

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
(Northern Division)**

BALTIMORE COUNTY BRANCH OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE, *et al.*,

Plaintiffs,

v.

BALTIMORE COUNTY, MARYLAND, *et al.*,

Defendants.

Civil Action No. LKG-21-03232

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs Baltimore County Branch of the National Association for the Advancement of Colored People, League of Women Voters of Baltimore County, Common Cause Maryland, Charles Sydnor, Anthony Fugett, Dana Vickers Shelley, Danita Tolson, Sharon Blake, Gerald Morrison, and Niesha McCoy respectfully move this Court for a preliminary injunction enjoining Defendants from conducting future elections for Baltimore County Council under the unlawful redistricting plan (“Bill 103-21”) enacted December 20, 2021.

Plaintiffs’ arguments in support of this motion are fully set forth in the attached Memorandum of Law.

Respectfully submitted,

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CERTIFICATE OF SERVICE

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I. INTRODUCTION

This case calls for a straightforward, yet urgent and critically important, application of Section 2 of the Voting Rights Act. Baltimore County’s burgeoning Black population (now 32 percent of the County’s overall population) and its Black, Indigenous, and People of Color (BIPOC) population (now 48 percent of the total) are sufficiently large and geographically compact to easily establish two majority-Black districts among the seven County Council districts, as well as a third “influence” district with population divided equally between white and BIPOC voters. Absent creation of these districts, racial polarization among voters will enable the white majority to override the will of minority voters and maintain Baltimore County’s nearly all-white government by diluting the influence of Black and BIPOC voters, discouraging Black candidacies, and preventing residents of color from electing their chosen representatives. The combination of the Council’s adopted plan and severe socioeconomic disparities between Black and white residents—a direct result of the County’s disgraceful history of racial discrimination and segregation—ensures that Baltimore Countians of color lack equal access to the political process and to fair representation in their government. This is precisely the scenario Section 2 was intended to remedy.

Ignoring both the County’s dramatic population diversification and enormous public outcry about its redistricting proposals, Baltimore County has refused to draw districts fairly, instead enacting a plan, Bill 103-21, that will lock in for the next decade a system that preserves white domination in six of the Council’s seven districts. Rather than create political opportunities commensurate with its diversified population, the map simultaneously cracks Black communities while packing Black voters into a single district, ensuring their influence is limited. Bill 103-21 thus dilutes Baltimore County’s Black vote in violation of Section 2. Without this Court’s intervention prior to the 2022 election season, which begins with a candidate filing deadline on

February 22, Baltimore County will subject its Black citizens, including Plaintiffs, to irreparable violation of their fundamental right to vote.

Because all relevant factors counsel in favor of relief, Plaintiffs request that the Court enjoin Baltimore County's implementation of Bill 103-21 and require it to adopt a map with two majority-Black districts.

II. FACTUAL BACKGROUND

A. The Changing Demographics of Baltimore County

As expert demographer William Cooper explains in his declaration, Baltimore County is large, densely populated, and rapidly diversifying. *See* Exhibit A, Decl. of William S. Cooper ¶¶ 21, 25. Census data shows dramatic growth and diversification in the County over the past 20 years, with the Black, Indigenous, People of Color (BIPOC) population increasing from 27% in 2000 to 48% in 2020, and the Black population increasing from 20% to 32% over the same period. *Id.* ¶ 25.

Although Baltimore County's overall population grew by more than 100,000 during this period, from 754,292 to 854,535 persons, the County's non-Hispanic white population fell by even more—110,627 persons—representing a *decline* of 20%. *Id.* ¶ 26. Meanwhile, the Black population *grew* over the same period, adding 118,814 persons, or an increase of 75.9%. *Id.* The total BIPOC population (including Black, Latinx, Asian, and multi-racial populations) grew from 200,402 persons in 2000 to 411,272 persons in 2020, an increase of 210,870 persons or 105%. *Id.* The following table (Figure 2 in Mr. Cooper's Declaration) summarizes these demographic changes over the past 20 years:

**Baltimore County – 2000 Census to 2020 Census
Population by Race and Ethnicity**

	2000 Population	Percent	2010 Population	Percent	2020 Population	Percent	2000 - 2020 Change	% 2000 - 2020 Change
Total Population	754,292	100.00%	805,029	100.00	854,535	100.00%	100,243	13.29%
NH White*	553,890	73.43%	504,556	62.68%	443,263	51.87%	-110,627	-19.97%
Total Minority (BIPOC)	200,402	26.57%	300,473	37.32%	411,272	48.13%	210,870	105.22%
Latino	13,774	1.83%	33,735	4.19%	61,492	7.20%	47,718	346.44%
NH Black*	150,456	19.95%	206,913	25.70%	252,724	29.57%	102,268	67.97%
NH Asian*	23,845	3.16%	39,865	4.95%	54,701	6.40%	30,856	129.40%
NH Hawaiian and PI*	195	0.03%	255	0.03%	252	0.03%	57	29.23%
NH Indigenous*	1,769	0.23%	2,107	0.26%	1,942	0.23%	173	9.78%
NH Other*	1,016	0.13%	1,445	0.18%	4,461	0.52%	3,445	339.07%
NH Two or More Races*	9,347	1.24%	16,153	2.01%	35,700	4.18%	26,353	281.94%
SR Black (Single-race Black)	151,600	20.10%	209,738	26.05%	255,793	29.93%	104,193	68.73%
AP Black (Any Part Black)	156,546	20.75%	220,378	27.38%	275,360	32.22%	118,814	75.90%

*Single-race, non-Hispanic

The Black population in Baltimore County is concentrated in the western areas of the County, with some significant BIPOC population also to the northeast of the border with the City. Cooper Decl. ¶ 27. The bulk of the County's Black population lives in geographically compact areas running throughout western Baltimore County. *Id.*

B. Baltimore County Council Election System

Baltimore County is divided into seven single-member districts, each electing one County Councilmember. Cooper Decl. ¶ 32. No Black candidate had been elected to the County Council prior to 2002, a rarity among Maryland counties with significant Black population. Ex. C, Decl. of Anthony S. Fugett ¶ 9. During the 2001 redistricting process, Plaintiff Baltimore County NAACP took a leading role in advocating for change in the County's election system to advance representation for the County's Black residents and bring the system into compliance with the

Voting Rights Act.¹ *Id.* ¶ 18. As a result, District 4 was created as a majority-Black district, leading to the election of the first Black councilmember in Baltimore County history in 2002. *Id.* ¶ 19. Over the intervening 20-year period, through five election cycles, District 4 voters have elected a Black Council member to represent them. The remaining six majority-white Council districts have only ever elected white Council members. *Id.* ¶ 20.

These results demonstrate how elections in Baltimore County have been and continue to be polarized along racial lines. Polarized voting occurs when members of a protected class prefer candidate choices that are different from the rest of the electorate. The elections in which Black and white candidates compete against each other are especially probative in demonstrating how racially polarized voting can lead to minority vote dilution. As explained in greater detail by political scientist Matthew Barreto, Black voters in Baltimore County have demonstrated “strong cohesion” over a decade of elections. *See* Ex. B, Decl. of Matthew A. Barreto ¶ 11. This trend was apparent in both primary and general election contests among voters in Baltimore County. *Id.* Moreover, Dr. Barreto’s analysis shows that white voters in Baltimore County have divergent voting patterns, generally opposing election of Black candidates and voting as a bloc *against* Black preferred candidates. *Id.* Because Black voters and white voters express different preferences, Black voters have not been able to elect candidates of their choice in Council districts where Black people do not comprise a majority of the voting age population. Fugett Decl. ¶¶ 9-14, 16-17. Since the creation of District 4 as a majority-Black district in 2001, numerous Black candidates have

¹ The NAACP advocated for adoption of the 2001 map because it brought never-before-held electoral opportunity for Black citizens. Since then, Baltimore County has continued to dramatically diversify, but the map has barely changed. Cooper Decl. ¶ 25-26. There is no reason why BIPOC residents should have to wait another ten years for a chance to bring electoral opportunity in line with their current share of the population.

stepped forward to run in that district, resulting in the uninterrupted election of Black Council members in the District since its creation in 2001. *Id.* ¶ 20.

Meanwhile, no Black candidate, nor any non-white candidate, has been elected to the Council from any of the remaining six districts over the past two decades or at any time in history. Fugett Decl. ¶ 20. Each of these districts has always had a majority of white voters and has always voted for white County Council candidates. *Id.* The one time that a Black candidate challenged a white candidate for County Council – in the 1990 Democratic primary – the white candidate won easily, with white voters voting as a bloc against the Black voters’ candidate of choice. *Id.* ¶ 9. Dr. Barreto found high levels of white bloc voting for candidates running against the candidates whom Black voters cohesively supported. Barreto Decl. ¶ 11. Dr. Barreto’s analysis supports the conclusion that Black candidates of choice will lose elections in districts that do not have a majority of Black voters. Indeed, other than the one losing candidate in 1990, the specter of white bloc voting has discouraged Black candidates from even running outside of District 4 in the first instance. *See* Fugett Decl. ¶ 17.

C. Bill 103-21, The Challenged Baltimore County Council Redistricting Law

Throughout the redistricting process, there was enormous opposition to the Council’s intent on passing a plan that denied the voters a second majority-Black district. Fugett Decl. ¶¶ 23-24. Public outcry, heightened by the Council’s unwillingness to consider seriously a map with two majority-Black districts, culminated in the Council’s final hearing on Bill 103-21 on December 14, 2021. *Id.* ¶ 24. Plaintiffs and many members of the community testified in opposition, specifically identifying the Council’s willful refusal to include a second majority-Black district in its plan as objectionable and unlawful. Notwithstanding Council Chair Jones’ plea to his constituents to support a plan with a single, heavily packed, majority-Black district, County

records show that 57 speakers registered to speak against the plan, with the majority addressing its unfairness to Black and BIPOC residents and its violation of the Voting Rights Act.² *Id.* Dozens of speakers opposing the Plan—including several of the Plaintiffs—implored the Council to reject the Plan as racially discriminatory and unlawful. *Id.* In addition, on December 20, 2021, in advance of the Council’s scheduled vote that evening on the Plan, residents working with the Baltimore County Coalition for Fair Maps hand delivered to each Council member hundreds of letters, emails, testimonies and statements opposing Bill 103-21 as undemocratic, racially discriminatory, and unlawful. *Id.*

Despite this overwhelming opposition, the Council unanimously adopted Bill 103-21 as its final redistricting plan on December 20, 2021. As passed, Bill 103-21 preserves six districts as majority-white, doing so by packing an excessively high share of Black residents into District 4 and dividing majority-Black communities among Districts 1, 2, and 4. Cooper Decl. ¶¶ 37-38.

Bill 103-21 packs Black voters into a single district (District 4) with the result that the district's voting age population is nearly 75% Black while no other district’s voting age population is more than 32% Black. Cooper Decl. ¶¶ 37, 40. In every district created by Bill 103-21 except District 4, the white voting age population outnumbers the Black voting age population by *at least 19 percentage points*. *Id.* ¶ 40.

² Because the Council delayed discussion of the redistricting matter until more than two hours into the meeting and so many people had registered to speak, the meeting lasted over five-and-a-half hours, and not all of those registered were able to stay on the line until it was their turn to speak.

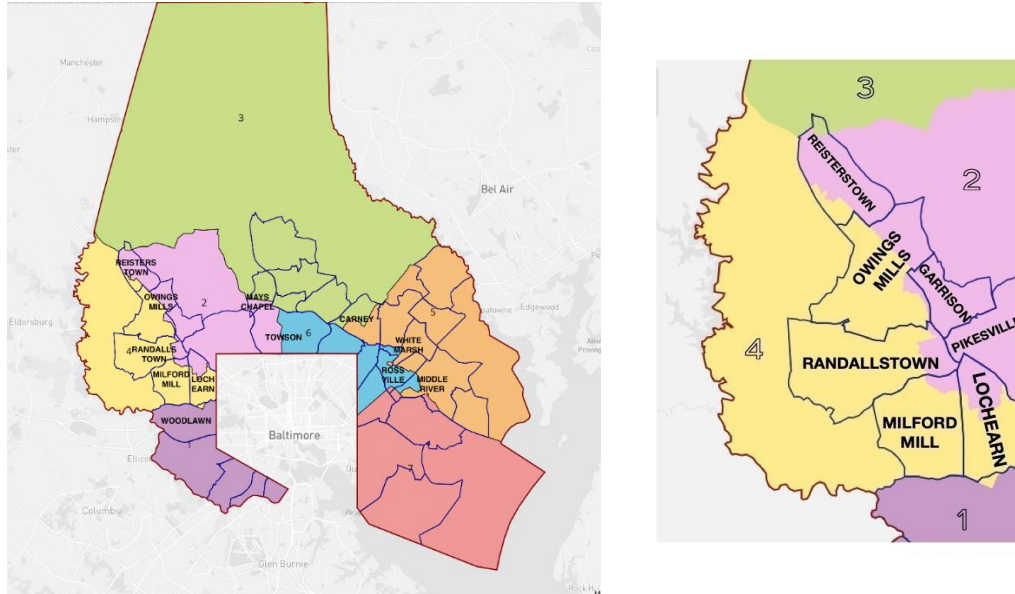
Council Plan Voting Age Population Summary

District	Prison Adjusted Pop.	% Dev.	Population	18+ Pop	% 18+ AP Black	% 18+ NH White
1	122,391	0.01%	122,074	95,419	29.71%	49.50%
2	118,343	-3.30%	118,145	91,675	31.18%	55.55%
3	119,477	-2.37%	119,377	94,192	8.09%	77.58%
4	119,487	-2.37%	119,068	93,489	74.74%	16.31%
5	121,237	-0.94%	121,023	94,526	18.77%	66.12%
6	128,310	4.84%	127,988	102,680	31.20%	54.71%
7	127,428	4.12%	126,860	97,530	19.72%	66.04%

Cooper Decl. ¶ 34.

In addition, as illustrated below, Bill 103-21 divides certain majority-Black communities,³ including Randallstown (84.6% Black), Milford Mill (86.3% Black), Lochearn (83.7% Black), and Owings Mills (63.2% Black), between Districts 2 and 4 (as well as District 1, with respect to Lochearn). Cooper Decl. ¶ 38. At the same time, the Bill 103-21 unites the adjacent majority-white community of Pikesville (67.3 % white) wholly in District 2. *Id.* ¶ 40.

³ These data are taken from the 2019 American Community Survey, available at this link: <https://www.census.gov/quickfacts/fact/table/US/PST045221>

Map of Bill 103-21's Districts with Detail of Black Communities Among Districts

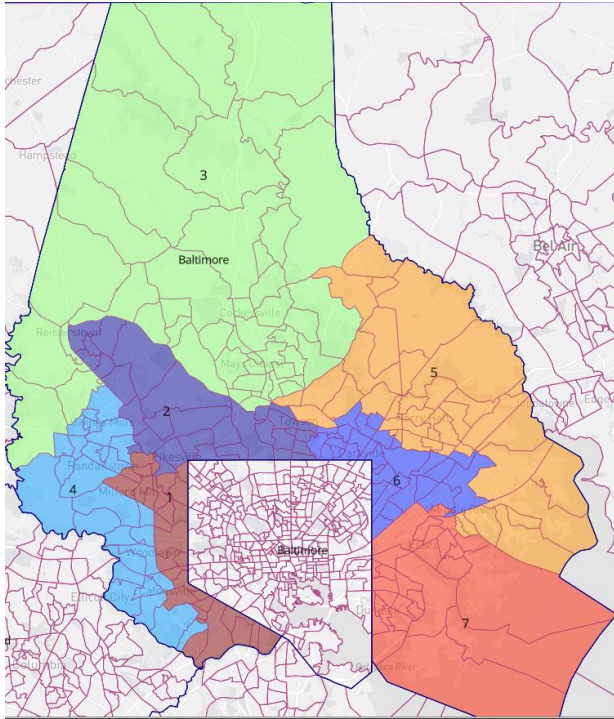
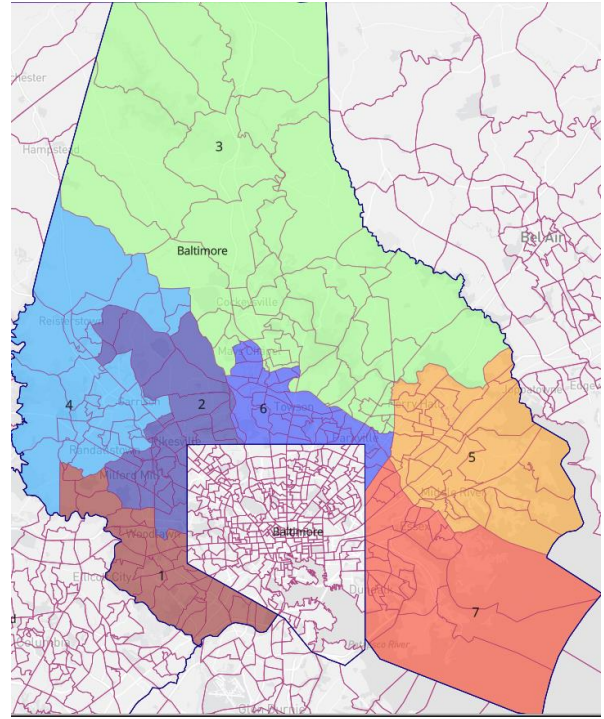
In combination with the District 4 packing, division of these majority-Black communities in Bill 103-21 results in Bill 103-21's failure to create a second majority-Black district. As a result, the adopted map is likely, as all prior Baltimore County maps have done, to elect at least six white candidates of choice out of seven seats. *See id.* That means over 85% of the seats will go to white-preferred candidates in a county that is only 52% white population in 2020.

Given the rapid diversification of Baltimore County, Bill 103-21 threatens to lock into place until 2032 an already-unequal districting scheme that will become more unequal over the next decade. The demographic trends over the last twenty years show patterns of *decreasing* white population and *increasing* Black population. The Black population has gone from 20% (2000) to 27% (2010) to 32% (2020) of Baltimore County without any commensurate shift in electoral opportunity (*i.e.*, one Black-majority district in 2001, 2011, and 2021). Cooper Decl. ¶¶ 25-26. If Bill 103-21 holds for the next decade, it will result in ever-increasing dilution of the Black vote.

The County Council could have easily drawn a map that would give Black voters political power commensurate with their share of the population. Cooper Decl. ¶ 42. Between late August

2021 and October 2021, Plaintiffs' counsel submitted five separate illustrative plans to the Redistricting Commission or Council showing how a plan with seven single-member districts could be drawn to include two majority-Black districts. *Id.* Each of these five plans adheres to all traditional redistricting principles, including that they (i) satisfy Constitutional one-person one-vote requirements, (ii) are reasonably shaped, compact, and contiguous, and (iii) respect communities of interest. *Id.* Unlike Bill 103-21, however, the five alternatives provided to the County by the Plaintiffs all would prevent dilution of minority voting strength.

The two maps below, developed by Plaintiffs' expert demographer and presented to the Council during its redistricting deliberations, illustrate how readily two majority-Black districts can be created on the western side of Baltimore County. Cooper Decl. ¶¶ 46-60 (explaining how Proposed Plan 1 and Proposed Plan 5 each create two districts where the Black voting age population is at least 20 percentage points higher than the White voting age population, ensuring that a cohesive Black community of voters would have a fair and realistic opportunity to elect representatives of their choice). Full-page versions of these maps are attached as Cooper Decl. Exs. E1 and F-1. The Baltimore County Council rejected these alternatives and instead packed and cracked the Black population to dilute the voting strength of Black and BIPOC residents.

Plaintiffs' Proposed Plan 1**Plaintiffs' Proposed Plan 5**

Bill 103-21 is not the first time Baltimore County has sought to restrict equal opportunity for Black citizens. It was enacted in the context of a County in which Black residents have borne and continue to bear the effects of longstanding societal, economic, and educational discrimination. These social and historical conditions have long resulted in the almost complete exclusion of Black people from County government and discourage Black candidates from even stepping forward to try to seek public office. Interacting with Bill 103-21's packing and cracking, the County's record of discrimination and its legacy confirm that Bill 103-21 denies Black voters equal electoral opportunities.

III. LEGAL STANDARD

The purpose of a preliminary injunction is to “prevent irreparable harm during the pendency of a lawsuit ultimately to preserve the court's ability to render a meaningful judgment on the merits.” *United States v. South Carolina*, 720 F.3d 518, 524 (4th Cir. 2013) (quotations

omitted). A court may enter a preliminary injunction if a plaintiff shows “(1) that he is likely to succeed on the merits, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public interest.” *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Centro Tepeyac v. Montgomery Cnty.*, 722 F.3d 184, 188 (4th Cir. 2013) (en banc). In each case, courts must “balance the competing claims of injury and must consider the effect on each party of the granting or withholding of the requested relief.” *Id.* at 24 (quotations omitted).

IV. ARGUMENT

A. Legal Framework

Section 2 prohibits any “standard, practice, or procedure” that “results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color.” 52 U.S.C. § 10301(a). Districts violate Section 2 where they “dilute the voting strength of politically cohesive minority group members, whether by fragmenting the minority voters among several districts where a bloc-voting majority can routinely outvote them, or by packing them into one or a small number of districts to minimize their influence in the districts next door.” *Johnson v. De Grandy*, 512 U.S. 997, 1007 (1994). “Section 2 prohibits either sort of line-drawing where its result, interact[ing] with social and historical conditions, impairs the ability of a protected class to elect its candidate of choice on an equal basis with other voters.” *Id.* (citations omitted).

To prevail, a Section 2 plaintiff must show (1) the minority group is “sufficiently large and geographically compact to constitute a majority in a single-member district”; (2) the minority group “is politically cohesive”; and (3) “the white majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.” *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986). Once these *Gingles* “preconditions” are established, courts also consider “the totality

of the circumstances”—including factors identified in the Senate Report accompanying the 1982 amendments to the VRA—to determine whether, as a result of the districts, “the political processes leading to nomination or election in the State or political subdivision are not equally open to participation” by members of the minority group. *Id.* at 43-44 (quoting 52 U.S.C. § 10301(b)). But “it will be only the very unusual case in which the plaintiffs can establish the existence of the three *Gingles* factors but still have failed to establish a violation of § 2 under the totality of circumstances.” *United States v. Charleston Cnty.*, 316 F. Supp. 2d 268, 277 (D.S.C. 2003) (citation omitted), *aff’d*, 365 F.3d 341 (4th Cir. 2004).

B. Plaintiffs are substantially likely to succeed in showing the 2021 Redistricting Plan violates Section 2.

i. *Gingles* Precondition One: An additional, reasonably compact majority-Black district can be drawn.

The first *Gingles* factor is readily satisfied here because one can “creat[e] more than the existing number of reasonably compact districts with a sufficiently large minority population to elect candidates of its choice.” *LULAC v. Perry*, 548 U.S. 399, 430 (2006) (quoting *De Grandy*, 512 U.S. at 1008). The numerosity aspect of this precondition involves a “straightforward,” “objective, numerical test: Do minorities make up more than 50 percent of the voting-age population in the relevant geographic area?” *Bartlett v. Strickland*, 556 U.S. 1, 18 (2009); *accord*, *Marylanders for Fair Representation v. Schaefer*, 849 F. Supp. 1022, 1052 (D. Md. 1994) (three-judge-court) (collecting cases and holding that 53.6% Black voting-age population in proposed state delegate district was “sufficiently large” to satisfy *Gingles* factor 1).

Before the Council adopted Bill No. 103-21, Plaintiffs presented the Council with five separate plans, each demonstrating that Baltimore County’s Black community is sufficiently large and geographically compact to comprise more than 50% of the voting-age population in two

reasonably compact county council districts. In his declaration, Mr. Cooper confirms the viability of all five plans, two of which he discusses in detail—Plans 1 and 5. Cooper Decl. ¶¶ 41-64.

As Mr. Cooper explains, “the Black population in Baltimore County is concentrated in the western areas of the County . . . [and the] bulk of the County’s Black population lives in geographically compact areas running throughout western Baltimore County.” Cooper Decl. ¶ 27. Therefore, “it is readily possible to create two substantial majority Black districts because the Black population on the western side of the County is ‘large and geographically compact.’” *Id.* ¶ 36. With the County’s seven-district arrangement, this approach would make the number of majority-Black council member districts commensurate with the county’s roughly 30% Black voting age population (*i.e.* $30\% \times 7 = 2.1$). In contrast, by packing the Black population into one of seven districts (District 4) such that Black residents are over 74.7% of that district’s voting age population, while also cracking majority-Black communities among Districts 1, 2, and 4, the County has diluted the voting influence of its Black voters. Cooper Decl. ¶¶ 36-38.

Restated, the first *Gingles* test is simply whether majority-minority districts can be drawn that are “sufficiently large and geographically compact to constitute a majority in a single-member district.” *Johnson v. De Grandy*, 512 U.S. at 1005-07. As Mr. Cooper explains, the alternative districts Plaintiffs proposed satisfy broadly acceptable analytical tests for compactness. Cooper Decl. ¶ 61. Within these districts, the total number of voters are equivalent to the total population in the other five districts. *Id.* ¶¶ 47, 55. And, in each of these two districts, the Black population is sufficiently large to constitute a majority. *Id.* Hence, the first *Gingles* test is readily satisfied.

In contrast to the Plaintiffs’ proposed plans, Bill 103-21 packs Black voters into District 4 by splitting the population of several well-recognized majority-Black communities among

multiple councilmanic districts. Cooper Decl. ¶ 38. This manipulation of the Black population in these communities prevented creation of a second majority-Black district.

In fact, the highest share of AP Black voting age population in any other district except District 4 in the Council Plan is 31.2%, in Districts 1 and 6. And in every one of the districts in the Council Plan except District 4, the white voting age population outnumbers the Black voting age population by over 19 percentage points. Thus, in six of the seven districts in the Council Plan, a white majority voting as a bloc would retain power to defeat the choices of a cohesive Black community of voters.

Cooper Decl. ¶ 40. Bill 103-21 thus confounds the fundamental objective of Section 2 by impermissibly diluting the ability of the County's Black population to elect councilmembers of their choice.

ii. *Gingles* Precondition Two: The relevant communities are cohesive.

The second *Gingles* precondition is also satisfied here because Black voters in Baltimore County are politically cohesive. *Gingles*, 478 U.S. at 49. “Bloc voting by blacks tends to prove that the black community is politically cohesive, that is, it shows that blacks prefer certain candidates whom they could elect in a single-member, black majority district.” *Id.* at 69.

Dr. Barreto, an expert in voting patterns, analyzed racially polarized voting in Baltimore County. *See generally* Barreto Decl. To perform these analyses, Dr. Barreto used election data from 2010 to 2020 and a widely accepted methodology called ecological inference analysis. *See Cane v. Worcester Cnty., Md.*, 840 F. Supp. 1081, 1087 (D. Md. 1994) (employing similar expert analysis in finding racially polarized voting in Worcester County); *Ala. State Conf. of NAACP v. Ala.*, 2020 WL 583803, at *29, n.27 (M.D. Ala. Feb. 5, 2020) (recognizing ecological inference as the “gold standard” for racially polarized voting analysis). His analysis shows that Black voters in Baltimore County have demonstrated “strong cohesion” over a decade of elections. Barreto Decl. ¶ 11. Political cohesion among Black voters in Baltimore County was apparent in both

primary and general elections. *Id.* Racial polarization is particularly striking in elections involving Black candidates challenging white candidates, and it is these elections that courts have consistently held to be most probative in assessing minority vote dilution. *See, e.g. Cane*, 840 F. Supp., at 1090, *citing Citizens for a Better Gretna v. City of Gretna, La.*, 834 F.2d 496, 503 (5th Cir. 1987).

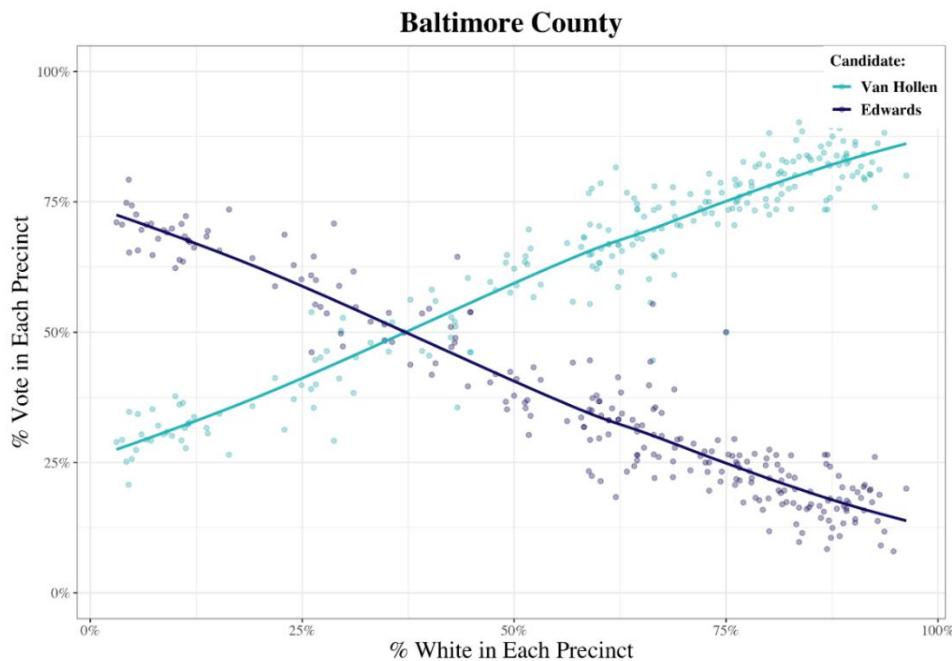
In analyzing *Gingles* factors 2 and 3, the lack of elections contested between Black and white candidates due to the dearth of Black candidates willing to run for office in majority white areas is a significant issue, but also one that is common in places like Baltimore County with highly polarized voting and a long history of racial discrimination and exclusion. Courts addressing voting rights claims in this context properly take into account the reasonable justifications explaining the lack of Black challengers to white candidates in majority-white areas. For example, in *Marylanders for Fair Representation v. Schaefer*, the court noted:

Blacks in Wicomico, Dorchester, Caroline, and Talbot Counties rarely run for public office in majority white constituencies, and when they do, they usually lose. At the county level, no black has ever been elected to any of the countywide single-member offices (i.e., State's Attorney, Clerk of Court, Register of Wills, or Sheriff). With only one exception, the four counties have never elected a black councilmember or commissioner at-large: Wicomico elected a black Republican County Councilmember, Emerson Holloway, in 1978, but he served just one term.

849 F. Supp. at 1059.

The pattern in Baltimore County has been similar, with a government maintained as nearly all-white and few Black candidates challenging the system in local elections due to the futility they see in it. Fugett Decl. ¶¶ 16-17. This means there are fewer Black-white elections available for analysis; however, those that do exist show strong patterns of Black political cohesion (as well as white bloc voting to defeat Black candidates, discussed in the next section).

Clear patterns of racially polarized voting are evidence. For example, the Democratic primary for U.S. Senate in 2016. Congresswoman Donna Edwards, a Black woman, faced off against white Congressman Chris Van Hollen among eight other candidates with far less experience or name recognition. This election is significant in illustrating racially polarized voting because, independent of partisanship, the statistical patterns demonstrate that Black and white voters have opposite candidate preferences within Democratic primaries.

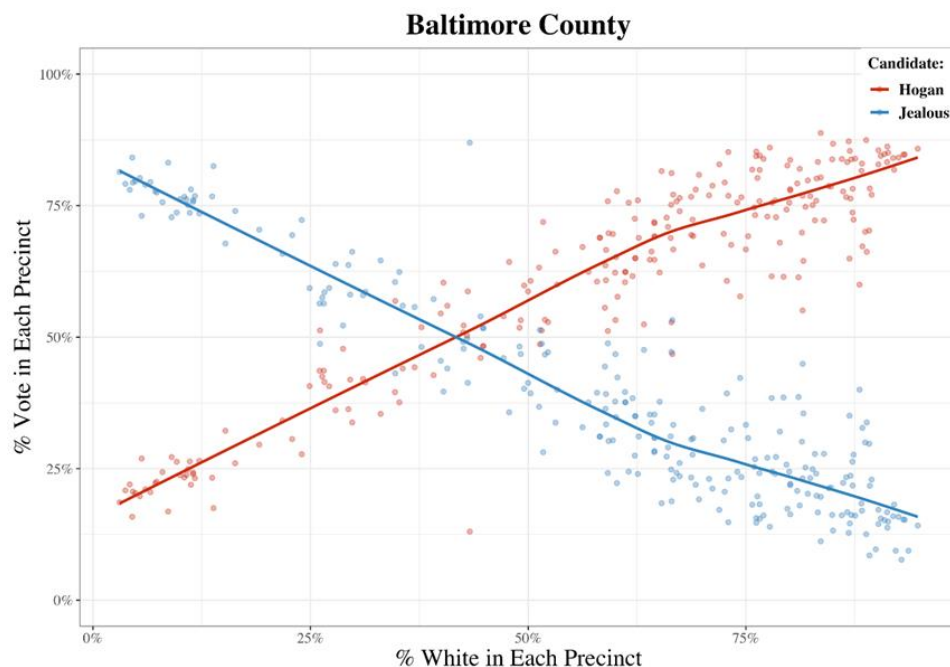


Barreto Decl. ¶ 18.

The figure above shows the precinct results by race for Baltimore countywide and shows a clear pattern in which Black voters strongly preferred Edwards while white voters strongly preferred Van Hollen. Each dot represents a voting precinct. *Id.* ¶ 18. Along the y-axis is percentage of white population in each precinct, meaning precincts on the far right of the graph have high percentages of white citizens and precincts on the far left have low percentages of white citizens. Along the x-axis is percentage of votes for a given candidate. The graph illustrates a clear pattern of racially polarized voting: In the upper far right, the precincts that are nearly all-white

voted around 85% for Van Hollen, and in the lower far left, the precincts that are nearly all-Black voted around 25% for Van Hollen. On average, *eight percent* of the white electorate voted for the Black candidate Edwards. Barreto Decl. ¶ 20. That statistic carries weight under the law. *Compare Gingles*, 478 U.S. at 80–82 (finding legally significant white bloc voting in North Carolina even where, on average, more than one-third of the white electorate voted for black candidates). Again, this graph shows that the Black-White divide is *not* about partisanship; all of these voters were participating in the Democratic primary. The same pattern holds true when voting in Districts 1, 2, and 4 is analyzed separately from the rest of the County. Barreto Decl. ¶ 18.

The 2016 Van Hollen-Edwards election is not an outlier, but merely one example in which racially polarized voting persisted in Baltimore County over the past ten years, including the 2014 and 2018 gubernatorial elections, in which majority-Black precincts strongly favored Black candidates Anthony Brown and Ben Jealous over white candidate Larry Hogan. *See* Barreto Decl. ¶¶ 14-17 (providing other examples). The figure below (Figure 2A from Dr. Barreto's Declaration), shows the same pattern of Black voter cohesion in the 2018 gubernatorial election:



These results more than satisfy the legal threshold of cohesive voting. *See Gingles*, 478 U.S. at 56 (“A showing that a significant number of minority group members usually vote for the same candidates is one way of proving the political cohesiveness necessary to a vote dilution claim.”).

iii. *Gingles* Precondition Three: White voters vote sufficiently as a bloc to usually defeat Black voters’ preferred candidates.

Finally, both countywide and in the areas where Mr. Cooper proposes potential new majority-Black districts, “the white majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.” *Gingles*, 478 U.S. at 51. Such bloc voting need not be motivated by racial animus or bias. *United States v. Charleston Cnty., S.C.*, 365 F.3d 341, 348 (4th Cir. 2004). Instead, “legally significant” white bloc voting refers to the frequency with which, and not the reason why, whites vote cohesively for candidates who are not backed by minority voters. *Id.* at 348-49. Again, analysis of elections involving Black and white candidates are most probative in evaluating white bloc voting.

In the same elections discussed above, Mr. Barreto found high levels of white bloc voting for candidates running against the candidates whom Black voters cohesively supported. For example, in the 2016 Van Hollen-Edwards Democratic primary election, the extreme racial polarization meant whites voting as a bloc were able to defeat Congresswoman Edwards, the Black-preferred candidate. Barreto Decl. ¶ 18. The same was true in the 2014 Hogan-Brown and 2018 Hogan-Jealous gubernatorial elections. *See* Barreto Decl. ¶¶ 14-17.

The results of this analysis support the conclusion that Black candidates of choice will lose elections in districts other than those where a majority of voters are Black. Indeed, the ability of white bloc voting to defeat Black candidates of choice has discouraged Black candidates from running outside of District 4 in the first instance. Fugett Decl. ¶¶ 16-17 (describing reasons for

dearth of Black candidates over time, and citing virtual impossibility, given racially polarized voting patterns, of his own viability as a competitive candidate in a district where white voting age population exceeds Black voting age population by over 25 percentage points). In sum, Black voters' candidates of choice are consistently defeated by white bloc voting, except when Black voters are a majority. *See Gingles*, 478 U.S. at 68 (“Bloc voting by a white majority tends to prove that blacks will generally be unable to elect representatives of their choice.”).

This would not be the first court to evaluate racially polarized voting in Maryland and reach the same conclusion. *See Cane v. Worcester Cnty., Md.*, 840 F. Supp. 1081, 1090 (D. Md. 1994) (finding the “statistics taken together with the voting patterns and electoral system show that the white majority votes significantly as a bloc to enable it usually to defeat the minority’s preferred candidate”); *Marylanders for Fair Representation v. Schaefer*, 849 F. Supp. 1022, 1059 (D. Md. 1994) (finding legally significant white bloc voting where Black candidates had never won in majority-white single-member county council districts). While Section 2 does not guarantee Black electoral success, “vote dilution” can be inferred “from political famine.” *Johnson v. De Grandy*, 512 U.S. at 1017-18.

iv. Totality of the Circumstances and the Senate Factors

Once the three *Gingles* prerequisites are established, courts evaluate the totality of the circumstances, with special attention to the nonexhaustive list of “Senate factors” identified in *Gingles*, including: the extent to which members of a protected class are elected; any history of official discrimination in voting practices; discriminatory housing, education, and employment practices; and the existence of racial appeals in campaigning. *Gingles*, 478 U.S. at 38–40 (citing S. Rep. No. 97-417, at 28–29 (1982)). “[I]t will be only the very unusual case in which the plaintiffs can establish the existence of the three *Gingles* factors but still have failed to establish a

violation of § 2 under the totality of circumstances.” *Georgia State Conf. of NAACP v. Fayette Cnty. Bd.*, 775 F.3d 1336, 1342 (11th Cir. 2015).⁴

This is not an unusual case. Rather, the applicable Senate Factors used to examine the totality of circumstances confirm the Section 2 violation. There is no requirement that any particular number of factors be proved or that a majority of them point one way or the other. *Gingles*, 478 U.S. at 45. The Supreme Court has instructed that “the most important” factors are the “extent to which minority group members have been elected to public office in the jurisdiction” and the “extent to which voting in the elections of the state or political subdivision is racially polarized.” *Id.* at 51 n.15. Here, Dr. Barreto’s analysis confirms voting is highly racially polarized, Section IV.B.iii, *infra*, and Black candidates consistently lose elections in majority-white districts and countywide elections. Fugett Decl. ¶¶ 9-14. These two “most important” Senate Factors, along with others, confirm that allowing elections to take place under Bill 103-21 would deny Black voters equal electoral opportunities.

- a. Baltimore County has a long and ongoing history of official, voting-related discrimination.

Baltimore County has a long and disgraceful history of racial discrimination against Black and BIPOC voters. To recap:

- No Black official has ever been elected to countywide office.
- No Black official had been elected to the County Council before 2002.
- Since the creation of a single majority-Black district in 2001, there has never been more than one Black councilmember at a time, and never one outside of District 4.

⁴ See also *Mo. State Conf. of the NAACP v. Ferguson-Florissant Sch. Dist.*, 894 F.3d 924, 930 (8th Cir. 2018); *Sanchez v. Colorado*, 97 F.3d 1303, 1322 (10th Cir. 1996); *Clark v. Calhoun County*, 88 F.3d 1393, 1396 (5th Cir. 1996); *NAACP v. City of Niagara Falls*, 65 F.3d 1002, 1019-20 n.21 (2d Cir. 1995); *Uno v. City of Holyoke*, 72 F.3d 973, 983 (1st Cir. 1995); *Jenkins v. Red Clay Consol. Sch. Dist. Bd. of Educ.*, 4 F.3d 1103, 1116 n.6 (3d Cir. 1993).

- No Black (or any non-white) candidate has ever been elected to the Council from any of the other six districts in Baltimore County, which are all majority white.

While the Black population of Baltimore County has grown tremendously over the last two decades, from 20% to 32% of the County’s population, this population growth has not translated to the election of Black officials in Baltimore County’s government. *See* Cooper Decl. ¶ 24; Fugett Decl. ¶ 20. Nor has the tremendous loss of white population in the County—falling from 73% to 52% of the total county population over the last twenty years—resulted in any reduction of white elected officials; at all times, white men and women have held at least 85% of the County Council seats. Cooper Decl. ¶ 25; Fugett Decl. ¶ 20.

b. Baltimore County voters are racially polarized.

Black and white voters in Baltimore County demonstrably vote in a politically cohesive and polarized manner. As discussed at length in Sections IV.B.ii and IV.B.iii, *infra*, and in Dr. Barreto’s declaration, Black voters in Baltimore County have demonstrated “strong cohesion” in voting patterns over a decade of primary and general election contests, and white voters consistently vote as a bloc to defeat Black voters’ candidates of choice, particularly in racially contested elections. Sections IV.B.ii. and IV.B.iii, *infra*; Barreto Decl. ¶¶ 14-18.

The consistent losses among Black candidates running for office speak for themselves. These losses include:

- The loss of the only Black candidate ever to run for County Council in a majority-white district, when Harold Gordon ran and lost to Melvin Mintz in the Democratic primary for District 2 (Pikesville and Randallstown) in 1990 (when there were no Black persons on the Council);
- the loss of extremely well-qualified, thrice-gubernatorially-appointed Black Circuit Judge Alexander Wright *twice* to white candidates (who were not sitting judges) in non-partisan retention elections in 2000 and 2002, coming in last place against all non-Black candidates each time;
- the loss of the Black Lieutenant Governor, Democrat Anthony Brown, to white real estate broker Republican Larry Hogan in the 2014 gubernatorial race;

- the loss of Black Democrat Ben Jealous to Hogan in the 2018 gubernatorial race;
- the loss of sitting Black Congresswoman Donna Edwards to sitting white Congressman Chris Van Hollen in the 2016 Democratic primary for U.S. Senate;
- the loss of Black activist Linda Dorsey Walker against three white candidates in the 2018 Democratic primary for the three House of Delegates nominations in State Legislative District 11; and
- the loss of Black Democrat Carl Jackson to three non-Black candidates in the race for House of Delegates in State Legislative District 8.

Fugett Decl. ¶¶ 9-14; Barreto Decl. ¶¶ 14-18. In each of these elections, the voters in Baltimore County were diametrically opposed along racial lines regarding which candidate they supported. Barreto Decl. ¶¶ 14-18.

At the County level, since the creation of District 4 as a majority-Black district in 2001, numerous Black candidates have run for election and the district's voters have consistently elected Black candidates to the County Council, including Council President Julian E. Jones. Fugett Decl. ¶ 20. Meanwhile, no Black candidate, nor any non-white candidate, has ever been elected to the Council from any of the remaining six (all majority-white) districts over the past two decades or at any time in history. *Id.*

This pattern of racially polarized voting and history of loss discourages potential Black candidates from even considering running for office outside of a majority-Black district, believing it to be “futile” and “the prospects for success [to be seen] as negligible.” Fugett Decl. ¶ 16; Section IV.B.iii, *infra*. This was not for lack of interest. When District 4 was established as a majority-Black district and opportunity was created, Black candidates “rushed forward to seek public office.” Fugett Decl. ¶ 19. Four Black candidates sought the position in the Democratic primary, as well as a Black Republican contender – more Black candidates in that one district election than the *combined total* who had run for any County office in the history of the County. *Id.*

- c. Baltimore County's voting practices enhance the opportunity for discrimination.

The structure of the County Council districts—seven large districts—discriminates against Black voters by keeping them from being able to elect a representative number of their candidates of choice. In 2000, Baltimore County's BIPOC population was 27% and growing. Cooper Decl. ¶ 25. However, the County maintained a system of seven majority-white Council districts until 2001 and had an *all-white* County Council until 2002, meaning that the 27% BIPOC County residents had *zero* percent representation on the Council. Fugett Decl. ¶¶ 8-9, 20. By 2020, Baltimore County's BIPOC population grew to 48%, with the Black population growing from 20% to 32%. Cooper Decl. ¶ 25. Since 2002, there has been only one Black councilmember at any given time and no other BIPOC councilmembers. Fugett Decl. ¶ 20. Thus, the County Council is made up of only 14% BIPOC/Black members, even though the voting population they represent is 48% BIPOC and 32% Black. During the same period, the County's non-Hispanic white population was 73% in 2000 and declined to 52% in 2020. Cooper Decl. ¶ 25. Meanwhile, the white councilmembers made up 100% of the Council in 2000 and over 85% in 2020.

The County is made up of large Council election districts and lacks incorporated municipalities. It has no more localized municipal governments or elected municipal officials, thus all County residents are represented only by the County Councilmember elected from the district in which they live, and the County Executive, who is elected at large. Cooper Decl. ¶ 22. This lack of elected municipal officials eliminates significant election opportunities for Black voters and candidates. City or other local municipal councils are often a key stepping-stone to countywide office, especially for voters and candidates from racial minority groups that have historically been underrepresented in government. *Id.* ¶ 23. By eliminating these opportunities entirely, Baltimore County's governmental structure makes it harder for Black voters to influence

elections and gain self-representation. This structure also allows the white countywide majority to defeat Black voters' candidates of choice.

- d. Baltimore County's discrimination has produced severe socioeconomic disparities.

Black residents of Baltimore County bear the effects of longstanding racial inequalities, including in housing, education, and employment. This history affects how and why citizens vote the way they do. *Brown v. Bd. of Sch. Comm'rs of Mobile Cnty.*, 542 F. Supp. 1078, 1094 (S.D. Ala. 1982), *aff'd*, 706 F.2d 1103 (11th Cir. 1983), *aff'd* 464 U.S. 1005 (1983) ("Racial bloc voting by whites is attributable in part to past discrimination, and the past history of segregation and discrimination affects the choices of voters at the polls.").

Housing and Zoning

Baltimore County is the most segregated major jurisdiction in Maryland and one of the most segregated metropolitan areas in the country—a legacy of racially discriminatory Baltimore County policies.

Between 1950 and the mid-1960s, through the use of exclusionary zoning and openly discriminatory housing and development policies, Baltimore County contained its Black population within a small number of enclaves. *See* Ex. D, Decl. of Lawrence T. Brown ¶ 8. Despite passage of the Fair Housing Act in 1968, the County continued its use of exclusionary zoning, continued to resist building public housing, and openly opposed any attempt to assist low-income families in moving to the County. As a result of these racist practices and policies, a 1974 report by the U.S. Commission on Civil Rights famously described the County as a "white noose" around the City of Baltimore. *Id.* ¶ 12. The Commission's investigation found that most County apartment complexes refused to rent to Blacks and that Baltimore County used rezoning, highway

construction, and public works projects to eliminate Black enclaves or limit their growth, forcing even long-time Black residents of the County to find substitute housing in Baltimore City. *Id.*

During the 1970s, the Baltimore County Executive made keeping Black individuals out of the County a central policy goal of his administration. Brown Decl. ¶ 14. Under his administration, the County destroyed all or part of numerous historically Black neighborhoods and replaced them with roads, schools, and commercial development; an MIT professor coined the term “expulsive zoning” to describe Baltimore County’s repeated re-zoning of Black areas for business or industry while adjoining white neighborhoods were left intact. *Id.* ¶ 16. Real estate agents were instructed to inform the police chief if they sold Baltimore County homes to Black people. *Id.* ¶ 15. Due to the County’s record of race discrimination, the U.S. Department of Housing and Urban Development (HUD) froze its funding to the County, citing official failures to develop and implement housing and fair housing plans required to obtain federal funds. *Id.* ¶ 17. By 1979, the League of Women Voters estimated that the County had lost \$20 million in potential Community Development Block Grants (“CDBG”) because Baltimore County officials refused to sign non-discrimination promises required for an “Urban County” to receive CDBG funds. *Id.*

During the 1980s, Baltimore County designated Owings Mills and White Marsh as growth areas. Brown Decl. ¶ 19. To begin receiving CDBG funds, the County filed Housing Assistance Plans with HUD promising to locate affordable housing in those areas. Nevertheless, County officials failed to follow through on these commitments, and, at the behest of their largely white constituents, east-side councilmembers succeeded in reducing the rental housing built in White Marsh, using racially coded phrases like making Honeygo a “quality community.” *Id.* ¶ 19, 21, 24. As a result, little affordable housing was built in Owings Mills, and even less in White Marsh. *Id.*

Over the period from the 1990s through the early 2000s, Baltimore County continued its efforts to keep Black people out of the County, including by demolishing 4,100 apartment units, representing a substantial portion of its supply of federally assisted units occupied by families. Brown Decl. ¶ 25. No replacement multi-family housing was built elsewhere in the County. *Id.*

Today, Baltimore County does not own or operate any public housing or low-income housing. *Id.* ¶ 27. As a result, Baltimore County's performance in meeting the fair, affordable housing needs of low-income family households, most of whom are African American and/or Latino, is worse than similar suburban counties in Maryland. *Id.* Black households rent their homes at over twice the rate of white households. Cooper Decl. ¶ 76.

Due to the County's record of race discrimination, civil rights organizations, including Plaintiff Baltimore County NAACP, and individual BIPOC residents, filed an administrative action against the County with HUD in 2011, alleging extensive violations of the Fair Housing Act, Title VI of the Civil Rights Act, the Rehabilitation Act, and the Americans with Disabilities Act. Brown Decl. ¶ 29. In March 2012, HUD entered into a binding agreement with the complainants and the County, requiring the County to undertake a myriad of actions, monitored by HUD, to address the race discrimination and segregation its policies perpetuated. *Id.*

Education

Until the 1940s, the County refused to provide Black students with a high school education in the County. That is, there was no high school at all that allowed enrollment of Black students. Black students were educated only to seventh grade by County schools, and Black County students who passed a special Blacks-only test qualifying them to attend high school could only attend a segregated Black high school in Baltimore City, if they were able to travel there. *Williams v. Zimmerman*, 192 A.2d 353 (Md. 1937).

According to a 2015 study by the University of Maryland, Baltimore County continues to have among the most segregated schools in the State. Brown Decl. ¶ 30. When school boundaries have been redrawn, efforts at desegregation have been resisted. *See* Editorial, *Baltimore County's long legacy of segregation*, Baltimore Sun, Mar. 20, 2017; Liz Bowie & Erica Green, *Bridging the Divide*, Baltimore Sun, Mar. 17, 22, 25, & 28, 2017.

This divide is reflected in level of educational attainment. In Baltimore County, 43.8% of white residents over the age of 25 hold a college degree, while only 33.4% of Black residents do. Cooper Decl. ¶ 66.

Employment

Although a larger percentage of Blacks (72.0%) work in the labor force than whites (63.4%), the earnings they bring home are consistently less. Cooper Decl. ¶ 73. Data show that Black workers, both male and female, employed full time, year-round, earn substantially less money than do their white counterparts. *Id.* For Black men among this group, average income (\$57,849) is dramatically less than it is for white men (\$98,619), meaning Black men average just 59 cents for every dollar earned by white men. *Id.* The Black unemployment rate (for the working age population ages 16-64 – expressed as a percent of the civilian labor force) – is higher than for whites. At the time of the survey, 5.8% of working-age African Americans were unemployed, compared to a 3.3% rate for the white workforce. *Id.* ¶ 74. Black per capita income is 63% of white per capita income in the County, Black children are almost twice as likely to live in poverty, and Black families are 2.5 times more likely to participate in the food stamp program. Cooper Decl. ¶¶ 67, 71-72.

In 2019, the United States Department of Justice took the extraordinary step of suing Baltimore County for race discrimination in its employment policies, asserting that the County's

police department engaged for years in a “pattern and practice of discrimination” that kept its ranks white by disqualifying Black applicants through use of a racially discriminatory test. Brown Decl. ¶ 36. In November 2020, the County entered into a court-supervised agreement with the Department of Justice requiring the County to revamp its hiring procedures to root out discrimination, meet hiring goals, and pay \$2 million in damages to Black employment applicants who had been discriminated against. *Id.*

e. Black candidates are underrepresented in public office.

The County has continuously failed to achieve proportional representation of Black and BIPOC candidates in public office. No Black official has ever been elected to countywide office. Fugett Decl. ¶¶ 9, 17. No Black official had been elected to the County Council before 2002; since then, there has never been more than one Black councilmember at a time, and none outside of District 4. *Id.* ¶ 20. As stressed in multiple sections and expert reports herein, the shrinking non-Hispanic white population of Baltimore County has had outsized representation on the County Council for the last two decades and beyond. As of 2020, the County’s BIPOC population stood at 48%. Cooper Decl. ¶ 25. The Black population was 32%. *Id.* The non-Hispanic white population had declined to 52%. *Id.* Nevertheless, the white population controls—and has controlled at all times—at least 6 of 7, or over 85%, of the County Council seats. Fugett Decl. ¶ 20. When Black candidates do run for office in district, countywide, or statewide elections, white voters vote as a bloc to defeat them time and again. Fugett Decl. ¶¶ 9-14. Nonetheless, the County Council continues to perpetuate this starkly disparate representation in public office through its passage of Bill 103-21.

f. Baltimore County is not responsive to its Black voters.

There is, and historically has been, a lack of responsiveness on the part of County Council to the particularized needs of the Black residents of Baltimore County. As discussed above, the

County's long history of discriminatory policies and practices in education, housing, and employment reflect the County's continuing failure to address the needs of its Black voters. Section IV.B.iv.d, *infra*.

The County Council's lack of responsiveness is also evident in its refusal to adopt a redistricting plan which included two majority-Black council districts, despite continuous appeals to do so from many concerned citizens, including Plaintiffs, at multiple Council hearings preceding the passage of Bill No. 103-21. Section II.C, *infra*; Fugett Decl. ¶¶ 23-24. For example, when white residents of Towson complained that the Commission's initial redistricting plan split their community between two districts, the Council heeded the white residents' appeals to unify Towson in the final plan; they did the same in response to the complaints of the white residents of Country Club Estates in Lutherville. Fugett Decl. ¶ 27. Simultaneously, the Council ignored the pleas of its Black and BIPOC residents to create two majority-Black districts and disregarded the potential plans solving this issue that were proposed by Plaintiffs and their counsel. Fugett Decl. ¶ 27; Section II.C, *infra*. The County's lack of responsiveness to Black voters contrasts sharply with the responsiveness of the State of Maryland to the *very same concerns* voiced by Black Baltimore County voters with respect to the State Legislative Redistricting Plan. There, after concerns were raised about the initial redistricting proposal's unfairness to Black voters in Owings Mills through its maintenance of State Legislative District 11A as a majority white multimember district, the Attorney General and State Legislative Redistricting Advisory Committee promptly changed course and proposed creation of a new single-member majority-Black delegate subdistrict within

District 11 to increase its fairness to the area’s increasing population of Black voters and to comply with the Voting Rights Act.⁵ Fugett Decl. ¶¶ 25-27.

- g. The justification for the new County Council map lacks a legitimate government interest.

The County Council’s only argument for failing to create two majority-Black districts in its redistricting plan was that county geography and population distribution make it infeasible.⁶ This is demonstrably false, as Plaintiffs provided Baltimore County officials with *five different* illustrative plans with two majority-Black districts to show there were several ways to do so. Cooper Decl. ¶ 42; Fugett Decl. ¶ 27. All five plans provided by the Plaintiffs would have prevented dilution of minority voting strength and been in compliance with the requirements of the VRA. Thus, no legitimate reason exists to justify the Council’s denial of Black voters’ right to fully participate in the electoral process.

C. Black Baltimore County voters, including Plaintiffs, will suffer irreparable harm absent an injunction.

Plaintiffs and thousands of other Baltimore County citizens will suffer irreparable injury absent a preliminary injunction from this Court. “It is beyond cavil that ‘voting is of the most fundamental significance under our constitutional structure.’” *Burdick v. Takushi*, 504 U.S. 428,

⁵ According to House Speaker Adrienne Jones, who represents Baltimore County and is a member of the legislative committee conducting redistricting for the state, the Maryland Attorney General advised the committee that inclusion of a new majority-Black subdistrict within State Legislative District 11 is required under Section 2 due to demographic changes in the area—echoing claims made by the Plaintiffs with respect to County redistricting in the same area. *See* B. Leckrone, “Analysis: The Consequential Changes in General Assembly’s Redistricting Proposal” *Maryland Matters*, January 17, 2022, available at <https://www.marylandmatters.org/2022/01/17/analysis-the-consequential-changes-in-general-assemblys-redistricting-proposal/>.

⁶ *See* Final Report of the Councilmanic Redistricting Commission at pp. 4-7, available at https://resources.baltimorecountymd.gov/Documents/CountyCouncil/Redistricting/Redistricting_Commission_Final_Rpt_2021_Signed.pdf.

433 (1992) (quoting *Ill. Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979)). Courts routinely find that restrictions on the fundamental right to vote, even for a brief period of time, constitute irreparable injury. *See, e.g., Williams v. Salerno*, 792 F.2d 323, 326 (2d Cir. 1986) (the denial of the fundamental right to vote is unquestionably “irreparable harm”); *Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012) (same). In particular, discriminatory voting laws are “the kind of serious violation of the Constitution and the Voting Rights Act for which courts have granted immediate relief.” *United States v. City of Cambridge*, 799 F.2d 137, 140 (4th Cir. 1986).

The potential harm to Plaintiffs here is irreparable. It is impossible to provide adequate relief for claims such as the ones raised here during or after an election. *See Republican Party of N.C. v. Hunt*, 841 F. Supp. 722, 728 (E.D.N.C. 1994) (granting preliminary injunction because, *inter alia*, plaintiffs would be irreparably harmed if existing method for electing superior court judges were followed). If preliminary relief is not granted and Plaintiffs prevail at trial, Plaintiffs’ core right to political participation will have been violated by an election being decided using districts that impermissibly diluted the votes of certain citizens.

Without a fair map, Black and BIPOC Baltimore Countians will be deprived of fair representation through at least 2032 (*i.e.*, until after the next census). The creation of the first black-majority district in 2001 brought Black citizens a dose of electoral opportunity that had been unjustly absent, but the Baltimore County of today is far more diverse than the Baltimore County of twenty years ago. *See Cooper Decl.* ¶ 25-26 (charting, since 2020, growth of BIPOC population from 27 to 48% and waning of white population from 73 to 52%). That diversity is not reflected in the County government, and the disparity, already intolerable, will only increase.

Finally, district courts in this Circuit have found irreparable harm from and enjoined redistricting schemes found likely to violate Section 2. *See, e.g., NAACP-Greensboro Branch v.*

Guilford Cnty. Bd. of Elections, 858 F. Supp. 2d 516 (M.D.N.C. 2012) (granting preliminary injunction because, *inter alia*, plaintiffs would be irreparably harmed if redistricting law were allowed to take effect); *Republican Party of N.C. v. Hunt*, 841 F. Supp. 722, 728 (E.D.N.C. 1994) (granting preliminary injunction because, *inter alia*, plaintiffs would be irreparably harmed if existing method for electing superior court judges were followed).

D. The balance of equities and the public interest favor relief.

When the Defendant is a governmental actor, these two factors merge and are properly considered together. *Roe v. Dep't of Defense*, 947 F.3d 207, 230 (4th Cir. 2020) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009)); *Taliaferro v. N.C. State Bd. of Elections*, 489 F. Supp. 3d 433, 438 (E.D.N.C. 2020) (“The Court considers the public interest and the balance of the equities together.”).

The balance of equities also points strongly in favor of preliminary relief for at least three reasons: (1) the potential harm to Defendant is minimal, especially when compared to the potential harm to Plaintiffs; (2) there is sufficient time to adopt a new redistricting plan; and (3) Plaintiffs did not delay in raising their claims.

The equities weigh in favor of granting Plaintiffs’ motion because any burden Defendants may claim pales in comparison to the deprivation of Plaintiffs’ core right to political participation. Defendants may claim harm from the administrative costs of redistricting and potential voter confusion. But “a state is in no way harmed by issuance of a preliminary injunction which prevents the state from enforcing restrictions likely to be found unconstitutional. If anything, the system is improved by such an injunction.” *Giovani Carandola, Ltd. v. Bason*, 303 F.3d 507, 521 (4th Cir. 2002) (internal quotations and citation omitted). *See also Newsom ex rel. Newsom v. Albemarle Cnty. Sch. Bd.*, 354 F.3d 249, 261 (4th Cir. 2003) (finding that defendant “is in no way harmed by

issuance of a preliminary injunction which prevents it from enforcing a regulation, which, on this record, is likely to be found unconstitutional”).

Further, Md. Election Law Code Ann. § 5-303(a)(1) establishes a deadline of February 22, 2022, for candidate registration, and § 8-201(a) establishes the date of the primary election as June 28, 2022. There is still sufficient time for maps to be enacted and vetted without undermining the public’s interest in an orderly election in 2022. The County, for example, could readily adopt one of the five plans that Plaintiffs submitted during the redistricting process. These timing-based concerns, far from harming Defendant or the public interest, “simply serve to emphasize why a preliminary injunction during these early stages of the filing period would better serve the public than waiting until the eve of the election.” *NAACP-Greensboro Branch v. Guilford Cnty. Bd. of Elections*, 858 F. Supp. 2d 516, 529 (M.D.N.C. 2012). At that point, or any time thereafter, “[a] victory on the merits by plaintiffs would require the court either to nullify the elections that had already taken place and thereafter order new elections at considerable cost and time to the public and to all involved, or to bring the campaigns then in process to a staggering halt Either alternative would be equally undesirable and would result in further delay and hardship to plaintiffs in vindicating their rights established by a victory on the merits.” *Republican Party of N.C.*, 841 F. Supp. at 728.

Finally, Plaintiffs have not delayed in raising their claims. To the contrary, Plaintiffs filed suit one day after the Baltimore County Council adopted its redistricting plan. Plaintiffs then filed a Notice of this Motion promptly after receiving the Court’s Case Management Order. Moreover, Plaintiffs had written the County Attorney on October 25 and again on December 3, 2021, to inform him of the same Voting Rights Act concerns set forth here and to inform the County that

they would file suit if a second majority-Black district were not created. Plaintiffs' diligence in raising their claims and pursuing relief should further tip the scale in favor of granting relief.

For the reasons discussed, the balance of equities and public interest support injunctive relief at this stage, before the election cycle begins.

V. Conclusion

For the foregoing reasons, Plaintiffs request that the Court issue a preliminary injunction enjoining implementation of Bill 103-21 and ensuring the creation of two majority-Black districts.

Respectfully submitted,

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Dated: January 19, 2022

EXHIBIT A

DECLARATION OF WILLIAM S. COOPER

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

Baltimore County Branch of the
National Association for the
Advancement of Colored People, *et al.*,

Plaintiffs,

v.

Baltimore County, Maryland, *et al.*,

Defendants.

Civil Action No. LKG-21-3232

DECLARATION OF WILLIAM S. COOPER

I. INTRODUCTION

1. I, William Cooper, am over 18 years of age and am competent to testify. I have a B.A. degree in economics from Davidson College. For more than three decades I have worked as a private consultant serving as a demographic and redistricting expert for civil rights organizations and governmental entities, employed here as an expert for the Plaintiffs. I am compensated at a rate of \$150 per hour for my work.

A. Redistricting Experience

2. I have testified at trial as an expert witness on redistricting and demographics in federal courts in about 45 voting rights cases in 19 states, with most of these lawsuits resulting in changes to statewide legislative boundaries or local election district plans.

3. Since 2011, based in part on my testimony, federal courts have found a Section 2 violation based on the first factor (“Gingles 1”) in *Thornburg v. Gingles*, 478 U.S. 30 (1986) (discussed further below) in the following cases: *Montes v. City of Yakima, Washington*, 40 F.Supp.3d 1377 (E.D. Wash. 2014); *Pope v. Albany County, New York*, 94 F.Supp.3d 302

(N.D.N.Y. 2015); *NAACP v. Ferguson-Florissant School District, Missouri*, 201 F.Supp.3d 1006 (E. D. Mo. 2016); *Thomas v. Bryant*, 366 F.Supp.3d 786 (S.D. Miss. 2019), *Navajo Nation v. San Juan County, Utah*, No. 18-4005 (10th Cir. 2019), and *National Association for the Advancement of Colored People, Spring Valley Branch et al v. East Ramapo Central School District et al*, 462 F. Supp 3d 368 (S.D.N.Y. 2020).

4. In 2016, two redistricting plans that I developed for consent decrees in Section 2 lawsuits in Georgia were adopted – *Georgia NAACP v. Fayette County Bd. of Com'rs*, 118 F. Supp 3d 1338 (N.D. Ga. 2015) and *NAACP v. Emanuel County Bd. of Com'rs*, Civil Action No. 16-0021 (N.D.Ga. 2016).

5. In 2017, I served as a redistricting consultant to the State of Maryland in *Benisek v. Lamone*, 241 F.Supp. 3d 566 (D.Md. 2017) (three-judge-court). I filed a declaration and was deposed in that lawsuit.

6. In 2019, I prepared a consent decree election plan for the Jefferson County, Alabama Board of Education (*James v. Jefferson County Board of Education*). I served as a redistricting consultant to the City of Decatur, Alabama (*Voketz v. City of Decatur*) between 2015 and 2020. I also served as a redistricting consultant to the plaintiffs in *Alabama State NAACP v. City of Pleasant Grove* in 2018 and 2019.

7. In October 2021, I briefly served as a consultant to the city council in Wenatchee, Washington and determined that the 2018 redistricting plan I drew is not malapportioned under the 2020 Census.¹

¹ During the 2010 redistricting cycle, five plans that I developed for local government clients were adopted – Bolivar County, Mississippi; Claiborne County, Mississippi; the City of Grenada, Mississippi; Sussex County, Virginia; and Wenatchee, Washington. I also served as a redistricting consultant in 2011 to the Miami-Dade County Commission and Board of Education.

8. I currently serve as a redistricting consultant to the San Juan County, Utah Commission. On December 14, 2021, the Commission adopted a 3-district commission plan that I developed. On January 4, 2022, the Commission adopted a 5-district school board plan that I developed.

9. On January 5, 2022, I testified at trial in the Northern District of Alabama on behalf of plaintiffs challenging Alabama's 2021 Congressional Plan under Section 2 of the Voting Rights Act – *Caster v. Merrill*, Civil Action No. 21-1356-AMM (N.D. Ala.) (three-judge-court).

10. On January 7, 2022, I filed a declaration in the Northern District of Georgia supporting a preliminary injunction motion in a Section 2 case challenging Georgia's 2021 State House and Senate Plans -- *Alpha Phi Alpha Fraternity v. Raffensberger*.

11. On January 12, 2022, I filed a declaration in the Northern District of Georgia supporting a preliminary injunction motion in a Section 2 case challenging Georgia's 2021 U.S. House Plans – *Pendergrass v. Raffensberger*, Civil Action No. 21-05337-SCJ (N.D. Ga.).

12. I have worked with the ACLU of Maryland on local redistricting plans in Maryland on numerous occasions, including drafting illustrative plans submitted by the ACLU to municipal and county officials in Chestertown (2019), Salisbury (2015), Cambridge (2011), Annapolis (2011), and Somerset County (2011). Usually, we worked collaboratively with government officials, and plans I developed either were adopted outright or influenced the plans ultimately adopted, most recently in Chestertown.

13. I also provided consulting services to the ACLU of Maryland in the mid-2000s regarding prison gerrymandering in Somerset County. This project was an important catalyst leading to the 2010 passage of Maryland Assembly of the State's first-in-the-nation's *No Representation Without Population Act* to provide more accurate representation in government.

By counting persons incarcerated in state prisons in their home districts rather than their place of incarceration for redistricting purposes, this law did away with artificial inflation of voting population in districts where prisons are located, and has since been followed in numerous other states and local governments.

14. While it has been some years since I testified as an expert in federal court in Maryland, I was the demographer for the plaintiffs in *Cane v. Worcester County*, 840 F. Supp. 1081 (D. Md. 1994), a Section 2 case from the Eastern Shore, in which the Court ruled, in part based on my testimony, that the County's election system illegally diluted the Black vote, in violation of the Voting Rights Act. Specifically, I testified, and the District Court found, that Worcester County's Black community was sufficiently large and geographically compact to create a majority in a single-member-district, so as to satisfy the first precondition to Section 2 liability established by the Supreme Court in *Thornburgh v. Gingles*, 478 U.S. 30 (1986). Although subject to several appeals specifically challenging my compactness finding, the Fourth Circuit ultimately affirmed both the liability and remedy rulings, and the Supreme Court twice denied certiorari.

15. For more information on my testimony as an expert witness and experience preparing and assessing proposed redistricting maps for Section 2 litigation and other efforts to promote compliance with the Voting Rights Act of 1965, see the summary of my redistricting work in **Exhibit A**.

B. Purpose of Declaration

16. The attorneys for the Plaintiffs in this case asked me to determine two things:

- (a) Whether it is possible to create at least two reasonably compact and contiguous districts with a Black² voting-age majority population (“BVAP”) under a seven single-member district plan for the Baltimore County Council, so as to satisfy *Gingles* 1; and
- (b) To compare measures of socio-economic status for Blacks and non-Hispanic Whites in Baltimore County, as reported in the *2019 American Community Survey 1-Year Estimates* dataset produced by the U.S. Census Bureau (“Census Bureau”), so as to determine if Black residents of Baltimore County suffer continuing effects of past discrimination in their socio-economic status, a factor identified by the Senate as significant in assessing liability under the Voting Rights Act.

C. Expert Summary Conclusions:

17. Based on my analysis, my conclusions, which I explain below, are as follows:

- Using Baltimore County’s established election structure of seven single-member districts, Black residents in Baltimore County are sufficiently numerous and geographically compact to easily comprise two westside Council districts with majority-Black voting age populations, commensurate with their 32% presence in the County population.

- Further, beyond these two majority-Black districts, BIPOC³ residents as a whole are sufficient in number and geographic concentration to create a third “coalition” or “influence”

² In this declaration, “Black” and “African American” are synonymous, as are “Latino” and “Hispanic.” White and non-Hispanic White are also synonymous.

Unless otherwise noted, “Black” means Any Part Black. “BVAP” means Any Part Black voting age population, i.e. voting age persons who self-identified in the 2020 Census as single-race Black or Black plus one or more other races, including Black Hispanics.

It is my understanding that following the U.S. Supreme Court decision in *Georgia v. Ashcroft*, 539 U.S. 461 (2003), the “Any Part” definition is an appropriate Census classification to use in most Section 2 cases.

³ “BIPOC” means Black, Indigenous, and People of Color, and my use of the term “minority” throughout refers to populations not in the majority. My primary focus on a Black threshold VAP-majority is not meant to imply that Black voters in Baltimore County are not part of a larger community of interest and voting coalition that includes all BIPOC voters.

district comprising a significant bloc of Black, Latino, and Asian voting age County residents.

(See Plaintiffs' Proposed Plans 1 and 5 *infra*)

- As reported in the 2019 American Community Survey, in Baltimore County, non-Hispanic White people significantly outpace Black people across most key indicators of socio-economic well-being.

D. Methodology and Sources

18. For the calculation of ideal population size, as it pertains to districts in the election plans I review, I rely on the 2020 prison-adjusted dataset prepared by the Maryland Department of Planning, as required by the *No Representation Without Population Act*.⁴

19. There are no state prisons in Baltimore County and just 2,138 prisoners on April 1, 2020 are listed as having a Baltimore County address.⁵ The addition of these prisoners to the adjusted population adds 0.25% to the 2020 total population – from 854,535 under the 2020 Census to 856,673 after the reallocation of prisoners. Given this *de minimis* difference of 0.25%, throughout this declaration I refer to U.S. Census Bureau population counts from the PL94-171 file of the 2020 Census and citizenship statistics from the American Community Survey (except for in district-by-district deviation calculations, in which I use the prison-adjusted dataset).

20. **Exhibit B** describes the sources and methodology I have employed in the preparation of this report. Briefly, I used the *Maptitude for Redistricting* software program as well as data and shapefiles from the U.S. Census Bureau.

⁴ <https://redistricting.maryland.gov/Pages/data.aspx>

⁵ Source: <https://redistricting.maryland.gov/Documents/Data/PopulationAdjustmentFinal.pdf>

E. Organization of Declaration

21. The remainder of this declaration is organized as follows: **Section II** reviews Baltimore County 2000-2020 demographics. **Section III** reviews the adopted 2021 County Council Plan (“Council Plan” or “2021 Council Plan”). **Section IV** presents two proposed plans that I prepared, based on the 2020 Census. Both proposed plans contain an additional second majority-Black district. And both proposed plans were presented to the County Council in November 2021. Finally, **Section V** provides information about Baltimore County’s socioeconomic profile, including disparities in socioeconomic status between the County’s Black and white residents.

II. DEMOGRAPHIC PROFILE OF BALTIMORE COUNTY

A. Location and Characteristics of Baltimore County

22. Baltimore County is a densely populated suburban county that encircles the City of Baltimore, which is a separate governmental entity treated as equivalent to a county in Maryland. Baltimore County is geographically large (the third largest in Maryland, in terms of land area and population) covering an area of 682 square miles.

23. Baltimore County is highly unusual, because it has no incorporated municipalities and no other localized municipal governments or elected municipal officials, meaning all County residents are represented only by the County Councilmember elected from the district in which they live, and the County Executive, who is elected at large. This means even large Baltimore County communities – such as the county seat of Towson – are merely “census designated places”⁶ (“CDPs”) rather than actual municipalities.

⁶ The Census Bureau defines a census designated place as “statistical equivalents of incorporated places and represent unincorporated communities that do not have a legally defined boundary or an active, functioning governmental structure. Examples of CDPs include unincorporated

24. In considering election opportunities for Black voters and candidates, Baltimore County's lack of municipalities and elected municipal officials is significant. City or other local municipal councils are often a key stepping-stone to countywide office, especially for voters and candidates from racial minority groups that have historically been underrepresented in government. By eliminating these opportunities entirely, Baltimore County's governmental structure makes it harder for Black voters to influence elections and gain self-representation. If, for example, some of the west-County census designated places, such as Woodlawn, Randallstown, Milford Mill, Lochearn, and Owings Mills – all of which now are majority Black in voting age population – were incorporated municipalities, there would be more opportunities for Black voters to elect Black candidates to offices at the local level. By maintaining a government only at the County level, the White countywide majority generally remains able to defeat Black candidates of choice.

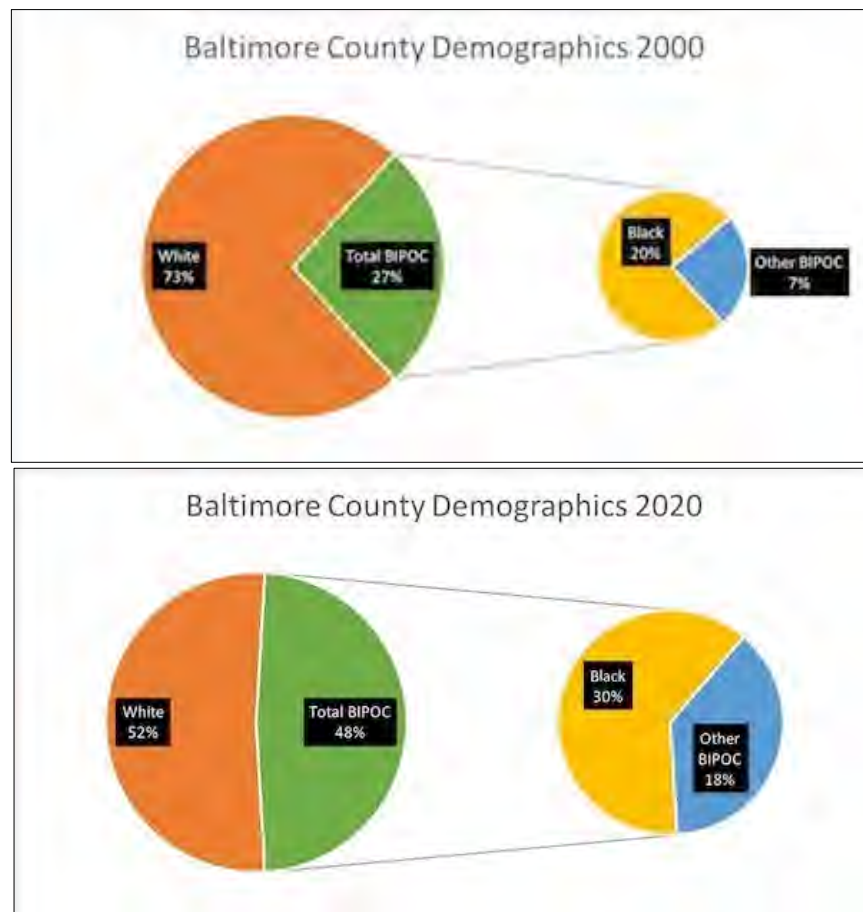
B. 2020 Census – Population by Race and Ethnicity

25. According to the 2020 Census, Baltimore County has a total population of 854,535, of whom 669,511 are of voting age. At 51.9%, non-Hispanic Whites (“NH Whites”) constitute the largest racial/ethnic category in the county. African Americans, at 32.2% Any Part Black (“AP Black”), represent the largest minority population, followed by Latinos (7.2%), who may be of any race, and NH Asian-Americans (6.3%). The 2020 total Black, Indigenous, People of Color (“BIPOC”) population in Baltimore County is 48.1% – consisting of all persons who are not single-race non-Hispanic White.

communities, planned communities, military installments, university towns, resort towns, etc.”
Source: <https://www.census.gov/programs-surveys/bas/information/cdp.html>

26. As illustrated in **Figure 1**, between 2000 and 2020, Baltimore County's population diversified significantly, with the BIPOC population growing from 27% in 2000 to 48% in 2020. During the same period, the single-race Black population has increased from 20% to 30% (32% AP Black). Whereas the County's non-Hispanic White population was 73% in 2000, by 2020 it had declined to 52%.

Figure 1 - Demographic Change in Baltimore County 2000-2020



27. Specifics of the County's demographic population changes from 2000 to 2020 are shown in **Figure 2**. Although Baltimore County's overall population grew by more than 100,000 during this period, from 754,292 to 854,535 persons, the County's non-Hispanic White population fell by even more – 110,627 persons – representing a *decline* of 20%. Meanwhile, the AP Black population *grew* over the same period, adding 118,814 persons, or 75.9%. The total

BIPOC population (including Black, Latino, Asian, and multi-racial populations) grew from 200,402 persons in 2000 to 411,272 persons in 2020, an increase of 210,870 persons or 105%.

Figure 2

**Baltimore County – 2000 Census to 2020 Census
Population by Race and Ethnicity**

	2000 Population	Percent	2010 Population	Percent	2020 Population	Percent	2000 - 2020 Change	% 2000 - 2020 Change
Total Population	754,292	100.00%	805,029	100.00	854,535	100.00%	100,243	13.29%
NH White*	553,890	73.43%	504,556	62.68%	443,263	51.87%	-110,627	-19.97%
Total Minority(BIPOC)	200,402	26.57%	300,473	37.32%	411,272	48.13%	210,870	105.22%
Latino	13,774	1.83%	33,735	4.19%	61,492	7.20%	47,718	346.44%
NH Black*	150,456	19.95%	206,913	25.70%	252,724	29.57%	102,268	67.97%
NH Asian*	23,845	3.16%	39,865	4.95%	54,701	6.40%	30,856	129.40%
NH Hawaiian and PI*	195	0.03%	255	0.03%	252	0.03%	57	29.23%
NH Indigenous*	1,769	0.23%	2,107	0.26%	1,942	0.23%	173	9.78%
NH Other*	1,016	0.13%	1,445	0.18%	4,461	0.52%	3,445	339.07%
NH Two or More Races*	9,347	1.24%	16,153	2.01%	35,700	4.18%	26,353	281.94%
SR Black (Single-race Black)	151,600	20.10%	209,738	26.05%	255,793	29.93%	104,193	68.73%
AP Black (Any Part Black)	156,546	20.75%	220,378	27.38%	275,360	32.22%	118,814	75.90%

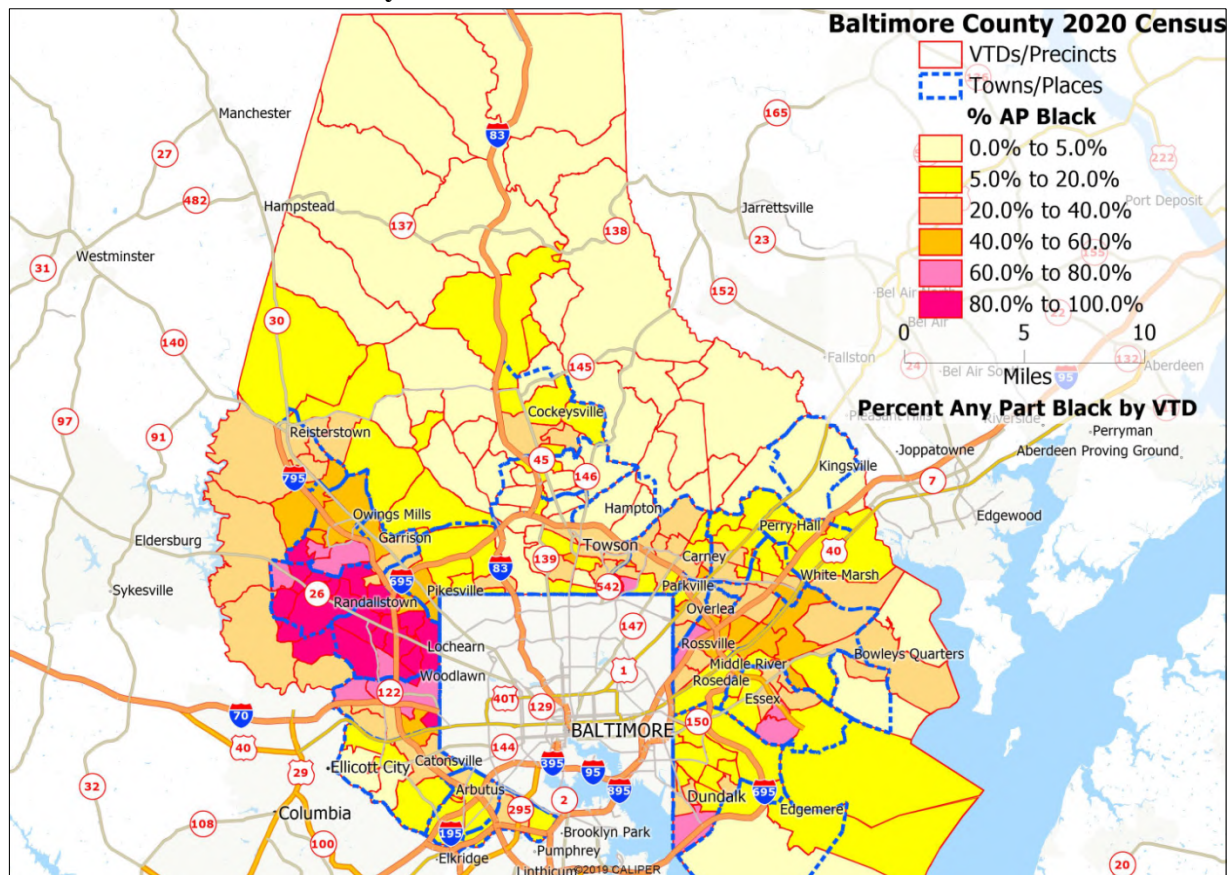
*Single-race, non-Hispanic

C. Geographic Distribution of the Black Population

28. The Black population in Baltimore County is concentrated in the western areas of the County, with some significant BIPOC population also to the northeast of the border with the City. The map in **Figure 3** shows the geographic distribution of the Black population in Baltimore County, based on 2020 Census voting tabulation districts (“VTDs”)⁷. The bulk of the County’s Black population lives in geographically compact areas running throughout western Baltimore County. **Exhibit C-1** is a higher resolution version of Figure 3.

⁷ “VTD” is a Census Bureau term meaning “voting tabulation district.” VTDs generally correspond to precincts. In Baltimore County, there are 237 VTDs, ranging in population size from 6 persons to 11,576 –193 of the VTDs have populations over 1,000 persons.

Figure 3
Geographic Distribution of the Black Population in Baltimore County
By 2020 Census VTD



29. Several westside census designated places depicted on the map, including Randallstown, Woodlawn, Lochearn, Milford Mill and Owings Mills, are majority Black in population. **Exhibit C-2** is a table with population by race and ethnicity for the 32 census designated places in Baltimore.

D. Voting Age and Citizen Voting Age by Race and Ethnicity

30. As shown in **Figure 4**, African Americans in Baltimore County constitute a slightly smaller percentage of the voting age population (VAP) than they do of the total population – amounting to 30.39% of the voting age population as compared to 32.2% of the general population. Specifically, according to the 2020 Census, Baltimore County has a total VAP of 669,511– of whom 203,447 (30.39%) are AP Black. The NH White VAP is 369,566 (55.20%).

Figure 4

**Baltimore County – 2020 Voting Age Population
& 2019 Estimated Citizen Voting Age Population
By Race and Ethnicity⁸**

	2020 VAP	2020 VAP Percent	2019 CVAP Percent
Total	669,511	100.00%	100.00%
NH White 18+	369,566	55.20%	68.5 %
Total BIPOC18+	299,945	44.80%	31.5%
Latino 18+	40,189	6.00%	2.2%
Single-race Asian (Including Asian Hispanics)18+	42,424	6.34%	4.3%
Single-race Black (Including Black Hispanics)18+	192,662	28.78%	26.7%
Any Part Black (Including Black Hispanics) 18+	203,447	30.39%	NA

31. The rightmost column in **Figure 4** reveals that the NH White population in Baltimore County comprises a significantly higher percentage of the citizen voting age population (“CVAP”) – 68.50% -- than the corresponding voting age population, owing to higher non-citizenship rates among the BIPOC voting age population. CVAP percentages for the AP Black VAP are not available in the 1-year 2019 ACS. However, for all ages, AP Black citizens represent 31.49% of all citizens in Baltimore County (261,367 of 827, 370.).⁹

32. In Baltimore County, BIPOC CVAP (31.5%) is considerably lower than BIPOC VAP (44.80%). This 13-percentage point gap between BIPOC VAP to BIPOC CVAP will likely narrow over the course of the decade, as the younger citizen BIPOC population attains voting age. For all ages, the BIPOC citizenship rate is 41.79%, according to the 1-year 2019 ACS.¹⁰

⁸ Sources: **PL94-171 Redistricting File** (Census 2020); **Table S2901 -- CITIZEN, VOTING-AGE POPULATION BY SELECTED CHARACTERISTICS** (1-year 2019 ACS)
<https://data.census.gov/cedsci/table?q=S2901&g=05000000US24005>

⁹ Calculated from **Exhibit G-2, p. 4** (*infra*), as reported in the 1-Year ACS Table S0201, published by the U.S. Census Bureau.

¹⁰ Ibid.

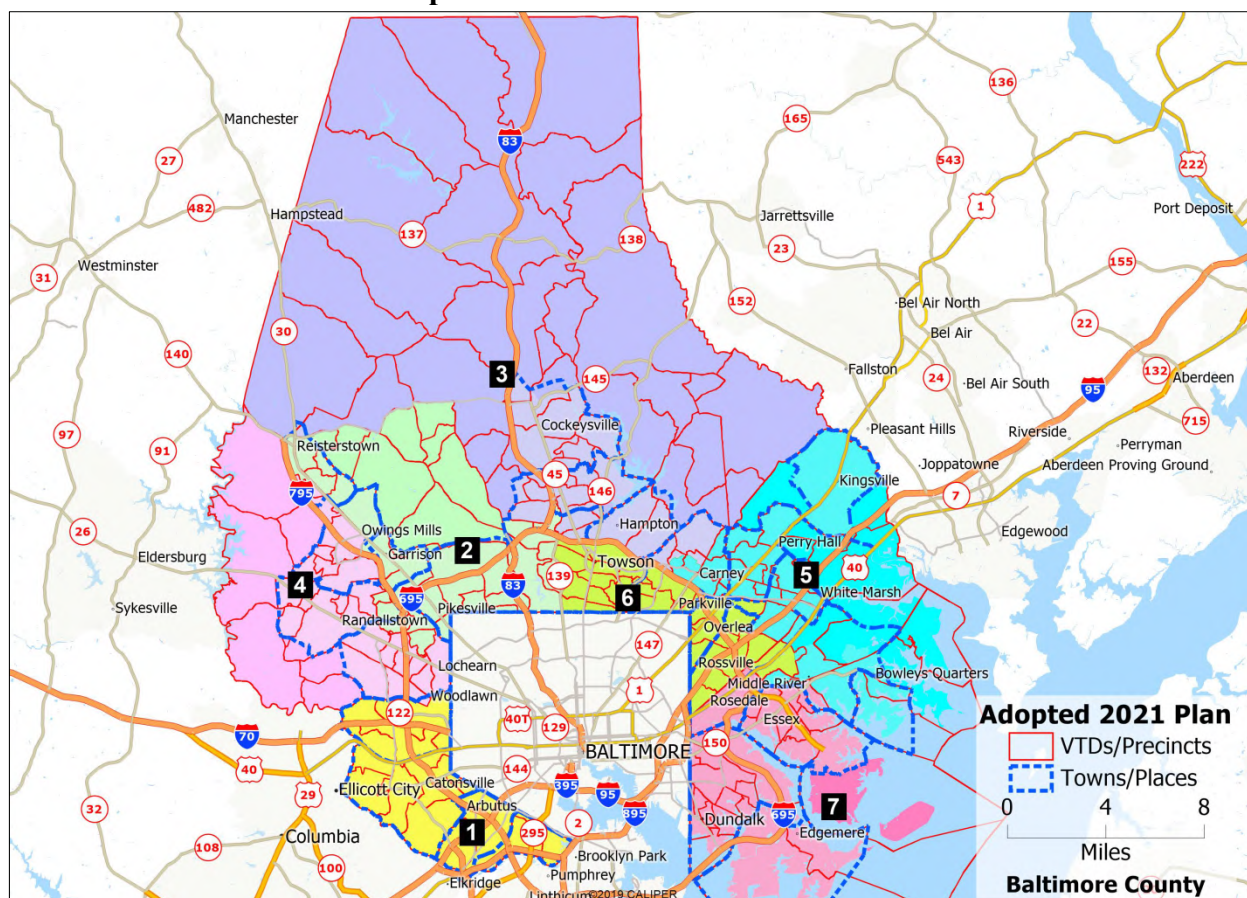
III. THE CHALLENGED COUNCIL REDISTRICTING PLAN

33. Under the redistricting plan adopted by the Baltimore County Council on December 20, 2021, each of the seven Council members will be elected from a single-member district. Based on the prison-adjusted 2020 Census dataset, the ideal district size for each of the seven districts within the county is 122,382 (856,673 divided by 7).

34. A map of the 2021 Council Plan is shown in **Figure 5**. A higher resolution version of the Figure 5 map is in **Exhibit D-1**. **Exhibit D-2** contains a set of maps that zoom on each of the Council Plan districts.

Figure 5

Adopted 2021 Council Plan



35. The table in **Figure 6** shows 2020 summary population statistics for the Council Plan. **Exhibit D-3** contains detailed 2020 population statistics by district.

Figure 6

2021 Council Plan Population Summary

District	Prison Adjusted Pop.	% Dev.	Population	18+ Pop	% 18+ AP Black	% 18+ NH White	% 18+ BIPOC
1	122,391	0.01%	122,074	95,419	29.71%	49.50%	50.50%
2	118,343	-3.30%	118,145	91,675	31.18%	55.55%	44.45%
3	119,477	-2.37%	119,377	94,192	8.09%	77.58%	22.42%
4	119,487	-2.37%	119,068	93,489	74.74%	16.31%	83.69%
5	121,237	-0.94%	121,023	94,526	18.77%	66.12%	33.88%
6	128,310	4.84%	127,988	102,680	31.20%	54.71%	45.29%
7	127,428	4.12%	126,860	97,530	19.72%	66.04%	33.96%

36. The overall deviation from the ideal district size for the seven districts in the Council Plan – combining the largest positive deviation from ideal size with the largest negative deviation – is 8.14%; this meets population equality requirements under the Constitution that presumptively allow combined deviations up to 10%.

37. Unlike the Plaintiff’s Proposed Plans discussed below, however, the Council Plan is highly problematic in that it fails to prevent minority vote dilution. That is because only one district in the Council Plan, District 4, includes a majority Black voting age population, when it is readily possible to create two substantial majority Black districts because the Black population on the western side of the County is “large and geographically compact”.

38. Instead of allowing the County’s significant Black population to create majorities in two districts, the Council Plan “packs”¹¹ an excessively high share of Black voters into a single district, District 4, comprising 76.1% of the District’s general population and 74.7% of the District’s voting age population. Only 16.3% of the voting-age population in the Council Plan’s District 4 is white, meaning the Black VAP is over 58 percentage points higher than the NH White VAP. Even a 60% Black voting age population in a single member district could only be

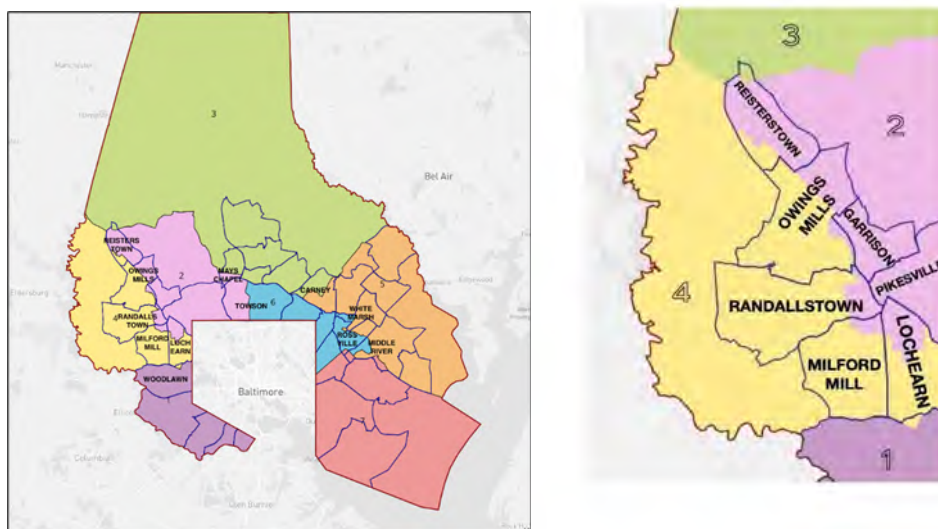
¹¹ Packing” describes election districts where a minority population is unnecessarily concentrated, resulting in an overall dilution of minority voting strength in the voting plan.

justified today in a place where a high percentage of the minority VAP at issue is non-citizen. But citizenship is not an issue for the Black population in Baltimore County, where Black CVAP closely tracks Black VAP. Thus, the Adopted Plan's inclusion of nearly 75% Black VAP in District 4 is clearly unnecessary.

39. Also, as illustrated in the **Figure 7** detail map, the Council Plan “cracks”¹² certain majority-Black communities, including Randallstown (84.6% Black), Milford Mill (86.3% Black), Lochearn (83.7% Black), and Owings Mills (63.2% Black), between majority-Black District 4 and white-majority District 2. A total population of 22,950 persons (66.6% Black) is shifted into majority-white District 2 from the above four majority-Black towns.

Figure 7

**2021 Council Plan
Detail of Black Community Cracking Among Districts**



40. In addition, racially diverse neighborhoods (pop. 22,153 -- 37.6% Black) in Reisterstown are drawn into majority-white District 2. Taken together, the Reisterstown shift and

¹² “Cracking” describes election plans with one or more districts that fragment or divide the minority population, also resulting in an overall dilution of minority voting strength in the voting plan.

the cracking of the four majority-Black towns add up to a total population of 45,463 (52.4% Black) – enough to form about one-third of a second majority-Black district.

41. At the same time, the Council Plan keeps the adjacent majority-White community of Pikesville (67.3% White) wholly in District 2. In combination with the District 4 packing, division of majority-Black or significantly Black communities in the Council Plan results in the Plan's failure to create a second majority-Black district. In fact, the highest share of AP Black voting age population in any districts except District 4 in the Council Plan is 31.2%, in Districts 1 and 6. And in every one of the districts in the Council Plan except District 4, the white voting age population outnumbers the Black by over 19 percentage points. Thus, in six of the seven districts in the Council Plan, a white majority voting as a bloc would retain power to defeat the choices of a cohesive Black community of voters.

V. PLAINTIFFS' PROPOSED PLANS

42. Following release of Census data in mid-August, I worked with the Plaintiffs and their counsel to develop illustrative redistricting plans showing how a Baltimore County Council plan with seven single-member districts could be drawn, consistently with all traditional redistricting principles, to include two majority-Black districts among the seven.

43. Over the period from late August through October, I prepared five different illustrative plans with two majority-Black districts, each of which was submitted by the Plaintiffs to the Baltimore County officials involved in the redistricting process to show there were several ways to create a second majority-Black district. Each of these five plans adheres to all traditional redistricting principles, including that they (i) satisfy Constitutional one-person one-vote requirements, (ii) are reasonably shaped, compact and contiguous, (iii) respect communities of interest, and (iv) prevent dilution of minority voting strength.

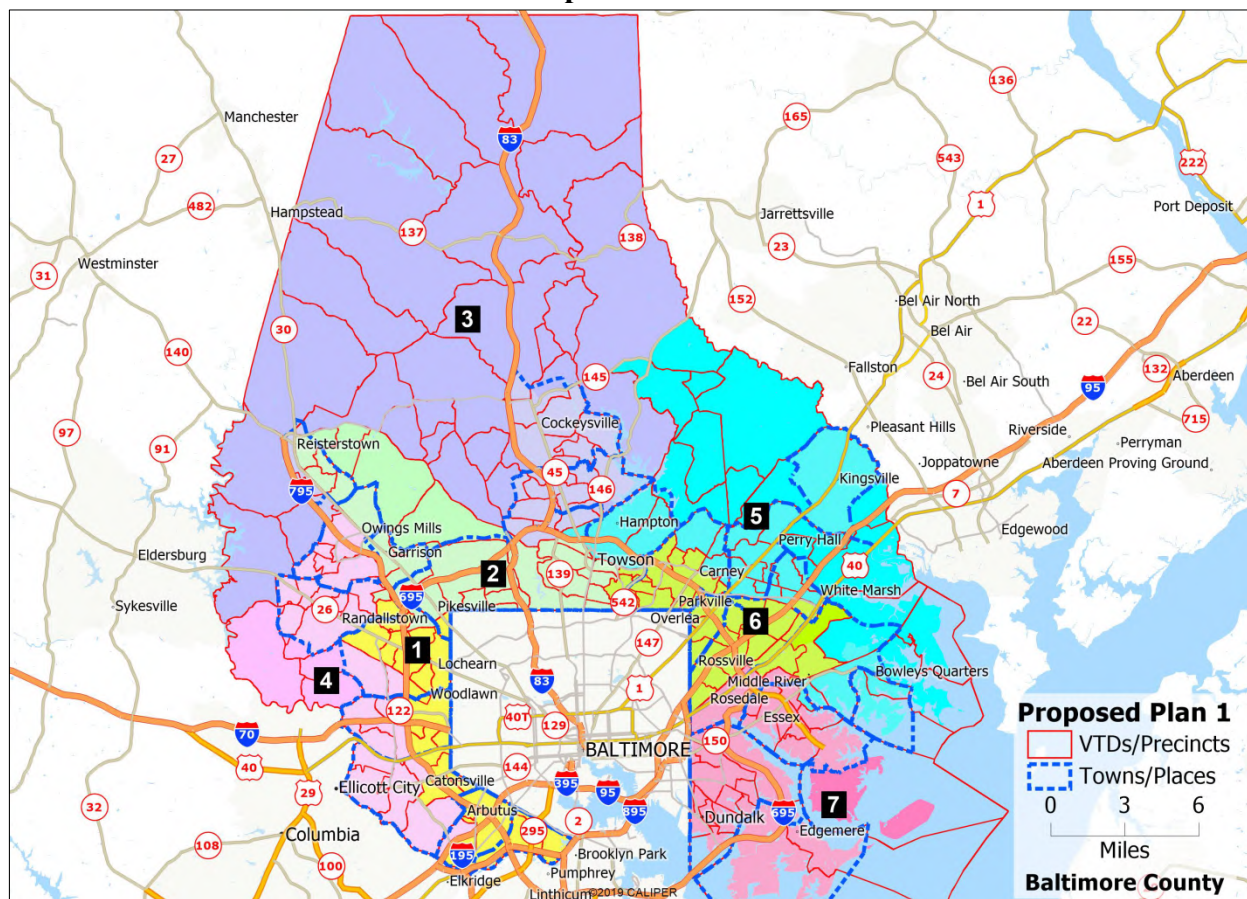
44. For purposes of this action, I will focus attention on Plan 1 and Plan 5 submitted to the Council. Both of these Proposed Plans create two districts that are majority Black in voting age population by at least 20 percentage points over non-Hispanic White VAP. This 20+ percentage point Black-White VAP margin in the proposed majority-Black districts is significantly wider than in typical illustrative majority-minority districts I have drawn in Section 2 cases where courts relied upon my Gingles 1 analysis, suggesting that it is strongly protective of Black voting opportunities.

45. Both Proposed Plans also include a third “influence” district where the population is roughly split between BIPOC and White residents.¹³ Overall, both plans recognize the County’s diversifying population and afford all voters fair and realistic opportunities to elect representatives of their choice.

A. Plaintiffs Proposed Plan 1

46. The map in **Figure 8** shows Plaintiffs Proposed Plan 1. A higher resolution version of the Figure 8 map is in **Exhibit E-1**. **Exhibit E-2** contains a set of maps that zoom on each of the districts in Proposed Plan 1.

¹³ District 1 in Proposed Plan 1 and District 6 in Proposed Plan 5.

Figure 8**Plaintiffs' Proposed Plan 1**

47. In Proposed Plan 1, majority-Black District 1 follows the city limits of Baltimore, encompassing all of Baltimore Highlands and Landsdowne, then north generally along I-695 to include whole precincts in Randallstown and Pikesville. Majority-Black District 4 follows District 1 from the south and east, with the Carroll and Howard County lines forming its western border. In the north, District 4 extends east to Owings Mills, which is split along precinct lines and shared with District 2 and District 3.

48. **Figure 9** shows summary population statistics for Proposed Plan 1. **Exhibit E-3** contains detailed 2020 population statistics by district.

Figure 9

Plaintiffs' Proposed Plan 1 Population Summary							
District	Prison Adjusted Pop.	% Dev.	Population	18+ Pop	% 18+ AP Black	% 18+ NH White	% 18+ BIPOC
1	123,487	0.90%	123,009	95,862	54.83%	31.05%	68.95%
2	124,871	2.03%	124,715	98,207	24.26%	62.03%	37.97%
3	119,713	-2.18%	119,607	94,362	12.36%	72.37%	27.63%
4	118,817	-2.91%	118,532	93,414	53.90%	31.36%	68.64%
5	124,615	1.82%	124,450	99,050	13.49%	72.65%	27.35%
6	120,554	-1.49%	120,152	92,918	36.10%	48.96%	51.04%
7	1246,16	1.83%	124,070	95,698	18.95%	66.72%	33.28%

49. The overall deviation (positive plus negative) from the ideal district size for the seven districts in this Plan is 4.94%. The two districts with majority Black voting age population are District 1 which is 54.8% BVAP (31.0% NH White VAP), and District 4 which is 53.9% BVAP (31.4% NH White VAP).

50. In both of these districts, the Black VAP is over 22 percentage points higher than the White VAP, ensuring that a cohesive Black community of voters would have a fair and realistic opportunity to elect representatives of their choice, in keeping with the requirements of the Voting Rights Act.

51. In addition, Proposed Plan 1 includes a third influence district that is split nearly evenly between BIPOC and the NH White voting age populations: District 6 is 51.0% in total BIPOC VAP and 49.0% in non-Hispanic White VAP.

52. Proposed Plan 1 can also be viewed online in detail on the *Dave's Redistricting Application* (DRA) website via the link below:

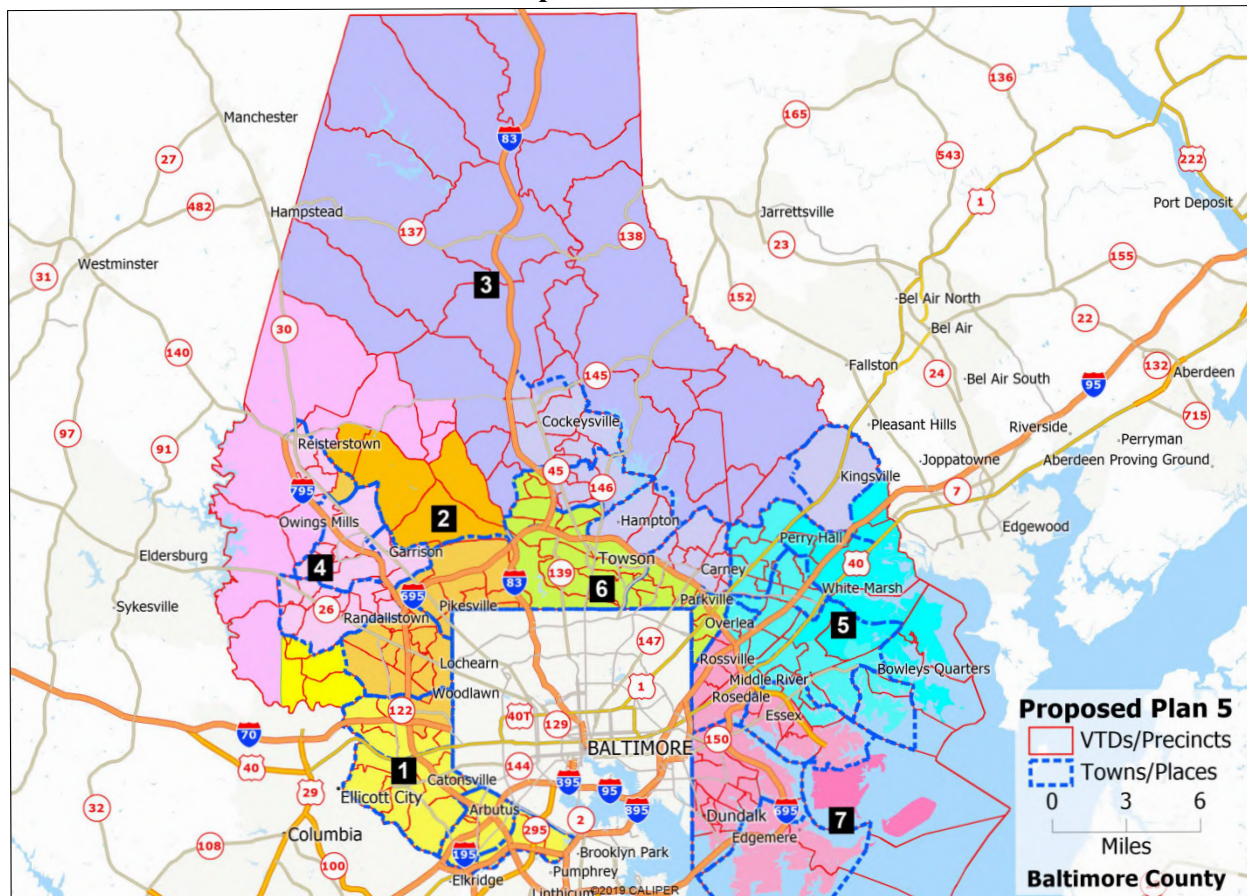
<https://davesredistricting.org/join/326d6025-b344-44c4-b75f-4f0767cab34a>

B. Plaintiffs Proposed Plan 5

53. **Figure 10** shows the map for Plaintiffs' Proposed Plan 5. A higher resolution version of the Figure 10 map is in **Exhibit F-1**. **Exhibit F-2** contains a set of maps that zoom on each of the districts in Proposed Plan 5.

Figure 10

Plaintiffs' Proposed Plan 5



54. Proposed Plan 5 is drawn to prioritize keeping communities and towns whole. Just three CDPs are split -- Woodlawn - D 1 and D 2; Reisterstown - D 2 and D 4; and Essex - D 5 and D 7.

55. In Proposed Plan 5, majority-Black District 2 encompasses Lochearn, Millford Mill, and Pikesville. Parts of Woodlawn and Reisterstown are also in District 2. Majority-Black District 4 includes all of Garrison, Owings Mills, and Randallstown.

56. **Figure 11** shows summary population statistics for Proposed Plan 5. **Exhibit F-3** contains detailed 2020 population statistics by district.

Figure 11

Plaintiffs' Proposed Plan 5 -- Population Summary

District	Prison Adjusted Pop.	% Dev.	Population	18+ Pop	% 18+ AP Black	% 18+ NH White	% 18+ BIPOC
1	117,582	-3.92%	117,299	91,822	27.63%	51.39%	48.61%
2	118,013	-3.57%	117,653	91,368	55.00%	35.01%	64.99%
3	124,905	2.06%	124,772	98,770	10.19%	76.27%	23.73%
4	116,414	-4.88%	116,127	91,106	56.03%	31.55%	68.45%
5	127,792	4.42%	127,490	98,805	22.97%	61.11%	38.89%
6	123,477	0.89%	123,256	98,894	22.39%	64.21%	35.79%
7	128,490	4.99%	127,938	98,746	22.16%	63.22%	36.78%

57. The overall deviation from the ideal district size for the seven districts in this Plan is 9.87%, satisfying Constitutional population equality requirements. The two districts with majority Black voting age population are District 2, which is 55.0% BVAP (35.0% NH White VAP), and District 4, which is 56.0% BVAP (31.5% NH White VAP).

58. In both of these districts, the Black VAP is very significant compared to White VAP, with District 2 20 percentage points higher and District 4 24.5 percentage points higher. Both districts ensure that a cohesive Black community of voters would have a fair and realistic opportunity to elect representatives of their choice, in keeping with the requirements of the Voting Rights Act.

59. In addition, Proposed Plan 5 includes a third district that is split nearly evenly between BIPOC and White voting age populations, District 1, which is 48.6% in BIPOC VAP and 51.4% in non-Hispanic White VAP.

60. Proposed Plan 5 can also be viewed online in detail on the *Dave's Redistricting Application* (DRA) website via the link below:

<https://davesredistricting.org/join/842017de-6691-4036-b180-ee8f02cb8eee>

C. Supplemental Plan Information

(a) Compactness Measures

61. **Figure 12** reports compactness scores generated by Maptitude for the 2021 Council Plan and Proposed Plans 1 and 5. The table summarizes the Reock¹⁴ and Polsby-Popper¹⁵ scores – the two most widely-referenced measures of compactness. Higher scores indicate higher compactness.

Figure 12

Compactness Comparison – Proposed Plans 1 and 5 vis-à-vis 2021 Council Plan

	Reock		Polsby-Popper	
	Mean	Low	Mean	Low
2021 Council Plan	.45	.25	.42	.26
Proposed Plan 1	.36	.20	.33	.18
Proposed Plan 5	.39	.23	.37	.20

62. There is no bright line rule on what constitutes an acceptable compactness score. Acceptable scores vary widely depending on the jurisdiction and type of plan at issue. In my opinion, the districts in the 2021 Council Plan and both of the Plaintiffs' Proposed Plans are reasonably shaped and compact – and clearly within the normal range for compactness.

¹⁴"The Reock test is an area-based measure that compares each district to a circle, which is considered to be the most compact shape possible. For each district, the Reock test computes the ratio of the area of the district to the area of the minimum enclosing circle for the district. The measure is always between 0 and 1, with 1 being the most compact. The Reock test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan." *Maptitude For Redistricting* software documentation (authored by the Caliper Corporation).

¹⁵ The Polsby-Popper test computes the ratio of the district area to the area of a circle with the same perimeter: $4\pi \text{Area} / (\text{Perimeter}^2)$. The measure is always between 0 and 1, with 1 being the most compact. The Polsby-Popper test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan. *Maptitude For Redistricting* software documentation (authored by the Caliper Corporation).

(b) Political Subdivision Splits

63. As shown in **Figure 13**, the Council Plan splits 5 VTDs and 15 CDPs. Proposed Plan 1 is drawn entirely at the VTD-level, so there are no split VTDs. Both the Council Plan and Proposed Plan 1 prioritize keeping VTDs intact, but in doing so CDP boundary lines are crossed by districts, resulting in 15 split CDPs in the two plans.

64. On the other hand, Proposed Plan 5 prioritizes keeping communities intact. All but three CDPs are in a single district. Because VTD boundaries do not always follow town boundaries, there are 22 VTDs split in Proposed Plan 5.

Figure 13**VTD and Municipal Splits – Illustrative Plan vis-à-vis 2021 Plan**

	2020 VTD Splits	Census Designated Place Splits
2021 Council Plan	5	15
Proposed Plan 1	0	15
Proposed Plan 5	22	3

(c) Incumbents

65. Upon information and belief, all incumbents who are not retiring this year are placed in separate districts under Proposed Plan 1 and Proposed Plan 5.

V. BALTIMORE COUNTY'S SOCIO-ECONOMIC PROFILE

A. Countywide

66. As detailed below, non-Hispanic Whites in Baltimore County consistently outpace African Americans across a broad range of economic measures, as reported in the *2019 American Community Survey* (“ACS”).¹⁶ These disparities are summarized below and depicted with further detail in the charts found in **Exhibit G-1**, using data drawn from the *2019 ACS*.¹⁷ The *ACS* is an ongoing survey conducted by the U.S. Census Bureau that gathers information annually about jobs and employment, educational attainment, housing, and other topics. **Exhibit G-2** contains the complete dataset underlying the charts, published by the U.S. Census Bureau.¹⁸

a) Education

67. African American educational attainment in Baltimore County is roughly comparable to their White cohorts through high school—26.6% of Blacks over the age of 25 have a high school degree as their highest level of education, compared to 25.5% of whites. However African Americans fall behind at the college level, with 33.4% holding a college degree, compared to 43.8% of whites. See **Exhibit G-1 at 5**.

b) Income

68. African Americans in the County experience a poverty rate higher than for whites – 9.9% of Blacks live below the poverty line, versus 7.3% of whites. For children, these

¹⁶ In this section, the term “White” refers to non-Hispanic White. The term “Black” or “African American” refers to Any Part Black, including Black Hispanics.

¹⁷ The 1-year 2019 ACS is the most current available. The 2020 ACS was canceled due to the COVID-19 pandemic.

¹⁸ <https://data.census.gov/cedsci/table?text=s0201&t=-0A%20-%20All%20available%20non-Hispanic%20Origin%3A005%20-%20Black%20or%20African%20American%20alone%20or%20in%20combination%20with%20one%20or%20more%20other%20races&g=0500000US24005&y=2019&tid=ACSSPPIY2019.S0201>

disparities are worse: 11.7% of Black children live in poverty, compared to 6.2% of White children. *See Exhibit G-1 at 22.*

69. Black family households are two-thirds more likely (6.7%) to live in poverty than do White families (4.0%). **Exhibit G-1 at 19.**

70. Black median household income is \$67,457— about 78% of the \$85,929 median income of White households. *See Exhibit G-1 at 14.*

71. Black family households exhibit an even greater median income disparity compared to White family households – \$76,726 for Black median family household income, compared to \$111,325 for White family households, meaning Black family income averages 69% that of White families. *See Exhibit G-1 at 16.*

72. Black per capita income is \$31,133, which is about 63% of the \$49,339 White per capita income. *See Exhibit G-1 at 17.*

73. About one in seven Black households relies on food stamps –14.9% of Black households participate in the Supplemental Nutrition Assistance Program (SNAP), compared to one in 18 White households – 5.7%. *See Exhibit G-1 at 15.*

c) Employment

74. Although a larger percentage of African Americans (72.0%) work in the labor force than whites (63.4%), the earnings they bring home are consistently less. Data show that Black workers, both male and female, employed full time, year-round, earn substantially less money than do their White counterparts. For Black men among this group, average income (\$57,849) is dramatically less than it is for White men (\$98,619), meaning Black men average just 59 cents for every dollar earned by White men. *See Exhibit G-2 at 8.*

75. The Black unemployment rate (for the working age population ages 16-64 – expressed as a percent of the civilian labor force) – is higher than for whites. At the time of the survey, 5.8% of working-age African Americans were unemployed, compared to a 3.3% rate for the White workforce. *See Exhibit G-1 at 11.*

76. More than twice as many Black Baltimore Countians (7.6%) lack health insurance than do whites (3.3%), an especially acute issue during the pandemic. *See Exhibit G-1 at 18.*

d) Housing and Transportation

77. More than half of Black households in the County (54.2%) rent their homes, versus just 23.6% of White households who are renters. *See Exhibit G-1 at 21.*

78. More than twice as many Black as White households have no access to a vehicle: 12.5% of Black households lack a vehicle, compared to 5.9% of White households. *See Exhibit G-1 at 23.*

B. Census Designated Places

79. For additional socioeconomic information, I have prepared charts and tables for 24 Baltimore County census designated places with significant minority populations. The charts available at the link below are based on the five-year 2015-2019 American Community Survey and include data for the SR Black population, as well as Latino population.¹⁹

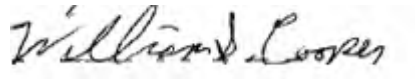
http://www.fairdata2000.com/ACS_2015_19/Baltimore_County/

¹⁹ The 2019 1-year ACS is not available for counties and places with populations under 65,000. The 5-year 2015-2019 ACS reports SR Black socioeconomic estimates only. AP Black estimates are not published in the 5-year ACS

I declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief.

Executed on:

Date: January 18, 2022

A handwritten signature in cursive script, appearing to read "William S. Cooper", written in black ink on a light background.

William S. Cooper

COOPER DECLARATION

EXHIBIT A

December 31, 2021

William S. Cooper
P.O. Box 16066
Bristol, VA 24209
276-669-8567
bcooper@msn.com

Summary of Redistricting Work

I have a B.A. in Economics from Davidson College in Davidson, North Carolina.

Since 1986, I have prepared proposed redistricting maps of approximately 750 jurisdictions for Section 2 litigation, Section 5 comment letters, and for use in other efforts to promote compliance with the Voting Rights Act of 1965. I have analyzed and prepared election plans in over 100 of these jurisdictions for two or more of the decennial censuses – either as part of concurrent legislative reapportionments or, retrospectively, in relation to litigation involving many of the cases listed below.

From 1986 to 2020, I have prepared election plans for Section 2 litigation in Alabama, Connecticut, Florida, Georgia, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming.

Post-2010 Redistricting Experience

Since the release of the 2010 Census in February 2011, I have developed statewide legislative plans on behalf of clients in nine states (Alabama, Connecticut, Florida, Georgia, Kentucky, Mississippi, South Carolina, Texas, and Virginia), as well as over 150 local redistricting plans in approximately 30 states – primarily for groups working to protect minority voting rights. In addition, I have prepared congressional plans for clients in eight states (Alabama, Florida, Georgia, Louisiana, Maryland, Ohio, Pennsylvania, South Carolina, and Virginia).

December 31, 2021

In March 2011, I was retained by the Sussex County, Virginia Board of Supervisors and the Bolivar County, Mississippi Board of Supervisors to draft new district plans based on the 2010 Census. In the summer of 2011, both counties received Section 5 preclearance from the U.S. Department of Justice (DOJ).

Also in 2011, I was retained by way of a subcontract with Olmedillo X5 LLC to assist with redistricting for the Miami-Dade County, Florida Board of Commissioners and the Miami-Dade, Florida School Board. Final plans were adopted in late 2011 following public hearings.

In the fall of 2011, I was retained by the City of Grenada, Mississippi to provide redistricting services. The ward plan I developed received DOJ preclearance in March 2012.

In 2012 and 2013, I served as a redistricting consultant to the Tunica County, Mississippi Board of Supervisors and the Claiborne County, Mississippi Board of Supervisors.

In *Montes v. City of Yakima* (E.D. Wash. Feb. 17, 2015) the court adopted, as a remedy for the Voting Rights Act Section 2 violation, a seven single-member district plan that I developed for the Latino plaintiffs. I served as the expert for the Plaintiffs in the liability and remedy phases of the case.

In *Pope v. Albany County* (N.D.N.Y. Mar. 24, 2015), the court approved, as a remedy for a Section 2 violation, a plan drawn by the defendants, creating a new Black-majority district. I served as the expert for the Plaintiffs in the liability and remedy phases of the case.

In 2016, two redistricting plans that I developed on behalf of the plaintiffs for consent decrees in Section 2 lawsuits in Georgia were adopted (*NAACP v. Fayette County, Georgia* and *NAACP v. Emanuel County, Georgia*).

December 31, 2021

In 2016, two federal courts granted summary judgment to the plaintiffs based in part on my *Gingles 1* testimony: *Navajo Nation v. San Juan County, Utah* (C.D. Utah 2016) and *NAACP v. Ferguson-Florissant School District, Missouri* (E. D. Mo. August 22, 2016).

Also in 2016, based in part on my analysis, the City of Pasco, Washington admitted to a Section 2 violation. As a result, in *Glatt v. City of Pasco* (E.D. Wash. Jan. 27, 2017), the court ordered a plan that created three Latino majority single-member districts in a 6 district, 1 at-large plan.

In 2018, I served as the redistricting consultant to the Governor Wolf interveners at the remedial stage of *League of Women Voters, et al. v. Commonwealth of Pennsylvania*.

In August 2018, the Wenatchee City Council adopted a hybrid election plan that I developed – five single-member districts with two members at-large. The Wenatchee election plan is the first plan adopted under the Washington Voting Rights Acts of 2018.

In February 2019, a federal court ruled in favor of the plaintiffs in a Section 2 case regarding Senate District 22 in Mississippi, based in part on my *Gingles 1* testimony in *Thomas v. Bryant* (S.D. Ms. Feb 16, 2019).

In the summer of 2019, I developed redistricting plans for the Grand County (Utah) Change of Form of Government Study Committee.

In the fall of 2019, a redistricting plan I developed for a consent decree involving the Jefferson County, Alabama Board of Education was adopted *Traci Jones, et al. v. Jefferson County Board of Education, et al.*

In May 2020, a federal court ruled in favor of the plaintiffs in a Section 2 case in *NAACP et al. v. East Ramapo Central School District, NY*, based in part on my *Gingles 1* testimony. In October 2020, the federal court adopted a consent decree plan I developed for elections to be held in February 2021.

December 31, 2021

In May and June of 2020, I served as a consultant to the City of Quincy, Florida – the Defendant in a Section 2 lawsuit filed by two Anglo voters (*Baroody v. City of Quincy*). The federal court for the Northern District of Florida ruled in favor of the Defendants. The Plaintiffs voluntarily dismissed the case.

In the summer of 2020, I provided technical redistricting assistance to the City of Chestertown, Maryland.

I am currently a redistricting consultant and expert for the plaintiffs in *Jayla Allen v. Waller County, Texas*. I testified remotely at trial in October 2020.

Since 2011, I have served as a redistricting and demographic consultant to the Massachusetts-based Prison Policy Initiative for a nationwide project to end prison-based gerrymandering. I have analyzed proposed and adopted election plans in about 25 states as part of my work.

In 2018 (Utah) and again in 2020 (Arizona), I have provided technical assistance to the Rural Utah Project for voter registration efforts on the Navajo Nation Reservation.

Post-2010 Demographics Experience

My trial testimony in Section 2 lawsuits usually includes presentations of U.S. Census data with charts, tables, and/or maps to demonstrate socioeconomic disparities between non-Hispanic Whites and racial or ethnic minorities.

I served as a demographic expert for plaintiffs in four state-level voting cases related to the Covid-19 pandemic (South Carolina, Alabama, and Louisiana) and state court in North Carolina.

I have also served as an expert witness on demographics in non-voting trials. For example, in an April 2017 opinion in *Stout v. Jefferson County Board of Education* (Case no.2:65-cv-00396-MHH), a school desegregation case involving the City of Gardendale,

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Ala., the court made extensive reference to my testimony.

I provide technical demographic and mapping assistance to the Food Research and Action Center (FRAC) in Washington D.C and their constituent organizations around the country. Most of my work with FRAC involves the Summer Food Program and Child and Adult Care Food Program. Both programs provide nutritional assistance to school-age children who are eligible for free and reduced price meals. As part of this project, I developed an online interactive map to determine site eligibility for the two programs that has been in continuous use by community organizations and school districts around the country since 2003. The map is updated annually with new data from a Special Tabulation of the American Community Survey prepared by the U.S. Census Bureau for the Food and Nutrition Service of the U.S. Department of Agriculture.

Historical Redistricting Experience

In the 1980s and 1990s, I developed voting plans in about 400 state and local jurisdictions – primarily in the South and Rocky Mountain West. During the 2000s and 2010s, I prepared draft election plans involving about 350 state and local jurisdictions in 25 states. Most of these plans were prepared at the request of local citizens' groups, national organizations such as the NAACP, tribal governments, and for Section 2 or Section 5 litigation.

Election plans I developed for governments in two counties – Sussex County, Virginia and Webster County, Mississippi – were adopted and precleared in 2002 by the U.S. Department of Justice. A ward plan I prepared for the City of Grenada, Mississippi was precleared in August 2005. A county supervisors' plan I produced for Bolivar County, Mississippi was precleared in January 2006.

In August 2005, a federal court ordered the State of South Dakota to remedy a

December 31, 2021

Section 2 voting rights violation and adopt a state legislative plan I developed (*Bone Shirt v. Hazeltine*).

A county council plan I developed for Native American plaintiffs in a Section 2 lawsuit (*Blackmoon v. Charles Mix County*) was adopted by Charles Mix County, South Dakota in November 2005. A plan I drafted for Latino plaintiffs in Bethlehem, Pennsylvania (*Pennsylvania Statewide Latino Coalition v. Bethlehem Area School District*) was adopted in March 2009. Plans I developed for minority plaintiffs in Columbus County, North Carolina and Montezuma- Cortez School District in Colorado were adopted in 2009.

Since 1986, I have testified at trial as an expert witness on redistricting and demographics in federal courts in the following voting rights cases (approximate most recent testimony dates are in parentheses). I also filed declarations and was deposed in most of these cases.

Alabama

Chestnut v. Merrill (2019)

Alabama State Conference of the NAACP v. Alabama (2018)

Alabama Legislative Black Caucus et al. v. Alabama et al. (2013)

Colorado

Cuthair v. Montezuma-Cortez School Board (1997)

Florida

Baroody v. City of Quincy (2020)

Georgia

Cofield v. City of LaGrange (1996)

Love v. Deal (1995)

Askew v. City of Rome (1995)

Woodard v. Lumber City (1989)

Louisiana

Terrebonne Parish NAACP v. Jindal, et al. (2017)

Wilson v. Town of St. Francisville (1996)

Reno v. Bossier Parish (1995)

Knight v. McKeithen (1994)

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Maryland

Cane v. Worcester County (1994)

Mississippi

Thomas v. Bryant (2019)

Fairley v. Hattiesburg (2014)

Boddie v. Cleveland School District (2010)

Fairley v. Hattiesburg (2008)

Boddie v. Cleveland (2003)

Jamison v. City of Tupelo (2006)

Smith v. Clark (2002)

NAACP v. Fordice (1999)

Addy v Newton County (1995)

Ewing v. Monroe County (1995)

Gunn v. Chickasaw County (1995)

Nichols v. Okolona (1995)

Montana

Old Person v. Brown (on remand) (2001)

Old Person v. Cooney (1998)

Missouri

Missouri NAACP v. Ferguson-Florissant School District (2016)

Nebraska

Stabler v. Thurston County (1995)

New York

NAACP v. East Ramapo Central School District (2020)

Pope v. County of Albany (2015)

Arbor Hills Concerned Citizens v. Albany County (2003)

Ohio

A. Philip Randolph Institute, et al. v. Ryan (2019)

South Carolina

Smith v. Beasley (1996)

South Dakota

Bone Shirt v. Hazeltine (2004)

Cottier v. City of Martin (2004)

Tennessee

Cousins v. McWherter (1994)

Rural West Tennessee African American Affairs Council v. McWherter (1993)

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Texas

Jayla Allen v. Waller County, Texas

Utah

Navajo Nation v. San Juan County (2017), brief testimony –11 declarations, 2 depositions

Virginia

Smith v. Brunswick County (1991)

Henderson v. Richmond County (1988)

McDaniel v. Mehfoud (1988)

White v. Daniel (1989)

Wyoming

Large v. Fremont County (2007)

In addition, I have filed expert declarations or been deposed in the following cases that did not require trial testimony. The dates listed indicate the deposition date or date of last declaration or supplemental declaration:

Alabama

Caster v. Merrill (2021)

People First of Alabama v. Merrill (2020), Covid-19 demographics only

Alabama State NAACP v. City of Pleasant Grove (2019)

James v. Jefferson County Board of Education (2019)

Voketz v. City of Decatur (2018)

Arkansas

Mays v. Thurston (2020)-- Covid-19 demographics only)

Connecticut

NAACP v. Merrill (2020)

Florida

Florida State Conference of the NAACP v. Lee, et al, (2021)

Calvin v. Jefferson County (2016)

Thompson v. Glades County (2001)

Johnson v. DeSoto County (1999)

Burton v. City of Belle Glade (1997)

Georgia

Dwight v. Kemp (2018)

Georgia NAACP et al. v. Gwinnett County, GA (2018)

Georgia State Conference NAACP et al v. Georgia (2018)

Georgia State Conference NAACP, et al. v. Fayette County (2015)

Knighton v. Dougherty County (2002)

December 31, 2021

Johnson v. Miller (1998)

Jones v. Cook County (1993)

Kentucky

Herbert v. Kentucky State Board of Elections (2013)

Louisiana

Power Coalition for Equity and Justice v. Edwards (2020), Covid-19 demographics only

Johnson v. Ardoin (2019)

NAACP v. St. Landry Parish Council (2005)

Prejean v. Foster (1998)

Rodney v. McKeithen (1993)

Maryland

Benisek v. Lamone (2017)

Fletcher v. Lamone (2011)

Mississippi

Partee v. Coahoma County (2015)

Figgs v. Quitman County (2015)

West v. Natchez (2015)

Williams v. Bolivar County (2005)

Houston v. Lafayette County (2002)

Clark v. Calhoun County (on remand)(1993)

Teague v. Attala County (on remand)(1993)

Wilson v. Clarksdale (1992)

Stanfield v. Lee County(1991)

Montana

Alden v. Rosebud County (2000)

North Carolina

Lewis v. Alamance County (1991)

Gause v. Brunswick County (1992)

Webster v. Person County (1992)

Rhode Island

Davidson v. City of Cranston (2015)

South Carolina

Thomas v. Andino (2020), Covid-19 demographics only

Vander Linden v. Campbell (1996)

South Dakota

Kirkie v. Buffalo County (2004)

Emery v. Hunt (1999)

Tennessee

December 31, 2021

NAACP v. Frost, et al. (2003)

Virginia

Moon v. Beyer (1990)

Washington

Glatt v. City of Pasco (2016)

Montes v. City of Yakima (2014)

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COOPER DECLARATION

EXHIBIT B

Exhibit B – Methodology and Sources

1. In the preparation of this report, I analyzed population and geographic data from the Decennial Census and the American Community Survey.

2. For my redistricting analysis, I used a geographic information system (GIS) software package called *Maptitude for Redistricting*, developed by the Caliper Corporation. This software is deployed by many local and state governing bodies across the country for redistricting and other types of demographic analysis.

3. The geographic boundary files that I used with *Maptitude* are created from the U.S. Census 2020 TIGER (Topologically Integrated Geographic Encoding and Referencing) files.

4. I used population data from the 2000-2020 PL 94-171 data files published by the U.S. Census Bureau. The PL 94-171 dataset is published in electronic format and is the complete count population file designed by the Census Bureau for use in legislative redistricting. The file contains basic race and ethnicity data on the total population and voting-age population found in units of Census geography such as states, counties, municipalities, townships, reservations, school districts, census tracts, census block groups, precincts (called voting districts or “VTDs” by the Census Bureau) and census blocks.

5. I obtained 2020 block-level disaggregated citizenship (2015-19 ACS data) from the Redistricting Data Hub.

6. The attorneys for the plaintiffs provided me with incumbent addresses.

7. For my analysis, I also relied on a shapefile for the 2021 Council Plan provided to me by the Plaintiffs’ attorneys.

8. I developed the illustrative plans presented in this report using *Maptitude for Redistricting*. The *Maptitude for Redistricting* software processes the TIGER files to produce a

map for display on a computer screen. The software also merges demographic data from the PL 94-171 files to match the relevant decennial Census geography.

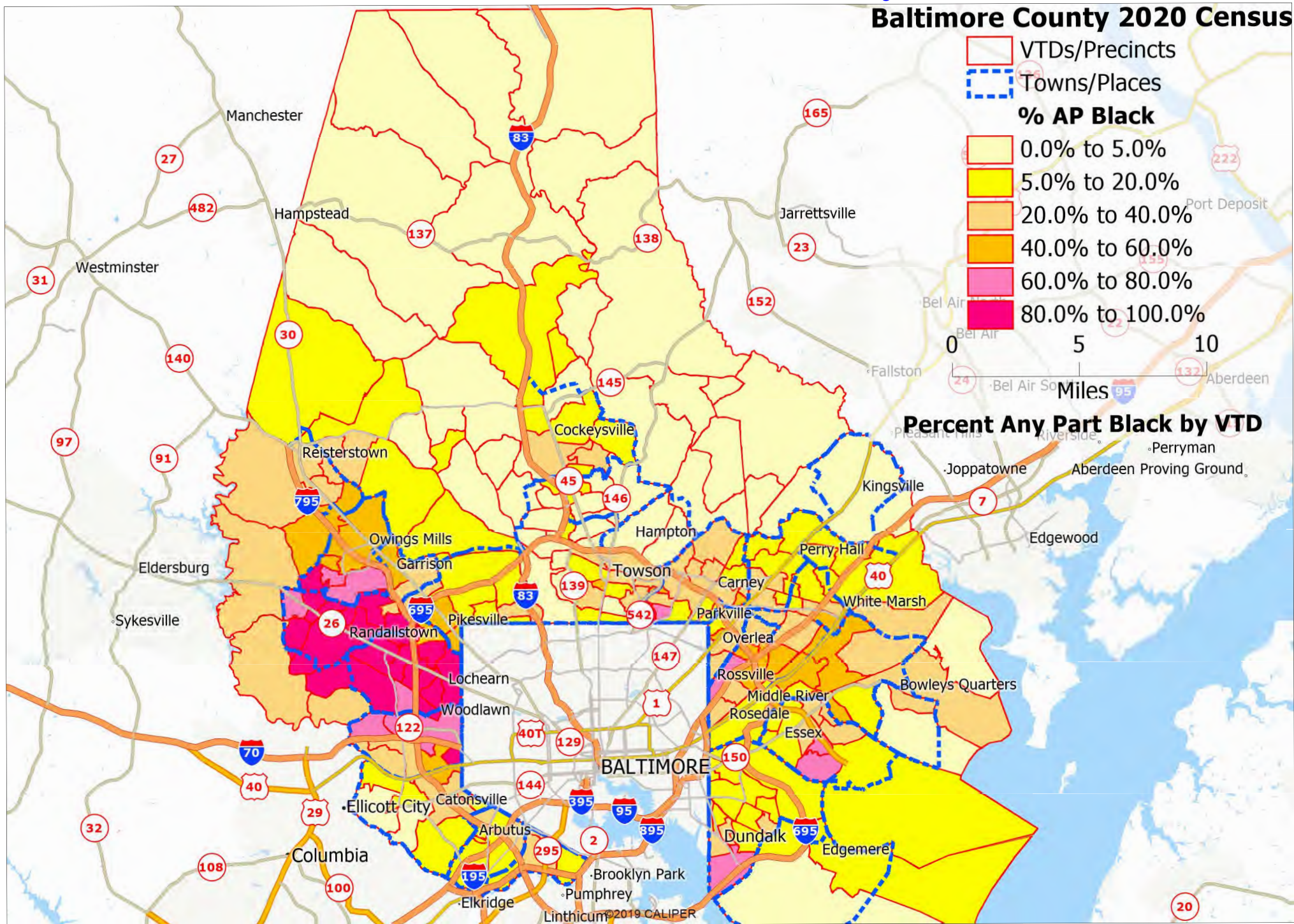
9. I also reviewed and used data from the American Community Survey (“ACS”) conducted by the Census Bureau – specifically, the 1-year 2019 ACS, the 5-year 2015-2019 ACS, and the 5-year 2015-2019 ACS Special Tabulation of citizen population and voting age population by race and ethnicity (prepared by the Census Bureau for the U.S. Department of Justice) and available from the link below:

<https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>

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COOPER DECLARATION

EXHIBIT C-1



COOPER DECLARATION

EXHIBIT C-2

CDPs	Population	NH SR				NH SR		% NH SR		NH		% NH	
		SR Black	Black	AP Black	% AP Black	Latino	% Latino	Asian	Asian	White	White	BIPOC	% BIPOC
Arbutus	21655	2613	2569	3078	14.2%	1057	4.9%	3093	14.3%	13657	63.1%	7998	36.9%
Baltimore Highla	7740	1591	1550	1799	23.2%	1999	25.8%	300	3.9%	3408	44.0%	4332	56.0%
Bowleys Quarters	6853	1256	1231	1391	20.3%	233	3.4%	106	1.5%	4942	72.1%	1911	27.9%
Carney	29363	6579	6486	7185	24.5%	1442	4.9%	2125	7.2%	17906	61.0%	11457	39.0%
Catonsville	44701	6727	6616	7693	17.2%	2334	5.2%	4122	9.2%	29150	65.2%	15551	34.8%
Cockeysville	24184	4890	4812	5385	22.3%	3290	13.6%	2828	11.7%	12167	50.3%	12017	49.7%
Dundalk	67796	9763	9523	11720	17.3%	9645	14.2%	1371	2.0%	42558	62.8%	25238	37.2%
Edgemere	9069	370	368	460	5.1%	245	2.7%	55	0.6%	7930	87.4%	1139	12.6%
Essex	40505	12812	12613	14073	34.7%	3245	8.0%	852	2.1%	21129	52.2%	19376	47.8%
Garrison	9487	4105	4070	4323	45.6%	395	4.2%	413	4.4%	4257	44.9%	5230	55.1%
Hampton	5180	116	114	168	3.2%	134	2.6%	324	6.3%	4387	84.7%	793	15.3%
Honeygo	12927	1484	1463	1661	12.8%	449	3.5%	2107	16.3%	8296	64.2%	4631	35.8%
Kingsville	4358	45	45	67	1.5%	150	3.4%	58	1.3%	3957	90.8%	401	9.2%
Lansdowne	9004	2133	2098	2414	26.8%	1870	20.8%	373	4.1%	4094	45.5%	4910	54.5%
Lochearn	25511	20634	20502	21346	83.7%	1388	5.4%	360	1.4%	2272	8.9%	23239	91.1%
Lutherville	6835	266	262	376	5.5%	332	4.9%	678	9.9%	5180	75.8%	1655	24.2%
Mays Chapel	12224	352	341	457	3.7%	455	3.7%	1693	13.8%	9265	75.8%	2959	24.2%
Middle River	33203	10836	10704	11885	35.8%	2856	8.6%	1451	4.4%	16202	48.8%	17001	51.2%
Milford Mill	30622	25564	25360	26439	86.3%	1747	5.7%	698	2.3%	1696	5.5%	28926	94.5%
Overlea	12832	3519	3481	3839	29.9%	726	5.7%	613	4.8%	7344	57.2%	5488	42.8%
Owings Mills	35674	21434	21214	22549	63.2%	3463	9.7%	2536	7.1%	6940	19.5%	28734	80.5%
Parkville	31812	12101	11937	12964	40.8%	2352	7.4%	1167	3.7%	14722	46.3%	17090	53.7%
Perry Hall	29409	4579	4528	5042	17.1%	1105	3.8%	3832	13.0%	18554	63.1%	10855	36.9%
Pikesville	34168	6602	6511	7153	20.9%	1560	4.6%	1709	5.0%	22986	67.3%	11182	32.7%
Randallstown	33655	27388	27152	28477	84.6%	1213	3.6%	658	2.0%	3253	9.7%	30402	90.3%
Reisterstown	26822	9443	9295	10396	38.8%	3894	14.5%	2112	7.9%	10076	37.6%	16746	62.4%
Rosedale	19961	7885	7833	8324	41.7%	1737	8.7%	1296	6.5%	8181	41.0%	11780	59.0%
Rossville	16029	6821	6739	7226	45.1%	1299	8.1%	1723	10.7%	5485	34.2%	10544	65.8%
Timonium	10458	530	521	637	6.1%	521	5.0%	1065	10.2%	7978	76.3%	2480	23.7%
Towson	59553	10448	10218	11592	19.5%	3263	5.5%	3760	6.3%	39503	66.3%	20050	33.7%
White Marsh	10287	1565	1547	1755	17.1%	449	4.4%	1523	14.8%	6298	61.2%	3989	38.8%
Woodlawn	39986	22533	22339	23591	59.0%	3459	8.7%	6190	15.5%	6235	15.6%	33751	84.4%
County Remainder	92672	8809	8682	9895	10.7%	3185	3.4%	3510	3.8%	73255	79.0%	19417	21.0%

Source: 2020 Census PL94-171 file

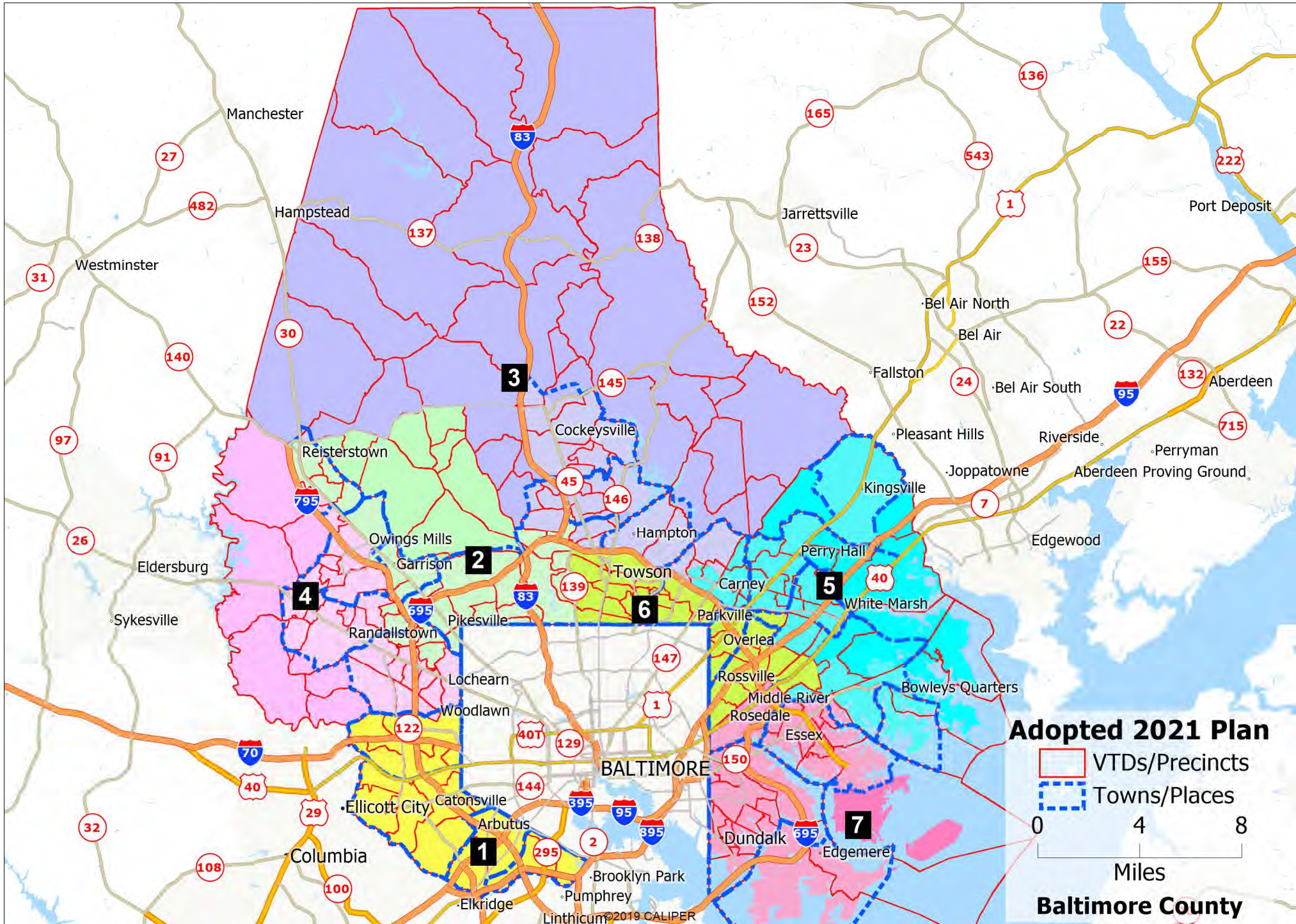
over 38.8% AP Black (plurality-Black)

under 50% NH White

over 50% BIPOC

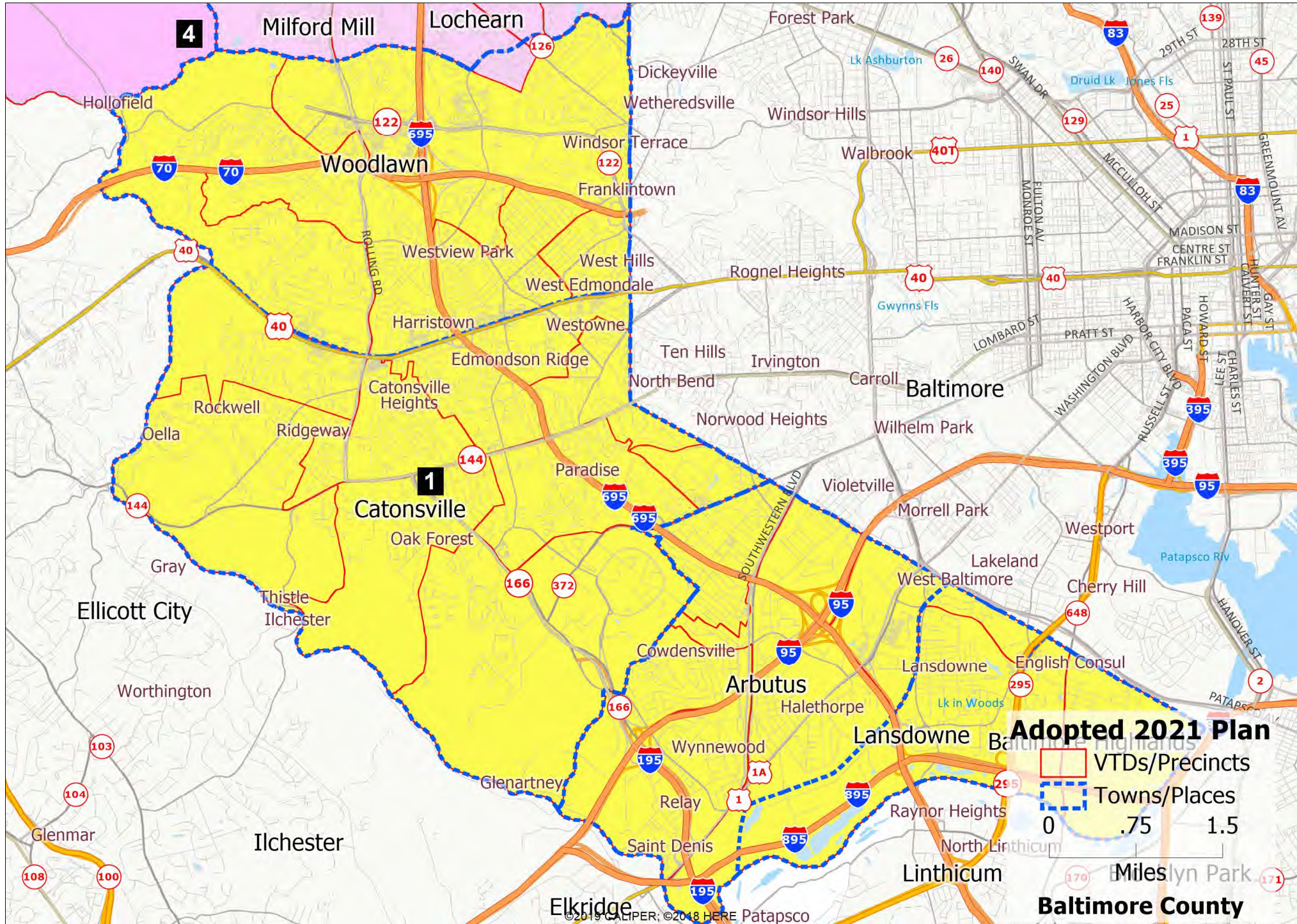
COOPER DECLARATION

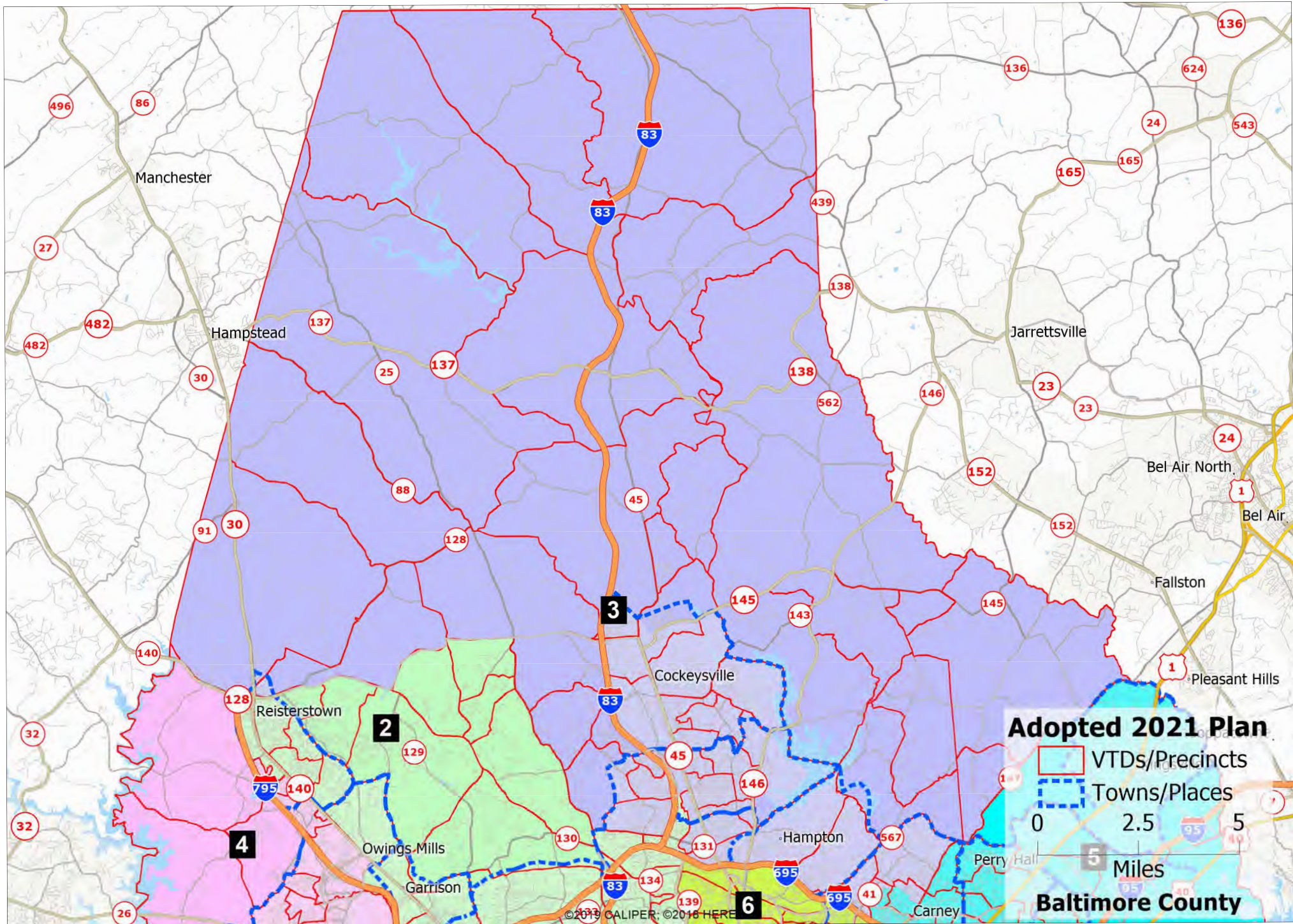
EXHIBIT D-1

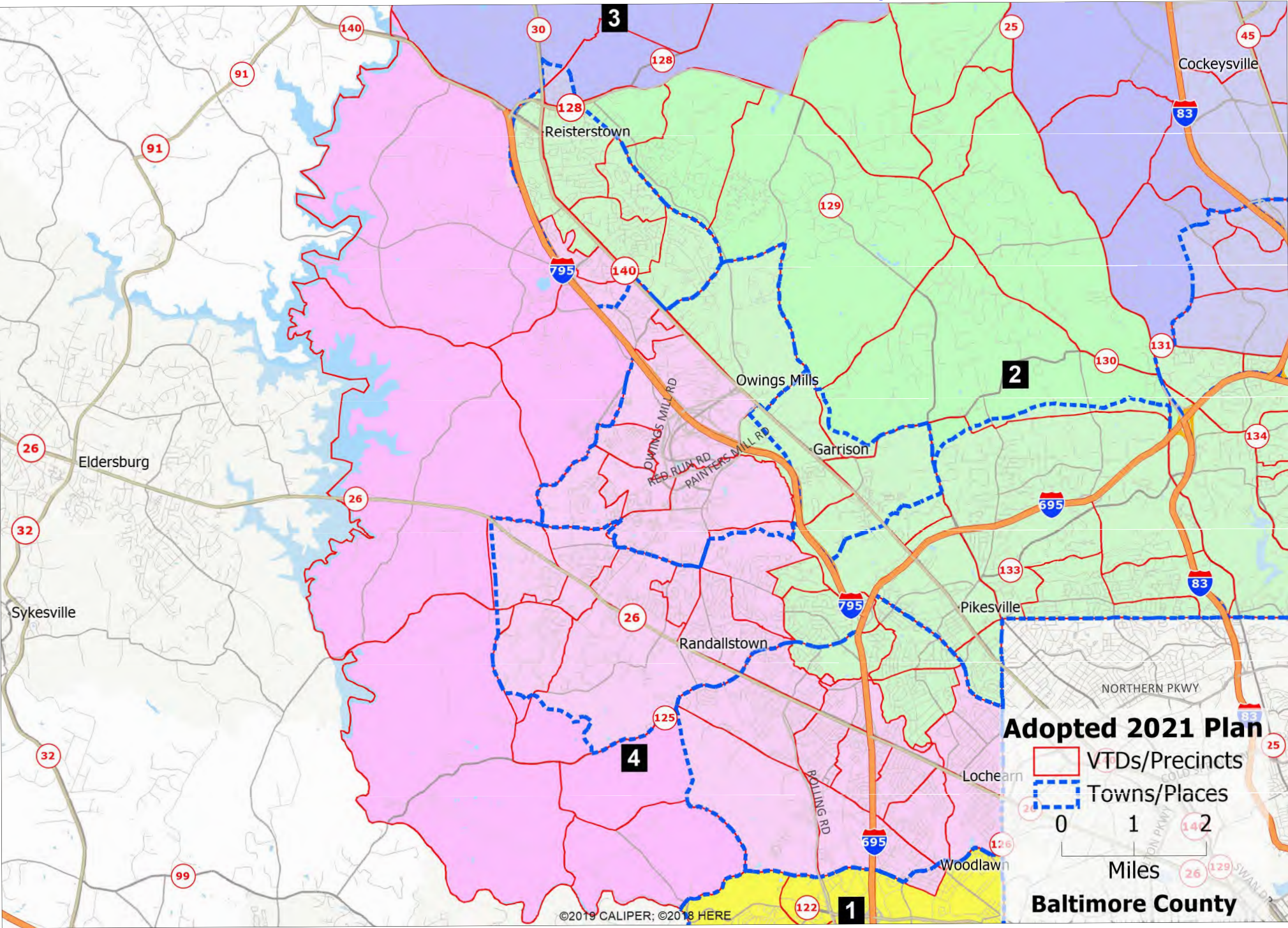


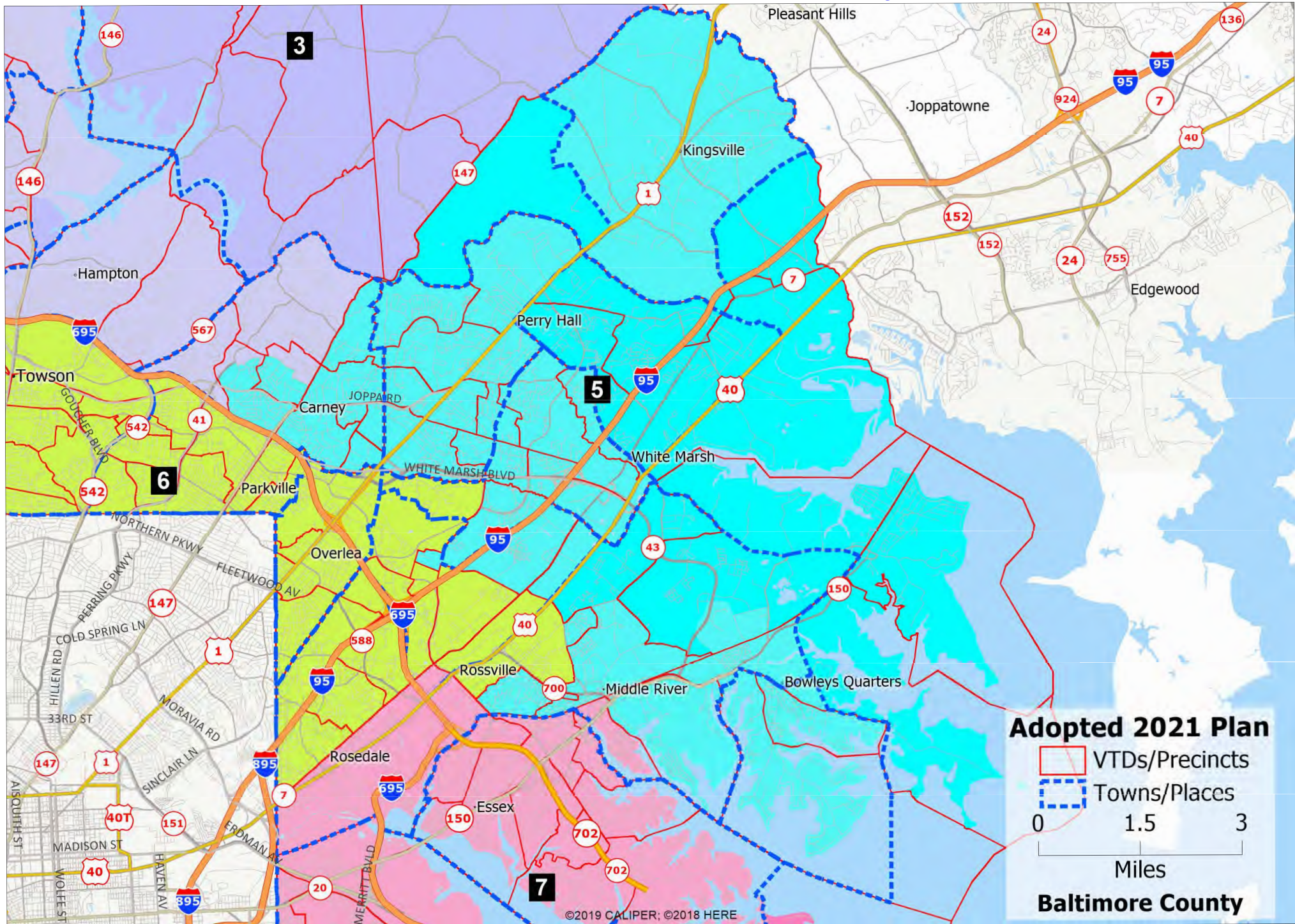
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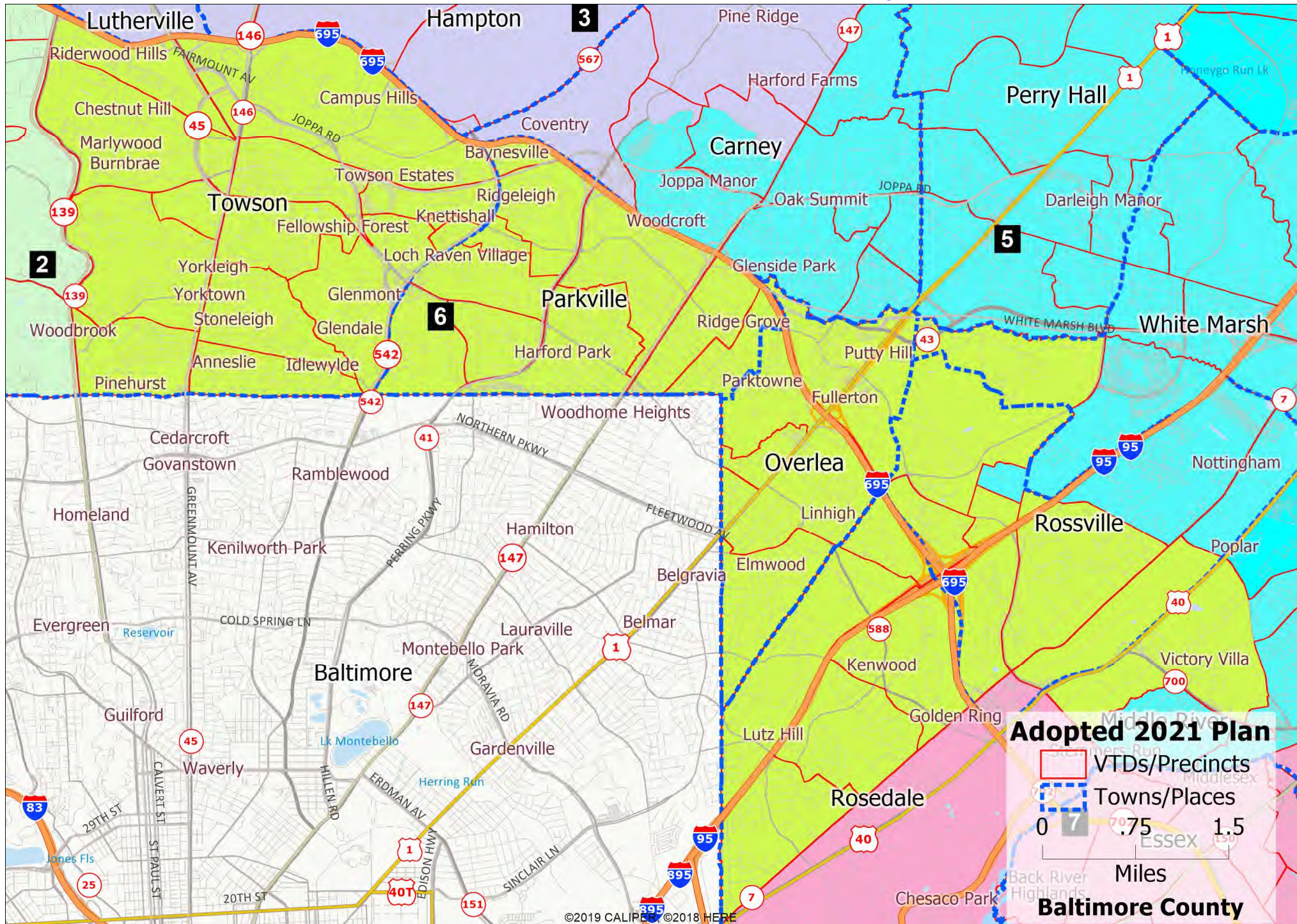
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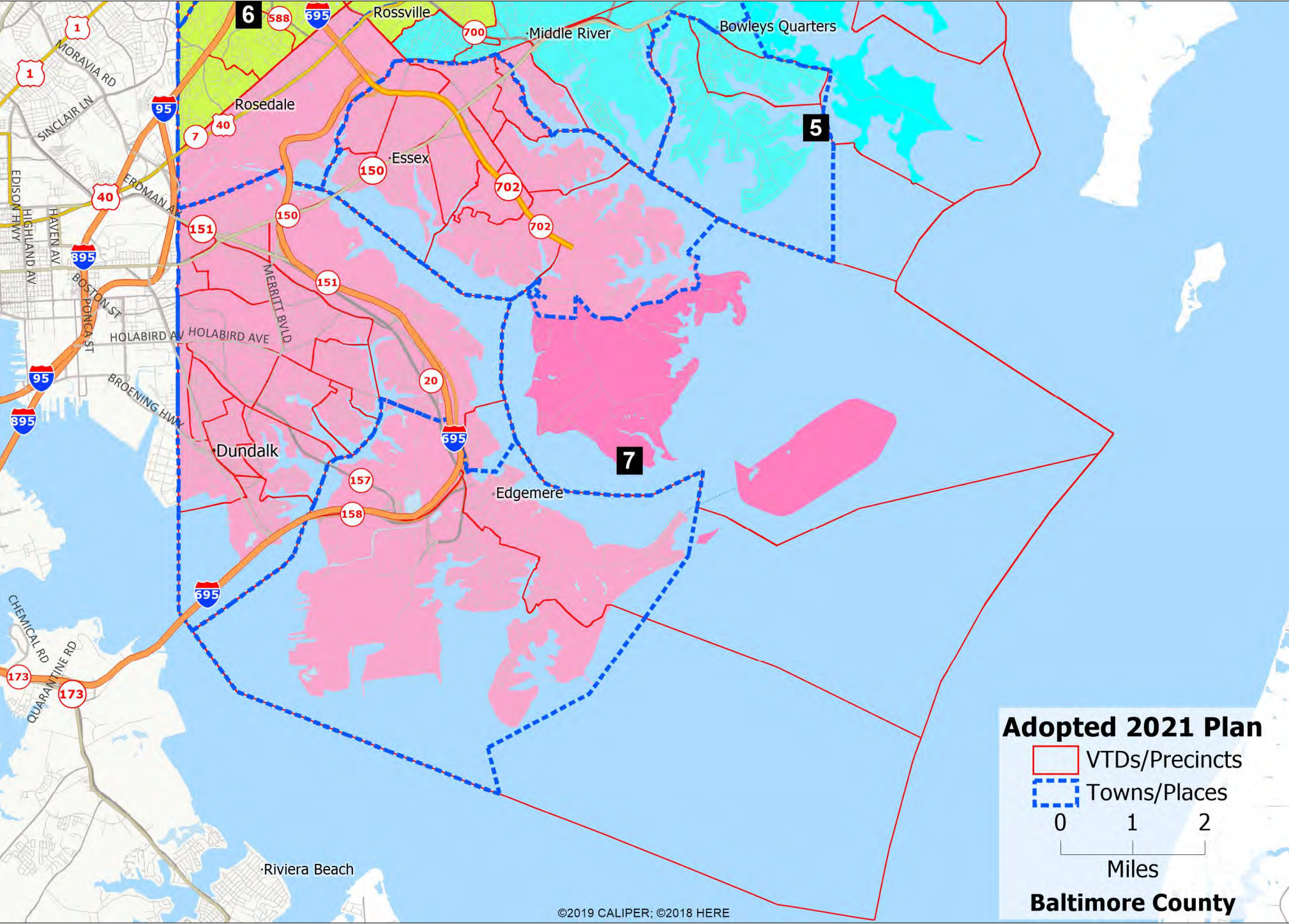












COOPER DECLARATION

EXHIBIT D-3

Population Summary Report (2020 Census)
Baltimore County Council -- Adopted 2021 Plan

District	Adjusted Population	Deviation	% Deviation	2020 Population	Any Part Black	% Any Part Black	Single-race Black	% Single-race Black	Latino	% Latino	NH White	% NH White
1	122391	9	0.01%	122074	37817	30.98%	34867	28.56%	10608	8.69%	56432	46.23%
2	118343	-4039	-3.30%	118145	38339	32.45%	35724	30.24%	9130	7.73%	62471	52.88%
3	119477	-2905	-2.37%	119377	10852	9.09%	9409	7.88%	6739	5.65%	89367	74.86%
4	119487	-2895	-2.37%	119068	90626	76.11%	87072	73.13%	6259	5.26%	17106	14.37%
5	121237	-1145	-0.94%	121023	26367	21.79%	23971	19.81%	6079	5.02%	74595	61.64%
6	128310	5928	4.84%	127988	42693	33.36%	39674	31.00%	8724	6.82%	65893	51.48%
7	127428	5046	4.12%	126860	28666	22.60%	25076	19.77%	13953	11.00%	77399	61.01%
Total	856673		8.14%	854535	275360	32.22%	255793	29.93%	61492	7.20%	443263	51.87%

District	18+_Pop	18+_AP Black	% 18+_AP Black	18+_NH AP Black	% 18+_NH AP Black	18+ Latino	% 18+ Latino	18+_NH AP Asian	% 18+_NH AP Asian	18+_NH White	% 18+_NH White
1	95419	28350	29.71%	27868	29.21%	6952	7.29%	11490	12.04%	47230	49.50%
2	91675	28588	31.18%	28110	30.66%	5961	6.50%	5455	5.95%	50929	55.55%
3	94192	7619	8.09%	7369	7.82%	4399	4.67%	7531	8.00%	73077	77.58%
4	93489	69875	74.74%	69062	73.87%	4261	4.56%	4070	4.35%	15244	16.31%
5	94526	17745	18.77%	17382	18.39%	3872	4.10%	8699	9.20%	62501	66.12%
6	102680	32038	31.20%	31383	30.56%	6121	5.96%	7274	7.08%	56173	54.71%
7	97530	19232	19.72%	18639	19.11%	8623	8.84%	2380	2.44%	64412	66.04%
Total	669511	203447	30.39%	199813	29.84%	40189	6.00%	46899	7.00%	369566	55.20%

District	% NH Single-Race Black CVAP*	% Latino CVAP	% NH Single-Race Asian CVAP*
1	40.24%	2.38%	9.50%
2	40.01%	3.43%	5.47%
3	9.95%	2.70%	8.07%
4*	96.09%	1.77%	4.40%
5	21.04%	1.88%	9.15%
6	36.60%	3.75%	5.93%
7	26.09%	3.06%	2.10%

Note: Citizen Voting Age Population (CVAP) percentages are disaggregated from block-group level ACS estimates (with a survey midpoint of July 2017)

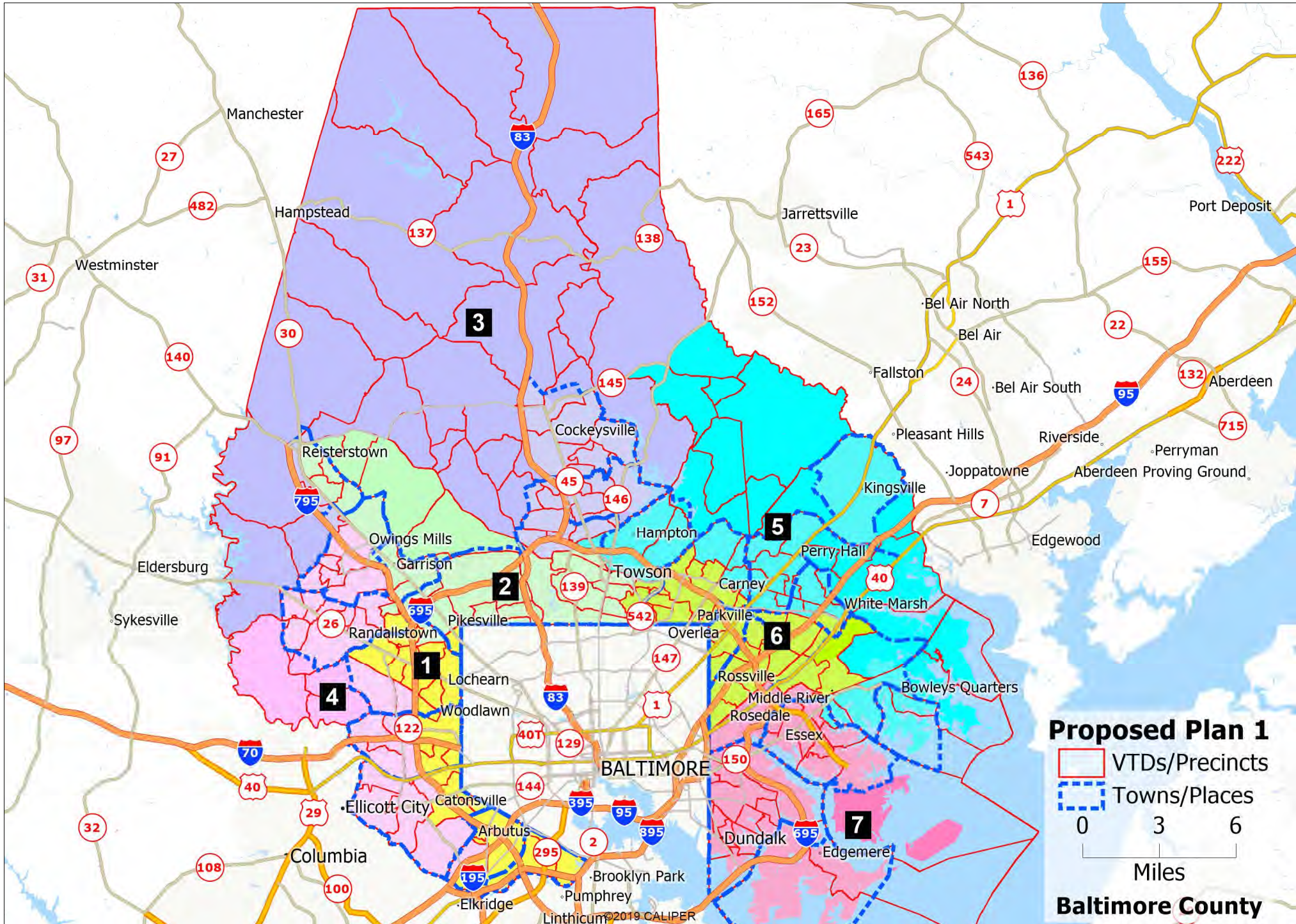
Source for CVAP disaggregation: Redistricting Data Hub

<https://redistrictingdatahub.org/dataset/maryland-cvap-data-disaggregated-to-the-2020-block-level-2019/>

* Apparent over-estimate of Black CVAP in disaggregated data

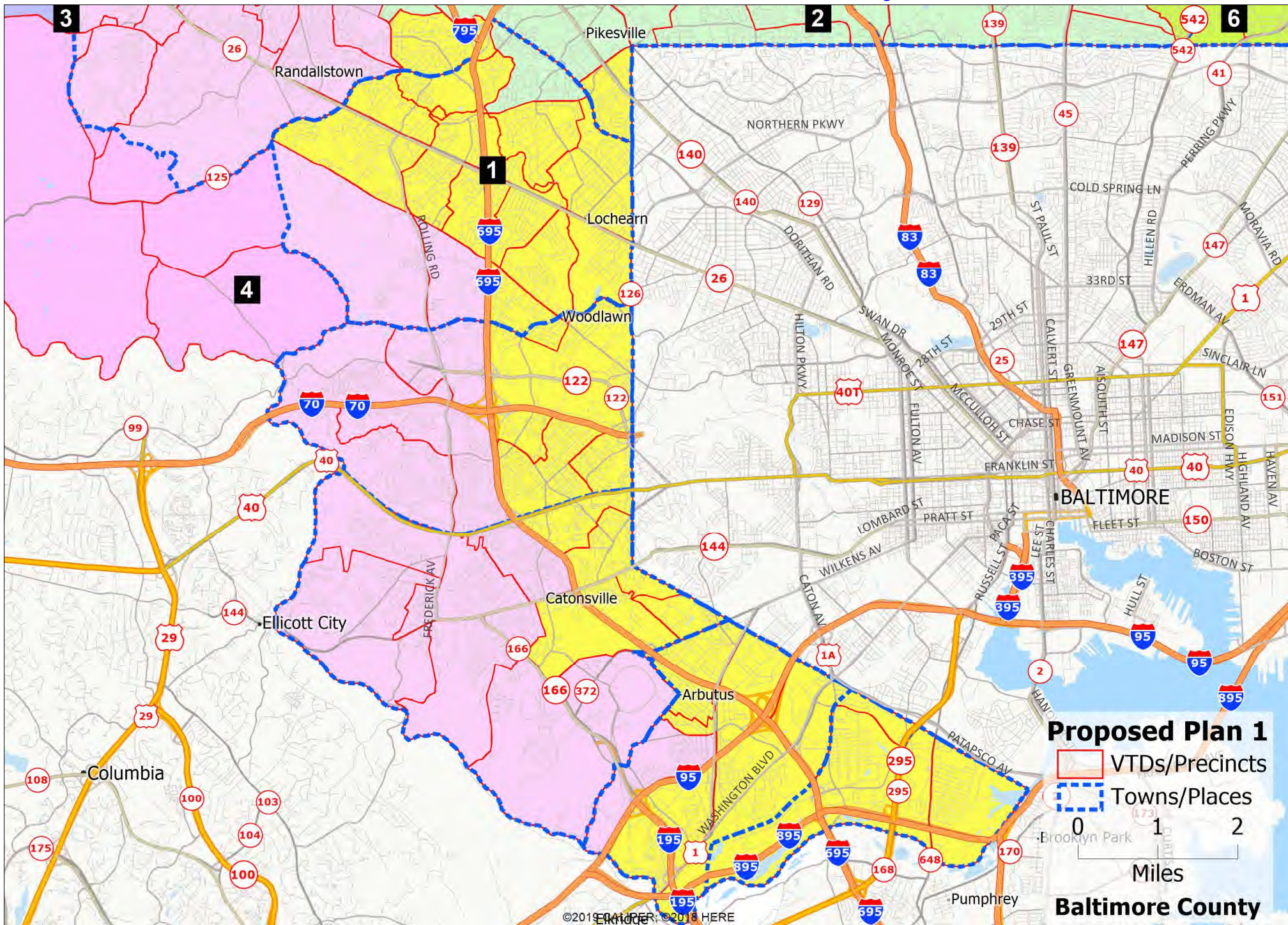
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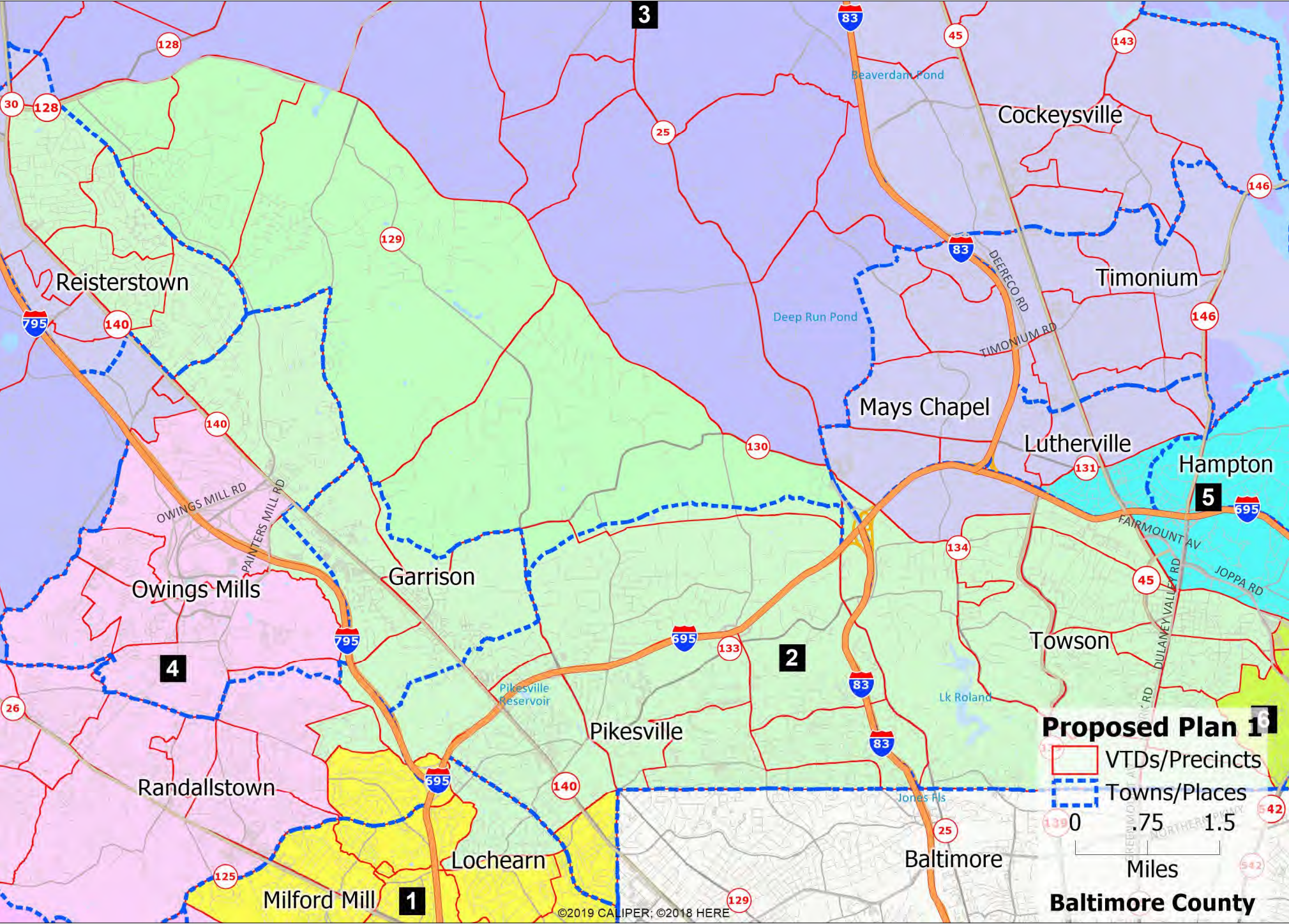
EXHIBIT E-1

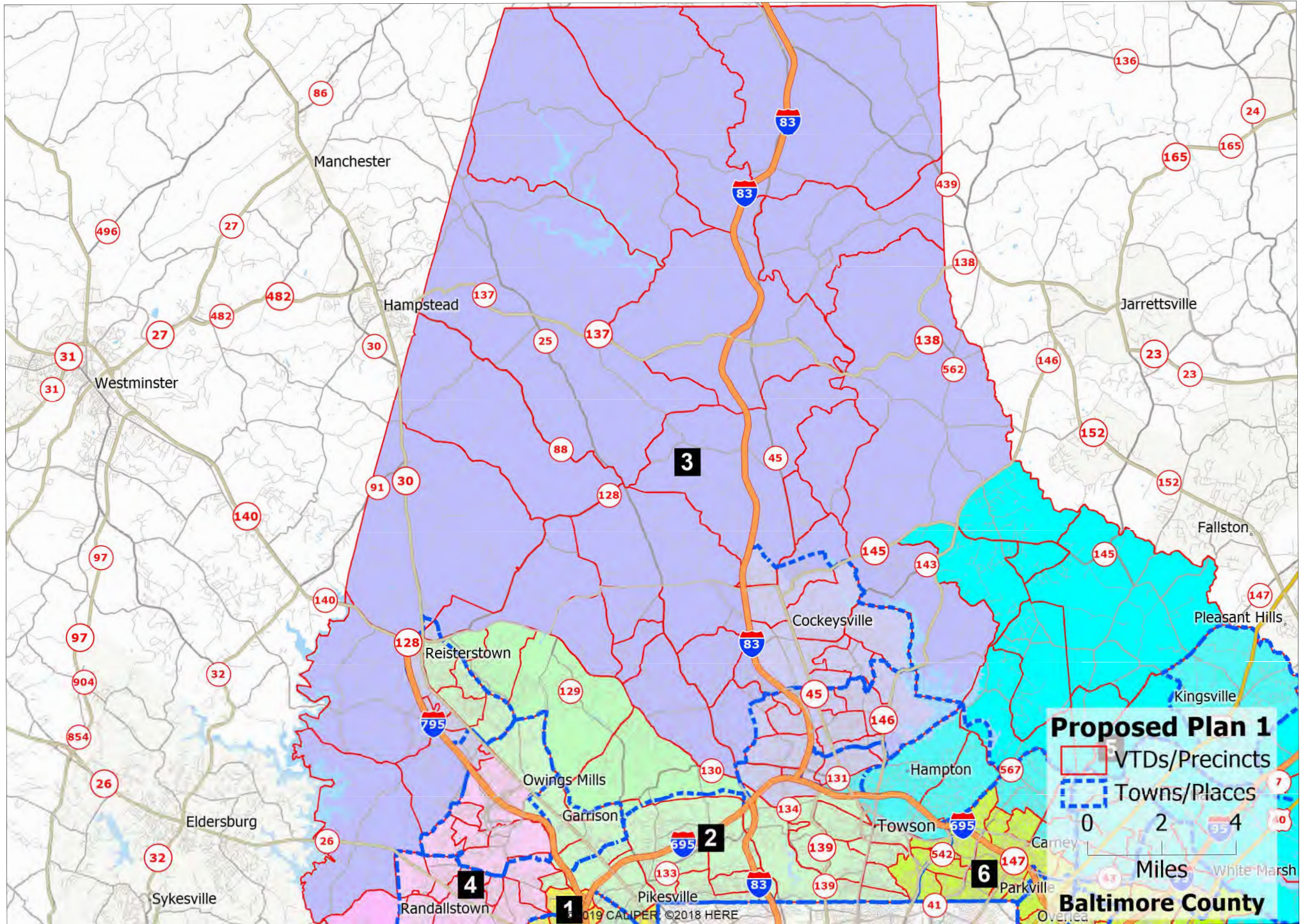


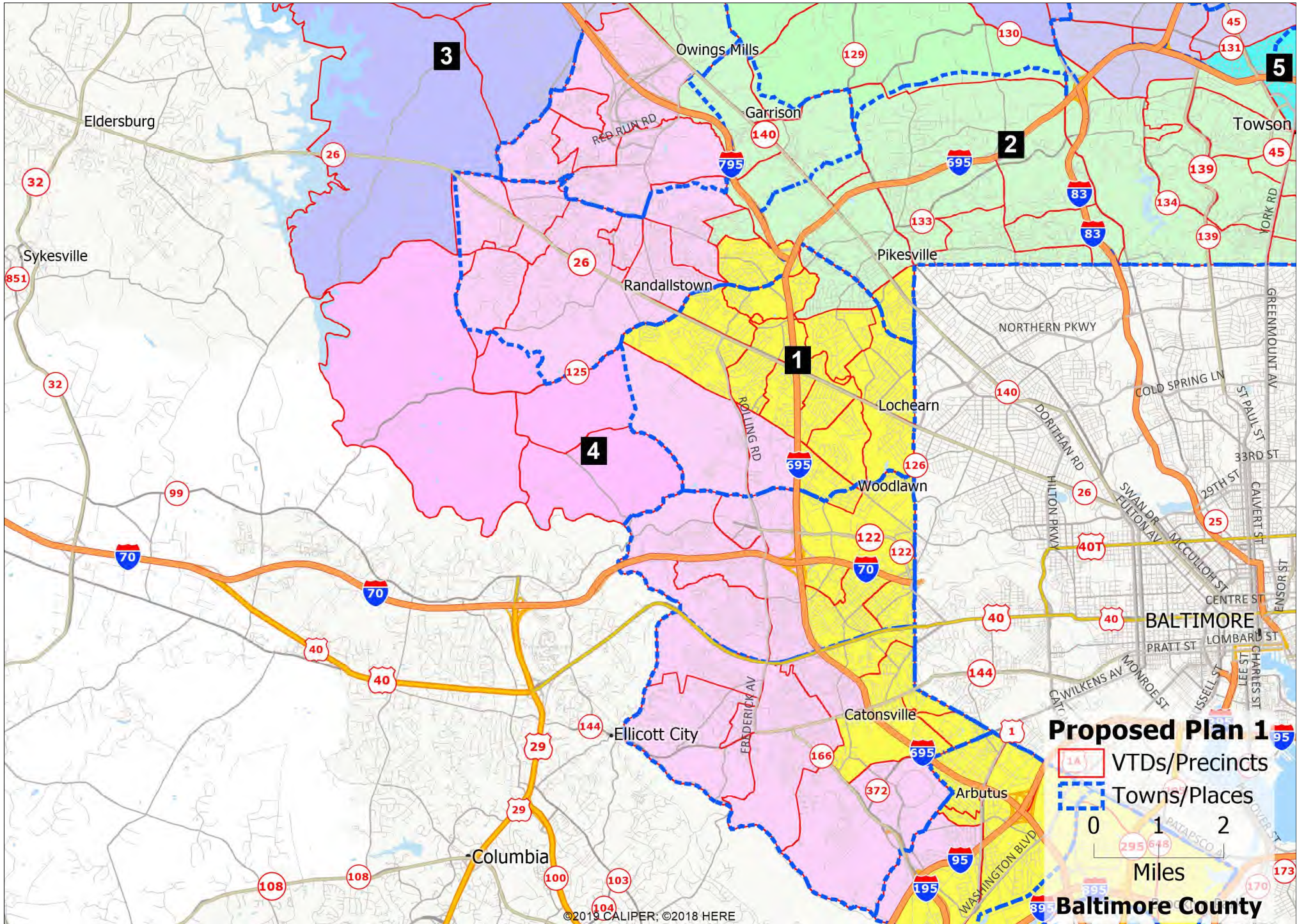
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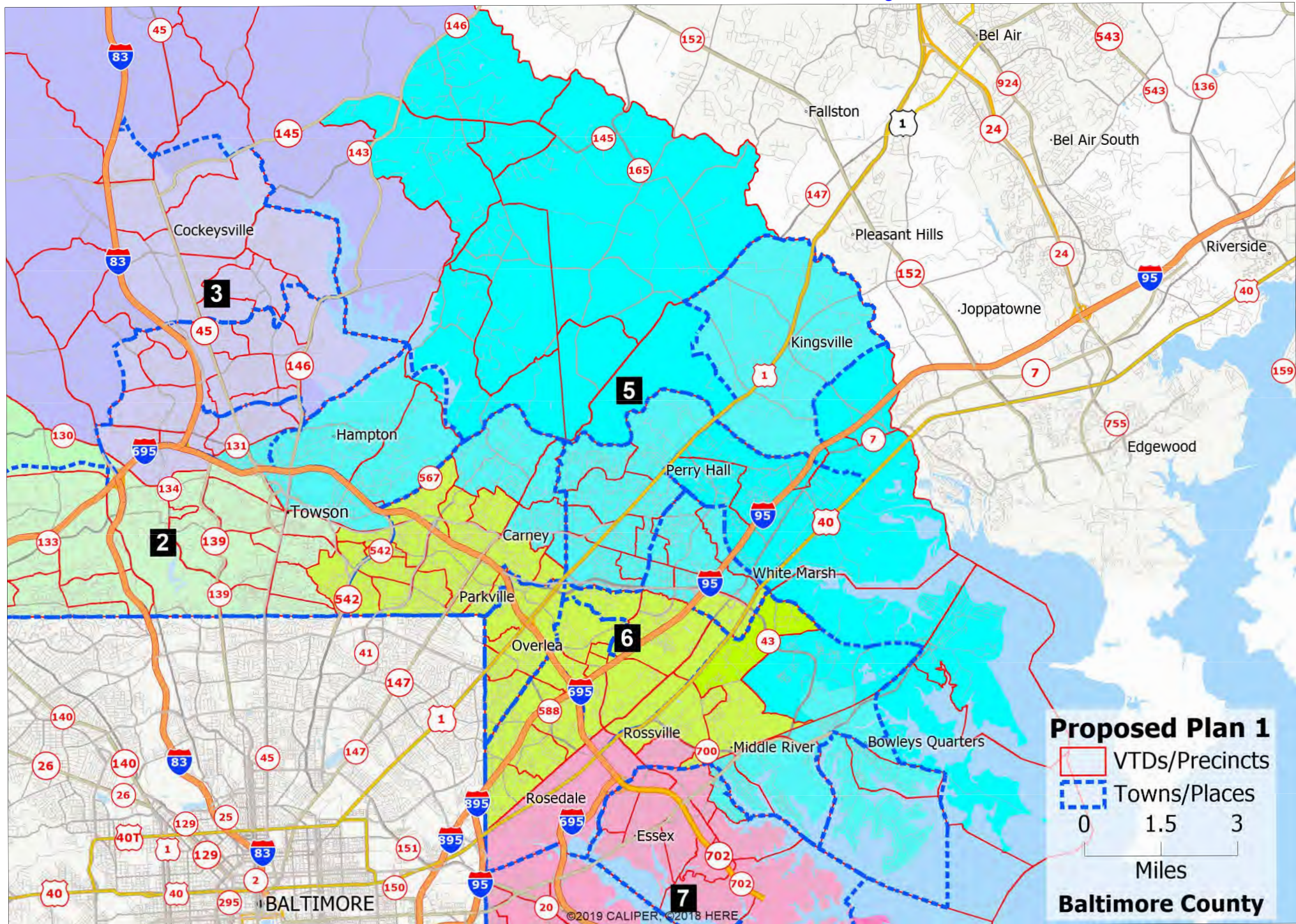
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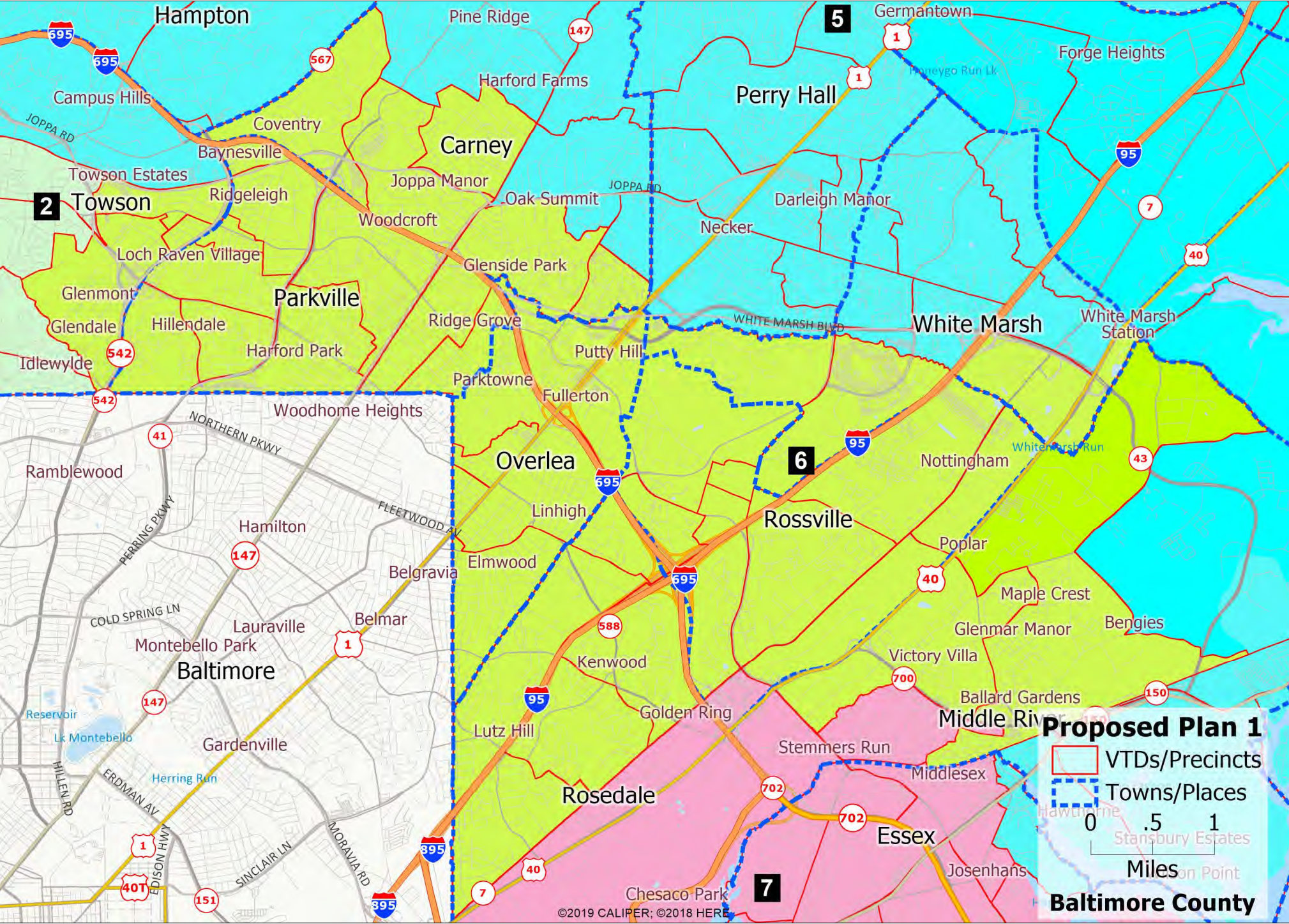


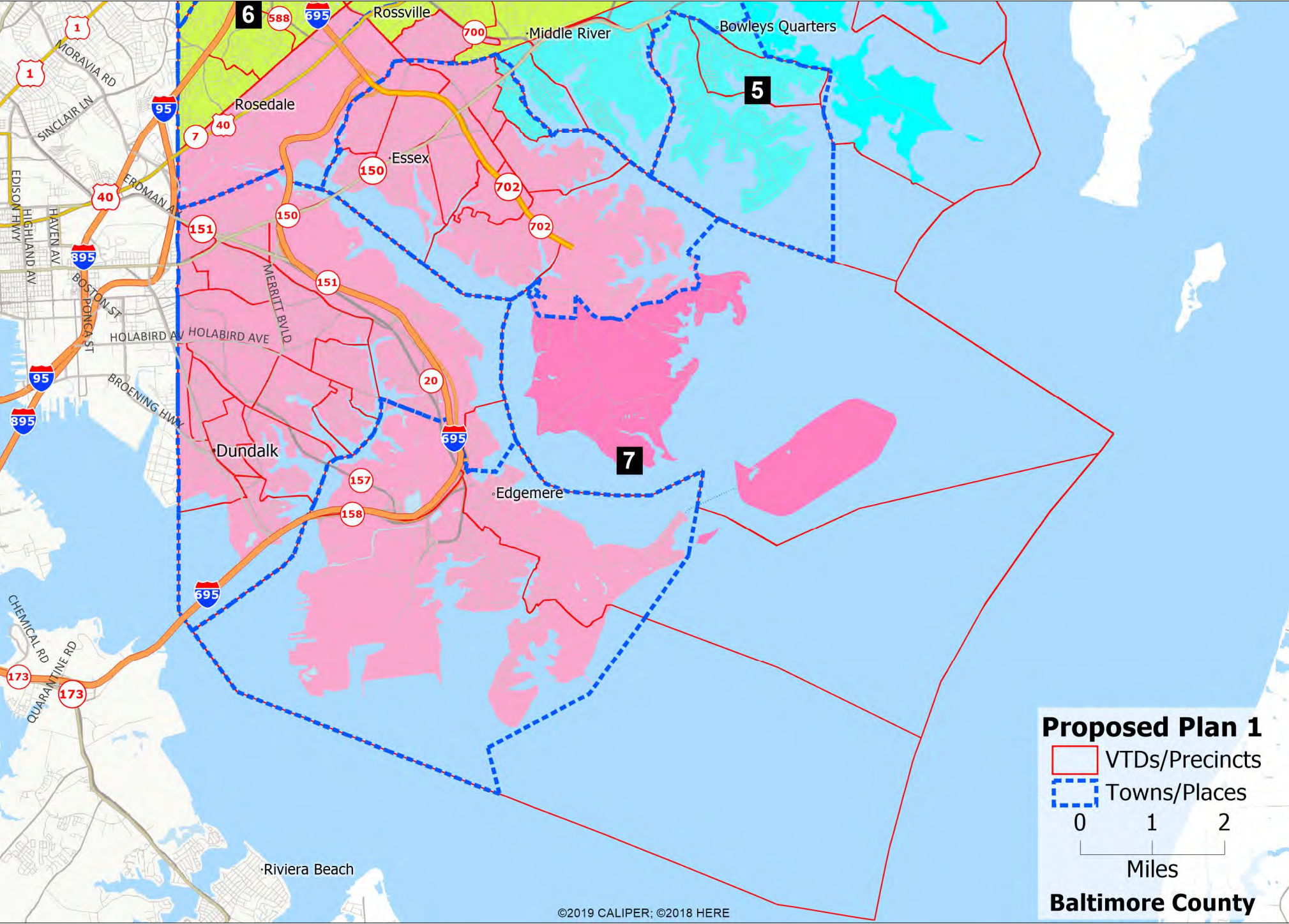












COOPER DECLARATION

EXHIBIT E-3

**Population Summary Report (2020 Census) -- 2020 VTD level
Baltimore County Council --Proposed Plan 1**

District	Adusted Population	Deviation	% Deviation	2020 Population	Any Part Black	% Any Part Black	Single-race Black	% Single- race Black	Latino	% Latino	NH White	% NH White
1	123487	1105	0.90%	123009	68644	55.80%	65339	53.12%	10483	8.52%	34980	28.44%
2	124871	2489	2.03%	124715	31347	25.13%	28793	23.09%	9454	7.58%	74540	59.77%
3	119713	-2669	-2.18%	119607	16189	13.54%	14395	12.04%	7759	6.49%	83008	69.40%
4	118817	-3565	-2.91%	118532	65331	55.12%	62103	52.39%	6136	5.18%	34587	29.18%
5	124615	2233	1.82%	124450	19281	15.49%	17227	13.84%	5077	4.08%	86205	69.27%
6	120554	-1828	-1.49%	120152	47755	39.75%	44544	37.07%	8873	7.38%	53230	44.30%
7	124616	2234	1.83%	124070	26813	21.61%	23392	18.85%	13710	11.05%	76713	61.83%
Total	856673		4.94%	854535	275360	32.22%	255793	29.93%	61492	7.20%	443263	51.87%

District	18+_Pop	18+_AP Black	% 18+_AP Black	18+_NH AP Black	% 18+_NH AP Black	18+ Latino	% 18+ Latino	18+_NH AP Asian	_NH AP Asian	18+_NH White	% 18+_NH White
1	95862	52561	54.83%	51965	54.21%	6802	7.10%	5958	6.22%	29763	31.05%
2	98207	23825	24.26%	23291	23.72%	6386	6.50%	6269	6.38%	60919	62.03%
3	94362	11667	12.36%	11336	12.01%	5076	5.38%	7979	8.46%	68290	72.37%
4	93414	50349	53.90%	49639	53.14%	4235	4.53%	8984	9.62%	29294	31.36%
5	99050	13366	13.49%	13030	13.15%	3370	3.40%	8536	8.62%	71960	72.65%
6	92918	33545	36.10%	32967	35.48%	5864	6.31%	6780	7.30%	45489	48.96%
7	95698	18134	18.95%	17585	18.38%	8456	8.84%	2393	2.50%	63851	66.72%
Total	669511	203447	30.39%	199813	29.84%	40189	6.00%	46899	7.00%	369566	55.20%

District	% NH Single- Race Black CVAP*	% Latino CVAP	% NH Single- Race Asian CVAP*
1	71.08%	2.37%	5.16%
2	29.25%	3.85%	5.67%
3	16.07%	2.74%	8.75%
4	71.18%	1.80%	8.02%
5	15.10%	1.86%	7.70%
6	45.30%	3.37%	6.97%
7	24.77%	3.10%	2.19%

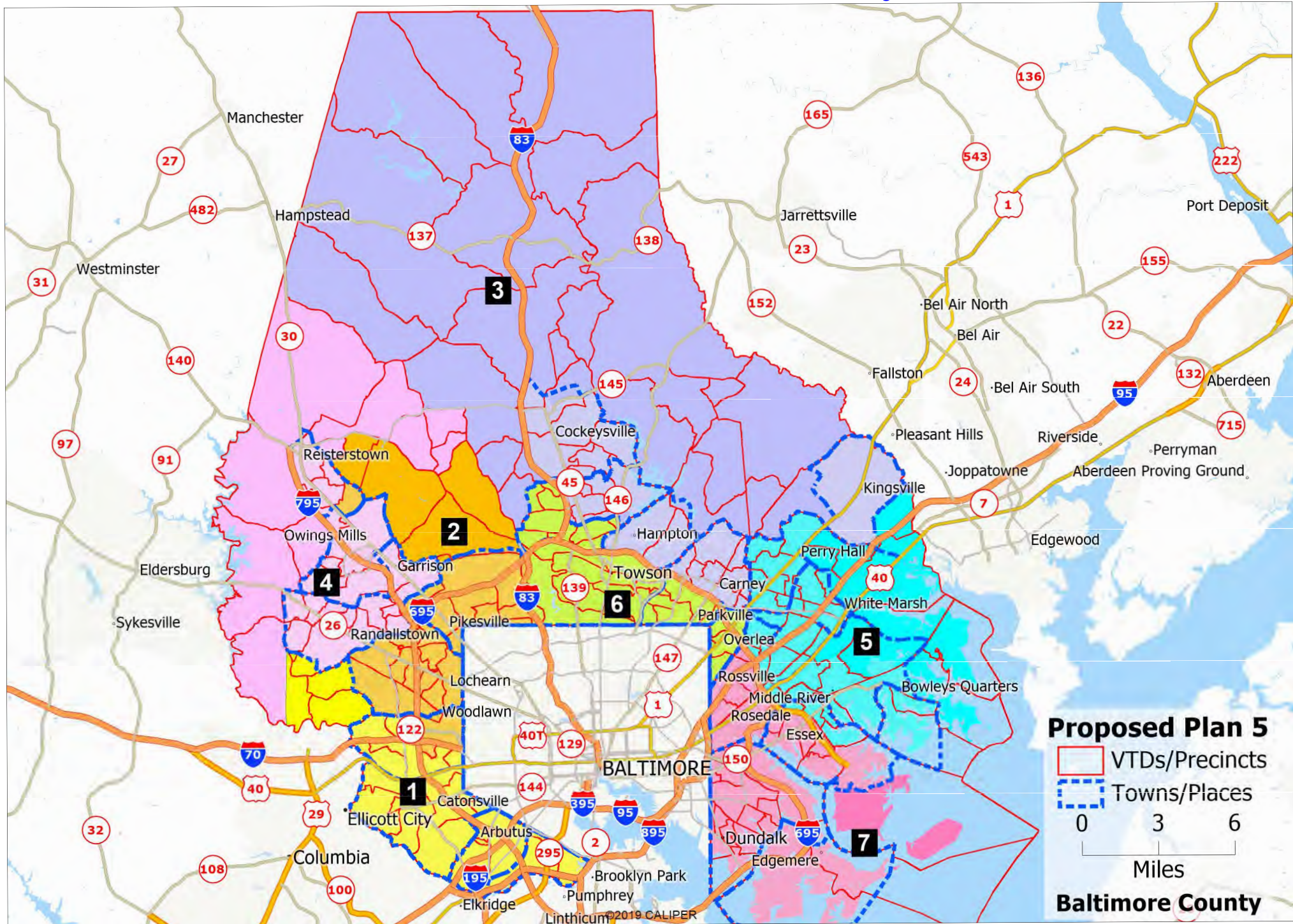
Note: Citizen Voting Age Population (CVAP) percentages are disaggregated from block-group level ACS estimates (with a survey midpoint of July 2017)

Source for CVAP disaggregation: Redistricting Data Hub

<https://redistrictingdatahub.org/dataset/maryland-cvap-data-disaggregated-to-the-2020-block-level-2019/>

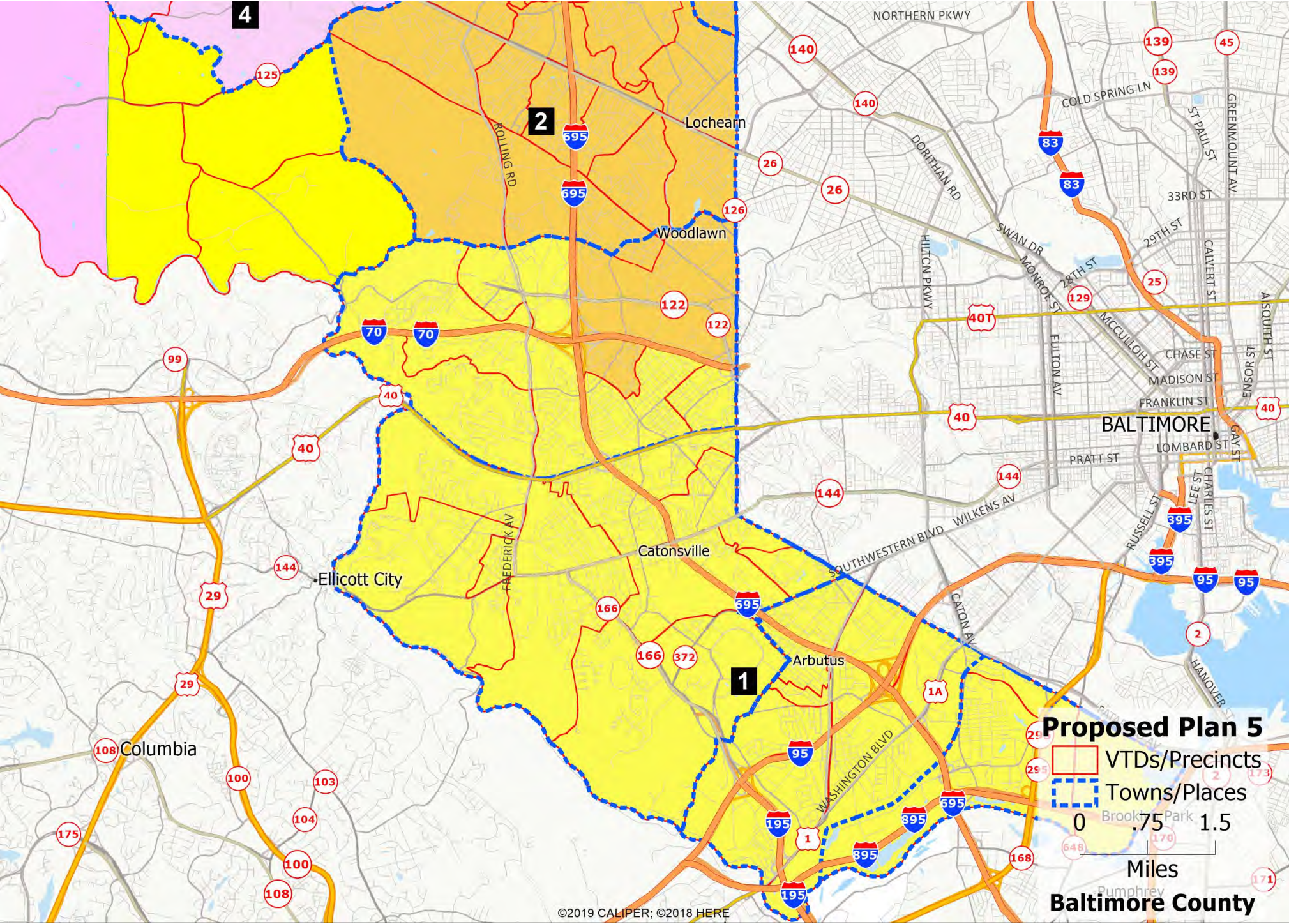
COOPER DECLARATION

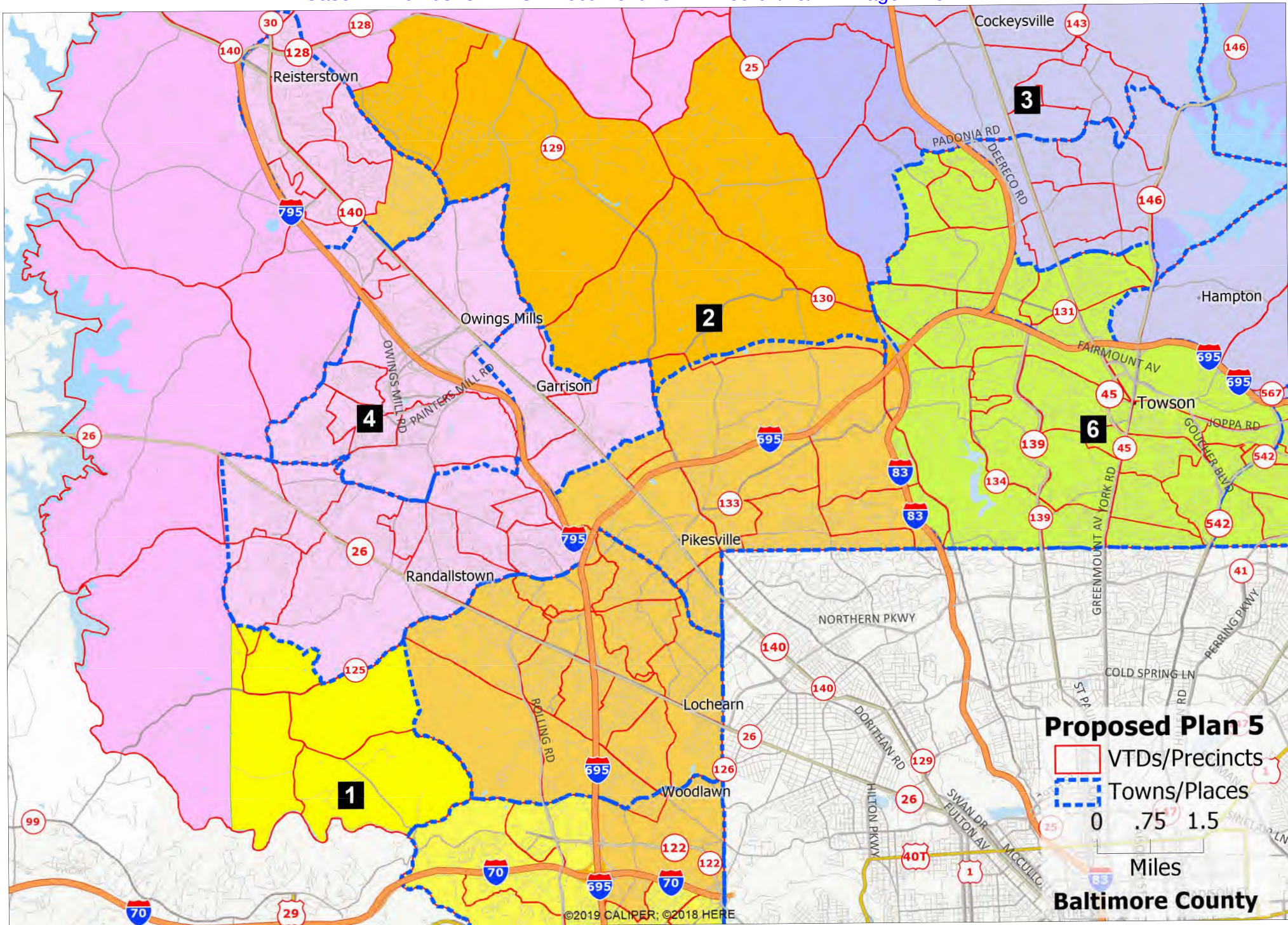
EXHIBIT F-1

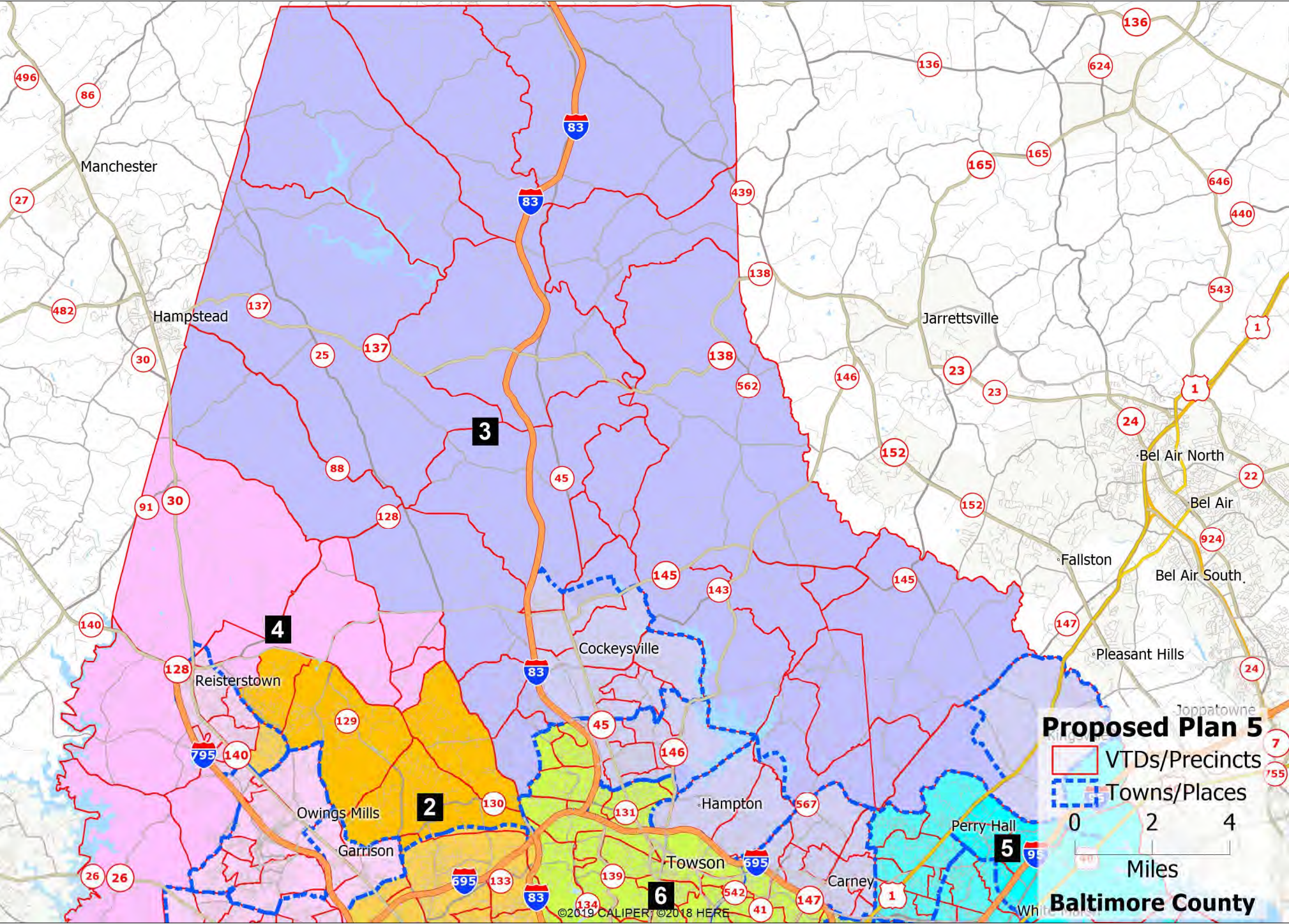


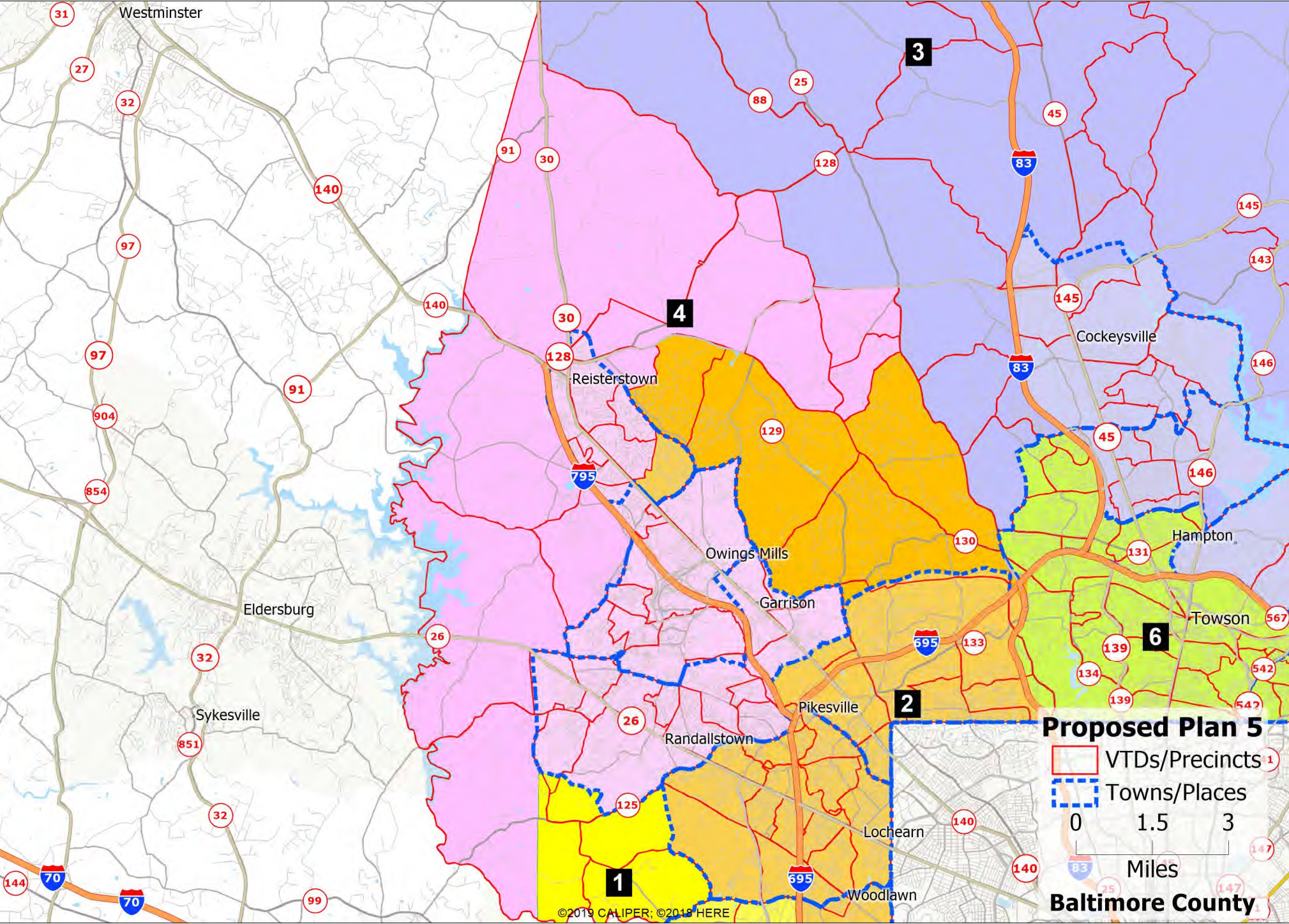
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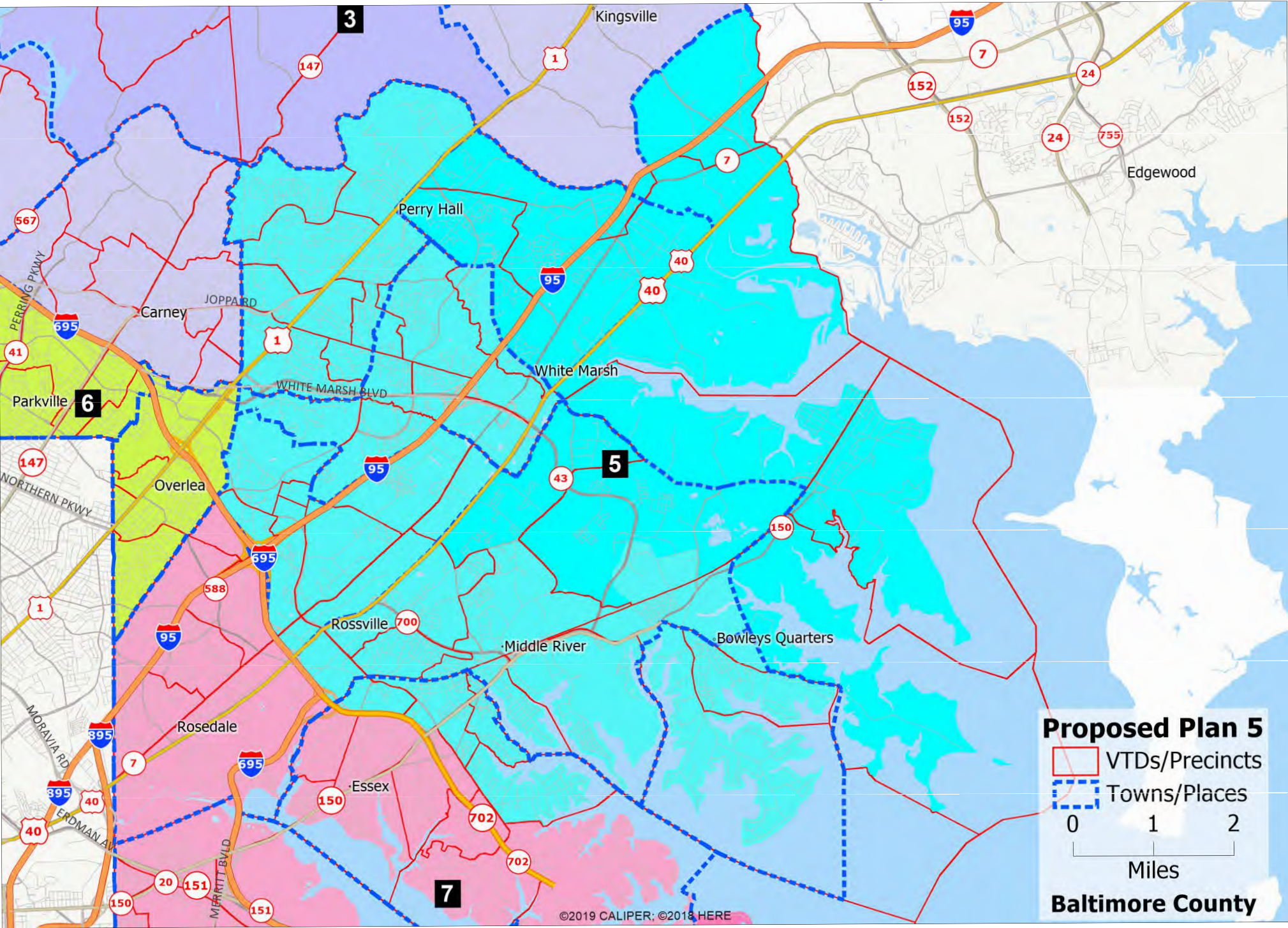
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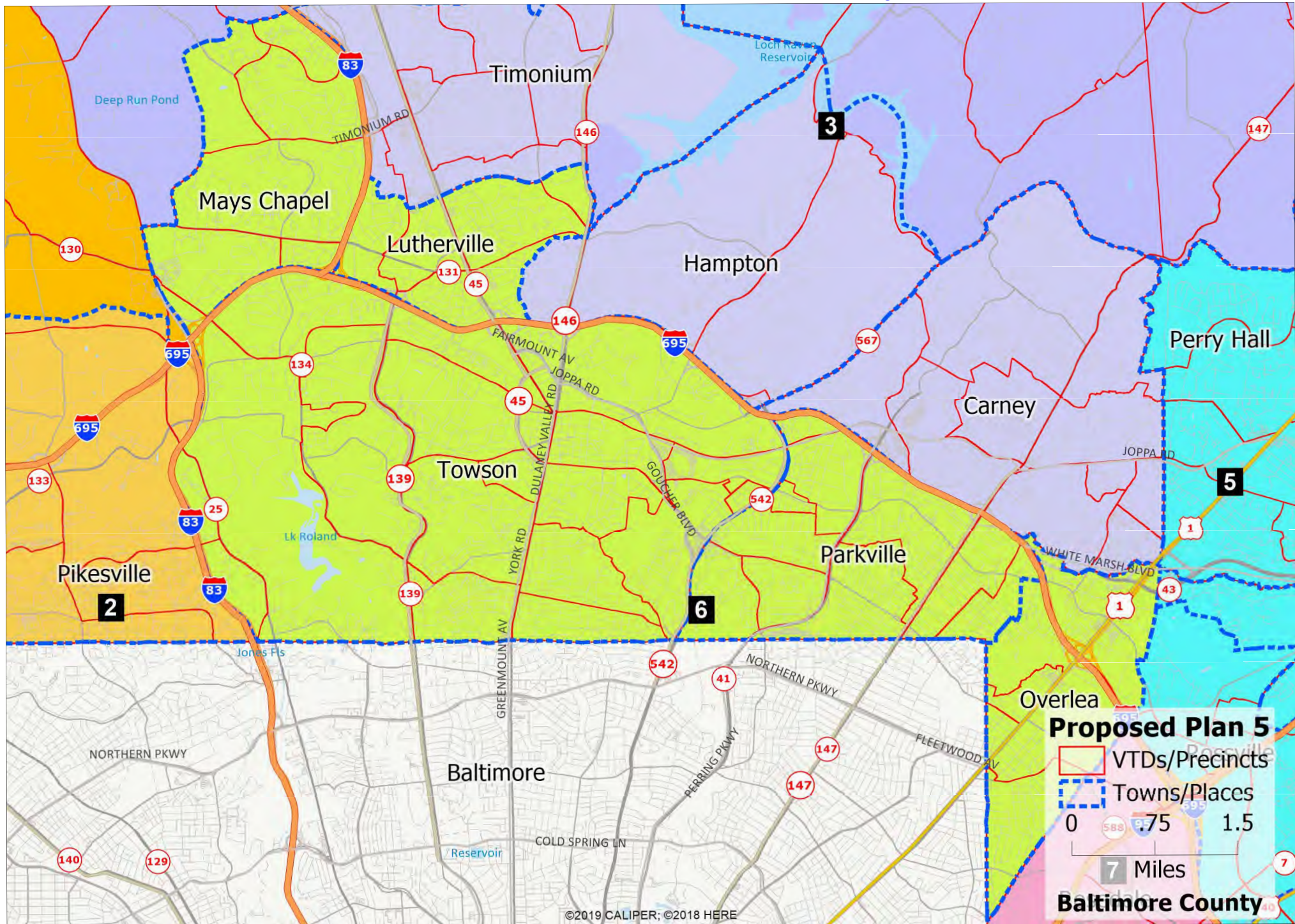


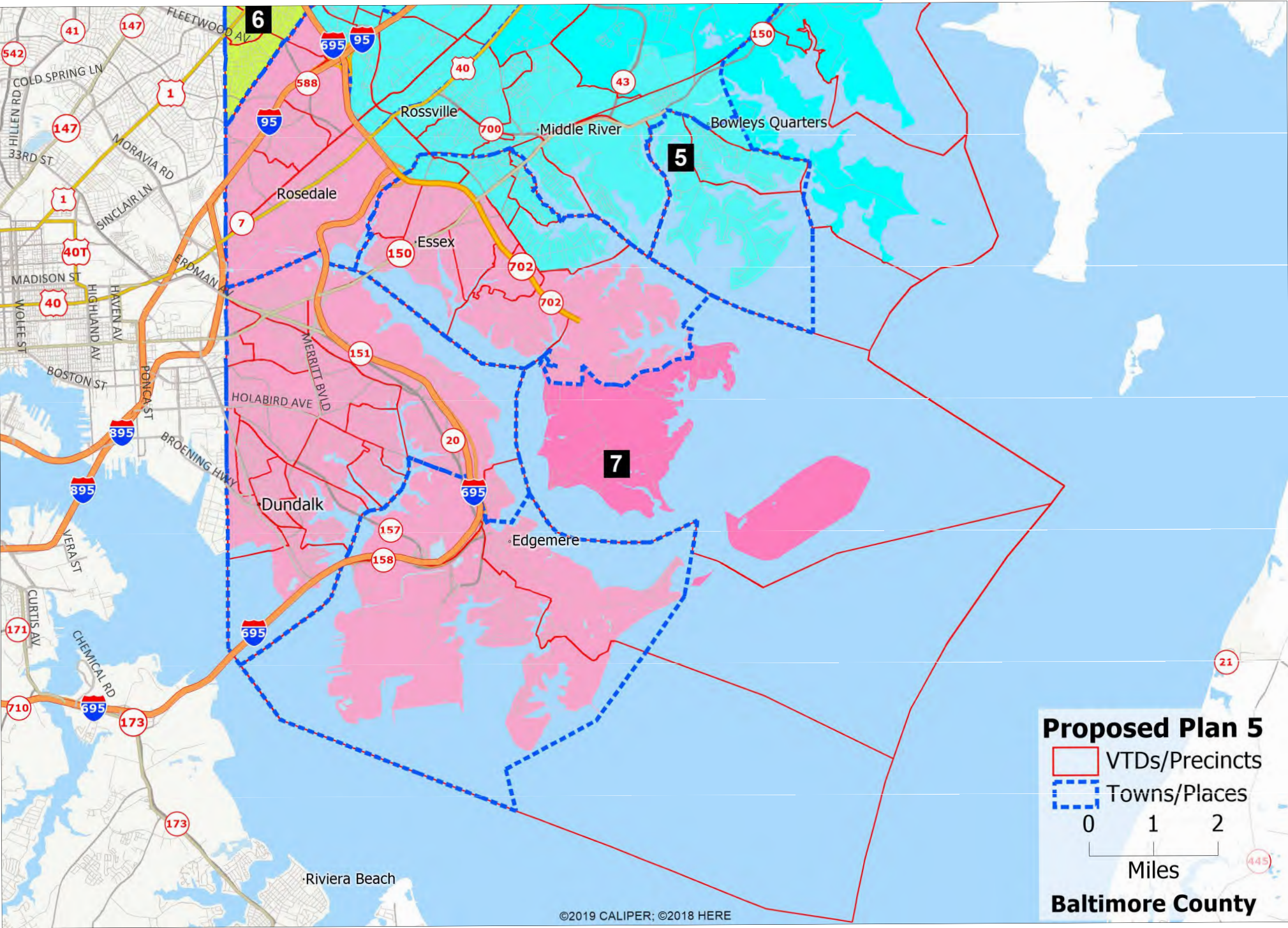












COOPER DECLARATION

EXHIBIT F-3

**Population Summary Report (2020 Census) -- 2020 VTD level
Baltimore County Council --Proposed Plan 5**

District	Adusted Population	Deviation	% Deviation	2020 Population	Any Part Black	% Any Part Black	Single-race Black	% Single- race Black	Latino	% Latino	NH White	% NH White
1	117582	-4800	-3.92%	117299	33828	28.84%	31030	26.45%	10029	8.55%	56411	48.09%
2	118013	-4369	-3.57%	117653	65481	55.66%	62722	53.31%	6945	5.90%	39418	33.50%
3	124905	2523	2.06%	124772	14761	11.83%	13100	10.50%	7049	5.65%	91229	73.12%
4	116414	-5968	-4.88%	116127	67261	57.92%	63757	54.90%	8811	7.59%	33180	28.57%
5	127792	5410	4.42%	127490	33170	26.02%	30317	23.78%	7578	5.94%	72163	56.60%
6	123477	1095	0.89%	123256	29228	23.71%	26686	21.65%	7128	5.78%	76014	61.67%
7	128490	6108	4.99%	127938	31631	24.72%	28181	22.03%	13952	10.91%	74848	58.50%
Total	856673		9.87%	854535	275360	32.22%	255793	29.93%	61492	7.20%	443263	51.87%

District	18+_Pop	18+_AP Black	% 18+_AP Black	18+_NH AP Black	% 18+_NH AP Black	18+ Latino	% 18+ Latino	18+_NH AP Asian	_NH AP Asian	18+_NH White	% 18+_NH White
1	91822	25366	27.63%	24900	27.12%	6565	7.15%	11315	12.32%	47183	51.39%
2	91368	50253	55.00%	49691	54.39%	4627	5.06%	4035	4.42%	31991	35.01%
3	98770	10069	10.19%	9789	9.91%	4584	4.64%	7128	7.22%	75332	76.27%
4	91106	51045	56.03%	50314	55.23%	5861	6.43%	5198	5.71%	28747	31.55%
5	98805	22697	22.97%	22241	22.51%	4810	4.87%	8994	9.10%	60384	61.11%
6	98894	22138	22.39%	21584	21.83%	5047	5.10%	7213	7.29%	63497	64.21%
7	98746	21879	22.16%	21294	21.56%	8695	8.81%	3016	3.05%	62432	63.22%
Total	669511	203447	30.39%	199813	29.84%	40189	6.00%	46899	7.00%	369566	55.20%

District	% NH Single- Race Black CVAP*	% Latino CVAP	% NH Single- Race Asian CVAP*
1	37.53%	2.47%	9.73%
2	69.41%	2.40%	4.78%
3	12.82%	2.68%	7.55%
4	72.78%	2.71%	4.91%
5	26.33%	2.70%	8.75%
6	24.90%	3.18%	6.29%
7	29.88%	2.88%	2.62%

Note: Citizen Voting Age Population (CVAP) percentages are disaggregated from block-group level ACS estimates (with a survey midpoint of July 2017)

Source for CVAP disaggregation: Redistricting Data Hub

<https://redistrictingdatahub.org/dataset/maryland-cvap-data-disaggregated-to-the-2020-block-level-2019/>

COOPER DECLARATION

EXHIBIT G-1

Selected Socio-Economic Data

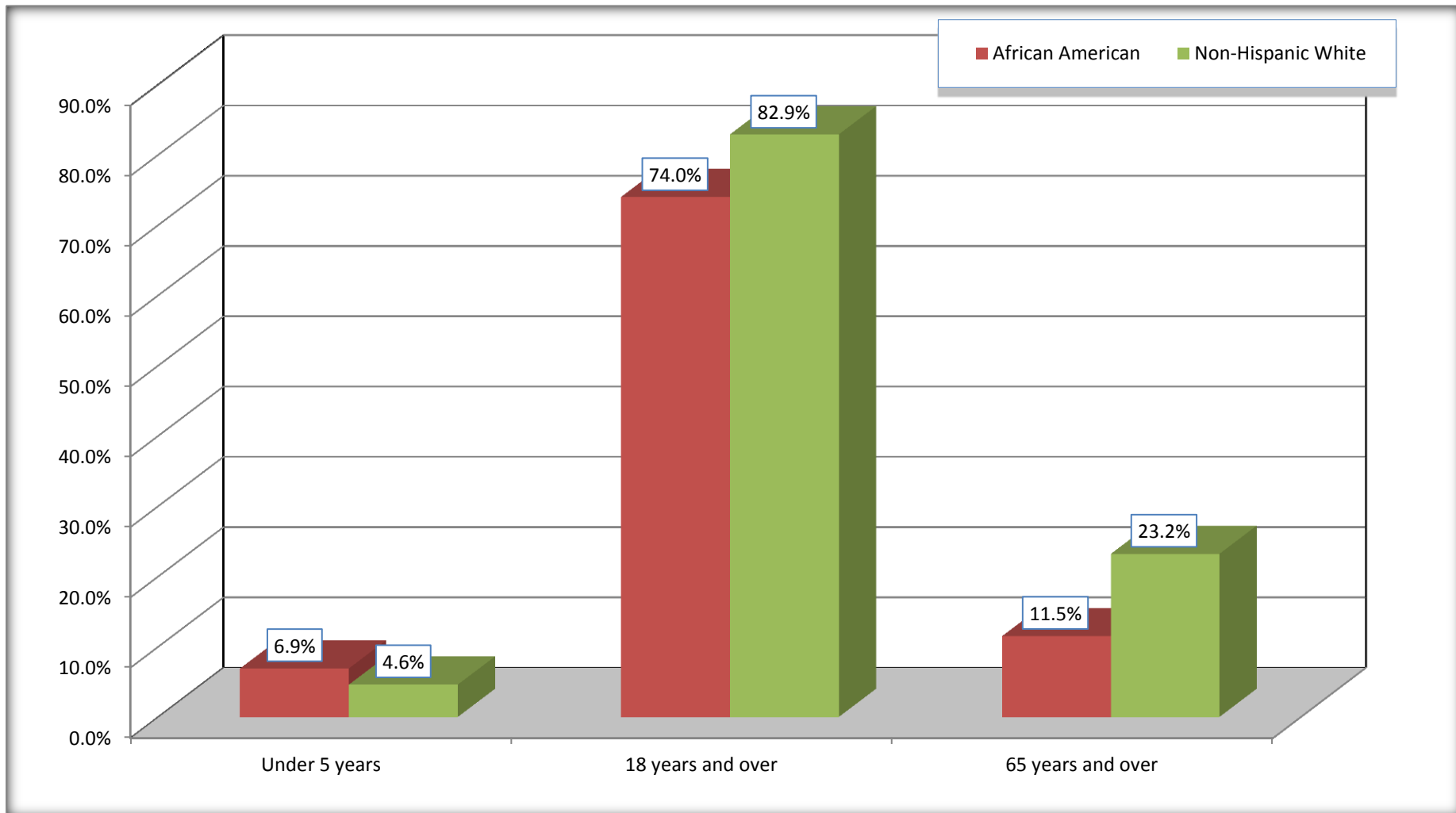
Baltimore County, Maryland

Any Part African American vis-à-vis NH White

Data Set: 2019 American Community Survey 1-Year Estimates

Population by Age

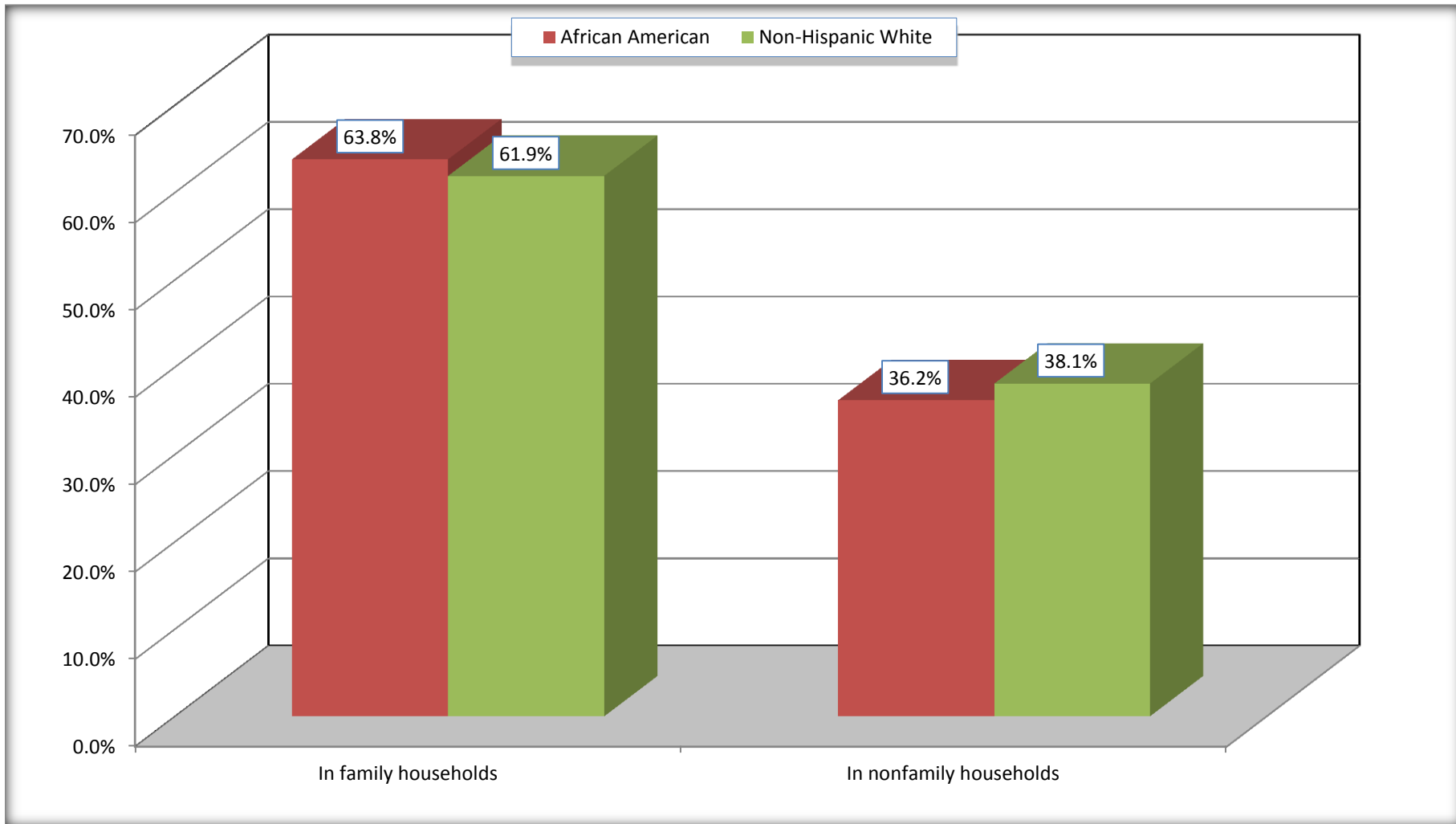
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Household Type for Population in Households

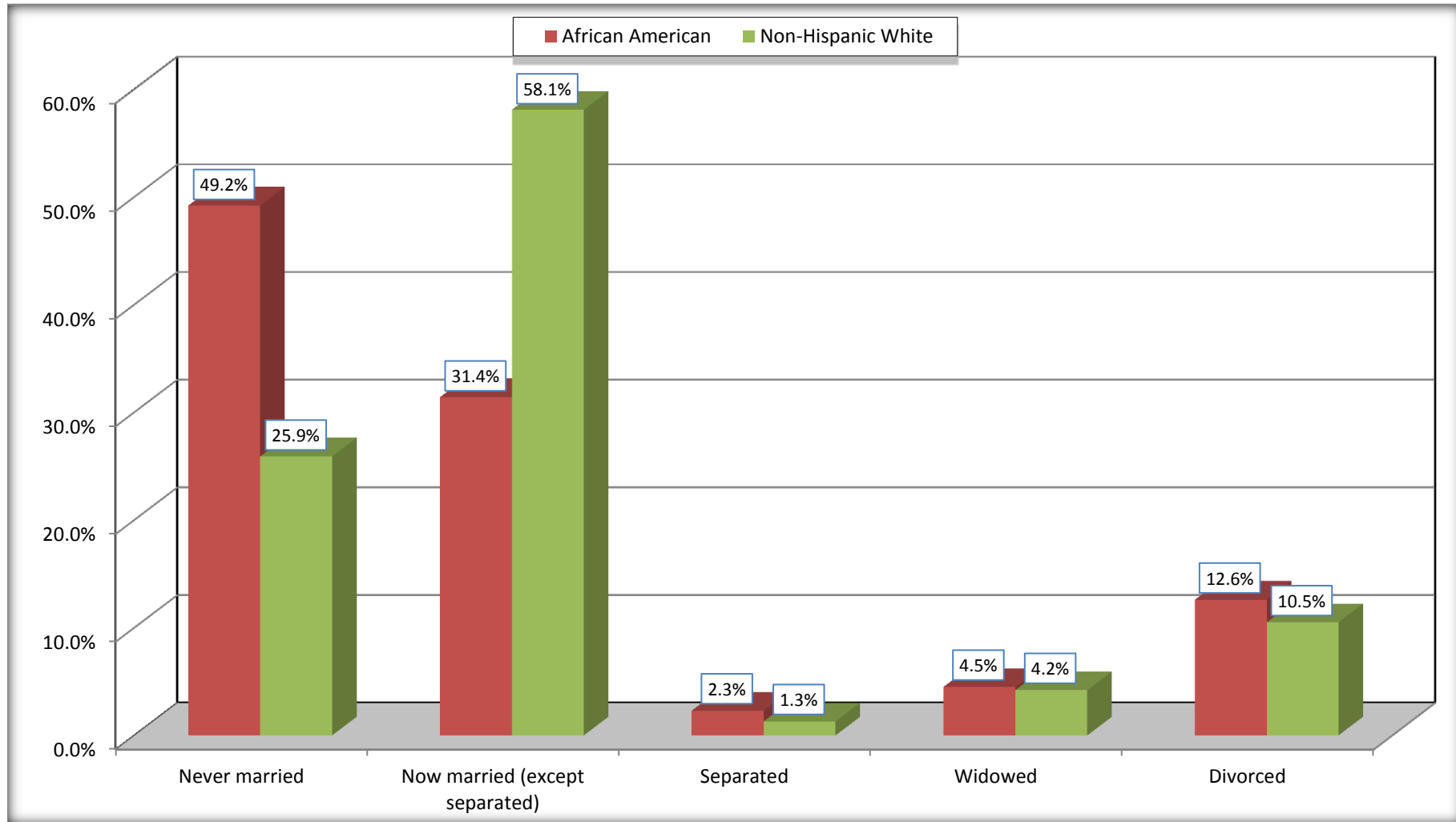
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Marital Status for the Population 15 Years and Over

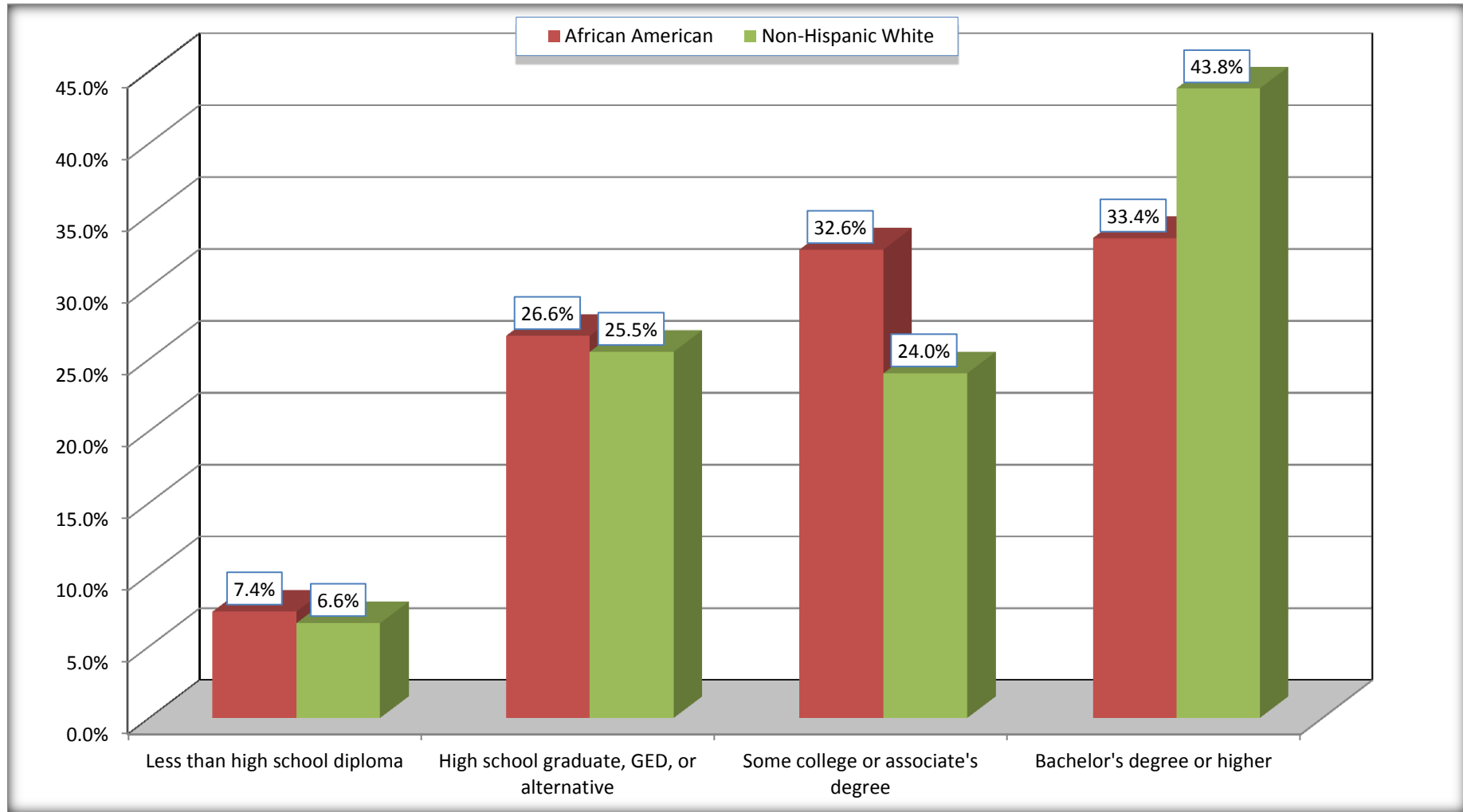
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Educational Attainment for the Population 25 Years and Older

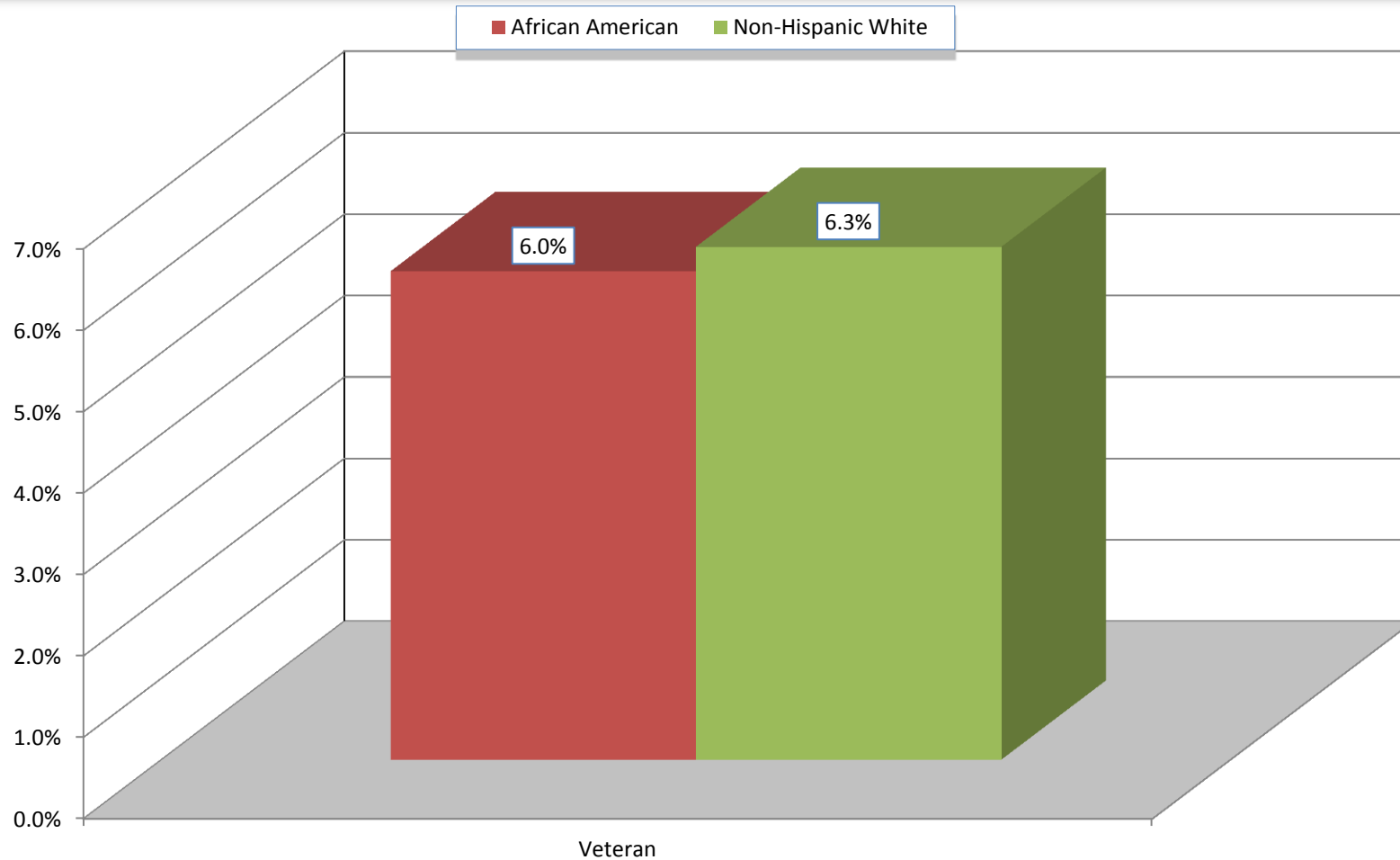
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Veterans in the Civilian Population 18 Years and Over

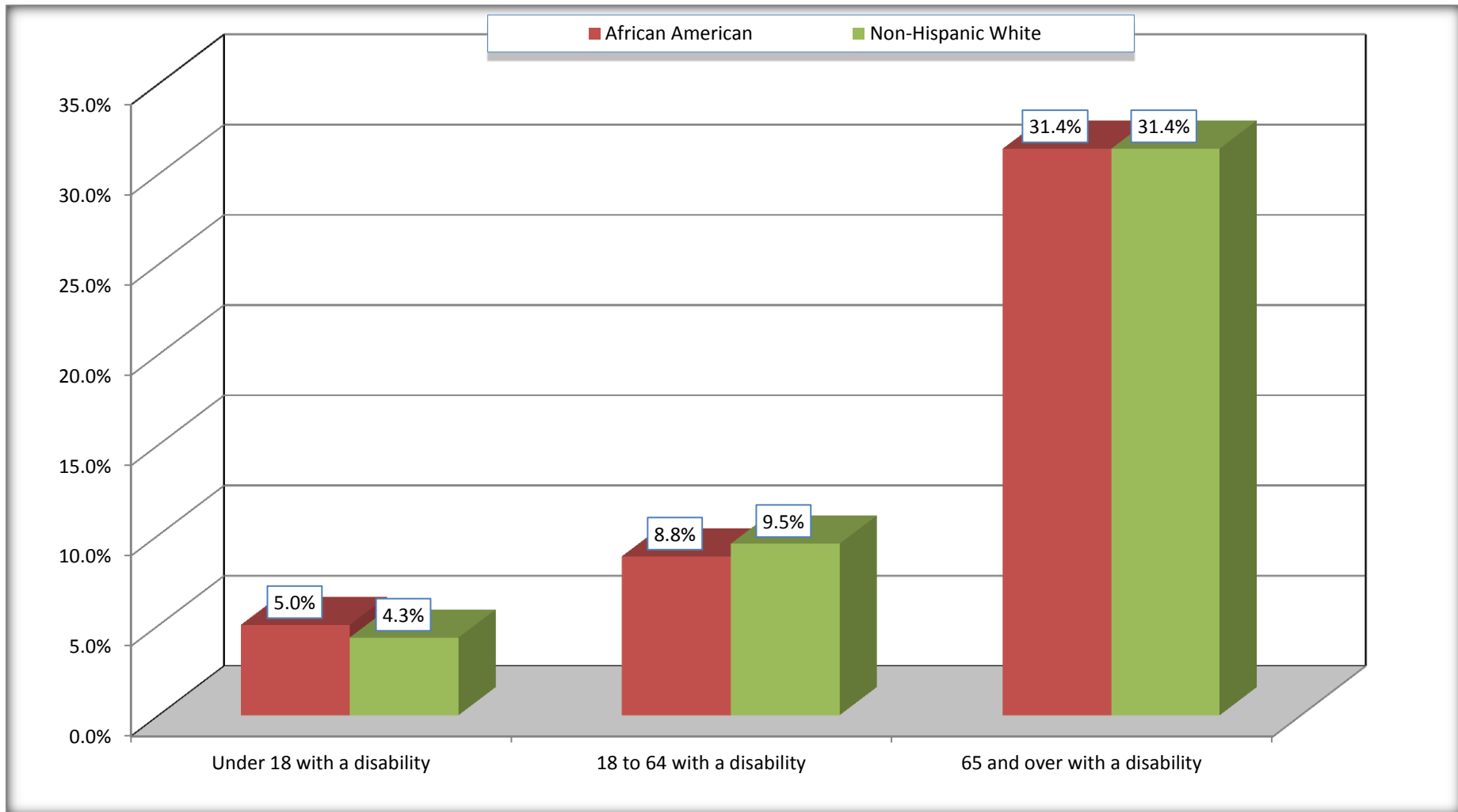
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Disability by Age -- Civilian Noninstitutionalized Population

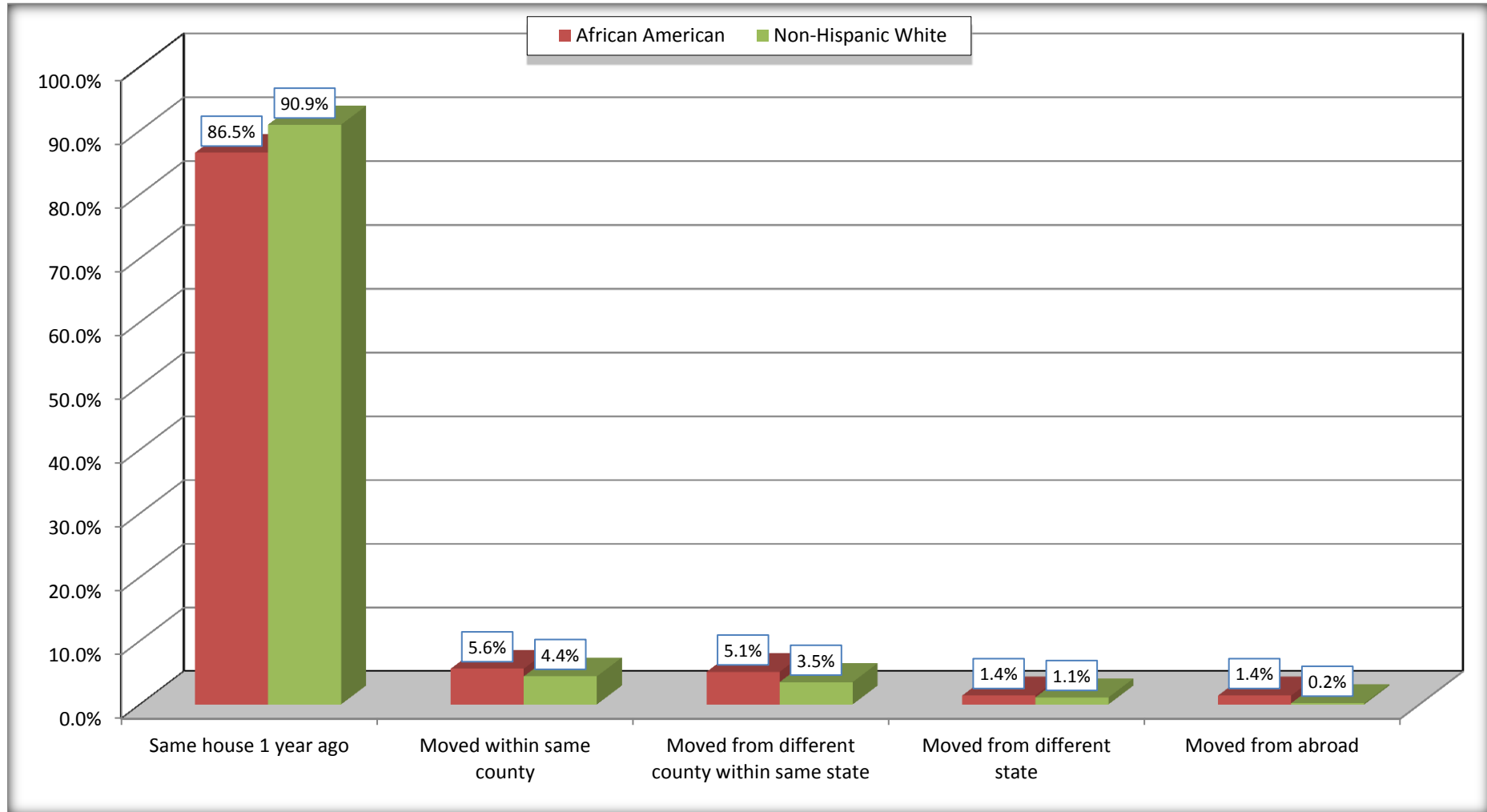
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Geographical Mobility in the Past Year (Population 1 Year and Over)

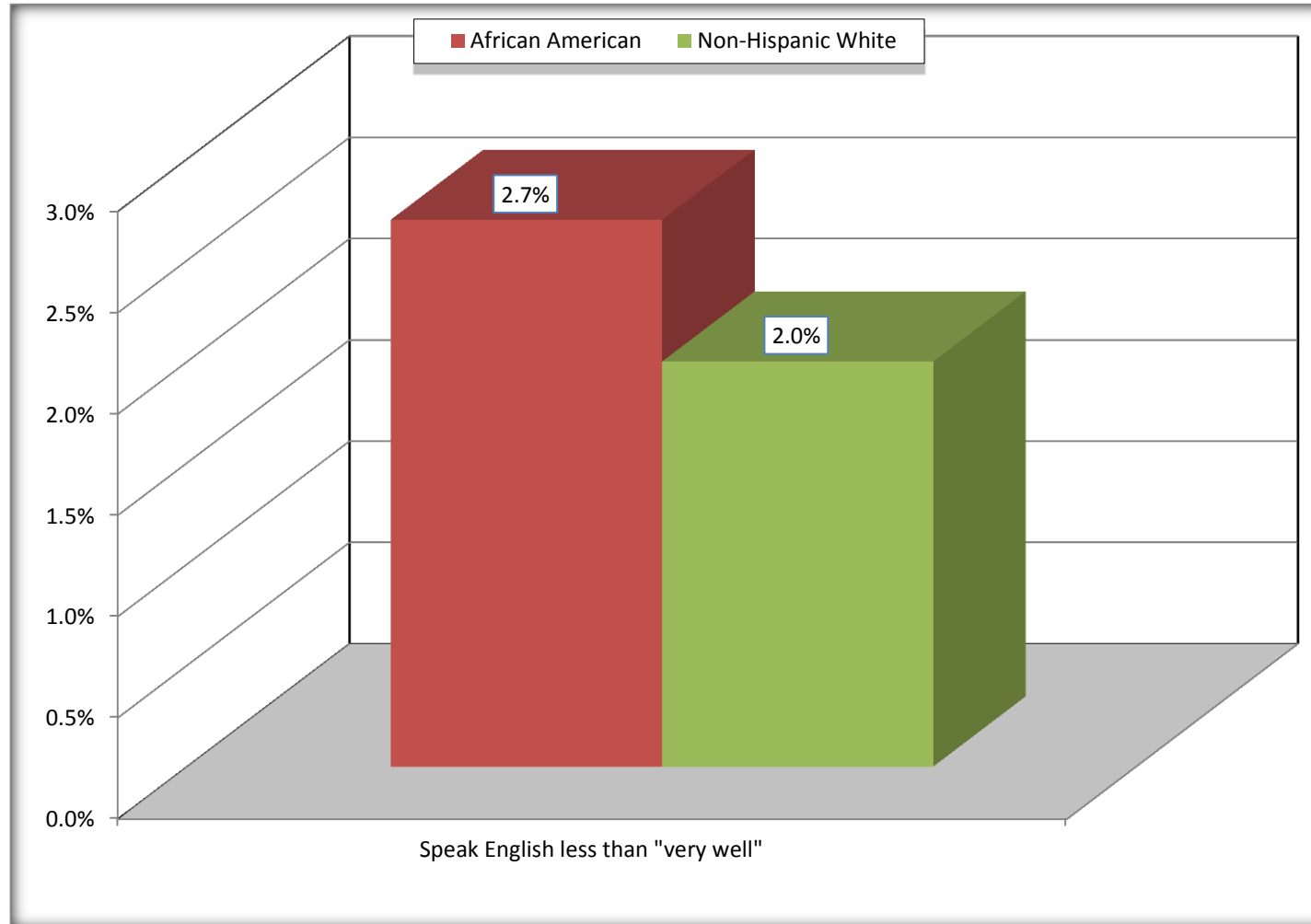
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Speak English Less than "Very Well" (Population 5 Years and Over)

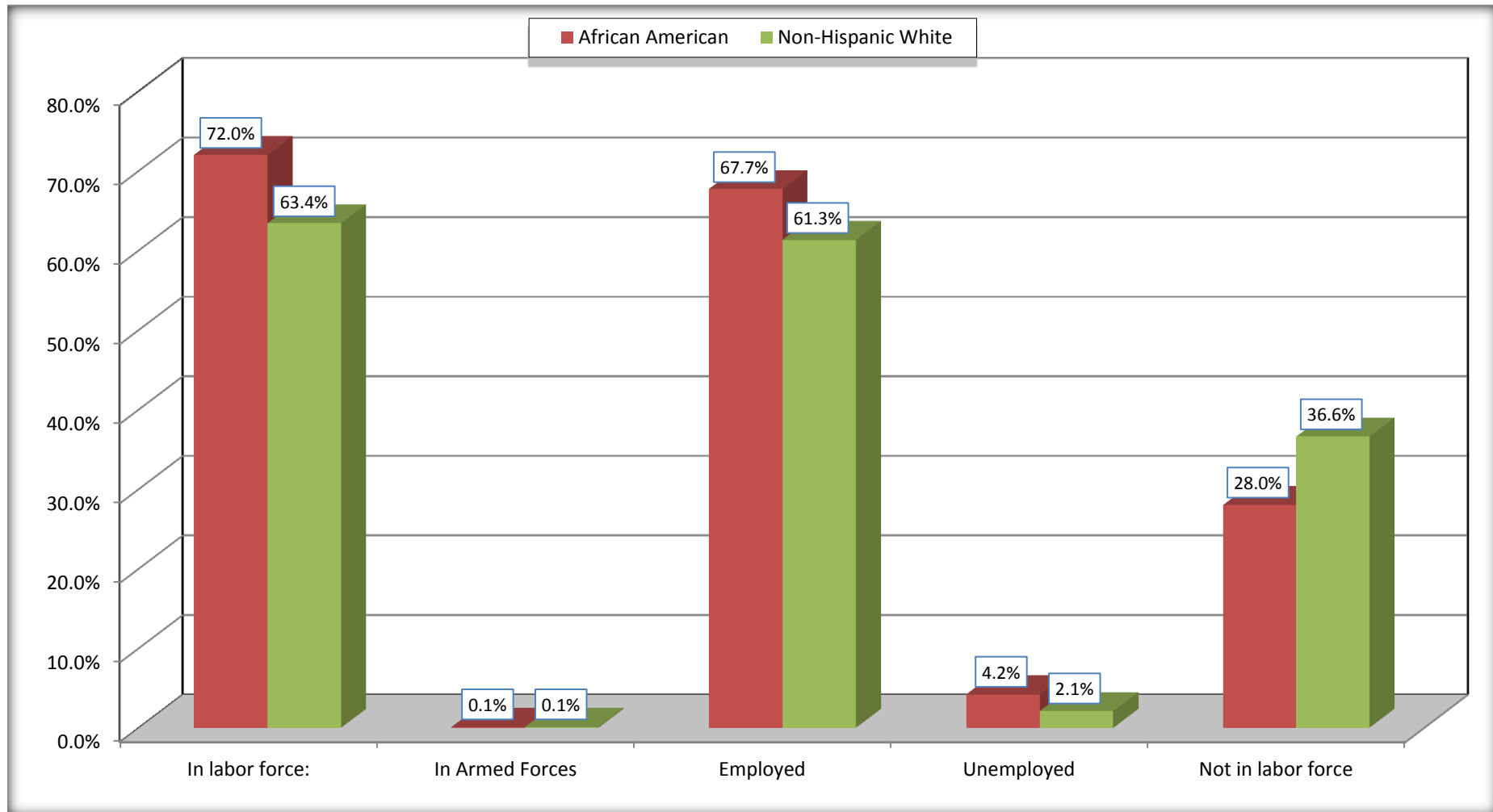
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

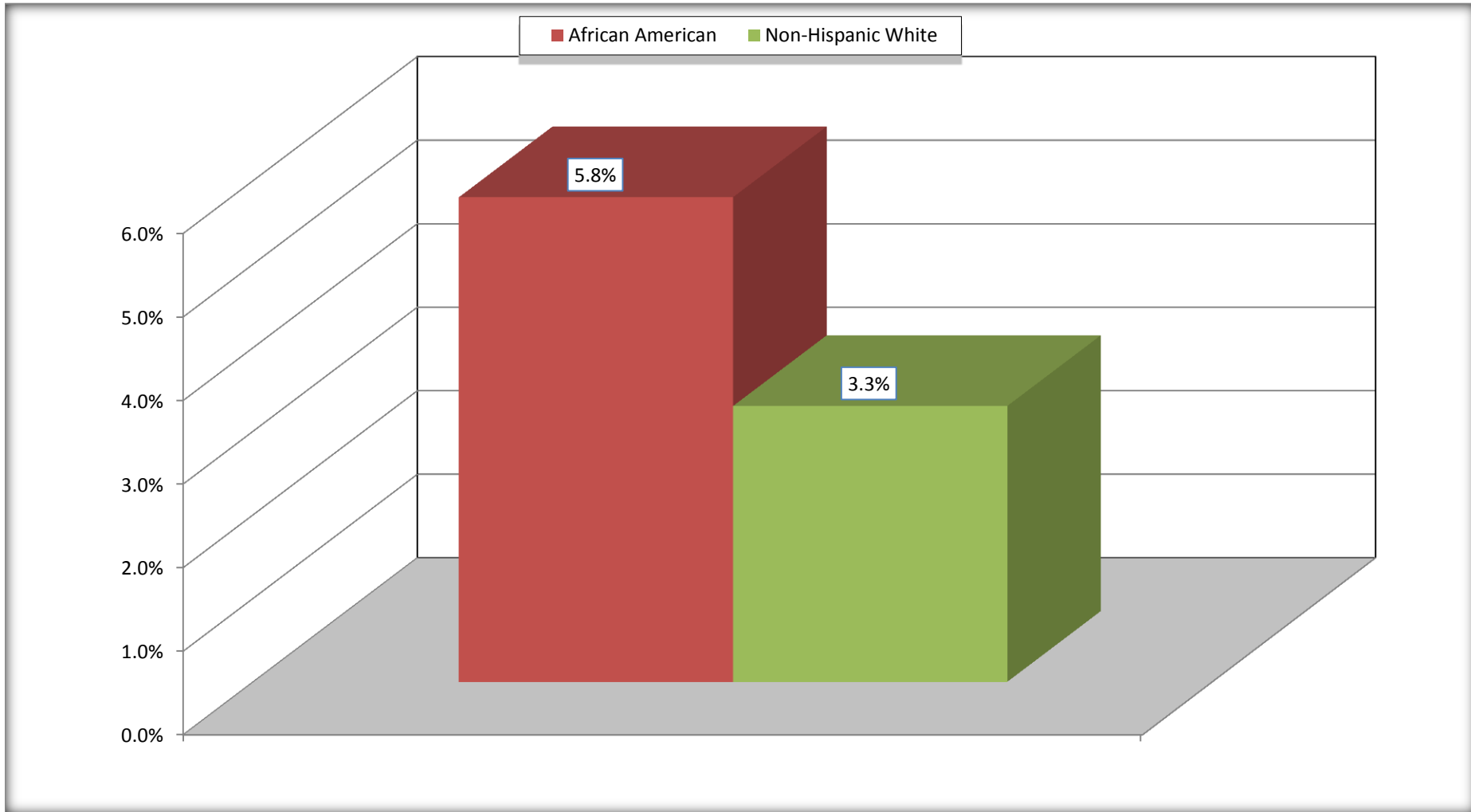
Employment Status for the Population 16 years and over

Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

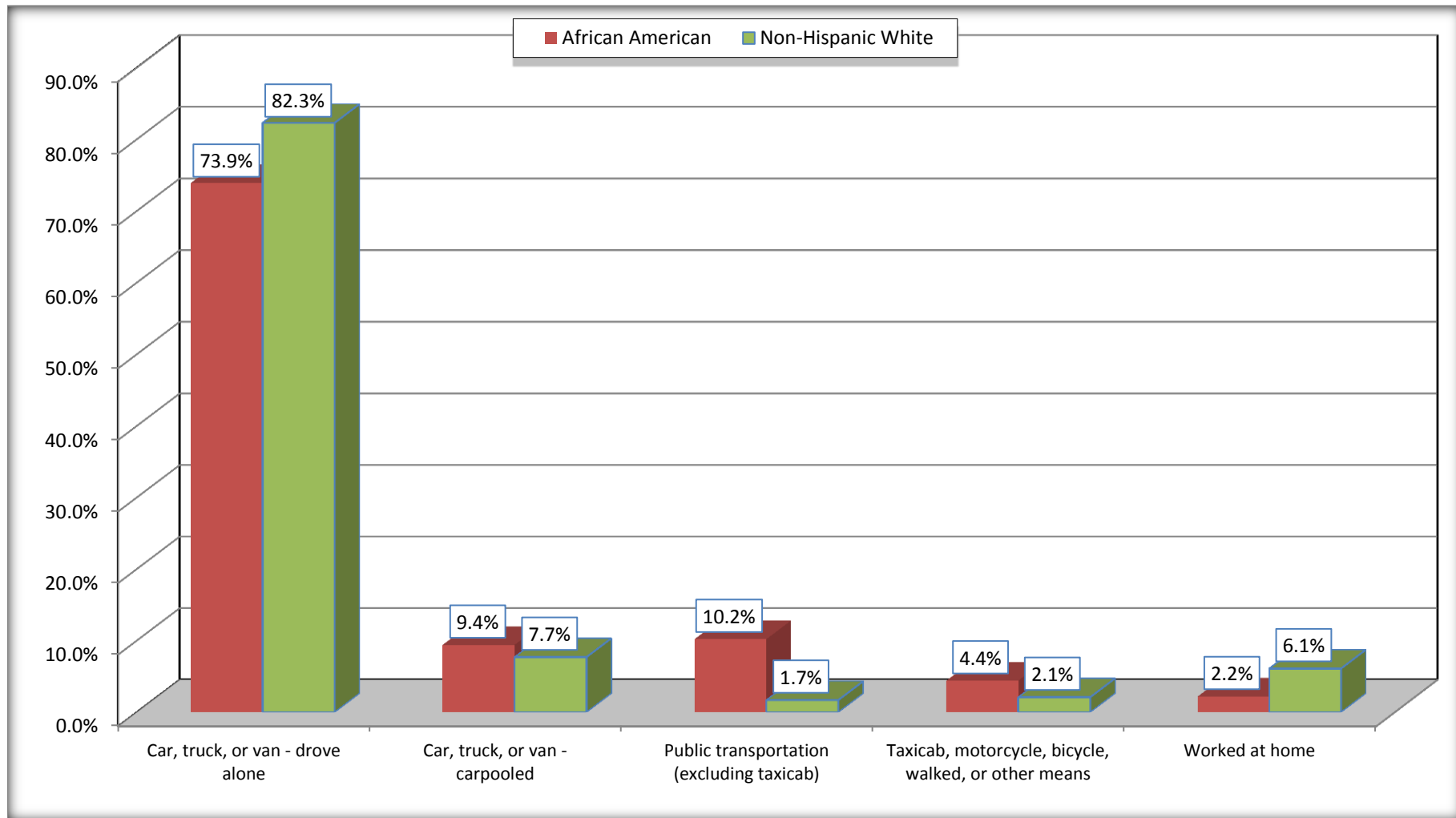
Unemployment (Civilian Labor Force -- Ages 16 and Over)
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Means of Transportation to Work (Workers 16 Years and Over)

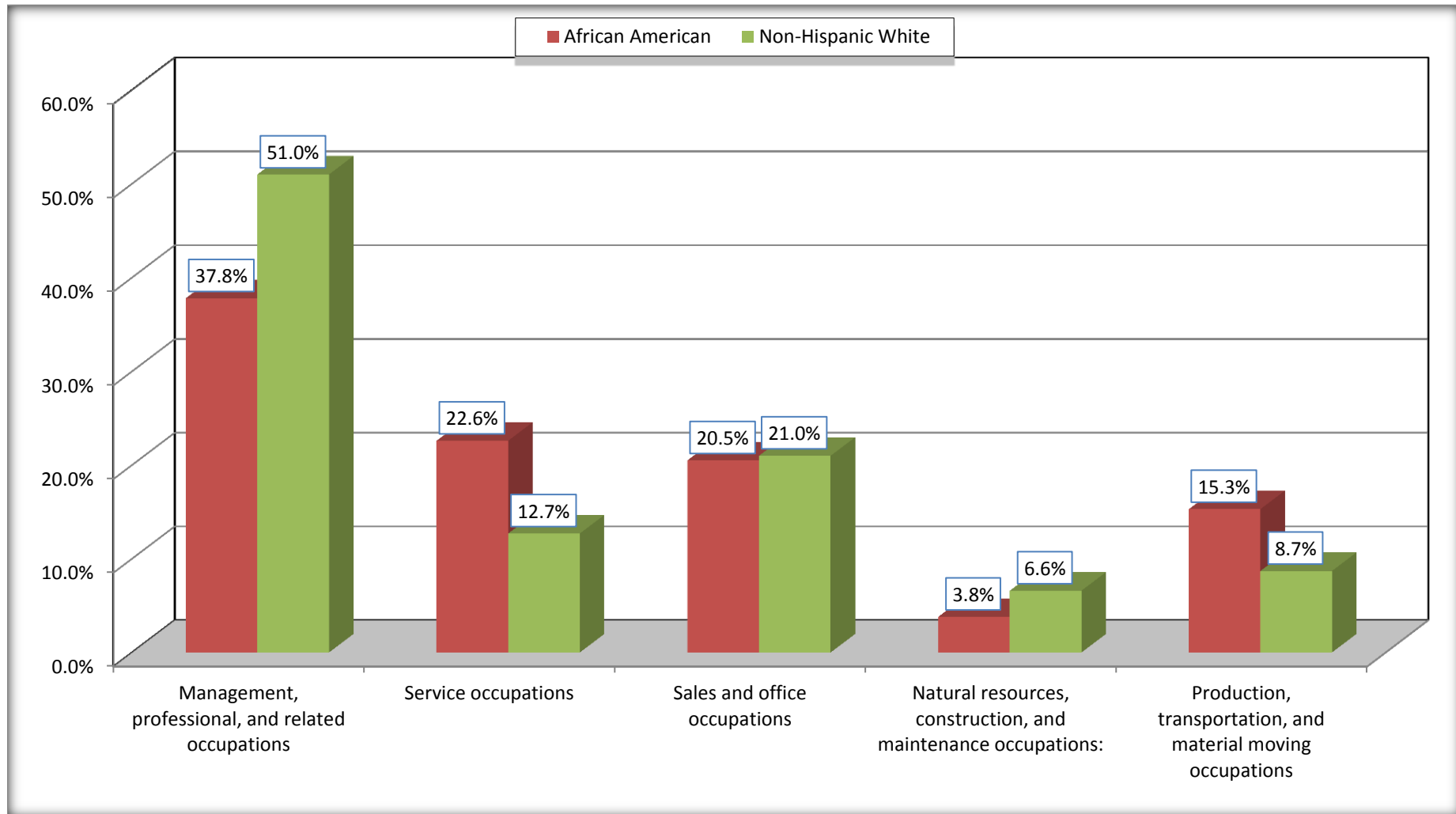
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Occupation for the Civilian Employed 16 Years and Over Population

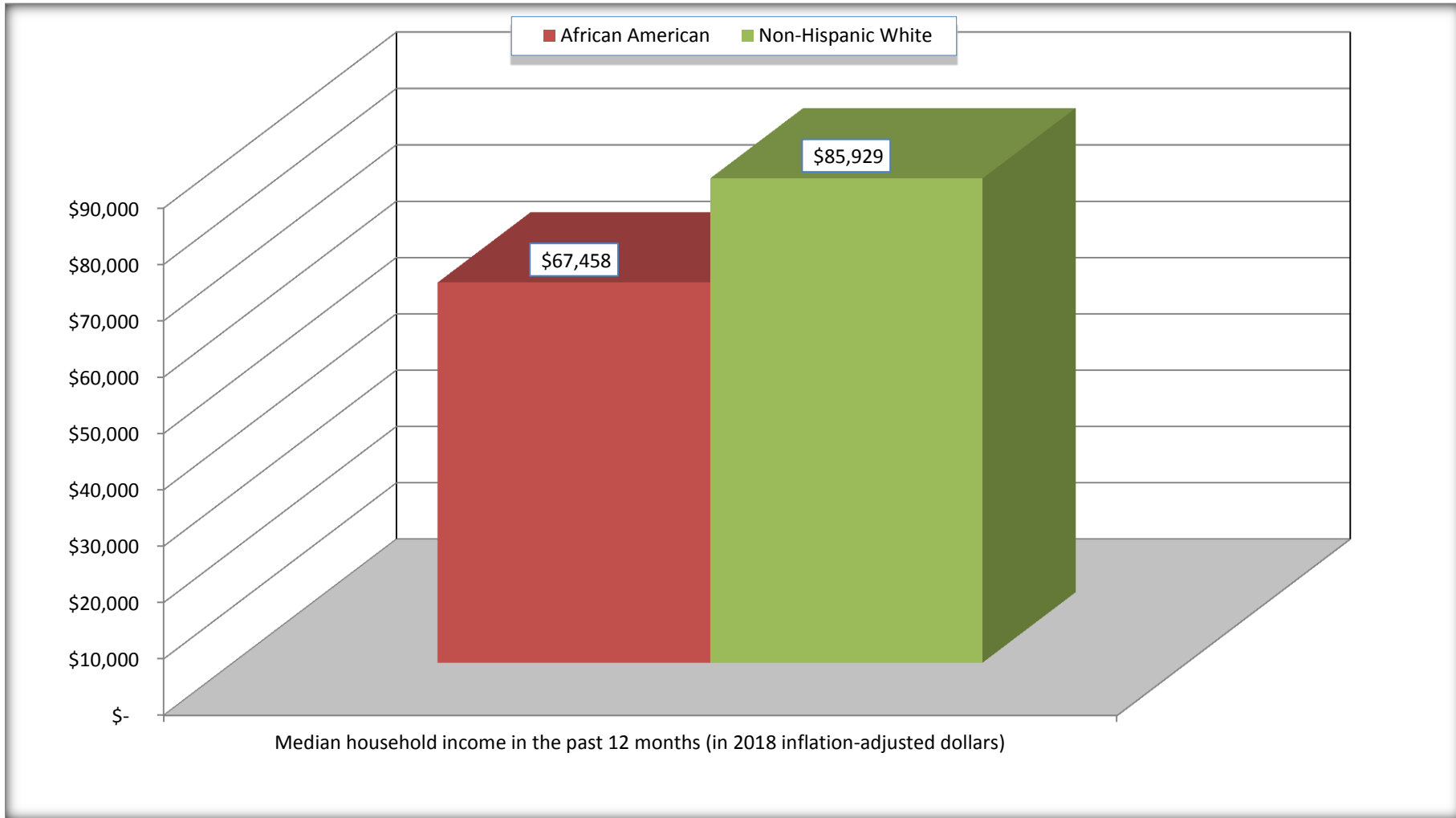
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
 Data Set: 2019 American Community Survey 1-Year Estimates

Median Household Income in the Past 12 Months

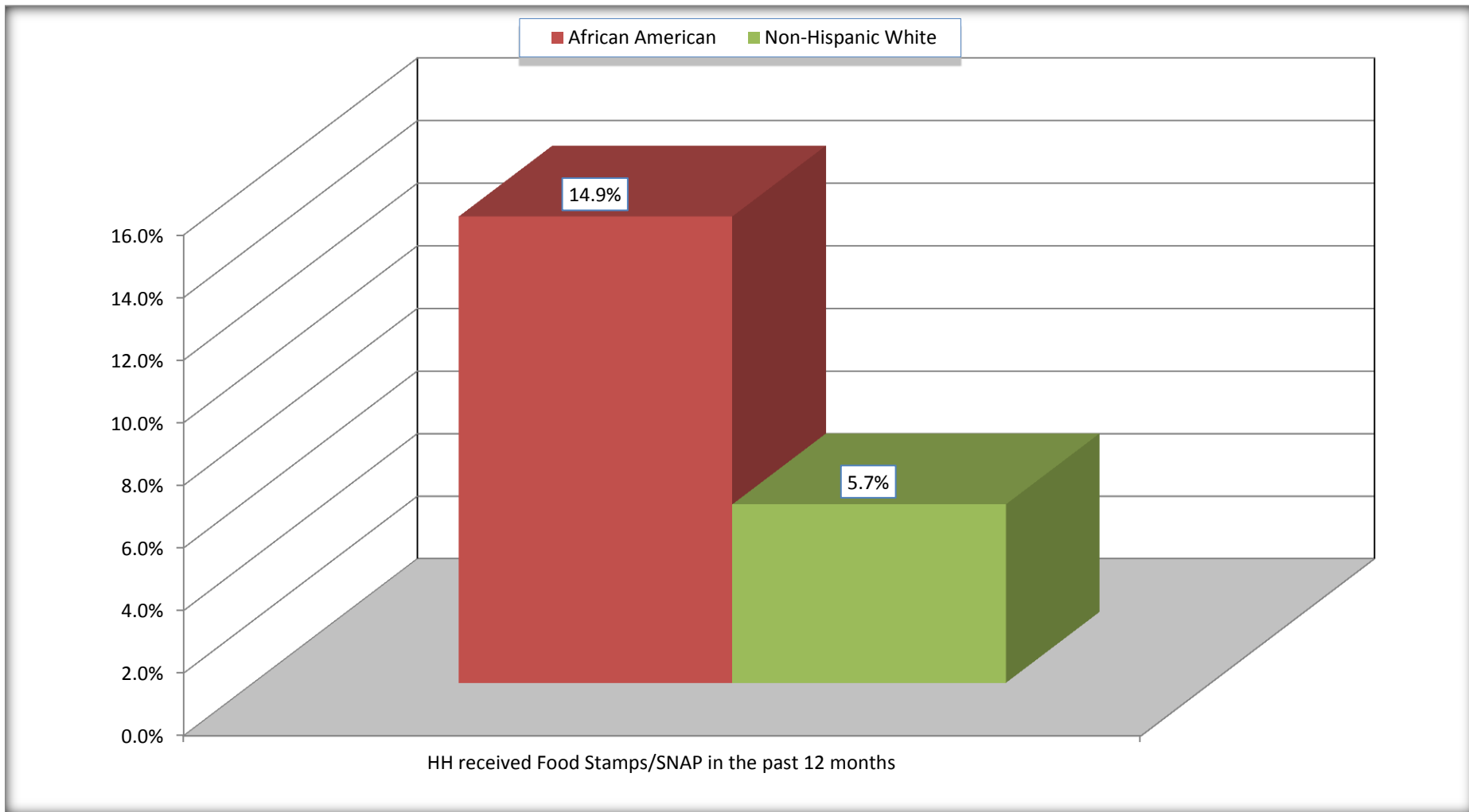
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Receipt of Food Stamps/SNAP in the Past 12 Months by Household

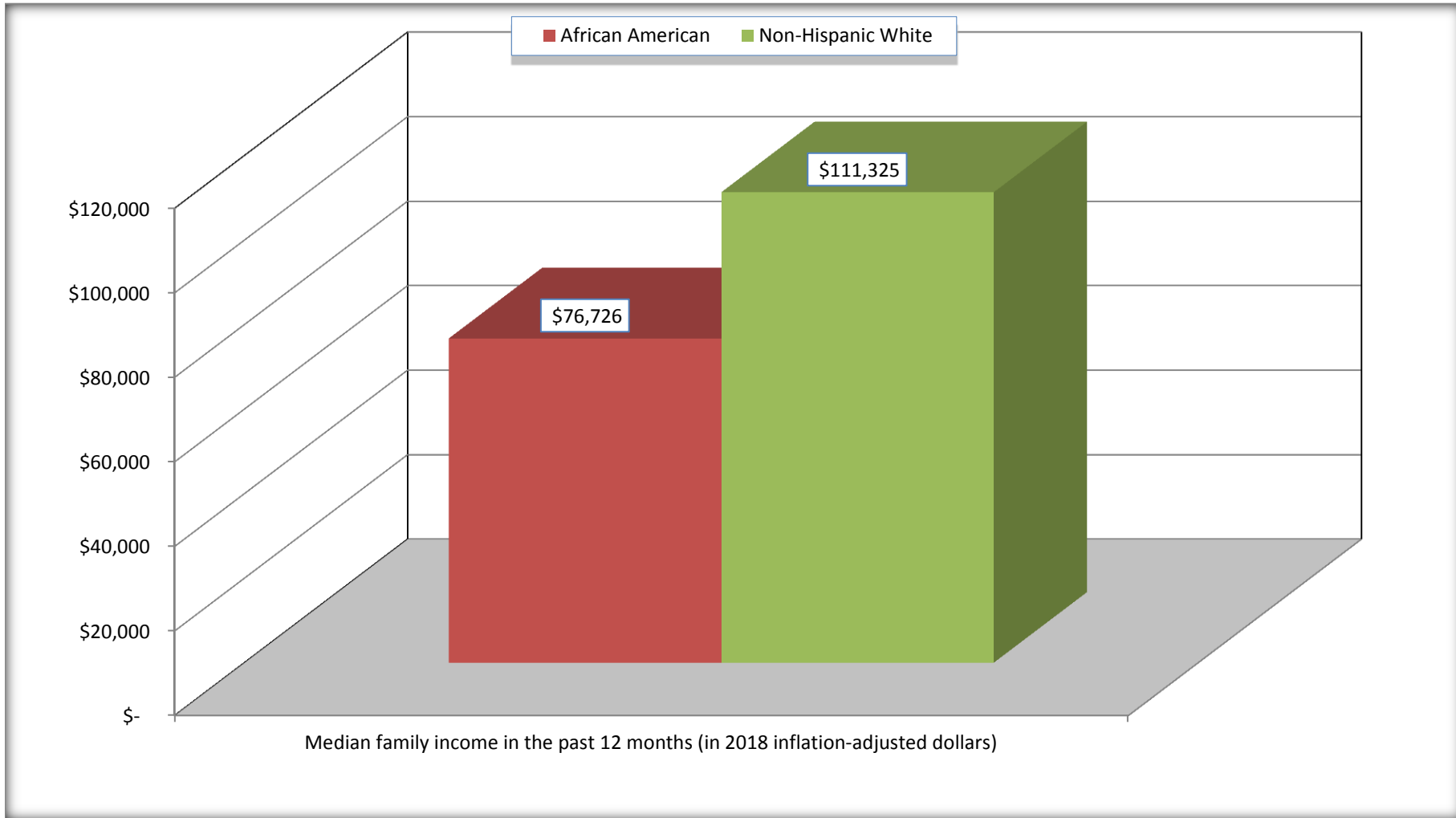
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Median Family Income in the Past 12 Months

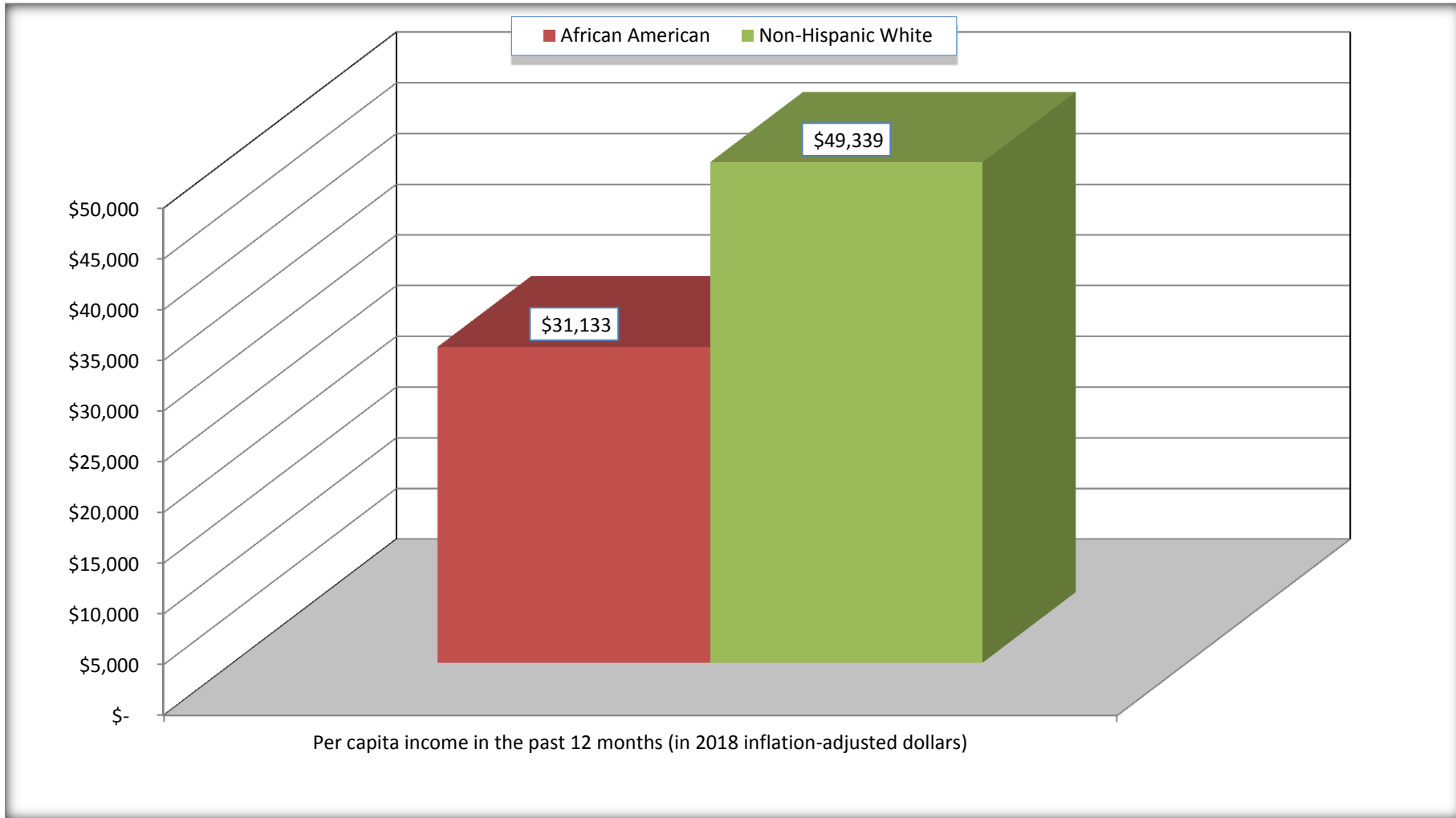
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Per capita Income in the Past 12 Months

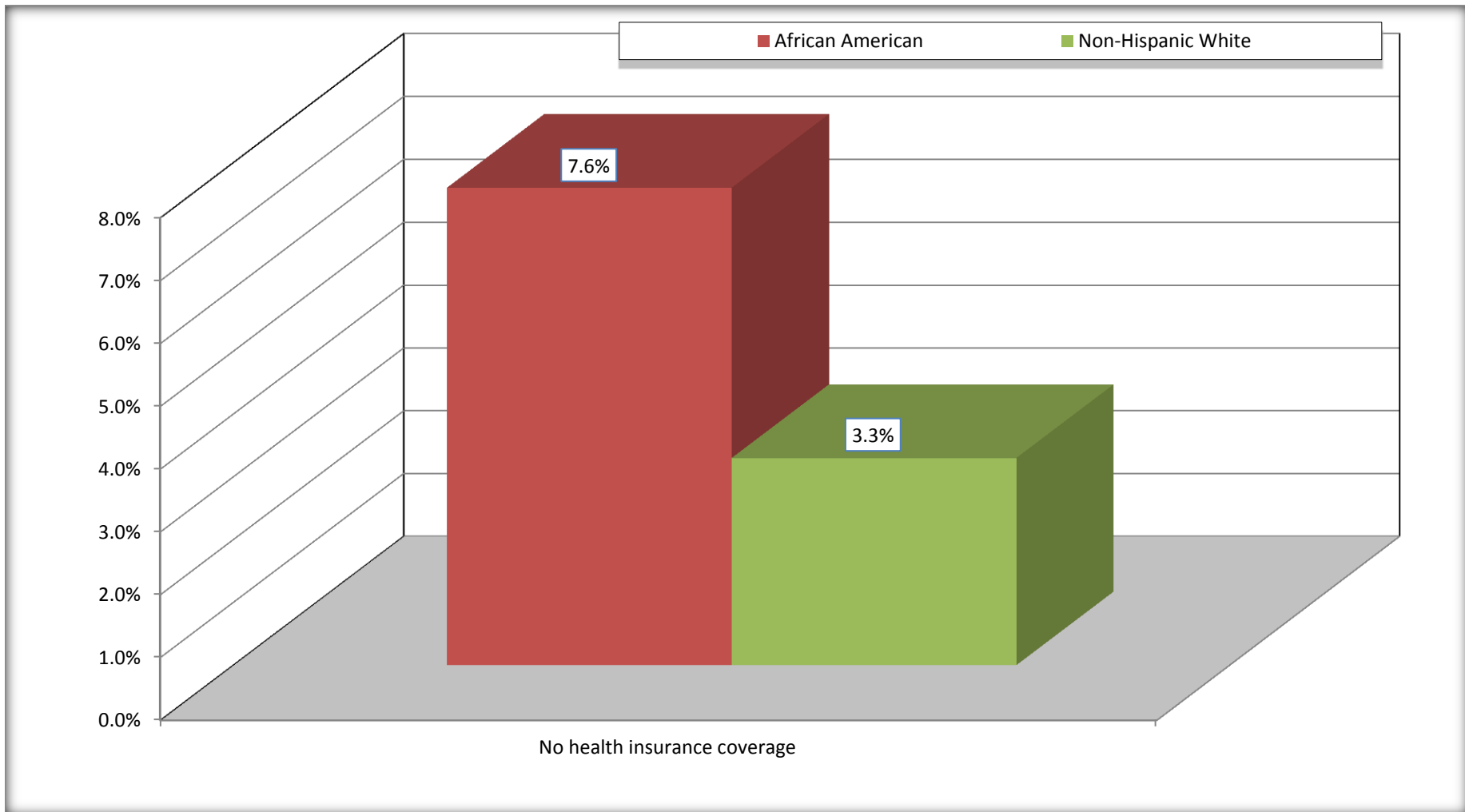
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Lack of Health Insurance Coverage -- Civilian Noninstitutionalized Population

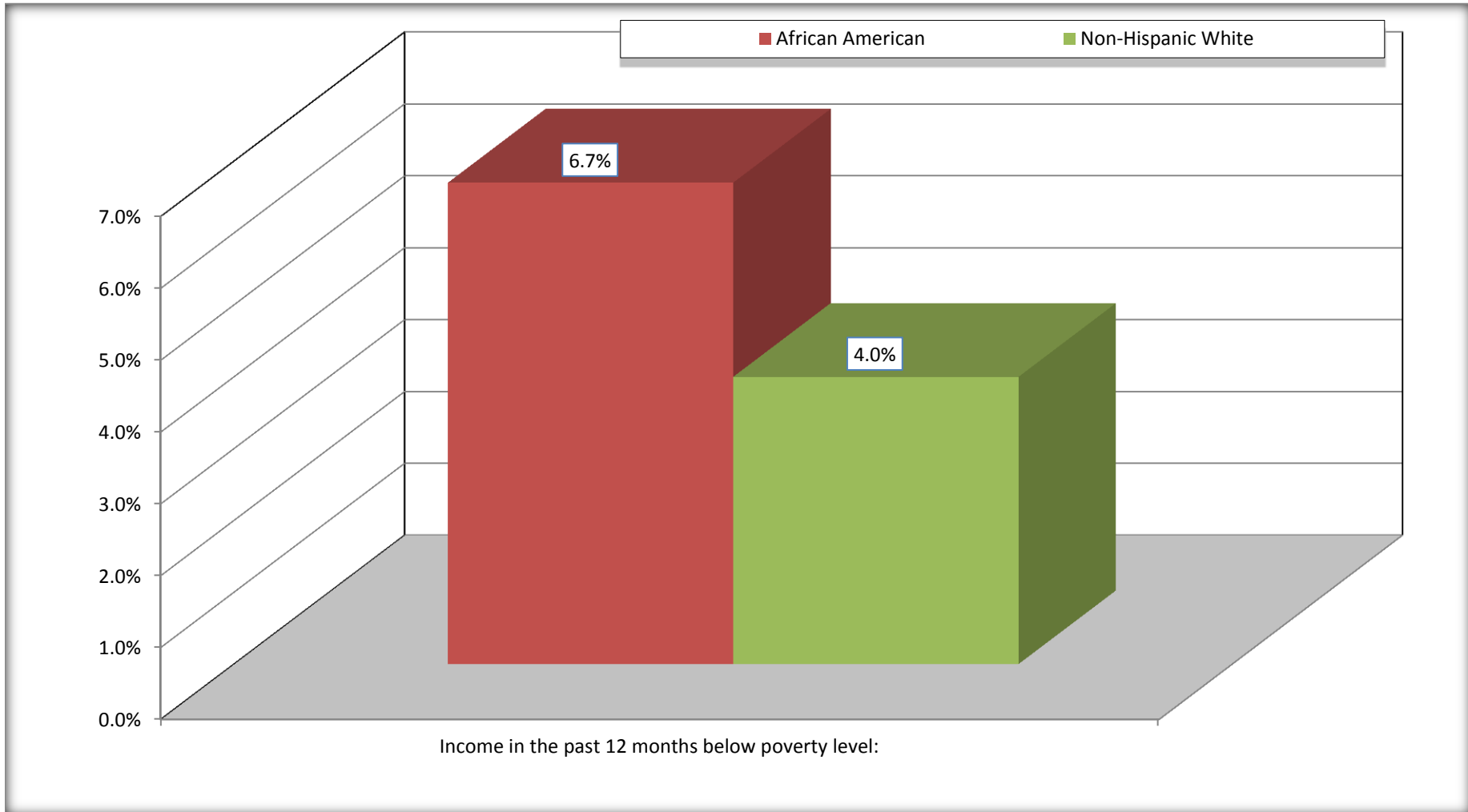
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Family Households Below Poverty in the Past 12 Months

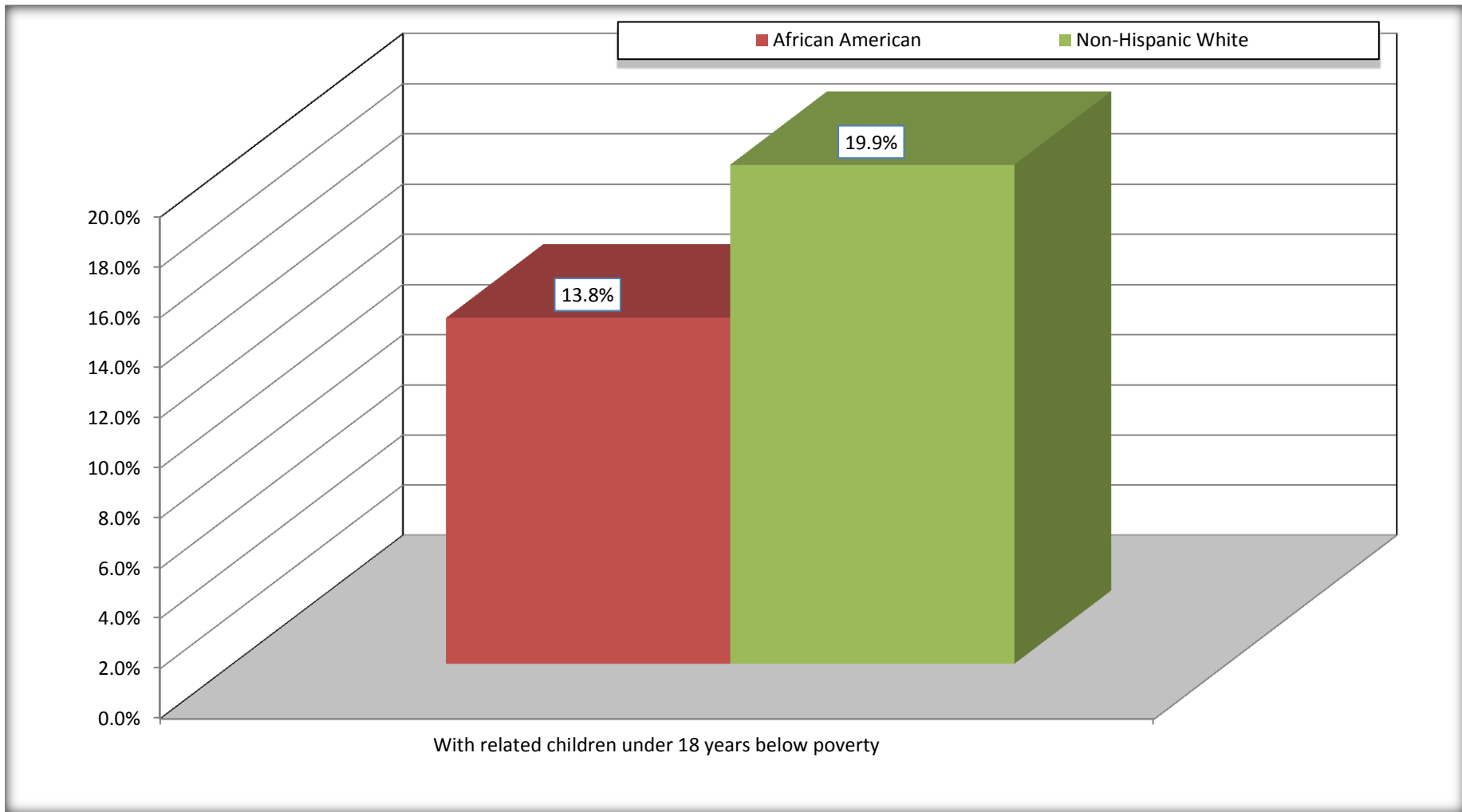
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Female-headed Households with Related Children Below Poverty in the Past 12 Months

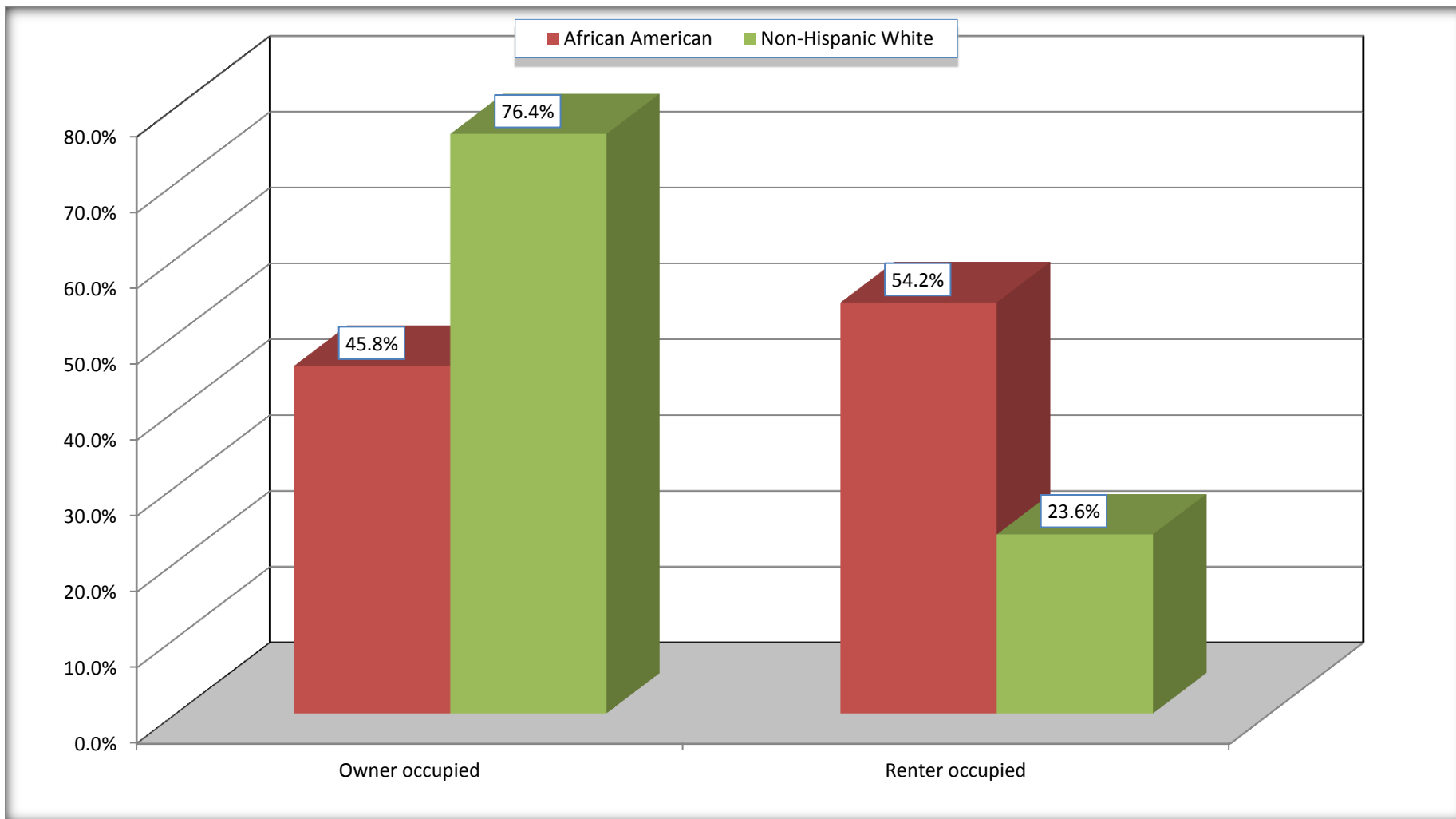
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Home Owners and Renters by Household

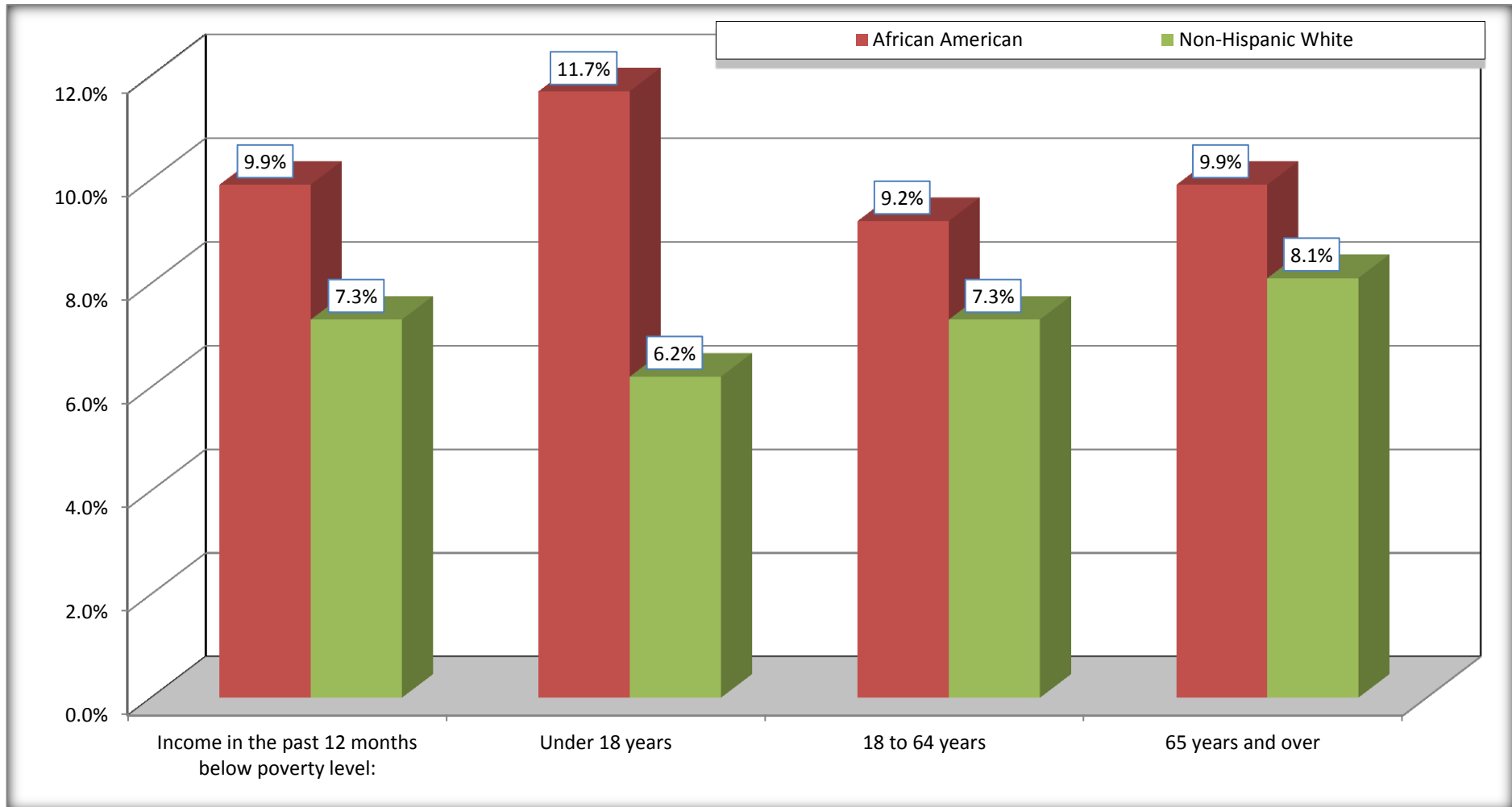
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Population Below Poverty in the Past 12 Months

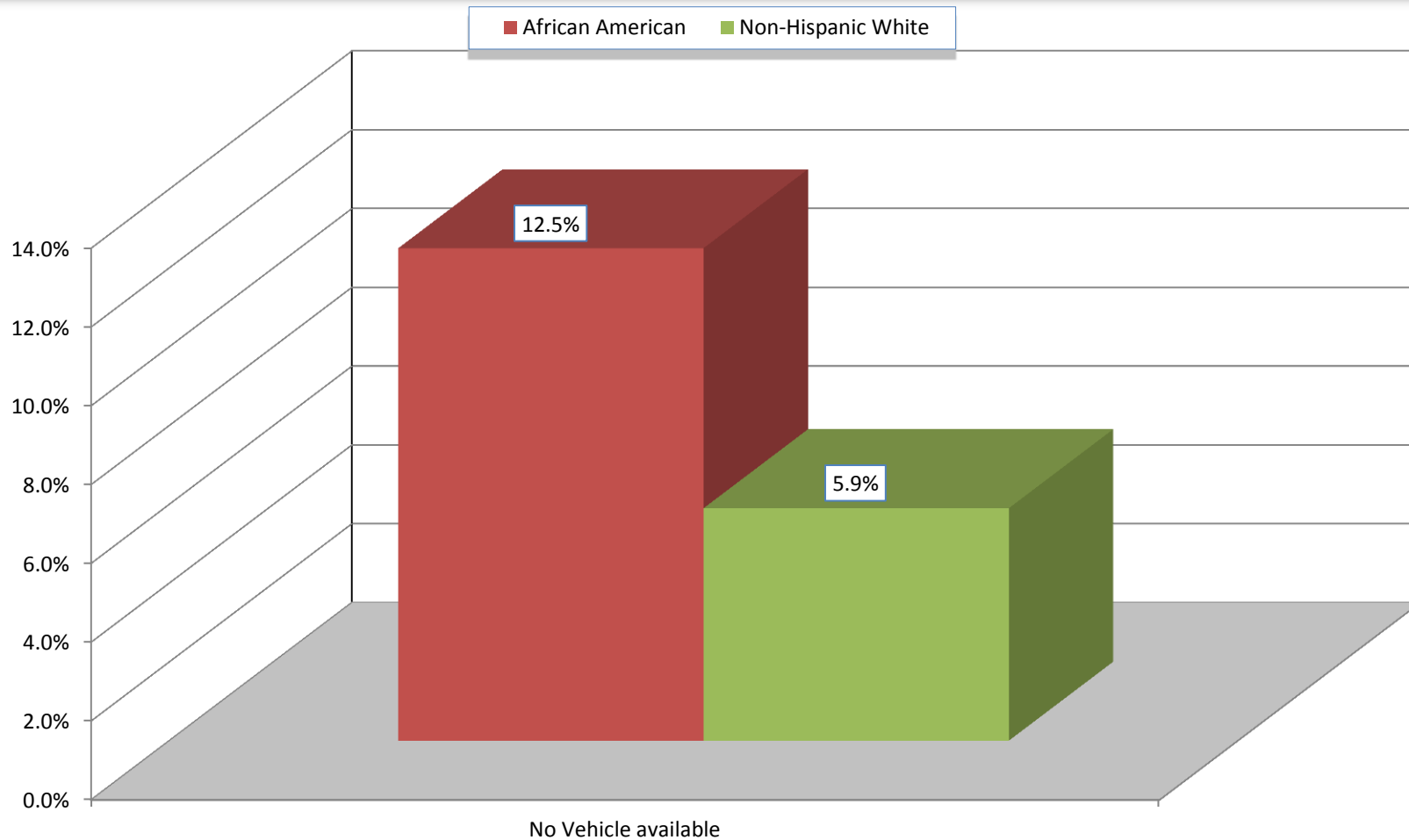
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

No Vehicles Available by Household

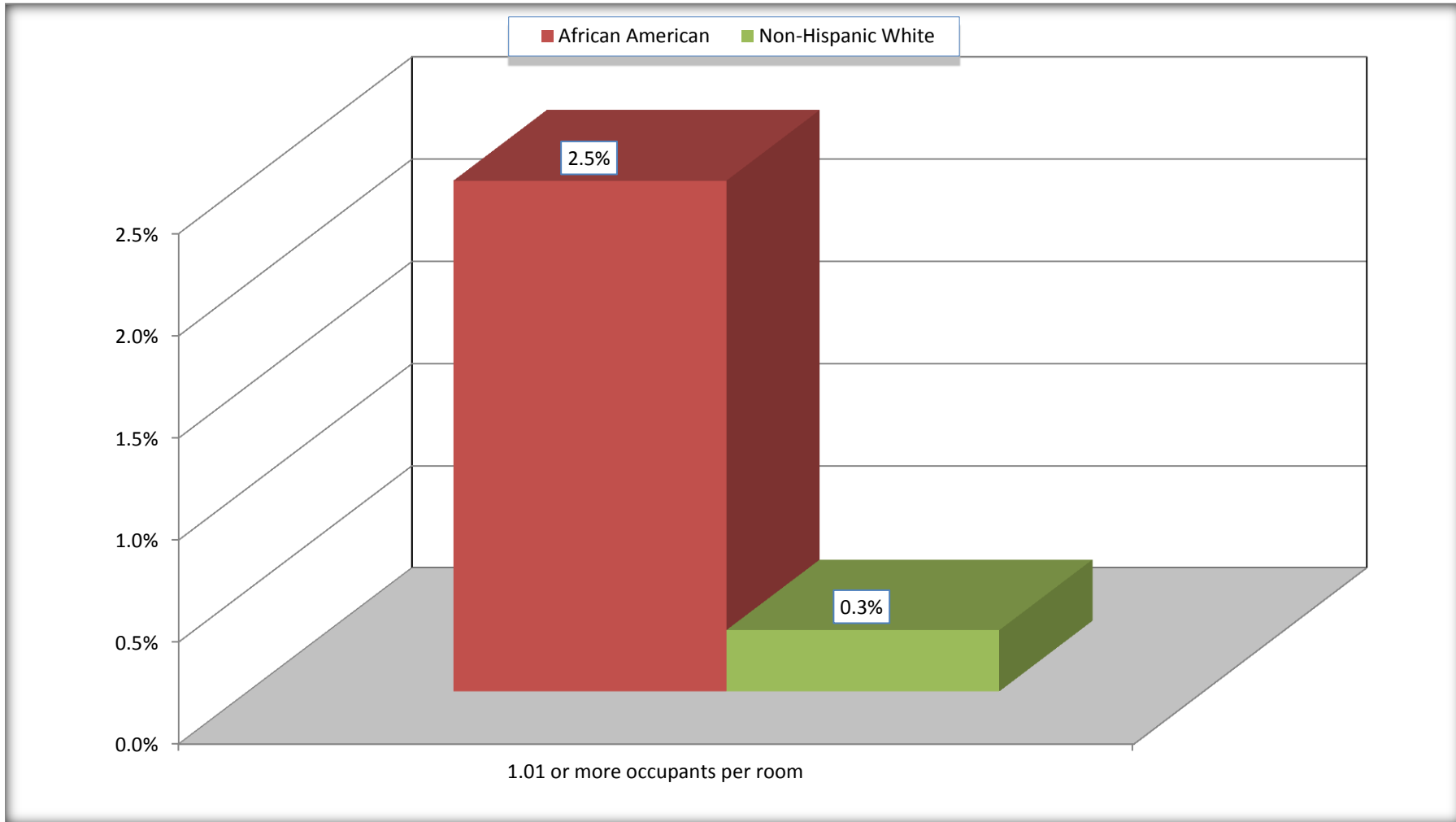
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

More than One Person per Room (Crowding) by Household

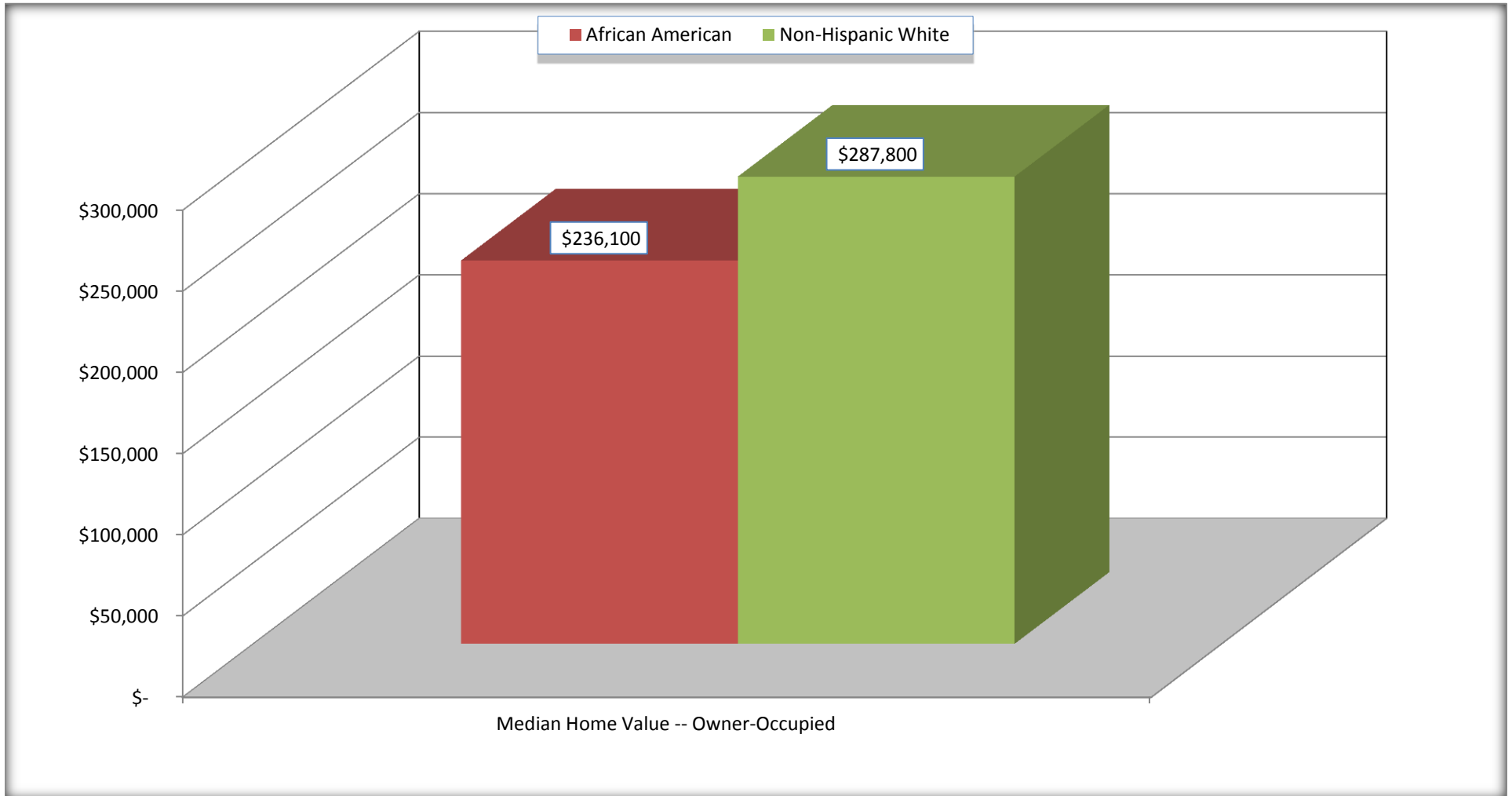
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Median Home Value -- Owner-Occupied

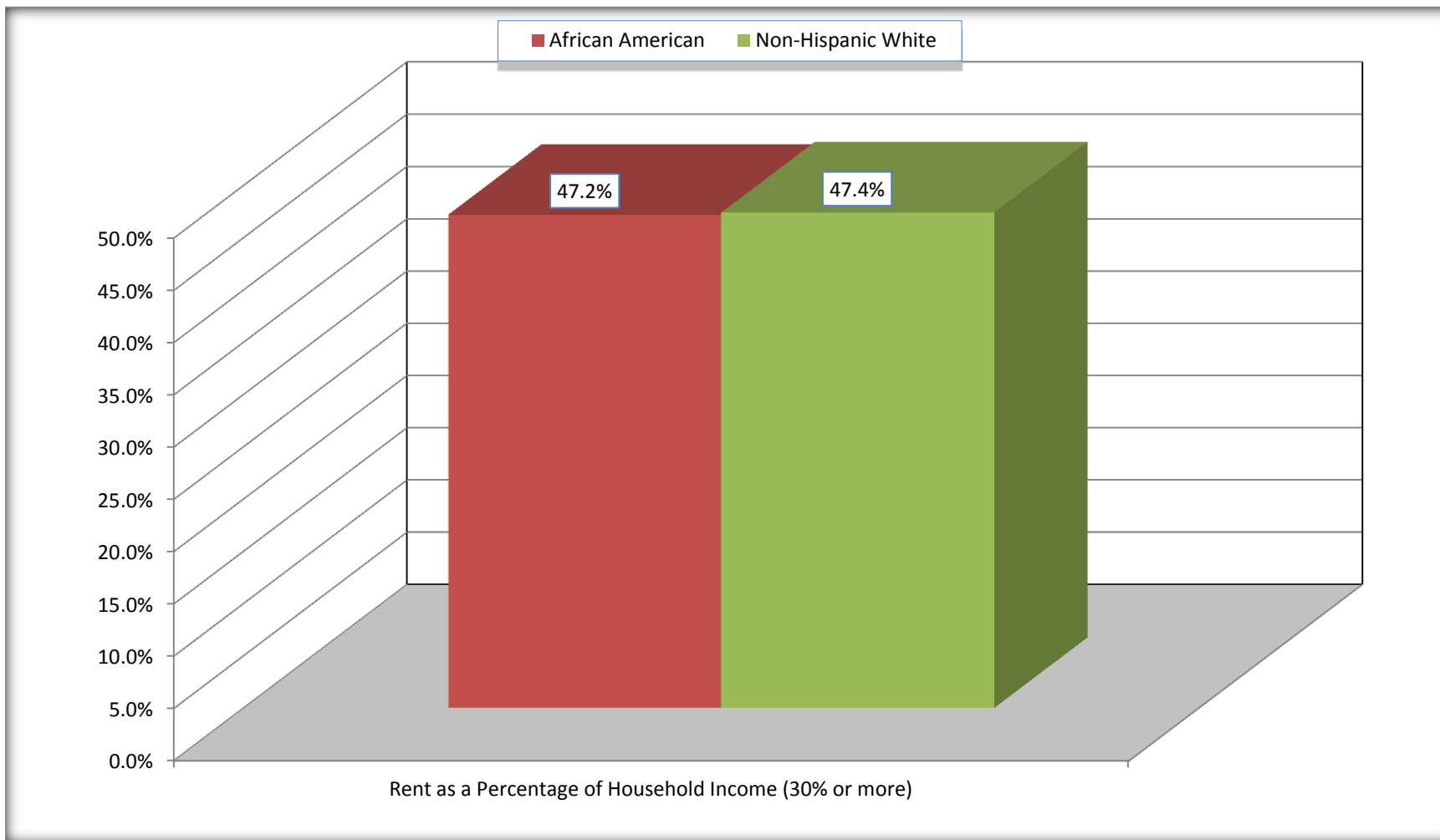
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Rent as a Percentage of Household Income (30% or more) -- Renter-Occupied

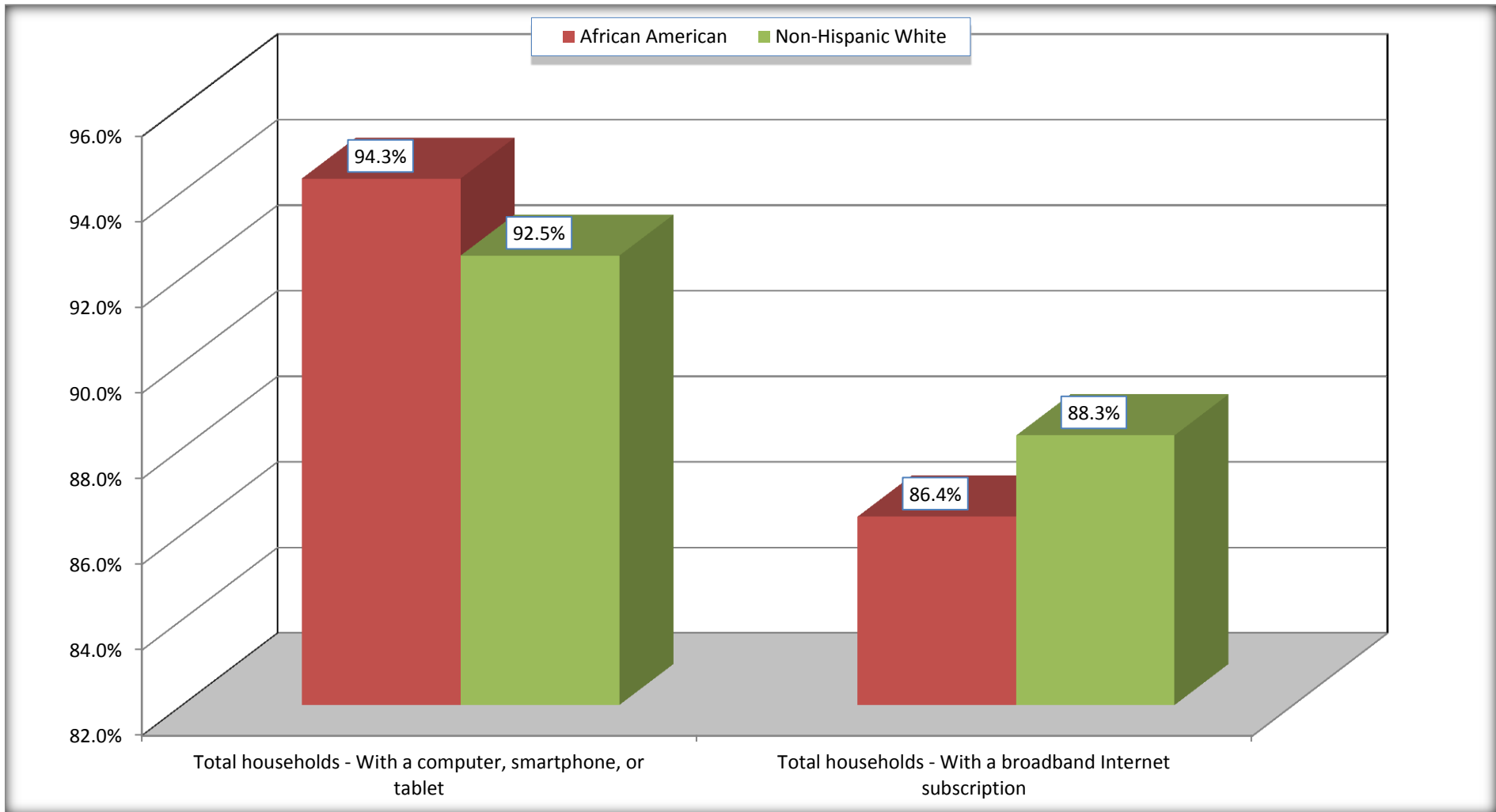
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Computers and Internet Use

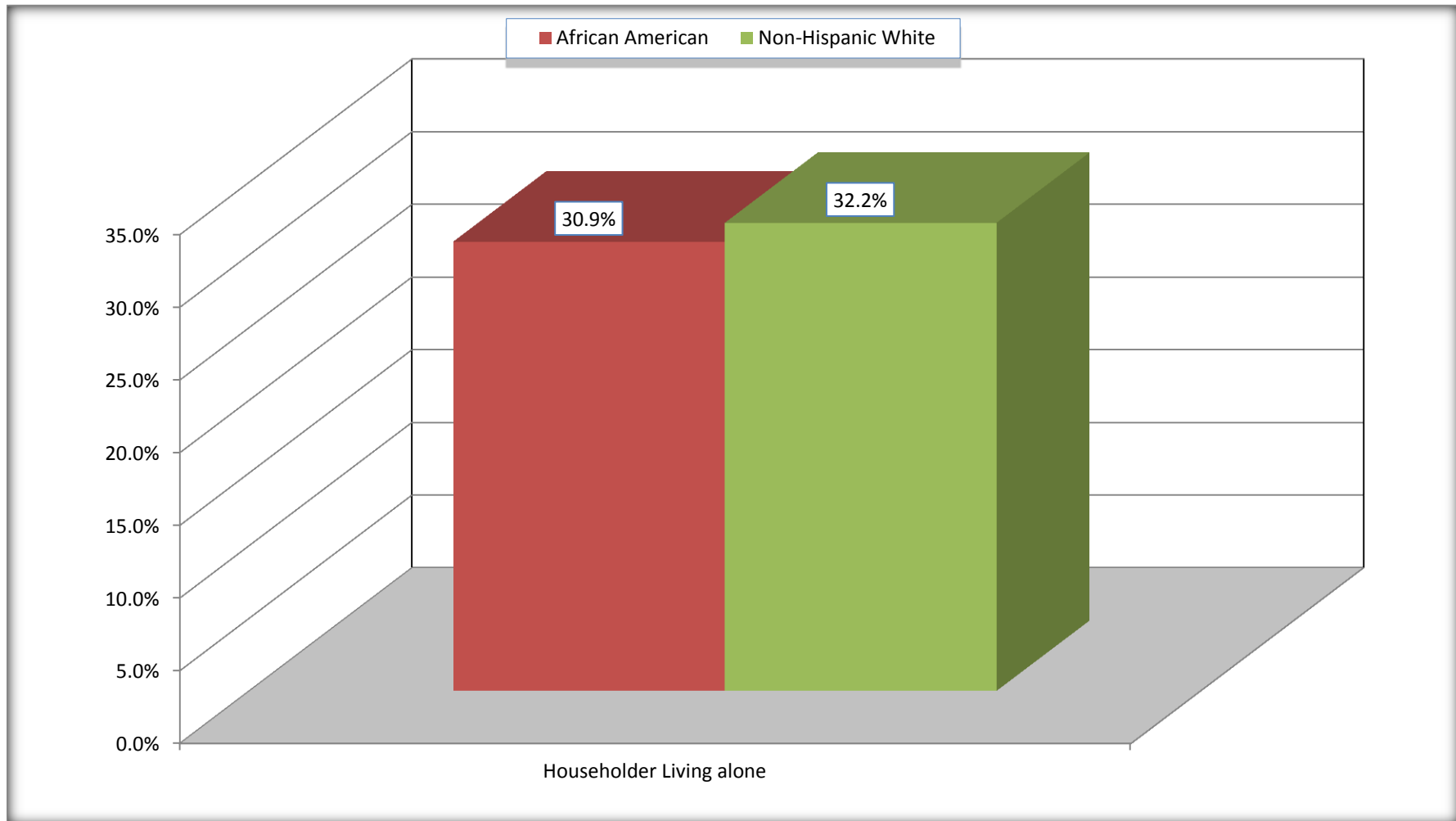
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Households with Householder Living Alone

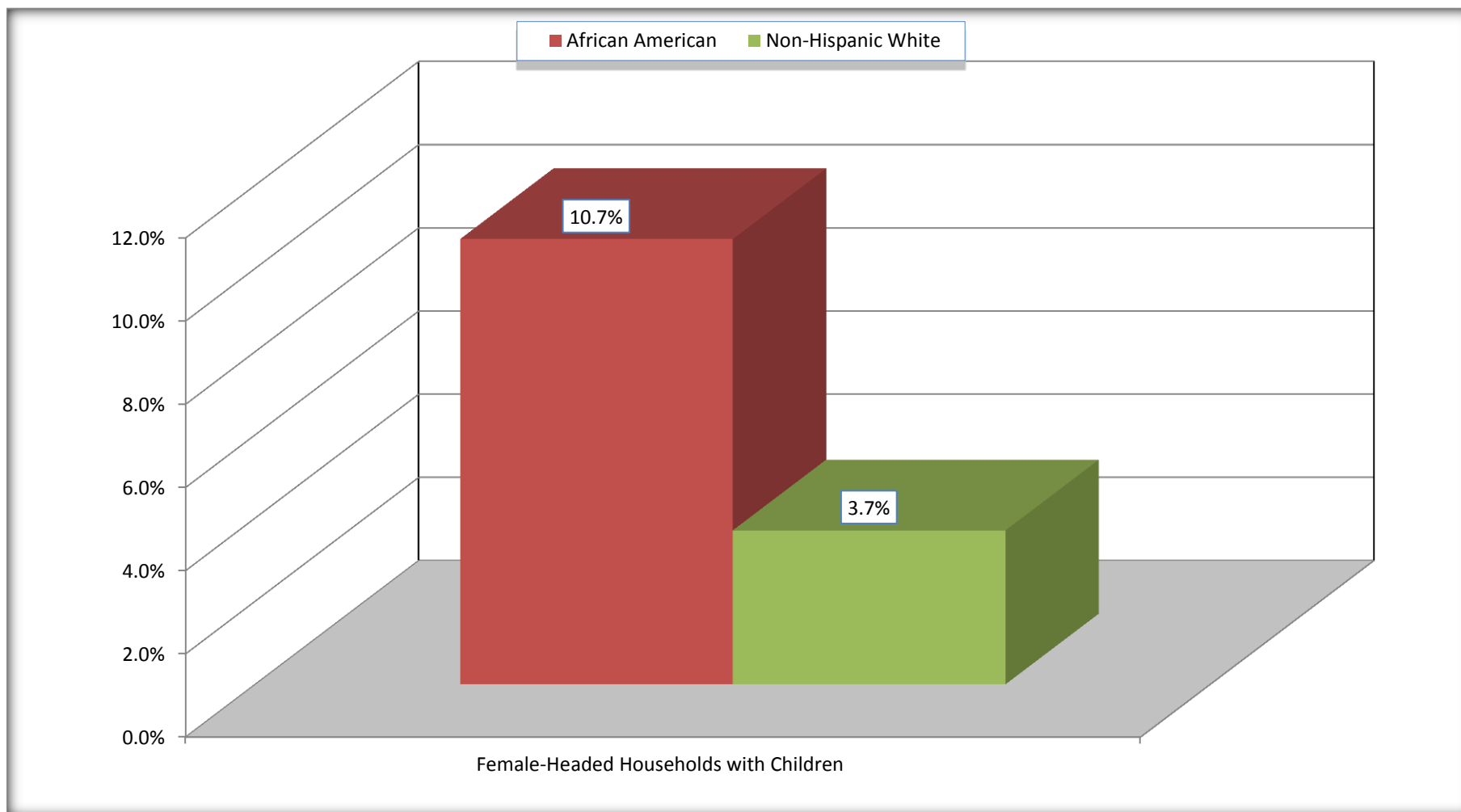
Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

Female-Headed Households with Children Under 18 (As a Percentage of all Households)

Baltimore County, Maryland



Source: S0201 SELECTED POPULATION PROFILE
Data Set: 2019 American Community Survey 1-Year Estimates

COOPER DECLARATION

EXHIBIT G-2

		Black or African American alone or in combination	White alone, not Hispanic or Latino
	All Persons Estimate	Estimate	Estimate
TOTAL NUMBER OF RACES REPORTED			
Total population	827,370	261,367	460,086
One race	97.3%	95.0%	100.0%
Two races	2.5%	4.4%	(X)
Three races	0.2%	0.5%	(X)
Four or more races	0.0%	0.0%	(X)
SEX AND AGE			
Total population	827,370	261,367	460,086
Male	47.4%	45.0%	47.9%
Female	52.6%	55.0%	52.1%
Under 5 years	5.9%	7.0%	4.6%
5 to 17 years	15.7%	19.1%	12.5%
18 to 24 years	8.7%	10.0%	7.8%
25 to 34 years	13.6%	15.2%	12.2%
35 to 44 years	12.4%	13.1%	11.2%
45 to 54 years	12.4%	12.9%	12.3%
55 to 64 years	13.7%	11.3%	16.2%
65 to 74 years	9.9%	7.3%	12.5%
75 years and over	7.6%	4.2%	10.7%
Median age (years)	39.5	34.3	46.7
18 years and over	78.4%	73.9%	82.9%
21 years and over	74.2%	68.8%	79.4%
62 years and over	22.1%	14.9%	28.7%
65 years and over	17.5%	11.4%	23.2%
Under 18 years	179,007	68,110	78,766
Male	51.3%	49.7%	51.4%
Female	48.7%	50.3%	48.6%
18 years and over	648,363	193,257	381,320
Male	46.4%	43.4%	47.2%
Female	53.6%	56.6%	52.8%
18 to 34 years	184,800	65,858	92,223
Male	48.9%	47.2%	49.6%
Female	51.1%	52.8%	50.4%
35 to 64 years	318,604	97,573	182,525
Male	46.9%	42.6%	48.5%
Female	53.1%	57.4%	51.5%

	Black or African American alone or in combination White alone, not Hispanic or Latino		
	All Persons		
	Estimate	Estimate	Estimate
65 years and over	144,959	29,826	106,572
Male	42.1%	37.6%	43.0%
Female	57.9%	62.4%	57.0%
RELATIONSHIP			
Population in households	806,877	253,350	449,149
Householder or spouse	55.8%	47.3%	62.6%
Unmarried partner	2.4%	2.9%	2.3%
Child	29.1%	33.9%	24.8%
Other relatives	9.6%	12.9%	7.0%
Other nonrelatives	3.1%	3.1%	3.3%
HOUSEHOLDS BY TYPE			
Households	312,466	91,767	189,875
Family households	63.5%	63.7%	61.9%
With own children of the householder under 18 years	24.1%	26.1%	20.6%
Married-couple family	44.2%	30.9%	48.4%
With own children of the householder under 18 years	16.0%	12.0%	15.4%
Female householder, no spouse present, family	14.2%	26.1%	9.2%
With own children of the householder under 18 years	6.0%	10.9%	3.7%
Nonfamily households	36.5%	36.3%	38.1%
Male householder	14.7%	13.4%	15.7%
Living alone	11.5%	10.8%	12.0%
Not living alone	3.3%	2.7%	3.7%
Female householder	21.8%	22.9%	22.4%
Living alone	19.2%	19.9%	20.2%
Not living alone	2.6%	2.9%	2.2%
Average household size	2.58	2.71	2.43
Average family size	3.27	3.44	3.09
MARITAL STATUS			
Population 15 years and over	678,240	204,798	395,508
Now married, except separated	45.6%	31.0%	50.8%
Widowed	6.5%	4.5%	8.4%
Divorced	10.3%	12.8%	9.9%
Separated	1.8%	2.3%	1.6%
Never married	35.9%	49.4%	29.4%
Male 15 years and over	316,840	89,657	187,489
Now married, except separated	49.4%	36.6%	53.7%

		Black or African American alone or in combination	White alone, not Hispanic or Latino
	All Persons Estimate	Estimate	Estimate
Widowed	2.8%	2.5%	3.2%
Divorced	8.5%	11.6%	8.1%
Separated	1.4%	1.3%	1.4%
Never married	37.9%	47.8%	33.6%
Female 15 years and over	361,400	115,141	208,019
Now married, except separated	42.3%	26.6%	48.2%
Widowed	9.7%	6.0%	13.0%
Divorced	11.8%	13.8%	11.5%
Separated	2.1%	3.0%	1.7%
Never married	34.1%	50.6%	25.6%
SCHOOL ENROLLMENT			
Population 3 years and over enrolled in school	208,441	78,032	95,738
Nursery school, preschool	6.6%	4.9%	7.6%
Kindergarten	4.3%	4.9%	3.7%
Elementary school (grades 1-8)	38.9%	38.2%	37.9%
High school (grades 9-12)	17.9%	18.3%	17.8%
College or graduate school	32.2%	33.8%	33.0%
Male 3 years and over enrolled in school	100,815	36,318	47,497
Percent enrolled in kindergarten to grade 12	65.6%	68.5%	61.3%
Percent enrolled in college or graduate school	27.1%	25.6%	30.8%
Female 3 years and over enrolled in school	107,626	41,714	48,241
Percent enrolled in kindergarten to grade 12	57.1%	55.0%	57.6%
Percent enrolled in college or graduate school	37.0%	41.0%	35.1%
EDUCATIONAL ATTAINMENT			
Population 25 years and over	575,977	167,029	345,288
Less than high school diploma	7.9%	7.5%	6.6%
High school graduate (includes equivalency)	25.5%	26.7%	25.5%
Some college or associate's degree	25.8%	32.4%	24.0%
Bachelor's degree	23.3%	19.9%	24.9%
Graduate or professional degree	17.5%	13.5%	18.9%
High school graduate or higher	92.1%	92.5%	93.4%
Male, high school graduate or higher	92.2%	93.9%	92.9%
Female, high school graduate or higher	91.9%	91.4%	93.8%
Bachelor's degree or higher	40.8%	33.4%	43.8%
Male, bachelor's degree or higher	40.5%	28.8%	45.0%
Female, bachelor's degree or higher	41.1%	36.8%	42.8%

		Black or African American alone or in combination	White alone, not Hispanic or Latino
	All Persons Estimate	Estimate	Estimate
FERTILITY			
Women 15 to 50 years	195,610	72,420	95,958
Women 15 to 50 years who had a birth in the past 12 months	8,212	3,247	3,829
Unmarried women 15 to 50 years who had a birth in the past 12 months	1,986	1,393	559
As a percent of all women with a birth in the past 12 months	24.2%	42.9%	14.6%
RESPONSIBILITY FOR GRANDCHILDREN UNDER 18 YEARS			
Population 30 years and over	520,238	146,374	317,956
Grandparents living with grandchild(ren)	3.3%	4.0%	2.6%
Grandparents responsible for grandchildren as a percentage of living with grandchildren	31.9%	36.4%	28.4%
VETERAN STATUS			
Civilian population 18 years and over	647,940	193,154	381,000
Civilian veteran	5.8%	6.0%	6.3%
DISABILITY STATUS			
Total civilian noninstitutionalized population	819,674	258,066	455,897
With a disability	11.8%	10.5%	13.6%
Civilian noninstitutionalized population under 18 years	178,467	67,801	78,542
With a disability	4.1%	4.9%	4.3%
Civilian noninstitutionalized population 18 to 64 years	500,487	161,422	273,891
With a disability	9.0%	9.0%	9.5%
Civilian noninstitutionalized population 65 years and older	140,720	28,843	103,464
With a disability	31.2%	31.9%	31.4%
RESIDENCE 1 YEAR AGO			
Population 1 year and over	818,209	257,779	456,256
Same house	88.6%	86.6%	90.9%
Different house in the U.S.	10.8%	12.0%	8.9%
Same county	5.5%	5.6%	4.4%
Different county	5.3%	6.4%	4.6%
Same state	4.2%	5.1%	3.5%
Different state	1.1%	1.3%	1.1%
Abroad	0.6%	1.4%	0.2%
PLACE OF BIRTH, CITIZENSHIP STATUS AND YEAR OF ENTRY			
Native	721,658	228,995	441,451
Male	47.5%	45.2%	48.0%
Female	52.5%	54.8%	52.0%
Foreign born	105,712	32,372	18,635
Male	46.7%	43.6%	45.0%

		Black or African American alone or in combination	White alone, not Hispanic or Latino
	All Persons Estimate	Estimate	Estimate
Female	53.3%	56.4%	55.0%
Foreign born; naturalized U.S. citizen	58,924	16,805	12,961
Male	47.3%	45.9%	45.2%
Female	52.7%	54.1%	54.8%
Foreign born; not a U.S. citizen	46,788	15,567	5,674
Male	46.0%	41.0%	44.6%
Female	54.0%	59.0%	55.4%
Population born outside the United States	105,712	32,372	18,635
Entered 2010 or later	36.6%	46.4%	17.5%
Entered 2000 to 2009	25.5%	26.1%	15.1%
Entered before 2000	37.9%	27.4%	67.4%
WORLD REGION OF BIRTH OF FOREIGN BORN			
Foreign-born population excluding population born at sea	105,712	32,372	18,635
Europe	11.4%	N	54.9%
Asia	39.0%	N	19.8%
Africa	25.5%	N	8.6%
Oceania	0.0%	N	0.2%
Latin America	22.9%	N	10.1%
Northern America	1.2%	N	6.4%
LANGUAGE SPOKEN AT HOME AND ABILITY TO SPEAK ENGLISH			
Population 5 years and over	778,496	243,114	438,944
English only	84.4%	87.3%	94.1%
Language other than English	15.6%	12.7%	5.9%
Speak English less than "very well"	5.1%	2.8%	2.0%
EMPLOYMENT STATUS			
Population 16 years and over	667,977	201,064	390,452
In labor force	66.9%	71.8%	63.4%
Civilian labor force	66.8%	71.8%	63.4%
Employed	64.0%	67.3%	61.3%
Unemployed	2.8%	4.4%	2.1%
Unemployment Rate	4.2%	6.2%	3.3%
Armed Forces	0.1%	0.1%	0.1%
Not in labor force	33.1%	28.2%	36.6%
Females 16 years and over	356,755	113,149	205,905
In labor force	62.9%	71.1%	58.9%
Civilian labor force	62.9%	71.1%	58.9%

	Black or African American alone or in combination White alone, not Hispanic or Latino		
	All Persons		
	Estimate	Estimate	Estimate
Employed	60.4%	66.9%	57.2%
Unemployed	2.5%	4.2%	1.6%
Unemployment Rate	3.9%	5.9%	2.8%
COMMUTING TO WORK			
Workers 16 years and over	420,281	131,664	236,500
Car, truck, or van - drove alone	79.4%	73.9%	82.3%
Car, truck, or van - carpooled	8.5%	9.6%	7.7%
Public transportation (excluding taxicab)	4.5%	10.0%	1.7%
Walked	1.2%	1.0%	1.3%
Other means	1.8%	3.3%	0.8%
Worked from home	4.5%	2.2%	6.1%
Mean travel time to work (minutes)	30.1	32.6	29.5
OCCUPATION			
Civilian employed population 16 years and over	427,632	135,403	239,249
Management, business, science, and arts occupations	45.9%	37.8%	51.0%
Service occupations	17.0%	22.7%	12.7%
Sales and office occupations	20.4%	20.5%	21.0%
Natural resources, construction, and maintenance occupations	5.9%	3.9%	6.6%
Production, transportation, and material moving occupations	10.8%	15.2%	8.7%
Male civilian employed population 16 years and over	212,114	59,674	121,431
Management, business, science, and arts occupations	41.3%	28.2%	48.2%
Service occupations	15.6%	22.9%	10.5%
Sales and office occupations	15.4%	13.1%	16.6%
Natural resources, construction, and maintenance occupations	11.4%	8.9%	12.5%
Production, transportation, and material moving occupations	16.4%	26.9%	12.2%
Female civilian employed population 16 years and over	215,518	75,729	117,818
Management, business, science, and arts occupations	50.4%	45.3%	53.9%
Service occupations	18.4%	22.5%	14.9%
Sales and office occupations	25.2%	26.3%	25.5%
Natural resources, construction, and maintenance occupations	0.6%	0.0%	0.6%
Production, transportation, and material moving occupations	5.4%	5.9%	5.2%
INDUSTRY			
Civilian employed population 16 years and over	427,632	135,403	239,249
Agriculture, forestry, fishing and hunting, and mining	0.4%	0.1%	0.3%
Construction	5.3%	3.3%	6.0%
Manufacturing	4.9%	3.1%	5.8%

		Black or African American alone or in combination	White alone, not Hispanic or Latino
	All Persons Estimate	Estimate	Estimate
Wholesale trade	2.3%	0.9%	3.4%
Retail trade	9.5%	9.7%	9.8%
Transportation and warehousing, and utilities	5.3%	9.7%	2.9%
Information	1.4%	1.1%	1.7%
Finance and insurance, and real estate and rental and leasing	7.5%	6.3%	8.9%
Professional, scientific, and management, and administrative and waste manageme	13.1%	10.5%	14.1%
Educational services, and health care and social assistance	27.8%	31.8%	26.6%
Arts, entertainment, and recreation, and accommodation and food services	9.1%	7.9%	8.7%
Other services (except public administration)	5.4%	4.8%	5.2%
Public administration	8.0%	10.7%	6.6%
CLASS OF WORKER			
Civilian employed population 16 years and over	427,632	135,403	239,249
Private wage and salary workers	76.3%	70.4%	78.8%
Government workers	18.3%	23.6%	16.0%
Self-employed workers in own not incorporated business	5.3%	5.9%	5.1%
Unpaid family workers	0.1%	0.1%	0.1%
INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)			
Households	312,466	91,767	189,875
Median household income (dollars)	77,358	67,020	85,929
With earnings	79.0%	85.3%	73.9%
Mean earnings (dollars)	104,742	83,602	118,158
With Social Security income	32.6%	25.3%	38.9%
Mean Social Security income (dollars)	20,191	15,415	21,880
With Supplemental Security Income	4.5%	4.8%	4.1%
Mean Supplemental Security Income (dollars)	10,120	8,664	11,743
With cash public assistance income	1.8%	2.9%	1.2%
Mean cash public assistance income (dollars)	3,242	1,053	6,009
With retirement income	28.2%	26.3%	32.2%
Mean retirement income (dollars)	30,748	24,607	32,591
With Food Stamp/SNAP benefits	9.3%	15.1%	5.7%
Families	198,368	58,447	117,544
Median family income (dollars)	96,502	75,768	111,325
Married-couple family	69.6%	48.6%	78.1%
Median income (dollars)	116,775	103,689	126,323
Male householder, no spouse present, family	7.9%	10.4%	6.9%
Median income (dollars)	70,266	71,207	73,206

		Black or African American alone or in combination	White alone, not Hispanic or Latino
	All Persons Estimate	Estimate	Estimate
Female householder, no husband present, family	22.4%	41.0%	14.9%
Median income (dollars)	60,156	58,596	63,102
Individuals	827,370	261,367	460,086
Per capita income (dollars)	41,370	30,975	49,339
With earnings for full-time, year-round workers:			
Male	169,664	47,769	98,247
Female	143,534	53,050	77,002
Mean earnings (dollars) for full-time, year-round workers:			
Male	83,275	57,849	98,619
Female	65,384	58,879	68,300
Median earnings (dollars) full-time, year-round workers:			
Male	60,516	47,299	69,499
Female	53,349	48,832	58,364
HEALTH INSURANCE COVERAGE			
Civilian noninstitutionalized population	819,674	258,066	455,897
With private health insurance	74.7%	71.7%	79.4%
With public coverage	34.6%	33.0%	35.3%
No health insurance coverage	5.8%	7.6%	3.3%
POVERTY RATES FOR FAMILIES AND PEOPLE FOR WHOM POVERTY STATUS IS DETERMINED			
All families	6.0%	7.3%	4.0%
With related children of the householder under 18 years	9.8%	11.4%	6.5%
With related children of the householder under 5 years only	7.1%	N	8.1%
Married-couple family	3.3%	4.1%	2.2%
With related children of the householder under 18 years	3.9%	6.0%	1.7%
With related children of the householder under 5 years only	N	N	N
Female householder, no spouse present, family	12.6%	11.1%	11.7%
With related children of the householder under 18 years	19.3%	16.0%	19.9%
With related children of the householder under 5 years only	21.2%	N	33.9%
All people	8.9%	10.2%	7.3%
Under 18 years	10.6%	11.9%	6.2%
Related children of the householder under 18 years	10.3%	11.6%	5.9%
Related children of the householder under 5 years	8.4%	6.7%	8.3%
Related children of the householder 5 to 17 years	11.1%	13.4%	5.0%
18 years and over	8.5%	9.6%	7.5%
18 to 64 years	8.3%	9.5%	7.3%
65 years and over	9.0%	10.1%	8.1%

		Black or African American alone or in combination	White alone, not Hispanic or Latino
	All Persons Estimate	Estimate	Estimate
People in families	6.2%	8.1%	3.7%
Unrelated individuals 15 years and over	20.0%	19.3%	20.3%
HOUSING TENURE			
Occupied housing units	312,466	91,767	189,875
Owner-occupied housing units	65.6%	45.5%	76.4%
Renter-occupied housing units	34.4%	54.5%	23.6%
Average household size of owner-occupied unit	2.64	2.86	2.51
Average household size of renter-occupied unit	2.47	2.58	2.17
UNITS IN STRUCTURE			
Occupied housing units	312,466	91,767	189,875
1-unit, detached or attached	70.1%	58.6%	75.9%
2 to 4 units	3.4%	4.4%	2.6%
5 or more units	25.8%	36.8%	20.7%
Mobile home, boat, RV, van, etc.	0.6%	0.2%	0.8%
YEAR STRUCTURE BUILT			
Occupied housing units	312,466	91,767	189,875
Built 2014 or later	2.7%	3.5%	2.2%
Built 2010 to 2013	1.5%	1.2%	1.5%
Built 2000 to 2009	8.4%	9.7%	7.2%
Built 1980 to 1999	27.7%	29.8%	27.0%
Built 1960 to 1979	25.7%	28.7%	23.4%
Built 1940 to 1959	26.1%	22.1%	29.0%
Built 1939 or earlier	7.9%	5.0%	9.6%
VEHICLES AVAILABLE			
Occupied housing units	312,466	91,767	189,875
None	8.0%	12.3%	5.9%
1 or more	92.0%	87.7%	94.1%
HOUSE HEATING FUEL			
Occupied housing units	312,466	91,767	189,875
Gas	57.1%	57.2%	57.4%
Electricity	34.1%	39.0%	31.1%
All other fuels	8.2%	2.9%	11.2%
No fuel used	0.5%	0.9%	0.3%
SELECTED CHARACTERISTICS			
Occupied housing units	312,466	91,767	189,875
No telephone service available	1.1%	1.8%	0.8%

	All Persons	Black or African American alone or in combination	White alone, not Hispanic or Latino
	Estimate	Estimate	Estimate
1.01 or more occupants per room	1.7%	2.4%	0.3%
SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME IN THE PAST 12 MONTHS			
Housing units with a mortgage (excluding units where SMOC cannot be computed)	138,414	35,175	89,785
Less than 30 percent	73.4%	65.9%	77.6%
30 percent or more	26.6%	34.1%	22.4%
OWNER CHARACTERISTICS			
Owner-occupied housing units	204,824	41,757	145,113
Median value (dollars)	274,600	236,100	287,800
Median selected monthly owner costs with a mortgage (dollars)	1,768	1,651	1,817
Median selected monthly owner costs without a mortgage (dollars)	583	539	586
GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME IN THE PAST 12 MONTHS			
Occupied units paying rent (excluding units where GRAP cannot be computed)	103,065	48,577	42,488
Less than 30 percent	52.1%	52.5%	52.6%
30 percent or more	47.9%	47.5%	47.4%
GROSS RENT			
Occupied units paying rent	104,618	49,198	43,273
Median gross rent (dollars)	1,326	1,304	1,368
COMPUTERS AND INTERNET USE			
Total households	312,466	91,767	189,875
With a computer	93.3%	94.2%	92.5%
With a broadband Internet subscription	88.1%	86.2%	88.3%

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EXHIBIT B

DECLARATION OF MATTHEW A. BARRETO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

BALTIMORE COUNTY BRANCH
OF THE NATIONAL ASSOCIATION
FOR THE ADVANCEMENT OF
COLORED PEOPLE, *et al.*,

Plaintiffs,

v.

BALTIMORE COUNTY, MARYLAND,
et al.,

Defendants.

Civil Action No. LKG-21-03232

DECLARATION OF MATT BARRETO, PH. D.

1. I, Matt Barreto, am over 18 years of age and am competent to testify.

2. I am a Professor of Political Science and Chicana/o Studies at the University of California, Los Angeles. I was appointed Full Professor with tenure at UCLA in 2015. Prior to that, I was a tenured professor of Political Science at the University of Washington from 2005 to 2014. At UCLA, I am the faculty director of the Voting Rights Project in the Luskin School of Public Affairs and teach a year-long course on the Voting Rights Act (VRA), focusing specifically on social science statistical analysis, demographics, and voting patterns that are relevant in VRA expert reports. I have written expert reports and been qualified as an expert witness more than three-dozen times in federal and state voting rights and civil rights cases. I have published peer-reviewed, social science articles specifically about minority voting patterns and racially polarized voting and have co-authored a software package specifically for use in understanding racial voting patterns in VRA cases. I have been retained as an expert consultant by counties and states across the country in 2021 to advise them on racial voting patterns as they relate to VRA compliance during redistricting, including for the State of Maryland. As an expert witness in VRA lawsuits, my testimony has been relied on by courts to find in favor of both plaintiffs and defendants. I have attached my CV as Appendix B.

3. In this matter, I worked with Dr. Kassra Oskooii, tenured professor of Political Science at the University of Delaware. Dr. Oskooii and I have worked on previous voting rights analysis together, and we have co-authored peer-reviewed social science articles about racially polarized voting analysis.

4. In this matter, I was retained by plaintiffs' attorneys to assess voting patterns in Baltimore County, Maryland. I examined whether elections in Baltimore County that featured a minority candidate of choice were characterized by racially polarized voting (RPV).

5. I obtained election results by precincts from the Maryland State Board of Elections Data Files (<https://elections.maryland.gov>) and Redistricting Data Hub (<https://redistrictingdatahub.org>). Prior to the 2020 election, the Maryland State Board of Elections was unable to assign early, provisional, and absentee votes to individual voting precincts. For the 2018 statewide election data, the Redistricting Data Hub apportioned such votes to precincts by candidates in the same share that the election day votes were split among precincts within each county. This type of apportionment is not available for countywide elections. All election data were then merged with voting age population demographics by race/ethnicity to create a standard dataset for analyzing voting patterns. Racial/Ethnic demographics data by precincts were obtained from the U.S. Census 2020 DEC PL-94 Redistricting files.

I. Population Growth and Enacted Map Characteristics

6. Baltimore County's population grew by more than 6% from 2010 to 2020, with the largest growth coming from African Americans. The Black population grew by 45,811 over 10 years, from 206,913 to 252,724, and now constitutes 30% of Baltimore County's population. In contrast, the White, non-Hispanic population declined by 61,293. While Baltimore County was 73% White in 2000 and 63% White in 2010, by 2020 it was only 52% and is projected to be a majority-minority county within a few years.

Table 1: Baltimore County Population Change 2010 to 2020 by race/ethnicity

	2010	2020	Change	Pct
Countywide Total	805,029	854,535	49,506	6%
Black	206,913	252,724	45,811	22%
White, non-Hispanic	504,556	443,263	-61,293	-12%
Hispanic	33,735	61,492	27,757	82%
Asian	39,865	54,701	14,836	37%
All other/multi-racial	19,960	42,355	22,395	112%

7. From a population perspective, the Black population is more than sufficient to draw two County council districts that are majority Black. Using the 2020 Census data, each County council district is approximately 122,076 in total population and the Black population is over double that at 252,724.

8. However, the map adopted by Baltimore County consists of only one majority-Black district (D4) and cracks the Black population into minority status in multiple other districts

across the county. Moreover, the map adopted by Baltimore County packs Black voters into this single district with the result that the district's voting age population is nearly 75% Black while no other district's voting age population is more than 32% Black. In every district except D4, the white voting age population outnumbers the Black voting age population by at least 19 percentage points. This has the effect of diluting the Black vote by keeping it below majority status in a second district where Black voters could elect a candidate of choice in both the primary and general election. As drawn, the adopted map is likely to elect six White candidates out of seven seats – 86% of the seats – in a county that was only 52% White population in 2020 (and is likely less so as of 2022).

II. Racially Polarized Voting Analysis in Baltimore County

9. I next examine whether voters of different racial/ethnic backgrounds tend to prefer different or similar candidates when a Black candidate of choice emerges. The phenomenon called *racially polarized voting* (RPV) is defined as voters of different racial or ethnic groups exhibiting different candidate preferences in an election. It means simply that voters of different groups are voting in polar opposite directions, rather than in a coalition. Voters may vote for their candidates of choice for a variety of reasons, and RPV statistical analysis is not concerned with *why* voters make decisions, instead RPV simply reports *how* voters are voting. It measures the outcomes of voting patterns and determines whether patterns track with the race/ethnicity demographics of neighborhoods, cities, and voting precincts.

10. It is important to acknowledge that not every election contest contains a minority-preferred candidate. In some elections, voters are more or less agnostic about the candidates, while in other elections voters have deep preferences for their candidates of choice. For African American voters in Baltimore County, I focus on elections in which Black candidates ran competitive elections against White candidates.

11. In recent elections I analyzed, Black voters demonstrated strong cohesion, voting in strong support for Black candidates. This trend was apparent in both primary and general election contests among voters in Baltimore County. White voters voted as a bloc *against* Black-preferred candidates.

12. Several methods are available to assess the *Gingles* preconditions of minority cohesion and White bloc voting.¹ Ecological Inference (EI) “has been the benchmark in evaluating racial polarization in voting rights lawsuits and has been used widely in comparative politics research on group and ethnic voting patterns.”² Two variations of EI that have emerged

¹ For an approachable overview of this material, see Bruce M. Clarke & Robert Timothy Reagan, Federal Judicial Center, *Redistricting Litigation: An Overview Of Legal, Statistical, and Case-Management Issues* (2002).

² Loren Collingwood, Kassra Oskooii, Sergio Garcia Rios, and Matt Barreto, *eiCompare Comparing Ecological Inference Estimates across EI and EI:R x C*, 8 R. J., 93 (2016); see also Abrajano et al., *Using Experiments to Estimate Racially Polarized Voting*, UC Davis Legal

are referred to as King's EI and EI: RxC. The two methods are closely related, and Professor Gary King, the creator of King's EI,³ was a co-author and collaborator on the RxC method.⁴ Generally speaking, both methods take ecological data in the aggregate—such as precinct vote totals and racial demographics—and use Bayesian statistical methods to find voting patterns by regressing candidate choice against racial demographics within the aggregate precinct. King's EI is sometimes referred to as the iterative approach, in that it runs an analysis of each candidate and each racial group in iterations, whereas the RxC method allows multiple rows (candidates) and multiple columns (racial groups) to be estimated simultaneously in one model. In essence, both versions of EI operate as described above: by compiling data on the percentage of each racial group in a precinct and merging that with precinct-level vote choice from relevant election results. One popular software program, *eiCompare*, imports data and runs both King's EI and RxC models and offers comparison diagnostics.⁵ Collingwood, et al. (2016) have concluded that both EI and RxC produce similarly reliable regression estimates of vote choice. The EI models are agnostic on what type of input data political scientists use for racial demographics. It can be Voting Age Population (VAP) data from the U.S. Census, it can be a Spanish surname analysis of registered voters, or it can be a BISG estimate of race of the voter file. The models will perform the same statistical analysis and produce inferences about voter preference by race.

13. For every voting precinct in Baltimore County, we have the election day votes⁶ cast for each candidate, and we also have the total VAP that is either Black or White. Thus, we

Studies Research Paper No. 419 (2015) (“ecological inference (EI)...[is] the standard statistical tool of vote-dilution litigation). Despite the method's prominence, researchers have identified certain limitations on EI's ability to reveal race-correlated voting patterns in jurisdictions with more than two racial groups and non-trivial residential integration. See D. James Greiner, *Re-Solidifying Racial Bloc Voting: Empirics and Legal Doctrine in the Melting Pot*, 86 Indiana L. J. 447–497 (2011); D. James Greiner & Kevin M Quinn, *Exit Polling and Racial Bloc Voting: Combining Individual Level and Ecological Data*, 4 Annals Applied Statistics, 1774–1796 (2010). Strategic calculations by potential candidates as well as interest groups and donors also skew EI data. Abrajano, Marisa A., Christopher S. Elmendorf, and Kevin M. Quinn, *Racially Polarized Voting* (2015); D. James Greiner, *Causal Inference in Civil Rights Litigation*, 122 Harv. L. Rev. 533, 533–598 (2008).

³ See Gary King, *A Solution to the Ecological Inference Problem Reconstructing Individual Behavior from Aggregate Data*, Princeton University Press (1997).

⁴ See Ori Rosen, Wenxin Jiang, Gary King, and Martin Tanner, Bayesian and frequentist inference for ecological inference: the R x C case, *Statistica Neerlandica*, vol. 55 at 134-46 (2001).

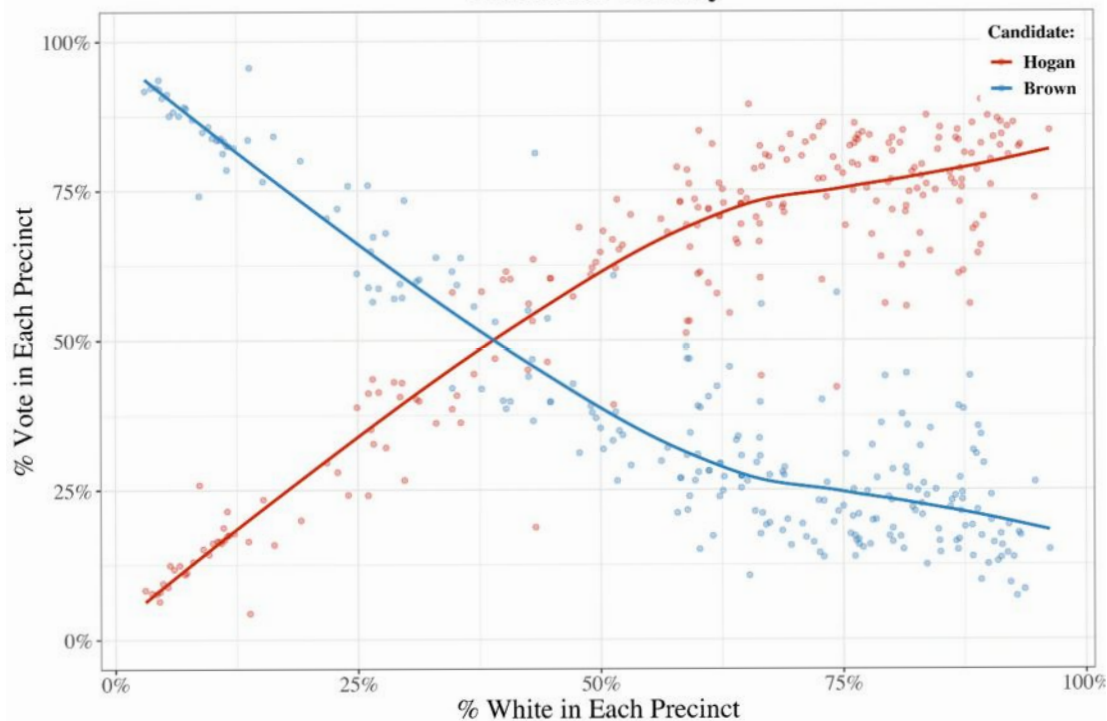
⁵ Loren Collingwood, Kassra Oskooii, Sergio Garcia Rios, and Matt Barreto, *eiCompare Comparing Ecological Inference Estimates across EI and EI: R x C*, 8 R J., 93 (2016).

⁶ From 2010 to 2020, the state of Maryland only collected and reported precinct-level data for election-day votes. Early and absentee votes were reported countywide, but not at the precinct

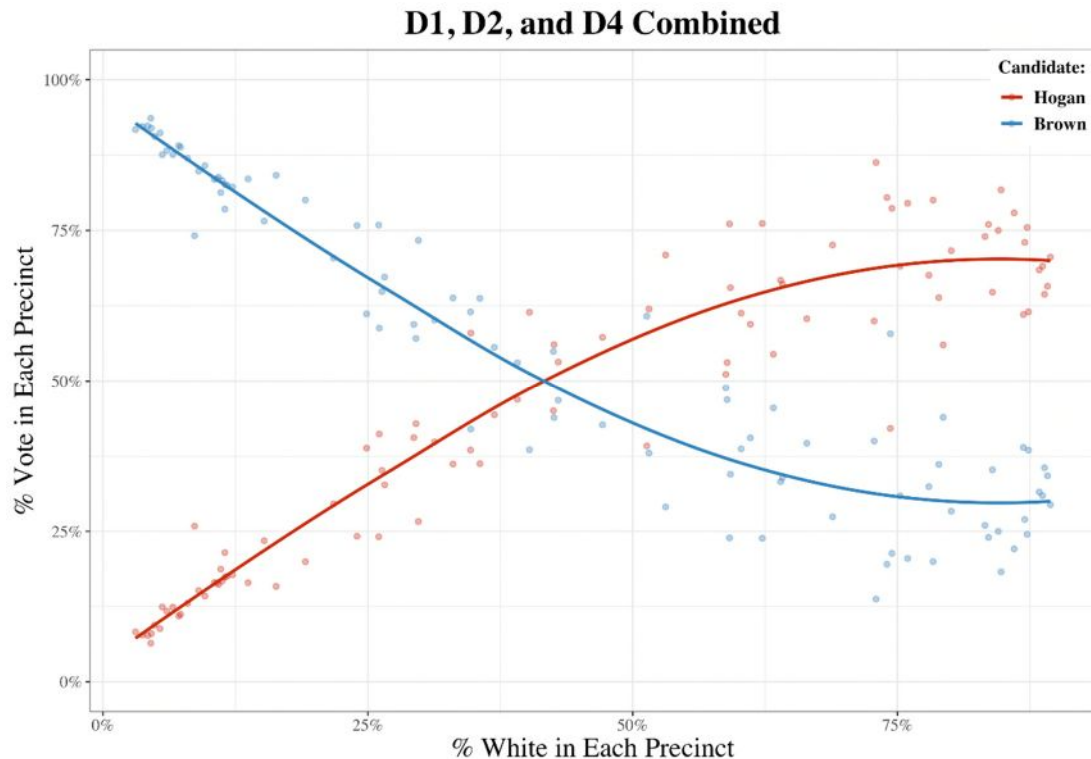
can assess if increases or decreases in candidate vote choice are correlated with the Black or White voting population to determine if voting patterns in Baltimore County are racially polarized. Our analysis relies on ecological inference using eiCompare software and can produce a series of tables, charts, and graphs to depict voting patterns.

14. This relationship is easily demonstrated in the graphs below which plots the vote a candidate received in each precinct on the vertical Y-axis against the percent White within each precinct on the horizontal X-axis. Figures 1A and 1B below demonstrate that across Baltimore County Whites and minorities voted in opposite directions in the 2014 gubernatorial election. On the left-hand side of the graph, precincts that are heavily minority, in this case mostly made up of Black voters, provided strong support for Anthony Brown. In contrast, Whites voted heavily in support of Larry Hogan. Figure 1A reports these results countywide for all precincts in Baltimore County.

**Figure 1A: Vote Choice in the 2014 Gubernatorial Election Countywide
Baltimore County**



level. In 2020 Maryland started to report total votes by precinct for early, absentee, and election-day voting.

Figure 1B: Vote Choice in the 2014 Gubernatorial Election in West-side Districts

15. While districts on the western side of Baltimore County are thought of being more Democratic, the same pattern emerges there in the 2014 general election. When faced with a Black candidate on the ticket, White voters within Districts 1, 2, and 4 provided majority support to Hogan, while Black voters overwhelmingly favored Brown. This pattern emerges clearly in Figure 1B.

16. In 2018 Maryland residents once again voted in a contest for Governor that featured a Black candidate of choice, Benjamin Jealous, and a White candidate, Larry Hogan. Although 2018 was otherwise characterized as a “good year” for Democrats in elections in which they regained the House of Representatives, in Baltimore County, White voters provided very strong support for Hogan and block-voted against Jealous. In contrast, African American voters continued to demonstrate strong cohesiveness for their candidate of choice, Jealous. The precinct data are portrayed in Figure 2A for Baltimore County as a whole.

Figure 2A: Vote Choice in the 2018 Gubernatorial Election Countywide

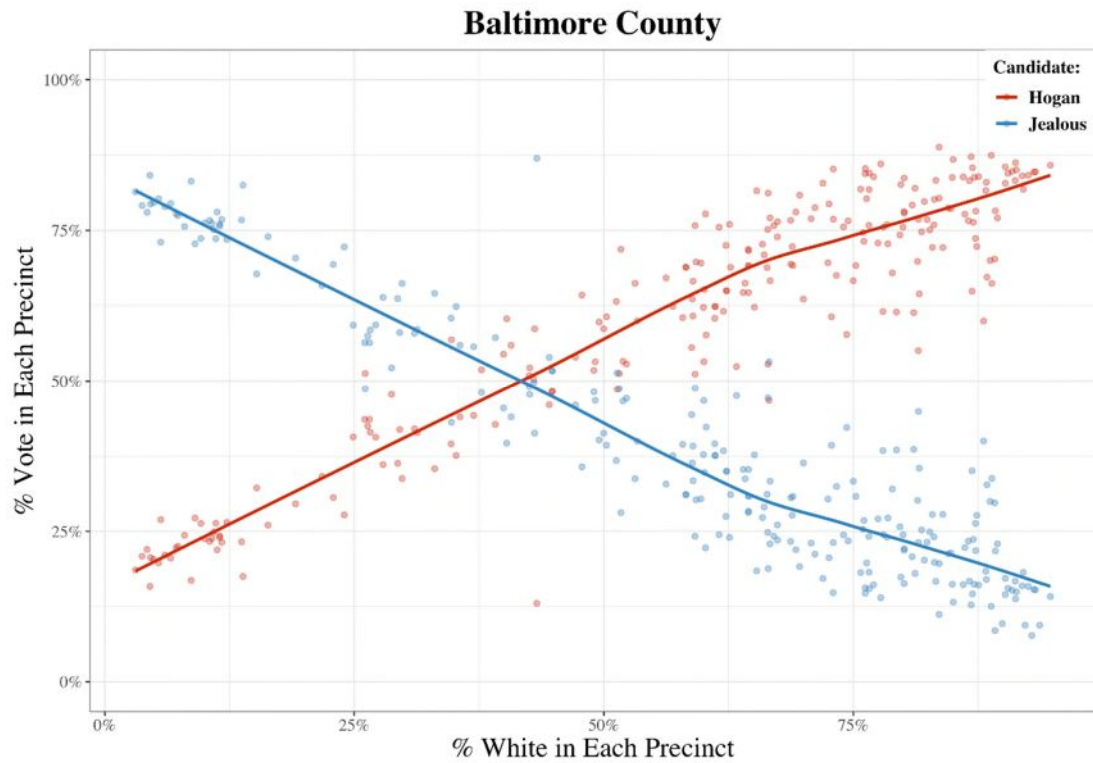
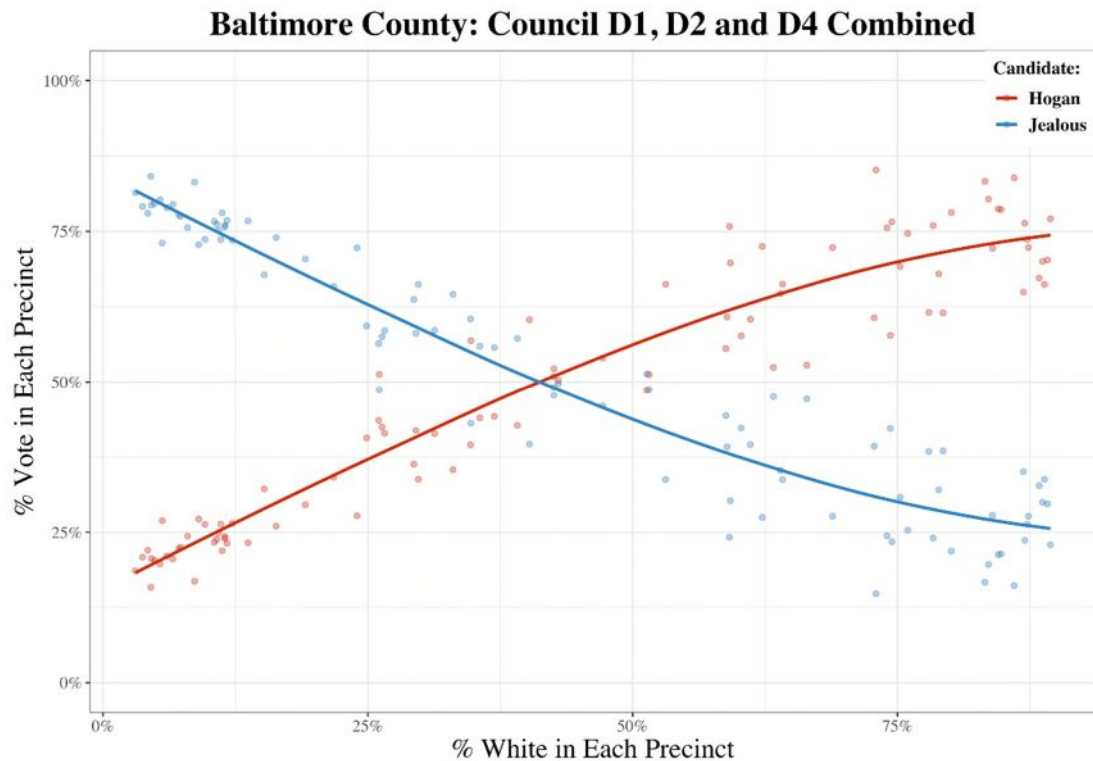


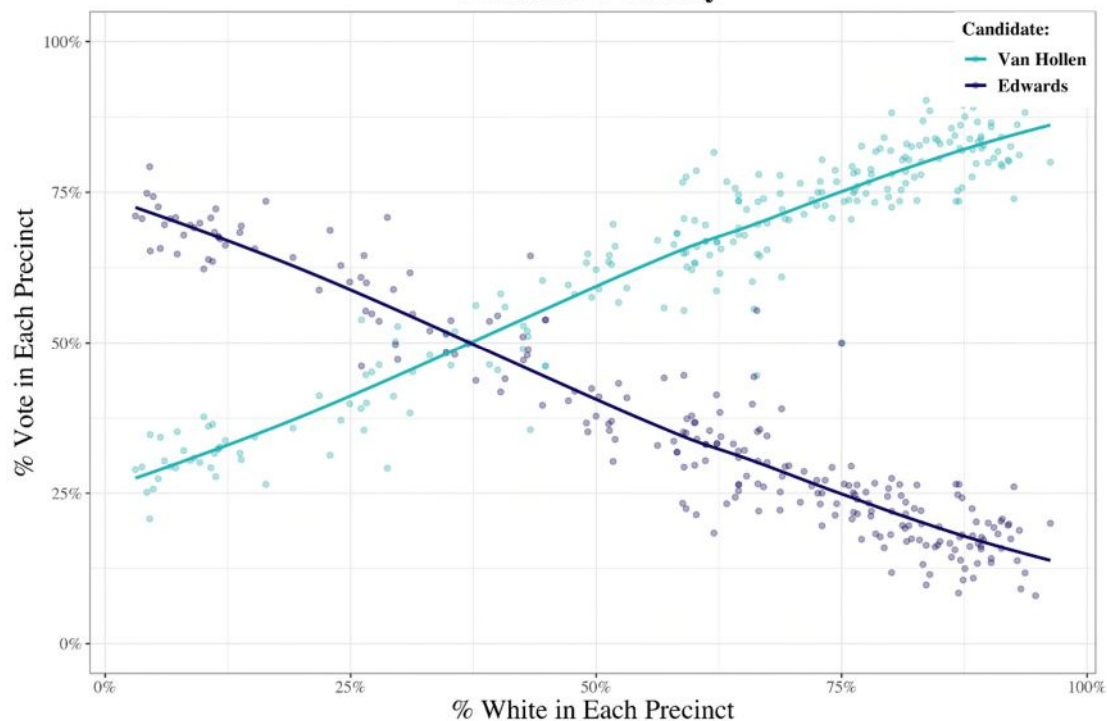
Figure 2B: Vote Choice in the 2018 Gubernatorial Election in West-side Districts



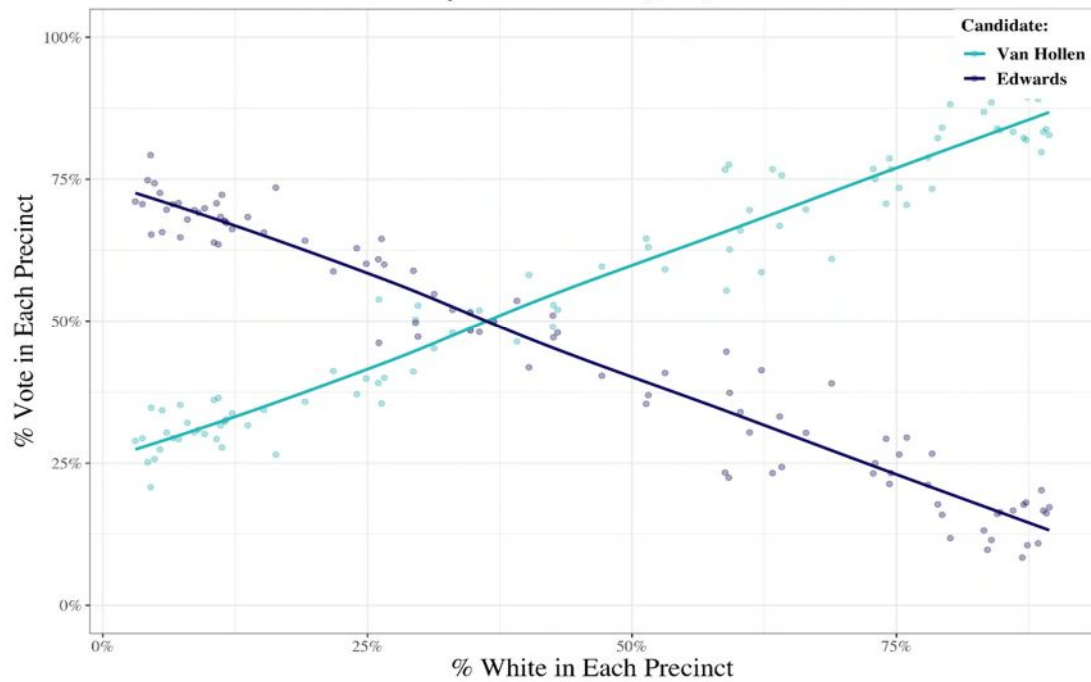
17. Once again, when we restrict the analysis to the western portion of the county and focus on Districts 1, 2, and 4 the finding of racially polarized voting holds. White voters in the western part of the county voted heavily against the Black candidate Jealous in the 2018 Governor's election.

18. In addition to these general elections, clear patterns of racially polarized voting emerge with respect to the Democratic primary for U.S. Senate in 2016 among voters in Baltimore County. In 2016 Congresswoman Donna Edwards faced off against Congressman Chris Van Hollen among eight other candidates with far less experience or name recognition. This election is important because independent of partisanship, it tells us whether Black and White voters have the same or opposite candidate preferences within Democratic primaries. Figure 3A reports the precinct results by race for Baltimore countywide and shows a very clear pattern in which Black voters strongly preferred Edwards while White voters strongly preferred Van Hollen. This same trend emerges with respect to the western portion of the county in Districts 1, 2, and 4, where Whites bloc vote against Edwards, the Black candidate of choice (Figure 3B).

**Figure 3A: Vote Choice in the 2016 Senate Democratic Primary Election Countywide
Baltimore County**



**Figure 3B: Vote Choice in 2016 Senate Democratic Primary Election in West-side Districts
Baltimore County: Council D1, D2, and D4 Combined**



19. The scatter plots in Figures 1–3 portray the full range of data for all precincts, sorted by candidate vote and race and are a clear portrait of racially polarized voting. In addition, EI analysis can produce specific vote choice estimates by race, which I summarize in Table 2.

20. When looking to White and Black voters in Baltimore County as a whole (Table 2) the ecological inference analysis reports White voters, on average, give less than 15% of their vote to Black candidates. In 2014 Brown won an estimated 14.3% of the White vote; in 2018 Jealous won an estimated 13.2% of the White vote; and in the 2016 Democratic primary White voters gave Edwards an estimated 8.0% of the vote. In contrast, we find Black voters are strongly cohesive for these Black candidates providing 75% to 85% to over 90% support.

Table 2: Ecological inference analysis of vote choice by race Baltimore County

	White	Black	Other
Brown	14.3	94.3	41.1
Hogan	85.7	5.7	58.9
Jealous	13.2	86.4	57.9
Hogan	86.9	13.6	43.1
Edwards	8.0	74.6	71.6
Van Hollen	92.0	25.4	28.4

21. Likewise, when I restrict the analysis to just focusing on Districts 1, 2 and 4 we find White voter are overwhelmingly cohesive and bloc-vote against Black candidates of choice and voting in favor of White candidates at rates of 78.5%, 80.3% and 94.9%. Black voters in this part of Baltimore County are also quite cohesive in registering strong support for candidates of choice at rates of 74.4%, 85.7% and 97.3% across the years.

Table 3: Ecological inference analysis of vote choice by race in Districts 1, 2, 4

	White	Black	Other
Brown	21.5	97.3	45.9
Hogan	78.5	2.7	54.1
Jealous	19.7	85.7	57.7
Hogan	80.3	14.3	42.3
Edwards	5.1	74.4	75.4
Van Hollen	94.9	25.6	24.6

22. This report is intended to provide an initial summary of demographics and voting patterns in Baltimore County. As additional election data becomes available or relevant, I will provide additional data analysis as requested by the Court and counsel.

23. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Matt Barreto
Agoura Hills, California

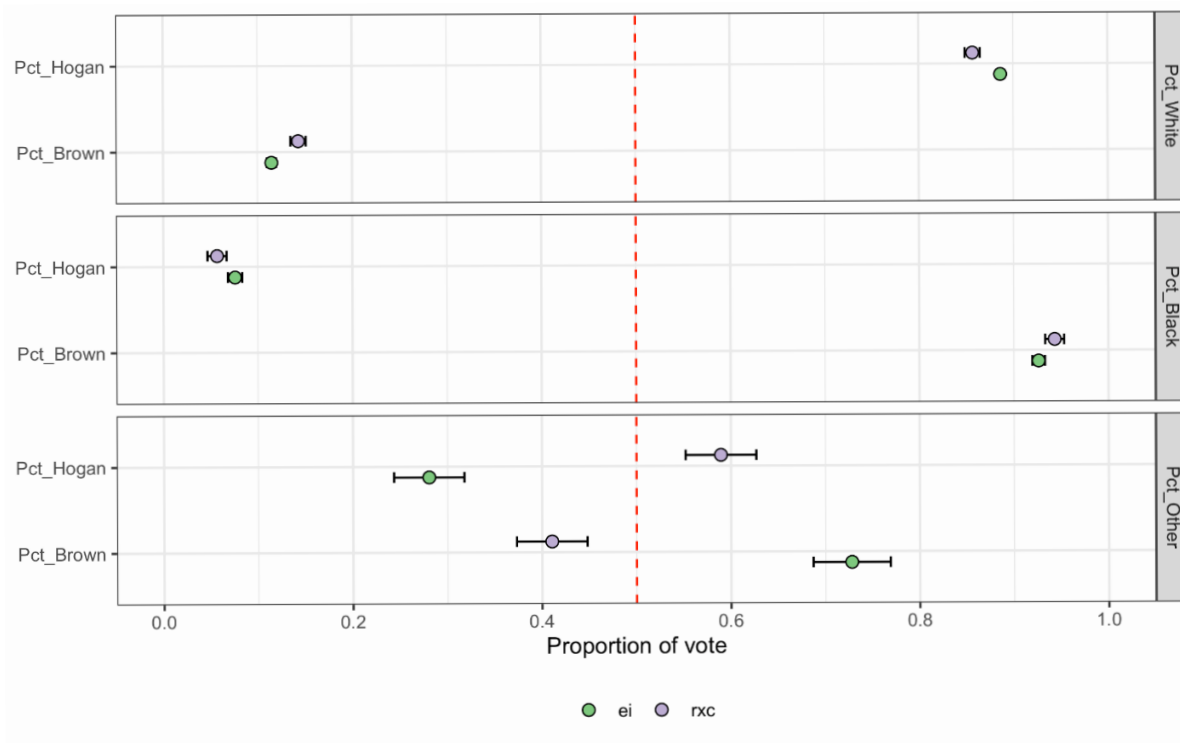
Executed on January 18, 2022

BARRETO DECLARATION

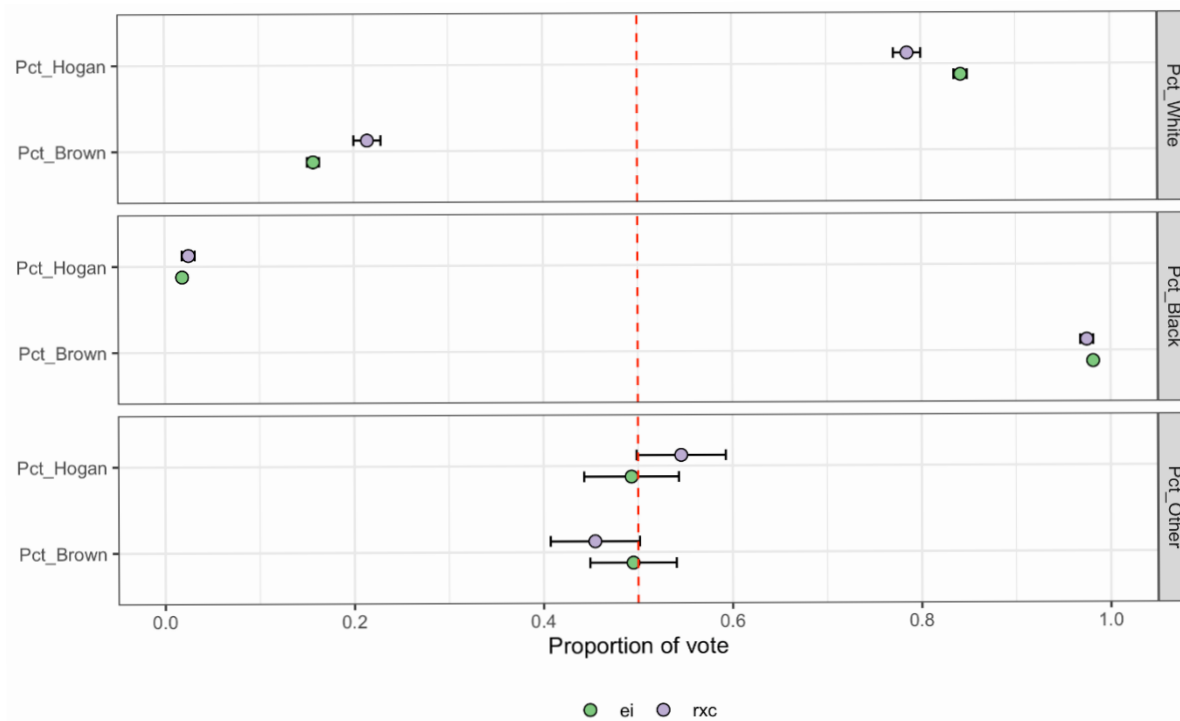
APPENDIX A

Appendix A – Racially Polarized Voting Additional Plots

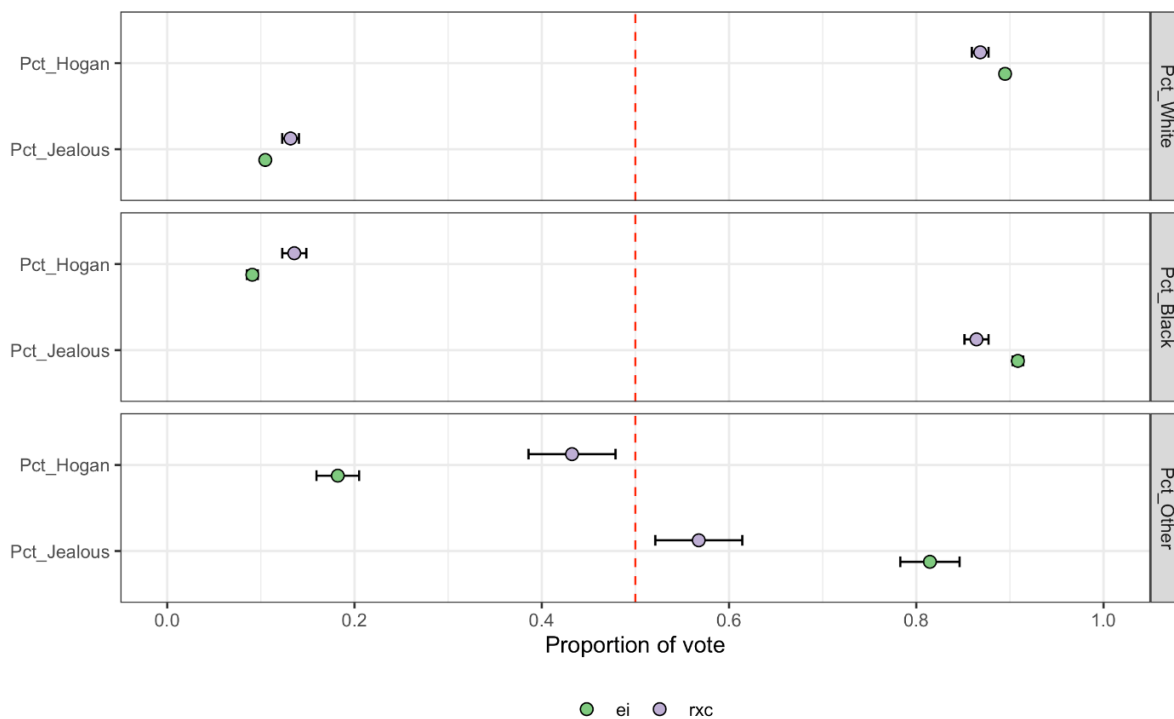
Baltimore Countywide, 2014 Governor



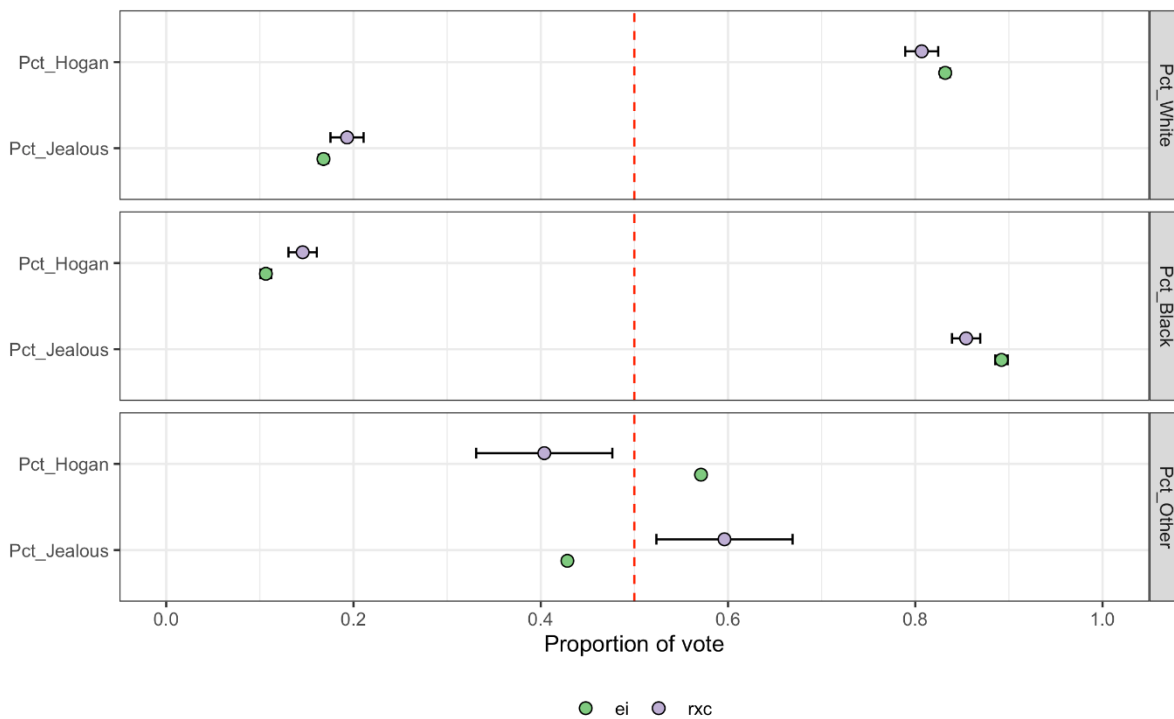
West-side Districts, 2014 Governor



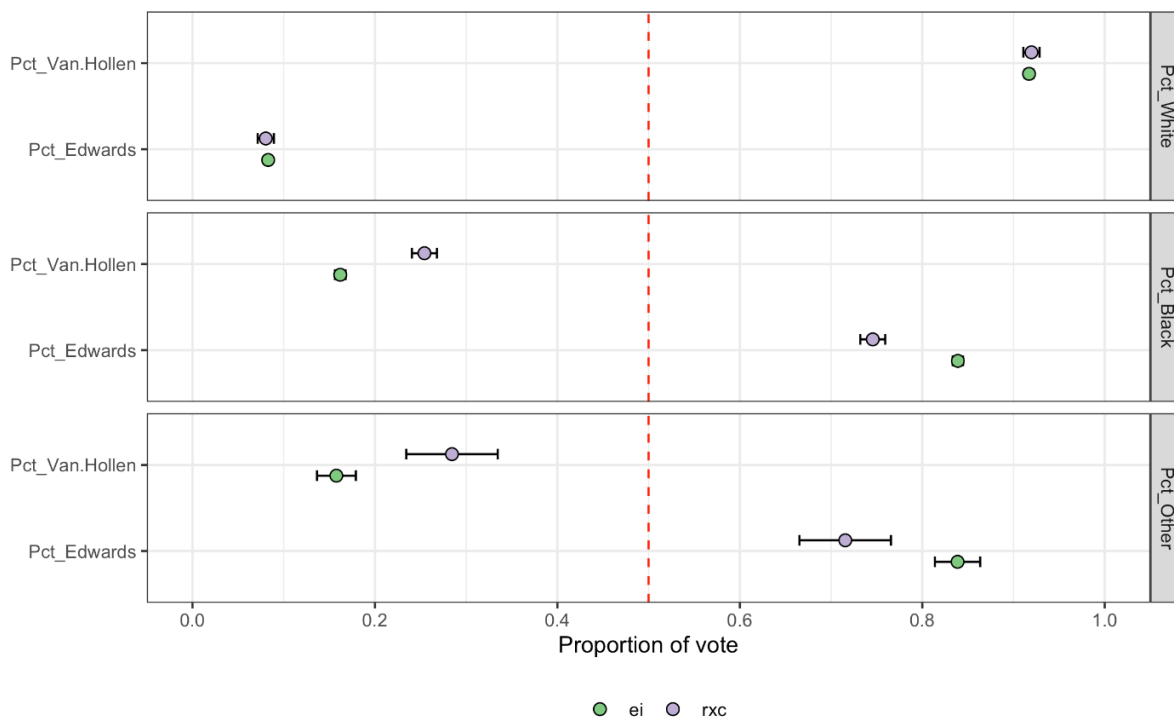
Baltimore Countywide, 2018 Governor



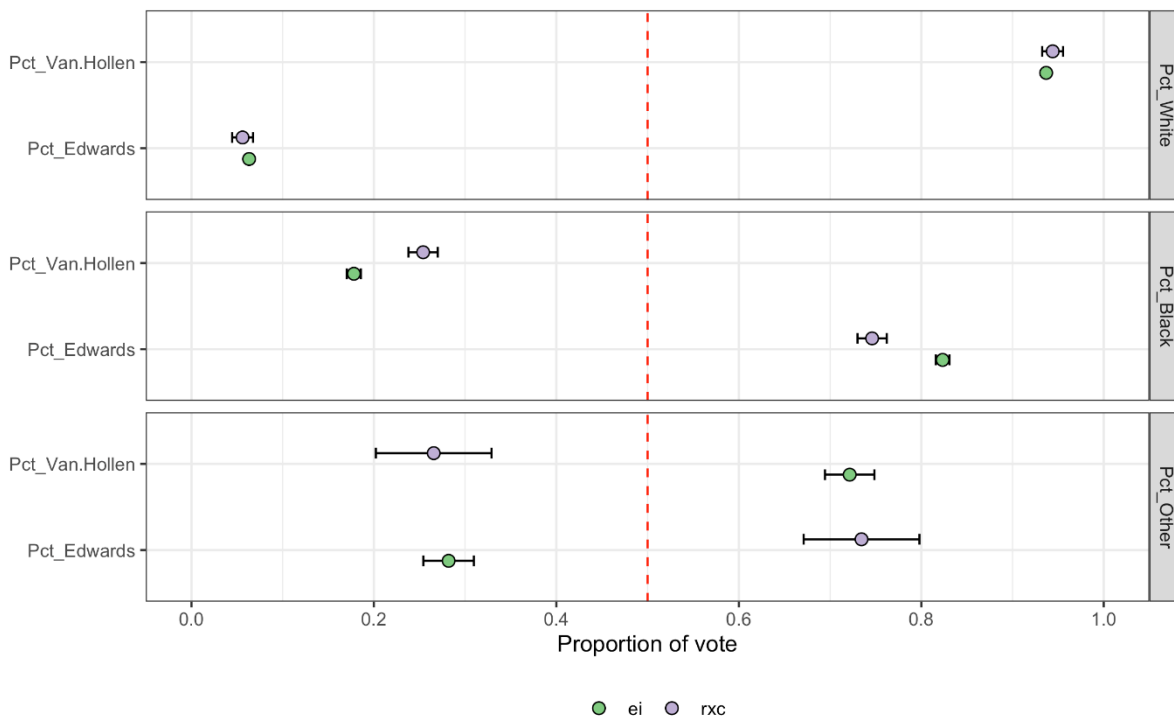
West-side Districts, 2014 Governor



Baltimore Countywide, 2016 US Senate Primary



West-side Districts, 2016 US Senate Primary



BARRETO DECLARATION

APPENDIX B



MATT A. BARRETO – BARRETOM@UCLA.EDU

UNIVERSITY OF CALIFORNIA, LOS ANGELES, 3345 BUNCHE HALL, LOS ANGELES CA 90095 / 909.489.2955

EMPLOYMENT:

Professor, Political Science, University of California Los Angeles (2015 – present)
Professor, Chicana/o Studies, University of California Los Angeles (2015 – present)
Co-Founder & Faculty Director, Latino Policy & Politics Initiative (LPPI)
Co-Founder & Faculty Director, UCLA Voting Rights Project (VRP)

Dept. Political Science, University of Washington

Professor (2014 – 2015)

Associate Professor (2009 – 2014)

Assistant Professor (2005 – 2009)

Co-Founder & Director, Washington Institute for the Study of Ethnicity and Race

Founding Director, Center for Democracy and Voting Rights, UW School of Law

Affiliated Research Centers

Latino Policy & Politics Initiative (LPPI), University of California, Los Angeles

Chicano Studies Research Center (CSRC), University of California, Los Angeles

Center for the Study of Los Angeles (CSLA), Loyola Marymount University

PERSONAL:

Born: June 6, 1976

San Juan, Puerto Rico

High School: 1994, Washburn Rural HS, Topeka, KS

EDUCATION:

Ph.D., Political Science, June 2005

University of California – Irvine

Sub Fields: American Politics / Race, Ethnicity and Politics / Methodology

Thesis: Ethnic Cues: The Role of Shared Ethnicity in Latino Political Participation

Thesis Committee: Bernard Grofman (chair), Louis DeSipio, Katherine Tate, Carole Uhlaner

Thesis Awards: *Ford Foundation Dissertation Fellowship for Minorities, 04-05*

University of California President's Dissertation Fellowship, 04-05

University of California Institute for Mexico & the U.S. Dissertation Grant, 04-05

Master of Science, Social Science, March 2003

University of California – Irvine

Bachelor of Science, Political Science, May 1998

Eastern New Mexico University, Portales, NM

Minor: English. Cumulative GPA: 3.9, *Summa Cum Laude*

PUBLICATION RECORD

Google Scholar citation indices: Cites: 4,768 h-index: 35 i10-index: 60 i100-index: 12 Cites/year: 280

BOOK MANUSCRIPTS:

Barreto, Matt and Christopher Parker. nd. The Great White Hope: Donald Trump, Race, and the Crisis of American Politics. Under Contract, University of Chicago Press. *expected Fall 2022*

Barreto, Matt and Gary Segura. 2014. Latino America: How America's Most Dynamic Population is Poised to Transform the Politics of the Nation. Public Affairs Books. (Sept)

Barreto, Matt and David Leal, editors. 2018. Race, Class, and Precinct Quality in American Cities. Springer Press.

Christopher Parker and Matt Barreto. 2013. Change They Can't Believe In: The Tea Party and Reactionary Politics in America. Princeton University Press. *Winner: APSA Best Book Award for Race, Ethnicity, Politics, 2014*

Barreto, Matt. 2010. Ethnic Cues: The Role of Shared Ethnicity in Latino Political Participation. University of Michigan Press

PEER-REVIEWED ARTICLES

77. MA Barreto, M Cohen, L Collingwood, CW Dunn, S Waknin. 2022. "A Novel Method for Showing Racially Polarized Voting: Bayesian Improved Surname Geocoding" *New York University Review of Law & Social Change*.

76. B Gomez-Aguinaga, GR Sanchez, MA Barreto. 2021. "Importance of State and Local Variation in Black–Brown Attitudes: How Latinos View Blacks and How Blacks Affect Their Views" *Journal of Race, Ethnicity, and Politics* 6 (1), 214-252

75. H Walker, M Roman, MA Barreto. 2020. "The Ripple Effect: The Political Consequences of Proximal Contact with Immigration Enforcement" *Journal of Race, Ethnicity and Politics* 5 (3), 537-572.

74. CW Dunn, MA Barreto, M Acevedo, M Cohen, S Waknin. Legal Theories to Compel Vote-by-Mail in Federal Court" *Calif. L. Rev.* 11, 166

73. Reny, Tyler and Matt A. Barreto. 2020. "Xenophobia in the time of pandemic: othering, anti-Asian attitudes, and COVID-19" *Politics, Groups, and Identities*. 8(2).

72. Flores, Lucy and Matt A. Barreto. 2020. "Latina Voters: The key electoral force" *Journal of Cultural Marketing Strategy*. 4(2).

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70. Barreto, Matt, Loren Collingwood, Sergio Garcia-Rios and Kassra Oskooii. 2019. "Estimating Candidate Support: Comparing Iterative EI and EI-RxC Methods" *Sociological Methods and Research*. 48(4).

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68. Oskooii, Kassra, Karam Dana and Matt Barreto. 2019. "Beyond generalized ethnocentrism: Islam-specific beliefs and prejudice toward Muslim Americans." *Politics, Groups and Identities* 7(3)

67. Vargas, Edward, Gabriel Sanchez, Barbara Gomez-Aguinaga, and Matt Barreto. 2019. "How Latinos' Perceptions of Environmental Health Threats Impact Policy Preferences." *Social Science Quarterly*. 101(1).

66. Walker, Hannah, Marcel Roman and Matt Barreto. 2019. "The Direct and Indirect Effects of Immigration Enforcement on Latino Political Engagement." *UCLA Law Review*. 67.

65. Gutierrez, Angela, Angela Ocampo, Matt Barreto, and Gary Segura. 2019. "Somos Más : How Racial Threat and Anger Mobilized Latino Voters in the Trump Era" *Political Research Quarterly*. 72(4)
64. Chouhoud, Youssef, Karam Dana, and Matt Barreto. 2019. "American Muslim Political Participation: Between Diversity and Cohesion." *Politics and Religion*. 12(S3).
63. Barreto, Matt, Stephen Nuño, Gabriel Sanchez, and Hannah Walker. 2019. "Race, Class and Barriers to Voting in the 21st Century: The Unequal Impact of Voter ID Laws." *American Politics Research*
62. Barreto, Matt. 2018. "The cycle of under-mobilization of minority voters: A comment on 'Selective recruitment of voter neglect?'" *Journal of Race, Ethnicity, and Politics*. 3(1).
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60. Barreto, Matt, Lorrie Frasure-Yokley, Edward Vargas, Janelle Wong. 2018. "Best practices in collecting online data with Asian, Black, Latino, and White respondents: evidence from the 2016 Collaborative Multiracial Post-election Survey." *Politics, Groups & Identities*. 6(1).
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58. Barreto, Matt and Gary Segura. 2017. "Understanding Latino Voting Strength in 2016 and Beyond: Why Culturally Competent Research Matters." *Journal of Cultural Marketing Strategy*. 2:2
57. Dana, Karam, Bryan Wilcox-Archuleta and Matt Barreto. 2017. "The Political Incorporation of Muslims in America: The Mobilizing Role of Religiosity in Islam." *Journal of Race, Ethnicity & Politics*.
56. Collingwood, Loren, Kassra Oskooii, Sergio Garcia-Rios, and Matt Barreto. 2016. "eiCompare: Comparing Ecological Inference Estimates across EI and EI: RxC." *The R Journal*. 8:2 (Dec).
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54. Barreto, Matt, Collingwood, Loren, Christopher Parker, and Francisco Pedraza. 2015. "Racial Attitudes and Race of Interviewer Item Non-Response." *Survey Practice*. 8:3.
53. Barreto, Matt and Gary Segura 2015. "Obama y la seducción del voto Latino." *Foreign Affairs Latinoamérica*. 15:2 (Jul).
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51. Collingwood, Loren, Matt Barreto and Sergio García-Rios. 2014. "Revisiting Latino Voting: Cross-Racial Mobilization in the 2012 Election" *Political Research Quarterly*. 67:4 (Sep).
50. Bergman, Elizabeth, Gary Segura and Matt Barreto. 2014. "Immigration Politics and Electoral Consequences: Anticipating the Dynamics of Latino Vote in the 2014 Election" *California Journal of Politics and Policy*. (Feb)
49. Barreto, Matt and Sergio Garcia-Rios. 2012. "El poder del voto latino en Estados Unidos en 2012" *Foreign Affairs Latinoamérica*. 12:4 (Nov).
48. Collingwood, Loren, Matt Barreto and Todd Donovan. 2012. "Early Primaries, Viability and Changing Preferences for Presidential Candidates." *Presidential Studies Quarterly*. 42:1(Mar).
47. Barreto, Matt, Betsy Cooper, Ben Gonzalez, Chris Towler, and Christopher Parker. 2012. "The Tea Party in the Age of Obama: Mainstream Conservatism or Out-Group Anxiety?." *Political Power and Social Theory*. 22:1(Jan).

46. Dana, Karam, Matt Barreto and Kassra Oskoi. 2011. "Mosques as American Institutions: Mosque Attendance, Religiosity and Integration into the American Political System." *Religions*. 2:2 (Sept).
45. Barreto, Matt, Christian Grose and Ana Henderson. 2011. "Redistricting: Coalition Districts and the Voting Rights Act." *Warren Institute on Law and Social Policy*. (May)
44. Barreto, Matt and Stephen Nuño. 2011. "The Effectiveness of Co-Ethnic Contact on Latino Political Recruitment." *Political Research Quarterly*. 64 (June). 448-459.
43. Garcia-Castañón, Marcela, Allison Rank and Matt Barreto. 2011 "Plugged in or tuned out? Youth, Race, and Internet Usage in the 2008 Election." *Journal of Political Marketing*. 10:2 115-138.
42. Barreto, Matt, Victoria DeFrancesco, and Jennifer Merolla. 2011 "Multiple Dimensions of Mobilization: The Impact of Direct Contact and Political Ads on Latino Turnout in the 2000 Presidential Election." *Journal of Political Marketing*. 10:1
41. Barreto, Matt, Loren Collingwood, and Sylvia Manzano. 2010. "Measuring Latino Political Influence in National Elections" *Political Research Quarterly*. 63:4 (Dec)
40. Barreto, Matt, and Francisco Pedraza. 2009. "The Renewal and Persistence of Group Identification in American Politics." *Electoral Studies*. 28 (Dec) 595-605
39. Barreto, Matt and Dino Bozonelos. 2009. "Democrat, Republican, or None of the Above? Religiosity and the Partisan Identification of Muslim Americans" *Politics & Religion* 2 (Aug). 1-31
38. Barreto, Matt, Sylvia Manzano, Ricardo Ramírez and Kathy Rim. 2009. "Immigrant Social Movement Participation: Understanding Involvement in the 2006 Immigration Protest Rallies." *Urban Affairs Review*. 44: (5) 736-764
37. Grofman, Bernard and Matt Barreto. 2009. "A Reply to Zax's (2002) Critique of Grofman and Migalski (1988): Double Equation Approaches to Ecological Inferences." *Sociological Methods and Research*. 37 (May)
36. Barreto, Matt, Stephen Nuño and Gabriel Sanchez. 2009. "The Disproportionate Impact of Voter-ID Requirements on the Electorate – New Evidence from Indiana." *PS: Political Science & Politics*. 42 (Jan)
35. Barreto, Matt, Luis Fraga, Sylvia Manzano, Valerie Martinez-Ebers, and Gary Segura. 2008. "Should they dance with the one who brung 'em? Latinos and the 2008 Presidential election" *PS: Political Science & Politics*. 41 (Oct).
34. Barreto, Matt, Mara Marks and Nathan Woods. 2008. "Are All Precincts Created Equal? The Prevalence of Low- Quality Precincts in Low-Income and Minority Communities." *Political Research Quarterly*. 62
33. Barreto, Matt. 2007. "¿Sí Se Puede! Latino Candidates and the Mobilization of Latino Voters." *American Political Science Review*. 101 (August): 425-441.
32. Barreto, Matt and David Leal. 2007. "Latinos, Military Service, and Support for Bush and Kerry in 2004." *American Politics Research*. 35 (March): 224-251.
31. Barreto, Matt, Mara Marks and Nathan Woods. 2007. "Homeownership: Southern California's New Political Fault Line?" *Urban Affairs Review*. 42 (January). 315-341.
30. Barreto, Matt, Matt Streb, Fernando Guerra, and Mara Marks. 2006. "Do Absentee Voters Differ From Polling Place Voters? New Evidence From California." *Public Opinion Quarterly*. 70 (Summer): 224-34.
29. Barreto, Matt, Fernando Guerra, Mara Marks, Stephen Nuño, and Nathan Woods. 2006. "Controversies in Exit Polling: Implementing a racially stratified homogenous precinct approach." *PS: Political Science & Politics*. 39 (July) 477-83.
28. Barreto, Matt, Ricardo Ramírez, and Nathan Woods. 2005. "Are Naturalized Voters Driving the California Latino Electorate? Measuring the Impact of IRCA Citizens on Latino Voting." *Social Science Quarterly*. 86 (December): 792-811.
27. Barreto, Matt. 2005. "Latino Immigrants at the Polls: Foreign-born Voter Turnout in the 2002 Election." *Political Research Quarterly*. 58 (March): 79-86.

26. Barreto, Matt, Mario Villarreal and Nathan Woods. 2005. "Metropolitan Latino Political Behavior: Turnout and Candidate Preference in Los Angeles." *Journal of Urban Affairs*. 27(February): 71-91.
25. Leal, David, Matt Barreto, Jongho Lee and Rodolfo de la Garza. 2005. "The Latino Vote in the 2004 Election." *PS: Political Science & Politics*. 38 (January): 41-49.
24. Marks, Mara, Matt Barreto and Nathan Woods. 2004. "Harmony and Bliss in LA? Race and Racial Attitudes a Decade After the 1992 Riots." *Urban Affairs Review*. 40 (September): 3-18.
23. Barreto, Matt, Gary Segura and Nathan Woods. 2004. "The Effects of Overlapping Majority-Minority Districts on Latino Turnout." *American Political Science Review*. 98 (February): 65-75.
22. Barreto, Matt and Ricardo Ramirez. 2004. "Minority Participation and the California Recall: Latino, Black, and Asian Voting Trends 1990 – 2003." *PS: Political Science & Politics*. 37 (January): 11-14.
21. Barreto, Matt and José Muñoz. 2003. "Reexamining the 'politics of in-between': political participation among Mexican immigrants in the United States." *Hispanic Journal of Behavioral Sciences*. 25 (November): 427-447.
20. Barreto, Matt. 2003. "National Origin (Mis)Identification Among Latinos in the 2000 Census: The Growth of the "Other Hispanic or Latino" Category." *Harvard Journal of Hispanic Policy*. 15 (June): 39-63.

Edited Volume Book Chapters

19. Barreto, Matt and Gary Segura. 2020. "Latino Reaction and Resistance to Trump: Lessons learned from Pete Wilson and 1994." In Raul Hinojosa and Edward Telles (eds.) Equitable Globalization: Expanding Bridges, Overcoming Walls. Oakland: University of California Press.
18. Barreto, Matt, Albert Morales and Gary Segura. 2019. "The Brown Tide and the Blue Wave in 2018" In Larry Sabato, Kyle Kondik, Geoffrey Skelley (eds.) The Blue Wave. New York: Rowman & Littlefield.
17. Gutierrez, Angela, Angela Ocampo and Matt Barreto. 2018. "Obama's Latino Legacy: From Unknown to Never Forgotten" In Andrew Rudalevige and Bert Rockman (eds.) The Obama Legacy. Lawrence, KS: University of Kansas Press.
16. Barreto, Matt, Thomas Schaller and Gary Segura. 2017. "Latinos and the 2016 Election: How Trump Lost Latinos on Day 1" In Larry Sabato, Kyle Kondik, Geoffrey Skelley (eds.) Trumped: The 2016 Election that Broke All the Rules. New York: Rowman & Littlefield.
15. Walker, Hannah, Gabriel Sanchez, Stephen Nuño, Matt Barreto 2017. "Race and the Right to Vote: The Modern Barrier of Voter ID Laws" In Todd Donovan (ed.) Election Rules and Reforms. New York: Rowman & Littlefield.
14. Barreto, Matt and Christopher Parker. 2015. "Public Opinion and Reactionary Movements: From the Klan to the Tea Party" In Adam Berinsky (ed.) New Directions in Public Opinion. 2nd edition. New York: Routledge Press.
13. Barreto, Matt and Gabriel Sanchez. 2014. "A 'Southern Exception' in Black-Latino Attitudes?." In Anthony Affigne, Evelyn Hu-Dehart, Marion Orr (eds.) Latino Politics en Ciencia Política. New York: New York University Press.
12. Barreto, Matt, Ben Gonzalez, and Gabriel Sanchez. 2014. "Rainbow Coalition in the Golden State? Exposing Myths, Uncovering New Realities in Latino Attitudes Towards Blacks." In Josh Kun and Laura Pulido (eds.) Black and Brown in Los Angeles: Beyond Conflict and Coalition. Berkeley, CA: University of California Press.
11. Barreto, Matt, Loren Collingwood, Ben Gonzalez, and Christopher Parker. 2011. "Tea Party Politics in a Blue State: Dino Rossi and the 2010 Washington Senate Election" In William Miller and Jeremy Walling (eds.) Stuck in the Middle to Lose: Tea Party Effects on 2010 U.S. Senate Elections. Rowman & Littlefield Publishing Group.
10. Jason Morin, Gabriel Sanchez and Matt Barreto. 2011. "Perceptions of Competition Between Latinos and Blacks: The Development of a Relative Measure of Inter-Group Competition." In Edward Telles, Gaspar Rivera-Salgado and Mark Sawyer (eds.) Just Neighbors? Research on African American and Latino Relations in the US. New York: Russell Sage Foundation.

9. Grofman, Bernard, Frank Wayman and Matt Barreto. 2009. "Rethinking partisanship: Some thoughts on a unified theory." In John Bartle and Paolo Bellucci (eds.) Political Parties and Partisanship: Social identity and individual attitudes. New York: Routledge Press.
8. Barreto, Matt, Ricardo Ramírez, Luis Fraga and Fernando Guerra. 2009. "Why California Matters: How California Latinos Influence the Presidential Election." In Rodolfo de la Garza, Louis DeSipio and David Leal (eds.) Beyond the Barrio: Latinos in the 2004 Elections. South Bend, ID: University of Notre Dame Press.
7. Francisco Pedraza and Matt Barreto. 2008. "Exit Polls and Ethnic Diversity: How to Improve Estimates and Reduce Bias Among Minority Voters." In Wendy Alvey and Fritz Scheuren (eds.) Elections and Exit Polling. Hoboken, NJ: Wiley and Sons.
6. Adrian Pantoja, Matt Barreto and Richard Anderson. 2008. "Politics *y la Iglesia*: Attitudes Toward the Role of Religion in Politics Among Latino Catholics" In Michael Genovese, Kristin Hayer and Mark J. Rozell (eds.) Catholics and Politics. Washington, D.C: Georgetown University Press..
5. Barreto, Matt. 2007. "The Role of Latino Candidates in Mobilizing Latino Voters: Revisiting Latino Vote Choice." In Rodolfo Espino, David Leal and Kenneth Meier (eds.) Latino Politics: Identity, Mobilization, and Representation. Charlottesville: University of Virginia Press.
4. Abosch, Yishaiya, Matt Barreto and Nathan Woods. 2007. "An Assessment of Racially Polarized Voting For and Against Latinos Candidates in California." In Ana Henderson (ed.) Voting Rights Act Reauthorization of 2006: Perspectives on Democracy, Participation, and Power. Berkeley, CA: UC Berkeley Public Policy Press.
3. Barreto, Matt and Ricardo Ramírez. 2005. "The Race Card and California Politics: Minority Voters and Racial Cues in the 2003 Recall Election." In Shaun Bowler and Bruce Cain (eds.) Clicker Politics: Essays on the California Recall. Englewood-Cliffs: Prentice-Hall.
2. Barreto, Matt and Nathan Woods. 2005. "The Anti-Latino Political Context and its Impact on GOP Detachment and Increasing Latino Voter Turnout in Los Angeles County." In Gary Segura and Shawn Bowler (eds.) Diversity in Democracy: Minority Representation in the United States. Charlottesville: University of Virginia Press.
1. Pachon, Harry, Matt Barreto and Frances Marquez. 2004. "Latino Politics Comes of Age in the Golden State." In Rodolfo de la Garza and Louis DeSipio (eds.) Muted Voices: Latino Politics in the 2000 Election. New York: Rowman & Littlefield

RESEARCH AWARDS AND FELLOWSHIPS

June 2020	WK Kellogg Foundation UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	\$2,500,000 – 24 months
June 2020	Casey Family Foundation UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	\$900,000 – 18 months
Aug 2018	Provost Initiative for Voting Rights Research UCLA Latino Policy & Politics Initiative [With Chad Dunn]	\$90,000 – 24 months
April 2018	Democracy Fund & Wellspring Philanthropic UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	\$200,000 – 18 months
March 2018	AltaMed California UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	\$250,000 – 12 months
Dec 2017	California Community Foundation UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	\$100,000 – 12 months
July 2013	Ford Foundation UW Center for Democracy and Voting Rights	\$200,000 – 12 months
April 2012	American Values Institute [With Ben Gonzalez] Racial Narratives and Public Response to Racialized Moments	\$40,000 – 3 months
Jan 2012	American Civil Liberties Union Foundation [With Gabriel Sanchez] Voter Identification Laws in Wisconsin	\$60,000 – 6 months
June 2011	State of California Citizens Redistricting Commission An Analysis of Racial Bloc Voting in California Elections	\$60,000 – 3 months
Apr 2011	Social Science Research Council (SSRC) [With Karam Dana] Muslim and American? A national conference on the political and social incorporation of American Muslims	\$50,000 – 18 months
Jan 2011	impreMedia [With Gary Segura] Latino public opinion tracking poll of voter attitudes in 2011	\$30,000 – 6 months
Oct 2010	National Council of La Raza (NCLR) [With Gary Segura] Measuring Latino Influence in the 2010 Elections	\$128,000 – 6 months
Oct 2010	We Are America Alliance (WAAA) [With Gary Segura] Latino and Asian American Immigrant Community Voter Study	\$79,000 – 3 months
May 2010	National Council of La Raza (NCLR) [With Gary Segura] A Study of Latino Views Towards Arizona SB1070	\$25,000 – 3 months
Apr 2010	Social Science Research Council (SSRC) [With Karam Dana] Muslim and American? The influence of religiosity in Muslim political incorporation	\$50,000 – 18 months
Oct 2009	American Association of Retired Persons (AARP) [With Gary Segura] Health care reform and Latino public opinion	\$25,000 – 3 months
Nov 2008	impreMedia & National Association of Latino Elected Officials (NALEO) [With Gary Segura] 2008 National Latino Post-Election Survey, Presidential Election	\$46,000 – 3 months

RESEARCH GRANTS AND FELLOWSHIPS CONTINUED...

July 2008	National Association of Latino Elected Officials (NALEO) [With Gary Segura] Latino voter outreach survey – an evaluation of Obama and McCain	\$72,000 – 3 months
June 2008	The Pew Charitable Trusts, Make Voting Work Project [with Karin MacDonald and Bonnie Glaser] Evaluating Online Voter Registration (OVR) Systems in Arizona and Washington	\$220,000 – 10 months
April 2008	National Association of Latino Elected Officials (NALEO) & National Council of La Raza (NCLR), 2008 Latino voter messaging survey	\$95,000 – 6 months
Dec. 2007	Research Royalty Fund, University of Washington 2008 Latino national post-election survey	\$39,000 – 12 months
Oct. 2007	Brenan Center for Justice, New York University [with Stephen Nuño and Gabriel Sanchez] Indiana Voter Identification Study	\$40,000 – 6 months
June 2007	National Science Foundation, Political Science Division [with Gary Segura] American National Election Study – Spanish translation and Latino oversample	\$750,000 – 24 months
Oct. 2006	University of Washington, Vice Provost for Undergraduate Education Absentee voter study during the November 2006 election in King County, WA	\$12,000 – 6 months
Mar. 2006	Latino Policy Coalition Public Opinion Research Grant [with Gary Segura] Awarded to the Washington Institute for the Study of Ethnicity and Race	\$40,000 – 18 months
2005 – 2006	University of Washington, Institute for Ethnic Studies, Research Grant	\$8,000 – 12 months
Mar. 2005	Thomas and Dorothy Leavey Foundation Grant [with Fernando Guerra] Conduct Exit Poll during Los Angeles Mayoral Election, Mar. 8 & May 17, 2005 Awarded to the Center for the Study of Los Angeles	\$30,000 – 6 months
2004 – 2005	Ford Foundation Dissertation Fellowship for Minorities	\$21,000 – 12 months
2004 – 2005	University of California President's Dissertation Fellowship	\$14,700 – 9 months
2004 – 2005	University of California Mexico-US (UC MEXUS) Dissertation Grant	\$12,000 – 9 months
Apr – 2004	UC Regents pre-dissertation fellowship, University of California, Irvine,	\$4,700 – 3 months
2003 – 2004	Thomas and Dorothy Leavey Foundation Grant [with Fernando Guerra] Awarded to the Center for the Study of Los Angeles	\$20,000 – 12 months
2002 – 2003	Ford Foundation Grant on Institutional Inequality [with Harry Pachon] Conducted longitudinal study of Prop 209 on Latino and Black college admittance Awarded to Tomás Rivera Policy Institute	\$150,000 – 12 months
2002 – 2003	Haynes Foundation Grant on Economic Development [with Louis Tornatzky] Knowledge Economy in the Inland Empire region of Southern California Awarded to Tomás Rivera Policy Institute	\$150,000 – 18 months
2001 – 2002	William F Podlich Graduate Fellowship, Center for the Study of Democracy, University of California, Irvine	\$24,000 – 9 months

RESEARCH UNDER REVIEW/WORKING PAPERS:

Barreto, Matt, and Christopher Parker. The Great White Hope: Donald Trump, Race, and the Crisis of American Politics. Under Contract, University of Chicago Press, *expected 2020*

Barreto, Matt and Christopher Parker. "The Great White Hope: Existential Threat and Demographic Anxiety in the Age of Trump." Revise and Resubmit.

Barreto, Matt, Natalie Masuoka, Gabe Sanchez and Stephen El-Khatib. "Religiosity, Discrimination and Group Identity Among Muslim Americans" Revise and Resubmit

Barreto, Matt, Gabe Sanchez and Barbara Gomez. "Latinos, Blacks, and Black Latinos: Competition, Cooperation, or Indifference?" Revise and Resubmit

Walker, Hannah, Matt Barreto, Stephen Nuño, and Gabriel Sanchez. "A comprehensive review of access to valid photo ID and the right to vote in America" [Under review]

Gutierrez, Angela, Angela Ocampo, Matt Barreto and Gary Segura. "From Proposition 187 to Donald Trump: New Evidence that Anti-Immigrant Threat Mobilizes Latino Voters." [Under Review]

Collins, Jonathan, Matt Barreto, Gregory Leslie and Tye Rush. "Racial Efficacy and Voter Enthusiasm Among African Americans Post-Obama" [Under Review]

Oskooii, Kassra, Matt Barreto, and Karam Dana. "No Sharia, No Mosque: Orientalist Notions of Islam and Intolerance Toward Muslims in the United States" [Under Review]

Barreto, Matt, David Redlawsk and Caroline Tolbert. "Framing Barack Obama: Muslim, Christian or Black?" [Working paper]

CONSULTING EXPERT:

- Pennsylvania, 2020, Boockvar v. Trump, Expert for Intervenors, (Perkins Coie) related to voter intimidation
- Missouri, 2020, Missouri NAACP vs. State of Missouri, Expert for plaintiffs related to vote by mail
- Georgia, 2020, Black Voters Matter vs. Raffesnsperger, Expert for plaintiffs related to vote by mail
- New York, 2019, Expert for NYAG New York v. U.S. Immigration and Customs Enforcement 1:19-cv-08876
- North Carolina, 2019, Expert for Plaintiffs in North Carolina voter ID lawsuit, NAACP v. Cooper
- East Ramapo CSD, 2019, Expert for Plaintiffs in Section 2 VRA lawsuit, assessed polarized voting
- New York, 2018, Expert for Plaintiffs in Census Citizenship Lawsuit, New York v. U.S. Dept of Commerce (also an expert related cases: *California v. Ross* and *Kravitz v. Dept of Commerce*)
- Dallas County, TX, 2017, Expert for Defense in Section 2 VRA lawsuit, Harding v. Dallas County
- Kansas, 2016, Expert for Plaintiffs in Kansas voter registration lawsuit, Fish v. Kobach 2:16-cv-02105-JAR
- North Dakota, 2015, Expert for Plaintiffs in North Dakota voter ID lawsuit, Brakebill v. Jaeger 1:16-cv-00008-CSM
- Alabama, 2015, Expert for Plaintiffs in Alabama voter ID lawsuit, Birmingham Ministries v. State of Alabama 2:15-cv-02193-LSC
- Texas, 2014, Testifying Expert for Plaintiffs in Texas voter ID lawsuit, Veasey v. Perry 2:13-cv-00193
- Galveston County, TX Redistricting, 2013, Expert report for Dunn & Brazil, LLC, Demographic analysis, vote dilution analysis, and racially polarized voting analysis for Section 2 lawsuit Galveston County JP/Constable districting
- Pasadena, TX Redistricting, 2013, Expert report for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, and racially polarized voting analysis for Section 2 lawsuit within Pasadena School District
- Harris County, TX Redistricting, 2011, Testifying Expert for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, and racially polarized voting analysis for Section 2 lawsuit within Harris County
- Pennsylvania, 2012, Testifying Expert for ACLU Foundation of Pennsylvania in voter ID lawsuit, Applewhite v. Commonwealth of Pennsylvania No. 330 MD 2012
- Milwaukee County, WI, 2012, Testifying Expert for ACLU Foundation of Wisconsin in voter ID lawsuit, Frank v. Walker 2:11-cv-01128(LA)
- Orange County, FL, 2012, Consulting Expert for Latino Justice/PRLDEF, Racially polarized voting analysis in Orange County, Florida
- Anaheim, CA, 2012, Consulting Expert for Goldstein, Demchak & Baller Legal, Racially polarized voting analysis for CVRA redistricting case Anaheim, CA
- Los Angeles County, CA, 2011, Consulting Expert for Goldstein, Demchak & Baller Legal, Racially polarized voting analysis for three redistricting cases in L.A.: Cerritos Community College Board; ABC Unified Schools; City of West Covina
- Harris County, TX Redistricting, 2011, Consulting Expert for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, for Section 5 objection within Harris County
- Monterey County, CA Redistricting, 2011, Consulting Expert for City of Salinas, Demographic analysis, creation of alternative maps, and racially polarized Voting analysis within Monterey County
- Los Angeles County Redistricting Commission, 2011, Consulting Expert for Supervisor Gloria Molina, Racially Polarized voting analysis within L.A. County
- State of California, Citizens Redistricting Commission, 2011, Consulting Expert, Racially Polarized Voting analysis throughout state of California
- Asian Pacific American Legal Center, 2011, Racially Polarized Voting analysis of Asian American candidates in Los Angeles for APALC redistricting brief

- Lawyers' Committee for Civil Rights and Arnold & Porter, LLP, 2010-12, Racially Polarized Voting analysis of Latino and Asian candidates in San Mateo County, concerning San Mateo County Board of Supervisors
- ACLU of Washington, 2010-11, preliminary analysis of Latino population patterns in Yakima, Washington, to assess ability to draw majority Latino council districts
- State of Washington, 2010-11, provided expert analysis and research for *State of Washington v. MacLean* in case regarding election misconduct and voting patterns
- Los Angeles County Chicano Employees Association, 2008-10, Racially Polarized Voting analysis of Latino candidates in L.A. County for VRA case, concerning L.A. County Board of Supervisors redistricting (6 reports issued 08-10)
- Brennan Center for Justice and Fried, Frank, Harris, Shriver & Jacobson LLP, 2009-10 Amicus Brief submitted to Indiana Supreme Court, *League of Women Voters v. Rokita*, regarding access to voter identification among minority and lower resource citizens
- State of New Mexico, consulting expert for state in *AAPD v. New Mexico*, 2008,
- District of Columbia Public Schools (DCPS), statistical consultant for survey methodology of opinion survey of parents in DCPS district (for pending suit), 2008,
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- Los Angeles County Chicano Employees Association, 2002-07, Racially Polarized Voting analysis of Latino candidates in L.A. County for VRA case, concerning L.A. County Board of Supervisors redistricting (12 + reports issued during 5 years)
- Monterrey County School Board, 2007, demographic and population analysis for VRA case
- Sweetwater Union School District, 2007-08, Racially Polarized Voting analysis, and demographic and population analysis for VRA case
- Mexican American Legal Defense Fund, 2007-08, Racially Polarized Voting analysis for Latino candidates, for City of Whittier city council races, for VRA case
- ACLU of Washington, 2008, preliminary analysis of voting patterns in Eastern Washington, related to electability of Latino candidates
- Nielsen Media Research, 2005-08, with Willie C. Velasquez Institute, assessed the methodology of Latino household recruitment in Nielsen sample

**TEACHING
EXPERIENCE:**

UCLA & UW

2005 – Present

- Minority Political Behavior (Grad Seminar)
- Politics of Immigration in the U.S. (Grad Seminar)
- Introduction to Empirical/Regression Analysis (Grad Seminar)
- Advanced Empirical/Regression Analysis (Grad Seminar)
- Qualitative Research Methods (Grad Seminar)
- Political Participation & Elections (Grad Seminar)
- The Voting Rights Act (Law School seminar)
- Research methodology II (Law School Ph.D. program seminar)
- U.S. Latino Politics
- Racial and Ethnic Politics in the U.S.
- Politics of Immigration in the U.S.
- Introduction to American Government
- Public Opinion Research
- Campaigns and Elections in the U.S.
- Presidential Primary Elections

Teaching Assistant

University of California, Irvine

2002 – 2005

- Intro to American Politics (K. Tate)
- Intro to Minority Politics (L. DeSipio)
- **Recognized as Outstanding Teaching Assistant, Winter 2002**
- Statistics and Research Methods (B. Grofman)
- **Recognized as Outstanding Teaching Assistant, Winter 2003**

**BOARD &
RESEARCH
APPOINTMENTS****Founding Partner**

Barreto Segura Partners (BSP) Research, LLC

2021 - Present**Founding Partner**

Latino Decisions

2007 – 2020**Board of Advisors**

American National Election Study, University of Michigan

2010 – 2017**Advisory Board**States of Change: Demographics & Democracy Project
*CAP, AEI, Brookings Collaborative Project*2014 – Present**Research Advisor**

American Values Institute / Perception Institute

2009 – 2014**Expert Consultant**

State of California, Citizens Redistricting Committee

2011 – 2012**Senior Scholar & Advisory Council**

Latino Policy Coalition, San Francisco, CA

2006 – 2008**Board of Directors**

CASA Latina, Seattle, WA

2006 – 2009**Faculty Research Scholar**

Tomás Rivera Policy Institute, University of Southern California

1999 – 2009

PHD STUDENTS

UCLA & UW

Committee Chair or Co-Chair

- Francisco I. Pedraza – University of California, Riverside (UW Ph.D. 2009)
- Loren Collingwood – University of California, Riverside (UW Ph.D. 2012)
- Betsy Cooper – Public Religion Research Institute, Washington DC (UW Ph.D. 2014)
- Sergio I. Garcia-Rios – Cornell University (UW Ph.D. 2015)
- Hannah Walker – Rutgers University (UW Ph.D. 2016)
- Kassra Oskooii – University of Delaware (UW Ph.D. 2016)
- Angela Ocampo – Arizona State University (UCLA Ph.D. 2018)
- Ayobami Lanijonu – University of Toronto (UCLA Ph.D. 2018)
- Bryan Wilcox-Archuleta – Facebook Analytics (UCLA 2019)
- Tyler Reny – Claremont Graduate University (UCLA 2020)
- Adria Tinin – Environmental Policy Analyst (UCLA Ph.D. 2020)
- Angie Gutierrez – University of Texas (UCLA Ph.D. 2021)
- Vivien Leung – Bucknell University (UCLA Ph.D. 2021)
- Marcel Roman – University of Texas (UCLA Ph.D. 2021)
- Shakari Byerly-Nelson – *in progress* (UCLA)

Committee Member

- Jessica Stewart – Emory University (UCLA Ph.D. 2018)
- Jonathan Collins – Brown University (UCLA Ph.D., 2017)
- Lisa Sanchez – University of Arizona (UNM Ph.D., 2016)
- Nazita Lajevardi – Michigan State University (UC San Diego Ph.D., 2016)
- Kiku Huckle – Pace University (UW Ph.D. 2016)
- Patrick Rock (Social Psychology) – (UCLA Ph.D. 2016)
- Raynee Gutting – Loyola Marymount University (Stony Brook Ph.D. 2015)
- Christopher Towler – Sacramento State University (UW Ph.D. 2014)
- Benjamin F. Gonzalez – San Diego State University (UW Ph.D. 2014)
- Marcela Garcia-Castañon – San Francisco State University (UW Ph.D. 2013)
- Justin Reedy (Communications) – University of Oklahoma (UW Ph.D. 2012)
- Dino Bozonelos – Cal State San Marcos (UC Riverside Ph.D. 2012)
- Brandon Bosch – University of Nebraska (UW Ph.D. 2012)
- Karam Dana (Middle East Studies) – UW Bothell (UW Ph.D. 2010)
- Joy Wilke – *in progress* (UCLA ABD)
- Erik Hanson – *in progress* (UCLA)
- Christine Slaughter – Princeton (UCLA Ph.D. 2021)
- Lauren Goldstein (Social Psychology) – *in progress* (UCLA)
- Barbara Gomez-Aguinaga – University of Nebraska (UNM Ph.D. 2020)
- Bang Quan Zheng – Florida International University (UCLA Ph.D. 2020)

EXHIBIT C

DECLARATION OF ANTHONY S. FUGETT

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

Baltimore County Branch of the
National Association for the
Advancement of Colored People, *et al.*,

Plaintiffs,

v.

Baltimore County, Maryland, *et al.*,

Defendants.

Civil Action No. LKG-21-3232

DECLARATION OF ANTHONY S. FUGETT

1. I, Anthony S. Fugett, am over 18 years of age and am competent to testify. I submit this declaration upon personal knowledge in support of Plaintiffs' motion for preliminary injunction in this matter.

2. I am a Black registered voter residing in Baltimore County, Maryland, and an individual named plaintiff in the above-captioned case.

3. I was born and raised in Baltimore City, then lived outside Maryland for some years, working as an executive with the International Business Machines (IBM) corporation. In 1993, I returned to Maryland to be closer to family and started my own computer company. Resisting efforts by bankers and realtors to steer me to Howard County or Baltimore City, I settled in Baltimore County and have made my home there ever since.

4. I am a longtime member and officer of the National Association for the Advancement of Colored People (NAACP), having served on the National NAACP Board of Directors from 1993 through 2001, as well as being an officer with the NAACP's Baltimore

County branch, one of the organizational plaintiffs in this case. Following my tenure on the National NAACP Board, and throughout the two decades from 2000 to 2020, I served in a leadership role with the Baltimore County NAACP, including two terms as President and one as First Vice President. I currently serve on the branch Executive Committee and am its immediate past President, succeeded by Dr. Danita Tolson in January 2021.

5. The Baltimore County NAACP is a non-profit membership-based civil rights organization, open to all county residents. Members pay annual dues to the organization, which are shared with the National NAACP and used to support the work of the branch. The Baltimore County NAACP currently has approximately 150 members, including myself, plaintiff Danita Tolson, and plaintiff Gerald Morrison, who is currently the branch's First Vice President. Our members reside throughout Baltimore County, with some members in each of the seven Council districts, although a large share of our members reside in Districts 1, 2, and 4, the districts impacted most adversely by the County's 2021 redistricting plan. That is, the branch has members, including Dr. Tolson, among those Black residents unfairly packed into District 4 in the Council plan, as well as members, including me, residing in communities cracked by the plan, such as Randallstown, Lochearn, Milford Mill and Owings Mills. We also have members, like Mr. Morrison, residing in District 6, which the County has made a strongly majority-white district, although it could instead be an "influence" district with population split evenly between white and BIPOC voters.

6. The mission of the NAACP is to "secure the political, educational, social, and economic equality of rights in order to eliminate race-based discrimination and ensure the health and well-being of all persons." The vision of the NAACP is "to ensure a society in

which all individuals have equal rights without discrimination based on race.” Our objectives are:

- a. To ensure the political, educational, social, and economic equality of all citizens.
- b. To achieve equality of rights and eliminate race prejudice among the citizens of the United States.
- c. To remove all barriers of racial discrimination through democratic processes.
- d. To seek enactment and enforcement of federal, state, and local laws securing civil rights.
- e. To inform the public of the adverse effects of racial discrimination and to seek its elimination.
- f. To educate persons as to their constitutional rights and to take all lawful action to secure the exercise thereof, and to take any other lawful action in furtherance of these objectives, consistent with the NAACP's Articles of Incorporation and this Constitution.¹

7. Since 2000, when I took the position as Baltimore NAACP Branch President, our organization has focused intensively on work to promote diversification of the overwhelmingly white Baltimore County government amid the County’s changing population. Such work has related both to political empowerment of Black residents and to challenging County policies that limit and discourage Black people from living in Baltimore County, such as the County’s use of its zoning power and housing restrictions as tools to remove Black residents, exclude new Black residents, and segregate those who do locate there. Because individual elected County Council members exercise enormous power over zoning decisions in their districts, housing policies and political empowerment are very much interrelated in Baltimore County.

8. For me, this work began when Dunbar Brooks, a civic activist and President of the Turner Station NAACP within Baltimore County, did an eye-opening presentation for us that he called “The Browning of Baltimore County.” The presentation highlighted how much Baltimore County’s population was starting to diversify, questioned why our governmental representatives

¹<http://www.naacp-bcountymd.org/about-us.html>.

nevertheless remained all white, and urged activists to try to change that. I remember Mr. Brooks, who worked as an urban planner for the Baltimore Metropolitan Council, said the County's Black residents were "crying out for representation," and that the NAACP could be in the forefront of the fight to realize that goal. Given his skills as a demographer, Mr. Brooks worked with the NAACP and colleagues at the ACLU of Maryland to assess the possibilities for enhancing opportunities for Black voters in the County through the 2001 redistricting process.

9. As it does now, Baltimore County then had a government made up of seven single-member districts for the County Council and a County Executive elected at large. While 2000 Census data showed the County was by then 20% Black in voting-age population, never in history had any Black candidate been elected to any County office—a rarity among Maryland counties with significant Black populations. In fact, as far as I am aware, only one candidate had ever even run for Baltimore County office before that time, a 1990 race by Black Democratic candidate Harold Gordon against incumbent Democrat Melvin Mintz in what was then District 2, running from Pikesville through Randallstown. Mr. Gordon lost in the primary by a two-to-one margin in a district that was approximately 57% white and 40% Black, with nearly all of his votes coming from Black residents.² Other than Mr. Gordon, I know of no Black residents who *ever* ran for County office before 2000, so convinced were they that any such candidacies would be a lost cause against the County's entrenched white majorities.

10. An example that helps explain why prospective Black candidates in the County have, over time, been discouraged from running for office played out memorably for Black

² See Larry Carson, *Larger county council sought: Adding districts in Baltimore County would increase chance for a black to be elected*, Baltimore Sun, Mar. 27, 1991, available at <https://www.baltimoresun.com/news/bs-xpm-1991-03-27-1991086226-story.html>.

Baltimore Countians in the four years straddling the 2000 Census, when an extremely well-qualified Black Circuit Court Judge, Alexander Wright, ran for retention to the judgeship to which he was twice appointed by Governor Parris Glendening. Although contested judicial elections were rare, Judge Wright's 1998 appointment by Governor Glendening as Baltimore County's first African American judge³ sparked discord among certain white lawyers in the County who contended, quite outrageously in my view, that the Governor was prioritizing diversity over talent. This created a racially-charged atmosphere surrounding the 2000 judicial election as the two newly-appointed sitting judges seeking retention—a white woman, Kathleen Cox, and Judge Wright, a Black man—were challenged for the two seats by a white male attorney, in an unusual judicial election contest. Notwithstanding his superb qualifications for the judgeship he held, Judge Wright lost in the 2000 nonpartisan primary election, placing third among the three candidates both on Democratic and Republican primary ballots. Securing less than 70% of the vote totals of his white opponents, Judge Wright failed to even advance to the general election. In this, he became the first sitting Baltimore County judge to lose an election in over 60 years—since 1938. To me, the message was clear: Judge Wright lost that election because he was a Black man, and the rest of us should take note.

11. Nevertheless, given his stellar record and the strong support Judge Wright had from Governor Glendening and from many people throughout the legal community outside Baltimore County, when a new judicial vacancy opened following his 2000 loss, Governor Glendening reappointed him to a second Baltimore County circuit court judgeship in 2001. Once again, a

³ See, e.g., J. Jacobson, *Perseverance pays as first black circuit judge Alexander Wright Jr. joins Balto. Co. court*, Baltimore Sun, June 23, 1998, available at: <https://www.baltimoresun.com/news/bs-xpm-1998-06-23-1998174032-story.html>

white lawyer challenged the sitting judges in the 2002 retention election, and again, Judge Wright came out the loser—this time placing fourth to three white candidates in the general election.⁴ Following Judge Wright’s second loss, I was contacted by the Baltimore *Sun* for comment on behalf of the NAACP, and spoke my mind about what I thought then, and, sadly, what I believe remains true in Baltimore County today:

“Discrimination tends to rear its ugly head all too often in Baltimore County,” Anthony S. Fugett, president of the Baltimore County branch of the National Association for the Advancement of Colored People, said yesterday. He said race was one of the few viable explanations for Wright's loss.⁵

12. Judge Wright’s notorious experience was sufficient to prevent most Black candidates from running for office in any majority-white district in the County over the course of the following years. For example, no Black candidate has ever run for the at-large County Executive position, and no Black candidate has run for County Council in any majority-white Council district since Harold Gordon’s loss in the District 2 primary in 1990.

13. There are just a handful of recent contests in Baltimore County involving Black candidates against white candidates of which I am aware, all but one involving state offices. Unfortunately, the Black candidates in these elections also met with failure, reinforcing the view among Black residents that such contests are unwinnable. Three examples of this are among the elections analyzed by Professors Matt Barreto and Kassra Oskooii in their report demonstrating the extreme racial polarization that persists in Baltimore County voting. These elections include the 2014 and 2018 gubernatorial races in which Black Democrats Anthony Brown and Benjamin

⁴ Notably, Judge Wright was subsequently appointed by Governor Martin O’Malley to an at-large seat on the Maryland Court of Special Appeals, where contested elections are not permitted, and he served with distinction for over a decade.

⁵ J. Rockoff and S. Hanes, *Judge’s loss spurs questions of racism*, Baltimore Sun, Nov. 7, 2002, available at <https://www.baltimoresun.com/news/bs-xpm-2002-11-07-0211070051-story.html>

Jealous both lost to white Republican Larry Hogan in Baltimore County, as well as the 2016 Democratic primary for U.S. Senate in which sitting Black Congresswoman Donna Edwards lost to sitting white Congressman Christopher Van Hollen in the County. In each of these contests, the Black candidate was strongly supported by Black County voters but lost the election badly due to white bloc voting. This occurred whether in a primary election among Democrats alone, as in the 2016 Senate primary, or in general elections in which white Democrats crossed party lines to support a white Republican over a Black Democrat, as in the two gubernatorial elections.

14. Two other instances I know of when a Black candidate has sought office in a majority-white area of Baltimore County involved State legislative contests in 2018. First, in that year's Democratic primary, Black activist Linda Dorsey Walker ran for the House of Delegates in majority-white State Legislative District 11, and lost overwhelmingly to three white candidates. Also in 2018, Black Democrat Carl Jackson sought election to the House of Delegates in State Legislative District 8, another majority white district. Mr. Jackson came in third in the Democratic primary, and thus moved on to the general election, but was beaten there by his two Democratic colleagues (one white and one South-Asian) and a white Republican challenger.⁶

15. I am aware of just one exception to the pattern of Black candidates losing in majority-white districts, but that is an outlier explained by the sole white candidate's failure to mount a campaign in a down-ballot election: In 2018, Cheryl Pasteur, an extremely well-qualified Black candidate who, among other qualifications, had been a classroom English teacher, an English department chair, specialist in the Equity Office, and assistant principal at Carver Center

⁶ Subsequent to his election loss, a vacancy opened in District 8 in 2019, and Carl Jackson was appointed to the open Delegate seat by Governor Hogan, at the recommendation of the Democratic Central Committee. Del. Jackson holds that seat now and, should he choose to run, will face voters for the first time as an incumbent in 2022.

for the Arts and Technology, Sudbrook Middle Magnet, and Randallstown High School and had served as the principal at Old Court Middle School and Randallstown High School, was elected to the County School Board from District 2. With a campaign supported by hundreds of volunteers, Ms. Pasteur defeated an optometrist who did not mount an active campaign (for example, he did not even respond to the Baltimore Sun's candidate questionnaire).

16. In saying these past examples discourage Black candidates from running for office due to the way Baltimore County has drawn its district lines, I speak not only as a political observer, but also from personal experience. Given my civic activism as a Baltimore County resident over more than two decades, I have thought very seriously about running for public office myself, especially since stepping down from the NAACP presidency in 2020. My residence, however, is in Owings Mills, in County Council District 2, a majority-white district both in the 2011 plan and under Bill 103-21, the newly-enacted 2021 plan we are challenging through this litigation. In the new Council plan, the voting-age population of Council District 2 is 55.6% white and just 31.2% Black. This means it is over 24 percentage points whiter than it is Black, with a white incumbent councilman who reportedly is running for reelection. Given racially polarized voting patterns in the County, which show up in election after election, I know it would not be possible for me to be a competitive candidate against the incumbent in this district as drawn. So, I cannot justify even trying. I am sure such reasoning is not unique to me and that other would-be Black candidates are discouraged from running in districts that the County maintains as majority-white, because they view the effort as futile, with the prospects for success there as negligible.

17. Along with the historical exclusion of Black officials from the upper tiers of Baltimore County government, consistent losses by the few Black candidates who risked running countywide or in majority-white districts within the County have reinforced the strong view among

Black residents and prospective candidates that such races are unwinnable, discouraging others from undertaking long-shot contests. Due to this record and because the County has refused to use its power to offset racial polarization in its elections by creating additional districts (despite periodic consideration of doing so to add a new majority-Black district, as Black candidate Harold Gordon and others advocated in 1991 and since), there continue to be very few Black candidates and Black elected officials in Baltimore County today.

18. In considering what can be done to overcome the lamentable lack of Black Baltimore County candidates and officials, one need look no further than what happened in 2002, after the County Council for the first time created a majority-Black district during its 2001 redistricting process. As I mentioned above, this occurred just after I took over as President of the County NAACP, when Dunbar Brooks began advocating for creation of a majority-Black Council district based on population changes along the County's west side. Not surprisingly, given the all-white Council's longstanding unresponsiveness to and unawareness of Black community concerns, creation of such a Black opportunity district had *not* been the Council's plan at outset of the 2001 redistricting process. In fact, even though the County had had a single-member district system for decades, it was apparent the notion of creating a majority-Black Council district had never even occurred to Councilmembers until we proposed it. The NAACP, aligning with the ACLU and other community partners, led the effort pushing for this change. Mr. Brooks created sample maps demonstrating ways the County could create a majority-Black district on the County's west side, with a Black voting-age population of at least 55%. We introduced this proposal in public hearings during the redistricting process, and ACLU lawyers working with us argued that such changes were required under the Voting Rights Act, to keep pace with population changes the County was experiencing. Fortunately, after much discussion during public meetings

and among legal counsel, the incumbent Council members at that time were persuaded that the County would be vulnerable to a voting rights lawsuit if they ignored our concerns, and the County agreed to alter its redistricting plan to create a majority-Black opportunity district for the first time in Baltimore County history.

19. As a result, the redistricting plan implemented by Baltimore County in 2001 established a first-ever majority-Black district in District 4. Once this plan was put into place, it was as if a logjam had suddenly broken: Whereas previously no Black candidates had ever sought a Council seat, Black candidates rushed forward to seek public office in that district. Four Black candidates sought the position in the Democratic primary, as well as a Black Republican contender – more Black candidates in that one district election than the combined total who had run for any County office in the history of the County. Ultimately, the 2002 election changes enabled our community to make history through election of Baltimore County’s first Black County Council member, Kenneth Oliver. This clearly showed what a difference racially fair redistricting can make in encouraging greater participation among minority candidates and in allowing Black voters to elect a candidate they consider representative of their interests.

20. Following that historic 2002 District 4 election, in election cycle after election cycle, numerous Black candidates have run for County Council in majority-Black District 4, and, in an uninterrupted pattern, the district’s voters have elected Black officials to represent them. Councilman Oliver served from 2003 through 2014, and current Council Chair Julian Jones has served from 2014 to date. Meanwhile, in *every one* of the remaining six council districts that have been maintained by the County as majority white, no Black candidate has run for Council, so exclusively white candidates have been elected. This pattern continued through the most recent

election in 2018, and seemingly will continue into 2022 and beyond, unless changes are made to alter the County's racially discriminatory election plan.

21. While certainly not unique, my personal situation again provides a case in point. Whereas it would be futile for me to try to run for the Council in District 2 under Bill 103-21, the County's enacted plan, reconfiguring of the districts in a racially fair way could easily change that. For example, in Plaintiffs' illustrative Plan 5, discussed in William Cooper's Declaration, District 2 would become a second majority-Black district, and my Owings Mills home is in that district. In that plan, District 2 is 55% Black in voting-age population, and 35% white. This would be a significant change, completely flipping the district's demographics. If a plan like that were implemented, it would alter my thinking about the viability of my candidacy, even against a white incumbent. But while I am using my situation as an example, I want to be clear that this is not in any way just about me. Rather, my intention is to make the larger point that redistricting requiring changes aimed at making the system racially fair, as we are advocating in this lawsuit, could substantially change the way many Black voters and potential candidates think about our election system and about our government in Baltimore County.

22. This is what the Baltimore County NAACP, all of the plaintiffs in this case, and many others have argued throughout the 2021 redistricting process – that population changes in Baltimore County since 2001 clearly justify addition of at least one more majority-Black district to the current seven-district election system. As discussed in detail by our expert, William Cooper, Census data show that the County is now 48.1% Black, Indigenous and People of Color (BIPOC), as well as 32.2% Black. For that reason, the NAACP has worked since release of the Census data in August to collaborate with those in control of the redistricting process – meeting with elected officials, attending public hearings, providing testimony, submitting detailed redistricting

proposals and offering legal analyses to explain how all of Baltimore County would benefit by enactment of a plan that celebrates and empowers our diversifying population by drawing district boundaries in a way that expands election opportunities for minority voters and candidates. We have argued that the same diversification of our representative government that occurred in District 4 beginning in 2002 could continue and expand in Baltimore County now if the Council would consider our request to establish a second majority-Black district for the Council. As we believe and have argued to the County, such a change would doubtless bring forward more Black candidates, enabling the election of additional candidates of color to fully represent the County's rapidly diversifying population.

23. While the Baltimore County NAACP has been a leader in this effort, we have been far from alone. To the contrary, in addition to the NAACP and ACLU, a groundswell of residents from several organizations and from across the County actively engaged in the redistricting process throughout the fall, urging the County to act to protect the voting rights of *all* of its residents – not just its white residents – by expanding opportunities for BIPOC voters as the Voting Rights Act requires through adoption of a redistricting plan that includes at least two majority Black districts. Among the organizations working with us in urging the Council to reject the racially discriminatory packing and cracking inherent in the County's now-adopted plan have been the Baltimore County Coalition for Fair Maps, the Randallstown NAACP, the League of Women Voters of Baltimore County, Common Cause Maryland, and Indivisible Towson, all of which actively lobbied the County. Leaders and members of all these organizations have joined with individual County residents to present testimony at public hearings held by the Redistricting Commission and the County Council on their redistricting plans, as well as submitting letters, emails, and written testimony imploring the County to enact a redistrict plan with two or more

majority-Black districts to accurately reflect the growing diversity of Baltimore County. Indeed, opposition to Bill 103-21 remained overwhelming even after Council Chair Julian Jones widely circulated a video presentation of himself urging his constituents to turn out for the December 14 hearing to support Bill 103-21's proposal to pack the single majority-Black council district he represents (District 4) with nearly 75% Black voting age population rather than creating two majority-Black districts.

24. As County records show, 57 speakers registered to speak *against* Bill 103-21 at the December 14 hearing, with the vast majority directly challenging its unfairness to Black and BIPOC residents and its violation of the Voting Rights Act. While dozens of speakers at the hearing – including the Plaintiffs – implored the County to reject the plan as racially discriminatory and unlawful and to adopt a plan with at least two majority-Black districts, just a tiny few supported the plan's single super-majority-Black district as Councilman Jones had urged. Additionally, to further emphasize to the Council the depth of community opposition to Bill 103-21, on December 20, the day the Council had scheduled its final vote on the plan, the Baltimore County Coalition for Fair Maps hand delivered to each Council member hundreds of letters, emails, testimonies, and statements opposing Bill 103-21 as undemocratic, racially discriminatory, and unlawful.

25. During the same time period in which the County has been conducting its redistricting for County Council, the State of Maryland has been doing the same for the Maryland General Assembly, which also impacts Baltimore County communities. The Baltimore County NAACP and other organizations involved in this case have also been monitoring the state redistricting process, although the NAACP's work with the state has been far less intensive than what we have done to try to expand Black voter opportunities at the County level, given the local nature of our organization. Several of the changes made to the state legislative plan benefit Black

voters on the westside of the County, such as inclusion in the plan of several majority-Black state senate and state delegate districts or subdistricts wholly contained within the County, instead of crossing City-County lines or shared between Howard County and Baltimore County.

26. Most notably, the state legislature's proposed redistricting plan adds a single-member majority-Black delegate sub-district within State Legislative District 11, which is in the Pikesville-Owings Mills area. In the previous state map, enacted in 2011, District 11 was a majority-white multimember district electing a senator and three delegates. As has been true historically, all three delegates elected in that district are white, as is the state senator. This is the district in which Black activist Linda Dorsey Walker ran unsuccessfully in 2018. Due the growing Black population in Owings Mills and that part of the County, the NAACP and others urged state redistricting officials to create a majority-Black subdistrict with District 11 in the 2021 redistricting plan. Initially, the redistricting committee's draft plan proposed to maintain District 11 as a majority-white multimember district. On December 22, 2021, the Committee held a public hearing on the plan, and members of the public, including Ms. Dorsey Walker, spoke out about this issue, specifically asking that a majority-Black subdistrict be created in Owings Mills to advance racial fairness for residents there. After considering this public input and consulting the Attorney General's Office about this issue, the final proposal released by the redistricting committee in early January and that is now advancing through the General Assembly *does* create a single majority-Black delegate district in District 11. According to comments by House Speaker Adrienne Jones, who represents Baltimore County in the state legislature and is a member of the redistricting committee, the Maryland Attorney General advised that creation of this district is necessary to be fair to Black Baltimore County voters and to comply with the Voting Rights Act.

27. In contrast to the fairness and responsiveness demonstrated by the Attorney General and State redistricting officials, the County Council completely rebuffed our efforts, ignoring the many people who testified at redistricting hearings and the multiple proposals and analyses we have submitted to the Council. In its final redistricting plan the County Council rejected outright the pleas of Black and BIPOC residents to create two majority-Black districts, disregarding the potential plans solving this issue that had been proposed by Plaintiffs and their counsel, while accommodating requests by white residents, such as by altering district lines after white residents of Towson and of Country Club Estates in Lutherville complained that initial redistricting plans split their community between two districts. This was true even though the Black community's concerns are rooted in federal civil rights law and the County's refusal to address these concerns exposes it to legal liability, while the white community concerns that have been accommodated by the Council do not.

28. At the end of the process, the County Council adopted, by unanimous vote, a blatantly unfair and discriminatory plan that maintains for the next decade an election system that will prevent election of Black candidates or other candidates of color in six of the seven Council districts, while packing a huge percentage of Black voters into a single super-majority-Black district. There could be no better example of the disrespect for Black voices, and the unresponsiveness to community concerns with which Baltimore County officials too often conduct themselves. Nor could there be a better explanation as to why it is so vitally necessary for the Baltimore County NAACP and the other Plaintiffs to bring this lawsuit seeking to change the system and to put a stop to Baltimore County's long pattern of race of discrimination.

I declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief.

Executed on:

January 19, 2022



Anthony S. Fugett

EXHIBIT D

DECLARATION OF LAWRENCE T. BROWN

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

Baltimore County Branch of the
National Association for the
Advancement of Colored People, *et al.*,

Plaintiffs,

v.

Baltimore County, Maryland, *et al.*,

Defendants.

Civil Action No. LKG-21-3232

DECLARATION OF LAWRENCE T. BROWN, PH. D.

1. I, Lawrence T. Brown, am over 18 years of age and am competent to testify. I provide this declaration in support of plaintiffs' motion for preliminary injunction in this case.

Introduction and Qualifications

2. I am a community research scientist at the Center for Urban Health Equity at Morgan State University. In this position, I lead the *Black Butterfly Rising Initiative*. I am also the director of the Black Butterfly Academy.

3. I graduated from Morehouse College with a B.A. in African American Studies in 2001, from the University of Houston with an MPA in Public Administration in 2006, and from the University of Tennessee Health Science Center with a Ph.D. in Health Outcomes and Policy Research in 2011. From 2010 to 2012, I was a Postdoctoral Research Fellow at Morgan State University, School of Community Health and Policy, as a W.K. Kellogg Health Scholar. From 2013–2019, I served as an assistant and associate professor at Morgan State University in the School of Community Health and Policy. In 2020, I became the Director of the County Health

Rankings and Roadmaps program in the University of Wisconsin Population Health Institute as well as Visiting Associate Professor at the School of Medicine and Public Health, University of Wisconsin-Madison. In 2021, I returned to Morgan as a community research scientist at the Center for Urban Health Equity.

4. I am the author of *The Black Butterfly: The Harmful Politics of Race and Space in America*, published by Johns Hopkins University Press in January 2021.

5. Among the awards I have received, The Root listed me on the list of the 100 most influential African Americans ages 25-45 in 2018 and Open Society Institute–Baltimore awarded me its Bold Thinker award in 2018 for scholarship and impact in Baltimore discussing Baltimore Apartheid and how it impacts community health and well-being.

Opinions

6. Based on my research, research by my research assistants that I have reviewed, and my knowledge of the history of the Baltimore region, I offer the following account of Baltimore County's history of racial discrimination to a reasonable degree of professional certainty.

7. Baltimore County has a long and extensive history of excluding Black people from housing and seeking to exclude them from the County entirely. When Black people have become County residents, the County has a long and extensive history of discriminating against them and their communities/enclaves, not only in housing but also in the areas of education, infrastructure, government services, government employment, and police violence.

Housing and Zoning

8. Between 1950 and the mid-1960s, through the use of exclusionary zoning and openly discriminatory housing and development policies, Baltimore County contained its Black population within a small number of enclaves.

9. During those years, Baltimore County officials and residents were outspoken and consistent in refusing to create a public housing authority or to develop a workable program that would have allowed the County to receive federal funds to address the housing needs of low-income individuals and families, making clear that these refusals were intended to keep Black people out of the County.

10. The County's failure to establish a public housing authority caused thousands of poor, primarily Black, families to move from Baltimore County to Baltimore City. U.S.

Commission on Civil Rights, *Equal Opportunity in Suburbia* 34 (1974).

11. Baltimore County residents organized statewide referenda to fight state fair housing laws and creation of a state housing agency. Despite passage of the Fair Housing Act in 1968, the County continued its use of exclusionary zoning, continued to resist building public housing, and openly opposed any attempt to assist low-income families in moving to the County.

12. As a result of these racist practices and policies, a 1974 report by the U.S. Commission on Civil Rights described the County as a "white noose" around the City of Baltimore. U.S. Commission on Civil Rights, *Equal Opportunity in Suburbia* 7; see also Thomas B. Edsall, *County called 'noose': U.S. study blasts suburbs' racial policies*, Baltimore Sun, Aug. 13, 1974. The report chronicled how Baltimore County used its zoning powers to eliminate Black-suburban enclaves while purposefully failing to support construction of moderately priced housing as a means of preventing Black individuals from settling in the County. The

Commission's investigation found that most County apartment complexes refused to rent to Black renters and that Baltimore County used commercial rezoning, highway construction, and public works projects to eliminate Black enclaves or limit their growth, forcing even long-time Black residents of the County to find substitute housing in Baltimore City.

13. As a result, although suburbanization supported by public policies more than doubled the population of Baltimore County between 1950 and 1970 and jobs there almost doubled, the Black share of the County's population declined from 6.7% in 1950 to just 3% in 1970.

14. During the late 1960s and early 1970s (until he was convicted of corruption in 1974), Baltimore County Executive Dale Anderson made keeping Black individuals out of the County a central policy goal of his administration. According to the Baltimore Sun, as County Executive, Anderson "did everything except stand in the schoolhouse door to preserve his county as a white-only suburban enclave." Editorial, *In Search of Vindication*, Baltimore Sun, Aug. 1982.

15. As described in Antero Pietila's book, *Not in My Neighborhood: How Bigotry Shaped a Great American City* (2010) ("NIMN"), Anderson and his County government repeatedly demolished historically Black neighborhoods. In Towson, they constructed a bypass road through East Towson's Black community and replaced the Black community of Sandy Bottom with a high school, police and fire department headquarters, and eventually the county jail. NIMN at 231. In Catonsville, numerous gasoline stations and food outlets replaced Black homes on Baltimore National Pike just outside the Beltway. *Id.* "The removals of blacks in Towson and Catonsville were not isolated incidents but part of a pattern. Using their zoning powers, the County Council and the zoning commissioner decimated at least twenty old African-

American settlements throughout the county.” *Id.* 231-32. In addition to taking steps to drive out Black County residents, the County took steps to exclude new Black residents. County Executive Anderson required real estate agents to inform the police if they sold Baltimore County homes to Black people. *Id.* 235.

16. Mr. Pietila notes that the term “expulsive zoning” was coined by a professor at Massachusetts Institute of Technology to describe Baltimore County government’s actions toward Black residents. NIMN at 231, citing Yale Rabin, *Expulsive Zoning: The Inequitable Legacy of Euclid* (1989). He continues, “A textbook example of expulsive zoning was Turner Station, which had Baltimore County’s largest concentration of blacks, nearly nine thousand in the 1950s. By 1980 so much of the community was rezoned for industry that the black population was recorded at only 3,557. A nearby White residential area . . . was left untouched. The evicted blacks received no relocation compensation, and most were forced to seek housing in the city.” NIMN at 232. “Black areas were rezoned for business or industry while adjoining white neighborhoods were left intact. At the same time the county prevented existing black communities from expanding by zoning the surrounding land as low density and therefore too expensive for blacks to acquire. . . .” *Id.*

17. Due to the County’s record of race discrimination, the federal Department of Housing and Urban Development (HUD) froze its funding to the County, citing official failures to develop and implement housing and fair housing plans required to obtain federal funds. By 1979, the League of Women Voters estimated that the County had lost \$20 million in potential Community Development Block Grants (“CDBG”) because County officials refused to sign non-discrimination promises required for an “Urban County” to receive CDBG funds.

18. In 1975, a study commissioned by the League of Women Voters found that Baltimore County's housing practices increased racial segregation in the County. According to the *Sun*: "Low- and moderate-income families are being "forced out" of Baltimore County by high housing costs and a shortage of subsidized dwelling units, according to a housing study compiled by the county's League of Women Voters. In addition, racial segregation in housing appears to be increasing rather than dwindling, as blacks become more concentrated in the Woodlawn area and the Liberty Road corridor, while other areas show recent declines or no growth in the black population." Nancy Schwerzler, *County blacks, poor being 'forced out' because of housing shortage, study says*, Baltimore Sun, Dec. 5, 1975.

19. During the 1980s, Baltimore County designated Owings Mills and White Marsh as growth areas. In order to begin receiving CDBG funds, the County filed Housing Assistance Plans with HUD promising to locate affordable housing in those areas. Nevertheless, County officials failed to follow through on these commitments; little affordable housing was built in Owings Mills, and even less in White Marsh.

20. Zoning is particularly affected by the County Councilmember of the district being zoned, as the other members of the council generally defer to him or her on that issue.

21. In 1984, in response to opposition from predominantly White local residents, the Council deferred to the wishes of the White Councilmembers from Districts 5 and 6 on the east side of the County and down-zoned White Marsh, which had been previously designated as a high-growth residential area, by 40%. Amy Goldstein, *Council damps White Marsh growth*, Baltimore Sun, Nov. 25, 1984.

22. In 1992, Baltimore County's Consolidated Plan admitted that the County's land use policies and procedures have limited the amount of land available for residential development and have inflated land costs in both growth areas and existing communities.

23. In 1994, racist demagoguery by White Baltimore County politicians and White community leaders in opposition to the "Moving to Opportunity" demonstration program that provided housing vouchers to 285 families, a minority of whom moved to the County, received national attention, including a segment on Sixty Minutes, and resulted in an end to funding for the MTO program. Ed Brandt, *Scare tactics bring down federal housing program*, Baltimore Sun, Oct. 30, 1994.

24. In 1996, Councilman Vincent Gardina, who represented Council District 5 in Northeastern Baltimore County from 1990 to 2010, obtained a down-zoning of the Honeygo growth area of White Marsh to substantially reduce the construction of multifamily housing. Multifamily housing that was constructed consisted of condominiums rather than rental apartments, again favoring White residents. Letter from K. Brown, Baltimore County Office of Planning, to K. Dickard, Nov. 13, 1997. In 1997, Councilman Gardina secured a commitment from the developer of Perry Hall Farms, the largest residential development in Honeygo (which had been grandfathered in before the 1996 downzoning) to eliminate rental housing and back-to-back townhouses and to replace some townhouses with condominiums for the elderly. Councilman Gardina referred to these concessions, which had the effect of limiting the number of affordable units in the region, as helping Honeygo become a "quality" community. Jay Apperson, *Apartments limited at Honeygo: Developer agrees to drop rental housing to assure 'quality'*, Baltimore Sun, Mar. 6, 1997.

25. Over the period from the 1990s through the early 2000s, Baltimore County continued efforts to keep Black people out of the County by demolishing 4,100 apartment units, including a substantial portion of its supply of federally assisted units occupied by families. These sites were redeveloped as parks or used to build housing solely for homeownership or elderly renters, most of whom are White. No replacement multi-family housing was built elsewhere in the County.

26. In 2017, a Black church sued Baltimore County asserting that officials unlawfully used their zoning powers to prevent the location of a house of worship on Old Court Road, after white neighbors opposed the church, made openly racist remarks about the pastor and congregants, and vandalized the church. After the United States Court of Appeals for the Fourth Circuit ruled in favor of the plaintiffs, Baltimore County settled the litigation in 2019, paying \$375,000 in damages and allowing the church to locate on its chosen site.

27. Today, Baltimore County does not own or operate any public housing or low-income housing. As a result, Baltimore County's performance in meeting the fair, affordable housing needs of low-income family households, most of whom are African American and/or Latino, Latina, or Latinx, is worse than similar suburban counties in Maryland. While ignoring the housing needs of Black and other non-White family households, the County leads its suburban neighbors in aggressively collecting federal and state rental housing subsidies for senior housing, which in Baltimore County serves mostly Whites.

28. Because of these and other racially discriminatory Baltimore County policies, as well as private actions, Baltimore County is the most segregated major county in Maryland and one of the most hypersegregated metropolitan areas in the country.

29. Due to the County's record of race discrimination, in 2011 civil rights organizations, including Plaintiff Baltimore County NAACP, and individual BIPOC residents, filed an administrative action against the County with HUD, alleging extensive violations of the Fair Housing Act, Title VI of the Civil Rights Act, the Rehabilitation Act, and the Americans with Disabilities Act. In March 2012, HUD entered into a binding agreement with the complainants and the County, requiring the County to undertake a myriad of actions, monitored by HUD, to address the race discrimination and segregation its policies perpetuated.

Education

30. Until the 1940s, the County refused to provide Black students with a high school education in the County. That is, there was no high school at all that allowed enrollment of Black students. Baltimore County operated 10 all-White high schools and no high schools for (then called) Negro children. The NAACP, led by attorney Thurgood Marshall, sued Baltimore County for operating a patently racist school system in the fall of 1936. Black students were educated only to seventh grade by County schools, and Black County students who passed a special Blacks-only test qualifying them to attend high school could only attend a segregated Black high school in Baltimore City, if they were able to travel there. *Williams v. Zimmerman*, 192 A.2d 353 (Md. 1937). *Pittsburg Courier, Maryland high discrimination case in court*, October 3, 1936.

31. As recently as 2017, when school boundaries have been redrawn, efforts at desegregation have been defeated. See Editorial, *Baltimore County's long legacy of segregation*, *Baltimore Sun*, Mar. 20, 2017; Liz Bowie & Erica Green, *Bridging the Divide*, *Baltimore Sun*, Mar. 17, 22, 25, & 28, 2017.

32. According to a 2015 study by the University of Maryland, Baltimore County continues to have among the most segregated schools in the State.

Infrastructure, Government Services, and Government Employment

33. In 1973, the Maryland Human Relations Commission found that Baltimore County's government provided substandard and inferior infrastructure and service to Black areas in the county. According to the *Sun*, the Commission found that, "aside from 'small pockets of old established black communities . . . past discriminatory practices have created the present all-White composition of the county.' The black enclaves, moreover, are shortchanged in terms of sidewalks, storm drains and other county government services and are 'slowly being eliminated' by zoning practices that hem them in, according to the report." Stuart Taylor Jr., *County faulted on bias: State assails housing, job policies*, Baltimore Sun, Aug. 9, 1973.

34. The same Maryland Human Relations Commission report also found that Baltimore County engaged in discriminatory hiring practices with respect to Black workers. "The commission also faults the county government for failing to hire enough blacks for county jobs and for relegating the few it does employ to low-level jobs." *Id.* In addition to the county itself, the Baltimore County school system was also charged with discriminatory hiring and labor practices. "The Justice Department suit charges the school system with a "pattern and practice of discrimination" against Black people in hiring and promoting teachers and administrators." *Id.*

35. The next year, in 1974, the U.S. Commission on Civil Rights found that Baltimore County intentionally maintained an underfunded and ineffective Baltimore County Human Relations Commission which had been unable to address and enforce civil rights laws since it was founded in 1963. U.S. Commission on Civil Rights, *Equal Opportunity in Suburbia* 35 (1974).

36. In 2019, the United States Department of Justice sued Baltimore County for race discrimination in its employment policies, asserting that the County's police department engaged

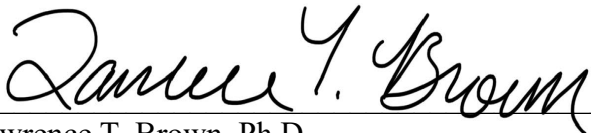
for years in a “pattern and practice of discrimination” that kept its ranks White by disqualifying Black applicants through use of a racially discriminatory test. In November 2020, the County entered into a court-supervised agreement with the Department of Justice requiring the County to revamp its hiring procedures to root out discrimination, meet hiring goals, and pay \$2 million in damages to Black employment applicants who had been discriminated against.

Police Violence

37. Police violence against Black community members has also plagued Baltimore County. In a 2015 study by the ACLU of Maryland examining civilian deaths at the hands of police, Baltimore County ranked third among Maryland jurisdictions for police violence over the years 2010-2014. Among those killed, 70 percent were Black (compared to the County’s Black population which is approximately 30 percent of the total). In 2016, County police officers killed Black County resident Korryn Gaines in her home and badly injured her five-year-old son with shrapnel from the police’s gunfire. Although County officials declined to bring criminal charges over the racially charged killing, a civil jury awarded the family \$38 million in damages.

I declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief.

Executed on January 18, 2022



Lawrence T. Brown, Ph.D.

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
(Northern Division)**

BALTIMORE COUNTY BRANCH OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE, *et al.*,

Plaintiffs,

v.

BALTIMORE COUNTY, MARYLAND, *et al.*,

Defendants.

Civil Action No. LKG-21-03232

**[PROPOSED] ORDER ON PLAINTIFFS'
MOTION FOR PRELIMINARY INJUNCTION**

THIS MATTER having come before the undersigned by way of Plaintiffs' Motion for Preliminary Injunction; and having considered that Motion and any opposition filed in response, as well as the pleadings of record and the arguments of counsel; the Court is of the opinion that Plaintiffs' Motion for Preliminary Injunction should be granted. The Court hereby makes the following findings and conclusions:

1. This Court has jurisdiction to hear Plaintiffs' claim pursuant to 28 U.S.C. § 1331.
2. A court may enter a preliminary injunction if a plaintiff shows "(1) that he is likely to succeed on the merits, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public interest." *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).
3. Plaintiffs are likely to succeed on the merits of their claim that the failure of Baltimore County to create a second majority-Black councilmanic district constitutes vote dilution in violation of Section 2 of the federal Voting Rights Act, 52 U.S.C. § 10301.

4. Baltimore County Council Bill 103-21 is causing irreparable injury to Plaintiffs and will continue to cause irreparable injury unless such conduct is preliminarily enjoined.

5. The equities favor granting this preliminary injunction, in part because any potential harm to Defendants resulting from granting this preliminary injunction is far outweighed by the irreparable harm to Plaintiffs that would result from denying such relief.

6. Granting a preliminary injunction in this case will serve the public interest.

IT IS THEREFORE ORDERED that:

1. Defendants and all persons acting in concert or participation with Defendants, or pursuant to Defendants' authority, direction, or control, are hereby immediately enjoined from enforcing or giving any effect to the boundaries of councilmanic districts as drawn in Bill 103-21 from enforcing or giving any effect to the boundaries of councilmanic districts as drawn in Bill 103-21 or any other district map that does not provide for at least two districts the population of which is majority Black;

2. The parties shall appear for a remedial hearing to determine the appropriate remedy on _____, 2022, at _____; and

3. This Order shall remain in effect until further order of the Court.

So ordered, this the ____ day of _____, 2022.

LYDIA KAY GRIGGSBY
United States District Judge