

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

DAVID TANGIPA, *et al.*,

Plaintiffs,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

**GAVIN NEWSOM, in his official
capacity as the Governor of California,
et al.,**

Defendants,

**DEMOCRATIC CONGRESSIONAL
CAMPAIGN COMMITTEE, *et al.*,**

Defendant-Intervenors.

2:25-cv-10616-JLS-WLH-KKL
Three-Judge Court

**EXHIBITS TO DCCC’S OPPOSITION TO MOTIONS FOR
PRELIMINARY INJUNCTION**

VOLUME 3: EXHIBITS 27-34

EXHIBIT 27

Ken Calvert seeks re-election in 40th District in Riverside

B [sacbee.com/news/politics-government/capitol-alert/article312793642.html](https://www.sacbee.com/news/politics-government/capitol-alert/article312793642.html)

David Lightman

November 5, 2025



Matt Shupe, Communications Director for the California Republican Party, told the Sacramento Bee in the final hours of voting on Election Day, Tuesday, Nov. 4, 2025, about the party's final push to vote no on Prop. 50. By Nicole Nixon| Hannah Ruhoff

WASHINGTON

Rep. Ken Calvert, a Republican whose [current district](#) was virtually eliminated in the new California redistricting map, said Wednesday he'll seek re-election and run in the GOP-dominated 40th District.

Calvert has represented a Riverside County-based district since 1993. But the new lines pour lots of Democrats into what would be his new district – so many, that [Sabato's Crystal Ball](#), a nonpartisan group that analyzes House races, has moved the 2026 contest there from “leans Republican” to “safe Democratic.”

The 40th, an Orange County-based district represented by Rep. Young Kim, a Republican, is considered far friendlier territory.

The Crystal Ball said that under the new lines, that district is “safe Republican.”

It said Calvert's current Riverside County district "is effectively eliminated, re-emerging in Los Angeles as a safe Democratic Latino-majority seat."

A Calvert loss would be a blow to what little congressional clout California has in the GOP. He chairs the defense appropriations subcommittee, which writes the Pentagon's spending bills.

Wednesday, he concentrated on stressing his local roots. He lives in the new district and currently represents about half of it.

"Californians in the newly drawn 40th District deserve a proven conservative they can trust and a fighter who has delivered results for Riverside and Orange County for decades," Calvert said.

"I've lived here my entire life and already represent the majority of this district in Congress. I look forward to helping President Trump to deliver lower taxes, to bring down housing costs, secure our borders, make our streets safe and bring real results for the families of this district for years to come," he said.


Proposition 50 was aimed at making five Republican-held districts easier for Democrats to win. In the Third District, which includes part of the Sacramento area, [Rep. Kevin Kiley](#), R-Roseville, said Wednesday he's unsure where he will run in 2026.

This story was originally published November 5, 2025 at 11:08 AM.

David Lightman is McClatchy's chief congressional correspondent. He's been writing, editing and teaching for nearly 50 years, with stops in Hagerstown, Maryland; Riverside, California; Annapolis; Baltimore; and, since 1981, Washington.

EXHIBIT 28

California Prop 50 live election results

 [desertsun.com/live-story/news/nation/california/2025/11/04/california-election-day-2025-live-prop-50-redistricting-updates/86906084007](https://www.desertsun.com/live-story/news/nation/california/2025/11/04/california-election-day-2025-live-prop-50-redistricting-updates/86906084007)

CALIFORNIA

Live updates Californians approve Prop 50, a redistricting power shift

[James Ward](#) [Paris Barraza](#) [Ernesto Centeno Araujo](#) [Paul Albani-Burgio](#) [James Powel](#) [Tom Coulter](#)
[Eric Hartley](#) [Terry Collins](#)

Palm Springs Desert Sun

Early returns in California's high-stakes vote on [Proposition 50](#) — a measure that will dramatically reshape the state's congressional map for years to come — shows early and overwhelming support for the redistricting measure. Multiple national news outlets called the election for proponents of the measure seconds after polls closed Tuesday, Nov. 4.

At the heart of the debate: who gets to draw the lines. Proposition 50 would temporarily shift redistricting power from California's independent citizens commission to the state legislature, injecting partisan politics into a process designed to be neutral.

Supporters argued the move is a necessary counter to Republican-led gerrymandering efforts in states like Texas, where congressional maps were redrawn earlier this year to favor the GOP. Critics warned Prop 50 opens the door to the very kind of partisan manipulation California sought to eliminate, threatening fair representation across the Golden State.

Stay with us throughout the day for real-time updates, expert analysis and on-the-ground reporting as results roll in. Follow our live coverage here for the latest developments and key moments as they happen.

[What is Prop 50? Poll shows Californians support as special election nears](#) [How to vote in California's Nov 4 special election and what's at stake](#) [Supporters are way ahead in fundraising for Newsom's Prop 50, but race is close](#) [New Prop 50 ad stars Obama. What does Yes on 50 mean for California?](#) [Feds to monitor polling places with Prop 50 on the ballot in five California counties](#) [California redistricting fight has voters pushing back - against Trump and Newsom](#) [Anti-redistricting effort in California has received millions from a megadonor. Who is he? Here's how](#) [Newsom's maps are already changing California's congressional races](#) [In person early voting opens soon for Prop 50. When is the last day to vote?](#) [California Prop 50 voting underway. Will the decision neutralize Texas redistricting?](#) | [The Excerpt](#)



11:30 am PT November 5, 2025

California Republicans file federal lawsuit to block Prop 50

Terry Collins

A group of California Republicans is suing over the state's new congressional redistricting maps, one day after voters overwhelmingly passed [Proposition 50](#).

California Republican Party Chairwoman Corrin Rankin, State Assemblymember David Tangipa, and their legal team announced on November 5 in Sacramento that they have filed a lawsuit in federal court in Los Angeles, claiming that Proposition 50 violates the U.S. Constitution.

The lawsuit, which also represents 18 California voters, is seeking a temporary restraining order and a preliminary injunction to block the Prop 50 maps, thereby preserving California's original maps drawn by an independent, nonpartisan redistricting commission for the 2026 midterm elections.

The Republicans are alleging that the [Democratic Gov. Gavin Newsom-led](#) Prop 50 ballot measure improperly used voters' race, specifically Latino voters, as a factor in drawing new district boundaries and violates the 14th and 15th amendments.

Prop 50 was a response by Newsom and Democrats to redistricting in Texas that came at the request of President Donald Trump to gain Republican seats in the US House of Representatives.

"I'm appalled by what has happened," Tangipa told reporters. "This whole process was a sham."

Rankin, on behalf of the state's GOP, added, "This is about the Constitution. This is about the rights that our ancestors have fought so hard for in this country. It's about equality and fair and equal treatment."

They are being represented by the Dhillon Law Group, a California-based firm founded by [Harmeet Dhillon](#), the assistant attorney general for the Justice Department's Civil Rights Division.

7:23 am PT November 5, 2025

North State doesn't follow rest of California in support of Prop 50

Michele Chandler

Voters across California overwhelmingly passed [Proposition 50](#), legislation that will help determine [which political party controls the U.S. House](#) for the final two years of President Donald Trump's term.

Across the North State, however, unofficial results showed voters were giving a thumbs-down to Proposition 50, with 69.43% of Shasta County voters casting no votes, results posted at 1:18 a.m. Wednesday, Nov. 5 showed.

In Siskiyou County, 61.4% of voters had cast no votes, while in Lassen County, 79% of voters had cast no votes and in Butte County, 54.2% of voters cast no votes, early results showed.

Before election results came in, North State U.S. Rep. Doug LaMalfa said that if voters approve the proposal to redraw some California congressional districts to favor Democrats, "that would be a really sad day for our state constitution in that the voters got really misled by the intent....Nothing the proponents of Prop 50 have said has had anything to do with improving elections, or representation, or process at all," LaMalfa said.

"When you look at the way these maps are drawn, they really wouldn't make any sense....It's strictly a power grab."

7:12 am PT November 5, 2025

How California may vote under new districts

USA TODAY

USA TODAY applied voting data from previous elections to the newly drawn districts to simulate the impact these changes could have and what they mean for voters across the nation. Here's how we did it and what we learned:

To compare the district maps, we used voting data from the 2024 presidential election. In California, this is available by precinct through Statewide Database. This data can be broken down further by census blocks, a granular view of how people voted. These census blocks can then be aggregated by both the current and new district maps.

10:43 pm PT November 4, 2025

Who does Prop 50 impact? These Republicans are at risk, experts say

Paris Barraza

Several Republican congressmen representing parts of California could be at risk of losing their seats under Proposition 50, which implements partisan congressional district maps.

Of California's 52 congressional districts, nine are currently held by Republicans. But experts The Desert Sun spoke with identified which representatives of the state could be threatened by the new maps championed by Gov. Gavin Newsom.

They are Rep. Doug LaMalfa, who represents the 1st Congressional District; Rep. Kevin Kiley, who represents the 3rd Congressional District; Rep. David Valadao, who represents the 22nd Congressional District; Rep. Ken Calvert, who represents the 41st Congressional District; and Rep. Darrell Issa, who represents the 48th Congressional District.

Read full story: [What districts does Prop 50 impact? See Republicans at risk in 2026](#)

10:42 pm PT November 4, 2025

Which district am I in after Prop 50?

Paris Barraza

Some Californians will find themselves in a different congressional district starting when the new maps under Proposition 50 are implemented beginning next year.

The congressional district maps currently in use in the state were drawn by the independent California Citizens Redistricting Commission. A comparison between the current congressional district maps — soon to be considered the old maps — and the maps implemented under Prop 50 shows how the lines have been drawn differently across the state, adding and eliminating regions to districts.

Some of the more dramatic changes made include to California's 1st Congressional District and California's 41st Congressional District.

Californians can type in their address in The Desert Sun's [interactive map](#) to find which congressional district they are located in.

Read full story: [Prop 50 has passed. Here's how to see which district you're in](#)

10:40 pm PT November 4, 2025

See how your county voted on Prop 50

Paris Barraza

Early results show how each California county voted on Proposition 50, which passed easily in a result that was called by several news outlets moments after polls closed at 8 p.m. on Tuesday.

Official certified results of the election will be posted by Dec. 12, according to the California Secretary of State.

Here's a look at which counties backed Prop 50, and which counties rejected the partisan redistricting, according to results from the California Secretary of State's [website](#) retrieved before 10:30 p.m. Tuesday. Keep in mind that not all precincts in every county have reported, and vote-by-mail ballots and provisional ballots will continue to be processed after Nov. 4.

- **Alameda:** 80.2% "yes" votes on Prop 50 versus 19.8% "no" votes.
- **Alpine:** 64.6% "yes" votes on Prop 50 versus 35.4% "no" votes.
- **Amador:** 65.2% "no" votes on Prop 50 versus 34.8% "yes" votes.
- **Butte:** 53.8% "no" votes on Prop 50 versus 46.2% "yes" votes.
- **Calaveras:** 62.9% "no" votes on Prop 50 versus 37.1% "yes" votes.
- **Colusa:** 66.2% "no" votes on Prop 50 versus 33.8% "yes" votes.
- **Contra Costa:** 72% "yes" votes on Prop 50 versus 28% "no" votes.
- **Del Norte:** 58% "no" votes on Prop 50 versus 42% "yes" votes.
- **El Dorado:** 56.5% "no" votes on Prop 50 versus 43.5% "yes" votes.
- **Fresno:** 50.7% "yes" votes on Prop 50 versus 49.3% "no" votes.
- **Glenn:** 71.5% "no" votes on Prop 50 versus 28.5% "yes" votes.
- **Humboldt:** 62.9% "yes" votes on Prop 50 versus 37.1% "no" votes.
- **Imperial:** 60.4% "yes" votes on Prop 50 versus 39.6% "no" votes.
- **Inyo:** 50.6% "yes" votes on Prop 50 versus 49.4% "no" votes.
- **Kern:** 56.3% "no" votes on Prop 50 versus 43.7% "yes" votes.
- **Kings:** 60.3% "no" votes on Prop 50 versus 39.7% "yes" votes.
- **Lake:** 53.6% "yes" votes on Prop 50 versus 46.4% "no" votes.
- **Lassen:** 78.9% "no" votes on Prop 50 versus 21.2% "yes" votes.
- **Los Angeles:** 73.8% "yes" votes on Prop 50 versus 26.2% "no" votes.
- **Madera:** 55.6% "no" votes on Prop 50 versus 44.4% "yes" votes.
- **Marin:** 81.2% "yes" votes on Prop 50 versus 18.8% "no" votes.
- **Mariposa:** 60.6% "no" votes on Prop 50 versus 39.4% "yes" votes.
- **Mendocino:** 65.2% "yes" votes on Prop 50 versus 34.8% "no" votes.
- **Merced:** 51.9% "yes" votes on Prop 50 versus 48.1% "no" votes.
- **Modoc:** 76.3% "no" votes on Prop 50 versus 23.7% "yes" votes.
- **Mono:** 40.3% "no" votes on Prop 50 versus 59.7% "yes" votes.
- **Monterey:** 68.1% "yes" votes on Prop 50 versus 31.9% "no" votes.
- **Napa:** 67.9% "yes" votes on Prop 50 versus 32.1% "no" votes.
- **Nevada:** 55.4% "yes" votes on Prop 50 versus 44.6% "no" votes.
- **Orange:** 57% "yes" votes on Prop 50 versus 43% "no" votes.
- **Placer:** 51.4% "yes" votes on Prop 50 versus 48.6% "no" votes.
- **Plumas:** 61.9% "no" votes on Prop 50 versus 38.1% "yes" votes.
- **Riverside:** 56.9% "yes" votes on Prop 50 versus 43.1% "no" votes.
- **Sacramento:** 61.8% "yes" votes on Prop 50 versus 38.2% "no" votes.

- **San Benito:**60.5% “yes” votes on Prop 50 versus 39.5% “no” votes.
- **San Bernardino:** 58.2% “yes” votes on Prop 50 versus 41.8% “no” votes.
- **San Diego:**60.8% “yes” votes on Prop 50 versus 39.2% “no” votes.
- **San Francisco:** 84.3% “yes” votes on Prop 50 versus 15.7% “no” votes.
- **San Joaquin:** 55% “yes” votes on Prop 50 versus 45% “no” votes.
- **San Luis Obispo:**57.4% “yes” votes on Prop 50 versus 42.6% “no” votes.
- **San Mateo:**76.2% “yes” votes on Prop 50 versus 23.8% “no” votes.
- **Santa Barbara:**65.8% “yes” votes on Prop 50 versus 34.2% “no” votes.
- **Santa Clara:** 72.2% “yes” votes on Prop 50 versus 27.8% “no” votes.
- **Santa Cruz:**77.8% “yes” votes on Prop 50 versus 22.2% “no” votes.
- **Shasta:**66.4% “no” votes on Prop 50 versus 33.6% “yes” votes.
- **Sierra:** 64% “no” votes on Prop 50 versus 36% “yes” votes.
- **Siskiyou:**59.7% “yes” votes on Prop 50 versus 40.3% “no” votes.
- **Solano:**65.2% “yes” votes on Prop 50 versus 34.8% “no” votes.
- **Sonoma:**74.7% “yes” votes on Prop 50 versus 25.3% “no” votes.
- **Stanislaus:** 50.5% “no” votes on Prop 50 versus 49.5% “yes” votes.
- **Sutter:**63.3% “no” votes on Prop 50 versus 36.7% “yes” votes.
- **Tehama:** 71.8% “no” votes on Prop 50 versus 28.2% “yes” votes.
- **Trinity:**59.3% “no” votes on Prop 50 versus 40.7% “yes” votes.
- **Tulare:**57.7% “no” votes on Prop 50 versus 42.3% “yes” votes.
- **Tuolumne:**60.3% “no” votes on Prop 50 versus 39.7% “yes” votes.
- **Ventura:** 63.1% “yes” votes on Prop 50 versus 36.9% “no” votes.
- **Yolo:** 68.2% “yes” votes on Prop 50 versus 31.8% “no” votes.
- **Yuba:** 59.7% “no” votes on Prop 50 versus 40.3% “yes” votes.

10:39 pm PT November 4, 2025

Long line of last-minute voters in Coachella

Jennifer Cortez

On most evenings, Bagdouma Park is alive with soccer games and families. But on Election Night on Tuesday, the scene had an extra energy. At the Coachella Community Center on Douma Street, voters were surprised to find a line that stretched well past the entrance.

For nearly two hours before polls were set to close, the wait to vote held steady at 75 to over 100 people. By 7:30 p.m., a poll worker walked the line, thanking voters for their patience and reminding anyone with a completed ballot that they could turn that in directly instead of waiting.

The sounds of the night filled the air: the jingle of an ice cream truck drifting by, cheers from soccer games on nearby fields and music thumping from passing cars.

After waiting close to an hour, one young woman laughed as she dashed back from the parking lot to grab her forgotten “I voted” sticker. Others proudly pressed theirs to their shirts as they left the voting site.

The crowd was a mix of community members greeting each other — families, first-time voters and long-time residents, many of whom were Spanish speaking — helping each other navigate the process and pointing out the faster drop-off line for completed ballots.

As he walked out of the voting center, one man was overheard saying, “I thought there’d be 20 questions after waiting that long.” Another voter remarked to others waiting in line that it took effort to find a nearby polling place this election, but said she appreciated the poll workers for their help.

9:00 pm PT November 4, 2025

NRCC Chairman: ‘Republicans have clear opportunities to flip seats’ in California after Prop 50 win

National Republican Campaign Committee Chairman Richard Hudson, a Republican from North Carolina, said in a statement after the passage of California’s Proposition 50 that Republicans can still flip seats in the state. “No matter how Democrats redraw the lines to satisfy Gavin Newsom’s power grab, they can’t redraw their record of failure, and that’s why they will fail to take the House majority,” he said. “Even under this new map, Republicans have clear opportunities to flip seats because Californians are fed up with Democrat chaos. We will continue to compete and win because our candidates are stronger, our message is resonating, and Californians are tired of being ignored.”

The redistricting race underway across the country began with President Donald Trump successfully urging Texas lawmakers to redraw district boundaries to be less favorable to Democrats, prompting California Democrats to follow suit with districts less favorable to Republicans.

Republican lawmakers in Missouri, Ohio and North Carolina have followed suit and several states led by Democrats are also considering redrawing lines ahead of 2026.

— Sarah D. Wire

8:42 pm PT November 4, 2025

Initial results show 'yes' vote leading in Riverside County, mirroring state

Tom Coulter

Initial voting results posted by the Riverside County Registrar of Voters show Proposition 50 leading with 56.87% of the vote, though those statistics largely reflected vote-by-mail results. More results from in-person voting centers were expected to be posted overnight.

Statewide, the first results posted Tuesday night showed the "yes" vote on Proposition 50 in the lead with 55.5%. The results are very early, with just 5.5% of the state's more than 18,000 precincts partially reporting, but the race was immediately called by several news outlets, AP, NBC, CNN and FOX, after polls closed at 8 p.m.

Riverside County has remained competitive in recent presidential races, with former President Joe Biden winning a majority of the county's vote in 2020 and President Donald Trump flipping the county in his favor in the 2024 election.

Riverside County [was](#) also the largest county in California where voters favored recalling Gov. Gavin Newsom in a 2021 special election, with 50.5% in favor of the move.

8:17 pm PT November 4, 2025

First Prop 50 results show 'yes' vote leading with 55.5%

Tom Coulter

The first results posted Tuesday night showed the "yes" vote on Proposition 50 in the lead with 55.5%. The results are very early, with just 5.5% of the state's more than 18,000 precincts partially reporting, but the race was immediately called by several news outlets, AP, NBC, CNN and FOX, after polls closed at 8 p.m.

In addition to the Election Day vote not having been fully reported, many late-arriving mail ballots have yet to be tallied. Any that arrive at county offices by Nov. 11 and are postmarked on or before Election Day will be counted.

8:14 pm PT November 4, 2025

Proposition 50 to pass, per multiple outlets

Tom Coulter

Proposition 50 is on track to pass, according to multiple outlets, even as thousands of ballots across California remained to be counted Tuesday night.

Within minutes of polls closing at 8 p.m. Pacific Time, the race was called in the proposition's favor by the Associated Press, NBC, CNN and FOX. Initial results posted to the California Secretary of State's website showed 55.5% of voters approving the measure, with just 5.5% of precincts partially reporting.

5:57 pm PT November 4, 2025

Long lines at some Coachella Valley polling places

Paul Albani-Burgio

Lines, sometimes stretching out the door, often greeted those waiting to vote in person at polling places — officially known as "vote centers" — across the Coachella Valley on Tuesday.

One of the longest lines observed by a Desert Sun reporter was at the Palm Desert Library at around 4 p.m.; about 40 people were waiting outside. About two hours earlier, the line had about 30 people in it.

Somewhat shorter lines were seen at the polling place at The River shopping center in Rancho Mirage. During the noon hour, the line outside the door fluctuated from around five people to a high of nearly 20. But at 4:10 p.m., there was no line outside with just a few people appearing to be waiting inside the polling place.

At the Demuth Community Center in Palm Springs, a line started to form outside the polling center at about 10:30 a.m. with about 10 people in it. At just after 5 p.m., about 15 people were in a line, with all but a couple able to stand inside the center doors.

Those who did have to wait outside also had to endure unseasonably warm temperatures. Employees at some vote centers put out chairs for older voters who were waiting.

Those who were merely dropping off their completed, signed mail ballots did not have to wait in line.

There are [10 vote centers in the valley](#) for this special election, one in each city plus an east valley location in Mecca. That's far fewer than during a presidential election, when turnout is typically much higher. In November 2024, there were [multiple vote centers in every city](#) in the valley, including five in Indio alone.

5:14 pm PT November 4, 2025

Can I vote online on Prop 50 in California?

Paris Barraza

We can do so many things online today that some Californians even wonder whether they can vote online — [and Google it to find out](#).

No, Californians casting their ballot for or against Prop 50 cannot do so online.

State law prohibits casting a ballot over the internet, according to the [California Secretary of State](#).

Polls are open until 8 p.m. on Tuesday, Nov. 4. People in line before 8 p.m. can still cast a vote.

5:04 pm PT November 4, 2025

Newsom responds to Trump's 'rigged' voting claims: 'He does not believe in fair and free elections'

Paris Barraza

Both Gov. Gavin Newsom and the California Secretary of State Shirley N. Weber are pushing back against President Donald Trump's claims that voting in the statewide special election is "rigged."

"If there are irregularities, what are they?" Weber said in a statement on Tuesday, Nov. 4. "Why won't they identify them? Where exactly is this fraud? Ramblings don't equate with fact."

The president, in a post published on [Truth Social](#) earlier Tuesday, said that all vote-by-mail ballots were "under very serious legal and criminal review."

"The Unconstitutional Redistricting Vote in California is a GIANT SCAM in that the entire process, in particular the Voting itself, is RIGGED," according to Trump's social media post.

His post did not provide any further details about his claims.

White House Press Secretary Karoline Leavitt said during a briefing that election fraud occurs in California, USA TODAY reported. When asked about what evidence the president had, Leavitt said it's "just a fact" and that she could provide evidence after the briefing.

"The bottom line is California elections have been validated by the courts," Weber said in response to both Trump and Leavitt's allegations. "California voters will not be deceived by someone who consistently makes desperate, unsubstantiated attempts to dissuade Americans from participating in our democracy."

Trump is "doing everything he can to suppress the vote," Newsom said in a video [published on X](#).

Federal agents were reportedly outside the Los Angeles venue where Newsom had officially announced the state's redistricting effort in August, a move the California governor said in Tuesday's video was an intimidation tactic by the president. Federal agents were nearby Newsom's event to make two arrests, Department of Homeland Security Assistant Secretary for Public Affairs Tricia McLaughlin said to [USA TODAY](#) in August.

5:00 pm PT November 4, 2025

Gallery: San Joaquin voters weigh in on redistricting

Clifford Oto



4:37 pm PT November 4, 2025

Palm Desert man arrested, accused of shoving fellow voter

Tom Coulter

As Californians headed to the polls to decide the fate of Proposition 50, a 68-year-old man was arrested outside a Palm Desert voting center on Tuesday, accused of battery and interference at a polling location.

Deputies with the Riverside County Sheriff's Department were dispatched shortly after 10 a.m. Tuesday to the 73-000 block of Fred Waring Drive in response to a battery, according to department spokesperson Lt. Deirdre Vickers. (Vickers did not provide an exact address, but the city's main voting center, the Palm Desert Library, is on that block.)

"Upon arrival, deputies determined that a subject was involved in a verbal altercation with employees at the location and that battery had occurred," Vickers said in an email.

The man, identified as Palm Desert resident Lindsay Cohun, was then taken into custody and booked into the John Benoit Detention Center on suspicion of battery and interference at a polling location.

The sheriff's department did not provide details about the altercation, but KESQ News Channel 3, which was [on scene](#), reported a man was complaining about how long it was taking to vote before pushing a person who was waiting in line to vote.

There were no injuries reported following the altercation, according to the sheriff's department.

Jail records show Cohun was booked on suspicion of interfering with election officers, a felony, as well as misdemeanor battery. His bail was set at \$20,000, and his first court hearing is scheduled for Thursday, Nov. 6.

4:13 pm PT November 4, 2025

Inside the polling places: What motivates two poll watchers

Paul Albani-Burgio

As voters headed to polling places across the Palm Springs area, concerns about election integrity and enthusiasm for Proposition 50 dominated conversations. From seasoned poll watchers, motivated by federal oversight announcements, to a first-time monitor, the mood reflected both vigilance and optimism. Here's what they had to say in real time:

Jo An Bollen, a veteran poll worker and watcher, said she felt especially driven to monitor polls this year after U.S. Attorney Pam Bondi announced that the Department of Justice would oversee voting sites in several California counties, including Riverside, during the election.

"I thought that was really scary, especially if they would be in uniform or something, or with weapons," she said. "I thought that was voter intimidation, and I would really like to not have that happen."

Bollen spoke to The Desert Sun at the River in Rancho Mirage polling site and said she had seen or heard of no problems there.

Bollen said she "totally voted yes" on Proposition 50.

"We cannot let Trump rig the 2026 elections by telling [Texas Gov. Greg] Abbott he wanted five seats," she said.

It reminded Bollen of the 2020 election aftermath, when Trump was recorded urging Georgia's Republican Secretary of State, Brad Raffensperger, to "find 11,780 votes" to flip the state in his favor, she said.

“But Raffensberger said no because at the time he actually believed in democracy,” she said. “And Abbott does not.”

Bollen also said she would like to see more people use the paper ballots that are mailed to them rather than opting to vote at the polling center.

3:52 pm PT November 4, 2025

Los Angeles voters express support, concerns over Proposition 50

James Powel

The polling location at the Elks Lodge in the Canoga Park neighborhood of Los Angeles saw a flurry of activity Tuesday as a steady stream of voters cast their ballots on Proposition 50.

Ana Manuel, a 19-year-old who learned about the proposition on TikTok, pointed to her preference for a Democratic-led House and the redistricting effort in Texas for her yes vote. “If Donald Trump wants to gerrymander Texas, then why shouldn't we do it on our own terms?” Manuel told USA TODAY.

Lee Fernandez, who also voted yes, said he wanted California to continue to have a say in the national political landscape and that the proposition could serve as a model for other blue states. “It's only through 2030. What that says to me is, like any other decision, you can look back and understand how you can change your mind,” Fernandez said.

No voters that USA TODAY spoke to indicated that their vote hinged on not wanting to lose the state's independent redistricting process. Jacob Hernandez, who described himself as a “moderate Republican more than anything,” added that he saw the measure as a “very selfish act of trying to fight against Donald Trump.”

“They just hate him... for that part of it, I was really skeptical,” Hernandez said. However, he added that he wanted to be better informed about the measure and “real careful because I'm not a super Trumper.”

2:51 pm PT November 4, 2025

Coachella Valley ‘no’ voter says maps should be left as they are

Paul Albani-Burgio

94-year-old Marny Sweeney came to The River shopping center in Rancho Mirage early Tuesday afternoon to vote against Proposition 50.

“I just feel the map they drew is rigged,” Sweeney said. “It's not true representation.”

She added that the independent commission that normally draws California's congressional maps had been doing "a reasonably fair job" and that the existing maps should have been left alone.

"This is just an easy way to counteract the election," she said, referring to Democrats' response to President Donald Trump and other Republicans winning control of the White House and Congress last year.

Sweeney said she chose to vote in person because she thought it ensured her vote was secure. She said voting was easy in Rancho Mirage, where the whole process took about 15 minutes and poll workers were on hand to help with any questions.

Sweeney said she thought that "if it passes and I didn't vote, I would be very upset with me." She said that if it does pass, it will simply lead to "more states doing the same."

Also voting against the proposition was Palm Desert Country Club resident Alice Mclean, a self-described independent who tends to vote Republican. She stopped at the city's library to drop off her ballot on Tuesday.

"They should just leave it the way it is," she said, adding of Democrats, "But they're looking for congressional seats."

Mclean said she thought the proposition would not ultimately pass.

1:27 pm PT November 4, 2025

When do polls close in California?

Paris Barraza

Polls are open from 7 a.m. to 8 p.m., during which people can visit an in-person voting location to cast their ballot on Prop 50. If you're in line by 8 p.m., you can still cast a ballot.

If you are dropping off your ballot at a polling place, at your county elections office, or at a ballot drop-box, be sure to do it no later than when polls close at 8 p.m.

When is the deadline to mail my ballot?

Vote-by-mail ballots must be postmarked on or before Nov. 4 and received by Nov. 12, 2025.

However, ballots mailed on Election Day might be [postmarked too late to be counted](#) due to changes made by the U.S. Postal Service, so California voters cutting it close on Election Day may want instead to drop off their ballot at a vote center or ask an employee at the post office to postmark it.

1:15 pm PT November 4, 2025

Will billionaire Tom Steyer's \$12 million Prop 50 bet pay off?

Terry Collins

While the Democratic party probably wasn't so crazy about billionaire Tom Steyer interjecting himself in what his camp describes as a "non-traditional campaign" in [California's Proposition 50 redistricting race](#), maybe he brought more than he advertised.

Steyer, the environmental activist and long-shot [2020 Democratic presidential candidate](#), spent over \$12 million during his self-promoted "Stick It to Trump" Prop 50 campaign. This includes two commercials airing heavily in the San Francisco Bay Area, Los Angeles, and Sacramento, the state capital, and across social media.

The commercials: one features a spoof of [President Donald Trump](#) watching the results of Prop 50 passing, throwing French fries, and saying, "[I hate California.](#)" Another spot has Steyer accusing the president of trying to rig the 2026 midterm elections and bluntly urging California voters to "[let's stick it to Trump!](#)"

There were also sponsored rallies led by social media influencers, including supporters placing a smattering of "Stick it to Trump" and "Yes on 50" stickers over President Donald Trump's star on the Hollywood Walk of Fame on Oct. 30. On Election Day, Trump on his [Truth Social platform](#) called Prop 50 a "GIANT SCAM" and said the voting itself is "RIGGED."

Meanwhile, in a Nov. 3 memo, Steyer's camp believes his "Stick it to Trump" campaign supported the work of Governor Gavin Newsom's Yes on 50 efforts to help "push Prop 50 over the finish line." Prop 50 is a constitutional amendment pushed by [Newsom](#) that, if passed, would allow the state to temporarily stop using a nonpartisan commission and use lines drawn by its Democratic state lawmakers, possibly increasing their party's chances of winning more seats in Congress.

12:59 pm PT November 4, 2025

Trump claims, without evidence, that there's election fraud in California

Josh Meyer

President Donald Trump on Tuesday threatened to sue over mail-in ballots cast in California while also slamming the state's redistricting measure, which aims to increase Democratic representation in the state.

On his Truth Social site, Trump called the California redistricting ballot measure, designed to counter a Texas effort to increase Republican representation, "[a GIANT SCAM](#)" without offering any specifics.

The California vote on that ballot measure, Trump claimed, “is RIGGED” but he provided no specifics of that either. “All ‘Mail-In’ Ballots, where the Republicans in that State are ‘Shut Out,’ is under very serious legal and criminal review. STAY TUNED!” Trump wrote.

At the White House briefing, Press Secretary Karoline Leavitt also claimed – while providing no details – that election fraud occurs in California.

Asked what evidence Trump had, Leavitt said. “It is absolutely true that there is fraud in California’s elections. It is just a fact. ... If you want to deny that, I’m happy to provide you all of the evidence” after the briefing.

The White House did not respond to a USA TODAY request for comment about the alleged details of election fraud in California and what kind of “very serious legal and criminal review” Trump was referring to.

11:22 am PT November 4, 2025

'It's a way to fight for democracy'

Juan Carlo

Frances Mora took her two children, Franco Mora, 10, and Camila Mora, 12, to the vote center at the Best Western Plus Thousand Oaks Inn on Nov. 4. She voted yes on Proposition 50.

"It's important to us just because it's a way to fight for democracy," Frances Mora said.

10:22 am PT November 4, 2025

A yes vote on Prop 50 a message to President Trump

Eric Hartley

Like many other Prop 50 supporters, Carol Norton of Cathedral City saw her vote as a way to fight back against President Donald Trump and other Republicans.

She believes GOP leaders, through partisan redistricting in Texas and other states where they control the government, are trying to deny representation to Americans who don't agree with them.

Norton said she opposes gerrymandering, but sees Prop 50 as a needed short-term fix.

"It's a different world," she said after voting at the Cathedral City Library shortly after polls opened. "Gerrymandering is what's happening. I appreciate the governor for understanding that and the way he's doing it, which is temporary."

Under the ballot measure, California congressional seats would again be drawn by the state's nonpartisan redistricting commission after the 2030 census.

9:23 am PT November 4, 2025

One supporter's Prop 50 vote is personal

Eric Hartley

For Maria Bernal Hernandez, voting is personal.

She has many friends and family members who are undocumented and cannot vote, she said, choking up after casting her ballot Tuesday morning at the Cathedral City Library. Participating in democracy is always meaningful, but especially this time.

She voted yes in an election that, for many people, has become a referendum on President Donald Trump and his policies, including immigration enforcement and deportations so aggressive that some of them have been ruled illegal by federal courts.

"I'm very vigilant of what's happening in my community," said Bernal Hernandez, who lives in Cathedral City. "I'm not blind. I see what has been happening to my neighbors."

7:46 am PT November 4, 2025

Watch USA TODAY's live nationwide election coverage

James Ward

7:15 am PT November 4, 2025

California Prop 50 voting underway. Will the decision neutralize Texas redistricting?

Kaely Monahan

7:14 am PT November 4, 2025

When do polls open in California? When do polls close?

Paris Barraza

The last day to vote is Tuesday, Nov. 4. Polls are open from 7 a.m. to 8 p.m., during which people can visit an in-person voting location to cast their ballot on Prop 50.

If you're in line by 8 p.m., you can still cast a ballot.

If you are dropping off your ballot at a polling place, at your county elections office, or at a ballot drop-box, be sure to do it no later than when polls close at 8 p.m.

When is the deadline to mail my ballot?

Vote-by-mail ballots must be postmarked on or before Nov. 4 and received by Nov. 12, 2025. However, ballots mailed on Election Day might be [postmarked too late to be counted](#) due to changes made by the U.S. Postal Service, so California voters cutting it close on Election Day may want instead to drop off their ballot at a vote center or ask an employee at the post office to postmark it.

Can I still register to vote in California?

The last day to register to vote for the special election was Oct. 20, 2025. However, you can still vote through the same-day voter registration process, which is available at your county elections office or any voting location starting Oct. 21 and through polls close on Nov. 4. Through this, voters will “conditionally” register and cast a provisional ballot.

Where can I drop off my ballot today?

Visit caearlyvoting.sos.ca.gov to find out where you can drop your ballot in a secure box near you and early voting locations.

7:05 am PT November 4, 2025

If passed, what will the new Congressional maps look like?

James Ward

7:04 am PT November 4, 2025

Impact of Prop. 50

Paris Barraza

- **Shift in Congressional power:** Could add up to **five Democratic-leaning seats**, altering California’s delegation and potentially tipping the balance in the U.S. House.
- **Ripple effect nationwide:** If successful, other states may pursue similar measures, escalating partisan redistricting battles.
- **Local representation changes:** Communities may see district boundaries redrawn, affecting funding priorities and constituent services.

7:03 am PT November 4, 2025

Key Prop. 50 facts to know

Paris Barraza

What Prop. 50 does: Temporarily replaces the independent redistricting commission with a Legislature-approved map for elections from **2026–2030**.

Why It's on the ballot: Supporters say it counters GOP-led gerrymanders in other states; critics warn it sets a dangerous precedent.

Cost: Estimated taxpayer cost is nearly \$300 million.

12:08 am PT November 4, 2025

Proposed California district maps could flip Republican seats

Ramon Padilla and Ignacio Calderon

USA TODAY's analysis shows California could flip six seats from the GOP to Democrats: districts 1, 3, 9, 13, 41 and 48 if Prop 50 passes.

However, it's not a slam dunk. District 13 would end up with a thin +0.5 point advantage for Democrats and the party would end up with a slightly larger +3.4 point margin in District 48. The other four seats could end up with healthier margins of at least +10 points.

Read the whole story: [How Proposition 50 can change California elections and shift Trump's strategy.](#)

EXHIBIT 29

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN
AMERICAN CITIZENS,

Plaintiffs,

GREG ABBOTT, et al.,

Defendants.

Case No. 3:21-cv-00259

[Lead Case]

SUPPLEMENTAL EXPERT REPLY OF SEAN P. TRENDE, Ph.D.

Table of Contents

1	Response to First Barreto/Rios Report Analysis of Precinct Splits	1
2	Response to First Barreto/Rios Report Analysis of the Map Drawing	21
2.1	Harris County	21
2.2	District 9	26
2.3	Dallas/Tarrant counties	29
2.4	Bexar/Travis counties	32
3	Simulations Overview	35
3.1	Data creation and management	40
4	Review of the Barreto/Rios Simulations	42
5	Response to Mr. Ely	54
6	Conclusion	55

List of Figures

Figure 1:	Precinct 001003, blue lines reflect District boundaries	3
Figure 2:	Precinct 002108	4
Figure 3:	Precinct 004140	5
Figure 4:	Precinct 003009	6
Figure 5:	Precinct 002022	7
Figure 6:	Precinct 002096	8
Figure 7:	Precinct 000890	9
Figure 8:	Precinct 000046	10
Figure 9:	Precinct 000339	11
Figure 10:	Precinct 000044	12
Figure 11:	Precinct 000792	13
Figure 12:	New precinct	14
Figure 13:	Precinct 000083	15
Figure 14:	Precinct 000840	16
Figure 15:	Precinct 000343	17
Figure 16:	Precinct 000607	18
Figure 17:	Precinct 000032	19
Figure 18:	Precinct 000033	20
Figure 19:	Precinct 000359	21
Figure 20:	Houston area precincts by Donald Trump Two-Party Vote Share, with C2333 district boundaries overlaid	23
Figure 21:	Houston area white plurality precincts, shaded red for Trump win and blue for Harris win, with C2333 district boundaries overlaid .	24
Figure 22:	Harris County white plurality precincts, shaded red for Trump win and blue for Harris win, with C2333 district boundaries overlaid .	25

Figure 23:	Houston area white majority precincts, shaded red for Trump win and blue for Harris win, with C2333 district boundaries overlaid .	26
Figure 24:	DFW area precincts by Donald Trump Two-Party Vote Share, with C2333 district boundaries overlaid	30
Figure 25:	Dallas/Tarrant County white plurality precincts, shaded red for Trump win and blue for Harris win, with C2333 district boundaries overlaid	31
Figure 26:	Dallas/Tarrant County white majority precincts, shaded red for Trump win and blue for Harris win, with C2333 district boundaries overlaid	32
Figure 27:	Austin/San Antonio area precincts by Donald Trump Two-Party Vote Share, with C2333 district boundaries overlaid	33
Figure 28:	Austin/San Antonio area white plurality precincts, shaded red for Trump win and blue for Harris win, with C2333 district boundaries overlaid	34
Figure 29:	Austin/San Antonio area white majority precincts, shaded red for Trump win and blue for Harris win, with C2333 district boundaries overlaid	35
Figure 30:	Map state at steps 14,000 through 124,000, every 10,000 steps . .	47
Figure 31:	Figure S3, Second Barreto/Rios Report	49
Figure 32:	Figure S4, Second Barreto/Rios Report	49
Figure 33:	Map state at steps 14,000 through 124,000, every 10,000 steps . .	50
Figure 34:	Highest core retention rates per ensemble map, Barreto/Rios Ensemble for Harris County	51
Figure 35:	Max Core Retention, Statewide Sims, Barreto/Rios set	53
Figure 36:	Avg. Core Retention, Statewide Sims, Barreto/Rios set	54

Pursuant to this Court’s 3/19/2025 Scheduling Order, as modified with an extension of time agreed to by the parties, I am submitting the following Expert Report. This report responds to the August 2025 Declaration of Dr. Matt A. Barreto and Michael B. Rios, MPP (“First Barreto/Rios Report”), the September 2025 Supplemental Declaration of Matt Barreto and Michael Rios (“Second Barreto/Rios Report”), and the Declaration and Expert Report of David Ely in Support of Brooks, LULAC, and MALC Plaintiffs’ Joint Motion for Preliminary Injunction (“Ely Report.”)

1 Response to First Barreto/Rios Report Analysis of Precinct Splits

The First Barreto/Rios Report claims that “[l]ooking to the comparison of the 2021 and 2025 boundary lines laid out in Appendix A, Maps 1 - 15 there is evidence that map drawers relied on the racial composition of neighborhoods, and not primarily partisan performance data in crafting the new maps in August 2025. In particular, map drawers decided to split VTDs more than 440 times and instead draw boundaries on census blocks, for which only racial data exists. Census blocks do not contain election results for such small pieces of neighborhoods and no map drawer can be certain of partisan performance within a census block.” Barreto/Rios Report ¶43.

The implication here is that these VTD splits were made using race as a proxy for politics, since political data is not available at the census block level. The latter part is true, however, it does not follow from it that the former is also true. First, there is no real need to use race as a proxy for politics in these split precincts. In Texas, 440 split precincts averages out to around 12 split precincts per district. In the context of a 700,000+ person district, that is unlikely to have a massive impact on partisan performance, especially given some of the points below.

Second, there can be many reasons to split a precinct for a Congressional District: To improve overall compactness, to conform with geographic features or roadways,

to carve out an incumbent, or to satisfy Fourteenth Amendment equal population requirements. Also, racial demographics are at best an imperfect indicator of politics. In a scenario where a mapmaker uses the 2024 presidential election as a guide for line drawing, where Hispanic voters are 60%-40% demographic in some places or even voted outright Republican,¹ using race as a heuristic for party affiliation would hardly do better than flipping a coin.² Third, because racial groups are frequently geographically clustered in America, it would not be at all surprising that we might find consistently higher minority populations on one side of the district line than the other. Sometimes meaningful differentials will occur by chance.

Moreover, aside from innuendo, there is no actual evidence offered in the First Barreto/Rios Report demonstrating that these VTDs are split on the basis of race. I offer a limited test here. It is limited because it is not realistic to examine all 400+ split VTDs in the available time. Instead, I examine the splits for TX-18, one of the foci of this lawsuit. It illustrates why the mere presence of VTD splits does not give rise to an inference that race was a motivating factor in splitting precincts.

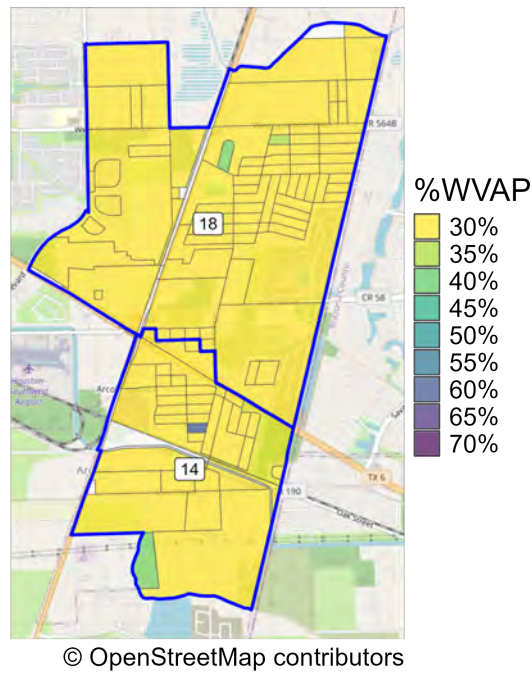
First, precinct 001003. It is split between districts 14 and 18. It is located at the far southern tip of the district, creating a protuberance. This is chopped off, giving the district a more regular shape. The precinct is overwhelmingly Hispanic throughout. The portion included in 18 has a total population of 6,093, a White VAP of approximately 4%, a BVAP of 23% and an HVAP of 72%. The portion outside has a total population of 1746, a WVAP of approximately 6%, a BVAP of 23% and an HVAP of 70%.³ If we look at how blocks are split, there is no obvious pattern of racial sorting.

¹Even if all 691 White residents of voting age in Zapata County, or all 846 White residents of voting age in Starr County, had showed up to vote and voted for Trump, Trump still mathematically had to have carried the non-White population there.

²At one point, the Barreto/Rios report claims that, because their and other EI analysis of the area were available, that Texas Republicans were aware of and knew of these voting patterns. This assumes, of course, that Texas Republicans did not—rightly or wrongly—disagree with EI as the proper way to measure partisanship, or that they were not unaware of the particular findings in this litigation.

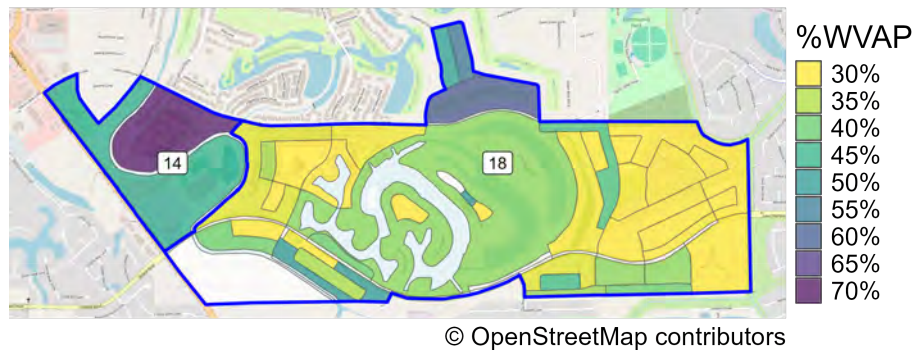
³Here I use voting age population, because CVAP data for precincts have large error margins and must be estimated from block groups when not co-terminous.

Figure 1: Precinct 001003, blue lines reflect District boundaries



Precinct 002018 is located in on southwestern edge of District 18. It is cut in such a way that it minimizes a protuberance into 18. The portion included in 18 has a total population of 4,336, a White VAP of approximately 29%, a BVAP of 29% and an HVAP of 11%. The portion outside has a total population of 284, a WVAP of approximately 67%, a BVAP of 14% and an HVAP of 13%. If we look at how blocks are split, there is no obvious pattern of racial sorting; it is unclear why a racial gerrymanderer would leave the heavily White section in the northern portion of the precinct intact.

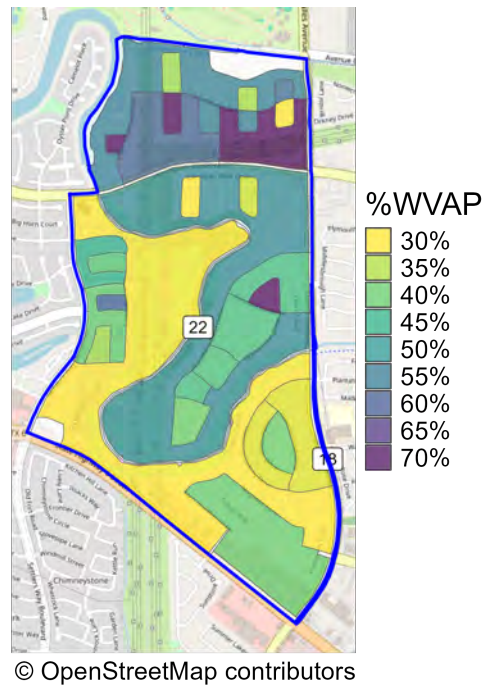
Figure 2: Precinct 002108



Precinct 004140 places five unpopulated blocks into District 18. This has the effect of bringing the district boundary to Dulles Ave.⁴

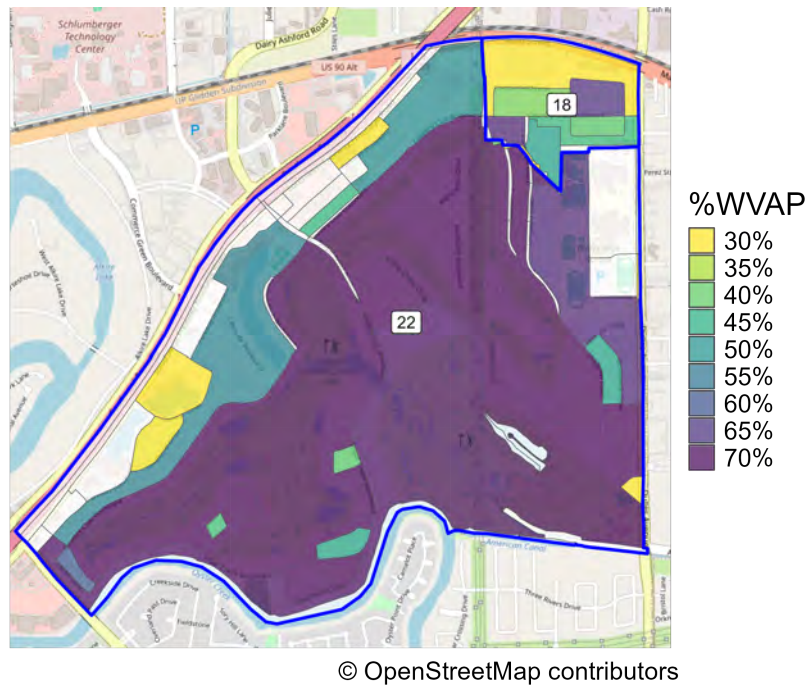
⁴Using the 2020 VTDs, Dave's Redistricting counts nine blocks with a population of 20, with a WVAP of 15% (3 individuals) placed in 18, leaving 4,150 individuals with a WVAP of 43% in 22.

Figure 3: Precinct 004140



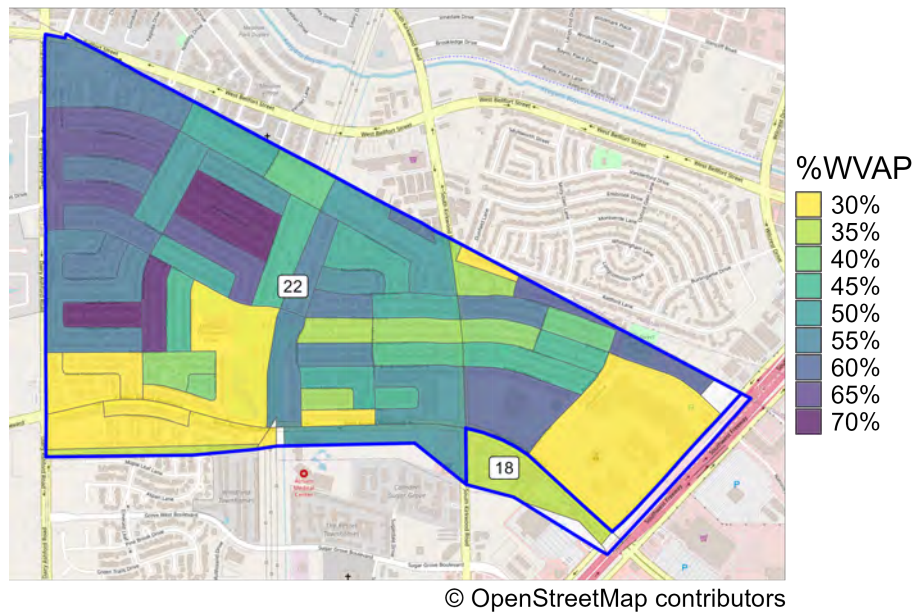
Precinct 003009 is at the western edge of District 18. The portion included in 18 has a total population of 564, a White VAP of approximately 41%, a BVAP of 15% and an HVAP of 14%. The portion outside has a total population of 3,530, a WVAP of approximately 66%, a BVAP of 5% and an HVAP of 8%. If we look at how blocks are split, there is no obvious pattern of racial sorting.

Figure 4: Precinct 003009



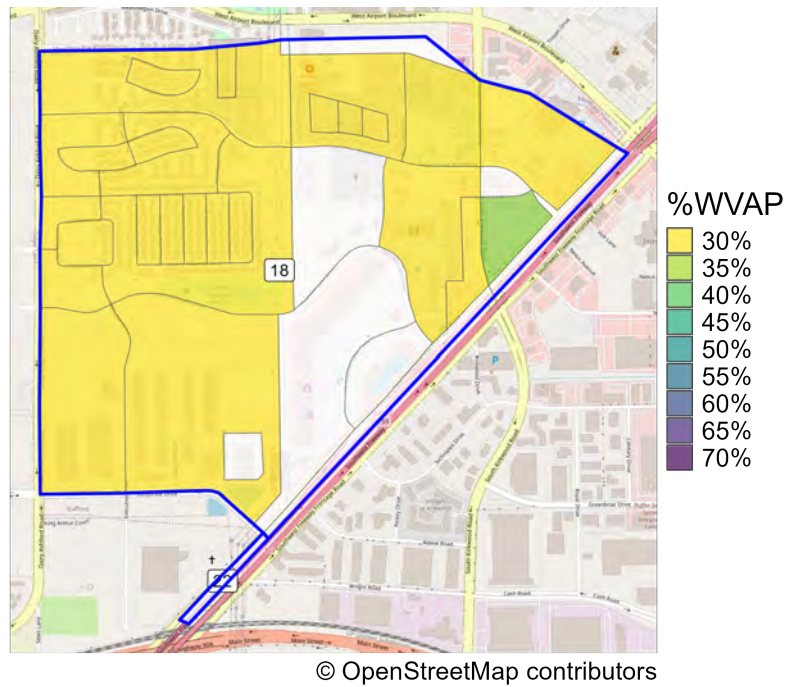
Precinct 002022 splits a frontage road and a small populated portion from District 22. The portion included in 18 has a total population of 205, a White VAP of approximately 34%, a BVAP of 40% and an HVAP of 14%. The portion outside has a total population of 4,580, a WVAP of approximately 47%, a BVAP of 9% and an HVAP of 22%. If we look at how blocks are split, there is no obvious pattern of racial sorting.

Figure 5: Precinct 002022



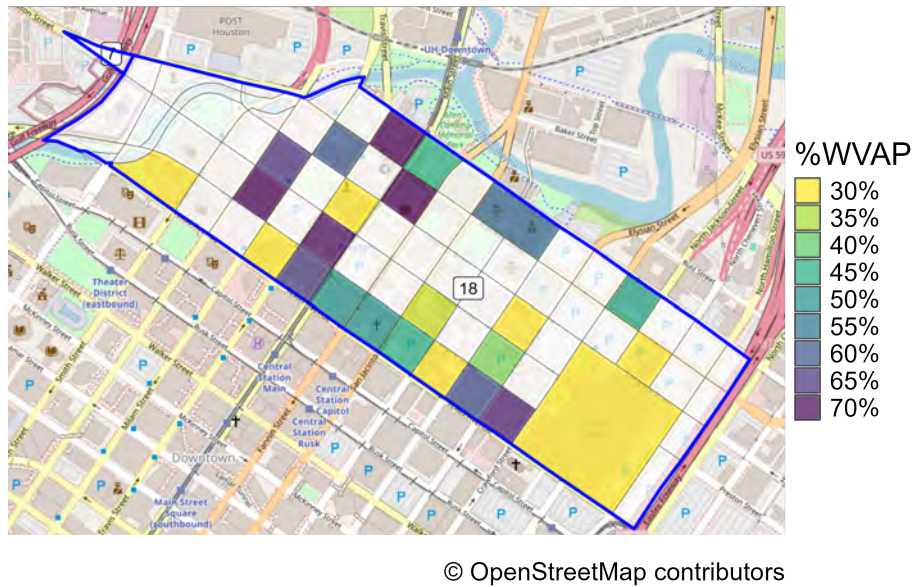
Precinct 002096 has a “tail” that extends into District 22 that follows the South-west Freeway. The map removes two unpopulated blocks on that Freeway, eliminating the tail.

Figure 6: Precinct 002096



Precinct 000890 runs southwest of the University of Houston. It has a point that extends across the Gulf Freeway. It is unpopulated. The map removes two unpopulated census blocks, cutting off the tail.

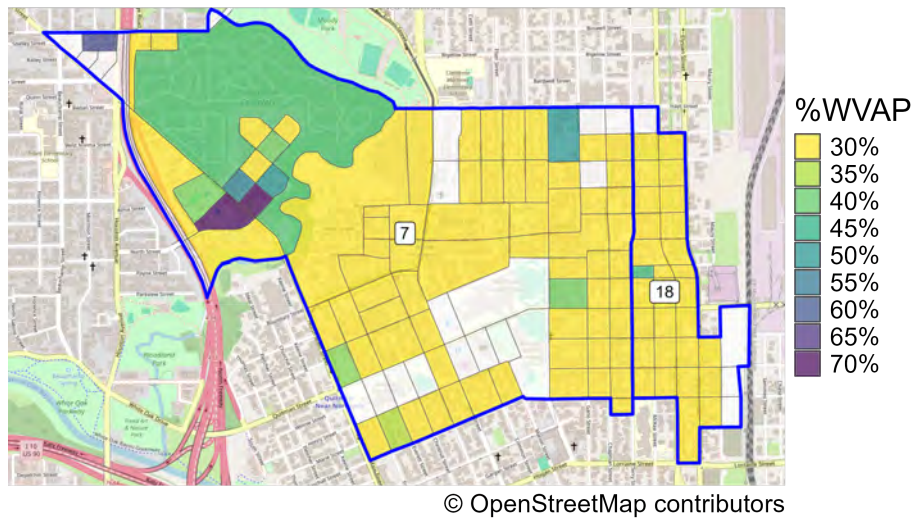
Figure 7: Precinct 000890



© OpenStreetMap contributors

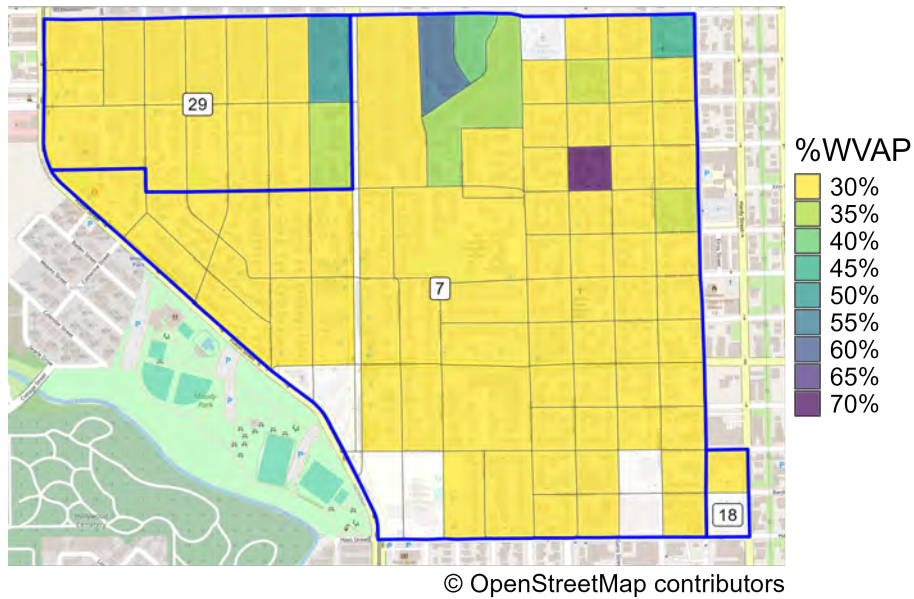
Precinct 000046 includes Hollywood Cemetery and the areas to the southeast. It is part of a series of precinct splits that result in a straight line dividing 7 from 18 along Terry Street. The portion included in 18 has a total population of 885, a White VAP of approximately 7%, a BVAP of 12% and an HVAP of 79%. The portion outside has a total population of 4148, a WVAP of approximately 12%, a BVAP of 15% and an HVAP of 71%. If we look at how blocks are split, there is no obvious pattern of racial sorting.

Figure 8: Precinct 000046



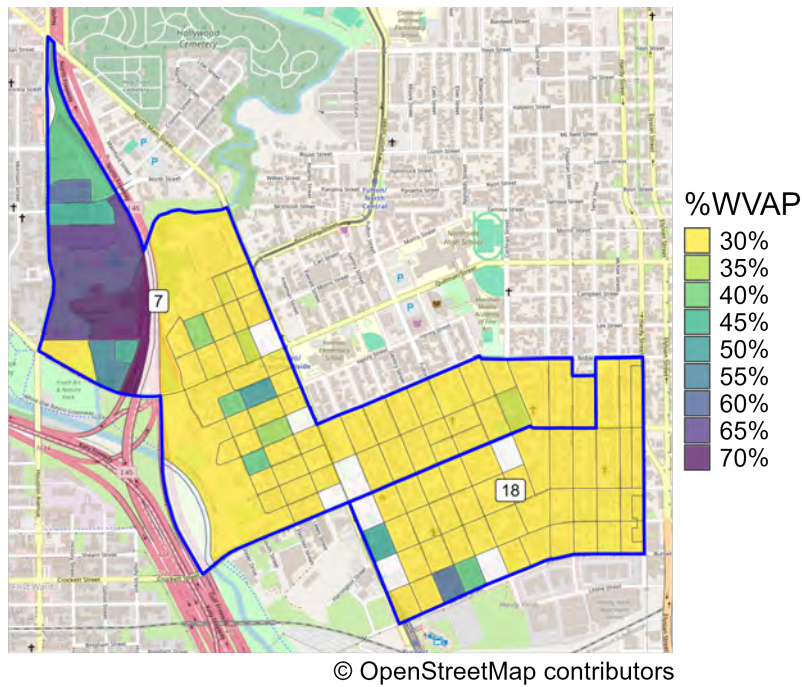
Precinct 000339 is just to the north of 000046. It is split three ways. The split between Districts 18 and 7 continues the split down Terry Street, creating a straight line. The portion included in 18 has a total population of 19, a White VAP of approximately 0%, a BVAP of 14% and an HVAP of 86%. The portion included in 7 has a total population of 3,592, a WVAP of approximately 9%, a BVAP of 10% and an HVAP of 80%. The portion included in 29 has a total population of 649, a WVAP of approximately 10%, a BVAP of 2% and an HVAP of 86%. If we look at how blocks are split, there is no obvious pattern of racial sorting.

Figure 9: Precinct 000339



Precinct 000044 is just to the South of 000046. The split continues down Terry Street, before turning west down Hogan Street. The portion included in 18 has a total population of 1,434, a White VAP of approximately 12%, a BVAP of 7% and an HVAP of 79%. The portion outside has a total population of 2,365, a WVAP of approximately 18%, a BVAP of 6% and an HVAP of 73%. If we look at how blocks are split, there is no obvious pattern of racial sorting.

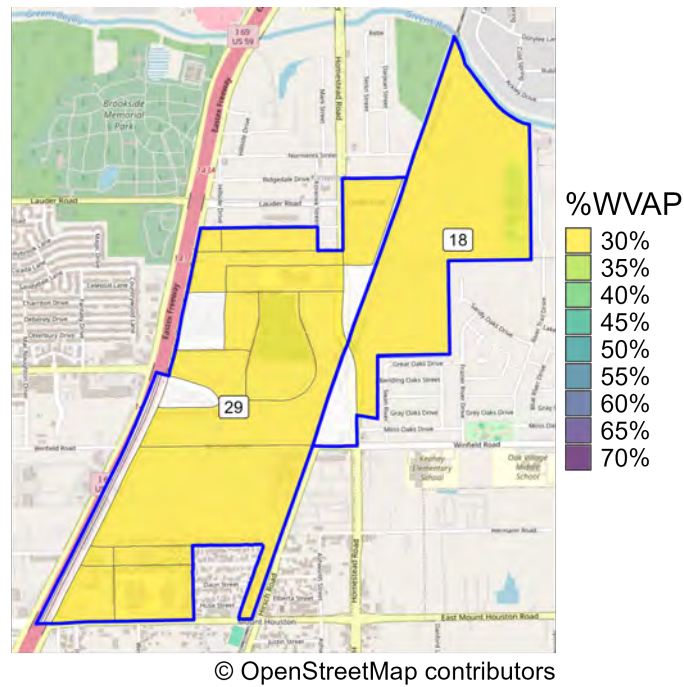
Figure 10: Precinct 000044



Precinct 000792⁵ includes areas southeast of Brookside Memorial Park. It is split along a railway line that forms most of the boundary between districts 18 and 29 here, creating a straight line. The portion included in 18 has a total population of 14. It has one (1) resident of voting age, who is Hispanic. The portion outside has a total population of 2,705, a WVAP of approximately 8%, a BVAP of 39% and an HVAP of 52%. If we look at how blocks are split, there is no obvious pattern of racial sorting.

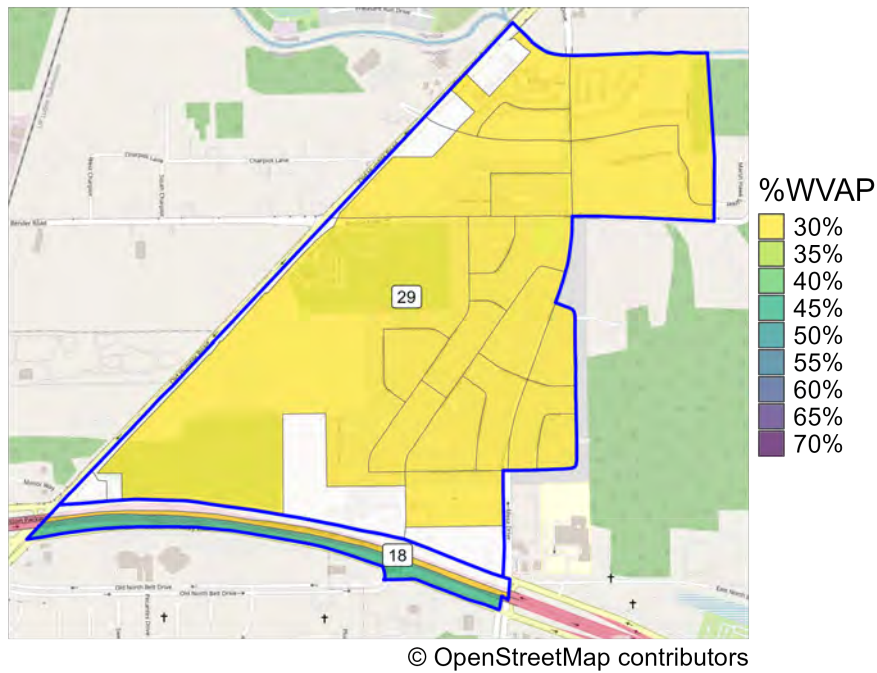
⁵This precinct appears to have changed considerably from the 2020 VTD shape. Numbers are for reference only.

Figure 11: Precinct 000792



This new precinct is also on the northern boundary of District 18; it is split to put Sam Houston Freeway in District 18. The portion included in 18 has a total population of 18, a WVAP of 4%, a BVAP of 50%, and an HVAP of 20%. The portion included in 29 has a total population of 3,014, a WVAP of 11%, a BVAP of 41%, and an HVAP of 43%. If we look at how blocks are split, there is no obvious pattern of racial sorting.

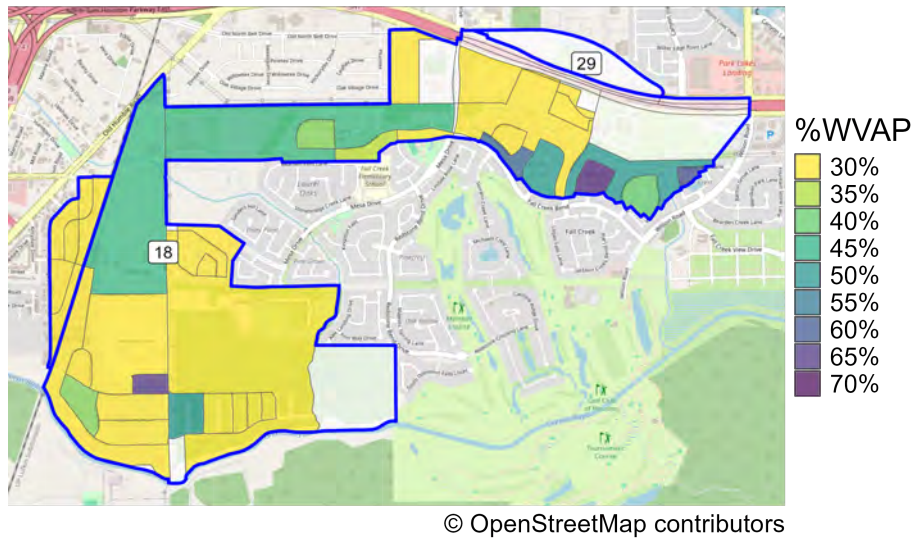
Figure 12: New precinct



Precinct 000083⁶ is on the northern boundary of District 18. It is split on the western boundary to continue along the railway mentioned above, and in such a way to put the Sam Houston Tollway in the district. The portion included in 18 has a total population of 5,597, a White VAP of approximately 26%, a BVAP of 31% and an HVAP of 36%. The portion outside has a total population of 369, a WVAP of approximately 9%, a BVAP of 7% and an HVAP of 78%. If we look at how blocks are split, there is no obvious pattern of racial sorting.

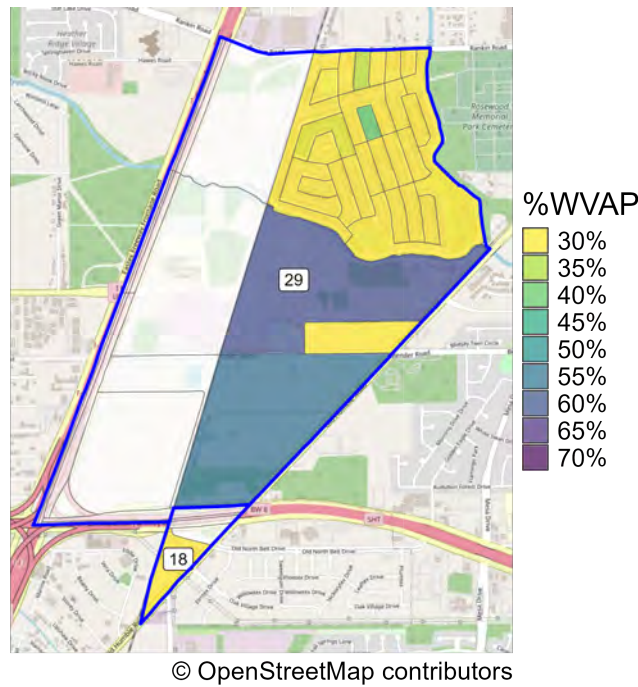
⁶This precinct appears to have changed considerably from the 2020 VTD shape. Numbers are for reference only.

Figure 13: Precinct 000083



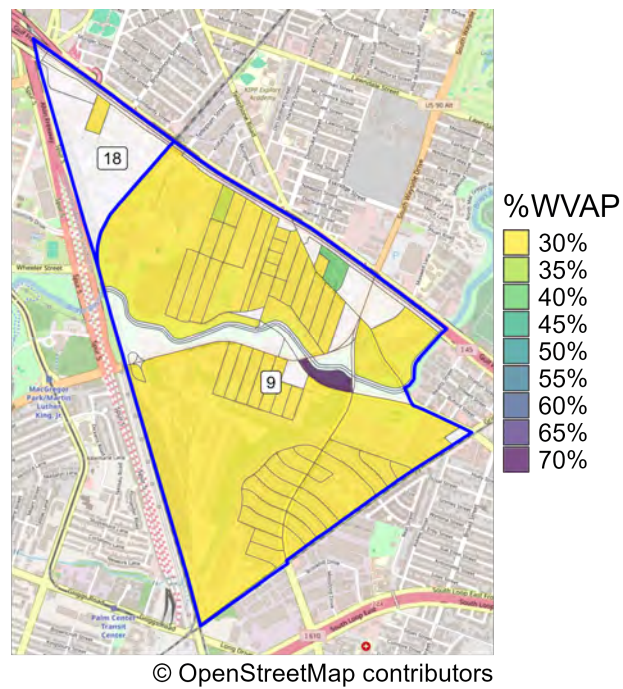
Precinct 000840 lies at the intersection of the Eastex Freeway and the Sam Houston Parkway. A tail extends across the parkway into 18. The map cuts it off. The portion included in 18 has a total population of 282, a White VAP of approximately 12%, a BVAP of 32% and an HVAP of 57%. The portion outside has a total population of 3090, a WVAP of approximately 19%, a BVAP of 31% and an HVAP of 46%. If we look at how blocks are split, there is no obvious pattern of racial sorting.

Figure 14: Precinct 000840



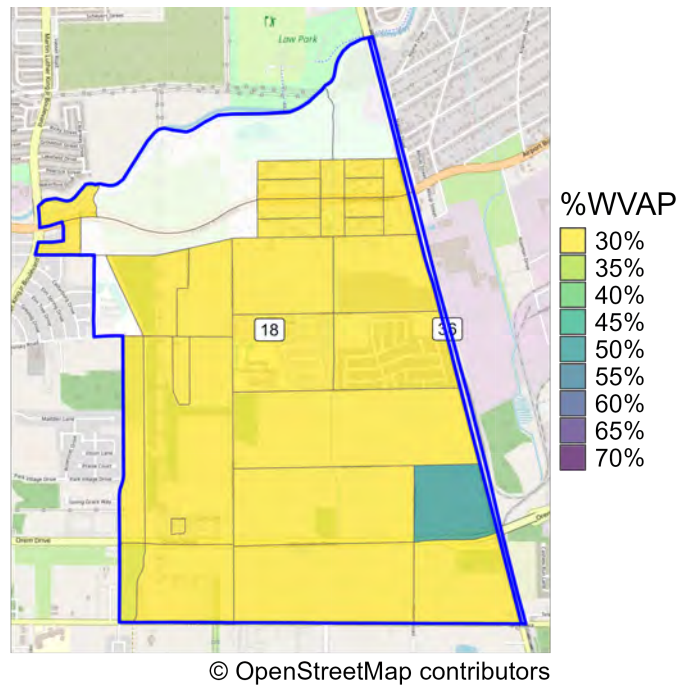
Precinct 000343 lies to the northwest of the intersection of I-45 and I-610. The district trims off a point that otherwise juts into District 18. The portion included in 18 has a total population of 10, one of whom is a Hispanic resident of voting age. The portion outside has a total population of 5,267, a WVAP of approximately 7%, a BVAP of 6% and an HVAP of 85%. If we look at how blocks are split, there is no obvious pattern of racial sorting.

Figure 15: Precinct 000343



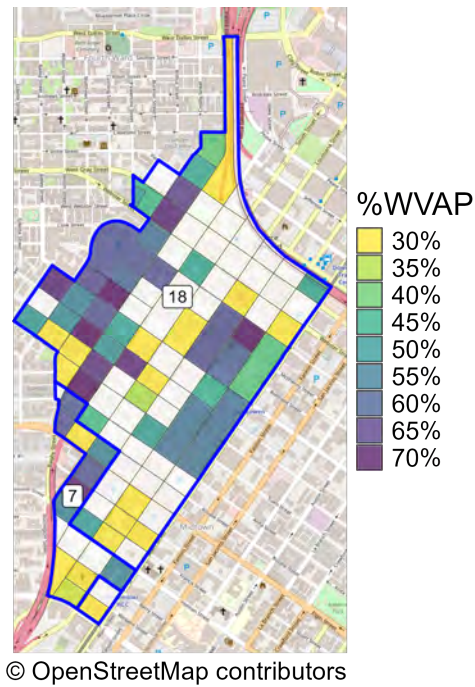
Precinct 000607 is split to add an unpopulated portion of the precinct into District 36, bringing the boundary out to Mykawa Rd.

Figure 16: Precinct 000607



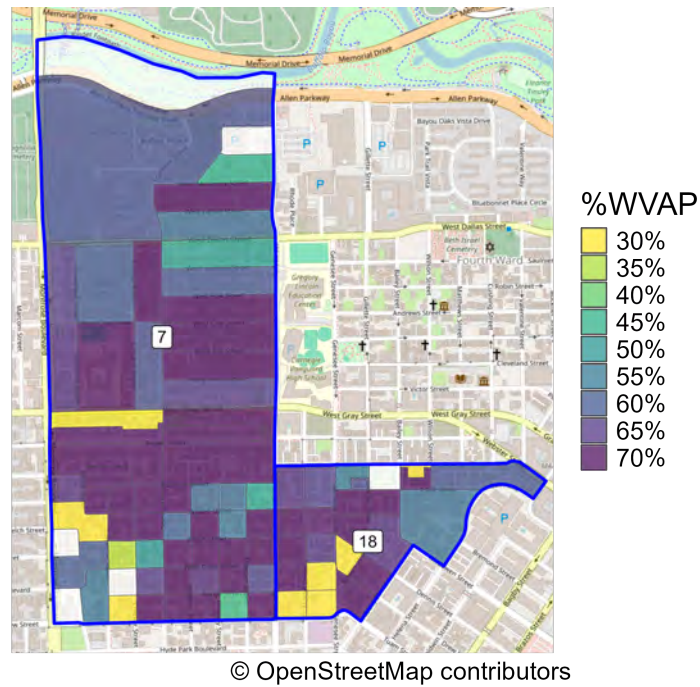
Precinct 000032 is along the boundary between districts 7 and 18, north of Texas Medical Center. The portion included in 18 has a total population of 5,258, a White VAP of approximately 54%, a BVAP of 12% and an HVAP of 19%. The portion outside has a total population of 1,124, a WVAP of approximately 56%, a BVAP of 10% and an HVAP of 19%. If we look at how blocks are split, there is no obvious pattern of racial sorting.

Figure 17: Precinct 000032



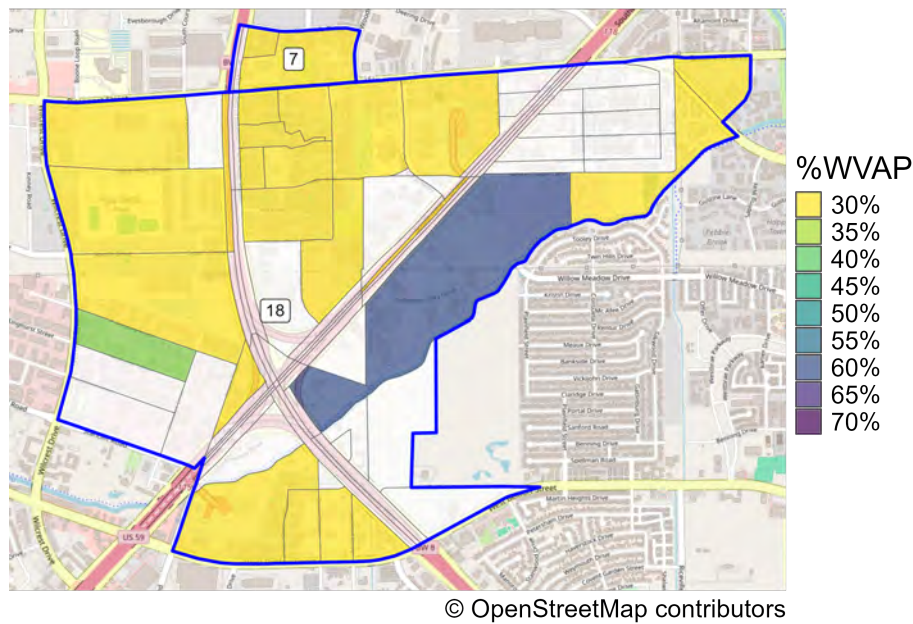
Precinct 000033 is split down Taft St. The portion included in 18 has a total population of 1,214, a White VAP of approximately 63%, a BVAP of 6% and an HVAP of 17%. The portion outside has a total population of 4622, a WVAP of approximately 64%, a BVAP of 4% and an HVAP of 18%. If we look at how blocks are split, there is no obvious pattern of racial sorting.

Figure 18: Precinct 000033



Precinct 000359 is split along Bissonnet St., maintaining a straight line for the district. The portion included in 18 has a total population of 13,433, a White VAP of approximately 4%, a BVAP of 37% and an HVAP of 56%. The portion outside has a total population of 1,090, a WVAP of approximately 3%, a BVAP of 53% and an HVAP of 43%. If we look at how blocks are split, there is no obvious pattern of racial sorting.

Figure 19: Precinct 000359



I have no doubt that if one were to fish through a collection of 400 split precincts, they could eventually uncover some precincts where the split boundary lines up with racial demographics. As described above, these things can occur normally. But there is nothing in the First Barreto/Rios Report that demonstrates this, and the fact that an important congressional district shows no evidence of racial motivation in precinct splits suggests that we can't draw a strong inference against the map simply on the basis of it containing multiple split precincts.

2 Response to First Barreto/Rios Report Analysis of the Map Drawing

2.1 Harris County

The First Barreto/Rios report also claims that “[t]he specific district boundaries for Plan C2333 clearly focus on race, whether it is excluding specific Anglo/White neigh-

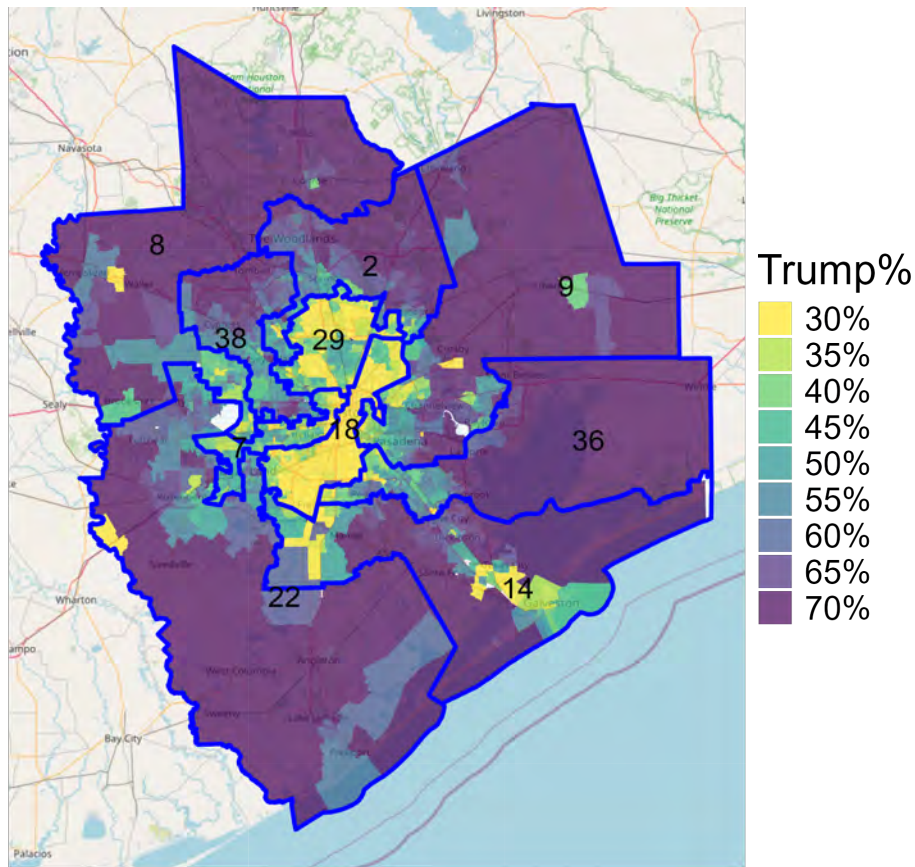
borhoods, or drawing lines firmly along boundaries to include high density Black and Hispanic communities in Districts 9, 18, 27, 33, and 35, among others. Beyond the specific regional analysis in Maps 1 - 15, we also provide six maps for the entire state of Texas that identify neighborhood populations by Black, Hispanic and Anglo with either the 2021 (C2193) or the new 2025 (C2333) boundaries overlaid (Maps 16 - 21). These maps provide the ability to zoom in to any county or region of the state to see closer detail down to individual city blocks and neighborhoods.” First Barreto/Rios Report ¶¶44. It is unclear what this is meant to reference, as the “specific regional analysis in Maps 1-15” is simply screenshots of different maps captured in ArcGIS or cropped from Dave’s Redistricting App, with little actual analysis.

Some of these maps, such as the dot density plots (see, e.g., Map Figure 15) are simply unhelpful. Dot density maps are useful for viewing where groups are clustered, but they cannot sort between areas with a high minority population relative to the overall population, versus areas with a high minority population and also a high non-minority population. This is particularly relevant where, as here, multiple groups are being plotted simultaneously and then viewed at a low level of resolution. This is because computers create dot density maps by layering dots on top of each other. In areas with high total populations, this will result in overplotting, where one population completely covers another population. So, if a large number of dots representing minorities are layered over another large number of dots for a non-minority group, or a different minority group, only the former group will appear. Choropleth maps are better suited to this task.⁷

Regardless, this analysis disregards politics as an explanation, and only makes a superficial attempt to disaggregate the two for District 9. First, I offer some new maps to better explore this at the regional level for Harris County. This shows the Harris County area, but with the maps highlighted by President Trump’s 2024 vote share rather than by race.

⁷I typically use dot density maps when exploring population compactness for purposes of Section 2 of the Voting Rights Act. For exploring gerrymandering, I typically employ choropleths.

Figure 20: Houston area precincts by Donald Trump Two-Party Vote Share, with C2333 district boundaries overlaid



© OpenStreetMap contributors

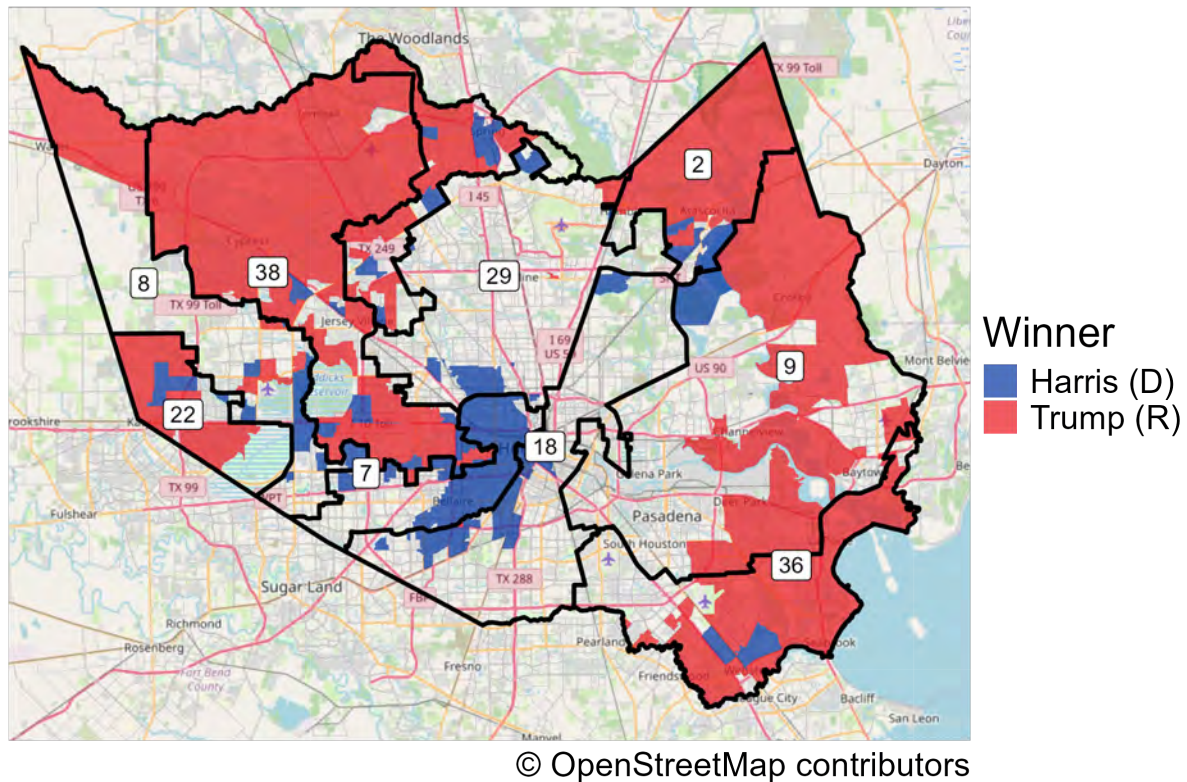
As you can see, the maps do what they have always done: Take the heaviest concentration of Trump votes and push them into a handful of districts: This time districts 7, 18, and 29. District 29's boundaries with District 2 and District 38 closely follow the political topology of the region, as does the boundary between 7 and 38. On the east, the heaviest Democratic areas are clustered into 18, and seemingly odd shapes such as the epiglottis on the north eastern edge likewise separate heavily Democratic areas from less so.⁸ To put it differently, if we take the Harris County precincts where Harris received greater than 70% of the two-party vote, there are four in District 2, three

⁸There are five populated precincts in this area. All gave Harris at least 80% of the vote. The precincts adjacent to it gave her, moving clockwise from the top right: 27%, 45%, 48%, 45%, 55%, [unpopulated], 60%, 65% and 67% of the vote.

in District 8, four in District 9, four in District 36, and one in District 38. By contrast, there are 31 in District 7, 150 in District 18, and 61 in District 29. If we look at precincts where Trump received 70% of the vote or more, there are two in District 7, two in District 29, and none in District 18.

We can also see how politics, rather than race, seemingly drove the line drawing by recreating the map from the trial phase of this case. This takes the plurality White precincts in the Houston area, and codes them by whomever won the precinct.

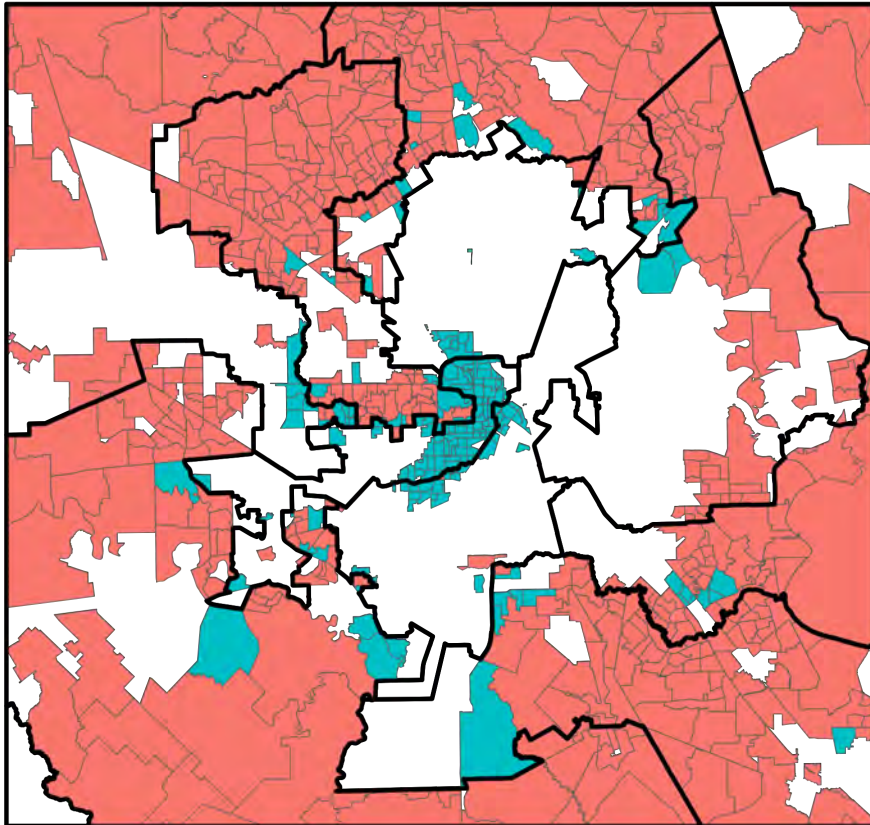
Figure 21: Houston area white plurality precincts, shaded red for Trump win and blue for Harris win, with C2333 district boundaries overlaid



As you can see, districts 7 and 18 both have a fair number of White residents, which is not the tactic of a racial segregator. A majority of those residents, however, voted for

Harris. The few exceptions either (a) have almost no population; (b) voted marginally for Harris and/or (c) are bridge precincts needed to access more heavily Trump precincts. We can see this more clearly if we zoom in to Harris County:

Figure 22: Harris County white plurality precincts, shaded red for Trump win and blue for Harris win, with C2333 district boundaries overlaid

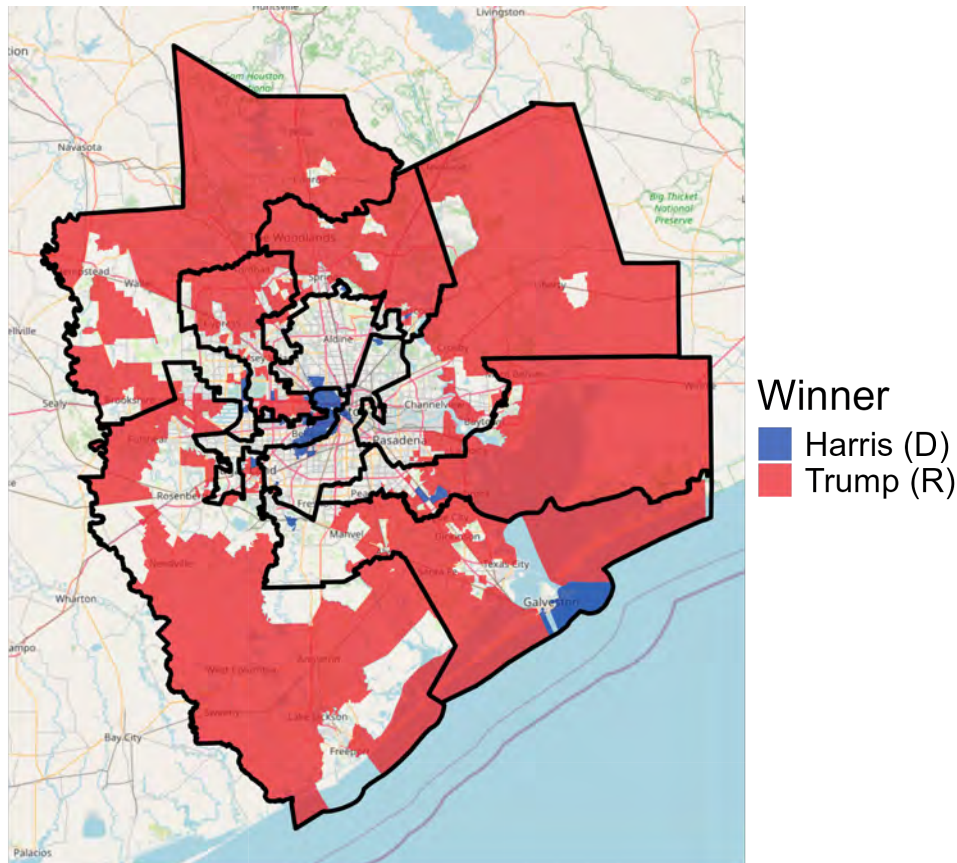


At trial in this matter, counsel for plaintiffs suggested that perhaps this type of map was “misleading” because a plurality White precinct might have a large population of persons of color. When we filter to majority White precincts, it doesn’t look significantly different. There are fewer precincts highlighted, but they are still well-sorted.

This is unsurprising, as majority-White precincts are simply a subset of plurality-White precincts. Therefore, if the plurality-White precincts are well-sorted by politics, it

would be unsurprising for the majority-White precincts to also be well-sorted by politics.

Figure 23: Houston area white majority precincts, shaded red for Trump win and blue for Harris win, with C2333 district boundaries overlaid



© OpenStreetMap contributors

Regardless, a would-be racial gerrymanderer would likely, at the very least, slice off the heavily Hispanic, densely populated northeastern corner of District 7 (Northside Houston) and pick up more of the White population north of I-610.

2.2 District 9

The First Barreto/Rios report also emphasizes the way the legislature drew District 9. First Barreto/Rios Report ¶¶ 45-46 The crux of the complaint seems to be that because District 9 could have been drawn with a higher Republican vote share and a

lower HCVAP, it is not credible to claim that the only goal was to increase the Republican vote share in District 9. While fact testimony on how District 9 was drawn is likely more useful than our forensic analysis, a few points are worth making here.

First, we are actually in agreement: It's unlikely that the only goal was to increase the Republican vote share in District 9. It just does not follow that because the politics was not the only goal in drawing District 9 that race was therefore a primary goal in drawing District 9. Redistricting is a complex exercise that involves balancing many goals. It is also an exercise in robbing Peter to pay Paul, particularly at the congressional level. When residents are moved out of one district, other residents must necessarily be moved into that district from somewhere. That often sets off second- and third-order effects. Here, the transformation from C2331 to C2333 grew into a complex chain of events involving almost 700,000 residents in 12 districts, 667,000 of whom lived in the Houston area.

We are also in agreement on a fact that the First Barreto/Rios Report acknowledges but glosses over: The changes result in a district that achieves the stated goal of increasing the Republican vote share in District 9. It might not *maximize* it, but maximization doesn't appear to be a stated goal, at least from the First Barreto/Rios Report. The changes transform the district from the only Republican district in the Houston region with a Trump performance of less than 60% to one where, like the other Republican districts, Trump won with around 60% of the vote.

To see why it is inappropriate to focus solely on District 9, consider the following: District 9 started with a Republican vote share of 57.7%. Two districts – 36 and 14, had Republican vote shares of 67% and 64%, respectively. From a gerrymandering point of view, that is an inefficient distribution of Republican votes. District 9 has its Republican performance improved by moving 111,000 residents in from District 36. Dr. Barreto notes that by moving Liberty County into District 9, its Republican vote share was improved substantially, but that it was now overpopulated by 110,000 residents.

Dr. Barreto's suggestion that this could be equalized by swapping residents out

of the southwestern, heavily Hispanic portion of the district makes some sense if there were no other goals to be pursued. But he overlooks that District 36 was now underpopulated; 111,000 residents had to be put in to District 36 from somewhere. It might be accomplished in the region to which he points, but he overlooks that by removing Liberty County from District 36, District 36 was also rendered non-contiguous.

The only way to connect the two portions of District 36 at this point is to cut into District 14 in Jefferson County, which the map did; this move involved a small number of resident changes. Now, however, District 9 cannot be population-equalized solely with swaps from District 36, because doing so would leave District 36 overpopulated. District 14 is also now underpopulated.

At this point, we can start to see other goals being pursued as a part of this swap. The mapmakers removed more voters from District 14 in northern Brazoria County, giving the district a more regularized edge. District 36 started to equalize its population by taking residents from District 18, helping to push that district out of Brazoria County entirely and remove a county split (which could potentially be used as a part of an argument that District 18 reflects a racial gerrymander). Overall, this brings the Republican vote share of 36 down to 62.6% and the overall population into parity. But District 14 is now substantially underpopulated.

District 14 removes an ungainly hook from the bottom of District 18, and also removes the remainder of that district from Brazoria County. District 14 also takes another precinct from the bottom of District 18, pushing that district boundary to Route 6. That portion of 14 is now non-contiguous, so the district follows the Brazos River into District 22. District 22 is now underpopulated by 55,000 residents. To help counter this, and to reduce district 14's overpopulation, District 14 gives up 24,887 residents to District 22, mostly in southern Brazoria County.

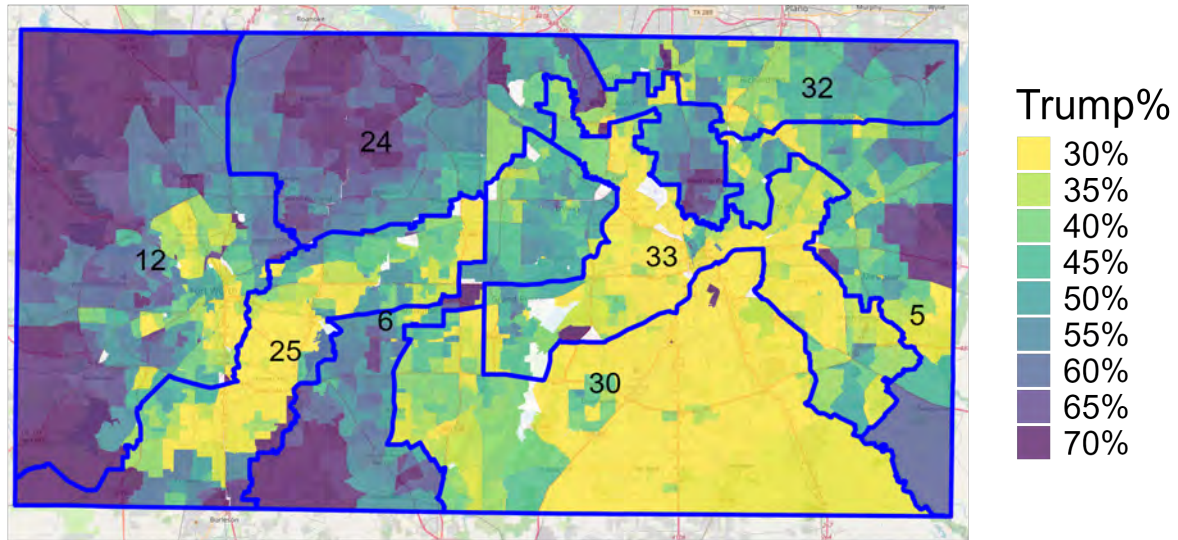
This chain of events continues for quite some time, but the point should be clear. The First Barreto/Roy Report's point might make more sense if the legislature had claimed it was only concerned about making District 9 as Republican as possible. Perhaps

fact discovery will prove them right. But from a “forensics” standpoint, there are other legitimate goals served by the redraw that the Report ignores.

2.3 Dallas/Tarrant counties

There is little analysis offered in the First Barreto/Rios report of the Dallas area; simply a reference to maps. Once again, they largely ignore politics. A look at Trump’s vote share by precinct, with district lines overlaid, once again shows the political nature of the redraw. In Tarrant County, the Democratic portions of the district are cut in half. District 25 is able to take in the lion’s share of the Democratic population here, because the 220,000 residents of the district in the rural counties gave Donald Trump an astonishing 85% of the vote. Adding in Parker and Johnson counties brings the population total to 320,000, and Donald Trump’s vote share down to 83% (Harris received 16% of the vote). Even if the remaining residents had voted for Kamala Harris by 70%, Donald Trump still would have carried the district. Likewise, since the 112,000 residents of Parker County in District 12 went for Donald Trump by more than 50 points, the district had a large cushion to add Democratic residents.

Figure 24: DFW area precincts by Donald Trump Two-Party Vote Share, with C2333 district boundaries overlaid



© OpenStreetMap contributors

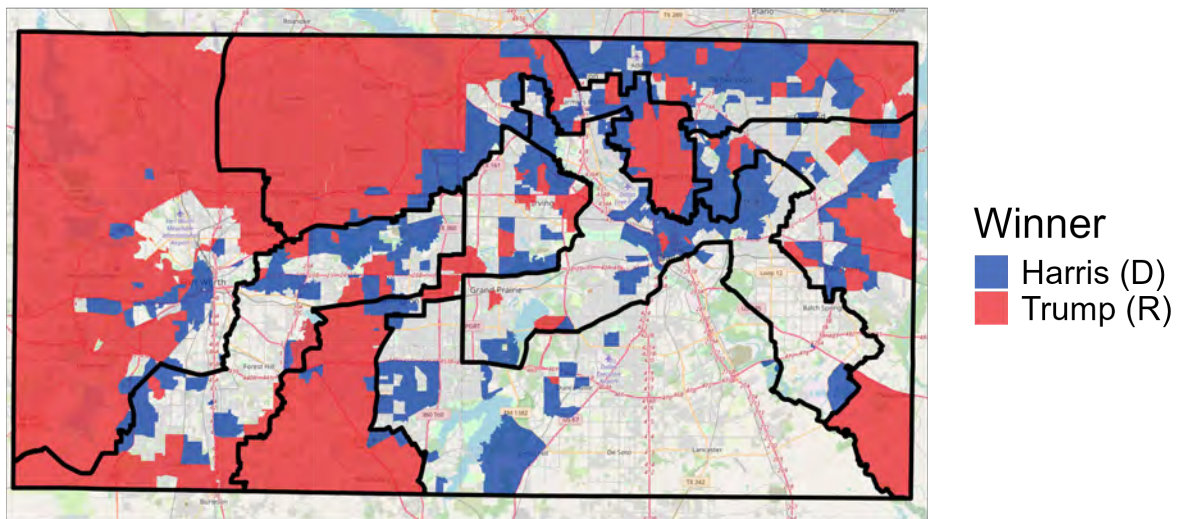
District 6 once again threads between the Democratic portions of Tarrant County in districts 25 and 30 to reach still-marginal territory in Irving. It extends into Dallas County right up to the point where the precincts turn heavily Democratic, at which point District 33 begins.

Districts 30 and 33 obviously soak up most of the Democratic precincts in Dallas County. Of the 354 precincts in Dallas or Tarrant counties where Donald Trump received less than 30% of the vote, 294 (83%) are placed in districts 25 (47), 30 (149) or 33 (98). The remainder are sprinkled through districts 5 (17), 6 (5), 12 (26), 24 (3), or 32 (9). If we look at precincts Trump carried with 70% of the vote or more, there are not many (79), but only two are in district 30, six in district 33, and five in district 25.

We can once again see that the odd appendage from District 24 into Dallas County succeeds in carving out the most heavily Republican Precincts around Highland Park and University Park. District 5 mostly swaps swing precincts near Garland and Sachse for Democratic precincts in Lakewood and Northeast Dallas. Overall, the lines are fairly sharp.

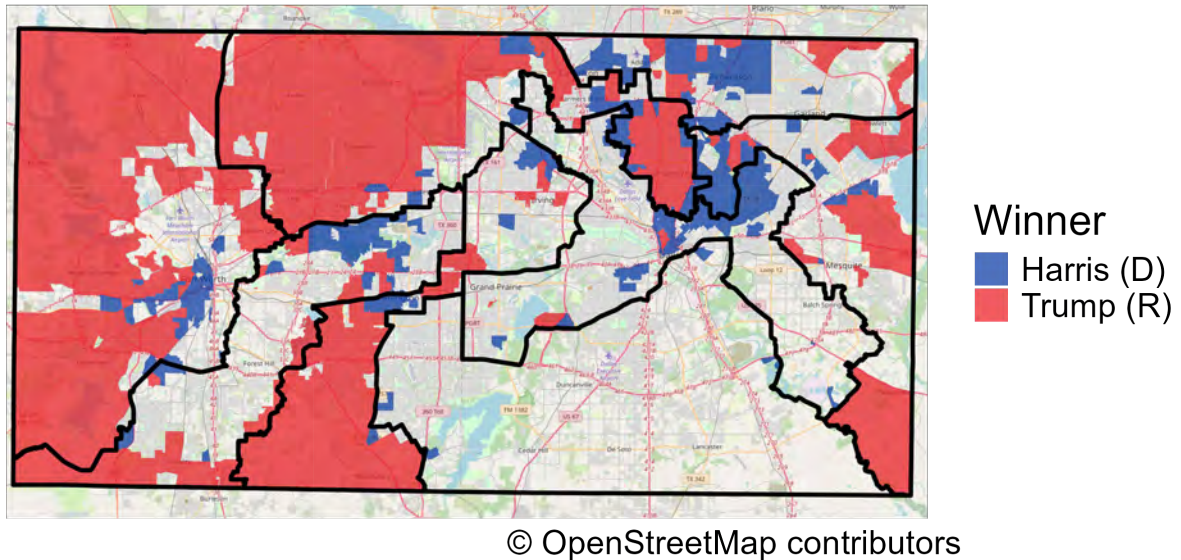
We can also re-examine our maps showing how majority White districts are dealt with. Whether we look at white plurality precincts, or the narrower subset of white majority precincts, we see that these precincts are spread among the districts; the key is that the White Biden precincts are either pushed into District 33 or placed in districts 5 or 32, where they are overwhelmed by rural Trump voters.

Figure 25: Dallas/Tarrant County white plurality precincts, shaded red for Trump win and blue for Harris win, with C2333 district boundaries overlaid



© OpenStreetMap contributors

Figure 26: Dallas/Tarrant County white majority precincts, shaded red for Trump win and blue for Harris win, with C2333 district boundaries overlaid

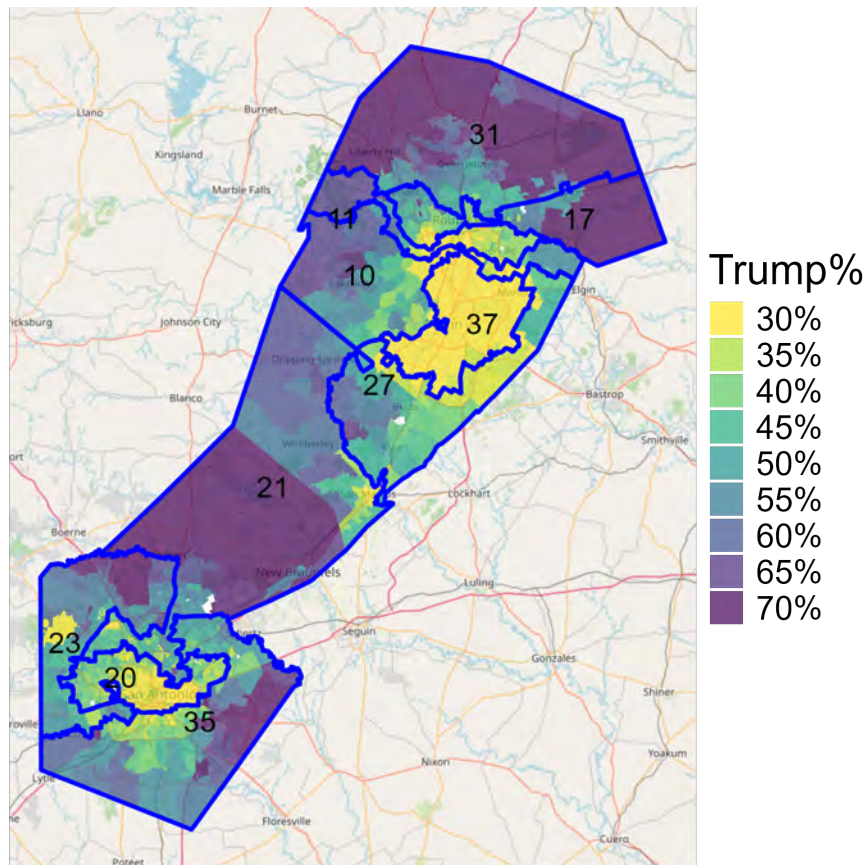


2.4 Bexar/Travis counties

The Bexar and Travis county area districts show the same tendencies. District 37 is reconfigured in such a way that it takes in the core of Democratic Austin. It contains only 14 precincts where Donald Trump received more than 30% of the vote. The remaining democratic precincts are cracked between districts 10, 11, and 17, which in turn extend deep into rural Texas. Outside of Travis County, District 10 has 490,000 residents, who gave Donald Trump 72% of the vote. District 11 has 609,000 residents, who gave Donald Trump 76% of the vote. District 27 has 679,000 residents, who gave Donald Trump 64% of the vote. Democratic areas around Round Rock are subsumed into District 17, the rural areas of which gave Donald Trump around 70% of the vote.

In Bexar County, we can see that District 20 takes in most of the heavily Democratic areas. Harris lost just 7 precincts in that district. Outside of District 20, Bexar County was evenly split between Harris and Trump.

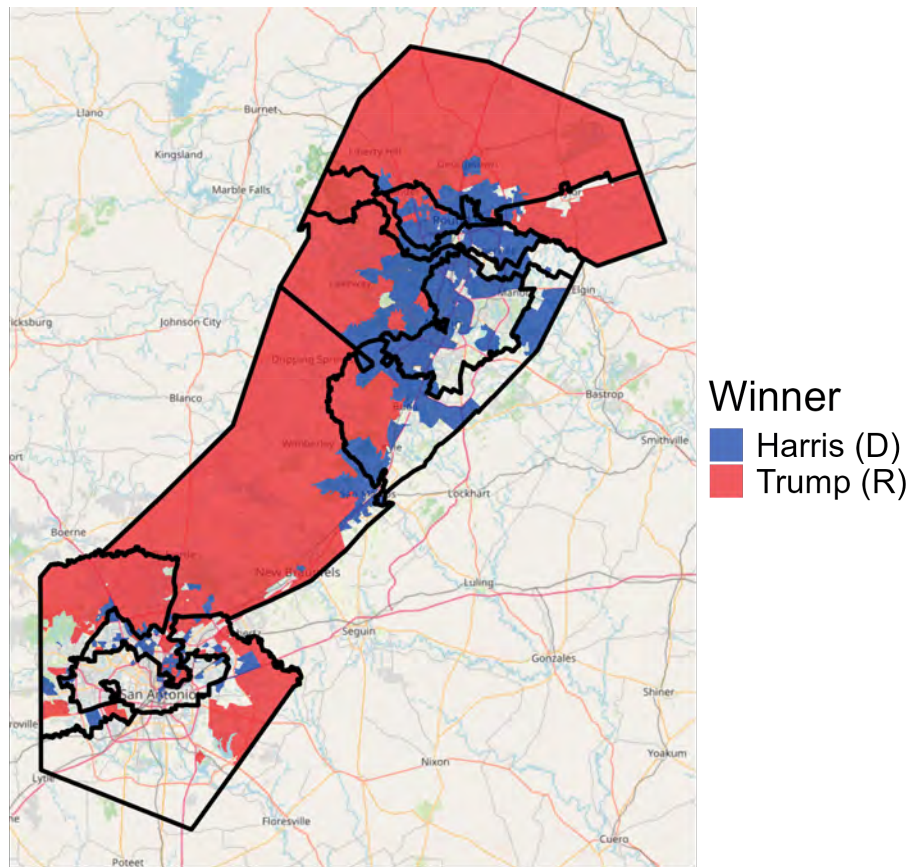
Figure 27: Austin/San Antonio area precincts by Donald Trump Two-Party Vote Share, with C2333 district boundaries overlaid



© OpenStreetMap contributors

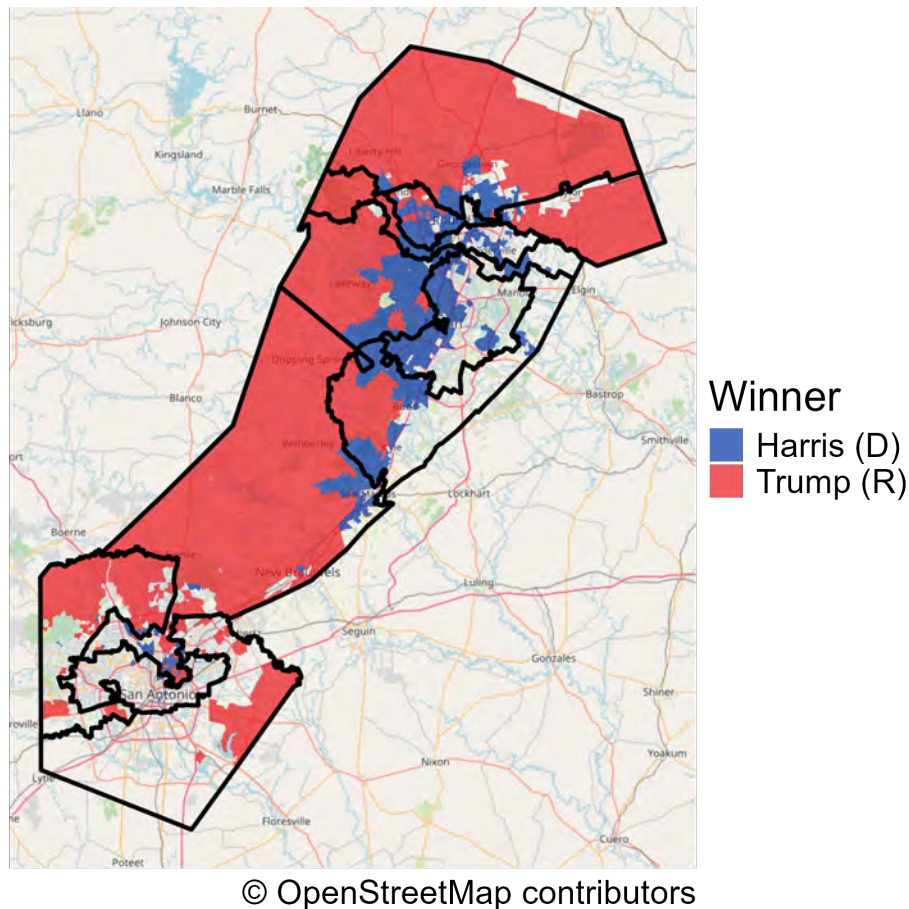
Once again, the view between White plurality and White majority precincts is much the same; the mapmaker places a large number of White majority/plurality precincts into District 37 notwithstanding the availability of a large number of non-White majority precincts to the east of the district. But that would place a large number of majority-White Harris-won precincts in surrounding districts, making them more marginal.

Figure 28: Austin/San Antonio area white plurality precincts, shaded red for Trump win and blue for Harris win, with C2333 district boundaries overlaid



© OpenStreetMap contributors

Figure 29: Austin/San Antonio area white majority precincts, shaded red for Trump win and blue for Harris win, with C2333 district boundaries overlaid



3 Simulations Overview

Throughout these cases the various experts have repeatedly discussed computerized simulations, but the purpose and limitations of these simulations are often glossed over. But because a full treatment of the simulations included in the Barreto/Rios reports involves some deeper considerations than we have encountered in the past, I will spend some time up front discussing the simulations generally before turning to their specific simulations. This discussion is intentionally kept at a high level and simplified for readability, so nuances will be glossed over. But it will hopefully help the Court to better evaluate the data and to answer relevant questions.

The goal of determining whether a plan is drawn with partisan intent is a difficult one. In particular, the astronomically (literally) large number of maps available makes it difficult to compare a given map to the universe (again, literally) of possibilities, since there are, for all human purposes, a limitless number of possibilities.

With advances in computing power, however, it has become possible to have a computer generate a large number of maps conforming to certain criteria. A few of these techniques, if allowed to run an infinite amount of time, produce every map available (subject to given constraints).

Two of these techniques, “sequential monte carlo” and “merge-split” algorithms are employed in this matter. Without getting too far into the details of the algorithms, sequential monte carlo draws maps “from scratch,” while merge-split changes a map in steps by selecting two adjacent districts, merging them together, and then re-splitting them into two (hopefully) different districts. Over the course of many, many “steps,” this approach will explore the possible maps available.

In effect, these techniques produce a poll of potential maps. It’s impossible to speak to every American to learn their political preferences, so instead we speak to a small sample and draw inferences from based upon that sample. In the same way, since it is impossible to enumerate every map, we ask the computer to produce a sample of those maps. The political or racial makeup of an enacted map can then be compared to the political or racial makeup of the computer-drawn ensemble. If the political or racial makeup of the enacted map differs from that of our ensemble, we might conclude that the enacted map was drawn with political or racial considerations in mind. Put differently, if our ensemble were truly produced under the same constraints as those which constrained the mapmaker, save for political and racial concerns, we might conclude that politics or race entered the mapmaker’s calculations. If our ensemble is markedly different from the enacted map, we might conclude that race or politics was the predominate consideration.

There are three important caveats. First, these ensembles are powerful tools in certain circumstances. For example, when a map is so convoluted that there really can

be no valid consideration other than something like race or politics – in other words the map maker was effectively unconstrained – lightly constrained simulations will easily identify the map as a partisan or racial outlier. Since race is often unavailable as an explanation due to the limitations of the 14th Amendment, that will often leave politics as the explanation. This is the situation I confronted in my testimony in Maryland and New York.

When it clear a map is a gerrymander, but it is unclear whether it is a racial or political gerrymander, it can be more complicated. It can be especially complicated if state law allows for one of those types of gerrymanders. First and foremost, it is difficult to achieve a representative map set because these algorithms were not created to draw gerrymanders. In other words, it is hard to get them to draw a set of race-neutral political gerrymanders in order to rule out the possibility of race as an explanation, or vice-versa although there are workarounds of varying utility. The algorithms naturally tend to draw compact districts, so if a mapmaker is largely indifferent to compactness, or isn't at least theoretically constrained by a "strong" compactness requirement in a state constitution, it can be difficult to truly approximate the non-racial or non-political constraints under which the mapmaker was operating, because you have to force the simulations to act against their natural tendency.

Moreover, because race and politics are often intertwined in America, they are difficult to disaggregate. To the extent compliance with the federal Voting Rights Act is a legitimate reason to draw heavily on the basis of race, these explanations can sometimes be ruled out by "freezing" potentially protected districts – again, this tactic has been explored elsewhere, including by myself in New York and Maryland – and restricting analyses to areas where race is not a viable explanation. This is effectively what Dr. Barreto attempts to do in some of his analyses, although there are problems with the way that he has implemented it. Second, it is important to ensure that the simulations operate under the same set of constraints as the mapmaker. Because many of these constraints – compactness for example – often relate to political outcomes, failure to

constrain oneself in the same way as the map drawer can result in a politically skewed ensemble (relative to the map maker). Returning to our polling analogy, if you are polling Texas and have a list of residents of Dallas and Tarrant counties, you will probably obtain a racially diverse sample. If you see some other Texas pollster who gets a heavily all-White sample, you might suspect something is amiss and conclude that he was a bad pollster. If, however, this other pollster had a list that contained mostly panhandle counties, it will be difficult to isolate problems with his technique from the fact that you and he were simply operating under different constraints.

To make this more concrete, if a mapmaker is unconcerned with compactness and your algorithm tends to produce compact maps, it becomes more difficult to isolate politics (or race) as a driving factor in an enacted plan. The mapmaker might simply be drawing less compact districts than the algorithm, and because politics, race and compactness often intertwine, that compactness preference has a second order effect of producing a different racial or political makeup.

Or, a mapmaker might be interested in protecting incumbents of his or her party. He might do this by (a) ensuring they are not drawn into a district with another incumbent of the same party (b) ensuring that they are not drawn into a district that is politically unfavorable and/or (c) ensuring that they are not drawn into unfamiliar territory, risking a primary challenge. In my experience drawing maps, working with incumbents can constrain the acceptable outcomes in ways that are difficult to quantify; a map that placed them in a district with another incumbent or left them vulnerable to a primary challenge would be dead on arrival. Also, because race and politics are often interrelated in America, a map maker who wanted to draw districts that strongly favored his party would likely be sampling from a different set of possible districts than a simulation ensemble produced pursuant to generalized redistricting concerns.

Third, these simulations can be quite fragile, and their output must be carefully examined. The simulations tend to take user-imposed constraints quite seriously, and when too many constraints are imposed they may produce only a handful of unique plans.

An ensemble that nominally produces hundreds of thousands of maps may, in fact, only produce only a handful of *unique* maps, rendering useful comparisons impossible.

In the “step-based” approach that the Barreto/Rios reports utilize, there is an additional problem that the mathematics involved rely on something called a Markov Chain. While this is a mathematically complex subject, the following should loosely explain the issues that can arise from this.

Imagine that you intend to explore a planet using remote “rovers,” or if you prefer, “a robot.” One robot therefore sent to a foreign planet. To explore the planet, it makes random choices to turn. Rather than constantly sending back video, which would be time consuming to evaluate, it sends pictures at set times. From this sample of pictures, you hope to learn about the general features of the planet as the robot moves through polar regions, forests, etc.

For the first few moves the robot makes, you are likely going to receive pictures that are highly dependent on the starting point and are therefore not representative of the planet. But after enough random choices, the robot will make choices that lead it away from the starting point and, eventually (in theory), around the entire planet. Given enough time, your pictures will produce a representative sampling of what the planet looks like. If the robot is allowed to continue long enough, it will eventually send pictures from all over the planet, and you will have valid inferences about what the planet is like from your photo set, and your starting point will be irrelevant. This is (basically) what “convergence” means.

You may have two questions in your head immediately: (1) How long will it take to achieve this state and (2) what if my robot starts in a crater that it has trouble getting out of? The first question is a very good one, and it honestly doesn’t have a clear answer, but this is a complex subject that is beyond my critique here. Long story short: It’s part of why such a massive number of plans are typically created. The second question provides a bigger practical stumbling block. Suppose your robot starts out in a crater with only a narrow path out. It might take your robot an extremely long time to find

this path. If you've called a stop to exploration before that, believing that surely you've covered the whole planet by now, you might conclude that the crater is representative of the world when in fact your robot was just stuck in a bottleneck.

There are solutions and workarounds here. The most common – employed by Dr. Barreto here – is to land multiple robots. They likely won't all land in the crater. When they all eventually start to return pictures that, in their totality, look the same, you'll assume that the different landing points have likely converged and you now have a good sample you can draw inferences from.

In the real world, if the program is strongly constrained by a compactness requirement, but the map has a narrow strip of precincts (or one large precinct), it may have a difficult time producing maps that move through that area, and thus fail to explore the full sample space until an unusually large time is spent. If the chain is terminated before that happens, it will not produce a valid sample.

To address this, many packages, including *redist*, which I used earlier in the case and the Barreto/Rios reports employ here, enable you to run multiple chains and include diagnostics that will tell you whether your ensemble is sufficiently diverse (*i.e.*, it does not repeatedly return the same maps) and whether the chains have converged. In other words, if you explore the diagnostics, it will tell you whether you have a usable ensemble from which you can draw inferences.

3.1 Data creation and management

During the course of this litigation, experts have generally been good about providing the data to each other that they will need to reproduce each others' work. For example, Dr. Duchin has provided her chains to defense to examine, and Dr. Ansolabehere provides all data and computer code needed to replicate his work. I've provided clearly labeled code and shapefiles needed to recreate my ensembles.

The Barreto/Rios report is different. They have declined to produce his simulation set for inspection. This would not necessarily be a huge problem. At the time of my

initial report, I did not save my final simulations, as they were often massive files that consumed a lot of memory and were difficult to transfer because they were far too large to e-mail. To try and ensure that opposing experts could replicate the exact maps that I produced, however, I used a technique known as setting a seed. This tries to ensure that any computer running my code would make the same random choices that my computer made. Thus, an expert who ran my code would still produce the same solution set that I was examining, and could explore and critique that set as they see fit.

Dr. Barreto/Mr. Rios did not set a seed in their code, which means that the exact simulation set that they produced and examined is effectively destroyed. While I've received word that they have offered to run sims using a seed of my choice, and that I can recreate my simulations using the same seed, I learned of this roughly 36 hours before this report was due, making such a solution impractical (and it isn't clear why they just wouldn't produce those simulations).

After all, according to the Second Barreto/Rios Report, it required several weeks to produce the final simulations given the "high computing demands required to complete analysis on the newly passed maps for the second most populous state in the country with nearly 19 million registered voters and 38 congressional districts." Regardless, the best available option at this point is to replicate their process via whatever code they have shared and accept that the maps produced may be somewhat different from what they analyzed.

Even this has proven difficult, however. To run the code, the computer reads in a file via the command `"texas_24 < - fread("filepath")"`. What this does is place something into the computer's memory that it labels "texas_24." That object is later transformed into a redistricting map which the computer uses as the basis for its simulations.

Unfortunately, there is no item in the production titled "filepath." My understanding is that plaintiffs have refused to produce this document, and instead refer to the computer code for instructions on what to include in the file. In other words, they do not produce the files needed to run their code, but rather instruct defense on which

data to obtain, which can then be manipulated to (hopefully) produce the file that they would put in their own “filepath” slot. This is troubling because (a) it isn’t how this is usually done, in my experience and (b) there are choices – how to weight data, how to handle split precincts, and so forth – that have to be made by a programmer here. This is why in my previous productions all native shapefiles on which I relied were made available, and code is included that illustrates how I turned those into my mapfile. It required no search for data by opposing experts, nor did it require guesswork on how I chose to merge and weight data. If I made a mistake in merging my data, or if I made a questionable choice, it could be discovered. This is not possible – for all I know the files on which Dr. Barreto or Mr. Rios relied are riddled with errors and inconsistencies. This has been important in litigation in the past; in a case in Nassau County, since replication files were made fully available, it became apparent that there was an error in a different expert’s joining process that frequently yielded non-contiguous districts. If I had been left to do it on my own and not made the error, I would not have produced those maps. Regardless, I have, as per counsel’s instructions, carefully followed the instructions in Dr. Barreto/Mr. Rios’s code to create the shapefile on which their code is based, using my best judgment. My analysis follows.

4 Review of the Barreto/Rios Simulations

The first Barreto/Rios Report concludes with a set of simulations. It opens with a now-familiar dotplot of what appears to be 1,000 simulation results of a statewide map. I say “appears” to be because I don’t believe that I’ve ever received any code that produces 1,000 simulations. If Dr. Barreto/Mr. Rios are using the merge-split, algorithm, as they do in the second report, then 1,000 simulations is far too few steps in the simulations to draw conclusions. In fact, 1,000 simulations are a low number for any simulation evaluation. My assumption is that Dr. Barreto and/or Mr. Rios uses SMC here – the algorithm that I used in my initial report – which is not a step-based algorithm. Nevertheless, they produce two orders of magnitude fewer maps than I produced earlier.

In fact, that is lower than I ever recall seeing produced with merge-split or SMC in litigation.

Moreover, a quick look at the output here shows immediate signs of a problem: Banding. You can see that in several instances (Ranks 1-4, Rank 7, Rank 12, Rank 38), the dots form lines, rather than a cluster. This often indicates a lack of diversity in the simulations. One reason to produce a large number of plans is that the software will often produce duplicate maps, particularly if it finds a combination of precincts that works particularly well. On its own, this is not a problem. If you were polling the height of American men, you would get multiple responses near 5'9". Since you need a representative sample of the underlying distribution to perform statistical inference, we want multiple instances of maps that might fit the constraints particularly well. At the same time, if you only have a handful of maps that fit a set of constraints, it is an indication that the simulation is overconstrained, and that the maps are not able to explore the sample space fully.

Finally, all that these maps demonstrate is that the map is either a political or a racial outlier. We do not need simulations for this, as we are in agreement here. But the problem is that in order to distinguish between the two, we need a set of simulations that accurately replicates the constraints under which the map maker was laboring while withholding either racial or political data, but not both. If that is accomplished – and it is difficult to do so in most circumstances – a researcher can then compare the racial or political makeup of the simulation ensemble to the racial or political makeup of the enacted map and draw inferences.

But because Map C2333 presents as an outlier on both the political and racial simulations, we cannot draw an inference other than that the map does not look like one drawn without unusually heavy partisan or racial demands. That does not disaggregate race from politics.

More importantly, it uses a measure of Republican performance that I, in my experience as an elections analyst, would not employ. Nor does it appear that the map-

maker employed it. This iteration of simulations counts a district as Republican if Donald Trump carried it. But this would be a bad heuristic for two reasons. First, Trump won the popular vote by about 1.5 points in 2024. This means that a district that he carried by a point would actually have a slight Democratic tilt to it overall.

To see why, consider Massachusetts in 1980 and 1984. Ronald Reagan carried it narrowly both years. On a naïve read, one might conclude it was a “Republican” state. The national environment, however, was extremely favorable for Republicans both years at the presidential level. The state was about seven points to the left of the national average, but because Reagan was winning by large margins, that was enough for the state to go “red.” In 1988 and 1992 the state remained about seven points to the left of the popular vote, but because the environment was less favorable to Republicans, the election was closer and the Democrat carried it. While it might look as though the partisanship of the state changed, in fact it was more-or-less constant relative to the country: It was always one that would be expected to vote for a Democrat in a neutral year. In the same way, in a purely neutral year where the popular vote is split exactly, we would expect Democrats to have a slight advantage in a district Trump won by a point or so. A Republican gerrymanderer would be extremely unlikely to draw such a district.

Moreover, this is intended to be a test of mapmaker intent, and the mapmaker here apparently did not want to draw marginally Republican districts. He drew *overwhelmingly* Republican districts. Again, fact discovery might yield a different conclusion, but the First Barreto/Rios report even cites to an example of Republicans expressing dissatisfaction with a district that was almost 58% Republican. Thus, a 51-49 district, which most analysts would consider a tossup, would not be one that would satisfy a political gerrymanderer’s desire to entrench his party in seats in a red state like Texas. A simulation set that counted such a district as acceptably Republican would not be constrained in a way similar to the mapmaker.

There are two other simulation sets that can be addressed quickly. The code for the second set, which covers some of South Texas, was never produced. I have no code

that tries to filter districts in Guadalupe County, or District 35. Since the simulations were not produced, it is impossible for me to replicate or evaluate the Barreto/Rios' map's supposed findings here. With that said, given the badly flawed nature of the subsequent simulations, I would be reluctant to trust these results.

The final simulations in this set do appear to be made available in the code produced. However, the instructions for that code provide "Dataset needs CVAP, 2024 Presidential Election results, and C2193 boundaries merged at the VTD level For other regional replications, change the counties to subset on lines 27-28 Also, change the number of ndists on line 34; the K_min on line 52." (cleaned up). This differs from later code, which specifies using the C2333 boundary files. In other words, these simulations appear to test the wrong map. This may well be a typo, but since I have no shapefile and no computer output to test, I cannot be sure of this. However, based upon what I have available to me, these simulations are unhelpful because they test the wrong map.

The Second Barreto/Rios declaration begins with an analysis of Districts 7, 18, and 29. ¶6. It concludes that it would be extremely unlikely that a majority BVAP district would be drawn. Because they are analyzing only Democratic districts, they claim that they do not have to worry about politics as an explanation.

The problem is that this approach does not actually replicate the approach that the mapmaker was taking. While the envelope approach is useful, particularly in a large state like Texas, it also has real limitations. Simulations need some room to "breathe" in order to truly approximate the choices available to the mapmaker, but also to allow the map set to converge and avoid bottlenecks. In fact, we know from the discussion of the drawing of District 9 above that when the mapmakers drew Districts 7, 18 and 29, that they did *not* feel limited to the precincts that ended up in Districts 7, 18 and 29.

To that end, I replicated the Barreto/Rios simulations for Districts 7, 18 and 29. I then did what Dr. Barreto and/or Mr. Rios seemingly failed to do: Run diagnostic checks on it. The chains here fail multiple diagnostics and are unusable. The diagnostics report "WARNING: Low Plan Diversity," with a red "X" next to it. It continues "Low diversity

. . . ‘. Consider weakening or removing constraints, or increasing the population tolerance.” Next, it says “Watch out for low acceptance rates (less than 10%).” The reported chain acceptance rates are 1.0%, 1.1%, 0.9%, 0.9%, 0.9%, 1.1%, 1.0%, and 1.1%. In other words, the simulations that they produce fall far short of what the creators of the software considered adequate for producing an ensemble from which you can draw valid inferences. It is so far off, creating an effective sample would require effectively creating an entire new case-in-chief.

Looking at the plans more closely, of the 393,608 generated plans, 357,775 are duplicates, leaving just 35,833 unique plans. This is the low plan diversity complained about. If anything, this undersells the problem, since a map can be one precinct off from a separate map and still appear as though it were a “different map.”

Dr. Barreto next explores possibilities for districts 30 and 33. Once again, when we run basic diagnostics on the plans, it responds “WARNING: Low plan diversity.” Just to be sure of myself, I ran 16 chains here, and the acceptance rates were as follows: 0.3%, 0.3%, 0.3%, 0.3%, 0.2%, 0.3%, 0.3%, 0.3%, 0.3%, 0.3%, 0.4%, 0.3%, 0.3%, 0.2%, 0.3%, and 0.3%. Recall that the software warns against acceptance rates of less than 10%. A brief comparison of the chart in the Second Barreto/Rios Report and mine confirms that we are reaching similar results.

To illustrate what is occurring “under the hood” consider the following chart, which shows every 10,000th map in the chain created in this region:

If you look carefully enough, you can see variations in the way districts are drawn, but they are marginal. Maps 114,000 and 124,000 vary by a couple of precincts at the very top, so while they are technically different maps for purposes of a computer, I do not know that most humans would consider them different in a meaningful way. At the same time, it appears that map 74,000 in the chain is the same as map 124,000 in the chain.

In other words, the chain is “stuck.” It has found a basic configuration that optimizes the constraints under which it exists, and finds it difficult to improve upon. But

Figure 30: Map state at steps 14,000 through 124,000, every 10,000 steps



because we are humans and not robots, who likely do not have a fixed polsby-popper compactness score to target in our mind, we might find that we prefer a configuration that lays more on its side, which is what the existing map does. Regardless, this is not a sufficient baseline from which to operate. It would require effectively starting from scratch with an entirely different simulation set – in effect a new opening report from Dr. Barreto/Mr. Rios – to draw adequate conclusions.

We then proceed to the analysis of Republican districts in the Harris County area. Here, Dr. Barreto/Mr. Rios effectively concede defeat from the outset: They are unable to produce seven districts where Trump's vote share was higher than 59%; the most they can produce is six. They proceed instead with districts where Trump's vote share was higher than 56%, notwithstanding the fact that a district with a 57% Trump share was specifically judged insufficient by the legislature. Second Barreto/Rios Report n.2. They assert that this shows the "greater unlikelihood" of producing a Trump-majority Hispanic district in the area, but they do not know this; this is the entire reason that we produce simulations. Remember, maps with seven 59% Trump districts are not a subset of maps with six 59% Trump districts or of maps with six 56% Trump districts; they are a completely different set that may be limited to completely different configurations. There are presumably far fewer combinations in the area that result in seven 59% Trump districts than there are combinations that result in seven 56% Trump districts; it may be that the legislature stumbled on one of only two or three possible configurations.

Regardless, a quick examination of Figure S3 and Figure S4 reveals problems at the outset with those simulations that they do produce: there is extreme banding at almost every level:

Indeed, chain acceptance rates are once again dangerously low: Below 10% in multiple instances. It warns "WARNING: Low plan diversity" and continues "Low diversity: Increase the number of samples."

And once again, we can see that the maps produced are variations on a single theme. Because of the "donut" around Harris County, the logical way to produce compact

Figure 31: Figure S3, Second Barreto/Rios Report

Figure S3: Probability of Majority-Hispanic CVAP District Among 7 Trump Districts in CD2-CD8-CD9-CD14-CD22-CD36-CD38 Region Among 2.7 Million District Possibilities

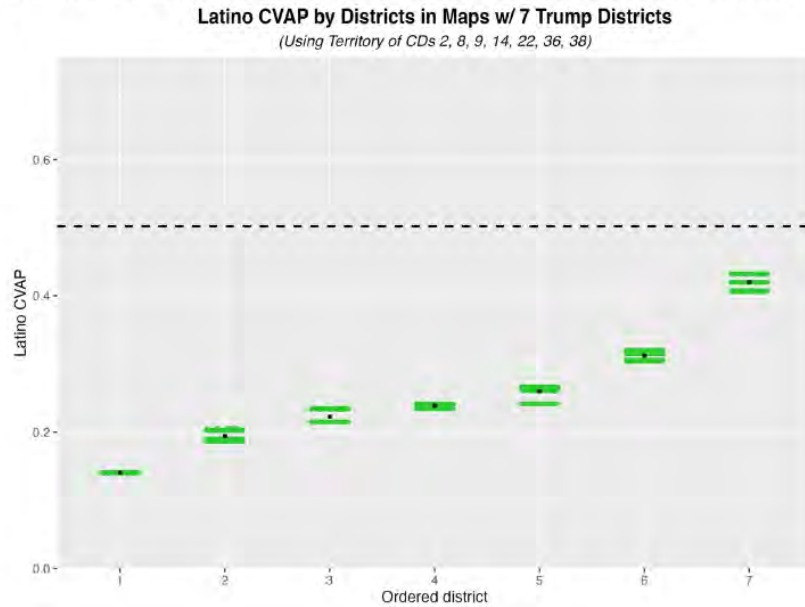


Figure 32: Figure S4, Second Barreto/Rios Report

Figure S4: Estimated Trump Vote Share in the 7 Trump Districts in CD2-CD8-CD9-CD14-CD22-CD36-CD38 Region Among 2.7 Million District Possibilities

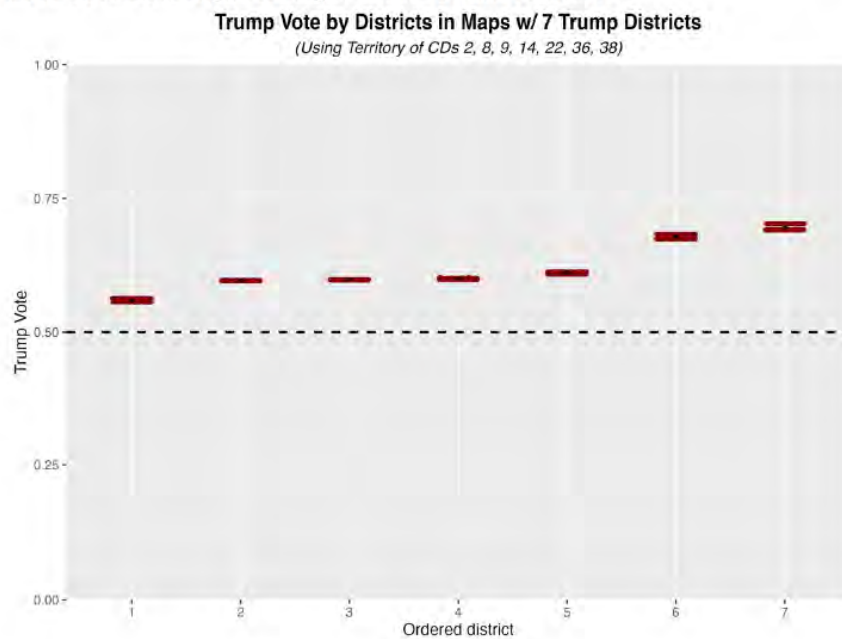


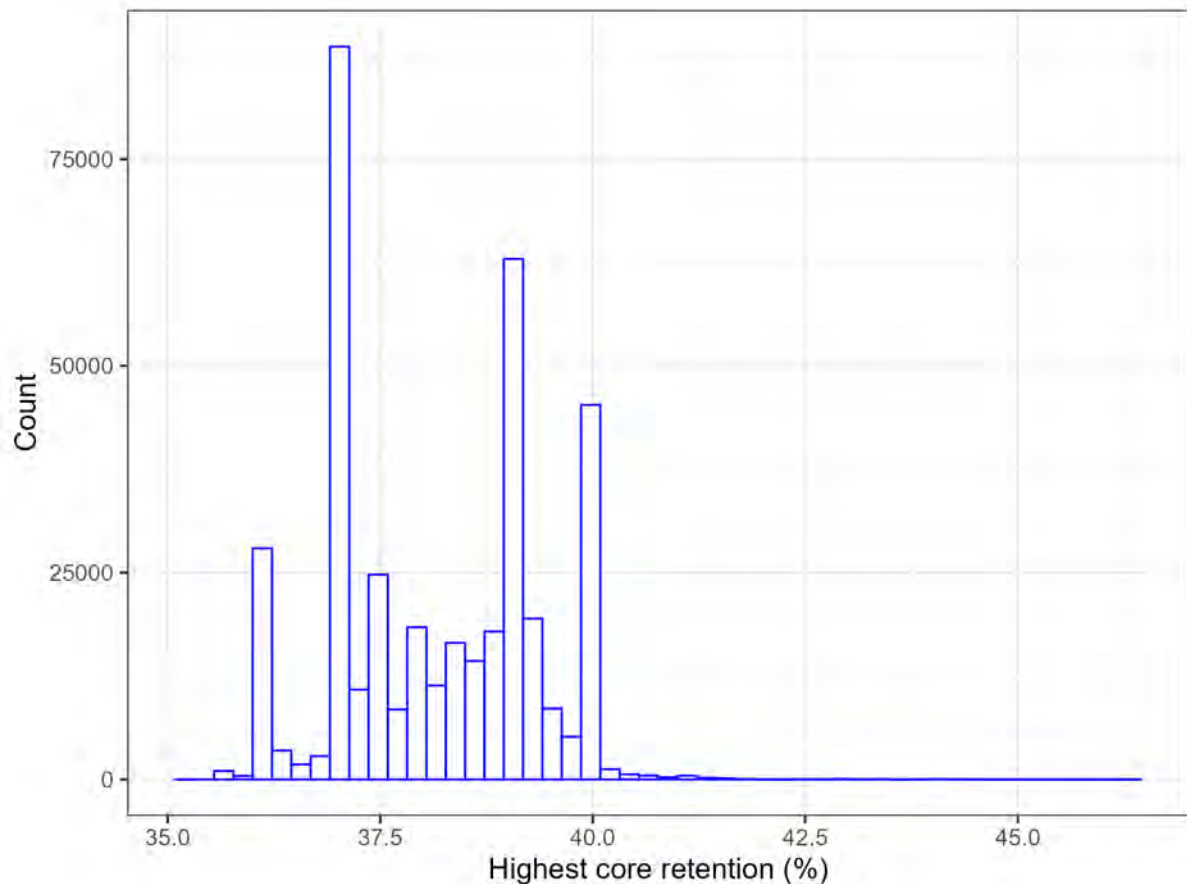
Figure 33: Map state at steps 14,000 through 124,000, every 10,000 steps



districts is to create pizza slices emanating from the center. Once again, the computer finds a configuration that it likes and repeatedly samples variations of it. Because that basic configuration is different than what the mapmaker decided upon – and apparently much more respectful of compactness – it is unsurprising that it produces a different racial breakdown than the enacted map: The maps are simply drawn from different distributions.

This also introduces additional complications. Because we are now dealing with Republican-held districts, incumbency becomes a challenge. In particular, the mapmaker would not want to place Republican incumbents in the same districts. Yet in this ensemble, 179,633 of the 393,607 maps (45%) place at least two Republican incumbents in the same district.

Figure 34: Highest core retention rates per ensemble map, Barreto/Rios Ensemble for Harris County



Finally, because we are dealing with Republican districts, there is likely a concern over core retention, aside from District 9. Core retention is the maximum percentage of the population in the baseline map (here the 2022 map) that is retained in a single district in the proposed map. As it turns out, the six Republican-held districts in this cluster in C2333 have core retention rates of 59% or higher. This is generally favored by incumbents, who do not want to have to introduce themselves to new voters every cycle.

As it turns out *none* of the districts in the Barreto/Rios ensemble here have core retention rates of even 59%.

With the South Texas analysis, things are worse. The diagnostics return the following “Chain acceptance rates: 0.1%, 0.1%, 0.1%, 0.0%, 0.0%, 0.1%, 0.1%, and 0.1%.” Recall that the software warns against acceptance rates under 10%. It also warns that

“R-hat values for summary statistics should be between 1 and 1.05.” The R-hat is a crucial diagnostic: It warns us that a robot might be stuck in a crater. When we run our diagnostic, all of our chains report R-hat diagnostics well beyond the 1.05 marker: Compactness (1.73); Population deviation (1.388); Trump Vote (1.388); Harris Vote (1.708); White CVAP (1.879); Latino CVAP (1.907); Black CVAP (2.554). It then warns in bold: “Chain convergence: Increase the number of samples. If you are experiencing low plan diversity, address that issue first.” Of course, these diagnostics are flagged in a set created *before* Dr. Barreto and/or Mr. Rios filter out roughly half of the plans for failing to produce a sufficient number of Trump districts. Moreover, of these plans, only 107 appear to be unique. These simulation results are simply unreliable.

The same is true of Dr. Barreto and/or Mr. Rios’ statewide plans. None of the acceptance rates are above 10%. None of the chains appear to have converged in either the base or after they filter down to 30 Trump-district maps. The chart on Figure S7 shows evidence of banding, which is unsurprising given that there are only 4680 unique plans at this point. This is simply unreliable.

Moreover, the indifference to incumbency creates real difficulties here. Every map in the ensemble places two Republican incumbents into the same district at least once. Finally, C2333 maintains, on average, 64% of the cores of districts. Many maps in the ensemble have a maximum core retention of less than that, and an average core retention in the 20% range.

Figure 35: Max Core Retention, Statewide Sims, Barreto/Rios set

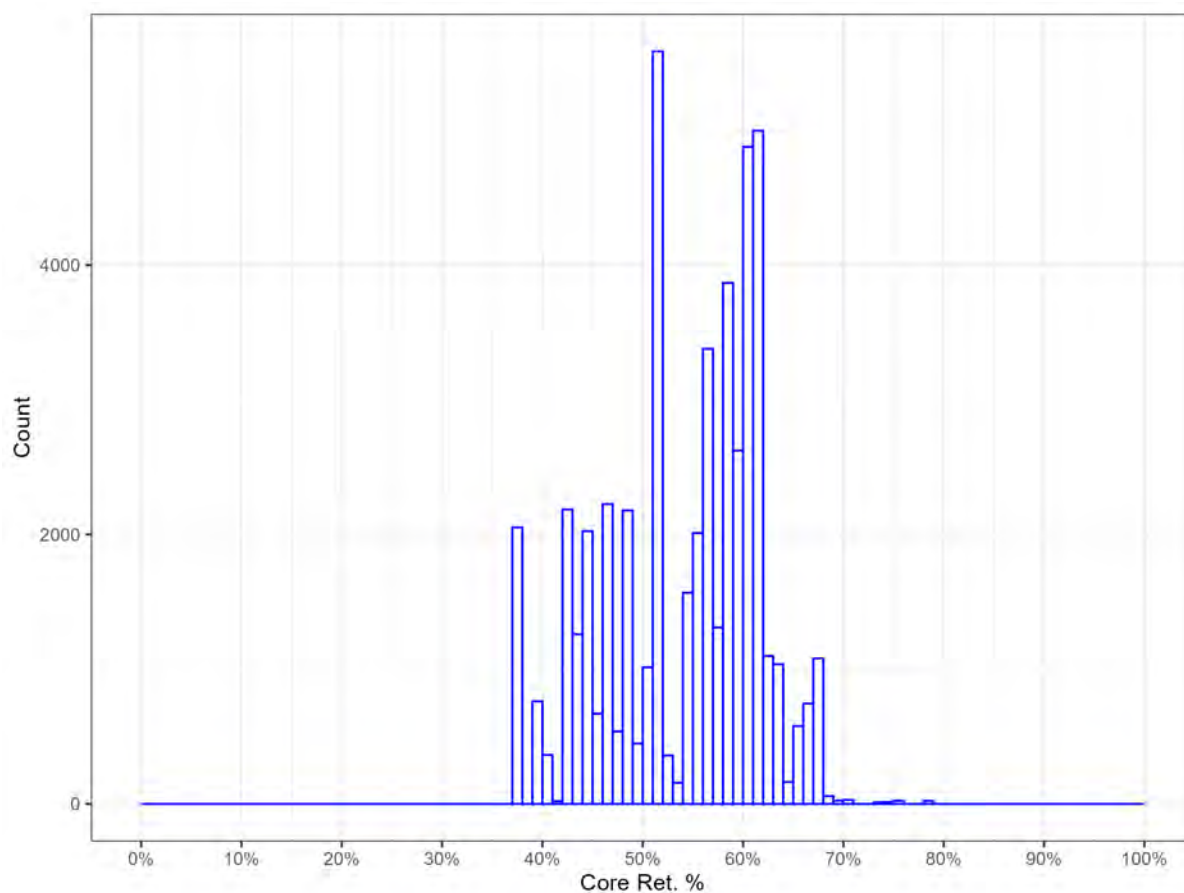
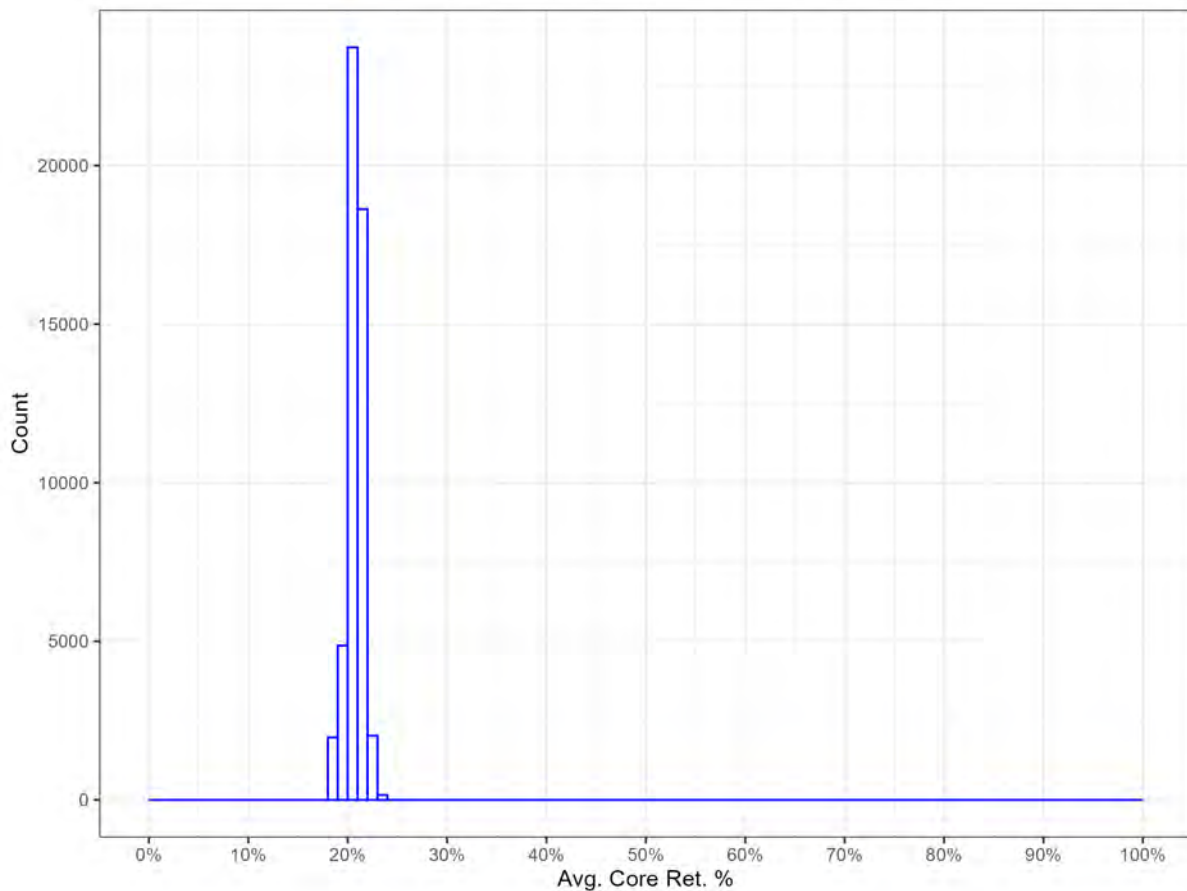


Figure 36: Avg. Core Retention, Statewide Sims, Barreto/Rios set



5 Response to Mr. Ely

I have also reviewed the Ely Report. It largely repeats the observations in the First Barreto/Rios Declaration, and consists mostly of maps that illustrate the makeup of precincts in the Harris County area and Bexar County. It also includes performance expectations for various districts. A few additional responses are warranted here. First, it appears that Mr. Ely's maps are mislabeled. He claims that his racial plots show whether precincts are majority Hispanic CVAP, Black CVAP, White CVAP, or Asian CVAP. It appears as though the units here are census blocks. The numbers at the census block level for ACS data would be estimated from the block groups, and would have huge error margins. Second, the political data, available on pages 12-15 confirm the degree to

which the maps cleave to political boundaries in the district.

6 Conclusion

The report of Mr. Ely adds little to the discussion not touched upon by other experts. The Barreto/Rios report fails to demonstrate that race, rather than politics, predominated in the drawing of the maps. The simulations are all fatally flawed, and can not be relied upon here.

I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and correct to the best of my knowledge and belief. Executed on September 22, 2025 in Delaware, Ohio.

Sean P Trende

Sean P. Trende

EXHIBIT 30

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN
AMERICAN CITIZENS, et al.,
Plaintiffs,

3:21-CV-00259-DCG-JES-JVB

v.

^time

GREG ABBOTT, IN HIS OFFICIAL
CAPACITY AS GOVERNOR OF THE
STATE OF TEXAS, et al.,
Defendants.

June 9, 2025

BENCH TRIAL
BEFORE THE HONORABLE DAVID C. GUADERRAMA
HONORABLE JERRY E. SMITH
AND HONORABLE JEFFREY V. BROWN

APPEARANCES:

FOR THE LULAC PLAINTIFFS:

Ms. Nina Perales
Ms. Julia Renee Longoria
Ms. Sabrina J. Rodriguez
MALDEF
110 Broadway Avenue, Suite 300
San Antonio, Texas 78205
(210) 224-5382
nperales@maldef.org
jlongoria@maldef.org
srodriguez@maldef.org
and
Ms. Denise Hulett
Ms. Khrystan Nicole Policarpio
MALDEF
1512 14th Street
Sacramento, California 95814
(915) 444-3031
dhulett@maldef.org
kpolicarpio@maldef.org
and

Leticia D. Perez
525 Magoffin Avenue
El Paso, Texas 79901

APPEARANCES: (Continued)

Ms. Andrea Senteno
MALDEF
1016 16th Street NW, Suite 100
Washington, DC 20036
asenteno@maldef.org
and
Mr. Ernest I. Herrera
MALDEF
634 South Spring Street, 11th Floor
Los Angeles, California 90014
(213) 629-2512
eherrera@maldef.org

FOR THE GONZALES PLAINTIFFS:

Mr. David Fox
Mr. Richard A. Medina
Elias Law Group
250 Massachusetts Avenue NW, Suite 400
Washington, DC, 20001
dfox@elias.law
rmedina@elias.law
(202) 987-5010

FOR PLAINTIFF MEXICAN AMERICAN LEGISLATIVE CAUCUS:

Mr. George (Tex) Quesada
Mr. Sean McCaffity
Sommerman, McCaffity & Quesada, L.L.P.
3811 Turtle Creek Boulevard, Suite 1400
Dallas, Texas 75219
(214) 720-0720
smccaffity@textrial.com
quesada@textrial.com

FOR PLAINTIFF TEXAS NAACP:

Ms. Lindsey Cohan
Dechert LLP
515 Congress Avenue, Suite 1400
Austin, Texas 78701-3516
(512) 394-3027
lindsey.cohan@dechert.com
and

Leticia D. Perez
525 Magoffin Avenue
El Paso, Texas 79901

Exhibit 30

APPEARANCES: (Continued)

Mr. Jeremy Lewis
Mr. David Rollins-Boyd
Ms. Jennifer Nwachukwu
The Lawyers Committee for Civil Rights Under Law
1500k NW
Washington, D.C. 20005
(617) 893-1322
drollins-boyd@lawyerscommittee.org
jlewis@lawyerscommittee.org
jnwachukwu@lawyerscommittee.org
and
Mr. Carroll Rhodes
Law Offices of Carroll Rhodes
P.O. Box 588
Hazlehurst, Michigan 39083
(601) 894-4323

FOR PLAINTIFF TREY MARTINEZ FISCHER:

Mr. Martin Golando
The Law office of Martin Golando, PLLC
104 Babcock Road, Suite 7
San Antonio, Texas 78201-3803
(210) 471-1185
martin.golando@gmail.com

FOR THE BROOKS PLAINTIFFS:

Mr. Chad Dunn
Brazil & Dunn
1900 Pearl Street
Austin, Texas 78705-5408
(512) 717-9822
chad@brazilanddunn.com
gwen@brazilanddunn.com
and
Mr. Mark P. Gaber
Mark P. Gaber, PLLC
P.O. Box 34481
Washington, D.C. 20043
(715) 482-4066
mark@markgaber.com
and
Ms. Molly Elizabeth Danahy
Molly E. Danahy, Esq.
P.O. Box 51
Helena, Montana 76112
(406) 616-3058
danahy.molly@gmail.com
and

Leticia D. Perez
525 Magoffin Avenue
El Paso, Texas 79901

APPEARANCES: (Continued)

Ms. Sonni Waknin
Sonni Waknin, Esq.
6417 North Figueroa Street, #10
Los Angeles, California 90042
(732) 610-1283
sonniwaknin@gmail.com
and
Mr. Jesse Gaines
Jesse L. Gaines, Attorney at Law
6015 Meadowbrook Drive
Forth Worth, Texas 76103
(817) 714-9988
gainesjesse@ymail.com

FOR THE CONGRESSIONAL INTERVENORS:

Mr. Gary L. Bledsoe
6633 East Highway 290, Suite 208
Austin, Texas 78723-1157
(512) 322-9992
gbledsoe@thebledsoelawfirm.com
garybledsoe@sbcglobal.net
and
Mr. Nickolas Spencer
Spencer & Associates, PLLC
9100 Southwest Freeway, Suite 122
Houston, Texas 77074
(713) 863-1409
nas@naslegal.com

Leticia D. Perez
525 Magoffin Avenue
El Paso, Texas 79901

Exhibit 30

APPEARANCES: (Continued)

FOR THE STATE DEFENDANTS:

Mr. Ryan Kercher
Ms. Kathleen Hunker
Mr. Patrick K. Sweeten
Mr. Christopher D. Hilton
Mr. J. Aaron Barnes
Mr. William Francis Cole
Mr. William D. Wassdorf
Mr. Steven Loomis
Mr. Mark Csoros
Ms. Munera Al-Fuhaid
Ms. Ali Thorburn
Mr. Kyle Tebo
Mr. William F. Cole
Mr. Zachary R. Rhines
Office of Texas Attorney General
P.O. Box 12548
MC 009
Austin, Texas 78711
(512) 463-4139
ryan.kercher@oag.texas.gov
kathleen.hunker@oag.texas.gov
patrick.sweeten@oag.texas.gov
aaron.barnes@oag.texas.gov
william.cole@oag.texas.gov
will.wassdorf@oag.texas.gov
steven.loomis@oag.texas.gov
mark.csoros@oag.texas.gov
munera.alfuhaid@oag.texas.gov
ali.thorburn@oag.texas.gov
kyle.tebo@oag.texas.gov
william.cole@oag.texas.gov
^zachary.rhines@oag.texas.gov

Court Reporter:
Leticia Perez, RMR, CRR
525 Magoffin Avenue, Third Floor
El Paso, Texas 79901

Proceedings reported by court reporter. Transcript
produced via computer-aided transcription.

Leticia D. Perez
525 Magoffin Avenue
El Paso, Texas 79901

PROCEEDINGS

JUDGE GUADERRAMA: Mr. Kercher, I understand we have a change in lineup?

MR. KERCHER: We do, Your Honor. A couple of housekeeping matters to go through.

First of all, and in keeping what has become the culture of this trial, I should announce that today is Ms. Thorburn's birthday. She has, I believe, turned 12, so congratulations to her.

(LAUGHTER.)

JUDGE GUADERRAMA: I believe it.

MR. KERCHER: Additionally, Dr. Trende. Apologies. Everyone is here at 8:30 to accommodate Dr. Trende's schedule. But due to weather in the northeast, Dr. Trende had not one but two flights scheduled. He is from Columbus, Ohio. He spent the night in Pittsburgh, Pennsylvania, of all places. Purgatory. He is, at the moment, in the air between DFW and El Paso, and is set to be wheels down at 9:00 a.m. this morning. Mr. Csoros is there to ferry him here.

I've spoken briefly with some but not all of Plaintiffs' Counsel. We are prepared to move forward with Senator Huffman's cross-examination first thing this morning. And when we reach a natural stopping point in that cross-examination we'll ask to put Dr. Trende up if the parties are all agreeable.

1 JUDGE GUADERRAMA: What's the deal with Dr. Trende's
2 flight this afternoon?

3 MR. KERCHER: He does still have a flight out this
4 afternoon, Your Honor. If he has to miss that flight in order
5 to complete his testimony, then that is what will have to
6 happen. There was weather in the northeast, and by the time he
7 was slated to fly down to Dallas -- but he is in Dallas.

8 JUDGE SMITH: That's fine. I just thought he had
9 another trial tomorrow. Did I misunderstand?

10 MR. KERCHER: He does have another trial commitment.
11 My understanding is that he is not set to be on the stand right
12 away, but that he was hoping to get out there in advance, as
13 you can well expect.

14 So that's my understanding of his schedule, and is
15 where we are, provided his current flight is not delayed
16 midair.

17 I also wanted to update the Court regarding the
18 controversy on Saturday evening about the transcripts and the
19 video.

20 The parties -- following trial, my team went back to
21 the hotel, and without eating dinner, sat down and checked our
22 diligence to made sure that everything had been disclosed, as
23 we thought that it had. And it had.

24 We sent an email to opposing counsel providing them
25 with the document I provided to Mr. McCaffity that shows all of

1 the verbatim transcript that was synced to the video clips.

2 By way of background, the transcripts have been
3 available to all parties in pdf format. Separately, State
4 Defendants obtained ASCII files for most, but not all -- all
5 but one of the video portions that were played. And that's how
6 we were able to sync the transcript to the video.

7 All of the videos -- not just the clips, but all of
8 the videos that the Court saw are already in evidence.

9 I don't think we still have an evidentiary fight. But
10 to the extent that we do, and without going through all four
11 movements of Mr. McCaffity's 106 objection, our view is that
12 Rule 106 pertains to the admission of evidence.

13 So for example, if I were reading a portion of a
14 deposition into the record for impeachment, or because a
15 witness were unavailable and I read a portion of the deposition
16 that were deceptive or out of context, then Plaintiffs would,
17 under 106, have the opportunity, at that time, to put in the
18 portions they thought were relevant.

19 Our view is that, because the entire videos are
20 already in evidence, the Plaintiffs would not have been
21 entitled to do that, even if we were in a jury trial.

22 In all events, as the Court knows, this is a bench
23 trial. The Court is less susceptible to prejudice and can
24 provide the evidence the weight it needs.

25 In all events, the Plaintiffs now have the ASCII

1 files, as well as the references used in those ASCII files, so
2 that they can, if they believe they need to, provide the Court
3 either on cross-examination or in their rebuttal case, any
4 additional context they believe is necessary.

5 Things got a little bit heated. Mr. Wassdorf, I
6 believe, after trial concluded, apologized to Mr. Dunn for
7 speaking directly to him. I think that those fences are
8 mended.

9 I do want to point out that, as the Court knows, my
10 trial team is exceedingly talented. They are doing this job at
11 a discount. They're doing this job because they believe in
12 service and they believe in these maps. I did not pull them
13 all the way to El Paso for 28 days away from their friends and
14 families in order to cheat.

15 THE COURT: Well, I don't think anybody thought
16 you were cheating or anyone was cheating.

17 MR. DUNN: We're gonna agree that the matter's
18 resolved. We have some differences in the finer details that
19 the Court probably doesn't need to hear.

20 JUDGE GUADERRAMA: I have some differences with that
21 interpretation of the Rule. You're entitled to
22 contemporaneously admit portions. But the person's that gonna
23 admit them has to have the portions ready to go for that to
24 happen. And if you don't, you waive it.

25 In the end, we'll see the entire -- the entire video.

1 It doesn't really matter. We're just arguing about minutiae.

2 JUDGE SMITH: And we're gonna take whatever time it
3 takes for you to present whatever you think you wish to present
4 and need to present. So at no time are we trying to cut
5 anything off that's in any way relevant.

6 MR. DUNN: Thank you, Your Honors.

7 (Witness present.)

8 JUDGE GUADERRAMA: Good morning. I've already sworn
9 you. You're under oath. Go ahead and have a seat.

10 THE WITNESS: Yes, sir.

11 MR. McCAFFITY: May it please the Court?

12 JUDGE GUADERRAMA: Yes, sir.

13 MR. McCAFFITY: All right.

14 SENATOR HUFFMAN, PLAINTIFFS' WITNESS, SWORN

15 CROSS-EXAMINATION

16 BY MR. McCAFFITY:

17 Q. Good morning, Senator Huffman. My name is Sean McCaffity.
18 I represent the Mexican American Legislative Caucus. I don't
19 think we've had the pleasure of meeting, so nice to meet you.

20 A. Good morning.

21 Q. Thank you for your service.

22 One of the things that we talked about yesterday, or
23 you talked about, rather, yesterday before we left, was the
24 2023 session. That was, I think, at the very end of the day
25 yesterday. So I just sort of want to start there because it's

1 a natural starting point, since that's where we ended up. And
2 I only have a couple of questions about that.

3 A. Okay.

4 Q. You testified on direct that during the 2023 session, the
5 purpose of the redistricting maps being readopted and ratified,
6 or at least one of the purposes, was to comply with the Texas
7 Constitution. Correct?

8 A. Correct.

9 Q. And I believe what you said during your testimony on the
10 floor of the Senate, which I think we watched yesterday
11 specifically, was, enacting SB375 will discharge our
12 constitutional obligations under Section 28 Article 3 of the
13 Texas Constitution. Right?

14 A. That sounds correct. Yes, sir.

15 Q. And that was the reason that the redistricting maps were
16 revisited in the 88th Legislative session, was to make sure
17 that the Texas Constitution was complied with. Correct?

18 A. Correct.

19 Q. In fact, there had been a lawsuit filed challenging the
20 redistricting maps on the basis that the Texas Constitution's
21 plain text had not been satisfied because it was done --
22 redistricting was done during a special session. Right?

23 A. I believe Senator Gutierrez had brought that suit, as I
24 recall. Yes, sir.

25 Q. And the purpose of the ratification of those maps in the

1 88th Legislature was to -- at least one of them -- was to
2 comply with the Texas Constitution and moot that lawsuit.

3 A. The purpose was to abide with the Texas Constitution.

4 Q. And the effect was to moot the lawsuit?

5 A. I don't recall if that was the effect or not.

6 Q. All right. In any event, there was no substantive business
7 with respect redrawing the redistricting maps taken up by the
8 Senate at that time, other than just adopt what had been
9 passed, and incorporate the legislative history from the 87th
10 Legislative session into the 2023 session?

11 A. I think I would disagree with that.

12 Q. All right. No members of the Senate submitted any proposed
13 amendments?

14 A. They did not.

15 Q. No members of the Senate submitted any demonstration plans
16 through the Texas Legislative Council?

17 A. I believe that's correct.

18 Q. There were no substitute amendments during the committee
19 hearing for approval of the bill after it was in its final
20 form. Correct?

21 A. That is correct.

22 Q. Was there any consideration of the claims that were made in
23 the lawsuit that is presently before this Court, which was on
24 file, before the 2023 Legislative session?

25 A. As I stated in the public record -- and I believe I said so

Leticia D. Perez
525 Magoffin Avenue
El Paso, Texas 79901

Exhibit 30

1 yesterday -- that there was every opportunity -- there was the
2 same opportunities available and made available for other
3 senators other legislators to participate, as well as the
4 public and interested groups.

5 MR. McCAFFITY: Objection, nonresponsive.

6 JUDGE GUADERRAMA: All right. I'll sustain the
7 objection.

8 Q. (BY MR. McCAFFITY) Was there any consideration of the
9 claims specifically raised in this 2021 lawsuit that was
10 pending during the time of the 2023 Legislative session?

11 A. Maybe I don't understand the question.

12 Are you asking me what specifically those claims were?
13 Because I don't recall specifically, so it's hard for me to
14 answer the question accurately.

15 Q. You knew that the Texas maps had been challenged in a
16 lawsuit. Correct?

17 A. Yes, I did.

18 Q. In fact, you testified at a Preliminary Injunction Hearing
19 about SD-10 with respect to those before this Court. Right?

20 A. Yes, I had.

21 Q. And all of that happened before the 2023 Legislative
22 session?

23 A. That is correct, sir. Yes.

24 Q. Were any of those claims, or issues that were raised in
25 this lawsuit, considered by the Senate before you ratified the

1 2023 maps?

2 A. No one brought any of those issues to be considered
3 specifically.

4 Q. Okay. When you say "no one," that includes yourself?

5 A. Correct.

6 Q. No Republican member took it upon themselves to submit the
7 demonstration maps and claims from this lawsuit for
8 consideration by the 2023 Legislature?

9 A. That is correct, sir. Yes, sir.

10 Q. All right. And I believe you heard on -- I believed you
11 testified on direct examination that you were a prosecutor for
12 Harris County when you began your legal career?

13 A. I was yes. Yes, sir.

14 Q. You served as a lead prosecutor in over hundred jury
15 trials?

16 A. Correct, yes.

17 Q. And those trials included things like murder and sexual
18 assault, aggravated robberies, drug crimes?

19 A. Yes.

20 Q. And I think Mr. Dunn got you to admit this, despite the
21 fact that you probably didn't want to do it, because it was
22 humility -- during the PI -- because of your humility during
23 the PI hearing.

24 But you were good at what you did. Right?

25 A. I hope so.

1 Q. You went to trial prepared and you knew the law and facts
2 of the cases when you stepped in front of the Jury to ask them
3 to convict?

4 A. It was always my intention. Yes, sir.

5 Q. You knew it was really important, as a prosecutor, to be
6 prepared and understand the facts and the law before asking for
7 a conviction. Right?

8 A. Correct.

9 Q. Your job, as a prosecutor, required you to have Fidelity of
10 the Constitution and respect the individual's rights no matter
11 how much you disliked them or the crime that they committed?

12 A. That is correct, sir.

13 Q. And the way, as a prosecutor, to ensure that you're
14 respecting that individual's liberty and the rights enshrined
15 in our Constitution, is to make sure you fully understand the
16 record and the law for any claim that's brought before you.

17 A. Correct.

18 Q. Now -- and as a prosecutor with over a hundred jury trials
19 under your belt, you understand and know the difference between
20 circumstantial and direct evidence. Right?

21 A. I do.

22 Q. In fact, in your vast experience as a trial lawyer, you
23 understand that circumstantial evidence can support a jury
24 verdict for murder just like direct evidence can.

25 A. In certain cases, yes.

1 Q. It could even support a conviction requiring the death
2 penalty in certain cases?

3 A. If it's proved beyond a reasonable doubt.

4 Q. And you understand that, generally, a law makes no
5 difference between the weight of circumstantial and direct
6 evidence?

7 A. It's kind of a broad question. But generally, yes.

8 Q. A judge or a jury evaluating the evidence, the finder of
9 fact, is permitted to make reasonable, common sense inferences
10 based on the circumstances of the -- that the facts present.
11 Right?

12 A. In most cases, yes.

13 Q. You also served as a twice-elected judge in the 183rd
14 Harris County criminal district court?

15 A. Yes, sir.

16 Q. And as a judge, you had occasion to resolve factual
17 disputes between the State of Texas or Harris County and
18 individuals. Right?

19 A. Yes.

20 Q. And you understand that often, a key component of resolving
21 a factual dispute is assessing the credibility of witnesses?

22 A. Yes.

23 Q. In fact, why, in your opinion as a former prosecutor and a
24 former judge, is witness credibility so important to resolution
25 of factual issues?

1 A. Well, because the trier of fact has to assess the
2 credibility before they can determine what the facts are, and
3 then determine whether or not the facts support a legal finding
4 of guilt beyond a reasonable doubt.

5 Q. And in fact, that credibility determination itself can be
6 sort of circumstantial evidence. Right?

7 A. Well, I think there's a lot of factors that go into the
8 determination of whether a witness is credible, sir.

9 Q. Fair enough. As an example, in a murder trial, that's
10 based entirely on circumstantial evidence. There's no
11 eyewitness, there's no proverbial smoking gun. Okay?

12 You with me?

13 A. I'm with you.

14 Q. All right. And in that situation, if the Defendant decided
15 to take the stand and testify, the credibility determination is
16 likely going to be the key point of circumstantial evidence
17 supporting or not supporting the conviction.

18 A. I want to make sure I'm following you. So you're saying in
19 a murder case with no direct evidence, only circumstantial, and
20 a Defendant waives his Fifth Amendment privilege and takes the
21 stand, then whether or not he is credible could have a
22 determination of the outcome of the verdict, is your question?
23 Yes.

24 Q. In fact, when a witness like that takes the stand to defend
25 themselves, the credibility of he or she on the stand is

1 probably going to be the determinative factor for the jury.

2 Right?

3 A. It's really hard to, in a hypothetical situation like that,
4 to -- you know, to guess what was going to be important to a
5 jury.

6 But I would agree credibility is important, of course.

7 Q. All right. Now as a lawyer, a prosecutor, and a judge,
8 you're also familiar with evidentiary privileges?

9 A. Yes.

10 Q. In fact, you just mentioned one about waiving a privilege
11 against self-incrimination. Right?

12 A. Correct.

13 Q. And you understand that there are instances where a party
14 or a witness can assert a privilege and refuse to answer
15 questions so as to protect certain information?

16 A. I am aware of that. Yes, sir.

17 Q. And there are lots of different privileges in the world of
18 evidence. Right?

19 A. Correct.

20 Q. Spousal privileges, doctor/patient privileges, Legislative
21 privileges. Right?

22 A. Yes.

23 Q. Privilege against self-incrimination is one that's so
24 important that it's put into the Fifth Amendment of the U.S.
25 Constitution. Right?

1 A. Yes.

2 Q. And if someone invokes the Fifth Amendment, they have the
3 right to remain silent and not have anything they use -- say be
4 used against them. Correct?

5 A. Yes.

6 Q. And in fact, it's so important, in the context of our
7 criminal justice system and our constitutional order, that with
8 the presumption of innocence, you can't even use the fact that
9 they took the privilege against them in a criminal case.

10 Right?

11 A. That's correct.

12 Q. It's different in civil cases. Isn't it?

13 A. It's my understanding it is, yes.

14 Q. In criminal cases, we want to protect an individual's right
15 to liberty. And we value that so significantly that we say you
16 cannot even use the fact that they took the privilege against
17 them.

18 But in civil cases you can draw an adverse inference
19 against someone that uses a privilege. Can't you?

20 A. I'm not as familiar with the civil trial lawyer -- civil
21 trial law, because I was never a civil litigant.

22 Q. All right. Do you have any reason to disagree with me that
23 in civil cases, someone that takes the Fifth Amendment stand
24 can have that used against them?

25 A. I will not take issue with your statement, sir.

1 Q. What, in your experience as a lawyer or a judge, is -- how
2 would you describe an adverse inference?

3 A. An adverse inference? That after something is, you know --
4 that there's a negative inference for it.

5 I don't know. I think it's very self-explanatory.
6 It's an inference that's adverse.

7 Q. So essentially, the finder of fact can assume that what is
8 being protected by the privilege is contrary to the interests
9 of the person protecting -- asserting the privilege?

10 A. That's one way of saying it, yes.

11 Q. I mean, do you disagree with that way of saying it?

12 A. No, I don't disagree.

13 Q. All right. And when a party invokes a privilege, that's a
14 choice made in litigation. Right?

15 A. Yes.

16 Q. And when you invoke the privilege and choose that choice,
17 there can be consequences for that?

18 A. I think there's consequences for decisions, yes, sir.

19 Q. And in the context of privileges in civil cases, where an
20 adverse inference can be drawn against the party asserting it,
21 the consequence of invoking the privilege is the finder of fact
22 might hold that against you?

23 A. I suppose that's correct. Yes, sir.

24 Q. You're aware of a doctrine in the law, as a lawyer, a
25 judge, and a prosecutor, called the sword and the shield, as it

1 relates to privileges?

2 A. I am not familiar with that term, sir.

3 Q. You've never heard that term?

4 A. I have not.

5 Q. Over a hundred jury trials, really, and you've never heard
6 "sword and shield"?

7 A. Not something that's used in criminal trials, to my
8 knowledge, sir.

9 Q. Okay. You understand, generally, there's a balance between
10 invoking privileges, even if the law recognizes the existence
11 of the privilege, and the ability to use information protected
12 by that privilege?

13 A. You're gonna have to repeat that question. Do I...

14 Q. You understand, generally, that the law balances the
15 privilege with the ability to use the information protected by
16 the privilege?

17 A. Sir, again, I'm not as familiar with the practice in the
18 civil courtroom. I was a criminal litigator, always a
19 prosecutor, and so perhaps I have a different viewpoint of it.

20 So I won't disagree with your assessment. I just
21 can't necessarily say that I have the same knowledge.

22 Q. Okay. So for example in a civil case, where a party puts
23 at issue the legal advice given to them by claiming that is a
24 defense, you understand that generally, courts will permit the
25 parties to go into what the advice was?

1 A. I'm not familiar with that.

2 Q. In this case you've testified repeatedly on direct
3 examination, I think, that you were confident that the
4 redistricting maps adopted by the Senate complied with the
5 Constitution and the Voting Rights Act based on advice you
6 received from legal counsel?

7 A. That is correct. Yes, sir.

8 Q. You've testified in your deposition, I think in this case,
9 and you stated on the floor of the Senate, and I think you said
10 on direct examination on Saturday, that attorneys from the
11 Attorney General's Office provided advice to you so you could
12 be satisfied that redistricting complied with the Voting Rights
13 Act and the Constitution.

14 A. Yes, sir.

15 Q. But you have refused to tell either the Plaintiffs in this
16 case, your fellow senators, members of the public, or this
17 Court, what that advice actually was. Correct?

18 A. The advice I received from the Attorney General's Office?
19 Yes, that's correct.

20 Q. You have asserted that the attorney-client privilege
21 shields that information that you were relying on to confirm
22 compliance with the Voting Rights Act?

23 A. I stood by my statement that the maps that I presented on
24 the floor of the Senate were compliant with all applicable laws
25 and the Constitution, based on my -- advice I received from my

1 attorneys, yes.

2 Q. Okay. And so this Court and the Plaintiffs and the public
3 just has to take your word for it that that advice was actually
4 given?

5 A. That is my statement, sir. Yes.

6 As I've stated repeatedly to -- under oath and also to
7 my fellow senators, yes.

8 Q. Not only do we have to take your word for it that the
9 advice was actually given, we have to take your word for it
10 that the advice was actually accurate, that it complied with
11 the Voting Rights Act, that the redistricting maps complied
12 with the Voting Rights Act.

13 A. Yes. Well, that was what I was told. All right? So that
14 was how I stated it. I relied on the advice of my attorneys.
15 That's what I have said repeatedly.

16 Q. Do you believe that refusing to share the information
17 justifying compliance with the Voting Rights Act is part of a
18 transparent and deliberative democratic process?

19 A. I think I have a right, under the privilege, to assert my
20 attorney-client privilege. And I have done so.

21 MR. McCAFFITY: Objection, nonresponsive.

22 THE COURT: Well, I'll sustain the objection to that
23 question.

24 Just reask the question.

25 Q. (BY MR. McCAFFITY) Do you believe that refusing to share

1 information, privileged -- by asserting the privilege, is part
2 of a transparent and deliberative democratic process?

3 A. Do I believe refusing -- I do not think it violates the
4 transparent process, no.

5 Q. So you believe that withholding the legal advice that
6 justified the decisions by the Senate from the public is
7 consistent with a transparent and deliberative democratic
8 process?

9 A. I do not think it's inconsistent.

10 Q. You understand that you have the right to assert the
11 privilege, but you don't have to assert the privilege. Right?

12 A. I do understand that. Yes, sir.

13 Q. And you understand that that's a choice that could have an
14 adverse consequence on how a finder of fact or the public views
15 your decisions with respect to the redistricting map?

16 A. I do understand that. Yes, sir.

17 Q. Do you think refusing to share information provided by the
18 Attorney General's Office, as to why the redistricting maps
19 complied with the Voting Rights Act, is consistent with your
20 oath to defend and protect the U.S. Constitution?

21 A. I do yes.

22 Q. Do you think refusing to share that information provides a
23 good and faithful service to your constituents and the citizens
24 of the State of Texas?

25 A. I do. And just to make sure I understand, you're talking

1 about the advice -- the advice I received from the Attorney
2 General's Office about their assessment of the legality of the
3 maps?

4 Q. That's correct.

5 A. Yes. I just wanted to make sure I was understanding your
6 question.

7 Q. We have to assume -- we have to assume that they actually
8 gave you advice, and the advice actually confirms the statement
9 that you're giving to the public. Right?

10 A. Yes.

11 Q. There's no ability for the public, the Plaintiffs, or this
12 Court, to check your math on that.

13 A. Yes, I think there is an ability.

14 Q. Have you provided any of the information for us to
15 determine whether the AG's office did it right or did it at
16 all?

17 A. I think that the maps were drawn -- I know that the maps
18 were drawn with all the publicly available data, and in the
19 same time period. We all received the data at the same time.
20 The same data was used.

21 So the public or interested groups or Plaintiffs,
22 whoever's interested, certainly has a right to use the same
23 data to -- and to assess the same maps that were drawn, or
24 individual maps or independent maps, drawn to assess their
25 viability, their -- you know, whether they were accurately

1 drawn under the VRA or the Constitution.

2 So everybody had the same data.

3 Q. That's right. And a bunch of the members of the public
4 sued the State of Texas in this lawsuit because they didn't
5 comply with the Voting Rights Act. Right?

6 A. That was their allegation. And I assume that's why we're
7 having this trial.

8 Q. And you didn't take it upon yourself to take any of those
9 claims or those maps to the Attorney General's Office to check
10 for Voting Rights Act compliance for the 2023 Legislative
11 session.

12 You've already told us that. Right?

13 A. I do not believe that is what I said. If you'd like to
14 restate the question, I'll listen again.

15 Q. You did not take any of the demonstration maps or the
16 claims in this lawsuit to the Attorneys General Office to
17 determine if they were valid or proper voting rights claims in
18 the 2023 Legislative session. Right?

19 A. The demonstration maps that were presented during the
20 Legislative session were all brought to the Attorney General's
21 Office for an assessment.

22 Q. Were the claims in this lawsuit --

23 JUDGE SMITH: Just to clarify. You're talking about
24 the 2023 Legislative session?

25 MR. McCAFFITY: Yes. Correct.

1 JUDGE GUADERRAMA: I want to make sure the witness
2 understands that.

3 MR. McCAFFITY: Post lawsuit. Yes, exactly.

4 Q. (BY MR. McCAFFITY) So were the demonstration perhaps and
5 claims in this lawsuit presented to the AG's office?

6 A. I don't know if the demonstration claims in this lawsuit,
7 which I -- I don't know if they are the same that were brought
8 in either the 2021 redistricting process or the 2023
9 redistricting process.

10 But any demonstration claims that were brought during
11 the Legislative process were brought to the Attorney General's
12 office for a legal compliance check.

13 I don't know, now, what you may have brought in this
14 lawsuit, I'm not privy to that, and whether those are the same.
15 I can only answer the question with the knowledge that I have
16 before me. So --

17 Q. Okay.

18 A. -- that would be my answer, sir.

19 Q. But you are a senator tasked with redistricting in the
20 first available regular session, and you knew that there was a
21 lawsuit that complained about Voting Rights Act compliance that
22 was pending, and you did not take any of those specific
23 claims -- you, yourself -- claims or maps in that pending
24 lawsuit to the AG for compliance?

25 A. Again, sir, as I stated, I don't know if those were the

1 same demonstration claims that were brought during the
2 Legislative session.

3 Once the lawsuit was filed, I was not involved, other
4 than being a witness.

5 Q. One of the things you could have done, as a senator tasked
6 with drawing redistricting maps and to make sure they complied
7 with U.S. Constitution and the Voting Rights Act, is to have
8 asked the Attorney General, "Are the claims in the pending
9 lawsuit against the State of Texas problematic, and should we
10 fix them?" Right?

11 A. What was the beginning of the question? Should I have or
12 did I?

13 Q. Just one of the things you could have done.

14 A. If I could have asked the Attorney General if we needed to
15 redraw the maps?

16 Q. Yes.

17 A. I'm -- I'm sure, in my discussions, that -- we had those
18 discussions, but I'm not going to violate the attorney-client
19 privilege.

20 Q. Oh. So now you did have discussions with the attorneys
21 about the 2021 lawsuit during the 2023 Legislative session?

22 A. I don't recall specifically.

23 Q. Sitting here right now, on the stand in front of this
24 three-judge panel, do you feel any kind of natural or
25 instinctual urge to explain the advice, so that you can tell

1 the Court exactly why these maps comply with the Voting Rights
2 Act?

3 A. Of course.

4 Q. And you're not doing it because the Attorney General's
5 Office is telling you not to waive the privilege. Right?

6 A. I understand it is my privilege, sir.

7 Q. Well, they're advising you to make the strategic choice to
8 assert that privilege. Right?

9 MS. HUNKER: Your Honor, I'm going to object. He's
10 obviously soliciting attorney-client privilege.

11 JUDGE GUADERRAMA: Sustained.

12 Q. (BY MR. McCAFFITY) Fair enough. You understand that there
13 are consequences for refusing to waive the privilege, despite
14 the fact that it's information that's directly relevant to this
15 case?

16 A. Yes, sir. I understand.

17 (Sotto voce discussion off the record.)

18 Q. (BY MR. McCAFFITY) I'm gonna shift gears on you a little
19 bit --

20 A. Okay.

21 Q. -- senator Huffman.

22 A. Yes, sir.

23 (Video played.)

24 Q. I think you testified yesterday, on August 12th, that
25 that's when the raw census data was released, and you sent a

1 letter to the public and a bunch of civil rights groups that
2 said, Here's the raw data for the census. Everyone go to work,
3 basically?

4 A. Again, I don't recall specific dates, but we were probably
5 looked at documents that reaffirmed that, so I won't disagree
6 with the date. Yes, sir.

7 Q. Did you know at that time, on August 12th, when the raw
8 census data was made available to the public, that you were
9 going to wait for a first draft of a new Congressional District
10 map from that -- to get it from consultants in DC?

11 A. Did I know that I was gonna wait for the consultants to
12 send them? That was -- yes.

13 Q. You knew that you were not going to be involved in the very
14 first iteration of the Congressional District map based on the
15 raw data as of August 12th?

16 A. I -- you know, I just don't recall specifically when
17 that -- when I knew that. But it would have been sometime
18 during that same time period. I don't know if it was
19 August 12th, sometime thereafter. But it was in that general
20 time period, within those weeks as we were preparing to draw
21 the maps. Yeah.

22 Q. And is -- was that the way you came to learn that, because
23 Chris Gober was the attorney for the Republican delegation and
24 he said, We're drawing a map and we'll send it to you for
25 tweaks?

1 A. That is basically -- I just -- how I came to find that out.
2 I just don't remember when it was specifically, sir.

3 Q. All right. Did you take any effort at all, with you or
4 your office, to attempt to draw a Congressional District map
5 before you received the map from the consultants in DC?

6 A. I don't recall that we did. I don't think we did. But I
7 don't want -- I don't know if we didn't just look at, you know,
8 the map and just kind of get an overall feel of what it looked
9 like.

10 I don't remember. But we didn't take a major stab at
11 trying to draw it until we received the basic draw from Chris
12 Gober.

13 Q. Yeah. And there were a number of -- I think you testified
14 about this yesterday as well -- Senate Redistricting Committee
15 hearings on September 7, 8, 9, and 10. Right?

16 A. Those sound about like the dates, sir.

17 Q. And I think the way those operated, it was each day was a
18 different region of Texas?

19 A. That was the intent, yes.

20 Q. Not that you were driving around in the regions, but that
21 you were like. Okay. Today is going to be our El Paso day,
22 and people from West Texas could come and talk?

23 A. Yes, sir.

24 Q. Did you disclose to the members of the public or your
25 fellow senators at that time that you had laid off the initial

1 drawing of the Congressional District map to DC consultants?

2 A. I don't recall at what point in the committee hearings that
3 was publicly discussed. I do know it was. I just don't know
4 at what point. I don't recall. I guess the record would speak
5 for itself on that.

6 Q. Okay. Any reason to disagree with me if you -- if I told
7 you that the first time that the mention of the DC consultants
8 and Chris Gober was the September 30th hearing, after the map
9 was made available?

10 A. I won't disagree with you, sir, because I don't recall.

11 Q. Fair enough. You testified on direct that you took public
12 input into consideration when the redistricting maps were
13 actually drawn. Right?

14 A. Yes.

15 Q. Did you send the transcripts of the September 7th, 8th,
16 9th, and 10th hearings to Chris Gober or the National
17 Republican Redistricting Trust that was doing the consulting
18 drawing for you?

19 A. I did not, no.

20 Q. Do you know if they listened?

21 A. I don't know.

22 Q. Do you know if they read any transcripts?

23 A. I don't know that.

24 Q. Do you know whether any of the public comments or public
25 input that was given during the September 7th, 8th, 9th, and

1 10th hearing was taken into consideration by those that drew
2 the map the first time?

3 A. I do not know.

4 Q. You understand, as a member of the Senate during those
5 public hearings, that it was your job to listen and digest that
6 public input?

7 A. Yes.

8 Q. In fact, that's the only way to give meaning to public
9 hearings, is for you to actually pay attention to what's being
10 said during those hearings. Correct?

11 A. To pay attention to what's being said or to absorb it in
12 some way.

13 Q. All right. And you're not just having public hearings as a
14 lip service to Texas Open Government; they mean something to
15 you. Right?

16 A. Of course they do.

17 Q. You weren't treating those hearings as just a facade of
18 transparency for the public. Right?

19 A. Correct.

20 Q. You listened to their concerns about the raw -- what the
21 raw census data that the public had available at that time
22 meant for Texas redistricting and minority populations?

23 A. Again, we listened to what everyone had to say. I did not
24 consider race when I drew the maps.

25 Q. All right.

1 MR. McCAFFITY: Steven could you pull up Joint
2 Exhibit 4223?

3 Q. (BY MR. McCAFFITY) Joint Exhibit 4223 is a transcript of
4 the public hearing -- one of those public hearings we were just
5 talking about -- on September 9th?

6 A. Okay. Yes, sir.

7 Q. Did you happen -- have you had a chance to review this
8 before your testimony today?

9 A. Um, I looked at -- glanced through the transcripts. I'm
10 assuming this was one that was provided to me.

11 I could probably look. I don't know.

12 Q. I just want to know how generally familiar you are with
13 these transcripts.

14 A. I'm not very familiar. But...

15 Q. Fair enough. Then we will try to help identify -- I will
16 go slowly here and bring your attention to things --

17 A. Sure.

18 Q. -- slowly.

19 MR. McCAFFITY: Stephen, if you can go to what I
20 believe is page 7, lines 1 through 11 of this transcript.

21 Q. (BY MR. McCAFFITY) And I'll tell you, I'm happy to go to
22 the previous -- this is a public citizen named Dimetria McCain,
23 who I believe is from the Dallas area. And she says here:

24 "With our anchor grocery store gone and dormant, as
25 well as other former businesses, my immediate neighborhood is

1 in desperate need of retail options and economic development.
2 We're striving hard for economic development here.

3 "I will want to say that with no maps to review today,
4 I really must insist that you-all have additional public
5 hearings, virtual ones like today, so that we can adequately
6 comment on the plans that are being made. We have no maps to
7 review so we have no maps to talk about today."

8 Do you see that?

9 A. I do see that. Yes, sir.

10 Q. All right. How many hearings with public comment did the
11 Senate Redistricting Committee hold after the Congressional
12 unified map was filed?

13 A. You know, I'm just not gonna recall the specific numbers.
14 Again, the record speaks for itself. I know we had several. I
15 don't remember how many after the maps were filed.

16 And again, we were on a compressed time frame, so we
17 had as many as we could under the time that we had available to
18 us.

19 Q. Is it possible that you only had one hearing before
20 amendments were offered?

21 A. Again, sir, I'll say it. The record's gonna have to speak
22 for itself, because I just don't recall the whole -- several
23 years ago. I don't recall how many were had before one part of
24 the process or the other.

25 Q. Any reason to disagree with me, if I tell you it was likely

1 one hearing after the map and then one hearing for amendments?

2 A. I am not gonna disagree with you, sir.

3 Q. So likely, there were only two hearings for public comment
4 after maps?

5 A. If that's what the record shows, that's what it shows.

6 MR. McCAFFITY: Stephen, if you can go to page 8,
7 lines 2 through 18.

8 Q. (BY MR. McCAFFITY) And she goes on in her comments to the
9 Senate Redistricting Committee and says:

10 "And finally, as our state grows and has two new
11 Congressional seats, the actual communities that have grown
12 should be receiving equitable representation. Texans,
13 particularly Black Texans, have already suffered at the hands
14 of previous gerrymandering. People of color, our Latinex
15 brothers and sisters, our Asian Pacific Islander brothers and
16 sisters, all of us should be able to elect representatives of
17 our choices. And the committee must remember to follow the
18 Fourteenth and Fifteenth Amendments to the Constitution.

19 "Section 2 of the Federal Voting Rights Act still
20 applies to creating these maps. Okay? So I really do hope
21 that this process and its results do the right thing and that
22 they are fair, transparent, and racially and ethically
23 equitable. Thank you so much for letting me speak today.
24 Appreciate it."

25 Do you see that?

Leticia D. Perez
525 Magoffin Avenue
El Paso, Texas 79901

1 A. Yes, sir.

2 Q. Did you listen to her at that hearing?

3 A. I don't recall the specific individual. But I would have
4 been listening to this type of testimony, yes.

5 Q. Did you ignore her input and comments when you sat down to
6 tweak the Congressional map after you received it from
7 Mr. Gober?

8 A. I would say I didn't ignore anything that anyone had to
9 say.

10 Q. Well, you said you drew this blind to race.

11 A. Correct.

12 Q. And you have a public -- member of the public here asking
13 you specifically to consider race when you're deciding how to
14 draw these maps.

15 So did you ignore Ms. McCain's comment here about
16 considering race when you decided to tweak the DC consultants'
17 map?

18 A. As I've stated, I drew blind to race. So to the extent
19 that someone specifically asked me to draw based on racial
20 reasons, then yes, I did not take their advice.

21 Q. Okay. And despite the fact that she is telling you that
22 there are particular issues with minority populations and their
23 representation in Texas, how were you able to physically
24 compartmentalize that information out of your head when you
25 drew the map?

1 A. How was I -- as I said, we drew the map blind to race. So
2 as we drew -- actually, you know, moved the lines and so forth,
3 which was done by one of the two lawyers in the room with me,
4 we just didn't look at racial shading.

5 So we looked at partisan shading and/or a few cities'
6 or counties' for shading like that. But it was a partisan
7 shade, as I've said publicly, with which we drew.

8 Q. Okay. I'm gonna ask you one more time.

9 How did you physically decide to compartmentalize the
10 information about minority population representation and growth
11 being told to you by the public two weeks before you decided to
12 draw the map blind to race? How did you accomplish that?

13 A. How did I physically do it? Like in my brain?

14 I just -- I just -- I don't know. I just had this
15 objective. I did it partisan shading, and I was very conscious
16 of it. And I worked very hard to do it as I thought was the
17 appropriate way to do it.

18 I knew I would be asked about it in years to come, and
19 so I was very strict about the way I did this and who I talked
20 to about it.

21 That was the way I chose to do it, and that's the way
22 I did it.

23 Q. Okay.

24 A. So if you're asking me physically, I -- it's just the way I
25 thought about it. It was my brain.

1 Q. You just put it out of your head?

2 A. To the best of my ability I did. Yes, sir.

3 Q. Okay.

4 MR. McCAFFITY: Stephen, if you could go to page 11,
5 lines 1 through 4 -- I'm sorry, 1 through 13.

6 Q. (BY MR. McCAFFITY) This is a comment from Ms. Greenblatt,
7 Sydney Greenblatt.

8 Do you see this?

9 A. Yes, I do.

10 Q. And she says to you that:

11 "The Houston area, one of the largest and fastest
12 growing and most diverse cities in the United States, the
13 population in Houston has exploded since the last census. And
14 it's my understanding that my area of Texas should be given a
15 new Congressional seat."

16 Right?

17 A. Are you asking me if that's what it says?

18 Q. Is that --

19 A. Yes.

20 Q. Did I read that right?

21 A. Yes.

22 Q. And then she says:

23 "I believe it's imperative that the redistricting
24 initiative reflect the population growth among people of color,
25 including Blacks, Hispanics, Asians, and Pacific Islanders."

1 And you ignored this comment when you were drawing
2 your map blind to race?

3 A. Again, a comment that would ask me to look at racial makeup
4 in order to make decisions about how to draw the maps, yes, I
5 would not have used that, considered that.

6 Q. Okay.

7 MR. McCAFFITY: And go to page 12, if you will, lines
8 3 through 17.

9 Q. (BY MR. McCAFFITY) And Ms. Greenblatt goes on to say:

10 "No one has been harmed more by map manipulation and
11 voter suppression than Black and Latino communities whose
12 voices have been minimized at both the ballot box and in the
13 halls of power. Please don't pack or crack our maps to suit
14 your re-election priorities. We must have Texas and House and
15 Senate Districts and Congressional Districts that reflect the
16 true makeup of our population here in Texas.

17 "As we were promised by the Voting Rights Act, I
18 implore the committee to draw maps that are fair, equal,
19 transparent, that represent all Texans, and please give us
20 public hearings so people like me and other people across the
21 state can express our opinions to you."

22 Do you see that?

23 A. I do.

24 Q. All right. And here, Ms. Greenblatt is specifically
25 explaining that there are potential concerns, in her mind,

1 about previous discrimination, meaning that Voting Rights Act
2 compliance should be taken into consideration?

3 A. Is that a question?

4 Q. Yes.

5 A. Yes. That's what she says, yes.

6 Q. And despite that, two weeks later when you sat down after
7 you received the DC consultant map to tweak it, you didn't take
8 any of that into consideration?

9 A. Well, I don't think that's a fair assessment.

10 As far as it would go to her request for Black and
11 Latino communities, again, that would go to something I would
12 not have considered as I drew.

13 But I think for her ask that they be compliant with
14 the Voting Rights Act, that they be fair, equal, transparent,
15 represent all Texans, I certainly was listening to what she had
16 to say.

17 Q. All right.

18 MR. McCAFFITY: Go with me to page 19, Stephen,
19 lines 2 through 11.

20 Q. (BY MR. McCAFFITY) And this particular piece of public
21 testimony is from Theresa Rabelle -- and I'm sure I said her
22 name wrong, but it was an Austin citizen.

23 And he or she says -- again, she emphasizes the same
24 thing that we just saw:

25 "That no one has been harmed more by map manipulation

1 and voter suppression than Black and Latino communities."

2 And she asks that:

3 "The committee allow all Tejanos to give virtual input
4 at every step, draw maps that are fair, competitive to all
5 Texans, and that you work to end map manipulation and
6 gerrymandering."

7 And she thanks you. Right?

8 A. I see that. Yes, sir.

9 Q. Did you listen to any public input beyond these
10 September 7th, 8th, 9th, and 10th hearings before you sat down
11 to draw the map that was ultimately filed on September 27th?

12 A. Well, as I've stated, there was -- there was opportunity
13 for virtual input for all Texans, as much as we could do within
14 the time frame we had.

15 Q. So did --

16 A. Yes. We did allow for that.

17 Q. And when they told you about particular racial populations,
18 or minority populations in particular areas of the state, you
19 ignored that when you decided to draw the map?

20 A. As we drew the lines to the map, yes. Later, when the
21 attorneys were assessing whether or not they were compliant,
22 all the factors that needed to be considered to determine
23 whether or not they were compliant would have been considered.

24 Q. Do you know that? You don't know whether or not. You just
25 know that they said they were compliant. Right?

Leticia D. Perez
525 Magoffin Avenue
El Paso, Texas 79901

1 A. No. I know more than that.

2 Q. Okay. So do you know whether they -- the Attorney
3 General's Office considered these public inputs in determining
4 compliance with the Voting Rights Act?

5 A. I don't know specifically what the attorneys looked at, no.

6 Q. Yeah. And as far as the details of how their analysis
7 went, you're invoking the privilege. Right?

8 A. Repeat the question. As far as the details of how they
9 analyzed it?

10 Q. Yeah.

11 A. I don't know the specific details. I couldn't tell you
12 step by step what they did, even if I knew.

13 Q. Okay. And even if you did know, you're not gonna tell us
14 because the privilege. Right?

15 A. Correct.

16 MR. McCAFFITY: Would you go to page 21 for me,
17 Stephen, and go to lines 11 through 25?

18 Q. (BY MR. McCAFFITY) And this is some testimony from Susana
19 Carranza, who's an Austin citizen. And he or she says:

20 "Map proposals also must include analysis of how it
21 reflects and represents communities of color, which are
22 historically disenfranchised, so it must really comply with the
23 Voting Rights Act."

24 You ignored that, right, because the map proposal that
25 you proposed and filed on September 27th, you hadn't even sent

1 it to the lawyers to determine if it had been checked for the
2 Voting Rights Act by then. Right?

3 A. So your question is?

4 Q. Yeah.

5 A. I'm sorry. I didn't follow your question. I'm listening.

6 Q. You ignored the comment from the public here that the
7 proposals of the map itself should include analysis of how the
8 map reflects and represents communities of colors.

9 A. I believe that the final assessment on whether or not the
10 Voting Rights Act had been followed would have included that
11 type of assessment. I did not make that assessment. So I
12 think you asked me about what I did.

13 Q. Okay. And I just want to make sure I understand the timing
14 of that assessment.

15 September 21st, I believe, is when you received the
16 unified Congressional map from the Republican delegation and
17 the DC consultants.

18 Do you disagree with that?

19 A. I don't know the date. I will not disagree with you. I
20 don't know right now.

21 MR. McCAFFITY: Okay. Can you bring up, Defense
22 Exhibit 341?

23 Q. (BY MR. McCAFFITY) And Defense Exhibit 341 is an email
24 from Mr. Gober to you and your staff. Correct?

25 A. It appears to be that, yes, sir.

1 JUDGE GUADERRAMA: Why does that say Exhibit 9?

2 MR. McCAFFITY: That's a deposition sticker. It was
3 used in his deposition.

4 JUDGE GUADERRAMA: Tell me the exhibit number again.

5 MR. McCAFFITY: Defense Exhibit 341 -- state's
6 Exhibit 341.

7 JUDGE GUADERRAMA: I'm sorry. Go ahead.

8 A. I don't know if I've ever seen this, so it might take me a
9 second. But I'm listening.

10 Q. (BY MR. McCAFFITY) If you need to read it to refresh your
11 memory or to make sure you understand it, please do. It's
12 fine.

13 A. I mean, I can look at it and see it. I'll try to answer
14 your question.

15 Q. Okay. And he is sending -- in this email he's sending you
16 the unified map from the DC consultants on 1:25 p.m. on
17 September 21st. Correct?

18 A. That looks to be the correct time and date, yes.

19 Q. And specifically, towards the bottom of this email,
20 specifically disclaims that either his office or any of the DC
21 consultants did any of kind of voting rights analysis. Right?

22 A. I'd have to read it again. I've never seen this before.
23 Let me see.

24 Q. You didn't receive this email when you --

25 A. It was not addressed to me. I did not receive it, no.

1 Q. It was sent to members of your staff. Right?

2 A. To Sean and Anna, yes, sir. That doesn't mean I saw it.

3 Q. I understand.

4 A. Yeah.

5 Q. Did they tell you that Chris Gober and the DC consultants
6 did not do any Voting Rights Act analysis?

7 A. I don't remember having that discussion. My understanding,
8 they were drawn blind to race as well.

9 Okay. I've read it.

10 Q. Okay.

11 A. The question is, sir?

12 Q. Yeah. And the question is that they did not do any Voting
13 Rights Act analysis or compliance checks. Right?

14 A. That is correct.

15 Q. And in fact, he specifically says, We're relying on the
16 Senate and the House to do that?

17 A. Yes.

18 Q. And he specifically says:

19 "Other than the changes necessary to bring the unified
20 Congressional map into compliance, if any, the Texas
21 Congressional delegation urges the Senate and Texas House to
22 defer to the traditional redistricting criteria used by the
23 Texas delegation -- Congressional delegation -- to draw the
24 unified Congressional map and leave all lawful district
25 boundaries intact."

1 Right?

2 A. Well, that's what he urges. But he doesn't have any
3 authority to make that happen.

4 Q. I mean, did you follow his urge?

5 A. I would not say completely, no.

6 Q. Okay. So that is given to you on September 21st?

7 MR. McCAFFITY: You can pull that down, Stephen.

8 Q. (BY MR. McCAFFITY) We know on September 27th, I believe,
9 based on your testimony yesterday, that that is when the map
10 that you drew after you received this, was uploaded to District
11 Viewer. Do you recall that?

12 A. I don't recall the dates.

13 Q. Any reason to think it wasn't September 27th?

14 A. No, sir. No, sir.

15 Q. All right. You understand that yesterday we talked about a
16 September 30th Senate Redistricting Committee hearing which was
17 the first hearing for public comment after the map was
18 introduced. Right?

19 A. Yes, sir.

20 Q. Did you -- do you have a recollection of when you sent --
21 or, sorry.

22 Do you have a recollection of how long it took you to
23 make your tweaks to the unified Congressional map before it was
24 submitted to the District Viewer portal?

25 A. I don't recall. I mean, I know we went to work

1 immediately, and there was a lot of work and limited hours.

2 But I don't recall how long it was.

3 Q. Did you have it done on the 22nd or the 23rd?

4 A. I don't know, sir.

5 Q. Did you have it done on the 24th or the 25th?

6 A. I would just be guessing. I really don't know. I just
7 know we worked hard on it to get it done.

8 Q. Did you submit it to the Attorney General's Office for
9 compliance before you uploaded it to District Viewer?

10 A. Yes.

11 Q. So you received information back from the Attorney
12 General's Office before you uploaded it to District Viewer?

13 A. That was the process, yes, sir.

14 Q. So it's your understanding that, as it was uploaded to
15 District Viewer, the unified -- or the Congressional map that
16 you proposed, that you were satisfied that the Attorney
17 General's Office had signed off that this was compliant with
18 the Voting Rights Act?

19 A. I want to make sure I understand.

20 Are you talking about the -- after -- the first one
21 that I posted on District Viewer, or are you talking about the
22 one that was later for the committee process? I just want to
23 make sure.

24 Q. I want to be very clear.

25 A. Okay.

1 Q. When you uploaded the Congressional map that you tweaked to
2 District Viewer on September 27th, you had already received
3 word back from the Attorney General that this complied with the
4 VRA, allegedly?

5 A. Correct.

6 Q. So you were satisfied when you uploaded it that your map
7 complied with the Voting Rights Act and the U.S. Constitution
8 on September 27th?

9 A. That would have been based on advice from the attorneys,
10 yes.

11 Q. Okay. I believe you testified that you also -- that you
12 just made -- you made changes to the Congressional map.

13 Do you recall what those changes were?

14 A. I don't recall specifically. I think I've spoken to that
15 somewhat publicly.

16 Q. You did not change the pairing of the two African American
17 incumbents, Representative Green and Representative Lee, in
18 your tweaks to the unified map from the consultants in DC.
19 Right?

20 A. Not initially.

21 Q. You knew they were African American. Right?

22 A. Yes, I did.

23 Q. And so you knew, when you drew it, that you were pairing
24 two African American candidates in the Harris County area.
25 Right?

1 A. I did not think I was pairing them, sir.

2 Q. What did you think you were doing?

3 A. I had every intention to try to get a fix. At the time, I
4 think I publicly stated this, we weren't sure exactly where
5 Sheila Jackson -- the Honorable Sheila Jackson Lee lived,
6 because she had not been responsive to Leg Council for her home
7 address. We were trying to sort that out.

8 I had -- I believe I stated publicly, contact with
9 Senator Miles, who was kind of the lead senator on this. And
10 had at some point publicly stated that I was dedicated to
11 resolving the issue, but it was a work in progress.

12 Q. When you laid out the initial Senate Redistricting map that
13 had those two Congressional members paired together, did you
14 explain that you had the intent then to fix this?

15 A. I don't remember specifically what I said. I know there
16 was comments publicly about that I was gonna work with both of
17 them and -- or their representatives -- to try to work it out.
18 Which is -- in fact, I did try to. Ultimately, it was resolved
19 in the House.

20 Q. Well, I understand that it got resolved --

21 A. Yeah. Yeah.

22 Q. -- after the two Congresspeople made a significant and
23 strenuous objection to the House Redistricting Committee.

24 Do you recall that?

25 A. I don't know what they said to the House Redistricting

1 Committee, sir. I don't, because I never heard that testimony.
2 Q. But despite the fact that it was ultimately fixed, the map
3 that you initially drew put two African American members of
4 Congress together.

5 A. As I've explained, the software used by the
6 Congressional map drawers did not have incumbents' addresses,
7 home addresses, or where they lived. All right?

8 So when the map -- we opened the map, there were other
9 examples of Congresspeople not living in their district. It
10 was our intent to fix that through the process, and we did.

11 It was never my intent to pair Congresswoman Lee and
12 Congressman Green.

13 Q. Okay. You testified yesterday that for a member of
14 Congress, you don't have to live in the district?

15 A. That is true.

16 Q. Okay. And I mean, Congresswoman Lee and Congressman Green,
17 they're not shrinking violets. They're pretty well-known
18 African American members of Congress. Right?

19 A. They're great members of Congress, yes, sir.

20 Q. And you knew, going into your drawing of the map, that you
21 had put their two districts that they represented together, so
22 that there was only one African American district?

23 A. As I said, that's how -- when we opened the maps that's how
24 it was, and we were trying to fix it, in a manner -- in a
25 manner that was agreeable to Representative -- excuse me -- to

1 Congressman Green and Congresswoman Lee.

2 The simple fix was not a simple fix.

3 Q. What was so difficult about the fix?

4 A. As I think it was stated on the Senate -- yes, on the
5 Senate floor, during their testimony -- they had slight
6 disagreements about how they wanted their districts to look.

7 Q. Okay. So I want to make sure I get this right.

8 You got a unified Republican delegation map from
9 consultants in DC. You then sat down and made tweaks in it,
10 blind to race, but you knew that two African American members
11 were going to be paired in that district, and you didn't pick
12 up the phone and call Congressman Green or Congressman Lee to
13 say, Hey, before I file this, here's what it's looking like?

14 A. I spoke to Senator Miles, and I spoke to both of the
15 Congressmen on the floor of the Senate when they were there to
16 testify.

17 Q. After it was criticized -- your public map was criticized
18 for pairing two African American congressman.

19 I'm asking about what you did before, to ensure that
20 you weren't discriminating against these minorities.

21 A. I let the interested parties know I was committed to fixing
22 it.

23 Q. So the answer to the question is, you listened to the
24 Republican delegation unified consultants in DC, and you chose
25 not to talk to the African American members of Congress that

1 were directly paired before you filed the map that directly
2 paired them?

3 A. I did not associate with the Congressional representatives.

4 Q. Did you ask the Attorney General's Office about the pairing
5 and what the effect that might have under the Constitution and
6 the Voting Rights Act specifically, or did you just ask them
7 for a VRA analysis generally?

8 A. I think that would violate my attorney-client privilege to
9 discuss what we discussed about that.

10 Q. Okay. On October 4th, there was a hearing in the Senate
11 Redistricting Committee on the committee amendments that were
12 offered. Right?

13 A. Again, if you say those are the dates, I'll agree with you,
14 sir.

15 Q. And I believe that during that hearing, that's the first
16 time that the committee substitute map became available, you
17 know, just before the hearing.

18 I don't know exactly the hours, but contemporaneous,
19 or just before that hearing, is when the committee's substitute
20 map became available on District Viewer?

21 A. We would have -- yes. Whatever the -- excuse me -- the
22 committee rules would have been. It would have been within the
23 rules, yes, sir.

24 Q. All right. And do you know how long members of the public
25 had the ability to review the committee amendment map to the

1 Congressional District map before the public hearing on
2 October 4th?

3 A. I don't recall, sir.

4 Q. All right. And you understand that there was a Senate
5 floor debate on October 8th about the Congressional District
6 map?

7 A. Yes.

8 Q. Is it fair to say that you deferred all of the Voting
9 Rights Act and U.S. Constitution compliance matters to the
10 Attorney General's Office after the maps were drafted?

11 A. Yes.

12 Q. And I believe you've said numerous times now, that the way
13 you did it was with -- based on partisan performance, or
14 partisan goals, as opposed -- and other traditional
15 redistricting goals -- as opposed to race, because you were
16 race blind. Right?

17 A. Yes, sir.

18 Q. Are you aware that in areas where there might be racially
19 polarized voting, that Democratic performance typically means
20 that they might not receive electoral control, minorities might
21 not receive electoral control?

22 A. I did not consider that when drawing the maps.

23 Q. I understand you did not consider it when drawing the maps.
24 Did you -- do you understand that, in racially polarized areas,
25 where there's racially polarized voting, that that might mean

1 that Democratic performance means that there is no electoral
2 opportunity for minorities?

3 A. That it might mean that? Yes, I'm aware of that.

4 Q. All right. And so you're aware. And you were aware of
5 that when you were drawing the maps?

6 A. It was not something I was considering, sir.

7 Q. But generally, I agree that you weren't considering the
8 specific data of any particular district. You've made that
9 abundantly clear.

10 A. Okay.

11 Q. But you did -- do understand, as a lawyer and a senator
12 that has been through this a number of times, that that is the
13 import of racially polarized voting?

14 A. I think your question was that it might mean that.

15 Q. Right. And you agree with that. Right?

16 A. Yes.

17 Q. Okay.

18 A. Yes, sir, I do.

19 Q. And do you believe that it -- when racially polarized
20 voting is present, that it is okay to, nevertheless, use
21 partisan data to draw a map, even though it has a
22 discriminatory effect?

23 A. Could you repeat the beginning of your question, sir?

24 Q. Yep. Do you believe that, when racially polarized voting
25 is present in an area, that it is okay or legitimate or proper

1 to, nevertheless, use partisan data to draw a map, even though
2 it has a discriminatory effect on that minority population?

3 A. I can't answer that question. I don't know the answer. I
4 didn't consider -- and I didn't know where racially polarized
5 voting was happening or not happening. So I'm not clear how I
6 would have used that or not used it.

7 Q. Did any members of the public in the September 7th, 8th,
8 9th, or 10th, indicate to you that there were areas of the
9 State of Texas that experienced racially polarized voting?

10 A. I think, as we went through -- as you demonstrated through
11 your highlighting of some individuals from the public who
12 stated that, I think that I responded that I did not consider
13 that.

14 Q. So you knew, based on the public input, that there was
15 areas of Texas that had racially polarized voting. And despite
16 that, you went ahead and drew the map knowing that it might
17 have a discriminatory effect?

18 A. It was never my intent to have a discriminatory effect.
19 However, that's why the process was designed for there to be a
20 legal analysis after the drawing. Because if there was a
21 determination that the -- that the draw -- the draw had
22 violated the VRA, then we would have gone back and fixed it.

23 Q. Do you believe it is okay to draw a redistricting map to
24 exclude a Democrat, even if that Democrat is Hispanic or
25 African American?

Leticia D. Perez
525 Magoffin Avenue
El Paso, Texas 79901

Exhibit 30

401

1 A. I think I was aware that there were Minority Opportunity
2 Districts that exist in Texas. We drew the maps, again blind
3 to race, and then left it to the attorneys to make sure that
4 the Minority Opportunity District had been honored, as required
5 by law.

6 Q. Okay.

7 MR. McCAFFITY: Objection, nonresponsive.

8 A. I'm sorry. Maybe I misunderstood the question.

9 Q. (BY MR. McCAFFITY) Let me rephrase it.

10 JUDGE GUADERRAMA: All right. I'll sustain it.

11 Go ahead.

12 Q. (BY MR. McCAFFITY) Do you personally, Senator Huffman, as
13 a senator of the State of Texas --

14 A. Yes.

15 Q. -- believe that it is okay to draw a map to exclude a
16 Democrat, even if that Democrat is Hispanic or African
17 American?

18 A. I don't really have an answer for that, because I don't
19 know if, when I'm drawing it, whether that person, or what it's
20 represented, is a Democrat or Hispanic or an African American.

21 Q. I thought you looked at partisan data.

22 A. Pardon?

23 Q. I thought you looked at partisan data.

24 A. I did.

25 Q. So you do know about -- whether you're excluding a Democrat

1 or a Republican?

2 A. Yes. Yeah.

3 Q. So my question is --

4 A. I didn't know -- but you're asking me if I knew what their
5 race was. I didn't know.

6 Q. I'm not asking if you knew what their race was.

7 A. Okay.

8 Q. I'm asking you, as an opinion or a belief --

9 A. Okay.

10 Q. -- do you believe it is okay, as a senator drawing maps, to
11 exclude a Democrat from a district even if that Democrat
12 happens to be Hispanic, African American, Asian American --
13 pick your minority population.

14 A. I will say that as I drew the map, the answer would be yes,
15 knowing that the compliance -- legal compliance check would be
16 done later by the Attorney General's Office, to make sure that
17 I hadn't inadvertently or, you know, done something, or drawn a
18 map that violated some constitutional right or some right under
19 the VRA.

20 So it was a process.

21 Q. Okay. And do you agree, personally, that it is not okay to
22 draw a map to exclude a Hispanic or an African American or an
23 Asian American, even if that particular minority happens to be
24 Democrat?

25 A. That it's -- okay. That it's not okay? Rephrase that,

1 sir. I'm sorry. You asked me just the opposite of what you
2 asked before.

3 Q. It's just the inverse.

4 A. Yeah.

5 Q. Do you believe it is not okay, that it is unlawful or
6 improper --

7 A. Yes.

8 Q. -- or immoral, whatever you want to call it, to draw a map
9 to exclude a minority, even if that minority happens to be
10 Democrat?

11 A. I think it, again, depends upon what step of the process
12 you're in. I think you have to look, in my opinion, at the
13 whole process from, you know, end to end.

14 Q. Okay.

15 A. So in my part of the process, what my role was, was to draw
16 blind to race and draw, basically, a partisan map, as I've
17 stated publicly.

18 The next step of the process was to make sure that
19 those actions did not violate anyone's rights, either
20 constitutionally or under the VRA. It was a process.

21 And so -- and it was designed to ensure that we were
22 following the law and that we were, you know, achieving the
23 redistricting goals and priorities.

24 So I really am trying to answer your question. So...

25 Q. I understand.

1 A. Yeah.

2 Q. I appreciate that you're trying to answer the question.

3 A. Yeah.

4 Q. I disagree with you that you're answering, but it's fine.
5 It is what it is.

6 Your view of map making -- do you believe your view of
7 map making makes any logical sense, when race and party are
8 intertwined or intertangled?

9 A. I think it makes perfect sense.

10 Q. How, then, do you satisfy yourself when you're drawing the
11 map, quote, blind to race, if race and party are so
12 intermingled that you are not doing what you think is not
13 proper, excluding a Hispanic that might be Democrat, and are
14 doing what you think is proper, excluding a Democrat that might
15 be Hispanic?

16 A. Again, you have to look at it as an end-to-end process.
17 Sure. If you take just what I did independently, you may have
18 one -- you know, an assessment that the process was unfair or
19 disregarded individuals' rights.

20 But when you look at the process from end to end, I
21 think it's a very fair process.

22 Q. A very fair process when you look at it end to end,
23 assuming that we believe you that the Attorney General's Office
24 did a check on Voting Rights Act compliance and that the Voting
25 Rights Act compliance check came back correct.

1 A. Assuming if you believe me?

2 Q. Yeah. Because that's what you're asking the public and
3 this Court to do on that, because you won't tell us what you
4 were actually told. Right?

5 A. I am not waiving my attorney-client privilege. That is
6 correct. Yes.

7 Q. So the answer to that question is yes. It's a very fair
8 process, as long as you believe Senator Huffman?

9 A. I think there's other aspects that make it fair. But if
10 you want to categorize it that way, yes, sir.

11 MR. McCAFFITY: Stephen, can you pull up Joint
12 Exhibit 3919?

13 Q. (BY MR. McCAFFITY) Do you see this Joint Exhibit --

14 A. I do.

15 Q. -- senator Huffman?

16 A. Yes, sir.

17 Q. Did you review this Joint Exhibit before the 87th
18 Legislative session?

19 A. I don't know what this is.

20 Q. Okay.

21 A. From the Leg Council, yeah.

22 I don't remember ever seeing this.

23 Q. You don't know if you reviewed it or saw it?

24 A. I haven't -- if I saw it back in, you know, 2019 or 2020, I
25 don't remember.

1 But I haven't seen it since then, so I don't think I
2 looked at it.

3 Q. We've all slept since then. I get it.

4 A. A little bit more than that.

5 MR. McCAFFITY: Could you go to page 5 for me?

6 And if you could blow up that Redistricting Meeting
7 Bills section.

8 Sorry. I gave you the wrong section, Stephen.
9 Everything was going so swimmingly. Perfect. This is going to
10 be perfect timing. One second.

11 Let me -- I apologize, Stephen. Can you go to page 2
12 of this exhibit?

13 And there's a paragraph towards the top of the page
14 that begins:

15 "The application of the Voting Rights Act."

16 Can you highlight that for me?

17 Q. (BY MR. McCAFFITY) In this portion of the guide to
18 Redistricting -- which was made available by the Texas
19 Legislative Council. Correct?

20 A. I guess so, yeah. I don't know who they made it available
21 to, but I see it's prepared by Legislative Council.

22 Q. Okay. And in this portion of it it says:

23 "In drawing new districts, the Legislature must
24 carefully consider how those districts affect the ability of
25 racial, ethnic, and language group voters to elect candidates

1 of their choice, and must not use the arrangements of districts
2 to reduce or limit the ability of members of those groups to
3 elect candidates of their choice."

4 Do you agree with that statement?

5 A. Yes.

6 Q. And you also agree that, in drawing the new district when
7 you drew them, before you submitted it to District Viewer on
8 September 27th, that you, in fact, did not carefully consider
9 the ability of racial, ethnic, and language group voters to
10 elect candidates of their choice?

11 A. I don't believe I said that. I said I submitted it to the
12 AG's office for a compliance of these very issues, for a legal
13 analysis of these issues.

14 Q. I'm asking about you specifically, when you were drawing
15 the tweak -- making the tweaks to the DC consultant map.

16 A. I considered, once I got the advice of the AG's office,
17 that I had complied with this. That was the way the process
18 worked.

19 I didn't have -- I was not gonna be able to make that
20 analysis. I don't have the knowledge, the expertise, the data.
21 That was not my part, my job in the process. Okay? It was
22 part of the package of the way we did it.

23 So I believe you're asking me if I believe that this
24 was part -- should have been part of the process.

25 Yes, I do.

1 And I believe that it was fulfilled by the role of the
2 Attorney General's Office, as my lawyers in this procedure.

3 Q. Okay.

4 MR. McCAFFITY: Objection, nonresponsive.

5 THE COURT: Well, hold on. I'm gonna overrule the
6 objection.

7 MR. McCAFFITY: All right.

8 Q. (BY MR. McCAFFITY) Fair to say, at bottom --

9 A. Fair to say what?

10 Q. -- at bottom here --

11 A. At bottom. Okay.

12 Q. -- when you were drawing the map --

13 A. Yeah.

14 Q. -- before you sent it to the Attorney General's Office, you
15 did not carefully consider how the districts you were drawing
16 affected the ability of racial, ethnic, and language group
17 voters to elect candidates of their choice?

18 A. That is a fair statement.

19 Q. All right.

20 MR. McCAFFITY: I'll pass the witness, Your Honor.

21 And I have a note from my friend, Mr. Kercher, that
22 says something in a language that I can't read.

23 JUDGE GUADERRAMA: Is the expert here?

24 MR. KERCHER: It's Spanish, Sean.

25 Yes, Your Honor. Dr. Trende, I believe, is on his way

1 up.

2 JUDGE GUADERRAMA: Okay. All right. So Chairwoman
3 Huffman is going to wait, and we're gonna take up the expert
4 now?

5 MR. KERCHER: Yeah, if it please the Court.

6 (Discussion off the record.)

7 JUDGE GUADERRAMA: So on the Duchin motion that I
8 guess was filed, we're gonna try to get to that as quickly as
9 possible. If we had a 9:00 deadline tomorrow morning to
10 respond to it, would that be sufficient time? We're trying to
11 get to it as quickly as we can so that the rest of the trial
12 can know what we're doing on that.

13 MR. ROLLINS-BOYD: Understanding Your Honors' intent
14 to try to resolve quickly -- David Rollins-Boyd, Texas NAACP --
15 understanding the Courts' order, if we could have until the end
16 of the day tomorrow, we'd be able to respond to you, I think.

17 JUDGE GUADERRAMA: Till 5:00? And the rest of --
18 anybody else? 5:00 tomorrow?

19 MR. KERCHER: If they can get it done by then, that's
20 fine.

21 JUDGE SMITH: That's fine, if the parties -- here's my
22 concern, speaking only for myself.

23 I understand that in lots of rulings, evidentiary
24 rulings and whatever, we've said, well, we'll consider the
25 objection later and we'll let it in. There's no jury.

1 Here, this is one of the core legal issues, partisan
2 versus race. And so it just seems to me, if I were a lawyer on
3 either side here, I would want to know how the Courts' gonna
4 rule on that in case it affects my presentation of my case --
5 remaining case-in-chief or rebuttal.

6 In other words, I wouldn't want to come back later,
7 saying, "We didn't know the Court was gonna rule that way. I
8 wish we'd known, because we would have done X, Y, Z."

9 So it's an accommodation to the parties that this is
10 something that we would not want to wait till sometime in July
11 to rule on.

12 But maybe I'm misunderstanding, you know, the
13 logistics of how each side would want to present its case in
14 terms of the resolution of this motion.

15 MR. KERCHER: And I appreciate the Courts'
16 responsiveness in that regard.

17 From State Defendants' perspective, I believe our
18 case-in-chief, being where it is right now, is more or less set
19 in stone. We understand that there is a possibility the Court
20 could rule against us, and so have structured our case-in-chief
21 to account for that possibility.

22 So speaking for us, we have our motion on file, and
23 when the Court rules upon it, the Court rules upon it.

24 I think the more salient interest right now is
25 NAACP's, because they may have the opportunity for a rebuttal

1 case, understanding that Dr. Duchin has already been dismissed.

2 JUDGE GUADERRAMA: So Mr. Kercher is not in a hurry to
3 get a ruling.

4 Are you?

5 MR. ROLLINS-BOYD: We would like -- I think we would
6 like a ruling quickly. And we can get the motion on file
7 tomorrow by 5:00.

8 THE COURT: Okay. 5:00 tomorrow afternoon?

9 MR. ROLLINS-BOYD: Yes.

10 JUDGE GUADERRAMA: 5:00 Mountain Time.

11 Okay. All right.

12 MR. KERCHER: May it please the Court, State
13 Defendants call Dr. Sean Trende.

14 (Witness present.)

15 JUDGE GUADERRAMA: Good morning, Doctor. Come on up.
16 I invite you to raise your right hand, sir.

17 (Witness sworn.)

18 JUDGE GUADERRAMA: Thank you, Doctor. If you'd have a
19 seat in the chair there, roll into the microphone, and lean
20 into it a little, we'll be able to hear you very clearly.

21 SEAN PATRICK TRENDE, DEFENDANTS' WITNESS, SWORN

22 DIRECT EXAMINATION

23 BY MR. KERCHER:

24 Q. Sir, if you can even distinguish between day and night at
25 this point in your schedule, good morning.

1 Could you please state your name for the record?

2 A. It's Sean Patrick Trende.

3 Q. Okay. Dr. Trende, can you start by telling the Court a
4 little bit about your early education, please?

5 A. Yeah. I graduated from Yale with a degree in history and
6 political science.

7 I then went to Duke Law School. And at Duke, there
8 was an opportunity to get a master's degree, along with your
9 JD. So I graduated with both a JD and a master's degree in
10 political science.

11 Q. What did you do after graduating from Duke Law School?

12 A. I clerked for Chief Judge Tacha on the Tenth Circuit,
13 T-A-C-H-A, and then worked at Kirkland and Ellis in
14 Washington, D.C. for three years, and then Hunton and Williams
15 in Richmond for three years.

16 Q. And did you change careers at some point, sir?

17 A. Yeah. So in 2009 my oldest son was diagnosed with severe
18 autism, and we needed someone who could transport him around,
19 have flexibility. I'd been writing as a hobby at that point,
20 and was able to make the transition to a place called
21 RealClearPolitics full time.

22 Q. And can you tell the Court what RealClearPolitics is?

23 A. Yeah. So RealClearPolitics is a company that produces a
24 website. It's a kind of one-stop shop for political analysis
25 across the spectrum.

1 Q. How many employees does it have?

2 A. It has about 50 employees.

3 Q. And is there a physical office for RealClearPolitics?

4 A. Yeah. We have a physical office on 16th Street in DC.

5 Q. Okay. And I'm gonna ask a question that uses language that
6 my children use.

7 What kind of content does RealClearPolitics publish?

8 A. So we're probably most famous for our poll averages. To
9 give a better state of the race we aggregate polls rather
10 than -- you know a lot of people kind of look to their favorite
11 poll here or there.

12 We also produce original content and analysis.

13 Q. And what is your title at RealClearPolitics, sir?

14 A. I'm the senior elections analyst.

15 Q. And what do you do as a senior election analyst?

16 A. So there's some -- there's some work on rating of the
17 competitiveness of House and Senate races, and looking at the
18 averages. But I also produce original content for the site.

19 Q. When you say "produce original content," does that mean
20 you're writing regular articles?

21 A. That's probably the more normal way of putting it.

22 Q. Forgive my backwards approach to electricity.

23 Dr. Trende, you have attended parts of the trial
24 already. Is that right?

25 A. That's right.

1 Q. Did you hear any of the televised testimony of Dr. Murray?

2 A. I did.

3 Q. Did you hear him say that he had relied on the Almanac of
4 American Politics?

5 A. I did.

6 Q. Do you know anything about that almanac?

7 A. I sure do.

8 Q. Tell the Court.

9 A. I was the coauthor of the 2014 edition of it.

10 Q. Coauthor can mean a lot of things. Can you tell the Court
11 specifically what it means for you to be the coauthor in 2014?

12 A. So I was in charge of Josh Crenshaw. And I was in charge
13 of writing summaries of all 435 House districts that required
14 us to kind of dig in, understand how the districts were drawn,
15 what the major -- you know, what the characteristics of the
16 districts were, what the industries were, things of that
17 nature.

18 Q. How did you divvy up those 400-odd districts?

19 A. We -- we split up the states.

20 Q. Who got Texas?

21 A. I got Texas.

22 Q. Is there anything unusual or particularly important about
23 the 2014 edition of that almanac?

24 A. So it's a little counter-intuitive. And there's historic
25 reasons I won't go into for this. But the 2014 edition is

1 published in 2013, and it covers the 2012 election. So it's
2 what they call a redistricting edition.

3 Q. Have you done any kinds of consulting, other than the sort
4 of expert services you're providing in this case?

5 A. Yeah. I speak to corporations, think tanks, government
6 officials, all the times about elections.

7 Q. When you say "government officials," do you mean just U.S.
8 government officials?

9 A. No. I regularly consult -- I have gotten in the good
10 graces of the ambassador from the European Union. We actually
11 had dinner when she was in Columbus a couple of weeks ago. And
12 I regularly present to her and other ambassadors from those
13 nations.

14 Q. Okay. Well, I've been calling you Dr. Trende. I have a JD
15 and nobody calls me Dr. Kercher, despite any insistence
16 otherwise.

17 Can you tell the Court about how you continued your
18 education?

19 A. So in around 2009/2010, a guy named Nate Silver started
20 doing election analysis, and it became readily apparent that
21 the level of sophistication you would need to survive in this
22 business was higher than I'd gotten from my master's degree.

23 So in 2016 I enrolled at Ohio State University, in
24 their doctoral program in political science.

25 Q. Did you do that while you were still working for

1 RealClearPolitics?

2 A. Yes.

3 Q. So as you were pursuing the Ph.D. at the Ohio State
4 University, did you pursue any other degrees as a part of that?

5 A. So when you -- yes. So when you show up for a Ph.D.
6 program, you usually meet with the director of graduate
7 programs in different divisions.

8 And as we talked, it became clear that having already
9 done kind of the political science methodology/statistics
10 sequence at Duke, they suggested that I go take some classes in
11 the statistics department instead.

12 I liked it, and 40 credit hours later, I emerged with
13 a master's degree in applied statistics.

14 Q. Did you take any graduate-level polling coursework?

15 A. I did. I took survey methodology in the statistics
16 department.

17 Q. Does that include studying how to interpret confidence
18 intervals or error margins?

19 A. Yeah. That's a crucial part of understanding sampling.

20 Q. We'll come back to this in a little bit.

21 But so the Court is aware, what about courses -- what
22 about -- have you taken any courses relating to statistical
23 inference?

24 A. Yeah. So the master's in applied statistics has a
25 theoretical core that's required. And so there's actually an

1 entire class on statistical inference.

2 Q. Okay. What was your area of concentration for your Ph.D.?

3 A. So I was a double major in my Ph.D. program as well. I
4 passed comprehensive exams in both American politics and
5 methods.

6 Q. I understand American politics.

7 What does methods mean?

8 A. So methods is basically what we call statistics, applied
9 statistics, for political science.

10 Q. And as a practical matter, what does applying statistics to
11 social science mean?

12 A. Well, that means -- so applying statistics to social
13 science, it's one thing to kind of understand the contours of
14 American politics, to be able to read and write peer-reviewed
15 literature in that context.

16 It's another thing to be able to dig under the hood
17 and understand the math behind everything you're plugging into
18 the robot.

19 And so that's really what methods is about.

20 Q. So the ability to look at cross-tabs on vast spreadsheets
21 and how they interact. Is that right?

22 A. Yeah. Not just that, but to understand how the confidence
23 intervals from cross-tabs are derived. It's actually just
24 slightly different math than from the top-line error margins.

25 Q. Did your dissertation involve redistricting at all?

1 A. It did. Chapter 3 of my dissertation involved
2 incorporation of communities of interest into redistricting
3 simulations.

4 Q. Okay. And you received your Ph.D. in 2023. Is that right?

5 A. That's correct.

6 Q. So if your deposition refers to you as Mr. Trende, and
7 we're now calling you Dr. Trende, that's because you
8 matriculated in the interim?

9 A. That's correct.

10 Q. I want to talk a little bit more about your work
11 experience, now that you are an academic.

12 Have you taught college-level classes, and if so, what
13 kinds?

14 A. Yeah. I've taught college-level classes. I do it once a
15 year at Ohio State University. I'm a lecturer there.

16 I teach -- I've taught survey methods to undergrads.

17 I've taught voting participation and turnout.

18 I've taught the policy process.

19 Q. So when you say "survey methods," does that deal, at least
20 in part, with the proper interpretation of confidence
21 intervals?

22 A. Yeah. Again, that's an important part of understanding how
23 policy samples work.

24 Q. Okay. And have you taught anything about the Voting Rights
25 Act?

1 A. Yes. So my -- my political participation and turnout
2 class. The first half of it kind of walks through the
3 political science literature on what causes people to decide to
4 turn out, how people make their choices for whom to vote.

5 The second half of the class, though, kind of takes
6 that and applies it.

7 We go through voting rights/Fourteenth Amendment
8 cases.

9 We go through political gerrymandering cases.

10 We go through cases like the early voting and photo ID
11 decisions.

12 So it's kind of interdisciplinary in the second half.

13 Q. So we've talked about your academic work, your work for
14 RealClearPolitics.

15 I want to talk about how you applied your newfound
16 Ph.D.

17 Have you ever drawn redistricting maps?

18 A. I have.

19 Q. Tell the Court about that, please.

20 A. So in one of the more random twists of fate in my life, I
21 was appointed by the Supreme Court of Belize -- yeah -- to be
22 their kind of court-appointed expert in their country's version
23 of *Baker versus Carr*.

24 And part of that was looking to see whether Belize's
25 malapportionment was consistent with international standards of

1 redistricting. And I mean, they have like 150 percent
2 deviations in their districts, so that's an easy no.

3 But then I was also asked to kind of produce three
4 kind of sample maps, demonstration maps, to kind of show what
5 maps would look like, and possibly be implemented, in the wake
6 of, you know -- of a more just apportionment scheme.

7 I was also one of two special masters selected by the
8 Supreme Court of Virginia, along with Bernie Grofman, who
9 you've heard about from Dr. Barreto. We were charged with
10 drawing Virginia's Congressional State Senate and State House
11 districts, or House of Delegate districts, for this cycle.

12 Q. Have you ever testified in a VRA case?

13 A. I have.

14 Q. Have you ever advised redistricting commissions about VRA?

15 A. Yes. I was appointed along -- appointed, along with
16 Dr. Ansolabehere, as the consultants to the lawyers for the
17 Arizona Independent Redistricting Commission.

18 Q. Have you ever worked for Plaintiffs, or are you just a
19 shill for State Defendants?

20 A. I have worked for Plaintiffs in the state of Michigan. I
21 worked on a Voting Rights Act and equal protection claim.

22 Q. Did you draw *Gingles* I maps for that case?

23 A. I did.

24 Q. Have you conducted a Fourteenth Amendment analysis for
25 Plaintiffs?

Leticia D. Perez
525 Magoffin Avenue
El Paso, Texas 79901

Exhibit 30

1 A. Yeah. I did it in that case as well.

2 Q. But in fairness to my shill question, you do usually work
3 for Defendants. Fair?

4 A. I do usually work for Defendants in these matters.

5 Q. Have you ever been an expert in a political gerrymander
6 case?

7 A. Yes.

8 Q. Any ones that the Court might have heard about?

9 A. So I was the expert for Plaintiffs in the *Harkenrider* case,
10 that resulted in New York's Congressional State Senate
11 Districts being struck down.

12 I was also the expert for Plaintiffs in the Maryland
13 Congressional case resulting in those maps being struck down.

14 Q. Now if you've been an expert several times, has there ever
15 been a time where the Court has disagreed with you or where you
16 have taken some criticism for your work?

17 A. Yes. Yes. One thing that I do agree with Dr. Lichtman on
18 is if you do this enough, you do get battle scars, and I've
19 accumulated a few.

20 Q. Okay.

21 MR. KERCHER: Your Honor, pursuant to Federal Rule of
22 Evidence 702, we move to tender Dr. Trende as an expert in
23 American politics with emphasis on redistricting, including
24 drawing and analyzing redistricting maps, and political methods
25 with emphasis on sampling methodology.

1 JUDGE GUADERRAMA: All right.

2 Mr. McMahon?

3 MR. GABER: Mr. Gaber.

4 JUDGE GUADERRAMA: Sorry, Mr. Gaber.

5 MR. GABER: No objection, Your Honor.

6 JUDGE GUADERRAMA: Ms. Perales?

7 MS. PERALES: No objection.

8 MR. ROLLINS-BOYD: No objection.

9 JUDGE GUADERRAMA: All right. The Court will receive
10 Dr. Trende as an expert in American politics with an emphasis
11 on --

12 MR. KERCHER: Redistricting.

13 JUDGE GUADERRAMA: -- redistricting, drawing maps,
14 including political methods, with emphasis on sampling
15 methodology. All those things.

16 MR. KERCHER: I'm glad you wrote that down so quickly,
17 Your Honor.

18 Q. (BY MR. KERCHER) Okay. So, Dr. Trende, you have submitted
19 three reports in this case. Right?

20 A. That's correct.

21 Q. So there was your initial report in 2022. Right?

22 A. Yes.

23 Q. And then you had a supplemental report, either at the end
24 of March, beginning of April. Does that sound correct?

25 A. That sounds correct.

1 Q. And then your third report was a rebuttal report in the
2 middle of April. Does that sound about right?

3 A. Yes.

4 Q. We're gonna go a little bit out of order. We're gonna
5 start with your supplemental report, your second report.

6 MR. KERCHER: Brian, if you could bring up State
7 Defendant Exhibit Number 9.

8 Q. (BY MR. KERCHER) So, Dr. Trende, I want to start by
9 asking: In the times that you have been a redistricting expert
10 or been involved in drawing maps, do you always use the same
11 methodology?

12 A. No. So this is -- this is one where I do kind of disagree
13 with Dr. Lichtman. Because to always use the exact same
14 methodology, you have to believe that you never made a mistake
15 or that no one ever has a suggestion.

16 I make lots of mistakes. And more often, I hear good
17 suggestions. So things have changed over time. You know, the
18 maps that I draw today would not look exactly like they look
19 today, but I still stand by the approach that I took in my
20 initial report.

21 Q. Okay. Okay. So we're looking at your supplemental report.

22 MR. KERCHER: And Brian, if we could please go to
23 page 5, Figure 1.

24 Q. (BY MR. KERCHER) Now I want to start with your
25 supplemental report, Dr. Trende.

1 Can you tell the Court what Figure 1 is?

2 A. So Figure 1 is a summary table of the population deviations
3 for the Benchmark districts. There wasn't a nice summary table
4 in the initial report, so this just shows how much each
5 Congressional District deviated from the ideal population at
6 the end of the redistricting cycle.

7 Q. Okay.

8 MR. KERCHER: And, Brian, page 6, Figure 2.

9 Q. (BY MR. KERCHER) Dr. Trende, what is Figure 2, which is on
10 its way?

11 There it is.

12 A. So Figure 2 is the continuation of that table.

13 Q. Okay. And page 7. What about Figure 3?

14 A. So Figure 3 is taking that tabular data and putting it in
15 map form, so you can see the geography of where the deviations
16 occur.

17 Q. It seems like sort of an unusual color scheme. Is there a
18 reason for that?

19 A. Well, there's two reasons for this. And this is one of the
20 ways that things have changed since my initial report.

21 If you print out the red and blue report that I did
22 the first time, you get kind of a gray blob this color scheme
23 prints.

24 The other thing is, I happen to be red/green color
25 blind, and this is something that people who are color blind

1 can read.

2 MR. KERCHER: So for the record, State Defendants have
3 hired a color blind expert in their redistricting case.

4 Q. (BY MR. KERCHER) Is that right?

5 A. Yes.

6 Q. Okay. Page 8, Figure 4, Dr. Trende, can you tell the
7 Court, is this the same information but zoomed into the Houston
8 area?

9 A. That's exactly what this is.

10 Q. So similarly, on page 9, Figure 5, we're zoomed into the
11 Dallas-Fort Worth area?

12 A. Mr. Kercher, I don't know if this is -- I don't believe I
13 have copies of my report.

14 Q. I'm not sure that I've got them printed for you. My
15 apologies.

16 A. That's okay.

17 MR. KERCHER: Brian, can you pull up Figure 5, please.

18 A. Yes. This is zoomed in to -- to the Dallas-Fort Worth
19 area.

20 Q. (BY MR. KERCHER) Okay. And without putting all of the
21 maps and figures from this report up on the screen, you've
22 compiled similar tables and maps for the State Senate and State
23 House. Is that right?

24 A. That's correct.

25 Q. And you've also compiled tables that show how these

1 districts voted n specific races in '22 and '24. Right?

2 A. Correct.

3 Q. Okay. I now want to turn your attention to your original
4 report, which is State Exhibit Number 8. And I want to start
5 by talking to you about your discussion of the Congressional
6 maps in that 2022 report.

7 That's like a 200-page report. Is that right?

8 A. That's correct.

9 Q. Okay. Let's start by describing, just at a high level, the
10 geography of Texas Republican power in 2010.

11 A. Yeah. So in 2010, as I explained in the report,
12 Republicans were doing great in the state, particularly in the
13 suburbs.

14 John McCain had carried the state, even while losing
15 badly. And so you had a lot of strength, particularly anchored
16 where traditional Republican strength had been in the suburbs
17 of the state. But they'd also managed to flip rural areas in
18 the late '90s and early 2000s, so it was a potent combination.

19 Q. How, if at all, did that change over the course of the
20 decade, towards 2020?

21 A. So as with a lot of places in the country in 2016, the
22 suburbs moved against Republicans, sharply, some instances.
23 And that map that Republicans had drawn at the beginning of the
24 2010s started to look like what is genuinely referred to in the
25 peer-reviewed literature as a dummymander.

1 Q. Well, dummymander sounds like something my wife might call
2 me, and I'm pretty sure she's mumbled that word a few times as
3 I got ready for trial.

4 Can you tell the Court what you mean by dummymander?

5 A. I want to emphasize it really is a peer-reviewed literature
6 term. I know it's kind of flippant, and I don't like to be
7 flippant in court, but it's a genuine term.

8 The dummymander is a map where a party tries to draw a
9 map that would be to be in their favor and ends up not working
10 out and electing a bunch of members from the opposing party,
11 usually because a party spreads itself too thin and it can't
12 withstand the type of coalition shift we saw here, or a bad
13 Republican year, like 2018.

14 Q. And just generally -- we'll get into specifics. Why, in
15 your opinion, does a dummymander apply to our analysis of the
16 2020 maps?

17 A. Well, you'll see at the beginning of the decade, a lot of
18 these maps that are kind of anchored in the inner suburbs of
19 Dallas County, or the inner suburbs of Dallas and Fort Worth,
20 Houston, are very Republican, but they weren't Republican
21 enough. The Republicans had spread themselves thin when
22 looking at a shift against the Republican Party, like they saw
23 in 2016 and 2020.

24 Q. Were you here for Dr. Duchin's testimony?

25 A. I was.

1 Q. Did you hear Mr. Dunn refer to what he called a crime scene
2 on redirect of Dr. Duchin?

3 MR. GABER: Objection, Your Honor. Just for the
4 record, it's Dr. Barreto.

5 MR. KERCHER: Oh, Dr. Barreto. Apologies. Let me try
6 that again.

7 JUDGE GUADERRAMA: Thank you, Mr. Gaber.

8 Q. (BY MR. KERCHER) Were you here for the redirect of
9 Dr. Barreto?

10 A. That's correct.

11 Q. And did you hear Mr. Dunn refer to a crime scene in that
12 context?

13 A. I did.

14 Q. Do you agree with that characterization? Does that make
15 sense, in the context of what redistricting experts are doing?

16 A. I mean, to a degree. I think we are kind of like, if you
17 want to use a law and order analogy, like, we are like the
18 forensic team. Right? We come back and we look at the
19 evidence both ways and kind of make determinations. But we
20 aren't necessarily the police that are going out and
21 interviewing every individual subject. It's a totalizing
22 inquiry.

23 Q. So there was some discussion earlier this morning about
24 whether anybody has the ability to go back and check the work,
25 as it were, of a legislator or the Legislature, when they

1 redraw maps.

2 Is that part of what your analysis is designed to do
3 in a case like this?

4 A. Yeah. I mean, I don't want to overstate the power of it.
5 I think that that type of evidence is certainly useful, that
6 you-all get from talking to legislators. But we can look at
7 the photo, if you will, and make certain inferences, or point
8 out certain facets of it, that may be consistent with a certain
9 type of crime or inconsistent with it.

10 Q. Okay.

11 MR. KERCHER: Brian, let's go to page 10 of State
12 Defendant's Exhibit 8, Figure 1.

13 Q. (BY MR. KERCHER) Dr. Trende I want to walk the Court
14 through the way that you conduct your analysis, and we're gonna
15 start with Congressional District 3, which I don't think is
16 still at issue, but by way of finding sort of a neutral
17 district, let's walk through that.

18 Can you tell the Court what Figure 1 is?

19 A. So Figure 1 -- I did this for all of the districts that
20 were in the metropolitan areas we're talking about. It shows
21 kind of how these districts have evolved over time.

22 I take it back to 1982, and produce maps that kind of
23 show how these districts shift, leading up to the 2010
24 redistricting.

25 Q. I mean, are these comprehensive histories of these

1 districts?

2 A. No. So I wrote little -- little kind of summaries for each
3 of them. But they weren't meant to be, you know,
4 dissertation-level studies of how these maps have changed.

5 But you can see with District 3 it starts out in
6 Sachse and, you know, University -- University Heights. And
7 eventually over time, gets pushed out into Collin County until,
8 by the time you get to 2004, it's really more of a
9 Plano-McKinney district.

10 Q. And did you provide this kind of context and background for
11 all the Congressional districts you analyzed?

12 A. For the ones that we analyzed, yeah.

13 Q. We're not gonna go through all of those today, but just by
14 way of giving the Court an example of how your analysis works.

15 Since a lot of what we're going to be talking about
16 next is in many ways responsive to Dr. Duchin, can you help the
17 Court understand whether, or how, this kind of background is
18 useful in evaluating Dr. Duchin's testimony?

19 A. Yeah. I mean, there's two things.

20 First, I've heard Dr. Murray and read his transcript,
21 and there's a lot of mention of these districts, but they're
22 just kind of numbers that get thrown out. So I thought it was
23 useful to have an actual map to see what these districts
24 actually looked like in 1982.

25 The other thing, though, specific to Dr. Duchin, is

1 she has a -- she had a portion of her report that she testified
2 to where she talks about District 6, and that it's kind of
3 weird that it goes out into the rural areas. I think she
4 referred to it as submergence of the urban area.

5 But when you look at history -- the history of
6 District 6, it's always gone out. It's always gone out. As a
7 matter of fact, if you go back far enough, when it was electing
8 Representative Teague, it was a rural district. And it's
9 one-person one-vote that actually started to push it into South
10 Tarrant and Dallas Counties.

11 But there's nothing unusual about the combination.
12 It's just the history.

13 Q. Okay. In 2010, what happens in District 3?

14 A. So in 2010, the district gets pushed out into Denton County
15 almost entirely. And it's drawn as a heavily Republican
16 district. I think -- I don't have the exact numbers. It's in
17 the record. I think Romney won it by 30.

18 Q. Okay. What happened by the end of the decade?

19 A. So it's a really kind of stunning shift. By the end of the
20 decade, Trump only won it by a point. So it goes from just an
21 overwhelmingly Republican district to one that's marginal. Van
22 Taylor sees his -- you know, Sam Johnson retires, and so Van
23 Taylor sees his margin shrinking down to high single digits, so
24 it's starting to look a little wobbly.

25 Q. Okay. By way of following your analysis --

1 MR. KERCHER: Brian, can we pull up page 11, Figure 2?

2 Q. (BY MR. KERCHER) Dr. Trende, what does this show?

3 A. All right. So this is -- this was kind of a tricky
4 visualization. But what I ended up with is that the green
5 boundary shows the Enacted Map, how it exists today. And the
6 black boundary shows the way it was drawn in the Benchmark Map.

7 So the black lines are the way it was from 2011 to
8 2020 -- I guess 2012 to 2020. The green boundary is how it's
9 drawn today.

10 Q. Okay. What is the shading?

11 A. Hmm?

12 Q. What is the shading?

13 A. Oh, the shading. So the shading is -- it's what Dr. Duchin
14 refers to as a choropleth map -- I believe you call it a heat
15 map, either way. It shows how the district voted for Joe Biden
16 in 2020, for each precinct in the district.

17 So it overlays the political background of these
18 precincts with the Enacted and Benchmark Map over. So you can
19 see what gets cut, what gets added.

20 Q. Do you remember Mr. Dunn teaching me to travel with map
21 pencils, which I should have known, doing some coloring on the
22 redirect of Dr. Barreto?

23 A. I do.

24 Q. There was some comment about that's what you might see, or
25 that's what it might look like, if a map drawer were trying to

1 draw a partisan map.

2 How does what Mr. Dunn colored compared to the map
3 that you've provided the choropleth, or the heat map?

4 A. Yeah. So I think that kind of dichotomous shading that he
5 does, where it's either a Biden district or it's a Trump
6 district, blue or red, it has its place.

7 But this is, from what I understand, an intent
8 inquiry. And so when you're actually drawing a map, most of
9 the software I'm familiar with doesn't just give you blue or
10 red. It gives you degrees. You're seeing a district -- you're
11 seeing precincts that are 51 percent Biden or 80 percent Biden.
12 And there's a big difference.

13 That kind of yes-no coding treats the 51 percent Biden
14 district the same as an 80 percent Biden district. And it
15 would also treat a 51 percent Biden precinct as somehow
16 fundamentally dissimilar from a 49 percent Biden precinct.

17 And again, I'm not dismissing that analysis. I think
18 it's just also useful to have this type of view.

19 Q. Okay. What -- the shading here, there's a key to the
20 shading you have on the right hand of this figure.

21 Can you tell the Court what the shading -- what sort
22 of the spread of the shading is on this map?

23 A. Yeah. So this gives a bit of nod to the idea of a Biden
24 district and Trump district, because it shades anything below
25 Biden 40 percent as red, and anything above Biden 60 percent as

1 blue.

2 And the reason for that is just, if you allow the
3 shading to run from zero to 100 percent, that that -- things
4 that are happening at the fringe overwhelm differences that you
5 can observe at the center, that are often more important for
6 understanding why decisions like this are being made.

7 Q. If another expert thought that this was not the best range
8 to use for your shading map, is there anything they could do
9 about it, to your knowledge?

10 A. Yeah. I think most of the experts, at least I have seen,
11 are sophisticated experts who are good coders. And it's just a
12 couple of lines of code that need to be changed to give a
13 different truncation scheme.

14 Q. Did you provide that code?

15 A. I did.

16 Q. Why is it that you're using a choropleth or a heat map,
17 rather than a dot density map?

18 A. I like dot density maps, and I include some of them in my
19 report. But again, this the screen a map drawer sees when they
20 are drawing. So -- I mean, some people draw the maps off of
21 dot density maps. I've never done that. I'm not aware of it.

22 And so again, if you're trying to unravel the
23 so-called crime scene, seeing kind of what the map maker sees I
24 think is useful.

25 Q. So we've talked about why you're using this map and what it

1 represents. Can you sort of decode it for the Court and help
2 them understand?

3 A. Yeah. So if you're looking at the black, what's
4 encompassed by the black lines, you can see where we're at the
5 end of the decade in the choropleth map, which was a plus-one
6 district for Trump.

7 And you can see at this point, you know, along the
8 areas around Plano and Frisco have taken on a blue shading to
9 them.

10 And that's why this map becomes so wobbly.

11 And so then you look at it by the green boundaries,
12 and you see what happens. It gets pushed out into Hunt County,
13 I want to say -- starts with an H -- which is almost entirely
14 red, picking up areas that vote 50 percent for Donald Trump.
15 Donald Trump by 50 points, just overwhelmingly red areas of the
16 state.

17 And then you can see the areas where, you know, it's
18 bounded by the green line and the black line. That area is
19 what gets cut out. So you can almost see the scalpel going
20 along in Plano, in parts of Frisco going up, and just kind of
21 carving out these blue areas.

22 These blue areas are going into the 4th district. And
23 what happens is, it's kind of backfilled. The 4th district is
24 initially here, and the 3rd district is here. And by pushing
25 the 3rd district out, the 4th is brought down to kind of

Leticia D. Perez
525 Magoffin Avenue
El Paso, Texas 79901

Exhibit 30

1 backfill and pick up those blue areas that get taken out of the
2 old 3rd.

3 Now you say, Well, you're just robbing Peter to pay
4 Paul. But the 4th district is already -- is voting 75 percent
5 for Donald Trump at the end of the 2020 cycle, so it can afford
6 to take on a lot of Democratic areas and still remain a
7 62-percent Trump district.

8 Q. Generally speaking, what's the partisan result of the kinds
9 of population shifts undertaken in the 2021 redistricting?

10 A. Well, it's what you see here. This district that was a
11 49 percent Biden district gets brought down to -- I think the
12 number is 42.6 Biden. It's in the report. Somewhere in that
13 range.

14 A then that 4th district, you know, no longer
15 75 percent Trump, but it's like 62 percent Trump, and that will
16 still perform for Republicans.

17 Q. Okay. Well, when Dr. Duchin looks at your analysis and she
18 sees the partisan analysis, part of her argument is that, if
19 you then look at a racial analysis, it is even -- it has even
20 larger effects. Does that surprise you?

21 A. It really doesn't. This gets at something you're talking
22 to her about -- or inquiring of on your cross, which is, you
23 will get areas where, you know, Hispanics are almost the entire
24 precinct.

25 But we also know from her analysis that Hispanics

1 don't vote unanimously for Republicans. It's more on the order
2 of, like, two-thirds. We'll call it 67 percent.

3 And so if you're a redistricter and you look and you
4 see this kind of juicy Biden 67 percent district, you move it
5 over. Well -- or precinct. I keep calling them districts.

6 You see this 67 percent Biden precinct. You move it
7 over as part of your political gerrymandering scheme. You're
8 also moving a precinct that has been 100 percent Hispanic
9 voter.

10 So you really can't determine that much from the fact
11 that the racial percentage might be higher than the political
12 percentage, because racial groups don't vote uniformly for one
13 party.

14 Q. Okay. Dr. Trende, let's move to the district that is at
15 issue, District 6.

16 Are you performing the same kind of analysis for each
17 of these districts that we're talking about?

18 A. Yes.

19 Q. You have a putting-it-all-together section for the
20 districts that you analyze.

21 Can you describe to the Court what that is and whether
22 it's important?

23 A. So that's kind of the -- I think that's the meat of it. I
24 think these write-ups for each individual district are
25 meaningful and give interesting insight. But at the end of

1 each section I break this up into DFW, Houston, and then kind
2 of South Texas. And at the end of each section, there's a
3 section that -- you know, you can lose the forest for the trees
4 here. So the last section tries to show the forest and show
5 how all these pieces work together.

6 Because redistricting really is a jigsaw puzzle. You
7 know, it's like I say, what you do to one district affects
8 another one. And when you see it all fits together is where I
9 think this really -- you know, you see the political
10 gerrymander plain as punch.

11 Q. Okay. Let's look at 1a on page 17.

12 Can you describe this for the Court?

13 A. Yeah. So this is Texas' 6th district over the years. And
14 again, you can see that, for even as late as the '80s, this is
15 mostly with a rural district. It gets brought in more heavily.
16 This is Joe Barton's district.

17 It gets brought in more heavily to the Metroplex in
18 the 1992 redistricting.

19 Then in 2002, it gets pushed back out more into the
20 rural areas. You get more regular lines.

21 The 2004 map, you know, makes it look even more kind
22 of like the 1982 edition.

23 Q. Politically, where was District 6 in 2010?

24 A. This was another district that, at the beginning of the
25 2010 cycle, was going for Republicans -- for Romney by over 20

1 points.

2 Q. And in terms of equal population in 2020, do you recall
3 where it was? Did it need to shed population?

4 A. I don't remember the exact numbers. You know, if we flip
5 back to the supplemental report, you can see the numbers, the
6 percentages, there. But it didn't need the type of surgery
7 that it ended up getting.

8 Q. So let me ask you. Is it uncommon, in your experience in
9 redistricting, for a district that needs to shed 50,000 people,
10 to actually shed several hundred thousand people over the
11 course of the process?

12 A. It depends. Dr. Duchin, you know, talked about the
13 principle of least change. And there is such thing as a least
14 changes map, particularly in court-drawn districts.

15 But it's not that uncommon to see massive surgery,
16 especially when you have a district that is starting to cease
17 performing, like the 6th district is, at the end of the cycle.

18 MR. KERCHER: Let's look at page 20, Figure 9.

19 Q. (BY MR. KERCHER) Okay. Can you help the Court interpolate
20 Figure 9?

21 A. So this is one where I think it becomes clearer at the --
22 putting it all together phase. Because you can see it does
23 give up some red areas southeast of Fort Worth. Those go into
24 the 25th District, where Representative Williams needed some
25 saving as well.

1 But you can see -- excuse me. You can see that -- so
2 the 6th district does shed a lot of those blue areas just
3 southeast of Fort Worth. Over here, on the Tarrant County
4 border. So in Grand Prairie it's giving up some blue areas.

5 And then what you see -- you see this kind of
6 odd-shaped extension into the Dallas area. But when you look
7 at it from a political perspective, you can see that a lot of
8 those precincts, although they might have voted for Joe Biden,
9 they're politically marginal precincts. So it's kind of
10 gobbling up the sort of politically marginal territory in
11 western Dallas.

12 Now, what -- well, there's another figure.

13 MR. KERCHER: Let's go to the next figure.

14 Q. (BY MR. KERCHER) Dr. Trende, what is Figure 8?

15 A. So Figure 8 is the rest of the map. And so you can see the
16 district gets, now, extended into some really, really red rural
17 areas. You can see it's taking in part of eastern -- I guess
18 that's Johnson County, and then extending out into the rurals.
19 And these are areas, again, that are voting for Donald Trump by
20 50 points.

21 And so it's shedding some blue areas and some red
22 areas in Tarrant County. It's picking up marginal areas in
23 western Dallas County.

24 But then it's just getting Republican voter after
25 Republican voter after Republican voter in the rurals, making

1 this a district that, I guess by the redistricting, it's Rep
2 Wright. The late Rep Wright has it.

3 Q. And as a result of that political gerrymander, did
4 President Trump win this district by 60 percent?

5 A. Yes. No, with 60 percent.

6 Q. With 60 percent. Thank you.

7 MR. KERCHER: Let's look at District 24 and Figure 12
8 from your report.

9 Q. (BY MR. KERCHER) Just briefly, since you've described
10 generally how these -- how we're supposed to look at these
11 historical maps of the district, what does this tell us?

12 A. So this is Representative Frost's old district. And then
13 in the 2004 redistricting, he gets put into a much more heavily
14 Republican district and loses to Representative Marchant in a
15 district that is Republican. It's a district where he's --
16 where Representative Marchant looks like he's gonna have a long
17 career.

18 Q. What happens over the course of the decade, from 2010 to
19 2020?

20 A. That's another district that goes from -- that Romney is
21 winning handily, to one -- I believe Biden ends up carrying
22 this one by the end of the cycle.

23 And Rep Marchant has a very close call in 2018. His
24 successor barely wins in 2020, so it's definitely marginal
25 territory.

1 MR. KERCHER: And let's look at Figure 13.

2 A. (BY MR. KERCHER) And, Dr. Trende, can you describe what
3 the Legislature did in response?

4 A. Yeah. So this is one of the uglier reworkings of a
5 district. But again, the black outline is the old district.
6 And so you can see how, you know, there are some --
7 particularly in Northwestern Dallas County, around Coppell,
8 there's still some red areas. And those stay within the
9 24th District.

10 But a lot of those blue areas to the south of Coppell
11 and Carrollton -- I guess that's Irvine -- they get carved out
12 of the district, so it's losing a bunch of blue precincts.

13 And then it takes this arm around and -- I mean again,
14 it's just almost perfectly following the political contours of
15 the district, to get over to pick up what are still heavily
16 Republican voters in Highland Park and that area.

17 It also picks up -- on the western boundary you can
18 see it picks up Republican areas of Tarrant County, heavily
19 Republican areas of Tarrant County, from the 26th district.

20 So overall, it's another district that is, you know,
21 looking extremely wobbly at the beginning of the cycle that
22 gets shored up, becomes a district that President Trump wins
23 handily.

24 Q. Okay. And what about --

25 MR. KERCHER: Let's go to Figure 16 and look at

1 District 32.

2 Q. (BY MR. KERCHER) Now, Dr. Trende, Figure 16 only has two
3 maps as opposed to six, in the other districts we've looked at.
4 Why is that?

5 A. Well, it's a new district in 2002. Representative
6 Sessions, who had won in 1996 in the 5th district, decides to
7 hop into this district. The newly drawn 32nd that's
8 satisfactory, anchored in kind of what was then heavily
9 Republican North Dallas suburbs.

10 Q. And what did the district look like politically, as we
11 approached the end of the 2010 decade?

12 A. So at the beginning of 2010 it wasn't drawn as Republican
13 as other districts, but it was still Romney, I think, 15
14 points. By the end, President Biden carried it handily, and
15 Representative Sessions loses in 2018 to Representative Allred.

16 Q. And what was the Republican redistricting response?

17 A. So this is one where -- sometimes when you're trying to
18 draw a favorable map, discretion is the better part of valor.

19 Rather than trying to, say, flip the district over and
20 turn -- you know, maybe spread themselves a little too thin --
21 again, it has to be viewed in the context of a map that had
22 almost fallen apart because of the swings against the
23 Republicans in the suburbs. And as of 2020, you don't know how
24 far that is going to continue into the 2020s.

25 And so their approach with District 22 was not what

1 they did in 2010 and fight for -- you know, scrap for every
2 inch. They gave up on it. They turned it into a heavily
3 Democratic district and started putting every Democrat they
4 could find in the area into the district, taking them out of
5 the Republican districts, as I've described before, and then
6 freeing up Republicans to put into these districts they're
7 trying to save.

8 Q. So Dr. Duchin talked about, as a political gerrymander, how
9 the Republicans in Texas in 2021 left a lot on the table.

10 Can you put what you just said into the context of
11 that critique?

12 A. Yeah. I think -- I think that's true, in a sense. You
13 probably could have carved things up a little more to make
14 districts that went for President Trump by five or six points.
15 You just don't know how that's gonna hold.

16 Republicans have just seen districts that went for
17 Romney by 30 almost flip in the last map. So yeah, there's
18 some on the table. But in the -- it makes sense, when you look
19 at the context of what had just happened to the Republican
20 Party of Texas.

21 Q. So in the context of watching what happened in 2010, where
22 perhaps Republicans had hoped to maximize the number of
23 Congressional seats that would be Republican, can you contrast
24 that -- is there a contrast -- with the approach taken in 2020?

25 A. Yeah, there is. We'll see this again in Houston and the

1 Austin area. But they decided to create Democratic votecincts,
2 is what we call them, districts that are just heavily
3 Democratic. Take those precincts out of Republican districts.
4 They don't have to worry about them. And then in the process,
5 free up the Republican precincts that they can to shore up the
6 remaining districts.

7 Q. Okay.

8 MR. KERCHER: Let's look at your choropleth, or your
9 heat map, which is Figure 17 on page 31.

10 Q. (BY MR. KERCHER) Dr. Trende, what do we see here?

11 A. So this is another ugly one that takes some time to sort
12 out. But this is kind of the reverse of what we had seen in
13 other -- in the other maps.

14 So the black boundary is how the district was drawn in
15 32. And remember -- or it was drawn in 2012. And in a lot of
16 those maps, remember, the hope was that this would shore up a
17 Republican incumbent.

18 So you can see there's still some pretty red areas
19 around Wiley, in Collin County. That's taken out. That's put
20 into the 3rd district.

21 You can see in north eastern Dallas County, around
22 Garland, there's still some red areas. Those are taken out and
23 put into the 5th.

24 You can see the University Park and Highland Park area
25 was originally in the 32nd. Those red areas are taken out, put

1 into the 24th, to shore up that district.

2 Then you can see this map kind of zigzags in and out,
3 and kind of takes all these blue areas we've been talking about
4 with the 24th district, up around Coppell, and even into
5 southeastern Denton County.

6 It puts those blue precincts into the 32nd district.
7 South Plano, those blue precincts go into the 32nd. And then
8 it just dives down into Dallas, into the city of Dallas,
9 picking up blue precincts left and right there.

10 Q. Okay. So finally, Dr. Trende, let's look at District 33.

11 MR. KERCHER: And, Brian, if we could pull up
12 figure --

13 JUDGE GUADERRAMA: Mr. Kercher?

14 MR. KERCHER: Yes?

15 JUDGE GUADERRAMA: Could we take our morning recess at
16 this point? Be back at 10:50?

17 MR. KERCHER: Yes, Your Honor.

18 JUDGE GUADERRAMA: We'll resume our proceedings then.

19 (Recess.)

20 THE COURT: Dr. Trende on the witness stand.

21 MR. KERCHER: And during the break, I printed a copy
22 of Dr. Trende's report for him. I have shown it to opposing
23 counsel. May I approach to give him a copy of his 2022 report?

24 JUDGE GUADERRAMA: Yes, sir.

25 THE WITNESS: Thank you, sir.

1 Q. (BY MR. KERCHER) Okay, Dr. Trende. We had been talking
2 about some of the districts in the DFW area. Let's look at
3 District 33.

4 We will skip the historical map and get right into the
5 choropleth, or heat map, which is page 32, Figure 19, of your
6 2022 report, state Defendant's Exhibit 8.

7 Can you describe this for the Court?

8 A. Yeah. So again, this is a pretty ugly district. But
9 remembering that the black lines are the Benchmark lines, the
10 green lines are the Enacted Map. You can see what happens.

11 So in Tarrant County, there was that kind of salient
12 that went in towards downtown Fort Worth that had previously
13 been in the 6th. Those blue precincts are now put into the
14 33rd.

15 And following around -- the easiest way to do it is
16 just kind of clockwise. You know, it falls basically the same
17 contours until you get up to Dallas County. And now the
18 district takes kind of a sharp turn to the north, to pick up
19 those heavily blue precincts that had been in District 24
20 before then, coming further to the south.

21 And this is what I meant about redistricting kind of
22 being a jigsaw puzzle. And it's easy to get lost in the forest
23 for the trees, you know.

24 Now in this, you can start to see a little better
25 what's going on with that weird protuberance from the

1 6th District. It's going in between what's in the
2 33rd District and picking up the purple precincts, to the
3 exclusion of the really dark blue precincts.

4 MR. KERCHER: Okay. Brian, let's look at Figure 20 on
5 page 33.

6 Q. (BY MR. KERCHER) Dr. Trende, can you describe what's going
7 on here?

8 A. So this is now in the kind of the putting-it-together
9 section for Dallas-Fort Worth. And rather than talk about
10 individual districts, you can see how the puzzle pieces fit
11 together at the end of the last cycle.

12 And so you can see now how the 4th is kind of to the
13 east of the 3rd, to the north of it. The 3rd has a mass of
14 blue precincts and purple precincts on the west, some red
15 precincts to the east.

16 You can see the 32nd has -- below it -- has some red
17 precincts to the north, some red precincts and purple precincts
18 to the west. And in the center of it, kind of a mass of blue
19 areas.

20 You can see the 33rd is pretty blue, but it has a lot
21 of purple precincts in it, and it doesn't quite follow the
22 political contours as well with the 6th.

23 And then you can see the 24th, how there's this mass
24 of red to the west of it. It's got a lot of blue now in that
25 area south of Coppel, over into Carrollton.

1 26th and the 12th, still very red areas. Those are
2 still heavily red districts. But that's kind of the place
3 setting for what happens in the actual map.

4 Q. Okay. So this is the Benchmark Map.

5 Let's look at the Enacted Map, which is Figure 21,
6 page 34.

7 A. So again, now you can see what I meant when I said, you
8 know, the 3rd gets pushed eastward, so the 4th now comes around
9 and backfills the area that the 3rd is vacating, picking up
10 some areas that I think, on ballots, went 56 percent for Biden.

11 South Plano, that was in the 3rd3rd District, now is
12 in the 32 District, which kind of takes a bunch of really blue
13 areas.

14 You can see, though, there's this circle right where
15 the Number 32 is, and to the west of it, red precincts. That's
16 gone into the 24th District now, that's connected by this kind
17 of narrow bridge to some overwhelmingly red areas of Tarrant
18 County.

19 You can see the 6th6th District now. It does have a
20 bridge through some blue areas connecting the purple areas of
21 Dallas County with the bright red rurals.

22 The 25th has now been pushed up, taking in some red
23 areas.

24 And you can see even, you know, to offset the 26th
25 loses a lot of red areas of the Tarrant County it used to

1 occupy. They bring in the 13th District, the old Jack
2 Hightower district, all the way into Denton, to kind of pick up
3 some of the blue areas of that to keep the 26th a performing
4 district.

5 Q. Okay. And so that you're not just sort of meteorological
6 or a partisan weatherman, let's look at some of the data that
7 you provide.

8 MR. KERCHER: Brian, can you bring up, Table 1,
9 page 35?

10 Q. (BY MR. KERCHER) Dr. Trende, what is Table 1?

11 A. So this shows the -- kind of the DFW area districts, how
12 many Biden-won precincts -- W-O-N, not O-N-E, precincts -- are
13 in each district in the Benchmark Plan, how many are in the
14 Enacted Map.

15 And so as you can see, it's consistent with the more
16 qualitative story that's been told here. You can see the
17 3rd District goes from 106 Biden-won precincts to 60.

18 The 6th District goes from 103 Biden-won precincts
19 down to 82.

20 The 24th District -- all these marginal districts we
21 talked about goes from 141 -- 140 Biden-won precincts down to
22 77.

23 So Biden-won precincts are being pushed out of these
24 districts that are kind of in dang- -- were in danger of
25 flipping.

1 Q. And if we can look at Table 2, can you help the Court
2 understand what Table 2 is saying and how it's different from
3 Table 1?

4 A. So this is the -- this is the kind of followup. The
5 Table 1 just shows the yes/no, Biden won/trump won.

6 This says, "Well, of the districts that Biden won, are
7 they somehow different in the Benchmark and the Enacted Map?"

8 And the answer is "Yes."

9 So of the Biden-won precincts in the Benchmark Plan
10 for District 3, they went 55.84 percent for Biden.

11 In the Enacted Plan they went 53.65 for Biden. So
12 even the kind of blue precincts become more purple in the
13 Enacted Map.

14 The same is true for the 6th.

15 The same is true for the 24th.

16 I mean the 24th, if it's a Biden precinct on average,
17 it's going to be about 61 percent Biden. In the Enacted Map,
18 it's going to be like 54 percent Biden.

19 So this is kind of bringing in those gradations we
20 were talking about that show up on a choropleth map to these
21 tables.

22 Q. Dr. Trende, one of the ways that I think about this is that
23 it's a zero sum game when you're moving populations around.

24 How is it possible to redraw these districts and get
25 so many negative percentages as a change?

1 A. So you have to remember that there's districts that are
2 coming into the area that weren't in at the original time.
3 They're picking up -- you know, the 13th District and the
4 25th District are coming in. They aren't included in this
5 table because they weren't really present in the initial maps.
6 So they're picking up some of that blue area as well.

7 MR. KERCHER: Okay. And if we can pull up Table 3.

8 Q. (BY MR. KERCHER) Did you look at Trump districts as well?

9 A. Yeah. So I want to look at the other side of the ledger
10 and say, "Okay. If this is consistent with a political
11 gerrymander, are these vulnerable districts getting more
12 Trump-won districts?"

13 And the answer is "yes."

14 The 3rd District has more Trump-won precincts.

15 The 6th District does not, but it's picking up red
16 precincts from outside of the Dallas-Fort Worth area.
17 Remember, that's the approach that's taken there.

18 We'll also see more about the Biden-won precincts in
19 the 6th District. We saw that above, that they become more
20 purple.

21 The 24th District, I mean, it goes from 91 Trump-won
22 precincts in the Benchmark Plan to 167.

23 So again, you see this kind of strengthening of the
24 marginal districts.

25 Q. And what about the changes to Districts 30, 32, and 33?

1 A. So 30, 32, and 33 are kind of solidly Democratic districts,
2 or the districts that the Republicans wanted to make solidly
3 Democratic.

4 You can see that at the end, in the Benchmark Plan,
5 they have 73 Trump-won precincts between them. In the Enacted
6 Plan, they have 16.

7 So almost all of the precincts that Donald Trump won
8 in this area are moved out of Districts 30, 32, and 33, which
9 is consistent with a political motive.

10 MR. KERCHER: Let's look at Figure 23 on page 38.

11 Q. (BY MR. KERCHER) Dr. Trende, can you describe for the
12 Court what this map looks like?

13 And I'll represent, although it's difficult to see,
14 there are gray lines representing voter precincts on this map.

15 A. Yes. So this is the Trump-won precincts by district in the
16 Dallas-Fort Worth area. So I just shaded, if -- Donald Trump
17 won the district, I shaded it red.

18 And I think there's kind of two takeaways here.

19 First is, as shown before, there are not very many red
20 precincts left in Districts 30, 32, or 33. And where there are
21 precincts, they're kind of hard to get to. There's kind of a
22 stray precinct along what would be roughly the Dallas --
23 Tarrant County border, right in the middle of District 33.

24 Maybe a map maker could have tried to pick it up, but
25 they would have had to cross a bunch of non-Trump-won precincts

1 to get to that one.

2 And that's true of most of the Trump-won precincts
3 that are left in the Democratic districts.

4 You can also see, when you look at District 24, how
5 nice and neatly, when you follow that meandering arm from
6 Tarrant County into Dallas County, how it follows this contour
7 of the Trump-won precincts.

8 Q. Dr. Trende, the analysis in your report spends a fair
9 amount of time analyzing the White residents of the Metroplex.
10 Why, if at all, is that a useful measure?

11 A. Well, just like when you're looking at a political
12 gerrymander, you want to look at what happens with Republicans,
13 you need to look at what happens with Democrats. I think
14 Dr. Duchin's report, there's a lot of emphasis on what happens
15 with her coalition members, and what happens with White voters
16 is left out of the inquiry.

17 And I think that's a mistake. Because at least in the
18 areas we're looking at, the precincts in which minority voters
19 reside are heavily Democratic. So it's really hard to, if
20 you're gonna try to disentangle things, to do that in the
21 minority precincts.

22 In the White precincts, on the other hand, it turns
23 out there are White precincts that vote for Republicans and
24 there are White precincts that vote for Democrats. There's a
25 lot of White Democrats in the lowest Greenville, and a lot of

1 White Democrats, it's a little more mixed in detail, but a lot
2 of White Democrats in there.

3 So if you want to know whether the map drawers were
4 keying in on race or whether they were keying in on politics, I
5 think it's useful to see what happens to those White Democrats
6 and White Republicans. Do they get separated or end up in the
7 same district?

8 MR. KERCHER: Let's look at Figure 24 on page 9,
9 State's Exhibit 8.

10 Q. (BY MR. KERCHER) Dr. Trende, what is this?

11 A. So this is the dot plot that Dr.- -- this is the similar
12 dot plot to what Dr. Duchin produces, except here the dots
13 reflect the White population.

14 And what -- when I look at this, it looks to me like
15 the map drawers are largely indifferent to the fate of White
16 voters, particularly when you look kind of south and southwest
17 of the 32 number. There's this blob in Dallas of heavy White
18 population that just, you know, it's split up. The district
19 lines don't follow those boundaries.

20 Q. Dr. Trende, were you here for my discussion with
21 Dr. Barreto about Plaintiffs' Demonstration Map and how it
22 correlated to Dr.- -- or how I argued, anyway, that it
23 correlated to Dr. Barreto's heat map?

24 A. Yes.

25 Q. Okay. All right.

1 Dr. Trende, I'm not gonna ask you to comment on
2 Dr. Barreto's testimony much.

3 First let me ask you, because I've got one of his heat
4 maps of the DFW there on your left-hand side.

5 Can you see that heat map okay? It is pink and green.
6 A. It's not my favorite color scheme, but I can see the
7 gradations.

8 Q. And on your right I've got Plan C2163, which is one of the
9 MALC demonstration maps. Do you see that?

10 A. Yes.

11 MR. KERCHER: And, Brian, if you could pull up the
12 demonstrative that you put together that shows an overlay of
13 these.

14 So here we'll start with the MALC Demonstration Map
15 overlaid on top of the DFW of Harrison and Dallas County as it
16 would appear.

17 And, Brian, can you show, then, the overlay of how
18 that demonstration map interacts with Dr. Barreto's heat map?

19 Q. (BY MR. KERCHER) Dr. Trende, can you explain to the Court
20 what you mean when you say that the dot density map that you
21 have provided in Figure 24 is indifferent to race?

22 A. Because at least when you're looking in the Dallas area,
23 where there's this heavy concentration of White voters, like I
24 said, it doesn't follow the contours of where the White voters
25 are.

1 Q. Let me interrupt you.

2 MR. KERCHER: Brian, could we bring up Figure 24
3 again, please while Dr. Trende's discussing it?

4 Q. (BY MR. KERCHER) Go ahead, Dr. Trende.

5 A. Yeah. You can see, I mean, probably the biggest mass of
6 White voters is put in District 30 in that area. It doesn't
7 seem very attentive to where White voters are placed on the
8 various districts.

9 Q. When you say "it's not attentive" -- and I don't want to
10 put words in your mouth. Does that mean that there are a lot
11 of lines drawn right across the densest portion there?

12 A. That's basically what I'm getting at. That if you're, for
13 lack of better words, trying to racially segregate the
14 districts, that's not what you would expect to see.

15 Q. Is the White population then cracked?

16 A. So we can debate whether -- I mean, "cracked" is kind of an
17 active verb suggesting intent. I don't know that everyone
18 would agree with me. But that's why I prefer the word it's
19 "indifferent."

20 MR. KERCHER: Let's look at Figure 25 on page 40.

21 Q. (BY MR. KERCHER) Okay. Dr. Trende, can you describe for
22 the Court what Figure 25 is?

23 A. So what I've done here is, I've taken the Non-Hispanic
24 White plurality precincts in the Dallas-Fort Worth area -- so
25 these are just the precincts that, by race, are plurality

1 White -- and I've shaded them by whether President Trump won
2 them or President Biden won them.

3 And as it turns out, there are an awful lot of
4 plurality White precincts in District 32.

5 And there are an awful lot of plurality White
6 precincts in District 30.

7 What there are not are a lot of Trump-won precincts in
8 District 32 and 30. Like we just said, it's almost
9 single-digit Trump-won precincts that are placed in these
10 districts.

11 Again, this isn't what you expect to see when the map
12 drawers keyed in on race.

13 Q. So I confess, Dr. Trende, when I first began looking at
14 your report, this map was not entirely intuitive to me, because
15 it seems like you are layering multiple levels of data here,
16 even though you've just got three colors.

17 So let me start by asking: The blank portions of
18 the -- or the White portions, on Figure 25, what do those
19 represent?

20 A. Those are precincts where -- or those are areas that
21 contain a precinct where a plurality of the precinct is some
22 race other than Non-Hispanic White.

23 Q. Okay. And so every shaded -- whether red or blue
24 precinct -- is what?

25 A. It's plurality Non-Hispanic White.

1 Q. Okay. And so then the blue shaded are the Democrat
2 plurality Non-Hispanic White. Is that right?

3 A. That's right.

4 Q. And so you spoke a moment ago about how this map, in your
5 view, does not show what we would expect in a racial
6 gerrymander.

7 Can you just briefly explain what you would expect?
8 How would these lines be different, generally speaking?

9 A. Well, you would expect, if the goal was to separate people
10 by race, that that blob in Dallas would be placed into a
11 similar district. But that's not what we see. We see that the
12 red precincts are put in District 24, the blue precincts are
13 put in 30 and 32, separation by politics.

14 Even in an area like District 24, where you do see
15 Biden-won precincts -- remember, this is something where all
16 the tables need to kind of be read together. You do see some
17 blue-won precincts in District 24. But remember the
18 blue-won -- the Biden-won precincts in District 24 are less
19 blue, or more purple, than they were in the Enacted Map. So
20 even those precincts have been made more Republican.

21 Q. And I guess that was gonna be my question.

22 Because the lines, as drawn, do not perfectly draw
23 around the blue or the red precincts, how should the Court
24 understand that fact?

25 A. Again, it has to be -- there's only so many red precincts

1 to go around in the Dallas area, and sometimes you have to
2 cross blue areas to get it.

3 Sometimes you have to take in some Biden-won
4 precincts, but hope that they are plurality, which is, you
5 know -- or nearly Biden-won precincts, which is what we get
6 here.

7 You read this map in combination with the choropleth
8 map and you see that, yeah, this is following the political
9 contours in the Dallas-Fort Worth area.

10 Q. And you've talked about the choropleth map in comparison to
11 Figure 25. We have looked at a lot of different kinds of
12 figures that are in your report.

13 Can you help the Court prioritize which is -- if there
14 is one that gives them the most information or is most
15 illustrative in your view, which should they look at first?

16 A. I mean to me, this is -- for me, it's compelling. I mean,
17 the Court has to engage in its own inquiry and weigh the facts.
18 But to me, the fact that you don't have White voters
19 consistently put in -- consistently sorted, they're sorted by
20 politics, is just really consistent with the political
21 narrative of what went on here.

22 Q. Okay. When I spoke with Dr. Duchin, we talked about her
23 methodology and how she used what I called a robot to draw
24 simulated districts. Were you here for that?

25 A. I was.

1 Q. Did you use a robot too?

2 A. I used a robot.

3 Q. Have you ever done that before in a case like this?

4 A. I have.

5 Q. Have you ever looked at opposing experts' simulated maps?

6 A. Absolutely.

7 Q. Now when you undertook using a robot in this case, what did
8 you want to do?

9 A. Well, ideally, you take Dr. Duchin's simulated maps exactly
10 as they are, and you plug in the political data on your own.

11 Q. Is that what you did?

12 A. It is not.

13 Q. Okay. Can you describe for the Court what you did and why
14 it's different?

15 A. So I used a -- it's different -- a different algorithm, or
16 robot, that's also been now peer-reviewed, and that does the
17 same thing that Dr. Duchin does. It's been shown to produce a
18 representative sample.

19 If you want, I conducted my own poll of maps in the
20 Dallas-Fort Worth area.

21 Q. Why not just use Dr. Duchin's robot?

22 A. Well, it's true that everything is open source. And in
23 theory, anyone can use it.

24 But I think we saw Dr. Barreto's code, and it's --
25 everyone can use it if they speak the language. And there

1 happen to be two programming languages that are commonly used
2 in data science, R, the letter R, and Python.

3 Dr. Duchin is primarily a Python user. I am primarily
4 an R user. And so -- especially at the time of this report, I
5 didn't feel comfortable going into her simulated maps and
6 manipulating them.

7 Q. And so putting that in my own Sesame Street-level language,
8 is it right to say that you and Dr. Duchin used different
9 robots, robots that speak different languages, to accomplish
10 the same goal. Is that right?

11 A. That's right. There are two accepted methodologies for
12 producing a representative sample. After the fact, I looked at
13 Dr. Duchin's output to make sure I was getting the same racial
14 breakdowns she was.

15 Unsurprisingly, since we're basically doing the same
16 thing, it's a different procedure, but it's the same poll. We
17 got roughly the same thing, so I felt comfortable generalizing
18 from it.

19 If I was wrong she could always, you know, produce her
20 own set of political dot plots.

21 Q. Okay. So...

22 MR. GABER: I think we're done with the --

23 MR. KERCHER: Yeah. Let me get these out of the way.

24 Q. (BY MR. KERCHER) Okay. So, Dr. Trende, you used your
25 robot to run simulations.

1 Tell the Court what you did and what the result was.

2 A. So the way that Dr. Duchin's procedure works is it does
3 what she calls a random walk. So it'll take the Enacted Map,
4 it'll pick a district, it'll pick an adjacent district. It
5 generates the spanning tree of those two districts, and then it
6 breaks the district in a different way.

7 So it takes these two -- you have -- once you merge
8 the two -- it's merge split. Once you take the two districts
9 and merge them together, you have the population of two
10 districts, you break it in a different way, so you get two
11 different districts.

12 It then picks another district at random, picks an
13 adjacent district and does it. And that's why it's called a
14 random walk. It goes one step at a time changing the districts
15 and kind of walking through the possibilities in the map.

16 I'm using what's called Sequential Monte Carlo, which
17 is -- you give it a bucket of -- the same bucket of precincts
18 that Dr. Duchin is using. It does the spanning tree for the
19 entire bucket of precincts and breaks the districts off one at
20 a time. So it's kind of drawing each map and then it draws a
21 different map. They aren't as sequentially related as
22 Dr. Duchin's.

23 Like I said, it's different ways of getting the same
24 result. It's a different poll.

25 Q. Yeah. In preparation for this, full disclosure, I asked my

1 son to explain to me what a spanning tree is, and he did, and I
2 still don't get it.

3 Is it a way of generating randomness?

4 A. Sort of.

5 Q. And is there a way to weight the relationships such that
6 the randomness has to follow certain results?

7 A. You can think of a tree-- the way I think of it is that you
8 have a tree and there's leaves on the tree. Okay? And to get
9 from one leaf to another leaf there's only one path you can
10 take. Right? You go down the stem to the twig to the branch,
11 down the trunk of the tree, and there's only one path you can
12 take.

13 In our redistricting simulations, the precincts are
14 the leaves, and it generates a tree that connects them. And
15 then, just like you can kind of saw off a branch of the tree,
16 it removes one of those linkages and that branch that's sawn
17 off is a district.

18 And so then it reconceptualizes a different way that
19 those leaves might be joined, with only one path between it,
20 and it starts removing it.

21 And what you're talking about, or what your son is
22 talking about with weighting is, you can tell the computer to
23 prefer, when it's trying to decide which linkage to remove to
24 create the district, you can tell it to prefer a more compact
25 district or to prefer a district that has a heavier minority or

1 Republican population.

2 You can tell it to prefer avoiding splitting counties.

3 And so that's the basic process.

4 Q. Okay.

5 MR. KERCHER: Let's come back up for air, then, and
6 look at Figure 26 of your report.

7 Q. (BY MR. KERCHER) Dr. Trende, what does Figure 26 show?

8 A. So this shows the minority. This is my simulation results.
9 And it shows, as we expect -- so these are -- Dr. Duchin has
10 box plots. And through experience, the first time I put a box
11 plot up, there was an audible gasp from the judge and the
12 clerk.

13 And box plots are great. I don't mean this to be
14 disparaging. But if you've used them a lot, they're a great
15 way to present data. But if you're not fluent in them, I don't
16 know that they're as intuitive as this dot plot, which is a
17 built-in feature of the redistrict package. It's an accepted
18 way to present the data.

19 What this is showing is the left-most column won.
20 Each one of those dots reflects the lowest CVAP share in a
21 district for all 100,000 maps. Okay?

22 So in the maps that get produced, the lowest CVAP
23 district ranges between a little under 20 percent, almost to
24 40 percent. It's got a big, you know, blob. Because you're
25 trying to put 100,000 dots on it, there's a lot of

1 overplotting, and you get blobs. That's the downside of it.

2 But you can see, then, the most important thing is
3 that black dot falls kind of squarely within the middle,
4 showing that, yeah, that least minority district is about what
5 you would expect from a race-blind draw.

6 Now as you start to get into increasingly heavily
7 minority districts, you start to see, like Dr. Duchin shows,
8 the dots kind of fall off toward the bottom. And then on the
9 other end, you start getting districts that are way more -- way
10 more heavily minority than you would expect from a race-blind
11 draw.

12 And this is comforting, because I'm trying to do
13 exactly what Dr. Duchin's doing, and I'm getting similar
14 results.

15 Q. So we have what appear to me to sort of -- and I understand
16 that they are a bunch of dots. But they look like paint
17 swatches. And then there's a black dot somewhere for each
18 paint swatch. Right?

19 A. Right.

20 Q. What is the significance -- and the Court probably
21 understands this. But for me, give me a Grover-level
22 explanation.

23 What is the significance of when the dot is inside the
24 paint swatch or outside the paint swatch?

25 A. When it's inside the paint swatch it's what you would

1 expect from a race-neutral draw. It looks like they're not
2 paying attention to race there, or something that correlates to
3 race.

4 As you start to move outside, you get the types of
5 outliers that Dr. Duchin is reporting.

6 So in her presentation, she would have the square
7 representing the middle 50 percent. She'd have the whiskers
8 showing the kind of, I guess, 25th to 1 percentile, and 75th to
9 90th percentile. And if a dot was off that, that's an outlier.

10 For me, I'm just showing -- putting a dot for each
11 district in the ensemble maps. And the black dot is the
12 Enacted district. So if it falls outside, it's the same thing
13 as a district that falls outside her box plots, or box and
14 whisker plot.

15 Q. Well, you said one of the districts looks a little packed,
16 and that has me a little concerned.

17 MR. KERCHER: Brian, could we pull up side by side
18 Figures 26 and 27?

19 And then your left there is Figure 26, that we were
20 just looking at. And on your right is Figure 27.

21 Q. (BY MR. KERCHER) Can you describe to the Court the
22 difference and what we can learn by comparing these two?

23 A. Right. So if you're trying to disaggregate, sometimes you
24 can see that when you overlay the political data, it looks like
25 they are drawing neutral politics. That's kind of what we saw

1 in Michigan; whereas, you know, you'll still see the outliers
2 for race.

3 Here, though, when we feed in the political data to
4 the ensemble, there's no disaggregation that occurs, because we
5 can see that the simulation results are also consistent with
6 the political story. You can see that the most heavily
7 Republican district is still heavily Republican, like you would
8 expect from a politics-neutral draw.

9 But as you get more heavily Democratic, the Enacted
10 districts kind of fall behind. They start becoming more
11 Republican than you would expect from a politics-neutral draw,
12 which would be consistent with the political gerrymandering
13 story.

14 Then as you get on the other side, towards the more
15 Democratic districts, you see that the districts are Democratic
16 outliers. They're way more Democratic than you would expect
17 from a map that was indifferent to politics.

18 Q. So -- and I heard you say something about whether you can
19 disaggregate race or politics.

20 Can you tell the Court whether or not, by comparing
21 Figures 26 and 27, you can help us disaggregate race or
22 politics?

23 A. The problem is that they're consistent with the politics
24 story as well, which is why I think you need, if you're really
25 gonna do this, you need the full holistic approach of seeing

1 exactly what happens with the districts and whether it's more
2 consistent or not.

3 If you had a lot of districts in the -- a lot of maps
4 in the ensemble that drew 55 percent -- four 55 percent Trump
5 districts, maybe you could disaggregate by keying in on those.

6 But that's not what we have. We have maps that have
7 four marginally Trump districts, but that's not what the map
8 makers drew here.

9 And again, you take it in the context of a map that
10 had just collapsed by Republicans spreading themselves too
11 thin.

12 Q. So if we undertake an analysis like Dr. Duchin's, which is
13 designed to help us key in on race as a factor in the drawing
14 of the maps, will that tell us the whole story about how the
15 maps are actually drawn?

16 A. I don't think so. I think you have to look at what these
17 simulations are doing with respect to politics as well. And
18 when you look at that, you see it's consistent with the
19 political gerrymander.

20 If this were a political gerrymandering trial, this
21 would be a wonderful exhibit.

22 Q. So Dr. Duchin, though, in fairness to her, also talks about
23 taking her set of 100,000 maps and then focusing in on
24 Trump-won or Republican-won districts.

25 Does that solve the disaggregation problem?

1 MR. ROLLINS-BOYD: Objection, Your Honor, to outside
2 the scope of his report.

3 MR. KERCHER: Your Honor, much of Dr. Trende's report
4 is directly responsive to Dr. Duchin. As he has already
5 described, he has taken her methodology and applied it with
6 some additional applications, having run the robot both the way
7 that Dr. Duchin did it, and also run the robot with the
8 partisan data. He has absolutely provided -- noticed to
9 Plaintiffs he was going to provide this kind of opinion.

10 MR. ROLLINS-BOYD: If I may, Your Honor?

11 JUDGE GUADERRAMA: Yes, sir.

12 MR. ROLLINS-BOYD: Dr. Duchin's report, where she
13 takes the maps and restricts it to Trump winning the election
14 of '19, is dated August 1st, 2022. That is after his -- real
15 quick, I'm talking about now from July 2022.

16 So he didn't review that report. There's no
17 supplemental report from him analyzing or replicating the work
18 she did in her August 1st, 2022, report. So it's outside of
19 the scope of the report that they're discussing, and outside of
20 the scope of the reports he filed in this case.

21 MR. KERCHER: First --

22 JUDGE GUADERRAMA: I'm sorry, go ahead.

23 Is this responsive to her in-court testimony? Is that
24 what you're saying?

25 MR. KERCHER: It's responsive to her in-court

1 testimony.

2 Additionally, Dr. Trende had submitted two
3 supplemental reports in 2024. The Plaintiffs had the
4 opportunity to depose Dr. Trende after Dr. Duchin's rebuttal
5 report. And as I recall, NAACP attorneys were not present.

6 MR. ROLLINS-BOYD: We were present, Your Honor. And
7 neither of the supplemental reports from 2025 respond to the
8 analysis she performed on August 1st, 2022.

9 JUDGE GUADERRAMA: All right. So I'm gonna admit that
10 testimony subject to your objection, and then we'll look at the
11 details when we write the opinion.

12 MR. ROLLINS-BOYD: Just -- can I have a standing
13 objection to that?

14 JUDGE GUADERRAMA: Yes, sir.

15 MR. ROLLINS-BOYD: Thank you.

16 Q. (BY MR. KERCHER) Okay. So, Dr. Trende, we were talking
17 about how Dr. Duchin then does a subset of her 100,000 maps,
18 where she focuses on Trump-won and Republican-won districts.

19 First of all, were you present for her testimony in
20 that regard during trial?

21 A. I was.

22 Q. Okay. Can you tell us whether or not that solves her
23 disaggregation problem?

24 A. Yeah. So this is something that we talked about in my
25 deposition, my first deposition, at some length. Talking about

1 how the problem is that it takes a naive approach, the kind of
2 yes/no approach, to politics. She is looking at districts that
3 are up to 50.001 percent Trump and counting them as a
4 Republican district that she uses as a comparator.

5 The problem is that that's not what the Republican
6 Party, or the map drawer, used when drawing the map. He was
7 drawing 55 percent Trump districts.

8 And you have to look at this -- in the context of a
9 map, this is, again, something that we talked about at length
10 in my deposition. You have to look at this in the context of a
11 map that was falling apart for Republicans.

12 Q. Dr. Duchin suggests that by averaging 19 Republican -- or
13 races, and how a particular precinct or district went, either
14 Republican or Democrat, that that should help elucidate whether
15 or not it is sufficiently Republican.

16 Do you have an opinion on that?

17 A. You know, I think -- I heard the assertion. I don't know
18 that that actually does it. I'm skeptical, as an elections
19 analyst, because first, we see that elections are pretty
20 tightly correlated these days in Texas of cross-races.

21 And secondly, even if the -- using the index --
22 methodologists love to the index of 19 races. Sometimes map
23 drawers use them, sometimes they focus in on a single race.

24 But by using this index, if it made things on balance
25 more Republican, it would also make the Enacted Map more

1 Republican. So everything kind of moves the same amount.

2 So I'm skeptical that helps.

3 Q. Okay. We've been talking about the Congressional Districts
4 in DFW. I want to shift your attention to Congressional
5 Districts in Houston. And now that the Court is familiar with
6 your approach, hopefully we can move a little bit the faster.

7 Did you use the same approach in analyzing the Houston
8 Congressional Districts that you did in DFW?

9 A. Yes.

10 Q. All right.

11 MR. KERCHER: Brian, can we bring up Figure 54 from
12 page 66, State's Exhibit 8.

13 Q. (BY MR. KERCHER) Okay. So big picture, Dr. Trende, what
14 happens in Houston on the Congressional Map?

15 A. So this is the Benchmark Map, and it's pretty ugly to begin
16 with. But you can see that the 2nd District, which had long
17 been a Republican district, at least since the 2004 redraw, now
18 takes in a lot of blue area. And in fact, it's a district that
19 had swung overwhelmingly towards Democrats when Representative
20 Crenshaw ran. He won, but it was close, and President Trump
21 was close.

22 You can see, though, that, you know, it's got a bulk
23 of red in the northeast. It's got a bulk of red in the
24 northwest of the district. But overall, it's coming through
25 some very blue areas.

1 The 7th7th District, which is kind of the cornerstone
2 of the Texas Republican Party -- I mean, this is George H.W.
3 Bush's district and Bill Archer's district. You know, it's
4 kind of anchored in Bellaire which, again, once heavily red.
5 Now that is a big blob of blue. And that's a district that
6 actually flipped Representative Culberson loses to Lizzie
7 Fletcher, Representative Lizzie Fletcher.

8 And even the 22nd District has gotten pretty marginal.
9 This is no longer Tom DeLay's district. This is a district
10 that Representative Nehls almost loses. It's become very
11 marginal.

12 So they're seeing things slipping away in Houston, in
13 their map.

14 Q. Okay. So that's the Enacted Map.

15 MR. KERCHER: Brian, can we see Figure 45 -- or excuse
16 me. That's the Benchmark Map.

17 Brian, if we could see Figure 45, which is the
18 Enacted.

19 Q. (BY MR. KERCHER) Dr. Trende, describe the changes for us,
20 briefly.

21 A. So this is another one where they decided to give up a
22 district, rather than trying to take Representative Fletcher's
23 district and spread it out and cut things up, they gave up.
24 They used the 7th District to take in all the blue areas in
25 kind of western Houston, and then extending it out into the

1 Sugar Land area.

2 And you can see again, it's following, especially in
3 that kind of arm that goes from downtown Houston out to
4 Fort Bend County, just following the contour of red to reddish
5 purple, blue to blue purple.

6 That 2nd District now goes out go Montgomery County,
7 very, very red. Representative Crenshaw no longer has to worry
8 about losing an election.

9 And then that 38th District. You know, it has some of
10 the blue areas in the center of it, but it's taking the
11 remaining red and red purple areas west of Houston, extending
12 it out into the excerpts and picking up -- or the outer
13 suburbs, probably -- picking up some of the heavy red areas in
14 Northwestern Harris County.

15 So they're creating a new Republican district out
16 there.

17 Q. And if we could see some of the data that backed these
18 descriptions up.

19 MR. KERCHER: Brian, if you could bring up Table 4.

20 Q. (BY MR. KERCHER) Dr. Trende, what do we see?

21 A. So this is similar to the story we saw in Dallas. The
22 marginal districts -- District 2, District 22 -- we see the
23 number of Biden precincts in them decrease significantly.

24 District 7, kind of like District 32 in the Dallas
25 area, has many Biden precincts added to it.

1 District 8, which again is at the end of 2020, is not
2 in danger. It takes on some Biden areas, but it's a very red
3 district. It can afford to do that.

4 We see District 9, Representative Green's district,
5 gets a lot of Biden precincts placed into it.

6 But overall, you see the sorting of the Biden
7 districts to a much greater degree than in the Benchmark Map.

8 Q. What about in Table 5?

9 A. So this is similar to what we saw in Dallas-Fort Worth.
10 Not only do we see the Biden precincts being moved out of these
11 vulnerable districts, they're the heavily Biden districts that
12 are moved out.

13 So a Biden precinct in District 2 in the Benchmark
14 Plan is going to tend to be more heavily Democratic than in the
15 Enacted Map.

16 You see the same thing for District 22. A Biden --
17 the average Biden vote share in the Biden precincts in
18 District 22 in the Benchmark is 61 percent. It's down to 56
19 percent in the Enacted Map.

20 You know on the other hand, you see in the
21 7th District, give up on it, it becomes -- you know, the blue
22 precincts are bluer.

23 Q. Okay. And Table 6, what does that tell us?

24 A. So District 6 -- or Table 6 is what we saw in the
25 Dallas-Fort Worth area. This is looking at the Trump-won VTDs.

1 And so you can see that the Trump precincts in the Benchmark,
2 you go from 76 up to 109. For District 22 you go from 89 up to
3 90. But again, District 22 becomes redder outside of the
4 Metroplex.

5 But then you can look at the districts that are
6 heavily Democratic, Districts 7, 9, 18, and 29. There are two
7 Trump-won precincts in District 7. There are no Trump-won
8 precincts in District 9. There are five in District 18, and
9 three in District 29. The Trump-won precincts are almost
10 perfectly sorted.

11 Q. Let's look at the map, then, in Figure 46.

12 And if you could help the Court understand what this
13 shows us.

14 A. So this is in kind of a map form showing the political
15 geography. And especially with that 22nd District, it has kind
16 of a crescent moon shape. If you work -- this time it is
17 counter-clockwise. If you follow it around, that area between
18 District 7 and District 9 that's in 22 is, you know, this mass
19 of Trump-won precincts that are put into it.

20 You can see that boundary between the south of
21 District 38 and District 7. Again, it follows those contours
22 of Trump versus Biden pretty closely.

23 Q. And so to contrast this briefly, because I asked you about
24 the putting-it-all-together map, which has shaded portions and
25 blank portions.

1 In the map on Figure 46, are the blank portions
2 minority areas or are they simply non-Trump-won precincts?

3 A. So in this map they are simply non-Trump-won precincts.

4 Q. Is this map purely partisan data?

5 A. This is purely partisan data.

6 Q. All right. What does the dot density map show us on
7 Figure 47?

8 A. So this is the same -- so here you can see that I had gray
9 boundaries for VTDs. But this is the White population of
10 Congressional districts in the Houston area, the dot density
11 map.

12 And again, you see that there is a mass of White
13 voters, White residents, in western Houston. And the map is
14 pretty indifferent to their placement. A lot of them go in
15 District 7. A lot of them go in District 18. A lot of them go
16 in 38.

17 Q. And so let's look at Figure 48 and see how that shakes out.
18 Can you describe this for us?

19 A. So this is the map we've already seen of the White
20 plurality precincts, color coded by whether President Trump or
21 President Biden won them.

22 And so you can see that there are, in fact, a whole
23 lot of White plurality precincts remaining in District 7.

24 What distinguishes them from the White plurality
25 precincts in District 38 is that these precincts voted for

1 Biden. The ones that are placed in 38 voted for Trump.

2 And the same is true of Precinct 18 -- or District 18.
3 It has a lot of heavily White precincts in it. It does not
4 have heavily Republican precincts. Those are heavily White
5 Democratic voters.

6 Q. And so in this map again, the blank portions, unlike in the
7 previous map we looked at, the blank portions are, in fact,
8 minority plurality precincts. Is that right?

9 A. Yeah. This -- that is a group that Dr. Duchin covered.
10 But moreover, since the minority areas -- the minority
11 precincts almost all voted for President Biden, there's not
12 analysis like this to be done there. It's just blue Biden
13 precincts.

14 Q. Okay.

15 MR. KERCHER: Brian, can we look at Figure 49, please?

16 Q. (BY MR. KERCHER) Dr. Trende, your paint swatches for
17 minority CVAP in the Houston area, what do they show us? What
18 does the robot predict in terms of if you're drawing blind to
19 race, you will see in terms of majority-minority districts?

20 A. So again, it shows the same thing that Dr. Duchin shows.
21 And that's a feature, not a bug, because I'm trying to make
22 sure that I'm doing a poll that's similar, of maps that's
23 similar to what Dr. Duchin is doing.

24 And yeah. It shows that you get maps that are less
25 minority than you would expect on the low end and more minority

1 than you'd expect on the high end.

2 Q. So in particular -- in particular, if we look at the
3 3rd District here, the 3rd paint swatch, we see that the black
4 dot is below the paint swatch altogether.

5 Does that mean that we have a -- that the Enacted Map
6 has a district that is much -- in essence, whiter than the
7 robot would expect?

8 A. That's right. It's similar to what Dr. Duchin finds.
9 There's no surprise there.

10 Q. Okay. Let's look at Figure 49 and Figure 50 side by side.

11 So we're looking at your paint swatches for the --
12 what the robot would expect a race blind map to draw racially,
13 and what the robot would expect a race blind map to draw -- or
14 excuse me -- a partisan map on the right.

15 Can you describe the difference for the Court?

16 A. Yeah. So this is kind of the problem, is that Dr. Duchin
17 is looking at race. But if you look at the simulations from
18 the perspective of politics, it's also consistent with the
19 political gerrymandering story. There's no disaggregation that
20 goes on because the simulations are consistent with the
21 political story of how these maps have been drawn.

22 Q. And I want to draw your attention to the third paint swatch
23 in both of these figures.

24 We talked about how, in the CVAP paint swatch in the
25 3rd District, the Enacted district, is below the paint swatch.

1 Is there any significance to the fact that, in the
2 third paint swatch on the partisan expectation, that district
3 is within the paint swatch?

4 A. No. Because as I said, it's not surprising that you might
5 move, say, a 67 percent Biden precinct that ends up being
6 100 percent Hispanic. Because minority groups don't vote
7 uniformly for a party.

8 You'll also note, though, that the 4th most Republican
9 district is off the paint swatch. It's a complete outlier.

10 Q. So if you want to study the properties of maps that are as
11 Republican as this one, how would you do it?

12 A. You would have to program the simulations to rely heavily
13 upon politics, so that you're getting maps that look a lot like
14 what the map drawers were doing.

15 Q. Okay. Let's look at San Antonio-Austin.

16 What happened there, very quickly, in the 2010s?

17 A. So in the 2010s in Austin it's the kind of same story,
18 except more so. So when they drew the 2010 map in Austin, it
19 was, you know, try to maximize your gains. There was part of a
20 district for Congressman Doggett that had parts of Austin.

21 And then there were kind of a pinwheel effect of
22 districts that broke off chunks of Austin and then paired it
23 with heavily Republican areas in the suburbs.

24 And this is really where things kind of fall apart,
25 because you have a number of districts that, by the end of the

1 decade, you know, are really getting perilous for Republicans.
2 Chip Roy's district, he almost doesn't win in 2018, when he's
3 running for it.

4 And you have -- the 10th District gets really shaky.

5 You have the 31st District getting really shaky.

6 Even the 25th. I mean, Representative Williams
7 always -- has never been a big vote-getter, but you know, his
8 district was looking shaky as well.

9 Q. Let's look at the Enacted Map on Figure 52.

10 What did the Republicans try to do with this area
11 that -- Travis, Bexar County, and surrounding area, in 2020?

12 A. So this shows the 10th District. And basically, it's
13 similar to what we saw in Dallas and in Houston. The
14 Republicans give up. They create another district in downtown
15 Austin that's overwhelmingly Democratic that then frees up
16 these other districts to get more Republican areas.

17 And so you can see the black boundary. The way that
18 the 10th District had previously been drawn, it had come in
19 from the west, and then there's a pretty wide band that goes
20 through downtown Austin, or just to the north of Austin, just
21 like overwhelmingly blue areas. It then stops just short of
22 the western areas of Travis County.

23 That doesn't happen in the Enacted Map. Instead, the
24 Enacted Map narrows down to a really small bridge that goes
25 further to the north in Travis County, and then takes in a

1 whole bunch of red, and reddish purple precincts on the western
2 side of Austin.

3 So you're giving up a big area of 75 percent Biden
4 votes, condensing it to a narrow bridge, and then picking up
5 the western kind of the Hill Country portion of Travis County.

6 Q. Okay. And let's look at the Bexar County map on the
7 Benchmark real quickly, Figure 54.

8 What's going on here, Dr. Trende?

9 A. So this is District 20. Green's the Enacted Map, black's
10 the Benchmark Map. So you can see in the northwest it's giving
11 up some purple-ish areas, taking them out of this district.

12 You can see then to the south of that, it's taking on
13 some overwhelmingly blue areas on the -- kind of due west of
14 San Antonio.

15 It's the same story. It's shedding its purple and
16 purple red areas and picking that up deep blue areas.

17 Q. Okay. And Figure 56 is the 21st District in Bexar County.

18 A. Yeah. So the 21st -- I'm sorry. Question?

19 Q. Can you describe why this is important and how the Court
20 should interpret this?

21 A. Yeah. So this is another example -- good example -- of
22 how, if you're just looking at blue, red, it might not tell the
23 entire story.

24 So you can see there's this section of the old
25 21st District that gets cut out on the far west. It is all

1 blue.

2 But then you can see kind of on the eastern -- on the
3 southeastern portion there's this arm that juts down that would
4 be colored mostly blue on a blue red map; but, in fact, it's
5 purple. It's marginal territory that, when you look at the
6 overall exchange, makes the area more Republican.

7 You can see this -- the boundary for -- that goes up
8 to New Braunfels -- the Schlitterbahn is still beautiful --
9 goes -- and it takes in these kind of red precincts.

10 And then -- but also some areas that are probably
11 blue, but more purple than blue.

12 So it's the same story over and over again.

13 Q. Okay. On page 83, Figure 57, we see a little salient.

14 Can you describe why that might be important to the
15 Court?

16 A. Yeah. So this is -- this is where the action on the
17 21st District really occurs. Because you can see in the old
18 drawing, it went up into the heart of Austin. I mean -- and
19 this is something that is blue on the blue/red map, and is blue
20 on the choropleth map. These are 75 percent Biden votes in
21 this section that gets carved out of the 21st District. And
22 then just gets replaced with this little area that is probably
23 still blue on a blue/red map, but has as you can see, some
24 purple on it. So again, it's making the district more
25 Republican on balance.

1 Q. Okay. So let's zoom out on the Bexar and Travis County
2 area, and look at Figure 66.

3 And can you orient us here, Dr. Trende?

4 A. Right. So this is the Benchmark District, and you can see
5 how things are drawn. You can see that the 35th District has
6 kind of southeastern Travis County, which is very blue.

7 But then there's just a giant mass of blue that the
8 Republicans have tried to split up among the Republican
9 districts.

10 That, by the end of the decade, with the suburbs
11 shifting, just were coming perilously close to not getting it
12 done for them.

13 Q. So if we compare that, then, to Figure 67, which is the
14 Enacted, can you tell us about the changes?

15 A. Yes. So here you can see the new 37th District, which is
16 an overwhelmingly Democratic district. I guess Congressman
17 Doggett decided to leave and Congressman Casar takes over the
18 35th District.

19 And you can see now that this -- this boundary of
20 District 37 and the surrounding districts, you know, it follows
21 that blue-purple boundary again sorting by politics.

22 You can see the 31st District gets pushed up further
23 to the north, so it's out of the blue area. There's a little
24 kind of tail that comes down from the 17th, so it picks up some
25 blue precincts around the Waco district, which I guess

1 Congressman Sessions has moved to.

2 Q. I want to show you one more image of Bexar County.

3 MR. KERCHER: If we could bring up 64, Figure 64.

4 Q. (BY MR. KERCHER) Dr. Trende, can you explain to the Court
5 why this district matters?

6 A. So this is another -- this is similar to what we saw with
7 the 21st, showing how you pick up on things you might not with
8 a simple blue/red color scheme.

9 So you can see the green is the old boundary, the
10 black -- I'm sorry. The green is the new boundary, the black
11 is old one. So you can see, following this boundary of the
12 Enacted Map, the separation between truly dark blue precincts
13 and purple to purplish -- blue precincts, the way that the new
14 map is carved up.

15 Q. Okay. On to your precinct analysis.

16 MR. KERCHER: If we could look at Table 7.

17 Q. (BY MR. KERCHER) Can you tell us, just briefly -- I think
18 the Court gets it. But just briefly, the highlights of how
19 this -- whether or not this table supports your description of
20 the maps.

21 A. Yes. It's the same story. The districts we've described
22 as marginal see Biden-won VTDs moved out. Heavily Democratic
23 districts see Biden-won VTDs moved in. In this new
24 37th District, this is almost entirely won-Biden VTDs.

25 Q. Okay. In Table 8, can you just point out to the Court why

1 this supports your opinions?

2 A. So this, to me, is pretty jarring. You know, the
3 10th District in the Benchmark, a Biden-won district, is
4 74 percent Biden. In the Enacted Map it's 58 percent Biden.
5 So even the blue precincts that remain in that district are
6 much redder.

7 Same story with the 21st District, a Biden-won
8 precinct and the Benchmark is 68 percent Biden, falls to
9 55 percent Biden in the Enacted Map. Just the same story
10 repeating itself.

11 Q. And again Table 9, the highlights of why this might support
12 your opinions.

13 A. So this is the Trump-won VTDs. And it is the same story.
14 The 10th District, the 21st District, more Trump VTDs in it.
15 You see the 37th only has one Trump-won VTD in it. Very few in
16 the 35th and very few in the 20th.

17 Q. Okay. Let's look at figure 68, which is the Trump-won
18 districts. How does this help?

19 A. So again, this is just a graphical version of what we've
20 seen in the table that, in fact, the Trump-won districts are
21 placed in the districts the Republicans were trying to shore
22 up.

23 And you can see in several instances described in the
24 report how the boundary -- how the boundaries of the districts
25 follow the political contours.

1 Q. Okay. And if we can look at Figure 7, which then layers
2 into that analysis, the racial makeup by showing the White
3 plurality districts.

4 What, if anything, does that show you?

5 A. Yeah. So you can see that, you know, the 37th and even the
6 35th have White precincts in them. They just happen to be
7 Biden-won precincts.

8 Again, there are some Biden-won precincts in the
9 heavily Trump districts. But as we've shown, they are less
10 Biden than they were before. They tend to be more purple. And
11 those districts have been extended into redder areas of the
12 state.

13 Q. Okay. And again, did you recreate Dr. Duchin's
14 simulations?

15 A. I did.

16 Q. And did you then feed your robot the political data?

17 A. I did.

18 Q. Okay.

19 MR. KERCHER: Brian, let's bring Up figure 71 and 72
20 side by side from pages 100 and 101 to State Exhibit Number 8.

21 Q. (BY MR. KERCHER) Okay. Dr. Trende, can you tell the Court
22 what the simulations expected in terms of race, and whether, or
23 how, that might contrast with what the simulations expected
24 from partisanship?

25 A. Yeah. So it gets a similar response to Dr. Duchin, which

1 is a feature not a bug. I'm doing the same thing she is.

2 But when you look at the political data, the maps are
3 consistent with the political gerrymandering story. You get a
4 lot of -- you get more Trump districts than you would expect in
5 the area. They're Trumpier. The Trump districts tend to be
6 Trumpier in marginal areas, and you get a couple of districts
7 that are more Democratic than you would expect.

8 Q. Okay. All right.

9 Dr. Trende, we've gone through some major metropolitan
10 areas. I believe you also addressed some South Texas districts
11 in your report as well?

12 A. Yes.

13 Q. Did you perform the same analysis for those districts?

14 A. I did. It's a little bit different, because when you're
15 getting into South Texas, there aren't White areas to examine.
16 And so it's harder -- it's even harder to do the disaggregation
17 there.

18 Q. Let's shift gears, then, and talk a little bit about the
19 State Senate. Specifically, Senate Districts 20 and 27.

20 MR. KERCHER: Brian, can we bring up Tables 13 and 14
21 from page 137?

22 Thank you.

23 Q. (BY MR. KERCHER) Dr. Trende, can you talk about what the
24 population situation was in these districts in the Benchmark?

25 A. Yeah. So in these districts in the Benchmark, you have

1 districts that are needing to pick up people. And so the
2 20th District was underpopulated by about 30,000. The 27th is
3 overpopulated by 108,000. So there's some precinct swapping
4 going on here.

5 Q. Okay.

6 MR. KERCHER: Brian, can you pull up, side by side,
7 Figures 100 and 101, please.

8 Q. (BY MR. KERCHER) All right. Dr. Trende these look like
9 the paint swatches we've seen before, but they're not quite the
10 same. Can you help me understand why?

11 A. Yeah. So this is -- because you're only doing two
12 precincts and there's limited number of configurations, you
13 don't as many -- as big of paint swatches or box plots as you
14 would before.

15 But again, you see that you do end up with two
16 overwhelmingly minority CVAP districts.

17 On the politics side, you see that the Republicans
18 have pulled that more heavily Democratic district down. You
19 know, they've taken a risk with this more Republican district
20 by making it a little bit more Democratic than you might
21 expect. But you've gotten two districts that are more
22 politically marginal than you'd expect before, still
23 maintaining two heavily Hispanic districts.

24 Q. Okay. Let's talk now about the DFW Senate map. We're
25 gonna go to page 140 of your report and pull up Figure 102.

Leticia D. Perez
525 Magoffin Avenue
El Paso, Texas 79901

Exhibit 30

1 Can you describe for the Court what Figure 102 tells
2 shows us about the Senate Benchmark Map in DFW?

3 A. So this is another good example of a map that just wasn't
4 performing by the end of the district -- by the end of the
5 decade. The Republicans lost Districts 10 and 16, and they had
6 some close calls in some of the other districts. 8 and 9,
7 which are off map in Collin County, were close, and 12 was
8 marginal.

9 You can see what happens in 10. That district now has
10 some really, really heavily portions of Tarrant County. There
11 is some red in it, but it's become kind of purple-ish in the
12 center of it.

13 District 16 is just a lot of blue in there.

14 So Republicans end of making kind of the same bargain
15 they made in the Congressional map. They decide to sacrifice a
16 district and shore up the other ones.

17 Q. Okay.

18 MR. KERCHER: Brian, let's look at Figure 103.

19 Q. (BY MR. KERCHER) And Dr. Trende, can you describe the
20 sacrifice, as you say, in the Enacted Map?

21 A. So District 16 is now brought -- it really wanders through
22 the Metroplex picking up blue areas, you know. But again
23 carefully, when it gets into that heavily White area around
24 Highland Park and University Park, really going around and
25 making sure that the red areas are put in that 12th District.

1 The 10th District, they move it out of the blue areas
2 around Fort Worth and extend it down into the rural areas, kind
3 of like what had been done with the 25th District and the
4 6th District.

5 Q. Let's look at Table 15, and at the data that backs these
6 maps up. And again, we've seen these tables before.

7 For the Courts' convenience, can you point out the
8 highlights, particularly regarding Senate District 10?

9 A. Yeah. So you can see the districts that I mentioned -- you
10 know, District 8, District 9. You get fewer Biden districts.

11 And District 10, the number of Biden-won precincts in
12 it is cut by half. They're really moving the Biden-won
13 precincts out of this, because there's a Democrat in the
14 district.

15 District 16, that's the district they give up on. And
16 you can see, I mean, the Republican senator got 46 percent of
17 the vote. It's -- takes a lot of work to shore that up.

18 So they put more Biden precincts in that -- in that
19 district.

20 Q. Let's look at Table 17.

21 And, Dr. Trende, if you could talk about the Trump-won
22 VTDs as evidenced in this table.

23 A. Again, this is the Dallas area. And so you can see the
24 number of Trump-won VTDs in 8 and 9 increases substantially.

25 District 10, just in the Dallas area, you see a big

1 increase in the number of Trump-won VTDs in that district.

2 And then some of the -- you know, someplace like
3 District 16, where they had given up, all the Trump-won VTDs --
4 not all of them, but most of the Trump-won VTDs get taken out
5 of it.

6 Q. Let's look at Figure 104, which is your purely political
7 map on page 144 of State Exhibit 8.

8 What does this show?

9 A. So this is the story. We've seen elsewhere that it's true.
10 District 16 and 23, 22, don't have a lot of Trump-won areas in
11 them. And moreover, where you do see them, it's hard to get to
12 them.

13 Right above the Number 16 is a Trump-won precinct. To
14 get to District 16 from one of these other ones you're either
15 gonna have to completely reconfigure 12 or remainder through
16 some Biden-won areas, just to get one Trump-won precinct.

17 So otherwise, you see some pretty close correspondence
18 in the way that these districts are drawn, particularly
19 District 12, following that boundary.

20 Q. Okay. So this is the partisan map.

21 MR. KERCHER: If we can bring up Figure 105, which is
22 the racial map.

23 Q. (BY MR. KERCHER) Can you tell the Court what it's looking
24 at here?

25 A. So this is the racial map that we've seen before. And here

1 I'm giving a more -- it's not just Tarrant and Dallas County.
2 I've got Collin and Denton Counties in there.

3 Again, it does not read as a map that is particularly
4 attentive to where the White population is placed.

5 Q. Okay. Well, let's put it all together and look at
6 Figure 106, where you overlay both the racial and the partisan
7 data.

8 Can you briefly describe -- I'm sure the Court gets it
9 by now -- what do we see?

10 A. So it's the same story. District 16, District 23, they do
11 have a lot of White plurality areas. They just don't have very
12 many Trump plurality areas.

13 And District 10 and District 9 don't really sort based
14 on race. They do split the politics down the middle, pushing
15 District 10 down into the heavily Republican rural areas.

16 Again, they sacrifice a district, but they're
17 indifferent to how they sacrifice it with respect to race, at
18 least from a read of the map.

19 Q. Let's put Figures 107 and 108 side by side. These are your
20 paint swatches.

21 And so whereas before, when we were looking at an area
22 that just had two Senate districts, we're now looking at an
23 area that has seven Senate districts. Is that why there are
24 seven paint swatches here, and only two on the previous?

25 A. Exactly. I'm taking Dr. Duchin's, however she defines her

1 groupings, and I'm just trying to replicate them and then feed
2 in the political data.

3 Q. And are we learning the same thing, from the comparison of
4 the racial paint swatches to the partisan paint swatches that
5 we have in the other districts, that we've talked about?

6 A. Yeah. The simulations are what they are. And I conduct my
7 own poll and show the effect that Dr. Duchin shows.

8 But then when you also look at it from political data,
9 the way we would do a political gerrymandering analysis, it
10 shows up as a political gerrymander as well.

11 MR. KERCHER: Let's look at Harris County, please.

12 Brian, let's bring up Figure 109.

13 Q. (BY MR. KERCHER) All right. Dr. Trende, the Senate
14 Benchmark in the Harris County area, what do we see?

15 A. So this map was kind of ugly to begin with. But you know,
16 this is a map where -- this is the Enacted Map.

17 Q. Oh, apologies.

18 MR. KERCHER: Is this 109, Brian?

19 Q. (BY MR. KERCHER) I think the Court probably gets it,
20 Dr. Trende.

21 Can you tell us what the Enacted Senate map looks
22 like?

23 A. So this is the bench- -- we've gotten to the Benchmark Map.
24 And we could see there are some close calls. They don't lose
25 districts like they did elsewhere. But that District 17, which

1 had been anchored in Bellaire, you know, that area flips
2 towards the Democrats. And that district is probably only
3 saved because it goes in through that kind of bridge into
4 redder areas of Fort Bend County.

5 Q. Okay. And then what happens in Figure 110, which is the
6 Enacted?

7 A. Yeah. It is not a pretty map, but it's the same story.
8 That the areas around Bellaire, and I guess West University
9 Place, are put into the 15th, an already existing Democratic
10 district. Others are put into -- let me put my readers on.
11 These are new.

12 The 13th gets a lot of the blue areas. And then that
13 bridge through Fort Bend County becomes even narrower. It
14 really carves out the red areas for that district, and then
15 pushes them out west of Harris County into, again, very red
16 areas.

17 Q. Okay. And let's look at the data tables quickly.
18 Table 18, particularly regarding Senate District 17.

19 Dr. Trende, what do we see?

20 A. It's the same story. The Biden-won precincts are largely
21 moved out of District 17.

22 Q. And if we look at the inverse on page -- on Table 20, which
23 is the Trump-won precincts, what happens?

24 A. District 17 sees the number of Trump-won VTDs in the area
25 doubled.

1 Q. Okay. And your partisan map at Figure 111?

2 A. Again, you can see the -- now you can see, like, how far 17
3 gets pushed out into rural areas, picking up red.

4 But you can also see that bridge going through from
5 the Harris County area out into the Fort Bend and Brazoria
6 area. You know, that's like a bridge of reddish precincts
7 separating the white. It's like the reverse parting of the red
8 sea, the white on either side.

9 Q. And if we look, then, at Figure 112, which is your racial
10 map, what do we see?

11 A. Again, to me, this doesn't read as a particularly
12 race-conscious draw. I mean, I'm keying off of Dr. Duchin's
13 analysis of the dot plots in her report. You look at this, you
14 see gathers -- there are a lot of White residents of Harris
15 County put into 15, in particular.

16 Q. Okay. And then putting it all together with Figure 113?

17 A. You look at the White plurality precincts. As we
18 suspected, a lot of heavily White areas in District 15. They
19 just happen to be heavily White Biden areas.

20 Q. Okay. Dr. Trendle, we have talked about the
21 Congressional Map. We have talked about the Senate map. And
22 if we're not having fun yet, we're about to talk about the
23 State House.

24 A. All right.

25 Q. Were your findings similar regarding the State House map,

1 to what they were on the Congressional and the Senate map?

2 A. Yes.

3 Q. Okay.

4 MR. KERCHER: Brian, can we pull up Table 21 from page
5 163?

6 Q. (BY MR. KERCHER) Now, Dr. Trende, this is the Dallas House
7 Districts.

8 Can you describe, again for the Court -- I'm sure they
9 understand -- but orient them and tell us the important parts.

10 A. Well, you can see -- excuse me -- particularly in
11 District 93, the Biden precincts are moved out.

12 This is -- I decided to consolidate the tables at this
13 point because the report was running very long. So this is a
14 consolidation of the various tables -- consolidation of data
15 that would have been reported over various tables before.

16 So here I have the Trump share in the old district,
17 the Trump share in the new district, the number of Biden
18 precincts in the Benchmark, the number of Biden precincts in
19 the Enacted, and then the percentage here.

20 And so you can see in this -- you know in the
21 903rd District, the Trump vote share has increased
22 substantially. The Biden precincts are moved out. There's a
23 smaller share of the areas of Biden precincts put into the
24 Enacted Map for 93.

25 You can see the same thing for 94.

1 So there's, again, a shoring up of these Republican
2 districts.

3 Q. And we talked about Dr. Duchin's testimony that Republicans
4 left some on the table.

5 Did the Republicans just give up on District 92?

6 A. Yeah. So 92 is one that was very marginal at the
7 beginning. Rather than keep fighting it out in districts that
8 were, you know, marginally Republican, they gave up on 92, made
9 it more heavily Democratic, used it to soak up Biden precincts,
10 and then spread out the Trump precincts.

11 Q. All right. Let's look over at Tarrant.

12 MR. KERCHER: Brian, if you could go to Figure 120 on
13 page 165, please.

14 Q. (BY MR. KERCHER) Dr. Trende, this looks awfully familiar.
15 This is a Benchmark of the House plan in Tarrant County.

16 Just generally, what do we see?

17 A. It's the same thing. Particularly, like District 92 now
18 has some heavily blue areas in it, harder to maintain. Some of
19 these other districts, like 94, have some heavily blue areas in
20 them that make it more marginal.

21 So you'll see more in the Enacted Map how this ends up
22 getting sorted out. It's also in more detail in the text of
23 the report.

24 Q. Let's look at the Enacted at Figure 121.

25 A. Right. So now 92 is pushed over more into the eastern

1 areas of Tarrant County, and so it's really just blue areas.
2 There's a little arm that kind of sticks out to even capture
3 some purplish portions of the county.

4 And that allows these other districts, like 91 and 93,
5 to be pushed further out into red areas of the county.

6 Q. Okay. Your partisanship map on Figure 122, what does that
7 show?

8 A. Same story, with the districts following kind of the
9 partisan contours of the area.

10 Q. And the putting-it-all-together map on page -- on
11 Figure 124, page 169?

12 A. So you can see, for example, 92, the district they --
13 Republicans gave up on, does include a lot of White
14 representative -- or White constituents. They just happen to
15 be White Biden constituents, shoring it up.

16 Q. And rather than showing the Court Figures 125 and 126, or
17 your paint swatch analysis.

18 Did your robot analysis again show that districts were
19 more partisan and more racially segregated than expected?

20 A. Yeah. It's -- they're consistent with what Dr. Duchin was
21 showing. But they're also consistent with a partisan story.

22 Q. Let's look at Figure 140. Dr. Duchin talked about House
23 District 54.

24 Do you remember that one?

25 A. I do.

1 Q. What do we see here? What happened in House District 54?

2 A. So originally, you know, this is a combination of Bell and
3 Lampasas County?

4 Q. Correct.

5 A. And you know, in the Enacted Map, it's brought in just Bell
6 County. But you can see that the district now cuts Killeen.
7 It takes the Democratic vote there and splits it in half. Each
8 portion gets paired with -- making 54, you know, paired with a
9 bunch of red areas in the county.

10 Q. Okay. Okay.

11 Dr. Trende, we have been through the maps. Let's talk
12 about some of the other experts whose reports you reviewed in
13 this case.

14 Let's start with Dr. Kousser. Were you -- you were
15 not here for Dr. Kousser's testimony. Is that right?

16 A. That's correct.

17 Q. But did you read his testimony from the daily transcripts?

18 A. I did.

19 Q. And you did respond to one of his reports. True?

20 A. I did.

21 Q. What is, generally, the overview of your opinion on
22 Dr. Kousser's report?

23 A. I thought it was, broadly speaking, consistent with mine.
24 That the Republicans were worried at the end of the last decade
25 about how things were shaping up, and worked to try to

1 strengthen their position.

2 Q. Now, we've got Dr. Kousser's report up on the screen. It's
3 MALC Exhibit Number 14.

4 MR. KERCHER: Brian, if we could go to page 61,
5 particularly Note 178.

6 Q. (BY MR. KERCHER) Dr. Trende, what does this show you?

7 A. So he's left out Districts 37 and 38 from his analysis.

8 Q. Why that matter?

9 A. Because if there's one thing Dr. Duchin and I agree on,
10 it's that Districts 37 and 38 play a role in the gerrymander.
11 She thinks racial, I think political.

12 But regardless, they're important districts. You
13 shouldn't just ignore them.

14 Q. What about Dr. Kousser's analysis of the 6th District?
15 What's your opinion there?

16 A. So again, in our maps we've shown the overlay with
17 politics, and shown that it is a -- you know, it's consistent
18 with political drawing.

19 Q. And on page 70 of Dr. Kousser's report he discusses
20 District 24.

21 What is your view there?

22 A. Well, if he'd shown the political choropleth map, it would
23 have shown the political contours of Dallas and Tarrant County
24 and how the district follows them.

25 Q. All right. Let's talk now about your Second Supplemental

1 Report, State Defendant Exhibit 10, which Brian has brought up
2 on your screen.

3 I don't have a copy of that one for you, Dr. Trende,
4 so you're gonna have to cope with me on the screen, if that's
5 all right.

6 Were you here for at least part of Dr. Ansolabehere's
7 testimony?

8 A. I was.

9 Q. And have you read all of his trial testimony?

10 A. I did.

11 Q. And did you respond to Dr. Ansolabehere's supplemental
12 report here in 2025?

13 A. I did.

14 Q. Dr. Ansolabehere identified three majority Hispanic CVAP
15 districts that could be drawn. Is that right?

16 A. Yes.

17 Q. Now, does he offer data on election results for those
18 proposed districts?

19 A. He does.

20 Q. And what, if anything, is interesting about his findings
21 there, to you?

22 A. Well, so Dr. Ansolabehere's findings, you know, it's
23 consistent with what's reported in my report, that there are
24 districts that are electing Democrats, and Democrats are the
25 Hispanic candidate of choice in all of these areas.

1 MR. KERCHER: Brian, can we look at page 2, Figure 1?

2 Q. (BY MR. KERCHER) Dr. Trende, this is from your Second
3 Supplemental Report.

4 Can you tell the Court what this is a map of?

5 A. Yes. So what I've done is taken Dr. Ansolabehere's
6 demonstration District 12, and then I've shaded it by which
7 Enacted district the various portions of his map are in.

8 So you can see, from his demonstration District 12,
9 the portion in -- the kind of crescent in Fort Worth, the
10 bridge that goes across, and then a large portion of the kind
11 of West Dallas portion of that district are in District 33 in
12 the Enacted Map.

13 I won't hazard what color it is. You can see
14 district -- part of the bridge is in District 12. We can see
15 the -- I do know that's yellow -- is in District 6 in the
16 Enacted Map, and so forth.

17 Q. In your view, why is it helpful for the Court to see the
18 Plaintiffs' Demonstration Map with this overlay of how these
19 portions go into Enacted districts?

20 A. Well, that's ultimately a legal argument you-all make, and
21 the Court will decide upon. But it seems relevant to me to
22 know that most of the Hispanic voting age population of these
23 districts reside in districts that elect Democrats right now,
24 that are shown to be the -- Democrats are the Hispanic
25 candidate of choice. So these districts are performing.

1 Q. Okay. Well, let's look at Figure 2 from State Defendants'
2 Exhibit 10.

3 Dr. Trende, what are we looking at here?

4 A. So in Figure 2, we're showing -- for the demonstration
5 District 12, this shows where the residents are -- not in map
6 form, but in tabular form -- in the Enacted Map.

7 So of demonstration District 12, there's 141,772
8 residents that are in District 6 of the Enacted Map, and 61,742
9 Hispanic residents of voting age in District 6 of the Enacted
10 Map. It's a total of -- of the HVAP in demonstration
11 District 12, 16.8 percent are in District 6 in the Enacted Map.

12 Q. So what percentage of the demonstration district already
13 lives in Districts 30, 32, and 33?

14 A. In 30, 32, and 33, around 80 percent of demonstration
15 District 12 is in them in the Enacted Map.

16 And there is a footnote that does it by CVAP as well.

17 Q. I'm glad you brought that up, because this table does show
18 that you're using VAP data.

19 Can you explain to the Court why you are using VAP
20 data rather than CVAP data?

21 A. Well, for things I've learned along the way. You know, the
22 CVAP data, as I explain in this report, has error margins, and
23 it's kind of difficult to talk about this with precision when
24 you're describing it.

25 So I preferred the VAP, because it's an actual count.

1 But just to doublecheck myself I looked at what the CVAP
2 estimates were, and they largely lined up with the voting age
3 population.

4 Q. So at the end of your testimony after you're excused, if
5 the Court is suspicious of your use of VAP versus CVAP data, is
6 the Court going to be able to doublecheck your VAP data against
7 CVAP data in your Second Supplemental Report?

8 A. Yes. It's reported in the footnotes.

9 Q. All right. Let's look at page 3, Figure 3, of State
10 Exhibit 10.

11 What about Houston -- tell us about what we see when
12 you overlay the Enacted shading on top of Plaintiffs'
13 Demonstration Map in Figure 3.

14 A. So you can see that figure -- that District 29 is composed
15 of parts of Enacted District 8, 38, 18, 29, and a little bit
16 of 7.

17 Q. And when we look at Figure 4, which is the supporting data,
18 what do we learn?

19 A. Well, we learn that Districts 18 and 29, which are heavily
20 Democratic districts, we learn that around 75 percent of the
21 voting age population of Demonstration 29 is in those two
22 districts in the Enacted Map, which sends Democrats to
23 Congress.

24 Q. Okay. And Figure 5. This is another similarly Enacted
25 shaded map over one of Plaintiffs' demonstration maps.

1 What do we see here?

2 A. Right. So this is District 38. And we can see that it's
3 composed of district -- portions of Enacted Map 9, 29, 36,
4 and 2, and a little bit of District 18.

5 So that's just kind of the map depiction of it.

6 Q. If we look at Figure 6, it's the supporting data.

7 How much of the VAP is in performing districts from
8 Plaintiffs' Demonstration Map?

9 A. So here we have District 29 and District 9. And they add
10 up to roughly 65 percent of the HVAP of demonstration
11 District 38.

12 Q. Can you sort of give us a sense of the bottom line here,
13 having conducted this analysis of the demonstration maps, what
14 can -- if anything -- can the Court learn?

15 A. Well, most of them are just reconfiguring Hispanic
16 residents of voting age from districts that elect Democrats to
17 another district that's going to elect a Democrat.

18 Q. Is there at least one such district in the Dallas or
19 Dallas-Fort Worth area?

20 A. There is.

21 Q. And at least two such districts in the Houston area?

22 A. That's right.

23 Q. Dr. Trende, do you know -- as a factual matter, do any of
24 the Plaintiffs' experts set out to prove that minority
25 candidates of choice are similar in primaries in Texas?

1 A. So that was in Dr. Duchin's report. It's contained in her
2 initial report -- or one of her supplemental reports, where
3 she's looking at primary results.

4 Q. And do you have an opinion on that?

5 A. I don't, really.

6 Q. Okay. Let's -- you know, we were talking a little bit
7 about CVAP versus VAP. And you said that you found that VAP is
8 more precise. And I don't want to put words in your mouth. If
9 that's not correct, let me know.

10 Why, in your view, is VAP more precise than CVAP?

11 A. Because VAP comes from a different data source than CVAP.
12 VAP's taken from the decennial census, which is actual count.
13 The census goes and talks to everyone. It's not a sample.
14 There's no error margins associated with it. The numbers are
15 the numbers.

16 CVAP is taken from the American Community Survey,
17 which is a poll. And it asks a whole bunch of questions that
18 aren't asked of census respondents, and it's -- it is a really
19 rich source of data. It's a very good poll, but it has error
20 margins.

21 And as you get to smaller and smaller geographies,
22 those error margins tend to become bigger and bigger.
23 Sometimes you don't care. Sometimes it's good enough to get
24 within a couple points of the point estimate.

25 But there are times where it might be crucial, where

1 precision is important, and that's something for the Court to
2 ultimately decide the impact of.

3 I'm just, you know, talking about what that
4 imprecision is.

5 Q. So I think I understand. Does VAP involve an error margin?

6 A. There are no error margins with the VAP.

7 Q. And is that -- is that why you say it's important that the
8 VAP is a count?

9 A. Yeah. The VAP isn't a sample. And so sampling methodology
10 doesn't come into play, because the census endeavors to talk to
11 everyone. The Constitution requires an actual enumeration.

12 Q. So when you talk about error margins versus samples, when
13 you're doing a sample, there is an inference from the sample
14 where we take what the sample says and try to infer something
15 about a larger population. Is that what you're describing?

16 A. That's right. So the whole point of a poll is that --
17 let's say we want to know President Trump's job approval.
18 Infinite resources. We would go talk to every American and ask
19 them, and we would have a very good read on President Trump's
20 job approval.

21 We don't have infinite resources. And so instead, we
22 go and we talk to a hopefully randomly selected subset of
23 Americans. And from there, the math kind of does the work to
24 give us an idea of just how precise our estimate is. But we
25 always remember that it is an estimate.

1 If you've ever heard a poll reported with a margin of
2 error, that's this confidence interval that we keep talking
3 about.

4 Q. Are you saying that CVAP data are unreliable?

5 A. Absolutely not. I'm not -- I mean, the ACS data from the
6 U.S. Census is a high-quality poll with a lot of respondents.

7 But what you -- what I think sometimes gets lost,
8 there are a bunch of sources of potential error in polling.
9 You know, people lie, people don't want to give -- don't want
10 to talk to pollsters, things like that.

11 And higher-quality pollsters have ways of avoiding
12 those missteps.

13 When we're talking about sampling error, error
14 margins, it is the uncertainty that arises from the fact that
15 we don't talk to everyone. If the world's greatest pollster
16 does a sample of 500 people, the error margin is going to be
17 about 4 and a half percent.

18 If the world's worst pollster does a sample of 500
19 people, the error margin is going to be about 4 and a half
20 percent. It is just intrinsic, in the fact that we don't talk
21 to everyone.

22 Q. Okay. Well, what do we need to know whether a certain
23 population has VAP at or above 50 percent, or CVAP at or above
24 50 percent, but the CVAP number says 50 percent, plus or minus
25 some margin of error, what do we do then?

1 A. Well, so the thing about -- the kind of weird
2 counter-intuitive thing about the sampling is that you can
3 never know for sure exactly how precise you are. I mean, the
4 kind of common sense, I guess objection gets raised, how can
5 you really know, if you don't talk to everyone, has some
6 validity to it.

7 But what we are doing with the poll and with the error
8 margins is, we're kind of quantifying our uncertainty.

9 If I go out and see a poll of Donald Trump with a
10 45 percent job approval with an error margin of plus or minus
11 4 percent, it's possible that his over -- that his overall job
12 approval, if we talked to everyone, would be 90 percent.

13 But it's the same way I say, if you reach into a bag
14 full of Skittles, it's possible you would only reach in and
15 pull out only yellow Skittles. And in fact, if we do it enough
16 times, that will happen eventually. It's just extraordinarily
17 unlikely. We would rule out that possibility that his job
18 approval is 90 percent.

19 Now if his job approval were really 47 percent, could
20 you get a poll with him at 45 percent job approval? Yeah.
21 Those findings are perfectly consistent. Just like if you toss
22 a coin ten times, that's fairly weighted you might get six
23 heads or four heads. You're not really likely to get ten heads
24 or ten tails.

25 And so that confidence interval encapsulates that

1 uncertainty for us and gives us a sense of where we can be, for
2 lack of a better word, confident, the true population value
3 lies.

4 Q. So I heard you say that the CVAP is derived from the ACS
5 data. Do I have that part right?

6 A. That's correct.

7 Q. Can you tell the Court what the ACS handbook is?

8 A. So the ACS handbook is a publication that comes from the
9 census that tells us -- that kind of instructs how to use the
10 ACS data.

11 Q. Okay.

12 MR. KERCHER: Brian, could you bring up pages 10 and
13 11 of State Exhibit 10?

14 Q. (BY MR. KERCHER) What does the ACS handbook have to say
15 about error margins?

16 A. So the error margins you can see down at the bottom. The
17 data in the American Community Surveys, you see at the bottom:

18 "Are estimates of the actual figures that would have
19 been obtained if the entire population, rather than the chosen
20 ACS sample, had been interviewed using the same" -- can we zoom
21 in a little more? The same -- and I promise the typesetting is
22 better in my report -- "using the same methodology. All
23 estimates produced in sample surveys have uncertainty
24 associated with them as a result of being based on a sample of
25 the population rather than the full population.

1 "This uncertainty, called sampling error, means that
2 estimates derived from the ACS will likely differ from the
3 values that would have been obtained if the entire population
4 had been included in the survey, as well as from values that
5 would have been obtained had a different set of sample units
6 been selected for the survey."

7 Q. How do we fix or control for error margins?

8 A. All you can do is ask more people. The error margins are
9 derived from the overall kind of variants within the data, how
10 many yes's and no's you get, and from the sample size.

11 You can't control the variance within your data. You
12 can control your sample size. So if you want to shrink the
13 error margins, all you can practically do is talk to more
14 people.

15 Q. What is a "point estimate," just practically speaking?

16 A. So the point estimate that gets reported is from your
17 sample, the percentage of people who say yes.

18 Say, I am a citizen of voting age, or I am Hispanic,
19 or I am employed in -- as a schoolteacher. All these data
20 points the ACS is asking about.

21 It's also something called -- and that has the label
22 "the" maximum likelihood estimate." And that's a term that
23 gets thrown about, but it's misunderstood, because it is not
24 the most likely value of the population. It's -- and this is
25 gonna sound like word play, but it's important.

Leticia D. Perez
525 Magoffin Avenue
El Paso, Texas 79901

Exhibit 30

1 It's the most likely value of the population that
2 would bring about the poll result we see.

3 Q. Look. When you told me that -- I stared at you dumbly.
4 Can you give us an example of how that works?

5 A. So if you flip a coin ten times, you get six heads. The
6 maximum likelihood estimate of the probability of getting a
7 head with that coin is 60 percent. Okay? Because if the coin
8 does come up six -- is weighted to come up heads 60 percent of
9 the time, that's the most likely value that would produce six
10 heads, four tails.

11 Now you say, that's crazy. This is worthless, because
12 we know coins are 50/50. And I say yes. That's why you have
13 the error margin. Because when you calculate the error margin
14 of getting six heads with a fairly weighted coin, it includes
15 50 percent.

16 Now if you had gotten heads or nine heads, the error
17 margin would not include 50 percent. And I think most of us,
18 if we flipped a coin ten times and got heads, would think
19 there's something fishy with the coin. Or nine. So that's why
20 the error margins become important.

21 But the other thing to remember is that the maximum
22 likelihood does not adequate to more likely than not.
23 Something could be the most likely value to bring about a poll
24 outcome and still have a 2 percent chance of doing so, if
25 everything else has a 1 percent or a half percent chance or

1 whatever. That's where the error margins are so important.

2 Q. Well, I was gonna ask: If there's this much imprecision in
3 statistics, why is it useful?

4 A. Well, the point estimates aren't. I mean they're kind of
5 useful, but they're only useful with the error margin, which
6 then bounds our confidence in how sure we can be of where the
7 estimate is, that we've gotten close enough.

8 Q. Okay. Well, let me bring you back, then, to the example I
9 was giving, if we're looking to see whether a district was
10 50 plus percent CVAP of a particular race or ethnicity, and the
11 data say that it's 51, plus or minus two, how does -- of the
12 error margin, how does that help us figure that out?

13 A. So if the point estimate is 51 percent and the error margin
14 is plus or minus 2 percent, your confidence interval will be 51
15 plus 2 percent, so 53 on the top. 51 minus 2 percent, 49 on
16 the bottom.

17 And what that means is that 95 -- if we're doing a
18 95 percent confidence interval, 95 percent of the time the true
19 population value will fall in that range. That's what we mean
20 by 95 percent confident.

21 So if it's really important to know whether it's more
22 than 50 percent, we don't have that required degree of
23 confidence for the social sciences to say it's higher than
24 50 percent, because 50 percent is consistent with that -- or
25 outcomes lower than 50 percent are consistent with the poll

1 output that we just showed.

2 Q. Is a p-value the inverse of a confidence interval?

3 A. Yeah. So maybe from product liability trials or other
4 trials the judges have heard of the term "p-values," or from
5 regression analysis. The p-values are tied in inextricably
6 with the confidence intervals.

7 So when you say the reason that a p-value of .05 is so
8 important for social science, is that .05 corresponds -- it's
9 the inverse of 95 percent. A p-value of .1, which you
10 sometimes see accepted in social science, is the inverse of a
11 confidence interval of 90 percent. Right? One minus .1 is .9,
12 which expressed as a percentage, is 90 percent.

13 And so when we're saying that we have 95 percent
14 confidence, anything within that 95 percent confidence interval
15 is the equivalent of a p-value greater than .05. The values
16 outside of the confidence interval are equivalent to a p-value
17 of lower than .05.

18 And just like we would exclude findings as
19 sufficiently likely with a p-value of lower than .05, we would
20 say, Okay. We're pretty sure that the true population value is
21 not actually, you know, 40 percent CVAP. It's possible,
22 because we don't talk to everyone. But it's very unlikely.
23 And so we're just not gonna accept that possibility.

24 But could it be 49.8 percent? Yeah. It's actually
25 really easy to pop a poll result of 51 percent if the true

1 population value were 49.8 percent.

2 Q. Okay. Lastly, Dr. Trende, I want to talk to you about
3 Dr. Henderson's report.

4 Did you respond to Dr. Henderson's second report?

5 A. I did.

6 Q. Were you able to be here for his testimony?

7 A. I was not.

8 Q. Have you read it?

9 A. I did.

10 Q. Have you done any coursework in regression analysis?

11 A. Yeah. I actually had an entire class on nothing but
12 regression analysis, and then I had another entire class on
13 logistic regression analysis, which is a subset of regression
14 analysis.

15 Q. What is the main issue you take with Dr. Henderson's
16 approach?

17 A. I think there's two. What you're doing with regression
18 analysis is you're looking at different factors. We can call
19 them Independent variables, we can call them predictors. And
20 we want to know: Do they relate to the dependent variable or
21 the response? Okay.

22 And so if you get that p-value lower than .05, you
23 say, Okay. It's extremely unlikely that you'd get this result
24 if there weren't some type of relationship. So your predictor
25 variable does relate somehow to the response variable. Okay?

1 Well, the fact that there's some relationship, it
2 doesn't mean that it's causal. Okay? If you did the p-value
3 of murders by month and ice cream sales, there's a tight
4 correlation. Why? Well, you get more murders during the
5 summertime, and people want to eat ice cream in the summertime.
6 Correlation is not the same as causation, and p-values tell you
7 about correlations.

8 The other thing is, it's really important, then, how
9 you specify your independent variables or your predictors and
10 your dependent variable or your response.

11 And Dr. Henderson's main response is not -- is just
12 the total voting age population of the districts. He finds a
13 relationship between the race of the district and whether --
14 and what the total voting age population of the Congressional
15 Districts are.

16 Q. Let me ask you about that.

17 A. Yeah.

18 Q. Because Dr. Henderson does find this -- that substantial
19 Black populations were moved and that Blacks were more likely
20 to be moved than Whites.

21 What is your response to that?

22 A. Well, again, that gets to the disentanglement issue that,
23 you know, if you're trying to move Democrats around in a city
24 like Dallas, there's a good chance you're gonna be moving
25 minority population groups around because of the correlation.

1 Q. Does Dr. Henderson have a baseline against which he is
2 measuring that likelihood?

3 A. He doesn't. He assumes that if he were doing a race or
4 politics-neutral draw, that you wouldn't get -- that Black
5 residents would not be more likely to be moved around.

6 But Dr. Duchin and I both agree that's not true. We
7 agree, through our analysis, that a race-neutral draw would
8 produce differential results in how people end up in districts.

9 And in addition, when he's looking at whether a
10 Republican -- when he's trying to control for politics, he is
11 doing it on the basis solely of whether a district sends a
12 Republican to Congress or not. That's his -- the way that he
13 operationalizes politics.

14 Well, Dr. Duchin and I both think you need to be
15 looking at the precinct level in the kind of shades of red to
16 purple, when you're doing that type of analysis.

17 So at the end it's just not that useful.

18 Q. Well, and maybe that usefulness answer gets where I'm going
19 to ask you. But, you know --

20 JUDGE GUADERRAMA: Mr. Kercher?

21 MR. KERCHER: Yes, sir?

22 JUDGE GUADERRAMA: How much longer do you think you'll
23 be, and what do you think the cross will be, and do you think
24 Dr. Trende --

25 MR. KERCHER: I have about five minutes, Your Honor.

1 JUDGE GUADERRAMA: Five minutes?

2 MR. KERCHER: I have about five minutes. Yeah.

3 Q. (BY MR. KERCHER) Dr. Trende, it struck me that
4 Dr. Henderson's analysis appears to be unique among the experts
5 in this case.

6 Is there a reason that experts don't just use tried
7 and true regression to disentangle race and partisanship in
8 redistricting cases?

9 A. Because implementing the proper controls is just really
10 tricky, especially when you have a situation where states take
11 creating more Congressional Districts, and so, like
12 Dr. Kousser, he's ignoring the new Congressional Districts.

13 But the other issue is it's hard to do a proper
14 control for geography. And that's the whole point of the robot
15 that we use, is that it at least gives us some sense of what we
16 would expect the geography to produce.

17 Maybe it does produce what he assumes, which is a
18 level playing field. If you're not paying attention to race,
19 everything's going to come out flat on the racial playing
20 field. But you know, maybe in Vermont you would get that.

21 But Texas, that's just not gonna happen, because of
22 the spatial geography of where people of different races live,
23 and politics.

24 Q. We've talked a little bit about his analysis. You've also
25 talked about some of the assumptions that he's making going

1 into that analysis.

2 What if we grant Dr. Henderson the assumptions that
3 you have criticized, but he's right about this? Even if he's
4 right, is he able to prove that these maps were -- that race
5 drove these redistricting decisions in the challenged maps?

6 A. I don't think he is. Because all he is showing is that
7 there's some type of correlation between, at best, race and
8 however he is operationalizing his politics control.

9 He's not showing the causal linkage between the two.
10 There are political science techniques for trying to suss out
11 causation, but a simple regression analysis is not it.

12 Q. All right. Thank you, Dr. Trende.

13 MR. KERCHER: I will pass the witness.

14 JUDGE GUADERRAMA: All right. So this is when we
15 would normally be taking lunch. I don't know how long the
16 cross is gonna go and whether Dr. Trende would be able to make
17 his flight, even if we went straight through lunch.

18 MR. GABER: I don't think so, Your Honor.

19 I'm sorry, Dr. Trende, but the report is over 200
20 pages, and this is our only shot.

21 JUDGE GUADERRAMA: All right. Let's go ahead and
22 recess for lunch, then.

23 It's 12:30. Am I early?

24 MR. KERCHER: I'm sorry?

25 JUDGE SMITH: We could go on to 1:00.

1 JUDGE GUADERRAMA: Go to 1:00? All right.

2 Do you want to go to 1:00 and then break?

3 MR. GABER: We started at 8:30. I think we had been
4 breaking at 12:30, but it's up to the Court.

5 JUDGE GUADERRAMA: If we go to 1:00, is it going to
6 help get Dr. Trende --

7 MR. GABER: I don't think so.

8 MR. KERCHER: I doubt it. I think there are a number
9 of attorneys who have a number of questions for Dr. Trende.

10 JUDGE GUADERRAMA: All right. So then that would put
11 us to be back from lunch at 1:45, and we'll resume our
12 proceedings then.

13 Doctor, sorry. Be back at 1:45.

14 THE WITNESS: Yes, Your Honor.

15 THE COURT: Thank you, sir.

16 (Lunch recess.)
17
18
19
20
21
22
23
24
25

EXHIBIT 31

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

DAVID TANGIPA, *et al.*,

Plaintiffs,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

**GAVIN NEWSOM, in his official
capacity as the Governor of California,
et al.,**

Defendants,

**DEMOCRATIC CONGRESSIONAL
CAMPAIGN COMMITTEE, *et al.*,**

Defendant-Intervenors.

2:25-cv-10616-JLS-WLH-KKL
Three-Judge Court

**EXPERT REPORT OF DR.
JONATHAN RODDEN IN
SUPPORT OF DCCC'S
RESPONSE IN OPPOSITION TO
PLAINTIFFS' AND THE
UNITED STATES'S MOTIONS
FOR A PRELIMINARY
INJUNCTION**

I. INTRODUCTION AND SUMMARY OF FINDINGS

I have been asked to review the report submitted by Dr. Sean Trende in this case, and to assess his claim that District 13 in the newly enacted California Congressional Plan, AB 604, was “crafted to enhance the Hispanic Voting Age Population and Hispanic Citizen Voting Age Population in the district” (Trende Declaration, p. 3) and his broader conclusion that “race predominated in these lines” (p. 3).

Dr. Trende’s conclusion of racial predominance is based on two types of analysis. First, he provides maps of three small sections of District 13 in AB 604, and argues that in two of them, the district boundaries appear to correspond more clearly to Hispanic ethnicity than to partisanship, and that in a couple of places, the district-drawer appeared to forego opportunities to add additional Democratic voters to District 13. Second, he presents three alternative maps that he argues achieve the same political goals as AB 604 while modestly lowering the Hispanic voting-age population of District 13.

This report responds by conducting three distinct analyses. First, I zoom out beyond the small areas of the map analyzed by Dr. Trende and provide a broader perspective on the reconfiguration of District 13 as a whole. I clarify that if anything, the reconfiguration of District 13 slightly *lowered* the share of Hispanic voting-age population in the district, and the partisan differences between the areas moved in and out of the district are far more pronounced than the differences in Hispanic population.

Second, I focus on the areas of District 13—in Modesto and Stockton—that Dr. Trende claims were drawn to include Hispanic voters and exclude White non-Hispanic voters. Dr. Trende relies on visual inspection of maps of demographics and election results, some of which he made himself and others of which he seems to have copied from a web application. His central claim is that to his eye, colored maps of Hispanic voting-age population share appear to correspond more clearly to the boundaries of District 13 than maps of voting behavior. But as described below, Dr. Trende’s technique—ignoring the prior redistricting plan, focusing on a tiny fraction of the district boundary’s perimeter, and relying on visual impressions—is unreliable, and his conclusions are based largely on discretionary and misleading inferences drawn from maps, measurement error, a highly selective study area, and a failure to consider either the prior map or the districts surrounding District 13.

Finally, I describe Dr. Trende’s three demonstration maps. These maps make changes to very small sections of the boundary separating District 13 from District 9 in the Stockton area and District 5 in the Modesto area. Two of these maps maintain the sections of the boundary that Dr. Trende characterized as having been drawn according to race. Each map attempts to slightly lower the Hispanic voting-age population in District 13 by excluding the most Hispanic border-adjacent areas and replacing them with other nearby communities. In two of the maps, these maneuvers required the introduction of a new split to the city of Tracy, and in one of them, it required a new split of the city of Ceres. In each of these demonstration maps, the removal of Hispanic voters causes its Democratic vote share to fall.

II. QUALIFICATIONS AND EXPERIENCE

I am currently a tenured Professor of Political Science at Stanford University and the founder and director of the Stanford Spatial Social Science Lab—a center for research and teaching with a focus on the analysis of geo-spatial data in the social sciences. I am engaged in a variety of research projects involving large, fine-grained geo-spatial data sets including ballots and election results at the level of polling places, individual records of registered voters, census data, and survey responses. I am also a senior fellow at the Stanford Institute for Economic Policy Research and the Hoover Institution. Prior to my employment at Stanford, I was the Ford Professor of Political Science at the Massachusetts Institute of Technology. I received my Ph.D. from Yale University and my B.A. from the University of Michigan, Ann Arbor, both in political science. A copy of my current C.V. is included as Exhibit A.

In my current academic work, I conduct research on voting, demographics, geography, and aspects of election administration, including registration, the structure of precincts, redistricting, and methods of voting. Recent papers and books focus on the relationship between the patterns of political representation, geographic location of demographic and partisan groups, and the drawing of electoral districts. I have published papers using statistical methods to assess political geography, balloting, and representation in a variety of academic journals including *Statistics and Public Policy*, *Proceedings of the National Academy of Science*, *Science Advances*, *American Economic Review Papers and Proceedings*, the *Journal of Economic Perspectives*, the *Virginia Law Review*, the *American Journal of Political Science*, the *British Journal of Political Science*, the *Annual Review of Political Science*, and the *Journal of Politics*. One paper was selected by the American Political Science Association as the winner of the Michael Wallerstein Award for the best paper on political economy, another received an award from the American Political Science Association section on social networks, and another received an award for the best paper published in the journal in the last year.

In 2025, I was selected as an Andrew Carnegie Fellow. In 2021, I received a John Simon Guggenheim Memorial Foundation Fellowship, and, for my 2006 book *Hamilton's Paradox: The Promise and Peril of Fiscal Federalism*, received the Martha Derthick Award of the American Political Science Association for “the best book published at least ten years ago that has made a lasting contribution to the study of federalism and intergovernmental relations.”

I have written a series of papers, along with my co-authors, using automated redistricting algorithms to assess partisan gerrymandering. This work has been published in the *Quarterly Journal of Political Science*, *Election Law Journal*, and *Political Analysis*, and it has been featured in more popular publications like the *Wall Street Journal*, the *New York Times*, and *Boston Review*. I authored a book titled *Why Cities Lose*, published by Basic Books in June of 2019, on the relationship between political districts, the residential geography of social groups, and their political representation in the United States and other countries that use winner-take-all electoral districts. The book was reviewed in *The New York Times*, *The New York Review of Books*, *Wall Street Journal*, *The Economist*, and *The Atlantic*, among others.

I have expertise in the use of large data sets and geographic information systems (GIS) and conduct research and teaching on applied statistics related to elections. I frequently work with geo-coded voter files and other large administrative data sets, including in recent papers published in the *Annals of Internal Medicine* and *The New England Journal of Medicine*. I have developed a national data set of geo-coded precinct-level election results that has been used extensively in policy-oriented research related to redistricting and representation.

I have been accepted and testified as an expert witness in over a dozen election law and redistricting cases, all of which are listed in my CV. Much of the testimony in these cases had to do with geography, electoral districts, voting, ballots, and election administration.

III. MATERIALS CONSULTED

I obtained district boundaries for congressional districts promulgated in 2021 and used in the 2022 and 2024 elections (henceforth the “2021 Map”) from the California Citizens Redistricting Commission, and the boundaries of AB 604 from the California State Legislature. I obtained geographic boundary files and demographic data at the level of census blocks and block groups from the 2020 decennial census via the National Historical GIS (nhgis.org). I obtained block-level estimates of the citizen voting-age population (CVAP) and results of the 2020 presidential election imputed to the level of census blocks from the Redistricting Data Hub. I obtained boundaries of precincts as well as past congressional districts from the California Statewide Database. Following Dr. Trende’s approach, I also consulted demographic data and election results from 2016 to 2024 imputed to census blocks and block groups that have been assembled and distributed as part of a collaborative data-sharing endeavor among the redistricting community spearheaded by the computer scientist David Bradlee. These data and all relevant documentation are available at https://github.com/dra2020/block_data.

IV. THE RECONFIGURATION OF DISTRICT 13

Dr. Trende’s report focuses primarily on a visual inspection and interpretation of maps of three very small portions of District 13 of AB 604. One of those areas, around the city of Madera, he characterizes as an example of partisan predominance in district-drawing. He characterizes the other two areas—one around Modesto and the other around Stockton—as examples of racial predominance.¹ However, he provides no images, data, or other information about the rest of the district, or about the earlier version of the district in the 2021 Map. In Figure 1, I provide a map of

¹ The United States Census Department considers “Hispanic” to be an ethnic identity rather than a race. In census surveys, Hispanic identity is elicited through a question that is completely distinct from questions about race. Since Dr. Trende provides no information or data about race in his report and discusses the distinction between Hispanic and non-Hispanic voters, I will assume means “ethnic” predominance. I will use this term throughout the report.

the boundaries of District 13 in both the 2021 Map and AB 604, with green boxes that indicate the extent of the areas examined in Dr. Trende's report.

Figure 1: District 13 in the 2021 Map and AB 604

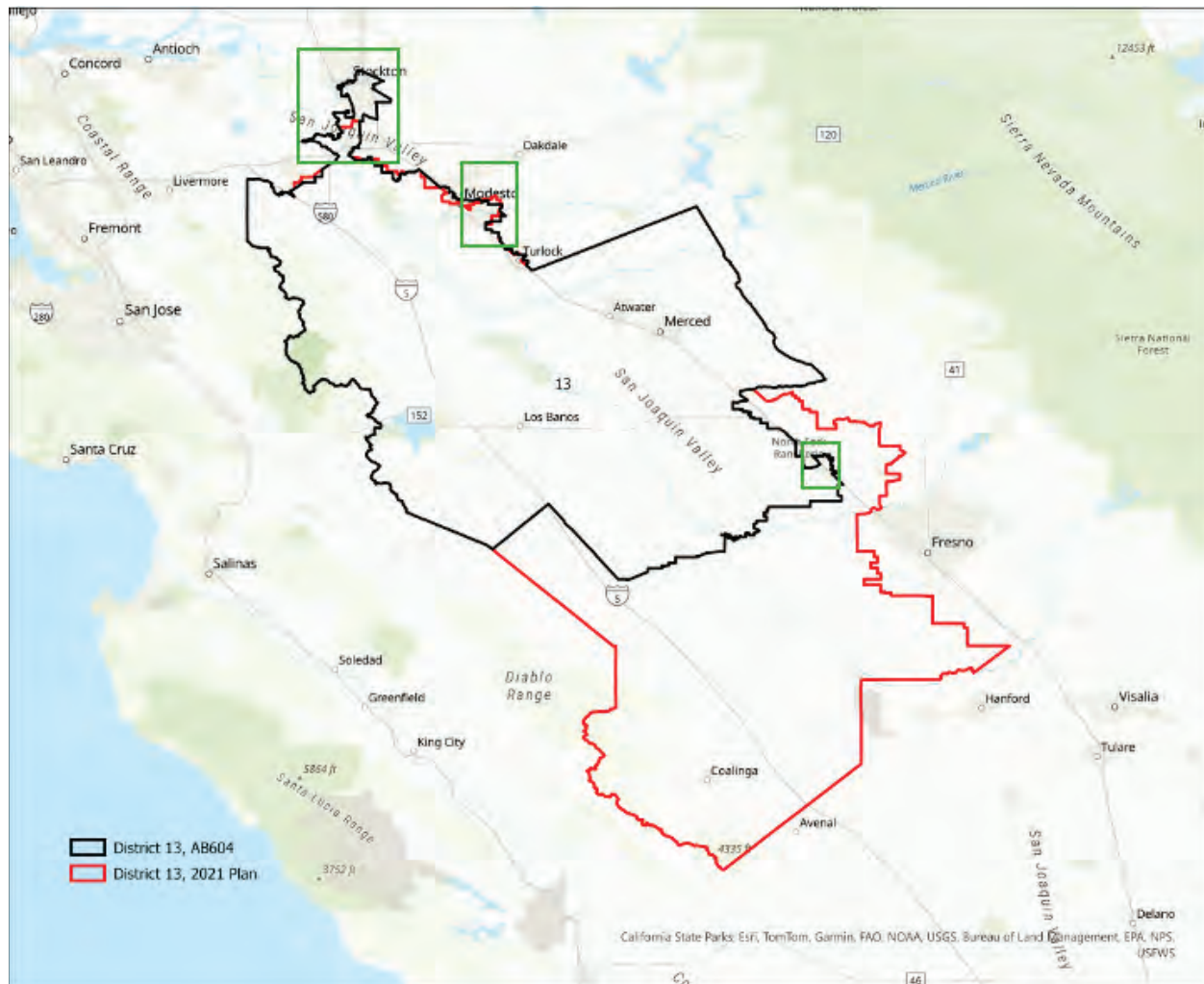


Figure 1 shows that the entire southern portion of District 13 in Fresno County was removed. This made the district less elongated and hence more compact according to the “Reock” measure of district compactness often used in court cases.² This removed an area of 5,928 square kilometers that contains 76,772 people. The removed territory is a rather rural part of the Central Valley, with a population density of only around 13 people per square kilometer. In the part of San Joaquin County that was added to District 13—the area around Stockton on which Dr. Trende focuses—only 100 square kilometers were added, but this small area contains 100,133 people, with a

² The Reock compactness score is computed by dividing the area of the district by the area of the smallest circle that would completely enclose it.

population density of 1,001 people per square kilometer. In other words, the reconfiguration of District 13 removed rural areas and added urban areas.

The rural area that was removed from District 13 in Fresno County has a Hispanic voting-age population share of 72 percent, and a Hispanic citizen voting-age share of 60 percent. Dr. Trende does not address the southern part of District 13 at all.

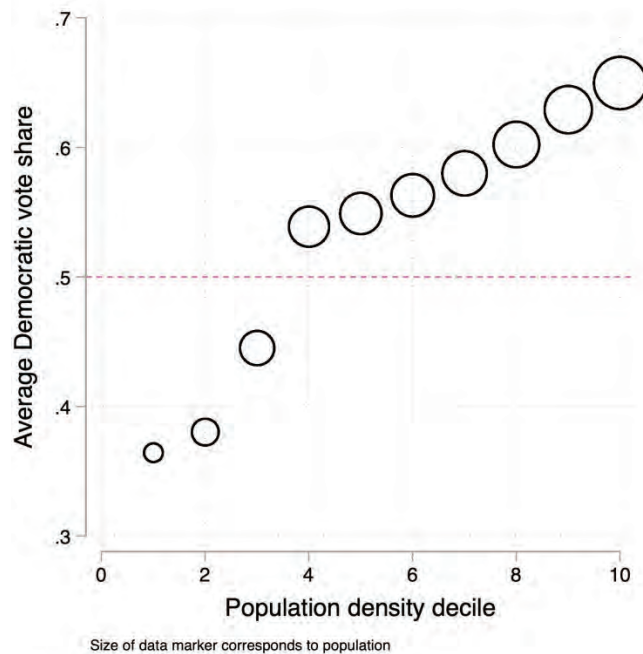
The census blocks *added* to District 13 in San Joaquin County, in and around Stockton, have a Hispanic voting-age population share of 68 percent, and a Hispanic citizen voting-age population share of 62 percent. In other words, both the rural area in Fresno County that was removed from District 13, as well as the urban area around Stockton that was added, were heavily Hispanic.

However, their partisanship was completely different. Based on an average comprised of data from several statewide elections between 2016 and 2024,³ the rural areas in Fresno County that were removed from District 13 have an average Democratic share of the two-party vote of 45.9 percent, whereas the urban areas added to District 13 around Stockton have a Democratic vote share of around 71.4 percent: a difference of 25.5 percentage points.⁴

This simple comparison of the trade of rural Fresno County areas for urban San Joaquin County areas reveals that the redesign of District 13 had an overwhelmingly political rather than ethnic logic. Figure 2 demonstrates that the California Central Valley has something in common with the rest of the United States: a very high correlation between population density and voting. I have taken all the census blocks in the counties that contain District 13—San Joaquin, Stanislaus, Merced, Madera, and Fresno—and placed them into deciles of population density, which are displayed on the horizontal axis. For each decile, I calculate the average Democratic vote share, which is displayed on the vertical axis. Figure 2 demonstrates that there is a very strong relationship between population density and Democratic voting. The bottom three density deciles lean Republican, and there is a large jump in Democratic voting when one goes from the third to the fourth decile.

³ The 2016 and 2020 presidential elections, the 2018 gubernatorial and attorney general elections, as well the 2022 general elections for Treasurer, Secretary of State, Lieutenant Governor, Attorney General, Governor, and U.S. Senator, and the 2024 U.S. Senate and presidential election.

⁴ Because the political behavior of this area has been shifting over time, it is also useful to examine only the most recent general elections from 2022 and 2024. With this indicator, the Democratic vote share in the areas moved out of the Southern part of the district was 42.8 percent, and the Democratic vote share in the urban areas moved in was 67.5 percent—a difference of around 25 percentage points.

Figure 2: Population Density and Democratic Voting in the Central Valley

This relationship between population density and partisanship is quite similar for census blocks that are predominantly Hispanic, for census blocks that are evenly mixed, and for census blocks that are predominantly non-Hispanic. Regardless of ethnicity, Democrats tend to cluster together in more urban areas, and Republicans in rural areas. Thus, increasing the Democratic vote share of District 13 requires the exchange of rural census blocks for urban census blocks.

The redesign of District 13 clearly follows this pattern. I have identified all the census blocks that were common to the 2021 version of District 13 and the AB 604 version. Let us call this the “core” of the district. The population density of the district core is 63 people per square kilometer. Next, I identify all the census blocks that were moved out of District 13 and calculate the population density: 23 people per square kilometer. Finally, I identify all the blocks moved into District 13 and calculate the population density: 1,075 people per square kilometer. These are very large differences, indicating that rural voters were exchanged for urban voters.

Next, I apply this same technique to analyze the *ethnicity* of the core of the district, the areas moved out of the district, and the areas moved in. Courts have relied on this approach in cases involving allegations of racial or ethnic gerrymandering.⁵ At a minimum, plaintiffs typically attempt to show

⁵ See, e.g., *Rodriguez v. Pataki*, 308 F. Supp. 2d 346 (S.D.N.Y.) (considering the “geographic core” of a district, along with the areas moved into and out of the district, in evaluating a racial gerrymandering claim), *aff’d*, 543 U.S. 997 (2004); *GRACE, Inc. v. City of Miami*, 730 F. Supp. 3d 1245, 1291 (S.D. Fla. 2024) (considering the “district cores” and the “populations that were moved, and what districts they were moved into”); *cf. Cooper v. Harris*, 581 U.S. 285, 310 (2017)

evidence of a racial or ethnic asymmetry between the areas moved into and out of the challenged district. Without demonstrating any such asymmetry, it is difficult to see how one might suggest race or ethnicity was the predominant driver in the reconfiguration of a district.

This analysis is presented in Table 1 below. Hispanic voting-age population (HVAP) was 60.57 percent in the part of District 13 that remained in District 13. It was 60.07 percent in the areas moved *into* District 13, and 61.29 percent in the areas moved *out of* the district: a difference of only 1.22 percentage points, and in the opposite direction of the one posited by Dr. Trende. Because the areas moved out of the district had slightly larger Hispanic population than those moved in, the Hispanic voting-age population decreased. The overall HVAP of the 2021 version of District 13 was 60.72 percent, and in AB 604 it is 60.48 percent.

Table 1: Hispanic Voting-Age Population of District Core and Areas Moved into and out of District 13

CD 13	Ethnicity	
	Percent Hispanic VAP 2020	Percent Non-Hispanic VAP 2020
Core	60.57%	39.43%
Into District	60.07%	39.93%
Out of District	61.29%	38.71%
In minus out	-1.22%	1.22%

Table 2: Hispanic Citizen Voting-Age Population of District Core and Areas Moved into and out of District 13

CD 13	Ethnicity	
	Percent Hispanic CVAP 2020	Percent Non-Hispanic CVAP 2020
Core	50.83%	49.15%
Into District	51.77%	48.21%
Out of District	52.14%	47.69%
In minus out	-0.38%	0.53%

(noting that the “new voters” were “incorporated” or “pushed out” of a challenged district along “racial lines”); *Alexander v. S.C. State Conf. of the NAACP*, 602 U.S. 1, 26–27 (2024) (noting “core district retention” as a factor in evaluating redistricting).

Table 2 conducts the same analysis, using block-level data on citizen voting-age population rather than overall voting-age population. Here, the areas moved into and out of the district appear to be almost identical, and very similar to the core of the district as well. Taken as a whole, the Hispanic CVAP was 53.66 percent in the old configuration, and 53.72 percent in the new configuration. Tables 1 and 2 are quite inconsistent with allegations of racial sorting. The ethnic demographics of the core and areas moved into and out of the district are very similar.

It is illuminating to conduct a similar analysis for partisanship. Table 3 presents calculations of the average Democratic share of the vote for the two major parties in the same set of statewide races described above from 2016 to 2024 described above in the core of the district and in the areas moved into and out of the district. The part of the old district that was retained leaned Democratic, at 52.75 percent. The area that was removed was strongly Republican (57.79 percent), and the mostly urban areas that were added were decisively Democratic (65.16 percent): a difference of almost 23 percentage points.

Table 3: Partisanship of District Core and Areas Moved into and out of District 13, Using Data from Statewide Elections from 2016 to 2024

CD 13	Party	
	Democratic Vote Share Index	Republican Vote Share Index
Core	52.75%	47.25%
Into District	65.16%	34.84%
Out of District	42.21%	57.79%
In minus out	22.95%	-22.95%

It is also useful to focus only on the most recent elections held in 2022 and 2024. Table 4 carries out the same exercise using electoral data only from those elections.

Table 4: Partisanship of District Core and Areas Moved into and out of District 13, Using Data from Statewide Elections from 2022 and 2024

CD 13	Party	
	Democratic Vote Share Index	Republican Vote Share Index
Core	49.75%	50.25%
Into District	61.75%	38.25%
Out of District	39.56%	60.44%
In minus out	22.18%	-22.18%

These moves unquestionably made the district more Democratic overall. Using the composite of the same statewide races from 2016 to 2024 described above, the 2021 version of District 13 was essentially a tossup: its Democratic share of the two-party vote was 51.18 percent. In the AB 604 version it has risen to 54.41 percent. Using only the electoral data from 2022 and 2024, the 2022 version of the district leaned Republican, with a Democratic vote share of 48.23 percent. Using this measure, the AB 604 version of the district has a Democratic vote share of 51.3 percent.

To summarize, basic statistics comparing the areas moved into and out of District 13 demonstrate that Dr. Trende's claim of ethnic predominance aimed at increasing the district's Hispanic population cannot be accepted. While there is no meaningful difference in the share of Hispanic voters moved in and out of the district, the large partisan differences between those areas suggest a strong partisan logic to the district's reconfiguration.

V. CROSS-BORDER DIFFERENCES IN ETHNICITY AND PARTY

Without considering the basic statistics introduced above, Dr. Trende pursues a different analytical approach. He provides choropleth maps that fill in the boundaries of census block groups using shades of either grayscale or colors corresponding to the Hispanic voting-age population share (or citizen voting-age population share) in some maps and past election outcomes in others. Rather than zooming out to the entire district or region, he focuses on the very small areas denoted by the green boxes in Figure 1 above, directing the reader to notice changes in colors associated with Hispanic voting-age population in some parts of the district on either side of the district boundary. He characterizes these visual impressions of color changes at the boundary as evidence of racial predominance.

Dr. Trende also provides choropleth maps of partisanship. He acknowledges that these colors (or shades of gray) also often appear to change abruptly at the district boundary in the same places as in the maps representing the Hispanic population share. Nonetheless, he concludes that race (ethnicity) predominated based on two observations. First, without providing any data to back up his claim, he encourages the reader to infer that the visual impression of color changes at the border seems starker for ethnicity than for party. Second, he directs the reader's attention to a very small number of places where he believes the line appears to correspond to ethnicity but not voting behavior. Neither approach offers a reliable way to identify racial predominance, and the available evidence does not support Dr. Trende's conclusions.

Visual Inspection of Choropleth Maps

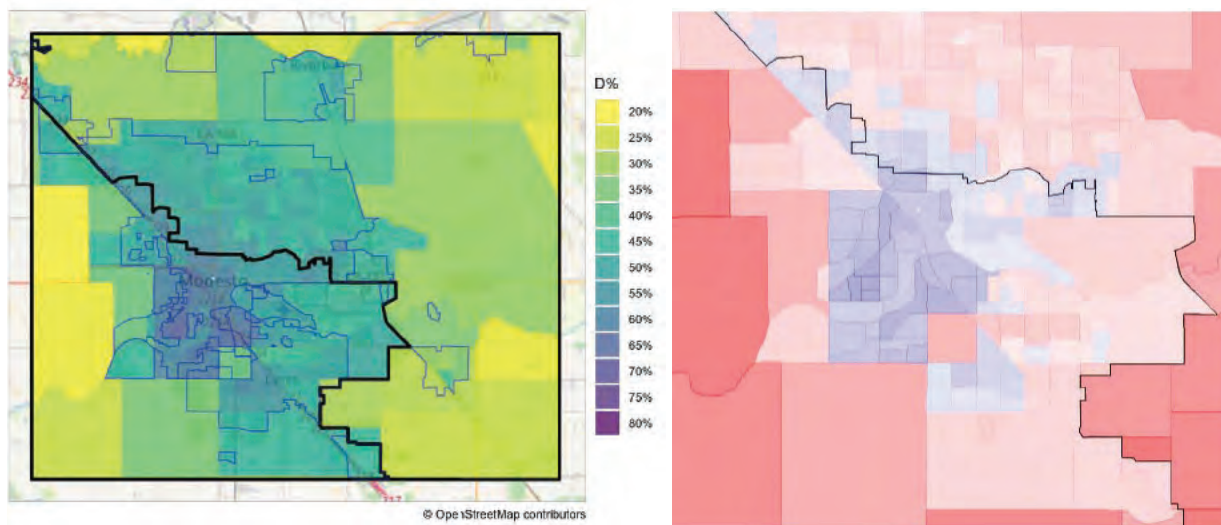
Dr. Trende provides choropleth maps of Hispanic vote share at the level of census block groups in three parts of the Central Valley, and points out that in a few places, the boundaries of the district correspond to changes in color such that darker colors can be seen on the District 13 side of the boundary than on the opposite side. Dr. Trende concludes from this that district-drawers intentionally sought to pack Hispanic voters into District 13 and keep them out of surrounding

districts. However, his maps show just as clearly that the boundaries also correspond to differences in voting behavior.

Choropleth maps are a valuable tool for conveying spatial information, but they can be misleading if not done carefully and with transparency.⁶ That is because the mapmaker has significant degrees of freedom to convince viewers of a desired narrative by choosing colors and break points for the categories. Some of Dr. Trende's maps range from yellow to purple, traveling through shades of green. These maps indicate that each color corresponds to an equal 5 percentage point interval from 20 percent to 80 percent. However, many of his maps—including all the grayscale maps as well as the maps of voting behavior with colors ranging from red to blue—include no legend, so that it is impossible to tell how the categories have been constructed. This makes interpretation very difficult. Dr. Trende does not explain data sources or techniques, but it appears that the grayscale and red-blue maps are likely screenshots from the web application called Dave's Redistricting App rather than maps made by Dr. Trende.

The importance of break points and map design can be appreciated by examining two of Dr. Trende's maps of election results in the Modesto area. Figures 8 and 9 from his report are reproduced below as Figure 3. Trende Figure 8, on the left below, is labeled in Dr. Trende's Report as "Modesto/Ceres Area, by Politics and Block Group," and Figure 9, on the right, is labeled as "Modesto/Ceres Area, by Politics and Precinct."

Figure 3: Reproduction of Trende Figures 8 and 9



These are both maps of some type of election outcome or perhaps an index of different outcomes in the Modesto area (Dr. Trende does not say). The legend in the map on the left is labelled as "D

⁶ See Mark Monmonier, *How to Lie with Maps*, University of Chicago Press, 1991; Claudia Engel, Jonathan Rodden, and Marco Tabellini, "Policies to Influence Perceptions of COVID Risk: The Case of Maps" *Science Advances* 8 (11), 2022.

%.” Dr. Trende does not tell us which election or elections are being used in either map, and there is no legend associated with the red-blue map on the right. It is difficult to determine whether the very different appearance of the two maps is driven by the choice of different elections or the choice of different break points and color schemes.

The red-blue map on the right is also mislabeled as a map of precincts. This map appears to be a screenshot from Dave’s Redistricting App, and the units of analysis in this map are in fact census block groups—the same unit as in the map on the left. The map on the left, by using 10 equal-interval categories and filling the block groups with color but not showing the block group boundaries, creates the appearance that partisanship is rather similar on both sides of the district boundary. This is evidently the narrative that Dr. Trende would like the reader to embrace.

However, the map on the right, which uses fewer categories, a different color scheme, and different break points, creates a different visual impression, implying there are fewer Democrats (or Democratic vote share) on the northeastern side of the boundary. This comparison underscores that without further information, one must be very careful about relying on such visual inspections of maps to draw useful inferences about the intent of map drawers.

The problem goes far beyond the choice of colors, legends, and break points. It is consequential that the red-blue map is mislabeled as a map of precincts. In fact, precincts in Modesto are much larger than census block groups. In many other states, district-drawers combine whole precincts to draw districts, and often try to avoid precinct splits to minimize the prospect of mistakes in ballot printing and other aspects of election administration. In California, perhaps because of the reduced importance of geographic precincts in a system with vote centers and a heavy reliance on vote by mail, district drawers use block groups, and sometimes they even split the block groups and use individual blocks. But in order to simplify and allow for the visualization of election results and demographics at the same geographic level, redistricting software is designed to take the election results from the higher unit of analysis—the precinct—and project it to a much smaller unit—the census block. All of Dr. Trende’s political data is evidently sourced from Dave’s Redistricting App, which explains its process of disaggregation from vote tabulation districts (aka precincts) to census blocks on its data repository page (https://github.com/dra2020/block_data) under the “disaggregation” heading.

In essence, disaggregation works as follows: if there are 600 votes for the Democratic candidate and 400 for the Republican candidate in a given precinct, they are simply apportioned to census blocks so that that each block is assumed to have the same 60-40 Democratic margin.⁷ Those blocks might be aggregated into block groups, but again, each would be assumed to have the same 60-40 margin. Accordingly, if one would make a choropleth map of partisanship in the area for a

⁷ Sometimes census blocks do not fit perfectly within precincts. In this case, a more complex process is used to attribute votes to blocks. This process is described in Brian Amos, Michael McDonald, Russel Watkins, “When Boundaries Collide: Construction a National Database of Demographic and Voting Statistics,” *Public Opinion Quarterly* 81: 385-400 (2017).

particular election using blocks or block groups, each of these blocks or block groups would have the same color.⁸ Thus, when one interacts with redistricting software and sees what appears to be election information at the level of blocks or block groups, one is actually seeing a blunt estimate of partisanship based on a larger unit of geography, and clumps of surrounding blocks or block groups will appear to have identical or very similar values. In other words, information on partisanship is blurry below the level of the precinct.

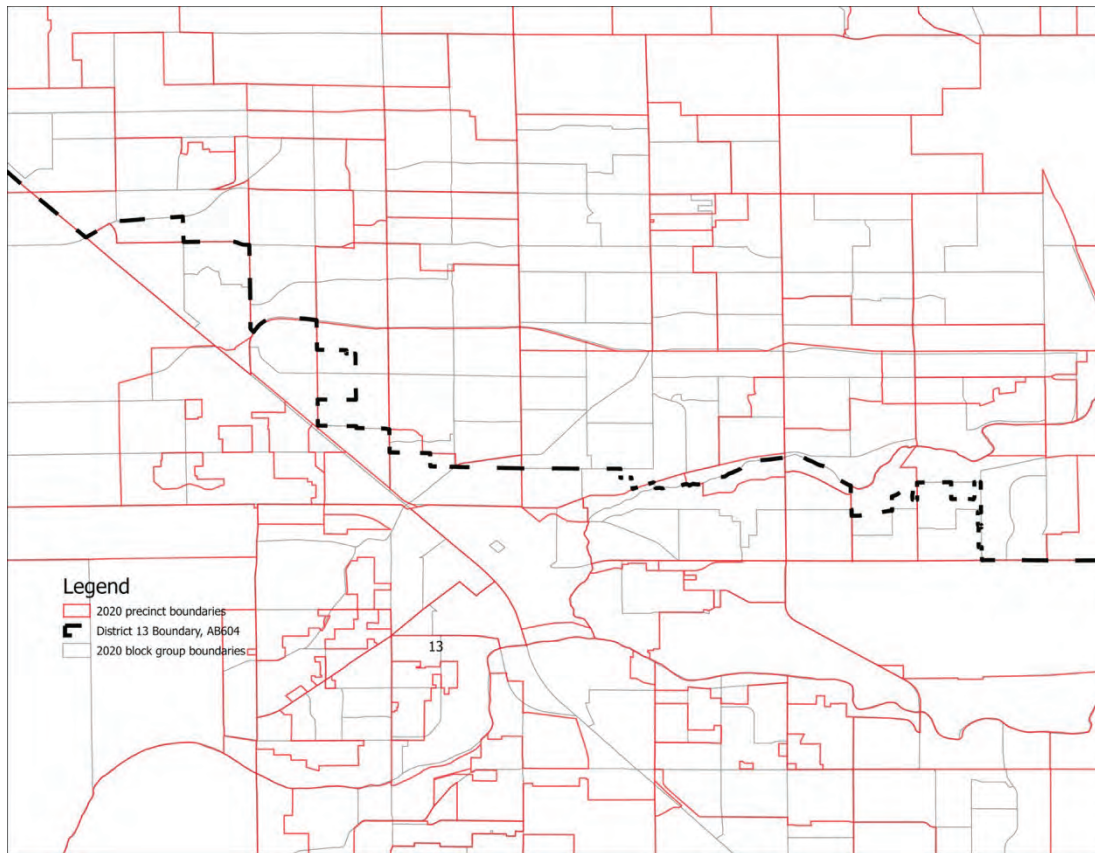
To illustrate this issue, imagine a precinct on the edge of a small city—the dividing line between urban Democratic precincts and suburban or rural Republican precincts. Imagine a district boundary was drawn along a creek that runs through the precinct. When looking at a choropleth map, the partisan vote share would appear to be the same on both sides of the boundary. If focusing only on the split precinct, one might mistakenly come to the view that the district line did not correspond to partisanship given the blurriness of the data, even if in fact the partisan differences on either side of the district line are stark. To focus on fine-grained comparisons of block-group or block-level political data in split precincts, where the original data source is precinct-level election results, is not only to miss the forest for the trees, but to draw an inference based on measurement error.

Dr. Trende’s analysis suffers from this blurring issue. In Dr. Trende’s Figure 9, reproduced above on the right-hand side of Figure 3, he implies that because there are shades of blue on both sides of the northern part of the boundary, the district line does not sort voters by party. In Dr. Trende’s terminology, some Democrats have been “left on the table” on the north side of the border. However, this impression is driven largely by the measurement error described above. The political data displayed in each of the census block groups that serve as the unit of analysis in the choropleth map are not actual election results, but inferences drawn as described above from larger precincts.

For the area along the Modesto District 13 boundary on which Dr. Trende focuses, Figure 4 displays the 2020 precinct boundaries (in red), the block group boundaries (in gray), and the boundary of District 13 in dashed bold black. It demonstrates that virtually all the precincts along the border (the source of 2020 political data) are composed of several block groups, and the congressional district boundary cuts through the precincts. Thus, Dr. Trende’s comparisons of political results immediately along the district boundary are not as meaningful as he portrays them to be.

⁸ To make matters more complex, the geographic structure of precincts changes from one election to the next in California. The mapping of election results to blocks is based on a different structure of precincts for each election, so that a composite index of election results for a specific block that appears on the computer screen in redistricting software will sometimes be based on outcomes in different precincts for different years. For that reason, adjoining blocks within the same 2024 precinct might have slightly different estimated Democratic vote share, and hence slightly different color, if they were in different precincts in, say, 2018 or 2020.

Figure 4: Boundaries of Census Block Groups, Precincts, and Congressional Districts in Modesto, CA



Another basic problem with Dr. Trende’s choropleth maps is that some small block groups contain many people—especially in urban neighborhoods—while other much larger block groups are almost empty—e.g. around parks, airports, or in rural areas. The eye can be drawn to the larger areas on the map, especially if filled with an eye-catching color, although they contain very few people. As described above, sparsely populated areas in the Central Valley are far more Republican than densely populated areas, which can further complicate visual inference when inspecting a choropleth map.

Dr. Trende’s maps of Hispanic voting-age population sometimes appear to produce large differences in Hispanic voting-age population on either side of the district boundary, but these are often driven by areas where the population is tiny and sparse on both sides of the border, or where dense urban neighborhoods are on one side of the boundary, and areas with low and sparse population are on the other side.

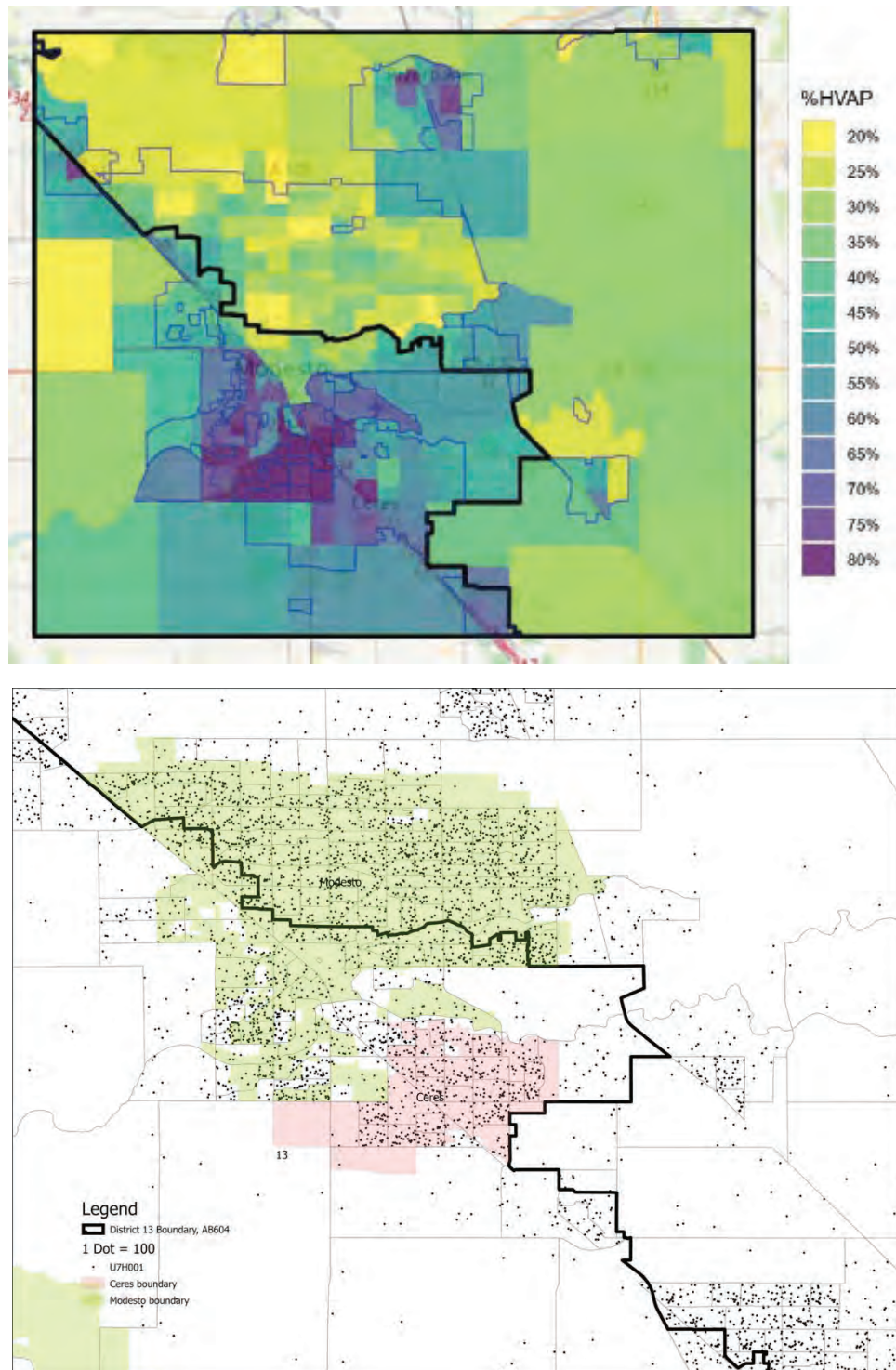
The top panel of Figure 5 reproduces Figure 11 from Dr. Trende’s report. It is a map of Hispanic voting-age population share in the Modesto area. The bottom panel of Figure 5 provides what is called a “dot density” map of the population in the Modesto area. Each dot represents 100 residents.

It shows that the population is very sparse on the eastern side of the map. Dr. Trende wishes to draw attention to the somewhat higher Hispanic voting-age population on the District 13 side of the border in the two census block groups that appear to be rather large on the map at the eastern edge of the outcropping. However, this is largely an urban-rural comparison, or a comparison of very sparsely populated block groups, one of which contains the Modesto airport. While his comparisons in the northern section of this section of the boundary are plagued with measurement error, those on the east are comparisons of places with very few voters.

This is a consequential problem. Dr. Trende argues that the District 13 boundary “captures a large Republican population in and around Ceres” in District 13, and that “if partisanship were really the motivating factor for this division, the district would drop some of the Republican areas in Ceres” (page 13). Evidently Dr. Trende’s eye was drawn to some of the larger pink areas in Ceres in his red-blue choropleth map. However, the census block groups portrayed in pink have relatively low population. I have identified the census block groups located in Ceres, and using the full set of statewide races from 2016 to 2024, I calculate that Ceres had a Democratic vote share of 54.6 percent, and only 3 small block groups out of 27 had Republican majorities, and these block groups contained few voters overall.⁹ Dr. Trende’s characterization of Ceres as a Republican stronghold appears to be an optical illusion, and there is no reason why a party-motivated district-drawer would have incentives to remove all or parts of Ceres from District 13.

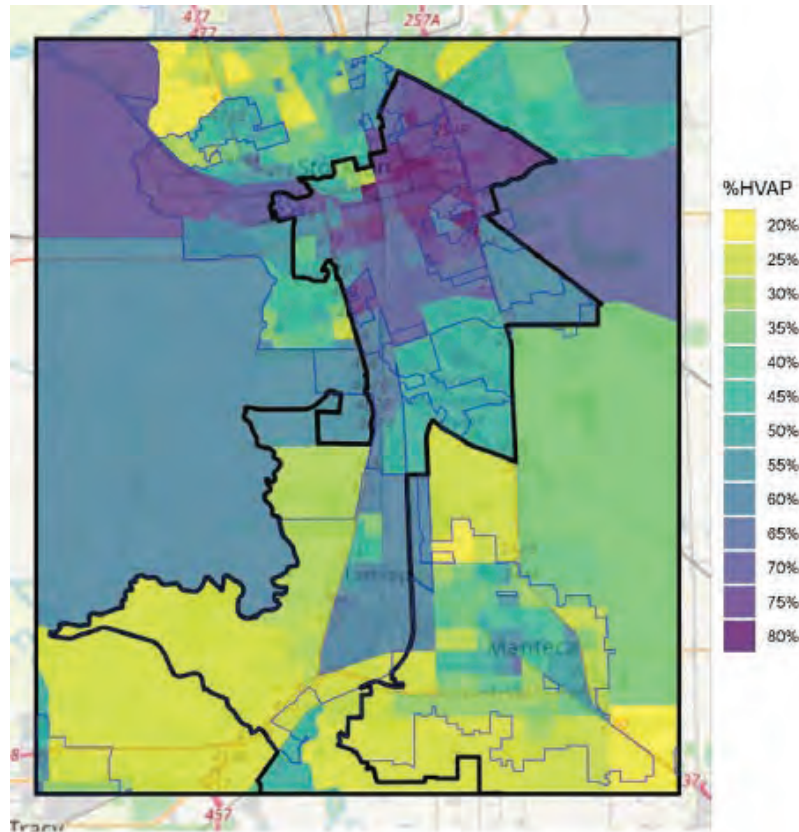
⁹ If I limit the calculation to the 2022 and 2024 elections, most block groups in Ceres were quite evenly divided, and the city was almost exactly 50 percent Democratic.

Figure 5: Trende Figure 11 (Top) and Dot Density Map of Population and Boundaries of Block Groups and Congressional Districts in Modesto and Ceres, CA (Bottom)



A similar set of issues arises in Dr. Trende's maps of Stockton. Figure 17 from Dr. Trende's report is reproduced below, here as Figure 6. Dr. Trende draws attention to what appears as a stark difference in Hispanic voting-age population on the eastern side of the appendage.

Figure 6: Reproduction of Trende Figure 17



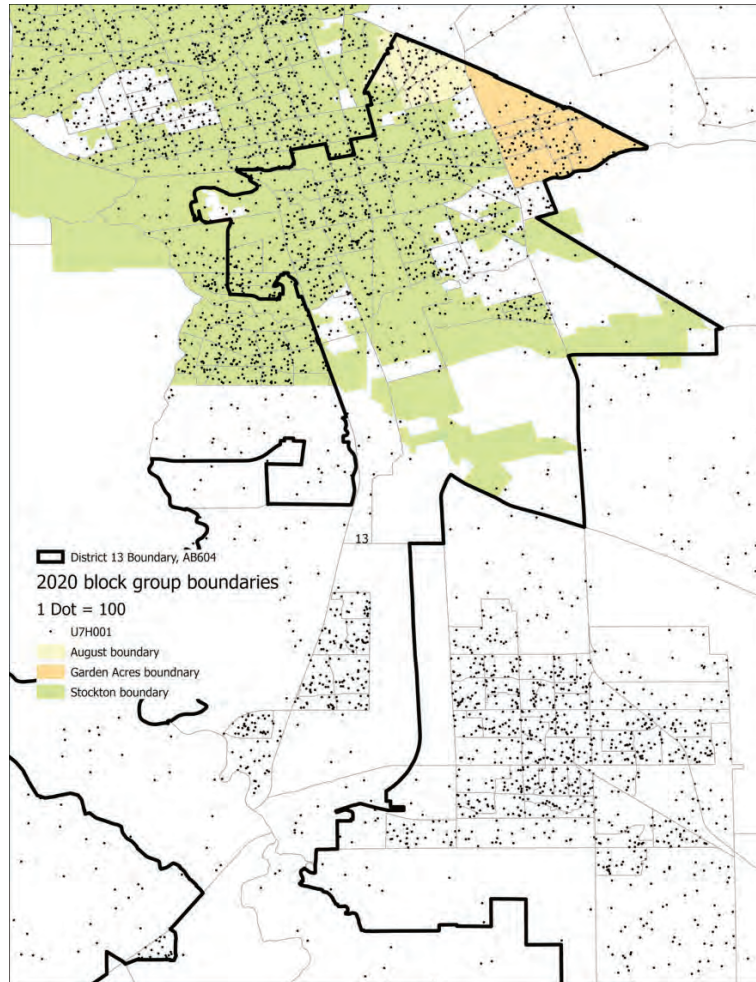
Dr. Trende's choropleth map, however, omits some important information. Figure 7 provides a dot density map for the northern appendage of District 13 in the Stockton area, also including the boundaries of the city of Stockton and the cities of August and Garden Acres.

Notably, the northeastern boundary of the appendage follows the city boundaries of August and Garden Acres. Dr. Trende fails to account for these political subdivision boundaries, which provide an ethnicity-neutral explanation for the district boundary line.

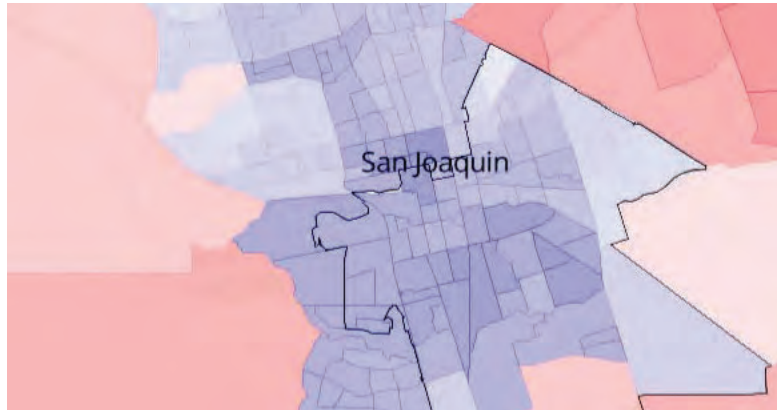
Dr. Trende also fails to account for the disparities in population density on either side of the line. Along much of the eastern side of the appendage, one is comparing areas with extremely low

population, one of which again contains the city's airport. In the Northeast, one is comparing the cities of Garden Acres and August with a very rural area immediately across the district boundary.

Figure 7: Dot Density Map of Population and Boundaries of Block Groups and Congressional Districts in the Stockton, CA Area



As explained above, voting behavior is highly correlated with population density, so the sudden transition from the density of Garden Acres and August to undeveloped farm fields corresponds not only to a quick decline in the Hispanic population, but also to a large decline in Democratic voting, as can be seen in Dr. Trende's Figure 15, which is reproduced below as Figure 8.

Figure 8: Reproduction of Trende Figure 15

Even if we probe further with this approach, it does not support Dr. Trende's conclusion that the redrawing of District 13 was motivated by ethnic considerations. First, Dr. Trende does not discuss or display the boundary of the previous map. In Figure 9, I provide a choropleth map of Hispanic citizen voting-age population share at the level of block groups, along with the prior boundary of District 13 (in red) and the 2025 version in black.

Figure 9 clarifies that the new boundary is very similar to the old boundary. It does not appear that the small movements in the placement of the boundary between Districts 5 and 13 had much to do with the presence or absence of Hispanic voters.

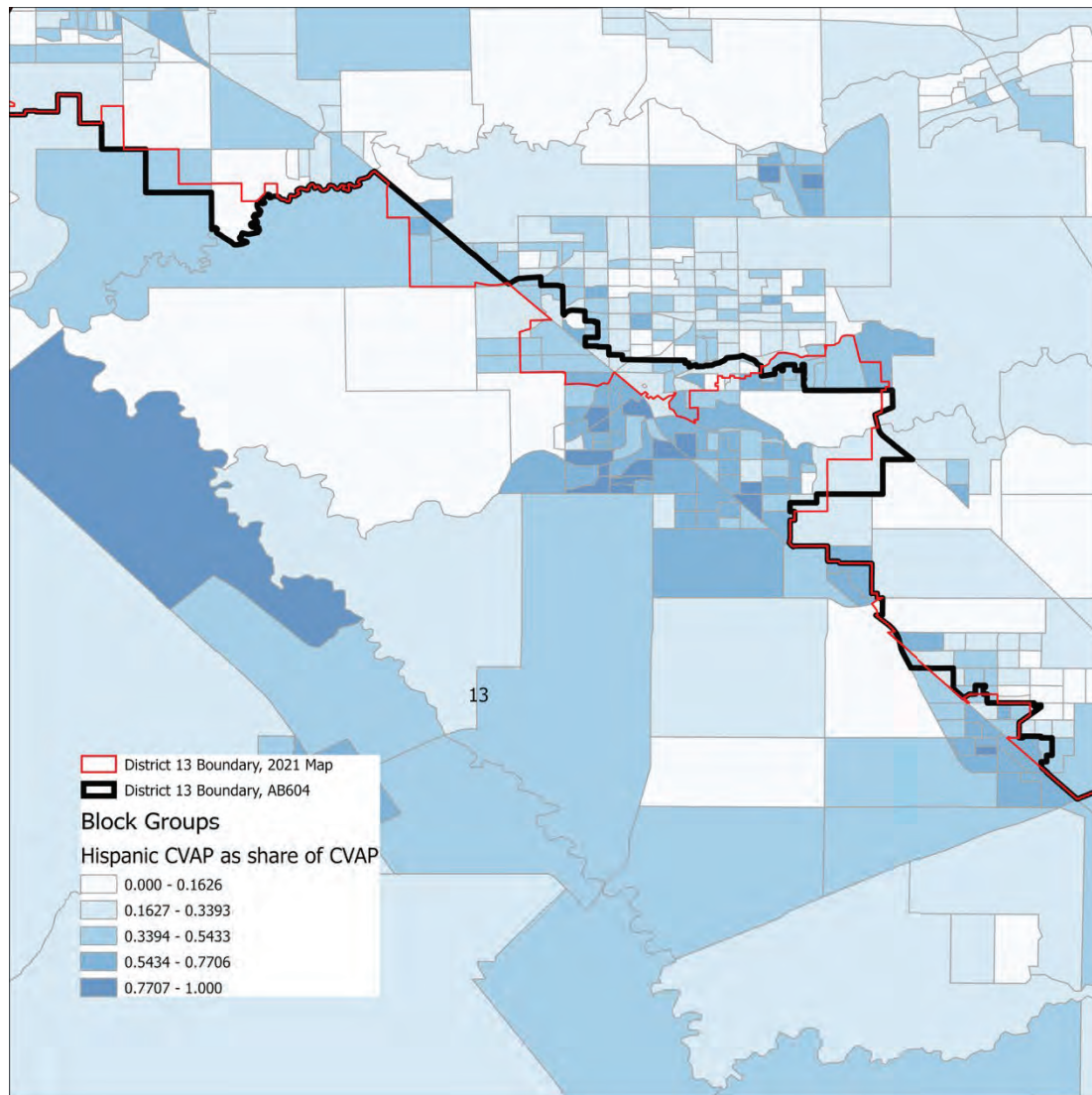
It is possible to move beyond visual inspection of maps and examine some data. I have identified all the census blocks removed from District 13 and placed in District 5. Collectively, these blocks had a Hispanic voting-age population share of 51.8 percent, and a Hispanic citizen voting-age population share of 45.9 percent. I have also identified all the census blocks removed from District 5 and placed in District 13. These areas had Hispanic voting-age population share of 43.3 percent, and a Hispanic citizen voting-age population share of 36.4 percent. Thus, the data contradict Dr. Trende's claims: the small changes along the border of Districts 5 and 13 placed modest *downward* pressure on the Hispanic voting-age population share of District 13.

I have also calculated the estimated Democratic vote share in the census blocks removed from District 13 and placed in District 5: 39.1 percent using the broader set of statewide elections from 2016 to 2024. The estimated Democratic vote share in the blocks moved from District 5 to 13 was 51.8 percent.¹⁰ Thus, the small changes along the boundary of Districts 5 and 13 traded solidly Republican areas for evenly divided ones, modestly increasing the estimated Democratic vote

¹⁰ The corresponding figures were 37.2 percent and 49.72 percent using only the most recent elections.

share of District 13, with the caveat that these estimates are imprecise because of the “blurring” problem explained above.

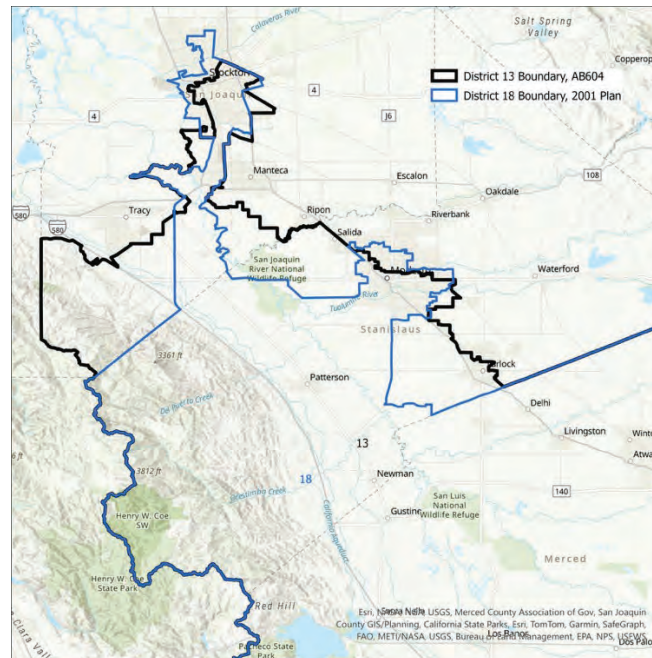
Figure 9: Choropleth Map of Hispanic Citizen Voting-Age Population Share in Modesto Area with 2021 and 2025 Congressional Boundaries



In the Stockton area, a relatively large chunk of new population was added to the district. Unlike the shared boundary with District 5 to the east, much of the shared boundary between District 13 and District 9 in the far northern section of District 13’s Stockton appendage was not present in the 2021 map (see Figure 1 above). However, it should be noted that this appendage did not appear for the first time in AB 604. In the California congressional districts implemented in 2001, and used in elections from 2002 to 2010, there was a rather similar district (numbered 18 at the time) that linked Merced, Modesto, and Stockton. An image of this district, along with District 13 in AB

604, is provided in Figure 10, showing that the Stockton appendage to the district looked quite similar in the 2001 redistricting plan.

Figure 10: District 18 in the 2001 Redistricting Plan and District 13 in AB 604



Dr. Trende's contention seems to be that in bringing back this configuration, the Stockton appendage of AB 604 was drawn with a focus on ethnicity rather than partisanship. Recall that these urban areas with relatively large Hispanic and very Democratic population were added, and rural areas to the South with an equally large Hispanic but less Democratic population were removed. However, since Dr. Trende focuses on the Stockton area in isolation, it is also useful to move beyond visual impressions of maps and take a quantitative approach to the border between Districts 9 and 13.

First, it is useful to evaluate the ethnicity and partisanship of the census blocks moved from District 9 to 13. The areas moved from District 9 into District 13 had a Hispanic voting-age population share of 68.1 percent, and a Hispanic citizen voting-age population of 61.8 percent. These blocks also had an estimated Democratic vote share of 70.5 percent using the partisan index of elections from 2016 to 2024.¹¹ In other words, even if we focus exclusively on the areas added to District

¹¹ The Democratic vote share was 66.6 percent using only the 2022 and 2024 elections. While 1,632 census blocks were moved from District 13 to District 9, only 40 census blocks were moved from District 9 to 13. These had Hispanic VAP share of 26.93 percent, Hispanic citizen VAP of 13.92 percent. They had an estimated Democratic vote share of 39.0 percent using the expansive partisan index, or 37.53 percent using the most recent elections.

13 from District 9, and ignore the rural areas dropped from District 13 to the south, it is not clear how one might conclude that ethnicity was somehow more important than partisanship in the extension of the northern appendage into Stockton.

Dr. Trende's approach ignores previous configurations of the district and focuses on visualizations of ethnicity and past election results along the boundary between Districts 9 and 13. His main claim in the Stockton area seems to be that the color differences at the boundary appear to be more striking for ethnicity than for party, at least for some portions of the boundary.

Dr. Trende's supposition—that raw differences in ethnicity are larger than raw differences in partisanship along the boundary between District 13 and District 9 in the area covered by his Stockton-area maps—is not borne out. To better quantify the purported racial differences on either side of this boundary, I have selected each block group in District 13 along the boundary in the area covered by Dr. Trende's map of the Stockton area. For each of those block groups, I identify the block group on the opposite side of the border and compare the ethnic demographics on either side of the boundary. For each District 13 block group that touches the border, if there are multiple adjoining block groups on the District 9 side, I add up the total Hispanic voting-age population in those block groups and divide by the total voting-age population. In this way, I compare cross-border matched block groups. I can then characterize each District 13 boundary-adjacent block group according to whether its cross-border match (or matches) have a lower Hispanic voting-age population. This is true in 70 percent of the matched pairs. Additionally, I calculate the difference in HVAP for each matched pair and take a population-weighted average. This calculation indicates that on average, the block groups on the District 13 side have a Hispanic voting-age population that is higher than their adjoining block groups on the District 9 side by 2.5 percentage points.

However, similar or even larger differences exist when considering partisanship. Recall from above the problem of “blurring” of partisan data at the level of block groups because the district boundary sometimes bisects precincts. This problem is also present in the Stockton area, though to a lesser extent than in the Modesto area, since the district boundary corresponds somewhat better with precinct boundaries. While there are reasons to be skeptical about calculating raw differences in partisanship between adjacent block groups directly across the boundary, I calculate the difference between the Democratic vote share of the block group on the District 13 side of the boundary and its matched pair on the District 9 side. Exactly like the HVAP, the Democratic vote share on the District 13 side is higher in 70 percent of the matched pairs. Moreover, while the weighted average of the difference between HVAP on either side of the boundary is 2.5 percentage points, the difference is 10.4 percentage points for party. Thus, if one ignores the problems with Dr. Trende's basic approach—comparing ethnic and partisan differences immediately on either side of the boundary—but tries to quantify those differences rather than relying on visual

inspection of maps, one discovers that the raw difference in partisanship is greater than that for ethnicity, which in Dr. Trende's framework would imply partisan rather than racial predominance.

Partisans "Left on the Table"

In discussing his maps, Dr. Trende recognizes that a large change in the size of the Hispanic population when moving from one block group to another on the map very often corresponds with a large change in voting behavior. In addition to his dubious assertion that the differences look starker for ethnicity than party, he also points to a very small handful of areas where the district boundary appeared, in his view, not to correspond to partisanship. In his parlance, these are instances where the map-drawer "left Democrats on the table." His logic seems to be that since there may be a few places in which District 13 could have been made more Democratic, the map-drawer must have been motivated by something other than partisanship, and that something must have been ethnicity.

There are several problems with this logic. First, it cannot always be possible for a party-motivated district-drawer to grab every conceivable partisan due to the need to equalize population across districts, avoid unnecessary splits of county and municipal boundaries, or consideration of other traditional redistricting criteria. Second, and more importantly here, it was clearly the case that the district-drawer was simultaneously trying to increase the Democratic vote share of District 9 on the other side of the boundary from District 13 in the Stockton area.

In the 2021 map, using the partisan index of statewide elections from 2016 to 2024, Democratic candidates in District 9 received 52.34 percent of the two-party vote. Using only the 2022 and 2024 data, it was a true toss-up, with a Democratic vote share of 50.27 percent. After being redrawn, District 9 had a Democratic vote share of 58.74 percent using the more expansive set of elections, and 56.81 using only the recent elections. Thus, while the Democratic vote share of District 13 increased by around 3 percentage points, the Democratic vote share of District 9 increased by more than 6 percentage points.

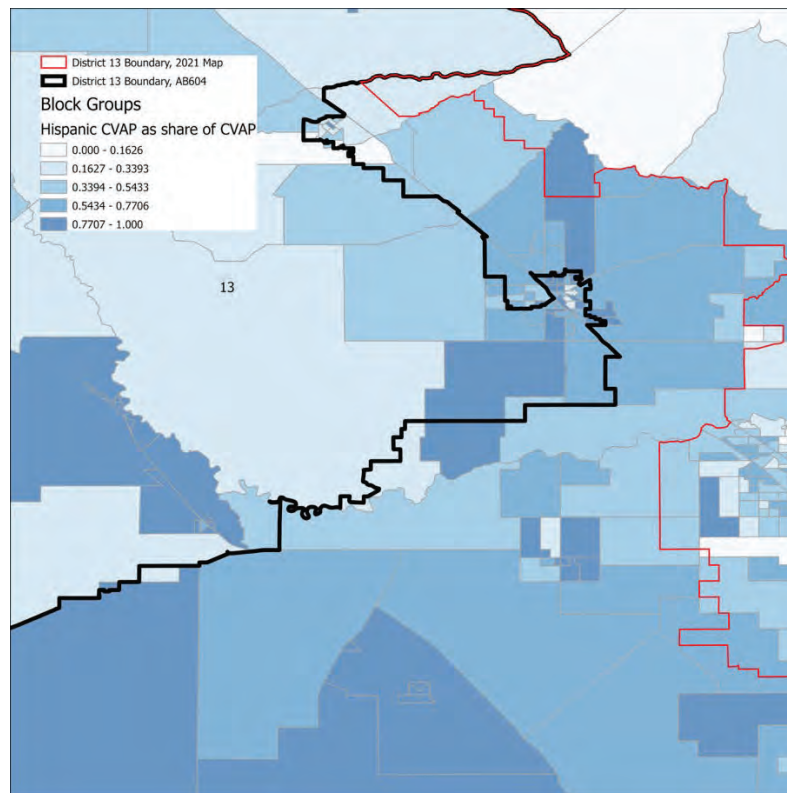
In short, the approach of AB 604 seems to have involved sharing the rich vein of Democrats in Stockton between the two districts. Thus, it is not surprising to see that the boundary running through urban neighborhoods of Stockton did not correspond with partisanship. In these sections of the map, it also did not correspond closely with Hispanic voting-age population share. In Figure 17 of Dr. Trende's report, which is reproduced above as Figure 6 above, along the northwestern part of the district boundary on the map, running through urban neighborhoods in Stockton, one can see shades of yellow, indicating low values of Hispanic voting-age population, on the District 13 side, and shades of green and blue, indicating higher values, on the District 9 side.

There is no evidence for Dr. Trende's claim that the boundary separating District 13 and District 9 in the Stockton area was drawn to increase the Hispanic population of District 13. Some heavily Hispanic neighborhoods with Hispanic voting-age population well above 70 percent along the

district boundary were placed on the District 9 side, including the majority-Hispanic El Pinal neighborhood. At the same time, several populous block groups dominated by non-Hispanic voters were placed along the boundary on the District 13 side, including downtown neighborhoods around the Stockton Memorial Civic Auditorium with Hispanic voting-age population share ranging from 28 percent to 33 percent.

Beyond the District 9/13 boundary in the Stockton area, there are many other places along the boundary where the district was clearly not drawn to increase the Hispanic population share. Figure 11 focuses on the southeast corner of District 13. It shows that there are many block groups with very high Hispanic citizen voting-age population share—in many cases well above 70 percent—along the district boundary that were left out of District 13, even though they had been included in the prior version of the district.

Figure 11: Choropleth Map of Hispanic Citizen Voting-Age Population Share in the Southeast Corner of District 13, 2021 and 2025 Congressional Boundaries



In the Modesto area, I clarified above that for the most part, the Democrats who appeared to be “left on the table” along the district boundary between District 13 and District 5 live in fragments of precincts that were split by the district boundary. As can be seen from Dr. Trende’s maps, the suburban block groups in question are not especially Democratic. Dr. Trende does not explain which block groups he believes the district-drawer should have dropped in order to add these block groups, since much of the district boundary corresponds to a county boundary. The most Democratic-leaning of the block groups along the border had an estimated Democratic vote share

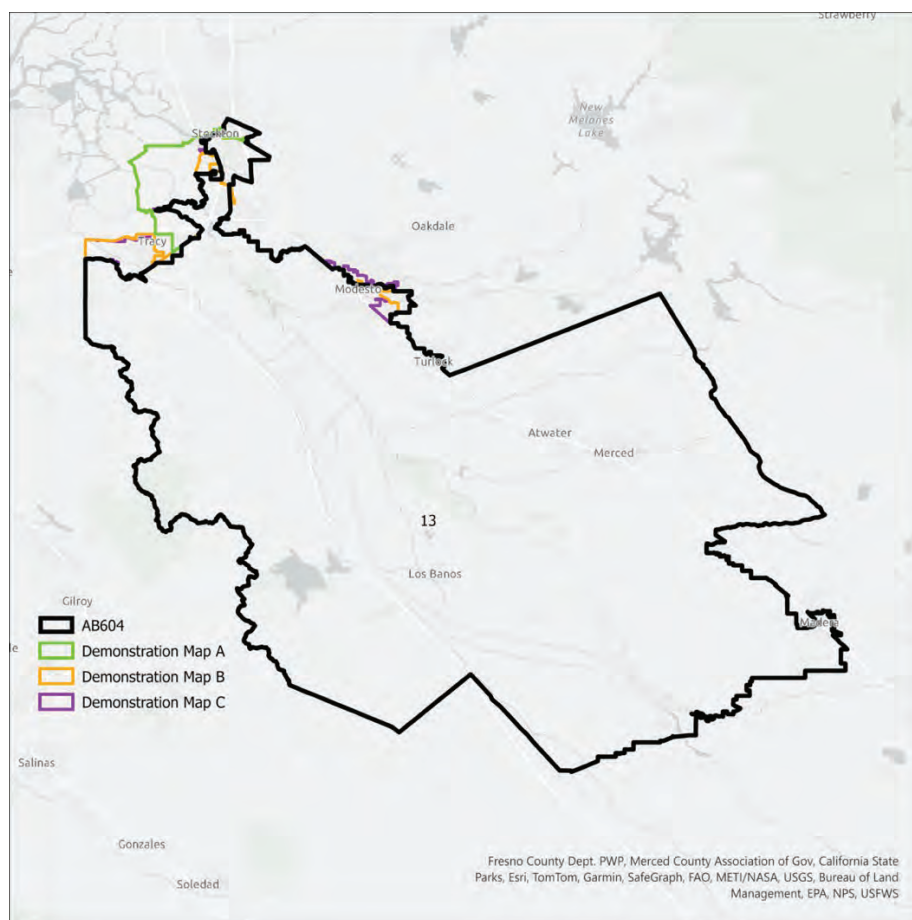
only slightly above 50 percent. Adding them would not necessarily have made the district more Democratic.

In sum, Dr. Trende does not provide evidence that pockets of Democratic voters were left out of District 13 in order to include Hispanic residents or exclude non-Hispanic voters.

VI. DEMONSTRATION MAPS

Dr. Trende points to three “Demonstration Maps” in Section Four of his report. These maps make relatively small changes to the boundaries of District 13 in AB 604. The vast majority of the district’s territory and population remain unaltered—meaning Dr. Trende’s maps retain most of the features he claims are racially-driven, and small changes only occur in the northern part of the district. This can be visualized in Figure 12, which shows the AB 604 boundary in black, Demonstration Map A in green, Map B in orange, and Map C in purple. The AB 604 boundary covers the boundaries of the other maps in black in the areas where they are the same. These small changes to the district boundaries also create relatively small changes in the Hispanic voting-age population, while also generating small decreases in the district’s Democratic vote share.

Figure 12: Boundary of District 13 in AB 604 and 3 Demonstration Maps



Each of the demonstration maps removes residents from a handful of census block groups from District 13 in the Stockton area and replaces them with an equal number of nearby residents from District 9. Map A stops there, while Maps B and C also make additional swaps between District 13 and District 5 in the Modesto area.

Since the changes to the maps are subtle, as Dr. Trende points out, compactness scores are relatively similar to AB 604. Each of the demonstration maps is slightly less compact than AB 604 according to the Reock score, but slightly more compact according to the Polsby-Popper score.

While the move from the 2021 map to AB 604 led to a slight reduction in the Hispanic voting-age population share of the district, Dr. Trende made efforts to further reduce the Hispanic voting-age population share of District 13 by removing the largest pockets of border-adjacent Hispanic residents and replacing them with members of other groups—primarily Asian and Black residents in Demonstration Map A, and a mix of Asian, Black, and White residents in Maps B and C.

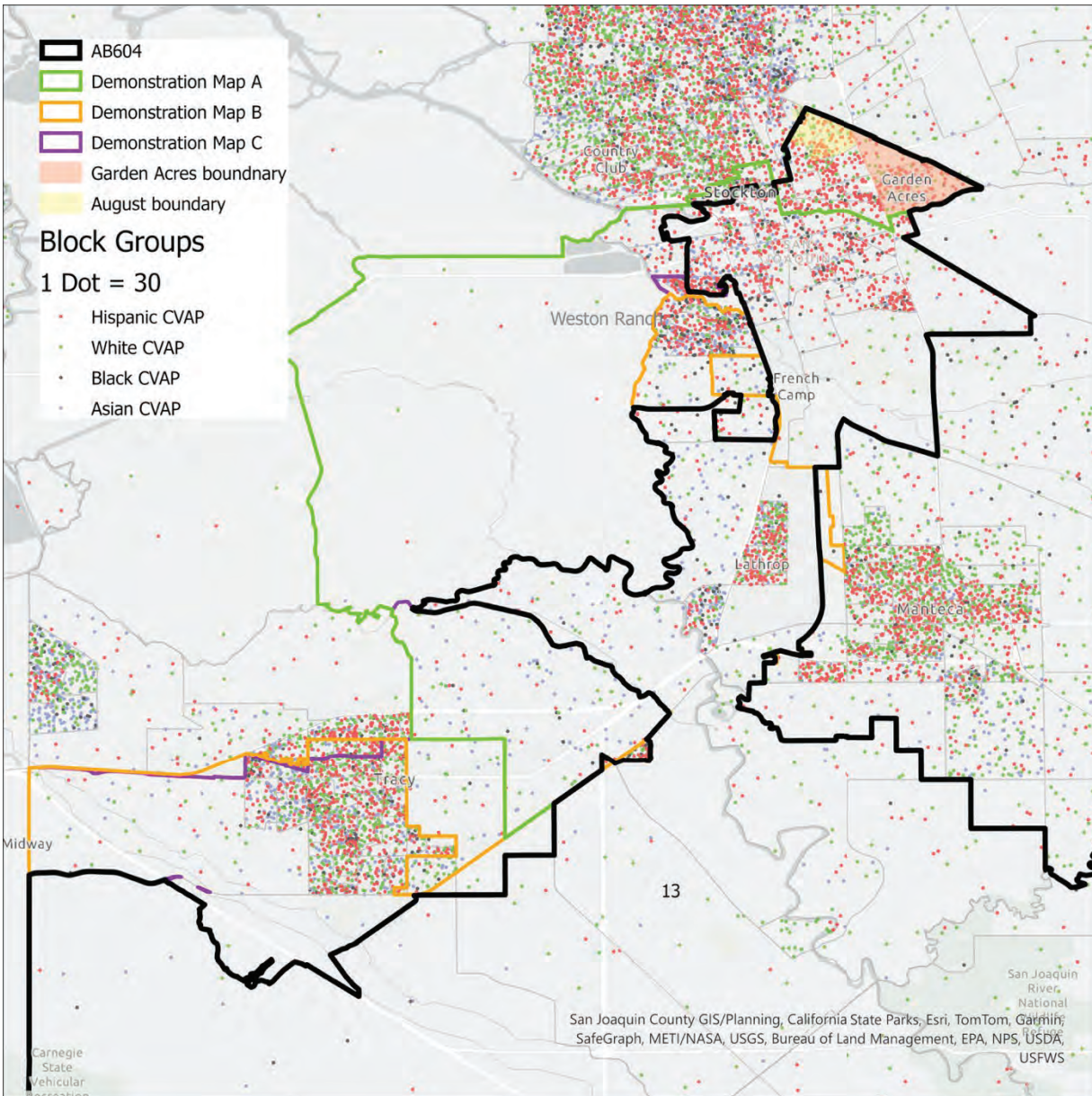
The most consequential change in each of these demonstration maps was the removal of two communities in the Stockton metro area: Garden Acres, with a 2020 population of 11,398 and a Hispanic voting-age population share of 78 percent; and August, with a 2020 population of 8,628 and a Hispanic VAP of 76 percent. These communities, at the far northeastern end of the appendage of District 13, are shaded orange and yellow in Figure 13. These areas voted overwhelmingly for Democrats in recent elections. By removing these areas, along with an adjacent fragment of Stockton, Dr. Trende was able to shave the Hispanic population of the district. He then had to replace the lost voters. In Map A, he did so by adding a diverse suburban neighborhood of Stockton called Weston Ranch just over the AB 604 boundary to the west, along with some adjacent very sparsely populated areas, thus widening the northern appendage of the district.

Figure 13 includes a dot density map, where each dot represents 30 citizens. The map represents Hispanic, Black, White, and Asian citizens with different colors. In essence, Demonstration Map A removed a heavily Hispanic Democratic area and exchanged it for a nearby area with a more diverse mix of Hispanic, Black, and Asian residents that was also very Democratic, which left the white population exactly the same in both maps. The Hispanic voting-age population fell slightly, by 1.6 percentage points.

Demonstration Map A retains virtually all the boundaries that Dr. Trende characterized as providing evidence of racial predominance in line drawing, including the eastern side of the northern appendage and the entire boundary in the Modesto area. If these boundaries are problematic, the demonstration map does not fix the problem.

Calculated using the same set of statewide elections from 2016 to 2024 that have been used throughout the report, these slight changes to District 13 in Dr. Trende's Demonstration Map A make it slightly less Democratic, going from 54.41 percent to 54.35 percent.¹²

Figure 13: Boundary of District 13 in AB 604 and 3 Demonstration Maps, Stockton Area



¹² Using only the 2022 and 2024 elections, the district appears to be slightly more Democratic, going from 51.30 percent in AB 604 to 51.41 percent in Demonstration Map A.

The approaches of Demonstration Maps B and C in the Stockton area were very similar to one another. In addition to removing Garden Acres and August, they dropped a larger chunk of Stockton, which also has a relatively high Hispanic voting-age population. Both maps introduce a new city split of Tracy, the home of District 9 representative Josh Harder, which is entirely in District 9 in AB 604, adding a section of it to District 13. Like Weston Ranch, Tracy is a heterogeneous area, with a Hispanic population of around 39 percent and a relatively large Asian population.

Tracy is also quite Democratic in its voting behavior, but not quite as much so as the parts of Stockton that Dr. Trende removed in configuring Demonstration Maps B and C. To achieve his attempted reductions in the size of the Hispanic population, Dr. Trende was forced to reduce the district's Democratic vote share (from 54.41 percent to 53.87 percent).¹³ Moreover, like Demonstration Map A, Demonstration Map B keeps most of the Modesto-area boundary that Dr. Trende characterized as racially motivated.

Relative to AB 604, Demonstration Map A reduced the Hispanic voting-age population by 1.6 percentage points. Demonstration Map B reduced the Hispanic voting-age population by 4.5 percentage points by trading parts of the Stockton area for a slice of Tracy. Demonstration Map C makes further changes in the Modesto area that bring the Hispanic voting-age population lower than AB 604 by 5.4 percentage points. However, this is achieved by splitting the city of Ceres, which had been kept whole in AB 604 in District 13. As can be seen in Figure 14, Demonstration Map C moves a part of Ceres with a relatively large Hispanic population out of District 13, and in the city of Modesto, more heterogeneous areas were moved into District 13 to make up for the loss, with a net effect of reducing the overall district Hispanic population share. As with Demonstration Map B, these moves also made the district slightly less Democratic. Using the partisan index introduced above, the Democratic vote share in District 13 in AB 604 is 54.41 percent, whereas it is 53.76 percent in Demonstration Map C.¹⁴

In sum, Dr. Trende's efforts to make small changes around the district boundary aimed at removing Hispanic voters from District 13 appear to reveal a trade-off. As border-adjacent Hispanic voters are removed from the district, its Democratic vote share decreases. This trade-off can be visualized in Figure 15, which plots the change in Hispanic voting-age population share vis-à-vis AB 604 on the horizontal axis (-1.6 percentage points for Map A, -4.5 for Map B, and -5.4 for Map C), and the change in Democratic vote share vis-à-vis AB 604 on the vertical axis (-.06 percentage points for Map A, -.54 for Map B, and -.64 for Map C). Small decreases in the Hispanic voting-age population share of District 13 in Dr. Trende's demonstration maps correspond to small decreases in the Democratic vote share.

¹³ Using only the most recent elections, District 13 in Demonstration Map B has a Democratic vote share of 51.16 percent, compared with 51.30 percent for AB 604.

¹⁴ Using only the most recent general elections, the Democratic vote share in District 13 in AB 604 is 51.30 percent, whereas in Demonstration Map C it is 51.17 percent.

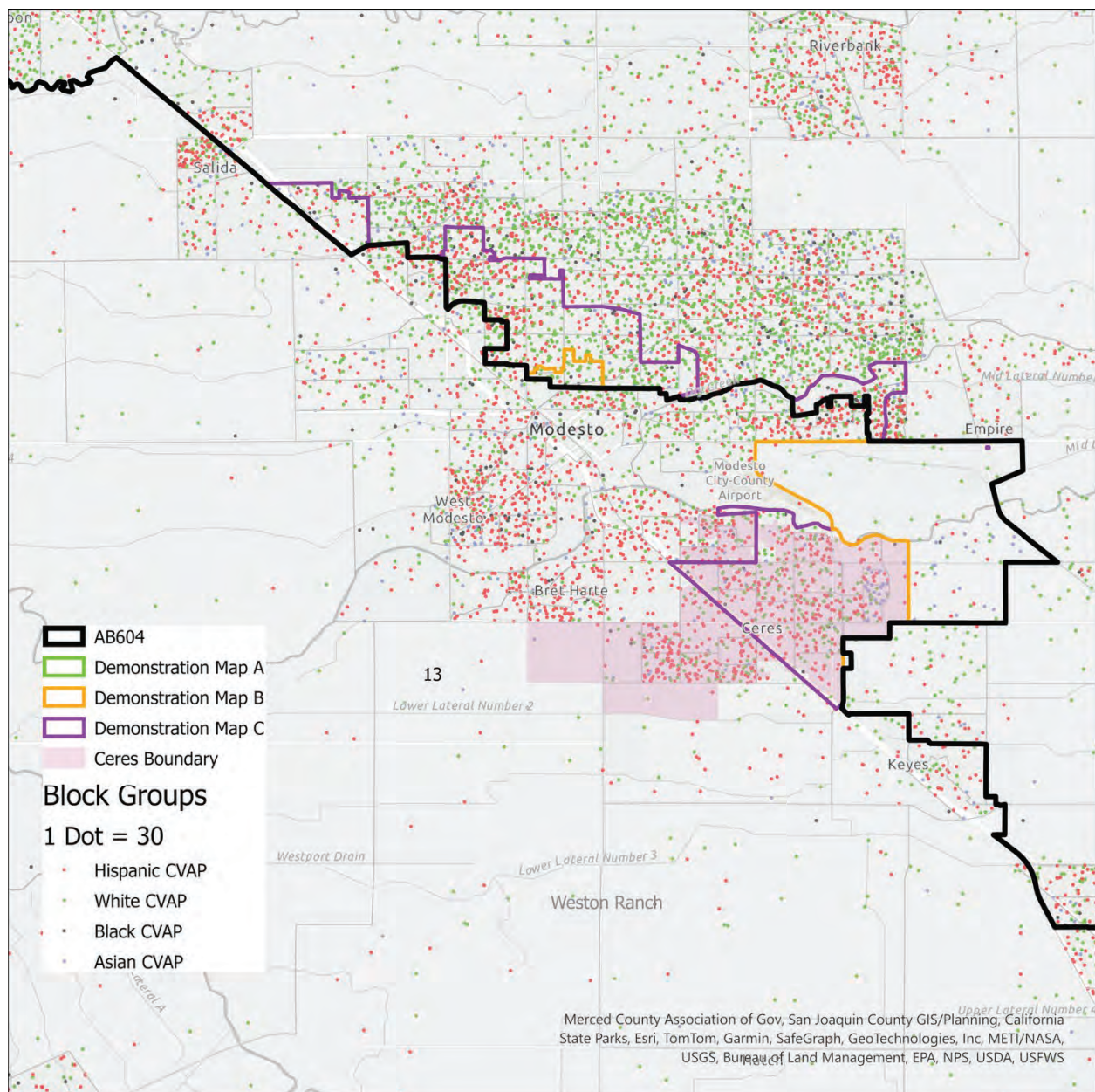
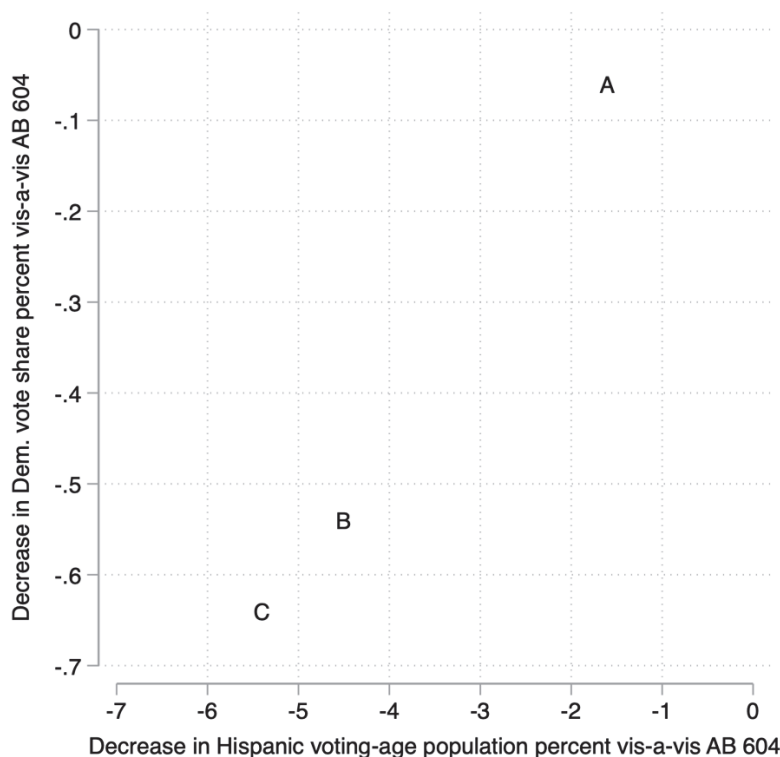
Figure 14: Boundary of District 13 in AB 604 and 3 Demonstration Maps, Modesto Area

Figure 15: Changes in Hispanic Voting-Age Population Share vis-a-vis AB 604 and Changes in Democratic Vote Share vis-à-vis AB 604, Trende Demonstration Maps



VII. CONCLUSION

Choropleth maps can be a powerful visual tool to convey quantitative spatial information. However, one must be very careful in drawing causal conclusions from visual comparisons of maps of different quantities without accompanying quantitative analysis and careful consideration of alternative explanations. In this case, Dr. Trende’s simple visual comparison of maps of ethnicity and party along very small sections of the District 13 boundary is very poorly suited to the task of disentangling the role of ethnicity and party in the construction of congressional districts in California’s Central Valley.

Dr. Trende’s report provides no evidence of racial predominance in the construction of District 13, or any effort to “enhance the Hispanic Voting Age Population and Hispanic Citizen Voting Age Population in the district” (Trende Declaration, p. 3). On the contrary, the available evidence indicates 1) no marked change in the district’s overall Hispanic voting-age population share (or Hispanic citizen voting-age population share) and 2) no meaningful difference in Hispanic voting-age population share (or Hispanic citizen voting-age population share) among the areas retained

in, moved out of, and moved into District 13. In contrast, the places moved in were far more urban and Democratic than those retrained or moved out.

Finally, Dr. Trende's demonstration maps leave most of the boundaries of District 13 in AB 604 intact, including some of the boundaries that Dr. Trende characterized as racially motivated. These demonstration maps remove relatively small numbers of Hispanic voters from District 13 and in so doing, slightly decrease the Democratic vote share of the district.

Executed on December 3, 2025



Jonathan Rodden

Jonathan Rodden

Stanford University
Department of Political Science
Encina Hall Central
616 Jane Stanford Way
Stanford, CA 94305

Phone: (650) 723-5219
Email: jrodden@stanford.edu
Homepage: <http://www.jonathanrodden.com>

Education

Ph.D. Political Science, Yale University, 2000.

Fulbright Scholar, University of Leipzig, Germany, 1993–1994.

B.A., Political Science, University of Michigan, 1993.

Academic Positions

Professor, Department of Political Science, Stanford University, 2012–present.

Senior Fellow, Stanford Institute for Economic Policy Research, 2020–present.

Senior Fellow, Hoover Institution, Stanford University, 2012–present.

Director, Spatial Social Science Lab, Stanford University, 2012–present.

W. Glenn Campbell and Rita Ricardo-Campbell National Fellow, Hoover Institution, Stanford University, 2010–2012.

Associate Professor, Department of Political Science, Stanford University, 2007–2012.

Fellow, Center for Advanced Study in the Behavioral Sciences, Palo Alto, CA, 2006–2007.

Ford Career Development Associate Professor of Political Science, MIT, 2003–2006.

Visiting Scholar, Center for Basic Research in the Social Sciences, Harvard University, 2004.

Assistant Professor of Political Science, MIT, 1999–2003.

Instructor, Department of Political Science and School of Management, Yale University, 1997–1999.

Publications

Books

Why Cities Lose: The Deep Roots of the Urban-Rural Divide. Basic Books, 2019.

Decentralized Governance and Accountability: Academic Research and the Future of Donor Programming. Co-edited with Erik Wibbels, Cambridge University Press, 2019.

Hamilton's Paradox: The Promise and Peril of Fiscal Federalism, Cambridge University Press, 2006. Winner, Gregory Luebbert Award for Best Book in Comparative Politics, 2007; Martha Derthick Award for lasting contribution to the study of federalism, 2021.

Fiscal Decentralization and the Challenge of Hard Budget Constraints, MIT Press, 2003. Co-edited with Gunnar Eskeland and Jennie Litvack.

Peer Reviewed Journal Articles

The Great Global Divider? A Comparison of Urban-Rural Partisan Polarization in Western Democracies, 2024, *Comparative Political Studies* 58(2): 261-290 (with Twan Huijsmans). Winner, Frances Rosenbluth Best Paper Award, *Comparative Political Studies*.

The Great Recession and the Public Sector in Rural America, 2024, *Journal of Economic Geography* 24(3): 441-458.

How Social Context Affects Immigration Attitudes, 2023, *Journal of Politics* 85(2): 372-388 (with Adam Berinsky, Christopher Karpowitz, Zeyu Chris Peng, and Cara Wong).

Homicide Deaths Among Adult Cohabitants of Handgun Owners in California, 2004 to 2016: A Cohort Study, 2022, *Annals of Internal Medicine* 175(5): 804-811 (with David M. Studdert, Yifan Zhang, Erin E. Holsinger, Lea Prince, Alexander F. Holsinger, Garen J. Wintemute, and Matthew Miller).

Policies to Influence Perceptions about COVID-19 Risk: The Case of Maps. 2022, *Science Advances* 8(11): 1-9 (with Claudia Engel and Marco Tabellini).

Polarization and Accountability in COVID Times, 2022, *Frontiers in Political Science* January 19, 2022 (with Pablo Beramendi).

Who Registers? Village Networks, Household Dynamics, and Voter Registration in Rural Uganda, 2021, *Comparative Political Studies* 55(6), 899-932, <https://doi.org/10.1177/00104140211036048> (with Romain Ferrali, Guy Grossman, and Melina Platas).

Partisan Dislocation: A Precinct-Level Measure of Representation and Gerrymandering, 2021, *Political Analysis* 30(3), 403-425, doi:10.1017/pan.2021.13 (with Daryl DeFord Nick Eubank).

Who is my Neighbor? The Spatial Efficiency of Partisanship, 2020, *Statistics and Public Policy* 7(1):87-100 (with Nick Eubank).

Handgun Ownership and Suicide in California, 2020, *New England Journal of Medicine* 382: 2220-2229 (with David M. Studdert, Yifan Zhang, Sonja A. Swanson, Lea Prince, Erin E. Holsinger, Matthew J. Spittal, Garen J. Wintemute, and Matthew Miller).

Viral Voting: Social Networks and Political Participation, 2020, *Quarterly Journal of Political Science* 163: 265-284, (with Nick Eubank, Guy Grossman, and Melina Platas). Winner, *Political Ties Award* for the best paper on the subject of political networks.

It Takes a Village: Peer Effects and Externalities in Technology Adoption, 2020, *American Journal of Political Science* 64(3): 536-553, (with Romain Ferrali, Guy Grossman, and Melina Platas). Winner, 2020 Best Conference Paper Award, American Political Science Association Network Section.

Assembly of the LongSHOT Cohort: Public Record Linkage on a Grand Scale, 2019, *Injury Prevention* 26: 153-158 (with Yifan Zhang, Erin Holsinger, Lea Prince, Sonja Swanson, Matthew Miller, Garen Wintemute, and David Studdert).

Crowdsourcing Accountability: ICT for Service Delivery, 2018, *World Development* 112: 74-87 (with Guy Grossman and Melina Platas).

Geography, Uncertainty, and Polarization, 2018, *Political Science Research and Methods* doi:10.1017/psrm.2018.12 (with Nolan McCarty, Boris Shor, Chris Tausanovitch, and Chris Warshaw).

Handgun Acquisitions in California after Two Mass Shootings, 2017, *Annals of Internal Medicine* 166(10):698-706. (with David Studdert, Yifan Zhang, Rob Hyndman, and Garen Wintemute).

Cutting Through the Thicket: Redistricting Simulations and the Detection of Partisan Gerrymanders, 2015, *Election Law Journal* 14(4): 1-15 (with Jowei Chen).

The Achilles Heel of Plurality Systems: Geography and Representation in Multi-Party Democracies, 2015, *American Journal of Political Science* 59(4): 789-805 (with Ernesto Calvo). Winner, Michael Wallerstein Award for best paper in political economy, American Political Science Association.

Why has U.S. Policy Uncertainty Risen Since 1960?, 2014, *American Economic Review: Papers and Proceedings* May 2014 (with Nicholas Bloom, Brandice Canes-Wrone, Scott Baker, and Steven Davis).

Unintentional Gerrymandering: Political Geography and Electoral Bias in Legislatures, 2013, *Quarterly Journal of Political Science* 8: 239-269 (with Jowei Chen).

How Should We Measure District-Level Public Opinion on Individual Issues?, 2012, *Journal of Politics* 74(1): 203-219 (with Chris Warshaw).

Representation and Redistribution in Federations, 2011, *Proceedings of the National Academy of Sciences* 108, 21: 8601-8604 (with Tiberiu Dragu).

Dual Accountability and the Nationalization of Party Competition: Evidence from Four Federations, 2011, *Party Politics* 17, 5: 629-653 (with Erik Wibbels).

The Geographic Distribution of Political Preferences, 2010, *Annual Review of Political Science* 13: 297-340.

Fiscal Decentralization and the Business Cycle: An Empirical Study of Seven Federations, 2009, *Economics and Politics* 22(1): 37-67 (with Erik Wibbels).

Getting into the Game: Legislative Bargaining, Distributive Politics, and EU Enlargement, 2009, *Public Finance and Management* 9(4) (with Deniz Aksoy).

The Strength of Issues: Using Multiple Measures to Gauge Preference Stability, Ideological Constraint, and Issue Voting, 2008. *American Political Science Review* 102(2): 215-232 (with Stephen Ansolabehere and James Snyder).

Does Religion Distract the Poor? Income and Issue Voting Around the World, 2008, *Comparative Political Studies* 41(4): 437-476 (with Ana Lorena De La O).

Purple America, 2006, *Journal of Economic Perspectives* 20(2) (Spring): 97-118 (with Stephen Ansolabehere and James Snyder).

Economic Geography and Economic Voting: Evidence from the U.S. States, 2006, *British Journal of Political Science* 36(3): 527-47 (with Michael Ebeid).

Distributive Politics in a Federation: Electoral Strategies, Legislative Bargaining, and Government Coalitions, 2004, *Dados* 47(3) (with Marta Arretche, in Portuguese).

Comparative Federalism and Decentralization: On Meaning and Measurement, 2004, *Comparative Politics* 36(4): 481-500. (Portuguese version, 2005, in *Revista de Sociologia e Política* 25).

Reviving Leviathan: Fiscal Federalism and the Growth of Government, 2003, *International Organization* 57 (Fall), 695-729.

Beyond the Fiction of Federalism: Macroeconomic Management in Multi-tiered Systems, 2003, *World Politics* 54(4) (July): 494-531 (with Erik Wibbels).

The Dilemma of Fiscal Federalism: Grants and Fiscal Performance around the World, 2002, *American Journal of Political Science* 46(3): 670-687.

Strength in Numbers: Representation and Redistribution in the European Union, 2002, *European Union Politics* 3(2): 151-175.

Does Federalism Preserve Markets? 1997, *Virginia Law Review* 83(7): 1521-1572 (with Susan Rose-Ackerman). Spanish version, 1999, in *Quorum* 68.

Working Papers

Elections, Political Polarization, and Economic Uncertainty, NBER Working Paper 27961 (with Scott Baker, Aniket Baksy, Nicholas Bloom, and Steven Davis).

Federalism and Inter-regional Redistribution, Working Paper 2009/3, Institut d'Economia de Barcelona.

Representation and Regional Redistribution in Federations, Working Paper 2010/16, Institut d'Economia de Barcelona (with Tiberiu Dragu).

Changing the Default: The Impact of Motor-Voter Reform in Colorado (with Justin Grimmer), 2022.

Chapters in Books

Recessions and Ratchets: Federal Funds and Public Sector Employment, in *American Federalism Today*, edited by Michael Boskin, Hoover Institution Press.

The Urban-Rural Divide in Historical Political Economy, in *Oxford Handbook of Historical Political Economy*, edited by Jeffery A. Jenkins and Jared Rubin, 2023, Oxford University Press.

Political Geography and Representation: A Case Study of Districting in Pennsylvania (with Thomas Weighill), in *Political Geometry*, edited by Moon Duchin and Olivia Walch, 2022, Springer.

Keeping Your Enemies Close: Electoral Rules and Partisan Polarization, in *The New Politics of Insecurity*, edited by Frances Rosenbluth and Margaret Weir, 2022, Cambridge University Press.

Decentralized Rule and Revenue, 2019, in Jonathan Rodden and Erik Wibbels, eds., *Decentralized Governance and Accountability*, Cambridge University Press.

Geography and Gridlock in the United States, 2014, in Nathaniel Persily, ed. *Solutions to Political Polarization in America*, Cambridge University Press.

Can Market Discipline Survive in the U.S. Federation?, 2013, in Daniel Nadler and Paul Peterson, eds, *The Global Debt Crisis: Haunting U.S. and European Federalism*, Brookings Press.

Market Discipline and U.S. Federalism, 2012, in Peter Conti-Brown and David A. Skeel, Jr., eds, *When States Go Broke: The Origins, Context, and Solutions for the American States in Fiscal Crisis*, Cambridge University Press.

Federalism and Inter-Regional Redistribution, 2010, in Nuria Bosch, Marta Espasa, and Albert Sole Olle, eds., *The Political Economy of Inter-Regional Fiscal Flows*, Edward Elgar.

Back to the Future: Endogenous Institutions and Comparative Politics, 2009, in Mark Lichbach and Alan Zuckerman, eds., *Comparative Politics: Rationality, Culture, and Structure* (Second Edition), Cambridge University Press.

The Political Economy of Federalism, 2006, in Barry Weingast and Donald Wittman, eds., *Oxford Handbook of Political Economy*, Oxford University Press.

Fiscal Discipline in Federations: Germany and the EMU, 2006, in Peter Wierds, Servaas Deroose, Elena Flores and Alessandro Turrini, eds., *Fiscal Policy Surveillance in Europe*, Palgrave MacMillan.

The Political Economy of Pro-cyclical Decentralised Finance (with Erik Wibbels), 2006, in Peter Wierts, Servaas Deroose, Elena Flores and Alessandro Turrini, eds., *Fiscal Policy Surveillance in Europe*, Palgrave MacMillan.

Globalization and Fiscal Decentralization, (with Geoffrey Garrett), 2003, in Miles Kahler and David Lake, eds., *Governance in a Global Economy: Political Authority in Transition*, Princeton University Press: 87-109. (Updated version, 2007, in David Cameron, Gustav Ranis, and Annalisa Zinn, eds., *Globalization and Self-Determination: Is the Nation-State under Siege?* Routledge.)

Introduction and Overview (Chapter 1), 2003, in Rodden et al., *Fiscal Decentralization and the Challenge of Hard Budget Constraints* (see above).

Soft Budget Constraints and German Federalism (Chapter 5), 2003, in Rodden, et al, *Fiscal Decentralization and the Challenge of Hard Budget Constraints* (see above).

Federalism and Bailouts in Brazil (Chapter 7), 2003, in Rodden, et al., *Fiscal Decentralization and the Challenge of Hard Budget Constraints* (see above).

Lessons and Conclusions (Chapter 13), 2003, in Rodden, et al., *Fiscal Decentralization and the Challenge of Hard Budget Constraints* (see above).

Online Interactive Visualization

Stanford Election Atlas, 2012 (collaboration with Stephen Ansolabehere at Harvard and Jim Herries at ESRI)

Other Publications

Supporting Advanced Manufacturing in Alabama, Report to the Alabama Innovation Commission, Hoover Institution, 2021.

How America's Urban-Rural Divide has Shaped the Pandemic, 2020, *Foreign Affairs*, April 20, 2020.

An Evolutionary Path for the European Monetary Fund? A Comparative Perspective, 2017, Briefing paper for the Economic and Financial Affairs Committee of the European Parliament.

Amicus Brief in *Rucho et al. v. Common Cause*, 2019, Supreme Court of the United States, with Wesley Pegden and Samuel Wang.

Amicus Brief in *Gill et al. v. Whitford et al.*, 2017, Supreme Court of the United States, with Jowei Chen and Wesley Pegden.

Representation and Regional Redistribution in Federations: A Research Report, 2009, in *World Report on Fiscal Federalism*, Institut d'Economia de Barcelona.

On the Migration of Fiscal Sovereignty, 2004, *PS: Political Science and Politics* July, 2004: 427-431.

Decentralization and the Challenge of Hard Budget Constraints, *PREM Note* 41, Poverty Reduction and Economic Management Unit, World Bank, Washington, D.C. (July).

Decentralization and Hard Budget Constraints, *APSA-CP* (Newsletter of the Organized Section in Comparative Politics, American Political Science Association) 11:1 (with Jennie Litvack).

Book Review of *The Government of Money* by Peter Johnson, *Comparative Political Studies* 32,7: 897-900.

Fellowships, Honors, and Grants

Andrew Carnegie Fellow, 2025.

Frances Rosenbluth Best Paper Award, 2025, *Comparative Political Studies*.

National Science Foundation, funding for study "Segregation, Suburbanization, and Representation," 2023.

John Simon Guggenheim Memorial Foundation Fellowship, 2021.

Martha Derthick Award of the American Political Science Association for "the best book published at least ten years ago that has made a lasting contribution to the study of federalism and intergovernmental relations," 2021.

National Institutes of Health, funding for "Relationship between lawful handgun ownership and risk of homicide victimization in the home," 2021-2024.

National Collaborative on Gun Violence Research, funding for "Cohort Study Of Firearm-Related Mortality Among Cohabitants Of Handgun Owners." 2020.

Fund for a Safer Future, Longitudinal Study of Handgun Ownership and Transfer (LongSHOT), GA004696, 2017-2018.

Stanford Institute for Innovation in Developing Economies, Innovation and Entrepreneurship research grant, 2015.

Michael Wallerstein Award for best paper in political economy, American Political Science Association, 2016.

Common Cause Gerrymandering Standard Writing Competition, 2015.

General support grant from the Hewlett Foundation for Spatial Social Science Lab, 2014.

Fellow, Institute for Research in the Social Sciences, Stanford University, 2012.

Sloan Foundation, grant for assembly of geo-referenced precinct-level electoral data set (with Stephen Ansolabehere and James Snyder), 2009-2011.

Hoagland Award Fund for Innovations in Undergraduate Teaching, Stanford University, 2009.

W. Glenn Campbell and Rita Ricardo-Campbell National Fellow, Hoover Institution, Stanford University, beginning Fall 2010.

Research Grant on Fiscal Federalism, Institut d'Economia de Barcelona, 2009.

Fellow, Institute for Research in the Social Sciences, Stanford University, 2008.

United Postal Service Foundation grant for study of the spatial distribution of income in cities, 2008.

Gregory Luebbert Award for Best Book in Comparative Politics, 2007.

Fellow, Center for Advanced Study in the Behavioral Sciences, 2006-2007.

National Science Foundation grant for assembly of cross-national provincial-level dataset on elections, public finance, and government composition, 2003-2004 (with Erik Wibbels).

MIT Dean's Fund and School of Humanities, Arts, and Social Sciences Research Funds.

Funding from DAAD (German Academic Exchange Service), MIT, and Harvard EU Center to organize the conference, "European Fiscal Federalism in Comparative Perspective," held at Harvard University, November 4, 2000.

Canadian Studies Fellowship (Canadian Federal Government), 1996-1997.

Prize Teaching Fellowship, Yale University, 1998-1999.

Fulbright Grant, University of Leipzig, Germany, 1993-1994.

Michigan Association of Governing Boards Award, one of two top graduating students at the University of Michigan, 1993.

W. J. Bryan Prize, top graduating senior in political science department at the University of Michigan, 1993.

Other Professional Activities

Selection committee, best paper award, American Journal of Political Science.

Selection committee, best paper award, American Political Economy

International Advisory Committee, Center for Metropolitan Studies, Sao Paulo, Brazil, 2006–2010.

Selection committee, Mancur Olson Prize awarded by the American Political Science Association Political Economy Section for the best dissertation in the field of political economy.

Selection committee, Gregory Luebbert Best Book Award.

Selection committee, William Anderson Prize, awarded by the American Political Science Association for the best dissertation in the field of federalism and intergovernmental relations.

Courses

Undergraduate

Politics, Economics, and Democracy

Introduction to Comparative Politics

Introduction to Political Science

Political Science Scope and Methods

Institutional Economics

Spatial Approaches to Social Science

Graduate

Political Economy

Political Economy of Institutions

Federalism and Fiscal Decentralization

Politics and Geography

Consulting

2017. Economic and Financial Affairs Committee of the European Parliament.

2016. Briefing paper for the World Bank on fiscal federalism in Brazil.

2013-2018: Principal Investigator, SMS for Better Governance (a collaborative project involving USAID, Social Impact, and UNICEF in Arua, Uganda).

2011-2014: Consultation with investment groups and hedge funds on European debt crisis.

2011-2014: Lead Outcome Expert, Democracy and Governance, USAID and Social Impact.

2010: USAID, Review of USAID analysis of decentralization in Africa.

2006-2009: World Bank, Independent Evaluations Group. Undertook evaluations of World Bank decentralization and safety net programs.

2008-2011: International Monetary Fund Institute. Designed and taught course on fiscal federalism.

1998-2003: World Bank, Poverty Reduction and Economic Management Unit. Consultant for *World Development Report*, lecturer for training courses, participant in working group for assembly of decentralization data, director of multi-country study of fiscal discipline in decentralized countries, collaborator on review of subnational adjustment lending.

Expert Testimony

2025. Expert witness in *Williams v. Hall* No. 1:23-cv-01057 (M.D. NC. 2025).

2023. Expert witness in *Agee, Jr. et al v. Benson et al*, No. 1:22-cv-00272 (W.D. Mi. 2023).

2022. Expert witness in *Rivera v. Schwab* No. 2022-cv-89 (Kan. Dist. Ct. 2022)

2022. Drew Pennsylvania Congressional redistricting plan that was chosen by the Pennsylvania Supreme Court for implementation in *Carter v. Chapman* No. 7 MM 2022, 2022WL 549106 (Pennsylvania Supreme Court).

2022. Written expert testimony in *Benninghoff v. 2021 Legislative Reapportionment Commission* (Pennsylvania Supreme Court).

2022 Expert witness in *Bennett v. Ohio Redistricting Commission*, No. 2012-1198 (Ohio Supreme Court).

2022 Expert witness in *Adams v. DeWine* No. 2012-1428 (Ohio Supreme Court).

2022 Expert witness in *Neiman v. LaRose* No. 2022-0298 (Ohio Supreme Court)

2019: Written expert testimony in *McLemore, Holmes, Robinson, and Woullard v. Hosemann*, United States District Court, Mississippi.

2019: Expert witness in *Nancy Corola Jacobson v. Detzner*, United States District Court, Florida.

2018: Written expert testimony in *League of Women Voters of Florida v. Detzner* No. 4:18-cv-002510, United States District Court, Florida.

2018: Written expert testimony in *College Democrats of the University of Michigan, et al. v. Johnson, et al.*, United States District Court for the Eastern District of Michigan.

2017: Expert witness in *Bethune-Hill v. Virginia Board of Elections*, No. 3:14-CV-00852, United States District Court for the Eastern District of Virginia.

2017: Expert witness in *Arizona Democratic Party, et al. v. Reagan, et al.*, No. 2:16-CV-01065, United States District Court for Arizona.

2016: Expert witness in *Lee v. Virginia Board of Elections*, 3:15-cv-357, United States District Court for the Eastern District of Virginia, Richmond Division.

2016: Expert witness in *Missouri NAACP v. Ferguson-Florissant School District*, United States District Court for the Eastern District of Missouri, Eastern Division.

2014-2015: Written expert testimony in *League of Women Voters of Florida et al. v. Detzner, et al.*, 2012-CA-002842 in Florida Circuit Court, Leon County (Florida Senate redistricting case).

2013-2014: Expert witness in *Romo v Detzner*, 2012-CA-000412 in Florida Circuit Court, Leon County (Florida Congressional redistricting case).

Last updated: December 3, 2025

EXHIBIT 32

REPORT OF MAXWELL PALMER, PH.D.

I, Dr. Maxwell Palmer, declare as follows:

1. My name is Maxwell Palmer. I am currently an Associate Professor of Political Science at Boston University. I joined the faculty at Boston University in 2014, after completing my Ph.D. in Political Science at Harvard University. I was promoted to Associate Professor, with tenure, in 2021. I am also a Civic Tech Fellow in the Faculty of Computing & Data Sciences and a Faculty Fellow at the Initiative on Cities. I teach and conduct research on American politics and political methodology.
2. I have published academic work in leading peer-reviewed academic journals, including the *American Political Science Review*, *Journal of Politics*, *Perspectives on Politics*, *Political Analysis*, *British Journal of Political Science*, *Journal of Empirical Legal Studies*, *Political Science Research and Methods*, *Legislative Studies Quarterly*, and *Urban Affairs Review*. My book, *Neighborhood Defenders: Participatory Politics and America's Housing Crisis*, was published by Cambridge University Press in 2019. I have also published academic work in the *Ohio State University Law Review*. My published research uses a variety of analytical approaches, including statistics, geographic analysis, and simulations, and data sources including academic surveys, precinct-level election results, voter registration and vote history files, and census data. My curriculum vitae is attached to this report.
3. I have served as an expert witness or litigation consultant in numerous cases involving redistricting or voting restrictions. I testified at trial, court hearing, or by deposition in *Bethune Hill v. Virginia* before the U.S. District Court for the Eastern District of Virginia (No. 3:14-cv-00852-REP-AWA-BMK); *Thomas v. Bryant* before the U.S. District Court for the Southern District of Mississippi (No. 3:18-CV-00441-CWR-FKB); *Chestnut v. Merrill* before the U.S. District Court for the Northern District of Alabama (No. 2:18-cv-00907-KOB); *Dwight v. Raffensperger* before the U.S. District Court for the Northern District of Georgia (No. 1:18-cv-2869-RWS); *Bruni v. Hughes* before the U.S. District Court for the Southern District of Texas (No. 5:20-cv-35); *Caster v. Merrill* before the U.S. District Court for the Northern District of Alabama (No. 2:21-cv-1536-AMM); *Pendergrass v. Raffensperger* before the U.S. District Court for the Northern District of Georgia (No. 1:21-CV-05339-SCJ); *Grant v. Raffensperger* before the U.S. District Court for the Northern District of Georgia (No. 1:22-CV-00122-SCJ); *Galmon v. Ardoin* before the U.S. District Court for the Middle District of Louisiana (3:22-cv-00214-SDD-SDJ); *In Re: Georgia Senate Bill 202* (1:12-MI-55555-JPB) before the U.S. District

Court for the Northern District of Georgia; *Vet Voice Foundation, et al., v. Hobbs, et al.* (No. 22-2-19384-1 SEA) before the King County Superior Court of Washington; *Vet Voice Foundation, et al., v. Griswold* (No. 2022CV033456) before the District Court of the City and County of Denver, Colorado; *Agee v. Benson* before the U.S. District Court for the Western District of Michigan (No. 1:22-CV-00272-PLM-RMK-JTN); and *Williams, et. al., v. Hall* before the U.S. District Court for the Middle District of North Carolina (1:23-CV-01057-TDS-JLW). I also served as the independent racially polarized voting analyst for the Virginia Redistricting Commission in 2021, and I have worked as a consultant to the United States Department of Justice on several matters. My expert testimony has been accepted and relied upon by courts; in no case has my testimony been rejected or found unreliable.

4. I was asked by counsel for the Democratic Congressional Campaign Committee, Defendant-Intervenor in this litigation, to analyze the partisan performance of the 2025 California redistricting map in comparison to the partisan performance of the 2021 California redistricting map.
5. Overall, the 2025 plan shows a significant partisan gain for Democratic candidates relative to the 2021 plan. Under the 2021 plan, Democrats won an average of 41.1 seats across 17 elections. Under the 2025 plan, this increased to an average of 46.8 seats.
6. To analyze the partisan performance of each map, I used historical election data from the 2016, 2018, 2020, 2022, and 2024 elections to estimate the vote shares of the statewide candidates in those elections in each congressional district under the boundaries of each plan. I examined all statewide general election results where one Democrat and one Republican ran in the election.¹ In all, I analyzed 17 separate contests.
7. For the 2016, 2018, and 2020 elections, I relied on data from California's 2021 Redistricting Database. In preparation for the 2021 redistricting, the Statewide Database, an organization based at the University of California, Berkeley, assembled data for the redistricting commission and other analysts. This includes the number of votes cast for each candidate in past elections, estimated at the census block level. I combined this data with the block assignment files to estimate the number of votes and the vote shares of each candidate in each district.

¹ I excluded the 2016 and 2018 elections for U.S. Senate and the 2018 election for Lieutenant Governor because these general elections were between two Democratic candidates. I excluded the 2018 election for Insurance Commissioner, where the two general election candidates were a Democrat and an Independent. I also excluded elections for Superintendent of Public Instruction because this is a nonpartisan position.

8. For the 2022 and 2024 elections, I used precinct-level election data and precinct-to-block conversion files from the Statewide Database to calculate the number of votes cast for each candidate at the census block level. I then combined the results with block assignment files (BAFs) to estimate the number of votes and the vote shares of each candidate in each district.
9. Figure 1 and Table 1 present the election-level results of this analysis. The orange dots show the number of seats won by the Democratic candidate under the 2021 plan, and the blue dots show the number of seats won by the Democratic candidate under the 2025 plan. In every contest, the total number of districts won by Democratic candidates is higher under the 2025 plan. Under the 2021 plan, Democrats won an average of 41.1 seats across the 17 elections. Under the 2025 plan, this increased to an average of 46.8 seats.

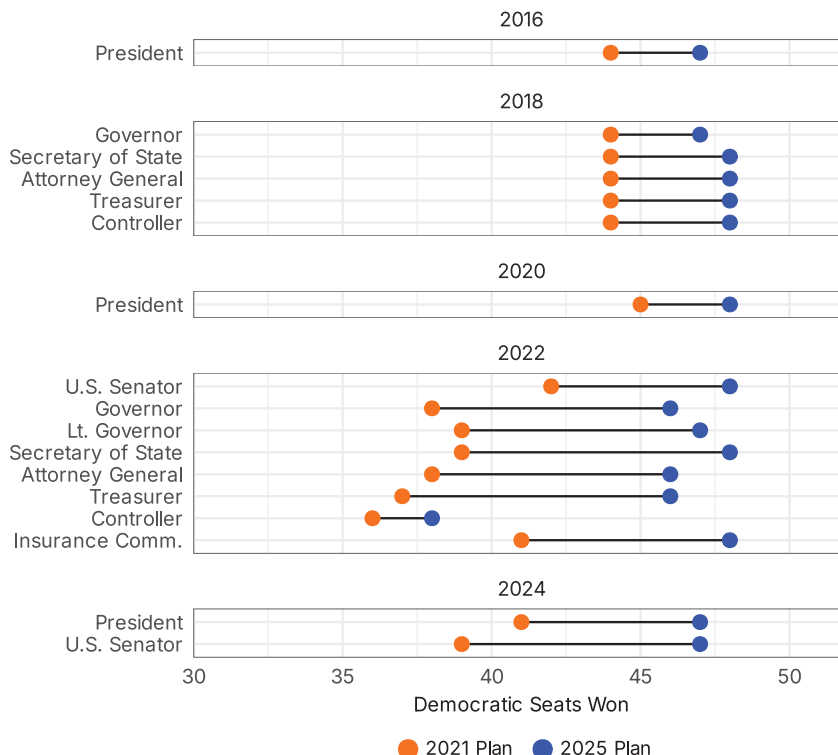


Figure 1: Number of Seats Won by Democratic Candidates

10. I also examined the performance of Democratic candidates at the district level under each plan. Table 2 provides the district-level results. In Districts 1, 3, 9, 13, 22, 27, 41, 45, 47, and 48, Democratic candidates won significantly more elections under the 2025 plan than under the 2021 plan.

11. The plan-level performance results can also be used to calculate metrics used to measure partisan gerrymandering. For each plan and contest analyzed above, I calculated the efficiency gap, which measures the degree to which a plan cracks and packs voters supporting one party (rendering their votes inefficient, because they are either voting for losing candidates or voting for winning candidates in noncompetitive districts), relative to the voters supporting the other party.² The efficiency gap is calculated using the formula, where S_D is the percentage of seats won by the Democratic candidate and V_D is the share of the vote won by the Democratic candidate:

$$EG = (S_D - 0.5) - 2*(V_D - 0.5)$$

12. Averaging across all contests, under the 2021 plan, the average efficiency gap was 6.3%. Under the 2025 plan the average efficiency gap was 17.2%, indicating that Democratic votes are allocated to districts much more efficiently than Republican votes. This represents a shift of 10.9 percentage points in favor of Democrats from the 2021 to 2025 plan. Figure 2 presents the efficiency gaps for each plan in each election.³

²Stephanopoulos, Nicholas and McGhee, Eric. Partisan Gerrymandering and the Efficiency Gap (October 1, 2014). 82 University of Chicago Law Review, 831 (2015), U of Chicago, Public Law Working Paper No. 493, Available at SSRN: <https://ssrn.com/abstract=2457468>

³Table 3 presents the full results for each contest.

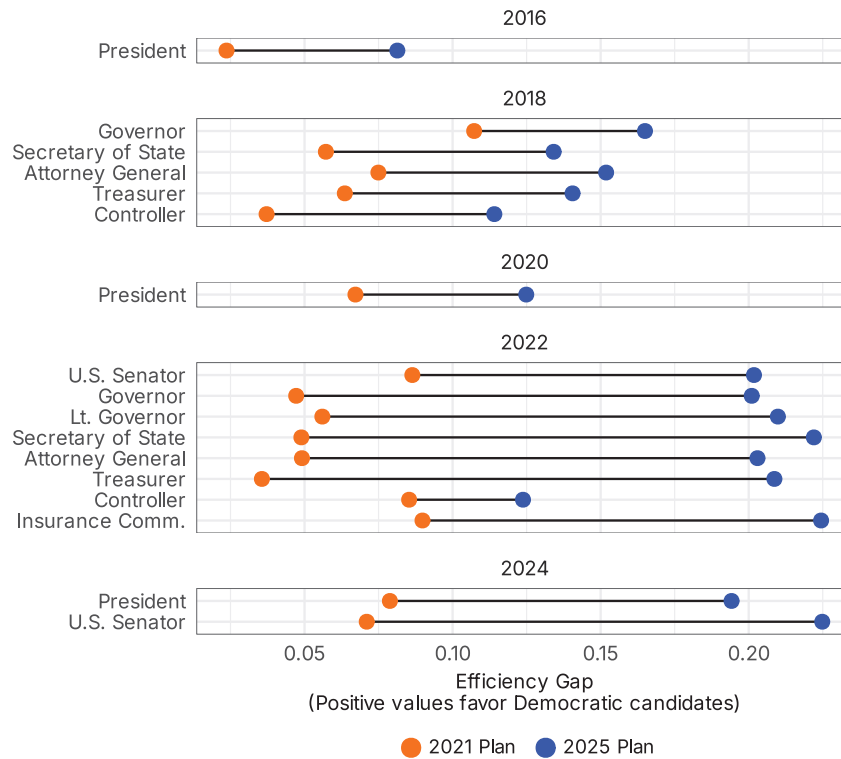


Figure 2: Efficiency Gap by Contest

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

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

Maxwell Palmer

Maxwell Palmer

Executed this 3rd day of December, 2025, at Arlington, Massachusetts.

Table 1: Number of Seats Won by Democratic Candidates

		2021 Plan	2025 Plan	Difference
2016	President	44.0	47.0	+3
2018	Governor	44.0	47.0	+3
	Secretary of State	44.0	48.0	+4
	Attorney General	44.0	48.0	+4
	Treasurer	44.0	48.0	+4
	Controller	44.0	48.0	+4
2020	President	45.0	48.0	+3
2022	U.S. Senator	42.0	48.0	+6
	Governor	38.0	46.0	+8
	Lt. Governor	39.0	47.0	+8
	Secretary of State	39.0	48.0	+9
	Attorney General	38.0	46.0	+8
	Treasurer	37.0	46.0	+9
	Controller	36.0	38.0	+2
	Insurance Comm.	41.0	48.0	+7
2024	President	41.0	47.0	+6
	U.S. Senator	39.0	47.0	+8
	Average	41.1	46.8	+5.6

Table 2: Performance of Democratic Candidates by District

CD	2021 Plan		2025 Plan		CD	2021 Plan		2025 Plan	
	Avg. Dem %	Dem Wins	Avg. Dem %	Dem Wins		Avg. Dem %	Dem Wins	Avg. Dem %	Dem Wins
1	37.1%	0	55.8%	17	27	51.9%	11	55.9%	17
2	72.4%	17	62.0%	17	28	64.0%	17	63.4%	17
3	45.6%	0	53.3%	16	29	75.2%	17	74.4%	17
4	65.5%	17	57.6%	17	30	75.5%	17	74.7%	17
5	40.6%	0	39.4%	0	31	62.0%	17	58.4%	17
6	56.7%	17	53.4%	16	32	68.2%	17	64.3%	17
7	66.1%	17	56.1%	16	33	58.5%	17	58.9%	17
8	75.2%	17	69.0%	17	34	82.7%	17	82.7%	17
9	51.7%	9	59.2%	17	35	59.6%	17	57.3%	17
10	65.5%	17	65.3%	17	36	68.6%	17	68.6%	17
11	85.7%	17	85.7%	17	37	86.1%	17	86.1%	17
12	90.0%	17	90.0%	17	38	61.2%	17	59.1%	17
13	50.9%	7	54.7%	15	39	58.3%	17	58.2%	17
14	69.6%	17	69.5%	17	40	45.8%	1	41.6%	0
15	76.1%	17	76.1%	17	41	46.3%	0	58.6%	17
16	73.2%	17	73.1%	17	42	69.7%	17	55.5%	16
17	71.3%	17	71.8%	17	43	80.5%	17	80.5%	17
18	68.5%	17	67.7%	17	44	72.2%	17	75.0%	17
19	66.9%	17	66.9%	17	45	50.5%	8	53.1%	14
20	33.3%	0	32.6%	0	46	62.5%	17	60.6%	17
21	55.2%	16	55.8%	16	47	51.1%	10	53.4%	16
22	52.4%	10	54.8%	15	48	39.7%	0	50.1%	10
23	41.2%	0	40.0%	0	49	51.6%	15	53.1%	16
24	60.7%	17	60.7%	17	50	62.1%	17	56.3%	17
25	54.5%	17	55.2%	17	51	60.6%	17	58.9%	17
26	55.4%	17	56.8%	17	52	65.9%	17	63.4%	17

Table 3: Efficiency Gap

		2021 Plan	2025 Plan	Difference
2016	President	2.4	8.1	+5.8
2018	Attorney General	7.5	15.2	+7.7
	Controller	3.7	11.4	+7.7
	Governor	10.7	16.5	+5.8
	Secretary of State	5.7	13.4	+7.7
	Treasurer	6.4	14.1	+7.7
2020	President	6.7	12.5	+5.8
2022	Attorney General	4.9	20.3	+15.4
	Controller	8.5	12.4	+3.8
	Governor	4.7	20.1	+15.4
	Insurance Comm.	9.0	22.4	+13.5
	Lt. Governor	5.6	21.0	+15.4
	Secretary of State	4.9	22.2	+17.3
	Treasurer	3.6	20.9	+17.3
	U.S. Senator	8.6	20.2	+11.5
2024	President	7.9	19.4	+11.5
	U.S. Senator	7.1	22.5	+15.4

Maxwell Palmer

Department of Political Science
Boston University
232 Bay State Road
Boston, MA 02215

E-mail: mbpalmer@bu.edu
Website: www.maxwellpalmer.com
Phone: (617) 755-4610

APPOINTMENTS

Boston University, Boston, Massachusetts

Associate Professor, **Department of Political Science**, 2021–Present

Associate Chair, **Dept. of Political Science**, July 2023–July 2025

Director of Advanced Programs, **Dept. of Political Science**, July 2020–June 2023

Civic Tech Fellow, **Faculty of Computing & Data Sciences**, 2021–Present

Faculty Fellow, **Initiative on Cities**, 2019–Present

Assistant Professor, **Department of Political Science**, 2014–2021

Junior Faculty Fellow, **Hariri Institute for Computing**, 2017–2020

EDUCATION

Harvard University, Cambridge, Massachusetts

Ph.D., Political Science, May 2014

A.M., Political Science, May 2012

Bowdoin College, Brunswick, Maine

A.B., Mathematics & Government and Legal Studies, May 2008

BOOK

Einstein, Katherine Levine, David M. Glick, and Maxwell Palmer. 2019. *Neighborhood Defenders: Participatory Politics and America's Housing Crisis*. New York, NY: Cambridge University Press.

- Reviewed in *Perspectives on Politics*, *Political Science Quarterly*, *Economics 21*, *Public Books*, *City Journal*, and *Urban Studies*.
- Selected chapters republished in *Political Science Quarterly*.
- Covered in Vox's "The Weeds" podcast, CityLab, Slate's "Gabfest" podcast, The Ezra Klein Show podcast, Curbed, Brookings Institution Up Front.

REFEREED ARTICLES

Palmer, Maxwell and Benjamin Schneer. Forthcoming. "Durable Majority Gerrymanders: Where Partisan Gerrymandering can Displace Democracy." *American Journal of Political Science*.

Einstein, Katherine Levine, Maxwell Palmer, Ellis Hamilton, and Ethan Singer. Forthcoming. "Age and Homeownership Drive the Local Turnout Gap." *Urban Affairs Review*.

Feigenbaum, James, Maxwell Palmer, and Benjamin Schneer. 2025. "Descended from Immigrants and Revolutionists: How Family Immigration History Shapes Legislative Behavior in Congress." *Quarterly Journal of Economics* 140(3): 2381–2457.

Einstein, Katherine Levine and Maxwell Palmer. 2024. "How Affordable Housing Can Exclude: The Political Economy of Subsidized Housing." *Journal of Political Institutions and Political Economy* 5(1): 71–90.

Palmer, Maxwell, Benjamin Schneer, and Kevin DeLuca. 2024. "A Partisan Solution to Partisan Gerrymandering: The Define-Combine Procedure." *Political Analysis* 32(3): 295–310.

– Winner of the Miller Prize for the best work appearing in *Political Analysis* the preceding year, 2025.

Justin de Benedictis-Kessner and Maxwell Palmer. 2023. "Driving Turnout: The Effect of Car Ownership on Electoral Participation." *Political Science Research and Methods* 11(3): 654–662.

Einstein, Katherine Levine, Joseph Ornstein, and Maxwell Palmer. 2022. "Who Represents the Renters?" *Housing Policy Debate* 33(6): 1554–1568.

Einstein, Katherine Levine, David Glick, and Maxwell Palmer. 2022. "Developing a pro-housing movement? Public distrust of developers, fractured coalitions, and the challenges of measuring political power." *Interest Groups & Advocacy* 11: 189–208.

Einstein, Katherine Levine, David Glick, Luisa Godinez Puig, and Maxwell Palmer. 2022. "Still Muted: The Limited Participatory Democracy of Zoom Public Meetings." *Urban Affairs Review* 59(4): 1279–1291.

Glick, David M. and Maxwell Palmer. 2022. "County Over Party: How Governors Prioritized Geography Not Particularism in the Distribution of Opportunity Zones." *British Journal of Political Science* 52(4): 1902–1910.

Einstein, Katherine Levine and Maxwell Palmer. 2021. "Land of the Freeholder: How Property Rights Make Voting Rights." *Journal of Historical Political Economy* 1(4): 499–530.

Luisa Godinez Puig, Katharine Lusk, David Glick, Katherine L. Einstein, Maxwell Palmer, Stacy Fox, and Monica L. Wang. 2021. "Perceptions of Public Health Priorities and Accountability Among US Mayors." *Public Health Reports* 136(2): 161–171.

Einstein, Katherine Levine, David M. Glick, and Maxwell Palmer. 2020. "Can Mayors Lead on Climate Change? Evidence from Six Years of Surveys." *The Forum* 18(1): 71–86.

Ban, Pamela, Maxwell Palmer, and Benjamin Schneer. 2019. "From the Halls of Congress to K Street: Government Experience and its Value for Lobbying." *Legislative Studies Quarterly* 44(4): 713–752.

Palmer, Maxwell and Benjamin Schneer. 2019. "Postpolitical Careers: How Politicians Capitalize on Public Office." *Journal of Politics* 81(2): 670–675.

Einstein, Katherine Levine, Maxwell Palmer, and David M. Glick. 2019. “Who Participates in Local Government? Evidence from Meeting Minutes.” *Perspectives on Politics* 17(1): 28–46.

- Winner of the Heinz Eulau Award for the best article published in *Perspectives on Politics* during the previous calendar year, American Political Science Association, 2020.

Einstein, Katherine Levine, David M. Glick, and Maxwell Palmer. 2019. “City Learning: Evidence of Policy Information Diffusion From a Survey of U.S. Mayors.” *Political Research Quarterly* 72(1): 243–258.

Einstein, Katherine Levine, David M. Glick, Maxwell Palmer, and Robert Pressel. 2018. “Do Mayors Run for Higher Office? New Evidence on Progressive Ambition.” *American Politics Research* 48(1): 197–221.

Ansolabehere, Stephen, Maxwell Palmer, and Benjamin Schneer. 2018. “Divided Government and Significant Legislation, A History of Congress from 1789-2010.” *Social Science History* 42(1): 81–108.

Edwards, Barry, Michael Crespín, Ryan D. Williamson, and Maxwell Palmer. 2017. “Institutional Control of Redistricting and the Geography of Representation.” *Journal of Politics* 79(2): 722–726.

Palmer, Maxwell. 2016. “Does the Chief Justice Make Partisan Appointments to Special Courts and Panels?” *Journal of Empirical Legal Studies* 13(1): 153–177.

Palmer, Maxwell and Benjamin Schneer. 2016. “Capitol Gains: The Returns to Elected Office from Corporate Board Directorships.” *Journal of Politics* 78(1): 181–196.

Gerring, John, Maxwell Palmer, Jan Teorell, and Dominic Zarecki. 2015. “Demography and Democracy: A Global, District-level Analysis of Electoral Contestation.” *American Political Science Review* 109(3): 574–591.

OTHER PUBLICATIONS

Childree, Aaron, Katherine Krimmel, Maxwell Palmer, and Douglas L. Kriner. 2025. “Gender and the Political Costs of War: Partisan Cues, Gender Heuristics, and the Politics of Public Opposition to War” in *Checking the Costs of War*, eds. Sarah E. Kreps and Douglas L. Kriner. Chicago, IL: University of Chicago Press.

Shafer, Paul, Maxwell Palmer, Ahyoung Cho, Mara Lynch, Pierce Louis, and Alexandra Skinner. 2024. “A dataset of geocoded Medicaid office locations in the United States.” *Data in Brief* 53: 110068.

Einstein, Katherine Levine, David M. Glick, and Maxwell Palmer. 2023. “Public participation” in *A Research Agenda for US Land Use and Planning Law*, eds. John J. Infranca and Sarah Schindler. Northampton, MA: Edward Elgar Publishing.

Einstein, Katherine Levine, David M. Glick, and Maxwell Palmer. 2020. “Neighborhood Defenders: Participatory Politics and America’s Housing Crisis.” *Political Science Quarterly* 135(2): 281–312.

Ansolabehere, Stephen and Maxwell Palmer. 2016. “A Two Hundred-Year Statistical History of the Gerrymander.” *Ohio State Law Journal* 77(4): 741–762.

Ansolabehere, Stephen, Maxwell Palmer, and Benjamin Schneer. 2016. “What Has Congress Done?” in *Governing in a Polarized Age: Elections, Parties, and Political Representation in America*, eds. Alan Gerber and Eric Schickler. New York, NY: Cambridge University Press.

POLICY REPORTS

Einstein, Katherine Levine and Maxwell Palmer. 2025. “Greater Boston Housing Report Card 2025, Special Topic: Lessons from MBTA-C Zoning” Research Report. The Boston Foundation.

Schneer, Benjamin and Maxwell Palmer. 2025. “The Dangers of America’s Gerrymandering Problem—And How to Fix It” Op-Ed. *TIME*.

Palmer, Maxwell, Benjamin Schneer, and Tyler Simko. 2025. “Republicans are seeking to create a durable gerrymander in Texas” Op-Ed. *San Antonio Express-News*.

Feigenbaum, James, Benjamin Schneer, and Maxwell Palmer. 2025. “Legislators who descend from immigrants historically supported more permissive immigration policies.” LSE United States Politics and Policy Blog.

Einstein, Katherine Levine and Maxwell Palmer. 2024. “Greater Boston Housing Report Card 2024, Special Topic: Public Land: Opportunity or Obstacle?” Research Report. The Boston Foundation.

Einstein, Katherine Levine, David M. Glick, and Maxwell Palmer. 2024. “Mayoral Accountability and Control.” Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine, David M. Glick, Maxwell Palmer, Stacy Fox, and Erin LeBlanc. 2024. “Building for a Green Future: Cities and the IRA.” Research Report. Boston University Initiative on Cities.

Schneer, Benjamin, Kevin DeLuca, and Maxwell Palmer. 2024. “How politicians can draw fairer election districts — the same way parents make kids fairly split a piece of cake.” *The Conversation*.

Glick, David M., Katherine Levine Einstein, and Maxwell Palmer. 2023. “2022 Menino Survey of Mayors: Economic Opportunity, Poverty, and Well-Being.” Research Report. Boston University Initiative on Cities.

Glick, David M., Katherine Levine Einstein, and Maxwell Palmer. 2023. “2022 Menino Survey of Mayors: Mayors and the Climate Crisis.” Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine and Maxwell Palmer. 2022. “Greater Boston Housing Report Card 2022, Special Topic: Who Can Win the Lottery? Moving Toward Equity in Subsidized Housing.” Research Report. The Boston Foundation.

Glick, David M., Katherine Levine Einstein, and Maxwell Palmer. 2022. “Looking back on ARPA and America’s Cities: A Menino Survey Reflection.” Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine and Maxwell Palmer. 2022. “Representation in the Housing Process: Best Practices for Improving Racial Equity.” Research Report. The Boston Foundation.

Glick, David M., Katherine Levine Einstein, and Maxwell Palmer. 2022. “2021 Menino Survey of Mayors: Closing the Racial Wealth Gap.” Research Report. Boston University Initiative on Cities.

Glick, David M., Katherine Levine Einstein, and Maxwell Palmer. 2021. “2021 Menino Survey of Mayors: Building Back Better.” Research Report. Boston University Initiative on Cities.

Glick, David M., Katherine Levine Einstein, Maxwell Palmer, Stacy Fox, Katharine Lusk, Nicholas Henninger, and Songhyun Park. 2021. “2020 Menino Survey of Mayors: Policing and Protests.” Research Report. Boston University Initiative on Cities.

Glick, David M., Katherine Levine Einstein, Maxwell Palmer, and Stacy Fox. 2020. “2020 Menino Survey of Mayors: COVID-19 Recovery and the Future of Cities.” Research Report. Boston University Initiative on Cities.

Justin de Benedictis-Kessner and Maxwell Palmer. 2020. “Got Wheels? How Having Access to a Car Impacts Voting.” *Democracy Docket*.

Palmer, Maxwell, Katherine Levine Einstein, and David Glick. 2020. “Counting the City: Mayoral Views on the 2020 Census.” Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine, Maxwell Palmer, Stacy Fox, Marina Berardino, Noah Fischer, Jackson Moore-Otto, Aislinn O’Brien, Marilyn Rutecki, and Benjamin Wuesthoff. 2020. “COVID-19 Housing Policy.” Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine and Maxwell Palmer. 2020. “Newton and other communities must reform housing approval process.” *The Boston Globe*.

Einstein, Katherine Levine, David Glick, Maxwell Palmer, and Stacy Fox. 2020. “2019 Menino Survey of Mayors.” Research Report. Boston University Initiative on Cities.

Palmer, Maxwell, Katherine Levine Einstein, David Glick, and Stacy Fox. 2019. “Mayoral Views on Housing Production: Do Planning Goals Match Reality?” Research Report. Boston University Initiative on Cities.

Wilson, Graham, David Glick, Katherine Levine Einstein, Maxwell Palmer, and Stacy Fox. 2019. “Mayoral Views on Economic Incentives: Valuable Tools or a Bad Use of Resources?” Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine, David Glick, Maxwell Palmer, and Stacy Fox. 2019. “2018 Menino Survey of Mayors.” Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine, Katharine Lusk, David Glick, Maxwell Palmer, Christiana McFarl, Leon Andrews, Aliza Wasserman, and Chelsea Jones. 2018. “Mayoral Views on Racism and Discrimination.” Research Report. National League of Cities and Boston University Initiative on Cities.

Einstein, Katherine Levine, David Glick, and Maxwell Palmer. 2018. “As the Trump administration retreats on climate change, US cities are moving forward.” *The Conversation*.

Einstein, Katherine Levine, David M. Glick, Maxwell Palmer, and Robert Pressel. 2018. “**Few big-city mayors see running for higher office as appealing.**” LSE United States Politics and Policy Blog.

Einstein, Katherine Levine, David Glick, and Maxwell Palmer. 2018. “**2017 Menino Survey of Mayors.**” Research Report. Boston University Initiative on Cities.

Williamson, Ryan D., Michael Crespín, Maxwell Palmer, and Barry C. Edwards. 2017. “**This is how to get rid of gerrymandered districts.**” *The Washington Post*, Monkey Cage Blog.

Palmer, Maxwell and Benjamin Schneer. 2015. “**How and why retired politicians get lucrative appointments on corporate boards.**” *The Washington Post*, Monkey Cage Blog.

CURRENT PROJECTS

“**Barriers to Voting Reduce Future Participation: Evidence from Rejected Mail-in Ballots**” (with Christine Slaughter). Working Paper.

“Cutting the Cake: Ending the Gerrymandering Wars and Restoring Representation” (with Benjamin Schneer). Book Project.

“Partisan Polarization in Local Politics” (with Justin de Benedictis Kessner, Katherine Levine Einstein, David M. Glick, and Christopher Warshaw). Working Paper.

“The Monsters We Build: Facing Our Fears to Solve the Housing Crisis.” (with Katherine Levine Einstein). Book Project.

“Hoarding Land: How Cities Allocate (and Weaponize) a Scarce Resource to Block New Housing” (with Katherine Levine Einstein, Danielle Mulligan, Shelby Graham, and Sophia Spiegel). Working Paper.

“Built Infrastructure Federalism: Local Barriers to Climate Policy” (with Katherine Levine Einstein and David M. Glick). Working Paper.

GRANTS AND AWARDS

Society for Political Methodology. **Miller Prize** for the best work appearing in *Political Analysis* the preceding year, for “A Partisan Solution to Partisan Gerrymandering: The Define-Combine Procedure.” (with Benjamin Schneer and Kevin DeLuca). 2025.

The Boston Foundation. “2025 Greater Boston Housing Report Card” (Co-principal investigator). 2025. \$50,000.

Arnold Ventures. “Built Infrastructure Federalism” (Co-principal investigator). 2025. \$100,000.

The Boston Foundation. “2024 Greater Boston Housing Report Card” (Co-principal investigator). 2024. \$99,500.

The Rockefeller Foundation. “Menino Survey of Mayors” (Co-principal investigator). 2021–2023. \$355,000.

The Boston Foundation. “2022 Greater Boston Housing Report Card” (Co-principal investigator). 2022. \$70,000.

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

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

The Rockefeller Foundation. “Menino Survey of Mayors” (Co-principal investigator). 2018–2020. \$325,000.

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

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

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

Harvard University, Department of Government. Senator Charles Sumner Prize, awarded to the best dissertation “from the legal, political, historical, economic, so-cial or ethnic approach, dealing with means or measures tending toward the pre-vention of war and the establishment of universal peace.” 2014.

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

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

The Dirksen Congressional Center. Congressional Research Award 2013.

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

SELECTED PRESENTATIONS

“Barriers to Voting and Future Electoral Participation.” American Politics Speaker Series, Harvard Kennedy School, 2024.

“Built Infrastructure Federalism: Local Barriers to Climate Policy.” Local Political Economy Conference, Temple University, 2024.

“How Affordable Housing Can Exclude: The Political Economy of Subsidized Housing.” Political Economy of Housing Conference, University of Southern California, Sol Price School of Public Policy, 2024.

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

“Who Represents the Renters?” Local Political Economy Conference, George Washington University, 2019.

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

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

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

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

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

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

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

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

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

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

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

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

American Political Science Association: 2013, 2014, 2015, 2016, 2018, 2019, 2020, 2022; Midwestern Political Science Association: 2012, 2013, 2014, 2017, 2019, 2023; Southern Political Science Association: 2015, 2018; European Political Science Association: 2015.

EXPERT TESTIMONY & CONSULTING

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

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

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

Dwight v. Raffensperger (No. 1:18-cv-2869-RWS), U.S. District Court for the Northern District of Georgia. Prepared expert reports and testified on racially polarized voting in selected districts of the 2011 Georgia congressional district map. (2019)

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

Caster v. Merrill / Caster v. Allen (No. 2:21-cv-1536-AMM), U.S. District Court for the Northern District of Alabama. Prepared expert reports and testified on racially polarized voting in Alabama. Testified in preliminary injunction hearing in 2022; submitted reports for remedial map process in 2023; testified in trial in 2025.

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

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

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

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

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

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

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

Vet Voice Foundation, et al., v. Griswold (No. 2022CV033456), District Court, City and County of Denver, State of Colorado. Prepared expert reports and testified on ballots rejected for non-matching signatures in Colorado. (2023)

Williams, et. al., v. Hall (1:23-CV-01057-TDS-JLW), U.S. District Court for the Middle District of North Carolina. Prepared expert reports and testified on racially polarized voting and effects of 2023 Congressional redistricting in North Carolina. (2024)

California Alliance for Retired Americans et al. v. Weber (No. 24STCP02062), Superior Court of the State of California in and for the County of Los Angeles. Prepared declaration in support of plaintiffs' motion for preliminary injunction. (2024)

“Brief Of Political Science Professors As Amici Curiae In Support Of Appellees,” in the case of *Alexander vs. South Carolina State Conference of the NAACP*, in the Supreme Court of the United States (No. 22-807). (with Stephen Ansolabehere, Bruce E. Cain, James M. Snyder, Jr., and Charles Stewart III)

Jury Plan Consultant, U.S. District Court for the Southern District of New York, 2024–2025.

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

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

TEACHING

Boston University

- *Introduction to American Politics* (Fall 2014, Fall 2015, Fall 2016, Fall 2017, Spring 2019, Fall 2019, Fall 2020)
- *Congress and Its Critics* (Fall 2014, Spring 2015, Spring 2017, Spring 2019)
- *Voting Rights* (Spring 2024, Spring 2025)
- *Data Science for Politics* (Spring 2020, Spring 2021, Fall 2021, Fall 2022, Fall 2023, Fall 2024, Fall 2025)
- *Formal Political Theory* (Spring 2015, Spring 2017, Fall 2019, Fall 2020)
- *American Political Institutions in Transition* (Spring 2021, Fall 2021)
- *Prohibition* (Fall 2015, Fall 2022, Fall 2024, Fall 2025)
- *Political Analysis (Graduate Seminar)* (Fall 2016, Fall 2017)
- *Graduate Research Workshop* (Fall 2019, Spring 2020)
- *Spark! Civic Tech Research Design Workshop* (Spring 2023)
- *Spark! Civic Tech Toolkit Workshop* (Spring 2023)

SERVICE

Boston University

- Task Force on Evaluating Teaching, 2025.
- Research Computing Governance Committee, 2021–.
- Initiative on Cities Faculty Advisory Board, 2020–2022.
- Undergraduate Assessment Working Group, 2020–2021.
- College of Arts and Sciences
 - External Member, Urban Sociology Search Committee, Department of Sociology, 2024.
 - Ad Hoc Committee on the CAS BA-Level Curriculum, 2023.

- CAS Conduct Liaison, 2023–.
- Search Committee for the Faculty Director of the Initiative on Cities, 2020–2021.
- General Education Curriculum Committee, 2017–2018.
- Department of Political Science
 - Associate Chair, 2023–2025.
 - Director of Advanced Programs (Honors & B.A./M.A.). 2020–2023.
 - Political Methodology Search Committee, 2021.
 - Delegate, Chair Selection Advisory Process, 2021.
 - Comprehensive Exam Committee, American Politics, 2019, 2023, 2024, 2025.
 - Comprehensive Exam Committee, Political Methodology, 2016, 2017, 2021, 2022.
 - American Politics Search Committee, 2017.
 - American Politics Search Committee, 2016.
 - Graduate Program Committee, 2014–2015, 2018–2019, 2020–2021.

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

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

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

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

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

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

OTHER EXPERIENCE

Charles River Associates, Boston, Massachusetts

Associate, Energy & Environment Practice, 2008–2010

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

Updated November 24, 2025

EXHIBIT 33

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

DAVID TANGIPA, *et al.*,

Plaintiffs,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

**GAVIN NEWSOM, in his official
capacity as the Governor of
California, *et al.*,**

Defendants,

**DEMOCRATIC CONGRESSIONAL
CAMPAIGN COMMITTEE, *et al.*,**

Defendant-Intervenors.

No: 2:25-cv-10616-JLS-WLH-KKL

**DECLARATION OF WILLIAM
VAN NUYS III IN SUPPORT OF
DCCC'S RESPONSE IN
OPPOSITION TO PLAINTIFFS'
AND THE UNITED STATES'S
MOTIONS FOR PRELIMINARY
INJUNCTION**

Hearing Date: December 15, 2025

Time: 9:00 a.m.

Courtroom: One

1 Pursuant to 28 U.S.C. § 1746, I, William Van Nuys III, declare as follows:

2 1. I am over the age of 18, am competent to testify, and have personal
3 knowledge of the facts and information set forth in this declaration.

4 2. I am the Deputy Executive Director of DCCC, a position I have held since
5 January 2025. In that capacity, I help to oversee DCCC's strategy and operations,
6 including its political strategy in California and across the country. Prior to my current
7 role, I served as DCCC's National Political Director during the 2024 election cycle. I
8 also served as DCCC's Western Regional Political Director and oversaw DCCC's
9 strategy in California during the 2022 midterm election cycle.

10 3. DCCC, sometimes called the Democratic Congressional Campaign
11 Committee, is the national congressional campaign committee for the Democratic Party.
12 DCCC's mission is to elect Democratic candidates to the U.S. House of Representatives.
13 As part of that mission, DCCC works to recruit Democratic candidates, raise funds, and
14 help Democratic candidates win races in congressional districts throughout the country,
15 including in California's 52 congressional districts.

16 4. As the national party committee dedicated to electing Democrats to the
17 House of Representatives, and ultimately obtaining a Democratic majority in the House,
18 DCCC has a strong interest in increasing the likelihood that Democratic congressional
19 candidates win elections. DCCC therefore cares deeply about redistricting around the
20 country, because redistricting significantly affects the electoral prospects of Democratic
21 congressional candidates and the rights of Democratic voters.

22 5. This past summer, Texas Republicans announced a plan to re-draw
23 congressional districts in Texas to disadvantage Democratic congressional candidates.
24 Specifically, based on news coverage I reviewed, I understand that Texas Republicans
25 eliminated districts currently held by Democratic House members in Houston, Dallas,
26 Austin, and South Texas. I further understand that other states controlled by the
27 Republican Party have undertaken similar efforts or are contemplating doing so. Finally,
28 I understand that President Trump has exerted and continues to exert significant pressure

1 on states around the country to redraw their maps in a way that is maximally beneficial
2 to Republican candidates, to the detriment of Democratic Party candidates supported by
3 DCCC.

4 6. I understand that, in response to these efforts, elected leaders in California
5 began considering whether to re-draw the congressional districts in their own state to
6 advantage Democratic candidates.

7 7. During the summer of 2025, I learned that Paul Mitchell and Redistricting
8 Partners had been working on a potential revision to California's congressional map.

9 8. On August 3, 2025, I, along with another DCCC staff member, first saw a
10 draft of the proposed map that Redistricting Partners prepared ("Draft Map"). We
11 reviewed the map exclusively for partisan performance, and we were pleased with the
12 map because, if enacted, it would substantially increase partisan advantage for
13 Democratic candidates as compared to California's existing map. Specifically, the Draft
14 Map likely improved Democratic performance in Districts 1, 3, 9, 13, 22, 27, 41, 45, 47,
15 and 48.

16 9. Hoping that an even more Democratically-favorable proposal would be
17 presented to the California Legislature, DCCC supported certain revisions to the Draft
18 Map to further improve Democratic performance, including in San Diego and the Central
19 Valley. Redistricting Partners adopted at least some of those revisions to the Draft Map,
20 including to improve Democratic performance in the Central Valley.

21 10. At no point did DCCC analyze racial data for the Draft Map, and none of
22 the revisions we supported were based on a consideration of race or the Voting Rights
23 Act. DCCC's interest in the Draft Map and its particulars was always focused on partisan
24 performance. The revisions to the Draft Map that DCCC supported exclusively
25 concerned improving the partisan performance for Democratic candidates

26 11. On August 14, 2025, the California State Assembly Committee on Elections
27 and the Senate Elections and Constitutional Amendments Committee ("Committees")
28 opened a public portal for proposals and comments regarding redistricting.

1 12. That same day, DCCC decided to purchase from Redistricting Partners a
2 revised version of the Draft Map.

3 13. Redistricting Partners provided DCCC with the map file on August 15,
4 2025. On the same day, DCCC submitted the map it received, along with an
5 accompanying cover letter, to the Legislature.

6 14. The map that ultimately was adopted by the state Legislature and put
7 forward to California voters appears likely to achieve similar partisan outcomes to the
8 map DCCC submitted on August 15, 2025.

9 15. That map then appeared on the California special election ballot in the
10 November 4, 2025 election. In the months leading up to election day, Democrats and
11 Republicans fought a fierce political campaign over Proposition 50. Republican groups
12 opposed the measure because the map favored Democrats, and Democrats supported the
13 measure because the map favored Democrats. DCCC was actively tracking ads and
14 campaign materials on both sides. DCCC is not aware of any Republican campaign
15 materials that objected to the map on the grounds that racial considerations motivated the
16 map.

17 16. California voters overwhelmingly approved Proposition 50, by a nearly
18 two-to-one margin.

19 17. The next day, DCCC Chair Representative Suzan DelBene released a
20 statement concerning Proposition 50. The statement read, in relevant part: “We applaud
21 California’s leaders for giving voters the opportunity to elect a Congress next year that
22 will work for the people, not the wealthiest few, and level the playing field in the face of
23 corrupt Republican gerrymandering efforts across the country. The path to the
24 Democratic majority includes flipping critical seats throughout California, and
25 Democrats are on offense to hold newly vulnerable Republicans accountable.”¹

26
27 ¹ DCCC, “DCCC Chair Statement on Passage of Proposition 50 in California,”
28 (November 5, 2025), <https://dccc.org/dccc-chair-statement-on-passage-of-proposition-50-in-california/>.

1 18. I have reviewed the Complaint filed in this case. I understand that Plaintiffs
2 have alleged that DCCC “paid Redistricting Partners to draw the map” set out in
3 Proposition 50.² That is not correct. DCCC learned of a map after it was initially prepared
4 and saw it for the first time on August 3, 2025. DCCC then supported some proposed
5 changes to that version of the map for the sole purpose of increasing the partisan
6 performance of the map.

7 19. I understand that Plaintiffs seek a court order declaring that the map set out
8 in Proposition 50 is unlawful and an injunction enjoining implementation of the new map
9 for the now-imminent 2026 election cycle.³

10 20. Such an injunction would severely harm DCCC because Democratic
11 congressional candidates in California would be less likely to be elected in the November
12 2026 midterm election if the map is enjoined.

13 21. An injunction would also undermine the ability of the Democratic Party to
14 counteract the effects of redistricting efforts that other Republican-led states have
15 undertaken or will soon undertake at the President’s command.

16
17 I declare under penalty of perjury that the foregoing is true and correct. Executed
18 this 3rd day of December, 2025, in Washington, D.C.

19
20
21 *William Van Nuys III*

22 **William F. Van Nuys III**
23 Deputy Executive Director, DCCC
24
25
26

27 ² Compl. ¶¶ 51-52.

28 ³ *Id.* at 24.

EXHIBIT 34

Video: California Governor Gavin Newsom video titled
“Governor Newsom, California Leaders Host Texas
Democrats Breaking Quorum to Fight GOP Map-
Rigging,” available at [https://www.youtube.com/watch?
v=yVBx55RXqyM&t=3s](https://www.youtube.com/watch?v=yVBx55RXqyM&t=3s)

Provided to the Court via USB drive pursuant to Local
Rule 5-4.2 as “Ex.34 – Governor Newsom Video”