

EXHIBIT C

**PROVIDING BLACK VOTERS WITH AN OPPORTUNITY TO ELECT
CANDIDATES OF CHOICE: A DISTRICT-SPECIFIC FUNCTIONAL ANALYSIS OF THE THIRD
CONGRESSIONAL DISTRICT IN VIRGINIA**

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1.0 Introduction

My analysis of participation rates and voting patterns in the Third Congressional District of Virginia has led me to conclude that an effective minority district (that is, a district that offers black voters an effective opportunity to elect their preferred candidates to office) need not be majority black in composition in this area of the State. In fact, even a district that is as low as 30% black in voting age population may offer black voters an opportunity to elect their preferred candidates to Congress, if that district is located in the vicinity of the current Third Congressional District. A majority black district is not required because, although blacks turn out to vote at somewhat lower rates than whites, black voters are very cohesive in their support of black-preferred candidates and white voters “crossover” to vote for these candidates in quite substantial percentages.

The Third Congressional District in proposed Congressional Plan SB 5002 (2015), submitted by State Senator Locke, exceeds 30% by a considerable amount – it is 41.9% black in voting age population. Moreover, recompiled election results indicate that the black-preferred candidate carries the proposed district, usually by a substantial number of votes, in all of the recent elections I examined. On this basis of these two factors, I conclude that the Third Congressional District in proposed Congressional Plan SB 5002 offers black voters an opportunity to elect candidates of their choice to office.

1.1 Scope of Project

I was initially retained to conduct a district-specific functional analysis of voting patterns to ascertain the black population concentration necessary to provide black voters with an opportunity to elect their candidates of choice in the vicinity of the Third Congressional District of Virginia. In addition, after Congressional Plan SB 5002 (2015) was put forward, I was asked to review this plan to determine if the Third District in this plan offered black voters an opportunity to elect their preferred candidates to Congress.

1.2 Professional Background and Experience

I have advised numerous jurisdictions and other clients on voting rights-related issues and have served as an expert in dozens of voting rights cases including redistricting, one person/one vote and partisan gerrymandering cases. My clients have included scores of state and local jurisdictions, a number of national civil rights organizations, the U.S. Department of Justice, and such international organizations as the United Nations.

I have been actively involved in researching, writing and teaching on subjects relating to voting rights, including minority representation, electoral system design and redistricting. I co-authored a book, Minority Representation and the Quest for Voting Equality (Cambridge University Press, 1992), and numerous articles, as well as co-edited a volume (Redistricting in Comparative Perspective, Oxford University Press, 2008) on these subjects. I have taught several political science courses, both at the undergraduate and graduate level, related to representation and redistricting. I hold a Ph.D. in political science from George Washington University.

I have been a principal of Frontier International Electoral Consulting, a firm specializing in electoral assistance to transitional and post-conflict democracies, since co-founding the company in 1998. I also act as an independent election consultant and, in addition, I am currently serving as the Chairman of the Cayman Islands Electoral Boundary Commission. My CV is attached to this report as Appendix A.

2.0 Success Rates of Black-Preferred Candidates in Third Congressional District

Virginia's Third Congressional District was first created as a majority black district in 1991. At that time, the district had a black voting age population (VAP) of 61.2%. As a result of litigation (*Moon v. Meadows*),¹ however, the district was redrawn and the black VAP was reduced to 50.5%. Despite the decrease in black VAP, Rep. Scott (the candidate of choice of black voters) was re-elected with 76% of the vote in the 1998 general election that followed the reshaping of the district.

When the Third Congressional District was redrawn in 2001, it had a black VAP of 53.2%, which remained essentially unchanged over the course of the decade.² However, by 2010 the district was substantially under-populated and had to be reconfigured. Although the Third Congressional District had been a safe minority district for 20 years, the black VAP was increased in the 2012 Plan from 53.1 to 56.3%. Rep. Scott has continued to win the district with overwhelming percentages of the vote. Table 1, below, lists the candidates competing to represent Virginia's Third Congressional District, and the percentages of votes each candidate received, from 1992 through 2014.

Table 1: Election Results of the Third Congressional District, 1992-2014

Year of General Election	Candidates	Percent of Vote Received
1992	Scott (D)	78.6%
	Jenkins (R)	21.2%
	Others	.2%

¹*Moon v. Meadows*, 952 F. Supp. 1141 (1997).

²State of Virginia submission to the U.S. Department of Justice at: http://redistricting.dls.virginia.gov/2010/Data/Ref/DOJSubmission2012/Attachment_5_cong.pdf.

Year of General Election	Candidates	Percent of Vote Received
1994	Scott (D) Ward (R)	79.4% 20.6%
1996	Scott (D) Holland (R)	82.1% 17.9%
1998	Scott (D) Barnett (I) Others	76.0% 22.8% 1.2%
2000	Scott (D) Others	97.7% 2.3%
2002	Scott (D) Others	96.1% 3.9%
2004	Scott (D) Sears (R) Others	69.3% 30.5% .1%
2006	Scott (D) Others	96.1% 3.9%
2008	Scott (D) Others	97.0% 3.0%
2010	Scott (D) Smith (R) Others	68.7% 28.4% 2.9%
2012	Scott (D) Longo (R) Others	81.2% 18.5% .4%
2014	Scott (D) Others	94.4% 5.6%

While the landslide victories enjoyed by Rep. Scott indicate that the district has a much higher percent black VAP than necessary to re-elect Scott, these election results are not sufficient, in and of themselves, to conclude that the Third District could have a significantly lower black VAP and still elect other minority-preferred candidates. Rep. Scott is a popular, long-time incumbent;³ an effective minority district should be designed to provide minorities with an opportunity to elect a candidate of choice even if that candidate is not a widely recognized, popular incumbent who garners a majority of the white vote as well as the black vote.

In fact, when the results of statewide elections within the boundaries of the Third Congressional District are examined, it is clear that minority-preferred candidates other than Rep. Scott also win by very large margins. This is true whether the candidates are white or

³Rep. Scott has faced Republican challengers only twice in the past decade – in 2010 and 2012. My racial bloc voting analysis indicates that Scott received not only the vast majority of black votes, but a majority of the white votes as well in his most recent bid against a Republican challenger.

African American, and whether they are incumbents or challengers. The most telling contest is the 2008 contest for U.S. President, which included a non-incumbent African American candidate overwhelmingly supported by black voters. President Obama carried the Third Congressional District with 75.5% of the vote – and this was when the district had a 53% black VAP rather than the current 56.3% black VAP. Table 2, below, lists the percentages by which Obama carried the Third Congressional District in both 2008 and 2012. As is evidenced by this table, Obama carried the Third District by an even wider margin after the district was redrawn with an increased black VAP percentage.

Table 2: Percent of Vote Received by Black Candidate Preferred by Black Voters

Year	Office	Black-preferred candidate	Percent of Vote received in CD3
2008 General	U.S. President	Obama	75.5%
2012 General	U.S. President	Obama	79.5%

Black-preferred candidates who are white also fare very well in the Third Congressional District.⁴ This is true even for the general election in 2009 – an election in which Republican candidates did very well across the State of Virginia. (Black voters support Democratic candidates both generally, and specifically in the State of Virginia in the vicinity of the Third Congressional District, as demonstrated by the racial bloc voting analysis I conducted.) Table 3, below, lists the percentages by which recent black-preferred white candidates carried the Third Congressional District.

Table 3: Percent of Vote Received by White Candidate Preferred by Black Voters

Year	Office	Black-preferred candidate	Percent of Vote received in CD3
2009 General	Governor	Deeds	66.6%
	Lieutenant Governor	Wagner	68.3%
	Attorney General	Shannon	66.6%
2012 General	U.S. Senate	Kaine	79.1%
2013 General	Governor	McAuliffe	79.7%
	Lieutenant Governor	Northam	79.6%
	Attorney General	Herring	77.2%

As this review of the election results in the Third Congressional District indicates, the district has a higher percentage black VAP than necessary to elect black-preferred candidates to office.

⁴I have identified the candidates preferred by black voters by conducting a racial bloc voting analysis. The results of this analysis are found in Appendix B.

This was true when the district was 53% black VAP in composition, and it is especially true since 2012, when the black VAP was increased to 56.3% black in voting age population.

3.0 Percent Black Voting Age Population Needed to Elect Black-Preferred Candidate

The percentage minority population needed to create an "effective minority district" varies depending on the locality – there is no single target (for example, 55 percent) that can be applied universally. A district-specific analysis must be conducted to determine the percentage minority required to provide minority voters with an opportunity to elect candidates of their choice. Drawing minority districts informed by this percentage avoids creating districts that either fail to provide minorities with the opportunity to elect minority-preferred candidates, on the one hand, or that pack minority voters into a district unnecessarily, on the other hand.

The percentage minority population needed to elect a minority-preferred candidates is calculated by taking into account the relative participation rates of minorities and whites, as well as the expected minority vote for minority-preferred candidates (minority "cohesiveness"), and the expected white "crossover" vote for the minority-preferred candidates. A racial bloc voting analysis is required to produce estimates of participation and voting patterns by race for candidates since this information is not otherwise available. I conducted such an analysis on recent elections (statewide and federal elections since 2008) occurring within the area of the Third Congressional District.

I used three complementary statistical techniques to estimate voting patterns by race: homogeneous precinct analysis, bivariate ecological regression and ecological inference.⁵ Two of these analytic procedures – homogeneous precinct analysis and bivariate ecological regression – were employed by the plaintiffs' expert in *Thornburg v. Gingles*, 478 U.S. 30 (1986), and have the benefit of the Supreme Court's approval in this case and have been used in most subsequent voting rights cases. The third technique, ecological inference, was developed after the Court considered *Gingles* and was designed, in part, to address the issue of out-of-bounds estimates (estimates that exceed 100 percent or are less than zero percent) which can arise in bivariate ecological regression analysis. Ecological inference analysis has been introduced and accepted in numerous district court proceedings. Bivariate ecological regression and ecological inference estimates have the advantage of considering the voting behavior of all of the election precincts in a jurisdiction, rather than simply the homogeneous ones (that is, the precincts that are overwhelming one race in composition). Homogeneous precinct estimates, however,

⁵A brief overview of these three statistical approaches can be found in Bruce M. Clark and Robert Timothy Reagan, "Redistricting Litigation: An Overview of Legal, Statistical and Case-Management Issues" (Federal Judicial Center, 2002). For further explanation of homogenous precinct analysis and bivariate ecological regression see Bernard Grofman, Lisa Handley and Richard Niemi, *Minority Representation and the Quest for Voting Equality* (Cambridge University Press, 1992). See Gary King, *A Solution to the Ecological Inference Problem* (Princeton University Press, 1997) for a more detailed explanation of ecological inference.

provide a good check on the other estimates because they reflect the actual voting patterns of real – albeit racially segregated and therefore perhaps not representative – election precincts.

The detailed results of the racial bloc analysis employing these statistical techniques can be found in Appendix B of this report.⁶

3.1 General Elections

3.11 Turnout Percentages by Race in General Elections In the Third Congressional District, black turnout is generally somewhat lower than white turnout in statewide general elections, including the congressional elections in 2008 and 2012.⁷ Table 4, below, provides the turnout rates for the two groups for the statewide general election contests analyzed between 2008 and 2013. The overall turnout average for blacks is between 33% and 34% of the black voting age population; the overall turnout average for whites is approximately 37% of the white voting age population.

Table 4: Estimates of White and Black Turnout as a Percent of Voting Age Population

Statewide General Election Contests	Percent White Turnout Estimates		Percent Black Turnout Estimates	
	Ecological Inference	Bivariate Regression	Ecological Inference	Bivariate Regression
2013	33.5	35.1	29.4	30.4
2012	54.8	52.5	55.1	56.6
2009	22.5	22.7	14.0	14.1
2008	37.2	37.3	33.9	34.1
Average	37.0	36.9	33.1	33.8

⁶In addition to statewide and federal contests since 2008, I also analyzed several state legislative contests that occurred in the vicinity of the Third Congressional District. Voting patterns in these state legislative contests were very similar to those found in the statewide and federal contests examined; the participation rates, however, were lower and more variable for both blacks and whites. Because congressional elections do not occur at the same time as state legislative contests and are higher up on the ticket than these state legislative races, I believe the election contests included in the tables in this report are a better predictor of participation rates in congressional races.

⁷Data for the 2010 and 2014 general elections, as well as for the 2008 U.S. Senate race, have not yet been made available by the Virginia Division of Legislative Services. (The data for the 2008 general and primary elections for U.S. President were available and therefore these two contests have been analyzed). The only statewide and federal contests held in the Third Congressional District in 2010 was the race for the Third Congressional District (which Rep. Scott won easily with over 68% of the vote); in 2014, the only contested contest was the race for U.S. Senate. (Rep. Scott was unopposed in the 2014 general election.)

It is possible to calculate the average percent black voting age population needed to equalize black and white turnout on Election Day using the turnout estimates found in Table 4. Using the lower estimate of 33% as the estimate of black turnout, and 37% as the estimate of white turnout, the calculation produces an equalizing estimate of 52.9% black VAP. In other words, a district with a black voting age population of 52.9% will produce, on average, an equivalent number of black and white voters on Election Day.⁸

But equalizing the number of black and white voters on Election Day would only be required if white voters are rarely willing to vote for black-preferred candidates. If black voters are very cohesive in their support of black-preferred candidates, and a large percentage, albeit less than half,⁹ of the white voters consistently demonstrate a willingness to support black-preferred candidates, then the number of black voters need not equal the number of white voters on Election Day – white voters will “crossover” and help elect the black-preferred candidates. In

⁸The equalizing percentage is calculated mathematically by solving the following equation:

Let

M = the proportion of the district’s voting age population that is black

W = 1-M = the proportion of the district’s voting age population that is white

A = the proportion of the black voting age population that turned out to vote

B = the proportion of the white voting age population that turned out to vote

Therefore,

M(A) = the proportion of the population that is black and turned out to vote (1)

(1-M)B = the proportion of total population that is white and turned out to vote (2)

To find the value of M that is needed for (1) and (2) to be equal, (1) and (2) are set as equal and we solve for M algebraically:

$$M(A) = (1 - M)B$$

$$M(A) = B - M(B)$$

$$M(A) + M(B) = B$$

$$M(A + B) = B$$

$$M = B / A+B$$

Thus, for example, if 33% of the black population turned out and 37% of the white population turned out, B= .37 and A = .33, and $M = .37 / (.33 + .37) = .37 / .7 = .52857$, therefore a black VAP of 52.9% would produce an equal number of black and white voters. (For a more in-depth discussion of equalizing turnout see Kimball Brace, Bernard Grofman, Lisa Handley and Richard Niemi, “ Minority Voting Equality: The 65 Percent Rule in Theory and Practice,” Law and Policy, 10 (1), January 1988.)

⁹If white voters are usually willing to vote for black-preferred candidates, then voting would not be racially polarized and districts that offered minority voters an opportunity to elect minority-preferred candidates would not be necessary – minority candidates would consistently be elected without these districts. In Virginia, however, minority candidates have historically been elected only from districts with substantial minority populations.

fact, a functional, district-specific, election-based analysis should take into account not only turnout rates, but the voting patterns of white and black voters.¹⁰

3.12 Voting Patterns by Race in General Elections Estimates of voting patterns by race for the same set of general elections as those included in Table 4 indicate that black-preferred candidates can expect, on average, between 97% and 100% of the black vote, and between 46% and 50% of the white vote. Table 5, below, provides the percentages of black and white voters that supported the black-preferred candidates in the contests analyzed.

Table 5: Estimates of the Percent of White and Black Votes for Black-Preferred Candidate

Statewide General Elections: Contest and Black-Preferred Candidate	Percent White Votes for Black-Preferred Candidate		Percent Black Votes for Black-Preferred Candidate	
	Ecological Inference	Bivariate Regression	Ecological Inference	Bivariate Regression
2013 Governor: McAuliffe	54.0	49.2	99.0	100.0
2013 Lieutenant Governor: Northam	58.7	58.2	95.7	96.8
2013 Attorney General: Herring	55.0	48.6	93.9	100.0
2012 U.S. President: Obama	50.8	43.7	99.7	100.0
2012 U.S. Senate: Kaine	51.4	47.4	98.7	99.9
2012 U.S. Congress: Scott	56.1	51.1	97.9	100.0
2009 Governor: Deeds	42.1	37.8	93.8	100.0
2009 Lieutenant Governor: Wagner	42.9	42.2	95.5	100.0
2009 Attorney General: Shannon	42.1	40.1	95.6	100.0

¹⁰For an in-depth discussion of this approach to creating effective minority districts, see Bernard Grofman, Lisa Handley and David Lublin, "Drawing Effective Minority Districts: A Conceptual Framework and Some Empirical Evidence," *North Carolina Law Review*, volume 79 (5), June 2001.

Statewide General Elections: Contest and Black-Preferred Candidate	Percent White Votes for Black-Preferred Candidate		Percent Black Votes for Black-Preferred Candidate	
	Ecological Inference	Bivariate Regression	Ecological Inference	Bivariate Regression
2008 U.S. President: Obama	46.3	43.4	98.7	100.0
Average	49.9	46.2	96.9	99.7

These estimates indicate a very high degree of black cohesion in support of the black-preferred candidate, with nearly all black voters supporting the same candidates. These estimates also indicate a consistently high percentage of white crossover voting for black-preferred candidates in the Third Congressional District. When there are very high levels of minority cohesion and consistent and substantial white crossover voting, legislative districts need not even be majority minority in composition to provide minority voters with a realistic opportunity to elect their candidates of choice to office.

3.13 Percent Black VAP Needed to Elect a Black-Preferred Candidate in a General Election A functional analysis to determine the percent minority population required to provide minorities with the opportunity to elect candidates of their choice should incorporate both the participation rates of minority and white voters and the support each of these two groups typically give to minority-preferred candidates.

Given the relative turnout rates of blacks and whites in the Third Congressional District, as well as the average degree of black cohesion and white crossover voting for the black-preferred candidate (using the more conservative estimates from Tables 4 and 5 of 97% black cohesion and 46% white crossover voting), a district that is 50% black in voting age population will produce an average vote for the black-preferred candidate of 70%. As an illustration, consider a district that has 1000 persons of voting age, 50% of which are black and 50% of which are white. The two candidates will receive, on average, the following votes:

Black and White Voters	Votes for Black-Preferred Candidate	Votes for Other Candidate
<i>(VAP x black and white turnout)</i>	<i>(Turnout x black cohesion/ white crossover)</i>	<i>(Turnout x black and white votes for other candidate)</i>
Black 500 x .33 = 165	165 x .97 = 160	165 x .03 = 5
White 500 X .37 = 185	185 x .46 = <u>85</u>	285 x .54 = <u>100</u>
	245	105

These calculations indicate that black voters will cast 160 of their 165 votes for the black-preferred candidate and five of their votes for the other candidate. White voters will cast 85 of their 185 votes for the black-preferred candidate and the other 100 votes for the other candidate. Thus the black-preferred candidate will receive a total of 245 votes (160 from black

voters and 85 from white voters), while the other candidate will receive 105 votes (five from black voters and 100 from white voters). Thus the black-preferred candidate will win the election with 245 of the 350 votes cast in the contest, or 70% of the vote.

The estimated percent of the vote a black-preferred candidate would receive in a district that is 56.3% black VAP, as is the current Third Congressional District, is of course higher than the estimate for a 50% black VAP district. A black-preferred candidate can anticipate approximately 73% of the vote in a district that is slightly over 56% black in VAP. In fact, an examination of actual results listed in Tables 1-3 for elections after 2011 (when the district was redrawn to have a 56% black VAP) indicate that all of the minority-preferred candidates received more than 73% of the vote.

To calculate an estimate of the actual percent black voting age population needed to create a district that offers black voters in the general area of the Third Congressional District an opportunity to elect candidates of their choice, I used the average turnout estimate for blacks of 33% of the black voting age population and the average estimate of turnout for whites of 37% of the white voting age population. I used the conservative estimates of 97% as the percentage of black votes the black-preferred candidate might expect, and 46% as the percentage of white votes the black-preferred candidate can expect. Using these estimates, I calculated that the percent black VAP needed to elect the black-preferred candidate is 30% – thus a legislative district with a black voting age population as low as 30% black VAP offers black voters the opportunity to elect a black-preferred candidate to legislative office in the vicinity of the Third Congressional District.¹¹

¹¹The percent black VAP needed to elect the black-preferred candidate can be calculated as follows:

The estimated support for the black-preferred candidate is:

Black votes for preferred candidate =	33%	x	.97	=	32
White votes for preferred candidate =	37%	x	.46	=	<u>17</u>
Total votes for the black candidate =					49

The estimated support for the other candidate is:

Black votes for other candidate =	33%	x	.03	=	1
White votes for the white candidate =	37%	x	.54	=	<u>20</u>
Total votes for the white candidate =					21

The percent black VAP needed to elect a black-preferred candidate is therefore:

$$\frac{\text{Support for other candidate}}{\text{Support for other candidate} + \text{support for preferred candidate}} = \frac{21}{21 + 49} = .30$$

The percent black VAP is therefore 30%. When averages are used to calculate the percent black VAP needed, the result is an indication of the percent black VAP required to provide black voters with an equal opportunity to elect candidates of choice. I have erred on the more conservative side to produce a percentage that provides a somewhat more realistic opportunity for black voters to elect their candidates of choice.

Even in a year in which Republicans do very well, such as in 2009, a black VAP of 34% is sufficient to provide black voters with the opportunity to elect their candidates of choice.¹²

The reason the percent black VAP needed to provide black voters with an opportunity to elect black-preferred candidates in general elections is considerably lower than 50% – ranging between 30 and 34% – is that minority-preferred candidates garner a very sizable amount of white crossover vote in the Third Congressional District. In addition, black voters are very cohesive in their support of these candidates.

3.2 Primary Elections

In the United States, a candidate often must compete in and win a primary election before he or she can proceed to the general election. The fact that we have a two-stage election process should not be ignored in calculating the percent black population needed to create a district that provides black voters with an opportunity to elect black-preferred candidates.

Black voters overwhelmingly choose to vote in Democratic primaries. White voters, however, divide their votes between the two primaries and, in the South, are increasingly choosing to vote in Republican primaries. The growing number of white voters in the South who vote Republican has a double-edged effect on the likelihood of black electoral success: as the Republican share among white voters goes up, black-preferred candidates are more likely to win the Democratic primary, but less likely to win the general election. The result is that the percent black voting age population needed to produce an effective black district tends to be lower for Democratic primary elections than for general elections.

The Democratic primary for U.S. President in 2008 is an example of precisely this phenomenon. Blacks opted to vote in the Democratic primary at a much higher percentage than whites did: approximately 18% of the black voting age population compared to approximately 11% of white voting age population cast a vote in the Democratic Primary in 2008. The level of black cohesion in support of Obama was high – 92% – although not quite as high as the level of black cohesion found in general elections. On the other hand, white crossover voting for the black-preferred candidate in this primary was higher than in most general elections – in fact, black and white voters supported the same candidate in this contest. Table 6, below, provides the results of the racial bloc voting analysis of this contest.

¹²In 2009, a conservative estimate of the level of black cohesion is 95%; a conservative estimate of white crossing over to vote for the black-preferred candidate is 40%. Substituting these figures of the estimates of cohesion and crossover in the footnote above produces an estimate of 34%. This provides an estimate of the percent black VAP needed to win a general election in conditions that are less favorable to electing black-preferred candidates.

Table 6: Voting Patterns by Race in 2008 Democratic Primary for U.S. President

2008 Democratic Primary for U.S. President	Percent White Votes Cast for Black-Preferred Candidate		Percent Black Votes Cast for Black-Preferred Candidate	
	Ecological Inference	Bivariate Regression	Ecological Inference	Bivariate Regression
Obama	60.1	54.3	92.0	92.0
Clinton	38.9	44.5	7.7	7.6
Others	.9	1.1	.3	.3
<i>Turnout</i>	<i>10.4</i>	<i>11.3</i>	<i>18.1</i>	<i>18.0</i>

Because black and white voters supported the same candidate, the district with no blacks of voting age at all would have elected the black-preferred candidate. It is not surprising, therefore, that Obama carried the Third Congressional District with over 80% of the vote in the 2008 Democratic Primary.

My database included one additional Democratic primary¹³ – the 2013 contest in which an African American, Justin Fairfax, competed against a white candidate, Mark Herring, for the Democratic nomination for Attorney General. Black turnout in this contest was slightly higher than white turnout, again because blacks overwhelmingly chose to vote in the Democratic primary, while white voters split their votes between the Democratic and Republican primaries.

Table 7: Voting Patterns by Race in 2013 Democratic Primary for Attorney General

2013 Democratic Primary for Attorney General	Percent White Votes Cast for Candidate		Percent Black Votes Cast for Candidate	
	Ecological Inference	Bivariate Regression	Ecological Inference	Bivariate Regression
Fairfax	35.3	32.0	74.2	77.7
Herring	64.8	68.0	25.9	22.3
<i>Turnout</i>	<i>4.9</i>	<i>4.3</i>	<i>5.6</i>	<i>5.8</i>

¹³Because the Virginia Division of Legislative Services has not yet made the data available, I have been unable to analyze the other three recent Democratic primaries: the 2009 contests for governor and lieutenant governor; and the 2013 contest for lieutenant governor. However, these three primaries included only white candidates and are therefore only of secondary importance. The data for analyzing the two essential Democratic primaries – the contests that included African American candidates – is available and was used to conduct my analysis.

As shown in Table 7, while a large majority of the black voters supported Fairfax (between 74% and nearly 78% of the black voters cast their ballot for Fairfax), the percent was not nearly as high as that garnered by the black-preferred candidate in the 2008 Democratic primary for U.S. President or in any of the general elections analyzed. The majority of white voters, on the other hand, cast their vote for Herring, with between 32% and slightly over 35% of white voters' crossing over to vote for Fairfax. This level of white support for the black-preferred candidate is less than that typically found in recent general elections, and far less than that found in the Democratic primary for U.S. President in 2008.

Fairfax carried the Third Congressional District with 62.8% of the vote – a comfortable margin but not the landslide victory that black-preferred candidates typically enjoy in general elections in the Third Congressional District, or that Obama had in the 2008 Democratic primary in the district. As a consequence, the percent black voting age population required to win this particular primary election is considerably higher – 45% – than the percent black voting age population needed for the black-preferred candidate in the 2008 Democratic presidential primary to win.

As for the general elections, I averaged the turnout and crossover and cohesion rates for black and white voters participating in the Democratic primaries to get an overall sense of voting patterns in the Third Congressional District. The result is an average turnout rate for blacks of 11.8% and for whites of 8.2%. The average cohesion rate of black voters is 83%; for white voters the average crossover vote is 43.2% (using conservative estimates in both instances). Using these figures, the average percent black VAP needed for blacks to have the opportunity to elect black-preferred candidates in the Democratic primary is slightly over 33%. The fact that the percent black VAP needed to win the Democratic primary is comparable to the black VAP required to win the general election is unusual, especially in the South. Clearly there are a larger proportion of whites willing to vote in the Democratic primary in this area of the State than in other areas of Virginia – and in the South in general.

4.0 Review of Third Congressional District in Proposed Plan SB 5002 (2015)

The Virginia Division of Legislative Services (DLS) has compiled and posted on its website (<http://redistricting.dls.virginia.gov/2010/RedistrictingPlans.aspx>) maps and data for a number of proposed redistricting plans, including proposed Congressional Plan SB 5002 (2015), submitted by State Senator Locke. I was asked to review Congressional District Three in this proposed plan to determine if the district provided black voters with the opportunity to elect their candidates of choice to congressional office.

According to information supplied by DLS, found in Table 8, the proposed Third Congressional District in this plan has a black VAP of 41.9%.

Table 8: Demographics for Proposed Congressional Districts, SB 5002 (2015) - Locke

DISTRICT	% VAP White	% VAP Black	% VAP AIAN	% VAP Asian	% VAP HawPI	% VAP Other	% VAP Multi	% VAP Hispanic
1	77.8%	15.9%	0.8%	2.6%	0.1%	2.3%	0.4%	5.3%
2	73.3%	18.1%	0.8%	5.4%	0.2%	1.8%	0.6%	4.8%
3	51.1%	41.9%	0.8%	3.1%	0.2%	1.9%	1.0%	5.0%
4	45.5%	48.0%	0.7%	2.4%	0.1%	2.7%	0.7%	5.1%
5	70.2%	25.6%	0.5%	1.9%	0.0%	1.4%	0.3%	2.9%
6	89.6%	6.1%	0.6%	1.5%	0.1%	1.9%	0.2%	3.8%
7	78.6%	14.8%	0.6%	4.1%	0.1%	1.5%	0.4%	3.4%
8	58.3%	21.0%	0.8%	9.4%	0.2%	9.5%	1.0%	19.5%
9	93.6%	3.8%	0.5%	1.3%	0.0%	0.6%	0.1%	1.5%
10	72.9%	7.3%	0.6%	13.6%	0.1%	4.9%	0.6%	11.3%
11	64.4%	7.1%	0.6%	20.9%	0.1%	6.2%	0.6%	14.6%

This comfortably exceeds the black VAP needed to provide black voters with an opportunity to elect their candidates of choice in general elections (30-34%), as well as in the Democratic primary (33%).¹⁴

Additional evidence that proposed Congressional District Three would provide black voters with the opportunity to elect their preferred candidates can be gleaned from an examination of recompiled election results.¹⁵ Recompiled general election results provided by DLS indicate that the black-preferred candidate would carry the proposed district in the two contests that included an African American candidate preferred by black voters – the 2008 and 2012 presidential contests – as well as the three statewide contests in 2009, a year when Republican candidates did extremely well statewide.

¹⁴While the black VAP needed is approximately 30% for general elections (and as high as 34% in a year in which Republicans do very well), and 33% for Democratic primaries, the results for one of the two primaries indicates that higher percentage may be required in some circumstances – for example, when the minority-preferred candidate garners less minority support than usual, as well as less white support than usual. For this reason, it was particularly important to consider recompiled election results (see the following footnote for an explanation of recompiled election results) for the 2013 Democratic primary for Attorney General – if the African American candidate in this contest carries the proposed district, it can safely be assumed that the proposed district provides black voters with an opportunity to elect their preferred candidates in less than favorable circumstances. In fact, the black-preferred candidate, Fairfax, does carry the proposed district as discussed later in the report.

¹⁵Recompiled election results are election results from previous elections that have been re-aggregated to conform to proposed district boundaries rather than to the district boundaries in which the elections actually occurred. This can only be done for elections that cover a broad enough area to encompass both the new district boundaries and the old district boundaries, hence only statewide and federal elections can typically be used for this exercise.

Table 9: Recompiled Election Results for Proposed Congressional Districts, SB 5002 (2015) - Locke

DISTRICT	Dem. Pres. '12	Rep. Pres. '12	US Sen. Dem. '12	US Sen. Rep. '12	Dem. Pres. '08	Rep. Pres. '08	Other Pres. '08	Rep. Gov '09	Dem. Gov '09	Rep. Lt. Gov '09	Dem. Lt. Gov '09	Rep. Att. Gen. '09	Rep. Att. Gen. '09
1	44.2%	55.8%	45.1%	54.9%	45.2%	53.9%	0.9%	66.5%	33.5%	64.4%	35.6%	64.8%	35.2%
2	45.3%	54.7%	46.8%	53.2%	44.8%	54.3%	0.9%	65.7%	34.3%	60.9%	39.1%	63.8%	36.2%
3	67.0%	33.0%	66.9%	33.1%	64.3%	35.0%	0.7%	46.0%	54.0%	42.8%	57.2%	44.7%	55.3%
4	68.1%	31.9%	68.3%	31.7%	66.7%	32.6%	0.7%	43.3%	56.7%	41.6%	58.4%	43.6%	56.4%
5	52.3%	47.7%	52.6%	47.4%	52.3%	46.7%	1.0%	56.7%	43.3%	55.6%	44.4%	57.1%	42.9%
6	35.3%	64.7%	36.2%	63.8%	36.8%	62.1%	1.1%	71.9%	28.1%	71.0%	29.0%	71.6%	28.4%
7	40.6%	59.4%	43.2%	56.8%	41.2%	58.0%	0.8%	69.0%	31.0%	66.3%	33.7%	68.5%	31.5%
8	66.9%	33.1%	66.9%	33.1%	64.8%	34.4%	0.8%	45.7%	54.3%	43.2%	56.8%	43.4%	56.6%
9	34.4%	65.6%	37.0%	63.0%	38.5%	60.0%	1.5%	66.6%	33.4%	66.4%	33.6%	66.5%	33.5%
10	54.6%	45.4%	55.7%	44.3%	54.8%	44.4%	0.8%	54.3%	45.7%	52.1%	47.9%	51.8%	48.2%
11	61.3%	38.7%	62.0%	38.0%	59.5%	39.7%	0.8%	49.3%	50.7%	46.7%	53.3%	46.0%	54.0%

President Obama would have carried the proposed district with 64.3% of the vote in 2008 and 67.0% of the vote in 2012. In 2009, the three statewide black-preferred candidates (all of whom were white) would have carried the proposed Third Congressional District with the following percentages: Governor 54%, Lieutenant Governor 57.2% and Attorney General 55.3%.

Although their website does not contain recompiled election results for Democratic primaries, the DLS was able to recompile results for the most essential Democratic primary from the perspective of determining the “effectiveness” of a proposed district: the 2013 Democratic primary for Attorney General. This election contest is particularly important because the level of support for the minority-preferred candidate in this race was not as high – from either black or white voters – as it was for the black-preferred candidate in the other primary contest analyzed (the 2008 Democratic primary for U.S. President). If the minority-preferred candidate in this Democratic primary is able to carry the proposed district, then even candidates who do not enjoy the overwhelming support typical of black voters for black-preferred candidates and the large crossover typical of white voters for these candidates can carry the district. (And, of course, candidates who receive higher levels of black or white support, will easily carry the district.) Table 10 provides the total votes received by the two candidates competing for the Democratic nomination for Attorney General in 2013 in proposed Congressional District Three. Appendix C of the report contains the detailed precinct level results for this primary as provided by DLS.

Table 10: Recompiled Election Results for Proposed Congressional Districts, SB 5002 (2015): 2013 Democratic Primary for Attorney General

	Fairfax	Herring	Total	Percent Fairfax
TOTAL	14320	9484	23804	60.16%

The black-preferred candidate, Fairfax, would have easily carried the proposed congressional district with slightly over 60% of the vote. This indicates that even challengers without the name

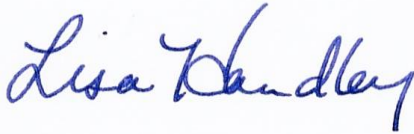
recognition of popular incumbents such as Rep. Scott can carry proposed Congressional District Three in SB 5002 (2015).

5.0 Conclusion

Based on my analysis of participation rates and voting patterns in the Third Congressional District of Virginia, I have determined that a district need not be majority black in composition in this area of the State to provide black voters with an opportunity to elect candidates of their choice to Congress. In fact, even a district that is as low as 30 to 34% black in voting age population can provide black voters with an opportunity to elect their preferred candidates to represent the Third Congressional District.

Proposed Congressional Plan SB 5002 (2015), submitted by State Senator Locke, offers a configuration of the Third Congressional District that will provide black voters with the opportunity to elect their preferred candidates to Congress. The proposed district is well over the 30 to 34 % black in voting age population needed to create an opportunity for black voters to elect their candidates of choice – it is 41.9% black in voting age population. Moreover, recompiled election results indicate that the black-preferred candidate carries the district in every election considered, including the 2013 Democratic primary for Attorney General – the contest with the lowest level of black cohesion and white crossover vote of those analyzed.

I hold the opinions expressed in this report to a reasonable degree of professional certainty. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed on September 17, 2015 in Oxford, UK.



Dr. Lisa Handley

APPENDIX A

Lisa R. Handley CURRICULUM VITAE

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Potomac MD 20854 USA

Professional Experience

Dr. Handley has over twenty-five years of experience in the areas of redistricting and voting rights, both as a practitioner and an academician, and is recognized nationally (as well as internationally) as an expert on these subjects. She has advised numerous jurisdictions and other clients on redistricting and has served as an expert in dozens of redistricting and voting rights court cases. Her clients have included the U.S. Department of Justice and scores of state and local jurisdictions, as well as redistricting commissions and civil rights organizations. Internationally, Dr. Handley has provided electoral assistance in more than a dozen countries, serving as a consultant on issues of democratic governance – including voting rights, electoral system design and electoral boundary delimitation (redistricting) – for the United Nations, the United Nations Development Fund (UNDP), IFES, and International IDEA.

Dr. Handley has been actively involved in research, writing and teaching on the subjects of voting rights and redistricting. She has written a book, Minority Representation and the Quest for Voting Equality (Cambridge University Press, 1992) and numerous articles, as well as edited a volume (Redistricting in Comparative Perspective, Oxford University Press, 2008) on these subjects. She has taught political science and methodology courses at several universities, most recently George Washington University. She holds a Ph.D. in political science from George Washington University.

Dr. Handley is the President of Frontier International Consulting, a consulting firm that specializes in providing electoral assistance in transitional and post-conflict democracies. She also works as an independent election consultant and is currently serving as the Chairman of the Electoral Boundaries Commission of The Cayman Islands.

Education

Ph.D. The George Washington University, Political Science, 1991

Present Employment

President, Frontier International Electoral Consulting LLC (since co-founding company in September of 1998).

Senior International Electoral Consultant, electoral assistance to such clients as the UN, UNDP and IFES on electoral system design and boundary delimitation (redistricting)

U.S. Clients since 2000

US Department of Justice (expert witness testimony in several Section 2 and Section 5 cases)

Alaska: Alaska Redistricting Board (redistricting consultation, expert witness testimony)

Arizona: Arizona Independent Redistricting Board (redistricting consultation, expert witness)

Arkansas: expert witness for Plaintiffs in Jeffers v. Beebe

Colorado: Colorado Redistricting Board (redistricting consultation)

Connecticut: State Senate and State House of Representatives (redistricting consultation)

Florida: State Senate (redistricting consultation)

Illinois: State Senate (redistricting litigation consultation)

Kansas: State Senate and House Legislative Services (redistricting consultation)

Louisiana: Louisiana Legislative Black Caucus (expert witness testimony)

Massachusetts: State Senate (redistricting consultation)

Maryland: Attorney General (redistricting consultation, expert witness testimony)

Miami-Dade County, Florida: County Attorney (redistricting consultation)

Nassau County, New York: Redistricting Commission (redistricting consulting)

New Mexico: State House (redistricting consultation, expert witness testimony)

New York: State Assembly (redistricting consultation)

New York City: Redistricting Commission and Charter Commission (redistricting consultation and Section 5 submission assistance)

New York State Court: Expert to the Special Master (drew congressional lines for state court)

Ohio: State Democratic Party (redistricting litigation support, expert witness testimony)

Pennsylvania: Senate Democratic Caucus (redistricting consultation)

Rhode Island: State Senate and State House (litigation support, expert witness testimony)

Texas: Lieutenant Governor (redistricting litigation/expert witness testimony)

Vermont: Secretary of State (redistricting consultation)

Wisconsin: State Senate (redistricting litigation consultation)

International Clients since 2000

United Nations

- Bangladesh (UNDP) – redistricting expert
- Afghanistan (UNDP) – electoral system design and redistricting expert
- Sierra Leone (UNDP) – redistricting expert
- Liberia (UNMIL, UN peacekeeping mission) – redistricting expert
- Democratic Republic of the Congo (MONUC, UN peacekeeping mission) – election feasibility mission, electoral system design and redistricting expert
- Kenya (UN) – electoral system design and redistricting expert
- Haiti (UN) – election feasibility mission, electoral system design and redistricting expert
- Lead Writer on the topic of boundary delimitation (redistricting) for ACE (Administration and Cost of Elections Project)

International Foundation for Election Systems (IFES)

- Afghanistan – district delimitation expert
- Sudan – redistricting expert
- Kosovo – electoral system design and redistricting expert
- Nigeria – redistricting expert
- Georgia – electoral system design and district delimitation expert
- Yemen – redistricting expert
- Lebanon – electoral system design and redistricting expert
- Myanmar – electoral system design and redistricting expert
- Ukraine – electoral system design and redistricting expert
- Pakistan – consultant for developing redistricting software
- Principal consultant for the Delimitation Equity Project – conducted research, wrote reference manual and developed training curriculum
- Writer on electoral boundary delimitation (redistricting) for the Elections Standards Project
- Training – developed training curriculum and conducted training workshops on electoral boundary delimitation (redistricting) in Azerbaijan and Jamaica

International Institute for Democracy and Electoral Assistance (International IDEA):

- Consultant on electoral dispute resolution systems
- Technology consultant on use of GIS for electoral district delimitation
- Training – developed training material and conducted training workshop on electoral boundary delimitation (redistricting) for African election officials (Mauritius)
- Curriculum development – boundary delimitation curriculum for the BRIDGE Project
- Project coordinator for the ACE project

Other international clients have included The Cayman Islands; the Australian Election Commission; the Boundary Commission of British Columbia, Canada; and the Global Justice Project for Iraq.

Previous Employment

Project Coordinator and Lead Writer on Boundary Delimitation, Administration and Cost of Elections (ACE) Project. As Project Coordinator (1998 – 2000) of the ACE Project, Dr. Handley served as a liaison between the three partner international organizations – the United Nations, the International Foundation for Election Systems and International IDEA – and was responsible for the overall project management of ACE, a web-based global encyclopedia of election administration. She also served as Lead Writer on Boundary Delimitation for ACE.

Research Director and Statistical Analyst, Election Data Services, Inc. (1984 to 1998). Election Data Services (E.D.S.) is a Washington D.C. political consulting firm specialising in election administration. Dr. Handley’s work at E.D.S. focused on providing redistricting and voting rights consulting and litigation support to scores of state and local jurisdictions.

Assistant or Adjunct Professor (1986 to 1998). Dr. Handley has taught political science and methodology courses (both at the graduate and undergraduate level) at George Washington University, the University of Virginia, and the University of California at Irvine. She has served as a guest lecture at Harvard, Princeton, Georgetown, American University, George Mason University and Oxford Brookes University in the UK.

Grants

National Science Foundation Grant (2000-2001): Co-investigator (with Bernard Grofman) on a comparative redistricting project, which included hosting an international conference on “Redistricting in a Comparative Perspective” and producing an edited volume based on the papers presented at the conference.

Publications

Books:

Comparative Redistricting in Perspective, Oxford University Press, 2008 (first editor, with Bernard Grofman).

Delimitation Equity Project: Resource Guide, Center for Transitional and Post-Conflict Governance at IFES and USAID publication, 2006 (lead author).

Minority Representation and the Quest for Voting Equality, Cambridge University Press, 1992 (with Bernard Grofman and Richard Niemi).

Electronic Publication:

“Boundary Delimitation” Topic Area for the Administration and Cost of Elections (ACE) Project, 1998. Published by the ACE Project on the ACE website (www.aceproject.org).

Academic Articles:

"Has the Voting Rights Act Outlived its Usefulness: In a Word, "No," Legislative Studies Quarterly, volume 34 (4), November 2009 (with David Lublin, Thomas Brunell and Bernard Grofman).

"Delimitation Consulting in the US and Elsewhere," Zeitschrift für Politikberatung, volume 1 (3/4), 2008 (with Peter Schrott).

"Drawing Effective Minority Districts: A Conceptual Framework and Some Empirical Evidence," North Carolina Law Review, volume 79 (5), June 2001 (with Bernard Grofman and David Lublin).

"A Guide to 2000 Redistricting Tools and Technology" in The Real Y2K Problem: Census 2000 Data and Redistricting Technology, edited by Nathaniel Persily, New York: Brennan Center, 2000.

"1990s Issues in Voting Rights," Mississippi Law Journal, 65 (2), Winter 1995 (with Bernard Grofman).

"Minority Turnout and the Creation of Majority-Minority Districts," American Politics Quarterly, 23 (2), April 1995 (with Kimball Brace, Richard Niemi and Harold Stanley).

"Identifying and Remediating Racial Gerrymandering," Journal of Law and Politics, 8 (2), Winter 1992 (with Bernard Grofman).

"The Impact of the Voting Rights Act on Minority Representation in Southern State Legislatures," Legislative Studies Quarterly, 16 (1), February 1991 (with Bernard Grofman).

"Minority Population Proportion and Black and Hispanic Congressional Success in the 1970s and 1980s," American Politics Quarterly, 17 (4), October 1989 (with Bernard Grofman).

"Black Representation: Making Sense of Electoral Geography at Different Levels of Government," Legislative Studies Quarterly, 14 (2), May 1989 (with Bernard Grofman).

"Minority Voting Equality: The 65 Percent Rule in Theory and Practice," Law and Policy, 10 (1), January 1988 (with Kimball Brace, Bernard Grofman and Richard Niemi).

"Does Redistricting Aimed to Help Blacks Necessarily Help Republicans?" Journal of Politics, 49 (1), February 1987 (with Kimball Brace and Bernard Grofman).

Chapters in Edited Volumes:

“One Person, One Vote, Different Values: Comparing Delimitation Practices in India, Canada, the United Kingdom, and the United States,” in Fixing Electoral Boundaries in India, edited by Mohd. Sanjeer Alam and K.C. Sivaramakrishnan, New Delhi: Oxford University Press, 2015.

“Delimiting Electoral Boundaries in Post-Conflict Settings,” in Comparative Redistricting in Perspective, edited by Lisa Handley and Bernard Grofman, Oxford: Oxford University Press, 2008.

“A Comparative Survey of Structures and Criteria for Boundary Delimitation,” in Comparative Redistricting in Perspective, edited by Lisa Handley and Bernard Grofman, Oxford: Oxford University Press, 2008.

“Drawing Effective Minority Districts: A Conceptual Model,” in Voting Rights and Minority Representation, edited by David Bositis, published by the Joint Center for Political and Economic Studies, Washington DC, and University Press of America, New York, 2006.

“Electing Minority-Preferred Candidates to Legislative Office: The Relationship Between Minority Percentages in Districts and the Election of Minority-Preferred Candidates,” in Race and Redistricting in the 1990s, edited by Bernard Grofman; New York: Agathon Press, 1998 (with Bernard Grofman and Wayne Arden).

“Estimating the Impact of Voting-Rights-Related Districting on Democratic Strength in the U.S. House of Representatives,” in Race and Redistricting in the 1990s, edited by Bernard Grofman; New York: Agathon Press, 1998 (with Bernard Grofman).

“Voting Rights in the 1990s: An Overview,” in Race and Redistricting in the 1990s, edited by Bernard Grofman; New York: Agathon Press, 1998 (with Bernard Grofman).

“Racial Context, the 1968 Wallace Vote and Southern Presidential Dealignment: Evidence from North Carolina and Elsewhere,” in Spatial and Contextual Models in Political Research, edited by Munroe Eagles; Taylor and Francis Publishing Co., 1995 (with Bernard Grofman).

“The Impact of the Voting Rights Act on Minority Representation: Black Officeholding in Southern State Legislatures and Congressional Delegations,” in The Quiet Revolution: The Impact of the Voting Rights Act in the South, 1965-1990, eds. Chandler Davidson and Bernard Grofman, Princeton University Press, 1994 (with Bernard Grofman).

“Preconditions for Black and Hispanic Congressional Success,” in United States Electoral Systems: Their Impact on Women and Minorities, eds. Wilma Rule and Joseph Zimmerman, Greenwood Press, 1992 (with Bernard Grofman).

Additional Writings of Note:

Amicus brief presented to the US Supreme Court in Shelby County v. Holder, Brief of Historians and Social Scientists as Amici Curiae, 2013 (one of several dozen historians and social scientists to sign brief)

Amicus brief presented to the US Supreme Court in Bartlett v. Strickland, 2008 (with Nathaniel Persily, Bernard Grofman, Bruce Cain, and Theodore Arrington).

Court Cases since 2000

Dr. Handley has served as a consultant and/or expert witness in the following cases since 2000:

Jeffers v. Beebe (2012) – Arkansas state house districts

State of Texas v. U.S. (2011-2012) – Texas congressional and state house districts

In RE 2011 Redistricting Cases (2011-2012) – State legislative districts for State of Alaska

U.S. v. Euclid City School Board (2008-9) – City of Euclid, Ohio at-large school board

U.S. v. City of Euclid (2006-7) – City of Euclid, Ohio council districts

U.S. v. Village of Port Chester (2006-7) – Village of Port Chester Trustee elections

Louisiana House of Representatives v. Ashcroft (2002) – Louisiana state house plan

Metts v. Senate Majority Leader William Irons (2002) – Rhode Island state senate plan

Parker v. Taft (2002) – Ohio reapportionment plans (state senate and state house)

Arrington v. Baumgart (2002) – Wisconsin state legislative plans

In the Matter of Legislative Districting of the State of Maryland (2002) – state court consideration of the Maryland legislative redistricting plans

In RE the Matter of Legislative Districting of the State of Illinois (2002) – state court consideration of the Illinois state legislative redistricting plans

Arizona Minority Coalition for Fair Redistricting v. Arizona Independent Redistricting Commission (2002) – Arizona state legislative districts

In RE 2001 Redistricting Cases v. Redistricting Board (2002) – Alaska state legislative plans

Jepsen v. Vigil-Giron (2002) – New Mexico congressional and state house plans

Balderas v. State of Texas (2001) – Texas congressional, state senate and state house plans
(federal court)

Del Rio v. Perry and Cotera v. Perry (2001) – Texas congressional districts (state court)

APPENDIX B:

RESULTS OF RACIAL BLOC VOTING ANALYSIS

General Elections in 2013	Political Party	Race/Ethnicity(Hispanic)	Percent of Vote Statewide/Percent of Vote in State Legislative District	Percent of Vote in Congressional District 3	Ecological Inference Estimates of Percent of White and Black Voters Casting Votes for Candidate		Bivariate Regression Estimates of Percent of White and Black Voters Casting Votes for Candidate		Percent of Voters Casting Votes for Candidate in Homogeneous White and Black Precincts	
					WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
Governor										
McAuliffe	D	W	47.7	79.7	54.0	99.0	49.2	100.0	57.3	97.6
Cuccinelli	R	W	45.2	20.3	46.1	1.0	50.8	0.0	42.7	2.4
Lieutenant Governor										
Northam	D	W	55.1	79.6	58.7	95.7	58.2	96.8	64.5	93.5
Jackson	R	B	44.5	20.4	41.4	4.3	41.8	3.2	35.5	6.5
Attorney General										
Herring	D	W	49.9	77.2	55.0	93.9	48.6	100.0	55.8	95.6
Obenshain	R	W	49.9	22.8	45.1	5.4	51.5	0.0	44.2	4.4
<i>Turnout</i>					33.5	29.4	35.1	30.4	37.1	30.6
State House District 71 59.5% Black VAP; 25 precincts										
McClellan	D	B	87.8	88.7	82.0	94.3	76.5	98.7	NA	NA
Fitch	R	W	11.9	11.3	18.0	5.1	23.5	1.3	NA	NA
<i>Turnout</i>					31.8	29.5	35.0	29.0	NA	NA
State House District 95 64.8% Black VAP; 21 precincts										
BaCote	D	B	76.5	81.2	49.8	98.6	NA	99.6	NA	97.9
Bloom	R	W	23.3	18.8	50.2	1.4	NA	0.4	NA	2.1
<i>Turnout</i>					30.0	29.9	NA	30.4	NA	29.2

Democratic Primary in 2013	Political Party	Race/Ethnicity(Hispanic)	Percent of Vote Statewide/Percent of Vote in State Legislative District	Percent of Vote in Congressional District 3	Ecological Inference Estimates of Percent of White and Black Voters Casting Votes for Candidate		Bivariate Regression Estimates of Percent of White and Black Voters Casting Votes for Candidate		Percent of Voters Casting Votes for Candidate in Homogeneous White and Black Precincts	
					WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
Attorney General										
Fairfax	D	B	48.4	62.8	35.3	74.2	32.0	77.7	36.1	71.6
Herring	D	W	51.6	37.2	64.8	25.9	68.0	22.3	63.9	28.4
<i>Turnout</i>					4.9	5.6	4.3	5.8	5.5	6.4

General Elections in 2012	Political Party	Race/Ethnicity (Hispanic)	Percent of Vote Statewide/Percent of Vote in State Legislative District	Percent of Vote in Congressional District 3	Ecological Inference Estimates of Percent of White and Black Voters Casting Votes for Candidate		Bivariate Regression Estimates of Percent of White and Black Voters Casting Votes for Candidate		Percent of Voters Casting Votes for Candidate in Homogeneous White and Black Precincts	
					WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
US President										
Obama	D	B	51.1	79.5	50.8	99.7	43.7	100.0	51.6	98.4
Romney	R	W	47.2	20.5	49.1	0.3	56.3	0.0	48.4	1.6
US Senate										
Kaine	D	W	52.8	79.1	51.4	98.7	47.4	99.9	55.1	96.4
Allen	R	W	46.9	20.9	48.6	1.4	52.6	0.1	44.9	3.6
US Congressional District 3										
Scott	D	B	81.2	81.1	56.1	97.9	51.1	100.0	57.5	97.0
Longo	R	W	18.5	18.9	43.9	2.0	48.9	0.0	42.5	3.0
<i>Turnout</i>										
					54.8	55.1	52.5	56.6	62.7	56.7

General Elections in 2011	Political Party	Race/Ethnicity(Hispanic)	Percent of Vote Statewide/Percent of Vote in State Legislative District	Percent of Vote in Congressional District 3	Ecological Inference Estimates of Percent of White and Black Voters Casting Votes for Candidate		Bivariate Regression Estimates of Percent of White and Black Voters Casting Votes for Candidate		Percent of Voters Casting Votes for Candidate in Homogeneous White and Black Precincts	
					WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
State Senate District 2	68.9% Black VAP; 35 precincts									
Locke	D	B	65.4	70.2	41.1	90.7	38.1	100.0	NA	91.6
Harmon	R	B	34.4	29.8	58.8	9.5	61.9	0.0	NA	8.4
<i>Turnout</i>					26.2	17.0	36.9	12.8	NA	17.1
State Senate District 16	77.6% Black VAP; 26 precincts									
Marsh	D	B	69.0	82.9	58.0	91.3	62.8	95.6	NA	89.8
Brown	I	B	30.5	17.1	42.1	8.7	37.2	4.4	NA	10.2
<i>Turnout</i>					22.1	13.4	27.2	12.3	NA	13.8
State House District 74	64.6% Black VAP; 20 precincts									
Morrissey	D	W	72.5	71.1	49.0	81.4	54.4	83.0	46.8	77.8
Whitehead	I	B	26.6	28.9	51.1	18.6	45.6	17.0	53.2	22.2
<i>Turnout</i>					33.1	25.3	32.6	25.2	35.4	26.4
State House District 95	64.8% Black VAP; 21 precincts									
BaCote	D	B	76.7	81.4	59.0	87.9	NA	99.1	NA	97.0
McGuire	L	W	22.7	18.6	40.9	12.0	NA	0.9	NA	3.0
<i>Turnout</i>					14.9	12.9	NA	7.3	NA	16.7

General Elections in 2009	Political Party	Race/Ethnicity (Hispanic)	Percent of Vote Statewide/Percent of Vote in State Legislative District	Percent of Vote in Congressional District 3	Ecological Inference Estimates of Percent of White and Black Voters Casting Votes for Candidate		Bivariate Regression Estimates of Percent of White and Black Voters Casting Votes for Candidate		Percent of Voters Casting Votes for Candidate in Homogeneous White and Black Precincts	
					WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
Governor										
Deeds	D	W	41.3	66.6	42.1	93.8	37.8	100.0	51.1	95.1
McDonnell	R	W	58.6	33.4	58.0	6.3	62.2	0.0	48.9	4.9
Lieutenant Governor										
Wagner	D	W	43.4	68.3	42.9	95.5	42.2	100.0	54.6	94.8
Bolling	R	W	56.5	31.7	56.9	4.4	57.8	0.0	45.4	5.2
Attorney General										
Shannon	D	W	42.4	66.6	42.1	95.6	40.1	100.0	51.9	93.3
Cuccinelli	R	W	57.5	33.4	57.9	4.4	59.9	0.0	48.1	6.7
Turnout										
					22.5	14.0	22.7	14.1	25.7	14.8

General Elections in 2008	Political Party	Race/Ethnicity(Hispanic)	Percent of Vote Statewide/Percent of Vote in State Legislative District	Percent of Vote in Congressional District 3	Ecological Inference Estimates of Percent of White and Black Voters Casting Votes for Candidate		Bivariate Regression Estimates of Percent of White and Black Voters Casting Votes for Candidate		Percent of Voters Casting Votes for Candidate in Homogeneous White and Black Precincts	
					WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
US President										
Obama	D	B	52.6	75.5	46.3	98.7	43.4	100.0	59.0	98.7
McCain	R	W	46.3	23.9	53.8	1.2	56.6	0.0	41.0	1.3
<i>Turnout</i>					<i>37.2</i>	<i>33.9</i>	<i>37.3</i>	<i>34.1</i>	<i>42.7</i>	<i>34.0</i>

Democratic Primary in 2008	Political Party	Race/Ethnicity(Hispanic)	Percent of Vote Statewide/Percent of Vote in State Legislative District	Percent of Vote in Congressional District 3	Ecological Inference Estimates of Percent of White and Black Voters Casting Votes for Candidate		Bivariate Regression Estimates of Percent of White and Black Voters Casting Votes for Candidate		Percent of Voters Casting Votes for Candidate in Homogeneous White and Black Precincts	
					WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
US President										
Obama	D	B	63.7	80.5	60.1	92.0	54.3	92.0	61.6	89.5
Clinton	D	W	35.5	18.9	38.9	7.7	44.5	7.6	37.4	10.0
Others	D		0.9	0.6	0.9	0.3	1.1	0.3	1.0	0.4
<i>Turnout</i>					<i>10.4</i>	<i>18.1</i>	<i>11.3</i>	<i>18.0</i>	<i>15.7</i>	<i>17.5</i>

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APPENDIX CRecompiled Election Results for 2013 Democratic Primary,
SB 5002 (2015) – Locke Plan

VTD_ID	Precinct name	Fairfax	Herring
093101	Smithfield	22	30
093102	Cypress Creek	30	26
093201	Bartlett	35	35
093202	Carrollton	22	21
093301	Rushmere	90	32
093302	Pons	59	14
093401	Courthouse	6	8
093402	Windsor	17	16
093403	Longview	32	11
093501	Walters	2	10
093502	Camps Mill	8	18
093503	Carrsville	21	9
093504	Zuni	8	15
093505	Raynor	9	5
620101	Precinct 1-1	11	13
620201	Precinct 2-1	12	22
620301	Precinct 3-1	34	12
620401	Precinct 4-1	21	5
620501	Precinct 5-1	25	10
620601	Precinct 6-1	11	10
650101	Aberdeen	196	30
650102	Bassette	207	44
650103	City Hall	62	22
650104	Cooper	160	30
650105	East Hampton	59	17
650106	Armstrong	92	55
650107	Lindsay	163	41
650108	Thomas	183	13
650109	Phenix	259	33
650110	Phoebus	23	8
650111	Hampton Library	35	43
650112	Smith	215	42
650115	Wythe	46	55
650116	Jones	58	24
650117	Kecoughtan	96	23
650118	Mallory	243	81
650201	Booker	92	35
650202	Bryan	67	60
650203	Burbank	60	28
650204	Forrest	56	32

VTD_ID	Precinct name	Fairfax	Herring
650205	Asbury	81	59
650208	Kraft	122	45
650209	Langley	72	30
650210	Machen	153	56
650212	Bethel	292	40
650213	Phillips	143	57
650214	Tucker Capps	78	26
650215	Tyler	39	5
650216	Sandy Bottom	52	16
650217	Syms	27	29
700101	Denbigh	104	40
700102	Epes	48	23
700103	Jenkins	48	30
700104	McIntosh	50	12
700105	Oyster Point	17	11
700106	Reservoir	90	30
700107	Richneck	84	19
700108	Lee Hall	64	22
700109	Windsor	32	24
700110	Greenwood	65	21
700201	Bland	6	4
700202	Boulevard	22	31
700203	Charles	62	38
700204	Wellesley	23	35
700205	Deep Creek	30	41
700208	Hiddenwood	14	51
700209	Hilton	31	58
700210	Nelson	69	61
700211	Palmer	33	21
700212	Riverside	29	54
700213	Sanford	7	14
700215	Warwick	26	21
700216	Yates	28	41
700217	Riverview	32	42
700218	Kiln Creek	73	55
700219	Deer Park	33	22
700302	Briarfield	56	14
700303	Carver	38	19
700304	Chestnut	48	7
700305	Downtown	15	6
700306	Dunbar	6	2
700307	Huntington	32	1
700308	Jefferson	66	9
700309	Magruder	81	8

VTD_ID	Precinct name	Fairfax	Herring
700310	Marshall	61	12
700311	Newmarket	77	26
700312	Newsome Park	16	7
700313	Reed	167	19
700314	River	45	33
700315	Sedgefield	27	31
700316	South Morrison	45	18
700317	Washington	39	8
700318	Wilson	55	19
700319	Saunders	65	35
700320	Watkins	33	35
710101	Granby	100	132
710102	Ocean View School	28	48
710103	Northside	38	97
710104	Titustown	62	28
710106	Zion Grace	124	206
710201	Old Dominion	211	249
710203	Ghent Square	69	96
710207	Lambert's Point	63	50
710208	Larchmont Library	86	139
710210	Maury	94	149
710211	Chrysler Museum	131	227
710212	Park Place	45	27
710213	Taylor Elementary School	160	179
710214	Stuart	121	178
710215	Suburban Park	72	92
710217	Wesley	29	30
710218	Willard	131	206
710301	Ballentine	88	43
710302	Tanners Creek	39	26
710303	Bowling Park	138	45
710304	Coleman Place School	43	32
710305	Lafayette-Winona	99	42
710306	Lindenwood	49	31
710309	Norview	130	60
710310	Rosemont	181	42
710311	Sherwood	99	102
710313	Union Chapel	40	29
710402	Berkley	104	43
710403	Brambleton	33	8
710404	Campostella	98	32
710405	Chesterfield	148	53
710406	Barron Black	88	26
710408	Easton	79	65

VTD_ID	Precinct name	Fairfax	Herring
710409	Fairlawn	62	59
710411	Hunton Y	7	4
710412	Ingleside	185	115
710413	Poplar Halls	223	52
710414	Young Park	63	32
710415	Lake Taylor High School	43	36
710501	Bayview	95	62
710503	East Ocean View	97	98
710504	Larrymore	76	81
710505	Little Creek	21	43
710506	Ocean View Center	65	113
710507	Pretlow	73	76
710509	Tarrallton	41	93
710510	Third Presbyterian	66	92
710511	Crossroads	54	57
710512	Azalea Gardens	30	35
740001	One	110	122
740005	Five	107	38
740007	Seven	78	40
740009	Nine	112	61
740010	Ten	36	60
740011	Eleven	99	64
740013	Thirteen	52	23
740014	Fourteen	134	38
740016	Sixteen	65	86
740017	Seventeen	62	104
740019	Nineteen	60	75
740020	Twenty	90	78
740021	Twenty-One	119	46
740022	Twenty-Two	47	97
740023	Twenty-Three	35	110
740024	Twenty-Four	69	63
740025	Twenty-Five	83	116
740026	Twenty-Six	254	82
740027	Twenty-Seven	300	67
740028	Twenty-Eight	561	118
740029	Twenty-Nine	39	84
740030	Thirty	45	86
740031	Thirty-One	92	101
740032	Thirty-Two	100	140
740033	Thirty-Three	37	125
740034	Thirty-Four	55	132
740035	Thirty-Five	123	156
740036	Thirty-Six	254	232

VTD_ID	Precinct name	Fairfax	Herring
740037	Thirty-Seven	163	115
740038	Thirty-Eight	173	62
740039	Thirty-Nine	196	151
800102	DRIVER	49	51
800104	Bennett's Creek	48	27
800201	EBENEZER	26	34
800202	CHUCKATUCK	48	19
800203	KING'S FORK	48	21
800204	HILLPOINT	58	19
800504	Lake Cohoon	17	23
800702	HARBOURVIEW	57	27
	TOTAL	14320	9484
2013 Precincts within or intersecting Congressional district 3 in SB5002			
A population of 28 within Bennett's Creek (800104) are in district 4.			
A population of 1,249 within Lake Cohoon (800504) are in district 4.			