

**NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA**

NO. 716837 SECTION 25 DIVISION _____

**NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
("NAACP") LOUISIANA STATE CONFERENCE, POWER COALITION FOR EQUITY
AND JUSTICE, DOROTHY NAIRNE, EDWIN RENÉ SOULÉ, ALICE WASHINGTON,
AND CLEE EARNEST LOWE**

VERSUS

KYLE ARDOIN, in his official capacity as Secretary of State for Louisiana

FILED: _____
DEPUTY CLERK

AFFIDAVIT OF ANTHONY E. FAIRFAX

BEFORE ME, the undersigned Notary, personally came and appeared

ANTHONY E. FAIRFAX

who, after being duly sworn, did depose and state:

1. My name is Anthony E. Fairfax, I am over 18 years of age, and I have personal knowledge of the statements made in this affidavit, and each is true and correct.

A. Introduction

2. I have been asked to review and analyze the population deviation for the Louisiana 2011 congressional districts using 2010 and 2020 decennial census data. I was also asked to determine the number of split parishes and voting tabulation districts (VTDs)¹ using the 2010 and 2020 Census data boundaries.

B. Summary

3. The population in Louisiana has increased from 2010 to 2020, such that all of its congressional districts are malapportioned. Consequently, each of the state's current congressional districts exceeds the "strict equality" standard set forth by the courts.
4. The number of parish splits remains the same at 15. Nevertheless, VTD splits have increased significantly from 2010 to 2020 from zero to 38.

C. Qualifications

5. I received a Bachelor of Science degree in Electrical Engineering (BSEE) from Virginia Tech in 1982 and a Master of Geospatial Information Science and Technology (MGIST) degree from N.C. State University in 2016.
6. Currently, I am a demographic and mapping consultant and the CEO/Principal Consultant of CensusChannel LLC. As a consultant working on redistricting issues over the last thirty years, I have developed nearly one thousand redistricting plans during the last four redistricting cycles. I have drawn plans for jurisdictions of all sizes, from statewide plans

¹ Voting Tabulation Districts ("VTDs") were used in place of precincts. VTDs are created by the U.S. Census Bureau and are generated using census blocks. They are, in many places, similar to or exactly match precincts. The Louisiana state legislature uses VTDs as opposed to precincts when developing redistricting plans.

to redistricting plans for small municipalities. In the course of my career, I have also had the opportunity to draw and analyze many plans for jurisdictions within multiple states throughout the country. During that timeframe, I have provided consulting services for numerous non-profit and public-sector groups centering on redistricting plan development, analysis, and training.

7. Throughout the redistricting cycles, I have provided services and/or training for several notable organizations including: the American Civil Liberties Union (ACLU), Campaign Legal Center, Congressional Black Caucus Institute, Louisiana Legislative Black Caucus (LLBC), NAACP, NAACP Legal Defense and Educational Fund, Power Coalition for Equity and Justice, Southern Coalition for Social Justice (SCSJ), and Southern Echo.
8. Recently, I was hired to develop an illustrative redistricting plan for the *Arkansas State Conference NAACP v. Arkansas Board of Apportionment* court case. The Illustrative plan included five additional majority Black districts as opposed to the Board of Apportionment plan. The plan, report, and testimony provided evidence of the first prong in *Thornburg v. Gingles* in proving dilution of Black voting strength in violation of Section 2 of the Voting Rights Act (VRA). The effort included plan development, expert report, rebuttal report, and testimony.
9. Prior to this round of redistricting, I was hired to develop illustrative redistricting plans, associated expert reports, depositions, and provide testimony in the *Holloway v. City of Virginia Beach* court case. The Illustrative plans included two majority Hispanic, Black, and Asian combined coalition districts for the purpose of providing evidence of the first prong in *Gingles* for the city of Virginia Beach, VA.

10. Also, prior to the 2020 redistricting cycle, I was hired to be the Districting Master for the City of Everett, Washington. The task was to assist the city's Redistricting Commission with developing their districting plan. The city moved from a fully seven-member at-large voting system to five single-member districts and two members elected at-large. As Districting Master, I shepherded the commission through the entire plan development process as they successfully developed the city's first districting system.
11. In addition to Arkansas and Virginia, I have testified and provided depositions as a redistricting expert in North Carolina and Texas. I provided testimony with a focus on demographic and mapping analysis in federal and state court cases. This included: *Covington v. North Carolina* (North Carolina), *NC NAACP v. State of North Carolina* (North Carolina), *Wright v. North Carolina* (North Carolina) *Perez v. Perry* (Texas), and *Perez v. Abbott* (Texas).
12. Additionally, in *ADC v. Alabama*, I generated maps that analyzed split VTDs and developed Alabama statewide senate and house redistricting plans, which were submitted to the court as remedial plans.
13. In the course of the 2010 redistricting cycle, I was the Project Manager (for the map drawing side) for a week-long redistricting expert preparation session. The training session was sponsored by Duke University's Center for the Study of Race, Ethnicity, and Gender in the Social Sciences (RGESS) and the SCSJ. In that capacity, I developed and managed a section focused on preparing 18 political cartographers with Geographic Information System (GIS) backgrounds to become redistricting demographic and mapping-related experts.

14. I also served as a Consulting Demographer in the 2000 and 2010 rounds of redistricting for the Congressional Black Caucus (CBC) Institute's Redistricting Project. The CBC Institute provides political education, information, and training. The primary focus of the projects centered on congressional districts where Black voters could elect candidates of choice. In the role as Consulting Demographer, I provided redistricting plan development, review, and analysis and answered various questions from members of congress and staff pertaining to the redistricting process.
15. Finally, in the early 1990s, I was hired as part of a team of expert masters to draw a remedial map for the Dade County Commission that would comply with federal law. That case, *Meek v. Metropolitan Dade County*, invalidated an at-large county voting system. The court ruled that the at-large system diluted the voting strength of Black and Latino voters in violation of Section 2 of the VRA. As the expert master, my primary task was to draw the remedial map for this effort. I played a central role in constructing all plan alternatives as well as the final plan, which had 13 districts.
16. My redistricting/GIS experience and work as an expert are contained within my attached resume (see Appendix A).

D. Software and Data

17. I used Maptitude for Redistricting ("Maptitude") by Caliper Corporation to analyze the 2011 Congressional District Plan in this report. Maptitude for Redistricting is one of the

leading redistricting software applications that is utilized by state and city governments, major nonprofit groups, and consultants to develop redistricting plans.²

18. I acquired, processed, and utilized the following data:
 - a. The 2010 and 2020 census data for the total population were obtained from Caliper Corporation's datasets³ for the state of Louisiana.
 - b. The geographic boundaries for the 2011 congressional districts⁴, 2010 and 2020 parishes, and VTDs were also obtained from Caliper Corporation's datasets for the state of Louisiana. An updated shapefile version of the Louisiana VTDs was also downloaded from the Legislature's Redistricting website.⁵

E. Methodology

19. First, I used Maptitude for Redistricting to recreate the 2011 congressional district plan using the 2010 Census population and boundary data. Then, population summary and political subdivision reports were generated to determine the population deviation and the parish and VTD splits.
20. Similarly, the 2011 congressional district plan was recreated using the 2020 Census population and boundary data. As before, population summary and political subdivision

² See <https://www.caliper.com/mtrnews/clients.htm> for Maptitude for Redistricting's client list.

³ Caliper Corporation provides 2020 Census Data (PL94-171 data) in a format readable for their software, Maptitude for Redistricting. The population data are identical to the data provided by the Census Bureau.

⁴ I reviewed the 2011 congressional districts using 2010 Census data in Maptitude. The results in Maptitude generated the same population size and deviation as the Louisiana legislature's reports. The state's congressional districts reports are located at the Louisiana Redistricting website: <https://redist.legis.la.gov/CurrentDistricts> (see Appendix B).

⁵ https://redist.legis.la.gov/default_ShapeFiles2020. I analyzed the 2020 VTD splits using the 2020 Census VTDs available in Maptitude and the VTD shapefile on the state legislature's website and the results were the same.

reports were generated to determine the population deviation as well as the parish and VTD splits.

21. I reviewed, compared, and analyzed the data reports and documented my efforts and results, and generated the conclusions in this report.

F. One-Person One-Vote ("Equal Population") Redistricting Criteria

22. One of the traditional redistricting criteria⁶ that is embedded in practically every state constitution is the adherence to equally populating each congressional district. Equally populating congressional districts within an *acceptable deviation* is required in order to adhere to the "one person, one vote" principle of the Fourteenth Amendment's Equal Protection Clause. Courts have ruled that the states are required to balance congressional districts within the state every ten years after the Federal Decennial Census in order to have 'strict' population equality.⁷ In essence, the districts should be "as nearly as is practicable[,] one man's vote in a congressional election is to be worth as much as another's."⁸
23. In order to equally populate each congressional district, each district must match what is known as the "Ideal Population" size. The ideal population size is calculated by dividing the jurisdiction's population by the number of districts. In 2010, the state of Louisiana's population⁹ was 4,533,372. The number of congressional districts established by the 2010

⁶ Traditional redistricting criteria are guidelines or rules established for drawing district plans. Most criteria are enacted by state and federal legislation, rulings by the judicial court systems, and ongoing industry practices.

⁷ A series of Supreme Court cases helped define the equal population criteria, beginning with: *Baker v. Carr*, 369 U.S. 186 (1962); *Gray v. Sanders*, 372 U.S. 368 (1963); *Reynolds v. Sims*, 377 U.S. 533 (1964); *Karcher v. Daggett*, 462 U.S. 725 (1983) and *Evenwel v. Abbott*, 136 S. Ct. 1120 (2016).

⁸ *Wesberry v. Sanders*, 376 U.S. 1, 8 (1964).

⁹ According to 2010 Decennial Census residential population.

apportionment process was six. Therefore, the ideal population size for congressional districts in the 2010 round of redistricting was 755,562. However, in 2020 the state of Louisiana increased to a population of 4,657,757 and continued to have six congressional districts, which yielded an ideal population size of 776,292.¹⁰

G. Summary Findings - 2010 and 2020 Population Deviation

24. The overall population deviation of the 2011 congressional districts using 2010 Census data was 162 (see Table 1). The district population ranged from 755,445 (-117 persons lower than the ideal population) for the lowest populated district to 755,607 (45 persons higher than the ideal population) for the largest populated district.

Table 1 – 2011 Congressional District Plan using 2010 Census Data

District	Population	Absolute Deviation	% Relative Deviation
1	755,445	-117	-0.02%
2	755,538	-24	0.00%
3	755,596	34	0.00%
4	755,605	43	0.01%
5	755,581	19	0.00%
6	755,607	45	0.01%

Source: 2010 Census Data, 2011 Louisiana Congressional District Plan

25. The overall population deviation of the 2011 congressional districts using 2020 Census data was 88,120 (see Table 2). The district population ranged from 728,346 (-47,946 persons lower than the ideal population) for the lowest populated district to 816,466 (40,174 persons higher than the ideal population) for the largest populated district.

¹⁰ The Ideal Population calculated by Maptitude was 776,293 however, the state Legislature’s calculation was 776,292 (see Appendix B – 2011 Plan Statistics w/2020 Census Data).

Table 2 – 2011 Congressional District Plan using 2020 Census Data

District	Population	Absolute Deviation	% Relative Deviation
1	812,585	36,293	4.68%
2	775,292	-1,000	-0.13%
3	785,824	9,532	1.23%
4	728,346	-47,946	-6.18%
5	739,244	-37,048	-4.77%
6	816,466	40,174	5.18%

Source: 2020 Census Data, 2011 Louisiana Congressional District Plan

H. Summary Findings - 2010 and 2020 Political Subdivision Splits (Parishes/VTDs)

26. The 2011 congressional districts split 15 parishes and zero VTDs using 2010 Census boundary data (See Table 3). Using 2020 Census data boundaries, the 2011 congressional district plan continues to split 15 parishes; however, it now splits 38 VTDs.

Table 3 – 2011 Congressional District Plan Parish and VTD Splits

Data	Parish Splits	VTD Splits
Using 2010 Census Data Boundaries	15	0
Using 2020 Census Data Boundaries	15	38

Source: 2010 and 2020 Census Data Boundaries, 2011 Louisiana Congressional District Plan


I. Conclusions

27. The population in Louisiana has increased from 2010 to 2020, such that the deviation from the ideal population for all of its congressional districts is significantly higher. Data show that the 2011 congressional districts using 2020 Census data have an overall population deviation of 88,120. Consequently, all of Louisiana's congressional districts are malapportioned and exceed the "strict equality" standard set forth by the Courts.

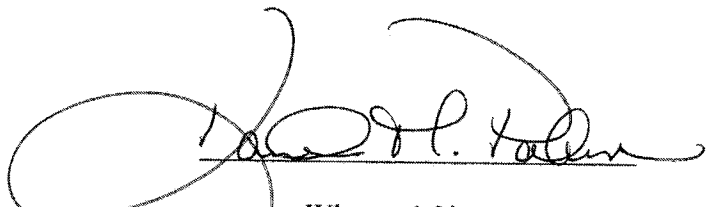
28. The number of parish splits remains the same at 15. Nevertheless, VTD splits have increased significantly from 2010 to 2020 from zero to 38.

I declare under penalty of perjury that the preceding statements are true and correct.

Executed on March 18, 2022


Anthony E. Fairfax

Kamisha M. Palmer
Witness 1 Printed Name


Witness 1 Signature

Ma'liyah Frazier
Witness 2 Printed Name

Ma'liyah Frazier
Witness 2 Signature

City/County of Hampton
Commonwealth of Virginia

The foregoing instrument was acknowledged before me
this 18 day of March, 2022 by

Anthony E. Fairfax
(Name of person seeking acknowledgment)

Regina Marie Richardson
Notary Public's Signature

Notary registration number: 306407

My commission expires: 09/30/2025

Affidavit of Anthony E. Fairfax



Regina Marie Richardson
Notary Public ID 306407
Commonwealth of Virginia
My Commission Expires
September 30, 2025