

# EXHIBIT 18

## SECOND SUPPLEMENTAL REBUTTAL REPORT OF MAXWELL PALMER, PH.D.

1. I submitted a second supplemental report in this matter on October 31, 2025 in which I analyzed racially polarized voting and the performance of Black preferred candidates in the 1st and 3rd Congressional Districts as defined in Senate Bill 249, passed by the North Carolina General Assembly on October 22, 2025. I found strong evidence of racially polarized voting in the 1st and 3rd Districts.
2. Dr. Alford submitted a second supplemental report on November 14, 2025. I have been asked by counsel to respond to his comments on my analysis in that report.
3. Dr. Alford and I utilized the same ecological inference methodology to analyze racially polarized voting. He replicated the results in my second supplemental report, and used the estimates from my report in his analysis.
4. Dr. Alford includes the 2016 Supreme Court election in his racially polarized voting analysis. This election was a nonpartisan contest, and Dr. Alford finds that voting was less polarized in this contest. Notably, Dr. Alford does not include any other non-partisan elections in his analysis. As I did in my report, I included results from all partisan statewide contested races in the 2016, 2018, 2020, 2022, and 2024 general elections, as those bear most directly on the congressional elections that are the subject of my reports. Furthermore, As the purpose of this analysis is ultimately to understand racially polarized voting in this area for Congressional elections, partisan contests are more probative than nonpartisan contests.
5. In any event, Dr. Alford analyzed this election using the same ecological inference methodology as I used in my original report. Including this election does not substantively alter my conclusions, nor does Dr. Alford suggest that it does.
6. Dr. Alford argues that party, rather than race, explains the voting patterns that we observe in the racially polarized voting analysis. Dr. Alford is focusing on the wrong question—does the race of the candidate affect their support from Black and White voters—rather than the fundamental question of racially polarized voting: do Black and White voters cohesively support different candidates?
7. Dr. Alford finds that “[i]n 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.”<sup>1</sup> In comparing differences in support for candidates within each racial group by the race of the candidates, Dr. Alford is attempting to explain *why* Black and White voters support difference candidates. This question is irrelevant to the question of

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<sup>1</sup>Alford Second Supplemental Report p.8

whether there is racially polarized voting, which simply asks *if* voters of different races make different choices.<sup>2</sup>

8. Furthermore, Dr. Alford implicitly assumes that an individual's race and an individual's political party are two separate and independent factors that influence vote choice. A long literature in political science about how voters develop partisan attachments and make decisions about voting shows the opposite: an individual's background, including their race, is a key factor in their politics and party preferences.<sup>3</sup> This means that even if members of a racial group strongly support candidates of a single party, race, as a key factor in driving their support for that party, is an inseparable part of their support for those candidates. Because a voter's race influences their party preferences, Dr. Alford provides no basis to conclude that party alone, without race, causes voters to choose the candidate for whom they vote. In other words, the strong support of Democratic candidates by Black voters cannot be attributed to partisan preferences alone, as Dr. Alford suggests, but to a mix of personal and political factors and experiences, of which race is an essential and inseparable part.
9. Neither Dr. Alford's second supplemental report nor any of his prior reports contest the conclusions or analysis in my reports that Black voters are less able to elect their preferred candidates under the 2025 plan relative to the 2022 and 2023 plans, while White voters are more able to elect their preferred candidates under the 2025 plan relative to the 2022 and 2023 plans. Indeed, Dr. Alford provides no response to this analysis at all.

I reserve the right to supplement my report in this case in light of additional facts, testimony, and/or materials that may come to light.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.



Maxwell Palmer

Executed this 17th day of November, 2025, at Arlington, Massachusetts.

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<sup>2</sup>In my October 17, 2024 reply report, I explained why Dr. Alford is asking the wrong question about racially polarized voting. Racially polarized voting is purely a descriptive question. The second *Gingles* precondition requires the finding that the minority group is politically cohesive—identifying a pattern in voting behavior, not explaining why this pattern exists. See ¶¶10–13.

<sup>3</sup>See, for example, Dawson, Michael C. *Behind the mule: Race and class in African-American politics*. Princeton University Press, 1995; Dawson, Michael C. *Black visions: The roots of contemporary African-American political ideologies*. University of Chicago Press, 2001; Jardina, Ashley. *White identity politics*. Cambridge University Press, 2019; White, Ismail K., and Chryl N. Laird. *Steadfast democrats: How social forces shape Black political behavior*. Princeton University Press, 2020; Hood III, Morris V., Quentin Kidd, and Irwin L. Morris. *The rational southerner: Black mobilization, republican growth, and the partisan transformation of the American south*. Oxford University Press, 2014.