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

Rebuttal Report of Dr. Lisa Handley

I. Comments on Expert Report of Dr. Solanky

Dr. Solanky's discussion of East Baton Rouge Parish in his report (Solanky Report, pages 12-13) is both irrelevant and inaccurate. It is irrelevant because the population of East Baton Rouge Parish is too small for it to comprise a congressional district on its own.[1] This parish must be combined with neighboring parishes to produce a congressional district that meets one person, one vote standards. As Dr. Solanky points out, the voting patterns in the neighboring parishes are not the same as they are in East Baton Rouge Parish, at least with regard to the 2020 presidential election. Dr. Solanky determined that East Baton Rouge is an outlier in this election because the candidate of choice of Black voters (Joseph Biden) carried East Baton Rouge Parish with the assistance of white votes. But Biden failed to carry any of the other 14 non-majority Black parishes in the region he examined.

[1] The ideal congressional district population for districts in Louisiana is 776,293. The population of East Baton Rouge Parish is 456,781.

Hearing Exhibit
PR-87
3:22-cv-00211-SDD-RLB

What is relevant is not the voting patterns found in East Baton Rouge Parish, but the voting patterns in the congressional district as a whole and whether Congressional District 5 in the Enacted and Illustrative Plans would provide Black voters with an opportunity to elect their candidates of choice. As my effectiveness analysis indicates, Enacted District 5 would not offer Black voters this opportunity and Illustrative District 5 would provide Black voters with an opportunity to elect their candidates of choice.

Dr. Solanky's discussion of East Baton Rouge Parish is inaccurate because, although the candidate of choice of Black voters carried the parish in the 2020 presidential election, voting in this election alone is insufficient to establish that "White voters are not voting as a bloc to defeat the black (minority) preferred candidate" (Solanky Report, page 12). A review of the 15 statewide elections I analyzed indicate that Dr. Solanky looked at one of the three election contests in which candidates supported by Black voters succeeded in carrying East Baton Rouge Parish with a majority of the vote. The other two instances in which white voters would not have prevented the Black-preferred candidates from carrying Baton Rouge parish were Gwen Collins-Greenup in her bid for Secretary of State in 2019 and Kip Holden in his 2015 run for Lieutenant Governor. However, Dr. Solanky ignores the Black-preferred candidates who would ultimately have lost in East Baton Rouge: Willie Jones (Lieutenant Governor 2019), Ike Jackson (Attorney General 2019), Gwen Collins-Greenup (Secretary of State 2018), Derrick Edwards (Treasurer 2017), and Chris Tyson (Secretary of State 2015).[2]

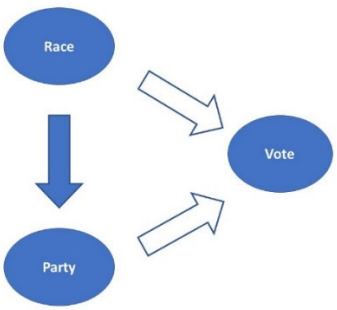
II. Comments on Expert Report of Dr. Alford

Section 2 of the Voting Rights Act was amended in 1982 to focus the vote dilution inquiry on the electoral consequences of the voting patterns of minority and white voters, not on the reasons for the difference in the vote choices of these voters. By arguing that the divergent

[2] There are three candidates that would have made it to a runoff in East Baton Rouge Parish that did not make it into a runoff statewide so the final outcome is uncertain. However, given their vote totals in the primaries, two of these candidates were not likely to carry the parish in a runoff. These candidates were Adrian Perkins in his 2020 senate bid (he received 28.8% of the vote in East Baton Rouge; Bill Cassidy received 45.9%) and Geri Broussard Baloney in her 2015 race for Attorney General (she received 19.6% of the vote; Buddy Caldwell received 40.1%). In the three-way contest for Treasurer in 2019, Derrick Edwards received the most votes (47.6), John Schroder received 47.2% and a third candidate received the other 5% of the vote. It is quite possible Edwards would have won the runoff in East Baton Rouge if one had been held.

voting patterns of Black and white voters is explained by party and not race, Dr. Alford is bringing intent into the inquiry. Moreover, positing race or party as an either-or proposition to explain the voting patterns of Black and white voters suggests that the two variables – race and party – are competing options when, in fact, they are highly correlated explanations for the voting patterns found.[3]

Arguing that the roles of race and party in vote choice can be evaluated separately by simply showing that Black and white voters support candidates from different parties ignores the role that race plays in explaining a voter's support for one party's candidates over the other party's candidates.[4] The outlined arrows in the diagram below illustrate the argument being made; the solid arrow indicates the relationship being ignored in the contention that party, not race, explains vote choices.



Social science research reveals the significant role that race, racial attitudes and racial policy preferences play in dictating individuals' partisan preferences.[5] The relationship between

[3] Racially polarized voting patterns that rest on the alignment of race, party and ideology has been referred to *conjoined polarization*. Bruce Cain and Emily Zhang, "Blurred Lines: Conjoined Polarization and Voting Rights," *Ohio State Law Journal*, vol. 77(4): 2016.

[4] To make the argument that "the tendency of White voters to vote at low levels for Democratic candidates is not dependent on those Democratic candidates themselves being Black or White, only that they are Democrats" (Alford Report, page 8) Dr. Alford must ignore the much higher level of White support John Bel Edwards, a white Democrat, received in 2015 and 2019 than any Black Democrat running for statewide office in Louisiana in the elections included in Tables 3 and 4 of Dr. Alford's report.

[5] See, for example, Edward Carmines and James Stimson, *Issue Evolution: Race and the Transformation of American Politics.* Princeton, NJ: Princeton University Press, 1989; Maruice Mangum, "The Racial Underpinnings of Party Identification and Political Ideology." *Social Science Quarterly* 94 (5): 2013;

racial attitudes and partisan affiliation is especially strong in the South, where the partisan affiliations of white voters and Black voters have fluctuated directly with the racial policies embraced by the Democratic and Republican parties. Researchers have traced Southern realignment – the shift of white voters from overwhelming support for the Democratic party to nearly equally strong support for the Republican party – to the Democratic party's support for civil rights legislation beginning in the 1960s.[6] The differences in attitudes on racial issues between Republican and Democrats persist today.[7]

Dr. Alford does not conduct any analyses to attempt to assess the relative roles of race and party in explaining vote choice in Louisiana. By treating the variables as competing explanations for vote choice, he ignores the interrelationship between these factors: race has both a direct effect and an indirect effect on vote choice, with party playing a mediating role between

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Carlos Algara and Isaac Hale, "Racial Attitudes and Political Cross-Pressures in Nationalized Elections: The Case of the Republican Coalition in the Trump Era," *Electoral Studies*, 68: December 2020.

[6] See, for example, Edward Carmines and James Stimson, *Issue Evolution: Race and the Transformation of American Politics.* Princeton, NJ: Princeton University Press, 1989; Morgan Kousser, "The Immutability of Categories and the Reshaping of Southern Politics," *Annual Review of Political Science* vol. 13, 2010; Ilyana Kuziemko and Ebonya Washington, "Why did the Democrats Lose the South? Bringing New Data to an Old Debate," *American Economic Review,* vol.108(10): 2018. According to Kuziemko and Washington, "[D]efection among racially conservative whites just after Democrats introduced sweeping Civil Rights legislation explains virtually all of the party's losses in the region" (page 2865).

[7] The gap is actually increasing, but primarily due to the more liberal attitudes of Democrats related to race. Robert Griffin, Mayesha Quasem, John Sides, and Michael Tesler, "Racing Apart: Partisan Shifts on Racial Attitudes Over the Last Decade," A Research Report from the Democracy Fund Voter Study Group, October 2021. A recently published study of racial attitudes by the Pew Research Center reports several examples of differences in racial attitudes between Democrats and Republicans, including: (1) the need for increased attention to history of slavery and racism (Republicans are far more likely than Democrats to say increased attention to the issues is bad for the country); (2) the need to ensure equal rights for all Americans (Republicans overwhelmingly think only a little (47%) or nothing (30%) needs to be done to ensure equal rights for all Americans; Democrats (74%) agree that a lot more needs to be done to achieve racial equality; and (3) the progress made thus far towards racial equality (Republicans (71%) are much more likely than Democrats (29%) to say the nation has made a lot of progress toward racial equality over the past half-century). *See* "Deep Divisions in Americans' Views of Nation's Racial History – and How to Address It," Report of the Pew Research Center, August 12, 2021. Similarly, a Harvard political economist and his colleagues recently reported finding "a stark partisan gap among white respondents, particularly in the perceived causes of racial inequities and what should be done about them. White Democrats and Black respondents are much more likely to attribute racial inequities to adverse past and present circumstances and want to act on them with race-targeted and general redistribution policies. White Republicans are more likely to attribute racial gaps to individual actions." lberto Alesina, Matteo Ferroni, and Stephanie Stantcheva, "Perceptions of racial gaps, their causes, and ways to reduce them," National Bureau of Economic Research Working Papers Series, October 2021.

race and vote choice. Social scientist have long been aware that failing to account for the possibility of mediation can produce biased conclusions about causation, and they have begun to develop statistical techniques to reduce or eliminate this bias under certain conditions.[8] Dr. Alford does no statistical analysis at all to determine the relative roles of the two variables and their interaction, let alone attempt any of these corrective techniques.

III. Illustrative Map 2

I have reviewed the new illustrative map, Illustrative Map 2, created by Plaintiffs' expert Tony Fairfax. Table 1 provides the BVAP percentages of the six districts in Illustrative Map 2. The Black voting age percentage in the first BVAP column (BVAP, AP) has been calculated by counting all persons who checked "Black or African American" on their census form, including Hispanics who indicated they were Black. The second BVAP column (BVAP, DOJ) includes all persons who marked two races on the census form, Black and white, and also indicated that they were not Hispanic. As the table makes clear, regardless of how BVAP is calculated, Illustrative Map 2 offers two majority BVAP districts.

Table 1: Percent Black Voting Age Population in Illustrative Map 2 Districts

District	%BVAP, AP	%BVAP, DOJ
1	17.12%	16.07
2	51.55%	50.02
3	18.23%	17.60
4	31.90%	31.25
5	51.79%	50.96
6	16.98%	16.46

A district-specific, functional analysis of Illustrative Map 2 indicates that it offers two congressional districts (Districts 2 and 5) that are likely to provide Black voters with an

[8] See, for example, Avidit Acharya, Matthew Blackwell, and Maya Sen, "Explaining causal findings without bias: Detecting and assessing direct effects," *American Political Science Review* 110 (3): 2016.

opportunity to elect their candidates of choice to Congress. Table 2 provides the effectiveness scores for the six districts in the new map.

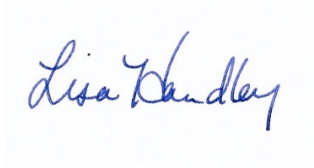
Table 2: Effectiveness Scores for Illustrative Map 2

Illustrative Map 2 Districts	Effectiveness Score #1: Percent of Contests Black-Preferred Candidate Wins or Advances to Runoff From all 15 Elections	Effectiveness Score #2: Percent of Two-Candidate Contests Black-Preferred Candidate Wins
1	13.3%	0.0%
2	100.0%	100.0%
3	0.0%	0.0%
4	26.7%	0.0%
5	86.7%	77.8%
6	0.0%	0.0%

IV. Updated Appendix B

I am appending to this rebuttal a revised version of Appendix B from my expert report. The appendix has been updated to include the three 2021 special elections held for Congress in Districts 2 and 5. Revised Appendix B also corrects the month the congressional elections are held (from October to November) and a typographical error in the confidence interval for the estimate of white support for Cedric Richmond in the 2016 congressional race in Congressional District 2.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed May 2, 2022.



Lisa Handley, Ph. D.

Revised Appendix B

Congressional Elections

				Estimates for Black Voters					Estimates for White Voters				
	Party	Race	Vote	EI RxC	95% confidence interval	EI 2x2	ER	HP	EI RxC	95% confidence interval	EI 2x2	ER	HP
Congressional District 2													
2021 March													
Troy Carter	D	**B**	36.4	46.8	(46.0, 47.6)	47.8	46.4	43.9	19.0	(17.3, 20.6)	17.3	16.8	18.0
Karen Carter Peterson	D	**B**	22.9	26.6	(25.9, 27.4)	27.5	27.6	28.0	14.3	(13.0, 15.9)	15.1	14.1	11.7
Gary Chambers Jr.	D	**B**	21.3	22.6	(22.0, 23.2)	23.2	24.4	23.6	19.9	(18.7, 21.0)	17.4	15.9	6.6
Claston Bernard	R	**B**	9.8	1.1	(.9, 1.3)	0.8	-0.5	1.1	26.0	(25.4, 26.6)	23.9	30.4	38.5
Others			9.6	2.9	(2.5, 3.3)	2.6	2.1	3.3	20.8	(19.8, 21.9)	21.7	22.8	25.2
Black turnout/BVAP			*17.3*										
White turnout/WVAP			*18.2*										
2021 April													
Troy Carter	D	**B**	55.3	50.8	(49.6, 52.0)	50.2	48.9	49.6	67.2	(64.5, 69.9)	65.8	69.3	79.2
Karen Carter Peterson	D	**B**	44.8	49.2	(48.0, 50.4)	49.8	51.1	50.4	32.8	(30.2, 35.6)	34.4	30.8	20.8
Black turnout/BVAP			*16.9*										
White turnout/WVAP			*15.4*										
2020 November													
Cedric Richmond	D	B	63.3	79.9	(79.4, 80.4)	77.8	78.0	78.0	46.7	(45.3, 48.0)	33.3	33.7	26.5
Glenn Harris	D	B	10.6	12.4	(12.0, 12.8)	13.2	13.6	13.6	3.5	(2.8, 7.4)	4.8	4.8	4.3
David Schilling	R	W	15.0	1.9	(1.6, 2.2)	2.0	2.0	2.2	36.3	(35.4, 37.2)	43.4	41.8	52.0
Others (3)			11.1	5.8	(5.4, 6.3)	6.1	6.4	6.1	13.5	(12.3, 14.9)	20.4	19.8	17.3
Black turnout/BVAP			*22.1*										
White turnout/WVAP			*15.5*										
2018 November													
Cedric Richmond	D	B	80.6	96.1	(95.7, 96.4)	96.9	97.3	94.7	54.3	(53.4, 55.2)	51.5	50.2	38.5
Jesse Schmidt	NP	W	8.7	0.6	(.5, .7)	0.3	-1.0	0.9	24.5	(24.1, 24.9)	24.0	26.2	34.6
Belden Batiste	I	B	7.3	2.0	(1.7, 2.3)	1.9	2.1	2.7	15.3	(14.6, 16.0)	16.7	16.8	18.1
Shawndra Rodriguez	NP	B	3.4	1.3	(1.2, 1.5)	1.4	1.5	1.7	5.9	(5.4, 6.4)	6.9	6.8	8.8
Black turnout/BVAP			*44.6*										
White turnout/WVAP			*46.8*										

Revised Appendix B

Congressional Elections

				Estimates for Black Voters					Estimates for White Voters				
	Party	Race	Vote	EI RxC	95% confidence interval	EI 2x2	ER	HP	EI RxC	95% confidence interval	EI 2x2	ER	HP
2016 November													
Cedric Richmond	D	B	69.8	81.4	(80.8, 81.9)	82.3	82.3	80.6	49.0	(47.7, 50.4)	45.4	45.4	41.9
Kip Holden	D	B	20.1	11.9	(11.5, 12.4)	10.4	10.4	12.3	38.6	(37.6, 39.5)	39.4	39.6	43.5
Kenneth Cutno	D	B	10.2	6.7	(6.3, 7.1)	7.2	7.3	7.1	12.3	(11.2, 13.4)	15.5	14.9	14.6
Black turnout/BVAP			*59.9*										
White turnout/WVAP			*61.4*										
Congressional District 3													
2020 November													
Braylon Harris	D	B	17.9	65.8	(64.4, 67.0)	64.0	69.1	69.1	4.1	(3.5, 4.7)	3.2	1.7	6.1
Rob Anderson	D	W	11.6	22.8	(21.8, 23.8)	22.5	22.4	22.9	8.5	(7.9, 9.0)	8.1	7.9	8.6
Clay Higgins	R	W	67.8	10.0	(8.9, 11.2)	12.1	6.7	6.5	85.2	(84.6, 85.7)	85.7	87.5	82.3
Brandon LeLeux	L	W	2.8	1.4	(1.1, 1.8)	1.9	1.7	1.5	2.3	(1.9, 2.6)	3.1	3.0	2.9
Black turnout/BVAP			*12.9*										
White turnout/WVAP			*11.9*										
2016 November													
Jacob Hebert	D	W	8.9	30.8	(24.8, 32.3)	33.5	33.0	32.1	2.2	(1.6, 4.6)	1.5	1.4	3.4
Larry Rader	D	B	8.7	33.5	(27.5, 35.1)	35.4	37.2	36.0	1.6	(1.2, 3.9)	1.0	0.4	2.9
Clay Higgins	R	W	26.5	6.4	(4.4, 12.5)	3.1	4.4	4.2	32.0	(28.9, 32.9)	33.7	34.7	30.0
Scott Angelle	R	W	28.6	20.1	(19.0, 22.7)	16.2	17.3	16.9	31.6	(30.8, 32.0)	32.3	32.9	30.4
Other Reps (6)	R		25.6	7.0	(5.8, 9.9)	6.1	4.6	8.1	31.8	(31.0, 32.1)	31.6	29.4	32.1
Others (2)			1.7	2.3	(1.9, 2.8)	4.3	3.5	2.6	0.7	(.6, .9)	1.1	1.3	1.3
Black turnout/BVAP			*53.8*										
White turnout/WVAP			*65.8*										

Revised Appendix B

Congressional Elections

				Estimates for Black Voters					Estimates for White Voters				
	Party	Race	Vote	EI RxC	95% confidence interval	EI 2x2	ER	HP	EI RxC	95% confidence interval	EI 2x2	ER	HP
Congressional District 4													
2020 November													
Kenny Houston	D	B	25.5	70.3	(69.4, 71.1)	66.8	70.8	72.8	3.9	(3.5, 4.4)	3.9	1.2	5.6
Ryan Trundle	D	W	7.8	14.9	(14.2, 15.5)	15.4	14.9	14.9	3.5	(3.1, 3.9)	3.6	3.4	4.2
Mike Johnson	R	W	60.4	11.3	(10.4, 12.2)	12.2	10.8	9.3	85.7	(85.1, 86.3)	86.7	86.6	81.8
Ben Gibson	R	W	6.3	3.6	(3.1, 4.1)	3.6	3.5	3.0	6.8	(6.4, 7.3)	7.7	8.8	8.4
Black turnout/BVAP			*15.9*										
White turnout/WVAP			*13.4*										
Congressional District 5													
2021 March													
Julia Letlow	R	W	64.9	2.8	(1.6, 11.2)	5.8	-2.9	4.9	86.7	(82.6, 87.5)	85.3	88.3	85.9
Sandra Christophe	D	B	27.3	92.9	(82.1, 94.4)	90.4	98.1	90.4	4.8	(4.0, 9.5)	5.7	2.9	5.7
Chad Conerly	R	W	5.3	1.4	(1.0, 3.0)	0.4	1.0	1.1	6.6	(6.2, 6.8)	7.1	6.8	6.1
Others			2.5	3.0	(2.6, 3.6)	3.4	3.7	3.6	2.0	(1.7, 2.2)	2.4	2.0	2.2
Black turnout/BVAP			*14.6*										
White turnout/WVAP			*22.4*										
2020 November													
Sandra Christophe	D	B	16.4	43.2	(42.3, 44.1)	42.9	43.1	41.6	4.5	(4.1, 5.0)	3.6	3.9	4.8
Martin Lemelle	D	W	10.4	30.5	(29.8, 31.1)	30.4	32.1	34.5	1.8	(1.5, 2.1)	1.1	0.0	1.7
Other Dems (2)	D		5.4	13.7	(13.1, 14.3)	12.8	13.1	13.5	1.8	(1.5, 2.2)	1.8	1.7	1.9
Luke Letlow	R	W	33.1	3.8	(3.3, 4.4)	5.2	4.1	3.0	47.7	(47.1, 48.2)	46.6	50.1	44.7
Lance Harris	R	W	16.6	3.2	(2.7, 3.7)	3.4	2.2	2.8	20.1	(19.6, 20.5)	22.9	21.7	22.8
Others (3)			18.2	5.7	(5.0, 6.3)	5.0	5.5	4.5	24.1	(23.6, 24.6)	24.7	22.6	24.1
Black turnout/BVAP			*17.5*										
White turnout/WVAP			*14.7*										

Revised Appendix B

Congressional Elections

				Estimates for Black Voters					Estimates for White Voters				
	Party	Race	Vote	EI RxC	95% confidence interval	EI 2x2	ER	HP	EI RxC	95% confidence interval	EI 2x2	ER	HP
Congressional District 6													
2020 November													
Dartanyon Williams	D	B	25.6	74.9	(69.6, 76.3)	72.9	77.6	81.5	7.4	(6.6, 11.0)	6.2	3.3	8.1
Garret Graves	R	W	71.1	22.4	(21.0, 27.7)	22.5	17.8	14.7	91.1	(87.6, 91.8)	91.3	93.8	89.2
Others (2)			3.3	2.7	(2.2, 3.2)	4.6	4.7	3.7	1.5	(1.2, 1.8)	2.8	3.0	2.7
Black turnout/BVAP			*22.3*										
White turnout/WVAP			*16.4*										
2016 November													
Richard Lieberman	D	W	14.9	45.7	(40.3, 47.2)	48.8	48.4	44.0	5.6	(5.0, 8.6)	4.3	4.5	6.9
Jermaine Sampson	D	B	9.0	36.3	(33.4, 37.2)	38.6	36.8	36.2	1.1	(.8, 2.4)	0.6	0.0	2.1
Garret Graves	R	W	62.7	10.1	(8.4, 19.8)	7.4	5.2	13.1	79.8	(75.4, 80.5)	80.4	79.4	77.1
Bob Bell	R	W	10.2	5.0	(4.0, 5.8)	5.3	5.6	3.7	11.9	(11.6, 12.3)	11.7	12.7	10.9
Others (2)			3.3	2.9	(2.3, 3.4)	3.1	3.9	2.9	1.6	(1.3, 1.8)	2.9	3.3	2.9
Black turnout/BVAP			*51.7*										
White turnout/WVAP			*67.3*										