UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

PRESS ROBINSON, et al., *Plaintiffs*, v. KYLE ARDOIN, in his official capacity as Secretary of State for Louisiana. *Defendant*.	Civil Action No. 3:22-cv-00211-SDD-RLB
EDWARD GALMON, SR., et al., *Plaintiffs*, v. KYLE ARDOIN, in his official capacity as Secretary of State for Louisiana.	Civil Action No. 3:22-cv-00214-SDD-RLB

EXPERT REPORT OF ANTHONY E. FAIRFAX ON THE DEVELOPMENT OF AN ILLUSTRATIVE CONGRESSIONAL DISTRICT PLAN WITH INCLUSION OF INCUMBENT FOR THE STATE OF LOUISIANA

MAY 6, 2022

Hearing Exhibit
PR-90
3:22-cv-00211-SDD-RLB

I. Introduction

1. I have been retained by counsel representing the Plaintiffs in this lawsuit to analyze and determine whether it is possible to draw an Illustrative Plan ("Illustrative Plan 2A") that does not pair any incumbent and continues to adhere to state and federal redistricting criteria and satisfies the first precondition of *Thornburg v. Gingles*[1] for the state of Louisiana.

II. Qualifications

2. See my previous expert reports for my qualifications

III. Software, Data, and Technical Process Utilized

3. Incumbent address data were obtained from the plaintiff's counsel in comma-delimited format. These addresses were geocoded using Maptitude for Redistricting geocoding functions. The geocoding functions create a geographic point file that can be overlayed on a digital map.

4. As with the previous plans, the software utilized to develop the Illustrative Plan 2A was Maptitude for Redistricting ("Maptitude") by Caliper Corporation and the associated 2020 Census data ("PL94-171 data"). In order to review Citizen Voting Age Population (CVAP), the 2020 5-Year ACS CVAP data was utilized for the Illustrative Plan 2A. In addition, ESRI's ArcGIS's ArcMap application was used to generate statewide and district maps for the final Illustrative Plan 2A.

IV. Summary of Opinions

5. A summary of my conclusions and opinions includes the following:

   a. It is possible to draw an Illustrative Plan that adheres to federal and state redistricting criteria and does not pair incumbents, and contains two majority-Black congressional

[1] See *Thornburg v. Gingles,* 478 U.S. 30 (1986). The *Gingles* case requires plaintiffs to show that the minority group "is sufficiently numerous and geographically compact to form a majority in a single-member district."

districts. The Illustrative Plan 2A was drawn with race not predominating and continues to perform as well or better than the enacted plan HB1 on eight out of eight redistricting criteria including: 1) population deviation (equal population or "one person, one vote"); 2) contiguity; 3) compactness; 4) political subdivision splits for parishes; 5) political subdivision splits for Voting Tabulation Districts ("VTDs")); 6) preserving communities of interest for census places; 7) preserving communities of interest for landmark areas, and 8) fracking.

b. Louisiana's Black population is sufficiently large and geographically compact to constitute a majority of the voting age population in two congressional districts in a plan that adheres to traditional and state redistricting criteria. Thus, the Illustrative Plan 3 easily meets the first preconditions of *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986).

V. Methodology

6. First, in order to determine whether an Illustrative plan could be developed with no incumbent pairs, I began with the latest demonstrative plan, Illustrative Plan 2. Next, overlaying the incumbent locations over the Illustrative Plan 2 boundaries reveal that only one district has a pairing of incumbents, District 5 (see Figure 1).

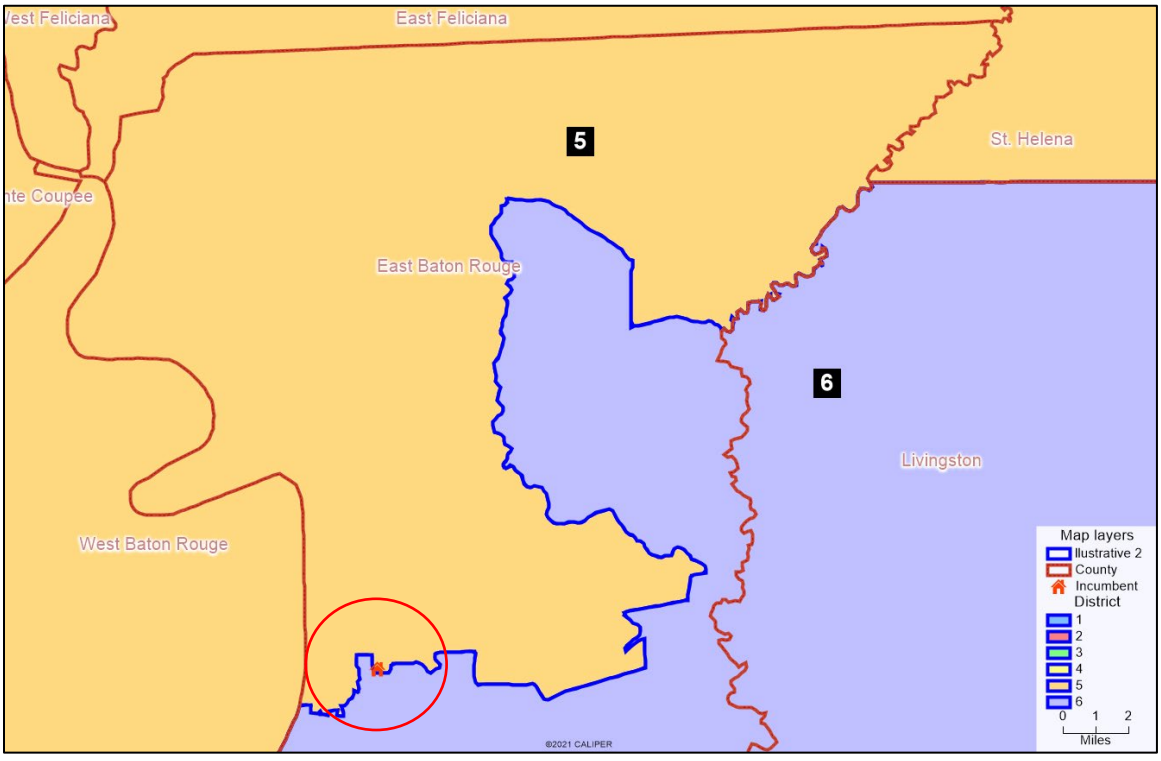

Figure 1 – Incumbent (red circle) that is paired in East Baton Rouge Area

7. Slight modifications were made to District 5 and District 6 that "unpaired" the incumbents in District 5 and place the incumbent in District 6. Figure 2 shows the slight modifications to Illustrative Plan 2.

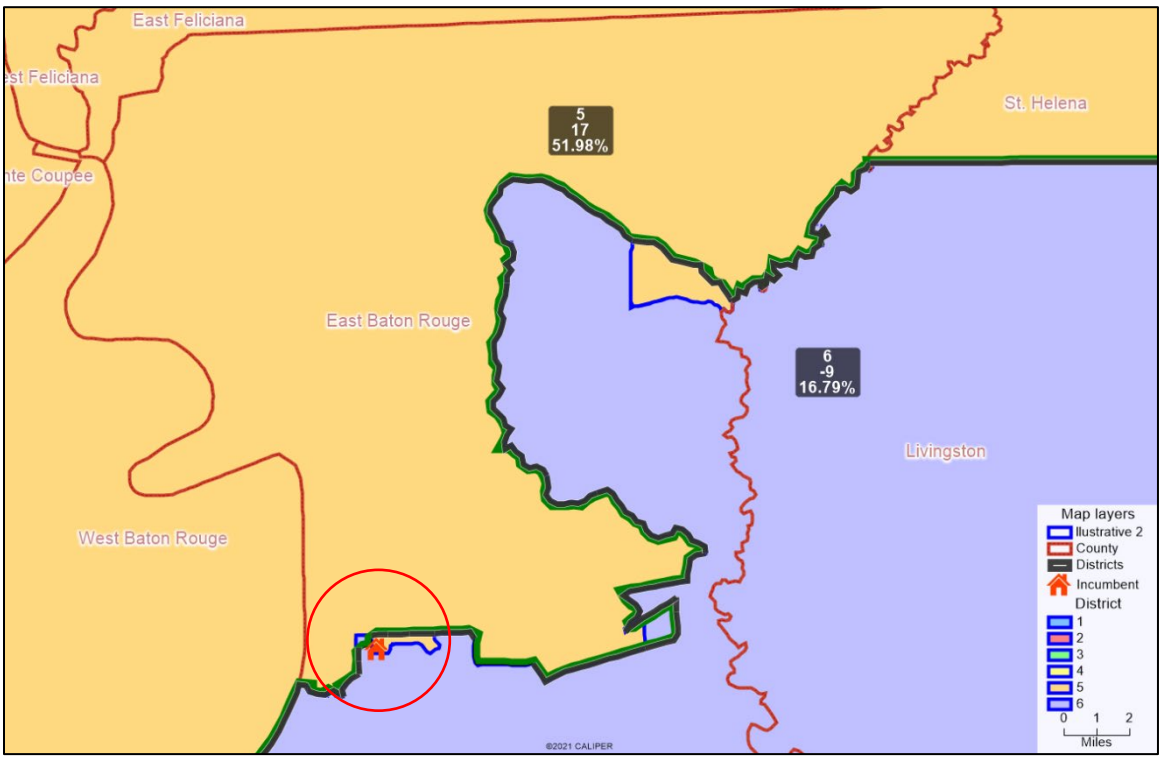

Figure 2 – Unpaired incumbent (red circle) in East Baton Rouge Area w/modifications

8. The plan adjustment was insignificant enough to keep all of Illustrative Plan 2's criteria measurements. Table 1 shows the criteria measurements for Illustrative Plan 2A and HB1.

Table 1 – Illustrative Plans 2, 2A, and HB1 Plan Criteria Comparison

Criteria	Illustrative Plan 2	Illustrative Plan 2A	HB1 Plan
Equal Population	**58**	**35**	65
Contiguity	Y	Y	Y
Parish Splits	**12**	**12**	15
VTD Splits	0	0	0
COI Census Places Splits	**26**	**26**	32
COI Landmark Splits	58	58	58
Compactness (mean)	**.39, .20, .71**	**.39, .20, .71**	.37, .14, .62
Fracking	**5**	**5**	8

Source: Illustrative 2, 2A, and HB1 Plans extracted from Maptitude for Redistricting report

9. The Illustrative Plan 2A's District 5 continues to perform as a majority Black district with a higher percentage of 51.15% for the total of Not Hispanic Black Alone plus Not Hispanic Black and White. And The Illustrative Plan District 2A has a higher Any Part Black percentage with 51.98%.

VI. Conclusions

10. The Illustrative Plan 2A has no paired incumbents and adheres to the federal, state, and commonly used traditional redistricting principles such as equal population, contiguity, compactness, minimizing political subdivision splits and preserving communities of interest. In fact, the Illustrative Plan performs equal to or better than the enacted HB1 Plan on eight of eight redistricting criteria.

11. Given the analysis and results of the Illustrative Plan 2A I conclude that in Louisiana, a congressional districting plan that includes no paired incumbents and adheres to the federal, state, and commonly used traditional redistricting principles can be developed and drawn without race predominating the map-making process. That is to say that the Black population

in the state of Louisiana is sufficiently large and geographically compact to allow for the creation of two single-member majority-Black districts and continue to follow the requisite redistricting criteria. Thus, the Illustrative Plan 2A, like Illustrative Plan 1 and 2, satisfies the first precondition of *Gingles*.

Per 28 U.S. Code 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Anthony E. Fairfax
May 6, 2022

User: Tony Fairfax
Plan Name: LA CD Illustrative Plan 2A
Plan Type: LA Congressional Districts

Population Summary

Thursday, May 5, 2022 6:32 PM

District	Population	Deviation	% Devn.	[% Hispanic Origin]	[% NH_Wht]	[% AP_Blk]	[18+_Pop]	CVAP_TOT20	REGTTL1221
1	776,277	-16	0.00%	11.82%	63.43%	18.74%	604,182	574,126	479,271
2	776,294	1	0.00%	8.82%	33.83%	53.71%	598,469	589,046	499,736
3	776,312	19	0.00%	5.47%	70.36%	19.81%	586,817	570,049	467,809
4	776,280	-13	0.00%	4.46%	57.63%	33.74%	596,366	592,835	477,681
5	776,310	17	0.00%	3.71%	39.39%	54.62%	590,113	584,267	491,751
6	776,284	-9	0.00%	7.27%	69.85%	18.16%	594,601	557,471	478,098

Total Population: 4,657,757
Ideal District Population: 776,293

Summary Statistics:

Population Range:	776,277 to 776,312
Ratio Range:	0.00
Absolute Range:	-16 to 19
Absolute Overall Range:	35
Relative Range:	0.00% to 0.00%
Relative Overall Range:	0.00%
Absolute Mean Deviation:	12.50
Relative Mean Deviation:	0.00%
Standard Deviation:	13.89

User: Tony Fairfax
Plan Name: LA CD Illustrative Plan 2A
Plan Type: LA Congressional Districts

Population Summary

Thursday, May 5, 2022 6:35 PM

District	Population	Deviation	% Devn.	[% H18+ _Pop]	[% NH18+ _Wht]	[NHBlkBW18 %]	[% 18+ _AP_Blk]
1	776,277	-16	0.00%	10.7%	66.5%	16.07%	17.12%
2	776,294	1	0.00%	7.93%	36.58%	50.02%	51.55%
3	776,312	19	0.00%	4.97%	72.53%	17.6%	18.23%
4	776,280	-13	0.00%	4.02%	59.9%	31.25%	31.9%
5	776,310	17	0.00%	3.46%	42.22%	51.15%	51.98%
6	776,284	-9	0.00%	6.4%	72.21%	16.28%	16.79%

Total Population: 4,657,757
Ideal District Population: 776,293

Summary Statistics:

Population Range:	776,277 to 776,312
Ratio Range:	0.00
Absolute Range:	-16 to 19
Absolute Overall Range:	35
Relative Range:	0.00% to 0.00%
Relative Overall Range:	0.00%
Absolute Mean Deviation:	12.50
Relative Mean Deviation:	0.00%
Standard Deviation:	13.89

User: Tony Fairfax
Plan Name: LA CD Illustrative Plan 2A
Plan Type: LA Congressional Districts

Population Summary

Thursday, May 5, 2022 6:36 PM

District	Population	Deviation	% Devn.	[% CVAP_HSP20]	[% CVAP_WHT20]	[% CVAP_BLK20]	[% REGWHT1221]	[% REGBLK1221]	[% REGOTH1221]
1	776,277	-16	0.00%	5.54%	73.92%	16.3%	75.64%	15.49%	8.87%
2	776,294	1	0.00%	4.01%	38.82%	54.28%	38.6%	53.62%	7.78%
3	776,312	19	0.00%	2.79%	76.71%	18.05%	78.72%	16.81%	4.48%
4	776,280	-13	0.00%	2.34%	62.64%	32.91%	64.66%	31.2%	4.13%
5	776,310	17	0.00%	1.41%	44.71%	52.44%	43.39%	53.41%	3.2%
6	776,284	-9	0.00%	2.82%	78.22%	16.58%	79.91%	14.68%	5.4%

Total Population: 4,657,757
Ideal District Population: 776,293

Summary Statistics:

Population Range:	776,277 to 776,312
Ratio Range:	0.00
Absolute Range:	-16 to 19
Absolute Overall Range:	35
Relative Range:	0.00% to 0.00%
Relative Overall Range:	0.00%
Absolute Mean Deviation:	12.50
Relative Mean Deviation:	0.00%
Standard Deviation:	13.89

User: Tony Fairfax
Plan Name: LA CD Illustrative Plan 2A
Plan Type: LA Congressional Districts

Districts & Their Incumbents

Thursday, May 5, 2022 6:45 PM

District	Name	Party	Previous District
1	scalise	r	1
2	carter	d	2
3	higgins	r	3
4	johnson	r	4
5	letlow	r	5
6	graves	r	6

Number of Incumbents in District with more than one Incumbent:	0
Number of Districts with No Incumbent:	0
Number of Districts with Incumbents of more than one party:	0
Number of Districts with Paired Democrats:	0
Number of Districts with Paired Republicans:	0

User: Tony Fairfax
Plan Name: LA CD Illustrative Plan 2A
Plan Type: LA Congressional Districts

Contiguity Report

Thursday, May 5, 2022 6:46 PM

District	Number of Distinct Areas
1	1
2	1
3	1
4	1
5	1
6	1

User: Tony Fairfax
Plan Name: LA CD Illustrative Plan 2A
Plan Type: LA Congressional Districts

Measures of Compactness Report

Thursday, May 5, 2022 6:44 PM

	Reock	Polsby-Popper	Area/Convex Hull
Sum	N/A	N/A	N/A
Min	0.23	0.10	0.56
Max	0.56	0.28	0.84
Mean	0.39	0.20	0.71
Std. Dev.	0.11	0.07	0.10

District	Reock	Polsby-Popper	Area/Convex Hull
1	0.39	0.24	0.75
2	0.23	0.14	0.61
3	0.48	0.21	0.75
4	0.56	0.28	0.84
5	0.34	0.10	0.56
6	0.36	0.20	0.74

Measures of Compactness Report

LA CD Illustrative Plan 2A

Measures of Compactness Summary

Reock	The measure is always between 0 and 1, with 1 being the most compact.
Polsby-Popper	The measure is always between 0 and 1, with 1 being the most compact.
Area / Convex Hull	The measure is always between 0 and 1, with 1 being the most compact.

User: Tony Fairfax
Plan Name: LA CD Illustrative Plan 2A
Plan Type: LA Congressional Districts

Political Subdivision Splits Between Districts

Thursday, May 5, 2022 6:42 PM

Number of subdivisions not split:
County 52

Number of subdivisions split into more than one district:
County 12

Number of splits involving no population:
County 0

Split Counts

County
Cases where an area is split among 2 Districts: 12

County	District	Population
Split Counties:		
Ascension LA	2	32,266
Ascension LA	6	94,234
East Baton Rouge LA	5	217,705
East Baton Rouge LA	6	239,076
Iberia LA	2	32,640
Iberia LA	3	37,289
Jefferson LA	1	234,763
Jefferson LA	2	206,018
Lafayette LA	3	175,072
Lafayette LA	5	66,681
Orleans LA	1	74,485
Orleans LA	2	309,512
Ouachita LA	4	90,953
Ouachita LA	5	69,415
Rapides LA	3	69,584
Rapides LA	5	60,439
St. Martin LA	1	1,368
St. Martin LA	2	50,399
St. Tammany LA	1	120,800
St. Tammany LA	6	143,770
Tangipahoa LA	5	21,698
Tangipahoa LA	6	111,459
Vernon LA	3	33,131
Vernon LA	4	15,619

User: Tony Fairfax
Plan Name: LA CD Illustrative Plan 2A
Plan Type: LA Congressional Districts

Communities of Interest (Condensed)

Thursday, May 5, 2022 6:54 PM

Whole New VTDs : 3,530
New VTDs Splits: 0
Zero Population New VTDs Splits: 9

District	New VTDs	Population	% Pop	District	New VTDs	Population	% Pop

User: Tony Fairfax
Plan Name: LA CD Illustrative Plan 2A
Plan Type: LA Congressional Districts

Fracking

Thursday, May 5, 2022 6:44 PM

	Pieces
District 1	
County: Jefferson LA (22051)	2
County: Orleans LA (22071)	2
District 2	
County: Jefferson LA (22051)	2
District 5	
County: Madison LA (22065)	2
County: West Feliciana LA (22125)	2