

EXHIBIT B

DECLARATION OF MATTHEW A. BARRETO

UNITED STATES DISTRICT COURT
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-21-03232

FOURTH DECLARATION OF MATT BARRETO, PH. D.

1. I have previously executed three declarations that were submitted in this action. The first was executed on January 18, 2022 (ECF 28-3), the second on February 7, 2022 (ECF 41-1), and the third on March 10, 2022 (ECF 60-2). Additionally, I testified via Zoom on February 15, 2022 as part of the Court's hearing on Plaintiffs' Motion for Preliminary Injunction. Since then, I have 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), and the Supplemental Declaration of Dr. James G. Gimpel, Ph.D. (ECF 57-6).

2. As explained in my prior declarations, in this matter I have been working with Dr. Kassra Oskooii, tenured professor of Political Science at the University of Delaware.

3. I have carefully reviewed the population demographics and the election results associated with the new remedial map proposed by Baltimore County on March 8, 2022 and my conclusion is that the County's revised map does not provide Black voters with a fair opportunity to elect candidates of their choice, for reasons laid out in my third declaration and repeated here.

4. According to the County, the population demographics in the new District 2 continue to keep the Black voting age population well below a majority (at 41.7%), while the white, non-Hispanic voting age population (45.8%) outnumbers the Black population. Moreover, as explained in William Cooper's fourth declaration, the County's remedial District 2 has a citizen voting age population that is majority-white, at 52.1%. In maps submitted by the Plaintiffs as part of their Motion for Preliminary Injunction, it was clear that two majority-Black VAP districts can be created in Baltimore County. The map offered by the County falls well short of this benchmark.

5. Beyond the population demographics, a far more important metric is performance analysis, which can determine if the amalgamation of precincts in Baltimore County’s newly proposed District 2 will allow Black voters to elect candidates of their choice. The performance analysis does not look to percentages of voting age population or citizen voting age population to generate an estimate of how those groups may vote; rather, it aggregates the **actual votes cast** for specific candidates from actual voters in the precincts and sorts them into new districts based on a proposed plan. Similar to the performance analysis we provided for the preliminary injunction hearing, Dr. Oskooii and I took the set of precincts which the County proposes in District 2 and evaluated critical elections in which Black candidates faced off against white candidates. Our conclusion is that from the standpoint of electability, the County’s remedial map does not perform for Black voters’ candidates of choice.

6. I have now carefully reviewed the population demographics and election results associated with the revised map proposed by Plaintiffs. There is no question that from a population and electoral opportunity stand point, the Plaintiffs’ proposed map is superior to the County’s remedial map. The Plaintiffs’ map clearly provides Black voters with an opportunity to elect candidates of their choice in two County Council districts.

7. In Table 1 below I compare the electoral performance of the County’s remedial map to the Plaintiffs’ most recent proposal.

Table 1: Performance Analysis of Black Preferred Candidates Across Proposed Maps

	County’s Remedial Map			Plaintiffs’ Proposed Map 6		
	D1	D2	D4	D1	D2	D4
Hogan	55.0%	45.0%	32.5%	55.0%	37.6%	42.3%
Brown	42.4%	53.3%	65.8%	42.4%	60.6%	56.1%
Van Hollen	51.6%	57.2%	36.9%	51.6%	50.6%	44.8%
Edwards	39.4%	37.4%	57.0%	39.4%	43.9%	49.3%
Hogan	54.6%	50.2%	36.3%	54.6%	43.5%	44.4%
Jealous	44.1%	49.0%	62.7%	44.1%	55.7%	54.6%

8. In the County’s remedial map, District 4 remains overly packed with too high a threshold of Black voters, resulting in what courts have referred to as “wasted votes” and evidence of vote dilution. While District 4 remains packed, District 2 does not perform well for Black voters. In particular, the remedial District 2 does not give Black voters an opportunity to elect their candidates of choice in either one of the most recent elections: the 2016 Democratic primary

election and the 2018 general election.¹ While the County's remedial plan has increased the Black population in District 2, it has not increased it to the level needed to overcome white bloc voting, and to allow Black voters to elect candidates of choice. Therefore, the Black population will very likely continue to see their preferred candidates lose out. Indeed, from a population standpoint, white voters are more numerous than Black voters in the County's remedial District 2, and as noted by Mr. Cooper, white residents constitute a clear majority of the District's citizen voting age population. That means it is unlikely Black voters, even if they join in a coalition with Hispanic and Asian-American voters, will be able to elect a candidate of their choice.

9. In Plaintiffs' proposed map, District 4 still performs for Black candidates of choice in all three elections reviewed. With a well-established Black incumbent, District 4 is not at risk of not performing for Black voters in Plaintiffs' map. The big improvement, however, is in Plaintiffs' District 2 which shows support for Black-preferred candidates by an average of seven percentage points over the County proposal. While Mr. Jealous loses the combined precincts in the County's remedial District 2 in 2018, he would win the combined precincts in Plaintiffs' proposed District 2 by more than 10 points. While Ms. Edwards trailed Mr. Van Hollen by almost 20 points in the County's District 2 under its remedial plan, the gap narrows to less than seven points in the Plaintiffs' proposal, and she would have defeated Mr. Van Hollen in Plaintiffs' proposed District 4. Across every metric, the Plaintiffs' map provides enhanced opportunity to elect candidates of choice for the Black community, as compared to the County's remedial map.

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



Matt Barreto
Agoura Hills, California

Executed on March 17, 2022

¹ "Courts have found recent elections to be the most probative" in determining if there has been a violation of Section 2 of the VRA. *U.S. v. Charleston County*, 316 F.Supp. 2d 268, n. 13 (D.S.C. 2003), aff'd 365 F.3d 341, 350 (4th Cir. 2004) citing *Ruiz v. City of Santa Maria*, 160 F.3d 543, 555 (9th Cir.1998); *Uno v. City of Holyoke*, 72 F.3d 973, 990 (1st Cir.1995); *Meek v. Metro. Dade County, Fla.*, 985 F.2d 1471, 1482-83 (11th Cir.1993).