

Exhibit 14

Report by Richard Engstrom, PhD

**RETROGRESSION ANALYSIS FOR THE SOUTH CAROLINA SENATE
DISTRICTING PLAN ADOPTED IN 2011**

by

Richard L. Engstrom, Ph.D.*

Visiting Research Fellow

Center for the Study of Race, Ethnicity, and Gender in the Social Sciences

Duke University

July 27, 2011

The results of 2010 Census of Population for South Carolina necessitated revisions in the geographical districts used to elect the South Carolina Senate in order to bring them into compliance with the “one person, one vote” rule. The last set of districts used to elect the state’s 46 senators was in place for the 2004 and 2008 elections. There are 12 districts in that plan (the benchmark plan) that are the subject of this retrogression analysis. These are districts in which African Americans either constituted a majority of the voting age population (VAP) in 2010, or a plurality of the VAP,¹ or are represented by African American senators who were the preferred candidates of choice of the non-white voters within them but not of the white voters.²

* Curriculum Vitae reproduced in Exhibit A.

¹ When United States census data are referenced in this report, the definition of African American is based on what is called “DOJ Black,” and refers to people who identified themselves in the census as solely African American or as part African American and part white, and also as not Hispanic. White refers to people who identified themselves as solely white and non-Hispanic.

² The use of “non-whites” to describe voters is the result of the South Carolina Board of Elections having reported voter registration and voter turnout information for elections (the latter of which is used in the racially polarized voting analyses below) for these two categories only. The only exception to this is the Democratic Presidential Preference Primary in 2008, which is analyzed consistently with the other elections, for whites and non-whites, because African American constituted over 99 percent of the non-white voters receiving ballots in that election in 12 of the 13 counties at issue in the racially polarized voting analyses, and 94.8 percent in the remaining county, which is Greenville. These percentages were calculated from the data reported in South Carolina Board of Elections, *South Carolina Voting History and Statistics, Democratic Statistics by Congressional Districts, Election 11878 01/19/2008 – Presidential Preference Primary*, June 28, 2008.

There are eight Senate districts in the benchmark plan that had a majority-African American VAP in both 2000 and 2010, according to the census figures for those years. These are Districts 19, 21, 30, 32, 36, 39, 40, and 42. The African American VAP percentages in these districts ranged from 50.7 to 59.9 in 2000, and 50.7 to 62.4 in 2010. There are two other districts in which African Americans constitute a plurality of the VAP. These are Districts 7 and 45. District 45 was a majority African American in VAP, 55.6%, based on the 2000 census, but just under a majority, 49.0%, based on the 2010 census. The white VAP in this district, based on the 2010 census, is 41.8%, 7.2 percentage points below that for the African Americans. District 7 is 46.1% in African American VAP in 2010, with the white VAP being 44.3%, just 1.8 percentage points below that for African Americans (see Table 1 for the racial composition of these benchmark districts as of 2010).

African American candidates who either had no white opponents in the most recent Senate elections, the 2004 and 2008 primary and general elections, or defeated a white opponent in those elections, are the current senators serving in seven of these 10 districts (7, 19, 21, 30, 39, 42, and 45). Whites serve as senators in two of the other districts. Neither faced an African American opponent in either 2004 or 2008. These are District 36, represented by the Democratic Party leader in the Senate, and District 40, represented by a long term Democratic incumbent. Only one of the majority-African American districts is served by a senator who was not the candidate of choice of non-white voters. This is District 32, in which the current senator, a white Democrat, defeated two African American opponents in the 2008 Democratic primary.

In two other districts, Districts 10 and 29, African American candidates who were the choice of non-white voters but not the choice of white voters won Senate seats. This occurred in District 10, a district that was 31.9% African American VAP in 2010. It occurred in District 29 in 2004, and this senator was not opposed by a white candidate in 2008. District 29 was 45.8% African American based on the 2010 census (the results of the analyses of these elections are reported in Table 3).

These 10 districts in which African Americans are a majority or a plurality of the VAP and the two districts in which successful African American candidates were the choices of the non-white voters are the districts that serve as the baseline for the retrogression analysis.

Population Deviations

Two important contextual dimensions of the post-2010 redistricting of the South Carolina Senate are the extensive negative population deviations in the districts at issue in the benchmark plan, and the pervasive racially polarized voting that has occurred in the areas containing these districts. The 2010 census figures for the 12 districts at issue in the benchmark plan reveal that

all but one is under-populated. Analyses of a variety of elections in these districts, and in the counties that are included in them, reveal that when voters were presented with a choice between or among African American candidates and white candidates, in almost every instance non-white voters prefer to be represented by African Americans and white voters prefer to be represented by whites (see the section on racially polarized voting below).

Deviations from population equality across Senate districts are calculated by dividing the total population of the state as revealed in the 2010 census, 4,625,364, by the number of Senate districts, 46, and then expressing the differences between the actual populations in the districts and the average population of districts, 100,551, as a percentage of the average. Districts with populations above the average have positive deviations, and those with populations below the average have negative deviations. The population deviations for the districts of interest in the benchmark plan are reported in Table 2.

In order to fully appreciate the magnitude of these deviations, they can be compared to a common rule of thumb about state legislative districts. There is a widely accepted standard that the size of the deviation for the most populous district and the deviation for the least populous district in a plan, when added together ignoring the negative sign, should not exceed 10 percentage points. Districting plans that meet this standard are generally considered to presumptively satisfy the “one person, one vote” rule for state legislative plans. This typically results in proposed districting plans for state legislative chambers based on a new census having districts that do not exceed either plus or minus 5 percentage points.³

The population deviations for the districts of interest in the benchmark plan, reported in Table 2, reveal that only one of the districts at issue does not exceed the 5.0 percentage point figure, based on the 2010 census. This is District 19, which is the only district with more than an average number of residents. All of the other 11 districts have negative deviations, ranging in absolute value from 5.39% to 22.03%. Nine of them exceed the 10 percentage point figure by themselves. The average deviation for these 11 districts, many of which form a contiguous area of the state, is -14.4 %. Most of these districts therefore were subject to extensive expansions that would go beyond swaps between each other. This presented the legislature with a difficult context in which to avoid a retrogressive impact on the African American voting strength, especially given that none of these benchmark districts could be considered to be “packed” with excessive numbers of African Americans of voting age.

Racially Polarized Voting

As noted above, another important contextual dimension to the post-2010 redistricting in South Carolina is the extent to which voting is racially polarized in the areas of these 12

³ See, e.g., Charles S. Bullock III, *Redistricting: The Most Political Activity in America* (Lanham, MD: Rowman and Littlefield Publishers, Inc., 2010), at 40; see also *Voinovich v. Quilter*, 507 U.S. 146, 161 (1993).

benchmark Senate districts. When racially polarized voting (RPV) is present, the racial composition of the districts is an important referent in a retrogression analysis. In order to estimate whether voting has been divided along racial lines, and if so, the extent to which that polarization has occurred, a statistical procedure known as Ecological Inference (EI) has been employed. This procedure has been developed by Professor Gary King of Harvard University.⁴ It is widely used by expert witnesses presenting evidence of RPV in voting rights cases in federal courts.⁵ The data utilized in this analysis are the number of people receiving ballots in each precinct in the elections under analysis, and the percentage of them that is non-white, and the number and percentage of votes cast in each precinct for a particular candidate or set of candidates. These data were obtained from the South Carolina Election Commission.⁶

The elections analyzed are those in which voters have been presented with a choice between or among African American and non-African American candidates.⁷ These elections are the most probative in assessments of RPV. Elections analyzed include primary and general elections for a variety of offices from 2002 through 2010.⁸ The offices include state Senate elections in the 12 benchmark Senate districts at issue. In addition, county level analyses are performed for each of the 28 counties that were included, even partially, in one of these benchmark districts. Such counties constitute the primary area from which replacement districts for these benchmark districts were likely to be created. The elections analyzed for this purpose include two very recent statewide elections, the general elections in 2008 for President of the United States and in 2010 for the Secretary of State for South Carolina. The results of these elections within each district in the benchmark and other plans, including that adopted by the state, were made available to legislators during the legislative process. The votes cast in the Democratic Presidential Preference Primary that preceded the general election for President has

⁴ This procedure is detailed in Gary King, *A Solution to the Ecological Inference Problem: Reconstructing Individual Behavior from Aggregate Data* (Princeton University Press, 1997).

⁵ As noted by Bernard Grofman and Samuel Merrill, King's procedure "is widely accepted ... as a major advance on earlier methods" used to estimate group differences in behavior, including group support for candidates. These earlier methods include ecological regression and homogeneous precinct analysis. Grofman and Merrill, "Ecological Regression and Ecological Inference," in Gary King, Ori Rosen, and Martin A. Tanner, (eds.), *Ecological Inference: New Methodological Strategies* (New York: Cambridge University Press, 2004), at 124.

⁶ Votes that are reported in the election canvass as being cast absentee, provisional, transfer, or "one stop," and are not reported in the votes cast in a geographically distinct precinct, cannot be matched with the voter turnout data and are therefore excluded from the analysis.

⁷ These elections are identified in the Contested Race List for Racial Bloc Voting Analysis compiled by Dr. John Ruoff; see *Explanation of Contested Race List for Racial Bloc Voting Analysis* (April 7, 2011).

⁸ Runoff elections cannot be included in the analysis because data identifying the number of people receiving ballots in these elections, and the race thereof, are not reported by the state.

also been analyzed for each of these counties. Also analyzed are countywide office elections in these counties. All such elections are partisan elections, as are the state Senate elections.

The results of these analyses for five state Senate elections with a biracial pool of candidates during this timeframe are contained in Table 3.⁹ In each of these districts a majority of the non-white voters is estimated to have voted for an African American candidate, and a majority of the white voters is estimated to have voted for a white candidate. The non-white support for the African American candidates is estimated to range from 57.9% to 99.0%. In three of the five elections the estimate of the non-white support for the African American candidate exceeds 90%. White support for the African American candidates, in contrast, is estimated to range from 5.9% to 31.5%. These results reveal racially polarized voting in these state Senate elections.

The results for the general elections for President and Secretary of State are contained in Table 4. In only three of the 28 counties did the estimate of the non-white support for Mr. Obama in the presidential election drop below 90 percentage points, and in those three the estimates are 89.8%, 89.6%, and 89.3%. Non-white support for Obama is estimated to have ranged from 89.3% to 99.7%, while the estimated support for Obama among white voters across these counties ranged from 6.4% to 30.7%.¹⁰ Estimates of the white vote for Obama are below 20% in 19 of the counties. The results are similar for the Secretary of State election. The estimate of the non-white support for Ms. Johnson exceeds 90% in every county but one, and that county it is 88.2%. Her support among the non-white voters ranges from 88.2% to 99.6%. In contrast, the estimated white support for Johnson ranges from only 6.6% to 23.3%. Table 5 contains the results of the Democratic Preferential Preference Primary in 26 of the 28 counties. Problems matching turnout data (the number of ballots received) with the votes cast for candidates in the precincts for this primary preclude analyses for Georgetown and Sumter counties. In each of the counties analyzed support for Obama was divided along racial lines. The estimates of the support for him among non-white voters ranged from 74.5% to 91.2%, while that for whites ranged from 0.3% to 40.1%. In 21 of the 26 counties the estimate of his support among whites was below 20%. Racially polarized voting was pervasive across the counties in both statewide elections and in the presidential primary.

⁹ One such election, the Democratic primary for District 30 in 2004, cannot be analyzed due to matching problems between the precinct data for ballots received and votes cast for the candidates. When a precinct has been split between or among districts it is included in the analysis only if 80 percent of the votes cast in the precinct are cast in the district at issue. This resulted in three precincts being excluded in District 10, two in District 29, and three in District 32.

¹⁰ These results are quite consistent with the estimated statewide group support for Obama in the exit poll for this election conducted by news organizations, which estimated Obama's support among African American voters to be 96 percent and his support among non-Hispanic white voters to be 26 percent (see <http://www.cnn.com/ELECTION/2008/results/polls/>).

Table 6 contains the results of the analyses of the 59 elections to county offices in which voters were presented with a choice between or among African American and white candidates in the 28 counties. These include elections for County Auditor, Clerk, Coroner, Probate Judge, Sheriff, and Treasurer. Non-white and white voters are again found to vary in their support for candidates along racial lines. In 52 of these elections non-white voters cast an estimated majority of their votes for an African American candidate, while white voters cast an estimated majority for a white candidate. These racial divisions appear regardless of the office at issue or the year of the election. The estimate of non-white support for African American candidates exceeded 70% in 45 of these elections, while the estimate of white support for these candidates is below 30% in 47 of them.¹¹ These elections reveal pervasive and persistent racially polarized voting within these counties, across elections for different offices and held in different years.

The analyses above reflect the presence of racially polarized voting in state Senate elections in which African American and white candidates competed, as well as in other elections for other offices in the 28 counties in which the 12 benchmark districts at issue are located. This conclusion holds across the time period analyzed and applies to Democratic primary elections as well as general elections. No Republican primary elections for countywide offices presented voters with a biracial set of candidates.

A Comparison of the Benchmark Districts and their Replacement Districts in the 2011 Plan

In the new set of districts adopted by the state, the population deviation in every district is below 5 percentage points. They range from 4.95% to -4.60%. The percentage deviations for the 12 districts adopted to replace the 12 at issue in the benchmark plan are reported in Table 7.

A comparison of the benchmark districts at issue and the districts that replace them in the 2011 plan reveals that, despite the large population deviations in these benchmark districts, and the racially polarized voting prevalent across the areas affected, the state did an impressive job of avoiding retrogressive results in the adopted districts. Each district in the 2011 plan is compared below to the corresponding benchmark district in terms of the African American VAP percentages in them according to the 2010 census, and the African American percentage of registered voters in them as of 2010. Comparisons of the African American percentage of the turnout in the 2010 and 2008 general elections, and in the 2010 and 2008 Democratic primary elections, are also presented. Finally, the percentage of the votes received within them by two recent African American candidates running in statewide general elections are compared. These are Mr. Obama, the Democratic candidate for President of the United States in 2008, and Ms. Johnson, the Democratic candidate for Secretary of State in 2010. Obama received 44.90% of

¹¹ The only African American to be the nominee of the Republican Party in these elections was Alvin Portee, a candidate for Coroner in 2004 in Richland County. He was also the nominee of the Citizens United Party in that election.

the votes statewide, and Johnson received 39.04%. Both are revealed to be the preferred candidates of choice of African American voters in the RPV analysis discussed above (see Table 4).¹²

District 7

African Americans constituted a slight plurality of the VAP in the benchmark version of District 7. The African American VAP was 46.1%, and the white VAP was 44.3%, a difference of 1.8 percentage points. It is represented by an African American, Ralph Anderson, a Democrat. In the 2011 plan no group once again has a majority, although the white percentage of VAP now exceeds the African American percentage by 2.9 percentage points. Other indicators show the district still provides African Americans with a reasonable opportunity to elect their preferred candidate of choice (see below). African Americans constitute a majority of the registered voters, 50.2%. The turnout figures for both the 2010 and 2008 general elections show that African Americans also constituted a majority of the voters in the new district in these elections, and an overwhelming majority of voters participating in the Democratic primaries those years. In addition, both Obama and Johnson received about 60% of the votes cast within the district in their contests. Mr. Anderson defeated two non-African American candidates in the 2008 general election. Despite the racial divisions in the vote (see Table 3), Anderson won the election with 70.1% of the votes.

	Voter Reg	Tout GE	Tout GE	Tout DP	Tout DP			
	<u>BVAP</u>	<u>2010</u>	<u>2010</u>	<u>2008</u>	<u>2010</u>	<u>2008</u>	<u>Obama</u>	<u>Johnson</u>
2011 Plan	43.3	50.2	50.7	52.8	82.0	84.9	61.4	59.3
Benchmark	46.1	52.1	51.7	54.5	80.8	84.3	64.2	61.7

District 10

District 10 was a majority-white district in VAP, 63.0%, in the benchmark plan. It is represented by an African American Democrat, Floyd Nicholson, who was elected in 2008. He was the preferred candidate of choice of African Americans in a racially divided general election vote (see Table 3) and won with 51.4% of the total votes. This district remains majority-white in

¹² The data for the districts in the benchmark plan and the new plan are taken from reports provided by the state’s legislative staff for both of the plans, which I understand are included in the state’s preclearance submission to the United States Department of Justice.

the 2011 plan, but at a slightly reduced percentage, 60.2%. All of the indicators below reveal the district to be slightly improved in terms of African American voter registration, turnout, and in the Obama and Johnson votes. The opportunity of African Americans to elect a representative of their choice in this district has not been reduced.

	<u>BVAP</u>	<u>2010</u>	<u>2010</u>	<u>2008</u>	<u>2010</u>	<u>2008</u>	<u>Obama</u>	<u>Johnson</u>
2011 Plan	33.3	35.7	33.9	36.1	71.9	57.9	41.6	41.6
Benchmark	31.9	34.3	32.4	34.8	69.8	53.7	40.7	40.1

District 19

District 19 in the benchmark plan was majority-African American in VAP, 62.4%, and remains so in the 2011 plan at 63.8%. It is represented by an African American Democrat, John L. Scott, who did not have a white opponent in either 2004 or 2008. All of the other indicators (see below) reveal that the 2011 version of the district does not reduce the opportunity for African American voters in this district to elect a representative of their choice.

	<u>BVAP</u>	<u>2010</u>	<u>2010</u>	<u>2008</u>	<u>2010</u>	<u>2008</u>	<u>Obama</u>	<u>Johnson</u>
2011 Plan	63.8	67.2	69.9	70.5	89.6	88.5	78.4	77.3
Benchmark	62.4	65.6	67.9	68.7	89.0	87.8	77.1	75.9

District 21

District 21 in the benchmark plan was a majority-African American district in VAP, at 50.7%. It is represented by an African American Democrat, Darrell Jackson, who had no white opponent in either 2004 or 2008. The district replacing it in the 2011 plan is also majority-African American, with a slight increase in BVAP to 51.6%. This is another district in which all

of the indicators (see below) show that the change in the district from the benchmark plan to the 2011 plan does not impair African American voting strength in any way.

	Voter Reg	Tout GE	Tout GE	Tout DP	Tout DP			
	<u>BVAP</u>	<u>2010</u>	<u>2010</u>	<u>2008</u>	<u>2010</u>	<u>2008</u>	<u>Obama</u>	<u>Johnson</u>
2011 Plan	51.6	63.5	61.0	64.1	80.0	79.6	74.5	71.0
Benchmark	50.7	62.8	60.0	63.3	78.8	79.2	74.3	70.4

District 29

District 29 in the benchmark plan and the 2011 plan are close to identical in demographic and political terms. It was a majority-white district in VAP, 51.5%, in the benchmark plan, but drops to just under 50 percent, 49.7%, in the 2011 plan. The African American VAP has been increased slightly in the 2011 plan, from 45.8% to 46.1%. The district is represented by an African American Democrat, Gerald Malloy, who won the seat in 2004 over a white opponent in a racially divided general election vote in which he was the overwhelming choice of African American voters (see Table 3). He was not opposed by a white candidate in 2008. The registration and turnout figures for the two versions of the district are almost indistinguishable, as are the Obama and Johnson votes (see below). The opportunity to elect a preferred candidate of choice in this district has not been impaired by the change.

	Voter Reg	Tout GE	Tout GE	Tout DP	Tout DP			
	<u>BVAP</u>	<u>2010</u>	<u>2010</u>	<u>2008</u>	<u>2010</u>	<u>2008</u>	<u>Obama</u>	<u>Johnson</u>
2011 Plan	46.1	49.2	48.8	49.6	44.2	43.6	51.9	53.2
Benchmark	45.8	49.0	48.3	49.0	42.1	44.5	51.8	53.0

District 30

District 30 was a majority-African American district in VAP in the benchmark plan and remains so in the 2011 plan, albeit at a slightly lower level, from 57.6% to 54.0%. The representative of this district is Kent M. Williams, an African American Democrat. While the greatest difference in any of the African American registration and turnout figures between the two districts is less than 3 percentage points (see below), those figures for the 2011 plan remain at a level, from 54.5% to 67.4%, that African Americans continue to have a reasonable opportunity to elect a representative of their choice. Both Obama and Johnson won in the 2011 version of this district with over 60% of the votes.

	<u>BVAP</u>	<u>2010</u>	<u>2010</u>	<u>2008</u>	<u>2010</u>	<u>2008</u>	<u>Obama</u>	<u>Johnson</u>
2011 Plan	54.0	58.1	57.0	58.5	67.4	54.5	60.9	62.0
Benchmark	57.6	60.9	59.1	61.1	69.4	55.2	62.9	63.6

District 32

The demographic and political features of the different versions of District 32 in the benchmark plan and the 2011 plan are also almost identical. In both versions African Americans constitute a majority of the VAP, 55.9% in the benchmark and 55.0% in the 2011 plan. This district is represented by a white Democrat, J. Yancey McGill, a long term incumbent who defeated two African American candidates in the 2008 Democratic primary. McGill was the overwhelming choice of the white voters, but not the choice of non-white voters in that election (see Table 3). He won the Democratic nomination with 53.3% of the votes. The registration and turnout figures for the 2011 version are slightly below those for the benchmark version in four of the five indicators (see below). But the values of all but one of these indicators exceeds 60%, and range from 59.9% to 83.1%. In addition, Obama and Johnson both win in the 2011 version of the district with over 60% of the vote. Given these indicators, African Americans retain a reasonable opportunity to elect a preferred candidate of choice in this district.

	Voter Reg	Tout GE	Tout GE	Tout DP	Tout DP			
	<u>BVAP</u>	<u>2010</u>	<u>2010</u>	<u>2008</u>	<u>2010</u>	<u>2008</u>	<u>Obama</u>	<u>Johnson</u>
2011 Plan	55.0	60.8	59.9	60.7	83.1	73.6	60.4	61.5
Benchmark	55.9	61.9	61.6	62.0	83.6	72.9	61.2	62.9

District 36

District 36 was a majority-African American district in the benchmark plan with an African American VAP of 52.2%. It remains a majority-African American district in the 2011 plan, with the VAP percentage reduced by 1 percentage point. This district is represented by a white Democrat, John C. Land, who is the leader of that party in the Senate. Mr. Land had no African American opponent in either the 2004 election or that in 2008. The registration and turnout figures for the two districts are similar on all of the other indicators of the African American voting strength in the district (see below), and the vote for Obama and that for Johnson are both reduced by less than 1 percentage point by the change. The opportunity for African Americans to elect a representative of their choice is not impaired by the change in this district.

	Voter Reg	Tout GE	Tout GE	Tout DP	Tout DP			
	<u>BVAP</u>	<u>2010</u>	<u>2010</u>	<u>2008</u>	<u>2010</u>	<u>2008</u>	<u>Obama</u>	<u>Johnson</u>
2011 Plan	51.2	56.0	53.2	56.0	85.4	52.4	54.6	54.0
Benchmark	52.2	56.8	54.0	56.6	88.6	50.7	55.5	54.7

District 39

District 39 in the benchmark plan was a majority-African American district in VAP. African Americans constituted 57.0% of the VAP in 2010. The version of the district in the 2011 plan is 4.1 percentage points lower, at 52.9%. This district is represented by John W. Matthews, an African American Democrat who did not have a white opponent in either 2004 or 2008. The registration and general election turnout figures for the two versions of the district

remain close, but a little lower in the 2011 district (see below). Yet all three of these figures remain above 57%. African Americans dominate the Democratic primary turnouts, and both Obama and Johnson win in the new district with over 59% of the vote. The district continues to provide African Americans with a reasonable opportunity to elect their preferred candidate of choice.

	Voter Reg	Tout GE	Tout GE	Tout DP	Tout DP		
	<u>BVAP</u>	<u>2010</u>	<u>2010</u>	<u>2008</u>	<u>2010</u>	<u>2008</u>	<u>Obama</u> <u>Johnson</u>
2011 Plan	52.9	57.7	57.2	57.9	90.0	71.0	59.2 59.5
Benchmark	57.0	61.4	59.8	61.0	75.4	75.5	62.3 61.7

District 40

District 40 was also a majority-African American district in VAP in the benchmark plan, and African Americans retain majority status in the 2011 version, albeit reduced from 54.4% to 50.5%. This district is represented by a white Democrat, long term incumbent C. Bradley Hutto, who also did not face an African American opponent in 2004 or 2008. Registration and general election turnout figures are roughly 4 percentage points lower in the 2011 district than the benchmark district. But these figures reveal that African Americans continue to be a majority of the registered voters and those voting in the district. And they constitute heavy majorities in the Democratic primaries. Both Obama and Johnson win in the district with about 55% of the votes. African Americans will continue to have a reasonable opportunity to elect a representative of their choice in this district.

	Voter Reg	Tout GE	Tout GE	Tout DP	Tout DP		
	<u>BVAP</u>	<u>2010</u>	<u>2010</u>	<u>2008</u>	<u>2010</u>	<u>2008</u>	<u>Obama</u> <u>Johnson</u>
2011 Plan	50.5	52.5	50.5	52.2	74.6	64.9	55.5 54.5
Benchmark	54.4	56.7	54.8	56.6	85.8	64.9	58.3 58.9

District 42

District 42 was a majority-African American district in VAP in the benchmark plan, and will continue be such in the 2011 plan. The percentage of the VAP will drop just 2.6 percentage points, to 51.0%. The district is represented by an African American Democrat, Robert Ford, who did not have a white opponent in 2004 or 2008. Despite this small drop in VAP, the political indicators show that African Americans will still constitute substantial majorities of the registered voters and voters turning out for elections in the district. African American voter registration exceeds 60%, as does general election turnout (see below). The Democratic primary electorate is overwhelmingly African American, and both Obama and Johnson receive about 75% of the vote in the district. These indicators show that African Americans in the district will continue to have a reasonable opportunity to elect their preferred candidates of choice.

	<u>BVAP</u>	<u>2010</u>	<u>2010</u>	<u>2008</u>	<u>2010</u>	<u>2008</u>	<u>Obama</u>	<u>Johnson</u>
2011 Plan	51.0	61.2	65.9	66.4	87.9	87.3	76.5	74.0
Benchmark	53.6	64.6	70.1	70.3	88.8	88.0	80.0	77.9

District 45

District 45 in the benchmark plan fell to just below majority African American in VAP over the past decade, to 49.0%. The representative of this district is an African American Democrat, Clementa C. Pinckney. Mr. Pinckney also faced no white opponents in the 2004 or 2008 elections. The version of the district in the 2011 plan returns it to a majority-African American status in VAP, although just barely, at 50.1%. The district however has clear African American majorities in voter registration, 56.5%, and in general election turnout, 56.1% in 2010 and 58.0% in 2008. African Americans constitute almost 70% of those voting in the Democratic primaries of 2010 and 2008. And both Obama and Johnson won with almost 60% of the votes in the district. African Americans clearly retain a reasonable opportunity to elect a representative of their choice in this district.

	Voter Reg	Tout GE	Tout GE	Tout DP	Tout DP		
	<u>BVAP</u>	<u>2010</u>	<u>2010</u>	<u>2008</u>	<u>2010</u>	<u>2008</u>	<u>Obama</u> <u>Johnson</u>
2011 Plan	50.1	56.5	56.1	58.0	69.3	69.2	59.8 59.7
Benchmark	49.0	57.7	57.6	59.9	68.4	66.7	60.1 60.1

Conclusion

African Americans have similar opportunities to elect the preferred candidates of their choice in the 2011 state Senate plan adopted by the state of South Carolina as they had under the benchmark plan in 2010. Despite the large negative population deviations present in the 12 benchmark districts that provided African Americans with opportunities to elect candidates of their choice, and the pervasive racially polarized voting in the areas of these Senate districts, the state has maintained similar opportunities in each of the districts replacing these benchmark districts in its 2011 plan. The new plan does not have a retrogressive effect when compared to the malapportioned plan that it has been adopted to replace.



Richard L. Engstrom

TABLE 1
African American Voting Age Populations
Benchmark Plan

<u>Senate Districts</u>	<u>African American VAP</u>
7	46.1
10	31.9
19	62.4
21	50.7
29	45.8
30	57.6
32	55.9
36	52.2
39	57.0
40	54.4
42	53.6
45	49.0

TABLE 2
Population Deviation Percentages
Benchmark Plan

<u>Senate Districts</u>	<u>Deviation %</u>
7	-16.6
10	-15.8
19	5.0
21	-5.4
29	-18.0
30	-11.2
32	-18.7
36	-16.1
39	-12.4
40	-14.3
42	-22.0
45	-8.1

TABLE 3

Estimated Differences in Vote for African American Candidates

State Senate Elections

	<u>Percent of Non-White Voters</u>	<u>Percent of White Voters</u>
<u>SD 07</u>		
2008 General Election		
<i>Anderson</i>	99.0	31.5
<u>SD 10</u>		
2008 General Election		
<i>Nicholson</i>	98.8	26.7
<u>SD 29</u>		
2004 General Election		
<i>Malloy</i>	97.7	24.5
<u>SD 32</u>		
2008 Dem. Primary		
<i>2 Af. Americans</i>	62.5	6.5
<i>Brown</i>	53.5	5.9
<u>SD 32</u>		
2004 Dem. Primary		
<i>Brown</i>	57.9	6.7

TABLE 4
 Statewide General Elections
 % of Vote for Obama
 % of Vote for Johnson

<u>County</u>	<i>President 2008</i>		<i>Secretary of State 2010</i>	
	% of Votes for Obama		% of Votes for Johnson	
	<u>Non-Whites</u>	<u>Whites</u>	<u>Non-Whites</u>	<u>Whites</u>
Abbeville	97.8	21.3	99.6	19.8
Allendale	98.3	18.9	98.9	18.4
Bamberg	89.8	28.2	99.6	7.8
Barnwell	98.9	15.4	99.6	6.8
Beaufort	86.1	30.0	88.2	23.3
Calhoun	98.5	15.1	98.8	15.0
Chesterfield	98.5	21.6	97.0	20.4
Clarendon	97.3	13.6	95.9	7.8
Charleston	98.2	30.7	97.7	21.1
Colleton	99.0	15.1	97.7	10.0
Darlington	99.3	16.0	99.6	13.2
Dillon	99.0	17.6	96.8	16.9
Dorchester	89.6	19.6	93.1	14.3
Florence	99.2	12.0	99.2	8.5
Georgetown	96.6	17.4	99.1	14.6
Greenville	99.2	20.5	99.3	14.7

Greenwood	98.8	14.4	98.7	12.3
Hampton	97.6	11.7	97.1	17.8
Horry	99.2	26.6	98.9	20.1
Jasper	95.1	10.7	91.6	11.0
Laurens	94.7	14.8	99.1	14.8
Lee	98.5	18.9	98.8	17.9
Marion	96.2	9.6	94.6	12.9
Marlboro	89.3	23.2	98.6	20.5
Orangeburg	99.2	11.5	99.3	9.8
Richland	99.0	27.6	98.7	20.8
Sumter	96.2	6.4	97.3	6.6
Williamsburg	98.6	13.0	99.3	9.8

TABLE 5

Statewide Democratic Presidential Preference Primary 2008

% of Vote for Obama

<u>County</u>	<u>Non-Whites</u>	<u>Whites</u>
Abbeville	91.2	0.6
Allendale	74.7	4.5
Bamberg	75.0	2.7
Barnwell	81.0	0.3
Beaufort	87.9	35.6
Calhoun	77.4	14.2
Charleston	82.0	40.1
Chesterfield	89.1	1.7
Clarendon	83.5	6.0
Colleton	80.8	13.7
Darlington	82.7	13.9
Dillon	90.5	8.6
Dorchester	80.8	24.7
Florence	82.1	18.3
Georgetown	NA	NA
Greenville	82.0	26.1
Greenwood	85.0	17.4
Hampton	81.6	12.2
Horry	86.4	14.3

Jasper	86.0	16.0
Laurens	89.0	8.4
Lee	84.4	9.3
Marion	87.9	12.6
Marlboro	82.2	4.1
Orangeburg	74.5	13.8
Sumter	NA	NA
Richland	79.8	34.5
Williamsburg	81.6	5.7

NA = Problems matching the ballots cast data with the votes for candidates data in each precinct preclude analyses in these counties.

TABLE 6

Estimated Differences in Vote for African American Candidates

Countywide Elections

	<u>Percent of Non-White Voters</u>	<u>Percent of White Voters</u>
<u>Abbeville</u>		
2004 Dem Primary		
<i>Coroner (Cade)</i>	67.0	12.4
<u>Abbeville</u>		
2004 General Election		
<i>Sheriff (Goodwin)</i>	99.9	54.1
<u>Abbeville</u>		
2008 Dem Primary		
<i>Sheriff (Goodwin)</i>	99.4	53.4
<u>Allendale</u>		
2010 Dem Primary		
<i>Coroner (Riley)</i>	93.9	7.1
<u>Allendale</u>		
2006 General Election		
<i>Treasurer (Chaney)</i>	86.7	3.6
<u>Allendale</u>		
2002 Dem Primary		
<i>Treasurer (Chaney)</i>	83.6	2.3
<u>Bamberg</u>		
2008 Dem Primary		
<i>Sheriff (2 Af. Americans)</i>	74.1	11.7
<i>(Stokes)</i>	42.6	0.8
<u>Calhoun</u>		
2002 General Election		
<i>Clerk (Hasty)</i>	76.6	38.8

Charleston

2008 General Election

Coroner (Middleton) 97.1 24.1

Clarendon

2008 Dem. Primary

Sheriff (4 Af. Americans) 56.5 9.7
(Brown) 20.3 9.6

Clarendon

2004 Dem Primary

Coroner (Samuels) 54.4 66.2

Clarendon

2004 Dem Primary

Probate Judge (King) 65.7 1.3

Clarendon

2002 General Election

Auditor (Pringle) 96.1 13.8

Clarendon

2002 Dem Primary

Auditor (Pringle) 81.4 7.2

Colleton

2008 General Election

Sheriff (Malone) 96.5 17.5

Colleton

2004 General Election

Sheriff (Malone) 94.5 7.5

Dillon

2002 Dem Primary

Probate Judge (McLaughlin) 54.1 7.2

Dillon

2004 Dem Primary

Sheriff (Abraham) 99.3 0.3

Dillon

2010 Dem Primary

Probate Judge (German) 70.7 1.8

<u>Dillon</u>		
2010 Dem Primary		
<i>Coroner (Mitchell)</i>	90.2	19.6
<u>Florence</u>		
2008 General Election		
<i>Treasurer (Williams)</i>	95.4	5.3
<u>Georgetown</u>		
2004 General Election		
<i>Clerk (White)</i>	86.9	34.6
<u>Georgetown</u>		
2004 General Election		
<i>Sheriff (Grate)</i>	95.1	21.0
<u>Georgetown</u>		
2004 General Election		
<i>Treasurer (Washington)</i>	97.5	37.8
<u>Greenville</u>		
2008 General Election		
<i>Sheriff (Reeves)</i>	99.1	14.4
<u>Greenwood</u>		
2004 General Election		
<i>Sheriff (Anderson)</i>	97.9	18.5
<u>Greenwood</u>		
2004 Dem Primary		
<i>Sheriff (Anderson)</i>	93.0	54.1
<u>Hampton</u>		
2010 Dem Primary		
<i>Coroner (Washington)</i>	86.0	8.3
<u>Hampton</u>		
2006 Dem Primary		
<i>Coroner (Washington)</i>	80.3	7.3
<u>Hampton</u>		
2002 General Election		
<i>Sheriff (Brown)</i>	98.1	24.2

Hampton

2002 Dem Primary

<i>Sheriff (2 African Americans)</i>	95.8	20.1
<i>(Brown)</i>	60.8	4.8

Horry

2002 General Election

<i>Probate Judge (Johnson)</i>	97.2	24.0
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Jasper

2010 Dem Primary

<i>Probate Judge (Orr-Hamilton)</i>	46.2	3.0
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Jasper

2008 General Election

<i>Sheriff (Jenkins)</i>	97.4	10.3
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Jasper

2008 Dem Primary

<i>Sheriff (2 Af. Americans)</i>	96.7	20.7
<i>Sheriff (Jenkins)</i>	88.0	7.0

Jasper

2002 General Election

<i>Auditor (Holmes)</i>	98.6	23.5
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Laurens

2004 General Election

<i>Sheriff (Byrd)</i>	94.2	14.2
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Lee

2008 General Election

<i>Sheriff (Melvin)</i>	98.4	16.0
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Lee

2008 Dem Primary

<i>Sheriff (Melvin)</i>	92.0	14.3
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Lee

2004 General Election

<i>Sheriff (Melvin)</i>	98.9	26.3
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Marion

2004 Dem Primary

Sheriff (Page) 87.2 9.8**Marion**

2008 Dem Primary

Sheriff (Tennie) 86.5 2.5**Orangeburg**

2008 Dem Primary

Clerk (Clark) 71.2 10.5**Orangeburg**

2008 Dem Primary

Coroner (Marshall) 74.6 21.9**Orangeburg**

2008 Dem Primary

Sheriff (2 Af. Americans) 96.5 55.2*Sheriff (Williams)* 81.9 44.2**Orangeburg**

2004 Dem Primary

Clerk (Goodwin) 52.5 9.4**Orangeburg**

2004 Dem Primary

Sheriff (2 Af. Americans) 95.8 32.6*Sheriff (Williams)* 81.2 31.5**Richland**

2004 Dem Primary

Clerk (Montgomery) 46.1 10.3**Richland**

2004 General Election

Coroner (Portee) 14.6 53.3**Richland**

2006 Dem Primary

Auditor (Brawley) 68.5 20.4

Richland

2008 Dem Primary

<i>Clerk (3 Af. Americans)</i>	68.4	14.5
<i>Auditor (McBride)</i>	45.6	5.6

Richland

2008 Dem Primary

<i>Coroner (Portee)</i>	52.6	15.1
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Sumter

2004 General Election

<i>Sheriff (Dennis)</i>	97.5	13.6
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Sumter

2004 Dem Primary

<i>Treasurer (McCants)</i>	89.7	18.2
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Williamsburg

2008 Dem Primary

<i>Probate Judge (Gamble)</i>	86.3	22.3
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Williamsburg

2008 Dem Primary

<i>Sheriff (Washington)</i>	76.8	48.5
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Williamsburg

2006 Dem Primary

<i>Supervisor (Pasely)</i>	81.7	4.0
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Williamsburg

2002 Dem Primary

<i>Auditor (Graham)</i>	61.5	4.9
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Williamsburg

2002 Dem Primary

<i>Supervisor (Pasely)</i>	67.1	4.8
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TABLE 7
Population Deviation Percentages
2011 Plan

<u>Senate Districts</u>	<u>Deviation %</u>
7	-4.4
10	-4.0
19	-0.1
21	-0.3
29	-3.7
30	-4.4
32	-3.7
36	-3.5
39	-4.6
40	3.3
42	3.3
45	3.8

EXHIBIT A

VITA

RICHARD L. ENGSTROM

June, 2011

OFFICE

Center for the Study of Race, Ethnicity,
and Gender in the Social Sciences
Social Science Research Institute
Duke Box 90420
Duke University
Erwin Mill
Durham, NC 27705
Phone:(504-756-1478) Fax:(919)-681-4183
E-Mail Address = richard.engstrom@uno.edu
richard.engstrom@duke.edu

HOME

6205 Farrington Rd.
Apt. G-1
Chapel Hill, NC 27517
Phone = (504)-756-1478

PERSONAL AND EMPLOYMENT INFORMATION

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

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

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

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

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

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

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

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

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

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

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

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

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

FORMAL EDUCATION

Ph.D., University of Kentucky, 1971

M.A., University of Kentucky, 1969

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

PRIMARY TEACHING FIELDS

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

PROFESSIONAL ACTIVITIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reviewed manuscripts for the American Political Science Review, American Journal of Political Science, Journal of Politics, Political Research Quarterly, Polity, Social Science Quarterly, Legislative Studies Quarterly, American Politics Quarterly, Urban Affairs Review, Electoral Studies, Election Law Journal, Political Analysis, National Political Science Review, Women and Politics, Southeastern Political Review, State and Local Government Review, Public Administration Review, Public Administration Quarterly, American Review of

Politics, Presidential Studies Quarterly, Law and Policy, Journal of Policy History, Public Administration and Management, Howard University Press, Stanford University Press, Northern Illinois University Press.

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

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

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

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

Recipient of contract from the Leadership Conference on Civil Rights for research on the evidentiary record for the Fannie Lou Hammer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendment Act , (with Anita Earls, 2008).

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

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

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

COMMUNITY AND UNIVERSITY SERVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INVITED LECTURES / PRESENTATIONS (Since 1986)

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

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

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

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

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

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

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

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

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

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

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

1989: Tulane University - "Frontiers of Voting Rights: Vote Dilution in Judicial Elections" (3/9/89).
Lamar University - "Voting Rights: A Retrospective" (10/30/89).

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

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

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

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

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

1991: University of Texas at Dallas - "Redistricting the Dallas City Council" (3/8/91).
United States Department of Justice, Voting Section - "Alternative Election Systems" (3/15/91).
Stetson University School of Law - "Alternative Election Systems as Remedies for Minority Vote Dilution" (4/27/91).

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

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

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

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

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

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

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

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

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

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

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

1998

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

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

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

2001

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

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

2002

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

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

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

2003

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

2004

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

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

2005

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

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

2006

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

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

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

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

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

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

2008

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

2009

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

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

2010

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

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

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

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

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

Mexican American Legal Defense and Educational Fund, Short presentation on "Racially Polarized Voting Analyses," National Redistricting Convening, San Antonio, TX (12/9-19/10).

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

REFERENCES

Dr. Charles Barrilleaux, Department of Political Science, Florida State University, Tallahassee, FL 32306 904-644-7643

Christine L. Day, Chair, Department of Political Science, University of New Orleans, New Orleans, LA 70148, 500-6266

Dr. Jason F. Kirksey, Department of Political Science, Oklahoma State University, Stillwater, OK 74074 405-744-5575

Dr. Charles D. Hadley, former Chair, Department of Political Science, University of New Orleans, New Orleans, LA 70148 504-280-6456

Dr. Susan Howell, former Chair, Department of Political Science, University of New Orleans, New Orleans, LA 70148 504-280-6467

Dr. Michael D. McDonald, Department of Political Science, State University of New York at Binghamton, Binghamton, NY 13901 607-777-4563

CURRENT RESEARCH

“Districting by Independent Commissions: Lessons from Australia?”

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

A Review of the Evidentiary Record for the Renewal and Amendment of the Special Provisions of the Voting Rights Act, 2006.

LATEST CONFERENCE PAPERS

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

“Racially Polarized Voting: Pervasive and Persistent in the American South,” Conference on “W(h)ithering the Voting Rights Act?” John Hope Franklin Center, Duke University, April 7, 2006, to be included in a volume edited by Paula McClain and Kerry Haynie.

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

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

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