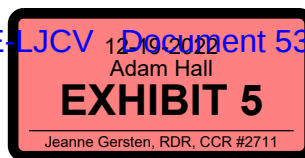


Exhibit L



October 15, 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

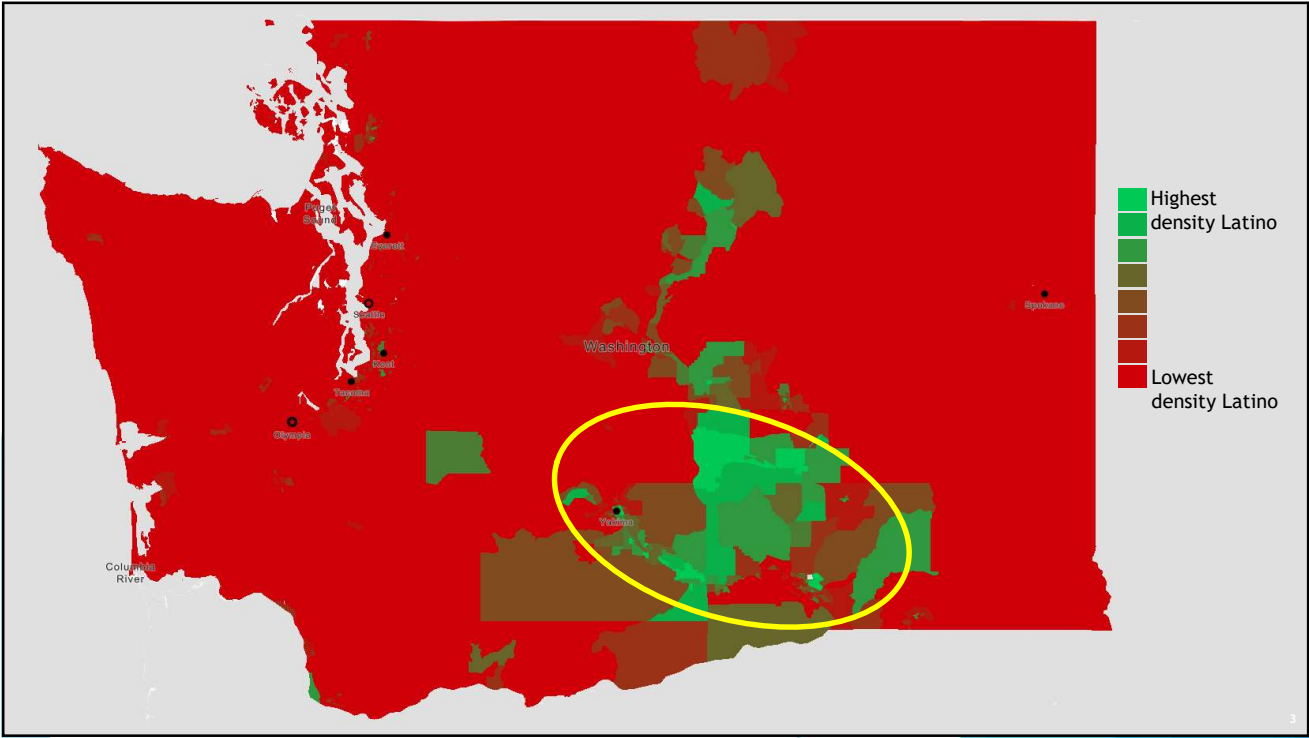
- Washington state Latino population surpassed 1 Million in 2020, now stands at 1,059,213, 12th largest of any state

	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%)

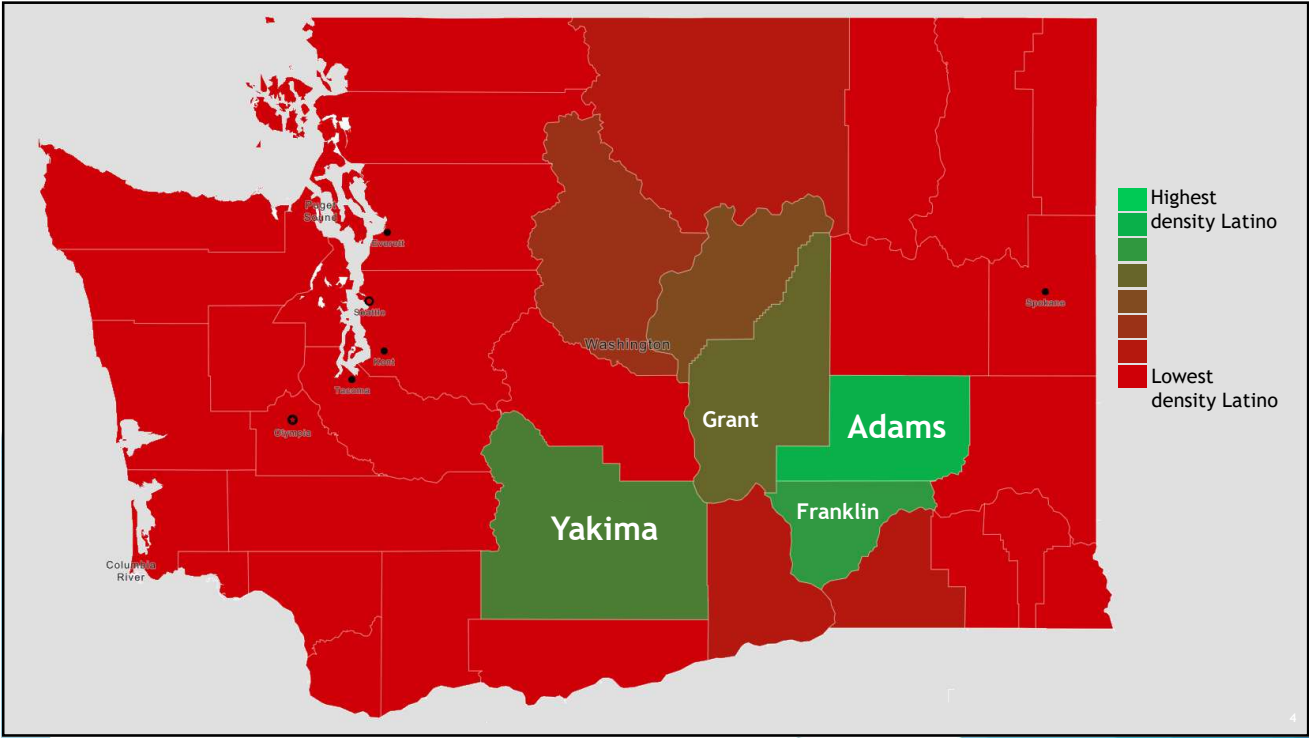
- The growth has been especially large in the Yakima Valley region and is quite concentrated

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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

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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.

6

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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.

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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 “pack” or “crack” their population
- Goal is to find the right balance and create fair and equitable districts, and successfully defend the plans against legal challenges

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The Gingles Test: Factor 1

- Minority group sufficiently large and geographically compact
 - Decennial Census
 - Census ACS 1-year or 5-year for CVAP
 - Voter file analysis
 - Spanish or Asian surname
 - New advancement in BISG

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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"?

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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

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Defining Racially Polarized Voting

- Bottom line: minority voters are voting one way, and majority voters are voting another way
- But because majority voters are more numerous in the district, minority voters systematically lose.
- The analysis is about the individual voters within a jurisdiction. Even if a governing body is well intentioned, the individual voters across the county may behave in a way that blocks minority representation.

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Measuring Racially Polarized Voting

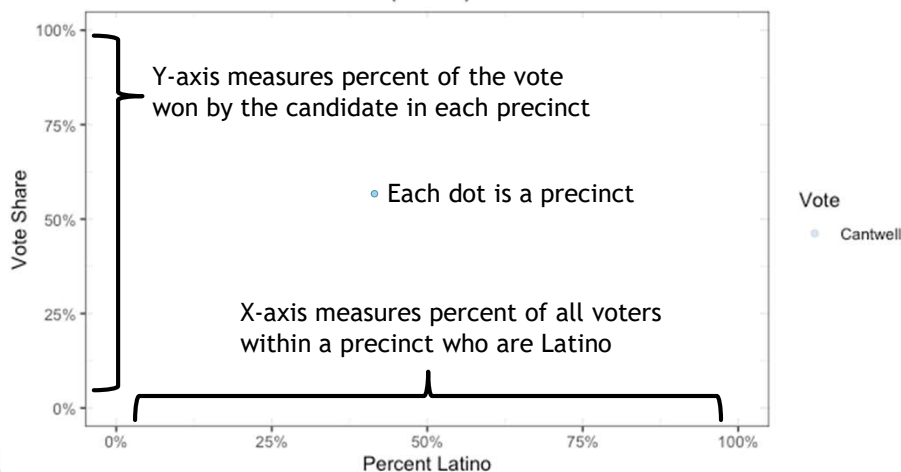
- RPV can vary in degree of intensity, and it can be measured and quantified using statistical analysis that has been accepted by the courts.
- Your vote is secret - so how do we understand voting patterns by race and ethnicity?
- We have developed improved ecological inference techniques to use precinct-level vote results and racial demographics (Barreto, Collingwood, Garcia-Rios & Oskooii, 2016, 2019)

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Measuring Racially Polarized Voting

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

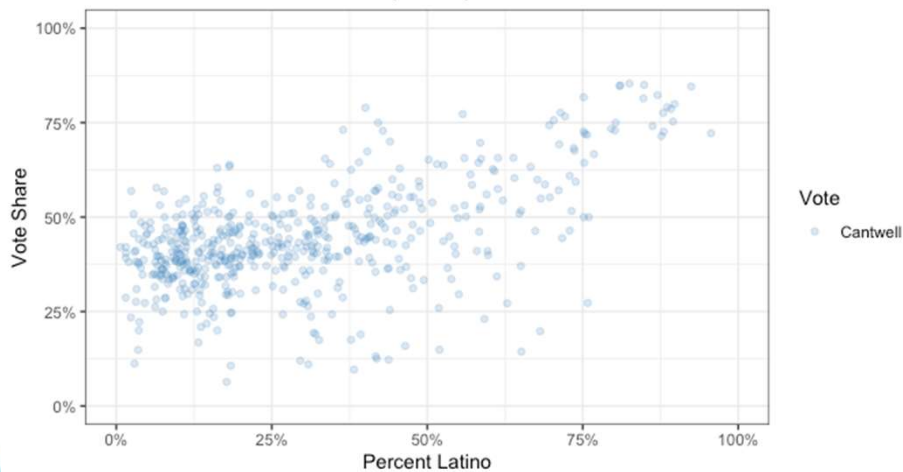


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Measuring Racially Polarized Voting

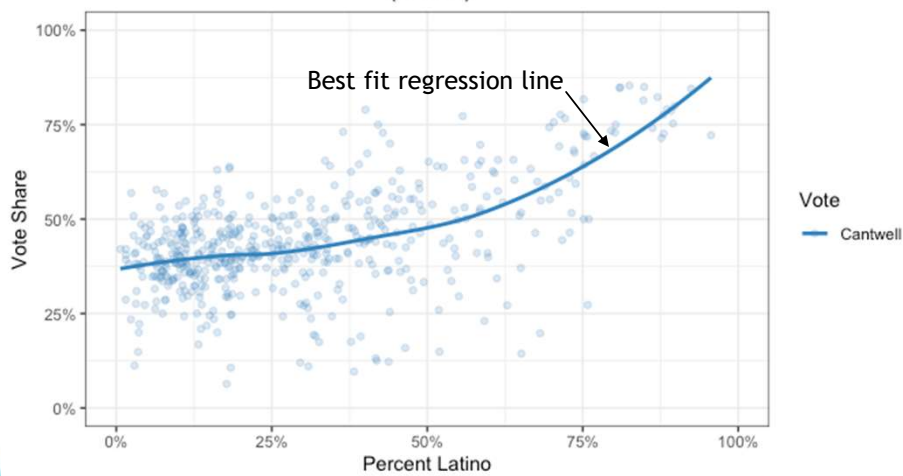
2012 General, Cantwell - 5 WA Counties
Sorted by Percent Latino within each Precinct
(n=569)



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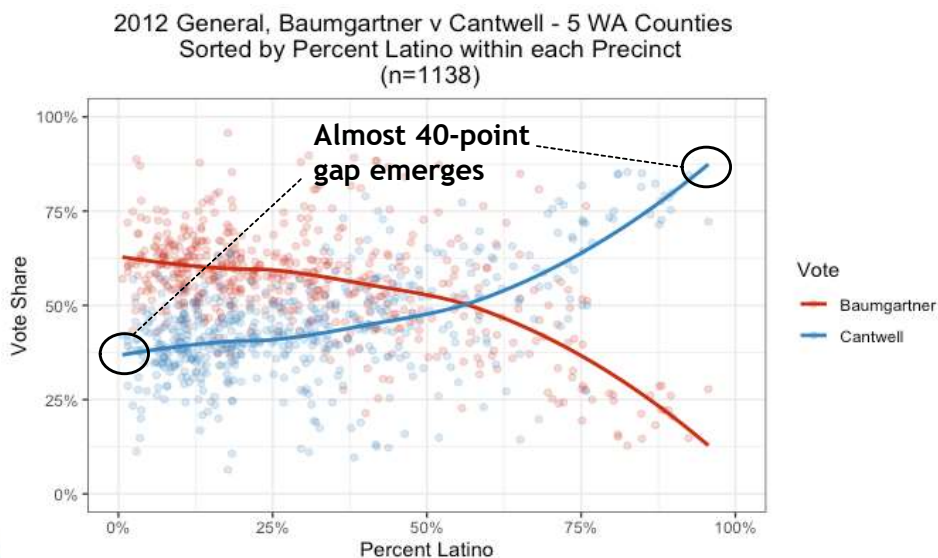
Measuring Racially Polarized Voting

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



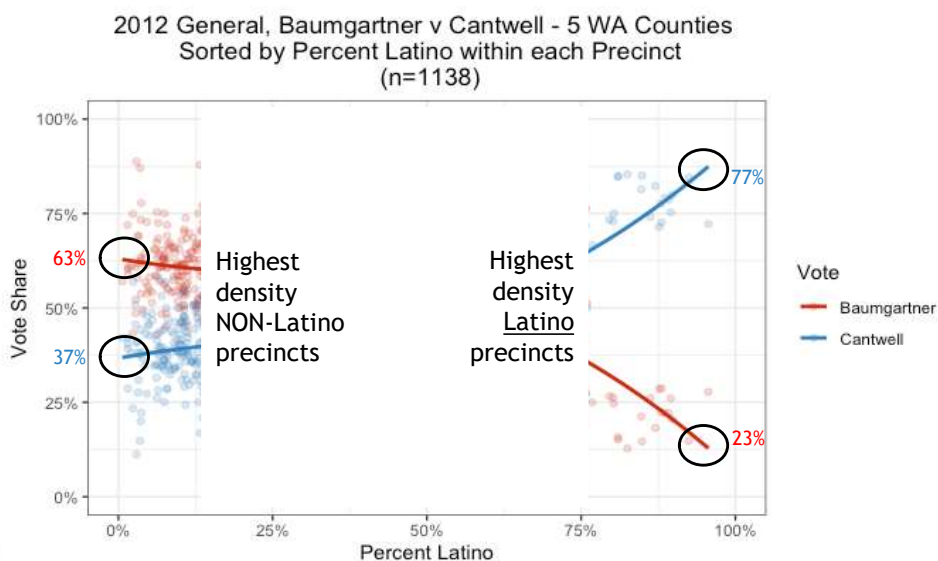
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Measuring Racially Polarized Voting



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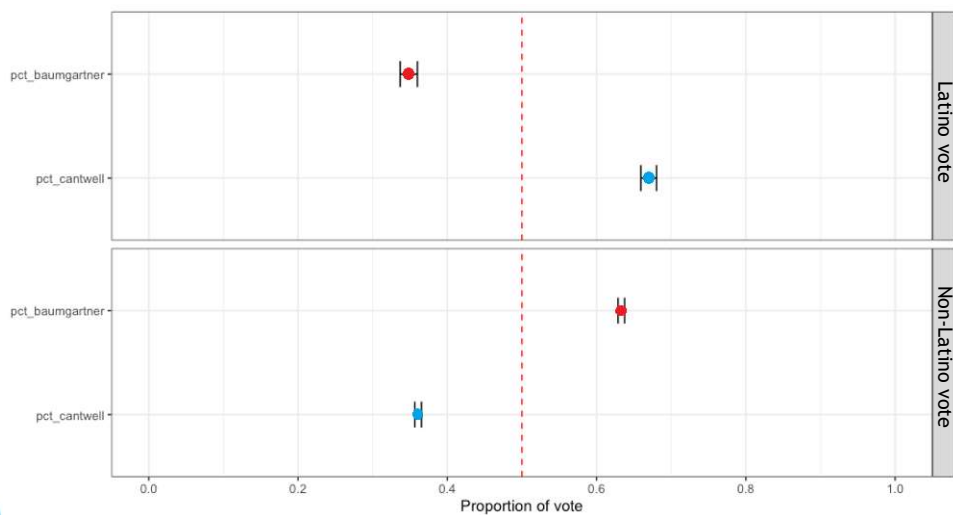
Measuring Racially Polarized Voting



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Measuring Racially Polarized Voting

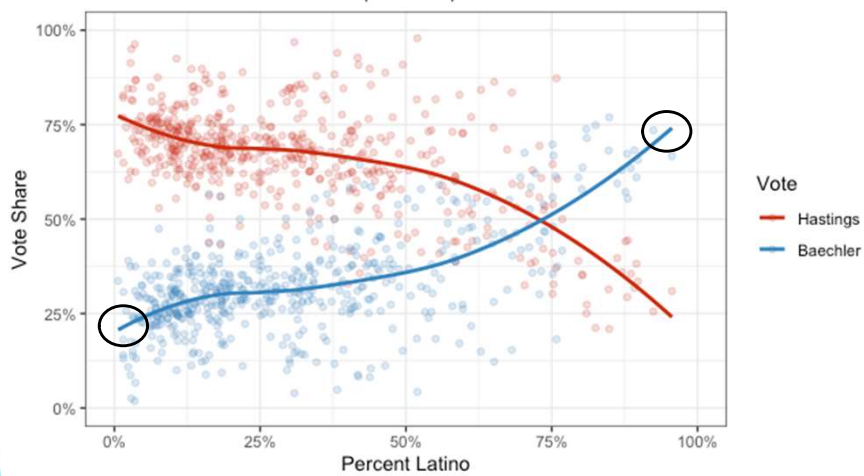
2012 General, Baumgartner v. Cantwell - 5 WA Counties



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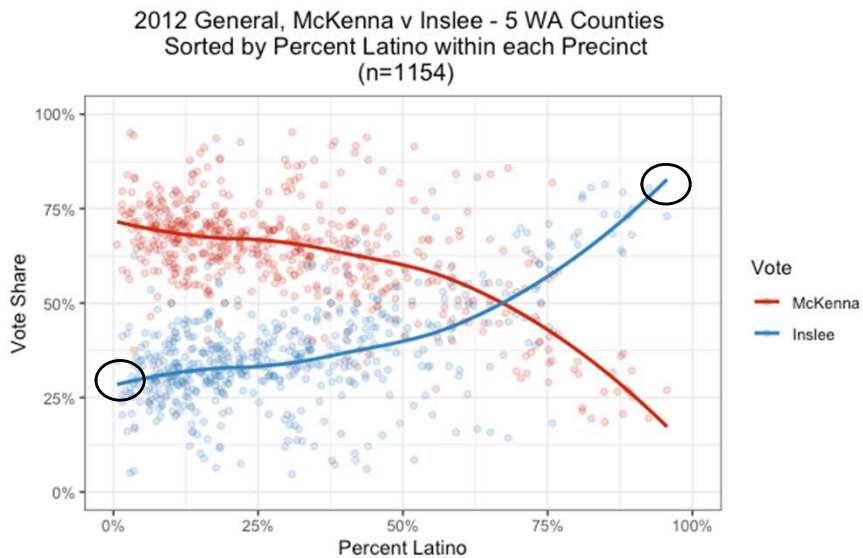
Voting Patterns in Yakima Valley Region: 2012

2012 General, Hastings v Baechler - 5 WA Counties
Sorted by Percent Latino within each Precinct
(n=1146)



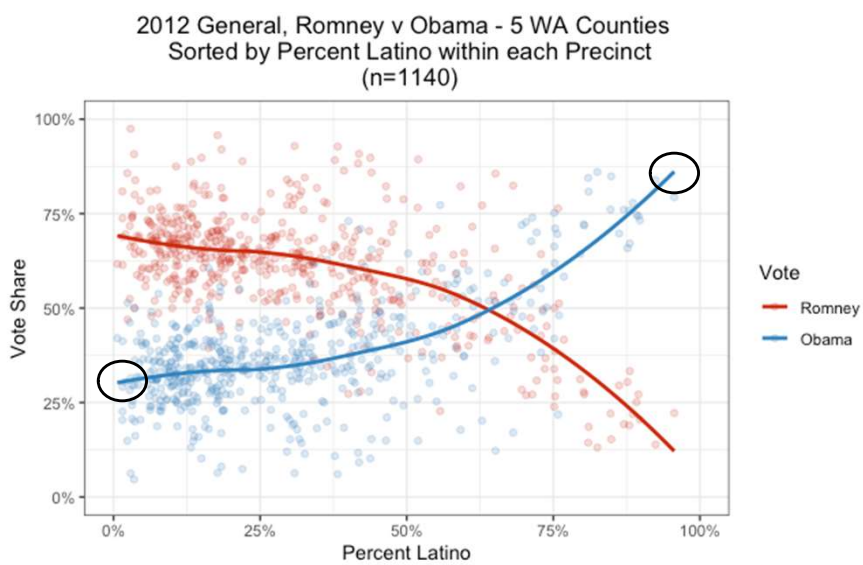
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Voting Patterns in Yakima Valley Region: 2012



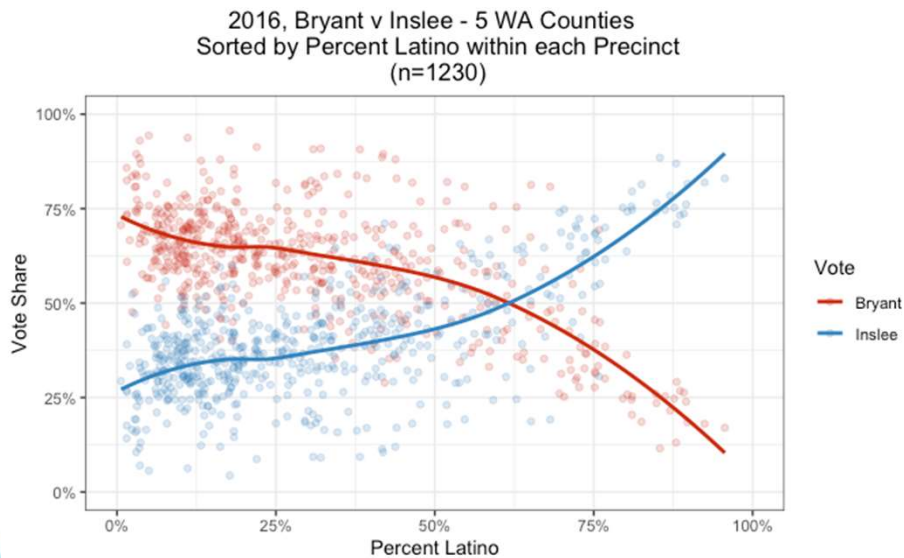
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Voting Patterns in Yakima Valley Region: 2012



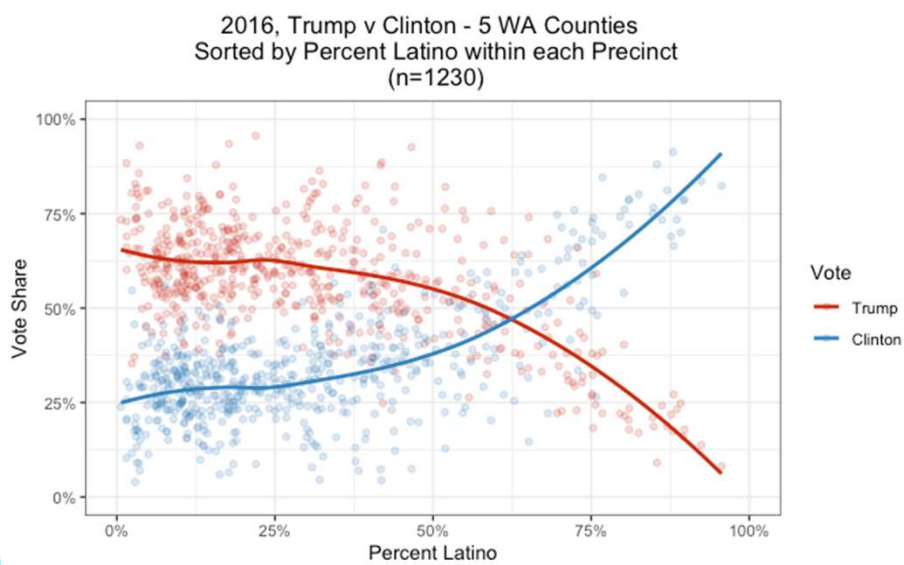
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Voting Patterns in Yakima Valley Region: 2016



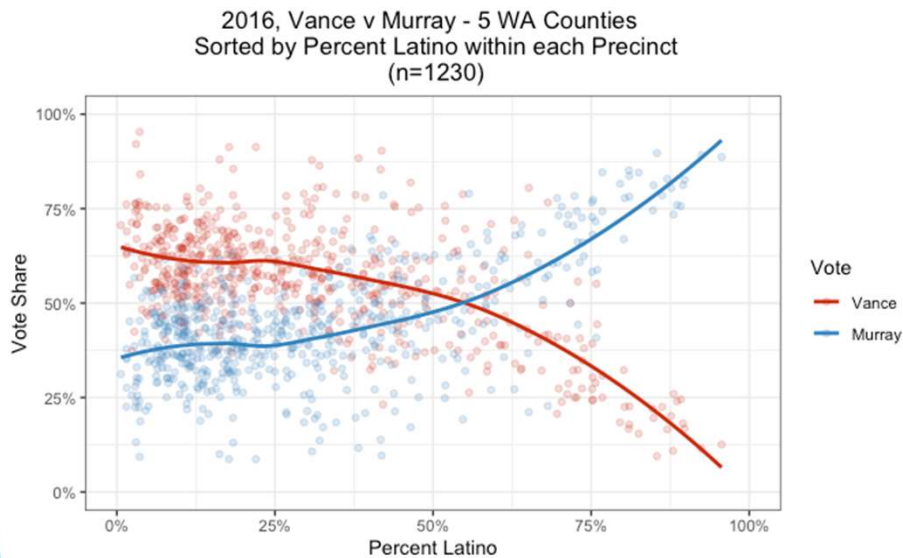
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Voting Patterns in Yakima Valley Region: 2016



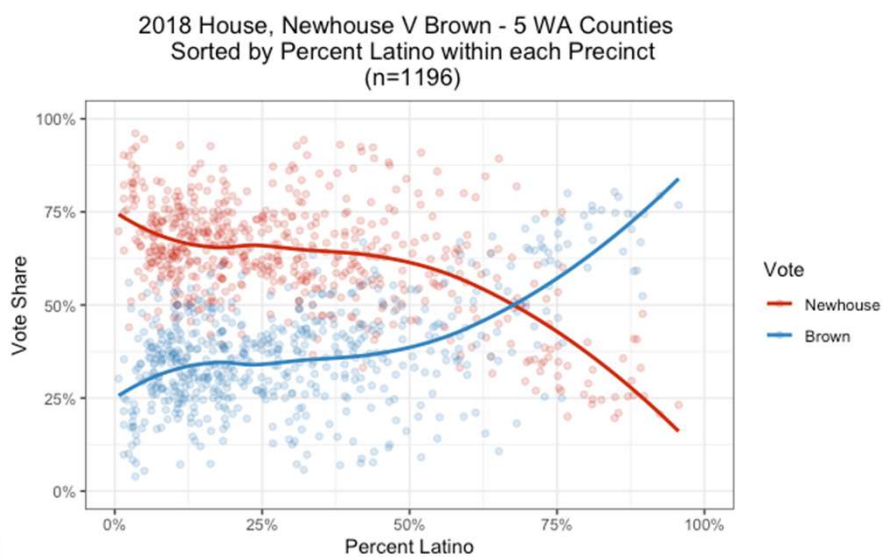
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Voting Patterns in Yakima Valley Region: 2016



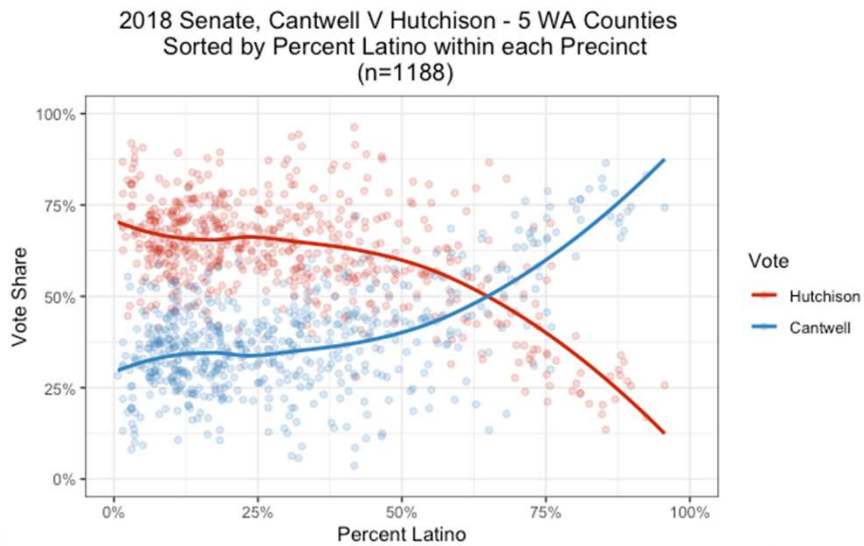
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Voting Patterns in Yakima Valley Region: 2018



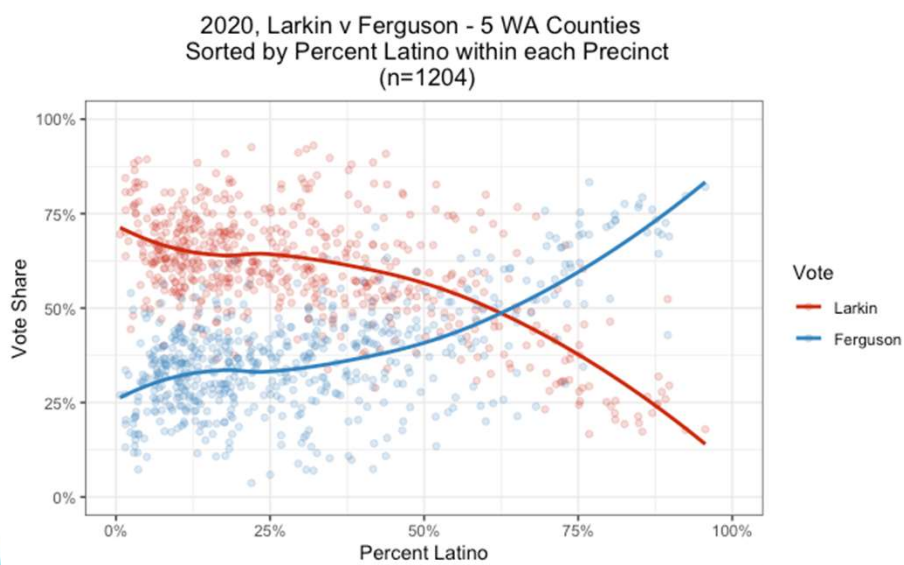
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Voting Patterns in Yakima Valley Region: 2018



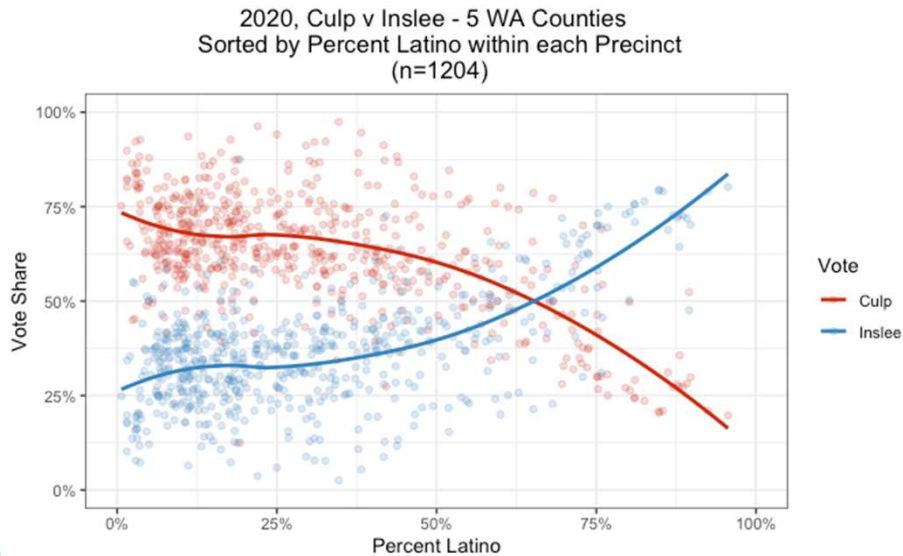
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Voting Patterns in Yakima Valley Region: 2020



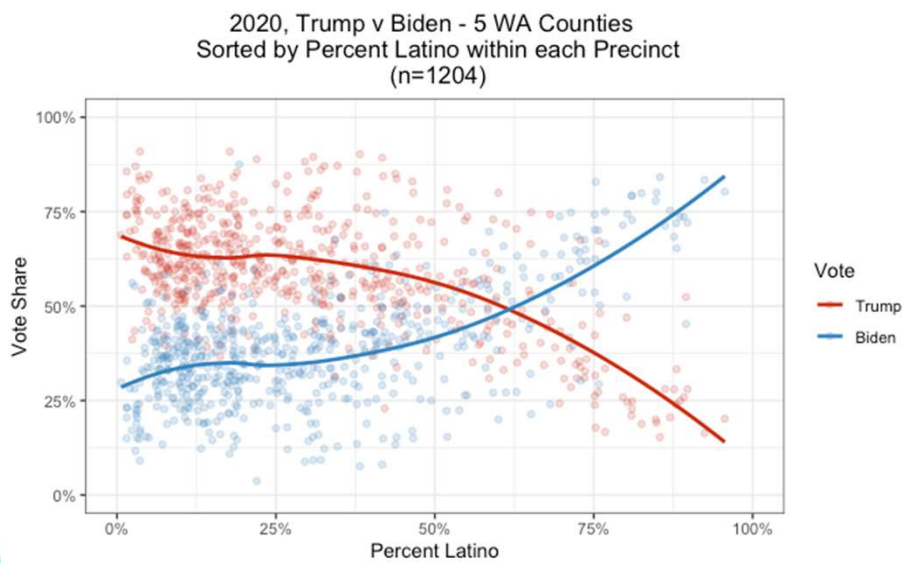
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Voting Patterns in Yakima Valley Region: 2020



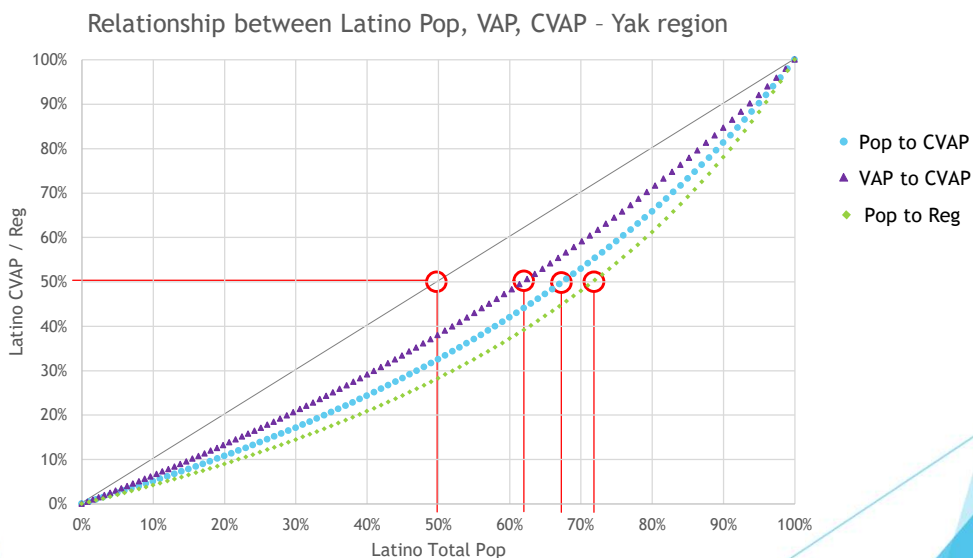
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Voting Patterns in Yakima Valley Region: 2020



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Comparing Latino Pop, VAP, CVAP & Reg



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Evaluating Different Maps

- Prior evidence is crystal clear - you have 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?

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Evaluating Different Maps

□ Commissioner Graves' 9.21 proposal

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

□ Commissioner Fain's 9.21 proposal

- <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: 13th = 33% / 14th = 23% / 15th = 55% / 16th = 42%
- Latino CVAP: 13th = 16% / 14th = 13% / 15th = 34% / 16th = 23%

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Evaluating Different Maps

□ Commissioner Sims' 9.21 proposal

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

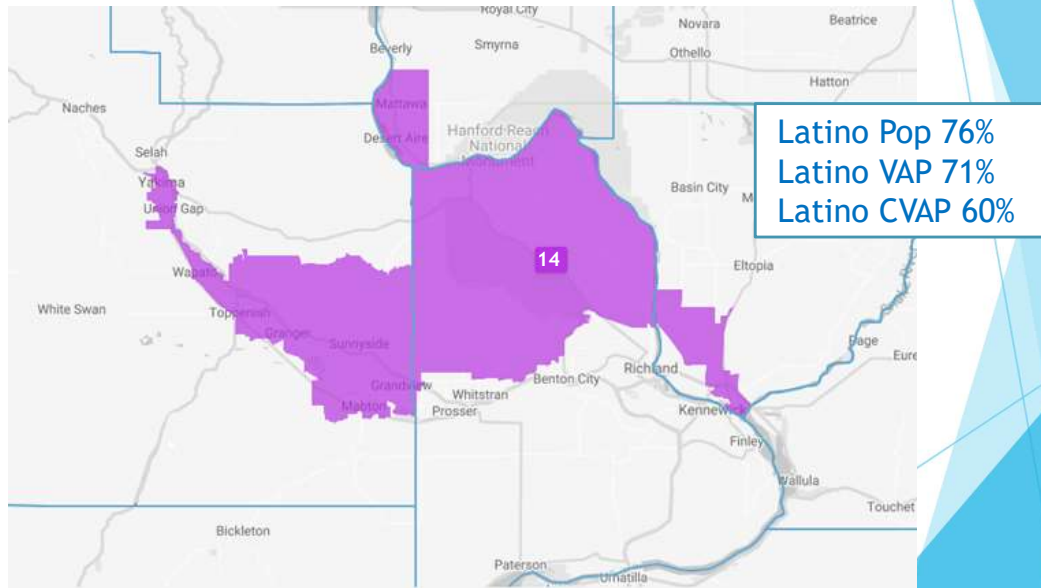
□ Commissioner Walkinshaw's 9.21 proposal

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

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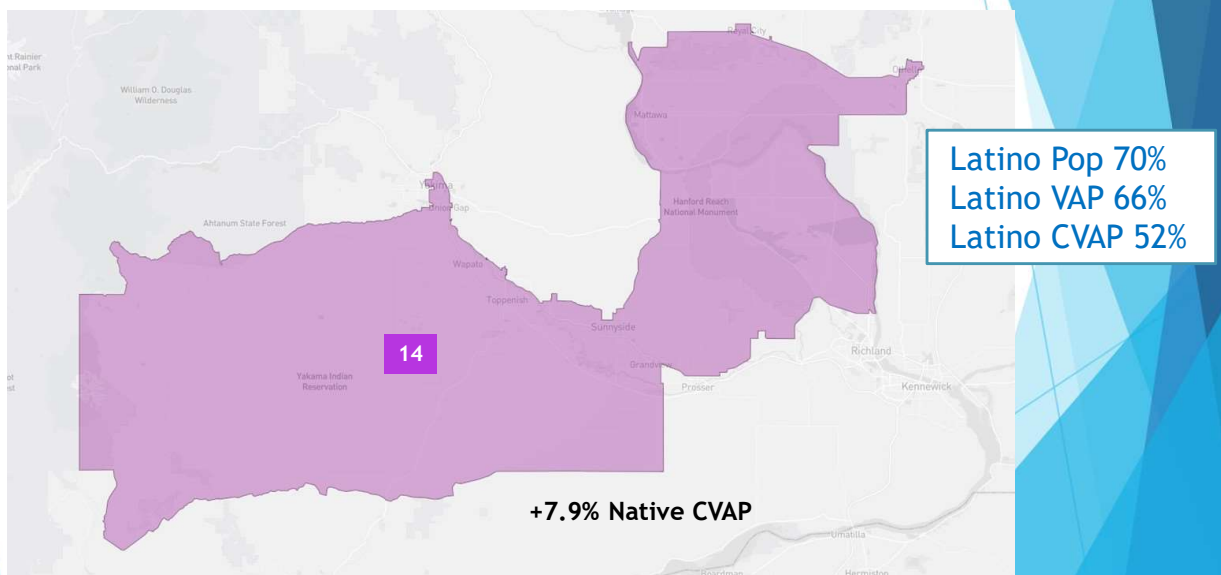
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VRA Compliant Option-1: Yakima-Columbia River Valley



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VRA Compliant Option-2: Yakama Reservation



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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

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THANK YOU

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