IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIAM WHITFORD, ROGER ANCLAM, EMILY BUNTING, MARY LYNNE DONOHUE, HELEN HARRIS, WAYNE JENSEN, WENDY SUE JOHNSON, JANET MITCHELL, ALLISON SEATON, JAMES SEATON, JEROME WALLACE, and DONALD WINTER, Plaintiffs, v. GERALD C. NICHOL, THOMAS BARLAND, JOHN FRANKE, HAROLD V. FROEHLICH, KEVIN J. KENNEDY, ELSA LAMELAS, and TIMOTHY VOCKE, Defendants.	)	No. 15-cv-421-bbc

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JOINT FINAL PRETRIAL REPORT

This action for declaratory relief challenges 2011 Wisconsin Act 43, which adopted new boundaries for the state's legislative districts, and codified them in Chapter 4 of the Wisconsin Statutes. The case is scheduled for trial commencing Tuesday, May 24, 2016 and is expected to last four days. In accordance with the Court's October 15, 2015 Scheduling Order (Dkt. 33) and Civil L.R. 16(c)(1), the parties, through their respective counsel, submit the following pre-trial report.

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JOINT STATEMENT OF STIPULATED FACTS

Plaintiffs

1. Plaintiffs are qualified, registered voters in the State of Wisconsin, who reside in various counties and legislative districts.

2. Plaintiffs are all supporters of the Democratic party and of Democratic candidates, and they almost always vote for Democratic candidates in Wisconsin elections.

3. Plaintiff William Whitford, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter in the 76th Assembly District in Madison, in Dane County, Wisconsin.

4. Plaintiff Roger Anclam, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter in the 31st Assembly District in Beloit, in Rock County, Wisconsin.

5. Plaintiff Emily Bunting, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter in the 49th Assembly District in Viola, Richland County, Wisconsin.

6. Plaintiff Mary Lynne Donohue, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter in the 26th Assembly District in Sheboygan, in Sheboygan County, Wisconsin.

7. Plaintiff Helen Harris, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter in the 22nd Assembly District in Milwaukee, in Milwaukee County, Wisconsin.

8. Plaintiff Wayne Jensen, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter in the 63rd Assembly District in Rochester, in

Racine County, Wisconsin.

9. Plaintiff Wendy Sue Johnson, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter in the 91st Assembly District in Eau Claire, in Eau Claire County, Wisconsin.

10. Plaintiff Janet Mitchell, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter in the 66th Assembly District in Racine, in Racine County, Wisconsin.

11. Plaintiffs James and Allison Seaton, citizens of the United States and of the State of Wisconsin, are residents and registered voters in the 42nd Assembly District in Lodi, in Columbia County, Wisconsin.

12. Plaintiff Jerome Wallace, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter in the 23rd Assembly District, in Fox Point, in Milwaukee County, Wisconsin.

13. Plaintiff Don Winter, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter in the 55th Assembly District in Neenah, in Winnebago County, Wisconsin.

Defendants

14. Defendant Gerald C. Nichol is the Chair of the Wisconsin Government Accountability Board ("G.A.B."), and is named solely in his official capacity as such. The G.A.B. is a state agency under Wis. Stat. § 15.60, which has "general authority" over and "responsibility for the administration of . . . [the State's] laws relating to elections and election campaigns," Wis. Stat. § 5.05(1), including the election every two years of Wisconsin's representatives in the Assembly.

15. Defendants Thomas Barland, John Franke, Harold V. Froehlich, Elsa Lamelas, and Timothy Vocke are all members of the G.A.B., and are named solely in their respective official capacities as such.

16. Defendant Kevin J. Kennedy is the Director and General Counsel of the G.A.B., and is named solely in his official capacity as such.

The Redistricting Process in 2011

17. In 2011, Adam Foltz was a legislative aide to the Republican then-Speaker of the Wisconsin Assembly.

18. In 2011, Tad Ottman was a legislative aide to Republican Majority Leader of the Wisconsin Senate.

19. In 2011, Adam Foltz and Tad Ottman worked with consultants, including Joseph Handrick and Professor Keith Gaddie, as well as others, to develop a redistricting plan for Wisconsin's legislative districts.

20. In January 2011, Scott Fitzgerald, Republican member of the Wisconsin State Senate and Wisconsin Senate Majority Leader, and Jeff Fitzgerald, Republican member of the Wisconsin State Assembly and Speaker of the Assembly, hired attorney Eric McLeod ("McLeod") and the law firm of Michael Best to represent the entire Wisconsin State Senate and Wisconsin State Assembly in connection with the reapportionment of the state legislative districts after the 2010 Census.

21. On January 3, 2011, the Committee on Senate Organization approved the following motion with all three Republican members of the Committee (Senator Scott Fitzgerald, Senator Michael Ellis, and Senator Glenn Grothman) voting "Aye" and the single Democrat member (Senator Mark Miller) voting "No":

[MOTION] To authorize the hiring of the law firms of Michael Best & Friedrich, LLP and Troupis Law Office, LLC for services related to redistricting of legislative and congressional districts for the 2012 elections. The law firms shall perform work at the direction of the Majority Leader. This authorization includes the authority to provide the law firms with any redistricting software applications procured or developed by the Legislature that are necessary to facilitate participation in the redistricting drafting process. Upon adoption of this motion, the retention of the law firm of O'Neil, Cannon, Hollman, DeJong, S.C. is terminated. The Chief Clerk may pay the law firm of O'Neil, Cannon, Hollman, DeJong, S.C. for services rendered through the date on which this ballot is adopted but not for services rendered on any date thereafter." [The Motion/Ballot was part of the record in Baldus (2:11-cv-00562-JPS-DPW-RMD, filed 12/16/11 Doc. 81-2) and is subject to judicial notice pursuant to FRE Rule 201(b)(2)].

22. On January 4, 2011, the Assembly Organization Committee approved the following motion to:

"*Authorize the Speaker of the Assembly, Jeff Fitzgerald, to retain legal counsel for the purpose of apportioning and redistricting the Legislative and Congressional Districts following the 2010 decennial Census as required by Article IV, Section 3 of the Wisconsin Constitution. Such counsel will be compensated under s. 20.765(1)(a).*" [The Motion was part of the record in Baldus (2:11-cv-00562-JPS-DPW-RMD, filed 12/16/11 Doc. 81-3) and is subject to judicial notice pursuant to FRE Rule 201(b)(2)].

23. All redistricting work was done in Michael Best's office before the file (the redistricting plan that became Act 43) was sent to the Legislative Reference Bureau for drafting, and the "map room" where all redistricting work was done was located in Michael Best's office.

24. A formal written policy provided that only the Senate Majority Leader, the Speaker of the House, and their aides Tad Ottman and Adam Foltz, and Michael Best attorney Eric Mcleod and legal staff designated by Mr. McLeod, would have unlimited access to the "map room."

25. The access policy provided for limited access by rank and file legislators:

> "*Legislators will be allowed into the office* [mapping room] *for the sole purpose of looking at and discussing their district. They are only to be present when an All Access member is present. No statewide or regional printouts will be on display while they are present (with the exception of existing districts). They will be asked at each visit to sign an agreement that the meeting they are attending is confidential and they are not to discuss it."* But only Republican legislators were allowed even this limited access.

26. Three computers were deployed by the Legislative Technology Services Bureau ("LTSB") to the "map room" at Michael Best & Friedrich for use in drafting the redistricting plan. Each computer contained two mirrored internal hard drives and one external hard drive. On July 15, 2010, a computer coded for identification purposes as WRK32587 was deployed to Michael Best & Friedrich for use by Tad Ottman. Computer WRK32587 was deployed with an external hard drive with the identification code of HDD32575. On June 4, 2012, computer WRK32587 was moved from Michael Best & Friedrich to the legislative office of Senator Scott Fitzgerald in the Capitol Building. On May 21, 2015, the hard drives from computer

WRK32587 and its external hard drive HDD32575 were shredded pursuant to the established policy and procedures for disposal established by the LTSB. Ylvisaker Dep. (Dkt. 106), at 14:18-15:12, 23:7-26:17, 28:7-31:17; Ex. 49, Ex. 50 at 12.

27. Also on July 15, 2010, a computer coded WRK32586 was deployed to Michael Best & Friedrich for use by Adam Foltz. Computer WRK32586 was deployed with an external hard drive with the identification code of HDD32574. On September 13, 2012, computer WRK32586 was returned to the LTSB. On May 21, 2015, the hard drives from computer WRK32586 and its external hard drive HDD32574 were shredded pursuant to the established policy and procedures for disposal established by the LTSB. Ylvisaker Dep. (Dkt. 106), at 14:18-15:12, 23:7-26:17, 28:7-31:17; Ex. 49, Ex.50 at 12.

28. On March 21, 2011, a third computer coded WRK32864 was deployed to Michael Best & Friedrich for use by Joseph Handrick. Computer WRK32864 was deployed with an external hard drive with the identification code of HDD32579. On June 4, 2012, computer WRK32864 was moved from Michael Best & Friedrich to the legislative office of Senator Scott Fitzgerald in the Capitol Building. On May 21, 2015, the hard drives from computer WRK32864 and its external hard drive HDD32579 were shredded pursuant to the established policy and procedures for disposal established by the LTSB. Ylvisaker Dep. (Dkt. 106), at 14:18-15:12, 23:7-26:17, 28:7-31:17; Ex. 49, Ex. 50 at 12.

29. In the course of drafting the redistricting plan enacted by Act 43 (the Current Plan) for Wisconsin's legislative districts, Adam Foltz, Tad Ottman, and Keith Gaddie examined the past partisan performance of voters in the existing legislative districts, as well as the expected future partisan performance of voters in various configurations of potential new districts.

30. Specifically, in the course of developing the Current Plan for Wisconsin's

legislative districts, Adam Foltz, Tad Ottman, and Keith Gaddie examined whether past districts were likely to vote majority Republican or majority Democratic, and whether various configurations of potential new districts were likely to vote majority Republican or majority Democratic.

31. On April 11, 2011, Professor Ronald Keith Gaddie entered into a Consulting Services Agreement with Michael Best & Friedrich. The agreement stated that Professor Gaddie was to serve as a consultant to Michael Best & Friedrich in connection with its representation of the Wisconsin State Senate and the Wisconsin State Assembly on "*matters relating to the reapportionment of the Wisconsin Senate, Assembly and Congressional Districts arising out of the 2010 census.*" The agreement described Professor Gaddie's "*duties*" as including "*service as an independent advisor on the appropriate racial and/or political make-up of legislative and congressional districts in Wisconsin,*" and would include "*providing advice based on certain statistical and demographic information and on election data or information*." Additionally, the Consulting Services Agreement stated, "*Any work papers or materials prepared by you, or under your direction, belong to the Senate pursuant to the Representation, and every page must be sealed or otherwise stamped "Attorney/Client Work-Product Privilege Confidential*."

32. On April 17, 2011, Keith Gaddie drafted a note to himself while he was in Madison, Wisconsin, providing consulting services for the development of a redistricting plan. The document stated in full:

> "*The measure of partisanship should exist to establish the change in the partisan balance of the district. We are not in court this time; we do not need to show that we have created a fair, balanced, or even a reactive map. But, we do need to show to lawmakers the political potential of the district.*

I have gone through the electoral data for state office and built a partisan score for the assembly districts. It is based on a regression analysis of the Assembly vote from 2006, 2008, and 2010, and it is based on prior election indicators of future election performance.

I am also building a series of visual aides to demonstrate the partisan structure of Wisconsin politics. The graphs will communicate the top-to-bottom party basis of the state politics. It is evident, from the recent Supreme Court race and also the Milwaukee County executive contest, that the partisanship of Wisconsin is invading the ostensibly non-partisan races on the ballot this year." Gaddie Dep. (Dkt. 108), at 95: 6-96:2.

33. On March 9, 2016, during his deposition, Keith Gaddie was asked the following question:

"*Q: You said something to the effect that is important to understand the partisan effect. Why is it important to understand the partisan effect?*"

Professor Gaddie responded to that question:

"*A: Well, again, I was writing as a political scientist. If you're going to redistrict it's important to understand the consequences of it. Lawmakers are going to be concerned about a variety of different consequences of a redistricting. The impact on their constituency, the impact on other constituencies.*

If a lawmaker comes in and wants to know what you did to his district, it would be nice to be able to tell him we've got an estimate of what your district used to look like in terms of partisanship and here's what it looks like now. So this kind of technique allows us to generate a measure that you can show to somebody and

explain to them, this is what we think the net electoral impact is on your constituency.

In the aggregate, it means you can look at an entire map and ascertain the extent to which you have moved the partisan balance one way or the other."

Gaddie Dep. (Dkt. 108), at 98:24-99:24.

"*Q: And you use the word "potential" there. What did you mean by the word potential?*

A: If you had an election in the future, how might it turn out. So when I say potential, what I'm saying is that if we ran an election, this is our best estimate of what a non-incumbent election would look like given a particular set of circumstances, depending on whether one party is stronger or weaker.

Q. And that's what your regression model was designed to do, to show that potential of the district?

A. Yeah, it was designed to tease out a potential estimated vote for the legislator in the district and then allow you to also look at that and say, okay, what if the Democrats have a good year? What if the Republicans have a good year? How does it shift? Okay?

The other thing is we know that districts don't correspond precisely to our statistical models all the time. So we're not concerned just with the crafting of the district or a point estimate of the vote. It's only an estimate. There's error. Right? There's going to be a range within which the outcome might occur.

The idea was to give to those people that were mapping, those people that were making choices, as much knowledge as we could glean about each district by

giving them the most leverage on the least amount of data." Gaddie Dep. (Dkt. 108) at 100:22 -102:3.

34. On March 9, 2016, during his deposition, Keith Gaddie was asked the following question:

"*Q: But a significant part of your work that you were retained to do and that you did perform in 2011 had to do with the – with building a regression model to be able to test the partisan makeup and performance of districts as they might be configured in different ways, correct?"*

Professor Gaddie responded to that question:

A: "Yes, that's correct."

Gaddie Dep. (Dkt. 108) at 46:12-19.

35. Professor Gaddie identified two measures to estimate the partisan change that would occur due to redistricting:

"There are basically two ways you can measure or you can estimate a partisan change when you redistrict. One is to use what's called a reconstituted election technique where we take either one or an index with several statewide elections, exongenous elections, which are elections that occur outside a district. Right? Higher levels of office. And we attempt to get a sense of a partisan average from that.

Or what you can do is you can take the actual election results, okay, the actual outcomes of previous elections, you turn those into a dependent variable, an outcome of interest, and then you regress using linear regression those results on these larger statewide measures.

> *The other thing you do is you attempt to take into account whether or not there's an incumbent running so that you can account for the incumbency impact. Again, it's been four years since I did this. But what we did is I had proposed to the map drawers that if they wanted to present a best estimate of partisan impact so the lawmakers can understand the consequence of different maps, that a regressions driven technique is the best approach. So I set about building a regression equation using data that should have been produced to generate estimates of partisanship, partisan behavior in those districts for different district proposals.*
>
> *So what this – what this spreadsheet is, is the consequence of applying one of those models. If it is what I think it is, it's the consequence of applying one of those models to a map generated by a map maker where what we know is, we know the statewide election results, and we then put those data for each district into the regression equation and that gives us an estimated vote value for each district. And that's what reported here, assuming no incumbent.*

Gaddie Dep. (Dkt. 108) at 43:16-45:8.

36. "joe base map numbers.xlsx" is a document saved on the disc, Amended Lanterman Decl., Ex. B (Dkt. 97-2), and located in the "WRK32864 Responsive Spreadsheets Deduplicated file," and is a true and correct copy of a spreadsheet found by Mark Lanterman on the computer deployed to Michael Best & Friedrich for use by Joseph Handrick. Amended Lanterman Decl., Ex. B (Dkt. 97-2).

37. The metadata for "joe base map numbers" is shown here:

File Name	joe base map numbers.xlsx
Extension	xlsx
Created (Central)	4/11/2011 5:09:21 PM (2011-04-11 22:09:21 UTC)

Accessed (Central)	5/12/2011 7:06:05 PM (2011-05-13 00:06:05 UTC)
Modified (Central)	5/12/2011 7:06:05 PM (2011-05-13 00:06:05 UTC)
File Path	/Users/tad/Documents/joe base map numbers.xlsx
File Size	22.91 KB
Author	tad
Last Saved By	tad
Office Created Date	4/11/2011 4:35:26 PM (2011-04-11 21:35:26 UTC)
Office Last Printed Date	5/12/2011 7:04:21 PM (2011-05-13 00:04:21 UTC)
Office Last Saved Date	5/12/2011 7:06:05 PM (2011-05-13 00:06:05 UTC)
Hidden Columns or Rows	FALSE
Track Changes	FALSE
MD5 Hash Value	9697f259cb6de2e7e838a4de973f2481

Amended Lanterman Decl., Ex. B (Dkt. 97-2), "WRK32684 Responsive Spreadsheets File Detail Report."

38. The "joe base map numbers" spreadsheet lists district-by-district partisanship scores developed by Handrick, Foltz, and Ottman. Gaddie Dep. (Dkt. 108) at 40:12-24, 223:7-12.

39. The "joe base map numbers" spreadsheet lists district-by-district partisan scores for three Assembly district plans: the "current map," "basemap BASIC," and "basemap assertive." Amended Lanterman Decl., Ex. B (Dkt. 97-2), "WRK32864 Responsive Spreadsheets Deduplicated file."

40. "TADOTTMANSUPPPROD000094" is a true and correct copy of a spreadsheet created by Tad Ottman in 2011 and produced to the Court as part of the Legislature's supplemental production in *Baldus v. Brennan* (2:11-cv-00562-JPS-DPW-RMD; dated January 10, 2012).

41. "TADOTTMANSUPPPROD000094" lists district-by-district partisan scores developed by Handrick, Foltz, and Ottman. Gaddie Dep. (Dkt. 108) at 40:12-24, 223:7-12.

42. "TADOTTMANSUPPPROD000097" is a true and correct copy of a spreadsheet created by Tad Ottman in 2011 and produced to the Court as part of the Legislature's supplemental production in *Baldus v. Brennan* (2:11-cv-00562-JPS-DPW-RMD; dated January 10, 2012).

43. "TADOTTMANSUPPPROD000097" lists district-by-district partisan scores developed by Handrick, Foltz, and Ottman. Gaddie Dep. (Dkt. 108) at 40:12-24, 223:7-12.

44. "Plancomparisons.xlsm," a document saved on the disc, Amended Lanterman Decl., Ex. B (Dkt. 97-2), and located in the WRK32864 Responsive Spreadsheets Deduplicated file, is a true and correct copy of a spreadsheet found by Mark Lanterman on the computer deployed to Michael Best & Friedrich for use by Joseph Handrick.

45. The metadata for "PlanComparisons" is shown here:

File Name	PlanComparisons.xlsm
Extension	xlsm
Created (Central)	5/13/2011 12:58:51 PM (2011-05-13 17:58:51 UTC)
Accessed (Central)	7/14/2011 1:32:51 PM (2011-07-14 18:32:51 UTC)
Modified (Central)	7/14/2011 1:32:51 PM (2011-07-14 18:32:51 UTC)
File Path	/Users/tad/Desktop/PlanComparisons.xlsm
File Size	69.10 KB
Author	afoltz
Last Saved By	tad
Office Created Date	5/2/2011 6:13:18 PM (2011-05-02 23:13:18 UTC)
Office Last Printed Date	6/15/2011 3:28:17 PM (2011-06-15 20:28:17 UTC)
Office Last Saved Date	7/14/2011 1:32:51 PM (2011-07-14 18:32:51 UTC)
Hidden Columns or Rows	FALSE
Track Changes	FALSE
MD5 Hash Value	8d0b9118f01010be5b553b0306e60037

Amended Lanterman Decl., Ex. B (Dkt. 97-2), "WRK32684 Responsive Spreadsheets File Detail Report."

46. The "PlanComparisons" spreadsheet lists district-by-district partisan scores developed by Handrick, Foltz, and Ottman. Gaddie Dep. (Dkt. 108) at 40:12-24, 223:7-12.

47. The "PlanComparisons" spreadsheet lists district-by-district partisan proxy scores for four Assembly district plans: each tab includes an identical column for a "Current" plan, and there are three tabs labeled as "Joe Aggressive," "Joe Aggressive (2)," and "TeamMap 6-15-11." Amended Lanterman Decl., Ex. B (Dkt. 97-2), "WRK32864 Responsive Spreadsheets Deduplicated file." Gaddie Dep. (Dkt. 108) at 215:22-217-20.

48. A spreadsheet labeled "Final Map" is a true and correct copy of a spreadsheet created by Adam Foltz. Gaddie Dep. (Dkt. 108), Ex. 39 at 3; Foltz. Dep. (Dkt 109) at 128:14-16.

49. The metadata associated with the "Final Map" is written on Exhibit 39, as follows:

"Plan Comparisons.xlsm"

created 5/9/11 5:39 PM

accessed 4/27/12 4:50 PM

modified 4/27/12 4:50 PM

file path: /users/afoltz/Desktop/projects/PlanComparisons.xlsm

Gaddie Dep. (Dkt. 108), Ex. 39 at 1; Amended Lanterman Decl., Ex. B (Dkt. 97-2).

50. The "Final Map" spreadsheet lists district-by-district partisan scores developed by Handrick, Foltz, and Ottman. Gaddie Dep. (Dkt. 108) at 40:12-24, 223:7-12.

51. The spreadsheets shown in "joe base map numbers," "PlanComparisons," TADOTTMANSUPPPROD000094," "TADOTTMANSUPPPROD000097," and "Final Map" all include district-by-district partisan scores for both the "current map" and a different version of a potential future plan. Gaddie Dep. (Dkt. 108) at 220:25-221:13.

52. The "current map" referred to in "joe base map numbers," "PlanComparisons," "TADOTTMANSUPPPROD000094," "TADOTTMANSUPPPROD000097," and "Final Map," denotes the existing map, the maps as constituted in the State of Wisconsin before the 2012 re-map. Gaddie Dep. (Dkt. 108) at 234:22-24.

53. The district-by-district partisan scores for the "Current map" column in "joe base map numbers," and the "Current" column for the Assembly in "PlanComparisons," "TADOTTMANSUPPPROD000094," "TADOTTMANSUPPPROD000097," and "Final Map" are identical for all 99 districts.

54. "joe base map" is a document saved on the disc, Amended Lanterman Decl., Ex. B (Dkt. 97-2), and located in the WRK32864 Responsive Spreadsheets Deduplicated file, and is a true and correct copy of a spreadsheet found by Mark Lanterman on the computer deployed to Michael Best & Friedrich for use by Joseph Handrick. Amended Lanterman Decl., Ex. B (Dkt. 97-2).

55. The district-by-district partisan scores for the "base map BASIC" columns (columns F and P) in "joe base map numbers" are identical to the district-by-district partisan scores listed in the column "ALL0410" (column AU) in "joe base map."

56. "Final Map" was "probably the final map," and at minimum, "it's a safe assumption that [the map is] very near the completion of the process." Foltz Dep. (Dkt. 113) at 140:6-11, referring to Gaddie Dep. (Dkt. 108), Ex 39 at 3.

57. Professor Gaddie produced "S-curves" for draft Assembly redistricting plans prepared by Adam Foltz, Tad Ottman, and Joe Handrick. Gaddie Dep. (Dkt. 108) at 126:2-10.

58. Professor Gaddie agreed "with Joe Handrick to provide these types of spreadsheets to Adam Foltz, to himself and Adam Foltz and Tad Ottman, for the legislature in

the drafting process. So one thing we do, they would create a map, then there would be part -- there's electoral history data attached to it. Those data were used to generate spreadsheets of this sort that indicated how a district would perform on a partisan measure under different scenarios." Gaddie Dep. (Dkt. 108) at 40:14-24.

59. S-curves show "based upon an expected statewide vote for one party of the other which seats are going to tend more Democratic shaded in blue, more Republican shaded in red. Light blue means that they're Democratic tending, but competitive. Orange means they're Republican tending but competitive." Gaddie Dep. (Dkt. 108) at 128:10-16.

60. S-curves show "as you move the value of the vote for one party either up or down, you can see the responsiveness of the districts and how they shift and the number of seats that come into play for one party or fall away." Gaddie Dep. (Dkt. 108) at 129:6-11.

61. S-curves provide "a visualization of both the distribution of partisanship in the districts and the sensitivity of individual districts to changes and partisan strength across the state, assuming that the entire state shifts in the same direction one way or the other." Gaddie Dep. (Dkt. 108) at 129:12-18.

62. "Composite_Current_Curve.xlsx" is located in the WRK32586 Responsive Spreadsheets Deduplicated file, and is a true and correct copy of an "S-Curve" found by Mark Lanterman on the computer deployed to Michael Best & Friedrich for use by Adam Foltz. Amended Lanterman Decl., Ex. B (Dkt. 97-2).

63. The metadata for "Composite_Current_Curve" is as follows:

File Name	Composite_Current_Curve.xlsx
Extension	Xlsx
Created (Central)	5/28/2011 12:03:01 PM (2011-05-28 17:03:01 UTC)
Accessed (Central)	6/1/2011 11:48:33 AM (2011-06-01 16:48:33 UTC)
Modified (Central)	6/1/2011 11:48:33 AM (2011-06-01 16:48:33 UTC)

File Path	/Users/afoltz/Desktop/Projects/Composite_Current_Curve.xlsx
File Size	447.98 KB
Author	Ronald Keith Gaddie
Last Saved By	Afoltz
Office Created Date	5/28/2011 8:12:17 AM (2011-05-28 13:12:17 UTC)
Office Last Printed Date	6/1/2011 10:46:26 AM (2011-06-01 15:46:26 UTC)
Office Last Saved Date	6/1/2011 11:48:33 AM (2011-06-01 16:48:33 UTC)
Hidden Columns or Rows	FALSE
Track Changes	FALSE
MD5 Hash Value	2acd25783c0be60bbe563ab324024556

Amended Lanterman Decl., Ex. B (Dkt. 97-2), "WRK32586 Responsive Spreadsheets File Detail Report."

64. In "Composite_Current_Curve," the total number of seats for which Republicans have a baseline over 50%, using Professor Gaddie's regression model, for statewide Republican vote shares between 46% and 52% is as follows:

46%	**47%**	**48%**	**49%**	**50%**	**51%**	**52%**
36	42	46	53	58	62	64

Amended Lanterman Decl., Ex. B (Dkt. 97-2).

65. "Composite_Joe_Assertive_Curve.xlsx" is located in the WRK32586 Responsive Spreadsheets Deduplicated file, and is a true and correct copy of an "S-Curve" found by Mark Lanterman on the computer deployed to Michael Best & Friedrich for use by Adam Foltz. Amended Lanterman Decl., Ex. B (Dkt. 97-2).

66. The metadata for "Composite_Joe_Assertive_Curve" is as follows:

File Name	Composite_Joe_Assertive_Curve.xlsx
Extension	Xlsx

Created (Central)	5/28/2011 12:03:01 PM (2011-05-28 17:03:01 UTC)
Accessed (Central)	5/28/2011 12:49:55 PM (2011-05-28 17:49:55 UTC)
Modified (Central)	5/28/2011 12:49:56 PM (2011-05-28 17:49:56 UTC)
File Path	/Users/afoltz/Desktop/Projects/Composite_Joe_Assertive_Curve.xlsx
File Size	440.42 KB
Author	Ronald Keith Gaddie
Last Saved By	Afoltz
Office Created Date	5/28/2011 8:12:17 AM (2011-05-28 13:12:17 UTC)
Office Last Printed Date	
Office Last Saved Date	5/28/2011 12:49:56 PM (2011-05-28 17:49:56 UTC)
Hidden Columns or Rows	FALSE
Track Changes	FALSE
MD5 Hash Value	4a25a4cc8403f9c9ffb61b1eb0bb0de5

Amended Lanterman Decl., Ex. B (Dkt. 97-2), "WRK32586 Responsive Spreadsheets File Detail Report."

67. In "Composite_Joe_Assertive_Curve," the total number of seats for which Republicans have a baseline over 50%, using Professor Gaddie's regression model, for statewide Republican vote shares between 46% and 52% is as follows:

46%	**47%**	**48%**	**49%**	**50%**	**51%**	**52%**
44	50	55	58	60	62	63

Amended Lanterman Decl., Ex. B (Dkt. 97-2).

68. "Team_Map_Curve.xlsx" is located in the WRK32586 Responsive Spreadsheets Deduplicated file, and is a true and correct copy of an "S-Curve" found by Mark Lanterman on the computer deployed to Michael Best & Friedrich for use by Adam Foltz. Amended Lanterman Decl., Ex. B (Dkt. 97-2).

69. The metadata for "Team_Map_Curve" is as follows:

File Name	Team_Map_Curve.xlsx
Extension	Xlsx
Created (Central)	6/14/2011 1:56:03 PM (2011-06-14 18:56:03 UTC)
Accessed (Central)	6/14/2011 1:56:03 PM (2011-06-14 18:56:03 UTC)
Modified (Central)	6/14/2011 1:56:03 PM (2011-06-14 18:56:03 UTC)
File Path	/Users/afoltz/Desktop/Projects/Team_Map_Curve.xlsx
File Size	35.70 KB
Author	Ronald Keith Gaddie
Last Saved By	Afoltz
Office Created Date	6/14/2011 12:06:15 PM (2011-06-14 17:06:15 UTC)
Office Last Printed Date	6/14/2011 1:47:35 PM (2011-06-14 18:47:35 UTC)
Office Last Saved Date	6/14/2011 1:56:03 PM (2011-06-14 18:56:03 UTC)
Hidden Columns or Rows	FALSE
Track Changes	FALSE
MD5 Hash Value	5a79df0e25b95605c14ca7824dbb8614

Amended Lanterman Decl., Ex. B (Dkt. 97-2), "WRK32586 Responsive Spreadsheets File Detail Report."

70. In "Team_Map_Curve," the total number of seats for which Republicans have a baseline over 50%, using Professor Gaddie's regression model, for statewide Republican vote shares between 46% and 52% is as follows:

46%	**47%**	**48%**	**49%**	**50%**	**51%**	**52%**
46	50	54	56	58	60	64

Amended Lanterman Decl., Ex. B (Dkt. 97-2).

71. On March 9, 2016, during his deposition, Keith Gaddie was asked the following question:

Q. Is the Team Map Curve a more pro Republican map than a pro Democrat

map?

Professor Gaddie responded to that question:

> *A. Let me look at it for a minute. Okay. At 50% of the expected vote statewide, of the 99 assembly districts it appears that 55 of them are either safely or leaning Republican with 21 of those seats being competitive Republican districts. At 53% Republican statewide vote of the 99 assembly districts, 46 of them appear to be districts that we would term safely Republican based upon the estimate. So there is a Republican lean in this map, yes.*

Gaddie Dep. (Dkt. 108) at 167:6-17.

72. No Democrats participated in the drafting process that led to the creation of the redistricting plan that was enacted in Act 43.

73. Prior to the legislative introduction of Act 43, no Democrat was given an opportunity to see the boundaries of any legislative districts in the proposed map.

74. Prior to the legislative introduction of Act 43, Republican legislators who had not been involved in drafting the plan were allowed to see the boundaries of their own district, but were not allowed to see the boundaries of any other district in the map.

75. Prior to the passage of Act 43, when Republican legislators were shown the boundaries of what would be their new legislative district, they were given information about the expected partisan voting patterns in the district, i.e., what percentage of voters were likely to vote for a Republican candidate and what percentage of voters were likely to vote for a Democratic candidate.

76. Under the direction and supervision of Eric McLeod, Tad Ottman met with 17 Republican members of the Wisconsin State Senate, identified in Exhibit 4 attached to the

Complaint. Each of the 17 Republican Senators signed a secrecy agreement entitled "*Confidentiality and Nondisclosure Related to Reapportionment*" before being allowed to review and discuss their districts.

77. The secrecy agreement stated that Eric McLeod had "instructed" Tad Ottman to meet with certain members of the Senate to discuss the reapportionment process and characterized such conversations as privileged communications pursuant to the attorney-client and attorney work product privileges.

78. Under the supervision of Eric McLeod, Adam Foltz met with 58 Republican members of the Wisconsin State Assembly, identified in Exhibit 4 attached to the Complaint. Each of the 58 Republican Representatives signed a secrecy agreement entitled "*Confidentiality and Nondisclosure Related to Reapportionment*" before being allowed to review and discuss their districts, which also improperly described their conversations as privileged.

79. After each of the 58 Republican members of the Wisconsin State Assembly signed the secrecy agreement entitled "*Confidentiality and Nondisclosure Related to Reapportionment,*" they gave it to Adam Foltz and none kept a copy for themselves. Foltz Dep. (Dkt. 110) at 357:16 -358:3.

80. Robin Vos participated in each of the meetings that Adam Foltz had with each of the 58 Republican members of the Wisconsin State Assembly listed in Exhibit 4 of the Complaint. Foltz Dep. (Dkt. 110) at 263:6-265:5.

81. Exhibit 100 to the deposition of Adam Foltz, dated 2/1/12, is an authentic copy (within the meaning of Fed. Evid. Rule 901(a)) of a one-page memo addressed to Representative Garey Bies from Adam Foltz, dated June 19, 2011, with copies to Speaker Jeff Fitzgerald, Majority Leader Scott Suder, and Representative Robin Vos, which is captioned "*New Map for*

the 1st District" and which had attached to it a map of the new 1st Assembly District that became part of Act 43. The information contained in the memo identified the partisan performance of the new 1st Assembly District based on data from five prior elections (Scott Walker in 2010, J.B. Van Hollen in 2010, John McCain in 2008, J.B. Van Hollen in 2008, and George W. Bush in 2004). Similar one-page memos with analogous partisan performance data with attached copies of the member's new district were sent to each of the 58 Republican members of the Wisconsin State Assembly on the same date, June 19, 2011. Foltz Dep. (Dkt.110) at 266:10-267:15.

82. Exhibit 113 to the deposition of Adam Foltz, dated 2/1/12, is an authentic copy (within the meaning of Fed. Evid. Rule 901(a)) of a one-page memo created by Adam Foltz on June 20, 2011, at 12:34 p.m., and which was last saved on Adam Foltz's computer on July 7, 2011, at 2:40 p.m. and was a WORD document captioned "*General Talking Points for Robin*." Foltz Dep. (Dkt.110) at 337:6-16, 347:22-351:4.

83. Exhibit 114 to the deposition of Adam Foltz, dated 2/1/12, is an authentic copy (within the meaning of Fed. Evid. Rule 901(a)) of a printout of the metadata associated with Exhibit 113 to the same deposition, which was a WORD document created on June 20, 2011, at 12:34 p.m. and which was last saved on Adam Foltz's computer on July 7, 2011, at 2:40 p.m. Foltz Dep. (Dkt.110) at 337:6-16, 347:22-351:4.

84. In *Baldus v. Wisconsin Government Accountability Board,* 843 F. Supp. 2d 955, 959 (E.D. Wis. 2012), the Court held that the Legislature improperly asserted attorney-client and work product privileges to prevent discovery of information regarding the redistricting process.

85. On July 11, 2011, the Current Plan was introduced by the Committee on Senate Organization without any Democratic members of the Legislature having previously seen their districts or the plan as a whole. All Republican members of the Legislature had previously seen

their individual districts along with visual aids demonstrating the partisan performance of their districts, but had not seen the overall map.

86. A public hearing was held on July 13, 2011. The bill was then passed by the Senate on July 19, 2011, and by the Assembly the next day on July 20, 2011. Act 43 was published on August 23, 2011.

87. Eric McLeod and Michael, Best & Friedrich, LLP, were paid $431,000.00 in State taxpayer funds for their work on the Current Plan.

88. "ADAMFOLZSUPPPROD000431" is true and correct copy of a page from Adam Foltz's calendar for June 20, 2011 – June 24, 2011.

89. "ADAMFOLZSUPPPROD000431" shows meetings with twenty-nine individual Republican legislators during the week of June 20, 2011 – June 24, 2011.

90. "ADAMFOLZSUPPPROD000424" is a true and correct copy of a document titled "General Talking Points" drafted by Adam Foltz in 2011 in advance of the individual meetings held with Republican legislators in June 2011, to discuss the redistricting plan that would become Act 43.

91. "ADAMFOLZSUPPPROD000119" is a true and correct copy of a series of 59 memos addressed to each Republican Assembly member, and CCed to Speaker Jeff Fitzgerald, Majority Leader Scott Suder, and Rep. Robin Vos, from Adam Foltz – Assembly Redistricting Coordinator, dated 6/19/2011 with the subject lines "New Map for the 1st District," "New Map for the 2nd District," and so on until "New Map for the 99th District."

92. Page 62 of 63 in document 156-1 filed on 2/14/12 in *Baldus v. Brennan*, 2:11-cv-00562-JPS-DPW-RMD, is a true and correct copy of an email from Tad Ottman to Jim Troupis, Raymond Taffora, Eric M. McLeod, and Adam Foltz, sent on July 12, 2011 at 10:00PM with the

subject line "Hearing memos" and listing attachment titled "sb148 committee memos.docx."

93. Page 63 of 63 in document 156-1 filed on 2/14/12 in *Baldus v. Brennan*, 2:11-cv-00562-JPS-DPW-RMD, is a true and correct copy of an email from Tad Ottman to Adam Foltz, sent on July 12, 2011 at 8:52PM with the subject line "committee memos" and listing attachment titled "sb146 committee memos.docx."

94. "ADAMFOLZSUPPPROD000446.PDF" is a true and correct copy of an email from Dana Wolff to Tad Ottman and Adam Foltz and CCed to Tony Van Der Wielen sent on Monday May 9, 2011 at 12:32PM, with the subject line "Letter" and listing attachment titled "MCD_Letter.pdf."

95. Page 56 of 63 in document 156-1 filed on 2/14/12 in *Baldus v. Brennan*, 2:11-cv-00562-JPS-DPW-RMD, is a true and correct copy of an email from Tad Ottman to Jim Troupis and Eric M McLeod, CCed to Adam Foltz, sent on Friday February 25, 2011 at 2:31PM, with the subject line "Redistricting timeline."

96. "MBF000217" is a true and correct copy of an email from Jim Troupis to Tad Ottman and Adam Folz, CCed to Eric M McLeod and Sarah Troupis, sent on Monday, June 13, 2011 at 8:25AM, with the subject line "Gaddie & Hispanic."

97. Page 3 of 63 in document 156-1 filed on 2/14/12 in *Baldus v. Brennan*, 2:11-cv-00562-JPS-DPW-RMD, is a true and correct copy of an email from Tad Ottman to Jim Troupis, Eric M. McLeod, Raymond Taffora, and Adam Foltz sent on Wednesday July 13, 2011 at 1:45PM with the subject line "Latino voices will be there."

98. "Foltz001075" is a true and correct copy of a chart prepared by Adam Foltz in 2011.

99. "Foltz001075" sets out the population deviations for the seats that were held

following the 2010 elections by the "GOP," by "Indp" and by "Dem" in separate categories.

Professor Jackman's Reports

100. The efficiency gap indicates the extra proportion of seats that an advantaged party wins relative to a baseline where the parties are wasting equal numbers of votes. Jackman Rpt. (Dkt. 62) at 19.

101. Defendants' expert, Professor Goedert, "concur[s] that this shortcut is an appropriate and useful summary measure." Goedert Rpt. (Dkt. 51) at 5; Goedert Dep. (Dkt. 65) at 70:17-71:1.

102. Defendants' expert, Sean Trende, noted that in 2012 Professor Mayer calculated that the Current Plan had an efficiency gap of -11.7% using the full method and Mr Trende calculated the efficiency gap for 2012 as -9.9% using the simplified method, a difference of 1.8 percentage points. Mayer Rpt. (Dkt. 54) at 46; Jackman Rpt. (Dkt. 62) at 71; Trende Rpt. (Dkt. 55) at 59.

103. Similarly, Mr. Trende noted that Professor Mayer calculated that the Demonstration Plan had an efficiency gap of -2.2% using the full method and Mr. Trende calculated the efficiency gap for 2012 as -0.8% using the simplified method, a difference of 1.4 percentage points. Mayer Rpt. (Dkt. 54) at 46; Jackman Rpt. (Dkt. 62) at 71; Trende Rpt. (Dkt. 55) at 60.

104. Under the simplified method only, the $(S - 0.5) - 2(V - 0.5)$ formula implies that for the efficiency gap to be zero, there must be a 2:1 relationship between seat share and vote share (also known as "responsiveness"). Jackman Rpt. (Dkt. 62) at 17-18.

105. As Professor Goedert has explained in his report and other work, a responsiveness of 2 "conform[s] with the observed average seat/votes curve in historical U.S. congressional and legislative elections." Goedert Rpt. (Dkt. 51) at 6; Goedert Dep. (Dkt. 65) at 95:17-21.

106. At the congressional level, the seat/vote curve had "an average slope of 2.02 for the past 40 years." During "the preceding 70 years," it had an "average of 2.09." Goedert Dep., Ex. 20 (Dkt. 65-2) at 7.

107. Professor Jackman's dataset used for his calculations of the efficiency gap in state legislative elections spans the period 1972 to 2014, representing the post-malapportionment era. Jackman Rpt. (Dkt. 62) at 19.

108. Professor Jackman's calculations of the efficiency gap rely on a dataset widely used in political science and freely available from the Inter-University Consortium for Political and Social Research (ICPSR study number 34297). The release of the dataset utilized by Professor Jackman covers state legislative election results from 1967 to 2014, updated by Carl Klarner (Indiana State University and Harvard University). Jackman Rpt. (Dkt. 62) at 20; Jackman Dep. (Dkt. 53) at 46:23-47:14.

109. Professor Jackman uses a subset of the original dataset for general elections since 1972 in states whose lower houses are elected via single-member districts, or where single-member districts are the norm. Professor Jackman treats multi-member districts "with positions" as if they are single-member districts. Jackman Rpt. (Dkt. 62) at 20; Jackman Dep (Dkt. 53) at 44:24-46:22.

110. The total dataset used by Professor Jackman spans 83,260 district-level state legislative races, from 786 elections across 41 states. Jackman Rpt. (Dkt. 62) at 20-21, and Figure 5. Jackman Dep. (Dkt. 53) 48:1-3.

111. Professor Jackman groups the efficiency gap scores across the series of elections held under the same districting plan, using the unique identifier for the districting plan in place for each state legislative election provided by Stephanopoulos and McGhee, as shown in the following chart:

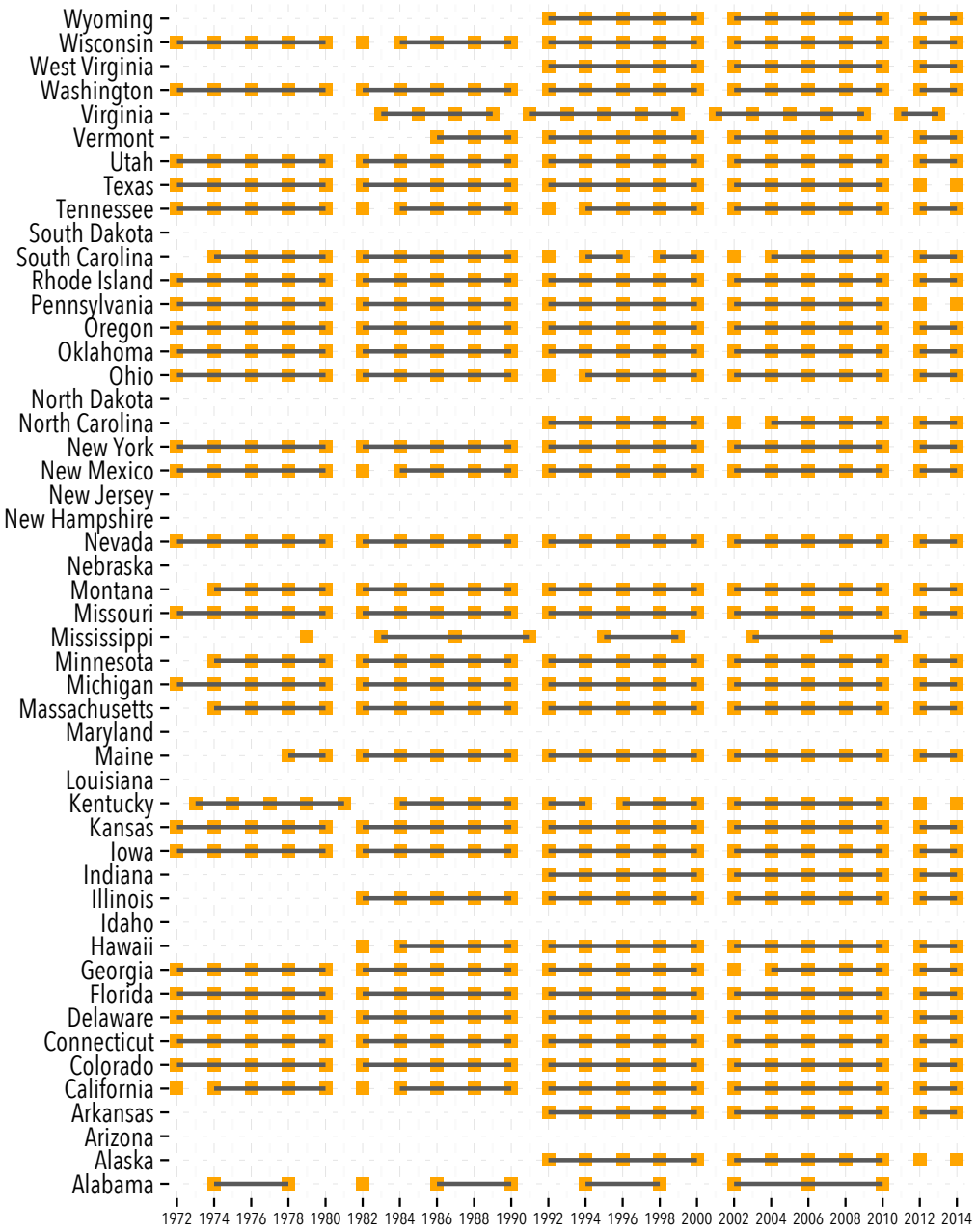

Figure 6: 786 state legislative elections available for analysis, 1972-2014, by state, grouped by districting plan (horizontal line).

Jackman Rpt. (Dkt. 62) at 22-23.

112. Professor Jackman calculated the efficiency gap for every state house election for which data was available over the period from 1972 to 2014, using actual election results. Professor Jackman did not aggregate wasted votes district by district, but rather used a simplified computation method based on statewide electoral data, with the formula EG = (S – 0.5) – 2(V – 0.5), where EG is the efficiency gap, S is the statewide Democratic seat share, and V is the statewide Democratic vote share. Jackman Rpt. (Dkt. 62) at 16-17.

113. Professor Jackman's analysis found that for a plan with an initial efficiency gap of -7%, the average efficiency gap over the life of the plan is estimated to be -5.3%.

114. Similarly, Professor Jackman's analysis found that for a plan with an initial efficiency gap of 7%, the average efficiency gap over the life of the plan is estimated to be 3.7%.

115. The average *net* efficiency gap (i.e., the mean of the actual values of all plans' efficiency gaps in a given year) has recently trended in a Republican direction. This metric was mildly pro-Democratic from the early 1970s to the mid-1990s, but has been moderately pro-Republican from the mid-1990s to the present. Jackman Rpt. (Dkt. 62) at 44-45; Stephanopoulos & McGhee, *supra*, at 873.

116. There are 206 distinct plans in Professor Jackman's database. Of these, 70 plans (or 34%) had an initial efficiency gap greater than 7% in magnitude, and 32 plans (or 16%) had an initial efficiency gap greater than 10% in magnitude. Jackman Rpt. (Dkt. 62) at 7; Jackman Rebuttal Rpt. (Dkt. 63) at 18-20; Jackman Decl. Ex. F (Dkt. 58-6).

117. Of the 70 plans that had an initial efficiency gap greater than 7% in magnitude, 43 plans (or 21% of the 206 total plans) were designed by a single party that had unified control

over redistricting. Jackman Rpt. (Dkt. 62) at 7; Jackman Rebuttal Rpt. (Dkt. 63) at 18-20; Jackman Decl. Ex. F (Dkt. 58-6).

118. Of the 32 plans that had an initial efficiency gap greater than 10% in magnitude, 20 plans (or 10% of the 206 total plans) were designed by a single party that had unified control over redistricting. Jackman Rpt. (Dkt. 62) at 7; Jackman Rebuttal Rpt. (Dkt. 63) at 18-20; Jackman Decl. Ex. F (Dkt. 58-6).

119. Of the 43 plans from the current redistricting cycle in Professor Jackman's database, 16 (or 37% of the 43 plans) had initial efficiency gaps above 7% in magnitude, and of these, 11 plans (or 26% of the 43 plans) were designed by a single party that had unified control over redistricting. Jackman Rpt. (Dkt. 62) at 7; Jackman Rebuttal Rpt. (Dkt. 63) at 18-20; Jackman Decl. Ex. F (Dkt. 58-6).

120. Of the 43 plans from the current redistricting cycle in Professor Jackman's database, 11 plans (or 26% of the 43 plans) had initial efficiency gaps greater than 10% in magnitude and of these, 7 plans (or 16% of the 43 plans) were designed by a single party that had unified control over redistricting. Jackman Rpt. (Dkt. 62) at 7; Jackman Rebuttal Rpt. (Dkt. 63) at 18-20; Jackman Decl. Ex. F (Dkt. 58-6).

121. The following chart identifies: (i) the number of plans, historically and currently, in Professor Jackman's database that had an initial efficiency gap above 7%; (ii) the number of plans with an initial efficiency gap above 7% *and* unified party control; (iii) the number of plans with an initial efficiency gap above 10%; and (iv) the number of plans with an initial efficiency gap above 10% *and* unified party control:

Historical		**Current**	
All plans	206	Current plans	43
All plans with initial *EG* above 7%	70	Current plans with initial *EG* above 7%	16
All plans with initial *EG* above 7% *and* unified party control over redistricting	43	Current plans with initial *EG* above 7% *and* unified party control over redistricting	11
All plans with initial *EG* above 10%	32	Current plans with initial *EG* above 10%	11
All plans with initial *EG* above 10% *and* unified party control over redistricting	20	Current plans with initial *EG* above 10% *and* unified party control over redistricting	7

Jackman Rpt. (Dkt. 62) at 7; Jackman Rebuttal Rpt. (Dkt. 63) at 18-20; Jackman Decl. Ex. F (Dkt. 58-6).

122. The proportion of plans created by Republicans in full control of the state government increased from about 10% in the 1990s, to about 20% in the 2000s, to about 40% in the 2010s (in 49 states, excluding Nebraska). By comparison, fewer than 20% of current plans were designed by Democrats in full control of the state government. Jackman Rebuttal Rpt. (Dkt. 63) at 19; Trende Dep. (Dkt. 66) at 79:11-23.

123. The reapportionment revolution of the 1960s resulted in the invalidation of almost every state house, state senate, and congressional plan in the country. Jackman Decl. Ex. J (Dkt. 58-10) at 4.

124. Wisconsin does not have equal turnout across Assembly districts.

125. In Wisconsin's 2012 Assembly elections, the turnout in individual districts varied from just over 8,000 votes in District 8 to over 37,000 votes in District 14.

126. In Wisconsin's 2014 elections, the turnout in individual districts varied from approximately 6,400 votes in District 8 to over 31,400 votes in District 23.

127. The presence of imputed vote totals leads to uncertainty in Professor Jackman's calculation of vote share, which "generates uncertainty in determining how far each point lies above or below the orange, zero efficiency gap benchmark."

128. Professor Jackman expresses his *EG* calculations as "point estimates" with lines indicating a 95% level of confidence.

129. Professor Jackman has less confidence in the "point estimate" of his *EG* as the number of uncontested seats increases.

130. Professor Jackman found that "[t]he distribution of *EG* measures trends in a pro–Republican direction through the 1990s, such that by the 2000s, *EG* measures were more likely to be negative (Republican efficiency over Democrats)."

131. Professor Jackman plotted the efficiency gap of each plan in each year from lowest to highest (from most favorable to Republicans to least) and then overlaying estimates of the smoothed weighted quantiles (with blue lines showing the 25th percentile, 50th percentile, and 75th percentile plan).

132. The median efficiency gap has been negative (favorable to the Republicans) since the mid–1990s.

133. The most favorable median toward Democrats since 2000 was in 2010.

134. The 25th percentile has been below 5% since the mid–1990s and even approached 7% in 2004, 2010, and 2012.

135. The 75th percentile has been below 5% since the mid–1990s and has hovered between 1% and 2% since 2000.

136. Professor Jackman's calculation of the "the probability that a given efficiency gap number from a given election year is positive or negative" also shows a trend in favor of Republicans.

137. Professor Jackman finds that in every election year since 1996, more plans have had negative efficiency gaps than positive ones with the exception of 2010.

138. In 2010, Professor Jackman found that the proportion of plans having a positive efficiency gap was slightly more than 0.5.

139. In 2006, 75% of plans produced a negative efficiency gap while only 25% of plans produced a positive efficiency gap, with similar results in 2000 and 2012.

140. Since 1996, the year with the greatest proportion of efficiency gap measures favoring Democrats was 2010, in which there was a slightly more than a 50–50 probability of a plan being positive (favorable to Democrats).

141. Professor Jackman chose to look at the first election in the plan because he "tried to put [himself] in the shoes of litigants" who would have to "intervene early before we've seen much data all from the plan, the election results the plan is throwing off."

142. For all plans Professor Jackman studied since 1972, he finds that 36% of all plans produced an efficiency gap of 7% or greater in the first election: 18% on the positive side and 18% on the negative side.

143. For all plans Professor Jackman studied since 1991, 34% of all plans produced an efficiency gap greater than 7% in magnitude in the first election: 22% produced a gap of at least –7% in magnitude and 12% percent produced a gap of at least +7% in magnitude.

144. For all plans since 1972 that Professor Jackman studied, he finds that 18% of plans that had an *EG* of at least –7% in magnitude go on to produce an election with a positive *EG*.

145. For all plans Professor Jackman studied since 1991, he finds that 40% of plans that produce an *EG* of at least +7% in magnitude in the first election go on to produce an election with a negative *EG*.

146. For all plans Professor Jackman studied since 1991, he finds that 18% of plans that produce an *EG* of at least –7% in magnitude in the first election go on to produce an election with a positive *EG*.

147. For all plans Professor Jackman studied since 1991, he finds that 60% of plans that produce an *EG* of at least +7% in magnitude in the first election go on to produce an election with a negative *EG*.

148. Professor Jackman finds that "we seldom see a plan in the 1990s or later that commence with a large–pro Democratic efficiency gap."

149. In the 1990s and later, Professor Jackman finds that the probability the first election has an efficiency gap greater than +5% (favorable to Democrats) "is only about 11%."

150. Negative efficiency gaps "are much more likely under the first election in post–1990 plans: almost 40% of plans open with $EG < -.05$ and about 20% of plans open with $EG < -.10$."

151. Jackman finds that "plans with at least one election" of an efficiency gap of 7% or greater "are reasonably common."

152. Jackman finds that 53% of plans since 1972 have one election with an *EG* of 7% or greater in magnitude, with 29% of plans having a gap of –7% or greater in magnitude and 25% of plans having a gap of +7% or greater.

153. When looking at plans since 1991, 47% of plans have had at least one election with an *EG* greater than 7% in magnitude, with 38% of plans having an election with a gap of –7% or greater in magnitude and 19% of plans having an election with a gap of +7% or greater.

154. Since 1972, 33% of plans have had an election with an *EG* of 10% or greater in magnitude, with 18% having an election with a gap of –10% in magnitude and 15% having an election with a gap of +10% or greater.

155. When looking just at elections since 1991, 35% of plans have had an election with an *EG* of at least 10% in magnitude: 24% of plans have had an election with a gap of –10% in magnitude and 11% of plans having an election with a gap of +10%.

156. Professor Jackman found that 17 of the 141 plans for which he could calculated three or more efficiency gaps (12%) were "*utterly unambiguous* with respect to the sign of the efficiency gap," *i.e.*, that even the confidence level bar did not cross over to the other sign.

157. Of these seventeen plans, sixteen of them were favorable to the Republicans and only one was favorable to the Democrats.

158. One of the "utterly unambiguous" plans was the Wisconsin 2002 Plan put in place by the federal court in *Baumgart v. Wendelberger*, No. 01–C–0121, 2002 WL 34127471, at *1 (E.D. Wis. May 30, 2002), *amended*, 2002 WL 34127473 (E.D. Wis. July 11, 2002).

159. Professor Jackman calculated *EGs* for the 2012 and 2014 elections for 39 states.

160. Fifty point estimates were negative (64.1%) while twenty-eight point estimates were positive (35.9%).

161. Eighteen states (46%) had point estimates for 2012 and 2014 that were both negative.

162. Included among this eighteen were Minnesota, Missouri, New York, and Kansas.

163. With respect to the entire country, Professor Jackman found that "[t]he distribution of *EG* measures trends in a pro–Republican direction through the 1990s, such that by the 2000s, *EG* measures were more likely to be negative."

164. The median plan has been negative since the mid–1990s and the 25th percentile has been below 5% since the mid–1990s and even approached 7% in 2004, 2010, and 2012.

165. Meanwhile the seventy–fifth percentile has only favored Democrats by 1%–2%.

166. In every election year since 1996, more plans have had negative efficiency gaps than positive ones with about 75% of plans producing a negative efficiency gap in 2000, 2006 and 2012.

167. In 2012, the Republicans won five seats (Districts 1, 26, 50, 72 and 93) with no more than 51.3% of the total vote.

168. The margin of victory across all of these races was about 3,200 votes, each less than 900 votes and one at only 109 votes (District 93).

169. For 2012 and 2014, Professor Jackman calculates that Illinois had one negative efficiency gap and one narrowly positive efficiency gap.

Professor Mayer's Reports

170. To generate his baseline partisanship estimates, Professor Mayer assumed that all districts were contested and that no incumbents were running. This method removes the effect of incumbents, who may or may not be running in an alternative plan. The consultant retained by the state legislature, Professor Gaddie, used the same method. Mayer Rpt. (Dkt. 54) at 31; Mayer Dep. (Dkt. 52) at 63:15-24, 70:4-17; Gaddie Dep. (Dkt. 108) at 43:9-44:22.

171. Professor Mayer's regression model used wards as the unit of analysis to increase the number of observations and allow for more precise estimates. Mayer Rpt. (Dkt. 54) at 8.

172. Professor Mayer's regression model relied on demographic and electoral data provided by the LTSB and the G.A.B., both online and in the 2013 edition of the *Wisconsin Blue Book*. Mayer Rpt. (Dkt. 54) at 10.

173. The full specification for the regression model that Professor Mayer used is:

$$\underset{i}{Assembly\ Vote} = \alpha + \beta_1 Total\ VEP_i + \beta_2 Black\ VEP_i + \beta_3\ Hispanic\ VEP_i$$

$$+\beta_4 \underset{i}{Democratic\ Presidential\ Vote} + \beta_5\ Republican\ Presidential\ Vote_i$$

$$+\beta_6 \underset{i}{Democratic\ Incumbent} + \beta_7\ Republican\ Incumbent_i + \sum_{j=1}^{71} \gamma_j County_j + \varepsilon_i$$

Where

Assembly Vote	Number of votes cast for the Republican or Democratic candidate in the 2012 Assembly election in ward *i*. I estimate separate equations for the Democratic and Republican candidates
Total VEP	Voting eligible population in ward *i*, as measured in the 2010 Census
Black VEP	Voting eligible Black population in ward *i*
Hispanic VEP	Voting eligible Hispanic population in ward *i*
Democratic Presidential Vote	Number of votes cast for Barack Obama in the 2012 presidential election in ward *i*
Republican Presidential Vote	Number of votes cast for Mitt Romney in the 2012 presidential election in ward *i*
Democratic Incumbent	1 if the Assembly election in ward *i* has a Democratic incumbent, 0 otherwise, multiplied by the VEP in ward *i*
Republican Incumbent	1 if the Assembly election in ward *i* has a Republican incumbent, 0 otherwise, multiplied by the VEP in ward *i*
County	Set of fixed effects dummy variables for each county. Dunn County is the excluded value.[9]

Mayer Rpt. (Dkt. 54) at 10-11.

174. The full specification for the regression model that Professor Mayer used includes the Assembly vote by ward as the dependent variable and the following as independent variables (each by ward): total voting eligible population; black voting eligible population; Hispanic voting eligible population; Democratic presidential vote; Republican presidential vote; Democratic incumbent; Republican incumbent; and a set of fixed effect dummy variables for each county, with Dunn County as the excluded value. Mayer Rpt. (Dkt. 54) at 10-11.

175. Professor Keith Gaddie used a regression model "very similar" to the one used by Professor Mayer in 2002 in the *Baumgart* litigation, stating that he "basically replicated [Professor Mayer's] model," to predict the Current Plan's partisan consequences prior to the Plan's enactment. Gaddie Dep. (Dkt. 108) at 53:3-7, 47:10-14, 43:9-44:22; Mayer Rpt. (Dkt. 54) at 29.

176. In Table 2, Professor Mayer's regression model incorrectly predicted the outcomes of only two extremely competitive districts: District 51 (actual Republican vote: 51.9%; predicted Republican vote: 49.9%) and District 70 (actual Republican vote: 49.7%; predicted Republican vote: 50.1%). Mayer Rpt. (Dkt. 54) at 24-25; Mayer Dep. (Dkt. 52) at 87:22-23.

177. According to Table 2, these incorrect predictions are balanced, one for each party, meaning that in the aggregate, Professor Mayer's model estimated the partisan distribution of contested districts in 2012 (56 Republican, 16 Democratic) with perfect accuracy. Mayer Rpt. (Dkt. 54) at 24-25.

178. Professor Mayer's baseline partisanship model produces the following vote totals and two-party vote percentages:

City	Dem. Votes	Rep. Votes	Total
Milwaukee	193,940 (77.9%)	54,992 (22.1%)	248,932
Madison	109,466 (78.0%)	30,928 (22.0%)	140,394
Green Bay	23,403 (55.2%)	18,998 (44.8%)	42,402
Kenosha	26,515 (62.6%)	15,828 (37.4%)	42,342
Racine	22,614 (70.4%)	9,517 (29.6%)	32,131
Appleton	18,232 (51.6%)	17,129 (48.4%)	35,361
Waukesha	15,257 (37.6%)	25,273 (62.4%)	40,530
Oshkosh	17,364 (52.1%)	15,945 (47.9%)	33,309
Eau Claire	20,601 (59.2%)	14,202 (40.8%)	34,803
Janesville	20,208 (58.9%)	14,080 (41.1%)	34,288
La Crosse	17,554 (67.4%)	8,485 (32.6%)	26,039
Sheboygan	14,573 (56.5%)	11,215 (43.5%)	25,787
Beloit	11,440 (63.3%)	6,623 (36.7%)	18,062

179. Professor Mayer's baseline partisanship model for Act 43 produces 197 wasted votes for the Republicans and 16,235 wasted votes for the Democrats in District 1.

180. In the actual 2012 election, in District 1 the Republican won with 16,993 votes and the Democrat lost with 16,124 votes.

181. In the actual election, in District 1, there were 435 wasted votes for the Republicans and 16,124 wasted votes for the Democrats.

182. In the actual 2012 election, the Republican candidate won District 50 with 12,842 votes to the Democratic candidate's 11,945 votes.

183. In the actual election, the Republican candidate won District 51 with 10,642 votes to the Democratic candidate's 10,577 votes.

184. In the actual election, the Republican candidate won District 68 with 13,758 votes to the Democratic candidate's 12,482 votes.

185. In the actual election, the Democratic candidate won District 70 with 13,518 votes to the Republican candidate's 13,374.

186. For his model, Professor Mayer admits that "the average absolute error in the vote margin is 1.49%."

187. Professor Mayer's baseline partisanship model of Act 43 contains 42 districts with at least a 50% Democratic baseline.

188. Professor Mayer's baseline partisanship model of Act 43 contains 17 seats that have a baseline between 50–55% Republican. These districts and percentages are shown in the chart below, from the least Republican to the most Republican:

District	Mayer Baseline Rep. %
93	50.2%
1	50.6%
67	51.6%
29	52.2%
88	52.3%
4	52.3%
49	52.5%
27	52.7%
42	53.0%
26	53.3%
62	53.9%
31	54.1%
70	54.1%
40	54.2%
28	54.6%
30	54.7%
21	54.9%

Comparison of Act 43 with Prior Plans

189. In the 1980s, a federal court drew the State Assembly districts. *Wisc. State AFL-CIO v. Elections Bd.*, 543 F. Supp. 630 (E.D. Wis. 1982). The districts were amended by a legislature and Governor with unified Democratic control in 1983 and used for the period 1984-1990.

190. The average efficiency gap of the Wisconsin State Assembly redistricting plan from 1992-2000 was -2.4%. Jackman Rpt. (Dkt. 62) at 72; Jackman Decl. Ex. F (Dkt. 58-6) at 18.

191. In the 1990s, a federal court drew the State Assembly districts. *Prosser v. Elections Bd.*, 793 F. Supp. 859 (W.D. Wis. 1992). The *Prosser* court took into account likely electoral effects and designed the map that was the "least partisan" and "create[d] the least perturbation in the political balance of the state." *Id.* at 871.

192. The average efficiency gap of the Wisconsin State Assembly redistricting plan from 2002-2010 was -7.6%. Jackman Rpt. (Dkt. 62) at 72; Jackman Decl. Ex. F (Dkt. 58-6) at 25.

193. In the 2000s, a federal court drew the State Assembly districts. *See Baumgart v. Wendelberger*, 2002 WL 34127471 (E.D. Wis. May 30, 2002).

194. A summary of the average efficiency gap for each decade, and the list of who was in control of the redistricting process is shown in this table:

Decade	**Control of government**	**Average efficiency gap**
1972-1980	Divided	-0.3%
1982-1990	Court drawn, then unified Democratic control	-1.9%
1992-2000	Court drawn	-2.4%
2002-2010	Court drawn	-7.6%

195. Between 1972 and 2014, fewer than four percent of all state house plans nationwide had an efficiency gap with an absolute value of 13% or higher. Jackman Rpt. (Dkt. 62) at 7; Defs. Adnission to RFA #20.

196. Between 1972 and 2010, no state house plan anywhere in the United States had an efficiency gap as large as the Current Plan in the first two elections after redistricting. Jackman Rpt. (Dkt. 62) at 4; Defs. Admission to RFA #21.

197. The Current Plan created six black-majority districts (districts 10-12 and 16-18), ranging from 56.7% to 67.6% black population, and from 51.1% to 61.8% black voting age population. The Demonstration Plan retains six black-majority districts, ranging from 60.0% to 63.4% black population, and from 56.2% to 60.5% black voting age population. Mayer Rpt. (Dkt. 54) at 37.

198. In *Baldus v. Wisc. Gov't Accountability Bd.*, 849 F. Supp. 2d 840 (E.D. Wis. 2012), a federal court created a Latino-majority district in Milwaukee (District 8). The Demonstration Plan retains the boundaries of this district. Mayer Rpt. (Dkt. 54) at 38.

199. According to the 2010 Census, Wisconsin is 70.2% urbanized, and according to the 2014 update to the Census, Wisconsin is 6.6% black and 6.5% Hispanic.

200. The 1992 Assembly map entered by the *Prosser* court plan had an overall range of population deviation of 0.91 percent, with 48 districts below the ideal and 51 above the ideal. Only one district was more than a half point away from the ideal. In the Senate, the 1992 plan had an overall deviation range 0.52 percent, with 15 districts above the ideal population and 18 below the ideal.

201. The 2002 Assembly map entered by the *Baumgart* court had an overall range of 1.59 percent deviation, with 47 districts above the ideal, 51 below the ideal, and one exactly apportioned district. In the Senate, the overall deviation range of the 2002 map was 0.98 percent, with 15 districts above the ideal population, 17 below, and one perfectly apportioned. Of the 99

Assembly districts in 2002, 77 districts were within +/- 0.5 percent of the ideal population; in the Senate, 32 of 33 districts fell in this range.

202. Act 43 creates 99 Assembly districts with populations falling within a range of 0.76 percent (+0.39 percent to -0.37 percent) of the ideal population; 56 districts are above the ideal population, 41 are below the ideal, and two districts are perfectly apportioned. In the Senate, population variations fall within a range of 0.62 percent (+0.35 percent to -0.27 percent); 17 districts are above the ideal population, 14 are below the ideal, and two districts are perfectly apportioned.

203. The population deviation in Act 43 from the ideal for each Assembly and Senate district (using 2010 Census data) is described in the Appendix to Act 43 and Tables 2 and 3 to the pretrial report filed in the *Baldus* case on February 14, 2012.

204. A summary of population deviation in Assembly districts in Act 43, the 1992 plan, and the 2002 plan is in Table 4 of the pretrial report filed in the *Baldus* case on February 14, 2012.

205. Each state Senate district is composed of three entire state Assembly districts.

206. Assembly members serve two-year terms. Senators serve four-year, staggered terms with half elected in presidential years and the other half coincident with gubernatorial elections.

207. The 1992 Federal Court map for the Assembly split 72 municipalities.

208. In 2002, the Federal Court's Assembly map split 50 municipalities.

209. Act 43 splits 62 municipalities in the Assembly.

210. The 1992 Federal Court map split 47 counties in the Assembly.

211. In 2002, the Federal Court divided 51 counties in the Assembly

212. Act 43 splits 58 counties in the Assembly.

213. Two widely-used measures of compactness applied to legislative districts are the Perimeter-to-Area measure and the Smallest Circle score.

214. The Perimeter-to-Area measure compares the relative length of the perimeter of a district to its area. It represents the area of the district as the proportion of the area of a circle with the same perimeter. The score ranges from 0 to 1, with a value of 1 indicating perfect compactness. This score is achieved if a district is a circle. Most redistricting software generates this measure as the Polsby-Popper statistic.

215. Smallest Circle scores measure the space occupied by the district as a proportion of the space of the smallest encompassing circle, with values ranging from 0 to 1. A value of 1 indicates perfect compactness and is achieved if a district is a circle. This statistic is often termed the Reock measure by redistricting applications. Ernest C. Reock, Jr. 1961, "A Note: Measuring Compactness as a Requirement of Legislative Apportionment," *Midwest Journal of Political Science* 5: 70-74.

216. The average Smallest Circle score for the entire Assembly map is 0.39 (range from 0.20 to 0.61).

217. The average Smallest Circle score for the entire Assembly map drawn by the *Baumgart* court in 2002 was 0.41 (range from 0.18 to 0.63).

218. The average Perimeter To Area score for the Assembly map is .28 (range of .05 to .56).

219. The average Perimeter To Area score for the Assembly map drawn by the *Baumgart* court in 2002 was 0.29 (range of 0.06 to 0.58).

220. The average Assembly compactness scores are marginally lower for Act 43 than for the 2002 court-crafted plan.

221. The following chart contains a summary of municipal splits, county splits and compactness scores for Act 43 and prior plans.

	Municipal Splits	County Splits	Reock (mean)	Polsby-Popper (mean)
1972 Plan		49		
1982 Plan		41		
1992 Plan	72	47		
2002 Plan	50	51	0.41	0.29
Act 43	62	58	0.39	0.28

222. The average efficiency gap of the Wisconsin State Assembly redistricting plan from 1972-1980 was -0.3%, and it was drawn by divided government. Jackman Rpt. (Dkt. 62) at 72; Jackman Decl. Ex. F (Dkt. 58-6) at 3.

223. The average efficiency gap of the Wisconsin State Assembly redistricting plan from 1982-1990 was -1.9%. Jackman Rpt. (Dkt. 62) at 72; Jackman Decl. Ex. F (Dkt. 58-6) at 11.

The Demonstration Plan

224. There are eighteen districts in Professor Mayer's Demonstration Plan that are 50%–55% Democratic under his baseline partisanship model, assuming all seats were contested and no incumbents were running, including sixteen districts between 50%–53.4%. The following table shows these districts ordered from least Democratic to most Democratic.

Demonstration Plan District	**Predicted Dem. Vote %**
49	50.3%
92	50.5%
86	50.7%
96	51.5%
91	51.7%

81	51.8%
40	51.9%
42	51.9%
67	51.9%
71	52.1%
20	52.3%
29	52.3%
51	52.6%
64	52.8%
54	53.4%
57	53.4%
2	54.1%
45	54.6%

225. In the 2014 election environment the statewide vote for Democratic candidates for the Assembly fell 3.4 percentage points, from 51.4% down to 48.0%.

226. On the criteria listed below, the Demonstration Plan performs as shown in the table below:

		Demonstration Plan	**Act 43**
Population Deviation		0.86%	0.76%
Average Compactness (Reock)		0.41	0.39
Number of Municipal Splits	County	55	58
	City Town Village	64	62

Mayer Rpt. (Dkt. 54) at 37.

227. The Demonstration Plan has a marginally larger population deviation than the Current Plan (0.86% versus 0.76%), but is well below even the strictest standards applied to state legislative plans. Mayer Rpt. (Dkt. 54) at 37.

228. The Demonstration Plan's districts are slightly more compact on average than the Current Plan's, with an average Reock score of 0.41, compared to 0.39 for the Current Plan. Mayer Rpt. (Dkt. 54) at 37.

229. The Demonstration Plan has one fewer municipal split than the Current Plan (119 versus 120). Mayer Rpt. (Dkt. 54) at 37.

History of Elections in Wisconsin

230. The Government Accountability Board's official election results are authoritative for Wisconsin elections dating back to the year 2000.

231. For elections in years prior to 2000, the Wisconsin Blue Book's election results are authoritative.

232. The City of Milwaukee Election Commission maintains election results dating back to 1997 on its website. These results are authoritative for election results in the City of Milwaukee.

233. The following chart contains the number of seats won by Democratic, Republican and Independent candidates in the November general elections from 1972 to 2014. The party with the majority is listed in bold.

Year	Democrat	Republican	Independent
1972	**62**	37	
1974	**63**	36	
1976	**66**	33	
1978	**60**	39	
1980	**59**	40	
1982	**59**	40	
1984	**52**	47	
1986	**54**	45	
1988	**56**	43	
1990	**58**	41	
1992	**52**	47	
1994	48	**51**	
1996	47	**52**	
1998	44	**55**	
2000	43	**56**	

2002	41	**58**	
2004	39	**60**	
2006	47	**52**	
2008	**52**	46	1
2010	38	**60**	1
2012	39	**60**	
2014	36	**63**	

234. The Democrats won a majority of seats in the Wisconsin Assembly in each general election from 1972 through 1994.

235. The Republicans won a majority of seats in the Wisconsin Assembly in each general election from 1994 through 2014, with the exception of the 2008 election.

236. The Assembly map in place for the 1972, 1974, 1976, 1978 and 1980 plans was enacted by the Democratic Assembly and Republican Senate and signed by a Democratic Governor.

237. The Assembly map in place for the 1982 election was put in place by the federal court in *Wisconsin State AFL-CIO v. Elections Bd.*, 543 F. Supp. 630 (E.D. Wis. 1982).

238. The Assembly map in place for the 1982 election was amended and enacted by the Democratic Assembly and Democratic Senate and signed by a Democratic Governor and was then in place for the 1984, 1986, 1988 and 1990 elections.

239. The Assembly map in place for the 1992, 1994, 1996, 1998 and 2000 elections was drawn by the federal court in *Prosser v. Elections Board*, 793 F. Supp. 859 (W.D. Wis. 1992).

240. The Assembly map in place for the 2002, 2004, 2006, 2008 and 2010 elections was drawn by the federal court in *Baumgart v. Wendelberger*, No. 01–C–0121, 2002 WL 34127471, at *1 (E.D. Wis. May 30, 2002), *amended*, 2002 WL 34127473 (E.D. Wis. July 11, 2002).

241. Professor Jackman analyzed each Wisconsin Assembly elections since 1972 and found that Wisconsin's *EG* has ranged from a high (most favorable to Democrats) of +2.48% in 1994 to a low (most favorable to Republicans) of –13.31% in 2012.

242. Disregarding results from the current plan, the lowest *EG* was –11.83% in 2006.

243. The most favorable *EG* towards Democrats notably occurred in 1994 when the Republicans gained control of the Assembly for the first time since the 1968 election.

244. Professor Jackman finds that "Wisconsin has recorded an unbroken run of negative *EG* estimates from 1998 to 2014."

245. The last positive *EG* that Professor Jackman found in Wisconsin was the 2.48% from 1994.

246. With respect to the 2002 Plan, Professor Jackman calculated an average efficiency gap of –7.6%, with –4.0% as the most favorable year to Democrats and –11.8% as the most favorable year to Republicans.

247. In 1992, the Democrats' seat share, rounded to the nearest 0.25%, was 52.5%. Given that Professor Jackman calculates an *EG* of –2%, the Democratic vote share was 52.25% because the implied seat share if the efficiency gap was zero is 54.5%.

248. In 1994, the Democrats' seat share, rounded to the nearest 0.25%, was 48.5%. Given that Professor Jackman calculates an *EG* of +2%, the Democratic vote share was 48.25% because the implied seat share if the efficiency gap was zero is 46.5%.

249. In 1996, the Democrats' seat share, rounded to the nearest 0.25%, was 47.5%. Given that Professor Jackman calculates an *EG* of 0%, the Democratic vote share was 48.75% because the implied seat share if the efficiency gap was zero is 47.5%.

250. In 1998, the Democrats' seat share, rounded to the nearest 0.25%, was 44.5%. Given that Professor Jackman calculates an *EG* of –7.5%, the Democratic vote share was 51% because the implied seat share if the efficiency gap was zero is 52%.

251. In 2000, the Democrats' seat share, rounded to the nearest 0.25%, was 43.5%. Given that Professor Jackman calculates an *EG* of –6%, the Democratic vote share was 49.75% because the implied seat share if the efficiency gap was zero is 49.5%.

252. In 2002, the Democrats' seat, share rounded to the nearest 0.25%, was 41.5%. Given that Professor Jackman calculates an *EG* of –7.5%, the Democratic vote share was 49.5% because the implied seat share if the efficiency gap was zero is 49%.

253. In 2004, the Democrats' seat share, rounded to the nearest 0.25%, was 40%. Given that Professor Jackman calculates an *EG* of –10%, the Democratic vote share was 50% because the implied seat share if the efficiency gap was zero is 50%.

254. In 2006, the Democrats' seat share, rounded to the nearest 0.25%, was 47.5%. Given that Professor Jackman calculates an *EG* of –12%, the Democratic vote share was 54.75% because the implied seat share if the efficiency gap was zero is 59.5%.

255. In 2008, the Democrats' seat share, rounded to the nearest 0.25%, was 53%. Given that Professor Jackman calculates an *EG* of –5%, the Democratic vote share was 54% because the implied seat share if the efficiency gap was zero is 58%.

256. In 2010, the Democrats' seat share, rounded to the nearest 0.25%, was 39%. Given that Professor Jackman calculates an *EG* of –4%, the Democratic vote share was 46.5% because the implied seat share if the efficiency gap was zero is 43%.

257. In 2012, Professor Jackman calculates that the Democrats' vote share was 51.4%. This yields an implied seat share of 52.8% if the efficiency gap was zero. The Democrats' actual seat share was 39.4%, yielding an efficiency gap of –13.4%.

258. In 2014, Professor Jackman calculates that the Democrats' vote share was 48.0%. This yields an implied seat share of 46.0% if the efficiency gap was zero. Their actual seat share was 36.4%, which yields an efficiency gap of –9.6%.

259. In 1988, Michael Dukakis, the Democratic candidate for President, won 1,126,794 votes in Wisconsin to Republican George H.W. Bush's 1,047,499 votes, winning 51.8% of the two-party vote.

260. In the presidential election nationwide, George H.W. Bush won 53.9% of the two-party vote and Dukakis won 46.1%.

261. The following chart shows the vote totals for Dukakis and Bush in each county in Wisconsin.

County	Dukakis Vote	Bush Vote	Two Party Total
Adams	3,598	3,258	6,856
Ashland	4,526	2,926	7,452
Barron	8,951	8,527	17,478
Bayfield	4,323	3,095	7,418
Brown	41,788	43,625	85,413
Buffalo	3,481	2,783	6,264
Burnett	3,537	2,884	6,421
Calumet	6,481	8,107	14,588
Chippewa	11,447	9,757	21,204
Clark	6,642	6,296	12,938
Columbia	9,132	10,475	19,607
Crawford	3,608	3,238	6,846
Dane	105,414	69,143	174,557
Dodge	12,663	17,003	29,666
Door	5,425	6,907	12,332

County	Dukakis Vote	Bush Vote	Two Party Total
Douglas	13,907	6,440	20,347
Dunn	9,205	7,273	16,478
Eau Claire	21,150	17,664	38,814
Florence	1,018	1,106	2,124
Fond du Lac	15,887	21,985	37,872
Forest	2,142	1,845	3,987
Grant	9,421	10,049	19,470
Green	5,153	6,636	11,789
Green Lake	3,033	5,205	8,238
Iowa	4,268	4,240	8,508
Iron	2,090	1,599	3,689
Jackson	3,924	3,555	7,479
Jefferson	11,816	14,309	26,125
Juneau	3,734	4,869	8,603
Kenosha	30,089	21,661	51,750
Kewaunee	4,786	4,330	9,116
La Crosse	22,204	21,548	43,752
Lafayette	3,521	3,665	7,186
Langlade	4,254	4,884	9,138
Lincoln	5,819	5,257	11,076
Manitowoc	19,680	16,020	35,700
Marathon	24,658	24,482	49,140
Marinette	8,030	9,637	17,667
Marquette	2,463	3,059	5,522
Menominee	1,028	381	1,409
Milwaukee	268,287	168,363	436,650
Monroe	6,437	7,073	13,510
Oconto	6,549	7,084	13,633
Oneida	7,414	8,130	15,544
Outagamie	27,771	33,113	60,884
Ozaukee	12,661	22,899	35,560
Pepin	1,906	1,311	3,217
Pierce	8,659	6,045	14,704
Polk	8,981	6,866	15,847
Portage	16,317	12,057	28,374
Price	3,987	3,450	7,437

County	Dukakis Vote	Bush Vote	Two Party Total
Racine	39,631	36,342	75,973
Richland	3,643	4,026	7,669
Rock	29,576	28,178	57,754
Rusk	3,888	3,063	6,951
St. Croix	11,392	9,960	21,352
Sauk	8,324	10,225	18,549
Sawyer	3,231	3,260	6,491
Shawano	6,587	8,362	14,949
Sheboygan	23,429	23,471	46,900
Taylor	3,785	4,254	8,039
Trempealeau	6,212	4,902	11,114
Vernon	5,754	5,226	10,980
Vilas	3,781	5,842	9,623
Walworth	12,203	18,259	30,462
Washburn	3,393	3,074	6,467
Washington	15,907	24,328	40,235
Waukesha	57,598	90,467	148,065
Waupaca	7,078	11,559	18,637
Waushara	3,535	4,953	8,488
Winnebago	28,508	35,085	63,593
Wood	16,074	16,549	32,623
	1,126,794	1,047,499	2,174,293

262. In 1992, Bill Clinton, the Democratic candidate for President, won 1,041,066 votes in Wisconsin to Republican George H.W. Bush's 930,855, winning 52.8% of the two-party vote share.

263. In the presidential election nationwide, Clinton won 53.5% of the two-party vote share to Bush's 46.5%.

264. The following chart shows the vote totals for Clinton and Bush in each county in Wisconsin.

County	Clinton Vote	Bush Vote	Two Party Total
Adams	3,539	2,465	6,004
Ashland	4,213	2,372	6,585
Barron	8,063	6,572	14,635
Bayfield	3,873	2,393	6,266
Brown	37,513	42,352	79,865
Buffalo	2,996	2,029	5,025
Burnett	3,172	2,340	5,512
Calumet	5,701	7,541	13,242
Chippewa	10,487	8,215	18,702
Clark	5,540	4,977	10,517
Columbia	9,348	9,099	18,447
Crawford	3,540	2,390	5,930
Dane	114,724	61,957	176,681
Dodge	11,438	14,971	26,409
Door	4,735	5,468	10,203
Douglas	12,319	5,679	17,998
Dunn	7,965	5,283	13,248
Eau Claire	21,221	15,915	37,136
Florence	978	942	1,920
Fond du Lac	13,757	19,785	33,542
Forest	1,904	1,393	3,297
Grant	8,914	7,678	16,592
Green	5,467	4,887	10,354
Green Lake	2,772	3,897	6,669
Iowa	4,467	3,288	7,755
Iron	1,762	1,273	3,035
Jackson	3,681	2,644	6,325
Jefferson	11,593	13,072	24,665
Juneau	4,177	4,051	8,228
Kenosha	27,341	19,854	47,195
Kewaunee	4,050	3,570	7,620
La Crosse	22,838	18,891	41,729
Lafayette	3,143	2,582	5,725
Langlade	3,630	3,890	7,520
Lincoln	5,297	4,321	9,618
Manitowoc	15,903	14,008	29,911
Marathon	21,482	20,948	42,430

County	Clinton Vote	Bush Vote	Two Party Total
Marinette	7,626	7,984	15,610
Marquette	2,533	2,322	4,855
Menominee	691	244	935
Milwaukee	235,521	151,314	386,835
Monroe	6,427	6,118	12,545
Oconto	5,898	5,720	11,618
Oneida	7,160	6,725	13,885
Outagamie	23,735	30,370	54,105
Ozaukee	11,879	22,805	34,684
Pepin	1,673	1,098	2,771
Pierce	7,824	4,844	12,668
Polk	7,746	5,446	13,192
Portage	15,553	10,914	26,467
Price	3,575	2,654	6,229
Racine	34,875	32,310	67,185
Richland	3,458	3,144	6,602
Rock	31,154	21,942	53,096
Rusk	3376	2,430	3,376
St. Croix	10281	8,114	10,281
Sauk	9128	8,886	9,128
Sawyer	2796	2,658	2,796
Shawano	6,062	7,253	13,315
Sheboygan	20,568	22,526	43,094
Taylor	3,305	3,415	6,720
Trempealeau	6,218	3,577	9,795
Vernon	5,673	4,072	9,745
Vilas	3,764	4,616	8,380
Walworth	11,825	15,727	27,552
Washburn	3,080	2,586	5,666
Washington	13,339	22,739	36,078
Waukesha	50,270	91,461	141,731
Waupaca	6,666	10,252	16,918
Waushara	3,402	4,045	7,447
Winnebago	27,234	33,709	60,943
Wood	13,208	13,843	27,051

County	Clinton Vote	Bush Vote	Two Party Total
	1,041,066	930,855	1,971,921

265. In 1996, Bill Clinton, the Democratic candidate for President, won 1,071,971 votes in Wisconsin to Republican Bob Dole's 845,029 votes, winning 55.9% of the two-party vote share.

266. In the presidential election nationwide, Clinton won 54.7% of the two-party vote to Dole's 45.3%.

267. Bill Clinton won Milwaukee, Dane and Rock Counties with 64% of the two–party vote and carried the rest of the state with 52% of the vote, a difference of twelve percentage points.

268. The following chart shows the vote totals for Clinton and Dole in each county in Wisconsin.

County	Clinton Vote	Dole Vote	Two Party Total
Adams	4,119	2,450	6,569
Ashland	3,808	1,863	5,671
Barron	8,025	6,158	14,183
Bayfield	3,895	2,250	6,145
Brown	42,823	38,563	81,386
Buffalo	2,681	1,800	4,481
Burnett	3,625	2,452	6,077
Calumet	6,940	7,049	13,989
Chippewa	9,647	7,520	17,167
Clark	5,540	4,622	10,162
Columbia	10,336	8,377	18,713
Crawford	3,658	2,149	5,807
Dane	109,347	59,487	168,834
Dodge	12,625	12,890	25,515
Door	5,590	4,948	10,538
Douglas	10,976	5,167	16,143
Dunn	7,536	4,917	12,453
Eau Claire	20,298	13,900	34,198
Florence	869	927	1,796
Fond du Lac	15,542	16,488	32,030

County	Clinton Vote	Dole Vote	Two Party Total
Forest	2,092	1,166	3,258
Grant	9,203	7,021	16,224
Green	6,136	4,697	10,833
Green Lake	3,152	3,565	6,717
Iowa	4,690	2,866	7,556
Iron	1,725	1,260	2,985
Jackson	3,705	2,262	5,967
Jefferson	13,188	12,681	25,869
Juneau	4,331	3,226	7,557
Kenosha	27,964	18,296	46,260
Kewaunee	4,311	3,431	7,742
La Crosse	23,647	16,482	40,129
Lafayette	3,261	2,172	5,433
Langlade	4,074	3,206	7,280
Lincoln	6,166	4,076	10,242
Manitowoc	16,750	13,239	29,989
Marathon	24,012	19,874	43,886
Marinette	8,413	7,231	15,644
Marquette	2,859	2,208	5,067
Menominee	992	230	1,222
Milwaukee	216,620	119,407	336,027
Monroe	6,924	5,299	12,223
Oconto	6,723	5,389	12,112
Oneida	7,619	6,339	13,958
Outagamie	28,815	27,758	56,573
Ozaukee	13,269	22,078	35,347
Pepin	1,585	1,007	2,592
Pierce	7,970	4,599	12,569
Polk	8,334	5,387	13,721
Portage	15,901	9,631	25,532
Price	3,523	2,545	6,068
Racine	38,567	30,107	68,674
Richland	3,502	2,642	6,144
Rock	32,450	20,096	52,546
Rusk	2941	2,219	2,941
St. Croix	11384	8,253	11,384

County	Clinton Vote	Dole Vote	Two Party Total
Sauk	9889	7,448	9,889
Sawyer	2773	2,603	2,773
Shawano	6,850	6,396	13,246
Sheboygan	22,022	20,067	42,089
Taylor	3,253	3,108	6,361
Trempealeau	5,848	3,035	8,883
Vernon	5,572	3,796	9,368
Vilas	4,226	4,496	8,722
Walworth	13,283	15,099	28,382
Washburn	3,231	2,703	5,934
Washington	17,154	25,829	42,983
Waukesha	57,354	91,729	149,083
Waupaca	7,800	8,679	16,479
Waushara	3,824	3,573	7,397
Winnebago	29,564	27,880	57,444
Wood	14,650	12,666	27,316
	1,071,971	845,029	1,917,000

269. In 2000, Albert Gore, the Democratic candidate for President, won 1,242,987 votes in Wisconsin to Republican George W. Bush's 1,237,279 votes, winning 50.1% of the two-party vote.

270. In the presidential election nationwide, Gore won 50.27% of the two-party vote to Bush's 49.73%.

271. The following chart shows the vote totals for Gore and Bush in each county in Wisconsin, as well as a subtotal for votes in the City of Milwaukee.

County	Gore Vote	Bush Vote	Two Party Total
Adams	4,826	3,920	8,746
Ashland	4,356	3,038	7,394
Barron	8,928	9,848	18,776
Bayfield	4,427	3,266	7,693
Brown	49,096	54,258	103,354

County	Gore Vote	Bush Vote	Two Party Total
Buffalo	3,237	3,038	6,275
Burnett	3,626	3,967	7,593
Calumet	8,202	10,837	19,039
Chippewa	12,102	12,835	24,937
Clark	5,931	7,461	13,392
Columbia	12,636	11,987	24,623
Crawford	4,005	3,024	7,029
Dane	142,317	75,790	218,107
Dodge	14,580	21,684	36,264
Door	6,560	7,810	14,370
Douglas	13,593	6,930	20,523
Dunn	9,172	8,911	18,083
Eau Claire	24,078	20,921	44,999
Florence	816	1,528	2,344
Fond du Lac	18,181	26,548	44,729
Forest	2,158	2,404	4,562
Grant	10,691	10,240	20,931
Green	7,863	6,790	14,653
Green Lake	3,301	5,451	8,752
Iowa	5,842	4,221	10,063
Iron	1,620	1,734	3,354
Jackson	4,380	3,670	8,050
Jefferson	15,203	19,204	34,407
Juneau	4,813	4,910	9,723
Kenosha	32,429	28,891	61,320
Kewaunee	4,670	4,883	9,553
La Crosse	28,455	24,327	52,782
Lafayette	3,710	3,336	7,046
Langlade	4,199	5,125	9,324
Lincoln	6,664	6,727	13,391
Manitowoc	17,667	19,358	37,025
Marathon	26,546	28,883	55,429
Marinette	8,676	10,535	19,211
Marquette	3,437	3,522	6,959
Menominee	949	225	1,174
Milwaukee	252,329	163,491	415,820

County	Gore Vote	Bush Vote	Two Party Total
City of Milwaukee subtotal	165,598	69,075	234,673
Monroe	7,460	8,217	15,677
Oconto	7,260	8,706	15,966
Oneida	8,339	9,512	17,851
Outagamie	32,735	39,460	72,195
Ozaukee	15,030	31,155	46,185
Pepin	1,854	1,631	3,485
Pierce	8,559	8,169	16,728
Polk	8,961	9,557	18,518
Portage	17,942	13,214	31,156
Price	3,413	4,136	7,549
Racine	41,563	44,014	85,577
Richland	3,837	3,994	7,831
Rock	40,472	27,467	67,939
Rusk	3161	3,758	3,161
St. Croix	13077	15,240	13,077
Sauk	13035	11,586	13,035
Sawyer	3333	3,972	3,333
Shawano	7,335	9,548	16,883
Sheboygan	23,569	29,648	53,217
Taylor	3,254	5,278	8,532
Trempealeau	6,678	5,002	11,680
Vernon	6,577	5,684	12,261
Vilas	4,706	6,958	11,664
Walworth	15,492	22,982	38,474
Washburn	3,695	3,912	7,607
Washington	18,115	41,162	59,277
Waukesha	64,319	133,105	197,424
Waupaca	8,787	12,980	21,767
Waushara	4,239	5,571	9,810
Winnebago	33,983	38,330	72,313
Wood	15,936	17,803	33,739
	1,242,987	1,237,279	2,480,266

272. In 2004, John Kerry, the Democratic candidate for President, won 1,489,504 votes in Wisconsin to Republican George W. Bush's 1,478,120 votes, winning 50.2% of the two-party vote.

273. In the presidential election nationwide, Bush won 51.24% of the two-party vote to Kerry's 48.76%.

274. The following chart shows the vote totals for Kerry and Bush in each county in Wisconsin, along with a subtotal for votes in the City of Milwaukee.

County	Kerry Vote	Bush Vote	Two Party Total
Adams	5,447	4,890	10,337
Ashland	5,805	3,313	9,118
Barron	11,696	12,030	23,726
Bayfield	5,845	3,754	9,599
Brown	54,935	67,173	122,108
Buffalo	3,998	3,502	7,500
Burnett	4,499	4,743	9,242
Calumet	10,290	14,721	25,011
Chippewa	14,751	15,450	30,201
Clark	6,966	7,966	14,932
Columbia	14,300	14,956	29,256
Crawford	4,656	3,680	8,336
Dane	181,052	90,369	271,421
Dodge	16,690	27,201	43,891
Door	8,367	8,910	17,277
Douglas	16,537	8,448	24,985
Dunn	12,039	10,879	22,918
Eau Claire	30,068	24,653	54,721
Florence	993	1,703	2,696
Fond du Lac	19,216	33,291	52,507
Forest	2,509	2,608	5,117
Grant	12,864	12,208	25,072
Green	9,575	8,497	18,072
Green Lake	3,605	6,472	10,077
Iowa	7,122	5,348	12,470

County	Kerry Vote	Bush Vote	Two Party Total
Iron	1,956	1,884	3,840
Jackson	5,249	4,387	9,636
Jefferson	17,925	23,776	41,701
Juneau	5,734	6,473	12,207
Kenosha	40,107	35,587	75,694
Kewaunee	5,175	5,970	11,145
La Crosse	33,170	28,289	61,459
Lafayette	4,402	3,929	8,331
Langlade	4,751	6,235	10,986
Lincoln	7,484	8,024	15,508
Manitowoc	20,652	23,027	43,679
Marathon	30,899	36,394	67,293
Marinette	10,190	11,866	22,056
Marquette	3,785	4,604	8,389
Menominee	1,412	288	1,700
Milwaukee	297,653	180,287	477,940
City of Milwaukee subtotal	198,907	75,746	274,653
Monroe	8,973	10,375	19,348
Oconto	8,534	11,043	19,577
Oneida	10,464	11,351	21,815
Outagamie	40,169	48,903	89,072
Ozaukee	17,714	34,904	52,618
Pepin	2,181	1,853	4,034
Pierce	11,176	10,437	21,613
Polk	11,173	12,095	23,268
Portage	21,861	16,546	38,407
Price	4,349	4,312	8,661
Racine	48,229	52,456	100,685
Richland	4,501	4,836	9,337
Rock	46,598	33,151	79,749
Rusk	3820	3,985	3,820
St. Croix	18784	22,679	18,784
Sauk	15708	14,415	15,708
Sawyer	4411	4,951	4,411
Shawano	8,657	12,150	20,807

County	Kerry Vote	Bush Vote	Two Party Total
Sheboygan	27,608	34,458	62,066
Taylor	3,829	5,582	9,411
Trempealeau	8,075	5,878	13,953
Vernon	7,924	6,774	14,698
Vilas	5,713	8,155	13,868
Walworth	19,177	28,754	47,931
Washburn	4,705	4,762	9,467
Washington	21,234	50,641	71,875
Waukesha	73,626	154,926	228,552
Waupaca	10,792	15,941	26,733
Waushara	5,257	6,888	12,145
Winnebago	40,943	46,542	87,485
Wood	18,950	20,592	39,542
	1,489,504	1,478,120	2,967,624

275. In 2008, Barack Obama, the Democratic candidate for President, won 1,677,211 votes in Wisconsin to Republican John McCain's 1,262,393 votes, winning 57.05% of the two–party vote.

276. In the presidential election nationwide, Obama won 53.69% of the two-party vote to McCain's 46.31%.

277. The following chart shows the vote totals for Obama and McCain in each county in Wisconsin including a subtotal of votes in the City of Milwaukee.

County	Obama Vote	McCain Vote	Two Party Total
Adams	5,806	3,974	9,780
Ashland	5,818	2,634	8,452
Barron	12,078	10,457	22,535
Bayfield	5,972	3,365	9,337
Brown	67,269	55,854	123,123
Buffalo	3,949	2,923	6,872
Burnett	4,337	4,200	8,537
Calumet	13,295	12,722	26,017

County	Obama Vote	McCain Vote	Two Party Total
Chippewa	16,239	13,492	29,731
Clark	7,454	6,383	13,837
Columbia	16,661	12,193	28,854
Crawford	4,987	2,830	7,817
Dane	205,984	73,065	279,049
Dodge	19,183	23,015	42,198
Door	10,142	7,112	17,254
Douglas	15,830	7,835	23,665
Dunn	13,002	9,566	22,568
Eau Claire	33,146	20,959	54,105
Florence	1,134	1,512	2,646
Fond du Lac	23,463	28,164	51,627
Forest	2,673	1,963	4,636
Grant	14,875	9,068	23,943
Green	11,502	6,730	18,232
Green Lake	4,000	5,393	9,393
Iowa	7,987	3,829	11,816
Iron	1,914	1,464	3,378
Jackson	5,572	3,552	9,124
Jefferson	21,448	21,096	42,544
Juneau	6,186	5,148	11,334
Kenosha	45,836	31,609	77,445
Kewaunee	5,902	4,711	10,613
La Crosse	38,524	23,701	62,225
Lafayette	4,732	2,984	7,716
Langlade	5,182	5,081	10,263
Lincoln	8,424	6,519	14,943
Manitowoc	22,428	19,234	41,662
Marathon	36,367	30,345	66,712
Marinette	11,195	9,726	20,921
Marquette	4,068	3,654	7,722
Menominee	1,257	185	1,442
Milwaukee	319,819	149,445	469,264
City of Milwaukee subtotal	213,436	57,665	271,101
Monroe	10,198	8,666	18,864

County	Obama Vote	McCain Vote	Two Party Total
Oconto	9,927	8,755	18,682
Oneida	11,907	9,630	21,537
Outagamie	50,294	39,677	89,971
Ozaukee	20,579	37,172	57,751
Pepin	2,102	1,616	3,718
Pierce	11,803	9,812	21,615
Polk	10,876	11,282	22,158
Portage	24,817	13,810	38,627
Price	4,559	3,461	8,020
Racine	53,408	45,954	99,362
Richland	5,041	3,298	8,339
Rock	50,529	27,364	77,893
Rusk	3855	3,253	3,855
St. Croix	21177	22,837	21,177
Sauk	18617	11,562	18,617
Sawyer	4765	4,199	4,765
Shawano	10,259	9,538	19,797
Sheboygan	30,395	30,801	61,196
Taylor	4,563	4,586	9,149
Trempealeau	8,321	4,808	13,129
Vernon	8,463	5,367	13,830
Vilas	6,491	7,055	13,546
Walworth	24,177	25,485	49,662
Washburn	4,693	4,303	8,996
Washington	25,719	47,729	73,448
Waukesha	85,339	145,152	230,491
Waupaca	12,952	12,232	25,184
Waushara	5,868	5,770	11,638
Winnebago	48,167	37,946	86,113
Wood	21,710	16,581	38,291
	1,677,211	1,267,393	2,944,604

278. In 2008, Democratic candidates for the Assembly ran about three points behind Obama in the statewide two–party vote.

279. In 2012, Barack Obama, the Democratic candidate for President, won 1,620,985 votes in Wisconsin to Republican Mitt Romney's 1,407,966 votes, winning 53.5% of the two-party vote.

280. In the presidential election nationwide, Obama won 51.96% of the two-party vote to Romney's 48.04%.

281. The following chart shows the vote totals for Obama and Romney in each county in Wisconsin along with a subtotal for the votes in the City of Milwaukee.

County	Obama Vote	Romney Vote	Two Party Total
Adams	5,542	4,644	10,186
Ashland	5,399	2,820	8,219
Barron	10,890	11,443	22,333
Bayfield	6,033	3,603	9,636
Brown	62,526	64,836	127,362
Buffalo	3,570	3,364	6,934
Burnett	3,986	4,550	8,536
Calumet	11,489	14,539	26,028
Chippewa	15,237	15,322	30,559
Clark	6,172	7,412	13,584
Columbia	17,175	13,026	30,201
Crawford	4,629	3,067	7,696
Dane	216,071	83,644	299,715
Dodge	18,762	25,211	43,973
Door	9,357	8,121	17,478
Douglas	14,863	7,705	22,568
Dunn	11,316	10,224	21,540
Eau Claire	30,666	23,256	53,922
Florence	953	1,645	2,598
Fond du Lac	22,379	30,355	52,734
Forest	2,425	2,172	4,597
Grant	13,594	10,255	23,849
Green	11,206	7,857	19,063
Green Lake	3,793	5,782	9,575
Iowa	8,105	4,287	12,392

County	Obama Vote	Romney Vote	Two Party Total
Iron	1,784	1,790	3,574
Jackson	5,298	3,900	9,198
Jefferson	20,158	23,517	43,675
Juneau	6,242	5,411	11,653
Kenosha	44,867	34,977	79,844
Kewaunee	5,153	5,747	10,900
La Crosse	36,693	25,751	62,444
Lafayette	4,536	3,314	7,850
Langlade	4,573	5,816	10,389
Lincoln	7,563	7,455	15,018
Manitowoc	20,403	21,604	42,007
Marathon	32,363	36,617	68,980
Marinette	9,882	10,619	20,501
Marquette	4,014	3,992	8,006
Menominee	1,191	179	1,370
Milwaukee	332,438	154,924	487,362
City of Milwaukee subtotal	227,384	56,553	283,937
Monroe	9,515	9,675	19,190
Oconto	8,865	10,741	19,606
Oneida	10,452	10,917	21,369
Outagamie	45,659	47,372	93,031
Ozaukee	19,159	36,077	55,236
Pepin	1,876	1,794	3,670
Pierce	10,235	10,397	20,632
Polk	10,073	12,094	22,167
Portage	22,075	16,615	38,690
Price	3,887	3,884	7,771
Racine	53,008	49,347	102,355
Richland	4,969	3,573	8,542
Rock	49,219	30,517	79,736
Rusk	3397	3,676	3,397
St. Croix	19910	25,503	19,910
Sauk	18736	12,838	18,736
Sawyer	4486	4,442	4,486
Shawano	9,000	11,022	20,022

County	Obama Vote	Romney Vote	Two Party Total
Sheboygan	27,918	34,072	61,990
Taylor	3,763	5,601	9,364
Trempealeau	7,605	5,707	13,312
Vernon	8,044	5,942	13,986
Vilas	5,951	7,749	13,700
Walworth	22,552	29,006	51,558
Washburn	4,447	4,699	9,146
Washington	23,166	54,765	77,931
Waukesha	78,779	162,798	241,577
Waupaca	11,578	14,002	25,580
Waushara	5,335	6,562	11,897
Winnebago	45,449	42,122	87,571
Wood	18,581	19,704	38,285
	1,620,985	1,407,966	3,028,951

282. In 2012, Obama won Milwaukee, Dane and Rock Counties with 69% of the two-party vote but won only 47% of the two-party vote in the rest of the state (to Mitt Romney's 53%), a difference of twenty–two percentage points.

283. In the November 2010 election, Republican candidates won the Governor's office, a majority in the State Senate and retook the majority in the Assembly.

284. In the November 2010 election, Scott Walker won the Governor's office with 52.25% of the total vote (52.9% of the two–party vote).

285. In the November 2010 election, Republicans won 60 seats in the Assembly.

286. Professor Jackman calculates that the Republican candidates for the Assembly won 53.5% of the statewide two–party vote share in the November 2010 election.

287. On June 5, 2012, Governor Walker survived a recall attempt with 53.08% of the vote (53.4% of the two–party vote).

288. In November of 2012, President Obama won Wisconsin in the presidential election with 52.83% of the total vote (53.5% of the two–party vote).

289. Wisconsin's Democratic candidates for the Assembly ran about two points behind the President's vote share: Professor Jackman calculates that Democrats had a two–party vote share of 51.4%.

290. In November of 2014, the Republicans increased their control of the Assembly by winning 63 seats, equating to a 63.6% seat share. Professor Jackman calculates that Republican candidates for the Assembly won 52% of the statewide two–party vote share in the November 2014 elections.

291. In 2010, Bob Ziegelbauer won assembly district 25, and even though he ran as an independent, he typically voted with Republicans. Jason Stein & Patrick Marley, *More than They Bargained For: Scott Walker, Unions, and the Fight for Wisconsin*, Earle Decl. Ex. G (Dkt. 57-7) at 119.

292. Mr. Trende admitted that there are no "peer-reviewed studies that have analyzed the geographic clustering of Democratic and Republican voters by examining trends in counties won by each part[y's] presidential candidate." Trende Dep. (Dkt. 66) at 51:6-11.

293. Mr. Trende admitted that the maps he relied upon make no adjustment for counties' very different populations. Trende Dep. (Dkt. 66) at 52:25-53:3; Goedert Dep. (Dkt. 65) at 186:5-7.

294. Mr. Trende admitted that the maps he relied on do not display each party's margin of victory in each county. Trende Dep. (Dkt. 66) at 52:3-6.

295. Mr. Trende admitted that the maps he relied on are based on presidential rather than state legislative election results. Trende Dep. (Dkt. 66) at 53:25-54:13, 56:9-58:9.

PROBABLE LENGTH OF TRIAL

296. The parties agree that the trial will begin on May 24, 2016 and will take four days in total.

PROSPECTIVE WITNESSES

297. The Plaintiffs' witness will be as follows:

a. William Whitford, J.D.

b. Ronald Keith Gaddie, Ph.D. (by video deposition)

c. Adam Foltz (adverse)

d. Tad Ottman (adverse)

e. Jeffrey Ylvisaker (adverse, by video deposition)

f. Joseph Handrick (adverse)

g. Mark Lanterman (by live video)

h. Kenneth Mayer, Ph.D.

i. Simon Jackman, PhD.

298. The Defendants' witnesses will be as follows:

a. Nicholas Goedert

b. Sean Trende

c. Adam Foltz

d. Tad Ottman

STIPULATIONS OF WITNESS QUALIFICATIONS

Professor Kenneth Mayer, Ph.D.

299. Kenneth Mayer is a Professor of Political Science at the University of Wisconsin-Madison, and a faculty affiliate at the University's La Follette School of Public Affairs.

300. Dr. Mayer teaches courses on American politics, the presidency, Congress, campaign finance, election law, and electoral systems.

301. From 1996 to 2000, Dr. Mayer served as an Associate Professor in the Department of Political Science at the University of Wisconsin-Madison.

302. From 1989 through 1996, Dr. Mayer was an Assistant Professor in the Department of Political Science at the University of Wisconsin-Madison.

303. Dr. Mayer received a Ph.D. in Political Science from Yale University in 1988, where his graduate training included courses in econometrics and statistics.

304. Dr. Mayer received a M.A., M.Phil. in Political Science from Yale University in 1987.

305. Dr. Mayer received a B.A. in Political Science from the University of California, San Diego in 1982, where he majored in Political Science and minored in Applied Mathematics.

306. Dr. Mayer has testified at trial or at deposition in the following cases, among others: *Baldus et al. v. Brennan et al.,* 849 F. Supp. 2d 840 (E.D. Wis. 2012); *Milwaukee Branch of the NAACP et al. v. Walker et al.,* 2014 WI 98, 357 Wis. 2d 469, 851 N.W. 2d 262; *McComish et al. v. Brewer et al.,* No.CV- 08-1550, 2010 WL 2292213 (D. Ariz. June 23, 2010); and *Kenosha County v. City of Kenosha,* No. 11-CV-1813 (Kenosha County Circuit Court, Kenosha, WI, 2011).

307. Dr. Mayer served as a consultant and expert witness in *Baumgart et al. v. Wendelberger* et al., No. 01–C–0121, 2002 WL 34127471 (E.D. Wis. May 30, 2002).

308. From 2003 to 2009, Dr. Mayer was Co-Chair of the Committee on Redistricting for the Supreme Court of Wisconsin.

309. Dr. Mayer served as an expert consultant for Prosser for Supreme Court (2011 Wisconsin Supreme Court recount).

310. In 2011, Dr. Mayer served as an expert consultant for Voces de la Frontera in the Milwaukee aldermanic redistricting process.

311. Dr. Mayer is currently serving as an expert witness in the ongoing voting rights case *One Wisconsin Institute, Inc. et al. v. Nichol, et al.*, 3:15-cv-324 (W.D. Wis.).

312. Dr. Mayer was part of a research group that consulted for the G.A.B., where he reviewed the G.A.B.'s compliance with federal mandates and reporting systems and surveyed local election practices throughout the state of Wisconsin, resulting in a 2009 report to the G.A.B.

313. Dr. Mayer serves on the Steering Committee of the Wisconsin Elections Research Center, a part of the University of Wisconsin-Madison College of Letters and Science.

314. Dr. Mayer served on the Education and Social Behavioral Sciences Institutional Review Board from 2009-2014, holding the position of Acting Chair in 2011 and Chair from 2012-2014.

315. The U.S. Department of Justice retained Dr. Mayer in 2012 to analyze data and methods regarding election practices in the state of Florida.

316. In 2006, Dr. Mayer was the Fulbright-ANU Distinguished Chair in Political Science at Australian National University.

317. From 1996-2003, Dr. Mayer served as the Director of the Data and Computation Center at the College of Letters and Science at the University of Wisconsin-Madison.

318. Dr. Mayer served as a consultant to the RAND Corporation from 1988-1994.

319. From 1985-1986, Dr. Mayer was a Contract Specialist for the Naval Air Systems Command in Washington, D.C.

320. Dr. Mayer has published numerous articles on American politics, the presidency, Congress, campaign finance, election law, and electoral systems in the following peer-reviewed journals: Journal of Politics, American Journal of Political Science, Election Law Journal, Legislative Studies Quarterly, Presidential Studies Quarterly, American Politics Research, Congress and the Presidency, Public Administration Review, and PS: Political Science.

321. Dr. Mayer has also published in several law reviews, including the Richmond Law Review, UCLA Pacific Basin Law Journal, and University of Utah Law Review.

322. An article written by Dr. Mayer and several colleagues, titled "Election Laws, Mobilization, and Turnout," won the award Best Journal Article Published in the American Journal of Political Science in 2014, from the American Political Science Association, State Politics and Policy Section.

323. In 2013, an article written by Dr. Mayer and colleagues titled "Election Laws and Partisan Gains," won the Robert H. Durr Award from the Midwest Political Science Association for the Best Paper Applying Quantitative Methods to a Substantive Problem.

324. Dr. Mayer has won several other honors and awards, including Leo Epstein Faculty Fellow, College of Letters and Science (2012-2015), the Jerry J. and Mary M. Cotter Award, College of Letters and Science (2011-2012), the Alliant Underkofler Excellence in

Teaching Award, University of Wisconsin System (2006), and the Pi Sigma Alpha Teaching Award (2006), among others.

325. Dr. Mayer has published and edited numerous books, including *The 2012 Presidential Election: Forecasts, Outcomes, and Consequences* (2014), *The Enduring Debate: Classic and Contemporary Reading in American Government* (7th ed. 2013), *Faultlines: Readings in American Government* (4th ed. 2013), and *With the Stroke of a Pen: Executive Orders and Presidential Power* (2001), among others.

326. From 2001-2006, Dr. Mayer served as a Book Review Editor for Congress and the Presidency.

327. From 2001-2007, Dr. Mayer was on the Editorial Board of the American Political Science Review.

328. Dr. Mayer is the recipient of a number of research grants including, among others, the Graduate School Research Committee at the University of Wisconsin (2015-2016), Wisconsin Government Accountability Board (2011-2012), Open Society Institute (2010), Pew Charitable Trusts (2008-2009), Joyce Foundation (2008), JEHT Foundation (2006-2007), National Science Foundation (1995-1998), and the McArthur Foundation (1992-1995).

329. Dr. Mayer has also presented at numerous conferences and events, including the American Political Science Association Annual Meeting, Midwest Political Science Association Meeting, Foreign Fulbright Enrichment Seminar, Reed College Public Policy Lecture Series, Southern Political Science Association Meeting, Miller Center for Public Affairs at the University of Virginia, and the American Politics Seminar at George Washington University, among others.

Professor Simon Jackman, Ph.D.

330. Simon Jackman is a Professor in the Department of Political Science and (by courtesy) the Department of Statistics at Stanford University.

331. Dr. Jackman teaches courses on American politics and statistical methods in social sciences.

332. Dr. Jackman also currently serves as Chief Executive Officer of the United States Studies Centre at the University of Sydney.

333. From 2002 through 2007, Dr. Jackman was an Associate Professor in the Department of Political Science and (by courtesy) the Department of Statistics at Stanford University.

334. From 1996 through 2002, Dr. Jackman was an Assistant Professor in the Department of Political Science at Stanford University.

335. Dr. Jackman was a Visiting Professor at the United States Studies Centre at the University of Sydney from 2008 to 2009 and 2010 to 2013.

336. From 1994 to 1996, Dr. Jackman was an Assistant Professor in the Department of Political Science at the University of Chicago.

337. Dr. Jackman received his Ph.D. in Political Science from the University of Rochester in 1995, where his graduate training included courses in econometrics and statistics.

338. From 1991-1994, Dr. Jackman was a Visiting Doctoral Student at the Woodrow Wilson School of International and Public Affairs at Princeton University.

339. Dr. Jackman received his B.A. (with first class Honours in Government) from the University of Queensland in 1988.

340. Dr. Jackman has published numerous articles on American politics, election law, and electoral systems in the following peer-reviewed journals: The Journal of Politics, Electoral

Studies, The American Journal of Political Science, Legislative Studies Quarterly, Election Law Journal, Public Opinion Quarterly, Journal of Elections, Public Opinion and Parties, and PS: Political Science and Politics.

341. Dr. Jackman authored the articles "Bayesian Analysis for Political Research," Annual Reviews of Political Science (2004), and "Estimation and Inference via Bayesian Simulation: an Introduction to Markov Chain Monte Carlo," American Journal of Political Science (2002), among other articles on political science and quantitative methods.

342. Dr. Jackman is the author of *Bayesian Analysis for the Social Sciences* (2009).

343. In 2014, Dr. Jackman served as a Program Chair at the Annual Meeting of the American Political Science Association.

344. Dr. Jackman served as a Principal Investigator for the American National Election Studies from 2009 to 2013.

345. From 2007-2008, Dr. Jackman was a Principal Investigator for the Co-Operative Campaign Analysis Project.

346. From 2003 to 2005, Dr. Jackman served as President of the Society for Political Methodology.

347. From 2003 to 2006, Dr. Jackman was the Director of Graduate Studies from the Department of Political Science at Stanford University.

348. Dr. Jackman was elected as a Fellow to the American Academy of Arts and Sciences in 2013.

349. Dr. Jackman has received numerous other awards and honors, including, among others: the Gregory M. Luebbert Prize for Best Article in Comparative Politics Published in 2008 or 2009, from the Comparative Politics Section of the American Political Science Association,

the Journal of Politics 2006 Best Paper Award, at the Southern Political Science Association, the New South Wales Residency Expatriate Researchers Award, University of Sydney, and the Dean's Award for Distinguished Teaching at Stanford University, School of Humanities and Sciences at Stanford University (2001).

350. Dr. Jackman has received several prestigious research grants from the National Science Foundation, including in 2010, 2001, and 1999.

351. In 2014, Dr. Jackman served as a consultant to Facebook on the design and analysis of surveys.

352. From 2012 to 2013, Dr. Jackman consulted for the Huffington Post on the matters of tracking and forecasting public opinion leading up to the 2012 presidential campaign.

353. Dr. Jackman served as a consultant for the Federal Communications Commission from 2010 to 2011, assessing how media impacts public opinion and public engagement using Bayesian modeling.

354. Dr. Jackman has been an Associate Editor for several editorial journals, including the Annual Review of Political Science (2005-2013) and Political Analysis (2010 to the present).

355. Dr. Jackman has provided editorial board service to several journals, including the American Political Science Review (current), American Journal of Political Science, Journal of Politics, Electoral Studies, Australian Journal of Political Science (current), Public Opinion Quarterly (current), and Political Analysis.

356. Dr. Jackman has been invited to speak at numerous lectures, seminars, and workshops, including the Asian Political Methodology Conference, the ACSPRI Social Science Methodology Conference, the Australian Political Studies Association Conference, the Society for Political Methodology, the Munk School of Global Affairs, the Massachusetts Institute of

Technology, the Research Triangle Institute, Nuffield College, TEDx Sydney, the International Political Science Association, Stanford University Law School, Princeton University, Harvard University, Yale University, and Vanderbilt University.

357. Dr. Jackman helped develop the software package pscl, a package of classes and methods for R developed in the Political Science Computational Laboratory at Stanford University.

358. Dr. Jackman has served as a Reviewer for the National Research Council, Chair for the Emerging Scholar Committee at the University of Sydney, on the James Madison Awards Committee at the American Political Science Association, Chair of the Distinguished Career Achievement Award Committee for the Society for Political Methodology, and President of the Society for Political Methodology and the Political Methodology Section of the American Political Science Association, among other services to the political science field.

Sean Trende

359. Trende received a B.A. from Yale University in 1995, with distinction, with a double major in history and political science.

360. Trende received a J.D. from Duke University in 2001, cum laude.

361. Trende received an M.A. from Duke University in 2001, cum laude, in political science.

362. Trende joined RealClearPolitics in January of 2009 as its Senior Elections Analyst. He assumed a fulltime position with RealClearPolitics in March of 2010 and continues as its Senior Elections Analyst.

363. RealClearPolitics is one of the most heavily trafficked political websites in the world.

364. RealClearPolitics provides political analysis and poll aggregation.

365. RealClearPolitics has a readership in excess of 1 million.

366. Trende's work has been cited by David Brooks of The New York Times, Brit Hume of Fox News, Michael Barone of The Almanac of American Politics, Paul Gigot of The Wall Street Journal, and Peter Beinart of The Atlantic.

367. Trende's responsibilities with RealClearPolitics consist of tracking, analyzing, and writing about elections. Trende is in charge of rating the competitiveness of House of Representatives races, and he collaborates in rating the competitiveness of Presidential, Senate and gubernatorial races.

368. Trende's responsibilities also include studying and writing about legislative redistricting, and supervising and editing the work of RealClearPolitics' elections analyst David Byler.

369. Trende regularly writes columns for RealClearPolitics and has written on partisan gerrymandering and geographic clustering. He has hundreds of articles available online.

370. Trende's readers include political science professors, members of the media, elected representatives, and others.

371. Trende is a Senior Columnist for Dr. Larry Sabato's "Crystal Ball" and has written for the Crystal Ball since January 2014. Dr. Sabato is a professor of political science at the University of Virginia and serves as the director of the University of Virginia Center for Politics.

372. Trende authored a chapter in Dr. Larry Sabato's *Barack Obama and the New America: The 2012 Election and the Changing Face of Politics*, ch. 12 (2013), which discussed the demographic shifts accompanying the 2012 elections.

373. Trende authored a chapter in Dr. Sabato's *The Surge: 2014's Big GOP Win and What It Means for the Next Presidential Election*, ch. 12 (2015), which discusses demographics and Electoral College shifts.

374. Trende is the author of *The Lost Majority: Why the Future of Government is up For Grabs and Who Will Take It* (2012). It includes analysis of demographic and political trends beginning around 1920 and continuing through the modern times.

375. Trende co-authored the *Almanac of American Politics* 2014 (2013). Trende's focus was researching the history of and writing descriptions for many of the newly-drawn congressional districts.

376. Trende has served as a peer reviewer for articles for the political science journals Party Politics and PS.

377. Trende has spoken before the Heritage Foundation, the American Enterprise Institute, the CATO Institute, the Bipartisan Policy Center, and the Brookings Institution.

378. In 2012, Trende was invited to Brussels to speak about American elections to the European External Action Service, which is the European Union's diplomatic corps.

379. Trende's presentations have included: "The Lost Majorities: 2008, 2010 and America's Political Future," Bradley Lecture, American Enterprise Institute, January 2012; Panelist, "The Future of Red and Blue," Bipartisan Policy Center, Washington, DC, April 2012; "The 2012 Elections: Trends, Prognostications and What's at Stake," 3rd Annual Family Office Wealth Management Forum, Greensboro, Georgia, May 2012; "2012 U.S. Election Series," with Bruce Stokes and Alexandra de Hoop Scheffer, German Marshall Fund, Brussels, Belgium, Oct. 4, 2012

380. Trende has appeared on Fox News and MSNBC to discuss electoral and demographic trends.

381. Trende has spoken on radio shows including First Edition with Sean Yoes, the Diane Rehm Show, the Brian Lehrer Show, the John Batchelor Show, the Bill Bennett Show, Beijing Radio, CNN Radio, NPR, and Fox News Radio.

382. Trende has been cited in publications including The New York Times, The Washington Post, The Los Angeles Times, The Wall Street Journal, and USA Today.

383. Trende sits on the advisory panel for the "States of Change: Demographics and Democracy" project, which is a three-year project sponsored by the Hewlett Foundation involving the Brookings Institution, the American Enterprise Institute, and the Center for American Progress. The group looks at trends among eligible voters and the overall population, both nationally and in some states.

384. Trende has drawn, using Adobe Illustrator, complete maps of every congressional district ever drawn, dating back to 1789.

385. Trende authored an expert report in *Dickson v. Rucho*, No. 11-CVS-16896 (N.C. Super Ct., Wake County), regarding partisanship of various districts, and that report was accepted without objection.

386. Trende authored two expert reports in *NAACP v. McCrory*, No. 1:13CV658 (M.D.N.C.), which involves challenges to North Carolina's voter laws, and also testified.

387. Trende authored an expert report in *NAACP v. Husted*, No. 2:14-cv-404 (S.D. Ohio), and in a later iteration of that litigation, *Ohio Democratic Party v. Husted*, No. 2:15-CV-1802 (S.D. Ohio), and testified at trial.

Professor Nicholas Goedert, Ph.D.

388. Dr. Goedert is currently a Visiting Assistant Professor of political science at Lafayette College in Easton, Pennsylvania.

389. Dr. Goedert has accepted a tenure track professor position in political science at the Virginia Polytechnic Institute and State University (Virginia Tech) starting next school year.

390. In 2012, Dr. Goedert received a Ph.D. from the Department of Politics, Princeton University.

391. Dr. Goedert's dissertation regarding congressional redistricting is titled: "Gerrymandering, Electoral Uncertainty, and Representation." His advisors were Brandice Canes-Wrone (chair), Nolan McCarty, and Adam Meirowitz.

392. Dr. Goedert's graduate training included coursework on quantitative methods and statistics.

393. In 2009, Dr. Goedert received a M.A. from the Department of Politics, Princeton University.

394. His examination fields were American Politics (Public Opinion, Political Psychology, and Legislative Politics), Formal and Quantitative Methodology.

395. In 2006, Dr. Goedert received a J.D. (cum laude) from Georgetown University Law Center. He specialized in election law.

396. In 2001, Dr. Goedert received a B.A. (magna cum laude) from the Department of Social Studies, Harvard University.

397. From 2014 to the present, Dr. Goedert is employed as Visiting Assistant Professor, Department of Government and Law, Lafayette College.

398. From 2012 to 2014, Dr. Goedert was a Postdoctoral Research Associate, Department of Political Science at Washington University in St. Louis.

399. Dr. Goedert's peer-reviewed publications include:

a. "The Pseudo-Paradox of Partisan Mapmaking and Congressional Competition," conditionally accepted at State Politics and Policy Quarterly (2016).

b. "The Case of the Disappearing Bias: A 2014 Update to the 'Gerrymandering or Geography' Debate," forthcoming in Research & Politics (2016 research note).

c. "Redistricting, Risk, and Representation: How Five State Gerrymanders Weathered the Tides of the 2000's." Election Law Journal 13(3): 406-418 (2014).

d. "Gerrymandering or Geography?: How Democrats Won the Popular Vote but Lost the Congress in 2012." Research & Politics 1(1): 2053168014528683 (2014).

400. Dr. Goedert's working papers include:

a. "Redistricting Institutions, Partisan Tides, and Congressional Competition"

b. "Southern Redistricting under the VRA: A Model of Partisan Tides"

c. "Gerrymandering and Competing Norms of Representation"

d. "Democratic Incumbent Resilience in the Post-1980 Senate: A Theory of Partisan Issue Competence"

e. "The Impact of Geographic Constituencies on Regional Parties: Evidence from Six Nations"

401. Dr. Goedert's conference presentations include:

a. Gerrymandering, Polarization, and Competing Norms of Representation," presented at the Annual Meeting of the American Political Science Association, Washington, DC (2014).

b. "Democratic Incumbent Resilience in the Post-1980 Senate: A Theory of Partisan Issue Competence," presented at the Annual Conference of the Midwest Political Science Association, Chicago, IL (2014).

c. "Gerrymandering and Competing Norms of Representation," presented at the Annual Conference of the Midwest Political Science Association, Chicago, IL (2012).

d. "Southern Redistricting under the VRA: A Model of Partisan Tides," presented at the State Politics and Policy Conference, Houston, TX (2012).

e. "Redistricting Institutions under Electoral Uncertainty," presented at the Annual Meeting of the American Political Science Association, Seattle, WA (2011).

f. "Redistricting Institutions, Partisan Tides, and Congressional Turnover," presented at the State Politics and Policy Conference, Hanover, NH (2011), the Annual Conference of the MPSA, Chicago, IL, and the Society for Political Methodology Summer Meeting, Princeton, NJ.

402. Dr. Goedert is a contributor to political science blogs at The Washington Post, The Monkey Cage and Wonkblog.

403. Dr. Goedert has written a non-peer-reviewed short article titled "Not Gerrymandering, but Districting: More Evidence on How Democrats Won the Popular Vote but Lost the Congress" for The Monkey Cage (Nov. 15, 2012).

404. Dr. Goedert's teaching experience includes, as a Visiting Professor, "Introduction to United States Politics" (Fall 2014); "Political Opinion and Participation in the United States" (Fall 2014 and Spring 2016); "Campaigns and Elections" (Spring 2015 and Fall 2015); "Congress and the Legislative Process" (Fall 2015); "Constitutional Law and Politics in the United States" (Spring 2016 (scheduled)); "Representation, Apportionment, and Democratic Participation" (Spring 2015 and Spring 2016).

405. Dr. Goedert has served as a Legislative Analyst for the Maryland General Assembly, Department of Legislative Services, from 2006-2007.

406. Dr. Goedert has served as a manuscript reviewer for Legislative Studies Quarterly; State Politics and Policy Quarterly; Election Law Journal; and Social Influence.

SCHEDULES OF EXHIBITS TO BE OFFERED AT TRIAL AND LISTED OBJECTIONS

Plaintiffs' Exhibits

EXHIBIT (S) OF	WILLIAM WHITFORD, *et al*.
	V. Case No. 15-cv-421-bbc
Plaintiffs (Indicate plaintiff or defendant)	GERALD NICHOL, *et al.*

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	1		Illustrative Maps	
	2		Expert Report of Ken Mayer, dated July 3, 2015	
	3		Expert Report of Ken Mayer, Mayer Regression Model	
	4		Expert Report of Ken Mayer, Figure 1	
	5		Expert Report of Ken Mayer, Figure 2	
	6		Expert Report of Ken Mayer, Figure 3	
	7		Expert Report of Ken Mayer, Figure 4	
	8		Expert Report of Ken Mayer, Figure 5	
	9		Expert Report of Ken Mayer, Figure 6	
	10		Expert Report of Ken Mayer, Figure 7	
	11		Expert Report of Ken Mayer, Figure 8	
	12		Expert Report of Ken Mayer, Figure 9	
	13		Expert Report of Ken Mayer, Figure 10	
	14		Expert Report of Ken Mayer, Figure 11	
	15		Expert Report of Ken Mayer, Figure 12	
	16		Expert Report of Ken Mayer, Figure 13	
	17		Expert Report of Ken Mayer, Figure 14	
	18		Expert Report of Ken Mayer, Table 1	
	19		Expert Report of Ken Mayer, Table 2	
	20		Expert Report of Ken Mayer, Table 3	

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	21		Expert Report of Ken Mayer, Table 4	
	22		Expert Report of Ken Mayer, Table 5	
	23		Expert Report of Ken Mayer, Table 6	
	24		Expert Report of Ken Mayer, Table 7	
	25		Expert Report of Ken Mayer, Table 8	
	26		Expert Report of Ken Mayer, Table 9	
	27		Expert Report of Ken Mayer, Table 10	
	28		Expert Report of Ken Mayer, Annex Table, Differences Between GAB reports and LTSB data	
	29		Expert Report of Ken Mayer, Annex Table, Allocation of Reporting Unit Data to Ward Data	
	30		Expert Report of Ken Mayer, Annex Table, Independent Variable: Assembly Republican Vote Totals	
	31		Expert Report of Ken Mayer, Annex Table, Independent Variable: Assembly Democratic Vote Totals	
	32		Expert Report of Ken Mayer, Annex Table, Population Deviation	
	33		Expert Report of Ken Mayer, Annex Table, Compactness	
	34		Expert Report of Simon Jackman, dated July 7, 2015	
	35		Expert Report of Simon Jackman, Figure 1	
	36		Expert Report of Simon Jackman, Figure 2	
	37		Expert Report of Simon Jackman, Figure 3	
	38		Expert Report of Simon Jackman, Figure 4	

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	39		Expert Report of Simon Jackman, Figure 5	
	40		Expert Report of Simon Jackman, Figure 6	
	41		Expert Report of Simon Jackman, Figure 7	
	42		Expert Report of Simon Jackman, Figure 8	
	43		Expert Report of Simon Jackman, Figure 9	
	44		Expert Report of Simon Jackman, Figure 10	
	45		Expert Report of Simon Jackman, Figure 11	
	46		Expert Report of Simon Jackman, Figure 12	
	47		Expert Report of Simon Jackman, Figure 13	
	48		Expert Report of Simon Jackman, Figure 14	
	49		Expert Report of Simon Jackman, Figure 15	
	50		Expert Report of Simon Jackman, Figure 16	
	51		Expert Report of Simon Jackman, Figure 17	
	52		Expert Report of Simon Jackman, Figure 18	
	53		Expert Report of Simon Jackman, Figure 19	
	54		Expert Report of Simon Jackman, Figure 20	
	55		Expert Report of Simon Jackman, Figure 21	
	56		Expert Report of Simon Jackman, Figure 22	

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	57		Expert Report of Simon Jackman, Figure 23	
	58		Expert Report of Simon Jackman, Figure 24	
	59		Expert Report of Simon Jackman, Figure 25	
	60		Expert Report of Simon Jackman, Figure 26	
	61		Expert Report of Simon Jackman, Figure 27	
	62		Expert Report of Simon Jackman, Figure 28	
	63		Expert Report of Simon Jackman, Figure 29	
	64		Expert Report of Simon Jackman, Figure 30	
	65		Expert Report of Simon Jackman, Figure 31	
	66		Expert Report of Simon Jackman, Figure 32	
	67		Expert Report of Simon Jackman, Figure 33	
	68		Expert Report of Simon Jackman, Figure 34	
	69		Expert Report of Simon Jackman, Figure 35	
	70		Expert Report of Simon Jackman, Figure 36	
	71		Expert Report of Simon Jackman, Table 1	
	72		Secrecy Agreements by Republican Legislators	
	73		Defendants' Amended Answer, dated January 15, 2016	
	74		Nicholas Stephanopoulos, Our Electoral Exceptionalism (2013) article	Objection: hearsay

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	75		Ellen Katz, Documenting Discrimination in Voting-Judicial Findings Under Section 2 (2005) article (Part 1 of 2)	Objection: hearsay
	76		Ellen Katz, Documenting Discrimination in Voting- Judicial Findings Under Section 2 (2005) article (Part 2 of 2)	Objection: hearsay
	77		Jacob Stein & Patrick Marley, GOP Redistricting Maps Make Dramatic Changes, July 8, 2011	Objection: hearsay
	78		Samuel Issacharoff, Gerrymandering and Political Cartels (2002) article	Objection: hearsay
	79		Richard Pildes, The Theory of Political Competition (1999) article	Objection: hearsay
	80		Jacob Stein and Patrick Marley, More Than They Bargained For (2013) book excerpt, from Chapter "First Assembly Vote"	Objection: hearsay
	81		Trende dataset2.csv	
	82		Curriculum Vitae of Dr. Simon Jackman	
	83		Expert Rebuttal Report of Simon Jackman, dated December 21, 2015	
	84		Expert Rebuttal Report of Simon Jackman, Figure 1	
	85		Expert Rebuttal Report of Simon Jackman, Figure 2	
	86		Expert Rebuttal Report of Simon Jackman, Figure 3	
	87		Expert Rebuttal Report of Simon Jackman, Figure 4	
	88		Expert Rebuttal Report of Simon Jackman, Figure 5	
	89		Expert Rebuttal Report of Simon Jackman, Figure 6	

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	90		Expert Rebuttal Report of Simon Jackman, Figure 7	
	91		Expert Rebuttal Report of Simon Jackman, Figure 8	
	92		Expert Rebuttal Report of Simon Jackman, Figure 9	
	93		Jackman Sensitivity Testing Reliance Material	
	94		Jackman Sensitivity Testing Reliance Material, Figure 1	
	95		Jackman Sensitivity Testing Reliance Material, Figure 2	
	96		Excerpted Carl Klarner Data	
	97		Party Control Data	
	98		Eric McGhee, Measuring Partisan Bias in Single-Member District Electoral Systems (2014) article	Objection: hearsay
	99		Fifield et al, A New Automated Redistricting Simulator Using Markov Chain Monte Carlo (2015) article	Objection: hearsay
	100		Andrew Gelman and Gary King, Estimating the Electoral Consequences of Legislative Redistricting (1990) article	Objection: hearsay
	101		Gary Cox and Jonathan Katz, Elbridge Gerry's Salamander (2002) book excerpt	Objection: hearsay
	102		Bruce Cain, Assessing the Partisan Effects of Redistricting (1985) article	Objection: hearsay
	103		Curriculum Vitae of Dr. Kenneth Mayer	
	104		Expert Rebuttal Report of Kenneth Mayer, dated December 21, 2015	
	105		Expert Rebuttal Report of Kenneth Mayer, Figure A	
	106		Expert Rebuttal Report of Kenneth Mayer, Figure B	

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	107		Expert Rebuttal Report of Kenneth Mayer, Figure C	
	108		Expert Rebuttal Report of Kenneth Mayer, Figure D	
	109		Expert Rebuttal Report of Kenneth Mayer, Table A	
	110		Expert Rebuttal Report of Kenneth Mayer, Table B	
	111		Expert Rebuttal Report of Kenneth Mayer, Table C	
	112		Expert Rebuttal Report of Kenneth Mayer, Table D	
	113		Expert Rebuttal Report of Kenneth Mayer, Table E	
	114		Amended Expert Rebuttal Report of Kenneth Mayer, dated March 31, 2016	Objection: untimely under pretrial order and w/o leave of court
	115		Amended Expert Rebuttal Report of Kenneth Mayer, Figure E	Objection: untimely under pretrial order and w/o leave of court
	116		Amended Expert Rebuttal Report of Kenneth Mayer, Table F	Objection: untimely under pretrial order and w/o leave of court
	117		Amended Expert Rebuttal Report of Kenneth Mayer, Table G	Objection: untimely and w/o leave of court
	118		Edward Glaeser & Bryce Ward, Myths and Realities of American Political Geography (2005) article	Objection: hearsay
	119		Edward Glaeser and Jacob Vigdor, The End of the Segregated Century (2012) article	Objection: hearsay
	120		Su-Yuel Chung & Lawrence Brown, Racial/Ethnic Sorting in Spatial Context: Testing the Explanatory Frameworks (2007) article	Objection: hearsay

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	121		Glaeser & Ward Isolation Index Chart	Objection: hearsay
	122		Chart with Average Efficiency Gaps for Wisconsin Plans 1970s-2010s	Reserve right to object
	123		Chart with Democratic and Republican Isolation and Clustering Scores 2004-2014	Reserve right to object
	124		Chart with Breakdown of Efficiency Gap and Party Control – Historical and Current	Reserve right to object
	125		Chart with Efficiency Gap Calculations for Elections Where All Races Contested	Objection: beyond scope of Prof. Jackman's report
	126		Declaration of Sean Trende, dated December 2, 2015	
	127		Curriculum Vitae of Sean Trende	
	128		Transcript of Sean Trende deposition, dated December 14, 2015	
	129		Subpoena for Sean Trende to appear at deposition, dated December 7, 2015	
	130		Transcript of Nicholas Goedert deposition, dated December 15, 2015	
	131		Fryer & Holden, Measuring the Compactness of Political Districting Plans (2011) article	Objection: hearsay
	132		Nicholas Goedert, Gerrymandering or Geography? How Democrats Won the Popular Vote But Lost the Congress (2012) article	
	133		Nicholas Goedert, The Case of Disappearing Bias: A 2014 Update to the Gerrymandering or Geography (2015)	
	134		Keith Gaddie April 17, 2011 Memo (Wisconsin_Partisanship.docx)	
	135		Subpoena for Nicholas Goedert to appear at deposition, dated December 7, 2015	

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	136		Expert Report of Nicholas Goedert	
	137		Curriculum Vitae of Nicholas Goedert	
	138		Plaintiffs' Complaint, dated July 8, 2015	Objection: hearsay
	139		Goedert Calculations from Math Exercise During Deposition, dated December 15, 2015	
	140		Nicholas Goedert, Redistricting, Risk, and Representation (2014) article	
	141		Nicholas Stephanopoulos & Eric McGhee, Partisan Gerrymandering and the Efficiency Gap (2015) article	Objection: hearsay
	142		"Media" section from Goedert's academic home page	Objection: hearsay
	143		Vox article, "What is gerrymandering"	Objection: hearsay
	144		Vox article, "How does gerrymandering work?"	Objection: hearsay
	145		Vox article, "How gerrymandering is important to Republican control of the house"	Objection: hearsay
	146		Smith & Venables, Introduction to R (2015) article	Objection: hearsay
	147		Sean Trende's "Wisconsin_clustering_computation.R" file	
	148		Andrew Gelman & Gary King, Unified Method of Evaluating Electoral Systems and Redistricting Plans (1994) article	Objection: hearsay
	149		Friedman & Holden, Optimal Gerrymandering: Sometimes Pack, but Never Crack (2008) article	Objection: hearsay
	150		Luc Anseln, Local Indicators of Spatial Association – LISA (1995) article	Objection: hearsay
	151		Tam Cho, Contagion Effects and Ethnic Contribution Networks (2003) article	Objection: hearsay
	152		Reardon & O'Sullivan, Measures of Spatial Segregation (2004) article	Objection: hearsay

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	153		Denton & Massey, Hypersegregation in U.S. Metropolitan Areas: Black and Hispanic Segregation Along Five Dimensions (1989) article	Objection: hearsay
	154		Jowei Chen Amended Proposed Amicus Brief	Objections: hearsay, relevance, untimely expert testimony, excluded by court order, and outside scope of experts' reports
	155		Jowei Chen Wisconsin Analysis filed with Proposed Amicus Brief	Objections: hearsay, relevance, untimely expert testimony, excluded by court order, and outside scope of experts' reports
	156		Jowei Chen Wisconsin Act 43 Analysis, publicly available at http://www.umich.edu/~jowei/Wisconsin_Act_43_Analysis.pdf	Objections: hearsay, relevance, untimely expert testimony, excluded by court order, and outside scope of experts' reports
	157		Jowei Chen Wisconsin Act 43 Analysis, publicly available, Figure 2	Objections: hearsay, relevance, untimely expert testimony, excluded by court order, and outside scope of experts' reports
	158		Jowei Chen Wisconsin Act 43 Analysis, publicly available, Figure 3	Objections: hearsay, relevance, untimely expert testimony, excluded by court order, and outside scope of experts' reports
	159		Jowei Chen Wisconsin Act 43 Analysis, publicly available, Figure 4	Objections: hearsay, relevance, untimely expert testimony, excluded by court

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
				order, and outside scope of experts' reports
	160		Jowei Chen Wisconsin Act 43 Analysis, publicly available, Figure 7	Objections: hearsay, relevance, untimely expert testimony, excluded by court order, and outside scope of experts' reports
	161		Transcript of Dr. Ronald Keith Gaddie deposition, dated March 9, 2016	
	162		Video deposition of Dr. Ronald Keith Gaddie, dated March 9, 2016	
	163		Notice of Videotaped Deposition to Dr. Gaddie	
	164		Green Lexar Flash Drive (produced by Gaddie at his March 9, 2016 deposition)	
	165		Transcript of Dr. Gaddie deposition from January 20, 2012 (*Baldus* litigation)	
	166		Video deposition of Dr. Ronald Keith Gaddie, dated January 20, 2012	
	167		Transcript of *Baldus* trial	
	168		Flash drive marked in *Baldus* as Ex. 57, produced by Dr. Gaddie January 20, 2012	
	169		Dr. Gaddie's engagement/retention letter, dated April 11, 2011	
	170		Flash drive produced at March 9, 2016 deposition of Dr. Gaddie with files recovered by Mark Lanterman from external hard drives	
	171		Photo of three hard drives	
	172		Plan comparisons spreadsheet (Plancomparisons.xlsm)	
	173		Milwaukee_Gaddie_4_16_11_v1_B , Ex. 72 in *Baldus* January 20, 2012 deposition of Dr. Gaddie	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	174		Milwaukee_Gaddie_4_16_11_v1_B	
	175		Email string between Dr. Gaddie and Joe Handrick, Tad Ottman & Adam Foltz cced, dated April 20, 2011	
	176		Team Map chart (from Plan Comparisons.xlsm spreadsheet)	
	177		Partial version of Joint Final Pretrial Report (*Baldus* litigation)	
	178		Exhibit A to Joint Final Pretrial Report (*Baldus* litigation)	
	179		Transcript from Jeff Ylvisaker deposition, dated March 11, 2016	
	180		30(b)(6) Subpoena sent to the Wisconsin Legislative Technology Services Bureau, dated February 12, 2016	
	181		Video deposition of Jeff Ylvisaker, dated April 29, 2013	
	182		Transcript of Jeff Ylvisaker deposition (*Baldus* case), dated April 29, 2013	
	183		Email from Peter Earle to Eric McLeod re: evidence preservation, dated April 10, 2012	Objection: hearsay and relevance
	184		Chart created by Jeff Ylvisaker, tracking Foltz/Ottman computers	
			(exhibit 2 in Ylvisaker April 29, 2013 *Baldus* deposition)	
	185		LTSB configuration item dated February 18, 2016	
	186		Privilege log regarding LTSB decommissioning of redistricting computers, dated March 2016	
	187		*Baldus* 30(b)(6) subpoenas with work orders and configuration documents, dated April 2013	
	188		WRK32586 Responsive Spreadsheets File Detail Report.xlsx	

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	189		WRK32586 External HD Responsive Spreadsheets File Detail Report.xlsx	
	190		WRK32587 Responsive Spreadsheets File Detail Report.xlsx	
	191		Transcript of Adam Foltz deposition, dated March 31, 2016	
	192		Video deposition of Adam Foltz, dated March 31, 2016	
	193		Subpoena for Adam Foltz to testify at a deposition, dated March 22, 2016	
	194		Flash drive and DVD produced by Adam Foltz, March 31, 2016	
	195		Transcript of Adam Foltz Deposition from *Baldus* case, dated December 21, 2011	
	196		Subpoena for Adam Foltz to testify at a deposition, dated December 13, 2011	
	197		Letter outlining Documents Produced in Response to Subpoena Issued by Plaintiffs to Adam Foltz/Foltz Privilege Log, dated December 21, 2011	
	198		Document produced by Foltz at December 21, 2011 deposition titled 2011-2012 Legislature SB 148 Memo 1	
	199		DVD identified as Adam Foltz Documents Responsive to December 13, 2011 subpoena	
	200		DVD identified as Adam Foltz Statewide Database	
	201		Order dated December 8, 2011 by U.S. District Judge J.P. Stadtmueller	
	202		Order dated December 20, 2011 by U.S. District Judge J.P. Statdtmueller	
	203		December 13, 2011 expert report of Ronald Keith Gaddie, Ph.D.	
	204		December 14, 2011 expert report of John Diex/Magellan Strategies BR	

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	205		Transcript of Adam Foltz Deposition from *Baldus* case, dated February 1, 2012	
	206		Breakdown of Regions pdf	
	207		Email from Andy Speth to Judi Rhodes, Tad Ottman dated June 14, 2011	
	208		Email from Andy Speth to Judi Rhodes, Tad Ottman, Andy Gustofson, Adam Foltz, dated June 15, 2011	
	209		Email from Andy Speth to Tad Ottman, Adam Foltz, dated June 21, 2011	
	210		Email chain between Tad Ottman, Adam Foltz, and Michelle Litjens, dated July 7, 2011	
	211		Email from Andrew Welhouse dated July 8, 2011	
	212		Census data (exhibit 112 to February 1, 2012 Foltz deposition)	
	213		General Talking Points Memo by Foltz	
	214		Metadata document showing Adam Foltz as creator on June 20, 2011	
	215		Transcript of Adam Foltz 30(b)(6) Deposition from *Baldus* case, dated April 30, 2013	
	216		Transcript of Adam Foltz Deposition from Baldus case, dated April 30, 2013	
	217		Subpoena for Adam Foltz to appear at a deposition, dated April 22, 2013	
	218		Declaration of Adam Foltz, dated April 25, 2013	
	219		Supplement to Declaration, dated April 26, 2013	
	220		Defendants Rule 26(a)(1) initial disclosures, *Whitford* litigation	
	221		*Baldus* opinion, 849 F. Supp. 2d 840 (E.D. Wis. 2012)	

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	222		Transcript of March 23, 2016 *Whitford* motion hearing	
	223		Amended Mark Lanterman Declaration and DVD (image), dated March 18, 2016	
	224		Curriculum Vitae of Mark Lanterman	
	225		Computer Forensic Services DVD	
	226		Transcript of Tad Ottman deposition, dated March 31, 2016	
	227		Video deposition of Tad Ottman, dated March 31, 2016	
	228		Subpoena for Tad Ottman to testify at a deposition, dated March 22, 2016	
	229		Flash drive and DVD produced by Tad Ottman, March 31, 2016	
	230		Transcript of Tad Ottman Deposition in *Baldus* case, dated December 22, 2011	
	231		Letter Outlining Documents Produced in Response to Subpoena Issued by Plaintiffs to Tad Ottman/Privilege Log dated December 22, 2011	
	232		Documents Produced by Tad Ottman	
	233		DVD identified as Tad Ottman Documents Responsive to December 13, 2011 Subpoena	
	234		Subpoena for Tad Ottman to testify at a deposition, dated December 13, 2011	
	235		Emails containing information that was inadvertently redacted, July 8-11, 2011	
	236		Transcript of Tad Ottman Deposition in *Baldus* case, dated February 2, 2012	
	237		Ottman Questions and Responses Document (Ottman 000095 – 000096)_	
	238		Current Map chart and emails between Tad Ottman and Andy Speth (Ottman 000117 – 000120)	

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	239		Email from Leah Vukmir to Tad Ottman, dated May 4, 2011 (Ottman000131.pdf)	
	240		Current Assembly/Senate Chart MayQandD (Ottman 000144)	
	241		Ottman Talking Points Memo (Ottman000141.pdf)	
	242		Senate District Information (Ottman 000145 – 000161)	
	243		Confidentiality and Nondisclosure Related to Reapportionment Agreements between Michael, Best & Friedrich and 16 Senators	
	244		Confidentiality and Nondisclosure Related to Reapportionment Agreements between Michael, Best & Friedrich and 58 Assembly Representatives	
	245		Outline for Tad Ottman testimony (Ottman 000102 – 000103)	
	246		Transcript of Tad Ottman 30(b)(6) depositition in Baldus case, dated April 30, 2013	
	247		List of paid staff of Senator Fitzgerald June 1, 2012 through February 28, 2013	
	248		Emails and documents related to SB 150	
	249		Email from Tad Ottman to Ray Taffora, Jim Troupis, Adam Foltz, Eric McLeod re Timeline Update, dated June 30, 2011	
	250		Email from Eric McLeod to Jim Troupis, Ray Taffora, Adam Foltz, Tad Ottman re Amendment on Effective Date of Redistricting, dated October 10, 2011	

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	251		Email from Senator Fitzgerald to Tad Ottman re ALEC Conference Call on Redistricting, dated January 20, 2011	Objection: hearsay and relevance
	252		March 5, 2012 Letter from Eric McLeod to Douglas Poland	Objection: hearsay and relevance
	253		March 8, 2012 Letter from Douglas Poland to Eric McLeod	Objection: hearsay and relevance
	254		March 13, 2012 Letter from Eric McLeod to Douglas Poland	Objection: hearsay and relevance
	255		March 15, 2012 Letter from Douglas Poland to Eric McLeod	Objection: hearsay and relevance
	256		Email from Joseph Olson to Douglas Poland and Eric McLeod, dated March 16 and 17, 2012	Objection: hearsay and relevance
	257		Letter from Michael, Best & Friedrich to Ottman re: Confidentiality and Nondisclosure Related to Reapportionment dated July 27, 2010	Objection: hearsay and relevance
	258		Letter from Douglas Poland to Joseph Olson and Eric McLeod, dated June 13, 2012	Objection: hearsay and relevance
	259		Transcript of Tad Ottman Deposition in *Baldus* case, dated April 30, 2013	
	260		Subpoena for Tad Ottman to appear at a deposition, dated April 22, 2013	
	261		Declaration of Tad Ottman, dated April 25, 2013	
	262		GOP Seats Senate.docx	
	263		C_Users_afoltz_Desktop_Projects_Composite_Adam_Assertive_Curve.xlsx	
	264		C_Users_afoltz_Desktop_Projects_Composite_Current_Curve.xlsx	
	265		C_Users_afoltz_Desktop_Projects_Composite_Joe_Assertive_Curve.xlsx	
	266		C_Users_afoltz_Desktop_Projects_Composite_Joe_Base_Curve.xlsx	

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	267		C_Users_afoltz_Dekstop_Projects_TadAggressiveCurve.xlsx	
	268		C_Users_afoltz_Desktop_Projects_Team_Map_Curve.xlsx	
	269		C_Users_Public_Documents_Senate_Current_Curve.xlsx	
	270		C_Users_tottman.WRK32587_Documents_Documents_Senate_Current_Curve.xlsx	
	271		C_Users_tottman.WRK32587_Documents_Documents_Tad_Senate_Assertive_Curve.xlsx	
	272		Composite_Adam_Assertive_Curve.xlsx	
	273		Composite_Current_Curve.xlsx	
	274		Composite_Joe_Assertive_Curve.xlsx	
	275		Composite_Joe_Base_Curve.xlsx	
	276		Senate_Current_Curve.xlsx	
	277		Senate_Current_Curve1.xlsx	
	278		Tad_Senate_Assertive_Curve.xlsx	
	279		Tad_Senate_Assertive_Curve1.xlsx	
	280		TadAggressiveCurve.xlsx	
	281		Team_Map_Curve_Senate.xlsx	
	282		Team_Map_Curve.xlsx	
	283		Summaries.xlsx	
	284		Summary.xlsx	
	285		C\Users\afoltz\Desktop\Workspace\Kessler\Kessler_Map_Data\asm.xls	Objection: relevance
	286		C\Users\afoltz\Desktop\Workspace\Kessler\Pass1_Key.xls	Objection: relevance
	287		C\Users\afoltz\Desktop\Workspace\Kessler\asm.xls	Objection: relevance
	288		C\Users\afoltz\Desktop\Workspace\Kessler\asm_jobs.xls	Objection: relevance
	289		C\Users\afoltz\Desktop\Workspace\Kessler\Redistricting\Kessler_Plan_061407_080707\061407_080707_Final.xls	Objection: relevance

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	290		Transcript of Joseph Handrick deposition, dated December 20, 2011	
	291		Subpoena to Joseph Handrick from Douglas M. Poland, dated December 13, 2011	
	292		Packet of documents produced by Joseph Handrick via Eric M. McLeod pursuant to the subpoena	
	293		Population Totals	
	294		CD labeled Joe Handrick Draft Maps – Block Assignment Files	
	295		February 15, 2011 Letter to Don M. Millis and Joseph W. Handrick from Eric M. McLeod re: Retention of Joseph Handrick	
	296		February 17, 2011 Letter to Eric M. McLeod from Don M. Millis Engagement Letter	
	297		February 18, 2011 Letter to Eric M. McLeod from Don M. Millis Amended Engagement Letter	
	298		Bio of Joseph W. Handrick from the website of Reinhart	
	299		Joe Handrick's lobbyist license dated January 25, 2011	
	300		Excerpts from the book Born to Run by Ronald Keith Gaddie	Objection: hearsay
	301		Defendants' Amended Initial Rule 26(a) Disclosures in *Baldus*	Objection: relevance
	302		Second Amended Complaint for Declaratory and Injunctive Relief in *Baldus*	Objection: hearsay
	303		Defendants' Answer and Affirmative Defenses to Second Amended Complaint for Declaratory and Injunctive Relief in *Baldus*	Objection: relevance and hearsay

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	304		Plaintiffs' First Set of Interrogatories and First Request for Production of Documents in *Baldus*	Objection: relevance and hearsay
	305		Chapter 801.17, Commencement of Action and Venue	Objection: relevance
	306		Chapter 751, Supreme Court	Objection: relevance
	307		December 2, 2011 to Kathleen Madden from Joseph Louis Olson with attached Amended Summons and Amended Complaint for Declaratory and Other Relief	Objection: relevance and hearsay
	308		Withdrawn	
	309		Withdrawn	
	310		Withdrawn	
	311		Transcript of Joseph Handrick deposition, dated February 1, 2012	
	312		Letter from Eric M. McLeod to Douglas Poland with Supplemental Production in Response to Subpoenas Issued by Plaintiffs to Joe Handrick, Adam Foltz, and Tad Ottman, dated January 10, 2012	
	313		Letter from Eric M. McLeod to Douglas Poland with additional documents, dated January 11, 2012	
	314		Summary Core Constituency Report	
	315		Series of emails between Joseph Handrick and Jim Troupis, dated January 14, 2011	
	316		Series of emails between Joseph Handrick and Jim troupis, dated January 17, 2011	
	317		Series of emails between Joseph Handrick, Tad Ottman, dated January 25, 2011	

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	318		Series of emails between Joseph Handrick and Jim Troupis, dated February 1, 2011	
	319		Emails between Joseph Handrick, Tad Ottman, dated February 14, 2011	
	320		Printout of menu of a disk	
	321		Transcript of Joseph Handrick deposition, dated April 30, 2013	
	322		Subpoena for Joseph Handrick to appear at a deposition dated April 22, 2013	
	323		Demonstrative Exhibit - Charts Tracking Vote Share, Seat Share, Efficiency Gap, and Efficiency Gap Durability for Draft Act 43 Plans	Reserve right to object pending verification
	324		Demonstrative Exhibit - Charts Showing Efficiency Gap and Compliance with Traditional Criteria for Wisconsin Plans by Decade	Reserve right to object pending verification
	325		Demonstrative Exhibit - Charts Showing Correlations Between Efficiency Gap and Alternative Measures of Partisan Gerrymandering	Reserve right to object pending verification
	326		Demonstrative Exhibit - Charts Showing Time Trends of Efficiency Gap and Alternative Measures of Partisan Gerrymandering	Reserve right to object pending verification
	327		Demonstrative Exhibit - Charts Showing Distributions of Efficiency Gap and Alternative Measures of Partisan Gerrymandering	Reserve right to object pending verification
	328		Demonstrative Exhibit - Charts Showing Stability of Efficiency Gap and Alternative Measures of Partisan Gerrymandering	Reserve right to object pending verification

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	329		Demonstrative Exhibit - Charts Showing Values and Time Trends of Efficiency Gap and Alternative Measures of Partisan Gerrymandering for Wisconsin	Reserve right to object pending verification
	330		Demonstrative Exhibit - Charts Showing Relationships Between Measures of Gerrymandering and Competitiveness	Reserve right to object pending verification
	331		Wisconsin Legislative Council Act Memo: 2011 Wisconsin Act 39	
	332		Litigation in the 2010 Cycle, All About Redistricting, http://redistricting.lls.edu/cases.php	Objection: hearsay
	333		Bernard Grofman & Gary King, The Future of Partisan Symmetry as a Judicial Test for Partisan Gerrymandering After LULAC v. Perry (2007) article	Objection: hearsay
	334		Wisconsin State Legislature, Senate Bill 148: History, https://docs.legis.wisconsin.gov/2011/proposals/sb148	
	335		Joseph Handrick Timesheets April 13, 2011 to April 20, 2011	
	336		Joseph Handrick Timesheets May 25, 2011 to May 26, 2011	
	337		Joe_base_map.xlsx.pdf spreadsheet with printed metadata from Joseph Handrick's document production in January 2012	
	338		Joe_map_assert.xlsx.pdf spreadsheet with printed metadata from Joseph Handrick's document production in January 2012	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	339		Stipulation Regarding 30(b)(6) Depositions of the Legislative Technology Services Bureau and Wisconsin State Senate and Assembly, dated March 18, 2016	
	340		Plaintiffs' First Set of Requests for Admission and Attachments 1-9, dated February 5, 2016	
	341		Defendants' Response to Plaintiffs' First Set of Requests for Admission, dated March 7, 2016	
	342		Individual Legislator Memos and Maps from Adam Foltz to Republican Legislators (ADAMFOLZSUPPPROD000119.PDF)	
	343		Declaration of Mark Lanterman in *Baldus*, dated February 15, 2013	Objection: hearsay and relevance for anything other than chain of custody
	344		Declaration of Mark Lanterman in *Baldus*, dated March 11, 2013	Objection: hearsay and relevance for anything other than chain of custody
	345		Third Declaration of Mark Lanterman in *Baldus*, dated April 20, 2013	Objection: hearsay and relevance for anything other than chain of custody
	346		Email chain between Tad Ottman, Joseph Handrick, and Adam Foltz dated August 3, 2011 (Handrick000352.pdf)	
	347		Email chain between Eric McLeod, Tad Ottman, Adam Foltz, Sarah Troupis, Jim Troupis re: "Letters of Retention—Gaddie & Handrick," dated February 11, 2011 (from 11-CV-562 DISC 2012-02-17 Legislature Released Docs_MBF 000202.pdf)	

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	348		Email from Jim Troupis to Eric McLeod, Adam Foltz, Tad Ottman, Sarah Troupis re: Experts and Bernard Grofman, dated June 21, 2011 (from 11-CV-562 DISC 2012-02-17 Legislature Released Docs_MBF 000202.pdf)	
	349		Email from Tad Ottman to Jim Troupis, Eric McLeod re: the "redistricting team," dated May 16, 2011 (from 11-CV-562 DISC 2012-02-17 Legislature Released Docs_MBF 000202.pdf)	
	350		Email from Tad Ottman to Eric McLeod, Jim Troupis, Raymond Taffora, Sarah Troupis, Adam Foltz re: Revised Timeline, dated July 8, 2011 (from 11-CV-562 DISC 2012-02-17 Legislature Released Docs_MBF 000202.pdf)	
	351		Email from Jim Troupis to Tad Ottman, Adam Foltz, Eric McLeod, Sarah Troupis re: "Gaddie & Hispanic," dated June 13, 2011 (from 11-CV-562 DISC 2012-02-17 Legislature Released Docs_MBF 000202.pdf)	
	352		Email chain between Tad Ottman, Eric McLeod, Jim Troupis, Adam Foltz re: Meeting with Joe Handrick, dated February 15, 2011 (from 11-CV-562 DISC 2012-02-17 Legislature Released Docs_MBF 000202.pdf)	
	353		Transcript of Proceedings, Joint Public Hearing on Wisconsin Redistricting Plan, dated July 13, 2011	Objection: hearsay
	354		June 20-24, 2011 Adam Foltz Legislator Meetings Schedule (ADAMFOLTZSUPPPROD000431.pdf)	

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	355		Senate Motion to Hire Michael, Best & Friedrich and Troupis Law, dated January 3, 2011 (part of the record in *Baldus*, 11-cv-562, docket 81-2)	
	356		Assembly Motion to Hire Michael, Best & Friedrich dated January 4, 2011 (part of the record in *Baldus*, 11-cv-562, docket 81-3)	
	357		Letter from Democratic Leadership Protesting Hiring of Michael Best, & Friedrich, dated January 5, 2011 (part of the record in *Baldus*, 11-cv-562, docket 81-4)	Objection: hearsay
	358		Cartographic Boundary Shapefiles State Legislative Districts – Lower 2006	
	359		Cartographic Boundary Shapefiles State Legislative Districts – Census 2000	
	360		Email from Tad Ottman to Jim Troupis, Eric McLeod, Ray Taffora, Adam Foltz re drawing of districts, dated July 13, 2011	
	361		Email from Tad Ottman to Jim Troupis, Eric McLeod, Adam Foltz re: redistricting timeline, dated February 25, 2011	
	362		Email from Tad Ottman to Jim Troupis, Eric McLeod, Ray Taffora, Adam Foltz re: Hearing Memos, dated July 12, 2011	
	363		Foltz Population Deviation by Party Chart – Foltz00195	
	364		Tad MayQandD Chart – TADOTTMANSUPPPROD000094	
	365		Ottman MayQandD_base2 Chart – TADOTTMANSUPPPROD000095	
	366		Ottman Joe Assertive Chart - TADOTTMANSUPPPROD000097	

Date	Identification		Description	Offers, Objections,
	No.	Witness		Rulings, Exceptions
	367		Ottman MayQandD_NE Chart - TADOTTMANSUPPPROD000102.pdf	
	368		Demonstrative Exhibit – Act 43 Showing District by District Maps	Reserve right to object pending verification

Defendants' Exhibits

EXHIBIT (S) OF DEFENDANTS	WILLIAM WHITFORD, et al., Plaintiffs, V. Case No. 15-cv-0421-bbc GERALD NICHOL, et al., Defendants.

Date	**Identification**		**Description**	**Offers, Objections, Rulings, Exceptions**
	No.	**Witness**		
	501		Map of Act 43 legislative districts from pages 20–98 of the 2015–2016 Wisconsin Blue Book	
	502		Electronic version of map of Act 43 from LTSB website	
	503		2011 Wisconsin Act 43	Plaintiffs request that Defendants add in exhibits reflecting the amendment/changes after *Baldus* for completeness.
	504		Appendix to 2011 Wisconsin Act 43	
	505		Map of 2002 Assembly Districts showing over- and under-population (*Baldus* Trial Ex. 1121)	
	506		Map of 2002 Senate Districts showing over- and under-population (*Baldus* Trial Ex. 1122)	
	507		Table 1 to the pretrial report filed on February 14, 2012 in *Baldus*	Ok subject to verification that numbers are consistent
	508		Table 2 to the pretrial report filed on February 14, 2012 in *Baldus*	Object – hearsay/not stipulated to in *Baldus*

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	509		Table 4 to the pretrial report filed on February 14, 2012 in *Baldus*	Ok subject to verification that numbers are consistent
	510		Table 17 to the pretrial report filed on February 14, 2012 in *Baldus*	Object – hearsay/not stipulated to in *Baldus*
	511		Table 20 to the pretrial report filed on February 14, 2012 in *Baldus*	Object – hearsay/not stipulated to in *Baldus*
	512		Table 21 to the pretrial report filed on February 14, 2012 in *Baldus*	Ok subject to verification that numbers are consistent
	513		Table 22 to the pretrial report filed on February 14, 2012 in *Baldus*	Ok subject to verification that numbers are consistent
	514		Maps of Wisconsin legislative districts drawn by the court in *Baumgart v. Wendelberger* from pages 20–98 of the 2009–2010 Wisconsin Blue Book	
	515		Electronic version of map of legislative districts drawn by the court in *Baumgart v. Wendelberger* Act 43 from LTSB shape files	
	516		Maps of Wisconsin legislative districts drawn by the court in *Prosser v. Elections Board* from pages 22–98 of the 2001–2002 Wisconsin Blue Book	
	517		Maps of Wisconsin legislative districts enacted in 1983 from pages 22–98 of the 1991–1992 Wisconsin Blue Book	
	518		Maps of Wisconsin legislative districts enacted by the Eastern District of Wisconsin in 1982 from pages 22–98 of the 1983–1984 Wisconsin Blue Book	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	519		Maps of Wisconsin legislative districts enacted in 1972 from pages 22–99 of the 1981–1982 Wisconsin Blue Book	
	520		Map of Demonstration Plan legislative districts from shape files produced by Kenneth Mayer	
	521		The section of the Wisconsin Blue Book containing the results of the November general elections in 1972	
	522		The section of the Wisconsin Blue Book containing the results of the November general elections in 1974	
	523		The section of the Wisconsin Blue Book containing the results of the November general elections in 1976	
	524		The section of the Wisconsin Blue Book containing the results of the November general elections in 1978	
	525		The section of the Wisconsin Blue Book containing the results of the November general elections in 1980	
	526		The section of the Wisconsin Blue Book containing the results of the November general elections in 1982	
	527		The section of the Wisconsin Blue Book containing the results of the November general elections in 1984	
	528		The section of the Wisconsin Blue Book containing the results of the November general elections in 1988	
	529		The section of the Wisconsin Blue Book containing the results of the November general elections in 1992	
	530		The section of the Wisconsin Blue Book containing the results of the November general elections in 1994	
	531		The section of the Wisconsin Blue Book containing the results of the November general elections in 1996	
	532		The section of the Wisconsin Blue Book containing the results of the November general elections in 1998	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	533		The Government Accountability Board election results from the November general elections in 2000, including the results shown county-by-county	
	534		The Government Accountability Board election results from the November general elections in 2002, including the results shown county-by-county	
	535		The Government Accountability Board election results from the November general elections in 2004, including the results shown county-by-county	
	536		The Government Accountability Board election results from the November general elections in 2006, including the results shown county-by-county	
	537		The Government Accountability Board election results from the November general elections in 2008, including the results shown county-by-county	
	538		The Government Accountability Board election results from the November general elections in 2010, including the results shown county-by-county	
	539		The Government Accountability Board election results from the November general elections in 2012	
	540		The Government Accountability Board election results from the gubernatorial recall election in June 2012, including the results shown county-by-county	
	541		The Government Accountability Board election results from the November general elections in 2014, including the results shown county-by-county	
	542		The City of Milwaukee Election Commission results from the November general elections in 2000	
	543		The City of Milwaukee Election Commission results from the November general elections in 2004	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	544		The City of Milwaukee Election Commission results from the November general elections in 2008	
	545		The City of Milwaukee Election Commission results from the November general elections in 2012	
	546		Expert report of Nicholas Goedert including all tables, charts and maps therein	
	547		Expert report of Sean Trende including all tables, charts and maps therein	Note – Plaintiffs reserve their motion in limine against Sean Trende
	548		Nicholas Goedert, *Gerrymandering or Geography? How Democrats won the popular vote but lost the Congress in 2012*, Research and Politics, April–June 2014: 1–8	
	549		Nicholas Goedert, *The Case of the Disappearing Bias: A 2014 Update to the "Gerrymandering or Geography" Debate*, Research and Politics, 2015	
	550		Jowei Chen & Jonathan Rodden, *Unintentional Gerrymandering: Political Geography and Electoral Bias in Legislatures*, Quarterly Journal of Political Science, 2013, 8: 239–269	
	551		Spreadsheet entitled "WisCompact" on the drive produced by R. Keith Gaddie in *Baldus* and marked as Gaddie Dep. Ex. 57	
	552		June 19, 2011 memo from Adam Foltz to Rep. Gary Bies regarding new district (Dep. Ex. 100 from February 1, 2012 Foltz deposition in *Baldus*).	
	553		Spreadsheet entitled "Composite_Current_Curve" from computer WRK32586	
	554		Spreadsheet entitled "Team_Map_Curve" from computer WRK32586	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	555		Spreadsheet entitled "Team_Map_Autobound_Matrix" from computer WRK32864	
	556		Spreadsheet entitled "Merged Matrix output" from computer WRK32586	
	557		Spreadsheet entitled "C_Users_tottman.WRK32587_Desktop_Incumbents_Assembly_2011_2012" from external hard drive for computer WRK52587	
	558		Deposition Exhibit 112 from the February 1, 2012 deposition of Adam Foltz in the *Baldus* case	
	559		Mayer Dep. Ex. 5 (spreadsheet containing efficiency gap calculation for Act 43 assuming no incumbents and every seat contested)	
	560		Mayer Dep. Ex. 8 (spreadsheet containing efficiency gap calculation for "Gaddie metric")	
	561		Mayer Dep. Ex. 10 (spreadsheet containing efficiency gap calculation for Demonstration Plan assuming no incumbents and every seat contested)	
	562		Mayer Dep. Ex. 67 (spreadsheet containing information on incumbents who ran for reelection in 2012 in Act 43 districts)	
	563		Mayer Dep. Ex. 68 (spreadsheet containing information on incumbency in districts in the Demonstration Plan)	
	564		Mayer Dep. Ex. 69 (spreadsheet containing efficiency gap calculation for Act 43 with incumbents)	
	565		Mayer Dep. Ex. 70 (spreadsheet containing efficiency gap calculation for Demonstration Plan with incumbents)	
	566		Mayer Dep. Ex. 71 (spreadsheet containing efficiency gap calculation for Demonstration Plan with incumbents)	
	567		Mayer spreadsheet entitled "Revised Act 43 Swing Rebuttal"	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	568		Mayer spreadsheet entitled "Revised Efficiency Gap – Incumbents in My Plan"	
	569		Mayer spreadsheet entitled "Revised Swing Ratio INCUMBENTS"	
	570		Demonstrative exhibit showing district-by-district Assembly election results from 2004 through 2010 along with the partisan scores from the legislative staff's average of statewide races	Plaintiffs reserve objections to this demonstrative exhibit
	571		Demonstrative exhibit showing district-by-district Assembly election results from 2012 and 2014 along with partisan scores from the legislative staff's composite model and Mayer's baseline partisanship model	Plaintiffs reserve objections to this demonstrative exhibit
	572		Demonstrative exhibit showing the 2010 Assembly election results for the seats shown in Mayer's illustrative maps, Dkt. 1-1	Plaintiffs reserve objections to this demonstrative exhibit
	573		Demonstrative exhibits showing Mayer's baseline partisanship scores for the Demonstration Plan districts included in Mayer's illustrative maps, Dkt. 1-1	Plaintiffs reserve objections to this demonstrative exhibit

STATEMENTS OF CONTESTED ISSUES OF LAW

407. The Parties submit separate statements, as follows:

Plaintiffs

408. Whether plaintiffs, all Democrats whose legislative representation has been worsened by Act 43 (the "Current Plan"), have Article III standing to challenge the Plan in its entirety as an unconstitutional partisan gerrymander.

409. Whether the partisan intent prong of plaintiffs' proposed test for partisan gerrymandering—that is, whether a district plan "intentional[ly] discriminat[es] against an identifiable political group," *Davis v. Bandemer*, 478 U.S. 109, 127 (1986) (plurality opinion)—is judicially discernible and manageable.

410. Whether the Current Plan intentionally discriminates against Democratic candidates and voters, and in favor of Republican ones.

411. Whether the partisan effect prong of plaintiffs' proposed test for partisan gerrymandering—that is, whether a district plan has exhibited a high and durable level of partisan asymmetry relative to historical norms—is judicially discernible and manageable.

412. Whether the Current Plan has exhibited a high and durable level of partisan asymmetry relative to historical norms in the 2012 and 2014 elections.

413. Whether the justification prong of plaintiffs' proposed test for partisan gerrymandering—that is, whether a district plan's high and durable level of partisan asymmetry can be "justified by the State," *Brown v. Thomson*, 462 U.S. 835, 843 (1983)—is judicially discernible and manageable.

414. Whether the Current Plan's high and durable level of partisan asymmetry can be justified by the State based on Wisconsin's political geography or legitimate redistricting objectives.

415. Whether the Current Plan violates the First Amendment by "burdening or penalizing citizens because of their participation in the electoral process, their voting history, their association with a political party, or their expression of political views." *Vieth v. Jubelirer*, 541 U.S. 267, 314 (Kennedy, J., concurring in the judgment).

Defendants

416. Whether the plaintiffs have Article III standing to bring this lawsuit.

417. Whether there is any basis in the constitution for the purported right of political parties "to translate . . . popular support into legislative representation with approximately equal ease."

418. Whether the efficiency gap can be part of a judicially discernible or judicially manageable standard for judging partisan gerrymanders.

419. Whether the plaintiffs have offered a standard from which it can be determined how much partisanship is "too much" under the *Vieth* plurality opinion.

420. Whether the plaintiffs' intent element is consistent with Supreme Court precedent

421. Whether the plaintiffs' proposed standard meets Justice Kennedy's demand that a standard for judging partisan gerrymanders be "limited and precise."

422. Whether the defendants have a burden to justify the plan and, if so, whether that burden is one of production or proof, and by what standard the defendants' evidence would be judged.

423. Whether the plaintiffs must prove, as part of their case, that Act 43 was unrelated to neutral districting criteria, per Justice Kennedy's concurrence in *Vieth*; or the presence of "objective indicia of irregularity" per Justice Stevens' dissent in *Karcher*; or whether the legislature "paid little or no heed to those traditional districting principles whose disregard can be shown straightforwardly" per Justice Souter's dissent in *Vieth*; or whether there was "radical departure from traditional boundary-drawing criteria" per Justice Breyer's dissent in *LULAC*; or another standard for judging a map's compliance with traditional districting principles.

DEPOSITIONS AND PORTIONS OF DEPOSITIONS TO BE OFFERED IN EVIDENCE

Name of Deponent	Date of Deposition	Beginning Page/Line	Ending Page/Line
Ronald Keith Gaddie	January 20, 2012	20:1	20:11
		40:1	45:17
		52:9	54:20
		59:17	60:1
		79:9	79:22
		117:19	118:6
		122:25	123:11
		139:10	139:16
		147:5	148:14
		167:21	183:13
		186:1	192:14
		193:3	194:19
		195:9	206:25
		208:5	208:25
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		218:8	219:18
		232:1	232:21
		253:8	259:22
		265:21	267:23
		279:17	280:6
Ronald Keith Gaddie	March 9, 2016	5:1	17:2
		17:12	29:2
		29:5	31:25
		32:7	36:19
		37:3	38:8
		38:20	65:4
		65:24	93:11
		94:13	102:9
		102:13	109:18
		109:20	109:23
		111:1	118:3
		118:6	118:13
		119:8	125:3
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		125:25	132:23
		133:2	133:15
		133:22	134:7
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		135:22	137:20

		137:22	141:20
		141:23	143:5
		143:8	143:13
		144:14	146:17
		146:21	148:9
		148:24	152:1
		152:14	152:25
		153:2	154:1
		154:10	159:5
		159:13	161:8
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		163:23	165:1
		165:6	166:6
		166:12	169:11
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		244:15	248:12
Jeffrey Ylvisaker	April 29, 2013	6:1	7:9
		19:8	19:18
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		42:6	43:22
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		69:3	71:21
		82:1	83:21
		86:18	90:10
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		97:23	110:2
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		115:21	116:19
		119:9	121:19
		122:9	124:13
		124:24	126:13
		126:24	127:21
		143:6	149:7
		163:16	165:4
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		179:15	180:2
		181:5	182:13
		183:3	185:3
		188:5	189:15
Jeffrey Ylvisaker	March 11, 2016	4:1	39:19

COMPLETE COPIES OF ALL DEPOSITION TRANSCRIPTS TO BE USED AT TRIAL

424. The following deposition transcripts have been filed and are available in the docket:

Deponent	Date	Docket Number
Adam Foltz	December 21, 2011	109
Adam Foltz	February 1, 2012	110
Adam Foltz (30(b)(6) deposition)	April 30, 2013	111
Adam Foltz	April 30, 2013	112
Adam Foltz	March 31, 2016	113
Ronald Keith Gaddie	January 20, 2012	107
Ronald Keith Gaddie	March 9, 2016	108
Nicholas Goedert	December 15, 2015	65
Joseph Handrick	December 20, 2011	119
Joseph Handrick	February 1, 2012	120
Joseph Handrick	April 30, 2013	121
Simon Jackman	November 20, 2015	53
Simon Jackman	March 16, 2016	97
Kenneth Mayer	November 9, 2015	52
Kenneth Mayer	March 30, 2016	99
Tad Ottman	December 22, 2011	114
Tad Ottman	February 2, 2012	115
Tad Ottman	April 29-30, 2013	116

Tad Ottman (30(b)(6) deposition)	April 30, 2013	117
Tad Ottman	March 31, 2016	118
Sean P. Trende	December 14, 2015	66
Jeffrey Ylvisaker	April 29, 2013	105
Jeffrey Ylvisaker	March 11, 2016	106

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