

Attachment 9

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SHAUNA WILLIAMS, et al.

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in his
official capacity as Chair of the House
Standing Committee on Redistricting, et al.

Defendants.

Civil Action No. 23 CV 1057

NORTH CAROLINA STATE
CONFERENCE OF THE NAACP, et al.,

Plaintiffs,

v.

PHILIP BERGER, in his official capacity as
the President Pro Tempore of the North
Carolina Senate, et al.,

Defendants.

Civil Action No. 23 CV 1104

SUPPLEMENTAL EXPERT REPORT OF JOHN R. ALFORD, Ph.D.

March 17, 2025

I have been retained by counsel for Legislative Defendants, as an expert to provide analysis related to *Gingles* prongs 2 and 3, and racially polarized voting as related to the challenge to the Congressional, State Senate, and State House maps for the State of North Carolina that were enacted in October of 2023. I have been asked by counsel to examine the results of the 2024 elections in North Carolina. This report is intended to supplement my prior report in this case.

A. Racial Polarized Voting Analysis for the 2024 General Elections

Dr. Oskooii's State Senate Districts

Table 1 below reports the results for an EI analysis of the 2024 general elections for statewide offices.¹ It is similar to the analysis for the 2020 elections reported in Table 3 (page 10) of my previous report dated September 26, 2024, and focuses on the four State Senate districts (SD1, SD2, SD5, and SD11) identified in Dr. Oskooii's previous report dated August 1, 2024. As was true for the 2020 elections, the 2024 elections allow us to draw a useful contrast between multiple elections featuring a White Democratic candidate running against a White Republican candidate, compared to multiple elections featuring a Black Democratic candidate running against a White Republican candidate. This effectively holds the influence of the party of the candidates constant, while varying the race of the Democratic candidate. In eight of the statewide contests, there is a White Democrat running against a White Republican. In six other statewide contests, there is a Black Democrat is running against a White Republican.

Looking down the column for Black Support, it is clear that in all 14 contests Black voters consistently give high levels of support to the Democratic candidate and White voters give high

¹ In my previous report I relied on Dr. Oskooii's reported EI estimates after confirming those results with an independent EI analysis performed under my direction by Dr. Randy Stevenson. Here, I am reporting estimates for 2024 performed again by Dr. Stevenson. The results with associated credible intervals are included in Appendix A. As in my original report in this case, I am utilizing the fully Bayesian estimation procedure for EI RxC estimation provided as the module 'ei.MD.bayes' in a software module called "eiPack" Both Dr. Palmer and Dr. Oskooii provided results in their original reports in this case that utilized this same current EI RxC technique.

levels of support to the Republican candidate. This is consistent with a polarized response to the candidate based on the party affiliation indicated on the ballot. This is also fully consistent with the broad pattern in the previous election years discussed in my previous report.

Table 1: 2024 General Elections EI RPV Estimates in State Senate Districts

Office	Candidate	Party	Race	District 1		District 2		District 5		District 11	
	Name			Black	White	Black	White	Black	White	Black	White
Lt. Gov.	Rachel Hunt	DEM	White	96.2%	25.9%	98.0%	23.2%	96.8%	29.6%	97.5%	20.9%
Lt. Gov.	Hal Weatherman	REP	White	3.8%	74.1%	2.0%	76.8%	3.2%	70.4%	2.5%	79.1%
A. G.	Jeff Jackson	DEM	White	96.8%	24.5%	96.5%	23.0%	95.6%	30.3%	97.2%	20.7%
A. G.	Dan Bishop	REP	White	3.2%	75.5%	3.5%	77.0%	4.4%	69.7%	2.8%	79.3%
Agri. Comm	Sarah Taber	DEM	White	95.7%	22.0%	96.1%	17.2%	97.0%	22.8%	97.6%	12.5%
Agri. Comm	Steve Troxler	REP	White	4.3%	78.0%	3.9%	82.8%	3.0%	77.2%	2.4%	87.5%
Ins. Comm.	Natasha Marcus	DEM	White	95.4%	22.7%	96.3%	19.4%	97.3%	23.8%	97.8%	14.8%
Ins. Comm.	Mike Causey	REP	White	4.6%	77.3%	3.7%	80.6%	2.7%	76.2%	2.2%	85.2%
Apps. Ct. 14	Ed Eldred	DEM	White	94.9%	22.5%	97.0%	18.7%	96.8%	25.0%	97.2%	16.5%
Apps. Ct. 14	Valerie Zachary	REP	White	5.1%	77.5%	3.0%	81.3%	3.2%	75.0%	2.8%	83.5%
Sec. of St.	Elaine Marshall	DEM	White	96.0%	25.8%	96.6%	24.9%	97.2%	30.5%	96.7%	23.4%
Sec. of St.	Chad Brown	REP	White	4.0%	74.2%	3.4%	75.1%	2.8%	69.5%	3.3%	76.6%
S. C. Seat 6	Allison Riggs	DEM	White	94.4%	25.5%	96.7%	21.2%	95.7%	28.3%	97.0%	19.5%
S. C. Seat 6	Jefferson G. Griffin	REP	White	5.6%	74.5%	3.3%	78.8%	4.3%	71.7%	3.0%	80.5%
Treas.	Wesley Harris	DEM	White	95.8%	22.8%	96.6%	19.0%	96.4%	25.0%	97.1%	16.8%
Treas.	Brad Briner	REP	White	4.2%	77.2%	3.4%	81.0%	3.6%	75.0%	2.9%	83.2%
	White vs White	Dem. Average		95.7%	24.0%	96.7%	20.8%	96.6%	26.9%	97.3%	18.1%
	White vs White	Rep. Average		4.3%	76.0%	3.3%	79.2%	3.4%	73.1%	2.7%	81.9%
Labor Comm.	Braxton Winston II	DEM	Black	95.5%	22.6%	97.3%	18.1%	96.6%	23.7%	97.6%	16.2%
Labor Comm.	Luke Farley	REP	White	4.5%	77.4%	2.7%	81.9%	3.4%	76.3%	2.4%	83.8%
Auditor	Jessica Holmes	DEM	Black	96.0%	24.9%	97.5%	20.2%	97.0%	28.1%	97.7%	18.7%
Auditor	Dave Boliek	REP	White	4.0%	75.1%	2.5%	79.8%	3.0%	71.9%	2.3%	81.3%
Super. Pub. Instr.	Maurice (Mo) Green	DEM	Black	96.4%	25.3%	96.4%	24.7%	96.3%	30.9%	96.9%	21.5%
Super. Pub. Instr.	Michele Morrow	REP	White	3.6%	74.7%	3.6%	75.3%	3.7%	69.1%	3.1%	78.5%
Apps. Ct. 12	Carolyn Jennings Thompson	DEM	Black	95.0%	24.2%	97.4%	19.8%	96.4%	25.4%	96.7%	18.2%
Apps. Ct. 12	Tom Murry	REP	White	5.0%	75.8%	2.6%	80.2%	3.6%	74.6%	3.3%	81.8%
Apps. Ct. 15	Martin E. Moore	DEM	Black	95.5%	23.3%	97.0%	18.9%	96.0%	25.8%	97.3%	16.9%
Apps. Ct. 15	Chris Freeman	REP	white	4.5%	76.7%	3.0%	81.1%	4.0%	74.2%	2.7%	83.1%
Pres.	Kamala D. Harris	DEM	Black	94.3%	24.5%	97.8%	20.6%	97.6%	22.9%	95.8%	16.2%
Pres.	Donald J. Trump	REP	White	5.7%	75.5%	2.2%	79.4%	2.4%	77.1%	4.2%	83.8%
	Black vs White	Dem. Average		95.4%	24.1%	97.2%	20.4%	96.6%	26.1%	97.0%	18.0%
	Black vs White	Rep. Average		4.6%	75.9%	2.8%	79.6%	3.4%	73.9%	3.0%	82.0%
Difference for White vs Black Democrat				0.2%	-0.2%	-0.5%	0.4%	0.0%	0.8%	0.3%	0.2%
	White vs Black										
Gov.	Josh Stein	DEM	White	94.9%	29.3%	95.6%	32.8%	96.1%	40.2%	97.2%	31.6%
Gov.	Mark Robinson	REP	Black	5.1%	70.7%	4.4%	67.2%	3.9%	59.8%	2.8%	68.4%

In contrast to the strong impact of candidate party affiliation, the race of the candidates does not appear to have a polarizing impact on voters' behavior. The difference in Black voters' support for Black Democratic candidates compared to their support for White Democratic

candidates differs by less than a single percentage point. Similarly, the difference in White voters' crossover support for White Democratic candidates compared to their support for Black Democratic candidates typically differs by less than a single percentage point (note that differences like these that are within the range of the credible intervals cannot be treated as meaningful).

Dr. Oskooii's State House Cluster

Table 2 below reports the results for an EI analysis of the 2024 general elections for statewide offices. It is similar to the analysis for the 2020 elections reported in Table 11 (page 19) of my previous report dated September 26, 2024, and focuses on the cluster of State House districts (consisting of enacted House Districts 4, 5, 7, 8, 9, 10, 12, 23, 24, 25, 27, and 32) identified in Dr. Oskooii's previous report dated August 1, 2024. Again, in contrast to the strong impact of candidate party affiliation, the race of the candidates does not appear to have a polarizing impact on voters' behavior. The difference in Black voters' support for Black Democratic candidates compared to their support for White Democratic candidates differs by less than a single percentage point. Similarly, the difference in White voters' crossover support for White Democratic candidates compared to their support for Black Democratic candidates differs by less than a single percentage point (note that differences like these that are within the range of the credible intervals cannot be treated as meaningful).

responding to the race of the candidates, we would expect White voters to show increased opposition to a Black candidate, however, White voters are no more likely to oppose a Black Democrat than they are a White Democrat. This is fully consistent with the broad pattern in the previous election years discussed in my previous report.

B. The 2024 Governor's Contest

The 2024 Governor's contest is unique. Here the Republican candidate, Mark Robinson, is Black and the Democratic candidate, Josh Stein, is White, something that has not occurred previously in a statewide election in the period covered in the election analysis for this case (2016 forward). Black voter behavior in this contest doesn't seem unusual. As we can see in Table 5 above Black voters support Stein statewide at essentially the same rate (96.3%) that they supported Black Democratic candidates statewide (95.8%), and other White Democratic candidates statewide (96.5%). For White voters the same is not true. Robinson's support from White voters is notably lower than any other Republican candidate. The question is whether voting in this single contest reflects the impact of Robinson's race on voter behavior, or the impact of other issues unique to his 2024 campaign. White voter support for Robinson in 2020 (as reported in Table 21, page 30 of my report in this case dated September 26, 2024), when he was the successful Republican candidate for Lt. Governor, at 75%, was not lower than the 74% average White support for White Republican candidates that year. Republicans nominated Robinson, with nearly 65% of the vote,² over two White Republican candidates in 2024 despite his being Black and Republican voters in North Carolina being overwhelmingly White. Similarly, Stein received nearly 70% of the vote in

² 3/05/2024 Official Primary Election Results – Statewide, North Carolina State Board of Elections, https://er.ncsbe.gov/?election_dt=03/05/2024&county_id=0&office=COS&contest=1717 (accessed Mar. 17, 2025).

the Democratic primary over four Black candidates,³ despite his being White and a large share of Democratic voters being Black.

What might account for the difference in the tendency of White voters to cross over and support Josh Stein at higher than typical levels for a Democratic candidate beyond the fact that Stein was a White candidate? The Carolina Public Press summed up the contest on November 5, 2024, by noting:

*Stein's campaign was effective throughout 2024 in painting Robinson as extreme and corrupt, while Robinson's team struggled to land any effective punches against the Democrat. Scandals, including an ongoing investigation into Robinson's past campaign finances, did not prevent him from beating outgoing State Treasurer Dale Folwell in the GOP primary in March. But Robinson failed to gain traction with general election voters. Additional concerns about his past campaign activities came to light when CPP reported in August on claims that he had never spent any money with a kayak shop that appeared on his campaign reports. Then **the bottom fell out in late September** as reporting by The Assembly and national news organizations unveiled a past pattern of Robinson patronizing adult sites and making both lewd and extremist comments, including claiming in post that he was a "Black Nazi." Robinson denied that the posts were his despite clear evidence that they came from his accounts, years before he was a political figure. Even as some Republicans said he should get the benefit of the doubt, others distanced themselves from the lieutenant governor's disintegrating political career. Although Trump did not address Robinson's problems directly, the lieutenant governor was no longer welcome at Trump's many North Carolina events.⁴*

This version of events squares with polling in the Governor's contest by the East Carolina University Center for Survey Research. Their poll at the beginning of December 2023 had Robinson up narrowly over Stein by 4 points.⁵ By mid-February 2024, the race was tied.⁶ By early

³ 3/05/2024 Official Primary Election Results – Statewide, North Carolina State Board of Elections, https://er.ncsbe.gov/?election_dt=03/05/2024&county_id=0&office=COS&contest=1717 (accessed Mar. 17, 2025).

⁴ *Stein is NC's next governor. Trump wins victory in NC, appears headed back to White House*, CAROLINA PUBLIC PRESS, Nov. 5, 2024 (available at <https://carolinapublicpress.org/66977/stein-is-ncs-next-governor-presidential-contest-remains-close/>) (accessed Mar. 7, 2025) (emphasis added).

⁵ Survey results available at: https://surveyresearch-ecu.reportablenews.com/pr/mark-robinson-ahead-in-nc-republican-primary-for-governor-but-many-undecided-trump-with-wide-lead-over-republican-rivals-robinson-stein-matchup-competitive?_gl=1*1454b8h*_gcl_au*MTMzMTC2MTAyNC4xNzAxODIwMDMz.

⁶ Survey results available at: https://surveyresearch-ecu.reportablenews.com/pr/mark-robinson-and-josh-stein-clear-favorites-to-win-nominations-in-primary-elections-for-governor-likely-general-election-matchup-tied?_gl=1*smfsak*_gcl_au*MTMzMTC2MTAyNC4xNzAxODIwMDMz.

June 2024, the contest remained a tossup with Stein now up by a single point.⁷ Things had started to tilt toward Stein by the end of August 2024, with Stein up by 6 points over Robinson.⁸ In the next ECU poll in late September 2024, the race had shifted dramatically, with Stein now up by 17 points.⁹ In reflecting on the dramatic shift away from Robinson, the Director of the ECU Center for Survey Research indicated: “The recent scandals surrounding Mark Robinson have had a major impact. What was once a competitive race in the election for governor of North Carolina no longer is. As of now, Josh Stein is the clear and overwhelming favorite to be the next governor of North Carolina.”¹⁰ Stein held his strong lead into the final ECU poll in late October 2024 with Robinson trailing by 15 points.¹¹

North Carolina voters were certainly aware of damaging revelations regarding Robinson. The implosion of Robinson’s campaign was not an obscure “insider politics” event. It was a highly visible news story covered and commented on extensively even in the national media. The 2024 Governor contest with its highly publicized downturn in Robinson’s campaign, was a special circumstance that makes this election less useful when evaluating voting patterns in North Carolina politics. Finally, the fact that Robinson was Black and Stein was White were also likely known by North Carolina voters long before August 2024. Robinson had already served a full term as Lt. Governor, and Stein had served in the State Senate and most recently served two terms in the statewide office of Attorney General.

⁷ Survey results available at: <https://surveyresearch-ecu.reportablenews.com/pr/trump-leads-biden-by-5-points-in-north-carolina-gubernatorial-election-remains-close-with-stein-up-1-on-robinson-trump-guilty-verdict-has-little-impact-on-nc-voter-intentions-for-november>.

⁸ Survey results available at: <https://surveyresearch-ecu.reportablenews.com/pr/north-carolina-election-heats-up-trump-leads-harris-by-1-point-in-north-carolina-stein-widens-advantage-over-robinson-in-race-for-governor>.

⁹ Survey results available at: <https://surveyresearch-ecu.reportablenews.com/pr/trump-lead-harris-by-two-in-north-carolina-josh-stein-opens-large-lead-over-mark-robinson-in-race-for-nc-governor>.

¹⁰ *Id.*

¹¹ Survey results available at: <https://surveyresearch-ecu.reportablenews.com/pr/trump-up-2-points-over-harris-in-north-carolina-as-election-day-nears-josh-stein-maintains-comfortable-lead-over-mark-robinson-in-race-for-nc-governor>.

C. BVAP to Win Analysis

Turning to the issue of the proportion of BVAP needed for a district to provide an equal opportunity to elect the preferred candidate of Black voters, the 2024 election analysis is consistent with my observation in my original report (page 31) that 50% plus Black VAP districts are not required to elect Black-preferred Democratic candidates in North Carolina. The 2024 elections provide some additional insight. Table 6 below provides estimates of the BVAP needed to provide an equal opportunity for Black voters to elect their preferred candidate (the Democrat) for the key State House and State Senate districts. I have estimated the BVAP needed to win based on the 2024 elections, by following the procedure utilized by Dr. Lisa Handley in both a published article on the topic¹² and in a report to the court in 2019.¹³ Dr. Handley's approach relies on three essential estimates: the Black share of turnout, the estimated Black support for the Black preferred candidate, and the estimated White crossover support for the Black preferred candidate. It is important to note that while Dr. Handley labels her columns 'Black' and 'White', she is actually estimating and reporting support of "Black" and "non-Black" voters. As she explains, "In this report, I discuss black and white voting behavior but in reality the analysis considers black and non-black voting behavior."¹⁴ The reason this matters is that the crossover proportion among White voters might well be different from the level of crossover support among voters that are neither Black nor White. The methodology used to produce the table follows Dr. Handley's methodology with the exception that she estimated turnout using EI, and Table 6 reports estimates that use the

¹² Bernard Grofman, Lisa Handley, David Lublin, *Drawing Effective Minority Districts: A Conceptual Framework and Some Empirical Evidence*, 79 N.C. L. Rev. 1383 (2001).

¹³ *Pierce v. North Carolina State Board of Elections*, Case No. 4:23-cv-00193 (E.D.N.C), Doc No. 20-1.

¹⁴ Page 7 of her report titled "Providing Black Voters with an Opportunity to Elect Candidates of Choice to the North Carolina State Legislature: A Jurisdiction-Specific, Functional Analysis of Select House and Senate County Grouping" dated September 17, 2019.

more accurate actual racial turnout based on the voter records, as does all the other voter analysis here and in the reports of Dr. Oskooii and Dr. Palmer.

Table 6: BVAP Analysis

Contest	BVAP threshold needed for 50+1									
	HD4	HD5	HD7	HD10	HD12	HD24	HD25	HD32	SD1	SD2
Pres.	46%	44%	39%	45%	46%	39%	40%	40%	42%	43%
Gov.	37%	41%	17%	34%	38%	26%	26%	25%	37%	31%
Lt. Gov.	42%	42%	34%	42%	43%	33%	36%	36%	40%	40%
A. G.	41%	42%	36%	43%	42%	36%	36%	36%	40%	39%
Sec. of St.	40%	40%	30%	41%	41%	33%	34%	32%	38%	38%
Treas.	44%	43%	37%	44%	46%	39%	39%	40%	42%	44%
Agri. Comm	46%	45%	44%	48%	48%	43%	43%	44%	44%	46%
Ins. Comm.	45%	44%	42%	46%	46%	41%	41%	41%	42%	44%
Labor Comm.	45%	44%	41%	46%	47%	40%	40%	41%	43%	44%
Auditor	43%	42%	36%	44%	45%	38%	39%	39%	41%	43%
Super. Pub. Instr.	41%	41%	34%	42%	41%	35%	35%	35%	39%	39%
Apps. Ct. 12	43%	42%	36%	45%	45%	39%	39%	38%	41%	43%
Apps. Ct. 14	44%	44%	40%	45%	46%	40%	40%	40%	43%	44%
Apps. Ct. 15	44%	44%	38%	45%	46%	40%	40%	40%	42%	44%
S. C. Seat 6	43%	42%	34%	43%	44%	38%	38%	37%	40%	41%
Average	43%	43%	36%	44%	44%	37%	38%	38%	41%	42%
Average (without Gov.)	43%	43%	37%	44%	45%	38%	39%	39%	41%	42%

As Table 6 shows, across these areas of the state, the BVAP needed to win for Black preferred candidates (Democrats) is in the high 30% to mid-40% range. In all of these geographies, the average BVAP needed to provide an expected 50% plus one vote share is well below 50%. While this analysis is based on only the 2024 elections, no experts in this case have submitted an analysis showing that majority Black districts are required in any of these areas for Black voters to be able to elect their preferred candidates (Democratic candidates). Analyses submitted in this case, including the type shown in Table 6 for the 2024 elections, indicate that majority Black districts are not required to provide this opportunity.

D. Summary Conclusions

In my previous report I concluded that “the election analysis clearly demonstrates that the party affiliation of the candidates best explains the divergent voting preferences of Black and White voters in North Carolina elections.” I also stated in that report that “50% plus Black VAP

districts are not required to elect Black-preferred Democratic candidates.” The examination of the 2024 elections as reported above reinforces both those conclusions.

March 17, 2025.

A handwritten signature in black ink, appearing to read "John R. Alford", written over a horizontal line.

John R. Alford, Ph.D