

EXHIBIT 2

AUDIO TRANSCRIPTION OF RECORDING

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JOINT COMMITTEE REDISTRICTING HEARING

May 25, 2021

TRANSCRIPTION OF RECORDED AUDIO PROCEEDINGS

received on May 28, 2021.

Due to the quality of the recorded media, portions were unable to be transcribed. The transcript may also include misinterpreted words. The transcriber was not present at the time of the recording; therefore, this transcript should not be considered verbatim.

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1 the testimony from those people that are waiting to
2 provide testimony on this map.

3 SENATOR BARICKMAN: A witness has asked
4 this question though of me which is -- they posed it in
5 the hypothetical, if they were to ask a question about
6 the data that was used in drawing the maps that have
7 now been made public, where might they direct that
8 question, what data was used? Should that be directed
9 to you, Mr. Chairman?

10 CHAIRMAN AQUINO: If a witness wants to
11 ask a question while they provide testimony, at the end
12 of their testimony they may provide -- they may ask the
13 question then.

14 SENATOR BARICKMAN: Thank you.

15 CHAIRMAN AQUINO: Representative
16 Hernandez, I think we're done with the opening
17 statements, so I'm going to pass the chair over to you
18 to continue with starting the testimony from the
19 witnesses.

20 CHAIRMAN HERNANDEZ: Thank you, Chair
21 Aquino. So we are going to begin with the testimony of
22 Dr. Allan Lichtman.

23 CHAIRMAN AQUINO: Dr. Lichtman, you're on
24 mute, sir, if you can make sure to unmute yourself?

25 DR. LICHTMAN: Is that better?

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1 CHAIRMAN AQUINO: Thank you. Yes, sir.

2 DR. LICHTMAN: Thank you. So I'm Allan
3 Lichtman. And as I said, to quote the late great Yogi
4 Berra, this is a bit like déjà vu all over again. I am
5 once again retained as the voting rights redistricting
6 advisor to the house and the senate. Some of you may
7 remember me for speaking with this body ten years ago,
8 I don't know if any of you have a long enough tenure to
9 remember me speaking to this body 20 years ago. In
10 both instances I was also the expert in the successful
11 defense in court of the maps drawn by this august body.

12 I am Distinguished Professor of History
13 at American University in Washington, D.C. That's not
14 something I made up. That's a real title. It's a
15 university title. It's the highest academic title
16 above full professor. There are only a handful of us
17 out of many hundreds of faculty members in the
18 university.

19 I've been teaching at American
20 University, I hate to say it, for 48 years, after I
21 received my PhD from Harvard in 1973. Of course I was
22 9 at the time, but that's a whole other story.

23 I am the author of 12 coauthored or
24 authored original books, hundreds of popular and
25 scholarly articles. I'm humbled to say I've received a

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1 number of honors for my academic work. I was Scholar
2 Teacher of the Year at American University, the highest
3 honor for a professor. My 2008 book, White Protestant
4 Nation, The Rise of The American Conservative Movement,
5 was a finalist, one of five, for all nonfiction books
6 published in the United States from the National Book
7 Critics Circle. My coauthored book with Richard
8 Breitman, FDR and the Jews, won the National Jewish
9 Book Award in American Jewish Studies, was a New York
10 Times recommended book, and a finalist for the Los
11 Angeles Book Prize for all books published in history.

12 I'm the recipient of the Marquis Lifetime
13 Achievement Award for the top persons in the Marquis'
14 Who's Who. I was listed by Rise Global as number 85 of
15 the world's 100 leading geopolitical experts. And I am
16 an elected member of the Literary Honor Society PEN
17 America, among other things.

18 I think there are four areas of my
19 scholarship that are directly relevant here, I'll
20 briefly describe them.

21 One, methodological works, it's on
22 quantitative applications in the social sciences and
23 historical methodology. This is grounded in two books,
24 my book Ecological Inference, which is not about the
25 environment but about mathematical methods for studying

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1 groups like African Americans, Hispanics, Asians. And
2 my book *Historians and the Living Past: The Theory and*
3 *Practice of Historical Study*. And in numerous articles
4 in journals such as the *Proceedings of the National*
5 *Academy of Sciences*, *Political Methodology*, *Social*
6 *Science History*, *Journal of Interdisciplinary History*.

7 Second area would be the application of
8 quantitative and historical methods for the study of
9 American politics. This grounds almost all of my
10 substantive books, including *White Protestant Nation*,
11 which I described to you. My first historical book,
12 *Prejudice and the Old Politics: The Presidential*
13 *Election of 1928*. Running up to my very recent book,
14 *The Embattled Vote in America: From the Founding to*
15 *the Present*.

16 The third area is the application of
17 statistical, quantitative and historical methods to
18 voting rights analysis. This has been published of
19 course in my book on the embattled vote, and in
20 articles, in journals like the *Journal of Legal*
21 *Studies*, the *Journal of Law and Politics*, and
22 *Evaluation Review*.

23 And finally something I've become
24 somewhat notorious for, political prediction. My book,
25 *Keys to the White House*, predicting the next president,

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1 has been in seven editions outlining my successful
2 method for predicting the results of presidential
3 elections. I've also published in the International
4 Journal of Forecasting, the International Journal of
5 Applied Forecasting, and twice keynoted the
6 International Forecasting Summit.

7 Enough about me.

8 But I bring some very good news to the
9 Illinois General Assembly, and that is in terms of
10 providing minority representation in the general
11 assembly, the State of Illinois is an exemplar, it's a
12 model for the nation. About a third, a little under a
13 third, of members of the state house and the state
14 senate are African Americans, Asian Americans, or
15 Hispanics. That's right in line with the minority
16 citizen voting age population in the state. By
17 contrast, a study by the National Conference of State
18 Legislatures found that nationally minority
19 representation of any kind lags far behind minority
20 citizen voting age population in the nation, lags
21 behind by a whopping 9 percentage points, as compared
22 to what Illinois has been able to achieve.

23 What underlies this is something I spoke
24 about a decade ago, and something I successfully
25 presented to the court in the 2011 litigation, and that

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1 is the diminution of racially polarized voting in the
2 State of Illinois.

3 Now, certainly minorities have remained
4 cohesive behind candidates of their choice, which are
5 typically minorities, but not always. There are
6 occasionally white candidates who in competition with
7 minorities are in fact the minority candidate of their
8 choice, but there is no question about overwhelming
9 minority cohesion.

10 The real story though in the State of
11 Illinois, as I presented to the court and as I'm going
12 to present to you now, is the fact that there is no
13 longer white/black voting that usually defeats the
14 candidate of choice of minority voters, except, you
15 know, in a very few overwhelmingly white districts and
16 white areas that really can't do anything about it.
17 I'm going to illustrate this to you, this substantial
18 white voting for minority candidates of choice, with
19 publicly available polling data. I'm first going to
20 look at the three presidential polls, one -- that pose
21 a black versus a white candidate, one for a primary,
22 two for a general election. The beauty here is it
23 takes into account the entire state, not just the
24 Chicago area as I testified to in 2011, and it enables
25 us to compare white voting for the minority candidate

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1 in Illinois with white voting for the minority
2 candidate nationwide.

3 We can first look at the 2008 primary
4 between Barack Obama and Hillary Clinton. In both
5 cases, both for the state and the nation, black voters
6 strongly united behind Barack Obama, but even more so
7 by about 11 points in Illinois. But here is the
8 extraordinary difference, in the nation the white vote
9 for Obama was 39 percent, in the State of Illinois, the
10 white vote for Obama was a majority 57 percent, 18
11 percentage points higher, almost 50 percent higher,
12 than the white vote for Obama nationwide. So Obama was
13 able to achieve a majority both of the black vote and
14 of the white vote here in Illinois sharply contrasting
15 with the nation.

16 Then we have the 2008 general election
17 between Obama and McCain. And nationally 43 percent of
18 white voters voted for Obama, and again black voters
19 overwhelmingly, both in Illinois and the nation, united
20 behind Obama. But in Illinois again Obama received a
21 majority 51 percent, substantially higher than the
22 nation. And we had a similar result in the 2012
23 presidential election between Obama and Mitt Romney
24 with nationwide 41 percent of white voters for Obama
25 but 50 percent in the State of Illinois.

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1 We also had have a statewide election for
2 which there is an exit poll, Tammy Duckworth versus
3 Kirk in the 2016 U.S. senate election, and Duckworth
4 got a very substantial 41 of the vote from white voters
5 overwhelmingly winning the black vote, and then that
6 enabled us -- her to prevail in a state that is about
7 two-thirds white nonHispanic in its citizen voting age
8 population.

9 We also have some interesting polling
10 from the mayoral elections. In the city of Chicago, we
11 have a poll for that massive 2019 election, you know,
12 with more than a dozen candidates, not an exit poll,
13 but it's a poll taken right before the election, which
14 took into account early voters and likely voters and
15 its results were pretty much spot on. And again, we
16 see considerable white crossover. In fact, the two
17 leading candidates among whites were the African
18 American candidate, Lightfoot, who went on to the
19 runoff, and the white candidate, Dailey. They finished
20 with an equal percentage, an overall 60 percent of
21 white voters in that first round 2019 mayoral election
22 voted for a black or an Hispanic candidate. A majority
23 voted for nonwhite candidates.

24 Then we did have an exit poll for the
25 runoff in 2015, this time you had a white, Emanuel,

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1 against an Hispanic, Garcia, and Emanuel wins with a
2 pretty remarkable interracial coalition. He wins 66
3 percent of the white vote, 58 percent of the black
4 vote, and although Garcia gets a majority of the
5 Hispanic vote, Emanuel still gets 32 percent.

6 That's why overwhelmingly under the
7 current plan, in both the house and the senate, at
8 about a 90 percent success level, Hispanic and black
9 candidates are able to prevail in districts, not that
10 are single race majority, and I talked about this in my
11 previous testimony. A state drawing a plan does not
12 have to create single race majority districts. It just
13 has to create districts that work. And if you can do
14 it at a lower level you create more districts, which is
15 exactly what the plan did.

16 Anything in the citizen voting age
17 population over 40 percent in the house and the senate,
18 blacks and Hispanics overwhelmingly have won those
19 districts, along with one white candidate who was in a
20 contest with an Hispanic, the candidate of choice of
21 Hispanics. There also have been black and Hispanic
22 candidates elected at much lower levels of single race
23 minority citizen voting age population. And we have
24 about five Asian Americans elected in the house and
25 senate. Not one of them from a district that is above

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1 26 percent Asian in citizen voting age population.

2 These candidates have been able to put
3 together winning interracial coalitions, even in
4 districts that are far short of single race Asian
5 citizen voting age population. This all expands upon
6 the testimony I gave a decade ago, and the testimony I
7 gave to the court in 2011.

8 And I want to comment on one other very
9 important issue, and that is the use of American
10 Community Survey data, which I understand is the data
11 that was used to create this plan. Although let me say
12 I had nothing to do with the creation of the plan, like
13 everyone else I haven't seen any numbers out of the
14 plan, I've simply conveyed through staff and attorneys
15 the same things, the same principles and findings, that
16 I'm giving to you today. And these of course are my
17 own personal opinions. They're not the official
18 opinions of anyone else, and they are an opinion of an
19 historian, social scientist, voting rights expert; not
20 the opinions of an attorney.

21 So if we assume that American Community
22 Survey data was used, that is, and I advised staff and
23 attorneys on that, the best available data, because we
24 don't have the census data. That is not due to any
25 fault of anyone in Illinois, that is due to deep

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1 problems in the federal government with the conduct of
2 the census, problems that we have never witnessed
3 before in the modern history of the taking of the
4 census, but I'm not going to get into that any further.

5 There is no requirement under
6 law nationally, there is no requirement under law of
7 the Constitution in Illinois, that only decennial U.S.
8 census data can be used for redistricting, in fact, the
9 majority of states, I repeat that, according to the
10 national conference of state legislators, do not
11 explicitly require that you must use only decennial
12 census data for internal redistricting purposes,
13 particularly of course when such data is not available
14 or delayed. In fact, some states are quite explicit in
15 saying if data on the decennial census is not available
16 or delayed, then the instruction is to use other
17 sources of data for redistricting.

18 I have direct personal experience with
19 the use of alternative data for redistricting. I was
20 the expert for the Ronald Reagan Department of Justice
21 in the landmark case of Garza v. The County of Los
22 Angeles that established back in 1990 the first Latino
23 opportunity district in Los Angeles County. Now, that
24 may sound like not much, but it's a big deal. Even at
25 that time Los Angeles County was almost 8,000,000

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1 persons, and this was one of the most powerful
2 positions one could have to be on the county council of
3 Los Angeles County.

4 Now, we didn't have, of course, at that
5 time, the 1990 census data. ACS was not yet
6 established, so we used -- enter into the best
7 available data, and that was population estimates and
8 projections from the University of California Los
9 Angeles, and it worked out perfectly well. The
10 district we created, as expected, indeed performed for
11 Hispanic voters who elected Gloria Molina as their
12 candidate of choice, the first Hispanic person to serve
13 on the Los Angeles County Council.

14 Social scientists like myself, state
15 administrators, and leaders, use American Community
16 Survey data all of the time. We use it to make
17 assessments of districts to analyze the effectiveness
18 of districts. It's the only source of data for the
19 most pertinent of information for electoral and
20 district analysis, citizen voting age population, as
21 you all know, from the (inaudible) over the 2020
22 census, there is no citizenship question on the long
23 form census, so we have to rely on the ACS. And it's
24 not, by the way, a little sample. It's not a tiny
25 sample. It's 3.5 million across the nation. That

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1 equals approximately 140,000 per year in Illinois, and
2 taken over the five-year period for which it's often
3 reported, that's 700,000 persons in the State of
4 Illinois. I know there is some concern that while the
5 total estimate from the ACS is only three-tenths of one
6 percent off from what the census recently issued for
7 the State of Illinois as a whole, and that's really
8 good news, that's a very, very minimal and
9 inconsequential difference. And remember, for drawing
10 state legislative districts you have a 10 percent
11 deviation to work with. I'm not saying you should push
12 out the 10 percent, but it -- you know, the district
13 doesn't have to be on the penny in terms of population.

14 Now, I know there is some worry about the
15 fact at the county level there may be much larger
16 deviations. And I have in my hand a memo, 4/30/2021,
17 from various organizations, including MALDEF, the
18 Mexican American Legal Defense and Education Fund, that
19 by the way was a plaintiff in that Garza case that drew
20 a district for minorities and a districting plan on
21 data other than the decennial census. And this memo
22 warns about county total populations varying from 36.6
23 percent to 51.5 percent, plus and minus.

24 Now I have to say I was a little alarmed
25 when I saw that. And the truth is, if I found

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1 deviation -- remember, this has nothing to do with
2 Illinois. I don't know where this data came from but
3 it's not specific to Illinois which is all that matters
4 for our purposes. So I'm thinking, yeah, if I saw
5 deviations of that magnitude in more than one or two
6 isolated cases, then I might be worried about the use
7 of ACS data in Illinois. In fact, I looked at every
8 single county in Illinois, and did the same thing they
9 did, compared the 2005 to 2009 ACS and the 2010
10 decennial census, to see if we get anything like the
11 magnitude of deviation that they're talking about. And
12 in fact it couldn't be more different in Illinois.
13 There is nothing like that here.

14 The median deviation is 1.8 percent; the
15 mean deviation is 2.3 percent; 58 percent of the
16 counties have a deviation of under 2 percent; 76
17 percent under 3 percent; 88 percent under 4 percent;
18 only one county in the state is over 9 percent; and
19 it's not at 37 or 51. It's Kendall County, which is at
20 18 percent. And there is a very good explanation as to
21 why that happened and won't happen again. Kendall
22 County was unique in the 2000 to 2010 period. It was
23 the fastest-growing county, not only in Illinois, but
24 the fastest-growing county in America. It more than
25 doubled its population during that period. Its rate of

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1 growth was more than triple that of the second fastest
2 growing county in Illinois.

3 As you all know, in the period we're
4 dealing with now from 2010 to 2020, our growth has
5 grinded to a halt in Illinois. In the previous decade
6 it was over 4 percent, over 400,000 new residents. Now
7 it's pretty much the same, dropped -- even dropped by a
8 little bit. And Kendall County, based on the recently
9 released census of population estimates, which is not
10 the same as the ACS, is still the fastest-growing
11 county in Illinois, but nowhere near the nation. It's
12 only growing at about 14 percent compared to 110
13 percent. So we just had one anomaly last time, and we
14 wouldn't even expect that anomaly to emerge this time.
15 And of course the census ACS was new, it was just
16 instituted in 2005, and so you would expect, you know,
17 there would be some growing pains and some glitches
18 that certainly would have been worked out by the time
19 we're dealing with 10 to 15 years later. We would
20 certainly expect improvement.

21 I also looked at whether there was some
22 concern about undercounting in small rural counties. I
23 looked at I think there were 14 100 percent rural
24 counties, very close between the 2010 census and the
25 ACS. In fact, the ACS slightly over-counted.

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1 In terms of minority representation, I
2 drilled down into voting age, which is a better
3 assessment of districts than total population. You
4 don't have CVAP of course from the census, and I found
5 that for Hispanics, African Americans, and Asians, the
6 differences between the 2010 census and the ACS were
7 miniscule, ranging from about one percent to one-tenth
8 of one percent, and in different directions. And again
9 as de minimus as that was, we would expect probably
10 even less this time as, you know, there has been a lot
11 more experience with the ACS, and Illinois is a much
12 more stable state over the last decade than it was
13 during the previous decade.

14 So these are the insights that I've
15 shared with the staff and attorneys and now the
16 insights that I'm sharing with this distinguished body
17 and all members of the public. And if anyone has
18 questions, I'd be happy to respond. Don't ask me about
19 the opera and we'll be just very happy.

20 CHAIRMAN HERNANDEZ: Dr. Lichtman, thank
21 you very much for that presentation, a lot of
22 information there.

23 What I'm going to ask is if we can go
24 ahead with a few questions, we do quite have a list,
25 but I feel that instead of waiting until the end maybe

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1 there are some questions to ask, would that be okay?

2 DR. LICHTMAN: I'd much prefer to finish,
3 yeah.

4 CHAIRMAN HERNANDEZ: Okay.
5 Representative Butler?

6 REPRESENTATIVE BUTLER: Thank you, Madam
7 Chair.

8 Just first of all a housekeeping. I know
9 in our other hearings we had a court reporter at all of
10 our hearings. Do we have a court reporter for this
11 hearing?

12 CHAIRMAN HERNANDEZ: I'm being told that
13 the transcripts will be -- they would be handled with
14 what technology we have right now.

15 REPRESENTATIVE BUTLER: Well, the
16 technology seems to be working fine tonight.

17 DR. LICHTMAN: (Laughing.) I hear you
18 just fine, Representative Butler.

19 REPRESENTATIVE BUTLER: Dr. Lichtman, I
20 don't have a lot of questions other than thank you for
21 your curriculum vitae earlier. Have you filled out a
22 witness slip? I'm looking online here to see if you've
23 registered --

24 DR. LICHTMAN: I haven't.

25 REPRESENTATIVE BUTLER: -- as a witness?

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1 You have not?

2 DR. LICHTMAN: No.

3 REPRESENTATIVE BUTLER: Okay. Would you
4 please fill out a witness slip? I'm sure the staff can
5 walk you through that. And who are -- since you don't
6 have a witness slip, again, who are you here
7 representing today?

8 DR. LICHTMAN: I have been hired by the
9 house and senate --

10 REPRESENTATIVE BUTLER: By -- okay. I
11 think -- I think Representative --

12 DR. LICHTMAN: -- just as I have been in
13 the past --

14 REPRESENTATIVE BUTLER: I think
15 Representative Spain has a couple of questions as well.

16 DR. LICHTMAN: -- this is my third
17 redistricting go around as I've explained. But my
18 opinions are my own. They're not officially sanctioned
19 by anyone else.

20 REPRESENTATIVE SPAIN: Thank you, Madam
21 Chairman.

22 Dr. Lichtman, thank you for your
23 testimony.

24 I just want to follow up on a few issues
25 that you have mentioned.

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1 DR. LICHTMAN: Certainly.

2 REPRESENTATIVE SPAIN: You talked about
3 the use of ACS data, and in fact a lot of your
4 testimony examined some of the issues and
5 considerations when using ACS data. The maps that
6 we're reviewing now and receiving public testimony on,
7 have they been constructed using the ACS data?

8 DR. LICHTMAN: You'll have to ask the
9 map. I recommended that. Now it doesn't mean they
10 necessarily followed my recommendations. I would
11 expect they would, but I have nothing to do with the
12 drawing of the maps, so I can't with confidence answer
13 that question.

14 REPRESENTATIVE SPAIN: So you have no
15 knowledge what the data source used to create these
16 maps actually would be even though you've just given us
17 and delivered a defense of ACS data?

18 DR. LICHTMAN: I presume that's what they
19 used because that's what I recommended, but, you know,
20 they've typically followed my recommendations, but who
21 knows.

22 REPRESENTATIVE SPAIN: And I ask the
23 question because it's a question that we've asked at
24 each and every hearing on redistricting that has been
25 conducted in this state over the last many weeks, what

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1 is the data? Is it ACS data? Tell us. Is it
2 something else? Is it a proprietary blend that you've
3 created? We would like to know what the data is. And
4 that's why, I apologize for the frustration, Doctor,
5 but I'm asking you with earnest hope that you could
6 say, "yes, ACS data has been used for this map" --

7 DR. LICHTMAN: I wish I could help you --

8 REPRESENTATIVE SPAIN: -- because we
9 don't know.

10 DR. LICHTMAN: -- and I would, but I had
11 nothing do with the drafting of the plan. As I said I
12 made a recommendation. I would anticipate it would be
13 followed, but since I was not privy to the drawing of
14 the plan, I can't help you any more than that. And I'm
15 -- you know, I'm trying to help you as much as I can.

16 REPRESENTATIVE SPAIN: No, I appreciate
17 that. Now, you mentioned that you have been retained
18 by the house and by the senate, and I'm a member of the
19 house. This is my first opportunity to meet you, so
20 it's lovely to meet you, but --

21 DR. LICHTMAN: You're saying you weren't
22 here ten years ago?

23 REPRESENTATIVE SPAIN: I was not here ten
24 years ago. I was involved in local government at the
25 time. But have you been retained by the Illinois

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1 General Assembly, by the entire house and senate, or
2 have you been retained by one of the partisan caucus
3 arms of the house and senate?

4 DR. LICHTMAN: I don't know if I could
5 answer that. I mean, I got a contract from the house
6 and the senate, I don't think it was just a part of the
7 house and the senate, but you have to -- you can ask
8 them. I mean, it's public record.

9 REPRESENTATIVE SPAIN: Madam Chair, I'd
10 like to know --

11 So let me ask you this, Dr. Lichtman,
12 you're not a volunteer then, you are a paid consultant?

13 DR. LICHTMAN: Correct; just as I was in
14 2000 and 2010.

15 REPRESENTATIVE SPAIN: Did you work in
16 2000 --

17 DR. LICHTMAN: I have (inaudible) I did
18 then.

19 REPRESENTATIVE SPAIN: In 2000 and 2010,
20 were you retained by Speaker Mike Madigan in those
21 instances?

22 DR. LICHTMAN: I'm not sure. It's
23 possible. I don't really recall. It doesn't matter to
24 me. I'd give the same testimony, the same analysis, no
25 matter who I am retained by. Otherwise I would not

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1 have been an expert in over 100 voting rights and civil
2 rights cases, retained by expert -- excuse me, by
3 defendants, plaintiffs, Republicans, Democrats,
4 Department of Justice, civil rights groups, you name
5 it. So I just go with the facts and the analyses and
6 it doesn't matter to me, you know, who ultimately sits
7 upstairs.

8 REPRESENTATIVE SPAIN: Thank you. Madam
9 Chair, this individual has not been retained by the
10 house republican caucus or the senate republican
11 caucus. Has this witness been retained and paid by the
12 house democratic caucus, or the senate democratic
13 caucus, or both?

14 CHAIRMAN HERNANDEZ: I'm going to have to
15 ask and take a look at the contract, so I'll have to
16 get back to you.

17 REPRESENTATIVE SPAIN: That's the same
18 answer that we've heard for weeks, again and again, and
19 guess what, we never get the answer. You never get
20 back to us. So we're about 30 minutes into the first
21 redistricting meeting that will govern the State of
22 Illinois for the next ten years, and we've had a paid
23 witness using the first half hour of our time in a
24 proceeding that is supposed to be to gather input from
25 the public. I hope we will have a chance to do so as

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1 we move forward. Thank you.

2 CHAIRMAN HERNANDEZ: So, Representative,
3 I just got word back that, yes, he was -- to clarify
4 things that it -- he was contracted by the house and
5 senate caucuses.

6 And the answer to the ACS data, yes, we
7 did use ACS data. I believe that was in the press
8 release.

9 REPRESENTATIVE SPAIN: Thank you.

10 CHAIRMAN HERNANDEZ: I'm going to turn it
11 over to the senate if there is any questions, Chair
12 Aquino? Otherwise we'll go to the next witness.

13 CHAIRMAN AQUINO: Thank you, Madam Chair.
14 I don't see any hands up on this -- on the virtual
15 platform, so I would say if we could move towards the
16 next witness.

17 DR. LICHTMAN: Thank you very much.

18 SENATOR MCCONCHIE: So, wait, wait. So,
19 Madam Chair, I don't --

20 CHAIRMAN AQUINO: Oh.

21 CHAIRMAN HERNANDEZ: I'm sorry, there is
22 further questions, so --

23 CHAIRMAN AQUINO: My apologies.

24 SENATOR MCCONCHIE: Due to the fact that
25 I'm down here --

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1 DR. LICHTMAN: I'm still here.

2 SENATOR MCCONCHIE: -- I have no ability
3 to raise my hand, we use the technology that's here.

4 CHAIRMAN HERNANDEZ: Leader McConchie.

5 SENATOR MCCONCHIE: Thank you, Madam
6 Chair.

7 So, Doctor, I appreciate your willingness
8 to stick around just a bit further.

9 DR. LICHTMAN: Sure, no problem.

10 SENATOR MCCONCHIE: You did not make any
11 determination as to whether these particular districts
12 drawn will effectively elect minority candidates; is
13 that accurate?

14 DR. LICHTMAN: I haven't seen the numbers
15 on the districts, but I did advise staff and the
16 attorneys, as I did before, that if the map is
17 reasonably close to the district percentages of the
18 previous map, then it would certainly be at least
19 adequate and more for providing minority
20 representation, but I haven't seen the numbers for the
21 new map.

22 SENATOR MCCONCHIE: So isn't it necessary
23 to see those numbers to verify that what you're -- what
24 you believe to be the case with this map is accurate
25 and real?

AUDIO TRANSCRIPTION OF RECORDING

1 DR. LICHTMAN: I'm not sure I understand
2 your question. If in fact the numbers are close to
3 what the numbers were last time, then the map is
4 accurate and real. And when the numbers come out, I'll
5 certainly look at that, and, you know, if there is
6 litigation, that's going to be a question for
7 litigation, as it was in 2001, and 2011. I'm going to
8 be totally honest with you, I'm not naïve enough to
9 think there won't be litigation again this time.

10 SENATOR MCCONCHIE: Madam Chair, is there
11 additional detail? We don't have a bill. All we have
12 is a Google map. Is there additional detail in regards
13 to the type of districts, the numbers, anything in
14 regards to this? You know, we have a very
15 distinguished witness here who is -- you know, believes
16 that, you know, he's hopeful that this map is going to
17 check certain boxes that need to be checked, but we --
18 doesn't have the data himself or -- is that data going
19 to become public at some point? And if so, when?

20 CHAIRMAN HERNANDEZ: So, Senator, I just
21 want to remind you, and everybody else, that it's a
22 draft. We are today taking a look at something that
23 was put together. We are looking it over, and we are
24 collecting further information, so --

25 SENATOR MCCONCHIE: So how can we

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1 appropriately measure the draft without numbers?

2 CHAIRMAN HERNANDEZ: That would be
3 upcoming.

4 SENATOR MCCONCHIE: When?

5 CHAIRMAN HERNANDEZ: Right now it's just
6 a matter of getting feedback because that is going to
7 take -- be taken into consideration whatever is said
8 today.

9 SENATOR MCCONCHIE: We're looking at
10 shapes on a map that doesn't give us the level of
11 detail necessary to ensure that these concerns that
12 have obviously been addressed or raised in the past,
13 and here that the witness brought forward, I mean,
14 there is no measurement. There is no ability to
15 measure without the data, without -- other than just,
16 you know, what we just have, the shapes on a map. I'm
17 very concerned about the fact that you're asking for
18 feedback on something that is incomplete even -- you
19 know, I have the feeling that our witnesses are likely
20 to testify that they're unsure. I don't want to put
21 words in their mouth, but I mean, this seems -- you
22 know, there is all of the -- for all of the talk of a
23 transparent process, this seems to be counterproductive
24 to that process, but I'll -- I guess we'll keep going.
25 Thank you.

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1 CHAIRMAN HERNANDEZ: Thank you, Senator.
2 So, Dr. Lichtman, I'm going to ask if you
3 would --
4 Oh, there is another question, I'm so
5 sorry, Senator --
6 SENATOR BARICKMAN: No problem.
7 CHAIRMAN HERNANDEZ: -- Barickman. I
8 hope I said it right.
9 SENATOR BARICKMAN: Yep, thanks, Madam
10 Chair.
11 I think we just wants to clarify the
12 answer given by Dr. Lichtman as to whom has hired him.
13 You were asked that question; your response was the
14 house and senate caucuses. Did you mean the house
15 democratic caucus and the senate democratic caucus?
16 DR. LICHTMAN: That's not directed to me,
17 I mean, I didn't say that.
18 CHAIRMAN HERNANDEZ: That's correct.
19 SENATOR BARICKMAN: That's correct to me?
20 To my question? Yeah?
21 CHAIRMAN HERNANDEZ: Yes.
22 SENATOR BARICKMAN: Okay. Thank you.
23 REPRESENTATIVE BUTLER: Madam Chair, you
24 said there was a --
25 CHAIRMAN HERNANDEZ: Leader Butler.

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1 Okay.

2 REPRESENTATIVE BUTLER: You said there
3 was a draft, you used the word draft --

4 CHAIRMAN HERNANDEZ: The map is a draft.

5 REPRESENTATIVE BUTLER: So you don't have
6 a draft of legislation?

7 CHAIRMAN HERNANDEZ: Not that I know of.

8 REPRESENTATIVE BUTLER: Okay.

9 CHAIRMAN HERNANDEZ: Dr. Lichtman, I'm
10 going to ask if you be willing to stay longer as we go
11 through some of the witnesses in case there is further
12 questions.

13 DR. LICHTMAN: Of course. Just let me
14 know when you don't need me any more.

15 CHAIRMAN HERNANDEZ: Sure. So next on
16 the list I have Madeleine Doubek, from CHANGE Illinois,
17 if she's with us.

18 MS. DOUBEK: I am. Thank you.

19 CHAIRMAN HERNANDEZ: Proceed.

20 MS. DOUBEK: Thank you, Chair Hernandez,
21 Chair Aquino, and committee members, for allowing me
22 the opportunity to provide testimony this evening.

23 My name is Madeleine Doubek, and I'm the
24 executive director of CHANGE Illinois and the CHANGE
25 Illinois Action Fund. Both are nonpartisan nonprofits

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1 CHAIRMAN HERNANDEZ: That's correct.

2 SENATOR BARICKMAN: Okay. That data uses
3 an equivalent average reporting date of 2017, three
4 years earlier than the census date -- estimates that
5 today are roughly four years old. How do we know
6 whether that data is accurate to today's population, if
7 it's roughly four years old?

8 CHAIRMAN HERNANDEZ: I'm going to defer
9 that question to Dr. Lichtman.

10 DR. LICHTMAN: Yep. A couple of points
11 on that. One, with all due respect to the last
12 speaker, the deviation is only .3 percent, and so you
13 have a test right there of how close they are between
14 the five-year ACS and the -- what the census has put
15 out for the whole State of Illinois, and that is about
16 43,000 people, but it's not true that those people
17 would get erased. They're still in the plan. Nobody
18 gets excluded from the plan. All it means is that the
19 districts possibly, as compared to the 2020 census,
20 might have a deviation of a tenth or two or three
21 percentage points different. And remember, you have in
22 state legislative plans a deviation of 10 percent.

23 The second thing we know about is to use
24 the same methodology that all of these advocacy groups
25 use in this memo that I analyzed, and that is to see

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1 how close the 2005 to 2009 ACS was to the 2010
2 decennial census. There we have actual data to make
3 the comparison. And, you know, there was this extreme
4 warning from the interest groups, and I was able to
5 test that county by county in the state and found that
6 there was, you know, very little deviation. And it
7 wasn't biased in one direction. Sometimes it was
8 undercount, sometimes it was overcount. And the one
9 major deviation is readily explicable, is very unlikely
10 to happen again, you're not significantly undercounting
11 minorities, you're not undercounting rural. So we have
12 a lot of very solid social scientific information to
13 say that this is the best available data and it is very
14 good data to use.

15 SENATOR BARICKMAN: Sir, you know, I
16 notice in your testimony you continue to talk about the
17 differences in the statewide data, but of course we're
18 not talking about statewide data here; right, we're
19 talking about local level districts for which your
20 response quickly became -- instead of definitive, you
21 know, you talked about "there might be, there might be
22 these differences." I think it's important to note,
23 Doctor, that the plan here draws boundaries around
24 census blocks. The ACS estimates are only available at
25 the block group level. In plain speak, blocks consist

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1 of people that might be 0 to 200 individuals large,
2 block groups can consist of groups that are as large as
3 2,000 or more. So there is a significant difference
4 between statewide counts and those counts made at a
5 local level. But nonetheless the question --

6 DR. LICHTMAN: Let me comment on that,
7 please.

8 SENATOR BARICKMAN: The question about
9 though -- the question that I raised was about the
10 data, and so again the committee chair --

11 DR. LICHTMAN: Can I comment about
12 (inaudible) --

13 SENATOR BARICKMAN: The committee chair
14 though --

15 DR. LICHTMAN: -- correct --

16 SENATOR BARICKMAN: The committee
17 chair --

18 DR. LICHTMAN: -- it mischaracterizes my
19 testimony.

20 SENATOR BARICKMAN: Hold on.

21 DR. LICHTMAN: I went county by county.
22 I looked at 102 counties. I didn't just look at
23 statewide data --

24 SENATOR BARICKMAN: Okay. But
25 (inaudible) --

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1 DR. LICHTMAN: -- I did exactly what all
2 of the advocacy organizations said you should do, look
3 at the counties, and that was a very significant part
4 of my testimony. So just, with due respect, I didn't
5 just look at total statewide data.

6 SENATOR BARICKMAN: Sure. We're not
7 dealing with county legislative districts, though,
8 we're dealing with legislative districts that carve --

9 DR. LICHTMAN: A lot of the counties are
10 much smaller than legislative districts.

11 SENATOR BARICKMAN: So the question,
12 Madam Chair, is: Again, we're trying to understand the
13 data that was used, whether the ACS data was
14 supplemented; could you please tell us what geographic
15 boundaries were used with the ACS data?

16 CHAIRMAN HERNANDEZ: Senator, I don't
17 have that information for you right now.

18 SENATOR BARICKMAN: So this is a really
19 important question though for the -- again, the
20 witnesses who are asked to analyze these maps have to
21 understand this level of answer, because to simply tell
22 them that there was a five-year data set used by ACS,
23 it's still not clear to me whether that data was
24 supplemented with other data, a critical question, but
25 then becomes the question of what boundaries were used.

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1 CERTIFICATE OF REPORTER

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19 Notary Public in and for
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22 My Commission expires January 21, 2025.

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