

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION**

RODNEY D. PIERCE and  
MOSES MATTHEWS,

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD  
OF ELECTIONS, *et al.*,

Defendants.

Case No. 4:23-cv-193-D

**PLAINTIFFS' NOTICE OF BRIEF OBJECTING TO LEGISLATIVE DEFENDANTS'  
MOTIONS TO ADMIT SUPPLEMENTAL OPINIONS OF DR. JOHN ALFORD**

Plaintiffs Rodney D. Pierce and Moses Matthews notify the Court of their opening brief setting forth objections to Legislative Defendants' motions to admit supplemental opinions of Dr. John Alford. On March 10, 2025, Legislative Defendants "move[d] the opening and rebuttal supplemental reports of Dr. John Alford, LD075 and LD076, for admission to the record as admitted exhibits." D.E. 122 at 1. On March 13, 2025, "Legislative Defendants move[d] Dr. Alford's Rule 26(e) Supplement, LD077, for admission to the record as an admitted exhibit." D.E. 123 at 1.

The March 10 joint filing noted that "Plaintiffs do not object to the admission of Dr. Alford's opening supplemental report, LD075," but that Plaintiffs do "object to the admission of certain portions of Dr. Alford's supplemental rebuttal report, LD076, as improper supplementation and improper rebuttal." D.E. 122 at 1. It further proposed that "Plaintiffs will file a brief setting forth their objections to LD076 within 14 days. Legislative Defendants will file any response to Plaintiffs' objections within 14 days, and Plaintiffs shall have 7 days to file any reply." D.E. 122 at 1-2. The March 13 filing noted further that "Plaintiffs object to the admission of LD077.

Plaintiffs' objection to LD077 will be briefed together with Plaintiffs' objection to portions of LD076 as set forth in the parties' Joint Notice of Filing Supplemental RPV Reports, D.E. 122." D.E. 123 at 1.

Plaintiffs' brief objecting to portions of LD076 and to all of LD077 is attached hereto as Attachment A. Exhibits to that brief, and a proposed order, are also attached.

Respectfully submitted this, the 24th day of March, 2025.

**POYNER SPRUILL LLP**

By: /s/ Edwin M. Speas, Jr.

Edwin M. Speas, Jr.

North Carolina State Bar no. 4112

Caroline P. Mackie

North Carolina State Bar no. 41512

Post Office Box 1801

Raleigh, NC 27602

Telephone: (919) 783-1108

cmackie@poynerspruill.com

espeas@poynerspruill.com

**ARNOLD & PORTER**

**KAYE SCHOLER LLP**

By: /s/ R. Stanton Jones

Robert Stanton Jones\*

Elisabeth S. Theodore\*

John A. Freedman\*

Samuel I. Ferenc\*

Orion de Nevers\*

601 Massachusetts Ave., NW

Washington, D.C. 20001

Telephone: (202) 942-5000

stanton.jones@arnoldporter.com

elisabeth.theodore@arnoldporter.com

john.freedman@arnoldporter.com

sam.ferenc@arnoldporter.com

orion.denevers@arnoldporter.com

*\*Appeared via Special Notice  
Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the cm/ecf system, which will send notification of such filing to all counsel and parties registered in said system.

Respectfully submitted this, the 24th day of March, 2025.

/s/ Orion de Nevers \_\_\_\_\_  
Orion de Nevers

# **ATTACHMENT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION**

RODNEY D. PIERCE and  
MOSES MATTHEWS,

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD  
OF ELECTIONS, *et al.*,

Defendants.

Case No. 4:23-cv-193-D

**PLAINTIFFS’ OBJECTIONS TO LEGISLATIVE DEFENDANTS’ MOTIONS TO  
ADMIT SUPPLEMENTAL OPINIONS OF DR. JOHN ALFORD**

After over a year litigating whether legally significant racially polarized voting exists in northeastern North Carolina, nearly a year after initial expert reports were first exchanged, months after those experts were deposed, weeks after *trial* concluded, and even after supplemental post-trial expert reports were completed, Legislative Defendants now move to introduce entirely new expert opinions that were not only absent from every previous stage of this litigation, but that purport to *withdraw* many of the expert opinions that Legislative Defendants previously offered and replace them with directly contradictory evidence. That is improper.

Following trial, the court entered a modified scheduling order permitting the parties to file post-trial expert reports limited to “*supplemental* reports analyzing the November 2024 election results” and “[r]ebuttals” to those reports. D.E. 113 at 1 (emphasis added). Defendants nevertheless filed a supplemental rebuttal report and document styled as a Rule 26(e) supplement on behalf of their racially polarized voting expert, Dr. John Alford, offering three novel opinions that are an about-face from his prior opinions and sworn testimony in this case. Dr. Alford’s new submissions purport to estimate the specific BVAP needed to win statewide, in SD1, SD2, SD5, and the

Demonstration Area; introduce the assertion that Dr. Alford’s methodology for producing ecological inference point estimates is “preferable” to Dr. Collingwood’s; and add a series of exit polls to buttress those opinions.

Dr. Alford’s filings do not offer supplemental or rebuttal evidence—they introduce at the eleventh-hour new, belated, and untested opinions that directly contradict his prior reports and testimony in this case. The opinions reflect a battery of errors that Plaintiffs have already identified in the short time since they were filed, underscoring the importance of excluding these new opinions that would otherwise escape responsive expert scrutiny and cross-examination. Plaintiffs respectfully request that the motion to admit as evidence Dr. Alford’s supplemental rebuttal opinions, D.E. 122, be denied as to Parts A and C of Dr. Alford’s supplemental rebuttal report, LD76 at 2-7, 12-16, and that the motion to admit as evidence Dr. Alford’s Rule 26(e) supplement, D.E. 123, be denied, LD77. Plaintiffs do not object to the properly undertaken analysis of 2024 election results in Dr. Alford’s initial supplemental report or in the remainder of his supplemental rebuttal report.

## **BACKGROUND**

### **A. Dr. Alford’s Initial Expert Report Accepts Dr. Collingwood’s Methodology**

Plaintiffs’ racially polarized voting, or “RPV,” expert Dr. Loren Collingwood filed his initial report on May 31, 2024, offering opinions on three main topics. Dr. Collingwood found racially polarized voting in every statewide election from 2016 through 2022 in SD2, and in all but one election in SD1. PX36 at 5-6. He conducted a performance analysis of the same elections that found that the Black-preferred candidate would win a majority of the vote as few as 6 times out of 49 in SD1 and 5 times out of 49 in SD2. PX36 at 2 & n.1. Finally, he conducted an analysis of the BVAP needed to win in the Demonstration Area that found that the average BVAP needed to enable Black-preferred candidates to achieve a narrow 50%+1 victory was 47.07%. PX36 at 24.

Undergirding all of Dr. Collingwood’s conclusions was an ecological inference, or “EI,” analysis that produced point estimates of vote choice by race in the relevant geographies. PX36 at 4. Dr. Collingwood conducted this analysis using King’s EI method and the R software package, eiCompare. PX36 at 4.

In his initial report of August 16, 2024, Dr. Alford replicated Dr. Collingwood’s EI analysis, concluding that his and Dr. Collingwood’s results were “substantively similar,” though they did “not match exactly,” which was “not unexpected given the nature of EI analysis.” LD59 at 5. Dr. Alford explained that “none of the differences in our results impact in any way my conclusions, and to avoid confusion over whether my conclusions detailed below depend in any way on methodological or data differences, I will confine my analysis to the various numerical EI results produced by Dr. Collingwood.” LD59 at 5. Relying on Dr. Collingwood’s EI results, Dr. Alford opined that a candidate’s party affiliation better explains vote choice than the candidate’s race, and that “Black voters do not need to be a majority in a district in order to elect a Democratic candidate.” LD59 at 19. Dr. Alford’s BVAP opinion was based on his analysis of Dr. Collingwood’s BVAP threshold results and on his observation of “precinct-level election results graphed against the precinct-level” BVAP for two elections, the 2016 and 2020 Gubernatorial contests. LD59 at 16. His report did not offer a single criticism of Dr. Collingwood’s methodology for estimating a BVAP threshold.

Dr. Alford’s trial and deposition testimony reiterated his endorsement of Dr. Collingwood’s EI methodology. Dr. Alford confirmed at trial that his opinions “accept[ed] and rel[ied] upon Dr. Collingwood’s ecological inference analysis.” Tr. Day 4 73:20-22 (Alford). He testified that Dr. Collingwood’s ecological inference “analysis in this case is extremely competent and so I’m confident to rely on it,” and that Dr. Collingwood “uses the correct methodology” for

ascertaining EI point estimates, which was why he was “relying on his findings.” Tr. Day 4 73:4-10 (Alford). He made clear that his “report contains no criticisms of the methodology that Dr. Collingwood used” in his EI analysis. Tr. Day 4 73:6-10 (Alford). Dr. Alford did not “contest[]” any of Dr. Collingwood’s EI point estimates. Tr. Day 4 73:23-74:1 (Alford). Similarly, at deposition, Dr. Alford testified that he was “not criticizing” Dr. Collingwood’s BVAP analysis, making clear that, “I don’t think he did it incorrectly.” Alford Dep. 209:1-9 (attached as Exhibit A).

Dr. Alford testified at trial that “it would be incorrect to extrapolate from” his initial report the “particular BVAP percentage” at which a district “could elect a Black-preferred candidate.” Tr. Day 4 115:4-10 (Alford). He testified that “it is not possible to draw a reliable conclusion about the precise BVAP percentage at which a district in northeastern North Carolina could be expected to elect a Black-preferred candidate on the basis of” his initial report. Tr. Day 4 115:11-16 (Alford). He “didn’t offer any opinion in [his] report criticizing Dr. Collingwood’s decision to conduct his analysis of the BVAP needed to elect a Black-preferred candidate” in the Demonstration Area. Tr. Day 4 111:21-25 (Alford). Dr. Alford never offered an opinion on the specific BVAP needed to win in any geography, on alternative methods for conducting a BVAP analysis, or on the relative merits of the various methodologies for ascertaining EI point estimates.

#### **B. Dr. Alford’s Supplemental Filings Introduce New Opinions**

Dr. Collingwood’s initial supplemental report provided an “updated [] racially polarized voting analysis” with 2024 election data, an “updated performance analysis” adding 2024 election results, and an updated BVAP analysis incorporating 2024 figures. PX279 at 2, 15, 20. He also ran “the type of analysis that Dr. Alford engages in” using the 2024 elections “to show the results under Dr. Alford’s type of analysis.” PX279 at 5. Dr. Collingwood’s supplemental rebuttal report “responds to Dr. John Alford’s supplemental report regarding his analysis of the 2024 general

elections.” PX280 at 1. Defendants did not object to the admission of either of Dr. Collingwood’s supplemental reports. D.E. 122 at 2.

Dr. Alford’s supplemental report properly updated his prior opinions with 2024 data, and Plaintiffs do not object to its admission. D.E. 122 at 1. Dr. Alford’s supplemental rebuttal report and Rule 26(e) notice, however, offer three new opinions to which Plaintiffs do object. D.E. 122 at 1-2. Dr. Alford’s supplemental rebuttal report offers, for the first time, an “estimated [] BVAP needed to win” statewide, and in SD1, SD2, SD5, and the Demonstration Area. LD76 at 12, 15-16. He purportedly calculated these estimates using a newly introduced “procedure utilized by Dr. Lisa Handley.” LD76 at 12. Dr. Alford’s supplemental rebuttal report also, again for the first time, opined that the EI technique he used to generate his BVAP estimates is “preferable” to Dr. Collingwood’s in this context, and that the difference in their methodologies “could . . . impact [] the BVAP analysis discussed” in his report. LD76 at 3. Finally, Dr. Alford’s supplemental rebuttal report attempted to buttress his newfound EI opinion by comparing his EI results to an uncited “New York Times exit poll” for the 2024 elections. LD76 at 3. He asserted that his EI figures were reliable because his results for one election were “roughly comparable” to the Times’ exit poll for the same election. LD76 at 3.

After Plaintiffs requested a citation for the New York Times poll, which did not appear to exist, Ex. B at 2-3, Defendants filed a purported Rule 26(e) supplement on March 13, 2025 explaining that the cited poll in fact did not exist. The exit poll Dr. Alford had relied on was from 2020, not 2024. Dr. Alford’s “supplement” stated that the “correct citation should have been to the exit poll conducted in North Carolina by Edison Research,” which reported numbers that were completely different from the numbers in the exit poll in Dr. Alford’s original supplemental rebuttal report and his own EI estimates. D.E. 123-1. The supplement also added two other new

polls from two other new sources, arguing that these exit polls also supported his analysis even though they too provided completely different results from the original poll. *See* D.E. 123-1.

## **ARGUMENT**

### **I. Dr. Alford’s Newly Formed Opinions Are Not Supplemental**

The Court’s modified scheduling order limited the parties’ post-trial expert submissions to “*supplemental* reports analyzing the November 2024 election results” and “[r]ebutals to the . . . *supplemental* reports.” D.E. 113 at 1 (emphasis added). Under Rule 26(e), a supplemental expert report is limited to correcting or completing the initial expert disclosure. D.E. 91 at 6. A supplemental report does not create a “right to produce information in a belated fashion.” D.E. 91 at 6 (quoting *EEOC v. Freeman*, 961 F. Supp. 2d 783, 797 (D. Md. 2013), *aff’d*, 778 F.3d 463 (4th Cir. 2015)). Updating “a report with information that was not available by the initial disclosure deadline exemplif[ies] proper supplemental reports.” D.E. 91 at 6. “Courts, however, distinguish ‘true supplementation from gamesmanship.’” D.E. 91 at 6 (cleaned up) (quoting *Gallagher v. S. Source Packaging, LLC*, 568 F. Supp. 2d 624, 631 (E.D.N.C. 2008)). “To that end, courts repeatedly reject attempts to provide ‘new and improved’ expert reports under the guise of supplementation.” D.E. 91 at 6 (quoting *Gallagher*, 568 F. Supp. 2d at 631). Dr. Alford’s untimely opinions are an unbridled attempt to offer “new and improved” opinions that are not supplemental opinions and exceed the scope of the court’s scheduling order.

#### **A. Dr. Alford’s BVAP Opinion is an Improper Supplemental Opinion**

Dr. Alford’s BVAP opinion, offered in Part C of his supplemental rebuttal report, is improper. It is “not attempting to . . . complete a report with previously unobtainable information,” D.E. 91 at 6, that is, it is not attempting to “supplement[.]” his prior report with an analysis of “the November 2024 election results,” D.E. 113 at 1, but it is instead offering a “new and improved” opinion altogether, D.E. 91 at 6.

Dr. Alford's BVAP estimates provide a set of never before seen opinions. Dr. Alford's initial report was limited to observing "precinct-level election results graphed against the precinct-level 2020 census Black Voting Age Population." LD59 at 16. Dr. Alford relied on those graphs to observe that vote share for the "Black preferred candidate[]" starts to move above 50% in precincts somewhere around 35% BVAP, with [the Black-preferred candidate] clearly winning in precincts well below 50% BVAP." LD59 at 16. He offered these examples merely to illustrate the BVAP level at which some precincts in some races begin to exceed 50%, which he marshalled for the general conclusion that "Black voters do not need to be a majority in a district in order to elect a Democratic candidate." *See* LD59 at 16-17, 19. Dr. Alford could have "complete[d]" that analysis with a new third chart plotting the "previously unobtainable" precinct-level election results for the 2024 Gubernatorial contest against precinct-level BVAP, D.E. 91 at 6, but he did not. He instead went far beyond that, conducting *an entirely new type of analysis that was absent from his initial report* that purported to offer specific BVAP estimates at the statewide, SD1, SD2, SD5, and Demonstration Area levels. LD76 at 16. A visual comparison of Dr. Alford's two analyses reveals how unrecognizable his new estimates are:

## Alford Initial Report

Figure 3: Graph of the 2016 Governor's Election with BVAP and Vote Percentages

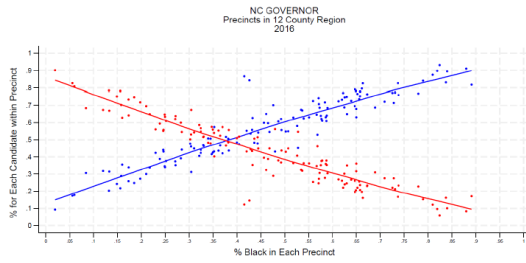
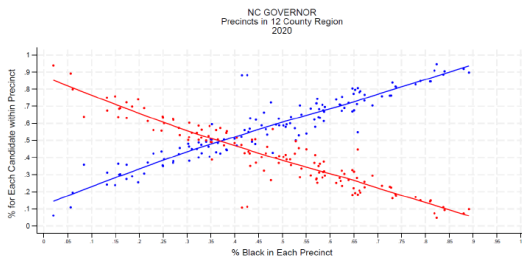


Figure 2: Graph of the 2020 Governor's Election with BVAP and Vote Percentages



LD59 at 16-17.

## Alford Supplemental Rebuttal Report

Table 6: BVAP Needed to Win Based on Black versus non-Black EI estimates of Cohesion and Crossover.

Office	BVAP % Needed for Democrat to win 50%+1				
	Statewide	SD1	SD2	12-County Demo Area	Edgecombe Pitt
A. G.	19%	40%	39%	40%	27%
Auditor	24%	41%	42%	42%	31%
Agri. Comm	29%	44%	46%	46%	36%
Ins. Comm.	26%	42%	44%	44%	33%
Labor Comm.	27%	43%	44%	44%	34%
Apps. Ct. 12	24%	41%	43%	42%	32%
Apps. Ct. 14	26%	43%	44%	43%	34%
Apps. Ct. 15	25%	42%	44%	43%	34%
Gov.	4%	37%	31%	36%	15%
Lt. Gov.	20%	40%	40%	40%	28%
Sec. of St.	20%	39%	37%	37%	25%
Super. Pub. Instr.	20%	39%	39%	39%	26%
S. C. Seat 6	22%	40%	41%	41%	30%
Treas.	26%	42%	44%	43%	33%
Pres.	24%	42%	43%	43%	33%
<b>Average</b>	<b>22%</b>	<b>41%</b>	<b>41%</b>	<b>42%</b>	<b>30%</b>

LD76 at 16.

Dr. Alford's all-new BVAP estimates also rely on implementing an all-new methodology and producing all-new code that no one has had any opportunity to vet or review. Dr. Alford's supplemental rebuttal report purports to "follow the procedure utilized by Dr. Lisa Handley in both a published article on the topic and in a report to the court in 2019." LD76 at 12. Claiming to be inspired by "Dr. Handley's approach," Dr. Alford calculated BVAP based on "the Black share of turnout," "the estimated Black support for the Black preferred candidate," and the estimated non-Black "support for the Black preferred candidate." LD76 at 12-13. Dr. Alford's initial report, however, gauged district performance in an entirely different way, using only observations of precinct-level election results in two elections. LD59 at 16. That report never references Dr. Handley, much less her purported BVAP methodology, and the approach Dr. Alford's initial report undertakes does not even resemble Dr. Handley's model.

Dr. Alford's supplemental rebuttal report changes methodologies again, altering the approach he himself used in his supplemental report to produce estimates of Black support for the Black-preferred candidate. Dr. Alford's supplemental rebuttal report reruns the EI estimates for 2024 that he had just produced in his supplemental report dated February 28, 2024 and comes up with different, *higher* estimates for Black cohesion that would tend to favor his client's position by decreasing the BVAP threshold needed to elect Black-preferred candidates. *Compare, e.g.*, LD75 at 5, tbl. 1 (estimating 92.2% Black support for Kamala Harris in SD1) with LD76 at 14, Tbl. 5 (estimating 94.9% Black support for Kamala Harris in SD1). Dr. Alford's selection of an entirely new BVAP method relying on different EI estimates for Black cohesion introduces an equally "new and [purportedly] improved" opinion. D.E. 91 at 6.

The contradiction between Dr. Alford's supplemental rebuttal report and his initial report, deposition testimony, and trial testimony, makes all the more clear that Dr. Alford's supplemental report offers a "new and improved opinion," D.E. 91 at 6, and makes it all the more egregious that Dr. Alford offers the opinion at the eleventh-hour. Dr. Alford's initial report, LD59, did not estimate any specific BVAP percentages needed to win. Dr. Alford confirmed that at trial, testifying that "it would be incorrect to extrapolate from [his BVAP analysis] that a Senate district composed of some of the precincts in [his] charts could elect a Black-preferred candidate at a particular BVAP percentage." *See* Tr. Day 4 115:4-10 (Alford). That is because "precincts vary widely in population" and "the performance of each precinct varies widely," yet his initial report says "nothing about the location of the precinct[s] that perform[...]" at lower BVAP levels "and whether it is possible to draw a district around [those] precinct[s] that includes other precincts that will also perform at" lower BVAP levels. PX128 at 5-7.

Dr. Alford's decision to elect a new BVAP procedure contradicts his prior testimony in equal measure. Dr. Alford's initial report did not dispute Dr. Collingwood's conclusion based on 2020 and 2022 election data that, on average, a BVAP of 47.07% is necessary to elect a Black-preferred candidate in the Demonstration Area. There is not a single sentence in the initial report that criticizes the methodology Dr. Collingwood used to produce those estimates. *See generally* LD59. He confirmed at trial that he did not "offer any opinion in [his] report criticizing Dr. Collingwood's decision to conduct his analysis of the BVAP needed to elect a Black-preferred candidate in this case by analyzing" the Demonstration Area based on "recent . . . election data." Tr. Day 4 111:21-25, 113:7-11 (Alford).

Dr. Alford was asked point blank at his deposition: "You haven't offered any criticism of the method that Dr. Collingwood used to reach the conclusion that 47.07 percent is the BVAP percentage where these counties would on average elect a black preferred candidate, correct?" He answered: "I think it's a little abstract, but I'm not criticizing. I don't think he did it incorrectly." Alford Dep. 209:1-9. Dr. Alford's new supplemental report criticizing Dr. Collingwood's methodology and offering his own competing method contradicts his trial and deposition testimony.

Dr. Alford had every opportunity and incentive to offer these new opinions in his initial report. Dr. Alford could have attempted to estimate the specific BVAP needed to win in his initial report using election data from 2022, 2020, or any other election cycle, just as Dr. Collingwood did. Dr. Collingwood offered a BVAP opinion in his initial report identical to the one in his supplemental report, less the addition of the 2024 election results. Similarly, Dr. Handley's "procedure," which Dr. Alford claims incorrectly to be following, *see infra*, comes from an article published in 2001 and a report filed in 2019, years before Dr. Alford submitted his initial report in

this case. LD76 at 12 & n.9. Dr. Alford thus had ample reason and opportunity to provide specific BVAP estimates at the initial report stage, and to do so using Dr. Handley's technique, but he opted not to until after the conclusion of trial when Plaintiffs could no longer probe his methodology or his qualifications for offering such a methodology. Dr. Alford's failure to provide specific BVAP needed to win estimates based on Dr. Handley's methodology in his prior reports means there is simply no prior opinion to "complete" or to "supplement" on those issues, and his report offers a "new and improved" opinion that may not be introduced at the supplemental stage. D.E. 91 at 6.

**B. Dr. Alford's EI Methodology Opinion is an Improper Supplemental Opinion**

Dr. Alford's new EI opinions, offered in part A of his supplemental rebuttal report, likewise do not constitute an "attempt[] to . . . complete a report with previously unobtainable information." D.E. 91 at 6. Dr. Alford argues for the first time in his supplemental rebuttal report that his EI methodology is "preferable" to Dr. Collingwood's and that "small differences" between his numbers and Dr. Collingwood's are based on Dr. Collingwood using that less preferable methodology. LD76 at 2-3. Dr. Alford's new take on EI analysis presents a second "new and improved" opinion that directly contradicts his prior testimony, D.E. 91 at 6, and "is an attempt to 'bolster his deficient opinion by employing a new methodology' after the opening report deadline." D.E. 87 at 11 (quoting *Pluck v. BP Oil Pipeline Co.*, 640 F.3d 671, 681 (6th Cir. 2011)).

Dr. Alford's initial report "accept[ed] and rel[ied] upon Dr. Collingwood's ecological inference analysis." Tr. Day 4 73:20-22 (Alford). That report replicated Dr. Collingwood's EI analysis and confirmed that the two experts' results were "substantively similar," though they did "not match exactly," which was "not unexpected given the nature of EI analysis." LD59 at 5. Dr. Alford explained that "none of the differences in our results impact in any way my conclusions,

and to avoid confusion over whether my conclusions detailed below depend in any way on methodological or data differences, I will confine my analysis to the various numerical EI results produced by Dr. Collingwood.” LD59 at 5 (emphasis added). Dr. Alford’s initial report thus relied entirely on Dr. Collingwood’s EI estimates without providing any opinions based on his own figures.

Dr. Alford’s trial testimony confirmed that he had not disclosed any criticism of Dr. Collingwood’s EI technique or argued that differences in their estimates were the result of the use of a less “preferable” methodology. To the contrary, Dr. Alford testified that Dr. Collingwood’s ecological inference “analysis in this case is extremely competent and so I’m confident to rely on it,” stating that Dr. Collingwood “uses the correct methodology” for generating EI point estimates, which was why Dr. Alford was “relying on his findings.” Tr. Day 4 73:4-10 (Alford). Dr. Alford emphasized that his “report contains no criticisms of the methodology that Dr. Collingwood used” to conduct his EI analysis, Tr. Day 4 73:6-10 (Alford), and Dr. Alford did not “contest[]” any of Dr. Collingwood’s EI point estimates, Tr. Day 4 73:23-74:1 (Alford). That testimony makes indisputable that Dr. Alford’s supplemental rebuttal report is turning to ““a new methodology” after the opening report deadline,” D.E. 87 at 11 (quoting *Pluck*, 640 F.3d at 681), not “complet[ing] a [prior] report with previously unobtainable information.” D.E. 91 at 6.

Here again, Dr. Alford had every opportunity to critique Dr. Collingwood’s methodology in his initial report, but instead he endorsed it. Dr. Collingwood performed the same EI technique in his original and supplemental reports, never changing his methodology at any point in this litigation. PX280 at 5. Dr. Collingwood’s EI estimates have always served as the basis for both his RPV opinions and his BVAP opinions. PX36 at 23 (the “BVAP Analysis . . . uses the RPV results”). Dr. Alford’s initial report reflects the same small differences between his and Dr.

Collingwood's EI estimates that he now latches onto, confirming that the two experts' estimates have *always* varied in minor ways throughout this case, and that Dr. Alford has never regarded those differences as significant or as suggesting that his numbers were better or more accurate. *Compare, e.g.*, LD59 App'x, tbl. A6 (reporting elections in SD1 in 2020 with 4-6 point differences in estimates), *with* LD76 at 4-5, tpls. 1-2 (reporting elections in SD1 in 2024 with 4-6 point differences in estimates).

Notably, Dr. Collingwood and Dr. Alford applied the EI techniques discussed in Dr. Alford's supplemental rebuttal report to *every single prior election* at issue in this case. That technique is agnostic to the specific election cycle in question. The experts thus both applied it to the 2016, 2018, 2020, and 2022 election cycles. So there is nothing "previously unobtainable" about Dr. Alford's new opinion on EI methodology. D.E. 91 at 6. Dr. Alford's "attempt to 'bolster his deficient opinion by employing a new methodology' after the opening report deadline" should be rejected. D.E. 87 at 11 (quoting *Pluck*, 640 F.3d at 681). Indeed, the *direct contradictions* between Dr. Alford's new opinion and the evidence and testimony that he has repeatedly offered at every stage of this case confirming that Dr. Collingwood uses the correct methodology is an attempt to change his opinions so significantly that it undermines his credibility throughout this case.

### **C. Dr. Alford's Exit Polls are Improper Supplemental Opinion**

Defendants filed an unauthorized third supplemental report on March 13, 2025, nearly a week after Dr. Alford's supplemental rebuttal report and the day before the deadline for filing proposed findings of fact and conclusions of law. D.E. 123. That last-minute filing introduces yet more improper new material.

Dr. Alford's original supplemental rebuttal report attempted to buttress his newfound EI opinion by claiming that his EI estimates were "roughly comparable" to results from a New York Times exit poll for 2024 estimating Black and White support for Kamala Harris and Donald Trump. LD76 at 3. That itself was improper supplementation, because Dr. Alford never previously relied on exit polls at any point in this case. The supplemental reports authorized here were for updating analysis with 2024 election results, not relying on entirely new data sources.

Worse, however, the poll Dr. Alford cited does not exist. The New York Times appears deliberately not to have published any exit polls for 2024.<sup>1</sup> After Plaintiffs' counsel asked Defendants for a citation for the poll, Ex. B at 2-3, Defendants responded with a document, then termed an "errata," later filed as a "Rule 26(e) Supplement," explaining that Dr. Alford had mistakenly thought the New York Times' exit poll for the 2020 election between Joe Biden and Donald Trump was an exit poll for the 2024 election between Kamala Harris and Donald Trump. *See* Ex. B at 1-2; D.E. 123-1 at 1 & n.1.

After providing the citation to the 2020 poll discussed in Dr. Alford's supplemental rebuttal report, the "Rule 26(e) Supplement" proceeds to offer three *different* exit polls from 2024 from three *different* sources referenced nowhere in Dr. Alford's supplemental rebuttal report. Defendants wrongly claim that the first of these polls, from Edison Research, was the "correct citation" that should have been included in the prior report. D.E. 123-1 at 1. It is not. Dr. Alford's original supplemental rebuttal report discussed in depth a specific poll from the 2020 election. Dr. Alford's report details the results of the New York Times exit poll, explaining that it "showed White support for Harris (sic) at 33%" and "Black voter support for Trump at 7%." LD76 at 3. Those are precisely the figures shown in the 2020 poll for Joe Biden (33%) and Donald Trump

---

<sup>1</sup> *See* Kaleigh Rogers, *Why Exit Polls Are Misleading*, N.Y. Times, Nov. 5, 2024, <https://www.nytimes.com/2024/11/05/us/politics/exit-polls-election.html>.

(7%). *North Carolina Exit Polls: How Different Groups Voted*, N.Y. Times, <https://nyti.ms/4l9hMPI> (last visited Mar. 24, 2025). As Dr. Alford acknowledges, the 2020 figures discussed in his supplemental rebuttal report are completely different from the three new polls added in his Rule 26(e) Supplement. D.E. 123-1 at 1. These new polls, all of which were available before the deadline for supplemental and supplemental rebuttal reports, cannot be smuggled into the record under the guise of providing a “correct citation,” D.E. 123-1 at 1, because they are not corrected citations, they are brand new and different datapoints from brand new and different sources offered for the first time after the deadline for rebuttal reports and on the eve of proposed findings and conclusions.

Indeed, the difference between the results of the Times’ poll and the new polls is so significant that it required Dr. Alford’s March 13, 2025 “supplement” to engage in a different kind of analysis from his original supplemental rebuttal report. While his supplemental rebuttal report argued that his EI results were somehow bolstered by being “roughly comparable” to the New York Times exit poll numbers that turned out to be from 2020, his March 13, 2025 report makes the new argument that his EI results should be relied upon because they are “closer” to the new exit polls. That new argument is not mere supplementation.

Contrasting Dr. Burch’s supplemental reports with Dr. Alford’s illustrates the proper use of a Rule 26(e)(2) supplement. On January 17, 2025, Plaintiffs served a corrected version of Dr. Burch’s supplemental report under Rule 26(e)(2), noting a tabulation error in Dr. Burch’s report because she had missed a Black representative when she calculated the total number of Black representatives elected in 2024. That was a corrective disclosure that Plaintiffs were required to report under Rule 26(e)(2) and that did not introduce any new evidence or source material into Dr. Burch’s report. Defendants, by contrast, went well beyond simply providing the citation omitted

from Dr. Alford's supplemental rebuttal report, instead embarking on a new effort to add substantive evidence to his report from exit polls conducted in a different year by different sources.

## **II. Dr. Alford's Newly Formed Opinions are Not Rebuttal**

Dr. Alford's three new opinions are independently inadmissible because they are not proper rebuttal. This Court previously held that a "proper rebuttal report responds to the opposing party's expert reports—not its claims or defenses." D.E. 91 at 4. This Court also held that a rebuttal report may not "present 'new arguments, unless presenting those arguments is substantially justified and causes no prejudice.'" D.E. 91 at 4 (quoting *Funderburk v. S.C. Elec. & Gas Co.*, No. 3:15-CV-4660, 2019 WL 3406814, at \*4 (D.S.C. July 9, 2019)). "An expert cannot bootstrap new opinions onto a rebuttal when those new opinions were available to the expert at the time of his initial disclosure, even if part of a rebuttal is well-founded." *Snider-Jefferson v. Amigo Mobility Int'l, Inc.*, No. 2:15-CV-406, 2016 WL 4424954, at \*4 (E.D. Va. Aug. 17, 2016), *aff'd*, 678 F. App'x 91 (4th Cir. 2017)). "A rebuttal or reply expert report is proper if the intent of the report is 'solely to contradict or rebut evidence on the same subject matter identified by the opposing party's expert report,'" it "does not, however, permit an expert to correct mistakes based on information that was available to the expert well in advance of the issuance of his report." *Snider-Jefferson*, 2016 WL 4424954, at \*4 (citations omitted). For all the reasons already discussed, Dr. Alford's newly formed opinions are outside the scope of the scheduling order's limitation to supplemental opinions, and they would have been improper even if included in his initial supplemental report, but the opinions are especially egregious because Dr. Alford withheld them until his supplemental rebuttal report when Plaintiffs would have no opportunity to respond.

Dr. Alford's supplemental rebuttal report seeks to "bootstrap new opinions onto a rebuttal" even though "those new opinions were available . . . at the time of his initial disclosure." *Snider-Jefferson*, 2016 WL 4424954, at \*4. Plaintiffs have already thoroughly detailed that Dr. Alford

could have provided all of the opinions disclosed in his supplemental rebuttal report in his initial disclosure. The opinions were also readily available, including with respect to the 2024 election, at the time Dr. Alford submitted his initial supplemental report. Dr. Alford nevertheless either failed to offer opinions, or offered directly contradictory opinions, at every previous stage of this case. There is no excuse for Dr. Alford's failure to furnish his new opinions in his initial report, and even less excuse for his failing to provide them in his initial supplemental report.

More than that, Defendants offer Dr. Alford's opinions not to "respond[] to [Dr. Collingwood's] expert reports," but to make "new argument[s]" putting on their own "defenses." D.E. 91 at 4. Defendants *only* response to the third *Gingles* precondition is "that a majority-Black district is unnecessary to enable Black voters in SD2 (or SD1) an equal opportunity to elect their candidates of choice." D.E. 125-1 ¶ 50 & n.6. Dr. Alford's initial BVAP opinion was introduced for the purpose of demonstrating "that majority Black districts are not necessary to allow the election of Black preferred candidates" in the Black Belt region, LD59 at 2, and the purpose of Dr. Alford's supplemental rebuttal report was "no different," D.E. 91 at 5. Defendants' proposed conclusions of law nevertheless attempt to bolster that defense on the foundation of Dr. Alford's supplemental rebuttal report, claiming that Dr. Alford's "district-specific analysis of SD1 and SD2 shows an average BVAP needed to win of 41%." D.E. 125-1 ¶ 51. That lays plain that Dr. Alford's report simply offers "new arguments" to prove the same "essential element of" Defendants' defense that he has been offered for all along. D.E. 91 at 4-5 (citation omitted). Those new arguments "are not proper rebuttal reports." D.E. 91 at 4.

Neither do Dr. Alford's opinions "directly contradict or rebut" Dr. Collingwood's supplemental report. D.E. 91 at 5. Dr. Collingwood's supplemental report does not discuss his BVAP methodology, *see* PX279 at 20, having described it in his initial report and obtained Dr.

Alford's agreement that he employed it correctly, Alford Dep. 209:1-9. Dr. Collingwood's discussion of BVAP in his supplemental report states only that the report took "the same approach" as his initial report, "but including all the statewide contests [] from the most recent year." PX279 at 20. Dr. Alford's supplemental rebuttal BVAP opinions do not "directly contradict or rebut" that decision. D.E. 91 at 5. Similarly, Dr. Collingwood's supplemental report does not discuss his EI methodology, having also discussed that in his initial report and obtained Dr. Alford's agreement that he used "the correct methodology." Tr. Day 4 73:1-74:1 (Alford). Dr. Collingwood's supplemental report states only that he used "the same" approach as his initial report for the 2024 election. PX279 at 4 & n.2. Dr. Alford's BVAP opinions do not "directly contradict or rebut" that decision either. D.E. 91 at 5. Last, Dr. Collingwood's BVAP analysis generates a BVAP estimate based on the 2020, 2022, and 2024 elections. PX279 at 20-21. Yet Dr. Alford limits his analysis to the 2024 election, perhaps in an effort to create the air of compliance with the court's scheduling order, and in so doing fails to "directly contradict or rebut" Dr. Collingwood's more fulsome analysis. D.E. 91 at 5.

All told, Dr. Alford offers purely new analysis that, from a rebuttal perspective, "responds to nothing." D.E. 91 at 5. His newly formed opinions should be excluded not only as improper supplemental opinions, but also as improper rebuttal opinions.

### **III. Relying on Dr. Alford's Newly Formed Opinions Would be Perilous**

Dr. Alford's newly formed opinions expose the perils of relying on belatedly introduced evidence that has not been probed through the adversarial process. Plaintiffs' Proposed Findings of Fact and Conclusions of Law catalog numerous problems with Dr. Alford's supplemental rebuttal opinions. D.E. 126 at 79-87. As that document spells out, not only are Dr. Alford's new opinions unreliable because they directly contradict his prior opinions and testimony in an abrupt about face that benefits his client, they are also flatly wrong on their face. To recap:

- Dr. Alford's supplemental rebuttal report uses different EI point estimates even within the same report that vary in ways that benefit his client. D.E. 126 ¶ 140.
- Dr. Alford's supplemental rebuttal report criticizes Dr. Collingwood's EI estimates with one hand, then relies on EI estimates that are indistinguishable from Dr. Collingwood's with the other when doing so benefits his client. D.E. 126 ¶ 141.
- Dr. Alford's EI estimates produce confidence intervals more than double the size of Dr. Collingwood's. D.E. 126 ¶ 142.
- Dr. Alford relies on exit polls even though exit polls are notoriously unreliable and he himself has testified in the past that if exit polls were reliable, he would be out of a job. D.E. 126 ¶ 143.
- Dr. Alford's supplemental rebuttal report produces results that are demonstrably wrong and internally contradictory within his own report. D.E. 126 ¶¶ 144-45.
- Dr. Alford's BVAP estimate is irreconcilable with the actual 2022 election results. D.E. 126 ¶ 146.
- Dr. Alford's BVAP analysis improperly assumes that crossover voting rates would remain the same in a newly constituted SD1 or SD2 that had Black and white voters from different counties, even though that is demonstrably wrong. D.E. 126 ¶ 147.
- Dr. Alford erroneously excluded third-party candidates from his analysis, improperly inflating his white crossover results. D.E. 126 ¶ 148.
- Dr. Alford did not actually follow the approach prescribed by Dr. Handley that he purported to rely upon. D.E. 126 ¶ 150.

Dr. Alford submitted the newly formed opinions in his supplemental rebuttal report after every opportunity to formally test his opinions had elapsed. Plaintiffs have had no opportunity to have experts review Dr. Alford's new codebase and new opinions or to offer any response, and have had no opportunity to question Dr. Alford about these new opinions. Nevertheless, in the short time since Dr. Alford unveiled his new opinions, Plaintiffs have already exposed that they are beset with reams of contradictions and errors that can only be summarized above. The shortcomings in Dr. Alford's late-breaking opinions underscore the importance of guarding against the admission of untested new evidence and new methodologies offered through unvetted supplemental or rebuttal reports.

#### IV. Dr. Alford's Supplemental Reports are Unjustified and Prejudicial

Dr. Alford's supplemental rebuttal report and Rule 26(e) supplement have not been admitted to the record, so the court can simply deny Defendants' motions, D.E. 122-23, to move their admission to the extent they seek to introduce improper opinions. Yet even if Federal Rule of Civil Procedure 37 were necessary to sanction Defendants' improper submissions, the Rule 37 analysis only underscores how improper admitting Dr. Alford's newly formed opinions would be.

Under Rule 37(c)(1), improper expert opinions are stricken from the record unless "substantially justified or harmless." D.E. 4 at 7 (quoting *Ali v. WorldWide Language Res., LLC*, 686 F. Supp. 3d 430, 444-45 (E.D.N.C. 2023)). "The party failing to disclose information," here Defendants, "bears the burden of establishing that the nondisclosure was substantially justified or was harmless." D.E. 91 at 7 (quoting *Bresler v. Wilmington Tr. Co.*, 855 F.3d 178, 190 (4th Cir. 2017)). The court considers "(1) the surprise to the party against whom the evidence would be offered; (2) the ability of that party to cure the surprise; (3) the extent to which allowing the evidence would disrupt the trial; (4) the importance of the evidence; and (5) the nondisclosing party's explanation for its failure to disclose the evidence." D.E. 91 at 7 (quoting *Southern States Rack & Fixture v. Sherwin-Williams Co.*, 318 F.3d 592, 596 (4th Cir. 2003)). These factors favor exclusion.

**First**, Dr. Alford's new opinions could hardly be more surprising because they "stand[] in conflict with his statement[s] in his" initial report and subsequent testimony. *Seamster v. Taylor*, No. 4:21-CV-00021, 2022 WL 2165545, at \*15 (W.D. Va. June 15, 2022). As discussed, Dr. Alford endorsed Dr. Collingwood's BVAP and EI methodologies throughout this case, Alford Dep. 209:1-9; Tr. Day 4 73:1-74:1 (Alford), while expressly disclaiming offering any criticism of his methods, *id.*, or any opinion on the "particular BVAP percentage" needed to win, Tr. Day 4 115:4-10 (Alford). Plaintiffs could only have expected Dr. Alford's prior sworn testimony to

accurately represent his opinions in this case, and “had no reason to expect that [Defendants] would make such a substantial addition through an expert rebuttal report.” D.E. 91 at 7. The extraordinary surprise of this “last-minute revelation” is independently sufficient to warrant exclusion. *Goodwin v. Cockrell*, No. 4:13-CV-199-F, 2015 WL 575861, at \*6 (E.D.N.C. Feb. 11, 2015).

**Second**, Dr. Alford’s disclosure of new opinions after all opportunity to cure elapsed is uniquely egregious. Dr. Alford springs his reimagined and error-ridden opinions on Plaintiffs after initial expert exchanges, depositions, *trial*, and even the first set of post-trial expert reports. That leaves Plaintiffs no opportunity to submit Dr. Alford’s new analysis and criticisms to responsive expert examination or testimony, no opportunity to examine his code or test whether he properly implemented his new methodologies, no opportunity to depose Dr. Alford on his new reports, and no opportunity to cross-examine him on the record. “Without the ability to file another expert report”—or respond in any other way—Plaintiffs have no “ability to cure the surprise.” D.E. 91 at 8.

This Court previously struck aspects of Plaintiffs’ rebuttal reports even though there *would* have been time to submit a response had Defendants sought one, and even though Defendants would have had the opportunity to depose Plaintiffs’ experts. D.E. 91. The opinions that this Court previously struck did not involve the use of new code and involved the same methodology that Plaintiffs’ experts had previously presented. Here, by contrast, Dr. Alford introduces a *new* methodology without any indication that he even has any expertise in that methodology or has ever performed a similar analysis before. Plaintiffs have never been able to depose Dr. Alford about whether he has *ever* performed the sort of BVAP analysis he presents here or the basis for his new opinions. Plaintiffs have not been able to depose Dr. Alford about *how* that analysis was performed and whether it was performed correctly, even though his report leaves open substantial questions,

including about his apparent reliance on VAP figures for non-Black, non-White voters who have low citizenship rates. Dr. Alford (or more likely, Dr. Randy Stevenson) apparently created all new code for a complicated analysis neither has ever done before in the space of one week between when Dr. Alford received Dr. Collingwood's supplemental report and the date the supplemental rebuttal report was due. It is quite probable that the code has errors—especially in light of the other errors and inattention to detail in the report.

**Third,** trial in this case has already *concluded*. Introducing Dr. Alford's revised expert opinions at this late stage would render “much of [Plaintiffs'] trial preparation . . . obsolete,” penalizing Plaintiffs ex-post for constructing their trial strategy around Dr. Alford's prior sworn testimony rather than around the new and contradictory opinions he submits now that trial has passed. *Southern States*, 318 F.3d at 598. That sidesteps the adversarial process, undermining the truth-seeking functioning the trial was undertaken to serve. It also inflicts further delay in a case where, as the court has recognized, Plaintiffs have “repeatedly requested” that a resolution be reached “at the earliest possible opportunity.” D.E. 91 at 8.

**Fourth,** Defendants rely on Dr. Alford's supplemental opinions to impugn the credibility of Dr. Collingwood, who Plaintiffs offered for two of the three *Gingles* preconditions that are “essential element[s] of their Section 2 claim.” D.E. 91 at 8. Defendants' proposed findings draw heavily on Dr. Alford's supplemental rebuttal report to substantiate this effort. D.E. 124 ¶¶ 248-251, 299-303. Defendants also “hope to use” Dr. Alford's opinions “to prove” what they view as “an essential element of their” defense. D.E. 91 at 8. Indeed, Defendants' only defense to *Gingles* III is that there is no “legally significant” racially polarized voting in the Black Belt region because the “average BVAP needed to win” in SD1 and SD2 is “41%.” D.E. 125-1 ¶ 51. Although Plaintiffs maintain that this analysis is irrelevant to the third *Gingles* precondition, to the extent the court

disagrees, Dr. Alford's newly disclosed opinion is Defendants' only evidence on that theory. Defendants "should have included" Dr. Alford's opinions "in their original reports." D.E. 91 at 8.

*Finally*, there is no justification for Dr. Alford's delay. Dr. Alford could have provided specific BVAP opinions in his initial report using prior election data, as Dr. Collingwood did, but he instead expressly disclaimed doing so. Dr. Alford could have critiqued Dr. Collingwood's EI methods and results in his initial report, but he instead endorsed, accepted, and relied on them throughout this litigation. Dr. Alford could have relied on exit polls in his initial reports, but opted not to. Even if Dr. Alford had an excuse for waiting until his supplemental report to offer these opinions—which he resoundingly does not—he would still have no excuse for saving them until his supplemental *rebuttal* report. There is no excuse for withholding this series of material opinions until the final hour.

Dr. Alford's last-minute opinions are both unjustified and prejudicial, and the *Southern States* factors uniformly favor excluding them.

### CONCLUSION

Plaintiffs respectfully request that the motion to admit as evidence Dr. Alford's supplemental rebuttal opinions, D.E. 122, be denied as to Parts A and C of Dr. Alford's supplemental rebuttal report, LD76 at 2-7, 12-16, and that the motion to admit as evidence Dr. Alford's Rule 26(e) supplement, D.E. 123, be denied, LD77.

Respectfully submitted this, the 24th day of March, 2025.

**POYNER SPRUILL LLP**

By: /s/ Edwin M. Speas, Jr.

Edwin M. Speas, Jr.

North Carolina State Bar no. 4112

Caroline P. Mackie

North Carolina State Bar no. 41512

Post Office Box 1801

Raleigh, NC 27602

Telephone: (919) 783-1108  
cmackie@poynerspruill.com  
espeas@poynerspruill.com

**ARNOLD & PORTER  
KAYE SCHOLER LLP**

By: /s/ R. Stanton Jones

Robert Stanton Jones\*

Elisabeth S. Theodore\*

John A. Freedman\*

Samuel I. Ferenc\*

Orion de Nevers\*

601 Massachusetts Ave., NW

Washington, D.C. 20001

Telephone: (202) 942-5000

stanton.jones@arnoldporter.com

elisabeth.theodore@arnoldporter.com

john.freedman@arnoldporter.com

sam.ferenc@arnoldporter.com

orion.denevers@arnoldporter.com

*\*Appeared via Special Notice  
Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the cm/ecf system, which will send notification of such filing to all counsel and parties registered in said system.

Respectfully submitted this, the 24th day of March, 2025.

/s/ Orion de Nevers \_\_\_\_\_  
Orion de Nevers

# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
Case no. 4:23-cv-00193-D

RODNEY D. PIERCE and MOSES )  
MATTHEWS, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
THE NORTH CAROLINA STATE )  
BOARD OF ELECTIONS, et al., )  
 )  
Defendants. )

REMOTE VIA ZOOM

DEPOSITION OF DR. JOHN ALFORD

---

10:11 A.M.

THURSDAY, SEPTEMBER 19, 2024

---

By: Denise Myers Byrd, CSR 8340, RPR

1 The Reporter: Discovery Court Reporters  
and Legal Videographers, LLC  
2 BY: DENISE MYERS BYRD, CSR 8340  
4208 Six Forks Road  
3 Suite 1000  
Raleigh, NC 27609  
4 (919) 424-8242  
(919) 649-9998 Direct  
5 Denise@DiscoveryDepo.com  
6 --o0o--  
7  
8  
9 INDEX OF EXAMINATION  
Page  
10  
11 By Attorney Theodore..... 5  
12  
13 --o0o--  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

3

A P P E A R A N C E S

1  
2  
3 For the Plaintiffs:  
4 ARNOLD & PORTER  
BY: ELISABETH S. THEODORE, ESQ.  
5 601 Massachusetts Avenue, NW  
Washington, DC 20001-3743  
6 (202) 942-5000  
Elisabeth.Theodore@arnoldporter.com  
7  
8 POYNER SPRUILL  
BY: CAROLINA MACKIE, ESQ.  
9 PO Box 1801  
Raleigh, NC 27602-1801  
(919) 783-6400  
10 CMackie@poynerspruill.com  
11

12 For the Defendants:

13 BAKER & HOSTETLER  
BY: KATHERINE McKNIGHT, ESQ.  
ERICA PROUTY, ESQ.  
14 1050 Connecticut Avenue, NW  
Suite 1100  
15 Washington, DC 20036  
(202) 861-1500  
16 KMcKnight@bakerlaw.com  
EProuty@bakerlaw.com  
17  
18 NELSON MULLINS  
BY: ALYSSA RIGGINS, ESQ.  
JORDAN KOONTS, ESQ.  
19 301 Hillsborough Street  
Suite 1400  
20 Raleigh, NC 27603  
(919) 329-3800  
21 Alyssa.Riggins@nelsonmullins.com  
Jordan.Koonts@nelsonmullins.com  
22  
23  
24  
25

2

I N D E X O F E X H I B I T S

1  
2 Exhibit Page  
3 1 Expert Report of John Alford, Ph.D. 9  
4 2 Expert Report of Dr. Loren Collingwood 52  
5 3 Deposition of John Alford, 12/13/2023  
Mississippi State Conference of NAACP  
6 v State Board of Elections 58  
7 4 Alford Replication Materials 97  
8 5 Alford Replication Readme 98  
9 6 Affidavit of Direct Examination of  
Dr. John Alford, NAACP v East Ramapo  
10 Central School District 111  
11 7 Expert Rebuttal of Dr. Loren Collingwood 202  
12 8 Expert Report of Dr. John Alford,  
Johnson v Wisconsin Elections Commission 232  
13  
14 9 Expert Report of Dr. John Alford,  
11/2/2022, Soto Palmer v Hobbs 236  
15 --o0o--  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

4

1 DR. JOHN ALFORD,  
 2 having been first duly sworn or affirmed by the  
 3 Certified Shorthand Reporter and Notary Public  
 4 to tell the truth, the whole truth and nothing  
 5 but the truth, testified as follows:  
 6 EXAMINATION  
 7 ATTORNEY THEODORE:  
 8 Q. Good morning, Dr. Alford. My name is Elisabeth  
 9 Theodore from the law firm of Arnold & Porter,  
 10 and I represent the plaintiffs in this case.  
 11 Can you please state your full name for  
 12 the record.  
 13 A. Yes. It's John Richard Alford.  
 14 Q. Thank you. You've been deposed a number of  
 15 times before, correct?  
 16 A. I have.  
 17 Q. Approximately how many times?  
 18 A. Certainly more than 50 times. At some point I  
 19 thought I would count all that up, but I got  
 20 exhausted and gave up, but more than 50 times.  
 21 Q. All right. And you've done a Zoom deposition  
 22 before.  
 23 A. I have.  
 24 Q. All right. And you understand the importance of  
 25 trying not to talk over each other. I'll try

5

1 your report and Dr. Collingwood's reports?  
 2 A. I don't believe so, no.  
 3 Q. Okay. Did you bring any documents or notes with  
 4 you to this deposition?  
 5 A. I have been provided with a clean copy of my  
 6 report, and that's all I have.  
 7 Q. Okay. Do you have anything up on your screen  
 8 besides the Zoom window?  
 9 A. It's actually not -- it's not my screen, but  
 10 there's nothing but a Zoom window. It's not my  
 11 laptop.  
 12 Q. There's no documents up on that laptop that's in  
 13 front of you?  
 14 A. That's correct.  
 15 Q. Where do you live currently?  
 16 A. I live at 15907 Erin Creek Court in Houston,  
 17 Texas.  
 18 Q. Have you ever lived in North Carolina?  
 19 A. I have not.  
 20 Q. Have you ever been to North Carolina?  
 21 A. I have been to North Carolina various times from  
 22 when I was young to more recently we've  
 23 spent -- recently spent a couple of family  
 24 vacations in North Carolina at Airbnb  
 25 residences.

7

1 not to interrupt you, and I ask that you wait  
 2 until my questions are done before answering.  
 3 Is that fair?  
 4 A. Yes.  
 5 Q. Okay. And you understand that if your counsel  
 6 objects, you must answer the question unless  
 7 your counsel specifically instructs you not to  
 8 answer the question, correct?  
 9 A. Yes.  
 10 Q. All right. Any reason you couldn't give  
 11 complete, accurate, and truthful testimony  
 12 today?  
 13 A. No.  
 14 Q. All right. And if you want a break, just let me  
 15 know, but I would just ask that you not take any  
 16 breaks in the middle of the question. Is that  
 17 fair?  
 18 A. That's fair.  
 19 Q. Okay. What did you do to prepare for this  
 20 deposition?  
 21 A. I looked over the various materials. I looked  
 22 over my reports in the case. I looked at  
 23 Dr. Collingwood's reports. I had discussion  
 24 with the lawyers.  
 25 Q. Did you review any other expert reports besides

6

1 Actually, the University of North  
 2 Carolina was -- there were two schools I  
 3 considered for graduate school, University of  
 4 Iowa and University of North Carolina, and came  
 5 very close to going to North Carolina for my  
 6 graduate training, ended up at -- ended up at  
 7 Iowa. So I have some affinity for  
 8 North Carolina. And I've been various, you  
 9 know, over the years conferences, those sorts of  
 10 things, but I've never -- I've never lived  
 11 there, and I don't think I've ever been involved  
 12 in any other business kinds of things related to  
 13 North Carolina.  
 14 Q. And business would include your work on racially  
 15 polarized voting and the VRA; is that right?  
 16 A. Yeah. I don't -- I'm trying to think of  
 17 what -- if I've been involved in anything prior  
 18 to this. Nothing comes to mind.  
 19 But, yeah, broadly, most of my time  
 20 spent in North Carolina has been more likely  
 21 related to vacation than to business.  
 22 Q. Okay. And where are you currently employed?  
 23 A. I am employed at Rice University in Houston,  
 24 Texas.  
 25 Q. And you teach political science there; is that

8

1 correct?  
 2 A. That's correct.  
 3 Q. And what courses are you currently teaching?  
 4 A. This semester I'm teaching a course called  
 5 Election 2024 that deals with voting behavior  
 6 and structural issues in the 2024 election, and  
 7 I'm teaching Introduction to American Politics.  
 8 Q. All right. And I am going to go ahead and drop  
 9 in the chat what I'm going to mark as Exhibit 1  
 10 which is your expert report in this case.  
 11 (WHEREUPON, Plaintiff's Exhibit 1 was  
 12 marked for identification.)  
 13 BY ATTORNEY THEODORE:  
 14 Q. Do you recognize this document?  
 15 A. Yes.  
 16 Q. Okay. And you can feel free to refer to the  
 17 print copy that you have if you prefer.  
 18 A. Thank you.  
 19 Q. And if you scroll to page 31 of the PDF, do you  
 20 see your c.v. there?  
 21 A. Yes.  
 22 Q. And can you confirm, this is an current and  
 23 accurate copy of your c.v.?  
 24 A. It is.  
 25 Q. Are there any new expert engagements since you

9

1 sent us this c.v. in August 2024?  
 2 A. Yes. I believe there are two -- there are two  
 3 things that I engaged in that I don't see here,  
 4 at least in the front part.  
 5 So I've been engaged as an expert on a  
 6 school board case. I don't know the case name,  
 7 but it's the Dumas, D-U-M-A-S, Independent  
 8 School District in West Texas, and that's a VRA  
 9 lawsuit against the school district.  
 10 Q. A Section 2 lawsuit?  
 11 A. Yes.  
 12 Q. And what's the second one that you wanted to  
 13 add?  
 14 A. Oh, I'm working as a consulting expert on -- for  
 15 the State of Arkansas.  
 16 Q. Is that also on VRA Section 2 issues?  
 17 A. It's not. So part of the reason I'm consulting,  
 18 I guess, and not actually a testifying expert,  
 19 it's not -- at least my recollection at this  
 20 point, it's a constitutional challenge about  
 21 minority -- sort of cracking of minority votes  
 22 related to the congressional redistricting,  
 23 specifically to the division of section of  
 24 Pulaski County in the congressional plan.  
 25 Q. Thank you. Okay.

10

1 Have you ever published any academic  
 2 work that relates specifically to North Carolina  
 3 in any way?  
 4 A. No.  
 5 Q. All right. Have you ever published any academic  
 6 work about the Voting Rights Act?  
 7 A. No.  
 8 Q. Have you ever published any academic work on  
 9 racially polarized voting?  
 10 A. No.  
 11 Q. Have you ever published any academic work about  
 12 use of the ecological inference method?  
 13 A. No.  
 14 Q. Have you ever published any academic work using  
 15 the ecological inference method as a  
 16 methodology?  
 17 A. I don't think so, no.  
 18 Q. All right. And when I say ecological inference,  
 19 I'm referring to sort of all the variations of  
 20 ecological inference. Is that fair?  
 21 A. Yes, that's fair.  
 22 Q. And that doesn't change your answer?  
 23 A. No.  
 24 Q. Okay. Have you ever published any academic work  
 25 about the use of statistics in the context of

11

1 redistricting or the Voting Rights Act?  
 2 A. I don't think so, no.  
 3 Q. Have you ever taught a statistics course?  
 4 A. Yes.  
 5 Q. Have you ever performed a regression in your  
 6 academic work?  
 7 A. Yes.  
 8 Q. All right. Have you ever taught any courses on  
 9 minority politics or voting behavior?  
 10 A. Specifically minority politics in voting  
 11 behavior, no.  
 12 Q. Have you ever published any academic work on the  
 13 voting patterns of black voters in the  
 14 United States or in any part of the  
 15 United States?  
 16 A. I published work on voting but not specifically  
 17 on voting patterns of black voters in the  
 18 United States, no.  
 19 Q. Okay. Have you ever published any academic work  
 20 on racial politics?  
 21 A. No.  
 22 Q. Did you consider yourself to be an expert in the  
 23 area of racial politics?  
 24 A. As it's defined as a subfield in American  
 25 politics, no.

12

1 Q. Do you consider yourself to be an expert in the  
 2 are of minority voting behavior?  
 3 A. As an academic subfield, no.  
 4 Q. Do you teach about the Voting Rights Act in your  
 5 classes?  
 6 A. Yes. The Voting Rights Act would be something  
 7 that would come up. I taught a course on  
 8 redistricting. It certainly was something that  
 9 came up in that context, comes up in  
 10 Introduction to American Politics possibly. I  
 11 teach a course on elections and voting behavior,  
 12 probably comes up in that course, some context.  
 13 Q. And you answered earlier, I think, you don't  
 14 recall ever previously serving as an expert  
 15 witness in a case involving North Carolina,  
 16 correct?  
 17 A. I think one way or another I've been involved in  
 18 something now getting close to 100 cases over  
 19 39 years, so I can tell you what -- with some  
 20 accuracy what I've been doing in the last couple  
 21 of years, but what I was doing -- whether I was  
 22 involved in a North Carolina case, state or  
 23 local, in the '80s or '90s, I have no idea.  
 24 Q. All right. But nothing comes to mind. You  
 25 can't think of anything in the last -- you know,

1 in the last 20 years?  
 2 A. Not off the top of my head.  
 3 Q. All right. Do you believe that you have any  
 4 particular expertise regarding North Carolina?  
 5 A. Just to be clear -- at least I think I'm right  
 6 about this, but there are two separate  
 7 North Carolina cases now; is that correct? I'm  
 8 in both of them, so I guess technically I'm  
 9 involved, but prior to this round, I don't  
 10 recall being involved.  
 11 Q. Thanks for the clarification.  
 12 Do you believe that you have any  
 13 particular expertise regarding North Carolina?  
 14 A. Well, certainly -- well, yes, that's reflected  
 15 in my report. So I've done analysis here on a  
 16 fairly large set of recent North Carolina  
 17 elections so I think I know something and have  
 18 something to share with the court about current  
 19 elections in North Carolina.  
 20 Q. All right. And that's based on your work in  
 21 this report, correct?  
 22 A. My work in this report more broadly and my work  
 23 over almost 40 years now on issues related to  
 24 the Voting Rights Act and to redistricting and  
 25 to elections, so although work in other cases

1 informs this work and work on the elections for  
 2 this case and what I think was a parallel case,  
 3 that's what I would say reflect my expertise as  
 4 relevant to this case.  
 5 Q. All right. For purposes of conducting your work  
 6 in this case, you applied the standard  
 7 methodology that you apply sort of regardless of  
 8 whether a case involves North Carolina or some  
 9 other region. Is that fair to say?  
 10 A. Yes.  
 11 Q. Okay. And you didn't -- you didn't rely when  
 12 you were preparing your expert report in this  
 13 case on any specific expertise regarding  
 14 North Carolina based on your past work; is that  
 15 correct?  
 16 A. I mean, I certainly think -- I can't help but  
 17 think of North Carolina in that comparative  
 18 context sort of where it would fit relative to  
 19 other states or entities that I've been involved  
 20 with, but I'm not applying any sort of specific  
 21 sort of state politics expertise to my analysis.  
 22 Q. Okay. And you don't have any experience or  
 23 expertise in North Carolina state politics or  
 24 state elections in particular. Is that fair to  
 25 say?

1 A. Beyond what I've done in the reporting in this  
 2 case, no, I have no -- I'm not an expert on  
 3 North Carolina state politics in that  
 4 substantive sense.  
 5 Q. Has your testimony ever been excluded by a  
 6 court?  
 7 A. It's certainly been misliked but never excluded.  
 8 Q. All right. And we'll get to the "misliked" a  
 9 little bit later.  
 10 Have you ever been an expert on behalf  
 11 of a plaintiff in a Section 2 case?  
 12 A. I have been an expert for plaintiffs. I'm not  
 13 sure exactly how to characterize the particular  
 14 cases. I was -- served as an expert for I guess  
 15 some Texas Democratic congressmen led by Martin  
 16 Frost in a suit against the State of Texas; also  
 17 for some Democratic congressman in Florida; also  
 18 I think involved in congressional redistricting  
 19 in Florida. Those are the two cases that come  
 20 to mind.  
 21 Q. Do you recall approximately when those cases  
 22 were?  
 23 A. The Texas case would have been, oh, sort  
 24 of -- sometime mid decade following the -- in  
 25 the 2000 redistricting, I think, and Florida

1 maybe in that same time period.  
 2 Q. Do you recall the name of the Florida case?  
 3 A. I don't. I could -- if you would like me to dig  
 4 it out. I think it's somewhere in my old files  
 5 somewhere I think I've got some reference to it,  
 6 but it concerned the -- it was relative to -- if  
 7 I'm remembering correctly related to  
 8 congressional districts in south Florida, I  
 9 think related to Hispanic voters in south  
 10 Florida both in the area of -- sort of eastern  
 11 area of Miami.  
 12 Q. Have you ever served as an expert on behalf of a  
 13 government entity contending that the government  
 14 entity was justified in creating a  
 15 majority-minority district or a minority  
 16 opportunity district?  
 17 A. Yes.  
 18 Q. What cases are those?  
 19 A. I'm just thinking recently, I was an expert for  
 20 the City of Miami in defending their city  
 21 council district plan.  
 22 I was an expert for the State of  
 23 Washington, defending their current -- I can't  
 24 remember whether it was -- it was probably state  
 25 senate plan maybe. I'm not really sure.

17

1 I never sought out employment in this  
 2 area in the entire time I've been doing it, so  
 3 people come to me and ask me to work on a case,  
 4 and if it's something I can be helpful to them,  
 5 I work on the case. As it happens, that's  
 6 mostly entities partly again because that's how  
 7 I got started and partly because at the local  
 8 level, I draw district plans for entities and so  
 9 they are often asking me to defend their plans.  
 10 When I'm approached by an entity to do  
 11 some analysis that's related to either a  
 12 potential legal suit or an existing legal suit,  
 13 I do my analysis and share that. Oftentimes I'm  
 14 hired as a consulting expert. If what I find is  
 15 something that wouldn't be helpful to their  
 16 position in defending the lawsuit, I share that  
 17 with them and then that's sort of that.  
 18 I guess it doesn't surprise me much  
 19 that if what I find is not helpful that I'm then  
 20 not actually a testifying expert for the entity.  
 21 So where an entity actually, you know, follows  
 22 through and has me as a testifying expert, it's  
 23 because my analysis they believe is helpful to  
 24 them. I've done analysis that is not helpful as  
 25 a consulting expert and then I've not been asked

19

1 Q. Is that the Soto Palmer case that you're talking  
 2 about in Washington?  
 3 A. Yes.  
 4 Q. Do any others come to mind besides the City of  
 5 Miami and the Washington case?  
 6 A. That's what comes to mind. I sort of -- you  
 7 know, I have enough recent stuff that it tends  
 8 to crowd out stuff from earlier eras. Those are  
 9 the ones that are in the last four or five years  
 10 that come to mind.  
 11 Q. Have you ever taken a position in any expert  
 12 report or expert work that a VRA district was  
 13 required in a particular instance?  
 14 A. So when I'm hired by -- so for whatever reason,  
 15 mostly accidental, I think, I started out  
 16 working for entities and then, you know, you  
 17 get -- and then entities hire you, so I guess I  
 18 have lots of old friends and some new friends on  
 19 the plaintiff side. And we always joke about,  
 20 you know, why I'm not working for them, and I  
 21 said, "Well, because you don't hire me." And,  
 22 you know, I don't think it's entirely ideal, but  
 23 it is the way it works, right, people end up  
 24 testifying on one side or the other and that's  
 25 who calls.

18

1 to testify.  
 2 Q. All right. And just specifically, though, have  
 3 you ever taken any position -- have you ever  
 4 taken a position in expert work or an expert  
 5 report that's public that a VRA district was  
 6 required in a particular instance?  
 7 ATTORNEY McKNIGHT: Objection; form.  
 8 THE WITNESS: Well, I think that's -- I  
 9 mean, I've been associated with lawyers, I  
 10 guess, for taking all sorts of positions. I  
 11 don't really -- I don't think of my work as  
 12 being -- making a conclusion about what the VRA  
 13 requires or doesn't require.  
 14 So I certainly have advised numerous  
 15 entities over the years that they are  
 16 definitely, you know, subject to -- likely to  
 17 be -- if they haven't already been sued, they  
 18 probably will be sued. If they have been sued  
 19 that I don't think they're likely to prevail.  
 20 I don't think that's -- that's not  
 21 because I make a legal conclusion about whether  
 22 they're -- whether they are required by the  
 23 Voting Rights Act to do something or not  
 24 required to do something, but just sort of  
 25 realistically does the fact pattern look very

20

1 positive for them or -- so, I mean, I have been  
 2 involved in cases where I was asked to simply  
 3 look at the demographics and I concluded that  
 4 you couldn't draw a majority district and so I  
 5 would tell the entity that I think it's unlikely  
 6 that they'll lose a VRA suit, although it  
 7 doesn't mean they won't lose it.

8 I have cases I would say, yes, a  
 9 district could easily be drawn so you're  
 10 probably going to be sued and there's a chance,  
 11 you know, a lawsuit could go either way. But I  
 12 don't think I've ever myself specifically told a  
 13 district -- reached the sort of legal conclusion  
 14 that they were required by the Voting Rights Act  
 15 to do something.

16 BY ATTORNEY THEODORE:  
 17 Q. Have you ever taken a position in any expert  
 18 work or any expert report that's public that the  
 19 three Gingles preconditions are satisfied in a  
 20 particular instance?  
 21 I'm just looking for any examples that  
 22 you can recall in public expert work where you  
 23 have taken the position that the three Gingles  
 24 preconditions were satisfied in a particular  
 25 instance.

21

1 A. Again, not as a legal matter but just as a  
 2 factual matter, I think my testimony in  
 3 Washington state was that, you know, again, it  
 4 depends on how you -- how you treat that pattern  
 5 for Gingles purposes or for totality purposes,  
 6 whatever.

7 So if the question is are -- which is,  
 8 I think, as I understand from the plaintiffs'  
 9 experts, if the question is whether black and  
 10 white voters are voting differently in  
 11 elections, that question, then, I mean, yeah,  
 12 that is the question I think I was asked to  
 13 answer in Washington state, and my answer was  
 14 yes. In that case Hispanic and Anglo voters  
 15 were voting differently in elections.

16 Q. All right. Can you think of any example beside  
 17 Washington state?  
 18 A. I would have to -- I believe that would  
 19 be -- would be a fair characterization of my  
 20 testimony in the Miami case relative to black  
 21 and white voters.

22 Q. Okay. Let's turn back to your c.v. marked as  
 23 Exhibit 1 and turn to the page that has your  
 24 recent expert engagements.  
 25 A. Yes.

22

1 Q. Did you do in any of these cases any analysis of  
 2 Gingles Precondition 1 or any analysis of the  
 3 racial composition of a particular district in  
 4 any of the cases listed here on your c.v.?  
 5 ATTORNEY McKNIGHT: Objection; form.  
 6 THE WITNESS: I think I would have done  
 7 that in the -- or actually, I'm not sure.

8 BY ATTORNEY THEODORE:  
 9 Q. I'm sorry. In which case?  
 10 A. I'm sorry. Shafer v Pearland ISD.  
 11 I'm trying to remember because in some  
 12 of these cases there's a demographer hired  
 13 separately and in which case I try to stay out  
 14 of that. In Pearland -- there may be a  
 15 demographer in Pearland.  
 16 On page 13, the Elizondo v Spring  
 17 Branch ISD, I testified about the ability to  
 18 draw a Gingles one district.  
 19 I think in that set of -- going from  
 20 Houston Community College, Lone Star College,  
 21 Killeen, Houston ISD, Brazosport ISD, Dallas  
 22 ISD, all of those I think would have involved to  
 23 some degree the issue about drawing a district.  
 24 And then where I am consulting and  
 25 drawing districts Lancaster, City of Baytown,

23

1 Good Creek, obviously I'm drawing districts, so  
 2 that's all I was doing in the district.

3 You know, so Sarasota County, Florida,  
 4 I think to some degree would have been involved  
 5 in a district -- issue by district demographics,  
 6 but I'm not sure whether that was -- whether  
 7 there was a separate demographer or not.  
 8 And I think that's it.

9 Q. Okay. Thank you.  
 10 And in the cases that you list on this  
 11 c.v. where you describe yourself as a  
 12 consultant, was there any public report or  
 13 published report that described your work in any  
 14 of those cases?  
 15 A. I would say that I'm working for lawyers  
 16 representing those -- so two separate things.  
 17 One, I'm working with lawyers representing the  
 18 districts with regard to drawing districts or  
 19 supporting district plans, so I would provide  
 20 information to the lawyers.  
 21 In some of those cases, I think the  
 22 lawyers probably did something -- I don't think  
 23 there's anything published, but they would have  
 24 done a presentation at some point for the  
 25 governing body, but I don't think -- those cases

24

1 where I'm drawing the districts, I would do a  
 2 presentation to the board, say, in Lancaster  
 3 about here are some ways to draw districts, but  
 4 I don't think that would be a published report.  
 5 It would be simply coming in and making a  
 6 presentation for the board.  
 7 Q. Okay. Thanks.  
 8 All right. So your assignment -- you  
 9 were retained by the defendants in this case,  
 10 correct?  
 11 A. Correct.  
 12 Q. And your assignment was to respond to the  
 13 analysis of Dr. Collingwood; is that correct?  
 14 A. Initially to respond to the analysis of  
 15 Dr. Barreto, and then when he was replaced with  
 16 Dr. Collingwood, to respond to Dr. Collingwood.  
 17 Q. All right. Have you reviewed the reports of  
 18 Mr. Esselstyn, Dr. Burch or Dr. Mattingly?  
 19 A. I have not.  
 20 Q. And you haven't expressed any opinion about  
 21 their reports or opinions in your own report,  
 22 correct?  
 23 A. I believe that's correct.  
 24 Q. Let's return to Exhibit I which I already  
 25 transmitted which is your August expert report.

25

1 You're not planning on offering  
 2 independent on any topic that is not covered by  
 3 this report, correct?  
 4 A. I always find that to be an odd -- I don't  
 5 think -- I don't know, an awkward question.  
 6 I don't plan on offering anything  
 7 beyond that, but I know from having spent some  
 8 time as a witness in federal trials that at some  
 9 point I'm almost always asked questions either  
 10 by plaintiffs or by the judge that might be  
 11 somewhere outside the scope of what's in the  
 12 report, and I do my best if I can to answer  
 13 those questions appropriately.  
 14 So I don't -- at this stage, certainly  
 15 going into court, you know, I plan to talk about  
 16 my report. I always hope that's all I have to  
 17 talk about, but there are occasions  
 18 when -- particularly when judges ask questions  
 19 that go beyond the scope of the report, and I do  
 20 my best to answer those questions.  
 21 Q. Do you recall approximately how many hours you  
 22 spent preparing your August report?  
 23 A. I have no idea.  
 24 Q. Less than 50? More than 50?  
 25 A. As you can see from this list, I'm involved in

26

1 several cases. I just spent the last entire  
 2 last week in trial on the Spring Branch case,  
 3 writing a report right now in the other  
 4 North Carolina case, testifying in the Miami  
 5 case and the Florida case, so it's been  
 6 busy -- continuing to work with Texas and  
 7 Arkansas, so it's been a very busy time. And I  
 8 couldn't tell you with any degree of accuracy  
 9 how much of that -- my relative time is spent  
 10 allocated to which of those tasks.  
 11 Q. Let's turn to page 3 of your report. You see a  
 12 section on Data and Sources?  
 13 A. Yes.  
 14 Q. And you state there you reviewed  
 15 Dr. Collingwood's report, you relied on election  
 16 and voter data from North Carolina, from the  
 17 North Carolina State Board of Elections, and you  
 18 relied on materials disclosed by Dr. Collingwood  
 19 wood. Is that accurate?  
 20 A. Yes, it is.  
 21 Q. And you didn't rely on any other facts or data  
 22 other than the ones listed in that Data and  
 23 Sources paragraph in forming your opinions,  
 24 correct?  
 25 A. I'm not consulting or analyzing any other data

27

1 beyond that. You know, while I'm forming an  
 2 opinion, I form the opinion based on everything  
 3 that's ever happened to me in my life. I  
 4 don't -- I can't divorce everything else that I  
 5 know or everything else that I've been involved  
 6 in or everything else I've analyzed, but for  
 7 the -- for the empirical information provided  
 8 here and the conclusions I draw from that  
 9 information, this is the data and the sources.  
 10 Q. Did you review Dr. Collingwood's code before  
 11 writing your report?  
 12 A. Yes, I looked at Dr. Collingwood's code.  
 13 Q. And your report does not disclose any opinions  
 14 about his code, correct?  
 15 A. I don't think I made any comment about his code,  
 16 correct.  
 17 Q. You didn't include any criticisms of his code in  
 18 your report, correct?  
 19 A. Correct.  
 20 Q. All right. And did you review Dr. Collingwood's  
 21 data inputs before writing your report?  
 22 A. Yes.  
 23 Q. Okay. And your report does not disclose any  
 24 opinions or criticisms about his data inputs; is  
 25 that correct?

28

1 A. Yes, that's correct.  
 2 Q. All right. And I'm going to use the term EI to  
 3 refer to ecological inference. You'll  
 4 understand what I mean?  
 5 A. Yes.  
 6 Q. Your report contains no criticisms of the  
 7 methodology that Dr. Collingwood would use for  
 8 conducting his EI regression analysis to  
 9 estimate racially polarized voting, correct?  
 10 A. Correct.  
 11 Q. And you don't dispute that the results in his  
 12 report reflecting the percentage of white and  
 13 black voters who voted for a particular  
 14 candidate in a particular region for a  
 15 particular election are the product of accurate  
 16 and reliable implementation of the EI  
 17 methodology, correct?  
 18 A. I certainly can't validate that in a detailed  
 19 sense, but I don't contest that.  
 20 Q. You don't contest that his EI regression results  
 21 are the product of an accurate and reliable  
 22 implementation of the EI methodology, correct?  
 23 A. Correct.  
 24 Q. And you haven't disclosed any opinion disputing  
 25 any of his EI point estimates, correct?

29

1 You conducted your own EI regression  
 2 analysis in this case, correct?  
 3 A. Correct. As I said, I have an independent EI  
 4 analysis. The actual programming conducting  
 5 that, the run is actually done by Dr. Randy  
 6 Stevenson who I work with on these cases. So  
 7 the actual production run he does on his  
 8 computer.  
 9 But working with him, yes, we did  
 10 independent analysis that allowed us to confirm  
 11 that our results within the variation you'd  
 12 expect in a technique like EI essentially match  
 13 very closely with Dr. Collingwood's analysis.  
 14 And to keep this from becoming sort of my data,  
 15 your data -- actually, Dr. Collingwood -- his  
 16 testimony in Soto Palmer when he was asked about  
 17 the analysis seems really similar, and he said  
 18 the data is the data is the data, which I  
 19 think -- I was sort of the analysis is the  
 20 analysis is the analysis.  
 21 If done correctly, there shouldn't be  
 22 substantial differences, and to keep from having  
 23 that fight or forcing the judge to pick one  
 24 analysis or the other, to the extent that the  
 25 differences are small enough that I don't think

31

1 A. Correct.  
 2 Q. And in fact, your report accepts and relies upon  
 3 his EI analysis, correct?  
 4 ATTORNEY McKNIGHT: Objection; form.  
 5 THE WITNESS: Correct.  
 6 BY ATTORNEY THEODORE:  
 7 Q. And your report accepts and relies upon all of  
 8 his white voter support and black voter support  
 9 estimates for all of the candidates and  
 10 elections that he analyzes, correct?  
 11 ATTORNEY McKNIGHT: Objection; form.  
 12 THE WITNESS: So certainly for  
 13 everything that I'm discussing in my report, I  
 14 am utilizing his -- deliberately utilizing his  
 15 EI estimates, so I'm not contesting those  
 16 estimates.  
 17 ATTORNEY THEODORE: Thank you.  
 18 ATTORNEY McKNIGHT: Pardon me,  
 19 Elisabeth. I just want to make sure that the  
 20 court reporter can hear when I am objecting.  
 21 Can the court reporter confirm that  
 22 she's hearing my objections.  
 23 THE REPORTER: I am. I can hear you.  
 24 BY ATTORNEY THEODORE:  
 25 Q. And we'll talk about this a little bit later.

30

1 they make a substantive difference, I always  
 2 prefer to use the plaintiff's analysis, the  
 3 plaintiff's EI estimates rather than my own. I  
 4 wouldn't reach a different conclusion with the  
 5 analysis that Dr. Stevenson and I did, but I  
 6 just think it's helpful to the court not to have  
 7 to fight that battle.  
 8 Q. Okay. So you agree for purposes of the analysis  
 9 in this case, you and the court should use  
 10 Dr. Collingwood's numbers?  
 11 A. I'd be perfectly fine with the court using my  
 12 numbers. I'd be perfectly fine with them using  
 13 Dr. Collingwood's numbers. I'm just saying I  
 14 don't think anything that I conclude or  
 15 Dr. Collingwood concludes or the court needs to  
 16 reach would be different by having a fight about  
 17 those numbers. Dr. Collingwood is a competent  
 18 analyst, and so that's -- in my view at least,  
 19 with regard to the EI analysis, that's not an  
 20 issue in this case.  
 21 Q. All right. What are the dependent and  
 22 independent variables in the EI analysis that  
 23 you and Dr. Stevenson conducted in this case?  
 24 A. So we're dealing with election results at the  
 25 precinct level as essentially the dependent

32

1 variables, so shares of votes for candidates.  
 2 And on the independent variable side, we're  
 3 dealing with the information from Secretary of  
 4 State about the race or ethnicity of voters. So  
 5 we're comparing in this case black and white  
 6 voters to voter support at the precinct level  
 7 for candidates in the various elections that we  
 8 considered here.  
 9 Q. And that's no different than the dependent and  
 10 independent variables in Dr. Collingwood's EI  
 11 analysis, correct?  
 12 A. Correct.  
 13 Q. And would you agree that the basic point of a  
 14 regression is to attempt to establish causal  
 15 relationships between the independent variable  
 16 and the dependent variable?  
 17 A. I don't know. I guess I would not -- that's a  
 18 very technical issue.  
 19 Regression is an attempt to summarize  
 20 the relationship between the independent and  
 21 dependent variable in a particular fashion. In  
 22 the degree to which there is a linear  
 23 relationship between two continuous variables  
 24 and summarizing the nature of that relationship,  
 25 regression is one technique for doing that.

33

1 Statistical techniques in and of  
 2 themselves are like statistics that summarize  
 3 something, whether it's a mean summarizing a  
 4 single variable or summarizing the relationship  
 5 between variables, like a correlation or  
 6 regression, are simply a means of summarizing a  
 7 body of data that's too large for us to sort of  
 8 understand that or correctly characterize it by  
 9 reporting all the data.  
 10 No -- none of those techniques are  
 11 causal analysis. Causal analysis has to do with  
 12 design of the study, not with the techniques.  
 13 So constructed properly, you can use a variety  
 14 of techniques to try to demonstrate causation,  
 15 even things as simple as just a cross tab or a  
 16 set of means. That doesn't mean that the mean  
 17 or the average is itself a causal technique. It  
 18 really has to do with design.  
 19 Here we're -- even if we were dealing  
 20 at the individual level, it would not constitute  
 21 when the social sciences at least -- or the  
 22 sciences for that matter would be considered a  
 23 causal framework. These are not experimental or  
 24 quasiexperimental studies, and not even at the  
 25 right level of analysis.

34

1 So this is useful information. It  
 2 summarizes a large set of data, but it is -- in  
 3 and of itself it's I think improper to talk  
 4 about it as somehow a -- summarizing a causal  
 5 relationship. Obviously, there may be a causal  
 6 relationship in some sense, although certainly  
 7 not at the aggregate level, but even if at the  
 8 individual level we want to talk about that, we  
 9 would have to do something at the design level  
 10 beyond just a survey of information at the voter  
 11 level.  
 12 Q. When you talked about in your previous answer  
 13 the difference between the aggregate level and  
 14 the individual level, what do you mean?  
 15 A. So we have an individual-level hypothesis here  
 16 about how the race of voters relates to the  
 17 votes cast by voters, and we don't have any  
 18 individual-level data on that question. What we  
 19 have is at the precinct level, we know that a  
 20 proportion of the voters at the precinct that  
 21 are in this case black and white and we know the  
 22 proportion of voters who voted, say, for  
 23 President Biden, right.  
 24 That aggregate-level information can  
 25 tell us about what's the relationship between

35

1 what proportion of a precinct is black and what  
 2 proportion the vote goes for Biden. It can't  
 3 answer the question about what happens at the  
 4 individual level. That's the ecological  
 5 fallacy.  
 6 Ecological inference is not a technique  
 7 that settles or solves or addresses the  
 8 ecological fallacy. It accepts the ecological  
 9 fallacy and then tries to do a better job than,  
 10 say, ordinary regression would do in properly  
 11 understanding what -- how we can officially  
 12 extract information at the aggregate level and  
 13 then how we can properly condition that  
 14 extracted information in the sense of having a  
 15 credible or a confidence interval around it.  
 16 Both of those are failings of  
 17 ordinary squares regression that are addressed  
 18 to some degree or improved upon to some degree  
 19 by broadly what we call EI, the method of bounds  
 20 ecological inference developed by Dr. King.  
 21 But I think it's certainly not the case  
 22 that using the best possible techniques for  
 23 ecological inference in any way addresses the  
 24 fundamental issue here which is that the  
 25 ecological fallacy is still in operation. We're

36

1 trying to infer something about individual  
 2 behavior from aggregate behavior, and that  
 3 disjunction between the level of analysis of  
 4 concern and the level of analysis of the data is  
 5 something that cannot be bridged simply by a  
 6 fancy methodological technique.  
 7 Q. All right. So put a little bit more succinctly,  
 8 the EI method does not allow you to make causal  
 9 statements. Is that fair?  
 10 ATTORNEY McKNIGHT: Objection; form.  
 11 THE WITNESS: It does not allow you to  
 12 make causal statements at the individual level,  
 13 and I'm not sure -- I haven't really thought  
 14 about what a causal statement at the aggregate  
 15 level in this case would look like.  
 16 Given that we assume that behavior  
 17 takes place at the individual level, although  
 18 that itself, right, that's a reductionistic  
 19 assumption that economics and psychology would  
 20 take. It's a reduction that sociology might not  
 21 take.  
 22 There's a lot of complexity in what  
 23 you're asking, but I guess a simple answer is on  
 24 lots of different grounds, none of this is a  
 25 causal analysis.

37

1 BY ATTORNEY THEODORE:  
 2 Q. Okay. What do you understand the term black  
 3 preferred candidate to mean?  
 4 A. The candidate preferred by black voters.  
 5 Q. All right. And what about white preferred  
 6 candidate?  
 7 A. Candidate preferred by white voters.  
 8 Q. And do you mean preferred by a majority of white  
 9 voters or black voters?  
 10 A. No.  
 11 Q. What do you mean?  
 12 A. I just mean that in the array of candidates, if  
 13 there is one, the candidate that has the largest  
 14 number of votes from that group.  
 15 Q. And you agree that in some election contests  
 16 with both black and white candidates, a white  
 17 candidate could be the preferred candidate for  
 18 black voters, correct?  
 19 A. Correct.  
 20 Q. And what is your understanding of the term  
 21 racially polarized voting or RPV?  
 22 A. So it has sort of just a commonsense kind of  
 23 meaning, what it suggests, and it has a very  
 24 different legal meaning. And so in this  
 25 context, I think it's important to kind of keep

38

1 straight what the court means by that so when  
 2 the court says we find that voting in state of  
 3 North Carolina is racially polarized, that I  
 4 think usually means racially polarized as  
 5 opposed to just racially polarized.  
 6 So in the broadest sense, racially  
 7 polarized voting could simply mean that two  
 8 groups of voters, in this case blacks and  
 9 whites, vote as polar opposite, that is, that  
 10 they are polarized in their voting behavior.  
 11 So I would say that's probably the  
 12 broadest definition. I don't think it's  
 13 the -- it's maybe the starting point for a legal  
 14 analysis, but I don't think it's what the court  
 15 means when it finds that voting is racially  
 16 polarized.  
 17 So it obviously involves the behavior  
 18 of the two sets of voters and I believe involves  
 19 more than just having a different preferred  
 20 candidate. So blacks having a different  
 21 preferred candidate is not in any sense racially  
 22 polarized voting in and of itself.  
 23 Q. So what is your understanding, then, of the term  
 24 racially polarized voting?  
 25 A. So my understanding would be first that -- just

39

1 in its most generic sense, voting is polarized.  
 2 When we use the term polar, it's not accidental.  
 3 Polarized voting comes when voters are  
 4 polarized.  
 5 So we know, for example, that  
 6 traditionally American voters weren't considered  
 7 to be polarized on the basis of party, and we've  
 8 entered an era now where everyone, political  
 9 scientists, politicians agree that we're  
 10 currently in the year of highly polarized,  
 11 partisan politics. And we see that when we look  
 12 at the voting behavior of self-described  
 13 Democrats and Republicans.  
 14 So much to the amazement of my  
 15 Democratic colleagues, self-described  
 16 Republicans continue to support Donald Trump at  
 17 over 90 percent, and much to the surprise of my  
 18 Republican colleagues, self-described Democrats  
 19 continue to support Joseph Biden at something  
 20 close to at least 90 percent.  
 21 So when 90 percent plus of one group  
 22 goes one way and 90 percent goes the other way,  
 23 we have the two groups behaving in polar  
 24 opposite ways. Now, this is exactly what we  
 25 mean by a polarized legislature, when pretty

40

1 much all the Republicans vote one way and all  
 2 the Democrats vote the other in the Senate, for  
 3 example, we'd say voting on that bill was  
 4 polarized.  
 5 And again, if Democrats were voting  
 6 52 percent for Kamala Harris and 48 percent for  
 7 Trump and the reverse for Republicans, no one  
 8 would say voting in the United States was  
 9 polarized on the basis of party. That would be  
 10 remarkably unpolarized voting. So I think it  
 11 requires -- obviously, the two groups that  
 12 you're going to say are polarized would have to  
 13 be on opposite sides of an issue, but they have  
 14 to be more on just opposite sides. They  
 15 actually have to be polarized.  
 16 Q. Okay. So and I just want you to focus on racial  
 17 polarization.  
 18 The term racially polarized voting, I  
 19 think you said in your previous answer that just  
 20 because black and white voters prefer different  
 21 candidates, in your view, that doesn't mean  
 22 there is racially polarized voting. Is that  
 23 what you said?  
 24 A. Yeah. I want to be clear, we're talking about  
 25 in my view because I recognize that maybe the

41

1 majority -- at least a decade ago I would say  
 2 the majority of plaintiffs' experts believe that  
 3 if 50 percent plus 1 of blacks voted one way and  
 4 50 percent plus 1 of whites voted the other,  
 5 that would be racially polarized voting.  
 6 I think we've moved away from that in  
 7 the current decade, at least as I read the  
 8 subset of expert reports that I get to read.  
 9 What I see increasingly are plaintiffs' experts  
 10 are saying maybe you need 60 percent voting one  
 11 way and 60 percent the other to meet some sort  
 12 of threshold where you have enough cohesion in  
 13 each of the two groups that makes sense to talk  
 14 about it as being polarized.  
 15 I'm not at all sure that's an arbitrary  
 16 cutpoint, and I appreciate at least it's better  
 17 than 50 percent plus 1, but I don't think we've  
 18 come near exhausting the territory across which  
 19 we might talk about degree of relative cohesion.  
 20 So in my view, 50 percent plus 1 versus  
 21 50 percent plus 1 is not racially polarized  
 22 voting, but I'm not contesting that there are  
 23 other plaintiffs' experts who would define that  
 24 as racially polarized voting.  
 25 Q. Okay. And we can return to this a bit later.

42

1 What is your understanding of the term  
 2 white bloc voting?  
 3 A. White bloc voting is a legal term of art. It  
 4 doesn't have a social science meaning that I'm  
 5 aware of, so it's something that is an issue  
 6 unique to Voting Rights Act litigation. And it  
 7 refers at least -- I'm not a lawyer, but as I  
 8 understand it, it refers to a situation in which  
 9 in Gingles 2 there's -- the court can conclude  
 10 that minority voters are voting cohesively and  
 11 that candidate that's being cohesively supported  
 12 by minority voters, their election is being  
 13 blocked by cohesive support for the opposing  
 14 candidate by white voters.  
 15 And again, that's -- and I'm not  
 16 talking about legally significant white bloc  
 17 voting. I'm just talking about white bloc  
 18 voting.  
 19 Q. Understood.  
 20 And putting aside legally significant  
 21 white bloc voting, you agree that there is white  
 22 bloc voting in Senate Districts 1 and 2 in this  
 23 case, correct?  
 24 ATTORNEY McKNIGHT: Objection; form.  
 25 THE WITNESS: I don't recall -- I'm not

43

1 sure I looked at that particular issue, so I  
 2 don't know.  
 3 I think -- I think that's probably the  
 4 case, but I'm not -- I'm not sure. I'd have to  
 5 go back and look and see what the actual -- that  
 6 would be -- that involves actually looking at  
 7 the election results to see what happens with  
 8 those preferences. If it's the case that the  
 9 preference of black voters is being blocked in  
 10 those district by white voters, the preference  
 11 of black voters not winning in those districts,  
 12 then that would meet that definition of white  
 13 bloc voting although not necessarily reaching  
 14 legally significant white bloc voting.  
 15 BY ATTORNEY THEODORE:  
 16 Q. You believe that the term white bloc voting  
 17 itself incorporates a requirement of blocking  
 18 black preferred candidates?  
 19 A. This is where I think it's not obvious to me  
 20 exactly -- I think you can use the term in a  
 21 variety of different ways, but I think at the  
 22 loosest or the broadest sense, sometimes people  
 23 simply refer to cohesive white voting as white  
 24 bloc voting, although they don't refer to  
 25 minority cohesion as minority bloc voting, but

44

1 if that's the case that this just refers to  
 2 cohesive white voting, then it should refer to  
 3 minority voting -- it should be the same thing  
 4 for minority voting, so we have minority bloc  
 5 voting and white bloc voting.  
 6 At least as I understand it's a legal  
 7 term, it is all connected more broadly to the  
 8 application of the Gingles factors. In that  
 9 sense again I think is a legal term of art.  
 10 Q. All right. You were asked to offer an opinion  
 11 in this case about Gingles Preconditions 2 and  
 12 3, correct?  
 13 A. Correct.  
 14 Q. Can you describe briefly your understanding of  
 15 Gingles Precondition 2.  
 16 A. Gingles Precondition 2 is a threshold test that  
 17 asks the question about whether minority voters  
 18 are voting cohesively in the elections that we  
 19 analyze.  
 20 Q. And you agree that Gingles 2 doesn't require  
 21 black voters to cohesively support black  
 22 candidates, correct?  
 23 A. Correct.  
 24 Q. They can be cohesively supporting white  
 25 candidates and still satisfy Gingles 2, correct?

45

1 A. As a technical matter, I think that's true,  
 2 although I find it -- I think it would be  
 3 certainly -- I've never seen a pattern which you  
 4 have black and white candidates running in  
 5 elections and black voters are voting -- always  
 6 voting cohesively for the white candidate in  
 7 opposition to the black candidate, but certainly  
 8 the basic definition doesn't necessarily  
 9 prohibit that possibility, but it certainly I  
 10 think would be something of interest if that is  
 11 what were taking place. I've never seen that  
 12 fact pattern.  
 13 Q. All right. So when I refer to the demonstration  
 14 area throughout this deposition, will you  
 15 understand that I'm referring to the 12 counties  
 16 that form part of one or more of plaintiffs'  
 17 demonstration districts?  
 18 A. Yes, my understanding and I'm accepting that as  
 19 defined in Dr. Collingwood's report.  
 20 Q. Okay.  
 21 A. It's different than Dr. Barreto's area of  
 22 interest, but I'm accepting Dr. Collingwood's  
 23 set of counties as the counties that contain the  
 24 two senate districts of interest.  
 25 Q. All right. And I may sometimes refer to the

46

1 relevant regions of North Carolina or the  
 2 regions of interest. And can we agree that that  
 3 would mean the demonstration area, Senate  
 4 District 1 and Senate District 2?  
 5 A. Yes.  
 6 Q. Okay. Do you agree that black voters are  
 7 politically cohesive in the demonstration area,  
 8 Senate District 1 and Senate District 2?  
 9 A. Yes.  
 10 Q. All right. So you agree that the Gingles 2  
 11 precondition is satisfied in this case?  
 12 A. Yes.  
 13 Q. Can you describe briefly your understanding of  
 14 Gingles Precondition 3.  
 15 A. So Gingles Precondition 3, again, assumes that  
 16 we've made it across the threshold of Gingles 2  
 17 so we know that we have cohesive voting on the  
 18 part of minority voters, and the question being  
 19 asked by Gingles 2 is whether white voters are  
 20 voting cohesively -- sufficiently cohesively to  
 21 block the candidate being cohesively supported  
 22 by black voters and that that behavior is  
 23 connected to issues related to -- or it is  
 24 racially discriminatory.  
 25 There's a lot of ways to think about

47

1 what that means, but I think you earlier talked  
 2 about or you asked me if black voters were  
 3 politically cohesive. They are. If white  
 4 voters are politically cohesive, I don't think  
 5 that's sufficient to meet the definition of  
 6 legally significant white bloc voting or white  
 7 voters simply being politically cohesive in my  
 8 view doesn't mean that. I understand there are  
 9 different views about that, and I find that at  
 10 least some of the arguments against that  
 11 position are at least partially persuasive, but  
 12 I think my view is that legally significant  
 13 white bloc voting involves discriminatory voting  
 14 on the part of white voters while both they're  
 15 voting cohesively, especially as a bloc to  
 16 defeat the candidate that minority voters are  
 17 supporting cohesively and that some part of that  
 18 behavior can be connected to discrimination on  
 19 the part of voters.  
 20 Q. Okay. Are you planning to express any opinions  
 21 about other aspects of the VRA besides Gingles  
 22 Preconditions 2 and 3?  
 23 A. I assume that this also entangles us in the  
 24 other sort of priority Zimmer factors or Senate  
 25 factors. So certainly Senate Factor 2 seems to

48

1 be weirdly duplicative of Gingles 2 and 3 which  
 2 is the question of whether there's racially  
 3 polarized voting. That I think is what  
 4 generates the question of whether this is a  
 5 Gingles 3 issue or a totality of circumstances,  
 6 this Zimmer or Senate Factor 2 issue.  
 7 I guess tangentially, the other -- the  
 8 other factor that's often cited as the keystone  
 9 factor is the issue about the election of  
 10 members of the racial minority to take office.  
 11 Q. Does your report contain any analysis of a  
 12 question about the election of members of the  
 13 racial minority to office?  
 14 A. I don't believe -- not directly, no, it does  
 15 not.  
 16 Q. Do you know the approximate BVAP percentage for  
 17 Senate Districts 1 and 2?  
 18 A. Off the top of my head, no.  
 19 Q. Do you have a ballpark?  
 20 A. I certainly have seen it at various times, but  
 21 given the number of other districts I've looked  
 22 at in the last 48 hours, I'm not going to -- I'm  
 23 not going to hazard a guess.  
 24 Q. Fair enough. All right.  
 25 So Dr. Collingwood's EI analysis

49

1 focused on statewide elections from 2016, 2018,  
 2 2020, and 2022, correct?  
 3 A. Correct.  
 4 Q. And your report does not criticize his choice of  
 5 elections, correct?  
 6 A. Correct.  
 7 Q. And as we've discussed, he analyzed racially  
 8 polarized voting in the demonstration area as  
 9 well as Senate Districts 1 and 2 and also  
 10 statewide, correct?  
 11 A. That's my recollection, yes.  
 12 Q. And your report does not criticize his choice of  
 13 regions to focus on, correct?  
 14 A. Correct.  
 15 Q. Do you agree that elections in the demonstration  
 16 area and in Districts 1 and 2 are highly  
 17 polarized based on the race of the voter?  
 18 ATTORNEY McKNIGHT: Objection; form.  
 19 THE WITNESS: Well, yeah, I'm not sure.  
 20 Let's see. So black voters are voting very  
 21 cohesively. White voters less cohesively. I  
 22 mean, it's -- obviously, there's strong  
 23 differences in how those two groups are voting.  
 24 I guess I'm a little -- the adjectives  
 25 always concern me a little bit. Highly

50

1 polarized. Certainly if white voters were  
 2 voting with the same levels of cohesion as black  
 3 voters, then I think it would be fair to say it  
 4 was highly polarized.  
 5 The crossover voting varies in some of  
 6 these elections and obviously varies a bit  
 7 across geography, so I think the two groups are  
 8 voting very differently. I think you wouldn't  
 9 be improper to characterize that as some degree  
 10 polarized, but whether it's highly polarized or  
 11 not, I'm not sure.  
 12 BY ATTORNEY THEODORE:  
 13 Q. All right. I'm going to transmit in the chat  
 14 what I'm going to mark as Exhibit 2, which is  
 15 Dr. Collingwood's expert report.  
 16 ATTORNEY McKNIGHT: Elisabeth, if I  
 17 might, we've been going a little over an hour.  
 18 If we take a break now, this will give me an  
 19 opportunity to print a paper copy.  
 20 ATTORNEY THEODORE: Sure. You want to  
 21 take a ten-minute break, five-minute break,  
 22 however long you want.  
 23 ATTORNEY McKNIGHT: Sure. We'll try to  
 24 be back here -- we'll endeavor for five, you  
 25 know, maybe a few minutes after.

51

1 (Brief Recess: 11:07 to 11:17 a.m.)  
 2 (WHEREUPON, Plaintiff's Exhibit 2 was  
 3 marked for identification.)  
 4 BY ATTORNEY THEODORE:  
 5 Q. Okay. So let's turn to page 9 of  
 6 Dr. Collingwood's report, which I've marked as  
 7 Exhibit 2.  
 8 A. Yes.  
 9 Q. Okay. You see Figure 2 there which is his RPV  
 10 results for Senate District 1. Do you see that?  
 11 A. Yes.  
 12 Q. All right. And Dr. Collingwood finds that black  
 13 voters in Senate District 1 supported the black  
 14 preferred candidate at average rates of  
 15 94 percent in 2022 and 97 or 98 percent in 2016,  
 16 2018, and 2020, correct?  
 17 A. Correct.  
 18 Q. Let's turn to Figure 3 on page 10.  
 19 This is the same chart for District 2,  
 20 correct?  
 21 A. Correct.  
 22 Q. And Dr. Collingwood finds that black voters  
 23 supported the black preferred candidate at  
 24 average rates of 98 percent or 99 percent in all  
 25 four election years in District 2, correct?

52

1 A. Correct.  
 2 Q. All right. And let's turn to Figure 4 on  
 3 page 11. I'm sorry. It's on page 12.  
 4 A. Yes.  
 5 Q. All right. Same plot for the demonstration  
 6 area, correct?  
 7 A. That is correct.  
 8 Q. And Dr. Collingwood finds that black voters  
 9 supported the black preferred candidate at  
 10 average rates of 98 percent or 99 percent in all  
 11 four election years in the demonstration area,  
 12 correct?  
 13 A. Correct.  
 14 Q. You agree that these results show that black  
 15 voters are extremely politically cohesive?  
 16 A. Yes.  
 17 Q. Okay. And you've worked on a lot of VRA cases.  
 18 Do you routinely see black voters in  
 19 large areas supporting black preferred  
 20 candidates at rates of 98 percent and  
 21 99 percent?  
 22 A. I would say, you know, we're obviously subject  
 23 to the fact that we're doing an ecological  
 24 inference, and I would say almost always in  
 25 partisan elections black voters will be -- have

1 cohesion levels -- well, typically be 95 percent  
 2 and up. And I don't think given the methodology  
 3 that makes a lot of sense to distinguish  
 4 95 percent from, say, 98 percent.  
 5 And I don't think we need to  
 6 substantively -- or I guess when voting cohesion  
 7 is at or above 95 percent, that's very cohesive  
 8 voting behavior. So I'm not sure that you would  
 9 necessarily see maybe 98 percent as an estimate,  
 10 but that can reflect a lot of things that make  
 11 it easier or harder to do the analysis.  
 12 So I don't make much of the fact that  
 13 it's 98 percent versus 95 percent, but I would  
 14 say in partisan elections, almost always black  
 15 voting is in the range of 95 percent or more in  
 16 terms of cohesion.  
 17 Q. Okay.  
 18 A. So these are well within the area that you would  
 19 expect to see for black voting in a partisan  
 20 election.  
 21 Q. Okay. One of the reasons -- well, do you agree  
 22 with this statement that one of the reasons it's  
 23 easier to do EI analysis in North Carolina is  
 24 that the State Board of Elections includes  
 25 information about the race of the voters in the

1 election results?  
 2 A. Yes. Because you have registration by race in  
 3 North Carolina, they can include that and do  
 4 include that in the analysis.  
 5 So other states where you don't have  
 6 registration by race, they can't include it and  
 7 don't include it. So I guess it's a technical  
 8 issue, but the fact that you have a race  
 9 question, ethnicity question on the voter  
 10 registration is what allows this to be reported.  
 11 And, yes, it is -- it makes -- it improves the  
 12 quality of the analysis because you're not  
 13 simultaneously estimating turnout and vote  
 14 direction, you're estimating only vote  
 15 direction.  
 16 Q. Okay. The RPV results that you independently  
 17 calculated in your appendix also show that black  
 18 voters are highly politically cohesive, correct?  
 19 A. Correct.  
 20 Q. And that's across all elections and all years  
 21 that you considered?  
 22 A. Generally speaking, yes. For the partisan  
 23 elections, yes, that's true.  
 24 Q. Okay. You've stated previously that you believe  
 25 that 75 percent is a good standard for

1 determining whether white voters are voting  
 2 cohesively; is that right?  
 3 A. It is -- I don't -- I don't even know what the  
 4 standard should be, quite frankly. I think the  
 5 court should enunciate a standard. I'm a strong  
 6 backer of -- disputes about whether Gingles 1 is  
 7 met or not met have been largely put to bed by  
 8 the court saying it means 50 percent plus 1  
 9 citizen voting age population, bright-line test.  
 10 Even with that, it continues to be -- as  
 11 recently as my Spring Branch case continues to  
 12 be disputed, but at least there's a bright-line  
 13 test.  
 14 And what I see in my experience over  
 15 the last 40 years is basically all over the map  
 16 from essentially no cohesion to perfect cohesion  
 17 being described as satisfying Gingles 2. So I  
 18 would like to have some standard.  
 19 And I will say I'm offering 75 percent  
 20 only because it is the only non-arbitrary  
 21 cutoff. So the mathematical sense, 75 percent  
 22 is a non-arbitrary halfway point between  
 23 absolute cohesion and perfect cohesion.  
 24 Obviously, it wouldn't matter here because  
 25 you're so close to perfect cohesion that I think

1 anybody would describe that as highly cohesive  
 2 voting and it would satisfy I think any test  
 3 that you might propose, but, you know, whether  
 4 the court wants to go with 80 percent or  
 5 90 percent or 60 percent, it just would be  
 6 helpful if the court would choose a point.  
 7 And all I'm pointing out is that  
 8 60 percent I think is very low threshold for  
 9 defining cohesion. It also is arbitrary.  
 10 80 percent might be a more reasonable threshold,  
 11 but it is still arbitrary. 75 percent is not  
 12 arbitrary.  
 13 Q. Okay. And you've said before that 75 percent is  
 14 the standard that you have applied for judging  
 15 whether white voters are voting cohesively,  
 16 correct?  
 17 A. I think it's a way of, again, absolute actual  
 18 standard. What we're really doing here is  
 19 simply reporting a continuous variable and  
 20 leaving it up to the court to figure out what to  
 21 do with it. So I guess I'm reluctant to put  
 22 categories or descriptors on cohesion.  
 23 There is no, as I understand it, a  
 24 court standard for what it is that makes  
 25 something legally cohesive or legally not

57

1 cohesive for Gingles 2. So again, I think  
 2 75 percent -- at least with 75 percent you can  
 3 say that puts you in a range where if you move  
 4 above that, you're moving into a range where  
 5 voters are more cohesive than not, and below  
 6 that you're moving into a range where they're  
 7 less cohesive.  
 8 Q. Okay. Bear with me for one moment. All right.  
 9 I am going to transmit in the chat and  
 10 mark as Exhibit 3 a document which is your  
 11 deposition in the case of Mississippi State  
 12 Conference of the NAACP versus State Board of  
 13 Election Commissioners.  
 14 (WHEREUPON, Plaintiff's Exhibit 3 was  
 15 marked for identification.)  
 16 BY ATTORNEY THEODORE:  
 17 Q. Do you see that?  
 18 A. We're bringing it up. All right. We've got it.  
 19 Q. Thank you.  
 20 You recognize that as your deposition  
 21 in that case?  
 22 A. It seems so long ago, but, yes, it looks like my  
 23 deposition.  
 24 Q. It was taken in December 2023; is that right?  
 25 A. Yeah, a lifetime ago. You're right.

58

1 Q. All right. Can you flip to page 94, please.  
 2 A. I do remember this deposition now. The lawyer  
 3 sent me out to the best steak dinner in my  
 4 lifetime after this deposition. That's the part  
 5 I remember. Man, that was a good dinner.  
 6 Q. All right. Well, I'm going to direct you to a  
 7 less memorable part.  
 8 And you see there on line 18 you say:  
 9 "75 percent is just the standard  
 10 for judging whether either black or  
 11 white voters are voting cohesively."  
 12 Did I read that correctly?  
 13 A. Could I -- I just want to understand the -- sort  
 14 of the context of this questioning starts  
 15 earlier.  
 16 Yeah. So again, at least as I  
 17 understand it, what I'm saying here is, you  
 18 know, 75 percent is a non-arbitrary threshold,  
 19 and if you apply that, then you can say these  
 20 things are above 75 percent and these are below  
 21 75 percent.  
 22 I don't take that to mean -- to answer  
 23 the question of whether you've met Gingles 2 or  
 24 not, but I think it would be at least a  
 25 non-arbitrary way of doing that.

59

1 Q. So you say there "75 percent is just the  
 2 standard for judging whether either black or  
 3 white voters are voting cohesively," and I'm  
 4 just asking did I read that correctly?  
 5 A. Yes. And so I'm just commenting on in terms of  
 6 the material that they're discussing -- that we  
 7 were discussing at that point which was just  
 8 sort of using -- understanding that that's a  
 9 potential standard and then just applying that  
 10 to do a sort of a checkbox for -- for whether  
 11 black or white voters are voting cohesively. So  
 12 that -- of course, the cohesion is the Gingles 2  
 13 test, not the Gingles 3 test. White voter  
 14 cohesion would be important if the case was  
 15 being brought by white voters.  
 16 So I testified in a case in Louisiana  
 17 which white voters were suing under the  
 18 Voting Rights Act to get a single-member  
 19 district, and there the issue would have been  
 20 white voter cohesion. I would assume you would  
 21 want to apply the same standard, but Gingles 3  
 22 is not a test to whether white voters are  
 23 cohesive.  
 24 Q. So just to be clear, 75 percent is a standard  
 25 that you applied in the Mississippi case to

60

1 assess whether black or white voters are voting  
 2 cohesively, correct?  
 3 ATTORNEY McKNIGHT: Objection; form.  
 4 THE WITNESS: I would say to report in  
 5 a summary fashion whether they were cohesive or  
 6 not.  
 7 BY ATTORNEY THEODORE:  
 8 Q. All right. You said that whether white voters  
 9 are voting cohesively is not relevant to  
 10 Gingles 3.  
 11 Do you regard -- well, let me strike  
 12 that.  
 13 Putting aside the term legally  
 14 significant, do you regard the term white bloc  
 15 voting as any different than white voters voting  
 16 cohesively?  
 17 A. Yes.  
 18 Q. Can you explain how you regard those two things  
 19 as different?  
 20 A. Well, again, maybe they're not meant to refer to  
 21 anything different, but at least my view is that  
 22 that term is applied -- right, so we don't say  
 23 that Gingles 2 -- the question in Gingles 2 is  
 24 black bloc voting when we talk about there the  
 25 level of cohesion. And having established that

61

1 black voters are cohesive, we then ask the  
 2 question about whether white voters are voting  
 3 as a bloc to defeat the choice -- the cohesively  
 4 preferred choice of minority voters.  
 5 So certainly, obviously, part of  
 6 that -- part of that question would be the  
 7 degree of cohesion that you see among white  
 8 voters, but there the -- at least as I  
 9 understand it, we're talking about that level of  
 10 voting defined specifically in context with the  
 11 level of cohesion that we have already met in  
 12 Gingles 2 for minority voters.  
 13 So I say that white bloc voting is a  
 14 contingent question that's related to Gingles 2,  
 15 and Gingles 2 is obviously not a contingent  
 16 question because it's not contingent on  
 17 Gingles 1 and it can't be contingent on  
 18 Gingles 3.  
 19 Q. And so whether white bloc voting for Gingles 3  
 20 is sufficient to usually defeat the preferred  
 21 candidate of minority voters would depend on  
 22 things like the minority population in the  
 23 district and the degree of minority cohesive  
 24 voting; is that correct?  
 25 ATTORNEY McKNIGHT: Objection; form.

62

1 THE WITNESS: So, yeah, it will depend  
 2 on a whole host of things, and at least I try to  
 3 think of sort of what the motivation of the  
 4 Gingles factors are because I think that's  
 5 really what these cases are about. And what  
 6 motivates Gingles 3 is to understand  
 7 whether -- so when you think about what 1 and 2  
 8 established, 1 established that you have a more  
 9 than 50 percent of the eligible population will  
 10 be minority and Gingles 2 establishes that  
 11 they're voting cohesively, and so what's  
 12 stopping them from prevailing, and the answer is  
 13 potentially it is white bloc voting. And if  
 14 that's the case, then what you've established is  
 15 if instead you tally the votes up in a district  
 16 that was 50 percent plus 1 minority, minority  
 17 voters would prevail. So it's the interaction  
 18 of all three of those things that leads to the  
 19 utility of the Gingles test.  
 20 And so what you should -- what you're  
 21 effectively evaluating Gingles 3 is whether the  
 22 conditions exist that would allow black voters  
 23 to prevail in a majority district but would not  
 24 allow them to prevail absent that majority.  
 25 BY ATTORNEY THEODORE:

63

1 Q. All right. Let's flip to Figure 16 on page 29  
 2 of Dr. Collingwood's report. I'm sorry. Let's  
 3 flip to Figure 15 on page 28.  
 4 A. Yes.  
 5 Q. And this is Dr. Collingwood's RPV results for  
 6 elections in 2022 in Districts 1 and 2, correct?  
 7 A. Yes.  
 8 Q. And using a 75 percent standard, we see cohesive  
 9 white voting in all seven contests in 2022 in  
 10 Districts 1 and 2, correct?  
 11 A. That is correct.  
 12 Q. Okay. Let's flip to Figure 16 on page 29.  
 13 And this is the same as Figure 15 but  
 14 in the demonstration area, correct?  
 15 A. Correct.  
 16 Q. All right. And using this 75 percent standard,  
 17 we see cohesive white voting in all seven  
 18 contests in 2022 in the demonstration area,  
 19 correct?  
 20 A. Yes.  
 21 Q. All right. Let's flip to Figure 18 on page 31.  
 22 This is the same chart for Districts 1  
 23 and 2 using the 2020 races?  
 24 A. Yes.  
 25 Q. All right. And using the 75 percent standard,

64

1 we see cohesive white voting in all 20 contests  
 2 in 2020 in Districts 1 and 2?  
 3 A. It's a little hard to read. I really don't like  
 4 these -- I'll just say I'm no fan of bar charts  
 5 when they're not necessary. I would much rather  
 6 see this in a table, but I'm seeing 25-2; 27-2;  
 7 28-2; 26-7; 26-1; 29-1; 25-6; 28-4, unless I'm  
 8 reading the wrong numbers here.  
 9 Q. I'm sorry. I'm not sure what you're referring  
 10 to. We're on page 31, Figure 18.  
 11 A. I'm sorry. I thought we were on page 30.  
 12 Q. No. I think page 30 is statewide.  
 13 Page 31, Figure 18.  
 14 Using the 75 percent standard, we see  
 15 cohesive white voting in all 20 contests in 2020  
 16 in Districts 1 and 2, correct?  
 17 A. Correct.  
 18 Q. Let's flip to Figure 19 on page 32.  
 19 Using the 75 percent standard, we see  
 20 cohesive white voting in all 20 contests in 2020  
 21 in the demonstration area, correct?  
 22 A. Correct.  
 23 Q. Let's flip to Figure 22 on page 35.  
 24 A. Okay.  
 25 Q. All right. And using this 75 percent standard,

65

1 we see cohesive white voting in all four  
 2 contests in 2018 in District 2, correct?  
 3 A. Correct.  
 4 Q. All right. And using the 75 percent standard,  
 5 we see cohesive white voting in three of the  
 6 four contests in 2018 in District 1?  
 7 A. I'm seeing two of the four. I see 26-2 and a  
 8 25-2 at the first and last contest.  
 9 Q. Okay. And you see for that last contest it's  
 10 74.8 percent, right? You wouldn't round that to  
 11 75 percent?  
 12 A. Well, yeah, I'm fine with rounding it or not  
 13 rounding it. I don't think -- we don't know  
 14 whether this is above or below 75 percent, but  
 15 it's around 75 percent, so you can count one way  
 16 or the other.  
 17 Q. And you round in your -- the charts you present  
 18 in your report all round -- don't include  
 19 decimals, correct?  
 20 A. We don't -- we don't have decimal accuracy here.  
 21 Q. Right. And so in every single chart of EI  
 22 estimates from your report, you round to the  
 23 nearest integer, correct, without a decimal  
 24 point?  
 25 A. Yes. I'm perfectly find with rounding, but

66

1 again, you know, if you want to split hairs, you  
 2 round this and it goes to 75 and then the  
 3 standard of cohesion is above 75. That's not  
 4 above 75, it's at 75, just like Gingles 1 is not  
 5 at 50 percent, it's above 50 percent. So you  
 6 can split hairs about it, but the point is, we  
 7 don't actually know that number within a degree  
 8 of accuracy to talk about it that way.  
 9 So, you know, these are -- all these  
 10 are very close to -- or indistinguishable from  
 11 values that would be slightly above 75 percent  
 12 or slightly below 75 percent. So I would say  
 13 that's -- they show what they show. The  
 14 cohesion is hovering somewhere around  
 15 75 percent.  
 16 Q. All right. Let's turn to Figure 24 on page 36.  
 17 I'm sorry. Let's turn to -- we're going to  
 18 Figure 24 on page 37.  
 19 A. Yes.  
 20 Q. Okay. And this is the RPV results in 2018 in  
 21 the demonstration area; is that right?  
 22 A. That is correct.  
 23 Q. All right. And using the 75 percent standard,  
 24 we see cohesive white voting in all four  
 25 contests in 2018 in the demonstration area; is

67

1 that right?  
 2 A. Correct.  
 3 Q. All right. And for 2016 there's a little bit  
 4 more variation, so let's flip to Figure 2 on  
 5 page 9.  
 6 A. Okay.  
 7 Q. All right. And here we see cohesive white  
 8 voting in Senate District 1 in 2016 on average  
 9 at the 74 percent level; is that right?  
 10 A. I guess -- so you're saying on average?  
 11 Q. Yeah. The average level of white voting against  
 12 the black preferred candidate or white voting  
 13 for the non-black preferred candidate is  
 14 74 percent across the 2016 contests in  
 15 Senate District 1; is that correct?  
 16 ATTORNEY McKNIGHT: Objection; form.  
 17 THE WITNESS: Yeah. So I'm assuming  
 18 that we're looking at that 25.92, so we're going  
 19 to round. So, yes, 74 percent.  
 20 BY ATTORNEY THEODORE:  
 21 Q. All right. Next figure is Figure 3 on page 10.  
 22 And do you agree that this is showing  
 23 cohesive white voting in Senate District 2 in  
 24 the 2016 contests on average at above the  
 25 75 percent level, correct?

68

1 ATTORNEY McKNIGHT: Objection; form.  
 2 THE WITNESS: Yes. So again,  
 3 obviously, there are elections here where  
 4 there's not the case and there are elections  
 5 where that would be the case, and on average you  
 6 would be at above 75 percent.  
 7 BY ATTORNEY THEODORE:  
 8 Q. And then let's turn to Figure 4 on page 11.  
 9 A. 12.  
 10 Q. 12. I'm sorry. Thank you.  
 11 And here we're -- those figures show  
 12 that there's cohesive white voting in the  
 13 demonstration area in 2016 on average at above  
 14 the 75 percent level, correct?  
 15 A. Yes. And again, there are numerous elections  
 16 that are above that and elections below that,  
 17 and on average it's 21 percent or 79 percent.  
 18 Q. And you're not disputing, considering all of  
 19 these elections and years, that voting in the  
 20 relevant regions is polarized based on the race  
 21 of the voter; is that right?  
 22 ATTORNEY McKNIGHT: Objection; form.  
 23 THE WITNESS: Again, I think the level  
 24 of white cohesion is obviously not as high as  
 25 the level of black cohesion, so certainly black

69

1 cohesion is sufficient to be polarized on the  
 2 basis of the voter group. And I think it's less  
 3 clear in terms of white cohesion whether  
 4 you -- how exactly you characterize that level  
 5 of difference. So you've got, you know, sort of  
 6 across all this something like 20 to 25,  
 7 30 percent of white voters crossing over. I  
 8 guess I'm not -- I'm not sure that that -- what  
 9 the legal importance of that is, but just in  
 10 terms of talking about polar opposites, they're  
 11 not polar opposites because the cohesion level  
 12 of white voters is not in the same region as the  
 13 cohesion level for black voters.  
 14 BY ATTORNEY THEODORE:  
 15 Q. You said across all of this you have something  
 16 like 30 percent of white voters crossing over.  
 17 What's the basis for that?  
 18 A. Yes, in the range of 20 to 30 percent.  
 19 Q. In fact, it's in the range of about 11 to  
 20 30 percent, correct?  
 21 Let's turn to page 12, Figure 4.  
 22 ATTORNEY McKNIGHT: Objection.  
 23 ATTORNEY THEODORE: I'm sorry.  
 24 ATTORNEY McKNIGHT: Pardon me. I  
 25 thought you had finished, Elisabeth. Go ahead.

70

1 BY ATTORNEY THEODORE:  
 2 Q. In the demonstration in area in 2022, you see  
 3 whites crossing over only at a rate of  
 4 11.6 percent, correct?  
 5 ATTORNEY McKNIGHT: Objection; form.  
 6 THE WITNESS: Yes. So there in 2022,  
 7 it would be something in the range of 10 to  
 8 15 percent; 10 to 20 percent in 2020; 10 to  
 9 20 percent in 2018; and something like 15 to  
 10 30 percent in 2016.  
 11 BY ATTORNEY THEODORE:  
 12 Q. Okay.  
 13 A. We've gone through a lot of tables here, and  
 14 most of those tables we were looking at results  
 15 that were just above or just below 75, so lots  
 16 of things in the 20s, some things above 25, so  
 17 there's a lot of variation here. And we don't  
 18 see -- in any of the contests, we don't see the  
 19 level of cohesion we see among black voters.  
 20 Q. Are you disputing in this case that white voters  
 21 vote sufficiently as a bloc to enable them  
 22 usually to defeat the minority's preferred  
 23 candidate in Senate District 1 and  
 24 Senate District 2?  
 25 ATTORNEY McKNIGHT: Objection; form.

71

1 THE WITNESS: No, I'm not.  
 2 BY ATTORNEY THEODORE:  
 3 Q. If one were to accept that the cause of racially  
 4 polarized voting is not relevant to the  
 5 Gingles 3 condition, would you have any basis to  
 6 dispute that the Gingles 3 precondition is  
 7 satisfied in this case?  
 8 ATTORNEY McKNIGHT: Objection; form.  
 9 THE WITNESS: I guess I want to be  
 10 careful because we're stepping into a very  
 11 difficult area when you use the word cause, and  
 12 I don't think that's -- I don't believe that's  
 13 really what we're talking about here.  
 14 So I would say -- my view is that the  
 15 evidence provided here does not -- is  
 16 not -- does not support the view that there is  
 17 legally significant racially polarized voting in  
 18 particular, that you have white bloc voting that  
 19 acts to defeat black preferred candidates in a  
 20 way that interacts to some degree with  
 21 discrimination, however you want to characterize  
 22 that.  
 23 So I don't think -- we don't have the  
 24 tools to demonstrate causation in general. We  
 25 certainly don't in any of this analysis. So I

72

1 think -- in my report I've indicated how I would  
 2 characterize the results.  
 3 Again, Dr. Collingwood and I are not  
 4 disagreeing about the numbers, but in these  
 5 partisan contests, the analysis simply doesn't  
 6 indicate that these -- that this degree of  
 7 separation or the result in terms of election  
 8 results is connected to race in a way that I  
 9 think it would have to be to meet the standard  
 10 for legally significant white bloc voting.  
 11 BY ATTORNEY THEODORE:  
 12 Q. All right. In order to accept that the  
 13 existence or not of discrimination by white  
 14 voters is not relevant to the Gingles 3  
 15 precondition, would you have any basis to  
 16 dispute that the Gingles 3 precondition is  
 17 satisfied in this case?  
 18 ATTORNEY McKNIGHT: Objection; form.  
 19 THE WITNESS: So to make clear, I don't  
 20 agree with that. I've seen that repeated and it  
 21 continues to be repeated. Dr. Collingwood  
 22 repeats it. I don't think there's any basis for  
 23 that. I've discussed this with other experts.  
 24 So if in fact it makes absolutely no  
 25 difference, it's not a part of legally

73

1 significant voting, then all you need to  
 2 establish is -- as Dr. Collingwood says all you  
 3 need to establish is that blacks and whites vote  
 4 differently, then that's been established here.  
 5 BY ATTORNEY THEODORE:  
 6 Q. All right. Let me just repeat -- I appreciate  
 7 that you don't agree with this, but if one were  
 8 to accept that the existence or not of  
 9 discrimination by white voters isn't relevant to  
 10 the Gingles 3 precondition, would you have any  
 11 basis to dispute that the Gingles 3 precondition  
 12 is satisfied in this case?  
 13 ATTORNEY McKNIGHT: Objection; form.  
 14 THE WITNESS: Again, being clear that I  
 15 don't believe it's satisfied, you're correctly  
 16 identifying the key thing that I think needs to  
 17 be done to satisfy that. And absent that, if  
 18 you simply look at the degree of difference  
 19 between the voting groups, then that has been  
 20 met here.  
 21 BY ATTORNEY THEODORE:  
 22 Q. I'm just going to ask you again because I think  
 23 it's a pretty simple question. And I understand  
 24 that you don't agree with the premise, but if  
 25 one were to accept the existence or not of

74

1 discrimination by white voters isn't relevant to  
 2 the Gingles 3 precondition, would you have any  
 3 basis to dispute that the Gingles 3 precondition  
 4 is satisfied in this case?  
 5 ATTORNEY McKNIGHT: Objection; form.  
 6 THE WITNESS: I just want to make sure  
 7 that we're not -- we talk about discrimination.  
 8 I'm not sure how to characterize what it is that  
 9 I think is important there, but I think if in  
 10 fact it doesn't matter whether this voting  
 11 is -- whether this polarization is racial or  
 12 partisan, then I would agree that that has been  
 13 met.  
 14 BY ATTORNEY THEODORE:  
 15 Q. Okay. And when you say if one were to accept  
 16 that it doesn't matter whether this voting is  
 17 racial or partisan, you mean if it doesn't  
 18 matter whether this voting is based on the race  
 19 of the candidate or the party affiliation of the  
 20 candidate, correct?  
 21 ATTORNEY McKNIGHT: Objection; form.  
 22 THE WITNESS: It's not about whether  
 23 it's based on the race of the candidate. It  
 24 is -- has to do with whether there's any  
 25 evidence provided here that there's anything

75

1 other than partisan polarized voting.  
 2 My view, you don't meet Gingles 3  
 3 without some evidence that there is something  
 4 going on here that is not just partisan voting  
 5 or policy voting or, you know, preference  
 6 voting. I don't think there is -- that you can  
 7 divorce that from this, but if you -- you know,  
 8 if you want to -- if you want to make that the  
 9 legal position that we divorce that from  
 10 anything to do with what might explain this, in  
 11 this case, Dr. Collingwood's analysis shows that  
 12 there is partisan polarized voting. He doesn't  
 13 show anything more than that in the results.  
 14 And so if that's enough to meet the standard, it  
 15 meets the standard. If it's not, then it  
 16 doesn't.  
 17 I'm not disputing that this is a  
 18 sufficient separation in voting behavior on the  
 19 basis of the partisan elections to fit that sort  
 20 of basic fact pattern you've been talking about.  
 21 So if that's -- if the demonstration of partisan  
 22 polarized voting is sufficient to meet  
 23 Gingles 3, then you've met Gingles 3 here.  
 24 BY ATTORNEY THEODORE:  
 25 Q. Is your view that for Gingles 3 it's important

76

1 to show that white voters are voting in an  
 2 intentionally discriminatory manner? Is that  
 3 your view?  
 4 A. No.  
 5 Q. So when you say discriminatory, what do you  
 6 mean?  
 7 A. I'm not exactly sure what we mean there. All  
 8 I'm trying to distinguish is that the court  
 9 going as far as I know through the entire  
 10 history of litigation on Section 2 and certainly  
 11 clearly in the Gingles decision which is where  
 12 this idea of one group voting differently from  
 13 another sufficient comes from, the court has  
 14 consistently held that this has to be a voting  
 15 pattern that interacts with whether it's  
 16 discrimination or animosity, something, it has  
 17 to interact with race some way beyond just being  
 18 an expression of partisan differences, policy  
 19 differences, geographic preferences.  
 20 It's true that's why the majority of  
 21 the court in the Gingles decision did not agree  
 22 with Brennan's -- Brennan's proposing exactly  
 23 the standard you're proposing, and the majority  
 24 of the court disagreed with it. And as far as I  
 25 can tell, that was -- that reflects both the

77

1 cases prior to Gingles and is reflected in cases  
 2 after Gingles. And so if that is the standard,  
 3 then you need to show that there is some  
 4 connection beyond simply partisan or policy  
 5 differences, that is, that having partisan or  
 6 policy -- partisan preferences among white or  
 7 black voters equally situated doesn't rise to  
 8 the level of a violation of the  
 9 Voting Rights Act.  
 10 Q. All right. Bring back to the results,  
 11 Dr. Collingwood's results show that racially  
 12 polarized voting is higher in the demonstration  
 13 area across all four election years than in  
 14 Senate District 1 and 2, correct?  
 15 ATTORNEY McKNIGHT: Objection; form.  
 16 THE WITNESS: Again, it looks like  
 17 there's less white crossover voting in the  
 18 demonstration area. I think that would be  
 19 correct compared to, say, just statewide, for  
 20 example.  
 21 BY ATTORNEY THEODORE:  
 22 Q. And less white crossover voting in the  
 23 demonstration area compared to Senate District 1  
 24 and 2, correct?  
 25 ATTORNEY McKNIGHT: Objection; form.

78

1 THE WITNESS: I think that's -- yeah, I  
 2 believe that's correct.  
 3 BY ATTORNEY THEODORE:  
 4 Q. And your results show that as well?  
 5 A. My results -- yeah, I think they would show that  
 6 as well. Again, I'm not using my results for my  
 7 report, but they're in the report and I think  
 8 they would show the same thing. They should.  
 9 Q. Okay. And Dr. Collingwood's results show that  
 10 racially polarized voting is higher in the  
 11 demonstration area and in Senate Districts 1 and  
 12 2 than it is across the state as a whole,  
 13 correct?  
 14 ATTORNEY McKNIGHT: Objection; form.  
 15 THE WITNESS: Again, I just want to  
 16 make sure -- so the level of partisan  
 17 polarization is higher statewide than it is in  
 18 the two senate districts and higher in the two  
 19 senate districts -- or higher in the  
 20 demonstration area than in the two senate  
 21 districts. So, yes, there's less -- there's  
 22 less political polarization statewide than there  
 23 is in the senate districts and -- yeah.  
 24 So again, I just want to be careful  
 25 because I'm not saying that that is legally

79

1 significant racially polarized voting.  
 2 BY ATTORNEY THEODORE:  
 3 Q. All right. Let me help you out and then ask the  
 4 question using the term white crossover voting.  
 5 Dr. Collingwood's results show that  
 6 white crossover voting is lower in the  
 7 demonstration area and in Senate Districts 1 and  
 8 2 than it is across the state as a whole?  
 9 ATTORNEY McKNIGHT: Objection to form.  
 10 THE WITNESS: Correct.  
 11 BY ATTORNEY THEODORE:  
 12 Q. And that's true across all four years?  
 13 ATTORNEY McKNIGHT: Same objection.  
 14 Go ahead.  
 15 THE WITNESS: I'm going -- this is not  
 16 a comparison I've directly made, but I think  
 17 that would be true.  
 18 BY ATTORNEY THEODORE:  
 19 Q. Okay. You agree that an analysis of racially  
 20 polarized voting and white crossover voting  
 21 needs to be localized, correct?  
 22 ATTORNEY McKNIGHT: Objection; form.  
 23 THE WITNESS: I mean, I think it's  
 24 useful to have a localized analysis. I don't  
 25 think it's always possible to have one or if

80

1 it's -- I'm not sure it's necessary to have one,  
 2 but certainly localized in the sense that you're  
 3 in the jurisdiction you're talking about  
 4 certainly helpful, and I think where possible  
 5 the inquiry should be local rather than global.  
 6 So I don't think I disagree, but I  
 7 don't think it -- sometimes it just isn't  
 8 possible to localize it and so you work in an  
 9 area that's maybe larger than say, for example,  
 10 a challenged district in a single-member  
 11 district system may not be any way of doing  
 12 that. So I don't think it has to be, but I  
 13 think it's probably preferable if the analysis  
 14 can be done to some level of reliability.  
 15 BY ATTORNEY THEODORE:  
 16 Q. Okay. And you agree that levels of white bloc  
 17 voting might be different in different parts of  
 18 a state, correct?  
 19 A. Yes.  
 20 Q. And you agree that levels of white crossover  
 21 voting might be different in different parts of  
 22 a state, correct?  
 23 A. Yes, that's correct.  
 24 Q. And you agree that levels of white bloc voting  
 25 might be different in -- even in neighboring

1 counties or neighboring districts, correct?  
 2 A. Yes. That's not -- in my experience, that's not  
 3 at all uncommon.  
 4 Q. Not at all uncommon?  
 5 A. Correct.  
 6 Q. Okay. And same is true for levels of white  
 7 crossover voting?  
 8 A. Yes.  
 9 Q. Okay. And because levels of white bloc voting  
 10 or white crossover voting differ in different  
 11 regions of a state, would you agree that the  
 12 possibility that one district can elect black  
 13 preferred candidates at a particular BVAP  
 14 percentage does not indicate that a differently  
 15 composed district would be able to elect black  
 16 preferred candidates at a particular BVAP  
 17 percentage?  
 18 ATTORNEY McKNIGHT: Objection; form.  
 19 Go ahead.  
 20 THE WITNESS: The ability to elect is  
 21 just an issue of the Democratic proportion of  
 22 vote in the district, and so in different areas,  
 23 different -- you'll have variation -- you'll  
 24 have fairly little variation in the proportion  
 25 of blacks that are voting Democratic, but

1 compared to rural, for example, there's a large  
 2 variation in the portion of white voters voting  
 3 Democratic.  
 4 And since the district's performance is  
 5 just an issue of whether the district is a  
 6 Democratic district or not, then what it takes  
 7 to create a Democratic district out of a mix of  
 8 black and white voters is going to depend on  
 9 their relative proportion of Democratic voters  
 10 and that will vary from one part of the state to  
 11 another.  
 12 BY ATTORNEY THEODORE:  
 13 Q. Okay. So to determine whether a particular  
 14 district is going to perform, you need to  
 15 consider the level of white crossover voting in  
 16 that particular district in particular. Is that  
 17 fair?  
 18 A. I mean, that's one way of looking at it. I  
 19 mean, you need to -- you need to assess whether  
 20 the district is going to be a majority  
 21 Democratic district. If it is, then it will  
 22 perform, and if it isn't, it will not perform by  
 23 your definition of performance.  
 24 So you can think a lot of different  
 25 ways of looking at that, but that's -- the

1 question is ultimately not about white crossover  
 2 voting per se, it's just about the level of  
 3 the -- the net level of Democratic voting in the  
 4 district. That's the only indicator here of  
 5 so-called performance of the district is just  
 6 whether the district is a majority Republican  
 7 district or a majority Democratic district.  
 8 Q. Okay. And because white crossover voting may  
 9 differ between districts that are differently  
 10 composed, even districts that are near each  
 11 other that are differently composed, you need to  
 12 look at the particular district to determine  
 13 whether that district will perform. Is that  
 14 fair?  
 15 ATTORNEY McKNIGHT: Objection; form.  
 16 THE WITNESS: I think it's the case  
 17 that two adjacent similar districts on a variety  
 18 of measures will perform -- may perform  
 19 differently depending, again, on the  
 20 proportion whether the district is majority  
 21 Democratic or majority Republican.  
 22 So two districts can be side by side  
 23 and one can be majority Democratic and the other  
 24 majority Republican and one of those will  
 25 perform and the other one won't.

1 BY ATTORNEY THEODORE:  
 2 Q. And would anything about that answer change if  
 3 you were considering two districts that had  
 4 overlapping populations but not identical  
 5 populations?  
 6 ATTORNEY McKNIGHT: Same objection.  
 7 THE WITNESS: Again, if we're just  
 8 talking about what's possible, obviously, it  
 9 would depend on the nature of the overlap, but  
 10 it is possible for two districts with  
 11 overlapping population, for one of those  
 12 districts to be a Republican district and one to  
 13 be a Democratic district and that would make  
 14 them perform differently.  
 15 BY ATTORNEY THEODORE:  
 16 Q. All right. Do you believe that in analyzing  
 17 racially polarized voting, more recent elections  
 18 are generally more probative or relevant than  
 19 older elections?  
 20 A. I think that's generally true, yes.  
 21 Q. Let's turn to Dr. Collingwood's performance  
 22 analysis.  
 23 Dr. Collingwood conducted a separate  
 24 analysis of the performance of certain senate  
 25 districts using the results from statewide

1 elections in 2016, 2018, 2020, and 2022,  
 2 correct?  
 3 A. That sounds correct.  
 4 Q. And he also conducted a performance analysis of  
 5 the demonstration districts offered by the  
 6 plaintiffs, correct?  
 7 A. I believe that's correct, yes.  
 8 Q. Okay. And you discussed this on page 15 of your  
 9 report, correct?  
 10 A. Correct.  
 11 Q. You're not disputing any conclusion that he  
 12 offers relating to performance analysis of any  
 13 district, correct?  
 14 ATTORNEY McKNIGHT: Objection; form.  
 15 THE WITNESS: I'm not sure I know  
 16 exactly what you're referring to, but I'm not  
 17 arguing with what he shows to be the Democratic  
 18 performance or the Republican performance of any  
 19 of the district.  
 20 I will say where I did some analysis  
 21 and made an effort to make sure that we're  
 22 basically talking about the same thing with the  
 23 EI analysis, I did not replicate his BVAP  
 24 analysis, so I'm just taking it at face value.  
 25 BY ATTORNEY THEODORE:

1 Q. Okay. And you didn't replicate the performance  
 2 analysis of -- he does using statewide elections  
 3 for Senate District 1 and 2 or for any of the  
 4 demonstration districts, correct?  
 5 A. Correct.  
 6 Q. And you could have replicated that or analyzed  
 7 that, but you chose not to; is that correct?  
 8 A. That's correct.  
 9 Q. Okay. And for his performance analysis, he  
 10 focuses on statewide elections from 2016, 2018,  
 11 2020, and 2022, correct?  
 12 A. Correct.  
 13 Q. And your report does not disclose any criticism  
 14 of that choice, correct?  
 15 A. Correct.  
 16 Q. You yourself do not analyze any additional  
 17 elections for any purpose, correct?  
 18 A. That's correct.  
 19 Q. You could have but chose not to?  
 20 A. Correct.  
 21 Q. Okay. You agree that there are no endogenous  
 22 elections available for analysis in this case  
 23 because Senate Districts 1 and 2 have not been  
 24 used before in any election; is that correct?  
 25 A. No. Truly endogenous elections, general

1 elections haven't taken place in those  
 2 districts.  
 3 Q. Endogenous primary elections haven't taken place  
 4 in those districts either, correct?  
 5 A. We're talking about the -- we're talking about  
 6 the adopted districts or the demonstration  
 7 districts?  
 8 Q. The adopted districts.  
 9 A. I didn't -- I didn't look at primary elections,  
 10 so I don't know. I just know in general  
 11 elections. Obviously, the 2024 general  
 12 elections haven't taken place because I'm  
 13 teaching a course on predicting the 2024  
 14 elections.  
 15 Q. All right. But if you'll accept my  
 16 representation that there were no primaries in  
 17 these districts in 2024, that would mean there  
 18 were no endogenous elections either general or  
 19 primary or Senate Districts 1 and 2 available  
 20 for analysis, correct?  
 21 A. Yes. I'll just say the court doesn't always  
 22 focus as narrowly as they might on the notion of  
 23 endogenous elections. So some will talk about  
 24 truly or entirely or purely endogenous.  
 25 Sometimes the court treats endogenous elections

1 as the type of elections, so we'd say, well, a  
 2 senate election is what we're concerned with  
 3 because this is a senate election case or a city  
 4 council election is what we're concerned with  
 5 because it's a city council case.  
 6 Truly endogenous means not just the  
 7 type of election but then if you're going to  
 8 talk about the district, it means an election  
 9 inside the district. I would say more often  
 10 than -- maybe as often as not when the court is  
 11 talking about endogenous elections, they're  
 12 actually referring to elections to the office at  
 13 issue. That's -- the usual definition is is  
 14 this the election of the office at issue rather  
 15 than some higher level election.  
 16 But technically, to be entirely the  
 17 election on all fours, it would -- you could  
 18 narrow the definition to being an election in  
 19 the actual district.  
 20 Q. All right. You've offered opinions on  
 21 performance analysis in prior cases, correct?  
 22 A. Correct.  
 23 Q. And that's sometimes also called reconstituted  
 24 election analysis, correct?  
 25 A. Correct.

89

1 Q. All right. And you agree that when conducting a  
 2 performance analysis or a reconstituted election  
 3 analysis of a new district using results of  
 4 prior elections, it's best to use prior  
 5 statewide exogenous elections where the race was  
 6 contested throughout the entire district?  
 7 A. That's going to be -- I would say that's  
 8 generally the case and certainly gives you the  
 9 broadest level of comparison because  
 10 you're -- you often will not be able to  
 11 cover -- not always the case, but you often will  
 12 not be able to cover the entire district if  
 13 you're dealing with something other than  
 14 statewide elections.  
 15 So I'd say that's generally the  
 16 practice, and I think it's -- I think it's a  
 17 general -- it's a generally accepted way of  
 18 doing reconstituted elections and more often  
 19 than not, that's the way it's done and the way I  
 20 would do it.  
 21 Q. Okay. And you referenced this a little bit in  
 22 your past answer.  
 23 If a prior state senate race in a prior  
 24 version of a state senate district was  
 25 uncontested in a portion of the new district,

90

1 the one that we're analyzing, it wouldn't be  
 2 appropriate to use that prior state senate race  
 3 for purposes of a performance analysis of the  
 4 new district.  
 5 Do you agree with that statement?  
 6 ATTORNEY McKNIGHT: Objection; form.  
 7 THE WITNESS: I mean, just throwing it  
 8 in as is, you know, I guess will depend on what  
 9 it is you're trying to assess about the  
 10 district, but -- particularly, at a minimum, I  
 11 would think you would want a footnote about that  
 12 because it does raise questions about what  
 13 you're actually comparing apples to oranges,  
 14 whatever.  
 15 So I don't know. It's not -- in my  
 16 view, that would be -- that would be something  
 17 that would suggest that you look at that result  
 18 with some caution or at least understanding what  
 19 it is the result is telling you because you  
 20 are -- and I'm not sure it depends entirely on  
 21 the election being uncontested, but you're  
 22 looking at -- when you're putting two different  
 23 elections into a -- into a district context,  
 24 there are always issues about the fact that  
 25 that's not a -- not the -- the results don't

91

1 indicate what all of the voters in the -- in the  
 2 new or demonstration district doesn't indicate  
 3 they're all facing the same election  
 4 environment.  
 5 Again, that's one of the reasons why  
 6 you -- using the statewide election to avoid  
 7 that issue. I don't think it makes the purely  
 8 endogenous completely irrelevant, but certainly  
 9 something you want to be fully informed about  
 10 what it is you were comparing.  
 11 BY ATTORNEY THEODORE:  
 12 Q. Okay. Let's turn to your RPV analysis that you  
 13 conduct in your report, that you conduct with  
 14 Dr. Stevenson.  
 15 So your report includes tables  
 16 reflecting your own EI point estimates for  
 17 racially polarized voting in North Carolina  
 18 statewide in the demonstration area and in  
 19 Senate Districts 1 and 2, correct?  
 20 A. What are we looking at? I'm sorry.  
 21 Q. I'm sorry. We can flip if you want to. I think  
 22 it's the appendix of your report.  
 23 A. Yes. I want to make sure we're talking about  
 24 the appendix, not the tables.  
 25 Q. All right. So the appendix of your report

92

1 includes tables reflecting your own EI point  
 2 estimates for racially polarized voting in  
 3 North Carolina statewide in the demonstration  
 4 area and in Senate Districts 1 and 2, correct?  
 5 A. Correct.  
 6 Q. Okay. And you said that your colleague Randy  
 7 Stevenson created the code for this EI analysis;  
 8 is that correct?  
 9 A. Yes. So we worked together on -- we developed  
 10 a programming statements that did the analysis  
 11 the way we think is appropriate. And they're  
 12 not identical to the entire program that  
 13 Dr. Collingwood uses and reported, but they're  
 14 very, very similar, and they produced very  
 15 similar estimate.  
 16 Q. Okay. What's the code base and the programs  
 17 that Dr. Stevenson uses to run your EI  
 18 estimates?  
 19 A. So it's a combination of R code, programming R  
 20 code, calling the R x C routine in R to do the  
 21 actual EI analysis, and then some data -- some  
 22 of the data work is actually done in Stata to  
 23 get the in the data form to read into the --  
 24 that the R program needs to read it into the  
 25 R x C analysis.

93

1 Q. And did you review Dr. Stevenson's R code before  
 2 he pressed the button to do the analysis?  
 3 A. Yeah. So we developed that working together  
 4 over 20 years of cases. So, yes, I reviewed the  
 5 code.  
 6 Q. Okay. So when Dr. Stevenson presses the button  
 7 that outputs the EI analysis, how does the code  
 8 or Stata, how are the EI point estimates  
 9 reflected in your report appendix outputted?  
 10 A. They are -- they come out as the point  
 11 estimates, and they're -- he provides them to me  
 12 in a -- sort of a tabular form in an Excel  
 13 spreadsheet.  
 14 Q. In an Excel spreadsheet. Okay.  
 15 Did you turn over that Excel  
 16 spreadsheet in your backup data in this case?  
 17 A. I do not know. So ultimately the Excel  
 18 spreadsheet -- in this case, what I asked him to  
 19 provide me in a spreadsheet was what you see  
 20 here because I'm not relying on -- my question  
 21 for him was to perform the analysis, tell me if  
 22 it's -- if we can confirm what Collingwood is  
 23 doing, and so he provides me this, what we see  
 24 here, and on that basis I decided to go with  
 25 Collingwood so everything I do after that is

94

1 based on Collingwood.  
 2 So if Collingwood -- if we were  
 3 analyzing elections Collingwood hadn't analyzed,  
 4 then what would have been provided to me in a  
 5 spreadsheet form would have been our results in  
 6 a spreadsheet form which would then come into  
 7 the tables in the report, but the purpose here  
 8 wasn't to provide me with a spreadsheet that I  
 9 could report for these elections but to provide  
 10 me with a spreadsheet that merged Collingwood's  
 11 output with the output coming from our analysis,  
 12 and that's what you see here.  
 13 So this is what I -- this is what was  
 14 provided to me because that's the question I  
 15 asked Dr. Stevenson to address.  
 16 If we had added an election, then he  
 17 would have provided a different spreadsheet, a  
 18 spreadsheet of the results of our results that I  
 19 would be using in the report.  
 20 Q. And by what you see here, you're referring to  
 21 the tables in your Appendix A, correct?  
 22 Dr. Alford, did you hear the question?  
 23 A. I thought I said correct. Sorry.  
 24 Q. Okay. Great.  
 25 Okay. So Dr. Stevenson -- so the

95

1 results of your code come in a spreadsheet form  
 2 that would have just included your results, not  
 3 Dr. Collingwood's results, correct?  
 4 A. I would -- so the results that I'm seeing are  
 5 the results that are in the appendix. That's  
 6 what I asked for him to produce for me because  
 7 that was the purpose here.  
 8 Where those results came out or how  
 9 they were fit into the spreadsheet, I don't know  
 10 for sure. Dr. Stevenson would know.  
 11 Q. Okay. But just as a matter of logic, what his  
 12 code produced would necessarily be a spreadsheet  
 13 that only contained your EI results, not  
 14 Dr. Collingwood's EI results, correct?  
 15 A. I don't know -- so I asked for the results in a  
 16 spreadsheet form because that's the way -- it's  
 17 the most convenient for me to produce tables.  
 18 Whether -- the output from the program does not  
 19 necessarily sort of coming out as an Excel  
 20 speed. It could come out as comma separated  
 21 values, it could got to a Stata dataset. So  
 22 what the immediate form is before this is  
 23 produced might or might not be an Excel  
 24 spreadsheet.  
 25 Q. And you didn't turn over to us the intermediate

96

1 form that the code produced before you -- you or  
 2 Dr. Stevenson turned it into the document we see  
 3 here in Appendix A, correct?  
 4 A. Again, I would have to look back over what was  
 5 turned over, but certainly this was -- this was  
 6 turned over and this is what I had asked for as  
 7 the output product.  
 8 Whether the intermediate part exists or  
 9 how that was done or whether it was disclosed, I  
 10 don't know without looking back over the  
 11 disclosure.  
 12 ATTORNEY THEODORE: All right. I'm  
 13 going to mark -- transmit this document in the  
 14 chat and mark it as Exhibit 4.  
 15 (WHEREUPON, Plaintiff's Exhibit 4 was  
 16 marked for identification.)  
 17 BY ATTORNEY THEODORE:  
 18 Q. All right. Do you have that open, Dr. Alford?  
 19 A. Yes.  
 20 Q. And does this -- so this is a screenshot of the  
 21 folder structure for your backup data with all  
 22 of the folders under the program -- programs  
 23 folder expanded.  
 24 Do you recognize that the folders in  
 25 the files shown here are the backup files that

97

1 you transmitted in this case?  
 2 A. That looks to me to be correct.  
 3 Q. Okay. Do you see in this backup data any of the  
 4 intermediate production files that we were just  
 5 talking about?  
 6 A. I mean, there are lots of files here with lots  
 7 of different names. I don't see something that  
 8 would immediately jump out to me as being those  
 9 files, but, again, I would have to go back  
 10 through and look.  
 11 So, yeah, I don't know what the status  
 12 of the intermediate files is or whether they're  
 13 here or not. I just know what I asked for was  
 14 the appendix that's in the report.  
 15 Q. Okay. I'm going to transmit a copy of -- the  
 16 next exhibit shall mark as Exhibit 5, and this  
 17 is a copy of the "read me" document that was  
 18 part of your backup files.  
 19 Do you see that?  
 20 (WHEREUPON, Plaintiff's Exhibit 5 was  
 21 marked for identification.)  
 22 BY ATTORNEY THEODORE:  
 23 Q. Are you there, Dr. Alford?  
 24 A. Yes.  
 25 Q. And does this look like a copy of the "read me"

98

1 file that you produced as part of your backup  
 2 materials?  
 3 A. Yes.  
 4 Q. All right. And this is explaining how to  
 5 replicate the EI analysis that you conducted,  
 6 correct?  
 7 A. Correct.  
 8 Q. Do you see the sixth bullet?  
 9 A. Yes.  
 10 Q. And it says:  
 11 "Next, run one of the following  
 12 Stata scripts that reads the EI data  
 13 above and produces EI results. For  
 14 example, EI\_2016\_GE\_regional\_loop.do."  
 15 Did I read that correctly?  
 16 A. Yes.  
 17 Q. Is EI\_2016\_GE\_regional\_loop.do the Stata script  
 18 that runs the EI analysis for 2016 elections for  
 19 the demonstration area?  
 20 A. That's what it suggests, yes.  
 21 Q. And after what I just read in the sixth bullet  
 22 in your read me file, the file says:  
 23 "This file also relies on an R  
 24 program that is called by Stata e.g.,  
 25 GenericRxC\_EI\_NCarolina\_2016GE.R,

99

1 with the specific R script used for  
 2 any specific run indicated in the call  
 3 to R at the bottom of the Stata file."  
 4 Did I read that correctly?  
 5 A. Yes.  
 6 Q. So first you need the Stata script, and then to  
 7 replicate your analysis, you need this R program  
 8 that's called GenericRxC\_EI\_NCarolina\_2016GE.R,  
 9 correct?  
 10 A. That's correct.  
 11 Q. And then there's going to be a similar R program  
 12 to replicate the results for 2018, 2020, and  
 13 2022 elections; is that correct?  
 14 A. Correct.  
 15 Q. Okay. Did you provide any of those R programs  
 16 in your backup data?  
 17 A. The R program should be -- so if the R program  
 18 is being called by Stata, then the R program  
 19 should be there.  
 20 Q. All right.  
 21 A. Everything -- our intention at least was to  
 22 provide everything, including the detailed  
 23 instruction to allow anybody who wanted to  
 24 modify those scripts to narrowly in the sense of  
 25 just changing them to point to their own

100

1 computer and then to run them as is and get  
 2 exactly the analysis we get.  
 3 Q. Okay. And let's turn back to Exhibit 4 which  
 4 was the index of your backup materials.  
 5 A. Yes.  
 6 Q. Are you there?  
 7 A. Yes.  
 8 Q. Do you see the GenericRxC\_EI\_NCarolina\_2016GE.R  
 9 program anywhere in the list of programs that  
 10 you transmitted?  
 11 A. So I can't tell, is all this fully expanded? It  
 12 looks like there are folders that aren't  
 13 expanded.  
 14 Q. I believe the only folders that aren't expanded  
 15 are the folders under the input data folder.  
 16 A. So I don't see the R program that is being  
 17 called, but I'm also not seeing -- yeah, I'm not  
 18 seeing the R program that's called.  
 19 Q. And you're not seeing the R program that's being  
 20 called for 2018, 2020, or 2022 either, correct?  
 21 A. Correct.  
 22 Q. All right. So the four key files that would  
 23 allow replication of your EI results were  
 24 missing from your backup data; is that right?  
 25 A. Yeah. I would want -- you know, I would want to

101

1 go back through -- actually, you know, get the  
 2 file in front of me and go back through  
 3 everything to make sure it wasn't -- didn't end  
 4 up in the wrong place, but at least from what I  
 5 see here, I'm not seeing those -- the R files  
 6 that we indicated should be there.  
 7 Q. And it's not actually possible to replicate your  
 8 EI analysis without those R files, right?  
 9 A. Yeah, it certainly -- well, it's not impossible,  
 10 but our intention was to make it as simple and  
 11 as accurate as possible and therefore to provide  
 12 those files. That's why they're in the  
 13 instructions.  
 14 Q. Well, it wouldn't be possible -- I'm sorry. Go  
 15 ahead.  
 16 A. If they're not provided because of an oversight  
 17 when things are getting bundled up, well,  
 18 certainly we would have been happy to address  
 19 that and we're happy to address that now.  
 20 Q. I understand. I'm just asking a very simple  
 21 question which is it's not possible to replicate  
 22 your EI analysis without those R files; is that  
 23 correct?  
 24 A. I guess it depends on what you mean by  
 25 replication. It is possible to do a similar R

102

1 analysis or EI analysis without it. Collingwood  
 2 has already done that.  
 3 Our intention was to do something as  
 4 close as possible to what he did, and that's  
 5 what you'll see -- or what you would see in that  
 6 R code. And again, I'm happy to provide that if  
 7 it wasn't, if it was for whatever reason  
 8 inadvertently not included in this very large  
 9 set of files and folders, but it's certainly  
 10 possible to -- we could have done this same  
 11 analysis without Collingwood's R files because  
 12 we're perfectly capable of doing this and  
 13 obviously he's capable of doing the analysis  
 14 because he did it and got the same results.  
 15 Q. I'm just asking very simply, it's not possible  
 16 to replicate the precise numbers that you  
 17 produced without those R files, correct?  
 18 A. That would be correct.  
 19 Q. Okay. All right. And you have not offered any  
 20 opinion that your RPV estimates are more  
 21 accurate or reliable than Dr. Collingwood's,  
 22 correct?  
 23 A. That's correct.  
 24 Q. And you agree, based on your experience in  
 25 previous cases, that Dr. Collingwood's EI

103

1 analysis is trustworthy?  
 2 ATTORNEY McKNIGHT: Objection; form.  
 3 THE WITNESS: I would say based on the  
 4 cases I've been involved in in which  
 5 Dr. Collingwood has provided EI analysis, I've  
 6 always been able to replicate it. And I think  
 7 he's a capable EI analyst. I think he does  
 8 relatively careful work, so I -- among other  
 9 experts, I would put him among the group who I  
 10 would typically not expect to see any difference  
 11 between my analysis and his analysis. I don't  
 12 believe we've ever had a disagreement on a point  
 13 of analysis save the first case in which I saw  
 14 Dr. Collingwood when he was working for  
 15 Dr. Barreto.  
 16 BY ATTORNEY THEODORE:  
 17 Q. The estimates listed in your tables and your  
 18 appendix are EI point estimates, correct?  
 19 A. Correct.  
 20 Q. What's an EI point estimate?  
 21 A. It is the -- it's the EI result that's -- I'm  
 22 not sure exactly how you would want to  
 23 characterize that, but it's the result that EI  
 24 analysis produces that indicates the central  
 25 tendency of the EI analysis across the

104

1       precincts. So, for example, if it's 98 percent  
 2       that's telling us that the EI program is having  
 3       run for some period of time has concluded that  
 4       that's the point estimate that best represents  
 5       the -- its analysis across the data you  
 6       provided.

7       Q. All right. You don't report confidence  
 8       intervals for your EI point estimates in your  
 9       report, correct?

10      A. That's correct.

11      Q. Did you calculate confidence intervals for your  
 12      EI estimates?

13      A. I would assume. I don't think -- our standard  
 14      program outputs credible intervals, so, yeah, I  
 15      assume there are credible intervals.

16             I'm not relying on those credible  
 17      intervals in either my analysis or  
 18      Dr. Collingwood's, but, yes, the analysis -- I  
 19      mean, you have to ask for it, but we would  
 20      typically ask for the credible intervals as well  
 21      as the point estimate.

22      Q. Okay. And the program -- when Dr. Stevenson  
 23      presses the button, does the program generate  
 24      confidence intervals automatically?

25      A. The program -- yes, the program typically

105

1       Harris is small and therefore falls within the  
 2       confidence interval, and so we can't be  
 3       sure -- we can't reject the null hypothesis that  
 4       Trump is the leader or the null hypothesis that  
 5       Kamala Harris is leading, and so that's sort of  
 6       a standard. Again, it's a mathematical  
 7       calculation based on deviations.

8             Credible intervals, the EI technique is  
 9      not the same kind of technique and so it  
 10     doesn't -- it would not be appropriate to rely  
 11     on the calculated intervals based on deviations  
 12     within the aggregate data. And so what the EI  
 13     does is basically it produces -- actually  
 14     produces a very large series of point estimates  
 15     and then you look at the distribution of those  
 16     point estimates, the center of that distribution  
 17     is the point estimate, and then you actually  
 18     look physically at the upper and lower bound  
 19     that together contain 95 percent of the  
 20     estimated point estimates in the repeated draws  
 21     of the EI program.

22             And so the confidence interval is a  
 23      calculated interval. A credible interval is an  
 24      actual distribution of reported point estimates,  
 25      and it tells you that 95 percent of the point

107

1       extracts both point estimates and credible  
 2       intervals, not confidence intervals, but  
 3       credible intervals.

4       Q. What's the difference between a credible  
 5       interval and a confidence interval?

6       A. So a confidence interval -- if you do an  
 7       ordinary least squares regression where you take  
 8       a sample mean or something like that, you get a  
 9       confidence interval which is a mathematical  
 10      calculation based on the variation that's  
 11      present and suggests sort of the confidence  
 12      interval we typically think of that case in  
 13      social scientist as a 95 percent interval, so  
 14      we're confident that based on sampling  
 15      distribution, for example, that in the actual  
 16      value out in the real world would fall within  
 17      that upper and lower bound 95 percent of the  
 18      time and so that less than 5 percent of the time  
 19      we expect the calculated point estimate to be  
 20      outside of that -- outside of that range around  
 21      the action.

22             So we see this all the time in election  
 23      analysis and currently particularly I think in  
 24      every one of the states that matter, the  
 25      difference between Donald Trump and Kamala

106

1       estimates that the EI program has produced in  
 2       that stage are within that upper and lower  
 3       bound, so it tells you about how narrowly the  
 4       estimates are varying in repeated runs of  
 5       the -- repeated iterations. So this is an  
 6       iterative technique that iterates loss of times,  
 7       10,000 times, a hundred thousand times, a  
 8       million times, and the question is what does the  
 9       distribution of possible point estimates look  
 10      like in that actual world versus some  
 11      mathematical calculation which would be the case  
 12      in a technique like ordinary least squares  
 13      regression.

14             They can be interpreted in similar  
 15      ways. They can be used for telling you how  
 16      stable the estimate is. They can be used to  
 17      test the null hypothesis. So here we're not  
 18      actually testing a null hypothesis, and we have  
 19      a fairly large number of elections, fairly large  
 20      number of precincts. I don't think there's  
 21      anything in dispute here about -- that deals  
 22      with that issue about how stable the estimates  
 23      are, nor is there the confidence interval -- or  
 24      sorry -- the null hypothesis that we're testing  
 25      here, so how likely is it that -- I mean, for

108

1 example, you could test how likely is it that  
 2 black voters actually prefer Josh Stein in the  
 3 2016 AG race given that their point estimate is  
 4 98 percent. And so, you know, if the point  
 5 estimate was, you know, 51 percent, you might be  
 6 interested in what the credible intervals around  
 7 it because it might very well extend below  
 8 50 percent in which case you couldn't say for  
 9 certain whether Josh Stein was the preferred  
 10 candidate for black voters or not, but at  
 11 98 percent, I don't think that's really a  
 12 question.  
 13 Q. Okay.  
 14 A. So in this particular analysis and what I care  
 15 about, at least, those credible intervals are  
 16 not anything that I need to see or make any use  
 17 of.  
 18 Q. Okay. So your understanding is that the program  
 19 would have spit out those credible intervals,  
 20 but you did not look at them for purposes of  
 21 this report; is that accurate?  
 22 A. Again, I don't have the program in front of me,  
 23 but I would say it does not -- when you say spit  
 24 it out automatically, it's not automatically  
 25 produced by the simple call to the Bayesian

109

1 R x C analysis. You have to capture the  
 2 distribution and then look at the -- you know,  
 3 at those distribution points, so you capture the  
 4 upper and the lower panels to get the  
 5 95 percent, but that's something we routinely  
 6 include in the R program we run. And so -- and  
 7 I suspect I can't imagine why we would not have  
 8 included it here.  
 9 Q. So you suspect that Dr. Stevenson would have run  
 10 that and produced that, but you're not sure?  
 11 A. I'm not a hundred percent sure because I'm not  
 12 looking at the actual code, but I would be very  
 13 surprised if it wasn't involved.  
 14 I just want to make sure that I'm not  
 15 saying that any -- any EI run using the R x C  
 16 technique would not of necessity produce the  
 17 credible intervals, unlike -- what, if you run  
 18 OLS, you run ordinary least regression, if you  
 19 just ask for a regression, it typically will by  
 20 default produce a set of statistics that would  
 21 include the confidence interval. It's not for  
 22 the most stripped down call to simply produce  
 23 the point estimates, simply produces the point  
 24 estimates and then you have to look at the  
 25 captured variation in the point estimates to get

110

1 the credible interval.  
 2 Q. All right. And your backup data that you  
 3 produced in your accompanying report does not  
 4 include any file that contains any credible  
 5 intervals or confidence intervals or any data  
 6 associated with credible intervals or confidence  
 7 intervals; is that correct?  
 8 A. I believe that's correct.  
 9 ATTORNEY THEODORE: I'm going to  
 10 transmit another document in the chat that I'm  
 11 going to mark as Exhibit 6.  
 12 (WHEREUPON, Plaintiff's Exhibit 6 was  
 13 marked for identification.)  
 14 BY ATTORNEY THEODORE:  
 15 Q. Do you have this open?  
 16 A. Yes.  
 17 Q. Okay. Do you recognize this as an affidavit  
 18 that you submitted as an expert in the NAACP of  
 19 Spring Valley Branch versus East Ramapo Central  
 20 School District case?  
 21 A. Yes.  
 22 Q. Let's go to page 11, paragraph 38. Are you  
 23 there?  
 24 A. I'm getting there. Page 11, yes.  
 25 Q. And you say:

111

1 "The standard practice among  
 2 social scientists and statisticians is  
 3 to accompany specific EI estimates  
 4 (referred to as point estimates) with  
 5 associated confidence intervals."  
 6 Did I read that correctly?  
 7 A. Yes.  
 8 Q. Did your report state anywhere that you were not  
 9 following the standard practice among social  
 10 scientists and statisticians in using the EI  
 11 method because you did not accompany your  
 12 specific EI estimates with confidence intervals?  
 13 A. No.  
 14 Q. And the reason that you did not report  
 15 confidence intervals in this case is because you  
 16 think it's appropriate to simply rely on  
 17 Dr. Collingwood's estimates. Is that fair to  
 18 say?  
 19 ATTORNEY McKNIGHT: Objection; form.  
 20 THE WITNESS: I think there's -- it's a  
 21 lengthy subject. We can talk about all kinds of  
 22 things related to that, but, yes, in my  
 23 analysis, I'm not presenting an analysis and  
 24 asking the court to rely on my EI analysis.  
 25 I'm simply doing an EI analysis to

112

1 check and make sure that I can rely on  
 2 Dr. Collingwood's analysis, and  
 3 Dr. Collingwood's analysis, at least in the  
 4 graphic displayed, includes the -- it's a dot  
 5 plot, so we have the credible intervals  
 6 displayed graphically. And I don't make any use  
 7 of them, nor does he, but if I wanted to,  
 8 they're present in the data that I'm relying on.  
 9 ATTORNEY THEODORE: All right. I think  
 10 this might be a good time to break for lunch if  
 11 that sounds good.  
 12 (Lunch Recess: 12:51 to 1:30 p.m.)  
 13 BY ATTORNEY THEODORE:  
 14 Q. All right. It's Dr. Alford, right, not  
 15 "Dr. Alford"?  
 16 A. Alford, you're correct.  
 17 Q. Dr. Alford, most of your report is focused on  
 18 analyzing the role of the race of the candidate  
 19 in the polarized voting that we see in the  
 20 relevant regions. Is that fair to say?  
 21 A. Yes.  
 22 Q. And for this analysis, you only considered  
 23 Dr. Collingwood's EI results, not your own,  
 24 correct?  
 25 A. Correct.

113

1 A. Yes.  
 2 Q. In Excel?  
 3 A. Correct.  
 4 Q. Okay. And you didn't turn over the underlying  
 5 Excel files in your backup data, right?  
 6 A. I'm not sure I know what you mean by underlying  
 7 Excel file.  
 8 Q. You didn't turn over any Excel files relating to  
 9 these reports in your backup data, correct?  
 10 A. I think that's correct, yes.  
 11 Q. How did you determine the race of the candidate  
 12 for purposes of these Tables 1 through 7?  
 13 A. I think that was a combination that I think some  
 14 of the information may have come from lawyers,  
 15 some of it from looking at various sources about  
 16 the campaigns and about the candidates, so a  
 17 variety of sources.  
 18 Q. You have a recollection for at least some of  
 19 these candidates the lawyers sent you a list of  
 20 the race of the candidates?  
 21 A. No. I think there was -- there was some  
 22 discussion about -- about whether that was  
 23 available, and I think the lawyers may at some  
 24 point -- obviously, we've got multiple cases  
 25 going on so I'm not sure if it was in this case

115

1 Q. Did you ever conduct a similar analysis using  
 2 your own EI estimates?  
 3 A. No.  
 4 Q. Okay. And for this portion of the report, you  
 5 offer a number of tables in which you report the  
 6 race and the party of candidates in various  
 7 combinations of North Carolina elections between  
 8 2016 and 2022, correct?  
 9 A. Correct.  
 10 Q. And you report the race and party of those  
 11 candidates next to figures that you've taken  
 12 from Dr. Collingwood's report about the  
 13 percentage of the white and black vote that  
 14 those candidates received in four different  
 15 geographies, correct?  
 16 A. Correct.  
 17 Q. And that's statewide the demonstration area and  
 18 Senate Districts 1 and 2?  
 19 A. That's correct.  
 20 Q. And so Tables 1 through 7 all fall within this  
 21 category of table, correct?  
 22 ATTORNEY McKNIGHT: Objection; form.  
 23 THE WITNESS: That's correct.  
 24 BY ATTORNEY THEODORE:  
 25 Q. Okay. Did you personally prepare these tables?

114

1 or some other case, but I think the lawyers may  
 2 have looked at the codes that were used here  
 3 just to verify that they didn't see anything  
 4 that jumped out at them as mistaken.  
 5 There was some discussion with the  
 6 lawyers about using voter registration to  
 7 validate this particularly for moving beyond the  
 8 statewide candidates and to legislative races,  
 9 if that was going to become an issue, but as it  
 10 happens, that didn't become an issue because  
 11 Dr. Collingwood would not use any of the state  
 12 level -- any of the races below the statewide  
 13 races.  
 14 Q. Okay. So there's no list --  
 15 A. The lawyers never transmitted to me anything  
 16 with a list of candidates and races.  
 17 Q. Okay. Thanks.  
 18 Is the purpose of the analysis that  
 19 you're presenting in Tables 1 through 7 to  
 20 determine whether white voters are choosing not  
 21 to vote for black candidates because those  
 22 candidates are black?  
 23 A. There's a variety of things that you can draw  
 24 from this analysis, so I'm not -- I wouldn't say  
 25 that's the purpose of the analysis, but that

116

1 is -- that is something you could draw from.  
 2 I would say the purpose of the analysis  
 3 is to demonstrate that the tables and figures  
 4 produced by Dr. Collingwood that purport to show  
 5 that voting is racially polarized and that  
 6 Gingles 2 and 3 have been met, that that  
 7 analysis doesn't show anything more than  
 8 partisan voting.  
 9 Q. All right.  
 10 A. So I see it as illustrating a failure to  
 11 demonstrate something in the analysis provided  
 12 by Dr. Collingwood. That's why my preference is  
 13 to use, as I did here, Dr. Collingwood's  
 14 analysis. It purports to show one thing and  
 15 actually shows something else that he both  
 16 doesn't discuss and which is not immediately  
 17 apparent from his tables.  
 18 Q. All right. Let's turn to your Table 1. That's  
 19 on page 6.  
 20 A. Yes.  
 21 Q. This table considers three elections across  
 22 three different years and only one of them  
 23 involves a black candidate; is that correct?  
 24 A. That is correct.  
 25 Q. And you agree that the overall level of racially

117

1 polarized voting in the four regions presented  
 2 in this table is different in 2016, 2020, and  
 3 2022 which are the three years presented in this  
 4 table; is that correct?  
 5 ATTORNEY McKNIGHT: Objection; form.  
 6 THE WITNESS: I guess I'm not seeing  
 7 what you're seeing. I don't think --  
 8 BY ATTORNEY THEODORE:  
 9 Q. All right. Let me ask it a different way.  
 10 Based on Dr. Collingwood's overall RPV  
 11 results for 2016, 2020, and 2022, we know that  
 12 racially polarized voting in those years -- the  
 13 levels of racially polarized voting in those  
 14 years changes depending on the year in each of  
 15 the four regions presented in this table; is  
 16 that correct?  
 17 ATTORNEY McKNIGHT: Objection; form.  
 18 THE WITNESS: There's -- I would say  
 19 there's some modest difference in the levels of  
 20 crossover voting across those years.  
 21 BY ATTORNEY THEODORE:  
 22 Q. Would you regard a 10 percent difference as a  
 23 modest difference?  
 24 A. Obviously, it depends on where the 10 percent  
 25 occurs. A 10 percent difference between 45 to

118

1 55 is obviously important. It changes the  
 2 direction of the vote, but a 10 percent  
 3 difference I think is -- I guess it is what it  
 4 is, yeah.  
 5 In terms of the overall pattern of  
 6 polarization, I would say I would characterize  
 7 the overall pattern of polarization here to be  
 8 that white voting across this entire period is  
 9 well above 95 percent and that black voting and  
 10 white crossover voting again varies in that  
 11 range from 10 to 30 percent, so --  
 12 Q. All right.  
 13 A. I'm looking here and I'm seeing -- statewide,  
 14 I'm seeing a 4 percent difference in the area,  
 15 seeing about a -- what -- so statewide white  
 16 crossover vote is higher in 2022 than 2016, it's  
 17 a little bit lower in the demonstration area,  
 18 it's pretty much the same in District 1, pretty  
 19 much the same in District 2. Maybe I'm missing  
 20 something, but I'm not seeing that.  
 21 Q. I'm sorry. Are you looking at just this table,  
 22 or are you looking at the overall results for  
 23 all the elections in 2016 and 2018, 2020 and  
 24 2022?  
 25 A. I'm looking at the table.

119

1 Q. I was asking you a question about overall,  
 2 across all election contests. Let's just move  
 3 on.  
 4 Do you think that this table with only  
 5 three elections across different years presents  
 6 sufficient data to draw reliable conclusions  
 7 about whether the race of the candidate has a  
 8 polarizing impact on vote choice?  
 9 ATTORNEY McKNIGHT: Objection; form.  
 10 THE WITNESS: I think it presents  
 11 useful information. I obviously go on to  
 12 present six other tables and cover all of the  
 13 elections that Dr. Collingwood covered, so I  
 14 don't think it's the end of the story, but as it  
 15 happens, it tells -- substantively tells exactly  
 16 the same story as every other table.  
 17 It's certainly not drawing my  
 18 conclusion solely from this table, and it  
 19 obviously isn't the only table in the report.  
 20 It just provides a very simple first look that  
 21 suggests that here where we're simply looking at  
 22 US Senate elections, they look -- they look  
 23 remarkably similar when the Democrat and the  
 24 Republican are white and when the Democrat's  
 25 black and the Republican's white, so that's

120

1 suggestive.

2 And then the question is is that unique

3 to these three senate elections or is it the

4 case when we look more broadly at all the

5 elections in the analysis, and there's nothing

6 in this table that's incompatible with what we

7 see in the other six tables that cover all of

8 the elections.

9 BY ATTORNEY THEODORE:

10 Q. All right.

11 A. So we could rely on this table because you

12 wouldn't come to any conclusion you wouldn't

13 come to by looking at all the elections, but I'm

14 not suggesting that the court do that and I'm

15 not suggesting that I did that.

16 Q. So let's turn to Table 2 on page 7, and this

17 table is a comparison of how white and black

18 voters voted in seven state supreme court

19 elections between 2016 and 2022; is that

20 correct?

21 A. That is correct.

22 Q. And you say on page 7:

23 "If voters were responding to

24 the race of the candidates, we would

25 expect black voters to provide

121

1 significantly more support to a black

2 candidate."

3 Did I read that correctly?

4 A. Yes.

5 Q. What do you mean there by significantly?

6 A. Well, not statistically significantly because

7 we're not -- fortunately not in that area at

8 this point.

9 So substantively significant difference

10 of support, you know, perhaps something that

11 looked not cohesive or only weakly cohesive for

12 white candidates and clearly cohesive for black

13 candidates, for example, would indicate that

14 black voters are responding to the race of the

15 candidate by providing more support to black

16 candidates than to white candidates.

17 Q. Okay. This table shows that black voters in the

18 demonstration area and in District 2 support

19 white Democrats for state supreme court at a

20 rate of 99 percent, correct?

21 A. Correct.

22 Q. So how could we expect that black voters would

23 provide more support to a black Democrat than

24 99 percent?

25 A. We wouldn't.

122

1 Q. Okay.

2 A. As they would give support to the white

3 candidate.

4 Q. I'm sorry.

5 A. We're talking about the difference between their

6 support for the white and the black candidate,

7 correct?

8 I'm sorry. I'm asking questions. I'm

9 not supposed to. I withdraw the question,

10 Your Honor.

11 I think I've answered your question, I

12 hope.

13 Q. I think you have.

14 Okay. And in fact, this table shows

15 that in Senate District 1 where black voters

16 supported the white Democratic supreme court

17 candidates at rates of 96 percent, they

18 supported the black Democratic supreme court

19 candidates at 98 percent, correct?

20 A. Correct.

21 Q. So this table reflects that black voters are

22 more supportive of the black Democrat in

23 Senate District 1 than of the white Democrat,

24 correct?

25 A. I don't think that's correct.

123

1 Q. Well, 98 percent is more than 96 percent,

2 correct?

3 A. Yes.

4 Q. So this table reflects that black voters are

5 more supportive of the black Democrat in

6 Senate District 1 than of the white Democrat,

7 correct?

8 A. There's an EI point estimate that in one case is

9 96 and the other 98. Again, this is ecological

10 inference at the wrong level of analysis, and to

11 say that we know on the basis of that that black

12 voters provided more support to the black

13 candidate than the white candidate, first of

14 all, it's extremely marginal difference, and it

15 may or may not be real. And so I don't think we

16 can draw that conclusion that -- with a

17 difference that small in a technique that's this

18 remote from what we're trying to analyze, you

19 can argue that there is a -- there is a two

20 point difference in the point estimate provided

21 by the EI analysis, but to say that we therefore

22 can convert that to saying there's a two point

23 difference in the actual behavior of black

24 voters in those two elections, we can't. That's

25 simply beyond what this technique can do.

124

1 Q. Have you reviewed the --  
 2 A. The 98 percent difference between the black  
 3 voters' support for the Democratic and the  
 4 Republican candidate, there's the party. The  
 5 party effect here is 99 percent Democrat,  
 6 1 percent Republican; or 98 percent Democrat,  
 7 2 percent Republican; 96 percent versus  
 8 3 percent. That's the party difference.  
 9 If the race difference is 96 versus 98,  
 10 even if that's a real difference, you're talking  
 11 about what are we comparing here. The effect of  
 12 party is a difference of over 95 percent, then  
 13 the effective race at best in one area is  
 14 2 percentage points.  
 15 I think it's pretty clear what this  
 16 table tells us. It tells us about both partisan  
 17 cohesion and polarization.  
 18 Q. Did you review Dr. Collingwood's confidence  
 19 intervals associated with the estimates it got  
 20 for District 1?  
 21 A. I am sure that at some point I looked at those,  
 22 but I don't recall them off the top of my head.  
 23 Q. Okay. And sitting here today, you can't say  
 24 that this difference would be within the range  
 25 of the confidence intervals. Is that fair?

125

1 A. The difference may be -- it's possible that the  
 2 difference is outside of the -- it's possible  
 3 that we don't have overlapping credible  
 4 intervals here. It wouldn't seem very likely to  
 5 me, but it's possible. It wouldn't change my  
 6 answer.  
 7 Q. All right. So in your view, in a district where  
 8 black voters show cohesive support at a level  
 9 of, you know, 98 percent for particular white  
 10 candidates, your view is that it is impossible  
 11 to demonstrate on the basis of ecological  
 12 inference that black voters are motivated by the  
 13 race of the candidate?  
 14 ATTORNEY McKNIGHT: Objection; form.  
 15 THE WITNESS: No, I would not agree  
 16 with that.  
 17 BY ATTORNEY THEODORE:  
 18 Q. What do you disagree with about that statement?  
 19 A. I'm not saying that anything is impossible.  
 20 Again, all I'm saying is that this analysis,  
 21 these numbers which are Dr. Collingwood's  
 22 numbers, show us that party is having a very,  
 23 very large effect on how people vote, both black  
 24 and white, and it doesn't show that race is  
 25 having an effect on how people vote that's in

126

1 any sense in the same order of magnitude, much  
 2 less being a more powerful force.  
 3 So given that all this table tells us  
 4 is that -- for example, that blacks vote  
 5 overwhelmingly for Democratic candidates is  
 6 insufficient to establish that blacks  
 7 are -- that black voting is in any sense  
 8 affected by the fact that blacks are voting on  
 9 something related to race and similarly that  
 10 white crossover is being structured by race.  
 11 So it's the insufficiency. It's not  
 12 the impossibility of showing that, it's just the  
 13 absolutely plain fact when you look at this  
 14 table is that if you say, okay, this table  
 15 clearly shows partisan polarization, absent the  
 16 partisan polarization, what are we really seeing  
 17 here.  
 18 What the table doesn't do, what  
 19 Dr. -- the entirety of Dr. Collingwood's report  
 20 doesn't do is show any evidence of racially  
 21 polarized voting and a repeated abundance of  
 22 party polarization.  
 23 Q. And your answer there is talking about the race  
 24 of the candidate; is that correct?  
 25 A. At this level --

127

1 ATTORNEY McKNIGHT: Objection; form.  
 2 Go ahead.  
 3 THE WITNESS: Again, I didn't choose  
 4 this analysis form. This is just the analysis  
 5 form that is the most commonly by far -- I'd say  
 6 99 percent of all the analysis on Gingles 2 and  
 7 3 is based on exactly this kind of analysis,  
 8 both mine and Dr. Collingwood's and everybody  
 9 else's.  
 10 This is an analysis that's provided,  
 11 and in this analysis, once you add in -- which  
 12 Dr. Collingwood did not do -- the party of the  
 13 candidates, and once you add in -- which  
 14 Dr. Collingwood did not do -- the race of the  
 15 candidates, it's possible just by looking at  
 16 what he's produced to tell easily, with no  
 17 statistical expertise at all, what on the face  
 18 the table actually shows.  
 19 It's obscured in his report because you  
 20 can't look at the table and tell whether this is  
 21 party voting or whether the voting in anyway  
 22 implicates race.  
 23 Once you put those -- that information  
 24 back in, it tells you that the table is entirely  
 25 compatible with the party of the candidates, not

128

1 with the race of the candidate. That doesn't  
 2 prove the negative. It doesn't exclude the  
 3 possibility of something else happening. It  
 4 just excludes the ability of his analysis to any  
 5 way establish that there's empirical data here  
 6 to support the position that voting is racially  
 7 polarized in North Carolina.  
 8 BY ATTORNEY THEODORE:  
 9 Q. And by voting is racially polarized in  
 10 North Carolina, you mean that voting is racially  
 11 polarized in North Carolina on the basis of the  
 12 race of the candidate, correct?  
 13 ATTORNEY McKNIGHT: Objection; form.  
 14 THE WITNESS: Yes. I'm saying that --  
 15 I use the term racially polarized voting more  
 16 carefully than most people do. It's a  
 17 pejorative thing to say about voters. It's an  
 18 unfortunate things to say about voters. It's an  
 19 unfortunate place to be as a society, and so  
 20 what this table shows is that black and white  
 21 voters, like voters in general, are highly  
 22 polarized with regard to how they cast their  
 23 vote based on the party of candidates.  
 24 It does not show anything beyond that.  
 25 It certainly doesn't show -- or it certainly

129

1 isn't proper to characterize that as a situation  
 2 in which white voters are voting for -- are  
 3 voting on the basis of race or black voters are  
 4 voting on the basis of race. This is not about  
 5 black candidates favoring -- or black voters  
 6 favoring black candidates over white or white  
 7 voters favoring white candidates over black.  
 8 That's an implication you can draw from the  
 9 table, but it is not in fact what the table  
 10 shows.  
 11 BY ATTORNEY THEODORE:  
 12 Q. Do you believe that a black candidate  
 13 necessarily will advance the goals or interests  
 14 of black voters better than a white candidate  
 15 would?  
 16 ATTORNEY McKNIGHT: Objection; form.  
 17 THE WITNESS: That's a very broad  
 18 question. There are multiple forms of  
 19 representation, so in theory, representation --  
 20 one kind of representation is called reflective  
 21 representation. So am I better represented as a  
 22 resident of Houston by having a fellow resident  
 23 of Houston. I am better represented in the  
 24 sense of reflective representation. Does it  
 25 mean they will do a better job of providing

130

1 policy representation, not necessarily. I think  
 2 that's more to my point than yours.  
 3 All right. If what we're talking about  
 4 is what matters is not the race of the candidate  
 5 but the policy positions of candidates, then  
 6 we're talking about democratic politics. People  
 7 vote for candidates that represent their policy  
 8 interests. That's not racially polarized  
 9 voting. That's policy polarized voting.  
 10 BY ATTORNEY THEODORE:  
 11 Q. Let me just repeat the question.  
 12 Do you believe that a black candidate  
 13 necessarily will advance the goals or interests  
 14 of black voters better than a white candidate  
 15 would?  
 16 ATTORNEY McKNIGHT: Same objection;  
 17 form.  
 18 THE WITNESS: No, I do not.  
 19 BY ATTORNEY THEODORE:  
 20 Q. Let's turn to Table 4 on page 12 of your report.  
 21 So this is the table reflecting RPV  
 22 estimates from Dr. Collingwood's report from the  
 23 2016 statewide races in the four regions,  
 24 correct?  
 25 A. Correct.

131

1 Q. And you've added the race of the candidate,  
 2 correct?  
 3 A. That is correct.  
 4 Q. All right.  
 5 A. And the party.  
 6 Q. And the party. Thank you.  
 7 If you go to the row for black versus  
 8 white Democratic average, do you see that row?  
 9 A. Black versus white, Democratic average, okay.  
 10 Q. And all the black candidates who ran in the 2016  
 11 elections or in the 2016 partisan elections were  
 12 Democrats, and all the white candidates who ran  
 13 in the 2016 -- I'm sorry. Let me start again.  
 14 All the black candidates who ran in the  
 15 2016 partisan elections were Democrats and none  
 16 of the black candidates were Republicans; is  
 17 that correct?  
 18 A. That is correct.  
 19 Q. Okay. And that row in Table 4, the black versus  
 20 white Democratic average row, reflects that in  
 21 contests between black and white candidates,  
 22 black voters gave 99 percent of their vote to  
 23 the black candidate in the demonstration area  
 24 and in enacted Districts 1 and 2; is that  
 25 correct?

132

1 A. That is correct.  
 2 Q. And by contrast, white voters gave between 77  
 3 and 82 percent of their vote to the white  
 4 candidate in those 2016 election; is that  
 5 correct?  
 6 A. That is correct.  
 7 Q. All right. Let's go to Table 5, page 13.  
 8 And this is the same table but for  
 9 2018, correct?  
 10 A. That is correct.  
 11 Q. And here there's only one race involving a black  
 12 candidate, correct?  
 13 A. That is correct.  
 14 Q. And Table 5 reflects that in the one contest  
 15 between black and white candidates, black voters  
 16 gave between 98 and 99 percent of their vote to  
 17 the black candidate in the demonstration area  
 18 and enacted Districts 1 and 2, correct?  
 19 A. That is correct.  
 20 Q. And there are two white candidates in that one  
 21 election between black and white candidates, and  
 22 you've combined them in the row; is that right?  
 23 A. That is correct.  
 24 Q. And in that election between black and white  
 25 candidates, white voters gave between 75 and

133

1 83 percent of their vote to the white candidates  
 2 in the demonstration area in Districts 1 and 2?  
 3 A. That is correct.  
 4 Q. All right. Let's go to Table 6, page 14.  
 5 This is the same table but for the 2020  
 6 races; is that right?  
 7 A. That is correct.  
 8 Q. Okay. And here there are -- here there are  
 9 three races pitting a black candidate against a  
 10 white candidate; is that right?  
 11 A. I'm sorry. Three, you're correct.  
 12 Q. And you have the Gore-Cabbage race in the black  
 13 versus white category, but that's an error in  
 14 the table; is that correct?  
 15 A. Correct.  
 16 Q. Because both Gore and Cabbage are black?  
 17 A. That's correct.  
 18 Q. So Table 6 reflects that in the three contests  
 19 between black and white candidates, black voters  
 20 give between 98 and 99 percent of their vote to  
 21 the black candidate in the demonstration area in  
 22 enacted Districts 1 and 2; is that correct?  
 23 A. That is correct.  
 24 Q. And white voters gave between 80 and 86 percent  
 25 of their vote to the white candidates in those

134

1 three elections; is that correct?  
 2 A. That's correct.  
 3 Q. All right. Let's go to Table 7, page 15.  
 4 And this is the same table but for 2022  
 5 races?  
 6 A. That is correct.  
 7 Q. And there are three races in 2022 pitting a  
 8 black candidate against a white candidate; is  
 9 that correct?  
 10 A. That's correct.  
 11 Q. And Table 7 reflects that in contests between  
 12 black and white candidates in 2022, black voters  
 13 give between 94 and 99 percent of their vote to  
 14 the black candidate in the demonstration area  
 15 District 1 and District 2?  
 16 A. Yes, that is correct.  
 17 Q. And in comparison, in the three contests between  
 18 a black and white candidate in 2022, white  
 19 voters gave between 77 and 85 percent of their  
 20 vote to the white candidates; is that correct?  
 21 A. That's correct.  
 22 Q. All right. So across all four years, it is  
 23 empirically true that in contests pitting black  
 24 candidates against white candidates, white  
 25 voters overwhelmingly prefer the white candidate

135

1 and black candidates [sic] overwhelmingly prefer  
 2 the black candidate. Is that true?  
 3 ATTORNEY McKNIGHT: Objection; form.  
 4 THE WITNESS: Yeah, I think that's  
 5 true.  
 6 BY ATTORNEY THEODORE:  
 7 Q. Okay. All right. I'm going to refer to a  
 8 statewide contest between a white candidate and  
 9 a black candidate as a biracial race. Is that  
 10 fair?  
 11 A. Yes.  
 12 Q. And would you agree that in every single  
 13 biracial statewide contest in 2018, 2020, and  
 14 2022, white voters voted cohesively against the  
 15 black candidate?  
 16 ATTORNEY McKNIGHT: Objection; form.  
 17 THE WITNESS: No.  
 18 BY ATTORNEY THEODORE:  
 19 Q. Why do you disagree with that statement?  
 20 A. At a 2016 Supreme Court race, white voters not  
 21 voting cohesively in opposition to the black  
 22 candidate.  
 23 Q. Let me ask the question again.  
 24 You'd agree that in every single  
 25 biracial statewide contest in 2018, 2020, and

136

1 2022, white voters voted as a bloc against the  
 2 black candidate; is that correct?  
 3 ATTORNEY McKNIGHT: Objection; form.  
 4 THE WITNESS: Again, I don't want to  
 5 quibble about vote as a bloc, but --  
 6 BY ATTORNEY THEODORE:  
 7 Q. I'm sorry. Let me just interrupt you.  
 8 I'm excluding 2016 from my question.  
 9 A. Okay. In 2018, 2020, and 2022, all of the  
 10 elections show white voters voting at 70 to 80  
 11 some percent for the white candidate.  
 12 Q. All right. So let me just repeat it again.  
 13 You'd agree that in every single  
 14 biracial statewide contest in 2018, 2020, and  
 15 2022, white voters voted cohesively against the  
 16 black candidate?  
 17 ATTORNEY McKNIGHT: Objection; form.  
 18 THE WITNESS: Again, with some level  
 19 of -- some level of cohesion, yes, I agree.  
 20 BY ATTORNEY THEODORE:  
 21 Q. Well, not just at some level of cohesion, but at  
 22 the 75 percent level of cohesion that we talked  
 23 about earlier. Is that true?  
 24 A. Essentially, yes.  
 25 Q. Okay. And that's true across the demonstration

137

1 area, District 1 and District 2, correct?  
 2 A. That's correct.  
 3 Q. All right. And of the six biracial statewide  
 4 contests in 2016, white voters voted cohesively  
 5 against the black candidate in at least five of  
 6 the six; is that correct?  
 7 A. Yes. At that 75 percent level, yes, that would  
 8 be correct.  
 9 Q. Okay. Let's turn to page 11 of your report.  
 10 You state there:  
 11 "The 2016 contests are the only  
 12 ones that show any consistent tendency  
 13 for white voters to crossover at lower  
 14 levels for black Democratic candidates."  
 15 Did I read that correctly?  
 16 A. Yes.  
 17 Q. So you agree in 2016, at least, there is a  
 18 consistent tendency for white voters to cross  
 19 over at lower levels for black Democratic  
 20 candidates?  
 21 A. Again, I stand by what I said there. It is  
 22 consistent, that is, it occurs across each of  
 23 the areas of analysis, but again, the magnitude  
 24 is very slight. And what exactly that means, I  
 25 don't know, but it is at least consistent.

138

1 Q. Okay. And turning to 2018, which is on page 13  
 2 of your report -- all right. Skip that,  
 3 actually. Sorry.  
 4 Turn to 2020 which is on page 14 of  
 5 your report.  
 6 A. Yes.  
 7 Q. White voters are slightly more likely to vote  
 8 for the white Democrat than the black Democrat;  
 9 is that right?  
 10 A. Not consistently, no.  
 11 Q. On average, in District 2, white voters are  
 12 slightly more likely to vote for the white  
 13 Democrat than the black Democrat in 2020; is  
 14 that correct?  
 15 A. I guess I want you to point me to what -- what  
 16 numbers we're talking about here that you say  
 17 reflect that.  
 18 Q. It's the number -- the average in the white  
 19 versus white Democratic average row for white  
 20 voters in District 2. You see that 17 percent?  
 21 A. 17 percent, yes.  
 22 Q. And the black versus white row, Democratic  
 23 average in District 2 for white voters is  
 24 16 percent. Do you see that?  
 25 A. Yes.

139

1 Q. Okay. So in 2020, white voters are slightly  
 2 more likely in District 2 to vote for the white  
 3 Democrat than the black Democrat?  
 4 A. Again, the point estimate is one percentage  
 5 point difference. I don't know that I can say  
 6 that the voters themselves are consistently or  
 7 more likely to -- I can't say what that means  
 8 about the behavior of the voters. It's too  
 9 small a difference for this technique to tell us  
 10 if there's actually a difference in what the  
 11 voters are doing in terms of how they're casting  
 12 their vote. There are other factors that could  
 13 be leading to that very light difference beyond  
 14 the voting behavior of the voters.  
 15 It's -- that difference is not  
 16 consistent across the table. There's no  
 17 difference in District 1. There's no difference  
 18 in the demonstration area. There's essentially  
 19 no difference in the statewide. So, yeah, if  
 20 that's -- taking them together, the table shows  
 21 that maybe there's a one percentage point  
 22 difference in the behavior in District 2 and  
 23 maybe that means something real or maybe it  
 24 doesn't, but that's the best you can do.  
 25 Q. Okay. And I'm going to ask you a similar

140

1 question about Table 7 on page 15.  
 2 In 2022, white voters are slightly more  
 3 likely in the demonstration area to vote for the  
 4 white Democrat than the black Democrat; is that  
 5 correct?  
 6 A. Let me make sure I'm looking at the right  
 7 numbers here.  
 8 Q. I'm looking at the 12 percent versus 11 percent.  
 9 A. Yes, 12 percent versus 11 percent.  
 10 I'm sorry. Where is the -- back here.  
 11 Demonstration area, 12 versus 11, yes.  
 12 Q. Okay. So in 2022, white voters are slightly  
 13 more likely in the demonstration area to vote  
 14 for the white Democrat than the black Democrat?  
 15 A. Again, with the same caveat that we're now  
 16 talking about what voters do rather than what  
 17 the numbers are. The numbers are what they are.  
 18 I don't think they tell us that about the  
 19 voters.  
 20 And I don't think -- I don't think the  
 21 statewide -- it's the case that we know that  
 22 white voters are more likely to vote for black  
 23 candidates than white candidates despite the  
 24 fact that there's a one point increase when we  
 25 move to the black candidates. I don't think the

141

1 voters are less likely when we move between 12  
 2 and 11.  
 3 Q. Okay. Do you agree that a 1 percent difference  
 4 in white voter support could make the difference  
 5 for black candidate success in a particular  
 6 election?  
 7 A. Actual -- the actual difference in voting of  
 8 1 percent, yes.  
 9 Q. Did you identify any year or region -- strike  
 10 that.  
 11 For any year in the demonstration area  
 12 of District 1 or District 2, did you identify  
 13 any example in which white voters were less  
 14 likely to vote for a white Democrat than a black  
 15 Democrat?  
 16 A. So we're confining it to a demonstration area  
 17 only?  
 18 Q. We're confining it to the demonstration area  
 19 District 1 and District 2. We're excluding the  
 20 statewide.  
 21 A. I think that's correct.  
 22 Q. In other words, it's correct that you did not  
 23 identify any example in the demonstration area  
 24 District 1 or District 2 in which white voters  
 25 were less likely to vote for a white Democrat

142

1 than a black Democrat?  
 2 A. Correct.  
 3 Q. Okay. So every time there is a difference in  
 4 the averages you are reporting in these tables  
 5 in the demonstration area District 1 and  
 6 District 2, it is a difference in the direction  
 7 of white voters preferring the white Democrat  
 8 over the black Democrat; is that correct?  
 9 A. That's the direction of the point estimate.  
 10 Again, we don't know whether these differences  
 11 reflect any real difference in the behavior of  
 12 white voters or not.  
 13 Q. But just looking at the numbers you report in  
 14 your table, every time there is a difference in  
 15 the averages in the table for our demonstration  
 16 area for District 1 or for District 2, it's a  
 17 difference in the direction of white voters  
 18 preferring the white Democrat over the black  
 19 Democrat.  
 20 ATTORNEY McKNIGHT: Objection; form.  
 21 THE WITNESS: The difference in the  
 22 numbers, yes.  
 23 BY ATTORNEY THEODORE:  
 24 Q. You said earlier that the independent variable  
 25 in the EI analysis and Dr. Collingwood's EI

143

1 analysis was the race of the voter; is that  
 2 correct?  
 3 A. Basically, yes.  
 4 Q. Okay. Was the race of the candidate an  
 5 independent variable that was included in your  
 6 EI analysis?  
 7 A. No, it's not.  
 8 Q. And it's not included in Dr. Collingwood's  
 9 analysis either, right?  
 10 A. That's correct.  
 11 Q. Was the party of the candidate an independent  
 12 variable that was included in your EI analysis  
 13 or Dr. Collingwood's EI analysis?  
 14 A. It was not.  
 15 Q. And would you agree that you can't draw  
 16 conclusions about the causal effect of the  
 17 candidates's party or race if it was not an  
 18 independent variable in the EI analysis?  
 19 A. No, I would not agree with that. I don't think  
 20 you can draw a causal inference from the EI  
 21 analysis, period.  
 22 So broadly, yes, but if your question  
 23 is -- if you're framing the question to suggest  
 24 that if that was in the EI analysis, we would be  
 25 able to draw a causal conclusion and we can't.

144

1 So you can't draw causal conclusions, but it's  
 2 not because about whether a variable is or isn't  
 3 in the EI model. It's about whether this  
 4 analysis is capable of drawing -- can draw a  
 5 causal conclusion about the variables that are  
 6 in the EI analysis.  
 7 It doesn't produce -- Dr. Collingwood's  
 8 analysis does not show the causal -- does not  
 9 demonstrate a causal connection between the race  
 10 of the candidate and the vote. Or I'm sorry --  
 11 between the race and the voters and the vote.  
 12 It's suggestive of it or compatible with it, but  
 13 we're not doing a causal analysis here. We're  
 14 doing an ecological inference on ecological  
 15 data.  
 16 Q. All right. Let me frame it slightly  
 17 differently.  
 18 Would you agree with Dr. Collingwood's  
 19 analysis because the race of the voter is the  
 20 independent variable, the EI analysis shows that  
 21 the polarized voting results can be explained by  
 22 the race of the voter. Would you agree with  
 23 that statement?  
 24 A. So, yes, you can use the race of the voters to  
 25 predict party voting because apparently to

145

1 the -- we haven't delved into what that means,  
 2 whether it's party ID or policy or something  
 3 else, but apparently there is a connection  
 4 between the race of the voter and their party.  
 5 That's what the analysis show.  
 6 I don't know if it's a causal  
 7 connection because this isn't a causal analysis,  
 8 but what the conclusion you can draw, the  
 9 reliable conclusion you can draw from this  
 10 analysis is that there's a connection between  
 11 the independent variable, the race of the voter,  
 12 and the dependent variable which is whether they  
 13 vote Democrat or Republican in a partisan  
 14 election by connections established here.  
 15 Q. So you're not offering any opinion that the  
 16 polarized voting results that we see can't be  
 17 explained by the race of the voter; is that  
 18 right?  
 19 A. Again, the party -- the difference in party  
 20 support can be explained by the race of the  
 21 voters. The difference in the support for black  
 22 and white candidates cannot be explained by the  
 23 race of the voters. That just seems like a  
 24 pretty simple fact pattern to me.  
 25 The difference in party voting just

146

1 almost completely explained here and the  
 2 difference with regard to the race of candidates  
 3 is almost completely unexplained by the race of  
 4 the voters. I don't know how much clearer I can  
 5 make that.  
 6 All this analysis shows is that black  
 7 and white voters in North Carolina show  
 8 different levels of support for Democratic and  
 9 Republican candidates, full stop.  
 10 Q. All right. You're not contending that the  
 11 partisanship or party affiliation of the voter  
 12 rather than the race of the voter is what  
 13 explains or causes polarized voting results that  
 14 we see here; is that correct?  
 15 A. Half correct.  
 16 Q. All right. Which half?  
 17 A. We have no measure of the partisan affiliation  
 18 of the voters, so we're not analyzing the party  
 19 affiliation of the voters.  
 20 Q. Okay.  
 21 A. We're analyzing the race, and the race of the  
 22 voter is strongly connected to the party they  
 23 vote for, not strongly connected to the racial  
 24 characteristics of the candidates they vote for.  
 25 So again, what we demonstrated here is

147

1 that the race of voters is strongly connected to  
 2 the party of candidates. Why that's the case  
 3 hasn't been demonstrated here or analyzed here  
 4 by Dr. Collingwood or by me.  
 5 Q. Okay.  
 6 A. This is about what isn't demonstrated.  
 7 Q. So you've done no analysis of the question of  
 8 whether a voter's party affiliation or  
 9 partisanship accounts for the EI results that we  
 10 see?  
 11 A. There's been no analysis presented here that  
 12 looks at the partisanship of voters by either  
 13 Dr. Collingwood or myself. It is certainly the  
 14 case, given these results, that one might  
 15 suspect this had something to do with what has  
 16 over the last 50 years been demonstrated without  
 17 exception to be the most powerful effect on  
 18 voting -- the single most powerful effect on  
 19 voting in the United States in partisan  
 20 elections, and that is the partisan leanings of  
 21 the voters.  
 22 Now, maybe that's an exception in  
 23 North Carolina, but you would have to bring some  
 24 pretty strong evidence to convince me that  
 25 voters in North Carolina are not voting on the

148

1 basis of their partisan affiliation. Every poll  
 2 I've ever seen for North Carolina or any other  
 3 state in the country shows that voters  
 4 overwhelmingly vote on the basis of  
 5 partisanship.  
 6 I don't have data for this analysis.  
 7 Dr. Collingwood didn't seem to think it was  
 8 important. I would agree. I don't think we  
 9 need analysis to establish the fact that there  
 10 is heavy partisan polarization in North Carolina  
 11 and everywhere else in the United States today.  
 12 Q. All right. Do you agree that candidates who are  
 13 Democrats may be more likely to hold particular  
 14 policy views that black voters support or that  
 15 black voters believe will advance the interests  
 16 of black people?  
 17 ATTORNEY McKNIGHT: Objection; form.  
 18 THE WITNESS: I prefer to stick to what  
 19 is in the analysis, and there's no analysis here  
 20 from Dr. Collingwood and no response from me  
 21 about whether this is policy representation or  
 22 party representation. My point is just that  
 23 if -- if this is about differences in policy,  
 24 then -- and again, differences in policy are not  
 25 what's protected by the Voting Rights Act.

149

1 BY ATTORNEY THEODORE:  
 2 Q. All right. But do you agree that candidates who  
 3 are Democrats may be more likely to hold  
 4 particular policy views that black voters  
 5 believe will advance the interest of black  
 6 people?  
 7 ATTORNEY McKNIGHT: Objection; form.  
 8 THE WITNESS: In that form, I agree,  
 9 they may be. We haven't seen that. We have no  
 10 evidence for that. I'm not presenting it,  
 11 Dr. Collingwood isn't, but that may be. But  
 12 you're right, it may be.  
 13 BY ATTORNEY THEODORE:  
 14 Q. So, for example, a Democratic candidate may be  
 15 more likely to focus when campaigning on  
 16 combatting mortgage discrimination or redlining,  
 17 for example?  
 18 A. Maybe.  
 19 Q. Maybe more likely to support the Black Lives  
 20 Matter movement?  
 21 A. Maybe.  
 22 Q. Fair to say there are other issues of particular  
 23 salience to black voters that a Democratic  
 24 candidate may be more likely to focus on?  
 25 ATTORNEY McKNIGHT: Objection; form.

150

1 THE WITNESS: I want to make it clear,  
 2 I'm not suggesting that either black or white  
 3 voters are blindly following parties -- party  
 4 sentiment, although they have strong party  
 5 sentiment from all the research I've seen. They  
 6 may also have very substantial policy reasons  
 7 for supporting one party over the other, and  
 8 that distinction between partisan forces and  
 9 policy forces is sometimes made, but I don't  
 10 think that it's a distinction that's meaningful  
 11 given that the same sort of analysis is applied  
 12 to nonpartisan elections, and there obviously  
 13 it's not necessarily partisanship but might in  
 14 fact be entirely policy differences, and the  
 15 court discusses exactly that. If these are just  
 16 policy differences, then this is not a violation  
 17 of the Voting Rights Act.  
 18 BY ATTORNEY THEODORE:  
 19 Q. All right. Other than simply observing that the  
 20 black preferred candidates are consistently  
 21 Democrats, you haven't done any work in this  
 22 report or for this case to try to assess why the  
 23 black preferred candidates are consistently  
 24 Democrats; is that correct?  
 25 A. Yes. All I'm commenting on here is what it is

151

1 that Dr. Collingwood's analysis has  
 2 demonstrated. I'm not trying to take that apart  
 3 or try to understand anything deeper about it  
 4 except to say that the analysis he presented  
 5 makes it very clear that these voting  
 6 differences are at least as related to the party  
 7 affiliation of the candidates, not the race of  
 8 the candidates.  
 9 Q. Okay. And you haven't done any work to try to  
 10 assess whether black voters consistently support  
 11 Democratic candidates because they're Democrats  
 12 or whether they consistently support Democratic  
 13 candidates because Democratic candidates  
 14 consistently promote policies and values shared  
 15 by black voters; is that correct?  
 16 A. There's no analysis here on that issue in my  
 17 report or Dr. Collingwood's.  
 18 Q. You haven't done any analysis of that issue?  
 19 A. For this case, no.  
 20 Q. All right. Did you investigate any common  
 21 characteristics other than party and race shared  
 22 by any candidate discussed in your report?  
 23 A. No.  
 24 Q. All right. You agree that candidates who are  
 25 Republicans may be less likely to hold policy

152

1 views that back voters believe will advance  
 2 their interests?  
 3 ATTORNEY McKNIGHT: Objection; form.  
 4 THE WITNESS: They may be.  
 5 BY ATTORNEY THEODORE:  
 6 Q. Well, in fact, Dr. Alford, you know, you teach  
 7 classes about American politics. Don't you know  
 8 that Democratic candidates are more likely than  
 9 Republican candidates to support the Black Lives  
 10 Matter movement, for example?  
 11 A. Black Lives Matter, yes, I would say that's  
 12 probably an issue where that would be fair to  
 13 say that, produced fairly substantial initial  
 14 split. I'd say that split has declined  
 15 somewhat, but, yeah, I think that would be fair.  
 16 Q. All right. And it's fair to say that you know  
 17 that there are other issues of particular  
 18 salience to black voters that a Democratic  
 19 candidate is more likely to focus on?  
 20 A. I mean, it's possible. I know that -- for  
 21 example, that black voters are less likely to  
 22 support abortion than white voters, and despite  
 23 their positions in the Republican and Democratic  
 24 Party, that doesn't appear to have affected  
 25 the -- at least to date affected the tendency of

153

1 black voters to vote Democratic.  
 2 Q. All right. But there are other issues, you  
 3 would agree, of particular salience to black  
 4 voters where a Democratic candidate is going to  
 5 be more likely to share the view of black voters  
 6 than the Republican candidate. Is that true?  
 7 ATTORNEY McKNIGHT: Objection; form.  
 8 THE WITNESS: Again, we're -- because  
 9 we have two major parties, were on a party  
 10 system, there are things that people share and  
 11 don't share, certainly there are a lot of  
 12 issues, gay marriage, transgender rights,  
 13 abortion rights, where black voters are not  
 14 particularly in harmony with the Democratic  
 15 Party, there are other issues where they may be  
 16 more in harmony with the party.  
 17 So, yeah, there -- there is  
 18 partisanship here and there are policy issues  
 19 here that voters used in deciding where they  
 20 belong in this political spectrum, and  
 21 that's -- that's true of black voters as it  
 22 of white voters. I'm a Democrat because --  
 23 partly because -- in my case fairly specifically  
 24 because I support policies of the Democratic  
 25 Party. My father was a Republican, my mother

154

1 was a Democrat, and so I had a choice to make,  
 2 that's the direction I went.  
 3 I think that's true of voters in  
 4 general. And again, I don't think that -- I  
 5 think that's just part of, you know, Democratic  
 6 politics. You know, if I -- I happen to live in  
 7 a Republican district so I'm represented by a  
 8 Republican member of congress, to the extent  
 9 that's representation. I can move to another  
 10 part of Houston and I'd be represented by a  
 11 Democratic member of congress. So my district  
 12 could be one in which I would elect someone who  
 13 would represent my interest or not, and that  
 14 reflects the fact that if you live in a  
 15 Republican district, you're likely to have a  
 16 Republican representative and vice versa.  
 17 BY ATTORNEY THEODORE:  
 18 Q. What are some other examples that you can think  
 19 of other than the Black Lives Matter movement  
 20 where Democratic candidates are more likely to  
 21 support policies that black voters also support?  
 22 A. I'd say I haven't actually looked at that  
 23 issue -- particularly looked at it in  
 24 North Carolina which is not a place I've ever  
 25 lived or studied. So off the top of my head, I

155

1 don't know what that profile would look like.  
 2 Q. Okay. You would agree that it is possible for  
 3 political affiliation to be motivated by race,  
 4 correct?  
 5 A. Yes.  
 6 Q. Let's turn to Table 14 of your report, page 6.  
 7 I'm sorry. I think I mean Table 6 of your  
 8 report, page 14.  
 9 A. I was getting confused. Much better.  
 10 Q. Okay. One of the biracial contests here is the  
 11 2020 race between Cheri Beasley and Paul Newby  
 12 for State Supreme Court, correct?  
 13 A. Yes.  
 14 Q. All right. And white voters gave -- white  
 15 voters cohesively gave 86 percent to Justice  
 16 Newby in the demonstration area, correct?  
 17 A. Correct.  
 18 Q. And they gave only 14 percent of their support  
 19 to Cheri Beasley, correct?  
 20 A. Correct.  
 21 Q. Okay. And, you know, we've covered some of this  
 22 ground, I think, but nothing in your analysis  
 23 here purports to identify the reason that white  
 24 voters supported Justice Newby; is that correct?  
 25 A. I'm not exactly sure. So we're off the issue of

156

1 causation, and I'm happy about that, but when we  
 2 take a single election and look at it and we say  
 3 why would Paul Newby be getting 86 percent of  
 4 the white vote and then we look at all of the  
 5 other tables, I don't think that's a difficult  
 6 question to answer. He's getting something  
 7 around 80 percent of the vote which would put  
 8 him in precisely the same position as every  
 9 other Republican in the 49 elections.

10 So, yes, the table -- the analysis does  
 11 provide a very simple explanation for why Paul  
 12 Newby might be getting 86 percent of the vote  
 13 because he's a Republican and every other  
 14 Republican is getting 86 percent of the vote in  
 15 essence. So if you just treat that why is he  
 16 getting strong support from Republicans, it's  
 17 not because he's white, clearly, because we can  
 18 see lots of other white candidates here who are  
 19 getting exactly the opposite; they're getting  
 20 18 percent.

21 I mean, maybe just that the tables show  
 22 something so strongly that it almost disappears,  
 23 but if you looked at these tables and I changed  
 24 the terms from race and party and told you this  
 25 had to do with ice cream or something, you would

157

1 look at the tables and there's no question what  
 2 the conclusions you should reach. There's a  
 3 dependable force operating here, and that force  
 4 is party of the candidate on the vote of black  
 5 and white voters in North Carolina.

6 Q. All right. But you're -- and unfortunately,  
 7 we're not yet off the topic of causation.

8 Okay. I think we've covered this, but  
 9 the only characteristics for candidates  
 10 reflected on this table are their race and their  
 11 party, correct?

12 A. Yes, which is two more things that are reflected  
 13 than Dr. Collingwood's table.

14 Q. There are no other characteristics of the  
 15 candidates that are reflected here?

16 A. That's correct.

17 Q. Do you believe that you can testify to a  
 18 reasonable degree of scientific certainty that  
 19 the pattern of racially polarized voting here is  
 20 caused by the party affiliation of the  
 21 candidates rather than some other characteristic  
 22 of the candidate that makes the candidate  
 23 relatively more attractive to black voters or to  
 24 white voters?

25 A. So again, we don't have any causal analysis

158

1 here, but the fact that there is virtually no  
 2 variation across elections, across time, across  
 3 place, across office, that all of these show  
 4 almost identical patterns with no explanatory  
 5 variable except the party of the candidates  
 6 strongly suggest unless there is some other  
 7 characteristic that is universally true of the  
 8 Republican candidates, universally true at the  
 9 same level of the Democratic candidates, and if  
 10 so, it would be interesting to know what that  
 11 is, but it's not my job to figure out what it  
 12 is. My job is to tell you what Dr. Collingwood  
 13 has demonstrated. He's demonstrated that  
 14 Democratic and Republican candidates get highly  
 15 similar, highly consistent levels of support  
 16 from black and white voters, period.

17 And one thing we know from this table  
 18 is that the characteristic we're most interested  
 19 in here which is the role of race in this voting  
 20 is included in this table, and it does not make  
 21 a difference. So maybe there's a difference in  
 22 hair style or maybe there's a difference in  
 23 policy positions, although policy positions vary  
 24 wildly among Democrats and Republicans these  
 25 days, but one thing we know is it is not the

159

1 difference in the race of the candidates. That  
 2 does not make this -- that does not produce this  
 3 difference, it does not alter this basic  
 4 pattern.

5 So if you put those in a competition  
 6 with each other, there isn't any issue that for  
 7 whatever reason the race variable does not tell  
 8 us what is happening when we talk about the  
 9 characteristics of a candidate. The party of  
 10 the candidate is very important. The race of  
 11 the candidate is not.

12 Q. You did not consider any other potential  
 13 explanatory characteristics of the candidate  
 14 besides party and race, correct?

15 A. Again, I'm considering two characteristics that  
 16 are available for candidates unambiguously that  
 17 are not considered by Dr. Collingwood, although  
 18 they drive his results and that are critical to  
 19 understanding of what the table shows and what  
 20 the case is about.

21 And if there are other policy or  
 22 candidate characteristics driving this that are  
 23 not race, then I am not showing what their  
 24 influence is and it in no way alters my view of  
 25 what this means in terms of carrying the

160

1 plaintiffs' burden in a Section 2 Voting Rights  
 2 Act case.  
 3 I guess another way to put it is what  
 4 variance are you trying to get me to explain?  
 5 The variance in 97, 98, and 99 percent black  
 6 support, all of the characteristics of the  
 7 candidates that could be causing difference are  
 8 not causing more than a 3 percentage point  
 9 difference in the black vote, from nearly  
 10 unanimous to unanimous. So I don't know what  
 11 all those characteristics are, but that's not  
 12 going to give you much explanatory power here.  
 13 Q. Would it be possible to design a regression to  
 14 try to isolate whether white voters would be  
 15 less likely to vote for a particular candidate  
 16 if that candidate held particular policy views  
 17 even while holding party affiliation constant?  
 18 A. Again, whatever difference that is making in the  
 19 aggregate, there's very little difference in the  
 20 behavior of either black or white voters to  
 21 explain here. Whatever it is, it's not -- it's  
 22 not breaking in a way that is consistent with  
 23 race because that would produce big racial  
 24 differences here, and we're not seeing them.  
 25 I don't know if, first of all,

161

1 regression is the only technique, but if it's  
 2 possible to devise that kind of analysis,  
 3 then -- again, I'm not sure what variation  
 4 you're trying to explain, but if you want to  
 5 explain -- you might be able to account for some  
 6 very modest difference, but none of these  
 7 results -- in none of these cases are you trying  
 8 to sort of push this into a different range.  
 9 You don't have results here that are, you know,  
 10 showing differences in either preferred  
 11 candidate or particularly strong differences in  
 12 the level of support in either black or white  
 13 voters.  
 14 So I'm not sure exactly what variance  
 15 you'd be explaining there. I haven't done that  
 16 analysis, Dr. Collingwood hasn't done it, and  
 17 again, if those characteristics are independent  
 18 of the characteristic of race, which is a  
 19 characteristic we do have here for both voters  
 20 and candidates, then again it just falls into  
 21 that -- all those characteristics that motivate  
 22 Democratic elections and cause some people to  
 23 win and some people to lose.  
 24 Q. So I want you to put aside the question of  
 25 variance in results for a moment.

162

1 Isn't it possible that if you had  
 2 considered other potential explanatory factors  
 3 for the difference in white and black voting,  
 4 those other potential explanatory factors would  
 5 be just as explanatory as the party affiliation  
 6 of the candidate?  
 7 ATTORNEY McKNIGHT: Objection; form.  
 8 THE WITNESS: I don't know whether it's  
 9 possible or not. These are fairly extreme  
 10 results. Maybe it's possible. Again, whatever  
 11 those characteristics are, if they're related to  
 12 policy differences or geographic differences, it  
 13 doesn't change my position at all. It just  
 14 happens that we have a clear ability to look at  
 15 a party difference here.  
 16 So I'm not in any sense -- I don't  
 17 believe in any sense that this is somehow  
 18 magically either partisanship or race. Those  
 19 are two things that we have a measure of.  
 20 Partisanship is very important. Maybe that's  
 21 the result of all kinds of other factors that  
 22 are not race.  
 23 But again, my job is to address the  
 24 adequacy of Dr. Collingwood's empirical analysis  
 25 so that the court has a solid, empirical basis

163

1 for concluding that voting is polarized on the  
 2 basis of race and that data which is all that I  
 3 have in my report is not sufficient to establish  
 4 anything close to that.  
 5 BY ATTORNEY THEODORE:  
 6 Q. All right. Dr. Alford, are you aware that  
 7 Democratic Party platforms have endorsed the  
 8 Black Lives Matter movement in the past?  
 9 ATTORNEY McKNIGHT: Objection; form.  
 10 THE WITNESS: I have not seen the  
 11 North Carolina Democratic Party platform so I  
 12 have no idea.  
 13 BY ATTORNEY THEODORE:  
 14 Q. Okay. I just want you to assume with me that  
 15 the Democratic Party platform -- well, let's  
 16 strike that.  
 17 Are you aware that the national  
 18 Democratic Party platform has in past election  
 19 years endorsed the Black Lives Matter movement?  
 20 A. I actually haven't seen the Democratic Party  
 21 platform in past election years so I don't know.  
 22 Q. Let's just assume -- take Black Lives Matter as  
 23 an example that the Democratic Party platform  
 24 contains a statement supporting Black Lives  
 25 Matter and the Republican Party platform

164

1 contains no such statement.  
 2 A. Okay.  
 3 Q. If the column on -- I'm just going to use your  
 4 Table 6 as an example.  
 5 If the column on Table 6 where you said  
 6 "Party" was replaced with a column that said  
 7 whether the candidate has endorsed a platform  
 8 that supports the Black Lives Matter movement,  
 9 this table would show that the column explains  
 10 divergent voting preferences just as well as the  
 11 column that you have here reflecting the party.  
 12 Is that true?  
 13 A. In a technical sense, maybe. They're not in any  
 14 sense equivalent.  
 15 Q. Why aren't they in any sense equivalent?  
 16 A. Well, because the party of the candidate is on  
 17 the ballot, and the position, whether it exists  
 18 or not about Black Lives Matter or any other  
 19 policy issue is not on the ballot, and so there  
 20 are things that voters might likely be aware of  
 21 and there are things that they might be less  
 22 aware of.  
 23 Your example is Black Lives Matter, but  
 24 party platforms -- actually, I read a book once  
 25 about party platforms. Luckily, it doesn't

165

1 include any party platforms now because I was in  
 2 graduate school a long time ago.  
 3 There's an astonishing array of issues  
 4 in party platform. In your example, it wouldn't  
 5 surprise me at all if we could pick out a  
 6 hundred different things that are in the  
 7 Democratic platform and not in the Republican or  
 8 in the Republican and not in the Democratic.  
 9 And, yes, if they're perfectly aligned  
 10 with that party's split, we could replace  
 11 Democrat and Republican here, and every one of  
 12 those issues, no matter how trivial, would  
 13 seemingly explain this except, first of all,  
 14 there are still policy issues so it doesn't  
 15 change the fact that when we substitute race, we  
 16 see no effect, and when we put in party, we see  
 17 party.  
 18 And in and of itself it wouldn't tell  
 19 us if they -- you know, maybe the two parties at  
 20 some point probably had different party platform  
 21 positions on daylight savings time, but I don't  
 22 think that would suggest that an adequate  
 23 explanation for voting behavior in  
 24 North Carolina was the position of the parties  
 25 on daylight savings time.

166

1 Q. That wouldn't be based on anything you could  
 2 determine from the table, though. That would be  
 3 based on your -- well, sorry. Go ahead.  
 4 A. I would say if that was what was in the table,  
 5 then it would establish that the simple policy  
 6 difference like the party's different positions  
 7 on daylight savings time would do a better job  
 8 of predicting how people vote than the race of  
 9 the candidate.  
 10 So again, if you just want to continue  
 11 to pile up other things that this kind of a  
 12 table would show is more important than race,  
 13 it's correct because race makes almost no  
 14 difference at all in these votes. Almost  
 15 anything you can put it on the other side will  
 16 do a better job.  
 17 Q. All right. I'm going to make a statement and  
 18 then I'm going to ask you a question about that  
 19 statement. Okay.  
 20 Here's the statement:  
 21 Black voters in the relevant regions of  
 22 North Carolina cohesively agree on which  
 23 candidate's policies will better advance the  
 24 interests of black people and cohesively vote  
 25 for the same candidate based on that

167

1 determination.  
 2 ATTORNEY McKNIGHT: Objection; form.  
 3 THE WITNESS: I have no evidence on  
 4 that issue.  
 5 BY ATTORNEY THEODORE:  
 6 Q. Okay. The evidence that you've reviewed in this  
 7 case is consistent with that statement, correct?  
 8 A. I guess depends on what you mean by consistent.  
 9 The evidence that's been presented here, which  
 10 is limited and focused, as it should be, on the  
 11 issues in the case, doesn't contradict that, it  
 12 doesn't prove that's incorrect, but it doesn't  
 13 prove that it's correct either.  
 14 Q. Okay. And nothing in your report attempts to  
 15 falsify that statement, correct?  
 16 A. I'm not addressing -- neither Collingwood or I  
 17 are addressing that issue.  
 18 Q. And nothing in your report shows that a  
 19 candidate's party affiliation is a better  
 20 explanation for black voting behavior than the  
 21 statement that I read, correct?  
 22 ATTORNEY McKNIGHT: Objection; form.  
 23 THE WITNESS: In this analysis, in  
 24 Dr. Collingwood's and my analysis, no.  
 25 I mean, what I know about American

168

1 voting behavior, what you're suggesting is very  
 2 unlikely to be true, but that's not what this  
 3 analysis -- that's not what Dr. Collingwood is  
 4 attempting to show, it's not what I am  
 5 attempting to analyze. We could analyze that,  
 6 but neither of us are.

7 I don't think that's what the analysis  
 8 would show, but having not done it, I can't say  
 9 the analysis we've done demonstrates that.

10 BY ATTORNEY THEODORE:  
 11 Q. All right. Let me turn to page 19 of your  
 12 report. You see about midway through the page:  
 13 "With the addition of this  
 14 candidate information, the election  
 15 analysis provided by Dr. Collingwood  
 16 clearly demonstrates that the party  
 17 affiliation of the candidates best  
 18 explains the divergent voting  
 19 preferences of black and white voters  
 20 in North Carolina elections."  
 21 Did I read that right?

22 A. Yes.  
 23 Q. And the candidate information you're referring  
 24 to again is race and party identification of the  
 25 candidate?

169

1 A. Okay.  
 2 Q. And would a more accurate version of that  
 3 sentence be that the election analysis provided  
 4 by Dr. Collingwood in your opinion clearly  
 5 demonstrates that the party affiliation of the  
 6 candidates better explains than the  
 7 racial -- than the race of the candidate the  
 8 divergent voting preferences of black and white  
 9 voters in North Carolina?

10 A. I mean, I'm not sure I'm understanding what the  
 11 difference is between your sentence and my  
 12 sentence.  
 13 Q. The sentence you wrote uses the word "best"  
 14 without a comparator, correct?

15 A. Well, there are only two pieces of information  
 16 about the candidate. We have race and party,  
 17 and so "best" explains -- yes, "best" explains  
 18 relative to race.  
 19 Q. Okay. So what you mean in that sentence is that  
 20 in your view the analysis demonstrates that  
 21 party affiliation of the candidate best explains  
 22 in comparison to racial affiliation of the  
 23 candidate the divergent voting preferences of  
 24 black and white voters in North Carolina  
 25 elections?

170

1 A. At a minimum, that's true.  
 2 What is also true because the table  
 3 itself shows that there are very consistent  
 4 patterns of voting for Democrat and Republican  
 5 for black and white voters. It also  
 6 demonstrates that on its own feet, it's a very  
 7 powerful explanation because it's producing  
 8 extremely fixed results across elections time  
 9 and offices. That's unusual.

10 So we know that when we look across  
 11 these elections, we're looking at different  
 12 points in time. We're looking at things as  
 13 diverse of being governor versus being a court  
 14 judge. We're looking at candidates who are  
 15 different people who presumably have different  
 16 characteristics, pluses and minuses, all of  
 17 which appears to be compressed out of the  
 18 explanation by just looking at the amazingly  
 19 stable results by party.

20 As it happens, we can also look at the  
 21 race of the candidate, and that's one thing we  
 22 can take out. How other things would fair, it's  
 23 not clear, but it is not just that party is  
 24 strong compared to race. It's that party is  
 25 structuring these results in a very durable way

171

1 and race is not altering that structure.  
 2 Q. Okay. But you're not making the claim that  
 3 you've analyzed or concluded that party  
 4 affiliation of the candidates best explains in  
 5 comparison to other possible explanations the  
 6 divergent voting preferences of black and white  
 7 voters in North Carolina because you only  
 8 analyzed the role of party affiliation of the  
 9 candidate versus race of the candidates for this  
 10 report, correct?

11 A. Again, there are lots of results that might  
 12 suggest that we need a lot more information and  
 13 there could be a lot more going on here, but it  
 14 certainly doesn't preclude the possibility that  
 15 something else is important here, but it's very  
 16 clear that from the analysis we have here, all  
 17 the empirical information we have here, that a  
 18 party is a very powerful explanation for voting  
 19 behavior in North Carolina as it is everywhere  
 20 in the country.

21 The party affiliation of candidates  
 22 matters, but I don't know how else to -- I don't  
 23 know how else to say that. It's not always been  
 24 true to the degree it is now, but currently  
 25 partisanship in terms of the -- the party of the

172

1 candidate is -- Democratic districts elect  
 2 Democrats, Republican districts elect  
 3 Republicans. We're down to seven states where  
 4 there's anything really anything up for grabs in  
 5 this election. We're down in the US Congress,  
 6 we're down to less than 50 congressional  
 7 districts where there's much chance of anything  
 8 happening, and that's simply because in most  
 9 parts of the country and most districts in the  
 10 country and most states in the country, the  
 11 party of the candidate is tantamount to  
 12 election.

13 In Texas, the real contest is in the  
 14 Republican primary because for most of Texas  
 15 that's the answer as to who is going to be your  
 16 governor, your lieutenant governor, your  
 17 senator, your president.

18 Q. All right. Moving on, your report does not  
 19 offer any opinion or evidence that white voters  
 20 constitute the majority of Democratic voters in  
 21 the demonstration area District 1 or District 2,  
 22 correct?

23 A. Correct. I did no demographic analysis.

24 Q. And you haven't offered any opinion in your  
 25 report that Republicans aggressively recruit

173

1 black candidates to run in elections in  
 2 North Carolina or in this area; is that correct?

3 ATTORNEY McKNIGHT: Objection; form.

4 THE WITNESS: Yeah, I don't think  
 5 either Dr. Collingwood or I looked at candidate  
 6 recruitment, although obviously there are  
 7 Republicans -- I don't know whether Republicans  
 8 are recruiting black candidates or not, but  
 9 they've got a candidate in a statewide office  
 10 and have -- had one earlier as well. So I don't  
 11 know what that's the result of, but I haven't  
 12 studied the recruiting practices of the parties  
 13 in North Carolina.

14 BY ATTORNEY THEODORE:

15 Q. In fact, of the 49 elections over the four years  
 16 that you and Dr. Collingwood analyzed, the  
 17 Republican Party fielded a black candidate in  
 18 only two of those elections; is that right?

19 A. I believe that's correct. And again, I'm not  
 20 saying the table explains everything, but  
 21 Dr. Collingwood's table will give you a pretty  
 22 nice idea of why that might be. If he's right  
 23 and 99 percent of black voters vote for the  
 24 Democrat candidate, then it's going to be  
 25 slightly that the Democratic Party is going to

174

1 be fielding more black candidates than  
 2 Republican parties because if the analysis is  
 3 correct, virtually all of the black voters in  
 4 North Carolina are Democrats.

5 Q. You haven't offered any opinion in your report  
 6 that elected candidates preferred by white  
 7 voters are responsive to the needs of black  
 8 constituents in Senate Districts 1 or 2; is that  
 9 correct?

10 ATTORNEY McKNIGHT: Objection; form.

11 THE WITNESS: Neither Dr. Collingwood  
 12 nor I did any analysis of responsiveness of  
 13 candidates or representatives in any of the  
 14 districts.

15 BY ATTORNEY THEODORE:

16 Q. Okay. And you haven't offered any opinion that  
 17 elected candidates who are white are responsive  
 18 to the needs of black constituents in Senate  
 19 Districts 1 and 2, correct?

20 ATTORNEY McKNIGHT: Objection; form.

21 THE WITNESS: I don't think -- again,  
 22 all I can tell you is what the table shows, and  
 23 the table shows a lot of stuff. Among other  
 24 things, it shows that black voters are just as  
 25 likely to support a white candidate as a black

175

1 candidate when they run as a Democrat.

2 And again, if you're saying that white  
 3 Democrats are no more responsive to the issue of  
 4 black candidates than are black Democrats or  
 5 they're not responsive at all, I'm not sure what  
 6 you're saying.

7 You're asking me if a white candidate  
 8 or a white elected official can be responsive to  
 9 black issues, most of the white -- most of the  
 10 Democratic candidates are white. I assume  
 11 they're responsive to black issues or they  
 12 wouldn't be getting 100 percent of the black  
 13 vote.

14 BY ATTORNEY THEODORE:

15 Q. All right. Your aware that Senate District 1 or  
 16 2 are majority white districts?

17 A. I believe that's correct.

18 Q. Okay. And that means that every white voter in  
 19 Senate District 1 and 2 lives in a majority  
 20 white senate district, correct?

21 A. I think that makes sense.

22 Q. And no black voter in Senate District 1 and 2  
 23 lives in a majority black senate district?

24 A. I think that's correct.

25 Q. Okay. None of your analysis suggests that in

176

1 the future candidates preferred by black voters  
 2 in the demonstration area District 1 or  
 3 District 2 are likely to attract greater white  
 4 support than they did in the elections that you  
 5 and Dr. Collingwood looked at; is that correct?  
 6 ATTORNEY McKNIGHT: Objection; form.  
 7 THE WITNESS: I don't think either  
 8 Dr. Collingwood or I made any speculation about  
 9 future trends in voting.  
 10 BY ATTORNEY THEODORE:  
 11 Q. Okay. None of your analysis suggests that in  
 12 the future, candidates preferred by black voters  
 13 in the relevant regions are likely to attract  
 14 greater white support than they have in the  
 15 past; is that correct?  
 16 ATTORNEY McKNIGHT: Objection; form.  
 17 THE WITNESS: Yeah. I would assume  
 18 that the pattern we're seeing now at least in  
 19 the short term is relatively stable, relative  
 20 support for Democrat and Republican candidates  
 21 is not going to change in the short term.  
 22 Majority Republican districts are going to  
 23 mostly elect Republicans and majority Democratic  
 24 districts will mostly elect Democrats.  
 25 ATTORNEY THEODORE:

177

1 Q. And in fact, the trend with respect to white  
 2 crossover voting is moving in the direction in  
 3 this area, in this region -- let me strike that.  
 4 In fact, in this region, white  
 5 crossover voting has been decreasing since 2016;  
 6 is that correct?  
 7 A. The point estimates are -- yeah, show a modest  
 8 trend in that direction whether it's -- you  
 9 know, whether it's a continuous trend or what it  
 10 reflects, I don't know, but, yes, that area  
 11 seems to be voting slightly more Republican than  
 12 it has previous.  
 13 Q. All right. Let's turn to page 8 of your report.  
 14 You comment here on the election  
 15 between Michael Morgan and Bob Edwards for the  
 16 State Supreme Court in 2016.  
 17 A. Yes.  
 18 Q. And do you believe that the absence of any party  
 19 indicator on the ballot makes this a  
 20 particularly instructive election to look at to  
 21 test whether the candidate's race is responsible  
 22 for polarization as opposed to the candidate's  
 23 party?  
 24 A. It's potentially something to look at. The  
 25 presence of party on the ballot is not the same

178

1 thing as the presence of party as an issue in  
 2 the election or -- it's the easiest way for  
 3 voters to be aware of the party affiliation of  
 4 candidates, but there are lots of examples all  
 5 the way down to school board elections where the  
 6 party affiliation of candidates is very clear to  
 7 voters. So it's certainly one mechanism for  
 8 assessing that, but it's not exclusive in the  
 9 sense that -- I see lots of nonpartisan  
 10 elections that were dominated by party  
 11 affiliation of candidates even where it's not  
 12 indicated on the ballot.  
 13 Q. Okay. You say here "The final Supreme Court  
 14 contest in 2016 is also instructive."  
 15 Did I read that correctly?  
 16 A. Yes.  
 17 Q. Okay. And the reason you're offering this as a,  
 18 quote, unquote, instructive election is because  
 19 it's the last election for the State Supreme  
 20 Court that did not have an official partisan  
 21 structure; is that correct?  
 22 A. I think there are two -- two reasons why -- to  
 23 focus on it and talk about it, and one is there  
 24 are no partisan labels on the ballot and the  
 25 other is that it just doesn't look like any of

179

1 the other elections.  
 2 You can look at Dr. Collingwood's dot  
 3 plot or whatever, it's wildly different from all  
 4 the other elections, so that suggests that  
 5 something different is operating there.  
 6 Q. And this is the only nonpartisan statewide  
 7 election that's available in the elections that  
 8 you and Dr. Collingwood looked at, correct?  
 9 A. Yes. And it's in the recent time period 2016  
 10 forward, this is the only nonpartisan election  
 11 that's in that pool of elections.  
 12 Q. Okay. And let's turn -- I'm going to talk about  
 13 some of the numbers on in Table 2 on page 7, if  
 14 you want to turn to that.  
 15 All right. In the demonstration area,  
 16 Morgan gets 78 percent of the black vote,  
 17 correct?  
 18 A. Correct.  
 19 Q. And you agree that reflects cohesive black  
 20 voting?  
 21 A. Reflects what?  
 22 Q. Reflects cohesive black voting.  
 23 A. Again, if we're going to use 75 percent as the  
 24 line which is at least a possibility, it's above  
 25 75 percent.

180

1 Q. And again, 75 percent is a line that you  
 2 yourself have used in the past, correct?  
 3 A. I have used that, yes.  
 4 Q. And he gets 83 percent of the black vote in  
 5 Senate District 2 and 70 percent in  
 6 Senate District 1, correct?  
 7 A. Correct.  
 8 Q. So on average in our three areas of interest,  
 9 he's getting above 75 percent of the black vote;  
 10 is that correct?  
 11 A. I'm not sure why we're averaging across -- I  
 12 mean, the demonstration area is not different  
 13 from District 1 and District 2. It's -- the  
 14 demonstration area contains -- by definition is  
 15 intended to contain roughly the area of  
 16 District 1 and 2, so averaging them together is  
 17 kind of an odd thing to do. From that sense, if  
 18 you want to know an overall level, you know, you  
 19 could look at the demonstration area, you could  
 20 compare the two districts there.  
 21 I don't think we need to summarize them  
 22 to say that they both show either a little bit  
 23 above or a little bit below 75 percent so they  
 24 show substantial cohesion, and also they are  
 25 clearly substantially different, not 1 point or

181

1 2 points, but 20 points or more different from  
 2 any level in any of the partisan elections for  
 3 black voters.  
 4 Q. And you say on page 8 that black voter support  
 5 for Morgan is at 75 percent, correct?  
 6 A. Yes.  
 7 Q. Okay. So you agree that this election shows  
 8 that black voters are still voting cohesively  
 9 for a black candidate even when there are no  
 10 partisan signals on the ballot?  
 11 A. That would be correct.  
 12 Q. Okay. So isn't this inconsistent with the view  
 13 that party affiliation on the ballot is  
 14 sufficient to explain black voter cohesion?  
 15 A. No.  
 16 Q. Why not?  
 17 A. Because we have -- there is no party affiliation  
 18 on the ballot, and absent that party  
 19 affiliation, we can see that being the black  
 20 candidate versus the white candidate made a  
 21 difference, although substantially less  
 22 difference than what we see when party is on the  
 23 ballot.  
 24 And so the question is not sort of does  
 25 that mean that party has not -- is not enough to

182

1 explain -- how much more you can explain than 98  
 2 or 99 percent. That's what party explains. The  
 3 party on the ballot and virtually every black  
 4 voter is going to vote for the Democrat. Take  
 5 it off the ballot and that drops down to  
 6 75 percent will favor the black candidate. I  
 7 think that tells you -- that also tells you in  
 8 terms of the general elections in North Carolina  
 9 what's driving the behavior of black voters.  
 10 You certainly don't see 25 percent crossover in  
 11 any of the other elections among black voters  
 12 for a candidate -- or a Republican candidate.  
 13 Q. Well --  
 14 A. If we're talking about nonpartisan elections,  
 15 this is some evidence that -- for Gingles 2,  
 16 some evidence that black voters might -- if they  
 17 have only one election, but in that one election  
 18 black voters are showing decided preference for  
 19 the black candidate and that might suggest that  
 20 in nonpartisan elections there may be cohesion  
 21 among black voters in favor of black candidates.  
 22 Q. This shows that even in the absence of a  
 23 partisan indication black voters cohesively  
 24 prefer a black candidate, correct?  
 25 A. You say even in the absence of a party, black

183

1 voters prefer the black candidate.  
 2 Q. Cohesively prefer the black candidate.  
 3 A. Even in the absence of party, black voters  
 4 prefer the black candidate, right?  
 5 Q. I'm asking --  
 6 A. Maybe I misunderstood the question. I thought  
 7 that's what you were saying. Because with the  
 8 presence of party, black voters don't prefer the  
 9 black candidate, they prefer the white candidate  
 10 or the black candidate at equal levels. Absence  
 11 party, there's some evidence in one election  
 12 that black voters might have a preference --  
 13 reduced but a preference for the black  
 14 candidate, and then white voters -- the white  
 15 bloc voting has completely disappears. White  
 16 bloc voters showing no cohesion at all.  
 17 So again, most of the point of this  
 18 analysis is not about white -- I'm sorry -- not  
 19 about black cohesion, it's about Gingles 3 about  
 20 whether there's legally significant white bloc  
 21 voting. And here, as soon as you take away the  
 22 party indicator, suddenly you have white voters  
 23 voting at levels for the black candidate that  
 24 equals their vote for the white candidate and  
 25 that tells you something I think about the

184

1 influence of race absent party for white voters  
 2 and for white bloc voting, and that's the  
 3 critical -- that's the critical issue here.  
 4 It's not about black cohesion. It's  
 5 about white voting, it's about Gingles 3, and  
 6 it's about whether white voters on account of  
 7 race are unwilling to support black candidates  
 8 or black preferred black candidates, and there's  
 9 just no evidence here that the behavior of white  
 10 voters as being affected in any way that's  
 11 legally significant with regard to the fact that  
 12 one of these candidates is black and one of them  
 13 is white or that one of them is preferred.  
 14 Q. Dr. Alford, we don't have that much time left,  
 15 so I would just ask if you can keep the answers  
 16 a little more precise.  
 17 You offer a number of opinions in your  
 18 report not just about the explanation for white  
 19 cohesive voting but also the explanation for  
 20 black cohesive voting, don't you?  
 21 A. Yes.  
 22 Q. And so putting aside what this election shows  
 23 about white cohesive voting, isn't it true that  
 24 this election shows that the race of the  
 25 candidate independent of the party of the

185

1 candidate has some explanatory value for black  
 2 voter preferences?  
 3 ATTORNEY McKNIGHT: Objection; form.  
 4 THE WITNESS: Again, I would like to  
 5 point out that this is a single election in  
 6 which the preferences might well have been the  
 7 reverse of this and it would still just be a  
 8 single election. So we can't really say --  
 9 doesn't stand out well as a piece of evidence  
 10 against 48 other elections.  
 11 So certainly in this election, the  
 12 results show black voters prefer the black  
 13 candidate. Whether that would be the opposite  
 14 and if there was a second election, we don't  
 15 know, so we don't have a lot of evidence there  
 16 and we have a lot of evidence about what  
 17 difference it makes to black voters whether the  
 18 candidate is white or black in the partisan  
 19 elections.  
 20 BY ATTORNEY THEODORE:  
 21 Q. Dr. Alford, you're the one who focused on this  
 22 election in your report; isn't that true?  
 23 A. That's correct.  
 24 Q. Okay. So you're offering this election as an  
 25 instructive election, correct?

186

1 A. Yes.  
 2 Q. And this election shows -- this election shows  
 3 that even if there's no partisan indication on  
 4 the ballot, the race of the candidate has  
 5 explanatory value or the cohesion we see in  
 6 black voter preferences, correct?  
 7 A. In this election, yes.  
 8 Q. All right. Let me turn to page 16 of your  
 9 report.  
 10 A. Yes.  
 11 Q. On page 16, you reproduce a plot taken from the  
 12 preliminary injunction stage report of  
 13 Dr. Barreto, correct?  
 14 A. Correct.  
 15 Q. Would you call this a scatterplot or a dot plot?  
 16 A. I would call it a scatterplot.  
 17 Q. Okay. Did Dr. Barreto's report state that one  
 18 could draw conclusions from this scatterplot  
 19 about the minimum BVAP percentage required to  
 20 elect a black preferred candidate at the level  
 21 of a district?  
 22 A. I do not recall.  
 23 Q. Okay. Sitting here today, you can't state that  
 24 you understood Dr. Barreto to be suggesting that  
 25 this scatterplot provided any information about

187

1 the minimum BVAP required to elect a black  
 2 preferred candidate at the level of a district;  
 3 is that correct?  
 4 ATTORNEY McKNIGHT: Objection; form.  
 5 THE WITNESS: All I remember is that  
 6 Dr. Barreto for some reason thought it was  
 7 important to include it, so I thought it was  
 8 useful and I think the judge commented on it.  
 9 There was some issue about whether this was even  
 10 the right county to be looking at, so I just  
 11 brought this forward with the right  
 12 candidates -- I'm sorry -- with the right  
 13 counties, and I think the plot pretty much  
 14 speaks for itself.  
 15 BY ATTORNEY THEODORE:  
 16 Q. I just want to repeat, you do not understand,  
 17 based on your knowledge here today, Dr. Barreto  
 18 to have been suggesting that this scatterplot  
 19 was useful for determining the BVAP percentage  
 20 needed to elect a black preferred candidate in a  
 21 particular district; is that correct?  
 22 A. I do not -- I do not know whether he intended it  
 23 to be useful for that or not. I do not know  
 24 what he intended to be useful. I don't recall.  
 25 Q. Let's turn to page 18. Sorry. 17.

188

1 And this is a scatterplot that you  
 2 created based on Dr. Collingwood's data; is that  
 3 correct?  
 4 A. That's correct.  
 5 Q. Can you walk me through what this scatterplot in  
 6 Figure 2 is showing, you know, X axis, Y axis,  
 7 the dots, et cetera.  
 8 A. I'm sorry. So it's showing you the percentage  
 9 vote for the candidates, Democrat and  
 10 Republican, on the vertical axis, and on the  
 11 horizontal axis it's just the BVAP percentage.  
 12 So again, as you go up, you can see  
 13 sort of in the middle there where you have .5,  
 14 those are all the precincts that are clustered  
 15 around 50 percent BVAP. At the far right of the  
 16 graph, you have precincts that are more than 80,  
 17 85 percent black, and then the far left you have  
 18 precincts that are less than 10 percent black.  
 19 Q. All right. So if a dot -- there's a horizontal  
 20 line at .5 percent of the vote for a particular  
 21 candidate. Do you see that?  
 22 A. Yes.  
 23 Q. If a dot is like straddling that horizontal line  
 24 at .5, so how do you tell from the chart whether  
 25 the dot represents a precinct that gave more

189

1 than 50 percent to the candidate?  
 2 A. If it's straddling, you could query the dot, but  
 3 if it's straddling, it's telling you that  
 4 basically that's a precinct that's pretty evenly  
 5 divided between two candidates.  
 6 Q. And if more than half the dot is above the line,  
 7 does that mean that the precinct gave more than  
 8 50 percent to the candidate?  
 9 A. That's correct.  
 10 Q. That's correct. Okay.  
 11 So if some portion of the dot is above  
 12 the line but the center of the dot is below the  
 13 line, that would mean that the precinct gave  
 14 less than 50 percent of the vote to the  
 15 candidate?  
 16 A. That would be correct.  
 17 Q. One thing this plot shows is that there is a  
 18 fairly linear relationship between the BVAP  
 19 percentage in each precinct and a percentage of  
 20 the vote for the black preferred candidate  
 21 within the precinct; is that correct?  
 22 A. Yes.  
 23 Q. And the red dots are fairly tightly clustered  
 24 around the red line and the blue dots are fairly  
 25 tightly clustered around the blue line?

190

1 A. That's correct.  
 2 Q. And that tight fit is what you expect to see  
 3 when there is highly polarized voting on the  
 4 basis of the race of the voter; is that right?  
 5 A. This is -- we're talking about the Democratic  
 6 and the Republican candidate, so this is what  
 7 you would expect if black and white voters vote  
 8 differently with regard to Democratic and  
 9 Republican candidates, exactly what we've  
 10 already seen exhaustively in the tables.  
 11 Q. You conclude that the vote for Cooper, who's the  
 12 black preferred candidate in 2020, starts to  
 13 move above 50 percent in certain precincts  
 14 somewhere around 37 percent BVAP with Cooper  
 15 clearly winning in precincts well below  
 16 50 percent BVAP.  
 17 Do you see that on page 16?  
 18 A. Yes.  
 19 Q. All right. You would agree a district is  
 20 composed of many precincts, correct?  
 21 A. I think that's correct, yes.  
 22 Q. Do you know how many precincts are in Senate  
 23 Districts 1 and 2 in the 2023 North Carolina  
 24 Senate map?  
 25 A. Off the top of my head, no.

191

1 Q. Probably at least dozens, would you say?  
 2 A. At least.  
 3 Q. Each of those precincts has a different  
 4 population, right?  
 5 A. That's correct.  
 6 Q. And your dot plots don't reflect the population  
 7 differentials, right?  
 8 A. They do not.  
 9 Q. So let's imagine you have a district composed of  
 10 two districts, so the first precinct has 100  
 11 voters and a BVAP of 37 percent and it gives  
 12 52 percent of its vote to the black preferred  
 13 candidate.  
 14 A. Yes.  
 15 Q. So that's -- it gets 52 votes to the black  
 16 preferred candidate, correct?  
 17 A. Correct.  
 18 Q. Precinct 2 has 200 voters and a BVAP of  
 19 37 percent and gives 47 percent of its vote to  
 20 the black preferred candidate.  
 21 Are you with me?  
 22 A. Yes.  
 23 Q. So Precinct 2 gives 47 percent times 200 to the  
 24 black preferred candidate which is 95, right?  
 25 If I'm adding correctly. Or 94. Apologies.

192

1 A. I won't quibble about 1 percentage point  
 2 difference with you.  
 3 Q. Thanks. All right.  
 4 So you have a total of 300 votes. You  
 5 have 52 votes for the black preferred candidate  
 6 in Precinct 1 and 94 from Precinct 2, and that's  
 7 146 out of 300 votes, correct?  
 8 A. Correct.  
 9 Q. Okay. So the black preferred candidate loses  
 10 that district, correct?  
 11 A. That's correct.  
 12 Q. And that's true even though there was a precinct  
 13 that had a BVAP of 37 percent that was giving  
 14 more than 50 percent of its vote to the black  
 15 preferred candidate, correct?  
 16 A. Correct.  
 17 Q. All right. So you have to take population of  
 18 precincts into account before drawing any  
 19 conclusions from a scatterplot like this about  
 20 whether a district could elect a black preferred  
 21 candidate, correct?  
 22 A. I'm not -- so, yeah, there are a lot of things  
 23 being taken into account. I'm not drawing a  
 24 district here. And, yes, what this suggests is  
 25 that there are -- unlike districts which are

193

1 large and don't give us a lot of numerosity,  
 2 precincts give us lots of numerosity and lots of  
 3 variation. And one of the questions you might  
 4 ask about whether you need to be at 50 percent  
 5 black in order to be able to win would be are  
 6 there -- what are geographies in which you're at  
 7 that level at which also have numerosity where  
 8 we can look at that, and that's what this does.  
 9 It is intended as I assume Dr. Barreto  
 10 intended it, but I don't know, simply to be  
 11 illustrative of another setting in which you can  
 12 look at the ability of black preferred  
 13 candidates to win in relationship to the BVAP of  
 14 that jurisdiction or that geography I guess  
 15 would be better to say about precincts. Whether  
 16 they can ultimately be collected into compact,  
 17 contiguous, populated enough district is really  
 18 another question, but that's not my purpose  
 19 here. Again, I don't think it was Dr. Barreto's  
 20 purpose, but it was not my purpose here.  
 21 Q. And so it's incorrect to say that simply because  
 22 an individual precinct in northeast  
 23 North Carolina at somewhere around 37 percent  
 24 BVAP votes to elect a black preferred candidate  
 25 that the same would be true of a senate district

194

1 in northeastern North Carolina that has  
 2 somewhere around 37 percent BVAP, correct?  
 3 A. Again, that would depend on -- that would depend  
 4 on the -- obviously, it is not the case that  
 5 every precinct that is 37 percent black votes  
 6 majority for the black preferred candidate, it  
 7 would not be true of every senate district at  
 8 37 percent black.  
 9 Q. Okay. And you're not offering any opinion in  
 10 this case that a senate district in the  
 11 northeastern region of North Carolina could  
 12 typically elect black candidates at a BVAP at  
 13 around 37 percent, are you?  
 14 A. Obviously, it depends what you mean by  
 15 typically. I'm using this to sort of inform as  
 16 I think the judge took it to be what we see in  
 17 the bar chart, in this case the bar chart that  
 18 was produced by Dr. Collingwood, and bar charts  
 19 lump a lot of things together and can be  
 20 difficult to understand.  
 21 At least as I understand what  
 22 Dr. Collingwood concluded from his bar chart was  
 23 that you did not need to be at 50 percent BVAP  
 24 to create a successful district that would elect  
 25 a black preferred candidate.

195

1 Q. And we'll get there.  
 2 A. Okay. So my view is I'm just showing something  
 3 that the judge had mentioned previously in the  
 4 case updated so that it could be applied in this  
 5 case with the right counties. And again, I  
 6 think it's consistent -- entirely consistent  
 7 with Dr. Collingwood's bar chart.  
 8 Q. But you were not offering an opinion in this  
 9 case that a senate district in the northeastern  
 10 region of North Carolina could elect black  
 11 candidates at a BVAP of around 37 percent, are  
 12 you?  
 13 A. Well, let me see. The conclusion I'm offering  
 14 you, it also demonstrates that black voters do  
 15 not need to be majority in a district in order  
 16 to elect a Democratic candidate.  
 17 Q. All right. So I'm just going to say again, you  
 18 were not offering an opinion in this case that a  
 19 senate district in northeastern region in  
 20 North Carolina could elect black candidates at a  
 21 BVAP up somewhere around 37 percent, are you?  
 22 A. I'm not saying that that's necessarily true.  
 23 I'm not saying it's not true. I'm just saying  
 24 this demonstrates I think fairly clearly that  
 25 cross point between these lines is not at

196

1 50 percent, it's well below 50 percent, and  
 2 that's compatible with Dr. Collingwood's  
 3 conclusion that it doesn't need to be majority,  
 4 and this bar chart that shows lots of districts  
 5 that are not majority that perform, and that  
 6 leads to my conclusion that you do not need to  
 7 have a majority district for it to perform.  
 8 How far below majority, I'm not saying  
 9 it necessarily goes all the way to 37 percent  
 10 but clearly goes below 50 percent and at least  
 11 in some instances based on, again, both this and  
 12 Dr. Collingwood's chart fairly substantially  
 13 below 50 percent.  
 14 Q. Okay. Do you agree that it would be incorrect  
 15 to extrapolate from this chart that a senate  
 16 district composed of some of the precincts in  
 17 this chart could elect a black preferred  
 18 candidate at a particular BVAP percentage simply  
 19 because an individual precinct does so at the  
 20 same BVAP percentage?  
 21 ATTORNEY McKNIGHT: Objection; form.  
 22 THE WITNESS: Yes, I would agree.  
 23 Again, I don't conclude that you can draw a  
 24 37 percent district. I don't intend this to  
 25 indicate that this would necessarily mean you

197

1 could draw that. So if you're going to draw  
 2 from this and you're going to extrapolate from  
 3 this and say you can draw a 37 percent  
 4 performing district, this doesn't say that's  
 5 true, it doesn't say it's not true, and it's not  
 6 what you I conclude.  
 7 BY ATTORNEY THEODORE:  
 8 Q. All right. And this scatterplot on Figure 2  
 9 also only reflects results of one election,  
 10 correct?  
 11 A. That's correct.  
 12 Q. And that's the election for governor in 2020?  
 13 A. Figure 2, yes.  
 14 Q. Are you aware that Governor Cooper generally  
 15 outperforms other black preferred candidates  
 16 among white voters?  
 17 A. I'd have to look at the table. It's in the  
 18 table.  
 19 Q. It sure is. All right. Let's turn to your  
 20 Table 6 on page 14 of your report.  
 21 A. Yes.  
 22 Q. You report that Governor Cooper got 15 percent  
 23 of the white vote in 2020 in the demonstration  
 24 area compared to 13 percent on average for black  
 25 preferred candidates?

198

1 A. That's correct.  
 2 Q. All right. Figure 3 is the same as Figure 2  
 3 just for the 2016 North Carolina governor race;  
 4 is that right?  
 5 A. That's correct.  
 6 ATTORNEY McKNIGHT: Elisabeth, if we're  
 7 going into a new topic or a new area, we're  
 8 going close to two hours without a break. It  
 9 may sense to take a short break.  
 10 ATTORNEY THEODORE: Yes. That's fine.  
 11 Let's take a break.  
 12 (Brief Recess: 3:28 to 3:37 p.m.)  
 13 BY ATTORNEY THEODORE:  
 14 Q. So I think we were looking at your Table 3 --  
 15 your Figure 3 on page 18 of your report.  
 16 A. Yes.  
 17 Q. Okay. Do you believe that you can draw reliable  
 18 conclusions about the BVAP percentage at which a  
 19 district in northeastern North Carolina could be  
 20 expected to elect a black preferred candidate on  
 21 the basis of your Figure 3?  
 22 A. Yes.  
 23 Q. What conclusions can you draw on the basis of  
 24 your Figure 3 about the BVAP percentage at which  
 25 a district could be expected to elect a black

199

1 preferred candidate?  
 2 A. You can draw a conclusion that according to this  
 3 graph, these precinct level results don't  
 4 suggest that a district would have to be above  
 5 50 percent to be effective.  
 6 Q. Okay. Do you believe that you can draw a  
 7 reliable conclusion about the precise BVAP  
 8 percentage at which a district in northeastern  
 9 North Carolina could be expected to elect a  
 10 black preferred candidate on the basis of your  
 11 Figure 3?  
 12 A. No.  
 13 Q. Okay. All right. And let's turn to page 12 of  
 14 Dr. Collingwood's report.  
 15 All right. And are you there?  
 16 A. Yep, just about. Yes.  
 17 Q. All right. And Dr. Collingwood's RPV numbers in  
 18 the demonstration area show that only  
 19 11.61 percent of white voters voted for black  
 20 preferred candidates in the 2022 elections  
 21 compared to 21.02 percent in the 2016 elections;  
 22 is that correct?  
 23 A. That's correct.  
 24 Q. Okay. And is that an additional reason --  
 25 strike that.

200

1 Is that a reason why the 2016 elections  
 2 are not likely to be a good predictor of how a  
 3 black preferred candidate -- strike that.  
 4 Is that a reason why the 2016 elections  
 5 are not likely to be a good predictor of the  
 6 BVAP percentage at which a district would elect  
 7 a black preferred candidate in 2024 and future  
 8 years?  
 9 ATTORNEY McKNIGHT: Objection; form.  
 10 THE WITNESS: If you were performing an  
 11 analysis to figure out what that number would  
 12 be, you would probably be better off going with  
 13 more recent rather than older data.  
 14 BY ATTORNEY THEODORE:  
 15 Q. Okay. And if the percentage of white voters in  
 16 a majority white precinct voting for the black  
 17 preferred candidate drops by about 10 points  
 18 from 2016 to 2022, then the overall vote for the  
 19 black preferred candidate in that precinct is  
 20 going to drop by at least 5 points; is that  
 21 correct?  
 22 ATTORNEY McKNIGHT: Objection; form.  
 23 THE WITNESS: And again, that's going  
 24 to depend when you're talking about a 12-county  
 25 demonstration area. Just as you can't assume

201

1 that you can draw a district that looks like a  
 2 precinct, you can't assume that when you're  
 3 drawing a district that everything that you draw  
 4 is going to look like a random sample of a  
 5 12-county area, so within the 12-county area  
 6 there are variations. You're using sub  
 7 geography.  
 8 This would be roughly correct if you  
 9 were trying to draw a district that basically  
 10 contained those 12 counties, but you're not.  
 11 You're trying to draw two districts that are  
 12 less than the 12 counties so both individually  
 13 and collectively. So as you said, it's hard to  
 14 say what's going to happen when you start  
 15 putting precincts together. It's not the case  
 16 that the multiple precincts within this  
 17 12-county area are all either 21 percent average  
 18 or 11 percent average, a lot of variations.  
 19 ATTORNEY THEODORE: Okay. I'm going to  
 20 drop Dr. Collingwood's rebuttal report into the  
 21 chat, and I'm going to mark that as Exhibit 7.  
 22 (WHEREUPON, Plaintiff's Exhibit 7 was  
 23 marked for identification.)  
 24 BY ATTORNEY THEODORE:  
 25 Q. Have you reviewed Dr. Collingwood's Rebuttal

202

1 Figure Number 1 on page 6 of his rebuttal  
 2 report?  
 3 A. Yes.  
 4 Q. Okay. And this is a reproduction of your  
 5 scatterplot Figure 2, but each dot is weighted  
 6 based on the population of the precinct it  
 7 represents, correct?  
 8 A. Correct.  
 9 Q. And Dr. Collingwood turned over the code and  
 10 backup materials for this figure, correct?  
 11 A. I don't know.  
 12 Q. Okay. So you didn't review those?  
 13 A. No.  
 14 Q. Sitting here today, can you identify any errors  
 15 in Rebuttal Figure 1?  
 16 A. No.  
 17 Q. Did you review Dr. Collingwood's Rebuttal  
 18 Table 1 on page 7?  
 19 A. Yes.  
 20 Q. And this is a table that looks at how the four  
 21 precincts with BVAP between 37 to 40 percent in  
 22 the demonstration area performed in the 2020  
 23 governor and presidential contests, correct?  
 24 A. Correct.  
 25 Q. Sitting here today, can you identify any errors

203

1 in Rebuttal Table 1?  
 2 A. No.  
 3 Q. All right. Let's turn to Dr. Collingwood's  
 4 analysis of this issue in his initial report.  
 5 You -- and this is -- well, you  
 6 understand that Dr. Collingwood conducted an  
 7 analysis included that across all the 2020 and  
 8 2022 statewide contests the counties in the  
 9 demonstration area would on average elect a  
 10 black preferred candidate with a BVAP of  
 11 47.07 percent?  
 12 A. That's my recollection.  
 13 Q. All right. And you don't offer -- and the  
 14 demonstration area as we've discussed refers to  
 15 the 12 counties that form part of the  
 16 plaintiffs' various Gingles 1 demonstration  
 17 districts, correct?  
 18 A. That is my recollection. Let me make sure I'm  
 19 not misstating something here.  
 20 The analysis is the counties in the  
 21 demonstration area, yes.  
 22 Q. All right. The demonstration area refers to the  
 23 12 counties in the northeast region that form  
 24 part of the plaintiffs' various Gingles 1  
 25 demonstration districts, correct?

204

1 A. That's correct.  
 2 Q. And you don't offer any opinion in your report  
 3 criticizing Dr. Collingwood's decision to  
 4 conduct his analysis of the BVAP needed to elect  
 5 a black preferred candidate for this case by  
 6 analyzing those counties, correct?  
 7 A. That's correct.  
 8 Q. All right. You say in your report on page 15,  
 9 "As he notes," and you're referring to  
 10 Dr. Collingwood, "a BVAP of 47.07 percent is the  
 11 mean for black preferred candidate success."  
 12 Did I read that correctly?  
 13 A. Yes.  
 14 Q. Okay. So you agree that a BVAP of 47.07 percent  
 15 is the BVAP that would be required in the  
 16 demonstration area for a black preferred  
 17 candidate to narrowly win the average election;  
 18 is that correct?  
 19 A. I'm not sure I would go quite that far, no.  
 20 Q. What did you mean when you stated "As he notes a  
 21 BVAP of 47.07 percent is the mean for black  
 22 preferred candidate success"?  
 23 A. Well, again, as he's majoring this which is  
 24 fairly indirectly through using EI estimates and  
 25 applying them to BVAPs and so forth, so given

205

1 all that methodology that's what he shows as the  
 2 mean needed to reach 50 percent plus 1.  
 3 When you're evaluating districts,  
 4 you -- for example, you would -- an  
 5 opportunity-to-elect district is not a district  
 6 where you basically have a majority in all the  
 7 elections. It's a district where you could  
 8 expect to win more than half of the elections,  
 9 so we're not sure that these are equal  
 10 opportunity districts. I'm not sure that  
 11 they're actual districts.  
 12 So I'm not entirely sure how this  
 13 directly connects to district formation any more  
 14 than the scatterplots connect directly to  
 15 district formation, but I do see that in  
 16 the -- in this bar chart that there are  
 17 substantial -- substantial number of districts  
 18 below that that seem to be performing.  
 19 So I'm not sure exactly what to make of  
 20 the mean -- when you're trying to translate the  
 21 mean back into saying that you'd have to have a  
 22 district that was above 47 percent to perform,  
 23 this doesn't demonstrate that.  
 24 Q. You don't offer any of the opinions you just  
 25 stated in your report, do you?

206

1 A. Well, that's -- I mean, I mentioned about the  
 2 bar charts, and I talk about what the  
 3 scatterplot show. I'm not endorsing  
 4 the -- although the 47 percent is below  
 5 50 percent, so certainly he's conceding that  
 6 this will work below 50 percent, but I think the  
 7 substance of what I'm saying in my report that  
 8 we've got a lot of bars here and the bars below  
 9 that 40 percent line represent districts that  
 10 perform presumably.  
 11 And again, I mean, I wasn't criticizing  
 12 it for being theoretical as opposed to actually  
 13 creating a district. I'm not the one that  
 14 believes that you need to create a district.  
 15 Apparently, that's something he believes, which  
 16 he didn't do.  
 17 Q. I'm sorry. Can you repeat what you just said.  
 18 A. I said I'm not saying that he not necessarily  
 19 had to create a district to demonstrate this  
 20 which he didn't do, but he seems to be critical  
 21 of me for not creating a district to demonstrate  
 22 what I was saying. So maybe it is important to  
 23 create a district, but he hasn't done that.  
 24 So again, I'm not particularly critical  
 25 of this analysis. I think the bar chart makes

207

1 clear that what he's showing is that whatever  
 2 the mean is, it's below 50 percent and that  
 3 there are things that fall well below  
 4 50 percent. And I think that's the same point I  
 5 was making with my scatterplot which is just a  
 6 reproduction or an update of Dr. Barreto's  
 7 scatterplot, so I think we're all on the same  
 8 page here.  
 9 Q. Well, your scatterplot doesn't speak to a  
 10 district's BVAP percentage, correct? It just  
 11 speaks to a district's BVAP percentage?  
 12 A. It speaks to the issue, as did Dr. Barreto's,  
 13 about are there precincts in which this is  
 14 taking place and therefore can we believe --  
 15 sort of as a matter of reality, could we believe  
 16 something, for example, is abstract as  
 17 Dr. Collingwood's analysis, and I think the  
 18 answer is we can.  
 19 How is it that we have successful  
 20 districts well below the 47 line, and the answer  
 21 is it's not unrealistic because we know that in  
 22 a non-arbitrary geography like precincts we see  
 23 that as well. Again, neither of us drawing  
 24 districts here, but I think we're drawing the  
 25 same conclusion.

208

1 Q. You haven't criticized -- you haven't offered  
 2 any criticism of the method that Dr. Collingwood  
 3 used to reach the conclusion that 47.07 percent  
 4 is the BVAP percentage where these counties  
 5 would on average elect a black preferred  
 6 candidate, correct?  
 7 A. I think it's a little abstract, but I'm not  
 8 criticizing. I don't think he did it  
 9 incorrectly. Again, I can't verify it, but I  
 10 wasn't concerned enough about it to want to  
 11 replicate it because I don't disagree with what  
 12 his Figure 13 shows. And I think another way of  
 13 looking at that, at least the judge mentioned as  
 14 being useful was the scatterplot. In turn,  
 15 Dr. Collingwood says my scatterplot doesn't show  
 16 anything because I should have drawn a district  
 17 to show what the minimum level was, but -- and  
 18 so, yeah, I didn't criticize him for not drawing  
 19 a district, but if he thinks it's critical to  
 20 draw a district, he should have drawn one.  
 21 Q. He should have drawn a district to show what?  
 22 A. Well, he said I would have to draw a district to  
 23 show that it was possible to elect at whatever  
 24 level, that there's no way to do that without  
 25 actually drawing a district, and then he turns

209

1 around and says he's got the level here and he  
 2 didn't draw a district.  
 3 So again, I'm not saying you have to do  
 4 that. I'm just saying, you know, fair is fair.  
 5 If he thinks that is a critical issue, that  
 6 someone, in order to testify about what's  
 7 possible, needs to actually draw that district,  
 8 then he needs to actually draw that district.  
 9 Q. Dr. Alford, you did no work to determine the  
 10 BVAP percentage at which a senate district in  
 11 the demonstration area could elect a black  
 12 preferred candidate, correct?  
 13 ATTORNEY McKNIGHT: Objection; form.  
 14 THE WITNESS: Again, the scatterplot,  
 15 which is something taken from Dr. Barreto's  
 16 report, is relevant to that and that's what I  
 17 did. I updated that, put it in the right  
 18 counties to show that it confirms what Figure 13  
 19 in Dr. Collingwood's report shows.  
 20 I did not say that Dr. Collingwood was  
 21 defective for not producing a district, but in  
 22 response to what I said, which I think  
 23 reinforces his analysis, he seemed to take  
 24 exception to that and believe that what I should  
 25 have done, which he didn't do, was draw some

210

1 exhaustive senate district to find out what was  
 2 possible here. I don't think he should be  
 3 required to do that. I certainly didn't think I  
 4 was required to do it. I'm not trying to  
 5 disprove what Dr. Collingwood says. I'm  
 6 supporting what Dr. Collingwood says. I'm  
 7 supporting his Figure 13.  
 8 BY ATTORNEY THEODORE:  
 9 Q. Okay. And you haven't offered any competing  
 10 methodology for determining the BVAP at which a  
 11 senate district in a demonstration area or some  
 12 other area could elect a black preferred  
 13 candidate, correct?  
 14 ATTORNEY McKNIGHT: Objection; form.  
 15 THE WITNESS: Correct. Again, I'm not  
 16 disputing that you can draw an effective  
 17 district at below 50 percent. I'm agreeing with  
 18 Dr. Collingwood on that.  
 19 I don't think that in order to make  
 20 that point you need to do more necessarily than  
 21 what Dr. Collingwood did, but if Dr. Collingwood  
 22 is correct in his rebuttal insistence that you  
 23 can't say that that's true that a district could  
 24 elect at 37 percent until you drew one, then I  
 25 must confess I'm confused as to how he can say

211

1 it will work at 47 percent when he hasn't drawn  
 2 one, nor has he drawn one to see if he could do  
 3 it at 46 or 42 or 40. So I suspect he's giving  
 4 us an upper bound here. He's certainly not  
 5 testing a lower bound.  
 6 I wasn't intending by any sense to say  
 7 the upper bound was true at 37 percent, just to  
 8 point out that the precinct level results are  
 9 completely consistent with the notion that you  
 10 can create a district that would elect a  
 11 minority candidate of choice, a Democrat, at  
 12 below 50 percent and according to his analysis  
 13 at below 47 percent, but neither of us have  
 14 drawn a district.  
 15 BY ATTORNEY THEODORE:  
 16 Q. When you were using the term upper bound and  
 17 lower bound in your answer, can you explain what  
 18 you mean by that?  
 19 A. Well, if we were trying to explore sort what is  
 20 the -- how -- sort of what the -- what the range  
 21 of possible performing districts are, then we  
 22 would -- you know, we would need to understand  
 23 sort of where that might occur.  
 24 So by my pointing out that the lines  
 25 cross at 50 percent, somewhere between in the

212

1 high 30s, I'm not suggesting -- I mean, in some  
 2 sense that becomes a technical lower bound, but  
 3 I'm not suggesting that that means that you  
 4 could necessarily draw a district at that point,  
 5 but certainly it explains why you can draw a  
 6 district somewhere above that point, and  
 7 Dr. Collingwood's analysis suggests you can draw  
 8 districts below 50 percent and below 47 percent.  
 9 So somewhere in that range between 37 percent  
 10 and 47 percent there are going to be apparently  
 11 effective districts.

12 But if the question is whether someone  
 13 has drawn that district, I don't know whether  
 14 Dr. Collingwood has drawn it, but he didn't  
 15 include it in his rebuttal or his report. I  
 16 haven't drawn it.

17 Q. All right. And if you turn to Figure 13 in  
 18 Dr. Collingwood's report, it shows that there  
 19 are six elections in which you need more than  
 20 51 percent BVAP to achieve a narrow 50 plus 1  
 21 victory; is that correct?

22 A. Correct.

23 Q. All right. In your report, you state on  
 24 page 15:  
 25 "Based on his Figure 13, it

213

1 appears that 22 out of 29 of the  
 2 2020 to 2022 contests he analyzed  
 3 would result in the election of  
 4 black preferred candidates of below  
 5 50 percent black BVAP."

6 Do you see that on page 15?

7 A. We're back at my report at page 15.

8 Q. Correct.

9 A. Yes.

10 Q. All right. Did you mean 20 out of 27 there?

11 A. Well, let me see.

12 Yes. Either 20 or 21 would be correct.

13 Q. Because there's only 27 elections in 2020 and  
 14 2022, correct?

15 A. Correct. So 27 total, and either 20 or 21 of  
 16 them are below 50 percent.

17 Q. Do you agree that black voters have  
 18 significantly lower turnout rate than white  
 19 voters?

20 ATTORNEY McKNIGHT: Objection; form.  
 21 THE WITNESS: That varies substantially  
 22 according to geography. I haven't studied  
 23 turnout in North Carolina so I couldn't speak to  
 24 that, but more broadly, while there's a very  
 25 substantial gap, for example, in Anglo and

214

1 Hispanic turnout or Anglo and Asian turnout, the  
 2 gap is much narrower for Anglo and black  
 3 turnout. I think black turnout may still lag a  
 4 bit behind white turnout, but in models where  
 5 you take, you know, multi variable models of  
 6 turnout of black, white, it's not a particularly  
 7 influential predictor any more. Historically,  
 8 that had been dramatically true, but that gap  
 9 has been shrinking over time, so I don't know  
 10 where it is now in North Carolina.

11 BY ATTORNEY THEODORE:

12 Q. All right. Can you pull up your Exhibit 6 -- or  
 13 the exhibit that I marked as Exhibit 6. That's  
 14 your affidavit from the Ramapo case. Would you  
 15 pull up page 6 of that, paragraph 24.

16 You see there, the last sentence:  
 17 "Typically, black and Latino  
 18 populations have significantly lower  
 19 turnout than white voters."

20 A. Yes.

21 Q. I read that correctly?

22 A. Yes.

23 Q. That was a pretty recent report, correct?

24 A. That was -- yeah, that was fairly recent report,  
 25 yes.

215

1 Q. All right. So you still agree today with what  
 2 you said there, that typically black populations  
 3 have significantly lower turnout than white  
 4 voters?

5 A. It certainly was true in that area. Again, I  
 6 don't know what the situation is in  
 7 North Carolina, but I would not make the  
 8 assumption that -- simply make the assumption  
 9 that the turnout of blacks, whites, and  
 10 Hispanics were equal in any population. You'd  
 11 be better off actually analyzing.

12 Q. And that's something you need to take into  
 13 account when determining the level -- the black  
 14 BVAP level that you would need to elect a black  
 15 preferred candidate, correct?

16 A. No. No, I don't believe so.

17 Q. Why not?

18 A. I mean, certainly -- that may be one of the  
 19 things you want to take into account, but if a  
 20 district is drawn to create as an  
 21 equal-opportunity-to-elect district and there's  
 22 not some mechanism that's making it difficult  
 23 for blacks to register or to vote, then  
 24 presumably part of the reason -- as I understand  
 25 at least, part of the reason to create a

216

1 single-member district is that if you create a  
 2 single-member district where blacks constitute a  
 3 majority and therefore if they register, turnout  
 4 and vote and control the district, then they  
 5 have the opportunity to do that and they might  
 6 well do so. There's certainly literature that  
 7 suggests that minority participation can be in  
 8 some circumstances increased by drawing  
 9 minority-majority districts which is part of the  
 10 reason for doing it.

11 The question is what turnout would be  
 12 in a district where minorities have the  
 13 opportunity to elect without -- could not be  
 14 blocked by majority voters, and if in that  
 15 district the opportunity to turnout is not some  
 16 disadvantage where either registration or  
 17 turnout itself is discriminatory, then the  
 18 district setting provides an opportunity, but  
 19 that opportunity requires a turnout the vote.

20 And that's from an opportunity  
 21 perspective. If you want to talk about if  
 22 everything stays the same will the district  
 23 perform, then you're going to have to look at  
 24 turnout, but the old rule of thumb for building  
 25 turnout into districts is not -- to my knowledge

217

1 not practiced widely any longer.

2 Q. Your report does not contain any criticism of  
 3 Dr. Collingwood's decision to factor turnout  
 4 into the analysis that he conducted of the black  
 5 BVAP percentage at which these counties would on  
 6 average narrowly achieve a 50 percent plus 1  
 7 victory for a black preferred candidate; is that  
 8 correct?

9 ATTORNEY McKNIGHT: Objection; form.  
 10 THE WITNESS: That's correct.  
 11 BY ATTORNEY THEODORE:  
 12 Q. Okay. And you're not planning to criticize  
 13 Dr. Collingwood for incorporating turnout into  
 14 that analysis; is that correct?

15 ATTORNEY McKNIGHT: Objection; form.  
 16 THE WITNESS: I'm not planning to.  
 17 BY ATTORNEY THEODORE:  
 18 Q. Well, you didn't disclose such an opinion in  
 19 your report, correct?

20 A. Correct.  
 21 Q. And you haven't conducted an analysis without  
 22 incorporation of turnout that would produce  
 23 different results, correct?

24 A. Correct.  
 25 Q. All right. Have you ever yourself in a prior

218

1 case conducted an analysis of the BVAP  
 2 percentage needed for a black preferred  
 3 candidate to win in a hypothetical district that  
 4 hasn't yet been drawn?

5 A. Too many cases, too much time. I have no idea  
 6 whether -- I'm certain that issues related to  
 7 that must have come up in the old days and  
 8 particularly in Section 5 where issues like that  
 9 were central to a retrogression.

10 I'd say in the current cycle where  
 11 retrogression is no longer a standard, I don't  
 12 recall having done that.

13 Q. You've relied on citizen voting age population  
 14 data from the Census Bureau American Community  
 15 Survey in your work as an expert in voting  
 16 rights cases, correct?

17 A. Correct.  
 18 Q. And I can call that ACS CVAP data and you'll  
 19 understand what I mean?

20 A. Yes.  
 21 Q. What are the cases in which you have relied on  
 22 ACS CVAP data?

23 A. I would say --  
 24 Q. And you can feel free to refer to your c.v.  
 25 A. I would just say sort of -- if I can kind of

219

1 classify.

2 So cases that involved -- that took  
 3 place in states where there's voting  
 4 registration by race, then in terms of doing  
 5 Gingles 2 and 3 analysis, I would have been  
 6 using the proportion of the voting -- actual  
 7 voters that were black or Hispanic and not use  
 8 CVAP.

9 In states like Texas where you don't  
 10 have that, then I would have been -- for an  
 11 Hispanic case, I would have used Spanish surname  
 12 analysis of the voter rolls, for a black case I  
 13 would have used maybe BVAP but also possibly  
 14 CVAP.

15 If I was drawing a district and  
 16 concerned about whether it was majority-minority  
 17 or not, I would use CVAP for any type of  
 18 district.

19 So I would say in some -- if a case  
 20 involves -- if a case involves black voters in a  
 21 state where voter registration is not by race, I  
 22 wouldn't -- for the most part, I think  
 23 historically would not have much cared whether  
 24 that was using BVAP or CVAP because BVAP tends  
 25 not to vary that much from CVAP.

220

1           Where there's a substantial Hispanic  
 2 population, you know, BVAP will tend to  
 3 underreport black concentration relative to CVAP  
 4 so it might matter somewhat there.  
 5           There are advantages of using HVAP or  
 6 BVAP. There are advantages to using black CVAP  
 7 or black or Hispanic CVAP, but I've used both,  
 8 and I don't think you can say that one is always  
 9 superior to the other, but there are certainly  
 10 situations in which CVAP is probably closer to  
 11 what you're looking for and other cases where it  
 12 doesn't matter.  
 13 Q. You said you used CVAP when you're drawing a  
 14 demonstration district for Gingles 1; is that  
 15 correct?  
 16 A. Yes, that's correct.  
 17 Q. And can you identify the cases in which you have  
 18 relied on CVAP?  
 19 A. So I would have used CVAP in my Gingles 2 and 3  
 20 analysis, probably in some of the Texas cases,  
 21 possibly elsewhere, but I primarily rely on CVAP  
 22 for the Gingles 1 inquiry, and then the recent  
 23 cases I've largely stopped doing demographic  
 24 work or GIS work and focused on 2 and 3.  
 25           So certainly I would look at CVAP if I

221

1           was drawing districts for a jurisdiction. The  
 2 issue of CVAP came up regarding -- most recently  
 3 regarding the demonstration district in the  
 4 Spring Branch ISD case that I just testified in.  
 5 The question there was about whether the error  
 6 rate in CVAP was -- made it difficult to say  
 7 whether a district was -- had a CVAP majority or  
 8 not and then that turned into other issues about  
 9 proportions -- proportion of voters in the  
 10 district, but I wasn't the demographer for the  
 11 case. I was just commenting in on that CVAP  
 12 percentage of whether it meant that there was  
 13 clearly a Hispanic voter majority in the  
 14 demonstration district.  
 15           I suspect CVAP would have been involved  
 16 in the Miami case, but I was not -- lots of  
 17 discussion there about exact percentage black in  
 18 the black city council district there, but once  
 19 again, I was not the demographer.  
 20           So I would say cases in this decade,  
 21 I'm not really the one who's really producing or  
 22 consuming CVAP, but I don't know what else to  
 23 tell you. There are good things and bad things  
 24 with CVAP. There are particular kinds of  
 25 analysis where it's useful and others where

222

1           you've got to be careful about it.  
 2 Q. Do you regard the ACS five-year CVAP population  
 3 as a reliable source of information for  
 4 identifying that proportion of CVAP in a  
 5 particular region that is black?  
 6           ATTORNEY McKNIGHT: Objection; form.  
 7           THE WITNESS: So again, I mostly would  
 8 consult CVAP for a Hispanic district because  
 9 there are large differences in citizenship  
 10 across areas of Hispanic population varies  
 11 dramatically by geography.  
 12           You have to evaluate that in a  
 13 particular circumstance that you're using it in.  
 14 It is a statistical estimate. It has -- you  
 15 know, you can -- it comes with and you can  
 16 calculate the confidence intervals around it. I  
 17 would certainly pay attention to the confidence  
 18 interval.  
 19           It's not, you know, the full count  
 20 information that you get in BVAP or HVAP. So  
 21 it's a survey, but, you know, we do lots of work  
 22 with surveys. As long as you're careful about  
 23 the confidence intervals, but I'll confine this  
 24 to what we're talking about here.  
 25           With regard to BVAP, I think the main

223

1           issue is you've got to deal with the sampling  
 2 variability.  
 3 BY ATTORNEY THEODORE:  
 4 Q. When you've relied on the ACS five-year survey  
 5 CVAP calculations in your past expert work to  
 6 estimate the minority CVAP population in a  
 7 district or a demonstration district, have you  
 8 provided confidence intervals or margins of  
 9 error with those black CVAP percentage  
 10 estimates?  
 11 A. We're talking about a case which I'm the person  
 12 drawing the demonstration district, that's going  
 13 back a long way. I'm not even sure what case  
 14 that would be.  
 15           That issue has come up in cases I've  
 16 been involved in, came up in several of the  
 17 local redistricting cases a decade ago. It came  
 18 up again, as I said, in the Spring Branch  
 19 Independent School District case. And the  
 20 dispute was about -- precisely about what you  
 21 could conclude given that the confidence  
 22 interval stretch below 50 percent.  
 23           So I'm aware of that. It's a  
 24 controversy that's been -- it's been a  
 25 controversy that's been aired in cases that I've

224

1 been involved in, but it sort of -- I'm not sure  
 2 how far back I would have to go to get to a case  
 3 where the issue turned on the ability to draw a  
 4 narrow 50 percent majority district. I was the  
 5 demographer, and I was using CVAP. That may be  
 6 an empty set for all I know.

7 Q. What opinion did you express about this issue in  
 8 the Spring Branch case?

9 A. The issue that because the confidence interval  
 10 included -- I think something more than  
 11 25 percent of the confidence interval was  
 12 estimates below 50 percent that that it was  
 13 possible that the district was in fact not a  
 14 majority CVAP Hispanic district and that all of  
 15 the election data showed that within the area  
 16 that the district had been drawn, the voter  
 17 turnout never exceeded 21 percent Spanish  
 18 surname.

19 So the fact that there was some  
 20 question about whether the district was a CVAP  
 21 majority or not was certainly -- there was no  
 22 question that there was not a -- that the voter  
 23 turnout in that area of that district was going  
 24 to be -- would be something in excess of  
 25 75 percent non-Hispanic, and there also was no

225

1 evidence to suggest that there was even a  
 2 registered vote majority Hispanic, so...

3 Q. Was your opinion in the Spring Branch case about  
 4 Gingles -- CVAP use in Gingles 1 or CVAP use in  
 5 Gingles 2 and 3?

6 A. We weren't using CVAP for Gingles 2 and 3. It  
 7 was a Hispanic case where we were using a  
 8 Spanish surname voter analysis.

9 CVAP was only an issue in Gingles 1.  
 10 And again, I wasn't the one doing the  
 11 demonstration district. I was just asked to  
 12 comment on that because when we looked at the  
 13 proportion of voters Hispanic, it wasn't  
 14 apparent that there was any particular  
 15 concentration in the area where the district was  
 16 drawn.

17 The two voting precincts that were used  
 18 to create the demonstration district both  
 19 typically had less than 20 percent of the voters  
 20 Hispanic. Again, that's the input into my EI  
 21 analysis for Gingles 2 and 3 so I was aware that  
 22 the voting precincts that were used to create  
 23 the demonstration district had typically been  
 24 less than 20 percent Hispanic and turned out  
 25 vote, and that basically buttressed the fact

226

1 that the confidence interval on the CVAP  
 2 estimate included the possibility that the CVAP  
 3 proportion was below 50 percent as well.

4 Q. Is the CVAP point estimate the most likely  
 5 number for the actual CVAP percentage in a  
 6 particular district?

7 A. So, yes, in a way that's different from the  
 8 point estimate in the EI analysis. Because  
 9 we're talking about sample variability here, the  
 10 sampling distribution we assume is reasonably  
 11 well behaved, meaning that the center point that  
 12 the estimate around which we're constructing the  
 13 confidence interval, the confidence interval  
 14 will be symmetric and will center on that point,  
 15 and that means that that point estimate is the  
 16 most likely value.

17 So that characteristic -- so if that's  
 18 all you care about is the most likely value,  
 19 you're done. If you want to ask the social  
 20 science question which is -- the social science  
 21 question would be I've drawn this district, I  
 22 think it's a majority district, what do you  
 23 think, then the way we would test that is social  
 24 scientists using the information we get from the  
 25 Census Bureau and the ACS survey. We would say,

227

1 okay, so the null hypothesis is that the  
 2 district is not majority and then we would ask  
 3 whether we can reject that null hypothesis, and  
 4 we would reject the null hypothesis based on the  
 5 5 percent outer band of a 95 percent confidence  
 6 interval.

7 So in the case of the Spring Branch  
 8 case where I think 25 percent of the -- there  
 9 was a 25 percent probability that the actual  
 10 value -- not the sample value, the actual value  
 11 was below 50 percent, in the social science  
 12 sense we would say that CVAP 52 percent is  
 13 insufficient to conclude that the district is  
 14 not in fact a non-majority district.

15 If you're just going to say, look, all  
 16 that matters is central tendency because that's  
 17 the single most likely point, then what do you  
 18 care about the confidence interval.

19 The point of the confidence interval is  
 20 there's a are very real probability and  
 21 sometimes a very substantial probability that  
 22 your conclusion that this is a majority district  
 23 is wrong, and that's what is -- all we're trying  
 24 to do that and all we do when we do confidence  
 25 testing is we don't report a conclusion --

228

1 regardless of what the mean is or the point  
 2 estimate is, we don't report that as a  
 3 conclusion if we can't substantiate that by  
 4 saying it's statistically significant with  
 5 regard to a particular null hypothesis, or if we  
 6 do report it, we say this is what we -- this is  
 7 at least an interesting possible finding, but we  
 8 can't within normal standards of social science  
 9 accuracy, we can't reject the hypothesis that in  
 10 fact the opposite is true.

11 So again, this is no different than,  
 12 you know, a poll in Georgia that shows that  
 13 Trump has 49 percent and Kamala Harris has  
 14 48 percent confidence interval. You know, it's  
 15 3 and a half percent, then the question is are  
 16 we sure that one of those candidates -- do we  
 17 know which candidate is ahead in Georgia, and  
 18 the answer is we don't know which candidate is  
 19 ahead in Georgia.

20 Q. Would you agree that confidence intervals that  
 21 accompany the ACS five-year survey CVAP data,  
 22 those are reported by ACS as plus or minus the  
 23 same number, correct?

24 A. Yes. They're sampling -- they're based on  
 25 sampling theory so they are symmetric around the

229

1 center point of the distribution and pulling the  
 2 point estimate. Confidence intervals are not  
 3 symmetric, but true traditional confidence  
 4 intervals are symmetric.

5 Q. Right. And the Census Bureau ACS confidence  
 6 intervals assume a normal distribution; is that  
 7 correct?

8 A. Typically, sampling distributions assume a  
 9 normal distribution. I am not -- I trust the  
 10 Census Bureau and the folks at ACS who are  
 11 regularly engaged in one of the largest survey  
 12 samples in the world to figure out what the  
 13 appropriate -- but it's not a pure random sample  
 14 of the population. There's a whole bunch of  
 15 clustering and things going on in there, so it's  
 16 complicated, and I trust them to do whatever  
 17 they do correctly, and I accept their confidence  
 18 intervals at face value.

19 Q. And it's --

20 A. For my -- one of the tools to compute your own  
 21 confidence interval when you're doing something  
 22 other than using something they actually report,  
 23 like the population parameters for a city of  
 24 50,000 people. When you're trying to do that  
 25 for a precinct, there's a way -- they provide

230

1 the tools for computing that yourself, but  
 2 again, all of that is based on the parameters  
 3 they've established, and I simply accept that.

4 Q. All right. And it's true that if you have a  
 5 CVAP point estimate for the percentage of a  
 6 black CVAP or any other CVAP in the CVAP  
 7 population, you can assume that 50 percent of  
 8 the expected values will fall higher than that  
 9 point estimate and 50 percent will fall lower  
 10 because the margin of error is based around a  
 11 normal distribution. Is that true?

12 A. That's true.

13 Q. Okay. And does that mean mathematically that if  
 14 a -- you have a CVAP point estimate that's above  
 15 50 percent, it is more likely than not that the  
 16 actual value is above 50 percent?

17 A. Correct.

18 Q. Okay.

19 A. But that's not anybody's test of statistical  
 20 significance, but you're correct. You at least  
 21 have the advantage of knowing that the area  
 22 above the point estimate is 50 percent of the  
 23 distribution and then whatever part of it lies  
 24 between the estimate and exactly 50 percent is  
 25 also above 50 percent and together, so any

231

1 estimate that's above -- bigger than exactly  
 2 50 percent will have slightly or perhaps  
 3 profoundly more likely to be above 50 percent  
 4 than below it.

5 But again, that would -- that's sort of  
 6 the equivalent of kind of a 50 percent  
 7 confidence interval or something where one tail  
 8 50 percent confidence interval, we don't use  
 9 that in the social sciences, we use 95 percent  
 10 confidence interval.

11 ATTORNEY THEODORE: Okay. I am going  
 12 to transmit another exhibit. I am going to mark  
 13 this as Exhibit 8.

14 (WHEREUPON, Plaintiff's Exhibit 8 was  
 15 marked for identification.)

16 BY ATTORNEY THEODORE:

17 Q. Dr. Alford, do you recognize this as a report  
 18 you filed in the Johnson versus Wisconsin  
 19 Elections Commission case?

20 A. It looks like it has my name on it. I have a  
 21 vague recollection of doing something for  
 22 Wisconsin.

23 Q. This is a -- you say on page -- the first  
 24 substantive page of the report, you say you were  
 25 retained by the Wisconsin legislature to provide

232

1 VRA analysis; is that right?  
 2 A. That's correct.  
 3 Q. Okay. And let's scroll down.  
 4 Well, you were expressing an opinion in  
 5 this case that the Wisconsin legislature's plan  
 6 complied with the VRA; is that correct?  
 7 A. I would have to look at the report, but I think  
 8 it was filed on behalf of the legislature. I  
 9 guess that was probably true.  
 10 Q. And let's go to page 12 of the report. And  
 11 you're conducting an analysis here comparing the  
 12 percentage of black elected officials in various  
 13 regions of the state to the black CVAP  
 14 percentage from the ACS for various regions of  
 15 the state. Is that true?  
 16 A. I'm sorry. What page?  
 17 Q. It's paragraphs 34 and 35 on page 12.  
 18 A. Yes. I'm sorry. I skipped ahead. I was  
 19 looking for a table.  
 20 Q. Okay. And you're presenting an opinion, for  
 21 example, that the number of black officeholders  
 22 in Milwaukee County is almost exactly  
 23 proportional to the black CVAP percentage in  
 24 Milwaukee County; is that correct? That's in  
 25 paragraph 34.

233

1 A. Correct.  
 2 Q. And you do that by comparing the 25.9 black CVAP  
 3 percentage to the two out of the eight black  
 4 elected officials or 25 percent of black elected  
 5 officials, correct?  
 6 A. That's correct.  
 7 Q. And you don't report any confidence interval in  
 8 this report relating to the black CVAP  
 9 percentage from the ACS; is that correct?  
 10 A. That's correct.  
 11 Q. And you regarded your analysis here as reliable,  
 12 correct?  
 13 A. Yes, absolutely.  
 14 Q. And same thing in paragraph 35, you're arguing  
 15 here that the ACS data shows that black voters  
 16 are 6 percent of the state CVAP; is that  
 17 correct?  
 18 A. That's correct.  
 19 Q. And then you say that because the six black  
 20 districts in the legislative plan represents  
 21 6.06 percent of the 99 total assembly seats, the  
 22 number of black districts in the state assembly  
 23 is almost exactly proportional to the black  
 24 population; is that correct?  
 25 A. That's correct.

234

1 Q. And in that paragraph you also don't present any  
 2 confidence intervals or margins of error before  
 3 relying on these ACS CVAP figures, correct?  
 4 A. That's correct. So this is a setting where that  
 5 would be something that was important.  
 6 Q. Okay. But you believe that you could draw  
 7 conclusions about the ACS CVAP data being almost  
 8 exactly proportional even without computing  
 9 margins of error, correct?  
 10 A. Again, if there was an issue about whether the  
 11 CVAP percentages are above or below a particular  
 12 point, if there was some -- we were testing  
 13 something here like a Gingles 1 district, that  
 14 would certainly be important, but all I'm  
 15 assessing is the accuracy of the statement  
 16 that's quoted here, the number of black  
 17 officeholders has been far below the number  
 18 proportional to the black population.  
 19 So all you need are the point estimates  
 20 to say that the proportion of black  
 21 officeholders does not appear to be far below  
 22 the proportion of the population.  
 23 Q. Well, you also say that the proportion of black  
 24 officeholders -- that the number of black  
 25 officeholders in Milwaukee County is almost

235

1 exactly proportional to the black CVAP  
 2 population, correct?  
 3 A. Yes.  
 4 Q. And so that's a comparison that requires some  
 5 precision; is that correct?  
 6 ATTORNEY McKNIGHT: Objection; form.  
 7 THE WITNESS: The black population  
 8 appears to be about a quarter, and the black  
 9 officials make up about a quarter of the  
 10 representation.  
 11 Again, we're not -- we're not looking  
 12 at a bright-line test for whether the district  
 13 is 50 percent or not 50 percent. Here we're  
 14 just talking about, again, proportionality is  
 15 not required. The plaintiffs are asserting that  
 16 something is not close to proportionality. I'm  
 17 just showing that with regard to at least a CVAP  
 18 that these things are proportion.  
 19 ATTORNEY THEODORE: All right. I'm  
 20 going to put another exhibit in the chat which  
 21 I'm going to mark as Exhibit 9.  
 22 (WHEREUPON, Plaintiff's Exhibit 9 was  
 23 marked for identification.)  
 24 BY ATTORNEY THEODORE:  
 25 Q. Do you recognize this exhibit as a copy of your

236

1 expert report filed in the Soto Palmer case?  
 2 A. Correct.  
 3 Q. Okay. And this is a VRA Section 2 case; is that  
 4 right?  
 5 A. That's correct.  
 6 Q. Relating to legislative districts in the state  
 7 of Washington?  
 8 A. That's correct.  
 9 Q. Okay. And let's turn to page 4 of your report.  
 10 And you opine on page 4 that the first  
 11 Gingles prong seems to be met here because the  
 12 Hispanic CVAP percentage exceeds 50 percent in  
 13 the enacted district and then three alternative  
 14 legislative districts, correct?  
 15 A. Correct.  
 16 Q. And these CVAP numbers are from the 2016 to 2020  
 17 is your tabulation; is that right?  
 18 A. I believe that's correct.  
 19 Q. Okay. And one of the districts you discuss had  
 20 a Hispanic CVAP of 50.2 percent, correct?  
 21 A. Correct.  
 22 Q. And this is a situation where in your view it is  
 23 important to know whether the point estimate is  
 24 above 50 percent, correct?  
 25 A. Yes.

237

1 fact that CVAP says 50 percent in both the  
 2 current legislative district as enacted and all  
 3 these other reports discuss other forms  
 4 discussed by Professor Collingwood, so we've got  
 5 multiple people drawing districts.  
 6 So in my experience as -- in drawing  
 7 districts, if you've got the drawn form of the  
 8 district and you've got alternative forms of the  
 9 district and no one seems to have struggled  
 10 particularly getting above 50 percent CVAP, then  
 11 there's probably -- if you drew a max CVAP  
 12 district, it's more than likely that you'll be  
 13 able to draw a district at a higher CVAP.  
 14 Nobody seems to be trying to do that,  
 15 but if that was the issue here, then I would  
 16 stand by my conclusion that it seems to be met.  
 17 And if that was in dispute, I would sit down  
 18 with a mapping program and I would draw a  
 19 district that -- including looking at the  
 20 confidence interval, draw a district that  
 21 outside the bounds of the confidence interval  
 22 was a CVAP Hispanic majority.  
 23 And again, I'm assuming that the fact  
 24 that it's been drawn that way by multiple  
 25 different people with multiple different

239

1 Q. Okay. And you don't discuss the margin of error  
 2 for these estimates in this report, do you?  
 3 A. I do not.  
 4 Q. And you don't suggest in this report that an  
 5 expert in a VRA case needs to report margin of  
 6 error for minority CVAP estimates before relying  
 7 on those estimates from the ACS, do you?  
 8 A. I don't see anything here that says that.  
 9 Q. In fact, you rely on those estimates without  
 10 discussing margin of error at all; is that  
 11 right?  
 12 A. So I'll tell you, I didn't create these  
 13 districts. I'm not the demographer. I didn't  
 14 produce the CVAP analysis.  
 15 So all I'm reporting here is that there  
 16 are apparently multiple ways of drawing a  
 17 district, all of which find the ability to  
 18 create a CVAP majority, including one as high as  
 19 53.6, and the fact that you've got multiple  
 20 demonstrations all of which suggest that you're  
 21 above 50 percent suggests that you can -- again,  
 22 I'm not saying that I've drawn this or that it's  
 23 there.  
 24 I think I'm saying the first Gingles  
 25 prong seems to be met here as evidenced by the

238

1 purposes and doing it without making it a  
 2 regular district makes this a pretty simple  
 3 thing to do.  
 4 Q. All right. But sitting here today, you can't  
 5 identify any case in which you yourself have  
 6 been a demographer and taken the position that  
 7 CVAP percentages do not satisfy Gingles 1  
 8 without reporting on the margin of error,  
 9 correct?  
 10 ATTORNEY McKNIGHT: Objection; form.  
 11 THE WITNESS: Again, I've been involved  
 12 in cases that I've dealt with this, including  
 13 this last week about this issue in  
 14 Spring Branch, and I know that I was involved in  
 15 another case where I was not the demographer,  
 16 but this was exactly the issue that came up and  
 17 the judge says all the matter is the point  
 18 estimate as a matter of law, so maybe that's  
 19 true as a matter of law, maybe it isn't true as  
 20 a matter of law. I don't know what else I can  
 21 tell you.  
 22 BY ATTORNEY THEODORE:  
 23 Q. Okay. All right. But the bottom line is in  
 24 this particular report, you are analyzing  
 25 Gingles 1, you agree that the Gingles prong

240

1 seems to be met based on CVAP point estimates  
 2 that do not include a margin of error; is that  
 3 right?  
 4 A. I would say I'm declining to analyze Gingles 1.  
 5 Q. You believe that -- sorry. Go ahead.  
 6 A. The first Gingles prong here seems to be met as  
 7 evidenced by the fact that et cetera, et cetera,  
 8 et cetera, and so I'm going on to Gingles 2 and  
 9 3. I don't think -- I mean, my view was --  
 10 again, I didn't see that -- I didn't see that  
 11 that pattern of evidence across multiple plans  
 12 of CVAP majorities suggested that it would be  
 13 difficult to draw a majority CVAP district, and  
 14 so I'm not -- I did no analysis. I did not draw  
 15 a district. I didn't test any of these other  
 16 things.  
 17 I just -- that looks to me like that's  
 18 not going to be an issue, so I'm declining -- I  
 19 wasn't asked to draw a district or to analyze  
 20 this, and so I'm just basically saying it looks  
 21 as though Gingles Prong 1 is probably met and  
 22 I'm moving on to 2 and 3. I'm not the  
 23 demographer here, and I don't have a plan here.  
 24 Q. Okay. All right. Let's turn -- I want to turn  
 25 back to some of your past testimony.

241

1 ATTORNEY McKNIGHT: Elisabeth, we've  
 2 been going for over an hour. If we're going to  
 3 a new topic --  
 4 ATTORNEY THEODORE: I think I may have  
 5 only five more minutes, but I'm happy to take a  
 6 break.  
 7 (Brief Recess: 4:45 to 4:54 p.m.)  
 8 BY ATTORNEY THEODORE:  
 9 Q. You conducted the analysis that you offer in  
 10 this case arguing that racially polarized voting  
 11 simply reflects partisan polarization in many  
 12 case as an expert witness. Is that fair to say?  
 13 A. Yes.  
 14 Q. And fair to say that a number of courts have  
 15 declined to credit your testimony on that topic?  
 16 A. That would be fair to say. That would be a  
 17 polite way of saying that, yes, I agree.  
 18 Q. All right. Fair to say that a number of courts  
 19 have expressly rejected your testimony on this  
 20 topic?  
 21 A. Yes.  
 22 Q. Can you recall a case in which a court has  
 23 accepted or relied upon this type of analysis by  
 24 you as a reason to deny relief in a Section 2  
 25 case?

242

1 A. Yes.  
 2 Q. What cases are those?  
 3 A. So what would have been Paris v Abbott, the  
 4 court accepted this testimony and declined to  
 5 order the Supreme Court and Court of Appeals of  
 6 Texas to be elected in districts instead of at  
 7 large.  
 8 A sort of variant of this is accepted  
 9 in parts of the -- I hesitate to say which Texas  
 10 decision, but one of the -- maybe the last Texas  
 11 congressional decision where the court wrestled  
 12 with issue authority and both in the sense of  
 13 parties polarization but also in the sense of  
 14 whether voting for the same party amounted to  
 15 cohesion for different racial groups, and so the  
 16 testimony -- my testimony that what was -- what  
 17 we saw was party cohesion and not racial or  
 18 ethnic cohesion was accepted there in some  
 19 parts.  
 20 Q. Any others come to mind?  
 21 A. I don't think so. I think other places where  
 22 this has come up or the courts either go in the  
 23 other direction or it was decided on some other  
 24 basis or hasn't been decided yet.  
 25 Q. What are the cases where the court has -- that

243

1 you recall where the court has rejected this  
 2 sort of argument by you?  
 3 A. So most recently I'd say that would be  
 4 Mississippi, Louisiana, and Georgia.  
 5 Q. And the Mississippi case is the Mississippi  
 6 State Conference of the NAACP versus Board of  
 7 Elections?  
 8 A. If you say so. I'm not -- citations were never  
 9 my thing, even academic citation, much less --  
 10 Q. Fair.  
 11 A. So for a recent big case in Mississippi where  
 12 the court spent a lot of time not agreeing with  
 13 me, that would be the right case.  
 14 Q. And that case -- is it fair to say that the  
 15 analysis you conducted in that case was similar  
 16 to the analysis you've done in this case with  
 17 respect to the issue of, you know, racial versus  
 18 partisan polarization?  
 19 A. Yes.  
 20 Q. Any differences you can think of?  
 21 A. I'm sure there are some minor differences. I'm  
 22 responding to -- there I was responding to, if  
 23 I'm remembering it correctly, Professor Hanley  
 24 rather than Professor Collingwood, they do  
 25 analysis a little bit differently so there may

244

1 have been some differences, but in terms of the  
 2 broad outline, it's very similar analysis, very  
 3 similar conclusions.  
 4 Q. All right. Fair to say that in the Georgia  
 5 case, the analysis that you did and that the  
 6 court rejected was also similar to the analysis  
 7 that you did here?  
 8 A. That's correct.  
 9 Q. And you mentioned a Louisiana case. Fair to say  
 10 that -- is that the Louisiana versus Ardoin  
 11 case?  
 12 A. There are several Louisiana cases, but that one  
 13 would probably do as good as any. Somewhere  
 14 there was a Louisiana case where the judge did  
 15 not agree with me about partisanship versus  
 16 race.  
 17 Q. In that case, also fair to say the analysis you  
 18 did there was similar to the analysis you are  
 19 doing in this case?  
 20 A. That's correct.  
 21 Q. All right. And in the East Ramapo Central  
 22 School District case, the court also rejected  
 23 your analysis; is that correct?  
 24 A. That is correct.  
 25 Q. And is it fair to say that the -- I'm sorry. Go

245

1 ahead.  
 2 A. I was just saying I didn't mention that because  
 3 I wouldn't characterize it as the same kind of  
 4 case or the same kind of analysis. There was a  
 5 lot more -- involved a lot more in dispute in  
 6 Ramapo than would be the case in these others.  
 7 These others are more straightforward cases.  
 8 Q. The others are more straightforward cases?  
 9 A. Yes.  
 10 Q. And I'm going to help you -- I hope you'll thank  
 11 me because I'm going to spare you going through  
 12 those cases.  
 13 A. I'll be happy to go through them, but I would  
 14 also be happy not to go through them.  
 15 I will say -- just so in my view, in  
 16 each of those cases, I don't view my testimony  
 17 to have been -- or my analysis, I will say, to  
 18 have been rejected because my analysis in those  
 19 cases, as here, is essentially the same as the  
 20 analysis from the plaintiff's expert. So my  
 21 view of what that analysis can tell us or can't  
 22 tell us in various ways the different judges  
 23 have declined to make that the basis of their  
 24 ruling, but they -- but not because my analysis  
 25 was incompetent or inappropriate but rather that

246

1 my analysis which was comported with the  
 2 analysis of the plaintiff's expert they took to  
 3 be either not at all applicable to Section 2  
 4 cases or they sort of understood how it might  
 5 factor into the case in a different way, so they  
 6 may -- like I said, they didn't agree with my  
 7 conclusions, they didn't base their ruling on  
 8 what I view to be reasonable conclusions from  
 9 the -- the most reasonable conclusions from the  
 10 data, but they were not rejecting the analysis  
 11 itself either methodologically or in terms of  
 12 the data it was based.  
 13 Q. Okay. We may have covered this before, but it's  
 14 been a long deposition so I just want to  
 15 make -- ask you again, just to be clear, nothing  
 16 in your analysis speaks to the reason why black  
 17 voters in the relevant areas prefer Democratic  
 18 candidates, correct?  
 19 A. I'm not trying to probe into what underlies that  
 20 preference, but to say nothing speaks to it, you  
 21 have to remember that there are two candidate  
 22 characteristics that are being examined here,  
 23 the race of the candidate and the party of the  
 24 candidate. And so the analysis does speak to  
 25 the question about whether candidate preference

247

1 is centered on the race of the candidate  
 2 comporting or not comporting with the race of  
 3 the voters.  
 4 And so that is a different -- that is a  
 5 factor that is different than the factor of the  
 6 partisan affiliation of the candidate, and so  
 7 the analysis does -- as lots of your questioning  
 8 and lots of Dr. Collingwood's response where  
 9 Dr. Collingwood is going through this is a two  
 10 point difference, he's saying this speaks to the  
 11 issue of race and here's the difference I see on  
 12 race.  
 13 So, yeah, the analysis speaks to the  
 14 issue of race and the issue of party affiliation  
 15 of candidates, and that's -- so it isn't just  
 16 about what's the source of the -- it doesn't  
 17 address the issue of why voters are voting on  
 18 the basis of the party or the candidate rather  
 19 than race, but it does address the issue of  
 20 whether voters are voting on the basis of the  
 21 party or the candidate or the race of the  
 22 candidate.  
 23 ATTORNEY THEODORE: All right. Let me  
 24 just take a five-minute break. It may be that I  
 25 have no more questions, although I probably have

248

1 a couple more, but I think we'll be done very,  
 2 very soon.  
 3 (Brief Recess: 5:05 to 5:08 p.m.)  
 4 BY ATTORNEY THEODORE:  
 5 Q. All right. Hopefully, just one more question,  
 6 which is: Is it fair to say that you have not  
 7 analyzed the issue of whether black voters  
 8 prefer Democrats for reasons related to a  
 9 voter's race?  
 10 ATTORNEY McKNIGHT: Objection; form.  
 11 THE WITNESS: Again, I would say that  
 12 we do have some information about that because  
 13 we -- if voters -- whether black voters are  
 14 voting for Democrats because of issues related  
 15 to race or whether white voters are voting  
 16 Republicans for issues related to race, we know  
 17 that those issues don't appear to disturb the  
 18 voting patterns when the race of the candidate  
 19 is a prominent signal.  
 20 So I'm not looking at the origins for  
 21 why they might favor Democrats or Republicans,  
 22 but whatever the origins of those to the degree  
 23 that are racial, they don't display themselves  
 24 with regard to the variation in the signal of  
 25 the race or the candidate. So there's

249

1 information there, but not necessarily about the  
 2 origins of their -- directly about the origins  
 3 of their party preference.  
 4 BY ATTORNEY THEODORE:  
 5 Q. Right. So you haven't analyzed the issue of  
 6 whether black voters have a preference for  
 7 Democrats for reasons that are related to the  
 8 race of the voter?  
 9 ATTORNEY McKNIGHT: Objection; form.  
 10 THE WITNESS: Again, except to the  
 11 extent that when we say related to the race of  
 12 the voter that a preference for same race  
 13 representation are a tendency to vote against  
 14 people of a particular race on the part of white  
 15 voters is not evident in the data.  
 16 Beyond that, I've looked at nothing at  
 17 the individual level, correct.  
 18 BY ATTORNEY THEODORE:  
 19 Q. Okay. And you also have not looked at anything  
 20 at the aggregate level as to whether black  
 21 voters prefer Democrats for reasons relating to  
 22 the race of the voter even if not the race of  
 23 the candidate. Is that fair?  
 24 ATTORNEY McKNIGHT: Objection; form.  
 25 THE WITNESS: Again, except to the

250

1 degree we're talking about how the race of the  
 2 voter interacts with the race of the candidate,  
 3 I've not looked at that issue.  
 4 BY ATTORNEY THEODORE:  
 5 Q. And so to the extent that black voters prefer  
 6 Democrats whether black or white for reasons  
 7 relating to the race of the voter, your analysis  
 8 does not analyze that question at all?  
 9 ATTORNEY McKNIGHT: Objection; form.  
 10 THE WITNESS: Again, to the -- except  
 11 to the extent that black voters show no  
 12 particular preference for white candidates over  
 13 black candidates.  
 14 BY ATTORNEY THEODORE:  
 15 Q. But you can see there may be reasons unrelated  
 16 to the race of the candidate but related to the  
 17 race of the voter why black voters prefer  
 18 Democrats?  
 19 A. That's possible.  
 20 Q. Okay. And you haven't done any analysis of  
 21 whether there are such reasons here?  
 22 ATTORNEY McKNIGHT: Objection; form.  
 23 THE WITNESS: Again, the only analysis  
 24 would be relevant to the issue of race itself as  
 25 opposed to a policy preference of some sort or

251

1 another. If the preference has to do with race  
 2 itself, then I think we would -- it would be  
 3 reasonable to expect that we would see a  
 4 difference in preferences for black candidates  
 5 over white candidates among black voters or for  
 6 white candidates over black candidates among  
 7 white voters.  
 8 To the extent that we don't see that,  
 9 then what we're saying is the extent to which  
 10 race itself is implicated, we don't see any  
 11 evidence of that.  
 12 BY ATTORNEY THEODORE:  
 13 Q. And again, when you refer to race itself in  
 14 that -- in that answer, you're referring to the  
 15 race of the candidate?  
 16 A. Because that's the measure that we have, right.  
 17 We're comparing voter preferences to across  
 18 candidates and the information we have to the  
 19 race of the candidate, which is important.  
 20 It's -- I mean, it's the other important  
 21 totality factor.  
 22 So, yes, we have that information. We  
 23 learn a lot from seeing that. We don't learn  
 24 what other -- sort of what sort of policy things  
 25 might buttress or reduce party preferences, but

252

1 again, this is the analysis we have and this is  
 2 what Dr. Collingwood's analysis demonstrates.  
 3 ATTORNEY THEODORE: Okay. I have no  
 4 further questions.  
 5 [SIGNATURE RESERVED]  
 6 [DEPOSITION CONCLUDED AT 5:16 P.M.]  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

253

1 A C K N O W L E D G E M E N T O F D E P O N E N T  
 2  
 3 I, DR. JOHN ALFORD, declare under the penalties of  
 4 perjury that I have read the foregoing pages, which contain  
 5 a correct transcription of answers made by me to the  
 6 questions therein recorded, with the exception(s) and/or  
 7 addition(s) reflected on the correction sheet attached  
 8 hereto, if any.  
 9 Signed this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.  
 10  
 11  
 12 DR. JOHN ALFORD  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

255

1 COURT REPORTER'S CERTIFICATE  
 2  
 3 I, DENISE MYERS BYRD, Court Reporter, CSR 8340, the  
 4 officer before whom the foregoing deposition of Dr. John  
 5 Alford was conducted, do hereby certify that the witness's  
 6 testimony was taken down by me in stenotype to the best of  
 7 my ability and thereafter transcribed under my supervision;  
 8 and that the foregoing pages, inclusive, constitute a true  
 9 and accurate transcription of the testimony of the witness.  
 10 Before completion of the deposition, review of the  
 11 transcript [X] was [ ] was not requested. If requested, any  
 12 changes made by the deponent (and provided to the reporter)  
 13 during the period allowed are appended hereto.  
 14 I further certify that I am neither counsel for,  
 15 related to, nor employed by any of the parties to this  
 16 action, and further, that I am not a relative or employee of  
 17 any attorney or counsel employed by the parties thereof, nor  
 18 financially or otherwise interested in the outcome of said  
 19 action. Signed this 8th day of October 2024.  
 20  
 21  
 22 Denise Myers Byrd  
 23 CSR 8340, RPR  
 24  
 25

254

1 E R R A T A S H E E T  
 2 Case Name: Pierce v The NC State Board of Elections  
 3 Witness Name: Dr. John Alford  
 4 Deposition Date: Thursday, September 19, 2024  
 5  
 6 Page/Line Reads Should Read  
 7 / | |  
 8 / | |  
 9 / | |  
 10 / | |  
 11 / | |  
 12 / | |  
 13 / | |  
 14 / | |  
 15 / | |  
 16 / | |  
 17 / | |  
 18 / | |  
 19 / | |  
 20 / | |  
 21 / | |  
 22 / | |  
 23  
 24  
 25 Signature Date

256

<p><b>A</b></p> <p><b>a.m</b> 1:16 52:1</p> <p><b>Abbott</b> 243:3</p> <p><b>ability</b> 23:17 82:20 129:4 163:14 194:12 225:3 238:17 254:7</p> <p><b>able</b> 82:15 90:10 90:12 104:6 144:25 162:5 194:5 239:13</p> <p><b>abortion</b> 153:22 154:13</p> <p><b>absence</b> 178:18 183:22,25 184:3,10</p> <p><b>absent</b> 63:24 74:17 127:15 182:18 185:1</p> <p><b>absolute</b> 56:23 57:17</p> <p><b>absolutely</b> 73:24 127:13 234:13</p> <p><b>abstract</b> 208:16 209:7</p> <p><b>abundance</b> 127:21</p> <p><b>academic</b> 11:1,5 11:8,11,14,24 12:6,12,19 13:3 244:9</p> <p><b>accept</b> 72:3 73:12 74:8,25 75:15 88:15 230:17 231:3</p> <p><b>accepted</b> 90:17 242:23 243:4,8 243:18</p> <p><b>accepting</b> 46:18 46:22</p> <p><b>accepts</b> 30:2,7 36:8</p> <p><b>accidental</b> 18:15 40:2</p> <p><b>accompany</b> 112:3,11 229:21</p> <p><b>accompanying</b> 111:3</p>	<p><b>account</b> 162:5 185:6 193:18 193:23 216:13 216:19</p> <p><b>accounts</b> 148:9</p> <p><b>accuracy</b> 13:20 27:8 66:20 67:8 229:9 235:15</p> <p><b>accurate</b> 6:11 9:23 27:19 29:15,21 102:11 103:21 109:21 170:2 254:9</p> <p><b>achieve</b> 213:20 218:6</p> <p><b>ACS</b> 219:18,22 223:2 224:4 227:25 229:21 229:22 230:5 230:10 233:14 234:9,15 235:3 235:7 238:7</p> <p><b>Act</b> 11:6 12:1 13:4,6 14:24 20:23 21:14 43:6 60:18 78:9 149:25 151:17 161:2</p> <p><b>action</b> 106:21 254:16,19</p> <p><b>acts</b> 72:19</p> <p><b>actual</b> 31:4,7 44:5 57:17 89:19 93:21 106:15 107:24 108:10 110:12 124:23 142:7,7 206:11 220:6 227:5 228:9,10 231:16</p> <p><b>add</b> 10:13 128:11,13</p> <p><b>added</b> 95:16 132:1</p> <p><b>adding</b> 192:25</p> <p><b>addition</b> 169:13</p> <p><b>addition(s)</b> 255:7</p>	<p><b>additional</b> 87:16 200:24</p> <p><b>address</b> 95:15 102:18,19 163:23 248:17 248:19</p> <p><b>addressed</b> 36:17</p> <p><b>addresses</b> 36:7 36:23</p> <p><b>addressing</b> 168:16,17</p> <p><b>adequacy</b> 163:24</p> <p><b>adequate</b> 166:22</p> <p><b>adjacent</b> 84:17</p> <p><b>adjectives</b> 50:24</p> <p><b>adopted</b> 88:6,8</p> <p><b>advance</b> 130:13 131:13 149:15 150:5 153:1 167:23</p> <p><b>advantage</b> 231:21</p> <p><b>advantages</b> 221:5,6</p> <p><b>advised</b> 20:14</p> <p><b>affidavit</b> 4:9 111:17 215:14</p> <p><b>affiliation</b> 75:19 147:11,17,19 148:8 149:1 152:7 156:3 158:20 161:17 163:5 168:19 169:17 170:5 170:21,22 172:4,8,21 179:3,6,11 182:13,17,19 248:6,14</p> <p><b>affinity</b> 8:7</p> <p><b>affirmed</b> 5:2</p> <p><b>AG</b> 109:3</p> <p><b>age</b> 56:9 219:13</p> <p><b>aggregate</b> 35:7 35:13 36:12 37:2,14 107:12 161:19 250:20</p> <p><b>aggregate-level</b> 35:24</p>	<p><b>aggressively</b> 173:25</p> <p><b>ago</b> 42:1 58:22 58:25 166:2 224:17</p> <p><b>agree</b> 32:8 33:13 38:15 40:9 43:21 45:20 47:2,6,10 50:15 53:14 54:21 68:22 73:20 74:7,24 75:12 77:21 80:19 81:16,20 81:24 82:11 87:21 90:1 91:5 103:24 117:25 126:15 136:12,24 137:13,19 138:17 142:3 144:15,19 145:18,22 149:8,12 150:2 150:8 152:24 154:3 156:2 167:22 180:19 182:7 191:19 197:14,22 205:14 214:17 216:1 229:20 240:25 242:17 245:15 247:6</p> <p><b>agreeing</b> 211:17 244:12</p> <p><b>ahead</b> 9:8 70:25 80:14 82:19 102:15 128:2 167:3 229:17 229:19 233:18 241:5 246:1</p> <p><b>Airbnb</b> 7:24</p> <p><b>aired</b> 224:25</p> <p><b>al</b> 1:8</p> <p><b>Alford</b> 1:12 4:3 4:5,7,8,9,12,13 5:1,8,13 95:22 97:18 98:23 113:14,15,16 113:17 153:6</p>	<p>164:6 185:14 186:21 210:9 232:17 254:5 255:3,11 256:3</p> <p><b>aligned</b> 166:9</p> <p><b>allocated</b> 27:10</p> <p><b>allow</b> 37:8,11 63:22,24 100:23 101:23</p> <p><b>allowed</b> 31:10 254:13</p> <p><b>allows</b> 55:10</p> <p><b>alter</b> 160:3</p> <p><b>altering</b> 172:1</p> <p><b>alternative</b> 237:13 239:8</p> <p><b>alters</b> 160:24</p> <p><b>ALYSSA</b> 2:18</p> <p><b>Alyssa.Riggin...</b> 2:21</p> <p><b>amazement</b> 40:14</p> <p><b>amazingly</b> 171:18</p> <p><b>American</b> 9:7 12:24 13:10 40:6 153:7 168:25 219:14</p> <p><b>amounted</b> 243:14</p> <p><b>analysis</b> 14:15 15:21 19:11,13 19:23,24 23:1 23:2 25:13,14 29:8 30:3 31:2 31:4,10,13,17 31:19,20,20,24 32:2,5,8,19,22 33:11 34:11,11 34:25 37:3,4 37:25 39:14 49:11,25 54:11 54:23 55:4,12 72:25 73:5 76:11 80:19,24 81:13 85:22,24 86:4,12,20,23 86:24 87:2,9 87:22 88:20 89:21,24 90:2</p>
--	---	---	---	--

90:3 91:3	234:11 238:14	255:5	<b>approximately</b>	<b>argument</b> 244:2
92:12 93:7,10	241:14 242:9	<b>anybody</b> 57:1	5:17 16:21	<b>arguments</b>
93:21,25 94:2	242:23 244:15	100:23	26:21	48:10
94:7,21 95:11	244:16,25	<b>anybody's</b>	<b>arbitrary</b> 42:15	<b>Arkansas</b> 10:15
99:5,18 100:7	245:2,5,6,17	231:19	57:9,11,12	27:7
101:2 102:8,22	245:18,23	<b>anyway</b> 128:21	<b>Ardoin</b> 245:10	<b>Arnold</b> 2:4 5:9
103:1,1,11,13	246:4,17,18,20	<b>apart</b> 152:2	<b>area</b> 12:23 17:10	<b>array</b> 38:12
104:1,5,11,11	246:21,24	<b>Apologies</b>	17:11 19:2	166:3
104:13,24,25	247:1,2,10,16	192:25	46:14,21 47:3	<b>art</b> 43:3 45:9
105:5,17,18	247:24 248:7	<b>apparent</b> 117:17	47:7 50:8,16	<b>Asian</b> 215:1
106:23 109:14	248:13 251:7	226:14	53:6,11 54:18	<b>aside</b> 43:20
110:1 112:23	251:20,23	<b>apparently</b>	64:14,18 65:21	61:13 162:24
112:23,24,25	253:1,2	145:25 146:3	67:21,25 69:13	185:22
113:2,3,22	<b>analyst</b> 32:18	207:15 213:10	71:2 72:11	<b>asked</b> 19:25 21:2
114:1 116:18	104:7	238:16	78:13,18,23	22:12 26:9
116:24,25	<b>analyze</b> 45:19	<b>Appeals</b> 243:5	79:11,20 80:7	31:16 45:10
117:2,7,11,14	87:16 124:18	<b>appear</b> 153:24	81:9 92:18	47:19 48:2
121:5 124:10	169:5,5 241:4	235:21 249:17	93:4 99:19	94:18 95:15
124:21 126:20	241:19 251:8	<b>appears</b> 171:17	114:17 119:14	96:6,15 97:6
128:4,4,6,7,10	<b>analyzed</b> 28:6	214:1 236:8	119:17 122:7	98:13 226:11
128:11 129:4	50:7 87:6 95:3	<b>appended</b>	122:18 125:13	241:19
138:23 143:25	148:3 172:3,8	254:13	132:23 133:17	<b>asking</b> 19:9
144:1,6,9,12	174:16 214:2	<b>appendix</b> 55:17	134:2,21	37:23 60:4
144:13,18,21	249:7 250:5	92:22,24,25	135:14 138:1	102:20 103:15
144:24 145:4,6	<b>analyzes</b> 30:10	94:9 95:21	140:18 141:3	112:24 120:1
145:8,13,19,20	<b>analyzing</b> 27:25	96:5 97:3	141:11,13	123:8 176:7
146:5,7,10	85:16 91:1	98:14 104:18	142:11,16,18	184:5
147:6 148:7,11	95:3 113:18	<b>apples</b> 91:13	142:23 143:5	<b>asks</b> 45:17
149:6,9,19,19	147:18,21	<b>applicable</b> 247:3	143:16 156:16	<b>aspects</b> 48:21
151:11 152:1,4	205:6 216:11	<b>application</b> 45:8	173:21 174:2	<b>assembly</b> 234:21
152:16,18	240:24	<b>applied</b> 15:6	177:2 178:3,10	234:22
156:22 157:10	<b>and/or</b> 255:6	57:14 60:25	180:15 181:12	<b>asserting</b> 236:15
158:25 162:2	<b>Anglo</b> 22:14	61:22 151:11	181:14,15,19	<b>assess</b> 61:1
162:16 163:24	214:25 215:1,2	196:4	198:24 199:7	83:19 91:9
168:23,24	<b>animosity</b> 77:16	<b>apply</b> 15:7 59:19	200:18 201:25	151:22 152:10
169:3,7,9,15	<b>answer</b> 6:6,8	60:21	202:5,5,17	<b>assessing</b> 179:8
170:3,20	11:22 22:13,13	<b>applying</b> 15:20	203:22 204:9	235:15
172:16 173:23	26:12,20 35:12	60:9 205:25	204:14,21,22	<b>assignment</b> 25:8
175:2,12	36:3 37:23	<b>appreciate</b> 42:16	205:16 210:11	25:12
176:25 177:11	41:19 59:22	74:6	211:11,12	<b>associated</b> 20:9
184:18 201:11	63:12 85:2	<b>approached</b>	216:5 225:15	111:6 112:5
204:4,7,20	90:22 126:6	19:10	225:23 226:15	125:19
205:4 207:25	127:23 157:6	<b>appropriate</b>	231:21	<b>assume</b> 37:16
208:17 210:23	173:15 208:18	91:2 93:11	<b>areas</b> 53:19	48:23 60:20
212:12 213:7	208:20 212:17	107:10 112:16	82:22 138:23	105:13,15
218:4,14,21	229:18 252:14	230:13	181:8 223:10	164:14,22
219:1 220:5,12	<b>answered</b> 13:13	<b>appropriately</b>	247:17	176:10 177:17
221:20 222:25	123:11	26:13	<b>argue</b> 124:19	194:9 201:25
226:8,21 227:8	<b>answering</b> 6:2	<b>approximate</b>	<b>arguing</b> 86:17	202:2 227:10
233:1,11	<b>answers</b> 185:15	49:16	234:14 242:10	230:6,8 231:7

<b>assumes</b> 47:15	131:10,16,19	<b>average</b> 34:17	<b>ballpark</b> 49:19	246:23 248:18
<b>assuming</b> 68:17	136:3,6,16,18	52:14,24 53:10	<b>band</b> 228:5	248:20
239:23	137:3,6,17,20	68:8,10,11,24	<b>bar</b> 65:4 195:17	<b>battle</b> 32:7
<b>assumption</b>	143:20,23	69:5,13,17	195:17,18,22	<b>Bayesian</b> 109:25
37:19 216:8,8	149:17 150:1,7	132:8,9,20	196:7 197:4	<b>Baytown</b> 23:25
<b>astonishing</b>	150:13,25	139:11,18,19	206:16 207:2	<b>Bear</b> 58:8
166:3	151:18 153:3,5	139:23 181:8	207:25	<b>Beasley</b> 156:11
<b>attached</b> 255:7	154:7 155:17	198:24 202:17	<b>Barreto</b> 25:15	156:19
<b>attempt</b> 33:14	163:7 164:5,9	202:18 204:9	104:15 187:13	<b>becoming</b> 31:14
33:19	164:13 168:2,5	205:17 209:5	187:24 188:6	<b>bed</b> 56:7
<b>attempting</b>	168:22 169:10	218:6	188:17 194:9	<b>behalf</b> 16:10
169:4,5	174:3,14	<b>averages</b> 143:4	<b>Barreto's</b> 46:21	17:12 233:8
<b>attempts</b> 168:14	175:10,15,20	143:15	187:17 194:19	<b>behaved</b> 227:11
<b>attention</b> 223:17	176:14 177:6	<b>averaging</b>	208:6,12	<b>behaving</b> 40:23
<b>attorney</b> 3:11	177:10,16,25	181:11,16	210:15	<b>behavior</b> 9:5
5:7 9:13 20:7	186:3,20 188:4	<b>avoid</b> 92:6	<b>bars</b> 207:8,8	12:9,11 13:2
21:16 23:5,8	188:15 197:21	<b>aware</b> 43:5	<b>base</b> 93:16 247:7	13:11 37:2,2
30:4,6,11,17	198:7 199:6,10	164:6,17	<b>based</b> 14:20	37:16 39:10,17
30:18,24 37:10	199:13 201:9	165:20,22	15:14 28:2	40:12 47:22
38:1 43:24	201:14,22	176:15 179:3	50:17 69:20	48:18 54:8
44:15 50:18	202:19,24	198:14 224:23	75:18,23 95:1	76:18 124:23
51:12,16,20,23	210:13 211:8	226:21	103:24 104:3	140:8,14,22
52:4 58:16	211:14 212:15	<b>awkward</b> 26:5	106:10,14	143:11 161:20
61:3,7 62:25	214:20 215:11	<b>axis</b> 189:6,6,10	107:7,11	166:23 168:20
63:25 68:16,20	218:9,11,15,17	189:11	118:10 128:7	169:1 172:19
69:1,7,22	223:6 224:3	<hr/>	129:23 167:1,3	183:9 185:9
70:14,22,23,24	232:11,16	<b>B</b>	167:25 188:17	<b>believe</b> 7:2 10:2
71:1,5,11,25	236:6,19,24	<b>back</b> 22:22 44:5	189:2 197:11	14:3,12 19:23
72:2,8 73:11	240:10,22	51:24 78:10	203:6 213:25	22:18 25:23
73:18 74:5,13	242:1,4,8	97:4,10 98:9	228:4 229:24	39:18 42:2
74:21 75:5,14	248:23 249:4	101:3 102:1,2	231:2,10 241:1	44:16 49:14
75:21 76:24	249:10 250:4,9	128:24 141:10	247:12	55:24 72:12
78:15,21,25	250:18,24	153:1 206:21	<b>basic</b> 33:13 46:8	74:15 79:2
79:3,14 80:2,9	251:4,9,14,22	214:7 224:13	76:20 160:3	85:16 86:7
80:11,13,18,22	252:12 253:3	225:2 241:25	<b>basically</b> 56:15	101:14 104:12
81:15 82:18	254:17	<b>backer</b> 56:6	86:22 107:13	111:8 130:12
83:12 84:15	<b>attract</b> 177:3,13	<b>backup</b> 94:16	144:3 190:4	131:12 149:15
85:1,6,15	<b>attractive</b>	97:21,25 98:3	202:9 206:6	150:5 153:1
86:14,25 91:6	158:23	98:18 99:1	226:25 241:20	158:17 163:17
92:11 97:12,17	<b>August</b> 10:1	100:16 101:4	<b>basis</b> 40:7 41:9	174:19 176:17
98:22 104:2,16	25:25 26:22	101:24 111:2	70:2,17 72:5	178:18 199:17
111:9,14	<b>authority</b>	115:5,9 203:10	73:15,22 74:11	200:6 208:14
112:19 113:9	243:12	<b>bad</b> 222:23	75:3 76:19	208:15 210:24
113:13 114:22	<b>automatically</b>	<b>BAKER</b> 2:12	94:24 124:11	216:16 235:6
114:24 118:5,8	105:24 109:24	<b>ballot</b> 165:17,19	126:11 129:11	237:18 241:5
118:17,21	109:24	178:19,25	130:3,4 149:1	<b>believes</b> 207:14
120:9 121:9	<b>available</b> 87:22	179:12,24	149:4 163:25	207:15
126:14,17	88:19 115:23	182:10,13,18	164:2 191:4	<b>belong</b> 154:20
128:1 129:8,13	160:16 180:7	182:23 183:3,5	199:21,23	<b>best</b> 26:12,20
130:11,16	<b>Avenue</b> 2:5,14	187:4	200:10 243:24	36:22 59:3

90:4 105:4	59:10 60:2,11	161:5,9,20	216:13,14	240:23
125:13 140:24	61:1,24 62:1	162:12 163:3	218:4,7 219:2	<b>bound</b> 106:17
169:17 170:13	63:22 68:12	164:8,19,22,24	220:7,12,20	107:18 108:3
170:17,17,21	69:25,25 70:13	165:8,18,23	221:3,6,7	212:4,5,7,16
172:4 254:6	71:19 72:19	167:21,24	222:17,18	212:17 213:2
<b>better</b> 36:9	78:7 82:12,15	168:20 169:19	223:5 224:9	<b>bounds</b> 36:19
42:16 130:14	83:8 109:2,10	170:8,24 171:5	231:6 233:12	239:21
130:21,23,25	114:13 116:21	172:6 174:1,8	233:13,21,23	<b>Box</b> 2:8
131:14 156:9	116:22 117:23	174:17,23	234:2,3,4,8,15	<b>Branch</b> 23:17
167:7,16,23	119:9 120:25	175:1,3,7,18	234:19,22,23	27:2 56:11
168:19 170:6	121:17,25	175:24,25	235:16,18,20	111:19 222:4
194:15 201:12	122:1,12,14,15	176:4,4,9,11	235:23,24	224:18 225:8
216:11	122:17,22,23	176:12,22,23	236:1,7,8	226:3 228:7
<b>beyond</b> 16:1	123:6,15,18,21	177:1,12	247:16 249:7	240:14
26:7,19 28:1	123:22 124:4,5	180:16,19,22	249:13 250:6	<b>Brazosport</b>
35:10 77:17	124:11,12,23	181:4,9 182:3	250:20 251:5,6	23:21
78:4 116:7	125:2 126:8,12	182:4,8,9,14	251:11,13,17	<b>break</b> 6:14
124:25 129:24	126:23 127:7	182:19 183:3,6	252:4,5,6	51:18,21,21
140:13 250:16	129:20 130:3,5	183:9,11,16,18	<b>blacks</b> 39:8,20	113:10 199:8,9
<b>Biden</b> 35:23	130:5,6,7,12	183:19,21,21	42:3 74:3	199:11 242:6
36:2 40:19	130:14 131:12	183:23,24,25	82:25 127:4,6	248:24
<b>big</b> 161:23	131:14 132:7,9	184:1,2,3,4,8,9	127:8 216:9,23	<b>breaking</b> 161:22
244:11	132:10,14,16	184:10,12,13	217:2	<b>breaks</b> 6:16
<b>bigger</b> 232:1	132:19,21,22	184:19,23	<b>blindly</b> 151:3	<b>Brennan's</b> 77:22
<b>bill</b> 41:3	132:23 133:11	185:4,7,8,8,12	<b>bloc</b> 43:2,3,16	77:22
<b>biracial</b> 136:9	133:15,15,17	185:20 186:1	43:17,21,22	<b>bridged</b> 37:5
136:13,25	133:21,24	186:12,12,17	44:13,14,16,24	<b>Brief</b> 52:1
137:14 138:3	134:9,12,16,19	186:18 187:6	44:25 45:4,5	199:12 242:7
156:10	134:19,21	187:20 188:1	48:6,13,15	249:3
<b>bit</b> 16:9 30:25	135:8,12,12,14	188:20 189:17	61:14,24 62:3	<b>briefly</b> 45:14
37:7 42:25	135:18,23	189:18 190:20	62:13,19 63:13	47:13
50:25 51:6	136:1,2,9,15	191:7,12	71:21 72:18	<b>bright-line</b> 56:9
68:3 90:21	136:21 137:2	192:12,15,20	73:10 81:16,24	56:12 236:12
119:17 181:22	137:16 138:5	192:24 193:5,9	82:9 137:1,5	<b>bring</b> 7:3 78:10
181:23 215:4	138:14,19	193:14,20	184:15,16,20	148:23
244:25	139:8,13,22	194:5,12,24	185:2	<b>bringing</b> 58:18
<b>black</b> 12:13,17	140:3 141:4,14	195:5,6,8,12	<b>block</b> 47:21	<b>broad</b> 130:17
22:9,20 29:13	141:22,25	195:25 196:10	<b>blocked</b> 43:13	245:2
30:8 33:5	142:5,14 143:1	196:14,20	44:9 217:14	<b>broadest</b> 39:6,12
35:21 36:1	143:8,18	197:17 198:15	<b>blocking</b> 44:17	44:22 90:9
38:2,4,9,16,18	146:21 147:6	198:24 199:20	<b>blue</b> 190:24,25	<b>broadly</b> 8:19
41:20 44:9,11	149:14,15,16	199:25 200:10	<b>board</b> 1:8 4:6	14:22 36:19
44:18 45:21,21	150:4,5,19,23	200:19 201:3,7	10:6 25:2,6	45:7 121:4
46:4,5,7 47:6	151:2,20,23	201:16,19	27:17 54:24	144:22 214:24
47:22 48:2	152:10,15	204:10 205:5	58:12 179:5	<b>brought</b> 60:15
50:20 51:2	153:9,11,18,21	205:11,16,21	244:6 256:2	188:11
52:12,13,22,23	154:1,3,5,13	209:5 210:11	<b>Bob</b> 178:15	<b>building</b> 217:24
53:8,9,14,18	154:21 155:19	211:12 214:4,5	<b>body</b> 24:25 34:7	<b>bullet</b> 99:8,21
53:19,25 54:14	155:21 158:4	214:17 215:2,3	<b>book</b> 165:24	<b>bunch</b> 230:14
54:19 55:17	158:23 159:16	215:6,17 216:2	<b>bottom</b> 100:3	<b>bundled</b> 102:17



10:6 13:15,22 15:2,2,4,6,8,13 16:2,11,23 17:2 18:1,5 19:3,5 22:14 22:20 23:9,13 25:9 27:2,4,5,5 31:2 32:9,20 32:23 33:5 35:21 36:21 37:15 39:8 43:23 44:4,8 45:1,11 47:11 56:11 58:11,21 60:14,16,25 63:14 69:4,5 71:20 72:7 73:17 74:12 75:4 76:11 84:16 87:22 89:3,5 90:8,11 94:16,18 98:1 104:13 106:12 108:11 109:8 111:20 112:15 115:25 116:1 121:4 124:8 141:21 148:2 148:14 151:22 152:19 154:23 160:20 161:2 168:7,11 195:4 195:10,17 196:4,5,9,18 202:15 205:5 215:14 219:1 220:11,12,19 220:20 222:4 222:11,16 224:11,13,19 225:2,8 226:3 226:7 228:7,8 232:19 233:5 237:1,3 238:5 240:5,15 242:10,12,22 242:25 244:5 244:11,13,14 244:15,16 245:5,9,11,14	245:17,19,22 246:4,6 247:5 256:2 <b>cases</b> 13:18 14:7 14:25 16:14,19 16:21 17:18 21:2,8 23:1,4 23:12 24:10,14 24:21,25 27:1 31:6 53:17 63:5 78:1,1 89:21 94:4 103:25 104:4 115:24 162:7 219:5,16,21 220:2 221:11 221:17,20,23 222:20 224:15 224:17,25 240:12 243:2 243:25 245:12 246:7,8,12,16 246:19 247:4 <b>cast</b> 35:17 129:22 <b>casting</b> 140:11 <b>categories</b> 57:22 <b>category</b> 114:21 134:13 <b>causal</b> 33:14 34:11,11,17,23 35:4,5 37:8,12 37:14,25 144:16,20,25 145:1,5,8,9,13 146:6,7 158:25 <b>causation</b> 34:14 72:24 157:1 158:7 <b>cause</b> 72:3,11 162:22 <b>caused</b> 158:20 <b>causes</b> 147:13 <b>causing</b> 161:7,8 <b>caution</b> 91:18 <b>caveat</b> 141:15 <b>Census</b> 219:14 227:25 230:5 230:10 <b>center</b> 107:16	190:12 227:11 227:14 230:1 <b>centered</b> 248:1 <b>central</b> 4:10 104:24 111:19 219:9 228:16 245:21 <b>certain</b> 85:24 109:9 191:13 219:6 <b>certainly</b> 5:18 13:8 14:14 15:16 16:7 20:14 26:14 29:18 30:12 35:6 36:21 46:3,7,9 48:25 49:20 51:1 62:5 69:25 72:25 77:10 81:2,4 90:8 92:8 97:5 102:9,18 103:9 120:17 129:25 129:25 148:13 154:11 172:14 179:7 183:10 186:11 207:5 211:3 212:4 213:5 216:5,18 217:6 221:9,25 223:17 225:21 235:14 <b>certainty</b> 158:18 <b>CERTIFICATE</b> 254:1 <b>Certified</b> 5:3 <b>certify</b> 254:5,14 <b>cetera</b> 189:7 241:7,7,8 <b>challenge</b> 10:20 <b>challenged</b> 81:10 <b>chance</b> 21:10 173:7 <b>change</b> 11:22 85:2 126:5 163:13 166:15 177:21 <b>changed</b> 157:23	<b>changes</b> 118:14 119:1 254:12 <b>changing</b> 100:25 <b>characteristic</b> 158:21 159:7 159:18 162:18 162:19 227:17 <b>characteristics</b> 147:24 152:21 158:9,14 160:9 160:13,15,22 161:6,11 162:17,21 163:11 171:16 247:22 <b>characterizati...</b> 22:19 <b>characterize</b> 16:13 34:8 51:9 70:4 72:21 73:2 75:8 104:23 119:6 130:1 246:3 <b>chart</b> 52:19 64:22 66:21 189:24 195:17 195:17,22 196:7 197:4,12 197:15,17 206:16 207:25 <b>charts</b> 65:4 66:17 195:18 207:2 <b>chat</b> 9:9 51:13 58:9 97:14 111:10 202:21 236:20 <b>check</b> 113:1 <b>checkbox</b> 60:10 <b>Cheri</b> 156:11,19 <b>choice</b> 50:4,12 62:3,4 87:14 120:8 155:1 212:11 <b>choose</b> 57:6 128:3 <b>choosing</b> 116:20 <b>chose</b> 87:7,19 <b>circumstance</b>	223:13 <b>circumstances</b> 49:5 217:8 <b>citation</b> 244:9 <b>citations</b> 244:8 <b>cited</b> 49:8 <b>citizen</b> 56:9 219:13 <b>citizenship</b> 223:9 <b>city</b> 17:20,20 18:4 23:25 89:3,5 222:18 230:23 <b>claim</b> 172:2 <b>clarification</b> 14:11 <b>classes</b> 13:5 153:7 <b>classify</b> 220:1 <b>clean</b> 7:5 <b>clear</b> 14:5 41:24 60:24 70:3 73:19 74:14 125:15 151:1 152:5 163:14 171:23 172:16 179:6 208:1 247:15 <b>clearer</b> 147:4 <b>clearly</b> 77:11 122:12 127:15 157:17 169:16 170:4 181:25 191:15 196:24 197:10 222:13 <b>close</b> 8:5 13:18 40:20 56:25 67:10 103:4 164:4 199:8 236:16 <b>closely</b> 31:13 <b>closer</b> 221:10 <b>clustered</b> 189:14 190:23,25 <b>clustering</b> 230:15 <b>CMackie@po...</b> 2:10 <b>code</b> 28:10,12,14
---	--	--	--	--

28:15,17 93:7 93:16,19,20 94:1,5,7 96:1 96:12 97:1 103:6 110:12 203:9 <b>codes</b> 116:2 <b>cohesion</b> 42:12 42:19 44:25 51:2 54:1,6,16 56:16,16,23,23 56:25 57:9,22 60:12,14,20 61:25 62:7,11 67:3,14 69:24 69:25 70:1,3 70:11,13 71:19 125:17 137:19 137:21,22 181:24 182:14 183:20 184:16 184:19 185:4 187:5 243:15 243:17,18 <b>cohesive</b> 43:13 44:23 45:2 47:7,17 48:3,4 48:7 53:15 54:7 55:18 57:1,25 58:1,5 58:7 60:23 61:5 62:1,23 64:8,17 65:1 65:15,20 66:1 66:5 67:24 68:7,23 69:12 122:11,11,12 126:8 180:19 180:22 185:19 185:20,23 <b>cohesively</b> 43:10 43:11 45:18,21 45:24 46:6 47:20,20,21 48:15,17 50:21 50:21 56:2 57:15 59:11 60:3,11 61:2,9 61:16 62:3 63:11 136:14	136:21 137:15 138:4 156:15 167:22,24 182:8 183:23 184:2 <b>colleague</b> 93:6 <b>colleagues</b> 40:15 40:18 <b>collected</b> 194:16 <b>collectively</b> 202:13 <b>College</b> 23:20,20 <b>Collingwood</b> 4:4 4:11 25:13,16 25:16 27:18 29:7 31:15 32:15,17 52:12 52:22 53:8 73:3,21 74:2 85:23 93:13 94:22,25 95:1 95:2,3 103:1 104:5,14 116:11 117:4 117:12 120:13 128:12,14 148:4,13 149:7 149:20 150:11 159:12 160:17 162:16 168:16 169:3,15 170:4 174:5,16 175:11 177:5,8 180:8 195:18 195:22 203:9 204:6 205:10 209:2,15 210:20 211:5,6 211:18,21,21 213:14 218:13 239:4 244:24 248:9 <b>Collingwood's</b> 6:23 7:1 27:15 28:10,12,20 31:13 32:10,13 33:10 46:19,22 49:25 51:15 52:6 64:2,5 76:11 78:11	79:9 80:5 85:21 95:10 96:3,14 103:11 103:21,25 105:18 112:17 113:2,3,23 114:12 117:13 118:10 125:18 126:21 127:19 128:8 131:22 143:25 144:8 144:13 145:7 145:18 152:1 152:17 158:13 163:24 168:24 174:21 180:2 189:2 196:7 197:2,12 200:14,17 202:20,25 203:17 204:3 205:3 208:17 210:19 213:7 213:18 218:3 248:8 253:2 <b>column</b> 165:3,5 165:6,9,11 <b>combatting</b> 150:16 <b>combination</b> 93:19 115:13 <b>combinations</b> 114:7 <b>combined</b> 133:22 <b>come</b> 13:7 16:19 18:4,10 19:3 42:18 94:10 95:6 96:1,20 115:14 121:12 121:13 219:7 224:15 243:20 243:22 <b>comes</b> 8:18 13:9 13:12,24 18:6 40:3 77:13 223:15 <b>coming</b> 25:5 95:11 96:19 <b>comma</b> 96:20	<b>comment</b> 28:15 178:14 226:12 <b>commented</b> 188:8 <b>commenting</b> 60:5 151:25 222:11 <b>Commission</b> 4:12 232:19 <b>Commissioners</b> 58:13 <b>common</b> 152:20 <b>commonly</b> 128:5 <b>commonsense</b> 38:22 <b>Community</b> 23:20 219:14 <b>compact</b> 194:16 <b>comparative</b> 15:17 <b>comparator</b> 170:14 <b>compare</b> 181:20 <b>compared</b> 78:19 78:23 83:1 171:24 198:24 200:21 <b>comparing</b> 33:5 91:13 92:10 125:11 233:11 234:2 252:17 <b>comparison</b> 80:16 90:9 121:17 135:17 170:22 172:5 236:4 <b>compatible</b> 128:25 145:12 197:2 <b>competent</b> 32:17 <b>competing</b> 211:9 <b>competition</b> 160:5 <b>complete</b> 6:11 <b>completely</b> 92:8 147:1,3 184:15 212:9 <b>completion</b> 254:10 <b>complexity</b>	37:22 <b>complicated</b> 230:16 <b>complied</b> 233:6 <b>comported</b> 247:1 <b>comporting</b> 248:2,2 <b>composed</b> 82:15 84:10,11 191:20 192:9 197:16 <b>composition</b> 23:3 <b>compressed</b> 171:17 <b>compute</b> 230:20 <b>computer</b> 31:8 101:1 <b>computing</b> 231:1 235:8 <b>conceding</b> 207:5 <b>concentration</b> 221:3 226:15 <b>concern</b> 37:4 50:25 <b>concerned</b> 17:6 89:2,4 209:10 220:16 <b>conclude</b> 32:14 43:9 191:11 197:23 198:6 224:21 228:13 <b>concluded</b> 21:3 105:3 172:3 195:22 253:6 <b>concludes</b> 32:15 <b>concluding</b> 164:1 <b>conclusion</b> 20:12,21 21:13 32:4 86:11 120:18 121:12 124:16 144:25 145:5 146:8,9 196:13 197:3,6 200:2,7 208:25 209:3 228:22 228:25 229:3 239:16
---	--	---	--	---

<b>conclusions</b> 28:8 120:6 144:16 145:1 158:2 187:18 193:19 199:18,23 235:7 245:3 247:7,8,9	142:16,18 <b>confirm</b> 9:22 30:21 31:10 94:22 <b>confirms</b> 210:18 <b>confused</b> 156:9 211:25 <b>congress</b> 155:8 155:11 173:5 <b>congressional</b> 10:22,24 16:18 17:8 173:6 243:11 <b>congressman</b> 16:17 <b>congressmen</b> 16:15 <b>connect</b> 206:14 <b>connected</b> 45:7 47:23 48:18 73:8 147:22,23 148:1 <b>Connecticut</b> 2:14 <b>connection</b> 78:4 145:9 146:3,7 146:10 <b>connections</b> 146:14 <b>connects</b> 206:13 <b>consider</b> 12:22 13:1 83:15 160:12 <b>considered</b> 8:3 33:8 34:22 40:6 55:21 113:22 160:17 163:2 <b>considering</b> 69:18 85:3 160:15 <b>considers</b> 117:21 <b>consistent</b> 138:12,18,22 138:25 140:16 159:15 161:22 168:7,8 171:3 196:6,6 212:9 <b>consistently</b>	77:14 139:10 140:6 151:20 151:23 152:10 152:12,14 <b>constant</b> 161:17 <b>constituents</b> 175:8,18 <b>constitute</b> 34:20 173:20 217:2 254:8 <b>constitutional</b> 10:20 <b>constructed</b> 34:13 <b>constructing</b> 227:12 <b>consult</b> 223:8 <b>consultant</b> 24:12 <b>consulting</b> 10:14 10:17 19:14,25 23:24 27:25 <b>consuming</b> 222:22 <b>contain</b> 46:23 49:11 107:19 181:15 218:2 255:4 <b>contained</b> 96:13 202:10 <b>contains</b> 29:6 111:4 164:24 165:1 181:14 <b>contending</b> 17:13 147:10 <b>contest</b> 29:19,20 66:8,9 133:14 136:8,13,25 137:14 173:13 179:14 <b>contested</b> 90:6 <b>contesting</b> 30:15 42:22 <b>contests</b> 38:15 64:9,18 65:1 65:15,20 66:2 66:6 67:25 68:14,24 71:18 73:5 120:2 132:21 134:18 135:11,17,23	138:4,11 156:10 203:23 204:8 214:2 <b>context</b> 11:25 13:9,12 15:18 38:25 59:14 62:10 91:23 <b>contiguous</b> 194:17 <b>contingent</b> 62:14,15,16,17 <b>continue</b> 40:16 40:19 167:10 <b>continues</b> 56:10 56:11 73:21 <b>continuing</b> 27:6 <b>continuous</b> 33:23 57:19 178:9 <b>contradict</b> 168:11 <b>contrast</b> 133:2 <b>control</b> 217:4 <b>controversy</b> 224:24,25 <b>convenient</b> 96:17 <b>convert</b> 124:22 <b>convince</b> 148:24 <b>Cooper</b> 191:11 191:14 198:14 198:22 <b>copy</b> 7:5 9:17,23 51:19 98:15,17 98:25 236:25 <b>correct</b> 5:15 6:8 7:14 9:1,2 13:16 14:7,21 15:15 25:10,11 25:13,22,23 26:3 27:24 28:14,16,18,19 28:25 29:1,9 29:10,17,22,23 29:25 30:1,3,5 30:10 31:2,3 33:11,12 38:18 38:19 43:23 45:12,13,22,23 45:25 50:2,3,5	50:6,10,13,14 52:16,17,20,21 52:25 53:1,6,7 53:12,13 55:18 55:19 57:16 61:2 62:24 64:6,10,11,14 64:15,19 65:16 65:17,21,22 66:2,3,19,23 67:22 68:2,15 68:25 69:14 70:20 71:4 75:20 78:14,19 78:24 79:2,13 80:10,21 81:18 81:22,23 82:1 82:5 86:2,3,6,7 86:9,10,13 87:4,5,7,8,11 87:12,14,15,17 87:18,20,24 88:4,20 89:21 89:22,24,25 92:19 93:4,5,8 95:21,23 96:3 96:14 97:3 98:2 99:6,7 100:9,10,13,14 101:20,21 102:23 103:17 103:18,22,23 104:18,19 105:9,10 111:7 111:8 113:16 113:24,25 114:8,9,15,16 114:19,21,23 115:3,9,10 117:23,24 118:4,16 121:20,21 122:20,21 123:7,19,20,24 123:25 124:2,7 127:24 129:12 131:24,25 132:2,3,17,18 132:25 133:1,5 133:6,9,10,12
--	---	--	--	---

133:13,18,19	214:8,12,14,15	235:25	105:20 106:1,3	220:25 221:3,6
133:23 134:3,7	215:23 216:15	<b>couple</b> 7:23	106:4 107:8,23	221:7,10,13,18
134:11,14,15	218:8,10,14,19	13:20 249:1	109:6,15,19	221:19,21,25
134:17,22,23	218:20,23,24	<b>course</b> 9:4 12:3	110:17 111:1,4	222:2,6,7,11
135:1,2,6,9,10	219:16,17	13:7,11,12	111:6 113:5	222:15,22,24
135:16,20,21	221:15,16	60:12 88:13	126:3	223:2,4,8
137:2 138:1,2	229:23 230:7	<b>courses</b> 9:3 12:8	<b>credit</b> 242:15	224:5,6,9
138:6,8 139:14	231:17,20	<b>court</b> 1:1 3:1	<b>Creek</b> 7:16 24:1	225:5,14,20
141:5 142:21	233:2,6,24	7:16 14:18	<b>critical</b> 160:18	226:4,4,6,9
142:22 143:2,8	234:1,5,6,9,10	16:6 26:15	185:3,3 207:20	227:1,2,4,5
144:2,10	234:12,17,18	30:20,21 32:6	207:24 209:19	228:12 229:21
147:14,15	234:24,25	32:9,11,15	210:5	231:5,6,6,6,14
151:24 152:15	235:3,4,9	39:1,2,14 43:9	<b>criticism</b> 87:13	233:13,23
156:4,12,16,17	236:2,5 237:2	56:5,8 57:4,6	209:2 218:2	234:2,8,16
156:19,20,24	237:5,8,14,15	57:20,24 77:8	<b>criticisms</b> 28:17	235:3,7,11
158:11,16	237:18,20,21	77:13,21,24	28:24 29:6	236:1,17
160:14 167:13	237:24 240:9	88:21,25 89:10	<b>criticize</b> 50:4,12	237:12,16,20
168:7,13,15,21	245:8,20,23,24	112:24 121:14	209:18 218:12	238:6,14,18
170:14 172:10	247:18 250:17	121:18 122:19	<b>criticized</b> 209:1	239:1,10,11,13
173:22,23	255:5	123:16,18	<b>criticizing</b> 205:3	239:22 240:7
174:2,19 175:3	<b>correction</b> 255:7	136:20 151:15	207:11 209:8	241:1,12,13
175:9,19	<b>correctly</b> 17:7	156:12 163:25	<b>cross</b> 34:15	<b>cycle</b> 219:10
176:17,20,24	31:21 34:8	171:13 178:16	138:18 196:25	
177:5,15 178:6	59:12 60:4	179:13,20	212:25	<b>D</b>
179:21 180:8	74:15 99:15	242:22 243:4,5	<b>crossing</b> 70:7,16	<b>D</b> 1:4 255:1,1
180:17,18	100:4 112:6	243:5,11,25	71:3	<b>D-U-M-A-S</b> 10:7
181:2,6,7,10	122:3 138:15	244:1,12 245:6	<b>crossover</b> 51:5	<b>Dallas</b> 23:21
182:5,11	179:15 192:25	245:22 254:1,3	78:17,22 80:4	<b>data</b> 27:12,16,21
183:24 186:23	205:12 215:21	<b>courts</b> 242:14,18	80:6,20 81:20	27:22,25 28:9
186:25 187:6	230:17 244:23	243:22	82:7,10 83:15	28:21,24 31:14
187:13,14	<b>correlation</b> 34:5	<b>cover</b> 90:11,12	84:1,8 118:20	31:15,18,18,18
188:3,21 189:3	<b>council</b> 17:21	120:12 121:7	119:10,16	34:7,9 35:2,18
189:4 190:9,10	89:4,5 222:18	<b>covered</b> 26:2	127:10 138:13	37:4 93:21,22
190:16,21	<b>counsel</b> 6:5,7	120:13 156:21	178:2,5 183:10	93:23 94:16
191:1,20,21	254:14,17	158:8 247:13	<b>crowd</b> 18:8	97:21 98:3
192:5,16,17	<b>count</b> 5:19 66:15	<b>cracking</b> 10:21	<b>CSR</b> 1:25 3:2	99:12 100:16
193:7,8,10,11	223:19	<b>cream</b> 157:25	254:3,22	101:15,24
193:15,16,21	<b>counties</b> 46:15	<b>create</b> 83:7	<b>Cabbage</b> 134:16	105:5 107:12
195:2 198:10	46:23,23 82:1	195:24 207:14	<b>current</b> 9:22	111:2,5 113:8
198:11 199:1,5	188:13 196:5	207:19,23	14:18 17:23	115:5,9 120:6
200:22,23	202:10,12	212:10 216:20	42:7 219:10	129:5 145:15
201:21 202:8	204:8,15,20,23	216:25 217:1	239:2	149:6 164:2
203:7,8,10,23	205:6 209:4	226:18,22	<b>currently</b> 7:15	189:2 201:13
203:24 204:17	210:18 218:5	238:12,18	8:22 9:3 40:10	219:14,18,22
204:25 205:1,6	<b>country</b> 149:3	<b>created</b> 93:7	106:23 172:24	225:15 229:21
205:7,18	172:20 173:9	189:2	<b>cutoff</b> 56:21	234:15 235:7
208:10 209:6	173:10,10	<b>creating</b> 17:14	<b>cutpoint</b> 42:16	247:10,12
210:12 211:13	<b>county</b> 10:24	207:13,21	<b>CVAP</b> 219:18	250:15
211:15,22	24:3 188:10	<b>credible</b> 36:15	219:22 220:8	<b>dataset</b> 96:21
213:21,22	233:22,24	105:14,15,16	220:14,17,24	<b>date</b> 153:25

256:4,25	46:19 62:10	150:14,23	253:2	<b>depending</b> 84:19
<b>day</b> 254:19	<b>defining</b> 57:9	152:11,12,13	<b>demonstration</b>	118:14
255:9	<b>definitely</b> 20:16	153:8,18,23	46:13,17 47:3	<b>depends</b> 22:4
<b>daylight</b> 166:21	<b>definition</b> 39:12	154:1,4,14,24	47:7 50:8,15	91:20 102:24
166:25 167:7	44:12 46:8	155:5,11,20	53:5,11 64:14	118:24 168:8
<b>days</b> 159:25	48:5 83:23	159:9,14	64:18 65:21	195:14
219:7	89:13,18	162:22 164:7	67:21,25 69:13	<b>deponent</b> 254:12
<b>DC</b> 2:5,15	181:14	164:11,15,18	71:2 76:21	<b>deposed</b> 5:14
<b>deal</b> 224:1	<b>degree</b> 23:23	164:20,23	78:12,18,23	<b>deposition</b> 1:12
<b>dealing</b> 32:24	24:4 27:8	166:7,8 173:1	79:11,20 80:7	4:5 5:21 6:20
33:3 34:19	33:22 36:18,18	173:20 174:25	86:5 87:4 88:6	7:4 46:14
90:13	42:19 51:9	176:10 177:23	92:2,18 93:3	58:11,20,23
<b>deals</b> 9:5 108:21	62:7,23 67:7	191:5,8 196:16	99:19 114:17	59:2,4 247:14
<b>dealt</b> 240:12	72:20 73:6	247:17	119:17 122:18	253:6 254:4,10
<b>decade</b> 16:24	74:18 158:18	<b>Democrats</b>	132:23 133:17	256:4
42:1,7 222:20	172:24 249:22	40:13,18 41:2	134:2,21	<b>describe</b> 24:11
224:17	251:1	41:5 122:19	135:14 137:25	45:14 47:13
<b>December</b> 58:24	<b>deliberately</b>	132:12,15	140:18 141:3	57:1
<b>decided</b> 94:24	30:14	149:13 150:3	141:11,13	<b>described</b> 24:13
183:18 243:23	<b>delved</b> 146:1	151:21,24	142:11,16,18	56:17
243:24	<b>Democrat</b>	152:11 159:24	142:23 143:5	<b>descriptors</b>
<b>deciding</b> 154:19	120:23 122:23	173:2 175:4	143:15 156:16	57:22
<b>decimal</b> 66:20	123:22,23	176:3,4 177:24	173:21 177:2	<b>design</b> 34:12,18
66:23	124:5,6 125:5	249:8,14,21	180:15 181:12	35:9 161:13
<b>decimals</b> 66:19	125:6 139:8,8	250:7,21 251:6	181:14,19	<b>despite</b> 141:23
<b>decision</b> 77:11	139:13,13	251:18	198:23 200:18	153:22
77:21 205:3	140:3,3 141:4	<b>demographer</b>	201:25 203:22	<b>detailed</b> 29:18
218:3 243:10	141:4,14,14	23:12,15 24:7	204:9,14,16,21	100:22
243:11	142:14,15,25	222:10,19	204:22,25	<b>determination</b>
<b>declare</b> 255:3	143:1,7,8,18	225:5 238:13	205:16 210:11	168:1
<b>declined</b> 153:14	143:19 146:13	240:6,15	211:11 221:14	<b>determine</b> 83:13
242:15 243:4	154:22 155:1	241:23	222:3,14 224:7	84:12 115:11
246:23	166:11 171:4	<b>demographic</b>	224:12 226:11	116:20 167:2
<b>declining</b> 241:4	174:24 176:1	173:23 221:23	226:18,23	210:9
241:18	177:20 183:4	<b>demographics</b>	<b>demonstrations</b>	<b>determining</b>
<b>decreasing</b>	189:9 212:11	21:3 24:5	238:20	56:1 188:19
178:5	<b>Democrat's</b>	<b>demonstrate</b>	<b>Denise</b> 1:25 3:2	211:10 216:13
<b>deeper</b> 152:3	120:24	34:14 72:24	254:3,21	<b>developed</b> 36:20
<b>default</b> 110:20	<b>democratic</b>	117:3,11	<b>Denise@Disco...</b>	93:9 94:3
<b>defeat</b> 48:16	16:15,17 40:15	126:11 145:9	3:5	<b>deviations</b> 107:7
62:3,20 71:22	82:21,25 83:3	206:23 207:19	<b>deny</b> 242:24	107:11
72:19	83:6,7,9,21	207:21	<b>depend</b> 62:21	<b>devise</b> 162:2
<b>defective</b> 210:21	84:3,7,21,23	<b>demonstrated</b>	63:1 83:8 85:9	<b>differ</b> 82:10 84:9
<b>defend</b> 19:9	85:13 86:17	147:25 148:3,6	91:8 195:3,3	<b>difference</b> 32:1
<b>defendants</b> 1:9	123:16,18	148:16 152:2	201:24	35:13 70:5
2:11 25:9	125:3 127:5	159:13,13	<b>dependable</b>	73:25 74:18
<b>defending</b> 17:20	131:6 132:8,9	<b>demonstrates</b>	158:3	104:10 106:4
17:23 19:16	132:20 138:14	169:9,16 170:5	<b>dependent</b> 32:21	106:25 118:19
<b>define</b> 42:23	138:19 139:19	170:20 171:6	32:25 33:9,16	118:22,23,25
<b>defined</b> 12:24	139:22 147:8	196:14,24	33:21 146:12	119:3,14 122:9

123:5 124:14 124:17,20,23 125:2,8,9,10 125:12,24 126:1,2 140:5 140:9,10,13,15 140:17,17,19 140:22 142:3,4 142:7 143:3,6 143:11,14,17 143:21 146:19 146:21,25 147:2 159:21 159:21,22 160:1,3 161:7 161:9,18,19 162:6 163:3,15 167:6,14 170:11 182:21 182:22 186:17 193:2 248:10 248:11 252:4 <b>differences</b> 31:22,25 50:23 77:18,19 78:5 143:10 149:23 149:24 151:14 151:16 152:6 161:24 162:10 162:11 163:12 163:12 223:9 244:20,21 245:1 <b>different</b> 32:4,16 33:9 37:24 38:24 39:19,20 41:20 44:21 46:21 48:9 61:15,19,21 81:17,17,21,21 81:25 82:10,22 82:23 83:24 91:22 95:17 98:7 114:14 117:22 118:2,9 120:5 147:8 162:8 166:6,20 167:6 171:11 171:15,15 180:3,5 181:12	181:25 182:1 192:3 218:23 227:7 229:11 239:25,25 243:15 246:22 247:5 248:4,5 <b>differentials</b> 192:7 <b>differently</b> 22:10,15 51:8 74:4 77:12 82:14 84:9,11 84:19 85:14 145:17 191:8 244:25 <b>difficult</b> 72:11 157:5 195:20 216:22 222:6 241:13 <b>dig</b> 17:3 <b>dinner</b> 59:3,5 <b>direct</b> 3:4 4:9 59:6 <b>direction</b> 55:14 55:15 119:2 143:6,9,17 155:2 178:2,8 243:23 <b>directly</b> 49:14 80:16 206:13 206:14 250:2 <b>disadvantage</b> 217:16 <b>disagree</b> 81:6 126:18 136:19 209:11 <b>disagreed</b> 77:24 <b>disagreeing</b> 73:4 <b>disagreement</b> 104:12 <b>disappears</b> 157:22 184:15 <b>disclose</b> 28:13 28:23 87:13 218:18 <b>disclosed</b> 27:18 29:24 97:9 <b>disclosure</b> 97:11 <b>Discovery</b> 3:1 <b>discrimination</b>	48:18 72:21 73:13 74:9 75:1,7 77:16 150:16 <b>discriminatory</b> 47:24 48:13 77:2,5 217:17 <b>discuss</b> 117:16 237:19 238:1 239:3 <b>discussed</b> 50:7 73:23 86:8 152:22 204:14 239:4 <b>discusses</b> 151:15 <b>discussing</b> 30:13 60:6,7 238:10 <b>discussion</b> 6:23 115:22 116:5 222:17 <b>disjunction</b> 37:3 <b>display</b> 249:23 <b>displayed</b> 113:4 113:6 <b>disprove</b> 211:5 <b>dispute</b> 29:11 72:6 73:16 74:11 75:3 108:21 224:20 239:17 246:5 <b>disputed</b> 56:12 <b>disputes</b> 56:6 <b>disputing</b> 29:24 69:18 71:20 76:17 86:11 211:16 <b>distinction</b> 151:8,10 <b>distinguish</b> 54:3 77:8 <b>distribution</b> 106:15 107:15 107:16,24 108:9 110:2,3 227:10 230:1,6 230:9 231:11 231:23 <b>distributions</b> 230:8 <b>district</b> 1:1,1	4:10 10:8,9 17:15,16,21 18:12 19:8 20:5 21:4,9,13 23:3,18,23 24:2,5,5,19 44:10 47:4,4,8 47:8 52:10,13 52:19,25 60:19 62:23 63:15,23 66:2,6 68:8,15 68:23 71:23,24 78:14,23 81:10 81:11 82:12,15 82:22 83:5,6,7 83:14,16,20,21 84:4,5,6,7,7,12 84:13,20 85:12 85:13 86:13,19 87:3 89:8,9,19 90:3,6,12,24 90:25 91:4,10 91:23 92:2 111:20 119:18 119:19 122:18 123:15,23 124:6 125:20 126:7 135:15 135:15 138:1,1 139:11,20,23 140:2,17,22 142:12,12,19 142:19,24,24 143:5,6,16,16 155:7,11,15 173:21,21 176:15,19,20 176:22,23 177:2,3 181:5 181:6,13,13,16 187:21 188:2 188:21 191:19 192:9 193:10 193:20,24 194:17,25 195:7,10,24 196:9,15,19 197:7,16,24 198:4 199:19 199:25 200:4,8	201:6 202:1,3 202:9 206:5,5 206:7,13,15,22 207:13,14,19 207:21,23 209:16,19,20 209:21,22,25 210:2,7,8,10 210:21 211:1 211:11,17,23 212:10,14 213:4,6,13 216:20,21 217:1,2,4,12 217:15,18,22 219:3 220:15 220:18 221:14 222:3,7,10,14 222:18 223:8 224:7,7,12,19 225:4,13,14,16 225:20,23 226:11,15,18 226:23 227:6 227:21,22 228:2,13,14,22 235:13 236:12 237:13 238:17 239:2,8,9,12 239:13,19,20 240:2 241:13 241:15,19 245:22 <b>district's</b> 83:4 208:10,11 <b>districts</b> 17:8 23:25 24:1,18 24:18 25:1,3 43:22 44:11 46:17,24 49:17 49:21 50:9,16 64:6,10,22 65:2,16 79:11 79:18,19,21,23 80:7 82:1 84:9 84:10,17,22 85:3,10,12,25 86:5 87:4,23 88:2,4,6,7,8,17 88:19 92:19
--	--	---	---	---

93:4 114:18 132:24 133:18 134:2,22 173:1 173:2,7,9 175:8,14,19 176:16 177:22 177:24 181:20 191:23 192:10 193:25 197:4 202:11 204:17 204:25 206:3 206:10,11,17 207:9 208:20 208:24 212:21 213:8,11 217:9 217:25 222:1 234:20,22 237:6,14,19 238:13 239:5,7 243:6 <b>disturb</b> 249:17 <b>divergent</b> 165:10 169:18 170:8,23 172:6 <b>diverse</b> 171:13 <b>divided</b> 190:5 <b>division</b> 1:2 10:23 <b>divorce</b> 28:4 76:7,9 <b>document</b> 9:14 58:10 97:2,13 98:17 111:10 <b>documents</b> 7:3 7:12 <b>doing</b> 13:20,21 19:2 24:2 33:25 53:23 57:18 59:25 81:11 90:18 94:23 103:12 103:13 112:25 140:11 145:13 145:14 217:10 220:4 221:23 226:10 230:21 232:21 240:1 245:19 <b>dominated</b> 179:10	<b>Donald</b> 40:16 106:25 <b>dot</b> 113:4 180:2 187:15 189:19 189:23,25 190:2,6,11,12 192:6 203:5 <b>dots</b> 189:7 190:23,24 <b>dozens</b> 192:1 <b>Dr</b> 1:12 4:4,9,11 4:12,13 5:1,8 6:23 7:1 25:13 25:15,16,16,18 25:18 27:15,18 28:10,12,20 29:7 31:5,13 31:15 32:5,10 32:13,15,17,23 33:10 36:20 46:19,21,22 49:25 51:15 52:6,12,22 53:8 64:2,5 73:3,21 74:2 76:11 78:11 79:9 80:5 85:21,23 92:14 93:13,17 94:1 94:6 95:15,22 95:25 96:3,10 96:14 97:2,18 98:23 103:21 103:25 104:5 104:14,15 105:18,22 110:9 112:17 113:2,3,14,15 113:17,23 114:12 116:11 117:4,12,13 118:10 120:13 125:18 126:21 127:19,19 128:8,12,14 131:22 143:25 144:8,13 145:7 145:18 148:4 148:13 149:7 149:20 150:11	152:1,17 153:6 158:13 159:12 160:17 162:16 163:24 164:6 168:24 169:3 169:15 170:4 174:5,16,21 175:11 177:5,8 180:2,8 185:14 186:21 187:13 187:17,24 188:6,17 189:2 194:9,19 195:18,22 196:7 197:2,12 200:14,17 202:20,25 203:9,17 204:3 204:6 205:3,10 208:6,12,17 209:2,15 210:9 210:15,19,20 211:5,6,18,21 211:21 213:7 213:14,18 218:3,13 232:17 248:8,9 253:2 254:4 255:3,11 256:3 <b>dramatically</b> 215:8 223:11 <b>draw</b> 19:8 21:4 23:18 25:3 28:8 116:23 117:1 120:6 124:16 130:8 144:15,20,25 145:1,4 146:8 146:9 187:18 197:23 198:1,1 198:3 199:17 199:23 200:2,6 202:1,3,9,11 209:20,22 210:2,7,8,25 211:16 213:4,5 213:7 225:3 235:6 239:13 239:18,20 241:13,14,19	<b>drawing</b> 23:23 23:25 24:1,18 25:1 120:17 145:4 193:18 193:23 202:3 208:23,24 209:18,25 217:8 220:15 221:13 222:1 224:12 238:16 239:5,6 <b>drawn</b> 21:9 209:16,20,21 212:1,2,14 213:13,14,16 216:20 219:4 225:16 226:16 227:21 238:22 239:7,24 <b>draws</b> 107:20 <b>drew</b> 211:24 239:11 <b>drive</b> 160:18 <b>driving</b> 160:22 183:9 <b>drop</b> 9:8 201:20 202:20 <b>drops</b> 183:5 201:17 <b>duly</b> 5:2 <b>Dumas</b> 10:7 <b>duplicative</b> 49:1 <b>durable</b> 171:25 <hr/> <b>E</b> <hr/> <b>E</b> 2:1,1 255:1,1,1 255:1,1 256:1 256:1,1 <b>e.g</b> 99:24 <b>earlier</b> 13:13 18:8 48:1 59:15 137:23 143:24 174:10 <b>easier</b> 54:11,23 <b>easiest</b> 179:2 <b>easily</b> 21:9 128:16 <b>East</b> 4:9 111:19 245:21 <b>eastern</b> 1:1,2	17:10 <b>ecological</b> 11:12 11:15,18,20 29:3 36:4,6,8,8 36:20,23,25 53:23 124:9 126:11 145:14 145:14 <b>economics</b> 37:19 <b>Edwards</b> 178:15 <b>effect</b> 125:5,11 126:23,25 144:16 148:17 148:18 166:16 <b>effective</b> 125:13 200:5 211:16 213:11 <b>effectively</b> 63:21 <b>effort</b> 86:21 <b>EI</b> 29:2,8,16,20 29:22,25 30:3 30:15 31:1,3 31:12 32:3,19 32:22 33:10 36:19 37:8 49:25 54:23 66:21 86:23 92:16 93:1,7 93:17,21 94:7 94:8 96:13,14 99:5,12,13,18 101:23 102:8 102:22 103:1 103:25 104:5,7 104:18,20,21 104:23,25 105:2,8,12 107:8,12,21 108:1 110:15 112:3,10,12,24 112:25 113:23 114:2 124:8,21 143:25,25 144:6,12,13,18 144:20,24 145:3,6,20 148:9 205:24 226:20 227:8 <b>EI_2016_GE_...</b> 99:14,17
--	--	--	--	---

<b>eight</b> 234:3	164:21 169:14	182:2 183:8,11	<b>entirely</b> 18:22	61:25 63:8,8
<b>either</b> 19:11	170:3 173:5,12	183:14,20	88:24 89:16	63:14 74:4
21:11 26:9	178:14,20	186:10,19	91:20 128:24	146:14 231:3
59:10 60:2	179:2,18,19	200:20,21	151:14 196:6	<b>establishes</b>
88:4,18 101:20	180:7,10 182:7	201:1,4 206:7	206:12	63:10
105:17 144:9	183:17,17	206:8 213:19	<b>entirety</b> 127:19	<b>estimate</b> 29:9
148:12 151:2	184:11 185:22	214:13 232:19	<b>entities</b> 15:19	54:9 93:15
161:20 162:10	185:24 186:5,8	244:7 256:2	18:16,17 19:6	104:20 105:4
162:12 163:18	186:11,14,22	<b>eligible</b> 63:9	19:8 20:15	105:21 106:19
168:13 174:5	186:24,25	<b>Elisabeth</b> 2:4	<b>entity</b> 17:13,14	107:17 108:16
177:7 181:22	187:2,2,7	5:8 30:19	19:10,20,21	109:3,5 124:8
202:17 214:12	198:9,12	51:16 70:25	21:5	124:20 140:4
214:15 217:16	205:17 214:3	199:6 242:1	<b>enunciate</b> 56:5	143:9 223:14
243:22 247:3	225:15	<b>Elisabeth.The...</b>	<b>environment</b>	224:6 227:2,4
247:11	<b>elections</b> 1:8 4:6	2:6	92:4	227:8,12,15
<b>elect</b> 82:12,15,20	4:12 13:11	<b>Elizondo</b> 23:16	<b>EProuty@bak...</b>	229:2 230:2
155:12 173:1,2	14:17,19,25	<b>else's</b> 128:9	2:16	231:5,9,14,22
177:23,24	15:1,24 22:11	<b>empirical</b> 28:7	<b>equal</b> 184:10	231:24 232:1
187:20 188:1	22:15 27:17	129:5 163:24	206:9 216:10	237:23 240:18
188:20 193:20	30:10 33:7	163:25 172:17	<b>equal-opportu...</b>	<b>estimated</b>
194:24 195:12	45:18 46:5	<b>empirically</b>	216:21	107:20
195:24 196:10	50:1,5,15 51:6	135:23	<b>equally</b> 78:7	<b>estimates</b> 29:25
196:16,20	53:25 54:14,24	<b>employed</b> 8:22	<b>equals</b> 184:24	30:9,15,16
197:17 199:20	55:20,23 64:6	8:23 254:15,17	<b>equivalent</b>	32:3 66:22
199:25 200:9	69:3,4,15,16	<b>employee</b> 254:16	165:14,15	92:16 93:2,18
201:6 204:9	69:19 76:19	<b>employment</b>	232:6	94:8,11 103:20
205:4 209:5,23	85:17,19 86:1	19:1	<b>era</b> 40:8	104:17,18
210:11 211:12	87:2,10,17,22	<b>empty</b> 225:6	<b>eras</b> 18:8	105:8,12 106:1
211:24 212:10	87:25 88:1,3,9	<b>enable</b> 71:21	<b>ERICA</b> 2:13	107:14,16,20
216:14 217:13	88:11,12,14,18	<b>enacted</b> 132:24	<b>Erin</b> 7:16	107:24 108:1,4
<b>elected</b> 175:6,17	88:23,25 89:1	133:18 134:22	<b>error</b> 134:13	108:9,22
176:8 233:12	89:11,12 90:4	237:13 239:2	222:5 224:9	110:23,24,25
234:4,4 243:6	90:5,14,18	<b>endeavor</b> 51:24	231:10 235:2,9	112:3,4,12,17
<b>election</b> 9:5,6	91:23 95:3,9	<b>ended</b> 8:6,6	238:1,6,10	114:2 125:19
27:15 29:15	99:18 100:13	<b>endogenous</b>	240:8 241:2	131:22 178:7
32:24 38:15	108:19 114:7	87:21,25 88:3	<b>errors</b> 203:14,25	205:24 224:10
43:12 44:7	117:21 119:23	88:18,23,24,25	<b>especially</b> 48:15	225:12 235:19
49:9,12 52:25	120:5,13,22	89:6,11 92:8	<b>ESQ</b> 2:4,8,13,13	238:2,6,7,9
53:11 54:20	121:3,5,8,13	<b>endorsed</b> 164:7	2:18,18	241:1
55:1 58:13	121:19 124:24	164:19 165:7	<b>Esselstyn</b> 25:18	<b>estimating</b> 55:13
73:7 78:13	132:11,11,15	<b>endorsing</b> 207:3	<b>essence</b> 157:15	55:14
87:24 89:2,3,4	135:1 137:10	<b>engaged</b> 10:3,5	<b>essentially</b> 31:12	<b>et</b> 1:8 189:7
89:7,8,14,15	148:20 151:12	230:11	32:25 56:16	241:7,7,8
89:17,18,24	157:9 159:2	<b>engagements</b>	137:24 140:18	<b>ethnic</b> 243:18
90:2 91:21	162:22 169:20	9:25 22:24	246:19	<b>ethnicity</b> 33:4
92:3,6 95:16	170:25 171:8	<b>entangles</b> 48:23	<b>establish</b> 33:14	55:9
106:22 120:2	171:11 174:1	<b>entered</b> 40:8	74:2,3 127:6	<b>evaluate</b> 223:12
133:4,21,24	174:15,18	<b>entire</b> 19:2 27:1	129:5 149:9	<b>evaluating</b> 63:21
142:6 146:14	177:4 179:5,10	77:9 90:6,12	164:3 167:5	206:3
157:2 164:18	180:1,4,7,11	93:12 119:8	<b>established</b>	<b>evenly</b> 190:4

<b>everybody</b> 128:8	94:15,17 96:19	<b>expected</b> 199:20	157:11 166:23	174:15 178:1,4
<b>evidence</b> 72:15	96:23 115:2,5	199:25 200:9	168:20 171:7	185:11 225:13
75:25 76:3	115:7,8	231:8	171:18 172:18	225:19 226:25
127:20 148:24	<b>exception</b>	<b>experience</b>	185:18,19	228:14 229:10
150:10 168:3,6	148:17,22	15:22 56:14	<b>explanations</b>	238:9,19 239:1
168:9 173:19	210:24	82:2 103:24	172:5	239:23 241:7
183:15,16	<b>exception(s)</b>	239:6	<b>explanatory</b>	<b>factor</b> 48:25
184:11 185:9	255:6	<b>experimental</b>	159:4 160:13	49:6,8,9 218:3
186:9,15,16	<b>excess</b> 225:24	34:23	161:12 163:2,4	247:5 248:5,5
226:1 241:11	<b>exclude</b> 129:2	<b>expert</b> 4:3,4,11	163:5 186:1	252:21
252:11	<b>excluded</b> 16:5,7	4:12,13 6:25	187:5	<b>factors</b> 45:8
<b>evidenced</b>	<b>excludes</b> 129:4	9:10,25 10:5	<b>explore</b> 212:19	48:24,25 63:4
238:25 241:7	<b>excluding</b> 137:8	10:14,18 12:22	<b>express</b> 48:20	140:12 163:2,4
<b>evident</b> 250:15	142:19	13:1,14 15:12	225:7	163:21
<b>exact</b> 222:17	<b>exclusive</b> 179:8	16:2,10,12,14	<b>expressed</b> 25:20	<b>facts</b> 27:21
<b>exactly</b> 16:13	<b>exhausted</b> 5:20	17:12,19,22	<b>expressing</b>	<b>factual</b> 22:2
40:24 44:20	<b>exhausting</b>	18:11,12 19:14	233:4	<b>failings</b> 36:16
70:4 77:7,22	42:18	19:20,22,25	<b>expression</b>	<b>failure</b> 117:10
86:16 101:2	<b>exhaustive</b>	20:4,4 21:17	77:18	<b>fair</b> 6:3,17,18
104:22 120:15	211:1	21:18,22 22:24	<b>expressly</b> 242:19	11:20,21 15:9
128:7 138:24	<b>exhaustively</b>	25:25 42:8	<b>extend</b> 109:7	15:24 22:19
151:15 156:25	191:10	51:15 111:18	<b>extent</b> 31:24	37:9 49:24
157:19 162:14	<b>exhibit</b> 4:2 9:9	219:15 224:5	155:8 250:11	51:3 83:17
191:9 206:19	9:11 22:23	237:1 238:5	251:5,11 252:8	84:14 112:17
231:24 232:1	25:24 51:14	242:12 246:20	252:9	113:20 125:25
233:22 234:23	52:2,7 58:10	247:2	<b>extract</b> 36:12	136:10 150:22
235:8 236:1	58:14 97:14,15	<b>expertise</b> 14:4	<b>extracted</b> 36:14	153:12,15,16
240:16	98:16,16,20	14:13 15:3,13	<b>extracts</b> 106:1	171:22 210:4,4
<b>Examination</b>	101:3 111:11	15:21,23	<b>extrapolate</b>	242:12,14,16
3:9 4:9 5:6	111:12 202:21	128:17	197:15 198:2	242:18 244:10
<b>examined</b>	202:22 215:12	<b>experts</b> 22:9	<b>extreme</b> 163:9	244:14 245:4,9
247:22	215:13,13	42:2,9,23	<b>extremely</b> 53:15	245:17,25
<b>example</b> 22:16	232:12,13,14	73:23 104:9	124:14 171:8	249:6 250:23
40:5 41:3	236:20,21,22	<b>explain</b> 61:18		<b>fairly</b> 14:16
78:20 81:9	236:25	76:10 161:4,21	<b>F</b>	82:24 108:19
83:1 99:14	<b>EXHIBITS</b> 4:1	162:4,5 166:13	<b>F</b> 255:1	108:19 153:13
105:1 106:15	<b>exist</b> 63:22	182:14 183:1,1	<b>face</b> 86:24	154:23 163:9
109:1 122:13	<b>existence</b> 73:13	212:17	128:17 230:18	190:18,23,24
127:4 142:13	74:8,25	<b>explained</b>	<b>facing</b> 92:3	196:24 197:12
142:23 150:14	<b>existing</b> 19:12	145:21 146:17	<b>fact</b> 20:25 30:2	205:24 215:24
150:17 153:10	<b>exists</b> 97:8	146:20,22	46:12 53:23	<b>fall</b> 106:16
153:21 164:23	165:17	147:1	54:12 55:8	114:20 208:3
165:4,23 166:4	<b>exogenous</b> 90:5	<b>explaining</b> 99:4	70:19 73:24	231:8,9
206:4 208:16	<b>expanded</b> 97:23	162:15	75:10 76:20	<b>fallacy</b> 36:5,8,9
214:25 233:21	101:11,13,14	<b>explains</b> 147:13	91:24 123:14	36:25
<b>examples</b> 21:21	<b>expect</b> 31:12	165:9 169:18	127:8,13 130:9	<b>falls</b> 107:1
155:18 179:4	54:19 104:10	170:6,17,17,21	141:24 146:24	162:20
<b>exceeded</b> 225:17	106:19 121:25	172:4 174:20	149:9 151:14	<b>falsify</b> 168:15
<b>exceeds</b> 237:12	122:22 191:2,7	183:2 213:5	153:6 155:14	<b>family</b> 7:23
<b>Excel</b> 94:12,14	206:8 252:3	<b>explanation</b>	159:1 166:15	<b>fan</b> 65:4

<b>fancy</b> 37:6	102:12,22	101:15	204:15,23	<b>gap</b> 214:25
<b>far</b> 77:9,24	103:9,11,17	<b>folders</b> 97:22,24	210:13 211:14	215:2,8
128:5 189:15	115:5,8	101:12,14,15	214:20 218:9	<b>gay</b> 154:12
189:17 197:8	<b>final</b> 179:13	103:9	218:15 223:6	<b>general</b> 72:24
205:19 225:2	<b>financially</b>	<b>folks</b> 230:10	236:6 239:7	87:25 88:10,11
235:17,21	254:18	<b>following</b> 16:24	240:10 249:10	88:18 90:17
<b>fashion</b> 33:21	<b>find</b> 19:14,19	99:11 112:9	250:9,24 251:9	129:21 155:4
61:5	26:4 39:2 46:2	151:3	251:22	183:8
<b>father</b> 154:25	48:9 66:25	<b>follows</b> 5:5	<b>formation</b>	<b>generally</b> 55:22
<b>favor</b> 183:6,21	211:1 238:17	19:21	206:13,15	85:18,20 90:8
249:21	<b>finding</b> 229:7	<b>footnote</b> 91:11	<b>forming</b> 27:23	90:15,17
<b>favoring</b> 130:5,6	<b>finds</b> 39:15	<b>force</b> 127:2	28:1	198:14
130:7	52:12,22 53:8	158:3,3	<b>forms</b> 130:18	<b>generate</b> 105:23
<b>federal</b> 26:8	<b>fine</b> 32:11,12	<b>forces</b> 151:8,9	239:3,8	<b>generates</b> 49:4
<b>feel</b> 9:16 219:24	66:12 199:10	<b>forcing</b> 31:23	<b>forth</b> 205:25	<b>generic</b> 40:1
<b>feet</b> 171:6	<b>finished</b> 70:25	<b>foregoing</b> 254:4	<b>fortunately</b>	<b>GenericRxC_...</b>
<b>fellow</b> 130:22	<b>firm</b> 5:9	254:8 255:4	122:7	99:25 100:8
<b>fielded</b> 174:17	<b>first</b> 5:2 39:25	<b>Forks</b> 3:2	<b>forward</b> 180:10	101:8
<b>fielding</b> 175:1	66:8 100:6	<b>form</b> 20:7 23:5	188:11	<b>geographic</b>
<b>fight</b> 31:23 32:7	104:13 120:20	28:2 30:4,11	<b>four</b> 18:9 52:25	77:19 163:12
32:16	124:13 161:25	37:10 43:24	53:11 66:1,6,7	<b>geographies</b>
<b>figure</b> 52:9,18	166:13 192:10	46:16 50:18	67:24 78:13	114:15 194:6
53:2 57:20	232:23 237:10	61:3 62:25	80:12 101:22	<b>geography</b> 51:7
64:1,3,12,13	238:24 241:6	68:16 69:1,22	114:14 118:1	194:14 202:7
64:21 65:10,13	<b>fit</b> 15:18 76:19	71:5,25 72:8	118:15 131:23	208:22 214:22
65:18,23 67:16	96:9 191:2	73:18 74:13	135:22 174:15	223:11
67:18 68:4,21	<b>five</b> 18:9 51:24	75:5,21 78:15	203:20	<b>Georgia</b> 229:12
68:21 69:8	138:5 242:5	78:25 79:14	<b>fours</b> 89:17	229:17,19
70:21 159:11	<b>five-minute</b>	80:9,22 82:18	<b>frame</b> 145:16	244:4 245:4
189:6 198:8,13	51:21 248:24	84:15 86:14	<b>framework</b>	<b>getting</b> 13:18
199:2,2,15,21	<b>five-year</b> 223:2	91:6 93:23	34:23	102:17 111:24
199:24 200:11	224:4 229:21	94:12 95:5,6	<b>framing</b> 144:23	156:9 157:3,6
201:11 203:1,5	<b>fixed</b> 171:8	96:1,16,22	<b>frankly</b> 56:4	157:12,14,16
203:10,15	<b>flip</b> 59:1 64:1,3	97:1 104:2	<b>free</b> 9:16 219:24	157:19,19
209:12 210:18	64:12,21 65:18	112:19 114:22	<b>friends</b> 18:18,18	176:12 181:9
211:7 213:17	65:23 68:4	118:5,17 120:9	<b>front</b> 7:13 10:4	239:10
213:25 230:12	92:21	126:14 128:1,4	102:2 109:22	<b>Gingles</b> 21:19,23
<b>figures</b> 69:11	<b>Florida</b> 16:17,19	128:5 129:13	<b>Frost</b> 16:16	22:5 23:2,18
114:11 117:3	16:25 17:2,8	130:16 131:17	<b>full</b> 5:11 147:9	43:9 45:8,11
235:3	17:10 24:3	136:3,16 137:3	223:19	45:15,16,20,25
<b>file</b> 99:1,22,22	27:5	137:17 143:20	<b>fully</b> 92:9 101:11	47:10,14,15,16
99:23 100:3	<b>focus</b> 41:16	149:17 150:7,8	<b>fundamental</b>	47:19 48:21
102:2 111:4	50:13 88:22	150:25 153:3	36:24	49:1,5 56:6,17
115:7	150:15,24	154:7 163:7	<b>further</b> 253:4	58:1 59:23
<b>filed</b> 232:18	153:19 179:23	164:9 168:2,22	254:14,16	60:12,13,21
233:8 237:1	<b>focused</b> 50:1	174:3 175:10	<b>future</b> 177:1,9	61:10,23,23
<b>files</b> 17:4 97:25	113:17 168:10	175:20 177:6	177:12 201:7	62:12,14,15,17
97:25 98:4,6,9	186:21 221:24	177:16 186:3		62:18,19 63:4
98:12,18	<b>focuses</b> 87:10	188:4 197:21		63:6,10,19,21
101:22 102:5,8	<b>folder</b> 97:21,23	201:9,22		67:4 72:5,6

**G**

G 255:1

73:14,16 74:10 74:11 75:2,3 76:2,23,23,25 77:11,21 78:1 78:2 117:6 128:6 183:15 184:19 185:5 204:16,24 220:5 221:14 221:19,22 226:4,4,5,6,9 226:21 235:13 237:11 238:24 240:7,25,25 241:4,6,8,21 <b>GIS</b> 221:24 <b>give</b> 6:10 51:18 123:2 134:20 135:13 161:12 174:21 194:1,2 <b>given</b> 37:16 49:21 54:2 109:3 127:3 148:14 151:11 205:25 224:21 <b>gives</b> 90:8 192:11,19,23 <b>giving</b> 193:13 212:3 <b>global</b> 81:5 <b>go</b> 9:8 21:11 26:19 44:5 57:4 70:25 80:14 82:19 94:24 98:9 102:1,2,14 111:22 120:11 128:2 132:7 133:7 134:4 135:3 167:3 189:12 205:19 225:2 233:10 241:5 243:22 245:25 246:13 246:14 <b>goals</b> 130:13 131:13 <b>goes</b> 36:2 40:22 40:22 67:2 197:9,10	<b>going</b> 8:5 9:8,9 21:10 23:19 26:15 29:2 41:12 49:22,23 51:13,14,17 58:9 59:6 67:17 68:18 74:22 76:4 77:9 80:15 83:8,14,20 89:7 90:7 97:13 98:15 100:11 111:9 111:11 115:25 116:9 136:7 140:25 154:4 161:12 165:3 167:17,18 172:13 173:15 174:24,25 177:21,22 180:12,23 183:4 196:17 198:1,2 199:7 199:8 201:12 201:20,23 202:4,14,19,21 213:10 217:23 224:12 225:23 228:15 230:15 232:11,12 236:20,21 241:8,18 242:2 242:2 246:10 246:11,11 248:9 <b>good</b> 5:8 24:1 55:25 59:5 113:10,11 201:2,5 222:23 245:13 <b>Gore</b> 134:16 <b>Gore-Cubbage</b> 134:12 <b>governing</b> 24:25 <b>government</b> 17:13,13 <b>governor</b> 171:13 173:16,16 198:12,14,22	199:3 203:23 <b>grabs</b> 173:4 <b>graduate</b> 8:3,6 166:2 <b>graph</b> 189:16 200:3 <b>graphic</b> 113:4 <b>graphically</b> 113:6 <b>Great</b> 95:24 <b>greater</b> 177:3,14 <b>ground</b> 156:22 <b>grounds</b> 37:24 <b>group</b> 38:14 40:21 70:2 77:12 104:9 <b>groups</b> 39:8 40:23 41:11 42:13 50:23 51:7 74:19 243:15 <b>guess</b> 10:18 14:8 16:14 18:17 19:18 20:10 33:17 37:23 49:7,23 50:24 54:6 55:7 57:21 68:10 70:8 72:9 91:8 102:24 118:6 119:3 139:15 161:3 168:8 194:14 233:9	36:3 44:7 116:10 120:15 163:14 171:20 <b>happy</b> 102:18,19 103:6 157:1 242:5 246:13 246:14 <b>hard</b> 65:3 202:13 <b>harder</b> 54:11 <b>harmony</b> 154:14 154:16 <b>Harris</b> 41:6 107:1,5 229:13 <b>hazard</b> 49:23 <b>head</b> 14:2 49:18 125:22 155:25 191:25 <b>hear</b> 30:20,23 95:22 <b>hearing</b> 30:22 <b>heavy</b> 149:10 <b>held</b> 77:14 161:16 <b>help</b> 15:16 80:3 246:10 <b>helpful</b> 19:4,15 19:19,23,24 32:6 57:6 81:4 <b>hereto</b> 254:13 255:8 <b>hesitate</b> 243:9 <b>high</b> 69:24 213:1 238:18 <b>higher</b> 78:12 79:10,17,18,19 89:15 119:16 231:8 239:13 <b>highly</b> 40:10 50:16,25 51:4 51:10 55:18 57:1 129:21 159:14,15 191:3 <b>Hillsborough</b> 2:19 <b>hire</b> 18:17,21 <b>hired</b> 18:14 19:14 23:12 <b>Hispanic</b> 17:9	22:14 215:1 220:7,11 221:1 221:7 222:13 223:8,10 225:14 226:2,7 226:13,20,24 237:12,20 239:22 <b>Hispanics</b> 216:10 <b>historically</b> 215:7 220:23 <b>history</b> 77:10 <b>Hobbs</b> 4:14 <b>hold</b> 149:13 150:3 152:25 <b>holding</b> 161:17 <b>Honor</b> 123:10 <b>hope</b> 26:16 123:12 246:10 <b>Hopefully</b> 249:5 <b>horizontal</b> 189:11,19,23 <b>host</b> 63:2 <b>HOSTETLER</b> 2:12 <b>hour</b> 51:17 242:2 <b>hours</b> 26:21 49:22 199:8 <b>Houston</b> 7:16 8:23 23:20,21 130:22,23 155:10 <b>hovering</b> 67:14 <b>hundred</b> 108:7 110:11 166:6 <b>HVAP</b> 221:5 223:20 <b>hypothesis</b> 35:15 107:3,4 108:17,18,24 228:1,3,4 229:5,9 <b>hypothetical</b> 219:3
		<b>H</b>		
		<b>H</b> 256:1 <b>hair</b> 159:22 <b>hairs</b> 67:1,6 <b>half</b> 147:15,16 190:6 206:8 229:15 <b>halfway</b> 56:22 <b>Hanley</b> 244:23 <b>happen</b> 155:6 202:14 <b>happened</b> 28:3 <b>happening</b> 129:3 160:8 173:8 <b>happens</b> 19:5		
			<b>I</b>	
			<b>ice</b> 157:25 <b>ID</b> 146:2	

<b>idea</b> 13:23 26:23 77:12 164:12 174:22 219:5	<b>impossible</b> 102:9 126:10 126:19	10:7 26:2 31:3 31:10 32:22 33:2,10,15,20 143:24 144:5 144:11,18 145:20 146:11 162:17 185:25 224:19	35:24 36:12,14 54:25 115:14 120:11 128:23 169:14,23 170:15 172:12 172:17 187:25 223:3,20 227:24 249:12 250:1 252:18 252:22	<b>interact</b> 77:17 <b>interaction</b> 63:17 <b>interacts</b> 72:20 77:15 251:2 <b>interest</b> 46:10,22 46:24 47:2 150:5 155:13 181:8 <b>interested</b> 109:6 159:18 254:18 <b>interesting</b> 159:10 229:7 <b>interests</b> 130:13 131:8,13 149:15 153:2 167:24 <b>intermediate</b> 96:25 97:8 98:4,12 <b>interpreted</b> 108:14 <b>interrupt</b> 6:1 137:7 <b>interval</b> 36:15 106:5,5,6,9,12 106:13 107:2 107:22,23,23 108:23 110:21 111:1 223:18 224:22 225:9 225:11 227:1 227:13,13 228:6,18,19 229:14 230:21 232:7,8,10 234:7 239:20 239:21 <b>intervals</b> 105:8 105:11,14,15 105:17,20,24 106:2,2,3 107:8,11 109:6 109:15,19 110:17 111:5,5 111:6,7 112:5 112:12,15 113:5 125:19 125:25 126:4 223:16,23
<b>ideal</b> 18:22 <b>identical</b> 85:4 93:12 159:4 <b>identification</b> 9:12 52:3 58:15 97:16 98:21 111:13 169:24 202:23 232:15 236:23 <b>identify</b> 142:9 142:12,23 156:23 203:14 203:25 221:17 240:5 <b>identifying</b> 74:16 223:4 <b>illustrating</b> 117:10 <b>illustrative</b> 194:11 <b>imagine</b> 110:7 192:9 <b>immediate</b> 96:22 <b>immediately</b> 98:8 117:16 <b>impact</b> 120:8 <b>implementation</b> 29:16,22 <b>implicated</b> 252:10 <b>implicates</b> 128:22 <b>implication</b> 130:8 <b>importance</b> 5:24 70:9 <b>important</b> 38:25 60:14 75:9 76:25 119:1 149:8 160:10 163:20 167:12 172:15 188:7 207:22 235:5 235:14 237:23 252:19,20 <b>impossibility</b> 127:12	<b>improper</b> 35:3 51:9 <b>improved</b> 36:18 <b>improves</b> 55:11 <b>inadvertently</b> 103:8 <b>inappropriate</b> 246:25 <b>include</b> 8:14 28:17 55:3,4,6 55:7 66:18 110:6,21 111:4 166:1 188:7 213:15 241:2 <b>included</b> 96:2 103:8 110:8 144:5,8,12 159:20 204:7 225:10 227:2 <b>includes</b> 54:24 92:15 93:1 113:4 <b>including</b> 100:22 238:18 239:19 240:12 <b>inclusive</b> 254:8 <b>incompatible</b> 121:6 <b>incompetent</b> 246:25 <b>inconsistent</b> 182:12 <b>incorporates</b> 44:17 <b>incorporating</b> 218:13 <b>incorporation</b> 218:22 <b>incorrect</b> 168:12 194:21 197:14 <b>incorrectly</b> 209:9 <b>increase</b> 141:24 <b>increased</b> 217:8 <b>increasingly</b> 42:9 <b>independent</b>	<b>independently</b> 55:16 <b>index</b> 3:9 4:1 101:4 <b>indicate</b> 73:6 82:14 92:1,2 122:13 197:25 <b>indicated</b> 73:1 100:2 102:6 179:12 <b>indicates</b> 104:24 <b>indication</b> 183:23 187:3 <b>indicator</b> 84:4 178:19 184:22 <b>indirectly</b> 205:24 <b>indistinguishable...</b> 67:10 <b>individual</b> 34:20 35:8,14 36:4 37:1,12,17 194:22 197:19 250:17 <b>individual-level</b> 35:15,18 <b>individually</b> 202:12 <b>infer</b> 37:1 <b>inference</b> 11:12 11:15,18,20 29:3 36:6,20 36:23 53:24 124:10 126:12 144:20 145:14 <b>influence</b> 160:24 185:1 <b>influential</b> 215:7 <b>inform</b> 195:15 <b>information</b> 24:20 28:7,9 33:3 35:1,10	<b>informed</b> 92:9 <b>informs</b> 15:1 <b>initial</b> 153:13 204:4 <b>Initially</b> 25:14 <b>injunction</b> 187:12 <b>input</b> 101:15 226:20 <b>inputs</b> 28:21,24 <b>inquiry</b> 81:5 221:22 <b>inside</b> 89:9 <b>insistence</b> 211:22 <b>instance</b> 18:13 20:6 21:20,25 <b>instances</b> 197:11 <b>instruction</b> 100:23 <b>instructions</b> 102:13 <b>instructive</b> 178:20 179:14 179:18 186:25 <b>instructs</b> 6:7 <b>insufficiency</b> 127:11 <b>insufficient</b> 127:6 228:13 <b>integer</b> 66:23 <b>intend</b> 197:24 <b>intended</b> 181:15 188:22,24 194:9,10 <b>intending</b> 212:6 <b>intention</b> 100:21 102:10 103:3 <b>intentionally</b> 77:2	

224:8 229:20	240:16 241:18	<b>Justice</b> 156:15	115:6 118:11	<b>largely</b> 56:7
230:2,4,6,18	243:12 244:17	156:24	122:10 124:11	221:23
235:2	248:11,14,14	<b>justified</b> 17:14	126:9 138:25	<b>larger</b> 81:9
<b>Introduction</b> 9:7	248:17,19		140:5 141:21	<b>largest</b> 38:13
13:10	249:7 250:5	<hr/> <b>K</b> <hr/>	143:10 146:6	230:11
<b>investigate</b>	251:3,24	<b>K</b> 255:1	147:4 153:6,7	<b>Latino</b> 215:17
152:20	<b>issues</b> 9:6 10:16	<b>Kamala</b> 41:6	153:16,20	<b>law</b> 5:9 240:18
<b>involved</b> 8:11,17	14:23 47:23	106:25 107:5	155:5,6 156:1	240:19,20
13:17,22 14:9	91:24 150:22	229:13	156:21 159:10	<b>lawsuit</b> 10:9,10
14:10 15:19	153:17 154:2	<b>KATHERINE</b>	159:17,25	19:16 21:11
16:18 21:2	154:12,15,18	2:13	161:10,25	<b>lawyer</b> 43:7 59:2
23:22 24:4	166:3,12,14	<b>keep</b> 31:14,22	162:9 163:8	<b>lawyers</b> 6:24
26:25 28:5	168:11 176:9	38:25 185:15	164:21 166:19	20:9 24:15,17
104:4 110:13	176:11 219:6,8	<b>key</b> 74:16	168:25 171:10	24:20,22
220:2 222:15	222:8 249:14	101:22	172:22,23	115:14,19,23
224:16 225:1	249:16,17	<b>keystone</b> 49:8	174:7,11 178:9	116:1,6,15
240:11,14	<b>iterates</b> 108:6	<b>Killeen</b> 23:21	178:10 181:18	<b>leader</b> 107:4
246:5	<b>iterations</b> 108:5	<b>kind</b> 38:22,25	181:18 186:15	<b>leading</b> 107:5
<b>involves</b> 15:8	<b>iterative</b> 108:6	107:9 128:7	188:22,23	140:13
39:17,18 44:6		130:20 162:2	189:6 191:22	<b>leads</b> 63:18
48:13 117:23	<hr/> <b>J</b> <hr/>	167:11 181:17	194:10 203:11	197:6
220:20,20	<b>job</b> 36:9 130:25	219:25 232:6	208:21 210:4	<b>leanings</b> 148:20
<b>involving</b> 13:15	159:11,12	246:3,4	212:22 213:13	<b>learn</b> 252:23,23
133:11	163:23 167:7	<b>kinds</b> 8:12	215:5,9 216:6	<b>leaving</b> 57:20
<b>Iowa</b> 8:4,7	167:16	112:21 163:21	221:2 222:22	<b>led</b> 16:15
<b>irrelevant</b> 92:8	<b>John</b> 1:12 4:3,5	222:24	223:15,19,21	<b>left</b> 185:14
<b>ISD</b> 23:10,17,21	4:9,12,13 5:1	<b>King</b> 36:20	225:6 229:12	189:17
23:21,22 222:4	5:13 254:4	<b>KMcKnight@...</b>	229:14,17,18	<b>legal</b> 3:1 19:12
<b>isolate</b> 161:14	255:3,11 256:3	2:16	237:23 240:14	19:12 20:21
<b>issue</b> 23:23 24:5	<b>Johnson</b> 4:12	<b>know</b> 6:15 8:9	240:20 244:17	21:13 22:1
32:20 33:18	232:18	10:6 13:25	249:16	38:24 39:13
36:24 41:13	<b>joke</b> 18:19	14:17 18:7,16	<b>knowing</b> 231:21	43:3 45:6,9
43:5 44:1 49:5	<b>JORDAN</b> 2:18	18:20,22 19:21	<b>knowledge</b>	70:9 76:9
49:6,9 55:8	<b>Jordan.Koont...</b>	20:16 21:11	188:17 217:25	<b>legally</b> 43:16,20
60:19 82:21	2:21	22:3 24:3 26:5	<b>KOONTS</b> 2:18	44:14 48:6,12
83:5 89:13,14	<b>Joseph</b> 40:19	26:7,15 28:1,5		57:25,25 61:13
92:7 108:22	<b>Josh</b> 109:2,9	33:17 35:19,21	<hr/> <b>L</b> <hr/>	72:17 73:10,25
116:9,10	<b>judge</b> 26:10	40:5 44:2	<b>L</b> 255:1	79:25 184:20
152:16,18	31:23 171:14	47:17 49:16	<b>labels</b> 179:24	185:11
153:12 155:23	188:8 195:16	51:25 53:22	<b>lag</b> 215:3	<b>legislative</b> 116:8
156:25 160:6	196:3 209:13	56:3 57:3	<b>Lancaster</b> 23:25	234:20 237:6
165:19 168:4	240:17 245:14	59:18 66:13	25:2	237:14 239:2
168:17 176:3	<b>judges</b> 26:18	67:1,7,9 70:5	<b>laptop</b> 7:11,12	<b>legislature</b> 40:25
179:1 185:3	246:22	76:5,7 77:9	<b>large</b> 14:16 34:7	232:25 233:8
188:9 204:4	<b>judging</b> 57:14	86:15 88:10,10	35:2 53:19	<b>legislature's</b>
208:12 210:5	59:10 60:2	91:8,15 94:17	83:1 103:8	233:5
222:2 224:1,15	<b>jump</b> 98:8	96:9,10,15	107:14 108:19	<b>lengthy</b> 112:21
225:3,7,9	<b>jumped</b> 116:4	97:10 98:11,13	108:19 126:23	<b>let's</b> 22:22 25:24
226:9 235:10	<b>jurisdiction</b> 81:3	101:25 102:1	194:1 223:9	27:11 50:20
239:15 240:13	194:14 222:1	109:4,5 110:2	243:7	52:5,18 53:2

64:1,2,12,21	184:23	80:24 81:2	188:10 199:14	<b>M</b> 255:1
65:18,23 67:16	<b>lies</b> 231:23	<b>logic</b> 96:11	209:13 221:11	<b>MACKIE</b> 2:8
67:17 68:4	<b>lieutenant</b>	<b>Lone</b> 23:20	233:19 236:11	<b>magically</b>
69:8 70:21	173:16	<b>long</b> 51:22 58:22	239:19 249:20	163:18
85:21 92:12	<b>life</b> 28:3	166:2 223:22	<b>looks</b> 58:22	<b>magnitude</b>
101:3 111:22	<b>lifetime</b> 58:25	224:13 247:14	78:16 98:2	127:1 138:23
117:18 120:2	59:4	<b>longer</b> 218:1	101:12 148:12	<b>main</b> 223:25
121:16 131:20	<b>light</b> 140:13	219:11	202:1 203:20	<b>major</b> 154:9
133:7 134:4	<b>limited</b> 168:10	<b>look</b> 20:25 21:3	232:20 241:17	<b>majoring</b> 205:23
135:3 138:9	<b>line</b> 59:8 180:24	37:15 40:11	241:20	<b>majorities</b>
156:6 164:15	181:1 189:20	44:5 74:18	<b>loosest</b> 44:22	241:12
164:22 178:13	189:23 190:6	84:12 88:9	<b>Loren</b> 4:4,11	<b>majority</b> 21:4
180:12 188:25	190:12,13,24	91:17 97:4	<b>lose</b> 21:6,7	38:8 42:1,2
192:9 198:19	190:25 207:9	98:10,25	162:23	63:23,24 77:20
199:11 200:13	208:20 240:23	107:15,18	<b>loses</b> 193:9	77:23 83:20
204:3 233:3,10	<b>linear</b> 33:22	108:9 109:20	<b>loss</b> 108:6	84:6,7,20,21
237:9 241:24	190:18	110:2,24	<b>lot</b> 37:22 47:25	84:23,24
<b>level</b> 19:8 32:25	<b>lines</b> 196:25	120:20,22,22	53:17 54:3,10	173:20 176:16
33:6 34:20,25	212:24	121:4 127:13	71:13,17 83:24	176:19,23
35:7,8,9,11,13	<b>list</b> 24:10 26:25	128:20 156:1	154:11 172:12	177:22,23
35:14,19 36:4	101:9 115:19	157:2,4 158:1	172:13 175:23	195:6 196:15
36:12 37:3,4	116:14,16	163:14 171:10	186:15,16	197:3,5,7,8
37:12,15,17	<b>listed</b> 23:4 27:22	171:20 178:20	193:22 194:1	201:16 206:6
61:25 62:9,11	104:17	178:24 179:25	195:19 202:18	217:3,14 222:7
68:9,11,25	<b>literature</b> 217:6	180:2 181:19	207:8 244:12	222:13 225:4
69:14,23,25	<b>litigation</b> 43:6	194:8,12	246:5,5 252:23	225:14,21
70:4,11,13	77:10	198:17 202:4	<b>lots</b> 18:18 37:24	226:2 227:22
71:19 78:8	<b>little</b> 16:9 30:25	217:23 221:25	71:15 98:6,6	228:2,22
79:16 81:14	37:7 50:24,25	228:15 233:7	157:18 172:11	238:18 239:22
83:15 84:2,3	51:17 65:3	<b>looked</b> 6:21,21	179:4,9 194:2	241:13
89:15 90:9	68:3 82:24	6:22 28:12	194:2 197:4	<b>majority-mino...</b>
116:12 117:25	90:21 119:17	44:1 49:21	222:16 223:21	17:15 220:16
124:10 126:8	161:19 181:22	116:2 122:11	248:7,8	<b>making</b> 20:12
127:25 137:18	181:23 185:16	125:21 155:22	<b>Louisiana</b> 60:16	25:5 161:18
137:19,21,22	209:7 244:25	155:23 157:23	244:4 245:9,10	172:2 208:5
138:7 159:9	<b>live</b> 7:15,16	174:5 177:5	245:12,14	216:22 240:1
162:12 181:18	155:6,14	180:8 226:12	<b>low</b> 57:8	<b>Man</b> 59:5
182:2 187:20	<b>lived</b> 7:18 8:10	250:16,19	<b>lower</b> 80:6	<b>manner</b> 77:2
188:2 194:7	155:25	251:3	106:17 107:18	<b>map</b> 56:15
200:3 209:17	<b>lives</b> 150:19	<b>looking</b> 21:21	108:2 110:4	191:24
209:24 210:1	153:9,11	44:6 68:18	119:17 138:13	<b>mapping</b> 239:18
212:8 216:13	155:19 164:8	71:14 83:18,25	138:19 212:5	<b>margin</b> 231:10
216:14 250:17	164:19,22,24	91:22 92:20	212:17 213:2	238:1,5,10
250:20	165:8,18,23	97:10 110:12	214:18 215:18	240:8 241:2
<b>levels</b> 51:2 54:1	176:19,23	115:15 119:13	216:3 231:9	<b>marginal</b> 124:14
81:16,20,24	<b>LLC</b> 3:1	119:21,22,25	<b>Luckily</b> 165:25	<b>margins</b> 224:8
82:6,9 118:13	<b>local</b> 13:23 19:7	120:21 121:13	<b>lump</b> 195:19	235:2,9
118:19 138:14	81:5 224:17	128:15 141:6,8	<b>lunch</b> 113:10,12	<b>mark</b> 9:9 51:14
138:19 147:8	<b>localize</b> 81:8	143:13 171:11		58:10 97:13,14
159:15 184:10	<b>localized</b> 80:21	171:12,14,18	<b>M</b>	98:16 111:11

202:21 232:12 236:21 <b>marked</b> 9:12 22:22 52:3,6 58:15 97:16 98:21 111:13 202:23 215:13 232:15 236:23 <b>marriage</b> 154:12 <b>Martin</b> 16:15 <b>Massachusetts</b> 2:5 <b>match</b> 31:12 <b>material</b> 60:6 <b>materials</b> 4:7 6:21 27:18 99:2 101:4 203:10 <b>mathematical</b> 56:21 106:9 107:6 108:11 <b>mathematically</b> 231:13 <b>matter</b> 22:1,2 34:22 46:1 56:24 75:10,16 75:18 96:11 106:24 150:20 153:10,11 155:19 164:8 164:19,22,25 165:8,18,23 166:12 208:15 221:4,12 240:17,18,19 240:20 <b>matters</b> 131:4 172:22 228:16 <b>MATTHEWS</b> 1:4 <b>Mattingly</b> 25:18 <b>max</b> 239:11 <b>McKNIGHT</b> 2:13 20:7 23:5 30:4,11,18 37:10 43:24 50:18 51:16,23 61:3 62:25 68:16 69:1,22 70:22,24 71:5	71:25 72:8 73:18 74:13 75:5,21 78:15 78:25 79:14 80:9,13,22 82:18 84:15 85:6 86:14 91:6 104:2 112:19 114:22 118:5,17 120:9 126:14 128:1 129:13 130:16 131:16 136:3 136:16 137:3 137:17 143:20 149:17 150:7 150:25 153:3 154:7 163:7 164:9 168:2,22 174:3 175:10 175:20 177:6 177:16 186:3 188:4 197:21 199:6 201:9,22 210:13 211:14 214:20 218:9 218:15 223:6 236:6 240:10 242:1 249:10 250:9,24 251:9 251:22 <b>mean</b> 15:16 20:9 21:1,7 22:11 29:4 34:3,16 34:16 35:14 38:3,8,11,12 39:7 40:25 41:21 47:3 48:8 50:22 59:22 75:17 77:6,7 80:23 83:18,19 88:17 91:7 98:6 102:24 105:19 106:8 108:25 115:6 122:5 129:10 130:25 153:20 156:7 157:21 168:8 168:25 170:10	170:19 181:12 182:25 190:7 190:13 195:14 197:25 205:11 205:20,21 206:2,20,21 207:1,11 208:2 212:18 213:1 214:10 216:18 219:19 229:1 231:13 241:9 252:20 <b>meaning</b> 38:23 38:24 43:4 227:11 <b>meaningful</b> 151:10 <b>means</b> 34:6,16 39:1,4,15 48:1 56:8 89:6,8 138:24 140:7 140:23 146:1 160:25 176:18 213:3 227:15 <b>meant</b> 61:20 222:12 <b>measure</b> 147:17 163:19 252:16 <b>measures</b> 84:18 <b>mechanism</b> 179:7 216:22 <b>meet</b> 42:11 44:12 48:5 73:9 76:2,14 76:22 <b>meets</b> 76:15 <b>member</b> 155:8 155:11 <b>members</b> 49:10 49:12 <b>memorable</b> 59:7 <b>mention</b> 246:2 <b>mentioned</b> 196:3 207:1 209:13 245:9 <b>merged</b> 95:10 <b>met</b> 56:7,7 59:23 62:11 74:20 75:13 76:23 117:6 237:11	238:25 239:16 241:1,6,21 <b>method</b> 11:12,15 36:19 37:8 112:11 209:2 <b>methodological</b> 37:6 <b>methodologic...</b> 247:11 <b>methodology</b> 11:16 15:7 29:7,17,22 54:2 206:1 211:10 <b>Miami</b> 17:11,20 18:5 22:20 27:4 222:16 <b>Michael</b> 178:15 <b>mid</b> 16:24 <b>middle</b> 6:16 189:13 <b>midway</b> 169:12 <b>million</b> 108:8 <b>Milwaukee</b> 233:22,24 235:25 <b>mind</b> 8:18 13:24 16:20 18:4,6 18:10 243:20 <b>mine</b> 128:8 <b>minimum</b> 91:10 171:1 187:19 188:1 209:17 <b>minor</b> 244:21 <b>minorities</b> 217:12 <b>minority</b> 10:21 10:21 12:9,10 13:2 17:15 43:10,12 44:25 44:25 45:3,4,4 45:17 47:18 48:16 49:10,13 62:4,12,21,22 62:23 63:10,16 63:16 212:11 217:7 224:6 238:6 <b>minority's</b> 71:22 <b>minority-majo...</b>	217:9 <b>minus</b> 229:22 <b>minuses</b> 171:16 <b>minutes</b> 51:25 242:5 <b>misliked</b> 16:7,8 <b>missing</b> 101:24 119:19 <b>Mississippi</b> 4:5 58:11 60:25 244:4,5,5,11 <b>misstating</b> 204:19 <b>mistaken</b> 116:4 <b>misunderstood</b> 184:6 <b>mix</b> 83:7 <b>model</b> 145:3 <b>models</b> 215:4,5 <b>modest</b> 118:19 118:23 162:6 178:7 <b>modify</b> 100:24 <b>moment</b> 58:8 162:25 <b>Morgan</b> 178:15 180:16 182:5 <b>morning</b> 5:8 <b>mortgage</b> 150:16 <b>MOSES</b> 1:4 <b>mother</b> 154:25 <b>motivate</b> 162:21 <b>motivated</b> 126:12 156:3 <b>motivates</b> 63:6 <b>motivation</b> 63:3 <b>move</b> 58:3 120:2 141:25 142:1 155:9 191:13 <b>moved</b> 42:6 <b>movement</b> 150:20 153:10 155:19 164:8 164:19 165:8 <b>moving</b> 58:4,6 116:7 173:18 178:2 241:22 <b>MULLINS</b> 2:17 <b>multi</b> 215:5
--	--	--	---	--

<b>multiple</b> 115:24 130:18 202:16 238:16,19 239:5,24,25 241:11 <b>Myers</b> 1:25 3:2 254:3,21	194:4 195:23 196:15 197:3,6 207:14 211:20 212:22 213:19 216:12,14 235:19 <b>needed</b> 188:20 205:4 206:2 219:2 <b>needs</b> 32:15 74:16 80:21 93:24 175:7,18 210:7,8 238:5 <b>negative</b> 129:2 <b>neighboring</b> 81:25 82:1 <b>neither</b> 168:16 169:6 175:11 208:23 212:13 254:14 <b>NELSON</b> 2:17 <b>net</b> 84:3 <b>never</b> 8:10,10 16:7 19:1 46:3 46:11 116:15 225:17 244:8 <b>new</b> 9:25 18:18 90:3,25 91:4 92:2 199:7,7 242:3 <b>Newby</b> 156:11 156:16,24 157:3,12 <b>nice</b> 174:22 <b>non-arbitrary</b> 56:20,22 59:18 59:25 208:22 <b>non-black</b> 68:13 <b>non-Hispanic</b> 225:25 <b>non-majority</b> 228:14 <b>nonpartisan</b> 151:12 179:9 180:6,10 183:14,20 <b>normal</b> 229:8 230:6,9 231:11 <b>North</b> 1:1,7 7:18 7:20,21,24 8:1	8:4,5,8,13,20 11:2 13:15,22 14:4,7,13,16 14:19 15:8,14 15:17,23 16:3 27:4,16,17 39:3 47:1 54:23 55:3 92:17 93:3 114:7 129:7,10 129:11 147:7 148:23,25 149:2,10 155:24 158:5 164:11 166:24 167:22 169:20 170:9,24 172:7 172:19 174:2 174:13 175:4 183:8 191:23 194:23 195:1 195:11 196:10 196:20 199:3 199:19 200:9 214:23 215:10 216:7 <b>northeast</b> 194:22 204:23 <b>northeastern</b> 195:1,11 196:9 196:19 199:19 200:8 <b>Notary</b> 5:3 <b>notes</b> 7:3 205:9 205:20 <b>notion</b> 88:22 212:9 <b>null</b> 107:3,4 108:17,18,24 228:1,3,4 229:5 <b>number</b> 5:14 38:14 49:21 67:7 108:19,20 114:5 139:18 185:17 201:11 203:1 206:17 227:5 229:23 233:21 234:22 235:16,17,24	242:14,18 <b>numbers</b> 32:10 32:12,13,17 65:8 73:4 103:16 126:21 126:22 139:16 141:7,17,17 143:13,22 180:13 200:17 237:16 <b>numerosity</b> 194:1,2,7 <b>numerous</b> 20:14 69:15 <b>NW</b> 2:5,14	210:13 211:14 214:20 218:9 218:15 223:6 236:6 240:10 249:10 250:9 250:24 251:9 251:22 <b>objections</b> 30:22 <b>objects</b> 6:6 <b>obscured</b> 128:19 <b>observing</b> 151:19 <b>obvious</b> 44:19 <b>obviously</b> 24:1 35:5 39:17 41:11 50:22 51:6 53:22 56:24 62:5,15 69:3,24 85:8 88:11 103:13 115:24 118:24 119:1 120:11 120:19 151:12 174:6 195:4,14 <b>occasions</b> 26:17 <b>occur</b> 212:23 <b>occurs</b> 118:25 138:22 <b>October</b> 254:19 <b>odd</b> 26:4 181:17 <b>offer</b> 45:10 114:5 173:19 185:17 204:13 205:2 206:24 242:9 <b>offered</b> 86:5 89:20 103:19 173:24 175:5 175:16 209:1 211:9 <b>offering</b> 26:1,6 56:19 146:15 179:17 186:24 195:9 196:8,13 196:18 <b>offers</b> 86:12 <b>office</b> 49:10,13 89:12,14 159:3 174:9 <b>officeholders</b>
<hr/> <b>N</b> <hr/>			<hr/> <b>O</b> <hr/>	
<b>N</b> 2:1 255:1,1,1 255:1 <b>NAACP</b> 4:5,9 58:12 111:18 244:6 <b>name</b> 5:8,11 10:6 17:2 232:20 256:2,3 <b>names</b> 98:7 <b>narrow</b> 89:18 213:20 225:4 <b>narrower</b> 215:2 <b>narrowly</b> 88:22 100:24 108:3 205:17 218:6 <b>national</b> 164:17 <b>nature</b> 33:24 85:9 <b>NC</b> 2:9,20 3:3 256:2 <b>near</b> 42:18 84:10 <b>nearest</b> 66:23 <b>nearly</b> 161:9 <b>necessarily</b> 44:13 46:8 54:9 96:12,19 130:13 131:1 131:13 151:13 196:22 197:9 197:25 207:18 211:20 213:4 250:1 <b>necessary</b> 65:5 81:1 <b>necessity</b> 110:16 <b>need</b> 42:10 54:5 74:1,3 78:3 83:14,19,19 84:11 100:6,7 109:16 149:9 172:12 181:21			<b>O</b> 255:1,1,1 <b>o0o--</b> 3:6,13 4:15 <b>objecting</b> 30:20 <b>objection</b> 20:7 23:5 30:4,11 37:10 43:24 50:18 61:3 62:25 68:16 69:1,22 70:22 71:5,25 72:8 73:18 74:13 75:5,21 78:15 78:25 79:14 80:9,13,22 82:18 84:15 85:6 86:14 91:6 104:2 112:19 114:22 118:5,17 120:9 126:14 128:1 129:13 130:16 131:16 136:3 136:16 137:3 137:17 143:20 149:17 150:7 150:25 153:3 154:7 163:7 164:9 168:2,22 174:3 175:10 175:20 177:6 177:16 186:3 188:4 197:21 201:9,22	

233:21 235:17 235:21,24,25 <b>officer</b> 254:4 <b>offices</b> 171:9 <b>official</b> 176:8 179:20 <b>officially</b> 36:11 <b>officials</b> 233:12 234:4,5 236:9 <b>Oftentimes</b> 19:13 <b>oh</b> 10:14 16:23 <b>okay</b> 6:5,19 7:3 7:7 8:22 9:16 10:25 11:24 12:19 15:11,22 22:22 24:9 25:7 28:23 32:8 38:2 41:16 42:25 46:20 47:6 48:20 52:5,9 53:17 54:17,21 55:16,24 57:13 58:8 64:12 65:24 66:9 67:20 68:6 71:12 75:15 79:9 80:19 81:16 82:6,9 83:13 84:8 86:8 87:1,9,21 90:21 92:12 93:6,16 94:6 94:14 95:24,25 96:11 98:3,15 100:15 101:3 103:19 105:22 109:13,18 111:17 114:4 114:25 115:4 116:14,17 122:17 123:1 123:14 125:23 127:14 132:9 132:19 134:8 136:7 137:9,25 138:9 139:1 140:1,25 141:12 142:3	143:3 144:4 147:20 148:5 152:9 156:2,10 156:21 158:8 164:14 165:2 167:19 168:6 168:14 170:1 170:19 172:2 175:16 176:18 176:25 177:11 179:13,17 180:12 182:7 182:12 186:24 187:17,23 190:10 193:9 195:9 196:2 197:14 199:17 200:6,13,24 201:15 202:19 203:4,12 205:14 211:9 218:12 228:1 231:13,18 232:11 233:3 233:20 235:6 237:3,9,19 238:1 240:23 241:24 247:13 250:19 251:20 253:3 <b>old</b> 17:4 18:18 217:24 219:7 <b>older</b> 85:19 201:13 <b>OLS</b> 110:18 <b>once</b> 128:11,13 128:23 165:24 222:18 <b>ones</b> 18:9 27:22 138:12 <b>open</b> 97:18 111:15 <b>operating</b> 158:3 180:5 <b>operation</b> 36:25 <b>opine</b> 237:10 <b>opinion</b> 25:20 28:2,2 29:24 45:10 103:20 146:15 170:4	173:19,24 175:5,16 195:9 196:8,18 205:2 218:18 225:7 226:3 233:4,20 <b>opinions</b> 25:21 27:23 28:13,24 48:20 89:20 185:17 206:24 <b>opportunity</b> 17:16 51:19 206:10 217:5 217:13,15,18 217:19,20 <b>opportunity-t...</b> 206:5 <b>opposed</b> 39:5 178:22 207:12 251:25 <b>opposing</b> 43:13 <b>opposite</b> 39:9 40:24 41:13,14 157:19 186:13 229:10 <b>opposites</b> 70:10 70:11 <b>opposition</b> 46:7 136:21 <b>oranges</b> 91:13 <b>order</b> 73:12 127:1 194:5 196:15 210:6 211:19 243:5 <b>ordinarily</b> 36:17 <b>ordinary</b> 36:10 106:7 108:12 110:18 <b>origins</b> 249:20 249:22 250:2,2 <b>outcome</b> 254:18 <b>outer</b> 228:5 <b>outline</b> 245:2 <b>outperforms</b> 198:15 <b>output</b> 95:11,11 96:18 97:7 <b>outputs</b> 94:7 105:14 <b>outputted</b> 94:9 <b>outside</b> 26:11	106:20,20 126:2 239:21 <b>overall</b> 117:25 118:10 119:5,7 119:22 120:1 181:18 201:18 <b>overlap</b> 85:9 <b>overlapping</b> 85:4,11 126:3 <b>oversight</b> 102:16 <b>overwhelmingly</b> 127:5 135:25 136:1 149:4 <hr/> <b>P</b> <hr/> <b>P</b> 2:1,1 255:1 <b>p.m</b> 113:12 199:12 242:7 249:3 253:6 <b>page</b> 3:9 4:2 9:19 22:23 23:16 27:11 52:5,18 53:3,3 59:1 64:1,3,12 64:21 65:10,11 65:12,13,18,23 67:16,18 68:5 68:21 69:8 70:21 86:8 111:22,24 117:19 121:16 121:22 131:20 133:7 134:4 135:3 138:9 139:1,4 141:1 156:6,8 169:11 169:12 178:13 180:13 182:4 187:8,11 188:25 191:17 198:20 199:15 200:13 203:1 203:18 205:8 208:8 213:24 214:6,7 215:15 232:23,24 233:10,16,17 237:9,10 <b>Page/Line</b> 256:6 <b>pages</b> 254:8	255:4 <b>Palmer</b> 4:14 18:1 31:16 237:1 <b>panels</b> 110:4 <b>paper</b> 51:19 <b>paragraph</b> 27:23 111:22 215:15 233:25 234:14 235:1 <b>paragraphs</b> 233:17 <b>parallel</b> 15:2 <b>parameters</b> 230:23 231:2 <b>Pardon</b> 30:18 70:24 <b>Paris</b> 243:3 <b>part</b> 10:4,17 12:14 46:16 47:18 48:14,17 48:19 59:4,7 62:5,6 73:25 83:10 97:8 98:18 99:1 155:5,10 204:15,24 216:24,25 217:9 220:22 231:23 250:14 <b>partially</b> 48:11 <b>participation</b> 217:7 <b>particular</b> 14:4 14:13 15:24 16:13 18:13 20:6 21:20,24 23:3 29:13,14 29:15 33:21 44:1 72:18 82:13,16 83:13 83:16,16 84:12 109:14 126:9 142:5 149:13 150:4,22 153:17 154:3 161:15,16 188:21 189:20 197:18 222:24 223:5,13
--	---	--	--	--

226:14 227:6	144:11,17	<b>pay</b> 223:17	125:5,6,6,7,7,8	231:7,9,15,16
229:5 235:11	145:25 146:2,4	<b>PDF</b> 9:19	125:12 126:9	231:22,24,25
240:24 250:14	146:19,19,25	<b>Pearland</b> 23:10	128:6 132:22	232:2,3,6,8,9
251:12	147:11,18,22	23:14,15	133:3,16 134:1	234:4,16,21
<b>particularly</b>	148:2,8 149:22	<b>pejorative</b>	134:20,24	236:13,13
26:18 91:10	151:3,4,7	129:17	135:13,19	237:12,20,24
106:23 116:7	152:6,21	<b>penalties</b> 255:3	137:11,22	238:21 239:1
154:14 155:23	153:24 154:9	<b>people</b> 18:23	138:7 139:20	239:10
162:11 178:20	154:15,16,25	19:3 44:22	139:21,24	<b>percentage</b>
207:24 215:6	157:24 158:4	126:23,25	141:8,8,9,9	29:12 49:16
219:8 239:10	158:11,20	129:16 131:6	142:3,8 156:15	82:14,17
<b>parties</b> 151:3	159:5 160:9,14	149:16 150:6	156:18 157:3,7	114:13 125:14
154:9 166:19	161:17 163:5	154:10 162:22	157:12,14,20	140:4,21 161:8
166:24 174:12	163:15 164:7	162:23 167:8	161:5 174:23	187:19 188:19
175:2 243:13	164:11,15,18	167:24 171:15	176:12 180:16	189:8,11
254:15,17	164:20,23,25	230:24 239:5	180:23,25	190:19,19
<b>partisan</b> 40:11	165:6,11,16,24	239:25 250:14	181:1,4,5,9,23	193:1 197:18
53:25 54:14,19	165:25 166:1,4	<b>percent</b> 40:17,20	182:5 183:2,6	197:20 199:18
55:22 73:5	166:16,17,20	40:21,22 41:6	183:10 189:15	199:24 200:8
75:12,17 76:1	168:19 169:16	41:6 42:3,4,10	189:17,18,20	201:6,15
76:4,12,19,21	169:24 170:5	42:11,17,20,21	190:1,8,14	208:10,11
77:18 78:4,5,6	170:16,21	52:15,15,24,24	191:13,14,16	209:4 210:10
79:16 117:8	171:19,23,24	53:10,10,20,21	192:11,12,19	218:5 219:2
125:16 127:15	172:3,8,18,21	54:1,4,4,7,9,13	192:19,23	222:12,17
127:16 132:11	172:25 173:11	54:13,15 55:25	193:13,14	224:9 227:5
132:15 146:13	174:17,25	56:8,19,21	194:4,23 195:2	231:5 233:12
147:17 148:19	178:18,23,25	57:4,5,5,8,10	195:5,8,13,23	233:14,23
148:20 149:1	179:1,3,6,10	57:11,13 58:2	196:11,21	234:3,9 237:12
149:10 151:8	182:13,17,18	58:2 59:9,18	197:1,1,9,10	<b>percentages</b>
179:20,24	182:22,25	59:20,21 60:1	197:13,24	235:11 240:7
182:2,10	183:2,3,25	60:24 63:9,16	198:3,22,24	<b>perfect</b> 56:16,23
183:23 186:18	184:3,8,11,22	64:8,16,25	200:5,19,21	56:25
187:3 242:11	185:1,25	65:14,19,25	202:17,18	<b>perfectly</b> 32:11
244:18 248:6	243:14,17	66:4,10,11,14	203:21 204:11	32:12 66:25
<b>partisanship</b>	247:23 248:14	66:15 67:5,5	205:10,14,21	103:12 166:9
147:11 148:9	248:18,21	67:11,12,15,23	206:2,22 207:4	<b>perform</b> 83:14
148:12 149:5	250:3 252:25	68:9,14,19,25	207:5,6,9	83:22,22 84:13
151:13 154:18	<b>party's</b> 166:10	69:6,14,17,17	208:2,4 209:3	84:18,18,25
163:18,20	167:6	70:7,16,18,20	211:17,24	85:14 94:21
172:25 245:15	<b>pattern</b> 20:25	71:4,8,8,9,10	212:1,7,12,13	197:5,7 206:22
<b>partly</b> 19:6,7	22:4 46:3,12	105:1 106:13	212:25 213:8,8	207:10 217:23
154:23	76:20 77:15	106:17,18	213:9,10,20	<b>performance</b>
<b>parts</b> 81:17,21	119:5,7 146:24	107:19,25	214:5,16 218:6	83:4,23 84:5
173:9 243:9,19	158:19 160:4	109:4,5,8,11	224:22 225:4	85:21,24 86:4
<b>party</b> 40:7 41:9	177:18 241:11	110:5,11	225:11,12,17	86:12,18,18
75:19 114:6,10	<b>patterns</b> 12:13	118:22,24,25	225:25 226:19	87:1,9 89:21
125:4,5,8,12	12:17 159:4	119:2,9,11,14	226:24 227:3	90:2 91:3
126:22 127:22	171:4 249:18	122:20,24	228:5,5,8,9,11	<b>performed</b> 12:5
128:12,21,25	<b>Paul</b> 156:11	123:17,19	228:12 229:13	203:22
129:23 132:5,6	157:3,11	124:1,1 125:2	229:14,15	<b>performing</b>

198:4 201:10	17:25 26:6,15	143:9 149:22	129:7,9,11,15	234:24 235:18
206:18 212:21	233:5 234:20	161:8 166:20	129:22 131:8,9	235:22 236:2,7
<b>period</b> 17:1	241:23	178:7 181:25	145:21 146:16	<b>populations</b>
105:3 119:8	<b>planning</b> 26:1	184:17 186:5	147:13 158:19	85:4,5 215:18
144:21 159:16	48:20 218:12	193:1 196:25	164:1 191:3	216:2
180:9 254:13	218:16	208:4 211:20	242:10	<b>Porter</b> 2:4 5:9
<b>perjury</b> 255:4	<b>plans</b> 19:8,9	212:8 213:4,6	<b>polarizing</b> 120:8	<b>portion</b> 83:2
<b>person</b> 224:11	24:19 241:11	227:4,8,11,14	<b>policies</b> 152:14	90:25 114:4
<b>personally</b>	<b>platform</b> 164:11	227:15 228:17	154:24 155:21	190:11
114:25	164:15,18,21	228:19 229:1	167:23	<b>position</b> 18:11
<b>perspective</b>	164:23,25	230:1,2 231:5	<b>policy</b> 76:5	19:16 20:3,4
217:21	165:7 166:4,7	231:9,14,22	77:18 78:4,6	21:17,23 48:11
<b>persuasive</b>	166:20	235:12,19	131:1,5,7,9	76:9 129:6
48:11	<b>platforms</b> 164:7	237:23 240:17	146:2 149:14	157:8 163:13
<b>Ph.D</b> 4:3	165:24,25	241:1 248:10	149:21,23,24	165:17 166:24
<b>physically</b>	166:1	<b>pointing</b> 57:7	150:4 151:6,9	240:6
107:18	<b>please</b> 5:11 59:1	212:24	151:14,16	<b>positions</b> 20:10
<b>pick</b> 31:23 166:5	<b>plot</b> 53:5 113:5	<b>points</b> 110:3	152:25 154:18	131:5 153:23
<b>piece</b> 186:9	180:3 187:11	125:14 171:12	159:23,23	159:23,23
<b>pieces</b> 170:15	187:15 188:13	182:1,1 201:17	160:21 161:16	166:21 167:6
<b>Pierce</b> 1:4 256:2	190:17	201:20	163:12 165:19	<b>positive</b> 21:1
<b>pile</b> 167:11	<b>plots</b> 192:6	<b>polar</b> 39:9 40:2	166:14 167:5	<b>possibility</b> 46:9
<b>pitting</b> 134:9	<b>plus</b> 40:21 42:3	40:23 70:10,11	251:25 252:24	82:12 129:3
135:7,23	42:4,17,20,21	<b>polarization</b>	<b>polite</b> 242:17	172:14 180:24
<b>place</b> 37:17	56:8 63:16	41:17 75:11	<b>political</b> 8:25	227:2
46:11 88:1,3	206:2 213:20	79:17,22 119:6	40:8 79:22	<b>possible</b> 36:22
88:12 102:4	218:6 229:22	119:7 125:17	154:20 156:3	80:25 81:4,8
129:19 155:24	<b>pluses</b> 171:16	127:15,16,22	<b>politically</b> 47:7	85:8,10 102:7
159:3 208:14	<b>PO</b> 2:8	149:10 178:22	48:3,4,7 53:15	102:11,14,21
220:3	<b>point</b> 5:18 10:20	242:11 243:13	55:18	102:25 103:4
<b>places</b> 243:21	24:24 26:9	244:18	<b>politicians</b> 40:9	103:10,15
<b>plain</b> 127:13	29:25 33:13	<b>polarized</b> 8:15	<b>politics</b> 9:7 12:9	108:9 126:1,2
<b>plaintiff</b> 16:11	39:13 56:22	11:9 29:9	12:10,20,23,25	126:5 128:15
18:19	57:6 60:7	38:21 39:3,4,5	13:10 15:21,23	153:20 156:2
<b>plaintiff's</b> 9:11	66:24 67:6	39:7,10,16,22	16:3 40:11	161:13 162:2
32:2,3 52:2	92:16 93:1	39:24 40:1,3,4	131:6 153:7	163:1,9,10
58:14 97:15	94:8,10 100:25	40:7,10,25	155:6	172:5 209:23
98:20 111:12	104:12,18,20	41:4,9,12,15	<b>poll</b> 149:1	210:7 211:2
202:22 232:14	105:4,8,21	41:18,22 42:5	229:12	212:21 225:13
236:22 246:20	106:1,19	42:14,21,24	<b>pool</b> 180:11	229:7 251:19
247:2	107:14,16,17	49:3 50:8,17	<b>populated</b>	<b>possibly</b> 13:10
<b>plaintiffs</b> 1:5 2:3	107:20,24,25	51:1,4,10,10	194:17	220:13 221:21
5:10 16:12	108:9 109:3,4	69:20 70:1	<b>population</b> 56:9	<b>potential</b> 19:12
26:10 86:6	110:23,23,25	72:4,17 76:1	62:22 63:9	60:9 160:12
236:15	112:4 115:24	76:12,22 78:12	85:11 192:4,6	163:2,4
<b>plaintiffs'</b> 22:8	122:8 124:8,20	79:10 80:1,20	193:17 203:6	<b>potentially</b>
42:2,9,23	124:20,22	85:17 92:17	216:10 219:13	63:13 178:24
46:16 161:1	125:21 131:2	93:2 113:19	221:2 223:2,10	<b>power</b> 161:12
204:16,24	139:15 140:4,5	117:5 118:1,12	224:6 230:14	<b>powerful</b> 127:2
<b>plan</b> 10:24 17:21	140:21 141:24	118:13 127:21	230:23 231:7	148:17,18

171:7 172:18	41:20 109:2	<b>preferring</b> 143:7	<b>primaries</b> 88:16	232:3
<b>POYNER</b> 2:7	135:25 136:1	143:18	<b>primarily</b>	<b>program</b> 93:12
<b>practice</b> 90:16	149:18 183:24	<b>preliminary</b>	221:21	93:24 96:18
112:1,9	184:1,2,4,8,9	187:12	<b>primary</b> 88:3,9	97:22 99:24
<b>practiced</b> 218:1	186:12 247:17	<b>premise</b> 74:24	88:19 173:14	100:7,11,17,17
<b>practices</b> 174:12	249:8 250:21	<b>prepare</b> 6:19	<b>print</b> 9:17 51:19	100:18 101:9
<b>precinct</b> 32:25	251:5,17	114:25	<b>prior</b> 8:17 14:9	101:16,18,19
33:6 35:19,20	<b>preferable</b> 81:13	<b>preparing</b> 15:12	78:1 89:21	105:2,14,22,23
36:1 189:25	<b>preference</b> 44:9	26:22	90:4,4,23,23	105:25,25
190:4,7,13,19	44:10 76:5	<b>presence</b> 178:25	91:2 218:25	107:21 108:1
190:21 192:10	117:12 183:18	179:1 184:8	<b>priority</b> 48:24	109:18,22
192:18,23	184:12,13	<b>present</b> 66:17	<b>probability</b>	110:6 239:18
193:6,6,12	247:20,25	106:11 113:8	228:9,20,21	<b>programming</b>
194:22 195:5	250:3,6,12	120:12 235:1	<b>probably</b> 13:12	31:4 93:10,19
197:19 200:3	251:12,25	<b>presentation</b>	17:24 20:18	<b>programs</b> 93:16
201:16,19	252:1	24:24 25:2,6	21:10 24:22	97:22 100:15
202:2 203:6	<b>preferences</b> 44:8	<b>presented</b> 118:1	39:11 44:3	101:9
212:8 230:25	77:19 78:6	118:3,15	81:13 153:12	<b>prohibit</b> 46:9
<b>precincts</b> 105:1	165:10 169:19	148:11 152:4	166:20 192:1	<b>prominent</b>
108:20 189:14	170:8,23 172:6	168:9	201:12 221:10	249:19
189:16,18	186:2,6 187:6	<b>presenting</b>	221:20 233:9	<b>promote</b> 152:14
191:13,15,20	252:4,17,25	112:23 116:19	239:11 241:21	<b>prong</b> 237:11
191:22 192:3	<b>preferred</b> 38:3,4	150:10 233:20	245:13 248:25	238:25 240:25
193:18 194:2	38:5,7,8,17	<b>presents</b> 120:5	<b>probative</b> 85:18	241:6,21
194:15 197:16	39:19,21 44:18	120:10	<b>probe</b> 247:19	<b>proper</b> 130:1
202:15,16	52:14,23 53:9	<b>president</b> 35:23	<b>produce</b> 96:6,17	<b>properly</b> 34:13
203:21 208:13	53:19 62:4,20	173:17	110:16,20,22	36:10,13
208:22 226:17	68:12,13 71:22	<b>presidential</b>	145:7 160:2	<b>proportion</b>
226:22	72:19 82:13,16	203:23	161:23 218:22	35:20,22 36:1
<b>precise</b> 103:16	109:9 151:20	<b>pressed</b> 94:2	238:14	36:2 82:21,24
185:16 200:7	151:23 162:10	<b>presses</b> 94:6	<b>produced</b> 93:14	83:9 84:20
<b>precisely</b> 157:8	175:6 177:1,12	105:23	96:12,23 97:1	220:6 222:9
224:20	185:8,13	<b>presumably</b>	99:1 103:17	223:4 226:13
<b>precision</b> 236:5	187:20 188:2	171:15 207:10	108:1 109:25	227:3 235:20
<b>preclude</b> 172:14	188:20 190:20	216:24	110:10 111:3	235:22,23
<b>precondition</b>	191:12 192:12	<b>pretty</b> 40:25	117:4 128:16	236:18
23:2 45:15,16	192:16,20,24	74:23 119:18	153:13 195:18	<b>proportional</b>
47:11,14,15	193:5,9,15,20	119:18 125:15	<b>produces</b> 99:13	233:23 234:23
72:6 73:15,16	194:12,24	146:24 148:24	104:24 107:13	235:8,18 236:1
74:10,11 75:2	195:6,25	174:21 188:13	107:14 110:23	<b>proportionality</b>
75:3	197:17 198:15	190:4 215:23	<b>producing</b> 171:7	236:14,16
<b>preconditions</b>	198:25 199:20	240:2	210:21 222:21	<b>proportions</b>
21:19,24 45:11	200:1,10,20	<b>prevail</b> 20:19	<b>product</b> 29:15	222:9
48:22	201:3,7,17,19	63:17,23,24	29:21 97:7	<b>propose</b> 57:3
<b>predict</b> 145:25	204:10 205:5	<b>prevailing</b> 63:12	<b>production</b> 31:7	<b>proposing</b> 77:22
<b>predicting</b> 88:13	205:11,16,22	<b>previous</b> 35:12	98:4	77:23
167:8	209:5 210:12	41:19 103:25	<b>Professor</b> 239:4	<b>protected</b>
<b>predictor</b> 201:2	211:12 214:4	178:12	244:23,24	149:25
201:5 215:7	216:15 218:7	<b>previously</b> 13:14	<b>profile</b> 156:1	<b>PROUTY</b> 2:13
<b>prefer</b> 9:17 32:2	219:2	55:24 196:3	<b>profoundly</b>	<b>prove</b> 129:2

168:12,13	<b>put</b> 37:7 56:7	194:3 248:25	160:10,14,23	242:10
<b>provide</b> 24:19	57:21 104:9	253:4 255:6	161:23 162:18	<b>raise</b> 91:12
94:19 95:8,9	128:23 157:7	<b>quibble</b> 137:5	163:18,22	<b>Raleigh</b> 2:9,20
100:15,22	160:5 161:3	193:1	164:2 166:15	3:3
102:11 103:6	162:24 166:16	<b>quite</b> 56:4	167:8,12,13	<b>Ramapo</b> 4:9
121:25 122:23	167:15 210:17	205:19	169:24 170:7	111:19 215:14
157:11 230:25	236:20	<b>quote</b> 179:18	170:16,18	245:21 246:6
232:25	<b>puts</b> 58:3	<b>quoted</b> 235:16	171:21,24	<b>ran</b> 132:10,12
<b>provided</b> 7:5	<b>putting</b> 43:20		172:1,9 178:21	132:14
28:7 72:15	61:13 91:22	<b>R</b>	185:1,7,24	<b>random</b> 202:4
75:25 95:4,14	185:22 202:15	<b>R</b> 2:1 93:19,19	187:4 191:4	230:13
95:17 102:16		93:20,20,24,25	199:3 220:4,21	<b>Randy</b> 31:5 93:6
104:5 105:6	<b>Q</b>	94:1 99:23	245:16 247:23	<b>range</b> 54:15 58:3
117:11 124:12	<b>quality</b> 55:12	100:1,3,7,11	248:1,2,11,12	58:4,6 70:18
124:20 128:10	<b>quarter</b> 236:8,9	100:15,17,17	248:14,19,21	70:19 71:7
169:15 170:3	<b>quasiexperim...</b>	100:18 101:16	249:9,15,16,18	106:20 119:11
187:25 224:8	34:24	101:18,19	249:25 250:8	125:24 162:8
254:12	<b>query</b> 190:2	102:5,8,22,25	250:11,12,14	212:20 213:9
<b>provides</b> 94:11	<b>question</b> 6:6,8	103:6,11,17	250:22,22	<b>rate</b> 71:3 122:20
94:23 120:20	6:16 22:7,9,11	110:1,6,15	251:1,2,7,16	214:18 222:6
217:18	22:12 26:5	256:1,1	251:17,24	<b>rates</b> 52:14,24
<b>providing</b>	35:18 36:3	<b>race</b> 33:4 35:16	252:1,10,13,15	53:10,20
122:15 130:25	45:17 47:18	50:17 54:25	252:19	123:17
<b>psychology</b>	49:2,4,12 55:9	55:2,6,8 69:20	<b>races</b> 64:23	<b>reach</b> 32:4,16
37:19	55:9 59:23	73:8 75:18,23	116:8,12,13,16	158:2 206:2
<b>public</b> 5:3 20:5	61:23 62:2,6	77:17 90:5,23	131:23 134:6,9	209:3
21:18,22 24:12	62:14,16 74:23	91:2 109:3	135:5,7	<b>reached</b> 21:13
<b>published</b> 11:1,5	80:4 84:1	113:18 114:6	<b>racial</b> 12:20,23	<b>reaching</b> 44:13
11:8,11,14,24	94:20 95:14,22	114:10 115:11	23:3 41:16	<b>read</b> 42:7,8
12:12,16,19	102:21 108:8	115:20 120:7	49:10,13 75:11	59:12 60:4
24:13,23 25:4	109:12 120:1	121:24 122:14	75:17 147:23	65:3 93:23,24
<b>Pulaski</b> 10:24	121:2 123:9,11	125:9,13	161:23 170:7	98:17,25 99:15
<b>pull</b> 215:12,15	130:18 131:11	126:13,24	170:22 243:15	99:21,22 100:4
<b>pulling</b> 230:1	136:23 137:8	127:9,10,23	243:17 244:17	112:6 122:3
<b>pure</b> 230:13	141:1 144:22	128:14,22	249:23	138:15 165:24
<b>purely</b> 88:24	144:23 148:7	129:1,12 130:3	<b>racially</b> 8:14	168:21 169:21
92:7	157:6 158:1	130:4 131:4	11:9 29:9	179:15 205:12
<b>purport</b> 117:4	162:24 167:18	132:1 133:11	38:21 39:3,4,5	215:21 255:4
<b>purports</b> 117:14	182:24 184:6	134:12 136:9	39:6,15,21,24	256:6
156:23	194:18 213:12	136:20 144:1,4	41:18,22 42:5	<b>reading</b> 65:8
<b>purpose</b> 87:17	217:11 222:5	144:17 145:9	42:21,24 47:24	<b>Readme</b> 4:8
95:7 96:7	225:20,22	145:11,19,22	49:2 50:7 72:3	<b>reads</b> 99:12
116:18,25	227:20,21	145:24 146:4	72:17 78:11	256:6
117:2 194:18	229:15 247:25	146:11,17,20	79:10 80:1,19	<b>real</b> 106:16
194:20,20	249:5 251:8	146:23 147:2,3	85:17 92:17	124:15 125:10
<b>purposes</b> 15:5	<b>questioning</b>	147:12,21,21	93:2 117:5,25	140:23 143:11
22:5,5 32:8	59:14 248:7	148:1 152:7,21	118:12,13	173:13 228:20
91:3 109:20	<b>questions</b> 6:2	156:3,11	127:20 129:6,9	<b>realistically</b>
115:12 240:1	26:9,13,18,20	157:24 158:10	129:10,15	20:25
<b>push</b> 162:8	91:12 123:8	159:19 160:1,7	131:8 158:19	<b>reality</b> 208:15

<b>really</b> 17:25 20:11 31:17 34:18 37:13 57:18 63:5 65:3 72:13 109:11 127:16 173:4 186:8 194:17 222:21 222:21	115:18 204:12 204:18 232:21 <b>reconstituted</b> 89:23 90:2,18 <b>record</b> 5:12 <b>recorded</b> 255:6 <b>recruit</b> 173:25 <b>recruiting</b> 174:8 174:12 <b>recruitment</b> 174:6 <b>red</b> 190:23,24 <b>redistricting</b> 10:22 12:1 13:8 14:24 16:18,25 224:17 <b>redlining</b> 150:16 <b>reduce</b> 252:25 <b>reduced</b> 184:13 <b>reduction</b> 37:20 <b>reductionistic</b> 37:18 <b>reenforces</b> 210:23 <b>refer</b> 9:16 29:3 44:23,24 45:2 46:13,25 61:20 136:7 219:24 252:13 <b>reference</b> 17:5 <b>referenced</b> 90:21 <b>referred</b> 112:4 <b>referring</b> 11:19 46:15 65:9 86:16 89:12 95:20 169:23 205:9 252:14 <b>refers</b> 43:7,8 45:1 204:14,22 <b>reflect</b> 15:3 54:10 139:17 143:11 192:6 <b>reflected</b> 14:14 78:1 94:9 158:10,12,15 255:7 <b>reflecting</b> 29:12 92:16 93:1	131:21 165:11 <b>reflective</b> 130:20 130:24 <b>reflects</b> 77:25 123:21 124:4 132:20 133:14 134:18 135:11 155:14 178:10 180:19,21,22 198:9 242:11 <b>regard</b> 24:18 32:19 61:11,14 61:18 118:22 129:22 147:2 185:11 191:8 223:2,25 229:5 236:17 249:24 <b>regarded</b> 234:11 <b>regarding</b> 14:4 14:13 15:13 222:2,3 <b>regardless</b> 15:7 229:1 <b>region</b> 15:9 29:14 70:12 142:9 178:3,4 195:11 196:10 196:19 204:23 223:5 <b>regions</b> 47:1,2 50:13 69:20 82:11 113:20 118:1,15 131:23 167:21 177:13 233:13 233:14 <b>register</b> 216:23 217:3 <b>registered</b> 226:2 <b>registration</b> 55:2 55:6,10 116:6 217:16 220:4 220:21 <b>regression</b> 12:5 29:8,20 31:1 33:14,19,25 34:6 36:10,17 106:7 108:13 110:18,19 161:13 162:1	<b>regular</b> 240:2 <b>regularly</b> 230:11 <b>reject</b> 107:3 228:3,4 229:9 <b>rejected</b> 242:19 244:1 245:6,22 246:18 <b>rejecting</b> 247:10 <b>related</b> 8:12,21 10:22 14:23 17:7,9 19:11 47:23 62:14 112:22 127:9 152:6 163:11 219:6 249:8,14 249:16 250:7 250:11 251:16 254:15 <b>relates</b> 11:2 35:16 <b>relating</b> 86:12 115:8 234:8 237:6 250:21 251:7 <b>relationship</b> 33:20,23,24 34:4 35:5,6,25 190:18 194:13 <b>relationships</b> 33:15 <b>relative</b> 15:18 17:6 22:20 27:9 42:19 83:9 170:18 177:19 221:3 254:16 <b>relatively</b> 104:8 158:23 177:19 <b>relevant</b> 15:4 47:1 61:9 69:20 72:4 73:14 74:9 75:1 85:18 113:20 167:21 177:13 210:16 247:17 251:24 <b>reliability</b> 81:14 <b>reliable</b> 29:16,21 103:21 120:6 146:9 199:17	200:7 223:3 234:11 <b>relied</b> 27:15,18 219:13,21 221:18 224:4 242:23 <b>relief</b> 242:24 <b>relies</b> 30:2,7 99:23 <b>reluctant</b> 57:21 <b>rely</b> 15:11 27:21 107:10 112:16 112:24 113:1 121:11 221:21 238:9 <b>relying</b> 94:20 105:16 113:8 235:3 238:6 <b>remarkably</b> 41:10 120:23 <b>remember</b> 17:24 23:11 59:2,5 188:5 247:21 <b>remembering</b> 17:7 244:23 <b>remote</b> 1:11 124:18 <b>repeat</b> 74:6 131:11 137:12 188:16 207:17 <b>repeated</b> 73:20 73:21 107:20 108:4,5 127:21 <b>repeats</b> 73:22 <b>replace</b> 166:10 <b>replaced</b> 25:15 165:6 <b>replicate</b> 86:23 87:1 99:5 100:7,12 102:7 102:21 103:16 104:6 209:11 <b>replicated</b> 87:6 <b>replication</b> 4:7,8 101:23 102:25 <b>report</b> 4:3,4,12 4:13 7:1,6 9:10 14:15,21,22 15:12 18:12 20:5 21:18
--	--	--	--	---

24:12,13 25:4	93:13 107:24	155:15,16	178:21	202:25
25:21,25 26:3	229:22	157:9,13,14	<b>responsive</b>	<b>Rice</b> 8:23
26:12,16,19,22	<b>reporter</b> 3:1 5:3	159:8,14	175:7,17 176:3	<b>Richard</b> 5:13
27:3,11,15	30:20,21,23	164:25 166:7,8	176:5,8,11	<b>RIGGINS</b> 2:18
28:11,13,18,21	254:3,12	166:11 171:4	<b>responsiveness</b>	<b>right</b> 5:21,24
28:23 29:6,12	<b>REPORTER'S</b>	173:2,14	175:12	6:10,14 8:15
30:2,7,13	254:1	174:17 175:2	<b>result</b> 73:7 91:17	9:8 11:5,18
46:19 49:11	<b>Reporters</b> 3:1	177:20,22	91:19 104:21	12:8 13:24
50:4,12 51:15	<b>reporting</b> 16:1	178:11 183:12	104:23 163:21	14:3,5,20 15:5
52:6 61:4 64:2	34:9 57:19	189:10 191:6,9	174:11 214:3	16:8 18:23
66:18,22 73:1	143:4 238:15	<b>Republican's</b>	<b>results</b> 29:11,20	20:2 22:16
79:7,7 86:9	240:8	120:25	31:11 32:24	25:8,17 27:3
87:13 92:13,15	<b>reports</b> 6:22,23	<b>Republicans</b>	44:7 52:10	28:20 29:2
92:22,25 94:9	6:25 7:1 25:17	40:13,16 41:1	53:14 55:1,16	32:21 34:25
95:7,9,19	25:21 42:8	41:7 132:16	64:5 67:20	35:23 37:7,18
98:14 105:7,9	115:9 239:3	152:25 157:16	71:14 73:2,8	38:5 45:10
109:21 111:3	<b>represent</b> 5:10	159:24 173:3	76:13 78:10,11	46:13,25 47:10
112:8,14	131:7 155:13	173:25 174:7,7	79:4,5,6,9 80:5	49:24 51:13
113:17 114:4,5	207:9	177:23 249:16	85:25 90:3	52:12 53:2,5
114:10,12	<b>representation</b>	249:21	91:25 95:5,18	56:2 58:8,18
120:19 127:19	88:16 130:19	<b>requested</b>	95:18 96:1,2,3	58:24,25 59:1
128:19 131:20	130:19,20,21	254:11,11	96:4,5,8,13,14	59:6 61:8,22
131:22 138:9	130:24 131:1	<b>require</b> 20:13	96:15 99:13	64:1,16,21,25
139:2,5 143:13	149:21,22	45:20	100:12 101:23	65:25 66:4,10
151:22 152:17	155:9 236:10	<b>required</b> 18:13	103:14 113:23	66:21 67:16,21
152:22 156:6,8	250:13	20:6,22,24	118:11 119:22	67:23 68:1,3,7
164:3 168:14	<b>representative</b>	21:14 187:19	145:21 146:16	68:9,21 69:21
168:18 169:12	155:16	188:1 205:15	147:13 148:9	73:12 74:6
172:10 173:18	<b>representatives</b>	211:3,4 236:15	148:14 160:18	78:10 80:3
173:25 175:5	175:13	<b>requirement</b>	162:7,9,25	85:16 88:15
178:13 185:18	<b>represented</b>	44:17	163:10 171:8	89:20 90:1
186:22 187:9	130:21,23	<b>requires</b> 20:13	171:19,25	92:25 97:12,18
187:12,17	155:7,10	41:11 217:19	172:11 186:12	99:4 100:20
198:20,22	<b>representing</b>	236:4	198:9 200:3	101:22,24
199:15 200:14	24:16,17	<b>research</b> 151:5	212:8 218:23	102:8 103:19
202:20 203:2	<b>represents</b> 105:4	<b>RESERVED</b>	<b>retained</b> 25:9	105:7 111:2
204:4 205:2,8	189:25 203:7	253:5	232:25	113:9,14,14
206:25 207:7	234:20	<b>residences</b> 7:25	<b>retrogression</b>	115:5 117:9,18
210:16,19	<b>reproduce</b>	<b>resident</b> 130:22	219:9,11	118:9 119:12
213:15,18,23	187:11	130:22	<b>return</b> 25:24	121:10 126:7
214:7 215:23	<b>reproduction</b>	<b>respect</b> 178:1	42:25	131:3 132:4
215:24 218:2	203:4 208:6	244:17	<b>reverse</b> 41:7	133:7,22 134:4
218:19 228:25	<b>Republican</b>	<b>respond</b> 25:12	186:7	134:6,10 135:3
229:2,6 230:22	40:18 84:6,21	25:14,16	<b>review</b> 6:25	135:22 136:7
232:17,24	84:24 85:12	<b>responding</b>	28:10,20 94:1	137:12 138:3
233:7,10 234:7	86:18 120:24	121:23 122:14	125:18 203:12	139:2,9 141:6
234:8 237:1,9	125:4,6,7	244:22,22	203:17 254:10	144:9 145:16
238:2,4,5	146:13 147:9	<b>response</b> 149:20	<b>reviewed</b> 25:17	146:18 147:10
240:24	153:9,23 154:6	210:22 248:8	27:14 94:4	147:16 149:12
<b>reported</b> 55:10	154:25 155:7,8	<b>responsible</b>	125:1 168:6	150:2,12

151:19 152:20 152:24 153:16 154:2 156:14 158:6 164:6 167:17 169:11 169:21 173:18 174:18,22 176:15 178:13 180:15 184:4 187:8 188:10 188:11,12 189:15,19 191:4,19 192:4 192:7,24 193:3 193:17 196:5 196:17 198:8 198:19 199:2,4 200:13,15,17 204:3,13,22 205:8 210:17 213:17,23 214:10 215:12 216:1 218:25 230:5 231:4 233:1 236:19 237:4,17 238:11 240:4 240:23 241:3 241:24 242:18 244:13 245:4 245:21 248:23 249:5 250:5 252:16	66:10,17,18,22 67:2 68:19 <b>rounding</b> 66:12 66:13,25 <b>routine</b> 93:20 <b>routinely</b> 53:18 110:5 <b>row</b> 132:7,8,19 132:20 133:22 139:19,22 <b>RPR</b> 1:25 254:22 <b>RPV</b> 38:21 52:9 55:16 64:5 67:20 92:12 103:20 118:10 131:21 200:17 <b>rule</b> 217:24 <b>ruling</b> 246:24 247:7 <b>run</b> 31:5,7 93:17 99:11 100:2 101:1 105:3 110:6,9,15,17 110:18 174:1 176:1 <b>running</b> 46:4 <b>runs</b> 99:18 108:4 <b>rural</b> 83:1	<b>satisfying</b> 56:17 <b>save</b> 104:13 <b>savings</b> 166:21 166:25 167:7 <b>saw</b> 104:13 243:17 <b>saying</b> 32:13 42:10 56:8 59:17 68:10 79:25 110:15 124:22 126:19 126:20 129:14 174:20 176:2,6 184:7 196:22 196:23,23 197:8 206:21 207:7,18,22 210:3,4 229:4 238:22,24 241:20 242:17 246:2 248:10 252:9 <b>says</b> 39:2 74:2 99:10,22 209:15 210:1 211:5,6 238:8 239:1 240:17 <b>scatterplot</b> 187:15,16,18 187:25 188:18 189:1,5 193:19 198:8 203:5 207:3 208:5,7 208:9 209:14 209:15 210:14 <b>scatterplots</b> 206:14 <b>school</b> 4:10 8:3 10:6,8,9 111:20 166:2 179:5 224:19 245:22 <b>schools</b> 8:2 <b>science</b> 8:25 43:4 227:20,20 228:11 229:8 <b>sciences</b> 34:21 34:22 232:9 <b>scientific</b> 158:18 <b>scientist</b> 106:13	<b>scientists</b> 40:9 112:2,10 227:24 <b>scope</b> 26:11,19 <b>screen</b> 7:7,9 <b>screenshot</b> 97:20 <b>script</b> 99:17 100:1,6 <b>scripts</b> 99:12 100:24 <b>scroll</b> 9:19 233:3 <b>se</b> 84:2 <b>seats</b> 234:21 <b>second</b> 10:12 186:14 <b>Secretary</b> 33:3 <b>section</b> 10:10,16 10:23 16:11 27:12 77:10 161:1 219:8 237:3 242:24 247:3 <b>see</b> 9:20 10:3 26:25 27:11 40:11 42:9 44:5,7 50:20 52:9,10 53:18 54:9,19 56:14 58:17 59:8 62:7 64:8,17 65:1,6,14,19 66:1,5,7,9 67:24 68:7 71:2,18,18,19 94:19,23 95:12 95:20 97:2 98:3,7,19 99:8 101:8,16 102:5 103:5,5 104:10 106:22 109:16 113:19 116:3 117:10 121:7 132:8 139:20 139:24 146:16 147:14 148:10 157:18 166:16 166:16 169:12 179:9 182:19 182:22 183:10 187:5 189:12	189:21 191:2 191:17 195:16 196:13 206:15 208:22 212:2 214:6,11 215:16 238:8 241:10,10 248:11 251:15 252:3,8,10 <b>seeing</b> 65:6 66:7 96:4 101:17,18 101:19 102:5 118:6,7 119:13 119:14,15,20 127:16 161:24 177:18 252:23 <b>seemingly</b> 166:13 <b>seen</b> 46:3,11 49:20 73:20 149:2 150:9 151:5 164:10 164:20 191:10 <b>self-described</b> 40:12,15,18 <b>semester</b> 9:4 <b>senate</b> 17:25 41:2 43:22 46:24 47:3,4,8 47:8 48:24,25 49:6,17 50:9 52:10,13 68:8 68:15,23 71:23 71:24 78:14,23 79:11,18,19,20 79:23 80:7 85:24 87:3,23 88:19 89:2,3 90:23,24 91:2 92:19 93:4 114:18 120:22 121:3 123:15 123:23 124:6 175:8,18 176:15,19,20 176:22,23 181:5,6 191:22 191:24 194:25 195:7,10 196:9 196:19 197:15
	<b>S</b>			
<b>rights</b> 11:6 12:1 13:4,6 14:24 20:23 21:14 43:6 60:18 78:9 149:25 151:17 154:12 154:13 161:1 219:16 <b>rise</b> 78:7 <b>Road</b> 3:2 <b>RODNEY</b> 1:4 <b>role</b> 113:18 159:19 172:8 <b>rolls</b> 220:12 <b>roughly</b> 181:15 202:8 <b>round</b> 14:9	<b>S</b> 2:1,4 256:1 <b>salience</b> 150:23 153:18 154:3 <b>sample</b> 106:8 202:4 227:9 228:10 230:13 <b>samples</b> 230:12 <b>sampling</b> 106:14 224:1 227:10 229:24,25 230:8 <b>Sarasota</b> 24:3 <b>satisfied</b> 21:19 21:24 47:11 72:7 73:17 74:12,15 75:4 <b>satisfy</b> 45:25 57:2 74:17 240:7			

210:10 211:1 211:11 <b>senator</b> 173:17 <b>sense</b> 16:4 29:19 35:6 36:14 39:6,21 40:1 42:13 44:22 45:9 54:3 56:21 81:2 100:24 127:1,7 130:24 163:16 163:17 165:13 165:14,15 176:21 179:9 181:17 199:9 212:6 213:2 228:12 243:12 243:13 <b>sent</b> 10:1 59:3 115:19 <b>sentence</b> 170:3 170:11,12,13 170:19 215:16 <b>sentiment</b> 151:4 151:5 <b>separate</b> 14:6 24:7,16 85:23 <b>separated</b> 96:20 <b>separately</b> 23:13 <b>separation</b> 73:7 76:18 <b>September</b> 1:17 256:4 <b>series</b> 107:14 <b>served</b> 16:14 17:12 <b>serving</b> 13:14 <b>set</b> 14:16 23:19 34:16 35:2 46:23 103:9 110:20 225:6 <b>sets</b> 39:18 <b>setting</b> 194:11 217:18 235:4 <b>settles</b> 36:7 <b>seven</b> 64:9,17 121:18 173:3 <b>Shafer</b> 23:10 <b>share</b> 14:18 19:13,16 154:5	154:10,11 <b>shared</b> 152:14 152:21 <b>shares</b> 33:1 <b>sheet</b> 255:7 <b>short</b> 177:19,21 199:9 <b>Shorthand</b> 5:3 <b>show</b> 53:14 55:17 67:13,13 69:11 76:13 77:1 78:3,11 79:4,5,8,9 80:5 117:4,7,14 126:8,22,24 127:20 129:24 129:25 137:10 138:12 145:8 146:5 147:7 157:21 159:3 165:9 167:12 169:4,8 178:7 181:22,24 186:12 200:18 207:3 209:15 209:17,21,23 210:18 251:11 <b>showed</b> 225:15 <b>showing</b> 68:22 127:12 160:23 162:10 183:18 184:16 189:6,8 196:2 208:1 236:17 <b>shown</b> 97:25 <b>shows</b> 76:11 86:17 117:15 122:17 123:14 127:15 128:18 129:20 130:10 140:20 145:20 147:6 149:3 160:19 168:18 171:3 175:22 175:23,24 182:7 183:22 185:22,24 187:2,2 190:17 197:4 206:1 209:12 210:19	213:18 229:12 234:15 <b>shrinking</b> 215:9 <b>sic</b> 136:1 <b>side</b> 18:19,24 33:2 84:22,22 167:15 <b>sides</b> 41:13,14 <b>signal</b> 249:19,24 <b>signals</b> 182:10 <b>Signature</b> 253:5 256:25 <b>Signed</b> 254:19 255:9 <b>significance</b> 231:20 <b>significant</b> 43:16 43:20 44:14 48:6,12 61:14 72:17 73:10 74:1 80:1 122:9 184:20 185:11 229:4 <b>significantly</b> 122:1,5,6 214:18 215:18 216:3 <b>similar</b> 31:17 84:17 93:14,15 100:11 102:25 108:14 114:1 120:23 140:25 159:15 244:15 245:2,3,6,18 <b>similarly</b> 127:9 <b>simple</b> 34:15 37:23 74:23 102:10,20 109:25 120:20 146:24 157:11 167:5 240:2 <b>simply</b> 21:2 25:5 34:6 37:5 39:7 44:23 48:7 57:19 73:5 74:18 78:4 103:15 110:22 110:23 112:16 112:25 120:21 124:25 151:19	173:8 194:10 194:21 197:18 216:8 231:3 242:11 <b>simultaneously</b> 55:13 <b>single</b> 34:4 66:21 136:12,24 137:13 148:18 157:2 186:5,8 228:17 <b>single-member</b> 60:18 81:10 217:1,2 <b>sit</b> 239:17 <b>sitting</b> 125:23 187:23 203:14 203:25 240:4 <b>situated</b> 78:7 <b>situation</b> 43:8 130:1 216:6 237:22 <b>situations</b> 221:10 <b>six</b> 3:2 120:12 121:7 138:3,6 213:19 234:19 <b>sixth</b> 99:8,21 <b>Skip</b> 139:2 <b>skipped</b> 233:18 <b>slight</b> 138:24 <b>slightly</b> 67:11,12 139:7,12 140:1 141:2,12 145:16 174:25 178:11 232:2 <b>small</b> 31:25 107:1 124:17 140:9 <b>so-called</b> 84:5 <b>social</b> 34:21 43:4 106:13 112:2,9 227:19,20,23 228:11 229:8 232:9 <b>society</b> 129:19 <b>sociology</b> 37:20 <b>solely</b> 120:18 <b>solid</b> 163:25 <b>solves</b> 36:7	<b>somewhat</b> 153:15 221:4 <b>soon</b> 184:21 249:2 <b>sorry</b> 23:9,10 53:3 64:2 65:9 65:11 67:17 69:10 70:23 92:20,21 95:23 102:14 108:24 119:21 123:4,8 132:13 134:11 137:7 139:3 141:10 145:10 156:7 167:3 184:18 188:12 188:25 189:8 207:17 233:16 233:18 241:5 245:25 <b>sort</b> 10:21 11:19 15:7,18,20,21 16:23 17:10 18:6 19:17 20:24 21:13 31:14,19 34:7 38:22 42:11 48:24 59:13 60:8,10 63:3 70:5 76:19 94:12 96:19 106:11 107:5 151:11 162:8 182:24 189:13 195:15 208:15 212:19,20,23 219:25 225:1 232:5 243:8 244:2 247:4 251:25 252:24 252:24 <b>sorts</b> 8:9 20:10 <b>Soto</b> 4:14 18:1 31:16 237:1 <b>sought</b> 19:1 <b>sounds</b> 86:3 113:11 <b>source</b> 223:3 248:16 <b>sources</b> 27:12,23
---	--	--	--	--

28:9 115:15,17	<b>stand</b> 138:21	205:20 206:25	93:7,17 94:6	111:18
<b>south</b> 17:8,9	186:9 239:16	<b>statement</b> 37:14	95:15,25 96:10	<b>subset</b> 42:8
<b>Spanish</b> 220:11	<b>standard</b> 15:6	54:22 91:5	97:2 105:22	<b>substance</b> 207:7
225:17 226:8	55:25 56:4,5	126:18 136:19	110:9	<b>substantial</b>
<b>spare</b> 246:11	56:18 57:14,18	145:23 164:24	<b>Stevenson's</b> 94:1	31:22 151:6
<b>speak</b> 208:9	57:24 59:9	165:1 167:17	<b>stick</b> 149:18	153:13 181:24
214:23 247:24	60:2,9,21,24	167:19,20	<b>stop</b> 147:9	206:17,17
<b>speaking</b> 55:22	64:8,16,25	168:7,15,21	<b>stopped</b> 221:23	214:25 221:1
<b>speaks</b> 188:14	65:14,19,25	235:15	<b>stopping</b> 63:12	228:21
208:11,12	66:4 67:3,23	<b>statements</b> 37:9	<b>story</b> 120:14,16	<b>substantially</b>
247:16,20	73:9 76:14,15	37:12 93:10	<b>straddling</b>	181:25 182:21
248:10,13	77:23 78:2	<b>states</b> 1:1 12:14	189:23 190:2,3	197:12 214:21
<b>specific</b> 15:13,20	105:13 107:6	12:15,18 15:19	<b>straight</b> 39:1	<b>substantiate</b>
100:1,2 112:3	112:1,9 219:11	41:8 55:5	<b>straightforward</b>	229:3
112:12	<b>standards</b> 229:8	106:24 148:19	246:7,8	<b>substantive</b> 16:4
<b>specifically</b> 6:7	<b>Star</b> 23:20	149:11 173:3	<b>Street</b> 2:19	32:1 232:24
10:23 11:2	<b>start</b> 132:13	173:10 220:3,9	<b>stretch</b> 224:22	<b>substantively</b>
12:10,16 20:2	202:14	<b>statewide</b> 50:1	<b>strike</b> 61:11	54:6 120:15
21:12 62:10	<b>started</b> 18:15	50:10 65:12	142:9 164:16	122:9
154:23	19:7	78:19 79:17,22	178:3 200:25	<b>substitute</b>
<b>spectrum</b> 154:20	<b>starting</b> 39:13	85:25 87:2,10	201:3	166:15
<b>speculation</b>	<b>starts</b> 59:14	90:5,14 92:6	<b>stripped</b> 110:22	<b>success</b> 142:5
177:8	191:12	92:18 93:3	<b>strong</b> 50:22	205:11,22
<b>speed</b> 96:20	<b>Stata</b> 93:22 94:8	114:17 116:8	56:5 148:24	<b>successful</b>
<b>spent</b> 7:23,23	96:21 99:12,17	116:12 119:13	151:4 157:16	195:24 208:19
8:20 26:7,22	99:24 100:3,6	119:15 131:23	162:11 171:24	<b>succinctly</b> 37:7
27:1,9 244:12	100:18	136:8,13,25	<b>strongly</b> 147:22	<b>suddenly</b> 184:22
<b>spit</b> 109:19,23	<b>state</b> 1:7 4:5,6	137:14 138:3	147:23 148:1	<b>sued</b> 20:17,18,18
<b>split</b> 67:1,6	5:11 10:15	140:19 141:21	157:22 159:6	21:10
153:14,14	13:22 15:21,23	142:20 174:9	<b>structural</b> 9:6	<b>sufficient</b> 48:5
166:10	15:24 16:3,16	180:6 204:8	<b>structure</b> 97:21	62:20 70:1
<b>spreadsheet</b>	17:22,24 22:3	<b>statistical</b> 34:1	172:1 179:21	76:18,22 77:13
94:13,14,16,18	22:13,17 27:14	128:17 223:14	<b>structured</b>	120:6 164:3
94:19 95:5,6,8	27:17 33:4	231:19	127:10	182:14
95:10,17,18	39:2 54:24	<b>statistically</b>	<b>structuring</b>	<b>sufficiently</b>
96:1,9,12,16	58:11,12 79:12	122:6 229:4	171:25	47:20 71:21
96:24	80:8 81:18,22	<b>statisticians</b>	<b>struggled</b> 239:9	<b>suggest</b> 91:17
<b>Spring</b> 23:16	82:11 83:10	112:2,10	<b>studied</b> 155:25	144:23 159:6
27:2 56:11	90:23,24 91:2	<b>statistics</b> 11:25	174:12 214:22	166:22 172:12
111:19 222:4	112:8 116:11	12:3 34:2	<b>studies</b> 34:24	183:19 200:4
224:18 225:8	121:18 122:19	110:20	<b>study</b> 34:12	226:1 238:4,20
226:3 228:7	138:10 149:3	<b>status</b> 98:11	<b>stuff</b> 18:7,8	<b>suggested</b>
240:14	156:12 178:16	<b>stay</b> 23:13	175:23	241:12
<b>SPRUILL</b> 2:7	179:19 187:17	<b>stays</b> 217:22	<b>style</b> 159:22	<b>suggesting</b>
<b>squares</b> 36:17	187:23 213:23	<b>steak</b> 59:3	<b>sub</b> 202:6	121:14,15
106:7 108:12	220:21 233:13	<b>Stein</b> 109:2,9	<b>subfield</b> 12:24	151:2 169:1
<b>stable</b> 108:16,22	233:15 234:16	<b>stereotype</b> 254:6	13:3	187:24 188:18
171:19 177:19	234:22 237:6	<b>stepping</b> 72:10	<b>subject</b> 20:16	213:1,3
<b>stage</b> 26:14	244:6 256:2	<b>Stevenson</b> 31:6	53:22 112:21	<b>suggestive</b> 121:1
108:2 187:12	<b>stated</b> 55:24	32:5,23 92:14	<b>submitted</b>	145:12

<b>suggests</b> 38:23 99:20 106:11 120:21 176:25 177:11 180:4 193:24 213:7 217:7 238:21	<b>supportive</b> 123:22 124:5 <b>supports</b> 165:8 <b>supposed</b> 123:9 <b>supreme</b> 121:18 122:19 123:16 123:18 136:20 156:12 178:16 179:13,19 243:5	227:14 229:25 230:3,4 <b>system</b> 81:11 154:10	143:4 157:5,21 157:23 158:1 191:10 <b>tabular</b> 94:12 <b>tabulation</b> 237:17 <b>tail</b> 232:7 <b>take</b> 6:15 37:20 37:21 49:10 51:18,21 59:22 106:7 152:2 157:2 164:22 171:22 183:4 184:21 193:17 199:9,11 210:23 215:5 216:12,19 242:5 248:24 <b>taken</b> 18:11 20:3 20:4 21:17,23 58:24 88:1,3 88:12 114:11 187:11 193:23 210:15 240:6 254:6 <b>takes</b> 37:17 83:6 <b>talk</b> 5:25 26:15 26:17 30:25 35:3,8 42:13 42:19 61:24 67:8 75:7 88:23 89:8 112:21 160:8 179:23 180:12 207:2 217:21 <b>talked</b> 35:12 48:1 137:22 <b>talking</b> 18:1 41:24 43:16,17 62:9 70:10 72:13 76:20 81:3 85:8 86:22 88:5,5 89:11 92:23 98:5 123:5 125:10 127:23 131:3,6 139:16 141:16 183:14 191:5 201:24 223:24 224:11	227:9 236:14 251:1 <b>tally</b> 63:15 <b>tangentially</b> 49:7 <b>tantamount</b> 173:11 <b>tasks</b> 27:10 <b>taught</b> 12:3,8 13:7 <b>teach</b> 8:25 13:4 13:11 153:6 <b>teaching</b> 9:3,4,7 88:13 <b>technical</b> 33:18 46:1 55:7 165:13 213:2 <b>technically</b> 14:8 89:16 <b>technique</b> 31:12 33:25 34:17 36:6 37:6 107:8,9 108:6 108:12 110:16 124:17,25 140:9 162:1 <b>techniques</b> 34:1 34:10,12,14 36:22 <b>tell</b> 5:4 13:19 21:5 27:8 35:25 77:25 94:21 101:11 128:16,20 140:9 141:18 159:12 160:7 166:18 175:22 189:24 222:23 238:12 240:21 246:21,22 <b>telling</b> 91:19 105:2 108:15 190:3 <b>tells</b> 107:25 108:3 120:15 120:15 125:16 125:16 127:3 128:24 183:7,7 184:25 <b>ten-minute</b>
<b>suing</b> 60:17 <b>suit</b> 16:16 19:12 19:12 21:6 <b>Suite</b> 2:14,19 3:3 <b>summarize</b> 33:19 34:2 181:21 <b>summarizes</b> 35:2 <b>summarizing</b> 33:24 34:3,4,6 35:4 <b>summary</b> 61:5 <b>superior</b> 221:9 <b>supervision</b> 254:7 <b>support</b> 30:8,8 33:6 40:16,19 43:13 45:21 72:16 122:1,10 122:15,18,23 123:2,6 124:12 125:3 126:8 129:6 142:4 146:20,21 147:8 149:14 150:19 152:10 152:12 153:9 153:22 154:24 155:21,21 156:18 157:16 159:15 161:6 162:12 175:25 177:4,14,20 182:4 185:7 <b>supported</b> 43:11 47:21 52:13,23 53:9 123:16,18 156:24 <b>supporting</b> 24:19 45:24 48:17 53:19 151:7 164:24 211:6,7	<b>sure</b> 16:13 17:25 23:7 24:6 30:19 37:13 42:15 44:1,4 50:19 51:11,20 51:23 54:8 65:9 70:8 75:6 75:8 77:7 79:16 81:1 86:15,21 91:20 92:23 96:10 102:3 104:22 107:3 110:10 110:11,14 113:1 115:6,25 125:21 141:6 162:14 170:10 176:5 181:11 198:19 204:18 205:19 206:9 206:10,12,19 224:13 225:1 229:16 244:21 <b>surname</b> 220:11 225:18 226:8 <b>surprise</b> 19:18 40:17 166:5 <b>surprised</b> 110:13 <b>survey</b> 35:10 219:15 223:21 224:4 227:25 229:21 230:11 <b>surveys</b> 223:22 <b>suspect</b> 110:7,9 148:15 212:3 222:15 <b>sworn</b> 5:2 <b>symmetric</b>	<b>T</b> <b>T</b> 255:1,1 256:1 256:1 <b>tab</b> 34:15 <b>table</b> 65:6 114:21 117:18 117:21 118:2,4 118:15 119:21 119:25 120:4 120:16,18,19 121:6,11,16,17 122:17 123:14 123:21 124:4 125:16 127:3 127:14,14,18 128:18,20,24 129:20 130:9,9 131:20,21 132:19 133:7,8 133:14 134:4,5 134:14,18 135:3,4,11 140:16,20 141:1 143:14 143:15 156:6,7 157:10 158:10 158:13 159:17 159:20 160:19 165:4,5,9 167:2,4,12 171:2 174:20 174:21 175:22 175:23 180:13 198:17,18,20 199:14 203:18 203:20 204:1 233:19 <b>tables</b> 71:13,14 92:15,24 93:1 95:7,21 96:17 104:17 114:5 114:20,25 115:12 116:19 117:3,17 120:12 121:7		

51:21	10:8 16:15,16	211:8 212:15	22:12,16 23:6	169:7 174:4
<b>tend</b> 221:2	16:23 27:6	215:11 218:11	23:19,22 24:4	175:21 176:21
<b>tendency</b> 104:25	173:13,14	218:17 224:3	24:8,21,22,25	176:24 177:7
138:12,18	220:9 221:20	232:11,16	25:4 26:5	179:22 181:21
153:25 228:16	243:6,9,10	236:19,24	28:15 31:19,25	183:7 184:25
250:13	<b>thank</b> 5:14 9:18	240:22 242:4,8	32:6,14 35:3	188:8,13
<b>tends</b> 18:7	10:25 24:9	248:23 249:4	36:21 38:25	191:21 194:19
220:24	30:17 58:19	250:4,18 251:4	39:4,12,14	195:16 196:6
<b>term</b> 29:2 38:2	69:10 132:6	251:14 252:12	41:10,19 42:6	196:24 199:14
38:20 39:23	246:10	253:3	42:17 44:3,3	207:6,25 208:4
40:2 41:18	<b>Thanks</b> 14:11	<b>theoretical</b>	44:19,20,21	208:7,17,24
43:1,3 44:16	25:7 116:17	207:12	45:9 46:1,2,10	209:7,8,12
44:20 45:7,9	193:3	<b>theory</b> 130:19	47:25 48:1,4	210:22 211:2,3
61:13,14,22	<b>Theodore</b> 2:4	229:25	48:12 49:3	211:19 215:3
80:4 129:15	3:11 5:7,9 9:13	<b>thereof</b> 254:17	51:3,7,8 54:2,5	220:22 221:8
177:19,21	21:16 23:8	<b>thing</b> 45:3 74:16	56:4,25 57:2,8	223:25 225:10
212:16	30:6,17,24	79:8 86:22	57:17 58:1	227:22,23
<b>terms</b> 54:16 60:5	38:1 44:15	117:14 129:17	59:24 63:3,4,7	228:8 233:7
70:3,10 73:7	51:12,20 52:4	159:17,25	65:12 66:13	238:24 241:9
119:5 140:11	58:16 61:7	171:21 179:1	69:23 70:2	242:4 243:21
157:24 160:25	63:25 68:20	181:17 190:17	72:12,23 73:1	243:21 244:20
172:25 183:8	69:7 70:14,23	234:14 240:3	73:9,22 74:16	249:1 252:2
220:4 245:1	71:1,11 72:2	244:9	74:22 75:9,9	<b>thinking</b> 17:19
247:11	73:11 74:5,21	<b>things</b> 8:10,12	76:6 78:18	<b>thinks</b> 209:19
<b>territory</b> 42:18	75:14 76:24	10:3 24:16	79:1,5,7 80:16	210:5
<b>test</b> 45:16 56:9	78:21 79:3	34:15 54:10	80:23,25 81:4	<b>thought</b> 5:19
56:13 57:2	80:2,11,18	59:20 61:18	81:6,7,12,13	37:13 65:11
60:13,13,22	81:15 83:12	62:22 63:2,18	83:24 84:16	70:25 95:23
63:19 108:17	85:1,15 86:25	71:16,16	85:20 90:16,16	184:6 188:6,7
109:1 178:21	92:11 97:12,17	102:17 112:22	91:11 92:7,21	<b>thousand</b> 108:7
227:23 231:19	98:22 104:16	116:23 129:18	93:11 104:6,7	<b>three</b> 21:19,23
236:12 241:15	111:9,14 113:9	154:10 158:12	105:13 106:12	63:18 66:5
<b>testified</b> 5:5	113:13 114:24	163:19 165:20	106:23 108:20	117:21,22
23:17 60:16	118:8,21 121:9	165:21 166:6	109:11 112:16	118:3 120:5
222:4	126:17 129:8	167:11 171:12	112:20 113:9	121:3 134:9,11
<b>testify</b> 20:1	130:11 131:10	171:22 175:24	115:10,13,13	134:18 135:1,7
158:17 210:6	131:19 136:6	193:22 195:19	115:21,23	135:17 181:8
<b>testifying</b> 10:18	136:18 137:6	208:3 216:19	116:1 118:7	237:13
18:24 19:20,22	137:20 143:23	222:23,23	119:3 120:4,10	<b>threshold</b> 42:12
27:4	150:1,13	230:15 236:18	120:14 123:11	45:16 47:16
<b>testimony</b> 6:11	151:18 153:5	241:16 252:24	123:13,25	57:8,10 59:18
16:5 22:2,20	155:17 164:5	<b>think</b> 8:11,16	124:15 125:15	<b>throwing</b> 91:7
31:16 241:25	164:13 168:5	11:17 12:2	131:1 136:4	<b>thumb</b> 217:24
242:15,19	169:10 174:14	13:13,17,25	141:18,20,20	<b>Thursday</b> 1:17
243:4,16,16	175:15 176:14	14:5,17 15:2	141:25 142:21	256:4
246:16 254:6,9	177:10,25	15:16,17 16:18	144:19 149:7,8	<b>tight</b> 191:2
<b>testing</b> 108:18	186:20 188:15	16:25 17:4,5,9	151:10 153:15	<b>tightly</b> 190:23
108:24 212:5	198:7 199:10	18:15,22 20:8	155:3,4,5,18	190:25
228:25 235:12	199:13 201:14	20:11,19,20	156:7,22 157:5	<b>time</b> 8:19 17:1
<b>Texas</b> 7:17 8:24	202:19,24	21:5,12 22:2,8	158:8 166:22	19:2 26:8 27:7

27:9 105:3	<b>transmitted</b>	202:9,11	179:22,22	160:19 170:10
106:18,18,22	25:25 98:1	206:20 211:4	181:20 190:5	<b>understood</b>
113:10 143:3	101:10 116:15	212:19 228:23	192:10 199:8	43:19 187:24
143:14 159:2	<b>treat</b> 22:4	230:24 239:14	202:11 226:17	247:4
166:2,21,25	157:15	247:19	234:3 247:21	<b>unexplained</b>
167:7 171:8,12	<b>treats</b> 88:25	<b>turn</b> 22:22,23	248:9	147:3
180:9 185:14	<b>trend</b> 178:1,8,9	27:11 52:5,18	<b>type</b> 89:1,7	<b>unfortunate</b>
215:9 219:5	<b>trends</b> 177:9	53:2 67:16,17	220:17 242:23	129:18,19
244:12	<b>trial</b> 27:2	69:8 70:21	<b>typically</b> 54:1	<b>unfortunately</b>
<b>times</b> 5:15,17,18	<b>trials</b> 26:8	85:21 92:12	104:10 105:20	158:6
5:20 7:21	<b>tries</b> 36:9	94:15 96:25	105:25 106:12	<b>unique</b> 43:6
49:20 108:6,7	<b>trivial</b> 166:12	101:3 115:4,8	110:19 195:12	121:2
108:7,8 192:23	<b>true</b> 46:1 55:23	117:18 121:16	195:15 215:17	<b>United</b> 1:1 12:14
<b>today</b> 6:12	77:20 80:12,17	131:20 138:9	216:2 226:19	12:15,18 41:8
125:23 149:11	82:6 85:20	139:4 156:6	226:23 230:8	148:19 149:11
187:23 188:17	135:23 136:2,5	169:11 178:13		<b>universally</b>
203:14,25	137:23,25	180:12,14	<b>U</b>	159:7,8
216:1 240:4	154:6,21 155:3	187:8 188:25	<b>ultimately</b> 84:1	<b>University</b> 8:1,3
<b>told</b> 21:12	159:7,8 165:12	198:19 200:13	94:17 194:16	8:4,23
157:24	169:2 171:1,2	204:3 209:14	<b>unambiguously</b>	<b>unpolarized</b>
<b>tools</b> 72:24	172:24 185:23	213:17 237:9	160:16	41:10
230:20 231:1	186:22 193:12	241:24,24	<b>unanimous</b>	<b>unquote</b> 179:18
<b>top</b> 14:2 49:18	194:25 195:7	<b>turned</b> 97:2,5,6	161:10,10	<b>unrealistic</b>
125:22 155:25	196:22,23	203:9 222:8	<b>uncommon</b> 82:3	208:21
191:25	198:5,5 211:23	225:3 226:24	82:4	<b>unrelated</b>
<b>topic</b> 26:2 158:7	212:7 215:8	<b>turning</b> 139:1	<b>uncontested</b>	251:15
199:7 242:3,15	216:5 229:10	<b>turnout</b> 55:13	90:25 91:21	<b>unusual</b> 171:9
242:20	230:3 231:4,11	214:18,23	<b>underlies</b> 247:19	<b>unwilling</b> 185:7
<b>total</b> 193:4	231:12 233:9	215:1,1,3,3,4,6	<b>underlying</b>	<b>update</b> 208:6
214:15 234:21	233:15 240:19	215:19 216:3,9	115:4,6	<b>updated</b> 196:4
<b>totality</b> 22:5	240:19 254:8	217:3,11,15,17	<b>underreport</b>	210:17
49:5 252:21	<b>truly</b> 87:25	217:19,24,25	221:3	<b>upper</b> 106:17
<b>traditional</b>	88:24 89:6	218:3,13,22	<b>understand</b> 5:24	107:18 108:2
230:3	<b>Trump</b> 40:16	225:17,23	6:5 22:8 29:4	110:4 212:4,7
<b>traditionally</b>	41:7 106:25	<b>turns</b> 209:25	34:8 38:2 43:8	212:16
40:6	107:4 229:13	<b>two</b> 8:2 10:2,2	45:6 46:15	<b>use</b> 11:12,25
<b>training</b> 8:6	<b>trust</b> 230:9,16	14:6 16:19	48:8 57:23	29:2,7 32:2,9
<b>transcribed</b>	<b>trustworthy</b>	24:16 33:23	59:13,17 62:9	34:13 40:2
254:7	104:1	39:7,18 40:23	63:6 74:23	44:20 72:11
<b>transcript</b>	<b>truth</b> 5:4,4,5	41:11 42:13	102:20 152:3	90:4 91:2
254:11	<b>truthful</b> 6:11	46:24 50:23	188:16 195:20	109:16 113:6
<b>transcription</b>	<b>try</b> 5:25 23:13	51:7 61:18	195:21 204:6	116:11 117:13
254:9 255:5	34:14 51:23	66:7 79:18,18	212:22 216:24	129:15 145:24
<b>transgender</b>	63:2 151:22	79:20 84:17,22	219:19	165:3 180:23
154:12	152:3,9 161:14	85:3,10 91:22	<b>understanding</b>	220:7,17 226:4
<b>translate</b> 206:20	<b>trying</b> 5:25 8:16	124:19,22,24	36:11 38:20	226:4 232:8,9
<b>transmit</b> 51:13	23:11 37:1	133:20 154:9	39:23,25 43:1	<b>useful</b> 35:1
58:9 97:13	77:8 91:9	158:12 160:15	45:14 46:18	80:24 120:11
98:15 111:10	124:18 152:2	163:19 166:19	47:13 60:8	188:8,19,23,24
232:12	161:4 162:4,7	170:15 174:18	91:18 109:18	209:14 222:25

<b>uses</b> 93:13,17 170:13	<b>variations</b> 11:19 202:6,18	246:16,21 247:8	35:10 50:17 55:9 60:13,20	122:14,17,22 123:15,21
<b>usual</b> 89:13	<b>varies</b> 51:5,6 119:10 214:21	<b>views</b> 48:9 149:14 150:4	69:21 70:2 116:6 142:4	124:4,12,24 126:8,12
<b>usually</b> 39:4 62:20 71:22	223:10	153:1 161:16	144:1 145:19	129:17,18,21 129:21 130:2,3
<b>utility</b> 63:19	<b>variety</b> 34:13 44:21 84:17	<b>violation</b> 78:8 151:16	145:22 146:4 146:11,17	130:5,7,14 131:14 132:22
<b>utilizing</b> 30:14 30:14	115:17 116:23	<b>virtually</b> 159:1 175:3 183:3	147:11,12,22 176:18,22	133:2,15,25 134:19,24
<b>V</b>	<b>various</b> 6:21 7:21 8:8 33:7	<b>vote</b> 36:2 39:9 41:1,2 55:13	182:4,14 183:4 186:2 187:6	135:12,19,25 136:14,20
<b>v</b> 4:6,9,12,14 23:10,16 243:3 256:2	49:20 114:6 115:15 204:16	55:14 71:21 74:3 82:22	191:4 220:12 220:21 222:13	137:1,10,15 138:4,13,18
<b>vacation</b> 8:21	204:24 233:12 233:14 246:22	114:13 116:21 119:2,16 120:8	225:16,22 226:8 250:8,12	139:7,11,20,23 140:1,6,8,11
<b>vacations</b> 7:24	<b>vary</b> 83:10 159:23 220:25	126:23,25 127:4 129:23	250:22 251:2,7 251:17 252:17	140:14 141:2 141:12,16,19
<b>vague</b> 232:21	<b>varying</b> 108:4	131:7 132:22 133:3,16 134:1	<b>voter's</b> 148:8 249:9	141:22 142:1 142:13,24
<b>validate</b> 29:18 116:7	<b>verify</b> 116:3 209:9	134:20,25 135:13,20	<b>voters</b> 12:13,17 17:9 22:10,14	143:7,12,17 145:11,24
<b>Valley</b> 111:19	<b>versa</b> 155:16	137:5 139:7,12 140:2,12 141:3	22:21 29:13 33:4,6 35:16	146:21,23 147:4,7,18,19
<b>value</b> 86:24 106:16 186:1	<b>version</b> 90:24 170:2	141:13,22 142:14,25	35:17,20,22 38:4,7,9,9,18	148:1,12,21,25 149:3,14,15
187:5 227:16 227:18 228:10	<b>versus</b> 42:20 54:13 58:12	145:10,11 146:13 147:23	39:8,18 40:3,6 41:20 43:10,12	150:4,23 151:3 152:10,15
228:10,10 230:18 231:16	108:10 111:19 125:7,9 132:7	147:24 149:4 154:1 157:4,7	43:14 44:9,10 44:11 45:17,21	153:1,18,21,22 154:1,4,5,13
<b>values</b> 67:11 96:21 152:14	132:9,19 134:13 139:19	157:12,14 158:4 161:9,15	46:5 47:6,18 47:19,22 48:2	154:19,21,22 155:3,21
231:8	139:22 141:8,9 141:11 171:13	167:8,24 174:23 176:13	48:4,7,14,16 48:19 50:20,21	156:14,15,24 158:5,23,24
<b>variability</b> 224:2 227:9	172:9 182:20 232:18 244:6	180:16 181:4,9 183:4 184:24	51:1,3 52:13 52:22 53:8,15	159:16 161:14 161:20 162:13
<b>variable</b> 33:2,15 33:16,21 34:4	244:17 245:10 245:15	189:9,20 190:14,20	53:18,25 54:25 55:18 56:1	162:19 165:20 167:21 169:19
57:19 143:24 144:5,12,18	<b>vertical</b> 189:10	191:7,11 192:12,19	57:15 58:5 59:11 60:3,11	170:9,24 171:5 172:7 173:19
145:2,20 146:11,12	<b>vice</b> 155:16	193:14 198:23 201:18 216:23	60:15,17,22 61:1,8,15 62:1	173:20 174:23 175:3,7,24
159:5 160:7 215:5	<b>victory</b> 213:21 218:7	217:4,19 226:2 226:25 250:13	62:2,4,8,12,21 63:17,22 70:7	177:1,12 179:3 179:7 182:3,8
<b>variables</b> 32:22 33:1,10,23	<b>Videographers</b> 3:1	<b>voted</b> 29:13 35:22 42:3,4	70:12,13,16 71:19,20 73:14	183:9,11,16,18 183:21,23
34:5 145:5	<b>view</b> 32:18 41:21 41:25 42:20	121:18 136:14 137:1,15 138:4	74:9 75:1 77:1 78:7 83:2,8,9	184:1,3,8,12 184:14,16,22
<b>variance</b> 161:4,5 162:14,25	48:8,12 61:21 72:14,16 76:2	200:19 <b>voter</b> 27:16 30:8	92:1 109:2,10 116:20 121:18	185:1,6,10 186:12,17
<b>variant</b> 243:8	76:25 77:3 91:16 126:7,10	30:8 33:6		
<b>variation</b> 31:11 68:4 71:17	154:5 160:24 170:20 182:12			
82:23,24 83:2 106:10 110:25	196:2 237:22 241:9 246:15			
159:2 162:3 194:3 249:24				

191:7 192:11	64:9,17 65:1	248:17,20	66:15 67:8	191:5 199:6,7
192:18 196:14	65:15,20 66:1	249:14,15,18	72:20 73:8	206:9 208:7,24
198:16 200:19	66:5 67:24	<b>VRA</b> 8:15 10:8	77:17 81:11	214:7 223:24
201:15 214:17	68:8,11,12,23	10:16 18:12	83:18 90:17,19	224:11 227:9
214:19 215:19	69:12,19 72:4	20:5,12 21:6	90:19 93:11	227:12 228:23
216:4 217:14	72:17,18 73:10	48:21 53:17	96:16 118:9	236:11,11,13
220:7,20 222:9	74:1,19 75:10	233:1,6 237:3	129:5 160:24	242:2 251:1
226:13,19	75:16,18 76:1	238:5	161:3,22	252:9,17
234:15 247:17	76:4,5,6,12,18	<b>vs</b> 1:6	171:25 179:2,5	<b>we've</b> 7:22 40:7
248:3,17,20	76:22 77:1,12		185:10 197:9	42:6,17 47:16
249:7,13,13,15	77:14 78:9,12	<b>W</b>	209:12,24	50:7 51:17
250:6,15,21	78:17,22 79:10	<b>W</b> 255:1	224:13 227:7	58:18 71:13
251:5,11,17	80:1,4,6,20,20	<b>wait</b> 6:1	227:23 230:25	104:12 115:24
252:5,7	81:17,21,24	<b>walk</b> 189:5	239:24 242:17	156:21 158:8
<b>voters'</b> 125:3	82:7,9,10,25	<b>want</b> 6:14 30:19	247:5	169:9 191:9
<b>votes</b> 10:21 33:1	83:2,15 84:2,3	35:8 41:16,24	<b>ways</b> 25:3 40:24	204:14 207:8
35:17 38:14	84:8 85:17	51:20,22 59:13	44:21 47:25	239:4 242:1
63:15 167:14	92:17 93:2	60:21 67:1	83:25 108:15	<b>weakly</b> 122:11
192:15 193:4,5	113:19 117:5,8	72:9,21 75:6	238:16 246:22	<b>week</b> 27:2
193:7 194:24	118:1,12,13,20	76:8,8 79:15	<b>we'll</b> 16:8 30:25	240:13
195:5	119:8,9,10	79:24 91:11	51:23,24 196:1	<b>weighted</b> 203:5
<b>voting</b> 8:15 9:5	127:7,8,21	92:9,21,23	249:1	<b>weirdly</b> 49:1
11:6,9 12:1,9	128:21,21	101:25,25	<b>we're</b> 32:24 33:2	<b>went</b> 155:2
12:10,13,16,17	129:6,9,10,15	104:22 110:14	33:5 34:19	<b>weren't</b> 40:6
13:2,4,6,11	130:2,3,4	137:4 139:15	36:25 40:9	226:6
14:24 20:23	131:9,9 136:21	151:1 162:4,24	41:24 53:22,23	<b>West</b> 10:8
21:14 22:10,15	137:10 140:14	164:14 167:10	57:18 58:18	<b>white</b> 22:10,21
29:9 38:21	142:7 145:21	180:14 181:18	62:9 65:10	29:12 30:8
39:2,7,10,15	145:25 146:16	188:16 209:10	67:17 68:18,18	33:5 35:21
39:22,24 40:1	146:25 147:13	216:19 217:21	69:11 72:10,13	38:5,7,8,16,16
40:3,12 41:3,5	148:18,19,25	227:19 241:24	75:7 85:7	41:20 43:2,3
41:8,10,18,22	149:25 151:17	247:14	86:21 88:5,5	43:14,16,17,21
42:5,10,22,24	152:5 158:19	<b>wanted</b> 10:12	89:2,4 91:1	43:21 44:10,12
43:2,3,6,10,17	159:19 161:1	100:23 113:7	92:23 102:19	44:14,16,23,23
43:18,21,22	163:3 164:1	<b>wants</b> 57:4	103:12 106:14	45:2,5,24 46:4
44:13,14,16,23	165:10 166:23	<b>Washington</b> 2:5	108:17,24	46:6 47:19
44:24,25 45:2	168:20 169:1	2:15 17:23	120:21 122:7	48:3,6,6,13,14
45:3,4,5,5,18	169:18 170:8	18:2,5 22:3,13	123:5 124:18	50:21 51:1
46:5,6 47:17	170:23 171:4	22:17 237:7	131:3,6 139:16	56:1 57:15
47:20 48:6,13	172:6,18 177:9	<b>wasn't</b> 95:8	141:15 142:16	59:11 60:3,11
48:13,15 49:3	178:2,5,11	102:3 103:7	142:18,19	60:13,15,17,20
50:8,20,23	180:20,22	110:13 207:11	145:13,13	60:22 61:1,8
51:2,5,8 54:6,8	182:8 184:15	209:10 212:6	147:18,21	61:14,15 62:2
54:15,19 56:1	184:21,23	222:10 226:10	154:8 156:25	62:7,13,19
56:9 57:2,15	185:2,5,19,20	226:13 241:19	158:7 159:18	63:13 64:9,17
59:11 60:3,11	185:23 191:3	<b>way</b> 11:3 13:17	161:24 171:11	65:1,15,20
60:18 61:1,9	201:16 219:13	18:23 21:11	171:12,14	66:1,5 67:24
61:15,15,24	219:15 220:3,6	36:23 40:22,22	173:3,5,6	68:7,11,12,23
62:2,10,13,19	226:17,22	41:1 42:3,11	177:18 180:23	69:12,24 70:3
62:24 63:11,13	242:10 243:14	57:17 59:25	181:11 183:14	70:7,12,16

71:20 72:18	175:6,17,25	114:23 118:6	94:3 104:14	52:25 53:11
73:10,13 74:9	176:2,7,8,9,10	118:18 120:10	<b>works</b> 18:23	55:20 56:15
75:1 77:1 78:6	176:16,18,20	126:15 128:3	<b>world</b> 106:16	69:19 78:13
78:17,22 80:4	177:3,14 178:1	129:14 130:17	108:10 230:12	80:12 94:4
80:6,20 81:16	178:4 182:20	131:18 136:4	<b>wouldn't</b> 19:15	117:22 118:3
81:20,24 82:6	184:9,14,14,15	136:17 137:4	32:4 51:8	118:12,14,20
82:9,10 83:2,8	184:18,20,22	137:18 143:21	56:24 66:10	120:5 135:22
83:15 84:1,8	184:24 185:1,2	149:18 150:8	91:1 102:14	148:16 164:19
114:13 116:20	185:5,6,9,13	151:1 153:4	116:24 121:12	164:21 174:15
119:8,10,15	185:18,23	154:8 163:8	121:12 122:25	201:8
120:24,25	186:18 191:7	164:10 168:3	126:4,5 166:4	<b>Yep</b> 200:16
121:17 122:12	198:16,23	168:23 174:4	166:18 167:1	<b>young</b> 7:22
122:16,19	200:19 201:15	175:11,21	176:12 220:22	
123:2,6,16,23	201:16 214:18	177:7,17 186:4	246:3	<b>Z</b>
124:6,13 126:9	215:4,6,19	188:5 197:22	<b>wrestled</b> 243:11	<b>Zimmer</b> 48:24
126:24 127:10	216:3 249:15	201:10,23	<b>writing</b> 27:3	49:6
129:20 130:2,6	250:14 251:6	210:14 211:15	28:11,21	<b>Zoom</b> 1:11 5:21
130:6,7,14	251:12 252:5,6	214:21 218:10	<b>wrong</b> 65:8	7:8,10
131:14 132:8,9	252:7	218:16 223:7	102:4 124:10	
132:12,20,21	<b>whites</b> 39:9 42:4	236:7 240:11	228:23	<b>0</b>
133:2,3,15,20	71:3 74:3	242:12 249:11	<b>wrote</b> 170:13	
133:21,24,25	216:9	250:10,25		<b>1</b>
134:1,10,13,19	<b>widely</b> 218:1	251:10,23	<b>X</b>	<b>1</b> 4:3 9:9,11
134:24,25	<b>wildly</b> 159:24	254:9 256:3	<b>x</b> 93:20,25 110:1	22:23 23:2
135:8,12,18,18	180:3	<b>witness's</b> 254:5	110:15 189:6	25:24 42:3,4
135:20,24,24	<b>win</b> 162:23	<b>wood</b> 27:19	254:11	42:17,20,21
135:25 136:8	194:5,13	<b>word</b> 72:11		43:22 47:4,8
136:14,20	205:17 206:8	170:13	<b>Y</b>	49:17 50:9,16
137:1,10,11,15	219:3	<b>words</b> 142:22	<b>Y</b> 189:6	52:10,13 56:6
138:4,13,18	<b>window</b> 7:8,10	<b>work</b> 8:14 11:2	<b>yeah</b> 8:16,19	56:8 62:17
139:7,8,11,12	<b>winning</b> 44:11	11:6,8,11,14	22:11 41:24	63:7,8,16 64:6
139:18,19,19	191:15	11:24 12:6,12	50:19 58:25	64:10,22 65:2
139:22,23	<b>Wisconsin</b> 4:12	12:16,19 14:20	59:16 63:1	65:16 66:6
140:1,2 141:2	232:18,22,25	14:22,22,25	66:12 68:11,17	67:4 68:8,15
141:4,12,14,22	233:5	15:1,1,5,14	79:1,5,23 94:3	71:23 78:14,23
141:23 142:4	<b>withdraw</b> 123:9	18:12 19:3,5	98:11 101:17	79:11 80:7
142:13,14,24	<b>witness</b> 13:15	20:4,11 21:18	101:25 102:9	87:3,23 88:19
142:25 143:7,7	20:8 23:6 26:8	21:22 24:13	105:14 119:4	92:19 93:4
143:12,17,18	30:5,12 37:11	27:6 31:6 81:8	136:4 140:19	114:18,20
146:22 147:7	43:25 50:19	93:22 104:8	153:15 154:17	115:12 116:19
151:2 153:22	61:4 63:1	151:21 152:9	174:4 177:17	117:18 119:18
154:22 156:14	68:17 69:2,23	207:6 210:9	178:7 193:22	123:15,23
156:14,23	71:6 72:1,9	212:1 219:15	209:18 215:24	124:6 125:6,20
157:4,17,18	73:19 74:14	221:24,24	248:13	132:24 133:18
158:5,24	75:6,22 78:16	223:21 224:5	<b>year</b> 40:10	134:2,22
159:16 161:14	79:1,15 80:10	<b>worked</b> 53:17	118:14 142:9	135:15 138:1
161:20 162:12	80:15,23 82:20	93:9	142:11	140:17 142:3,8
163:3 169:19	84:16 85:7	<b>working</b> 10:14	<b>years</b> 8:9 13:19	142:12,19,24
170:8,24 171:5	86:15 91:7	18:16,20 24:15	13:21 14:1,23	143:5,16
172:6 173:19	104:3 112:20	24:17 31:9	18:9 20:15	173:21 175:8

175:19 176:15 176:19,22 177:2 181:6,13 181:16,25 191:23 193:1,6 203:1,15,18 204:1,16,24 206:2 213:20 218:6 221:14 221:22 226:4,9 235:13 240:7 240:25 241:4 241:21 <b>1:30</b> 113:12 <b>10</b> 52:18 68:21 71:7,8,8 118:22,24,25 119:2,11 189:18 201:17 <b>10,000</b> 108:7 <b>10:11</b> 1:16 <b>100</b> 13:18 176:12 192:10 <b>1000</b> 3:3 <b>1050</b> 2:14 <b>11</b> 53:3 69:8 70:19 111:22 111:24 138:9 141:8,9,11 142:2 202:18 <b>11.6</b> 71:4 <b>11.61</b> 200:19 <b>11/2/2022</b> 4:14 <b>11:07</b> 52:1 <b>11:17</b> 52:1 <b>1100</b> 2:14 <b>111</b> 4:10 <b>12</b> 46:15 53:3 69:9,10 70:21 131:20 141:8,9 141:11 142:1 200:13 202:10 202:12 204:15 204:23 233:10 233:17 <b>12-county</b> 201:24 202:5,5 202:17 <b>12/13/2023</b> 4:5 <b>12:51</b> 113:12	<b>13</b> 23:16 133:7 139:1 198:24 209:12 210:18 211:7 213:17 213:25 <b>14</b> 134:4 139:4 156:6,8,18 198:20 <b>1400</b> 2:19 <b>146</b> 193:7 <b>15</b> 64:3,13 71:8 71:9 86:8 135:3 141:1 198:22 205:8 213:24 214:6,7 <b>15907</b> 7:16 <b>16</b> 64:1,12 139:24 187:8 187:11 191:17 <b>17</b> 139:20,21 188:25 <b>18</b> 59:8 64:21 65:10,13 157:20 188:25 199:15 <b>1801</b> 2:8 <b>19</b> 1:17 65:18 169:11 256:4 <hr/> <b>2</b> <b>2</b> 4:4 10:10,16 16:11 43:9,22 45:11,15,16,20 45:25 47:4,8 47:10,16,19 48:22,25 49:1 49:6,17 50:9 50:16 51:14 52:2,7,9,19,25 56:17 58:1 59:23 60:12 61:23,23 62:12 62:14,15 63:7 63:10 64:6,10 64:23 65:2,16 66:2 68:4,23 71:24 77:10 78:14,24 79:12 80:8 87:3,23 88:19 92:19	93:4 114:18 117:6 119:19 121:16 122:18 125:7,14 128:6 132:24 133:18 134:2,22 135:15 138:1 139:11,20,23 140:2,22 142:12,19,24 143:6,16 161:1 173:21 175:8 175:19 176:16 176:19,22 177:3 180:13 181:5,13,16 182:1 183:15 189:6 191:23 192:18,23 193:6 198:8,13 199:2 203:5 220:5 221:19 221:24 226:5,6 226:21 237:3 241:8,22 242:24 247:3 <b>20</b> 14:1 65:1,15 65:20 70:6,18 71:8,9 94:4 182:1 214:10 214:12,15 226:19,24 <b>200</b> 192:18,23 <b>2000</b> 16:25 <b>20001-3743</b> 2:5 <b>20036</b> 2:15 <b>2016</b> 50:1 52:15 68:3,8,14,24 69:13 71:10 86:1 87:10 99:18 109:3 114:8 118:2,11 119:16,23 121:19 131:23 132:10,11,13 132:15 133:4 136:20 137:8 138:4,11,17 178:5,16 179:14 180:9	199:3 200:21 201:1,4,18 237:16 <b>2018</b> 50:1 52:16 66:2,6 67:20 67:25 71:9 86:1 87:10 100:12 101:20 119:23 133:9 136:13,25 137:9,14 139:1 <b>202</b> 2:6,15 4:11 <b>2020</b> 50:2 52:16 64:23 65:2,15 65:20 71:8 86:1 87:11 100:12 101:20 118:2,11 119:23 134:5 136:13,25 137:9,14 139:4 139:13 140:1 156:11 191:12 198:12,23 203:22 204:7 214:2,13 237:16 <b>2022</b> 50:2 52:15 64:6,9,18 71:2 71:6 86:1 87:11 100:13 101:20 114:8 118:3,11 119:16,24 121:19 135:4,7 135:12,18 136:14 137:1,9 137:15 141:2 141:12 200:20 201:18 204:8 214:2,14 <b>2023</b> 58:24 191:23 <b>2024</b> 1:17 9:5,6 10:1 88:11,13 88:17 201:7 254:19 255:9 256:4 <b>20s</b> 71:16 <b>21</b> 69:17 202:17	214:12,15 225:17 <b>21.02</b> 200:21 <b>22</b> 65:23 214:1 <b>232</b> 4:12 <b>236</b> 4:14 <b>24</b> 67:16,18 215:15 <b>25</b> 70:6 71:16 183:10 225:11 228:8,9 234:4 <b>25-2</b> 65:6 66:8 <b>25-6</b> 65:7 <b>25.9</b> 234:2 <b>25.92</b> 68:18 <b>26-1</b> 65:7 <b>26-2</b> 66:7 <b>26-7</b> 65:7 <b>27</b> 214:10,13,15 <b>27-2</b> 65:6 <b>27602-1801</b> 2:9 <b>27603</b> 2:20 <b>27609</b> 3:3 <b>28</b> 64:3 <b>28-2</b> 65:7 <b>28-4</b> 65:7 <b>29</b> 64:1,12 214:1 <b>29-1</b> 65:7 <hr/> <b>3</b> <b>3</b> 4:5 27:11 45:12 47:14,15 48:22 49:1,5 52:18 58:10,14 60:13,21 61:10 62:18,19 63:6 63:21 68:21 72:5,6 73:14 73:16 74:10,11 75:2,3 76:2,23 76:23,25 117:6 125:8 128:7 161:8 184:19 185:5 199:2,14 199:15,21,24 200:11 220:5 221:19,24 226:5,6,21 229:15 241:9 241:22
---	--	--	---	--

<p><b>3:28</b> 199:12  <b>3:37</b> 199:12  <b>30</b> 65:11,12 70:7  70:16,18,20  71:10 119:11  <b>300</b> 193:4,7  <b>301</b> 2:19  <b>30s</b> 213:1  <b>31</b> 9:19 64:21  65:10,13  <b>32</b> 65:18  <b>329-3800</b> 2:20  <b>34</b> 233:17,25  <b>35</b> 65:23 233:17  234:14  <b>36</b> 67:16  <b>37</b> 67:18 191:14  192:11,19  193:13 194:23  195:2,5,8,13  196:11,21  197:9,24 198:3  203:21 211:24  212:7 213:9  <b>38</b> 111:22  <b>39</b> 13:19</p> <hr/> <p style="text-align: center;"><b>4</b></p> <p><b>44</b>:7 53:2 69:8  70:21 97:14,15  101:3 119:14  131:20 132:19  237:9,10  <b>4:23-CV-0019...</b>  1:2  <b>4:45</b> 242:7  <b>4:54</b> 242:7  <b>40</b> 14:23 56:15  203:21 207:9  212:3  <b>42</b> 212:3  <b>4208</b> 3:2  <b>424-8242</b> 3:4  <b>45</b> 118:25  <b>46</b> 212:3  <b>47</b> 192:19,23  206:22 207:4  208:20 212:1  212:13 213:8  213:10</p>	<p><b>47.07</b> 204:11  205:10,14,21  209:3  <b>48</b> 41:6 49:22  186:10 229:14  <b>49</b> 157:9 174:15  229:13</p> <hr/> <p style="text-align: center;"><b>5</b></p> <p><b>53</b>:11 4:8 98:16  98:20 106:18  133:7,14  189:13,20,24  201:20 219:8  228:5  <b>5:05</b> 249:3  <b>5:08</b> 249:3  <b>5:16</b> 253:6  <b>50</b> 5:18,20 26:24  26:24 42:3,4  42:17,20,21  56:8 63:9,16  67:5,5 109:8  148:16 173:6  189:15 190:1,8  190:14 191:13  191:16 193:14  194:4 195:23  197:1,1,10,13  200:5 206:2  207:5,6 208:2  208:4 211:17  212:12,25  213:8,20 214:5  214:16 218:6  224:22 225:4  225:12 227:3  228:11 231:7,9  231:15,16,22  231:24,25  232:2,3,6,8  236:13,13  237:12,24  238:21 239:1  239:10  <b>50,000</b> 230:24  <b>50.2</b> 237:20  <b>51</b> 109:5 213:20  <b>52</b> 4:4 41:6  192:12,15</p>	<p>193:5 228:12  <b>53.6</b> 238:19  <b>55</b> 119:1  <b>58</b> 4:6</p> <hr/> <p style="text-align: center;"><b>6</b></p> <p><b>64</b>:9 111:11,12  117:19 134:4  134:18 156:6,7  165:4,5 198:20  203:1 215:12  215:13,15  234:16  <b>6.06</b> 234:21  <b>60</b> 42:10,11 57:5  57:8  <b>601</b> 2:5  <b>649-9998</b> 3:4</p> <hr/> <p style="text-align: center;"><b>7</b></p> <p><b>74</b>:11 114:20  115:12 116:19  121:16,22  135:3,11 141:1  180:13 202:21  202:22 203:18  <b>70</b> 137:10 181:5  <b>74</b> 68:9,14,19  <b>74.8</b> 66:10  <b>75</b> 55:25 56:19  56:21 57:11,13  58:2,2 59:9,18  59:20,21 60:1  60:24 64:8,16  64:25 65:14,19  65:25 66:4,11  66:14,15 67:2  67:3,4,4,11,12  67:15,23 68:25  69:6,14 71:15  133:25 137:22  138:7 180:23  180:25 181:1,9  181:23 182:5  183:6 225:25  <b>77</b> 133:2 135:19  <b>78</b> 180:16  <b>783-6400</b> 2:9  <b>79</b> 69:17</p>	<hr/> <p style="text-align: center;"><b>8</b></p> <p><b>84</b>:12 178:13  182:4 232:13  232:14  <b>80</b> 57:4,10  134:24 137:10  157:7 189:16  <b>80s</b> 13:23  <b>82</b> 133:3  <b>83</b> 134:1 181:4  <b>8340</b> 1:25 3:2  254:3,22  <b>85</b> 135:19  189:17  <b>86</b> 134:24  156:15 157:3  157:12,14  <b>861-1500</b> 2:15  <b>8th</b> 254:19</p> <hr/> <p style="text-align: center;"><b>9</b></p> <p><b>94</b>:3,13 52:5  68:5 236:21,22  <b>90</b> 40:17,20,21  40:22 57:5  <b>90s</b> 13:23  <b>919</b> 2:9,20 3:4,4  <b>94</b> 52:15 59:1  135:13 192:25  193:6  <b>942-5000</b> 2:6  <b>95</b> 54:1,4,7,13  54:15 106:13  106:17 107:19  107:25 110:5  119:9 125:12  192:24 228:5  232:9  <b>96</b> 123:17 124:1  124:9 125:7,9  <b>97</b> 4:7 52:15  161:5  <b>98</b> 4:8 52:15,24  53:10,20 54:4  54:9,13 105:1  109:4,11  123:19 124:1,9  125:2,6,9  126:9 133:16  134:20 161:5</p>	<p>183:1  <b>99</b> 52:24 53:10  53:21 122:20  122:24 125:5  128:6 132:22  133:16 134:20  135:13 161:5  174:23 183:2  234:21</p>
---	---	--	---	--

# **EXHIBIT B**

**From:** Prouty, Erika Dackin <eprouy@bakerlaw.com>  
**Sent:** Tuesday, March 11, 2025 2:41 PM  
**To:** Theodore, Elisabeth; Eddie Speas; zzz.External.CMackie@poynerspruill.com; Freedman, John A.; Jones, Stanton; Steed, Terence; de Nevers, Orion  
**Cc:** Phil Strach; Jordan Koonts; McKnight, Katherine L.; Lewis, Patrick T.; Cassie Holt; Alyssa Riggins; Stanley, Trevor M.; Raile, Richard  
**Subject:** RE: Pierce v. North Carolina State Board of Elections - Legislative Defendants' Supplemental Rebuttal RPV Report  
**Attachments:** Pierce v. NCSBE - Errata of Dr. John Alford to Supplemental Rebuttal Report.pdf

External E-mail

Elisabeth,

Please see the attached errata to Dr. Alford's March 7, 2025 Supplemental Rebuttal Report.

Sincerely,

**Erika Prouty**  
Associate

---

**BakerHostetler**  
200 Civic Center Drive | Suite 1200  
Columbus, OH 43215-4138  
T +1.614.462.4710

eprouy@bakerlaw.com  
bakerlaw.com



---

**From:** Prouty, Erika Dackin  
**Sent:** Tuesday, March 11, 2025 11:56 AM  
**To:** Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Eddie Speas <ESpeas@poynerspruill.com>; CMackie@poynerspruill.com; Freedman, John A. <John.Freedman@arnoldporter.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Steed, Terence <Tsted@ncdoj.gov>; de Nevers, Orion <Orion.deNevers@arnoldporter.com>  
**Cc:** Phil Strach <phil.strach@nelsonmullins.com>; Jordan Koonts <jordan.koonts@nelsonmullins.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Stanley, Trevor M. <tstanley@bakerlaw.com>; Raile, Richard <rRaile@bakerlaw.com>  
**Subject:** RE: Pierce v. North Carolina State Board of Elections - Legislative Defendants' Supplemental Rebuttal RPV Report

Elisabeth,

Thank you for bringing this issue to our attention. We are working with Dr. Alford to prepare an errata and will be able to send it to you this afternoon.

Sincerely,

**Erika Prouty**  
Associate

---

**BakerHostetler**

200 Civic Center Drive | Suite 1200  
Columbus, OH 43215-4138  
T +1.614.462.4710

eprouy@bakerlaw.com  
bakerlaw.com



---

**From:** Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>  
**Sent:** Tuesday, March 11, 2025 10:29 AM  
**To:** Prouty, Erika Dackin <[eprouy@bakerlaw.com](mailto:eprouy@bakerlaw.com)>; Eddie Speas <[ESpeas@poynerspruill.com](mailto:ESpeas@poynerspruill.com)>; CMackie@poynerspruill.com; Freedman, John A. <[John.Freedman@arnoldporter.com](mailto:John.Freedman@arnoldporter.com)>; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Steed, Terence <[Tsteed@ncdoj.gov](mailto:Tsteed@ncdoj.gov)>; de Nevers, Orion <[Orion.deNevers@arnoldporter.com](mailto:Orion.deNevers@arnoldporter.com)>  
**Cc:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Jordan Koonts <[jordan.koonts@nelsonmullins.com](mailto:jordan.koonts@nelsonmullins.com)>; McKnight, Katherine L. <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Lewis, Patrick T. <[plewis@bakerlaw.com](mailto:plewis@bakerlaw.com)>; Cassie Holt <[cassie.holt@nelsonmullins.com](mailto:cassie.holt@nelsonmullins.com)>; Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; Stanley, Trevor M. <[tstanley@bakerlaw.com](mailto:tstanley@bakerlaw.com)>; Raile, Richard <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>  
**Subject:** RE: Pierce v. North Carolina State Board of Elections - Legislative Defendants' Supplemental Rebuttal RPV Report

[External Email: Use caution when clicking on links or opening attachments.]

Erika:

We wanted to follow up on this request, since the source for this data should have been disclosed on Friday. Can you please send us the link?

Thanks,  
Elisabeth

---

**From:** Theodore, Elisabeth  
**Sent:** Monday, March 10, 2025 3:47 PM  
**To:** Prouty, Erika Dackin <[eprouy@bakerlaw.com](mailto:eprouy@bakerlaw.com)>; Eddie Speas <[ESpeas@poynerspruill.com](mailto:ESpeas@poynerspruill.com)>; zzz.External.CMackie@poynerspruill.com <[CMackie@poynerspruill.com](mailto:CMackie@poynerspruill.com)>; Freedman, John A. <[John.Freedman@arnoldporter.com](mailto:John.Freedman@arnoldporter.com)>; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Steed, Terence <[Tsteed@ncdoj.gov](mailto:Tsteed@ncdoj.gov)>; de Nevers, Orion <[Orion.deNevers@arnoldporter.com](mailto:Orion.deNevers@arnoldporter.com)>  
**Cc:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Jordan Koonts <[jordan.koonts@nelsonmullins.com](mailto:jordan.koonts@nelsonmullins.com)>; McKnight, Katherine L. <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Lewis, Patrick T. <[plewis@bakerlaw.com](mailto:plewis@bakerlaw.com)>; Cassie Holt <[cassie.holt@nelsonmullins.com](mailto:cassie.holt@nelsonmullins.com)>; Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; Stanley, Trevor M. <[tstanley@bakerlaw.com](mailto:tstanley@bakerlaw.com)>; Raile, Richard <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>

**Subject:** RE: Pierce v. North Carolina State Board of Elections - Legislative Defendants' Supplemental Rebuttal RPV Report

Erika:

Can you please provide a link to the New York Times exit poll data that Dr. Alford indicates he is relying on on page 3 of his supplemental rebuttal report? There is no citation/hyperlink in the report and we did not see this data in the backup data.

Thanks,  
Elisabeth

---

**From:** Prouty, Erika Dackin <[eprouy@bakerlaw.com](mailto:eprouy@bakerlaw.com)>

**Sent:** Friday, March 7, 2025 9:31 PM

**To:** Eddie Speas <[ESpeas@poynerspruill.com](mailto:ESpeas@poynerspruill.com)>; [zzz.External.CMackie@poynerspruill.com](mailto:zzz.External.CMackie@poynerspruill.com) <[CMackie@poynerspruill.com](mailto:CMackie@poynerspruill.com)>; Freedman, John A. <[John.Freedman@arnoldporter.com](mailto:John.Freedman@arnoldporter.com)>; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>; Steed, Terence <[Tsteed@ncdoj.gov](mailto:Tsteed@ncdoj.gov)>; de Nevers, Orion <[Orion.deNevers@arnoldporter.com](mailto:Orion.deNevers@arnoldporter.com)>

**Cc:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Jordan Koonts <[jordan.koonts@nelsonmullins.com](mailto:jordan.koonts@nelsonmullins.com)>; McKnight, Katherine L. <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Lewis, Patrick T. <[plewis@bakerlaw.com](mailto:plewis@bakerlaw.com)>; Cassie Holt <[cassie.holt@nelsonmullins.com](mailto:cassie.holt@nelsonmullins.com)>; Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; Stanley, Trevor M. <[tstanley@bakerlaw.com](mailto:tstanley@bakerlaw.com)>; Raile, Richard <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>

**Subject:** Pierce v. North Carolina State Board of Elections - Legislative Defendants' Supplemental Rebuttal RPV Report

External E-mail

Counsel,

Please see the attached Supplemental Rebuttal Expert Report of Dr. John Alford. The report and associated back-up materials are located at the link below:

<https://globalftp.bakerlaw.com/w/f-0accb6db-71e8-469a-a2bd-14f713182097>

Please let us know if you have any trouble accessing.

Sincerely,

**Erika Prouty**  
Associate

---

**BakerHostetler**

200 Civic Center Drive | Suite 1200  
Columbus, OH 43215-4138  
T +1.614.462.4710

[eprouy@bakerlaw.com](mailto:eprouy@bakerlaw.com)  
[bakerlaw.com](http://bakerlaw.com)



This email is intended only for the use of the party to which it is addressed and may contain information that is privileged, confidential, or protected by law. If you are not the intended recipient you are hereby notified that any dissemination, copying or distribution of this email or its contents is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

Any tax advice in this email is for information purposes only. The content of this email is limited to the matters specifically addressed herein and may not contain a full description of all relevant facts or a complete analysis of all relevant issues or authorities.

Internet communications are not assured to be secure or clear of inaccuracies as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, we do not accept responsibility for any errors or omissions that are present in this email, or any attachment, that have arisen as a result of e-mail transmission.

---

This communication may contain information that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone or by return e-mail and delete it from his or her computer.

---

For more information about Arnold & Porter, click here:  
<http://www.arnoldporter.com>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION**

RODNEY D. PIERCE and  
MOSES MATTHEWS,

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD  
OF ELECTIONS, *et al.*,

Defendants.

Case No. 4:23-cv-193-D

**[PROPOSED] ORDER ON MOTIONS TO ADMIT SUPPLEMENTAL RPV REPORTS**

This matter is before the Court on the parties' motions to admit as evidence their supplemental RPV expert reports, D.E. 122, and on Defendants' motion to admit as evidence a Rule 26(e) supplement to one of those reports, D.E. 123. The Court, having reviewed the motions, GRANTS in part and DENIES in part the motions. It is ORDERED that:

- Plaintiffs' motion, D.E. 122 at 2, to admit as evidence the supplemental expert report of Dr. Loren Collingwood, PX279, D.E. 122-2, is GRANTED. PX279 is deemed admitted.
- Plaintiffs' motion, D.E. 122 at 2, to admit as evidence the supplemental rebuttal expert report of Dr. Loren Collingwood, PX280, D.E. 122-2, is GRANTED. PX280 is deemed admitted.
- Defendants' motion, D.E. 122 at 1, to admit as evidence the supplemental expert report of Dr. John Alford, LD075, D.E. 122-1, is GRANTED. LD075 is deemed admitted.
- Defendants' motion, D.E. 122 at 1, to admit as evidence the supplemental rebuttal expert report of Dr. John Alford, LD076, D.E. 122-1, is GRANTED in PART and

DENIED in PART. Defendants' motion is DENIED as to Parts A and C of Dr. Alford's supplemental rebuttal report, LD076 at 2-7, 12-16, and GRANTED as to the remainder of the report. LD076 is deemed admitted as to Part B only.

- Defendants' motion, D.E. 123 at 1, to admit as evidence the Rule 26(e) supplement of Dr. John Alford, LD077, D.E. 123-1, is DENIED. LD077 is excluded.

SO ORDERED this, the \_\_\_\_ day of \_\_\_\_\_, 2025.

---

The Honorable James C. Dever III  
United States District Court Judge