

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MISSISSIPPI STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE; DR.
ANDREA WESLEY; DR. JOSEPH WESLEY;
ROBERT EVANS; GARY FREDERICKS; PAMELA
HAMNER; BARBARA FINN; OTHO BARNES;
SHIRLINDA ROBERTSON; SANDRA SMITH;
DEBORAH HULITT; RODESTA TUMBLIN; DR.
KIA JONES; MARCELEAN ARRINGTON;
VICTORIA ROBERTSON,

Plaintiffs,

vs.

STATE BOARD OF ELECTION COMMISSIONERS;
TATE REEVES, *in his official capacity as Governor of
Mississippi*; LYNN FITCH, *in her official capacity as
Attorney General of Mississippi*; MICHAEL WATSON,
*in his official capacity as Secretary of State of
Mississippi*,

Defendants,

AND

MISSISSIPPI REPUBLICAN EXECUTIVE
COMMITTEE,

Intervenor-Defendant.

**CIVIL ACTION NO.
3:22-cv-734-DPJ-HSO-LHS**

DECLARATION OF JOHN R. ALFORD, Ph.D.

At the request of counsel for the Defendants, I have reviewed Dr. Lisa Handley's report dated March 14, 2025. I also reviewed the election performance predictions for adopted Mississippi House of Representatives Districts 16, 22, and 36 and Senate Districts 1, 11, 34 and

45.¹ In addition, prior to adoption, I reviewed the election performance of the State House and Senate districts that were adopted in the remedial plans.

The reconstituted election analyses provided below utilize the precinct level votes for all 15 of the two-party contested statewide contests for state offices from 2019 and 2023, including 7 contests in 2019 from Governor at the top of the ticket down to Insurance Commissioner (there was no Democratic candidate for Auditor and that contest was not included) and 8 contests in 2023 from Governor at the top of the ticket down to Insurance Commissioner. Of the 8 contests in 2023, 5 of the election contests were biracial where there was both a Black candidate and a White candidate.² Where the newly drawn districts split existing precincts, the votes were disaggregated to the Census block level and reaggregated to the split precinct level using Census VAP data.

Report of Dr. Lisa Handley

In her report in this matter Dr. Handley relies on two measures of district performance. Dr. Handley applies these two scores by compiling election returns for the 19 statewide and federal elections from 2011 to 2024 in which there is a biracial contest. As she defines it on pages 3-4, the “effectiveness score is simply the average vote share, expressed as a proportion, received by the 19 Black-preferred Black candidates in each of the proposed districts. This score allows me to determine how Black-preferred Black candidates are likely to fare in proposed districts. A score of

¹ House District 41 is another majority-minority district affected by the House Plan. However, its APBVAP reduced from 67.46% to 64.56% which continues to provide a clear opportunity to elect a Democrat, and thus a clear opportunity to elect the candidate of choice of minority voters without the need to perform the analyses conducted herein.

² While some Courts have held that contests between Black and White candidates are the most probative contests for assessing racial polarization, this should not be read to mean that there is no probative value in considering White versus White contests as well when assessing racial polarization. In fact, Dr. Handley included a selection of White versus White statewide contests in her racially polarized voting analysis in her report of August 28, 2023, in this case (see page 8).

less than .5 means that the average vote share received by the Black-preferred Black candidates is less than 50% and the district is not likely to provide Black voters with an opportunity to elect their candidates of choice.” This is the same measure Dr. Handley used to assess the districts at issue in the original trial in this matter.

Dr. Handley’s second measure is one she refers to on page 4 as a ‘percent won’ score. Defined as “simply the number of contests the Black-preferred Black candidates won divided by the total number of election contests (19) included in the recompiled election returns.” Dr. Handley did not report this percent won score in her August 2023 report and instead relied solely on her effectiveness score (average percent of the vote) with a 50% threshold for district effectiveness as described above. However, despite using this obvious and common 50% threshold for her district effectiveness score as discussed above, Dr. Handley offers a different 60% threshold for her ‘percent won’ measure without explanation beyond her statement on page 4 that “while the line is not precise, in my opinion a percent won score of less than 60% can indicate that the district is not likely to provide Black voters with a realistic opportunity to elect their candidates of choice.” The usual standard of ‘an equal opportunity to elect candidates of choice’ seems consistent with Dr. Handley’s use of a 50% threshold for her ‘effectiveness score’, but not consistent with her 60% threshold for her ‘percent won’ measure.

While Dr. Handley did not use the ‘percent won’ score in her previous Mississippi report, she did utilize this score as her sole measure of district effectiveness in analyzing Louisiana districts in her report introduced at trial in *Nairne v. Ardoin* (as she cites in footnote 5 on page 4 of her March 14 report in this case).³ However, she never mentioned a 60% threshold in either her

³ Note that in *Nairne* she labeled her percent won score as her ‘effectiveness score’ in that case (not to be confused with her average percent of the vote measure that she labels as her ‘effectiveness score’ here).

report in that case or in her trial testimony. Instead, in referring to Louisiana State Senate District 39 in her report, she said “District 39, which also offers Black voters an opportunity to elect their candidates of choice as the Black-preferred Black candidate wins more than 50% of the contests examined and is therefore what I define as an effective district.”

The Adopted Remedial House Plan

Dr. Handley concludes on page 10 of her report that House Districts 22 and 36 as drawn in the Remedial Plan will “provide Black voters with a realistic opportunity to elect their candidates of choice to the state house.” The only dispute is with the performance assessment of State House District 16. There she concludes on page 8 that “District 16, with an effectiveness score of only .503 (just a hair over .5) and the percent won score of only 57.9 (below 60%), does not provide Black voters with a realistic opportunity to elect their preferred candidates.” Note that this is a clear majority voting age Black district at 53.2%, and a district that based on her election analysis meets the 50% threshold for average Democratic vote for Black-preferred Black candidates, and also clearly exceeds 50% on her percent won score. Thus, this district would clearly meet the standard for an effective majority minority district that Dr. Handley herself used to assess district performance in Mississippi in 2023 report (above 50% average vote). Moreover, the district also exceeds the 50% threshold for percent wins for the Black-preferred Black candidate that Dr. Handley herself used to assess district performance in Louisiana in her *Nairne* report and in her 2023 trial testimony in that case. State House District 16 only falls short in her opinion in failing to meet her new 60% threshold, although with a win proportion of 57.9% it exceeds the 55.6% win proportion of both the State House district and the State Senate district that she identified as effective minority districts in the *Nairne* case.

Table 1: Reconstituted State Office Election Analysis for Three State House Districts

Office	Democratic		House		House		House	
	Candidate		District 16		District 22		District 36	
	Race	Year	Dem. %	Dem. Win	Dem. %	Dem. Win	Dem. %	Dem. Win
Governor	White	2019	57.1%	1	64.9%	1	62.4%	1
Lt. Governor	White	2019	49.4%	0	53.0%	1	56.5%	1
Attorney General	Black	2019	52.2%	1	54.9%	1	59.7%	1
Treasurer	Black	2019	49.5%	0	52.2%	1	57.1%	1
Agriculture	White	2019	51.8%	1	55.8%	1	59.6%	1
Insurance Commissioner	Black	2019	48.6%	0	52.1%	1	57.3%	1
Secretary of State	Black	2019	51.1%	1	54.2%	1	58.5%	1
Governor	White	2023	61.3%	1	62.8%	1	65.4%	1
Lt. Governor	White	2023	49.3%	0	52.0%	1	56.3%	1
Secretary of State	Black	2023	51.5%	1	53.8%	1	58.5%	1
Attorney General	White	2023	51.3%	1	53.0%	1	57.8%	1
Auditor	Black	2023	52.4%	1	55.4%	1	60.2%	1
Treasurer	Black	2023	53.1%	1	55.3%	1	60.0%	1
Agriculture	Black	2023	53.8%	1	56.3%	1	61.3%	1
Insurance Commissioner	Black	2023	50.7%	1	53.4%	1	58.9%	1
2019-2023 Average			52.2%		55.3%		59.3%	
2023 Average			52.9%		55.2%		59.8%	
Number of Democratic Wins				11		15		15

Table 1 above provides a look at the reconstituted election performance of these three State House districts using the same methodology that Dr. Handley employed. I have focused on the more probative recent state office elections and have included all such contests regardless of whether they were racially contested to provide a comprehensive view of the performance of the preferred candidates of Black voters.⁴

⁴ In this table, I have not included the four federal election contests from 2020 and 2024 as district performance in these federal elections is less indicative of potential state legislative district performance than the State level offices discussed above. These top of the ballot elections for U.S. President and U.S. Senator are both much higher profile contests, and in addition are not on the same ballot as the odd year State level contests.

House District 16

For House District 16 the reconstituted election results show that the district provides a clear opportunity to elect a Democrat, and thus an equal opportunity to elect the candidate of choice of Black voters in District 16, as previous RPV analysis by both plaintiff's and State experts clearly shows that the Democratic candidate is always the candidate of choice of Black voters in Mississippi in these election years. In State office elections (2019 and 2023) the average Democratic share of the two-party vote across these 15 reconstituted elections is 52.2 percent and the Democrat wins the reconstituted election in 11 out of 15 elections (73%). In the most recent 2023 elections the average Democratic share of the two-party vote across these 8 reconstituted elections is 52.9 percent and the Democrat wins the reconstituted election in 7 out of 8 elections (88%), including all five of the down ballot contests that included a Black Democratic candidate (Secretary of State, Auditor, Treasurer, Agriculture Commissioner, and Insurance Commissioner). The only 2023 loss for the Black preferred Democratic candidate was in the Lt. Governor's contest where the Democratic candidate lost narrowly with an estimated 49.3 percent of the two-party vote. This suggests there may be a modest trend toward improved performance.

The fact that the focus on more recent state level offices suggests better performance metrics than did Dr. Handley's analysis is not surprising given that the performance of the district was much weaker in the elections prior to 2018. In those contests Dr. Handley's data shows the Black-preferred Black candidates losing 4 out of 5 contests (a win percentage of just 20%) compared to Black-preferred Black candidates winning 10 out of 14 contests from 2018 forward (a win percentage of 71.4%) in Dr. Handley's data. Similarly, Dr. Handley's data indicate that the average vote share for Black-preferred Black candidates in the elections from 2018 forward is 51.7%, an improvement over her reported 50.3% for the entire period from 2011 forward and a

substantial improvement on the 47.0% average for the period prior to 2018 based on her election data.

The Adopted Remedial Senate Plan

In her report in this matter Dr. Handley identifies only one State Senate district in the adopted remedial plan that is an issue. State Senate District 11 exceeds her thresholds for both of her effectiveness measures, but State Senate District 1, while at 52.5% a clear majority Black voting age district, nonetheless falls below 50% on both of her measures.

Table 3 below provides a look at the reconstituted election performance of three State Senate districts using the same methodology that Dr. Handley employed. I have focused on the more probative recent state office elections and have included all such contests regardless of whether they were racially contested to provide a comprehensive view of the performance of the preferred candidates of Black voters.

Table 3: Reconstituted State Office Election Analysis for Four State Senate Districts

Office	Democratic		Senate		Senate		Senate	
	Candidate		District 1		District 11		District 34	
	Race	Year	Dem. %	Dem. Win	Dem. %	Dem. Win	Dem. %	Dem. Win
Governor	White	2019	55.4%	1	53.4%	1	58.0%	1
Lt. Governor	White	2019	48.0%	0	48.8%	0	50.0%	0
Attorney General	Black	2019	49.4%	0	50.7%	1	51.7%	1
Treasurer	Black	2019	47.1%	0	48.3%	0	49.5%	0
Agriculture	White	2019	48.9%	0	49.4%	0	52.6%	1
Insurance Commissioner	Black	2019	46.8%	0	48.4%	0	49.5%	0
Secretary of State	Black	2019	48.9%	0	49.8%	0	53.7%	1
Governor	White	2023	58.0%	1	60.1%	1	58.0%	1
Lt. Governor	White	2023	50.4%	1	56.5%	1	50.9%	1
Secretary of State	Black	2023	49.4%	0	55.5%	1	50.6%	1
Attorney General	White	2023	49.5%	0	55.4%	1	51.0%	1
Auditor	Black	2023	50.1%	1	55.8%	1	50.5%	1
Treasurer	Black	2023	51.7%	1	56.3%	1	51.8%	1
Agriculture	Black	2023	52.8%	1	57.2%	1	52.7%	1
Insurance Commissioner	Black	2023	50.2%	1	55.9%	1	51.4%	1
2019-2023 Average			50.4%		53.4%		52.1%	
2023 Average			51.5%		56.6%		52.1%	
Number of Democratic Wins				7		10		12

For Senate District 1 the reconstituted election analysis for these more recent state level election results show that the district provides a better opportunity to elect the candidate of choice of Black voters in the 1st District, compared to the analysis provided by Dr. Handley. In state office elections (2019 and 2023) the average Democratic share of the two-party vote across these 15 reconstituted elections is 50.4 percent (compared to 49.1% in Dr. Handley's elections) and the Democrat wins the reconstituted election in 7 out of 15 elections (47%) compared to 42.1% in Dr. Handley's elections. In the most recent 2023 elections the average Democratic share of the two-party vote across these 8 reconstituted elections is 51.5 percent and the Democrat wins the reconstituted election in 6 out of 8 elections (75%), including 4 of the 5 (80%) of the down ballot contests that included a Black Democratic candidate (Secretary of State, Auditor, Treasurer, Agriculture Commissioner, and Insurance Commissioner).

The fact that the focus on more recent state level offices suggests better performance metrics than did Dr. Handley's analysis is not surprising given that the performance of the district was much weaker in the elections prior to 2018. In those contests Dr. Handley's data shows the Black-preferred Black candidates losing 4 out of 5 contests (a win percentage of just 20%) compared to Black-preferred Black candidates winning 7 out of 14 contests from 2018 forward (a win percentage of 50.0%) in Dr. Handley's data. Similarly, Dr. Handley's data indicate that the average vote share for Black-preferred Black candidates in the elections from 2018 forward is 50.3%, an improvement over her reported 49.1% for the entire period from 2011 forward and a modest improvement on the 48.5% average for the period prior to 2018 based on her election data.

Table 4 below summarizes the key effectiveness scores for the districts whose performance for minority preferred candidates in dispute here. As discussed above, the much older results included in Dr. Handley's analysis tend to reduce the estimates of effectiveness in these districts. Focusing on the most recent state office elections in 2023, all three districts are clearly effective for Black preferred candidates including those candidates that are Black. Similarly, even including the less probative federal level elections from 2024, all three districts are effective districts for Black preferred candidates including those candidates that are Black. Even Senate District 1, the only district that falls below 50% on either of the Handley scores, is above 50% on both measures in the most recent elections and has win rates for Black-preferred Black candidates that are even higher than those for all Democratic candidates.

Table 4: Summary of Key results for Key Districts

District	Handley (2011-2024)		All Statewide 2023			All Statewide 2023-24		
	% Dem.	% Black Won	% Dem.	% Won	% Black Won	% Dem.	% Won	% Black Won
SD 1	0.491	42%	0.515	75%	80%	0.502	60%	67%
SD 11	0.502	63%	0.566	100%	100%	0.563	100%	100%
HD 16	0.503	58%	0.529	88%	100%	0.519	70%	60%

The Illustrative Districts Assessed by Dr. Handley

Dr. Handley’s novel use here of a 60% threshold for contests won, effectively raising the bar above equal opportunity, is entirely consistent with the pattern of district performance she reports for the various plaintiffs’ proposed remedial districts. What the performance metrics for these illustrative districts show is not an equal opportunity district, but rather a disproportionate opportunity district. Table 4 below extracts the ‘percent won’ score for the districts at issue from Dr. Handley’s Tables 1 through Table 6 in her report. The districts in both plaintiffs Plan A and Plan B increase the performance of the Districts well beyond the 50% equal opportunity effectiveness threshold. House District 16, already above 50% wins at 57.9%, is boosted to nearly 90%. House District 22, already above 50% wins at 84.2%, is boosted to nearly 95%. Senate District 11, already above 50% wins at 63.2%, is boosted to nearly 80%. Senate District 1, the only district below 50% wins using Dr. Handley’s full set of elections at 42.1%, is boosted not just to reach above 50%, but instead to nearly 90% in Plan A and over 70% in Plan B.

Table 4: Performance Comparison of Adopted Remedial Districts to Plaintiffs’ Plans

	Adopted Remedial	Plaintiffs Plan A	Plaintiffs Plan B
District	Percent Won	Percent Won	Percent Won
House District 16	57.9	89.5	89.5
House District 22	84.2	94.7	94.7
Senate District 1	42.1	89.5	73.7
Senate District 11	63.2	78.9	78.9

Summary Conclusions


Focusing on the most probative recent elections, the three districts that Dr. Handley has questioned are clearly effective districts that exceed the equal opportunity threshold of 50% performance for Black-preferred candidates, including Black-preferred candidates that are Black.

As Dr. Handley's analysis shows, the plaintiffs' proposed districts merely seek to make those already effective districts into safer districts.

[signature page to follow]

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

March 21, 2025.



John R. Alford, Ph.D

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