

Expert Report of Brad Lockerbie, Ph.D.

January 16, 2022

## **I. Purpose of engagement**

1. I have been asked to review the report of Dr. Lisa Handley in reference to redistricting in the state of Arkansas.
2. In my review, I have relied upon the information provided in her report, except where noted.

## **II. Qualifications**

3. I am professor of political science at East Carolina University in Greenville, North Carolina. I have taught at East Carolina University since 2007. From 1988 to 2007, I was an assistant and associate professor of political science at the University of Georgia. Also, I have served as a presenter at the Robert Taft seminars on American government, which are where others are instructed on how to teach American Government. I have reviewed several statistics books for Sage Press.
4. In 1988, I received my doctorate in political science from the University of Iowa. I received a Bachelor of Arts from the University of Georgia in 1984.
5. I have published over 30 peer-reviewed articles on elections and public opinion in political science journals and interdisciplinary journals, including the *American Journal of Political Research*, *PS: Political Science and Politics*, and *Social Science Quarterly*. I authored *Do Voters Look to the Future? Economics and Elections* published by SUNY Press. I have published several book chapters, including two with Cambridge University Press. My CV is attached.
6. I recently served as a consultant in *Nielsen v. DeSantis* (N.D. Fla.) where the state was arguing they were not required to pay for absentee ballot postage. I served as a consultant in *Donald J. Trump for President, Inc., et al., v. Kathy Boockvar et al.* (W.D. Pa.) where the Trump campaign was arguing against the requirement of additional drop boxes and the lifting

of signature matching assessment. I served as a consultant in *North Carolina Alliance for Retired Persons v. North Carolina State Board of Elections* (Wake Cty. Sup. Ct) where I reviewed proposed changes to ballot deadlines, and the state of Florida regarding SB 90 and how it changes election law to return to pre-Covid rules and expand some access to voting.

7. I am being paid \$500/hour for work in this matter. My pay is not dependent on the content, the interpretation of the analysis performed, or on the outcome of this proceeding.

### **III. Review of Dr. Handley's Report**

8. First, from reading the entirety of her report, she appears to assume that the share of the vote received by African American candidates is evidence of racial polarization. The higher the share of the vote achieved by African American candidates from African Americans and the higher the share of the vote received by white candidates from white voters means that there is a racially driven vote. She does not appear to consider that there could be a strong partisan component to these results. The information presented in Appendix B of her report shows that there is a strong partisan component to these findings. I look at the elections where there is a Democrat and a Republican on the ballot. I make use of the fourth column where Dr. Handley reports the EI RXC results which allow most clearly for multiple comparisons. First, using Dr. Handley's reference election, the 2018 Lieutenant Governor election with African American Anthony Bland, a Democrat, we can see that he is estimated to have received 90.6% of the black vote and 17.5% of the white vote. The estimates for black and white voters suggest that they are overwhelmingly likely to vote for and against Democratic candidates, respectively, regardless of race. In the presidential election of 2020, Joe Biden received over 90 percent of the black vote and 20.4 percent of the white vote. In the 2018 gubernatorial race, Jared Henderson, a white candidate, received no less than 83 percent of

the black vote and less than 17 percent of the white vote—less than what his running mate Bland received. In the 2018 race for Attorney General, Mike Lee received 91 percent of the black vote and 20.4 percent of the white vote. In the 2018 election for Secretary of State, Susan Inman received 91 of the black vote and 21.5 percent of the white vote. Looking at 2016, Hillary Clinton received at least 91 percent of the black vote in the presidential election and 17.5 percent of the white vote. Last, in the 2018 Senate election, Conner Eldridge received at least 87 percent of the black vote and no more 22.7 percent of the white vote. Regardless of the race of candidates, Democrats do well with black voters and poorly with white voters. These elections clearly indicate that there is a strong partisan component to voting.

9. Turning to the state legislative races examined by Dr. Handley, we see a similar pattern.

Whites tend to vote for Republicans and blacks tend to vote for Democrats, regardless of the race of the candidates. Again, looking at the races with both a Democrat and a Republican on the ballot, using Dr. Handley's estimates, the mean vote for Democrats with a black nominee among whites is 18.3 percent (2020 – Districts 5, 7, and 11; 2018 Districts 5, 11, and 55) and the mean vote for Democrats with a white nominee is 19.0 percent (2020 – District 14; 2018 – Districts 12 and 54 [Austin Jones' race is not identified by Dr. Handley, but a viewing of his picture shows him to be white]; 2016 – Districts 7, 10, 14, and 54). A difference of 0.7 percent across these 6 districts with a black candidate and 7 districts with a white Democrat is not statistically significant. For this analysis, I made use of the EI RXC estimates where available. For the 2018 State House District 5 election, I made use of the EI 2X2 numbers, which are the next most reliable, as the EI RXC values are not available.

10. Taking the effectiveness scores for the Fielding District (Current and illustrative plan number 5, proposed plan number 98), we can see that the share of the vote is above the effectiveness score identified by Dr. Handley. Fielding won 56.9% and 56.8% of the vote in 2018 and 2020, respectively. The effectiveness score (multiplied by 100 to put it on the same scale as vote) of the District as currently configured is 50.8. Fielding performed over six percentage points better than the effectiveness score.
11. Dr. Handley notes that under the proposed drawing of the maps, the effectiveness score would be 44.8. Adjusting Dr. Handley's estimate by Fielding's outperformance of Bland, we should see Fielding with almost 51% of the vote. This would be a competitive district, but one with an edge for Fielding, the black candidate.
12. Examining District 34 shows even more starkly the difference between the legislative elections and the Lieutenant Governor's race. Monte Hodges, the black representative from the district, does considerably better than Bland. Dr. Handley finds that in its earlier configuration, District 55, Bland carried the vote with just 50.2% of the vote. If Bland's performance were an indicator of black Democratic candidates' vote share, we should see a similar narrow victory in 2018 for Representative Hodges. Instead, we see that Hodges trounced his Republican opponent with 61.7% of the vote. Moreover, Hodges, according to Dr. Handley, received 42.7% of the white vote. Despite Hodges's substantial white support, Dr. Handley suggests that Hodges would obtain just 46.2% of the vote in District 34 - just barely above the 45.8% black voting age population in the new District.
13. If one adjusts Dr. Handley's score by Hodges's outperformance of Bland ( $61.7\% - 50.2\%$ ), it suggests that Hodges should win handily with 57.7% of the vote in his new District ( $46.2\% + 11.5\%$ ). That is not just an opportunity district, but rather a highly likely win for the

Democrat. In fact, 57.7% is higher than Dr. Handley's effectiveness score for six of Plaintiffs' 16 proposed majority-black districts.

14. We should also note that in District 78 in the current districting, Jay Richardson, a black Democrat, has not been opposed in a district that has a population that is less than 15% black. Moreover, his predecessor George McGill, also a black Democrat, was not opposed. Richardson's new district, District 49, has an effectiveness score of .530 according to Dr. Handley, and a white citizen voting-age population of only 54.7%.
15. District 33 is another unusual district. Dr. Handley lists it as a heavy opportunity district with a score of 67.9. In 2016, the Democratic candidate won with over 75% of the vote. In fact, the Democratic candidate did not have a Republican opponent. Currently, this seat is held by Tippi McCullough, a Democrat and current minority leader, who was elected with 100% of the vote in 2020. In 2018, the general election was cancelled after she won the Democratic primary. Regardless of having an effectiveness score of 67.9 with the current plan, it is not listed as an opportunity district in Dr. Handley's Diagram 1. Similarly, this District renumbered as 74 in the proposed plan has an effectiveness score of 63.2, but is not listed as an opportunity district in Dr. Handley's Diagram 1.
16. One should note the overall decline of the Democratic party in the state legislature. The number of Democrats in the state legislature had been as high as 75 as recently as the 2007-08 cycle. By the 2021-22 cycle, that number had dropped to 22.<sup>1</sup>
17. Rather than increase in racial polarization, the major change in the politics of Arkansas is the large decline of the Democratic party.

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<sup>1</sup> Numbers provided by the Attorney General's office.

A handwritten signature in black ink, appearing to read 'B. Lockerbie', with a stylized, cursive script.

Brad Lockerbie

Professor of Political Science