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Re: Supplemental Assignment for Expert Report on Florida Redistricting Matter

Dear Dr. Walker:

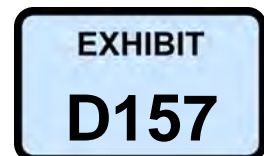
Our mapping expert for this case has prepared several maps. In the course of drawing these maps, he has adjusted several districts that the Florida Legislature and/or courts have identified as protected under Section 2 of the Voting Rights Act and/or the minority-protection provisions of the Florida Constitution. These laws protect the ability of certain minority voters to participate in the political process and to elect representatives of their choice in certain districts.

The question we would like you to answer is whether, and the extent to which, the ability of Black voters to elect representatives of their choice in the following redrawn districts is diminished (retrogressed), as compared to benchmark districts in the benchmark maps (the maps in place before the 2020 Census):

- Congressional District 20
- Congressional District 24
- House District 108
- House District 109

Our mapping expert has prepared several different versions of each district, identified by a different letter (A, B, C, etc.). You should answer this question for each different version of each district.

You may use all the tools and data that are necessary to answer this question. In answering this question, you are free to present any supporting analysis that you consider to be helpful or necessary.



The Florida Supreme Court has explained:

Evaluating the extent to which benchmark and new districts perform for minority voters—that is, enable those voters to elect the candidate of their choice—requires a ‘functional analysis’ of voting behavior within the districts at issue. Such analysis considers statistical data pertaining to voting age population; voter-registration data; voting registration of actual voters; and election results history. We have said that, because a minority group’s ability to elect a candidate of choice depends upon more than just population figures, a slight change in percentage of the minority group’s population in a given district does not necessarily have a cognizable effect on a minority group’s ability to elect its preferred candidate of choice. A ‘functional analysis’ is required to evaluate retrogression and to determine whether a district is likely to perform for minority candidates of choice. This requires consideration of minority population in districts, minority voting-age population in districts, political data, how a minority population group has voted in the past. No predetermined or fixed demographic percentage is used at any point in the assessment.

In re Senate Joint Resol. of Legis. Apportionment 100, 334 So. 3d 1282, 1289 (Fla. 2022) (citations, quotation marks, and alterations omitted).

The “political data” included in a functional analysis includes “voter-registration data” and “voting registration of actual voters” pointing to “whether the minority candidate of choice is likely to prevail in the relevant contested party primary.” *League of Women Voters of Fla. v. Detzner*, 179 So. 3d 258, 287 n.11 (Fla. 2015).

Much (potentially all) of the data referenced in these Florida Supreme Court opinions is available on the Florida Legislature’s redistricting website, <https://www.floridaredistricting.gov/>. You are free to analyze any additional data that that source omits. For whichever data sources you select, please explain in your report how and why you selected them for analysis.

Please reach out with any questions or concerns.

Sincerely,

/s/ Brian P. Quinn

Brian P. Quinn
Counsel
for O’MELVENY & MYERS LLP