

Vincent Roscigno

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

- - -

Ohio State Conference of	:	
the National Association	:	
for the Advancement of	:	
Colored People, et al.,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	Case No. 2:14-cv-00404
	:	
Jon Husted, et al.,	:	
	:	
Defendants.	:	

- - -

DEPOSITION

of Professor Vincent Roscigno, taken before me, Karen Sue Gibson, a Notary Public in and for the State of Ohio, at the offices of Mike DeWine, Ohio Attorney General, 30 East Broad Street, 17th Floor, Columbus, Ohio, on Thursday, July 10, 2014, at 9:30 a.m.

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1 part of the conversation, but I knew that I wanted  
2 discussion of Senate Factor 5 complete, I believe,  
3 within the first week or two of May, and then I would  
4 continue on the other Senate factors.

5 MR. VOIGT: Okay. All right. I would  
6 like to take another 2-minute break. I may be done.

7 MR. YOUNG: Sure. Okay.

8 MR. VOIGT: So let's go off the record.

9 (Recess taken.)

10 Q. Let's go back on the record. During any  
11 of the breaks today, did you have any substantive  
12 conversations with plaintiffs' attorneys?

13 A. No, I did not.

14 MR. VOIGT: I have no further questions,  
15 although I reserve the right to continue questions if  
16 opposing counsel has questions.

17 MR. YOUNG: Yes. We have a few  
18 questions.

19 - - -

20 EXAMINATION

21 By Mr. Young:

22 Q. Professor Roscigno, your report discusses  
23 the fact that there are significant racial  
24 disparities in employment and that African Americans  
25 generally have greater difficulty taking time off of

1 work; is that correct?

2 A. That's correct.

3 MR. VOIGT: Objection, beyond the scope  
4 of the direct examination.

5 Q. Does the availability of early voting on  
6 two Saturdays change your analysis concerning racial  
7 disparities in employment?

8 A. No.

9 Q. Does the ability of early voting on one  
10 Sunday change your analysis concerning employment  
11 disparities?

12 A. No.

13 MR. VOIGT: Same objection, continuing  
14 for -- maybe I should -- actually I should probably  
15 say that objection every time because it's somewhat  
16 of a case-by-case basis, so the last two questions I  
17 object. They are beyond the scope of the direct.

18 Q. Does the availability of early voting on  
19 two Saturdays and one Sunday change the fact -- your  
20 analysis concerning racial disparities in employment?

21 A. No.

22 MR. VOIGT: Same objection.

23 Q. Does the polling location for early  
24 voting change your analysis concerning racial  
25 disparities in employment?

1 A. No.

2 Q. Does the fact that early voting hours are  
3 uniform across counties change your analysis  
4 concerning racial disparities in employment?

5 MR. VOIGT: Same objection.

6 A. No.

7 Q. Does the motivation behind any of these  
8 early voting restrictions that you looked at change  
9 your analysis concerning racial disparities in  
10 employment?

11 MR. VOIGT: Same objection.

12 A. No.

13 Q. Does the availability of mail-in voting  
14 change your analysis concerning significant racial  
15 disparities in employment?

16 A. No.

17 MR. VOIGT: Objection, form.

18 Q. What if I were to tell you polls are open  
19 on election day from 6:30 a.m. to 7:30 p.m., does  
20 that fact change your analysis concerning racial  
21 disparities in employment?

22 A. No.

23 Q. Does the voter turnout or behavior in  
24 states other than Ohio change your analysis  
25 concerning racial disparities in employment in Ohio?

1 MR. VOIGT: Objection, form.

2 A. No.

3 Q. Does the issuance or contents of the OAE0  
4 report that we looked at earlier change your analysis  
5 concerning any of the racial disparities in  
6 employment?

7 A. No.

8 Q. Does the availability of early voting on  
9 two Saturdays change -- withdrawn.

10 Is it your opinion that African Americans  
11 generally have greater difficulty taking time off of  
12 work in Ohio?

13 A. Yes, sir.

14 Q. Does the availability of early voting on  
15 two Saturdays change your opinion that African  
16 Americans generally have greater difficulty taking  
17 time off of work in Ohio?

18 MR. VOIGT: Objection, form.

19 A. No.

20 Q. Does the availability of early voting on  
21 one Sunday change the fact that African Americans  
22 have greater difficulty taking time off of work in  
23 Ohio?

24 A. No.

25 MR. VOIGT: Objection, form.

1 Q. Does the availability of early voting on  
2 two Saturdays and one Sunday change the fact that  
3 African Americans have greater difficulty taking time  
4 off of work?

5 A. No.

6 Q. Does the polling location for early  
7 voting change the fact that African Americans have  
8 greater difficulty taking time off of work?

9 A. No.

10 Q. Does the fact that early voting hours are  
11 uniform across counties change the fact that African  
12 Americans have greater difficulty taking time off of  
13 work?

14 A. No.

15 Q. Does the motivation behind any of these  
16 early voting restrictions change the fact that  
17 African Americans have greater difficulty taking time  
18 off of work?

19 A. No.

20 Q. Does the availability of mail-in voting  
21 change the fact that African Americans have greater  
22 difficulty taking time off of work?

23 A. No.

24 MR. VOIGT: Objection.

25 Q. Does the fact that polls are open on

1 election day from 6:30 a.m. to 7:30 p.m. change the  
2 fact that African Americans have greater difficulty  
3 taking time off of work?

4 MR. VOIGT: Objection, form, asked and  
5 answered.

6 A. No.

7 Q. Does the voter turnout or voter behavior  
8 from other states change the fact that African  
9 Americans in Ohio have greater difficulty taking time  
10 off of work?

11 A. No.

12 MR. VOIGT: Objection, beyond the scope.

13 Q. Does the issuance of the OAEO report or  
14 its contents change the fact that African Americans  
15 have greater difficulty taking time off of work?

16 A. No.

17 Q. Is it your opinion that with respect to  
18 housing African Americans tend to be racially  
19 isolated in Ohio?

20 A. Yes.

21 MR. VOIGT: Objection, beyond the scope  
22 of the direct examination.

23 Q. And is it your opinion -- and does your  
24 report describe how racial isolation in housing  
25 prevents African Americans from accessing employment

1 opportunities in the suburbs, better schools, better  
2 security, and institutional resources?

3 A. Yes.

4 MR. VOIGT: Same objection.

5 Q. Does the availability of early voting on  
6 two Saturdays change the fact of racial isolation in  
7 housing?

8 A. No.

9 Q. Does the availability of early voting on  
10 one Sunday change the fact of racial isolation in  
11 housing?

12 A. No.

13 Q. Does the availability of early voting on  
14 two Saturdays and one Sunday change the fact of  
15 racial isolation in housing?

16 A. No.

17 Q. Does the polling location for early  
18 voting change the fact of racial isolation in  
19 housing?

20 A. No.

21 Q. Does the fact that early voting hours are  
22 uniform across counties change the fact of racial  
23 isolation in housing?

24 A. No.

25 Q. Does the motivation behind any of these



1 early voting restrictions change the fact of racial  
2 isolation in housing?

3 A. No.

4 MR. VOIGT: Objection to all of these  
5 questions with the assumption that your -- your  
6 question is assuming something is a fact.

7 Q. Does the availability of mail-in voting  
8 change the fact of racial isolation in housing?

9 A. No.

10 Q. Does the fact that polls are open on  
11 election day from 6:30 a.m. to 7:30 p.m. change the  
12 fact of racial isolation in housing?

13 A. No.

14 Q. Does the voter turnout or behavior in  
15 other states change the fact of racial isolation in  
16 housing in Ohio?

17 A. No.

18 Q. Does the issuance of the OAE0 report --  
19 OAE0 report or its contents change the fact of racial  
20 isolation in housing?

21 A. No.

22 Q. Is it your opinion that racial minorities  
23 tend to move more frequently than whites?

24 A. Yes.

25 MR. VOIGT: Objection, beyond the scope

1 of the direct examination.

2 Q. Does the fact that -- withdrawn.

3 Does the availability of early voting on  
4 two Saturdays change the fact that racial minorities  
5 tend to move more frequently than whites?

6 A. No.

7 Q. Does the availability of early voting on  
8 one Sunday change the fact that racial minorities  
9 tend to move more frequently than whites?

10 A. No.

11 Q. Does the availability of early voting on  
12 two Saturdays and one Sunday change the fact that  
13 racial minorities tend to move more frequently than  
14 whites?

15 A. No.

16 Q. Does the polling location for early  
17 voting change the fact that racial minorities tend to  
18 move more frequently than whites?

19 A. No.

20 Q. Does the fact that early voting hours are  
21 uniform across counties change the fact that racial  
22 minorities tend to move more frequently than whites?

23 A. No.

24 Q. Does the -- does the availability of  
25 mail-in voting change the fact that racial minorities

1       tend to move more frequently than whites?

2             A.    No.

3             Q.    Does the fact that polls are open on  
4       election day from 6:30 a.m. to 7:30 p.m. change the  
5       fact that racial minorities tend to move more  
6       frequently than whites?

7             A.    No.

8             Q.    Does the voter turnout or voter behavior  
9       in other states change the fact that racial  
10       minorities tend to move more frequently than whites?

11            A.    No.

12            Q.    Does the issuance of the OAEO report or  
13       its contents change the fact that racial minorities  
14       tend to move more frequently than whites?

15            A.    No.

16            MR. YOUNG:   And just for purposes of the  
17       record, to respond to objections related to scope,  
18       opposing counsel raised the issue of all of these  
19       questions that I am asking, and so these questions  
20       are well within the scope because they directly  
21       address the relevance of these particular factors to  
22       Professor Roscigno's analysis.

23            Q.    Is it your opinion that African Americans  
24       face greater difficulty securing transportation than  
25       whites?

1 A. Yes.

2 MR. VOIGT: Objection, beyond the scope  
3 of the direct.

4 MR. YOUNG: Same response, standing  
5 response.

6 Q. Does the availability of early voting on  
7 two Saturdays change the fact that African Americans  
8 face greater difficulty securing transportation than  
9 whites?

10 A. No.

11 Q. Does the availability of early voting on  
12 one Sunday change the fact that African Americans  
13 face greater difficulty securing transportation than  
14 whites?

15 A. No.

16 Q. Does the availability of early voting on  
17 two Saturdays and one Sunday change the fact that  
18 African Americans face greater difficulty securing  
19 transportation than whites?

20 A. No.

21 Q. Does the polling location for early  
22 voting change the fact that African Americans face  
23 greater difficulty securing transportation than  
24 whites?

25 A. No.

1 MR. VOIGT: Can I just say I have a  
2 standing objection, continuing objection, to the form  
3 of the question and all of these questions that  
4 you're referring to an expert opinion as fact. In  
5 other words, you are asking him about his -- his  
6 opinion related to certain things, and you are  
7 characterizing that as a fact. I object to the  
8 extent -- I object for a number of reasons, you know,  
9 but I am also objecting to the use of the word  
10 "fact."

11 MR. YOUNG: And in response when I use  
12 the word "fact," I am referring to Professor  
13 Roscigno's opinions as expressed in the report, and  
14 so it is -- the foundation for my questions are based  
15 on Professor Roscigno's opinions.

16 MR. VOIGT: Nevertheless I still feel  
17 that's a misleading way to present questions.

18 MR. YOUNG: Can you read the last  
19 question.

20 (Question read.)

21 Q. Does the fact that early voting hours are  
22 uniform across counties change the fact that African  
23 Americans face greater difficulties securing  
24 transportation than whites?

25 A. No.

1 Q. Does the motivation behind any of these  
2 early voting restrictions change the fact that  
3 African Americans face greater difficulty securing  
4 transportation than whites?

5 A. No.

6 Q. Does the availability of mail-in voting  
7 change the fact that African Americans face greater  
8 difficulty securing transportation than whites?

9 A. No.

10 Q. Does the fact that polls are open on  
11 election day from 6:30 a.m. to 7:30 p.m. change the  
12 fact that African Americans face greater difficulty  
13 securing transportation than whites?

14 A. No.

15 Q. Does the voter turnout or voter behavior  
16 in other states change the fact that African  
17 Americans face greater difficulty securing  
18 transportation than whites?

19 A. No.

20 Q. Does the issuance of the OAE0 report or  
21 its contents change the fact that African Americans  
22 face greater difficulty securing transportation than  
23 whites?

24 A. No.

25 Q. Is it your opinion that African Americans

1 face greater burdens arranging for child care in  
2 Ohio?

3 MR. VOIGT: Objection, beyond the scope  
4 of the direct examination.

5 A. Yes.

6 Q. Does the availability of early voting on  
7 two Saturdays change the fact that African Americans  
8 have greater difficulty arranging for child care than  
9 whites?

10 A. No.

11 Q. Does the availability of early voting on  
12 one Sunday change the fact that African Americans  
13 face greater burdens arranging for child care than  
14 whites?

15 A. No.

16 Q. Does the availability of early voting on  
17 two Saturdays and one Sunday change the fact that  
18 African Americans face greater burdens arranging for  
19 child care than whites?

20 A. No.

21 Q. Does the polling location for early  
22 voting change the fact that African Americans face  
23 greater burdens arranging for child care than whites?

24 A. No.

25 Q. Does the fact that early voting hours are

1 uniform across counties change the fact that African  
2 Americans face greater burdens arranging for child  
3 care than whites?

4 A. No.

5 Q. Does the fact -- does the motivation  
6 behind any of these early voting restrictions change  
7 the fact that African Americans face greater burdens  
8 arranging for child care compared to whites?

9 A. No.

10 Q. Does the availability of mail-in voting  
11 change the fact that African Americans face greater  
12 burdens arranging for child care than whites?

13 A. No.

14 Q. Does the fact that polls are open on  
15 election day from 6:30 a.m. to 7:30 p.m. change the  
16 fact that African Americans face greater burdens  
17 arranging for child care compared to whites?

18 A. No.

19 Q. Does the voter turnout or voter behavior  
20 in other states change the fact that African  
21 Americans face greater burdens arranging for child  
22 care compared to whites?

23 A. No.

24 Q. Does the issuance of the OAE0 report or  
25 its contents change the fact that African Americans



1 face greater burdens arranging for child care  
2 compared to whites?

3 A. No.

4 Q. Is it your opinion that there are  
5 significant racial disparities in income and poverty  
6 rates in Ohio?

7 MR. VOIGT: Objection, continuing  
8 objection to these questions being beyond the scope  
9 of the direct examination.

10 A. Yes.

11 Q. Does the availability of early voting on  
12 two Saturdays change these racial disparities in  
13 income and poverty?

14 A. No.

15 Q. Does the availability of early voting on  
16 one Sunday change the fact of racial disparities in  
17 income and poverty?

18 A. No.

19 Q. Does the availability of early voting on  
20 two Saturdays and one Sunday change the fact of  
21 racial disparities in income and poverty?

22 A. No.

23 Q. Does the polling location for early  
24 voting change the fact of racial disparities in  
25 income and poverty?

1 A. No.

2 Q. Does the fact that early voting hours are  
3 uniform across counties change the fact of racial  
4 disparities in income and poverty?

5 A. No.

6 Q. Does the motivation behind any of these  
7 early voting restrictions change the fact of racial  
8 disparities in income and poverty?

9 A. No.

10 Q. Does the availability of mail-in voting  
11 change the fact of racial disparities in income and  
12 poverty?

13 A. No.

14 Q. Does the fact that polls are open on  
15 election day from 6:30 a.m. to 7:30 p.m. change the  
16 fact of racial disparities in income and poverty?

17 A. No.

18 Q. Does the voter turnout or behavior in  
19 other states change the fact of racial disparities in  
20 income and poverty in Ohio?

21 A. No.

22 Q. Does the issuance of the OAEO report or  
23 its contents change the fact of racial disparities in  
24 income and poverty?

25 A. No.

1           Q.    In your report you discuss racial  
2           isolation in education and how students' poverty  
3           rates in African-American schools are higher than  
4           poverty rates in white schools which has implications  
5           for educational outcomes.  Is that a fair and  
6           accurate representation -- description of what you  
7           discuss in your report?

8                   MR. VOIGT:  Same objection, continuing  
9           objection to all of these questions because they are  
10          beyond the scope of the direct examination.

11                   MR. YOUNG:  Same standing response.

12           A.    Yes.

13           Q.    Does the -- and is that description true?

14           A.    Yes.

15           Q.    Does the availability of early voting on  
16           two Saturdays change the fact of racial isolation in  
17           education?

18           A.    No.

19           Q.    Does the availability of early voting on  
20           one Sunday change the fact of racial isolation in  
21           education?

22           A.    No.

23           Q.    Does the availability of early voting on  
24           two Saturdays and one Sunday change the fact of  
25           racial isolation in education?

1 A. No.

2 Q. Does the polling location for early  
3 voting change the fact of racial isolation in  
4 education?

5 A. No.

6 Q. Does the fact that early voting hours are  
7 uniform across counties change the fact of racial  
8 isolation in education?

9 A. No.

10 Q. Does the motivation behind any of these  
11 early voting restrictions change the fact of racial  
12 isolation in education?

13 A. No.

14 Q. Does the availability of mail-in voting  
15 change the fact of racial isolation in education?

16 A. No.

17 Q. Does the fact that polls are open on  
18 election day from 6:30 a.m. to 7:30 p.m. change the  
19 fact of racial isolation in education?

20 A. No.

21 Q. Does the voter turnout or behavior in  
22 other states change the fact of racial isolation in  
23 education?

24 A. No.

25 Q. Does the issuance of the OAE0 report or

1 its contents change the fact of racial isolation in  
2 education?

3 A. No.

4 Q. Is your opinion, as you describe I  
5 believe on page 25 of your report -- I apologize,  
6 page 24 to 25 of your report, is it your opinion that  
7 there are significant racial disparities across a  
8 variety of health indicators?

9 MR. VOIGT: Again, standing objection to  
10 the entire line of questioning because it's beyond  
11 the scope of the direct examination.

12 MR. YOUNG: Same response.

13 A. Yes.

14 Q. Does the availability of early voting on  
15 two Saturdays change the fact of these racial  
16 disparities in health?

17 A. No.

18 Q. Does the availability of early voting on  
19 one Sunday change the fact of these racial  
20 disparities in health?

21 A. No.

22 Q. Does the availability of early voting on  
23 two Saturdays and one Sunday change the fact of  
24 racial disparities in health?

25 A. No.

1 Q. Does the polling location for early  
2 voting change the fact of racial disparities in  
3 health?

4 A. No.

5 Q. Does the fact that early voting hours are  
6 uniform across counties change the fact of racial  
7 disparities in health?

8 A. No.

9 Q. Does the motivation behind any of these  
10 early voting restrictions change the fact of racial  
11 disparities in health?

12 A. No.

13 Q. Does the availability of mail-in voting  
14 change the fact of racial disparities in health?

15 A. No.

16 Q. Does the fact that polls are open on  
17 election day from 6:30 a.m. to 7:30 p.m. change the  
18 fact of racial disparities in health?

19 A. No.

20 Q. Does the voter turnout or behavior in  
21 other states change the fact of racial disparities in  
22 health in Ohio?

23 A. No.

24 Q. Does the issuance of the OAE0 report or  
25 its contents change the fact of racial disparities in

1 health?

2 A. No.

3 Q. I'm almost done, I promise. Is it your  
4 opinion that there are significant and substantial  
5 patterns of racially polarized voting in Ohio?

6 A. Yes.

7 Q. Does the availability of early voting on  
8 two Saturdays --

9 MR. VOIGT: Objection. I'm sorry.

10 MR. YOUNG: That's okay.

11 MR. VOIGT: Objection, continuing  
12 objection to the line of questioning because it's  
13 beyond the scope of the direct examination.

14 MR. YOUNG: Same response.

15 Q. Does the availability of early voting on  
16 two Saturdays change the fact of racially polarized  
17 voting?

18 A. No.

19 Q. Does the availability of early voting on  
20 one Sunday change the fact of racially polarized  
21 voting?

22 A. No.

23 Q. Does the availability of early voting on  
24 two Saturdays and one Sunday change the fact of  
25 racially polarized voting?

1 A. No.

2 Q. Does the polling location for early  
3 voting change the fact of racially polarized voting?

4 A. No.

5 Q. Does the fact that early voting hours are  
6 uniform across counties change the fact of racially  
7 polarized voting?

8 A. No.

9 Q. Does the fact that -- does the motivation  
10 behind any of these early voting restrictions change  
11 the fact of racially polarized voting?

12 A. No.

13 Q. Does the availability of mail-in voting  
14 change the fact of racially polarized voting?

15 A. No.

16 Q. Does the fact that polls are open on  
17 election day from 6:30 a.m. to 7:30 p.m. change the  
18 fact of racially polarized voting?

19 A. No.

20 Q. Does the voter turnout or behavior in  
21 other states change the fact of racially polarized  
22 voting?

23 A. No.

24 Q. Does the issuance of the OAE0 report or  
25 its content change the fact of racially polarized



1 voting in Ohio?

2 A. No.

3 Q. In your report is it correct that you  
4 describe a significant -- withdrawn.

5 Is it correct that in your report you  
6 describe racial discrimination in employment and in  
7 housing in Ohio?

8 A. Yes.

9 MR. VOIGT: Objection, beyond the scope  
10 of the direct examination.

11 MR. YOUNG: Same response.

12 Q. Does the availability of early voting on  
13 two Saturdays change the fact of this racial  
14 discrimination?

15 A. No.

16 Q. Does the availability of early voting on  
17 one Sunday change the fact of this racial  
18 discrimination?

19 A. No.

20 Q. Does the availability of early voting on  
21 two Saturdays and one Sunday change the fact of this  
22 racial discrimination?

23 A. No.

24 Q. Does the polling location for early  
25 voting change the fact of this racial discrimination?

1 A. No.

2 Q. Does the fact that early voting hours are  
3 uniform across counties change the fact of racial --  
4 change this fact of this racial discrimination?

5 A. No.

6 Q. Does the motivation behind any of these  
7 early voting restrictions change the fact of this  
8 racial discrimination?

9 A. No.

10 Q. Does the availability of mail-in voting  
11 change the fact of this racial discrimination?

12 A. No.

13 Q. Does the fact that polls are open on  
14 election day from 6:30 a.m. to 7:30 p.m. change the  
15 fact of this racial discrimination?

16 A. No.

17 Q. Does the voter turnout or behavior in  
18 other states change the fact of this racial  
19 discrimination?

20 A. No.

21 Q. Does the issuance of the OAE0 report or  
22 its contents change the fact of this racial  
23 discrimination?

24 A. No.

25 Q. Is it correct that your report discusses

1 a series of racial appeals under Senate Factor 6?

2 A. That's correct.

3 Q. Does the availability of early voting on  
4 two Saturdays change the fact that those racial  
5 appeals exist?

6 A. No.

7 MR. VOIGT: Again, continuing objection  
8 to the entire line of questioning because it's beyond  
9 the scope of the direct examination.

10 MR. YOUNG: Same response.

11 A. No.

12 Q. Does the availability of early voting on  
13 one Sunday change the fact of these racial appeals?

14 A. No.

15 Q. Does the availability of early voting on  
16 two Saturdays and one Sunday change the fact that  
17 these racial appeals exist?

18 A. No.

19 Q. Does the polling location for early  
20 voting change the fact that these racial appeals  
21 exist?

22 A. No.

23 Q. Does the fact that these early voting  
24 hours are uniform across counties change the fact  
25 that these racial appeals exist?

1 A. No.

2 Q. Does the motivation behind any of these  
3 early voting restrictions change the fact that racial  
4 appeals exist?

5 A. No.

6 Q. Does the availability of mail-in voting  
7 change the fact that these racial appeals exist?

8 A. No.

9 Q. Does the fact that polls are open on  
10 election day from 6:30 a.m. to 7:30 p.m. change the  
11 fact that these racial appeals exist?

12 A. No.

13 Q. Does the voter turnout or behavior in  
14 other states change the fact that these racial  
15 appeals exist?

16 A. No.

17 Q. Does the issuance of the OAE0 -- OAE0  
18 report or its contents change the fact that these  
19 racial appeals exist?

20 A. No.

21 Q. Is it your opinion that African Americans  
22 in Ohio have had difficulty winning office,  
23 particularly in state-level positions?

24 A. Yes.

25 MR. VOIGT: Object, continuing objection

1 to this line of questioning because it's beyond the  
2 scope of the direct examination.

3 MR. YOUNG: Same response.

4 A. Yes.

5 Q. Does the availability of early voting on  
6 two Saturdays change the fact that African Americans  
7 in Ohio have had difficulty winning office?

8 A. No.

9 Q. Does the availability of early voting on  
10 one Sunday change the fact that African Americans in  
11 Ohio have had difficulty winning --

12 A. No.

13 Q. -- winning office?

14 A. No.

15 Q. Does the availability of early voting on  
16 two Saturdays and one Sunday change the fact that  
17 African Americans in Ohio have had difficulty winning  
18 office?

19 A. No.

20 Q. Does the polling location for early  
21 voting change the fact that African Americans in Ohio  
22 have had difficulty winning office?

23 A. No.

24 Q. Does the fact that early voting hours are  
25 uniform across counties change the fact that African

1 Americans in Ohio have had difficulty winning office?

2 A. No.

3 Q. Does the motivation behind any of these  
4 early voting restrictions change the fact that  
5 African Americans in Ohio have had difficulty winning  
6 office?

7 A. No.

8 Q. Does the availability of mail-in voting  
9 change the fact that African Americans in Ohio have  
10 had difficulty winning office?

11 A. No.

12 Q. Does the fact that polls are open on  
13 election day from 6:30 a.m. to 7:30 p.m. change the  
14 fact that African Americans in Ohio have had  
15 difficulty winning office?

16 A. No.

17 Q. Does the voter turnout or behavior in  
18 other states change the fact that African Americans  
19 in Ohio have had difficulty winning office?

20 A. No.

21 Q. Does the issuance of the OAE0 report  
22 change the fact that African Americans have had  
23 difficulty winning office?

24 A. No.

25 Q. Switching gears for a moment, you said

1 earlier that in your methodology you relied -- let me  
2 rephrase.

3 In your methodology --

4 MR. VOIGT: Can I just interrupt for a  
5 second? Are you shifting to another area of inquiry?

6 MR. YOUNG: Yes.

7 MR. VOIGT: Okay. Just I want to draw a  
8 defining line. I think all the questions up to this  
9 point -- I just want to put on the record I move to  
10 strike all of the questions and answers as beyond the  
11 scope of the direct examination and also because the  
12 particular phraseology used in the questions is  
13 misleading among other reasons.

14 MR. YOUNG: And just to restate our  
15 response these questions are in direct response to  
16 opposing counsel's inquiry about the relevance of  
17 each of those different early voting facts and every  
18 time I've asked about a certain underlying fact, it  
19 relates to Professor Roscigno's opinion as expressed  
20 in his report. And for those reasons, among others,  
21 we oppose the motion to strike.

22 Q. Is it true that in -- that part of your  
23 methodology involved relying on newspaper articles?

24 A. Yes.

25 Q. What is the methodological approach of an

1 objective researcher with respect to newspaper  
2 articles generally?

3 A. The most sort of realistic systematic  
4 approach is to gather the population of newspaper or  
5 media data from a source such as LexisNexis which is  
6 a search engine using broad criteria and then  
7 analyzing the whole population to look for patterns.

8 Q. And when you say "patterns," can you  
9 explain a little bit more about what you mean?

10 A. Sure. Sort of dominant themes that  
11 emerge within that population of art -- it would be a  
12 population of articles or media in this case. So you  
13 gather that population data. You read, you content  
14 code potentially certain dominant themes that emerge,  
15 and then you report on the dominant themes, not the  
16 outlying -- not what we call outliers in social  
17 science. It's not exceptions to the rule, but you're  
18 reporting on what the dominant themes are.

19 Q. And is this the methodological approach  
20 that you used in your report?

21 A. Yes.

22 Q. I think that you testified earlier that  
23 some people who voted previously on a day that has  
24 now been eliminated may be able to vote on a  
25 different time. Did you -- do you recall testifying



1 to that?

2 A. I don't recall that.

3 MR. VOIGT: Objection, vague and  
4 confusing.

5 MR. YOUNG: Yeah, yeah, sorry.

6 Q. I believe you earlier testified that some  
7 people who voted on one day in the past election may  
8 vote on a different day in a later election; is that  
9 right?

10 A. Theoretically, yes.

11 MR. VOIGT: Objection, asked and  
12 answered.

13 Q. How does that square with the conclusions  
14 that you've given in your report?

15 A. How does it square? Can you elaborate?

16 Q. Sure. How does that fact that some  
17 people who voted on one day may vote on another day  
18 square with the conclusions in your report concerning  
19 the impact that these early voting restrictions may  
20 have?

21 MR. VOIGT: Objection, form.

22 A. Square, the initial question that you  
23 posed was theoretically about whether an individual  
24 might vote differently in the next election cycle  
25 than the previous election cycle. Individuals may --

1       may have the opportunity to vote on different days,  
2       but relative to the group patterns reported here,  
3       those who had restrictions at the time one would  
4       likely have restrictions at time two, so I don't know  
5       that the changes that have taken place would have  
6       substantial group level effects. There may be an  
7       individual here or there that has flexibility to vote  
8       in a new way in the next election cycle.

9               But by and large the inequalities  
10       expressed and reported in this document would suggest  
11       that disparities that we've seen should persist and  
12       difficulties will persist.

13              Q.    And just to be -- just to clarify what  
14       you just explained also applies when we consider the  
15       possibility that someone who might have voted on a  
16       day that has now been eliminated might vote on a  
17       different day?

18              MR. VOIGT:  Objection, form.

19              A.    That's correct.

20              Q.    And I think that you testified earlier  
21       that your report grapples with Senate Factor 8 which  
22       is "the lack of responsiveness on the part of elected  
23       officials to the particularized needs of minority  
24       group members."

25              A.    Right.

1 Q. Do you recall giving that testimony?

2 A. Yes.

3 Q. Can you explain what you meant by that?

4 A. By grapple or grapples?

5 Q. Sure. Yes.

6 A. The report is considering what the voting  
7 restrictions -- the impact of the voting restrictions  
8 on minority populations given various inequalities  
9 that you've outlined, and the restrictions themselves  
10 are -- are a barometer of responsiveness or lack of  
11 responsiveness and by the restricting the -- the  
12 argument, I think, is throughout my report, by  
13 restricting you've increased the burden to the  
14 minority -- to the minority population given  
15 disadvantages in housing, et cetera, so I think  
16 responsiveness or lack of responsiveness is, if not  
17 an explicit threat, it's at least an implicit threat  
18 throughout various of the tenate factors that I have  
19 discussed.

20 Q. And let me just ask you this one last  
21 line of questions, does the availability of early  
22 voting on two Saturdays change any of the conclusions  
23 that you make in your report?

24 A. No.

25 Q. Does the availability of early voting

1 on --

2 MR. VOIGT: Objection, same objection,  
3 beyond the scope of the direct examination.

4 MR. YOUNG: Same response.

5 A. No was my answer.

6 Q. Does the availability of early voting on  
7 one Sunday change any of the conclusions in your  
8 report?

9 A. No.

10 Q. Does the availability of early voting on  
11 two Saturdays and one Sunday change any of the  
12 conclusions in your report?

13 A. No.

14 Q. Does the polling location for early  
15 voting change any of your conclusions in your report?

16 A. No.

17 Q. Does the fact that early voting hours are  
18 uniform across counties change any of the conclusions  
19 in your report?

20 A. No.

21 Q. Does the motivation behind any of these  
22 early voting restrictions change any of the  
23 conclusions in your report?

24 A. No.

25 Q. Does the availability of mail-in voting

1 change any of the conclusions in your report?

2 A. No.

3 Q. Does the fact that polls are open on  
4 election day from 6:30 a.m. to 7:30 p.m. change any  
5 of the conclusions in your report?

6 A. No.

7 Q. Does the voter turnout or behavior in  
8 other states change any of the conclusions in your  
9 report?

10 A. No.

11 Q. Okay. Does the issuance of the OAE0  
12 report or its contents change any of the conclusions  
13 in your report?

14 A. No.

15 MR. YOUNG: May we have a quick break to  
16 caucus and hopefully the torture will end?

17 MR. VOIGT: Sure.

18 (Recess taken.)

19 MR. YOUNG: No more questions. Reserve  
20 our right to recross.

21 MR. VOIGT: Okay. I just wanted to put a  
22 statement on the record that -- just to reiterate and  
23 to clarify my motion and my position. Aside from the  
24 short line of questioning related to gathering media  
25 data which I object to for other reasons, I move to

1 strike the entire cross -- the entire examination  
2 done by Mr. Young because for all the reasons  
3 previously stated and because those questions were  
4 misleading. They assumed facts not in evidence.  
5 They were beyond the scope of my examination of the  
6 witness and also to the extent the answers are  
7 inconsistent with his prior testimony earlier in the  
8 deposition or misstate or contradict what he  
9 previously stated, among other reasons.

10 And for -- primarily for courtesy of  
11 opposing counsel, I didn't want to place an objection  
12 after every single question which would just burden  
13 the examination so I just want to make it clear I  
14 have a continuing objection to each and every one of  
15 those questions, and I include those in the motion to  
16 strike.

17 MR. YOUNG: And plaintiffs oppose  
18 defendants' motion to strike for all the reasons  
19 already stated, among other reasons.

20 MR. VOIGT: I have no further questions.

21 MR. YOUNG: And we have no further  
22 questions.

23 MR. VOIGT: Okay. We're done.

24 (Thereupon, the hearing was adjourned at  
25 4:22 p.m.)