

Exhibit C

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

EAST ST. LOUIS BRANCH NAACP,)
ILLINOIS STATE CONFERENCE OF)
THE NAACP, and UNITED CONGRESS)
OF COMMUNITY AND RELIGIOUS)
ORGANIZATIONS,)

Plaintiffs;)

-v-

) No. 1:21-cv-05512

ILLINOIS STATE BOARD OF)
ELECTIONS, WILLIAM J. CADIGAN,)
LAURA K. DONAHUE, IAN K.)
LINNABARY, CATHERINE S. MCCRORY)
WILLIAM M. MCGUFFAGE, RICK S.)
TERVEN, SR., and CASANDRA B.)
WATSON, in their Official)
Capacities as members of the)
Illinois State Board of)
Elections, DON HARMON, in his)
Official capacity as President)
of the Illinois Senate, THE)
OFFICE OF THE PRESIDENT OF THE)
ILLINOIS SENATE, EMANUEL)
CHRISTOPHER WELCH, in his)
official capacity as Speaker of)
the Illinois House of)
Representatives, and THE OFFICE)
OF THE SPEAKER OF THE ILLINOIS)
HOUSE OF REPRESENTATIVES)

Defendants.)

Remote Deposition of Loren Collingwood

December 3, 2021

2:30 p.m.

Reported By Beth Radtke, RPR, CRR
License No. 084-004561

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JULIE CONTRERAS, IRVIN FUENTES,)
ABRAHAM MARTINEZ, IRENE PADILLA,)
ROSE TORRES, LAURA MURPHY,)
CRISTINA FLORES, JOSE ALCALA,)
TROY HERNANDEZ, GABRIEL PEREZ,)
IVAN MEDINA, ALFREDO CALIXTO,)
HISPANIC LAWYERS ASSOCIATION OF)
ILLINOIS and PUERTO RICAN BAR)
ASSOCIATION OF ILLINOIS,)
Plaintiffs,)

-v-

No. 1:21-cv-3139

ILLINOIS STATE BOARD OF)
ELECTIONS, WILLIAM J. CADIGAN,)
LAURA K. DONAHUE, IAN K.)
LINNABARY, CATHERINE S. MCCRORY)
WILLIAM M. MCGUFFAGE, RICK S.)
TERVEN, SR., and CASANDRA B.)
WATSON, in their Official)
Capacities as members of the)
Illinois State Board of)
Elections, DON HARMON, in his)
Official capacity as President)
of the Illinois Senate, THE)
OFFICE OF THE PRESIDENT OF THE)
ILLINOIS SENATE, EMANUEL)
CHRISTOPHER WELCH, in his)
official capacity as Speaker of)
the Illinois House of)
Representatives, and THE OFFICE)
OF THE SPEAKER OF THE ILLINOIS)
HOUSE OF REPRESENTATIVES)
Defendants.)

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DAN MCCONCHIE, in his official)
Capacity as Minority Leader of)
The Illinois Senate and)
Individually as a registered)
Voter, JIM DURKIN, in his)
Official capacity as Minority)
Leader of the Illinois House of)
Representatives and individually)
As a registered voter, JAMES)
RIVERA, ANNA DE LA TORRE, DOLORES)
DIAZ, FELIPE LUNA JR., SALVADOR)
TREMILLO, CHRISTOPHER ROMERO, the)
REPUBLICAN CAUCUS OF THE ILLINOIS)
SENATE, the REPUBLICAN CAUCUS OF)
THE ILLINOIS HOUSE OF)
REPRESENTATIVES, and the ILLINOIS)
REPUBLICAN PARTY,)
Plaintiff;)

-v-

) No. 1:21-cv-03091

ILLINOIS STATE BOARD OF)
ELECTIONS, WILLIAM J. CADIGAN,)
LAURA K. DONAHUE, IAN K.)
LINNABARY, CATHERINE S. MCCRORY)
WILLIAM M. MCGUFFAGE, RICK S.)
TERVEN, SR., and CASANDRA B.)
WATSON, in their Official)
Capacities as members of the)
Illinois State Board of)
Elections, DON HARMON, in his)
Official capacity as President)
of the Illinois Senate, THE)
OFFICE OF THE PRESIDENT OF THE)
ILLINOIS SENATE, EMANUEL)
CHRISTOPHER WELCH, in his)
official capacity as Speaker of)
the Illinois House of)
Representatives, and THE OFFICE)
OF THE SPEAKER OF THE ILLINOIS)
HOUSE OF REPRESENTATIVES)
Defendants.)

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registered voter, James Rivera, Anna De La Torre,
Dolores Diaz, Felipe Luna Jr., Salvador Tremillo,
Christopher Romero, the Republican Caucus of the
Illinois Senate, the Republican Caucus of the
Illinois House of Representatives, and the
Illinois Republican Party.

INDEX

WITNESS	PAGE
LOREN COLLINGWOOD, Ph.D.	
Examination By Mr. Vaught	7
Examination By Mr. Kutcher	70

EXHIBITS

No Exhibits Marked for Identification

1 (Witness sworn.)

2 LOREN COLLINGWOOD, Ph.D.,
3 having been first duly sworn, was examined and
4 testified as follows:

5 EXAMINATION

6 BY MR. VAUGHT:

7 Q. My name is Adam Vaught. I'm an attorney for
8 President Harmon, Speaker Welch, the parties being
9 referred to as the legislative defendants.

10 Could you please state your name for the
11 record?

12 A. Loren Collingwood.

13 Q. Dr. Collingwood, first, let me say in our
14 briefing, we noticed in the footnote and we see today
15 it refers to you as "she" or "her," and I will
16 confess that some of that was my own original
17 writing, so I apologize for the mistake. Just bear
18 with us; we're under tight circumstance, and no
19 offense was intended and I hope none was taken, so I
20 wanted to apologize for that.

21 A. No offense taken.

22 Q. Have you given a deposition before, Doctor?

23 A. Yes, sir.

24 Q. How many times?

1 A. Once.

2 Q. Let me go over the basics; it's mostly to
3 help the court reporter, because in a normal
4 conversation, people talk over each other, and we
5 need to keep it clean under these circumstances.

6 So if I ask a question, please wait until I
7 finish in order to provide an answer. I will try to
8 do my best to wait until you finish your answer
9 before I ask a question.

10 Oftentimes in conversation, people will say
11 uh-huh or uh-uh, nod their head yes or no, but that's
12 hard to get down for the court reporter, so if you
13 could just say yes or no, rather than, you know,
14 those sort of nonverbal cues.

15 Is there any reason today why we can't
16 conduct this deposition? Anything that might be
17 affecting your cognition or anything like that?

18 A. No.

19 Q. As you understood, you are under oath and
20 that means you have an obligation to state the truth,
21 correct?

22 A. Correct.

23 Q. Wonderful.

24 Okay. So, Doctor, you have your reports in

1 front of you?

2 A. I do.

3 Q. Have you reviewed anything else in
4 preparation of the deposition?

5 A. Yes. I reviewed Dr. Lichtman's report, and
6 I reviewed the plaintiff's brief, final brief. You
7 must forgive me, I'm not the best with these very
8 specific legal names. And then I reviewed the brief
9 dated 11-15.

10 I can show them to you here, but I have five
11 documents here that I haven't, you know, reviewed all
12 of them in depth, but that's what I have a looked at.

13 Q. Okay. And I don't mean to dig in too hard
14 on this, just so I understand --

15 A. Yeah.

16 Q. You have your report, what we'll call your
17 initial report, which was the first one that was
18 filed with plaintiff's initial submission?

19 A. Right.

20 Q. You have your reply report, which got filed
21 a couple days ago?

22 A. Correct.

23 Q. Okay. And then you have the plaintiff's
24 submission that was -- you represent the plaintiffs

1 in what we call the East St. Louis NAACP case,
2 correct? And in this dep, when I'm referring to
3 plaintiffs, I mean the plaintiffs who have retained
4 you. If I refer to another -- are you familiar that
5 there are three separate cases going on here?

6 A. Yes, I'm familiar. Yes.

7 Q. Okay. So if I say plaintiffs, I'm referring
8 to the plaintiffs who retained you. If for whatever
9 reason I refer to another plaintiff set, I'll try to
10 be more specific.

11 But you have the NAACP submission from a
12 couple days ago, correct?

13 A. That's correct.

14 Q. Okay. And was there another document in
15 front of you? I think you said five and I might have
16 said four.

17 A. That's right. I have another document
18 called Plaintiffs' Brief in Compliance with Court
19 Order Directing Parties to Respond to Defendant's
20 Remedial House Legislative Map and in Support of
21 Plaintiffs' Remedial Map. I have that document, but
22 I -- to be fair, I didn't really review it, but I
23 have it. I might have paged through it slightly.

24 And then I have Dr. Lichtman's -- basically

1 expert report in the case.

2 Q. And have you reviewed Dr. Lichtman's report?

3 A. Yes, I've gone through it. Not all of it,
4 but the sections related to our -- our side.

5 Q. Sure. There was a lot there, so...

6 A. He's an historian. He's an historian, so it
7 comes out for sure.

8 Q. Okay. So can we first focus on table 1 of
9 your initial report?

10 A. Do you mind if I go to it?

11 Q. No, no, absolutely. That's fine. You're
12 not supposed to have it all committed to memory.

13 A. Exactly.

14 Q. Sorry, I'm trying to get to it now.

15 Apologies.

16 Okay. This table includes elections that
17 you selected as probative to whether or not the White
18 bloc voting usually defeats candidate of choice, is
19 that correct?

20 A. That is correct.

21 Q. Okay. I think Dr. Lichtman said you may
22 have had an error on one of the races. Was that
23 right?

24 A. That's correct.

1 Q. Okay. And that was the candidate in the
2 2020 Board of Review race was Wilson; you had
3 identified him as White, but he is in fact African
4 American?

5 A. No, I think it was the Black candidate,
6 Williams, is supposed to be -- is the winner in that
7 contest.

8 Q. Oh, I see.

9 A. Yeah, so I accidentally put Wilson in as the
10 winner, but it was Williams.

11 Q. Okay.

12 A. Yeah.

13 Q. So -- sorry, go ahead.

14 A. And I acknowledged that in my rebuttal
15 report.

16 Q. Thank you.

17 And that correction, that actually increases
18 your results to show that a Black candidate was the
19 candidate of choice prevailed in six of seven
20 elections that you've selected; is that right?

21 A. That's correct. Yes.

22 Q. Okay. And that would be a win rate of
23 approximately 85 percent?

24 A. That's correct.

1 Q. Okay. So are you familiar with what's
2 referred to as Gingles 3? Or the third Gingles
3 precondition?

4 A. Yes, I am.

5 Q. Can you tell me what your understanding of
6 that is?

7 A. Gingles 3 is effectively assessing whether
8 the majority, often White population, is voting
9 differently, and then whether they are effectively
10 able to block the minority population from
11 ascertaining office and/or specifically, in this
12 case, Black voters from electing a candidate of their
13 choice.

14 Q. Well, based on the six of seven elections
15 that you analyzed that showed the Black candidate
16 won, would you agree that White bloc voting does not
17 usually defeat the Black preferred candidate of
18 choice in the area that is under discussion?

19 A. In the original -- so this table here in
20 those elections that I looked at in table 1, I looked
21 at the 2011 version of the 114th District, and yes,
22 in that jurisdiction, it's my opinion that Gingles 3
23 would not be violated in that case, yes. And I
24 agreed with Dr. Lichtman on that point in my rebuttal

1 report.

2 Q. Okay. So let's just say prior to September
3 of 2021, you would agree that Gingles 3 is not met?

4 A. According to this table and according to my
5 analysis, yes, I have to agree to that.

6 Q. Okay, thank you.

7 Okay. So are you familiar with what the
8 Black CVAP is in District 114 under Senate Bill 927?
9 That's the district that you analyzed as part of the
10 September plan.

11 A. Am I -- I don't know off the top of my head.
12 I would say it's about 37 percent citizen voting age
13 population, but the -- the SB 927 114 voting age
14 population is closer to 34 percent.

15 Q. You cut out, at least for me a little bit.

16 Can you just repeat that last part? Sorry.

17 A. Sorry, yeah. I'm sure this is the first
18 time that it has ever happened on Zoom, that that has
19 happened.

20 Q. Right.

21 A. My understanding, although I haven't run the
22 numbers, but based on my review of Dr. Lichtman's
23 analysis and rebuttal -- and report is that CVAP, of
24 HD -- of SB 927 HD 114 is 37 percent CVAP. I

1 personally did not calculate that number and look at
2 that number.

3 Q. Okay. So the number that is there, you
4 don't dispute, if it's the 37, 38, you don't dispute
5 that?

6 A. On the citizen voting age population, I
7 don't have any reason to necessarily object to
8 Dr. Lichtman's perspective, but on VAP, that's a
9 different number and a different discussion.

10 Q. Okay. Are you familiar -- were you familiar
11 with Dr. Lichtman prior to this litigation?

12 A. I had come across his name a few times in --
13 just as a social scientist, yes.

14 Q. I mean, what is your understanding of his
15 background?

16 A. He's an historian, and he was the plaintiff
17 expert in the Garza decision in Los Angeles that was
18 a very important decision in Los Angeles vis-à-vis
19 Latino voting, and that he has done a lot of work as
20 an historian in voting rights and in this field.

21 THE COURT REPORTER: Counsel, I'm sorry,
22 this is the court reporter. Could we just go off the
23 record for one second? There's people in the waiting
24 room.

1 MR. VAUGHT: Yeah, that's fine.

2 THE COURT REPORTER: Sorry, I didn't mean to
3 interrupt.

4 MR. VAUGHT: No worries.

5 (A brief discussion was had off the record.)

6 BY MR. VAUGHT:

7 Q. In your rebuttal you report, you didn't
8 challenge any of the CVAP numbers that Dr.
9 Lichtman used in his report, is that correct?

10 A. That's correct. I did not focus on CVAP in
11 terms of that in my rebuttal report.

12 Q. Okay. So based on those CVAP numbers, five
13 of the seven elections that we just discussed
14 occurred in districts that were -- or jurisdictions
15 below 38 percent, correct?

16 A. Sorry, could you -- could you rephrase --

17 MR. KUTCHER: Object to form.

18 THE WITNESS: I didn't quite follow that.

19 BY MR. VAUGHT:

20 Q. The CVAP numbers in five of the seven
21 elections that occurred in Dr. Lichtman's report
22 showed that they had Black CVAP below 38 percent.
23 You don't dispute that, correct?

24 MR. KUTCHER: Object to form.

1 BY THE WITNESS:

2 A. Yeah, I'd have to look at his -- in his
3 analysis to -- I don't remember that point. I'm not
4 saying it's not there, I just don't remember it off
5 the top of my head.

6 BY MR. VAUGHT:

7 Q. Okay. Sure, let's try and make it easier
8 for you. You said you had his report in front of
9 you?

10 A. Yes, sir.

11 Q. If you could turn, I hope, to page 87.
12 There is a compilation two. It says table 1, page 6
13 of Collingwood declaration, and then there is a chart
14 below it?

15 A. Oh, right, where he went and added it?
16 Yeah.

17 Yeah, so my issue with this is he's looking
18 at CVAP, but you know, CVAP for 2019 is going to be
19 an estimate, a five-year estimate, and so this is
20 including numbers from 2015. And so it's quite a bit
21 different than looking at, say, a voting age
22 population, which is going to be a 2020.

23 So I don't doubt that these numbers are
24 probably not correct, but I do dispute that it's --

1 in this particular analysis and what he's doing that
2 CVAP is the right way to go.

3 Q. Okay. You think VAP is the best way to go?

4 A. In this particular type of analysis, VAP is
5 going to -- and I can give plenty of reasons as to
6 why, you know, I think that's the case.

7 But VAP is -- you know, yeah, you have to go
8 back and so in some context, CVAP might make sense,
9 but particularly in the 2020 and 2018 elections
10 that's closer to the census, the VAP number is
11 probably going to be a lot more accurate, if -- and I
12 have not run the numbers on this, but it would be my
13 sense as a demographer, as a political scientist, as
14 someone who does this work, that the citizen voting
15 age population in theory is going to be quite similar
16 than the voting age population.

17 And so if that's the case, then you would
18 rather take the voting age population, at least for
19 the -- the contests that are closer to 2020 because
20 that will give you a more reliable full census count
21 of these populations.

22 Q. I think you said in that answer that you did
23 not run that analysis, though, to determine whether
24 voting --

1 A. That is -- that is correct. So if the --
2 obviously this is your question. I just wanted to
3 contextualize it a little bit, because my lawyers
4 told me to really give long-winded responses.

5 CVAP numbers here, I have no reason to doubt
6 that his numbers are correct based on CVAP, yes.

7 Q. Okay. But you think it's incorrect if you
8 use VAP?

9 A. No, I didn't say that.

10 Q. Oh, okay. So you don't contest his CVAP
11 analysis, is that what you're saying?

12 A. That's right. I haven't personally done
13 that exact analysis, so I can't contest that.

14 Q. Okay. Let's talk about House District 114
15 under Senate Bill 927.

16 You say going forward, that White bloc
17 voting will defeat the Black preferred candidate of
18 choice, or is it less than that? By less than that,
19 I mean it's not a guarantee.

20 MR. KUTCHER: Objection.

21 BY THE WITNESS:

22 A. Well, nothing in election politics is a
23 guarantee. But I think that the way that HB 910,
24 excuse me for being -- 920 is hard for me to remember

1 that, but I want to be clear for the record.

2 S.B. 927 HD 114 has created a district that
3 is a much more difficult district for Black voters to
4 elect a preferred candidate than the previous
5 district. That's, I think, indisputable. I would
6 doubt that either side would doubt that.

7 Q. So when you say it's more difficult, can you
8 give me the reasons why it's more difficult? The new
9 114.

10 A. Well, the way that the precincts and blocks
11 have been constructed, when you look at the
12 reconstituted election results with the contests that
13 I looked at, you will see that the Black candidate of
14 choice in those contests is basically a toss-up.
15 They're winning, but very marginally. Very, very
16 marginally. And moving forward, when we consider
17 demographic change, looking at voting age population,
18 not citizen voting age population, because that's
19 just an estimate, looking at voting age population in
20 SB 927 HD 114, there is a relative drop-off in the
21 Black population, both at the population and the
22 voting age population level.

23 And so moving forward, my assessment would
24 be that district is already right at a toss-up and it

1 could become a district that's more likely to be won
2 by a Republican or a White candidate than a Black
3 candidate or a Black preferred candidate.

4 Q. When you say it could be, what are you
5 basing that determination on?

6 A. I reconstituted elections, three elections
7 in and around St. Clair County that fully covered and
8 encapsulate HD 114, the 927 version, and then I
9 looked at electoral returns and I looked at how
10 candidate A would be versus how candidate B would be,
11 where candidate A is the candidate that is preferred
12 by Black voters, candidate B is the candidate
13 preferred by White voters.

14 In this case, it happens to be that
15 candidate A is a Black candidate, candidate B is a
16 White candidate. And I know that candidate A is
17 preferred by Black voters because I conducted a
18 racially polarized voting analysis in those three
19 contests. So I know that, and I've reconstituted
20 those electoral -- the previous election results and
21 produced an analysis that shows it's very, very
22 tight. That's how I know that.

23 Q. Okay. So we earlier established that
24 pre-September 2021, you would agree there's no racial

1 bloc voting in House District 114?

2 MR. KUTCHER: Object to form.

3 BY THE WITNESS:

4 A. No, I wouldn't agree with that. I wouldn't
5 agree with that.

6 BY MR. VAUGHT:

7 Q. Under the 2011 -- the 2011 district?

8 A. In the 2011 district, what is present there
9 is there's very clear evidence of the 2011 district
10 in the elections I analyzed that there's racially
11 polarized voting, per Gingles 2.

12 What it's less clear about, and I would side
13 with Dr. Lichtman on this point, the Black voters in
14 that district are able to elect their preferred
15 candidate of choice, which in this case are Black
16 candidates, in the general elections.

17 So Gingles prong 3, in my view, and in
18 Dr. Lichtman's view, in the previous House District
19 would -- would basically not be in violation.

20 Q. Okay, thank you.

21 And as it is currently drafted in 927, you
22 say it has now become a toss-up, correct?

23 A. That's correct.

24 Q. You know, I know you talk about it in your

1 report, you use some political experts, you know, and
2 their definitions of toss-up. But can you just
3 explain what your own definition of a toss-up is?

4 A. Well, to me a toss-up is when, going into
5 the election, you can't really predict who is going
6 to win, or it's very, very close, right?

7 So to get at some numbers, obviously I can
8 use 50/50, but we never know what 50/50 is exactly
9 going in to an election. You look at polling; we
10 don't have a lot of polling data here, so we look at
11 reconstituted election results of -- of elections
12 that we think are most likely to mimic the political
13 and electoral dynamics of the current -- the
14 newly-drawn district. And in that case, I think I
15 have three elections, one is like a 53 something,
16 another is a 52 something or a 51.5, and I have to
17 get the numbers right off my head, so I'm just -- you
18 know, and one is like 50.4.

19 Okay. Anybody looking at that would say
20 that's -- that is a toss-up. Anybody would say
21 looking at that, who studies elections would say that
22 that's a toss-up. I think that that's indisputable
23 if -- if those numbers, we can agree on those
24 numbers.

1 Q. Those three elections that you analyzed to
2 make the -- let me just call it the toss-up analysis.
3 Did you look at anything beyond doing an analysis of
4 racial polarization?

5 MR. KUTCHER: Object to form.

6 BY THE WITNESS:

7 A. Right, so yeah, maybe just sort of
8 re-specify the question or...

9 BY MR. VAUGHT:

10 Q. What I'm getting at is do you know anything
11 more about those races? Because you said you are a
12 political scientist. Did you know anything about the
13 candidates, the issues involved locally, you know, if
14 there was anything, you know, special about the
15 election, or if there was a, you know, certain issue
16 that arose. Because every election is different. I
17 know we look at a lot of elections for these sort of
18 things, but when you've got the three elections, I'm
19 just wondering if you looked any further than just
20 the demographic numbers and election results.

21 A. Right. So what you are effectively asking
22 is some sort of qualitative, in-depth review, and no,
23 I didn't do that.

24 Q. But based on those three races, you would

1 say classify now as a toss-up?

2 A. Correct.

3 Q. And then you had said going forward, it
4 could become increasingly harder for the Black
5 candidate of choice to win in that district; is that
6 correct?

7 A. As a general rule, yes, that would be my
8 assessment. I do a lot of analysis on demographics,
9 demographic change, a lot of my papers look at that.
10 So based on kind of my experience looking at
11 elections and looking at American politics, I would
12 say that, yes.

13 Q. Did you do any sort of analysis that gives,
14 like, a forward prediction on what CVAP or VAP in
15 that district will become?

16 A. No, I did not do that in this particular
17 case, but I have done that in general in other
18 contexts where I serve as a demographer as opposed to
19 an RPV specialist. And so I have general confidence,
20 looking at these numbers relative to other
21 experiences that I have worked in, that that is
22 what's likely to happen. But I can't say that with
23 absolute certainty, you're correct.

24 Q. Okay. So just so I can clear this point up,

1 you did not do an analysis, correct?

2 A. I did not do a --

3 MR. KUTCHER: Object to form.

4 BY THE WITNESS:

5 A. Yeah, restate that.

6 BY MR. VAUGHT:

7 Q. You did not do an -- well, let me ask you
8 this: You said you've done this sort of analysis
9 before. What kind of -- how is that analysis done?
10 The analysis --

11 A. Basically -- a projection, right? There are
12 basic projection firms that use -- they probably
13 combine census data with ACS data, American community
14 survey data, which is what Dr. Lichtman used to
15 generate the citizen voting age population. You'll
16 look at age as well. You could look at birth rates,
17 you could look at in migration, out migration changes
18 over the course of the last ten years.

19 But what will happen is data sources are --
20 are generated that have these forward projections,
21 and that data can be available in certain instances.

22 I did not look at that in this case, but
23 that's what I would do to make it -- to do a kind of
24 forward projection analysis.

1 But as you know, forward projection
2 analysis, it is a projection, right? And so I wanted
3 to stick with the census numbers here from 2010 to
4 2020, and you know, stuck within my wheelhouse in
5 that particular context for this report.

6 Q. Okay, thank you.

7 But your opinion is that, going forward, 114
8 is likely to become harder for a candidate of choice
9 to win. What do you base that likely projection on?

10 A. Right, I base that on the change in the
11 Black population in the same district from 2010 to
12 2020, based on Dr. Weichelt's report, table 1 that I
13 incorporated into my rebuttal report. I'm familiar
14 there were some small minor changes on that recently,
15 but it has no material difference on my opinion about
16 those changes.

17 Q. Okay.

18 A. So that's what I based that on.

19 Q. Okay. So the three elections we're talking
20 about that you used were the 2020 Board of Review
21 election in St. Clair County, the 2016 Circuit Court
22 election in St. Clair County, and the 2014 Board of
23 Review election in St. Clair County; is that correct?

24 A. That's correct.

1 Q. Okay. And the Black preferred candidate won
2 in each one of those, correct?

3 A. Correct.

4 Q. And so that's a win rate of 100 percent,
5 would that be right?

6 A. Correct.

7 Q. Then going back to table 1 where it was five
8 out of six, if you add the three other races, that's
9 -- is that eight out of nine times that the Black
10 candidate of choice won?

11 MR. KUTCHER: Object to form.

12 BY THE WITNESS:

13 A. Well, yes -- yeah, I would say they're
14 different analyses, they're different precincts,
15 they're different jurisdictions. I feel a little bit
16 less comfortable kind of making that assertion.

17 But if you just say generically, eight out
18 of nine or whatever you just said, you know, that --
19 I can't argue with that.

20 BY MR. VAUGHT:

21 Q. Okay. You cited Dr. Lichtman in the LULAC
22 versus Perry case in the Supreme Court in your
23 rebuttal, and said that Dr. Lichtman employed this
24 method in LULAC versus Perry where the Supreme Court

1 credited this type of analysis in finding the point
2 had satisfied the third Gingles precondition; is that
3 right?

4 A. Yes.

5 Q. So have you read the LULAC versus Perry
6 decision? And I know that you're not a lawyer; I'm
7 just talking about in terms of, you know, the area
8 you are presented as an expert.

9 A. Right. Well, you're right, I'm not a
10 lawyer, and I go to these different decisions and I
11 look for the stuff that's relevant to, you know, what
12 I'm reading and what I'm writing and how I am
13 responding.

14 So I haven't read the full decision, of
15 course, but I read, you know, some areas. And, you
16 know, it's my understanding that that's the approach
17 that was used is very similar to what I'm using.

18 Q. Okay. Did you read in that opinion where
19 the Supreme Court, based on Dr. Lichtman's report,
20 found that furthermore the projected analysis in the
21 district there showed that Anglo citizen voting age
22 majority will often, if not always, prevent Latinos
23 from electing their candidate of choice?

24 MR. KUTCHER: Objection.

1 BY THE WITNESS:

2 A. I don't recall that off the top of my head.

3 BY MR. VAUGHT:

4 Q. That's fine.

5 Just assuming that the Court said that,
6 would you agree that, if in that case, the White
7 majority will often, if not always, prevent Latinos
8 from electing a candidate of choice, that's not what
9 you have found in this case?

10 MR. KUTCHER: Object to form and foundation.

11 BY THE WITNESS:

12 A. You know, I'd have to go and look at that a
13 lot more in depth to kind of get a more fair
14 assessment of that.

15 BY MR. VAUGHT:

16 Q. Did you find a race where the White bloc --
17 sorry, the White bloc defeated the Black candidate of
18 choice in House District 114?

19 MR. KUTCHER: Object to form.

20 BY THE WITNESS:

21 A. You mean the new one?

22 BY MR. VAUGHT:

23 Q. Well, let's start with the old one.

24 A. Well, I think it's the case, right, that the

1 -- on Dr. Lichtman's analysis, what was it,
2 page 80-whatever, there's one race where the Black
3 preferred candidate loses.

4 Q. Okay, so one race --

5 A. Yeah. That would be the one. The one race
6 where we would have -- see that out of the races I
7 looked at.

8 Q. Do you -- do you have much history on House
9 District 114 and who has served in that seat?

10 MR. KUTCHER: Object to form.

11 BY THE WITNESS:

12 A. Do I have much history? Could you maybe
13 rephrase that point?

14 BY MR. VAUGHT:

15 Q. Are you aware that an African-American has
16 held that seat for 40 years?

17 A. Yes. Yes, I'm aware of that. Yes. Yeah.

18 Q. So you also, in your rebuttal, cite
19 Dr. Lichtman's testimony in the 2002 Camposano case.
20 Did you remember that case?

21 A. Yeah. Yeah, so I reviewed some of that and
22 some of the deposition testimony that he gave in that
23 case.

24 Q. And I think you cited that to state that the

1 standard is more likely than not that a minority --
2 minority voters are able to elect their preferred
3 candidate of choice?

4 A. Correct.

5 Q. What would you define as more likely than
6 not, like mathematically?

7 A. Me personally? You know, you guys always
8 want to get us right on a number. I think it's very
9 context oriented, but maybe I'll say it this way:
10 The results that I have examined are not more likely
11 than not, they're more toss-up category.

12 As you get further away from 50, then you
13 move into the more likely than not situation; 55, 60,
14 those kinds of things you're going to feel a lot more
15 comfortable making the case that more likely than not
16 is going to happen. As you shrink towards that
17 50 percent mark, you start to get much more nervous
18 to make the claim that this is more likely than not.

19 Q. Do you know, does the Voting Rights Act
20 require safe districts for minority voters?

21 MR. KUTCHER: Object to form.

22 BY THE WITNESS:

23 A. I think that's kind of like a -- I would say
24 I don't know if that's the case.

1 BY MR. VAUGHT:

2 Q. Do you know if the Voting Rights Act
3 prohibits toss-up districts?

4 MR. KUTCHER: Object to form.

5 He -- he's not a lawyer, Adam.

6 MR. VAUGHT: Okay, I'm just asking if he
7 knows. I'm not asking for a legal opinion, I'm
8 asking for his expert opinion.

9 BY MR. VAUGHT:

10 Q. How many cases -- you said you did one
11 deposition. How many cases have you worked as an
12 expert on redistricting? Was it that one, or were
13 there others where you were not deposed?

14 A. Yeah, no, that's the case I was deposed on.
15 I have worked as kind of consulting in a variety of
16 contexts that did not go to trial or where I was more
17 kind of running some numbers, collecting data, that
18 kind of thing. And then I'm working on some cases
19 now as well, which I can't disclose, but that's
20 because there haven't been, you know, reports written
21 and that kind of thing.

22 Q. Yeah, I don't want to know what cases you're
23 working that aren't this. That's --

24 A. Probably smart.

1 Q. So in this case, plaintiffs have produced
2 what they call the liability map and the remedial
3 map. Are you aware of that?

4 A. Yes. Yes, sir.

5 Q. Okay. And the liability map has a CVAP in
6 excess of 50 percent, correct?

7 A. Yeah, CVAP and I think also VAP in excess of
8 50 percent, yes.

9 Q. And then the remedial map CVAP and VAP are
10 below 50 percent, is that right?

11 A. Yeah. Yes, that's correct.

12 Q. In your experience, have you seen a
13 plaintiff produce a liability -- or a liability map
14 and then a remedial map?

15 A. I'm trying to think. Most of the time what
16 I see is a remedial map, but -- yeah, so most of the
17 time what I see is a remedial map, and that's what I
18 tend to see.

19 Q. Have you ever seen a liability map that's
20 different from a remedial map?

21 A. Yeah. Yeah, definitely. I just -- I've
22 worked on a lot of things, so I couldn't say where
23 exactly I've seen that, but I've seen that.

24 Q. You don't remember where?

1 A. No.

2 Q. How many times have you seen it?

3 A. Also I couldn't tell you. I would say not
4 as much, right? I think it's less common. Yeah,
5 that's probably a fair statement of my response to
6 you.

7 Q. Okay. Well, you said us lawyers trying to
8 always pin you down on a number, so I'm going to --
9 I'm going to give you a little bit of flexibility,
10 but would you say it's less than five?

11 A. I would say that, yes.

12 Q. Is it less than three?

13 A. Probably between two and four. Something
14 like that.

15 Q. So if it's --

16 A. I like those even numbers.

17 Q. If it's two and four, do you have any
18 specific memory of those maps and what they did?

19 A. No. No, I look at a lot of maps, I work
20 with shape files, thousands of shape files all the
21 time.

22 Q. Well, just so I'm clear, have you seen it
23 filed in a case where there is a liability map filed
24 and a remedial map filed?

1 A. No.

2 Q. Why would you -- in your expert opinion, why
3 would you have a remedial map that has less than a
4 50 percent African American voting age population if
5 White bloc voting would prohibit a Black candidate of
6 choice from being elected?

7 MR. KUTCHER: Object to form.

8 BY THE WITNESS:

9 A. That -- that's a tough question to ask. I
10 don't really know -- I honestly truly don't know the
11 sort of situation here specifically legally why this
12 is playing out the way that it has. I don't feel
13 like that's my position to opine upon that.

14 BY MR. VAUGHT:

15 Q. That's fair.

16 Let me ask you this: If you have a map that
17 places Black VAP under 50 percent, doesn't that
18 suggest that there has to be some crossover White
19 voting to elect the Black candidate of choice?

20 A. In general, that's probably true. You could
21 also -- and this is probably -- well, almost sure
22 this is not the case here, but places like Chicago
23 where you have high-density Black and Hispanic and
24 Latino populations, you might have a district that's

1 40 percent, 30 percent Black. You couple that with a
2 high density Latino population that they vote
3 cohesively, and the population -- this is
4 hypothetical, they're still voting in a very
5 different way, but a Black or even a Hispanic
6 candidate is able to get in, right? So -- I mean,
7 that's a situation that could -- could occur.

8 Q. Okay. Well, I mean, if Black voting age
9 population is less than 50 percent, if we're using
10 voting age population, there has to be more than just
11 African Americans voting for their candidate of
12 choice in order to elect the candidate. As a matter
13 of math, is that correct?

14 MR. KUTCHER: Object to form.

15 BY THE WITNESS:

16 A. It's -- it seems like that would be the
17 case. But what if it's the situation where the
18 voting age population in a district is 48 percent
19 Black and only Black people vote and no White people
20 vote. Same thing with CVAP, right? That's why you
21 can't make a kind of, you know -- that's a
22 hypothetical, that probably is not the case of
23 course, but that's theoretically possible as sort of
24 a different way to think about it.

1 BY MR. VAUGHT:

2 Q. Well, in your academic research, have you
3 looked at the voter participation rates of African
4 Americans, Whites, and Hispanics?

5 A. Oh, yes, all the time, right. So I gave a
6 hypothetical, just as a sort of argument. But in
7 general, right, if you're drawing a map that's lower
8 on a minority population, yes, there would be
9 crossover if that person is able to win. I wouldn't
10 dispute that.

11 Q. Okay. So leaving Hispanics aside, just
12 because that's a little different because voting age
13 population and citizen voting age population have
14 different concerns due to immigration status.

15 But just focusing on Black voting age
16 population, would you agree that Black voting age
17 population voter participation rate tends to be below
18 that of White voting age population?

19 A. That's --

20 MR. KUTCHER: Object to form.

21 BY THE WITNESS:

22 A. The academic literature shows that in
23 general that's the case, yes.

24

1 BY MR. VAUGHT:

2 Q. Do you know --

3 A. It will vary -- it will vary context to
4 context, and there's some research that indicates a
5 certain set of criteria that can balance that turnout
6 differential out. But in general, the literature in
7 American politics and race says that is usually the
8 case.

9 Q. Do you have any reason to think that, as you
10 said, what the academic research suggests doesn't
11 apply in the Metro East area in Illinois?

12 A. No, I -- I found that to be the case.

13 Q. I was going to say let me ask a better
14 question.

15 Do you have any reason to think the Metro
16 East is an outlier from the academic research?

17 A. No.

18 Q. Okay.

19 A. On that point, on that very specific point,
20 my report shows that that's the case.

21 Q. Okay. Bear with me; the problem is I write
22 these long outlines and I never follow them, and then
23 I get lost. Let me find my place again.

24 I'm going to switch over to your discussion

1 of racially polarized voting, and I think if we go to
2 -- it's your rebuttal report. No, I'm sorry, I think
3 it's your initial report. There's a lot of paper
4 flying around here.

5 A. Yeah, no, it's rough these days for sure.

6 Q. Yeah. So in your initial report, page 3,
7 under heading 1, racially polarized voting.

8 A. Correct.

9 Q. The last sentence of that first paragraph
10 says, and I quote: However if a majority of voters
11 of one racial group back a particular candidate and
12 so do a majority of voters from another racial group,
13 then RPV, which you've previously stated means
14 racially polarized voting, is not present in that
15 contest.

16 I kind of want to ask a few questions on
17 that. Would I be correct, based on that statement,
18 if you have a contest with two candidates, we'll say
19 candidate A and B, and the Black voters vote
20 80 percent with candidate A and White voters vote
21 60 percent with candidate A, would that -- would I be
22 correct that there is no racially polarized voting?

23 A. Yes, based on the academic literature on
24 this point, what's broadly conceived of as RPV,

1 racially polarized voting, as a general rule, that's
2 correct. There are several caveats to something like
3 that that I'm happy to expound upon.

4 Q. Please.

5 A. So as you know, racially polarized voting,
6 the way that we do this using data often there can be
7 confidence bands issues, there can be some
8 uncertainty with your estimates, and sometimes you
9 might have a situation where someone is estimating an
10 80/60, but that 60 goes over that 50 mark in terms of
11 its distribution, right? And in terms of its
12 estimate distribution and standard errors and
13 confidence intervals and things like that, that you
14 -- you may say the point estimate, 60/80 says there's
15 no racially polarized voting, but you say that with a
16 little less confidence than you would if the
17 confidence band wasn't fully going over that
18 50 percent mark, in which case, you would of course
19 begin to look at additional contests to try to round
20 out your analysis.

21 Q. Okay. And I appreciate all that.

22 A. Yeah.

23 Q. And, you know, you know way better than I,
24 but so for me, let's assume that the math works out

1 that everybody's satisfied that Whites, African
2 Americans are above 50 percent.

3 In that circumstance, would you agree that
4 there's no racial polarized voting?

5 A. You know, it's an interesting thing. Me
6 personally, as an individual, I would -- I would
7 still look at those broad gaps, like an 80/60 or an
8 80/55. I would bring in that information because
9 it's still telling, but the academic literature says
10 that if both Whites and Blacks are voting over
11 50 percent for the same candidate, that there's not
12 racially polarized voting.

13 Q. Okay. Did you, by chance, read any of the
14 other expert reports other than Dr. Lichtman?

15 A. I did not.

16 Q. Okay. I kind of want to talk about going --
17 so House District 114 going forward. You believe
18 that the VAP -- the Black VAP should be increased,
19 because over time, it will become more difficult than
20 toss-up to win. That's correct, right?

21 A. Yeah, that's correct.

22 Q. That would require movement out of the
23 district of Black population, is that correct? Other
24 than the difference between the census population in

1 2011, and 2011, is there anything that you are aware
2 of that would suggest that's a trend that will
3 continue going forward?

4 A. Can I respond to one of your sort of
5 premises of that?

6 Q. Yes.

7 A. So you said that to see that VAP change
8 moving forward would require say Black individuals to
9 disproportionately move out of the district. That's
10 not necessarily true. It's true as -- it's one
11 aspect that could be true, but there could be
12 differential birth rates between populations, there
13 could be -- right? It could be the case that the
14 White population has more -- reproduces basically at
15 a faster rate than the Black population. I don't
16 know that here, right? In this specific case. So
17 those are other factors that could make that
18 assessment.

19 To your main question, again, I have to go
20 back to I looked at 2010, I looked at 2020.

21 (Technical disruption, reporter
22 clarification.)

23 THE WITNESS: That's New Mexico, you know.
24 It's a beautiful place, but --

1 MR. KUTCHER: You're back on.

2 BY THE WITNESS:

3 A. Okay. So yeah, my conclusion on that point
4 is 2010 to 2010 -- 2020 VAP, and then my general kind
5 of understanding of demographic trends in America.
6 Looking at decline in certain areas, you know, my
7 sense that there has been Black population movement
8 out of the Midwest into the South, those types of
9 things.

10 But that's -- that's just kind of my general
11 expertise. I have not done projections on that
12 point.

13 BY MR. VAUGHT:

14 Q. So you don't know with any statistical,
15 mathematical, or expert significance to know what the
16 district demographically is going to look like in the
17 future?

18 MR. KUTCHER: Object to form.

19 BY THE WITNESS:

20 A. I don't have precise statistical information
21 on that point to know what that district will look
22 like in the future.

23 I think my record, my research, my
24 experience, academically and professionally, provide

1 me with some level of expertise to at least inform a
2 claim on that point.

3 BY MR. VAUGHT:

4 Q. Okay, thank you.

5 MR. VAUGHT: Can we take a few minute break?
6 I want to just go over some stuff, if that's okay.

7 MR. KUTCHER: Sure.

8 MR. VAUGHT: I know everybody's been on deps
9 all day. It sounds like we're all going to be
10 working on the weekend, so we'll hop back on in five.

11 Thank you.

12 (A short break was taken.)

13 MR. VAUGHT: We can go back on the record.

14 BY MR. VAUGHT:

15 Q. Doctor, can you go to your initial report?
16 I wanted to ask some questions.

17 A. Okay.

18 Q. The November 11th filed report.

19 If you go to page 8 of that report, there's
20 Figure 1.

21 MR. KUTCHER: Do you mean the November 15th
22 report?

23 MR. VAUGHT: What's that?

24 MR. KUTCHER: Does it have a date on there?

1 You said the November 11th.

2 MR. VAUGHT: Yeah.

3 MR. KUTCHER: You just mean his initial
4 report?

5 MR. VAUGHT: Yeah, the initial report.
6 Sorry.

7 MR. KUTCHER: I think it's November 15th, he
8 signed it November 9th, but...

9 MR. VAUGHT: Oh, okay.

10 MR. KUTCHER: I just want to make sure we're
11 talking about the same thing.

12 BY MR. VAUGHT:

13 Q. Did you see on page 8, Figure 1, it says:
14 Ecological inference results featuring Black and
15 White candidates between 2014 and 2020?

16 A. Correct.

17 Q. Okay. So you ran an ecological inference
18 analysis on this? I mean, that's what it says. Is
19 that correct?

20 A. That's correct, yes.

21 Q. And you refer earlier in this document to
22 ecological regression analysis?

23 A. Yes.

24 Q. And you're familiar with both?

1 A. Yes.

2 Q. Can you explain the difference to me between
3 the two?

4 A. The ecological regression is effectively an
5 ordinary least squares linear regression. That's a
6 very common statistical technique used on ecological
7 data. It's been widely used.

8 The ecological inference method is a more
9 complicated statistically-oriented simulation based
10 method that uses precinct boundaries to -- according
11 to the method to improve the estimates and then
12 bounds estimates to a hundred or so, right? And so
13 it's much more involved of a process in terms of the
14 computational power, the ecological inference method
15 is than the ecological regression method.

16 Both can be used effectively, just like the
17 homogeneous precinct analysis as well, in contexts
18 like this.

19 Q. You said ecological regression is less
20 complex?

21 A. Yeah. It's basically you have -- on the
22 left side of the statistical equation, you have the
23 candidate choice, and then you might have a variable
24 for the racial estimate in that precinct, and then

1 you will control for total population, and you do
2 some basic addition with the coefficients and that's
3 your effective answer for racially polarized voting
4 for the different groups.

5 Q. Have you done ecological regression? I
6 mean, it sounds like it, but let me just ask the
7 question.

8 A. Yes.

9 Q. And you said it's -- you use statistical
10 software?

11 A. Yeah, all of these -- I'll use statistical
12 software in all of these, yeah.

13 Q. And in your report you said you used --
14 forgive me, what program do you use?

15 A. R and eiCompare.

16 Q. Okay. How are those different than, like,
17 SSRS? Or are they? They're just different -- the
18 same thing, just a different product?

19 A. I think you mean SPSS.

20 Q. Yes, I do.

21 A. If the input data is going in, then the --
22 the ecological regression will produce the exact same
23 set of results as what I would produce in -- in this
24 R package.

1 I don't know if SPSS has an ecological
2 inference sort of suite to it. It may, I just don't
3 know that, because I -- I have used SPSS in the past,
4 but it's been, you know, a long time.

5 Q. Okay. So on that Figure 1 that I directed
6 you to, your -- there's two tables or two bar graphs.
7 The top one says Racially Polarized Voting Analysis
8 Support for Black Candidates.

9 Do you see that?

10 A. Yes.

11 Q. And on the side, you've identified seven --
12 the seven races, correct?

13 A. That's correct.

14 Q. And so that shows -- just let me know if you
15 agree with me -- that in those seven races, White
16 voters voted at a minimum of 26.78 for the Black
17 candidate of choice, and at most, 38.87; is that
18 correct?

19 A. That's correct.

20 Q. So in those seven races, there's more than
21 25 percent of the White population voting for the
22 Black candidate of choice every time?

23 A. That's correct.

24 Q. Okay. So Figure 2 is on the next page,

1 page 9.

2 A. Correct.

3 Q. Okay. This is a homogeneous precinct
4 analysis?

5 A. Correct.

6 Q. Can you explain what the homogeneous
7 precinct analysis is?

8 A. Yes. This is a much more simple method than
9 the other two. To me, it's sort of like a gut check
10 method; that's why I like to use it, although not
11 every place that you do analysis like this can it
12 really be used. The reason why I can use it here
13 with great confidence is what I do, I look to see are
14 there homogeneous precincts in the jurisdiction under
15 analysis, which is to say are there precincts that
16 are basically 90 percent White, 90 percent Black.
17 You could make a case for 80 percent or so as kind of
18 a low threshold. Almost like what you're saying is
19 let's just look at the vote in that precinct, because
20 it's all Black or all White, we can take -- for all
21 the precincts that are like that, we can take the
22 mean or average of the vote for the two candidates
23 and then we can make an assessment what the -- you
24 know, the -- the vote for candidate A versus

1 candidate B is among these different homogeneous
2 precincts for White and for Black in this case.

3 So that's the effective homogeneous
4 precincts analysis.

5 Q. Okay. And forgive me for my lay language,
6 but do you run the homogeneous precinct analysis as a
7 check on the ecological, just to make sure that
8 they're not wildly off?

9 A. Yeah, that -- that's a good way to think
10 about it. It's kind of like in social statistics,
11 social science, you are always dealing with data
12 that, you know, isn't perfect. And so you kind of
13 exercise researcher degrees of freedom as it were,
14 and as an analyst, I want to, in theory, have as much
15 information at my disposal that I can look at, and
16 that's another point of information I can -- that
17 gives me confidence that what I'm finding in these
18 different methods is generally -- that's probably
19 true. That's -- I have a lot of confidence in these
20 results because I've used multiple methods in this
21 particular case.

22 Q. Your -- on Figure 2, your homogeneous
23 precinct analysis shows a minimum White support for
24 the Black candidate of choice at 27.2 and the maximum

1 of 37.46; is that correct?

2 A. Yes, that's correct.

3 Q. And that does seem to be fairly consistent
4 with what you had in Figure 1 in your ecological
5 inference result?

6 A. That's correct.

7 Q. So --

8 A. There's some -- there are some minor
9 differences, but as an expert looking at this, you
10 would be expecting that, and you see these trends,
11 they look very similar.

12 Q. Would you agree that, between the two
13 analyses, that on average it appears that about
14 30 percent of White voters support the Black
15 candidate of choice? Understanding, of course, there
16 is some fluctuation, but just on average?

17 A. Yes. In my report, in my rebuttal report, I
18 think the 30 percent mark is the rough tendency that
19 I would put this district of White voters crossing
20 over to, in this case, the Black candidate.

21 Q. Do you have any reason to think that that
22 trend won't stay the same going forward?

23 MR. KUTCHER: Object to form.

24 BY THE WITNESS:

1 A. So I didn't --

2 MR. KUTCHER: Do you mean if 114 continued
3 as it is in 2011?

4 BY MR. VAUGHT:

5 Q. Well, I mean more generally, do you think
6 there's any reason that White voters are going to
7 support Black candidates of choice less than they
8 have in the past?

9 A. Right, so I didn't do a kind of projected on
10 this area, but I did reconstitute the districts for
11 -- or I looked at HD 114 SB 927 and conducted a
12 racially polarized voting analysis there, and the
13 numbers are a little bit lower than what we see here,
14 although -- for Whites.

15 So for example, the 2014 Board of Review in
16 Figure 2, I have 32.25 percent of whites backing the
17 Black candidate. In my reconstituted analysis -- or
18 sorry, in the analysis (technical disruption) --

19 MR. KUTCHER: Dr. Collingwood, you broke up,
20 so I think for the court reporter, you have to --

21 THE WITNESS: Oh, sorry, court reporter.

22 MR. KUTCHER: What was the last thing you
23 got?

24 THE COURT REPORTER: He was saying: I have

1 32.25 percent of Whites backing the Black candidate.

2 In my reconstituted analysis --

3 THE WITNESS: Okay.

4 BY THE WITNESS:

5 A. And in my -- in the SB 927 HD 114 analysis,
6 I estimate that 28.68 percent of whites are backing
7 the Black candidate.

8 You see the same type of trend with 2016,
9 although not quite as much. Sorry, the 2016 Circuit
10 and then 2020 Board of Review, it's very similar.
11 But in each case, SB HD 114, a slightly fewer
12 percentage of Whites, it appears on this analysis,
13 are backing the Black candidate.

14 BY MR. VAUGHT:

15 Q. Is that a trend?

16 A. It's hard to know. It's hard to know. I --
17 I would issue caution on that point, but you asked me
18 about kind of trends here, and I just wanted to point
19 that out.

20 Q. Okay, thank you.

21 Okay, on Figure 3, that's on page 11.

22 A. Correct.

23 Q. So here you used ecological inference to
24 estimate percent voted/registered. So what is this

1 telling us different than what we saw before?

2 A. Correct -- oh, sorry, not correct. Good
3 question.

4 So I analyzed voter turnout by race in these
5 same set of elections. I used the same ecological
6 inference method, the same structure, but what I do
7 is instead of looking at candidate choice, I look at
8 voter turnout, where the variable on the left side of
9 the equation as it were, quote unquote, is a
10 percentage measure, which is the share of people in
11 that precinct who voted divided by the share of
12 registered voters in that precinct.

13 So that's quote, you know, the dependent
14 variable. It's a common method to examine voter
15 turnout in contexts like this by race. Yeah, so
16 that's what I did here.

17 Q. So am I correct in saying that this chart
18 would show that White voters turn out at a higher
19 percentage than Black voters in every race?

20 A. That's correct.

21 Q. Then on Figure 4, which is on the next page,
22 page 12, so now you have the demographic time series
23 distribution, 2010 to 2020 VAP by White and Black,
24 and I took statistics in college as a poli sci major,

1 which is why I went to law school.

2 So can you help me understand, you know,
3 what this chart is showing and how you calculated it?

4 A. Right, so this is the old district, okay?
5 So I wanted to look at trends in the area, so I
6 looked at trends, because the kind of first section
7 of my report in the initial report was looking at
8 election results in the old district to get a flavor
9 for racially polarized voting and White and Black
10 political behavior in the area. So I continued with
11 that, to look at that district, and what this
12 effectively tells us, that district, the White
13 population -- you know, I can see why this may be
14 confusing to you.

15 So the red line there, or the solid line
16 shows that the White population is, if anything,
17 increasing in that district, and the Black
18 population, which is the second one, is declining.
19 And that's based on voting age population, not
20 citizen voting age population, which is 18 plus.

21 Q. So -- so the red line is the White voting
22 age population?

23 A. That's right.

24 Q. And so that goes from 53 percent to

1 55 percent from 2010 to 2020?

2 A. Right.

3 Q. I mean, is that -- that's a 2 percent
4 change. I mean, is that statistically significant
5 for census numbers?

6 A. Well, because, you know, the census is
7 technically a complete count, so we're not really
8 concerned about statistical significance.

9 I think 53 to 55 is very -- is small. I
10 personally would be looking at that and thinking,
11 okay, but maybe that in itself, by itself, is less
12 interesting, but when you combine that with a change
13 among the Black population and then you compare the
14 difference and the difference, that's where it starts
15 to grow, you know. By the end you get to 55 minus 37
16 versus 53 minus 42, and that -- you know, that gap
17 begins to grow. And that's -- that was the point of
18 what I was trying to convey.

19 Q. Okay, I understand.

20 But you again use voting age population and
21 not CVAP, correct?

22 A. Right. This analysis does not incorporate
23 CVAP into -- you know, this is all voting age
24 population, yes.

1 Q. And was that -- I think you said before it's
2 because CVAP is not as accurate because it's a
3 five-year blend? Or --

4 A. That's definitely the case. That's
5 definitely the case when I've done time series
6 analyses in the past, especially when you subset down
7 to -- you know what? A jurisdiction like a
8 legislative district is going to be -- you know,
9 you'll have a margin of error on the CVAP estimates,
10 but it's going to be okay, right? It's really at the
11 bloc group, bloc level, those kinds of things where
12 you have to be more careful.

13 But what I've tended to notice, and this is
14 also just a -- this is an experiential point, is that
15 you'll get more variability throughout the year with
16 CVAP data, and then there will be, like, a stark
17 change right at the census time point. You know,
18 kind of just doing a lot of this in a variety of
19 contexts I've noticed that.

20 So I wanted to just stick with the voting
21 age population, and I can't -- the 2020 census, at
22 least to my knowledge, has not -- you don't have
23 citizenship status, right? There was a whole court
24 case, right? About that. So you can't get the

1 citizenship question on the census, it's only
2 available on the ACS.

3 Q. You said --

4 A. The American community survey.

5 Q. I appreciate that.

6 You said there was a margin of error on the
7 citizen voting age population. Do you know what that
8 is, or does it just depend, or can you explain that
9 to me?

10 A. Yeah, I wouldn't know, you know, exactly
11 what it is. I would have to look specifically at
12 those. The census does provide those estimates for
13 you at -- if you, say, go to download the data,
14 they'll provide for each -- say you're looking at
15 race in a legislative district. It would provide
16 that estimate for you, and then you could take that,
17 you could -- you know, if you wanted to, you could
18 put a little confidence band on that. So they
19 provide that for you.

20 Q. You said from the census. Are you still --

21 A. Sorry, sorry. ACS.

22 Q. Oh, okay. I just -- I mean, I know ACS
23 comes from the census, but census we're usually
24 meaning the actual count, so thank you.

1 A. Correct. Sorry about that misclarification
2 on that.

3 Q. No worries. You're talking about what you
4 do for a living explaining it to someone who doesn't
5 really understand it. So I know you often -- you
6 know, we fall right into what we normally say as
7 professionals, so that's not a problem.

8 So if you go to Figure 6, which is on
9 page 15.

10 A. Okay.

11 Q. Okay. So what are you doing here that's
12 different? It says ecological inference results
13 featuring Black and White candidates in countywide
14 contests and reconstructed SB 927 HD 114 precincts
15 between 2014 and 2020.

16 So you're taking -- I just want to make sure
17 I'm correct on this. You're taking new House
18 District 114 and you are taking the countywide races,
19 and now you are reconstituting -- reconstructed to
20 see what an election in the new 114 would look like
21 on those previous races; is that correct?

22 A. That's exactly correct.

23 Q. Okay. And how do you do that analysis?

24 A. So there's a lot of different ways to do

1 this analysis.

2 What I do, as you can see on page 14, a
3 map -- I take the shape file, I produce a map, I
4 label it, then I examine which precincts that are
5 split should or should not be included into the new
6 HD 114. I then list out the names of all of those
7 precincts. This is my internal process. So I then
8 have a list of all the precincts. And then I go back
9 to previous election results from these three races,
10 and I subset those. For each year, I do this process
11 for each year. I then subset that to those
12 precincts, and I -- I sum the vote for candidate one,
13 the vote for candidate two, and then I divide by the
14 total vote.

15 Sorry. That's the performance analysis.
16 The first part holds, though. I generate -- I now
17 know what precincts I have, I gather the data from
18 previous contests like I just did before, and then I
19 do a racially polarized voting on just the precincts
20 that are falling within SB 927 HD 114.

21 Q. And do you have a -- I mean, the chart shows
22 26.56 on the 2020 Bord of Review for White candidates
23 supporting the Black candidate of choice. I mean,
24 does this have a margin of error?

1 A. Yes. So these would have a margin of error
2 or confidence bands in them, but I did not provide
3 those in this particular case. I'm just providing
4 point estimates.

5 Q. So what would the margin of error be?

6 A. They're going to be pretty small. You know,
7 that's going to be something that you would have to
8 look into software to look at that.

9 In this case, in every single contest I
10 looked at, the margin of error was small, and it was
11 pretty much inconsequential to the analysis. If it
12 was really growing over the 50 percent mark and those
13 kinds of things, then that would begin to potentially
14 change how I conducted my analysis and the conveyance
15 of the results.

16 But in this case, the racially polarized
17 voting was very obvious, both from the point
18 estimate, the margins of error, statistical
19 confidence. I just didn't need to incorporate that
20 information into any presentation of the results.

21 Q. Well, I mean, this is why I'm asking the
22 question. It looks like these races still kind of
23 hold that approximately 30 percent of the White
24 population is voting for the Black candidate of

1 choice. I mean, does that margin of error, would
2 30 percent fall within there?

3 A. Oh, well I have to -- I don't know for sure,
4 right? I'd have to go back and look. But it's --
5 it's possible for sure, right? And we had a
6 conversation just a bit ago where I was pointing out
7 these point estimates, and you're asking me would
8 this fall within that. It's quite likely, but
9 overall, the findings in both analyses with respect
10 to racially polarized voting are consistent. They're
11 very consistent, we see that there's racially
12 polarized voting, we see that the White voters are
13 tending to back this -- these Black candidates around
14 30 percent in every contest. And that's just what I
15 -- that's just the truth, right? I looked at this in
16 so many different ways. That's the reality. That's
17 what we're seeing.

18 Q. So if you go to Figure 7, which is then on
19 page 16, you're now doing the reconstituted --
20 reconstructed race but now you're using homogeneous
21 precincts, and so again, the results are also showing
22 about 30 percent; is that right?

23 A. They're in that range, right? That's --
24 that's probably -- 30 percent is probably the kind of

1 starting point, some a little below, some a little
2 above.

3 Q. Okay. So on your -- the last paragraph of
4 your opening report, it's on page 18.

5 A. Okay.

6 Q. Can you just read that last paragraph? I
7 just want to ask a question or two.

8 MR. KUTCHER: I don't think his last
9 paragraph is on page 18.

10 MR. VAUGHT: Oh, you know what? Sorry, the
11 last paragraph on page 18. There's a lot of white
12 space and then I realized I didn't scroll down.

13 BY THE WITNESS:

14 A. While the Black --

15 BY MR. VAUGHT:

16 Q. I don't need you to read it out loud, just
17 read it to yourself.

18 A. Oh, sorry. Yeah.

19 Q. Just let me know when you're done.

20 A. Okay.

21 Q. About four lines down, you said the 2020
22 Board of Review election is essentially a coin flip,
23 correct?

24 A. Correct.

1 Q. Now that -- I mean, would you agree that
2 means, you know, anybody could win it?

3 A. Yeah. Yeah, that's a coin flip. That's a
4 toss-up. Anybody could win.

5 Q. And so then the last line of that paragraph
6 says: Given under the 2011 plan the Black candidate
7 preferred by Black voters received between at least
8 57.1 percent of the total vote and the SB 927 version
9 of HD 114 significantly reduces the opportunity for
10 Black voters to elect their candidates of choice, as
11 the HD 114 has gone from a relatively safe seat to a
12 toss-up.

13 Again, a toss-up, anybody can win; would you
14 agree with that?

15 A. Yes. Yes, I have to agree with that.

16 Q. And I do want to ask, you say the Black
17 candidate preferred by Black voters. The candidate
18 of choice for Black voters doesn't have to be a Black
19 candidate, is that correct?

20 A. Yes, that's correct. Yeah, in terms of the
21 literature and how the literature in this area works,
22 it often is , but it's very important to not conflate
23 the two.

24 Q. Right. And so tell me if my understanding

1 is correct that, you know, an African American
2 candidate could be the White candidate of choice if
3 Whites vote in excess of 50 percent for that
4 candidate; is that correct?

5 A. Sorry, could you just -- I just -- could you
6 just rephrase that real quick?

7 Q. Sure. The White candidate of choice could
8 be an African American if the majority of the White
9 voters vote for that candidate?

10 A. That's correct.

11 Q. In Illinois, an example would be Barack
12 Obama; he won more than 50 percent of the White vote.

13 Conversely, the Black candidate of choice
14 could be a White candidate if the Black population --
15 a majority of the Black population votes for that
16 candidate?

17 A. Correct.

18 Q. So the point isn't the race of the
19 candidate, it's that the minority population has the
20 right to select the candidate that they choose;
21 that's what's at issue here?

22 A. Right. That's why I use the term "candidate
23 of choice."

24 But in contexts like this, in a Democratic

1 versus Republican general election with a history of
2 Democratic candidates in this area being Black, and
3 also when you think about the national -- you know,
4 you think kind of the national stage of racial
5 polarization in America, when we get candidates that
6 are Black, that, to me, is more probative if that
7 candidate is coming from sort of the political
8 traditions of populations that have effectively had
9 to fight for justice and (technical disruption) --

10 THE COURT REPORTER: I'm sorry,
11 Dr. Collingwood, fight for justice and for...

12 THE WITNESS: Rights.
13 BY MR. VAUGHT:

14 Q. I appreciate that. I guess I just kind of
15 want to make sure I understand.

16 When you say -- because you refer to the
17 Black candidate preferred by Black voters, so are you
18 -- I mean, did you mean Black candidate of choice or
19 do you mean specifically a Black candidate?

20 A. Well, in that case, it's the Black candidate
21 of choice who also is Black.

22 Q. Okay. So then when you say in the last line
23 here: Has gone from a relatively safe seat to a
24 toss-up, are you then referring to a Black candidate

1 being elected, or are you referring to the -- a
2 toss-up for the Black candidate of choice?

3 A. That would be for a Black candidate of
4 choice, but the kind of historical situation here
5 would almost certainly be a Black candidate in that
6 particular case.

7 Q. Okay. Are you making a distinction between
8 a Black candidate, like an African American running
9 for office, versus the Black candidate of choice,
10 just meaning the candidate who gets a majority of the
11 Black vote? Or are those one and the same when
12 you're talking here?

13 A. Well, I have to be more conservative when I
14 present these results because of the -- always the
15 possibility that you have a candidate who is a White
16 candidate running and really makes tons of appeals to
17 Black voters, et cetera, and who Black voters really
18 rally behind. Those kinds of situations are always
19 possible, right? So I don't want to exclude that as
20 a possibility.

21 But in my mind, and my understanding of this
22 area and this district politically, is that the Black
23 candidate of choice is most likely going to be a
24 Black individual.

1 Q. Okay. So would you agree with me that it's
2 more likely than not the Black candidate of choice is
3 going to be a Black person running, but the issue is
4 that African Americans are allowed to have an
5 opportunity to elect their candidate of choice of
6 whatever race that person may be?

7 A. Correct. In terms of my understanding of
8 the academic literature in this -- in this place, and
9 I have, you know, been in a situation like this
10 before where yes, the candidate of choice can be
11 anybody, of course.

12 MR. VAUGHT: Would it be okay if I took
13 three or so minutes just to go over my notes and see
14 if I have anything else?

15 MR. KUTCHER: Sure.

16 THE WITNESS: Sounds good.

17 MR. KUTCHER: Come back at 4:35?

18 MR. VAUGHT: And if somebody needs more
19 time, I'm a just trying to move this along. But if
20 someone needs to run to the bathroom, we can take
21 more time.

22 MR. KUTCHER: We'll come back at 4:35 and
23 wait for whoever is still away.

24 MR. VAUGHT: Fair enough.

1 (A short break was taken.)

2 MR. VAUGHT: Doctor, that's all I have
3 today. Thank you for your time. Thank you for your
4 honest answers, and again, my apologies for, you
5 know, our reference on pronouns.

6 THE WITNESS: It's not the first time.

7 MR. VAUGHT: Thank you. There may be other
8 people who have questions.

9 MR. KUTCHER: Tom, I see you went on. Are
10 you...you're on mute.

11 Okay, no questions for Tom.

12 Dr. Collingwood, I just have a couple follow
13 up questions for you.

14 EXAMINATION

15 BY MR. KUTCHER:

16 Q. First of all, have you reviewed your report
17 before your testimony today? Your first report?

18 A. Yes. Yes.

19 Q. And you reviewed your rebuttal report as
20 well, correct?

21 A. Correct.

22 Q. Do you have any changes at all you'd like to
23 point out in -- in your reports?

24 A. Yes, and apologies for not mentioning this

1 sooner.

2 On page 12, with the VAP plot, I went back
3 and looked, and I think the 53 is 53.85. So that
4 would actually round up to 54. It's inconsequential
5 to my overall findings, but I just wanted to place
6 that on the record.

7 And then on section 2, page 10, I talk about
8 the turnout gap between Whites and Blacks as the
9 lowest being 10 percent, and actually, after further
10 looking at my report, I saw that the 2014 Illinois
11 57, the gap was smaller than that. I think it's
12 about 6.8 percent.

13 Q. And let me stop you there for a minute. Is
14 that -- are all those numbers reflected in Figure 3?

15 A. Yes. Yes, Figure 3 is correct.

16 Q. It's just the sentence, the smallest gap --

17 A. Correct.

18 Q. -- that sentence in the last paragraph on
19 page 10, you wanted to refer to a different gap
20 rather than 10 percentage point gap; is that correct?

21 A. Correct.

22 And then on page 21, I mistakenly wrote
23 statewide in that paragraph. So it should read:
24 With the selected remedial plan precincts, I sought

1 candidate A and B precinct vote totals for a variety
2 of county offices.

3 And I believe that is it unless, Matt, if
4 you recall there's any additional points that we had
5 discussed.

6 Q. That's -- that's good, Dr. Collingwood.

7 Now I just want to go back, for clarity's
8 sake, to page 18 of your initial report.

9 Do you recall Mr. Vaught asking you
10 questions about the last sentence in that only full
11 paragraph on page 18?

12 A. Yes.

13 Q. And he -- Mr. Vaught was focused on the
14 first phrase -- or sorry, the first clause in that
15 sentence, that reads: Given that under the 2011
16 plan, the Black candidate preferred by Black voters
17 received between at least 57.1 percent of the total
18 vote. Is that a historical statement?

19 A. Yes, that's -- that's based on my
20 examination of vote totals in that district.

21 Q. Right. So vote totals in the district, a
22 Black candidate received at least 57.1 percent of the
23 vote, correct?

24 A. Right, right.

1 Q. The second part of that sentence refers to
2 what would happen under SB 927 HD 114, correct?

3 A. That's correct.

4 Q. And in that part of the sentence, that's
5 where you were referring to the Black voters being
6 able to elect the candidate of their choice,
7 regardless of race?

8 A. Correct. Thank you for that clarity on that
9 point.

10 MR. KUTCHER: Okay. I do not have any other
11 questions. Thank you, Dr. Collingwood.

12 THE WITNESS: Thank you.

13 MR. KUTCHER: Mr. Vaught, anything else?

14 MR. VAUGHT: No, no rebuttal.

15 MR. KUTCHER: We can go off the record.

16 (Deposition concluded at 4:41 p.m.)

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CERTIFICATE OF

CERTIFIED SHORTHAND REPORTER

I, Beth Radtke, a Certified Shorthand Reporter of the State of Illinois, CSR License No. 084-004561, do hereby certify:

That previous to the commencement of the examination of the aforesaid witness, the witness was duly sworn by me to testify the whole truth concerning the matters herein;

That the foregoing deposition transcript was stenographically reported by me and was thereafter reduced to typewriting under my personal direction and constitutes a true and accurate record of the testimony given and the proceedings had at the aforesaid deposition;

That I am not a relative or employee or attorney or counsel for any of the parties herein, nor am I interested directly or indirectly in the outcome of this action.

IN WITNESS WHEREOF, I do hereunto set my hand at Chicago, Illinois, this 4th day of December, 2021.



Beth Radtke, RPR, CRR

License No. 084-004561

Adam R. Vaught, Esq.

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December +, 2021

RE: EAST ST. LOUIS BRANCH NAACP vs. ILLINOIS STATE BOARD OF
ELECTIONS

December 3, 2021, Loren Collingwood, JOB NO. 4979670

The above-referenced transcript has been
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___ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext
to schedule a time to review the original transcript at
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Transcript - The witness should review the transcript and
make any necessary corrections on the errata pages included
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___ Waiving the CA Code of Civil Procedure per Stipulation of
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Page 75

1 ___ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF
2 Transcript - The witness should review the transcript and
3 make any necessary corrections on the errata pages included
4 below, notating the page and line number of the corrections.
5 The witness should then sign and date the errata and penalty
6 of perjury pages and return the completed pages to all
7 appearing counsel within the period of time determined at
8 the deposition or provided by the Federal Rules.
9 _x_ Federal R&S Not Requested - Reading & Signature was not
10 requested before the completion of the deposition.

1 EAST ST. LOUIS BRANCH NAACP vs. ILLINOIS STATE BOARD OF
ELECTIONS

2 Loren Collingwood (#4979670)

3 E R R A T A S H E E T

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	3		9
	3 1:20 13:2,7,22 14:3 22:17 40:6 54:21 71:14,15 75:5		9 50:1 90 50:16,16 910 19:23 920 19:24 927 14:8,13,24 19:15 20:2,20 21:8 22:21 53:11 54:5 60:14 61:20 65:8 73:2 937-2300 4:5

[9th - based]

9th 46:8	38:12,13,15,16,18 56:19,20,22 57:20 57:23 58:21 59:7	aneel 4:13 angeles 15:17,18 anglo 29:21 anna 3:7 5:16 answer 8:7,8 18:22 48:3 answers 70:4 anybody 23:19,20 65:2,4,13 69:11 apologies 11:15 70:4,24 apologize 7:17,20 appeals 68:16 appearances 4:1 5:1 appeared 4:17 5:7 5:13 appearing 75:18 76:7 appears 52:13 54:12 apply 39:11 appreciate 41:21 59:5 67:14 approach 29:16 approximately 12:23 62:23 area 13:18 29:7 39:11 53:10 56:5 56:10 65:21 67:2 68:22 areas 29:15 44:6 argue 28:19 argument 38:6 arose 24:16 ascertaining 13:11 aside 38:11 asked 54:17 asking 24:21 33:6 33:7,8 62:21 63:7 72:9	aspect 43:11 assertion 28:16 assessing 13:7 assessment 20:23 25:8 30:14 43:18 50:23 association 2:6,7 assume 41:24 assuming 30:5 attorney 7:7 74:16 available 26:21 59:2 avaught 5:6 75:2 average 50:22 52:13,16 aware 31:15,17 34:3 43:1
a	ago 9:21 10:12 63:6 agree 13:16 14:3,5 21:24 22:4,5 23:23 30:6 38:16 42:3 49:15 52:12 65:1,14,15 69:1 agreed 13:24 ahead 12:13 alcala 2:5 alfredo 2:6 allowed 69:4 america 44:5 67:5 american 12:4 25:11 26:13 31:15 36:4 39:7 59:4 66:1,8 68:8 americans 37:11 38:4 42:2 69:4 analyses 28:14 52:13 58:6 63:9 analysis 14:5,23 17:3 18:1,4,23 19:11,13 21:18,21 24:2,3 25:8,13 26:1,8,9,10,24 27:2 29:1,20 31:1 41:20 46:18,22 47:17 49:7 50:4,7 50:11,15 51:4,6,23 53:12,17,18 54:2,5 54:12 57:22 60:23 61:1,15 62:11,14 analyst 51:14 analyzed 13:15 14:9 22:10 24:1 55:4	aneel 4:13 angeles 15:17,18 anglo 29:21 anna 3:7 5:16 answer 8:7,8 18:22 48:3 answers 70:4 anybody 23:19,20 65:2,4,13 69:11 apologies 11:15 70:4,24 apologize 7:17,20 appeals 68:16 appearances 4:1 5:1 appeared 4:17 5:7 5:13 appearing 75:18 76:7 appears 52:13 54:12 apply 39:11 appreciate 41:21 59:5 67:14 approach 29:16 approximately 12:23 62:23 area 13:18 29:7 39:11 53:10 56:5 56:10 65:21 67:2 68:22 areas 29:15 44:6 argue 28:19 argument 38:6 arose 24:16 ascertaining 13:11 aside 38:11 asked 54:17 asking 24:21 33:6 33:7,8 62:21 63:7 72:9	b b 1:10 2:12 3:16 21:10,12,15 40:19 51:1 72:1 76:1 back 18:8 28:7 40:11 43:20 44:1 45:10,13 61:8 63:4,13 69:17,22 71:2 72:7 background 15:15 backing 53:16 54:1,6,13 balance 39:5 band 41:17 59:18 bands 41:7 62:2 bar 2:7 49:6 barack 66:11 base 27:9,10 based 13:14 14:22 16:12 19:6 24:24 25:10 27:12,18 29:19 40:17,23 47:9 56:19 72:19

[basic - cetera]

basic 26:12 48:2 basically 10:24 20:14 22:19 26:11 43:14 47:21 50:16 basics 8:2 basing 21:5 bathroom 69:20 bear 7:17 39:21 beautiful 43:24 begins 57:17 behalf 4:17,17 5:7 5:13 behavior 56:10 believe 42:17 72:3 best 8:8 9:7 18:3 beth 1:23 74:3,23 better 39:13 41:23 beyond 24:3 bill 14:8 19:15 birth 26:16 43:12 bit 14:15 17:20 19:3 28:15 35:9 53:13 63:6 black 12:5,18 13:12,15,17 14:8 16:22 19:17 20:3 20:13,21 21:2,3,12 21:15,17 22:13,15 25:4 27:11 28:1,9 30:17 31:2 36:5 36:17,19,23 37:1,5 37:8,19,19 38:15 38:16 40:19 42:18 42:23 43:8,15 44:7 46:14 49:8 49:16,22 50:16,20 51:2,24 52:14,20 53:7,17 54:1,7,13 55:19,23 56:9,17 57:13 60:13 61:23 62:24 63:13 64:14	65:6,7,10,16,17,18 65:18 66:13,14,15 67:2,6,17,17,18,19 67:20,21,24 68:2,3 68:5,8,9,11,17,17 68:22,24 69:2,3 72:16,16,22 73:5 blacks 42:10 71:8 blend 58:3 bloc 11:18 13:16 19:16 22:1 30:16 30:17 36:5 58:11 58:11 block 13:10 blocks 20:10 board 1:8,12 2:10 2:14 3:13,17 12:2 27:20,22 53:15 54:10 64:22 75:4 77:1 bord 61:22 boston 4:5 boundaries 47:10 bounds 47:12 boylston 4:4 branch 1:3 4:18 75:4 77:1 break 45:5,12 70:1 brief 9:6,6,8 10:18 16:5 briefing 7:14 bring 42:8 broad 42:7 broadly 40:24 broke 53:19 brown 5:10	calculate 15:1 calculated 56:3 calixto 2:6 call 9:16 10:1 24:2 34:2 called 10:18 camposano 31:19 candidate 11:18 12:1,5,18,19 13:12 13:15,17 19:17 20:4,13 21:2,3,3 21:10,10,11,11,12 21:12,15,15,15,16 21:16 22:15 25:5 27:8 28:1,10 29:23 30:8,17 31:3 32:3 36:5,19 37:6,11,12 40:11 40:19,20,21 42:11 47:23 49:17,22 50:24 51:1,24 52:15,20 53:17 54:1,7,13 55:7 61:12,13,23 62:24 65:6,17,17,19 66:2 66:2,4,7,9,13,14 66:16,19,20,22 67:7,17,18,19,20 67:24 68:2,3,5,8,9 68:10,15,16,23 69:2,5,10 72:1,16 72:22 73:6 candidates 22:16 24:13 40:18 46:15 49:8 50:22 53:7 60:13 61:22 63:13 65:10 67:2,5 capacities 1:11 2:13 3:17 capacity 1:13,15 2:15,17 3:3,5,18	3:21 5:7,14,15 careful 58:12 casandra 1:10 2:12 3:16 case 10:1 11:1 13:12,23 18:6,17 21:14 22:15 23:14 25:17 26:22 28:22 30:6,9,24 31:19,20 31:23 32:15,24 33:14 34:1 35:23 36:22 37:17,22 38:23 39:8,12,20 41:18 43:13,16 50:17 51:2,21 52:20 54:11 58:4 58:5,24 62:3,9,16 67:20 68:6 cases 10:5 33:10 33:11,18,22 category 32:11 catherine 1:9 2:11 3:15 caucus 3:9,9 5:17 5:18 caution 54:17 caveats 41:2 ccp 75:9,12 census 18:10,20 26:13 27:3 42:24 57:5,6 58:17,21 59:1,12,20,23,23 certain 24:15 26:21 39:5 44:6 certainly 68:5 certainty 25:23 certificate 74:1 certified 74:2,3 certify 74:5 cetera 68:17
---	--	--	--

[chablani - correct]

chablani 4:13	citizenship 58:23	committed 11:12	constitutes 74:13
challenge 16:8	59:1	committee 4:12	constructed 20:11
chance 42:13	civil 4:12 75:19,20	common 35:4 47:6	consulting 33:15
change 20:17 25:9	claim 32:18 45:2	55:14	contact 75:9
27:10 43:7 57:4	clair 21:7 27:21,22	community 1:5	contest 12:7 19:10
57:12 58:17 62:14	27:23	4:19 26:13 59:4	19:13 40:15,18
77:4,7,10,13,16,19	clarification 43:22	compare 57:13	62:9 63:14
changes 26:17	clarity 73:8	compilation 17:12	contests 18:19
27:14,16 70:22	clarity's 72:7	complete 57:7	20:12,14 21:19
chart 17:13 55:17	classify 25:1	completed 75:7,17	41:19 60:14 61:18
56:3 61:21	clause 72:14	76:6	context 18:8 27:5
check 50:9 51:7	clccrul.org 4:16	completion 76:10	32:9 39:3,4
chicago 4:9,12,15	4:16	complex 47:20	contexts 25:18
5:5,12 36:22	clean 8:5	compliance 10:18	33:16 47:17 55:15
74:21	clear 20:1 22:9,12	complicated 47:9	58:19 66:24
choice 11:18 12:19	25:24 35:22	computational	contextualize 19:3
13:13,18 19:18	close 23:6	47:14	continue 43:3
20:14 22:15 25:5	closer 14:14 18:10	conceived 40:24	continued 53:2
27:8 28:10 29:23	18:19	concerned 57:8	56:10
30:8,18 32:3 36:6	code 75:9,12,19,20	concerning 74:9	contreras 2:3
36:19 37:12 47:23	coefficients 48:2	concerns 38:14	control 48:1
49:17,22 51:24	cognition 8:17	concluded 73:16	conversation 8:4
52:15 53:7 55:7	cohesively 37:3	conclusion 44:3	8:10 63:6
61:23 63:1 65:10	coin 64:22 65:3	conduct 8:16	conversely 66:13
65:18 66:2,7,13,23	collecting 33:17	conducted 21:17	convey 57:18
67:18,21 68:2,4,9	college 55:24	53:11 62:14	conveyance 62:14
68:23 69:2,5,10	collingwood 1:19	conference 1:4	cooley 4:3,7
73:6	6:4 7:2,12,13	4:18	cooley.com 4:10
choose 66:20	17:13 53:19 67:11	confess 7:16	correct 8:21,22
christopher 1:15	70:12 72:6 73:11	confidence 25:19	9:22 10:2,12,13
2:17 3:8,20 5:7,17	75:5 77:2	41:7,13,16,17	11:19,20,24 12:21
circuit 27:21 54:9	combine 26:13	50:13 51:17,19	12:24 16:9,10,15
circumstance 7:18	57:12	59:18 62:2,19	16:23 17:24 19:1
42:3	come 15:12 69:17	conflate 65:22	19:6 22:22,23
circumstances 8:5	69:22	confusing 56:14	25:2,6,23 26:1
cite 31:18	comes 11:7 59:23	congress 1:4 4:18	27:23,24 28:2,3,6
cited 28:21 31:24	comfortable 28:16	conservative	32:4 34:6,11
citizen 14:12 15:6	32:15	68:13	37:13 40:8,17,22
18:14 20:18 26:15	coming 67:7	consider 20:16	41:2 42:20,21,23
29:21 38:13 56:20	commencement	consistent 52:3	46:16,19,20 49:12
59:7	74:6	63:10,11	49:13,18,19,23

[correct - district]

50:2,5 52:1,2,6 54:22 55:2,2,17,20 57:21 60:1,17,21 60:22 64:23,24 65:19,20 66:1,4,10 66:17 69:7 70:20 70:21 71:15,17,20 71:21 72:23 73:2 73:3,8 correction 12:17 corrections 75:14 75:15 76:3,4 counsel 15:21 74:17 75:18,21 76:7 count 18:20 57:7 59:24 county 21:7 27:21 27:22,23 72:2 countywide 60:13 60:18 couple 9:21 10:12 37:1 70:12 course 26:18 29:15 37:23 41:18 52:15 69:11 court 1:1 2:1 3:1 8:3,12 10:18 15:21,22 16:2 27:21 28:22,24 29:19 30:5 53:20 53:21,24 58:23 67:10 covered 21:7 created 20:2 credited 29:1 cristina 2:5 criteria 39:5 crossing 52:19 crossover 36:18 38:9	crr 1:23 74:23 csr 74:4 cues 8:14 culbertson 5:3 current 23:13 currently 22:21 cut 14:15 cv 1:7 2:9 3:12 cvap 14:8,23,24 16:8,10,12,20,22 17:18,18 18:2,8 19:5,6,10 25:14 34:5,7,9 37:20 57:21,23 58:2,9,16 d dan 3:3 5:13 data 23:10 26:13 26:13,14,19,21 33:17 41:6 47:7 48:21 51:11 58:16 59:13 61:17 date 45:24 75:16 76:5 77:24 dated 9:9 day 45:9 74:21 days 9:21 10:12 40:5 de 3:7 5:16 dealing 51:11 december 1:20 74:21 75:3,5 decision 15:17,18 29:6,14 decisions 29:10 declaration 17:13 decline 44:6 declining 56:18 defeat 13:17 19:17 defeated 30:17 defeats 11:18	defendant's 10:19 defendants 1:18 2:20 3:23 5:7 7:9 define 32:5 definitely 34:21 58:4,5 definition 23:3 definitions 23:2 degrees 51:13 democratic 66:24 67:2 demographer 18:13 25:18 demographic 20:17 24:20 25:9 44:5 55:22 demographically 44:16 demographics 25:8 density 36:23 37:2 dep 10:2 depend 59:8 dependent 55:13 deposed 33:13,14 deposition 1:19 7:22 8:16 9:4 31:22 33:11 73:16 74:10,15 75:19,22 75:24 76:8,10 deps 45:8 depth 9:12 24:22 30:13 determination 21:5 determine 18:23 determined 75:18 75:22 76:7 diaz 3:8 5:17 difference 27:15 42:24 47:2 57:14	57:14 differences 52:9 different 15:9,9 17:21 24:16 28:14 28:14,15 29:10 34:20 37:5,24 38:12,14 48:4,16 48:17,18 51:1,18 55:1 60:12,24 63:16 71:19 differential 39:6 43:12 differently 13:9 difficult 20:3,7,8 42:19 dig 9:13 directed 49:5 directing 10:19 direction 74:12 directly 74:18 disclose 33:19 discussed 16:13 72:5 discussion 13:18 15:9 16:5 39:24 disposal 51:15 disproportionately 43:9 dispute 15:4,4 16:23 17:24 38:10 disruption 43:21 53:18 67:9 distinction 68:7 distribution 41:11 41:12 55:23 district 1:1,1 2:1,1 3:1,1 13:21 14:8,9 19:14 20:2,3,5,24 21:1 22:1,7,8,9,14 22:18 23:14 25:5 25:15 27:11 29:21
---	--	--	---

[district - fall]

30:18 31:9 36:24 37:18 42:17,23 43:9 44:16,21 52:19 56:4,8,11,12 56:17 58:8 59:15 60:18 68:22 72:20 72:21 districts 16:14 32:20 33:3 53:10 divide 61:13 divided 55:11 division 1:2 2:2 3:2 doctor 7:22 8:24 45:15 70:2 document 10:14 10:17,21 46:21 documents 9:11 doing 18:1 24:3 58:18 60:11 63:19 dolores 3:7 5:17 don 1:12 2:14 3:18 donahue 1:9 2:11 3:14 doubt 17:23 19:5 20:6,6 download 59:13 dr 7:13 9:5 10:24 11:2,21 13:24 14:22 15:8,11 16:8,21 22:13,18 26:14 27:12 28:21 28:23 29:19 31:1 31:19 42:14 53:19 67:11 70:12 72:6 73:11 drafted 22:21 drawing 38:7 drawn 23:14 drive 5:11	drop 20:20 due 38:14 duly 7:3 74:8 durkin 3:5 5:15 dynamics 23:13 <hr/> e e 75:9,12 76:1 77:3 77:3,3 earlier 21:23 46:21 easier 17:7 east 1:3 4:18 10:1 39:11,16 75:4 77:1 eastern 1:2 2:2 3:2 ecological 46:14 46:17,22 47:4,6,8 47:14,15,19 48:5 48:22 49:1 51:7 52:4 54:23 55:5 60:12 effective 48:3 51:3 effectively 13:7,9 24:21 47:4,16 56:12 67:8 eicompare 48:15 eight 28:9,17 either 20:6 eknox 4:16 elect 20:4 22:14 32:2 36:19 37:12 65:10 69:5 73:6 elected 36:6 68:1 electing 13:12 29:23 30:8 election 19:22 20:12 21:20 23:5 23:9,11 24:15,16 24:20 27:21,22,23 56:8 60:20 61:9 64:22 67:1	elections 1:8,12 2:10,14 3:14,18 11:16 12:20 13:14 13:20 16:13,21 18:9 21:6,6 22:10 22:16 23:11,15,21 24:1,17,18 25:11 27:19 55:5 75:4 77:1 electoral 21:9,20 23:13 elizabeth 4:3 emanuel 1:14 2:16 3:20 5:7 employed 28:23 employee 74:16 encapsulate 21:8 equation 47:22 55:9 erica 4:13 errata 75:14,16 76:3,5 error 11:22 58:9 59:6 61:24 62:1,5 62:10,18 63:1 errors 41:12 especially 58:6 esq 75:1 essentially 64:22 established 21:23 estimate 17:19,19 20:19 41:12,14 47:24 54:6,24 59:16 62:18 estimates 41:8 47:11,12 58:9 59:12 62:4 63:7 estimating 41:9 et 68:17 everybody's 42:1 45:8	evidence 22:9 exact 19:13 48:22 exactly 11:13 23:8 34:23 59:10 60:22 examination 6:4,5 7:5 70:14 72:20 74:7 examine 55:14 61:4 examined 7:3 32:10 example 53:15 66:11 excess 34:6,7 66:3 exclude 68:19 excuse 19:24 exercise 51:13 exhibits 6:6,7 expecting 52:10 experience 25:10 34:12 44:24 experiences 25:21 experiential 58:14 expert 11:1 15:17 29:8 33:8,12 36:2 42:14 44:15 52:9 expertise 44:11 45:1 experts 23:1 explain 23:3 47:2 50:6 59:8 explaining 60:4 expound 41:3 <hr/> f fact 12:3 factors 43:17 fair 10:22 30:13 35:5 36:15 69:24 fairly 52:3 fall 60:6 63:2,8
--	---	--	---

[falling - harmon]

falling 61:20 familiar 10:4,6 13:1 14:7 15:10 15:10 27:13 46:24 faster 43:15 featuring 46:14 60:13 federal 76:1,8,9 feel 28:15 32:14 36:12 felipe 3:8 5:17 fewer 54:11 field 15:20 fight 67:9,11 figure 45:20 46:13 49:5,24 51:22 52:4 53:16 54:21 55:21 60:8 63:18 71:14,15 file 61:3 filed 9:18,20 35:23 35:23,24 45:18 files 35:20,20 final 9:6 find 30:16 39:23 finding 29:1 51:17 findings 63:9 71:5 fine 11:11 16:1 30:4 finish 8:7,8 firms 26:12 first 7:3,13 9:17 11:8 14:17 40:9 56:6 61:16 70:6 70:16,17 72:14,14 five 9:10 10:15 16:12,20 17:19 28:7 35:10 45:10 58:3 flavor 56:8	flexibility 35:9 flip 64:22 65:3 floor 4:4 flores 2:5 fluctuation 52:16 flying 40:4 focus 11:8 16:10 focused 72:13 focusing 38:15 follow 16:18 39:22 70:12 follows 7:4 75:8 footnote 7:14 foregoing 74:10 forgive 9:7 48:14 51:5 form 16:17,24 22:2 24:5 26:3 28:11 30:10,19 31:10 32:21 33:4 36:7 37:14 38:20 44:18 52:23 forward 19:16 20:16,23 25:3,14 26:20,24 27:1,7 42:17 43:3,8 52:22 found 29:20 30:9 39:12 foundation 30:10 four 10:16 35:13 35:17 64:21 franklin 5:4 frcp 76:1 freedom 51:13 front 9:1 10:15 17:8 fuentes 2:3 full 18:20 29:14 72:10	fully 21:7 41:17 further 24:19 32:12 71:9 furthermore 29:20 future 44:17,22	going 10:5 17:18 17:22 18:5,11,15 19:16 23:4,5,9 25:3 27:7 28:7 32:14,16 35:8,9 39:13,24 41:17 42:16,17 43:3 44:16 45:9 48:21 52:22 53:6 58:8 58:10 62:6,7 68:23 69:3 good 51:9 55:2 69:16 72:6 graphs 49:6 great 50:13 group 40:11,12 58:11 groups 48:4 grow 57:15,17 growing 62:12 guarantee 19:19 19:23 guess 67:14 gut 50:9 guys 32:7
		g	
		gabriel 2:5 gap 57:16 71:8,11 71:16,19,20 gaps 42:7 garza 15:17 gather 61:17 general 22:16 25:7 25:17,19 36:20 38:7,23 39:6 41:1 44:4,10 67:1 generally 51:18 53:5 generate 26:15 61:16 generated 26:20 generically 28:17 getting 24:10 gingles 13:2,2,7,22 14:3 22:11,17 29:2 give 18:5,20 19:4 20:8 35:9 given 7:22 65:6 72:15 74:14 gives 25:13 51:17 go 8:2 11:10 12:13 15:22 18:2,3,7 29:10 30:12 33:16 40:1 43:19 45:6 45:13,15,19 59:13 60:8 61:8 63:4,18 69:13 72:7 73:15 goes 41:10 56:24	
			h
			h 77:3 hand 74:20 handled 75:8 happen 25:22 26:19 32:16 73:2 happened 14:18 14:19 happens 21:14 happy 41:3 hard 8:12 9:13 19:24 54:16,16 harder 25:4 27:8 harmon 1:12 2:14 3:18 7:8

[hb - know]

hb 19:23 hd 14:24,24 20:2 20:20 21:8 53:11 54:5,11 60:14 61:6,20 65:9,11 73:2 head 8:11 14:11 17:5 23:17 30:2 heading 40:7 held 31:16 help 8:3 56:2 hereunto 74:20 hernandez 2:5 high 36:23 37:2 higher 55:18 hinshaw 5:3 hinshawlaw.com 5:6 75:2 hispanic 2:6 36:23 37:5 hispanics 38:4,11 historian 11:6,6 15:16,20 historical 68:4 72:18 history 31:8,12 67:1 hold 62:23 holds 61:16 homogeneous 47:17 50:3,6,14 51:1,3,6,22 63:20 honest 70:4 honestly 36:10 hop 45:10 hope 7:19 17:11 house 1:16,17 2:18 2:19 3:6,10,21,23 5:8,9,15,18 10:20 19:14 22:1,18 30:18 31:8 42:17	60:17 huh 8:11 hundred 47:12 hypothetical 37:4 37:22 38:6 i ian 1:9 2:11 3:14 identification 6:7 identified 12:3 49:11 illinois 1:1,4,8,12 1:13,14,16,17 2:1 2:7,7,10,14,15,16 2:18,19 3:1,4,6,9 3:10,10,13,17,19 3:20,21,22 4:9,15 4:18 5:5,8,8,12,14 5:15,18,18,19 39:11 66:11 71:10 74:4,21 75:4 77:1 immigration 38:14 important 15:18 65:22 improve 47:11 included 61:5 75:14 76:3 includes 11:16 including 17:20 inconsequential 62:11 71:4 incorporate 57:22 62:19 incorporated 27:13 incorrect 19:7 increased 42:18 increases 12:17 increasing 56:17 increasingly 25:4	index 6:1 indicates 39:4 indirectly 74:18 indisputable 20:5 23:22 individual 42:6 68:24 individually 3:4,6 5:14,16 individuals 43:8 inference 46:14,17 47:8,14 49:2 52:5 54:23 55:6 60:12 inform 45:1 information 42:8 44:20 51:15,16 62:20 initial 9:17,18 11:9 40:3,6 45:15 46:3 46:5 56:7 72:8 input 48:21 instances 26:21 intended 7:19 interested 74:18 interesting 42:5 57:12 internal 61:7 interrupt 16:3 intervals 41:13 involved 24:13 47:13 irene 2:4 irvin 2:3 issue 17:17 24:15 54:17 66:21 69:3 issues 24:13 41:7 ivan 2:6 j j 1:8 2:10 3:14 james 3:7 5:16	jim 3:5 5:15 job 75:5 jose 2:5 jr 3:8 5:17 julie 2:3 jurisdiction 13:22 50:14 58:7 jurisdictions 16:14 28:15 justice 67:9,11 k k 1:9,9 2:11,11 3:14,14 keep 8:5 kind 25:10 26:9,23 28:16 30:13 32:23 33:15,17,18,21 37:21 40:16 42:16 44:4,10 50:17 51:10,12 53:9 54:18 56:6 58:18 62:22 63:24 67:4 67:14 68:4 kinds 32:14 58:11 62:13 68:18 know 8:13 9:11 14:11 17:18 18:6 18:7 21:16,19,22 22:24,24 23:1,8,18 24:10,12,13,14,15 24:17 27:1,4 28:18 29:6,7,11,15 29:16 30:12 32:7 32:19,24 33:2,20 33:22 36:10,10 37:21 39:2 41:5 41:23,23 42:5 43:16,23 44:6,14 44:15,21 45:8 49:1,3,4,14 50:24 51:12 54:16,16
---	---	---	---

[know - matt]

55:13 56:2,13 57:6,15,16,23 58:7 58:8,17 59:7,10,10 59:17,22 60:5,6 61:17 62:6 63:3 64:10,19 65:2 66:1 67:3 69:9 70:5 knowledge 58:22 knows 33:7 knox 4:13 kutcher 4:8 6:5 16:17,24 19:20 22:2 24:5 26:3 28:11 29:24 30:10 30:19 31:10 32:21 33:4 36:7 37:14 38:20 44:1,18 45:7,21,24 46:3,7 46:10 52:23 53:2 53:19,22 64:8 69:15,17,22 70:9 70:15 73:10,13,15	leader 3:3,6 5:14 5:15 leaving 38:11 left 47:22 55:8 legal 9:8 33:7 75:7 legally 36:11 legislative 7:9 10:20 58:8 59:15 level 20:22 45:1 58:11 liability 34:2,5,13 34:13,19 35:23 license 1:24 74:4 74:24 lichtman 11:21 13:24 15:11 16:9 22:13 26:14 28:21 28:23 42:14 lichtman's 9:5 10:24 11:2 14:22 15:8 16:21 22:18 29:19 31:1,19 line 56:15,15,21 65:5 67:22 75:15 76:4 77:4,7,10,13 77:16,19 linear 47:5 lines 64:21 linnabary 1:9 2:11 3:15 list 61:6,8 literature 38:22 39:6 40:23 42:9 65:21,21 69:8 litigation 15:11 little 14:15 19:3 28:15 35:9 38:12 41:16 53:13 59:18 64:1,1 living 60:4	llp 4:3,7 5:3,10 locally 24:13 locked 75:12 76:1 long 19:4 39:22 49:4 look 15:1 17:2 20:11 23:9,10 24:3,17 25:9 26:16,16,17,22 29:11 30:12 35:19 41:19 42:7 44:16 44:21 50:13,19 51:15 52:11 55:7 56:5,11 59:11 60:20 62:8,8 63:4 looked 9:12 13:20 13:20 20:13 21:9 21:9 24:19 31:7 38:3 43:20,20 53:11 56:6 62:10 63:15 71:3 looking 17:17,21 20:17,19 23:19,21 25:10,11,20 44:6 52:9 55:7 56:7 57:10 59:14 71:10 looks 62:22 loren 1:19 6:4 7:2 7:12 75:5 77:2 los 15:17,18 loses 31:3 lost 39:23 lot 11:5 15:19 18:11 23:10 24:17 25:8,9 30:13 32:14 34:22 35:19 40:3 51:19 58:18 60:24 64:11 loud 64:16 louis 1:3 4:18 10:1 75:4 77:1	low 50:18 lower 38:7 53:13 lowest 71:9 lulac 28:21,24 29:5 luna 3:8 5:17 m m 1:10 2:12 3:15 main 43:19 major 55:24 majority 13:8 29:22 30:7 40:10 40:12 66:8,15 68:10 making 28:16 32:15 68:7 map 10:20,21 34:2 34:3,5,9,13,14,16 34:17,19,20 35:23 35:24 36:3,16 38:7 61:3,3 maps 35:18,19 margin 58:9 59:6 61:24 62:1,5,10 63:1 marginally 20:15 20:16 margins 62:18 mark 32:17 41:10 41:18 52:18 62:12 marked 6:7 martinez 2:4 massachusetts 4:5 material 27:15 math 37:13 41:24 mathematical 44:15 mathematically 32:6 matt 72:3
l			
la 3:7 5:16 label 61:4 lake 4:8 language 51:5 lasalle 4:14 latino 15:19 36:24 37:2 latinos 29:22 30:7 laura 1:9 2:4,11 3:14 law 56:1 lawyer 29:6,10 33:5 lawyers 2:6 4:12 19:3 35:7 lay 51:5			

[matter - okay]

matter 37:12 matters 74:9 matthew 4:8 maximum 51:24 mayer 5:10 mayerbrown.com 5:13 mcconchie 3:3 5:14 mccrory 1:9 2:11 3:15 mcguffage 1:10 2:12 3:15 mean 9:13 10:3 15:14 16:2 19:19 30:21 37:6,8 45:21 46:3,18 48:6,19 50:22 53:2,5 57:3,4 59:22 61:21,23 62:21 63:1 65:1 67:18,18,19 meaning 59:24 68:10 means 8:20 40:13 65:2 measure 55:10 medina 2:6 members 1:11 2:13 3:17 memory 11:12 35:18 mentioning 70:24 met 14:3 method 28:24 47:8 47:10,11,14,15 50:8,10 55:6,14 methods 51:18,20 metro 39:11,15 mexico 43:23	midwest 44:8 migration 26:17 26:17 mimic 23:12 mind 11:10 68:21 minimum 49:16 51:23 minor 27:14 52:8 minority 3:3,5 5:14,15 13:10 32:1,2,20 38:8 66:19 minus 57:15,16 minute 45:5 71:13 minutes 69:13 misclarification 60:1 mistake 7:17 mistakenly 71:22 mkutcher 4:10 move 32:13 43:9 69:19 movement 42:22 44:7 moving 20:16,23 43:8 multiple 51:20 murphy 2:4 mute 70:10	need 8:5 62:19 64:16 needs 69:18,20 nervous 32:17 never 23:8 39:22 new 20:8 30:21 43:23 60:17,20 61:5 newly 23:14 nine 28:9,18 nod 8:11 nonverbal 8:14 normal 8:3 normally 60:6 north 4:14 5:4 northern 1:1 2:1 3:1 notating 75:15 76:4 notes 69:13 notice 58:13 noticed 7:14 58:19 november 45:18 45:21 46:1,7,8 number 15:1,2,3,9 18:10 32:8 35:8 75:15 76:4 numbers 14:22 16:8,12,20 17:20 17:23 18:12 19:5 19:6 23:7,17,23,24 24:20 25:20 27:3 33:17 35:16 53:13 57:5 71:14	33:4 36:7 37:14 38:20 44:18 52:23 objection 19:20 29:24 obligation 8:20 obvious 62:17 obviously 19:2 23:7 occur 37:7 occurred 16:14,21 offense 7:19,21 office 1:14,16 2:16 2:18 3:19,22 5:8 13:11 68:9 75:11 offices 72:2 official 1:11,13,15 2:13,15,17 3:3,5 3:16,18,21 5:7,14 5:15 oftentimes 8:10 oh 12:8 17:15 19:10 38:5 46:9 53:21 55:2 59:22 63:3 64:10,18 okay 8:24 9:13,23 10:7,14 11:8,16,21 12:1,11,22 13:1 14:2,6,7 15:3,10 16:12 17:7 18:3 19:7,10,14 21:23 22:20 23:19 25:24 27:6,17,19 28:1,21 29:18 31:4 33:6 34:5 35:7 37:8 38:11 39:18,21 41:21 42:13,16 44:3 45:4,6,17 46:9,17 48:16 49:5,24 50:3 51:5 54:3,20,21 56:4 57:11,19 58:10
	n		
	naacp 1:3,4 4:18 4:18 10:1,11 75:4 77:1 name 7:7,10 15:12 names 9:8 61:6 national 67:3,4 necessarily 15:7 43:10 necessary 75:14 76:3		
		o	
		oath 8:19 obama 66:12 object 15:7 16:17 16:24 22:2 24:5 26:3 28:11 30:10 30:19 31:10 32:21	

[okay - populations]

59:22 60:10,11,23 64:3,5,20 67:22 68:7 69:1,12 70:11 73:10 old 30:23 56:4,8 once 8:1 opening 64:4 opine 36:13 opinion 13:22 27:7 27:15 29:18 33:7 33:8 36:2 opportunity 65:9 69:5 opposed 25:18 order 8:7 10:19 37:12 ordinary 47:5 organizations 1:5 4:19 oriented 32:9 47:9 original 7:16 13:19 75:10,21 outcome 74:18 outlier 39:16 outlines 39:22 overall 63:9 71:5	pages 75:14,17,17 76:3,6,6 panoff 5:11 paper 40:3 papers 25:9 paragraph 40:9 64:3,6,9,11 65:5 71:18,23 72:11 part 14:9,16 61:16 73:1,4 participation 38:3 38:17 particular 18:1,4 25:16 27:5 40:11 51:21 62:3 68:6 particularly 18:9 parties 7:8 10:19 74:17 party 3:11 5:19 pdf 75:12 76:1 penalty 75:16 76:5 people 8:4,10 15:23 37:19,19 55:10 70:8 percent 12:23 14:12,14,24 16:15 16:22 28:4 32:17 34:6,8,10 36:4,17 37:1,1,9,18 40:20 40:21 41:18 42:2 42:11 49:21 50:16 50:16,17 52:14,18 53:16 54:1,6,24 56:24 57:1,3 62:12,23 63:2,14 63:22,24 65:8 66:3,12 71:9,12 72:17,22 percentage 54:12 55:10,19 71:20	perez 2:5 perfect 51:12 performance 61:15 period 75:18 76:7 perjury 75:17 76:6 perry 28:22,24 29:5 person 38:9 69:3,6 personal 74:12 personally 15:1 19:12 32:7 42:6 57:10 perspective 15:8 ph.d. 6:4 7:2 phrase 72:14 pin 35:8 place 39:23 43:24 50:11 69:8 71:5 places 36:17,22 plaintiff 3:11 10:9 15:16 34:13 plaintiff's 9:6,18 9:23 plaintiffs 1:6 2:8 4:17 5:13 9:24 10:3,3,7,8,18,21 34:1 plan 14:10 65:6 71:24 72:16 playing 36:12 please 7:10 8:6 41:4 plenty 18:5 plot 71:2 plus 56:20 point 13:24 17:3 22:13 25:24 29:1 31:13 39:19,19 40:24 41:14 44:3	44:12,21 45:2 51:16 54:17,18 57:17 58:14,17 62:4,17 63:7 64:1 66:18 70:23 71:20 73:9 pointing 63:6 points 72:4 polarization 24:4 67:5 polarized 21:18 22:11 40:1,7,14,22 41:1,5,15 42:4,12 48:3 49:7 53:12 56:9 61:19 62:16 63:10,12 poli 55:24 political 18:13 23:1,12 24:12 56:10 67:7 politically 68:22 politics 19:22 25:11 39:7 polling 23:9,10 population 13:8 13:10 14:13,14 15:6 17:22 18:15 18:16,18 20:17,18 20:19,21,21,22 26:15 27:11 36:4 37:2,3,9,10,18 38:8,13,13,16,17 38:18 42:23,24 43:14,15 44:7 48:1 49:21 56:13 56:16,18,19,20,22 57:13,20,24 58:21 59:7 62:24 66:14 66:15,19 populations 18:21 36:24 43:12 67:8
p			
p.m. 1:21 73:16 package 48:24 padilla 2:4 page 6:3 17:11,12 31:2 40:6 45:19 46:13 49:24 50:1 54:21 55:21,22 60:9 61:2 63:19 64:4,9,11 71:2,7 71:19,22 72:8,11 75:15 76:4 77:4,7 77:10,13,16,19 paged 10:23			

[position - received]

position 36:13 possibility 68:15 68:20 possible 37:23 63:5 68:19 potentially 62:13 power 47:14 pre 21:24 precinct 47:10,17 47:24 50:3,7,19 51:6,23 55:11,12 72:1 precincts 20:10 28:14 50:14,15,21 51:2,4 60:14 61:4 61:7,8,12,17,19 63:21 71:24 precise 44:20 precondition 13:3 29:2 predict 23:5 prediction 25:14 preferred 13:17 19:17 20:4 21:3 21:11,13,17 22:14 28:1 31:3 32:2 65:7,17 67:17 72:16 premises 43:5 preparation 9:4 present 22:8 40:14 68:14 presentation 62:20 presented 29:8 president 1:13,14 2:15,16 3:18,19 7:8 pretty 62:6,11 prevailed 12:19	prevent 29:22 30:7 previous 20:4 21:20 22:18 60:21 61:9,18 74:6 previously 40:13 prior 14:2 15:11 probably 17:24 18:11 26:12 33:24 35:5,13 36:20,21 37:22 51:18 63:24 63:24 probative 11:17 67:6 problem 39:21 60:7 procedure 75:19 75:20 proceedings 74:14 process 47:13 61:7 61:10 produce 34:13 48:22,23 61:3 produced 21:21 34:1 product 48:18 professionally 44:24 professionals 60:7 program 48:14 prohibit 36:5 prohibits 33:3 projected 29:20 53:9 projection 26:11 26:12,24 27:1,2,9 projections 26:20 44:11 prong 22:17 pronouns 70:5	provide 8:7 44:24 59:12,14,15,19 62:2 provided 75:19 76:8 providing 62:3 puerto 2:7 put 12:9 52:19 59:18	racially 21:18 22:10 40:1,7,14,22 41:1,5,15 42:12 48:3 49:7 53:12 56:9 61:19 62:16 63:10,11 radtk 1:23 74:3 74:23 rally 68:18 ran 46:17 range 63:23 rate 12:22 28:4 38:17 43:15 rates 26:16 38:3 43:12 read 29:5,14,15,18 42:13 64:6,16,17 71:23 reading 29:12 75:23 76:9 reads 72:15 real 66:6 reality 63:16 realized 64:12 really 10:22 19:4 23:5 36:10 50:12 57:7 58:10 60:5 62:12 68:16,17 reason 8:15 10:9 15:7 19:5 39:9,15 50:12 52:21 53:6 77:6,9,12,15,18,21 reasons 18:5 20:8 rebuttal 12:14 13:24 14:23 16:7 16:11 27:13 28:23 31:18 40:2 52:17 70:19 73:14 recall 30:2 72:4,9 received 65:7 72:17,22
		q	
		qualitative 24:22 question 8:6,9 19:2 24:8 36:9 39:14 43:19 48:7 55:3 59:1 62:22 64:7 questions 40:16 45:16 70:8,11,13 72:10 73:11 quick 66:6 quite 16:18 17:20 18:15 54:9 63:8 quote 40:10 55:9 55:13	
		r	
		r 5:3 48:15,24 75:1 77:3,3 r&s 76:1,9 race 12:2 30:16 31:2,4,5 39:7 55:4 55:15,19 59:15 63:20 66:18 69:6 73:7 races 11:22 24:11 24:24 28:8 31:6 49:12,15,20 60:18 60:21 61:9 62:22 racial 21:24 24:4 40:11,12 42:4 47:24 67:4	

[reconstitute - says]

reconstitute 53:10 reconstituted 20:12 21:6,19 23:11 53:17 54:2 63:19 reconstituting 60:19 reconstructed 60:14,19 63:20 record 7:11 15:23 16:5 20:1 44:23 45:13 71:6 73:15 74:13 red 56:15,21 redistricting 33:12 reduced 74:12 reduces 65:9 refer 10:4,9 46:21 67:16 71:19 reference 70:5 referenced 75:6 referred 7:9 13:2 referring 10:2,7 67:24 68:1 73:5 refers 7:15 73:1 reflected 71:14 regardless 73:7 registered 3:4,7 5:15,16 54:24 55:12 regression 46:22 47:4,5,15,19 48:5 48:22 related 11:4 relative 20:20 25:20 74:16 relatively 65:11 67:23 released 75:21 relevant 29:11	reliable 18:20 religious 1:5 4:19 remedial 10:20,21 34:2,9,14,16,17,20 35:24 36:3 71:24 remember 17:3,4 19:24 31:20 34:24 remote 1:19 repeat 14:16 rephrase 16:16 31:13 66:6 reply 9:20 report 9:5,16,17 9:20 11:1,2,9 12:15 14:1,23 16:7,9,11,21 17:8 23:1 27:5,12,13 29:19 39:20 40:2 40:3,6 45:15,18,19 45:22 46:4,5 48:13 52:17,17 56:7,7 64:4 70:16 70:17,19 71:10 72:8 reported 1:23 74:11 reporter 8:3,12 15:21,22 16:2 43:21 53:20,21,24 67:10 74:2,4 reports 8:24 33:20 42:14 70:23 represent 9:24 representatives 1:16,17 2:18,19 3:6,10,22,23 5:8,9 5:16,18 reproduces 43:14 republican 3:9,9 3:11 5:17,18,19 21:2 67:1	requested 76:1,9 76:10 require 32:20 42:22 43:8 research 38:2 39:4 39:10,16 44:23 researcher 51:13 respect 63:9 respond 10:19 43:4 responding 29:13 response 35:5 responses 19:4 restate 26:5 result 52:5 results 12:18 20:12 21:20 23:11 24:20 32:10 46:14 48:23 51:20 56:8 60:12 61:9 62:15 62:20 63:21 68:14 retained 10:3,8 return 75:17 76:6 returns 21:9 review 10:22 12:2 14:22 24:22 27:20 27:23 53:15 54:10 61:22 64:22 75:8 75:10,13 76:2 reviewed 9:3,5,6,8 9:11 11:2 31:21 70:16,19 rican 2:7 rick 1:10 2:12 3:15 right 9:19 10:17 11:23 12:20 14:20 17:15 18:2 19:12 20:24 23:6,17 24:7,21 26:11 27:2,10 28:5 29:3 29:9,9 30:24 32:8	34:10 35:4 37:6 37:20 38:5,7 41:11 42:20 43:13 43:16 47:12 53:9 56:4,23 57:2,22 58:10,17,23,24 60:6 63:4,5,15,22 63:23 65:24 66:20 66:22 68:19 72:21 72:24,24 rights 4:12 15:20 32:19 33:2 67:12 rivera 3:7 5:16 romero 3:8 5:17 room 15:24 rose 2:4 rough 40:5 52:18 round 41:19 71:4 rpr 1:23 74:23 rpv 25:19 40:13,24 rule 25:7 41:1 rules 76:8 run 14:21 18:12 18:23 51:6 69:20 running 33:17 68:8,16 69:3
s			
s 1:9,10 2:11,12 3:15,15 77:3 s.b. 20:2 safe 32:20 65:11 67:23 sake 72:8 salvador 3:8 5:17 satisfied 29:2 42:1 saw 55:1 71:10 saying 17:4 19:11 50:18 53:24 55:17 says 17:12 39:7 40:10 41:14 42:9 46:13,18 49:7			

[says - statistical]

60:12 65:6 sb 14:13,24 20:20 53:11 54:5,11 60:14 61:20 65:8 73:2 schedule 75:10 school 56:1 sci 55:24 science 51:11 scientist 15:13 18:13 24:12 scroll 64:12 seat 31:9,16 65:11 67:23 second 15:23 56:18 73:1 section 56:6 71:7 sections 11:4 see 7:14 12:8 20:13 31:6 34:16 34:17,18 43:7 46:13 49:9 50:13 52:10 53:13 54:8 56:13 60:20 61:2 63:11,12 69:13 70:9 seeing 63:17 seen 34:12,19,23 34:23 35:2,22 select 66:20 selected 11:17 12:20 71:24 senate 1:13,14 2:15,16 3:4,9,19 3:20 5:14,18 14:8 19:15 sense 18:8,13 44:7 sentence 40:9 71:16,18 72:10,15 73:1,4	separate 10:5 september 14:2,10 21:24 series 55:22 58:5 serve 25:18 served 31:9 set 10:9 39:5 48:23 55:5 74:20 seven 12:19 13:14 16:13,20 49:11,12 49:15,20 shape 35:20,20 61:3 share 55:10,11 short 45:12 70:1 shorthand 74:2,3 show 9:10 12:18 55:18 showed 13:15 16:22 29:21 showing 56:3 63:21 shows 21:21 38:22 39:20 49:14 51:23 56:16 61:21 shrink 32:16 side 11:4 20:6 22:12 47:22 49:11 55:8 sign 75:16 76:5 signature 74:23 75:21,23,23 76:9 signed 46:8 significance 44:15 57:8 significant 57:4 significantly 65:9 similar 18:15 29:17 52:11 54:10 simple 50:8	simulation 47:9 single 62:9 sir 7:23 17:10 34:4 situation 32:13 36:11 37:7,17 41:9 68:4 69:9 situations 68:18 six 12:19 13:14 28:8 slightly 10:23 54:11 small 27:14 57:9 62:6,10 smaller 71:11 smallest 71:16 smart 33:24 social 15:13 51:10 51:11 software 48:10,12 62:8 solid 56:15 solutions 75:7 somebody 69:18 sooner 71:1 sorry 11:14 12:13 14:16,17 15:21 16:2,16 30:17 40:2 46:6 53:18 53:21 54:9 55:2 59:21,21 60:1 61:15 64:10,18 66:5 67:10 72:14 sort 8:14 24:7,17 24:22 25:13 26:8 36:11 37:23 38:6 43:4 49:2 50:9 67:7 sought 71:24 sounds 45:9 48:6 69:16	sources 26:19 south 5:11 44:8 space 64:12 speaker 1:15,17 2:17,19 3:21,22 5:8,8 7:8 special 24:14 specialist 25:19 specific 9:8 10:10 35:18 39:19 43:16 specifically 13:11 36:11 59:11 67:19 specify 24:8 split 61:5 spss 48:19 49:1,3 squares 47:5 sr 1:10 2:12 3:16 ssrs 48:17 st 1:3 4:18 10:1 21:7 27:21,22,23 75:4 77:1 stage 67:4 standard 32:1 41:12 stark 58:16 start 30:23 32:17 starting 64:1 starts 57:14 state 1:4,8,12 2:10 2:14 3:13,17 4:18 7:10 8:20 31:24 74:4 75:4,9,12 77:1 stated 40:13 statement 35:5 40:17 72:18 states 1:1 2:1 3:1 statewide 71:23 statistical 44:14 44:20 47:6,22 48:9,11 57:8
---	--	--	---

[statistical - truth]

62:18 statistically 47:9 57:4 statistics 51:10 55:24 status 38:14 58:23 stay 52:22 stenographically 74:11 stick 27:3 58:20 stipulation 75:20 stop 71:13 street 4:4,8,14 5:4 structure 55:6 stuck 27:4 studies 23:21 stuff 29:11 45:6 submission 9:18 9:24 10:11 subset 58:6 61:10 61:11 suggest 36:18 43:2 suggests 39:10 suite 4:9,14 5:4 49:2 sum 61:12 support 10:20 49:8 51:23 52:14 53:7 supporting 61:23 supposed 11:12 12:6 supreme 28:22,24 29:19 sure 11:5,7 14:17 17:7 36:21 40:5 45:7 46:10 51:7 60:16 63:3,5 66:7 67:15 69:15 survey 26:14 59:4	switch 39:24 sworn 7:1,3 74:8 t t 77:3,3 table 11:8,16 13:19,20 14:4 17:12 27:12 28:7 tables 49:6 take 18:18 45:5 50:20,21 59:16 61:3 69:20 taken 7:19,21 45:12 70:1 talk 8:4 19:14 22:24 42:16 71:7 talking 27:19 29:7 46:11 60:3 68:12 technical 43:21 53:18 67:9 technically 57:7 technique 47:6 tell 13:5 35:3 65:24 telling 42:9 55:1 tells 56:12 ten 26:18 tend 34:18 tended 58:13 tendency 52:18 tending 63:13 tends 38:17 term 66:22 terms 16:11 29:7 41:10,11 47:13 65:20 69:7 terven 1:10 2:12 3:16 testified 7:4 testify 74:8 testimony 31:19 31:22 70:17 74:14	thank 12:16 14:6 22:20 27:6 45:4 45:11 54:20 59:24 70:3,3,7 73:8,11 73:12 theoretically 37:23 theory 18:15 51:14 thing 33:18,21 37:20 42:5 46:11 48:18 53:22 things 24:18 32:14 34:22 41:13 44:9 58:11 62:13 think 10:15 11:21 12:5 18:3,6,22 19:7,23 20:5 23:12,14,22 30:24 31:24 32:8,23 34:7,15 35:4 37:24 39:9,15 40:1,2 44:23 46:7 48:19 51:9 52:18 52:21 53:5,20 57:9 58:1 64:8 67:3,4 71:3,11 thinking 57:10 third 13:2 29:2 thomas 5:11 thousands 35:20 three 10:5 21:6,18 23:15 24:1,18,24 27:19 28:8 35:12 61:9 69:13 threshold 50:18 tight 7:18 21:22 time 14:18 34:15 34:17 35:21 38:5 42:19 49:4,22 55:22 58:5,17	69:19,21 70:3,6 75:10,18,24 76:7 times 7:24 15:12 28:9 35:2 today 7:14 8:15 70:3,17 told 19:4 tom 70:9,11 tons 68:16 top 14:11 17:5 30:2 49:7 torre 3:7 5:16 torres 2:4 toss 20:14,24 22:22 23:2,3,4,20 23:22 24:2 25:1 32:11 33:3 42:20 65:4,12,13 67:24 68:2 total 48:1 61:14 65:8 72:17 totals 72:1,20,21 tough 36:9 tpanoff 5:13 traditions 67:8 transcript 74:10 75:6,8,10,13,13,21 76:2,2 tremillo 3:8 5:17 trend 43:2 52:22 54:8,15 trends 44:5 52:10 54:18 56:5,6 trial 33:16 troy 2:5 true 36:20 43:10 43:10,11 51:19 74:13 truly 36:10 truth 8:20 63:15 74:8
---	--	--	---

[try - whites]

try 8:7 10:9 17:7 41:19 trying 11:14 34:15 35:7 57:18 69:19 turn 17:11 55:18 turnout 39:5 55:4 55:8,15 71:8 two 17:12 35:13 35:17 40:18 47:3 49:6,6 50:9,22 52:12 61:13 64:7 65:23 type 18:4 29:1 54:8 types 44:8 typewriting 74:12	vap 15:8 18:3,4,7 18:10 19:8 25:14 34:7,9 36:17 42:18,18 43:7 44:4 55:23 71:2 variability 58:15 variable 47:23 55:8,14 variety 33:15 58:18 72:1 vary 39:3,3 vaught 5:3 6:4 7:6 7:7 16:1,4,6,19 17:6 22:6 24:9 26:6 28:20 30:3 30:15,22 31:14 33:1,6,9 36:14 38:1 39:1 44:13 45:3,5,8,13,14,23 46:2,5,9,12 53:4 54:14 64:10,15 67:13 69:12,18,24 70:2,7 72:9,13 73:13,14 75:1 veritext 75:7,9,11 version 13:21 21:8 65:8 versus 21:10 28:22 28:24 29:5 50:24 57:16 67:1 68:9 view 22:17,18 violated 13:23 violation 22:19 vis 15:18,18 vote 37:2,19,20 40:19,20 50:19,22 50:24 61:12,13,14 65:8 66:3,9,12 68:11 72:1,18,20 72:21,23	voted 49:16 54:24 55:11 voter 3:5,7 5:15,16 38:3,17 55:4,8,14 voters 13:12 20:3 21:12,13,17 22:13 32:2,20 40:10,12 40:19,20 49:16 52:14,19 53:6 55:12,18,19 63:12 65:7,10,17,18 66:9 67:17 68:17,17 72:16 73:5 votes 66:15 voting 11:18 13:8 13:16 14:12,13 15:6,19,20 17:21 18:14,16,18,24 19:17 20:17,18,19 20:22 21:18 22:1 22:11 26:15 29:21 32:19 33:2 36:4,5 36:19 37:4,8,10,11 37:18 38:12,13,15 38:16,18 40:1,7,14 40:22 41:1,5,15 42:4,10,12 48:3 49:7,21 53:12 56:9,19,20,21 57:20,23 58:20 59:7 61:19 62:17 62:24 63:10,12 vs 75:4 77:1	45:6 46:10 51:14 60:16 64:7 65:16 67:15 68:19 72:7 wanted 7:20 19:2 27:2 45:16 54:18 56:5 58:20 59:17 71:5,19 watson 1:11 2:13 3:16 way 18:2,3 19:23 20:10 32:9 36:12 37:5,24 41:6,23 51:9 ways 60:24 63:16 weekend 45:10 weichelt's 27:12 welch 1:15 2:17 3:20 5:7 7:8 went 17:15 56:1 70:9 71:2 west 4:8 wheelhouse 27:4 whereof 74:20 white 11:17 12:3 13:8,16 19:16 21:2,13,16 30:6,16 30:17 36:5,18 37:19 38:18 40:20 43:14 46:15 49:15 49:21 50:16,20 51:2,23 52:14,19 53:6 55:18,23 56:9,12,16,21 60:13 61:22 62:23 63:12 64:11 66:2 66:7,8,12,14 68:15 whites 38:4 42:1 42:10 53:14,16 54:1,6,12 66:3 71:8
u			
uh 8:11,11,11 uncertainty 41:8 understand 9:14 56:2 57:19 60:5 67:15 understanding 13:5 14:21 15:14 29:16 44:5 52:15 65:24 68:21 69:7 understood 8:19 united 1:1,4 2:1 3:1 4:18 unquote 55:9 use 19:8 23:1,8 26:12 48:9,11,14 50:10,12 57:20 66:22 uses 47:10 usually 11:18 13:17 39:7 59:23			
v			
v 1:7 2:9 3:12		w wacker 5:11 wait 8:6,8 69:23 waiting 15:23 waived 75:23,23 waiving 75:20 want 20:1 32:8 33:22 40:16 42:16	

[widely - à]

widely 47:7	written 33:20
wildly 51:8	wrote 71:22
william 1:8,10	x
2:10,12 3:14,15	x 76:9
williams 12:6,10	y
wilson 12:2,9	yeah 9:15 12:9,12
win 12:22 23:6	14:17 16:1 17:2
25:5 27:9 28:4	17:16,17 18:7
38:9 42:20 65:2,4	24:7 26:5 28:13
65:13	31:5,17,21,21
winded 19:4	33:14,22 34:7,11
winner 12:6,10	34:16,21,21 35:4
winning 20:15	40:5,6 41:22
witness 6:3 7:1	42:21 44:3 46:2,5
16:18 17:1 19:21	47:21 48:11,12
22:3 24:6 26:4	51:9 55:15 59:10
28:12 30:1,11,20	64:18 65:3,3,20
31:11 32:22 36:8	year 17:19 58:3,15
37:15 38:21 43:23	61:10,11
44:2,19 52:24	years 26:18 31:16
53:21 54:3,4	z
64:13 67:12 69:16	zoom 14:18
70:6 73:12 74:7,7	à
74:20 75:13,16	à 15:18
76:2,5 77:24	
won 13:16 21:1	
28:1,10 66:12	
wonderful 8:23	
wondering 24:19	
work 15:19 18:14	
35:19	
worked 25:21	
33:11,15 34:22	
working 33:18,23	
45:10	
works 41:24 65:21	
worries 16:4 60:3	
wright 4:3	
write 39:21	
writing 7:17 29:12	

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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