

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

LULAC, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of Texas, *et al.*,

Defendants.

Case No.: EP-21-CV-00259-DCG-JES-JVB
[Lead Case]

**DECLARATION TO ACCOMPANY
THE REBUTTAL REPORT OF JERONIMO CORTINA, Ph.D.**

Pursuant to 28 U.S.C. §1746, I, Jeronimo Cortina, declare that:

My name is Jeronimo Cortina. I am an expert witness designated by Brooks Plaintiffs in the above referenced case now pending in the United States District Court for the Western District of Texas.

My report in rebuttal to Dr. Alford, Exhibit 101, is incorporated herein for all purposes and includes a complete statement of my opinions and conclusions in response to Dr. Alford. The facts or data that I relied upon to develop my analysis and opinions are produced herewith for all counsel.

I declare under penalty of perjury that the foregoing is true and correct.



Signed this the 19th day of January, 2022.



Jeronimo Cortina

DECLARATION OF JERONIMO CORTINA

Pursuant to 28 U.S.C. §1746, I, Jeronimo Cortina, declare that:

My name is Jeronimo Cortina, and I am currently an Associate Professor of Political Science and the Associate Director at the Center for Mexican American Studies at the University of Houston. I was appointed Associate Professor with tenure at UH in 2015. I teach courses related to political behavior, statistical methods and my research revolves around electoral behavior and election outcomes, particularly in the State of Texas. I have published peer-reviewed, social science articles about minority electoral behavior, election turnout, and the impact of election administration changes on turnout. In this matter, I am being paid \$300/hour.

Basis for Opinion

Unless otherwise stated, all opinions herein are based on my experience and training and in accordance with generally accepted theories, principles, and methods of the academic profession and political science. I reserve the right to change, amend and/or modify my opinion should additional documentation become available.

The Facts or Data Considered in Forming an Opinion

In forming my opinions in this matter, I have reviewed the maps and accompanying electoral results data for the 2018 and 2020 elections for statewide races for the 31 senate districts in Plan S2168 and Plaintiffs' Alternative Map 4. I have also reviewed the "Plan Overlap Report" for Plan S2168 versus Plan S2100, Plaintiffs' Alternative Plan 4 v. Plan S2168, and Plaintiffs' Alternative Plan 4 versus Plan S2100. I have also reviewed the 2021 enacted redistricting plans for Congress, the State House of Representatives, and the State Board of Elections. I intend to review additional documents as they become available to me.

Response to Dr. Alford's Report

Plaintiffs' Alternative Plan 4 Republican Election Performance

Dr. Alford does not dispute that Plaintiffs' Alternative Plan 4 performs equal or better than Plan SB2168 in terms of Republican performance. To the contrary, Dr. Alford's analysis agrees that there is a plausible performance gain in Plan 4's SD10 even if modest and does not dispute the fact that SB2168 and Plan 4 are similar in the sense that both plans provide 19 districts in which Republicans would be expected to win with a MOV greater than 10% or with 55% or more of the vote. Nor does he dispute that Republican candidates carried a 20th seat in 4 of 23 statewide contested elections in 2018 and 2020 in Alternative Plan 4.¹

Substantive Departure from State Policy

Dr. Alford argues that the shapes of Congressional and State Board of Education districts in Tarrant county do not constitute or amount to State policy of keeping areas north and south of central Fort Worth whole, even though these maps were enacted by the State, which constitutes its preferred policy. Moreover, Dr. Alford hypothesizes that there are "differences in the history and the nature of these bodies, the evolution of their maps over time, their politics and incumbents, and their legal battles make drawing any such conclusion on the basis of the outlines of districts unreliable" (pages 2-3). However, Dr. Alford is simply offering a hypothesis but does not provide any evidence of why such factors explain the State's policy preferences differently from what the State has already enacted in relation to Congressional and State Board of Education district maps in Tarrant county.

Core Population Retention/Overlap

Dr. Alford's report identifies only those districts with "low" (i.e., less than 50% as indicated on page 3) core retention rates, however, when Alternative Plan 4 and Plan S2168 are compared in the aggregate the differences are quite "small" (page 3). Moreover, there are also significant improvements for Republican incumbents in Alternative Plan 4 in comparison to Plan S2168. For instance, SDs 9, and 22 in Alternative Plan 4 have a higher core retention than in Plan S2168 both in comparison to the benchmark plan (SD9: 64.2% in Alternative Plan 4 versus 50.4% in Plan S2168) (SD22: 81.4% in Alternative Plan 4 versus 59.9% in Plan

¹ In my initial report, I inadvertently counted 20, rather than 24, statewide elections in 2018 and 2020.

S2168). And of course SD10 has a 100% core retention in Alternative Plan 4 and a 59.7% core retention in Plan S2168, again both in comparison to the benchmark plan.

It is important, however, to highlight that even in those SDs contained in Table 3 of Dr. Alford's report, Dr. Alford's assertions regarding Republican incumbents' hypothetical concerns are unfounded.

SD12 and SD24 are two seats in which the Republican incumbents are not running [<https://bit.ly/3qLsuRy>], therefore, there are no Republican incumbents who could be concerned about retaining higher percentages of the prior districts' population.

Regarding SDs 5 and 30, the Republican incumbents are running unopposed in the primary and general elections [<https://bit.ly/3tEoHaN>], while in SD 18 the Republican incumbent is running unopposed and likely will face a challenge from the Democratic candidate in the 2022 General Election, nonetheless, across races during the 2018 and 2020 election within SD18 under Plan 4 would have gotten the Republican candidate an average MOV of 16% and 19%, respectively indicating a very comfortable margin for the Republican candidate.

Moreover, SD14 has the lowest core retention of any district in Alternative Plan 4, but it would be a new open safe seat for Republicans, so there would be no incumbents whose interests could be affected. Finally, SD2 has a higher core retention percentage in Alternative Plan 4 vs. Plan S2168.

I declare under penalty of perjury that the foregoing is true and correct.

This 19th day of January 2022.



Jeronimo Cortina