

Exhibit 20

Baodong Liu , Ph.D.
The South Carolina State Confvs.McMaster/Alexander

August 4, 2022

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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

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

Plaintiffs,

vs. CASE NO. 3:21-cv-03302-MBS
TJH-RMG

THOMAS C. ALEXANDER, et al.,
Defendants.

CONGRESSIONAL PLAN LITIGATION

VTC

DEPOSITION OF: BAODONG LIU, PH.D.
(Appearing by VTC)

DATE: August 4, 2022

TIME: 12:21 p.m.

LOCATION: 4231 South 2700 East
Salt Lake City, UT

TAKEN BY: Counsel for the Defendants

REPORTED BY: Susan M. Valsecchi, CRR
Registered Professional Reporter
(Appearing by VTC)

1 report and ask you a few questions about it.

2 Probably more than a few.

3 A. Sure.

4 Q. Moving forward to Page 6 of your
5 report.

6 A. Okay. Page 6, right?

7 Q. Yes, sir, for now.

8 A. Okay.

9 Q. Now, you conducted an RPV analysis of
10 three sets of elections; is that correct?

11 A. Could you repeat that question, please.

12 Q. How many sets of elections did you
13 conduct an RPV analysis of?

14 A. How many sets of elections?

15 Q. Yes.

16 A. Yes, I -- yes, I conducted RPV analysis
17 for endogenous general elections and then
18 endogenous primary elections and then finally
19 exogenous elections.

20 Q. And in each of those elections, the
21 black preferred candidate was a democrat; is that
22 right?

23 A. Well, I believe I had the primary
24 elections where there were Republican -- I mean
25 Republican primaries -- so therefore -- obviously,

1 in the primary, it's Republican only.

2 So, yes, but other than that, in
3 general elections and other primaries, Democratic
4 primary, of course --

5 Q. Okay.

6 A. -- they were Democrats, yes.

7 Q. Let's go to Table 1 on Page 7.

8 A. Okay, I'm here.

9 Q. Is this your table for endogenous
10 general elections?

11 A. Yes, it is.

12 Q. Did all seven of these elections occur
13 in majority white districts?

14 A. Yes.

15 Q. And did all of these elections occur in
16 majority Republican districts?

17 A. Well, that's a great question. Since I
18 don't have any access to party registration data --
19 I don't even know whether South Carolina has any
20 such data -- but it is a good and reasonable
21 assumption that these are Republican districts
22 because winners tend to be Republicans.

23 Q. So in each of these elections, was the
24 black preferred candidate a Democrat?

25 A. Yes.

1 A. In my original report or the rebuttal
2 to Mr. Trende? Because they are a little
3 different.

4 Q. Just here in this report, in your
5 original report.

6 A. Okay, okay, yeah, my original report
7 has the focus that is RPV and then effectiveness
8 analysis and then race versus party. So these are
9 my focus, yes.

10 Q. And so you didn't focus on traditional
11 districting principles in your first report; is
12 that right?

13 A. Yeah, I mean, that was not my -- I
14 mean, of course, I do pay attention to all of these
15 criteria and guidance, but my specialty is to
16 analyze elections and find which plan would give
17 black voters more opportunity to elect a black
18 candidate of their choice.

19 So I'm not a scholar of, say, community
20 of interest or compactness or other principles.
21 I'm super familiar with those things, but by no
22 means I'm eligible to provide my expertise or
23 testimony to the court on those matters.

24 Q. And one more question.

25 Did you provide any analysis or opinion

1 race and politics; is that right?

2 A. Yes, in order to do controlled
3 comparison between race and party, you put them
4 together against each other and see which one gives
5 you a better answer of why they are shaping up as
6 they are.

7 Q. So and I think you said earlier you
8 didn't control for traditional districting
9 principles in your report or in this chart; is that
10 correct?

11 A. Correct.

12 Q. So you didn't control for core
13 preservation? Is that correct?

14 A. There's no way for me to control, no, I
15 didn't.

16 Q. And you didn't control for contiguity?
17 Is that right?

18 A. No.

19 Q. Communities of interest?

20 A. These are topics I'm very familiar
21 with, but those are not my expertise. What you
22 mentioned, maybe they violated those principles,
23 but that's not my expertise.

24 Q. And how about preserving VTDs and
25 avoiding VTD splits; did you control for that here?

1 A. Again, I'm not a demographer. I don't
2 know any geocoding. So I don't know locations.
3 And, you know, all of those specialties belong to
4 other experts.

5 Q. Did you control for protecting
6 incumbents?

7 A. Again, that's -- that's not what this
8 report is about.

9 Q. The last one, how about communities of
10 interest?

11 A. I have paid attention to communities of
12 interest, obviously. Even though I am not an
13 expert to provide qualitative testimony about what
14 kind of community of interest and what interest
15 should be protected legally, historically and so
16 on.

17 But my results speak loud about at
18 least how the black community of interest is not
19 protected in this enacted plan, especially
20 concerning CD 1 and CD 2, so...

21 And I also responded to Mr. Trende's
22 report concerning his argument of community of
23 interest, but I'm not here to provide testimony as
24 an expert on community of interest.

25 Q. All right. I have some more questions

1 method for generating Table 7; is that right?

2 A. Correct.

3 Q. Okay, thank you for confirming that.

4 I'm actually trying to slash several
5 pages of my questions and I think you have just
6 helped me with that, so thank you.

7 A. Thank you. Sure.

8 Q. Dr. Liu, your report notes that the
9 Plaintiffs challenged District 1, 2, and 5 in their
10 complaint; is that right?

11 A. Yes.

12 Q. Did you conduct this empirical study
13 analysis for District 5?

14 A. Yes, I did.

15 Q. And what was the result of that
16 analysis?

17 A. As I reported in this report, CD 1 and
18 CD 2 showed, clearly, race is a factor. It has to
19 be explained in terms of how the enacted plan was
20 put together. However, for CD 5, I didn't find
21 either way, support or not support, across all of
22 these categories. I don't see huge differences, so
23 I just cannot use CD 5 to draw the same conclusion,
24 because the data is not sufficient to show either
25 way.

1 Q. Can you point to me where in your
2 report you said that about CD 5? I may have missed
3 it if it's in here.

4 A. I apologize, no, I didn't say that in
5 my report. I was just saying that my report used
6 the CD 1 and CD 2; however, after I did CD 1 and CD
7 2, using the same method for CD 5, I didn't find
8 anything substantive to report. So that's why it's
9 not here in this report, yeah.

10 Q. Okay. Did you conduct this analysis on
11 any districts in the benchmark plan?

12 A. The benchmark took place, obviously,
13 before 2018, the gubernatorial election. That's
14 the election I used. So, no, it wouldn't even fit.

15 Q. Did you conduct this analysis on any
16 districts in the Harpootlian plan?

17 A. No, because the argument is about the
18 enacted plan.

19 Q. Did you conduct this analysis on any
20 districts in Plaintiff plan 1?

21 A. No, I didn't.

22 Q. Did you conduct this analysis on any
23 districts in Plaintiff plan 2?

24 A. No, I didn't.

25 Q. Let's move on to the verification

1 real district drawn, so the envelope idea is from
2 him. That's why I borrowed his idea.

3 Q. Okay. So other than the fact that
4 Dr. Ansolabehere used party registration and you
5 used voter data from an election, are there any
6 differences, other differences, between your method
7 and his approach?

8 A. That's a good question. I cannot speak
9 for him completely. I read his North Carolina
10 report and I don't recall everything he said.

11 Maybe there are some tiny differences,
12 or even major differences, but I don't have any
13 recognition of his point.

14 I learned from his report and I think
15 it's a pretty neat and factually powerful tool
16 based on the rules of social science inferences.

17 So, yeah, again, I don't want to say on
18 record that there's no difference between us at
19 all, but I borrowed his approach and that's the
20 best I can say.

21 Q. And I think you said that this approach
22 again controls for race and politics; is that
23 right?

24 A. Race and party.

25 Q. Okay. But it doesn't control for any

1 other factors; is that right?

2 A. Yes, my responsibility, especially for
3 this original report, is to distinguish the factor
4 of race versus the factor of party, yes.

5 Q. And so this doesn't control for
6 traditional districting principles, correct?

7 A. Yes, even though they are related. But
8 as I stated earlier, community of interest,
9 obviously, racial interest for black voters, that's
10 part of a broad concept of community of interest.

11 But other than that, compactness, or
12 boundaries and all of those principles, this report
13 doesn't say, doesn't address those.

14 Q. And it also doesn't address core
15 preservation, right?

16 A. Well, oh, that's the point I wanted to
17 kind of remind you and the counsels here today,
18 because it is indeed a verification study, right?
19 So it's just, for me, primarily useful for checking
20 what I did in the earlier analysis, whether I can
21 use this for support or confirm what I found.

22 But in terms of the core, I do believe
23 this approach helps us, also understanding how the
24 core is protected, because the idea of envelope is
25 that here you have all of these counties which are

1 the enacted plan is a partisan gerrymandering?

2 MR. CUSICK: Objection as to form.

3 THE WITNESS: Again, I don't see that.

4 I see obviously there is correlation between
5 party and race. And it's well documented in
6 American literature. Black voters in the
7 south prefer Democratic party. White voters
8 in the south prefer Republican party. But
9 that doesn't take away the fact that race
10 may be more important to explain how these
11 districts are drawn. It's because of race
12 that we see partisan advantage one way or
13 another. So the partisan advantage may be a
14 result of the race-driven redistricting
15 process.

16 So if it's partisan gerrymandering,
17 meaning to make one party more advantageous
18 than other party, one has to show empirical
19 data to prove that.

20 And the way to prove that is to put
21 race and party together and see which one is
22 more robust in explaining the outcome of a
23 redistricting plan.

24 To me, the answer is very clear. It is
25 race that should be more important to be