

Exhibit T

Executive Summary

I have been asked by counsel for the intervening defendants to evaluate the State Legislative District map enacted by the state of Washington. My focus is to respond to the question, are Hispanic voters in the enacted 13th, 14th, and 15th Legislative District likely to elect their preferred candidate? The broad question can be objectively measured in three parts to fit legal precedent. One, a specific racial or ethnicity population is large enough to be a majority in a district and is it compact. Second, if large enough and compact, the group has a cohesive preference for the same candidate. Third, candidates who receive cohesive support from a community of interest should not be defeated because of the voting behavior of another racial group. The first key opens the question and the trends of voting behavior establish whether vote dilution has occurred. These are the factors for the Gingles test.

In this case, I do not find the Hispanic community shows sufficient cohesion for one party. In a study of racially polarized voting, I find estimates of Hispanic voter preference for candidates from the Democratic Party differ by 30% or more from SD-13 to SD-14 or SD-15 (Table 1). I also do not find that non-Hispanic white voters in these three districts are more likely to vote against a Hispanic candidate than a Democratic candidate. Three recent elections show non-Hispanic white voters supported a Hispanic candidate more than other Democratic candidates in 2018 and 2020. The evidence I have collected shows a pattern that party is the dominant factor driving individual vote choice. For a Hispanic district to be a Democratic district the boundaries may need to be less compact in order to include even more Hispanic voters, due to the lack of overwhelming cohesiveness of the community. My analysis of the geographic dispersion of Hispanic voters in SD-15 shows that an attempt to identify Hispanic voters where Democratic ballots are more heavily concentrated has already occurred.

In Adams, Benton, Franklin, Grant, and Yakima counties the Hispanic population is collectively large enough to create a majority legislative district. Population counts from the Census and population estimates from the Census's American Community Survey give accurate measures to establish this observation. However, the Hispanic population is geographically dispersed around the cities which

diminishes the compactness of the community of interest compared to what one might expect in the largest metropolitan areas.

The results show Hispanic voters in Adams, Benton, Franklin, Grant, and Yakima counties are more politically independent than other groups of voters. This mirrors national trends. In most elections Hispanic voters support the Democratic candidate (65%) and on occasion they will defect from the party in large numbers.¹ The elevated support for Democratic candidates from Hispanic voters in SD-14 and SD-14, relative to the SD-13 neighbors, suggests there are either strong cultural influences that exist or the district populations were selected for political reasons. I do not find evidence of sufficient cohesion within the Hispanic electorate nor do I find evidence that opposition to candidates increase as a result of the race of the candidate. The absence of significant variation in candidate preference among candidates from the same party offers no statistical evidence of any diminishment in the ability of minority voters to elect representatives of their choice on the basis of race.

Qualifications and Expertise

I am a tenured associate professor of Political Science at The University of Texas at Tyler. In the seven years I have taught at UT Tyler, I have taught courses on Congress, voting behavior, state politics, and research methods at the undergraduate and graduate level. I have authored numerous journal articles on legislative politics and social behavior, which can be found in in *American Political Research*, *Legislative Studies Quarterly*, *Social Sciences Quarterly*, and other academic journals. I also co-authored a recent book, *Battle for the Heart of Texas*, about the changing preferences of voters in Texas and the increasing civic engagement of Hispanic voters. A full list of my qualifications and publications are available in my CV as Exhibit A.

¹ Clement, Scott, Emily Guskin, Amy B. Wang, and Sabrina Gonzalez. 2022. "Democrats' lead with Hispanic voters is smaller than 2018, Post-Ipsos poll finds." *Washington Post*, October 14, 2022.

I have also provided expertise during this redistricting cycle on two occasions. I helped a non-profit organization in the state of Oklahoma prepare districting plans of state and federal legislative offices for public submission. I also submitted a racially polarized voting analysis report in the case *Black Voters Matter Capacity Building Institute, Inc., et al. v. Laurel Lee* in the state of Florida. My compensation to prepare and write this report is \$350 per hour. My compensation is not reliant on the opinions offered herein.

Scope

I compare fourteen statewide elections that occurred in 2018 and 2020. These two election years are valuable for such a comparison, because the state implemented automatic voter registration and same day registration in 2018 (RCV 29A.08.140). The data required to use ecological inference to estimate racially polarized voting requires demographic data and precinct level election results to identify the racial and ethnic composition of a geographic area. My report is a tool to see if the redistricting plan causes harm, even if it is unintentional. This will include estimates of ballot choice that are precise enough to capture the geographic concentrations where a candidate gets votes and where Hispanic voters live. The secret ballot precludes us from knowing this information in exact detail, but fortunately aggregate trends are conditional on individual activity in ways that match theories behind the social science tools we use to evaluate the impact of a map.

Ecological inference (EI) is the best statistical method to estimate the probability the candidate preferences of Hispanics are based on party or race. We can infer racially polarized voting if two conditions are observed. Does a community of interest, Hispanic voters, reliably support one party more than another? Do Hispanic candidates receive less support in the district? If voters in a district always give the same support for nominees of one party, regardless of race, then we do not observe a negative effect of a candidate's race on their likelihood to win an election. EI is a Bayesian approach to estimate the conditional probability a Hispanic voter supports a Democratic candidate using the geographic

population distribution of Hispanic residents and where a candidate receives the most votes. High estimates suggest a block of voters were probably cohesive in their support for a candidate across the district. An estimate closer to 50% signals the block of voters were likely split between the two candidates. Low estimates indicate the voters oppose a candidate from the preferred party.

This study replicates the same method across multiple elections from the same geographic area to show the cohesion of the Hispanic electorate in its support for a Democratic candidate. The results in Table 1 and 2 will appear higher in Districts 14 and 15, but closer to 50% in District 13. I will also explain the conditions in which the Hispanic electorate becomes split in its support of a candidate when a Hispanic candidate is endorsed by the other party or there is not party affiliation at all.

Data

The data I use reflect the population count of the state of Washington and official tallies of election returns from 2020 and 2018. The Census block is the unit of comparison, because blocks can be assigned to different precincts and to different districts. The American Community Survey provides 5-year estimates (2016-2020) of the citizen voting age population as close as the block group level. This file includes many definitions of race, I use the measures of Hispanic identification CVAP, non-Hispanic white CVAP, and sum other non-Hispanic race and ethnic groups into the category of other.

I obtained this file from the Caliper Corporation and used Maptitude for Redistricting to disaggregate the block group level estimates of the citizen voting age population to the Census block level, by controlling for the Census population in the block. I also used Maptitude for Redistricting to layer past election results at the precinct level so they could be combined into one map, for the purpose of disaggregating the election information to the Census blocks that fit within the precinct boundary shape files (<https://www.sos.wa.gov/elections/research/election-results-and-voters-pamphlets.aspx>). This process anchors the population and election data to the Census block for the purpose of comparing district assignments. Estimates identified for the “Enacted Map” reflect the geographic shape file for the Final

Adopted State Legislative Districts from <https://www.redistricting.wa.gov/district-maps-handouts> (folder Final District Shapes 2022_NAD_83). Estimates from the “Previous Map” reflect the district assignment of the Census block from 2011 to 2021.

I rely solely on population data from the U.S. Census Bureau, because it is the most reliable measure of the geographic distribution of a population. It is also the most complete source of data, because it encompasses the representation of those who are registered to vote and those who are not. Population inferences based on a surname require that we know the name of the resident and are subject to the misclassification of an individual and advanced methods to reduce this misclassification error use population tallies by the Census as the basis for any adjustments.² Therefore, the Census remain the simplest and most accurate way to compare communities with a state.

Method: Ecological Inference

Ecological inference is an approach that uses aggregate data (like precincts) to make inferences about individual behavior. This is valuable when we cannot meaningfully interact with the research subjects. However, the key to accomplishing this task is a standardized structure of the aggregate data. Because the analysis is grounded in analyzing a geographic area nested within another, my estimates do not predict the behavior of an individual – they only speak to the behavior of people who are in a similar context. As an analogy, think about how pollsters anonymize individual surveys to explain an aggregate population. The key to knowing whether everyone is treated equally is to look at the aggregate effects.

² The U.S. Court of Appeals, 5th Circuit, strongly criticized the use of Spanish-surname analysis in the case *Rodriguez v. Bexar County* as it lacks reliability and underestimates Hispanic residents with a “non-Hispanic” name. The court directly stated, “census data based upon self-identification provides the proper basis for analyzing Section 2 vote dilution claims in the future” (See *Rodriguez v. Bexar County*, note 18, PAR 867 385F. 3d 853). Additionally, in a letter in *Political Analysis* (2021), Dr. Jesse Clark, Dr. John Curiel, and Tyler Steelman suggest more transparency is needed about how analysts implement BISG and how they might impute data from missing variables. Their study of BISG in Georgia shows that thousands of bootstrap estimates can help refine measures of Hispanic surnames if they are done at the Census Block level. Their final conclusion is that surname-only analysis should only be used when other all other alternatives have been examined. In their study, they did not compare the estimates from a BISG surname analysis to the Census estimate.

Clark, Jesse T. John A. Curiel, and Tyler S. Steelman. 2021. “Minmaxing of Bayesian Improved Surname Geocoding and Geography Level Ups in Predicting Race.” *Political Analysis* 30(3): 456-462.

This report offers numerous Ecological Inference estimates by election, to measure if groups of voters have cohesive support for candidates and how it varies across the enacted 13th, 14th, and 15th Legislative Districts in Washington. The model is constructed to control for the proportion of each group of voters within the citizen voting age population and how many voters in a geographic area participated in the election in order to estimate the share of each group of voters who supported the Democratic candidate. In the case of non-partisan State Supreme Court elections, I assigned the dependent variable to estimate the probability voters would vote for the candidate who had been appointed to the court prior to the election.

Ecological inference is a statistical procedure used in the natural sciences, business, and social sciences to estimate accurate measures of probability.³ The key is the ability to control for multiple dimensions, like those listed above in the description of the model. Voter participation and preferences often vary by race.⁴ Moreover, this is the same type of statistical analysis the plaintiffs cited by Dr. Matthew Barreto in paragraph 152 of Case 3:22-cv-05035-RSL in Document 70.

This analysis follows a logical path. If a set of precincts have more Hispanic voters than white voters and the Democratic candidate receives more votes from areas the Hispanic population is concentrated, we can measure the probability each question is true. However, if a Republican candidate for another office also appeals to Hispanic voters, we are less certain that the public is polarized in its voting. Examining these patterns of voting history was a reaction to moments when support from Black voters for a Democratic candidate was much higher if the candidate was a Black Democrat. Historically a pattern of electoral victories by white Democrats confounded the public, given the high proportion of Black residents in a community and the support they consolidated behind one candidate. The source of the problem was that Black Democratic nominees receive lower levels of support, than contemporary white Democrats, from white voters. The voting behaviors of Black Democrats and white Democrats

³ King, Gary, Ori Rosen, and Martin A. Tanner. 2004. *Ecological Inference: New Methodological Strategies*. Cambridge: Cambridge University Press.

⁴ Grofman, Bernard and Michael Migalski. 1988. "Estimating the Extent of Racially Polarized Voting in Multicandidate Elections." *Sociological Methods & Research* 16 (4): 427-54.

followed a pattern of racially polarized voting and not partisan polarized voting. The clear impact these types of voting behavior had on representation allowed the Supreme Court to introduce the Gingles test as guidance to indicate if district plans are racially discriminatory, even if they were not intended to be. A community of interest should be in a similar district if it is cohesive in its support for a candidate and if the community of interest that has similar preferences lives close to one another.

The conclusion is not always easy to ascertain, because our understanding is conditional on past elections and the presence of a Democrat and Republican nominee. The adoption of the top-two primary system in Washington does not exclude this context, but it allows another option that does not fit within the practical application of ecological inference to understand partisanship.

Racially Polarized Voting Analysis

The district estimates of voter preference for a Democratic candidate among Hispanic voters in the Yakima Valley region appear consistent, if not for three notable exceptions – geographic dispersion of Hispanic voters, partisanship of general election nominees, and ethnicity of a candidate who does not prefer the Democratic Party.

The best way to understand these results is to remember that these EI results are estimated at the Census block level, using population information from the Census and precinct election results that were disaggregated to the Census block level by the state. This allows the statistical approach to estimate preferences at a granular level and then sum the totals, based on how the Census blocks are assigned to districts in the Block Equivalency file for each District plan. I use two tables to report the EI results to classify the differences of executive elections and judicial elections.

Table 1 reports the percentage of how many ballots in a district were cast for a candidate who is the nominee of or prefers the Democratic Party by a Hispanic voter. The 14 electoral comparisons do not show significant support among Hispanic voters for a Democratic candidate across the three districts. The cohesiveness of Hispanic voters is not consistent everywhere in the region and can range by more than

30% between District 13 and District 14. This analysis also shows that the new redistricting map further exaggerated this difference. Estimates of Hispanic ballots that preferred the Democratic Party for District 14 increased in the new map.

Each row of Table 1 indicates the voting preference among Hispanic voters for a Democratic candidate. Columns 1 through 3 tell the year and office of the election before identifying the race and ethnicity of the candidates seeking that office, with the race of the Democratic nominee listed first. The next columns identify the name of the Democratic candidate and the estimated percentage of the two-party vote they received from Hispanic voters in the areas that comprise the Enacted and Previous districts. Table 2 also presents the vote preferences among Hispanic voters, but the name references the sitting Supreme Court justice seeking election since they do not have a partisan affiliation.

These results indicate the cohesiveness of Hispanic voters consistently varies by district. Hispanic voters in District 13 are likely to be less supportive of the Democratic candidate in every election than Hispanic voters in District 15. It is also apparent, Hispanic voters were not always cohesive in their support of Democratic candidate for Lieutenant Governor Denny Heck, when the opponent was also a Democratic candidate in an open seat contest. The top-two primary system allows voters to choose between candidates of the same party in the general election, which also presents a unique context to identify if there is cohesion within what type of Democratic candidate Hispanic voters will support. In this case, an intra-party coalition of Hispanic voters was split between two candidates.

Table 1: Ecological Regression Estimates of the Percent of Hispanic Voters Voting Democratic under the Enacted and Previous Senate maps
(Confidence Interval in Parentheses to indicate Margin of Error)

Year	Office	Candidate Race/Ethnicity	Democratic Candidate	Enacted SD-15	Previous SD-15	Enacted SD-14	Previous SD-14	Enacted SD-13	Previous SD-13
2020	Insurance Commissioner	W – A	Kreidler	79% (75.7, 82.3)	82% (79.2, 83.8)	86% (83.7, 88.3)	86% (80.1, 86.3)	50% (46.6, 52.9)	59% (56.0, 61.8)
2020	Commissioner of Public Lands	W – W	Franz	75% (71.4, 78.9)	78% (75.3, 80.6)	84% (81.5, 86.7)	81% (78.5, 84.4)	44% (40.0, 47.1)	53% (50.0, 56.4)
2020	Superintendent of Public Instruction	W – H	Reykdal	35% (33.5, 36.6)	33% (32.0, 34.5)	37% (35.9, 38.9)	42% (40.6, 44.1)	30% (28.1, 31.5)	33% (31.3, 34.5)
2020	State Auditor	W – W	McCarthy	75% (71.7, 79.0)	78% (75.4, 80.5)	84% (82.9, 87.0)	82% (81.9, 87.0)	46% (42.1, 49.1)	55% (52.1, 58.5)
2020	Treasurer	W – W	Pellicciotti	73% (69.1, 76.5)	76% (73.2, 78.4)	83% (80.7, 85.8)	80% (77.5, 83.4)	43% (39.9, 46.9)	53% (49.7, 56.0)
2020	Attorney General	W – W	Ferguson	76% (71.8, 79.3)	79% (76.0, 81.3)	85% (82.6, 87.8)	83% (79.7, 85.7)	45% (41.8, 49.1)	55% (52.1, 58.7)
2020	Secretary of State	W - W	Tarleton	69% (65.8, 73.0)	72% (69.5, 74.8)	80% (77.2, 82.2)	76% (73.1, 79.0)	42% (39.0, 45.4)	52% (48.7, 54.5)
2020	Lt. Governor**	W – W	Heck / Liias	49% (47.0, 51.3)	47% (45.9, 48.7)	45% (43.2, 46.4)	45% (42.9, 46.7)	52% (49.2, 53.9)	53% (50.2, 55.0)
2020	Governor	W – W	Inslee	74% (70.0, 77.4)	76% (73.4, 79.0)	82% (79.5, 84.8)	79% (76.0, 82.1)	39% (35.1, 42.2)	50% (46.4, 52.9)
2020	U.S. President	W/B – W/W	Biden	76% (72.3, 80.0)	79% (76.8, 82.1)	86% (83.4, 88.6)	83% (80.1, 86.2)	44% (40.5, 48.1)	54% (50.5, 57.4)
2018	U.S. Senate	W – W	Cantwell	73% (69.7, 76.4)	75% (72.9, 77.7)	81% (78.6, 83.3)	74% (71.7, 77.2)	37% (34.0, 40.4)	44% (41.5, 47.0)

** Two Democratic candidates were on the November general election ballot. W indicates the candidate was non-Hispanic White. B indicates the President's running mate was Black. H indicates the candidate was Hispanic. A indicates the candidate was Asian. *Note:* The first letter represents the Democratic nominee or a candidate who preferred the Democratic party.

Prior election returns show Hispanic voter support for a Democratic candidate does not always exist at the same rate if a candidate that prefers the Democratic Party is running against a Hispanic candidate who prefers the Republican Party. This election was described as “one of the most politically divided races in Washington state schools chief in recent memory.”⁵ In that election Reykdal received significantly lower support from Hispanic than other candidates on the 2020 ballot. Espinoza received 30% more support from Hispanic voters than Reykdal in this region. Her candidacy also attracted 53% of voter support from white voters in the region.

The preference of Hispanic voters for a Democratic nominee in the three districts are not statistically different across 10 of the 12 elections in Table 1 when the margin of error for these EI estimates is observed. The preferences of the Hispanic electorate in the newly created SD-15 are not statistically different from the prior composition of SD-15. Only the 2018 U.S. Senate race suggests a significant shift in the increasing support of Hispanic voters in the new SD-14 compared to the past. However, in 6 of the 12 elections analyzed there was a significant decrease in the voting support for Democratic candidates from the Hispanic community in the new formation of SD-13. Democratic support by Hispanics goes up in the new SD-14 and Hispanics in the new SD-13 are less supportive of Democratic candidates. This indicates the old SD-13 included Hispanic voters who were more favorable to Democratic candidates.

In SD-13, the estimated pattern of candidate preferences of Hispanic voters is more similar to the estimates of non-Hispanic white voters. There is significant difference in estimates of preference for the Democratic candidate among Hispanic voters in the new SD-13 compared to SD-13 in the previous map. Observing the estimates down the column, also shows that Hispanic voters in SD-13 exhibit variation in how much they oppose a Democratic candidate.

⁵ Bazzaz, Dahlia. 2020. “Chris Reykdal reelected as Superintendent of Public Instruction, defeating Maia Espinoza in Washington state election results.” *Seattle Times* November 3, 2020.

The election returns and demographic information indicate there is a consistent trend in the preference for a Democratic candidate among Hispanic voters within SD-15 and SD-14, but not SD-13. The expected pattern is not stable when voters must choose between a Democratic candidate and a Hispanic candidate of another party or when Democratic candidates are the only candidates on the ballot.

The race for Superintendent for Public Instruction presents a unique context to assess the level of racially polarized voting. Maia Espinoza received the endorsement of the Republican Party as she challenged incumbent Superintendent Chris Reykdal who was endorsed by the Democratic Party. Although Espinoza did not defeat the incumbent statewide, there was strong support from Central Washington. Reykdal received less support from Hispanic voters than other Democratic candidate in 2018 or 2020. However, Reykdal's preference for the Democratic Party also meant that Espinoza, a Hispanic candidate, received less support than other Hispanic candidates on the ballot. This presents a clear case example that partisanship is a strong cue for many Hispanic voters in elections.⁶

The statewide non-partisan elections in Washington for the judiciary provide another context to measure racially polarized voting in the absence of party affiliation or endorsement. Two of the contested elections for the State Supreme Court in 2020 let us compare voter preferences for candidates without an affiliation to the executive offices displayed in Table 1. Additionally, there is one female candidate with a Spanish surname, Justice Raquel Montoya-Lewis. Montoya-Lewis is a descendent of the Pueblo of Laguna tribe. Her candidacy is a valuable contrast to Espinoza, as someone who sought election without a partisan endorsement. Both women were new candidates in statewide elections.

In SD-14 and SD-15, the estimated support for Justice Montoya-Lewis among Hispanic voters is 6% higher than another female candidate on the ballot justice Helen Whitener, who had also previously

⁶ To put the Reykdal-Espinoza race in context of the preferred candidate in this district. Maia Espinoza received a 6% advantage based on the boundaries of the previous district. In the geographic areas that are part of the new District 15 Espinoza received more than 16% more votes than the incumbent. This is an example of a Latina candidate, who was preferred by the Hispanic voters, and would win the District.

been appointed to the court months before. The support for the two justices was very similar in SD-13 during the 2020 election. Justice Montoya-Lewis's estimated vote share from Hispanic voters is statistically comparable to the 2018 support the voting bloc gave to Chief Justice Steven Gonzalez.

Table 2: Ecological Regression Estimates of the Percent of Hispanic Voters Voting in Judicial Elections under the Enacted and Previous maps

(Confidence Interval in Parentheses to indicate Margin of Error)

Year	Office	Candidate Race/Ethnicity	Judicial Candidate	Enacted SD-15	Previous SD-15	Enacted SD-14	Previous SD-14	Enacted SD-13	Previous SD-13
2020	Supreme Court, Pos. 3	NAIA – W	Montoya- Lewis	73% (70.0, 75.9)	74% (72.3, 76.5)	77% (74.3, 78.8)	69% (66.3, 71.5)	56% (53.1, 59.0)	63% (60.2, 65.7)
2020	Supreme Court, Pos. 6	B – W	Whitener	67% (64.8, 69.3)	68% (66.2, 69.3)	68% (66.7, 70.3)	66% (64.2, 68.5)	55% (52.8, 57.7)	62% (59.6, 64.5)
2018	Supreme Court, Pos. 8	H – A	Gonzalez	75% (73.0, 76.7)	77% (76.2, 78.8)	73% (71.4, 74.3)	64% (62.6, 65.8)	56% (54.7, 58.2)	60% (58.3, 61.3)

W indicates the candidate was non-Hispanic White. B indicates the candidate was Black. H indicates the candidate was Hispanic. NAIA indicates the candidate was Native American Indian American. A indicates the candidate was Asian. *Note:* The first letter represents the candidate who had previously been appointed to the Supreme Court.

A comparison of Table 2 to Table 1 shows that Hispanic voter preference for non-partisan candidates with a Spanish surname are almost identical to support for Democratic candidates in SD-15. We also see Hispanic voters in SD-13 are a contrast to their SD-15 neighbors, because they are more supportive of a candidate with a Spanish surname who is not affiliated with the Democratic Party (Montoya-Lewis, Gonzalez, and Espinoza). A consequence of the EI estimates in Table 2 are not significantly different from the results in Table 1's partisan elections is that we do not have an adequate counterfactual example to determine if race or partisan preference causes these candidate choices.

Geographic Dispersal of Minority and Non-Minority Groups

The plaintiffs are concerned the new boundaries of District 15 are a façade for Hispanic representation. It is clear the new district includes a larger Hispanic population, but the concern is whether the Hispanic population is as likely to participate. The table below is a calculation of the citizen voting age population of District 15, districts with the longest borders, and the previous district. District 15 does not dilute the CVAP population. District 15 also carries the largest number of Hispanic voters under the

age of 18 (using Census population totals that are adjusted for the prison population). This fits with the national trend that Hispanic populations are significantly younger than the NH white population.⁷ This reinforces that the Hispanic population in District 15 is large enough to influence an election. However, based on the prior analysis, the Hispanic population in this part of Washington is not politically cohesive in all regions.

Table 3: Descriptive Statistics of Demographics Across Districts in the Region

	Hispanic CVAP	NH White CVAP	Reg Vote (Pct. of CVAP)	Hispanic (under 18)
District 15	38,130 (51%)	32,305 (44%)	57,542 (78%)	77,044
District 14	21,684 (27%)	50,636 (63%)	71,226 (88%)	35,214
District 13	14,474 (22%)	49,232 (73%)	59,612 (88%)	28,467
Dist. 15 (2020 map)	32,423 (41%)	41,585 (52%)	66,014 (83%)	54,869
Total: Adams, Benton, Franklin, Grant, and Yakima Counties	100,979 (29%)	269,840 (77%)	351,495 (88%)	

In the past decade, the state of Washington has implemented three election reforms that are expected to encourage voter turnout; a top-two primary, all-mail voting, and same-day registration. These election reforms are known to increase voter turnout,⁸ especially when they follow the implementation of all-mail voting in 2012 (RCA 29A.40.10). In time, same day registration provides the greatest increase among 18 to 24-year-old residents and other populations that exhibited lower turnout in the past.⁹ Studies in political science also suggest that same-day registration will benefit voters of all political preferences or party.¹⁰

⁷ Patten, Eileen. 2016. “The Nation’s Latino Population is Defined by Its Youth.” Pew Research Center. April 20, 2016. URL: <https://www.pewresearch.org/hispanic/2016/04/20/the-nations-latino-population-is-defined-by-its-youth/>

⁸ Burden, Barry C., David T. Cannon, Kenneth A. Mayer, and Donald P. Moynihan. 2014. “Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform” *American Journal of Political Science* 58(1): 95-109.

⁹ Grumbach, Jacob M. and Charlotte Hill. 2022. “Rock the Registration: Same Day Registration Increases Turnout of Young Voters.” *Journal of Politics* 84(1): 405-417.

¹⁰ Hansford, Thomas G. and Brad T. Gomez. 2010. “Estimating the electoral effects of turnout.” *American Political Science Review* 104(1): 268-288.

Neiheisel, Jacob R. and Barry C. Burden. 2012. “The Impact of Election Day Registration on Voter Turnout and Election Outcomes.” *American Politics Research* 40(4): 636-664.

Table 4 documents how Hispanic participation in the elections compares to non-Hispanic White participation. There is little variation in the expected participation of either group of voters based on their assignment to the old map or new map. It appears SD-13 and SD-14 maintained Hispanic communities with higher engagement, while SD-15 now includes slightly lower participation among Hispanic residents. Looking to 2018, the estimates show that participation was lower for all population groups regardless of district assignment.

Table 4: Estimated Turnout of Citizen Voting Age Residents, by Race-Ethnicity

Year	Office	Enacted District		Past District	
		Hispanic	NH White	Hispanic	NH White
2020	SD-15	36%	79%	40%	79%
2020	SD-14	37%	84%	34%	85%
2020	SD-13	50%	78%	42%	78%
2018	SD-15	10%	56%	10%	56%
2018	SD-14	12%	56%	12%	56%
2018	SD-13	7%	46%	7%	46%

The inferences from Table this section and the racially polarized voting section suggest SD-15 did not change much politically, but it did become younger. The directional shifts as a result of redistricting are more likely to be observed in SD-13, which maintained Hispanic voters that were more likely to vote and support Republican candidates. In contrast, SD-14 now has the second largest concentration of Hispanic residents and they are more likely to participate and to support a Democratic candidate.

Geographic Residential Concentrations

Although my analysis concludes the presence of some cohesion and racially polarized voting, additional investigation is warranted. Under *Shaw v. Reno* (1993) citizens should not be placed into the same district by a government because of their race. It is violation of the equal protection clause to sort voters into a specific district that uses race to supersede the common features of a community such as county lines, water boundaries, or major roads that may define one area from another.

The distance between the western portion of SD-15 in Yakima County and the southeastern portion in Franklin County is 83 miles. The bottom of District 15 that connects some areas south of I-82 in Yakima County, but excludes portions of Benton County that are north of I-82 where the two counties meet. Moreover, District 16 (which comes from the East) includes portions of Benton County that are less Democratic and less Hispanic, while District 15 (from the West) extends east of Richland to connect the Benton County precincts with the highest concentration of Hispanic residents and the highest Democratic supportive precincts in Benton County. This raises the question: Is there a compelling reason that joins the communities south and east of the I-182 bypass around Richmond and the Yakima State Fair Park? Clear patterns show that this was done to increase the Hispanic voters who prefer Democratic candidates.

Some distance between the population centers is expected, because the county areas between these populous cities are less populated. Figure 1 shows this clearly with the population density of precincts within the blue boundary of District 15. District 15 captures geographically disparate precincts with higher concentrations of Hispanic residents in 4 different counties, while separating adjacent precincts with similar concentrations of Hispanic residents. Figure 2 represents the total count of Hispanic CVAP residents in a precinct to capture the total concentration of the community relative to all other areas. Figure 3 differentiates how much of the population in the precinct identifies as Hispanic to control for why the precinct might be included for an influence district.

Figure 1: Count of Citizen Voting Age Population in Precinct

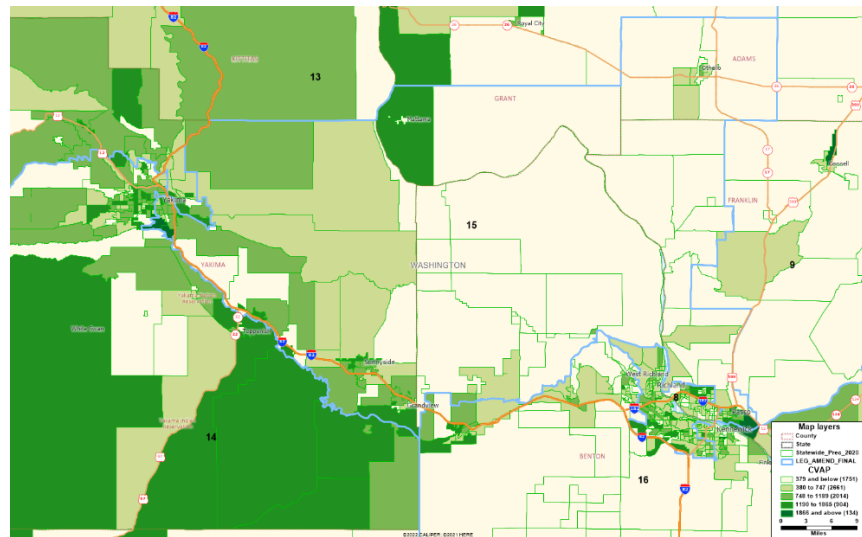


Figure 2: County of Hispanic Citizen Voting Age Population in Precinct

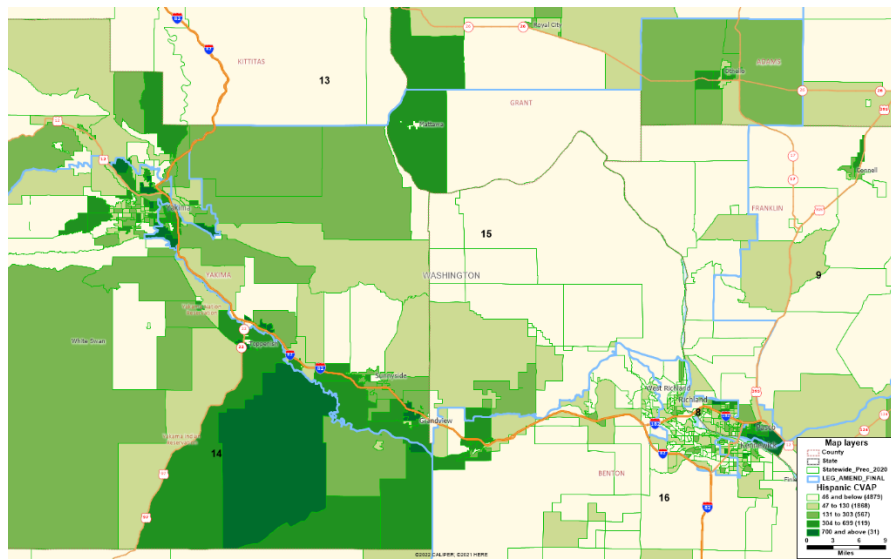


Figure 3: Percentage of CVAP who are Hispanic

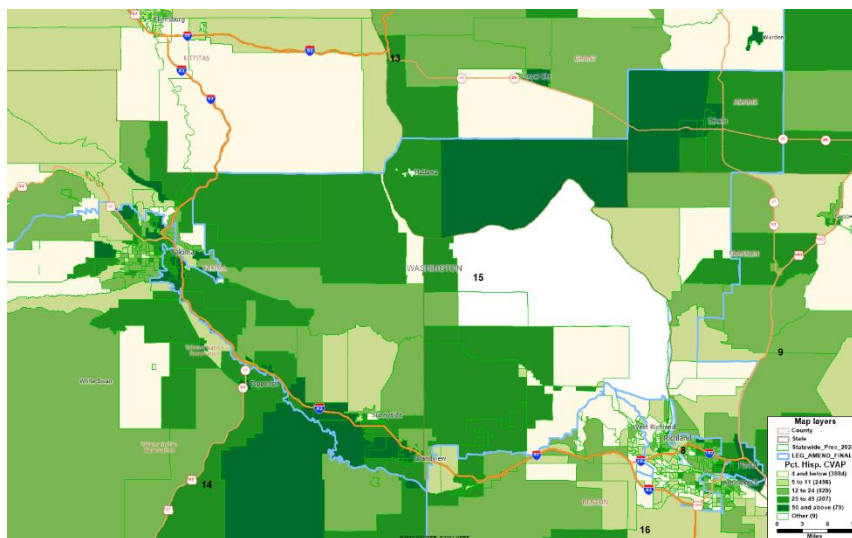
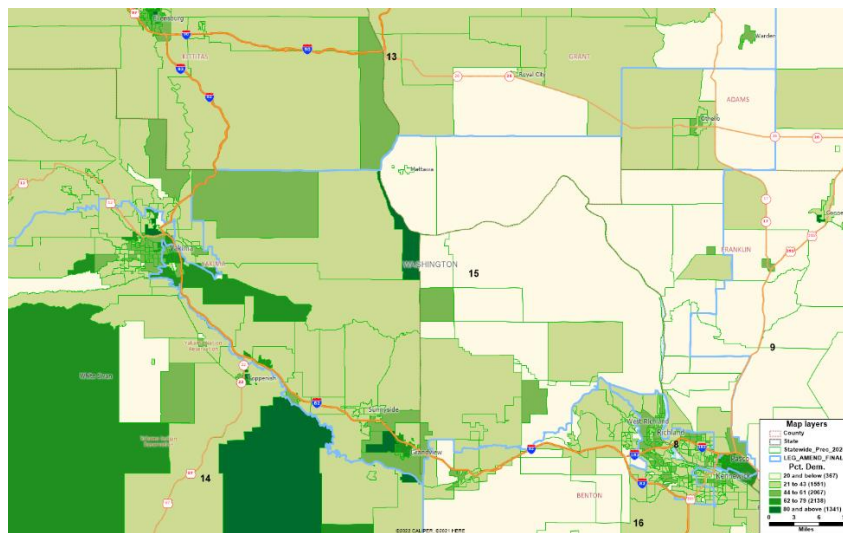


Figure 4: Percentage of Votes for President Joe Biden in 2020



The portion of District 15 that extends into Benton County, beyond District 8 and District 16, to capture 8,823 Hispanic CVAP and 14,665 total CVAP. This action represents 23% of the Hispanic population in District 15 that is in the new District 15. This has a substantial impact on the ability of SD-15 to be identified as a Hispanic District, despite the proximity of other precincts with concentrated Hispanic populations in the larger region.

Conclusion

Washington's population is changing. The state's election laws are also evolving. New leaders are emerging and trying to build multiethnic coalitions as they navigate a top-two primary system that may emphasize a candidate's ideology more than partisanship. This report uses non-partisan and partisan statewide elections to reach the conclusion that Hispanic, as well as Spanish surname candidates, do not draw more support from Hispanic voters than non-Hispanic white Democratic candidates. The pattern does not exist across the three districts identified for this analysis. As a result, a candidate's race cannot be identified as the cause of polarized voting or dilution of representation. The election outcome of a contest between a Hispanic Democratic nominee and a non-Hispanic white Republican nominee closely mirrors concurrent elections that have no difference in the race of candidates for the two major parties.

The report also shows that in the event that two Democratic candidates reach the general election, Hispanics in the electorate do not overwhelmingly favor one candidate. There is also a lack of cohesion among Hispanic voters when a Hispanic candidate is on the ballot in a non-partisan race, but that candidate is the preferred candidate of the Republican Party.

This report uses multiple different analyses to identify if racially polarized voting exists or if there is evidence of retrogression for a community of interest. Using the principles established by *Thornburg v. Gingles* (1986), I asked: Did the proportion of the eligible voting population that are Hispanic decrease? No, the proportion of voting-age citizens that are Hispanic is now larger in the new District 15. Do Hispanic voters appear to have a clear preference for who they want to represent them? The data show the political loyalty of Hispanic voters favors the Democratic Party, but it is not as homogenous as Black voters in Southern states. Candidates who affiliate with the Democratic Party receive higher vote shares from Hispanic voters. Also, Hispanic candidates in non-partisan races have received greater support from non-Hispanic white voters than Democratic candidates in the same elections. The choice is based on partisanship instead of racial identity. Do Hispanics live close enough to make their own district? The ability to generate a majority Hispanic district for the state legislature

suggests that it is. However, Table 3 gives describes and the maps show Hispanic residents are geographically distributed through much of the state and areas around Yakima County. This analysis shows that candidates preferred by the Hispanic electorate can win; Hispanic voters frequently have diverse candidate preferences in one election; and it is challenging to design a district that represents a geographically close Hispanic population. To the extent possible, we can also say that SD-15 was created to intentionally include as many Hispanic Democratic voters from Benton County as possible.

November 2, 2022



Mark E. Owens, Ph.D.

Mark Owens

Curriculum Vitae

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EDUCATION

University of Georgia - Ph.D. in Political Science	2014
University of Oxford - Visiting Doctoral Student in the Department of Politics	2013
Johns Hopkins University - M.A. in Government	2008
University of Florida - B.A. in Political Science, <i>magna cum laude</i>	2006

ACADEMIC POSITIONS

University of Texas at Tyler	
Associate Professor	2020 - present
Assistant Professor	2015 - 2020
Reinhardt University - Adjunct Professor of Public Administration	May 2014 & May 2017
Bates College - Visiting Assistant Professor	2014 - 2015

PROFESSIONAL EXPERIENCE

APSA Congressional Fellow, <i>Office of the President Pro Tempore</i> , United States Senate.	2015 - 2016
Legislative Assistant, two former U.S. Representatives. Washington, D.C.	2007 - 2009

BOOKS

Owens, Mark, Ken Wink, and Kenneth Bryant, Jr. 2022. *Battle for the Heart of Texas: Political Change in the Electorate*. Norman, OK: University of Oklahoma Press.

Bryant, Jr., Kenneth, Eric Lopez, and Mark Owens. 2020. *Game of Politics: Conflict, Power, & Representation*. Tyler, TX: The University of Texas at Tyler Press (Open Source Textbook).

ARTICLES & PEER REVIEWED CHAPTERS

- 10 Howard, Nicholas O. and Mark Owens. 2022. "Organizing Staff in the U.S. Senate: The Priority of Individualism in Resource Allocation." *Congress & the Presidency* 49(1): 60-83.
- 9 Johnson, Renee M. Cassandra Crifasi, Erin M. Anderson Goodell, Arkadiusz Wiśniowski, Joseph W. Sakshaug, Johannes Thrul, and Mark Owens. 2021. "Differences in beliefs about COVID-19 by gun ownership: A cross-sectional survey of Texas adults." *BMJ Open* 11(11): 1-7.
- 8 Goldmann, Emily, Daniel Hagen, Estelle El Khoury, Mark Owens, Supriya Misra, and Johannes Thrul. 2021. "An examination of racial/ethnic differences in mental health during COVID-19 pandemic in the U.S. South." *Journal of Affective Disorders* 295(1): 471-478.

- 7 Owens, Mark. 2021. "Changes in Attitudes, Nothing Remains Quite the Same: Absentee Voting and Public Health." *Social Science Quarterly* 102(4): 1349-1360.
- 6 Johnson, Renee M. and Mark Owens 2020. "Emergency Response, Public Behavior, and the Effectiveness of Texas Counties in a Pandemic." *Journal of Political Institutions & Political Economy* 1(4): 615-630.
- 5 Howard, Nicholas O. and Mark Owens. 2020. "Circumventing Legislative Committees: Use of Rule XIV in the U.S. Senate." *Legislative Studies Quarterly* 45(3): 495-526.
- 4 Madonna, Anthony J., Michael Lynch, Mark Owens and Ryan Williamson. 2018. "The Vice President in the U.S. Senate: Examining the Consequences of Institutional Design." *Congress & The Presidency* 45(2): 145-165.
- 3 Owens, Mark. 2018. "Changing Senate Norms: Judicial Confirmations in a Nuclear Age." *PS: Political Science and Politics* 51(1): 119-123.
- 2 Carson, Jamie L., Anthony J. Madonna, and Mark Owens 2016. "Regulating the Floor: Tabling Motions in the U.S. Senate, 1865-1946." *American Politics Research* 44(1): 56-80.
- 1 Carson, Jamie L., Anthony J. Madonna, and Mark Owens 2013. "Partisan Efficiency in an Open-Rule Setting: The Amending Process in the U.S. Senate, 1865-1945." *Congress & The Presidency* 40(2): 105-128.

BOOK REVIEWS

- 2 Owens, Mark. ND. "Johnson, Marc. Tuesday Night Massacre: Four Senate Elections and the Radicalization of the Republican Party." *Great Plains Research*. **Forthcoming**.
- 1 Owens, Mark. 2021. "Lewallen, Johnathan. Committees and the Decline of Lawmaking in Congress." *Congress & the Presidency* 48(3): 404-406.

BOOK CHAPTERS

- 2 McWhorter, Rochell, Mark Owens, Jessie Rueter, Joanna Neel, and Gina Doecker. 2020. "Examining Adult Learning of 'Giving Back' Initiatives." In *Handbook of Research on Adult Learning in Higher Education*. Hershey, PA: IGI Publishers. With Rochell McWhorter, Jessie Rueter, Joanna Neel, and Gina Doecker.
Reprinted in 2021 by Information Resources Management Association (Ed.), in *Research Anthology on Adult Education and the Development of Lifelong Learners* (pp. 1039-1066). IGI Global.
- 1 Carson, Jamie L. and Mark Owens. 2015. "Lawmaking." In Robert A. Scott and Stephen M. Kosslyn, eds. *Emerging Trends in the Social and Behavioral Sciences*. New York: Wiley.

AWARDS

Burns "Bud" Roper Fellow. American Association of Public Opinion Researchers.	2021
Prestige Impact Award, Dean of the College of Arts & Sciences at UT Tyler.	2019
Outstanding Faculty Mentor Award, UT Tyler Office of the Provost.	2019

Certificate in Effective Teaching Practices, American College and University Educators.	2019
Teaching and Learning Award, UT Tyler Center for Excellence in Teaching and Learning.	2018
Community Engaged Learning Award, Harvard Center at Bates College.	2015
Outstanding Teaching Assistant Award, University of Georgia Provost.	2013
Charles S. Bullock, III Scholar, UGA School of Public and International Affairs.	2009

GRANT & CONTRACT SUPPORT

- | | | |
|-----|---|---------------|
| 10. | Texas Vaccine Hesitancy Survey, (Co-Investigator). 2022.
PI's: Paul McGaha (UT Tyler HSC) & Paula Cuccaro (UT SPH-Houston)
Scope of Survey: Statewide survey of hard to reach respondents (Apr. to Sept.).
Funded by: Texas State Department of Health and Human Service.
• \$1.3 million sub-award directly to UT Tyler. | \$2.6 million |
| 9. | El Paso County Social Survey, (Investigator). 2022.
PI's: Gregory Schober, UTEP
Scope of Survey: Countywide survey, oversampling low-income households (May-July)
Funded by: University of Texas at El Paso (UTEP). | \$46,200 |
| 8. | Southern Cities Survey, (Co-PI). 2020.
PI's: Emily Goldmann (NYU) & Mark Owens
Scope of Survey: Sample of 5 major Southern Metropolitan areas in May.
Funded by: UT Tyler & New York University School of Global Health. | \$12,000 |
| 7. | Small Grant, Center for Effective Lawmaking (Co-PI). 2020.
PI's: Mark Owens & Nicholas Howard (Auburn-Montgomery)
Scope of Work: Content Analysis of all Senate committee reports, 1985-2020.
Funded by: UVA & Vanderbilt. | \$2,300 |
| 6. | Texas Mental Health Survey, (Co-PI). 2020
PI's: Renee Johnson (JHU) & Mark Owens
Scope of Survey: Three wave statewide panel (April, May, & June)
Funded by: UT Tyler & Johns Hopkins Bloomberg School of Public Health | \$45,000 |
| 5. | East Texas Surveys on Education & Property Tax Reform, (Co-PI). 2019
PI's: Kyle Gullings (UT Tyler) & Mark Owens
Scope of Work: Regional sample to compare East Texas to DFW and Houston.
Funded by: UT Tyler | \$10,000 |
| 4. | Faculty Undergraduate Research Grant, (PI) Studying Vote Centers in Texas. 2018.
Scope of Work: Mentor undergraduates to gather data and submit FOIA requests.
Funded by: UT Tyler Office of Research and Scholarship. | \$3,000 |
| 3. | Congressional Research Grant, (PI) Bicameralism's Effect on Appropriations. 2015.
Scope of Work: Archival visits to Concord, Tempe, and Washington, D.C.
Funded by: The Dirksen Congressional Center. | \$3,133 |
| 2. | Faculty Development Grant, (PI) Majority Party Power in a Bicameral Congress. 2015.
Scope of Work: Mentor undergraduate researchers to analyze archived documents.
Funded by: Office of the Dean of Faculty at Bates College. | \$2,575 |
| 1. | Richard Baker Award, (PI) Majority Party Power in a Bicameral Congress. 2011.
Scope of Work: Archival visits to Austin, TX and Washington, D.C..
Funded by: Association of Centers for the Study of Congress. | \$1,000 |

COMMENTARY

Owens, Mark. “Why our poll got it wrong on Biden but right on so much more.” *Dallas Morning News*. Sunday November 15, 2020. Page, 5P.

Howard, Nicholas O. and Mark Owens. “Are Amendment Strategies Learned Through Experience or Contingent on the Institution?” *LegBranch*. May 27, 2019.

Bryant, Jr. Kenneth, Ken Wink, and Mark Owens. “Conflicting Attitudes of Texans on Wall and Border Policies.” *Austin American-Statesman*. March 11, 2019.

Owens, Mark. “Are Courtesy Meetings Nuked?” *LegBranch*. July 10, 2018.

Owens, Mark. “East Texans support Trump, but at lower levels than 2012.” *Tribtalk: Texas Tribune*. November 8, 2016.

Media Interviews: News Nation, CBS Radio, NPR, Los Angeles Times, Newsweek, Reuters, USA Today, US News & World Report, Austin American-Statesman, Dallas Morning News, Fort Worth Star-Telegram, Houston Chronicle, Jacksonville Prospect, Longview News-Journal, Texas Tribune, Tyler Morning Telegraph, ABC News (KTBS-Shreveport/Texarkana, KLTU-Tyler), CBS News (KYTX-Tyler), Fox News (KTBC-Austin, KFXK-Tyler), NBC News (KXAS-Dallas, KETK-Tyler), La Croix International (France), and Het Financieele Dagblad (Netherlands).

INVITED TALKS

Southern Methodist University Tower Center	“Battle for the Heart of Texas”	2022
East Texas Heritage Museum Association	“Polls in Today’s Elections”	2022
League of Women Voters, Houston	“Battle for the Heart of Texas”	2022
Texas A&M San Antonio	“Public Attitudes on Equity and Inclusivity”	2022
Delta Sigma Theta Sorority, Tyler Alumnae	“Social Action & Election Education”	2022
League of Women Voters Tyler/Smith County	“Your options under TX’s new Election Law”	2022
Texas Associated Press Managing Editors	“Texas Politics Panel”	2021
League of Women Voters Oklahoma	“All about Redistricting.”	2021
League of Women Voters Tyler/Smith County	“Essential Conversation on Voting in Texas”	2021
League of Women Voters Oklahoma	“Representation & Redistricting”	2021
Kilgore College	“Why We Poll Texans”	2020
Smith County Republican Women Club	“Understanding the 2020 Election Polls”	2020
League of Women Voters Tyler/Smith County	“Processes of the Electoral College”	2020
Kilgore College	“What Primary Voters in Texas Care About”	2019
League of Women Voters Tyler/Smith County	“Census & Redistricting Forum”	2019
Tyler Area Chamber of Commerce	“Public Input on Transportation”	2019
League of Women Voters Tyler/Smith County	“Representation & Redistricting”	2018
Bates College, Martin Luther King, Jr Day	“Legacy of the Voting Rights Act of 1965”	2015
Rothemere American Institute, Oxford, UK	“Effect of Bicameralism on Policy”	2013

CONFERENCE PRESENTATIONS

Hofstra University Presidential Conference on Barack Obama	2023
The Citadel Symposium on Southern Politics	2014 - 2022
Congress & History Conference	2012, 2016, 2018
Election Science, Reform, and Administration Conference	2020
American Association of Public Opinion Researchers Meeting	2020, 2021
American Political Science Association Meeting	2011 - 2016, 2020

Midwest Political Science Association Meeting	2011 - 2018
Southern Political Science Association Meeting	2011 - 2014, 2017 - 2022
Southwest Social Science Association Annual Meeting	2017, 2021

TEACHING EXPERIENCE

Graduate Course	Institution	Recent Evaluation	Years Taught
Scope & Methods	UT Tyler	4.6	2017 - 2022
Seminar on American Politics	UT Tyler	4.4	2015 - 2022
Budgeting & Public Finance	UT Tyler; Reinhardt	5	2014 - 2017
Program Evaluation	UT Tyler	4.7	2018
Advanced Quantitative Research	UT Tyler	3.8	2018
Undergraduate Course			
Campaigns & Elections	UT Tyler; Bates; UGA	4.6	2013 - 2020
Congress & Legislation	UT Tyler; UGA	4.3	2013 - 2021
Research Methods	UT Tyler	4.4	2016 - 2022
Southern Politics	UT Tyler	4.6	2018 - 2021
U.S. Presidency	UT Tyler; Bates	3.9	2014 - 2017
Intro. to Texas Government (Honors)	UT Tyler	4.1	2020 - 2021
Intro. to American Government	UT Tyler; Bates; UGA	3.8	2013 - 2019

PROFESSIONAL SERVICE

Co-Chair. Election Sciences Conference within a Conference at SPSA, San Antonio, TX.	2022
Speaker: AAPOR Send-a-Speaker Program.	2020
Field of Study Advisory Committee. <i>Texas Higher Education Coordinating Board</i> .	2018 - 2021
Co-Editor. <i>PEP Report</i> for the APSA Presidency and Executive Politics Section.	2018 - 2019
Grant Reviewer. Hurricane Resilience Research Institute (HURRI), University of Houston.	2018
Grant Reviewer. Administration on Children, Youth, and Families, US Dept. of HHS.	2007

Manuscript Reviewer: *American Journal of Political Science*, *American Politics Research*, *Congress & the Presidency*, CQ Press, *Journal of Politics*, *Journal of Political Science Education*, *Journal of Race, Ethnicity, and Politics*, Oxford University Press, PEARSON, *Perspectives on Politics*, *Political Research Quarterly*, and *Social Science Quarterly*

UNIVERSITY SERVICE

Tenure & Promotion Committee, Department of Political Science, (Chair, American Politics).	2021 - 2022
Chair Evaluation Committee, Department of Political Science & History, (Co-Chair).	2021 - 2022
University Research Council, UT Tyler (Member).	2020 - 2023
Department of History Promotion Committee (Member, U.S. History).	2020 - 2022
College of Arts and Sciences Governance Committee, (Chair).	2019 - 2021
Workload Policy Committee, Department of Political Science & History, (Chair).	2019 - 2020
Sociology Faculty Search Committee, (Outside Member).	2019 - 2020
University IT Committee, UT Tyler, (Member)	2019 - 2020
Bill Archer Fellowship Committee, (Review Member).	2018 - 2022
High School Ethics Bowl at UT Tyler, (Judge).	2018 - 2022
Political Science Faculty Search Committee, (Member).	2016 - 2017

EXTERNAL SERVICE

Expert Witness for Florida's Secretary of State, *BVM et al. v. Lee*, racially polarized voting analysis. 2022
 Map Consultant for People not Politicians OK, Independent U.S. House and state district plans. 2021

ADDITIONAL TRAINING

Empirical Implications of Theoretical Models Institute, University of Houston. 2013
 Oxford Spring School, University of Oxford: Modeling Ordinal Categorical Data. 2012
 ICPSR, University of Michigan: Maximum Likelihood and Regression III. 2011

COMMUNITY INVOLVEMENT

KVUT 99.7FM UT Tyler Radio (NPR), Advisory Board Member. 2021 - 2023
 Secretary (2022-23)

League of Women Voters - Tyler/Smith County, TX, Nominating Committee. 2020 - 2022
 Chair of Nominating Committee (2021-22)

Tyler Day Nursery, Board Member. 2018 - 2021
 A United Way of Smith County supported non-profit.
 Annual Budget, \$446,755. Assets increased \$559,980 (2018-2021), to total of \$1,021,100.
 Board President (2021), Vice-President (2019-20).

Stewards of the Wild, Texas Parks and Wildlife Foundation, Advisory Council Member. 2017 - 2019

East Texas Youth Orchestra, Board Member. 2017 - 2019
 Annual Budget, \$74,000. Assets increased \$19,230 (2017-2019), to a total of \$102,000.
 Board President (2018-19), Vice-President (2017-18).

Leadership Tyler 2016 - 2022
 Class 30, Participant (2016 - 2017)
 Catalyst 100, Participant (2021 - 2022)