May 2, 2022

***Robinson, et al. v. Ardoin*, No. 3:22-cv-00211-SDD-SDJ**
***Galmon, et al. v. Ardoin*, No. 3:22-cv-00214-SDD-SDJ**

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOUISIANA

REBUTTAL EXPERT REPORT OF MAXWELL PALMER, Ph.D.

Maxwell Palmer

EXHIBIT
GX-30

REBUTTAL EXPERT REPORT OF MAXWELL PALMER, Ph.D.

I, Dr. Maxwell Palmer, declare as follows:

1. In my original report in this matter, I analyzed racially polarized voting in Louisiana. I found strong evidence of racially polarized voting across the state and in each congressional district. Black and White voters consistently support different candidates. I further found that Black-preferred candidates are largely unable to win elections in Louisiana outside of the Second Congressional District.

2. I analyzed the three illustrative maps drawn by Mr. Cooper for the *Galmon* Plaintiffs and found that Black-preferred candidates are generally able to win elections in the Second and Fifth Congressional Districts.

3. Defendants and Intervenor-Defendants provided reports from nine experts. None of these disagreed with my findings of racially polarized voting in Louisiana, that Black-preferred candidates are generally unable to win elections outside of the Second Congressional District, or that Black-preferred candidates are generally able to win elections in the Second and Fifth Congressional Districts of the illustrative maps drawn by Mr. Cooper. None of the reports question the data or methodology employed in my original report. Indeed, Dr. Alford (p.2) and Dr. Lewis (¶5) both rely on the data I assembled for my report, and Dr. Alford (pp.2-3) explicitly endorses my methodology for estimating racially polarized voting.

4. Dr. Alford does not contest any of the conclusions, methodology, or empirical results in my original expert report. Dr. Alford does not contest my conclusions that there is a high degree of racially polarized voting in Louisiana, nor does he contest that the White majority votes as a bloc to consistently defeat Black-preferred candidates.

5. Dr. Alford agrees that "voting may be correlated with race" (p.9), but suggests that party, rather than race, explains the voting patterns that we observe. This is irrelevant to the issue of racially polarized voting. Dr. Alford is trying to explain *why* voters of different races make different vote choices, but the central question of racially polarized voting is *if* voters of different races make different choices. Dr. Alford and I both agree that voters of different races make difference choices. Therefore, racially polarized voting exists throughout Louisiana.

6. Dr. Lewis analyzes the vote shares of the Black-preferred candidate in the 2020 presidential election in the Second and Fifth Congressional Districts of all four illustrative maps offered by plaintiffs in this matter in a hypothetical, extreme case: when there are no White crossover votes for the Black-preferred candidate. Such a scenario has no relevance to whether the districts drawn in the illustrative maps actually perform for Black-preferred candidates.

7. Additionally, Dr. Lewis' analysis of performance in the absence of White crossover votes makes two key assumptions. First, Dr. Lewis assumes that every White voter who actually

voted for the Black-preferred candidate switches their vote to the White-preferred candidate. Second, Dr. Lewis assumes that voter turnout rates by race stay exactly the same. Even if we were to assume Dr. Lewis's exercise were relevant, an alternative version of this scenario could suppose that there is no White crossover voting because the White voters who did vote for the Black-preferred candidate change their decision to vote, and simply abstain, rather than switch their vote choice. Under this scenario, using the figures in Dr. Lewis' tables, all of the illustrative districts would elect the Black-preferred candidate except for the Fifth Congressional District under the Galmon-2/Cooper-2 map.

8. Dr. Lewis, using a slightly different implementation of ecological inference than that used in my original report, finds evidence of racially polarized voting in the Second and Fifth Congressional Districts of all four illustrative maps offered by plaintiffs in this matter (¶6-7 and p.6). Dr. Lewis also finds that both districts would elect the Black-preferred candidate under all of the illustrative maps (p.6). While Dr. Lewis only looks at one election (the 2020 presidential election), his results confirm my findings from an analysis of 22 elections from 2012 through 2020.

9. Dr. Solanky analyzes the total votes cast by voters of each race in the 2020 presidential election. Dr. Solanky employs a very simple regression model, using data for the 19 parishes that are all or in part in the Fifth Congressional District of Mr. Cooper's Illustrative Plan 1, to suggest that White voters in East Baton Rouge Parish "did not vote as a bloc to defeat the black (minority) preferred candidate" (¶23). While Dr. Solanky is correct that the Black-preferred candidate won a majority of the vote in East Baton Rouge, there was still significant racially polarized voting in the parish (and, as Dr. Lewis shows from his own analysis of the illustrative maps, voting is sharply polarized in this district as a whole (Lewis, p.6)).

10. Ecological inference analysis using precinct-level data from East Baton Rouge Parish shows that White voters voted as a bloc in East Baton Rouge in the 2020 presidential election. Using the same ecological inference methodology as I used in my original report, I estimate that 92.5% of Black voters and 23.7% of White voters in East Baton Rouge Parish voted for Joe Biden.

11. I was asked to review Dr. Blunt's report and methodology for simulating redistricting plans. Dr. Blunt uses the redist package in R to simulate 10,000 redistricting plans using the Sequential Monte Carlo (SMC) algorithm. This is a standard approach to simulating redistricting plans, used by both scholars and testifying experts. I have used this package in my own academic research, and I am familiar with how it is implemented and the different ways that researchers can control how maps are drawn. Dr. Blunt imposes very strict constraints on his maps that substantially limit the range of feasible maps he produces. In particular, Dr. Blunt requires the algorithm to split at most six parishes in each plan. This constraint means that plans like the map adopted by the state legislature, which splits 15 parishes, will never be generated. Thus, the statistical results of Dr. Blunt's analysis—the distributions of various properties of the maps—may not be representative of the much broader set of feasible maps that comply with the redistricting criteria actually employed by the state of Louisiana.

12. I was asked to analyze the performance of Black-preferred candidates in the new majority-Black districts in the Galmon/Cooper fourth illustrative map by calculating for each district the percentage of the vote won by the Black-preferred candidates in the 18 elections where Black voters had a preferred candidate between 2012 and 2020. Table 1 presents the results of this analysis. Under this map, Black candidates of choice are generally able to win elections in both of the majority-Black districts. In CD 2, Black-preferred candidates won 17 of the 18 elections and averaged 67% of the vote. In CD 5, Black-preferred candidates won 15 of 18 elections and averaged 56% of the vote.

Table 1. Vote Shares of Black-Preferred Candidates Under Galmon/Cooper Illustrative Map #4

Year	Office	Candidate	CD 2	CD 5
2012	U.S. President	Obama (D)	68.1%	56.8%
2014	U.S. Senator*	Landrieu (D)	72.3%	57.1%
2015	Comm. Agriculture	Greer (D)	55.8%	47.2%
2015	Sec. State	Tyson (D)	60.6%	52.7%
2015	Treasurer	Kennedy (R)	78.3%	79.2%
2015	Attorney General*	Caldwell (R)	49.4%	52.2%
2015	Governor*	Edwards (D)	76.2%	69.4%
2015	Lt. Governor*	Holden (D)	63.9%	61.3%
2016	U.S. President	Clinton (D)	68.6%	54.9%
2016	U.S. Senator*	Campbell (D)	67.3%	55.9%
2017	Treasurer*	Edwards (D)	75.1%	51.4%
2018	Sec. State*	Collins-Greenup (D)	68.8%	55.1%
2019	Attorney General	Jackson (D)	61.1%	46.4%
2019	Lt. Governor	Jones (D)	55.7%	44.9%
2019	Treasurer	Edwards (D)	64.2%	51.2%
2019	Governor*	Edwards (D)	77.6%	63.5%
2019	Sec. State*	Collins-Greenup (D)	68.4%	55.1%
2020	U.S. President	Biden (D)	68.7%	55.0%

* indicates a runoff election.