

**EXHIBIT A**  
**DECLARATION OF WILLIAM S. COOPER**

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

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

*Plaintiffs,*

v.

Baltimore County, Maryland, et al.,

*Defendants.*

Civil Action No. LKG-21-3232

**FOURTH DECLARATION OF WILLIAM S. COOPER**

1. I previously executed three other Declarations that were submitted in this action. The first was submitted on January 18, 2022, (ECF 28-2), the second on February 7, 2022, (ECF 41-2), and the third on March 10, 2022, (ECF 60-1). In preparing this Declaration, I reviewed Defendant Baltimore County’s Motion for Approval of Proposed Redistricting Map and to Modify Preliminary Injunction (ECF 57), the accompanying proposed Councilmanic Redistricting Map (ECF 57-3), the Supplemental Declaration of Dr. James G. Gimpel, Ph.D. (ECF 57-6), and shape files for the proposed Councilmanic Redistricting Map the County provided on March 9.

**The County’s March 8 Map**

2. The revised map submitted by Baltimore County on March 8, 2022, does not create two majority-Black districts. Instead, the County’s map creates one majority-Black district — District 4, with a Black voting age population (“BVAP”) of 64.1% (and a 62.2% Black citizen voting age population) — and one district the County describes as a “crossover” district — District 2 with a BVAP of 43.1% (and a 41.7% Black citizen voting-age population).

3. The County's March 8 map creates a single majority-Black district in District 4, with a BVAP of 64.1%, by "packing" Black voters into the district; this is a recognized method of vote dilution. There is no need to include such a high percentage of BVAP in District 4 to ensure that the district remains "safe" to elect Black voters' candidates of choice. A simple majority is enough. District 4 has successfully elected Black-preferred candidates since its inception in 2002, and has done so with a BVAP significantly lower than 64.1%.

4. In 2002, when District 4 was first created as a Black-majority district, the BVAP was 55.1%, as shown in Attachment A, the County's 2002 Chart, which comes from ACLU of Maryland files. This District was able to elect the first Black Councilmember in County history.

5. The County also erroneously relies solely on voting age population in relaying the demographics of its revised map. In a racially and ethnically diverse jurisdiction such as Baltimore County, *citizen* voting age population ("CVAP") must be taken into account when considering whether a proposed district will perform (i.e., will allow minority citizens to elect the candidate of their choice). CVAP is a measure that I routinely use in my work as a demographer drawing remedial redistricting maps to cure Voting Rights Act violations, including in this case.<sup>1</sup> I have included the CVAP of each district in preparing all of the Plaintiffs' proposed maps thus far. *See* ECF 28-2, 60-

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<sup>1</sup> See, for example, *Montes v. City of Yakima* (40 F.Supp.3d 1377 (2014)), where the court-ordered plan was an illustrative plan I drew for my Gingles 1 analysis. The two Latino CVAP districts in the court-ordered plan were in the low 50's Latino CVAP.

In 2022, in Section 2 cases involving congressional districts in Alabama and Georgia, the federal courts determined that the plaintiffs will likely prevail on the merits. In both cases, the new majority-Black districts in plans that I prepared for the Gingles 1 prong contain populations that are barely over 50% NH BCVAP. See *Caster v. Merrill*, No. 2:21-CV-1536-AMM (N.D. Ala.), *Pendergrass v. Raffensperger*, No. 1:21-CV-05339-SCJ (N.D. GA).

1. Using CVAP is crucial in evaluating whether a new district will be effective in allowing Black voters to elect their candidates of choice.

6. The County states that in its new “crossover” District 2, the combined shares of the Black, Hispanic, and Asian population would comprise 50.9% of the voting age population. However, when looking at the *citizen* voting age population, District 2 would have a Black, Hispanic, and Asian CVAP of only 47.4%. Under the County’s proposed remedial map, the non-Hispanic white CVAP would remain the majority at 52.1% of District 2’s total CVAP.

7. The large swing between the VAP and the CVAP is explained by the large number of non-citizens among certain minority populations. In Baltimore County as a whole, according to the Census Bureau’s American Community Survey, 42.0% of the voting age Latinx population are noncitizens. Selected Socio-Economic Data Baltimore County, Maryland, Single-Race African Americans and Latinos vis-à-vis Non-Hispanic Whites at 10, [http://www.fairdata2000.com/ACS\\_2015\\_19/All\\_Counties/24\\_Baltimore%20County,%20Maryland\\_ACS\\_Black\\_and\\_Latino\\_5YR.pdf](http://www.fairdata2000.com/ACS_2015_19/All_Counties/24_Baltimore%20County,%20Maryland_ACS_Black_and_Latino_5YR.pdf) (last visited Mar. 17, 2022). Similarly high noncitizen percentages of the Latinx VAP are found in the communities on the west side of Baltimore County included in the American Community Survey:

- Lochearn 61.7 % noncitizen
- Owings Mills 61.6 % noncitizen
- Woodlawn 65.2 % noncitizen
- Reisterstown 56.1% noncitizen
- Milford Mill 38.2% noncitizen
- Garrison 30.2% noncitizen
- Randallstown 16.6% noncitizen
- Pikesville 13.4% noncitizen

American Community Survey 2015-2019 data for Baltimore County, [http://www.fairdata2000.com/ACS\\_2015\\_19/Baltimore\\_County/](http://www.fairdata2000.com/ACS_2015_19/Baltimore_County/) (last viewed Mar. 17, 2022).<sup>2</sup>

**Plaintiffs' March 10 Plan ("Map 6")**

8. The map I submitted along with my declaration of March 10 (which I will refer to as "Map 6") comports with the Court's February 22 Order (ECF 55) to draw a map establishing two majority-Black districts in Baltimore County. I have reattached this map as Attachment B. Map 6 retains a Black CVAP of 51.6% in District 4, which is sufficient to give Black voters a meaningful opportunity to elect their candidates of choice, especially given that district's history of electing Black candidates, including the current incumbent. Map 6 also increases the Black CVAP of District 2 to be 52%, a clear majority. Both Districts 2 and 4 include sufficient gaps between the white and Black voting age population to ensure Black voters have meaningful opportunity to elect their candidates of choice despite white-bloc voting against those candidates. District 4's white CVAP is 40.6% (11% lower than the Black CVAP), and District 2's white CVAP is 42.2% (9.8% lower than the Black CVAP). This demographic gap would allow a cohesive community of Black

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<sup>2</sup> Updated tract-level ACS data, covering the years 2016-2020 was released by the U.S. Census Bureau today, March 17, 2022: <https://www.census.gov/newsroom/press-releases/2022/acs-5-year-estimates.html>. Initial review of the data suggests the numbers included in this Declaration will not change dramatically, nor will my expert conclusions. Based on the tract-level Non-Hispanic White citizen voting age population (NH WCVAP) data released today, I calculated the following: Under the County's March 8 remedial map, District 2 would have approximately 52% NH WCVAP, and District 4 would have 30% NH WCVAP. Under the Plaintiffs' proposed Map 6, District 2 would have approximately 41% NH WCVAP, and District 4 would have approximately 40% NH WCVAP. The URLs for the relevant data, all of which I visited on Mar. 17, 2022, are: NH White: [https://data.census.gov/cedsci/table?q=B05003h&g=0400000US24\\_0500000US24005,24005%241400000&y=2020&d=ACS%205-Year%20Estimates%20Detailed%20Tables](https://data.census.gov/cedsci/table?q=B05003h&g=0400000US24_0500000US24005,24005%241400000&y=2020&d=ACS%205-Year%20Estimates%20Detailed%20Tables); SR Black: [https://data.census.gov/cedsci/table?q=B05003b&g=0400000US24\\_0500000US24005,24005%241400000&y=2020&d=ACS%205-Year%20Estimates%20Detailed%20Tables](https://data.census.gov/cedsci/table?q=B05003b&g=0400000US24_0500000US24005,24005%241400000&y=2020&d=ACS%205-Year%20Estimates%20Detailed%20Tables); Total CVAP: [https://data.census.gov/cedsci/table?q=B05003&g=0400000US24\\_0500000US24005,24005%241400000&y=2020&d=ACS%205-Year%20Estimates%20Detailed%20Tables](https://data.census.gov/cedsci/table?q=B05003&g=0400000US24_0500000US24005,24005%241400000&y=2020&d=ACS%205-Year%20Estimates%20Detailed%20Tables).

voters to elect their representatives of choice without fear that white-bloc voting would usually defeat Black-preferred candidates.

9. In constructing Map 6, I tried to minimize the changes from the County's March 8 map. Map 6 is only a slight variation to the County's March 8 map — shifting just 11 precincts among Districts 2, 3, and 4. It keeps the County's proposed Districts 1, 5, 6, and 7 entirely intact and shifts just one lightly populated precinct out of District 3.

10. Map 6 comports with all constitutional and Voting Rights Act requirements. The map establishes seven single-member council districts that (i) satisfy Constitutional one-person one-vote requirements, (ii) are reasonably shaped, compact, and contiguous, (iii) respect communities of interest, and (iv) prevent dilution of minority voting strength.

11. Map 6 is within the acceptable range of scores for compactness. There is no bright-line rule for what constitutes an acceptable compactness score. Figure 1 compares the mean compactness scores for the Council's original 2021 plan, Proposed Plan 1, Proposed Plan 5, the plan submitted by the Council on March 8, and Map 6 I submitted with my March 10 declaration. Compactness is measured using both Reock and Polsby-Popper measures of compactness — the two most widely used measures for this purpose. As shown in **Figure 1**, Map 6 has very similar mean compactness scores to the Council's March 8 plan.

**Figure 1**  
**Compactness Comparison – All Maps**

	Reock		Polsby-Popper	
	Mean	Low	Mean	Low
<b>2021 Council Plan</b>	.45	.25	.42	.26
<b>Proposed Plan 1</b>	.36	.20	.33	.18
<b>Proposed Plan 5</b>	.39	.23	.37	.20
<b>March 8 Council Plan</b>	.43	.23	.43	.24
<b>Proposed Map 6</b>	.42	.23	.40	.21

12. Under the Map 6, the two majority-Black districts — District 2 and District 4 — also fall within the normal range for assessing compactness. Compactness scores of District 2 are .36 (Reock) and .24 (Polsby-Popper), compared to .45 and .34 in the County’s March 8 proposal. The compactness scores for District 4 under the Plaintiffs’ Map 6 are .39 and .21, compared to .34 and .26 under the County’s March 8 proposal. All of these scores are within the range generally accepted for redistricting. (Attachment C).

13. Map 6 retains the same precinct splits as the County’s March 8 plan. There are no new community or Census Designated Places splits between the two maps. The map instead serves to keep similar precincts together by creating a Reisterstown Road “corridor” in the northern portion of District 2. The “corridor” is a result of the concentration of population along Reisterstown Road — comprising of a number of Black communities of interest - and is a very different community than the rural community to the north and east. As can be seen when Map 6 is overlaid on a satellite photograph (Attachment D), the precincts shifted from the northern portion of District 2 in the County’s March 8 proposal to District 4 in Map 6 share characteristics with the adjoining precincts of District 4, in being primarily exurban as well as sharing

demographic characteristics. Conversely, the precincts that are retained in District 2 along the Reisterstown Road corridor share characteristics of being much more densely populated, as well as sharing demographic characteristics.

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

Executed on:

March 17, 2022  
Date

  
William S. Cooper

# **ATTACHMENT A**

TOTAL POPULATION 18 YEARS OLD OR OVER BY RACE AND COUNCILMANIC DISTRICT

District	Total Population 18 or over	Total Population - One Race 18 or Over	White Only 18 or Over	Black Only 18 or Over	Native American Only 18 or Over	Asian Only 18 or Over	Pacific Islander Only 18 or Over	Some Other Race Only 18 or Over	MultiRacial 18 or Over
1	81,365	80,214	58,589	16,772	202	3,997	31	623	1,151
2	79,608	78,950	61,364	14,438	88	2,641	11	408	658
3	87,022	86,266	78,575	3,590	122	3,648	14	317	756
4	80,648	79,389	32,143	44,430	181	1,974	36	625	1,259
5	83,412	82,646	70,858	7,973	125	3,365	26	299	766
6	83,246	82,361	67,475	12,293	277	1,748	29	539	885
7	80,628	79,966	73,402	5,158	378	724	33	271	662
TOTAL:	575,929	569,792	442,406	104,654	1,373	18,097	180	3,082	6,137

PERCENT POPULATION 18 YEARS OLD OR OVER BY RACE AND COUNCILMANIC DISTRICT

District	Total Population 18 or over	% Total Population - One Race 18 or Over	% White Only 18 or Over	% Black Only 18 or Over	% Native American Only 18 or Over	% Asian Only 18 or Over	% Pacific Islander Only 18 or Over	% Some Other Race Only 18 or Over	% MultiRacial 18 or Over
1	81,365	98.6%	72.0%	20.6%	0.2%	4.9%	0.0%	0.8%	1.4%
2	79,608	99.2%	77.1%	18.1%	0.1%	3.3%	0.0%	0.5%	0.8%
3	87,022	99.1%	90.3%	4.1%	0.1%	4.2%	0.0%	0.4%	0.9%
4	80,648	98.4%	39.9%	55.1%	0.2%	2.4%	0.0%	0.8%	1.6%
5	83,412	99.1%	84.9%	9.6%	0.1%	4.0%	0.0%	0.4%	0.9%
6	83,246	98.9%	81.1%	14.8%	0.3%	2.1%	0.0%	0.6%	1.1%
7	80,628	99.2%	91.0%	6.4%	0.5%	0.9%	0.0%	0.3%	0.8%
TOTAL:	575,929	98.9%	76.8%	18.2%	0.2%	3.1%	0.0%	0.5%	1.1%

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**Baltimore County Council Proposed Councilmanic Districts: Population Summary**

**TOTAL POPULATION BY RACE BY COUNCILMANIC DISTRICT**

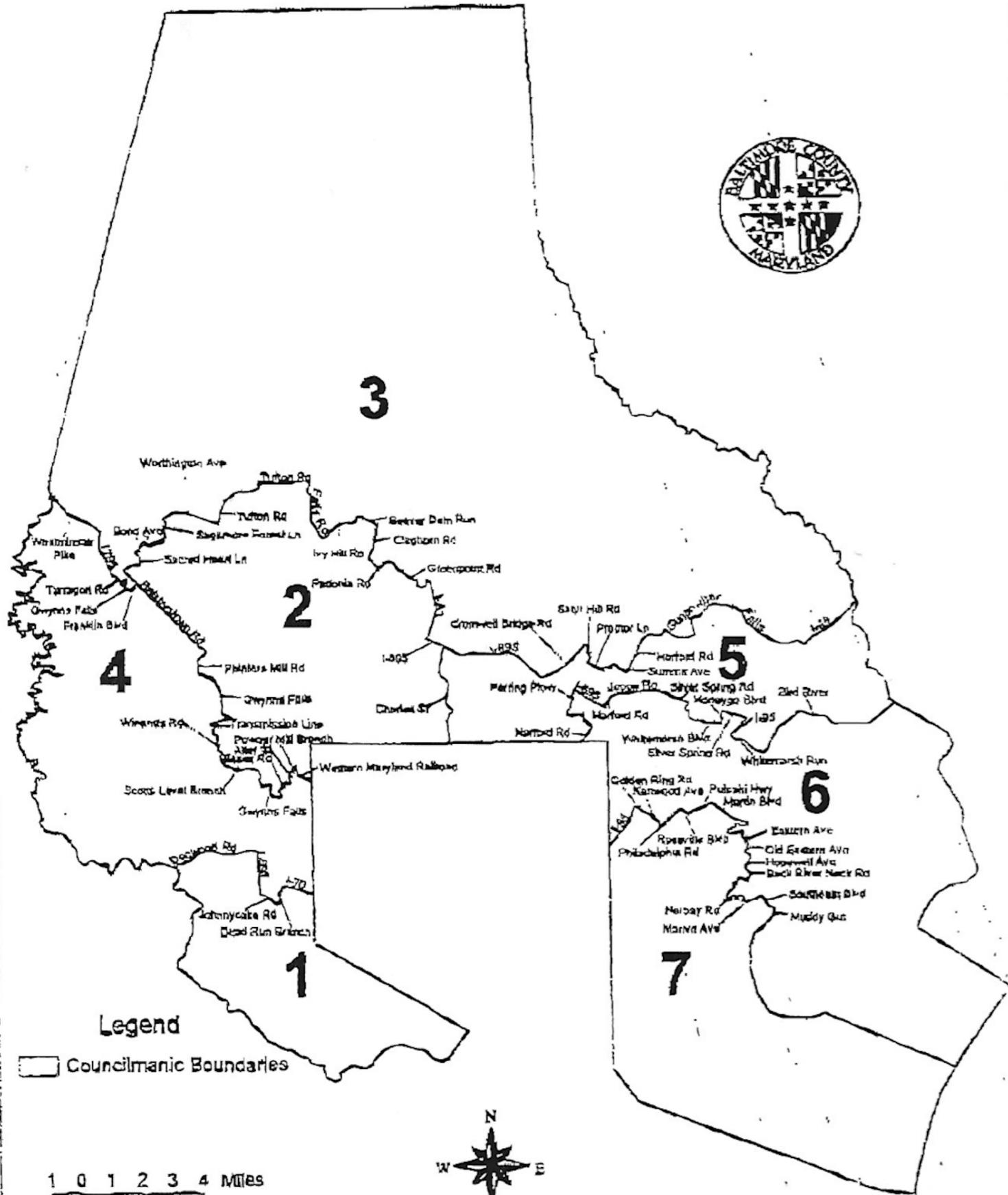
District	Total Population	Target Population	Deviation	Total Population - One Race	White Only	Black Only	Native American Only	Asian Only	Pacific Islander Only	Some Other Race Only	MultiRacial
1	106,674	107,756	-1.00%	104,690	73,903	24,398	282	5,114	42	951	1,984
2	103,622	107,756	-3.84%	102,510	78,302	19,928	126	3,568	13	573	1,112
3	111,655	107,756	3.62%	110,434	100,352	4,565	154	4,862	19	482	1,221
4	108,828	107,756	0.99%	106,647	39,013	63,763	265	2,611	42	953	2,181
5	107,004	107,756	-0.70%	105,646	88,938	11,509	176	4,533	36	454	1,358
6	111,234	107,756	3.23%	109,562	86,435	19,590	390	2,294	36	817	1,672
7	105,275	107,756	-2.30%	104,040	94,189	7,847	530	965	54	455	1,235
<b>TOTAL:</b>	<b>754,292</b>	<b>754,292</b>		<b>743,529</b>	<b>561,132</b>	<b>151,600</b>	<b>1,923</b>	<b>23,947</b>	<b>242</b>	<b>4,685</b>	<b>10,763</b>

**PERCENT POPULATION BY RACE BY COUNCILMANIC DISTRICT**

District	Total Population	Target Population	Deviation	% Total Population - One Race	% White Only	% Black Only	% Native American Only	% Asian Only	% Pacific Islander Only	% Some Other Race Only	% MultiRacial
1	106,674	107,756	-1.00%	104,690	69.28%	22.87%	0.26%	4.79%	0.04%	0.89%	1.86%
2	103,622	107,756	-3.84%	102,510	75.57%	19.23%	0.12%	3.44%	0.01%	0.55%	1.07%
3	111,655	107,756	3.62%	110,434	89.88%	4.09%	0.14%	4.35%	0.02%	0.43%	1.09%
4	108,828	107,756	0.99%	106,647	35.85%	58.59%	0.24%	2.40%	0.04%	0.88%	2.00%
5	107,004	107,756	-0.70%	105,646	83.12%	10.76%	0.16%	4.24%	0.03%	0.42%	1.27%
6	111,234	107,756	3.23%	109,562	77.71%	17.61%	0.35%	2.06%	0.03%	0.73%	1.50%
7	105,275	107,756	-2.30%	104,040	89.47%	7.45%	0.50%	0.92%	0.05%	0.43%	1.17%
<b>TOTAL:</b>	<b>754,292</b>	<b>754,292</b>		<b>743,529</b>	<b>74.39%</b>	<b>20.10%</b>	<b>0.25%</b>	<b>3.17%</b>	<b>0.03%</b>	<b>0.62%</b>	<b>1.43%</b>

# Baltimore County: Councilmanic Districts 2002

## Bill 47-01 Proposed for Amendment



### Legend

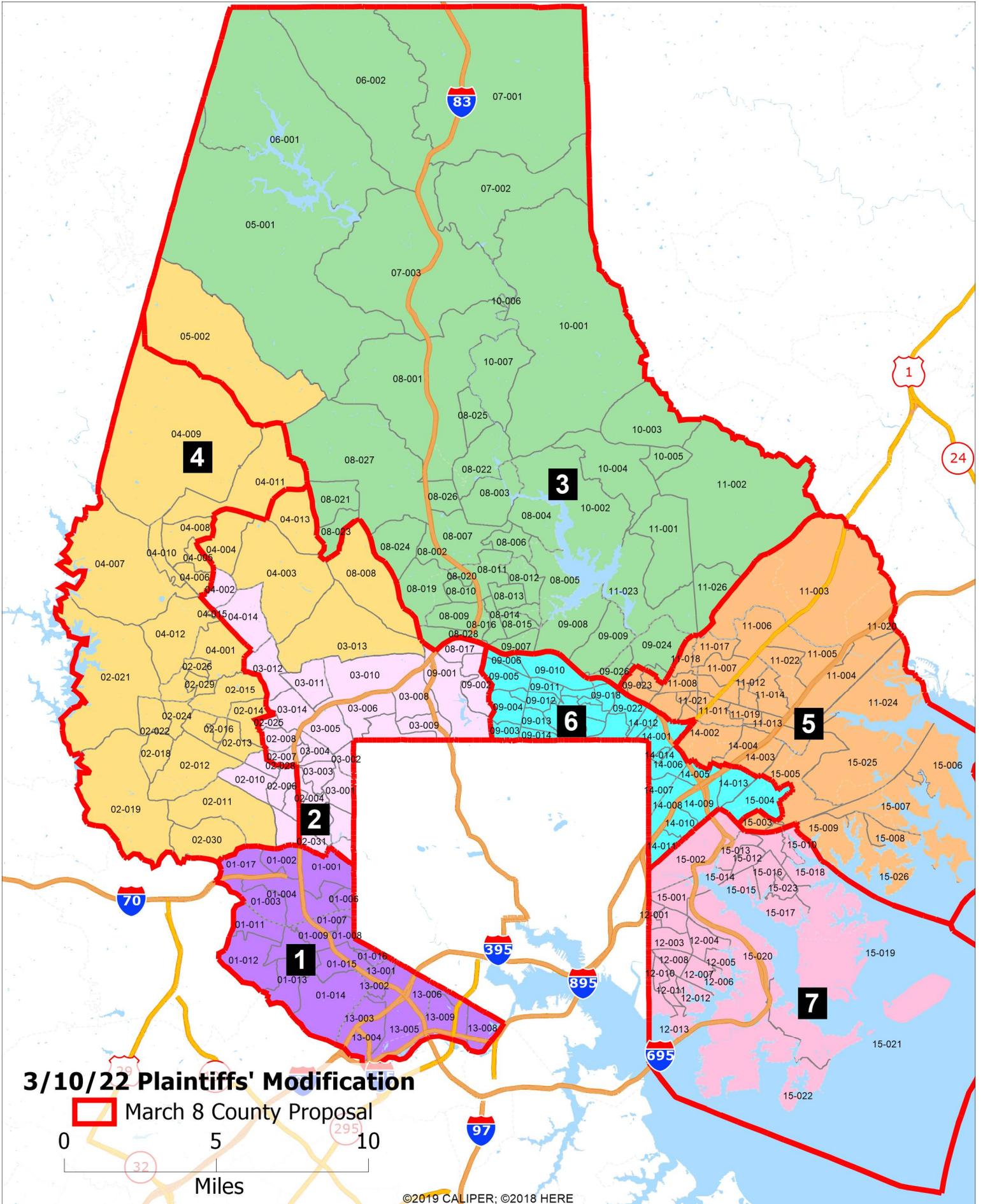
□ Councilmanic Boundaries

1 0 1 2 3 4 Miles



Data Source:  
U.S. Bureau of the Census  
2000 TIGER Line Data (1:100000)

**ATTACHMENT B**



**3/10/22 Plaintiffs' Modification**

 March 8 County Proposal





**ATTACHMENT C**

Plan Name: Baltimore\_March\_10\_Plan  
Plan Type:  
Date: 3/16/2022 Time:  
12:31:46PM  
Administrator:

## Measures of Compactness

3/16/2022

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DISTRICT	Rcock	Polsby-Popper
1	0.37	0.45
2	0.36	0.25
3	0.51	0.48
4	0.39	0.21
5	0.50	0.41
6	0.23	0.24
7	0.61	0.76

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Sum	N/A	N/A
Min	0.23	0.21
Max	0.61	0.76
Mean	0.42	0.40
Std. Dev.	0.12	0.19

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Plan Name: Baltimore\_March\_8\_County\_Proposal  
Plan Type:  
Date: 3/16/2022 Time:  
12:41:30PM  
Administrator:

## Measures of Compactness

3/16/2022

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DISTRICT	Reock	Polsby-Popper
1	0.37	0.45
2	0.45	0.34
3	0.53	0.52
4	0.34	0.26
5	0.50	0.41
6	0.23	0.24
7	0.61	0.76
Sum	N/A	N/A
Min	0.23	0.24
Max	0.61	0.76
Mean	0.43	0.43
Std. Dev.	0.13	0.18

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**ATTACHMENT D**

