

Exhibit 11

Affidavit of Thomas L. Brunell

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF
JUSTICE
SUPERIOR COURT DIVISION

MARGARET DICKSON; *et al.*,)

Plaintiffs,)

v.)

ROBERT RUCHO, *et al.*,)

Defendants.)

11 CVS 16896

NORTH CAROLINA STATE)
CONFERENCE OF BRANCHES OF THE)
NAACP, *et al.*,)

Plaintiffs,)

v.)

THE STATE OF NORTH CAROLINA, *et*)
al.,)

Defendants.)

11 CVS 16940

(Consolidated)

AFFIDAVIT OF THOMAS L. BRUNELL, PH.D.

I, Thomas L. Brunell, being first duly sworn, depose and say:

1. I hereby incorporate my report dated June 14, 2011.

2. An important point that was not mentioned in my first report, and one that I think is critical to understand when dealing with racially polarized voting analysis, is that the standard operational method for handling different races for bivariate ecological regressions is to group blacks, which will include both Hispanic Blacks and non-Hispanic Blacks in one group, and to put everyone else in another group. So often a report reads "White support for the Black candidate" when the real meaning ought to be "non-Black support for the Black candidate." It is important to understand this insofar as Whites, Asians, Hispanics, American Indians, and people who report themselves to be multiracial are grouped together for these analyses. To the extent that some of these racial minorities are supportive of the Black candidate, this may, in fact, cause the estimates of White support for the Black candidates to be overstated. If the question we are trying to answer is - "what is the non-Hispanic White support for the Black candidate?" then this fact is important to understand. This means one has to be careful regarding making generalized conclusions regarding the level of Black vote which is necessary to elect based on an analysis of elections where the White component has a high non-White element. In reading Dr. Litchman's affidavits, I am fairly certain that he handles the data in the same way - grouping all non-Blacks together (Litchman, second affidavit, page 4).

Amendment to First Report

3. After my deposition I rechecked the results of my analysis and noticed that there was an error in the addition of the numbers for calculating the Black support of the Black candidate. I interpreted the coefficient for the Black turnout variable by itself as the estimate, when one needs to add the constant term to this coefficient to get the estimate for Black support of the Black candidate. So in Table 1 below for Anson County, the estimate for the percentage of Blacks voting for Obama is $(100 * .837) + 12.0 = 95.7$. Originally the estimate was reported to be 83.7 percent.

4. For the counties with high levels of White cross-over voting, like Durham and Wake, the results make more sense. For instance in Durham, the estimate for percent of Blacks voting for Obama is $34.5 + 59.2 = 93.7$ percent, and not 34.5 percent.

5. As a result of the error above, the reporting of Black support for the Black candidate was understated in the first report. The correction of this error makes it even clearer that racially polarized voting exists in North Carolina to an extent greater than initially reported.

6. So the evidence for racially polarized voting is even more consistent than I indicated in my original report. I replicate the tables from my original report below.

Table 1. 2008 Democratic Presidential Primary Election Racial Bloc Voting Analysis

County	Black Voter %	Constant	Number of Observations	R-sq
Anson	.837***	12.0***	11	.99
Beaufort	.683***	26.5***	21	.88
Bertie	.884***	8.8***	12	.99
Bladen	.885***	10.8***	17	.97
Camden	.683	44.8	3	.84
Caswell	.658***	26.8***	11	.96
Chowan	.915***	16.1**	6	.95
Cleveland	.835**	15.6***	28	.97
Columbus	.989***	4.3***	21	.98
Craven	.545***	34.4***	27	.66
Cumberland	.713***	24.4***	48	.96
Duplin	.898***	9.8***	19	.95
Durham	.345***	59.2***	55	.70
Edgecombe	.821***	13.3***	21	.99
Forsyth	.477***	45.3***	101	.84
Franklin	.683***	23.8***	18	.82
Gaston	.753***	21.1***	46	.90
Gates	.932***	10.8*	6	.96
Granville	.676***	26.6***	15	.94
Greene	1.01***	4.7	10	.93
Guilford	.468***	46.2***	157	.83
Halifax	.806***	14.5***	30	.96
Harnett	.770***	18.2***	13	.93
Hertford	.834***	11.7**	13	.97
Hoke	.726***	23.2***	13	.91
Jackson	2.85**	31.5***	13	.45
Jones	.845***	12.5***	7	.98
Lee	.667*	24.4*	5	.85
Lenoir	.788***	15.5***	22	.98
Martin	.845***	12.9***	13	.98
Mecklenburg	.445***	48.0***	194	.89
Nash	.794***	17.7***	26	.95
Northampton	.867***	9.6*	18	.95
Onslow	.742***	26.0***	23	.91
Pasquotank	.719***	25.3***	13	.97
Perquimans	.568**	26.6**	7	.72
Person	.723***	21.9***	14	.94
Pitt	.592***	33.1***	38	.83
Richmond	.868***	13.2***	16	.95
Robeson	.849***	10.9***	39	.93
Rockingham	.746***	20.9***	17	.96
Sampson	.836***	11.8***	23	.98
Scotland	.744***	21.4***	10	.96

County	Black Voter %	Constant	Number of Observations	R-sq
Tyrrell	.717***	.179***	6	.98
Union	.668***	28.6***	49	.70
Vance	.748***	20.0***	16	.99
Wake	.411***	50.6***	188	.76
Warren	.643***	29.0***	14	.72
Washington	.855***	13.3**	6	.99
Wayne	.784***	18.8***	30	.96
Wilson	.746***	20.6***	24	.97

Note: the asterisks indicate levels of statistical significance for the two coefficients in each regression. * indicates $p < .05$, ** $p < .01$, *** $p < .001$. Any asterisk indicates statistical significance; more asterisks indicate lower levels of uncertainty.

7. 2008 Presidential General Election

The most recent presidential election is a good data point to investigate whether racially polarized voting exists in North Carolina. The candidates were Barack Obama and John McCain. Elections that have an African American running against a White candidate are the best elections to look for bloc voting.

Table 2. 2008 Presidential Election Racial Bloc Voting Analysis

County	Black Voter %	Constant	Number of Observations	R-sq
Anson	.792***	22.6***	11	.97
Beaufort	.453***	5.4***	21	.89
Bertie	.94***	10.3***	12	.99
Bladen	.910***	14.8***	17	.99
Camden	.427	27.1*	3	.86
Caswell	.801***	20.9***	10	.98
Chowan	.883***	22.6***	6	.94
Cleveland	.877***	20.1***	28	.96
Craven	.749***	26.1***	27	.85
Cumberland	.823***	24.0***	37	.97
Durham	.413***	59.4***	53	.49
Edgecombe	.879***	14.5***	21	.99
Forsyth	.689***	36.1***	101	.85
Franklin	.723***	28.4***	18	.93
Gaston	.825***	24.3***	46	.91
Gates	.843***	21.9***	6	.99
Granville	.755***	26.5***	15	.95
Greene	.906***	12.8**	9	.92

Guilford	.667***	37.3***	152	.82
Halifax	.815***	21.0***	30	.86
Harnett	.784***	23.2***	13	.90
Hertford	.859***	18.0***	13	.93
Hoke	.795***	25.1***	12	.86
Jackson	2.24*	48.0***	10	.43
Lee	N/A			
Lenoir	.869***	14.5***	22	.99
Martin	.861***	15.4***	13	.98
Mecklenburg	.639***	41.9***	195	.89
Nash	.924***	15.8***	26	.98
Northampton	.813***	18.6***	18	.98
Onslow	.830***	22.1***	22	.91
Pasquotank	.822***	24.4***	13	.96
Perquimans	.677**	26.9***	7	.86
Person	.876***	20.5***	14	.97
Pitt	.704***	30.9***	38	.76
Robeson	.599***	37.8***	41	.63
Rockingham	.816***	24.8***	16	.96
Scotland	.768***	26.7***	10	.98
Union	.903***	25.1***	48	.88
Vance	.831***	19.9***	16	.99
Wake	.569***	45.8***	188	.68
Washington	.979***	10.0**	6	.99
Wayne	.902***	14.6***	30	.99
Wilson	.821***	19.6***	24	.98

Note: the asterisks indicate levels of statistical significance for the two coefficients in each regression. * indicates $p < .05$, ** $p < .01$, *** $p < .001$. Any asterisk indicates statistical significance; more asterisks indicate lower levels of uncertainty.

8. 2004 State Auditor General Election

This election is useful as it provides another look at a general election that had a Black candidate (Ralph Campbell) facing off against a White opponent (Leslie Merritt).

Table 3. 2004 State Auditor Election Racial Bloc Voting Analysis

County	Black Voter %	Constant	Number of Observations	R-sq
Anson	.619***	43.0***	8	.89
Beaufort	.869***	29.1***	20	.92
Bertie	.688***	34.8***	11	.97
Bladen	.613***	45.1***	15	.92
Camden	N/A		2	
Caswell	.728***	37.8***	11	.82
Chowan	.702***	34.5***	4	.90
Cleveland	.877***	20.1***	28	.78
Craven	.785***	27.8***	18	.94
Cumberland	.629***	33.5***	64	.93
Durham	.514***	50.0***	32	.76
Edgecombe	.633***	37.4***	21	.96
Forsyth	.654***	34.1***	101	.84
Franklin	.833***	33.5***	17	.89
Gaston	.754***	26.8***	46	.85
Gates	.259	54.3***	5	.25
Granville	.819***	34.2***	14	.89
Greene	1.00***	23.8***	10	.76
Guilford	.674***	34.8***	115	.85
Halifax	.616***	40.6***	30	.88
Harnett	.666***	35.3***	22	.69
Hertford	.598***	39.2***	13	.94
Hoke	.784**	30.5**	11	.66
Jackson	3.40*	48.4***	18	.19
Lee	.636***	39.2***	13	.80
Lenoir	.733***	28.2***	21	.97
Martin	.609***	40.8***	13	.88
Mecklenburg	.711***	31.6***	180	.90
Nash	.821***	28.8***	24	.94
Northampton	.537***	46.9***	18	.87
Onslow	.608***	27.9***	23	.75
Pasquotank	.600***	42.1***	6	.89
Perquimans	1.08*	27.1*	6	.64
Person	.728***	36.6***	6	.98
Pitt	.627***	36.2***	38	.80
Robeson	.322***	61.7***	41	.26
Rockingham	.637***	37.0***	30	.90
Scotland	.646***	43.0***	7	.93
Union	.858***	22.1***	35	.85
Vance	.613***	41.2***	13	.96
Wake	.595***	40.3***	181	.71
Washington	.812***	33.8**	6	.95
Wayne	.784*	29.3*	3	.99

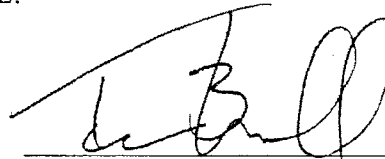
County	Black Voter %	Constant	Number of Observations	R-sq
Wilson	.696***	32.4***	24	.97

Note: the asterisks indicate levels of statistical significance for the two coefficients in each regression. * indicates $p < .05$, ** $p < .01$, *** $p < .001$. Any asterisk indicates statistical significance; more asterisks indicate lower levels of uncertainty.

Conclusion

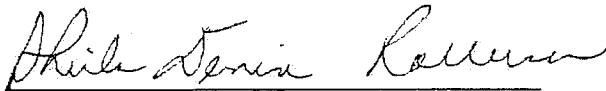
9. Racially polarized voting is present in North Carolina. White and Black voters in the areas investigated systematically support opposing candidates.

This the 10th day of December, 2012.



Thomas L. Brunell, Ph.D.

Sworn and subscribed before me
this the 10th day of December, 2012.



Notary Public

My commission expires: 10/28/2014

