. (2021). "Ranked-Choice Voting Delivers Representation and Consensus in Presidential Primaries" Available at SSRN: <https://ssrn.com/abstract=3822879> or <http://dx.doi.org/10.2139/ssrn.3822879>

Liu, Baodong. "The Growth of Scientific Knowledge through Social Computing Networks" (2021). *The 19th International E-Society Conference Proceedings*.

Liu, Baodong, Nadia Mahallati, and Charles Turner. (2021). "Ranked-Choice Voting Delivers Representation and Consensus in Presidential Primaries", <https://www.newamerica.org/our-people/baodong-liu/> (brief)

Liu, Baodong. (2014). "Racial Context and the 2008 and 2012 US Presidential Elections" in Yannis A. Stivachtis and Stefanie Georgakis Abbott, ed. *Addressing the Politics of Integration and Exclusion: Democracy, Human Rights and Humanitarian Intervention*. Athens: Atiner publications. (Also published in *Athens Journal of Social Sciences*.)

Liu, Baodong. (2011). "Mayor" in *International Encyclopedia of Political Science*. CQ Press.

Liu, Baodong. (2011). "Roll-off" in *International Encyclopedia of Political Science*. CQ Press.

Liu, Baodong and Carolyn Kirchhoff. (2009) "Mayor", *Encyclopedia of American Government and Civics*, eds. Michael A. Genovese and Lori Cox Han. New York: Facts on File.

Liu, Baodong and Robert Darcy. (2006). "The Rising Power of Minorities and the Deracialization of U.S. Politics" in Gillian Peele, Christopher J. Bailey, Bruce E. Cain, and B. Guy Peters, ed. *Developments in American Politics 5*. Hampshire, UK: Palgrave Macmillan/Macmillan Publishers.

D) Book Reviews

Liu, Baodong. (2010). Review of Zoltan L. Hajnal, "America's Uneven Democracy: Race, Turnout, and Representation in City Politics" in *American Review of Politics* 31 (summer): 157-160.

Liu, Baodong. (2008). Review of Rodney E. Hero, *Racial Diversity and Social Capital*, in *Urban Affairs Review* 44 (1):146-149.

Liu, Baodong. (2006). Review of Peter Burns, *Electoral Politics Is Not Enough*, in *American Review of Politics* 27 (Spring): 186-189.

Liu, Baodong. (1999). Review of Terry Nichols Clark and Vincent Hoffmann-Martinot (ed), "The New Political Culture," in *American Review of Politics* 20: 99-102.

E). Other Publications/Editorials

Liu, Baodong. (2021). "Asian Americans and Minority Voters: The New Destination of Partisan Competitions?" ETtoday. January 8, 2021. (in Chinese/Taiwanese)

Liu, Baodong. (2020). "U Professor Shows Which States Have Strict or Lenient Voting Rights Laws." Daily Caller, @U, October 8, 2020.

Liu, Baodong. (2020). "Checks and Balances and the End of Trump Legal Battles". ETtoday. Dec. 29, 2020. (in Chinese/Taiwanese)

Liu, Baodong. (2020). "Trump's Legal Battles and the New Beginning of the Electoral Laws?". ETtoday. Nov. 10, 2020. (in Chinese/Taiwanese)

Liu, Baodong and Feng Ling. (2018). "Liberalism or Conservatism: Which One Contributes to America More?" *Chinese Americans*, No. 1565. (in Chinese).

Liu, Baodong. (2018). "The Lawsuit against Harvard and Asian-American Attitude toward Affirmative Action," *Chinese Americans*, No. 1207. (in Chinese).

Liu, Baodong. (2016). "Lu Xun's Attack on Old Chinese Regime and St. Augustine's Self Examination," *Overseas Campus* (in Chinese).

Liu, Baodong. (2015). "Will Christianity Bring about Democracy?" *Overseas Campus* 130 (June): 40-43. (in Chinese)

Liu, Baodong. (2011). "New Ethnic Studies Major at the U: Education for the 21st Century" *Diversity News* 2011 (Fall). <http://diversity.utah.edu/newsletter/fall-2011/ethnic-studies-degree.php>.

Liu, Baodong (2008). "The Urban Politics Field as We Know It." *Urban News* 22 (1): 1-2.

Liu, Baodong. (2008). "Negative Campaigning a Desperate Strategy," *The Daily Utah Chronicle*. Guest Column. October 20, 2008.

Liu, Baodong. (2007). "The 2006 Midterm Election: Angry Voters? Yes! Clear Vision? No!" *Wisconsin Political Scientist* XIII (2): 9-10.

Liu, Baodong. (2006). "Midterm Election Results Show No Clear Future Vision." Guest Column, *Advance-Titan*. Nov. 9, 2006: A5.

Liu, Baodong and James Vanderleeuw. (2003). "Local Policymakers and Their Perceptions of Economic Development: Suburbs, Central Cities and Rural Areas Compared" *Wisconsin Political Scientist* IX (1): 4-7.

SOFTWARE DEVELOPMENT/GRANTS

Founder, www.easystates.com, a free web application and database of U.S. state politics with more than 1000 variables and back to 1790s that empowers students and public to visualize and statistically analyze data on US politics (written in Python), 2021-present

diaglm, the author of the R software statistical package for diagnosing and visualization of violations of linear and nonlinear statistical modeling, published at GitHub (bblpo/diaglm). 2019.

diagglm, the author of the R software statistical package for diagnosing and visualization of violations of nonlinear statistical modeling, published at github (bblpo/diagglm). 2019.

Principal Investigator, with Co-Pi, Mike Cobbs (North Carolina State University) and Richard Engstrom (University of Houston). "Understanding the Support for Ranked-Choice Voting," initial grant proposal supported by Political Reform Program, New America. Washington D.C. 2020. \$40,000

Principal Investigator, "Authoritarianism in the Global Ethnic Chinese Communities", a grant proposal supported by University Sabbatical Leave and Asia Center Travel Award 2020. \$1500

Co-PI, with Dennis Wei (PI) and Chris Simon. "Amenity, Neighborhood and Spatial Inequality: A Study of Salt Lake County," Interdisciplinary Research Pilot Program (IRPP), College of Social and Behavioral Science, the University of Utah, 2015. \$10,000.

Co-PI, with Daniel McCool. "The Efficacy of American Indian Voting: A Pilot Project" Research Incentive Grant, College of Social and Behavioral Science, the University of Utah. (2014-2015). \$7500.

I have provided my Expert Witness Opinions on federal voting rights cases such as *South Carolina NAACP et al. v. McMaster et al.*, Case No. 3-21-cv-03302-JMC-TJH-RMG (Columbia D., SC. 2021), *Milligan, et al. v. Merrill, et al.*, Case No. 2:21-cv-01530-AMM and *Thomas, et al. v. Merrill, et al.*, Case No. 2:21-cv-01531-AMM (N.D. Ala. 2021), *Traci Jones et al vs. Jefferson County Board of Education et al*, (N.D. Ala. 2019); *CMA v. Arkansas* (E.D. Ark., 2019); *Alabama State Conference of the NAACP v. Pleasant Grove*, (N.D. Ala. 2018); *Navajo Nation, et al, vs. San Juan County, et al*, (D. Utah, 2012); *League of Women Voters of Florida, et al v. Detzner, et al*, (Fla., 2012); *Anne Pope et. al. v. County of Albany and the Albany County Board of Elections* (N.D.N.Y. 2011); *Radogno, et al v. State Board of Elections, et al*, (N.D. Ill. 2011); *NAACP v. St. Landry Parish et al*, (W.D. La. 2003); *Arbor Hill Concerned Citizens Neighborhood Association et al v. County of Albany* (N.D.N.Y. 2003); *Hardeman County Branch of NAACP v. Frost* (2003).

Expert Instructor, Racially Polarized Voting in Federal Voting Rights Cases. NAACP LDF Convention. 2021.

Expert Instructor, Quantitative Analysis of Racially Polarized Voting, Native American Rights Fund Training Program. 2021.

Expert Instructor, Racially Polarized Voting and Political Participation: EI and EZI. Expert Preparation Program, Community Census and Districting Institute. A grant supported by Ford Foundation and Southern Coalition for Social Justice, Duke University, Durham, North Carolina. 2010.

Principal Investigator, 2010-2012. A Multi-level Analysis of Obama Racial Coalition in 2008 and 2012. A project funded by the PIG grant of College of Social and Behavior Sciences, the University of Utah.

Recipient, Faculty Sabbatical Grant, 2008. University of Wisconsin Oshkosh, grant offered, but finally declined the offer due to job change.

Grant Director/Faculty Advisor, 2008. The WiscAMP program, National Science Foundation.

Principal Investigator, 2007. Wisconsin Research and Development Capacity Study. A project funded by Wisconsin Security Research Consortium.

Principal Investigator, 2007. The Impact of Industrial Involvement on Science Education in Wisconsin. A project funded by Johnson Control, Inc.

Principal Investigator, 2007. The Impact of Fond du Lac School District on Local Economic Development. A project funded by Fond du Lac School District.

EI Methodologist, 2007. Retrogressive Effects of H.B. No. 1565 on Latino Voters in the Bexar County Metropolitan Water District, TX.

Principal Investigator, 2006. The Impact of Economic Development on Citizen Opinions. A project funded by City of Waupaca, Wisconsin Public Services.

Principal Investigator, 2006. Leading the Big Easy: Will the Biracial Coalition Sustain Katrina? Institute on Race and Ethnicity, University of Wisconsin System. 2006.

Methodological Issues in Quantitative Research on Race and Ethnicity, Inter-University Consortium for Political and Social Research (ICPSR), Institute of Social Research, University of Michigan, 2006.

Off-Campus Program Grant, Faculty Development, the University of Wisconsin-Oshkosh, 2006.

GIS and Social Research, Small Research Grant, Faculty Development Program, the University of Wisconsin-Oshkosh, 2005.

Principal Investigator, Getting the White Votes. American Political Science Association Research Grant, Washington D.C., 2003.

Principal Investigator, A Comparative Study of Urban Elections. Faculty Research Development Grant, the University of Wisconsin-Oshkosh, Oshkosh, Wisconsin, 2004.

Principal Investigator, Getting the White Votes. Faculty Research Development Grant, the University of Wisconsin-Oshkosh, Oshkosh, Wisconsin, 2003.

Advanced Graduate Student Travel Grant, the American Political Science Association, 1999

AWARDS AND HONORS

“People’s Voice: Ranked-Choice Voting Manifests Voter Values”, *University of Utah Magazine*, Fall 2021 (a piece covering my research findings and grant on ranked-choice voting)

Nominee for the Career & Professional Development Center, Faculty Recognition Program, University of Utah. 2018.

Winner of A Showcase of Extraordinary Faculty Achievements (for publication of my book, Social Research: Integrating Mathematical Foundations and Modern Statistical Computing. San Diego: Cognella Academic Publishing), With commendation from the J. Willard Marriott Library and the Office of the Vice President for Research. University of Utah. 2016

Nominee for the Social and Behavior Science College Superior Research Award (senior scholar category), nominated by the political science department in both 2011 and 2012.

Professor of Political Science (National 985-Plan Supported Foreign Scholar), Taught Summer Class at School of Government, Nanjing University, Nanjing, China. 2012.

TRISS Endowed Professorship for Excellence, University of Wisconsin Oshkosh, 2007-8

Artinian Award for Professional Development, Southern Political Science Association, 2004

Byran Jackson Award for the best research/dissertation in racial and ethnic politics in an urban setting, Urban Politics Section, the American Political Science Association, 1999

Ted Robinson Award for the best research in race and ethnicity, Southwestern Political Science Association, 1999

Who’s Who in America, 2001-2006, Marquis, USA.

Davis Summer Research Grant, Stephens College, 2001

Firestone Baars Grant for Faculty Development, Stephens College, 1999-2001

Vice President Discretion Grant for Research, Stephens College, 2001, 2000

Advanced Graduate Student Travel Grant, the American Political Science Association, 1999

Graduate Student Travel Grant, University of New Orleans, 1997

The Best Graduate Student Paper Award, Department of Political Science, Oklahoma State University, 1993

Pi Sigma Alpha, National Political Science Honor Society, 1994

PROFESSIONAL POSITIONS

Chair, Political Methodology Section, Southern Political Science Association, 2022-present

Member, Review Board, *Journal of Behavioral and Social Sciences*. 2019-present

Member, Board of Directors, National Association for Ethnic Studies, 2013-2015

Editorial Board, Urban Affairs Review, 2008-2011

Editorial Advisor, International Encyclopedia of Political Science, CQ Press, 2005-2011

Editor, Urban News, Urban Politics Section, American Political Science Association, 2004-2010

Chair, Urban Politics Program, Southern Political Science Association Annual Convention, 2008

Co-Chair, Asian Pacific American Caucus, American Political Science Association, 2004-2006

Member, American Political Science Association Small Research Grant Committee, 2005

AS A JUDGE OR REVIEWER OF WORKS OF OTHER SCHOLARS FOR ACADEMIC JOURNALS OR PRESSES

2001-present

Perspectives; Politics and Religion; American Political Science Review; Lexington Books; Journal of Behavioral and Social Sciences; The National Science Foundation; Sage Publications, W. W. Norton & Company, Inc; McGraw Hill Publishing; Journal of Politics; National Political Science Review, Political Analysis; Social Science Quarterly; Urban Affairs Review; Political Research Quarterly; Politics and Policy; Journal of Urban Affairs; American Politics Research; Public Opinion Quarterly; Political Behavior; Sociological Methods and Research

PROFESSIONAL AND COMMUNITY SERVICES

Member, College Faculty Tenure and Promotion Committee, 2022-present

Chair, Faculty Tenure and Promotion Committee, Ethnic Studies Program, 2022-present

Co-Chair, EDI Committee, Political Science, 2022-present

Member, European Consortium for Political Research, 2022-present

Judge, Graduate Student Research Day, College of Social and Behavioral Science, 2021

Reviewer, University **URC Faculty Scholarly Grant Program, 2020**

Chair, Faculty Tenure and Promotion Committee, Political Science, 2019-2020

Member, Curriculum Overhaul Committee, Ethnic Studies, 2018-2019

Member, Faculty Tenure and Promotion Committee, Political Science, 2018-2019

Chair, Faculty Tenure and Promotion Sub-Committee, Ethnic Studies, 2017-2018

Member, Graduate Committee, political science department, the University of Utah, 2014-2018

Member, Executive Committee, political science department, the University of Utah, 2014-2018

Faculty Senator, the University of Utah, 2015-2018

Chair, American Politics Field, political science department, the University of Utah, 2014-2018

Member, GC Building Committee, Social Science Lab, 2015-2018

Expert Volunteer for Utah Fair Redistricting Legal Team, 2017

Member, Assistant Vice President for Diversity Search Committee, 2015-2016

Member, Ad Hoc Graduate Committee for Writing, 2015-2016

Chair, Faculty Joint Appointment Search Committee, ethnic studies program and theatre department, the University of Utah, 2014-2015

Member, Betty Glad Foundation Committee, political science department, the University of Utah, 2014-2015

Chair, Awards Committee, National Association for Ethnic Studies, 2014

Faculty Mentor to Junior Faculty, Department of Political Science, 2013-2018

Chair, University of Utah MLK Committee. 2012-2013.

Member, Graduate School Dean Search Committee, 2013.

Member, University Diversity Leadership Team, the University of Utah. 2010-2013.

Member, University Teaching Program Committee, the University of Utah, 2011-2013.

Member, University Diversity Curriculum Committee, Undergraduate Studies, the University of Utah, 2011-2013.

Judge, The Research Day of College of Social and Behavioral Science, 2011-2013.

Member, Organizing Committee, International Conference on Urbanization and Development in China, University of Utah, August 2010.

Member, Retention, Promotion, and Tenure Committee, Department of Political Science, the University of Utah. 2011-2013.

Assistant Director, Ethnic Studies Program, the University of Utah. 2010-2011.

Committee Member, Undergraduate Studies, Department of Political Science, the University of Utah. 2009-2011.

Committee Member, Utah Opportunity Scholarship, the University of Utah, reviewing and making decisions on more than 200 applications. 2009-2010.

Member, Ethnic Studies Positions Exploration Committee, the University of Utah. 2009-2010.

Member, Marketing Committee, Department of Political Science, the University of Utah. 2009-2010.

Guest Speaker, "Obama and the 2008 Presidential Election: A Spatial Analysis" at the Graduate Seminar titled Introduction of Survey Research in Higher Education. College of Education. The University of Utah. Feb. 3, 2009.

Special Speaker, "Obama and the Minimum Winning Coalition" Ethnic Studies Works in Progress Presentation. The University of Utah. Dec., 5, 2008.

Special Speaker, "Election 2008: A Symposium," Hinckley Institute of Politics, University of Utah. October 6, 2008.

Special Speaker, "Predicting the 2008 Presidential Election Outcomes" Political Science Department, the University of Utah. Sept. 25, 2008.

Political Commentator for reporting from Salt Lake Tribune, AP, EFE Hispanic News Services, Milwaukee Journal Sentinel, WHBY, KFRU radio stations, the Post-Crescent, Oshkosh Northwestern, Columbia Missourian, and the Daily Utah Chronicle. December 1999 to present.

Faculty Representative for University of Wisconsin-Oshkosh, ICPSR, University of Michigan, 2007-2008

Member, Board of Trustees, Wisconsin International School, 2007-2008

Member, UWO Office of Institutional Research Advisory Board, 2007-2008

President, Northeast Wisconsin Chinese Association, 2007 (executive vice president, 2006)

Member, Program Evaluation Committee. College of Letters and Science, University of Wisconsin-Oshkosh, 2007-2008

Member, Political Science Curriculum, Center for New Learning, University of Wisconsin-Oshkosh, 2007-2008

Moderator, Oshkosh City Forum, Mayoral Candidates' Debates, March 23, 2005

Grant Reviewer, Faculty Development Program. University of Wisconsin-Oshkosh, 2004-2008

Member, African American Minor Counsel. University of Wisconsin-Oshkosh, 2006-2008

Member, Search Committee for University Foundation President. University of Wisconsin-Oshkosh, 2005-2006.

Member, Faculty Senate Libraries & Information Services Committee. University of Wisconsin-Oshkosh, 2005-2008.

Chair/Member, Curriculum Committee, Dept. of Political Science, University of Wisconsin-Oshkosh, September 2002-2008.

Chair, Budget Committee, Dept. of Political Science, University of Wisconsin-Oshkosh, September 2007-2008.

Member, Personal Committee, Dept. of Political Science, University of Wisconsin-Oshkosh, September 2007-2008.

Member, Search Committee, Dept. of Political Science, University of Wisconsin-Oshkosh, September 2002-2008.

Faculty Director, the Stephens College Model UN Team, National Model United Nations Conference, New York, New York, March, 2002.

Chair, Political Science Search Committee, Stephens College. August 2001 to May 2002.

Member, Editorial Advisory Board, Collegiate Press, San Diego, California. 2000 to 2001.

Chair, Harry Truman Scholarship Committee, Stephens College. 2000 to 2002.

Member, Strategic Planning and Budgeting Committee, Stephens College. 2000 to 2002.

CONFERENCE PAPER/PROCEEDINGS

Liu, Baodong and Richard Engstrom. "Ranked Choice Voting and the Minority Voting Rights" paper presented at the American Political Science Association Annual Conference. Seattle. September, 2021.

Liu, Baodong. "The Growth of Scientific Knowledge through Social Computing Networks" paper presented at the 19th International E-Society Annual Conference, 2021. (through Zoom).

Liu, Baodong, Nadia Mahallati, and Charles Turner. "Ranked-Choice Voting Delivers Representation and Consensus in Presidential Primaries." Paper presented at the Electoral Reform Research Group Conference organized by New America, American Enterprise Institute, Center on Democracy, Development, and the Rule of Law, Stanford University and Unite America Institute, 2021. (through Zoom).

Liu, Baodong. "Racial Prejudice behind the Anti-Affirmative Action Attitude of Asian Americans," paper presented at the Western Political Science Association Annual Conference. San Diego. April 2019.

Liu, Baodong, Porter Morgan and Dimitri Kokoromytis. "Immigration, Nation-State Contexts and Value Changes of Ethnic Chinese" paper presented at the Midwest Political Science Association Annual Conference. Chicago. April 2019.

Baodong Liu. "The Strategic Religious Voter", paper presented at the Midwest Political Science Association Annual Meeting. Chicago, Illinois. April 2018.

Baodong Liu, Nicole Batt and Zackery Stickney. "Authoritarianism for and against Trump", paper presented at the Annual Meeting of Behavioral and Social Sciences, Las Vegas, Nevada. February 2018.

Baodong Liu. "The Strategic Religious Voter", paper presented at the Oxford Symposium on Religious Studies, Oxford, UK. March 2016.

Baodong Liu. "The Political Fate of Religious Minorities in the U.S. Presidential Elections." paper presented at the 19th Annual American Association of Behavioral and Social Sciences. Las Vegas, Nevada. February 2016.

Baodong Liu. "The Political Fate of Religious Minorities in the U.S. Presidential Elections." paper presented at the Hawaii University International Conferences on Arts, Humanities, Social Sciences and Education. Honolulu, Hawaii. January 2016.

Baodong Liu. "Statistical Inference and Visualization of Big Data in Urban Research", paper presented at the 3rd International Conference on China Urban Development, Shanghai, China. June 2015.

Baodong Liu. "Race, Religion, and U.S. Presidential Elections," paper presented at the Annual Convention of National Association for Ethnic Studies, Oakland, California. April 2014.

Baodong Liu. "Racial Context and the 2008 and 2012 US Presidential Elections," paper presented at the 11th Annual International Conference on Politics & International Affairs, Athens, Greece. June 2013.

Baodong Liu. "Deracialization in the Post-Obama Era," presented at the National Black Political Scientist Association Annual Meeting. Las Vegas, Nevada. March 2012.

Baodong Liu. "Obama's Racial Coalition," paper presented at the Southwestern Social Science Association Annual Meeting. Las Vegas, Nevada. March 2011.

Geoffrey M. Draper, Baodong Liu, and Richard F. Riesenfeld. "Integrating Statistical Visualization Research into the Political Science Classroom" Information Systems Educators Conference. 2010. Nashville, Tennessee. October 2010.

Baodong Liu. "Space and Time: An Empirical Analysis of 2008 Presidential Election," paper delivered at the Annual American Political Science Association Conference, Toronto, Canada, September 2009.

Baodong Liu. "Sequential and Spatial Voting: An Analysis of the 2008 Democratic Primaries," paper presented at the 2009 Midwest Political Science Association Annual Conference, Chicago, Illinois, April 2009.

Baodong Liu. "Social Capital, Race, and Turnout," paper presented at the 2008 Midwest Political Science Association Annual Conference, Chicago, Illinois, April 2008.

Baodong Liu and Lori Weber. "Social Capital and Voting Participation," paper presented at the 2008 Southern Political Science Association Annual Meeting, New Orleans, Louisiana, January 2008.

Baodong Liu. "The 2006 New Orleans Mayoral Election," paper presented at the 2007 Midwest Political Science Association Annual Conference, Chicago, Illinois, April 2007.

James Vanderleeuw, Baodong Liu, and Erica Williams. "The Political Ramifications of a Large-Scale Natural Disaster," paper presented at the 2006 annual conference, the American Political Science Association, Philadelphia, September 2006.

Baodong Liu. "EI Extended Model and the Fear of Ecological Fallacy," paper presented at the 2006 Midwest Political Science Association Annual Meeting, Chicago, Illinois, April 2006.

Baodong Liu. "The Fear of Ecological Fallacy and the Methods to Conquer It" paper presented at the Western Political Science Association Annual Meeting, Oakland, CA, April 2005.

Baodong Liu. "The Whites Who Stayed in the City," paper presented at the 2004 Midwest Political Science Association Annual Meeting, Chicago, Illinois, April 2004.

Baodong Liu. "Whites as a Minority and the New Biracial Coalition," paper presented at the 2004 Southern Political Science Association Annual Meeting, New Orleans, Louisiana, January 2004.

Baodong Liu and James Vanderleeuw. "Economic Development Priorities and Central City/Suburb Differences," presented at the 2003 Midwest Political Science Association Annual Meeting, Chicago, Illinois, April 2003.

James Vanderleeuw, Baodong Liu, and Greg Marsh. "Divided Leadership and Racial Reflexivity in Memphis: An Analysis of the 1991, 1995 and 1999 Mayoral Elections," presented at the 2003 Southwestern Political Science Association Annual Meeting, San Antonio, Texas, April 2003.

Baodong Liu. "White Votes Count: The Effect of Black Candidates' Qualifications on White Crossover Voting," paper presented at the 98th American Political Science Association Conference, Boston, Massachusetts, September 2002.

Baodong Liu. "Searching for a 'Qualified' Black Candidate," *Proceedings of the 97th American Political Science Association Conference*, San Francisco California, September 2001.

Baodong Liu. "In Defense of an Ethical Rational Choice Theory," paper delivered at the 2001 Jessie Ball duPont Fund Summer Seminars for Liberal Arts College Faculty, the National Humanities Center, Research Triangle, North Carolina, June 2001.

Baodong Liu. "Reconsidering Social Interaction Theory," presented at the 2001 Western Political Science Association Annual Meeting. Las Vegas Nevada, March 2001.

James Vanderleeuw, Baodong Liu, and John Johnson. "Economic Development Priorities of City Administrators: A Report on a Survey of City Administrators in Texas," presented at the 2001 Louisiana Political Science Association Convention, Lamar Texas, March 2001.

Baodong Liu. "Racial Transition: Explaining the Curvilinear Relationship between Black Density and White Crossover Voting," *Proceedings of the 96th American Political Science Association Conference*, Washington DC, September 2000.

Baodong Liu and James Vanderleeuw. "Racial Transition: Explaining the Curvilinear Relationship between Black Density and White Crossover Voting," presented at *the 96th American Political Science Association Conference*, Washington DC, September 2000.

Baodong Liu. "Electoral Law and the Russian Party System: A Comparative Study," presented at *the 58th Midwest Political Science Association Conference*, Chicago Illinois, April 2000.

James Vanderleeuw and Baodong Liu. "Rolling Off in the Context of Context," presented at *the 30th Southwestern Political Science Association Conference*, Galveston Texas, March 2000.

Baodong Liu. "The Changing Nature of Electoral Competition in Japan." Roundtable Discussant, *the 52nd Association of Asian Studies Annual Meeting*, San Diego California, March 2000.

Baodong Liu. "Racial Context and White Voting Strategies," presented at *the 95th American Political Science Association Conference*, Atlanta Georgia, September 1999.

Baodong Liu. "The President's Support in Congress: A Test of U.S. China Policy, 1980-1994," *The 1997 Southern Political Science Association Convention*, Norfolk Virginia, November 1997.

Baodong Liu. "Examining the Race Line: White Voting Behavior in New Orleans, 1980-1994," *The 27th Southwestern Political Science Association Conference*. New Orleans Louisiana, March 1997.

Baodong Liu. "Intrapartisan Defeats and the Nomination Strategies of the Japanese Liberal Democratic Party in the 1993 Election," *The Sixth Annual Graduate Student Research Symposium*. Oklahoma State University. Stillwater Oklahoma, February 1995.

INVITED SPEAKER, ROUNDTABLE/PANEL DISCUSSANT

Baodong Liu. "Author Meets Critics Panel--Baodong Liu's newly published book, *Political Volatility in the United States and its impact*". Southern Political Science Association Annual Meeting. St. Pete Beach, FL. January 2023.

Baodong Liu. "The Future of Political Polls." Hinkley Forum. Hinkley Institute of Politics. 2021.

Baodong Liu. "Beyond the Bloc: Asian American Voting and Political Power." Hinkley Forum. Hinkley Institute of Politics. 2021.

Baodong Liu. "The 2020 Presidential Election and Congressional Election in Utah," live interview on TV by ABC4 News. October 2020.

Baodong Liu. "The 2020 Presidential Election and the Future of American Democracy", invited lecture given to Chinese Americans on Zoom. September 2020.

Baodong Liu, Michael Cobb, and Richard Engstrom. "Understanding the Support for Ranked-Choice Voting in Two Southern Cities" talk given at the Electoral Reform Research Group, Research Development Conference. Washington D.C. February 2020.

Baodong Liu. "'Nation-State Context and Authoritarian Value Changes of Ethnic Chinese.'" Talk given at the workshop of *The Clash of Authoritarianisms: Secularism versus Islamism in Turkey*, University of Utah. April 2019

Baodong Liu. "Trump's Voters," Panel Discussion on Presidential Primaries. Hinckley Institute of Politics. The University of Utah. Salt Lake City, Utah. March 2016

Baodong Liu. "Big Data in the Social Sciences," The Consortium for Research on China and Asia (CROCA) and Policy at the Podium. The University of Utah. Salt Lake City, Utah. November 2014.

Baodong Liu. "Deracialization in the Historical Perspective," the National Black Political Scientist Association Annual Meeting. Las Vegas, Nevada. March 2012.

"Educating the Best Students in the 21st century: the New Ethnic Studies Major at the University of Utah," a presentation provided to the University Diversity Division Fall Retreat (March 12, 2011), the Ethnic Studies Program (August, 17, 2011), and the Community Council (September 13, 2011), at the University of Utah.

"Quantitative Analysis: Ecological Inferences and the Voting Rights Law," a Ford Foundation Project, Duke University. July 24-28, 2010.

"Election 2008: A Symposium," Hinckley Institute of Politics, University of Utah. October 6, 2008.

"IMMIGRATION TODAY: What are the issues?" League of Women Voters of the Oshkosh Area Public Forum, November 12, 2007.

Theme Panel: "Bleaching" New Orleans? Power, Race, and Place After Katrina, the American Political Science Association Annual Meeting, Philadelphia, September 2, 2006.

"2006 Midterm Election Preview," American Democracy Project, the University of Wisconsin, Oshkosh, November 2, 2006.

"Analysis on the 2006 Midterm Election Results," American Democracy Project, the University of Wisconsin, Oshkosh, November 9, 2006.

"The Politics of New Americans: Studying Asian American Political Engagement," the American Political Science Association Annual Meeting, Washington, D.C. September 3, 2005.

"Significance of Voting Rights Act," Lawyers' Committee for Civil Rights under Law, National Asian Pacific American Legal Consortium, Mexican American Legal Defense and Educational Fund, Washington DC: June 17-18, 2004.

"Protecting Democracy: Defining the Research Agenda for Voting Rights Reauthorization," the Civil Rights Project, Harvard University, Cambridge, MA. May 10, 2004.

Chair, the Politics of Ethnicity and Self-Determination Panel, International Studies Association-Midwest Conference, St. Louis, Missouri, November 2, 2001.

PROFESSIONAL MEMBERSHIP

Pi Sigma Alpha, National Political Science Honor Society

American Political Science Association
Western Political Science Association
Midwest Political Science Association
Association for Asian American Studies
Association of Chinese Political Studies
Southwestern Political Science Association

Serve as an Advisor/Committee Member for the following Graduate Students

Nicole Batt (Ph.D Dissertation Chair)
Jake Peterson (Ph.D Dissertation Chair)
Matt Haydon (Ph.D. Dissertation Chair)
Porter Morgan (Ph.D. Committee)
Charles Turner (Ph.D Committee)
Geri Miller-Fox (Ph.D Committee)
Alex Lovell (Ph.D Committee)
Samantha Eldrudge (Ph.D Committee)
Leslie Haligan-Park (Ph.D Committee)
Nicole Cline (Master Committee Chair)
Oakley Gordon (Master Committee)
Michael McPhie (Master Committee)

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Appendix II

Voting Rights Cases in which I Served as an Expert Witness

McClure et al. v. Jefferson County Commission et al. Case No. 2:23-cv_00443-MHH (N.D., Alabama).

The South Carolina State Conference of the NAACP, et al., v. McMaster et al., Case No. 3-21-cv-03302-JMC-TJH-RMG (Columbia Division, S.C. 2021).

Milligan, et al. v. Merrill, et al., Case No. 2:21-cv-01530-AMM and *Thomas, et al. v. Merrill, et al.*, Case No. 2:21-cv-01531-AMM (N.D. Ala. 2021).

Traci Jones et al v. Jefferson County Board of Education et al. (N.D. Ala. 2019).

CMA v. Arkansas, (E.D. Ark. 2019).

Alabama State Conference of NAACP v. Pleasant Grove, (N.D. Ala. 2018).

Navajo Nation, et al, v. San Juan County, et al. (D. Utah 2012).

League of Women Voters of Florida, et al v. Detzner, et al, (Fla. 2012).

Anne Pope et. al. v. County of Albany and the Albany County Board of Elections (N.D.N.Y. 2011).

Radogno, et al v. State Board of Elections, et al, (N.D. Ill. 2011).

NAACP v. St. Landry Parish et al, (W.D. La. 2003).

Arbor Hill Concerned Citizens Neighborhood Association et al v. County of Albany, (N.D.N.Y. 2003).

Hardeman County Branch of NAACP v. Frost, (Tenn. 2003).

Report on VRA Plaintiffs' Remedial Map

Moon Duchin
Professor of Mathematics, Tufts University

September 11, 2023

1 Background

I am a Professor of Mathematics and a Senior Fellow in the Jonathan M. Tisch College of Civic Life at Tufts University. I have previously filed reports in this case. I prepared the Congressional districting plan shown in Figure 1 and labeled as the **VRA Plaintiffs' Remedial Map**.

In addition to materials already used in earlier stages of litigation, I received two new files from counsel: the block assignment file for a Congressional districting plan prepared by Bill Cooper for the Caster plaintiffs ("Cooper Illustrative Plan 2"), and a geocoded voter registration file of recent vintage ("Voter Registration Snapshot from 07/18/2023").

2 VRA Plaintiffs' Remedial Map

In developing the VRA Plaintiffs' Remedial Map, I used Mr. Cooper's Illustrative Plan 2 as a starting point. I then made changes to conform the districts as much as possible to the districts from the 2021 enacted map, while prioritizing the traditional districting principles of compactness, contiguity, county integrity, and One Person, One Vote.

- The VRA Plaintiffs' Remedial Map has *de minimis* population deviation of one person top-to-bottom. It is contiguous and is reasonably compact by standard metrics of compactness.
- According to calculations based on the Decennial Census figures, 82.2% of Alabama residents are assigned to the same-numbered district in the VRA Plaintiffs' Remedial Map as they would have been in the state's 2021 Enacted Plan, showing that it successfully maintains district cores overall.
- I was able to keep all 18 core Black Belt counties unsplit, and I placed them into two districts, CD 2 and CD 7, which I will refer to as the "Black Belt districts."
- I followed the split of Mobile County from the State Board of Education map as closely as possible.
- I was able to keep all named Milligan plaintiffs—who I understand live in Dothan, Montgomery, and Mobile—in the Black Belt districts.
- I left the northern districts (CD 4 and CD 5) exactly as in the 2021 Enacted Plan (HB-1), and I hewed as closely as possible to the 2021 plan in drawing the boundaries of CD 3, CD 6, and CD 7. The only significant changes relative to the 2021 plan are to the southern districts, CD 1 and CD 2.
- The VRA Plaintiffs' Remedial Map splits seven counties, which was necessary in order to uphold the criteria listed above. I note that it is possible to achieve many (but not all) of the same goals with six or even five split counties, as seen in "Plan D" from my report of Dec 10, 2021.

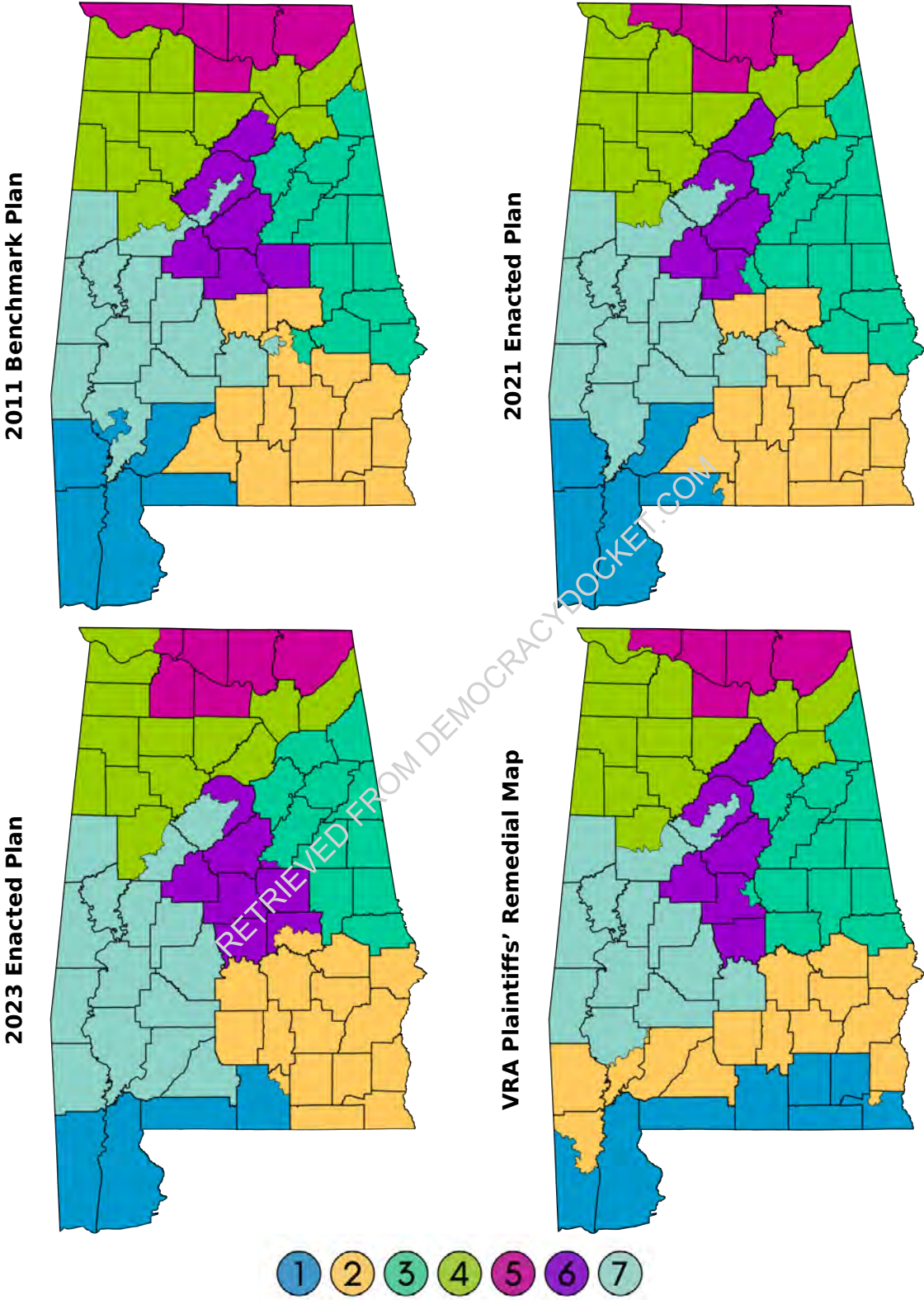


Figure 1: Comparison of Congressional plans.

3 Selected statistics

While minimizing change from the previously enacted map and scoring strongly on traditional districting principles, the VRA Plaintiffs' Remedial Map creates a new Congressional District 2 that is majority-Black by voting age population (VAP), by citizen voting age population (CVAP), and by active registered voters (ARPOP). To ascertain this, I used the same definition of Black VAP and CVAP from my initial reports in this case, and I used self-identification by Black registered voters in the voter file provided to me by counsel. An image showing the Black and White registered voters in this file is found in Figure 2 all demographic figures are found in Table 1

The 2023 Enacted Plan not only falls short of being majority-Black by any of the three measures, but in fact maintains a majority-White (not just plurality-White) character in all three. Self-identified White voters clear 55% of active registered voters in the new CD 2 from the state's enacted 2023 Plan.

BVAP	2021 Plan	2023 Plan	VRA Plan	WVAP	2021 Plan	2023 Plan	VRA Plan
1	25.61%	24.63%	14.92%	1	66.00%	67.08%	75.87%
2	30.12%	39.93%	50.08%	2	62.03%	52.50%	43.23%
3	24.99%	20.70%	21.56%	3	67.74%	71.76%	71.14%
4	7.70%	7.22%	7.70%	4	82.41%	82.83%	82.41%
5	18.06%	18.33%	18.06%	5	70.89%	70.27%	70.89%
6	18.93%	19.26%	14.13%	6	71.16%	71.65%	76.15%
7	55.26%	50.65%	54.50%	7	38.60%	42.70%	38.89%

BCVAP	2021 Plan	2023 Plan	VRA Plan	WCVAP	2021 Plan	2023 Plan	VRA Plan
1	25.77%	24.77%	14.95%	1	65.17%	66.25%	74.84%
2	30.49%	40.48%	50.76%	2	61.43%	51.78%	42.70%
3	25.21%	20.86%	21.75%	3	67.49%	71.65%	70.95%
4	7.70%	7.25%	7.70%	4	82.50%	82.63%	82.50%
5	18.23%	18.53%	18.23%	5	70.42%	69.78%	70.42%
6	19.33%	19.62%	14.36%	6	71.23%	71.88%	76.30%
7	56.34%	51.58%	55.60%	7	38.02%	42.31%	38.31%

BARPOP	2021 Plan	2023 Plan	VRA Plan	WARPOP	2021 Plan	2023 Plan	VRA Plan
1	25.30%	24.28%	14.39%	1	71.25%	72.33%	81.69%
2	30.11%	41.10%	52.18%	2	66.41%	55.34%	44.81%
3	23.83%	19.77%	20.28%	3	73.31%	77.45%	76.98%
4	7.36%	6.74%	7.36%	4	89.53%	90.06%	89.53%
5	16.97%	17.24%	16.97%	5	77.87%	77.55%	77.87%
6	18.79%	18.54%	13.28%	6	76.96%	77.65%	82.61%
7	60.11%	54.26%	59.31%	7	37.46%	42.87%	37.99%

Table 1: For Black and White residents of Alabama, these tables present voting age population (BVAP/WVAP), citizen voting age population (BCVAP/WCVAP), and active registered voters (BARPOP/WARPOP) as of July 18, 2023, as a share of the whole.

4 Alabama's new guidelines

In the recent bill SB-5, Alabama lawmakers have asserted new redistricting guidelines which are significantly different from the previous guidelines that they replace. In §1(3)A-F, a list of criteria is presented as "traditional districting principles," subsequently described in the new bill as "non-negotiable for the Legislature" in creation of districting plans. These are as follows, paraphrased here for succinctness.

- A: Population balance.
- B: Contiguity.
- C: Reasonable compactness.
- D: Mathematically minimum number of county pieces.
- E: Keeping together three specific communities of interest. (See Figure 3)
- F: Zero incumbent pairings.



Figure 3: The three official COIs designated in SB-5. The "Black Belt" and "Wiregrass" county clusters overlap in three counties: Barbour, Pike, and Crenshaw.

Next, §1(3)G lists three lower-priority principles which are to be observed if consistent with A-F. These are:

- Core preservation.
- Minimize number of counties in each district.
- Minimize splits of "neighborhoods and other political subdivisions."

State-designated communities of interest

The new guidelines indicate that the three regions shown in Figure 3 should be held whole if possible, and if not, then "division into two districts is preferable to division into three or more districts" for each region. The VRA Plaintiffs' Remedial Map keeps the number of districts touching any designated region to a maximum of two.

Districts Touching State-Designated COIs

State COI	2021 Plan	2023 Plan	VRA Plan
Black Belt	2, 3, 7	2, 7	2, 7
Wiregrass	2	1, 2	1, 2
Gulf Coast	1	1	1, 2

When it comes to any notion of community or region that might be given in public testimony, the guidelines mention "neighborhoods and other political subdivisions" but do not provide a process for identifying them.

I will conclude with two observations about the state's new communities of interest guidelines.

1. The Gulf Coast county cluster has population 646,576, which is over 90% of the ideal Congressional district size of 717,754. That means that requiring these counties be kept together amounts to nearly prescribing a Congressional district in law. Insisting on keeping this area together is not reasonably described as traditional, as this area was split in Congressional plans before 1970 and in the 2021 State Board of Education plan.
2. The Black Belt COI has population 562,358, the Wiregrass has population 362,794, and they overlap. Together, their population is 853,726, greater than a Congressional district. This means that far from being traditional, it is in fact *mathematically impossible* to keep them both unsplit in a districting plan.

I reserve the right to continue to supplement my report in light of additional facts, testimony and/or materials that may come to light. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct according to the best of my knowledge, information, and belief.

Executed this 11th day of September, 2023.



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