

In the Supreme Court of the United States

THE WISCONSIN LEGISLATURE, BILLIE JOHNSON, ERIC O'KEEFE, ED PERKINS, AND RONALD
ZAHN,

Applicants,

v.

MARGE BOSTELMANN, IN HER OFFICIAL CAPACITY AS MEMBER OF THE WISCONSIN ELECTIONS
COMMISSION, *ET AL.*,

Respondents.

ON APPLICATION FOR STAY AND INJUNCTIVE RELIEF AND ALTERNATIVE
PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF WISCONSIN

**APPENDIX TO BLOC RESPONDENTS' OPPOSITION TO
EMERGENCY APPLICATION FOR STAY – VOL. II**

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Loren Collingwood

2021-12-15

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Executive Summary

In this report, I examine past election data from Milwaukee-area election contests to determine if voting is racially polarized—i.e., if Black voters generally prefer one candidate, and white voters vote as a bloc against that preferred candidate. In conducting this analysis, I analyzed eight recent primary and spring general elections that included a Black candidate and use a variety of statistical methods to evaluate if racially polarized voting (RPV) exists. I also ran a performance analysis, which reconstructs previous election results in a new map to assess whether a Black or white preferred candidate is most likely to win in the new districts, to examine whether the BLOC Petitioners' seven proposed majority-Black districts would have been won by the candidate preferred by Black voters. I conclude:

- Racially polarized voting (RPV) is present in Milwaukee-area elections. This is particularly clear in elections featuring Black candidates, where I found racially polarized voting in seven of the eight contests analyzed.
- I used six different statistical methods to assess RPV; regardless of method employed, the results consistently demonstrate racially polarized voting between Blacks and whites in the Milwaukee area.
- Black voters cohesively prefer the same candidates for political office in the Milwaukee area; that is, Black voters strongly back Black candidates at very high rates even in multi-candidate primary elections.
- Black voters' preferred candidates disproportionately lose election to political office because white voters in Milwaukee cohesively vote as a bloc against Black voters' preferred candidates. Of the seven contests analyzed for bloc voting, white voters block the Black-preferred candidate (in this case the Black candidate) four times for a block rate of 57.14%. If the unusual 2018 Milwaukee County Sheriff's race is excluded, the block rate climbs even higher, to 66.66%.
- The BLOC Petitioners' seven proposed majority-Black districts perform for Black-preferred candidates in the elections examined below, and would lead to those candidates prevailing in the proposed districts.

My opinions are based on the following data sources: Statewide Wisconsin primary elections; Milwaukee County Spring primary and general elections, City of Milwaukee elections, Census Voting Age Population (VAP) and American Community Survey (ACS) Citizen Voting Age Population (CVAP) data, and Proposed State Assembly Districts geojson (i.e., shape files) provided to me by counsel for the BLOC Petitioners.

Background and Qualifications

I am an associate professor of political science at the University of New Mexico. Previously, I was an associate professor of political science and co-director of civic engagement at the Center for Social Innovation at the University of California, Riverside. I have published two books with *Oxford University Press*, 39 peer-reviewed journal articles, and nearly a dozen book chapters focusing on sanctuary cities, race/ethnic politics, election administration, and racially polarized voting. I received a Ph.D. in political science with a concentration in political methodology and applied statistics from the University of Washington in 2012 and a B.A. in psychology from the California State University, Chico, in 2002. I have attached my curriculum vitae, which includes an up-to-date list of publications.

In between my B.A. and Ph.D., I spent 3-4 years working in private consulting for the survey research firm Greenberg Quinlan Rosner Research in Washington, D.C. I also founded the research firm Collingwood Research, which focuses primarily on the statistical and demographic analysis of political data for a wide array of clients, and lead redistricting and map-drawing and demographic analysis for the Inland Empire Funding Alliance in Southern California. I am the redistricting consultant for the West Contra Costa Unified School District, CA, independent redistricting commission in which I am charged with drawing court-ordered single member districts.

I served as a testifying expert for the plaintiff in the Voting Rights Act Section 2 case *NAACP v. East Ramapo Central School District*, No. 17 Civ. 8943 (S.D.N.Y.), on which I worked from 2018 to 2020. In that case, I used the statistical software eiCompare and WRU to implement Bayesian Improved Surname Geocoding (BISG) to identify the racial/ethnic demographics of voters and estimate candidate preference by race using ecological data. I am the quantitative expert in *LULAC vs. Pate*, No. 05771 CVCV061476 (Dist. Ct., Polk Cnty., Iowa 2021), and have filed an expert report in that case. I am the racially polarized voting expert for the plaintiff in *East St. Louis Branch NAACP, et al. vs. Illinois State Board of Elections, et al.*, Civil Action No. 1:21-cv-05512 (N.D. Ill.), having filed two reports in that case. In this case, I am being compensated at a rate of \$400/hour.

Racially Polarized Voting

Racially polarized voting (RPV) is said to occur when one racial group (i.e., Black voters) consistently votes for one candidate or set of candidates, and the other racial group (i.e., white voters) regularly votes for another candidate or set of candidates. Analysts examine multiple elections across years to determine whether a pattern of RPV is present in a given geography and/or political jurisdiction. In a two-candidate election contest, RPV is present

when a majority of voters belonging to one racial/ethnic group vote for one candidate and a majority of voters who belong to another racial/ethnic group prefer the other candidate. The favored candidate is called a “candidate of choice.” However, if a majority of voters of one racial group back a particular candidate and so do a majority of voters from another racial group, then RPV is not present in that contest.

Racially polarized voting does not mean voters are racist or intend to discriminate. Rather, Section two of the Voting Rights Act helps guard against vote dilution of minority voters, such that when it is realistically feasible the redistricting process should ensure minority voters the ability to elect candidates of choice. In situations where RPV is clearly present, majority voters may be able to block minority voters from electing candidates of choice.

I examine RPV in the context of nonpartisan winter primaries, nonpartisan spring general elections, and fall Democratic primary elections, because that is where the polarization and hence blocking is most likely to occur. I choose Democratic Primaries because the Milwaukee area is strongly Democratic, particularly in the areas surrounding the proposed majority-Black districts.¹ The nonpartisan winter primaries and spring general elections are probative elections to analyze, especially in the absence of more Democratic primaries with probative contests.

Ecological Inference

To determine if RPV exists, experts must generally infer individual-level voting behavior from aggregate data – a problem called ecological inference. We want to know how groups of voters (i.e., Blacks or whites) voted in a particular election when all we have to analyze are precinct vote returns (those are at the ward level in Wisconsin) and demographic composition. Experts have at their disposal several methods to analyze RPV: ecological regression (ER), ecological inference (EI), and homogeneous precinct analysis. I used all three of these methods in this report, including several different EI variations.

The R software package, eiCompare (Collingwood et al. 2020), builds upon packages eiPack (Lau, Moore, and Kellermann 2020) and ei (King and Roberts 2016) to streamline RPV analysis, and includes all of these aforementioned statistical methods. In this report I rely on homogeneous precinct analysis, ecological regression, iterative ecological inference, and rows by columns (RxC) as implemented in the R software package eiCompare. In addition, I include ecological inference estimates and RxC estimates accounting for variation in turnout by race. That is, I divide candidate vote by VAP (instead out of total voted in that contest) and include an estimate for no vote. Regardless of the method, the result is almost always the same, which strengthens my conclusions. Finally, for each analysis where relevant, I provide 95% confidence bands to demonstrate the range of statistical uncertainty contained in the estimates.

¹ <https://www.politico.com/2020-election/results/wisconsin/>

List of Elections Analyzed

To assess the presence of RPV, I analyzed eight elections between Black and white candidates in nonpartisan or Democratic primaries and Spring generals in jurisdictions that cover either Milwaukee County, Milwaukee City, or both. Again, I examine primaries and spring generals because the separation between Blacks and whites in these contests is likely to emanate in primary contests and/or spring generals featuring local candidates. Table 1 outlines the list of elections analyzed to examine the presence or absence of RPV. My analysis reveals RPV is present in seven of the eight contests analyzed.

Table 1. Contests analyzed in Milwaukee County or City jurisdictions or subset to the former.

Contest	Primary or General	Year	Jurisdiction	Black Candidate	Main White Candidate	RPV	Black Candidate Blocked
Comptroller	spring general	2016	Milwaukee City	Thomas	Matson	YES	Yes
Dem Sheriff	Primary	2018	Milwaukee County	Lucas	Schmidt	NO	No
Dem Gov	Primary	2018	Statewide (subset to county)	Mitchell	Evers	YES	No
State Assembly	Primary	2018	Dem primary	Myers	Kessler	YES	N/A
Mayor	spring general	2020	Milwaukee City	Taylor	Barrett	YES	Yes
MLK County Executive	Spring General	2020	Milwaukee County	Crowley	Larson	YES	No
Comptroller	spring general	2020	Milwaukee County	Fields	Sawa	YES	Yes
State Superintendent	Primary	2021	Statewide (subset to county)	Hendricks-Williams	Underly	YES	Yes
Total						7/8 = 87.5%	4/7 = 57.1%

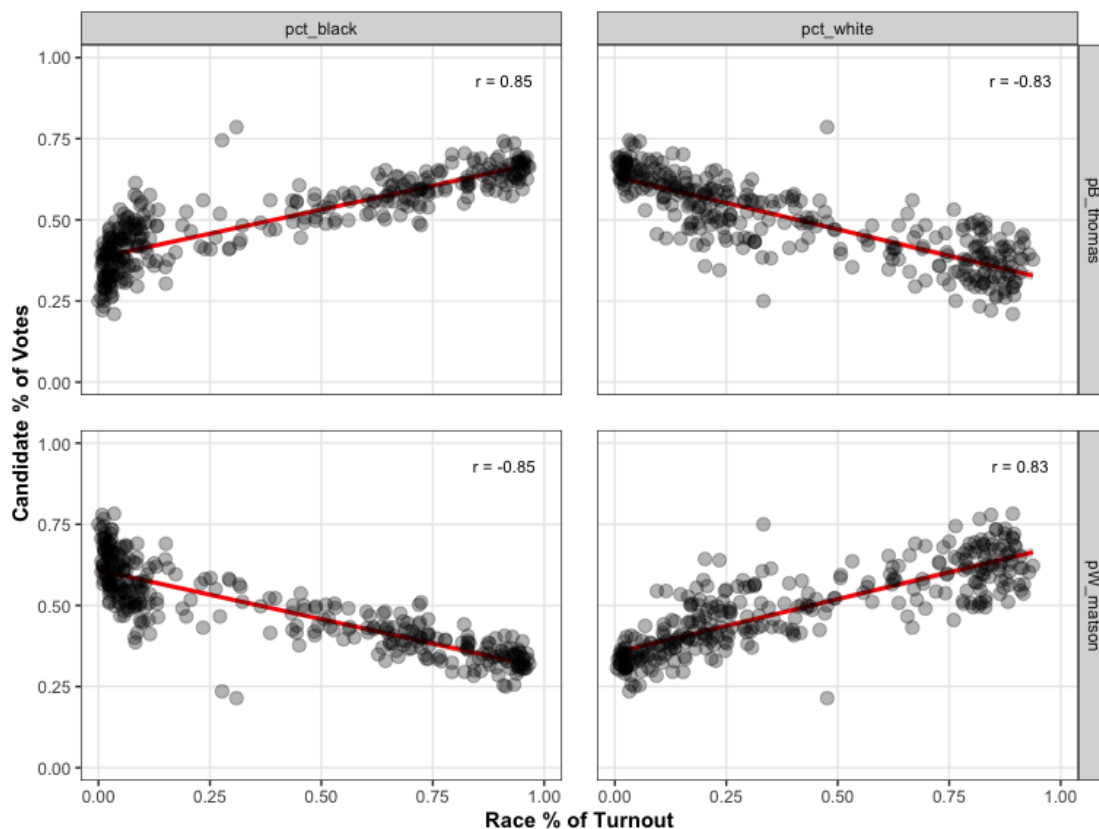
Next, I present scatterplots and RPV plots revealing the extent of RPV in each contest.

Milwaukee City Comptroller 2016 Nonpartisan Spring General: Johnny Thomas (Black) vs. Martin Matson (White)

Figure 1 visually presents the bivariate association between race and candidate choice. The correlation coefficient between percent of the Black voting age population and percent vote for the Black candidate, Johnny Thomas, is 0.85 (on a scale from -1 to 1, this is extraordinarily high positive association). The top left panel reveals the trend visually and shows an upward slopping pattern. Meanwhile, the top right panel shows exactly the

opposite trend: as the share of the white voting age population grows (left to right on the x-axis scale), Johnny Thomas's vote share reduces. These bivariate results are clear evidence of racially polarized voting.

Figure 1. Bivariate association between candidate support and precinct racial demographics, 2016 Milwaukee City Comptroller.

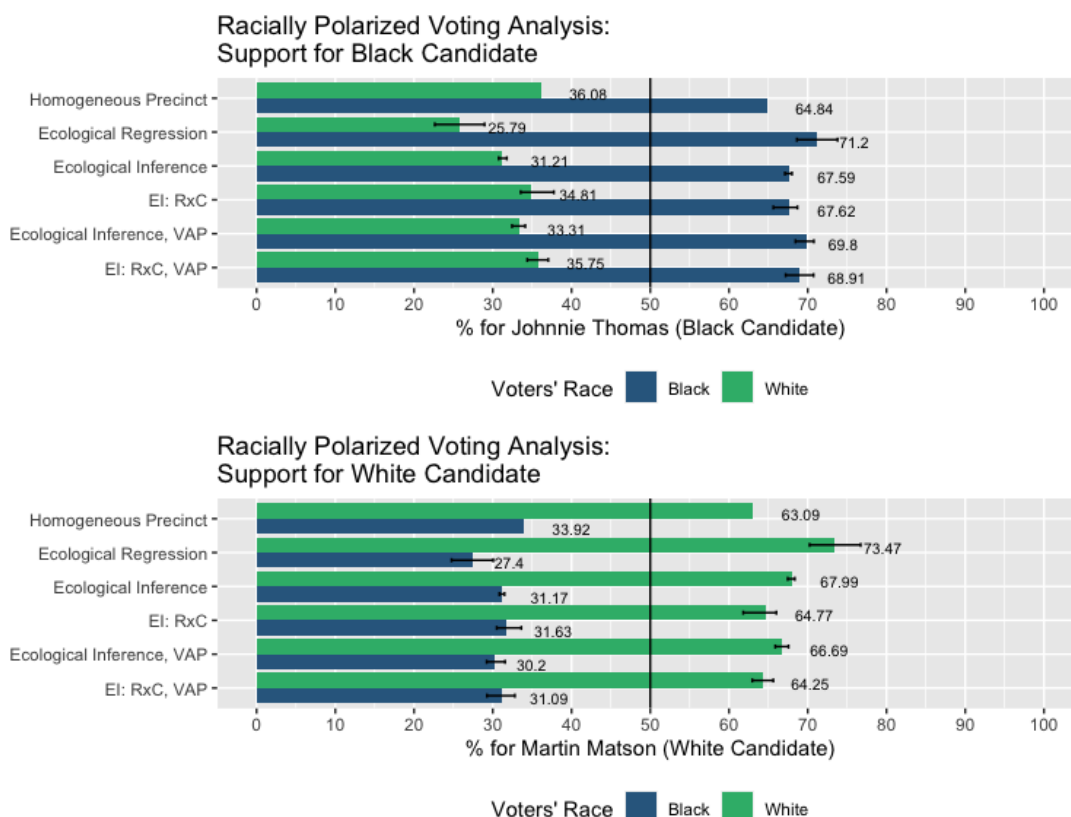


However, to estimate more precisely the degree that Black and white voters, respectively, support candidates Thomas (Black) and Matson (white), I turn to the suite of available ecological inference methods. In a context of evident racial segregation such as Milwaukee (Levine 2019), ecological inference should perform well because homogeneous precincts (precincts with a high percentage of one racial group) are present for the two racial groups under examination.² For instance, of the 324 precincts I analyzed in the 2016 Comptroller contest, 39 have a population that is 90% Black or higher, and nine have a population that is 90% white or higher.

² I also estimated this contest using PyEI (Knudson, Schoenbach, and Becker 2021), a recent ecological inference package available in Python. The results are almost exactly the same regardless of using the PyEI version, or the eiCompare iterated EI version, or the RxC version. Results are presented in the appendix.

The results, as presented in Figure 2, indicate that all six statistical methods produce very similar results. In the 2016 Milwaukee City Comptroller Nonpartisan Spring General, Black voters supported Thomas from a low of 64.85% (homogeneous precincts) to a high of 70.96% (ecological regression, point estimate). However, white voters supported Thomas at a much lower rate, from a low of 25.76% (ecological regression, point estimate) to a high of 36.08% (homogeneous precincts). In this case, the method employed would not change an analyst's conclusion that RPV is present.

Figure 2. Racially Polarized Voting assessment Milwaukee City Comptroller 2016 Nonpartisan Spring General.



Milwaukee County Sheriff Democratic Primary, 2018 Lucas (Black) vs. Schmidt (White) vs. Ostrowski (White)

The next contest I analyzed is the Milwaukee County Sheriff Democratic Primary between Lucas (Black) and two white candidates. The contest produces substantial cross-over vote among Milwaukee whites. This results stands as an aberration to the overall findings. A higher percentage of white votes for Lucas is likely due to the contest's focus on the repudiation of polarizing former Sheriff David Clarke (who is Black). Schmidt served as Clarke's number two and became acting sheriff upon Clarke's resignation in 2017.

Local news reporting shows that voters associated Schmidt with Clarke.³ Lucas therefore gained important endorsements from the white Democratic Party establishment, including Mayor Tom Barrett, U.S. Senator Tammy Baldwin and three Democratic former governors.⁴

Figure 5 shows the bivariate relationship between voters' race and candidate choice. Consistent with news reporting, the relationship between race and vote choice is less strong than in other contests: the correlation coefficient for percent Black and percent for Lucas is 0.54; the correlation for percent white and percent for Schmidt is just 0.32.

³ "And it was Clarke that dragged him down in the race. All three candidates said they wanted to move beyond the Clarke era, but Schmidt was unable to effectively separate himself from his former boss."
<https://www.theatlantic.com/politics/archive/2018/08/david-clarke-era-milwaukee-sheriff/567595/>; "Schmidt could not shed the mantle of his close association with former Sheriff David A. Clarke Jr. and his role as the department's second in command since 2010."
<https://www.jsonline.com/story/news/politics/elections/2018/08/14/milwaukee-county-sheriff-schmidt-lucas-ostrowski-battling-badge/952194002/>).

⁴ <https://urbanmilwaukee.com/pressrelease/governors-jim-doyle-tony-earl-and-marty-schreiber-endorse-earnell-lucas/> and <https://urbanmilwaukee.com/pressrelease/a-united-community-supports-earnell-lucas-for-sheriff/>

Figure 5. Bivariate association between candidate support and precinct racial demographics, 2018 Milwaukee County Sheriff Democratic Primary.

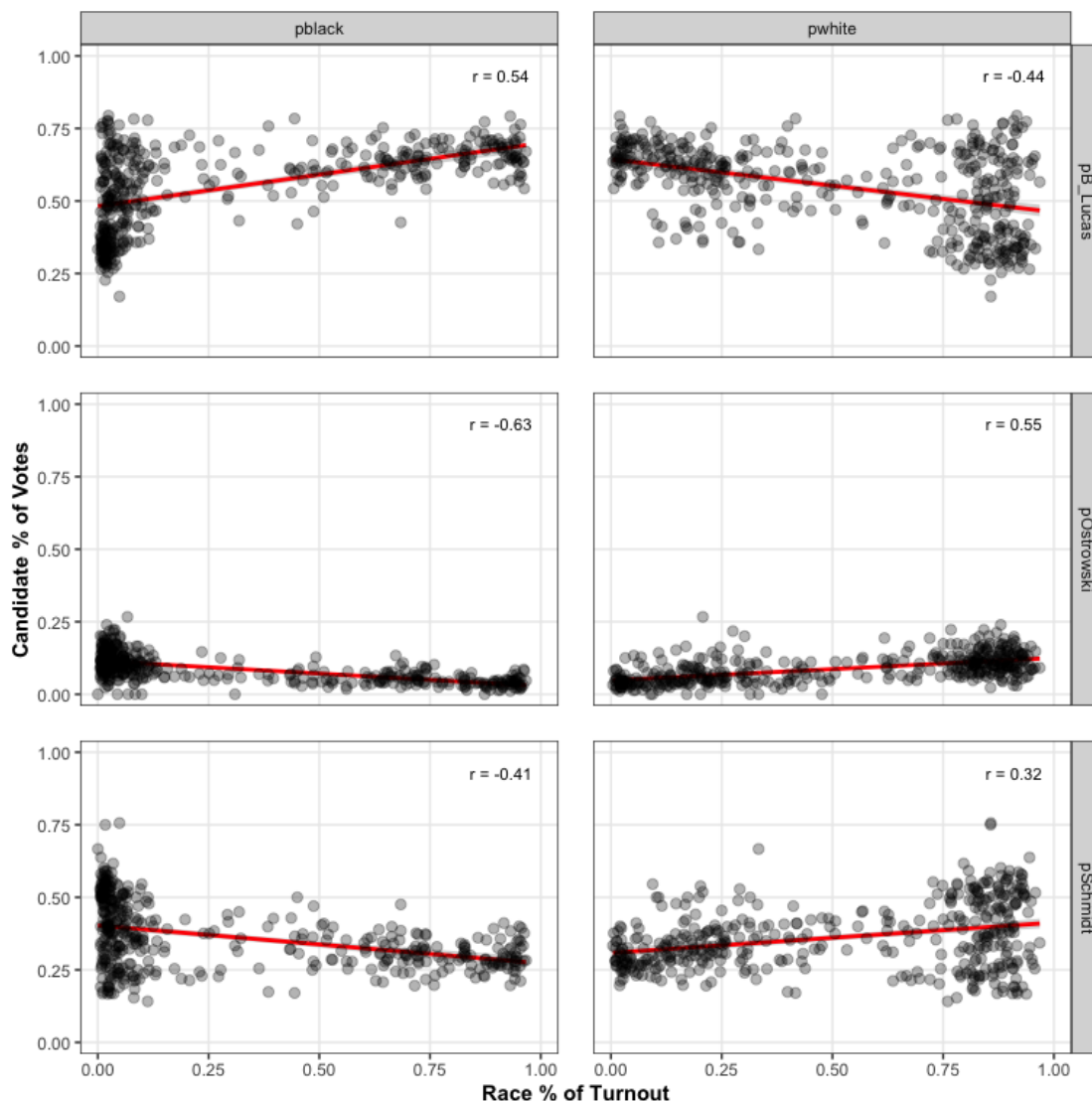
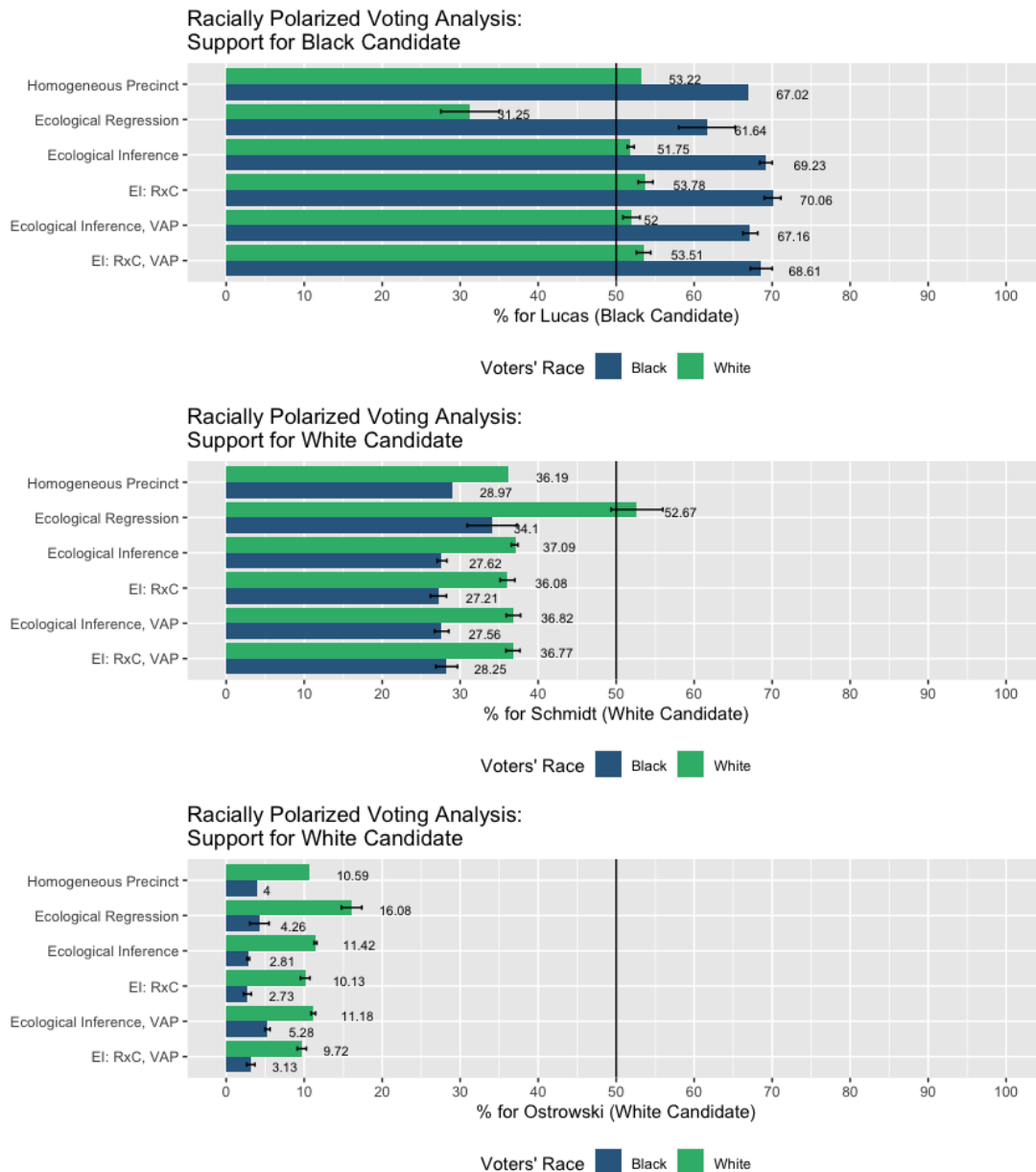


Figure 6 reports the RPV analysis results for the various methods. Black voters give Lucas an estimated 61.64% to 70.06% of their vote – depending on the statistical method. Thus, Black voters back Lucas. However, in five of the six statistical approaches, a slim majority of white voters also back Lucas – in the 51-53% range. Thus, I conclude that this contest did not feature racially polarized voting.

Figure 6. Racially Polarized Voting assessment with multiple methods. 2018 Milwaukee County Sheriff Democratic Primary.



Democratic Gubernatorial Primary 2018 Mitchell (Black) vs. Evers (White) and Other White Candidates

The 2018 Democratic gubernatorial primary shows a strong relationship between percent Black voting age population in a precinct and percent vote for Mitchell (the Black candidate) – see Figure 9. At 0.95, this is one of the highest correlation coefficients I observed in all elections analyzed. Meanwhile, the correlation between percent white

voting age population and percent support for Evers (the main white candidate) is 0.89. This is evidence of extreme racially polarized voting.

Figure 9. Bivariate association between candidate support and precinct racial demographics, Democratic Gubernatorial Primary 2018 Mitchell (Black) vs. Evers (white) and other white candidates.

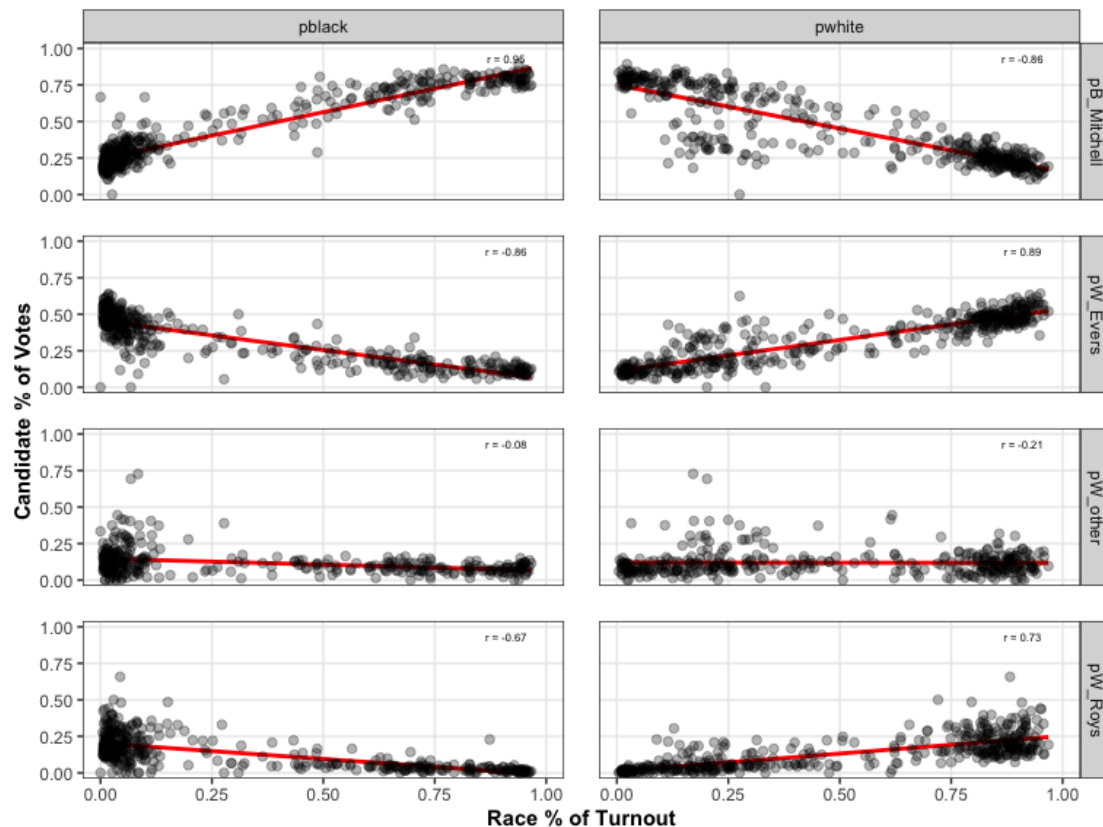
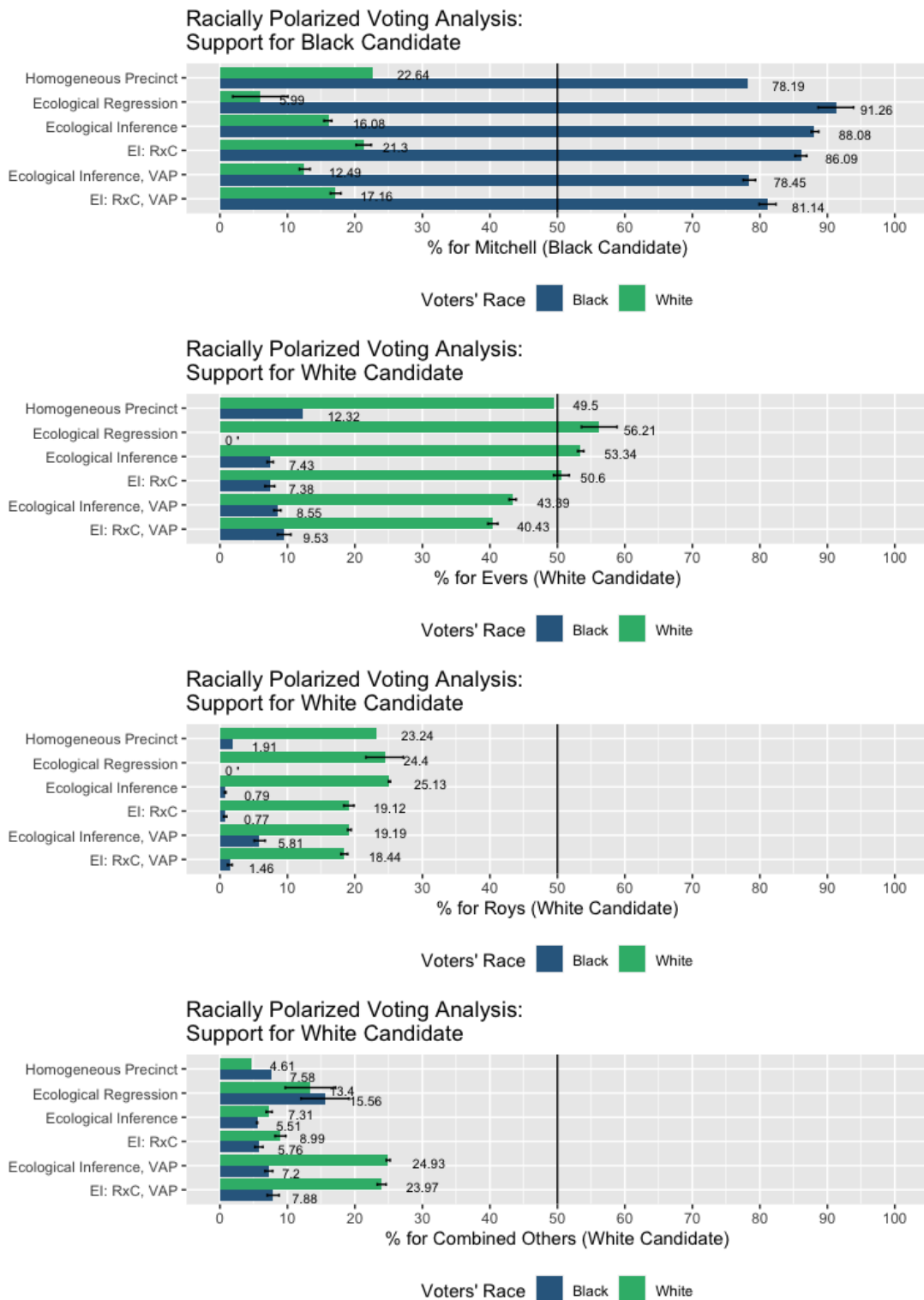


Figure 10 reports the RPV analysis results for the various methods. Regardless of statistical method, Black voters strongly back Mitchell (ranging between 78% - 91%). Meanwhile, fewer than a quarter of white voters back Mitchell (ranging from 6% - 23%). Rather, white voters disproportionately favor Evers who is their clear candidate of choice, and taken in total white candidates. Three of the six methods estimate that whites give Evers a majority of their vote (51%-56%). The other three methods estimate that whites gave Evers between 40%-50% of their vote. Regardless Evers is the top candidate among whites.

Figure 10. Racially Polarized Voting assessment. Democratic Gubernatorial Primary 2018 Mitchell (Black) vs. Evers (White) and Other White Candidates.



State Assembly District 12, 2018 Democratic Primary: Myers (Black) vs. Kessler (White)

The 2018 Democratic State Assembly District 12 primary shows a strong relationship between percent Black voting age population in a precinct and percent vote for Myers (the Black candidate) – see Figure 7. The correlation among percent Black VAP and percent support for Myers is 0.8; whereas the correlation among percent white VAP and percent support for Kessler is 0.85. These correlations are strong evidence of RPV.

Figure 7. Bivariate association between candidate support and precinct racial demographics. State Assembly District 12, 2018 Democratic Primary: Myers (Black) vs. Kessler (White).

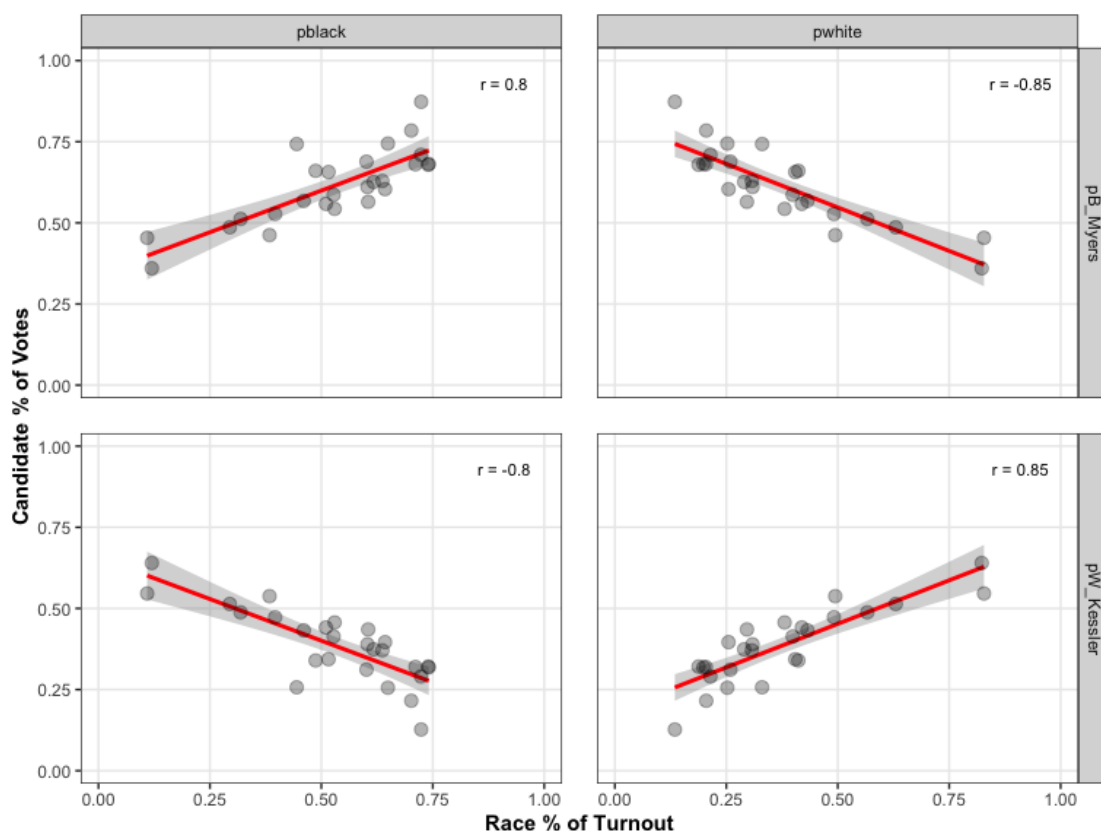


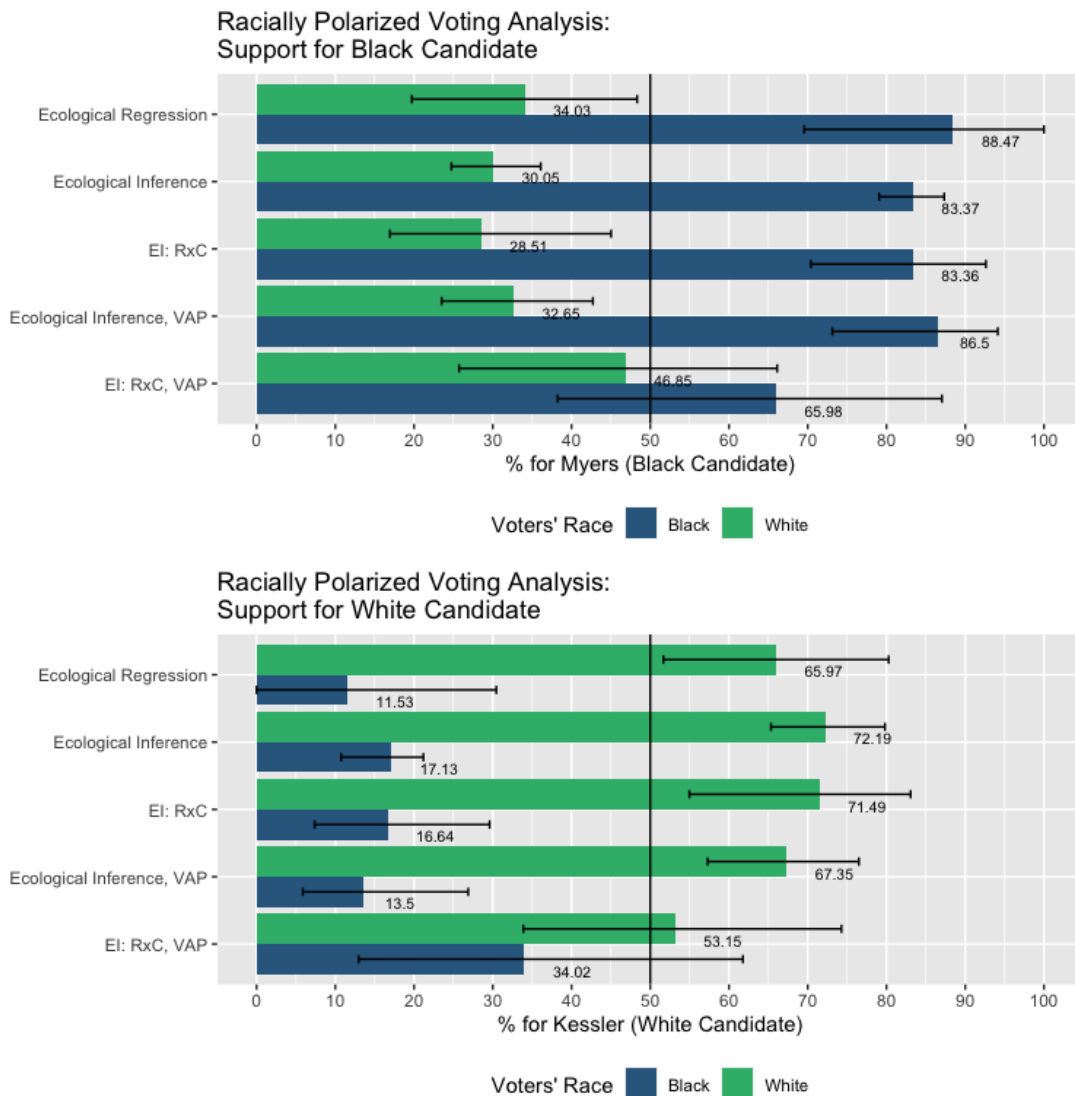
Figure 8 reports the RPV analysis results for the various methods. Regardless of statistical method, Black voters strongly back Myers.⁵ Four of the five methods show that Black voters

⁵ I do not include homogeneous precinct analysis here because there are no 90% plus white precincts in the district.

back Myers between 83%-88%. Whites, however, only give Myers around 30% of their vote.⁶

The pattern is reversed with respect to Kessler support. In four of the five methods, whites support Kessler between 66%-72%, whereas Blacks back Kessler between 11%-17%.

Figure 8. Racially Polarized Voting assessment. State Assembly District 12, 2018 Democratic Primary: Myers (Black) vs. Kessler (White).



⁶ One method, EI:RxC VAP supports a racially polarized voting finding; however the confidence band overlaps the 50% mark due to the relatively small number of precincts for this assembly district analysis.

Milwaukee Mayor 2020 Nonpartisan Spring General: Taylor (Black) vs. Barrett (White)

Figure 15 presents the scatterplot and correlation results for the 2020 Milwaukee Mayoral nonpartisan spring general election. As with the other contests, voting behavior is racially polarized with Blacks supporting candidate Taylor (coefficient = 0.88) and whites preferring candidate Barret (coefficient = 0.78).

Figure 15. Milwaukee Mayoral Election 2020 Nonpartisan Spring General bivariate association between race and candidate votes.

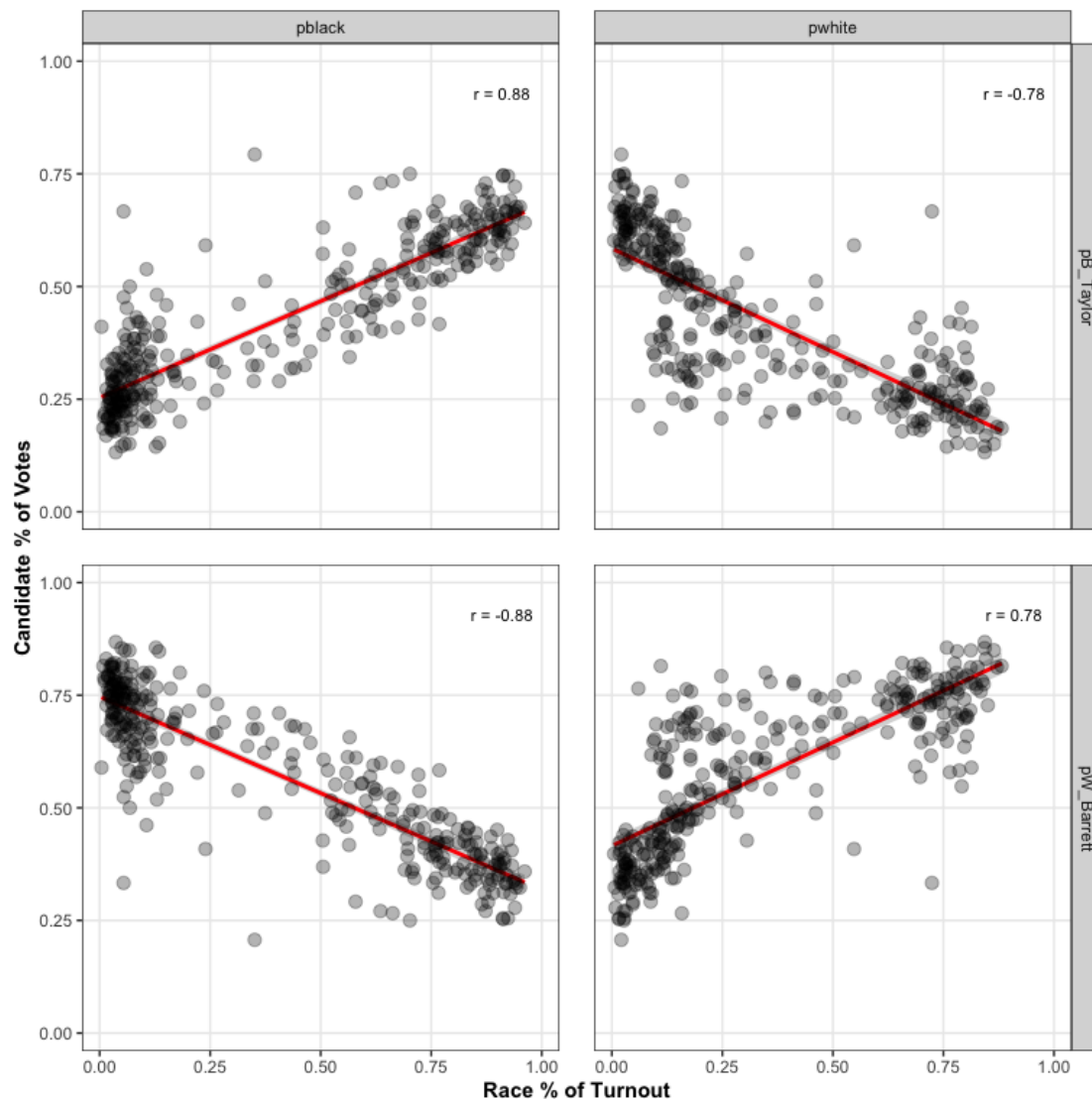
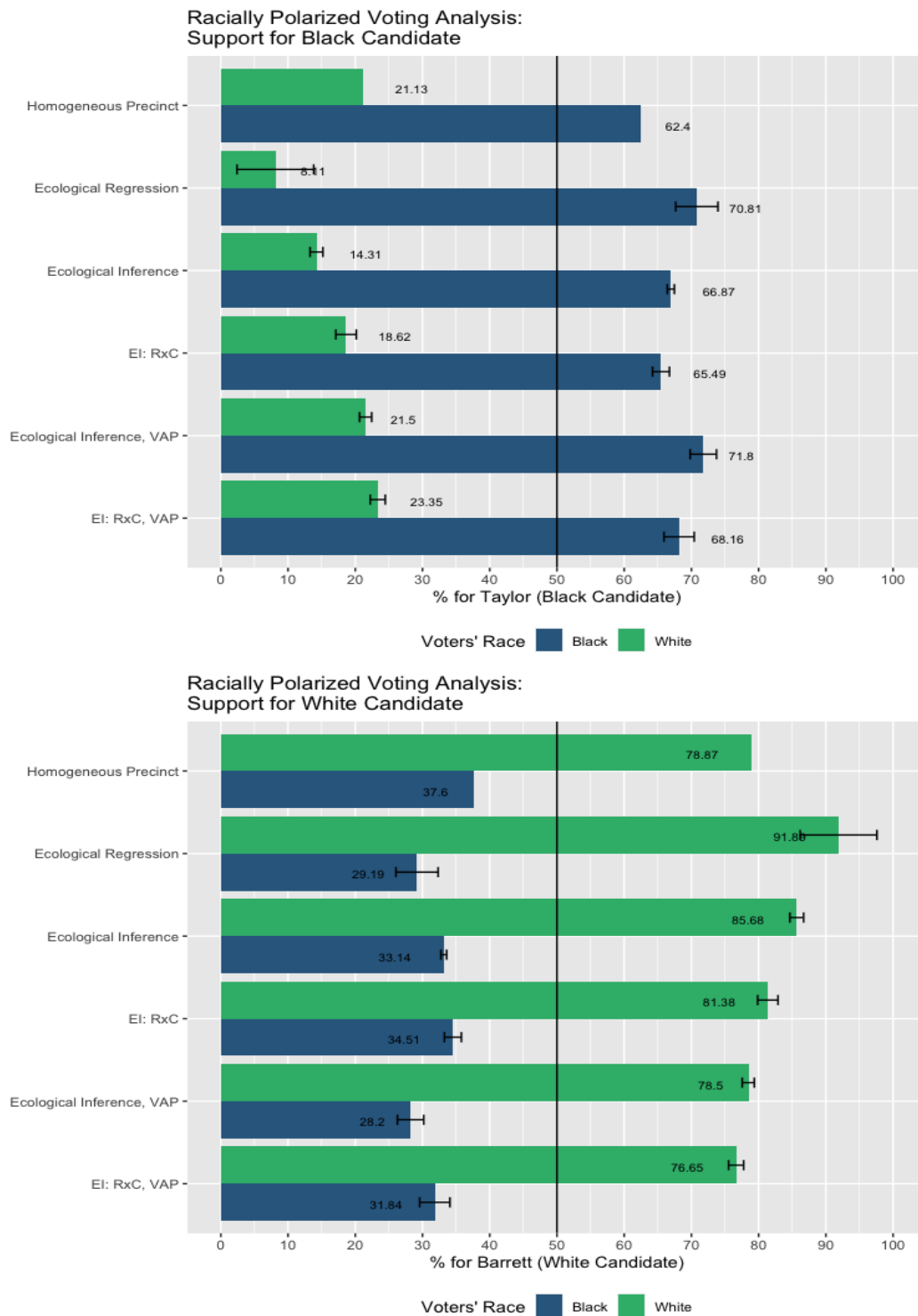


Figure 16 presents the RPV results by statistical method. The results are very clear – strong majorities of Black voters back Taylor (between 62% - 72%) and strong majorities of whites back Barrett (between 77% - 92%).

Figure 16. Racially Polarized Voting Assessment – Milwaukee Mayor 2020 spring general.



Milwaukee County Executive 2020 Nonpartisan Spring General: Crowley (Black) vs. Larson (White)

Figure 3 presents the bivariate scatterplot between race and candidate support. As with other contests, the 2020 nonpartisan spring general for Milwaukee County Executive is racially polarized. The coefficient between percent black VAP and percent Crowley (Black candidate) is 0.91; meanwhile the correlation coefficient between percent white VAP and percent Larson (white candidate) is 0.68.

Figure 3. Bivariate association between candidate support and precinct racial demographics, 2020 Milwaukee County Executive.

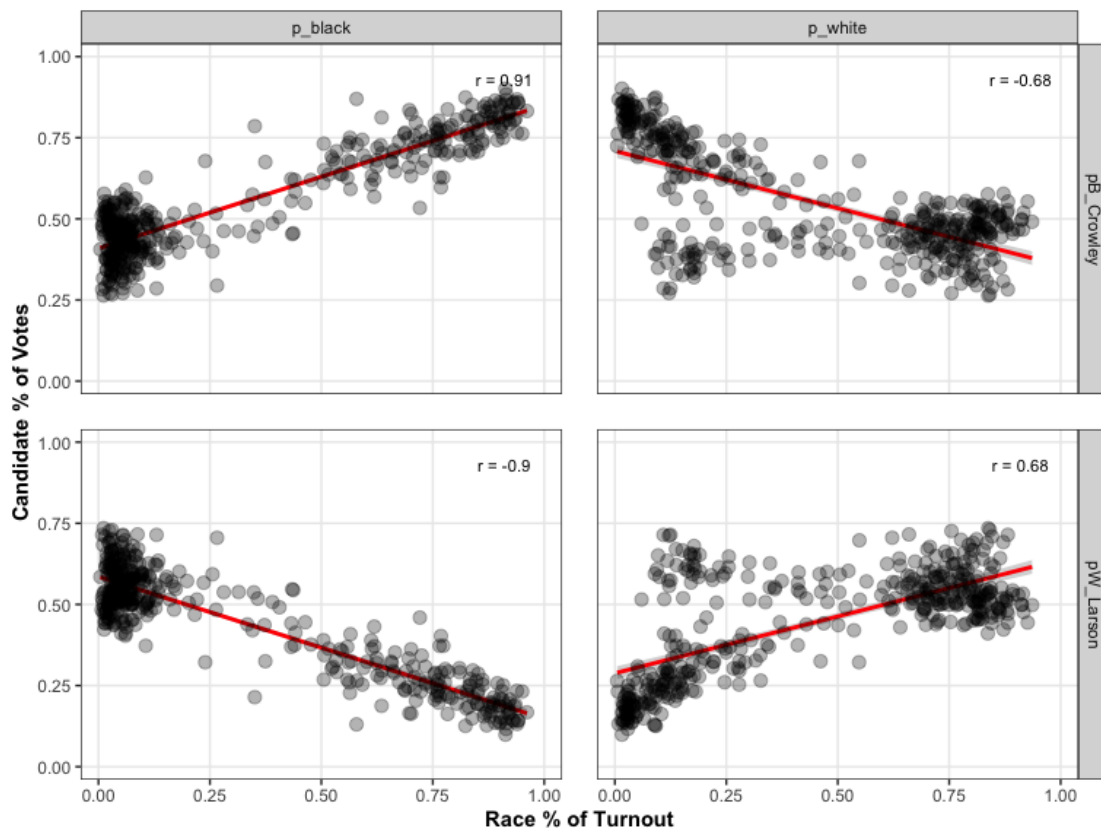
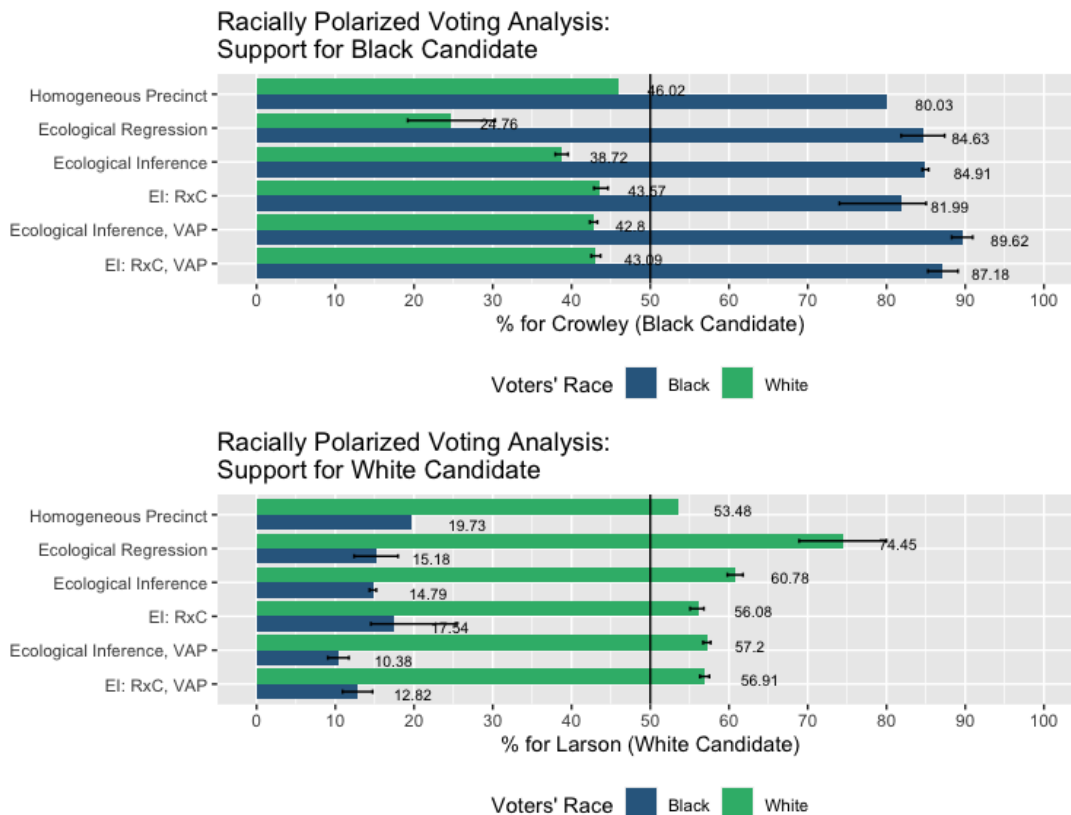


Figure 4 presents the RPV results by statistical method. The results are very clear – strong majorities of Black voters back Crowley (between 80% - 90%) and majorities of whites back Larson (between 53% - 74%).

Figure 4. Racially Polarized Voting assessment Milwaukee County Executive 2020 Nonpartisan Spring General.



2020 Comptroller Milwaukee County Nonpartisan Spring General: Fields (Black) vs. Sawa (White)

Figure 11 presents the bivariate scatterplot between race and candidate support. As with other contests, the 2020 nonpartisan spring general for Milwaukee County Comptroller is racially polarized. The coefficient between percent black VAP and percent Fields (Black candidate) is 0.89; meanwhile the correlation coefficient between percent white VAP and percent Sawa (white candidate) is 0.79.

Figure 11. Bivariate association between candidate support and precinct racial demographics, 2020 Comptroller Milwaukee County Nonpartisan Spring General.

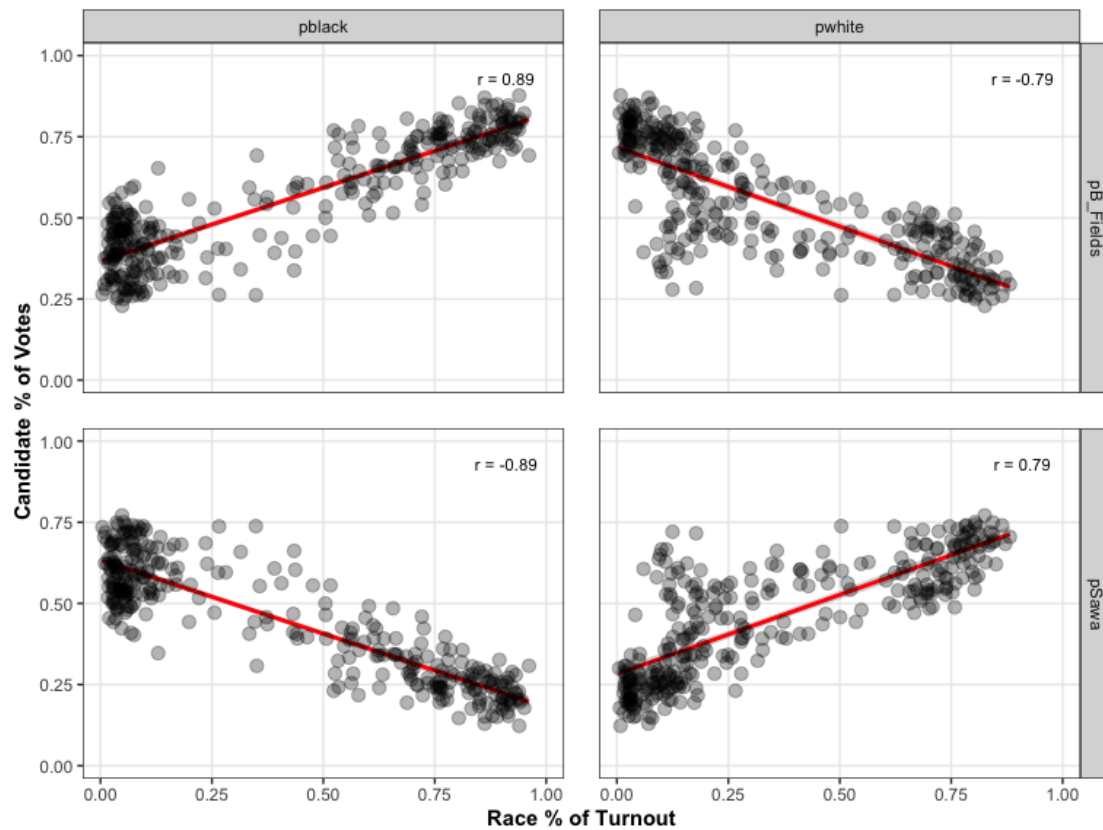
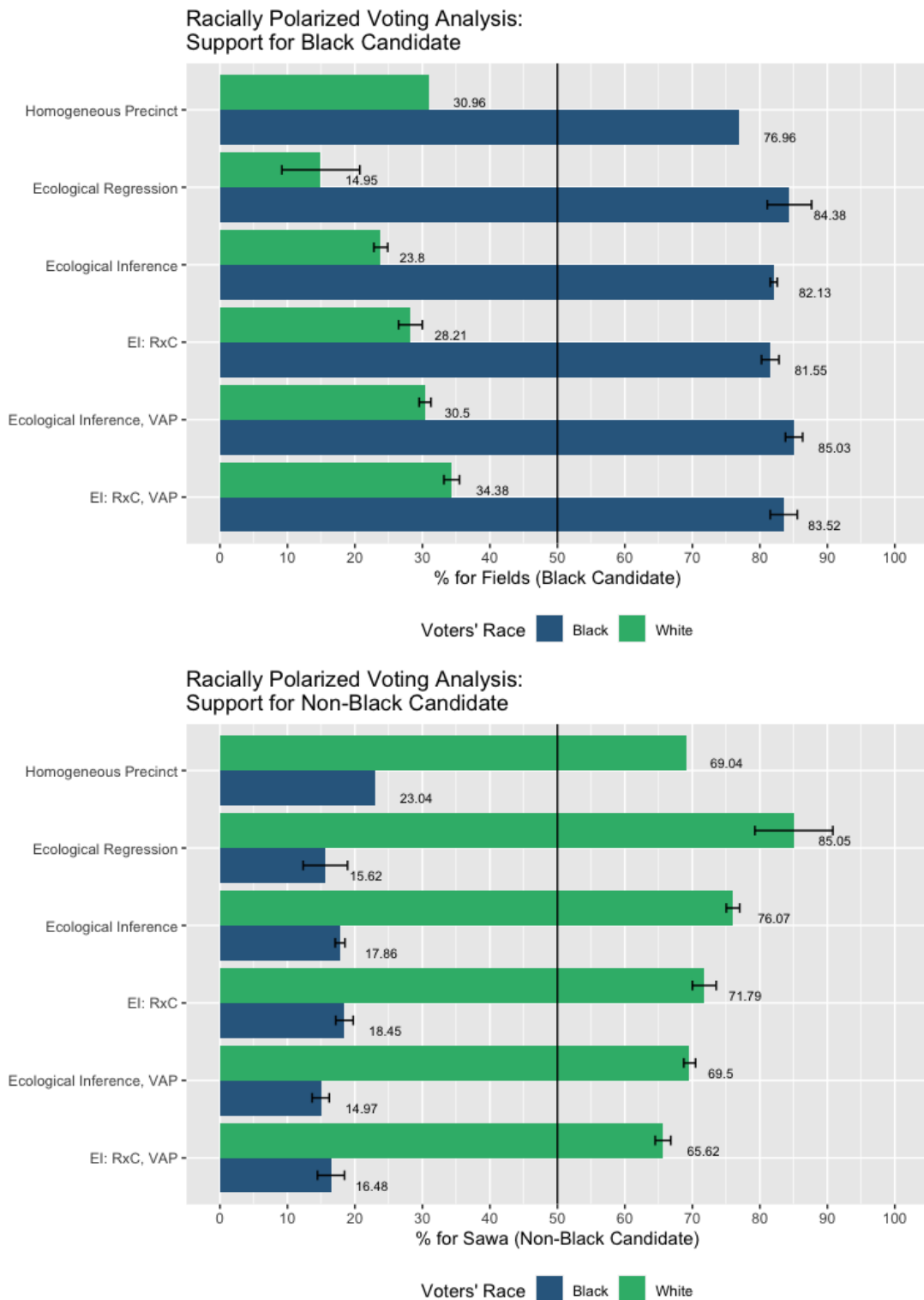


Figure 12 presents the RPV results by statistical method. The results are very clear – strong majorities of Black voters back Fields (between 77% - 85%) and majorities of whites back Sawa (between 65% - 85%).

Figure 12. Racially Polarized Voting assessment. 2020 Comptroller Milwaukee County Nonpartisan Spring General.



State Superintendent 2021 (Subset to Milwaukee County) Nonpartisan Primary: Hendricks-Williams (Black) vs. Underly (White) and Other White Candidates

The state superintendent contest is a top two primary election; thus the top two candidates advance regardless of partisanship.

Figure 13 presents the bivariate scatterplot between race and candidate support. As with other contests, the 2021 nonpartisan primary for state superintendent subset to Milwaukee County is racially polarized. The coefficient between percent black VAP and percent Hendricks-Williams (Black candidate) is 0.82; meanwhile the correlation coefficient between percent white VAP and percent Underly (the main white candidate) is 0.55.

Figure 13. State superintendent bivariate association. Democratic Primary 2021 featuring Hendricks-Williams (Black) vs Underly (white) and other white candidates.

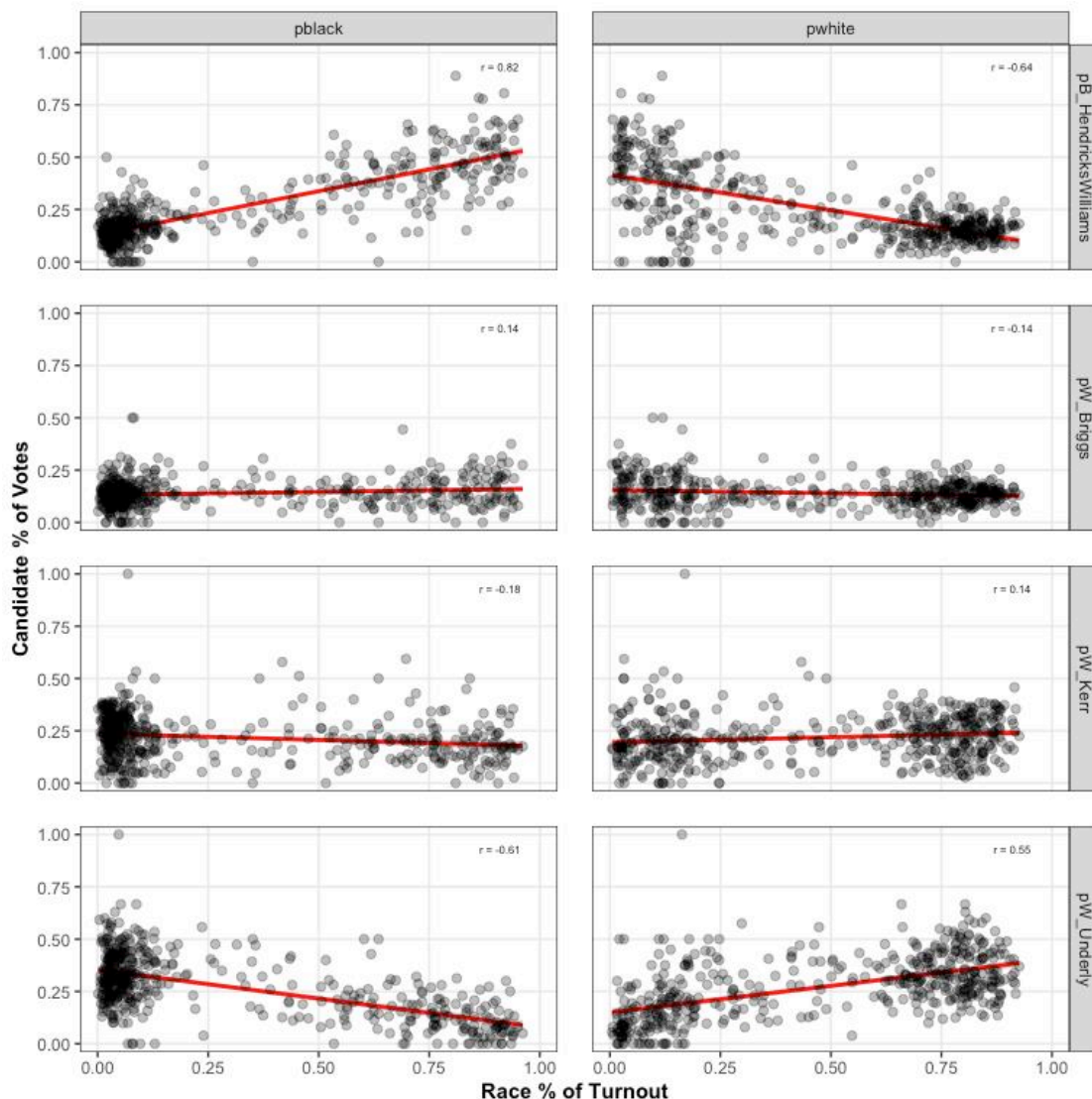
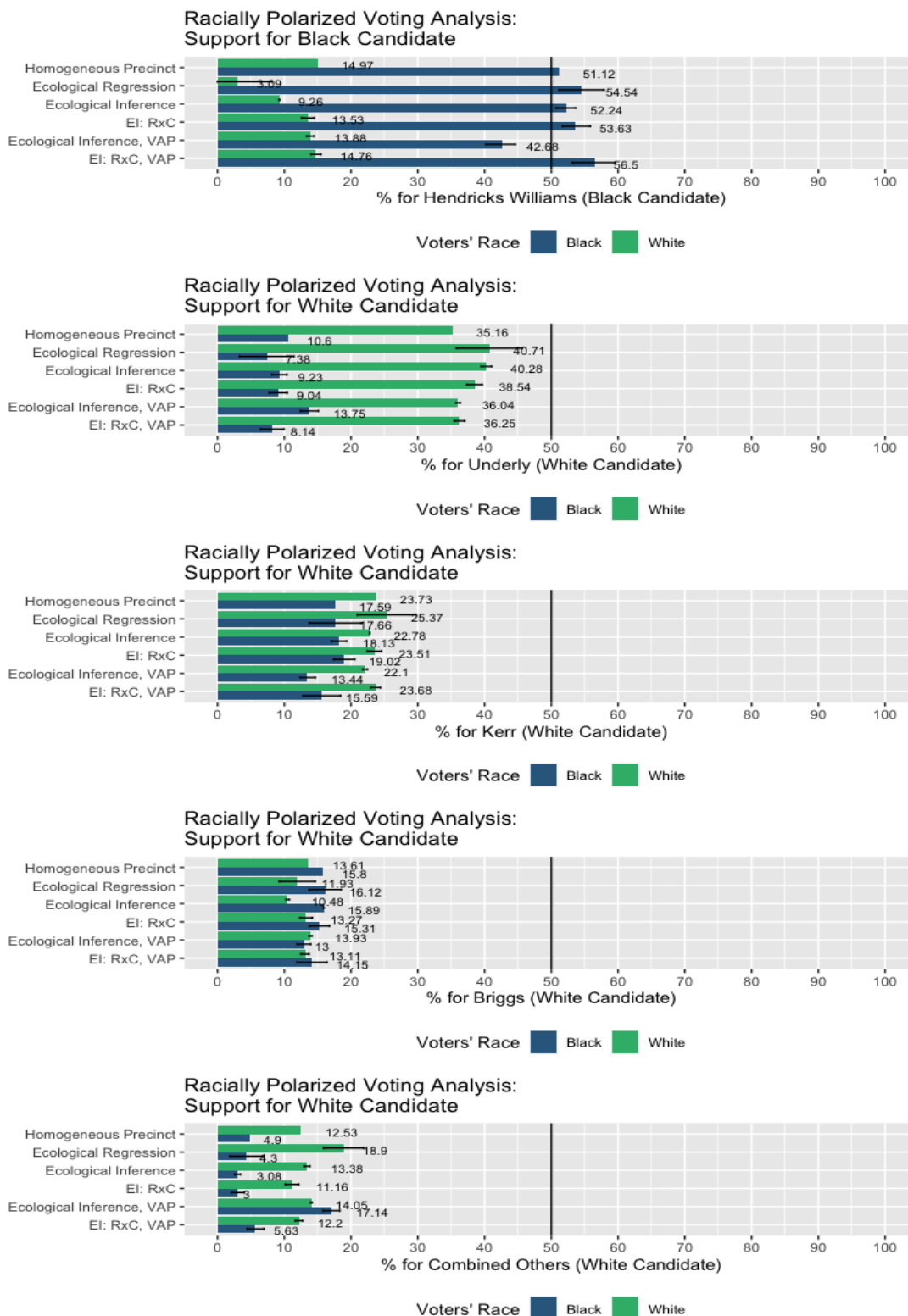


Figure 14 presents the RPV results by statistical method. Despite a plethora of candidates, a majority of Black voters support Hendricks-Williams across all statistical methods but one. Hendricks-Williams is clearly Black voters' top choice. White voters' top choice, however is Underly (backing the candidate ranging from 30%-40%). Further, in every statistical method, fewer than 15% of whites back Hendricks-Williams.

Figure 14. Racially Polarized Voting assessment. State Superintendent 2021 (subset to Milwaukee County) Nonpartisan Primary: Hendricks-Williams (Black) vs. Underly (White) and Other White Candidates



Bloc Voting Analysis

My RPV analysis reveals that RPV in Nonpartisan and Democratic Primary contests, along with spring general elections, is present between Black and white voters in Milwaukee County – especially in contests with Black and white candidates. Of the eight contests, seven cover most of the Milwaukee County or City jurisdiction. To examine *Gingles 3* – whether white voters usually block Black voters from electing candidates of choice, I exclude the primary between Myers and Kessler because this contest only covers a small subset of the wider jurisdiction, and because this seat is already a majority-Black district.

Of the seven contests analyzed, the Black preferred candidate (in this case the Black candidate) is blocked four times for a block rate of 57.14%. Note, I include the 2018 Gubernatorial Democratic Primary outcome as a win for the Black-preferred candidate because Mitchell outperformed Evers in Milwaukee despite losing the overall election.

In addition, as noted above, although the 2018 Milwaukee County Sheriff's election between Lucas and Schmidt covers the relevant jurisdiction, it was unique given the high level of white crossover voting due to white voters repudiating candidate Schmidt, who was heavily associated with controversial former sheriff David Clarke. Given this abnormality, if this election is also excluded from the analysis, white voters vote as a bloc to prevent Black voters from electing their candidate of choice in four of six (66.66%) elections.

I conclude that whether the 2018 Milwaukee County Sheriff's election is included or not, white voters bloc vote against the Black preferred candidate at a high rate, and always more than half of the time.

Performance Analysis of BLOC Petitioners' Proposed Assembly Plan

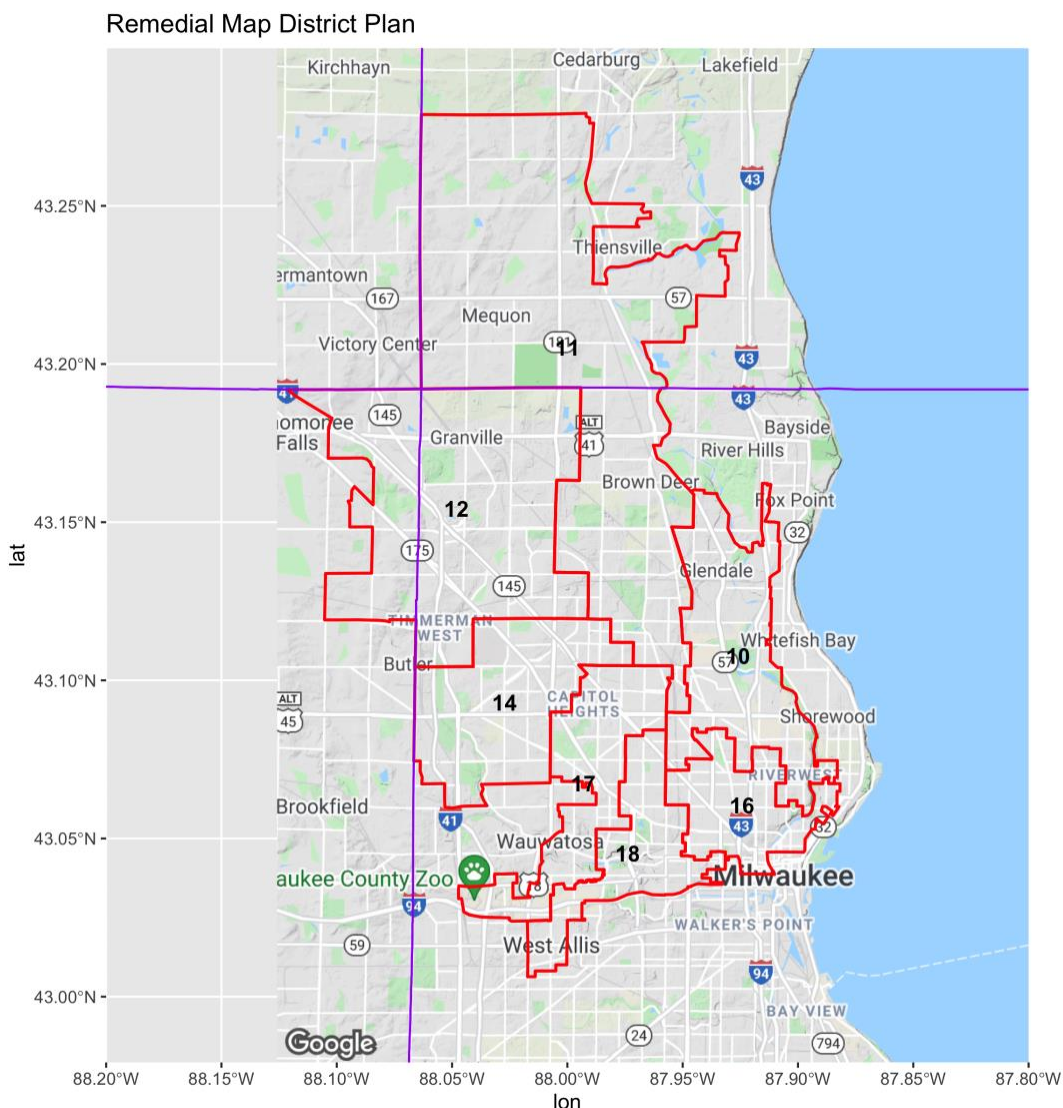
The BLOC Petitioners' lawyers have asked me to conduct an electoral performance analysis on the seven majority-Black VAP districts in their proposed assembly map plan. A performance analysis essentially reconstructs previous election results in a new map to assess whether a Black or white preferred candidate is most likely to win in the new districts. The BLOC Petitioners have proposed seven majority-Black districts – listed below in Table 2.

Table 2. BLOC Assembly Plan District Name, voting age population Black and white; and total voting age population.

NAME	BlackPct	MinorityPct	TotalVAP
10	0.523	0.612	45893
11	0.506	0.621	43155
12	0.502	0.652	42544
14	0.505	0.616	43527
16	0.505	0.622	46815
17	0.506	0.59	44660
18	0.505	0.661	43907

Figure 15 presents a map of the seven majority-Black districts in the BLOC Assembly Plan labeled by district. I include purple lines to denote county lines. Of particular note, the district plans do not include the village community of Shorewood in Milwaukee County because the inclusion of these precincts depresses votes, and therefore performance, for Black-preferred candidates. For instance, in the 2018 Democratic Gubernatorial Primary, Mitchell garners just 9% of the vote in Shorewood, while the rest of the vote goes to a mix of Evers, Roys, and other white candidates. In the 2021 Superintendent contest, the same precincts support Hendricks-Williams with just 14% of the vote, instead backing Underly at 50%.

Figure 15. BLOC Petitioners' Proposed majority-Black districts.



To conduct the performance analysis, first, I used statewide contests (Democratic Primary Governor 2018; 2021 State Superintendent) in order to fully reconstruct previous elections in the BLOC Petitioners' proposed districts. Because of the top-two nature of the non-partisan superintendent primary contest, I consider a first or second place a win for the Black-preferred candidate as performing.

I analyzed contests between white and Black candidates because these are most probative in measuring whether Black voters will have an equal opportunity to elect in the opportunity districts.⁷

⁷ Due to the unique RPV results observed with 2018 Sheriff contest, I do not conduct a performance analysis with this contest.

Second, I conduct the performance analysis using countywide contests between Black and white candidates for all proposed opportunity districts fully within Milwaukee County. I do not analyze Milwaukee City contests because of the smaller geographic nature that the City covers relative to the County. I list results tabularly for each contest. The contests include:

- 2018 Democratic Gubernatorial Primary
- 2021 State Superintendent nonpartisan primary
- 2020 Milwaukee County Executive (excluding districts that reach across county lines)

Democratic Primary 2018 Mitchell (Black) vs. Evers (White) and Other White Candidates

Table 3 lists candidate performance in the BLOC Petitioners' proposed opportunity district for the 2018 Democratic Gubernatorial Primary. The Black candidate, Mitchell, is the clear winner in each district, winning an outright majority in six of the seven seats. It is important to note that this contest includes 10 primary candidates so such win rates are extraordinary. Even in the one district that Mitchell does not outright win, he would have 47.9% of the vote, a clear plurality, with the next candidate having only 23.6% of the vote.

Table 3. Electoral performance analysis 2018 gubernatorial Democratic primary in BLOC Petitioners' proposed opportunity plan, by district.

Candidate	D10	D11	D12	D14	D16	D17	D18
B_Mitchell	0.479	0.547	0.557	0.517	0.524	0.511	0.515
W_Evers	0.236	0.232	0.241	0.242	0.228	0.235	0.229
W_Roys	0.121	0.066	0.057	0.087	0.097	0.122	0.101
W_other	0.164	0.154	0.144	0.154	0.152	0.132	0.154

State Superintendent 2021 (subset to Milwaukee County) Non-partisan Primary: Hendricks-Williams (Black) vs. Underly (White) and Other White Candidates

Table 4 shows the results for the the 2021 state superintendent nonpartisan primary contest in the BLOC Petitioners' proposed opportunity districts. Here the Black-preferred candidate (based on my RPV analysis) garners the most votes in three districts, tied for first in another, and second in three. In each scenario, the Black-preferred candidate (who

in this case is Black) would move onto the general election given it is a top-two primary, and almost certainly would win based on the demographics of the districts.

Table 4. Electoral performance analysis 2021 state superintendent nonpartisan primary in the BLOC Petitioners proposed opportunity plan, by district.

Candidate	D10	D11	D12	D14	D16	D17	D18
B_HendricksWilliams	0.28	0.259	0.327	0.286	0.316	0.308	0.272
W_Underly	0.348	0.179	0.187	0.272	0.289	0.308	0.314
W_Kerr	0.14	0.376	0.251	0.213	0.158	0.168	0.175
W_Briggs	0.157	0.11	0.135	0.124	0.154	0.137	0.148
W_other	0.074	0.076	0.1	0.106	0.083	0.08	0.091

Milwaukee County Executive 2020 Spring General: Crowley (Black) vs. Larson (White)

Table 5 presents performance results for the Milwaukee County Executive contest. These findings demonstrate overwhelming victory for the Black-preferred candidate Crowley. While I do not analyze districts stretching into the neighboring counties, Crowley wins in D10 by nearly 10 points, D14 by more than 20 points, D16 by 13 points, D17 by 18 points, and D18 by 15 percentage points.

Table 5. Electoral performance analysis 2020 Milwaukee County Executive in the BLOC Petitioners' proposed opportunity plan, by district.

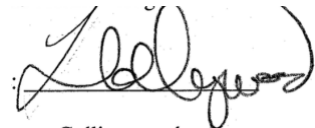
Candidate	D10	D14	D16	D17	D18
B_Crowley	0.542	0.601	0.564	0.59	0.572
W_Larson	0.455	0.396	0.433	0.408	0.426

Conclusion

In conclusion, without any doubt, racially polarized voting is present in Milwaukee-area elections. This is particularly clear in elections featuring Black candidates. In a mix of Democratic primary elections, nonpartisan primary elections, and spring general elections, Black voters vote cohesively for one set of candidates, and white voters for another set of candidates. More often than not, the white voters block Black voters' candidate of choice from winning. Finally, my performance analysis reveals that the BLOC Petitioners' proposed map shows that Black-preferred (in this case Black) candidates can and will win election to public office under the proposed opportunity districts.

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

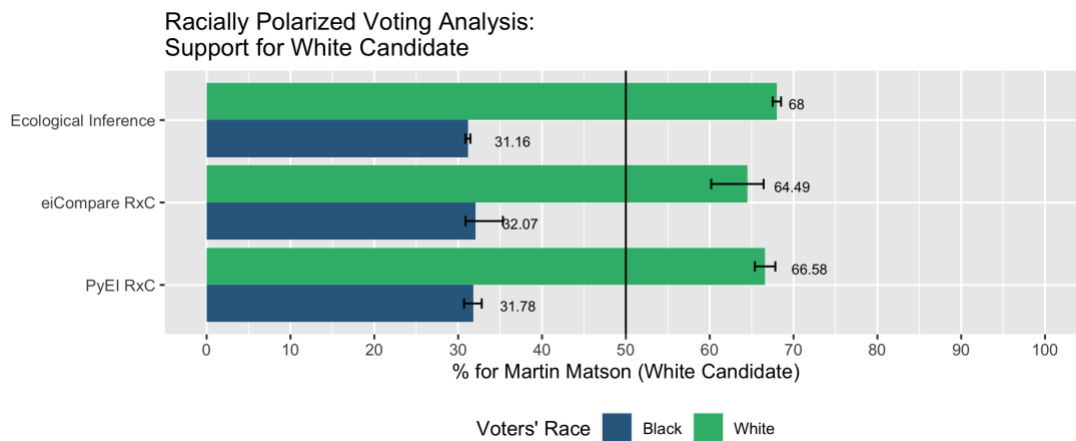
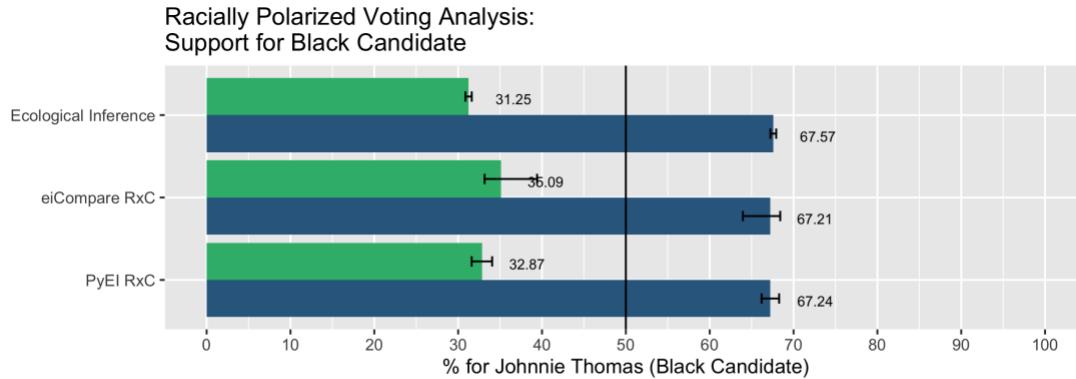
Executed on December 15, 2021.

A handwritten signature in black ink, appearing to read 'Loren Collingwood', written over a horizontal line.

Loren Collingwood

Appendix

Figure A1. Comparison of Milwaukee City Comptroller 2016 Nonpartisan Spring General: Johnny Thomas (Black) vs. Martin Matson (White); Using EI iterative and EI RxC from eiCompare and PyEI package.



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Employment

Associate Professor, University of New Mexico, 2020 - Present
Associate Professor, University of California, Riverside 2019 - 2020
Assistant Professor, University of California, Riverside 2012 - 2019
Assistant Analyst, Greenberg Quinlan Rosner, Washington DC 2005-2007
Field Associate, Greenberg Quinlan Rosner, Washington DC 2003-2005

Education

Ph.D., Political Science, University of Washington 2007 - 2012
Committee: Matt Barreto (chair), Chris Parker, Luis Fraga, Chris Adolph, Peter Hoff
M.A., Political Science, University of Washington, 2009
B.A., Psychology, California State University, Chico, 1998 - 2002
Minor: Political Science
Honors: *Cum Laude*, NCAA Scholar-Athlete in soccer

Research Fields

American Politics, Political Behavior, Methods, Race and Ethnic Politics, Immigration

Books

2. **Collingwood, Loren.** *Campaigning in a Racially Diversifying America: When and How Cross-Racial Electoral Mobilization Works.* 2020. Oxford University Press.

Featured in *Veja*, Brazil

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Articles

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Software

R package: **RTextTools**. This package uses supervised learning methods to automate text classification. Coauthors include Jurka, Boydston, Grossman, and van Atteveldt. Available on CRAN.

R package: **eiCompare**. This package compares outcomes between ecological inference (EI) estimates and EI:Rows by Columns (RxC) estimates. Primary purpose is employed in racially polarized voting analysis. Development Version available here: [eiCompare](#) or on CRAN. Coauthors include Barreto, Oskooii, Garcia-Rios, Burke, Decter-Frain, Murayama, Sachdeva, Henderson, Wood, and Gross.

R package: **Rvoterdistance**. Calculates distance between voters and multiple polling locations and/or ballot drop boxes. Ports C++ code for high speed efficiency. Available on CRAN.

R package: **Rweights**. Creates survey weights via iterative variable raking. Survey design object and weights vector are produced for use with R, Stata, and other programs. Currently in alpha form with unix tarball available here: [Rweights](#).

R package: **Rmturkcheck**. Functions for cleaning and analyzing two-wave MTurk (or other) panel studies. Available: [Rmturkcheck](#)

R package: **RCopyFind**. Functions for extracting data frames then plotting results from WCopyFind plagiarism text program. Co-authored with and Maintained by Steph DeMora. Available: [RCopyFind](#)

Under Review / Working Papers

Barreto, Matt, Michael Cohen, **Loren Collingwood**, Chad Dunn, and Sonni Waknin. “Using Bayesian Improved Surname Geocoding (BISG) to Assess Racially Polarized Voting in Voting Rights Act Challenges.” [Revise & Resubmit]

Collingwood, Loren, Juandalyn Burke, Ari Decter-Frain, Hikari Murayama, Pratik Sachdeva, Matt Barreto, Scott Henderson, Spencer Wood, and Joshua Zingher. “Comparing BISG to CVAP Estimates in Racially Polarized Voting Analyses.” [Under Review]

Collingwood, Loren, Jason Morín, and Edward Vargas. “Protesting Detention: How Protests Activated Group Empathy and Party ID to Shift Attitudes on Child Detention.” [Working Paper]

Paarlberg, Michael A. and Loren Collingwood. “Fact or Fiction: Testing the link between local immigration policy and the MS-13 ‘Threat’.” [Working Paper]

Awards, Grants, and Fellowships

Matt Barreto and Loren Collingwood. Detection of Vote Dilution: New tools and methods for protecting voting rights. Data Science for Social Good project selection, University of Washington. 2020

Loren Collingwood. Measuring Cross-Racial Voter Preferences. UCR Faculty Senate. \$3,500. 2019.

Francisco Pedraza and Loren Collingwood. Evaluating AltaMed’s 2018 GOTV Efforts in Los Angeles. \$12,000. 2018-2019.

Allan Colbern, Loren Collingwood, Marcel Roman. A Mess in Texas: The Deleterious Effects of SB4 on Public Trust in Law Enforcement. Center for American Progress. \$7,100. 2018.

Karthick Ramakrishnan, Mindy Romero, Loren Collingwood, Francisco Pedraza, Evaluating California’s Voter’s Choice Act. Irvine Foundation. \$150,000, 2018-2019.

William McGuire, Loren Collingwood, Ben Gonzalez O’Brien, and Katie Baird, “Evaluating the Impact of Drop Boxes and Get-Out-The-Vote Advertising on Voter Turnout in Pierce County, WA.” MIT Election Data and Science Lab, \$16,365, 2017

Justin Freebourn and Loren Collingwood, Blum Initiative \$4,000, 2017

Hellman Fellowship Grant, UC Riverside, \$30,000, 2014-2015

Best Dissertation Award, 2013 Western Political Science Association

UC Riverside Harrison & Ethel Silver Fund, \$2,000, 2013

Best Graduate Student Paper Award State Politics section, 2012 American Political Science Association

Texas A&M Experimental Methods Winter Institute, \$800, January, 2011

UseR! 2011 Conference travel grant, \$1000, August, 2011

Center for Statistics and the Social Sciences travel grant, \$870, January, 2011

David J. Olson Research Grant, University of Washington Political Science, \$2,000, January, 2011

Warren Miller Scholarship Award, Inter-University Consortium for Political and Social Research, Summer 2009

Matthews Fellowship, University of Washington, Winter 2008 - Spring 2009

Brennan Center for Justice, New York University [with Matt Barreto]

Indiana Voter Identification Study, \$40,000 – Oct. 2007, 6 months

Teaching Experience

POSC 10 (American Politics); POSC 146 (Mass Media & Public Opinion); POSC 171 (State Politics); POSC 104S (Race and Ethnic Politics Special Topics); POSC 108 (Race and Ethnic Politics)

POLS 300: Immigration Politics with Focus on Latino Politics

POLS 300: The Voting Rights Act: Causes and Effects

POSC 202A: Introduction to Quantitative Methods (Graduate)

POSC 207: Statistical Programming and Data Science for the Social Sciences (Graduate)

POSC 207: Quantitative Text Analysis (Graduate)

POSC 220: Graduate Seminar in Race and Ethnic Politics in the U.S.

POSC 256: Graduate Seminar in Public Opinion

POSC 253: Graduate Seminar in Electoral Politics

Text Classification with R using the `RTextTools` package, UNC-Chapel Hill Workshop

Text Analysis with Political Data, Claremont Graduate School, 2019

CSSS Intermediate R Workshop 2011, Instructor (Summer)

POLS 501: Advanced Research Design and Analysis, Teaching Assistant (2 quarters)

ICPSR Summer Course: Methodological Issues in Quantitative Research on Race and Ethnicity, Teaching Assistant

POLS 202: Introduction to American Politics, Teaching Assistant

CSSS Math Camp 2011, Teaching Assistant

POLS 499D: Center for American Politics and Public Policy Undergraduate Honors Seminar (2 quarters)

Professional Service

Co-editor, *Politics of Groups and Identities*, 2020-2021

Reviewer, Political Behavior, Journal of Information Technology and Politics, American Politics Research, Social Sciences Quarterly, Journal of Politics, Politics of Groups and Identities, American Journal of Political Science, Political Research Quarterly, State Politics and Public Policy, American Political Science Review, British Journal of Political Science, Journal of Race and Ethnic Politics, Urban Studies, Urban Affairs Review; many other journals

Conference Papers and Presentations

Collingwood, Loren and Benjamin Gonzalez O'Brien. "Sanctuary Cities: The Politics of Refuge." Invited Talk California Lutheran University. (October 2020).

Collingwood, Loren. "Sanctuary Cities: The Politics of Refuge." Invited Talk California State University, Chico. (March 2020).

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Collingwood, Loren. "Campaigning in a Racially Diversifying America: Whether and How Cross-Racial Electoral Mobilization Works." Invited Talk Oregon State University. (February 2020).

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Collingwood, Loren. "Campaigning in a Racially Diversifying America: Whether and How Cross-Racial Electoral Mobilization Works." Invited Talk University of Massachusetts. (January 2020).

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Collingwood, Loren and Benjamin Gonzalez O'Brien. "Sanctuary Cities: The Politics of Refuge." Invited Talk California State University, Northridge, Los Angeles. (November 2019).

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Collingwood, Loren (with Sean Long). "Can States Promote Minority Representation? Assessing the Effects of the California Voting Rights Act." UC Irvine Critical Observations on Race and Ethnicity Conference. (November 2019).

Collingwood, Loren. "Sanctuary Cities: The Politics of Refuge." Invited Talk University of Geneva, Switzerland. (November 2019).

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Collingwood, Loren. “The #FamiliesBelongTogether Outcry: How Protests Shifted Attitudes on Immigrant Family Separation and Child Detention.” Invited Talk University of California, Irvine (May 2019).

Collingwood, Loren. “Text Analysis with R.” Invited talk and presentation. Claremont Graduate University (May 2019)

Collingwood, Loren. “The #FamiliesBelongTogether Outcry: How Protests Shifted Attitudes on Immigrant Family Separation and Child Detention.” PRIEC. UC Davis (May 2019).

Collingwood, Loren. “Data Analysis with R.” Invited presentation and training Cal Poly Pomona (May 2019)

Collingwood, Loren. “The #FamiliesBelongTogether Outcry: How Protests Shifted Attitudes on Immigrant Family Separation and Child Detention.” Invited Talk Northern Arizona University (May 2019)

Collingwood, Loren (with Jason Morín). “Contractor Politics: How Political Events Influence Private Prison Company Stock Shares in the Pre and Post Trump Era.” Invited Talk Universidad Nacional Autonoma de Mexico, Distrito Federal, Mexico (February 2019).

Roman, Marcel, Allan Colbern, and Loren Collingwood. “A Mess in Texas: The Deleterious Effects of SB4 on Public Trust in Law Enforcement.” PRIEC Consortium. University of Houston (December 2018)

Collingwood, Loren. “The #FamiliesBelongTogether Outcry: How Protests Shifted Attitudes on Immigrant Family Separation and Child Detention.” Invited Talk University of Illinois Chicago (November 2018)

Collingwood, Loren. “Ongoing Research in Sanctuary Cities and Immigration Politics.” Invited Talk University of Pennsylvania Perry World House (November 2018)

Collingwood, Loren. “Unfair Detention: How Protests Activated Racial Group Empathy to Shift Attitudes on Child Detention.” Invited Talk Rutgers University (October 2018)

Collingwood, Loren. “Unfair Detention: How Protests Activated Racial Group Empathy to Shift Attitudes on Child Detention.” UCR Alumni Research Presentation Washington and Philadelphia (October 2018)

Collingwood, Loren, Jason Morin. “Expanding Carceral Markets: Detention Facilities, ICE Contracts, and the Financial Interests of Punitive Immigration Policy.” Invited Talk UCLA (October 2018).

Collingwood, Loren, Nazita Lajevardi, and Kassra Oskooii. "Opinion Shift and Stability: Enduring Opposition to Trump's "Muslim Ban". APSA (September 2018).

Collingwood, Loren, Jason Morin, and Stephen Omar El-Khatib. "Expanding Carceral Markets: Detention Facilities, ICE Contracts, and the Financial Interests of Punitive Immigration Policy." American Political Science Association Conference (August 2018).

Collingwood, Loren, Sergio Garcia-Rios, and Hannah Walker. "The Impact of Exposure to Police Brutality on Political Attitudes Among Black and White Americans." Cooperative Comparative Post-Election Survey (CMPS) Conference. (August, 2018).

Collingwood, Loren, Nazita Lajevardi, and Kassra Oskooii. "Opinion Shift and Stability: Enduring Opposition to Trump's "Muslim Ban". Politics of Race Immigration and Ethnicity Consortium (August 2018).

Collingwood, Loren, Jason Morin, and Stephen Omar El-Khatib. "Expanding Carceral Markets: Detention Facilities, ICE Contracts, and the Financial Interests of Punitive Immigration Policy." Politics of Race Immigration and Ethnicity Consortium, Michigan State University (April 2018)

Collingwood, Loren, Benjamin Gonzalez O'Brien, and Joe Tafoya. "Partisan Learning or Racial Learning: Opinion Change on Sanctuary City Policy Preferences in California and Texas." Midwest Political Science Association Conference (April 2018).

El-Khatib, Stephen Omar and Loren Collingwood. "State Policy Responses to Sanctuary Cities: Explaining the Rise of Sanctuary City Legislative Proposals." Midwest Political Science Association Conference (April 2018).

Hannah Walker, Loren Collingwood, and Tehama Lopez Bunyasi. "Under the Gun: Black Responsiveness and White Ambivalence to Racialized Black Death." Midwest Political Science Association Conference (April 2018).

Hannah Walker, Loren Collingwood, and Tehama Lopez Bunyasi. "Under the Gun: Black Responsiveness and White Ambivalence to Racialized Black Death." Western Political Science Association Conference (April 2018).

DeMora, Stephanie, Adriana Ninci, and Loren Collingwood. "Shoot First in ALEC's Castle: The Diffusion of Stand Your Ground Laws." Politics of Race Immigration and Ethnicity Consortium, ASU (February 2018).

El-Khatib, Stephen Omar and Loren Collingwood. "State Policy Responses to Sanctuary Cities: Explaining the Rise of Sanctuary City Legislative Proposals." Politics of Race Immigration and Ethnicity Consortium, UCR (September 2017).

Collingwood, Loren, Nazita Lajevardi, and Kassra Oskooii. "A Change of Heart? How Protests Shifted Individual-Level Public Opinion on Trump's Muslim Ban." APSA (September 2017).

Collingwood, Loren, McGuire, Will, Gonzalez O'Brien Ben, Hampson, Sarah, and Baird, Katie. "Do Dropboxes Improve Voter Turnout? Evidence from King County, Washington." APSA (September 2017).

Collingwood, Loren, Reny, Tyler, Valenzuela, Ali. "Flipping for Trump: In 2016, Immigration and Not Economic Anxiety Explains White Working Class Vote Switching." UCLA (May 2017).

Collingwood, Loren, Nazita Lajevardi, and Kassra Oskooii. "A Change of Heart? How Protests Shifted Individual-Level Public Opinion on Trump's Muslim Ban." UCLA (May 2017).

Collingwood, Loren, Nazita Lajevardi, and Kassra Oskooii. "A Change of Heart? How Protests Shifted Individual-Level Public Opinion on Trump's Muslim Ban." Politics of Race Immigration and Ethnicity Consortium, UCSB (May 2017).

Reny, Tyler, Ali Valenzuela, and Loren Collingwood. "Public Reactions to Anti-Latino Appeals in the Age of Obama: Race, Illegality and Changing Norms." Vancouver, Western Political Science Association Conference (April. 2017).

Collingwood, Loren, McGuire, Will, Gonzalez-O'Brien Ben, Hampson, Sarah, and Baird, Katie. "Do Dropboxes Improve Voter Turnout? Evidence from King County, Washington." WPSA (April 2017).

Gonzalez-O'Brien, Benjamin, Loren Collingwood, and Stephen El-Khatib. "Gimme Shelter: The Myth and Reality of the American Sanctuary City". Vancouver, Western Political Science Association Conference WPSA (April 2017).

Rush, Tye, Pedraza, Francisco, Collingwood, Loren. "Relieving the Conscience: White Guilt and Candidate Evaluation." Politics of Race Immigration and Ethnicity Consortium, UCI (March 2017).

Reny, Tyler, Ali Valenzuela, and Loren Collingwood. "Public Reactions to Anti-Latino Appeals in the Age of Obama: Race, Illegality and Changing Norms." Philadelphia, American Political Science Association Conference (Sept. 2016)

Barreto, Matt, Loren Collingwood, Sergio Garcia-Rios, and Kassra Oskooii. "Estimating Candidate Support: Comparing EI & EI-RxC." Chicago, Midwest Political Science Association Conference (April 2016)

Bishin, Benjamin, Loren Collingwood, and Erinn Lauterbach. "Cross-Racial Mobilization in a Rapidly Diversifying Polity: Latino Candidates and Anglo Voters" Chicago, Midwest Political Science Association Conference (April 2016)

Gonzalez-O'Brien, Benjamin, Loren Collingwood, and Stephen El-Khatib. "Gimme Shelter: The Myth and Reality of the American Sanctuary City". San Diego, Western Political Science Association Conference (April 2016)

Collingwood, Loren and Antoine Yoshinaka. The new carpetbaggers? Analyzing the effects of migration on Southern politics. The Citadel Conference on Southern Politics, Charleston, SC (Mar 2016)

Alamillo, Rudy and Loren Collingwood. Chameleon Politics: Social Identity and Racial Cross-Over Appeals. American Political Science Association Conference, San Francisco (Sept 2015)

Reny, Tyler, Ali Valenzuela, and Loren Collingwood. "Public Reactions to Anti-Latino Appeals in the Age of Obama: Race, Illegality and Changing Norms." San Francisco, American Political Science Association Conference (Sept 2015)

Alamillo, Rudy and Loren Collingwood. Chameleon Politics: Social Identity and Racial Cross-Over Appeals. Western Political Science Association Conference, Las Vegas (April 2015)

Barreto, Matt and Loren Collingwood. Confirming Electoral Change: The 2012 U.S. Presidential Election OSU Conference (October, 2013). "Earning and Learning the Latino Vote in 2008 and 2012: How the Obama Campaign Tried, Refined, Learned, and Made Big Steps in Cross-Racial Mobilization to Latinos.

Collingwood, Loren and Ashley Jochim. 2012 Midwest Political Science Association Annual Conference (April) Chicago, IL. "Electoral Competition and Latino Representation: The Partisan Politics of Immigration Policy in the 104th Congress."

Collingwood, Loren. 2012 Western Political Science Association Annual Conference (March) Portland, OR. "The Development and Use of Cross-Racial Mobilization as Campaign Strategy in U.S. Elections: The Case of Texas 1948-2010."

Collingwood, Loren. 2012 Institute for Pragmatic Practice Annual Conference (March) Seattle, WA. "Changing Demographics, Rural Electorates, and the Future of American Politics."

Collingwood, Loren. 2012 Politics of Race, Immigration, and Ethnicity Consortium (January) Riverside, CA. "The Development of Cross-Racial Mobilization: The Case of Texas 1948-2010."

Collingwood, Loren. 2011 American Political Science Association Annual Conference (September) Seattle, WA. "The Pursuit of Victory and Incorporation: Elite Strategy, Group Pressure, and Cross Racial Mobilization."

Forman, Adam and Loren Collingwood. 2011 American Political Science Association Annual Conference (September) Seattle, WA. "Measuring Power via Presidential Phone Records." (Poster)

Collingwood, Loren with (Tim Jurka, Wouter Van Atteveldt, Amber Boydstun, and Emiliano Grossman). UseR! 2011 Conference. (August) Coventry, United Kingdom. "RTextTools: A Supervised Learning Package for Text Classification in R."

Jurka, Tim, Loren Collingwood, Wouter Van Atteveldt, Amber Boydstun, and Emiliano Grossman. 2011 Comparative Agendas Project Conference. (June) Catania, Italy. "RTextTools: A Supervised Learning Package for Text Classification in R."

Collingwood, Loren and John Wilkerson. 2011 Journal of Information Technology & Politics Conference. (May) Seattle, WA. "Tradeoffs in Accuracy and Efficiency in Supervised Learning Methods."

Collingwood, Loren. 2011 Politics of Race, Immigration, and Ethnicity Consortium (May) Davis, CA. "The Pursuit of Victory and Incorporation: Elite Strategy, Group Pressure, and Cross Racial Mobilization"

Collingwood, Loren. 2011 Western Political Science Conference (April) San Antonio, TX. "Race-Matching as Targeted Mobilization."

Collingwood, Loren. 2011 Western Political Science Conference (April) San Antonio, TX. "The Pursuit of Victory and Incorporation: Elite Strategy, Group Pressure, and Cross Racial Mobilization"

Collingwood, Loren (with John Wilkerson). Invited Talk: Texas A&M University. (April, 2011) "Tradeoffs in Accuracy and Efficiency in Supervised Learning Methods."

Collingwood, Loren (with John Wilkerson). Invited Talk: Rice University. (April, 2011) "Tradeoffs in Accuracy and Efficiency in Supervised Learning Methods."

Collingwood, Loren. 2011 Midwest Political Science Association Annual Conference (April) Chicago, IL. "Race-Matching as Targeted Mobilization."

Collingwood, Loren and John Wilkerson. 2011 Text as Data Conference. (March) Evanston, IL. "Tradeoffs in Accuracy and Efficiency in Supervised Learning Methods."

- Collingwood, Loren and John Wilkerson. 2011 Southern Political Science Conference. (January) New Orleans, LA. "Tradeoffs in Accuracy and Efficiency in Supervised Learning Methods."
- Collingwood, Loren (with Ben Gonzalez). 2010 American Political Science Association Annual Conference. (September) Washington, DC. "The Political Process in Florida: Modeling African American Registration Rates Post *Smith v. Allwright*, 1944-1964."
- Wilkerson, John, Steve Purpura, and Loren Collingwood. 2010 NSF Funded Tools for Text Workshop. (June) Seattle, WA. "Rtexttools: A Supervised Machine Learning Package in an R-Wrapper."
- Collingwood, Loren and Marcela Garcia-Castanon. 2010 Western Political Science Association Annual Conference. (April) San Francisco, CA. "Negativity as a Tool: candidate poll standing and attack politics."
- Collingwood, Loren. 2010 Politics of Race, Immigration, and Ethnicity Consortium. (January) Riverside, CA. "White Outreach: A spatial approach to modeling black incorporation in Florida post *Smith v. Allwright*, 1944-1965."
- Collingwood, Loren. 2009 Western Political Science Association Annual Conference. (March) Vancouver, BC. "Levels of Education, Political Knowledge and Support for Direct Democracy."
- Collingwood, Loren. 2009 Western Political Science Association Annual Conference. (March) Vancouver, BC. "The Negativity Effect: Psychological underpinnings of advertising recall in modern political campaigns."
- Collingwood, Loren and Marcela Garcia-Castanon. 2009 Western Political Science Association Annual Conference. (March) Vancouver, BC. "Negativity as a Tool: predicting negative responses and their effectiveness in the 2008 campaign season."
- Collingwood, Loren and Marcela Garcia-Castanon. 2009 Western Political Science Association Annual Conference. (March) Vancouver, BC. "Switching codes: analyzing Obama's strategy for addressing Latinos in the 2008 presidential campaign."
- Collingwood, Loren, (with Matt Barreto and Sylvia Manzano) 2009 Shambaugh Conference. (March) University of Iowa, IA. "More than one way to shuck a tamale: Latino influence in the 2008 general election."
- Collingwood, Loren and Marcela Garcia-Castanon. 2009 Midwest Political Science Association Annual Conference. (April) Chicago, IL. "Switching codes: analyzing Obama's strategy for addressing Latinos in the 2008 presidential campaign."
- Collingwood, Loren and Marcela Garcia-Castanon. 2009 Pacific Northwest Political Science Conference. (October) Victoria, BC. "Negativity as a Tool: predicting negative responses and their effectiveness in the 2008 campaign season."
- Collingwood, Loren and Francisco Pedraza (with Matt Barreto and Chris Parker). 2009 Center for Statistics and the Social Sciences 10th Anniversary Conference. (May) Seattle, WA. "Race of interviewer effects: perceived versus actual."
- Collingwood, Loren (with Matt Barreto, Chris Parker, and Francisco Pedraza). 2009 Pacific Northwest Political Science Conference. (October) Victoria, BC. "Race of interviewer effects: perceived versus actual."
- Barreto, Matt, Loren Collingwood and Todd Donovan. 2008 Midwest Political Science Association Annual Conference. (April) Chicago, IL. "Early Presidential Primaries, Viability, and Vote Switching in 2008."

Collingwood, Loren. 2008 Midwest Political Science Association Annual Conference. (April) Chicago, IL. "Levels of Education and Support for Direct Democracy: A Survey Experiment."

Collingwood, Loren. 2008 American Political Science Association Annual Conference. (September) Boston, MA. "Levels of Education and Support for Direct Democracy: A Survey Experiment." (Poster)

Collingwood, Loren. 2008 American Political Science Association Annual Conference. (September) Boston, MA. "Response Effects in Multi-Candidate Primary Vote Questions." (Poster)

Computer Skills

R, Stata, Python, WinBugs/JAGS, L^AT_EX, SPSS, MySQL, Access, ArcGIS, Some C++ when interacting with R.

Reports

Collingwood, Loren. (2008). *The Washington Poll: pre-election analysis*. www.washingtonpoll.org.

Collingwood, Loren. (2008). *Democratic underperformance in the 2004 gubernatorial election: explaining 2004 voting patterns with an eye towards 2008*. www.washingtonpoll.org.

Barreto, Matt, Loren Collingwood, Francisco Pedraza, and Barry Pump. (2009). *Online voter registration in Washington State and Arizona*. Commissioned by Pew Research Center.

Collingwood, Loren, Todd Donovan, and Matt Barreto. (2009). *An assessment of ranked choice voting in Pierce County, WA*.

Collingwood, Loren. (2009). *An assessment of the fiscal impact of ranked choice voting in Pierce County, WA*. Commissioned by the League of Women Voters.

Barreto, Matt, and Loren Collingwood. (2009). *Latino candidates and racial block voting in primary and judicial elections: An analysis of voting in Los Angeles County board districts*. Commissioned by the Los Angeles County Chicano Employees Association.

Barreto, Matt, and Loren Collingwood. (2011). *A Review of Racially Polarized Voting For and Against Latino Candidates in Los Angeles County 1994-2010*. Commissioned by Los Angeles County Supervisor Gloria Molina. August 4.

Collingwood, Loren. (2012). *Recent Political History of Washington State: A Political Map*. Commissioned by the Korean Consulate.

Collingwood, Loren. (2012). *Analysis of Polling on Marijuana Initiatives*. Commissioned by Greenberg Quinlan Rosner.

Collingwood, Loren, Sean Long, and Francisco Pedraza. (2019). *Evaluating AltaMed Voter Mobilization in Southern California, November 2018*. Commissioned by AltaMed.

Relevant Work Experience

Collingwood Research, LLC

Statistical Consulting and Analysis

January 2008 - Present

Conducted over 200 projects involving political research, polling, statistical modeling, redistricting analysis and mapping, data analysis, micro-targeting, and R software development for political and non-profit clients. Clients include: Greenberg Quinlan Rosner, Latino Decisions, Pacific Market Research, Beck Research, Squier Knapp Dunn Communications, Anzalone–Lizst Research, League of Women Voters, Shelia Smoot for Congress, pollster.com, Comparative Agendas Project, Amplified Strategies, Gerstein Bocian & Agne, Strategies 360, the Korean Consulate, the California Redistricting Commission, Monterey County Redistricting Commission, ClearPath Strategies, Los Angeles County Council, Demchak & Baller Legal, Arnold & Porter LLP, JPM Strategic Solutions, National Democratic Institute (NDI) – on site in Iraq, Latham & Watkins, New York ACLU, United States Department of Justice, Inland Empire Funder’s Alliance (redistricting work), Perkins & Coie, Elias Law Group; Santa Clara County (RPV Analysis); Native American Rights Fund (NARF); West Contra Costa County School District

Expert Witness Work

Expert Witness: *LULAC of Iowa vs. Pate*, 2021Expert Witness: *United States Department of Justice vs. City of Hesperia*, 2021Expert Witness: *NAACP vs. East Ramapo Central School District*, New York, 2018-2019

Riverside County, Corona and Eastvale, 2015

Los Angeles County Redistricting Commission, 2011

Racially Polarized Voting analysis of Latino and Asian candidates in San Mateo County and alternative map creation, 2010-2011

State of California, Citizens Redistricting Commission, including Blythe, CA, in Riverside County, 2011

Monterey County, CA Redistricting, alternative map creation, 2011

Greenberg Quinlan Rosner

Assistant Analyst, Anna Greenberg

June 2005 - May 2007

Assisted in the development of questionnaires, focus group guidelines, memos, and survey reports for political, non-profit, and corporate clients. Moderated in-depth interviews and focus groups.

Greenberg Quinlan Rosner

Field Associate

December 2003 - June 2005

Managed qualitative and quantitative data collection process in the U.S. and internationally. Provided methodological advice, including sample stratification, sampling Latino populations, and modal sampling strategies.

Congressman Adam Schiff

Database Manager

March 2003 - June 2003

Managed constituent mail and survey databases; updated and maintained Member's Congressional voting record.

Strategic Consulting Group

Field Organizer, Carol Roberts for Congress

July 2002 - November 2002

Recruited and coordinated over 100 volunteers for mailings, canvassing, phone banking, and GOTV operations. Developed internship program and managed 15 interns from local colleges and high schools.

Institute for Policy Studies

Intern, John Cavanagh

May 2001 - August 2001

Provided research assistance for projects advocating reform of the WTO, World Bank, and IMF. Worked on reports and op-ed pieces on global economic issues advocating fair trade.

Last updated: November 8, 2021

Expert Report of Dr. Kenneth R. Mayer

Johnson, et al., v. WEC, et al., No. 2021AP1450-OA

December 15, 2021

I. Executive Summary

Population changes in Wisconsin since 2010, as measured by the 2010 Census, require redrawing the existing state legislative districts. The population of Wisconsin grew by 206,732 to 5,893,718, a growth of 2.6%. Most of the population growth occurred in populous counties, and was concentrated in Dane County, the Fox River Valley (Brown, Outagamie and Winnebago), the “collar counties” Milwaukee (Ozaukee, Washington, Waukesha), and in the Eau Claire area.

The BLOC Assembly map has the following characteristics:

Population Deviation:	1.32%
Compactness (Reock)	0.38
Core Population Retention:	84.2%
Delayed Senate Vote	179,629

The Senate Districts created by this plan have the following characteristics

Population Deviation:	0.96%
Compactness (Reock)	0.41
Core Population Retention:	89.6%

The BLOC Assembly Plan creates a seventh majority African American district in Milwaukee. Creating this new Majority-Minority district required reconfiguration of other districts in the City. Those changes, in turn, “rippled” through the adjacent districts, and then had second-order effects on the districts adjacent to those districts. These districts lower the overall core retention of the plan. Calculating core retention for the plan after removing them shows the following results:

Core Population Retention:	84.2%
Core Population Retention (removing Section 2 districts)	86.4%
Core Population Retention (removing Section 2 and adjacent Districts)	87.95%

Likewise, the majority-minority districts form even-numbered senate districts, and are adjacent to odd-numbered senate districts. As a result, the addition of a seventh majority Black district unavoidably increases the “delayed senate vote” affected population. Excluding the changes attributable to majority Black districts, the statewide delayed senate vote total drops to 127,147.

II. Data

In forming my opinions in this matter, I relied on the following data:

1. A map provided to me by counsel, consisting of a block equivalency file.
2. 2020 Census data, obtained either from the Census Bureau or the Redistricting Data Hub.
3. The peer reviewed academic literature and other sources cited in this report.

In calculating plan metrics, I relied on Maptitude for Redistricting Version 2021, a standard redistricting GIS application, and Dave's Redistricting App, a web application that is considered an authoritative source.¹ For district demographics, I relied on Census data and American Community Survey data reported in Dave's Redistricting App, and data available on the Redistricting Data Hub.

III. Qualifications and Expertise

I have a Ph.D. in political science from Yale University, where my graduate training included courses in econometrics and statistics. My undergraduate degree is from the University of California, San Diego, where I majored in political science and minored in applied mathematics. I have been on the faculty of the political science department at the University of Wisconsin-Madison since August 1989. My curriculum vitae is attached to this report.

All publications that I have authored and published in the past ten years appear in my curriculum vitae, attached to this report. Those publications include the following peer-reviewed journals: *Journal of Politics*, *American Journal of Political Science*, *Election Law Journal*, *Legislative Studies Quarterly*, *Presidential Studies Quarterly*, *American Politics Research*, *Congress and the Presidency*, *Public Administration Review*, *Political Research Quarterly*, and *PS: Political Science and Politics*. I have also published in law reviews, including the *Richmond Law Review*, the *UCLA Pacific Basin Law Journal*, and the *University of Utah Law Review*. My work on campaign finance has been published in *Legislative Studies Quarterly*, *Regulation*, *PS: Political Science and Politics*, *Richmond Law Review*, the *Democratic Audit of Australia*, and in an edited volume on electoral competitiveness published by the Brookings Institution Press. My research on campaign finance has been cited by the U.S. Government Accountability Office, and by legislative research offices in Connecticut and Wisconsin.

My work on election administration has been published in the *Election Law Journal*, *American Journal of Political Science*, *Public Administration Review*, *Political Research Quarterly*, and *American Politics Research*. I was part of a research group retained by the former Wisconsin Government Accountability Board to review their compliance with federal mandates and reporting systems under the Help America Vote Act, and to survey local election officials throughout the state. I serve on the Steering Committee of the Wisconsin Elections Research Center, a unit within the UW-Madison College of Letters and Science. In 2012, I was retained by the United States Department of Justice to analyze data and methods regarding Florida's efforts to identify and remove claimed ineligible noncitizens from the statewide file of

¹ Dr. Bernard Grofman, the Jack W. Peltason Chair and Distinguished Professor of Political Science at the University of California-Irvine, and a frequent expert witness or Special Master in redistricting cases (including serving an expert witness for the State of Wisconsin at the 2012 trial of the *Baldus v. Members of the Government Accountability Board* redistricting case in federal court), described Dave's Redistricting App as "free user-friendly mapping program that is becoming widely used in redistricting map-drawing" and relied on it to draw council districts in Virginia Beach, Virginia in *Holloway et al. v. City of Virginia Beach et al.*, Case No: 2:18cv69.

registered voters. I am the Principal Investigator of the Multidisciplinary Approach to Redistricting Knowledge project, a research project to study new ways of analyzing redistricting issues, which includes political scientists, geographers, and computer scientists

In the past nine years, I have testified as an expert witness in trial or deposition or submitted a report in the following cases:

Federal: *League of Women Voters of Florida, Inc., et al. v. Lee, et al.*, Case No. 4:21-cv-00186-MW-MAF (N.D. Fla., 2021); *Fair Fight Inc., et al. v. True the Vote, Inc., et al.*, Case No. 2:20-CV-00302-SCJ (N.D. Ga., 2021); *Majority Forward and Gamliel Warren Turner, Sr. v. Ben Hill County Board of Elections, et al.*, No. 1:20-CV-00266-LAG (M.D. Ga., 2021), *Pearson et al. v. Kemp et al.*, No. 1:20-cv-4809-TCB (N.D. Ga., 2021); *The Andrew Goodman Foundation v. Bostelmann*, No. 19-cv-955 (W.D. Wis., 2020); *The New Georgia Project et al. v. Raffensperger et al.* No. 1:20-CV-01986-EL0052 (N.D. Ga., 2020); *Fair Fight Action v. Raffensperger*, No. 1:18-cv-05391-SCJ (N.D. Ga. 2019); *Kumar v. Frisco Independent School District*, No. 4:19-cv-00284 (E.D. Tex. 2019); *Vaughan v. Lewisville Independent School District*, No. 4:19-cv-00109 (E.D. Tex. 2019); *Tyson v. Richardson Independent School District*, No. 3:18-cv-00212 (N.D. Tex. 2018); *Dwight, et al. v. Raffensperger*, No. 1:18-cv-2869-RWS (N.D. Ga. 2018); *League of Women Voters of Michigan, et al. v. Johnson*, No. 2:17-cv-14148-DPH-SDD (S.D. Mich. 2018); *One Wis. Institute, Inc. v. Thomsen* 198 F. Supp. 3d 896 (W.D. Wis. 2016); *Whitford v. Gill*, 218 F. Supp. 3d 837 (W.D. Wis. 2016); *Baldus v. Members of Wis. Gov't Accountability Bd.*, 849 F. Supp. 2d 840 (E.D. Wis. 2012).

State: *League of Women Voters of Arkansas et al. v. Thurston et al.*, Case No. 60CV-21-3138 (5th Circ. Ct., Pulaski Cty., AR, 2021); *Driscoll v. Stapleton*, No. DV 20 0408 (13th Judicial Ct. Yellowstone Cty., MT, 2020); *North Carolina Alliance for Retired Americans et al. v. North Carolina State Board of Elections* (Wake Cty., NC, 2020); *LaRose et al. v. Simon*, No. 62-CV-20-3149 (2d Jud. Dist. Ct., Ramsey Cty., MN, 2020); *Michigan Alliance for Retired Americans et al. v. Benson et al.* No 2020-000108-MM (Mich. Court of Claims, 2020); *Priorities U.S.A., et al. v. Missouri, et al.*, No. 19AC-CC00226 (Cir. Ct. of Cole Cty., MO 2018); *Milwaukee Branch of the NAACP v. Walker*, 851 N.W. 2d 262 (Wis. 2014); *Kenosha Cty. v. City of Kenosha*, No. 11-CV-1813 (Wis. Cir. Ct., Kenosha Cty., WI 2011).

Courts consistently have accepted my expert opinions, and the basis for those opinions. No court has ever excluded my expert opinion under *Daubert* or any other standard. Courts have cited my expert opinions in their decisions, finding my opinions reliable and persuasive. *See Driscoll v. Stapleton*, No. DV 20 0408 (13th Judicial Ct. Yellowstone Cty., MT, 2020); *Priorities U.S.A., et al. v. Missouri, et al.*, No. 19AC-CC00226 (Cir. Ct. Cole Cty., MO 2018); *Whitford v. Gill*, 218 F. Supp. 3d 837 (W.D. Wis. 2016); *One Wis. Inst., Inc. v. Thomsen*, 198 F. Supp. 3d 896 (W.D. Wis. 2016); *Baldus v. Members of Wis. Gov't Accountability Bd.*, 849 F. Supp. 2d 840 (E.D. Wis. 2012); *Milwaukee Branch of the NAACP v. Walker*, 851 N.W. 2d 262 (Wis. 2014); *Baumgart v. Wendelberger*, No. 01-C-0121, 2002 WL 34127471 (E.D. Wis. May 30, 2002).

In 2012, the Court in *Baldus v. Members of Wis. Gov't Accountability Bd.* relied on a map I drew to create a majority Hispanic Assembly District in Milwaukee (the 8th).

I am being compensated at an hourly rate of \$450 for my work in this matter.

IV. Wisconsin 2020 Census

The 2020 Census showed that Wisconsin's population grew by 206,732, to 5,893,718.² Population change was not uniform throughout the state, with populous counties experiencing most of the growth. The sixteen counties with over 100,000 population in the 2020 Census had 78.1% of the state's population growth from 2010 (161,393), while the twenty-six counties with under 25,000 population in 2020 had 1.5% of the population growth from 2010 (3,082).

Population growth was concentrated in the "collar counties" around Milwaukee (Ozaukee, Washington, and Waukesha Counties), the Fox Valley (Brown, Outagamie, and Winnebago Counties), the western portion of the state from Eau Claire west to the Minnesota border (Eau Claire, Chippewa, Dunn, St. Croix, and Pepin Counties), and the area around Madison (Dane County), which saw the largest absolute growth over the decade (73,431) and the largest percentage growth (over 15%).

As a result of population growth, decline, and shifts, the 2011 Act 43³ Assembly districts no longer have equal population. Table 1 shows the 2020 populations of each Assembly district, and the absolute and percentage deviation from the ideal population of 59,533. The deviations range from -11.6% in district 10 to +20.4% in district 76. Nine districts have a population deviation of -5% or more (seven of which are in the City of Milwaukee: the 8th, 10th, 11th, 12th, 16th, 17th, and 18th), and thirteen districts have a population deviation of +5% or higher, most of which are either in the Fox River Valley (the 5th and 56th) or Dane County (the 38th, 46th, 47th, 76th, 77th, 78th, 79th, and 80th).

2011 Act 43 - 2020 Populations			
District	2020 Population	Absolute Deviation	% Deviation
1	59,834	301	0.5%
2	62,564	3,031	5.1%
3	61,906	2,373	4.0%
4	58,716	-817	-1.4%
5	67,428	7,895	13.3%
6	57,409	-2,124	-3.6%
7	59,355	-178	-0.3%
8	53,999	-5,534	-9.3%
9	57,339	-2,194	-3.7%
10	52,628	-6,905	-11.6%
11	54,275	-5,258	-8.8%
12	56,305	-3,228	-5.4%
13	61,779	2,246	3.8%

² <https://www.census.gov/library/stories/state-by-state/wisconsin-population-change-between-census-decade.html>.

³ Throughout my report when I discuss the 2011 Act 43 Assembly districts, I refer to those districts *as modified by Baldus v. Members of Wis. Gov't Accountability Bd.*, 862 F. Supp. 2d 860 (E.D. Wis. 2012) unless otherwise specified.

14	60,136	603	1.0%
15	57,145	-2,388	-4.0%
16	53,739	-5,794	-9.7%
17	55,343	-4,190	-7.0%
18	52,987	-6,546	-11.0%
19	62,056	2,523	4.2%
20	56,812	-2,721	-4.6%
21	59,100	-433	-0.7%
22	60,750	1,217	2.0%
23	60,761	1,228	2.1%
24	60,737	1,204	2.0%
25	57,986	-1,547	-2.6%
26	58,710	-823	-1.4%
27	59,294	-239	-0.4%
28	59,274	-259	-0.4%
29	61,746	2,213	3.7%
30	62,735	3,202	5.4%
31	59,952	419	0.7%
32	59,397	-136	-0.2%
33	58,490	-1,043	-1.8%
34	60,803	1,270	2.1%
35	56,431	-3,102	-5.2%
36	57,713	-1,820	-3.1%
37	61,182	1,649	2.8%
38	61,646	2,113	3.5%
39	58,192	-1,341	-2.3%
40	57,138	-2,395	-4.0%
41	57,743	-1,790	-3.0%
42	58,322	-1,211	-2.0%
43	59,492	-41	-0.1%
44	58,574	-959	-1.6%
45	57,664	-1,869	-3.1%
46	65,092	5,559	9.3%
47	63,646	4,113	6.9%
48	63,754	4,221	7.1%
49	57,941	-1,592	-2.7%
50	58,713	-820	-1.4%
51	56,878	-2,655	-4.5%
52	59,848	315	0.5%
53	58,579	-954	-1.6%

54	57,411	-2,122	-3.6%
55	61,992	2,459	4.1%
56	64,544	5,011	8.4%
57	57,937	-1,596	-2.7%
58	59,054	-479	-0.8%
59	58,158	-1,375	-2.3%
60	59,358	-175	-0.3%
61	59,972	439	0.7%
62	58,422	-1,111	-1.9%
63	59,808	275	0.5%
64	57,845	-1,688	-2.8%
65	57,248	-2,285	-3.8%
66	56,026	-3,507	-5.9%
67	60,513	980	1.6%
68	61,896	2,363	4.0%
69	57,134	-2,399	-4.0%
70	58,276	-1,257	-2.1%
71	57,866	-1,667	-2.8%
72	57,669	-1,864	-3.1%
73	58,507	-1,026	-1.7%
74	59,010	-523	-0.9%
75	58,751	-782	-1.3%
76	71,685	12,152	20.4%
77	62,992	3,459	5.8%
78	67,142	7,609	12.8%
79	69,732	10,199	17.1%
80	65,830	6,297	10.6%
81	59,943	410	0.7%
82	59,196	-337	-0.6%
83	58,770	-763	-1.3%
84	59,529	-4	0.0%
85	58,671	-862	-1.4%
86	60,462	929	1.6%
87	57,051	-2,482	-4.2%
88	62,894	3,361	5.6%
89	60,143	610	1.0%
90	57,912	-1,621	-2.7%
91	59,397	-136	-0.2%
92	59,334	-199	-0.3%
93	60,667	1,134	1.9%

94	62,080	2,547	4.3%
95	58,704	-829	-1.4%
96	58,372	-1,161	-2.0%
97	56,590	-2,943	-4.9%
98	61,407	1,874	3.1%
99	57,780	-1,753	-2.9%

V. Apportionment of Legislative Districts

The imbalance of population determined from the 2020 Census across existing State Assembly districts requires redrawing the statewide district map.

Redrawing a statewide legislative map to equalize populations is not a straightforward process. When an existing district is underpopulated, map drawers must add populations from surrounding districts. Unless adjacent districts are overpopulated by the same amount, the process requires surrounding districts to expand outward as well. If the surrounding districts are also underpopulated, they become even more so after part of their populations are moved to the first district, and they must be modified to bring in population from other districts, and so on. As a rule, these changes propagate outward (analogous to a ripple spreading out when a rock is tossed into a lake) until an underpopulated region can be balanced with an overpopulated region or the effects dampen as population effects are spread out among more and more districts.

These changes can have large effects that propagate throughout a map, particularly if map drawers are taking other factors into account, such as keeping municipalities together or drawing compact districts.

“Ripple” effects from changes can be severe. Even a small shift in one district can result in the need for dramatic changes in other districts if there are strict population constraints (as there are for congressional districting) or if other constraints are in place such as preserving municipal and county boundaries, or avoiding vote dilution issues (Miller and Grofman 2018, 29).

The problem is made more complex because the number of possible map configurations, even under a “least-change” approach intended to minimize the number of changes to an existing map, very quickly becomes large.

VI. Majority-Minority Districts – Act 43

Act 43 created 7 majority-minority districts, one with a majority of Hispanic citizen voting age population (the 8th) and 6 majority Black voting age population districts (the 10th, 11th, 12th, 16th, 17th and 18th). The demographics of each district in the 2020 Census are shown below:

Act 43 – Majority Hispanic District			
District	CVAP	Hispanic CVAP	%
8	24983	13378	53.5%

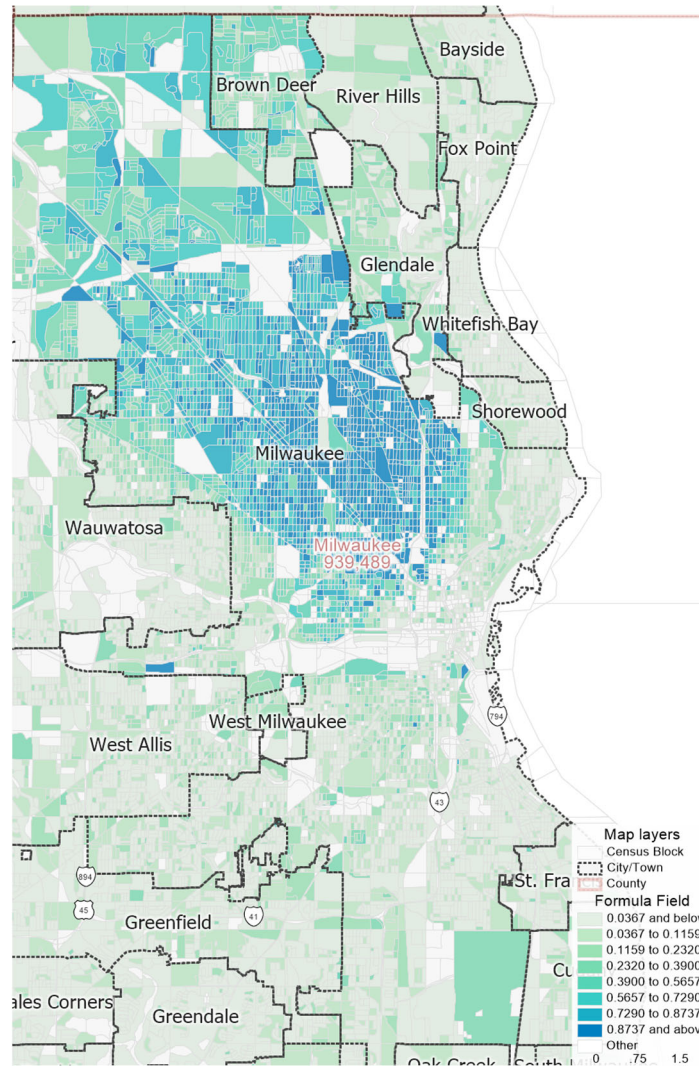
2020 Census – Act 43 Majority-Minority Districts			
District	VAP	Black VAP	%
10	39057	23197	59.4%
11	38031	24922	65.5%
12	39947	24224	60.6%
16	41231	22923	55.6%
17	40187	27476	68.4%
18	38748	23522	60.7%

VII. Majority-Minority Districts- BLOC Assembly Plan

Milwaukee is one of the most residentially segregated cities in the U.S.⁴, with patterns apparent from a map of the voting age population at the Census Block level, using 2020 Census data:

⁴ <https://www.brookings.edu/blog/social-mobility-memos/2016/02/17/milwaukee-segregation-and-the-echo-of-welfare-reform/>.

Figure A – Milwaukee Racial Composition



This map shows that the Black population is concentrated almost entirely in the Northwest part of the city, North of Interstate 90 and West of the Milwaukee River. Almost every block in this region has a Black VAP concentration of above 50%, and a majority have concentrations about 72%. The Black population clearly meets the standard in *Thornburgh v. Gingles* 478 U.S. 30 (1985) of constituting “sufficiently large and geographically compact” to constitute majorities in legislative districts (478 U.S. 30, 50- 51).

The BLOC Assembly plan maintains the majority Hispanic district (the 8th), and creates a seventh majority-minority Black district (the 14th):

BLOC Assembly Plan - Majority Hispanic District			
District	CVAP	Hispanic CVAP	%
8	28393	14826	52.2%

BLOC Assembly Plan Majority Black Districts			
District	VAP	Black VAP	% Black
10	45893	23997	52.3%
11	43155	21856	50.6%
12	42544	21352	50.2%
14	43527	21974	50.5%
16	46815	23651	50.5%
17	44660	22593	50.6%
18	43907	22169	50.5%

VIII. Metrics

A. Population Deviation

The district ideal population is 59,533. The total deviation is calculated as the difference between the least populated and most populated district. For the BLOC Assembly Plan, the deviation is 1.32%, well within acceptable limits (districts are rank ordered from smallest to largest population).

BLOC Assembly Plan – Population Deviation			
District	Population	Absolute Deviation	% Deviation
72	59141	-392	-0.66%
14	59149	-384	-0.65%
25	59153	-380	-0.64%
11	59154	-379	-0.64%
54	59159	-374	-0.63%
88	59171	-362	-0.61%
65	59177	-356	-0.60%
64	59184	-349	-0.59%
10	59202	-331	-0.56%
45	59208	-325	-0.55%

27	59211	-322	-0.54%
50	59225	-308	-0.52%
31	59228	-305	-0.51%
20	59235	-298	-0.50%
48	59260	-273	-0.46%
67	59266	-267	-0.45%
53	59272	-261	-0.44%
4	59284	-249	-0.42%
16	59287	-246	-0.41%
56	59288	-245	-0.41%
62	59294	-239	-0.40%
69	59307	-226	-0.38%
44	59312	-221	-0.37%
68	59313	-220	-0.37%
33	59316	-217	-0.36%
35	59317	-216	-0.36%
12	59325	-208	-0.35%
80	59347	-186	-0.31%
26	59354	-179	-0.30%
8	59362	-171	-0.29%
95	59365	-168	-0.28%
82	59397	-136	-0.23%
7	59408	-125	-0.21%
79	59431	-102	-0.17%
55	59436	-97	-0.16%
83	59442	-91	-0.15%
92	59444	-89	-0.15%
42	59447	-86	-0.14%
77	59449	-84	-0.14%
66	59456	-77	-0.13%
93	59463	-70	-0.12%
85	59467	-66	-0.11%
17	59473	-60	-0.10%
19	59478	-55	-0.09%
76	59485	-48	-0.08%
49	59492	-41	-0.07%
94	59494	-39	-0.07%
28	59498	-35	-0.06%
71	59501	-32	-0.05%
89	59530	-3	-0.01%
60	59535	2	0.00%
24	59542	9	0.02%
78	59550	17	0.03%

40	59562	29	0.05%
51	59562	29	0.05%
43	59573	40	0.07%
23	59591	58	0.10%
21	59592	59	0.10%
70	59592	59	0.10%
38	59595	62	0.10%
9	59598	65	0.11%
63	59613	80	0.13%
81	59618	85	0.14%
30	59623	90	0.15%
52	59667	134	0.23%
18	59685	152	0.26%
99	59690	157	0.26%
3	59696	163	0.27%
96	59706	173	0.29%
46	59710	177	0.30%
74	59710	177	0.30%
59	59718	185	0.31%
91	59732	199	0.33%
34	59734	201	0.34%
87	59751	218	0.37%
73	59766	233	0.39%
75	59766	233	0.39%
29	59768	235	0.39%
36	59778	245	0.41%
39	59788	255	0.43%
58	59796	263	0.44%
47	59799	266	0.45%
97	59800	267	0.45%
61	59831	298	0.50%
1	59834	301	0.51%
2	59840	307	0.52%
15	59846	313	0.53%
22	59846	313	0.53%
84	59848	315	0.53%
41	59856	323	0.54%
57	59856	323	0.54%
13	59857	324	0.54%
37	59868	335	0.56%
32	59876	343	0.58%
90	59879	346	0.58%
6	59881	348	0.58%

86	59902	369	0.62%
98	59910	377	0.63%
5	59925	392	0.66%

B. Core Retention

Core retention – a measure of how much districts changed in a redrawn map – is typically measured as the percentage of an old district’s previous population that is kept together in a new district.

The core retention metrics for the BLOC Assembly Plan are shown below. The average district core retention is 84.2%. The average is lowered by the drawing of a seventh majority Black district in Milwaukee, which required reconfiguration of existing districts.

BLOC Assembly Plan – Core Population Retention			
District	Core Retention Largest Population	Core Retention Percent	Section 2 District
1	59830	99.99	0
2	51217	85.59	0
3	56965	95.43	0
4	58716	99.04	0
5	48941	81.67	0
6	41923	70.01	0
7	49384	83.13	0
8	53999	90.97	YES
9	51949	87.17	0
10	28481	48.11	YES
11	31537	53.31	YES
12	35057	59.09	YES
13	38847	64.9	0
14	21248	35.92	YES
15	52244	87.3	0
16	30840	52.02	YES
17	35423	59.56	YES
18	42937	71.94	YES
19	39221	65.94	0
20	44154	74.54	0
21	58547	98.25	0
22	36562	61.09	0

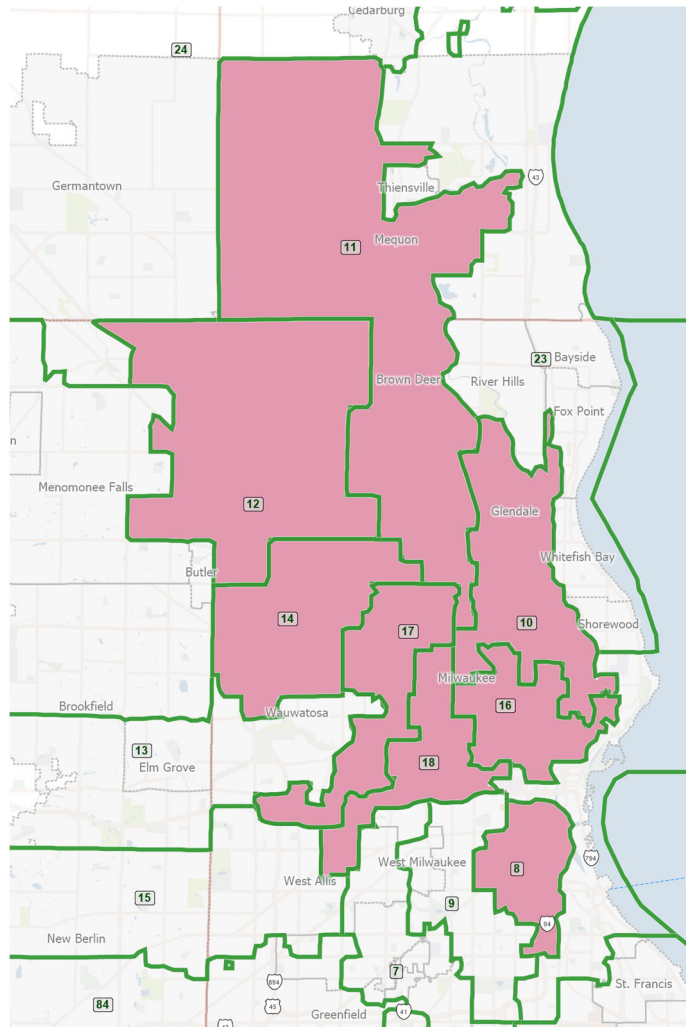
23	41504	69.65	0
24	26576	44.63	0
25	57986	98.03	0
26	42453	71.53	0
27	42034	70.99	0
28	58724	98.7	0
29	56089	93.84	0
30	59056	99.05	0
31	29072	49.08	0
32	39194	65.46	0
33	49318	82.88	0
34	59734	100	0
35	55791	94.06	0
36	50878	85.11	0
37	39770	66.43	0
38	29314	49.19	0
39	32073	53.64	0
40	48927	82.14	0
41	50427	84.25	0
42	49701	83.61	0
43	55398	92.99	0
44	55300	93.24	0
45	28592	48.29	0
46	47388	79.36	0
47	54819	91.67	0
48	45027	75.98	0
49	57869	97.27	0
50	57233	96.64	0
51	43531	73.09	0
52	53991	90.49	0
53	56738	95.72	0
54	57221	96.72	0
55	59421	99.97	0
56	56709	95.65	0
57	57930	96.78	0
58	58892	98.49	0
59	44537	74.58	0
60	41066	68.98	0
61	54295	90.75	0
62	58407	98.5	0
63	57902	97.3	0
64	54471	92.04	0
65	53481	90.37	0

66	56026	94.23	0
67	59260	99.99	0
68	57349	96.69	0
69	57111	96.3	0
70	57308	96.17	0
71	56637	95.19	0
72	55010	93.01	0
73	57600	96.38	0
74	59010	98.83	0
75	55822	93.4	0
76	59485	100	0
77	59329	99.8	0
78	58799	98.74	0
79	51551	86.74	0
80	39641	66.8	0
81	50404	84.54	0
82	41412	69.72	0
83	30369	51.17	0
84	48405	80.88	0
85	58574	98.5	0
86	59257	98.92	0
87	57052	95.48	0
88	59171	100	0
89	57642	96.83	0
90	57912	96.72	0
91	59218	99.14	0
92	57324	96.43	0
93	56240	94.58	0
94	59213	99.53	0
95	58465	98.48	0
96	56840	95.2	0
97	51789	86.6	0
98	53396	89.13	0
99	52635	88.18	0

Figures 2-4 show the ripple effects of the Voting Rights Act districts.

Figure 2 shows the seven districts with majority Black voting age populations (10, 11, 12, 14, 16, 17, 18) and the district with a majority Hispanic population (8). These 8 districts (shaded pink) have an average core retention of 58.9%, below the plan average. The creation of a seventh majority-minority Black district (the 14th) involved reconfiguring the boundaries of the existing districts (10-12 and 16-18),

Figure 2 – Section 2 Districts



The construction of the Section 2 districts affects the immediately adjacent districts. Figure 3 shows the adjacent districts (shaded light blue). Obviously, Districts 23 and 19 to the east are bounded by the Section 2 districts to the west and Lake Michigan to the east, and must take elongated shapes (as they do in the existing plan) that must change as the Section 2 districts' boundaries change. These adjacent districts have an average core retention of 64.7%, above the Section 2 district core retention metric, but below the plan average of 84.2%. The core retention of the BLOC Assembly plan, excluding these districts is 86.4%.

Figure 3 – Districts Adjacent to Section 2 Districts

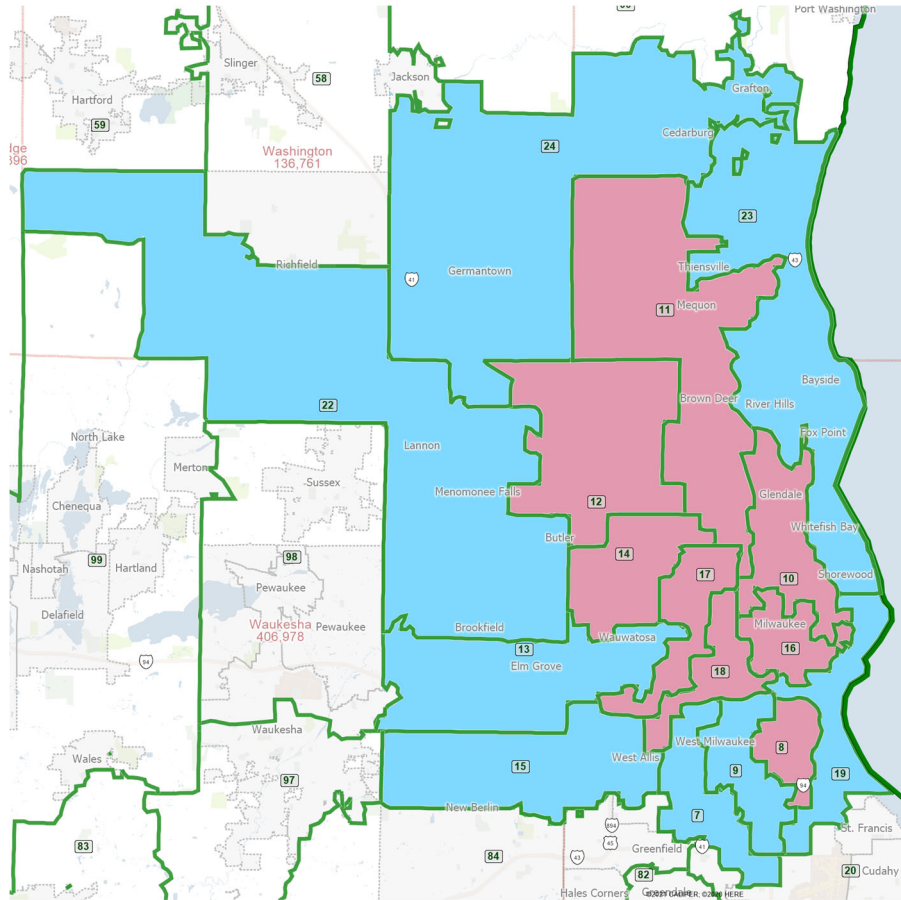
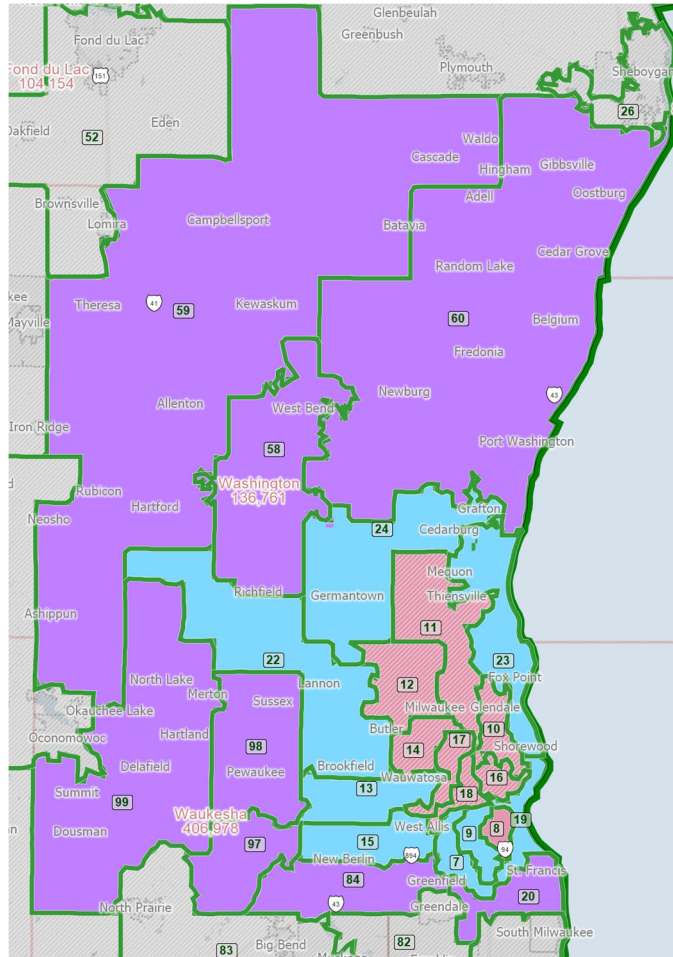


Figure 4 shows the second-order effects of the Section 2 districts, revealing how the ripple effects move outward. The districts shaded purple are those adjacent to the districts, contiguous with the Section 2 districts. The average core retention of these districts is 70.7%, demonstrating that as one moves outward from the Section 2 districts, core retention increases toward the plan mean. The mean core retention of the plan excluding these districts is 87.9%

Figure 4 – Second-Order Adjacency Effects



Figures 5 and 6 show the distribution of district core retention. Each histogram shows the number of districts in each band, with the red vertical line showing the mean core retention for the BLOC Assembly Plan. Figure 5 shows all 99 districts in the plan, while Figure 6 shows the distribution for all districts excluding the Section 2 and Section 2-adjacent districts (the shaded districts in Figure 3). The mean core retention excluding the Section 2, and Section 2-adjacent districts (shown in pink and blue). As shown below, the average core retention of the plan is even higher when excluding the changes most directly required to achieve Section 2 compliance: 86.4% core retention excluding just the Section 2 districts, and 87.95% excluding the adjacent districts.

Figure 5
Core Retention in Plan
All Districts

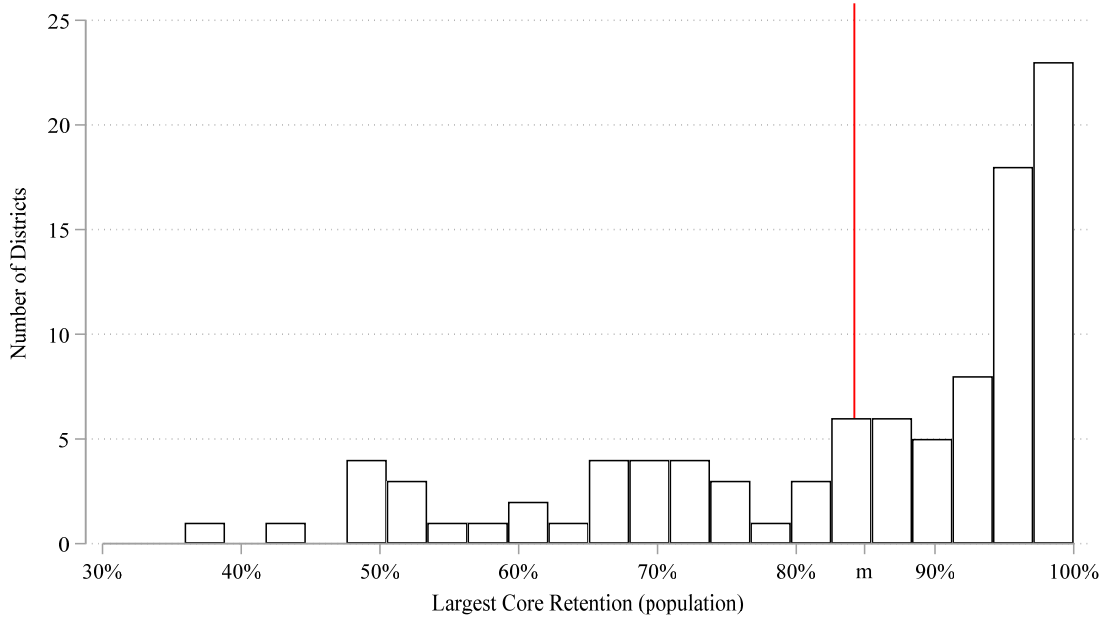
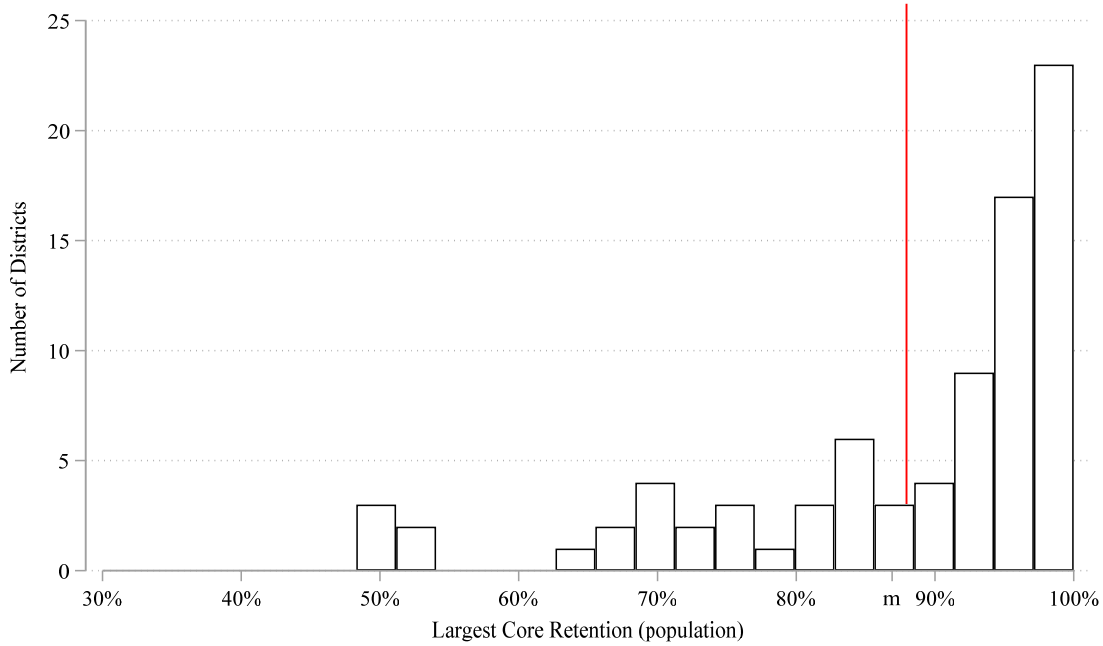


Figure 6
Core Retention in Plan - Excluding Section 2 and Adjacent Districts



C. Compactness

Compactness is commonly measured by the Reock score, calculated by dividing the area of a district by the area of the smallest circle that completely encloses the district.

Reock scores range from zero to one, with higher Reock scores indicating more compact districts. The mean Reock measure of the BLOC Assembly Plan is 0.38. The Reock measure of 2011 Act 43 is 0.4.

BLOC Assembly Plan Compactness	
District	Reock
1	0.50
2	0.34
3	0.42
4	0.32
5	0.42
6	0.60
7	0.29
8	0.47
9	0.36
10	0.28
11	0.26
12	0.49
13	0.28
14	0.49
15	0.35
16	0.53
17	0.23
18	0.23
19	0.27
20	0.35
21	0.30
22	0.22
23	0.19
24	0.36
25	0.30
26	0.38
27	0.24
28	0.45
29	0.33
30	0.42
31	0.54
32	0.41
33	0.33
34	0.36
35	0.48
36	0.44
37	0.33
38	0.30

39	0.24
40	0.46
41	0.40
42	0.36
43	0.42
44	0.36
45	0.41
46	0.39
47	0.25
48	0.35
49	0.36
50	0.35
51	0.49
52	0.52
53	0.45
54	0.44
55	0.24
56	0.33
57	0.39
58	0.34
59	0.29
60	0.56
61	0.28
62	0.31
63	0.33
64	0.22
65	0.28
66	0.32
67	0.46
68	0.60
69	0.47
70	0.24
71	0.54
72	0.51
73	0.36
74	0.48
75	0.33
76	0.18
77	0.56
78	0.49
79	0.35
80	0.39
81	0.46
82	0.51
83	0.43
84	0.26
85	0.41
86	0.29
87	0.34
88	0.30
89	0.39

90	0.45
91	0.42
92	0.40
93	0.27
94	0.50
95	0.27
96	0.39
97	0.46
98	0.55
99	0.36

D. Contiguity of Districts

All Assembly Districts in the BLOC Assembly Plan are comprised of contiguous territory, allowing for municipal islands permitted under Wisconsin law.

E. Senate Delayed Vote

Each State Senate district is made up of 3 sequentially-numbered Assembly districts (Assembly districts 1-3 constitute Senate District 1, Assembly Districts 4-6 Senate District 2, and so on).

Senate elections occur in even-numbered districts during presidential years (most recently 2020), and in odd-numbered districts during off-years (2018). If a voter is moved from an odd-numbered district into an even-numbered districts, their vote for a state senator is delayed from 2022 to 2024.

The BLOC Assembly Plan moves 179,629 people from odd to even Senate Districts. Excluding the Section 2 Districts in Milwaukee, the total is 127,147.

F. Senate Districts (Core Retention and Compactness)

The Senate Plan created by aggregating the BLOC Assembly districts has a population deviation of 0.96%, mean core population retention of 89.6% and a mean Reock compactness score of 0.41. Metrics for each Senate District are shown below.

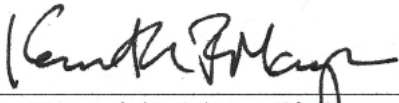
BLOC Assembly Plan - Senate District Core Retention		
District	Core Retention Largest Population	Core Retention Percent
1	172935	96.41
2	165375	92.34
3	168344	94.38
4	112385	63.25
5	128094	71.62
6	123666	69.3
7	154583	86.7
8	123555	69.03

9	160553	90.34
10	178115	99.57
11	142520	79.79
12	169929	95.02
13	144101	80.39
14	156923	87.73
15	142540	80.04
16	162494	90.9
17	160815	90.2
18	170533	95.75
19	178580	100
20	145544	81.29
21	171497	96
22	171112	96.23
23	175563	98.69
24	173072	97.1
25	175494	97.91
26	178131	99.8
27	155863	87.37
28	148697	83.26
29	175784	98.14
30	176670	98.93
31	175465	98.22
32	177642	99.48
33	166559	92.84

BLOC Assembly Plan Compactness - Senate Districts	
District	Reock
1	0.30
2	0.56
3	0.66
4	0.34
5	0.40
6	0.37
7	0.47
8	0.28
9	0.39
10	0.37
11	0.40
12	0.53
13	0.46
14	0.34
15	0.38
16	0.43
17	0.39
18	0.51
19	0.49
20	0.43
21	0.48
22	0.46
23	0.42
24	0.35
25	0.39
26	0.46
27	0.33
28	0.38
29	0.25
30	0.32
31	0.32
32	0.45
33	0.54

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

Executed on December 15, 2021.



Kenneth R. Mayer, Ph.D.

Sources

Miller, Peter and Bernard Grofman. 2018. "Public Hearings and Congressional Redistricting: Evidence from the Western United States 2011-2012." *Election Law Journal* 17:21-38.

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Yale University, Department of Political Science, Ph.D., 1988.
Yale University, Department of Political Science, M.A., M.Phil., 1987.
University of California, San Diego, Department of Political Science, B.A., 1982.

Positions Held

University of Wisconsin, Madison. Department of Political Science.
Professor, July 2000-present.
Associate Professor, June 1996-June 2000.
Assistant Professor, August 1989-May 1996.
Fulbright-ANU Distinguished Chair in Political Science, Australian National University (Canberra, ACT), July-December 2006.
Director, Data and Computation Center, College of Letters and Science, University of Wisconsin-Madison, June 1996-September 2003
Consultant, The RAND Corporation, Washington DC, 1988-1994. Conducted study of acquisition reform, and the effects of acquisition policy on the defense industrial base. Performed computer simulations of U.S. strategic force posture and capabilities.
Contract Specialist, Naval Air Systems Command, Washington D.C., 1985-1986. Responsible for cost and price analysis, contract negotiation, and contract administration for aerial target missile programs in the \$5 million - \$100 million range.

Awards

American Political Science Association, State Politics and Policy Section. Award for best Journal Article Published in the *American Journal of Political Science* in 2014. Awarded for Burden, Canon, Mayer, and Moynihan, "Election Laws, Mobilization, and Turnout."
Robert H. Durr Award, from the Midwest Political Science Association, for Best Paper Applying Quantitative Methods to a Substantive Problem Presented at the 2013 Meeting. Awarded for Burden, Canon, Mayer, and Moynihan, "Election Laws and Partisan Gains."
Leon Epstein Faculty Fellow, College of Letters and Science, 2012-2015
UW Housing Honored Instructor Award, 2012, 2014, 2017, 2018
Recipient, Jerry J. and Mary M. Cotter Award, College of Letters and Science, 2011-2012
Alliant Underkofler Excellence in Teaching Award, University of Wisconsin System, 2006
Pi Sigma Alpha Teaching Award, Fall 2006
Vilas Associate, 2003-2004, University of Wisconsin-Madison Graduate School.
2002 Neustadt Award. Awarded by the Presidency Research Group of the American Political Science Association, for the best book published on the American presidency in 2001. Awarded for *With the Stroke of a Pen: Executive Orders and Presidential Power*.
Lilly Teaching Fellow, University of Wisconsin-Madison, 1993-1994.
Interfraternity Council award for Outstanding Teaching, University of Wisconsin-Madison, 1993.
Selected as one of the 100 best professors at University of Wisconsin-Madison, Wisconsin Student Association, March 1992.
Olin Dissertation Fellow, Center for International Affairs, Harvard University, 1987-1988

Service as an Expert Witness

1. *League of Women Voters of Arkansas et al. v. Thurston et al.*, Case No. 60CV-21-3138 (5th Circ. Ct., Pulaski Cty., AR), election administration (2021).
2. *League of Women Voters of Florida, Inc., et al. v. Lee, et al.*, Case No. 4:21-cv-00186-MW-MAF (N.D. Fla.) voting rights (2021).
3. *Fair Fight Inc., et al. v. True the Vote, Inc., et al.*, Case No. 2:20-CV-00302-SCJ (N.D. GA), election administration (2021).
4. *Majority Forward and Gamliel Warren Turner, Sr. v. Ben Hill County Board of Elections, et al.*, No. 1:20-CV-00266-LAG (M.D. Ga), election administration (2020).
5. *Pearson et al. v. Kemp et al.*, No. 1:20-cv-4809-TCB (N.D. Ga), election administration (2020)
6. *North Carolina Alliance for Retired Americans et al. v. North Carolina State Board of Elections* (Wake Cty., NC), absentee ballots (2020).
7. *LaRose et al. v. Simon*, No. 62-CV-20-3149 (2d Jud. Dist. Ct., Ramsey Cty., MN), absentee ballots (2020).
8. *Michigan Alliance for Retired Americans et al. v. Benson et al.* No 2020-000108-MM (Mich. Court of Claims), absentee ballots (2020).
9. *The New Georgia Project et al. v. Raffensperger et al.* No. 1:20-CV-01986-EL0052 (N.D. Ga.), absentee ballots (2020).
10. *Driscoll v. Stapleton*, No. DV 20 0408 (13th Judicial Ct. Yellowstone Cty., MT), absentee ballots (2020).
11. *The Andrew Goodman Foundation v. Bostelmann*, No. 19-cv-955 (W.D. Wisc.), voter ID (2020).
12. *Kumar v. Frisco Independent School District et al.*, No.4:19-cv-00284 (E.D. Tex.), voting rights (2019).
13. *Fair Fight Action v. Raffensperger* No. 1:18-cv-05391-SCJ (N.D. Ga.), voting rights (2019)
14. *Vaughan v. Lewisville Independent School District*, No. 4:19-cv-00109 (E.D. Texas), voting rights (2019).
15. *Dwight et al. v. Raffensperger*, No: 1:18-cv-2869-RWS (N.D. Ga.), redistricting, voting rights (2018).
16. *Priorities U.S.A. et al. v. Missouri et al.*, No. 19AC-CC00226 (Cir. Ct. of Cole Cty., MO), voter ID (2018).
17. *Tyson v. Richardson Independent School District*, No. 3:18-cv-00212 (N.D. Texas), voting rights (2018).
18. *League of Women Voters of Michigan, et al. v. Johnson*, No. 2:17-cv-14148-DPH-SDD (S.D. Mich.), redistricting (2018).
19. *One Wisconsin Institute, Inc., et al. v. Nichol, et al.*, 198 F. Supp. 3d 896 (W.D. Wis.), voting rights (2016).
20. *Whitford et al. v. Gill et al*, 218 F. Supp. 3d 837, (W.D. Wis.), redistricting (2016).
21. *Milwaukee NAACP et al. v. Scott Walker et. al*, N.W.2d 262 (Wis. 2014), voter ID (2012).
22. *Baldus et al. v. Brennan et al.*, 849 F. Supp. 2d 840 (E.D. Wis.), redistricting, voting rights (2012).
23. *County of Kenosha v. City of Kenosha*, No. 22-CV-1813 (Wis. Cir. Ct., Kenosha Cty.) municipal redistricting (2011).
24. *McComish et al. v. Brewer et al.*, 2010 WL 2292213 (D. Ariz.), campaign finance (2009).
25. *Baumgart et al. v. Wendelberger et al.*, 2002 WL 34127471 (E.D. Wis.), redistricting (2002).

Grants

“A Multidisciplinary Approach for Redistricting Knowledge.” Principal Investigator. Co-PIs Adeline Lo (UW Madison, Department of Political Science), Song Gao (UW Madison, Department of Geography), and Barton Miller and Jin-Yi Cai (UW Madison, Department of Computer Sciences). University of Wisconsin Alumni Research Foundation (WARF), and UW Madison

Office of the Vice Chancellor for Research and Graduate Education. July 1, 2020-June 30, 2022. \$410,711.

“Analyzing Nonvoting and the Student Voting Experience in Wisconsin.” Dane County (WI) Clerk, \$44,157. November 2016-December 2017. Additional support (\$30,000) provided by the Office of the Chancellor, UW-Madison.

Campaign Finance Task Force, Stanford University and New York University, \$36,585. September 2016-August 2017.

Participant and Board Member, 2016 White House Transition Project, PIs Martha Joynt Kumar (Towson State University) and Terry Sullivan (University of North Carolina-Chapel Hill).

“How do You Know? The Structure of Presidential Advising and Error Correction in the White House.” Graduate School Research Committee, University of Wisconsin, \$18,941. July 1, 2015-June 30, 2016.

“Study and Recommendations for the Government Accountability Board Chief Inspectors’ Statements and Election Incident Report Logs.” \$43,234. Co-PI. With Barry C. Burden (PI), David T. Canon (co-PI), and Donald Moynihan (co-PI). October 2011-May 2012.

“Public Funding in Connecticut Legislative Elections.” Open Society Institute. September 2009-December 2010. \$55,000.

“Early Voting and Same Day Registration in Wisconsin and Beyond.” Co-PI. October 2008- September 2009. Pew Charitable Trusts. \$49,400. With Barry C. Burden (PI), David T. Canon (Co-PI), Kevin J. Kennedy (Co-PI), and Donald P. Moynihan (Co-PI).

City of Madison, Blue Ribbon Commission on Clean Elections. Joyce Foundation, Chicago, IL. \$16,188. January-July 2008.

“Wisconsin Campaign Finance Project: Public Funding in Connecticut State Legislative Elections.” JEHT Foundation, New York, NY. \$84,735. November 2006-November 2007.

“Does Public Election Funding Change Public Policy? Evaluating the State of Knowledge.” JEHT Foundation, New York, NY. \$42,291. October 2005-April 2006.

“Wisconsin Campaign Finance Project: Disseminating Data to the Academic, Reform, and Policy Communities.” Joyce Foundation, Chicago, IL. \$20,900. September 2005- August 2006.

“Enhancing Electoral Competition: Do Public Funding Programs for State and Local Elections Work?” Smith Richardson Foundation, Westport, CT. \$129,611. December 2002-June 2005

WebWorks Grant (implementation of web-based instructional technologies), Division of Information Technology, UW-Madison, \$1,000. November 1999.

“Issue Advocacy in Wisconsin during the 1998 Election.” Joyce Foundation, Chicago, IL. \$15,499. April 1999.

Instructional Technology in the Multimedia Environment (IN-TIME) grant, Learning Support Services, University of Wisconsin. \$5,000. March 1997.

“Public Financing and Electoral Competitiveness in the Minnesota State Legislature.” Citizens’ Research Foundation, Los Angeles, CA, \$2,000. May-November 1996.

“The Reach of Presidential Power: Policy Making Through Executive Orders.” National Science Foundation (SBR-9511444), \$60,004. September 1, 1995-August 31, 1998. Graduate School Research Committee, University of Wisconsin, \$21,965. Additional support provided by the Gerald R. Ford Library Foundation, the Eisenhower World Affairs Institute, and the Harry S. Truman Library Foundation.

The Future of the Combat Aircraft Industrial Base.” Changing Security Environment Project, John M. Olin Institute for Strategic Studies, Harvard University (with Ethan B. Kapstein). June 1993-January 1995. \$15,000.

Hilldale Student Faculty Research Grant, College of Letters and Sciences, University of Wisconsin (with John M. Wood). 1992. \$1,000 (\$3,000 award to student)

“Electoral Cycles in Federal Government Prime Contract Awards” March 1992 – February 1995. National Science Foundation (SES-9121931), \$74,216. Graduate School Research Committee at the University of Wisconsin, \$2,600. MacArthur Foundation, \$2,500.

C-SPAN In the Classroom Faculty Development Grant, 1991. \$500

Professional and Public Service

Education and Social and Behavioral Sciences Institutional Review Board, 2008-2014. Acting Chair, Summer 2011. Chair, May 2012- June 2014.

Participant, U.S. Public Speaker Grant Program. United States Department of State (nationwide speaking tour in Australia, May 11-June 2, 2012).

Expert Consultant, Voces de la Frontera. Milwaukee Aldermanic redistricting, (2011).

Expert Consultant, Prosser for Supreme Court. Wisconsin Supreme Court election recount (2011).

Chair, Blue Ribbon Commission on Clean Elections (Madison, WI), August 2007-April 2011.

Consultant, Consulate of the Government of Japan (Chicago) on state politics in Illinois, Indiana, Minnesota, and Wisconsin, 2006-2011.

Section Head, Presidency Studies, 2006 Annual Meeting of the American Political Science Association.

Co-Chair, Committee on Redistricting, Supreme Court of Wisconsin, November 2003-December 2009.

Section Head, Presidency and Executive Politics, 2004 Annual Meeting of the Midwest Political Science Association, Chicago, IL.

Presidency Research Group (organized section of the American Political Science Association) Board, September 2002-present.

Book Review Editor, *Congress and the Presidency*, 2001-2006.

Editorial Board, *American Political Science Review*, September 2004-September 2007.

Consultant, Governor's Blue Ribbon Commission on Campaign Finance Reform (Wisconsin), 1997.

PUBLICATIONS

Books

Presidential Leadership: Politics and Policymaking, 12th edition. Lanham, MD: Rowman and Littlefield, forthcoming 2022. With George C. Edwards, III and Steven J. Wayne. Previous editions 10th (2018), 11th (2020).

The Enduring Debate: Classic and Contemporary Readings in American Government. 9th ed. New York: W.W. Norton & Co., forthcoming 2022. Co-edited with David T. Canon and John Coleman. Previous editions 1st (1997), 2nd (2000), 3rd (2002), 4th (2006), 5th (2009), 6th (2011), 7th (2013), 8th (2017).

The 2016 Presidential Elections: The Causes and Consequences of an Electoral Earthquake. Lanham, MD: Lexington Press, 2017. Co-edited with Amnon Cavari and Richard J. Powell.

Faultlines: Readings in American Government, 5th ed. New York: W.W. Norton & Co. 2017. Co-edited with David T. Canon and John Coleman. Previous editions 1st (2004), 2nd (2007), 3rd (2011), 4th (2013).

The 2012 Presidential Election: Forecasts, Outcomes, and Consequences. Lanham, MD: Rowman and Littlefield, 2014. Co-edited with Amnon Cavari and Richard J. Powell.

Readings in American Government, 7th edition. New York: W.W. Norton & Co. 2002. Co-edited with Theodore J. Lowi, Benjamin Ginsberg, David T. Canon, and John Coleman). Previous editions 4th (1996), 5th (1998), 6th (2000).

With the Stroke of a Pen: Executive Orders and Presidential Power. Princeton, NJ: Princeton University Press. 2001. Winner of the 2002 Neustadt Award from the Presidency Studies Group of the American Political Science Association, for the Best Book on the Presidency Published in 2001.

The Dysfunctional Congress? The Individual Roots of an Institutional Dilemma. Boulder, CO: Westview Press. 1999. With David T. Canon.

The Political Economy of Defense Contracting. New Haven: Yale University Press. 1991.

Monographs

- 2008 Election Data Collection Grant Program: Wisconsin Evaluation Report*. Report to the Wisconsin Government Accountability Board, September 2009. With Barry C. Burden, David T. Canon, Stéphane Lavertu, and Donald P. Moynihan.
- Issue Advocacy in Wisconsin: Analysis of the 1998 Elections and A Proposal for Enhanced Disclosure*. September 1999.
- Public Financing and Electoral Competition in Minnesota and Wisconsin*. Citizens' Research Foundation, April 1998.
- Campaign Finance Reform in the States*. Report prepared for the Governor's Blue Ribbon Commission on Campaign Finance Reform (State of Wisconsin). February 1998. Portions reprinted in Anthony Corrado, Thomas E. Mann, Daniel Ortiz, Trevor Potter, and Frank J. Sorauf, ed., *Campaign Finance Reform: A Sourcebook*. Washington, D.C.: Brookings Institution, 1997.
- "Does Public Financing of Campaigns Work?" *Trends in Campaign Financing*. Occasional Paper Series, Citizens' Research Foundation, Los Angeles, CA. 1996. With John M. Wood.
- The Development of the Advanced Medium Range Air-to-Air Missile: A Case Study of Risk and Reward in Weapon System Acquisition*. N-3620-AF. Santa Monica: RAND Corporation. 1993.
- Barriers to Managing Risk in Large Scale Weapons System Development Programs*. N-4624-AF. Santa Monica: RAND Corporation. 1993. With Thomas K. Glennan, Jr., Susan J. Bodilly, Frank Camm, and Timothy J. Webb.

Articles

- "The Random Walk Presidency," *Presidential Studies Quarterly* 51: 71-95 (2021)
- "Voter Identification and Nonvoting in Wisconsin - Evidence from the 2016 Election." *Election Law Journal* 18:342-359 (2019). With Michael DeCrescenzo.
- "Waiting to Vote in the 2016 Presidential Election: Evidence from a Multi-county Study." *Political Research Quarterly* 71 (2019). With Robert M. Stein, Christopher Mann, Charles Stewart III, et al.
- "Learning from Recounts." *Election Law Journal* 17:100-116 (No. 2, 2018). With Stephen Ansolabehere, Barry C. Burden, and Charles Stewart, III.
- "The Complicated Partisan Effects of State Election Laws." *Political Research Quarterly* 70:549-563 (No. 3, September 2017). With Barry C. Burden, David T. Canon, and Donald P. Moynihan.
- "What Happens at the Polling Place: Using Administrative Data to Look Inside Elections." *Public Administration Review* 77:354-364 (No. 3, May/June 2017). With Barry C. Burden, David T. Canon, Donald P. Moynihan, and Jacob R. Neiheisel.
- "Alien Abduction, and Voter Impersonation in the 2012 U.S. General Election: Evidence from a Survey List Experiment." *Election Law Journal* 13:460-475 No.4, December 2014). With John S. Ahlquist and Simon Jackman.
- "Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform." *American Journal of Political Science*, 58:95-109 (No. 1, January 2014). With Barry C. Burden, David T. Canon, and Donald P. Moynihan. Winner of the State Politics and Politics Section of the American Political Science Association Award for the best article published in the *AJPS* in 2014.
- "Executive Power in the Obama Administration and the Decision to Seek Congressional Authorization for a Military Attack Against Syria: Implications for Theories of Unilateral Action." *Utah Law Review* 2014:821-841 (No. 4, 2014).
- "Public Election Funding: An Assessment of What We Would Like to Know." *The Forum* 11:365-485 (No. 3, 2013).
- "Selection Method, Partisanship, and the Administration of Elections." *American Politics Research* 41:903-936 (No. 6, November 2013). With Barry C. Burden, David T. Canon, Stéphane

- Lavertu, and Donald Moynihan.
- "The Effect of Administrative Burden on Bureaucratic Perception of Policies: Evidence from Election Administration." *Public Administration Review* 72:741-451 (No. 5, September/October 2012). With Barry C. Burden, David T. Canon, and Donald Moynihan.
- "Early Voting and Election Day Registration in the Trenches: Local Officials' Perceptions of Election Reform." *Election Law Journal* 10:89-102 (No. 2, 2011). With Barry C. Burden, David T. Canon, and Donald Moynihan.
- "Is Political Science Relevant? Ask an Expert Witness," *The Forum*: Vol. 8, No. 3, Article 6 (2010).
- "Thoughts on the Revolution in Presidency Studies," *Presidential Studies Quarterly* 39 (no. 4, December 2009).
- "Does Australia Have a Constitution? Part I – Powers: A Constitution Without Constitutionalism." *UCLA Pacific Basin Law Journal* 25:228-264 (No. 2, Spring 2008). With Howard Schweber.
- "Does Australia Have a Constitution? Part II: The Rights Constitution." *UCLA Pacific Basin Law Journal* 25:265-355 (No. 2, Spring 2008). With Howard Schweber.
- "Public Election Funding, Competition, and Candidate Gender." *PS: Political Science and Politics* XL:661-667 (No. 4, October 2007). With Timothy Werner.
- "Do Public Funding Programs Enhance Electoral Competition?" In Michael P. McDonald and John Samples, eds., *The Marketplace of Democracy: Electoral Competition and American Politics* (Washington, DC: Brookings Institution Press, 2006). With Timothy Werner and Amanda Williams. Excerpted in Daniel H. Lowenstein, Richard L. Hasen, and Daniel P. Tokaji, *Election Law: Cases and Materials*. Durham, NC: Carolina Academic Press, 2008.
- "The Last 100 Days." *Presidential Studies Quarterly* 35:533-553 (No. 3, September 2005). With William Howell.
- "Political Reality and Unforeseen Consequences: Why Campaign Finance Reform is Too Important To Be Left To The Lawyers," *University of Richmond Law Review* 37:1069-1110 (No. 4, May 2003).
- "Unilateral Presidential Powers: Significant Executive Orders, 1949-1999." *Presidential Studies Quarterly* 32:367-386 (No. 2, June 2002). With Kevin Price.
- "Answering Ayres: Requiring Campaign Contributors to Remain Anonymous Would Not Resolve Corruption Concerns." *Regulation* 24:24-29 (No. 4, Winter 2001).
- "Student Attitudes Toward Instructional Technology in the Large Introductory US Government Course." *PS: Political Science and Politics* 33:597-604 (No. 3 September 2000). With John Coleman.
- "The Limits of Delegation – the Rise and Fall of BRAC." *Regulation* 22:32-38 (No. 3, October 1999).
- "Executive Orders and Presidential Power." *The Journal of Politics* 61:445-466 (No.2, May 1999).
- "Bringing Politics Back In: Defense Policy and the Theoretical Study of Institutions and Processes." *Public Administration Review* 56:180-190 (1996). With Anne Khademian.
- "Closing Military Bases (Finally): Solving Collective Dilemmas Through Delegation." *Legislative Studies Quarterly*, 20:393-414 (No. 3, August 1995).
- "Electoral Cycles in Federal Government Prime Contract Awards: State-Level Evidence from the 1988 and 1992 Presidential Elections." *American Journal of Political Science* 40:162-185 (No. 1, February 1995).
- "The Impact of Public Financing on Electoral Competitiveness: Evidence from Wisconsin, 1964-1990." *Legislative Studies Quarterly* 20:69-88 (No. 1, February 1995). With John M. Wood.
- "Policy Disputes as a Source of Administrative Controls: Congressional Micromanagement of the Department of Defense." *Public Administration Review* 53:293-302 (No. 4, July-August 1993).
- "Combat Aircraft Production in the United States, 1950-2000: Maintaining Industry Capability in an Era of Shrinking Budgets." *Defense Analysis* 9:159-169 (No. 2, 1993).

Book Chapters

- “Is President Trump Conventionally Disruptive, or Unconventionally Destructive?” In *The 2016 Presidential Elections: The Causes and Consequences of an Electoral Earthquake*. Lanham, MD: Lexington Press, 2017. Co-edited with Amon Cavari and Richard J. Powell.
- “Lessons of Defeat: Republican Party Responses to the 2012 Presidential Election. In Amnon Cavari, Richard J. Powell, and Kenneth R. Mayer, eds. *The 2012 Presidential Election: Forecasts, Outcomes, and Consequences*. Lanham, MD: Rowman and Littlefield. 2014.
- “Unilateral Action.” George C. Edwards, III, and William G. Howell, *Oxford Handbook of the American Presidency* (New York: Oxford University Press, 2009).
- “Executive Orders,” in Joseph Bessette and Jeffrey Tulis, *The Constitutional Presidency*. Baltimore: Johns Hopkins University Press, 2009.
- “Hey, Wait a Minute: The Assumptions Behind the Case for Campaign Finance Reform.” In Gerald C. Lubenow, ed., *A User’s Guide to Campaign Finance Reform*. Lanham, MD: Rowman & Littlefield, 2001.
- “Everything You Thought You Knew About Impeachment Was Wrong.” In Leonard V. Kaplan and Beverly I. Moran, ed., *Aftermath: The Clinton Impeachment and the Presidency in the Age of Political Spectacle*. New York: New York University Press. 2001. With David T. Canon.
- “The Institutionalization of Power.” In Robert Y. Shapiro, Martha Joynt Kumar, and Lawrence R. Jacobs, eds. *Presidential Power: Forging the Presidency for the 21st Century*. New York: Columbia University Press, 2000. With Thomas J. Weko.
- “Congressional-DoD Relations After the Cold War: The Politics of Uncertainty.” In *Downsizing Defense*, Ethan Kapstein ed. Washington DC: Congressional Quarterly Press. 1993.
- “Elections, Business Cycles, and the Timing of Defense Contract Awards in the United States.” In Alex Mintz, ed. *The Political Economy of Military Spending*. London: Routledge. 1991.
- “Patterns of Congressional Influence In Defense Contracting.” In Robert Higgs, ed., *Arms, Politics, and the Economy: Contemporary and Historical Perspectives*. New York: Holmes and Meier. 1990.

Other

- “Campaign Finance: Some Basics.” Bauer-Ginsberg Campaign Finance Task Force, Stanford University. September 2017. With Elizabeth M. Sawyer.
- “The Wisconsin Recount May Have a Surprise in Store after All.” *The Monkey Cage* (Washington Post), December 5, 2016. With Stephen Ansolabehere, Barry C. Burden, and Charles Stewart, III.
- Review of Jason K. Dempsey, *Our Army: Soldiers, Politicians, and American Civil-Military Relations*. *The Forum* 9 (No. 3, 2011).
- “Voting Early, but Not Often.” *New York Times*, October 25, 2010. With Barry C. Burden.
- Review of John Samples, *The Fallacy of Campaign Finance Reform* and Raymond J. La Raja, *Small Change: Money, Political Parties, and Campaign Finance Reform*. *The Forum* 6 (No. 1, 2008).
- Review Essay, *Executing the Constitution: Putting the President Back Into the Constitution*, Christopher S. Kelley, ed.; *Presidents in Culture: The Meaning of Presidential Communication*, David Michael Ryfe; *Executive Orders and the Modern Presidency: Legislating from the Oval Office*, Adam L. Warber. In *Perspective on Politics* 5:635-637 (No. 3, September 2007).
- “The Base Realignment and Closure Process: Is It Possible to Make Rational Policy?” Brademas Center for the Study of Congress, New York University. 2007.
- “Controlling Executive Authority in a Constitutional System” (comparative analysis of executive power in the U.S. and Australia), manuscript, February 2007.
- “Campaigns, Elections, and Campaign Finance Reform.” *Focus on Law Studies*, XXI, No. 2 (Spring 2006). American Bar Association, Division for Public Education.
- “Review Essay: Assessing The 2000 Presidential Election – Judicial and Social Science Perspectives.” *Congress and the Presidency* 29: 91-98 (No. 1, Spring 2002).

Issue Briefs (Midterm Elections, Homeland Security; Foreign Affairs and Defense Policy; Education; Budget and Economy; Entitlement Reform) *2006 Reporter's Source Book*. Project Vote Smart. 2006. With Meghan Condon.

"Sunlight as the Best Disinfectant: Campaign Finance in Australia." Democratic Audit of Australia, Australian National University. October 2006.

"Return to the Norm," *Brisbane Courier-Mail*, November 10, 2006.

"The Return of the King? Presidential Power and the Law," *PRG Report XXVI*, No. 2 (Spring 2004).

Issue Briefs (Campaign Finance Reform, Homeland Security; Foreign Affairs and Defense Policy; Education; Budget and Economy; Entitlement Reform), *2004 Reporter's Source Book*. Project Vote Smart. 2004. With Patricia Strach and Arnold Shober.

"Where's That Crystal Ball When You Need It? Finicky Voters and Creaky Campaigns Made for a Surprise Electoral Season. And the Fun's Just Begun." *Madison Magazine*. April 2002.

"Capitol Overkill." *Madison Magazine*, July 2002.

Issue Briefs (Homeland Security; Foreign Affairs and Defense Policy; Education; Economy, Budget and Taxes; Social Welfare Policy), *2002 Reporter's Source Book*. Project Vote Smart. 2002. With Patricia Strach and Paul Manna.

"Presidential Emergency Powers." *Oxford Analytica Daily Brief*. December 18, 2001.

"An Analysis of the Issue of Issue Ads." *Wisconsin State Journal*, November 7, 1999.

"Background of Issue Ad Controversy." *Wisconsin State Journal*, November 7, 1999.

"Eliminating Public Funding Reduces Election Competition." *Wisconsin State Journal*, June 27, 1999.

Review of *Executive Privilege: The Dilemma of Secrecy and Democratic Accountability*, by Mark J. Rozell. *Congress and the Presidency* 24 (No. 1, 1997).

"Like Marriage, New Presidency Starts In Hope." *Wisconsin State Journal*. March 31, 1996.

Review of *The Tyranny of the Majority: Fundamental Fairness in Representative Democracy*, by Lani Guinier. *Congress and the Presidency* 21: 149-151 (No. 2, 1994).

Review of *The Best Defense: Policy Alternatives for U.S. Nuclear Security From the 1950s to the 1990s*, by David Goldfischer. *Science, Technology, and Environmental Politics Newsletter* 6 (1994).

Review of *The Strategic Defense Initiative*, by Edward Reiss. *American Political Science Review* 87:1061-1062 (No. 4, December 1993).

Review of *The Political Economy of Defense: Issues and Perspectives*, Andrew L. Ross ed. *Armed Forces and Society* 19:460-462 (No. 3, April 1993)

Review of *Space Weapons and the Strategic Defense Initiative*, by Crockett Grabbe. *Annals of the American Academy of Political and Social Science* 527: 193-194 (May 1993).

"Limits Wouldn't Solve the Problem." *Wisconsin State Journal*, November 5, 1992. With David T. Canon.

"Convention Ceded Middle Ground." *Wisconsin State Journal*, August 23, 1992.

"CBS Economy Poll Meaningless." *Wisconsin State Journal*, February 3, 1992.

"It's a Matter of Character: Pentagon Doesn't Need New Laws, it Needs Good People." *Los Angeles Times*, July 8, 1988.

Conference Papers

"Voter Identification and Nonvoting in Wisconsin – Evidence from the 2016 Election." Presented at the 2018 Annual Meeting of the Midwest Political Science Association, Chicago, IL April 5-8, 2018. With Michael G. DeCrescenzo.

"Learning from Recounts." Presented at the Workshop on Electoral Integrity, San Francisco, CA, August 30, 2017, and at the 2017 Annual Meeting of the American Political Science Association, San Francisco, CA, August 31-September 3, 2017. With Stephen Ansolabehere, Barry C. Burden, and Charles Stewart, III.

"What Happens at the Polling Place: Using Administrative Data to Understand Irregularities at the Polls." Conference on New Research on Election Administration and Reform, Massachusetts

- Institute of Technology, Cambridge, MA, June 8, 2015. With Barry C. Burden, David T. Canon, Donald P. Moynihan, and Jake R. Neiheisel.
- “Election Laws and Partisan Gains: What are the Effects of Early Voting and Same Day Registration on the Parties’ Vote Shares.” 2013 Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 11-14, 2013. Winner of the Robert H. Durr Award.
- “The Effect of Public Funding on Electoral Competition: Evidence from the 2008 and 2010 Cycles.” Annual Meeting of the American Political Science Association, Seattle, WA, September 1-4, 2011. With Amnon Cavari.
- “What Happens at the Polling Place: A Preliminary Analysis in the November 2008 General Election.” Annual Meeting of the American Political Science Association, Seattle, WA, September 1-4, 2011. With Barry C. Burden, David T. Canon, Donald P. Moynihan, and Jake R. Neiheisel.
- “Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform.” 2010 Annual Meeting of the American Political Science Association, Washington, DC, September 2-5, 2010. With Barry C. Burden, David T. Canon, Stéphane Lavertu and Donald P. Moynihan.
- “Selection Methods, Partisanship, and the Administration of Elections. Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 22-25, 2010. Revised version presented at the Annual Meeting of the European Political Science Association, June 16-19, 2011, Dublin, Ireland. With Barry C. Burden, David T. Canon, Stéphane Lavertu and Donald P. Moynihan.
- “The Effects and Costs of Early Voting, Election Day Registration, and Same Day Registration in the 2008 Elections.” Annual Meeting of the American Political Science Association, Toronto, Canada, September 3-5, 2009. With Barry C. Burden, David T. Canon, and Donald P. Moynihan.
- “Comparative Election Administration: Can We Learn Anything From the Australian Electoral Commission?” Annual Meeting of the American Political Science Association, Chicago, IL, August 29-September 1, 2007.
- “Electoral Transitions in Connecticut: Implementation of Public Funding for State Legislative Elections.” Annual Meeting of the American Political Science Association, Chicago, IL, August 29-September 1, 2007. With Timothy Werner.
- “Candidate Gender and Participation in Public Campaign Finance Programs.” Annual Meeting of the Midwest Political Science Association, Chicago IL, April 7-10, 2005. With Timothy Werner.
- “Do Public Funding Programs Enhance Electoral Competition?” 4th Annual State Politics and Policy Conference,” Akron, OH, April 30-May 1, 2004. With Timothy Werner and Amanda Williams.
- “The Last 100 Days.” Annual Meeting of the American Political Science Association, Philadelphia, PA, August 28-31, 2003. With William Howell.
- “Hey, Wait a Minute: The Assumptions Behind the Case for Campaign Finance Reform.” Citizens’ Research Foundation Forum on Campaign Finance Reform, Institute for Governmental Studies, University of California Berkeley. August 2000.
- “The Importance of Moving First: Presidential Initiative and Executive Orders.” Annual Meeting of the American Political Science Association, San Francisco, CA, August 28-September 1, 1996.
- “Informational vs. Distributive Theories of Legislative Organization: Committee Membership and Defense Policy in the House.” Annual Meeting of the American Political Science Association, Washington, DC, September 2-5, 1993.
- “Department of Defense Contracts, Presidential Elections, and the Political-Business Cycle.” Annual Meeting of the American Political Science Association, Washington, DC, September 2-5, 1993.
- “Problem? What Problem? Congressional Micromanagement of the Department of Defense.” Annual Meeting of the American Political Science Association, Washington DC, August 29 - September 2, 1991.

Talks and Presentations

- “Turnout Effects of Voter ID Laws.” Rice University, March 23, 2018; Wisconsin Alumni Association,

October 13, 2017. With Michael DeCrescenzo.

“Informational and Turnout Effects of Voter ID Laws.” Wisconsin State Elections Commission, December 12, 2017; Dane County Board of Supervisors, October 26, 2017. With Michael DeCrescenzo.

“Voter Identification and Nonvoting in Wisconsin, Election 2016. American Politics Workshop, University of Wisconsin, Madison, November 24, 2017.

“Gerrymandering: Is There A Way Out?” Marquette University. October 24, 2017.

“What Happens in the Districting Room and What Happens in the Courtroom” Geometry of Redistricting Conference, University of Wisconsin-Madison October 12, 2017.

“How Do You Know? The Epistemology of White House Knowledge.” Clemson University, February 23, 2016.

Roundtable Discussant, Separation of Powers Conference, School of Public and International Affairs, University of Georgia, February 19-20, 2016.

Campaign Finance Task Force Meeting, Stanford University, February 4, 2016.

Discussant, “The Use of Unilateral Powers.” American Political Science Association Annual Meeting, August 28-31, 2014, Washington, DC.

Presenter, “Roundtable on Money and Politics: What do Scholars Know and What Do We Need to Know?” American Political Science Association Annual Meeting, August 28-September 1, 2013, Chicago, IL.

Presenter, “Roundtable: Evaluating the Obama Presidency.” Midwest Political Science Association Annual Meeting, April 11-14, 2012, Chicago, IL.

Panel Participant, “Redistricting in the 2010 Cycle,” Midwest Democracy Network,

Speaker, “Redistricting and Election Administration,” Dane County League of Women Voters, March 4, 2010.

Keynote Speaker, “Engaging the Electorate: The Dynamics of Politics and Participation in 2008.” Foreign Fulbright Enrichment Seminar, Chicago, IL, March 2008.

Participant, Election Visitor Program, Australian Electoral Commission, Canberra, ACT, Australia. November 2007.

Invited Talk, “Public Funding in State and Local Elections.” Reed College Public Policy Lecture Series. Portland, Oregon, March 19, 2007.

Fulbright Distinguished Chair Lecture Tour, 2006. Public lectures on election administration and executive power. University of Tasmania, Hobart (TAS); Flinders University and University of South Australia, Adelaide (SA); University of Melbourne, Melbourne (VIC); University of Western Australia, Perth (WA); Griffith University and University of Queensland, Brisbane (QLD); Institute for Public Affairs, Sydney (NSW); The Australian National University, Canberra (ACT).

Discussant, “Both Ends of the Avenue: Congress and the President Revisited,” American Political Science Association Meeting, September 2-5, 2004, Chicago, IL.

Presenter, “Researching the Presidency,” Short Course, American Political Science Association Meeting, September 2-5, 2004, Chicago, IL.

Discussant, Conference on Presidential Rhetoric, Texas A&M University, College Station, TX. February 2004.

Presenter, “Author Meets Author: New Research on the Presidency,” 2004 Southern Political Science Association Meeting, January 8-11, New Orleans, LA.

Chair, “Presidential Secrecy,” American Political Science Association Meeting, August 28-31, 2003, Philadelphia, PA.

Discussant, “New Looks at Public Approval of Presidents.” Midwest Political Science Association Meeting, April 3-6, 2003, Chicago, IL.

Discussant, “Presidential Use of Strategic Tools.” American Political Science Association Meeting, August 28-September 1, 2002, Boston, MA.

Chair and Discussant, “Branching Out: Congress and the President.” Midwest Political Science

Association Meeting, April 19-22, 2001, Chicago, IL.
 Invited witness, Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, U.S. House of Representatives. *Hearing on Executive Order and Presidential Power*, Washington, DC. March 22, 2001.
 "The History of the Executive Order," Miller Center for Public Affairs, University of Virginia (with Griffin Bell and William Howell), January 26, 2001.
 Presenter and Discussant, Future Voting Technologies Symposium, Madison, WI May 2, 2000.
 Moderator, Panel on Electric Utility Reliability. Assembly Staff Leadership Development Seminar, Madison, WI. August 11, 1999.
 Chair, Panel on "Legal Aspects of the Presidency: Clinton and Beyond." Midwest Political Science Association Meeting, April 15-17, 1999, Chicago, IL.
 Session Moderator, National Performance Review Acquisition Working Summit, Milwaukee, WI. June 1995.
 American Politics Seminar, The George Washington University, Washington D.C., April 1995.
 Invited speaker, Defense and Arms Control Studies Program, Massachusetts Institute of Technology, Cambridge, MA, March 1994.
 Discussant, International Studies Association (Midwest Chapter) Annual Meeting, Chicago IL, October 29-30, 1993.
 Seminar on American Politics, Princeton University, January 16-17, 1992.
 Conference on Defense Downsizing and Economic Conversion, October 4, 1991, Harvard University.
 Conference on Congress and New Foreign and Defense Policy Challenges, The Ohio State University, Columbus OH, September 21-22, 1990, and September 19-21, 1991.
 Presenter, "A New Look at Short Term Change in Party Identification," 1990 Meeting of the American Political Science Association, San Francisco, CA.

University and Department Service

Cross-Campus Human Research Protection Program (HRPP) Advisory Committee, 2019-present.
 UW Athletic Board, 2014-present.
 General Education Requirements Committee (Letters and Science), 1997-1998.
 Communications-B Implementation Committee (Letters and Science), 1997-1999
 Verbal Assessment Committee (University) 1997-1998.
 College of Letters & Science Faculty Appeals Committee (for students dismissed for academic reasons).
 Committee on Information Technology, Distance Education and Outreach, 1997-98.
 Hilldale Faculty-Student Research Grants, Evaluation Committee, 1997, 1998.
 Department Computer Committee, 1996-1997; 1997-1998, 2005-2006. Chair, 2013-present.
 Faculty Senate, 2000-2002, 2002-2005. Alternate, 1994-1995; 1996-1999; 2015-2016.
 Preliminary Exam Appeals Committee, Department of Political Science, 1994-1995.
 Faculty Advisor, Pi Sigma Alpha (Political Science Honors Society), 1993-1994.
 Department Honors Advisor, 1991-1993.
 Brown-bag Seminar Series on Job Talks (for graduate students), 1992.
 Keynote speaker, Undergraduate Honors Symposium, April 13 1991.
 Undergraduate Curriculum Committee, Department of Political Science, 1990-1992; 1993-1994.
 Individual Majors Committee, College of Letters and Sciences, 1990-1991.
 Dean Reading Room Committee, Department of Political Science, 1989-1990; 1994-1995.

Teaching

Undergraduate

Introduction to American Government (regular and honors)
 The American Presidency
 Campaign Finance
 Election Law

Classics of American Politics
Presidential Debates
Comparative Electoral Systems
Legislative Process
Theories of Legislative Organization
Senior Honors Thesis Seminar

Graduate

Contemporary Presidency
American National Institutions
Classics of American Politics
Legislative Process

Expert Rebuttal Report of Dr. Loren Collingwood

Loren Collingwood

2021-12-29

Executive Summary

In this rebuttal report, I examine electoral performance of five proposed plans. I also respond to the question of proportionality.

I conclude the following:

- The BLOC Petitioners' plan is the only plan that realistically gives Black voters an opportunity to both nominate their candidate of choice in a Democratic primary – and to elect their candidate of choice in a general election – in each of their proposed Black opportunity assembly districts. Each other party proposes a district configuration that includes at least one district that is unlikely to perform for Black voters in a racially polarized, contested primary election between a Black and white candidate.
- To prevent higher turnout white Democrats from blocking the ability of Black voters to nominate their candidate of choice in Democratic primaries, District 10 should be drawn to exclude the Village of Shorewood. Likewise, nearby predominantly white, liberal Whitefish Bay, Fox Point, and Bayside should be excluded. The other parties' plans include some or all of these in their proposed Black opportunity districts.
- The most up-to-date and accurate estimate of Black voters' proportionate share of Wisconsin's citizen voting age population is 6.5% – between 6 and 7 seats in the 99 seat Wisconsin Assembly.

My opinions are based on the following data sources:

Shapefiles of the Bewley Assembly Plan; Citizen Data Scientists Assembly Plan; Governor Assembly Plan, Hunter Assembly Plan; Legislature Assembly Plan, and the BLOC Petitioners Assembly Plan (geojson file). I also incorporate ward (precinct) data from statewide and county elections, and Census Voting Age Population (VAP) and American Community Survey (ACS) Citizen Voting Age Population (CVAP) data.

Background and Qualifications

I am an associate professor of political science at the University of New Mexico. Previously, I was an associate professor of political science and co-director of civic engagement at the Center for Social Innovation at the University of California, Riverside. I have published two books with *Oxford University Press*, 39 peer-reviewed journal articles, and nearly a dozen book chapters focusing on sanctuary cities, race/ethnic politics, election administration,

and racially polarized voting. I received a Ph.D. in political science with a concentration in political methodology and applied statistics from the University of Washington in 2012 and a B.A. in psychology from the California State University, Chico, in 2002. I have attached my curriculum vitae, which includes an up-to-date list of publications.

In between my B.A. and Ph.D., I spent 3-4 years working in private consulting for the survey research firm Greenberg Quinlan Rosner Research in Washington, D.C. I also founded the research firm Collingwood Research, which focuses primarily on the statistical and demographic analysis of political data for a wide array of clients, and lead redistricting and map-drawing and demographic analysis for the Inland Empire Funding Alliance in Southern California. I am the redistricting consultant for the West Contra Costa Unified School District, CA, independent redistricting commission in which I am charged with drawing court-ordered single member districts.

I served as a testifying expert for the plaintiff in the Voting Rights Act Section 2 case *NAACP v. East Ramapo Central School District*, No. 17 Civ. 8943 (S.D.N.Y.), on which I worked from 2018 to 2020. In that case, I used the statistical software eiCompare and WRU to implement Bayesian Improved Surname Geocoding (BISG) to identify the racial/ethnic demographics of voters and estimate candidate preference by race using ecological data. I am the quantitative expert in *LULAC vs. Pate (Iowa)*, 2021, and have filed an expert report in that case. I am the racially polarized voting expert for the plaintiff in *East St. Louis Branch NAACP, et al. vs. Illinois State Board of Elections, et al.*, having filed two reports in that case. In this case, I am being compensated at a rate of \$400/hour.

I filed my Expert Report on December 15, 2021. I refer to my prior opinions in this case on their location in the December 15, 2021, report (“December 15 Report”).

Performance Analysis

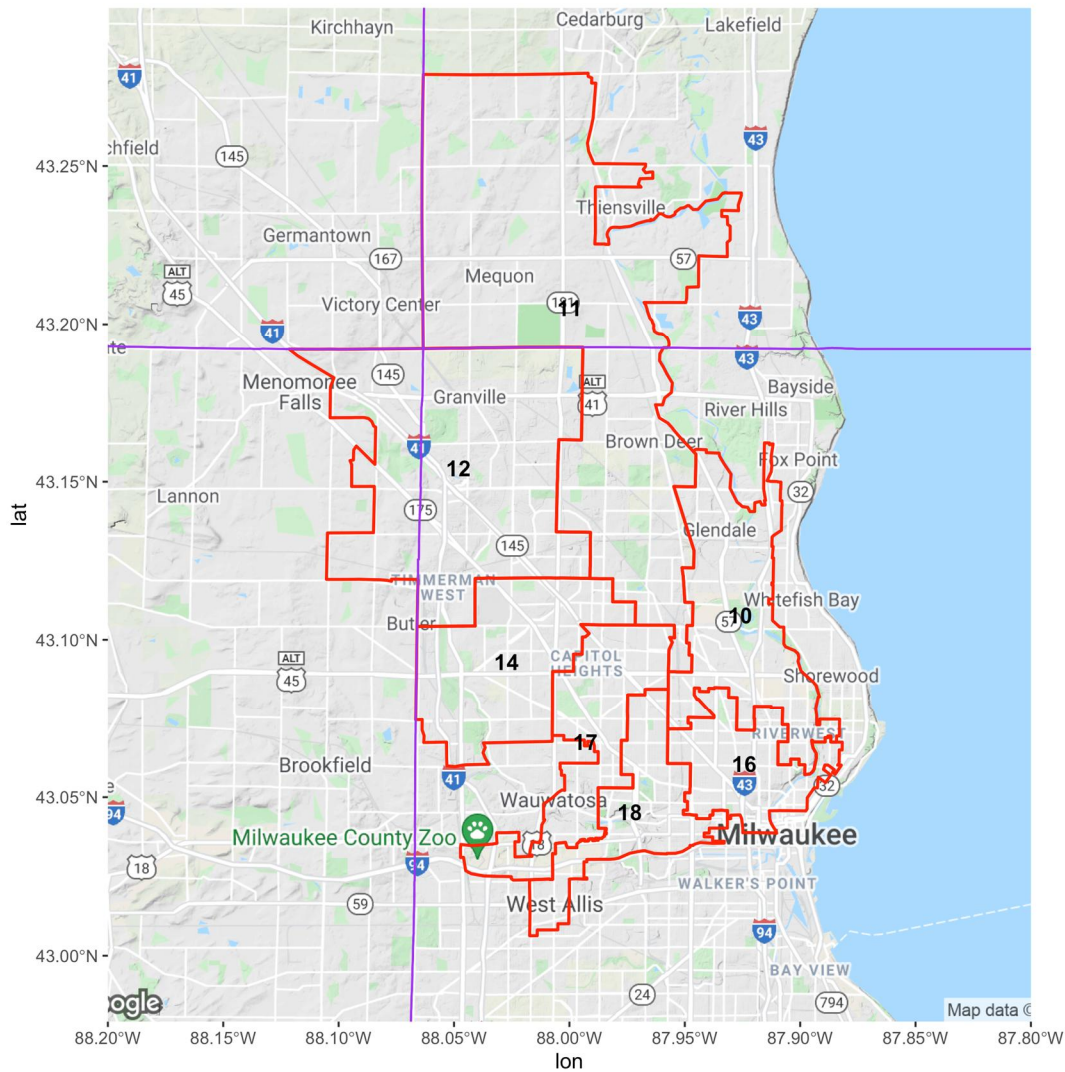
BLOC Petitioners’ Proposed Assembly

In my December 15 Report, I conducted an electoral performance analysis of the BLOC Petitioners’ seven majority-Black VAP districts. A performance analysis essentially reconstructs previous election results in a new map to assess whether a Black or white preferred candidate is most likely to win in the new districts.

Figure 1 reproduces the December 15 Report map of the BLOC Petitioners’ alternative plan labeled by district.

Figure 1. Plaintiff Proposed majority-Black remedial districts.

BLOC Petitioners District Plan



In the December 15 Report, I analyze the 2018 Democratic Gubernatorial Primary because it is the most probative contest. I also analyzed the 2021 state superintendent non-partisan primary and the 2020 Milwaukee County Executive although do not include the analysis here. The results are consistent with the Democratic Gubernatorial Primary findings – the BLOC Petitioners’ plan is the only plan that gives Black voters in Wisconsin the realistic opportunity to elect candidates of choice in both primary and general elections.

Tables 1 lists candidate performance in Plaintiffs’ proposed opportunity District 10 for the 2018 Democratic Gubernatorial Primary. The 2018 Democratic Gubernatorial primary is the most probative, because it was a partisan primary (like would be the case for state assembly seats) and it featured strong racially polarized voting. It thus best simulates the conditions that VRA remedial districts are designed to overcome – the possibility that white voters will bloc vote and defeat Black voters’ candidate of choice.

I understand that other parties’ experts also conducted a performance analysis of the 2018 Lieutenant Governor primary, in which Black candidate Mandela Barnes prevailed by a

large margin statewide. This election is less probative of the performance of districts, because it does not simulate an election in which white bloc voting might defeat the choice of Black voters – i.e., it tells us little about whether the particular configuration of district lines, given local electoral conditions, will suffice to provide Black voters an equal opportunity to nominate and elect their preferred candidate in the face of racially polarized voting.

In BLOC’s proposed Black opportunity districts, the Black candidate wins or places second (in the superintendent race) in every single district. Thus, the BLOC petitioners’ plan is extremely likely to produce seven assembly seats in which Black voters can realistically elect candidates of choice.

In the most probative race, the 2018 gubernatorial contest, Mitchell – the Black candidate of choice—receives a majority of the vote in six of BLOC’s proposed districts, and a near-majority – 46.3% – in the seventh (District 10). This election featured one Black candidate and nine white candidates, with one white candidate – now-Governor Evers – receiving the most votes among white voters.

Table 1. Electoral performance analysis 2018 gubernatorial Democratic primary in plaintiffs’ proposed opportunity plan, District 10.

Candidate	Percent
B_Mitchell	46.3229
W_Evers	24.4416
W_Roys	12.2299
W_other	17.0056

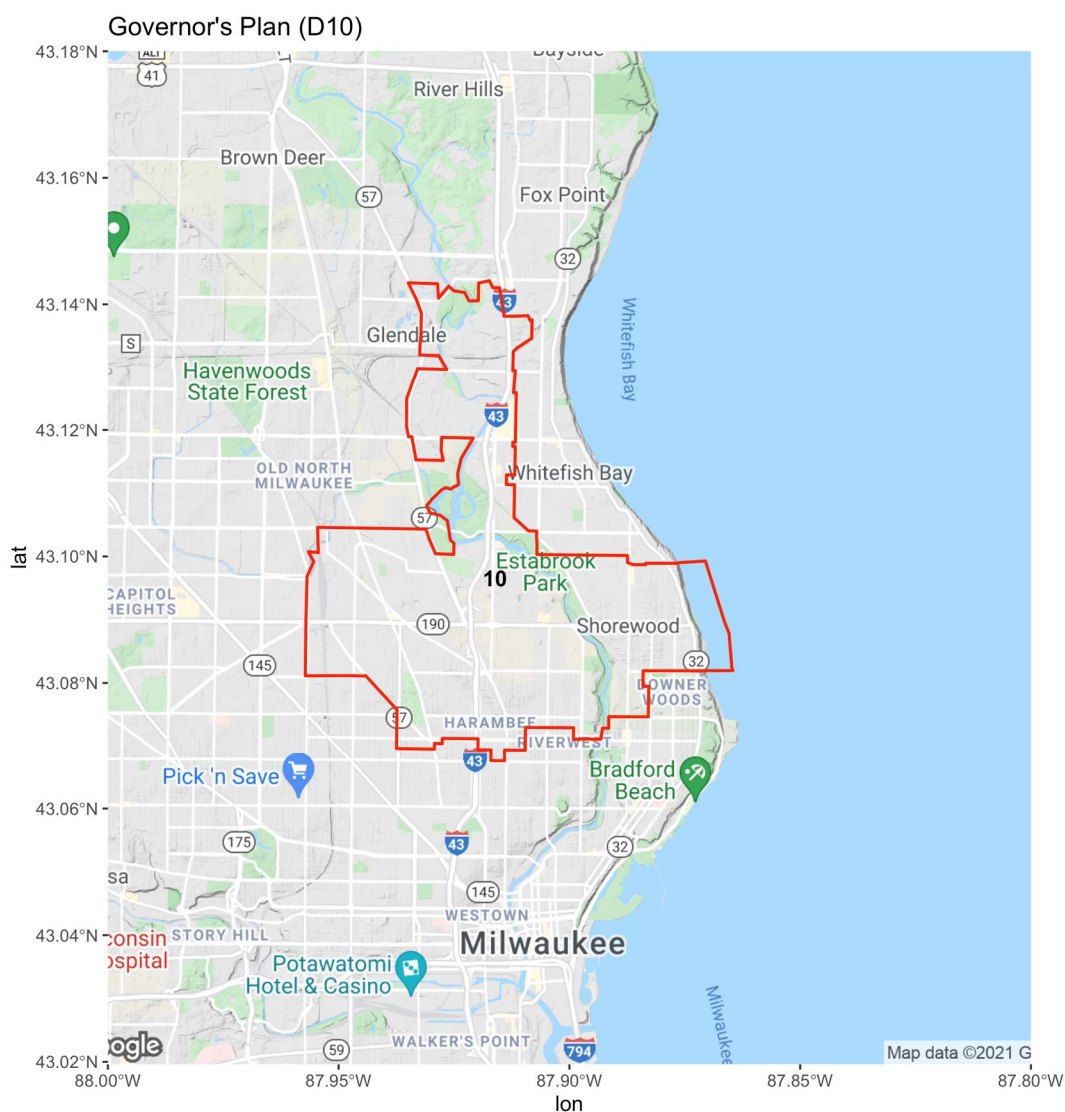
Performance Analysis of Other Parties' Plans

Below, I analyze the performance of the other parties' proposed Black opportunity districts. I focus my analysis only on those districts – e.g., District 10 in each of their plans – where it appears, either by the low BVAP percentage in the district or the inclusion of predominantly white Democratic municipalities, that the district may not perform for Black voters in Democratic primaries.

Governor's Plan

For the Governor's Plan, I examine electoral performance in District 10. The District 10 map is visually displayed in Figure 2.

Figure 2. Governor's Plan District 10.



The results for the gubernatorial contest is listed in 2. Relative to the BLOC Petitioners plan, District 10 of the Governor's Plan performs worse for Black voters' candidates of choice.

In the governor's contest, the Black candidate, Mitchell, receives 41.2% of the vote whereas Mitchell notched 46.3% in the BLOC Petitioners' D10.

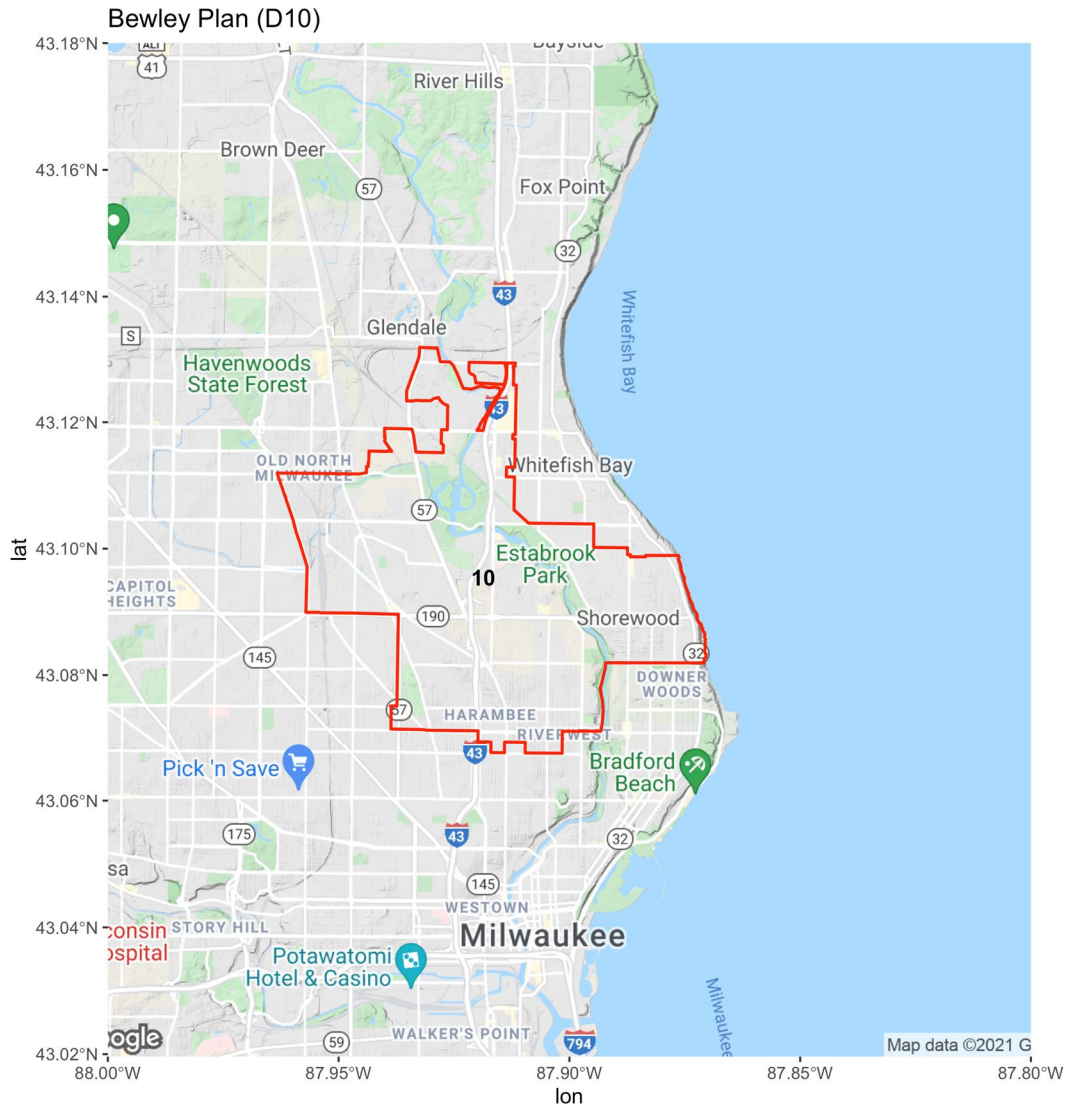
Table 2. Electoral performance analysis 2018 Democratic Gubernatorial Primary. Governor's Plan.

Candidate	Percent
B_Mitchell	41.2112
W_Evers	27.7087
W_Roys	13.5285
W_other	17.5515

Bewley Plan

For the Bewley Plan, I once again examine electoral performance in District 10 only. The district is visually displayed in Figure 3.

Figure 3. Bewley Plan District 10.



The performance results are listed below in 3. Relative to the BLOC Petitioners plan, District 10 of the Bewley Plan performs worse for Black voters' candidates of choice.

In the governor's contest, the Black candidate, Mitchell, receives 39.2% of the vote whereas Mitchell notched 46.3% in the BLOC Petitioners' D10.

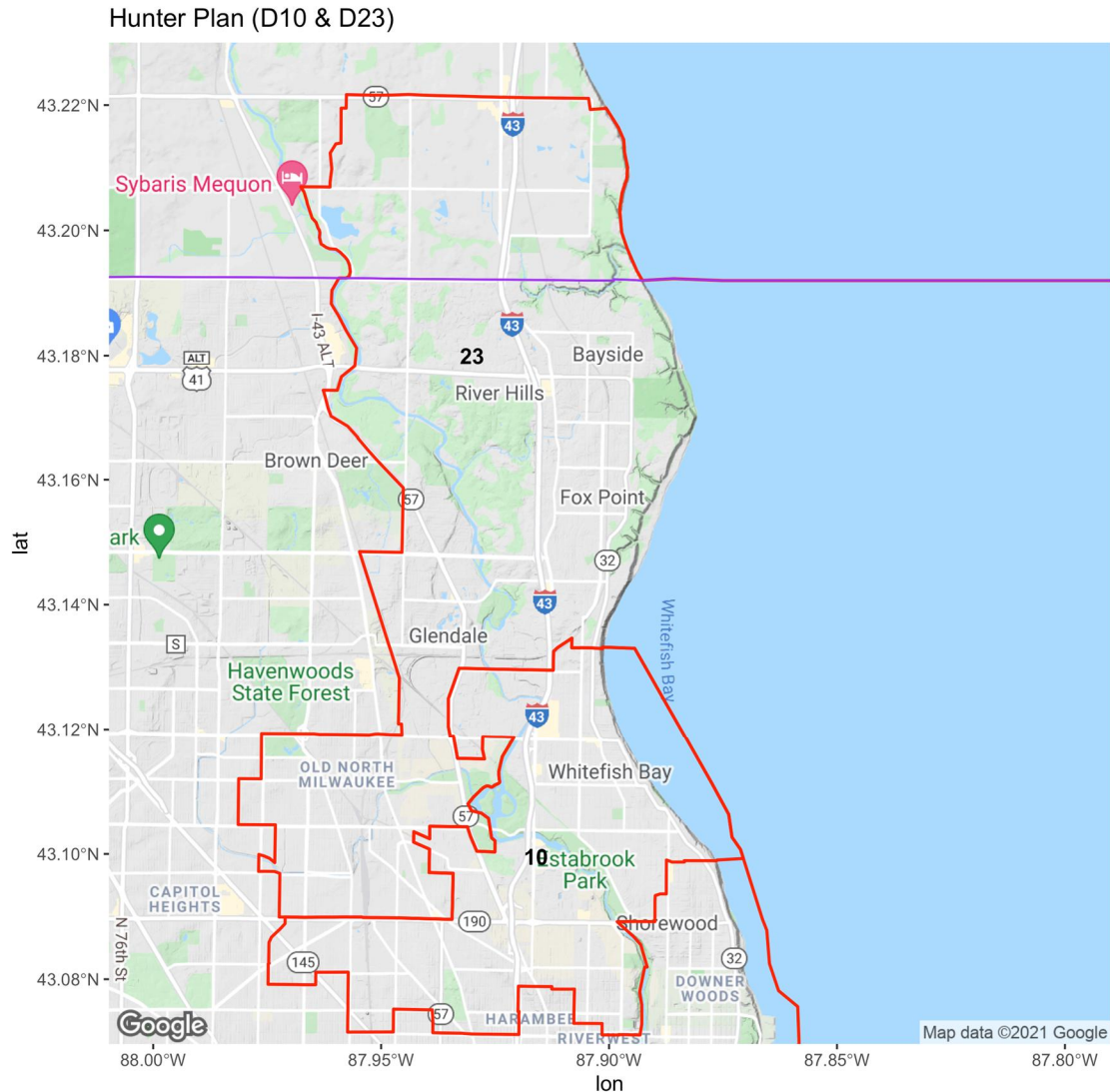
Table 3. Electoral performance analysis 2018 Democratic Gubernatorial Primary. Bewley Plan.

Candidate	Percent
B_Mitchell	0.392
W_Evers	0.243
W_Roys	0.126
W_other	0.239

Hunter Plan

For the Hunter Plan, I examine electoral performance in District 10 and 23 only. The districts are visually displayed in Figure 4.

Figure 4. Hunter Plan Districts 10 and 23.



The results for the 2018 Democratic Primary gubernatorial contest are listed below in Table 4. Relative to the BLOC Petitioners' plan, District 10 of the Hunter Plan performs worse for Black voters' candidates of choice. In the governor's contest, the Black candidate, Mitchell, receives 44.7% of the vote whereas Mitchell notched 46.3% in the BLOC Petitioners' D10. In Hunter's proposed District 23, Mitchell would receive 47.7% of the vote. By contrast, Mitchell receives a majority vote share in six of BLOC's districts, with his lowest vote share being 46.3%.

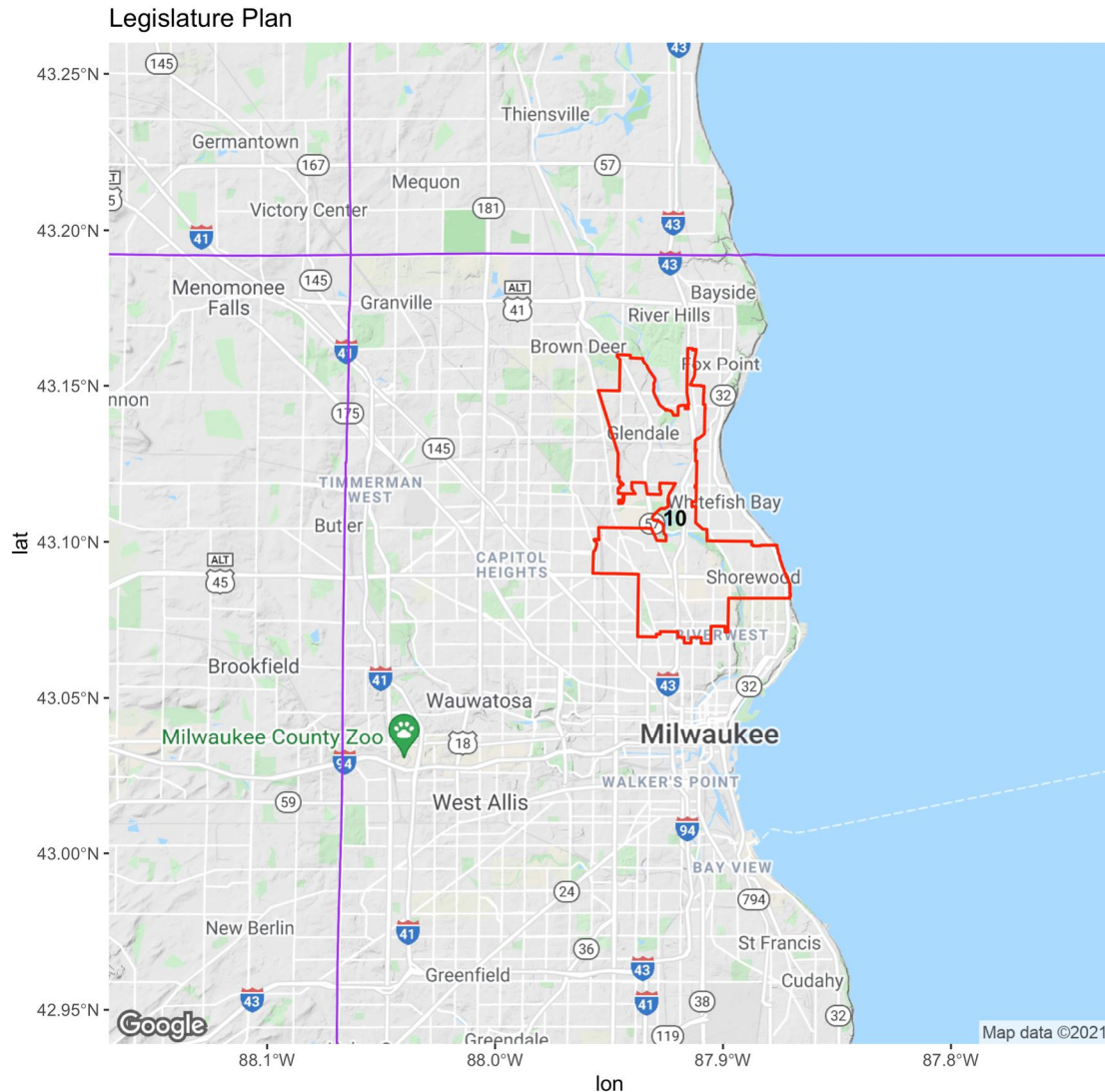
Table 4. Electoral performance analysis 2018 Democratic Gubernatorial Primary. Hunter Plan.

Candidate	D10	D23
B_Mitchell	44.6975	47.741
W_Evers	27.2081	26.8906
W_Roys	11.9654	9.1689
W_other	16.129	16.1996

Legislature Plan

For the Legislature Plan, I examine electoral performance in District 10. Figure 5 visually displays the districts.

Figure 5. Legislature Plan District 10.



The Legislature’s expert, Dr. Alford, conducted his own performance analysis of the Legislature’s plan, and reported the reconstituted election results for that plan. He reports that Mitchell received 42.2% in the Legislature’s proposed District 10. By contrast, he reports that Mitchell received 50.5% in the existing District 10, enacted in 2011. Dr. Alford’s analysis is erroneous, however: he excludes the votes received by candidates Gronik and Flynn, which has the effect of lowering the number of total votes he reports, and thus increasing Mitchell’s reported share of the vote beyond his actual share of the vote. Although he reports an “other column,” it reports only 3 votes, whereas Flynn received 708 votes in the Legislature’s proposed District 10 and Gronik received 89.¹

¹ This type of error is understandable, given the complexity of matching GIS files of districts to election results, and in some instances disaggregating election results where municipalities collapse ward returns.

I have recalculated the reconstituted election results for the Legislature’s proposed District 10 by comparing the wards it contains to the Milwaukee County election returns.² Mitchell’s correct vote share in the Legislature’s proposed District 10 is 39.3%, not 42.2%. Dr. Alford made this same error in his entire performance analysis for each of the Legislature’s proposed Black opportunity districts, but District 10 is the only in which the error is material.

Table 5. Electoral performance analysis 2018 Democratic Gubernatorial Primary. Legislature Plan.

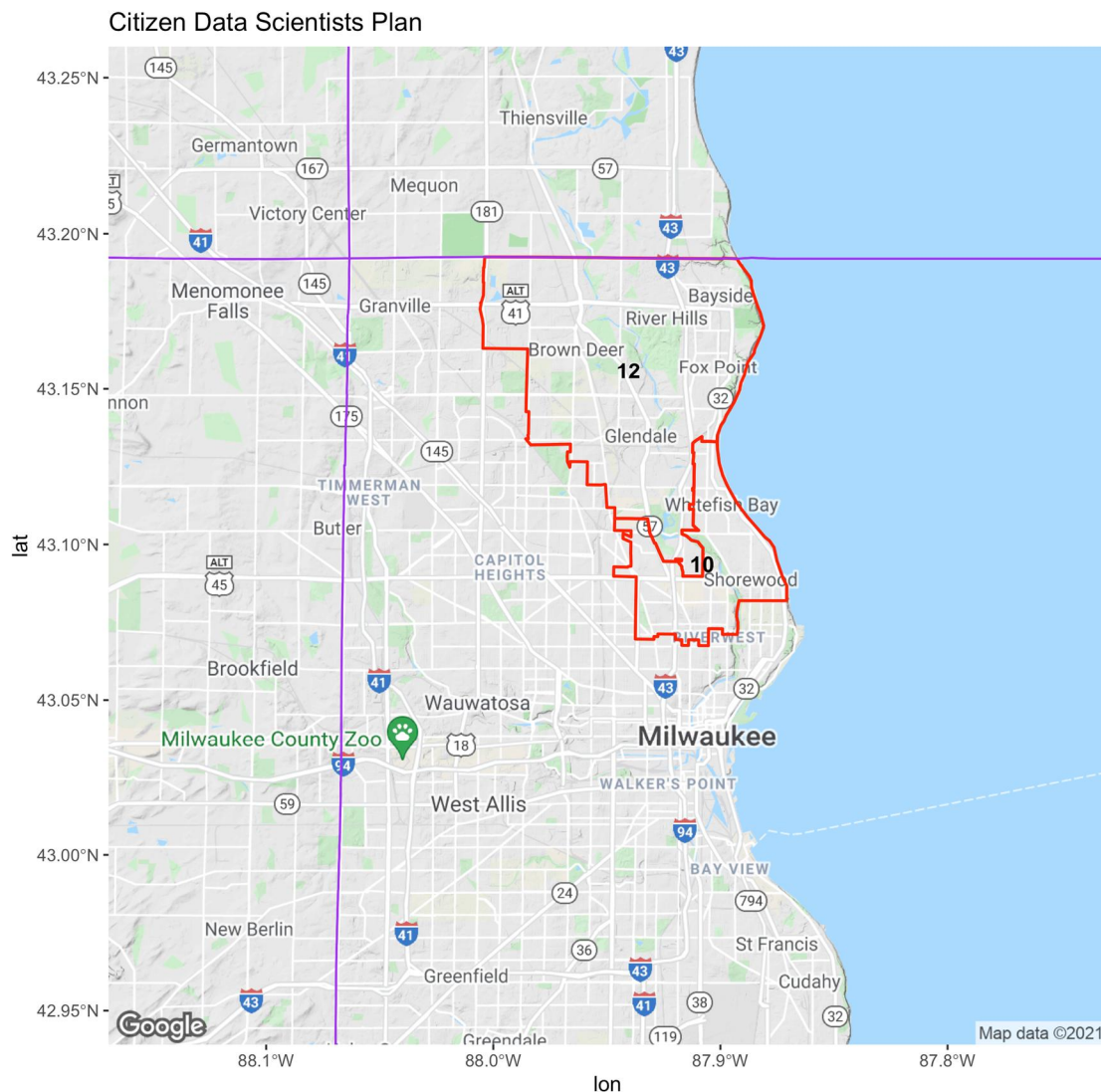
Candidate	Percent
B_Mitchell	39.3447
W_Evers	29.3011
W_Roys	13.3373
W_other	18.0169

Citizen Data Scientists Plan

For the Citizen Data Scientists Plan, I examine electoral performance in Districts 10 and 12 – the districts they identify as Black opportunity district but that have BVAP shares below 50% and/or include predominantly white Democratic communities that may jeopardize the ability of Black voters to nominate their candidate of choice in the Democratic primary. Figure 6 visually displays the districts.

² All of Glendale, all of Shorewood, and Milwaukee wards 58, 59, 60, 61, 62, 63, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 140, and 146.

Figure 6. Citizen Data Scientists Plan Districts 10 and 12.



In the Citizen Data Scientists' plan, District 10 has a BVAP of 41.4% (white VAP is 49.1%) and District 12 has BVAP of 36.3% (white VAP is 52.9%).

The district demographics speak directly to Black candidates' vote shares in the contests that I analyzed. In the Democratic primary contests, while Mitchell is the top candidate in each seat, he only narrowly achieves a plurality in Districts 10 (34.5%) and 12 (37.4%). By contrast, Mitchell receives a majority of the vote in six of BLOC's districts, and a near-majority in the remaining district.

Table 6. Electoral performance analysis 2018 Democratic Gubernatorial Primary. Citizen Data Scientists Plan.

Candidate	D10	D12
B_Mitchell	34.5297	37.4086
W_Evers	31.6891	31.2197
W_Roys	15.5894	11.9317
W_other	18.1919	19.44

Performance Analysis Conclusion

As I explained, the 2018 Democratic Gubernatorial Primary is most probative of what could be expected in a contested Democratic assembly primary featuring racially polarized voting. In BLOC's proposal, Mitchell received a majority of vote in a 10-candidate race in six districts (Districts 11, 12, 14, 16, 17, and 18) and 46.3% in the seventh (District 10). Because it is unlikely that Democratic primaries in these assembly districts would feature nine white candidates against one Black candidate, it is important to consider the likely result if the white vote were not so splintered, and if instead, for example, there were a two-candidate race between a candidate preferred by Black voters and a candidate preferred by white voters.

In BLOC's proposed District 10, Mitchell comes close to a majority in the 10-candidate field. Because there is a degree of white crossover voting in the primary (see my December 15th Report, the estimates range from between 6-23% white cross-over for Mitchell for an average of 16%), Mitchell would receive a share – albeit a minority share – of the votes that had been cast for candidates other than Evers and Mitchell. That share would be sufficient

to move him to a majority share in BLOC District 10 given his already strong 46.3% showing with all 10 candidates included.³

The same cannot be said for the other parties' proposed District 10. In those plans, Mitchell's vote share is generally in the low or upper 30s: Governor (41.2%), Legislature (39.3%), Bewley (39.2%), Hunter (44.7%), Citizen Data Scientists (34.5%). There is not enough white crossover voting in these district configurations for Mitchell to move from the low or upper 30s to a majority were the white vote not splintered among so many candidates.

By including communities like Shorewood, Whitefish Bay, Fox Point, and Bayside in their proposed Black opportunity districts, the other parties' District 10 (as well as Citizen Data Scientists' District 12 and Hunter District 23) would be unlikely to perform to allow Black voters to nominate their candidate of choice in a Democratic primary in the more expected circumstance: a race featuring fewer candidates and racially polarized voting.

Given this, unlike the BLOC plan, which includes seven districts in which Black voters have a realistic opportunity to elect their candidates of choice, the Governor's proposal has six, the Legislature's, Bewley's, Hunter's, and Citizen Data Scientists' each have only five.

Proportionality Assessment

The Legislature's expert, Dr. Alford, opines that six Black opportunity districts is the proportionate share of seats for Black voters.

Dr. Alford cites the ACS estimate of Black citizen voting age population ("CVAP"). ACS is a yearly survey of roughly 2.6% of households. One estimate they report is CVAP – we turn to CVAP because citizenship is not available on the Census questionnaire. But CVAP is only reported in their aggregated 5-year survey. The latest is the 2015-2019 5-Year Report, which has a midpoint of 2017. So ACS CVAP estimates have two major limitations: (1) they are an estimate based on sampling of roughly 2.6% of households and (2) they are by definition outdated especially relative to the most recent 2020 Census data.

As an initial matter, in assessing the eligible voter population, there are differences among different groups. There is a sizeable population of noncitizen Hispanic and Asian adults. For this group, CVAP is the best available metric of eligible voters because the Census does not account for citizenship in its enumeration of adult population (i.e., voting age population or VAP). For Black and white adults, the raw VAP count from the 2020 Census is likely the

³ To arrive at this conclusion I take the 29% of votes that were not cast for either Mitchell or Evers. I multiply this number by 0.16 (the average RPV estimate for white support for Mitchell). This number (4.7%) is added to Mitchell's existing vote resulting in 51%. I apply the same method to calculate Evers' would be estimate: 29% multiplied by 84% (the existing white average vote for white candidates according to my RPV analysis) results in 24.5%. This number is added to Evers' existing vote of 24.4% to arrive at 49%.

most accurate metric of the eligible voter population because the noncitizenship rate is so low among these groups. Thus, while there are some noncitizens among the VAP count, it is a more up-to-date estimate of the actual number of Black and white citizens adults than is the ACS survey, which is limited by its staleness and nature as a survey.

The ACS estimates a statewide Black CVAP of 6.1% and the Census counted a statewide Black VAP of 6.4%. This difference is suggestive that ACS is underestimating Black CVAP. Because the noncitizenship rate for Black adults is very low and is higher among Hispanic and Asian adults, logic dictates that the statewide proportion for Black CVAP must exceed the statewide proportion for Black VAP. Below is a table showing the Census count of VAP for each demographic group:

Table 7. Voting Age Population (VAP), Census 2020 estimates by racial demographic.

	VAP Count	VAP Percentage
White	3,774,226	81.8%
Hispanic	284,069	6.2%
Black	296,313	6.4%
Asian	146,640	3.2%

Comparing this to the 2015-2019 ACS estimate, it is immediately apparent that ACS's estimates overestimate the white adult population in Wisconsin and underestimate the Black adult population. For example, ACS estimates that they are roughly 7,000 more white adult citizens in Wisconsin than there are total white adults in Wisconsin. That is not possible.

Below, Table 8 shows the ACS VAP and CVAP estimates for each demographic group.

Table 8. American Community Survey (ACS) VAP and CVAP estimates, 2015-2019 5-year, by racial demographic.

	ACS CVAP Estimate	ACS CVAP Percentage
White	3,781,310	86.6%
Hispanic	172,917	4.0%
Black	266,101	6.1%
Asian	88,059	2.0%

We can also tell that the Black CVAP is underestimated. We know that there are 296,313 Black adults from the 2020 Census count. ACS estimated that the Black total CVAP was 266,101. If that were true, that would mean that fully 10% of Wisconsin's Black adults are noncitizens. But according to ACS, only 2.2% of Black adults in Wisconsin are noncitizens.

Given these errors, adjustments are required in order to accurately approximate the statewide proportion of eligible Wisconsin voters who are Black.

The ACS reports a 97.8% statewide Black citizenship rate, and a 96.8% total noncitizenship rate for all Wisconsin adults. Here again, this illustrates why the ACS estimates are demonstrably wrong. Given that the Black citizenship rate exceeds the statewide average citizenship rate, it is not possible for the Black share of CVAP to be lower than the Black share of VAP (which is 6.4%). If 97.8% of Black adults are citizens, and there are 296,313 Black adults, that yields 288,905 Black CVAP (about 22,000 more than the inaccurate ACS estimates suggested).

Given the 96.8% estimated statewide citizenship rate, and 4,612,300 adults, there are 4,464,706 total CVAP in Wisconsin. So, using this approach, the Black share of statewide CVAP would be 6.5%. Therefore, the proportionate share of seats is between 6 and 7.

Conclusion

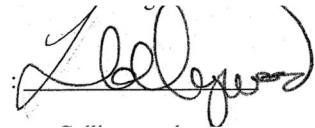
Based on my initial analysis and rebuttal analysis, I find that the BLOC Petitioners' plan is the only plan that realistically gives Black voters an opportunity to both nominate their candidate of choice in a Democratic primary – and to elect their candidate of choice in a general election – in each of their proposed Black opportunity assembly districts. Other party plans propose a district configuration that includes at least one district that is unlikely to perform for Black voters in a racially polarized, contested primary election between a Black and white candidate.

Furthermore, to prevent higher turnout white Democrats from blocking the ability of Black voters to nominate their candidate of choice in Democratic primaries, District 10 should be drawn to exclude the Village of Shorewood. The other parties' plans include some or all of these in their proposed Black opportunity districts.

Finally, the most up-to-date and accurate estimate of Black voters' proportionate share of Wisconsin's citizen voting age population is 6.5%. Therefore, the proportionate share of Black seats is between 6 and 7.

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

Executed on December 30, 2021.

A handwritten signature in black ink, appearing to read "Loren Collingwood", written over a horizontal line.

Loren Collingwood

Errata Addendum to Dr. Collingwood's December 15, 2021, Report

My initial report included a performance analysis of the BLOC Petitioners' Assembly district plan for Districts 10, 11, 12, 14, 16, 17, and 18. The results are presented in Table 3 of that report, and listed below.

Table 1. Initial Table 3 BLOC Petitioners' Plan performance analysis.

Candidate	D10	D11	D12	D14	D16	D17	D18
B_Mitchell	0.479	0.547	0.557	0.517	0.524	0.511	0.515
W_Evers	0.236	0.232	0.241	0.242	0.228	0.235	0.229
W_Roys	0.121	0.066	0.057	0.087	0.097	0.122	0.101
W_other	0.164	0.154	0.144	0.154	0.152	0.132	0.154

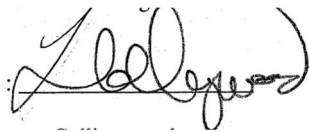
In writing my rebuttal report I discovered a few small errors to my performance estimates. Table 2 lists the corrected estimates. The slight changes do not change any substantive conclusions.

Table 2. Updated BLOC Petitioners' Plan performance analysis.

Candidate	D10	D11	D12	D14	D16	D17	D18
B_Mitchell	46.323	54.693	56.480	52.380	52.278	51.012	51.380
W_Evers	24.442	23.218	23.698	23.630	22.719	23.532	22.765
W_Roys	12.230	6.624	5.515	8.799	9.693	12.215	9.943
W_other	17.006	15.465	14.307	15.192	15.310	13.242	15.912

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

Executed on December 30, 2021.



Loren Collingwood

Rebuttal Report of Dr. Kenneth R. Mayer

Johnson, et al., v. WEC, et al., No. 2021AP1450-OA
December 30, 2021

In response to the reported municipal and county splits given by other parties to this litigation, I submit this rebuttal report, in which I show the methods used to calculate the number of municipal and county splits in the BLOC Petitioners' Least Change plan. The results show that the plan splits 53 counties and 77 municipalities into 2 or more districts in the Assembly plan. I also report some information regarding population shifts among districts in the BLOC assembly proposal and the Legislature's assembly proposal.

Mr. Bryan's conclusion that "the Legislature's SB 621 Assembly and Senate plans make minimum changes"¹ to Act 43 is misleading to extent it implies both that SB 621 makes no changes that are not required by population equality or other traditional principles, and that it is not possible to draw a plan that makes fewer changes. Any such claims are contradicted by decades worth of studies and experience that have demonstrated it is *always* possible to draw a plan that is better than any baseline on any single metric, and that tradeoffs are *always* necessary among redistricting principles that exist in tension with each other (population equality v. compactness, compactness vs. splits, Voting Rights Act compliance vs. core retention, etc.). It is important to note that claiming a map makes "minimum changes" is very different from arguing that a plan follows a least change *approach* in attempted to make small changes to an existing map, or showing how meeting some criteria (VRA compliance, for example) requires downstream changes in a map.

1. Method of calculating splits

After importing a Block Equivalency File into Maptitude for Redistricting (which shows the assignments of each Census Block into a district), I calculated splits using the "communities of interest" report function in Maptitude for Redistricting. This function can be applied to any geographic layer. I ran the report once for counties, and once for what Maptitude calls "county subdivisions," the equivalent of cities, villages and towns (what Census calls "Minor Civil Divisions," or MCDs). I confirmed the calculations with a visual inspection of the maps.

A split is defined as any geography that includes more than a single district, even if the population is too large to contain a single Assembly district (which requires the population to be split into more than 1 district).

There were a small number of "stray" Census Blocks that erroneously show a split, which I did not count as a split. I understand these will be assigned to the correct Assembly districts in a subsequent report.

¹Thomas M Bryan, *Expert Report of Thomas M. Bryan*, December 15, 2021, at 37.

2. Results - Assembly

Table 1 shows the results for county subdivisions. The Least Change plan splits 77 municipalities: 24 cities, 11 villages, and 42 towns.

Table 1 - MCD Splits			
County	C/T/V	MCD Name	Number of Districts
Waukesha	C	Brookfield	2
Racine	C	Burlington	2
Brown	C	De Pere	3
Walworth	C	Delavan	2
Eau Claire	C	Eau Claire	3
Dane	C	Fitchburg	2
Milwaukee	C	Franklin	3
Brown	C	Green Bay	4
Milwaukee	C	Greenfield	3
Rock	C	Janesville	2
Kenosha	C	Kenosha	3
Dane	C	Madison	8
Wood	C	Marshfield	2
Ozaukee	C	Mequon	2
Milwaukee	C	Milwaukee	14
Waukesha	C	New Berlin	2
Waukesha	C	Oconomowoc	3
Winnebago	C	Oshkosh	2
Racine	C	Racine	2
Sheboygan	C	Sheboygan Falls	2
Waukesha	C	Waukesha	3
Milwaukee	C	Wauwatosa	4
Milwaukee	C	West Allis	3
Outagamie	C	Appleton	4
La Crosse	T	Barre	2
Washington	T	Barton	2
Waukesha	T	Brookfield	2
Portage	T	Carson	2
Ozaukee	T	Cedarburg	3
Winnebago	T	Clayton	2
Jefferson	T	Concord	2
Waukesha	T	Eagle	2
Eau Claire	T	Eau Claire	2
Fond du Lac	T	Eden	2
Washington	T	Erin	2
Fond du Lac	T	Fond du Lac	2
Waukesha	T	Genesee	3
Ozaukee	T	Grafton	2
Outagamie	T	Grand Chute	2
Outagamie	T	Greenville	2

Washington	T	Jackson	2
Jefferson	T	Koshkonong	2
Manitowoc	T	Kossuth	2
Brown	T	Ledgeview	2
Waukesha	T	Lisbon	3
Dane	T	Madison	2
Manitowoc	T	Meeme	2
Fond du Lac	T	Metomen	2
Dane	T	Middleton	2
Waukesha	T	Mukwonago	2
Waukesha	T	Muskego	2
La Crosse	T	Onalaska	2
Winnebago	T	Oshkosh	2
Dane	T	Pleasant Springs	2
Winnebago	T	Poygan	2
Fond du Lac	T	Ripon	2
Dodge	T	Rubicon	2
La Crosse	T	Shelby	2
Kenosha	T	Somers	2
Washington	T	Trenton	2
Eau Claire	T	Washington	2
Waukesha	T	Waukesha	3
Marathon	T	Weston	2
Sheboygan	T	Wilson	2
Winnebago	T	Winneconne	2
Brown	T	Wrightstown	2
Brown	V	Bellevue	2
Walworth	V	Bloomfield	2
Winnebago	V	Fox Crossing	2
Brown	V	Howard	3
Outagamie	V	Little Chute	2
Dodge	V	Lomira	2
Waukesha	V	Menomonee Falls	3
Racine	V	Mount Pleasant	3
Kenosha	V	Pleasant Prairie	2
Washington	V	Richfield	2
Kenosha	V	Somers	2

Table 2 displays the results for counties, with 53 splits.

Table 2 - County Splits	
County	Number of Districts
Adams	3
Brown	8
Burnett	2
Calumet	5
Chippewa	3

Clark	3
Columbia	3
Dane	14
Dodge	6
Douglas	2
Dunn	4
Eau Claire	3
Fond du Lac	6
Forest	2
Green	3
Iowa	2
Jackson	3
Jefferson	5
Kenosha	4
La Crosse	3
Lafayette	2
Manitowoc	4
Marathon	5
Marinette	2
Marquette	2
Milwaukee	18
Monroe	3
Oconto	3
Oneida	2
Outagamie	7
Ozaukee	4
Pepin	2
Pierce	2
Polk	2
Portage	3
Racine	6
Richland	3
Rock	4
Sauk	4
Sawyer	2
Shawano	4
Sheboygan	4
St. Croix	5
Trempealeau	2
Vilas	2

Walworth	7
Washburn	2
Washington	6
Waukesha	14
Waupaca	2
Waushara	3
Winnebago	7
Wood	4

3. Results – Senate

Table 3 shows totals for county subdivisions in the Senate plan. The Least Change plan splits 19 cities, 24 towns, and 9 villages, for a total of 52 splits.

Table 3 - MCD Splits Senate			
County	C/T/V	MCD Name	Districts
Waukesha	C	Brookfield	2
Racine	C	Burlington	2
Brown	C	De Pere	2
Eau Claire	C	Eau Claire	2
Dane	C	Fitchburg	2
Milwaukee	C	Franklin	2
Brown	C	Green Bay	2
Milwaukee	C	Greenfield	3
Rock	C	Janesville	2
Dane	C	Madison	2
Wood	C	Marshfield	4
Ozaukee	C	Mequon	2
Milwaukee	C	Milwaukee	2
Waukesha	C	New Berlin	2
Waukesha	C	Oconomowoc	2
Racine	C	Racine	2
Fond du Lac	C	Ripon	2
Milwaukee	C	Wauwatosa	2
Milwaukee	C	West Allis	2
Waukesha	T	Brookfield	2
Ozaukee	T	Cedarburg	2
Jefferson	T	Concord	2
Waukesha	T	Eagle	3
Eau Claire	T	Eau Claire	2
Fond du Lac	T	Eden	2
Washington	T	Erin	2

Waukesha	T	Genesee	2
Ozaukee	T	Grafton	2
Jefferson	T	Koshkonong	2
Manitowoc	T	Kossuth	2
Brown	T	Ledgeview	2
Waukesha	T	Lisbon	2
Outagamie	T	Little Chute	2
Waukesha	T	Mukwonago	2
Dane	T	Pleasant Springs	2
Winnebago	T	Poygan	2
Kenosha	T	Rubicon	2
Dodge	T	Somers	2
Eau Claire	T	Washington	2
Waukesha	T	Waukesha	2
Sheboygan	T	Wilson	3
Winnebago	T	Winneconne	2
Brown	T	Wrightstown	2
Walworth	V	Bloomfield	2
Brown	V	Howard	3
Washington	V	Jackson	2
Dodge	V	Lomira	2
Waukesha	V	Menomonee Falls	2
Racine	V	Mount Pleasant	6
Kenosha	V	Pleasant Prairie	3
Washington	V	Richfield	2
Kenosha	V	Somers	2

Table 4 shows the results for county splits in the Senate plan, totaling 42 splits.

Table 4 - County Splits, Senate Plan	
County	Number of Districts
Adams	3
Brown	3
Burnett	2
Calumet	3
Chippewa	2
Clark	2
Columbia	3

Dane	6
Dodge	4
Dunn	4
Eau Claire	2
Fond du Lac	4
Green	3
Jackson	3
Jefferson	3
Kenosha	3
Manitowoc	2
Marathon	3
Marinette	2
Milwaukee	7
Monroe	3
Oconto	3
Outagamie	4
Ozaukee	3
Pierce	2
Polk	2
Racine	4
Rock	2
Sauk	2
Sawyer	2
Shawano	3
Sheboygan	2
St. Croix	3
Trempealeau	2
Vilas	2
Walworth	4
Washington	3
Waukesha	8
Waupaca	2
Waushara	2
Winnebago	3
Wood	3

4. Population Shifts

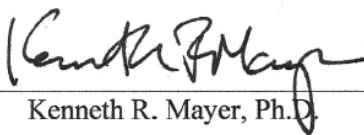
In my initial report, I included the core retention percentage for each district. For BLOC proposed District 56, it retained 95.66% of its core population, gaining 2,751 people from existing District 55. For BLOC proposed District 57, it retained 96.78% of its core population, gaining 1,926 people from existing District 56.

Core retention metrics by themselves can understate the degree of change in a plan when an incumbent is placed in a different district. For example, the Legislature's plan moves Rep. Vruwink from District 43 to District 33, where he retains just 30.6% of his prior district. The Legislature's plan also moves Rep. Horlacher from District 33 to District 83, where he retains just 38.6% of his prior district.

BLOC's plan pairs the following assembly incumbents who have not, to my knowledge, said whether they will run for reelection: District 39: Rep. Born and Rep. Dittrich; Dist. 60: Rep. Brooks and Rep. Katsma; Dist. 82: Rep. Wichgers and Rep. Skowronski. In two other districts, BLOC's plan pairs incumbents, but one of those incumbents has announced that they will not run for reelection: District 13: Rep. Rodriguez and Rep. Vining; District 31: Rep. Spreitzer & Rep. Loudenbeck. In the senate plan, BLOC's plan has pairs in District 8: Sen. Kooyenga and Sen. Darling and District 20: Sen. Stroebel and Sen. LeMahieu.

Finally, the Legislative plan and an additional plan offered by Senator Bewly continue to crack African American voters outside of the existing Black majority districts in Milwaukee County, primarily in Brown Deer. Act 43 placed Brown Deer in District 24, which extends into Washington County and has a district BVAP of 12.3%. In Sen. Bewley's plan Brown Deer is placed in District 24, which has a BVAP of 16.5%. SB 621 places Brown Deer in District 23, which has a BVAP of 10.3%.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 30, 2021.



Kenneth R. Mayer, Ph.D.

Expert Reply Report of Dr. Loren Collingwood

Loren Collingwood

2022-01-04

Executive Summary

In this reply report, I examine electoral performance of a demonstrative plan provided by BLOC Petitioners' counsel that includes six Black-opportunity districts. I also examine Census demographic change between Whites and Blacks from 2010 to 2020 in Milwaukee County and Wisconsin as a whole.

I conclude the following:

- The six-district demonstrative plan would elect Black voters' candidate of choice in Democratic primaries, unlike the Legislature's and Senator Bewley's proposed six-district configurations, in which AD10 would fail to perform for Black voters.
- Between 2010 and 2020, the Black voting age population increased at a faster rate than the White population statewide. In Milwaukee County – the focus area of the BLOC Petitioners, White VAP decreased 9.5% whereas Black VAP increased 5.5%.

My opinions are based on the following data sources:

- 1) Shapefile of the six majority-Black district BLOC Petitioners Demonstrative Assembly Plan (geojson file); and 2) 2010 and 2020 Census data.

Background and Qualifications

I am an associate professor of political science at the University of New Mexico. Previously, I was an associate professor of political science and co-director of civic engagement at the Center for Social Innovation at the University of California, Riverside. I have published two books with *Oxford University Press*, 39 peer-reviewed journal articles, and nearly a dozen book chapters focusing on sanctuary cities, race/ethnic politics, election administration, and racially polarized voting. I received a Ph.D. in political science with a concentration in political methodology and applied statistics from the University of Washington in 2012 and a B.A. in psychology from the California State University, Chico, in 2002. I have attached my curriculum vitae, which includes an up-to-date list of publications.

In between my B.A. and Ph.D., I spent 3-4 years working in private consulting for the survey research firm Greenberg Quinlan Rosner Research in Washington, D.C. I also founded the research firm Collingwood Research, which focuses primarily on the statistical and demographic analysis of political data for a wide array of clients, and lead redistricting and map-drawing and demographic analysis for the Inland Empire Funding Alliance in

Southern California. I am the redistricting consultant for the West Contra Costa Unified School District, CA, independent redistricting commission in which I am charged with drawing court-ordered single member districts.

I served as a testifying expert for the plaintiff in the Voting Rights Act Section 2 case *NAACP v. East Ramapo Central School District*, No. 17 Civ. 8943 (S.D.N.Y.), on which I worked from 2018 to 2020. In that case, I used the statistical software eiCompare and WRU to implement Bayesian Improved Surname Geocoding (BISG) to identify the racial/ethnic demographics of voters and estimate candidate preference by race using ecological data. I am the quantitative expert in *LULAC vs. Pate (Iowa)*, 2021, and have filed an expert report in that case. I am the racially polarized voting expert for the plaintiff in *East St. Louis Branch NAACP, et al. vs. Illinois State Board of Elections, et al.*, having filed two reports in that case. I am the Senate Factors expert for plaintiff in *Pendergrass v. Raffensperger (N.D. Ga. 2021)*, having filed a report in that case. In this case, I am being compensated at a rate of \$400/hour.

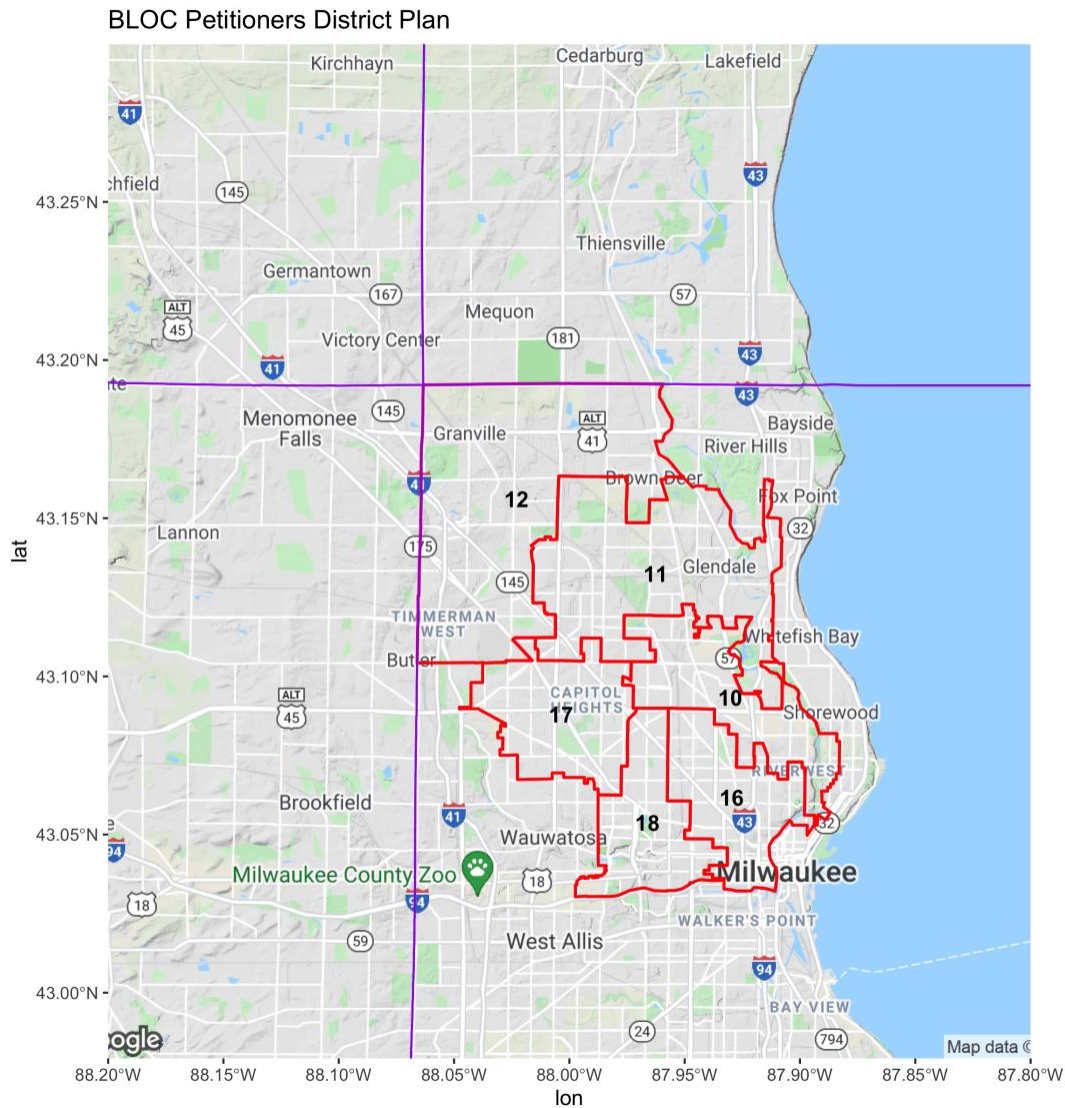
I filed my Expert Report on December 15, 2021. I refer to my prior opinions in this case on their location in the December 15, 2021, report (“December 15 Report”). I subsequently filed my Rebuttal Report on December 31, 2021. I refer to my prior opinions in this report on their location in the December 31, 2021, report (“December 31 Report”).

Demonstrative Six Majority-Black District Plan

In my previous reports, I conducted electoral performance analysis of the BLOC Petitioners’ seven majority-Black VAP districts – as well as other proposed plans. A performance analysis essentially reconstructs previous election results in a new map to assess whether a Black or White preferred candidate is most likely to win in the new districts.

BLOC Petitioners have asked me to analyze the electoral performance of a demonstrative six-district configuration plan and compare it to the six-district configurations proposed by the Legislature and Senator Bewley. Figure 1 presents BLOC Petitioners’ demonstrative six-district configuration.

Figure 1. Demonstrative Six-District Plan.



In this reply report, I analyze the electoral performance of White and Black candidates in the most probative race, the 2018 Democratic primary gubernatorial contest. Mitchell – the Black candidate of choice—receives a majority of the vote in all six of BLOC’s demonstrative districts – despite the fact there are 10 candidates in the race. It is indisputable he is the candidate of choice in this contest, winning between 53% - 59% in every district.

Table 1. Electoral performance analysis 2018 gubernatorial Democratic primary in BLOC Petitioners' six Black-majority demonstration plan.

Candidate	D10	D11	D12	D16	D17	D18
B_Mitchell	58.6	53.29	54.73	57.77	58.93	53.86
W_Evers	18.75	23.42	24.08	19.15	20.23	21.74
W_Roys	9.01	7.85	5.8	8.57	7.54	10.39
W_other	13.64	15.44	15.39	14.51	13.3	14

Compare Mitchell's performance in the BLOC demonstrative District 10 (58.6%) with his performance in the Legislature's proposed District 10 (39.3%) and Senator Bewley's proposed District 10 (39.2%). In the BLOC demonstrative plan, Black voters would have the equal opportunity to nominate their preferred candidates in Democratic primaries and elect their preferred candidates in general elections in each district (as was the case in the BLOC Petitioner's proposed plan, which has seven performing Black opportunity districts). That is not so for the Legislature's and Senator Bewley's proposals, which include substantial numbers of bloc-voting, high-turnout White Democrats, mostly in Shorewood, whom the data shows would prevent Black voters from nominating their preferred candidates in Democratic primaries.

Demographic Change

I have been asked to assess the demographic change between 2010 - 2020 by White and Black persons aged 18 or over in Wisconsin, as well as in Milwaukee County.¹

I downloaded the 2010 and 2020 statewide Wisconsin Census files from the redistricting data hub.² These files are taken directly from the Census and made publicly available to researchers and redistricting practitioners. I also downloaded the 2010 and 2020 Wisconsin county Census files subsetting to Milwaukee County.

¹ For White, I select Census variable P0040005, taken from the P4 table (Voting Age Population Hispanic/Non-Hispanic). For Black I select any variable indicating Black alone or Black in some combination from the P3 table (Voting Age Population).

² <https://redistrictingdatahub.org/state/wisconsin/>

Table 2 presents the results. First, both White and Black voting age populations (VAP) grew between 2010 and 2020. Across the 10-year time period, White VAP grew from 3,753,673 to 3,774,226, a change of 20,553 (0.5%).³ Meanwhile, Black VAP grew at a faster rate, from 252,719 to 296,313, a change of 43,594 (17%).⁴

Table 2. Wisconsin statewide Census figures for the White and Black populations, 2010-2020.

	VAP	WhiteVAP	PctWhiteVAP	BlackVAP	PctBlackVAP
2010	4347494	3753673	86.34	252719	5.81
2020	4612300	3774226	81.83	296313	6.42

Table 3 presents the results for Milwaukee County. First, only the Black voting age population (VAP) grew between 2010 and 2020. Across the 10-year time period, White VAP declined from 433,061 to 391,811, a change of 41,250 (-9.5%). Meanwhile, Black VAP grew from 173,862 to 183,350, a change of 9,488 (5.5%).

³ To calculate change in percent White I subtract the 2010 White VAP from the 2020 white VAP then divide by the 2010 White VAP: (3,774,226 - 3,753,673)/ 3,753,673.

⁴ (296,313 - 252,719)/ 252,719.

Table 3. Milwaukee County statewide Census figures for the White and Black populations, 2010-2020.

	VAP	WhiteVAP	PctWhiteVAP	BlackVAP	PctBlackVAP
2010	711358	433061	60.88	173862	24.44
2020	720446	391811	54.38	183350	25.45

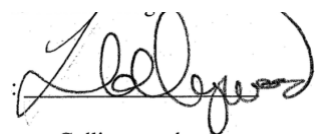
Conclusion

Based on this reply report analysis, I find that the BLOC Petitioners' demonstrative six majority-Black district plan would enable Black voters the opportunity to nominate their candidates of choice in Democratic primaries and elect them in general elections in six districts. The same is not true for the Legislature's and Senator Bewley's six-district configurations, in which only five would perform for Black voters.

I also find that while both White and Black voting age populations inclined across the state from 2010 to 2020, the Black voting age population grew at a significantly faster rate than did the White population. Even in Milwaukee County – the traditional hub of the Black population in Wisconsin, the Black VAP grew at a rate of 5.5% whereas the White VAP dropped at a rate of 9.5%.

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

Executed on January 4, 2022.



Loren Collingwood

Reply Report of Dr. Kenneth R. Mayer

Johnson, et al., v. WEC, et al., No. 2021AP1450-OA
January 4, 2022

In this reply report, I provide analysis of the relationship between core retention and population deviation; calculate the core retention of a demonstration plan that has 6 Black opportunity districts in the Assembly, and the corresponding Senate plan shows additional information about how I calculated the Black Voting Age Population in proposed Assembly Districts 10, 11, 12, 14, 16, 17, and 18; identify characteristics about BLOC's proposed Districts 11 and 12, and make one correction to my calculation of the number of municipal splits in the BLOC Senate plan.

1. In the BLOC Assembly plan, there is no relationship between core retention and population deviation. Figure 1 plots absolute population deviation (the absolute value of a district's deviation from the ideal district population) by core retention for all 99 Assembly districts.

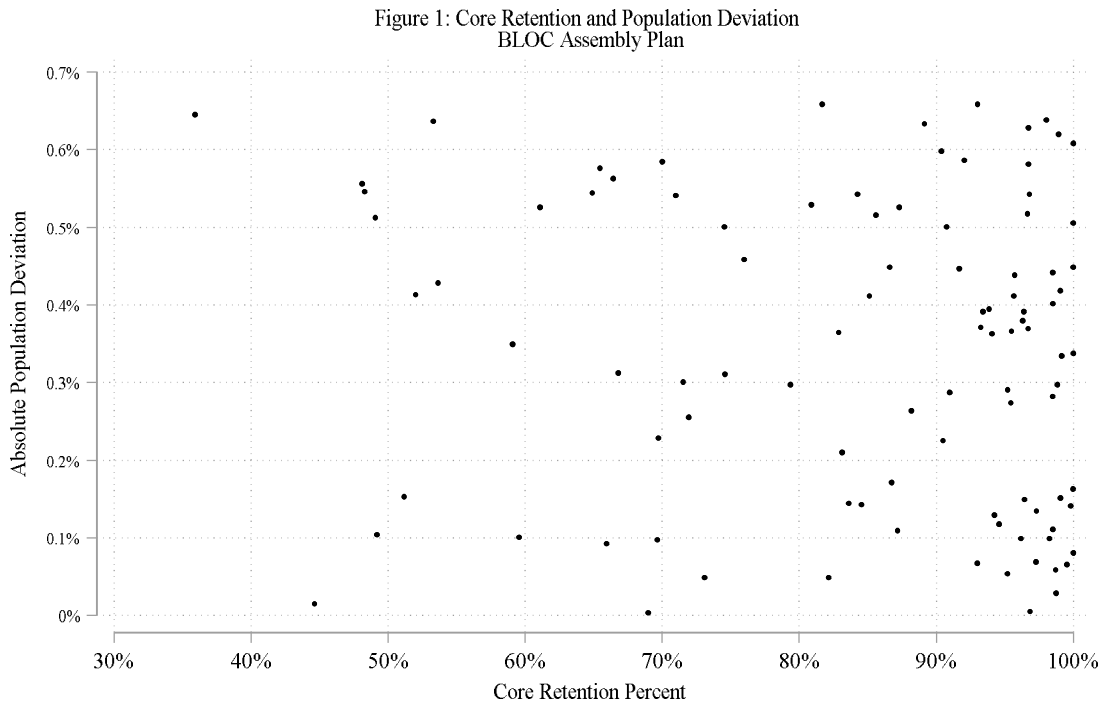


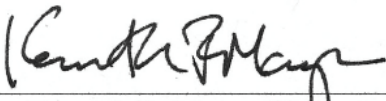
Figure 1 shows no relationship between a district's core retention and its population deviation. A regression of population deviation on core retention shows a statistically insignificant relationship, with an $r^2 = 0.01$.

As a first approximation, reducing the population deviation of the BLOC Assembly plan to 0.8% (achieved by altering every district over 0.4% absolute deviation to 0.4%) could

be achieved by moving a total of 3,265 people statewide. Such a small movement—in a state with 5,893,718 people—would not have a material effect on the plan’s core retention.

2. A demonstration Assembly plan with 6 Black opportunity districts that I was provided to review has an overall population deviation of 1.32% and an average core retention of 86.8%. The corresponding Senate plan has an overall population deviation of 0.91% and an average core retention of 91.8%. I performed these calculations in the same manner as my original report. In the demonstration plan, District 10 has a BVAP of 63.4%, District 11 has a BVAP of 56.5%, District 12 has a BVAP of 55.4%, District 16 has a BVAP of 55.9%, District 17 has a BVAP of 59.9%, and District 18 has a BVAP of 58.5%.
3. I calculated the Black Voting Age population of BLOC’s proposed Assembly Districts 10, 11, 12, 14, 16, 17, and 18 by counting everyone who listed a race of African American, alone or in any combination.
4. A large majority of the population in BLOC’s proposed Assembly District 11 is in Milwaukee County. Only 21.3% of the district’s population is in Ozaukee County. Likewise, a large majority of the population in BLOC’s proposed Assembly District 12 is in Milwaukee County. Only 15.5% of the district’s population is in Waukesha County.
5. In my December 30, 2021 report, I inadvertently excluded a municipal split in the BLOC Senate plan. The Village of Bellevue in Brown County is split between Senate Districts 1 and 30 in BLOC’s Senate Plan. The corrected total of municipal splits is 53 (19 cities, 24 towns, and 10 villages).

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 4, 2022.



Kenneth R. Mayer, Ph.D.



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Supreme Court of Wisconsin

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January 10, 2022

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You are hereby notified that the Court has entered the following order:

No. 2021AP1450-OA Johnson v. Wisconsin Elections Commission

On December 30, 2020, intervenors-petitioners, Congressmen Glen Grothman, Mike Gallagher, Bryan Steil, Tom Tiffany, and Scott Fitzgerald (“Congressmen”) filed a motion for leave to submit an alternative version of their proposed remedial congressional map. The Congressmen’s motion indicates that they stand by the map they submitted on December 15, 2021, but acknowledge that some of the other proposed maps propose retaining a narrow configuration for District 3, so they offer an alternative version of a congressional map that would do this as well.

By order dated January 4, 2022, the court permitted the parties to respond to the Congressmen’s motion. Responses opposing the motion were filed by intervenor-respondent, Governor Tony Evers, intervenor-respondent, Senator Janey Bewley, intervenors-petitioners, Citizens Mathematicians and Scientists, intervenors-petitioners, Hunter, et al., and intervenors-

petitioners, Black Leaders Organizing for Communities, et al. (“BLOC”). The Legislature filed a letter taking no position on the motion.

Also pending before the court is a motion filed on January 3, 2022 by intervenors-petitioners, BLOC, et al., seeking leave to file a corrected version of their proposed remedial assembly and senate maps, and a motion filed on January 6, 2022 by intervenor-respondent, Governor Tony Evers, seeking leave to file a corrected version of his proposed remedial assembly and senate maps.

Our order of November 17, 2021, provided that parties could submit only a single set of maps and provided a process by which parties could file a motion to amend their maps. Consistent with our order, Governor Evers and BLOC brought motions to amend their maps. They ask us to disregard their initial maps and consider only their maps as amended. Because our prior order plainly contemplated this type of motion, both are properly granted.

The Congressmen's motion, however, is different-in-kind. It is not a motion to amend a previously submitted map. Rather, the Congressmen ask us to consider an alternative map while expressly standing by their initial map. In essence, the Congressmen ask us to accept two congressional maps from them, while accepting only one such map from every other party. This plainly runs afoul of our direction that each party may submit only a single set of maps. Therefore,

IT IS ORDERED that the motion of intervenors-petitioners, Congressmen Glen Grothman, Mike Gallagher, Bryan Steil, Tom Tiffany, and Scott Fitzgerald (“Congressmen”) is denied. The Congressmen's map, submitted as Exhibit A to its motion is not accepted and will not be further considered by the court;

IT IS FURTHER ORDERED that the motion of intervenors-petitioners, Black Leaders Organizing for Communities, et al., is granted. The corrected assembly and senate maps filed as Exhibits C and D to their January 3, 2022 motion shall replace the maps previously filed by these intervenors-petitioners on December 15, 2020; and

IT IS FURTHER ORDERED that the motion of intervenor-respondent, Governor Tony Evers, is granted. The corrected assembly and senate maps filed in Attachment C to his January 6, 2022 motion shall replace the maps previously filed by Governor Evers on December 15, 2020.

PATIENCE DRAKE ROGGENSACK, J. (*dissenting*). Redistricting is a new challenge for this court, and as such I would accept all assistance from all parties. The majority seems to hold this view for Governor Evers and the BLOC plaintiffs, but a different view for the Congressmen.

I don't know whether the second map the Congressmen would like to submit will be helpful or not. It is possible that it would have provided no more than what we actually will hear in rebuttal during oral arguments later this month.

In addition, I have already reviewed Governor Evers' map and that of the BLOC plaintiffs, as I assume most justices have. Therefore, the court is permitting Governor Evers and the BLOC plaintiffs to file second maps that have very significant changes. For example, Governor Evers'

- Original Assembly map had 174 Municipal splits, but his "corrected" map has 115 Municipal splits.
- His Senate map had 118 Municipal splits, but his "corrected" map has 76 Municipal splits.
- His original Assembly map also had 80 Town splits, but his "corrected" map has 50 Town splits.
- His original Senate map also had 55 Town Splits but his "corrected" map has 32.

The Governor is not making minor "corrections."

As explained above, I have studied the maps already submitted. Therefore, we should permit all to refile their maps or no party should do so. Because I would treat all parties the same and grant all three motions, I respectfully dissent from the portion of this Order that denies the Congressmen's motion.

I am authorized to state that Chief Justice ANNETTE KINGSLAND ZIEGLER and Justice REBECCA GRASSL BRADLEY join this dissent.

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Clerk of Supreme Court

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March 9, 2022

Via Email and Hand Delivery

Ms. Sheila T. Reiff
Clerk of Supreme Court
110 East Main Street, Suite 215
Madison, WI 53701-1688

Re: *Johnson v. Wisconsin Elections Commission*,
Case No. 2021AP1450-OA

Dear Ms. Reiff:

We write on behalf of Respondents, Wisconsin Elections Commission and all six commissioners in their official capacities (the “Commission”), in the above-referenced original action.

This Court issued a decision, dated March 3, 2022, enjoining Wisconsin’s existing legislative (and congressional) districts and ordering new district plans proposed by Governor Evers. The next day, the Wisconsin Legislature filed an expedited motion to stay this Court’s injunction and order as it applies to Wisconsin’s senate and assembly districts, pending the Legislature’s appeal to the United States Supreme Court, which was later filed March 7. Also on March 7, this Court ordered that any party wishing to file a response to the Legislature’s expedited motion may file a letter brief no later than by 11:00 a.m. today. The Commission files this letter brief in response.

Throughout this original action, the Commission has taken a neutral position on the merits of the case—that is, which party’s maps, based on the results of the 2020 census, should govern the state’s subsequent elections. Instead, the Commission has asserted that any redistricting plan “needs to be in place no later than March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer Wisconsin’s next scheduled congressional and state legislative election.” (E.g., Answer to Omnibus Amended Petition by Wisconsin Elections

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Clerk of Supreme Court
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Commission Respondents ¶ 137; *see also* Commission Ltr. Br. dated Oct. 13, 2021.) This Court achieved that goal by ordering expedited briefing and argument throughout this action and ultimately issuing a final decision on March 3.

Although the Commission continues to take no position on the legal merits of any of the proposed maps, granting the Legislature's requested stay would be contrary to the goal of providing final state senate and assembly district maps in time for them to be properly implemented for the fall general election. As explained before, Commission staff needs to record the maps' new boundaries in WisVote, integrate the new redistricting data with existing voter registration and address data, and manually review ward map changes and parcel boundary data to ensure that each voter is correctly located in their proper districts. These tasks must be completed before the candidate nominating petition circulation period begins on April 15, because candidates need to know which district they reside in and which office they can run for, and voters need to know which candidates' petitions they can properly sign. This Court's March 3 injunction and order gives Commission staff the necessary time to complete this work and perform basic quality assurance checks on the data. Conversely, staying that decision on or after today's date would impair the Commission staff's ability to make necessary preparations for the April 15 beginning of the nominating petition circulation period.

Finally, if this Court were to issue a stay, the Commission would be left with the 2011 maps that sparked this original action in the first place—maps which all parties agree are unconstitutionally malapportioned.

Sincerely,

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Ms. Sheila T. Reiff
Clerk of Supreme Court
March 9, 2022
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Exhibit A

Statutory Election-Related Deadlines for 2022

<i>Date</i>	<i>Event</i>	<i>Statutory Cite</i>
March 15, 2022	Deadline for WEC to send Type A notice of August 9, 2022 Partisan Primary, and November 8, 2022 General Election, to county clerks. This notice must contain a statement specifying where information concerning district boundaries may be obtained.	Wis. Stat. §§ 10.01(1), (2)(a), 10.06(1)(f) – 3rd Tuesday in March.
April 5, 2022	Deadline for County clerks to send Type A notice of 2022 Partisan Primary and General Election to municipal clerks.	Wis. Stat. §§ 10.01(2)(a), 10.06(2)(gm) – 1st Tuesday in April.
April 12, 2022	Deadline for County clerks to publish Type A notice of Partisan Primary and General Election for 2022.	Wis. Stat. § 10.06(2)(h) – 2nd Tuesday in April.
April 15, 2022	Candidates may begin to circulate nomination papers for the General Election (and by extension to appear on the Partisan Primary ballot in August).	Wis. Stat. § 8.15(1).
May 20, 2022	Deadline for incumbents not seeking reelection to file Notification of Noncandidacy with the filing officer. (Failure to notify will extend nomination-paper deadline 72 hours for that office.)	Wis. Stat. § 8.15(1) – 2nd Friday prior to the deadline for nomination papers.
June 1, 2022	Deadline for state legislative candidates to file nomination papers, declarations of candidacy, and campaign registration statements with WEC for the General Election (unless incumbent failed to comply with Wis. Stat. § 8.15(1)), in which case deadline is extended 3 days).	Wis. Stat. §§ 8.15(1), 8.20(8)(a), 8.21.
June 4, 2022	Deadline for state candidates to file Statement of Economic Interests with Wisconsin Ethics Commission (unless granted an extension).	Wis. Stat. § 19.43(4) – 3rd day following deadline for nomination papers.
June 4, 2022	Deadline for challenges to nomination papers to be filed (unless incumbent failed to comply with Wis. Stat. § 8.15(1)), in which case deadline is extended 3 days).	Wis. Stat. § 8.07, Wis. Admin. Code § EL 2.07 – within 3 days of deadline to file nomination papers.
June 7, 2022	Last possible day for the deadline for a challenged candidate to file a verified response with the filing officer (unless incumbent failed to comply with Wis. Stat. § 8.15(1), in which case deadline is extended 3 days).	Wis. Admin. Code § EL 2.07(2)(b) – within 3 calendar days of the challenge being filed.

(June 2022)	Filing officers draw names of candidates by lot for placement on the Partisan Primary ballot.	Wis. Stat. §§ 5.60(1)(b), 5.62(3), (4).
June 10, 2022 (or as soon as possible after deadline for determining ballot arrangement)	WEC sends Type B notice information and certification of candidates to county clerks for Partisan Primary.	Wis. Stat. §§ 10.01(2)(b), 10.06(1)(h).
(June 2022)	County clerks prepare ballots and send proofs to WEC for review as soon as possible before printing.	Wis. Stat. §§ 5.72(1), 7.10(2) – as soon as possible.
June 22, 2022	Deadline for county clerks to deliver ballots and supplies to municipal clerks for the Partisan Primary.	Wis. Stat. § 7.10(1), (3) – 48 days before Partisan Primary.
June 23, 2022	State-law deadline for distribution of absentee ballots if requested by this date.	Wis. Stat. § 7.15(cm) – 47 days before Partisan Primary.
June 25, 2022	Federal-law deadline for transmitting ballots to eligible UOCAVA voters.	52 U.S.C. § 20302(a)(8) – 45 days before any election including a federal office. <i>See also United States v. Wisconsin</i> , No. 3:18-cv-00471-jdp (W.D. Wis. 2018).
July 10, 2022	Deadline for municipality to establish polling places for Partisan Primary, including combining wards for Primary.	Wis. Stat. §§ 5.15(6)(b), 5.25(3) – 30 days before election.
July 12, 2022	Deadline for voters to acquire residence at a new address in a ward or election district in order to vote in the Partisan Primary from that ward or district.	Wis. Stat. §§ 6.02(1), (2).
August 5, 2022	Deadline for write-in candidates to file a registration statement for the Partisan Primary.	Wis. Stat. § 7.50(2)(em) – Friday preceding election.
August 8, 2022	Last day for special voting deputies to conduct absentee voting in nursing homes and care facilities; County clerks publish Type B notice of voting instructions and facsimile ballots for Partisan Primary.	Wis. Stat. §§ 6.875(6), 10.01(2)(b), 10.02, 10.06(2)(j) – Monday preceding the election.
August 9, 2022	Partisan Primary	Wis. Stat. § 5.02(12s) – 2nd Tuesday in August.
November 8, 2022	General Election	Wis. Stat. § 5.02(5) – Tuesday after the 1st Monday in November.