

Mot. Seq. 001, ____

EXHIBIT M

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

Michal Williams, et al.,

Petitioners,

-against-

**Board of Elections of the State of
New York, et al.,**

Respondents,

-and-

Nicole Malliotakis, et al.,

Intervenor-Respondents,

Index No. 164002/2025

Hon. Jeffrey H. Pearlman

EXPERT REPORT OF SEAN P. TRENDE, Ph.D.

Table of Contents

1 Introduction 1

2 Qualifications 1

2.1 Professional Experience 1

2.2 Publications and Speaking Engagements 2

2.3 Education 3

2.4 Prior Expert Engagements 4

3 “Usually” Defeated Analysis 5

3.1 Jurisdiction-Wide Races 5

3.2 Individual Congressional Districts 6

3.2.1 Statewide Results in District 11 7

3.2.2 Statewide Results in Congressional Elections in New York City . . 7

3.2.3 Statewide Results in Congressional Elections in New York State . 8

4 The NYVRA’s standards can collapse upon themselves without guardrails 9

5 Mr. Cooper’s Maps 16

6 Conclusion 24

7 Exhibit 1 – Sean Trende C.V. 26

List of Figures

Figure 1:	Results of Elections, by NY Congressional District	6
Figure 2:	R voting percentage by precinct using index of statewide elections, NYC	11
Figure 3:	Potential reconfiguration of Districts 5, 7, 8 and 9, with Republican- performing district	12
Figure 4:	Potential reconfiguration of Districts 7, 8, 9, and 10 with Republican- performing district	14
Figure 5:	Potential reconfiguration of Districts 16 and 17 with Republican- performing district	15
Figure 6:	Enacted Congressional Districts, 98th Congress (1982)	19
Figure 7:	Enacted Congressional Districts, 103rd Congress (1992)	20
Figure 8:	Enacted Congressional Districts, 108th Congress (2002)	21
Figure 9:	Enacted Congressional Districts, 113th Congress (2012)	22
Figure 10:	Enacted Congressional Districts, 118th Congress (Never Employed) (2022)	23

1 Introduction

My name is Sean P. Trende. I am over 18 years of age and I hold a Ph.D. in Political Science. I have been retained by Troutman Pepper Locke, LLP, on behalf of their clients in the above-captioned matter, *Williams v. Bd. of Elections of the State of New York*, Index No.164002/2025 (N.Y. Sup. Ct. N.Y. Cnty.). I have been asked to conduct certain evaluations and to respond, to the extent appropriate, to the “Expert Report of William S. Cooper,” dated November 17, 2025 (hereinafter “Cooper Report”). I am being compensated at a rate of \$500/hr. My compensation is in no way dependent upon the conclusions I reach. All opinions are offered to a reasonable degree of scientific certainty.

2 Qualifications

2.1 Professional Experience

I serve as Senior Elections Analyst for Real Clear Politics. I joined Real Clear Politics in January of 2009 and assumed a fulltime position in March of 2010. Real Clear Politics is a company of approximately 50 employees, with its main offices in Washington D.C. It produces one of the most heavily trafficked political websites in the world, which serves as a one-stop shop for political analysis from all sides of the political spectrum and is recognized as a pioneer in the field of poll aggregation. Real Clear Politics produces original content, including both data analysis and traditional reporting.

My main responsibilities with Real Clear Politics consist of tracking, analyzing, and writing about elections. I collaborate in rating the competitiveness of Presidential, Senate, House, and gubernatorial races. As a part of carrying out these responsibilities, I have studied and written extensively about demographic trends in the country, exit poll data at the state and federal level, public opinion polling, and voter turnout and voting behavior. In particular, understanding the way that districts are drawn and how geography and demographics interact is crucial to predicting United States House of

Representatives races, so much of my time is dedicated to that task.

I am currently a Visiting Scholar at the American Enterprise Institute, where my publications focus on the demographic and coalitional aspects of American politics. I am also a Lecturer at The Ohio State University. My course load is detailed in my c.v., attached as Exhibit 1.

2.2 Publications and Speaking Engagements

I am the author of the 2012 book, *The Lost Majority: Why the Future of Government Is Up For Grabs and Who Will Take It*. In this book, I explore realignment theory. It argues that realignments are a poor concept that should be abandoned. As part of this analysis, I conducted a thorough analysis of demographic and political trends beginning in the 1920s and continuing through modern times, noting the fluidity and fragility of the coalitions built by the major political parties and their candidates.

I also co-authored the 2014 Almanac of American Politics. The Almanac is considered the foundational text for understanding congressional districts and the representatives of those districts, as well as the dynamics in play behind the elections. My focus was researching the history of and writing descriptions for many of the 2012 districts, including for New York State. This required tracing the history of how and why they were drawn the way that they were drawn. Because the 2014 Almanac covers the 2012 elections, analyzing how redistricting was done was crucial to my work. I have also authored a chapter in Dr. Larry Sabato's post-election compendium after every election dating back to 2012.

I have spoken on these subjects before audiences from across the political spectrum, including at the Heritage Foundation, the American Enterprise Institute, the CATO Institute, the Bipartisan Policy Center, and the Brookings Institution. In 2012, I was invited to Brussels to speak about American elections to the European External Action Service, which is the European Union's diplomatic corps. I was selected by the United States Embassy in Sweden to discuss the 2016 elections before a series of audiences there

and was selected by the United States Embassy in Spain to fulfill a similar mission in 2018. I was invited to present by the United States Embassy in Italy, but was unable to do so because of my teaching schedule.

2.3 Education

I received my Ph.D. in political science at The Ohio State University in 2023. I passed comprehensive examinations in both Methodology and American Politics. My dissertation applied historical and spatial statistical approaches to analyzing American political institutions, including (1) an analysis of Supreme Court voting patterns from 1900 to 1945; (2) methodological development in the use of integrated nested LaPlace approximations (INLA) to incorporate spatial statistics into election analysis; and (3) simulation-based evaluation of “communities of interest” in redistricting. In pursuit of this degree, I also earned a Master’s Degree in Applied Statistics. My coursework for my Ph.D. and M.A.S. included, among other things, classes on G.I.S., spatial statistics, issues in contemporary redistricting, machine learning, non-parametric hypothesis tests and probability theory. I also earned a B.A. from Yale University in History and Political Science in 1995, a Juris Doctor from Duke University in 2001, and a Master’s Degree in Political Science from Duke University in 2001.

In the winter of 2018, I taught American Politics and the Mass Media at Ohio Wesleyan University. I taught Introduction to American Politics at The Ohio State University for three semesters from Fall of 2018 to Fall of 2019, and again in Fall of 2021. In the Spring semesters of 2020, 2021, 2022 and 2023, I taught Political Participation and Voting Behavior at The Ohio State University. This course spent several weeks covering all facets of redistricting: how maps are drawn, debates over what constitutes a fair map, measures of redistricting quality, and similar topics. It also covers the Voting Rights Act and racial gerrymandering claims. I also taught survey methodology in Fall of 2022 and Spring of 2024. In Spring of 2025, I taught Introduction to the Policy Process. In Spring of 2026, I will teach American Government Culture and Behavior.

2.4 Prior Expert Engagements

A full copy of all cases in which I have testified or been deposed is included on my C.V., attached as Exhibit 1. In 2021, I served as one of two special masters appointed by the Supreme Court of Virginia to redraw the districts that will elect the Commonwealth's representatives to the House of Delegates, state Senate, and U.S. Congress in the following decade. The Supreme Court of Virginia accepted those maps, which were praised by observers from across the political spectrum. *See, e.g., New Voting Maps, and a New Day, for Virginia*, The Washington Post (Jan. 2, 2022), available at <https://www.washingtonpost.com/opinions/2022/01/02/virginia-redistricting-voting-maps-gerrymander>; Henry Olsen, *Maryland Shows How to do Redistricting Wrong. Virginia Shows How to Do it Right*, The Washington Post (Dec. 9, 2021), available at <https://www.washingtonpost.com/opinions/2021/12/09/maryland-virginia-redistricting>; Richard Pildes, *Has VA Created a New Model for a Reasonably Non-Partisan Redistricting Process*, Election Law Blog (Dec. 9, 2021), available at <https://electionlawblog.org/?p=126216>.

In 2019, I was appointed as the court's expert by the Supreme Court of Belize. In that case I was asked to identify international standards of democracy as they relate to malapportionment claims, to determine whether Belize's electoral divisions (similar to our congressional districts) conformed with those standards, and to draw alternative maps that would remedy any existing malapportionment.

I served as a Voting Rights Act expert to counsel for the Arizona Independent Redistricting Commission in 2021 and 2022. I have also served as an expert in six cases involving redistricting in North Carolina, including *Williams v. Hall*, No. 1:23-CV-1057 (M.D.N.C. 2023), *Pierce v. N. Carolina State Bd. of Elections*, No. 4:23-CV-193 (E.D.N.C. 2023), *NCLCV v. Hall*, 21-CVS-15426 (Wake Super. Ct. 2021), *Common Cause v. Rucho*, No. 1:16-CV-1026 (M.D.N.C. 2016), *Dickson v. Rucho*, 11-CVS-16896 (Wake Super Ct. 2011), and *Covington v. North Carolina*, No. 1:15-CV-00399 (M.D.N.C. 2015).

3 “Usually” Defeated Analysis

I was asked to re-examine whether minority candidates of choice, as identified by Dr. Palmer, are “usually” defeated, not only in the district in question here, but also in other districts throughout New York City and in the state as a whole. For this analysis, it makes little sense to use the mayoral races that Dr. Palmer utilizes, since many of these districts are not in the City or are only partly so. I also understand that no court has weighed in on the question of what threshold is needed for “usual” defeat under the NYVRA. I don’t weigh in on this question, but simply provide the numbers.¹

3.1 Jurisdiction-Wide Races

To my understanding, one unanswered question in this litigation is the level at which courts are required to assess the ability of the minority candidate of choice to win. We might look at just the individual district. We might take a broader look at the ability of minority candidates of choice to win in a particular area. Or we might look at minority performance overall at whatever level of government is drawing the challenged districts. That is for lawyers to fight about and judges to decide in my view, but I look at results at the various levels.

I start by looking at partisan performance at the jurisdiction-wide level, looking both at New York City as a whole and at New York state. It almost goes without saying that in New York City overall, the minority candidate of choice from District 11 routinely wins. The last registered Republican to win a mayoral election was Michael Bloomberg in 2005. No Republican has been elected Comptroller since 1938, and it does not appear that any Republican has ever been elected NYC Public Advocate. At the citywide level, Democrats carried each statewide election in Dr. Palmer’s dataset. It is clear that Democrats can obviously win citywide elections in New York City; in fact we might debate whether Republicans can do so at all.

If we look at the statewide results in New York—the level at which congressional

¹Given that this is a federal race, with elections held in even years, the federal elections are likely more probative than citywide elections held in odd-numbered years.

districts are drawn—it is likewise clear that the Democratic candidate routinely wins statewide elections. The last Republican to carry New York state in a presidential election was Ronald Reagan in 1984. The last Republican to win a gubernatorial election was George Pataki in 2002. The last Republican to win a Senate election was Al D’Amato in 1992. The last Republican to win an attorney general election was Dennis Vacco in 1994. The last Republican to win a Comptroller election was Edward Regan, who won the office in 1990. At the statewide level, it is Democrats all the way down.

3.2 Individual Congressional Districts

We might also conduct our analysis at the level of individual congressional districts. The following table summarizes the Democratic vote share in various races in the congressional districts across the state.

Figure 1: Results of Elections, by NY Congressional District

District	Gov 18	AG 18	Sen 18	Comp 18	Pres 20	Comp 22	Sen 22	Gov 22	AG 22	Sen 24	Pres 24	# D Wins	% D Wins
1	50.9%	50.7%	53.1%	55.5%	49.1%	46.0%	44.3%	41.9%	42.7%	47.1%	44.9%	4	36.4%
2	52.6%	52.3%	54.6%	56.8%	48.8%	43.2%	41.8%	39.0%	40.1%	45.2%	43.0%	4	36.4%
3	58.9%	57.7%	60.0%	62.2%	55.7%	50.8%	49.8%	45.8%	46.7%	50.1%	47.8%	7	63.6%
4	60.8%	59.6%	61.6%	63.3%	57.3%	51.5%	50.6%	47.1%	48.1%	52.8%	50.6%	9	81.8%
5	88.2%	88.3%	88.3%	88.6%	81.4%	75.5%	76.6%	73.3%	74.8%	74.1%	71.3%	11	100.0%
6	74.7%	74.6%	75.0%	75.2%	64.8%	58.3%	59.8%	53.7%	55.7%	58.1%	53.3%	11	100.0%
7	90.1%	90.5%	90.5%	90.2%	80.5%	77.9%	80.3%	74.0%	77.7%	77.4%	73.6%	11	100.0%
8	86.0%	86.2%	86.1%	86.0%	77.9%	73.9%	74.7%	71.7%	73.3%	75.2%	72.5%	11	100.0%
9	85.9%	86.9%	85.5%	86.2%	76.2%	74.1%	75.1%	68.7%	72.8%	75.2%	70.6%	11	100.0%
10	89.5%	89.5%	90.1%	89.3%	85.7%	82.7%	85.1%	80.6%	82.3%	82.8%	81.0%	11	100.0%
11	54.0%	53.5%	55.4%	55.7%	46.1%	39.4%	40.1%	36.3%	37.4%	41.2%	37.6%	4	36.4%
12	86.2%	84.7%	86.6%	85.3%	86.0%	80.9%	83.5%	80.1%	79.9%	81.9%	82.4%	11	100.0%
13	95.3%	95.3%	95.2%	95.0%	88.8%	86.5%	89.1%	86.4%	87.7%	83.5%	80.1%	11	100.0%
14	86.4%	86.7%	86.7%	86.8%	77.8%	70.6%	73.1%	69.1%	70.7%	70.0%	66.2%	11	100.0%
15	93.1%	93.0%	92.9%	93.1%	85.5%	81.0%	83.5%	80.3%	81.9%	78.1%	74.4%	11	100.0%
16	74.2%	74.5%	75.6%	76.0%	72.5%	65.6%	66.2%	63.3%	64.0%	68.6%	66.6%	11	100.0%
17	55.6%	58.4%	60.0%	61.8%	55.1%	52.4%	52.3%	48.3%	50.4%	55.1%	50.3%	10	90.9%
18	49.8%	55.8%	59.3%	59.3%	54.6%	53.3%	52.2%	49.1%	51.0%	56.9%	51.7%	9	81.8%
19	46.8%	52.6%	57.6%	59.1%	52.3%	52.2%	50.3%	46.5%	48.5%	54.4%	50.9%	8	72.7%
20	49.4%	57.0%	62.1%	66.7%	59.8%	60.4%	56.6%	52.9%	54.8%	60.1%	57.2%	10	90.9%
21	35.0%	42.2%	50.9%	52.4%	42.0%	43.1%	40.0%	34.4%	37.6%	44.3%	39.6%	2	18.2%
22	49.5%	54.4%	59.5%	62.5%	55.8%	54.3%	54.1%	48.9%	50.1%	56.2%	53.8%	9	81.8%
23	36.4%	37.5%	46.8%	48.4%	40.7%	40.3%	38.9%	35.5%	36.4%	41.9%	39.4%	0	0.0%
24	33.1%	37.7%	45.5%	47.0%	39.6%	38.1%	37.2%	32.7%	34.1%	41.0%	38.4%	0	0.0%
25	54.3%	57.0%	62.2%	63.2%	60.5%	57.4%	57.0%	53.8%	54.0%	60.0%	59.3%	11	100.0%
26	59.8%	58.5%	66.9%	69.0%	62.8%	62.1%	61.6%	58.4%	58.8%	62.6%	59.8%	11	100.0%

3.2.1 Statewide Results in District 11

We can start with District 11 and build outward from there. I understand that the question “usually wins” is contested in this litigation. I do not take a position on the ultimate question of how broadly or narrowly that should be defined. The minority candidate of choice, however, is capable of winning elections in District 11. They have won four of eleven elections in this dataset. Joe Biden carried 46% of the vote in 2020.

3.2.2 Statewide Results in Congressional Elections in New York City

The minority candidate of choice routinely wins elections in congressional districts across New York City.

In the chart above, Districts 5–15 are wholly within New York City limits, while Districts 3 and 16 are partly within New York City. In every district wholly within New York City outside of District 11, Democrats have never lost a statewide election.

Start with districts based in Queens. In District 5, Democratic performance has ranged from a low of 71% in the 2024 presidential election to a high of 89% in the 2018 New York Comptroller election. In District 6, Democratic performance has ranged between 53% in the 2024 presidential election and 75% in the 2018 races for Senate, Governor, Attorney General, and Comptroller.

Moving to Brooklyn, District 7 straddles the Queens/Brooklyn County boundary. Democratic performance ranges between 74% (President 2024) and 91% (Attorney General and Senate 2018). In District 8, the range is 72% (Governor 2022) to 86% (the four 2018 elections). In District 9, the range is from 69% (Governor 2022) to 87% (Attorney General 2018).

In Manhattan-based districts, Democratic performance ranges between 81% (Governor 2022 and President 2024) and 90% (Senate, Governor, and Attorney General 2018) in District 10. In District 12, the range is 80% (Attorney General and Governor 2022) and 87% (Senate 2018). In District 13, the range is 80% (President 2024) and 95% (the four 2018 elections).

Finishing up in the Bronx, District 14 ranges from 66% (President 2024) to 87% (Comptroller, Senate, and Attorney General 2018). In District 15, the range is 74% (President 2024) to 93% (the four 2018 elections).

If we add in the two districts partially within New York City, we see that the range in District 16—primarily in Westchester—is from 63% (Governor 2022) to 76% (Comptroller and Senate 2018). In District 3—primarily based in Nassau County—the range is from 46% (Governor 2022) to 62% (Comptroller 2018).

In short, Democrats have won every statewide election in almost every one of these districts. The only exceptions are District 3, where they have won nearly two-thirds of recent races, and District 11, where they have won a third of recent races. That means that of the eleven districts wholly within New York City limits, ten have always elected the minority candidate of choice. Not only that, they have typically done so by wide margins. The only district where a Democratic candidate has ever dropped below 60% in these elections is NY-6.

As we would expect, all of the districts wholly or partially within New York City, with the exception of the 11th, elect Democrats to Congress. This represents 92% of the delegation. Of those Members of Congress, 66% are minorities. And 80% of the Democrats elected from wholly within the City identify as minorities. One is Asian (Meng), three are Hispanic (Velázquez, Espaillat, and Ocasio-Cortez), and three are Black (Meeks, Jeffries, and Clarke). One identifies as both Black and Hispanic (Torres). Four are White (Suoizzi, Goldman, Nadler, Latimer); Latimer and Suozzi represent districts that are primarily located outside of the City.

3.2.3 Statewide Results in Congressional Elections in New York State

If the relevant jurisdiction is the New York congressional delegation, little changes in our analysis. Recall first that New York’s congressional delegation statewide currently includes only seven Republicans, comprising 27% of the total delegation. These Republicans are located in Districts 1, 2, 11, 17, 21, 23, and 24. Democrats thus constitute 73% of the New York congressional delegation.

The NYVRA's standards can collapse upon themselves without guardrails — 9

The only districts where statewide Democratic candidates have never won in this set of recent elections are Districts 23 and 24, in upstate New York. Democrats have won twice in District 21, also upstate. The rest of the delegation is more complex. Democrats have won four elections in Districts 1 and 2 on Long Island. Democrats have won a majority of the statewide elections in the remaining districts throughout the state: nine elections in District 4, ten elections in District 17, nine elections in District 18, eight elections in District 19, and nine elections in District 22. Thus, Democratic statewide candidates have won an outright majority of the statewide races in Dr. Palmer's selections in all but six of the 26 districts (77%). While District 17 is a difficult district for Republicans, they nevertheless presently hold the congressional seat.

Note that in the state of New York, persons of color make up 34.1% of the voting age population, while in the New York City districts persons of color comprise 58.2% of the voting age population. In other words, the share of the New York congressional delegation that consists of the minority candidate of choice is well in excess of proportionality in the State.

4 The NYVRA's standards can collapse upon themselves without guardrails

The NYVRA (which Petitioners assert in this litigation is incorporated for congressional maps via the New York Constitution), to my understanding, can be triggered upon a showing that the minority candidate of choice would “usually be defeated” and that either (a) racially polarized voting exists or (b) the totality of the circumstances demonstrates that the protected class member suffers from an impaired ability to influence the outcomes of elections. The statute does not seem to define what the measuring jurisdiction should be—if it is a particular district, the city or region where the district is located, or the jurisdiction that enacted the map, and the statute does not define the threshold for what “usually defeated” means.

The NYVRA's standards can collapse upon themselves without guardrails — 10

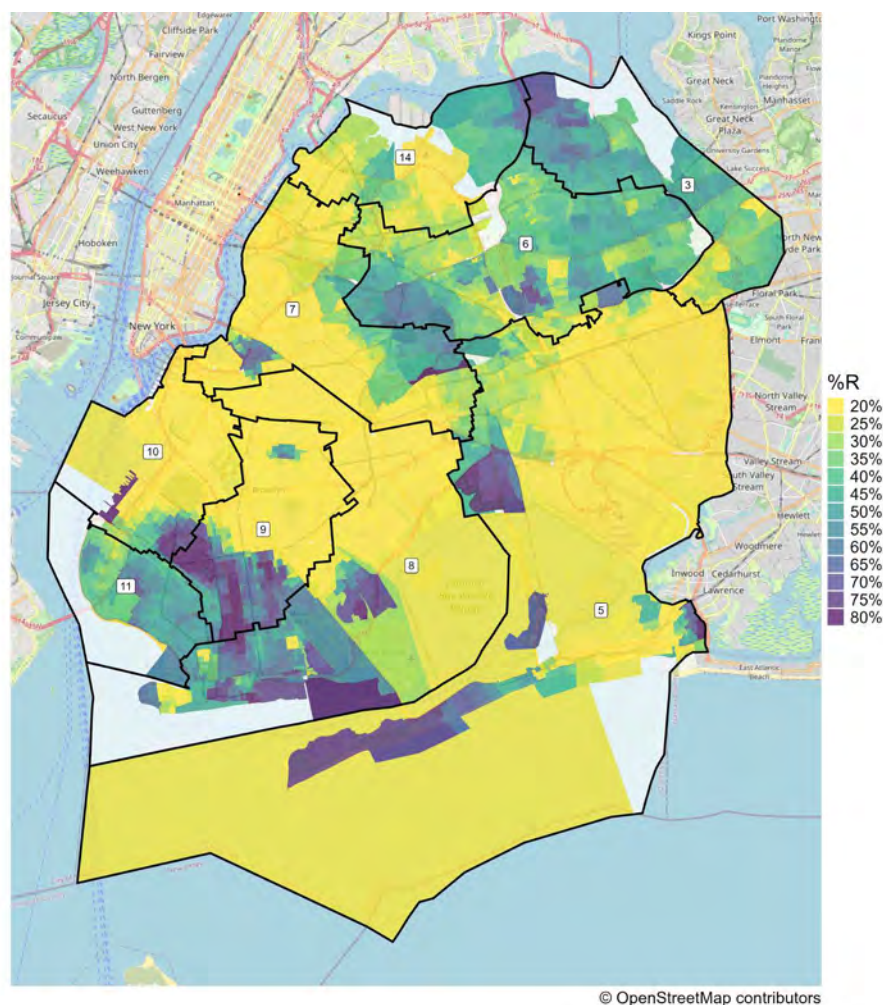
Conducting the analysis only on the basis of the district in question—especially without a stringent requirement that the racial group's candidate of choice be “usually defeated”—can collapse the NYVRA standards upon themselves, as can be shown by looking at some hypotheticals below.

If the NYVRA protects White voters, as New York courts have so far held, see *Clarke v. Town of Newburgh*, 237 A.D.3d 14, 33 (2d Dep't 2025), then it would appear that White voters would have viable claims all over New York's congressional map. And changing districts so that minority-favored candidates of choice win more would then mean the same district would need to be changed back so that White voters' candidates of choice are not usually defeated. White voters are not a majority of the population, however measured, in New York City, in the New York portion of the New York City Metropolitan Division, or in the New York portion of the New York–Newark–Jersey City, NY–NJ Metropolitan Statistical Area. Nor are Whites a majority in the New York portion of the New York–Newark, NY–NJ–CT–PA Combined Statistical Area. Yet one can see that the Illustrative Map is drawn such that they would not usually elect their candidate of choice in any district in the city under any definition (since Democrats win every election in every district under the Illustrative Map), and would arguably do so in just two districts in the area (a third, District 17, most recently elected a Republican to Congress but frequently votes for Democrats statewide as shown above).

This is not a purely hypothetical concern. It is my understanding that a separate expert report demonstrates racially polarized voting in the area covered by district 5, 8 and 9. If we look at a heatmap of voting in Brooklyn and Queens, there is, in fact, a large cluster of Republican precincts contained within these heavily Democratic districts. Whites are a minority in each of these precincts, constituting 16.7% of the citizen voting age population in 5, 30.7% in 8 and 33.6% in 9.

The NYVRA's standards can collapse upon themselves without guardrails — 11

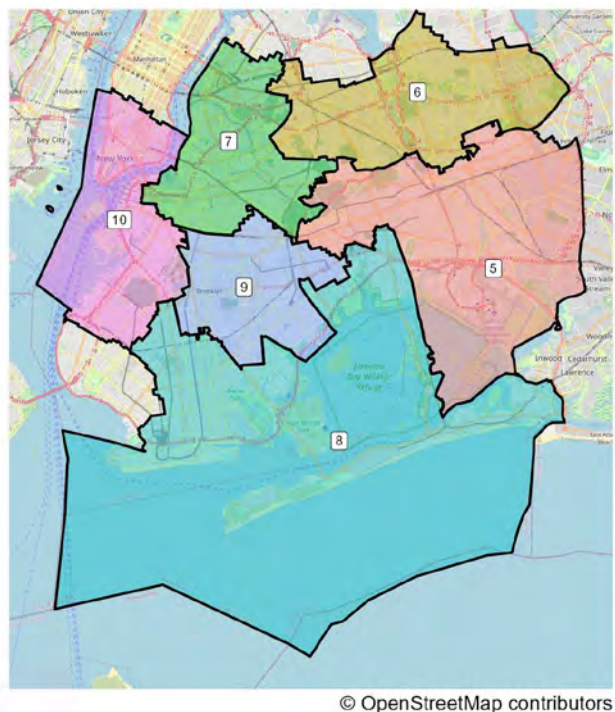
Figure 2: R voting percentage by precinct using index of statewide elections, NYC



The maps also have several problems that Mr. Cooper discussed. For example, the southeastern “bulge” in District 7 cuts across multiple neighborhoods, including Forest Park, Woodhaven and Ozone Park. Suppose that White voters in these districts sue—for simplicity’s sake we will exclude the possibility that White voters in Cooper’s reconfigured District 10 might join the suit. Now, consider the following reconfiguration:

The NYVRA's standards can collapse upon themselves without guardrails — 12

Figure 3: Potential reconfiguration of Districts 5, 7, 8 and 9, with Republican-performing district



It's not perfect—it's meant to be conceptual and not a demonstration map for actual litigation—but it actually makes the districts here more compact on balance than those in the Cooper Maps for these districts. It also creates a District 8 where Republican candidates win more often than not. They have also won every statewide election since 2020. It would seem to satisfy all of the requirements of the NYVRA, at least under a very permissive construction.

The NYVRA's standards can collapse upon themselves without guardrails — 13

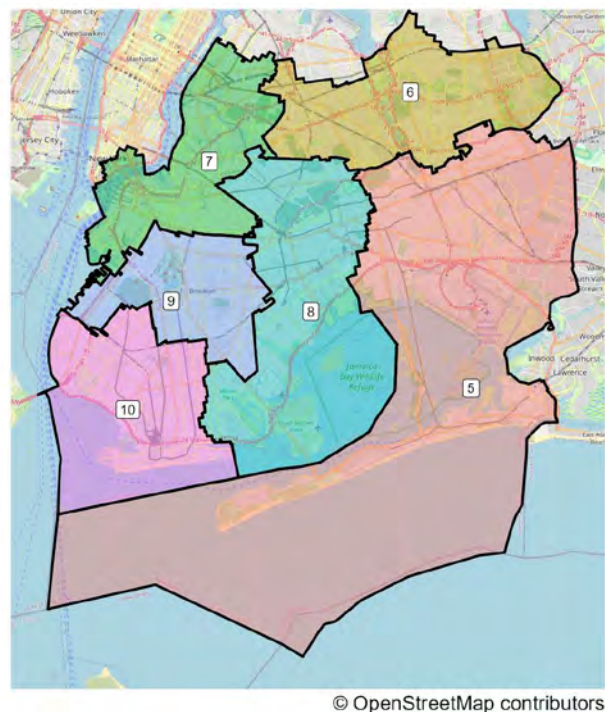
Table 1: Reock and Polsby-Popper Scores, Various Maps

Measure	Reock	Reock	Reock	Reock	PP	PP	PP	PP
District	Ill. 1	Ill. 2	Enacted	Cooper	Ill. 1	Ill. 2	Enacted	Cooper
5	0.4849	0.2758	0.2758	0.2758	0.2685	0.273	0.273	0.2511
7	0.4903	0.3345	0.3701	0.3701	0.2477	0.1539	0.2548	0.2548
8	0.3965	0.5554	0.3315	0.3315	0.307	0.2982	0.2338	0.2338
9	0.5021	0.3583	0.5585	0.5585	0.2822	0.2269	0.3754	0.3754
10	0.56	0.5403	0.56	0.3913	0.3643	0.4349	0.3643	0.1929
Average	0.48676	0.41286	0.41918	0.38544	0.29394	0.27738	0.30026	0.2616

Or, assume that plaintiffs were to win their claim now. Conservative white residents of newly created District 10 are not content with their new district. They can offer an even stronger map, changing only districts 7, 8, 9 and 10:

The NYVRA's standards can collapse upon themselves without guardrails — 14

Figure 4: Potential reconfiguration of Districts 7, 8, 9, and 10 with Republican-performing district



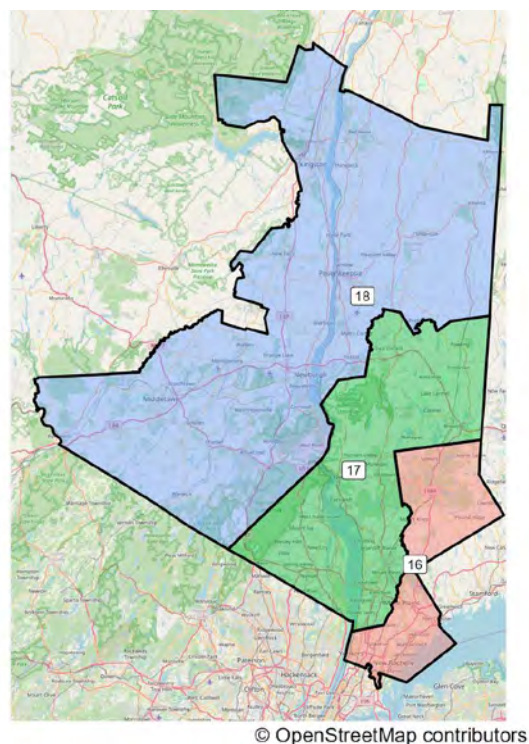
Here, the compactness scores are again in excess of those in Mr. Cooper's map. Republicans have again won every election in the newly configured District 10 since 2022; in 2024, Kamala Harris performed better in Alabama than she did in this district.

But of course, now the minorities in District 8 in the first version, or District 10 in the second, would have a claim. They can demonstrate that the preceding map gave them four districts that would elect their candidate of choice. There is still racially polarized voting in District 8. They would therefore win their claim.

Or consider districts 16 and 17. They could be reconfigured as follows:

The NYVRA's standards can collapse upon themselves without guardrails — 15

Figure 5: Potential reconfiguration of Districts 16 and 17 with Republican-performing district



These are not terribly compact, but neither is Mr. Cooper's version of District 11. In this version, Democrats would have won the district in every statewide election in our dataset with the exception of the 2022 New York gubernatorial race (where they received 49.6% of the two-party vote). But then conservative Whites would have been shut out of every district in the northern suburbs and exurbs of New York City. If they can establish racially polarized voting, they would be able to countersue.

Redistricting is always a zero-sum game. Moves that benefit one side hurt another side. Unless one measures "usually defeated" on a jurisdiction-wide basis and with a stringent threshold of "usually defeated"—or builds in constraints such as those found under Section 2 of the VRA—one gets caught in the types of endless loops we find here.

5 Mr. Cooper's Maps

Next, I was asked to examine Mr. Cooper's maps to determine whether they are compact or historically grounded. Compactness is a tricky determination, as there are no widely agreed-upon measures for when a district becomes "compact" or when districts are "similarly" compact. However, Mr. Cooper employs a conceptualization of compactness that has, to my knowledge, never been used before.

Mr. Cooper acknowledges that the Illustrative Map decreases the compactness in districts 10 and 11. We can see this more clearly if we place the Polsby-Popper and Reock scores for both maps side-by-side. Here I am using his measures as reported in his report; note that different shapefiles and different projections can yield different scores.

Table 2: Comparison of Reock and Polsby-Popper Scores, Cooper and Enacted Maps.

District	Reock – Enacted	Reock – Illus.	PP – Enacted	PP – Illus.
10	0.43	0.3	0.35	0.2
11	0.52	0.18	0.57	0.27

Mr. Cooper attempts to justify this in two ways. He initially claims that these districts are within range for New York and nationally. There are two problems with this. First, compactness scores are often constrained by geographic features and state boundaries. For example, Maryland will almost always have a district with a low Reock score, because the panhandle of that state forces it. Likewise, things like river boundaries or coastlines with irregular edges can cause Polsby-Popper scores to fall. Here, Long Island will result in New York having at least one district with a poor Reock score (the Suffolk County-based district). Upstate New York features a few mid-sized metropolitan areas capable of almost supporting a district on their own, surrounded by lightly populated rural areas; failure to split those metropolitan areas will leave the resulting districts dis-

torted. Here, there is no doubt that more compact districts can be drawn, as we see in the Enacted Map. Mr. Cooper is simply sacrificing compactness—in the case of District 11 by cutting the Polsby-Popper score in half and the Reock Score by two thirds—to achieve his other goals.

The second problem with his argument is that his own data from Table G demonstrate that the 11th district would actually have the worst Reock score in the entire state and would be well below average. In the Enacted Map, District 10 is the 4th-most compact district on Reock, while District 11 is the 9th; in the Illustrative Map they fall to the 20th-most compact and least compact, respectively. In the Enacted Map, District 11 is the 3rd-most compact district, while District 10 is the 12th-most compact; both have above-average compactness scores. He transforms them to the 19th- and 24th-most compact districts, respectively.

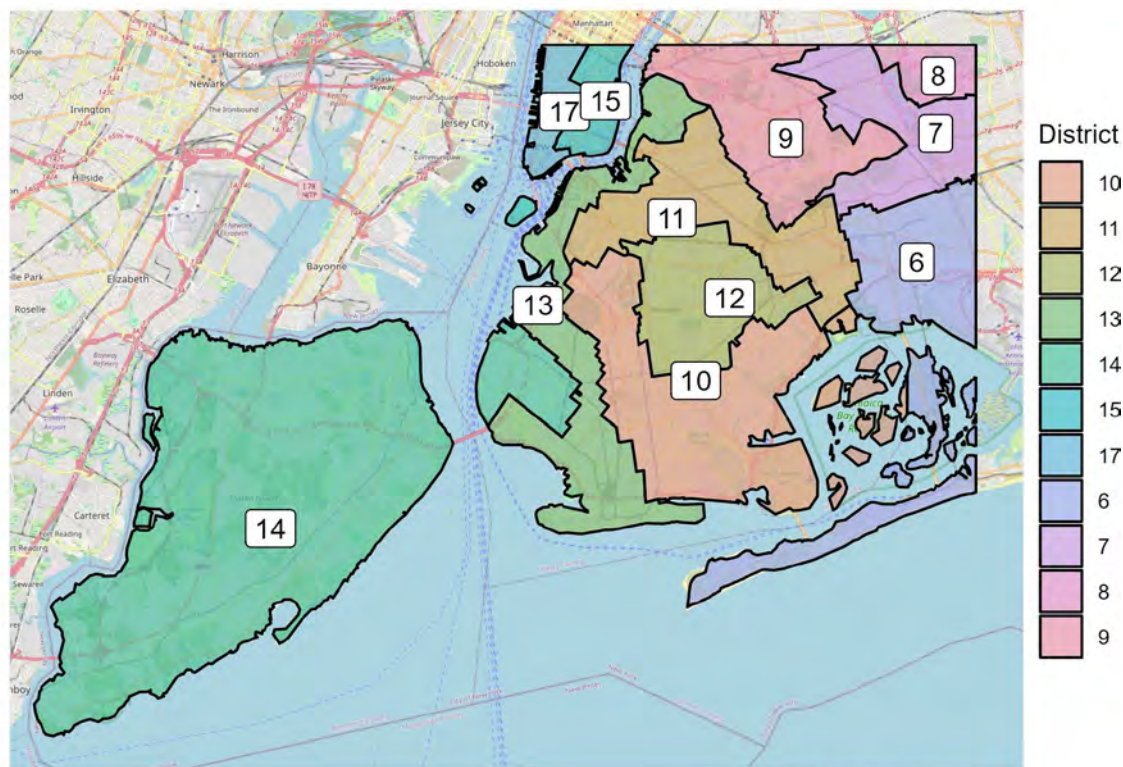
Mr. Cooper's other response is that, when you remove the intervening waterways and look at the land areas of District 11, the parts of the district are quite compact. First, this overlooks the fact that both districts are made less compact, not just District 11. Second, I have never heard of a district's compactness being judged by breaking it up into pieces and examining the pieces. New York has long had districts that have crossed New York Bay, the East River, or even (in one famous example) passed along the northern edge of Long Island in non-contiguous chunks. This would likely be precedent-setting. One can imagine, for example, a district traversing Puget Sound, giving rise to a terrible Reock Score that is forgiven because the intervening water is ignored (Puget Sound is traversed by a multitude of ferry routes). The district that lumped together portions of metro Buffalo and Rochester in the 2000s could be forgiven if it hadn't included a land bridge between the district portions and had simply skipped along Lake Erie. Or one might imagine a district that hops along Long Island Sound and displays a good Reock Score because the land areas are calculated separately from one another. Ferries from lower Manhattan depart not only to Staten Island, but also to Rockaway Beach, Soundview, and Astoria. This is either a contiguous district or it isn't, and it should be

judged as such.

Finally, Mr. Cooper overstates his case when he suggests that there is ample precedent for connecting Staten Island with Manhattan. In terms of Congressional maps, he points only to a single congressional map, drawn in the first Nixon Administration. This map was drawn just seven years after the opening of the Verrazano Narrows bridge. Before that, travel to Brooklyn and to Manhattan both required ferry rides; direct travel by car to other places in New York required a drive through New Jersey. One imagines the connection to Brooklyn is much less tenuous 55 years later. More importantly, the following maps illustrate every New York congressional map since. As you can see, Staten Island has always been connected to Brooklyn, much as it is in the current map. Even the initial 2021 map, which was struck down as a partisan gerrymander, failed to link Staten Island with lower Manhattan.²

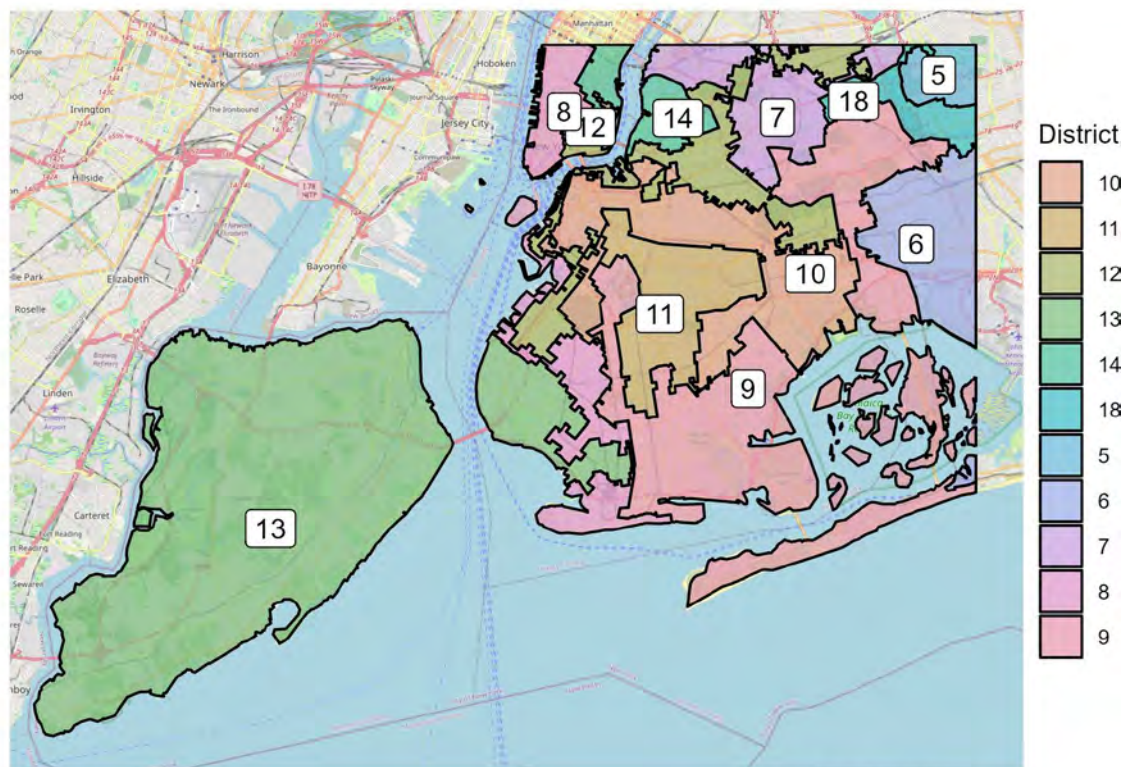
²The shapefiles for the following maps are taken from Jeffrey B. Lewis, Brandon DeVine, Lincoln Pitcher, and Kenneth C. Martis. (2013) Digital Boundary Definitions of United States Congressional Districts, 1789-2012. Retrieved from <https://cdmaps.polisci.ucla.edu> on July 11, 2022.

Figure 6: Enacted Congressional Districts, 98th Congress (1982)



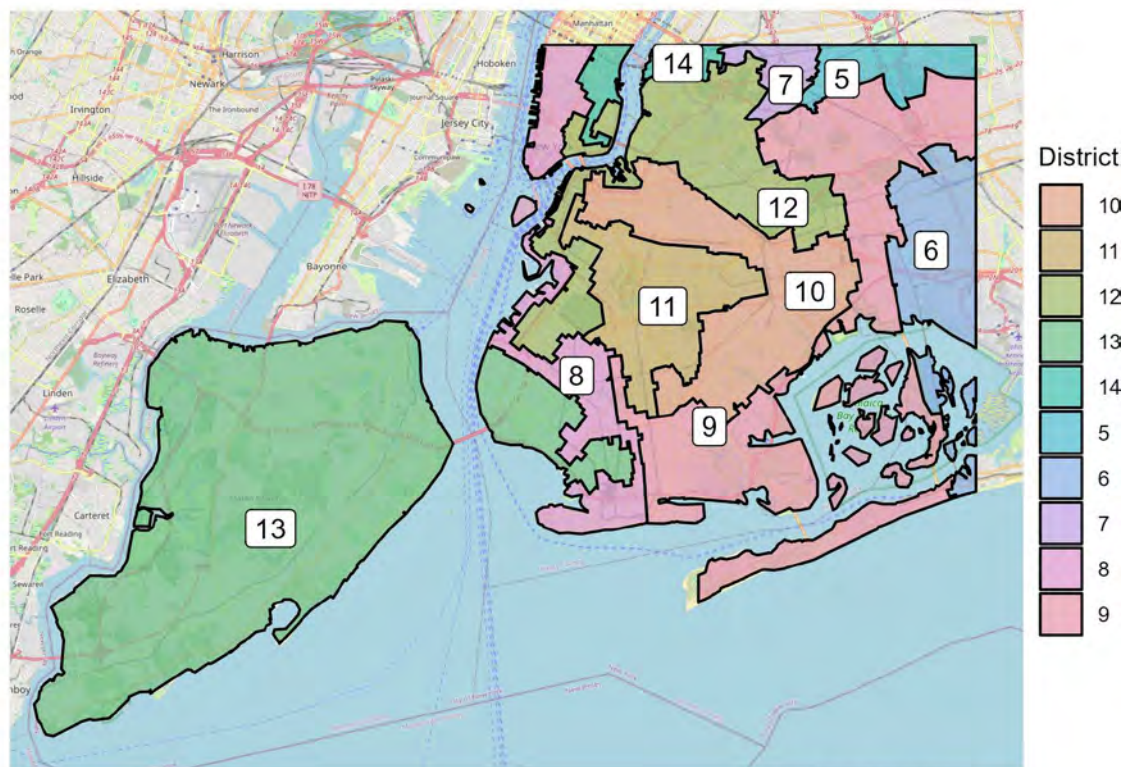
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Figure 7: Enacted Congressional Districts, 103rd Congress (1992)



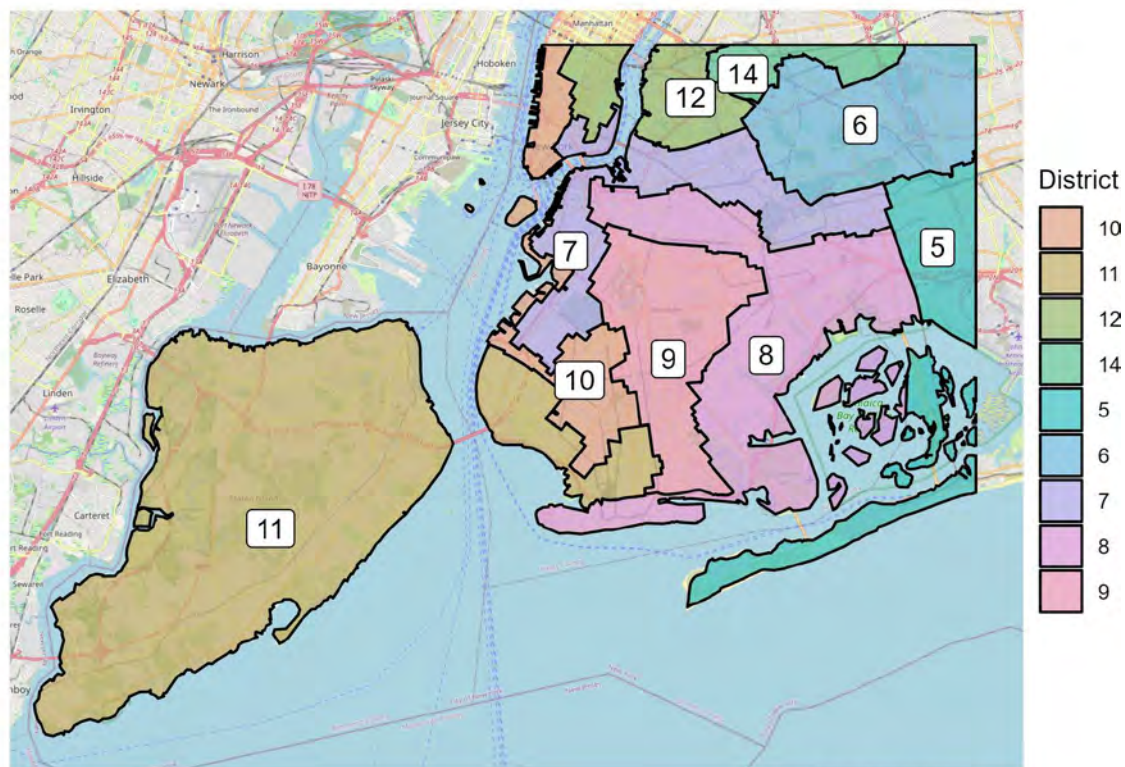
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Figure 8: Enacted Congressional Districts, 108th Congress (2002)



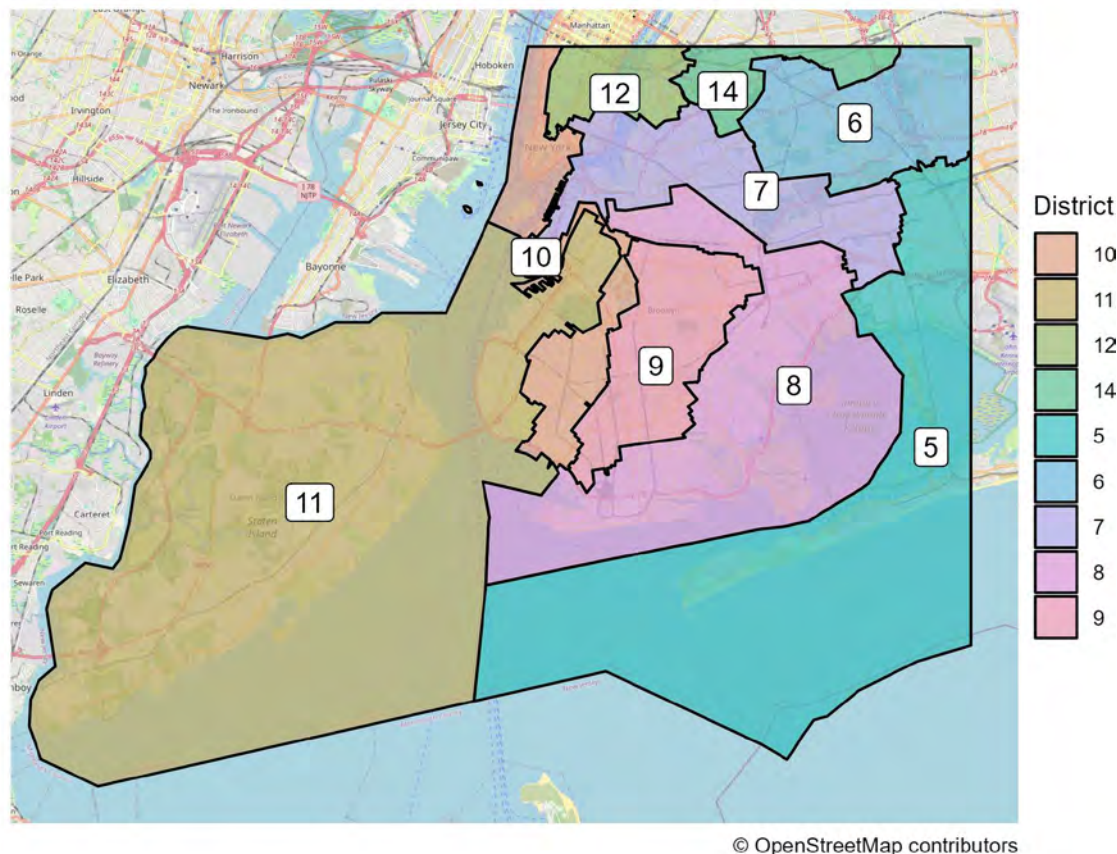
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Figure 9: Enacted Congressional Districts, 113th Congress (2012)



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Figure 10: Enacted Congressional Districts, 118th Congress (Never Employed) (2022)



Finally, that Staten Island and Lower Manhattan were combined in 1972 does not mean that the connection did not raise eyebrows. The *Almanac of American Politics*, a standard reference work relied upon in peer-reviewed literature, wrote that “the conservative homeowners of Staten Island find themselves in the same congressional seat with elderly Jewish people living in housing projects, and well-to-do Greenwich Village liberals. The Manhattan portion of the 17th also contains many other groups, but these

do not cast enough votes to assume any significance.” Michael Barone, Grant Ujifusa, and Douglas Matthews, *Almanac of American Politics 1974* 688 (1973). It goes on to describe the “incongruous linking” between the two portions of the district.

This leaves only the Assembly district map, which was drawn by the same legislature that drew the maps struck down in the *Harkenrider* litigation. It carves Staten Island up into four districts, only two of which are wholly located on the island. The map already employs the Verrazzano Narrows bridge as a traversal into Brooklyn for the 64th District; the ferry is employed only as a secondary route. In other words, even in this map, the map makers linked Staten Island with Brooklyn first.

6 Conclusion

The outcome of the analysis of “usually” defeated can vary based upon the jurisdiction looked at, as well as the threshold employed. This is important, because with too ‘loose’ of guardrails, the NYVRA’s standards can collapse upon themselves and give rise to endless litigation loops. Moreover, Mr. Cooper’s maps depart from traditional redistricting criteria in several respects.

I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and correct to the best of my knowledge and belief. Executed on December 8th, 2025 in Delaware, Ohio.

Sean P Trende

Sean P. Trende

7 Exhibit 1 – Sean Trende C.V.

SEAN P. TRENDE

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EDUCATION

Ph.D., The Ohio State University, Political Science, 2023. Dissertation titled *Application of Spatial Analysis to Contemporary Problems in Political Science*, September 2023.

M.A.S. (Master of Applied Statistics), The Ohio State University, 2019.

J.D., Duke University School of Law, *cum laude*, 2001; Duke Law Journal, Research Editor.

M.A., Duke University, *cum laude*, Political Science, 2001. Thesis titled *The Making of an Ideological Court: Application of Non-parametric Scaling Techniques to Explain Supreme Court Voting Patterns from 1900-1941*, June 2001.

B.A., Yale University, with distinction, History and Political Science, 1995.

PROFESSIONAL EXPERIENCE

Law Clerk, Hon. Deanell R. Tacha, U.S. Court of Appeals for the Tenth Circuit, 2001-02.

Associate, Kirkland & Ellis, LLP, Washington, DC, 2002-05.

Associate, Hunton & Williams, LLP, Richmond, Virginia, 2005-09.

Associate, David, Kamp & Frank, P.C., Newport News, Virginia, 2009-10.

Senior Elections Analyst, RealClearPolitics, 2010-present.

Columnist, Center for Politics Crystal Ball, 2014-17.

Visiting Scholar, American Enterprise Institute, 2018-present.

BOOKS AND BOOK CHAPTERS

Larry J. Sabato, ed., *The Red Ripple*, Ch. 15 (2023).

Larry J. Sabato, ed., *A Return to Normalcy?: The 2020 Election that (Almost) Broke America* Ch. 13 (2021).

Larry J. Sabato, ed., *The Blue Wave*, Ch. 14 (2019).

Larry J. Sabato, ed., *Trumped: The 2016 Election that Broke all the Rules* (2017).

Larry J. Sabato, ed., *The Surge: 2014's Big GOP Win and What It Means for the Next Presidential Election*, Ch. 12 (2015).

Larry J. Sabato, ed., *Barack Obama and the New America*, Ch. 12 (2013).

Barone, Kraushaar, McCutcheon & Trende, *The Almanac of American Politics* 2014 (2013).

The Lost Majority: Why the Future of Government is up for Grabs – And Who Will Take It (2012).

PREVIOUS EXPERT TESTIMONY AND/OR DEPOSITIONS

Dickson v. Rucho, No. 11-CVS-16896 (N.C. Super. Ct., Wake County) (racial gerrymandering).

Covington v. North Carolina, No. 1:15-CV-00399 (M.D.N.C.) (racial gerrymandering).

NAACP v. McCrory, No. 1:13CV658 (M.D.N.C.) (early voting).

NAACP v. Husted, No. 2:14-cv-404 (S.D. Ohio) (early voting).

Ohio Democratic Party v. Husted, Case 15-cv-01802 (S.D. Ohio) (early voting).

Lee v. Virginia Bd. of Elections, No. 3:15-cv-357 (E.D. Va.) (early voting).

Feldman v. Arizona, No. CV-16-1065-PHX-DLR (D. Ariz.) (absentee voting).

A. Philip Randolph Institute v. Smith, No. 1:18-cv-00357-TSB (S.D. Ohio) (political gerrymandering).

Whitford v. Nichol, No. 15-cv-421-bbc (W.D. Wisc.) (political gerrymandering).

Common Cause v. Rucho, No. 1:16-CV-1026-WO-JEP (M.D.N.C.) (political gerrymandering).

Mecinas v. Hobbs, No. CV-19-05547-PHX-DJH (D. Ariz.) (ballot order effect).

Fair Fight Action v. Raffensperger, No. 1:18-cv-05391-SCJ (N.D. Ga.) (statistical analysis).

Pascua Yaqui Tribe v. Rodriguez, No. 4:20-CV-00432-TUC-JAS (D. Ariz.) (early voting).

Ohio Organizing Collaborative, et al v. Ohio Redistricting Commission, et al, No. 2021-1210 (Ohio) (political gerrymandering).

NCLCV v. Hall, No. 21-CVS-15426 (N.C. Sup. Ct.) (political gerrymandering).

Szeliga v. Lamone, Case No. C-02-CV-21-001816 (Md. Cir. Ct.) (political gerrymandering).

In the Matter of 2022 Legislative Districting of the State, Misc. No. 25 (Md. Ct. App.) (political gerrymandering)

Montana Democratic Party v. Jacobsen, DV-56-2021-451 (Mont. Dist. Ct.) (early voting; ballot collection).

Carter v. Chapman, No. 464 M.D. 2021 (Pa.) (map drawing; amicus).

NAACP v. McMaster, No. 3:21-cv-03302 (D.S.C.) (racial gerrymandering).

Alexander v. NAACP, Case No. 3:21-cv-03302-MBS-TJH-RMG (D.S.C.) (racial gerrymandering).

Graham v. Adams, No. 22-CI-00047 (Ky. Cir. Ct.) (political gerrymandering).

Harkenrider v. Hochul, No. E2022-0116CV (N.Y. Sup. Ct.) (political gerrymandering).

LULAC v. Abbott, Case No. 3:21-cv-00259 (W.D. Tex.) (racial/political gerrymandering/VRA).

Moore et al., v. Lee, et al., (Tenn. 20th Dist.) (state constitutional compliance).

Milligan v. Allen, Case No. 2:21-cv-01530-AMM (N.D. Ala.) (VRA).

Nairne v. Ardoin, NO. 22-178-SDD-SDJ (M.D. La.) (VRA).

Robinson v. Ardoin, NO. 22-211-SDD-SDJ (M.D. La.) (VRA).

Republican Party v. Oliver, No. D-506-CV-2022-00041 (N.M. Cir. Ct. (Lea County)) (political gerrymandering).

Palmer v. Hobbs, Case No. 3:22-CV-5035-RSL (W.D. Wash) (VRA; remedial phase only).

Clarke v. Evers, No. 2023AP001399-OA (Wisc.) (Political gerrymandering; remedial phase only).

Stone v. Allen, No. 2:21-cv-1531-AMM (N.D. Ala.) (VRA).

Milligan v. Allen, No. 2:21-cv-01530-AMM (S.D. Ala.) (VRA).

Agee et al. v. Benson, et al., (W.D. Mich.) (racial gerrymandering/VRA).

Faatz, et al. v. Ashcroft, et al., (Cir. Ct. Mo.) (state constitutional compliance).

Coca, et al. v. City of Dodge City, et al., Case No. 6:22-cv-01274-EFM-RES (D. Kan.) (VRA).

Pierce v. NC State Board of Elections, Case No. 4:23-cv-193 (E.D.N.C.) (VRA).

Williams v. Hall, Civil Action No. 23 CV 1057 (M.D.N.C.) (VRA, Racial Gerrymandering).

Hodges v. Passidomo, Case No. 8:24-cv-879-CEH-TPB-ALB (M.D. Fla.) (Racial Gerrymandering).

Cubanos Pa’Lante v. Florida House of Representatives, Case No. 24-cv-21983-JB (S.D. Fla.) (Racial Gerrymandering).

Coads v. Nassau County, Index No. 611872/2023 (N.Y. Sup. Ct., Nassau County) (political gerrymandering, racial gerrymandering, NYVRA).

Harris v. DeSoto County, Civil No. 3:24-CV-00289-GHD-RP (N.D. Miss.) (VRA).

League of Women Voters v. Utah State Legislature, Case No. 22090712 (Utah Dist. Ct.) (Partisan Gerrymandering).

COURT APPOINTMENTS

Appointed as Voting Rights Act expert by Arizona Independent Redistricting Commission (2020)

Appointed Special Master by the Supreme Court of Virginia to redraw maps for the Virginia House of Delegates, the Senate of Virginia, and for Virginia’s delegation to the United States Congress for the 2022 election cycle.

Appointed redistricting expert by the Supreme Court of Belize in *Smith v. Perrera*, No. 55 of 2019 (one-person-one-vote).

INTERNATIONAL PRESENTATIONS AND EXPERIENCE

Panel Discussion, European External Action Service, Brussels, Belgium, Likely Outcomes of 2012 American Elections.

Selected by U.S. Embassies in Sweden, Spain, and Italy to discuss 2016 and 2018 elections to think tanks and universities in area (declined Italy due to teaching responsibilities).

Selected by EEAS to discuss 2018 elections in private session with European Ambassadors.

TEACHING

Introduction to the Policy Process, Spring 2025.

American Democracy and Mass Media, Ohio Wesleyan University, Spring 2018.

Introduction to American Politics, The Ohio State University, Autumns 2018, 2019, 2020, Spring 2018.

Political Participation and Voting Behavior, Springs 2020, 2021, 2022, 2023.

Survey Methodology, Fall 2022, Spring 2024.

PUBLICATIONS

James G. Gimpel, Andrew Reeves, & Sean Trende, “Reconsidering Bellwether Locations in U.S. Presidential Elections,” Pres. Stud. Q. (2022) (forthcoming, available online at <http://doi.org/10.1111/psq.12793>).

REAL CLEAR POLITICS COLUMNS

Full archives available at http://www.realclearpolitics.com/authors/sean_trende/

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
Michal Williams; José Ramirez-Garofalo; Aixa Torres; and
Melissa Carty.

Petitioners.

-against-

Board of Elections of the State of New York; Kristen Zebrowski Stavisky, in her official capacity as Co-Executive Director of the Board of Elections of the State of New York; Raymond J. Riley, III, in his official capacity as Co-Executive Director of the Board of Elections of the State of New York; Peter S. Kosinski, in his official capacity as Co-Chair and Commissioner of the Board of Elections of the State of New York; Henry T. Berger, in his official capacity as Co-Chair and Commissioner of the Board of Elections of the State of New York; Anthony J. Casale, in his official capacity as Commissioner of the Board of Elections of the State of New York; Essma Bagnuola, in her official capacity as Commissioner of the Board of Elections of the State of New York; Kathy Hochul, in her official capacity as Governor of New York; Andrea Stewart-Cousins, in her official capacity as Senate Majority Leader and President *Pro Tempore* of the New York State Senate; Carl E. Heastie, in his official capacity as Speaker of the New York State Assembly; and Letitia James, in her official capacity as Attorney General of New York.

Respondents.

-and-

Nicole Malliotakis; Edward L. Lai; Joel Medina; Solomon B. Reeves; Angela Sisto, and Faith Togba.

Intervenors-Respondents.

-----X

VERIFICATION

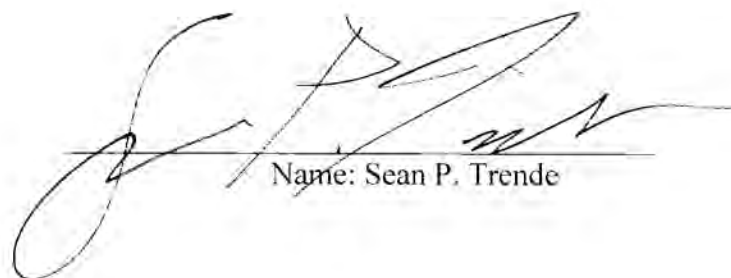
Index No. 164002/2025

Hon. Jeffrey H. Pearlman

Motion Seq.

Sean P. Trende, being duly sworn, deposes and says:

1. I am over 18 years of age and am not a party to this case.
2. I swear under penalty of perjury to the faithfulness of the opinions expressed in the foregoing Response to Petitioners' Expert Report of William S. Cooper, and to the best of my knowledge, to the truth and accuracy of the factual statements made therein.
3. If asked to testify on these matters, I could and would testify under oath to their contents, under penalty of perjury.
4. I affirm this 8th day of December 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



Name: Sean P. Trende