

Supplemental Expert Report (Corrected) of Frederick G. McBride, Ph.D.

2017 WL 3387256 | WRIGHT, v. SUMTER COUNTY BOARD OF ELECTIONS AND
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2017 WL 3387256 (M.D.Ga.) (Expert Report and Affidavit)
United States District Court, M.D. Georgia.

WRIGHT,
v.
SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION.

No. 114CV00042.
March 8, 2017.

Supplemental Expert Report (Corrected) of Frederick G. McBride, Ph.D.

Case Type: Civil Rights & Constitutional Law >> Discrimination

Case Type: Civil Rights & Constitutional Law >> Voting

Jurisdiction: M.D.Ga.

Name of Expert: [Frederick G. McBride, Ph.D.](#)

Area of Expertise: Social Science >> Political Science

Representing: Plaintiff

I. Introduction

Scope of Project I was retained by the plaintiff's attorneys to determine whether voting is racially polarized in elections for the Sumter County Board of Education and to ascertain whether the black population of Sumter County is sufficiently large and geographically compact to comprise a majority of the population in at least three single-member districts in a seven-district plan. I was also asked to analyze socio-economic data to determine whether socio-economic disparities exist between black and white residents of Sumter County.

Summary Conclusions

Based on the plaintiff's illustrative plan, I have determined that it is possible to draw three majority black districts in a seven single-member district plan that complies with traditional redistricting principles. Moreover, it is not possible to draw three compact majority-black districts in a five district plan with two at-large seats.

My analysis of voting patterns in twelve elections between 2004 and 2016 show that blacks in Sumter County, GA are cohesive in support of their preferred candidate as the black candidate has received significant support from black voters, and that voting is racially polarized as white voters vote as a bloc to defeat the minority preferred candidate. Black voters and white voters usually prefer different candidates, and particularly when the black-preferred candidate is African American. Despite high levels of minority cohesion, black candidates have lost in every at-large election held under the challenged plan.

Finally, I have determined based on data from the most recent American Community Survey that significant socio-economic disparities exist between black and white residents of Sumter County.

II. Professional Background and Experience

I have a PhD in Political Science from Clark Atlanta University. The focus of my work for the past 15 years has been quantitative and qualitative research in redistricting and voting rights. I have extensive education and experience in alternative election systems, geographic information systems applications and demographic analysis, electoral politics, public policy, and civil rights and civil liberties.

I served as the Redistricting Coordinator/Research Analyst for the Voting Rights Project of the American Civil Liberties Union from 2001 until 2013. I analyzed and drew redistricting plans, reviewed election returns, and performed statistical analyses to determine voting behavior patterns and minority vote dilution. To date, I have drawn and evaluated redistricting plans, performed racially polarized voting studies, performed demographic analysis, and presented at redistricting hearings for over 100 jurisdictions in 22 states, and the District of Columbia. Most of my work has involved local redistricting matters, although I have drawn statewide and congressional plans.

I recently completed redistricting plans and a socio-demographic analysis for a Montana school board case involving Native American vote dilution, *Jackson v. Board of Trustees of Sumter County, Montana School District No. 45-45A*; et. al. CV-13-65-GF-DLC-RKS (D Mont.). Most of my recent experience has involved electoral practices in state and local government. I most recently served as Senior Policy Analyst at the Southern Coalition for Social Justice, Durham, NC. I have over 14 years of undergraduate and graduate level teaching experience, and several publications coauthored with colleagues. I have not testified at trial, but by deposition in this particular case, on November 14, 2014. Additional information regarding my education and work experience is included in my curriculum vitae attached as Appendix A. My compensation for work on this case is \$125 per hour.

III. HB 836

The current redistricting plan for the Sumter County Board of Education was adopted in Georgia House Bill 836, which was passed by the Georgia Legislature and signed by the governor on February 5, 2014. The plan contains five single-member districts and two at-large seats.

Under HB 836, all seven seats were up for election in the non-partisan general election held in May 2014. The winner of one of the at-large seats and Districts 1, 3, and 5 were elected to a four-year term. The other at-large seat and Districts 2 and 4 were elected to a two year term until 2016. Beginning with the 2016 election and quadrennially thereafter, terms of office for Districts 2, 4, and the at-large seat would be four years. Only electors who are residents of that district may vote for a member of the board from that district. Elections are nonpartisan, and a majority vote is required for election.

I have analyzed the demographics of the HB 836 Plan using the Maptitude for Redistricting 6.0 Geographic Information System software (Caliper Corporation) with the U.S. Census Bureau 2010 Topologically Integrated Geographic Encoding and Referencing product (TIGER) census block shape files, and the 2010 Census Redistricting Data [PL 94-171](#) Summary File data for Sumter County, Georgia. I find that the HB 836 Plan contains two majority-black seats. One of those districts, District 1, is 65.9% in black population and 62.7% in black voting-age population. The other, District 5, is 72.8% in black population and 70.6% in black voting-age population. The other three districts and the at-large seats are majority-white in both population and voting-age population.

The racial composition of all seats in the HB 836 Plan is listed in Table 1, below. A map of the plan is in Figure 2.

Table 1 Sumter County BOE Population Summary

TABLE

TABLE

IV. Illustrative Plan

At the request of the plaintiffs' attorneys, I drew an illustrative plan to determine whether African Americans are sufficiently numerous to constitute a majority of the voting-age population in at least three single-member districts. I have determined that it is possible to draw three compact majority-black districts in a seven-district plan but that it is not possible to do so in a five-district plan with two at-large seats.

I drew the illustrative plan using *Maptitude for Redistricting 6.0* software. In doing so, I complied with the one-person, one-vote principle, the Voting Rights Act, and traditional redistricting criteria including compactness, contiguity, respect for communities of interest, respect for political boundaries. I also made every effort to create a "least change" plan, retaining the boundaries of the HB 836 Plan as much as possible. However, the change from a five-district plan to a seven-district plan required considerable changes to the existing boundaries in order to maintain population equality and other traditional redistricting principles.

Detailed maps of this illustrative plan are included in my original report. The racial composition of the districts in the illustrative plan is listed in Table 2 below. Appendix B to this report contains additional population data for the illustrative plan.

The illustrative plan creates three districts (Districts 1, 5, and 6) in which African Americans comprise a majority of the population and voting-age population. The plan maintains an overall 1.26 percent deviation. All districts in the plan are compact and contiguous.

Table 2 Plaintiffs' Illustrative Plan Population Summary

TABLE

Sumter County, designated a rural county by the US Census Bureau, has a concentration of African American population in Americus, Georgia, where African American population constitute 63.5 percent of the total population and 58.4 percent of the voting-age population.¹ Areas outside of Americus have fewer persons per square mile, resulting in larger geographic district area. This concentrated area of African American population results in significantly higher African American populations in Districts 1 and 5. Neither district has unusually high or low deviations to suggest any attempts to pack these districts, and the overall plan deviation is well below 2.0 percent.

I also tried to respect communities of interest when drawing the plan. Core areas of Andersonville, Leslie-DeSoto, Americus, and Plains remain intact within respective districts allowing for splits only to accommodate population equality and other redistricting principles. I tried to keep areas around certain landmarks together, since those may be identified within the communities of interest concept: (1) the Andersonville Civil War Village remains intact within District 1; (2) Brickyard Plantation and RV Park remains intact within District 4; (3) the Jimmy Carter National Historic Site remains whole within the core area of Plains; (4) Habitat for Humanity Global Village and Discovery Center remains situated in District 5, north of West Church Street; and (5) the Koinonia Farm, a Christian community established in 1942 and challenged racism, militarism, and materialism remains whole and within District 3.²

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I was also asked by the plaintiff's attorneys to see if I could draw three compact majority-black districts in a 5-2 plan with five single-member districts and two at-large seats. I was unable to do so. The resulting districts were not compact and had higher population deviations than in either the HB 836 Plan or the seven-district illustrative plan discussed above.

V. Racial Bloc Voting Analysis

In *Thornburg v. Gingles*, the Supreme Court enumerated three pre-conditions to a finding that multi-member districts or at-large election schemes dilute minority voting strength in violation of Section 2 of the Voting Rights Act.³ First, the minority group must be sufficiently large and geographically compact to comprise a majority in a single member district. Second, the minority group must be politically cohesive. And third, the minority group must be able to establish that whites vote sufficiently as a bloc to enable it, in the absence of special circumstances, usually to defeat the minority's preferred candidates. The Court identified racial bloc voting as the key to the second and third preconditions: a racial bloc voting analysis can determine whether the minority group is politically cohesive and whether whites vote as a bloc.

For this report, I have analyzed 12 elections since 2004 in Sumter County to determine if voting was racially polarized. Racial polarization means "a consistent relationship between [the] race of the voter and the way in which the voter votes, or to put it differently, where black voters and white voters vote differently."⁴ As is standard in this type of inquiry, I focused primarily on elections that included black candidates.⁵ I analyzed four elections for the at-large seats under the HB 836 Plan. Black candidates lost the at-large elections; one of the elections resulted in a runoff since no candidate received a majority of the vote. I analyzed four elections for district seats under the HB 836 Plan. Black candidates won two of those. I also analyzed two school board contests held under the previous plan (one black candidate won), one exogenous at-large contest involving a black candidate for sheriff in 2004 (black candidate lost), and one school board election held under HB 836 in 2014 involving all white candidates. Overall, only three black candidates were successful in these elections.

A. Methodology

Approved social science methods used in this analysis to determine racially polarized voting were the following: (1) bivariate ecological regression, (2) EI (Ecological Inference often referred to as King's Method), and (3) Homogeneous Precinct Analysis (HPA).⁶ Goodman Single-Equation Ecological Regression analysis is a statistical measure used to determine the nature of a relationship between two variables using a linear function. Regression analysis estimates the effect of an independent variable on a dependent variable, i.e. turnout figures by race, or voting age population of precinct by race and votes for particular candidates. Values range from 0 to 1 indicating stronger relationships for values closer to 1.

Ecological Inference (EI), developed by Gary King, uses a maximum likelihood technique to estimate turnout and support for candidates based on simulations derived from specified parameters of interest. EI addresses the problem of drawing inferences about individual behavior based on evidence gathered from groups, commonly known as the ecological fallacy. EI and other methods here have been accepted by courts as a reliable method of analysis and considers EI an improvement on ecological regression.

Homogeneous Precinct Analysis (HPA), sometimes referred to as Extreme Cases Analysis, is a method of determining the voting patterns of districts comprised of a majority of members from a single race or ethnicity. In most instances, districts that are above 90 percent for a single race or ethnicity are considered homogeneous.

Data

Election returns were obtained from the Elections Division of the Georgia Secretary of State. Turnout data was used to determine voting patterns. Turnout data by race exists for some elections.⁷ However, the turnout data is provided for entire precincts. Sumter County BOE single-member districts under HB836 are comprised of split precincts.

The Georgia Secretary of State provided voter files listing voter names, address, party, race, gender, etc. A list of voters participating in the elections analyzed were downloaded from the Georgia Secretary of State website, then geocoded and aggregated to their respective districts to obtain counts by race per precinct, thereby allowing for counts in split precincts.⁸ A rate of 93.4 percent of matched addresses was obtained, thus permitting the assumption that the omission of unmatched records will not impact the results. Where necessary for further comparison and analysis, voting age population and registration figures were obtained and aggregated using this same methodology.

Table 3 lists the black voting age population for the twelve elections analyzed (including the one runoff election). The 2010 Census data was used for all elections in 2010 and afterward. The 2000 Census data was used for the November 2, 2004 Sheriff Election. The at-large elections match the voting age population for the county. Black voting age population for the single-member districts was tabulated by aggregating census block population to precincts. Again, the 2010 Census data was used to calculate voting age totals for the 2010 election and all elections after 2010, while Census 2000 was used for the 2004 election.

Table 3 Black Voting Age Population and Minority Electoral Success

TABLE

B. Findings

Endogenous and interracial contests are the most probative. The twelve elections I analyzed in this report represent the following: 1) four at-large elections that included black candidates under HB 836, 2) four general elections for districts under HB 836 that included black candidates, 3) one general election for districts with no black candidates, 4) one partisan at-F McBride, Supplemental Expert Report 11 large general election for Sheriff, and 5) two general elections for districts under the prior plan (including a special election) for the Sumter County BOE that included black candidates.⁹

(1) Sumter County At-Large Elections under HB 836 that Include Black Candidates

Elections analyzed include three school board elections held under HB 836 in 2016 and 2014. One of those elections included a runoff, which I also analyzed. The voting patterns of black and white voters can be found in Table 4 Sumter County Elections that Include Black Candidates. Voting estimates are fairly consistent when compared to other methods. The Homogenous Precinct Analysis is at the 90 percent level with few districts with voters comprising 90 percent or above white or black voting age population.

Black candidates lost in all three at-large elections. Estimates of black and white support for candidates reveal that black candidates were the clear choice of black voters (cohesion), while white voters demonstrated high percentages of support for the winning white candidates (racial bloc voting). Black candidates were the minority preferred candidate in all four contests, including the runoff. The highest estimate of white support for a black candidate was the May 24, 2016 election where estimates

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show 15.3 percent (EI) and 20.5 percent (BERA) white support for Michael Coley. Coley lost the election to Sylvia Roland by more than ten percentage points.

Both Michael Coley and Sylvia Roland were also candidates in the May 20, 2014 2Y and July 22, 2014 2Y runoff. The runoff election was the result of the May 20, 2014 contest where Coley and Roland won 36.7 percent and 36.4 percent, respectively, of votes received. Four individuals ran for the at-large seat. Another minority candidate, Patricia Taft, also ran, but minority support for her was dismal as Coley was the clear minority preferred candidate. Estimates also show that Sylvia Roland was the preferred candidate of white voters.¹⁰ Racially polarized voting is clearly evidenced in the head-to-head runoff election where the race of the candidate is highly correlated to the race of the voter. The contest that led to the runoff cannot be deemed a win for Coley since the runoff election determined the outcome in this instance.

Table 4 Sumter County At-Large Elections Under HB 836 that Include Black Candidates

TABLE

The May 20, 2014 2YR contest is the only instance where a black candidate did not lose by a significant margin. Coley and Roland each garnered 36.7 and 36.4, respectively. However, the race involved an additional white and black candidate. The other black candidate, Patricia Taft received 6.3 percent of the vote to the fourth candidate, David Kitchens, 20.4 percent. Based on evidence of racially polarized voting and sufficient minority vote cohesion as evident in Table 4, Sylvia Roland would still be the winner even if that race only involved Roland and Coley. Again with evidence of racially polarized voting and minority cohesion, Coley would have likely received 43 percent to Roland's 56.8 percent which is very similar to the vote totals in their runoff election of 41 percent (Coley), 58.9 percent (Roland). *Conclusion: Black candidates have been unsuccessful in Sumter County BOE at-Large elections. Black candidates in at-large elections have lost by 10-17 percentage points. Voting was polarized in all four contests (including the runoff). The black candidate was defeated by white bloc voting in all three at-large elections.*

(2) Sumter County General Elections for Districts under HB 836

General elections under HB 836 show black electoral success in two of the four elections (May 20, 2014 D1, D2, D3, D5). Both successful candidates ran in districts with majority-black voting-age populations of 62.7 and 70.6 percent. Black candidates were the minority preferred candidate in all four races and voting behavior was racially polarized.

Table 5 Sumter County General Elections for Districts under HB 836

TABLE

Conclusion: Of the four district elections under HB 836, black candidates were successful in the two majority-black districts. Black candidates were preferred by black voters and voting was racially polarized in all four elections.

(3) Sumter County General Elections for Districts under HB 836 that did not include Black Candidates

I analyzed one race involving all white candidates. May 20, 2014 D4 is the only election where the successful candidate was both the white and black preferred candidate. Rick Barnes gained nearly equal support from both black and white voters in a district comprised of 43.9 percent black voters.¹¹

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Conclusion: This contest in a majority-white district without any black candidates was the only election analyzed that was not polarized.

Table 6 Sumter County General Elections under HB 836 that did not include Black Candidates

TABLE

(4) Sumter County Other At-Large General Elections that Included Black Candidates

I was asked by the plaintiff's attorneys to analyze all other at-large elections held in Sumter County with black candidates since 2000. I could identify only one such election for which sufficient data were available: Nelson Brown was the black candidate who ran for Sheriff in 2004 as a write-in candidate.¹² Brown lost the race, but earned 27.3 percent of votes as a write-in candidate, and support from black voters as their minority preferred candidate. *Conclusion: The at-large exogenous contest was polarized and demonstrates cohesion among black voters for the black candidate.*

Table 7 Sumter County Other At-Large General Elections that Included Black Candidates

TABLE

(5) Sumter County General Elections by District under Prior Plan that Included Black Candidates

The November 2, 2010 D3 General Election was analyzed. Kelvin Pless was successful with 55.3 percent of the vote. Pless was the minority preferred candidate and the race was polarized.

Conclusion: In the District 3 election held in conjunction with the November General Election, despite racially polarized voting the minority preferred candidate was successful in a district with 48.4 percent black voting age population.

Table 8 Sumter County General Elections by District under Prior Plan that Included Black Candidates

TABLE

(6) Sumter County Special Election by Districts under the Prior Plan that Included Black Candidates

The March 18, 2014 District 6 Special Election was also analyzed. Terms for District 6 ended December 31, 2014 per HB 836. Sarah Pride lost to Michael Mock in the March 18, 2014 District 6 election. Estimates show that Pride received little support from white voters, but both candidates received significant support from black voters.

Conclusion: The District 6 election shows significant support for Mock from black voters. However, District 6 no longer exists under HB 836.

Table 9 Sumter County Special Election by Districts under the Prior Plan that Included Black Candidates

TABLE

(7) Participation Rates by Race

I estimated participation rates of black and white voters in Sumter County using the same techniques used to obtain estimates of support by race for candidates. See Table 10 for estimates of participation rates of black and white voters in races with a black candidate.¹³ Table 10 utilizes turnout data to determine the rate at which both groups participated in the select elections. Estimates were derived using the same methodology to aggregate voters to their respective districts. Participation rates among both groups are low with black turnout only higher than white turnout in one election.

Table 10. Participation Rates by Race in Select Sumter County Elections

TABLE

VI. Application of Racial Bloc Voting Analysis to the Illustrative Plan

The plaintiff's attorneys also asked me to analyze how the districts in my illustrative plan might be likely to vote in future elections if that plan were to be adopted by the Georgia legislature or imposed by the court. The underlying issue, as I have understood it, is whether the illustrative plan would give African Americans in Sumter County a greater opportunity to elect candidates of their choice than they currently have under the HB 836 Plan. To answer these questions, I have applied the basic conceptual framework set out in Bernard Grofman, Lisa Handley, and David Lublin, "[Drawing Effective minority Districts: A Conceptual framework and Some Empirical Evidence](#)", 79 N.C.L. Rev. 1383 (2001).

One way to approach the problem is to examine the results of similar elections. Table 11 below sets forth the results of all elections involving black candidates held under the HB 836 Plan to date.

Table 11 Sumter County Election Results: HB 836

TABLE

This table shows that black voters in Sumter County have been able to elect black candidates to the school board in districts where the black voting-age population is 62.7% or higher. In each instance, the black candidate was the candidate of choice of black voters. Similarly, black voters have been unable to elect black candidates in elections where they make up 48.1% or less of the voting-age population. This election-focused approach thus suggests that African American voters will be able to elect candidates of choice in at least two districts in the illustrative plan: District 1, with a black voting-age population of 64.4%; and District 5, with a black voting-age population of 75.4%. But it does not tell us how the other majority black district, District 6, is likely to perform with a 54.5% black voting-age population.

A second way to approach the question is to apply the turnout, cohesion, and crossover figures from our racial bloc voting analyses to the illustrative plan. Table 12 presents my calculations of the percent black voting-age population necessary for a black candidate to win (that is, receive 50 percent of the vote) in the general election based on my estimates of turnout, cohesion, and crossover voting in each election with a black candidate held under HB 836 to date.

TABLE

Table 12 shows that the black voting-age population needed in a district for a black candidate to win in past elections under the HB 836 has ranged from 44.1 percent in majority-black District 5 to 77.8 percent in majority-white District 2. Indeed, Table 12 suggests that majority-black districts perform differently for black candidates than majority-white districts do over all. Although estimates of minority cohesion in support for black candidates are consistent across all districts, the majority-white districts saw lower white crossover, higher white turnout and lower black turnout than did the majority-black districts.

None of these estimates can predict with precision how the illustrative plan's District 6 is likely to perform in future elections with its 54.5% black voting-age population. But they indicate that District 6 is above where other majority-black districts have needed to be to elect black candidates under HB 836. They suggest to me that black voters would have a meaningful opportunity to elect candidates of their choice in that district.

The goal of Plaintiff's Illustrative Plan is to demonstrate a fair plan where minority voters have a better opportunity to elect candidates of choice. Given the level of black vote cohesion and persistent racially polarized voting, the illustrative plan provides black-preferred candidates an opportunity for victory in three districts, which is more than they have under HB 836.

VII. Socio-economic Disparities Between Black and White Residents of Sumter County

The plaintiff's attorneys asked me to update my original analysis of socio-economic disparities in Sumter County to reflect the most recent data. The 2010-2014 American Community Survey (ACS) 5 Year Estimates for Sumter County reveal continued socio-economic differences between black and white residents.¹⁴ Some 1,021 tables for Sumter County reveal various socio-economic characteristics with many of those tables detailed for racial and ethnic groups. In my original report, I discussed disparities apparent in data from the 2008-2012 ACS. More recent estimates reveal little differences from the 2008-2012 ACS. The black population remains far below their white counterparts among various economic indicators.¹⁵ The ACS reveals the following:

- Black poverty rates are double those of whites
- Per capita income of whites (\$26,232) is twice that of blacks (\$11,393)
- Median family income of whites (\$62,384) is twice the rate of blacks (\$28,366)
- The poverty rate of black children under 18 is 4 times that of whites¹⁶
- 14.8 percent of blacks under age 25 have less than a high school degree compared to 8.2 percent of whites
- 59.8 percent of whites own their homes compared to 38.3 percent of blacks.

For additional information from the previous ACSA survey see Appendix C 2008-2012 American Community Survey Socioeconomic Data.

VIII. Conclusion

Black voters satisfy all three *Gingles* prongs in Sumter County, Georgia. It is possible to draw three compact majority-black districts in a seven single-member district plan. My illustrative plan contains three majority-black districts with sufficient

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population for minorities to elect preferred candidates of choice. And voting in Sumter County School Board elections is usually polarized, with black voters cohesive in their support for black candidates of choice and whites voting as a bloc usually to defeat the black candidate of choice, especially if that candidate is black, everywhere except the two majority-black districts in the HB 836 Plan.

Most importantly, there have now been three elections for the at-large seats under HB 836, and whites voted as a bloc to defeat the candidate preferred by black voters in each one. One minority-preferred candidate made it to a runoff but was defeated there.

Overall, I found racially polarized voting in 10 of the 12 elections (83.3 percent) that I analyzed. The only race where polarization is not evident in the HB 836 plan is the all-white candidate race on November 10, 2014, in majority-white District 4. The March 18, 2014 Special Election demonstrates minority support for both black and white candidates. However, the terms for the Special Election for District 6 ended in 2014. Black and white voters support different candidates, particularly when candidates are black. Moreover, black voters have demonstrated high levels of vote cohesion in their support for black candidates, even in the one contest involving multiple black candidates.

Black candidates are rarely successful in Sumter County school board elections under the existing plan. Black voters have only successfully elected their candidate of choice in three of the twelve elections analyzed. Racially polarized voting is evident in the county.

To date, three data sources have been used to ascertain the individual voting behavior based on the pattern of racial groups: census population, registration data, and turnout data. All reveal black support for candidates usually losing in elections where white voters voted as a bloc to prevent the election of minority preferred candidates.

Socio-economic disparities between blacks and whites in Sumter County have not decreased. Blacks remain significantly behind whites in practically all socioeconomic indicators. This trend has continued with no evidence of change.

Based on the 2010 Census, African Americans are 48.1 percent of the voting age population in Sumter County. HB 836 preserves the status quo where African Americans have an opportunity to elect only two black candidates on a seven-member school board. The two at-large seats coupled with three single-member districts at 30.3, 36.2, and 43.9 black voting age percentages do not afford black voters equal opportunity to elect candidates of choice in Sumter County school board elections.

Footnotes

- 1 United States Census Bureau. (n.d). APPENDIX A.1: NSHAPC's Primary Sampling Areas Arrayed Alphabetically Within Types. Retrieved from <http://www.census.gov/prod/www/nshapc/datadocu/appsatod.pdf>.
- 2 For more information on Koinonia Farm see <http://www.koinoniapartners.org/index.html> (last visited August 8, 2014).
- 3 *Thornburg v. Gingles*, 478 U.S. 30 (1986).
- 4 *United States v. Charleston County*, 318 F. Supp. 2d 302, 308 (D.S.C. 2002).
- 5 Elections analyzed involved only those where turnout data was available.
- 6 For further review of social science methods used in voting rights litigation see: James Loewen and Bernard Grofman, "Recent Developments in Methods Used in Voting Rights Litigation," *Urban Lawyer* (1989); Bernard Grofman, Lisa Handley, and Richard G. Neimi, *Minority Representation and the Quest for Voting Equality*, Cambridge: Cambridge University Press, (1992); Gary King, *A Solution to the Ecological Inference Problem*, Princeton: Princeton University Press (1997); J. Morgan Kousser, "Ecological Inference from Goodman to King," *Historical Methods*, (Summer 2001); Gary King, Ori Rosen, and Martin A. Tanner, *Ecological Inference: New Methodological Strategies*, Cambridge: Cambridge University Press (2004)
- 7 The Georgia Secretary of State did not have all election turnout data available as of the date this report was compiled.

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- 8 Maptitude for Redistricting 2013 was used for all spatial analysis in this study. The methodology used relies on an accurate return rate on the addresses matched.
- 9 Elections where turnout data was not available were excluded from this analysis.
- 10 El estimates may not sum to 100 as the EZI Program analyzes each candidate separately. Additional tests may be
- 11 I was asked by plaintiffs attorneys to also analyze this election to comply with Judge Tjoflat's request in his concurring opinion in this case.
- 12 Consolidated Municipal County Certification of Returns verify that Nelson Brown ran for Sheriff of Sumter County November 2, 2004 earning 2,996 votes.
- 13 Estimates obtained by averaging the voting age population and turnout figures.
- 14 The American Community Survey replaces the decennial census long form. Once the Census Bureau released its first 5-year estimates in December 2010; new small-area statistics now are produced annually. The Census Bureau also produces 3-year and 1-year data products for larger geographic areas.
- 15 U.S. Census Bureau; generated by Fred McBride; using American FactFinder; < <http://factfinder.census.gov/>>; (16 September 2016).
- 16 Percentage reflects white (alone) and black (alone) categories only and reflect children below the poverty level.

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