

# EXHIBIT 18

October 19, 2021

## ASSESSMENT OF VOTING PATTERNS IN CENTRAL / EASTERN WASHINGTON AND REVIEW OF FEDERAL VOTING RIGHTS ACT, SECTION 2 ISSUES

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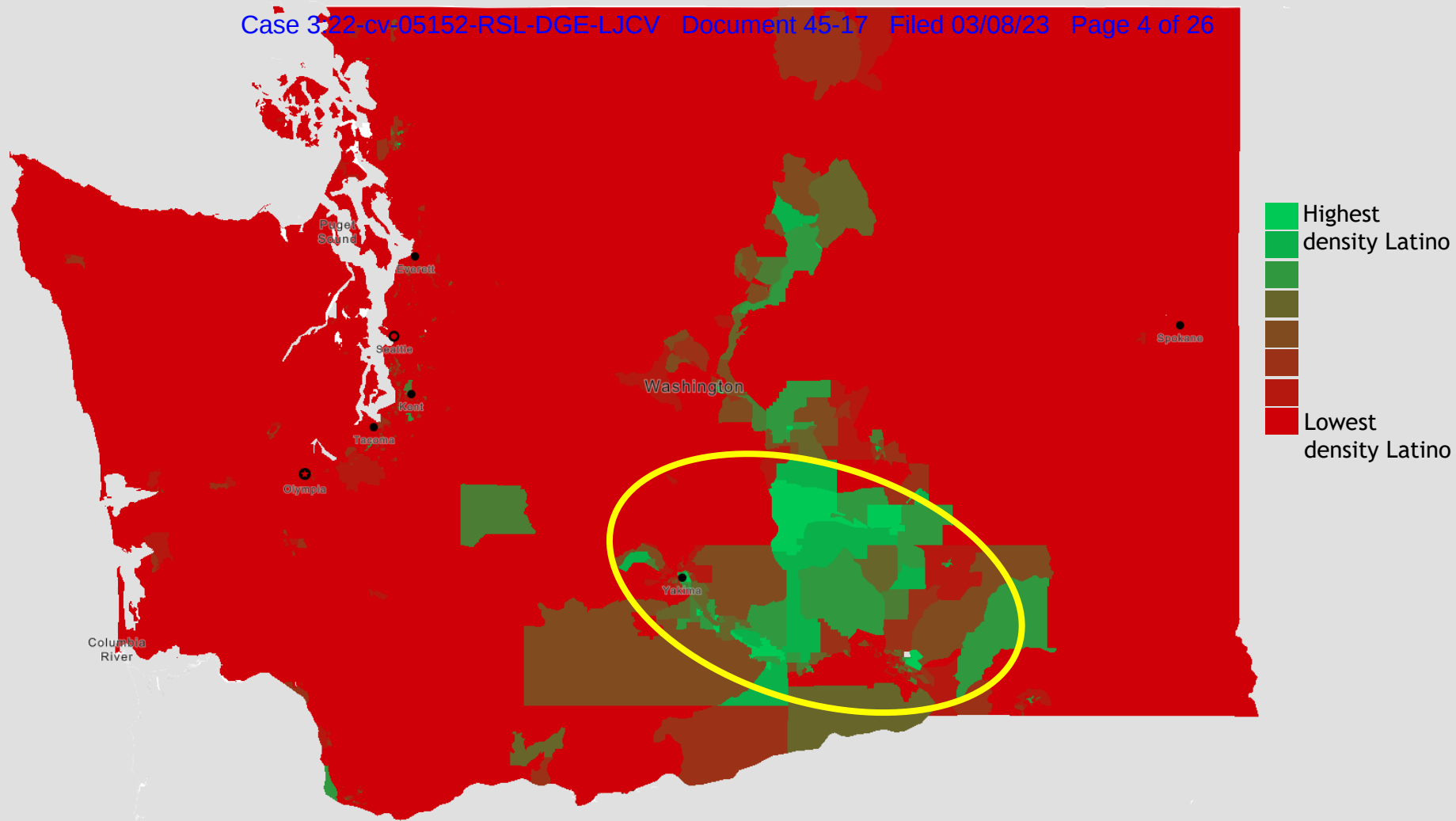


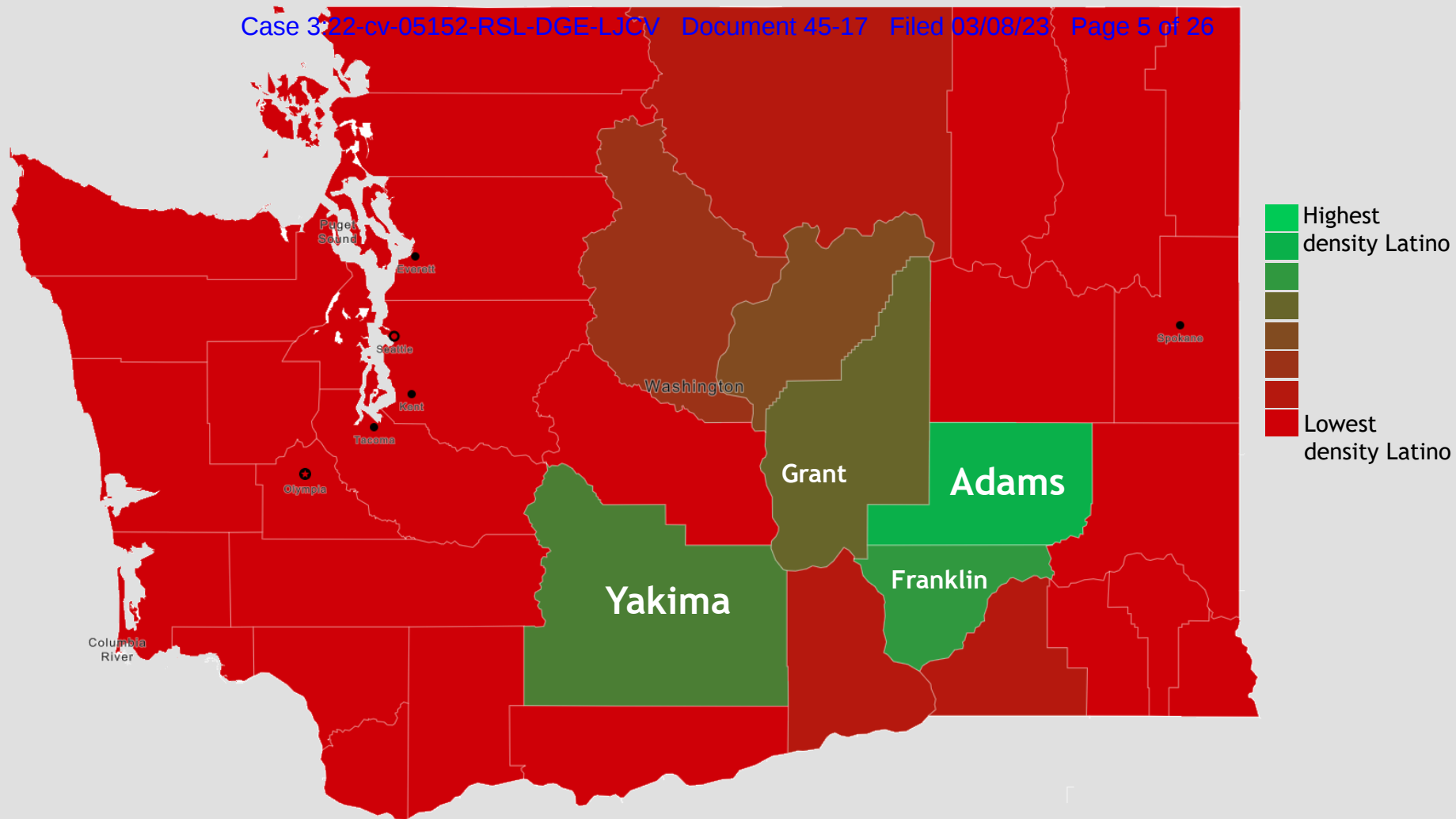
# Current Landscape in Washington

- Washington state Latino population surpassed 1 Million in 2020, now stands at 1,059,213, 12<sup>th</sup> largest of any state

	2010	2020	Growth
Total	6,724,540	7,705,281	980,741 (14.5%)
Latino	755,790	1,059,213	303,423 (40.1%)
Non-Latino	5,900,00	6,700,000	677,318 (11.3%)

- The growth has been especially large in the Yakima Valley region and is quite concentrated





## Section 2 of the Federal VRA

- Section 2 - Prohibits discrimination in any voting standard, practice, or procedure that results in the denial or abridgement of the right of any citizen to vote on account of race, color, or membership in a language minority group.
- Section 2 applies nationwide
- *Montes v. Yakima*, 2014 created majority-Latino districts in city of Yakima

## Section 2 of the Federal VRA

Section 2(b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: *Provided*, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

## Section 2 of the Federal VRA

- ❑ Specifically, the VRA Section 2 prohibits districting plans that use racial gerrymandering to dilute minority rights to meaningful opportunity to elect candidates of choice
- ❑ Has been used by Black, Latino, AAPI, Native American, White plaintiffs to challenge districting schemes that draw lines in a way that “crack” or divide their population so it is too small to have influence
- ❑ State redistricting plans must comply with the Federal Voting Rights Act



# The Gingles Test: Factor 1

- Is the minority group sufficiently large and geographically compact to constitute a district?
- Can a sufficiently large and geographically contiguous district be drawn that will allow minority group to elect a candidate of their choice?
  - This is established using information from the Census Bureau and Statewide voter file
    - Decennial Census, ACS 1-year or 5-year for CVAP, Voter Reg Rates
  - District that is 50.1% or greater minority, among eligible voters

## The Gingles Test: Factors 2 - 3

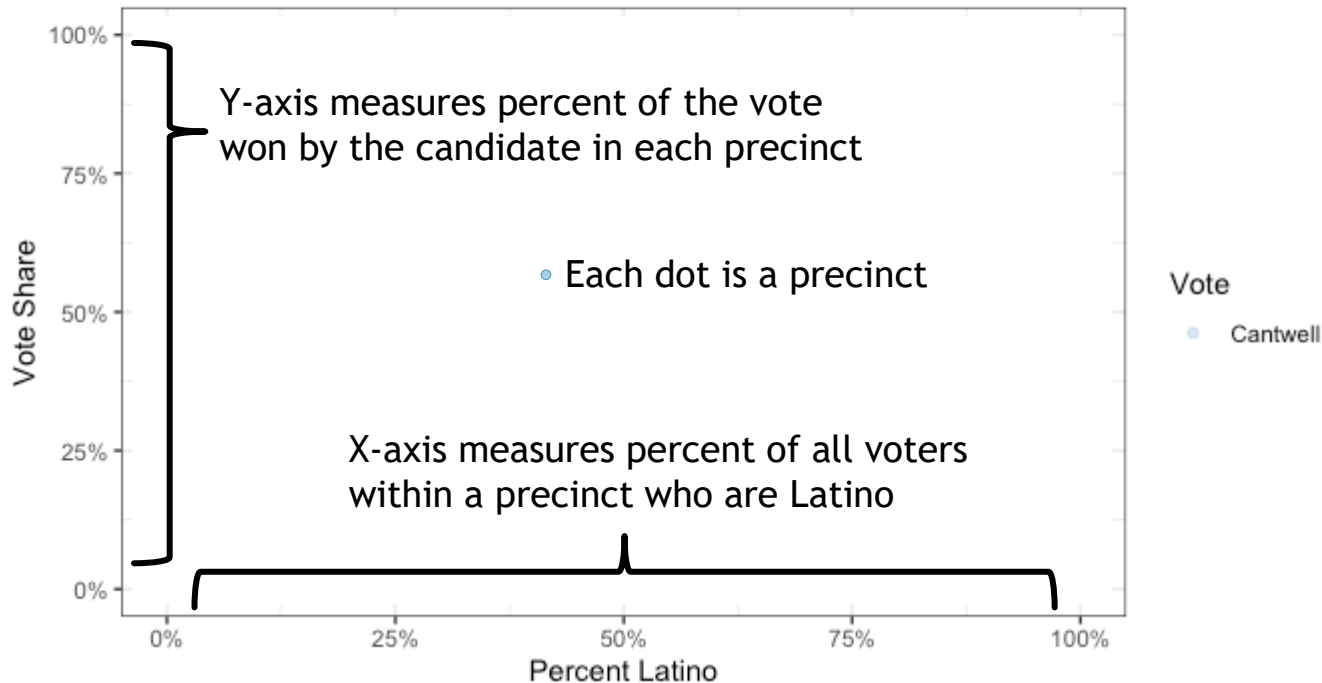
- ❑ Minority voters are politically cohesive in supporting their candidate of choice
- ❑ Majority votes in a bloc to usually defeat minority's preferred candidate
- ❑ This requires an analysis of voting patterns by race/ethnicity
  - ❑ Question the courts will ask us to answer is: Is there evidence of “racially polarized voting”?

# Defining Racially Polarized Voting

- ❑ Racially polarized voting exists when voters of different racial or ethnic groups exhibit very different candidate preferences in an election.
- ❑ It means simply that voters of different groups are voting in polar opposite directions, rather than in a coalition.
- ❑ RPV does not necessarily mean voters are racist, it only measures the outcomes of voting patterns and determines whether patterns exist based on race/ethnicity

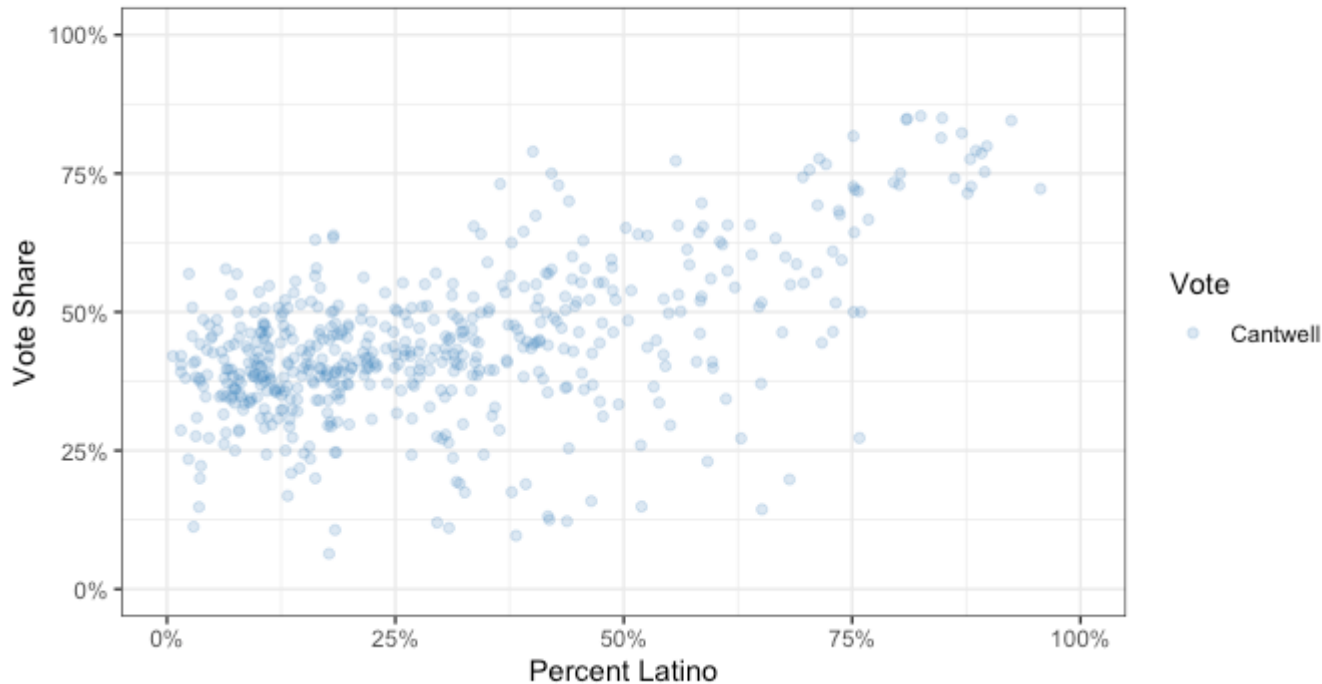
# Measuring Racially Polarized Voting

2012 General, Cantwell - 5 WA Counties  
Sorted by Percent Latino within each Precinct  
(n=569)



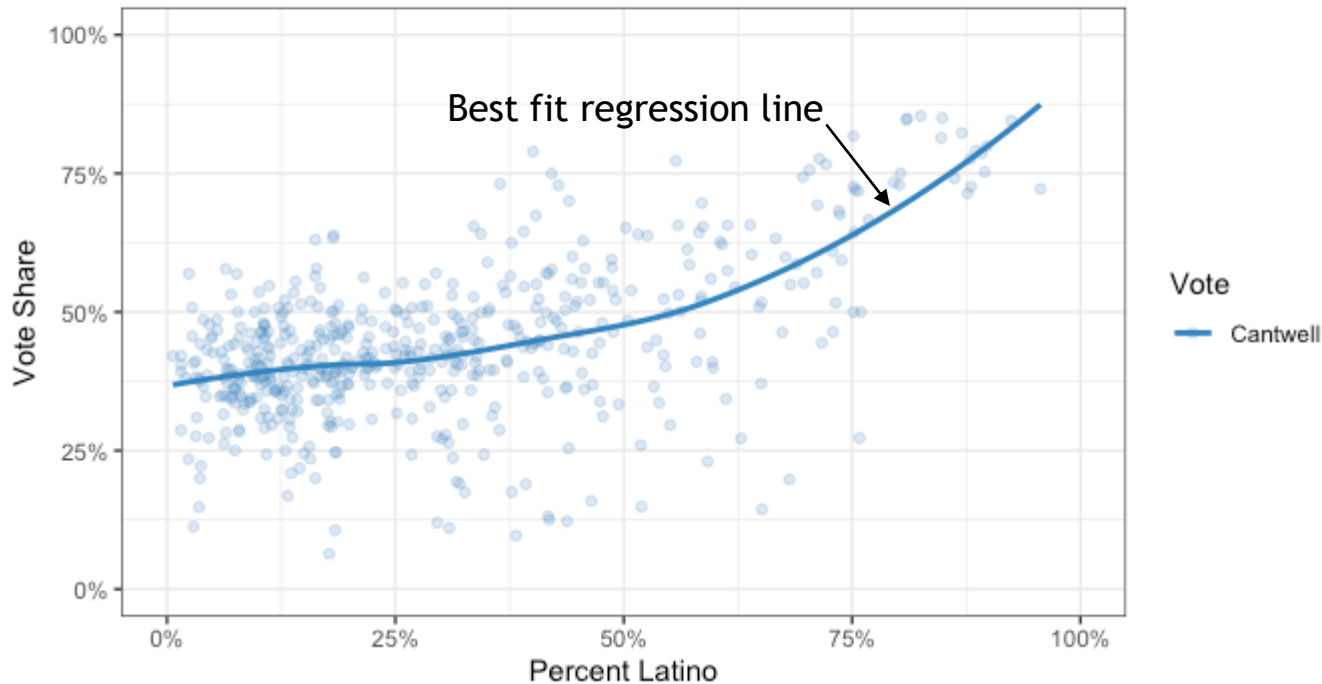
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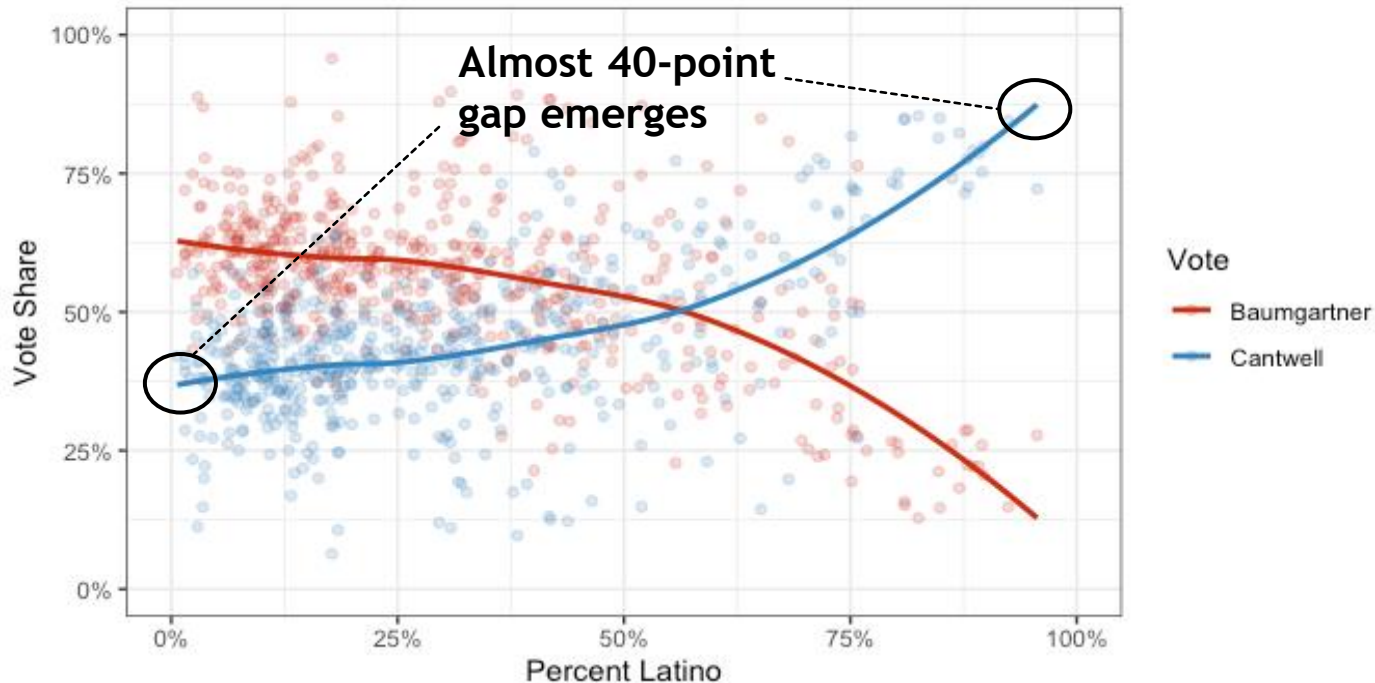
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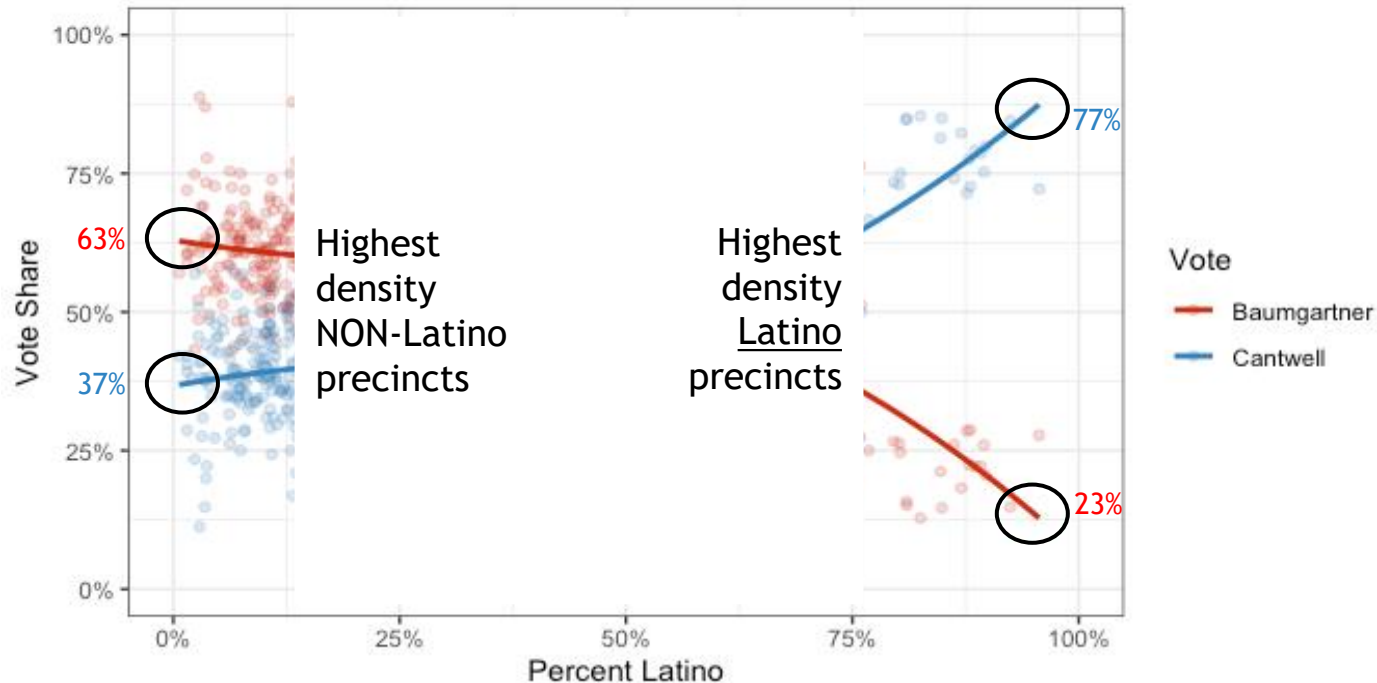
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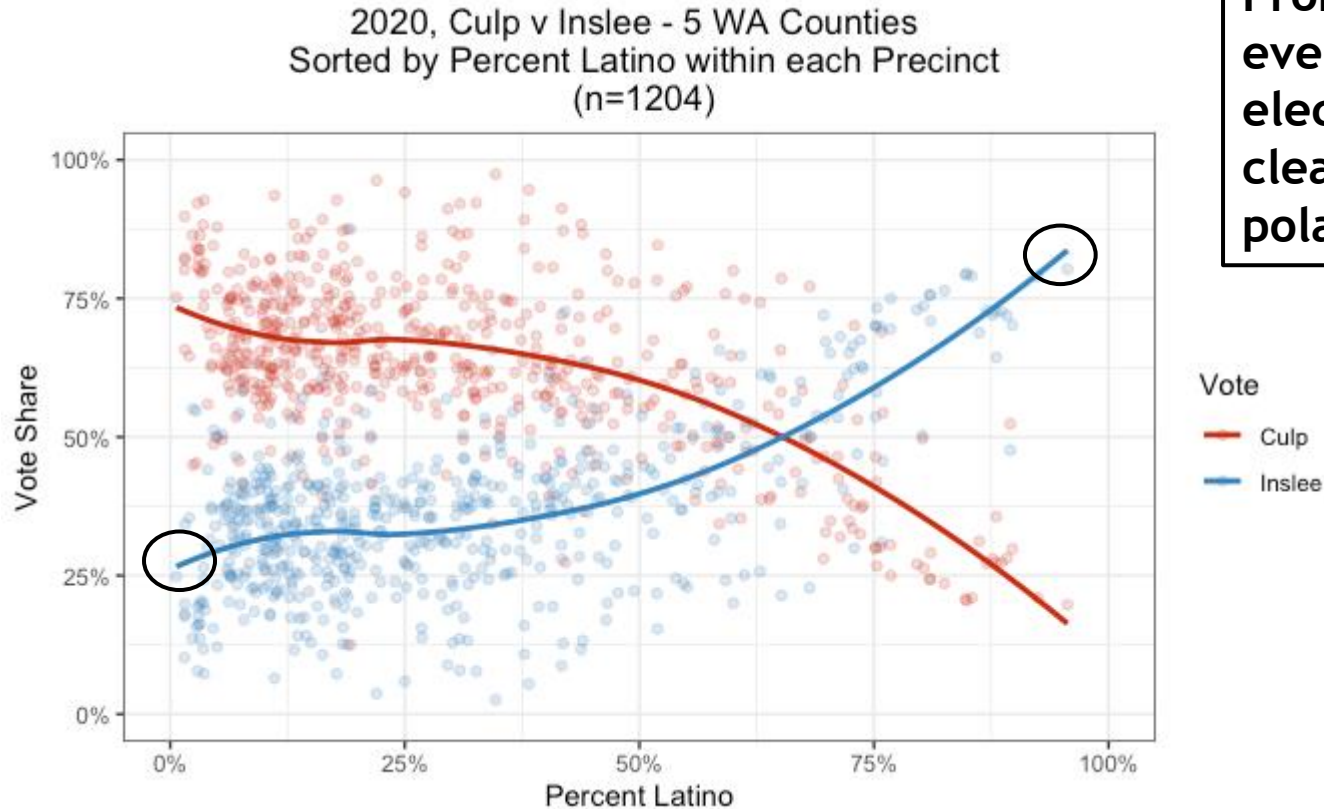
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# Voting Patterns in Yakima Valley Region: 2020



**From 2012 to 2020 -  
every single major  
election analyzed shows  
clear pattern of racially  
polarized voting**

# Evaluating Different Maps

- Latest analysis is crystal clear - there is a strong finding of racially polarized voting in this 5-county region
  - ▣ Federal Court agreed in *Montes* lawsuit 2014, State Court agreed in WVRA Yakima County settlement in 2021
- Question for maps are the following:
  1. Is it possible to create a majority-CVAP Latino district in the Yakima Valley region?
  2. Do the proposed maps dilute or crack Latino voting strength?
  3. Do the proposed maps “perform” to allow election of Latino candidates of choice, or will Latino-favored candidates lose?
  4. What is the strongest Latino performing map that is VRA-compliant and not dilutive?

# Evaluating Different Maps

## □ House Republicans - Commissioner Graves

- <https://washington.mydistricting.com/legdistricting/comments/plan/1185/15>
- Text-book “cracking” of Latino population into 3 districts (14, 15, 16)
- Latino Total Pop: 14<sup>th</sup> = 37% / 15<sup>th</sup> = 54% / 16<sup>th</sup> = 41%
- Latino CVAP: 14<sup>th</sup> = 22% / 15<sup>th</sup> = 34% / 16<sup>th</sup> = 23%

## □ Senate Republicans - Commissioner Fain

- <https://washington.mydistricting.com/legdistricting/comments/plan/1186/15>
- Obvious racial gerrymander/cracking, likely an “intent” finding
- Text-book “cracking” of Latino population into 4 districts (13, 14, 15, 16)
- Latino Total Pop: 13<sup>th</sup> = 33% / 14<sup>th</sup> = 23% / 15<sup>th</sup> = 55% / 16<sup>th</sup> = 42%
- Latino CVAP: 13<sup>th</sup> = 16% / 14<sup>th</sup> = 13% / 15<sup>th</sup> = 34% / 16<sup>th</sup> = 23%

# Evaluating Different Maps

## □ House Democrats - Commissioner Sims

- <https://washington.mydistricting.com/legdistricting/comments/plan/1182/15>
- Latino Total Pop: 15<sup>th</sup> = 65% / 16<sup>th</sup> = 48%
- Latino CVAP: 15<sup>th</sup> = 45% / 16<sup>th</sup> = 28%
- TODAY Latino CVAP: 15<sup>th</sup> = 47.6%

## □ Senate Democrats - Commissioner Piñero Walkinshaw

- <https://washington.mydistricting.com/legdistricting/comments/plan/1183/15>
- Latino Total Pop: 14<sup>th</sup> = 61% / 15<sup>th</sup> = 34%
- Latino CVAP: 14<sup>th</sup> = 40% / 15<sup>th</sup> = 16%
- TODAY Latino CVAP: 14<sup>th</sup> = 43.2%

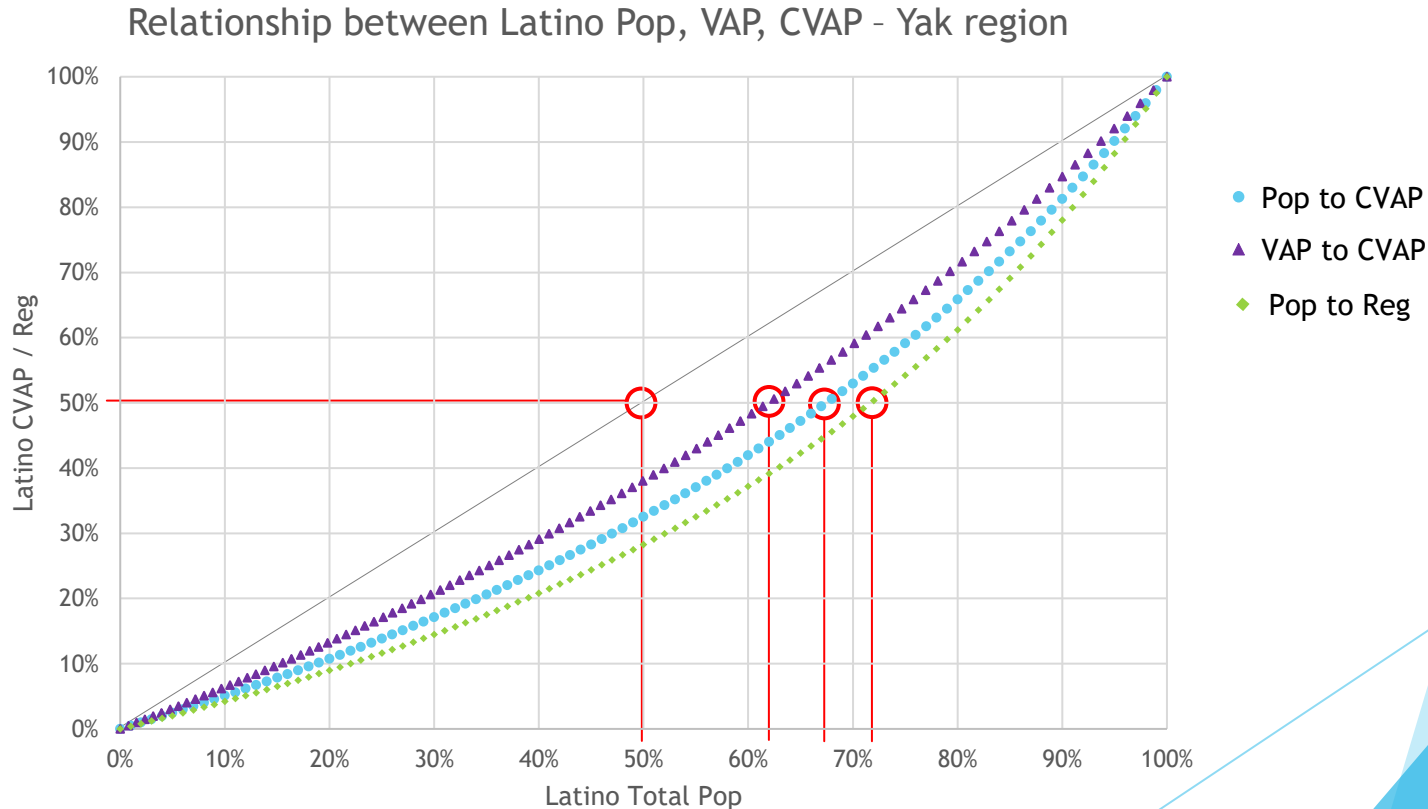
# Comparing Latino Pop, VAP, CVAP & Reg

- Total Population is used to balance all Senate districts across the state to the same total population size
  - Courts allow a total population deviation of 10% from largest to smallest district
- However, Citizen Voting Age Population (CVAP) is required by the Courts to establish a performing VRA-compliant district

Majority-Latino Population DOES NOT WORK. Courts have recognized this.

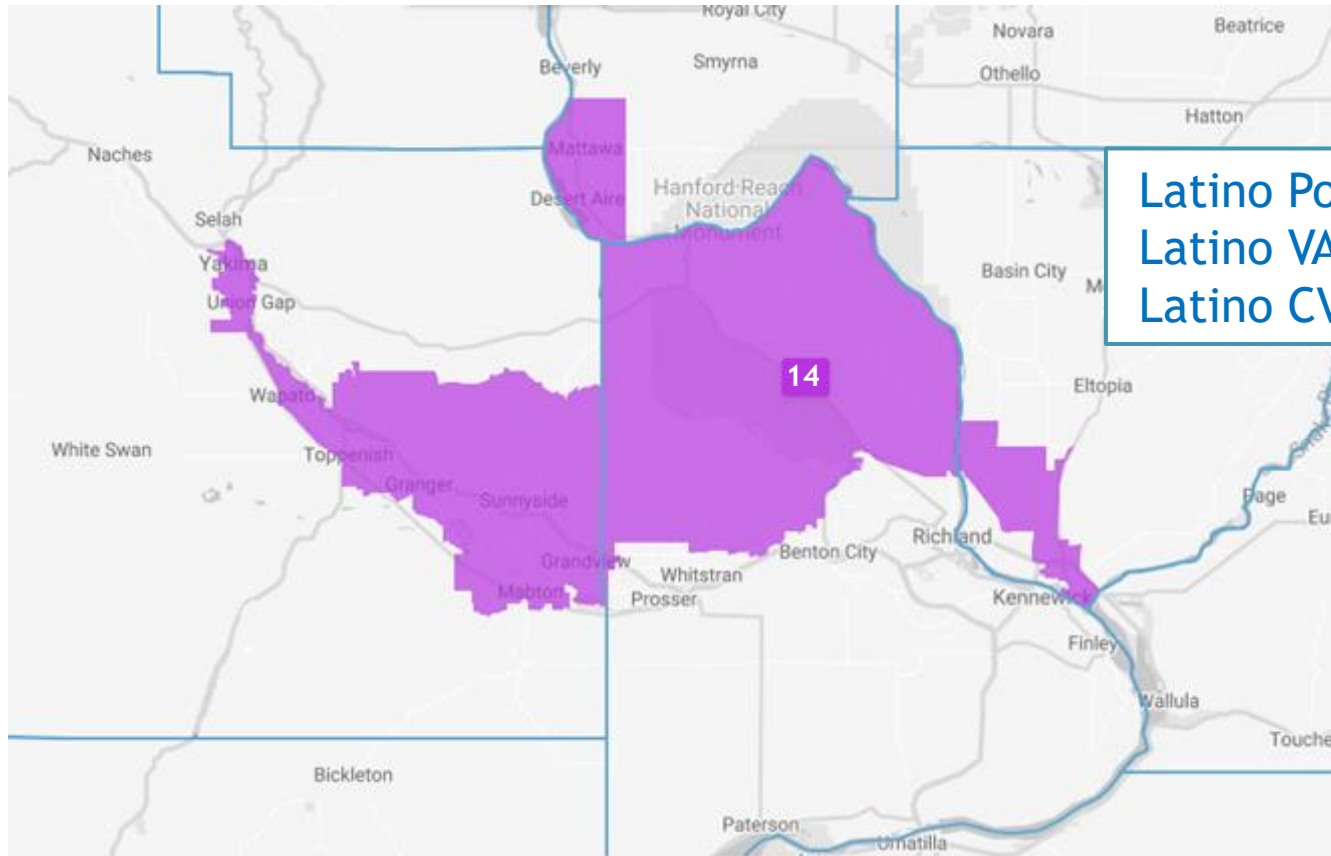
- For Latinos in the Yakima Valley 37% are UNDER 18 and can not vote
- For Whites in this same region, 17% are UNDER 18 and can not vote
- For Latino Adults, 40% are not currently U.S. citizens and can not vote
- In Yakima County 125,816 Total Latinos → 76,989 Adults → 46,611 Citizen Adults
- In Yakima County 105,255 Total Whites → 86,584 Adults → 85,629 Citizen Adults

# Comparing Latino Pop, VAP, CVAP & Reg



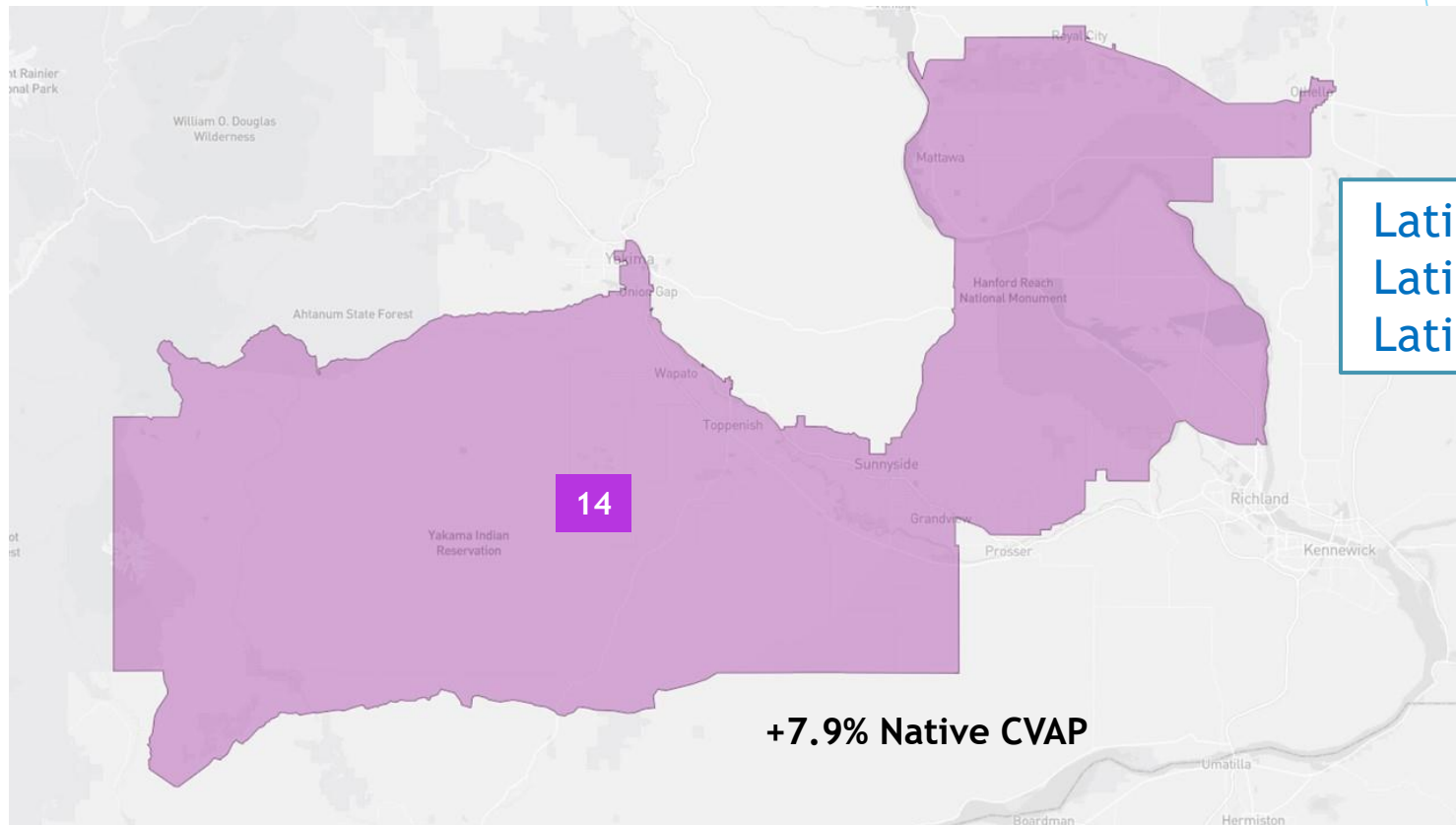
Based on 2019 1-year ACS  
VAP and Citizenship for  
Latinos in Yakima Region

# VRA Compliant Option-1: Yakima-Columbia River Valley



Latino Pop 76%  
Latino VAP 71%  
Latino CVAP 60%

# VRA Compliant Option-2: Yakama Reservation



Latino Pop 70%  
Latino VAP 66%  
Latino CVAP 52%

**+7.9% Native CVAP**



# Evaluating Different Maps

District Plan	Latino Pop	Latino CVAP '19	Latino CVAP now	Predict Dem	Predict Rep	Biden '20 margin
Graves	54	34	35.9	38	62	-8,925
Fain	55	34	36.1	43	57	-2,833
Sims	65	45	47.6	50	50	4,607
Walkinshaw	61	40	43.2	52	48	6,299
Yak-Rez	70	52	54.5	54	45	8,104
Yak-Col Riv	76	58	60.4	59	40	11,375

\* Partisan scores based on Campaign Legal Center election analysis and reconstituted precincts into proposed districts by Dr. Barreto

# THANK YOU

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