
EXHIBIT 1

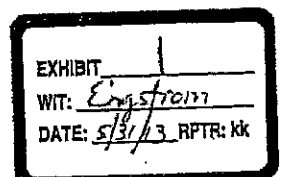
IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL
CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

RENE ROMO, et al.,)	
Plaintiffs,)	
v.)	CASE NO. 2012-CA-00412
KEN DETZNER, et al.,)	
Defendants.)	
_____)	
)	
THE LEAGUE OF WOMEN VOTERS)	
OF FLORIDA, et al.,)	
Plaintiffs,)	
v.)	CASE NO. 2012-CA-00490
KEN DETZNER, et al.,)	
Defendants.)	

REPORT OF RICHARD L. ENGSTROM, Ph.D.

I declare the following:

1. My name is Richard L. Engstrom and I am a resident of Chapel Hill,



North Carolina. I am currently a Research Associate at the Center for the Study of Race, Ethnicity, and Gender in the Social Sciences and a Visiting Research Professor in the Department of Political Science at Duke University, positions I have held since 2008.

~~From August of 2006 through 2007 I was employed as a consultant at the Center for Civil~~
Rights at the School of Law, University of North Carolina at Chapel Hill. I am a former Research Professor of Political Science and Endowed Professor of Africana Studies at the University of New Orleans, where I was employed from August 1971 to May 2006. I have served two terms as the Chairperson of the Representation and Electoral Systems Section of the American Political Science Association (1993-1995, 1995-1997) and served as a member of the Executive Council for that section from 1993 to 2007. A copy of my curriculum vitae is attached as an Appendix to this report.

2. I have done extensive research into the relationship between election systems and the ability of minority voters to participate fully in the political process and to elect representatives of their choice. The results of my research on this topic have been published in the *American Political Science Review*, *Journal of Politics*, *Western Political Quarterly*, *Legislative Studies Quarterly*, *Social Science Quarterly*, *Journal of Law and Politics*, *Electoral Studies*, *Representation*, and other journals and books. Three articles authored or co-authored by me were cited with approval in *Thornburg v. Gingles*, 478 U.S. 30, at 46 n.11, 49 n.15, 53 n.20, 55, and 71 (1986), the Supreme Court decision interpreting amended section 2 of the Voting Rights Act. I am the co-author, with Mark A. Rush, of *Fair and Effective Representation? Debating Electoral Reform and Minority Rights* (Lanham, MD: Rowman and Littlefield Publishers, Inc. 2001).

3. I have also testified as an expert witness in numerous cases in federal and

state courts across the United States. Since 2008 I have testified at trial and/or been deposed in the following cases: *Gonzalez v. State of Arizona* (D. Ariz. 2008), *United States of America v. Village of Port Chester* (S.D.N.Y. 2008), *Benavidez v. City of Irving*, (N.D. Tex. 2008), *Benavidez v. Irving Independent School District* (N.D. Tex. 2009), *United States of America v. Euclid City School District Board of Education* (N.D. Ohio 2009), *Texas Latino Redistricting Task Force v. Perry* (W.D. Tex. 2011), *Committee for a Fair and Balanced Map v. Illinois State Board of Elections* (N.D. Ill. 2011), *Egolf v. Duran* (1st Judicial District Court, County of Santa Fe, State of New Mexico, 2011), *State of Texas v. United States of America* (D.D.C. 2012), and *Fabela v. City of Farmers Branch, TX* (ND Tex. 2012). I have also testified by deposition as a fact witness in *Backus v. State of South Carolina* (D S.C. 2012).

4. Attorneys for the Florida State Conference of NAACP Branches, a Defendant-Intervenor in this case, have asked me to analyze the extent to which, if any, the candidate preferences of African American, Latino, white, and other voters have differed when they have been presented with a choice between or among African American and non-African American candidates, within the areas of the congressional districts or proposed congressional districts of concern to that group. Elections with this type of candidate pool are generally considered the most probative for assessing racially polarized voting (hereinafter RPV).¹ "Districts" in this context include both congressional districts that have been used in elections and districts proposed by plaintiffs. These include CD 3 in the plan in place through the 2010 congressional

¹ See, e.g., *Black Political Task Force v. Galvin*, 300 F. Supp. 2d 291, 304, (D.C. Mass. 2004), and cases cited therein.

election (hereinafter the Previous CD 3), and CD 5 in the plan in place for the 2012 congressional election (the Current CD 5), and the versions of CD 3 submitted to the Court in March 2012 by the Romo plaintiffs and the League of Women Voters of Florida plaintiffs (Romo CD 3 and Coalition CD 3, respectively), and the versions of CD 5 recently proposed by the Romo plaintiffs in their plans A and B (Romo A CD 5 and Romo B CD 5).

5. I also have been asked to perform a RPV analysis of countywide elections in counties that are wholly contained in, or large portions of which are located in, Romo CD 3 or Coalition CD 3, which are districts in the first plans proposed by plaintiffs in this case. These were elections held from 2006 through the primaries in 2012 in which voters were presented with a choice between or among African American and non-African American candidates.

6. In addition to the RPV analysis mentioned above, I have been asked to assess whether the ability of African American voters to elect congressional Representatives of their preference in the actual districts (Previous CD 3 and Current CD 5) is diminished in the different versions of the plaintiffs' proposed districts. I also have been asked to assess the claim that Prof. Stephen Ansolabehere made in his "Expert Report on Congressional Districts in the State of Florida" for this case (hereinafter Ansolabehere Report), dated Feb. 14, 2013, that CD 10 in the Romo Plans A and B is a "crossover district," based on his definition, that provides "African Americans with an opportunity to elect their preferred candidates even though they are not a majority of the CVAP [citizen voting age population]" (at 27).

7. I am being compensated at a rate of \$300 an hour for my work on this

case.

RACIALLY POLARIZED VOTING

8. Prof. Ansolabehere provides racially polarized voting estimates in his Report for two elections, the 2008 general election for President of the United States and the 2010 general election for Governor of Florida. The presidential election did not contain a major candidate from the State of Florida. It also was an election in which the Democratic Party nominee, Barack H. Obama, was an African American candidate who has been described as “a uniquely gifted political entrepreneur with the skills to reach across racial lines.”² The other election is the 2010 general election for Governor of Florida. While this of course was an election open to only candidates residing in Florida, it was not an election in which an African American was among the major party nominees.

9. The estimates Prof. Ansolabehere reports are taken from exit polls for these elections. The results are not reported for voters in any particular congressional districts, however, but rather for the state as a whole and for what Prof. Ansolabehere identifies as the three regions of Florida – North Florida, Central Florida, and South Florida (at 39-41). The results for the North Region are of interest to this analysis, as this is the region in which the versions of CD 3 and CD 5 under examination are located. He reports that the estimated levels of support for Mr. Obama among voters in the North Florida region of the state were 97 percent among African Americans, 71 percent among Hispanics, and

² Abigail Thernstrom, *Voting Rights and Voting Wrongs: The Elusive Quest for Racially Fair Elections*. (Washington, DC: AEI Press. 2009), at 209.

33 percent among whites. No confidence intervals are provided for these regional estimates.³

10. The RPV analyses reported below are based on the behavior of the voters in the precincts comprising the districts under analysis, or in the counties in which the countywide elections took place. No inferences are drawn about group voting behavior in these districts from estimates of how groups of voters in areas outside the district behave, including voters who reside in geographical areas distant from the district, as is the case in Prof. Ansolabehere's analyses. This approach is consistent with the "intensely local appraisal" called for in voting rights cases.⁴

11. The RPV analysis of elections within congressional districts include the 2008 Election for President, examined by Prof. Ansolabehere, and also the more recent 2012 general election for President, in which Mr. Obama, now an incumbent, was again the Democratic Party nominee. In addition, another election not examined by Prof. Ansolabehere is analyzed. This is the election for U.S. Senator which was on the same 2010 general election ballot that included the essentially white-on-white gubernatorial election. Among the major candidates in the senatorial election that day was Kendrick B. Meek, an African American with the Democratic Party nomination.⁵ There were two other major candidates in this election, one a Hispanic candidate, Marco Rubio, who had

³ Prof. Ansolabehere states in his Report, at 42, that he finds similar results for the North Florida region in an ecological regressions analysis he performed, but the figures are not provided in his Report, nor are any for that region available in the back-up document he provided titled *er_output_SDA_scv*.

⁴ *Thornburg v. Gingles* [478 U.S. 30, 79 (1986)]; see also *Martinez v. Bush*, 234 F. Supp. 2d, 1275, 1323 (S.D. FL 2002).

⁵ There was a second African American candidate in this election, Lewis Jerome Armstrong, who ran without party affiliation and received 0.1 percent of the vote.

the Republican nomination, and the other a white candidate, former Republican Governor of Florida Charles Crist who ran without a party affiliation.⁶ The winner of this statewide election was Mr. Rubio, who won with a plurality of the vote, 48.9 percent, followed by Mr. Crist with 29.7 percent and Mr. Meek with 20.2 percent.

Data and Methods

12. The data used in the analyses of the candidate preferences of African American, Latino, white, and other voters entail information about the numbers of such people within each group in each precinct receiving ballots in the elections, and the number of votes received by candidates in these respective precincts. The data for the statewide elections identifying the voters in this way, as well as the candidates' votes, have been provided through the Office of Information Technology at the Florida House of Representatives. For the countywide elections, these data were obtained from the websites of the respective County Supervisor of Elections.

13. The estimates of the candidate preferences of the different groups of voters are derived through Gary King's Ecological Inference (EI) procedure, accessible through R software. This version of EI not only provides a specific, or point, estimate of a group's support for a particular candidate, but also confidence intervals for that estimate.

⁶ The exit poll that Prof. Ansolabehere relies on for an assessment of the group divisions in candidate preferences in the 2010 general election for Governor also contains this same information for the U.S. Senate election that same day. It indicates that Mr. Meek was the preference of the African American voters across the state, receiving an estimated 74 percent of their votes in the poll. His vote among Hispanic voters in the poll, however, is estimated to be 20 percent, while the figure for white voters is only 12 percent. The winner, Mr. Rubio, received an estimated 55 percent of the vote in the poll among both the whites and the Hispanics participating in it, and only 4 percent of the African Americans. Mr. Crist received the votes of an estimated 21 percent of the African Americans, 25 percent of the Hispanics, and 33 percent of the whites. These figures are reported in www.cnn.com/ELECTION/2010/results/polls/.

This interval identifies the range of estimates within which we can be 95 percent confident, statistically, that the true value of a group's support for a candidate falls. The point estimate is the best estimate, in that it is the value most likely to be the true value, and estimates within the range of a confidence interval are less likely to be the true value the further they are from the point estimate.⁷

Results

14. The specific results of the analyses of elections within these districts are reported in Tables 1 through 3 at the end of the text of this Report. These tables contain the estimates derived through the EI analyses of the levels of support for the African American candidates among African American, Latino, white, and other votes. Identified in the titles of the tables are the elections at issue. The left column of the Table identifies the district to which the analysis applies. The subsequent columns contain the estimates of the levels of support provided to the African American candidate by the respective groups. Reported in the columns are the point estimates of the level of support by the particular groups, and the values of the 95 percent confidence interval for that estimate are provided in parentheses below the point estimate. The best estimates of the voting choices of each group, the point estimates, are reported in the text.

⁷ EI is now widely recognized as a superior estimation procedure for this purpose than ecological regression or homogeneous precinct analyses, which had been relied upon for this purpose by the United States Supreme Court in 1986 in *Thornburg v. Gingles* (478 U.S. 30, at 52-53). EI was developed subsequent to that case for the explicit purpose of improving these estimates. According to D. Stephen Voss, EI "is unparalleled when applied to the actual sort of data needed for analyzing important social issues such as racial voting patterns." "Using Ecological Inference for Contextual Research," in Gary King, Ori Rosen, and Martin Tanner (eds.), *Ecological Inference: New Methodological Strategies* (Cambridge University Press, 2004), at 93. EI is the subject of Gary King's book, *A Solution to the Ecological Inference Problem: Reconstructing Individual Behavior from Aggregate Data* (Princeton University Press, 1997).

15. The results of the analysis for the 2008 presidential election are contained in Table 1. Mr. Obama's touted ability to "reach across racial lines"⁸ in these districts applies to Hispanic voters and the other voters, but not to white voters. The lowest estimate of his support among African American voters in any of these districts is 98.5 percent, while the lowest among Hispanics is 94.2, over 20 percentage points above the figure for North Florida that Prof. Ansolabehere reports for the exit poll. The estimate for the other voters is 96.6. The highest estimate of his support in any of the districts among white voters is 27.0 percent, 6.3 points less than the percentage for whites in North Florida that Prof. Ansolabehere reports. The confidence intervals reveal these estimates to be very reliable.

16. The results of the analysis for the 2012 presidential election, contained in Table 2, are basically a repeat of those for 2008. The lowest estimate of Obama's support among African Americans in any of the districts is 98.5 percent, followed by 96.6 among the other voters and 94.2 among Hispanics. In contrast, the highest estimate of his support among white voters is again 27.0. The confidence intervals again reveal these estimates to be very reliable.

17. The results of the analysis of the 2010 U.S. Senate election show that one cannot generalize from Mr. Obama's support. These results are contained in Table 3. Mr. Meek also gets impressive support for the African American voters in all of the districts, with the estimates ranging from 85.7 percent to 91.0, a little below those for Mr. Obama. There are large differences in his support from the other groups however. He is reliably estimated to be the choice of Hispanic voters in the Previous CD 3, with an

⁸ See text at supra, n. 2.

estimate of 65.1 percent, but the confidence intervals for the estimates in the other districts create uncertainty in those estimates. (Reliable estimates are likewise unavailable to indicate that either Mr. Crist nor Mr. Rubio were the preferred candidate among Hispanic voters in any of the districts.) Mr. Meek's white support in this senatorial election, which is reliably estimated in all of the districts, is dramatically lower than that for Mr. Obama in the presidential elections, ranging from 4.7 percent to 10.4 percent. Mr. Rubio is estimated to be the choice of the white voters in all of the districts, with his vote ranging from 62.1 percent to 71.7 among them.

18. African American voters in all of the districts examined have been highly cohesive in their support for the African American candidates in all three of these elections. That preference has not been shared in any of the districts by white voters however, resulting in racially polarized voting between these two groups. Hispanic support was high for Mr. Obama in both elections, as was that of the other voters. The results of voting in the senatorial election, however, are not as consistent for these groups.

19. The following elections were found that satisfied the criteria for inclusion for the countywide elections identified in paragraph 5 above. The elections in Duval County are the First Elections in 2011 for Mayor, Sheriff, and the at-large Council seat attached to residency district 5, and the subsequent general elections for Mayor and Council position 5 that year. In Alachua County the elections include the Democratic Party primaries for Property Appraiser in 2012 and 2008 and Superintendent of Education in 2008. The final election is in Bradford County, the Democratic Party primary for Sheriff in 2012.

20. The results of the RPV analysis of the countywide elections in North Florida provide addition support for the conclusion that voting is racially polarized between African Americans and whites. In only one of the nine elections is the estimated support for the African American candidate among the African American voters below that of a majority. In most of the elections, the estimated African American vote for these candidates exceeds 80 percent. In contrast, the highest estimate of the white vote for any of the African American candidates, across the nine elections, is only 29.9 percent. In four of these elections the point estimates of the Hispanic support for the African American candidates range from 65.3 percent to 92.5, while the lowest point on the confidence interval is above a majority. There is no evidence that the other voters consistently support these candidates.⁹

DIMINISHMENT FROM PREVIOUS CD 3 AND CURRENT CD 5

21. The racially polarized voting analysis above reveals that when African American voters have been offered a choice to vote for an African American candidate, their choice in all but one of these elections has been the African American candidate or one of those candidates. An assessment of whether the plaintiffs' proposed districts to replace CD 3 in the previous plan and/or CD 5 in the current plan entail a diminishment in African American's ability to elect representatives of their choice therefore must include their ability to elect representatives from within their own group, when such candidates are their choice. Elections involving at least one African American

⁹ A second African American, Warren Lee, was a candidate in the First Election in 2011 for Mayor of Duval County. He received 2.4 percent of the vote. Mr. Alvin Brown, the other African

candidate that is not a minor candidate and at least one other candidate that is not a minor candidate are the most probative, therefore, for assessing a diminishment in the ability to elect, just as in an examination of racially polarized voting.

~~22. This comparison takes the same general approach as that used by Prof.~~

Anolabehere in his Report. It is an assessment of how well a candidate does in the geographic areas of the respective districts. This entails relying on elections in which the voters in all of the districts are presented with the same choice of candidates, which requires the use in this instance, given the geographical differences in the districts, of statewide elections. In addition, the analysis below, unlike that of Prof. Ansolabehere, also will include a comparison of the racial differences in voter turnout within these districts.

23. As noted above, there was another election on the statewide ballot in the 2010 general election that Prof. Ansolabehere did not include in his analysis. It was an election for U.S. Senator in which one of the major candidates, Kendrick B. Meek, an African American, had the Democratic Party nomination. This omission is surprising in an analysis of the possible diminishment of African American abilities to elect representatives of their choice, and Prof. Ansolabehere offers no explanation for it.

24. The analysis below of the relative ability of African Americans to elect representatives of their choice in CD 3 in the previous plan, CD 5 in the current plan, and the four districts proposed by plaintiffs, utilizes three elections in which voters were presented with a choice between or among African American and non-African American

American in that election, was the only African American to win office in any of these elections. He received 50.4 percent of the votes in the general election Duval County Mayor.

candidates. These include the 2008 general election for President that Prof. Ansolabehere utilized, and adds the 2012 general election for that office as well. It also includes the 2010 general election for the U.S. Senate.

25. The comparison of these opportunities will be based on the percentages of voters receiving ballots within these districts in these elections that was African American and the percentages of votes cast that were received by the African American candidates that were the candidates of choice of African American voters within these districts.

26. Tables 5, 6, and 7 provide the results of the diminishment analysis for the respective elections. The first column in each table identifies the number of the relevant district within each plan. The second contains the percentage of the people receiving ballots in each district that was African American. The third reports the difference in that percentage and the corresponding percentage of whites among those receiving ballots. This is expressed as the percentage point difference when the African American percentage is subtracted from the white percentage. (The white percentage itself can be obtained by adding or subtracting that difference from the African American figure in column 2, e.g., for the Previous CD 3 the white percentage is 39.4 ($49.7 - 10.3$), while for the Romo CD 3 the white percentage is 52.4 ($38.5 + 13.9$). Reported in the fourth column is the percentage of the votes in the district that was received by Mr. Obama or Mr. Meek. A fifth column has been added to Table 7 to identify the margin of victory, expressed as the percentage point difference when Mr. Rubio's percentage of the vote is subtracted from that for Mr. Meek. Positive numbers reflect how much Meek's vote was above that for Rubio, and negative numbers how much Meek's vote was below that for

Rubio. The comparison is made to Mr. Rubio's vote because he finished either first overall or second to Meek within all of these districts.

27. Table 5 contains the results of the analysis for the 2008 presidential election.

Mr. Obama was the candidate preferred by African American voters in all of the districts under analysis, as documented in the racially polarized voting analysis above. As revealed in Table 5, African Americans constituted a plurality, and almost a majority, of the people receiving ballots for this election in both the Previous CD 3 and the Current CD 5. Their percentages of the voters are 49.7 percent and 49.2 percent respectively, which exceeded that by the white voters by 10.3 percentage points and 9.9 percentage points.

28. They were far from a majority, however, and not even close to a plurality in Romo CD 3 and Coalition CD 3, in which they constituted 38.5 percent and 34.1 percent. In fact, whites constituted the majority of the voters in these districts, with margins over African Americans of 13.9 and 22.2 percentage points. In the latest versions of CD 5 proposed by the Romo plaintiffs, whites constitute a plurality of the voters in version A while African Americans are the plurality in version B, although the differences between the groups are in each instance small. But the percentage point margin that African Americans have over whites in version B is only 2.2 percentage points, roughly 8.0 percentage points below that margin in Previous CD 3 and in Current CD 5. African American electoral strength, as measured by turnout, is therefore significantly greater in the Previous CD 3 and Current CD 5 than Romo CD 3 and Coalition CD 3, and also greater than in CD 5 in Romo A and B.

29. Mr. Obama was the winner of the vote in each of the districts.¹⁰ He received his best vote in Previous CD 3 and Current CD 5, in each instance receiving over 70 percent of the votes. His percentages of the vote in Romo CD 3 and Coalition CD 3 were in the low 60s, and in the middle 60s in the latest Romo plans.

30. Table 6 contains the results of the analysis for the 2012 presidential election. Despite Mr. Obama now being an incumbent, and a change in his opponent from John McCain in 2008 to Mitt Romney in 2012, the results of the diminishment analysis for the 2012 election are very similar to those for 2008. Mr. Obama was again the candidate preferred by African American voters in all of the districts under analysis, as documented in the racially polarized voting analysis. As revealed in Table 6, African Americans constituted a majority of the voters in this election in Previous CD 3 and Current CD 5. Their percentages of the voters are 50.3 percent and 50.6 percent respectively. In each instance, the African American turnout percentage was more than 10 percentage points higher than the percentage for whites.

31. African Americans were again far from a majority of the voters, and not even close to a plurality of them, in Romo CD 3 and Coalition CD 3, in which they constituted 39.5 percent and 35.1 percent. In fact, whites again constituted the majority of the voters in these districts, with margins over African Americans of 11.7 percentage points and 20.0 points. In the latest versions of CD 5 proposed by the Romo plaintiffs, African Americans constitute a plurality of the voters in both version A and version B. But the African American turnout margins over whites in both districts are diminished when

¹⁰ These percentages of the votes cast reported for this election and the 2012 presidential election are based for the two-party vote, as Prof. Ansolabehere reported them in his analysis of the 2008 presidential election.

compared to the Previous CD 3 and Current CD 5. CD 5 in version A is around 11 percentage points and 12 percentage points lower, and in version B it is around 7.0 to 9.0 points lower. African American electoral strength, as measured by turnout, is therefore ~~greatest in the Previous CD 3 and Current CD 5 than in the plaintiffs proposed districts.~~

32. Mr. Obama was the winner of the vote in each of the districts in 2012 as well. He again received his best vote in Previous CD 3 and Current CD 5, in each instance receiving over 70 percent of the votes. His percentages of the vote in Romo CD 3 and Coalition CD 3 were again in the low 60s, and in the middle 60s in the latest Romo plans.

33. Mr. Obama, as noted above, is “a uniquely gifted political entrepreneur with the skills to reach across racial lines.” But this is not a characteristic of all African American politicians who are the representatives of choice of African American voters, and it would not be correct to base a conclusion on the ability of African Americans to elect such representatives only on an election, or even two elections, in which he is a candidate. But neither Prof. Ansolabehere nor I are limited to analyzing presidential elections in which Mr. Obama is the African American candidate. There is also, as noted above, another statewide contest that can be used to compare the turnout and candidate preferences in each of the districts under analysis, the 2010 general election for U.S. Senator. This election provides evidence that the Obama elections cannot be viewed as typical of what could be expected to result in the elections in these various districts under analysis.

34. The African American in this Senate election, Mr. Meek, was a four-term member of the U.S. House of Representatives. He was, like Mr. Obama, the preferred candidate of African American voters in all of the districts under analysis, as

documented in the racially polarized voting analysis. As revealed in Table 7, African Americans constituted a plurality of the voters in this election in Previous CD 3 and Current CD 5. Their percentages of the voters are 46.7 percent and 46.3 percent respectively.

35. In each of the plaintiffs proposed districts, in contrast, whites constituted a majority of the voters. In Romo CD 3 the percentage of white voters exceeds that for African Americans by 22.4 percentage points, while for Coalition CD 3 it is 31.3. The white majorities in the versions of CD 5 in the latest Romo districts are not as overwhelming, but the margins are still 10.7 points and 6.9. This is a considerable diminishment from the African American pluralities in Previous CD 3 and Current CD 5. African American electoral strength, as measured by turnout, is again greater in the Previous CD 3 and Current CD 5 than in the plaintiffs' proposed districts.

36. Unlike Mr. Obama, Mr. Meek did not win all of the districts under analysis, not even under Florida's plurality decision rule for determining winners. He did win within Previous CD 3 and Current CD 5 with almost a majority of the votes, 49.1 percent and 48.2 percent. Mr. Rubio received a plurality of the votes in Romo CD 3 and Coalition CD 3. The latest Romo versions of CD 5 districts were won by Mr. Meek with a plurality, but by much diminished pluralities of 40.4 percent and 43.0 percent when compared with Previous CD 3 and Current CD 5. Mr. Meek's margins were 17.5 percentage points in Previous CD 3 and 15.4 in Current CD 5, compared to only 4.9 points in Romo A and 8.8 points in Romo B. Mr. Meek's best performances were in the Previous CD 3 and the Current CD 5. He either lost within the remaining districts, or won in elections that were considerably more competitive.

37. In all three elections, the ability of African Americans to elect the representatives of their choice is diminished by the plaintiffs' districts. Obama was able to overcome this and win with over 60 percent of the votes in all the districts. But Mr. Meek lost in both Romo CD 3 and Coalition CD 3, and faced a more competitive situation in the latest Romo versions of CD 5 than in Previous CD 3 and Current CD 5.

CD 10 IN THE ROMO PLAINTIFF'S LATEST PLANS

38. Prof. Ansolabehere claims in his Report that CD 10 in the latest Romo plans is an African American "crossover district" (at 27). He defines crossover districts as "districts in which (i) minorities (African Americans or Hispanics) vote cohesively in general elections, (ii) Whites are divided with some crossing over to support minority-preferred candidates, (iii) minority CVAP constitutes a large enough segment of the population (but not a majority) so that these groups with a relatively modest number of White votes can regularly elect their preferred candidates" (at 26). His identification of CD 10 in Romo plans A and B as a crossover district is critical to his claim that this district offsets the diminishment, identified above, of the ability of African Americans to elect a representative of their choice in Current CD 5 that results from the substitution of their versions of CD 5 in their plans (at 9, 11, 27, 29 and 33 in his Report).

39. Prof. Ansolabehere provides only one source for his definition of a crossover district, an article by Richard Pildes.¹¹ In this article Prof. Pildes uses the expression "coalitional district" for what the Supreme Court later designated as a "crossover district"

¹¹ "Is Voting Rights Law Now at War with Itself? Social Science and Voting Rights in the 2000s," *North Carolina Law Review* 80 1517 (2002). His reference to this article is at 26, n.2 of his Report.

in *Bartlett v. Strickland* 556 U.S 1, 13 (2009). Prof. Pildes' definition contains greater specificity than Prof. Ansolabehere's however, stating that such districts are "those with a significant minority population and white voters who are willing to form interracial political coalitions in support of *minority* candidates" (at 1522, emphasis added). He further specifies that, to qualify as a coalitional district, the level of support must be sufficient "to elect *minority* candidates ... through interracial coalitions" (at 1523, emphasis added). To help identify such districts, he further adds, "By 'coalitional' districts, I mean ones in which the black registered voter population is less than 50% (typically 33% - 39%) and the rest of the registered voters are non-Hispanic whites" (at 1539).

40. CD 10 in Romo A and B, Ansolabehere reports in Table 4 of his Report, is only 27.2 percent African American in CVAP, and 15.6 percent Hispanic. Whites constitute the majority of the CVAP, 52.5 percent. African American voter registration within the district, it should be noted, was only 25.5 percent as of the 2010 general election, considerably below the 33 to 39 percent range identified by Pildes. He offers two pieces of information as support for applying the crossover district label to it, which despite these demographics, he maintains justify his claim that the district will provide an opportunity for African Americans to elect their preferred candidates (at 8, 10, 11, 19, 21, 27, 29, and 30 of his Report).

41. One is the results of the exit polls of the 2008 election for President and the 2010 election for Governor in the Central Region of Florida, in which CD 10 is located. Mr. Obama received 94 percent of the votes of the African American participants in the poll in that region, 57 percent of the Hispanic participants, and 45 percent of the white

participants. In the exit poll for the 2010 election for Governor, effectively a white-on-white election, Ms. Sink was the choice of 97 percent of the African American participants in that region, 61 percent of the Hispanics, and 42 percent of the whites (Ansolabehere Report, at 41).¹² The other piece of information is Mr. Obama received 61.2 percent of the two-party vote for President in the Romo version of CD 10 in the 2008 election, and Ms. Sink won 59.4 percent in that vote for Governor in the 2010 election (as reported in Table 3 of Ansolabehere's Report).

42. Once again, the election for U.S. Senator held simultaneously with that for Governor contains a very different result. As noted above, this election offered the voters a choice among three major candidates, Mr. Meek, an African American Democrat, Mr. Rubio, a Latino Republican, and Mr. Crist, a white candidate running without a party attachment. African Americans constituted 24.1 percent of the voters receiving ballots in this election in the Romo CD 10. Whites constituted a majority of them, 61.0 percent.

43. The leading vote recipient in CD 10 in this senatorial election is Mr. Rubio, who receives a plurality of the votes cast in it, 45.6 percent. Mr. Meek finished second with 32.9 percent, 13.0 percentage points behind Rubio.

44. An EI analysis of the voter preferences in this Senate election in Romo CD 10, the results of which are reported in Table 8 below, shows that Mr. Meek was, as in the other districts examined above, the pronounced choice of the African American voters, receiving an estimated 88.3 percent of their votes. He was also the choice of the Hispanic voters, although at a much reduced rate of 62.0 percent. He was not the choice of white voters however, receiving an estimated 8.4 percent of their votes, nor of the

¹² No confidence intervals are provided for these estimates for the Central Region.

other voters, receiving an estimated 23.8 percent from them. Mr. Rubio received an estimated 71.6 of the white vote.¹³

45. Obviously, the white vote in this district for Mr. Meek, only 8.4 percent, was well below the 45 and 42 percent that Prof. Ansolabehere had projected, based on his analysis of the Central Florida exit polls. That analysis, limited to the polls for the 2008 presidential election and the 2010 gubernatorial election, lead him to conclude that “The *even* split of White votes in Central Florida creates the opportunity for the creation of districts in which minorities can elect their preferred candidates” (Ansolabehere Report, at 41, *emphasis added*), and that “White Bloc voting is not a concern in Central Florida owing to high levels of crossover voting evident throughout the region” (*Ibid.*, at 42). The difference in the estimated white support in the region he reports for the Democratic nominees, Mr. Obama and Ms. Sink, which were not “*even splits*” with the Republican nominees, as he states, and that estimated for Mr. Meek in the version of CD 10 itself in Romo A and B, are substantial.

46. Prof. Ansolabehere’s analysis, which does not provide an “intensely local appraisal” of voting in CD 10 in the Romo plans A and B, and excludes the highly probative 2010 senatorial election, is insufficient to support his conclusion that the district is a crossover district. Indeed, as reported in Table 8, the plurality winner in this district, Mr. Rubio, is reliably estimated to have received only 0.4 percent of the African American vote and 0.6 percent of the Hispanic vote, and a less reliable estimate of 20.1

¹³ All of the percentages reported in this paragraph entail confidence intervals that indicate the estimates are reliable (see Table 8).

of the other vote. This is hardly the outcome expected in an African American crossover district.

CONCLUSION

47. The results of the analyses reported above support three conclusions. One is when voters in the Previous CD 3 and Current CD 5 are presented with a choice between or among African American and non-African Americans candidates, voting is racially polarized between whites and African Americans. There is a distinct preference among African Americans for the African American candidates, a preference not shared by the white voters. This is likewise the case in all of the districts offered by plaintiffs to replace those districts. Hispanic and other voters however are not consistent in their support for African American candidates across these various districts. Additional evidence of this pattern of preferences is provided by the analyses of the countywide elections in North Florida.

48. The second conclusion is that, based on voter turnout figures and votes cast for African American candidates, all of the districts proposed by Plaintiffs to replace Previous CD 3 and Current CD 5 have the consequence of diminishing the voting strength of African Americans when compared to those state adopted districts.

49. The final conclusion is that given the African American percentages of the CVAP, voter registration, and turnout in the version of CD 10 in the latest Romo A and B Plans, and most importantly, the “performance” of the district in the 2010 U.S. Senate election, that district does not qualify as an African American crossover district. Despite receiving an estimated 88.3 percent of the African American vote, and 62.0 percent of the

Hispanic vote, the African American candidate, Mr. Meek, lost to Mr. Rubio by 13 percentage points in that district. The white support for Mr. Rubio, estimated at 71.6 percent, allowed the white majority to control the outcome within the district.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed on April 8, 2013 in Durham, NC.

Richard L. Engstrom

Table 1: Racially Polarized Voting Analysis
U.S. President, General Election 2008
African American Candidate = Barack H. Obama

<u>District</u>	<u>% of African American Votes</u>	<u>% of Latino Votes</u>	<u>% of White Votes</u>	<u>% of Other Votes</u>
Previous CD 3	99.2 (98.5 – 98.8)	98.8 (96.4 – 99.5)	29.8 (27.7 – 32.0)	97.7 (86.6 – 99.5)
Current CD 5	99.3 (98.5 – 99.8)	99.1 (98.0 – 99.5)	29.2 (26.1 – 33.0)	94.1 (70.8 – 99.4)
Romo CD 3	99.9 (99.7 – 99.9)	99.7 (99.7 – 99.9)	22.0 (20.0 – 24.1)	99.8 (99.6 – 99.8)
Coalition CD 3	98.5 (97.3 – 99.5)	99.6 (99.4 – 99.8)	27.7 (25.1 – 30.5)	99.8 (99.7 – 99.8)
Romo A CD 5	99.9 (99.8 – 99.9)	98.1 (91.3 – 99.4)	25.8 (23.8 – 27.7)	99.3 (98.5 – 99.6)
Romo B CD 5	99.9 (99.9 – 100.0)	99.4 (98.8 – 99.6)	24.5 (22.8 – 26.6)	99.7 (99.6 – 99.8)

Table 2: Racially Polarized Voting Analysis**U.S. President, General Election 2012****African American Candidate = Barack H. Obama**

<u>District</u>	<u>% of African American Votes</u>	<u>% of Latino Votes</u>	<u>% of White Votes</u>	<u>% of Other Votes</u>
Previous CD 3	99.7 (99.3 – 99.9)	98.1 (93.4 – 99.4)	27.0 (24.6 – 30.3)	97.8 (86.1 – 99.6)
Current CD 5	99.7 (99.2 – 99.9)	98.7 (97.1 – 99.4)	25.5 (22.8 – 29.0)	96.6 (81.1 – 99.4)
Romo CD 3	99.9 (99.8 – 99.9)	99.5 (99.1 – 99.8)	19.9 (17.9 – 22.1)	99.7 (99.4 – 99.8)
Coalition CD 3	98.5 (97.2 – 99.6)	99.5 (99.0 – 99.7)	26.1 (23.3 – 29.0)	99.7 (99.5 – 99.8)
Romo A CD 5	99.9 (99.7 – 99.9)	94.2 (65.1 – 99.2)	25.2 (23.1 – 27.7)	98.9 (97.4 – 99.5)
Romo B CD 5	99.9 (99.9 – 100.0)	99.3 (98.7 – 99.6)	23.3 (21.4 – 25.3)	99.6 (99.5 – 99.7)

Table 3: Racially Polarized Voting Analysis**U.S. Senate, General Election 2010****African American Candidate = Kendrick B. Meek**

<u>District</u>	<u>% of African American Votes</u>	<u>% of Latino Votes</u>	<u>% of White Votes</u>	<u>% of Other Votes</u>
Previous CD 3	90.7 (89.7 – 91.5)	65.1 (53.4 – 74.7)	10.4 (9.4 – 11.4)	8.1 (1.2 – 28.3)
Current CD 5	90.3 (89.1 – 91.3)	52.8 (38.4 – 65.3)	9.6 (8.3 – 11.0)	17.4 (2.1 – 42.2)
Romo CD 3	91.0 (89.9 – 92.0)	41.9 (1.7 – 71.4)	9.1 (7.9 – 10.4)	12.6 (0.8 – 55.4)
Coalition CD 3	89.8 (87.7 – 91.4)	46.2 (1.2 – 91.8)	10.1 (8.6 – 11.4)	25.0 (0.8 – 85.6)
Romo A CD 5	85.7 (84.1 – 87.3)	36.7 (2.6 – 84.5)	4.7 (2.6 – 6.3)	38.5 (3.3 – 78.7)
Romo B CD 5	86.5 (84.8 – 88.1)	40.8 (2.9 – 85.3)	6.7 (5.5 – 7.9)	17.9 (1.1 – 62.4)

Table 4: Racially Polarized Voting Analysis

Countywide Elections

Vote for African American Candidate

<u>Election</u>	<u>% of African American Votes</u>	<u>% of Latino Votes</u>	<u>% of White Votes</u>	<u>% of Other Votes</u>
<i>Duval County</i>				
Mayor, First 2011, <i>Brown</i> (D)	86.3 (85.3 – 87.4)	22.2 (3.7 – 57.1)	3.4 (2.5 – 4.0)	6.0 (1.0 – 17.5)
Sheriff, First 2011, <i>Jefferson</i> (D)	98.9 (98.2 – 99.4)	78.5 (50.8 – 90.2)	15.2 (13.9 – 16.5)	36.0 (8.2 – 69.1)
Council, First 2011, <i>Foy</i> (NPA)	65.4 (64.1 – 66.6)	16.9 (6.7 – 37.4)	11.5 (10.4 – 12.4)	19.1 (5.5 – 40.8)
Mayor, General 2011, <i>Brown</i> (D)	99.8 (99.4 – 99.9)	92.5 (50.6 – 98.1)	27.5 (24.3 – 30.5)	24.3 (1.7 – 67.4)
Council, General 2011, <i>Foy</i> (NPA)	90.2 (89.1 – 91.3)	91.5 (71.1 – 97.1)	21.9 (20.4 – 23.1)	15.3 (2.6 – 44.2)
<i>Alachua County</i>				
Appraiser, Dem Pri 2012, <i>Perkins</i>	64.5 (59.5 – 69.4)	65.1 (18.4 – 93.6)	16.2 (14.0 – 18.4)	55.2 (10.9 – 91.6)
Appraiser, Dem Pri 2008, <i>Perkins</i>	81.3 (77.5 – 86.5)	65.3 (50.8 – 85.3)	24.6 (22.9 – 25.8)	70.4 (50.3 – 90.4)

Sheriff, Dem Pri 2008, <i>Scott</i>	87.7 (84.0 – 92.5)	57.4 (10.3 – 86.0)	29.9 (27.8 – 32.2)	40.5 (5.9 – 79.5)
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~~*Bradford County*~~

Superintendent, Dem Pri, 2012 <i>Kittles</i>	46.7 (32.6 – 50.8)	10.7* (8.1 – 13.0)
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* This estimate is for non-African Americans. There were only 10 Hispanics and 27 Others receiving ballots for this primary, and they have been added to the 2,420 whites receiving ballots.

Table 5: Diminishment Analysis
U.S. President 2008 General Election

<u>District</u>	<u>Af Amn</u> <u>% Turnout</u>	<u>Diff. in Turnout</u> <u>White% - Af Amn%</u>	<u>Af Amn Cand.</u> <u>% of 2-Party Vote</u>
<i>Previous CD 3</i>	49.7*	-10.3	72.0
<i>Current CD 5</i>	49.2*	-9.9	71.0
<i>Romo CD 3</i>	38.5	13.9#	60.5
<i>Coalition CD3</i>	34.1	22.2#	61.1
<i>RomoA CD5</i>	45.5	1.6*	64.0
<i>RomoB CD5</i>	47.6*	-2.2	65.8

*Indicates in column 2 that African Americans constitute a plurality but not a majority of the turnout, in column 3 that whites constitute a plurality but not a majority.

#Indicates in column 3 that whites constitute a majority of the turnout.

Table 6: Diminishment Analysis
U.S. President 2012 General Election

<u>District</u>	<u>Af Amn</u> <u>% Turnout</u>	<u>Diff. in Turnout</u> <u>White% -Af Amn%</u>	<u>Af Amn Cand.</u> <u>% of 2-PartyVote</u>
<i>Previous CD 3</i>	50.3	-11.6	71.6
<i>Current CD 5</i>	50.6.	-12.9	71.4
<i>Romo CD 3</i>	39.5	11.7#	60.1
<i>Coalition CD3</i>	35.1	20.0#	60.5
<i>RomoA CD5</i>	46.6*	-0.5	64.3
<i>RomoB CD5</i>	48.5*	-4.0	65.7

*Indicates in column 2 that African Americans constitute a plurality but not a majority of the turnout.

#Indicates in column 3 that whites constitute a majority of the turnout.

Table 7: Diminishment Analysis

U.S. Senate 2010 General Election

	Af Amn	Diff. in Turnout	Af Amn Cand.	% Pt Margin
<u>District</u>	<u>% Turnout</u>	<u>White% - Af Amn%</u>	<u>% of Votes</u>	<u>to Rubio</u>
<i>Prev CD 3</i>	46.7*	-1.1	49.1*	17.5
<i>Curr CD 5</i>	46.3*	-0.7	48.2*	15.4
<i>Romo CD 3</i>	35.7	22.4#	38.5	-2.7*
<i>Coalition CD3</i>	31.0	31.3#	36.3	-4.3*
<i>RomoA CD5</i>	42.0	10.7#	40.4*	4.9
<i>RomoB CD5</i>	44.1	6.9#	43.0*	8.8

*Indicates in column 2 that African Americans constitute a plurality but not a majority of the turnout, in column 4 that Meek wins a plurality of the vote, and column 5 that Rubio wins a plurality of the vote.

#Indicates in column 3 that whites constitute a majority of the turnout.

Table 8: Analysis of the 2010 Gubernatorial**Vote within Romo CD 10**

	<u>% of African American Votes</u>	<u>% of Latino Votes</u>	<u>% of White Votes</u>	<u>% of Other Votes</u>
MEEK	88.3 (86.8 – 89.9)	62.0 (55.7 – 66.8)	8.4 (7.1 – 10.0)	23.8 (7.6 – 40.0)
RUBIO	0.4 (0.2 – 0.7)	0.6 (0.4 – 0.9)	71.6 (68.4 – 74.4)	20.1 (1.8 – 46.9)
CRIST	10.8 (9.1 – 12.4)	36.3 (31.3 – 42.9)	19.4 (17.0 – 21.7)	52.7 (29.4 – 74.0)
OTHERS	0.5 (0.3 - 0.7)	1.1 (0.8 – 1.5)	0.7 (0.4 – 0.8)	3.4 (2.3 – 5.2)

APPENDIX

Curriculum Vitae

VITA
RICHARD L. ENGSTROM

April, 2013

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PERSONAL AND EMPLOYMENT INFORMATION

Born May 23, 1946. Married to former Carol L. Verheek. Four children: Richard Neal, born 3/10/70; Mark Andrew, born 1/14/73; Brad Alan, born 3/31/77; and Amy Min, born 8/18/84.

Assistant Professor of Political Science, University of New Orleans, 1971-74; Associate Professor, 1974-1979; Professor, 1979-2006; Research Professor, 1987-2006, Endowed Professor of Africana Studies, 2003-2005.

Chairperson, Department of Political Science, University of New Orleans, 1976-1979. Coordinator of Graduate Studies, 1990-1992, 1993-2006.

Consultant, Center for Civil Rights, School of Law, University of North Carolina, Chapel Hill, 2006-2007.

Visiting Research Professor of Political Science and Visiting Research Fellow, Center for the Study of Race, Ethnicity, and Gender in the Social Sciences, Duke University, Spring and Summer, 2008. Visiting Professor of Political Science and Visiting Research Fellow, Center for the Study of Race, Ethnicity, and Gender in the Social Sciences, Duke University 2008 - present.

Fulbright-Hays Professor, National Taiwan University and National Chengchi University, and Visiting Research Fellow, Institute of American Culture, Academic Sinica, Taipei, Taiwan, R.O.C., 1981-82.

Fulbright-Hays Professor, University College, Galway, Ireland, 1985-86.

~~Senior Research Fellow, Institute of Irish Studies, the Queen's University of Belfast, 1990.~~

David Bruce Fellow, Bruce Centre for American Studies, University of Keele, England, 1993.

Visiting Fellow, School of Politics, Australian Defence Force Academy, Canberra, Australia, 1998.

Program Visitor, Political Science Program, Research School of Social Sciences, Australian National University, Canberra, Australia, June-July, 2005.

Recipient, UNO Alumni Association's Career Distinction Award for Excellence in Research, December 1985.

Recipient, George W. Lucas Community Service Award, New Orleans NAACP, 1993.

Recipient, Emmitt J. Douglass Memorial Award, Louisiana NAACP, 2013.

FORMAL EDUCATION

Ph.D., University of Kentucky, 1971

M.A., University of Kentucky, 1969

A.B., Hope College (Holland, Michigan), 1968.
(recipient of Class of '65 Political Science Award, 1968.

PRIMARY TEACHING FIELDS

Election Systems, Urban and Minority Politics, Legislative Process, American Politics.

PROFESSIONAL ACTIVITIES

Member, Election Review Committee, American Political Science Association, 2003-2004.

Chair, Section on Representation and Electoral Systems, American Political Science Association, 1993-95, 95-97. Section Board, 1993-present.

Book review editor, American Review of Politics, 1995-present.

Lecture tour, under sponsorship of United States Information Agency, of Tanzania, Ethiopia, Kenya, Malawi, and Liberia, January, 1994. Topics include, among others, comparative election systems, legislatures within democratic regimes, and race and gender in contemporary politics.

Associate Member, Centre for the Study of Irish Elections, University College Galway.

Member, Board of Editors, Public Administration Quarterly 1977- present.

Member, Editorial Board, Journal of Politics, 1988-1993.

Member, Board of Editors, State and Local Government Review, 1988- 1990.

Member, Committee on the Status of Blacks, Southern Political Science Association, 1991-1996.

Treasurer, Southwestern Political Science Association, 1981 (position resigned during term due to Fulbright Lectureship).

Chair, Harold D. Lasswell Award Committee, American Political Science Association, 1995-1996 (best dissertation in public policy).

Chair, Ted Robinson Award Committee, Southwestern Political Science Association, 1995-1996 (best research project in minority politics by a graduate student).

Member, Nominating Committees, Southern Political Science Association, 1980; Louisiana Political Science Association, 1981, Study Group on Comparative Representation and Electoral Systems, International Political Science Association, 1988, Section on Representation and Electoral Systems, American Political Science Association, 1999.

Member, Chastain Award Committee, Southern Political Science Association, 1978. V.O. Key Award Committee, Southern Political Science Association, 1990. Ted Robinson Memorial Award Committee, Southwestern Political Science Association, 1995, 1996 (chair). Hallett Award Committee, Section on Representation and Electoral Systems, American Political Science Association, 1999, 2000.

Member, Program Committee (Urban Politics Section), 1976 Annual Meeting of the Southern Political Science Association. Program Committee (Urban Politics Section), 1992 Annual Meeting of the Midwest Political Science Association. Program Committee (Representation and Electoral Systems Section), 1994 Annual Meeting of the American Political Science Association. Program Committee (Representation and Electoral Systems Section), 2002 Annual Meeting of the American Political Science Association.

Member, Membership Committee, Southwestern Social Science Association, 1973-74.

Presented papers at meetings of the American Political Science Association, International Political Science Association, Midwest Political Science Association, Southern Political Science Association, Southwestern Political Science Association, Louisiana Political Science Association, Citadel Symposium on Southern Politics, International Society of Political Psychology, Harvard University Computer Graphics Week, Australian-New Zealand Academy for the Advancement of Science. Formal papers also presented at programs at Tulane University, Sagamon State University, University of Keele (England), Rice University, and Chief Justice Earl Warren Institute on Law and Social Policy, University of California School of Law.

Chaired panels at meetings of the American Political Science Association, Southern Political Science Association, Midwest Political Science Association, Southwestern Political Science Association, and International Political Science Association.

Served as discussant for panels at meetings of the American Political Science Association, Midwest Political Science Association, Southern Political Science Association; Southwestern Social Science Association; Louisiana Political Science Association; Institute of American Culture, Academic Sinica (Taiwan), and International Political Science Association.

Reviewed manuscripts for the American Political Science Review, American Journal of Political Science, Journal of Politics, Political Research Quarterly, Polity, Social Science Quarterly, Legislative Studies Quarterly, American Politics Quarterly, Urban Affairs Review, Electoral Studies, Election Law Journal, Political Analysis, National Political Science Review, Women and Politics, Southeastern Political Review, State and Local Government Review, Public Administration Review, Public Administration Quarterly, American Review of Politics, Presidential Studies Quarterly, Law and Policy, Journal of Policy History, Public Administration and Management, Journal of Women, Politics, and Policy, Howard University Press, Stanford University Press, and Northern Illinois University Press.

Recipient of grant from Pacific Cultural Foundation, Taipei, Taiwan to support project entitled "The Legislative Yuan: A Study of Legislative Adaptation" (1982).

Recipient of grant from private sources, New Orleans, to support a study of mayoral tenure in large American cities (1983).

Recipient of grant from Southern Regional Council, Atlanta, Georgia, to conduct exit poll of cumulative voting election in Chilton County, Alabama (1992).

Recipient of grants from Louisiana Education Quality Support Fund, Fellowship Funding for Superior Graduate Students, 1992 (1993-1997) \$48,000; 1996 (1997-2001) \$64,000; 1997 (1998-2002) \$48,000; 1998 (1999-2003) \$56,000.

Reviewed grant proposals for National Science Foundation programs in Political Science and Law and Social Sciences, and National Science Foundation graduate fellowship applications for the National Research Council.

Served as mentor in Southern Regional Council's Voting Rights Fellowship Program to Jason F. Kirksey, 1992-1993, and Dr. Olethia Davis, 1993-1994.

~~United Nations Consultant on Election Systems and Constituency Delimitation, National Election Commission of Liberia, UN Mission in Liberia, 2004.~~

COMMUNITY AND UNIVERSITY SERVICE

Consultant, Charter Task Force Committee, New Orleans, 2000. Preparation of Term Limits: A Report to the Charter Task Force Committee, February, 2000.

Interviewed on term limits issue on "Crescent City Close Up," public affairs program on three radio stations, WNOE, KKND, and KUMX, March 19, 2000.

Participant, Roundtable on At-Large Elections for the Internet Corporation for Assigned Names and Numbers (ICANN), sponsored by Common Cause, the Center for Democracy and Technology, and the Markle Foundation, at the Kennedy School of Government, Harvard University, February 9, 2000.

Member, Board of Directors, Concern International Charities, 1998-2003.

Chairperson, Taskforce on Civil Service, Mayor-Elect Ernest Morial's Transition Office (New Orleans), 1977-78.

Member, Chachere Subcommittee of UNO Diversity Cabinet, 2003-2004.

Member, Graduate Council, UNO, 1975-76, 1994-95, 2006.

Member, Research Council, UNO, 1995-97, 2005.

Member, International Student Recruitment Committee, UNO, 1993-96.

Chairperson, Search Committee for Vice Chancellor for Research and Graduate Studies and Dean of the Graduate School, UNO, 1987-88.

Chairperson, Search Committee for Graduate Dean, UNO, 1978-79.

Member, University Budget Committee, UNO, 1983-84.

Member, Liberal Arts Advisory Committee, UNO, 1975-76, 1982-84.

Member, Academic Planning Committee, UNO, 1982-1988.

Member, Faculty Council Committee on Faculty Honors, UNO, 1985-1990.

Member, Committee on Research, UNO Self-Study, 1972-73; 1982-83.

Member, Dean's Advisory Committee on Academic Planning, College of Liberal Arts, UNO, 1983-84.

Member, University Senate, UNO, 1975-77; 1980-81; 83-85; 87-91.

Member, Steering Committee, Legal Division, New Orleans Chapter, American Foundation for Negro Affairs, 1977-79.

Service as expert witness in numerous vote dilution cases in federal courts. Employed by the United States Department of Justice, Lawyers' Committee for Civil Rights Under Law, NAACP Legal Defense and Educational Fund, Center for Constitutional Rights, Mexican-American Legal Defense and Educational Fund; Native American Rights Fund, and other organizations. Served as court-appointed expert for the remedial portion of Williams v. City of Dallas, United States District Court for the Northern District of Texas, Dallas Division, 1991. Service as Special Master for the remedial portion of Harper v. City of Chicago Heights, United States District Court for the Northern District of Illinois, Eastern Division, 2002-2004.

INVITED LECTURES / PRESENTATIONS (Since 1986)

1986: McGee College, University of Ulster - "The Reagan Elections: Realignment or Dealignment?" and "The Contemporary Voting Rights Issue in American Politics"

The Queen's University of Belfast - "The Reagan Elections: Realignment or Dealignment?" and "The Contemporary Voting Rights Issue in American Politics"

University of Keele - "The Contemporary Voting Rights Issue in American Politics"

University College Dublin - "The Contemporary Voting Rights Issue in American Politics" (4/30/86).

University College Galway - "The Reagan Elections: Realignment or Dealignment?"

1987: Southern University - "The Equal Protection Clause and Electoral Reapportionment" (4/8/87).

APSA Summer Institute for Black Students, Louisiana State University - "The Political Scientist as Expert Witness" (7/26/87).

NAACP Legal Defense Fund, Conference on Voting Rights, San Antonio, Texas - "Cumulative and Limited Voting as Remedies for Minority Vote Dilution."

1988: College of William and Mary - "The Contemporary Voting Rights Issue" and "The Role of Social Scientists in Voting Rights Litigation"

University of Queensland - "One Vote, One Value: The U.S. Experience After 25 Years" (5/24/88).

Griffith University (Brisbane) - "One Vote, One Value: The U.S. Experience After 25 Years" (5/25/88).

1989: Tulane University - "Frontiers of Voting Rights: Vote Dilution in Judicial Elections" (3/9/89).

Lamar University - "Voting Rights: A Retrospective" (10/30/89).

Oklahoma State University - "Frontiers of Voting Rights" (November/10/89).

Prairie View A and M University - "Reapportionment and Black Political Power" (11/16/89).

1990: The Queen's University of Belfast-Institute of Irish Studies, "The Irish Election System: Manipulation and Reform" (3/13/90); Department of Politics, "The Reagan Presidency: An Assessment" (3/8/90).

Brookings Institution - "Social Scientists and the Voting Rights Act" (10/19/90).

Lyndon Baines Johnson Library (Austin, Texas) - "The Evolution of the Voting Rights Act of 1965" (10/29/90).

1991: University of Texas at Dallas - "Redistricting the Dallas City Council" (3/8/91).

United States Department of Justice, Voting Section - "Alternative Election Systems" (3/15/91).

Stetson University School of Law - "Alternative Election Systems as Remedies for Minority Vote Dilution" (4/27/91).

Norfolk State University - "Election Analyses in Voting Rights Litigation" (6/15/91).

1992: University of Colorado, Summer Workshop in Urban Politics - "Race and Voting in Judicial Elections: New Orleans as a Case Study Setting" (7/9/91).

Harold Washington College, Chicago - "Political Science Research and Testimony in the Miami-Dade County Core" (9/5/92 - not presented to illness).

Southern Regional Council, Atlanta, Georgia - "Exit Polls and Voting Rights Litigation" (10/2/92).

1994: Lecture tour of Tanzania, Ethiopia, Malawi, and Liberia for United States Information Agency, January, 1994.

National Conference of State Legislators, Annual Meeting, New Orleans - "Redistricting and the Courts" (7/26/94)

1995: Department of International Politics, Peking University, "Constitutional Law, Comparative Electoral Systems, and the Politics of Race and Gender" (10/17/95).

1997: ~~John D. Lees Memorial Lecture, Keynote Address, 1997 Annual Meeting of the American Politics Group, (United Kingdom) Political Science Association, Keele, England, "Affirmative Action: The Election and the Election System" (1/3/97).~~

Alumni College, College of Liberal Arts, University of New Orleans, "Racial Gerrymandering in the 1990s: The Issues and the Alternatives" (2/1/97).

Commission on Governmental Reorganization, City of New Orleans, "Principles for Governmental Organization" (9/23/97).

Civil Rights Training Institute (Airlie Conference), NAACP Legal Defense and Educational Fund, "Alternative Election Systems in the Post-Shaw Era" (11/8/97).

1998

School of Politics, Australian Defence Force Academy, Canberra, "Racial Gerrymandering in the United States" (4/1/98) and "Election Systems and Minority Representation in the United States: Racial Gerrymandering and Its Aftermath" (5/29/98).

School of Political Science, University of New South Wales, Sydney, "Election Systems and Minority Representation in the United States: Racial Gerrymandering and Its Aftermath" (4/8/98).

Illinois Secretary of State's Commission on Redistricting, Chicago, IL, "Computer Generated Districting Plans: Necessary Conditions and Tie Breaking Criteria" (12/16/98).

2001

Carinthian Institute of Minority Affairs, Villach, Austria, "Spiders, Earmuffs, and the Mark of Zorro: Creating Electoral Opportunities for Minorities in America's Single Member District System" (5/5/01).

Bureau of Governmental Research, New Orleans, LA, "The Mayor: How Many Terms?" (10/10/01).

2002

Pomona College, Claremont, CA, "Spiders, Earmuffs, and the Mark of Zorro: There Must be a Better Way" (3/13/02).

Utah State University, "The Redistricting Thicket: Are There Alternatives?" Bennion Teachers' Workshop (8/9/02).

Utah State University, "Missing the Target: Priorities among Districting Constraints," Redistricting in the New Millennium: A Lecture Series, (11/26/02).

2003

Florida State University, "Missing the Target: Priorities among Districting Constraints," (1/21/03).

2004

Cleveland City Club/Cleveland State University, "Metro Reform and Minority Voting Rights," (2/25/04).

Liberian National Election Commission Consultative Assembly, Monrovia, Liberia, "Constituency Boundary Redemarcation: Concepts and Timeframes," (6/7/04).

2005

Subcommittee on the Constitution, Committee on the Judiciary, United States House of Representatives, written and oral testimony, hearing on Extension of the Preclearance Provision of the Voting Rights Act, (10/25/05).

William C. Velasquez Institute, San Antonio, TX, "Influence Districts," (11/19/05)

2006

University of West Georgia, "The Gerrymandering Problem: Lessons from Australia?" (4/3/06).

Duke University, "Racially Polarized Voting: Pervasive and Persistent in the American South," Conference on "W(h)ithering the Voting Rights Act?" (4/7/06).

International Political Science Association, Fukuoka, Japan. Roundtable on Electronic Voting. "E Voting in the U.S.," (7/13/06).

Brennan Center for Justice, New York University School of Law, "The Gerrymandering Problem: Lessons from Australia?," (8/7/06).

Short Course on The National Popular Vote Plan to Revamp the Electoral College, American Political Science Association Annual Meeting, Philadelphia, "Potential Impact of the National Popular Vote Plan on Presidential Elections and Other Electoral Reforms," (8/30/06).

American Bar Association, Administrative Law Section, "Redistricting Reform: Lessons from Australia," Washington, D.C. (10/26/06).

2008

Morehouse College, "The Gerrymandering Problem in the United States: Judicial Protection or Redistricting Commissions or Alternative Election Systems," Voting Analysis in Mathematics and Politics: Interdisciplinary Research and Education Seminar (VAMPIRES) (4/18/08).

2009

Duke University, "Response to Thomas Brunell, 'Why Competitive Elections are Bad for America'," Duke University Political Science Students' Association (2/10/09).

Chief Justice Earl Warren Institute on Race, Ethnicity, and Diversity, University of California at Berkeley School of Law, presenter, panel on "The Redistricting Experience: Tales from the Field," conference on Redistricting Reform and Voting Rights: Identifying Common Ground and Challenges, UC Washington Center, (11/11/09).

2010

Center for the Study of Race, Ethnicity, and Gender in the Social Sciences, Duke University Presentation on "Race and Redistricting" at the conference "Counting Race: Racial Classifications and the 2010 Census," Duke University (3/19/10).

St. Louis University Law School, Presentation on "Cumulative and Limited Voting as Remedies for Dilutive Election Systems," at the symposium on "Voting 45 Years after the Voting Rights Act," (3/26/10).

Demos, Presentation on "Issues in the Post-2010 Round of Redistricting" and Discussion Leader for Session on Redistricting, "An In-Depth Discussion with Demos," Washington, DC (9/4/10).

NAACP Legal Defense and Educational Fund, Presentation on "Prongs II and III: Necessary Preconditions under *Thornburg v. Gingles*," at the Voting Rights and Redistricting Training Institute, Airlie Conference, Warrenton, VA (10/9/10).

Center for Democratic Performance, Binghamton University, "Influence Districts and the Courts: A Concept in Need of Clarity," (10/28/10).

Mexican American Legal Defense and Educational Fund, Short presentation on "Racially Polarized Voting Analyses," National Redistricting Convening, San Antonio, TX (12/9/10).

2011

Columbia University, "TRCs in Comparative Perspective: Lessons from Australia?", Conference on Do Independent Redistricting Commissions Affect Minority Representation?, New York City (12/9/11).

2012

Duke University, "Minorities and the New Round of Redistricting: Native Americans, Latinos, and African Americans, Plus (of course) The Great State of Texas," Center for the Study of Race, Ethnicity, and Gender Colloquium, (3/22/12).

Georgia Perimeter College, Clarkston Campus, "Minority-Majority Districts: Their Adoption and Consequences," (10/4/12).

Numerous other presentations before groups such as the Louisiana Municipal Association; New Orleans League of Women Voters; Public Policy Forums at Southern University in Baton Rouge; Louisiana Municipal Clerks Institute; (La.) Black Legislative Caucus Institute; Robert A. Taft Institute of Government Seminars, Southern University; Special Committee on Elective Law and Voter Participation, American Bar Association; Subcommittee on Civil and Constitutional Law, United States House of Representatives Committee on the Judiciary; Institute of American Culture, Academia Sinica (Taiwan), Foundation for Scholarly Exchange (Taiwan), and Tulane University, Department of Political Science and College of Law.

REFERENCES

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Dr. Michael D. McDonald, Department of Political Science, University of Binghamton, Binghamton, NY 13901 607-777-4563, mdmcd@binghamton.edu.

CURRENT RESEARCH

~~"Districting by Independent Commissions: Lessons from Australia?"~~ being prepared for a volume on Independent Redistricting Commissions and Minority Representation, edited by Rudolfo O. de la Garza.

"Native Americans and Redistricting Issues: State Legislative Redistricting in New Mexico," an invited submission to the *Justice Systems Journal*,

Preparation of an invited Review Essay on Jason P. Casellas, *Latino Representation in State Houses and Congress*, and Michael D. Minta, *Oversight: Representing the Interests of Blacks and Latinos in Congress*, for the *Journal of Politics*, with Kerry L. Haynie.

Analysis of Instance Runoff Voting Elections in North Carolina, 2007 and 2009 (with Michael Cobb).

A Review of the Evidentiary Record for the Renewal and Amendment of the Special Provisions of the Voting Rights Act, 2006, with a focus on Louisiana.

LATEST CONFERENCE PAPERS

"Influence District and the Courts: A Concept in Need of Clarity." Initially presented at the Conference on "Lessons from the Past, Prospects for the Future: Honoring the Fortieth Anniversary of the Voting Rights Act of 1965," Center for the Study of American Politics, Yale University, April 21-23, 2005. Expanded version forthcoming in volume edited by Daniel McCool, The Most Fundamental Right: The 2006 Reauthorization of the Voting Rights Act.

"Racially Polarized Voting: Pervasive and Persistent in the American South," Conference on "W(h)ithering the Voting Rights Act?" John Hope Franklin Center, Duke University, April 7, 2006.

"Majority Vote Rule and Runoff Elections," presented at a conference on "Plurality and Multi-Round Elections," University of Montreal, June, 2006 (co-authored with Richard N. Engstrom), Montreal, June 17-18, 2006. Expanded version selected for inclusion in mini-symposium in Electoral Studies, edited by Bernard Grofman, 27 (September 2008) 407-416.

"Cumulative and Limited Voting: Remedies for Dilutive Election Systems and More," presented at the symposium on *Voting 45 Years after the Voting Rights Act*, St. Louis University School of Law, March 26, 2010; forthcoming in the Fall 2010 edition of the St. Louis University Public Law Review.

"Political Scientists as Expert Witness," Annual Meeting of the State Politics and Policy Association, Springfield, IL, June, 2010), with Michael P. McDonald. (Presented by Michael P. McDonald.)

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Fair and Effective Representation? Debating Electoral Reform and Minority Rights (Lanham, MD: Rowman and Littlefield, 2001) (with Mark A. Rush).

MONOGRAPHS

Home Rule for Louisiana Parishes (Baton Rouge: Police Jury Association of Louisiana and Governmental Services Institute, Louisiana State University, 1974).

Municipal Home Rule in Louisiana (Baton Rouge: Louisiana Municipal Association and Governmental Services Institute, Louisiana State University, 1974).

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"Statutory Restraints on Administrative Lobbying – 'Legal Fiction'", Journal of Public Law, Vol. 19, No. 1 (1970), 90-103 (with Thomas G. Walker). Reprinted in Dennis Ippolito and Thomas Walker (eds.), Reform and Responsiveness: Readings in American Politics (New York: St. Martin's Press, Inc., 1972), pp. 428-438.

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