No. 18-726

In The
Supreme Court of the United States

LINDA H. LAMONE, *et al.*,

Appellants,

v.

O. JOHN BENISEK, *et al.*,

Appellees.

On Appeal From The United States District Court For The District Of Maryland

JOINT APPENDIX
VOLUME IV OF V (JA880 – JA1163)

MICHAEL B. KIMBERLY
MAYER BROWN LLP
1999 K Street, N.W.
Washington, DC 20006
(202) 263-3127
mkimberly@mayerbrown.com

Counsel for Appellees

STEVEN M. SULLIVAN
Solicitor General
200 Saint Paul Place, 20th Floor
Baltimore, Maryland 21202
(410) 576-6325
ssullivan@oag.state.md.us

Counsel for Appellants

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COCKLE LEGAL BRIEFS (800) 225-6964
WWW.COCKLELEGALBRIEFS.COM

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REDISTRICTING 2012 | *By David Wasserman, October 11, 2012*

Introducing the 2012 Cook Political Report Partisan Voter Index

The Cook Political Report is pleased to introduce our new 2012 Partisan Voter Index (PVI) for all 435 newly redrawn Congressional districts in the country, compiled especially for the *Report* by POLIDATA®. First introduced in 1997, the Cook PVI measures how each district performs at the presidential level compared to the nation as a whole. Up until this week, we had used preliminary PVI estimates to gauge the competitiveness of newly drawn seats. But this much more complete data set provides a powerful tool to compare today's array of districts with that of cycles past, view the partisan rank order of districts, and determine redistricting's winners and losers.

Unfortunately for Democrats, this year's index tells a dire story of what can happen when a party suffers an ugly election cycle right before redistricting. Democrats couldn't have picked a worse year to than 2010 to get clobbered: they lost not only 63 House seats but also more than 680 state legislative seats – empowering Republicans to draw ten-year maps in four times as many districts as Democrats. As a result, thanks to effective GOP cartography, **the number of "strong" Republican seats has jumped from 182 to 190 and the number of "strong" Democratic seats has fallen from 150 to 146. Meanwhile, the number of "swing" seats has fallen below 100 for the first time, from 104 to 99.**

If both parties hold all their "strong" districts, **Democrats would now need to win 73 percent of all "swing" districts to achieve a majority –** a very difficult feat even in a "wave" year, something 2012 does not appear to be. It also doesn't help Democrats that of the 99 "swing seats" (those between D+5 and R+5 in the PVI), 56 lean slightly to Republicans while just 43 lean slightly to Democrats. If every single seat elected a member consistent with its PVI score, there would be 246 Republicans and 189 Democrats, not far off from the current count in the House. **This suggests that in a "neutral" year, Democrats could win just as many popular votes for House as the GOP and still fall more than two dozen seats shy of a majority.**

Subscribers can view the full 2012 Partisan Voter Index in three different formats below:

2012 Partisan Voter Index by State and District »
2012 Partisan Voter Index by Member Name »
2012 Partisan Voter Index by Partisan Rank »

Before and After Redistricting: Partisan Distribution of the House

In many respects, observing House Democrats trying to take back their majority is like watching a soccer team play an evenly matched opponent when the field is slanted 15 degrees against them. Before redistricting, Republicans started out with 182 "strong" seats, 36 short of a majority. After GOP-dominated redistricting, there are 190 seats with a PVI score of R+5 or greater, requiring them to win merely 28 of 56 "moderately" or "barely" GOP seats to

keep their majority.

A look at the partisan distribution of House seats before and after redistricting illustrates how effectively Republicans played "keep-away" in the states they controlled. Rather than drawing hyper-aggressive maps, they placed an emphasis on turning moderately Republican seats into strongly Republican seats. They also eliminated Democratic seats in states that lost seats – Michigan, Missouri, and Pennsylvania to name a few – and dropped the number of "strong" Democratic seats from 150 to 146.

Redistricting Before & After: Partisan Distribution of the House

District Type	Before Redistricting	After Redistricting	Difference
Strongly Republican (R+5 or Greater)	182	190	+8
Moderately Republican (R+2 to R+5)	38	33	-5
Barely Republican (EVEN to R+2)	20	23	+3
Total Republican	**240**	**246**	**+6**
Barely Democratic (EVEN to D+2)	17	12	-5
Moderately Democratic (D+2 to D+5)	28	31	+3
Strongly Democratic (D+5 or Greater)	150	146	-4
Total Democratic	**195**	**189**	**-6**

The Decline of the "Swing Seat"

The most striking House statistic in the last 15 years may be the decline of competitive districts, places where members have the most incentives to work on a bipartisan basis. In 1998, our Partisan Voter Index scored 164 districts between D+5 and R+5, more than a third of the House, and greater than both the number of strongly Democratic and strongly Republican seats. After 2012 redistricting, there are only 99 districts between D+5 and R+5 – less than a quarter of the House and a 40 percent decline since 1998.

Not all of the swing seat decline is attributable to redistricting. In many minimally altered districts, the local electorate has simply become much more homogenous. For example, the boundaries of West Virginia's 2nd CD haven't changed much since 1998, but its PVI score has shifted from EVEN to R+8 as voters have moved away from the national Democratic brand. Likewise, Albuquerque's migration to the left has bumped the PVI score of

New Mexico's 1st CD from R+1 to D+5 in ten years.

But voter self-sorting has also enabled partisan gerrymanderers to more easily polarize districts wherever they wield power over the map. As Robert Draper astutely observed in *The Atlantic*, the goal of partisan mapmakers is often to "design wombs" for your team and "tombs for the other guys." But in the case of Northern Virginia's 11th CD, Republicans actually boosted Democratic Rep. Gerry Connolly's PVI from D+2 to D+7 in order to make neighboring districts more Republican.

One exception to this dramatic polarization of districts has been California, where a new nonpartisan, citizen-driven redistricting process boosted the number of seats between D+5 and R+5 from eight to 14 overnight. Another exception is New York, where a court-drawn map increased the count of such seats from 11 to 12. But in the remainder of the country, the number of swing seats fell 11 percent, from 82 to 73. The below chart illustrates the overall swing seat trend line between 1998 and 2012:

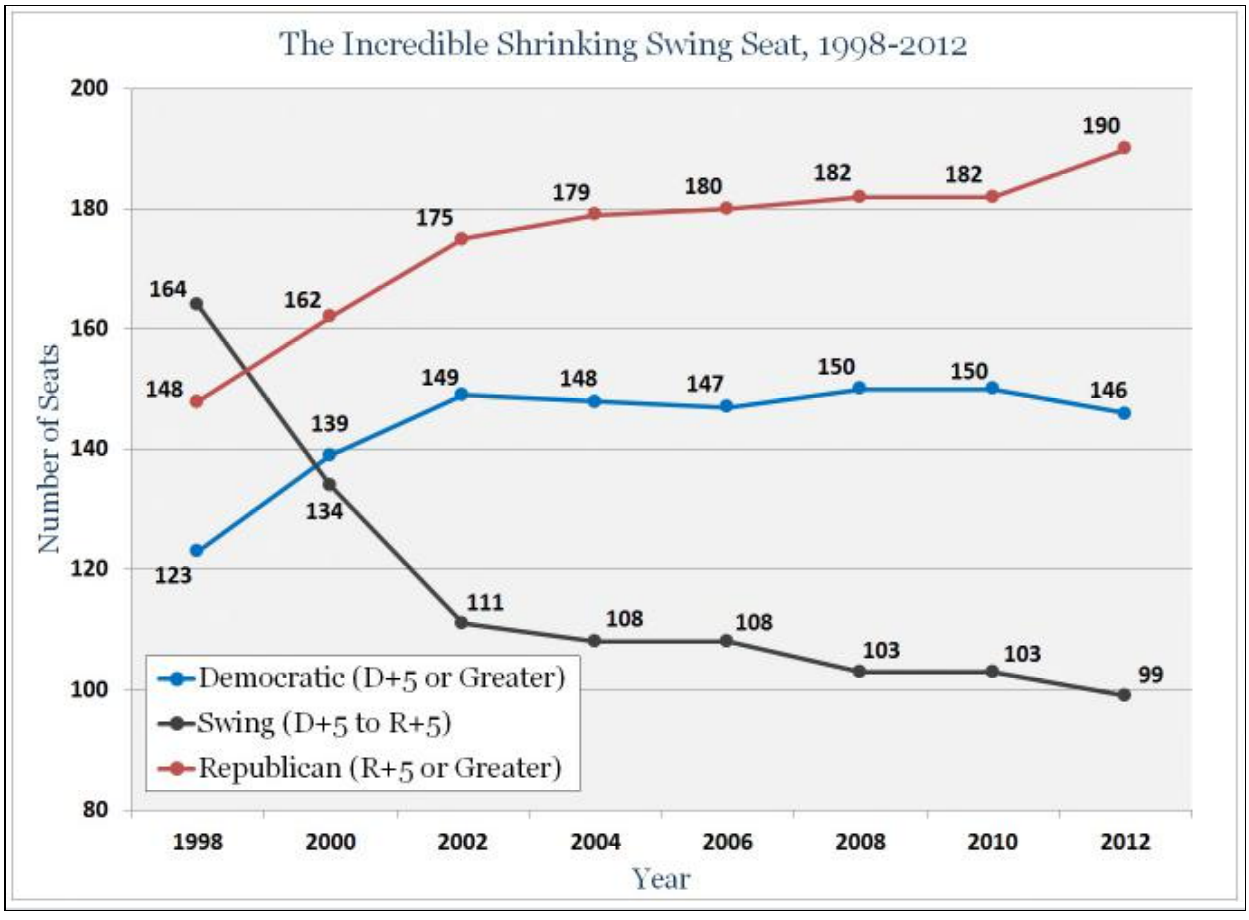

Chart Credit: 2012 Cook Political Report

This chart provides a more detailed look at the partisan breakdown of seats heading into the 2000 election versus where we are today:

Partisan Voter Index (PVI) Summary

1992/1996 Summary: Going Into the 2000 Election

Democratic-Held Seats						
D+10.0 or Greater	D+5.0 to D+9.9	D+2.0 to D+4.9	D+1.9 to R+1.9	R+2.0 to R+4.9	R+5.0 to R+9.9	R+10.0 or Greater
77	40	34	31	15	12	2
Republican-Held Seats						
D+10.0 or Greater	D+5.0 to D+9.9	D+2.0 to D+4.9	D+1.9 to R+1.9	R+2.0 to R+4.9	R+5.0 to R+9.9	R+10.0 or Greater
4	2	9	37	38	60	74
Totals						
D+10.0 or Greater	D+5.0 to D+9.9	D+2.0 to D+4.9	D+1.9 to R+1.9	R+2.0 to R+4.9	R+5.0 to R+9.9	R+10.0 or Greater
81	42	43	68	53	72	76
123		164			148	

2004/2008 Summary: Going Into the 2012 Election

Democratic-Held Seats						
D+10.0 or Greater	D+5.0 to D+9.9	D+2.0 to D+4.9	D+1.9 to R+1.9	R+2.0 to R+4.9	R+5.0 to R+9.9	R+10.0 or Greater
104	38	26	11	0	9	5

Republican-Held Seats						
D+10.0 or Greater	D+5.0 to D+9.9	D+2.0 to D+4.9	D+1.9 to R+1.9	R+2.0 to R+4.9	R+5.0 to R+9.9	R+10.0 or Greater
0	4	5	24	33	59	117

Totals						
D+10.0 or Greater	D+5.0 to D+9.9	D+2.0 to D+4.9	D+1.9 to R+1.9	R+2.0 to R+4.9	R+5.0 to R+9.9	R+10.0 or Greater
104	42	31	35	33	68	122
146			99		190	

The "Median District" and PVI Rankings

Another way of gauging the impact of redistricting is the concept of the "median district." Because the Democratic vote tends to be more geographically concentrated in "safe" seats than the Republican vote, the median House district has always leaned slightly Republican since we introduced the Partisan Voter Index. In 1998, the median district was Washington's 8th CD, held by suburban Seattle GOP Rep. Jennifer Dunn, which was one point more Republican than the national average.

Over the last four years, the median district was Wisconsin's 1st CD, held by none other than Rep. Paul Ryan, with a PVI score of R+2. Today, the median district is that of Michigan GOP Rep. Tim Walberg, whose 7th CD has a PVI score of R+3. By comparison, the most Republican district in the country is now Amarillo's TX-13, with a score of R+29, while the most Democratic district is still the Bronx's NY-15, with a PVI score of D+41.

The "median district" has crept rightward by about two points since 1998. Not only has the Democratic vote become even more concentrated since the mid-1990s; Republicans have also used the redistricting process to "raise the bar" Democrats would need to clear to win a majority. Whereas the House used to be a more level playing field, Democrats could now win every single seat up to R+2 and still fall short of a House majority.

The Median & Most Partisan Districts, 1998-2012

PVI			

PVI Year	Most Democratic	Median Seat	Most Republican
1998	NY-15: Rangel (D+38)	WA-08: Dunn (R+1)	TX-19: Combest (R+26)
2000	NY-16: Serrano (D+42)	CA-23: Capps (R+1)	TX-19: Combest (R+29)
2002	NY-16: Serrano (D+44)	MI-11: McCotter (R+2)	TX-08: Brady (R+28)
2004	NY-16: Serrano (D+43)	TX-15: Hinojosa (R+2)	UT-03: Cannon (R+27)
2006	NY-16: Serrano (D+43)	AZ-08: Giffords (R+2)	UT-03: Cannon (R+27)
2008	NY-16: Serrano (D+41)	WI-01: Ryan (R+2)	AL-06: Bachus (R+29)
2010	NY-16: Serrano (D+41)	WI-01: Ryan (R+2)	AL-06: Bachus (R+29)
2012	NY-15: Serrano (D+41)	MI-07: Walberg (R+3)	TX-13: Thornberry (R+29)

Before and After Redistricting: Winners and Losers

The two charts below provide a look at which districts underwent the most dramatic alterations in redistricting. While the top 25 most dramatic swings *against* the incumbent party were fairly even between the two parties (14 Democratic and 11 Republican seats), Republicans were the clear beneficiaries where districts swung in favor of the incumbent party: 19 Republican seats experienced dramatic performance boosts compared to just six Democratic districts.

25 Biggest Redistricting Swings Favoring the Incumbent Party

19 Republican, 6 Democratic

Rank	District	Incumbent	PVI Before	PVI After	Swing	Current Cook Rating
1	TX-27	Blake Farenthold (R)	R+2	R+13	+10.65	Solid Republican
2	WA-09	Adam Smith (D)	D+5	D+15	+10.36	Solid Democratic
3	PA-17	Tim Holden (D)*	R+6	D+4	+10.35	Solid Democratic
4	PA-11	Lou Barletta (R)	D+4	R+6	+10.19	Solid Republican
5	AZ-04	Paul Gosar (R)	R+6	R+16	+9.93	Solid Republican

6	NY-26	Brian Higgins (D)	D+4	D+13	+9.73	Solid Democratic
7	TN-08	Stephen Fincher (R)	R+6	R+15	+9.27	Solid Republican
8	OH-12	Pat Tiberi (R)	D+1	R+8	+9.14	Solid Republican
9	NC-02	Renee Ellmers (R)	R+2	R+11	+8.85	Solid Republican
10	LA-06	Bill Cassidy (R)	R+10	R+19	+8.75	Solid Republican
11	OH-15	Steve Stivers (R)	D+1	R+6	+7.21	Solid Republican
12	NJ-12	Rush Holt (D)	D+5	D+12	+7.00	Solid Democratic
13	OH-01	Steve Chabot (R)	D+1	R+6	+6.95	Solid Republican
14	CO-04	Cory Gardner (R)	R+6	R+12	+6.60	Solid Republican
15	CA-42	Ken Calvert (R)	R+6	R+12	+6.33	Solid Republican
16	SC-02	Joe Wilson (R)	R+9	R+14	+5.08	Solid Republican
17	Fl-17	Tom Rooney (R)	R+5	R+10	+5.03	Solid Republican
18	IL-06	Peter Roskam (R)	EVEN	R+5	+5.03	Solid Republican
19	VA-11	Gerry Connolly (D)	D+2	D+7	+4.99	Solid Democratic
20	WA-08	Dave Reichert (R)	D+3	R+2	+4.84	Solid Republican
21	PA-06	Jim Gerlach (R)	D+4	R+1	+4.82	Likely Republican
22	IL-14	Randy Hultgren (R)	R+1	R+6	+4.69	Solid Republican
23	GA-08	Austin Scott (R)	R+10	R+15	+4.64	Solid Republican
24	WA-02	Rick Larsen (D)	D+3	D+8	+4.27	Solid Democratic
25	FL-10	Dan Webster (R)	R+2	R+7	+4.13	Lean Republican

*Denotes incumbent not currently seeking reelection

25 Biggest Redistricting Swings Against the Incumbent Party

14 Democratic, 11 Republican

Rank	District	Incumbent	PVI Before	PVI After	Swing	Current Cook Rating
1	MD-06	Roscoe Bartlett (R)	R+13	D+2	-15.72	Likely Democratic
2	NC-13	Brad Miller (D)*	D+5	R+9	-14.55	Likely Republican
3	CA-31	Gary Miller (R)	R+10	D+2	-11.65	Solid Republican
4	NY-25	Louise Slaughter (D)	D+15	D+5	-10.68	Likely Republican
5	GA-12	John Barrow (D)	D+1	R+9	-10.57	Lean Republican
6	CA-03	John Garamendi (D)	D+11	D+1	-10.29	Likely Democratic
7	TX-14	Ron Paul (R)*	R+18	R+8	-9.83	Likely Republican
8	NC-08	Larry Kissell (D)	R+2	R+12	-9.49	Lean Republican
9	CA-24	Lois Capps (D)	D+12	D+3	-8.60	Lean Democratic
10	IL-13	Tim Johnson (R)*	R+6	D+1	-7.40	Toss Up
11	MI-09	Sander Levin (D)	D+12	D+5	-7.13	Solid Democratic
12	CO-06	Mike Coffman (R)	R+8	R+1	-6.92	Toss Up
13	IL-11	Judy Biggert (R)	R+1	D+5	-6.55	Toss Up
14	IL-08	Joe Walsh (R)	R+1	D+6	-6.42	Likely Democratic
15	CA-26	Elton Gallegly (R)*	R+4	D+2	-6.10	Toss Up
16	WA-01	Jay Inslee (D)*	D+9	D+3	-5.89	Lean Democratic
17	NC-11	Heath Shuler (D)*	R+6	R+12	-5.72	Likely Republican
18	NC-07	Mike McIntyre (D)	R+5	R+11	-5.46	Toss Up

19	IL-03	Dan Lipinski (D)	D+11	D+5	-5.36	Solid Democratic
20	IN-02	Joe Donnelly (D)*	R+2	R+7	-4.70	Likely Republican
21	IA-04	Steve King (R)	R+9	R+4	-4.64	Lean Republican
22	CA-52	Brian Bilbray (R)	R+3	D+1	-4.28	Toss Up
23	CA-10	Jeff Denham (R)	R+9	R+5	-4.05	Toss Up
24	MA-04	Barney Frank (D)*	D+14	D+11	-3.69	Solid Democratic
25	NY-17	Nita Lowey (D)	D+9	D+5	-3.42	Solid Democratic

*Denotes incumbent not currently seeking reelection

***The Cook Political Report* Partisan Voter Index (PVI) Explained**

In August of 1997, *The Cook Political Report* introduced the Partisan Voting Index (PVI) as a means of providing a more accurate picture of the competitiveness of each of the 435 congressional districts. Using the 1992 and 1996 major-party Presidential voting results, the PVI measured how each congressional district performed compared to the nation as a whole.

Using the results of the 2004 and 2008 elections for newly drawn Congressional boundaries taking effect in 2012, we have updated these PVI scores and have even more information to draw upon to understand the congressional level trends and tilts that will help to define the elections in 2012 and beyond. We will update PVI scores again in 2013 to reflect the results of the 2012 presidential election.

Developed for *The Cook Political Report* by Polidata, the index is an attempt to find an objective measurement of each congressional district that allows comparisons between states and districts, thereby making it relevant in both mid-term and presidential election years.

While other data such as the results of senatorial, gubernatorial, congressional and other local races can help fine tune the exact partisan tilt of a particular district, those kinds of results don't allow a comparison of districts across state lines. Only presidential results allow for total comparability.

A Partisan Voting Index score of D+2, for example, means that in the 2004 and 2008 presidential elections, that district performed an average of two points more Democratic than the nation did as a whole, while an R+4 means the district performed four points more Republican than the national average. If a district performed within half a point of the national average in either direction, we assign it a score of EVEN.

To determine the national average for these latest ratings, we have taken the average Democratic share of the two-party presidential vote for 2004 and 2008, which is roughly 51.2 percent, and that of Republicans, which is roughly

48.8 percent. So, if John Kerry captured 55 percent of the vote in a district and Barack Obama carried 57 percent in the district four years later, the district would have a PVI score of roughly D+5.

In addition to the charts above, we have listed the PVI score for every district on the House Race At-A-Glance chart and on each individual race page. It is important to remember that redistricting in 2012 made some significant changes to the congressional map that make it hard to compare current districts with their predecessors.

Notes About PVI Data & Methodology

Following each election and round of redistricting, presidential results are compiled to generate PVI scores for each congressional district. In a few states, these results are aggregated by district by state and/or local election authorities. However, in others they are not, and the reported election results do not account for some votes that are reported centrally and not redirected back to the voter's registration precinct.

Clark Bensen of Polidata has offered both a detailed explanation of Polidata's methodology for allocating these votes and cautionary notes on the districts for which 2004 and 2008 raw vote totals are still under review. Recalculating presidential results by district following redistricting involves many judgment calls, and while this dataset reflects Polidata's best efforts, raw vote data are preliminary and subject to change upon further post-election review.

McDonald Rebuttal Report

I have been asked by Plaintiffs in this action to address the expert reports authored by Dr. Allan Lichtman and Mr. William Cooper. I focus primarily on Dr. Lichtman's report, and have a few comments regarding Mr. Cooper's report.

At the outset of my initial report (McDonald p. 3), I stated that I have been asked by Plaintiffs to this action to address three questions. The three questions Plaintiffs asked me to address are:

1) Whether Maryland's 2011 Congressional Plan resulted in vote dilution that was sufficiently serious to produce a demonstrable and concrete adverse effect on a group of voters?
2) Whether the Maryland General Assembly or its mapmakers specifically intended to burden the representational rights of certain citizens because of how they voted in the past and the political party with which they had affiliated?
3) Whether the lines of the Sixth Congressional District would have been drawn as they were but for the map drawer's and General Assembly's consideration of partisan goals to the detriment of traditional redistricting principles?

For the most part, Dr. Lichtman does not criticize my analyses and conclusions I draw in responding to these three questions. In this reply report, I address Dr. Lichtman's critiques that with respect to these questions, and I show they do not undermine my conclusions.

Instead of responding directly to the three questions I answer, Dr. Lichtman appears to object to the questions themselves, which has an effect of distracting from a real debate regarding the questions I have been asked to evaluate. Plaintiffs have represented to me that their legal theory involves a First Amendment claim as to whether or not Maryland intentionally targeted Republicans residing in the Sixth Congressional District, as it was configured prior to the post-2010 redistricting, due to the political beliefs that they held at the time of the redistricting. I have not been tasked to judge the merits of this legal argument, nor is it my understanding that my role of expert witnesses is to draw legal conclusions in litigation. However, my education and professional experience allow me to draw conclusions that are relevant to these legal questions.

Dr. Lichtman reframes my analysis of the adverse effects the 2011 Maryland congressional redistricting plan on Republicans residing in the Sixth Congressional District to be in terms similar to partisan gerrymandering claims under the Equal Protection and Due Process Clauses. Specifically, he argues that the partisan effects of a redistricting plan as a whole must be analyzed. Doing so, he purports to show "…Maryland Democrats are generally at a statewide *disadvantage* in converting their votes to congressional house seats…" (Lichtman p. 6, original emphasis). On its face, this claim is highly suspect. Democratic 2012 congressional candidates won a combined 62.9% of Maryland's vote, and won seven of eight house seats, or 87.5%. Maryland Democrats thus won 24.6 percentage points more seats than might have been expected if seats had been awarded proportional to the vote; this outcome clearly advantages the Democrats. I show Dr. Lichtman's faulty conclusion is a consequence of his erroneous math and

incomplete analyses. When I apply the proper math to complete analyses, the adopted Maryland congressional redistricting plan is clearly a Democratic gerrymander.

When I correct for errors in Dr. Lichtman's partisan gerrymandering analyses of the congressional redistricting plan as a whole, his analyses of support my conclusion that Maryland Democrats intended to adversely affect Republicans residing in the prior Sixth Congressional District. Dr. Lichtman states that "CD6 [w]as the reasonable alternative" to improving Democrats' performance in the plan as a whole. (Lichtman p. 42). Dr. Lichtman's corrected partisan gerrymandering analyses show that Republicans are disadvantaged in the Maryland congressional plan as a whole. Maryland Democrats thus realized their partisan advantage in the plan as a whole by specifically targeting Republicans in the Sixth Congressional District since this was the only "reasonable alternative" for Democrats to seek such advantage.

I proceed to address Dr. Lichtman's criticisms of my analysis to these three question in turn, with the addition of clarifying points to some of his conclusions.

Question One: Did Vote Dilution of Republicans Occur?

Dr. Lichtman and I Agree Vote Dilution Occurred

Dr. Lichtman and I agree with respect to the first question that Maryland's 2011 Congressional Plan resulted in vote dilution that was sufficiently serious to produce a demonstrable and concrete adverse effect on a group of voters.

Dr. Lichtman states his first opinion in his report (Lichtman p. 2):

> I conclude that these reports establish only what is already the obvious: that the 2011 Maryland congressional redistricting plan improved Democratic prospects in Maryland's Congressional District 6 as compared to the prior redistricting plan.

Similarly, my first opinion on p. 3 of my initial report states:

> …the evidence is incontrovertible that Maryland's adopted Sixth Congressional District was drawn in a manner that has the effect of diminishing the ability of registered Republican voters to elect candidates of their choice compared to the previous, benchmark district.

The only difference between our opinions is a choice of words. Dr. Lichtman frames his opinion in terms of "improved Democratic prospects," while I frame it in terms of "diminishing the ability of registered Republican voters to elect candidates of their choice." Because these are inverse ways of saying the same thing, Dr. Lichtman and I are in agreement with respect to the obvious effect that Maryland's Sixth Congressional District was drawn in such a way to favor Democrats at the expense of Republicans.

My Vote Dilution Analysis

In my initial report, I establish that "I am thus highly confident within prevailing professional standards that registered Democrats in the Sixth Congressional District prefer Democratic candidates and registered Republicans prefer Republican candidates" (McDonald p. 9).

Dr. Lichtman criticizes my analysis, thusly (Lichtman p. 32):

> Unlike racial groups, there is no reliable way to identify partisan groups. Party registration or identification is a highly imperfect form of identification because party registration does not assure voting for the party in any given election.

In my voting rights experience, it is also true that racial and ethnic groups may not reliably vote for a particular candidate of choice. Indeed, in litigation involving New York's state Senate districts, I found Hispanics did not reliably cohesively vote with African-Americans to elect the African-American candidate of choice.[1] The exercise of conducting racial bloc voting analyses is to determine the degree of group cohesion in voting. The levels of a group voting "only 69 percent" (Lichtman p. 32) for a candidate are more than sufficient to establish bloc voting. Indeed, Dr. Lichtman agrees with me that fifty percent of the vote serves as a bright line when determining racial bloc voting when he draws conclusions from the fact that "Bartlett lost Washington County with 49.3% of the two-party vote" in the 2012 election (Lichtman p. 32).

Dr. Lichtman attempts to undermine my conclusion from my racial bloc voting analysis essentially rest on the assertion that Republicans can remedy the burdens that changes to the Sixth Congressional District's boundaries places upon them by "…chang[ing] their party affiliation" (Lichtman p. 32). I have two responses. First, Dr. Lichtman's partisan gerrymandering analyses (Lichtman pp. 5-11) assume stability of partisan voting. Dr. Lichtman's argument that Republicans or Democrats can simply change their party affiliations if district lines are drawn to adversely affect them arrives at the nonsensical conclusion that partisan gerrymandering never occurs. Second, Dr. Lichtman's rebuttal evidence on changing voting behavior of partisans consists primarily of an analysis of the change in the total votes from 2008 to 2012 within one county: Washington County. This selective evidence is woefully inadequate to establish how partisans voted within this one county or within Maryland's Sixth Congressional District as a whole, as I establish in my report by examining all the available evidence (McDonald pp. 7-9).

Dr. Lichtman's analysis of Washington County is drawn from Table 13 of his report (Lichtman p. 38), which reports 2012 election results for four Western Counties. He uses this evidence to assert that "…Delaney [the Democrat] was not elected with the votes of Montgomery County only, but, as indicated in Table 13, he also won Washington County and the parts of Frederick County included in CD6" (Lichtman p. 37). As vividly illustrated in my Figure Six (McDonald p. 23), Frederick County is clearly split along partisan lines. To use election results in a county clearly split along partisan lines as evidence of a lack of partisan gerrymandering is odd.

[1] *Rodriguez v. Pataki* 308 F. Supp. 2d 346 (S.D.N.Y 2004).

Although not clear, I believe Dr. Lichtman is responding to my summary conclusion that (McDonald p.17):

> Maryland's adopted Sixth Congressional District's geography and political composition are a clear result of a classic partisan gerrymandering strategy known as cracking. A district that was predominantly rural and Republican in character was transformed into a district where the political strength of Democratic suburbs of the Washington, D.C. suburbs outweighs the Republican rural areas, predominantly in the panhandle.

I am happy to clarify, which is clear from my discussion of the changes to the Sixth Congressional District (McDonald pp. 11-12), that the Sixth Congressional District retained Democratic pockets in Maryland's panhandle that also contributed to the "…major transformation from a predominantly Republican district to a predominantly Democratic district" (McDonald p. 11).

Dr. Lichtman's Attempt to Reframe Question One: His Partisan Gerrymandering Analyses

Dr. Lichtman's asserts the "…possible existence of a partisan gerrymander must be assessed by examining the plan as a whole" (Lichtman p. 3). To be clear, I was not asked by Plaintiffs to this action to evaluate partisan gerrymandering of the entire adopted Maryland congressional redistricting plan. I understand that the Plaintiffs' focus on the Sixth District alone is a function of their legal theory, the merits of which I am not in a position to judge (nor is Dr. Lichtman). My purpose in this section is to establish glaring deficiencies in Dr. Lichtman's computations and methodology that when analyzed properly reverse his opinion that "Maryland's 2011 Congressional Plan is Not a Partisan Gerrymander" (Lichtman p. 5).

Dr. Lichtman makes two mistakes in his partisan gerrymandering analyses. He misapplies a methodology I used in *Perez* v. *Perry*, a case regarding Texas congressional and legislative districts, and he miscalculates a newly proposed method to measure the degree of partisan gerrymandering known as the efficiency gap which he states is "relatively simple to compute" (Lichtman p. 9).

Correctly applying Dr. Lichtman's two tests for partisan gerrymandering of the entire plan, I conclude the entire adopted Maryland congressional plan is a Democratic gerrymander that disfavors Republicans.

Partisan Gerrymandering Analysis: *Perez* v. *Perry*

With respect to my methodology in *Perez* v. *Perry*, Dr. Lichtman correctly notes on page 5 of my report that my proposed methodology involves the following steps:

1) Calculate statewide election returns within districts. This requires the reaggregation of statewide results into each of the individual districts of a plan.
2) Calculate the average share of "two-party" vote across districts.

3) Compare the relationship between seats to votes at various average votes for the two major parties across the districts.

Dr. Lichtman omits that I evaluate the performance of the Texas redistricting plans at a specific average vote: the vote share the parties can expect to receive in a *typical election*.

It is important to consider how votes are translated into seats in a typical election if perfectly competitive elections of equal 50% vote shares for each of the two major parties rarely occur, if ever. Partisan bias measures constructed around 50% of the vote – which is Dr. Lichtman's approach – may fail to capture another important element in partisan gerrymandering: what is known as responsiveness, or the rate of change in votes a party receives compared to the rate of change in seats a party wins. When the opposition party rarely expects to win fifty percent of the vote, the gerrymandering party can engineer a large amount of responsiveness to garner an even a larger seat advantage over what they may enjoy by merely engineering partisan bias at 50% of the vote. Indeed, the gerrymandering party may trade off partisan bias favoring them at 50% for a high degree of responsiveness that is more than compensated at the expected vote share of a typical election.

To illustrate how the tradeoff between partisan bias and responsiveness works, consider a redistricting plan than has a partisan bias of 5% disfavoring the gerrymandering party at the hypothetical 50%/50% election. This plan also has a high degree of responsiveness, such that each percentage point change in the vote share yields two percent more seats for the gerrymandering party. If the typical election occurs with a 60%/40% vote share split favoring the gerrymandering party, the party can expect to win:

- -5% (for the partisan bias against them at 50%).
- +20% (for the 2% of seats expected in each 1% change in the vote).
- A total of -5% + 20% = +15% seat share in the typical election.

Maryland Democrats appear to have implemented a partisan gerrymandering strategy that relies primarily on a high degree of responsiveness, thereby favoring them in the typical election. I have previously encountered this strategy of using responsiveness to gerrymander in a state legislative plan proposed by Alaskan Republicans.[2] Thus, it is important to examine "various average votes" (Lichtman p. 5) including the typical election that takes place within a state or locality, and not just those at 50%/50%.

Dr. Lichtman's incomplete analysis involves two hypothetical atypical Maryland elections. In one hypothetical election he states: "If Republicans were to achieve a bare majority of 51 percent of the vote, according to Dr. McDonald's methodology they would win 63 percent of the seats" (Lichtman p. 6). In another the other hypothetical election he states "At 54 percent of the vote, under Maryland's 2011 congressional redistricting plan, Republicans win all six of the districts that are not majority-African American voting rights districts (CD4 and CD7)" (Lichtman p. 6).

[2] *In Re 2001 Redistricting Cases* (Case No. S-10504).

Dr. Lichtman then compares his statistics to those that I generated in Texas for *Perez* v. *Perry* in Table 2 of his report (Lichtman p. 8) for an atypical hypothetical 50%/50% Texas election. Texas Republicans engineered both favorable partisan bias and a high degree of responsiveness, so this is a false comparison.

Dr. Lichtman performs no analysis of the typical Maryland election that would fully inform his opinion if he had fully followed my methodology. Somehow Dr. Lichtman obtained statistics regarding atypical Texas elections from my report, while ignoring my analysis of typical elections.

Fortunately, Dr. Lichtman provides nearly all the information necessary to conduct a complete analysis of my *Perez* v. *Perry* methodology with respect to Maryland. In Table 1 on p. 7 of his report, he provides election results for seven statewide elections reported in the adopted congressional districts. The typical election in Maryland is provided by the average in the rightmost column of Table 1. The typical vote share Maryland Republicans can expect is 39.1%, not 51% or 54%. Indeed, the typical vote shares presented in Table 1 may be actually lower since these statistics exclude "absentee and provisional votes (fewer than 10 percent of votes cast)" (Lichtman p. 6, footnote 11); these votes tend to break in a Democratic direction in Maryland.[3] In a typical Maryland election, Dr. Lichtman's data show Republicans receive a majority of the vote in only the First Congressional District. Therefore Republicans can expect to win one of eight congressional districts, or 12.5% of the seats, in a typical Maryland election. Since this is less than 39.1% by 26.6 percentage points, I conclude that Maryland's 2011 congressional redistricting plan is a partisan gerrymander.

Contrary to Dr. Lichtman's assertion that "Democrats are generally at a statewide disadvantage in converting their votes to congressional house seats" (Lichtman p. 6), I conclude that by applying my entire *Perez* v. *Perry* methodology it is Republicans who are disadvantaged in typical Maryland elections, not through the partisan bias that Dr. Lichtman investigates only, but through a high degree of responsiveness.

Partisan Gerrymandering: Efficiency Gap

With respect to Dr. Lichtman's efficiency gap analysis, he clearly makes calculation errors that result in his erroneous conclusion that the adopted Maryland congressional plan "translates into *an efficiency gap of 8.0 percent disfavoring Democrats*" (p. 10, original emphasis).

Dr. Lichtman did not provide the underlying computations for his work, so I will address each step leading to the final computation of the efficiency gap for Maryland's 2012 House elections. To also be clear, I do not endorse the efficiency gap, as I believe there are several flaws to it. Still, the correct efficiency gap computation reveals the adopted congressional plan favors the Democrats, not the Republicans.

[3] For example, in the 2012 presidential election, Mitt Romney received 971,869 of the statewide vote out of 2,649,713 of the combined Democratic and Republican "two-party" vote. This yields a statewide Republican two-party vote share of 36.7%, but Dr. Lichtman reports Romney received a higher 37.0% of the vote in the first column of Table 1 in his report (p. 7). This discrepancy is consistent with the excluded absentee and provision ballots breaking in a Democratic direction.

Name	Party	Total Vote	Percentage
CD 1			
Wendy Rosen	Democratic	92,812	27.5%
Andy Harris	Republican	214,204	63.4%
Muir Wayne Boda	Libertarian	12,857	3.8%
John LaFerla (Write-In)	Democratic	14,858	4.4%
Michael Calpino (Write-In)	Unaffiliated	71	0.0%
Douglas Dryden Rae (Write-In)	Unaffiliated	26	0.0%
Other Write-Ins	N/A	2,932	0.9%
Total		337,760	
CD 2			
C. A. Dutch Ruppersberger	Democratic	194,088	65.6%
Nancy C. Jacobs	Republican	92,071	31.1%
Leo Wayne Dymowski	Libertarian	9,344	3.2%
Ray Bly (Write-In)	Republican	22	0.0%
Other Write-Ins	N/A	415	0.1%
Total		295,940	
CD 3			
John Sarbanes	Democratic	213,747	66.8%
Eric Delano Knowles	Republican	94,549	29.6%
Paul W. Drgos, Jr.	Libertarian	11,028	3.4%
Other Write-Ins	N/A	535	0.2%
Total		319,859	
CD 4			
Donna F. Edwards	Democratic	240,385	77.2%
Faith M. Loudon	Republican	64,560	20.7%
Scott Soffen	Libertarian	6,204	2.0%
Other Write-Ins	N/A	363	0.1%
Total		311,512	
CD 5			
Steny H. Hoyer	Democratic	238,618	69.4%
Tony O'Donnell	Republican	95,271	27.7%
Arvin Vohra	Libertarian	4,503	1.3%
Bob Auerbach	Green	5,040	1.5%
Other Write-Ins	N/A	388	0.1%
Total		343,820	
CD 6			
John Delaney	Democratic	181,921	58.8%
Roscoe G. Bartlett	Republican	117,313	37.9%
Nickolaus Mueller	Libertarian	9,916	3.2%
Other Write-Ins	N/A	399	0.1%
Total		309,549	

Name	Party	Total Vote	Percentage
CD 7			
Elijah Cummings	Democratic	247,770	76.5%
Frank C. Mirabile	Republican	67,405	20.8%
Ronald M. Owens-Bey	Libertarian	8,211	2.5%
Ty Glen Busch (Write-In)	Democratic	10	0.0%
Charles U. Smith (Write-In)	Democratic	28	0.0%
Other Write-Ins	N/A	394	0.1%
Total		323,818	
CD 8			
Chris Van Hollen	Democratic	217,531	63.4%
Ken Timmerman	Republican	113,033	32.9%
Mark Grannis	Libertarian	7,235	2.1%
George Gluck	Green	5,064	1.5%
Other Write-Ins	N/A	393	0.1%
Total		343,256	
All			
	Democratic	1,626,872	62.9%
	Republican	858,406	33.2%
	All	2,585,514	

Table 1. 2012 Maryland Congressional Results

I start with the 2012 election results from the Maryland State Board of Elections, reported in Table 1, that Dr. Lichtman identifies as his data source.[4]

Dr. Lichtman describes his steps to compute the efficiency gap as follows (Lichtman p. 9):

1) Sum for each party the number of votes cast for losing candidates in each district.
2) Sum for each party the number of votes cast for winning candidates in excess of 50%.
3) Add together these two sums to obtain the total number of wasted votes for each party.
4) Subtract the total number of wasted votes for the party controlling the redistricting from the total number of wasted votes for the second party.
5) A positive result indicates that the plan disadvantages the second party, e.g., that it has more wasted votes. A negative result indicates that the plan disadvantages the redistricting party, i.e., that it has more wasted votes.
6) Divide the result by the total number of votes cast to obtain the net percentage of wasted votes for the disadvantaged party.

[4] http://www.elections.state.md.us/elections/2012/results/general/gen_results_2012_4_008X.html.

7) This final percentage measure represents the efficiency gap.

I am confronted by two undocumented choices which Dr. Lichtman uses to choose candidates to include in his analysis.

First, in some districts partisan write-in candidates ran in the election, who received a combined total of 14,918 votes. Dr. Lichtman does not describe how he treated these candidates. Strictly following Dr. Lichtman's described procedure, I include these candidates in the vote totals for a party within each district and allocate them accordingly if the party won or lost the district. I also report statistics excluding these candidates.

Second, Dr. Lichtman does not describe how he treats Libertarian, Green and non-party affiliated write-in candidates. I follow Stephanopoulos and McGhee who exclude these candidates to compute what is commonly known as the "two-party" vote between Democratic and Republican candidates.

Following these rules, I compute a total of 2,500,196 votes for Democratic and Republican candidates. This is 17,509 more than the 2,482,687 total candidate votes Dr. Lichtman reports in Table of his report (Lichtman p. 11). This difference is close to the partisan write-in candidates combined total of 14,918 votes, but not exact.

Before I compute the efficiency gap computations, it is instructive to note that Maryland Republicans candidates received a combined 33.2% of all Democratic and Republican votes in the 2012 Maryland congressional elections, but won only one seat, or 12.5% of the seats (see candidate totals in Table 1). Dr. Lichtman's opinion that Democrats are disadvantaged by these election results should strike even a casual observer as implausible.

I calculate the efficiency gap in Table 2, presenting all intermediary steps.

In the first column of Table 2 I compute the minimum votes needed to win. For example, in the First Congressional District, there were 321,874 votes for all candidates, after excluding minor party and unaffiliated write-in candidates. The minimum votes needed to win is (321,874 / 2) + 1 = 160,938. (One vote is added since otherwise there would be a tie.)

In column two is the total votes of all Democratic candidates if a Democrat won the district. In column three is the difference between column three and column two. This represents the wasted votes for the Democrats in excess of what they needed to barely win the district (Dr. Lichtman's Step 2). In the Second District this value is 194,088 – 143,091 = 50,997. In column four the votes for all Democratic candidates if a Republican won the district (Dr. Lichtman's Step 1). These computations are repeated for the Republicans in columns five, six, and seven, respectively.

The grayed areas represent the sum of the wasted votes for each party (Dr. Lichtman's Step 3). For Democrats, this is the sum of the votes reported in columns three and four, and for Republicans the sum in columns six and seven. I compute the total wasted votes for the Democrats – the party controlling the redistricting - is 552,602 and the total wasted votes for the Republicans – the second party - is 697,490.

	Min. Votes Needed to Win	Dem. Votes (If Win)	Excess Votes of Needed to Win	Dem. Votes (If Loss)	Rep. Votes (If Win)	Excess Votes of Needed to Win	Rep. Votes (If Loss)
CD 1	160,938			107,670	214,204	53,266	
CD 2	143,091	194,088	50,997				92,093
CD 3	154,149	213,747	59,598				94,549
CD 4	152,473	240,385	87,912				64,560
CD 5	166,946	238,618	71,673				95,271
CD 6	149,618	181,921	32,304				117,313
CD 7	157,607	247,808	90,201				67,405
CD 8	165,283	217,531	52,248				113,033
				Dem.			**Rep.**
Total Wasted Votes				552,602			697,490
Differential Wasted Votes							144,888
Efficiency Gap							5.8%

Table 2. Efficiency Gap Computations

Subtracting the wasted votes from the party that controls the redistricting from the second party yields 697,490 – 552,602 = 144,888 (Dr. Lichtman's Step 4). Since this is a positive number, the Republicans – as the second party – have more wasted votes than the Democrats (Dr. Lichtman's Step 5). Dividing this by the total number of votes of 2,500,196, I calculate the efficiency gap as 5.8%. (Note, if I exclude the partisan write-in candidates, the efficacy gap is a larger 6.7% disfavoring the Republicans.)

Dr. Lichtman computes the total wasted votes for the Democrats is 985,261 and for the Republicans is 763,002, for a total difference of 222,259 disfavoring the Democrats (Lichtman Table 3, p. 11). The discrepancy with my calculations apparently arises in Dr. Lichtman's computation of the wasted votes for the winning candidate (Dr. Lichtman's Step 2). If instead of subtracting the winning candidate's vote total from the minimum needed to win the district, as the efficiency gap formula requires, I subtract the winning party candidate(s) from the second place party candidate(s), I arrive at 997,544 wasted votes for the Democrats and 750,758 wasted votes for the Republicans. If I exclude the major party write-in candidates, I compute 982,670 wasted Democratic votes and 765,594 wasted Republican votes.

Although I cannot precisely reproduce Dr. Lichtman's numbers because he did not provide the full information to do so, I am confident through my forensics work that Dr. Lichtman made a fatal error in a computation of the efficiency gap that he describes as "relatively simple to compute" (Lichtman p. 9). Most likely this error lies in the improper computation of the wasted votes for the party that won a district. Where he computes "…*an efficiency gap of 8.0 percent*

disfavoring Democrats" (Lichtman p. 10, original emphasis), I compute either a 5.8% or 6.7% efficiency gap disfavoring the Republicans.

Summary of Dr. Lichtman's Partisan Gerrymandering Analyses

Dr. Lichtman employs two methods to assess if the Maryland congressional redistricting plan is a partisan gerrymander. Neither method supports Dr. Lichtman's conclusion that "…Maryland's 2011 congressional redistricting plan was not a partisan gerrymander" (Lichtman p. 52). Indeed, correct computation and interpretation of both methods reveal that the Maryland 2011 congressional redistricting plan is a Democratic gerrymander (though, again, this was not a question I was initially asked to answer).

1) With respect to the method I used in *Perez* v. *Perry*, Dr. Lichtman fails to evaluate the effect of the redistricting plan for the typical Maryland election, instead focusing on atypical elections where Republican congressional candidates receive 50% or 54% of the vote. Dr. Lichtman provides no evidence that Republicans could typically expect such favorable results. When evaluated at the typical election, 39.1% Republican vote, Republican candidates win only one of eight districts, or 12.5% of the seats. Since 12.5% is 26.6 points less than 39.1%, I conclude, as a recognized expert in the evaluation of partisan gerrymandering claims, that the 2011 Maryland congressional plan is a Democratic gerrymander.
2) With respect to Dr. Lichtman's efficiency gap analysis, my forensics analysis indicates that Dr. Lichtman made an incorrect calculation for the wasted votes of the winning candidate by subtracting the second place candidate from the winning candidate. This error led him to compute an efficiency gap of 8.0 percentage points disfavoring the Democrats. When I make the correct calculation by subtracting the minimum necessary to win the election from the winning candidate's vote share, I arrive at an efficiency gap of 5.8 points disfavoring the Republicans (or 6.7 if I exclude partisan write-in candidates).

Question Two: Did Maryland Specifically Intended to Burden Republicans' Rights?

The second question Plaintiff's to this action asked me to address is whether the Maryland General Assembly or its mapmakers specifically intended to burden the representational rights of certain citizens because of how they voted in the past and the political party with which they had affiliated? Through an analysis of the changes to the Sixth Congressional District and its only neighbor, the Eight Congressional District (McDonald pp. 11-16), I conclude "…that politics, not good government goals, was a major motivating factor behind the creation of the adopted Sixth Congressional District" (McDonald p. 17).

Dr. Lichtman States Maryland Democrats Did Gerrymander

Dr. Lichtman contradicts his faulty analysis that Maryland Democrats created a Republican gerrymander elsewhere in his report.

As noted at the outset of my rebuttal, Dr. Lichtman's first opinion in his report is that "…I conclude that these reports establish only what is already the obvious: that the 2011 Maryland congressional redistricting plan improved Democratic prospects in Maryland's Congressional District 6 as compared to the prior redistricting plan" (Lichtman p. 2).

Dr. Lichtman reaffirms this opinion that a goal of Maryland's Democrats was to execute a gerrymander of equal efficacy as similarly situated party-controlled states (Lichtman p. 44):

> After the 2011 redistricting Maryland was in line with other party-dominated states. As indicated in Table 18, Maryland's percentage of the two-party presidential vote was about comparable to other states; so too was its percentage of seats held by the dominant party as compared to other states.

Dr. Lichtman then excuses Maryland Democrats for partisan gerrymandering because the Republicans did it elsewhere (Lichtman p. 48):

> To offset the large Republican advantage in more heavily populated, and in many cases, competitive states, with significant consequences for representation in Congress, it was reasonable for the Maryland legislature to make CD6 into a more competitive district for Democrats.

Dr. Lichtman thus admits that, despite his faulty partisan gerrymandering analyses, Maryland Democrats intended to burden the rights of Republicans residing in the Sixth Congressional District, since according to Dr. Lichtman, Democrats views "CD6 as the reasonable alternative" (Lichtman p. 42) to improving their performance in the plan as a whole.

District Competitiveness

There is a logical inconsistency in Dr. Lichtman's two prior quotes. In the first quote, Dr. Lichtman implies that it was the goal of Maryland Democrats to elect an additional Democrat to the House of Representatives to bring the partisan composition of Maryland's congressional delegation in line with other similar party-dominated states. In the second quote, he opines that the goal was merely to make "a more competitive district for Democrats" (Lichtman p.48).

As Dr. Lichtman notes, I have written extensively on district competition. I further served as a consultant to the Arizona Independent Redistricting Commission to analyze compliance of the commission with the Arizona constitutional mandate for competitive districts. I have never heard a competitive district described as being *for* a political party. Competitive districts are those where either major party has an equal chance of electing their candidate.

Dr. Lichtman's apparent confusion regarding whether or not the Sixth Congressional District was designed to elect a Democrat or "emerges as competitive" (Lichtman p. 36) lies in faulty analysis.

To begin, Dr. Lichtman alleges that I endorse a "'competitive' range of 45 to 55 percent" to define a competitive district (Lichtman p.36). Since Dr. Lichtman does not provide a quote to this citation, I will do so:

> …a normalized presidential vote within two competitiveness ranges, 45-55 and 48-52 percent, are presented in figure 10-1…[t]he wider 45-55 range is presented since it is commonly used to describe competitive congressional elections; *however, my analysis of the relationship between competitive districts and competitive elections suggests that the tighter range is a more valid definition of a competitive district* (emphasis added).[5]

In the footnote to this paragraph, I note that my methodology is based on my work for the 2001 Arizona Independent Redistricting Commission, and I have written extensively about this methodology elsewhere.[6] It is clear from my quote that I am presenting a 45-55 range as a matter of convenience for an audience familiar with this range, when in truth I endorse a tighter 48-52 range to identify when a district is competitive informed by my practical work as a redistricting consultant and my academic scholarship.

A short digression on terminology is needed, as it is can be confusing. *Competitive district* refers to the underlying partisanship of the district, as is typically evaluated as the level of partisanship through statewide election results aggregated within a district, similar to his Table 1 (Lichtman p. 7) and my Table Three (McDonald p. 10). *Competitive election* refers to the realized election for a district. A statistical analysis is needed to determine the level of partisanship needed for a district to be competitive, such that it will produce a competitive election. These two concepts may not necessarily be the same since statewide offices can have different voting patterns than district elections.

Dr. Lichtman has not performed a statistical analysis to determine the underlying level of partisanship needed within District Six to reliably produce competitive elections, as I employed in my Arizona work or recommend in my academic writing. If I apply the tighter 48-52 range that I generally believe is more valid, absent such a statistical analysis, to the 47.1% average Republican vote share for District Six that Dr. Lichtman presents in Table 1, I conclude that District Six is not competitive. Thus, Dr. Lichtman's following assertion is incorrect (Lichtman p. 36):

> The average Republican vote across all statewide elections held in this district from 2012 to 2016 is 47 percent (Table 1), which places it within Dr. McDonald's "competitive" range of 45 to 55 percent.

Dr. Lichtman also cites the 2012 Cook Political Report, which rates the Sixth District as +2 Democratic, which would place it on the cusp of what I consider to be a competitive district. Following the 2016 election, the Cook Political Report rates the Sixth Congressional District as

[5] Michael P. McDonald. 2006. "Redistricting and Competitive Districts" in *The Marketplace of Democracy: Electoral Competition and American Politics*, Michael P. McDonald and John Samples, eds. Washington, DC: Brookings Press, p. 224.

[6] Michael P. McDonald. 2006. "Drawing the Line on District Competition." *PS: Political Science and Politics* 39(1): 91-94.

+4 Democratic.[7] The most recent Cook Political Report rating does not support Dr. Lichtman's conclusion that the Sixth Congressional District is competitive.

Dr. Lichtman further engages in a "normalization" of vote shares. This is a technique academics use to consider what would happen in a hypothetical 50%/50% election. This computation is used by academics to make presidential elections – which tend to be highly competitive nationally – comparable when they are comparing statistics computed from different presidential elections. However, this computation suffers the same issues that I noted previously with respect to the *Perez* v. *Perry* partisan gerrymander methodology in that it does not consider what happens in a typical election. In subsequent state-specific publications to my 2006 book chapter cited by Dr. Lichtman, I do not normalize vote shares to compute the competitiveness of districts.[8] Still, even using normalized vote shares, Dr. Lichtman computes a 2012 normalized presidential vote of 52.7% and a 2016 normalized presidential vote of 54.5% (Lichtman p. 36), neither of which fall within the 48-52 range.

Dr. Lichtman's opinion that the Sixth Congressional District is competitive thus rests on three elections: the 2014 Governor election, the 2014 Attorney General election, and the 2014 U.S. House election. However, Dr. Lichtman ignores all the data available to him. In seven of ten elections within the district, the Democratic candidate won decisively. The average seven statewide election results within a district – which is the preferred measure of the partisan character of a district – Dr. Lichtman computes that the Republican candidate received 47.1% of the vote within the Sixth Congressional District. This is outside the 48-52 range I deem most appropriate to identify a competitive district.

It is therefore my opinion, applying methodology consistent with my prior work, that the Sixth Congressional District is not a competitive district. My opinion is most consistent with Dr. Lichtman's assertion that Maryland's Democrats intended to bring the partisan balance of Maryland's congressional delegation "…in line with other party-dominated states" (Lichtman p. 44).

Reducing Democratic Wasted Votes

Dr. Lichtman proposes that another alternative explanation for the reconfiguring of the Sixth Congressional District was to "unpack[] CD8" (Lichtman p. 42). This is just another way of stating that Maryland Democrats wished to adversely affect Republicans in the Sixth District.

Dr. Lichtman states notes that "CD8 under the 2001 redistricting plan was an overwhelmingly packed district" (Lichtman p. 42) and that "…CD6 [w]as the reasonable alternative for unpacking CD8 and the 2011 redistricting plan did precisely that" (Lichtman p. 42).

[7] http://cookpolitical.com/file/2013-04-49.pdf.

[8] Micah Altman and Michael P. McDonald. 2013. "A Half-Century of Virginia Redistricting Battles: Shifting from Rural Malapportionment to Voting Rights and Participation." *University of Richmond Law Review* 47: 771-831; Micah Altman and Michael P. McDonald. 2015. "Paradoxes of Political Reform: Congressional Redistricting in Florida" in *Jigsaw Puzzle Politics in the Sunshine State*, Seth C. McKee, ed. Gainesville, FL: University of Florida Press; Micah Altman and Michael P. McDonald. Forthcoming. "Redistricting by Formula: The Case of Ohio." *American Politics Research*.

If there are trades to be made between two districts, one Democratic in character and one Republican, then the only way to reduce Democratic wasted votes is for Democrats to win both districts. Merely trading Democrats from one district to another without changing the election outcome in the target district is insufficient, since the overall same number of Democratic votes are wasted if the election outcome does not change.

To illustrate, suppose there are 80,000 wasted Democratic voters over what was needed to win the district in the Eight Congressional District and Democrats are 60,000 voters in the Sixth District, which these voters cannot elect their preferred candidate. This yields a total of 140,000 wasted votes. If 20,000 Democratic voters are shifted from the Eighth District to the Sixth District, then there are now 60,000 wasted Democratic voters in the Eighth District and, assuming Democrats continue to be unable to elect their preferred candidate, there are 80,000 wasted votes in the Sixth District, yielding the same 140,000 wasted votes. It is only in the case that the Democrats' preferred candidate wins the Sixth District that their wasted votes decreases. (As a corollary, the Republican wasted votes would increase significantly in the case that their preferred candidate wins neither district, where before their candidate won one.)

It is not surprising that Dr. Lichtman does not understand this dynamic since his failure to compute correctly the efficiency gap appears to have a similar logical error, as noted above.

Question Three: Does the Sixth Congressional District Respect Traditional Redistricting Principles?

Dr. Lichtman Falsely Claims I Examined the Sixth District in Isolation

Dr. Lichtman criticizes me for examining "only one of eight congressional districts" (Lichtman p. 3) while failing to examine the congressional redistricting plan as a whole. To reinforce this critique Dr. Lichtman references a statement by myself, adding his emphasis to it, that "…you really can't look at one district in isolation…" (Lichtman p. 3).

I did not examine the Sixth Congressional District in isolation. Maryland's Sixth Congressional District has an unusual feature in that it is entirely bordered by the Eight Congressional District. As a consequence, it is possible to examine the Sixth and Eighth Congressional Districts together, but otherwise in isolation from the remainder of the redistricting plan. Dr. Lichtman is thus incorrect in stating "The creation of the alternative district would also change the adopted plan beyond CD6 and CD8, since moving counties and precincts out of adopted CD6 would ripple across the state in the adopted plan" (Lichtman p. 40). Indeed, I propose and analyze an alternative congressional redistricting plan that makes changes to only the Sixth and Eighth congressional districts (McDonald pp. 14-16).

These subsequent concerns about my alternative plan that Dr. Lichtman lists therefore do not apply to my analysis (Lichtman p. 40):

> Dr. McDonald gave no assurance that the proposed district would respect the legitimate redistricting goals of other areas of the state, such as respecting the non-retrogression mandate of § 2 of the Voting Rights Act in Districts 4 and 7;

> disallowing a crossing of the Chesapeake Bay; ensuring that District 2 continued to contain all major military installations in Maryland; ensuring all incumbents continued to reside in their district; and ensuring precise mathematical population equality.

While these concerns do not apply to the alternative map presented in my report, Dr. Lichtman's concerns do apply to Mr. Cooper's "Hypothetical 8-0 Plan" since this plan is a complete reconfiguration of the entire Maryland plan. Mr. Cooper nowhere in his report addresses these concerns, except to note that he "did not take the step to zero out the districts (from .23% overall deviation) in order to achieve perfect population equality" (Cooper p. 5).

Indeed, I have a further concern regarding Mr. Cooper's work. In my work of drawing an alternative map, I discovered that the Ansolabehere and Rodden election data used by Mr. Cooper (Cooper p. 4) fabricates Montgomery County election results. The issue appears to be, as far as I can determine, that Montgomery County split precincts between the time these scholars obtained the election results and when Maryland transmitted precinct boundaries to the Census Bureau for inclusion in the 2010 census geography. This caused some precincts to have no associated election results. To resolve this issue, these scholars appear to have simply cut and pasted the same election results into both portions of the split precincts, effectively doubling the votes. For all of the Montgomery precincts I list (McDonald p. 27), there are identical election results for an adjacent precinct. I cannot know from the information provided to me how deeply this issue affects Mr. Cooper's work. I also do not know the degree to which this issue is present in other Maryland counties outside those containing the Sixth District in part.

Compactness

Dr. Lichtman wishes to undermine my assessment that my proposed alternative redistricting plan for the Sixth and Eight congressional districts improves upon the adopted district in terms of compactness. He notes that I have "…criticized the use of compactness criteria…" (Lichtman p. 40), and that I have noted there are over fifty "compactness measures, which have not resulted in clarity, since these measures conflict and can be manipulated" (Lichtman p. 35). If Dr. Lichtman believes that I have manipulated my compactness analyses by cherry-picking measures I choose to present, it is incumbent upon him to present such evidence. However, Prof. Lichtman presents no evidence or analysis regarding the compactness any district.

Arlington Heights

Dr. Lichtman (p. 40) faults me for not following the legal standard in *Village of Arlington Heights* v. *Metropolitan Housing Development Corp*., 429 U.S. 252 (1977). Plaintiffs to this action did not ask me to examine these *Arlington Heights* factors. Instead, they asked me to provide analysis pertinent to the three questions set forth in my Initial Report and this report. I offer no opinion as to whether or not they apply to the matters in this case.

Exposition Error in My Report

Dr. Lichtman points out that I misstated that the Maryland State Board of Elections only releases publicly in-person early votes at the precinct level. In fact, the Board of Elections only

publicly releases Election Day votes. However, this error in exposition does not affect any of my computations. Indeed, the statistics reported for the Sixth Congressional District in Table 3 of my initial report (McDonald p. 10) and his statistics in Table 1 of his report (Lichtman p. 7) are substantially similar. There are two differences that do not substantially affect our conclusions:

1) Dr. Lichtman's statistics include a special tabulation of the in-person early vote from the State Board of Elections (Lichtman footnote 11, p. 6), while I do so by tabulating the total county votes for counties entirely contained in a district and by apportioning these votes from the country data in counties split by more than one district.
2) Dr. Lichtman does not include absentee or provisional votes, which constitute "fewer than ten percent of votes cast" (Lichtman footnote 11, p. 6), while I do include these votes. I do so by tabulating the total county votes for counties entirely contained in a district (something Dr. Lichtman could have also done to check his implied claim of minimal effect from excluding these votes) and by apportioning these votes from the country data in counties split by more than one district.

Summary

In my initial report, I focused on three questions that Plaintiffs tasked me with answering:

1) Whether Maryland's 2011 Congressional Plan resulted in vote dilution that was sufficiently serious to produce a demonstrable and concrete adverse effect on a group of voters?
2) Whether the Maryland General Assembly or its mapmakers specifically intended to burden the representational rights of certain citizens because of how they voted in the past and the political party with which they had affiliated?
3) Whether the lines of the Sixth Congressional District would have been drawn as they were but for the map drawer's and General Assembly's consideration of partisan goals to the detriment of traditional redistricting principles?

Most of Dr. Lichtman's criticisms do not relate to the analysis and conclusions that I draw regarding these three questions. Instead, he criticizes me for confining my analysis to these questions.

Beyond these three questions, Dr. Lichtman makes three errors in analyses of election results that undermine his conclusions:

1) In an analysis of partisan gerrymandering following a method I used in *Perez* v. *Perry*, Dr. Lichtman fails to consider the effect of Maryland's redistricting plan for typical elections in the state. When I do so, I conclude that Maryland Democrats executed a Democratic gerrymander.
2) In an analysis of partisan gerrymandering using a method known as the efficiency gap, Dr. Lichtman makes a critical math error that leads him to falsely conclude that the adopted congressional plan favors the Republicans when it favors the Democrats.
3) In an analysis of competitive districts, Dr. Lichtman uses the wrong range of what I believe constitutes a competitive district, leading him to falsely conclude the Sixth

Congressional District has an equal chance of electing a Democrat or a Republican candidate.

Together, correction of these errors leads me to concur with Dr. Lichtman that "2011 Maryland congressional redistricting plan improved Democratic prospects in Maryland's Congressional District 6 as compared to the prior redistricting plan" (Lichtman p. 2). I further concur with him that a goal of Maryland Democrats was to execute a gerrymander of equal efficacy "…in line with other party-dominated states" (Lichtman p. 44).

After reviewing Dr. Lichtman's report and correcting his analyses, it remains my opinion that the adopted Sixth Congressional District has a concrete and adverse effect on Republicans residing in the district, that Maryland Democrats intended this outcome, and that this partisan goal superseded respect of traditional redistricting principles in the creation of the adopted Sixth Congressional District.

Date: May 22, 2017

Prof. Michael P. McDonald, PhD

Subject: Re:
From: jason.gleason03@gmail.com
Date: 10/3/2011 2:59 PM
To: "Brian Romick" <brianromick@gmail.com>

I hope so. I'm not sure I buy the themes they are selling. Hopefully they have some better ones for the public face of it.
------Original Message------
From: Brian Romick
To: Jason Gleason
Subject: Re:
Sent: Oct 3, 2011 2:57 PM

Jeanne is good on the political message

On 10/3/11, jason.gleason03@gmail.com <jason.gleason03@gmail.com> wrote:

> This is painful to watch. I'm not sure what purpose this presentation is serving.
> Sent from my Verizon Wireless BlackBerry

Sent from my Verizon Wireless BlackBerry

IN THE UNITED STATES DISTRICT COURT FOR THE UNITED STATES DISTRICT COURT FOR MARYLAND

O. JOHN BENISEK, et al., Plaintiffs, v. LINDA H. LAMONE, et al.,, Defendants.	Civil Case No.: 13-3233

DECLARATION OF WILLIAM S. COOPER

WILLIAM S. COOPER, acting in accordance with 28 U.S.C. § 1746, Federal Rules of Civil Procedure 26(a)(2)(B) and 26(e), and Federal Rules of Evidence 702 and 703, does hereby declare and say:

1. My name is William S. Cooper. I have a B.A. in Economics from Davidson College. As a private consultant, I serve as a demographic and redistricting expert for the Plaintiffs. I am compensated at a rate of $150 per hour.

I. Redistricting Experience

2. I have testified at trial as an expert witness on redistricting and demographics in federal courts in over 35 voting rights cases since the late 1980s. Approximately 30 of the cases led to changes in local or state election district plans.

3. Since the release of the 2010 Census, I have developed several statewide legislative plans (Alabama, Georgia, Kentucky, Florida, South Carolina, Texas, and Virginia) and over 150 local redistricting plans (including about 10 in Maryland) – primarily for groups working to protect minority voting rights.

4. Four plans that I developed for local government clients in Virginia and Mississippi were adopted in the early 2010s. I also served as a redistricting consultant in 2011 to the Miami-Dade County Commission and Board of Education. I currently serve as a redistricting consultant to the City of Wenatchee, Washington.

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

II. Purpose of Declaration

6. The attorneys for the Defendants in this case asked me to complete two tasks: (1) Develop a hypothetical Congressional plan for Maryland so that all eight districts have a Democratic majority (without changing current CD 6), using information that was available in 2011. (2) Analyze population shifts involving current CD 1 – specifically relating to Anne Arundel County and the CD 6 portion of Harford, Baltimore, and Carroll Counties under the 2002 Plan.

III. Methodology and Sources

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

8. I used the *2010 Adjusted Block Level Data* file for Maryland legislative redistricting pursuant to the *No Representation Without Population Act*.[1] This special dataset was prepared by the State to adjust the population count in order to take into account the home addresses of the incarcerated resident Maryland population. The block file is available for download at: http://www.mdp.state.md.us/redistricting/2010/dataDownload.shtml

9. I obtained the block equivalency file for the 2011 Plan from the above website. For the 2002 Plan boundaries in effect until 2011, I created a block equivalency file from the 2010 *Maryland PL 94-171* file published by the U.S. Census Bureau.[2]

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[1] See: http://www.mdp.state.md.us/redistricting/2010/newLaw.shtml

[2] The PL 94-171 data file is released in electronic format and is the complete count population file designed by the Census Bureau for use in legislative redistricting. The block level dataset is available for download at: http://www2.census.gov/census_2010/01-Redistricting_File--PL_94-171/Maryland/

10. I imported the block equivalency files for the 2002 and 2011 plans into a block-level geographic database and created Congressional district boundaries for both plans using *Maptitude for Redistricting*.

11. To determine the percentage of the Democratic and Republican vote in the 2008 Presidential contest by Congressional district, I used a file with precinct-level election data prepared by researchers associated with the Harvard Election Data Archive.[3] The file with Maryland election results is available for download at: http://projects.iq.harvard.edu/eda/data

12. In order to account for split precincts, I imported the Harvard election dataset into *Maptitude for Redistricting* and disaggregated the 2008 precinct-level election results to the block level (based on 2010 voting age population).

13. I also used a GIS shapefile depicting the 2011 home addresses of the eight incumbent members of the Maryland Congressional delegation, prepared by the State of Maryland.

[3] Source: Stephen Ansolabehere; Jonathan Rodden, 2011, "Maryland Data Files", http://hdl.handle.net/1902.1/15549 V3 [Version]

IV. Hypothetical 8-0 Congressional Plan

14. As requested by the attorneys for the Defendants, I developed a hypothetical Congressional plan ("8-0 Plan") with eight Democratic districts. No incumbents are paired in this plan. **Exhibits B-1, B-2,** and **B-3** provide maps and a statistical summary depicting the 8-0 Plan.

15. Under the 8-0 Plan, hypothetical District 6 is identical to CD 6 under the 2011 Plan. In the 2008 Presidential contest, the eight districts range from a low of 52.5% Democratic in District 2 to a high of 79% Democratic in District 4.

16. Finally, because the 8-0 Plan is hypothetical, I did not take the step to zero out the districts (from .23% overall deviation) in order to achieve perfect population equality. This process would involve splitting a few precincts and would have no meaningful impact on the preceding analysis.

V. Population Shifted Into CD 6 and Out of CD 1 Under the 2011 Plan

17. **Exhibit C** is a map of the 2002 Plan. As can be seen from the map, under the 2002 Plan, CD 1 extended across the Chesapeake Bay from the Eastern Shore to encompass part of Anne Arundel County. CD 6 extended across the northern tier all the way from Garrett County to the Harford-Cecil county line – a distance of about 175 miles along the Pennsylvania border, as the crow flies.

18. The 2011 Plan removed Anne Arundel County from CD 1, shifting 107,757 persons out of CD 1 as drawn under the 2002 Plan. To compensate for this population loss, 106,562 persons in Harford, Baltimore, and Carroll Counties were shifted from CD 6 under the 2002 Plan into CD 1 under the 2011 Plan.

19. **Exhibit D-1** is a map showing the CD 1 areas shifted (depicted with thick Black lines). **Exhibit D-2** shows summary statistics for the population shifted.

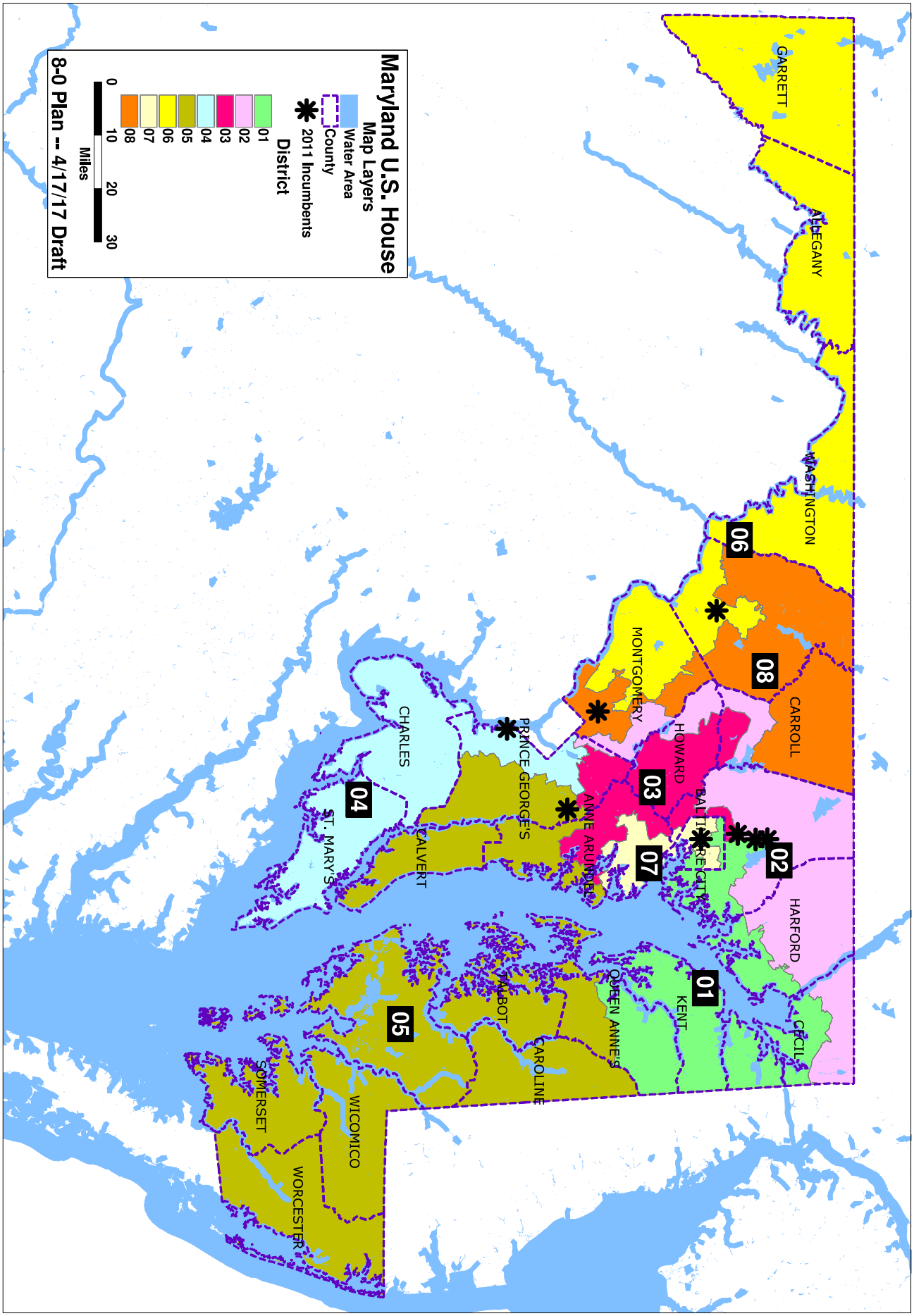
Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on: May **6**, 2017

William S. Cooper

WILLIAM S. COOPER

Exhibit B-1


Maryland U.S. House
Map Layers
Water Area
County
2011 Incumbents
District
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20
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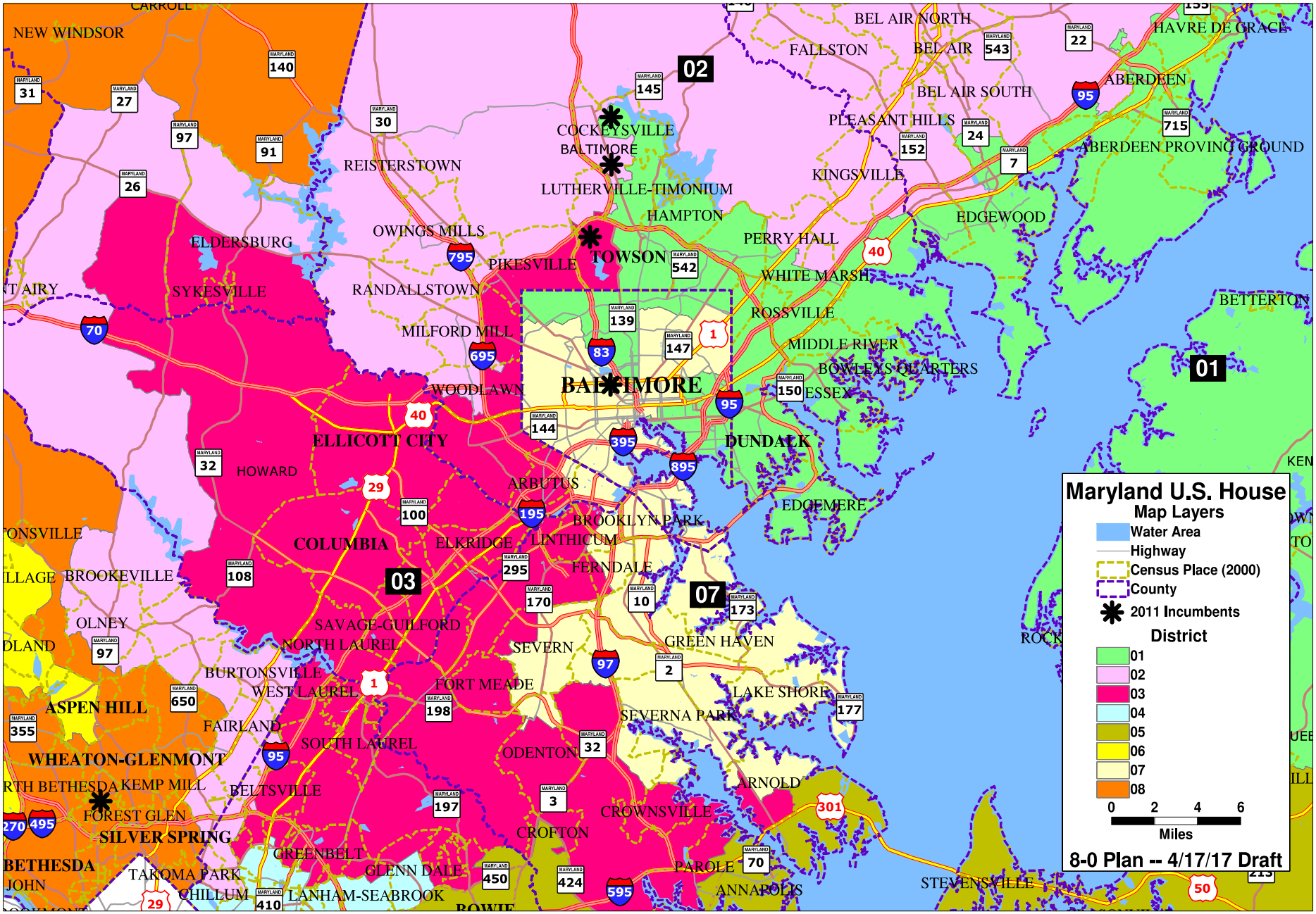
Miles
8-0 Plan -- 4/17/17 Draft
GARRETT
ALLEGANY
WASHINGTON
06
08
CARROLL
MONTGOMERY
PRINCE GEORGE'S
HOWARD
03
BALTIMORE CITY
02
07
ANNE ARUNDEL
HARFORD
CECIL
01
KENT
QUEEN ANNE'S
CHARLES
04
ST. MARY'S
CALVERT
TALBOT
CAROLINE
05
SOMERSET
WICOMICO
WORCESTER

Exhibit B-2


Maryland U.S. House
Map Layers
Water Area
Highway
Census Place (2000)
County
2011 Incumbents
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Miles
8-0 Plan -- 4/17/17 Draft
BALTIMORE
TOWSON
COCKEYSVILLE
DUNDALK
ELLICOTT CITY
COLUMBIA
SILVER SPRING
WHEATON-GLENMONT
ASPEN HILL
BETHESDA
ROWIE
ANNAPOLIS
ARNOLD
SEVERNA PARK
GLEN DALE
LANHAM-SEABROOK
NEW WINDSOR
REISTERSTOWN
OWINGS MILLS
PIKESVILLE
RANDALLSTOWN
SYKESVILLE
ELDERSBURG
MILFORD MILL
WOODLAWN
HOWARD
BROOKEVILLE
OLNEY
SAVAGE-GUILFORD
NORTH LAUREL
BURTONSVILLE
WEST LAUREL
FAIRLAND
SOUTH LAUREL
BELTSVILLE
KEMP MILL
FOREST GLEN
TAKOMA PARK
GREENBELT
CHILLUM
LUTHERVILLE-TIMONIUM
HAMPTON
PERRY HALL
WHITE MARSH
ROSSVILLE
MIDDLE RIVER
BOWLEYS QUARTERS
ESSEX
EDGEMERE
BROOKLYN PARK
LINTHICUM
ARBUTUS
ELKRIDGE
FERNDALE
GREEN HAVEN
SEVERN
FORT MEADE
LAKE SHORE
ODENTON
CROFTON
CROWNSVILLE
PAROLE
STEVENSVILLE
BEL AIR NORTH
BEL AIR
BEL AIR SOUTH
FALLSTON
PLEASANT HILLS
KINGSVILLE
EDGEWOOD
ABERDEEN
ABERDEEN PROVING GROUND
HAVRE DE GRACE
BETTERTON
ROCK
02
01
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07

Exhibit B-3 (Amended)

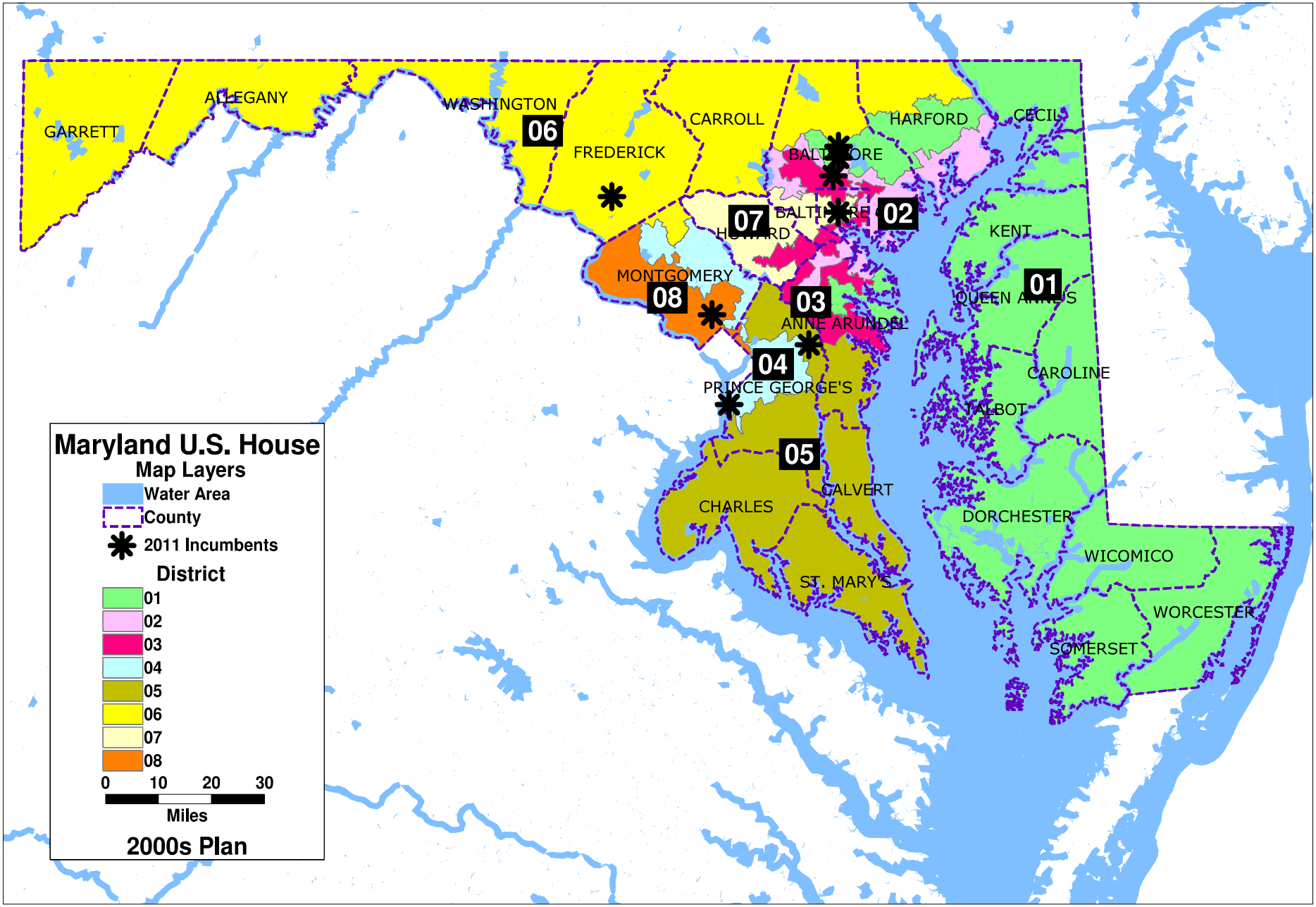
Population Summary Report

Maryland U.S. House, 8-0 Plan -- April 17, 2017 Draft

District	Adjusted Population	Deviation	% Deviation	Adjusted Single-Race Black	% Adjusted Single-Race Black	Adjusted 18+ Population	Adjusted 18+ Black	% Adjusted 18+ Black	% Unadjusted 18+ Hispanic	% Unadjusted NH White	2008 Presidential (Democratic percentage)
01	722429	900	0.12%	153699	21.28%	570986	111727	19.6%	4.7%	70.6%	54.9%
02	720465	-1064	-0.15%	166755	23.15%	547303	122444	22.4%	8.7%	62.1%	52.5%
03	720600	-929	-0.13%	187803	26.06%	547065	137462	25.1%	6.2%	57.3%	61.8%
04	721571	42	0.01%	407040	56.41%	542777	302995	55.8%	9.7%	29.9%	79.0%
05	721786	257	0.04%	225609	31.26%	557567	167997	30.1%	4.0%	62.6%	57.0%
06	721529	0	0.00%	87435	12.12%	545070	61486	11.3%	10.1%	66.4%	56.2%
07	721892	363	0.05%	388808	53.86%	553031	288527	52.2%	3.3%	41.2%	72.1%
08	721959	430	0.06%	82210	11.39%	555468	62475	11.3%	11.9%	66.6%	62.5%
Total	**5772231**		**0.23%**	**1699359**	**29.44%**	**4419267**	**1255113**	**28.40%**	**7.3%**	**57.22%**	

Note: 2008 vote by precinct reported by Harvard Election Data Archive
Stephen Ansolabehere; Jonathan Rodden, 2011, "Maryland Data Files", hdl:1902.1/15549 V3 [Version]

Exhibit C


GARRETT
ALLEGANY
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ANNE ARUNDEL
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CAROLINE
PRINCE GEORGE'S
TALBOT
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CHARLES
DORCHESTER
WICOMICO
ST. MARY'S
WORCESTER
SOMERSET
Maryland U.S. House
Map Layers
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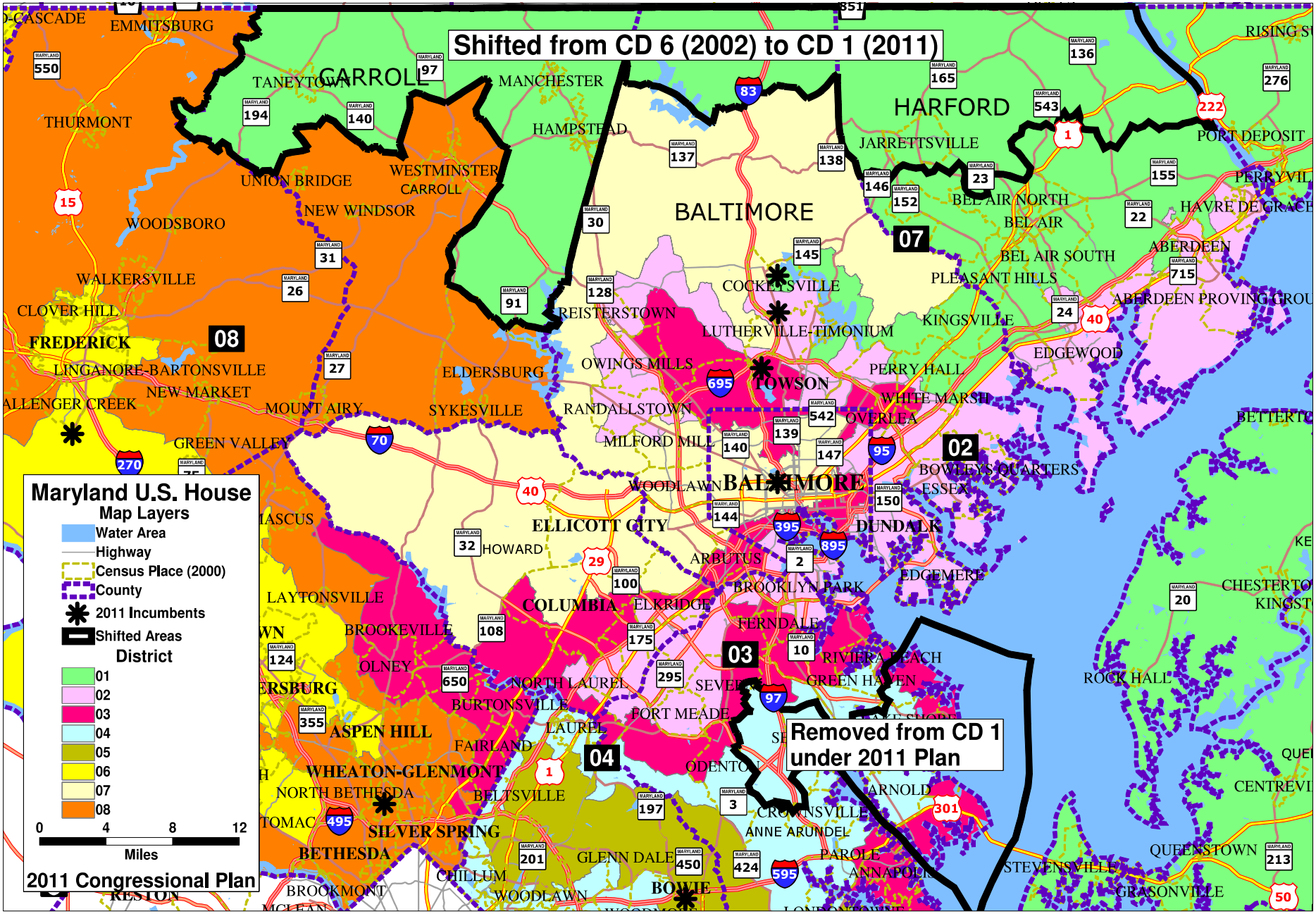
Miles
2000s Plan

Exhibit D-1


Shifted from CD 6 (2002) to CD 1 (2011)
Removed from CD 1 under 2011 Plan
Maryland U.S. House
Map Layers
Water Area
Highway
Census Place (2000)
County
2011 Incumbents
Shifted Areas
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Miles
2011 Congressional Plan
CARROLL
HARFORD
BALTIMORE
FREDERICK
EMMITSBURG
THURMONT
TANEYTOWN
MANCHESTER
HAMPSTEAD
JARRETTSVILLE
PORT DEPOSIT
UNION BRIDGE
WESTMINSTER
NEW WINDSOR
WOODSBORO
WALKERSVILLE
CLOVER HILL
LINGANORE-BARTONSVILLE
NEW MARKET
MOUNT AIRY
ELDERSBURG
SYKESVILLE
GREEN VALLEY
OWINGS MILLS
REISTERSTOWN
COCKEYSVILLE
LUTHERVILLE-TIMONIUM
TOWSON
RANDALLSTOWN
MILFORD MILL
WOODLAWN
BALTIMORE
BEL AIR NORTH
BEL AIR
BEL AIR SOUTH
PLEASANT HILLS
KINGSVILLE
EDGEWOOD
PERRY HALL
WHITE MARSH
OVERLEA
ABERDEEN
ABERDEEN PROVING GROUND
HAVRE DE GRACE
BOWLEYS QUARTERS
ESSEX
DUNDALK
EDGEMERE
ELLICOTT CITY
HOWARD
ARBUTUS
BROOKLYN PARK
COLUMBIA
ELKRIDGE
FERNDALE
RIVIERA BEACH
GREEN HAVEN
LAYTONSVILLE
BROOKEVILLE
OLNEY
NORTH LAUREL
BURTONSVILLE
FORT MEADE
LAUREL
ASPEN HILL
FAIRLAND
WHEATON-GLENMONT
NORTH BETHESDA
BELTSVILLE
SILVER SPRING
BETHESDA
CHILLUM
GLENN DALE
BOWIE
WOODLAWN
BROOKMONT
ODENTON
ARNOLD
CROWNSVILLE
ANNE ARUNDEL
PAROLE
ANNAPOLIS
STEVENSVILLE
QUEENSTOWN
GRASONVILLE
ROCK HALL
CHESTERTOWN
KINGSTOWN
CENTREVILLE
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Exhibit D-2

Population Summary Report

Maryland U.S. House, CD 1 -- 2011 Adopted Plan -- Anne Arundel to Harford, Baltimore, and Carroll shift

District	Adjusted Population	Adjusted Single-Race Black	% Adjusted Single-Race Black	Adjusted 18+ Population	Adjusted 18+ Black	% Adjusted 18+ Black	% Unadjusted 18+ Hispanic	% Unadjusted NH White
01	721529	82401	11.42%	557047	61205	11.0%	2.8%	83.3%
Removed from Anne Arundel	107577	4572	4.25%	80754	3351	4.2%	2.5%	89.9%
Added from CD 6 in Harford, Baltimore, and Carroll	106562	2129	2.00%	81012	1551	1.9%	1.4%	95.0%

Note: 2008 vote by precinct reported by Harvard Election Data Archive
Stephen Ansolabehere; Jonathan Rodden, 2011, "Maryland Data Files", hdl:1902.1/15549 V3 [Version]

IN THE UNITED STATES DISTRICT COURT FOR THE UNITED STATES DISTRICT COURT FOR MARYLAND

O. JOHN BENISEK, et al., Plaintiffs, v. LINDA H. LAMONE, et al.,, Defendants.	Civil Case No.: 13-3233

SUPPLEMENTAL DECLARATION OF WILLIAM S. COOPER

WILLIAM S. COOPER, acting in accordance with 28 U.S.C. § 1746, Federal Rules of Civil Procedure 26(a)(2)(B) and 26(e), and Federal Rules of Evidence 702 and 703, does hereby declare and say:

1. My name is William S. Cooper. As a private consultant, I serve as a demographic and redistricting expert for the Defendants. I previously submitted a declaration for the Defendants in this case dated May 6, 2017. I was deposed by the attorneys for the Plaintiffs on May 23, 2017.

2. I submit this supplemental declaration in response to two concerns raised by the Defendants' attorneys at my May 23 deposition: (1) the hypothetical 8-0 Plan described in my May 6 Declaration is not a zero deviation plan and (2) the

hypothetical 8-0 Plan does not account for duplicate vote counts found in the dataset I relied upon from the Harvard Election Data Archive.

3. With respect to the zero deviation concern, I explained in my May 6 Declaration and at my May 23 deposition that given the hypothetical nature of the 8-0 Plan there is no point in zeroing out the district deviations. This is because the necessary population changes are so small that there would be no meaningful partisan effect.[1]

4. With respect to the precinct-level 2008 Presidential vote count discrepancy found in the Harvard Election dataset, I was unaware of the issue until I received the reply report filed on the evening of May 22 by Dr. Michael McDonald. Because I was en route to my May 23 deposition, I did not have an opportunity to make adjustments to correct the errors prior to the deposition.

5. The attached Zero Deviation 8-0 Plan removes duplicate vote counts in 11 consolidated Montgomery County precincts. (See maps in Exhibits **A-1**, **A-2**, and summary district statistics in Exhibit **A-3**.) These corrections are identical to the precincts identified by Dr. McDonald in his April 7 report[2] – except that consolidated Montgomery Precinct 5-009 merges 5-022 and 5-009. Precinct 5-005, which Dr. McDonald consolidates with 5-022, does not change – according to the

---

[1] See Cooper May 6 Declaration, ¶16.

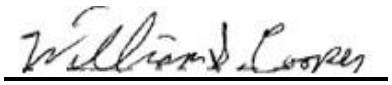
[2] See McDonald, April 7, 2017 Report – p. 27.

official Maryland 2010 precinct boundary file I used. [3]

6. The corrections I made to account for the duplicate vote count in the 11 consolidated precincts have a very minor downward impact on the 2008 Democratic vote percentages in CD 6 (-0.7%) and hypothetical Districts 2 (-0.2%) and District 8 (-.04%) of the Zero Deviation 8-0 Plan.[4]

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on: June **1**, 2017



WILLIAM S. COOPER

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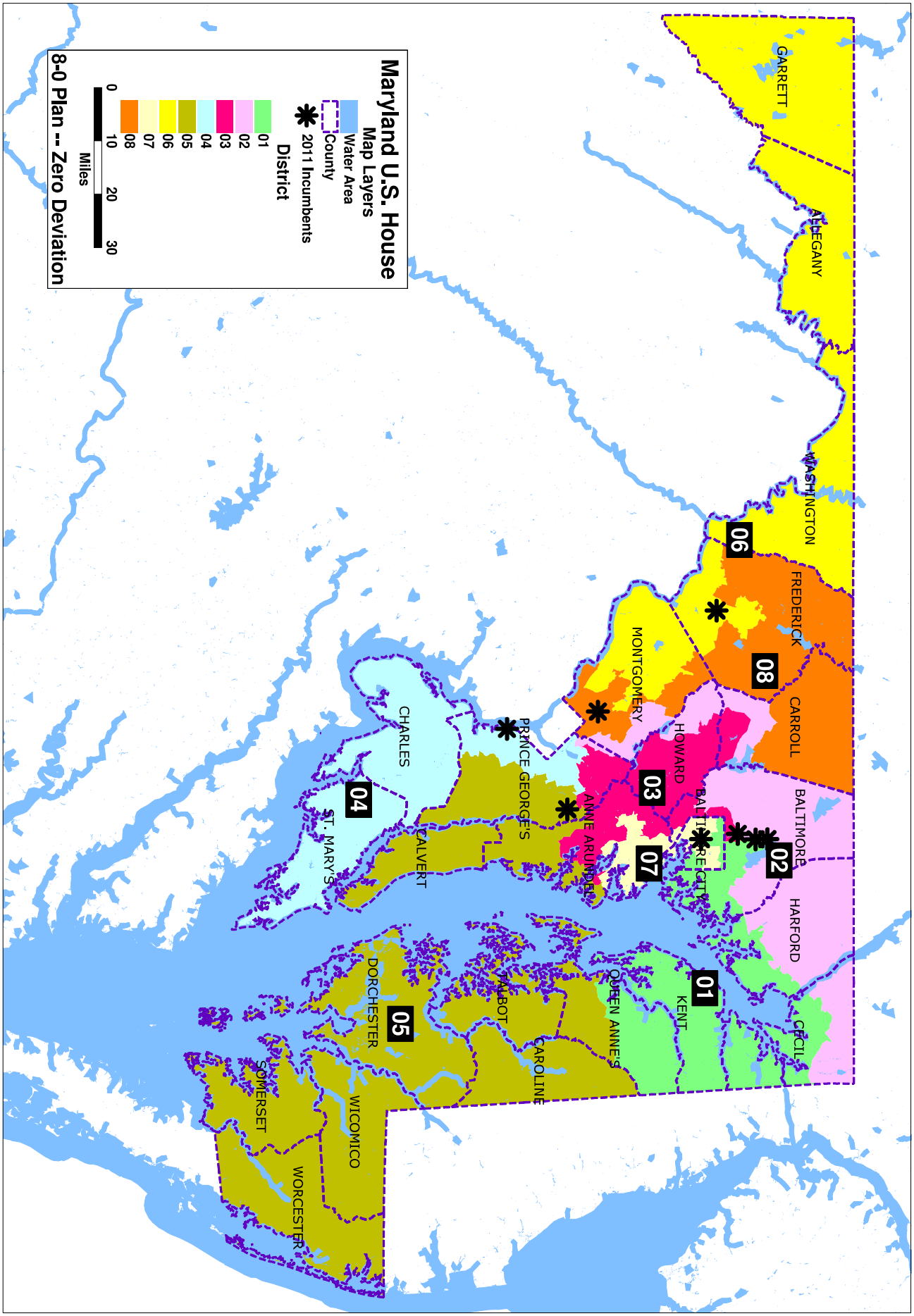
[3] The 2010 Maryland precinct shapefile, which I used as an overlay in preparing the 8-0 Plan, is available for download at:

http://planning.maryland.gov/redistricting/2010/precinct.shtml

[4] Compare attached Exhibit A-3 with Cooper May 6, 2017 Declaration, Exhibit B-3.

Exhibit A-1


Maryland U.S. House
Map Layers
Water Area
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8-0 Plan -- Zero Deviation
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ALLEGANY
WASHINGTON
FREDERICK
CARROLL
BALTIMORE
HARFORD
CECIL
MONTGOMERY
HOWARD
BALTIMORE CITY
ANNE ARUNDEL
PRINCE GEORGE'S
CHARLES
ST. MARY'S
CALVERT
QUEEN ANNE'S
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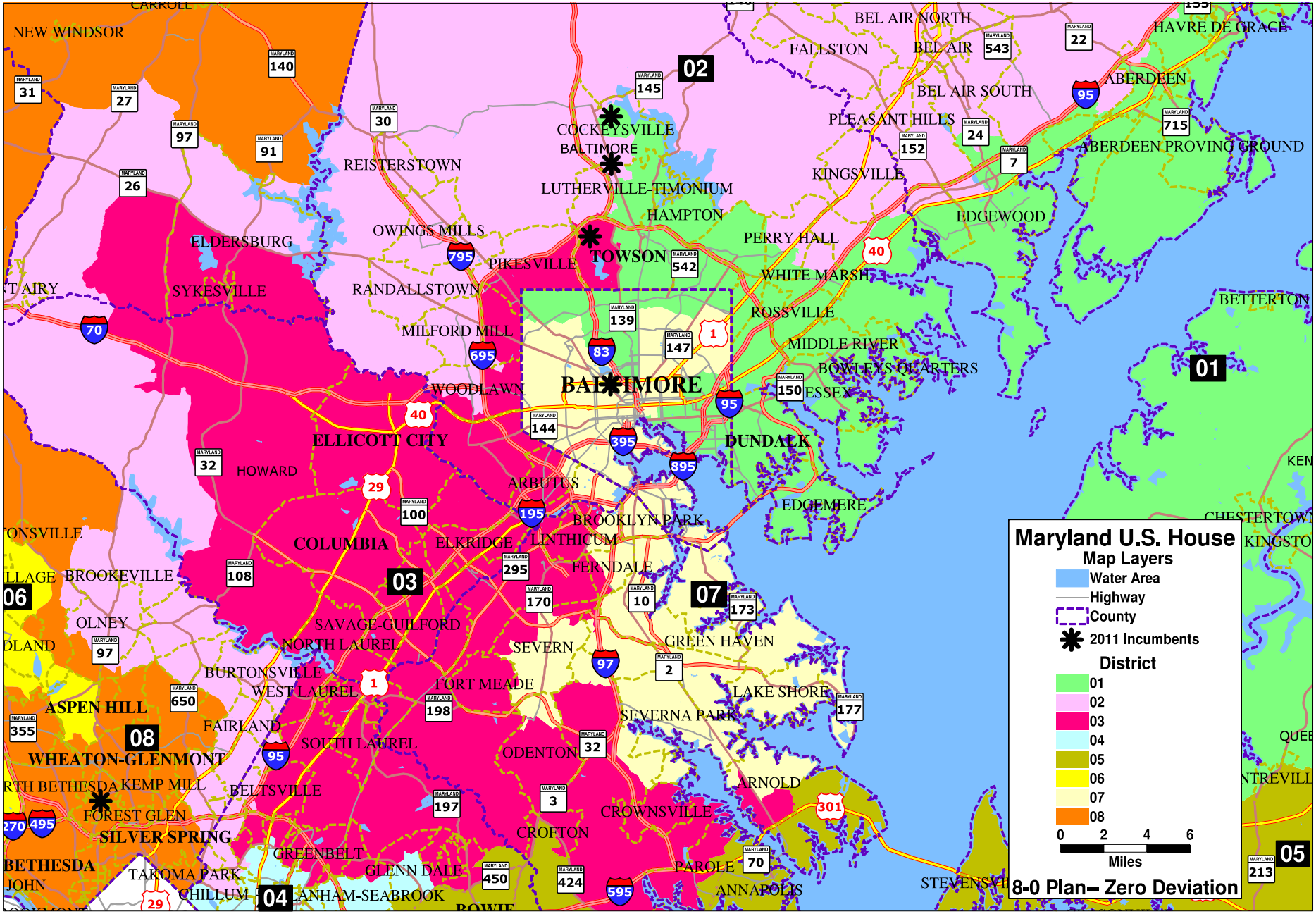
Exhibit A-2


Maryland U.S. House
Map Layers
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Miles
8-0 Plan-- Zero Deviation
BALTIMORE
TOWSON
COCKEYSVILLE
DUNDALK
ELLICOTT CITY
COLUMBIA
SILVER SPRING
WHEATON-GLENMONT
ASPEN HILL
BETHESDA
ROWIE
ANNAPOLIS
ABERDEEN
HAVRE DE GRACE
NEW WINDSOR
REISTERSTOWN
OWINGS MILLS
PIKESVILLE
RANDALLSTOWN
SYKESVILLE
ELDERSBURG
LUTHERVILLE-TIMONIUM
HAMPTON
PERRY HALL
WHITE MARSH
ROSSVILLE
MIDDLE RIVER
ESSEX
EDGEWOOD
ABERDEEN PROVING GROUND
BEL AIR
BEL AIR NORTH
BEL AIR SOUTH
FALLSTON
KINGSVILLE
PLEASANT HILLS
BETTERTON
WOODLAWN
MILFORD MILL
ARBUTUS
BROOKLYN PARK
LINTHICUM
ELKRIDGE
FERNDALE
EDGEMERE
SEVERN
SEVERNA PARK
GREEN HAVEN
LAKE SHORE
ODENTON
CROFTON
ARNOLD
CROWNSVILLE
PAROLE
SAVAGE-GUILFORD
NORTH LAUREL
WEST LAUREL
BURTONSVILLE
FORT MEADE
FAIRLAND
SOUTH LAUREL
BELTSVILLE
KEMP MILL
FOREST GLEN
GREENBELT
GLENN DALE
TAKOMA PARK
CHILLUM
LANHAM-SEABROOK
OLNEY
BROOKEVILLE
HOWARD
TAIRY
ONSVILLE
LLAGE
DLAND
RTH BETHESDA
JOHN
STEVENSVI
KEN
QUEE
NTREVILL
CHESTERTOWN
KINGSTO

Exhibit A-3

Population Summary Report

Maryland U.S. House, 8-0 Plan — April 17, 2017 Zero Deviation

District	Adjusted Population	Deviation	% Deviation	Adjusted Single-Race Black	% Adjusted Single-Race Black	Adjusted 18+ Population	Adjusted 18+ Black	% Adjusted 18+ Black	% Unadjusted 18+ Hispanic	% Unadjusted 18+ NH White	2008 Presidential (Democratic percentage)
01	721529	0	0.00%	153554	21.28%	570231	111727	19.6%	4.7%	70.6%	54.9%
02	721529	0	0.00%	166841	23.12%	548144	122444	22.4%	8.6%	62.2%	52.3%
03	721529	0	0.00%	187995	26.06%	547820	137462	25.1%	6.2%	57.3%	61.7%
04	721529	0	0.00%	406602	56.35%	542763	302995	55.8%	9.7%	29.9%	79.0%
05	721529	0	0.00%	226295	31.36%	557370	167997	30.1%	4.0%	62.5%	57.1%
06	721529	0	0.00%	87435	12.12%	545070	61486	11.3%	10.1%	66.4%	55.5%
07	721528	-1	0.00%	388601	53.86%	552738	288527	52.2%	3.3%	41.2%	72.1%
08	721529	0	0.00%	82036	11.37%	555131	62475	11.3%	11.9%	66.7%	62.1%
Total	**5772231**		**0.00%**	**1699359**	**29.44%**	**4419267**	**1255113**	**28.40%**	**7.3%**	**57.22%**	

Note: 2008 vote by precinct reported by Harvard Election Data Archive

Stephen Ansolabehere; Jonathan Rodden, 2011, "Maryland Data Files", hdl:1902.1/15549 V3 [Version]

Duplicate vote counts in 11 Montgomery County consolidated precincts have been removed from the Harvard dataset

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

O. JOHN BENISEK, *et al*.,	*	
Plaintiffs,	*	
v.	*	Case No. 13-cv-3233
LINDA H. LAMONE., *et al*.,	*	
Defendants.	*	

* *

DECLARATION OF YAAKOV WEISSMANN

I, Yaakov Weissmann, under penalty of perjury, declare and state:

1. I, Yaakov "Jake" Weissmann, am over the age of eighteen and competent to testify on the matters stated below.

2. I have served as a staff member to Senate President Thomas V. Mike Miller, Jr. since July 2009. When I began my service I was a junior member of the staff and Patrick Murray was Deputy Chief of Staff. Victoria Gruber served, and still serves as Chief of Staff. In 2011, Senate President Miller assigned the general topic of redistricting to Mr. Murray's portfolio of matters and Mr. Murray asked me to assist him.

3. My first work on redistricting began in January 2011 when I met with the Department of Legislative Services with Mr. Murray, Jeremy Baker, who was a staff member to House Speaker Michael Busch, and staff from the Department of Legislative Services to be trained to use the Maptitude redistricting software. We also learned and discussed what data would be available from the Census~~,~~ later in the spring.

4. To the best of my recollection, in or around January or February, 2011, Mr. Murray and I were provided with a laptop that had been prepared by the Department of Legislative Services with the 2010 Census data, as adjusted for Maryland's No Representation Without Population Act. The laptop also included party registration data and voter turnout data. At some later time we received two data files that contained Democratic Performance Index information at the precinct level—the first file contained

unreliable data, but the second appeared to be reliable. I cannot recall who provided the data we ultimately used. None of the data sets we had available gave data at an address level and we did not examine information at an address level.

5. Occasionally, we examined census blocks. The only data available at a census block level, other than 2010 Census data, was registration and turnout data. The Democratic Performance Index data was available at the precinct level only (although the mapping software will display a number for the Census Block, I cannot ever recall looking at that number and, because the Democratic Performance Index is calculated using election returns, it is not meaningful at lower than a precinct level). Election results data from the State Board of Elections was not integrated into the mapping software, although it is possible that we consulted those results from time to time. I have no specific recollection of doing so with respect to congressional redistricting. When drawing district lines, the software program did not permit us to split census blocks.

6. Because I was more technologically proficient, and, as a junior staffer, had more time in my schedule, I became the person primarily charged with using the Maptitude software to create draft plans.

7. I began working with staff members from the Governor's office in or around July, 2011 to assist them with drawing the Governor's Redistricting Advisory Committee 2011 Congressional map. These staff included Joseph Bryce, Secretary of State John McDonough. Pat Murray and Jeremy Baker were also part of this group. As part of that work I attended several of the GRAC's public hearings. From time to time, Jeanne Hitchcock, chair of the Governor's Redistricting Advisory Committee and Richard Hall, Secretary of Planning would join our workgroup to provide feedback, including feedback from the public hearings and other stakeholders. We also looked at and considered a variety of third-party plans including the plan submitted to the Governor's Redistricting Advisory Committee by the Maryland Republican Party.

8. Sometime in the middle of August, 2011, our group received a draft map that was provided by a member of the Governor's staff, although I cannot remember who provided it. I understood this draft map to be a map that the Maryland United States Congressional Delegation had presented to the Governor. A printout of the map is attached as Exhibit A to this affidavit. I have examined Exhibit B to this affidavit and believe it to be the same or a substantially similar map.

9. The map depicted as Exhibit A was not acceptable. The group of staff tasked with developing a plan therefore sought to create a plan that would be acceptable to the Commission. We made a series of major changes that included keeping 1) Washington

County intact; 2) Frederick City intact;[1] 3) Hagerstown intact; 4) Westminster intact; 5) the number of districts in Prince George's County to just two by drawing the Third and the Eighth Districts so that they did not include population from Prince George's County; 6) the number of districts in Montgomery County to three by drawing the Fourth District so that it did not include population from Montgomery County; and 7) the I-270 corridor as a major feature of the Sixth district, connecting Frederick with Montgomery County. We also made other changes to improve the visual compactness of the districts throughout the map as compared to the draft map provided by the Congressional delegation.

10. When we were preparing the plan for the GRAC's approval we also understood that an option should be presented that eliminated the Chesapeake Bay crossing the First District by removing the Anne Arundel County District One population. Because of GRAC's other goals, including reducing the number of congressional districts in Prince George's County, maintaining majority-minority districts, and incumbent protection, development of this map required the Sixth District to expand southward into Montgomery County. For example, keeping the addresses of all incumbents in their districts was not simple in the north-east sector of the map, where three incumbent congressional representatives lived in close proximity to each other.

11. When drawing the Sixth and Eighth Districts, the staff intended to place the entirety of Frederick City into the Sixth District and the entirety of Rockville, Maryland into the Eighth District. In the process of preparing this affidavit I examined maps prepared by the Department of Planning and attached as Exhibit A to the declaration of Shelly Aprill and the map files produced in this case, and realize that there was a trivial split of each city. In Frederick City, I do not know how this split occurred, because I recollect selecting the boundaries of the municipality in Maptitude for inclusion in the Sixth District when drawing the district lines in that area. In Rockville, it appears that the boundaries of precinct 04-020 were followed rather than the municipal boundary in one instance. I cannot recall if this was done purposefully to avoid a precinct split or whether I selected Rockville's municipal boundaries in Maptitude like I did for Frederick City, but I do recall that Rockville in its entirety was intended to be placed in the Eighth District. Examining the map file from which the text of Senate Bill 1 was prepared, it appears that there are 0 residents in the area of Frederick City contained in the Eighth and that there are 4 residents in the area of Rockville contained in the Sixth District.

12. At one point, our group considered a map that would have created the possibility that eight Democratic and zero Republican congressional representatives could be elected, but this map was not seriously considered for adoption.

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[1] As explained below, it was our intent to keep Frederick City intact.

13. As staff, we developed at least three plans, but it may have been four, to discuss and share with the GRAC. These plans were presented to GRAC who voted on a plan that was announced, and that plan was presented to the Governor. After the GRAC's announcement and presentment, the Governor made slight additional changes. This map was ultimately provided to the Department of Legislative Services to be translated into the text of Senate Bill 1.

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

6/29/17
Date

Yaakov Weissmann

Exhibit A

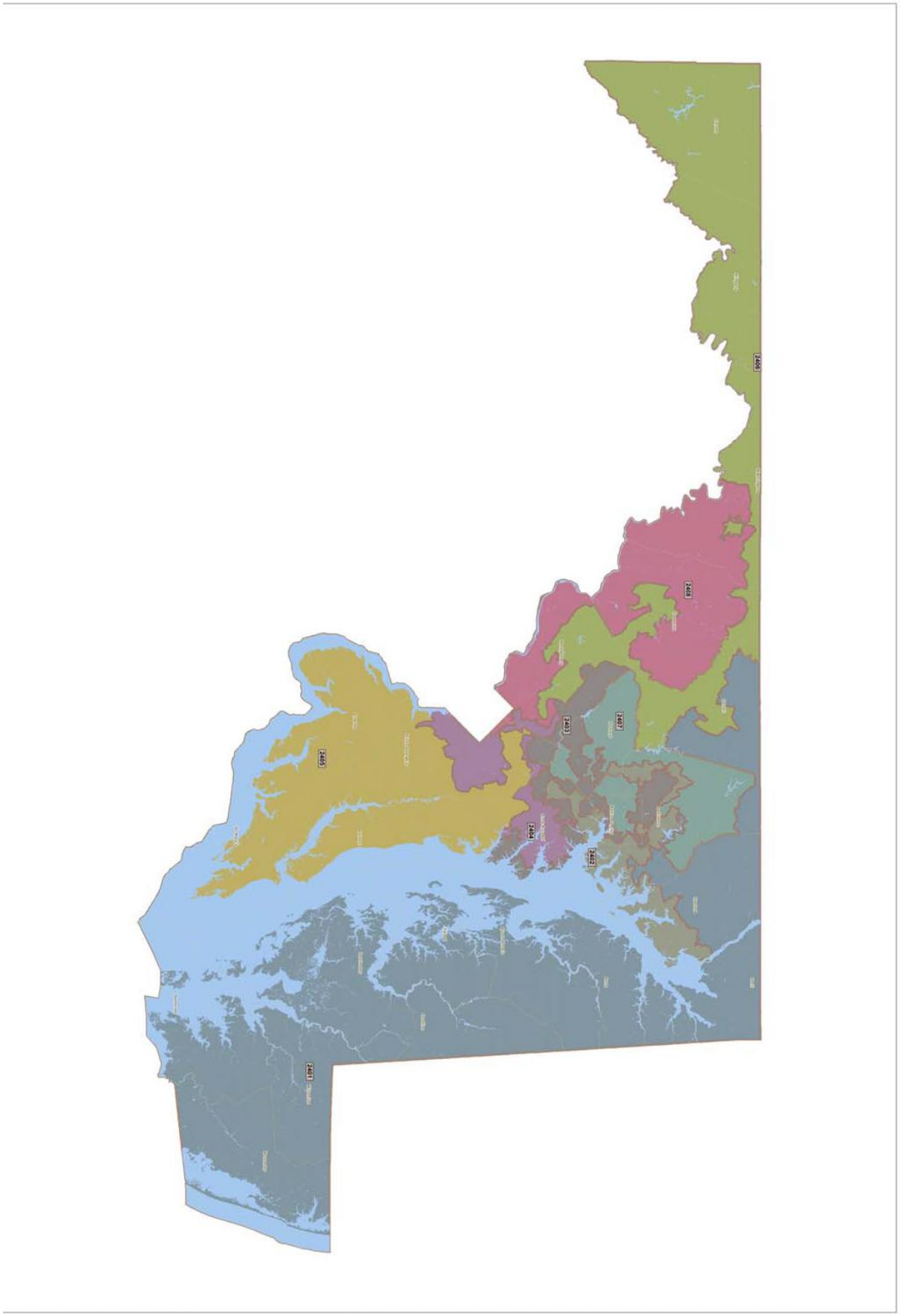
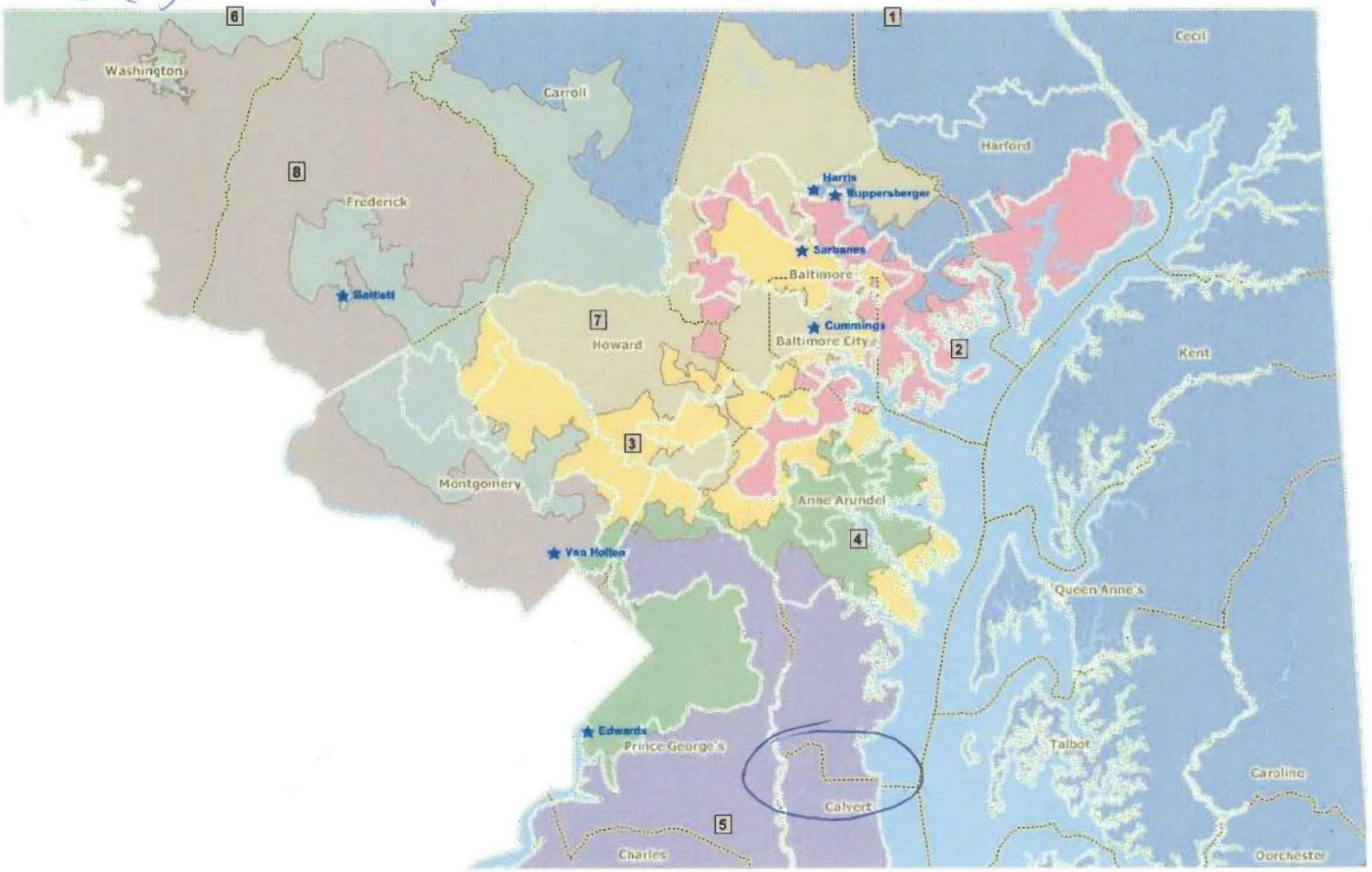

2466
2468
2403
2407
2497
2494
2423
2491

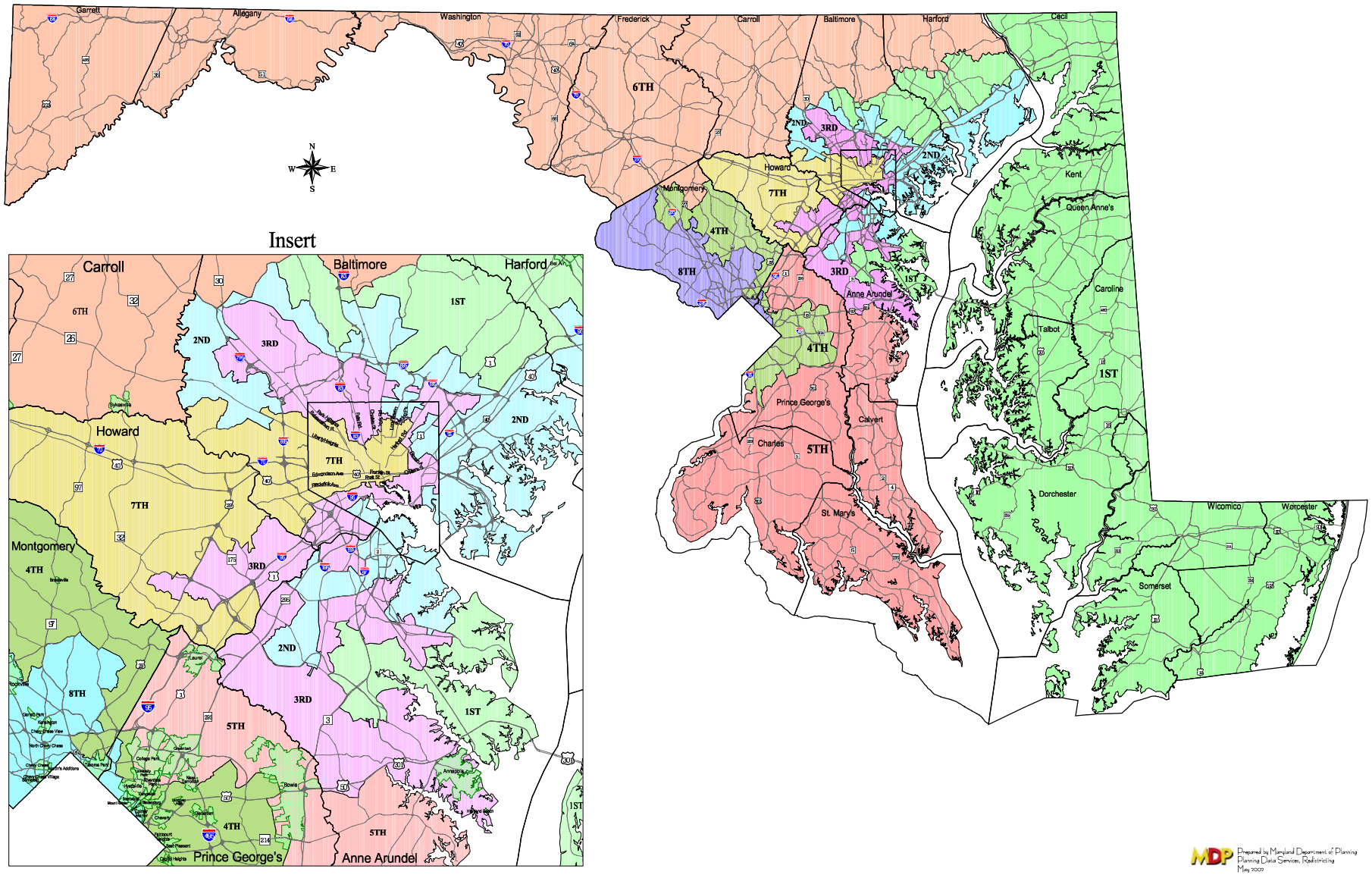
Exhibit B

Delegation Proposal



2002 CONGRESSIONAL DISTRICTING PLAN

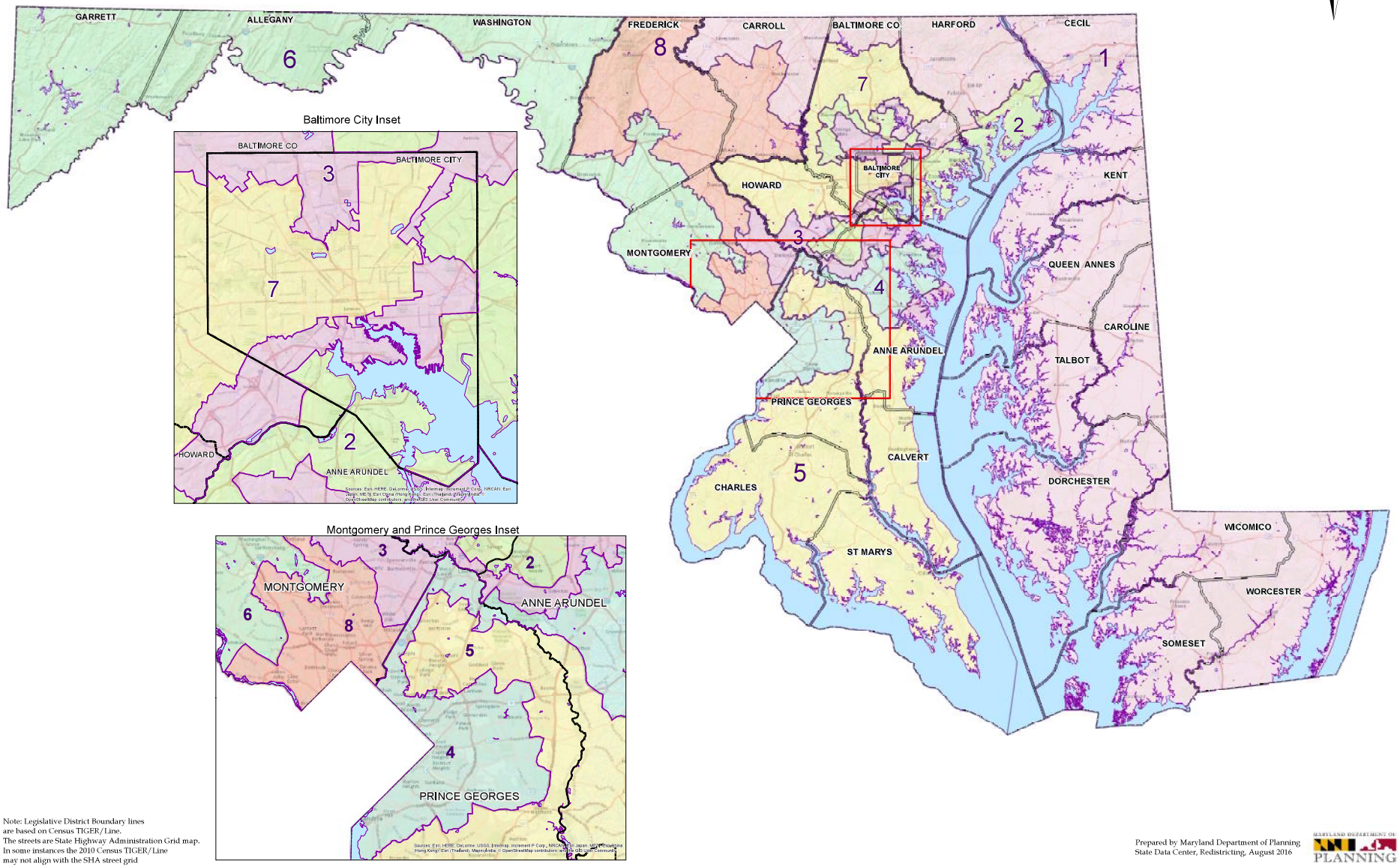
Senate Bill 805 May 6th, 2002



Prepared by Maryland Department of Planning
Planning Data Services, Redistricting
May 2002

Maryland 2011 Congressional Districts

Senate Bill 1, October 20, 2011



Note: Legislative District Boundary lines are based on Census TIGER/Line. The streets are State Highway Administration Grid map. In some instances the 2010 Census TIGER/Line may not align with the SHA street grid

Prepared by Maryland Department of Planning
State Data Center, Redistricting, August 2016

MARYLAND DEPARTMENT OF PLANNING

Appendix A - 3

POPULATION CHANGE and VARIANCE from IDEAL - ADJUSTED 2010 CENSUS POPULATION COUNTS by EXISTING 2002 CONGRESSIONAL DISTRICT
Senate Bill 805, May 6, 2002

Note: This report is based on Census 2010 P.L. 94-171 Redistricting Data (Maryland) and is **ADJUSTED** for the use of Maryland Redistricting pursuant to the "No Represenation Without Population" Act (SB 400\HB 496) passed into Maryland law in 2010. Maryland census data **must be ADJUSTED** for the purposes of creating congressional, state legislative, and local districting plans. Generally, the law requires that the census data must be adjusted to reassign Maryland residents in State & Federal correctional institutions to their last known address, and to exclude out-of-state residents in correctional institutions from redistricting.

Variance from Ideal District Population
Ideal Congressional District Population 2000: 662,061
Ideal Congressional District UnAdjusted Population 2010: 721,694
Ideal Congressional District AdJustedPopulation 2010: 721,529

2002 Congressional District	Total Census Population 2000	2000 Ideal Congressional District Population	UnAdjusted Total Census Population 2010	Adjusted Total Census Population 2010	2010 AdJusted Ideal Congressional District Population	Net Change	Net Pct Change	Adjusted Variance from Ideal Popn. Deviation	Percent
Maryland	***5,296,486***	662,061	**5,773,552**	***5,772,231***	721,529	**-1,321**	**0.0%**		
01	662,062	662,061	744,275	743,067	721,529	**-1,208**	-0.2%	21,538	3.0%
02	662,060	662,061	700,893	703,824	721,529	**2,931**	0.4%	-17,705	-2.5%
03	662,062	662,061	719,856	716,808	721,529	**-3,048**	-0.4%	-4,721	-0.7%
04	662,062	662,061	714,319	715,674	721,529	**1,355**	0.2%	-5,855	-0.8%
05	662,060	662,061	767,369	768,464	721,529	**1,095**	0.1%	46,935	6.5%
06	662,060	662,061	738,940	731,715	721,529	**-7,225**	-1.0%	10,186	1.4%
07	662,060	662,061	659,776	664,091	721,529	**4,315**	0.7%	-57,438	-8.0%
08	662,060	662,061	728,124	728,588	721,529	**464**	0.1%	7,059	1.0%

Definition: The "ideal" district population is equal to the total state population divided by the total number of districts."Absolute deviation" is the degree by which a single district's population varies from the "ideal" population.
this difference is expressed as a plus or minus number, meaning that the district's population exceeds or falls short of the "ideal" by that number of people.
The percent deviation is the percent, plus or minus, that the district's actual population deviates from the "ideal" population.

Note: The district totals include minor corrections in the assignment of census tabulation blocks to voting districts/precincts. The corrections to the P.L.94-171 U.S. Bureau of the Census file were made by Maryland Department of Planning and Department of Legislative Services.
The 2010 Population for Congressional and Legislative Districts are derived and based on the assignment of voting district/precincts to districts as provided by Local Board of Elections and adjusted by the Maryland Departments of Planning, Legislative Services and Public Safety and Correctional Services pursuant to the "No Represenation Without Population" Act.

MDP **Report** prepared by the Maryland Department of Planning, Clearinghouse, Redistricting, May 2011.

U.S. Election Assistance Commission invited me to be a panelist on poll worker recruitment, training and retention at its public meeting on May 25, 2006. Invited participant in a planning session sponsored by the PEW Charitable Trusts as part of their "Make Voting Work" initiative.

In 2011, I was retained to assist the Baltimore City Council in its redistricting process for the drawing of city council district lines. This task involved attending numerous public hearings and meetings as well as drafting proposals of council district boundary lines for consideration by the Baltimore City Council. I also provided analysis of the city council redistricting plans proposed by the Mayor of Baltimore City, council members and the public. I prepared a lengthy report with maps as part of my work. In addition to advising and consulting with the Baltimore City Council on its redistricting process, I chaired the 2010 Citizens Committee for Baltimore City at the request of the Mayor. Again, my responsibility was to coordinate with the U.S. Census Bureau and work with advocacy groups, businesses, city agencies, community, and neighborhood groups to secure the maximum participation of Baltimore City residents in the 2010 Census.

Publications

- Herbert C. Smith & John T. Willis, "Maryland Politics and Government: Democratic Dominance" (2012)
- John T. Willis, "Presidential Elections in Maryland" (1984)
- John T. Willis, "Carroll County," in Western Maryland: A Profile 105 (Thomas H. Hattery, ed., 1980)
- *Election Administration Reports* (John T. Willis, ed., 2008-present)

IV. The Evolution of the Sixth Congressional District

A. Origin of the Sixth Congressional District's Five Counties

The five counties in Maryland's Sixth Congressional District (Allegany, Frederick, Garrett, Montgomery and Washington) share a common origin and heritage as well as have extensive agricultural, economic, geographic, political, religious and social connections. All of the counties

were part of the land designated as Frederick County by an Act of the Maryland Proprietary Assembly on June 10, 1748.[1]

By resolution of the Maryland Constitutional Convention of 1776, passed on September 6, 1776, Montgomery County was created from the lower district of Frederick County and Washington County was created from the upper district of Frederick County.[2] All three counties received recognition under the 1776 Constitution of Maryland and were granted representation in the House of Delegates.[3] The state's first constitution was adopted on November 8, 1776.[4]

Allegany County was created by the Maryland General Assembly on December 25, 1789, from the western portion of Washington County, [5] after the ratification of the U.S Constitution and after the first federal elections were held in Maryland on January 7-10, 1789.[6] Garrett Count was the last county created in Maryland on December 5, 1872, from the western portion of Allegany

[1] "An Act to divide Prince George's County and to erect a new one by the Name of Frederick County." 15 Md. Laws 1748, reported in *Assembly Proceedings May* 10-*June* 11, 1748 142; *available at* http://aomol.msa.maryland.gov/megafile/msa/speccol/sc2900/sc2908/000001/000046/pdf/am46--142.pdf.

[2] 78 Proceedings of the Conventions of the Province of Maryland, held at the City of Annapolis in 1774, 1775 & 1776 242, 242-46 (Baltimore: James Lucas & E.K. Deaver and Annapolis: Jonas Green 1836); available at http://msa.maryland.gov/megafile/msa/speccol/sc2900/sc2908/000001/000078/html/am78--242.html.

[3] "A Declaration of Rights, and the Constitution and Form of Government, Agreed to by the Delegates of Maryland, in free and full Convention assembled." 40-41 (Annapolis: Frederick Green 1776), available at: http://msa.maryland.gov/megafile/msa/speccol/sc2900/sc2908/html/convention1776.html

[4] "Maryland At A Glance: Historical Chronology", Maryland Manual On-Line, available at http://msa.maryland.gov/msa/mdmanual/01glance/chron/html/chron17.html (last visited May 8, 2017).

[5] Chapter 29, Acts of 1789.

[6] John T. Willis, "Presidential Elections in Maryland" 13 (1984).

County.[7] Garrett County, named after John W. Garrett, the president of the Baltimore and Ohio Railroad Company from 1851-1884,[8] first had votes recorded in a federal election in 1874.[9]

The common origin and historical development of the five counties contained in the Sixth Congressional District are aptly described in a chapter entitled "The Green Walls--Western Maryland" in The Old Line State: A History of Maryland, edited by the State Archivist and Commissioner of Land Patents, Dr. Morris L. Radoff, and published by the Maryland Hall of Records Commission. The author of this chapter was Charles McC Mathias, Jr., who became the congressman representing the Sixth Congressional District (1961-1969) and a Maryland U.S. Senator (1969-1987).[10] The early settlement and development of the counties in the current Sixth Congressional District is set forth in great detail in the classic two volume work entitled, History of Western Maryland. Being a History of Frederick Montgomery, Carroll, Washington, Allegany and Garrett Counties from the Earliest Period to the Present Day, compiled and written by J. Thomas Scharf and first published in 1882.

B. History of the Sixth Congressional District

To explain and illustrate the historical development of Maryland's congressional district boundary lines, I have prepared, in conjunction with the Maryland Department of Planning, a set of maps depicting the boundary lines for the state's congressional districts from the first federal election held January 7-10, 1789, to the current congressional district boundary lines approved on October 20, 2011. *See* Appendix A, Maps 1 through 16.

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[7] Chapter 212, Acts of 1872

[8] J. Thomas Scharf, "History of Western Maryland: Being a History of Frederick, Montgomery, Carroll, washington, Allegany and Garrett Counties From the Earliest Period to the Present Day", Vol.II 1511 (Regional Publishing Co. 1968).

[9] *See id.* at 1518 (Garrett County was considered part of the Sixth District in the elections of 1874).

[10] Morris Radoff, ed., The Old Line State, Hall of Records Commission (1971).

On December 22, 1788, the Maryland General Assembly passed the first statute creating congressional district boundary lines in Maryland.[11] The Sixth Congressional District was designated as consisting of Frederick, Washington and Montgomery counties.[12] That 1789 Sixth Congressional District encompasses all of the land contained in the current Sixth Congressional District. *See* Appendix A, Compare Map 1 with Map 16.

The number of members of the U.S. House of Representatives allocated to the state of Maryland pursuant to federal laws implementing apportionment after the decennial U.S. Census, has ranged from five members to nine members. Table 1 sets forth the number of members of the House of Representatives apportioned to Maryland under the United States Constitution after each decennial census since 1789 and the congressional district designations from 1789 through 2016 for each of the counties relevant to this litigation. Table 2 lists the state laws passed by the Maryland General Assembly establishing the congressional district boundary lines within the state.

[11] Chapter 10, Acts of 1788, Second Session, available at http://aomol.msa.maryland.gov/megafile/msa/speccol/sc2900/sc2908/000001/000204/html/am204--317.html.
[12] *Ibid.*

TABLE 1
MARYLAND ELECTION HISTORY
CONGRESSIONAL DISTRICTS of RELEVANT COUNTIES
1789-2020

Years	# Md Rep.	Allegany	Carroll	Frederick	Garrett	Montgomery	Washington
1789-91	6	not formed	not formed	6	not formed	6	6
1792-1800	8	6	not formed	3 and 4	not formed	3	6
1802-1830	9	6	not formed	3 and 4	not formed	3	6
1812-1820	9	6	not formed	3 and 4	not formed	6	6
1822-1830	9	6	not formed	3 and 4	not formed	6	6
1832-1840	8	7	nf; 3 and 6	6 and 7	not formed	6	7
1842-1950	6	2	3	2	not formed	1	2
1852-1960	6	2	3	2	not formed	1	2
1862-1870	5	4	4	4	not formed	5	4
1872-1880	6	6	2	6	6	6	6
1882-1890	6	6	2	6	6	6	6
1892-1900	6	6	2	6	6	6	6
1902-1910	6	6	2	6	6	6	6
1912-1920	6	6	2	6	6	6	6
1922-1930	6	6	2	6	6	6	6
1932-1940	6	6	2	6	6	6	6
1942-1950	6	6	2	6	6	6	6
1952-1960	7	6	2	6	6	6	6
1962-1964	8	6	2	6	6	6	6
1966-1970	8	6	6	6	6	8	6
1972-1980	8	6	6	6	6	6 and 8	6
1982-1990	8	6	6	6	6	6 and 8	6
1992-2000	8	6	6	6	6	4 and 8	6
2002-2010	8	6	6	6	6	4 and 8	6
2012-2020	8	6	1 and 8	6 and 8	6	3, 6 and 8	6

Prepared by J.T. Willis from official election returns and a work in progress, **Maryland Election History** (copy. 04/07/17).

TABLE 2
MARYLAND ELECTION HISTORY
Acts of Maryland General Assembly
Creating Congressional Districts
(1788-2011)[13]

1. Acts of 1788 (Reg. Sess.), Chapter X (created six congressional districts (CDs))

2. Acts of 1791 (Reg. Sess.), Chapter LXII (provided for 8 or 9 CDs depending upon census results)

3. Acts of 1832 (Reg. Sess.), Chapter 275 (created eight CDs)

4. Acts of 1843 (Reg. Sess.), Chapter 16 (created six CDs)

5. Acts of 1862 (Reg. Sess.), Chapter 228 (created five CDs)

6. Acts of 1872 (Reg. Sess.), Chapter 418 (created six CDs)

7. Acts of 1902 (Reg. Sess.), Chapter 136 (recreated six CDs)

8. Acts of 1951 (Reg. Sess.), Chapter 143 (created seven CDs)

9. Acts of 1961 (Reg. Sess.), Chapter 206 (created eight CDs)[14]

10. Acts of 1963 (Reg. Sess.), Chapter 380 (created eight CDs)[15]

11. Acts of 1971 (Special Sess.), Chapter 353 (created eight CDs)

12. Acts of 1982 (Reg. Sess.), Chapter 106 (created eight CDs)

13. Acts of 1991 (2nd Special Sess.), Chapter 4 (created eight CDs)

14. Acts of 2002 (Reg. Sess.), Chapter 340 (created eight CDs)

15. Acts of 2011 (Special Sess.), Chapter 1 (created eight CDs)[16]

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[13] Prepared by J.T. Willis from official election returns and a work in progress, **Maryland Election History** (copy. 04/07/17)

[14] The boundary lines drawn by the General Assembly were petitioned to referendum and rejected at the general election on November 6, 1962.

[15] The boundary lines drawn by the Maryland General Assembly were petitioned to referendum but federal district court stayed the conduct of the election pending judicial challenges. The 1966-70 congressional district boundary lines were court-ordered on May 3, 1966, in *Maryland Citizens Committee for Fair Congressional Redistricting, Inv. v. Tawes,* 253 F. Supp. 731 (D. Md. 1966).

[16] The boundary lines drawn by the Maryland General Assembly were petitioned to referendum and approved by the voters at the general election on November 6, 2012.

An examination of these Maryland congressional district maps and tables reveals a long-standing connection between Montgomery County and the rest of the western counties in the Sixth Congressional District. As previously stated, Montgomery County along with Frederick County and Washington County comprised the initial Sixth Congressional District for the first federal congressional election in 1789. *See* Appendix A, Map 1. For the forty-seven (47) regular congressional elections held from 1872 through 1964 spanning ninety-four years, the entirety of Montgomery County was part of the Sixth Congressional District along with Allegany, Frederick, Garrett and Washington counties. *See* Appendix A, Maps 7 through 10. The entirety of Montgomery County has been a part of the sixth congressional district for forty-nine out of the 115 regular congressional elections since 1789. *See* Appendix A, Maps 1, 7 through 10. A portion of Montgomery was included in the Sixth Congressional District in another eighteen (18) congressional elections covering twenty-six years (1972-1980, 1982-1990, 1992-2000, 2012-2016). *See* Appendix A, Maps 12, 13, 15, 16.

After the state of Maryland was allocated eight members of the U. S. House of Representatives subsequent to the first federal census taken in 1790, Montgomery County was joined with the eastern part of Frederick County by the Maryland General Assembly in a Third Congressional District for the five congressional elections held from 1792 to 1800. *See* Appendix A, Map 2. After the state of Maryland was allocated nine members of the U.S. House of Representatives pursuant to the 1800 Census, Montgomery County remained joined with Frederick County in a Third Congressional District for another fifteen congressional elections, covering thirty years from 1802 through 1832. *See* Appendix A, Map 3. For the ten congressional elections from 1833 to 1840 when the state's members of the U.S. House of Representatives was reduced to eight following the 1830 Census, Montgomery County was joined with Frederick County (and

in 1838 and 1840 with a portion of Carroll County), in the Sixth Congressional District. *See* Appendix A, Map 4.

The congressional district history of Montgomery County stands in contrast to Carroll County, which was created in 1837 out of an eastern portion of Frederick County and a northwestern portion of Baltimore County. Pursuant to Chapter 294 of the Acts of 1836, the western portion of Carroll County was placed in the Third Congressional District with an eastern portion of Frederick County and the entirety of Montgomery County. *See* Appendix A, Map 4. The eastern portion of Carroll County was assigned to the Sixth Congressional District along with Baltimore County, Harford County, and parts of Baltimore City. *Id.* After the 1840 census, Maryland's number of members in the U.S. House of Representatives was reduced from eight to six and Carroll County was placed in the Third Congressional District along with Baltimore County, Howard County, and Baltimore City for the next twenty years from 1842 to 1860. *See* Appendix A, Map 5. When Maryland's congressional delegation was reduced to only five members after the 1860 Census, the General Assembly placed Carroll County in a Fourth Congressional District along with the western Maryland counties for ten years from 1862 to 1870. *See* Appendix A, Map 6. However, when Maryland's representation was increased to six members after the 1870 Census, Carroll County was placed in the Second Congressional District along with Baltimore County, a portion of Baltimore City, Cecil County, and Harford County for thirty years. *See* Appendix A, Map 7. After the 1900 Census, Carroll County again was assigned to the Second Congressional District together with Baltimore County, a portion of Baltimore City, and Harford County for the next fifty-four years until the 1966 congressional elections. *See* Appendix A, Maps 8 through 10.

On May 3, 1966, a federal district court panel ordered a redistricting plan for the 1966 to 1970 congressional elections, as a result of lawsuits challenging attempts of the Maryland General Assembly to draw eight congressional districts.[17] The court's redistricting plan, depicted in Appendix A, Map 11, placed Carroll County into a Sixth Congressional District with Allegany, Frederick, Garrett, and Washington Counties, and a part of Howard County as the court endeavored to achieve congressional districts of substantially equal population.[18] This judicial action placed Carroll County in a district with other counties with which it had not been joined since the state of Maryland was reduced to only five members in the House of Representatives after the 1860 Census.

In summary, the political connection of Montgomery County to Frederick County and the other Maryland counties in the Sixth Congressional District is consistent with the historical redistricting decisions of the Maryland General Assembly for 229 years that have reflected cultural, demographic, economic, geographic, transportation, and political factors. In forty-nine congressional elections covering ninety-eight years, the entirety of all of the counties were together in a single congressional district. In another eighteen regular congressional elections covering thirty-six years, a portion of Montgomery County has been included in the Sixth Congressional District with the western Maryland counties. In addition, the entirety of Montgomery County was included, with a portion of Frederick County, in a common congressional district for another twenty regular congressional elections spanning 40 years.

Further, the inclusion of a portion of Carroll County in the First Congressional District with the northern portions of Baltimore County and Harford County as well as Cecil County represents

[17] *Maryland Citizens Comm. for Fair Cong. Redistricting, Inc. v. Tawes*, 253 F. Supp. 731 (D. Md. 1966).
[18] *Id.* at 736-37.

a return to historical congressional district alignments that had existed for ninety-four years from 1872-1964 and is not a significant break with Maryland's political history. In addition, the inclusion of a portion of Carroll County in the Eight Congressional District with a portion of Montgomery County is a reconnection of boundary lines that existed at the time of the formation of Carroll County. Portions of Montgomery County also shared the Sixth Congressional District with Carroll County for fifteen congressional elections spanning 30 years from 1972-1980, 1982-1990, and 2002-2010.

V. The Principal Factors in Creating Maryland's Congressional Boundaries

The delineation of congressional district boundary lines by the Maryland General Assembly after the report of the decennial U.S. Census requires a careful consideration and balancing of multiple factors and is subject to a variety of influences, the most significant being population changes and geography.

In Maryland, congressional district boundaries are confined by, limited by, and constrained by, the state's unique shape, relatively small geographic size and widely disparate population densities that have fluctuated dramatically in the 220 years between the 1790 Census and the 2010 Census.

Marylanders, and their political leadership, have always been aware of, and sensitive to, the state's diverse geography, the state's distinct regions, and changing population patterns.

A. Population Migration and Demographic Changes

Population changes in the State of Maryland are presented in another set of Exhibit Maps reflecting the state's population from the 1800 Census to the 2000 Census. The red and blue areas of each Census Map of Maryland represent fifty percent of the state's population. This set of maps vividly shows the pressure generated by population shifts on the process and decision-making

involved in the shaping of congressional district boundary lines. Notably, the sixty-year general trend of increasing population in the western side of Maryland is continuing and will influence future redistricting plans.

These population shifts have generated changes in legislative and congressional district boundary lines throughout the history of Maryland. The adoption of each of Maryland's four state constitutions was accompanied by changes in the apportionment of the Maryland General Assembly as was the addition of four counties in 1789, 1837, 1851, 1867, and 1872. Congressional district boundary lines were changed to roughly reflect population shifts when the size of the state's delegation to the House of Representatives has changed as a result of the federal apportionment process.

Subsequent to the reapportionment court decisions of the 1960s, Maryland's congressional districts have had to be altered in an effort to achieve population equality because congressional districts do not have the same population gains and losses during the ten-year periods between the controlling U.S. Census. The population contained within congressional district boundary lines at the time the congressional district boundary lines were approved often varies significantly with the population within their respective boundary lines as found by the ensuing federal census. Accordingly, based on census data, congressional district boundary lines must change every ten years. It is also manifest that if one congressional district boundary line is changed that change will have an effect on the boundaries of other congressional districts. With regard to the current Sixth Congressional District, an analysis cannot simply start with a preferred boundary line for that district alone. Indeed, based on my own experience as well as academic research, constructing a congressional district map is a web with changes to one boundary line tugging and pulling on other boundary lines and rippling through the remainder of the congressional districts in the state.

B. Geography and Topography

Central to Maryland's culture, as well as its economic and political development, is the relationship of the land to navigable bodies of water. The Chesapeake Bay divides the land mass of the state into an Eastern Shore and a Western Shore that prompted the consideration of geography in the 18th and 19th century allocation of elective offices and operation of government. The rivers and tributaries that flow into the Bay often form the boundary lines between counties and political districts and were often the basis for political boundary lines as well as instrumentalities of commerce and sources of water for agriculture, power, and life for nearby communities.

The Potomac River that is the southern boundary line of the Sixth Congressional District separating Maryland from the Commonwealth of Virginia is a prominent example of the importance of a waterway. The Charter of the Province of Maryland granted to the Calvert family by King Charles of England in 1632 described the dividing line between the Commonwealth of Virginia and the Province of Maryland from its western point, "the first Fountain of the River of Pattowmack [Potomac], thence verging toward the South, unto the further Bank of the said River, and following the same on the West and South, unto a certain Place, called Cinquack, situate near the Mouth of the said River, where it disembogues into the aforesaid Bay of Chesapeake."[19]

The approximately 405 mile length of the Potomac River was, and remains, significant to the development and vitality of Western Maryland and binds the counties of the Sixth Congressional District to a common heritage and concerns. The counties of the Sixth Congressional District share this lengthy, meandering, aquatic boundary line for hundreds of miles from Maryland's most westerly point to slightly above Great Falls located in Montgomery County

[19] Charter of Maryland art. III (1632).

only a few miles from the District of Columbia. In the quest to expand westward and exploit the natural resources of the region, the Potomac River was an important transportation route for water conveyance and a guiding path for railroad and surface road routes necessary to support population growth and economic development.

In the early development of Maryland, the construction of state roads facilitated the linkage between agriculture products and natural resources and the urban, commercial centers emerging around the Port of Baltimore and the District of Columbia. Much of the political and economic activity in Maryland revolved around the competition between The Chesapeake and Ohio Canal Company and the Baltimore and Ohio Railroad in their respective efforts to reach Western Maryland and beyond to the Ohio Valley.[20] This competition redounded to the benefit of the counties in the Sixth Congressional District, just as the interstate highway system and improved state roads link the district to important centers of population and markets. As described by the National Park Service, the beginning of the C&O Canal was "as a dream of passage to Western wealth. Operating for nearly 100 years the canal was a lifeline for communities along the Potomac River as coal, lumber and agricultural products floated down the waterway to market."[21]

VI. Demographic, Economic and Transportation Factors Supporting the Sixth Congressional District

The historical, economic, cultural, social and political connections between Montgomery County and the other counties in the Sixth Congressional District, especially Frederick County is unmistakable and undeniable. Data from the U.S. Census Bureau, the Maryland Department of Planning, the Maryland Department of Labor, Licensing and Regulation, the Maryland

[20] *See generally* Robert J. Brugger, Maryland A Middle Temperament 1634-1980, at 202-06 (The Johns Hopkins Univ. Press 1988).
[21] National Park Service, https://www.nps.gov/choh/index.htm (last visited May 8, 2017).

Department of Transportation and other state agencies along with information compiled by county and municipal offices of planning show the depth of these connections.

A. Migration Patterns

The westward movement of population is not only the story of the historical development of people in Maryland but also similar migration patterns continue in the 21st century. A substantial number of individuals previously living in Montgomery County have moved into Frederick County as well as the Western Maryland counties over recent decades.

The U.S Census Bureau reported that preceding the 2002 Maryland congressional redistricting act, 11,165 individuals moved into Frederick County from Montgomery County from 1995 to 2000.[22] This number represented the largest source of in-migration into Frederick County from any jurisdiction and 27.4% of all in-migration and 51.95 % of all intra-state migration.[23] Continuing the trend, in the five years preceding the 2011 redistricting act, the American Community Survey conducted by the U.S. Census Bureau again found that 45.4% of the intra-state migration and 25.8% of all migration into Frederick County was from individuals previously residing in Montgomery County.[24]

B. Commuting Patterns

The 2008 Frederick County Trends report shows that 23.3% of commuters in Frederick County traveled to Montgomery County every day based on the U.S. Census Journey To Work

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[22] Maryland Department of Planning, Planning Data Services, "Frederick County, 1995 to 2000 Census Based Migration Flows" (August 2003), available at https://planning.maryland.gov/msdc/census/cen2000/Migration/county_to_county/fred_migr9500.pdf.

[23] *Ibid.*

[24] Maryland Department of Planning, "Frederick, Migration Flows From 2006 to 2010 American Community Survey," available at http://www.mdp.state.md.us/MSDC/American_Community_Survey/2006-2010/migration/Flow/fred.pdf.

2000 report.[25] The Maryland Department of Transportation Maryland Traffic Maps show a current annual average daily traffic of over 85,000 vehicles on Interstate 270 between Frederick County and Montgomery County.[26] A review of the department's interactive map vividly demonstrates the commuting connection between the counties as well as its topographic and land use relationships. These commuting relationships have existed for the past two decades.

C. Economic Connections

The substantial economic connection of Montgomery County to Frederick County and the Western Maryland counties is anchored by the activities of the federal government and the Interstate 270 (I-270) Technology Corridor. The research centers of the National Institute of Health in Montgomery County and Fort Detrick in Frederick County are examples of employment opportunities that draw people in both directions through the I-270 and Interstate 70 corridors.

The Maryland Department of Labor, Licensing and Regulation Office of Workforce Information and Performance reports that 26,729 residents of Frederick County (23.7% of the total workforce) were employed in Montgomery County in April 2016, over 22,500 more than work in Washington County to the west, the next highest destination.[27]

The University of Maryland System spans the Sixth Congressional District with Frostburg State University in Frostburg, a campus of the University of Maryland in Hagerstown and the

[25] Frederick County, "Trends and Issues" 30 (April 2008), available at https://frederickcountymd.gov/DocumentCenter/View/280201.

[26] The Maryland Department of Transportation's Maryland Annual Average Daily Traffic (AADT) Locator interactive map is available at http://maryland.maps.arcgis.com/apps/webappviewer/index.html?id=223148a698214294a7b43ed612a4e67d.

[27] "Commuting Patterns: Frederick Workforce Region" (April 2016), available at https://mwejobs.maryland.gov/admin/gsipub/htmlarea/uploads/Frederick_WorkforceRegion_Commuting_Patterns.pdf (last accessed May 8, 2017).

Universities at Shady Grove campus in Montgomery County.[28] Strong community colleges in every county in the Sixth Congressional District enhance the opportunities for the residents of the district.[29]

D. Agricultural Heritage and Preservation

Montgomery County shares the rich soils of the Piedmont Plateau with other counties in the Sixth Congressional District and was a major producer of agricultural products throughout its history.[30] Even today, notwithstanding its status as the most populous Maryland jurisdiction, Montgomery County retains its agricultural heritage. Montgomery County has the highest percentage of farmland under agricultural land preservation easements in the nation.[31] The county has met its goal of over 70,000 acres of farmland preserved and has more acreage devoted to agricultural preservation programs than any county in the country.[32] While there is high-density development in the southern portion of the county and along most of its transportation corridors, the portion of Montgomery County in the Sixth Congressional District has significant agriculture areas. The attached map entitled "Montgomery County: Agriculture Preservation" prepared by the Montgomery County Office of Agriculture depicts the various preservation programs and shows that the protected farmland is located primarily in the northern portions of the county. Appendix 3. The large northwestern area where land is protected from development under a variety of preservation programs is entirely within the Sixth Congressional District.

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[28] University System of Maryland, "Institutions," http://www.usmd.edu/institutions/, last accessed May 8, 2017.

[29] Maryland Manual On-Line, "Maryland At A Glance: Community Colleges," http://msa.maryland.gov/msa/mdmanual/01glance/html/colcom.html (last accessed May 8, 2017).

[30] *E.g.* Scharf, Vol. I at 644-45.

[31] The Office of Land Preservation, Montgomery County, "Agricultural Preservation" (November 21, 2016), https://www.montgomerycountymd.gov/agservices/agpreservation.html (last accessed May 8, 2017).

[32] *Ibid.*

E. Culture and Tourism

Acquired in 1938, the C&O Canal became a National Historic Park in 1971.[33] This 184.5-mile national treasure provides educational and recreational opportunities for the public. A park service map, which can be accessed at ***www.npas.gove/choh***, illustrates the location of the major features of this important park. Five of the six visitor centers are located in the Sixth Congressional District with the sixth located only a few miles south of the district.

VII. Conclusions

- There was a rational and logical basis for the configuration of the Sixth Congressional District in the congressional redistricting plan passed by the Maryland General Assembly on October 18, 2011, and approved by the Governor of Maryland on October 20, 2011.
- The current Sixth Congressional District is consistent with congressional district boundary lines established by the Maryland General Assembly since the first federal election was conducted in 1789.
- The current Sixth Congressional District, following the bends, turns and flow of the Potomac River from the state's furthest southwest corner to just above the Great Falls in Montgomery County, is a natural linkage of geography, culture, economy and the state's history.
- The inclusion of a portion of Carroll County in the First Congressional District with the northern portions of Baltimore County and Harford County as well as Cecil County, represents a return to historical congressional district boundary configurations that existed

[33] John G. Parsons, Chesapeake & Ohio National Historical Park, "General Plan" 4 (January 30, 1976); available at https://www.nps.gov/choh/learn/management/upload/C-O-Canal-NHP-General-Plan-1976.pdf (last accessed May 8, 2017).

for ninety-four years from 1872-1964 and is not a significant break with Maryland's political history.

- The inclusion of a portion of Carroll County in the Eight Congressional District with Montgomery County represents a return to the congressional district boundary lines that existed at the time Carroll County was formed and also other congressional district configurations shared by both counties.

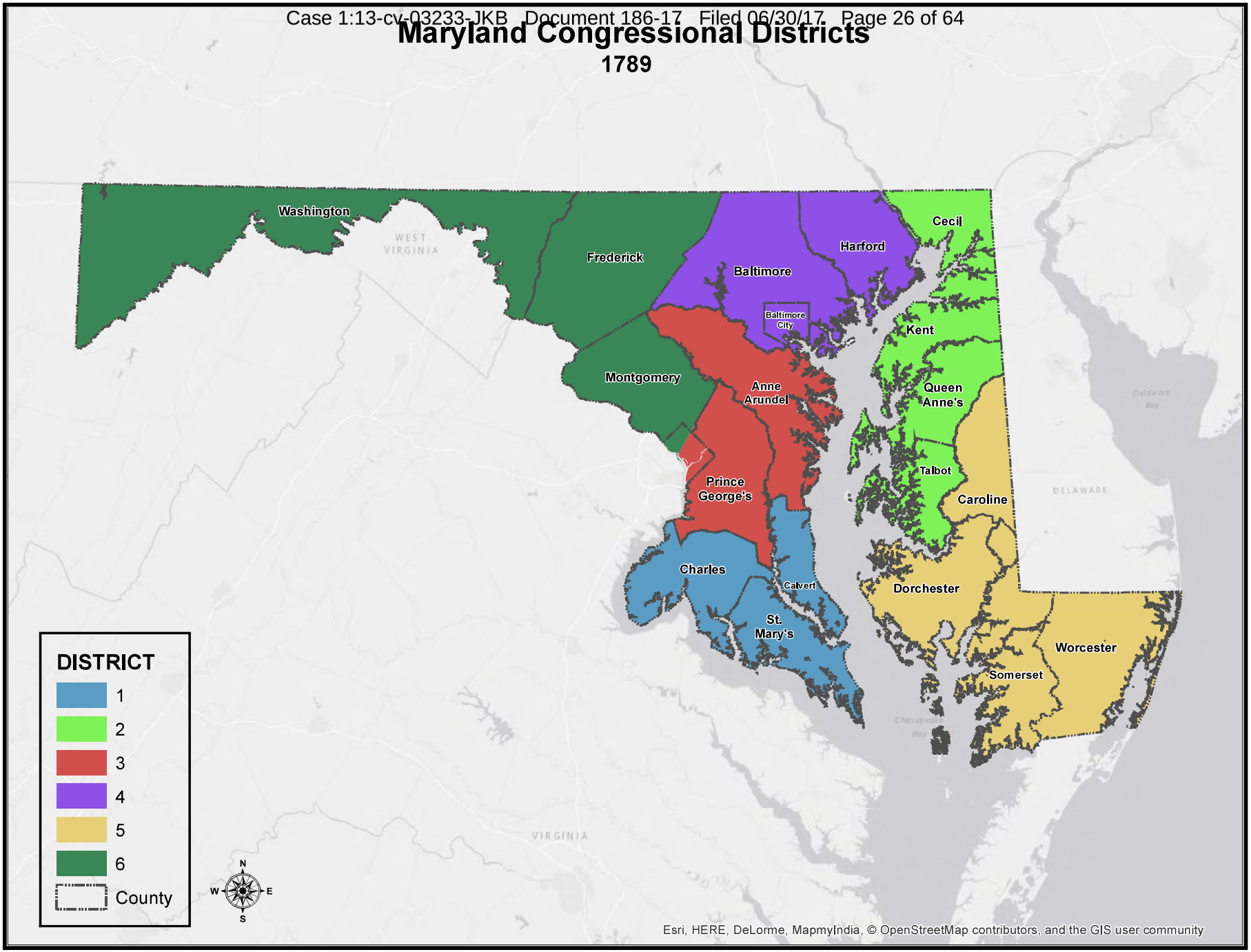
Date: May 8, 2017

John T. Willis

APPENDIX 1

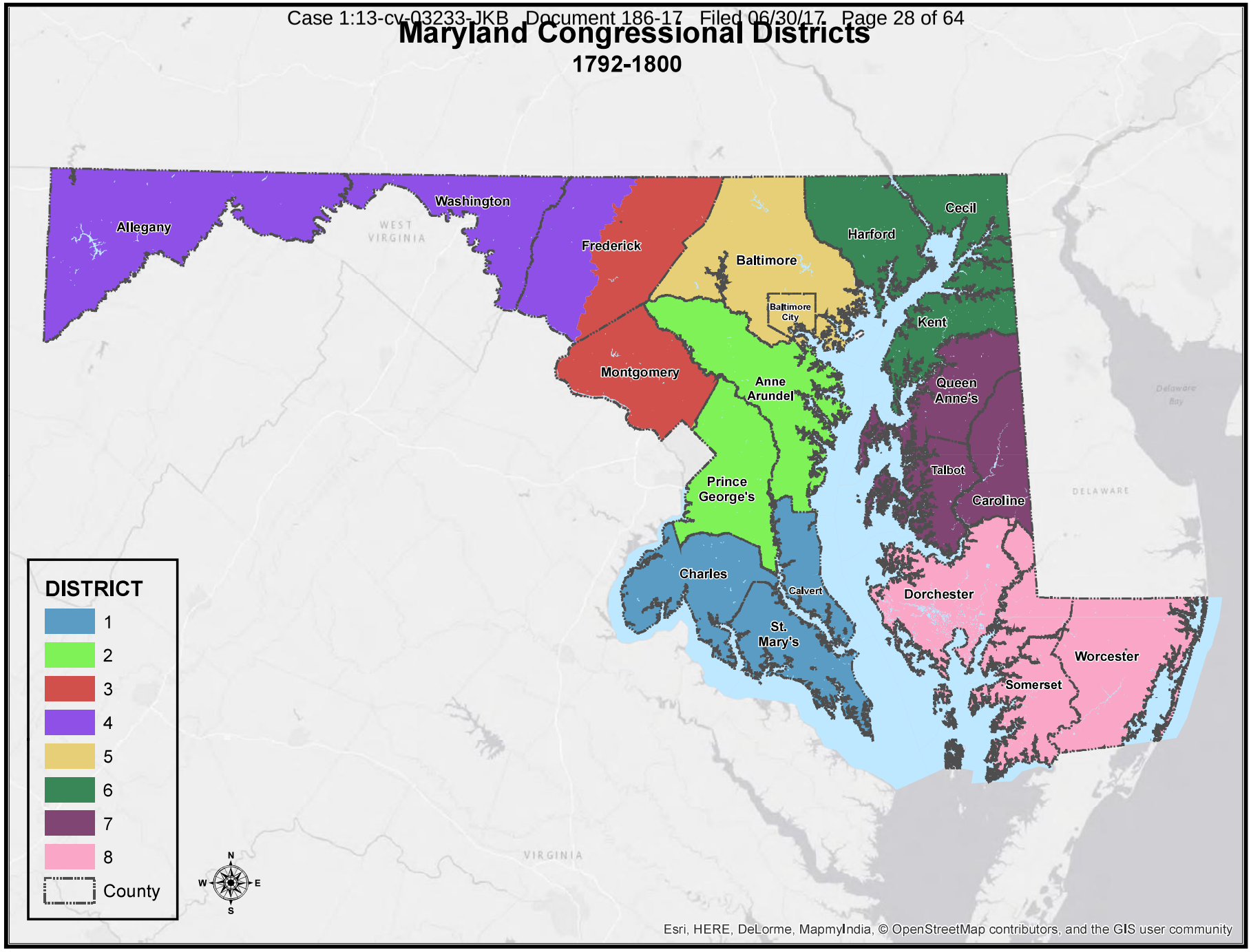
MAP 1

Maryland Congressional Districts
1789



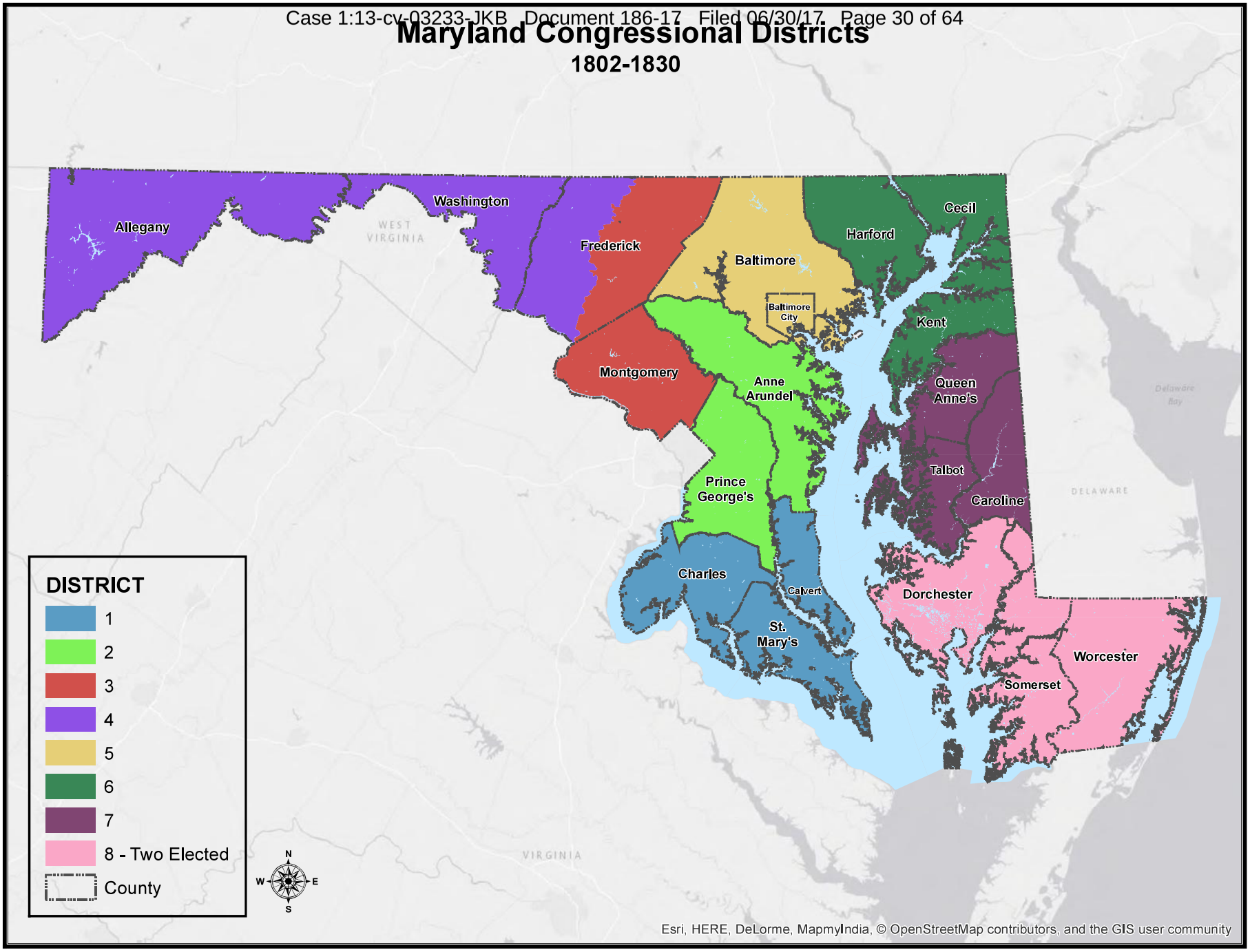
MAP 2

Maryland Congressional Districts
1792-1800



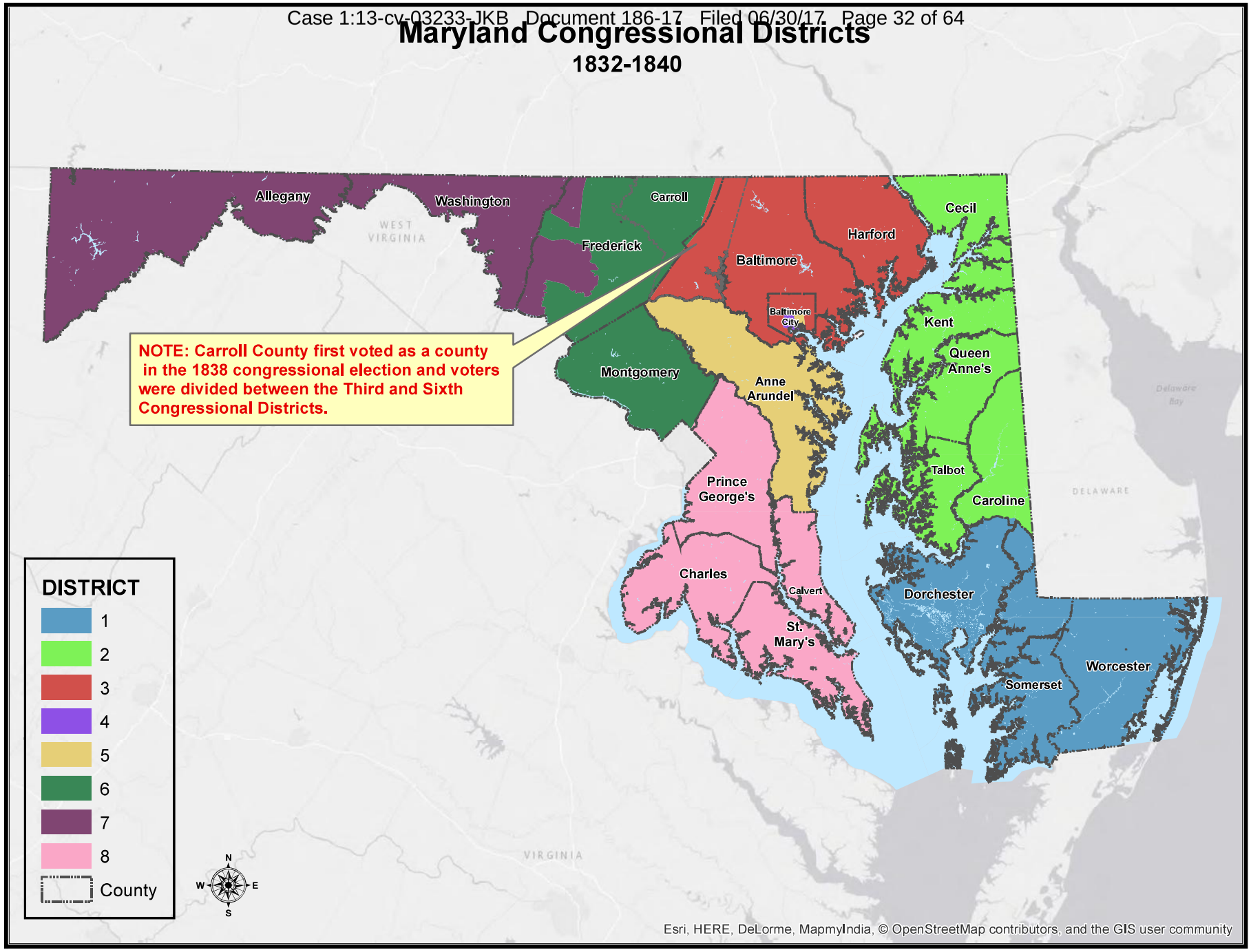
MAP 3

Maryland Congressional Districts
1802-1830



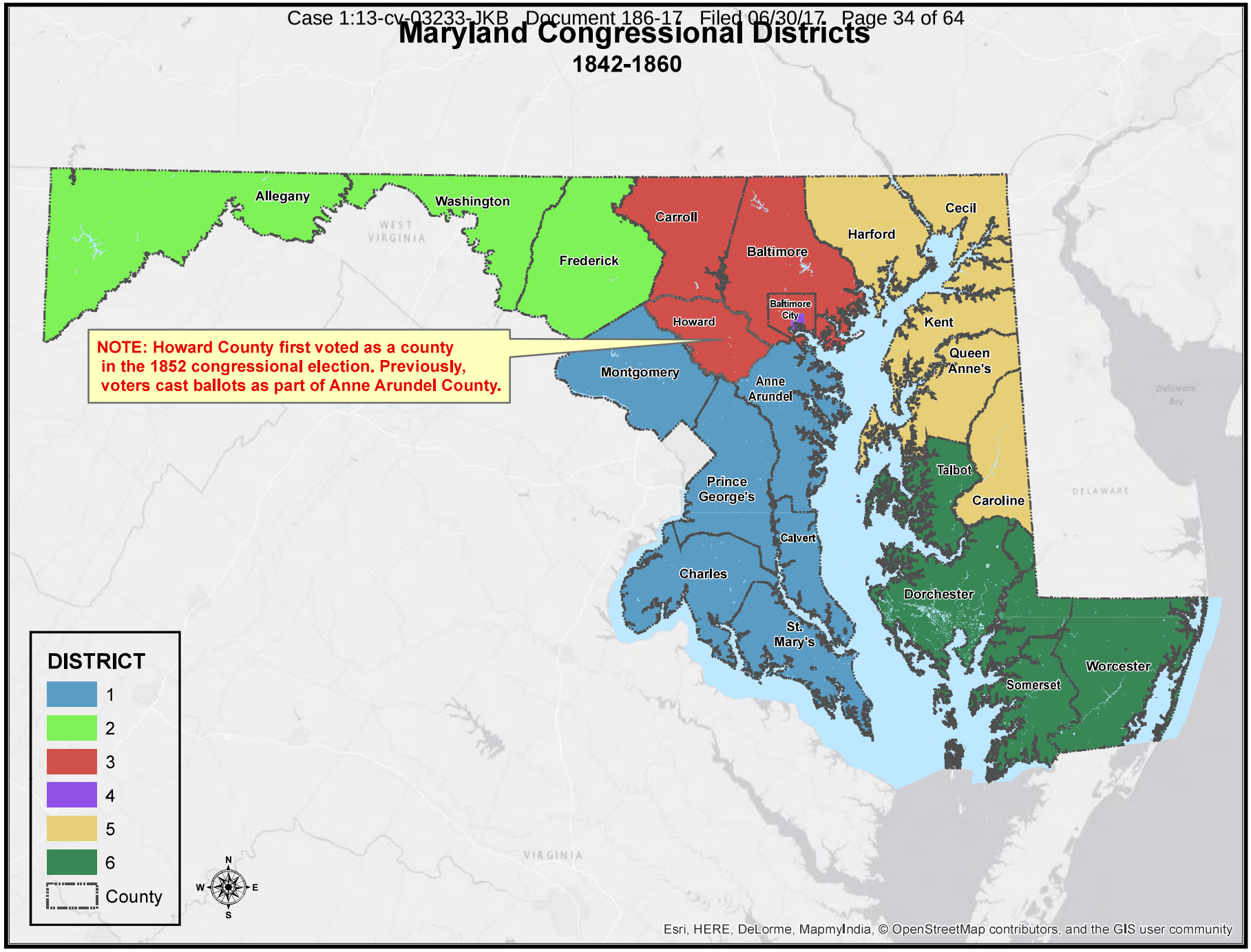
MAP 4

Maryland Congressional Districts
1832-1840



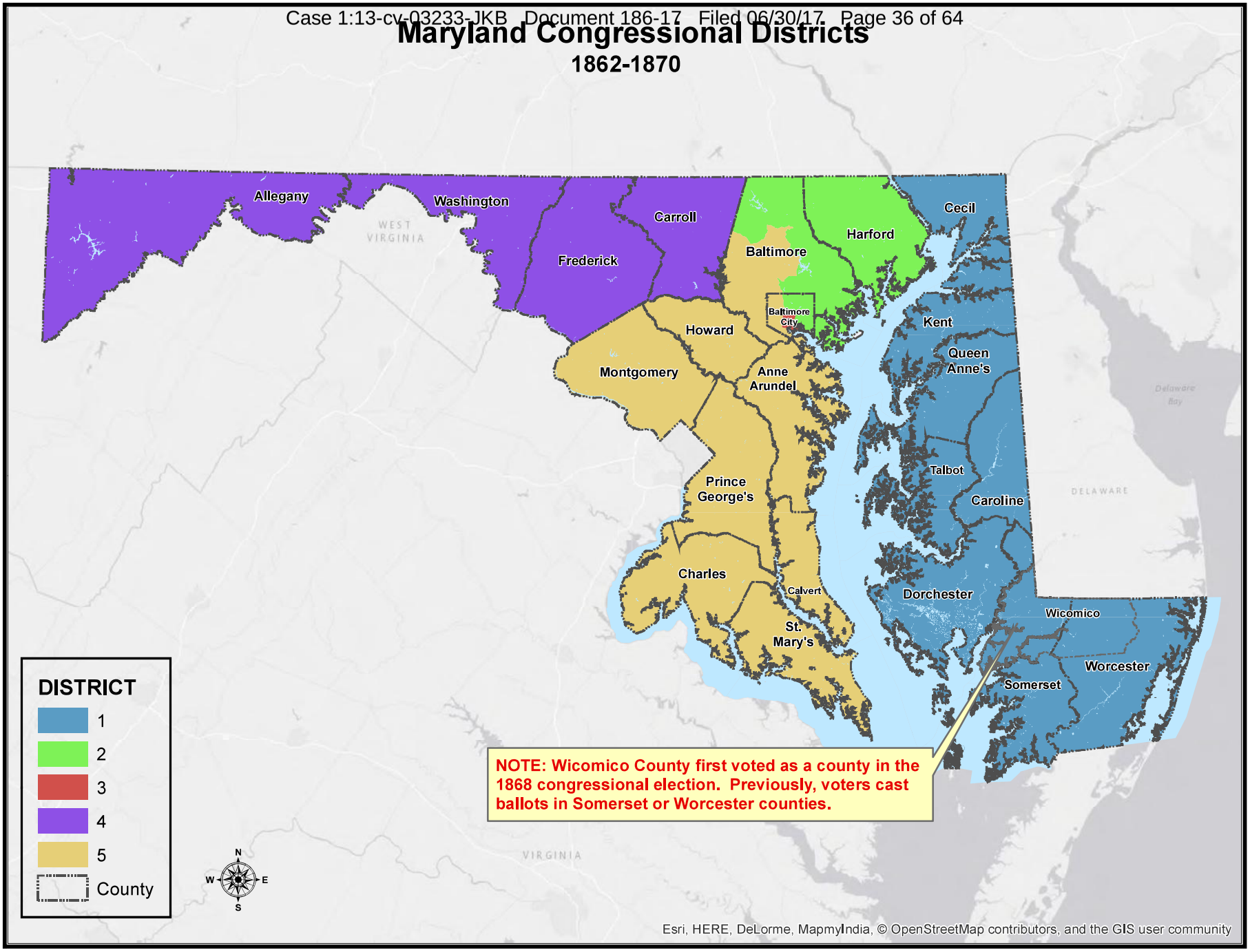
MAP 5

Maryland Congressional Districts
1842-1860



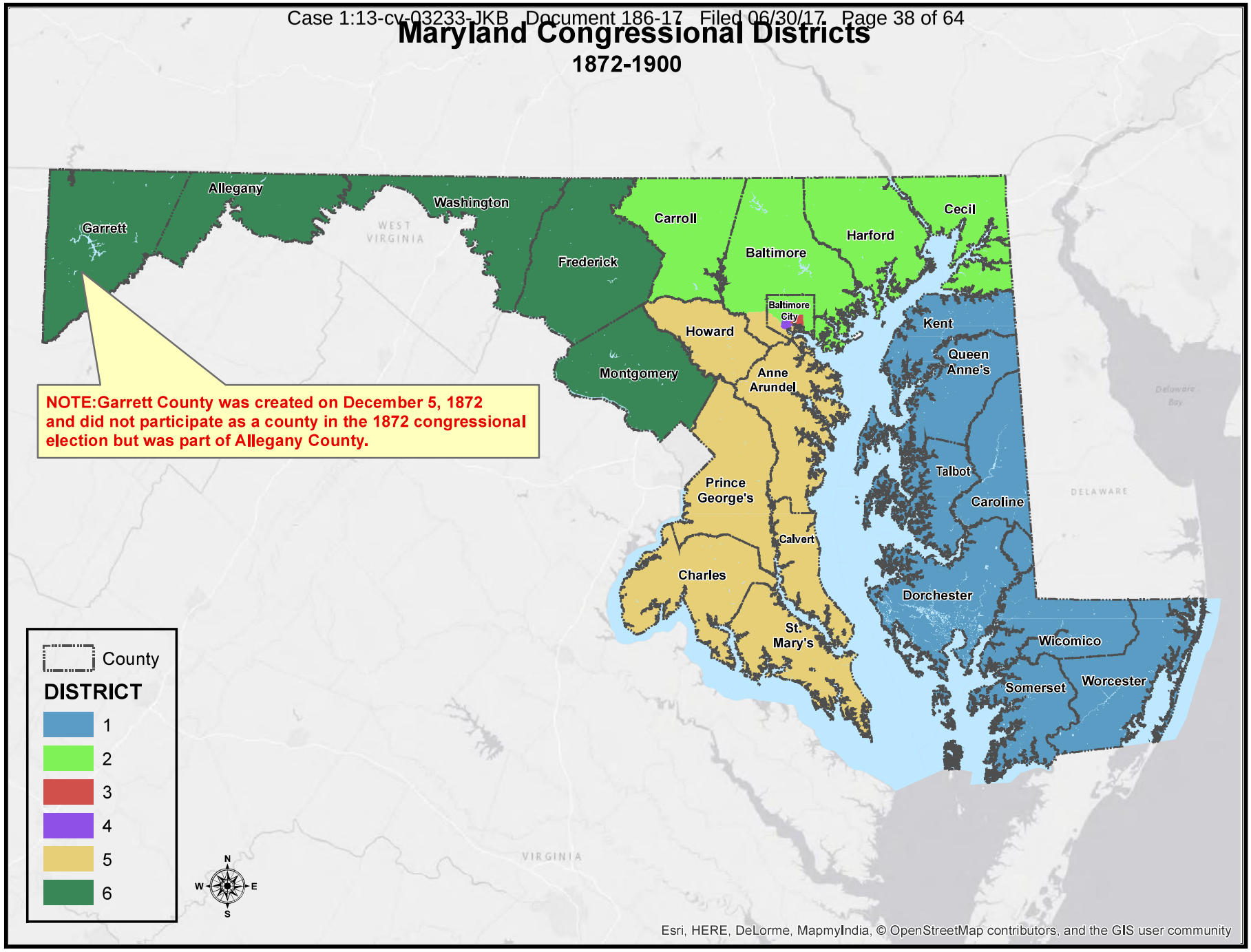
MAP 6

Maryland Congressional Districts
1862-1870



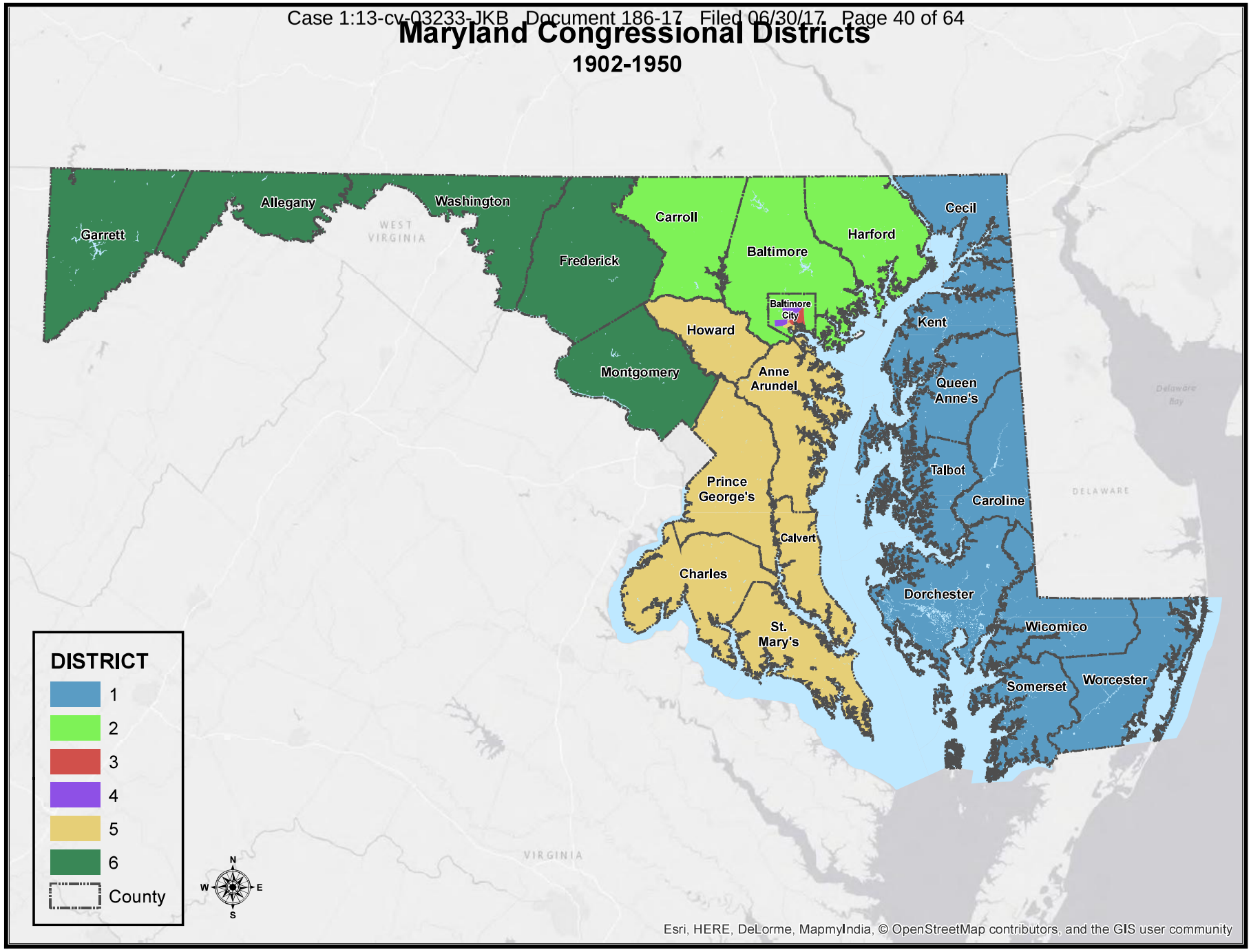
MAP 7

Maryland Congressional Districts
1872-1900



MAP 8

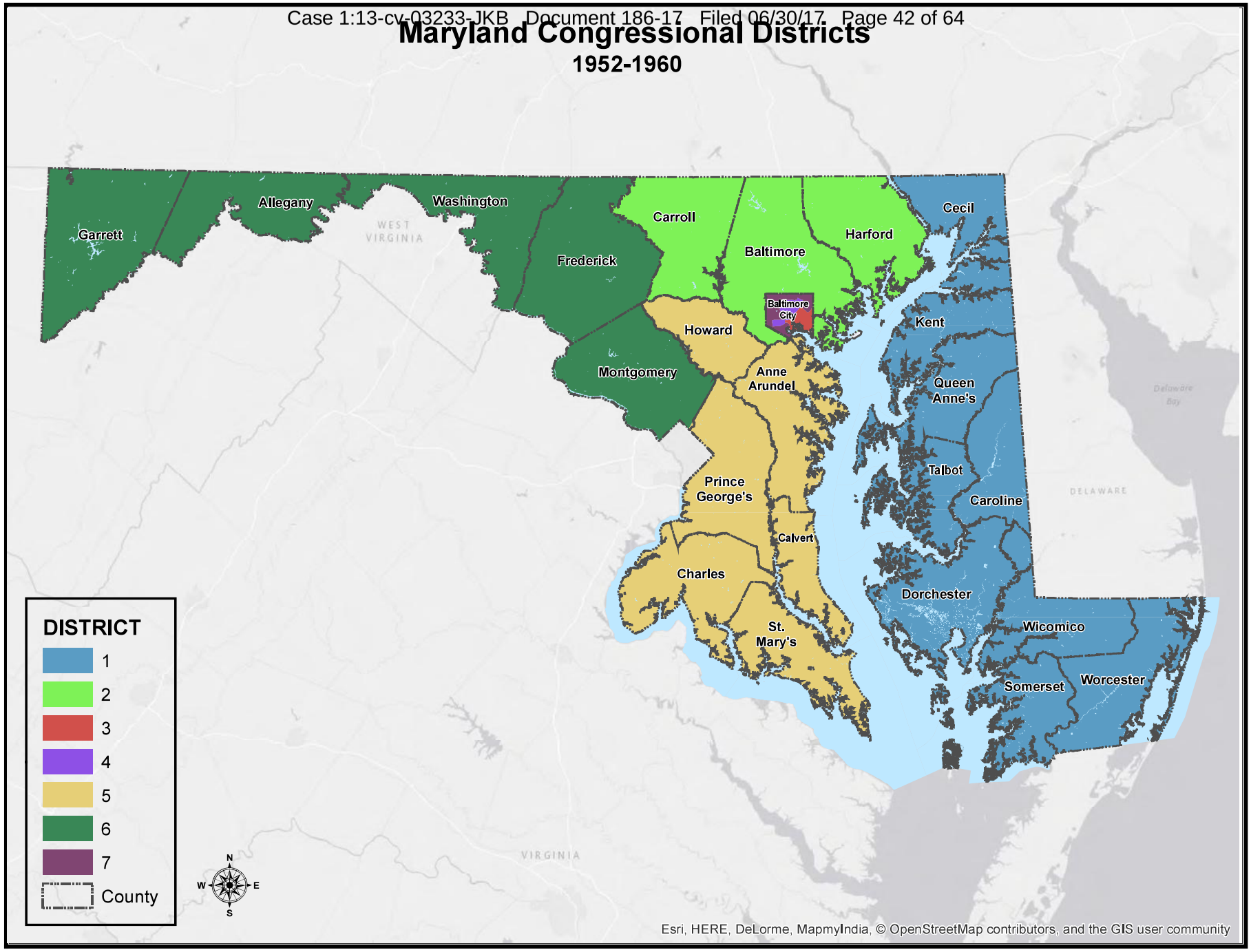
Maryland Congressional Districts
1902-1950



MAP 9

Maryland Congressional Districts

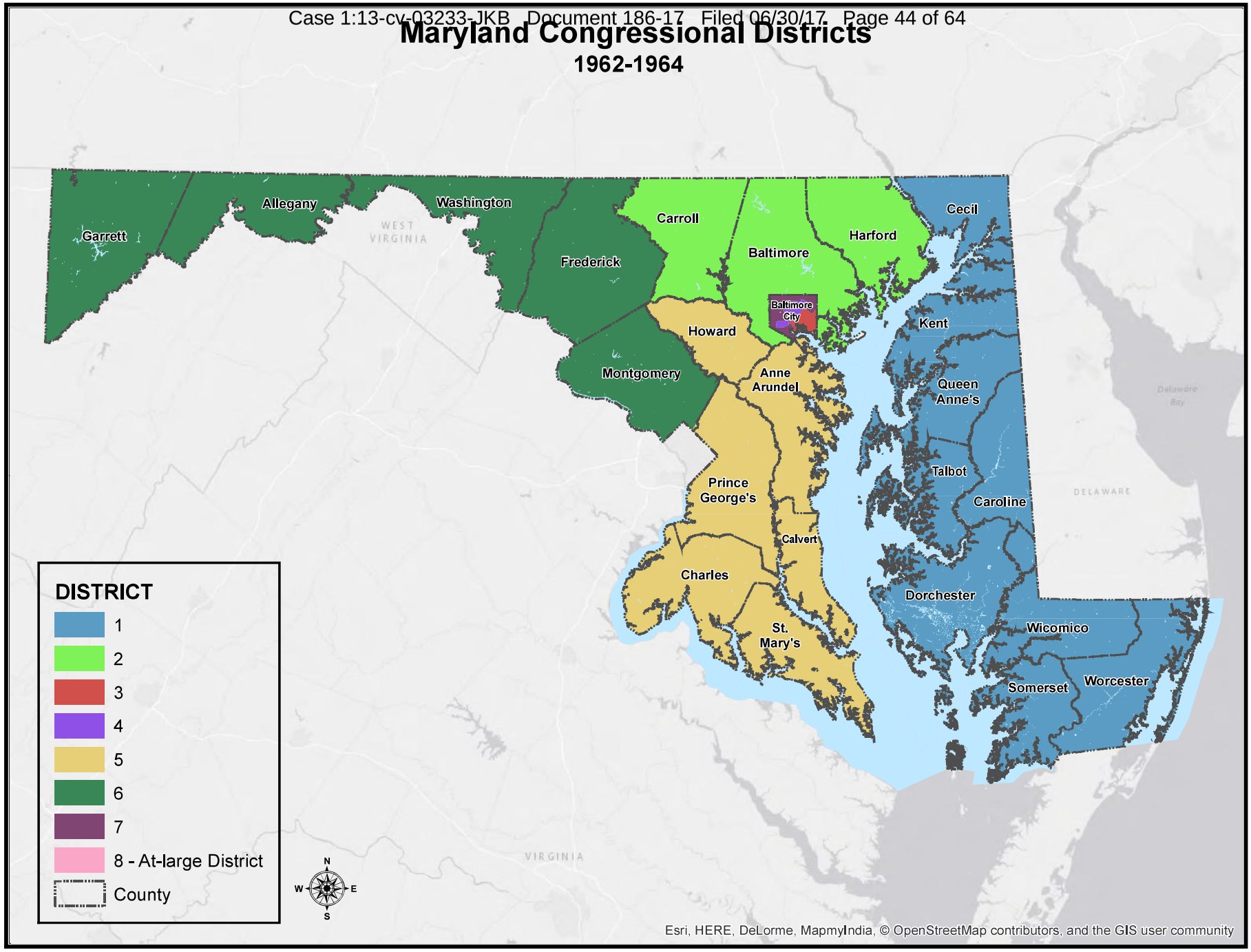
1952-1960



MAP 10

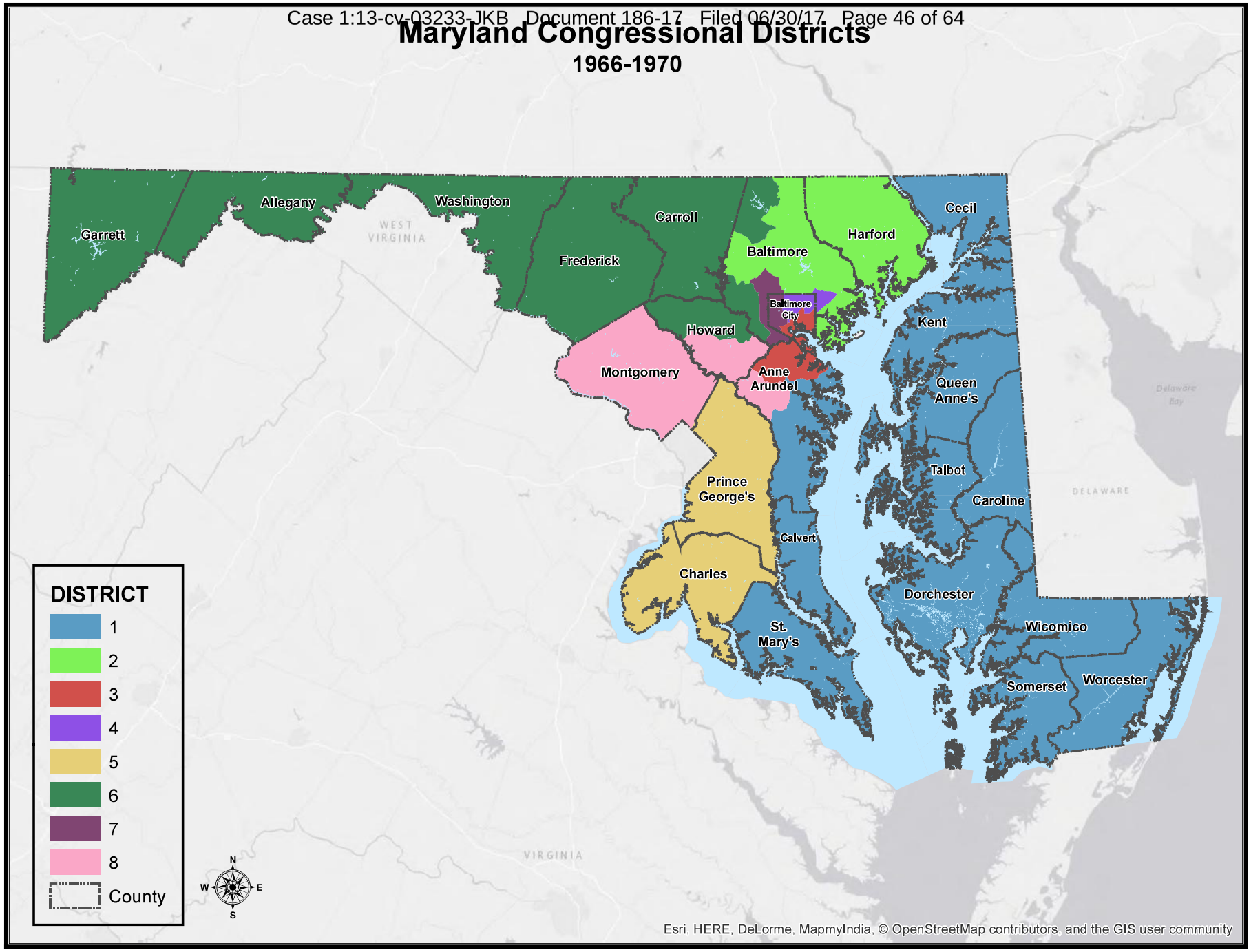
Maryland Congressional Districts

1962-1964



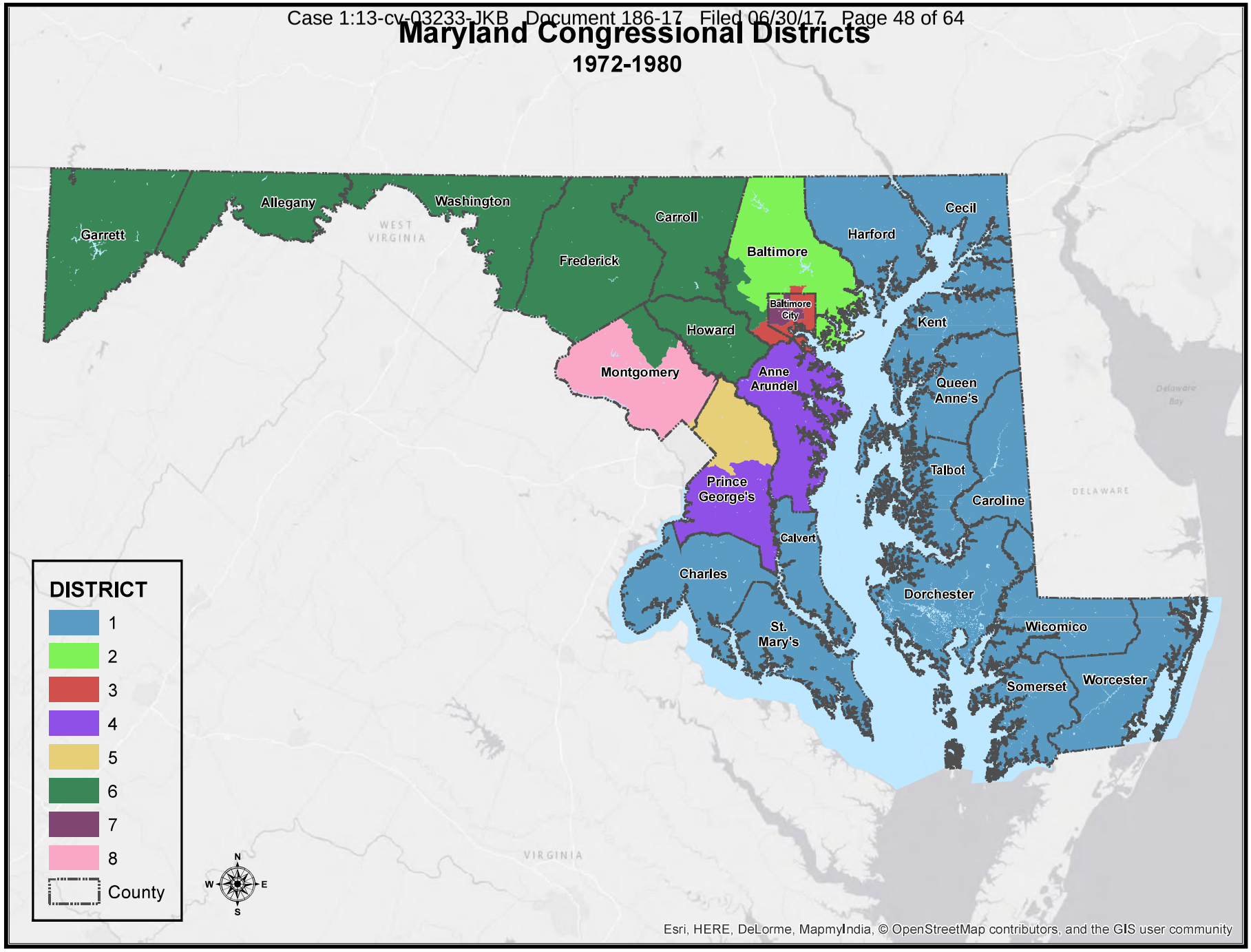
MAP 11

Maryland Congressional Districts
1966-1970



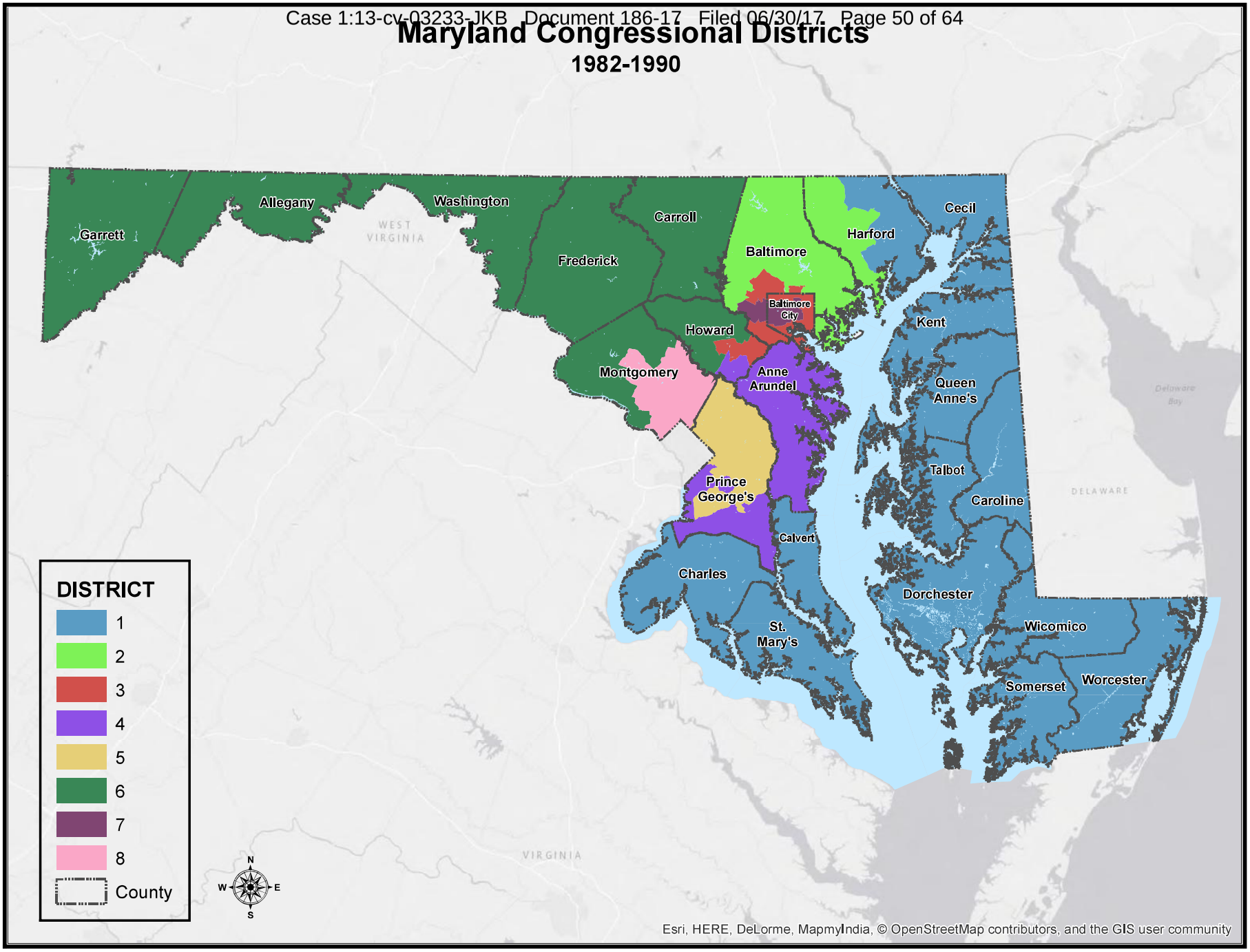
MAP 12

Maryland Congressional Districts
1972-1980



MAP 13

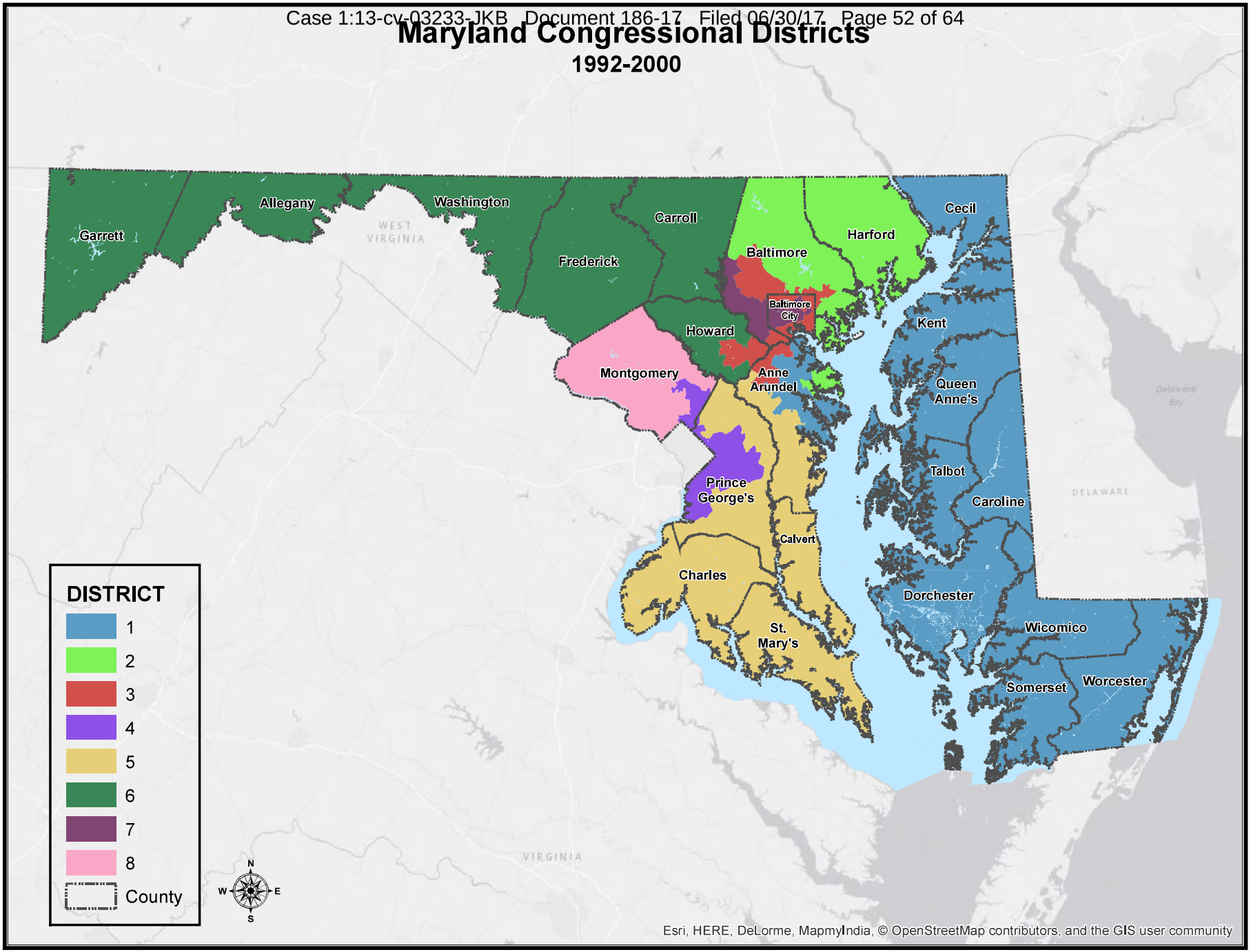
Maryland Congressional Districts
1982-1990



MAP 14

Maryland Congressional Districts

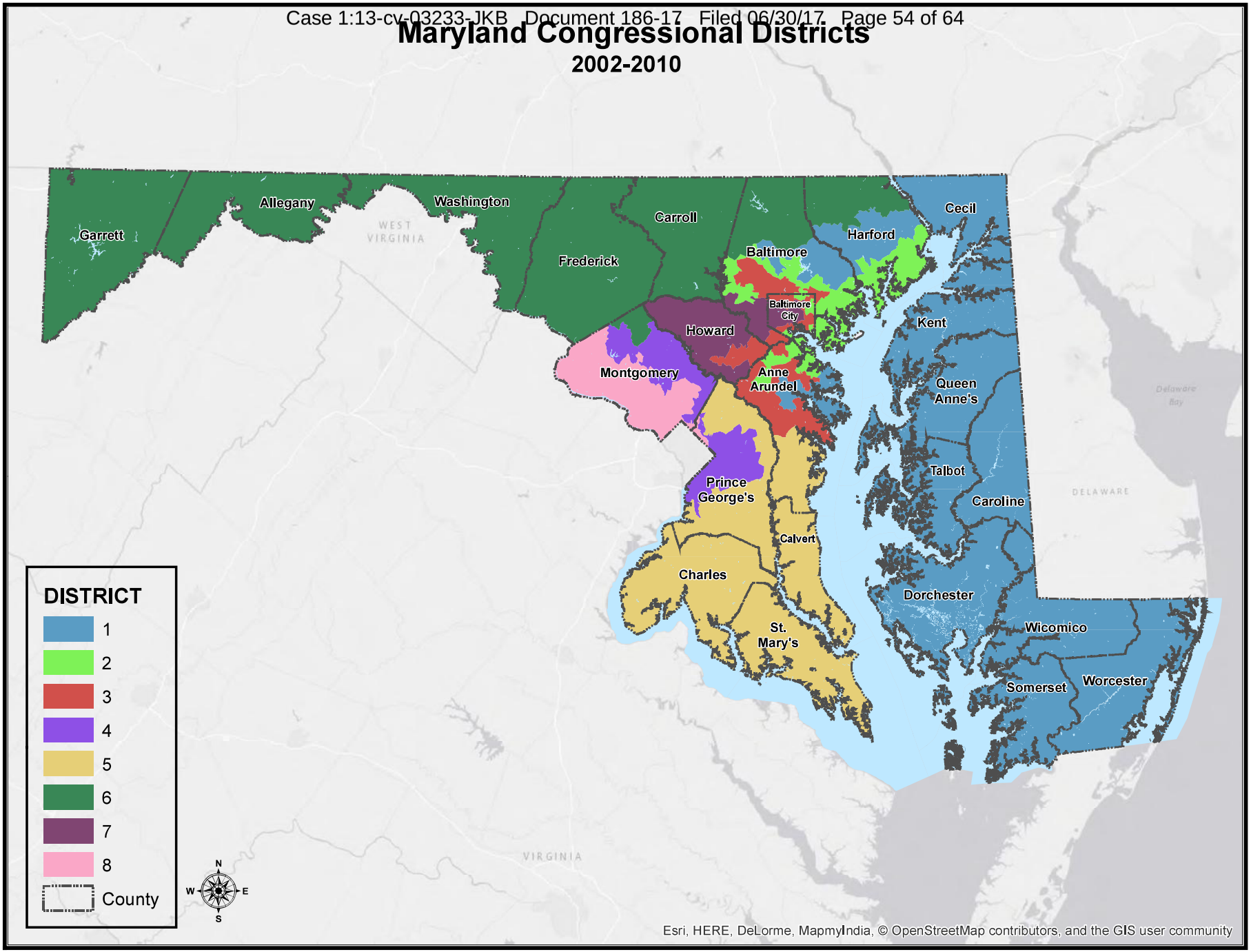
1992-2000



MAP 15

Maryland Congressional Districts

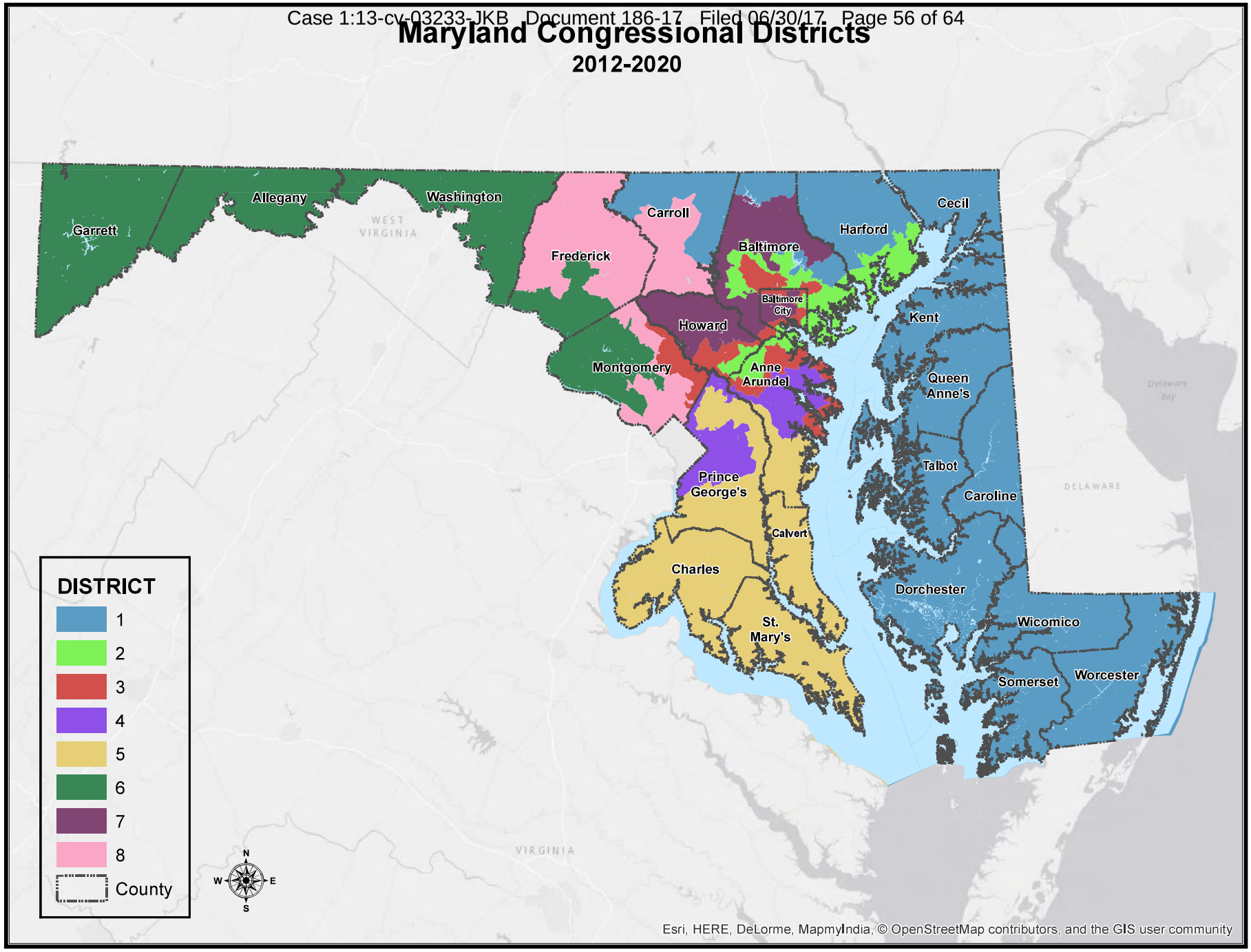
2002-2010



MAP 16

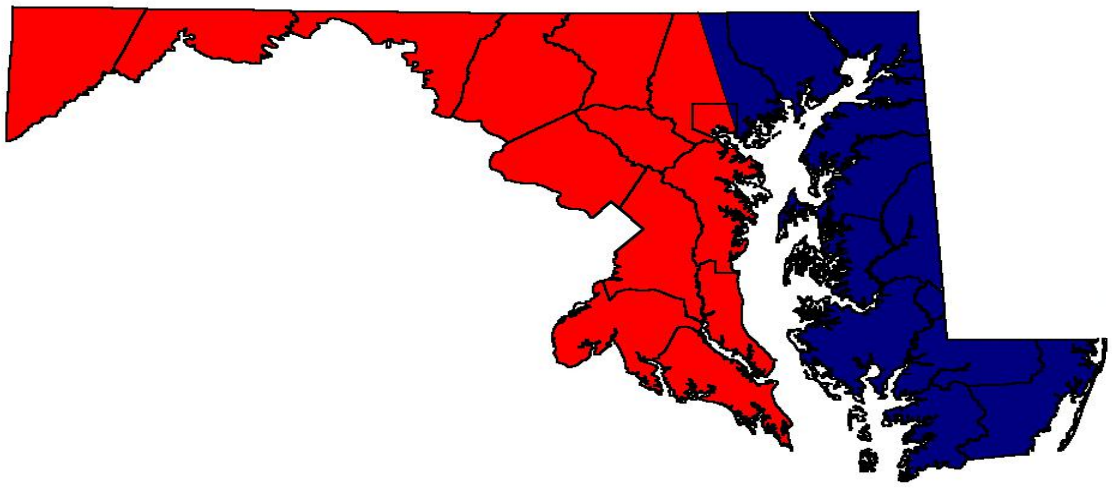
Maryland Congressional Districts

2012-2020

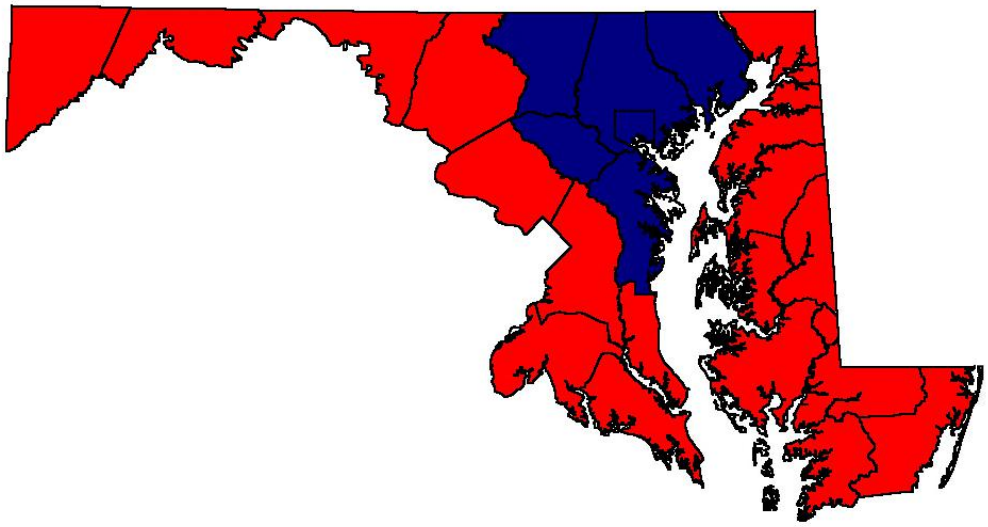


APPENDIX 2

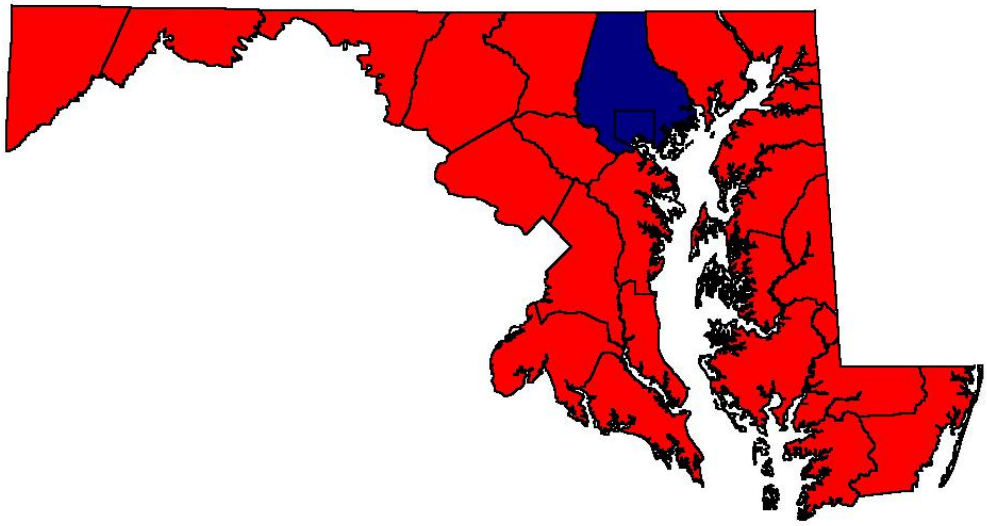
1800 CENSUS: MARYLAND POPULATION



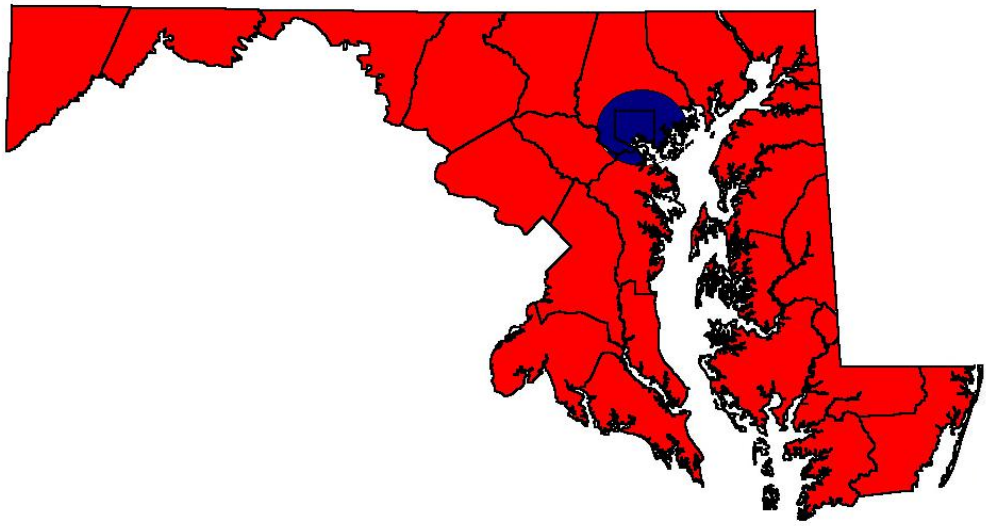
1850 CENSUS: MARYLAND POPULATION



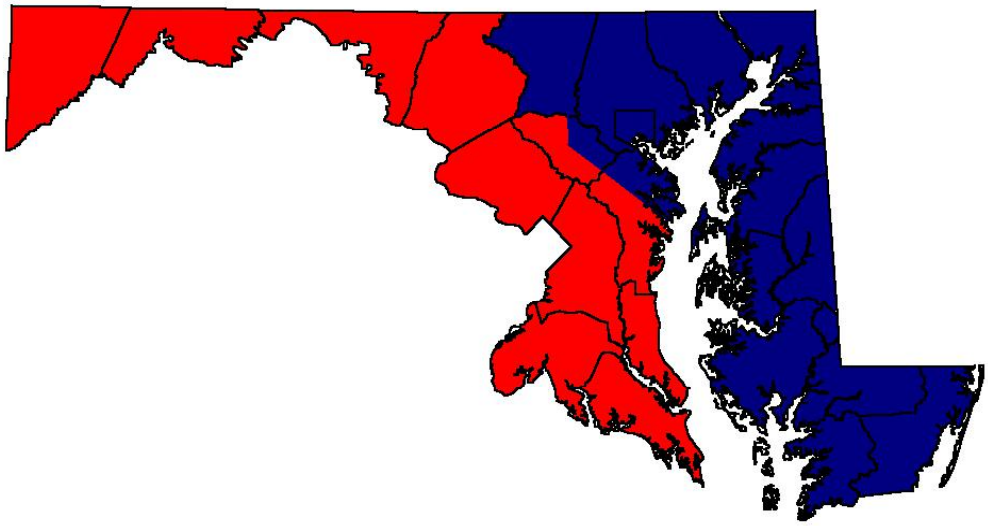
1900 CENSUS: MARYLAND POPULATION



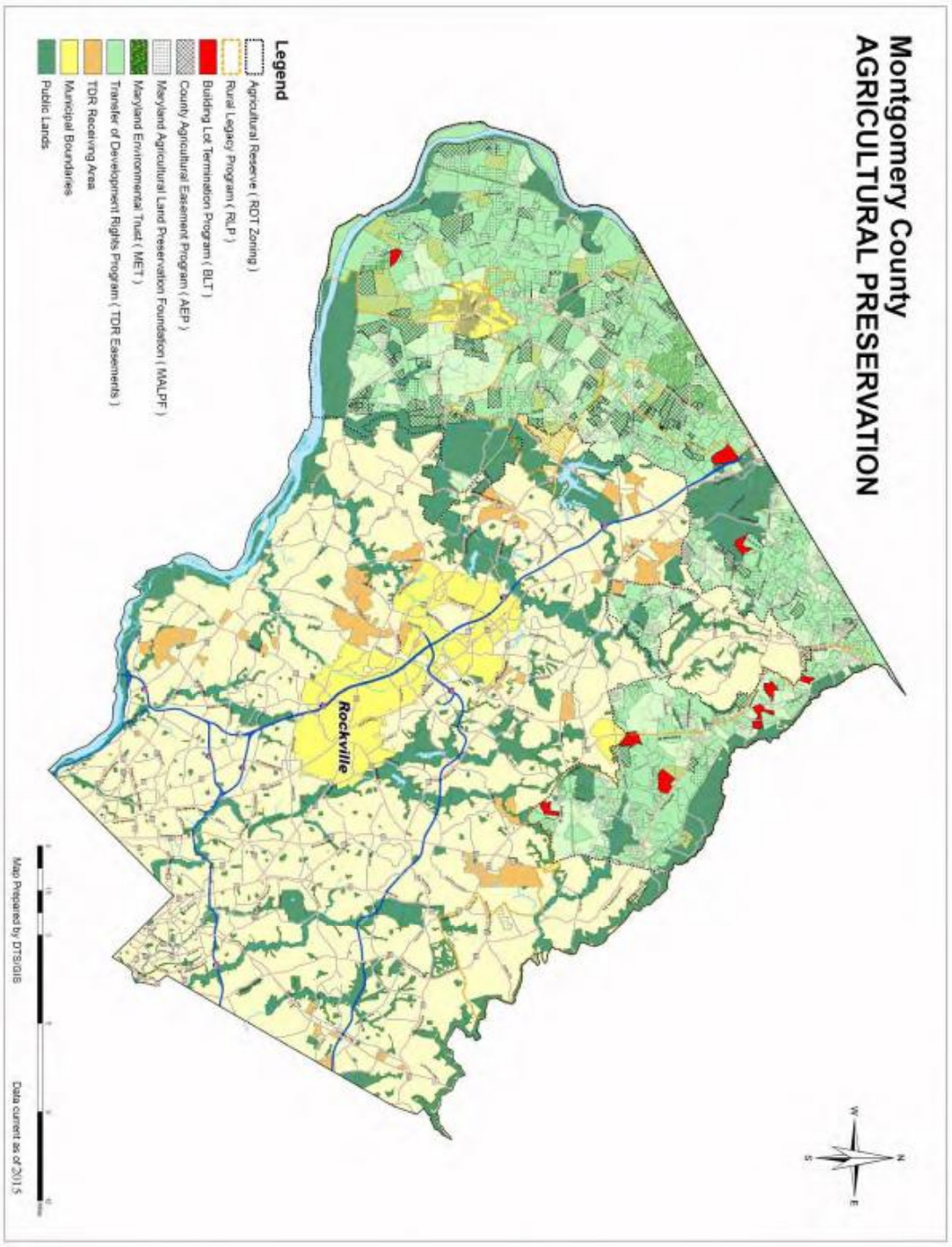
1950 CENSUS: MARYLAND POPULATION



2000 CENSUS MARYLAND POPULATION



APPENDIX 3


Montgomery County
AGRICULTURAL PRESERVATION
Legend
Agricultural Reserve (RDT Zoning)
Rural Legacy Program (RLP)
Building Lot Termination Program (BLT)
County Agricultural Easement Program (AEP)
Maryland Agricultural Land Preservation Foundation (MALPF)
Maryland Environmental Trust (MET)
Transfer of Development Rights Program (TDR Easements)
TDR Receiving Area
Municipal Boundaries
Public Lands
Rockville
Map Prepared by DTS/GIS
Data current as of 2015

State Board of Elections
MDVOTERS Ad Hoc Report

Eligible Active Voters on Precinct Register

Election: 2010 GUBERNATORIAL GENERAL ELECTION
Election Date: 11/2/10
Congressional District Code: All

Printed: 10/18/2010
Printed By: Chere' Evans
Created By: Chere' Evans

Congr. Dist: 01	Dems	Reps	Grn	Con	Lib	UNA	OTH	Subtotal
Anne Arundel	28217	34103	193	20	229	13718	33	76513
Baltimore County	20483	20219	134	14	155	5924	641	47570
Caroline	7407	7461	36	5	59	2949	120	18037
Cecil	24530	22853	143	25	208	11218	860	59837
Dorchester	10392	6982	26	2	41	2185	150	19778
Harford	29456	37245	145	18	276	11426	354	78920
Kent	6170	4476	42	3	35	1621	135	12482
Queen Anne's	11059	13982	64	8	95	4290	207	29705
Somerset	7222	4329	21	3	26	1537	120	13258
Talbot	10166	11073	51	7	79	3615	315	25306
Wicomico	25366	19785	113	9	151	8176	668	54268
Worcester	15715	13903	68	5	105	5273	441	35510

Congr. Dist: 02	Dems	Reps	Grn	Con	Lib	UNA	OTH	Subtotal
Anne Arundel	31730	17744	139	15	196	11589	30	61443
Baltimore City	49583	4630	114	5	85	5629	204	60250
Baltimore County	134771	54576	522	38	686	29692	2550	222837
Harford	25544	15135	91	18	173	8089	272	49322

Congr. Dist: 03	Dems	Reps	Grn	Con	Lib	UNA	OTH	Subtotal
Anne Arundel	71718	53536	400	32	552	30096	61	156395
Baltimore City	70010	16964	552	9	332	16364	431	104662
Baltimore County	72403	30171	364	14	382	16919	1380	121633
Howard	26721	13611	134	14	173	10247	489	51389

Congr. Dist: 04	Dems	Reps	Grn	Con	Lib	UNA	OTH	Subtotal
Montgomery	91097	37059	389	18	397	33750	180	162890
Prince George's	223283	13537	204	30	239	17995	10279	265567

Eligible Active Voters on Precinct Register

Election: 2010 GUBERNATORIAL GENERAL ELECTION
Election Date: 11/2/10
Congressional District Code: All

Congr. Dist: 05	Dems	Reps	Grn	Con	Lib	UNA	OTH	Subtotal
Anne Arundel	14042	15587	108	9	137	6852	15	36750
Calvert	23171	22464	119	11	149	9860	526	56300
Charles	50767	24687	131	19	197	13609	579	89989
Prince George's	164522	31917	444	25	464	23026	11390	231788
Saint Mary's	24632	23454	150	14	191	10246	526	59213

Congr. Dist: 06	Dems	Reps	Grn	Con	Lib	UNA	OTH	Subtotal
Allegany	16608	19827	130	12	119	5305	449	42450
Baltimore County	9021	11289	95	3	86	3296	340	24130
Carroll	33156	54327	255	51	304	16309	799	105201
Frederick	52181	57958	359	32	453	26637	78	137698
Garrett	4994	11379	39	3	45	1788	186	18434
Harford	7100	10721	38	1	63	2795	93	20811
Montgomery	5315	5496	24	0	49	2785	10	13679
Washington	31340	37027	219	20	234	14347	89	83276

Congr. Dist: 07	Dems	Reps	Grn	Con	Lib	UNA	OTH	Subtotal
Baltimore City	170183	10433	738	15	284	18238	705	200596
Baltimore County	54320	12383	211	11	190	8875	709	76699
Howard	59324	41406	306	27	398	23912	1321	126694

Congr. Dist: 08	Dems	Reps	Grn	Con	Lib	UNA	OTH	Subtotal
Montgomery	227783	80698	1019	41	918	86052	351	396862
Prince George's	15777	1187	62	0	29	2040	1050	20145
	1,957,279	925,614	8,392	606	8,984	528,274	39,136	3,468,287

Maryland State Board of Elections

Official 2014 Gubernatorial General Election results for Governor / Lt. Governor

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Governor / Lt. Governor

(Vote for One) **County Break Down**

This table may scroll left to right depending on the screen size of your device.

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
Brown/ Ulman	Democratic	164,219	608,476	46,195	818,890	47.2%
Hogan/ Rutherford ✔	Republican	136,781	710,854	36,765	884,400	51.0%
Quinn/ Gaztanaga	Libertarian	3,424	20,407	1,551	25,382	1.5%
Smith/ Tucker (Write In)	Democratic	96	181	6	283	0.0%
Tinus/ Richmond (Write In)	Unaffiliated	1	16	3	20	0.0%
Other Write-Ins	N/A	1,073	2,903	226	4,202	0.2%

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

O. JOHN BENISEK, *et al*.,	*	
Plaintiffs,	*	
v.	*	Case No. 13-cv-3233
LINDA H. LAMONE, *et al*.,	*	
Defendants.	*	

* *

Supplemental Expert Report of Allan J. Lichtman
June 2, 2017

I. Reply Report of Dr. Morrison

A. Contradictions in Dr. Morrison's Reports on the Central Issue of Intent

In my opening report, I noted that Dr. Morrison lacks qualifications to analyze the intent of decision-makers. He now concedes this critical point in his reply report, stating, "I am not an expert on intent." (Morrison Reply Report. p. 18) Yet he continues to opine on intent.[1]

B. The Criteria in Dr. Morrison's *Fletcher* Report Still Prove That Current CD6 Represents a Community of Interest

In my opening report I examined the transportation, commuting, and jobs criteria that Dr. Morrison found sufficient in his December 16, 2016 Declaration to conclude that CD5 in the *Fletcher* plaintiffs' plan represents a community of interest. Based on Dr. Morrison's criteria, the evidence is much stronger that CD6 under the state's 2011 plan represents an *existing community of interest*. In response, Dr. Morrison states says that, "My point in Fletcher was that there was a corridor between Baltimore and Washington, D.C. that 'has grown in population and integration in the last three decades.'" (Morrison Reply Report, p. 22) The quoted phrase is from paragraph 3 of his December 16 Declaration, which examined in full demonstrates that the extracted phrase is supported by analysis that refers only to transportation, commuting, and jobs (extracted phrase in bold):

[1] De. Morrison also asserts that I relied on "anecdotal information, not hard demographic data" (Morrison Reply Report, p. 9,) ignoring the 20 analytic, quantitative tables in my opening report.

> "The scientific knowledge about functional regions applies to the Maryland Corridor, the area of intense urban development between Baltimore and Washington D.C. That corridor **has grown in population and integration in the last three decades**. Workers routinely flow among counties, and in Howard, Prince George's and Charles Counties more of the employed residents hold jobs outside the county than within their county of residence. Only 38-40 percent of workers are employed within Charles, Howard, and Prince Georges County and a slightly larger 59 percent in Montgomery County." (¶ 3)

Dr. Morrison further states that "As I noted in my Fletcher declaration, there are significant links between Baltimore and Washington, D.C. beyond commuting patterns." He states that 1) "the African-American and Hispanic share of registered voters in this area had increased significantly between 2000 and 2010;" that 2) "This migratory influx of African-Americans and Hispanics to the suburbs between Washington, D.C. and Baltimore was part of a national demographic trend toward more racially diverse suburbs, fueled by minority suburbanization;" and that 3) "These minority populations were younger and replacing older Caucasian voters in these suburban communities." (Morrison Reply Report, pp. 22-23)

Beyond the problem of trying to define communities of interest by race, Dr. Morrison, without informing the reader, has switched his references in each of these citations from his December 16 Declaration establishing a community of interest in CD5, to an earlier Declaration on a different topic filed on December 7, 2016.[2] The December 7 Declaration does not assess whether any proposed congressional district in *Fletcher* represents a community of interest. Rather its very different purpose was to assess whether minorities were sufficiently numerous and concentrated in Maryland for 3 majority-minority districts -- "Prong 1" of the so-called three-pronged "Gingles factors" in voting rights analysis. Thus, Dr. Morrison writes in his statement of purpose:

> "The primary focus of this analysis is Blacks' increasing presence among eligible voters in numerous communities across the State of Maryland, and the prospect of forming three Congressional districts to recognize and acknowledge these areas of Black voting strength, thereby affording minority voters the opportunity to elect candidates of their choice." (Morrison, December 7 Declaration, ¶ 2)

Dr. Morrison's December 16 Declaration does not cite his December 7 Declaration and does not mention the words African American, black, Hispanic, Latino, Caucasian, or voter. It mentions the word suburbs only in the context of transportation, commuting, and jobs.

Finally, in his reply report, Dr. Morrison returns to his December 16 Declaration saying, "My analysis showed that the minority communities in this 'Maryland corridor' had 'common needs' and 'shared concerns,' making them a 'natural community of shared interest.'" The extracted phrases are from a paragraph that again refers only to jobs, commuting, and transportation (referenced phrases in bold):

> "The counties between Baltimore and Washington D.C. comprise a regional corridor that is functionally integrated by regionwide transportation linkages facilitating extensive daily

[2] Morrison Declaration, *Fletcher v. Lamone*, 11-cv-03220 (D. Md. Dec. 7, 2011) (ECF No. 43-18).

> flows of commuting. The commuters between suburban residences and workplaces throughout this **regional corridor** constitute a natural community of interest defined by the **common needs and the shared concerns** of workers who reside within the vast commutershed between Baltimore and Washington D.C. Plaintiffs' Proposed Congressional District # 5 encompasses this **natural community of shared interest**." (Morrison, December 16 Declaration, ¶ 1).

C. Dr. Morrison's "Objective Demographic Facts" are Neither Objective Nor Necessarily Facts

In response to my critique of Dr. Morrison's "objective demographic facts" relating to matters such as cultural and educational institutions, and media in western Maryland, Dr. Morrison responds only in a footnote saying that he only tried to show that western Maryland has its own institutions. However, without analysis, these institutions do not establish a distinctive community of interest in western Maryland. He misleadingly characterizes Frostburg State University as having "some students" from outside western Maryland, although Table 6 of my opening report demonstrates that nearly two-thirds of the students are from outside western Maryland. He does not rectify his inaccurate characterization of WWPX as being in Hagerstown, MD rather than in West Virginia.[3] He does not consider the "objective demographic fact" of voting on the 2011 congressional plan in the 2012 general election.

In his reply report, Dr. Morrison also highlights the importance of examining the "objective demographic data" of split Census places in CD6. He says that "In the prior version of CD6 (used for the 111th Congress), 4 of 35 (11 percent) communities of interest (also known as "Census Places") were split by the boundaries of the Sixth District. In the current version of CD6 (used for the 113th Congress), 13 of 22 (59 percent) of communities of interest were split by the boundaries of the Sixth District." (Morrison Reply Report, pp. 5-6)

He does not provide a citation for these claims, and his analysis of split Census places in the 2011 CD6 is not accurate. According to data from the U. S. Census for the 113th Congress, there are not 22 "Census Places" in Maryland CD6, but rather 148.[4] Thus the percentage of split Census places is 13 of 148 or 9 percent, not 59 percent. Similarly, the Census Report on Census places for the 108th Congress (under the 2001 plan) indicates that there were not 35, but 75 places in prior CD6.[5] Thus, the percentage of split Census places was 4 of 75 or 5 percent. This computes to a *de minimis* difference of 4 percentage points between the two plans for CD6, not a 48-percentage point difference.

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[3] A Federal Communications Commission Report also confirms my finding that WWPX is in West Virginia, not Maryland: FCC, REPORT NO. 48672, BROADCAST ACTIONS, 02/17/2016, https://apps.fcc.gov/edocs_public/attachmatch/DOC-337708A2.txt.

[4] "MARYLAND CONGRESSIONAL DISTRICTS BY PLACE," 113th Congress, https://www2.census.gov/geo/relfiles/cdsld13/24/pl_cd_24.txt.

[5] "MARYLAND CONGRESSIONAL DISTRICTS BY PLACE," 108th Congress, https://www2.census.gov/geo/relfiles/cd108th/MD/plc_c8_24.txt.

II. Reply Report of Dr. McDonald

A. According to Dr. McDonald's Own Methodology Maryland's 2011 Congressional Redistricting Plan is Not a Partisan Gerrymander

In my opening report, I applied to Maryland's 2011 congressional redistricting plan the methodology that Dr. McDonald used in his Texas partisan gerrymandering case, for which he referenced my methodology in the *Veith* case. Dr. McDonald does not dispute the numerical findings of my Maryland analysis. Instead, he abandons his Texas methodology and relies on a single comparison of the votes won by Republicans in an average election (39.1 percent) and their expected percentage of seats under the 2011 congressional plan: "Therefore Republicans can expect to win one of eight congressional districts, or 12.5% of the seats, in a typical Maryland election. Since this is less than 39.1% by 26.6 percentage points, I conclude that Maryland's 2011 congressional redistricting plan is a partisan gerrymander."

This conclusion contradicts the most fundamental principle of redistricting analysis: that *any given percentage of votes in a redistricting plan translates into a higher percentage of seats*. Dr. McDonald recognizes this principle in his scholarship:

"A performance measure of an electoral system for legislative bodies is to compare the percentage of votes to seats won by political parties. Only by happenstance do these percentages equate; *it is more often the case, particularly among electoral systems that employ single member districts, that the party that wins the most votes receives an even greater share of seats* (Rae 1967; Lijphart 1999). A plotting of the percentage of seats awarded *for all observed or predicted shares* of votes forms a curve that provides additional information about the relationship between votes and seats in an electoral system (Kendall and Stuart 1950; Tufte 1973; Grofman 1983; King and Browning 1987)" (emphasis added).[6]

This premium of seats over votes in a fair redistricting plan applies powerfully in states like Maryland, where one party commands more than 60 percent of the votes. As indicated in Tables 17 and 18 in my opening report, in all states with a 60%+ partisan majority and 4 to 8 CDs, the majority party won a minimum of 75 percent of the seats, with an average of 88 percent for the post-2000 redistricting and 91 percent of the post 2010 redistricting.

Dr. McDonald also states in the same article that: "There are two characteristics generally associated with these curves. *Bias* is a seat share bonus enjoyed by a party, typically measured as a function of the percent of vote *needed to win fifty percent of the seats*. *Responsiveness* (sometimes called the "swing ratio") is how a change in percent votes are related to a change in seats awarded to parties." (emphasis added)

In his Texas report, for both congressional and state legislative plans, Dr. McDonald computes such a seats-to-votes ratio, up to 60 percent votes for the minority Democrats, about 16 percentage points higher than their 43.6 percent in a "typical" election. Dr. McDonald's

[6] Michael P. McDonald, "Seats to Votes Ratios in the United States, SSRN, https://www.google.com/#q=michael+p.+mcdonald+seats+to+votes+ratio.

seats/votes chart for the Texas 2011 congressional plan, replicated in the Appendix (Diagram1), demonstrates that Democrats would win only 32 percent of Texas seats with 51 percent of the vote. They would win more than 50 percent of seats only with 56 percent or more of the vote. For Maryland's 2011 plan, replicated in the Appendix as Chart 1, at 51 percent of the vote Republicans would win 63 percent of seats and at 54 percent would win 75 percent of seats. Analysis additionally shows that if Republicans won 43 percent of the vote, they would win 25 percent of seats. Similarly, if Democrats won 43 percent of the vote they would symmetrically win 25 percent of seats, winning only the two voting rights districts. Even at 46 percent of the vote, Democrats would still win only 25 percent of the districts. The curve for Maryland in Chart 1 also flattens at 54 percent Republican votes and 75 percent Republican seats, because of the two voting rights districts.[7]

B. Efficiency Analysis as Applied by Dr. McDonald's Demonstrates That Maryland's 2011 Congressional Redistricting Plan is Not a Partisan Gerrymander

My opening report did modify efficiency analysis by considering wasted votes in a winning district as the margin of victory. I considered this methodology most appropriate to a dominant-party state like Maryland where all losing votes in many districts would be counted as wasted votes. I should have explained this distinction in my opening report. However, accepting the original form of efficiency analysis as applied by Dr. McDonald, his own results demonstrate that Maryland's 2011 congressional plan is not a partisan gerrymander.

Dr. McDonald finds that Republicans had more wasted votes than Democrats, equal to an efficiency gap of 5.8 percent (McDonald Reply Report, p. 10). But he fails to apply this result to the threshold identified by Stephanopoulos and McGhee for identifying a gerrymandered congressional plan. In states like Maryland with a least 8 congressional seats the authors state: "we recommend setting the bar at *two seats* for congressional plans and 8 *percent* for state house plans."[8] However, Dr. McDonald's gap of 5.8 percent translates only into .46 congressional seats (8*5.8% = .46), far short of the threshold. Even the higher efficiency gap of 6.7 percent that Dr. McDonald computes through an alternative analysis, translates into only .54 congressional seats. Both of Dr. McDonald's efficiency gaps even fall short of the far more lenient threshold of an 8 percent gap for state house plans.

The analysis presented in the article by Stephanopoulos and McGhee (replicated in the Appendix) of 2012 results for states with at least 8 congressional districts, shows that Maryland has one of the lowest efficiency gaps, at just over 5 percent. The Maryland gap is well within their error margin, that is, it crosses the zero line into a gap that favors Republicans. It is equal to less than half a district, far short not only of their gerrymandering threshold, but also of 2012 absolute all-state average of 1.58 congressional seats (p. 872). The authors found that there were

[7] In Texas, McDonald notes that for all 33 statewide elections that formed the basis of his votes to seats analysis, the Democrats never won a statewide majority of the two-party vote across congressional districts. In contrast, for the 7 elections included in my Maryland analysis, Republicans won 5179 percent of the two-party vote across congressional districts in the 2014 gubernatorial election as demonstrated in Table 1 of my opening report.
[8] Nicholas O. Stephanopoulos & Eric M. McGhee, "Partisan Gerrymandering and the Efficiency Gap," 82 University of Chicago Law Review 831 (2015), p. 837.

7 congressional plans for 2012 that exceeded their 2-seat threshold, all of them "pro-Republican" (pp. 876, 890).[9]

C. Dr. McDonald's Application of Voting Rights Analysis Remains Misguided

Dr. McDonald misinterprets my critique of his application of voting rights analysis as referring to the existence of bloc voting. He still never explains why an analysis applied to a protected group like minorities should apply to political partisans. My point about partisan voting and partisan identification did not relate to bloc voting, but rather to the point that party identification and voting lacks the stability of racial identification. Dr. McDonald criticizes my Frederick County example because the county was split in the 2011 congressional plan. However, when the two components of Frederick County in 2012 are combined, the results demonstrate that unlike 2008, when Republicans won the county by 7,992 votes, in 2012 Republicans and Democrats about equally divided the vote: 53,674 for Democrats and 53,915 for Republicans. Dr. McDonald does not defend his failure to apply what he has recognized as an essential component of voting rights analysis, the scrutiny of the totality of circumstances.

D. Dr. McDonald's Reply Report Does Not Respond Adequately to Alternative Explanations for Maryland's 2011 Redistricting Plan.

Dr. McDonald does not deny that CD8 was packed with Democrats under the prior 2001 plan and that the new plan resulted in a substantial unpacking of this district. He seems to state unpacking only occurs if the extracted voters result in victory in another CD. However, in unpacking a district decision-makers would not know in advance the results of subsequent elections, but could only make predictions. The unpacking of CD8 is an explanation independent of any intent to retaliate against voters in CD6. Dr. McDonald cannot be defending a standard for redistricting that would compel plan drawers to maintain a packed district, simply because unpacking might increase their prospects for victory in another district.

I additionally noted in my opening report that Maryland's decision-makers sought to realize Maryland's very substantive Democratic majority. At the time of the redistricting Maryland lagged well behind comparable one-party dominant states. The 2011 plan brought Maryland more in line with other comparable states. Dr. McDonald does dispute these findings.

Drawing on the report of Mr. Cooper I also noted if Maryland's decision-makers truly intended to retaliate against Republicans, they could have drawn a plan with a Democratic advantage in all 8 congressional districts (similar to Massachusetts, where Democrats consistently won all 9 CDs). Dr. McDonald responds with a quibble suggesting that there might be some duplication of votes in consolidated precincts in Montgomery County. In his slightly revised plan that zeros out population deviations, Mr. Cooper also adjusted for this minor issue. He found that "The corrections I made to account for the duplicate vote count in the 11 consolidated precincts have a very minor downward impact on the 2008 Democratic vote

[9] These presumptively gerrymandered plans are in Florida, Michigan, North Carolina, Ohio, Pennsylvania, Texas, and Virginia (p. 890).

percentages in CD 6 (-0.7%) and hypothetical Districts 2 (-0.2%) and District 8 (-.04%) of the Zero Deviation 8-0 Plan."[10]

I also noted in my report that the reconfiguration of CD6 did not provide a safe Democratic district, but rather a competitive district that favored Democrats. I provided a set of analyses showing that new CD6 fell within the competitive range of 45 to 55 percent presented in Dr. McDonald's scholarship, and that the assessment of D+2 by the Cook Political Report places it within the tighter 48 to 52 percent competitive range that Dr. McDonald presents.

Dr. McDonald responds by quoting the following: "a normalized presidential vote within two competitiveness ranges, 45-55 and 48-52 percent, are presented in figure 10-1…[t]he wider 45-55 range is presented since it is commonly used to describe competitive congressional elections; *however, my analysis of the relationship between competitive districts and competitive elections suggests that the tighter range is a more valid definition of a competitive district*" (emphasis added).[11] Although he might personally prefer the tighter range, he indicates that the 45 to 55 percent range is the one commonly used by scholars. Dr. McDonald does not consider that analyses of CD6 prior to the 2012 general election included it as one of the nation's few competitive congressional districts. The 48 to 52 range, Dr. McDonald notes, is also normalized to the presidential vote which was 53 percent Democratic in 2008, the last presidential election before the 2011 redistricting. Thus, a 53 percent Democratic district would be normalized at 50 percent.

Dr. McDonald claims that since the publication of his 2006 book chapter, he no longer uses normalized votes to judge district competitiveness (McDonald Reply Report, p. 14). However, in that scholarship, notably an article just published on April 20, 2017 he now explicitly embraces the 45 percent to 55 percent competitiveness range. He even cites his earlier work from 2006 in support of that range: "We use a simple statistic to score competitive districts: the number of districts with a two-party 2008 presidential vote *within a .45 to .55 range*. This range is arbitrary but has foundation in prior research (McDonald, 2006b; Swain, Borrelli, & Reed, 1998)." (emphasis added)[12]

Real-world congressional elections demonstrate the fallacy of relying on a tight 48 to 52 percent criteria for CDs. In 2010, for example, Republicans won 52 congressional districts in which Democrats had prevailed in the previous 2008 contests by more than 52 percent. These results further demonstrate the malleability of identifying the partisanship of congressional districts.[13]

---

[10] Cooper Supplemental Declaration, p. 3.

[11] Michael P. McDonald. 2006. "Redistricting and Competitive Districts" in *The Marketplace of Democracy: Electoral Competition and American Politics*, Michael P. McDonald and John Samples, eds. Washington, DC: Brookings Press, p. 224.

[12] Micah Altman and Michael P. McDonald, "Redistricting by Formula: An Ohio Reform Experiment," *American Politics Research* (2017), p. 10.

[13] AR1, 2; AZ1, 5; CO3, FL2, 22, 24; GA8; IL8, 11, 14, 17; IN8, 9; KS3; LA3; MN8, MS1, 4; MO4; NV3; NH1, 2; NJ3; NM2; NY13, 19, 20, 25; NC2; ND at-large; OH1, 6, 16, 18; PA7, 8, 10; SC5; SD at-large; TN4, 6, 8; TX17, 27; VA2, 9; WA3; WV1; WI7, 8.

E. Dr. McDonald Rejects Communities of Interest as a Means for Analyzing Redistricting Plans

Although the claims of both Dr. Morrison and Dr. McDonald pivot on the concept of communities of interest, I noted in my opening report that Dr. McDonald's scholarship rejects the utility of this concept as a check on partisan gerrymandering. In his April 2017 article, Dr. McDonald rejects this concept even more emphatically than before:

> Criteria focusing on "communities of interest" have similarly been insufficient to constrain strongly political manipulation. Although many states have general requirements to respect communities of interest (National Conference of State Legislatures, 2009), and, in theory, measures applied to communities of interest could incorporate general representational criteria, this has not happened in practice within the United States. In practice, the communities of interest criterion has been either ignored or limited to protecting against districts that would divide concentrated homogeneous ethnic or racial groups. While this can indirectly constrain political goals, it may constrain one party substantially more than another (Altman & McDonald, 2014) and generally leaves ample room for political manipulation. Indeed, when communities of interest lack definitional foundation any boundary line can be argued to respect post hoc communities.
>
> If neither administrative criteria nor communities of interest are sufficient to constrain political goals, then a solution may be to explicitly incorporate political goals into the redistricting criteria.[14]

III. The Absence of Methodology for Analyzing Intent in Both Reports of Plaintiffs' Experts

Neither Dr. McDonald nor Dr. Morrison apply the Arlington Heights framework of analyzing intent, which is consistent with corresponding historical methodology. Dr. Morrison does not attempt to defend this lack of methodological standards for intent. Dr. McDonald attempts to excuse this flaw by saying, "Plaintiffs to this action did not ask me to examine these *Arlington Heights* factors." (McDonald Reply Report, p .16) However, instructions from attorneys do not excuse the failure of social science expert to rely on the appropriate methodology for assessing intent.

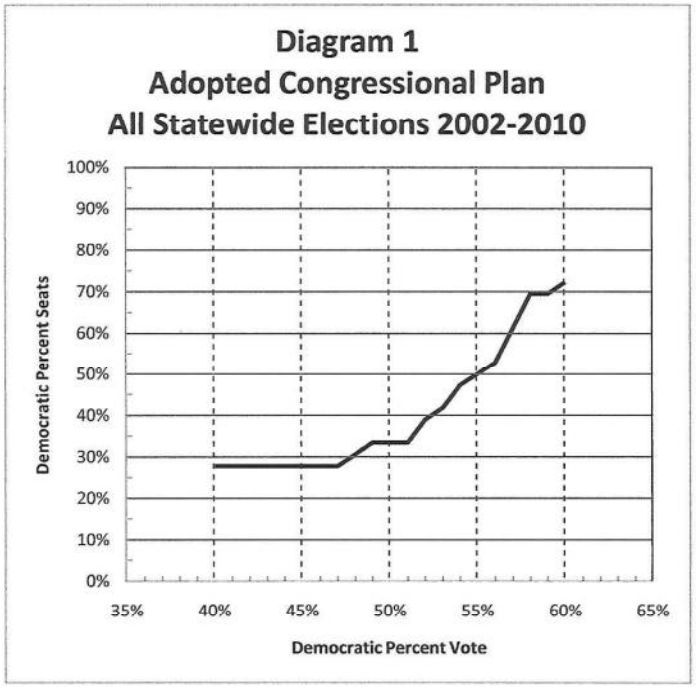
June 2, 2017

Allan J. Lichtman

[14] Altman and McDonald, "Redistricting by Formula," p. 6.

APPENDIX

Adopted Congressional Districts



3

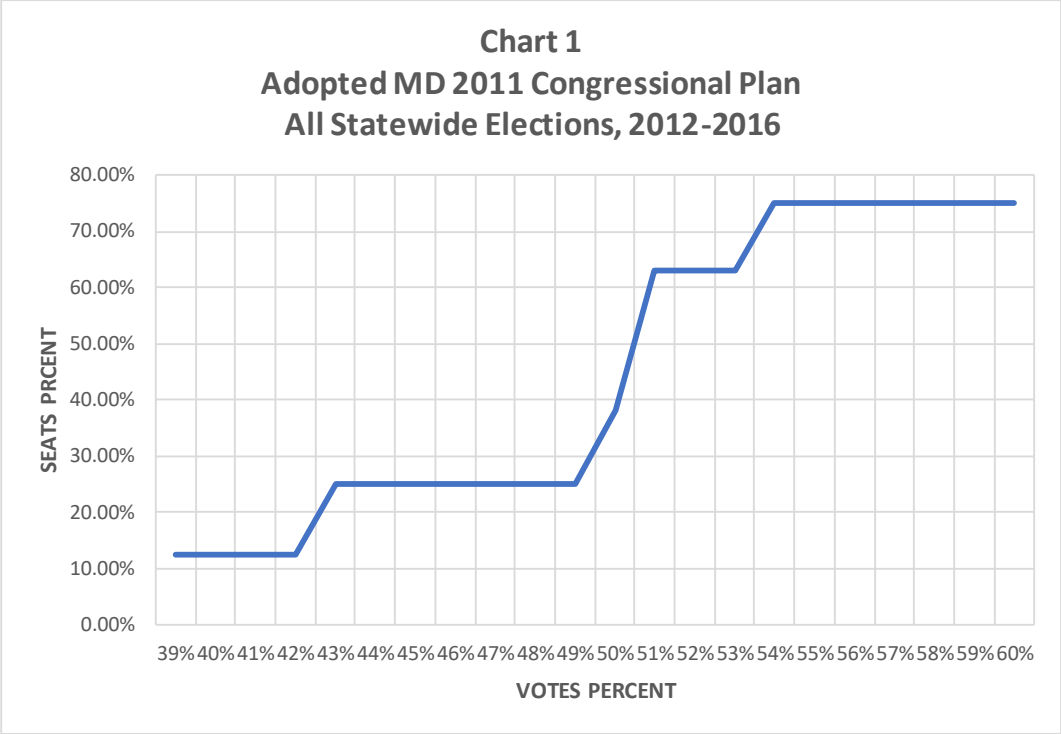
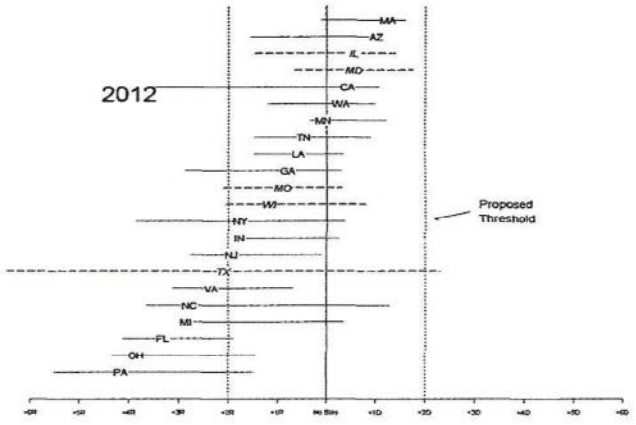


FIGURE 7. EFFICIENCY GAPS FOR CONGRESSIONAL PLANS BY STATE, 1972–2012[186]



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2016
2014
2012
2011 - Baltimore City
2010
2008
2007 - Baltimore City
2006
2004
2003/2004 - Baltimore City
2002
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1999 - Baltimore City
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1995 - Baltimore City
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1992
1991 - Baltimore City
1990
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1987 - Baltimore City
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1983 - Baltimore City

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Question 06

Civil Marriage Protection Act

Referendum Petition (Ch. 2 of the 2012 Legislative Session)

	Yes	No
Allegany County	9,965	18,927
Anne Arundel County ✔	133,053	120,883
Baltimore City ✔	138,007	103,294
Baltimore County ✔	194,150	181,162
Calvert County	20,205	23,944
Caroline County	4,785	8,139
Carroll County	37,631	48,253
Cecil County	18,279	22,993
Charles County	33,334	39,792
Dorchester County	5,645	8,943
Frederick County ✔	58,349	55,952
Garrett County	3,493	9,212
Harford County	55,057	68,785

Present

Howard County ✔	88,768	61,139
Kent County	4,685	4,856
Montgomery County ✔	289,625	150,498
Prince George's County	183,257	186,296
Queen Anne's County	10,788	13,609
St. Mary's County	20,606	25,971
Somerset County	3,467	6,244
Talbot County	9,567	10,290
Washington County	23,585	37,246
Wicomico County	16,107	24,405
Worcester County	11,096	15,212
Totals	1,373,504 (52.4%)	1,246,045 (47.6%)

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Elections by Year

2018
2016
2014
2012
2011 - Baltimore City
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2007 - Baltimore City
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Question 07 ✔

Gaming Expansion

Gaming Expansion Referendum (Ch. 1 of the Second 2012 Special Session)

	Yes	No
Allegany County ✔	17,428	12,012
Anne Arundel County	117,127	139,494
Baltimore City ✔	129,970	116,478
Baltimore County	182,892	194,825
Calvert County ✔	25,308	19,655
Caroline County	6,012	7,127
Carroll County	38,936	47,921
Cecil County	17,815	23,898
Charles County ✔	45,067	29,560
Dorchester County	7,436	7,523
Frederick County ✔	59,699	55,105
Garrett County	5,357	7,469
Harford County	58,557	66,116

Present

Howard County	71,689	79,345
Kent County	4,056	5,619
Montgomery County ✔	240,505	200,579
Prince George's County ✔	222,275	152,000
Queen Anne's County	11,565	13,031
St. Mary's County ✔	27,315	19,896
Somerset County ✔	5,323	4,644
Talbot County	8,372	11,779
Washington County ✔	34,883	26,874
Wicomico County ✔	21,825	18,991
Worcester County ✔	14,474	12,414
Totals	1,373,886 (51.9%)	1,272,355 (48.1%)

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Elections by Year

2018
2016
2014
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2011 - Baltimore City
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Official 2008 Presidential General Election results for Representative in Congress - Congressional District 6

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Return to Election Results for Representative in Congress Congressional District 6

Representative in Congress

Congressional District 6

	Jennifer P. Dougherty Democratic	Roscoe Bartlett Republican ✔	Gary W. Hoover, Sr. Libertarian	Other Write-Ins N/A
Allegany	10,478	17,088	610	14
Baltimore	6,128	11,110	666	17
Carroll	26,162	51,006	2,484	96
Frederick	47,797	55,789	3,837	142
Garrett	3,663	8,445	254	2
Harford	5,008	10,186	685	23
Montgomery	4,694	5,024	201	11
Washington	24,277	32,278	2,323	37
Totals	128,207 (38.8%)	190,926 (57.8%)	11,060 (3.3%)	342 (.1%)

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2016
2014
2012
2011 - Baltimore City
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1991 - Baltimore City
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1987 - Baltimore City
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Representative in Congress

Congressional District 06

Democratic (Vote for One) View the breakdown of these results

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total Votes	Percentage
Charles Bailey	Democratic	142	1,304	126	1,572	4.2%
John Delaney ✔	Democratic	2,060	17,521	833	20,414	54.2%
Rob Garagiola	Democratic	1,417	9,050	514	10,981	29.1%
Ron Little	Democratic	117	937	77	1,131	3.0%
Milad Pooran	Democratic	408	3,049	133	3,590	9.5%

Republican (Vote for One) View the breakdown of these results

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total Votes	Percentage
Kathy Afzali	Republican	294	3,675	146	4,115	10.2%
Roscoe G. Bartlett ✔	Republican	1,121	15,675	804	17,600	43.6%
David R. Brinkley	Republican	702	6,930	355	7,987	19.8%
Robert Coblentz	Republican	56	866	48	970	2.4%
Robin Ficker	Republican	237	2,452	165	2,854	7.1%
Peter James	Republican	51	848	34	933	2.3%

Present	Joseph T. Krysztoforski	Republican	200	2,801	72	3,073	7.6%
	Brandon Orman Rippeon	Republican	360	2,377	106	2,843	7.0%

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Representative in Congress

Congressional District 6

	John Delaney Democratic ✔	Roscoe G. Bartlett Republican	Nickolaus Mueller Libertarian	Other Write-Ins N/A
Allegany	11,966	15,730	1,046	19
Frederick	31,079	20,148	1,901	79
Garrett	3,864	8,445	387	4
Montgomery	105,631	44,425	3,808	256
Washington	29,381	28,565	2,774	41
Totals	181,921 (58.8%)	117,313 (37.9%)	9,916 (3.2%)	399 (.1%)

Maryland State Board of Elections

Official 2014 Gubernatorial General Election results for Representative in Congress

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Representative in Congress

Congressional District 6

(Vote for One) **County Break Down**

This table may scroll left to right depending on the screen size of your device.

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
John K. Delaney ✔	Democratic	12,996	76,322	5,386	94,704	49.7%
Dan Bongino	Republican	9,306	77,846	4,778	91,930	48.2%
George Gluck	Green	375	3,128	259	3,762	2.0%
Other Write-Ins	N/A	17	114	9	140	0.1%

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NR: not reported

Representative in Congress

Congressional District 1

(Vote for One) Details

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
Frank M. Kratovil, Jr.	Democratic	18,200	93,673	8,527	120,400	42.0%
Andy Harris ✔	Republican	21,422	125,773	7,923	155,118	54.1%
Richard James Davis	Libertarian	1,341	8,941	594	10,876	3.8%
Michael Kennedy (Write In)	Unaffiliated	0	18	0	18	0.0%
Jack N. Wilson (Write In)	Unaffiliated	36	119	3	158	0.1%
Other Write-Ins	N/A	34	175	33	242	0.1%

Congressional District 2

(Vote for One) Details

Present

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
C. A. Dutch Ruppersberger ✔	Democratic	15,814	111,296	7,023	134,133	64.2%
Marcelo Cardarelli	Republican	6,007	60,375	3,141	69,523	33.3%
Lorenzo Gaztanaga	Libertarian	391	4,453	246	5,090	2.4%
Other Write-Ins	N/A	18	131	9	158	0.1%

Congressional District 3

(Vote for One) Details

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
John Sarbanes ✔	Democratic	17,544	119,599	10,305	147,448	61.1%
Jim Wilhelm	Republican	8,476	73,477	4,994	86,947	36.0%
Jerry McKinley	Libertarian	401	4,509	302	5,212	2.2%
Alain Lareau	Constitution	146	1,391	97	1,634	0.7%
Other Write-Ins	N/A	24	152	12	188	0.1%

Congressional District 4

(Vote for One) Details

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
Donna Edwards ✔	Democratic	27,325	122,356	10,547	160,228	83.4%
Robert Broadus	Republican	3,573	25,767	2,127	31,467	16.4%
Other Write-Ins	N/A	54	243	28	325	0.2%

Congressional District 5

(Vote for One) Details

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
Steny H. Hoyer ✔	Democratic	21,333	124,078	9,699	155,110	64.3%
Charles Lollar	Republican	9,601	69,758	4,216	83,575	34.6%
H. Gavin Shickle	Libertarian	281	2,132	165	2,578	1.1%
Other Write-Ins	N/A	17	94	9	120	0.0%

Congressional District 6

(Vote for One) Details

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
Andrew Duck	Democratic	6,734	69,073	4,648	80,455	33.2%

Roscoe G. Bartlett ✔	Republican	9,131	133,453	6,236	148,820	61.4%
Dan Massey	Libertarian	412	6,118	286	6,816	2.8%
Michael Reed	Constitution	374	5,278	255	5,907	2.4%
Other Write-Ins	N/A	12	167	12	191	0.1%

Congressional District 7

(Vote for One) Details

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
Elijah Cummings ✔	Democratic	23,766	118,867	10,036	152,669	75.2%
Frank Mirabile, Jr.	Republican	6,191	37,755	2,429	46,375	22.8%
Scott Spencer	Libertarian	386	3,165	263	3,814	1.9%
Ray Bly (Write In)	Republican	6	14	0	20	0.0%
Fred Donald Dickson, Jr. (Write In)	Unaffiliated	4	51	0	55	0.0%
Other Write-Ins	N/A	24	100	11	135	0.1%

Congressional District 8

(Vote for One) Details

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
Chris Van Hollen ✔	Democratic	12,930	125,102	15,581	153,613	73.3%
Michael Lee Philips	Republican	3,539	44,273	4,609	52,421	25.0%
Mark Grannis	Libertarian	150	2,330	233	2,713	1.3%
Fred Nordhorn	Constitution	48	594	54	696	0.3%
Other Write-Ins	N/A	14	188	22	224	0.1%

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MARYLAND CONGRESSIONAL DISTRICTS BY PLACE

Place	County/Independent City	Congressional District
Aberdeen Proving Ground CDP	Harford	2
Aberdeen city	Harford	1,2
Accident town	Garrett	6
Accokeek CDP	Prince George's	5
Adamstown CDP	Frederick	6
Adelphi CDP	Prince George's	4,5
Algonquin CDP	Dorchester	1
Allen CDP	Wicomico	1
Andrews AFB CDP	Prince George's	4,5
Annapolis Neck CDP	Anne Arundel	3,4
Annapolis city	Anne Arundel	3
Antietam CDP	Washington	6
Aquasco CDP	Prince George's	5
Arbutus CDP	Baltimore	3,7
Arden on the Severn CDP	Anne Arundel	4
Arnold CDP	Anne Arundel	4
Ashton-Sandy Spring CDP	Montgomery	3
Aspen Hill CDP	Montgomery	3,6,8
Baden CDP	Prince George's	5
Bagtown CDP	Washington	6
Bakersville CDP	Washington	6
Ballenger Creek CDP	Frederick	6,8
Baltimore Highlands CDP	Baltimore	2
Baltimore city	Baltimore	2,3,7
Barclay town	Queen Anne's	1
Barnesville town	Montgomery	6
Barrelville CDP	Allegany	6
Barton town	Allegany	6
Bartonsville CDP	Frederick	8
Beaver Creek CDP	Washington	6
Bel Air CDP	Allegany	6
Bel Air North CDP	Harford	1
Bel Air South CDP	Harford	1,2
Bel Air town	Harford	1
Beltsville CDP	Prince George's	4,5
Benedict CDP	Charles	5
Bensville CDP	Charles	5
Berlin town	Worcester	1
Berwyn Heights town	Prince George's	5
Bethesda CDP	Montgomery	8
Betterton town	Kent	1
Bier CDP	Allegany	6
Big Pool CDP	Washington	6
Big Spring CDP	Washington	6
Bishopville CDP	Worcester	1
Bivalve CDP	Wicomico	1
Bladensburg town	Prince George's	4
Bloomington CDP	Garrett	6
Boonsboro town	Washington	6
Bowie city	Prince George's	4,5
Bowleys Quarters CDP	Baltimore	2
Bowling Green CDP	Allegany	6
Bowmans Addition CDP	Allegany	6
Braddock Heights CDP	Frederick	8
Brandywine CDP	Prince George's	5
Breathedsville CDP	Washington	6
Brentwood town	Prince George's	4
Brock Hall CDP	Prince George's	4,5
Brookeville town	Montgomery	3
Brooklyn Park CDP	Anne Arundel	2
Brookmont CDP	Montgomery	8
Brookview town	Dorchester	1
Broomes Island CDP	Calvert	5
Brownsville CDP	Washington	6
Brunswick city	Frederick	6
Bryans Road CDP	Charles	5
Bryantown CDP	Charles	5
Buckeystown CDP	Frederick	6
Burkittsville town	Frederick	8
Burtonsville CDP	Montgomery	3
Butlertown CDP	Kent	1
Cabin John CDP	Montgomery	8
California CDP	St. Mary's	5
Calvert Beach CDP	Calvert	5
Calverton CDP	Montgomery	3
	Prince George's	4
Cambridge city	Dorchester	1
Camp Springs CDP	Prince George's	4,5
Cape St. Claire CDP	Anne Arundel	3,4
Capitol Heights town	Prince George's	4

Carlos CDP	Allegany	6
Carney CDP	Baltimore	1-3
Catonsville CDP	Baltimore	7
Cavetown CDP	Washington	6
Cearfoss CDP	Washington	6
Cecilton town	Cecil	1
Cedarville CDP	Prince George's	5
Centreville town	Queen Anne's	1
Chance CDP	Somerset	1
Charlestown town	Cecil	1
Charlotte Hall CDP	St. Mary's	5
Charlton CDP	Washington	6
Chesapeake Beach town	Calvert	5
Chesapeake City town	Cecil	1
Chesapeake Ranch Estates CDP	Calvert	5
Chester CDP	Queen Anne's	1
Chestertown town	Kent	1
Cheverly town	Prince George's	4
Chevy Chase CDP	Montgomery	8
Chevy Chase Section Five village	Montgomery	8
Chevy Chase Section Three village	Montgomery	8
Chevy Chase View town	Montgomery	8
Chevy Chase Village town	Montgomery	8
Chevy Chase town	Montgomery	8
Chewsville CDP	Washington	6
Chillum CDP	Prince George's	4
Choptank CDP	Caroline	1
Church Creek town	Dorchester	1
Church Hill town	Queen Anne's	1
Clarksburg CDP	Montgomery	6
Clarysville CDP	Allegany	6
Clear Spring town	Washington	6
Clinton CDP	Prince George's	5
Cloverly CDP	Montgomery	3,8
Cobb Island CDP	Charles	5
Cockeysville CDP	Baltimore	1,2,7
Colesville CDP	Montgomery	3,8
College Park city	Prince George's	5
Colmar Manor town	Prince George's	4
Columbia CDP	Howard	3,7
Coral Hills CDP	Prince George's	4
Cordova CDP	Talbot	1
Corriganville CDP	Allegany	6
Cottage City town	Prince George's	4
Crellin CDP	Garrett	6
Cresaptown CDP	Allegany	6
Crisfield city	Somerset	1
Crofton CDP	Anne Arundel	4,5
Croom CDP	Prince George's	5
Crownsville CDP	Anne Arundel	4
Cumberland city	Allegany	6
Damascus CDP	Montgomery	6,8
Dames Quarter CDP	Somerset	1
Danville CDP	Allegany	6
Dargan CDP	Washington	6
Darlington CDP	Harford	1
Darnestown CDP	Montgomery	6
Dawson CDP	Allegany	6
Deal Island CDP	Somerset	1
Deale CDP	Anne Arundel	5
Deer Park town	Garrett	6
Delmar town	Wicomico	1
Denton town	Caroline	1
Derwood CDP	Montgomery	6
Detmold CDP	Allegany	6
District Heights city	Prince George's	4
Downsville CDP	Washington	6
Drum Point CDP	Calvert	5
Dundalk CDP	Baltimore	2
Dunkirk CDP	Calvert	5
Eagle Harbor town	Prince George's	5
Eakles Mill CDP	Washington	6
East New Market town	Dorchester	1
East Riverdale CDP	Prince George's	4,5
Easton town	Talbot	1
Eckhart Mines CDP	Allegany	6
Eden CDP	Somerset	1
Edesville CDP	Kent	1
Edgemere CDP	Baltimore	2
Edgemont CDP	Washington	6
Edgewater CDP	Anne Arundel	4,5
Edgewood CDP	Harford	1,2
Edmonston town	Prince George's	4
Eldersburg CDP	Carroll	8
Eldorado town	Dorchester	1

Elkridge CDP	Howard	2,3,7
Elkton town	Cecil	1
Ellerslie CDP	Allegany	6
Ellicott City CDP	Howard	7
Elliott CDP	Dorchester	1
Emmitsburg town	Frederick	8
Ernstville CDP	Washington	6
Essex CDP	Baltimore	2
Fairland CDP	Montgomery	3
Fairlee CDP	Kent	1
Fairmount CDP	Somerset	1
Fairmount Heights town	Prince George's	4
Fairplay CDP	Washington	6
Fairview CDP	Washington	6
Fairwood CDP	Prince George's	4,5
Fallston CDP	Harford	1
Federalsburg town	Caroline	1
Ferndale CDP	Anne Arundel	2,3
Finzel CDP	Garrett	6
Fishing Creek CDP	Dorchester	1
Flintstone CDP	Allegany	6
Forest Glen CDP	Montgomery	8
Forest Heights town	Prince George's	4
Forestville CDP	Prince George's	4
Fort Meade CDP	Anne Arundel	2,3
Fort Ritchie CDP	Washington	6
Fort Washington CDP	Prince George's	4,5
Fountainhead-Orchard Hills CDP	Washington	6
Four Corners CDP	Montgomery	8
Franklin CDP	Allegany	6
Frederick city	Frederick	6,8
Frenchtown-Rumbly CDP	Somerset	1
Friendly CDP	Prince George's	5
Friendship CDP	Anne Arundel	5
Friendship Heights Village CDP	Montgomery	8
Friendsville town	Garrett	6
Frostburg city	Allegany	6
Fruitland city	Wicomico	1
Fulton CDP	Howard	3
Funkstown town	Washington	6
Gaithersburg city	Montgomery	6
Galena town	Kent	1
Galestown town	Dorchester	1
Galesville CDP	Anne Arundel	5
Gambrills CDP	Anne Arundel	4
Gapland CDP	Washington	6
Garrett Park town	Montgomery	8
Garretts Mill CDP	Washington	6
Garrison CDP	Baltimore	3
Georgetown CDP	Kent	1
Germantown CDP	Montgomery	6
Gilmore CDP	Allegany	6
Girdletree CDP	Worcester	1
Glassmanor CDP	Prince George's	4
Glen Burnie CDP	Anne Arundel	2-4
Glen Echo town	Montgomery	8
Glenarden city	Prince George's	4
Glenmont CDP	Montgomery	8
Glenn Dale CDP	Prince George's	4,5
Golden Beach CDP	St. Mary's	5
Goldsboro town	Caroline	1
Gorman CDP	Garrett	6
Grahamtown CDP	Allegany	6
Grantsville town	Garrett	6
Grasonville CDP	Queen Anne's	1
Greenbelt city	Prince George's	5
Greensboro town	Caroline	1
Greensburg CDP	Washington	6
Hagerstown city	Washington	6
Halfway CDP	Washington	6
Hampstead town	Carroll	1
Hampton CDP	Baltimore	1,2
Hancock town	Washington	6
Havre de Grace city	Harford	2
Hebron town	Wicomico	1
Henderson town	Caroline	1
Herald Harbor CDP	Anne Arundel	4
Highfield-Cascade CDP	Washington	6
Highland Beach town	Anne Arundel	3
Highland CDP	Howard	3,7
Hillandale CDP	Montgomery	3
	Prince George's	4
Hillcrest Heights CDP	Prince George's	4
Hillsboro town	Caroline	1
Hughesville CDP	Charles	5

Huntingtown CDP	Calvert	5
Hurlock town	Dorchester	1
Hutton CDP	Garrett	6
Hyattsville city	Prince George's	4,5
Ilchester CDP	Howard	2,3,7
Indian Head town	Charles	5
Indian Springs CDP	Washington	6
Jarrettsville CDP	Harford	1
Jefferson CDP	Frederick	6,8
Jennings CDP	Garrett	6
Jessup CDP	Anne Arundel	2
	Howard	2
Jesterville CDP	Wicomico	1
Joppatowne CDP	Harford	1,2
Jugtown CDP	Washington	6
Keedysville town	Washington	6
Kemp Mill CDP	Montgomery	8
Kemps Mill CDP	Washington	6
Kennedyville CDP	Kent	1
Kensington town	Montgomery	8
Kent Narrows CDP	Queen Anne's	1
Kettering CDP	Prince George's	4
Kingstown CDP	Queen Anne's	1
Kingsville CDP	Baltimore	1
Kitzmiller town	Garrett	6
Klondike CDP	Allegany	6
Konterra CDP	Prince George's	4,5
La Plata town	Charles	5
La Vale CDP	Allegany	6
Lake Arbor CDP	Prince George's	4
Lake Shore CDP	Anne Arundel	3,4
Landover CDP	Prince George's	4
Landover Hills town	Prince George's	4
Langley Park CDP	Prince George's	4
Lanham CDP	Prince George's	4,5
Lansdowne CDP	Baltimore	3
Largo CDP	Prince George's	4
Laurel city	Prince George's	4
Layhill CDP	Montgomery	8
Laytonsville town	Montgomery	6,8
Leisure World CDP	Montgomery	8
Leitersburg CDP	Washington	6
Leonardtown town	St. Mary's	5
Lexington Park CDP	St. Mary's	5
Libertytown CDP	Frederick	8
Linganore CDP	Frederick	6,8
Linthicum CDP	Anne Arundel	2,3
Little Orleans CDP	Allegany	6
Loch Lynn Heights town	Garrett	6
Lochearn CDP	Baltimore	2,7
Lonaconing town	Allegany	6
Long Beach CDP	Calvert	5
Luke town	Allegany	6
Lusby CDP	Calvert	5
Lutherville CDP	Baltimore	2
Madison CDP	Dorchester	1
Manchester town	Carroll	1
Mapleville CDP	Washington	6
Mardela Springs town	Wicomico	1
Marlboro Meadows CDP	Prince George's	5
Marlboro Village CDP	Prince George's	4,5
Marlow Heights CDP	Prince George's	4
Marlton CDP	Prince George's	5
Martin's Additions village	Montgomery	8
Marydel town	Caroline	1
Maryland City CDP	Anne Arundel	2-4
Maugansville CDP	Washington	6
Mayo CDP	Anne Arundel	5
Mays Chapel CDP	Baltimore	2,3,7
McCoole CDP	Allegany	6
Mechanicsville CDP	St. Mary's	5
Melwood CDP	Prince George's	5
Mercersville CDP	Washington	6
Middle River CDP	Baltimore	2
Middleburg CDP	Washington	6
Middletown town	Frederick	8
Midland town	Allegany	6
Midlothian CDP	Allegany	6
Milford Mill CDP	Baltimore	2,7
Millington town	Kent	1
	Queen Anne's	1
Mitchellville CDP	Prince George's	4
Monrovia CDP	Frederick	8
Montgomery Village CDP	Montgomery	6
Morningside town	Prince George's	4

Moscow CDP	Allegany	6
Mount Aetna CDP	Washington	6
Mount Airy town	Carroll	8
	Frederick	8
Mount Briar CDP	Washington	6
Mount Lena CDP	Washington	6
Mount Rainier city	Prince George's	4
Mount Savage CDP	Allegany	6
Mount Vernon CDP	Somerset	1
Mountain Lake Park town	Garrett	6
Myersville town	Frederick	8
Nanticoke Acres CDP	Wicomico	1
Nanticoke CDP	Wicomico	1
National CDP	Allegany	6
National Harbor CDP	Prince George's	4
Naval Academy CDP	Anne Arundel	3
New Carrollton city	Prince George's	4,5
New Market town	Frederick	8
New Windsor town	Carroll	8
Newark CDP	Worcester	1
Nikep CDP	Allegany	6
North Beach town	Calvert	5
North Bethesda CDP	Montgomery	8
North Brentwood town	Prince George's	4
North Chevy Chase village	Montgomery	8
North East town	Cecil	1
North Kensington CDP	Montgomery	8
North Laurel CDP	Howard	2
North Potomac CDP	Montgomery	6,8
Oakland town	Garrett	6
Ocean CDP	Allegany	6
Ocean City town	Worcester	1
Ocean Pines CDP	Worcester	1
Odenton CDP	Anne Arundel	2-4
Oldtown CDP	Allegany	6
Olney CDP	Montgomery	3,8
Overlea CDP	Baltimore	2,3
Owings CDP	Calvert	5
Owings Mills CDP	Baltimore	2,3
Oxford town	Talbot	1
Oxon Hill CDP	Prince George's	4
Paramount-Long Meadow CDP	Washington	6
Parkville CDP	Baltimore	2,3
Parole CDP	Anne Arundel	3,4
Parsonsburg CDP	Wicomico	1
Pasadena CDP	Anne Arundel	3,4
Pecktonville CDP	Washington	6
Peppermill Village CDP	Prince George's	4
Perry Hall CDP	Baltimore	1-3
Perryman CDP	Harford	2
Perryville town	Cecil	1
Pikesville CDP	Baltimore	2,3
Pinesburg CDP	Washington	6
Piney Point CDP	St. Mary's	5
Pittsville town	Wicomico	1
Pleasant Grove CDP	Allegany	6
Pleasant Hills CDP	Harford	1
Pocomoke City city	Worcester	1
Point of Rocks CDP	Frederick	6
Pomfret CDP	Charles	5
Pondsville CDP	Washington	6
Poolesville town	Montgomery	6
Port Deposit town	Cecil	1
Port Tobacco Village town	Charles	5
Potomac CDP	Montgomery	6,8
Potomac Heights CDP	Charles	5
Potomac Park CDP	Allegany	6
Powellville CDP	Wicomico	1
Preston town	Caroline	1
Prince Frederick CDP	Calvert	5
Princess Anne town	Somerset	1
Pylesville CDP	Harford	1
Quantico CDP	Wicomico	1
Queen Anne CDP	Prince George's	5
Queen Anne town	Queen Anne's	1
	Talbot	1
Queenland CDP	Prince George's	5
Queenstown town	Queen Anne's	1
Randallstown CDP	Baltimore	2,3,7
Rawlings CDP	Allegany	6
Redland CDP	Montgomery	6,8
Reid CDP	Washington	6
Reisterstown CDP	Baltimore	2,7
Ridgely town	Caroline	1
Ringgold CDP	Washington	6

Rising Sun town	Cecil	1
Riva CDP	Anne Arundel	4
Riverdale Park town	Prince George's	4,5
Riverside CDP	Harford	2
Riviera Beach CDP	Anne Arundel	3,4
Robinwood CDP	Washington	6
Rock Hall town	Kent	1
Rock Point CDP	Charles	5
Rockville city	Montgomery	6,8
Rohrersville CDP	Washington	6
Rosaryville CDP	Prince George's	5
Rosedale CDP	Baltimore	2,3
Rosemont village	Frederick	6
Rossville CDP	Baltimore	2,3
Sabillasville CDP	Frederick	8
Salisbury city	Wicomico	1
San Mar CDP	Washington	6
Sandy Hook CDP	Washington	6
Savage CDP	Howard	2
Scaggsville CDP	Howard	2,3
Seabrook CDP	Prince George's	4,5
Seat Pleasant city	Prince George's	4
Secretary town	Dorchester	1
Severn CDP	Anne Arundel	2-4
Severna Park CDP	Anne Arundel	4
Shady Side CDP	Anne Arundel	5
Shaft CDP	Allegany	6
Sharpsburg town	Washington	6
Sharptown town	Wicomico	1
Silver Hill CDP	Prince George's	4
Silver Spring CDP	Montgomery	3,8
Smith Island CDP	Somerset	1
Smithsburg town	Washington	6
Snow Hill town	Worcester	1
Solomons CDP	Calvert	5
Somerset town	Montgomery	8
South Kensington CDP	Montgomery	8
South Laurel CDP	Prince George's	4,5
Spencerville CDP	Montgomery	3
Spring Gap CDP	Allegany	6
Spring Ridge CDP	Frederick	8
Springdale CDP	Prince George's	4
St. George Island CDP	St. Mary's	5
St. James CDP	Washington	6
St. Leonard CDP	Calvert	5
St. Michaels town	Talbot	1
Stevensville CDP	Queen Anne's	1
Stockton CDP	Worcester	1
Sudlersville town	Queen Anne's	1
Suitland CDP	Prince George's	4
Summerfield CDP	Prince George's	4
Swanton CDP	Garrett	6
Sykesville town	Carroll	8
Takoma Park city	Montgomery	8
Tall Timbers CDP	St. Mary's	5
Taneytown city	Carroll	1
Taylors Island CDP	Dorchester	1
Temple Hills CDP	Prince George's	4
Templeville town	Caroline	1
	Queen Anne's	1
Thurmont town	Frederick	8
Tilghman Island CDP	Talbot	1
Tilghmanton CDP	Washington	6
Timonium CDP	Baltimore	2,7
Tolchester CDP	Kent	1
Towson CDP	Baltimore	2,3
Trappe town	Talbot	1
Travilah CDP	Montgomery	6,8
Trego-Rohrersville Station CDP	Washington	6
Tyaskin CDP	Wicomico	1
Union Bridge town	Carroll	8
University Park town	Prince George's	5
Upper Marlboro town	Prince George's	5
Urbana CDP	Frederick	6
Vale Summit CDP	Allegany	6
Vienna town	Dorchester	1
Waldorf CDP	Charles	5
Walker Mill CDP	Prince George's	4
Walkersville town	Frederick	8
Washington Grove town	Montgomery	6
Waterview CDP	Wicomico	1
West Denton CDP	Caroline	1
West Laurel CDP	Prince George's	4
West Ocean City CDP	Worcester	1
West Pocomoke CDP	Somerset	1

Westernport town	Allegany	6
Westminster city	Carroll	8
Westphalia CDP	Prince George's	4,5
Whaleyville CDP	Worcester	1
Wheaton CDP	Montgomery	6,8
White Marsh CDP	Baltimore	1-3
White Oak CDP	Montgomery	3,8
Whitehaven CDP	Wicomico	1
Willards town	Wicomico	1
Williamsport town	Washington	6
Williston CDP	Caroline	1
Wilson-Conococheague CDP	Washington	6
Woodland CDP	Allegany	6
Woodlawn CDP	Baltimore	7
	Prince George's	4,5
Woodmore CDP	Prince George's	4,5
Woodsboro town	Frederick	8
Worton CDP	Kent	1
Yarrowsburg CDP	Washington	6
Zihlman CDP	Allegany	6

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

O. JOHN BENISEK, *et al.*,	*	
Plaintiffs,	*	
v.	*	Case No. 13-cv-3233
LINDA H. LAMONE., *et al.*,	*	
Defendants.	*	

* * * * * * * * * * * * * * * * * * * *

DECLARATION OF SHELLY APRILL

I, Shelly Aprill, under penalty of perjury, declare and state:

1. I, Shelly Aprill, am over the age of eighteen and am competent to testify to the matters stated below.

2. I am a planner in the Planning Data Analysis Unit of the Maryland Department of Planning. I have held this position for 8 years. As a planner, my background includes a Master of Urban and Regional Planning from Virginia Commonwealth University. Upon completion of my Master's degree, I was hired by the Department of Planning as a planner to assist with redistricting. After the completion of the 2011 and 2012 redistricting process, I continued to assist with redistricting related projects but took on other projects assigned to the Planning Data Analysis Unit as well. I currently utilize ArcMap 10.3 for analysis and producing maps. I have experience with many versions of ArcMap going back to 9.3.

3. I am familiar with ArcMap and with the definitions of Census Designated Places. On or about May 30, 2017, I created maps of Rockville and Frederick City that depict: 1) the borders of census designated places as provided by the Census; 2) the borders of municipalities (these are defined by the local government, not the Census); 3) the borders of the voting tabulation districts, which in Maryland are also known as precincts, as they existed in 2011; 4) the 2011 Congressional Districts. Copies of these maps are attached as Exhibit A.

5. For the detail map of Frederick City, I did a visual inspection of the boundary of Frederick City but was only able to find one split area. As a double check, I utilized a spatial join with the municipal boundary and the congressional district boundaries. A

spatial join joins attributes from one feature (the municipal boundary) to the attributes of another (the congressional district boundaries). The output table will contain a record for each piece of the municipal boundary in a different congressional district. The output table I generated with ArcMap only had two records for Frederick City, one for the Sixth Congressional District and one for the Eighth. Through this process, I could determine that there was exactly one place where the Eighth District crossed the municipal boundary of Frederick City. I then zoomed in to a scale of 1: 220, or one inch on the map equals about 220 feet on the ground. I placed a purple circle around the area where the Eighth District crosses the municipal boundary of Frederick City. Using the adjusted 2010 Census data and the identify function, I could determine that this area contained zero population.

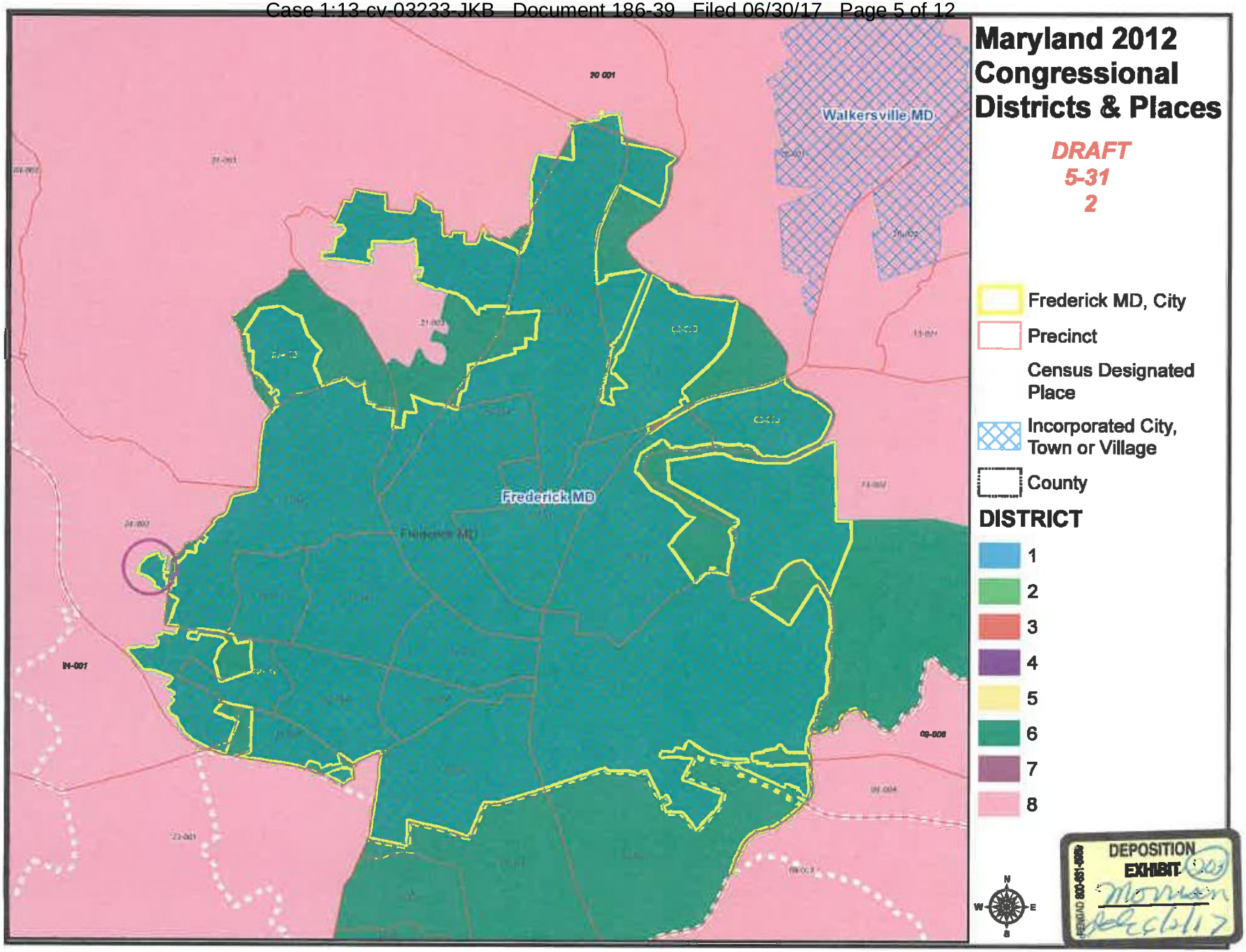
6. I have repeated this process to produce map details highlighting the areas where the Sixth District crosses the municipal boundary of Rockville. They are attached as Exhibit B. There are five areas and those follow the boundary of Precincts 04-026, 04-019, and 04-009. Using the adjusted 2010 Census data and the identify function, I could determine that one of the areas contained a population of 4 persons. The others areas contained no population.

7. Other than Rockville and Frederick City, the Eighth District does not cross the municipal boundary of any city in the Sixth District. No district other than the Eighth borders the Sixth District. This was determined using a visual inspection of the Congressional Districts to determine neighboring districts. The output of the spatial join was used to determine if any other cities in the Sixth District were also crossed by the Eighth District.

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

6/29/17
Date

Shelly Aprill
Shelly Aprill


Maryland 2012 Congressional Districts & Places
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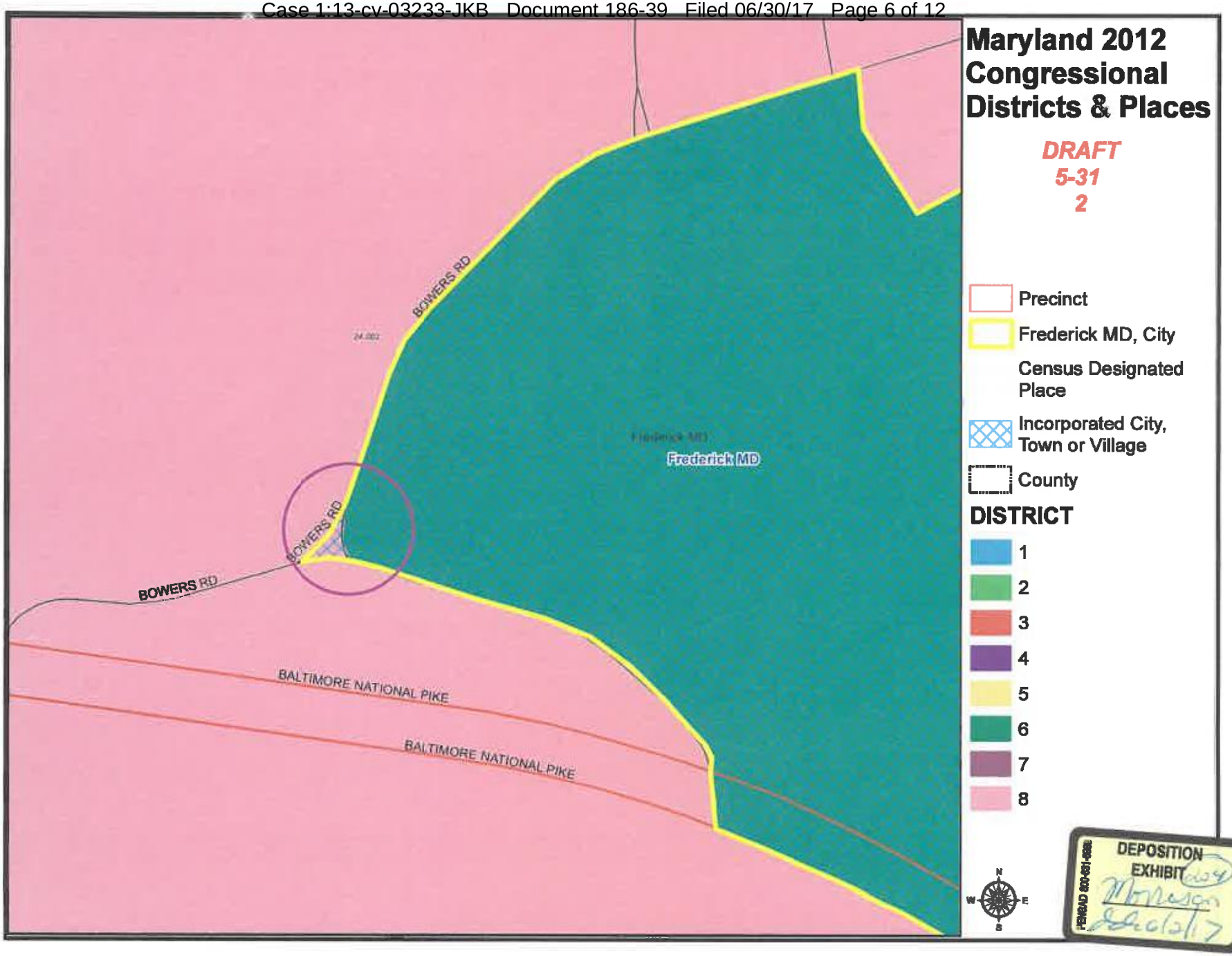
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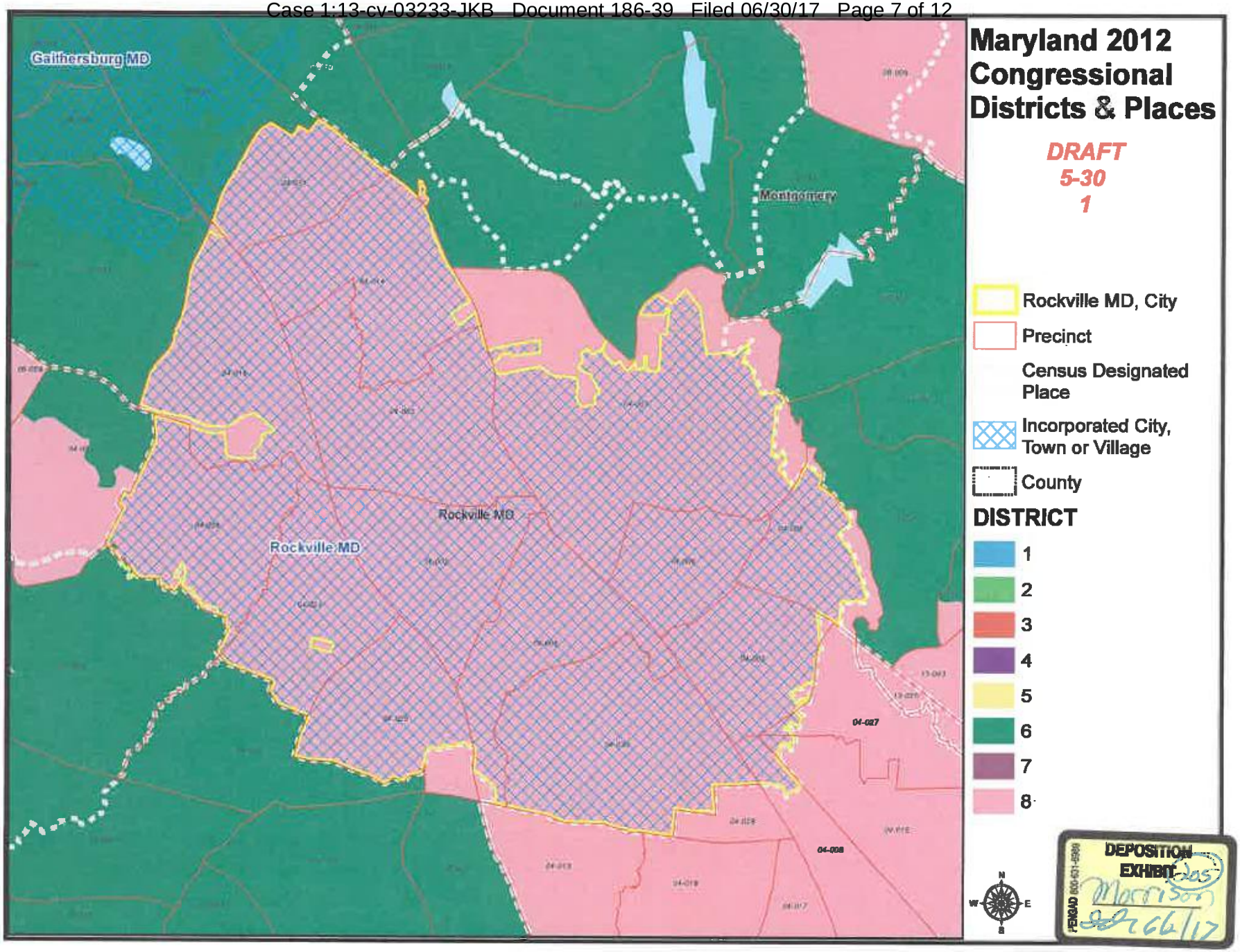
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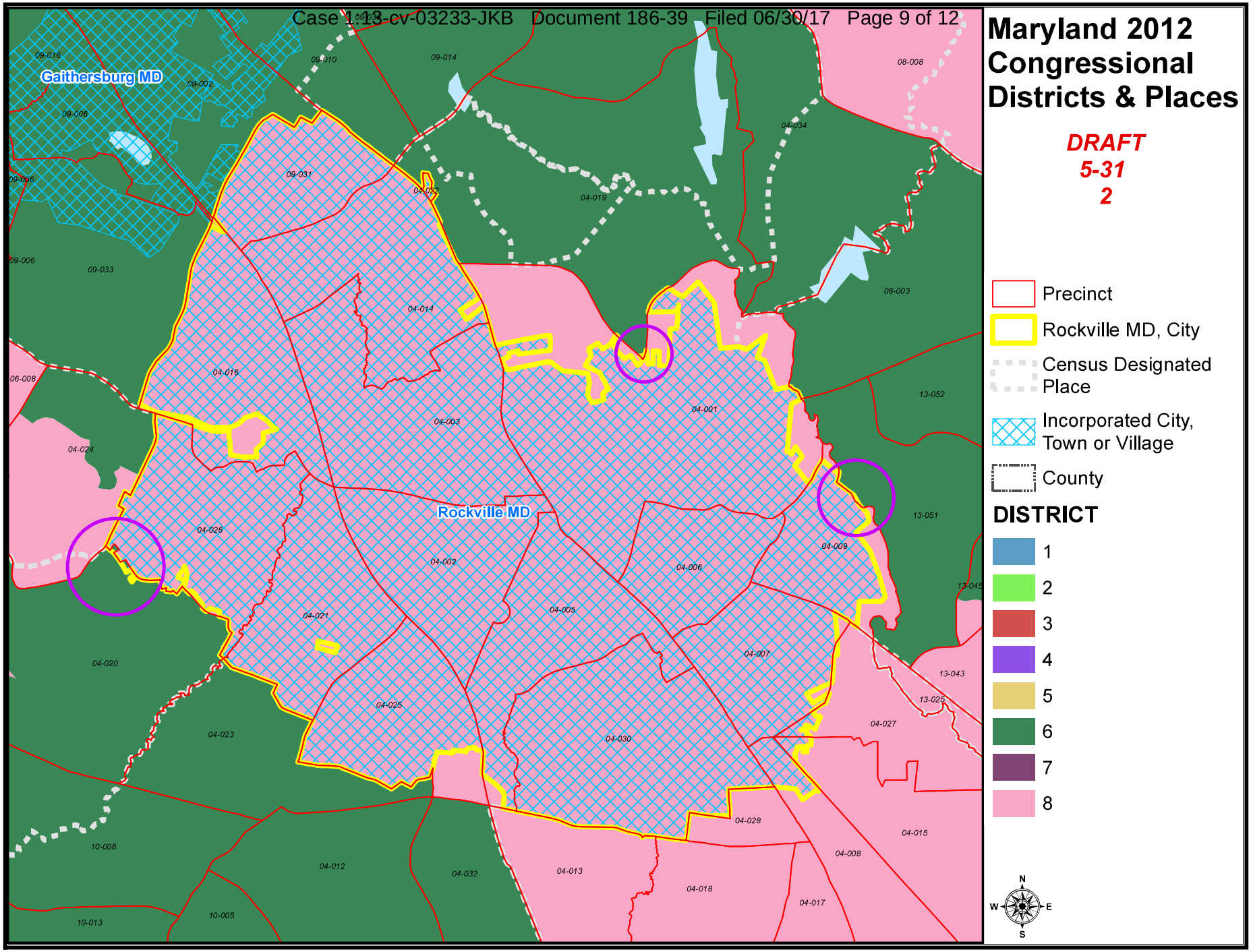
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04-026
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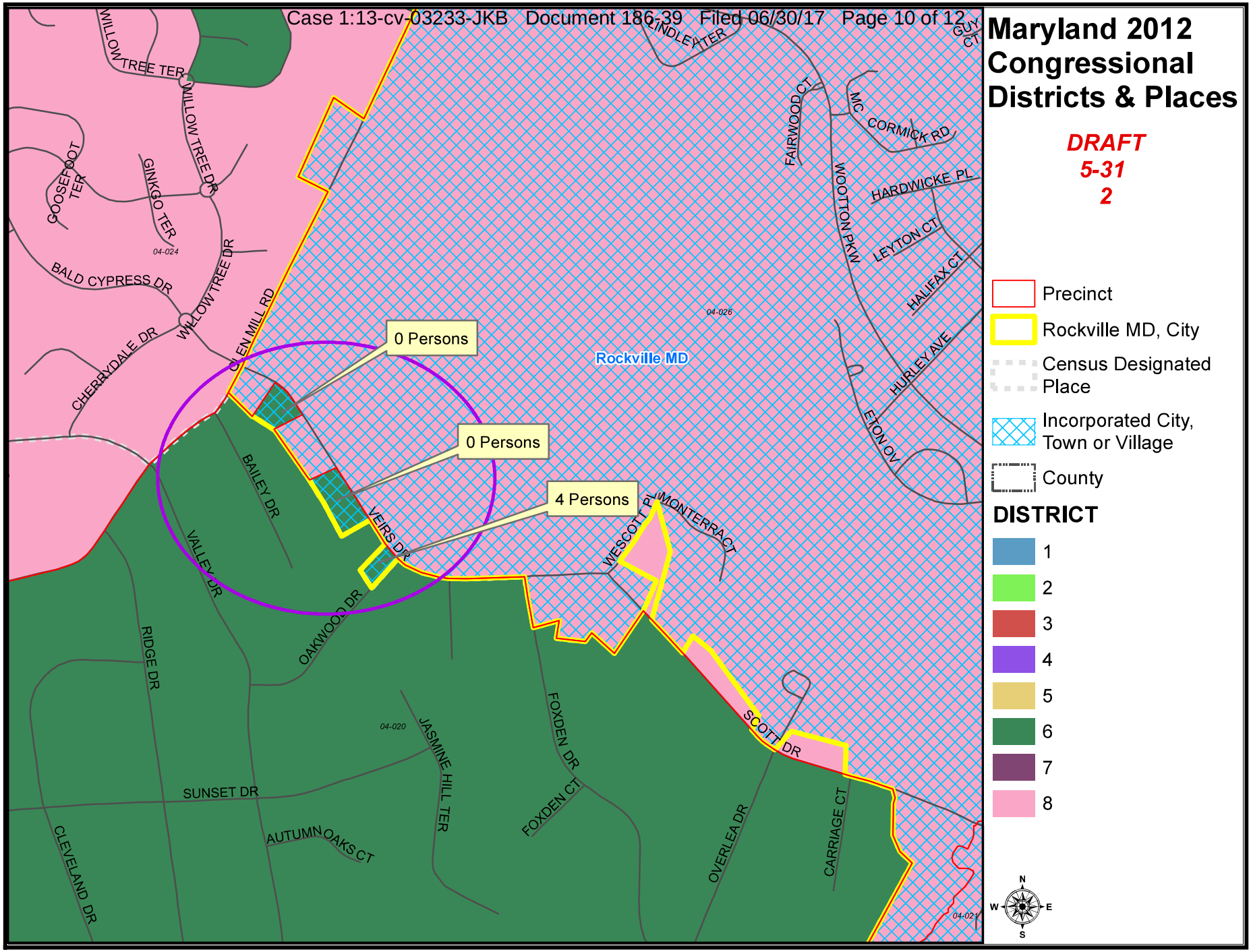
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04-026
04-020
04-021
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WILLOW TREE DR
GOOSEFOOT TER
GINKGO TER
BALD CYPRESS DR
CHERRYDALE DR
GLEN MILL RD
BAILEY DR
VEIRS DR
VALLEY DR
OAKWOOD DR
RIDGE DR
SUNSET DR
CLEVELAND DR
AUTUMN OAKS CT
JASMINE HILL TER
FOXDEN DR
FOXDEN CT
WESCOTT PL
MONTERRA CT
SCOTT DR
OVERLEA DR
CARRIAGE CT
ETON OV
HURLEY AVE
HALIFAX CT
LEYTON CT
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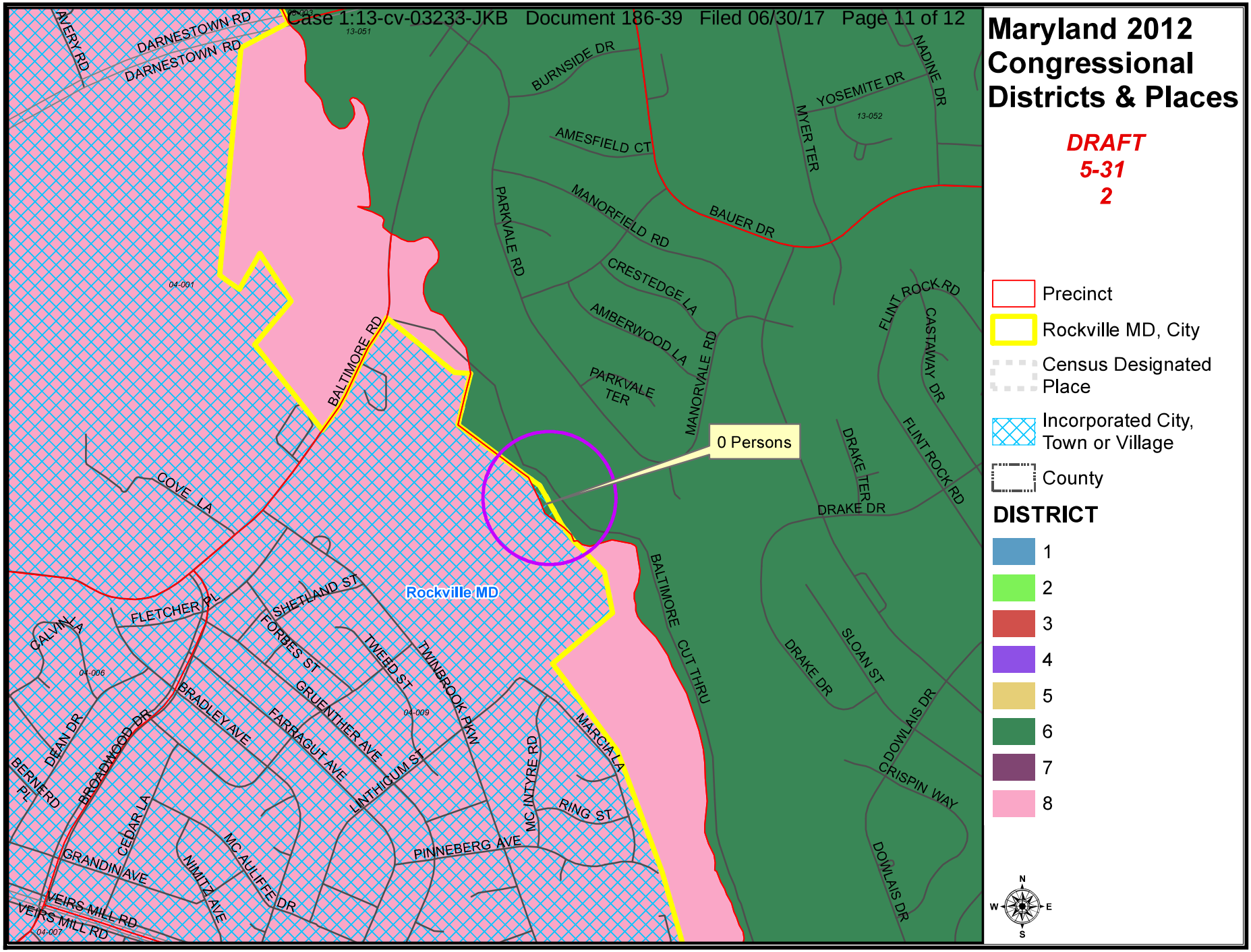
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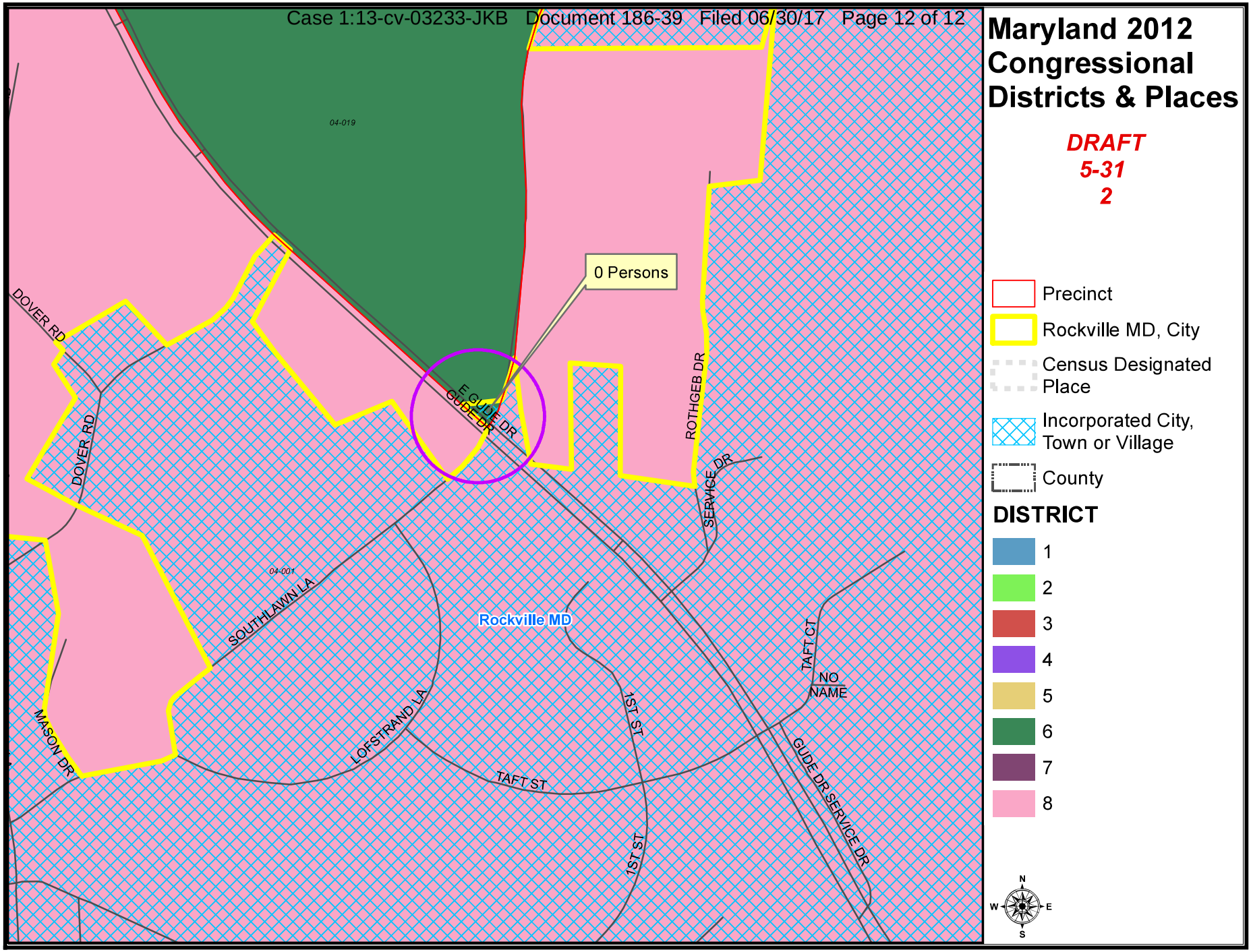
AMESFIELD CT
YOSEMITE DR
NADINE DR
MYER TER
BAUER DR
PARKVALE RD
MANORFIELD RD
CRESTEDGE LA
AMBERWOOD LA
PARKVALE TER
MANORVALE RD
FLINT ROCK RD
CASTAWAY DR
BALTIMORE RD
COVE LA
DRAKE TER
DRAKE DR
BALTIMORE CUT THRU
SLOAN ST
DOWLAIS DR
CRISPIN WAY
FLETCHER PL
SHETLAND ST
CALVIN LA
FORBES ST
TWEED ST
TWINBROOK PKWY
GRUENTHER AVE
BRADLEY AVE
FARRAGUT AVE
LINTHICUM ST
MARCIA LA
MC INTYRE RD
RING ST
DEAN DR
BROADWOOD DR
BERNERD PL
CEDAR LA
PINNEBERG AVE
GRANDIN AVE
NIMITZ AVE
MC AULIFFE DR
VEIRS MILL RD
04-001
04-006
04-007
04-009
13-051
13-052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Elections by Year

2018
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2011 - Baltimore City
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2007 - Baltimore City
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1995 - Baltimore City
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1991 - Baltimore City
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1988
1987 - Baltimore City
1986
1983 - Baltimore City

Other Election Information

Special Elections
Districts
Electoral College
Presidential Candidate Results in MD from 1948 to

2012 Presidential General Election Results

Last Updated 11/28/2012 08:56:04 AM

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NR: not reported

U.S. Senator

(Vote for One) View the breakdown of these results

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
Ben Cardin ✔	Democratic	283,225	1,054,173	136,630	1,474,028	56.0%
Daniel John Bongino	Republican	87,972	554,958	50,361	693,291	26.3%
Dean Ahmad	Libertarian	3,190	26,180	2,882	32,252	1.2%
S. Rob Sobhani	Unaffiliated	46,847	363,320	20,767	430,934	16.4%
Lih Young (Write In)	Democratic	50	112	1	163	0.0%
Mary Podlesak (Write In)	Republican	2	18	1	21	0.0%
Brandy Baker (Write In)	Unaffiliated	34	106	11	151	0.0%
Ed Tinus (Write In)	Unaffiliated	9	37	2	48	0.0%
Other Write-Ins	N/A	272	1,853	221	2,346	0.1%

Search this Site

Elections by Year

2018
2016
2014
2012
2011 - Baltimore City
2010
2008
2007 - Baltimore City
2006
2004
2003/2004 - Baltimore City
2002
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1999 - Baltimore City
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1983 - Baltimore City

Other Election Information

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Districts
Electoral College
Presidential Candidate Results in MD from 1948 to

2012 Presidential General Election Results

Last Updated 11/28/2012 08:56:05 AM

Return to Election Result Index

NR: not reported

Representative in Congress

Congressional District 6

(Vote for One) View the breakdown of these results

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
John Delaney ✔	Democratic	30,452	137,029	14,440	181,921	58.8%
Roscoe G. Bartlett	Republican	13,592	95,263	8,458	117,313	37.9%
Nickolaus Mueller	Libertarian	909	8,350	657	9,916	3.2%
Other Write-Ins	N/A	59	304	36	399	0.1%

Search this Site

Elections by Year

2018
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2014
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2011 - Baltimore City
2010
2008
2007 - Baltimore City
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2003/2004 - Baltimore City
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1999 - Baltimore City
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Presidential Candidate
Results in MD from 1948 to

Official 2014 Gubernatorial General Election results for Attorney General

Last Updated 12/02/2014 03:17:03 PM

Return to Election Result Index

NR: not reported

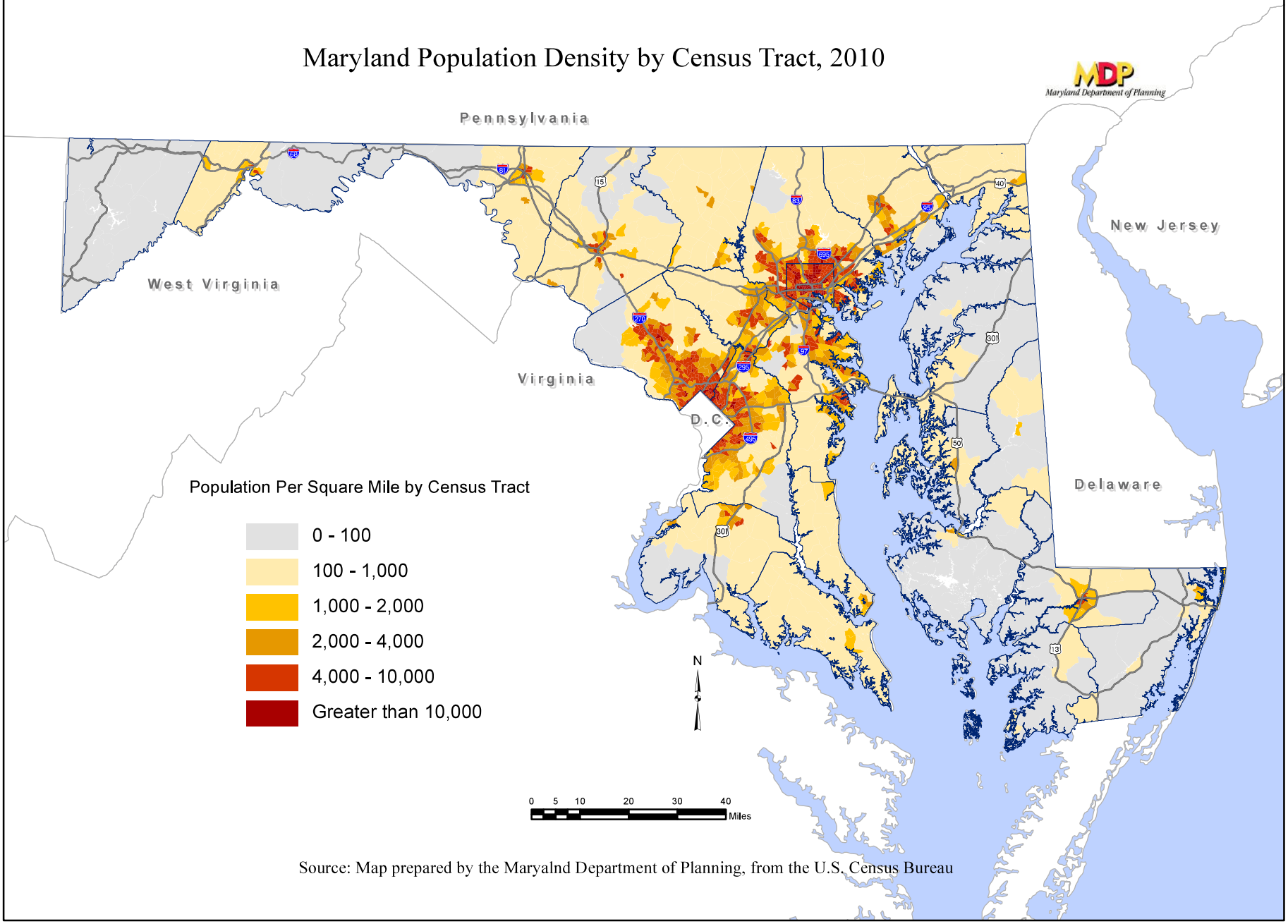
Printer Friendly Version

Attorney General

(Vote for One) County Break Down

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
Brian E. Frosh ✔	Democratic	184,918	701,386	49,542	935,846	55.8%
Jeffrey N. Pritzker	Republican	104,767	548,604	28,894	682,265	40.7%
Leo Wayne Dymowski	Libertarian	7,180	46,763	3,126	57,069	3.4%
Other Write-Ins	N/A	424	1,570	95	2,089	0.1%

Maryland Population Density by Census Tract, 2010



Source: Map prepared by the Maryalnd Department of Planning, from the U.S. Census Bureau

Executive Summary

Administrative Action

(X) Environmental Assessment

(X) Alternatives Analysis

( ) Draft Environmental Impact Statement

( ) Section 4(f) Evaluation

EXECUTIVE SUMMARY TABLE OF CONTENTS	PAGE

Description of Action/Purpose and Need

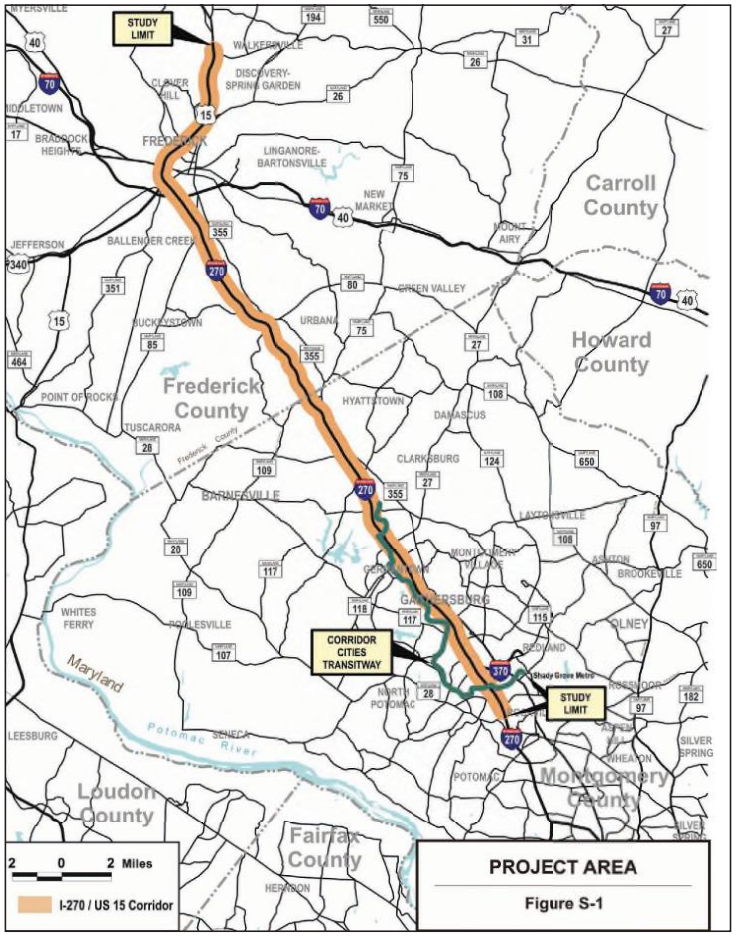
Description of the Action

The Maryland State Highway Administration (SHA) and Maryland Transit Administration (MTA) are developing a multimodal transportation project along the I-270/US 15 Corridor in Montgomery and Frederick Counties, Maryland. The project study area extends from I-270 at Shady Grove Road in Montgomery County to the US 15/Biggs Ford Road intersection in Frederick County. The project includes the development of transportation systems management (TSM)/transit demand management (TDM) strategies, enhancing the highway corridor with additional capacity in the form of general purpose and managed lanes, and constructing a new transit corridor for either light rail transit (LRT) or bus rapid transit (BRT). The project study area is shown in ***Figure S-1***.

Initially, the study presented alternatives in a Draft Environmental Impact Statement (DEIS) that was published in June 2002. This document is intended to serve as a companion to the 2002 DEIS, and presents two new highway project alternatives that were developed since the 2002 DEIS was published for public review and comment.

This Alternatives Analysis/Environmental Assessment (AA/EA) document serves two purposes. As an EA, the document supplements the environmental evaluation presented in the 2002 DEIS. This EA provides an environmental evaluation, as required by the National Environmental Policy Act (NEPA) of two new highway build alternatives that propose Express Toll Lanes℠ (ETLs℠) along with two transit alternatives that will provide LRT or BRT on the Corridor Cities Transitway (CCT). The EA provides the information that will allow a comparison of the DEIS alternatives and the new ETL alternatives to guide decision makers in the selection of a Locally Preferred Alternative and, finally, a Selected Alternative for construction.

Figure S-1: Project Area



participation in, matters relating to human health or the environment." The Order directs agencies to ensure that:

- They do not discriminate on the basis of race, color, or national origin.
- They identify and address disproportionately high and adverse human health or environmental effects of their actions on minority and low-income communities.
- They provide opportunities for community input in the NEPA process, including input on potential effects and mitigation measures.

The analysis identified 21 census block groups that met the threshold where there could be a potentially disproportionate number of minority or low-income persons affected by the project. The block groups that met the minority EJ threshold are located adjacent to the corridor between I-370 and MD 124 in Montgomery County and north of MD 80 in Frederick County. These affected areas of EJ populations were compared to areas of no-impact or less impact to determine if the environmental effects could be considered "disproportionately high and adverse" on minority populations and/or low-income populations. The potential effects on land use, community facilities and services, air, noise, public health and safety, visual effects, and traffic and transportation are comparable throughout the corridor, and generally occur equally on both sides of the highway. Impacts and proposed mitigations in EJ areas were reviewed with regard to the following impact categories: displacements and relocation; community cohesion and access; economic activity; visual conditions; noise; and traffic and transportation.

Displacements and Relocation

Of the 256-260 potential displacements, 244 are located in areas considered potential EJ areas: between I-370 and MD 117 in the Brighton West (81 residences), London Derry (150 residences) and Caulfield (one residence) communities in Montgomery County and in the Foxcroft II community in the City of Frederick. The extent of the proposed impacts with regard to these resources would not be considered a disproportionately high and adverse effect under the EJ guidelines. However, the potential number of property displacements and adverse effects in EJ areas, when compared to non-EJ areas along the corridor, suggests a disproportionately high or adverse impact. Alternatives 6A/B and 7A/B follow existing I-270 and include relatively equal widening on both sides of the roadway for the entire length of the project. The highway design is similar in other areas along the corridor but results in more adverse effects in the EJ areas due to the density of the residential areas and their proximity to the highway.

The widening of I-270 would result in unavoidable adverse effects to EJ areas on both sides of the roadway. Given that the corridor widening is relatively equal on both sides of the existing roadway, the potential impacts to adjacent EJ areas will be generally distributed equally on both sides, as well, with no intent to incur greater impacts to one side of the roadway and avoid impacts to the other side. The large number of potential displacements in these EJ areas (compared to other areas along the corridor) may be reduced through the use of retaining walls and narrowed shoulders that will be determined during design.

The transitway will also affect the same residence in the Caulfield community. A potential O&M site in this same census tract would displace up to four additional residences in this area. The final location of an O&M facility for the transitway has not yet been identified, and this site may not be chosen. These displacements may be considered a disproportionately high or adverse impact to EJ populations if this site is chosen.

Community Cohesion and Access

The alternatives would not affect community cohesion in the traditional sense, as the communities and the impacts to those communities are located adjacent to an existing highway facility. The improvements would not divide communities. The loss of neighbors adjacent to the highway would interrupt the sense of community cohesion as they are relocated. There are no impacts to access with the build alternatives. Relocations within the same neighborhoods, if available, could minimize the sense of loss of community.

Economic Activity

The analysis identified positive economic impacts associated with the project including potential increases in property value due to increased transit access, improved travel time in both ETLs and general purpose lanes, and the addition of three transitway station locations in EJ areas (East Gaither, West Gaither, and Metropolitan Grove) that would provide improved access to transit opportunities. The potential for increased housing costs does exist for historically minority and low-income neighborhoods located in or near the City of Frederick due to improved access to the corridor that would be provided by the highway improvements. Another potential concern is determining the extent to which low-income populations would be able to benefit from the use of ETLs based upon the pricing index and trip diversions to the general purpose lanes.

Visual Conditions

Alternatives 6A/B and 7A/B would increase the visual presence of the highway with additional lanes, retaining walls (recommended for minimizing potential displacements), and noise barriers (for noise reduction). Alternatives 6A/B and 7A/B are expected to have similar visual effects although Alternative 7A/B would add two lanes in each direction between MD 121 and north of MD 80 in Frederick County and Alternative 6A/B would add one lane in each direction. Noise barriers would provide a measure of visual screening as well as noise abatement where they are installed.

The transitway alignment will have moderate visual effects since it would travel mostly at ground level. The potential transit station sites would have the greatest degree of visual effect on EJ areas. These station sites will use land within several new and emerging communities. The East and West Gaither Stations and the Metropolitan Grove Station would add new visual elements and public activity centers within EJ areas. The visual effects may be somewhat offset by designing stations to be visually compatible with the surrounding neighborhoods.

Noise

Potential noise effects from the project would occur throughout the corridor. Noise barriers would reduce adverse noise effects from the project. Noise barriers will be provided where feasible and reasonable. After mitigation, no further noise impacts are anticipated on EJ areas from the highway or transitway alignments or associated facilities. Therefore, the extent of the projected impacts on the block groups identified within EJ areas would not be considered a disproportionately high and adverse impact under the EJ guidelines.

Traffic and Transportation

All residents in the corridor, including those who live in EJ areas, can expect to benefit from the project through improved transportation access and a modest reduction in traffic on local roads with the provision of more public transportation to the area. Alternatives 6A/B and 7A/B include improvements to existing interchanges, construction of new interchanges, and construction of access roads in several locations that will improve traffic, transportation access, and safety. The access improvements would benefit all travelers within the corridor including those who live and work in EJ areas. Four of ten interchange improvements are located in EJ areas, but no new interchanges are located in EJ areas.

Both residents and employees in the corridor can expect transportation benefits from the project. With the transitway, area residents will have improved access throughout the corridor and the surrounding area can expect a modest reduction in traffic on local roads as a result of more public transportation in the area.

Economic Environment

Existing Economic Environment

The I-270/US 15 Corridor is one of Maryland's premier economic regions. Frederick and Montgomery Counties combined account for 21.8 percent of all jobs in Maryland. Many of those jobs are located directly along the I-270/US 15 and CCT alignments, with the highest concentrations in central Montgomery County. Workers in Montgomery and Frederick Counties actually take home over a quarter (25.4 percent) of the state's total wages.

Montgomery County's economy is led by three industries that make up over half of the county's total employment: professional and business services; education and health services; and trade, transportation and utility-related industries. Montgomery County's portion of the I-270/US 15 corridor is the favored location for many high-tech businesses, especially biotechnology and information technology firms. Montgomery County leads the state in the number of high-tech firms.

The Frederick County economy is led by four key industries that also account for over half of the county's employment: education and health services; trade, transportation and utilities; professional and business services; and construction. Frederick County is developing two technology parks, Mount Saint Mary's Bio Park and Jefferson Technology Park, and already houses several major bio-tech employers including the US Army Medical Research Institute of Infectious Diseases at Fort Detrick.

In the I-270/US 15 Corridor, most major employment centers in the corridor are located in the southern end in Montgomery County, within the Corridor Cities of Rockville, Gaithersburg, Germantown and Clarksburg. The City of Frederick is the major location of employment in Frederick County.

Economic Impacts

Overall, the build alternatives will create relatively small positive economic development effects when compared with the large amount of economic growth forecasted to occur in the project area, with or without the project. Nonetheless, the congestion relief provided will provide a positive impact with increased accessibility of people, goods, and markets, thus helping the area maintain its economic edge. Accessibility is measured in three areas: ease of getting to employment destinations; ease in getting to shopping destinations; and, from a business perspective, ease in attracting potential customers.

Consumers would benefit from the project with better access to shopping destinations. Retail businesses could see a benefit from a broader customer base that can reach stores in a shorter time. Workers would benefit in two ways. In the shorter term, workers would benefit from the number of jobs that construction of the project would provide. Both Alternative 6A/B and 7A/B would provide a similar amount of jobs, with the construction of the light rail requiring about 400 more jobs than building the bus rapid transit line. A more permanent benefit to workers is increased accessibility to jobs in a shorter time and/or within a wider area.

Local government property tax revenues could be influenced in three ways by the project: (1) through direct takings of property off the tax rolls to construct the improvements, (2) the stimulation of new development which would increase property tax revenues, and (3) general property value increases associated with the accessibility improvements. Both highway options are expected to increase the value of, and development potential for, open lands along the corridor, especially in northern Montgomery County and central and southern Frederick County. The transit options also have the potential to increase transit oriented development opportunities.

Cultural Resources

Cultural resources and the impacts of the project on these resources are described in greater detail in **Chapter IV.D**. Ten historic properties were identified within the Area of Potential Effects (APE) of Alternatives 6A/B and 7A/B. Impacts to historic properties include the physical taking of land, noise, and visual changes that would result in adverse effects.

Of the ten historic properties within the APE, Alternatives 6A/B and 7A/B would have an adverse effect on eight, listed below with their Maryland Inventory of Historic Properties (MIHP) numbers:

- England/Crown Farm (M:20-17)
- Belward Farm (M:20-21)
- Atomic Energy Commission Building (M:19-41)
- Monocacy National Battlefield (F-3-42)
- Schifferstadt (F-3-47)
- Rose Hill Manor (F-3-126)
- Spring Bank (F-3-22)
- Birely-Roelkey Farm (F-3-134)

Alternatives 6A/B and 7A/B would have no adverse effect on the remaining two properties, Worman House (F-3-198) and Harmony Grove Union Chapel (F-3-197).

No additional archeological investigations were done since the DEIS. Additional archeological investigations will be necessary once an alternative is selected. Owners of the properties have been notified and have been invited to consult with SHA, MTA and the MD SHPO about the effects of the project and potential minimization and mitigation efforts. A Memorandum of Agreement (MOA) is being coordinated with the MD SHPO and the owners of affected properties that will identify the measures to be taken to address the adverse effects. The MOA will also include stipulations to identify and treat any unanticipated archeological discoveries if they are found.

Section 4(f) Summary

The Section 4(f) evaluation was performed in accordance with the US Department of Transportation Act of 1966, 49 USC 303(c), as implemented through 23 CFR 774 by the FHWA. In summary, the evaluation, detailed in **Chapter IV.E**, identified 13 publicly-owned public parks or recreation areas and seven historic properties that would be affected by Alternatives 6A/B and 7A/B. The methodology to evaluate Section 4(f) resources included the following steps: identification of resources via coordination with the agency with jurisdiction over the resource; identification of potential uses of Section 4(f) properties caused by Alternatives 6A/B and 7A/B (including property acquisition, impacts to activities, impacts such as noise and visual effects); exploring potential avoidance alternatives; and evaluating planning to minimize harm. Quantitative efforts included measurements of property acreage impacts, predicting future noise levels, and projecting future air quality in the project corridor. Qualitative efforts included an assessment of visual impacts, including those from mitigation efforts. The project team intends to pursue a *de minimis* finding for nine public parks that are impacted by the alternatives. Throughout the Section 4(f) process, SHA and MTA have consulted with the Maryland State Historic Preservation Officer (SHPO), owners of the historic resources, and parks officials in matters of potential impacts including potential avoidance and minimization efforts.

Section 4(f) Resources

The following publicly-owned public parks and recreation areas would be impacted by Alternatives 6A/B and 7A/B: Malcolm King Park, Morris Park, Seneca Creek State Park, Middlebrook Hill Neighborhood Conservation Area, North Germantown Greenway, Black Hill Regional Park, Little Bennett Regional Park, Urbana Lake Fish Management Area, Urbana Elementary School Recreation Area, Urbana Community Park, Monocacy National Battlefield, Baker Park and Rose Hill Manor Park. Historic properties impacted by Alternatives 6A/B and 7A/B include England/Crown Farm, Belward Farm, the Atomic Energy Commission Building, Monocacy National Battlefield National Historic Landmark, Schifferstadt, Rose Hill Manor, and Birely-Roelkey Farm.

Section 4(f) Uses

Alternatives 6A/B and 7A/B would require right-of-way from each Section 4(f) resource listed above for the construction of additional lanes, ramps and intersections along the I-270/US 15 corridor. Most of these impacts would require the acquisition of a narrow strip of land from the resource adjacent to the existing highway. The uses and impacts are shown on Table ***IV-18*** and ***Table IV-19*** in **Chapter IV.E**.

Avoidance Analysis

While the No-Build Alternative and the TSM/TDM Alternative (discussed in the 2002 DEIS) would be considered as avoidance alternatives, they do not meet the project's purpose and need. Due to the magnitude and scope of the project, an avoidance alternative that eliminates all of the impacts is not prudent or feasible.

The project team intends to pursue a *de minimis* finding for nine of the public parks (not including Urbana Elementary School Recreation Area, Monocacy National Battlefield, Baker Park and Rose Hill Manor Park) impacted by the alternatives.

Least Overall Harm Analysis

Avoidance options, including retaining walls, centerline shifts and design changes, were evaluated for each individual resource. Measures to minimize harm to each of the resources impacted include the use of 2:1 slopes in the conceptual highway design as well as the potential for retaining walls, minimized shoulder widths, and design modifications. These minimization

Republican Registration, Compiled from http://elections.state.md.us/press_room/2010_stats/gg10_statewide.pdf; http://elections.state.md.us/press_room/documents/PG12/PrecinctRegisterCounts/Statewide.pdf; http://elections.state.md.us/press_room/2014_stats/PrecinctRegisterCounts_ByCounty_GG14.pdf; http://elections.state.md.us/press_room/2016_stats/PG16_Eligible_Active_Voters_by_County.pdf

County	**2010 General Election**	**2012 General Election**	**2014 General Election**	**2016 General Election**
Allegany	19,827	20,006	20,200	21,060
Carroll	54,327	56,870	58,969	62,535
Frederick	57,958	61,079	61,145	65,905
Garrett	11,379	11,625	12,018	12,466
Washington	37,027	38,551	39,134	41,912

Eligible Active Voters on Precinct Register

Election: 2010 GUBERNATORIAL GENERAL ELECTION
Election Date: 11/2/10

**As of 10/17/10*

Counts by County

	Dems	Reps	Grn	Con	Lib	UNA	OTH	Subtotal
Allegany	16,608	19,827	130	12	119	5,305	449	42,450
Anne Arundel	145,707	120,970	840	76	1,114	62,255	139	331,101
Baltimore City	289,776	32,027	1,404	29	701	40,231	1,340	365,508
Baltimore County	290,998	128,638	1,326	80	1,499	64,706	5,620	492,869
Calvert	23,171	22,464	119	11	149	9,860	526	56,300
Caroline	7,407	7,461	36	5	59	2,949	120	18,037
Carroll	33,156	54,327	255	51	304	16,309	799	105,201
Cecil	24,530	22,853	143	25	208	11,218	860	59,837
Charles	50,767	24,687	131	19	197	13,609	579	89,989
Dorchester	10,392	6,982	26	2	41	2,185	150	19,778
Frederick	52,181	57,958	359	32	453	26,637	78	137,698
Garrett	4,994	11,379	39	3	45	1,788	186	18,434
Harford	62,100	63,101	274	37	512	22,310	719	149,053
Howard	86,045	55,017	440	41	571	34,159	1,810	178,083
Kent	6,170	4,476	42	3	35	1,621	135	12,482
Montgomery	324,195	123,253	1,432	59	1,364	122,587	541	573,431
Prince George's	403,582	46,641	710	55	732	43,061	22,719	517,500
Queen Anne's	11,059	13,982	64	8	95	4,290	207	29,705
Saint Mary's	24,632	23,454	150	14	191	10,246	526	59,213
Somerset	7,222	4,329	21	3	26	1,537	120	13,258
Talbot	10,166	11,073	51	7	79	3,615	315	25,306
Washington	31,340	37,027	219	20	234	14,347	89	83,276
Wicomico	25,366	19,785	113	9	151	8,176	668	54,268
Worcester	15,715	13,903	68	5	105	5,273	441	35,510
	1,957,279	925,614	8,392	606	8,984	528,274	39,136	3,468,287

Eligible Active Voters on Precinct Register

Election: 2012 PRESIDENTIAL GENERAL ELECTION
Election Date: 11/6/2012
STATEWIDE

**As of 10/21/2012*

Legislative Districts in this report reflect the districts as defined prior to the 2010 Census.

Countywide Counts

	Dems	Reps	Grn	Lib	UNA	OTH	Subtotal
Allegany	15,557	20,006	121	143	5,891	410	42,128
Anne Arundel	149,232	125,386	874	1,393	71,623	262	348,770
Baltimore City	309,078	33,005	1,401	917	46,649	1,534	392,584
Baltimore County	297,941	132,720	1,338	1,806	75,760	5,843	515,408
Calvert	23,349	23,448	138	192	11,201	535	58,863
Caroline	7,183	7,638	36	59	3,108	141	18,165
Carroll	32,778	56,870	270	399	19,092	985	110,394
Cecil	24,197	24,372	140	244	12,824	744	62,521
Charles	55,690	25,339	140	234	15,712	572	97,687
Dorchester	10,414	7,131	25	47	2,424	126	20,167
Frederick	54,564	61,079	401	577	31,441	94	148,156
Garrett	4,724	11,625	38	52	2,084	206	18,729
Harford	63,549	67,467	315	649	26,855	1,133	159,968
Howard	90,072	56,330	471	698	38,779	2,398	188,748
Kent	6,095	4,572	35	44	1,708	140	12,594
Montgomery	345,449	125,185	1,509	1,745	139,040	3,072	616,000
Prince George's	443,643	47,472	765	940	56,106	19,665	568,591
Queen Anne's	11,366	15,284	64	111	5,295	209	32,329
Saint Mary's	25,295	25,721	144	245	12,049	469	63,923
Somerset	7,249	4,600	19	30	1,694	121	13,713
Talbot	9,898	10,979	48	91	4,012	267	25,295
Washington	31,750	38,551	236	322	16,150	282	87,291
Wicomico	25,474	20,655	117	192	9,310	676	56,424
Worcester	14,997	14,423	71	126	6,080	382	36,079
	2,059,544	959,858	8,716	11,256	614,887	40,266	3,694,527

Eligible Active Voters on the Precinct Register - By County

2014 GUBERNATORIAL GENERAL ELECTION

Election Date: 11/04/2014

***As of October 18, 2014*

COUNTY	DEM	REP	LIB	GRN	OTH	UNA	TOTAL
Allegany	15,140	20,200	203	116	378	6,523	42,560
Anne Arundel	147,091	123,998	1,748	825	320	75,331	349,313
Baltimore City	293,242	30,156	1,094	1,215	1,366	46,098	373,171
Baltimore County	297,506	131,289	2,321	1,293	4,845	83,876	521,130
Calvert	23,222	23,930	271	129	465	11,959	59,976
Caroline	6,944	7,740	88	31	148	3,402	18,353
Carroll	31,084	58,969	596	266	882	21,149	112,946
Cecil	22,917	24,692	300	129	665	13,288	61,991
Charles	58,745	24,352	329	122	541	16,360	100,449
Dorchester	10,306	7,237	65	29	118	2,711	20,466
Frederick	54,421	61,145	781	401	200	33,947	150,895
Garrett	4,617	12,018	74	36	187	2,360	19,292
Harford	62,814	68,958	903	321	1,227	30,557	164,780
Howard	93,408	55,440	907	478	2,213	42,994	195,440
Kent	6,023	4,550	54	29	129	1,939	12,724
Montgomery	357,137	121,520	2,216	1,602	3,840	148,348	634,663
Prince George's	427,946	41,780	1,059	746	14,752	58,394	544,677
Queen Anne's	10,964	15,877	153	54	199	5,928	33,175
Saint Mary's	25,034	25,797	316	128	449	12,786	64,510
Somerset	6,409	4,731	31	15	101	1,712	12,999
Talbot	9,647	11,156	114	47	221	4,478	25,663
Washington	31,917	39,134	425	240	330	18,051	90,097
Wicomico	25,314	20,504	268	118	534	9,958	56,696
Worcester	14,433	14,391	161	75	360	6,279	35,699
	2,036,281	949,564	14,477	8,445	34,470	658,428	3,701,665

Eligible Active Voters on the Precinct Register - By County

Election: 2016 Presidential General Election

Election Date: November 08, 2016

***As of October 23, 2016*

county	DEM	REP	LIB	GRN	UNA	OTH	Total
Allegany	14,477	21,060	245	118	6,830	321	43,051
Anne Arundel	158,739	135,542	2,364	821	79,071	965	377,502
Baltimore City	308,854	32,337	1,354	1,216	45,351	1,504	390,616
Baltimore County	307,392	143,003	2,899	1,404	87,703	4,485	546,886
Calvert	23,487	25,817	395	146	12,462	393	62,700
Caroline	6,844	8,803	112	27	3,582	130	19,498
Carroll	32,290	62,535	771	250	22,462	835	119,143
Cecil	22,476	27,579	399	148	13,717	577	64,896
Charles	64,092	26,123	426	139	17,065	489	108,334
Dorchester	10,240	7,860	105	27	2,880	111	21,223
Frederick	60,747	65,905	1,091	411	36,035	275	164,464
Garrett	4,425	12,466	90	41	2,369	153	19,544
Harford	63,984	75,417	1,165	341	32,287	1,140	174,334
Howard	102,742	56,959	1,120	473	44,060	1,891	207,245
Kent	6,085	4,700	56	22	1,973	116	12,952
Montgomery	384,194	121,644	2,760	1,609	141,731	4,736	656,674
Prince George's	454,428	43,135	1,445	942	63,551	12,308	575,809
Queen Anne's	10,803	17,289	211	79	6,236	177	34,795
Saint Mary's	25,690	29,054	478	123	13,607	420	69,372
Somerset	6,049	5,071	40	14	1,695	79	12,948
Talbot	10,030	11,625	137	42	4,721	192	26,747
Washington	32,162	41,912	615	241	18,329	407	93,666
Wicomico	26,134	22,255	349	143	10,387	444	59,712
Worcester	14,431	16,216	218	80	6,721	313	37,979
	2,150,795	**1,014,307**	**18,845**	**8,857**	**674,825**	**32,461**	**3,900,090**

2008 and 2012 Presidential-Year Turnout for Former Sixth District Counties [Source: http://elections.state.md.us/elections/2008/turnout/general/2008_Presidential_General_Statewide.html; http://elections.state.md.us/elections/2012/turnout/general/2012_General_Statewide.html]								
	Numbers of Democrats who Voted		Numbers of Republicans who Voted		Percent Registered Democrats who Voted		Percent Registered Republicans who Voted	
	2008	2012	2008	2012	2008	2012	2008	2012
Allegany	12,079	11,027	14,822	15,395	71.32%	70.88%	75.46%	76.95%
Carroll	28,235	26,164	44,994	47,547	81.61%	79.82%	83.11%	83.61%
Frederick	44,195	44,443	48,249	50,522	85.58%	81.45%	84.82%	82.72%
Garrett	3,598	3,216	8,332	8,784	70.11%	68.08%	74.96%	75.56%
Washington	24,511	23,177	28,869	30,076	74.54%	73.00%	76.63%	78.02%

2010 and 2014 Gubernatorial-Year Turnout for Former Sixth District Counties [Source: http://elections.state.md.us/elections/2010/turnout/general/2010_General_Statewide.html; http://elections.state.md.us/elections/2014/turnout/general/GG14_Turnout_by_party_by_county.xlsx]								
	Numbers of Democrats who Voted		Numbers of Republicans who Voted		Percent Registered Democrats who Voted		Percent Registered Republicans who Voted	
	2010	2014	2010	2014	2010	2014	2010	2014
Alleghany	8,585	7,079	12,043	11,537	51.69%	46.8%	60.74%	57.1%
Carroll	19,745	16,605	36,957	39,118	59.55%	53.4%	68.03%	66.3%
Frederick	29,114	28,901	36,390	38,157	55.79%	53.1%	62.79%	62.4%
Garrett	2,449	2,025	6,799	6,638	49.03%	43.9%	59.75%	55.2%
Washington	15,081	12,858	21,570	21,193	48.12%	40.3%	58.25%	54.2%

Elections by Year

2018
2016
2014
2012
2011 - Baltimore City
2010
2008
2007 - Baltimore City
2006
2004
2003/2004 - Baltimore City
2002
2000
1999 - Baltimore City
1998
1996
1995 - Baltimore City
1994
1992
1991 - Baltimore City
1990
1988
1987 - Baltimore City
1986
1983 - Baltimore City

Other Election Information

Special Elections
Districts
Electoral College
Presidential Candidate Results in MD from 1948 to

2008 Presidential General Statewide

Statewide Total Turnout

County	Registered	Voted Polls	Provisional	Absentee	Total Voted	% Voted
Allegany	42,170	27,806	361	1,923	30,090	71.35%
Anne Arundel	329,437	240,189	3,942	17,540	261,671	79.43%
Baltimore City	368,142	227,786	7,779	15,562	251,127	68.21%
Baltimore	502,323	354,339	6,077	24,290	384,706	76.59%
Calvert	55,555	40,188	755	3,471	44,414	79.95%
Caroline	17,596	12,347	207	805	13,359	75.92%
Carroll	105,449	79,404	721	5,192	85,317	80.91%
Cecil	58,934	39,684	611	2,494	42,789	72.60%
Charles	87,731	64,418	884	5,384	70,686	80.57%
Dorchester	19,351	14,054	229	1,156	15,439	79.78%
Frederick	134,267	102,487	1,689	7,887	112,063	83.46%
Garrett	18,102	11,775	137	1,100	13,012	71.88%
Harford	149,651	114,437	1,710	8,102	124,249	83.03%
Howard	175,115	131,441	2,320	12,543	146,304	83.55%
Kent	12,760	9,014	100	1,045	10,159	79.62%
Montgomery	557,673	383,899	7,581	52,172	443,652	79.55%
Prince George's	497,421	339,216	12,481	29,228	380,925	76.58%
Queen Anne's	29,334	21,840	481	1,966	24,287	82.79%
St. Mary's	57,744	40,312	730	3,752	44,794	77.57%

Present

Somerset	13,071	9,146	243	736	10,125	77.46%
Talbot	24,689	17,647	125	2,701	20,473	82.92%
Washington	85,183	57,046	1,014	4,185	62,245	73.07%
Wicomico	52,886	37,922	730	3,732	42,384	80.14%
Worcester	34,351	24,273	256	3,106	27,635	80.45%
Total	3,428,935	2,400,670	51,163	210,072	2,661,905	77.63%

Statewide Democratic Turnout

County	Registered	Voted Polls	Provisional	Absentee	Total Voted	% Voted
Allegany	16,936	11,161	161	757	12,079	71.32%
Anne Arundel	146,761	110,084	1,708	7,784	119,576	81.48%
Baltimore City	293,573	189,753	6,444	12,276	208,473	71.01%
Baltimore	298,781	217,210	3,820	14,714	235,744	78.90%
Calvert	23,263	17,276	295	1,513	19,084	82.04%
Caroline	7,493	5,294	91	371	5,756	76.82%
Carroll	34,598	26,073	199	1,963	28,235	81.61%
Cecil	24,678	16,712	262	1,047	18,021	73.02%
Charles	48,257	37,515	504	2,920	40,939	84.84%
Dorchester	10,250	7,457	127	664	8,248	80.47%
Frederick	51,643	40,145	707	3,343	44,195	85.58%
Garrett	5,132	3,211	40	347	3,598	70.11%
Harford	64,714	49,888	710	3,479	54,077	83.56%
Howard	84,788	65,614	1,127	6,526	73,267	86.41%
Kent	6,422	4,636	50	523	5,209	81.11%
Montgomery	315,089	224,932	4,496	32,445	261,873	83.11%
Prince George's	385,852	276,688	10,289	23,391	310,368	80.44%
Queen Anne's	11,316	8,409	141	785	9,335	82.49%
St. Mary's	24,898	17,772	286	1,697	19,755	79.34%
Somerset	7,413	5,192	172	407	5,771	77.85%
Talbot	10,118	7,235	53	1,060	8,348	82.51%
Washington	32,884	22,390	409	1,712	24,511	74.54%
Wicomico	24,928	18,006	372	1,827	20,205	81.05%
Worcester	15,524	11,001	117	1,454	12,572	80.98%
Total	1,945,311	1,393,654	32,580	123,005	1,549,239	79.64%

Statewide Republican Turnout

County	Registered	Voted Polls	Provisional	Absentee	Total Voted	% Voted
Allegany	19,642	13,710	122	990	14,822	75.46%
Anne Arundel	121,113	90,086	1,261	6,773	98,120	81.02%
Baltimore City	32,585	16,754	447	1,647	18,848	57.84%
Baltimore	131,875	93,888	1,245	6,704	101,837	77.22%
Calvert	22,220	16,516	275	1,424	18,215	81.98%

Caroline	7,093	5,312	66	322	5,700	80.36%
Carroll	54,138	42,128	368	2,498	44,994	83.11%
Cecil	22,479	15,890	208	1,028	17,126	76.19%
Charles	25,626	18,244	212	1,720	20,176	78.73%
Dorchester	6,770	5,244	59	387	5,690	84.05%
Frederick	56,885	44,517	571	3,161	48,249	84.82%
Garrett	11,115	7,611	78	643	8,332	74.96%
Harford	62,374	49,096	661	3,572	53,329	85.50%
Howard	55,268	42,054	666	3,697	46,417	83.99%
Kent	4,476	3,258	29	421	3,708	82.84%
Montgomery	124,543	85,504	1,421	10,517	97,442	78.24%
Prince George's	46,923	27,515	647	3,064	31,226	66.55%
Queen Anne's	13,685	10,510	215	918	11,643	85.08%
St. Mary's	22,455	16,157	270	1,517	17,944	79.91%
Somerset	4,061	3,013	39	263	3,315	81.63%
Talbot	10,801	7,952	51	1,246	9,249	85.63%
Washington	37,672	26,570	383	1,916	28,869	76.63%
Wicomico	19,389	14,699	202	1,446	16,347	84.31%
Worcester	13,211	9,811	93	1,253	11,157	84.45%
Total	926,399	666,039	9,589	57,127	732,755	79.10%

Statewide Green Turnout

County	Registered	Voted Polls	Provisional	Absentee	Total Voted	% Voted
Allegany	132	70	1	12	83	62.88%
Anne Arundel	852	487	14	48	549	64.44%
Baltimore City	1,492	781	19	62	862	57.77%
Baltimore	1,358	824	30	66	920	67.75%
Calvert	118	66	4	2	72	61.02%
Caroline	29	19	1	1	21	72.41%
Carroll	245	160	3	8	171	69.80%
Cecil	135	79	4	6	89	65.93%
Charles	127	74	0	9	83	65.35%
Dorchester	24	15	0	4	19	79.17%
Frederick	349	240	3	18	261	74.79%
Garrett	30	6	1	2	9	30.00%
Harford	269	174	3	15	192	71.38%
Howard	455	273	6	32	311	68.35%
Kent	48	26	0	2	28	58.33%
Montgomery	1,384	768	30	128	926	66.91%
Prince George's	664	361	12	30	403	60.69%
Queen Anne's	61	38	3	2	43	70.49%

St. Mary's	144	86	2	10	98	68.06%
Somerset	16	12	1	1	14	87.50%
Talbot	54	32	1	6	39	72.22%
Washington	228	121	4	13	138	60.53%
Wicomico	102	53	3	12	68	66.67%
Worcester	63	38	3	5	46	73.02%
Total	8,379	4,803	148	494	5,445	64.98%

Statewide Libertarian Turnout

County	Registered	Voted Polls	Provisional	Absentee	Total Voted	% Voted
Allegany	85	50	1	4	55	64.71%
Anne Arundel	893	577	25	46	648	72.56%
Baltimore City	568	336	18	23	377	66.37%
Baltimore	1,187	751	28	47	826	69.59%
Calvert	120	70	3	7	80	66.67%
Caroline	51	21	1	1	23	45.10%
Carroll	220	146	4	12	162	73.64%
Cecil	168	102	2	7	111	66.07%
Charles	151	83	0	18	101	66.89%
Dorchester	35	20	0	3	23	65.71%
Frederick	328	231	16	15	262	79.88%
Garrett	34	15	0	0	15	44.12%
Harford	394	286	9	15	310	78.68%
Howard	413	268	13	32	313	75.79%
Kent	22	14	0	0	14	63.64%
Montgomery	1,059	673	24	64	761	71.86%
Prince George's	588	320	24	20	364	61.90%
Queen Anne's	85	59	5	3	67	78.82%
St. Mary's	138	83	3	9	95	68.84%
Somerset	13	6	0	1	7	53.85%
Talbot	68	39	1	6	46	67.65%
Washington	215	116	4	7	127	59.07%
Wicomico	116	69	2	6	77	66.38%
Worcester	89	39	3	8	50	56.18%
Total	7,040	4,374	186	354	4,914	69.80%

Statewide Independent Turnout

County	Registered	Voted Polls	Provisional	Absentee	Total Voted	% Voted
Allegany	26	19	0	2	21	80.77%
Anne Arundel	1,098	790	27	179	996	90.71%
Baltimore City	593	449	44	68	561	94.60%
Baltimore	1,133	745	51	297	1,093	96.47%

Calvert	105	70	7	19	96	91.43%
Caroline	87	66	0	2	68	78.16%
Carroll	402	211	4	189	404	100.50%
Cecil	109	84	8	13	105	96.33%
Charles	394	303	4	70	377	95.69%
Dorchester	40	31	0	6	37	92.50%
Frederick	464	292	24	141	457	98.49%
Garrett	21	12	0	6	18	85.71%
Harford	353	228	3	97	328	92.92%
Howard	747	323	24	355	702	93.98%
Kent	27	20	2	4	26	96.30%
Montgomery	3,189	1,016	72	1,865	2,953	92.60%
Prince George's	909	637	85	230	952	104.73%
Queen Anne's	70	53	4	13	70	100.00%
St. Mary's	97	85	1	4	90	92.78%
Somerset	18	15	1	1	17	94.44%
Talbot	40	30	0	6	36	90.00%
Washington	190	101	3	65	169	88.95%
Wicomico	84	62	3	11	76	90.48%
Worcester	32	25	2	5	32	100.00%
Total	10,228	5,667	369	3,648	9,684	94.68%

Statewide Constitution Turnout

County	Registered	Voted Polls	Provisional	Absentee	Total Voted	% Voted
Allegany	2	2	0	0	2	100.00%
Anne Arundel	17	16	0	0	16	94.12%
Baltimore City	7	4	0	0	4	57.14%
Baltimore	11	6	2	2	10	90.91%
Calvert	4	2	0	1	3	75.00%
Caroline	2	1	0	0	1	50.00%
Carroll	3	3	0	0	3	100.00%
Cecil	4	4	2	0	6	150.00%
Charles	3	2	0	0	2	66.67%
Dorchester	0	0	0	0	0	N/A
Frederick	7	7	0	0	7	100.00%
Garrett	1	1	0	0	1	100.00%
Harford	7	7	0	1	8	114.29%
Howard	8	5	0	2	7	87.50%
Kent	1	0	0	1	1	100.00%
Montgomery	12	7	1	1	9	75.00%
Prince George's	8	5	1	1	7	87.50%

Queen Anne's	1	1	0	0	1	100.00%
St. Mary's	1	1	0	0	1	100.00%
Somerset	1	1	0	0	1	100.00%
Talbot	0	0	0	0	0	N/A
Washington	5	5	0	0	5	100.00%
Wicomico	1	1	0	0	1	100.00%
Worcester	0	0	0	0	0	N/A
Total	106	81	6	9	96	90.57%

Statewide Unaffiliated Turnout

County	Registered	Voted Polls	Provisional	Absentee	Total Voted	% Voted
Allegany	5,347	2,794	76	158	3,028	56.63%
Anne Arundel	58,703	38,149	907	2,710	41,766	71.15%
Baltimore City	39,324	19,709	807	1,486	22,002	55.95%
Baltimore	67,978	40,915	901	2,460	44,276	65.13%
Calvert	9,725	6,188	171	505	6,864	70.58%
Caroline	2,841	1,634	48	108	1,790	63.01%
Carroll	15,843	10,683	143	522	11,348	71.63%
Cecil	11,361	6,813	125	393	7,331	64.53%
Charles	13,173	8,197	164	647	9,008	68.38%
Dorchester	2,232	1,287	43	92	1,422	63.71%
Frederick	24,591	17,055	368	1,209	18,632	75.77%
Garrett	1,769	919	18	102	1,039	58.73%
Harford	21,540	14,758	324	923	16,005	74.30%
Howard	33,436	22,904	484	1,899	25,287	75.63%
Kent	1,764	1,060	19	94	1,173	66.50%
Montgomery	112,397	70,999	1,537	7,152	79,688	70.90%
Prince George's	62,477	33,690	1,423	2,492	37,605	60.19%
Queen Anne's	4,116	2,770	113	245	3,128	76.00%
St. Mary's	10,011	6,128	168	515	6,811	68.04%
Somerset	1,549	907	30	63	1,000	64.56%
Talbot	3,608	2,359	19	377	2,755	76.36%
Washington	13,989	7,743	211	472	8,426	60.23%
Wicomico	8,266	5,032	148	430	5,610	67.87%
Worcester	5,432	3,359	38	381	3,778	69.55%
Total	531,472	326,052	8,285	25,435	359,772	67.69%

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Statewide Turnout

County	Polls	EV	Prov	Abs	Total Voters	Eligible Voters	Turnout
Allegany	20,232	1,026	182	1,056	22,496	42,450	52.99%
Anne Arundel	163,055	28,941	4,130	8,208	204,334	331,101	61.71%
Baltimore City	132,054	19,856	5,568	7,078	164,556	365,508	45.02%
Baltimore County	241,611	31,237	4,926	12,625	290,399	492,869	58.92%
Calvert	27,153	3,263	493	1,389	32,298	56,300	57.37%
Caroline	8,103	1,512	150	398	10,163	18,037	56.35%
Carroll	56,210	5,208	471	2,269	64,158	105,201	60.99%
Cecil	25,640	3,387	291	1,057	30,375	59,837	50.76%
Charles	39,966	5,127	759	1,459	47,311	89,989	52.57%
Dorchester	9,454	1,348	187	1,018	12,007	19,778	60.71%
Frederick	66,745	5,812	982	2,668	76,207	137,698	55.34%
Garrett	8,307	933	84	536	9,860	18,434	53.49%
Harford	79,749	11,108	1,055	3,221	95,133	149,053	63.82%
Howard	86,743	14,902	2,162	4,616	108,423	178,083	60.88%
Kent	6,101	1,627	94	515	8,337	12,482	66.79%

Present

Montgomery	240,130	26,756	6,927	20,791	294,604	573,431	51.38%
Prince George's	178,734	38,540	6,870	9,632	233,776	517,500	45.17%
Queen Anne's	16,049	2,703	333	945	20,030	29,705	67.43%
Saint Mary's	27,407	2,873	341	1,383	32,004	59,213	54.05%
Somerset	6,250	970	212	435	7,867	13,258	59.34%
Talbot	11,440	3,659	151	1,250	16,500	25,306	65.20%
Washington	36,735	2,096	308	1,836	40,975	83,276	49.20%
Wicomico	23,795	3,971	462	1,802	30,030	54,268	55.34%
Worcester	17,053	2,769	162	1,714	21,698	35,510	61.10%
Total Voter Turnout	**1,528,716**	**219,624**	**37,300**	**87,901**	**1,873,541**	**3,468,287**	**54.02%**

Democratic Party

County	Polls	EV	Prov	Abs	Total Voters	Eligible Voters	Turnout
Allegany	7,625	421	81	458	8,585	16,608	51.69%
Anne Arundel	70,936	14,241	1,961	4,074	91,212	145,707	62.60%
Baltimore City	110,294	17,886	4,566	5,866	138,612	289,776	47.83%
Baltimore County	142,395	21,720	3,140	8,104	175,359	290,998	60.26%
Calvert	11,271	1,448	194	642	13,555	23,171	58.50%
Caroline	3,147	675	56	233	4,111	7,407	55.50%
Carroll	16,801	1,838	147	959	19,745	33,156	59.55%
Cecil	10,365	1,401	119	573	12,458	24,530	50.79%
Charles	23,703	3,036	564	839	28,142	50,767	55.43%
Dorchester	4,593	692	115	726	6,126	10,392	58.95%
Frederick	24,726	2,652	430	1,306	29,114	52,181	55.79%
Garrett	1,970	268	21	190	2,449	4,994	49.04%
Harford	32,230	4,611	434	1,654	38,929	62,100	62.69%
Howard	42,111	8,585	1,242	2,672	54,610	86,045	63.47%
Kent	2,983	808	45	291	4,127	6,170	66.89%
Montgomery	143,794	18,017	4,437	13,666	179,914	324,195	55.50%
Prince George's	149,055	33,908	5,780	7,984	196,727	403,582	48.75%
Queen Anne's	5,733	1,087	120	470	7,410	11,059	67.00%
Saint Mary's	11,367	1,250	130	704	13,451	24,632	54.61%
Somerset	3,210	462	150	253	4,075	7,222	56.42%
Talbot	4,390	1,410	70	590	6,460	10,166	63.55%
Washington	13,202	876	131	872	15,081	31,340	48.12%
Wicomico	10,566	1,858	271	1,021	13,716	25,366	54.07%
Worcester	7,246	1,216	70	923	9,455	15,715	60.17%
Total Turnout	**853,713**	**140,366**	**24,274**	**55,070**	**1,073,423**	**1,957,279**	**54.84%**

Republican Party

County	Polls	EV	Prov	Abs	Total Voters	Eligible Voters	Turnout
Allegany	10,913	522	77	531	12,043	19,827	60.74%
Anne Arundel	67,502	11,011	1,306	2,995	82,814	120,970	68.46%
Baltimore City	11,160	986	359	706	13,211	32,027	41.25%
Baltimore County	73,144	7,237	1,027	3,393	84,801	128,638	65.92%
Calvert	12,227	1,412	204	592	14,435	22,464	64.26%
Caroline	3,993	704	58	129	4,884	7,461	65.46%
Carroll	32,702	2,915	232	1,108	36,957	54,327	68.03%
Cecil	11,565	1,561	125	376	13,627	22,853	59.63%
Charles	11,952	1,597	119	479	14,147	24,687	57.31%
Dorchester	4,079	564	45	231	4,919	6,982	70.45%
Frederick	32,587	2,416	359	1,028	36,390	57,958	62.79%
Garrett	5,814	617	47	321	6,799	11,379	59.75%
Harford	38,112	5,329	430	1,276	45,147	63,101	71.55%
Howard	30,810	4,379	473	1,255	36,917	55,017	67.10%
Kent	2,429	645	41	187	3,302	4,476	73.77%
Montgomery	57,459	5,139	1,179	4,118	67,895	123,253	55.09%
Prince George's	15,784	2,554	367	1,022	19,727	46,641	42.30%
Queen Anne's	8,441	1,356	148	378	10,323	13,982	73.83%
Saint Mary's	12,429	1,313	141	542	14,425	23,454	61.50%
Somerset	2,484	421	39	166	3,110	4,329	71.84%
Talbot	5,567	1,884	62	520	8,033	11,073	72.55%
Washington	19,592	1,018	128	832	21,570	37,027	58.25%
Wicomico	10,467	1,690	123	651	12,931	19,785	65.36%
Worcester	7,647	1,256	71	650	9,624	13,903	69.22%
Total Turnout	**488,859**	**58,526**	**7,160**	**23,486**	**578,031**	**925,614**	**62.45%**

Libertarian Party

County	Polls	EV	Prov	Abs	Total Voters	Eligible Voters	Turnout
Allegany	34	3	2	1	40	119	33.61%
Anne Arundel	463	61	16	21	561	1,114	50.36%
Baltimore City	202	15	19	11	247	701	35.24%
Baltimore County	607	56	15	25	703	1,499	46.90%
Calvert	53	12	1	3	69	149	46.31%
Caroline	15	2	0	1	18	59	30.51%
Carroll	132	5	2	2	141	304	46.38%
Cecil	70	8	2	2	82	208	39.42%
Charles	48	14	0	4	66	197	33.50%
Dorchester	17	1	0	2	20	41	48.78%
Frederick	167	10	8	5	190	453	41.94%
Garrett	6	0	1	2	9	45	20.00%

Harford	228	28	7	6	269	512	52.54%
Howard	216	27	11	14	268	571	46.94%
Kent	12	6	1	0	19	35	54.29%
Montgomery	388	41	28	35	492	1,364	36.07%
Prince George's	174	15	12	8	209	732	28.55%
Queen Anne's	36	2	2	6	46	95	48.42%
Saint Mary's	74	11	4	4	93	191	48.69%
Somerset	7	1	0	0	8	26	30.77%
Talbot	29	2	0	2	33	79	41.77%
Washington	75	2	4	9	90	234	38.46%
Wicomico	52	11	3	2	68	151	45.03%
Worcester	35	4	0	2	41	105	39.05%
Total Turnout	**3,140**	**337**	**138**	**167**	**3,782**	**8,984**	**42.10%**

Green Party

County	Polls	EV	Prov	Abs	Total Voters	Eligible Voters	Turnout
Allegany	30	1	1	4	36	130	27.69%
Anne Arundel	281	43	20	20	364	840	43.33%
Baltimore City	449	39	25	11	524	1,404	37.32%
Baltimore County	498	48	13	26	585	1,326	44.12%
Calvert	32	5	0	2	39	119	32.77%
Caroline	10	1	0	0	11	36	30.56%
Carroll	79	2	0	2	83	255	32.55%
Cecil	36	5	1	2	44	143	30.77%
Charles	33	3	1	4	41	131	31.30%
Dorchester	11	1	1	0	13	26	50.00%
Frederick	142	5	3	3	153	359	42.62%
Garrett	4	1	1	0	6	39	15.38%
Harford	87	11	4	3	105	274	38.32%
Howard	142	24	10	11	187	440	42.50%
Kent	15	1	0	2	18	42	42.86%
Montgomery	429	52	25	38	544	1,432	37.99%
Prince George's	195	22	5	10	232	710	32.68%
Queen Anne's	25	2	0	0	27	64	42.19%
Saint Mary's	52	2	0	1	55	150	36.67%
Somerset	4	0	0	2	6	21	28.57%
Talbot	16	2	0	3	21	51	41.18%
Washington	53	5	3	2	63	219	28.77%
Wicomico	29	5	2	3	39	113	34.51%
Worcester	22	4	0	1	27	68	39.71%
Total Turnout	**2,674**	**284**	**115**	**150**	**3,223**	**8,392**	**38.41%**

Constitution Party

County	Polls	EV	Prov	Abs	Total Voters	Eligible Voters	Turnout
Allegany	7	0	0	0	7	12	58.33%
Anne Arundel	41	13	0	3	57	76	75.00%
Baltimore City	6	1	0	2	9	29	31.03%
Baltimore County	36	4	1	1	42	80	52.50%
Calvert	3	1	0	2	6	11	54.55%
Caroline	3	0	0	0	3	5	60.00%
Carroll	34	1	0	2	37	51	72.55%
Cecil	11	2	1	0	14	25	56.00%
Charles	11	1	1	1	14	19	73.68%
Dorchester	1	0	0	0	1	2	50.00%
Frederick	16	2	2	0	20	32	62.50%
Garrett	2	0	0	0	2	3	66.67%
Harford	23	1	1	0	25	37	67.57%
Howard	20	6	0	1	27	41	65.85%
Kent	2	0	0	0	2	3	66.67%
Montgomery	25	4	1	4	34	59	57.63%
Prince George's	19	3	0	1	23	55	41.82%
Queen Anne's	5	0	0	2	7	8	87.50%
Saint Mary's	8	0	0	0	8	14	57.14%
Somerset	1	0	0	0	1	3	33.33%
Talbot	4	2	0	0	6	7	85.71%
Washington	9	1	0	0	10	20	50.00%
Wicomico	4	1	0	0	5	9	55.56%
Worcester	2	0	0	0	2	5	40.00%
Total Turnout	**293**	**43**	**7**	**19**	**362**	**606**	**59.74%**

Unaffiliated

County	Polls	EV	Prov	Abs	Total Voters	Eligible Voters	Turnout
Allegany	1,431	61	21	47	1,560	5,305	29.41%
Anne Arundel	23,787	3,557	811	1,090	29,245	62,255	46.98%
Baltimore City	9,594	878	578	455	11,505	40,231	28.60%
Baltimore County	22,261	1,842	677	892	25,672	64,706	39.67%
Calvert	3,345	348	90	129	3,912	9,860	39.68%
Caroline	884	124	36	32	1,076	2,949	36.49%
Carroll	6,212	434	85	174	6,905	16,309	42.34%
Cecil	3,245	355	41	84	3,725	11,218	33.21%
Charles	3,993	455	73	127	4,648	13,609	34.15%

Dorchester	683	74	25	58	840	2,185	38.44%
Frederick	9,082	719	171	324	10,296	26,637	38.65%
Garrett	430	39	14	15	498	1,788	27.85%
Harford	8,753	1,074	167	243	10,237	22,310	45.89%
Howard	12,653	1,739	408	610	15,410	34,159	45.11%
Kent	598	148	6	31	783	1,621	48.30%
Montgomery	37,882	3,482	1,242	2,910	45,516	122,587	37.13%
Prince George's	9,024	1,276	592	472	11,364	43,061	26.39%
Queen Anne's	1,708	240	62	88	2,098	4,290	48.90%
Saint Mary's	3,239	276	64	126	3,705	10,246	36.16%
Somerset	504	74	21	11	610	1,537	39.69%
Talbot	1,301	321	17	117	1,756	3,615	48.58%
Washington	3,772	191	41	117	4,121	14,347	28.72%
Wicomico	2,414	356	57	105	2,932	8,176	35.86%
Worcester	1,903	251	18	117	2,289	5,273	43.41%
Total Turnout	**168,698**	**18,314**	**5,317**	**8,374**	**200,703**	**528,274**	**37.99%**

Other Parties

County	Polls	EV	Prov	Abs	Total Voters	Eligible Voters	Turnout
Allegany	192	18	0	15	225	449	50.11%
Anne Arundel	45	15	16	5	81	139	58.27%
Baltimore City	349	51	21	27	448	1,340	33.43%
Baltimore County	2,670	330	53	184	3,237	5,622	57.58%
Calvert	222	37	4	19	282	526	53.61%
Caroline	51	6	0	3	60	120	50.00%
Carroll	250	13	5	22	290	799	36.30%
Cecil	348	55	2	20	425	860	49.42%
Charles	226	21	1	5	253	579	43.70%
Dorchester	70	16	1	1	88	150	58.67%
Frederick	25	8	9	2	44	78	56.41%
Garrett	81	8	0	8	97	186	52.15%
Harford	316	54	12	39	421	719	58.55%
Howard	791	142	18	53	1,004	1,810	55.47%
Kent	62	19	1	4	86	135	63.70%
Montgomery	153	21	15	20	209	541	38.63%
Prince George's	4,483	762	114	135	5,494	22,719	24.18%
Queen Anne's	101	16	1	1	119	207	57.49%
Saint Mary's	238	21	2	6	267	526	50.76%
Somerset	40	12	2	3	57	120	47.50%
Talbot	133	38	2	18	191	315	60.63%
Washington	32	3	1	4	40	89	44.94%

Wicomico	263	50	6	20	339	668	50.75%
Worcester	198	38	3	21	260	441	58.96%
Total Turnout	**11,339**	**1,754**	**289**	**635**	**14,017**	**39,138**	**35.81%**

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Elections by Year

2018
2016
2014
2012
2011 - Baltimore City
2010
2008
2007 - Baltimore City
2006
2004
2003/2004 - Baltimore City
2002
2000
1999 - Baltimore City
1998
1996
1995 - Baltimore City
1994
1992
1991 - Baltimore City
1990
1988
1987 - Baltimore City
1986
1983 - Baltimore City

Other Election Information

Special Elections
Districts
Electoral College
Presidential Candidate Results in MD from 1948 to

2012 Presidential General Election - Statewide Voter Turnout by County and Party

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Download an Excel Spreadsheet

Statewide Turnout

County	Polls	EV	Abs	Prov	Total Voters	Eligible Voters	Turnout
Allegany	25,423	2,695	1,456	571	30,145	42,129	71.55%
Anne Arundel	203,416	38,136	13,119	7,410	262,081	348,778	75.14%
Baltimore City	187,721	45,510	11,202	12,966	257,399	392,606	65.56%
Baltimore County	302,292	56,236	19,932	9,946	388,406	515,420	75.36%
Calvert	35,453	7,039	2,528	893	45,913	58,864	78.00%
Caroline	10,257	2,365	531	321	13,474	18,165	74.18%
Carroll	72,620	10,408	3,912	1,149	88,089	110,400	79.79%
Cecil	34,419	5,890	1,851	609	42,769	62,524	68.40%
Charles	58,693	11,988	3,314	1,851	75,846	97,687	77.64%
Dorchester	11,878	2,465	949	259	15,551	20,168	77.11%
Frederick	96,185	13,862	5,938	2,103	118,088	148,160	79.70%
Garrett	10,662	1,550	875	176	13,263	18,729	70.82%
Harford	103,062	16,390	5,219	2,205	126,876	159,971	79.31%
Howard	111,939	30,461	8,723	3,246	154,369	188,755	81.78%
Kent	6,840	2,385	641	158	10,024	12,594	79.59%
Montgomery	329,726	77,939	39,714	13,506	460,885	616,016	74.82%
Prince George's	284,899	69,929	20,944	16,944	392,716	568,617	69.07%
Queen Anne's	19,332	4,012	1,279	478	25,101	32,332	77.64%

Present

Saint Mary's	37,363	7,096	2,737	1,093	48,289	63,928	75.54%
Somerset	7,661	1,655	510	661	10,487	13,715	76.46%
Talbot	12,845	5,948	1,520	302	20,615	25,295	81.50%
Washington	51,896	7,349	3,033	1,032	63,310	87,298	72.52%
Wicomico	32,109	6,415	2,829	1,361	42,714	56,429	75.70%
Worcester	21,840	2,824	2,425	563	27,652	36,080	76.64%
Totals	2,068,531	430,547	155,181	79,803	2,734,062	3,694,660	74.00%

Democratic Party

County	Polls	EV	Abs	Prov	Total Voters	Eligible Voters	Turnout
Allegany	9,115	1,128	558	226	11,027	15,557	70.88%
Anne Arundel	86,006	20,053	6,037	3,427	115,523	149,232	77.41%
Baltimore City	151,500	40,248	8,889	10,380	211,017	309,078	68.27%
Baltimore County	172,358	40,524	12,144	6,225	231,251	297,941	77.62%
Calvert	13,964	3,274	1,064	343	18,645	23,349	79.85%
Caroline	3,935	1,039	232	144	5,350	7,183	74.48%
Carroll	20,734	3,697	1,368	365	26,164	32,778	79.82%
Cecil	13,030	2,411	834	241	16,516	24,197	68.26%
Charles	33,654	8,656	1,817	1,185	45,312	55,690	81.36%
Dorchester	5,909	1,417	587	154	8,067	10,414	77.46%
Frederick	34,343	6,696	2,490	914	44,443	54,564	81.45%
Garrett	2,494	424	244	54	3,216	4,724	68.08%
Harford	39,868	7,429	2,326	998	50,621	63,549	79.66%
Howard	51,707	18,149	4,600	1,768	76,224	90,072	84.63%
Kent	3,246	1,244	318	82	4,890	6,095	80.23%
Montgomery	184,464	52,920	24,097	8,162	269,643	345,449	78.06%
Prince George's	229,581	62,113	16,727	13,573	321,994	443,643	72.58%
Queen Anne's	6,570	1,600	485	166	8,821	11,366	77.61%
Saint Mary's	14,658	2,957	1,204	492	19,311	25,295	76.34%
Somerset	3,972	982	269	512	5,735	7,249	79.11%
Talbot	4,861	2,560	573	133	8,127	9,898	82.11%
Washington	18,496	3,058	1,189	434	23,177	31,750	73.00%
Wicomico	14,084	3,241	1,483	709	19,517	25,474	76.62%
Worcester	9,035	1,214	1,108	266	11,623	14,997	77.50%
Totals	1,127,584	287,034	90,643	50,953	1,556,214	2,059,544	75.56%

Republican Party

County	Polls	EV	Abs	Prov	Total Voters	Eligible Voters	Turnout
Allegany	13,139	1,293	755	208	15,395	20,006	76.95%
Anne Arundel	79,077	12,179	4,729	2,180	98,165	125,386	78.29%
Baltimore City	15,060	1,964	1,029	838	18,891	33,005	57.24%
Baltimore County	85,830	10,084	5,139	1,877	102,930	132,720	77.55%
Calvert	15,188	2,740	1,042	299	19,269	23,448	82.18%
Caroline	4,711	1,057	228	107	6,103	7,638	79.90%
Carroll	39,846	5,269	1,925	507	47,547	56,870	83.61%
Cecil	14,722	2,558	707	202	18,189	24,372	74.63%
Charles	16,408	2,104	1,009	322	19,843	25,339	78.31%
Dorchester	4,706	833	273	59	5,871	7,131	82.33%
Frederick	42,738	4,782	2,370	632	50,522	61,079	82.72%
Garrett	7,137	997	561	89	8,784	11,625	75.56%
Harford	46,654	6,620	2,113	720	56,107	67,467	83.16%
Howard	36,714	7,181	2,391	698	46,984	56,330	83.41%
Kent	2,655	863	232	42	3,792	4,572	82.94%
Montgomery	73,411	11,285	7,782	1,921	94,399	125,185	75.41%
Prince George's	23,468	2,539	2,002	955	28,964	47,472	61.01%
Queen Anne's	9,720	1,936	602	202	12,460	15,284	81.52%

Saint Mary's	15,970	3,071	1,097	324	20,462	25,721	79.55%
Somerset	2,865	508	199	56	3,628	4,600	78.87%
Talbot	5,937	2,641	688	98	9,364	10,979	85.29%
Washington	25,094	3,252	1,414	316	30,076	38,551	78.02%
Wicomico	13,141	2,382	978	344	16,845	20,655	81.55%
Worcester	9,356	1,253	1,013	185	11,807	14,423	81.86%
Totals	603,547	89,391	40,278	13,181	746,397	959,858	77.76%

Libertarian Party

County	Polls	EV	Abs	Prov	Total Voters	Eligible Voters	Turnout
Allegany	77	8	1	3	89	143	62.24%
Anne Arundel	744	106	37	52	939	1,393	67.41%
Baltimore City	415	49	14	36	514	917	56.05%
Baltimore County	992	106	61	53	1,212	1,806	67.11%
Calvert	89	16	11	7	123	192	64.06%
Caroline	28	3	1	1	33	59	55.93%
Carroll	227	29	16	9	281	399	70.43%
Cecil	116	9	7	4	136	244	55.74%
Charles	113	13	9	4	139	234	59.40%
Dorchester	32	1	0	0	33	47	70.21%
Frederick	339	38	24	22	423	577	73.31%
Garrett	23	1	1	1	26	52	50.00%
Harford	384	39	23	13	459	649	70.72%
Howard	388	57	28	11	484	698	69.34%
Kent	25	6	3	0	34	44	77.27%
Montgomery	835	118	72	43	1,068	1,745	61.20%
Prince George's	408	43	28	34	513	940	54.57%
Queen Anne's	64	8	1	4	77	111	69.37%
Saint Mary's	133	18	8	6	165	245	67.35%
Somerset	9	2	2	2	15	30	50.00%
Talbot	44	6	4	3	57	91	62.64%
Washington	173	17	13	8	211	322	65.53%
Wicomico	83	14	10	7	114	192	59.38%
Worcester	56	6	6	6	74	126	58.73%
Totals	5,797	713	380	329	7,219	11,256	64.13%

Green Party

County	Polls	EV	Abs	Prov	Total Voters	Eligible Voters	Turnout
Allegany	53	6	6	3	68	121	56.20%
Anne Arundel	420	59	33	22	534	874	61.10%
Baltimore City	587	82	39	33	741	1,401	52.89%
Baltimore County	665	79	46	39	829	1,338	61.96%
Calvert	62	10	5	2	79	138	57.25%
Caroline	13	4	1	2	20	36	55.56%
Carroll	132	18	11	11	172	270	63.70%
Cecil	51	5	5	0	61	140	43.57%
Charles	51	6	13	5	75	140	53.57%
Dorchester	9	2	1	0	12	25	48.00%
Frederick	219	28	13	10	270	401	67.33%
Garrett	10	3	1	1	15	38	39.47%
Harford	151	17	9	9	186	315	59.05%
Howard	257	36	22	6	321	471	68.15%

Kent	20	2	0	0	22	35	62.86%
Montgomery	612	127	83	52	874	1,509	57.92%
Prince George's	324	47	22	26	419	765	54.77%
Queen Anne's	32	3	1	2	38	64	59.38%
Saint Mary's	81	8	5	4	98	144	68.06%
Somerset	3	0	4	2	9	19	47.37%
Talbot	21	5	5	1	32	48	66.67%
Washington	101	16	8	1	126	236	53.39%
Wicomico	41	7	7	9	64	117	54.70%
Worcester	29	4	1	1	35	71	49.30%
Totals	3,944	574	341	241	5,100	8,716	58.51%

Americans Elect Party

County	Polls	EV	Abs	Prov	Total Voters	Eligible Voters	Turnout
Allegany	1	0	0	0	1	1	100.00%
Anne Arundel	4	0	0	0	4	8	50.00%
Baltimore City	10	3	1	1	15	22	68.18%
Baltimore County	4	0	0	0	4	10	40.00%
Calvert	0	1	0	0	1	1	100.00%
Caroline	0	0	0	0	0	0	0.00%
Carroll	1	0	1	0	2	6	33.33%
Cecil	2	0	1	1	4	3	133.33%
Charles	0	0	0	2	2	0	0.00%
Dorchester	1	0	0	0	1	1	100.00%
Frederick	3	1	0	0	4	4	100.00%
Garrett	0	0	0	0	0	0	0.00%
Harford	2	0	0	0	2	3	66.67%
Howard	5	0	0	0	5	7	71.43%
Kent	0	0	0	0	0	0	0.00%
Montgomery	9	0	4	0	13	16	81.25%
Prince George's	9	1	0	2	12	26	46.15%
Queen Anne's	3	0	0	0	3	3	100.00%
Saint Mary's	2	0	2	3	7	5	140.00%
Somerset	1	0	0	0	1	2	50.00%
Talbot	0	0	0	0	0	0	0.00%
Washington	5	0	0	0	5	7	71.43%
Wicomico	3	0	0	0	3	5	60.00%
Worcester	1	0	0	0	1	1	100.00%
Totals	66	6	9	9	90	131	68.70%

Unaffiliated

County	Polls	EV	Abs	Prov	Total Voters	Eligible Voters	Turnout
Allegany	2,820	235	104	127	3,286	5,891	55.78%
Anne Arundel	37,021	5,721	2,273	1,705	46,720	71,623	65.23%
Baltimore City	19,521	3,050	1,159	1,594	25,324	46,649	54.29%
Baltimore County	39,480	4,871	1,712	1,646	47,709	75,760	62.97%
Calvert	5,877	935	362	229	7,403	11,201	66.09%
Caroline	1,494	248	60	62	1,864	3,108	59.97%
Carroll	11,213	1,320	438	248	13,219	19,092	69.24%
Cecil	6,108	835	275	157	7,375	12,824	57.51%
Charles	8,165	1,156	446	304	10,071	15,712	64.10%
Dorchester	1,143	196	82	44	1,465	2,424	60.44%

Frederick	18,484	2,310	1,037	511	22,342	31,441	71.06%
Garrett	900	105	52	30	1,087	2,084	52.16%
Harford	15,438	2,179	530	431	18,578	26,855	69.18%
Howard	21,800	4,719	938	710	28,167	38,779	72.63%
Kent	830	239	76	33	1,178	1,708	68.97%
Montgomery	69,576	13,286	6,357	3,179	92,398	139,040	66.45%
Prince George's	24,903	4,115	1,722	2,026	32,766	56,106	58.40%
Queen Anne's	2,822	442	186	102	3,552	5,295	67.08%
Saint Mary's	6,249	1,015	397	254	7,915	12,049	65.69%
Somerset	761	144	30	87	1,022	1,694	60.33%
Talbot	1,860	676	224	65	2,825	4,012	70.41%
Washington	7,921	971	314	267	9,473	16,150	58.66%
Wicomico	4,440	692	299	279	5,710	9,310	61.33%
Worcester	3,145	313	263	100	3,821	6,080	62.85%
Totals	311,971	49,773	19,336	14,190	395,270	614,887	64.28%

Other Parties

County	Polls	EV	Abs	Prov	Total Voters	Eligible Voters	Turnout
Allegany	218	25	32	4	279	410	68.05%
Anne Arundel	144	18	10	24	196	262	74.81%
Baltimore City	628	114	71	84	897	1,534	58.47%
Baltimore County	2,963	572	830	106	4,471	5,845	76.49%
Calvert	273	63	44	13	393	535	73.46%
Caroline	76	14	9	5	104	141	73.76%
Carroll	467	75	153	9	704	985	71.47%
Cecil	390	72	22	4	488	744	65.59%
Charles	302	53	20	29	404	572	70.63%
Dorchester	78	16	6	2	102	126	80.95%
Frederick	59	7	4	14	84	94	89.36%
Garrett	98	20	16	1	135	206	65.53%
Harford	565	106	218	34	923	1,133	81.47%
Howard	1,068	319	744	53	2,184	2,398	91.08%
Kent	64	31	12	1	108	140	77.14%
Montgomery	819	203	1,319	149	2,490	3,072	81.05%
Prince George's	6,206	1,071	443	328	8,048	19,665	40.93%
Queen Anne's	121	23	4	2	150	209	71.77%
Saint Mary's	270	27	24	10	331	469	70.58%
Somerset	50	19	6	2	77	121	63.64%
Talbot	122	60	26	2	210	267	78.65%
Washington	106	35	95	6	242	282	85.82%
Wicomico	317	79	52	13	461	676	68.20%
Worcester	218	34	34	5	291	382	76.18%
Totals	15,622	3,056	4,194	900	23,772	40,268	59.03%

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Totals	POLLS	EV	ABS	PROV	ELIGIBLE_VOTERS	Percent Turnout
Allegany	18,480	1,504	687	222	42,560	49.1%
Anne Arundel	133,124	38,654	5,784	3,913	349,313	52.0%
Baltimore City	107,961	25,921	3,829	4,650	373,171	38.1%
Baltimore County	203,005	51,812	7,089	4,419	521,130	51.1%
Calvert	27,092	4,751	942	461	59,976	55.4%
Caroline	7,396	1,606	183	121	18,353	50.7%
Carroll	54,680	8,016	1,534	587	112,946	57.4%
Cecil	22,033	4,123	570	241	61,991	43.5%
Charles	38,989	6,880	1,089	877	100,449	47.6%
Dorchester	8,459	1,608	620	144	20,466	52.9%
Frederick	66,795	10,710	2,353	989	150,895	53.6%
Garrett	7,569	1,357	405	83	19,292	48.8%
Harford	70,888	18,007	1,625	1,470	164,780	55.8%
Howard	80,528	21,431	2,481	1,718	195,440	54.3%
Kent	5,532	1,969	318	37	12,724	61.7%
Montgomery	211,729	35,443	13,730	6,554	634,663	42.1%
Prince George's	162,406	46,227	5,891	6,676	544,677	40.6%
Queen Anne's	13,759	5,156	463	166	33,175	58.9%
Saint Mary's	26,991	4,471	976	412	64,510	50.9%
Somerset	5,111	1,263	254	172	12,999	52.3%
Talbot	9,697	4,869	595	193	25,663	59.8%
Washington	34,015	3,504	1,246	432	90,097	43.5%
Wicomico	19,871	4,944	1,033	336	56,696	46.2%
Worcester	14,820	3,439	954	190	35,699	54.4%
Total	1,350,930	307,665	54,651	35,063	3,701,665	47.2%

Republican	Polls	EV	ABS	PROV	ELIGIBLE_VOTERS	Percent Turnout
Allegany	10,306	771	361	99	20,200	57.1%
Anne Arundel	57,411	15,702	2,012	1,308	123,998	61.6%
Baltimore City	9,457	1,354	392	384	30,156	38.4%
Baltimore County	64,647	13,327	2,217	1,142	131,289	61.9%
Calvert	12,476	2,141	425	198	23,930	63.7%
Caroline	3,855	821	87	55	7,740	62.2%
Carroll	33,027	4,888	881	322	58,969	66.3%
Cecil	11,056	2,089	260	110	24,692	54.7%
Charles	11,488	1,687	376	183	24,352	56.4%
Dorchester	3,990	698	159	27	7,237	67.3%
Frederick	32,190	4,436	1,122	409	61,145	62.4%
Garrett	5,352	968	269	49	12,018	55.2%
Harford	35,582	8,551	813	648	68,958	66.1%
Howard	27,657	6,183	833	448	55,440	63.3%
Kent	2,292	760	125	14	4,550	70.1%
Montgomery	48,623	6,202	3,333	1,263	121,520	48.9%
Prince George's	14,013	2,779	807	455	41,780	43.2%

Queen Anne's	7,531	2,817	218	92	15,877	67.1%
Saint Mary's	12,666	2,092	401	145	25,797	59.3%
Somerset	2,411	553	100	42	4,731	65.7%
Talbot	4,826	2,539	305	98	11,156	69.6%
Washington	18,489	1,875	629	200	39,134	54.2%
Wicomico	9,261	2,153	412	101	20,504	58.2%
Worcester	7,003	1,653	426	87	14,391	63.7%
Total	445,609	87,039	16,963	7,879	949,564	58.7%

Democrat

	Polls	EV	ABS	PROV	ELIGIBLE_VOTERS	Percent Turnout
Allegany	6,135	597	278	69	15,140	46.8%
Anne Arundel	52,936	17,889	2,987	1,778	147,091	51.4%
Baltimore City	88,452	23,168	3,155	3,733	293,242	40.4%
Baltimore County	111,396	33,818	4,127	2,531	297,506	51.0%
Calvert	10,167	2,051	360	160	23,222	54.9%
Caroline	2,524	628	89	31	6,944	47.1%
Carroll	13,673	2,314	475	143	31,084	53.4%
Cecil	7,392	1,532	224	74	22,917	40.2%
Charles	22,539	4,534	582	568	58,745	48.0%
Dorchester	3,650	792	431	94	10,306	48.2%
Frederick	22,864	4,765	940	332	54,421	53.1%
Garrett	1,600	307	101	17	4,617	43.9%
Harford	24,479	7,289	625	485	62,814	52.3%
Howard	37,784	12,279	1,249	853	93,408	55.8%
Kent	2,523	1,010	153	18	6,023	61.5%
Montgomery	125,358	24,514	8,162	3,938	357,137	45.4%
Prince George's	133,677	40,800	4,477	5,425	427,946	43.1%
Queen Anne's	4,209	1,772	189	34	10,964	56.6%
Saint Mary's	10,097	1,836	467	157	25,034	50.2%
Somerset	2,199	594	138	111	6,409	47.5%
Talbot	3,412	1,781	221	56	9,647	56.7%
Washington	10,952	1,281	494	131	31,917	40.3%
Wicomico	8,035	2,256	512	157	25,314	43.3%
Worcester	5,671	1,381	430	67	14,433	52.3%
Total	711,724	189,188	30,866	20,962	2,036,281	46.8%

Libertarian

	Polls	EV	ABS	PROV	ELIGIBLE_VOTERS	Percent Turnout
Allegany	72	7	2	2	203	40.9%
Anne Arundel	567	85	19	32	1,748	40.2%
Baltimore City	279	38	8	13	1,094	30.9%
Baltimore County	805	127	20	20	2,321	41.9%
Calvert	90	11	5	2	271	39.9%
Caroline	26	2	1	1	88	34.1%
Carroll	239	23	5	4	596	45.5%

Cecil	75	10	2	1	300	29.3%
Charles	91	11	7	7	329	35.3%
Dorchester	23	1	1	2	65	41.5%
Frederick	271	24	9	10	781	40.2%
Garrett	18	2	1	1	74	29.7%
Harford	314	49	6	17	903	42.7%
Howard	320	41	16	12	907	42.9%
Kent	18	5	1	2	54	48.1%
Montgomery	497	51	36	36	2,216	28.0%
Prince George's	222	27	11	21	1,059	26.5%
Queen Anne's	52	13	1	3	153	45.1%
Saint Mary's	113	15	3	2	316	42.1%
Somerset	14	3	0	0	31	54.8%
Talbot	42	8	1	1	114	45.6%
Washington	107	9	5	5	425	29.6%
Wicomico	67	14	4	7	268	34.3%
Worcester	50	13	4	0	161	41.6%
Total	4,372	589	168	201	14,477	36.8%

Green	Polls	EV	ABS	PROV	ELIGIBLE_VOTERS	Percent Turnout
Allegany	21	1	3	1	116	22.4%
Anne Arundel	215	41	8	12	825	33.5%
Baltimore City	305	41	7	18	1,215	30.5%
Baltimore County	375	54	15	12	1,293	35.3%
Calvert	46	3	3	1	129	41.1%
Caroline	5	1	0	1	31	22.6%
Carroll	81	7	1	0	266	33.5%
Cecil	14	3	1	0	129	14.0%
Charles	30	2	3	1	122	29.5%
Dorchester	6	2	0	1	29	31.0%
Frederick	147	13	5	5	401	42.4%
Garrett	5	1	0	1	36	19.4%
Harford	77	16	3	6	321	31.8%
Howard	137	26	8	4	478	36.6%
Kent	8	0	0	0	29	27.6%
Montgomery	387	59	41	18	1,602	31.5%
Prince George's	173	26	8	10	746	29.1%
Queen Anne's	10	2	1	0	54	24.1%
Saint Mary's	35	4	2	3	128	34.4%
Somerset	1	2	0	1	15	26.7%
Talbot	8	3	1	1	47	27.7%
Washington	57	3	4	1	240	27.1%
Wicomico	15	2	2	3	118	18.6%
Worcester	14	7	0	0	75	28.0%
Total	2,172	319	116	100	8,445	32.1%

Other	Polls	EV	ABS	PROV	ELIGIBLE_VOTERS	Percent Turnout
Allegany	164	12	12	4	378	50.8%
Anne Arundel	91	32	8	12	320	44.7%
Baltimore City	285	59	24	18	1,366	28.3%
Baltimore County	1,890	543	188	38	4,845	54.9%
Calvert	189	44	16	4	465	54.4%
Caroline	65	12	1	0	148	52.7%
Carroll	294	61	32	6	882	44.6%
Cecil	227	53	9	4	665	44.1%
Charles	200	26	8	5	541	44.2%
Dorchester	51	9	2	0	118	52.5%
Frederick	92	6	18	1	200	58.5%
Garrett	65	13	6	1	187	45.5%
Harford	438	132	43	18	1,227	51.4%
Howard	735	212	76	29	2,213	47.5%
Kent	55	14	5	0	129	57.4%
Montgomery	914	151	358	39	3,840	38.1%
Prince George's	2,779	614	98	56	14,752	24.0%
Queen Anne's	83	24	5	0	199	56.3%
Saint Mary's	185	24	7	4	449	49.0%
Somerset	28	15	2	0	101	44.6%
Talbot	68	37	4	2	221	50.2%
Washington	119	22	20	2	330	49.4%
Wicomico	164	42	15	2	534	41.8%
Worcester	148	43	9	3	360	56.4%
Total	9,329	2,200	966	248	34,470	37.0%

Unaffiliated	Polls	EV	ABS	PROV	ELIGIBLE_VOTERS	Percent Turnout
Allegany	1,782	116	31	47	6,523	30.3%
Anne Arundel	21,904	4,905	750	771	75,331	37.6%
Baltimore City	9,183	1,261	243	484	46,098	24.2%
Baltimore County	23,892	3,943	522	676	83,876	34.6%
Calvert	4,124	501	133	96	11,959	40.6%
Caroline	921	142	5	33	3,402	32.4%
Carroll	7,366	723	140	112	21,149	39.4%
Cecil	3,269	436	74	52	13,288	28.8%
Charles	4,641	620	113	113	16,360	33.5%
Dorchester	739	106	27	20	2,711	32.9%
Frederick	11,231	1,466	259	232	33,947	38.8%
Garrett	529	66	28	14	2,360	27.0%
Harford	9,998	1,970	135	296	30,557	40.6%
Howard	13,895	2,690	299	372	42,994	40.1%
Kent	636	180	34	3	1,939	44.0%

Montgomery	35,950	4,466	1,800	1,260	148,348	29.3%
Prince George's	11,542	1,981	490	709	58,394	25.2%
Queen Anne's	1,874	528	49	37	5,928	42.0%
Saint Mary's	3,895	500	96	101	12,786	35.9%
Somerset	458	96	14	18	1,712	34.2%
Talbot	1,341	501	63	35	4,478	43.3%
Washington	4,291	314	94	93	18,051	26.5%
Wicomico	2,329	477	88	66	9,958	29.7%
Worcester	1,934	342	85	33	6,279	38.1%
Total	177,724	28,330	5,572	5,673	658,428	33.0%

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

O. JOHN BENISEK, *et al.*,	*	
Plaintiffs,	*	
v.	*	Case No. 13-cv-3233
LINDA H. LAMONE., *et al.*,	*	
Defendants.	*	

* * * * * * * * * * * * * * * * * * * *

DECLARATION OF MARY CRAMER WAGNER

I, Mary Cramer Wagner, under penalty of perjury, declare and state:

1. I, Mary Cramer Wagner, am over the age of eighteen and am competent to testify to the matters stated below.

2. I am the Director of Voter Registration and Petitions Division with the Maryland State Board of Elections. I have held this position for 16 years.

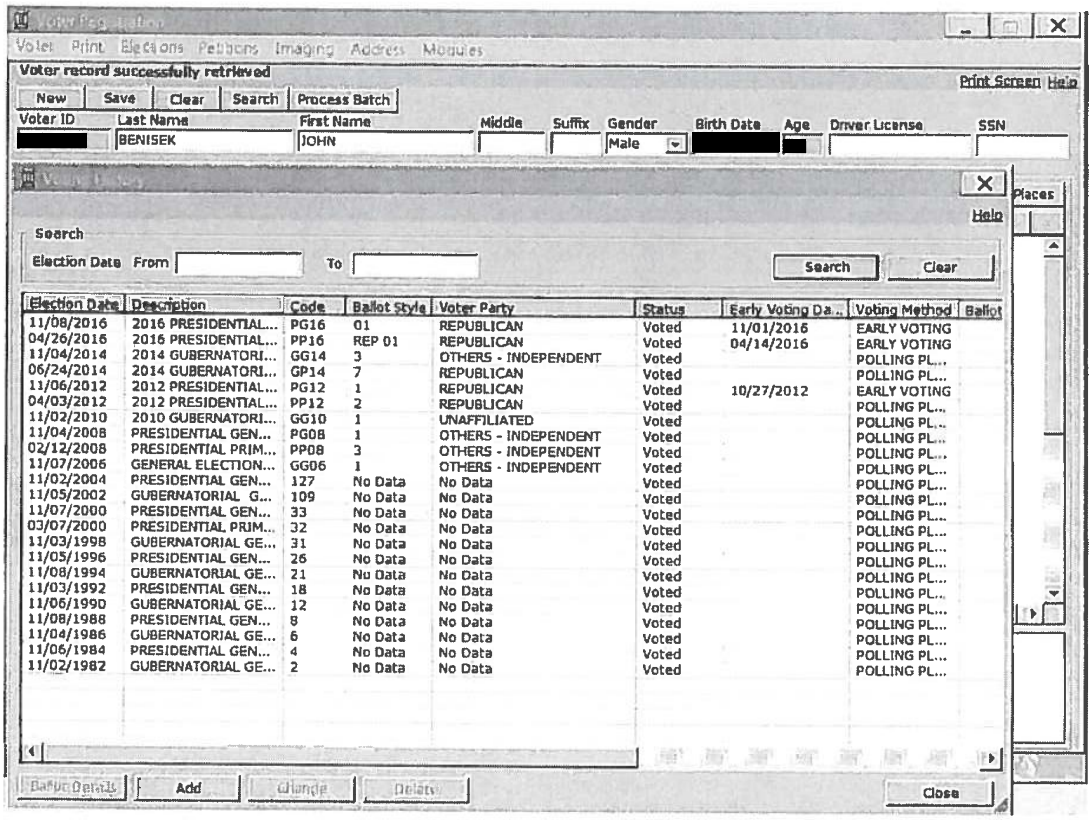
3. Attached as Exhibit A to my declaration is the voting record for O. John Benisek who resides at 11237 Kemps Mill Road in Williamsport, MD 21795.

4. I retrieved the document attached as Exhibit A on June 29, 2017, from State Board of Elections records that are kept in the normal course of business.

5. This document indicates that O. John Benisek was an unaffiliated voter in Maryland's 2010 general gubernatorial election, and that he was registered as a Republican in Maryland's 2012 presidential primary and general elections.

6/30/17
Date

MCWagner
Mary Cramer Wagner



Official
True Copy Certified By
MCWagner 6/30/17
Maryland State Board of Elections

Exhibit A

Declaration of Dr. Michael McDonald

Summary

I previously offered an initial expert report and reply expert report in this case. These reports are Exhibits Q and BBB to the Plaintiffs' Motion for Preliminary Injunction, and to Advance and Consolidate the Trial on the Merits or, in the alternative, for Summary Judgment. I make this declaration in support of the same motion.

In this declaration, I analyze Maryland congressional redistricting plans and associated statistics present in redistricting software known as Maptitude that were produced to Plaintiffs by the office of Maryland Senate President Thomas V. "Mike" Miller, Jr. I understand that these files resided on a laptop that was used by Senate President Miller's staffer, Yaakov "Jake" Weissmann for analyzing and drawing congressional maps during the 2011 redistricting process. The characteristics of these redistricting plans and the timing of when external plans were loaded into the redistricting software, or when a user drew plans with it, provide evidence of what was known to Senate President Miller and his staff at particular stages of Maryland's 2011 congressional redistricting process.

Nearly all of the plans present on Senate President Miller's Maptitude software appear to be entire, well-formed plans created by external entities. These Maptitude data files produced by the office of Senate President Miller provide insights to Maryland's redistricting process.

- Senate President Miller and his staff had election data that permitted his office to evaluate the Democratic performance of redistricting plans on the Maptitude software. The Maptitude software also had partisan registration and past turnout data.

- The first three plans loaded into the Maptitude software had a highly Republican Sixth Congressional District that largely followed the pre-redistricting, benchmark district. President Miller and his staff were thus reasonably aware that the Sixth Congressional District could be drawn similar to its prior configuration.

- Two plan proposals were loaded into President Miller's Maptitude software on October 3, 2011—the day before the Governor Redistricting Advisory Commission (GRAC) released its proposed congressional map. One option, shown at Figure 4, follows more closely the Maryland-Pennsylvania border, before curving to the south along its eastern boundary. Another option, shown at Figure 5, appears to be the basis for the adopted Sixth Congressional District, in that it largely follows the Maryland-Virginia border along the Potomac River. The first option has a democratic performance of 50.50%; and the second option has a performance of 51.36%. The second option, with the higher democratic performance, was chosen as worthy of further plan development.

- It appears that Senate President Miller's staffer, Mr. Weissmann, made relatively minor alterations to the first of these proposals to arrive at the GRAC's map. These alterations increased the democratic performance of the Sixth Congressional District.

- Governor O'Malley's congressional plan released on October 13, 2011 is identical to the plan passed by the legislature and signed into law. The democratic performance of the Sixth Congressional District in this plan is 52.61%, increasing its Democratic performance yet further.

In summary, it is my opinion this analysis reveals that whoever was producing maps for Maryland Democrats relied upon election data, including democratic performance metrics, to create a Sixth Congressional District with the intention to disfavor Republicans residing within the district. The goal was to create a Democratic district, not a competitive district, as configurations that would have produced a competitive 50% democratic performant district were not explored further.

Data Analyzed in this Declaration

Plaintiffs' counsel provided me with data files that I have been represented to me to be a Maptitude database of redistricting information originating from Maryland Senate President Miller's office. Forensic analysis of these data reveals that this database contains at least the following information:

- Census Bureau population data of census blocks from the PL94-171 data release, commonly used for redistricting purposes.

- A file called "MD_BLOCK_DEMPERF_2012.txt"which contains a variable called "DEMPERFIDX", which appears to measure the Democratic performance of census blocks using an unknown composite of elections. When census blocks are assigned to districts, the overall Democratic performance of districts can be measured using these data.

- Fourteen distinct congressional redistricting plans, and backup files of these same plans. These plans have associated names and dates suggesting the origin of a plan and the date when the plan was loaded into President Miller's Maptitude system.

In addition to these Maptitude data files, Plaintiffs' counsel provided me with map images of plans that were represented to me as originating from President Miller's office. The plans represented by these map images can be corresponded with plans present in the Maptitude system. Sometimes the map images are given different names than plans as they are named within the Maptitude system.

These plans provide evidence of the information that Senate President Miller's staff was aware of during Maryland's redistricting process and evidence of the goals President Miller's office was internally pursuing. There are three important dates in Maryland's redistricting process that, when compared to the Maptitude file dates, reveal when information and actions were taken during the process.

- The Governor Redistricting Advisory Commission released its congressional plan on October 4, 2011.

- Governor O'Malley released his map on October 13, 2015.

- Senate Bill 1 (SB1) was introduced on October 17, 2011. The Senate amended and passed the bill on October 18, 2011. The House further amended and passed their version of the bill on October 18, 2011. The Senate agreed to the House amendments on October 20, 2011. Governor O'Malley signed the bill into law on October 20, 2011.[1]

A plan's file creation date indicates the time a plan was loaded into the Maptitude software or edits were made to a plan. For plans that were loaded into Senate President Miller's Maptitude system, we cannot know from these data when an external mapper created a plan or the intermediate steps that were taken by the mapper in formulating the plan.

Analysis of Plans

I discuss the plans chronologically with respect to the dates a plan was created in Senate President Miller's Maptitude system or when it was publicly released.

Benchmark District

The benchmark – i.e., pre-redistricting – Sixth Congressional District does not have a plan file present in President Miller's Maptitude software. However, it is identified in the PL94-171 redistricting population data provided by the Census Bureau. I present it in this supplemental report for comparison purposes.

In Figure 1, I illustrate the boundaries of the benchmark Sixth Congressional District, similar to the one presented in my first report (Initial Report, p.18).

I color the Sixth District in a transparent yellow in this map and subsequent maps to assist readers in identifying the territory assigned to the Sixth District.

Black Caucus Plans (September 15, 2011)

Two plans identified as "Black Caucus A" and "Black Caucus B" appear in President Miller's Maptitude software on September 15, 2011. These two plans have the same configuration of the Sixth Congressional District and Eighth Congressional District, and appear to be alternative explorations of the remainder of the state.

I present in Figure 2 the Black Caucus A plan's Sixth Congressional District. The district largely follows the benchmark Sixth District's boundaries, presented in Figure 1. The major changes are that this proposed Sixth Congressional district does not extend as far to the east, such that the district contains no portion of Harford County and a smaller portion of Baltimore County. To compensate for this lost population, the proposed district contains more of Montgomery County.

[1] See: http://mgaleg.maryland.gov/webmga/frmMain.aspx?tab=subject3&ys=2011s1%2fbillfile%2fsb0001.htm

This configuration of the Sixth Congressional District has a Democratic performance of 38.83%.

These plans show that, prior to the release of the GRAC map, Senate President Miller and his staff were aware that it was possible to redraw the boundaries of the district in a way that would not so dramatically dilute its Republican performance.

GOP Plan (September 15, 2011)

A plan identified as "GOP Plan" was appears in President Millers' Maptitude software on September 15, 2011.

I present in Figure 3 a map of the Sixth Congressional District for the GOP Plan. Like the Black Caucus maps, this configuration of the Sixth Congressional District largely follows the benchmark district. The differences are the district does not cross the Montgomery Country border, does not cross the Harford County border, and includes more of northern Baltimore County,

The Democratic performance of the Sixth Congressional District in the GOP Plan is 38.40%.

As with the Black Caucus plans, the GOP plan illustrates that Senate President Miller's office was reasonably aware that a Republican performant Sixth Congressional district could be drawn.

Congressional Option 1 and Congressional Option 2 (October 3, 2011)

Two plans called "Congressional Option 1" and "Congressional Option 2" (also labeled Plan Av2 and Plan A7, respectively in the files) appear in Senate President Miller's Maptitude software on October 3, 2011. These plans have two different approaches to create a majority-Democratic Sixth Congressional District.

Congressional Option 1 is presented in Figure 4. This is the configuration of the Sixth Congressional District that, apparently, did not merit further consideration. The district follows the northern Maryland state border, splitting Washington County while reaching out to incorporate Hagerstown. The district carves an arc out of Frederick County to include Westminster, Mount Airy, and Frederick. The district then splits Montgomery County, wrapping around to the northeast of Gaithersburg and Rockville. The Eighth District includes the remainder of Frederick County and much of the remainder of Montgomery County needed to balance population.

The Democratic performance of Congressional Option 1 is 50.50%.

Congressional Option 2 is presented in Figure 5. The Sixth Congressional District in this plan largely follows the Potomac River on the Maryland's southern border, all the way to the Maryland-DC border. This configuration of the Sixth Congressional District does not split Washington County. The district splits Frederick County, including all of Frederick and Walkersville in the district. In Montgomery County, the district splits Gaithersburg and Rockville. This approach is very similar to the enacted Sixth Congressional District.

The Democratic performance of Congressional Option 2 is 51.36%.

These plans are significant because they undermine Dr. Lichtman's argument that Democrats' goal was to create "a more competitive district" (Lichtman Report, p.48). The proposal with the higher democratic performance was the configuration of the Sixth Congressional District deemed worthy of further exploratory mapping, while the configuration with the lower Democratic performance (a more competitive district) was abandoned from further consideration, as no subsequent plan incorporates its boundary concepts.

Final GRAC Map (October 4, 2011)

The Final GRAC Map was officially released on October 4, 2011, but was not loaded in Senate President Miller's software until October 14, 2011. The plan is called "Congressional Option 3" and "congressional option 3-1" in Senate President Miller's software.

I present the Final GRAC Map in Figure 6. Congressional Option 2 appears to be the basis for plan development leading to the Final GRAC Map. Republican areas of Frederick County were cut from Congressional Proposal 2's Sixth Congressional District, leaving a cutout of Frederick within the district. The Sixth Congressional District was reconfigured so that it did not stretch to the DC border. To the naked eye, it no longer appears to split Gaithersburg or Rockville, instead included the whole of Gaithersburg and wrapped around Rockville to pick up more territory in the central-east portion of Montgomery County.

This plan development strategy is consistent with my prior redistricting work for redistricting authorities. Once a broad approach is approved, additional fine-tuning of a plan's districts is conducted until satisfactory districts are created.

The sum of the political effects of these changes was to increase the democratic performance of the Sixth District from 51.36% in Congressional Option 2 to 52.81% in the Final GRAC Map.

These changes again suggest that a goal of the GRAC was to maximize the democratic performance of the Sixth Congressional District, to the further detriment of Republican voters residing within the Sixth Congressional District. The goal was not to create a competitive Sixth Congressional District.

Options 1, 2, and 3 (October 12, 2011)

Following the formal adoption of the Final GRAC map on October 4, 2011 and the Governor's plan on October 15, 2011, a series of three plans with file dates of October 12, 2011 appear in President Miller's Maptitude software. These plans are labeled as Option 1, Option 2, and Option 3 in map images provided to me, so I will use these names. In the software they have the names "111012 Group", "111012 Group2", and "111012 Group Zeroed Out." Backup file data indicate someone, most likely Mr. Weissmann given his declaration, used President Miller's Maptitude

software to actively create redistricting plans on October 12, 2011, rather than passively importing redistricting plans from external sources.[2]

I present these two of these three options in Figure 7 and Figure 8. Figure 7 shows Option 1, which nearly identical to the Final GRAC Map. Figure 8 presents Option 3, which makes minor changes around the edges of Option 2. Consistent with this observation, the Maptitude names suggest that the primary difference between Option 2 and Option 3 is that the population was balanced to equality between the congressional districts. I do present a map of Option 2 for this reason.

Option 1 appears to be based on the Final GRAC Map. The Sixth Congressional District is identical, but there are other changes to other districts. This configuration thus appears to represent the configuration of the Sixth Congressional District acceptable to the person using Senate President Miller's software on October 11, 2011, as it was frozen into place while mapping occurred elsewhere.

Option 1 has a Democratic performance of 52.81%, which is identical to the Final GRAC Map.

Option 3 represents an alternative configuration of the Sixth Congressional District with the substantive changes from the Final GRAC Map being the swapping of the entirely of Rockville and Gaithersburg between the Sixth and Eighth Congressional Districts, no longer wrapping the Sixth District around Rockville, and extending the Sixth District to the Maryland/DC border.

Option 3 has a Democratic performance of 52.89%, slightly higher than the Final GRAC Map.

I do not know if Option 3 was shared with anyone outside of Senate President Miller's office.

Final Governor Map (October 13, 2011)

On October 15, 2011 Governor O'Malley publicly released his proposed redistricting plan. This plan was eventually adopted by the legislature and became the adopted plan. The plan appears two days earlier in Senate President Miller's Maptitude system on October 13, 2015, with the name "Congressional Option 4." I will refer to this plan as the "Final Governor Map," which is the name of the plan as it appears in the map images provided to me.

I provide a map of the Final Governor Plan's Sixth Congressional District in Figure 9. The Final Governor Map's Sixth Congressional District is substantially similar to the Final GRAC Map, except for some minor differences. The Sixth Congressional District in the Final Governor Map has an odd rabbit-eared extension of the Eighth Congressional District on the western portion of Rockville, crossing the Rockville boundary. This Final Governor's Plan also gives a small portion of the Sixth Congressional District along the southern-most portion along the Potomac River to the Eighth Congressional District. In exchange for losing population in these areas, the isthmus joining the northern and southern portions of the Eight Congressional District is made narrower, and a dagger-shaped sliver is sliced into the Eighth Congressional District just north of

[2] The plan names also suggest mapping activity on October 12, 2011 if in "111012" the first two digits represent the year, the next two digits represent the month, and the last two digits represent the day.

this narrowed isthmus. I have no information as to why these changes were made, but in my prior redistricting experience these changes are often a result of map drawers anticipating future candidates to offices and strategically placing their homes within desired districts. I understand that the parties have stipulated that these changes are not material to the issues being litigated in this case.

The Final Governor Map, which becomes the adopted plan, has a Democratic performance of 52.61%, 0.2 points lower than the Final GRAC Map and 1.25 points higher than Congressional Option 2.

Option 4 (October 16, 2011)

Following the release of the Final Governor's Plan on October 15, 2011, someone – most likely Mr. Weissmann – used Senate President Miller's Maptitude system to edit the Sixth Congressional District. This exploratory map appears based on the Final Governor's Plan, and was created on October 16, 2011. This plan is called "111016 Plan" in Senate President Miller's Maptitude software, and is identified as "Option 4" in the map images provided to me.

I provide a map of Option 4 in Figure 10. The Sixth Congressional District in this plan appears to cut a larger portion from the Sixth Congressional District around the rabbit-eared extension west of Rockville in the Final Governor's Map and begins to balance back the lost population by adding territory assigned to the Eighth District, such as the portion along the Potomac excised from the GRAC Final Map's Sixth Congressional District.

This plan's Sixth Congressional District is clearly an incomplete test map as its population is not balanced and it has noncontiguous holes.

The Democratic performance of this district is 51.58%.

Although I cannot know why this plan was abandoned, a plausible explanation is that further lowering of the Democratic performance of the Sixth Congressional District was deemed unacceptable.

Un-Named Plan (FLHPAC Plan, October 17, 2011)

A plan named "FLHPac Plan," an apparent reference to the Fannie Lou Hammer Political Action Committee, appears in President Miller's software on October 17, 2011. The plan has four Democratic and four Republican Congressional Districts. The Sixth Congressional District has a Democratic performance of 38.05%.[3]

This plan was apparently not considered by the Democrats nor was explored further in test mapping, so I do not provide a map or further analysis. The mapdrawers' evident refusal to consider a map with so low a federal DPI for the Sixth District is consistent with an intent to draw the Sixth District as a safe district for Democrats.

[3] The district that includes the panhandle counties is labeled CD1 in this plan, and is most analogous to the Sixth Congressional District.

SB1 Map (October 18, 2011)

Senate Bill 1 is named "SB1 Map" in the map images provided to me and is named "SB1 Plan" in Senate President Miller's Maptitude software. Although the plan was introduced in the Maryland Senate on October 17, 2011, the creation date for the Maptitude plan and all backup files for this plan is two months later, on December 18, 2011. This suggests that Senate Bill 1 may have been developed by someone outside of Senate President Miller's office.

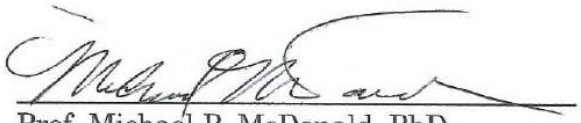
SB1 makes small changes to the Final Governor Map, primarily around Frederick.

The Democratic performance of the Sixth Congressional District is 52.62%.

Conclusion

In summary, it is my opinion, based on a forensic analysis of the Maptitude files provided to me and the analyses in my initial reports (Exhibits Q and BBB), that the drafters of Maryland's 2011 redistricting plan intended to draw the Sixth District so as to dilute Republican votes and ensure the election of Democratic candidates for office in the district.

Date: July 6, 2017



Prof. Michael P. McDonald, PhD

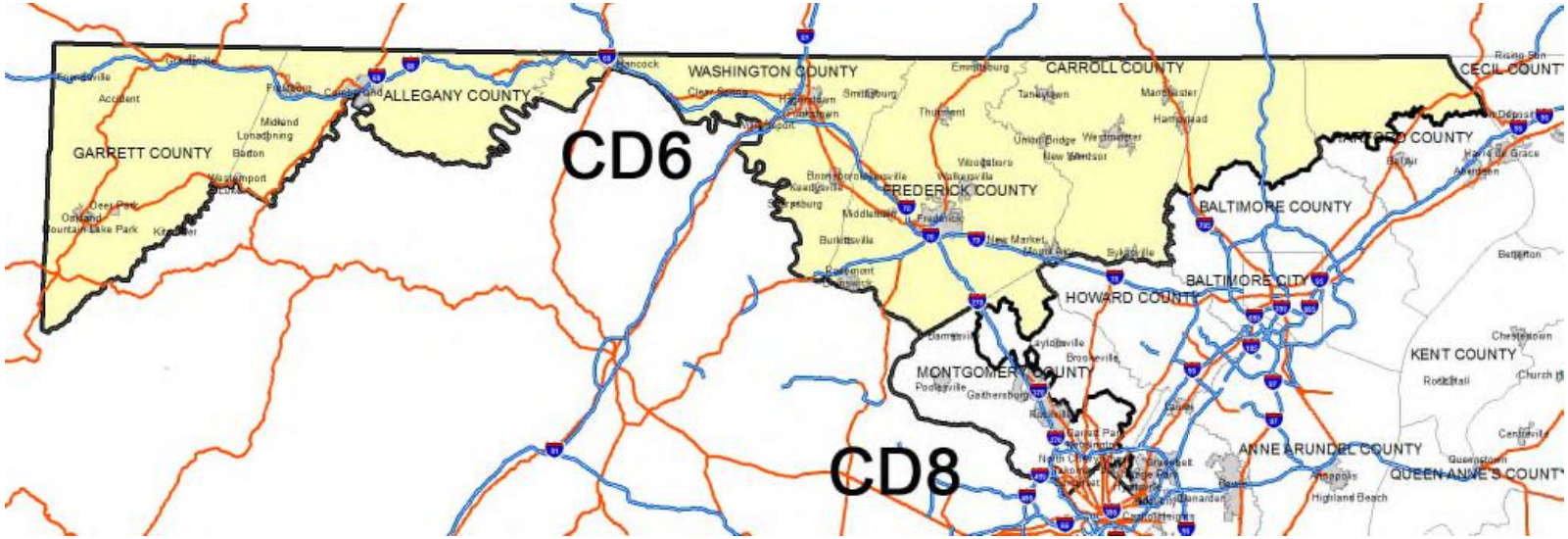


Figure 1. Benchmark Sixth Congressional District.

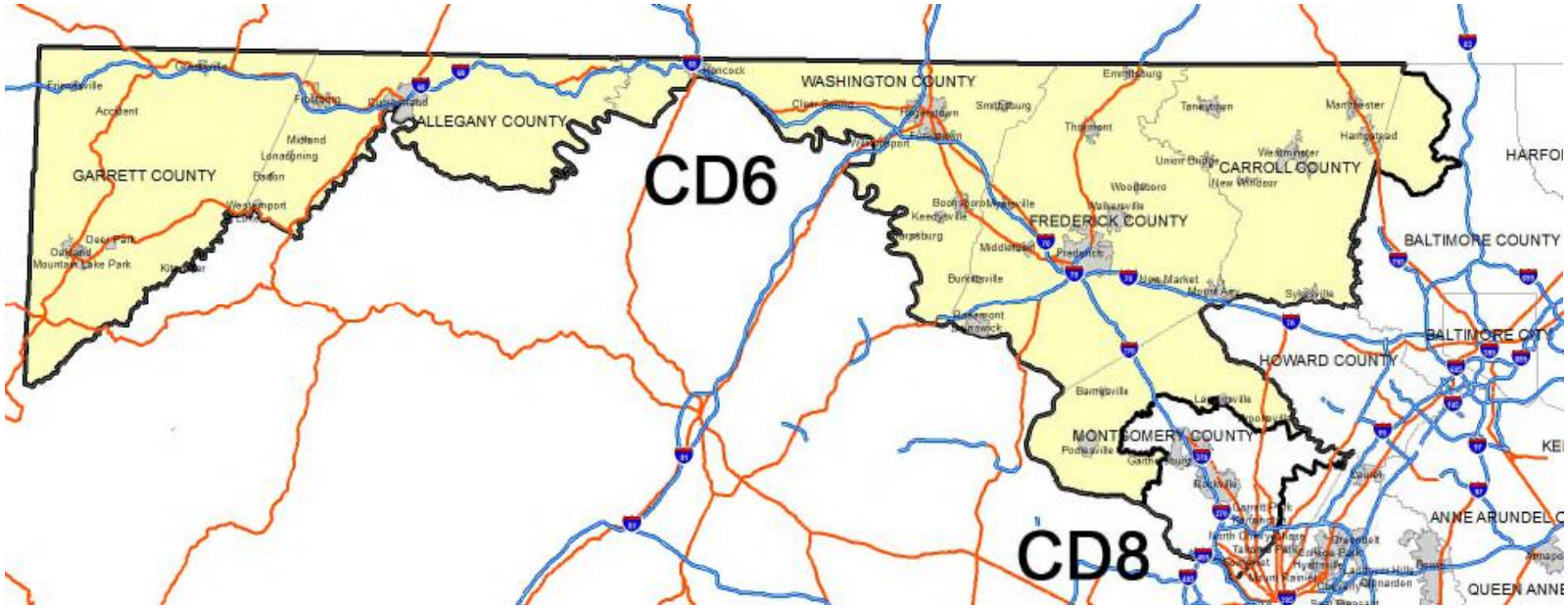


Figure 2. Black Caucus Plans (A& B) Proposed Sixth Congressional District.

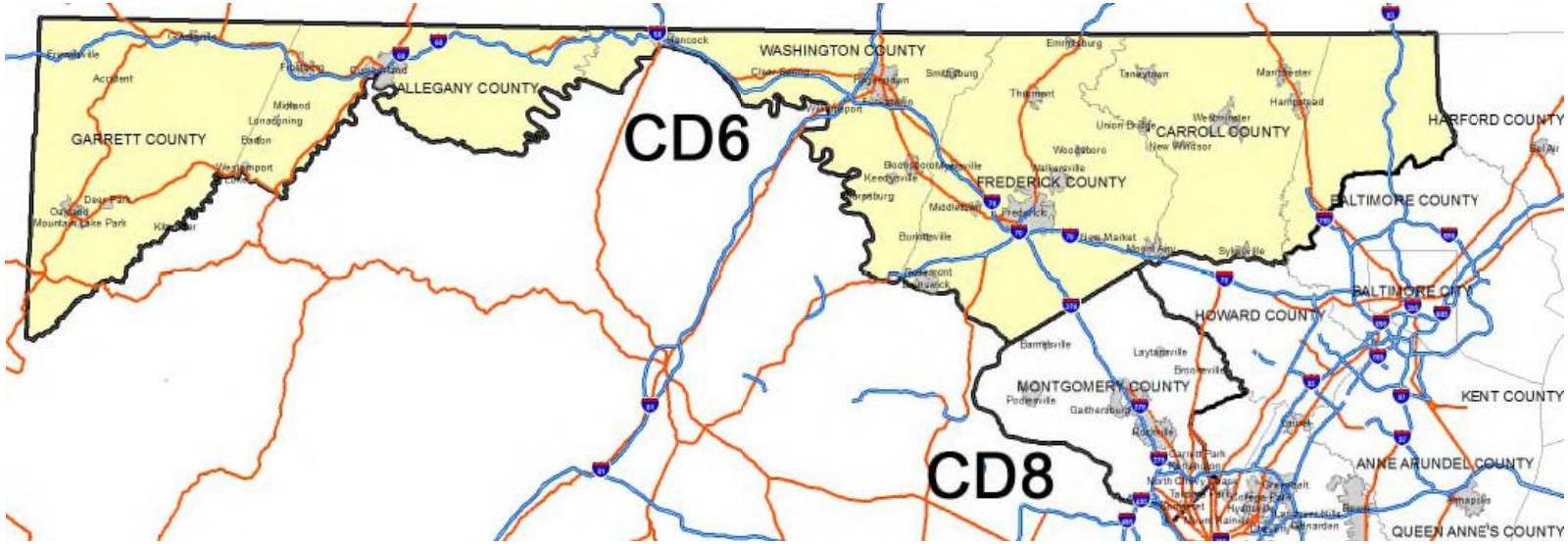


Figure 3. GOP Plan, Proposed Sixth Congressional District.

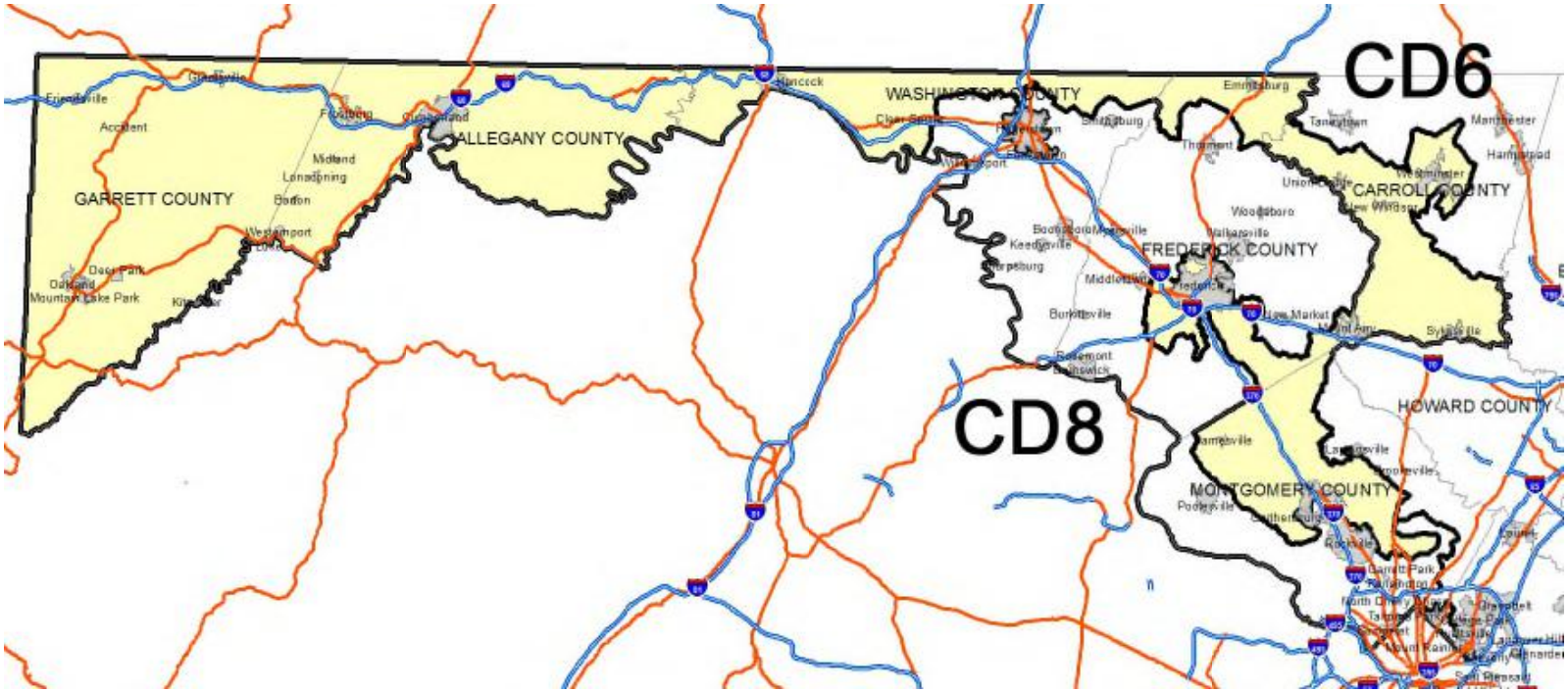


Figure 4. Congressional Proposal 1, Proposed Sixth Congressional District.

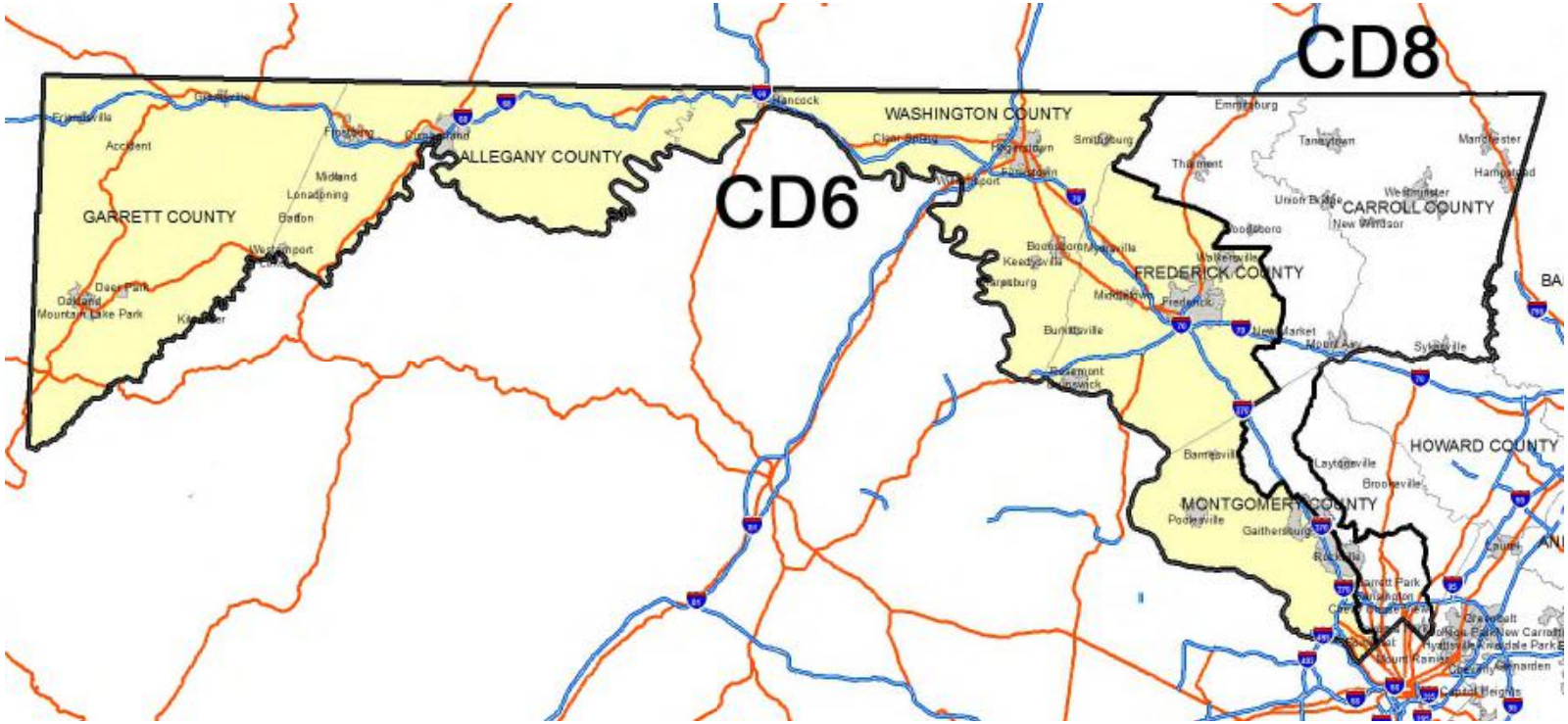


Figure 5. Congressional Proposal 2, Proposed Sixth Congressional District.

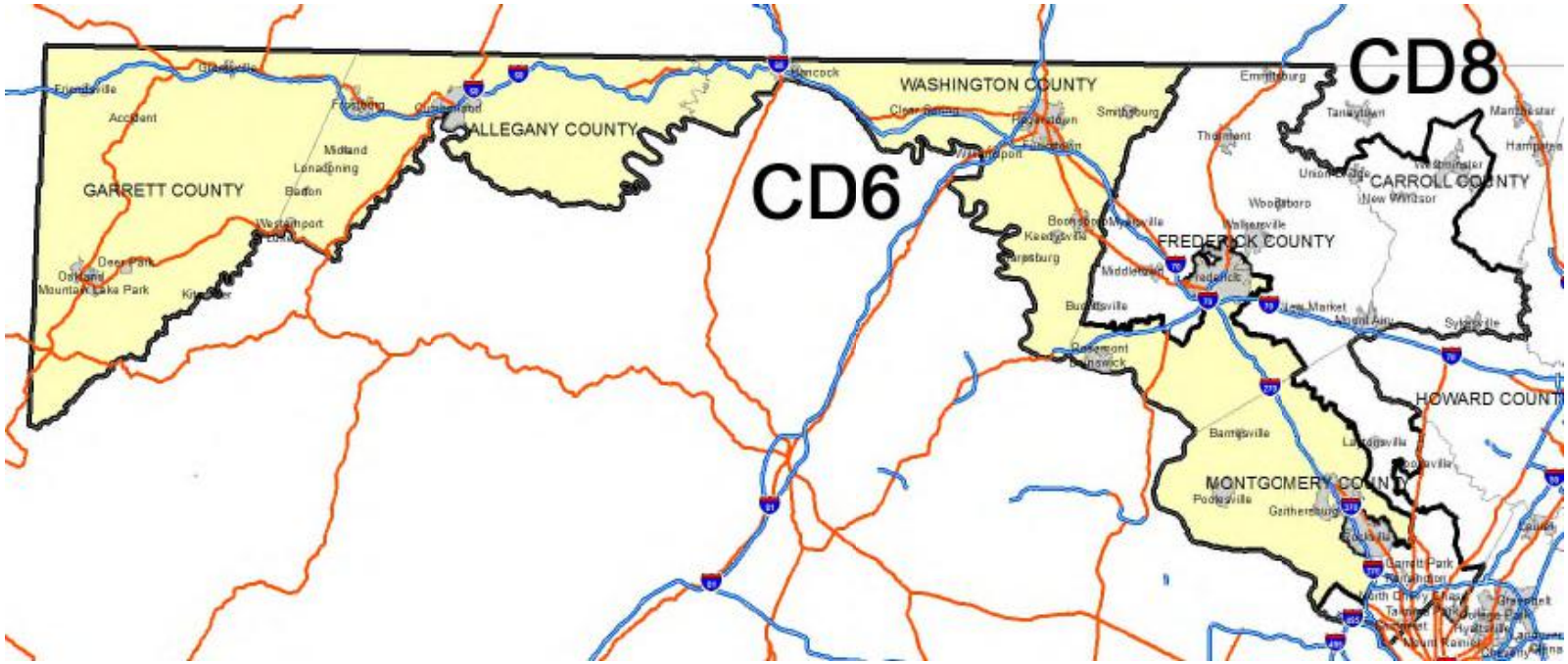


Figure 6. Final GRAC Map, Proposed Sixth Congressional District.

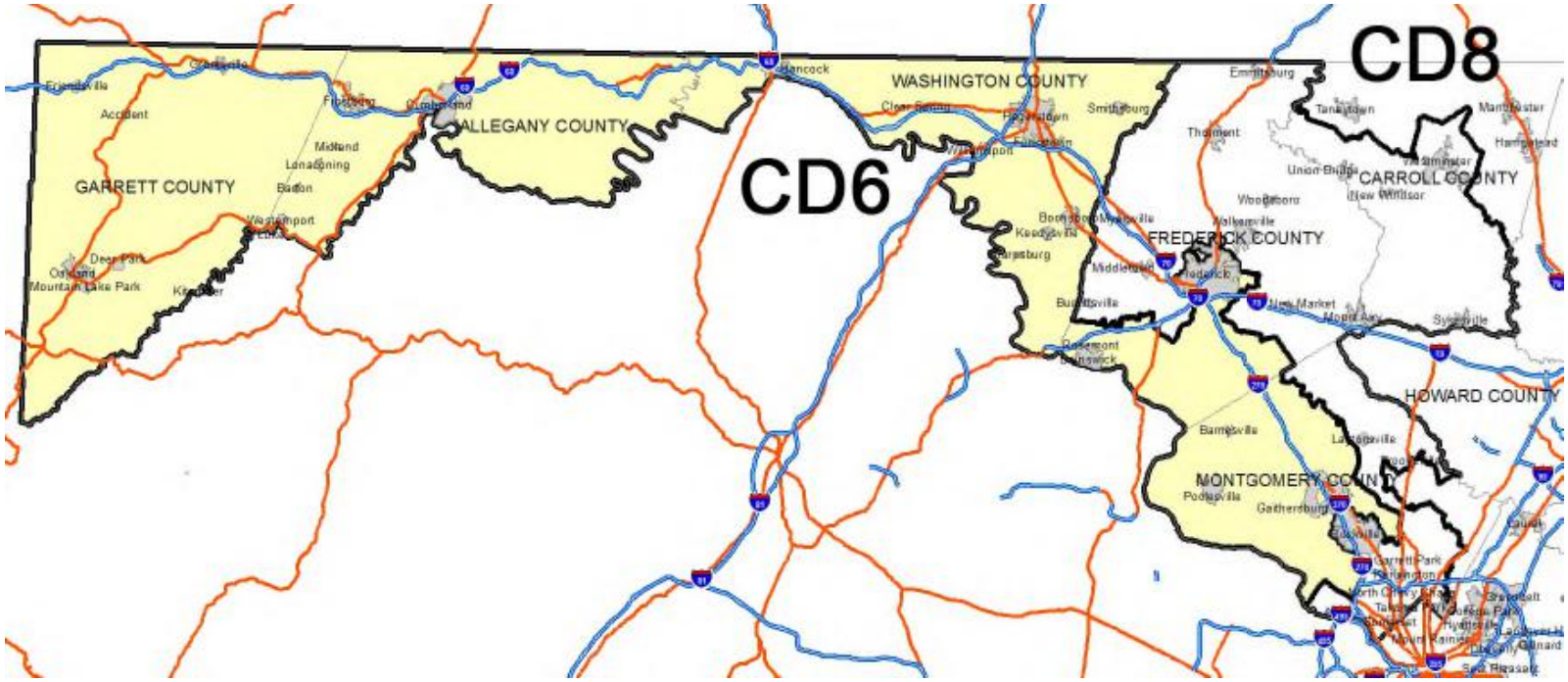


Figure 7. Option 1, Proposed Sixth Congressional District.

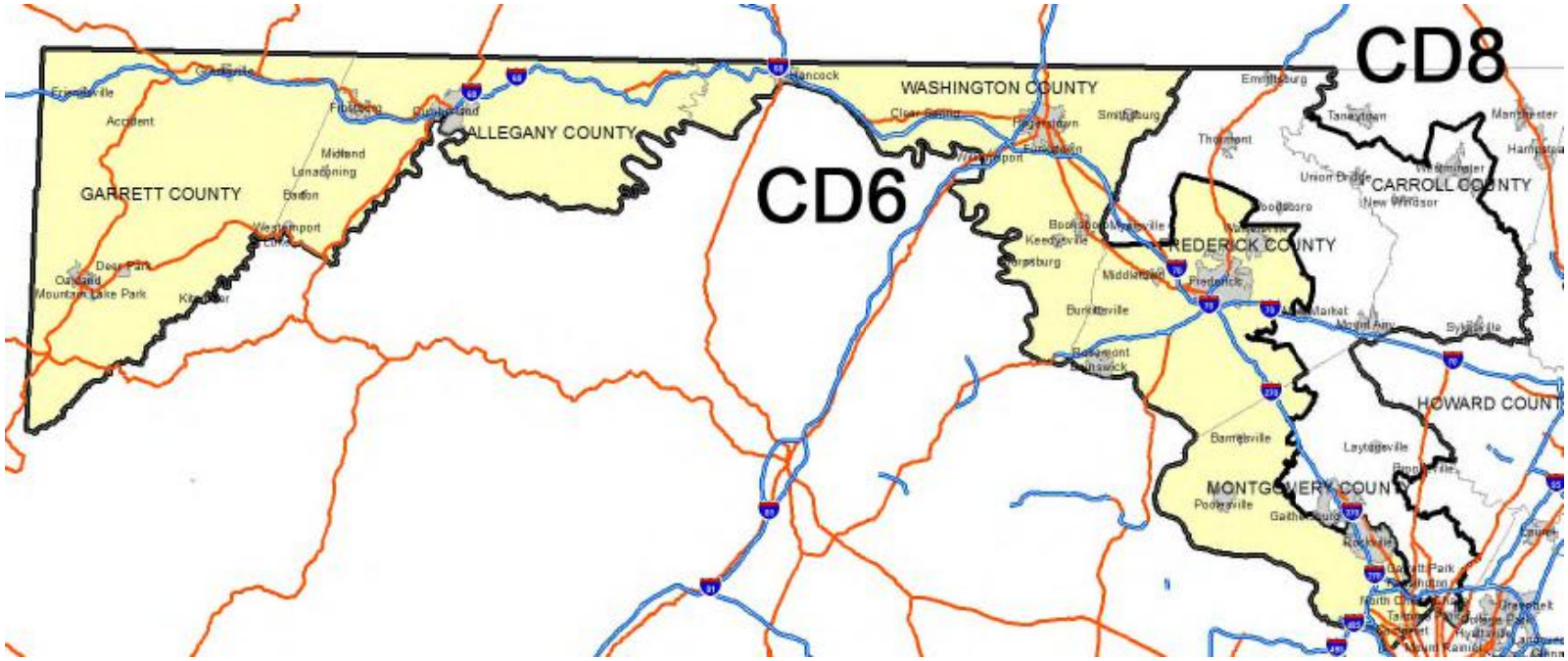


Figure 8. Option 3, Proposed Sixth Congressional District.

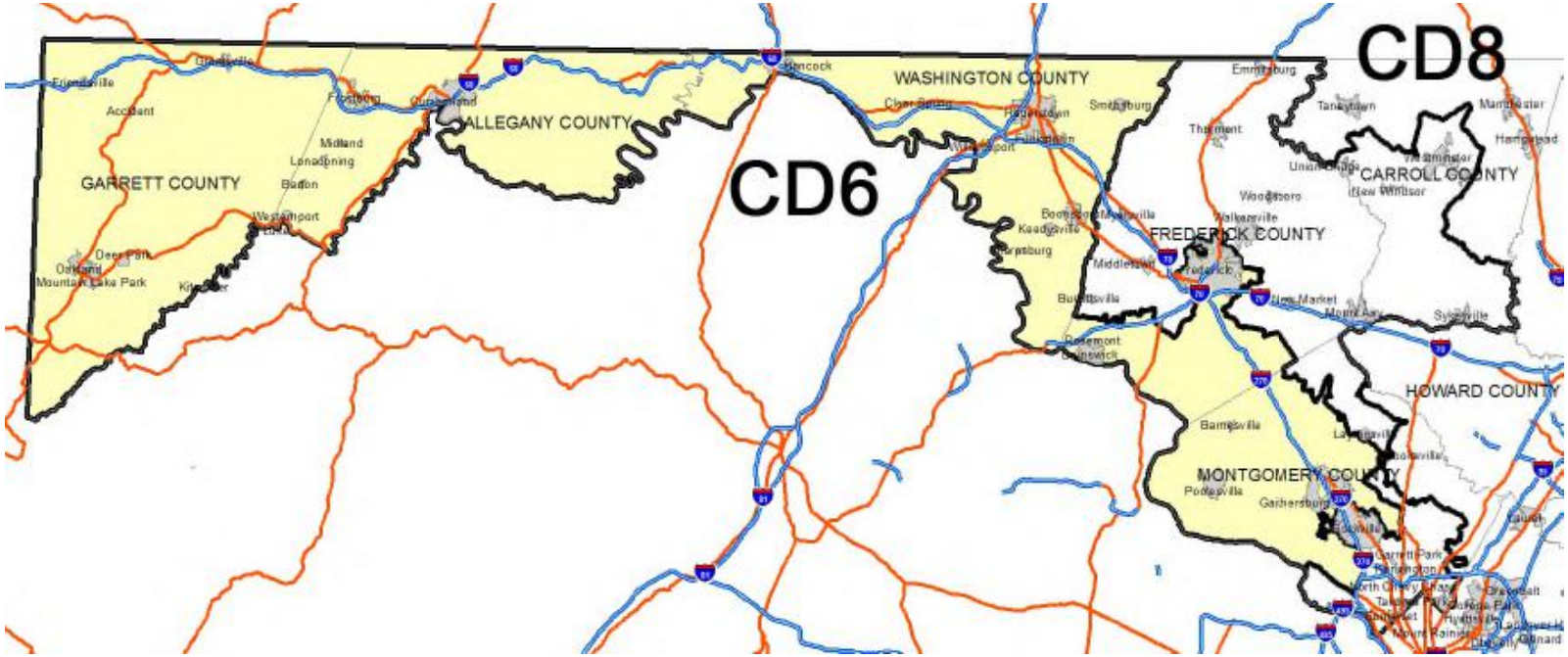


Figure 9. Final Governor Map (Adopted by Legislature), Adopted Sixth Congressional District.

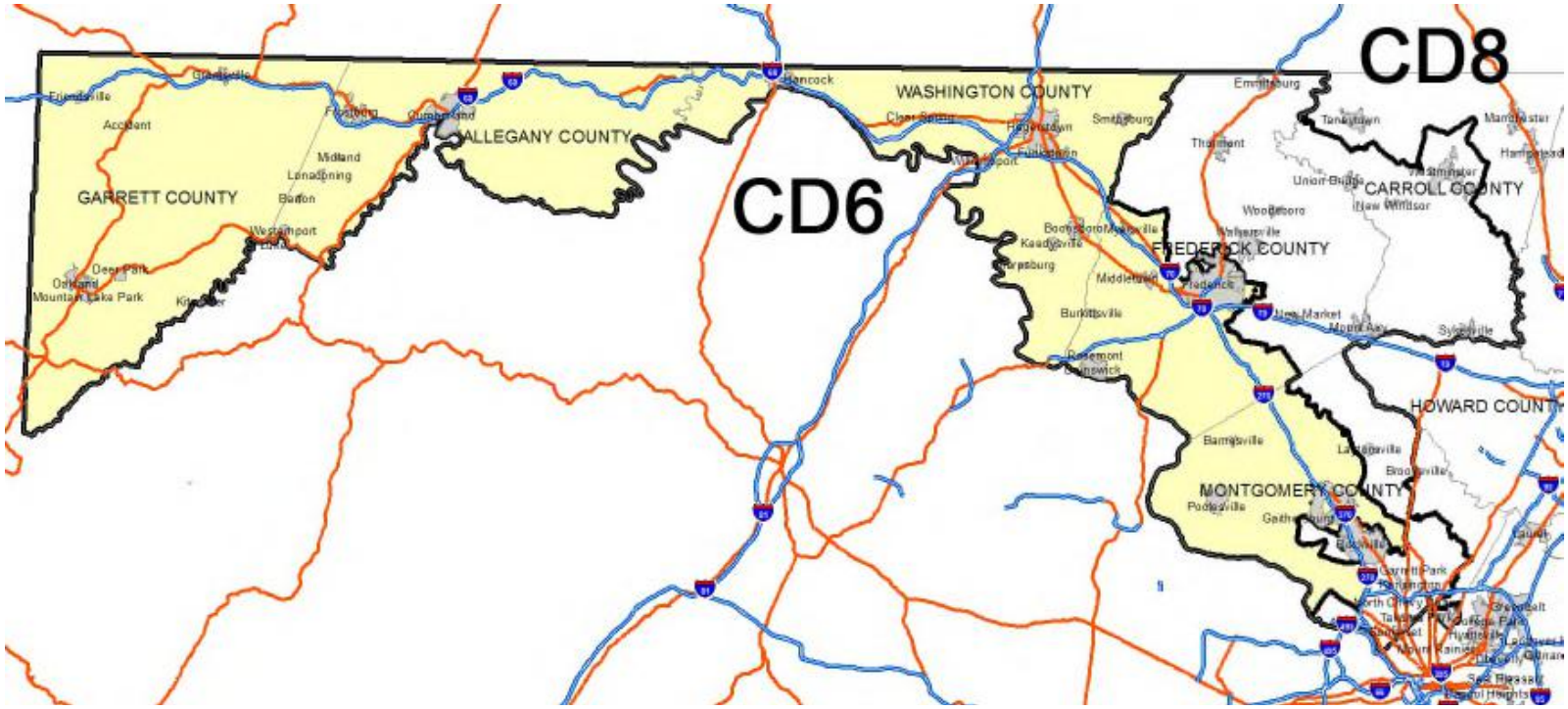


Figure 10. Option 4, Abandoned Plan for Sixth Congressional District.

Gmail Jason Gleason <jason.gleason03@gmail.com>

Fwd: Fw: Map

1 message

Brian Romick <brianromick@gmail.com> Tue, Oct 18, 2011 at 9:59 AM
To: Jason Gleason <jason.gleason03@gmail.com>

-------- Forwarded message --------
From: "Yaakov \"Jake\" Weissmann" <yweissm1@gmail.com>
Date: Tue, 18 Oct 2011 09:57:31 -0400
Subject: Re: Fw: Map
To: Brian Romick <brianromick@gmail.com>

14-004 in the 3rd is a couple of census blocks with no people in it (probably done to clean it up somewhere along the line by us or Eric). I sent it on to Pat, and let you know if he says anything.

On Mon, Oct 17, 2011 at 9:35 PM, Brian Romick <brianromick@gmail.com> wrote:

> Do you happen to know the answer to this? Thank you.
>
> ------- Forwarded message --------
> From: Eric Hawkins <ehawkins@ncecservices.com>
> Date: Mon, 17 Oct 2011 20:47:49 -0400
> Subject: RE: Fw: Map
> To: Brian Romick <brianromick@gmail.com>
>
> Not really sure what this is all about, but those precincts aren't
> included in the third district in the final plan I received from the
> state.
>
> Eric Hawkins
> NCEC Services, Inc.
> 202-459-2170
> ehawkins@ncecservices.com
>
> ---Original Message---
> From: Brian Romick [mailto:brianromick@gmail.com]
> Sent: 10/17/2011 8:37 PM
> To: Eric Hawkins
> Subject: Fwd: Fw: Map
>
> Is this something to worry about?
>
> ------- Forwarded message -------
> From: jason.gleason03@gmail.com
> Date: Tue, 18 Oct 2011 00:27:09 +0000
> Subject: Fw: Map
> To: Brian Romick <brianromick@gmail.com>
>
> See below. Not sure who we tell about this but it may throw population
> off unless I'm missing something. Bill appeared to add 2-018 in AAC
> and part of 14-004 in Balt Co from list Eric sent. .
> ----Original Message----
> From: Eric Hawkins
> To: Jason Gleason
> Subject: RE: Map
> Sent: Oct 17, 2011 8:12 PM
>
> Haven't received anything new and nothing that includes those changes.

> 02-018 has 2,591 persons and a 53.1% DPFM. 04-004 has 438 persons with
> a 44.3% DPFM.
>
> Eric Hawkins
> NCEC Services, Inc.
> 202-459-2170
> ehawkins@ncecservices.com
>
>
> ----Original Message----
> From: jason.gleason03@gmail.com [mailto:jason.gleason03@gmail.com]
> Sent: 10/17/2011 7:29 PM
> To: Eric Hawkins
> Subject: Map
>
> Hey,
>
> Just went through the bill text in the General Assembly and it looks
> like a couple minor changes happened since the last spreadsheet you
> sent. Added to our district were 02-018 in AAC and 14-004 in balt co.
> Any idea what happened here and if something came out that I missed to
> acommodate the population. Finally is our performance still 58.36?
>
> Jason
> Sent from my Verizon Wireless BlackBerry
>
> Sent from my Verizon Wireless BlackBerry
>

SYMPOSIUM

The Seats in Trouble Forecast of the 2010 Elections to the U.S. House

James E. Campbell, *University at Buffalo, SUNY*

All indications are that 2010 will be a very good year for Republicans. After two election setbacks, they are poised for a comeback. Partisanship, ideology, the midterm decline from the prior presidential surge, the partisanship of districts being defended, and even President Obama's approval ratings have set the stage for significant seat gains by Republicans in the House.

THE CONTEXT OF THE 2010 MIDTERM

In terms of partisanship, the electorate is nearly evenly divided, certainly more so than the current House division of 257 Democrats to 178 Republicans (59% to 41%) left by the 2008 election. Democrats gained a few points in macropartisanship in 2008, offsetting Republican gains in 2004, but the slight edge for the Democrats left after the 1984 realignment of party identification remains pretty much intact (Campbell forthcoming; Norpoth 1987). An average of three Gallup polls conducted between May and mid-June of 2010 show an electorate that is 46% Democratic and 43% Republican (Gallup 2010).

In terms of ideology, self-described conservatives continue to outnumber self-described liberals by a substantial margin (Campbell 2007). In June 2010, 42% of respondents told Gallup that they were conservatives, while 20% claimed to be liberals, and 35% said they were moderates (Saad 2010). Not surprisingly, 49% of Americans thought that the Democratic Party was too liberal, and 48% found them to be either about right or even too conservative (Jones 2010a). The nearly even division in partisanship and the conservative tilt in ideology suggest that the current equilibrium in the electorate is far more Republican than the status quo in the House.

The results of the last two elections also boost Republican prospects. The midterm decline from the 2008 presidential surge should benefit the Republicans. A number of Democrats will be running without the help they received from President Obama's victory in 2008 (Campbell 1960; Campbell 1997). Democratic gains in 2006 (31 seats) and 2008 (24 seats) have left many House Democrats in the unenviable position of running in districts hospitable to Republicans. Democrats are defending 47 seats in districts that were carried by Bush in 2004 and McCain in 2008. In contrast, Republicans hold only six seats in districts carried by Kerry in 2004 and Obama in 2008. In the language of the exposure thesis, Democrats are overexposed going into the 2010 midterm (Oppenheimer, Stimson, and Waterman 1986). The number of seats they currently hold far exceeds their base or average holdings in the last 20 years. In the 10 elections since 1990, Democrats won an average of 226 seats, 31 fewer than in 2008.

The political climate as we enter the fall campaign season also favors Republicans. Partisan parity, political polarization, the departure of an unpopular Republican president, and his replacement with a very liberal Democratic president and Congress constitute a powerful political mix that may lead to a Republican resurgence. Having been on the defensive in 2006 and 2008 and then relegated to the sidelines as President Obama and the Democratic-controlled Congress passed liberal policies over the last two years, conservatives are energized for 2010. Polls, primary turnouts, the emergence of the Tea Party movement, and Republican victories in 2009 (including Scott Brown's Senate win in Massachusetts) are unmistakable stirrings of a revitalized right. In June, Gallup reported that 53% of Republicans were more enthusiastic than usual about voting. Only 35% of Democrats were similarly enthusiastic (Jones 2010b). And although President Obama is not unpopular at this point (his approval ratings stand in the mid 40s), he also does not have the strong approval ratings that would provide much help to his party in staving off significant midterm losses (Tufte 1978).

SEATS IN TROUBLE

While long-term factors are quite favorable for Republicans in 2010, they indicate only the election's potential and therefore provide only limited guidance in anticipating the results of the election. Greater forecast accuracy requires predictors that take into account the more localized, short-term, and prospective factors that are critical to congressional outcomes as well as the effects of national, long-term, and retrospective considerations. My strategy in devising an accurate and plausible forecasting equation was to build the model around a core predictor that would offer an accurate reading of where the election stood at the time of the forecast, and to then augment the model with contextual variables that would provide guidance on how things were likely to change between the time of the forecast and the election. This is the same strategy that was used in devising the trial-heat model of the presidential vote (Campbell and Wink 1990).

The model developed and used here for House elections is the "seats in trouble model." I also think of it as the "exposure-thesis-on-steroids model."[1] The exposure thesis suggests that an overexposed party holds more seats than usual, and that this might leave it with more seats in trouble or in danger of being lost. The exposure-thesis-on-steroids or seats in trouble model is based on estimates of the extent to which one party has more seats *actually* in trouble.

The core variable of this seat change forecasting model is based on the intensive political handicapping of congressional

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elections conducted for the last 26 years by Charlie Cook and his colleagues at the *Cook Political Report*.[2] Beginning in 1984 and in each election since, Cook has made a comprehensive district-by-district assessment of the electoral prospects of each political party at various points before and during the election year. Each seat is scored as "solid" Democratic, "likely" Democratic, "leaning" Democratic, "toss-up," "leaning" Republican, "likely" Republican, or "solid" Republican. According to Cook, seats identified as likely for a party "are not considered competitive at this point, but have the potential to become politically engaged" (Cook 2010). Leaning districts are considered competitive, "but one party has an advantage." In toss-up districts, "either party has a good chance of winning." For forecasting purposes in both on-year and midterm elections, I used Cook's latest assessment, made between July and the first day of September in the year of the election being forecast. In most years, the assessment used was made in mid- to late August. Since assessments were not conducted during these months in 1986 and 1990, those years could not be included in constructing the forecasting equation. This leaves 11 usable elections.

Cook's record of accuracy in handicapping individual district elections is impressive. Although the powers of incumbency and district partisanship play a role in predicting outcomes, there is clearly a great deal of value-added in these late summer assessments. In the 11 elections examined, districts rated as solidly in a party's column turned out to be nearly sure bets (99.8% for Democrats and 99.7% for Republicans). The parties were nearly as certain to hold their likely seats (94.0% for Democrats and 95.1% for Republicans) and were very successful in holding their leaning seats (88.2% for Democrats and 85.0% for Republicans)—although leaning districts were not quite so safe for Republicans in the last two election cycles. In 2006, Republicans held only 38% of the seats identified as leaning their way in late August. In 2008, they won only 55% of these leaners.[3]

The aggregate outcomes in toss-up districts were about as anticipated and generally quite different from the outcomes in leaning districts. When the previous party holding the seat could be determined (setting aside a number of seats affected by reapportionment and redistricting), Democrats held about 48% of their toss-up districts and Republicans about 55% of theirs.

From Cook's district data, I constructed an aggregate forecasting measure: seats in trouble. The measure takes the number of seats that a party won in the prior election and deducts the number of seats that Cook viewed as solid, likely, or leaning toward that party. The remainder is the number of seats that are in trouble. This figure is slightly different from the number of toss-up districts, since it also counts districts currently held by a party but anticipated by Cook to be leaning, likely, or solidly in the opposing party's column. This algorithm also addresses the problem of how to count toss-up districts in redistricting years. The predictor variable is the difference between each party's number of seats in trouble. The logic of the indicator is that the more troubled seats a party holds relative to the opposing party, the more seats it should lose in the election.

An alternative measure that included leaning seats in the index as potentially troubled seats was also examined but did not strengthen the equation. This would seem to reflect both the generally high success rates that the parties have had in holding their leaning seats as well as the variance in that rate (the 2006 and 2008 Republican losses). Because of the generally high success rates for parties in their leaning districts and the occasional variance in this rate, the indicator counts as troubled only those districts that are toss-ups or worse.

Democratic gains in 2006 (31 seats) and 2008 (24 seats) have left many House Democrats in the unenviable position of running in districts hospitable to Republicans. Democrats are defending 47 seats in districts that were carried by Bush in 2004 and McCain in 2008. In contrast, Republicans hold only six seats in districts carried by Kerry in 2004 and Obama in 2008. In the language of the exposure thesis, Democrats are overexposed going into the 2010 midterm.

Table 1 presents the number of troubled seats for each party and the difference between them, as well as the Democratic seat change in these 11 elections. Note that it is possible to have a negative number of seats in trouble for a party if some seats currently held by the opposing party are seen as likely or sure wins for the other party in the next election, or if a party has gained seats in special elections since the previous national election. This was the case for the Democrats in 2006.[4]

The pattern of seats in trouble corresponds quite closely with the extent and direction of seat change. In most of this period, seat losses were small, as were the differences in the number of seats each party held that were in trouble. The three elections in which one of the parties registered significant seat gains were those in which the other party had many more seats in peril. In the Republican realignment year of 1994, the last act of the staggered realignment (Campbell 2006; Paulson 2006), the Democrats could count 47 seats in trouble—and they ended up losing even more. In 2006, with an unpopular president, late August estimates showed 19 Republican seats in trouble. Late-breaking congressional scandals increased this number and eventually led to Republican seat losses that were significant enough to cost them control of the House. In 2008, with 27 seats in trouble (compared to none for the Democrats), the Republicans lost another two dozen seats.

Table 1

Seats in Trouble for the Political Parties

ELECTION	SEATS IN TROUBLE			DEMOCRATIC SEAT CHANGE
	Democrats	Republicans	Difference	
1984	14	5	9	–16
1988	4	14	–10	2
1992	33	23	10	–9
1994	47	9	38	–54
1996	32	19	13	2
1998	12	9	3	5
2000	7	12	–5	1.5
2002	10	2	8	–7.5
2004	8	5	3	–3
2006	–1	19	–21	30.5
2008	0	27	–27	24

Note: Half of the seat changes are the result of counting seats held by independents as half for each major party.

PRIOR SEATS HELD AND PRESIDENTIAL APPROVAL

With the principal "seats in trouble" predictor in place, the second component of the forecasting model was to determine whether any contextual variables improved the accuracy of the forecasting equation. I examined several variables, including the generic vote, but found only two that seemed plausible and added predictive value. The first was the number of seats a party won in the previous election. This takes note of the fact that a party cannot lose seats that it does not have and cannot gain seats that it already holds (Campbell 1997, 131). It also acknowledges the political fact that it becomes increasingly difficult to gain seats as a party's seat holdings increase. A party registers gains first where it is easiest for it to do so, and it becomes progressively more difficult for the party to pick up additional seats in areas that are more inclined to support the opposition party.

The second contextual variable was presidential approval. As the leader of the party, reactions to the president affect the party's fortunes both in on-years (Campbell 1997) and in midterms (Tufte 1978). While presidential approval ratings have long been used to reflect the referendum or retrospective nature of elections, especially midterm elections, not much attention has been given to determining the neutral value of approval—that is, the value of approval necessary for the president to neither help nor hurt the party's congressional fortunes. After examining the empirical evidence, it is clear that presidential approval ratings mean one thing in presidential elections in which two parties are contending for the office and quite another in midterms in which there is no presidential choice to be made. There is little evidence to support the commonly assumed (and rarely justified) 50% mark as being the neutral point in either case. In presidential elections, presidents with 50% approval always win. In midterms, the parties of presidents with 50% approval always lose seats. The on-year politically neutral point seems to be closer to 45%. Some voters who disapprove of the president still vote for him, believing him to be better than the alternative.

The neutral point is quite a bit higher in midterms, and recent midterm successes by both parties provide us with some bearings in its determination. Democratic in-party gains in the 1998 midterm and Republican in-party gains in the 2002 midterm suggest that the neutral point in midterms is around 65%. Between 1870 and 1994, the president's party gained seats in only one of the 32 midterm elections. That year was 1934, the first midterm election of the New Deal realignment. Then, in 1998, with President Clinton's approval ratings in Gallup sitting at 66% at the end of October, Democrats defied the odds and gained five seats. Four years later, after September 11 and with President Bush's approval ratings in Gallup at 63% just prior to the 2002 election, the Republicans also defied the midterm loss rule and gained eight seats. Without a partisan presidential choice on the table, the positivity inclination of most citizens seems to guide their approval ratings toward the high side in midterm elections. A 65% rating in the heat of a presidential year is astounding and a precursor to a landslide. A 65% rating in a midterm sounds great but, politically, is approximately neutral and only a precursor to holding the status quo.

In this model, I calculated a presidential approval index by subtracting the neutral point (45% on-year or 65% midterm) from the Gallup measure of presidential approval near the end of August. The index was oriented by party by taking its negative value when a Republican was president. The index ranges from –21 in 1994, when President Clinton's approval rating stood at 44%, to 27 in 2006, when President Bush's approval rating was 38%. As one might expect, the approval index is highly correlated ($r = -.70$) with the seats in trouble variable.

THE FORECAST EQUATIONS

Table 2 presents the forecast equations. The predicted election outcome is seat change for the Democratic Party. Outcomes are calculated from the prior election rather than after special election results. The data for the number of seats held by each party are from the U.S. House of Representatives, Office of the Clerk (2010). For comparability, seats won by independent or third-party candidates are divided equally between the two major parties.

Equation 1 presents the simple bivariate relationship between Democratic seat change and the relative number of Democratic seats in trouble. This simple association is quite strong. A party should expect to lose slightly more than one seat for every net seat that is in trouble.

Equation 2 adds the initial number of seats held by the Democrats. A party loses about one seat for every one that is in trouble and one seat for every additional five that it holds at the outset. While the equation has a strong fit, a substantial envelope of uncertainty around any forecast remains. The median absolute error, based on out-of-sample estimates, is about 5.5 seats. There are numerous local factors that assessments of seats in trouble may have missed or that may have developed after the last summer forecasts.

Table 2

The Seats in Trouble Forecasting Equations of Seat Change for the Democrats in the U.S. House

	EQUATIONS		
PREDICTOR VARIABLES	**1**	**2**	**3**
Seats in Trouble	−1.14**	−1.04**	−.83**
(44 in 2010)	(.16)	(.13)	(.18)
Lagged Democratic Seats	—	−.21*	—
(257 in 2010)		(.08)	
Presidential Approval Index	—	—	.61*
(−21 in 2010)			(.24)
Constant	−.04	48.48	−2.09
Adjusted R^2	.84	.90	.90
Standard Error of Estimate	8.85	6.98	6.94
Median Absolute Error	8.78	5.43	5.37
Durbin-Watson	2.21	2.84	2.23
2010 Forecast	−50	−52	−51

Note. ** $p < .01$, one-tailed. * $p < .05$, one-tailed. $N = 11$. Standard errors are in parentheses. The equations are estimated using data for 1984, 1988, and the nine national elections from 1992 to 2008. Median absolute errors are calculated from out-of-sample errors.

In equation 3, the presidential approval index is added in lieu of the lagged seats variable. The overall fit of equation 3 is about the same as that of equation 2. This is reassuring in that two different contextual variables added to the seats in trouble consideration produce equations of approximately equal strength. Equation 3 indicates that a party should expect to lose just under one seat for every seat in trouble, and that a party should expect to lose about six seats for every 10 points that it falls short of the neutral level of presidential approval. Because of the small number of cases available for the estimation, an equation with both the lagged seats and the approval index along with the seats in trouble variable produced coefficients that were not significant at conventional levels for the lagged seats and approval index variables.

THE 2010 FORECAST

What does the seats-in-trouble model predict for 2010? First, as of the *Cook Political Report*'s assessment in late August 2010, Democrats have 42 seats in trouble and Republicans stand at negative two. The seats in trouble variable is thus 44, about as large as it was in the 1994 midterm and consistent with the Republican disposition of the election's fundamentals or context. The lagged number of Democratic seats held is 257. President Obama's approval rating in late August 2010 stood at 44%. With a neutral point at the midterm of 65%, the presidential approval index stands at negative 21.

Based on the seats in trouble indicator and the two contextual variables of equations 2 and 3, the forecast is that Democrats will lose about 51 or 52 seats, leaving them with a total of 205 or 206 seats. The odds appear to be quite favorable for the Republicans regaining the House majority that they lost in 2006. ■

NOTES

1. With due recognition to Bruce Oppenheimer, Jim Stimson, and Richard Waterman, the developers of the original exposure thesis (1986).
2. My thanks to Charlie Cook, Meredith Harman, Ben Naylor, and everybody at the *Cook Political Report* for so generously sharing their data. See Cook 2010.
3. Both the 2006 and 2008 elections may have been affected by unusual late-breaking events. The Mark Foley scandal broke in late September of 2006, and toss-up Republican districts increased from 18 to 26 in a couple of weeks. The Wall Street meltdown broke in mid-September of 2008, and the number of Republican toss-ups eventually rose from 19 to 30. There are indications that Cook underestimates a party's troubled seats in elections with strong political currents, which he refers to as "wave elections" (e.g., 1994, 2006, and 2008). Reflecting this tendency to underestimate, a squared troubled seats variable did perform somewhat better than the simple variable, but there are too few cases upon which to base this more complex specification.
4. In 2006, the Democrats started off with 202 seats and were credited with half of the independent seat. 183 seats were considered solid and 11 likely for 2006. Another 10 seats, including one previously Republican seat, were counted as leaning Democratic. Because there were no Democratic toss-up seats, their net number of seats in trouble was a negative 1.5 seats.

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THE COOK POLITICAL REPORT

Rep. Roscoe Bartlett (R)

In race 2010 House - MD-06

RACE OVERVIEW

RACE RATING

Initial Rating: 11/12/08

Solid R

MORE CANDIDATE INFO

Roscoe Bartlett's FEC data

ALL PARTIES	Polls	EV	Prov	Abs	Total Voters	Eligible Voters	Turnout
Allegany	12,861	614	135	549	14,159	38,128	37.14%
Anne Arundel	67,052	8,590	1,449	1,962	79,053	264,150	29.93%
Baltimore City	61,359	7,235	1,877	2,270	72,741	319,342	22.78%
Baltimore County	110,652	12,875	1,908	3,347	128,782	416,139	30.95%
Calvert	11,185	925	217	386	12,713	55,811	22.78%
Caroline	3,838	637	99	104	4,678	14,837	31.53%
Carroll	24,596	1,770	210	771	27,347	86,883	31.48%
Cecil	11,851	1,285	129	281	13,546	59,337	22.83%
Charles	18,111	1,962	241	511	20,825	89,282	23.32%
Dorchester	5,247	654	90	510	6,501	17,310	37.56%
Frederick	30,681	1,611	300	737	33,329	136,477	24.42%
Garrett	5,701	732	61	282	6,776	16,256	41.68%
Harford	34,643	3,790	331	841	39,605	135,151	29.30%
Howard	33,197	4,628	607	1,009	39,441	176,602	22.33%
Kent	3,242	846	34	179	4,301	12,382	34.74%
Montgomery	98,619	7,585	1,740	5,735	113,679	569,234	19.97%
Prince George's	87,177	14,541	2,450	2,538	106,706	498,718	21.40%
Queen Anne's	7,869	1,006	207	242	9,324	24,775	37.63%
Saint Mary's	12,135	978	149	630	13,892	47,645	29.16%
Somerset	3,461	391	66	186	4,104	11,521	35.62%
Talbot	5,550	1,431	43	244	7,268	21,108	34.43%
Washington	19,089	833	115	856	20,893	82,729	25.25%
Wicomico	10,609	1,444	163	588	12,804	44,687	28.65%
Worcester	8,948	927	110	529	10,514	29,342	35.83%
Total Turnout By Party	687,673	77,290	12,731	25,287	802,981	3,167,846	
Total Voter Turnout	687,673	77,290	12,731	25,287	802,981	3,167,846	25.35%

DEMOCRAT	Polls	EV	Prov	Abs	Total Voters	Eligible Voters	Turnout
Allegany	5,032	260	47	236	5,575	16,598	33.59%
Anne Arundel	32,050	4,796	553	981	38,380	144,792	26.51%
Baltimore City	57,391	6,885	1,344	2,043	67,663	287,660	23.52%
Baltimore County	75,455	10,059	851	2,216	88,581	289,193	30.63%
Calvert	5,096	468	85	169	5,818	23,050	25.24%
Caroline	1,467	314	24	49	1,854	7,452	24.88%
Carroll	6,519	591	55	268	7,433	33,211	22.38%
Cecil	5,346	665	65	153	6,229	24,387	25.54%

Charles	11,453	1,380	176	289	13,298	50,344	26.41%
Dorchester	2,668	379	54	415	3,531	10,375	34.03%
Frederick	11,130	761	105	345	12,341	51,932	23.76%
Garrett	1,120	177	6	56	1,359	5,003	27.16%
Harford	13,357	1,593	108	371	15,429	61,920	24.92%
Howard	18,615	3,149	339	593	22,696	85,350	26.59%
Kent	1,547	460	15	97	2,119	6,132	34.56%
Montgomery	72,287	6,087	1,180	4,273	83,827	321,759	26.05%
Prince George's	79,139	13,439	1,839	2,235	96,652	400,577	24.13%
Queen Anne's	2,882	454	57	110	3,503	11,013	31.81%
Saint Mary's	5,724	472	47	293	6,536	24,542	26.63%
Somerset	1,589	189	25	91	1,894	7,192	26.33%
Talbot	2,230	659	21	97	3,007	10,134	29.67%
Washington	5,993	272	36	329	6,630	31,233	21.23%
Wicomico	4,950	779	57	293	6,079	25,128	24.19%
Worcester	4,132	474	34	318	4,958	15,643	31.69%
Total Turnout By Party	427,187	54,762	7,123	16,320	505,392	1,944,620	25.99%

REPUBLICAN	**Polls**	**EV**	**Prov**	**Abs**	**Total Voters**	**Eligible Voters**	**Turnout**
Allegany	7,677	337	65	308	8,387	19,610	42.77%
Anne Arundel	35,002	3,794	409	981	40,186	119,358	33.67%
Baltimore City	3,968	350	128	227	4,673	31,682	14.75%
Baltimore County	35,197	2,816	352	1,131	39,496	126,946	31.11%
Calvert	5,831	438	97	207	6,573	22,150	29.67%
Caroline	2,371	323	34	55	2,783	7,385	37.68%
Carroll	18,077	1,179	86	503	19,845	53,672	36.97%
Cecil	6,078	580	46	125	6,829	22,544	30.29%
Charles	5,936	537	55	197	6,725	24,484	27.47%
Dorchester	2,564	275	26	95	2,960	6,935	42.68%
Frederick	18,196	784	139	361	19,480	57,249	34.03%
Garrett	4,581	555	36	226	5,398	11,253	47.97%
Harford	20,804	2,153	160	462	23,579	62,259	37.87%
Howard	13,346	1,311	173	381	15,211	54,585	27.87%
Kent	1,578	355	17	80	2,030	4,423	45.90%
Montgomery	22,761	1,259	317	1,223	25,560	122,513	20.86%
Prince George's	6,719	924	171	258	8,072	46,360	17.41%
Queen Anne's	4,987	552	85	132	5,756	13,762	41.83%
Saint Mary's	6,411	506	57	337	7,311	23,103	31.65%
Somerset	1,872	202	31	95	2,200	4,329	50.82%
Talbot	3,320	772	16	147	4,255	10,974	38.77%
Washington	12,517	547	60	502	13,626	36,672	37.16%
Wicomico	5,659	665	58	295	6,677	19,559	34.14%
Worcester	4,816	453	41	211	5,521	13,699	40.30%

Total Turnout By Party	250,268	21,667	2,659	8,539	283,133	915,506	30.93%

GREEN	Polls	EV	Prov	Abs	Total Voters	Eligible Voters	Turnout
Allegany	1	3	0	0	4	45	8.89%
Anne Arundel	0	0	7	0	7	0	
Baltimore City	0	0	11	0	11	0	
Baltimore County	0	0	9	0	9	0	
Calvert	5	0	1	1	7	119	5.88%
Caroline	0	0	1	0	1	0	
Carroll	0	0	0	0	0	0	
Cecil	6	0	0	0	6	141	4.26%
Charles	4	1	1	2	8	132	6.06%
Dorchester	0	0	0	0	0	0	
Frederick	15	2	1	0	18	356	5.06%
Garrett	0	0	1	0	1	0	
Harford	7	0	3	0	10	121	8.26%
Howard	17	2	1	1	21	442	4.75%
Kent	2	0	0	0	2	40	5.00%
Montgomery	66	5	2	4	77	1,426	5.40%
Prince George's	18	0	4	2	24	461	5.21%
Queen Anne's	0	0	0	0	0	0	
Saint Mary's	0	0	0	0	0	0	
Somerset	0	0	1	0	1	0	
Talbot	0	0	0	0	0	0	
Washington	8	1	0	0	9	220	4.09%
Wicomico	0	0	0	0	0	0	
Worcester	0	0	0	0	0	0	
Total Turnout By Party	149	14	43	10	216	3,503	6.17%

CONSTITUTION	Polls	EV	Prov	Abs	Total Voters	Eligible Voters	Turnout
Allegany	1	0	0	0	1	2	50.00%
Anne Arundel	0	0	4	0	4	0	
Baltimore City	0	0	0	0	0	0	
Baltimore County	0	0	3	0	3	0	
Calvert	0	0	0	0	0	10	
Caroline	0	0	0	0	0	0	
Carroll	0	0	0	0	0	0	
Cecil	5	0	0	0	5	21	23.81%
Charles	5	0	0	0	5	17	29.41%
Dorchester	0	0	0	0	0	0	
Frederick	4	0	0	0	4	30	13.33%
Garrett	0	0	0	0	0	0	

Harford	0	0	0	0	0	13	
Howard	2	1	0	0	4	37	10.81%
Kent	1	0	0	0	1	2	50.00%
Montgomery	9	0	0	3	12	56	21.43%
Prince George's	2	0	0	0	2	37	5.41%
Queen Anne's	0	0	0	0	0	0	
Saint Mary's	0	0	0	0	0	0	
Somerset	0	0	0	0	0	0	
Talbot	0	0	0	0	0	0	
Washington	2	0	0	0	2	20	10.00%
Wicomico	0	0	0	0	0	0	
Worcester	0	0	0	0	0	0	
Total Turnout By Party	32	1	7	3	43	245	17.55%

LIBERTARIAN	**Polls**	**EV**	**Prov**	**Abs**	**Total Voters**	**Eligible Voters**	**Turnout**
Allegany	5	2	0	1	8	48	16.67%
Anne Arundel	0	0	9	0	9	0	
Baltimore City	0	0	3	0	3	0	
Baltimore County	0	0	11	0	11	0	
Calvert	7	0	0	0	7	149	4.70%
Caroline	0	0	0	0	0	0	
Carroll	0	0	0	0	0	0	
Cecil	11	1	0	0	12	203	5.91%
Charles	8	1	1	1	11	193	5.70%
Dorchester	0	0	0	0	0	0	
Frederick	21	1	1	1	24	437	5.49%
Garrett	0	0	0	0	0	0	
Harford	14	1	0	0	15	233	6.44%
Howard	24	2	1	1	28	551	5.08%
Kent	2	1	0	0	3	34	8.82%
Montgomery	39	4	3	1	47	1,328	3.54%
Prince George's	19	5	8	1	33	510	6.47%
Queen Anne's	0	0	4	0	4	0	
Saint Mary's	0	0	1	0	1	0	
Somerset	0	0	0	0	0	0	
Talbot	0	0	0	0	0	0	
Washington	10	0	0	2	12	234	5.13%
Wicomico	0	0	1	0	1	0	
Worcester	0	0	0	0	0	0	
Total Turnout By Party	160	18	43	8	229	3,920	5.84%

UNAFFILIATED	**Polls**	**EV**	**Prov**	**Abs**	**Total Voters**	**Eligible Voters**	**Turnout**

Allegany	125	9	22	3	159	1,672	9.51%
Anne Arundel	0	0	465	0	465	0	
Baltimore City	0	0	371	0	371	0	
Baltimore County	0	0	631	0	631	0	
Calvert	230	19	33	8	290	9,806	2.96%
Caroline	0	0	37	0	37	0	
Carroll	0	0	66	0	66	0	
Cecil	380	35	18	0	433	11,206	3.86%
Charles	671	41	8	21	741	13,526	5.48%
Dorchester	0	0	8	0	8	0	
Frederick	1,311	63	53	30	1,457	26,395	5.52%
Garrett	0	0	17	0	17	0	
Harford	444	39	56	8	547	10,292	5.31%
Howard	1,113	143	87	29	1,372	33,817	4.06%
Kent	99	23	2	2	126	1,618	7.79%
Montgomery	3,437	230	234	227	4,128	121,640	3.39%
Prince George's	972	137	323	36	1,468	32,564	4.51%
Queen Anne's	0	0	57	0	57	0	
Saint Mary's	0	0	42	0	42	0	
Somerset	0	0	8	0	8	0	
Talbot	0	0	3	0	3	0	
Washington	554	13	18	21	606	14,261	4.25%
Wicomico	0	0	42	0	42	0	
Worcester	0	0	32	0	32	0	
Total Turnout By Party	9,336	752	2,633	385	13,106	276,797	4.73%

OTHER PARTIES	**Polls**	**EV**	**Prov**	**Abs**	**Total Voters**	**Eligible Voters**	**Turnout**
Allegany	20	3	1	1	25	153	16.34%
Anne Arundel	0	0	2	0	2	0	
Baltimore City	0	0	20	0	20	0	
Baltimore County	0	0	51	0	51	0	
Calvert	16	0	1	1	18	527	3.42%
Caroline	0	0	3	0	3	0	

Carroll	0	0	3	0	3	0	
Cecil	28	4	0	3	32	835	3.83%
Charles	34	2	0	1	37	586	6.31%
Dorchester	0	0	2	0	2	0	
Frederick	4	0	1	0	5	78	6.41%
Garrett	0	0	1	0	1	0	
Harford	17	4	4	0	25	313	7.99%
Howard	79	20	6	4	109	1,820	5.99%
Kent	13	7	0	0	20	133	15.04%
Montgomery	20	0	4	4	28	512	5.47%
Prince George's	308	36	105	6	455	18,209	2.50%
Queen Anne's	0	0	4	0	4	0	
Saint Mary's	0	0	2	0	2	0	
Somerset	0	0	1	0	1	0	
Talbot	0	0	3	0	3	0	
Washington	5	0	1	2	8	89	8.99%
Wicomico	0	0	5	0	5	0	
Worcester	0	0	3	0	3	0	
Total Turnout By Party	541	76	223	22	862	23,255	3.71%
Total Voter Turnout	687,673	77,290	12,731	25,287	802,981	3,167,846	25.35%

Statewide

County	Polls	EV	Abs	Prov	Eligible Voters	Turnout
Allegany	7,816	659	343	67	42,398	20.96%
Anne Arundel	50,434	14,922	1,741	1,768	269,671	25.54%
Baltimore City	54,620	15,873	2,302	2,428	325,643	23.10%
Baltimore County	82,887	22,270	2,928	2,250	426,062	25.90%
Calvert	9,685	1,896	312	205	60,133	20.12%
Caroline	2,935	687	89	46	14,986	25.07%
Carroll	23,666	4,397	759	202	114,358	25.38%
Cecil	9,029	2,227	221	81	47,699	24.23%
Charles	17,643	3,775	478	276	99,857	22.20%
Dorchester	4,255	882	375	38	17,717	31.33%
Frederick	29,991	4,848	950	296	149,393	24.15%
Garrett	4,369	745	170	35	19,163	27.76%
Harford	27,531	6,262	719	290	158,858	21.91%
Howard	29,727	9,274	763	609	197,348	20.46%
Kent	2,428	827	102	13	10,645	31.66%
Montgomery	84,160	18,875	5,729	2,467	630,255	17.65%
Prince George's	69,917	21,959	2,212	2,955	510,012	19.03%
Queen Anne's	6,956	2,342	154	81	32,820	29.05%
Saint Mary's	9,248	1,533	384	93	64,247	17.52%
Somerset	2,263	540	101	51	11,473	25.76%
Talbot	5,489	2,226	221	70	21,905	36.55%
Washington	13,378	1,387	733	99	89,243	17.48%
Wicomico	7,549	1,936	408	162	46,922	21.43%
Worcester	5,201	1,224	299	83	31,792	21.41%
Totals	561,177	141,566	22,493	14,665	3,392,600	21.81%

Democrat

County	Polls	EV	Abs	Prov	Eligible Voters	Turnout
Allegany	2,745	276	149	25	15,196	21.03%
Anne Arundel	24,640	8,825	949	596	146,577	23.89%
Baltimore City	51,728	15,430	2,135	1,539	295,302	23.99%
Baltimore County	59,983	18,411	2,224	870	295,796	27.55%

Calvert	4,449	956	120	92	23,431	23.97%
Caroline	1,015	300	44	9	7,147	19.14%
Carroll	6,306	1,181	245	42	31,797	24.45%
Cecil	3,508	899	113	21	23,170	19.60%
Charles	12,294	2,956	334	185	58,325	27.04%
Dorchester	1,952	439	292	17	10,443	25.85%
Frederick	11,198	2,357	438	129	54,121	26.09%
Garrett	789	169	36	6	4,612	21.68%
Harford	11,795	3,173	369	121	62,978	24.55%
Howard	19,185	6,973	547	351	94,222	28.72%
Kent	1,299	538	62	8	6,078	31.38%
Montgomery	68,172	16,437	4,679	1,758	354,078	25.71%
Prince George's	64,983	21,123	2,030	1,717	442,639	20.30%
Queen Anne's	2,302	841	80	17	10,967	29.54%
Saint Mary's	4,024	734	207	43	25,084	19.96%
Somerset	919	273	63	11	6,735	18.80%
Talbot	1,888	797	77	22	9,968	27.93%
Washington	4,432	570	326	33	31,668	16.93%
Wicomico	3,349	1,027	254	45	26,054	17.94%
Worcester	2,173	587	158	28	14,931	19.73%
Totals	365,128	105,272	15,931	7,685	2,051,319	24.08%

Republican

County	**Polls**	**EV**	**Abs**	**Prov**	**Eligible Voters**	**Turnout**
Allegany	4,782	366	187	31	20,133	26.65%
Anne Arundel	25,794	6,097	792	434	123,094	26.90%
Baltimore City	2,892	443	167	105	30,341	11.89%
Baltimore County	22,904	3,859	704	252	130,266	21.28%
Calvert	4,762	862	182	91	23,922	24.65%
Caroline	1,920	387	45	11	7,839	30.14%
Carroll	16,411	3,097	491	135	59,483	33.85%
Cecil	5,521	1,328	108	37	24,529	28.51%
Charles	4,307	646	128	52	24,301	21.12%
Dorchester	2,303	443	83	11	7,274	39.04%

Frederick	17,082	2,235	480	126	60,670	32.84%
Garrett	3,456	552	130	26	11,955	34.83%
Harford	14,937	2,952	331	123	68,418	26.81%
Howard	8,962	1,834	172	108	56,213	19.70%
Kent	1,129	289	40	4	4,567	32.01%
Montgomery	12,512	1,785	803	292	121,851	12.63%
Prince George's	4,167	724	160	106	43,545	11.84%
Queen Anne's	4,417	1,437	70	42	15,628	38.18%
Saint Mary's	4,864	751	157	36	25,594	22.69%
Somerset	1,344	267	38	19	4,738	35.20%
Talbot	3,569	1,415	144	27	11,312	45.57%
Washington	8,340	777	376	59	38,869	24.57%
Wicomico	4,200	909	154	37	20,868	25.40%
Worcester	2,984	632	139	26	14,785	25.57%
Totals	183,559	34,087	6,081	2,190	950,195	23.78%

Libertarian

County	**Polls**	**EV**	**Abs**	**Prov**	**Eligible Voters**	**Turnout**
Allegany	27	2	1	1	191	16.23%
Anne Arundel	0	0	0	4	0	0.00%
Baltimore City	0	0	0	30	0	0.00%
Baltimore County	0	0	0	71	0	0.00%
Calvert	21	5	0	0	249	10.44%
Caroline	0	0	0	2	0	0.00%
Carroll	46	6	0	0	581	8.95%
Cecil	0	0	0	3	0	0.00%
Charles	34	4	2	1	318	12.89%
Dorchester	0	0	0	0	0	0.00%
Frederick	16	1	3	0	745	2.68%
Garrett	11	4	1	0	74	21.62%
Harford	40	11	3	0	703	7.68%
Howard	87	41	7	8	886	16.14%
Kent	0	0	0	0	0	0.00%
Montgomery	116	24	31	13	2,127	8.65%

Prince George's	101	21	3	138	323	81.42%
Queen Anne's	8	2	0	1	147	7.48%
Saint Mary's	19	1	1	0	303	6.93%
Somerset	0	0	0	1	0	0.00%
Talbot	1	1	0	2	15	26.67%
Washington	24	3	3	0	405	7.41%
Wicomico	0	0	0	8	0	0.00%
Worcester	5	0	0	0	46	10.87%
Totals	556	126	55	283	7,113	14.34%

Green

County	**Polls**	**EV**	**Abs**	**Prov**	**Eligible Voters**	**Turnout**
Allegany	4	0	0	0	111	3.60%
Anne Arundel	0	0	0	11	0	0.00%
Baltimore City	0	0	0	27	0	0.00%
Baltimore County	0	0	0	13	0	0.00%
Calvert	4	3	0	1	134	5.97%
Caroline	0	0	0	0	0	0.00%
Carroll	14	3	0	0	271	6.27%
Cecil	0	0	0	0	0	0.00%
Charles	10	2	0	0	121	9.92%
Dorchester	0	0	0	0	0	0.00%
Frederick	24	4	1	1	394	7.61%
Garrett	2	1	0	0	37	8.11%
Harford	9	3	0	1	283	4.59%
Howard	28	8	1	2	489	7.98%
Kent	0	0	0	0	0	0.00%
Montgomery	50	14	17	5	1,528	5.63%
Prince George's	8	1	0	17	234	11.11%
Queen Anne's	1	1	0	0	52	3.85%
Saint Mary's	11	1	0	0	136	8.82%
Somerset	0	0	0	1	0	0.00%
Talbot	0	0	0	0	5	0.00%
Washington	12	1	0	0	233	5.58%

Wicomico	0	0	0	0	0	0.00%
Worcester	0	0	0	0	24	0.00%
Totals	177	42	19	79	4,052	7.82%

Unaffiliated

County	**Polls**	**EV**	**Abs**	**Prov**	**Eligible Voters**	**Turnout**
Allegany	231	13	5	9	6,374	4.05%
Anne Arundel	0	0	0	719	0	0.00%
Baltimore City	0	0	0	697	0	0.00%
Baltimore County	0	0	0	973	0	0.00%
Calvert	428	65	10	21	11,912	4.40%
Caroline	0	0	0	22	0	0.00%
Carroll	843	104	23	25	21,278	4.68%
Cecil	0	0	0	17	0	0.00%
Charles	964	163	12	37	16,249	7.24%
Dorchester	0	0	0	10	0	0.00%
Frederick	1,655	250	25	40	33,286	5.92%
Garrett	100	15	2	3	2,297	5.22%
Harford	710	112	13	45	25,437	3.46%
Howard	1,378	377	29	132	43,243	4.43%
Kent	0	0	0	1	0	0.00%
Montgomery	3,194	591	168	386	147,038	2.95%
Prince George's	557	69	16	839	17,999	8.23%
Queen Anne's	220	59	4	20	5,837	5.19%
Saint Mary's	311	45	18	14	12,689	3.06%
Somerset	0	0	0	18	0	0.00%
Talbot	30	12	0	17	577	10.23%
Washington	546	33	25	7	17,744	3.44%
Wicomico	0	0	0	64	0	0.00%
Worcester	34	5	2	29	1,899	3.69%
Totals	11,201	1,913	352	4,145	363,859	4.84%

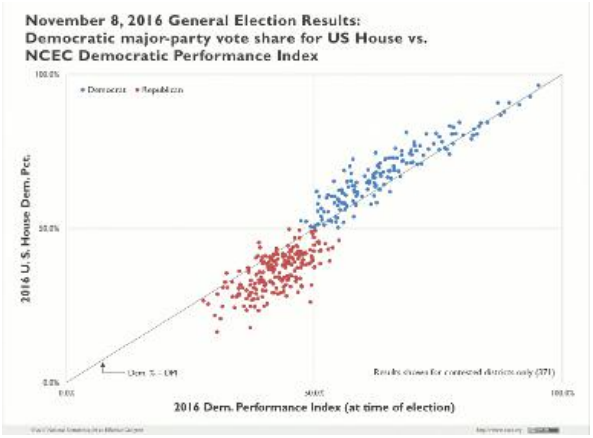
Other Parties

County	**Polls**	**EV**	**Abs**	**Prov**	**Eligible Voters**	**Turnout**

Allegany	27	2	1	1	393	7.89%
Anne Arundel	0	0	0	4	0	0.00%
Baltimore City	0	0	0	30	0	0.00%
Baltimore County	0	0	0	71	0	0.00%
Calvert	21	5	0	0	485	5.36%
Caroline	0	0	0	2	0	0.00%
Carroll	46	6	0	0	948	5.49%
Cecil	0	0	0	3	0	0.00%
Charles	34	4	2	1	543	7.55%
Dorchester	0	0	0	0	0	0.00%
Frederick	16	1	3	0	177	11.30%
Garrett	11	4	1	0	188	8.51%
Harford	40	11	3	0	1,039	5.20%
Howard	87	41	7	8	2,295	6.23%
Kent	0	0	0	0	0	0.00%
Montgomery	116	24	31	13	3,633	5.06%
Prince George's	101	21	3	138	5,272	4.99%
Queen Anne's	8	2	0	1	189	5.82%
Saint Mary's	19	1	1	0	441	4.76%
Somerset	0	0	0	1	0	0.00%
Talbot	1	1	0	2	28	14.29%
Washington	24	3	3	0	324	9.26%
Wicomico	0	0	0	8	0	0.00%
Worcester	5	0	0	0	107	4.67%
Totals	556	126	55	283	16,062	6.35%

Monday Feb. 13, 2017

In 2016, Data Fundamentals Proved Accurate



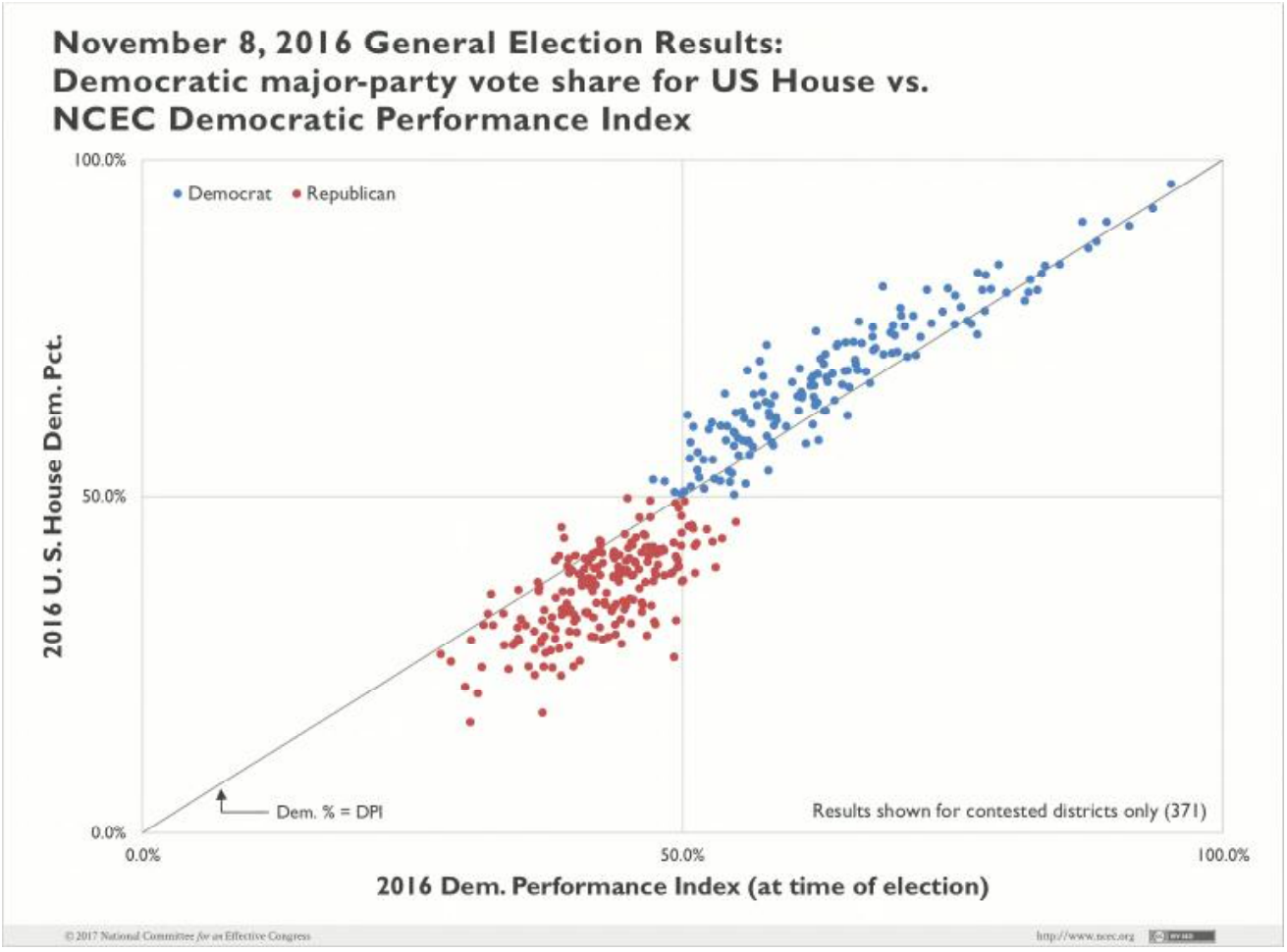
The NCEC's Democratic Performance Index is a granular, moving average of actual candidate performance. It should be no surprise that, on average, observed party performance correlates with future party performance more strongly than any other single measure.

According to CNN, Rep. Sean Patrick Maloney (D-N.Y.) has "...developed a new data model to replace the DPI, using 350 different data points." Models intended as leading indicators of candidate performance are regularly improved when they incorporate actual candidate performance. In fact, DPI itself commonly serves as a supporting data point for building the very types of sophisticated models Rep. Maloney refers to. Considering the diversity, educational attainment, and geography of an electorate is important and should be used, in combination, with a robust measure of the electorate's voting behavior—not in place of it.

The NCEC calculates DPI for every state at the precinct level—the most detailed level at which election results are recorded. DPI is not a speculative model trained on disparate data points nor should it be. The strength of DPI is that it is so closely anchored to direct measurement of what actually happened. It is most valuable as a measure of a district's relative partisanship. It is not intended to predict the outcome of an election, but rather to indicate competitiveness or lack thereof.

In the same article, Rep. Jim Himes (D-Conn.) disputed DPI's accurate measures of last year's congressional battleground. But nationally, Democrats won only four districts where DPI was below 50 percent. Two of these contests, MN-01 (DPI 49.9%) and MN-07 (DPI 47.3%), outperformed DPI as expected thanks to the long-time incumbency of the Democratic

candidates. And the other two districts correctly identified as close contests—NJ-05 (DPI 48.3%) and NV-03 (DPI 49.3%)—were subsequently targeted with well-resourced and well-run campaigns. Victories here demonstrate the successful identification of marginal contests and the judicious mobilization of campaign resources to effect change in favor of Democrats. And while DPI served as a good indicator for races where Democrats were more likely to lose, it correlated even more strongly in higher DPI areas where Democrats were more likely to win.



In the Washington Post, Paul Kane highlighted Minnesota's 2nd District as an area for scrutiny. The pre-election DPI for this district was 49.3 percent—an outstanding match to the major party performance of both Hillary Clinton (49.3%) and Angie Craig (49.0%) in the general election. Craig's 2-point loss narrowly trailed the Democratic Performance Index by 0.3 points. The race was competitive to the end, and choosing not to compete in a district like this in the future guarantees Democrats permanent minority status.

Stephanie Murphy's victory in Florida's 7th District was repeatedly heralded as a surprise Democratic win. But the Democratic Performance Index strongly suggested this was a toss-up district well within the reach of a competent campaign. Once the Florida redistricting lawsuit was finalized, DPI was re-tabulated for the new geography and increased from 45.6 to 50.8 percent under the reconfigured map. Again, this is where the Democratic Performance Index is most valuable—in measuring change and gauging the strengths of geographic units against one another. The DPI is not used by itself to make these decisions, but provides a grounded basis (grounded in actual candidate performance) from which to make informed judgements on voting behavior.

Pennsylvania's 8th District is another seat where the Democratic candidate underperformed. Democrat Steve Santarsiero lost by 9.0 points, but the baseline indicators were nevertheless sound. The pre-election DPI in this district was 50.6 percent which tracks closely with Hillary's 49.9 percent in the general election and President Obama 50.0 percent in 2012. Voters here are clearly open to supporting Democratic candidates in general, and this is exactly the type of suburban district that should be targeted if Democrats are ever going to regain control of the House.

It's true, Democrats underperformed in some rural districts last cycle, particularly in Iowa. But the rationale to compete there was sound, given that President Obama won three of the four districts in consecutive general elections. And in the case of Iowa's 1st District, every Democratic presidential candidate has carried it since 2000. President Obama won 56.9 percent of the vote there in 2012, surpassing average Democratic Performance by 1.9 points. This district clearly qualified as a top-tier target especially in an election year as volatile as 2016.

Some have suggested that the Democrats should focus less on rural districts, but any realistic look at the battleground shows that without winning some rural districts, there is virtually no way to build a coalition that reaches 218 seats. Considering the long odds presented by partisan gerrymandering, Democrats must continue to pursue an all-of-the-above strategy in districts where recent results suggest the possibility for success

Democratic Performance Index by itself tells only part of the story; it is always prudent to perform wider analysis. But in our search for better tools, we must always remain anchored in direct measures of reality.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

O. JOHN BENISEK, *et al*.,	*	
Plaintiffs,	*	
v.	*	Case No. 13-cv-3233
LINDA H. LAMONE, *et al*.,	*	
Defendants.	*	

* *

Second Supplemental Expert Report of Allan J. Lichtman
July 12, 2017

In this second supplemental report I respond to the supplemental declarations of Dr. Peter A. Morrison and Dr. Michael P. McDonald. Nothing in these supplemental declarations of plaintiffs' experts leads me to revise any of the analyses and findings of my prior reports in this litigation.

I. Supplemental Declaration of Dr. Peter A. Morrison

In his supplemental declaration, Dr. Morrison responds to only one of my criticisms of his prior reports. In my first supplemental report of June 2, 2017 I found that Dr. Morrison in his opening report had presented fundamentally flawed data on the percentage of split Census Places in CD6 under the 2001 and 2011 plans. I found that based upon the correction of his data that the difference in split Census Places in prior CD6 under Maryland's 2001 plan compared to splits in CD6 under the state's 2011 plan was not 48 percentage points as Dr. Morrison previously claimed, but a *de minimis* 4 percentage points, a difference of 44 percentage points and 92 percent (44/48). He does not question the serious errors in his prior report, but offers an alleged correction of those errors in his supplemental declaration.

My analysis of Dr. Morrison's new analyses in his supplemental declaration results in the following findings:

- Even accepting at face value Dr. Morrison's alleged corrections, he fails to explain why his new findings still sustain the conclusions of his opening report

- Dr. Morrison does not provide in his supplemental declaration a minor correction of his prior data. Rather, his alleged corrected data differs fundamentally from the prior data on which he has relied.

- Dr. Morrison's alleged corrections create new errors that result in serious flaws in his supplemental declaration and an overstatement of the difference in split Census Places in CD6 under the two plans that he analyzes.

- Dr. Morrison's count of split Census Places under the 2011 plan fails to consider inconsequential splits with either no population or minimal population.

After presenting his alleged corrected data, Dr. Morrison concludes that the difference between split Census Places in the 2001 and 2011 congressional plans is not 48 percentage points, but only 8 percentage points, for a decline of 40 percentage points and 83 percent (40/48).[1] He does not explain why this drastic change in results still sustains his earlier finding of a "smoking gun" result indicative of intentional discrimination. Contrary to standard practice in social science, he provides no analyses of what level of difference in the two plans would be necessary to confirm this earlier conclusion.

As indicated below, Dr. Morrison in his supplemental report simply repeats without qualification or explanation the exact statement he made in his opening report linking differences in split Census Places to intent. The only change is that he now plugs in his new results indicating an 8-percentage point difference in split Census Places between the 2001 and 2011 plan, rather than the 48-percentage point difference from his opening report.

Morrison Opening Expert Report, paragraph 145, page 68

"The post-redistricting increase in non-intact Census places (from 11% to 59% of all places) is a "smoking gun" that exposes motives beyond simply rebalancing total population."

Morrison Opening Expert Report, paragraph 9, page 3

"The post-redistricting increase in non-intact census places (from 3% to 11% of all places) is a "smoking gun" that exposes motives beyond simply rebalancing the total population."

In addition, both statements falsely presume that the only legitimate motivation for a new redistricting plan is "rebalancing the total population," when many other considerations enter into the creation of any redistricting plan. For example, Dr. Morrison indicated in his Fletcher Declaration that one legitimate consideration would be the creation of communities of interest based on patterns of commuting and transportation.[2] The Fletcher Plan that Dr. Morrison defends does not simply "rebalance population," but drastically alters the configuration of Maryland's 2001 districts.

Dr. Morrison does not present minor corrections of his opening report in his supplemental declaration. Rather, as demonstrated in Table 1 (all tables are included in the

[1] Unnumbered Table on page 2 of Dr. Morrison's Supplemental Declaration.
[2] Morrison Declaration, *Fletcher v. Lamone*, 11-cv-03220 (D. Md. Dec. 7, 2011) (ECF No. 43-18).

Appendix to this report, below), the new data he presents on Census Places in CD6 under the 2001 and 2011 state congressional plans differs by many orders of magnitude from the data on which he relied for his conclusion in his opening report. As indicated in Table 1, in his supplemental declaration, Morrison identified 135 Census Places as falling wholly or partially within CD6 under the 2001 plan, compared to 35 Census Places that he identified in his opening report. This amounts to additional 100 Census Places, for *an increase of 286 percent*. In his supplemental declaration, Morrison identified 122 Census Places as falling wholly or partially within CD6 under the 2011 plan, compared to 22 Census Places that he identified in his opening report. This amounts again to an additional 100 Census Places, but it results in *a much larger percentage increase of 455 percent.*

As indicated in Table 2, these corrections account for the reduction in the difference in split Census Places under the two plans from 48 percentage points in his opening report to 8 percentage points in his supplemental declaration. His 286-percent correction in the number of Census Places in DC6 under the 2001 plan reduces the percentage of split precincts from 11 percent to 3 percent. His much larger 455 percent correction in the number of Census Places in CD6 under the 2011 plan, results in far more substantial reduction in the percentage of split Census Places *from 59 percent to 11 percent*. These two corrections explain the reduction in the difference in split Census Places from 48 percent to just 8 percent.

Dr. Morrison purports to have presented in his supplemental report the correct number of Census Places in CD6 under the two plans. Consistent with his opening report, however, he provides no citations or sources for his corrected counts. These counts are still erroneous based on the U.S. Census data that lists the number of Census Places in Maryland and identifies the congressional districts in which they are wholly or partially contained under the 2001 and 2011 Maryland congressional plans.

As indicated in the Table in his supplemental declaration, Dr. Morrison identified 135 Census Places as within CD6 under the 2001 plan, compared to the 75 according to Census data. Dr. Morrison does not identify the source of the data, but he purports to use data from the 111th Congress while the 108th Congress is the data available from the Census on its public website. Therefore, the source of his data for the 111th Congress is unclear and it is also unclear whether he is using the definitions of census designated places under the 2000 Census or whether he is using definitions of census designated places that would be used in the 2010 Census. The boundaries of census designated places change over time. *See* U.S. Census Bureau, "Geographic Boundary Change Notes, Maryland," https://www.census.gov/geo/reference/bndrychange/changenotedisplay.php (last accessed July 11, 2017). The 108th Congress is therefore the appropriate comparator as the version of the data that is publicly available, it contains the congressional district boundaries for the 2001 plan, and the census designated place definitions closest in time to the ones that would have been known to the 2001 map-drawers. Data from a later congress that Dr. Morrison purports to use may not match the Census Places at the time of the redistricting and therefore is misleading.

By using non-public information related to the 111th Congress without specifying the date of the census designated place definitions in his supplemental declaration, Dr. Morrison identified 135 Census places as within CD6, compared to 75 according to Census data. He thus overstates the number of 2001 Census Places in CD6 by 60, for *an increase of 80 percent*. In his supplemental declaration, Morrison identified 122 Census Places as within CD6 under the 2011 plan, compared to 148 according to Census data. Thus, for the 2011 plan he understates not overstates the number of Census Places by 26, *for a decrease of 18 percent*.

As indicated in Table 4, Dr. Morrison's *overstatemen*t of the number of Census Places in CD6 under the 2001 plan in his supplemental declaration, results in an *understatement* of the percentage of split Census Places of 3 percent, compared to a corrected 5 percent, for *an increase of 2 percent*. In contrast, Dr. Morrison's *understatement* of the number of Census Places in CD6 under the 2011 plan in his supplemental declaration, results in an *overstatement* of the percentage of split Census Places of 11 percent, compared to a corrected 9 percent, for *a decrease of 2 percent.* Thus, his opposite and compounding errors result in an overstatement of the difference in split precincts of 8 percentage points, compared to a correct de minimis difference of just 4 percentage points, the percentage difference that I previously calculated and report on page 3 of my June 2, 2017 supplemental report.

I have included as an addendum to this report a download of the U.S. Census reports on the Maryland Census Places identified with the congressional districts in the 2001 and 2011 plans in which they are wholly or partially included. I have marked on each page of the downloads, the Census Places wholly or partially included in CD6 and indicated on each page a running tally of the number of such Places.

Finally, Dr. Morrison includes in his count of split Census Places in the 2011 plan places that are not split in any consequential way. That is, no persons or a minimal number of persons are included in one side of the split. For example, the most important splits that he identified are the only cities split between CD6 and CD8 in the 2011 plan: Frederick and Rockville (no district other than CD8 borders CD6). However, the recent declaration of Shelly Aprill of the Planning Data Analysis Unit of the Maryland Department of Planning, indicates that the CD6 side of the Frederick City split contained no population and the CD8 side of the Rockville City split contained only 4 persons. [3] Just the elimination of these two splits from Dr. Morrison's tally of 13 split Census Places in CD6 under the 2011 plan would reduce the percentage of split Census Places from 9 percent to 7 percent, just 2 percentage points more than the percentage of CD6 splits under the 2001 plan.

[3] Declaration of Shelly Aprill, June 29, 2017, p. 2.

II. Supplemental Declaration of Dr. Michael P. McDonald

There is little that is new in Dr. McDonald's supplemental declaration. In addition to examining possible alternative plans for Maryland's 2011 congressional districts, he references my report only to challenge my analysis that CD6 under the 2011 congressional plan is competitive district that tilts Democratic. Instead he argues that CD6 under the 2011 plan is a "safe" Democratic district. In analyzing Dr. McDonald's supplemental declaration, I have reached the following findings.

- Dr. McDonald continues to reason mechanically from effect to cause with no methodology for establishing the intent of Maryland's decision-makers.

- Dr. McDonald's own account of alternative plans considered or not considered by decision-makers contradicts his conclusions about intent.

- Dr. McDonald is incorrect in his claim that CD6 under the 2011 congressional plan is a safe Democratic district.

Dr. McDonald's report attempts to establish what is not in dispute, that Maryland's decision-makers sought to create a Sixth Congressional District that was more favorable to Democrats than in the prior plan. He then mechanically reasons from this fact that Maryland's decision-makers intended to retaliate against Republicans for their alleged political expression. However, Dr. McDonald continues to provide no methodology for assessing intent based on the *Arlington Heights* guidelines or any other framework. He simply stands de facto by his earlier claim that he was not asked to analyze the *Arlington Heights* factors.

Dr. McDonald fails to consider any other purposes behind the configuration of CD6 in 2011 other than partisanship. Many of those purposes are explained in my opening and supplemental reports and are not reexamined in Dr. McDonald's supplemental declaration. Rather than reiterating these purposes I instead analyze some examples from Dr. McDonald's supplemental declaration that contradict his conclusion about the discriminatory intent of Maryland's decision-makers.

Dr. McDonald notes on page 4 of his declaration that two plans, Congressional Option 1 and Congressional Option 2 appeared in Senate President Mike Miller's Maptitude software on October 3, 2011. Option 1 had a Democratic Performance Index of 50.5 percent and Option 2 Index of 51.36 percent, for a difference of 0.86 percentage points. Dr. McDonald presumes without analysis that Miller and the Democrats used Option 2 as the basis for their final plan because it had this slightly higher Democratic Performance Index. Examination of the two maps, however, provides alternative explanations that Dr. McDonald fails even to consider in his supplemental declaration. First, the maps demonstrate that Option 2 provides a far more compact CD6 than does Option 1. Second, Option 2 unlike Option 1 comports with the decision-makers objective of creating an I-270 Corridor district.

Dr. McDonald notes on page 5 of his supplemental declaration that initial fine-tuning of Option 2 raised the Democratic performance of CD6 from 51.36 percent to 52.81 percent. Much later in his report on page 7 he adds that the final map reduced the Democratic performance of

CD6 to 52.61 percent. Although this reduction of 0.20 percentage points may seem like a minimal reduction, Dr. McDonald relies on even lesser differences to sustain his claims about legislative intent. In discussing the abandonment of what he terms Option 4 on October 16, 2011, shortly before the General Assembly voted to approve the plan, Dr. McDonald states on page 7, "Although I cannot know why this plan was abandoned, a plausible explanation is that further lowering of the Democratic performance of the Sixth Congressional District was deemed unacceptable." In fact, as Dr. McDonald data indicates Option 4 reduced the Democratic performance from 51.61 to 51.58, a reduction of 0.03 percentage points.

Dr. McDonald chastises Maryland's decision-makers for failing to consider what he terms the "FLHPac Plan," that he says, "has four Democratic and four Republican Congressional Districts." McDonald Supplement at 7. Dr. McDonald claims that the failure to consider this plan is another indicium of intent to discriminate against Republicans.[4] Yet Dr. McDonald notes that this "appears in President Miller's software on October 17, 2011," which is after the governor has already released his plan and just 3 days before the final vote in the General Assembly. McDonald Supplement at 7. Moreover, a plan with 50 percent Republican districts in a state that is 60%+ Democratic would represent an extreme political gerrymander in favor of Republicans. As documented in my opening report, in 60%+ one-party dominant states of roughly comparable population to Maryland, the dominant party never once secured less than 75 percent of the congressional seats under either the 2001 or 2011 congressional plans. The average percent of seats won by the dominant party was 87 percent under the 2001 plans and 91 percent under the 2011 plans (Tables 17, 18, pp. 45-46, Lichtman Report, May 8, 2017).

Finally, Dr. McDonald omits from consideration a much more plausible alternative for Maryland decision-makers than a 4-4 plan: an 8-0 plan that gave Democrats an advantage in all 8 congressional districts. According to the declaration President Miller's plan drawer and analyst staffer, Yaakov "Jake" Weissmann, "At one point, our group considered a map that would have created the possibility that eight Democratic and zero Republican congressional representatives could be elected, but this map was not seriously considered for adoption."[5] Dr. McDonald includes no mention of this testimony in his supplemental report. If the Democrats' intent was to retaliate against Republicans, they easily have considered and drawn 8-0 Democratic plan as explained in my first supplemental report and the declaration of Bill Cooper.

With respect to the partisan performance of CD6, Dr. McDonald challenges my finding that the 2011 decision-makers in Maryland created a competitive CD6 that tilts Democratic. Instead he claims they created "a safe district for Democrats." He justifies this claim by asserting for the first time in his reports that a competitive district is not one with a range of political performance, but is a district that is 50/50 in its Democratic and Republican performance. In his words, a "competitive 50% democratic performant district."

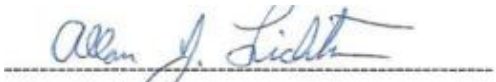
This new claim runs counter to how every independent rating organization such as the Rothenberg and Cook political reports and the *New York Times* define a competitive district, which includes a range of political performance. The Cook Political Report for 2012, for example, defines

[4] Dr. McDonald also presents several alternative plans drawn by various groups to demonstrate the undisputed point that CD6 could have been drawn more favorably for Republicans.
[5] Declaration of Yaakov "Jake" Weissmann, June 29, 2017, p. 12.

a strongly Democratic or Republican (e.g., relatively safe district) as one with a partisan voter index of +5 Democratic or + 5 Republican, respectively. It defines its most competitive category of districts ("Barely Democratic" or "Barely Republican") as districts with a partisan voter index that ranges from "Democratic Even to D+2" and "Republican Even to R+2," respectively. It rates CD6 in Maryland as Democratic +2 on its partisan voter index, placing in the category of the most competitive of districts.[6]

Dr. Morrison's most recent scholarship also contradicts his claim that a competitive district must be 50/50 Republican or Democratic. In an article just published on April 20, 2017 he explicitly embraces a 45 percent to 55 percent competitiveness range based on party performance in prior presidential elections: "We use a simple statistic to score competitive districts: the number of districts with a two-party 2008 presidential vote *within a .45 to .55 range*. This range is arbitrary but has foundation in prior research (McDonald, 2006b; Swain, Borrelli, & Reed, 1998)."[7]

Date: July 12, 2017



Allan J. Lichtman

[6] David Wasserman "Introducing the 2012 Cook Political Report Partisan Voter Index," October 11, 2012, pp. 2, 8.
[7] [7] Micah Altman and Michael P. McDonald, "Redistricting by Formula: An Ohio Reform Experiment," *American Politics Research* (2017), p. 10. See also, the analysis of competitiveness on page 7 of my first supplemental report of June 2, 2017.

APPENDIX: STATISTICAL TABLES

TABLE 1
DATA IN MORRISON OPENING REPORTED COMPARED TO DATA IN SUPPLEMENTAL DECLARATION

Number of Census Places in CD6 in Maryland's 2001 Congressional Plan			
Morrison Supplemental Declaration	**Morrison Opening Report**	**Difference in Number**	**Difference in Percent**
100	35	**100**	**+286%**
Number of Census Places in CD6 in Maryland's 2011 Congressional Plan			
Morrison Supplemental Declaration	**Morrison Opening Report**	**Difference in Number**	**Difference in Percent**
122	22	**100**	**+455%**
Sources: Morrison Opening Report, Table 3, p. 67; Morrison Supplemental Declaration, Unnumbered Table, p 3.			

TABLE 2
THE PERCENTAGE OF SPLIT PRECINCTS IN THE 2001 AND 2011 CONGRESSIONAL PLANS, MORRISON SUPPLEMENTAL DECLARATION COMPARED TO CORRECT DATA

Morrison Opening Report						
# of Census Places 2001 Plan	**# of Split Places 2001 Plan**	**% of Split Places 2001 Plan**	**# of Census Place 2011 Plan**	**# of Split Places 2011 Plan**	**% of Split Places 2011 Plan**	**Difference In Percentage Points**
35	4	**11%**	22	13	**59%**	**+48%**
Morrison Supplemental Declaration						
# of Census Places 2011 Plan	**# of Split Places 2001 Plan**	**% of Split Places 2001 Plan**	**# of Census Place 2011 Plan**	**# of Split Places 2011 Plan**	**% of Split Places 2011 Plan**	**Difference In Percentage Points**
135	4	**3%**	122	13	**11%**	**+8%**
Sources: Morrison Opening Report, Table 3, p. 67; Morrison Supplemental Declaration, Unnumbered Table, p 3.						

TABLE 3
DATA IN MORRISON SUPPLEMENTAL DECLARATION COMPARED TO CORRECTED DATA

Number of Census Places in CD6 in Maryland's 2001 Congressional Plan			
Data From Census Report	**Data in Morrison Supplemental Declaration**	**Difference in Number**	**Difference in Percent**
75	135	**60**	**+80%**
Number of Census Places in CD6 in Maryland's 2011 Congressional Plan			
Data From Census Report	**Data in Morrison Supplemental Declaration**	**Difference in Number**	**Difference in Percent**
148	122	**26**	**-18%**
Sources: Morrison Supplemental Declaration, Unnumbered Table, p 3; MARYLAND CONGRESSIONAL DISTRICTS BY PLACE," 108th Congress, https://www2.census.gov/geo/relfiles/cd108th/MD/plc_c8_24.txt; ; MARYLAND CONGRESSIONAL DISTRICTS BY PLACE," 113th Congress, https://www2.census.gov/geo/relfiles/cdsld13/24/pl_cd_24.txt.			

3

TABLE 4
PERCENT OF SPLIT CENSUS PLACES: DATA IN MORRISON SUPPLEMENTAL DECLARATION COMPARED TO CORRECTED DATA

Data in Morrison Supp. Declaration 2001 Plan		Corrected Data 2001 Plan		Comparison
# of Census Places	**% of Split Census Places (4/135)**	**# of Census Places**	**% of Split Census Places (4/75)**	**Difference**
135	3%	**75**	**5%**	**+2%**
# of Census Places	**% of Split Census Places (13/122)**	**# of Census Places**	**% of Split Census Places (13/147)**	**Difference**
122	11%	**147**	**9%**	**-2%**
Sources: Morrison Supplemental Declaration, Unnumbered Table, p 3; MARYLAND CONGRESSIONAL DISTRICTS BY PLACE," 108th Congress, https://www2.census.gov/geo/relfiles/cd108th/MD/plc_c8_24.txt; ; MARYLAND CONGRESSIONAL DISTRICTS BY PLACE," 113th Congress, https://www2.census.gov/geo/relfiles/cdsld13/24/pl_cd_24.txt.				

ADDENDUM TO LICHTMAN SECOND SUPPLEMENTAL REPORT OF JULY 13, 2017

DOWNLOAD OF US CENSUS REPORTS ON MARYLAND CENSUS PLACES FOR THE 2001 AND 2011 CONGRESSIONAL PLANS INDICATING THE CONGRESSIONAL DISTRICTS IN WHICH PLACES ARE WHOLLY OR PARTIALLY INCLUDED.

PLACES WHOLLY OR PARTIALLY INCLUDED IN CD6 ARE MARKED WITH A BLACK LINE. EACH PAGE INCLUDES A RUNNING OF MARKED PLACES.

CENSUS REPORT FOR 2001 MARYLAND CONGRESSIONAL PLAN

MARYLAND CONGRESSIONAL DISTRICTS BY PLACES

Place	County	Congressional District
Aberdeen city	Harford	2
Aberdeen Proving Ground CDP	Harford	2
Accident town	Garrett	6
Accokeek CDP	Prince George's	5
Adelphi CDP	Prince George's	4,5,8
Algonquin CDP	Dorchester	1
Andrews AFB CDP	Prince George's	4,5
Annapolis city	Anne Arundel	3
Arbutus CDP	Baltimore	3
Arden-on-the-Severn CDP	Anne Arundel	1
Arnold CDP	Anne Arundel	1
Ashton-Sandy Spring CDP	Montgomery	4
Aspen Hill CDP	Montgomery	4,8
Ballenger Creek CDP	Frederick	6
Baltimore city	Baltimore city	2,3,7
Barclay town	Queen Anne's	1
Barnesville town	Montgomery	8
Barton town	Allegany	6
Bel Air town	Harford	1
Bel Air North CDP	Harford	1,6
Bel Air South CDP	Harford	1,2
Beltsville CDP	Prince George's	5
Bennsville CDP	Charles	5
Berlin town	Worcester	1
Berwyn Heights town	Prince George's	5
Bethesda CDP	Montgomery	8
Betterton town	Kent	1
Bladensburg town	Prince George's	4,8
Boonsboro town	Washington	6
Bowie city	Prince George's	4,5
Bowleys Quarters CDP	Baltimore	2
Braddock Heights CDP	Frederick	6
Brandywine CDP	Prince George's	5
Brentwood town	Prince George's	8
Brookeville town	Montgomery	4
Brooklyn Park CDP	Anne Arundel	2
Brookmont CDP	Montgomery	8
Brookview town	Dorchester	1
Brunswick city	Frederick	6
Bryans Road CDP	Charles	5
Burkittsville town	Frederick	6
Burtonsville CDP	Montgomery	4
Cabin John CDP	Montgomery	8
California CDP	St. Mary's	5
Calvert Beach-Long Beach CDP	Calvert	5
Calverton CDP	Montgomery	4
	Prince George's	5
Cambridge city	Dorchester	1
Camp Springs CDP	Prince George's	4,5
Cape St. Claire CDP	Anne Arundel	1
Capitol Heights town	Prince George's	4
Carmody Hills-Pepper Mill Village CDP	Prince George's	4
Carney CDP	Baltimore	1,2
Catonsville CDP	Baltimore	7
Cavetown CDP	Washington	6
Cecilton town	Cecil	1
Centreville town	Queen Anne's	1
Chance CDP	Somerset	1
Charlestown town	Cecil	1
Charlotte Hall CDP	St. Mary's	5

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Chesapeake Beach town	Calvert	5
Chesapeake City town	Cecil	1
Chesapeake Ranch Estates-Drum Point CDP	Calvert	5
Chester CDP	Queen Anne's	1
Chestertown town	Kent	1
Cheverly town	Prince George's	4
Chevy Chase town	Montgomery	8
Chevy Chase CDP	Montgomery	8
Chevy Chase Section Five village	Montgomery	8
Chevy Chase Section Three village	Montgomery	8
Chevy Chase View town	Montgomery	8
Chevy Chase Village town	Montgomery	8
Chewsville CDP	Washington	6
Chillum CDP	Prince George's	4,8
Church Creek town	Dorchester	1
Church Hill town	Queen Anne's	1
Clarksburg CDP	Montgomery	4
Clear Spring town	Washington	6
Clinton CDP	Prince George's	5
Clover Hill CDP	Frederick	6
Cloverly CDP	Montgomery	4,8
Cockeysville CDP	Baltimore	1,2,6
Colesville CDP	Montgomery	8
College Park city	Prince George's	5
Colmar Manor town	Prince George's	8
Columbia CDP	Howard	3,7
Coral Hills CDP	Prince George's	4
Cordova CDP	Talbot	1
Cottage City town	Prince George's	8
Cresaptown-Bel Air CDP	Allegany	6
Crisfield city	Somerset	1
Crofton CDP	Anne Arundel	3
Crownsville CDP	Anne Arundel	1,3
Cumberland city	Allegany	6
Damascus CDP	Montgomery	6
Dames Quarter CDP	Somerset	1
Darnestown CDP	Montgomery	8
Deale CDP	Anne Arundel	5
Deal Island CDP	Somerset	1
Deer Park town	Garrett	6
Delmar town	Wicomico	1
Denton town	Caroline	1
Discovery-Spring Garden CDP	Frederick	6
District Heights city	Prince George's	4
Dundalk CDP	Baltimore	2
Dunkirk CDP	Calvert	5
Eagle Harbor town	Prince George's	5
East New Market town	Dorchester	1
Easton town	Talbot	1
East Riverdale CDP	Prince George's	4,5
Eden CDP	Somerset	1
Edgemere CDP	Baltimore	2
Edgewood CDP	Harford	2
Edmonston town	Prince George's	4,5
Eldersburg CDP	Carroll	6
Eldorado town	Dorchester	1
Elkridge CDP	Howard	3
Elkton town	Cecil	1
Ellicott City CDP	Howard	3,7
Emmitsburg town	Frederick	6
Essex CDP	Baltimore	2
Fairland CDP	Montgomery	4
Fairmount CDP	Somerset	1
Fairmount Heights town	Prince George's	4
Fallston CDP	Harford	1

Federalsburg town	Caroline	1
Ferndale CDP	Anne Arundel	2,3
Forest Glen CDP	Montgomery	8
Forest Heights town	Prince George's	4
Forestville CDP	Prince George's	4
Fort Meade CDP	Anne Arundel	2,3
Fort Ritchie CDP	Washington	6
Fort Washington CDP	Prince George's	4,5
Fountainhead-Orchard Hills CDP	Washington	6
Frederick city	Frederick	6
Frenchtown-Rumbly CDP	Somerset	1
Friendly CDP	Prince George's	4,5
Friendship Village CDP	Montgomery	8
Friendsville town	Garrett	6
Frostburg city	Allegany	6
Fruitland city	Wicomico	1
Funkstown town	Washington	6
Gaithersburg city	Montgomery	4,8
Galena town	Kent	1
Galestown town	Dorchester	1
Garrett Park town	Montgomery	8
Garrison CDP	Baltimore	3
Germantown CDP	Montgomery	4,8
Girdletree CDP	Worcester	1
Glenarden city	Prince George's	4
Glen Burnie CDP	Anne Arundel	2,3
Glen Echo town	Montgomery	8
Glenn Dale CDP	Prince George's	4,5
Goddard CDP	Prince George's	5
Golden Beach CDP	St. Mary's	5
Goldsboro town	Caroline	1
Grantsville town	Garrett	6
Grasonville CDP	Queen Anne's	1
Greater Landover CDP	Prince George's	4
Greater Upper Marlboro CDP	Prince George's	4,5
Greenbelt city	Prince George's	5
Green Haven CDP	Anne Arundel	2
Greensboro town	Caroline	1
Green Valley CDP	Frederick	6
Hagerstown city	Washington	6
Halfway CDP	Washington	6
Hampstead town	Baltimore	6
	Carroll	6
Hampton CDP	Baltimore	1,2
Hancock town	Washington	6
Havre de Grace city	Harford	2
Hebron town	Wicomico	1
Henderson town	Caroline	1
Herald Harbor CDP	Anne Arundel	3
Highfield-Cascade CDP	Washington	6
Highland Beach town	Anne Arundel	3
Hillandale CDP	Montgomery	4
	Prince George's	5
Hillcrest Heights CDP	Prince George's	4
Hillsboro town	Caroline	1
Hillsmere Shores CDP	Anne Arundel	3
Hughesville CDP	Charles	5
Huntingtown CDP	Calvert	5
Hurlock town	Dorchester	1
Hyattsville city	Prince George's	4,5,8
Indian Head town	Charles	5
Jarrettsville CDP	Harford	6
Jessup CDP	Anne Arundel	3
	Howard	3
Joppatowne CDP	Harford	1,2

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Keedysville town	Washington	6
Kemp Mill CDP	Montgomery	8
Kensington town	Montgomery	8
Kent Narrows CDP	Queen Anne's	1
Kettering CDP	Prince George's	4
Kingstown CDP	Queen Anne's	1
Kingsville CDP	Baltimore	1
Kitzmiller town	Garrett	6
Lake Arbor CDP	Prince George's	4
Lake Shore CDP	Anne Arundel	1,3
Landover Hills town	Prince George's	4
Langley Park CDP	Prince George's	4,8
Lanham-Seabrook CDP	Prince George's	4,5
Lansdowne-Baltimore Highlands CDP	Baltimore	3
La Plata town	Charles	5
Largo CDP	Prince George's	4
Laurel city	Prince George's	5
La Vale CDP	Allegany	6
Laytonsville town	Montgomery	4
Leitersburg CDP	Washington	6
Leonardtown town	St. Mary's	5
Lexington Park CDP	St. Mary's	5
Linganore-Bartonsville CDP	Frederick	6
Linthicum CDP	Anne Arundel	3
Lochearn CDP	Baltimore	2,3,7
Loch Lynn Heights town	Garrett	6
Lonaconing town	Allegany	6
Londontowne CDP	Anne Arundel	5
Luke town	Allegany	6
Lusby CDP	Calvert	5
Lutherville-Timonium CDP	Baltimore	2
Manchester town	Carroll	6
Mardela Springs town	Wicomico	1
Marlow Heights CDP	Prince George's	4
Marlton CDP	Prince George's	5
Martin's Additions village	Montgomery	8
Marydel town	Caroline	1
Maryland City CDP	Anne Arundel	3
Maugansville CDP	Washington	6
Mayo CDP	Anne Arundel	5
Mays Chapel CDP	Baltimore	1-3
Middle River CDP	Baltimore	2
Middletown town	Frederick	6
Midland town	Allegany	6
Milford Mill CDP	Baltimore	2,7
Millington town	Kent	1
	Queen Anne's	1
Mitchellville CDP	Prince George's	4
Montgomery Village CDP	Montgomery	4,8
Morningside town	Prince George's	4
Mount Aetna CDP	Washington	6
Mountain Lake Park town	Garrett	6
Mount Airy town	Carroll	6
	Frederick	6
Mount Lena CDP	Washington	6
Mount Rainier city	Prince George's	8
Mount Vernon CDP	Somerset	1
Myersville town	Frederick	6
Naval Academy CDP	Anne Arundel	3
Newark CDP	Worcester	1
New Carrollton city	Prince George's	4,5
New Market town	Frederick	6
New Windsor town	Carroll	6
North Beach town	Calvert	5
North Bethesda CDP	Montgomery	8

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North Brentwood town	Prince George's	4
North Chevy Chase village	Montgomery	8
North East town	Cecil	1
North Kensington CDP	Montgomery	8
North Laurel CDP	Howard	7
North Potomac CDP	Montgomery	8
Oakland town	Garrett	6
Ocean City town	Worcester	1
Ocean Pines CDP	Worcester	1
Odenton CDP	Anne Arundel	1-3
Olney CDP	Montgomery	4
Overlea CDP	Baltimore	2,3
Owings CDP	Calvert	5
Owings Mills CDP	Baltimore	2,3
Oxford town	Talbot	1
Oxon Hill-Glassmanor CDP	Prince George's	4
Paramount-Long Meadow CDP	Washington	6
Parkville CDP	Baltimore	2,3
Parole CDP	Anne Arundel	3
Pasadena CDP	Anne Arundel	1-3
Perry Hall CDP	Baltimore	1,2
Perryman CDP	Harford	2
Perryville town	Cecil	1
Pikesville CDP	Baltimore	2,3
Pittsville town	Wicomico	1
Pleasant Hills CDP	Harford	1
Pocomoke City city	Worcester	1
Poolesville town	Montgomery	8
Port Deposit town	Cecil	1
Port Tobacco Village town	Charles	5
Potomac CDP	Montgomery	8
Potomac Heights CDP	Charles	5
Preston town	Caroline	1
Prince Frederick CDP	Calvert	5
Princess Anne town	Somerset	1
Pumphrey CDP	Anne Arundel	2,3
Queen Anne town	Queen Anne's	1
	Talbot	1
Queenstown town	Queen Anne's	1
Randallstown CDP	Baltimore	2,3,7
Redland CDP	Montgomery	4,8
Reisterstown CDP	Baltimore	2,3,6
Ridgely town	Caroline	1
Rising Sun town	Cecil	1
Riva CDP	Anne Arundel	5
Riverdale Park town	Prince George's	4,5
Riverside CDP	Harford	2
Riviera Beach CDP	Anne Arundel	2
Robinwood CDP	Washington	6
Rock Hall town	Kent	1
Rockville city	Montgomery	4,8
Rohrersville CDP	Washington	6
Rosaryville CDP	Prince George's	5
Rosedale CDP	Baltimore	2,3
Rosemont village	Frederick	6
Rossmoor CDP	Montgomery	8
Rossville CDP	Baltimore	2,3
St. Charles CDP	Charles	5
St. James CDP	Washington	6
St. Leonard CDP	Calvert	5
St. Michaels town	Talbot	1
Salisbury city	Wicomico	1
San Mar CDP	Washington	6
Savage-Guilford CDP	Howard	3,7
Seat Pleasant city	Prince George's	4

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Secretary town	Dorchester	1
Selby-on-the-Bay CDP	Anne Arundel	5
Severn CDP	Anne Arundel	1-3
Severna Park CDP	Anne Arundel	1,3
Shady Side CDP	Anne Arundel	5
Sharpsburg town	Washington	6
Sharptown town	Wicomico	1
Silver Spring CDP	Montgomery	4,8
Smith Island CDP	Somerset	1
Smithsburg town	Washington	6
Snow Hill town	Worcester	1
Solomons CDP	Calvert	5
Somerset town	Montgomery	8
South Gate CDP	Anne Arundel	1,3
South Kensington CDP	Montgomery	8
South Laurel CDP	Prince George's	5
Springdale CDP	Prince George's	4
Stevensville CDP	Queen Anne's	1
Stockton CDP	Worcester	1
Sudlersville town	Queen Anne's	1
Suitland-Silver Hill CDP	Prince George's	4
Sykesville town	Carroll	6
Takoma Park city	Montgomery	8
Taneytown city	Carroll	6
Temple Hills CDP	Prince George's	4
Templeville town	Caroline	1
	Queen Anne's	1
Thurmont town	Frederick	6
Tilghman Island CDP	Talbot	1
Towson CDP	Baltimore	2,3
Trappe town	Talbot	1
Travilah CDP	Montgomery	8
Union Bridge town	Carroll	6
University Park town	Prince George's	5
Upper Marlboro town	Prince George's	5
Vienna town	Dorchester	1
Waldorf CDP	Charles	5
Walker Mill CDP	Prince George's	4
Walkersville town	Frederick	6
Washington Grove town	Montgomery	8
Westernport town	Allegany	6
West Laurel CDP	Prince George's	5
Westminster city	Carroll	6
West Ocean City CDP	Worcester	1
West Pocomoke CDP	Somerset	1
Whaleyville CDP	Worcester	1
Wheaton-Glenmont CDP	Montgomery	8
White Marsh CDP	Baltimore	1-3
White Oak CDP	Montgomery	4,8
Willards town	Wicomico	1
Williamsport town	Washington	6
Wilson-Conococheague CDP	Washington	6
Woodlawn CDP	Baltimore	7
Woodlawn CDP	Prince George's	4
Woodmore CDP	Prince George's	4,5
Woodsboro town	Frederick	6

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CENSUS REPORT FOR 2011 MARYLAND CONGRESSIONAL PLAN

MARYLAND CONGRESSIONAL DISTRICTS BY PLACE

Place	County/Independent City
Congressional District	
Aberdeen Proving Ground CDP	Harford
2	
Aberdeen city	Harford
1,2	
Accident town	Garrett
6	
Accokeek CDP	Prince George's
5	
Adamstown CDP	Frederick
6	
Adelphi CDP	Prince George's
4,5	
Algonquin CDP	Dorchester
1	
Allen CDP	Wicomico
1	
Andrews AFB CDP	Prince George's
4,5	
Annapolis Neck CDP	Anne Arundel
3,4	
Annapolis city	Anne Arundel
3	
Antietam CDP	Washington
6	
Aquasco CDP	Prince George's
5	
Arbutus CDP	Baltimore
3,7	
Arden on the Severn CDP	Anne Arundel
4	
Arnold CDP	Anne Arundel
4	
Ashton-Sandy Spring CDP	Montgomery
3	
Aspen Hill CDP	Montgomery
3,6,8	
Baden CDP	Prince George's
5	
Bagtown CDP	Washington
6	
Bakersville CDP	Washington
6	
Ballenger Creek CDP	Frederick
6,8	
Baltimore Highlands CDP	Baltimore
2	
Baltimore city	Baltimore
2,3,7	
Barclay town	Queen Anne's
1	
Barnesville town	Montgomery
6	
Barrelville CDP	Allegany
6	
Barton town	Allegany
6	
Bartonsville CDP	Frederick
8	
Beaver Creek CDP	Washington

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6	
Bel Air CDP	Allegany
6	
Bel Air North CDP	Harford
1	
Bel Air South CDP	Harford
1,2	
Bel Air town	Harford
1	
Beltsville CDP	Prince George's
4,5	
Benedict CDP	Charles
5	
Bensville CDP	Charles
5	
Berlin town	Worcester
1	
Berwyn Heights town	Prince George's
5	
Bethesda CDP	Montgomery
8	
Betterton town	Kent
1	
Bier CDP	Allegany
6	
Big Pool CDP	Washington
6	
Big Spring CDP	Washington
6	
Bishopville CDP	Worcester
1	
Bivalve CDP	Wicomico
1	
Bladensburg town	Prince George's
4	
Bloomington CDP	Garrett
6	
Boonsboro town	Washington
6	
Bowie city	Prince George's
4,5	
Bowleys Quarters CDP	Baltimore
2	
Bowling Green CDP	Allegany
6	
Bowmans Addition CDP	Allegany
6	
Braddock Heights CDP	Frederick
8	
Brandywine CDP	Prince George's
5	
Breathedsville CDP	Washington
6	
Brentwood town	Prince George's
4	
Brock Hall CDP	Prince George's
4,5	
Brookeville town	Montgomery
3	
Brooklyn Park CDP	Anne Arundel
2	
Brookmont CDP	Montgomery
8	
Brookview town	Dorchester
1	

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Broomes Island CDP	Calvert
5	
Brownsville CDP	Washington
6	
Brunswick city	Frederick
6	
Bryans Road CDP	Charles
5	
Bryantown CDP	Charles
5	
Buckeystown CDP	Frederick
6	
Burkittsville town	Frederick
8	
Burtonsville CDP	Montgomery
3	
Butlertown CDP	Kent
1	
Cabin John CDP	Montgomery
8	
California CDP	St. Mary's
5	
Calvert Beach CDP	Calvert
5	
Calverton CDP	Montgomery
3	
	Prince George's
4	
Cambridge city	Dorchester
1	
Camp Springs CDP	Prince George's
4,5	
Cape St. Claire CDP	Anne Arundel
3,4	
Capitol Heights town	Prince George's
4	
Carlos CDP	Allegany
6	
Carney CDP	Baltimore
1-3	
Catonsville CDP	Baltimore
7	
Cavetown CDP	Washington
6	
Cearfoss CDP	Washington
6	
Cecilton town	Cecil
1	
Cedarville CDP	Prince George's
5	
Centreville town	Queen Anne's
1	
Chance CDP	Somerset
1	
Charlestown town	Cecil
1	
Charlotte Hall CDP	St. Mary's
5	
Charlton CDP	Washington
6	
Chesapeake Beach town	Calvert
5	
Chesapeake City town	Cecil
1	
Chesapeake Ranch Estates CDP	Calvert

7

5	
Chester CDP	Queen Anne's
1	
Chestertown town	Kent
1	
Cheverly town	Prince George's
4	
Chevy Chase CDP	Montgomery
8	
Chevy Chase Section Five village	Montgomery
8	
Chevy Chase Section Three village	Montgomery
8	
Chevy Chase View town	Montgomery
8	
Chevy Chase Village town	Montgomery
8	
Chevy Chase town	Montgomery
8	
Chewsville CDP	Washington
6	
Chillum CDP	Prince George's
4	
Choptank CDP	Caroline
1	
Church Creek town	Dorchester
1	
Church Hill town	Queen Anne's
1	
Clarksburg CDP	Montgomery
6	
Clarysville CDP	Allegany
6	
Clear Spring town	Washington
6	
Clinton CDP	Prince George's
5	
Cloverly CDP	Montgomery
3,8	
Cobb Island CDP	Charles
5	
Cockeysville CDP	Baltimore
1,2,7	
Colesville CDP	Montgomery
3,8	
College Park city	Prince George's
5	
Colmar Manor town	Prince George's
4	
Columbia CDP	Howard
3,7	
Coral Hills CDP	Prince George's
4	
Cordova CDP	Talbot
1	
Corriganville CDP	Allegany
6	
Cottage City town	Prince George's
4	
Crellin CDP	Garrett
6	
Cresaptown CDP	Allegany
6	
Crisfield city	Somerset
1	

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Crofton CDP	Anne Arundel
4,5	
Croom CDP	Prince George's
5	
Crownsville CDP	Anne Arundel
4	
Cumberland city	Allegany
6	
Damascus CDP	Montgomery
6,8	
Dames Quarter CDP	Somerset
1	
Danville CDP	Allegany
6	
Dargan CDP	Washington
6	
Darlington CDP	Harford
1	
Darnestown CDP	Montgomery
6	
Dawson CDP	Allegany
6	
Deal Island CDP	Somerset
1	
Deale CDP	Anne Arundel
5	
Deer Park town	Garrett
6	
Delmar town	Wicomico
1	
Denton town	Caroline
1	
Derwood CDP	Montgomery
6	
Detmold CDP	Allegany
6	
District Heights city	Prince George's
4	
Downsville CDP	Washington
6	
Drum Point CDP	Calvert
5	
Dundalk CDP	Baltimore
2	
Dunkirk CDP	Calvert
5	
Eagle Harbor town	Prince George's
5	
Eakles Mill CDP	Washington
6	
East New Market town	Dorchester
1	
East Riverdale CDP	Prince George's
4,5	
Easton town	Talbot
1	
Eckhart Mines CDP	Allegany
6	
Eden CDP	Somerset
1	
Edesville CDP	Kent
1	
Edgemere CDP	Baltimore
2	
Edgemont CDP	Washington

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6	
Edgewater CDP	Anne Arundel
4,5	
Edgewood CDP	Harford
1,2	
Edmonston town	Prince George's
4	
Eldersburg CDP	Carroll
8	
Eldorado town	Dorchester
1	
Elkridge CDP	Howard
2,3,7	
Elkton town	Cecil
1	
Ellerslie CDP	Allegany
6	
Ellicott City CDP	Howard
7	
Elliott CDP	Dorchester
1	
Emmitsburg town	Frederick
8	
Ernstville CDP	Washington
6	
Essex CDP	Baltimore
2	
Fairland CDP	Montgomery
3	
Fairlee CDP	Kent
1	
Fairmount CDP	Somerset
1	
Fairmount Heights town	Prince George's
4	
Fairplay CDP	Washington
6	
Fairview CDP	Washington
6	
Fairwood CDP	Prince George's
4,5	
Fallston CDP	Harford
1	
Federalsburg town	Caroline
1	
Ferndale CDP	Anne Arundel
2,3	
Finzel CDP	Garrett
6	
Fishing Creek CDP	Dorchester
1	
Flintstone CDP	Allegany
6	
Forest Glen CDP	Montgomery
8	
Forest Heights town	Prince George's
4	
Forestville CDP	Prince George's
4	
Fort Meade CDP	Anne Arundel
2,3	
Fort Ritchie CDP	Washington
6	
Fort Washington CDP	Prince George's
4,5	

8

Fountainhead-Orchard Hills CDP	Washington
6	
Four Corners CDP	Montgomery
8	
Franklin CDP	Allegany
6	
Frederick city	Frederick
6,8	
Frenchtown-Rumbly CDP	Somerset
1	
Friendly CDP	Prince George's
5	
Friendship CDP	Anne Arundel
5	
Friendship Heights Village CDP	Montgomery
8	
Friendsville town	Garrett
6	
Frostburg city	Allegany
6	
Fruitland city	Wicomico
1	
Fulton CDP	Howard
3	
Funkstown town	Washington
6	
Gaithersburg city	Montgomery
6	
Galena town	Kent
1	
Galestown town	Dorchester
1	
Galesville CDP	Anne Arundel
5	
Gambrills CDP	Anne Arundel
4	
Gapland CDP	Washington
6	
Garrett Park town	Montgomery
8	
Garretts Mill CDP	Washington
6	
Garrison CDP	Baltimore
3	
Georgetown CDP	Kent
1	
Germantown CDP	Montgomery
6	
Gilmore CDP	Allegany
6	
Girdletree CDP	Worcester
1	
Glassmanor CDP	Prince George's
4	
Glen Burnie CDP	Anne Arundel
2-4	
Glen Echo town	Montgomery
8	
Glenarden city	Prince George's
4	
Glenmont CDP	Montgomery
8	
Glenn Dale CDP	Prince George's
4,5	
Golden Beach CDP	St. Mary's

5	
Goldsboro town	Caroline
1	
Gorman CDP	Garrett
6	
Grahamtown CDP	Allegany
6	
Grantsville town	Garrett
6	
Grasonville CDP	Queen Anne's
1	
Greenbelt city	Prince George's
5	
Greensboro town	Caroline
1	
Greensburg CDP	Washington
6	
Hagerstown city	Washington
6	
Halfway CDP	Washington
6	
Hampstead town	Carroll
1	
Hampton CDP	Baltimore
1,2	
Hancock town	Washington
6	
Havre de Grace city	Harford
2	
Hebron town	Wicomico
1	
Henderson town	Caroline
1	
Herald Harbor CDP	Anne Arundel
4	
Highfield-Cascade CDP	Washington
6	
Highland Beach town	Anne Arundel
3	
Highland CDP	Howard
3,7	
Hillandale CDP	Montgomery
3	
	Prince George's
4	
Hillcrest Heights CDP	Prince George's
4	
Hillsboro town	Caroline
1	
Hughesville CDP	Charles
5	
Huntingtown CDP	Calvert
5	
Hurlock town	Dorchester
1	
Hutton CDP	Garrett
6	
Hyattsville city	Prince George's
4,5	
Ilchester CDP	Howard
2,3,7	
Indian Head town	Charles
5	
Indian Springs CDP	Washington
6	

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Jarrettsville CDP	Harford
1	
Jefferson CDP	Frederick
6,8	
Jennings CDP	Garrett
6	
Jessup CDP	Anne Arundel
2	
	Howard
2	
Jesterville CDP	Wicomico
1	
Joppatowne CDP	Harford
1,2	
Jugtown CDP	Washington
6	
Keedysville town	Washington
6	
Kemp Mill CDP	Montgomery
8	
Kemps Mill CDP	Washington
6	
Kennedyville CDP	Kent
1	
Kensington town	Montgomery
8	
Kent Narrows CDP	Queen Anne's
1	
Kettering CDP	Prince George's
4	
Kingstown CDP	Queen Anne's
1	
Kingsville CDP	Baltimore
1	
Kitzmiller town	Garrett
6	
Klondike CDP	Allegany
6	
Konterra CDP	Prince George's
4,5	
La Plata town	Charles
5	
La Vale CDP	Allegany
6	
Lake Arbor CDP	Prince George's
4	
Lake Shore CDP	Anne Arundel
3,4	
Landover CDP	Prince George's
4	
Landover Hills town	Prince George's
4	
Langley Park CDP	Prince George's
4	
Lanham CDP	Prince George's
4,5	
Lansdowne CDP	Baltimore
3	
Largo CDP	Prince George's
4	
Laurel city	Prince George's
4	
Layhill CDP	Montgomery
8	
Laytonsville town	Montgomery

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Leisure World CDP	Montgomery
8	
Leitersburg CDP	Washington
6	
Leonardtown town	St. Mary's
5	
Lexington Park CDP	St. Mary's
5	
Libertytown CDP	Frederick
8	
Linganore CDP	Frederick
6,8	
Linthicum CDP	Anne Arundel
2,3	
Little Orleans CDP	Allegany
6	
Loch Lynn Heights town	Garrett
6	
Lochearn CDP	Baltimore
2,7	
Lonaconing town	Allegany
6	
Long Beach CDP	Calvert
5	
Luke town	Allegany
6	
Lusby CDP	Calvert
5	
Lutherville CDP	Baltimore
2	
Madison CDP	Dorchester
1	
Manchester town	Carroll
1	
Mapleville CDP	Washington
6	
Mardela Springs town	Wicomico
1	
Marlboro Meadows CDP	Prince George's
5	
Marlboro Village CDP	Prince George's
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Marlton CDP	Prince George's
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6	
Mechanicsville CDP	St. Mary's
5	
Melwood CDP	Prince George's
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Mercersville CDP	Washington
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Middle River CDP	Baltimore
2	
Middleburg CDP	Washington
6	
Middletown town	Frederick
8	
Midland town	Allegany
6	
Midlothian CDP	Allegany
6	
Milford Mill CDP	Baltimore
2,7	
Millington town	Kent
1	
	Queen Anne's
1	
Mitchellville CDP	Prince George's
4	
Monrovia CDP	Frederick
8	
Montgomery Village CDP	Montgomery
6	
Morningside town	Prince George's
4	
Moscow CDP	Allegany
6	
Mount Aetna CDP	Washington
6	
Mount Airy town	Carroll
8	
	Frederick
8	
Mount Briar CDP	Washington
6	
Mount Lena CDP	Washington
6	
Mount Rainier city	Prince George's
4	
Mount Savage CDP	Allegany
6	
Mount Vernon CDP	Somerset
1	
Mountain Lake Park town	Garrett
6	
Myersville town	Frederick
8	
Nanticoke Acres CDP	Wicomico
1	
Nanticoke CDP	Wicomico
1	
National CDP	Allegany
6	
National Harbor CDP	Prince George's
4	
Naval Academy CDP	Anne Arundel
3	
New Carrollton city	Prince George's
4,5	
New Market town	Frederick
8	
New Windsor town	Carroll
8	
Newark CDP	Worcester

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1 Nikep CDP	Allegany
6 North Beach town	Calvert
5 North Bethesda CDP	Montgomery
8 North Brentwood town	Prince George's
4 North Chevy Chase village	Montgomery
8 North East town	Cecil
1 North Kensington CDP	Montgomery
8 North Laurel CDP	Howard
2 North Potomac CDP	Montgomery
6,8 Oakland town	Garrett
6 Ocean CDP	Allegany
6 Ocean City town	Worcester
1 Ocean Pines CDP	Worcester
1 Odenton CDP	Anne Arundel
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5 Owings Mills CDP	Baltimore
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1-3 Perryman CDP	Harford
2 Perryville town	Cecil
1 Pikesville CDP	Baltimore
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Pinesburg CDP	Washington
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Piney Point CDP	St. Mary's
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Pittsville town	Wicomico
1	
Pleasant Grove CDP	Allegany
6	
Pleasant Hills CDP	Harford
1	
Pocomoke City city	Worcester
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Point of Rocks CDP	Frederick
6	
Pomfret CDP	Charles
5	
Pondsville CDP	Washington
6	
Poolesville town	Montgomery
6	
Port Deposit town	Cecil
1	
Port Tobacco Village town	Charles
5	
Potomac CDP	Montgomery
6,8	
Potomac Heights CDP	Charles
5	
Potomac Park CDP	Allegany
6	
Powellville CDP	Wicomico
1	
Preston town	Caroline
1	
Prince Frederick CDP	Calvert
5	
Princess Anne town	Somerset
1	
Pylesville CDP	Harford
1	
Quantico CDP	Wicomico
1	
Queen Anne CDP	Prince George's
5	
Queen Anne town	Queen Anne's
1	
	Talbot
1	
Queenland CDP	Prince George's
5	
Queenstown town	Queen Anne's
1	
Randallstown CDP	Baltimore
2,3,7	
Rawlings CDP	Allegany
6	
Redland CDP	Montgomery
6,8	
Reid CDP	Washington
6	
Reisterstown CDP	Baltimore
2,7	
Ridgely town	Caroline
1	
Ringgold CDP	Washington

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6	
Rising Sun town	Cecil
1	
Riva CDP	Anne Arundel
4	
Riverdale Park town	Prince George's
4,5	
Riverside CDP	Harford
2	
Riviera Beach CDP	Anne Arundel
3,4	
Robinwood CDP	Washington
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Rock Hall town	Kent
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Rock Point CDP	Charles
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Rockville city	Montgomery
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1	
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Sandy Hook CDP	Washington
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Savage CDP	Howard
2	
Scaggsville CDP	Howard
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Seabrook CDP	Prince George's
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Seat Pleasant city	Prince George's
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Secretary town	Dorchester
1	
Severn CDP	Anne Arundel
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Severna Park CDP	Anne Arundel
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Shady Side CDP	Anne Arundel
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Shaft CDP	Allegany
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Sharpsburg town	Washington
6	
Sharptown town	Wicomico
1	
Silver Hill CDP	Prince George's
4	
Silver Spring CDP	Montgomery
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Smith Island CDP	Somerset
1	

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Smithsburg town	Washington
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Snow Hill town	Worcester
1	
Solomons CDP	Calvert
5	
Somerset town	Montgomery
8	
South Kensington CDP	Montgomery
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South Laurel CDP	Prince George's
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Spencerville CDP	Montgomery
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Spring Gap CDP	Allegany
6	
Spring Ridge CDP	Frederick
8	
Springdale CDP	Prince George's
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St. George Island CDP	St. Mary's
5	
St. James CDP	Washington
6	
St. Leonard CDP	Calvert
5	
St. Michaels town	Talbot
1	
Stevensville CDP	Queen Anne's
1	
Stockton CDP	Worcester
1	
Sudlersville town	Queen Anne's
1	
Suitland CDP	Prince George's
4	
Summerfield CDP	Prince George's
4	
Swanton CDP	Garrett
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Sykesville town	Carroll
8	
Takoma Park city	Montgomery
8	
Tall Timbers CDP	St. Mary's
5	
Taneytown city	Carroll
1	
Taylors Island CDP	Dorchester
1	
Temple Hills CDP	Prince George's
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Templeville town	Caroline
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	Queen Anne's
1	
Thurmont town	Frederick
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Tilghman Island CDP	Talbot
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Tilghmanton CDP	Washington
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Timonium CDP	Baltimore
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Tolchester CDP	Kent

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Towson CDP	Baltimore
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Trappe town	Talbot
1	
Travilah CDP	Montgomery
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Trego-Rohrersville Station CDP	Washington
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Tyaskin CDP	Wicomico
1	
Union Bridge town	Carroll
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University Park town	Prince George's
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Upper Marlboro town	Prince George's
5	
Urbana CDP	Frederick
6	
Vale Summit CDP	Allegany
6	
Vienna town	Dorchester
1	
Waldorf CDP	Charles
5	
Walker Mill CDP	Prince George's
4	
Walkersville town	Frederick
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Washington Grove town	Montgomery
6	
Waterview CDP	Wicomico
1	
West Denton CDP	Caroline
1	
West Laurel CDP	Prince George's
4	
West Ocean City CDP	Worcester
1	
West Pocomoke CDP	Somerset
1	
Westernport town	Allegany
6	
Westminster city	Carroll
8	
Westphalia CDP	Prince George's
4,5	
Whaleyville CDP	Worcester
1	
Wheaton CDP	Montgomery
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White Marsh CDP	Baltimore
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White Oak CDP	Montgomery
3,8	
Whitehaven CDP	Wicomico
1	
Willards town	Wicomico
1	
Williamsport town	Washington
6	
Williston CDP	Caroline
1	
Wilson-Conococheague CDP	Washington
6	

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Woodland CDP	Allegany
6	
Woodlawn CDP	Baltimore
7	
	Prince George's
4,5	
Woodmore CDP	Prince George's
4,5	
Woodsboro town	Frederick
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Worton CDP	Kent
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Yarrowsburg CDP	Washington
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Zihlman CDP	Allegany
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Representative in Congress

Congressional District 6

	Jennifer P. Dougherty Democratic	Roscoe Bartlett Republican ✔	Gary W. Hoover, Sr. Libertarian	Other Write-Ins N/A
Allegany	10,478	17,088	610	14
Baltimore	6,128	11,110	666	17
Carroll	26,162	51,006	2,484	96
Frederick	47,797	55,789	3,837	142
Garrett	3,663	8,445	254	2
Harford	5,008	10,186	685	23
Montgomery	4,694	5,024	201	11
Washington	24,277	32,278	2,323	37
Totals	128,207 (38.8%)	190,926 (57.8%)	11,060 (3.3%)	342 (.1%)